

**RESOLUTION OF THE PLANNING COMMISSION  
OF THE COUNTY OF HUMBOLDT**

**Resolution Number 24-013**

**Record Number PLN-13373-SP**

**Assessor's Parcel Number: 207-141-007**

**Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approving the White Acres Family Farm, LLC Special Permits and Conditional Use Permit.**

**WHEREAS, White Acres Family Farm, LLC** seeks a Special Permit for 3,000 square feet (SF) of existing outdoor cannabis cultivation, with appurtenant propagation and drying activities, a Special Permit for a reduction of a 600-foot setback to a school bus stop, and a Conditional Use Permit for an exception to the planting within native Prime Ag. Soils requirement.

**WHEREAS,** the County Planning Division, the lead agency, prepared an Addendum to the environmental Impact Report (EIR) prepared for the Commercial Cannabis Land Use Ordinance (CMMLUO) adopted by the Humboldt County Board of Supervisors on June 8, 2018. The proposed project does not present substantial changes that would require major revisions to the EIR. No new information of substantial importance that was not known and could not be known at the time was presented as described by §15162(c) of CEQA Guidelines; and

**WHEREAS,** the Humboldt County Planning Commission held a duly-noticed public hearing on **April 4, 2024**, and reviewed, considered, and discussed the application for the requested Special Permits and reviewed and considered all evidence and testimony presented at the hearing.

**Now, THEREFORE BE IT RESOLVED,** that the Planning Commission makes all the following findings:

- 1. FINDING:** The project is a Special Permit for a 3,000 square foot existing outdoor medical cannabis cultivation, a Special Permit for the reduced setback to a school bus stop, and a Conditional Use Permit for an exception to the planting within native Prime Ag. Soils requirement. The proposed project includes 320 square feet of propagation area located in the on-site garage. Water for irrigation will be provided by a rain catchment system. There are 24,500-gal. of water storage. Projected water usage is 18,000 gallons per year. The mature plants are dried in the garage and then machine trimmed by the applicants on site. There will be no employees. Electricity is provided by PGE.

**EVIDENCE:** a) Project File: PLN-13373-SP

- 2. FINDING:** **CEQA.** The requirements of the California Environmental Quality Act have been met. The Humboldt County Planning Commission has considered the Environmental Impact Report (EIR) prepared for the Commercial Cannabis Land Use Ordinance (CCLUO) adopted by the Humboldt County Board of Supervisors on June 8, 2018.

**EVIDENCE:** a) Addendum prepared for the proposed project.

- b) The proposed project does not present substantial changes that would require major revisions to the previous EIR. No new information of substantial importance that was not known and could not be known at the time was presented as described by §15162(c) of CEQA Guidelines.
- c) A list of potential special status species was generated in January 2023 using the following information systems: California Natural Diversity Database (CDFW 2021), Biogeographic Information and Observation System (BIOS), Northern Spotted Owl Viewer (CDFW 2021), and US Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC). The closest special status species, the western bumble bee, is presumed extant approximately 8,500 feet north and 9,500 feet east of the project area. The western bumble bee is a candidate for the state endangered species list. Project activities are not expected to produce adverse or cumulative effects to any special status species or habitat, due to the small size of the project area and the type of proposed activities. Therefore, impacts to biological resources with project mitigation measures in place are considered low and unlikely.
- d) The project lies within the aboriginal territory of the Bear River Band of the Rohnerville Rancheria. A referral was sent to the Bear river Tribal Historic Preservation Officer (THPO) and the Northwest Information Center (NWIC) at Sonoma State. A records search for known cultural resources was requested from the NWIC. NWIC recommended a qualified professional study the rest of the project area and provide project-specific recommendations. The NWIC recommended contacting local Native American Tribes to ensure project activities are outside of Tribal Territories. The Bear River Band of the Rohnerville Rancheria recommended a cultural resource survey, and Inadvertent Discovery Protocol. A subsequent Cultural Resource



Survey was conducted by Archaeological Research and Supply Company received 12/17/2018 located no onsite resources of note and recommended inadvertent discovery protocol. No other recommendations were made by the Bear River Band of the Rohnerville Rancheria.

### **FINDINGS FOR ALL PERMITS**

- 3. FINDING:** The proposed development is in conformance with the County General Plan, Open Space Plan, and the Open Space Action Program.

**EVIDENCE:** a) General agriculture is a use type permitted in the Residential Agriculture (RA) land use designation. The proposed cannabis cultivation, an agricultural product, is within land planned and zoned for agricultural purposes and is consistent with the use of Open Space land for managed production of resources. The use of an agricultural parcel for commercial agriculture is consistent with the Open Space Plan and Open Space Action Program. Therefore, the project is consistent with and complementary to the Open Space Plan and its Open Space Action Program.

- 4. FINDING:** The proposed development, an agricultural activity, is consistent with the purposes of the existing Unclassified (U) zoning designation in which the site is located.

**EVIDENCE:** a) Unclassified zoning designation is intended to apply to lands where insufficient studies exist to justify precise zoning classifications. All general agricultural uses, including cannabis cultivation, are principally permitted in this zoning district.

