



**COUNTY OF HUMBOLDT**  
**PLANNING AND BUILDING DEPARTMENT**  
**CURRENT PLANNING DIVISION**

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Hearing Date: April 15, 2021

To: Humboldt County Planning Commission

From: John H. Ford, Director of Planning and Building Department

Subject: **Forever Honeydew Farms, LLC, Conditional Use Permit and Special Permit**  
Record Number: PLN-11404-CUP  
Assessor's Parcel Number (APN): 107-096-007  
42870 Mattole Road, Honeydew area

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Please contact Jenifer King, Planner, at 360-647-8320 or by email at [jenifer.king@aecom.com](mailto:jenifer.king@aecom.com), if you have any questions about the scheduled public hearing item.

## AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
April 15, 2021	Conditional Use Permit and Special Permit	Jenifer King

**Project Description:** A Conditional Use Permit for an existing 37,543-square-foot outdoor cannabis cultivation operation that occurs within three distinct cultivation area with ancillary propagation and drying activities. Irrigation water is sourced from two groundwater wells and a point of diversion on an unnamed Class II watercourse that is tributary to Squaw Creek then the Mattole River. Water for irrigation is sourced from two groundwater wells and a point of diversion from an unnamed water course. Existing available water storage is 195,000 gallons in 49 hard-sided tanks. Estimated annual water usage is 882,000 gallons. Processing, including drying, curing and trimming, occurs in an existing 2,000-square-foot processing facility. A maximum of 6 employees may be utilized during peak operations. Power is provided by 72 solar panels with an automatic backup generator in the event of a power outage. The proposed project includes a Special Permit for development within the Streamside Management Area to allow continued use of a point of diversion located on an unnamed Class II watercourse that is tributary to Squaw Creek then the Mattole River.

**Project Location:** The project is located in the Honeydew area, on the south side of Mattole Road, approximately 1.0 mile southwest from the intersection of Wilder Ridge Road and Mattole Road, on the property known as 42870 Mattole Road.

**Present Plan Land Use Designations:** Timberland (T) Density: forty acres per dwelling unit, Slope Stability: Moderate instability (2).

**Present Zoning:** Timberland Production (TPZ)

**Record Number:** PLN-11404-CUP

**Assessor's Parcel Number:** 107-096-007

**Applicant**

Forever Honeydew Farms, LLC  
Paul Cabeen  
P.O. Box 25  
Honeydew, CA 95545

**Owner**

Paul Cabeen  
P.O. Box 25  
Honeydew, CA 95545

**Agents**

Tiffany Lopez  
P.O. Box 2020  
Honeydew, CA 95545

**Environmental Review:** An Addendum to a previously adopted Mitigated Negative Declaration has been prepared for consideration per § 15164 of the State CEQA Guidelines.

**State Appeal Status:** Project is NOT appealable to the California Coastal Commission.

**Major Issues:** None.



**Forever Honeydew Farms, LLC**  
Record Number: PLN-11404-CUP  
Assessor's Parcel Number: 107-096-007

**Recommended Commission Action:**

1. Describe the application as part of the Consent Agenda.
2. Survey the audience for any person who would like to discuss the application.
3. If no one requests discussion, make the following motion to approve the application as a part of the consent agenda:

*Find that the Commission has considered the Addendum to the adopted Mitigated Negative Declaration for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) as described by Section §15164 of the State CEQA Guidelines, make all of the required findings for approval of the Conditional Use Permit and adopt the Resolution approving the Forever Honeydew Farms, LLC, project as recommended by staff subject to the recommended conditions.*

**Executive Summary:** Forever Honeydew Farms, LLC, seeks a Conditional Use Permit to allow the continued cultivation of 37,543 square feet (SF) of outdoor cannabis. The site is designated as Timberland (T) in the Humboldt County 2017 General Plan Update and zoned Timber Production Zone (TPZ). The site is currently developed with two residences, a cabin and accessory structures. Cultivation takes place in three (3) separate areas: Cultivation Site 1 contains 16,248 SF of outdoor cultivation, Cultivation Site 2 contains 6,118 SF of outdoor cultivation, and Cultivation Site 3 contains 15,177 SF of outdoor cultivation. One harvest is anticipated annually during a growing season that extends from April through October. Irrigation water is sourced from two permitted onsite groundwater wells (Permit No. 16/17-0740 and Permit No. 17/18-0745). Existing available water storage is 195,000 gallons in 49 hard-sided tanks that are located within and adjacent to the three cultivation sites. Tanks range in size from 2,500 gallons to 5,000 gallons. Estimated annual water usage is approximately 882,000 gallons (15 gal/SF).

Processing, including drying, curing and trimming, occur onsite in an existing 2,000 SF processing facility. Two to six employees may be utilized during peak operations and these employees can be housed onsite. Power is provided by 72 solar panels with an automatic backup generator in the event of a power outage. The operation will be secured behind a gated road and monitored with a camera surveillance system.

A *Timber Conversion Evaluation Report* was prepared by Timberland Resource Consultants (TRC) in June 2017 (see Attachment 3). Between 2005 and 2009, all three cultivation sites were cleared of trees and vegetation, including all stumps. In total, approximately 1.5 acres of timberland was converted which is below the three-acre conversion exemption maximum. No additional timber conversion has occurred since 2009. The *Timber Conversion Evaluation Report* states that most of the slash piles and woody debris generated from conversion activities was scattered or piled near the cultivation sites and recommended all slash piles and woody debris be treated to comply with the California Forest Practice Act, which is included in the Conditions of Approval. Cal Fire reviewed the Timber Conversion Report and concluded that the recommendations in the Timber Conversion Report are acceptable and Cal Fire had no additional recommendations, mitigation measures, or comments (Attachment 4).

Water for irrigation is provided by two permitted wells that are also registered with the California Department of Water Resources (Permit No. 16/17-0740, WCR2017-003806 and Permit No. 17/18-0745, WCR2018-005463) (see Attachment 3). Existing available water storage is 195,000 gallons in 49 hard tanks that are located within and adjacent to the three cultivation sites. Estimated annual water usage is 882,000 gallons (15 gal/SF) with peak demand occurring from June through November at approximately 140,000 gallons per month. The California Department of Fish and Wildlife (CDFW) has stated that the wells do not appear to not be hydrologically connected to surface water (see Attachment 4).

According to the Site Management Plan (SMP), the Well 1 (2016) is located north of Cultivation Area 3, approximately 261 feet east of the nearest Streamside Management Area and 180 feet higher in elevation based on measurements from the Humboldt County WebGIS (see Attachment 3 for SMP). The Well Completion Report states the well is 260 feet deep and drilled through Franciscan sandstone. Although water is at 172 feet, a blank is installed for the entire 260 feet of the well. Based on the distance from the nearest watercourse and the use of a blank for casing of the entire 260 feet of the well, Planning staff determined the well is likely to be hydrologically disconnected from surface waters and does not require additional water rights from the State Water Resources Control Board and is not subject to forbearance or water storage requirements. According to the SMP, the Well 2 (2017) is located northwest of Cultivation Area 2, approximately 100 feet north of the nearest Streamside Management Area and 40 feet higher in elevation based on measurements from the Humboldt County WebGIS. The Well Completion Report states the well is 340 feet deep and drilled through sandstone, shale, basalt, and mulache. Water is at 161 feet, and a blank is installed for 140 feet of the well and a milled slot screen is installed from 140 feet to 340 feet. Based on the distance from the nearest watercourse and the use of a blank for the first 140 feet, Planning staff determined the well is likely to be hydrologically disconnected from surface waters and does not require additional water rights from the State Water Resources Control Board and is not subject to forbearance or water storage requirements. Conditions of approval require the applicant to monitor water use from the wells annually to demonstrate there is sufficient water available to meet operational needs.

The applicant also seeks a Special Permit for development within the Streamside Management Area for the use of a registered point of diversion. A Final Streambed Alteration Agreement (FSAA) with the California Department of Fish and Wildlife (CDFW) was issued (EPIMS-HUM-09230-R1) with final edits dated August 14, 2020, regarding the spring diversion, two (2) culverts, and a single rocked ford. By adhering to the terms and conditions of the *Right to Use and Divert Water*, which limits the amount of water that can be diverted and the FSAA, which limits the diversion amount and duration in addition to the specifying the use of intake structures that will not impact aquatic species, Planning staff determined that impacts to the watershed are minimized allowing the use of point diversion pursuant to a Special Permit.

The FSAA includes a recommendation from CDFW for the applicant to hire a qualified professional to assess site stability due to the landslide that has occurred in the upper portion of the parcel and the adjacent parcel to the west. In 2015, the Building Department issued a grading and erosion control permit associated with a building permit for the single-family residence (see Grading and Erosion Control Plan in Attachment 3). Because the graded flats where cultivation is occurring and on-site access roads were previously approved by the Building Department, Planning staff determined an additional evaluation was not required. Conditions of approval require the applicant to comply with the State Water Resources Control Board Cannabis Cultivation Policy where any further recommendations for stability of the access road into the parcel will be addressed.

A Streambed Alteration Agreement (Notification No. 1600-2017-0039-R1) (Attachment 3) with CDFW was issued in April 2017 allowing seven encroachments, including one encroachment for water diversion from an unnamed tributary to Squaw Creek and six encroachments for upgrading or decommissioning stream crossing. Section 61.1.4.1 of the Humboldt County Streamside Management Area and Wetland Ordinance allows routine maintenance activities associated with existing public or private facilities when conducted pursuant to a Department of Fish and Wildlife Lake or Streambed Alteration Agreement. According to the project applicant, all work on the water diversion and stream crossings was completed in 2018.

A Water Resources Protection Plan (WRPP) was prepared by TRC (Attachment 3) that includes recommended best practices for erosion control, monitoring irrigation volumes to prevent runoff, and utilizing a secure storage facility for all cultivation-related materials consistent with the North Coast Regional Water Quality Control Board Order RI-2015-0023 and the State Water Resources Control Board Cannabis General Order. The WRPP identified nine (9) sites requiring remediation work including removal of empty metal drums, ditch relief, erosion control, maintenance of culverts, decommissioning of

culverts, installation of rolling dips, and remediation of decommissioned cultivation by November 2018. The WRPP states onsite septic systems are required to meet applicable County health standards and the Regional Water Board's Onsite Wastewater Treatment System policy and permitting of the onsite septic systems should occur by the end of 2020. The project is conditioned to implement all remaining requirements of the WRPP upon issuance of the project permits.

A Site Management Plan (SMP) was prepared in April 2020 by Timber Resource Consultants (Attachment 3) consistent with the SWRCB Cannabis General Order WQ2019-0001-DWQ. The SMP provides a re-assessment of the project site since preparation and implementation of some remediation work described in the WRPP. The SMP describes ongoing best management practices for erosion control and identifies twenty two (22) sites requiring remediation work including upgrading and replacement of culverts, removal of cultivation waste, reseeding bare soils, installing rolling dips, decommissioning stream crossings, removal of surface water diversion infrastructure from the Class III watercourse, and monitoring the stability of fill slopes. The applicant is enrolled in the State Water Resources Control Board (SWRCB) WQ2019-0001-DWQ General Waste Discharge Requirements for Dischargers of Waste Associated with Cannabis Cultivation Activities (General Order) under SWRCB Cannabis Cultivation Policy (WDID 1\_12CC414090 Effective as of 07/01/2019; Expires 04/15/2024) (Attachment 3).

There are no streams in the vicinity of Cultivation Sites 2 and 3. According to the SMP, Cultivation Site 1 is approximately 150 feet from the top of bank or edge of riparian drip-line consistent with the Streamside Management Area (SMA) buffer of a Class II perennial stream. The SMP (Attachment 3) indicates there is no direct flow from Cultivation Site 1 to the Class II perennial stream. A portion of a structure that is used for the main fuel storage is located on the edge of the SMA of a Class II watercourse. According to the SMP, the fuel storage has secondary means of containment for the entire capacity of the largest single container and sufficient cover to prevent any precipitation from entering the secondary containment vessel. The project is condition to ensure no addition fuel storage occurs within the SMA.

A search of California Natural Diversity Database (CNDDDB) biological resources database was performed on December 11, 2020. No special-status species have been documented on the project site. A Northern spotted owl (NSO) was observed at the eastern project site boundary and a NSO activity center is located approximately 0.3 mile southeast of Cultivation Site 1. The proposed cannabis cultivation operations do not require the use of a generator except for emergency back-up purposes. Performance standards for noise are set by Department Policy Statement No. 16-005 clarifying CMMLUO Section 314-55.4.11(o) Humboldt County Code which states noise levels shall not exceed 50 decibels (dB) at 100 feet from the generator or at the edge of the nearest forest habitat, whichever is closer. As a result, the project is conditioned to ensure the combination of background, generator, or other operational equipment created noise meets the noise level threshold. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service (USFWS). The project proposes only outdoor cultivation with no artificial lighting and is conditioned to ensure any supplemental lighting used for security lighting adheres to Dark Sky Association standards. The project is conditioned to refrain from using synthetic netting, to ensure refuse is contained in wildlife-proof storage, and to refrain from using anticoagulant rodenticides to further protect wildlife. No pesticides or herbicides are used for cultivation.

In their referral response comments for the project, the U.S. Bureau of Land Management indicated that the project site is adjacent to critical habitat for NSO and near critical habitat for marbled murrelet (Attachment 4). The U.S. Bureau of Land Management determined that the project site is potentially used for foraging and dispersal habitat for NSO but it is unlikely that NSO nest near the project site due to the lack of suitable habitat and it is unlikely marbled murrelets are in the area.

Additional measures that would also protect biological resources are identified in the WRPP prepared for the project and summarized above. As proposed and conditioned, the project is consistent with CMMLUO performance standards and CDFW guidance and will not negatively impact NSO or other sensitive species.

Access to the site is via a private driveway off of Mattole Road. Mattole Road is a Category 4 County-maintained roadway that has been approved for commercial cannabis use by the Department of Public Works. The applicant has submitted a Road Evaluation Report, dated May 1, 2018, demonstrating that all roads used to access the project site meet the requirements of the County's road Category 4 equivalent standard (see Attachment 3). In their referral response comments for the project, the Department of Public Works requested two conditions relating to visibility and intersection improvements (see Attachment 4); both conditions are incorporated into the conditions of approval for the proposed project.

Environmental review for this project was conducted and based on the results of that analysis, staff finds that all aspects of the project have been considered in a previously adopted Mitigated Negative Declaration that was adopted for the Commercial Medical Marijuana Land Use Ordinance and has prepared an addendum to this document for consideration by the Planning Commission (See Attachment 2 for more information).

**RECOMMENDATION:** Based on a review of Planning Division reference sources and comments from all involved referral agencies, Planning staff believes that the applicant has submitted evidence in support of making all of the required findings for approval of the Conditional Use Permit (CUP).

**ALTERNATIVES:** The Planning Commission could elect not to approve the project, or to require the applicant to submit further evidence, or modify the project. If modifications may cause potentially significant impacts, additional CEQA analysis and findings may be required. These alternatives could be implemented if the Commission is unable to make all of the required findings. Planning staff has stated that the required findings in support of the proposal have been made. Consequently, Planning staff does not recommend further consideration of any alternative.