- b) Humboldt County Code (HCC) section 314-55.4.6.5.3 allows up to 3,000 SF of cultivation with a Special Permit on a parcel between one and five acres in size. The application for 3,000 SF of outdoor cultivation on a roughly 4-plus-acre parcel is consistent with this section.

- 5. FINDING:** The proposed development is consistent with the requirements of the CCLUO Provisions of the Zoning Ordinance.

**EVIDENCE:** a) Humboldt County Code (HCC) section 314-55.4.6.5.3 allows up to 3,000 SF of cultivation with a Special Permit on a parcel between one and five acres in size. The application for 3,000 SF

of outdoor cultivation on a roughly 4-plus-acre parcel is consistent with this section.

- b) The parcel was created in compliance with all applicable state and local subdivision regulations, as it was created in its current configuration by an issued building permit, No. 13-543-A-4, an addition to the existing residence.
- c) The annual 18,000-gallon irrigation water budget is sourced from rainwater catchment and the applicant has 24,500-gallons of tank water storage. Including the ancillary nursery water usage translates to approximately 5.4-gal./SF. PRISM data indicates an average precipitation of approximately 47.5 inches over the last ten years, and an average precipitation for the three lowest years of approximately 30.6 inches. Approximately 34,100 gallons of rainwater can be harvested per year based on the 30.6 inches per year estimate.

Referral comments from CDFW indicate a concern regarding on-site water storage. Per CDFW recommendations, the applicant has been conditioned to obtain and install additional water storage tanks, for a total on-site water storage of 30,000 gallons.

- d) The location of the cultivation is consistent with the setbacks required in Section 314-55.4.6.4.4. It is more than 30 feet from any property line and more than 600 feet from any school, church, public park, or Tribal Cultural Resource. While the cultivation is less than 300 feet from neighboring residences, those residents have given express written consent to allow for a reduction in the setback as required by Section 314-55.4.6.4.4(e). In addition, while the cannabis cultivation is within 600 feet of a school bus stop, the findings for approval of a Special Permit to reduce this setback, as allowed under Section 314-55.4.6.4.4(f) can be made.

**6. FINDING:**

The cultivation of 3,000 SF of outdoor cannabis cultivation and the conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

- EVIDENCE:**
- a) The project area is in a rural part of the County. The proposed cannabis will not be in a location where there are sensitive receptors such as a church, park or other use which may be sensitive to cannabis cultivation. Neighboring property owners have provided signed letters consenting to a reduction of the required setbacks to residences within 300 feet. Additional letters



have been submitted from parents of children who utilize a bus stop supporting a reduction of the required setbacks. Approving cultivation on this site and the other sites which have been approved or are in the application process will not change the character of the area.

- b) The annual 18,000-gallon irrigation water budget is sourced from rainwater catchment and the applicant has 24,500-gallons of tank water storage. Including the ancillary nursery water usage translates to approximately 5.4-gal./SF. PRISM data indicates an average precipitation of approximately 47.5 inches over the last ten years, and an average precipitation for the three lowest years of approximately 30.6 inches. Approximately 34,100 gallons of rainwater can be harvested per year based on the 30.6 inches per year estimate.

Referral comments from CDFW indicate a concern regarding on-site water storage. Per CDFW recommendations, the applicant has been conditioned to obtain and install additional water storage tanks, for a total on-site water storage of 30,000 gallons.

- c) A Site Management Plan (SMP) was prepared in fulfillment of State Water Resources Control Board (SWRCB) General Order WQ 2019-0001-DWQ. The project is historically enrolled with the North Coast Regional Water Quality Control Board (NCRWQCB) for reporting of Tier 2 discharges (WDID No. 1B170007CHUM).

- 7. FINDING:** The proposed development does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.

**EVIDENCE:** a) The project will not increase or decrease the number of housing units, no housing is proposed, nor will any housing be lost as part of this project. The parcel was not included in the 2019 adopted Housing Element Inventory.

- 8. FINDING:** Approval of this project is consistent with Humboldt County Board of Supervisors Resolution No. 18-43 which established a limit on the number of permits and acres which may be approved in each of the County's Planning Watersheds.

**EVIDENCE:** a) The project site is in the Van Duzen Watershed, which under Resolution 18-43 is limited to 425 permits and 146-acres of

cultivation. With the approval of this project the total approved permits for cultivation in this Planning Watershed would be 131 permits and the total approved acres would be 44.12-acres of cultivation.

## DECISION

**NOW, THEREFORE**, based on the above findings and evidence, the Humboldt County Planning Commission does hereby:

- Adopt the findings set forth in this resolution; and
- Conditionally approves the Special Permits and Conditional Use Permit for White Acres Family Farm, LLC subject to the conditions of approval attached hereto as Attachment 1.

Adopted after review and consideration of all the evidence on **April 4, 2024**.

The motion was made by COMMISSIONER Iver Skavdal and second by COMMISSIONER Thomas Mulder and the following vote:

AYES: COMMISSIONERS: Iver Skavdal, Thomas Mulder, Noah Levy, Jerome Qiriaz, Peggy O'Neill, Sarah West, Lorna McFarlane

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

DECISION: Motion carried 7/0

I, John Ford, Secretary to the Planning Commission of the County of Humboldt, do hereby certify the foregoing to be a true and correct record of the action taken on the above-entitled matter by said Commission at a meeting held on the date noted above.



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John Ford, Director  
Planning and Building Department



## CONDITIONS OF APPROVAL

**APPROVAL OF THE SPECIAL PERMIT IS CONDITIONED ON THE FOLLOWING TERMS AND REQUIREMENTS, WHICH MUST BE SATISFIED BEFORE THE PROVISIONAL CANNABIS CULTIVATION PERMIT CAN BE FINALIZED.**

### **A. General Conditions:**

1. The applicant is responsible for obtaining all necessary County and State permits and licenses, and for meeting all requirements set forth by other regulatory agencies.
2. The applicant is required to pay for permit processing on a time and material basis, as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Planning and Building Department will provide a bill to the applicant after the decision. Any and all outstanding planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
3. The applicant is responsible for costs for post-approval review for determining project conformance with conditions. A deposit is collected to cover the staff review. Permit conformance with conditions must be demonstrated prior to release of building permit or initiation of use, and at the time of annual inspection. A conformance review deposit, as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750), shall be paid within sixty (60) days of the effective date of the permit or upon filing of the Compliance Agreement (where applicable), whichever occurs first. Payment shall be made to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
4. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. **Within three days of the effective date of permit approval**, it is requested that the applicant submit a check or money order for the required filing fee in the amount of \$50 payable to the Humboldt County Clerk/Recorder. If this payment is not received within this time period, the Department will file the NOD and will charge this cost to the project.
5. Within 60 days of the effective date of permit approval, the applicant shall execute a Compliance Agreement with the Humboldt County Planning and Building Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #6 through #9. The agreement shall provide a timeline for completing all outstanding items. All activities detailed under the agreement must be completed to the satisfaction of the Planning and Building Department before the permit may be finalized and no longer considered provisional.

6. The applicant shall secure permits for all structures related to the cannabis cultivation and other commercial cannabis activity including, but not limited to, existing and proposed greenhouses, water tanks over 5,000 gallons, existing and proposed structures associated with drying and storage or any activity with a nexus to cannabis, and any noise containment structures as necessary. The plans submitted for building permit approval shall be consistent with the project description and the approved project site plan. Flood Elevation Certificates may be required by the Building Inspection Division for any structures located within the 100-year flood zone, including but not limited to greenhouse/hoop house structures. The approved building plans shall meet all applicable fire codes, including fire suppression infrastructure requirements deemed necessary for the project by the Building Inspection Division. Final sign-off from the Building Division shall satisfy this requirement.
7. The applicant shall comply with the referral comments received from California Department of Fish and Wildlife (CDFW):
  - a. Within two weeks of project approval the notify CDFW for the domestic point of diversion . The applicant shall obtain a final LSAA and maintain compliance with the LSAA.
  - b. The applicant shall obtain and install additional water storage for a total of no less than 30,000 gallons for cannabis cultivation.
  - c. The applicant shall remove all imported soils from Streamside Management Areas.
  - d. The applicant shall remove all discarded tires from the Streamside Management Area and properly dispose of them at a waste management facility.
  - e. The applicant shall relocate the water tank outside of the Streamside Management Area of the Class II stream.
  - f. The applicant shall remove the temporary garage structures and equipment outside the Streamside Management Area of the Class II stream.
8. The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency (CUPA) requirements regarding hazardous materials. A written verification of compliance shall be required before any provisional permits may be finalized. Ongoing proof of compliance with this condition shall be required at each annual inspection in order to keep the permit valid.
9. The applicant shall execute and file with the Planning Division the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the HCC and available at the Planning Division.



10. The applicant shall provide a written assessment from a qualified septic consultant confirming a Tier 0 status for the existing onsite wastewater treatment system serving the dwelling. Final signoff from the Division of Environmental Health (DEH) will satisfy this condition. Until such time as the assessment has been received and approved by DEH the applicant shall comply with Ongoing condition of approval B.9.

**B. Ongoing Requirements/Development Restrictions Which Must be Satisfied for the Life of the Project:**

1. The combination of background, and greenhouse fan or other operational equipment created noise must not result in the harassment of Northern Spotted Owl, and is required to meet the performance standards for noise set by Department Policy Statement No. 16-005 clarifying CCLUO Section 55.4.11 (o) requirements. The combined noise levels measured at 100 feet or the edge of habitat, whichever is closer, shall be at or below 50 decibels. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service, and further consultation where necessary. Per CDFW referral comments, the applicant shall implement substantive noise containment of all backup generators and water pumps on site to minimize noise disturbance when in use. A building permit shall be obtained for any structures be necessary for noise attenuation. The applicant is to limit the use of heavy equipment during nesting season February 1st through August 15th.
2. All artificial lighting shall be fully contained within structures such that no light escapes (i.e., through the use of blackout curtains). Structures shall be enclosed between 30 minutes prior to sunset and 30 minutes after sunrise to prevent disruption to crepuscular wildlife. Security lighting shall be motion activated and comply with the International Dark-Sky Association standards and Fixture Seal of Approval Program (refer to <https://www.darksky.org/our-work/lighting/lighting-for-citizens/lighting-basics/>). Standards include, but are not limited to: Light shall 1) be shielded and downward facing, 2) consist of Low Pressure Sodium (LPS) light or low spectrum Light Emitting Diodes (LED) with a color temperature of 3000 kelvins or less, and 3) only be placed where needed.
3. Should the Humboldt County Planning Division receive complaints that the lighting or noise is not complying with the standards listed above in items B.1. and B.2., within ten (10) working days of receiving written notification that a complaint has been filed, the applicant shall submit written verification that the lights' shielding and alignment and noise levels have been repaired, inspected, and corrected as necessary.
4. The use of synthetic netting for purposes of erosion control is prohibited. To minimize the risk of wildlife entrapment, the applicant shall not use any erosion control materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable

plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.