The Planning Commission could also decide the project may have environmental impacts that would require further environmental review pursuant to CEQA. Staff did not identify any potential impacts. As the lead agency, the Department has determined that the project is consistent with the MND for the CMMLUO as stated above. However, the Commission may reach a different conclusion. In that case, the Commission should continue the item to a future date at least two months later to give staff the time to complete further environmental review.

**RESOLUTION OF THE PLANNING COMMISSION  
OF THE COUNTY OF HUMBOLDT  
Resolution Number 21-**

**Record Number: PLN-11404-CUP  
Assessor's Parcel Number: 107-096-007**

**Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approves the Forever Honeydew Farms, LLC, Conditional Use Permit and Special Permit request.**

**WHEREAS, Forever Honeydew Farms, LLC,** submitted an application and evidence in support of approving a Conditional Use Permit for an existing 37,543-square-foot outdoor cannabis cultivation operation that occurs within three distinct cultivation area with ancillary propagation and drying activities. Irrigation water is sourced from two groundwater wells and a point of diversion on an unnamed Class II watercourse that is tributary to Squaw Creek then the Mattole River. Water for irrigation is sourced from two groundwater wells and a point of diversion from an unnamed water course. Existing available water storage is 195,000 gallons in 49 hard-sided tanks. Estimated annual water usage is 882,000 gallons. Processing, including drying, curing and trimming, occurs in an existing 2,000-square-foot processing facility. A maximum of 6 employees may be utilized during peak operations. Power is provided by 72 solar panels with an automatic backup generator in the event of a power outage. The proposed project includes a Special Permit for development within the Streamside Management Area to allow continued use of a point of diversion located on an unnamed Class II watercourse that is tributary to Squaw Creek then the Mattole River; and

**WHEREAS,** the County Planning Division, the lead agency, prepared an Addendum to the Final Mitigated Negative Declaration (MND) prepared for the Commercial Medical Land Use Ordinance (CMMLUO) adopted by the Humboldt County Board of Supervisors on January 26, 2016. The proposed project does not present substantial changes that would require major revisions to the previous Mitigated Negative Declaration. 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 15, 2021, and reviewed, considered, and discussed the application for a Conditional Use Permit 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:**

**Project Description:** A Conditional Use Permit for an existing 37,543-square-foot outdoor cannabis cultivation operation that occurs within three distinct cultivation area with ancillary propagation and drying activities. Irrigation water is sourced from two groundwater wells and a point of diversion on an unnamed Class II watercourse that is tributary to Squaw Creek then the Mattole River. Water for irrigation is sourced from two groundwater wells and a point of diversion from an unnamed water course. Existing available water storage is 195,000 gallons in 49 hard-sided tanks. Estimated annual water usage is 882,000 gallons. Processing, including drying, curing and trimming, occurs in an existing 2,000-square-foot processing facility. A maximum of 6 employees may be utilized during peak operations. Power is provided by 72 solar panels with an automatic backup generator in the event of a power outage. The proposed project includes a Special Permit for development within the Streamside Management Area to allow continued use of a point of diversion located on an unnamed Class II watercourse that is tributary to Squaw Creek then the Mattole River.

**EVIDENCE:** a) Project File: PLN-11404-CUP

- 2. FINDING:** **CEQA.** The requirements of the California Environmental Quality Act have been complied with. The Humboldt County Planning Commission has considered the Addendum to and the Mitigated Negative Declaration (MND) prepared for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) adopted by the Humboldt County Board of Supervisors on January 26, 2016.

- 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 MND. 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 *Site Management Plan* (SMP) was prepared by Timberland Resources Consultants to show compliance with the SWRCB Cannabis General Order WQ2019-0001-DWQ. The SMP recommends 22 improvements on the subject parcel to bring the site into compliance with General Order and approval requires the applicant to adhere to and implement the recommendations in the SMP.
  - d) A *Water Resources Protection Plan* (WRPP) was prepared by Timberland Resources Consultants to show compliance with the North Coast Regional Water Quality Control Board Order No. R1-2015-0023. The WRPP recommends 12 improvements on the subject parcel to bring the site into compliance with Order No. R1-2015-0023. Conditions of approval require the applicant to adhere to and implement the recommendations in the WRPP.
  - e) A search of California Natural Diversity Database (CNDDDB) biological resources database was performed on December 11, 2020. No special-status species have been documented on the project site. A Northern spotted owl (NSO) was observed at the eastern project site boundary and a NSO activity center is located approximately 0.3 mile southeast of Cultivation Site 1. In their referral response comments for the project, the U.S. Bureau of Land Management determined that the project site is potentially used for foraging and dispersal habitat for NSO but it is unlikely that NSO nest near the project site due to the lack of suitable habitat and it is unlikely marbled murrelets are in the area. Backup generators are only used for emergency power and will comply with Department Policy Statement No. 16-005 clarifying CMMLUO Section 314-55.4.11(o) Humboldt County Code which states noise levels shall not exceed 50 decibels (dB) at 100 feet from the generator or at the edge of the nearest forest habitat. The outdoor cultivation uses no artificial lighting. Propagation of plant starts occurs within a completely enclosed structure on the subject parcel.
  - f) All cultivation sites are outside of the Stream Management Area. The fuel storage along the edge of the SMA has secondary means of containment for the entire capacity of the largest single container and sufficient cover to prevent any precipitation from entering the secondary containment vessel.
  - g) A *Timber Conversion Report* prepared by Timberland Resource Consultants dated June 19, 2017, was which demonstrates no timber conversion has occurred after the environmental baseline of December 31, 2015. The

report found 1.54 acres of timberland was converted for development of the cultivation sites. Recommendations in the report include treatment of slash piles and log landings. Conditions of approval require the applicant to adhere to and implement the requirements of the *Timber Conversion Report* and provide evidence to the Planning Department the work is complete.

h) The Northwest Information Center and the Bear River Band of the Rohnerville Rancheria indicated there are no known cultural or tribal cultural resources at the project site and recommended the inclusion of Inadvertent Discoveries Protocol.

i) A *Road Evaluation Report* was prepared by the project applicant in May 2018 which identified that the road is suitable for safe access to and from the project site. Mattole Road is a County-maintained road that is approved by the Department of Public Works for use by commercial cannabis operations. The Department of Public Works recommended conditional approval with the inclusion of conditions to improve the intersection of the private driveway with Mattole Road to commercial standards and ensure compliance with County visibility standards.

#### **FINDINGS FOR CONDITIONAL USE PERMIT**

### **3. FINDING**

The proposed development is in conformance with the County General Plan.

#### **EVIDENCE**

a) General agriculture is a use type permitted in the Timber (T) land use designation. The proposed cannabis cultivation, an agricultural product, is within land planned and zoned for agricultural purposes, 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 complimentary to the Open Space Plan and its Open Space Action Program.

### **4. FINDING**

#### **FINDINGS FOR SPECIAL PERMIT**

To provide minimum standards pertaining to the use and development of land located within Streamside Management Areas (SMAs) and other wet areas (OWA) to implement the County's Open Space Element of the General Plan.

#### **EVIDENCE**

Conditions of approval require the applicant to adhere to and implement the projects and recommendations contained in the Final SAA and provide evidence to the Planning Department that the projects includes in the Final SAA are completed to the satisfaction of CDFW. Conditions of approval also require the applicant to adhere to the terms and conditions of the Right to Use and Divert Water issued by the State Water Resources Control Board (SWRCB). By implementing permit conditions from the SWRCB and CDFW, impacts to the SMA are minimized.

### **5. FINDING**

The proposed development is consistent with the purposes of the existing TPZ zone in which the site is located.

#### **EVIDENCE**

- a) The Timberland Production or TPZ Zone is intended is intended to provide standards and restrictions for the preservation of timberlands for growing and harvesting timber.
- b) All general agricultural uses are principally permitted in the TPZ zone.

- c) Humboldt County Code section 314-55.4.8.2.2 allows cultivation of up to 43,560 square feet of existing outdoor cannabis and up to 22,000 square feet of existing mixed-light cannabis on a parcel over 1 acre subject to approval of a Conditional Use Permit and a determination that the cultivation was in existence prior to January 1, 2016. The application for 29,344 square feet of outdoor cultivation on a 160-acre parcel is consistent with this and with the cultivation area verification prepared by the County that found the square footage was in existence using aerial imagery from TerraServer from 2015.

**6. FINDING**

The proposed development is consistent with the requirements of the CMMLUO Provisions of the Zoning Ordinance.

**EVIDENCE**

- a) The CMMLUO allows existing cannabis cultivation to be permitted in areas zoned TPZ (HCC 314-55.4.8.2.2).
- b) The parcel was created in compliance with all applicable state and local subdivision regulations, as it was created in its current configuration by a United States Land Grant signed by President William H. Taft on April 20, 1909, before the establishment of county and state subdivision regulations that would have applied to the creation of the parcel.
- c) Water for irrigation is provided by two permitted wells. Existing available water storage is 195,000 gallons in 49 hard tanks that are located within and adjacent to the three cultivation sites. Estimated annual water usage is 882,000 gallons (15 gal/SF) with peak demand occurring from June through November at approximately 140,000 gallons per month. Well 1 (2016) is located north of Cultivation Area 3, approximately 261 feet east of the nearest Streamside Management Area and 180 feet higher in elevation based on measurements from the Humboldt County WebGIS. The Well Completion Report states the well is 260 feet deep and drilled through Franciscan sandstone. Although water is at 172 feet, a blank is installed for the entire 260 feet of the well. Based on the distance from the nearest watercourse and the use of a blank for casing of the entire 260 feet of the well, Planning staff determined the well is likely to be hydrologically disconnected from surface waters and does not require additional water rights from the State Water Resources Control Board and is not subject to forbearance or water storage requirements. According to the SMP, the Well 2 (2017) is located northwest of Cultivation Area 2, approximately 100 feet north of the nearest Streamside Management Area and 40 feet higher in elevation based on measurements from the Humboldt County WebGIS. The Well Completion Report states the well is 340 feet deep and drilled through sandstone, shale, basalt, and mulache. Water is at 161 feet, and a blank is installed for 140 feet of the well and a milled slot screen is installed from 140 feet to 340 feet. Based on the distance from the nearest watercourse and the use of a blank for the first 140 feet, Planning staff determined the well is likely to be hydrologically disconnected from surface waters and does not require additional water rights from the State Water Resources Control Board and is not subject to forbearance or water storage requirements. Conditions of approval require the applicant to monitor water use from the wells annually to demonstrate there is sufficient water available to meet operational needs. Conditions of approval require the applicant to adhere to all terms and conditions of the Small Irrigation Use Registration and the CDFW FSAA and monitor water use from the well and spring diversion annually to demonstrate there is sufficient water available to continue to meet operational needs.



- d) A Road Evaluation Report was completed by the project applicant in May 2019. The Evaluation addressed the privately maintained driveway that provides access to the project site. The driveway evaluated was found to be functionally appropriate for the expected traffic. Conditions of approval require the applicant to improve the private driveway to meet commercial standards as recommended by the Department of Public Works.
- e) The slope of the land where cannabis will be cultivated is less than 15%.
- f) The cultivation of cannabis will not result in the net conversion of timberland. A *Timber Conversion Report* was completed by Timberland Resource Consulting in June 2017. The Report found the site had been converted before the environmental baseline established in the CMMLUO. Conditions of approval require the applicant to adhere to and implement recommendations contained within the *Timber Conversion Report*.
- g) The location of the cultivation complies with all setbacks required in Section 314-55.4.11.d. It is more than 30 feet from any property line, more than 300 feet from any off-site residence, more than 600 feet from any school, church, public park or Tribal Cultural Resource.

## 7. FINDING

The cultivation of 29,344 square feet of existing 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 site is located on road that has been certified to safely accommodate the amount of traffic generated by the proposed cannabis cultivation.
- b) The parcel known as APN 107-096-007 is one separate legal parcel as described by Patent 57052 signed by William H. Taft dated April 20, 1909. There is no evidence indicating there have been any subsequent acts to merge or divide these parcels. Therefore, the subject parcels were lawfully created in its current configuration and can be developed as proposed.
- c) The site is in a rural part of the County where the typical parcel size is over 40 acres and many of the land holdings are very large. The proposed cannabis will not be in a location where there is an established neighborhood or other sensitive receptor such as a school, church, park or other use which may be sensitive to cannabis cultivation. 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 due to the large parcel sized in the area.
- d) The location of the cultivation complies with all setbacks required in Section 314-55.4.11. d. It is more than 30 feet from any property line, more than 300 feet from any off-site residence, more than 600 feet from any school, church, public park or Tribal Cultural Resource.
- e) Irrigation water will come from groundwater wells that have been permitted by the Environmental Health Department (Permit No. 16/17-0740 and Permit No. 17/18-0745).
- f) Ongoing conditions of approval require the applicant to maintain a maximum noise level of 60 decibels (dB) at the property line. Furthermore, since the nearest northern spotted owl sighting is at the eastern boundary of the project site and the nearest activity center is within 0.3 mile of the project

site, noise generated from generators shall not exceed 50 dB at 100 feet from the generator or at the edge of the nearest forest habitat, whichever is closer, as required by HCC 314-55.4.11(o).

- g) Provisions have been made in the applicant's proposal to protect water quality and thus runoff to adjacent property and infiltration of water to groundwater resources will not be affected.

**8. 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 parcel was not included in the housing inventory of Humboldt County's 2019 Housing Element. The parcel is developed with three residences and the approval of cannabis cultivation on this parcel will not conflict with the ability of existing residences onsite to continue to be utilized.

**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 Conditional Use Permit and Special Permit for Forever Honeydew Farms, LLC, based upon the Findings and Evidence and subject to the conditions of approval attached hereto as Attachment 1 and incorporated herein by reference; and

Adopted after review and consideration of all the evidence on April 15, 2021.

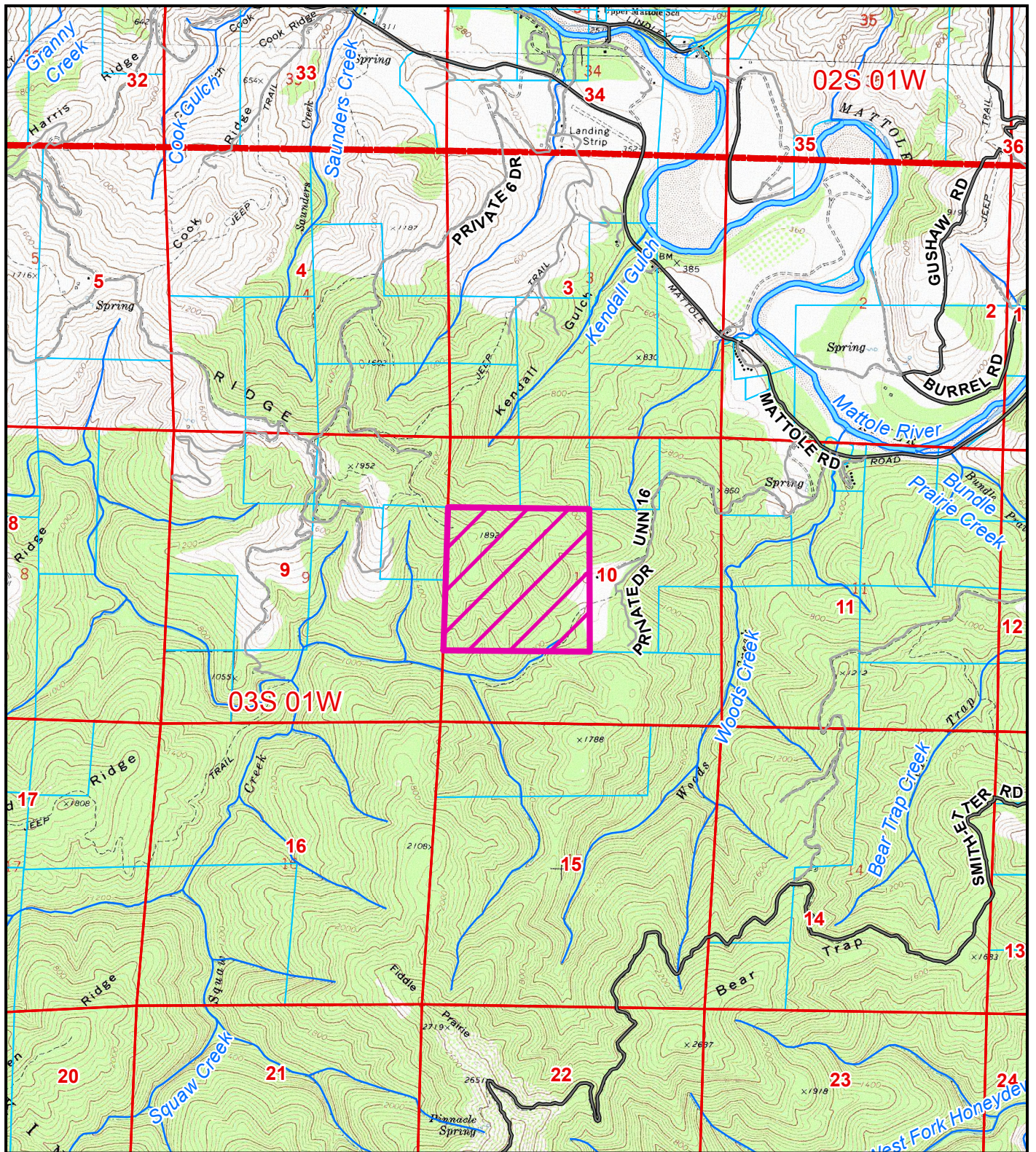
The motion was made by COMMISSIONER \_\_\_\_\_ and second by COMMISSIONER \_\_\_\_\_ and the following ROLL CALL vote:

AYES: COMMISSIONERS:  
NOES: COMMISSIONERS:  
ABSENT: COMMISSIONERS:  
ABSTAIN: COMMISSIONERS:  
DECISION:

I, John H. 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.

\_\_\_\_\_  
John H. Ford, Director  
Planning and Building Department





**TOPO MAP**  
**PROPOSED FOREVER HONEYDEW FARMS, LLC**  
**HONEYDEW AREA**  
**CUP-16-243**  
**APN: 107-096-007**  
**T03S R01W S10 HB&M (SHUBRICK PEAK)**

Project Area =

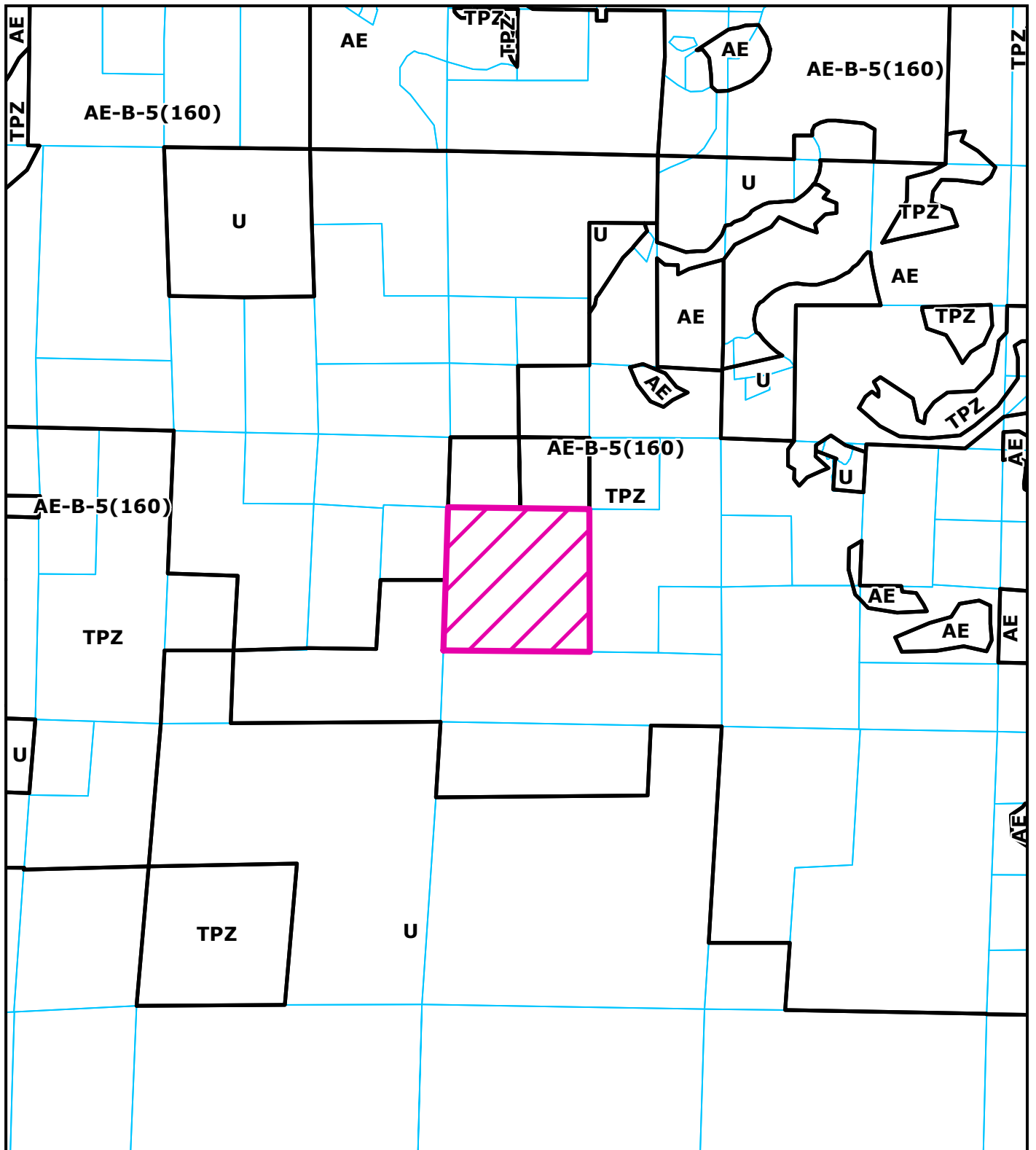


This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.

0 0.275 0.55 1.1 Miles





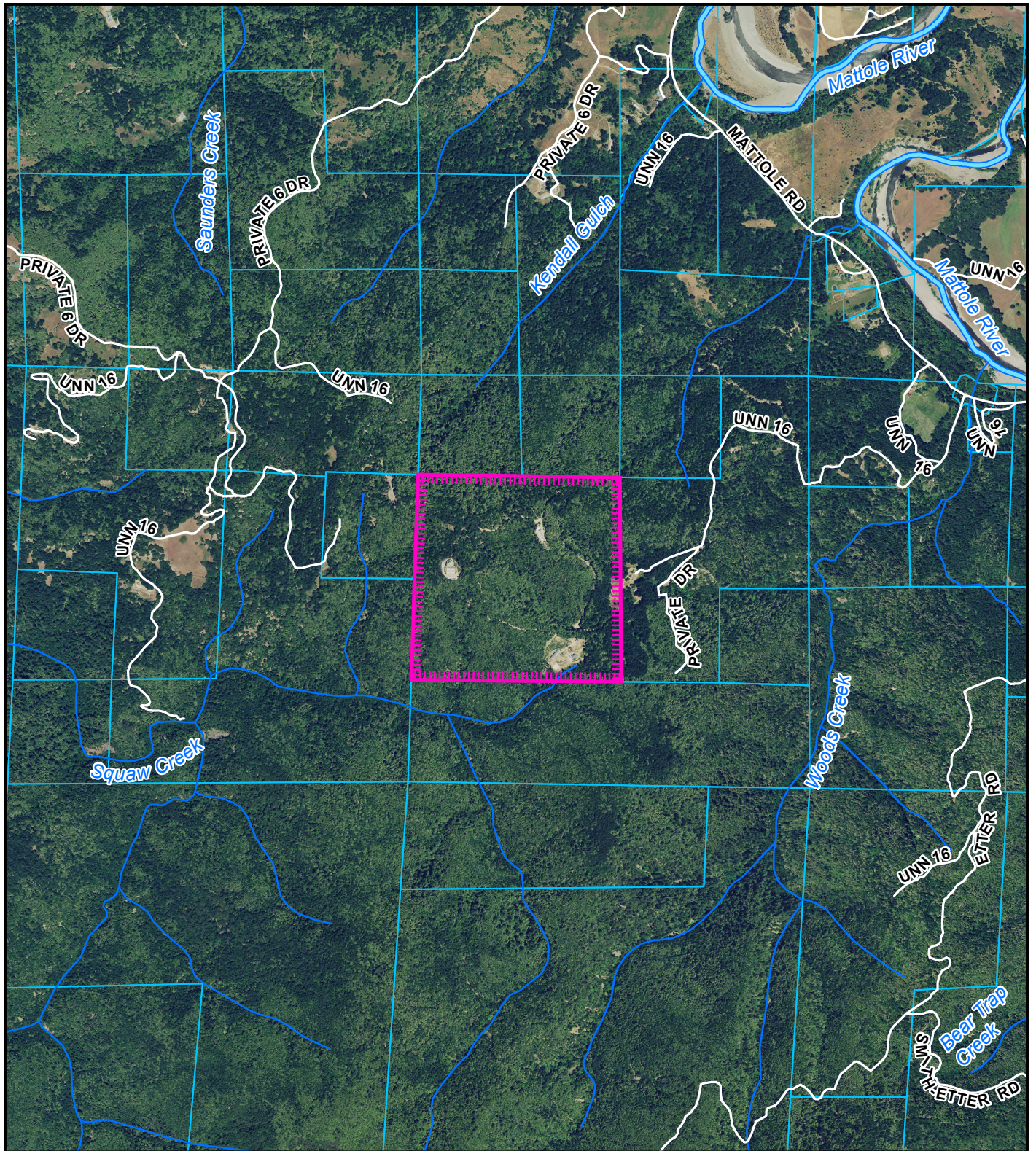


**Project Area =**

This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.

**ZONING MAP**  
**PROPOSED FOREVER HONEYDEW FARMS, LLC**  
**HONEYDEW AREA**  
**CUP-16-243**  
**APN: 107-096-007**  
**T03S R01W S10 HB&M (SHUBRICK PEAK)**





**AERIAL MAP  
PROPOSED FOREVER HONEYDEW FARMS, LLC  
HONEYDEW AREA  
CUP-16-243  
APN: 107-096-007  
T03S R01W S10 HB&M (SHUBRICK PEAK)**

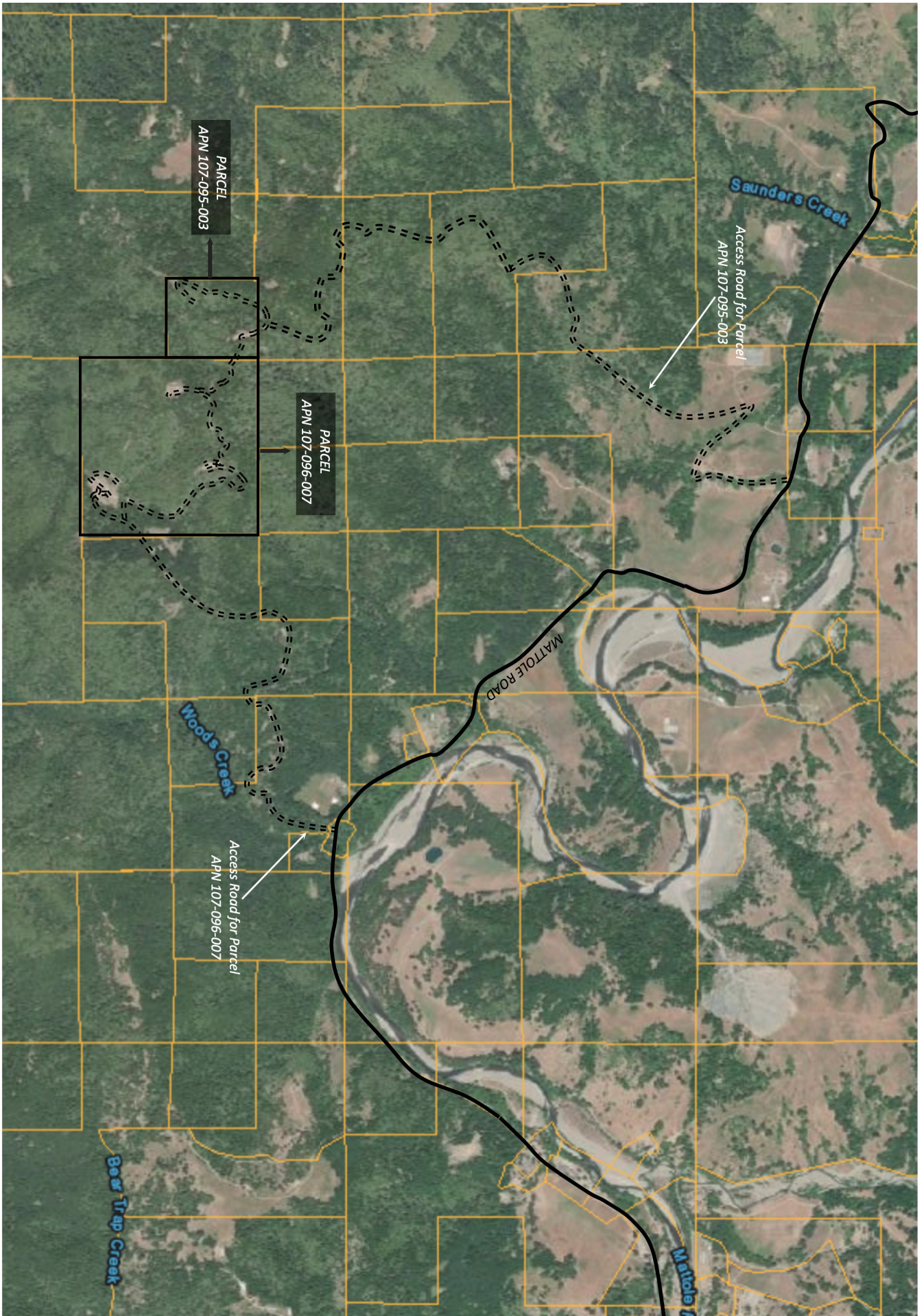
**Project Area =** 

This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.