5. All refuse shall be contained in wildlife proof storage containers at all times and disposed of at an authorized waste management facility.
6. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and shall be allowed to leave the work site unharmed.
7. The use of anticoagulant rodenticide is prohibited.
8. Invasive plant species shall be eradicated and managed at existing and proposed cultivation areas for the duration of the project lifespan.
9. Until such time as the Division of Environmental Health (DEH) has received documentation verifying Tier 0 status of the on-site waste treatment system, the applicant shall annually submit copies of receipts or contracts confirming use of portable toilets to the DEH and the Planning Department.
10. The operator shall provide information to all employees about the potential health impacts of cannabis use on children. Information shall be provided by posting the brochures from the Department of Health and Human Services titled "Cannabis Palm Card" and "Cannabis Rack Card." This information shall also be provided to all employees as part of the employee orientation.
11. All components of the project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, and these conditions of approval. Any changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan. When offsite processing is chosen to be the preferred method of processing, this permit shall be modified to identify the offsite licensed facility.
12. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CCLUO and MAUCRSA, as applicable to the permit type.
13. If operating pursuant to a written approved compliance agreement, permittee shall abate or cure violations at the earliest feasible date, but in no event no more than two (2) years from the date of issuance of a provisional clearance or permit. Permittee shall provide plans for curing such violations to the Planning and Building Department within one (1) year of issuance of the provisional clearance or permit. If good faith effort toward



compliance can be shown within the two years following the issuance of the provisional clearance or permit, the Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow additional time to meet the outstanding requirements.

14. The permittee shall have possession of a current, valid required license, or licenses, issued by any agency of the State of California in accordance with the MAUCRSA, and regulations promulgated thereunder, as soon as such licenses become available.
15. The permittee shall be in compliance with all statutes, regulations, and requirements of the California State Water Resources Control Board and the Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration, as applicable.
16. The permittee shall ensure confinement of the area of cannabis cultivation, processing, manufacture, or distribution to the locations depicted on the approved site plan. The commercial cannabis activity shall be set back at least 30 feet from any property line and 600 feet from any school, school bus stop, church or other place of religious worship, or tribal cultural resources, except where a reduction to this setback has been approved pursuant to Section 55.4.11(d).
17. The permittee shall maintain enrollment in Tier 1, 2, or 3, certification with North Coast Regional Water Quality Control Board (NCRWQCB) Order No. R1-2015-0023, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
18. The permittee shall comply with the terms of any applicable Lake and Stream Alteration (1600 or 1602) Permit obtained from the California Department of Fish and Wildlife (CDFW).
19. The applicant shall meet the monitoring requirements of the Site Management Plan (SMP) prepared for the project. Onsite monitoring shall occur during the following activities: 1) Prior to the start of the water season on October 15, in order to evaluate site winterization and preparedness for storm water runoff; and 2) Following any rainfall event with an intensity of 3 inches of precipitation within 24 hours.
20. The permittee shall comply with the terms of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (Cal Fire), if applicable.

21. The permittee shall consent to an annual on-site compliance inspection, with at least 24 hours prior notice, to be conducted by appropriate County officials during regular business hours (Monday through Friday, 9:00 a.m. to 5:00 p.m., excluding holidays).
22. The permittee shall refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
23. The permittee shall pay all applicable fees for application review to ensure conformance with conditions and annual inspection fees.
24. Fuel shall be stored and handled in compliance with applicable state and local laws and regulations, including the County of Humboldt's Certified Unified Program Agency (CUPA) program, and in such a way that no spillage occurs.
25. The master log books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
26. The permittee shall pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).

#### Performance Standards for Cultivation and Processing Operations

27. Pursuant to the MCRSA, Health and Safety Code Section 19322(a)(9), an applicant seeking a cultivation license shall "provide a statement declaring the applicant is an 'agricultural employer,' as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 commencing with Section 1140) of Division 2 of the Labor Code), to the extent not prohibited by law."
28. Cultivators shall comply with all applicable federal, state, and local laws and regulations governing California Agricultural Employers, which may include federal and state wage and hour laws, Cal/OSHA, OSHA, the California Agricultural Labor Relations Act, and the Humboldt County Code (including the Building Code).
29. Cultivators engaged in processing shall comply with the following Processing Practices:
  - a. Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.
  - b. Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
  - c. Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.
  - d. Employees must wash hands sufficiently when handling cannabis or use gloves.



30. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:

- a. Cultivation operations and processing operations must implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:
  - (1) Emergency action response planning as necessary;
  - (2) Employee accident reporting and investigation policies;
  - (3) Fire prevention;
  - (4) Hazard communication policies, including maintenance of material safety data sheets (MSDS);
  - (5) Materials handling policies;
  - (6) Job hazard analyses; and
  - (7) Personal protective equipment policies, including respiratory protection.
- b. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
  - (1) Operation manager contacts;
  - (2) Emergency responder contacts; and
  - (3) Poison control contacts.
- c. At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations. Plumbing facilities and water source must be capable of handling increased usage without adverse consequences to neighboring properties or the environment.
- d. On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.

31. All cultivators shall comply with the approved processing plan as to the following:

- a. Processing practices
- b. Location where processing will occur
- c. Number of employees, if any
- d. Employee Safety Practices
- e. Toilet and handwashing facilities
- f. Plumbing and/or septic system and whether or not the system is capable of handling increased usage
- g. Drinking water for employees
- h. Plan to minimize impact from increased road use resulting from processing
- i. On-site housing, if any

32. Term of Commercial Cannabis Activity Special Permit. Any Commercial Cannabis Cultivation SP issued pursuant to the CCLUO shall expire one (1) year after date of

issuance, and on the anniversary date of such issuance each year thereafter, unless an annual compliance inspection has been conducted and the permittees and the permitted site have been found to comply with all conditions of approval.

33. If the inspector or other County official determines that the permittees or site do not comply with the conditions of approval, the inspector shall serve the permit holder with a written statement identifying the items not in compliance, and the action that the permit holder may take to cure the noncompliance, or file an appeal within ten (10) days of the date that the written statement is delivered to the permit holder. Personal delivery or mailing the written statement to the mailing address listed on the application by regular mail, plus three (3) days after date of mailing, shall constitute delivery. The permit holder may request a re-inspection to determine whether or not the permit holder has cured all issues of noncompliance. Failure to request re-inspection or to cure any items of noncompliance shall terminate the Special Permit, immediately upon the expiration of any appeal period, or final determination of the appeal if an appeal has been timely filed pursuant to Section 55.4.13.
34. Permit Renewals to Comply with Updated Laws and Regulations. Permit renewal is subject to the laws and regulations effective at the time of renewal, which may be substantially different than the regulations currently in place and may require the submittal of additional information to ensure that new standards are met.
35. Acknowledgements to Remain in Full Force and Effect. Permittee acknowledges that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this section in the event that environmental conditions, such as a sustained drought or low flows in the watershed in which the cultivation area is located, will not support diversions for irrigation.
36. Transfers. Transfer of any leases or permits approved by this project is subject to the review and approval of the Planning Director for conformance with CCLUO eligibility requirements and agreement to permit terms and acknowledgments. The fee for required permit transfer review shall accompany the request. The request shall include the following information:
  - a. Identifying information for the new owner(s) and management as required in an initial permit application;
  - b. A written acknowledgment by the new owner in accordance as required for the initial permit application;
  - c. The specific date on which the transfer is to occur;
  - d. Acknowledgement of full responsibility for complying with the existing permit; and
  - e. Execution of an Affidavit of Non-diversion of Cannabis.
37. Inspections. The permit holder and subject property owner are to permit the County or representative(s) or designee(s) to make inspections at any reasonable time deemed



necessary to assure that the activities being performed under the authority of this permit are in accordance with the terms and conditions prescribed herein.

**Informational Notes:**

1. Pursuant to Section 314-55.4.11(a) of the CCLUO, if upon inspection for the initial application, violations of any building or other health, safety, or other state or county statute, ordinance, or regulation are discovered, the Planning and Building Department may issue a provisional clearance or permit with a written approved Compliance Agreement. By signing the agreement, the permittee agrees to abate or cure the violations at the earliest opportunity but in no event more than two (2) years after the date of issuance of the provisional clearance or permit. Plans for curing the violations shall be submitted to the Planning and Building Department by the permittee within one (1) year of the issuance of the provisional certificate or permit. The terms of the compliance agreement may be appealed pursuant to Section 314-55.4.13 of the CCLUO.
2. This provisional permit approval shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"), except where the Compliance Agreement per Condition of Approval #B.11 has been executed and the corrective actions pursuant to the agreement are being undertaken. Once building permits have been secured and/or the use initiated pursuant to the terms of the agreement, the use is subject to the Permit Duration and Renewal provisions set forth in Conditions of Approval #B.29 and B.30 of the Ongoing Requirements/Development Restrictions, above.
3. The applicant shall implement the Inadvertent Discovery Protocol. If cultural resources are encountered during construction activities, the contractor onsite shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist and the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and the lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided. Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, shellfish or faunal remains, and human burials. If human remains are found, California Health and Safety Code 7050.5 requires that the County Coroner be contacted immediately at 707-445-7242. If the Coroner determines the remains to be Native American, the Native American Heritage Commission will then be contacted by the Coroner to determine appropriate treatment of the remains pursuant to Public Resources Code (PRC) Section 5097.98. Violators shall be prosecuted in accordance with PRC Section 5097.99.