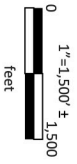
0 1,000 2,000 4,000  
Feet







Parcel data source: County of Humboldt GIS, 2019  
Image source: County of Humboldt GIS, 2019  
Contours in feet



**Forever Honeydew Farms, LLC**  
Honeydew, California  
February 2021

**SITE ACCESS ROAD MAP**  
APN 107-095-003 & APN 107-096-007

















Image source: google maps 2017

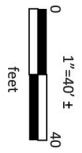
**Forever Honeydew Farms, LLC**  
Honeydew, California  
February 2021

**SITE 2 DIAGRAM**  
APN 107-096-007 / Canopy Area 6,118 sqft



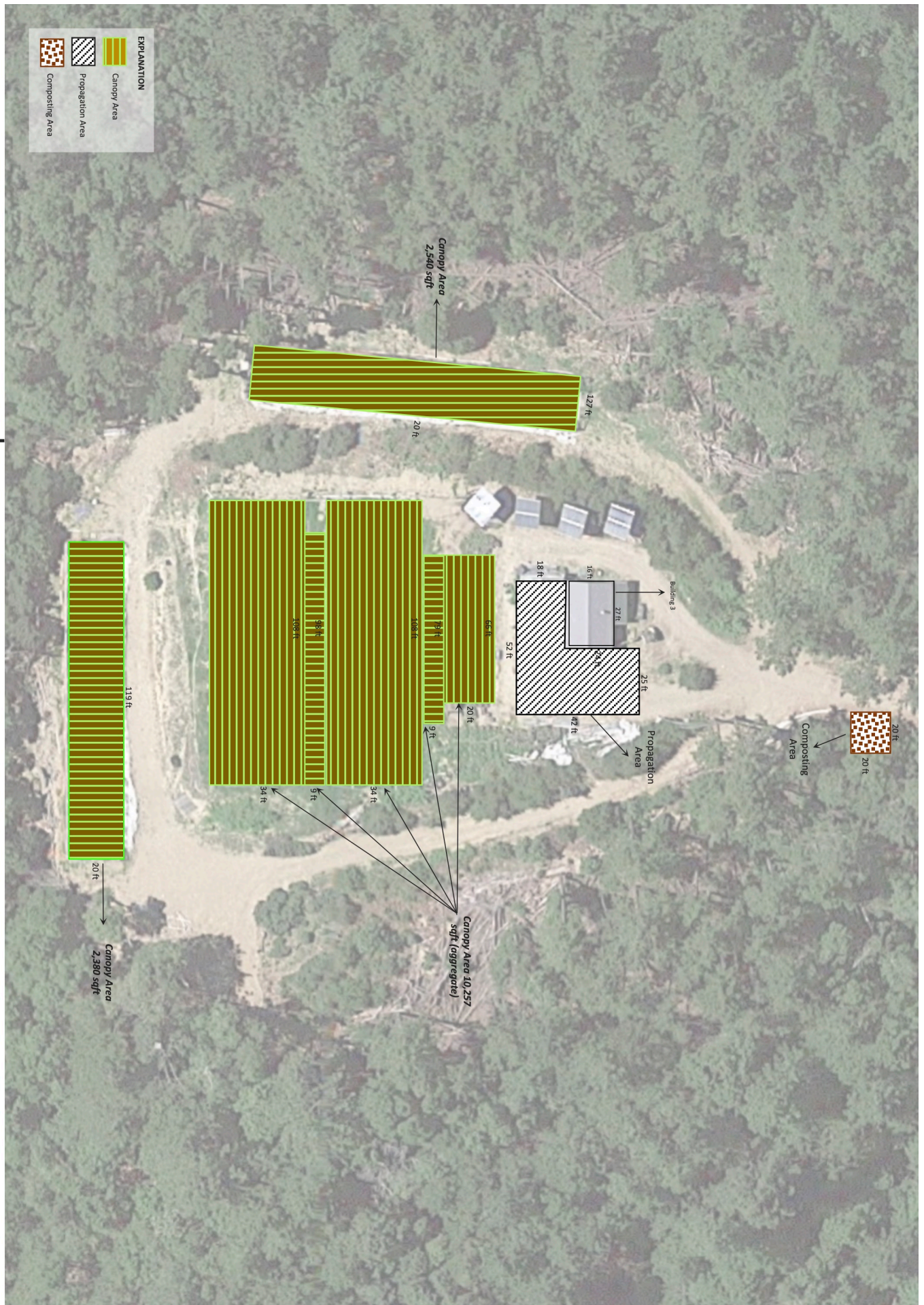


Image source: google maps 2017



**Forever Honeydew Farms, LLC**  
Honeydew, California  
February 2021

**SITE 3 DIAGRAM**  
APN 107-096-007 / Aggregate Canopy Area 15,177 sqft



## ATTACHMENT 1

### RECOMMENDED CONDITIONS OF APPROVAL

**APPROVAL OF THE CONDITIONAL USE 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 this staff review. Permit conformance with conditions must be demonstrated prior to release of building permit or initiation of use and at 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 #16. 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 building and grading permits for all structures and grading 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. A letter or similar communication from the Building Division verifying that all structures related to the cannabis cultivation are permitted will satisfy this condition.
7. The applicant shall improve the intersection of the private driveway access and Mattole Road as follows:

- a. If the County road has a paved surface at the location of the access road, the access road shall be paved for a minimum width of 20 feet and a length of 50 feet where it intersects the County road; OR
  - b. If the County road has a gravel surface at the location of the access road, the access road shall be rocked for a minimum width of 20 feet and a length of 50 feet where it intersects the County road. The applicant shall obtain an encroachment permit from the Department of Public Works prior to commencing any work. This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license. A letter or similar communication from the Department of Public Works will satisfy this condition.
8. The applicant shall enter into a compliance agreement with DEH to abate violations associated with installation and use of onsite wastewater treatment systems (OWTS) without first obtaining a permit from DEH. The compliance agreement must require the applicant to submit complete OWTS permit applications for all residential housing, employee housing, dormitories, or any other plumbed and habitable structure. Furthermore, the compliance agreement must require installation and final approval of all OWTS within the 2-year compliance period. A letter or similar communication from the Department of Environmental Health will satisfy this condition.
9. The applicant shall implement and adhere to all recommendations contained within the Water Resources Protection Plan (WRPP) prepared by Timberland Resources Consultants dated September 8, 2017. A sign-off from the Planning Department will satisfy this condition.
10. The applicant to submit copies of all documents filed with the State Water Resources Control Board, including, but not limited to, a Site Management Plan. The applicant is required to adhere to and implement the requirements contained in the SWRCB's Cannabis Cultivation Policy, the General Order, the Site Management Plan and the Notice of Applicability. A copy of the reporting form portion of the Mitigation and Reporting Program (MRP) shall be submitted annually to the Planning and Building Department concurrent with the submittal to the SWRCB.
11. The applicant shall obtain and adhere to a *Right to Divert and Use Water* from the State Water Resources Control Board for use of the point of diversion on the unnamed Class II watercourse that is tributary to Squaw Creek then the Mattole River. The applicant shall submit a copy of the *Right to Divert and Use Water* to the Planning Department. A sign-off from the Planning Department will satisfy this condition.
12. The applicant shall discontinue the use of the water bladders for water storage and replace with hard-sided tanks in an already disturbed location on the subject parcel. The applicant shall provide evidence (e.g. photographs) that the water bladders were removed. Alternatively, the applicant may request a site inspection from the Humboldt County Planning Department to verify the water bladders were removed. A sign-off from the Humboldt County Planning Department will satisfy this condition.
13. The applicant shall adhere to and implement the Final Streambed Alteration Agreement issued by CDFW. Reporting requirements shall be submitted to the Planning Department and the California Department of Fish and Wildlife at 619 Second Street, Eureka, CA 95501, no later than December 31 of each year.
14. The applicant shall construct noise containment structures for all generators used on the parcel. The applicant shall obtain all required building permits for such structures. The applicant shall maintain generator, fan, and dehumidifier noise at or below 50 decibels at the edge of the clearing or 100 feet, whichever distance is closer. This will satisfy the auditory disturbance guidance prepared by the U.S. Fish and Wildlife (USFS), California Fish and Wildlife (CDFW) and Department Policy Statement No. 16-005 to minimize impacts to the Northern Spotted Owl and Marbled murrelet. All generators must be located on stable surfaces with a minimum 200-foot buffer from Class I and Class II streams, per



the requirements of CDFW. No generator use is authorized by this permit until the applicant can demonstrate to compliance with this standard.

15. All artificial lighting used for propagation shall comply with International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1, and be designed to regulate light spillage onto neighboring properties resulting from backlight, up light, or glare (BUG). International Dark Sky Association standards exceed the requirements of Scenic Resources Standard SR-S4, Light and Glare, that lighting be fully shielded, and designed and installed to minimize off-site lighting and direct light within the property boundaries. Within 30 days of the effective date of this permit, the applicant shall schedule a site inspection with the Humboldt County Planning Department to demonstrate the structures and greenhouses can be comply with this standard.
16. The applicant shall implement recommendations in the *Timber Conversion Report* prepared by Timberland Resource Consultants dated June 19, 2017, to comply with the California Forest Practice Act for treatment of slash piles and woody debris. The applicant shall submit a letter or similar communication from a Registered Professional Forester (RPF) stating the work was completed as recommended. Alternatively, the applicant can contact the Planning Department to schedule a site visit to confirm the work was completed as described. A sign-off from the Planning Department will satisfy this condition.
17. The applicant shall be prohibited from installing additional fuel storage within the Streamside Management Area.
18. Applicant shall secure permits from the North Coast Unified Air Quality Management District, as applicable. A letter or similar communication from the North Coast Air Quality Management District verifying that all their requirements have been met and/or no additional permitting is required will satisfy this condition.
19. The applicant shall cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning Division. Document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors will be required.
20. 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.
21. The Applicant shall install and utilize a water meter on the point of diversion and well to demonstrate that there is sufficient water supply to meet the demands of the project. The water use for cultivation is limited to the use of the well and amount of water available in storage tanks and shall be provided annually prior to or during the annual inspection.
22. 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.

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

1. The combination of background, generator and greenhouse fan or other operational equipment created noise must not result in the harassment of Northern Spotted Owl species as required to meet the performance standards for noise set by Department Policy Statement No. 16-005 clarifying CMMLUO 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. A building permit shall be obtained should any structures be necessary for noise attenuation.

2. All artificial lighting shall be fully contained within structures such that no light escapes (e.g., through 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; see: <https://www.darksky.org/our-work/lighting/lighting-for-citizens/lighting-basics/>. Standards include but are not limited to the following, 1) light shall be shielded and downward facing, 2) shall 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 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. Ensure all generators be located on stable surfaces with a minimum 200 feet buffer from all waterways measured horizontally from the outer edge of the riparian drip zone.
5. Prohibition on use of synthetic netting. To minimize the risk of wildlife entrapment, Permittee shall not use any erosion control and/or cultivation 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.
6. All refuse shall be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
7. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and be allowed to leave the work site unharmed.
8. The use of anticoagulant rodenticide is prohibited.
9. All components of 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. Changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan. If offsite processing is chosen to be the preferred method of processing, this permit shall be modified to identify the offsite licensed facility.
10. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CMMLUO and MAUCRSA, as applicable to the permit type.
11. 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.

12. 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.
13. 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).
14. Maintain enrollment in the Water Resources Control Board (SWRCB) WQ2019-0001-DWQ General Waste Discharge Requirements for Dischargers of Waste Associated with Cannabis Cultivation Activities (General Order) under SWRCB Cannabis Cultivation Policy (WDID 1\_12CC414090 Effective as of 07/01/2019; Expires 04/15/2024).
15. 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.
16. If cultural resources are encountered during construction activities, the contractor on-site 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.
17. 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.
18. 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).
19. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
20. Pay all applicable application, review for conformance with conditions and annual inspection fees.
21. 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.
22. The master log books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
23. 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

24. 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."

25. 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).
26. 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.
27. 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.
28. 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

29. Term of Commercial Cannabis Activity Special Permit. Any Commercial Cannabis Cultivation SP issued pursuant to the CMMLUO 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.
30. 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 reinspection to determine whether or not the permit holder has cured all issues of noncompliance. Failure to request reinspection 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.
31. 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.
32. 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.
33. 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 CMMLUO 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:
- Identifying information for the new owner(s) and management as required in an initial permit application;
  - A written acknowledgment by the new owner in accordance as required for the initial permit application;
  - The specific date on which the transfer is to occur;
  - Acknowledgement of full responsibility for complying with the existing permit; and
  - Execution of an Affidavit of Non-diversion of Medical Cannabis.
34. 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:**

- Pursuant to Section 314-55.4.11(a) of the CMMLUO, if upon inspection for the initial application, violations of any building or other health, safety, or other state of 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 of 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 CMMLUO.

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 #1 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 #29 and #31 of the On-Going Requirements /Development Restrictions, above.
3. 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.

**ATTACHMENT 2**

**CEQA ADDENDUM TO THE  
MITIGATED NEGATIVE DECLARATION FOR THE COMMERCIAL MEDICINAL MARIJUANA LAND USE  
ORDINANCE**

**Commercial Medical Marijuana Land Use Ordinance Mitigated Negative Declaration (MND)  
(State Clearinghouse # 2015102005), January 2016**

**APN 107-096-007; 42870 Mattole Road, Honeydew,  
County of Humboldt**

**Prepared By  
Humboldt County Planning and Building Department  
3015 H Street, Eureka, CA 95501**

**March 2021**

## Background

### **Modified Project Description and Project History –**

The Commercial Medical Marijuana Land Use Ordinance (CMMLUO) established specific regulations for commercial cannabis operations in Humboldt County. These regulations were developed in concert with the Mitigated Negative Declaration (MND) that was adopted for the ordinance in order to implement the mitigation measures of the MND. The MND addressed the broad environmental impacts that could be expected to occur from the adoption and implementation of the ordinance. The MND specified that the regulations established in the CMMLUO would mitigate the impacts of existing cannabis operations by establishing regulations for an existing unregulated land use to help prevent and reduce environmental impacts that are known to result from unpermitted baseline cultivation operations. Commercial cannabis cultivation in existence as of December 31, 2015 was included in the environmental baseline for the MND and the MND states that "Bringing existing operations into compliance will help to attenuate potential environmental effects from existing cultivation activities, including aesthetic impacts resulting from improper operation or poor siting." The current project was contemplated by the MND and compliance with the provisions of the CMMLUO will fully mitigate all environmental impacts of the project to a less than significant level.