**GREEN  
ROAD**  
CONSULTING



## **Site Plan Overview and Cultivation and Operations Plan**

### **Applicant/Owner**

White Acres Family Farms

Andrew White

21328 State HWY 36.

Carlotta, CA 95528

### **Agent**

Kaylie Saxon

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McKinleyville, CA 95519





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## **I. Site Plan Overview**

### **1.0 Project Information**

White Acres Family Farms (Andrew White) is submitting this application for a Special Permit for a 3,000 sq ft existing outdoor commercial cannabis cultivation on a 4.20-acre parcel, located in Carlotta, CA ("Parcel"), Assessor's Parcel Number 207-141-007. This application is submitted through his agent, Kaylie Saxon of Green Road Consulting, Inc., and has been prepared in accordance with Humboldt County's ("County") Commercial Cannabis Land Use Ordinance ("CCLUO").

Water was sourced from the well prior cultivation seasons. From the 2020 season and moving forward water will be sourced from rainwater captured from the residence and garage roof. The residence is approximately 1,200 sq ft, and the garage is approximately 600 sq ft. Average rainfall in the area is 33.98 inches. The combined 1,800 sq ft between the two structures have a potential to collect up to 38,105-gal. in a drought year. Water is stored in 24,500-gal of existing hard sided tanks. Water for domestic uses is drawn from spring located on a separate parcel and stored into a 2,500-gallon tank for transfer to the house (207-122-005). The spring has an initial statement of diversion filed with the State Water Resource Control Board registration ID S026124. The water is transferred to a 2,500-gallon HDPE before entering the residence. The diversion location is shown on the attached Water System Map.

The existing buildings consist of one (1) residence (not used for cannabis) with an attached garage. The garage was constructed in 2013, it is used for drying and an immature plant area in the spring before they are transferred to the greenhouses.

a. Permit 3,000 square feet of commercial cannabis cultivation activities that were in The Use Permit would achieve the following results for the Applicant:

existence prior to January 1, 2016, in accordance with the County CMMLUO.

b. Comply with applicable standards for water quality maintenance and watershed protection through the Waiver of Waste Discharge requirements of the North Coast Regional Water Quality Control Board ("Water Board") and California Department of Fish and Wildlife ("Fish and Wildlife").

### **2.0 Project Location**

The Applicant's Parcel is located in the inland zone of Humboldt County near Carlotta, CA. The site is approximately 15.5-miles Southeast of the City of Carlotta and can be accessed from Sun Tan Glen, just off CA SR-36. The elevation of the site is approximately 440-feet above sea level. The Parcel is comprised of 4.20-acres and is identified by Assessor's Parcel Number ("APN") 207-141-007. There parcels street address is 21328 HWY 36, Carlotta CA 95528.

#### **2.1 Zoning Classification**

The County's Zoning Classification of the Parcel is U (unclassified) with a current general RA5-20.

#### **2.2 Site Topography**

The topography of the parcel is subtle with slopes of less than 15%. A map of the



### **3.0 Easements**

There aren't any easements for this Parcel.

### **4.0 Natural Waterways**

The Parcel has two (2) watercourses located within its boundaries. One unnamed Class II watercourse is located on the parcel and flows from the north to south into the Van Duzen River. The Van Duzen river (Class I) is also located on the southern edge of the parcel.

The Applicant has a Site Management Plan (SMP) for the Parcel and is enrolled in the Water Board's Waiver of Waste Discharge program as a Tier I, Low Risk discharger.

### **5.0 Location and Area of Existing Cultivation**

The 3,000 square feet of cannabis cultivation previously occurred within the riparian setbacks and is proposed to be relocated in one (1) location on the Parcel and can be viewed on the Site Plan, included in the Site Plan of Entire Parcel section of this application.

#### Cultivation Area

It is proposed that the Cultivation Area be relocated outside of the riparian setbacks. The relocation of the greenhouses will require the removal of some rotted pecan trees that were planted long ago and have reached the end of their lifespan. The trees were assessed by a biologist during the assessment and didn't express any biological concerns with removing the nonnative trees. It will consist of three (3) greenhouses. Two large greenhouses is 16'x80' each, and the smaller greenhouse is proposed as 440 sq ft.

### **6.0 Setbacks of Cultivation Area**

The proposed Cultivation Area will be set back from all parcel lines by at least 30'.

### **7.0 Access Roads**

The Parcel is located off State Highway 36, which is maintained by Caltrans. Van Duzen Avenue which the parcel is located on is a county-maintained road.

### **8.0 Graded Flats**

The parcel has a subtle topography and there are no graded flats located on the Parcel. The flooring to the greenhouse and pathways will consist of gravel or grassed surface to prevent pooling and allow infiltration.

### **9.0 Existing and Proposed Buildings**

#### Garage

The Garage was constructed in 2013, it measures approximately 36'x39'. It is used for drying/storing cannabis as well as an immature plant area.

## **10.0 Water Storage, Use, Watershed Protection, and Site Drainage/Irrigation Runoff/Erosion Control.**

### **10.1 Water Storage**

Prior irrigation water was sourced from a well that was dug on the parcel. Moving forward (2020 season and on) all water used for the cultivation of cannabis will be sourced on-site from the parcel's rainwater catchment system and supplemented from the well. The 24,500-gallons of HDPE storage tanks are located on the near the southern edge of the house, and on either end of the large greenhouses. During the winter months the are guttered and lined house and garage will collect water and transfer to the hard storage tanks. Once the tanks are full, the water lines will be removed.