The modified project involves a Conditional Use Permit (Application Number PLN-11404-CUP) for an existing 37,543 square foot outdoor cultivation operation. Irrigation water is sourced from two permitted wells. Existing available water storage is 195,000 gallons in forty nine (49) hard tanks that are located within and adjacent to the three cultivation sites. Estimated annual water usage is 882,000 gallons (15 gal/SF). Drying and processing occurs onsite. Up to sixteen (16) employees may be utilized during peak operations. Power is provided by 72 solar panels with an automated back-up generator.

j) The project site is mostly forested and contains riparian habitat associated with tributaries to Squaw Creek, which is tributary to the Mattole River. All approved cannabis cultivation activities would occur outside of the required stream setbacks and on slopes less than 30%. A search of California Natural Diversity Database (CNDDDB) biological resources database was performed on December 11, 2020. No special-status species have been documented on the project site. A Northern spotted owl (NSO) was observed at the eastern project site boundary and a NSO activity center is located approximately 0.3 mile southeast of Cultivation Site 1. In their referral response comments for the project, the U.S. Bureau of Land Management determined that the project site is potentially used for foraging and dispersal habitat for NSO but it is unlikely that NSO nest near the project site due to the lack of suitable habitat and it is unlikely marbled murrelets are in the area. Backup generators are only used for emergency power and will comply with Department Policy Statement No. 16-005 clarifying CMMLUO Section 314-55.4.11(o) Humboldt County Code which states noise levels shall not exceed 50 decibels (dB) at 100 feet from the generator or at the edge of the nearest forest habitat. The outdoor cultivation uses no artificial lighting. Propagation of plant starts occurs within a completely enclosed structure on the subject parcel. The applicant has enrolled with the State Water Resources Control Board Cannabis Cultivation Policy. A condition of project approval is inadvertent discovery protocols for cultural resources consistent with the recommendation of the Bear River Band of the Rohnerville Rancheria.

The modified project is consistent with the adopted MND for the CMMLUO because it complies with all standards of the CMMLUO which were intended to mitigate impacts of existing cultivation. These include site drainage, erosion, and runoff control measures implemented in accordance with the Water Resources Protection Plan for the site to protect water quality. The project is conditioned to limit impacts to biological resources, including ensuring any supplemental lighting used for security lighting adheres to Dark Sky Association standards and project related noise does not harass nearby wildlife. No supplemental lighting is used, and no generator will be required for cannabis cultivation; therefore, project-related noise will not harass nearby wildlife. Additionally, all development currently meets, or will meet as a condition of approval, appropriate Streamside Management Area (SMA) setbacks preserving them as wildlife corridors.

**Purpose** - Section 15164 of the California Environmental Quality Act (CEQA) provides that the lead agency shall prepare an addendum to a previously certified Mitigated Negative Declaration (MND) if some changes or additions are necessary but none of the conditions described in Section 15162 calling for a subsequent EIR or Negative Declaration have occurred. Section 15162 states that when an EIR has been certified for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

1. Substantial changes are proposed in the project which require major revisions of the previous MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous MND was certified as complete, shows any of the following: A) the project will have one or more significant effects not discussed in the previous MND; B) significant effect previously examined will be substantially more severe than shown in the previous MND; C) mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or D) mitigation measures or alternatives which are considerably different from those analyzed in the previous MND would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

### **Summary of Significant Project Effects and Mitigation Recommended**

No changes are proposed for the original MND recommended mitigations. The proposal to authorize the continued operation of an existing cannabis cultivation site consisting of 29,344 square feet of outdoor cultivation with ancillary propagation and drying activities is fully consistent with the impacts identified and adequately mitigated in the original MND. The project as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the MND. Compliance with the CMMLUO ensures consistency with the adopted MND and provides for mitigation of all project related impacts to a less than significant level.

In reviewing the application for consistency with the adopted MND, the County considered the following information and studies, among other documents (see Attachment 3 for a complete listing):

- Site Plans prepared by SHN Consulting Engineers & Geologists dated May 2018 and received May 7, 2018.
- Cultivation and Operations Plan prepared by the applicant, received September 20, 2017.
- Water Resources Protection Plan (WRPP) prepared by Timberland Resources Consultants for the North Coast Regional Water Quality Control Board Order No. 2015-0023, dated September 8, 2017 and received May 7, 2018.
- Site Management Plan prepared by Timber Resources Consultants, dated April 23, 2020.
- Timber Conversion Report prepared by Timberland Resource Consultants, dated June 19, 2017.
- Streambed Alteration Agreement obtained from the California Department of Fish and Wildlife. (Notification No. 1600-2017-0039-R1), dated April 27, 2017.
- Self-Certified Road Evaluation Report prepared by the applicant, dated May 1, 2018.
- Well Completion Report (Permit Number 16/17-0740, WCR2017-003806), dated August 24, 2017.
- Well Completion Report (Permit Number 17/18-0745, WCR2018-005463), dated June 27, 2018.
- CNDDDB biological resources search conducted by AECOM on December 11, 2020.

## **Other CEQA Considerations**

Staff suggests no changes for the revised project.

## **EXPLANATION OF DECISION NOT TO PREPARE A SUPPLEMENTAL MITIGATED NEGATIVE DECLARATION OR ENVIRONMENTAL IMPACT REPORT**

See **Purpose** statement above.

In every impact category analyzed in this review, the projected consequences of the current project proposal are either the same or less than significantly increased than the initial project for which the MND was adopted. Based upon this review, the following findings are supported:

### **FINDINGS**

1. The proposed project will permit an existing cannabis operation and bring the operation into compliance with county and state requirements intended to adequately mitigate environmental impacts.
2. The circumstances under which the project was approved have not changed substantially. There are no new significant environmental effects and no substantial increases in the severity of previously identified effects.
3. For the current proposed project, there has been no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous MND was adopted as complete.

### **CONCLUSION**

Based on these findings it is concluded that an Addendum to the certified MND is appropriate to address the requirements under CEQA for the current project proposal. All of the findings, mitigation requirements, and mitigation and monitoring program of the MND, remain in full force and effect on the original project.

### ATTACHMENT 3

#### Applicant's Evidence in Support of the Required Findings

Attachment 3 includes a listing of all written evidence which has been submitted by the applicant in support of making the required findings. The following materials are on file with the Planning Division:

1. The name, contact address, and phone number(s) of the applicant. (Application form on file)
2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. (On file)
3. Site plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within one-quarter mile (1,320 feet) of a school, school bus stop, church or other place of religious worship, public park, or tribal cultural resource, the site plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 600 feet. (Attached)
4. A cultivation and operations plan that meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel; and a description of cultivation activities (outdoor, indoor, mixed light), the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. (Attached)
5. Copy of the statement of water diversion, or other permit, license or registration filed with the State Water Resources Control Board, Division of Water Rights, if applicable. (Attached – Initial Statement of Water Diversion and Use #S026045 dated February 2, 2017)
6. Description of water source, storage, irrigation plan, and projected water usage. (Attached - See Cultivation Operations Plan and Water Resources Management Plan – Attachment 3A)
7. Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the North Coast Regional Water Quality Control Board demonstrating enrollment in Tier 1, 2 or 3, North Coast Regional Water Quality Control Board Order No. 2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (Attached – Water Resources Protection Plan prepared by Timberland Resource Consultants dated September 8, 2017 – **Attachment 3A**; and Notice of Applicability; Site Management Plan prepared by Timberland Resources Consultants, dated April 23, 2020 – **Attachment 3B**)
8. If any on-site or off-site component of the cultivation facility, including access roads, water supply, grading or terracing impacts the bed or bank of any stream or other watercourse, a copy of the Streambed Alteration Permit obtained from the Department of Fish & Wildlife. (Attached – Draft Streambed Alteration Agreement dated May 19, 2017 – **Attachment 3C**; Condition – Submit Final Streambed Alteration Agreement and show compliance with terms and conditions)
9. If the source of water is a well, a copy of the County well permit, if available. (Attached – Department of Environmental Health Permit and Department of Water Resources Permit Nos. 16/17-0740, WCR2017-003806 and 17/18-0745, WCR2018-005463)



10. If the parcel is zoned FR, U or TPZ, or involves the conversion of timberland as defined under Section 4526 of the Public Resources Code, a copy of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (Cal Fire). Alternately, for existing operations occupying sites created through prior unauthorized conversion of timberland, evidence may be provided showing that the landowner has completed a civil or criminal process and/or entered into a negotiated settlement with Cal Fire. (Attached - *Timber Conversion Evaluation* prepared by Timberland Resource Consultants dated June 19, 2017 – **Attachment 3D**)
11. Consent for on-site inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. (On file)
12. For indoor cultivation facilities, identify the source of electrical power and how it will meet with the energy requirements in Section 55.4.8.2.3, and plan for compliance with applicable building codes. (Not applicable)
13. Acknowledge 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, will not support diversions for irrigation. (On file)
14. Acknowledge that the County reserves the right to engage with local tribes before consenting to the issuance of any clearance or permit, if cultivation operations occur within an Area of Traditional Tribal Cultural Affiliation, as defined herein. This process will follow current departmental referral protocol, including engagement with the tribe(s) through coordination with their Tribal Historic Preservation Officer (THPO) or other tribal representatives. This procedure shall be conducted similar to the protocols outlined under SB 18 (Burton) and AB 52 (Gatto), which describe "government to government" consultation, through tribal and local government officials and their designees. During this process, the tribe may request that operations associated with the clearance or permit be designed to avoid, minimize, or mitigate impacts to tribal cultural resources, as defined herein. Examples include, but are not limited to, conducting a site visit with the THPO or their designee to the existing or proposed cultivation site, requiring that a professional cultural resources survey be performed, or requiring that a tribal cultural monitor be retained during project-related ground disturbance within areas of sensitivity or concern. The County shall request that a records search be performed through the California Historical Resources Information System (CHRIS). (On file)
15. *Road Evaluation Report* for the driveway access from Mattole Road prepared by the applicant dated May 11, 2018. (Attached)
16. Division of Environmental Health Attachment for Commercial Medical Marijuana (CMM) Clearances/ Permits (DEH Form). (On file)
17. California Natural Diversity Database records of special-status plants and wildlife within two (2) miles of the boundaries of APN 107-096-007 (On file and confidential).

# **FOREVER HONEYDEW FARMS, A Limited Liability Company**

## **CULTIVATION/OPERATIONS MANUAL**

## **Forever Honeydew Farms, LLC Cultivation and Operations Plan**

Site Location: APN 107-096-007  
42870 Mattole Road  
Petrolia, CA 95558  
(Outdoor 10,001-43,560 sq ft canopy  
& non-retail/non-wholesale Nursery)

### **Introductory Statement:**

Forever Honeydew Farms, LLC is very excited to have the opportunity to apply for commercial cannabis cultivation in Humboldt County. We are committed to working with the County to produce premium quality cannabis according to all requirements and regulations, with safety and environmental health being our highest priority. We aim to represent the best of Humboldt in all our practices, and produce a product that will make our region proud. Thank you for considering our application.

### **Description of Water Source, Storage, Irrigation Plan, and Projected Water Usage:**

Our water comes from a variety of sources. Primarily, we pull water out of a well and fill numerous tanks in order to conveniently store it. We also store water in a 210,000 gallon water bladder, which is fed by a nearby creek on the property, during the early spring months. We are currently in the process of obtaining the services of SHN (Consulting Engineers & Geologists) in order to construct two ponds (approximately 500,000 gallons each) on the property. We are very excited about the addition of the ponds, as they can be re-filled with rainwater, thereby virtually watering themselves. If we experience a lower-than-normal season of rainfall, we can also position drainpipes from nearby rooftops in order to empty directly into the pond, so it will also act as a natural reservoir. Additionally, our future plan is to construct a gutter catchment system to feed rooftop water into storage tanks (using 100% renewable water). These types of water conservation methods ultimately offers a side benefit: lower utility costs, especially in the months with hotter-than-usual temperatures.

We utilize a conscientious water usage plan designed to conserve as much water as possible. A plant's water needs heavily depends on the weather; the warmer the temperatures, the more water that is needed. Generally speaking, during each watering cycle, we deliver approximately 3 gallons for a small plant, and approximately 5.5 gallons for a big plant. Watering can occur once every 3-4 days, once every 2-3 days, or daily, depending on the plant size and need. We employ a drip irrigation system with the use of heavy straw mulch, in order to retain as much moisture as possible. Using this method, we retain anywhere from 30-50% of our irrigation water.

During the months of June through November, peak water usage is not expected to exceed 35,000 gallons per week. Water usage reduces during the months of December through May, with a projected use of 1,750 gallons per week, on average.

**Description of Site Drainage, Including Runoff and Erosion Control Measures:**

Our irrigation is a drip system and we use heavy straw mulch to retain moisture. Each watering cycle produces approximately 3% runoff, which we capture with the use of cover crops. This residual use of water and nutrients grows beneficial crops (i.e., beans, rye, etc.) which not only shade the soil and worms, but keeps rain off the soil, thereby greatly reducing, if not eliminating altogether, any runoff. Erosion is not a problem and the watershed is not compromised, as all residual water stays in the cultivation site with the surrounding soil acting as a natural absorption buffer. We engage in preventative measures, such as using thick wooden boards around all cultivation sites and employ the use of horizontal straw tubes to slow the absorption rate into the soil. We will also follow all state and federal guidelines when disposing of IPM (Integrated Pest Management) waste products, if used.

**Detail of Measures Taken to Ensure Protection of Watershed and Nearby Habitat:**

As explained above, our irrigation is a drip system. The watershed and any nearby habitats will be unaffected by our cultivation activities. Please see answer above.

**Protocols for Proper Storage and Use of Fertilizers, Pesticides, and Other Regulated Products Utilized:**

We strictly follow all protocols for proper storage and use of grow materials at our cultivation site. Forever Honeydew Farms is proud to use ZERO chemical fertilizers, pesticides, or fungicides. When organic fertilizers, pesticides, or fungicides are purchased, they are used immediately but if they need to be stored for a short period of time, they are kept in a dry storage garage onsite, located under the Processing Facility. A proprietary blend of the following fertilizer/pesticides/fungicides are used, at different times, during the cultivation process:

Bloodmeal	Ladybugs
Bonemeal	Beneficial nematodes
Feathermeal	Praying mantis
Kelpmeal	Local animal manure (i.e., bear, horse, dog)
Fishmeal	Micro Riza Tea (rice + molasses)
Bat guano	Chicken manure
Dyna-Gro Neem Oil	SaferGro Pest Out
Green Cure Fungicide	Actinovate Fungicide
MaxiCrop Liquid Seaweed	

### **Description of Cultivation Activities (E.g. Outdoor, Indoor, Mixed Light):**

\* see note  
9/20/2017  
now all  
solar (72  
panels)

This site has outdoor cultivation and indoor nursery environment.