### **10.2 Water Use**

The amount of water used for the cultivation of cannabis will vary throughout the year, with peak periods of water use occurring during the summer months. The predicted annual water use is as follows.

Table 1. Annual water uses on the parcel.

Source	Use	Start Date	End Date	To Storage (gallons)	To Use (gallons)
(2019) Spring	Domestic	Apr. 1	Nov. 1	0	67,200
(2019) Well	Cannabis	Apr. 1	Nov. 1	0	20,000
2020 Rainwater	Cannabis	Jan. 1	Dec. 31	22,000	18,000

Irrigation will be completed with an automatic drip system and will be also be supplemented with hand watering when needed. All irrigation of cannabis shall be distributed at an agronomic rate which prevents any over watering or run off. Using a timer and emitters will ensure that water is being applied at agronomic rates.

### **10.3 Watershed Protection**

The Parcel has one (1) unnamed Class II watercourse and one (1) The Van Duzen River a Class I watercourse. All cultivation season and prior to 2020 have been conducted within the riparian setback unknowingly. Since the watercourse has been classified as a Class II watercourse. The proposed relocation area is located at least 100 feet from the Class II watercourse and 150-foot from the Class I watercourse.

The applicant has a Site Management for the Parcel and is enrolled in the Water Board's Waiver of Waste Discharge program as a Tier I Low Risk Discharger. Given the subtle topography the remediation is minimal and consists of vegetating the bare soils. The Site Management plan details the relocation and the minimal required measures to remediate



the site within the setbacks. A copy of the Site Management Plan is included as a part of this application.

#### **10.4 Site Drainage/Irrigation Runoff/Erosion Control**

The SWRCB has defined the winter season as beginning November 1<sup>st</sup> and concluding April 1<sup>st</sup>. Winterization measures apply to cultivation areas, any additional disturbed areas including roads, and stream crossings. These measures aim to prepare the site for an extended period of heavy precipitation during which frequent access, monitoring, and maintenance can be challenging or infeasible. The end goal is to reduce the erosion of unstable areas and prevent the delivery of eroded sediment to sensitive waterways. One of the primary techniques of winterization consists of stabilizing all bare soils with straw and seed. Fiber rolls shall additionally be installed at grade breaks and along slopes of disturbed areas to break up flow paths, thereby reducing the speed and erosive energy of runoff. No heavy machinery shall be used during the winter season to avoid the degradation of saturated roadways and unstable surfaces. Soil stock piles shall be guarded before the onset of winter with a cover and/or perimeter controls such as fiber rolls. Culverts shall be inspected and maintained to ensure integrity during winter. This includes clearing inlets and outlets of sediment and/or debris and ensuring that sufficient energy dissipation exists at outlets to reduce bank erosion. Seasonal access roads shall be locked to ensure that roads are not in use during the wet season by trespassers. Aside from the erosion control components to winterization, a general and thorough site cleanup will be performed to remove all refuse from the site

#### **11.0 Distances from Significant Landmarks**

There is a school bus stop within 600 feet of the cultivation site. The Applicant is seeking a special permit under the CCLUO in to acquire an exemption from this set back. The County letter also talks about them being within 600 foot of a residentially zoned area along with being within 600 feet of a residence located on a separate parcel.

## **II. Cultivation and Operations Plan**

#### **1.0 Materials Storage**

All fertilizers and amendments are located in the garage on the Parcel. Fertilizers and amendments are placed on the shelves on an impervious flood that prevents potential contamination. A spill cleanup kit shall be stored onsite to allow for proper cleanup in the event of a spill. Currently, the applicant is using strictly organic fertilizers and amendments. Dr. Earth Bloom and Grow, insect frass, bat guano, vitamin B1 and kelp powder are the only amendments and fertilizers kept and used on site.

All labels are kept, and directions are followed when nutrients are applied. The storage area shall have instructions posted for storing fertilizers and amendments, instructions for cleaning up spills and a spill kit that contains a container, gloves, towels, absorbent socks and an absorbent material (kitty litter).

## **2.0 Cultivation Activities**

### 1st run

April-May (Veg)  
May-July (Flower)  
August (Flower/Harvest)

### 2nd Run

July-August (Veg)  
August-October (Flower)  
October (Flower/Harvest)

The applicant will be pulling tarps over the greenhouses in order to have two (2) harvests of cannabis via light deprivation. Tarps will be pulled by hand and will not have any negative effects to the surrounding area or the cannabis.

Artificial lighting will be used only in the garage during the cannabis plants juvenile phase. The garage is fully enclosed. Therefore, the Applicant will be in full compliance with the international dark sky standard.

Sound will be limited to the sound of fans which are powered by solar panels.

## **3.0 Processing Practices**

Small batches of harvested product will be taken to the garage where it will be dried, and machine trimmed by the applicant. Employees will not be used for processing.