For the indoor nursery (which keeps our plants alive during the inclement winter months), and 2 of the 3 cultivation sites, our power comes from the use of diesel gasoline generators. 1 of 3 cultivation sites is run off 100% renewable solar energy. Our future goal is to eliminate the use of diesel generators altogether and use only 100% solar energy, which will be fed into high-grade batteries, for future energy use and storage.

The only lighting equipment used is for our indoor nursery, located in the garage under the main house. We use eight 1,000-watt metal halide lights, two 400-watt metal halide lights, and ten 32-watt florescent lights. Metal halide (MH) lights are used due to their high quality of lumen output, efficiency, and longer lasting life. MH is generally unaffected by ambient temperature and equally suited for extreme temperature. Florescent light bulbs generate very little heat, can be positioned closer to the plants thereby reducing the space used, and use less energy overall.

We employ rigorous protocols for cultivation of mother plants and clones, as well as for promoting vegetative growth and flowering. We also use an environmentally friendly IPM (Integrated Pest Management) plan that solves pest problems with minimal environmental impact. Energy usage per plant is carefully applied and monitored.

### **Processing Plan:**

We maintain a safe and comfortable environment for our process workers at all times. We also have strict guidelines for processing our cannabis.

Plants are harvested at peak ripeness and immediately transferred to a sanitized, climate controlled drying and curing facility. During the 7-day drying period, temperature, humidity, and air circulation are carefully monitored. The drying room is well insulated and equipt with fans for circulation and to maintain ideal temperature, exhaust fans to further aid in the circulation of fresh air, and dehumidifiers are also used to pull moisture from the drying environment, if necessary.

After drying, our cannabis is placed into heavy duty "cure bags" for anywhere from 1-week to 1-month, depending on the needs of the specific plant.

After curing, the product is transferred to our secure trimming location for additional processing. Each trimmer receives hands-on training from a supervisor. This training includes information about the anatomy of the cannabis plant, rules for preparing and techniques, a list of quality control issues, grading and sorting criteria, and standards for cleanliness and discretion.

After trimming, the product is assessed for quality. Grading procedures include analysis of smell quality and strength, a pass/fail humidity and cure test, quality trim job, size, density, color, frost,

medical effect (smoke & taste), and any imperfections. Batches are then rated according to an A-F grading scale. Then a certified lab will perform pesticide, contamination, mold, and mycotoxin testing on all products. A moisture meter is used to determine correct timing for tamper-proof packaging, and batches are packaged and distributed to dispensaries, according to our vending process.

**If Application Includes Mixed Light Cultivation, Identify the Number of Annual Cultivation Cycles:**

Although, we are exclusively an outdoor grow environment, with the exception of our indoor non-retail/non-wholesale nursery, we expect there to be two cultivation cycles annually.

**Schedule of Activities During Each Month of the Growing and Harvesting Season, Including Projected Generator Use:**

Below are general guidelines of our yearly growing and harvesting activities, broken down by month:

January-February: Around January 15, we begin nurturing and growing clones into healthy and strong mother plants, located in our indoor nursery. We use eight 1,000-watt metal halide lights, two 400-watt metal halide lights, and ten 32-watt florescent lights, powered by either the solar panels or a small diesel generator, located adjacent to the nursery.

March: Creation and nurturing of numerous clones taken from the above mentioned mother plants.

April-May-June: Transporting and transplanting clones into our designated greenhouses. We keep a close eye on the plants at this stage and administer any necessary fertilizers, pesticides, or fungicides from the list provided above. We also continue with the creation of clones in the month of June, in preparation of our second anticipated planting of the season.

July: Approximately 1-2 weeks into July, we conduct our first harvest cycle. As stated above, when the plants reach their optimum level of ripeness, we harvest and dry them for 7-days (more if necessary), then place the plants into "cure bags" for anywhere from 1-week to 1-month (depending on the strain), and then hand-trim the plants in our onsite Processing Facility. The last 2-weeks are spent planting new clones into the greenhouses that have just been harvested and cleared out.

August: For the first 2-weeks of this month, we continue to plant new clones into the open greenhouses and proceed forward with the processing of plants harvested from last month. At this stage, we also nurture plants by watering and administering fertilizers, pesticides, or fungicides, when necessary. Once all clones for the second cycle are plants, we disengage the use of our indoor nursery altogether.

September: During this month, we continue to nurture our second cycle of plants, and proceed with the processing of plants if there still remains unprocessed plants.

October/November: During these months, we conduct our second and final harvest of the growing season. As previously mentioned, when the plants reach their optimum level of ripeness, we harvest and dry them for 7-days (more if necessary), then place the plants into “cure bags” for anywhere from 1-week to 1-month (depending on the strain), and then hand-trim the plants in our onsite Processing Facility.

December: During the first 2-weeks of this month, we complete final processing of the plants and store our product in moisture protective packaging. No cannabis activities are performed from December 16 through January 15 of the next year.

### **Security Plan:**

Currently, the property can only be accessed through a locked gate located at Mattole Road. At this gate, we strategically place stealth surveillance equipment to monitor the comings and goings of all personnel. Surveillance cameras are also used at different points along the roads contained within the property lines, at each of the 3 different cultivation sites, and at the Processing/Storage Facility. These cameras are designed to activate and capture video imagery only when nearby movement is detected, thereby reducing the need to search through hours of video feed, should it be necessary. The video captured on these cameras will be available to all government personnel, under the proper circumstances and if necessary.

We take fire safety very seriously at Forever Honeydew Farms. The only potential fire-hazard would be where we employ artificial lighting, in our indoor nursery. Surrounding this location, we place hand-discharging fire extinguishers, top-of-the-line smoke alarms, and two emergency fire hoses. As our indoor nursery is less than 2,000 square feet, we feel these protective measures more than adequately serve our potential needs.

### **Processing Facility/Storage Office:**

Our processing facility/storage office is conveniently located adjacent to our employee housing facility. The processing room is approximately 2,000 square feet with a maximum occupancy of 16 employees, providing over 100 square feet of workspace per employee. The processing facility has a full bathroom and kitchen available for use by all employees at all times. Protective masks and rubber gloves are provided to all employees and managerial oversight is provided by a designated foreman during work hours to ensure proper ventilation, timely breaks, and work productivity.

### **Employee Housing:**

Due to the remote nature of our farm, we encourage employees to stay with us during their employment. This reduces the need for our employees to commute to work and reduces the usage of our dirt driveway, thereby keeping dust and other allergens at bay. The main employee “apartments” are comprised of three separate and distinct areas: (1) One room houses three bunkbeds (living space for 6 people) with a full bathroom; (2) Another big bedroom with living room and full

bathroom (space for 3 people); and (3) another big bedroom with full bathroom (space for 3 people). A communal full kitchen and dining area are also available for use by all employees. In addition to the employee “apartments,” there is also a small 2 bedroom, 2 bathroom employee “cabin” on the property, equipt with a full kitchen and dining area to accommodate 4 people. With the “apartments” housing 12 people and the “cabin” housing 4, the total number of employees that Forever Honeydew Farms accommodates is 16.

**Closing Statement:**

In accordance with all requirements for obtaining a commercial medical marijuana use permit through the County of Humboldt, we will supplemental and supply any other information needed to process this request. Thank you.



State Water Resources Control Board  
**DIVISION OF WATER RIGHTS**  
**INITIAL STATEMENT OF WATER DIVERSION AND USE**  
A STATEMENT SHALL NOT ESTABLISH OR CONSTITUTE EVIDENCE OF A WATER RIGHT  
READ THE ATTACHED INFORMATION AND INSTRUCTION SHEET BEFORE COMPLETING THIS FORM  
FURTHER INFORMATION CAN BE FOUND IN WATER CODE, SECTIONS 5100-5107

Page 1 of 3: INITIAL STATEMENT OF WATER DIVERSION AND USE

DIVERTER NAME PAUL T. CABEEN

SOURCE/TRIBUTARY Unnamed Class II Watercourse

DIVERSION WORKS NAME \_\_\_\_\_

**A. Diverter Information**

Diverter Name(s)

**PAUL T. CABEEN**

Mailing Address

P.O. Box 25

City

**HONEYDEW**

State

**CA**

Zip

**95545**

Phone Number

**707-499-7472**

Email Address (if available)

Person Filing Statement (If Different From Diverter)

**Chris V. Carroll-Timberland Resource Consultants (Agent)**

Mailing Address

**165 S. Fortuna Blvd.**

City

**Fortuna**

State

**CA**

Zip

**95540**

Phone Number

**707-725-1897**

Email Address (if available)

**carroll@timberlandresource.com**

Land Owner Name

Mailing Address

City

State

Zip

Mail Receiver

☐ Diverter

☒ Person Filing

**B. Signature and Important Information**

DATE: 2-2-17

SIGNATURE: Chris Carroll

PRINTED NAME: Chris

(first name)

Victor

(middle name)

Carroll

(last name)

I declare that the information in this report is true to the best of my knowledge and belief.

**Submit Form Electronically**

THE STATE WATER RESOURCES CONTROL BOARD MAY RELY ON THE NAMES AND ADDRESSES ON THIS DOCUMENT FOR MAILING NOTICES REGARDING PROCEEDINGS BEFORE THE BOARD. (Wat. Code, § 5106, subd. (b)(1).)

SUPPLEMENTAL STATEMENTS OF WATER DIVERSION AND USE MUST BE FILED AT THREE-YEAR INTERVALS OR IF THERE IS A CHANGE IN THE NAME OR ADDRESS OF THE DIVERTER. (Wat. Code, § 5104.)

THE MAKING OF A WILLFUL MISSTATEMENT ON A STATEMENT OF WATER DIVERSION AND USE IS A MISDEMEANOR PUNISHABLE BY A FINE NOT EXCEEDING \$1,000 OR BY IMPRISONMENT IN THE COUNTY JAIL FOR UP TO SIX MONTHS, OR BOTH. THE BOARD MAY IMPOSE CIVIL LIABILITY UPON A PERSON WHO KNOWINGLY MAKES A MATERIAL MISSTATEMENT ON THIS FORM. (Wat. Code, § 5107.)

UPON COMPLETION OF THIS STATEMENT, ATTACH ALL SUPPORTING DOCUMENTATION AND MAPS AND MAIL TO:

State Water Resources Control Board  
Division of Water Rights  
PO Box 2000  
Sacramento, CA 95812-2000

Additional copies of this form, instructions on how to complete this form and water right information can be obtained at [http://www.waterboards.ca.gov/waterrights/water\\_issues/programs/diversion\\_use/](http://www.waterboards.ca.gov/waterrights/water_issues/programs/diversion_use/). Revised January 2014.

**S026045**



State Water Resources Control Board  
**DIVISION OF WATER RIGHTS**  
**INITIAL STATEMENT OF WATER DIVERSION AND USE**  
 A STATEMENT SHALL NOT ESTABLISH OR CONSTITUTE EVIDENCE OF A WATER RIGHT  
 READ THE ATTACHED INFORMATION AND INSTRUCTION SHEET BEFORE COMPLETING THIS FORM  
 FURTHER INFORMATION CAN BE FOUND IN WATER CODE, SECTIONS 5100-5107

PAGE 2 OF 3: INITIAL STATEMENT OF WATER DIVERSION AND USE

DIVERTER NAME PAUL T. CABEEN

SOURCE/TRIBUTARY Unnamed Class II Watercourse

DIVERSION WORKS NAME \_\_\_\_\_

<b>1. Type of Claim</b>													
Check the box(s) which describe the type of claim(s) under which you are diverting water.													
<input checked="" type="checkbox"/> Riparian	<input type="checkbox"/> Pre-1914	<input type="checkbox"/> Court Decree	<input type="checkbox"/> Pending Appropriative Application	<input type="checkbox"/> Pueblo	<input type="checkbox"/> Other: _____								
If you checked yes for Court Decree, Pending Appropriative Application or other, list the decree number, application ID or explanation:													
<b>2. Water Course Description</b>													
Water Course Name at the point of diversion <u>Unnamed Class II Watercourse</u>						Water Course is tributary to <u>Squaw Creek - Mattole River</u>							
<b>3. Legal Land Description</b>													
Provide the location of the Point of Diversion using one of the following methods (check one box and enter coordinates, if applicable)													
<input checked="" type="checkbox"/> Latitude/Longitude Measurements: <u>-124.1700926°; 40.22193746°</u>													
<input type="checkbox"/> California Coordinate System (NAD 1983): _____													
<input type="checkbox"/> USGS Topographic Map with point of diversion labeled on map (if checked yes, please attach map)													
Assessor's Parcel Number(s), if assigned: <u>107-096-007</u>						County <u>Humboldt</u>							
Provide Public Land Description to nearest 40 acres (if assigned) <u>NE 1/4 of the SW 1/4 of Section 10, Township 3S, Range 1W, B&amp;M Humboldt</u>													
<b>4. Place of Use Description</b>													
Provide a general description of the area in which the water was used <u>Water used year round for domestic water and seasonally for agriculture within +/- 200 acre parcel</u>													
Identify the location of the place of use on a specific United States Geological Survey (USGS) topographic map and on any other maps with identifiable landmarks. If assigned, provide the public land description to the nearest 40-acre subdivision and the assessor's parcel number. (check box indicating each map attached)													
<input checked="" type="checkbox"/> USGS Topographic Map <input type="checkbox"/> County Assessor's parcel map													
<b>5. Purpose of Use Description (Please select all that apply below)</b>													
<input checked="" type="checkbox"/> Irrigation Number of Acres :		<input checked="" type="checkbox"/> Domestic Persons Served :		<input type="checkbox"/> Stock watering Number of stock and type:		<input type="checkbox"/> Other Please Explain:							
<u>0.23</u>		<u>6</u>											
<b>6. Diversion Works Description</b>													
Name of Diversion Works, if named						Year in which diversion commenced (or specify nearest known year) <u>2004</u>							
List any related existing water rights, if applicable (for example, an appropriative right using the same diversion works)													
Type of Diversion Facility (select one)													
<input checked="" type="checkbox"/> Gravity <input type="checkbox"/> Water Course Pump <input type="checkbox"/> Well Pump <input type="checkbox"/> Other (please specify) _____													
Do you directly divert water?		Capacity of Direct Diversion Works (specify unit and amount) <u>4</u>				Do you divert water to storage?							
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/> Cubic feet per second <input checked="" type="checkbox"/> Gallons per minute <input type="checkbox"/> Gallons per day				<input type="checkbox"/> On-stream storage (Complete Section B) <input checked="" type="checkbox"/> Off-stream storage (Complete Sections A & B)							
A. Capacity of Storage Diversion Works (specify unit and amount) _____						B. Capacity of Storage Tank or Reservoir (specify unit and amount) <u>225,000</u>							
<input type="checkbox"/> Cubic feet per second <input checked="" type="checkbox"/> Gallons per minute <input type="checkbox"/> Gallons per day						<input checked="" type="checkbox"/> Gallons <input type="checkbox"/> Acre-feet							
7. Quantity of Water Diverted Note: Measurements must be made using best available technologies and best professional practices as listed in Section 8a unless documentation is provided to the State Water Resources Control Board that the implementation of those practices is not locally cost effective.													
Provide the quantity of water diverted each month in the table below as a measured in (check one box) <input checked="" type="checkbox"/> Gallons <input type="checkbox"/> Acre-feet													
Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
2016	9000	9000	9000	9000	24000	39000	39000	39000	39000	9000	9000	9000	243000