## **4.0 Security Measures**

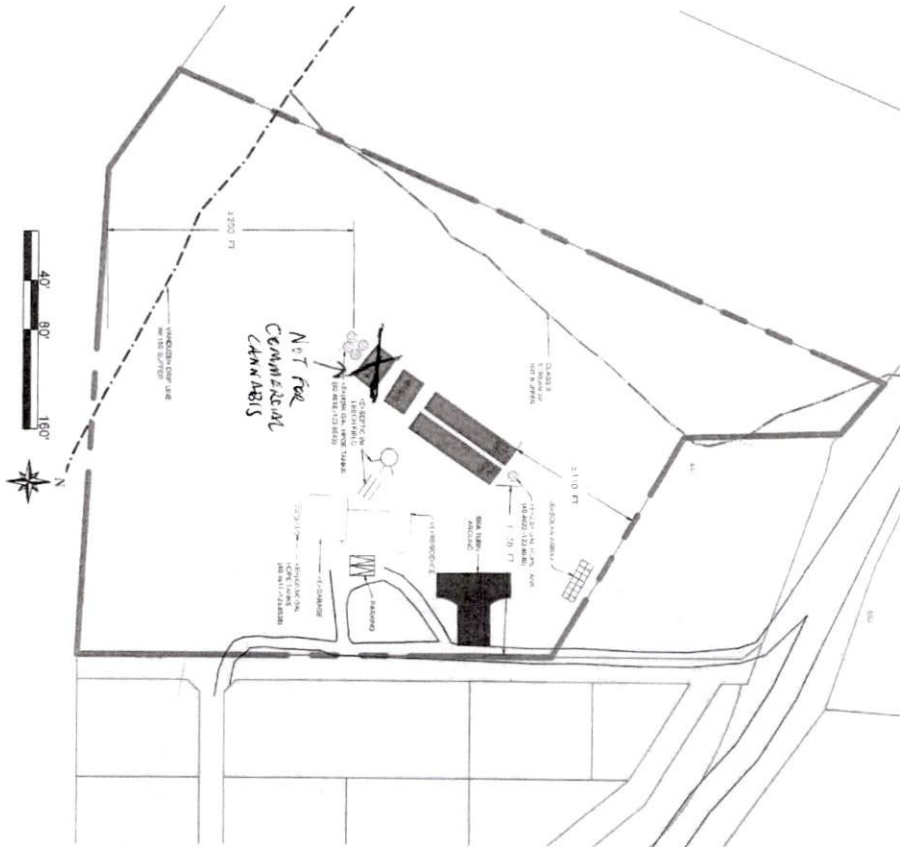
The security plan includes a fenced perimeter and motion activated alert system with day and night video surveillance along with security dogs.





# PARCEL OVERVIEW

APN: 207-141-007



## CULTIVATION INFORMATION

### LIGHT ORIENTATION OUTDOOR CULTIVATION AREA

NO.	LENGTH	WIDTH	AREA
1	100	100	10,000
2	100	100	10,000
3	100	100	10,000
4	100	100	10,000
5	100	100	10,000
6	100	100	10,000
7	100	100	10,000
8	100	100	10,000
9	100	100	10,000
10	100	100	10,000

### INDOOR PLANT AREA

NO.	LENGTH	WIDTH	AREA
1	100	100	10,000
2	100	100	10,000
3	100	100	10,000
4	100	100	10,000
5	100	100	10,000
6	100	100	10,000
7	100	100	10,000
8	100	100	10,000
9	100	100	10,000
10	100	100	10,000

### CULTIVATION BUILDING AND USE

NO.	LENGTH	WIDTH	AREA
1	100	100	10,000
2	100	100	10,000
3	100	100	10,000
4	100	100	10,000
5	100	100	10,000
6	100	100	10,000
7	100	100	10,000
8	100	100	10,000
9	100	100	10,000
10	100	100	10,000

### WATER STORAGE AND USE

NO.	LENGTH	WIDTH	AREA
1	100	100	10,000
2	100	100	10,000
3	100	100	10,000
4	100	100	10,000
5	100	100	10,000
6	100	100	10,000
7	100	100	10,000
8	100	100	10,000
9	100	100	10,000
10	100	100	10,000

### WATER SOURCE

NO.	LENGTH	WIDTH	AREA
1	100	100	10,000
2	100	100	10,000
3	100	100	10,000
4	100	100	10,000
5	100	100	10,000
6	100	100	10,000
7	100	100	10,000
8	100	100	10,000
9	100	100	10,000
10	100	100	10,000

### POWER SOURCE

NO.	LENGTH	WIDTH	AREA
1	100	100	10,000
2	100	100	10,000
3	100	100	10,000
4	100	100	10,000
5	100	100	10,000
6	100	100	10,000
7	100	100	10,000
8	100	100	10,000
9	100	100	10,000
10	100	100	10,000

### LEGEND

---	PARCEL BOUNDARY
---	EXISTING STRUCTURE
---	PROPOSED CULTIVATION AREA
---	WATER STORAGE AND USE
---	WATER SOURCE
---	POWER SOURCE



## PROJECT INFORMATION

PROPERTY OWNER: ANDREW WHITE & EMILY WILSON  
 ADDRESS: [REDACTED]  
 SHEET INFO: APN: 207-141-007  
 PARCEL OVERVIEW



NO.	DATE	REVISION
1	APR 4 2024	APPROVED
2		
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SHEET C1