CONTINUE TO PAGE 2



SOURCE/TRIBUTARY Unnamed Class II Watercourse

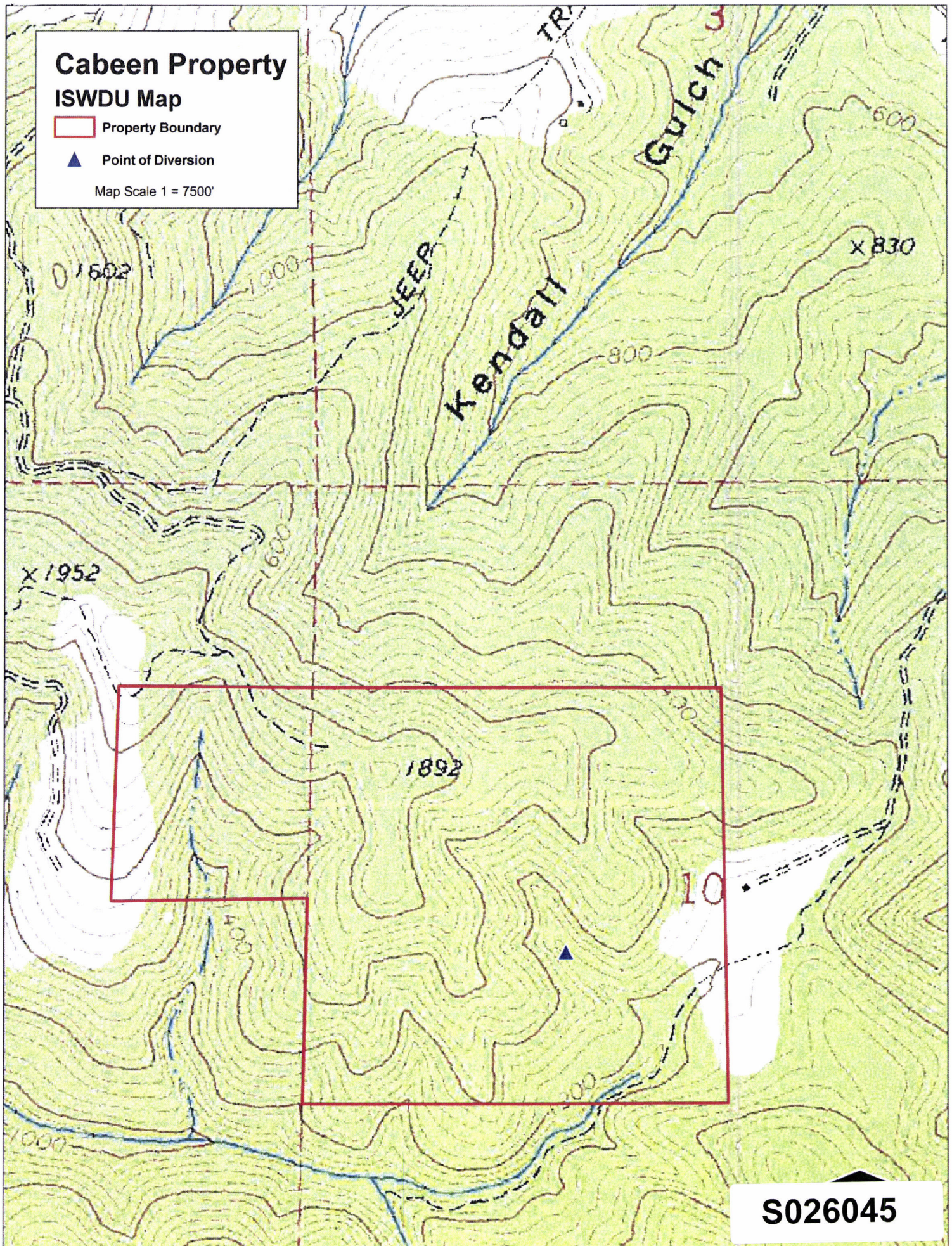
DIVERSION WORKS NAME \_\_\_\_\_

<b>8. Measurement Device Description</b>												
Method used to measure water diverted (select one)												
<input type="radio"/> Water directly diverted and/or diverted to storage was measured with a measuring device. (if checked, proceed to section 8a and skip section 8b)												
<input checked="" type="radio"/> Direct measurement using a device listed in Section 8a is not locally cost effective for water directly diverted and/or diverted to storage. (If checked, skip section 8a and proceed to section 8b).												
<b>8a. Measuring Device</b>												
Indicate the types of measuring devices used (check all that apply):												
<input type="checkbox"/> Propeller Meter <input type="checkbox"/> Sluice/Slide Gate <input type="checkbox"/> Acoustic Meter <input type="checkbox"/> Weir <input type="checkbox"/> Staff gage and storage capacity curve <input type="checkbox"/> Staff gage and floodable acreage <input type="checkbox"/> Pressure transducer and storage capacity curve <input type="checkbox"/> Other: _____												
Indicate any additional technology used (check all that apply and explain below):												
<input type="checkbox"/> Flow totalizer <input type="checkbox"/> Data Logger <input type="checkbox"/> Telemetry <input type="checkbox"/> Other: _____												
Indicate who installed your measuring device(s) (check all that apply):												
<input type="checkbox"/> Representative using manufacturer's recommendations <input type="checkbox"/> Licensed Civil or Agricultural Engineer <input type="checkbox"/> Representative who is American Water Works Association (AWWA)-certified <input type="checkbox"/> Hydrographer <input type="checkbox"/> Representative using United States Geological Survey (USGS) techniques <input type="checkbox"/> Other/Unknown: _____												
List the make, model number, and last calibration date of your measuring device(s), if available:												
<b>8b. Explanation of why use of a measuring device is "not locally cost effective"</b>												
Indicate why you concluded that direct measurement using a device listed in Section 8a is not locally cost effective (check all that apply)												
<input checked="" type="checkbox"/> Diversion is small or minimal in size <input type="checkbox"/> Diversions are infrequent <input type="checkbox"/> Ungauged Siphon <input checked="" type="checkbox"/> No power at diversion point <input type="checkbox"/> Other: _____												
Indicate method(s) used as an alternative to direct measurement in order to complete this report (check all that apply)												
<input type="checkbox"/> Electricity records dedicated to the pump <input type="checkbox"/> Total facility electricity records minus estimated non-pump electricity <input type="checkbox"/> Engine fuel use or hour meter records <input type="checkbox"/> Crop duty estimates/consumptive use estimates <input type="checkbox"/> Power generation estimates <input type="checkbox"/> Other water duty estimates other than for crops <input type="checkbox"/> Modeled/estimated flows <input type="checkbox"/> Remote satellite imaging <input type="checkbox"/> Pipe/trajectory method <input checked="" type="checkbox"/> Bucket and stopwatch <input type="checkbox"/> Float and stopwatch <input type="checkbox"/> Other: _____												
Explain your measurement alternatives:												
<b>The diverter shall install a water meter in 2017</b>												
<b>9. Maximum Rate of Diversion (if available)</b>												
Provide the maximum rate of diversion achieved in each month as measured in (check one box) <input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> gpd												
Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
2016	4	4	4	4	4	3	2	1	1	2	3	4
<b>10. Recent Water Use</b>												
Provide the annual water use in recent years:		Maximum 243000					<input checked="" type="checkbox"/> Gallons		<input type="checkbox"/> Acre Feet			
		Minimum 243000					<input checked="" type="checkbox"/> Gallons		<input type="checkbox"/> Acre Feet			
<b>11. Water Conservation Efforts (answer only sections applicable to your diversion)</b>												
<u>Water Conservation:</u> Are you currently employing any methods of water conservation? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No												
If yes, describe any water conservation efforts in use:												
<u>Water Quality and Wastewater Reclamation:</u> Are you now or have you been using reclaimed water from a wastewater treatment facility, desalination facility or water polluted by waste to a degree that unreasonably affects such water for other beneficial uses? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No												
<u>Conjunctive use of surface water and groundwater:</u> Are you using groundwater in lieu of surface water? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No												

END OF INITIAL STATEMENT FORM

**Sign and Submit Form****Save Form (submit later)****S026045**





**S026045**



**Kurtz, Matthew@Waterboards**

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**From:** Delanie Farnham <dfarnham@timberlandresource.com>  
**Sent:** Thursday, February 02, 2017 9:01 AM  
**To:** WB-DWR-Statements  
**Subject:** 2016 IS  
**Attachments:** 2016 IS - Cabeen.pdf

Good Afternoon,

Please see attached 2016 Initial Statement, if you have any questions please contact our office. Thank you.

Delanie Farnham  
Timberland Resource Consultants  
165 S. Fortuna Blvd.  
Fortuna, CA 95540  
(707) 725-1897

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**North Coast Regional Water Quality Control Board**

December 8, 2020  
REVISED

WDID:1\_12CC414090

FOREVER HONEYDEW FARMS, LLC  
ATTN: LUCIENNE CABEEN  
PO BOX 203  
HONEYDEW, CA 95545

Subject: Notice of Applicability - Waste Discharge Requirements Water Quality  
Order WQ 2019-0001-DWQ

The attached Notice of Applicability provides notice that the requirements of the State Water Board *Cannabis Cultivation Policy- Principles and Guidelines for Cannabis Cultivation* (Policy), and the *General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities*, Order WQ 2019-0001-DWQ (General Order – previously WQ 2017-0023-DWQ, with updates and revisions effective April 16, 2019) are applicable to the site as described below. Based on the information provided, the Discharger self-certifies the cannabis cultivation activities are consistent with the requirements of the State Water Board Policy and General Order.

Please direct all submittals, discharge notifications, and questions regarding compliance and enforcement to the North Coast Regional Water Quality Control Board Cannabis Program at (707) 576-2676 or [northcoast.cannabis@waterboards.ca.gov](mailto:northcoast.cannabis@waterboards.ca.gov).

Sincerely,

Matthias St. John  
Executive Officer  
North Coast Regional Water Quality Control Board

201208\_2M\_1\_12CC414090\_Forever\_Honeydew\_Farms\_NOA\_Revised\_TW

**NOTICE OF APPLICABILITY – WASTE DISCHARGE REQUIREMENTS, WATER QUALITY ORDER WQ 2019-0001-DWQ, FOREVER HONEYDEW FARMS, LLC, HUMBOLDT COUNTY APN(s) 107-095-003-000 and 107-096-007-000**

Forever Honeydew Farms, LLC (hereafter “Discharger”) submitted information through the State Water Resources Control Board’s (State Water Board’s) online portal on April 03, 2019, for discharges of waste associated with cannabis cultivation related activities at Humboldt APN(s) 107-095-003-000 and 107-096-007-000 classified as Tier 2 Low Risk. On September 23, 2020, the Discharger submitted the required Site Management Plan for this enrollment. In the Site Management Plan the Discharger stated that an update to the existing risk was needed and should be changed to Tier 2 Moderate Risk. Based on the information provided, the Discharger self-certifies the cannabis cultivation activities are consistent with the requirements of the Policy and General Order. This letter provides notice that the Policy and General Order are applicable to the site as described below. You are hereby assigned waste discharge identification (WDID) number **1\_12CC414090**.

The Discharger is responsible for all the applicable requirements in the Policy, General Order, and this Notice of Applicability (NOA). This includes making any necessary changes to the enrollment, and the Discharger is the sole person or entity with legal authority to make those changes. The Discharger will be held liable for any noncompliance with the Policy, General Order, and the NOA. Please note that this NOA does not provide authorization to cultivate cannabis; such authorization is provided through a license from the California Department of Food and Agriculture (CalCannabis), required permits from your local jurisdiction (City or County), and an agreement from the California Department of Fish and Wildlife. General Requirement #1 of the Policy and General Order, and by reference this NOA, require that you obtain all appropriate permits from those other agencies prior to cultivating cannabis.

**1. FACILITY AND DISCHARGE DESCRIPTION**

The information submitted by the Discharger states the disturbed area is equal to or greater than 1 acre (43,560 square feet) no portion of the disturbed area is within the setback requirements, some portion of the disturbed area is located on a slope greater than 30 percent, and the cannabis cultivation area is less than or equal to 1 acre.

Based on the information submitted by the Discharger, the cannabis cultivation activities are classified as Tier 2 Moderate Risk.

**2. SITE-SPECIFIC REQUIREMENTS**

The Policy and General Order are available on the Internet at:

[https://www.waterboards.ca.gov/water\\_issues/programs/cannabis/cannabis\\_water\\_quality.html](https://www.waterboards.ca.gov/water_issues/programs/cannabis/cannabis_water_quality.html)

The Discharger shall ensure that all site operating personnel know, understand, and comply with the requirements contained in the Policy, General Order, this NOA, and the Monitoring and Reporting Program (MRP, Attachment B of the General Order). Note that the General Order contains standard provisions, general requirements, and prohibitions that apply to all cannabis cultivation activities.

The application requires the Discharger to self-certify that all applicable Best Practicable Treatment or Control (BPTC) measures are being implemented, or will be implemented by the onset of the winter period (November 15 - April 1), following the enrollment date. Landowners of the cultivation site in the North Coast Region are required to submit and implement Site Management Plans that describes how BPTC measures are implemented property-wide, including BPTC measures implemented to address discharges from legacy activities (e.g. former timber harvest, road building, mining, etc.) at the site per Provision C.1.a. of the General Order. Dischargers that cannot implement all applicable BPTC measures by the onset of the winter period, following their enrollment date, shall submit to the appropriate Regional Water Board a *Site Management Plan* that includes a time schedule and scope of work for use by the Regional Water Board in developing a compliance schedule as described in Attachment A of the General Order.

The Policy and General Order require that, prior to conducting any work in streams or wetlands, the Discharger obtain water quality certification from the Water Boards and other required permits from other agencies (e.g. a Clean Water Act section 404 permit from the United States Army Corps of Engineers, a Lake and Streambed Alteration Agreement from the California Department of Fish and Wildlife, and other local permits). Enrollment in the General Order requires that the Discharger obtain water quality certification for any such work, but this NOA does not provide the necessary certification. If the Discharger proposes or requires work in streams or wetlands, they must apply for water quality certification separately by filling out and submitting a separate application for that work. The application is available for download at the following Regional Water Board website:

[https://www.waterboards.ca.gov/northcoast/water\\_issues/programs/cannabis/](https://www.waterboards.ca.gov/northcoast/water_issues/programs/cannabis/)

Currently, the direct link to that application is as follows:

[https://www.waterboards.ca.gov/northcoast/water\\_issues/programs/cannabis/pdf/200204/RB1\\_Cannabis\\_WQC\\_401\\_App.pdf](https://www.waterboards.ca.gov/northcoast/water_issues/programs/cannabis/pdf/200204/RB1_Cannabis_WQC_401_App.pdf)

Note: Water Quality Certifications require separate application and monitoring fees. A fee calculator and additional information are available at:

[https://www.waterboards.ca.gov/northcoast/water\\_issues/programs/water\\_quality\\_certification/#401\\_calc](https://www.waterboards.ca.gov/northcoast/water_issues/programs/water_quality_certification/#401_calc)

During reasonable hours, the Discharger shall allow the State Water Board or Regional Water Board (collectively Water Boards), California Department of Fish and Wildlife, CAL FIRE, and any other authorized representatives of the Water Boards upon presentation of a badge, employee identification card, or similar credentials, to:



- i. enter premises and facilities where cannabis is cultivated; where water is diverted, stored, or used; where wastes are treated, stored, or disposed; or in which any records are kept;
- i. access and copy, any records required to be kept under the terms and conditions of the Policy and General Order;
- ii. inspect, photograph, and record audio and video, any cannabis cultivation sites, and associated premises, facilities, monitoring equipment or device, practices, or operations regulated or required by the Policy and General Order; and
- iii. sample, monitor, photograph, and record audio and video of site conditions, any discharge, waste material substances, or water quality parameters at any location for the purpose of assuring compliance with the Policy and General Order.

### **3. TECHNICAL REPORT REQUIREMENTS**

The following technical report(s) shall be submitted by the Discharger as described below:

A Site Management Plan, by July 01, 2019, consistent with the requirements of General Order Provision C.1.a., and Attachment A, Section 5. Attachment D of the General Order provides guidance on the contents of the Site Management Plan.

A Site Erosion and Sediment Control Plan consistent with the requirements of General Order Provision C.1.b., and Attachment A, Section 5. The Site Erosion and Sediment Control Plan shall be approved by the Regional Water Board Executive Officer prior to implementation. Attachment D of the General Order provides guidance on the contents of the Site Erosion and Sediment Control Plan.

*A Site Closure Report* must be submitted 90 days prior to permanently ending cannabis cultivation activities and seeking to rescind coverage under the General Order. The *Site Closure Report* must be consistent with the requirements of General Order Provision C.1.e., and Attachment A, Section 5. Attachment D of the General Order provides guidance on the contents of the *Site Closure Report*.

### **4. MONITORING AND REPORTING PROGRAM**

The Discharger shall comply with all provisions of the Monitoring and Reporting Program (MRP), which appears as Attachment B to the General Order. The Discharger shall also comply with all provisions of the *North Coast Regional Supplement to Annual Monitoring and Reporting Requirements for Statewide Cannabis General Order WQ 2017-0023-DWQ* (Regional Supplement), which independently appears as Investigative Order No. R1-2019-0023, issued by the Regional Water Board Executive Officer on March 22, 2019. Annual reports for both sets of requirements shall be submitted to the Regional Water Board in a combined report by March 1 following the year being monitored through the online portal (<https://public2.waterboards.ca.gov/cgo>). The Discharger shall not implement any changes to the MRP or to the Regional Supplement unless and until a revised MRP or Regional Supplement is issued by the Regional

Water Board Executive Officer or the State Water Board Division of Water Quality Deputy Director, or the State Water Board Chief Deputy Director.

A copy of Attachment B to the General Order can be obtained online at the following location, or by contacting staff at the phone number and email address listed below.  
[https://www.waterboards.ca.gov/board\\_decisions/adopted\\_orders/water\\_quality/2019/wqo2019\\_0001\\_dwq.pdf#page=32](https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2019/wqo2019_0001_dwq.pdf#page=32).

A copy of the Regional Supplement can be obtained online at the following location, or by contacting staff at the phone number and email address listed below.  
[https://www.waterboards.ca.gov/northcoast/board\\_decisions/adopted\\_orders/pdf/2019/19\\_0023\\_Regional%20Supplement%2013267%20Order.pdf](https://www.waterboards.ca.gov/northcoast/board_decisions/adopted_orders/pdf/2019/19_0023_Regional%20Supplement%2013267%20Order.pdf).

## **5. ANNUAL FEE**

According to the information submitted, the discharge is classified as Tier 2 Moderate Risk. The 2018-2019 annual fee for that tier and risk level was set at \$3,000, but please note that the Fee Schedule is updated annually and future fees may be invoiced at different rates. Invoices are sent by the State Water Board at the beginning of each calendar year (generally in February). Do not submit payments without receiving an invoice. If you have questions or concerns about your fees please contact the Fee Branch at [FeeBranch@waterboards.ca.gov](mailto:FeeBranch@waterboards.ca.gov) or (916) 341-5247. The fee is due and payable on an annual basis until coverage under this General Order is formally rescinded. To rescind coverage, the Discharger must submit a Request for Termination in writing through the online portal (available at: <https://public2.waterboards.ca.gov/cgo>), including a Site Closure Report at least 90 days prior to termination of activities and include a final MRP report.

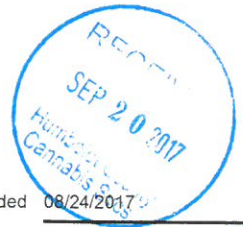
## **6. TERMINATION OF COVERAGE UNDER THE GENERAL ORDER & REGIONAL WATER BOARD CONTACT INFORMATION**

Enrollees that propose to terminate coverage under the General Order must submit a Request for Termination in writing through the online portal (<https://public2.waterboards.ca.gov/cgo>). The Request for Termination consists of a formal statement regarding the reason for requesting termination (i.e. cultivation is no longer occurring, the property is being sold, etc.), documentation that the site is in compliance with the General Order, including dated photographs and a written discussion. If the site is not meeting the requirements of the General Order, then the enrollment cannot be terminated. Regional Water Board staff will review the Request for Termination for completeness before determining if a property inspection, enrollment termination, or a request for additional information is appropriate.

If the Discharger cannot comply with the General Order, or will be unable to implement an applicable BPTC measure contained in Attachment A by the onset of the winter period each year, the Discharger shall notify the North Coast Regional Cannabis Unit staff at (707) 576-2676 or [northcoast.cannabis@waterboards.ca.gov](mailto:northcoast.cannabis@waterboards.ca.gov) so that a site-specific compliance schedule can be developed.

Cc: Kevin Porzio, State Water Resources Control Board,  
dwq.cannabis@waterboards.ca.gov  
Cheri Sanville, California Department of Fish and Wildlife,  
cheri.sanville@wildlife.ca.gov  
Cliff Johnson, Humboldt County Planning and Building,  
cjohnson@co.humboldt.ca.us

State of California  
**Well Completion Report**  
WCR Form - DWR 188 Submitted 08/25/2017  
WCR2017-003806



Owner's Well Number 1 Date Work Began 08/24/2017 Date Work Ended 08/24/2017  
Local Permit Agency Humboldt County Department of Health & Human Services - Land Use Program  
Secondary Permit Agency \_\_\_\_\_ Permit Number 16/17-0740 Permit Date 05/15/2017

**Well Owner (must remain confidential pursuant to Water Code 13752)**

Name Paul Cabeen  
Mailing Address P.O. Box 25  
City Honeydew State CA Zip 95545

**Planned Use and Activity**

Activity Other - Install Sanitary Seal  
Planned Use Water Supply Irrigation - Agriculture

**Well Location**

Address 42870 Mattole RD APN 107-096-007  
City Honeydew Zip 95545 County Humboldt Township 03 S  
Latitude \_\_\_\_\_ N Longitude \_\_\_\_\_ W Range 01 W  
Deg. Min. Sec. Deg. Min. Sec. Section 10  
Dec. Lat. 40.2248500 Dec. Long. -124.1743900 Baseline Meridian Humboldt  
Vertical Datum \_\_\_\_\_ Horizontal Datum WGS84 Ground Surface Elevation \_\_\_\_\_  
Location Accuracy \_\_\_\_\_ Location Determination Method \_\_\_\_\_ Elevation Accuracy \_\_\_\_\_  
Elevation Determination Method \_\_\_\_\_

**Borehole Information**

Orientation Vertical Specify \_\_\_\_\_  
Drilling Method Auger Drilling Fluid Air  
Total Depth of Boring 260 Feet  
Total Depth of Completed Well 260 Feet

**Water Level and Yield of Completed Well**

Depth to first water \_\_\_\_\_ (Feet below surface)  
Depth to Static \_\_\_\_\_  
Water Level 172 (Feet) Date Measured 08/24/2017  
Estimated Yield\* 10 (GPM) Test Type Pump  
Test Length 2 (Hours) Total Drawdown 0 (Feet)  
\*May not be representative of a well's long term yield.

Geologic Log - Free Form		
Depth from Surface Feet to Feet	Description	
0 260	franciscan sandstone	

Casings										
Casing #	Depth from Surface Feet to Feet		Casing Type	Material	Casings Specifications	Wall Thickness (inches)	Outside Diameter (inches)	Screen Type	Slot Size if any (inches)	Description
1	0	260	Blank	PVC	OD: 5.563 in.   Thickness: 0.375 in.	0.375	5.563			

Annular Material					
Depth from Surface Feet to Feet		Fill	Fill Type Details	Filter Pack Size	Description
0	20	Bentonite	Other Bentonite		Sanitary Seal

Other Observations: \_\_\_\_\_

cup 16-243  
11404  
107-016-007



State of California  
**Well Completion Report**  
 Form DWR 188 Submitted 7/12/2018  
 WCR2018-005463

Owner's Well Number 2 Date Work Began 06/27/2018 Date Work Ended 07/11/2018  
 Local Permit Agency Humboldt County Department of Health & Human Services - Land Use Program  
 Secondary Permit Agency \_\_\_\_\_ Permit Number 17/18-0745 Permit Date 10/30/2017

Well Owner (must remain confidential pursuant to Water Code 13752)		Planned Use and Activity	
Name <u>Paul Cabeen</u>	Activity <u>New Well</u>	Mailing Address <u>P.O. Box 25</u>	Planned Use <u>Water Supply Irrigation - Agriculture</u>
City <u>Honeydew</u> State <u>CA</u> Zip <u>95545</u>			

Well Location			
Address <u>42870 Mattole RD</u>		APN <u>107-096-007</u>	
City <u>Petrolia</u> Zip <u>95558</u> County <u>Humboldt</u>	Township <u>03 S</u>		
Latitude _____ N Longitude _____ W	Range <u>01 W</u>		
Deg. _____ Min. _____ Sec. _____	Section <u>10</u>		
Dec. Lat. <u>40.2254280</u> Dec. Long. <u>-124.1712820</u>	Baseline Meridian <u>Humboldt</u>		
Vertical Datum _____ Horizontal Datum <u>WGS84</u>	Ground Surface Elevation _____		
Location Accuracy _____ Location Determination Method _____	Elevation Accuracy _____		
		Elevation Determination Method _____	

Borehole Information		Water Level and Yield of Completed Well	
Orientation <u>Vertical</u> Specify _____	Depth to first water <u>168</u> (Feet below surface)		
Drilling Method <u>Direct Rotary</u> Drilling Fluid <u>Air</u>	Depth to Static _____		
Total Depth of Boring <u>340</u> Feet	Water Level <u>161</u> (Feet) Date Measured <u>07/11/2018</u>		
Total Depth of Completed Well <u>340</u> Feet	Estimated Yield* <u>30</u> (GPM) Test Type <u>Air Lift</u>		
	Test Length <u>4</u> (Hours) Total Drawdown <u>179</u> (feet)		
*May not be representative of a well's long term yield.			

Geologic Log - Free Form		
Depth from Surface Feet to Feet		Description
0	3	large fractured sandstone
3	121	brown silty sandstone (soft)
121	158	hard shale formation
158	167	fractured basalt
167	287	large blue fractured sanstone
287	318	large fractured shale
318	340	shale mulache

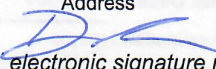


Casings										
Casing #	Depth from Surface Feet to Feet		Casing Type	Material	Casings Specificatons	Wall Thickness (inches)	Outside Diameter (inches)	Screen Type	Slot Size if any (inches)	Description
1	0	140	Blank	PVC	OD: 5.563 in.   SDR: 21   Thickness: 0.265 in.	0.265	5.563			
1	140	340	Screen	PVC	OD: 5.563 in.   SDR: 21   Thickness: 0.265 in.	0.265	5.563	Milled Slots	0.032	

Annular Material					
Depth from Surface Feet to Feet		Fill	Fill Type Details	Filter Pack Size	Description
0	20	Bentonite	Other Bentonite		Sanitary Seal
20	340	Filter Pack	Other Gravel Pack	3/8 Inch	Pea Gravel

**Other Observations:**

Borehole Specifications		
Depth from Surface Feet to Feet		Borehole Diameter (inches)
0	340	10

Certification Statement			
I, the undersigned, certify that this report is complete and accurate to the best of my knowledge and belief			
Name <u>FISCH DRILLING</u>			
Person, Firm or Corporation			
3150 JOHNSON ROAD	HYDESVILLE	CA	95547
Address	City	State	Zip
Signed 	07/12/2018	683865	
C-57 Licensed Water Well Contractor	Date Signed	C-57 License Number	

Attachments
scan.pdf - Location Map

DWR Use Only											
CSG #	State Well Number	Site Code	Local Well Number								
Latitude Deg/Min/Sec								Longitude Deg/Min/Sec			
TRS: APN:											

HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS  
ROAD EVALUATION REPORT

**PART A:** *Part A may be completed by the applicant*

Applicant Name: PAUL CABEEN APN: 107-096-007  
Planning & Building Department Case/File No.: Apps #: 11404  
Road Name: NONE - PRIVATE DRIVEWAY (complete a separate form for each road)  
From Road (Cross street): Matthole Road  
To Road (Cross street): NIA  
Length of road segment: 1.7 miles Date Inspected: 5/1/2018  
Road is maintained by: ☐ County ☒ Other PAUL CABEEN - PRIVATE  
(State, Forest Service, National Park, State Park, BLM, Private, Tribal, etc)

Check one of the following:

- Box 1** ☐ The entire road segment is developed to Category 4 road standards (20 feet wide) or better. If checked, then the road is adequate for the proposed use without further review by the applicant.
- Box 2** ☒ The entire road segment is developed to the equivalent of a road category 4 standard. If checked, then the road is adequate for the proposed use without further review by the applicant.

*An equivalent road category 4 standard is defined as a roadway that is generally 20 feet in width, but has pinch points which narrow the road. Pinch points include, but are not limited to, one-lane bridges, trees, large rock outcroppings, culverts, etc. Pinch points must provide visibility where a driver can see oncoming vehicles through the pinch point which allows the oncoming vehicle to stop and wait in a 20 foot wide section of the road for the other vehicle to pass.*

- Box 3** ☐ The entire road segment is not developed to the equivalent of road category 4 or better. The road may or may not be able to accommodate the proposed use and further evaluation is necessary. Part B is to be completed by a Civil Engineer licensed by the State of California.

The statements in PART A are true and correct and have been made by me after personally inspecting and measuring the road.

Signature

Date

Name Printed

Important: Read the instructions before using this form. If you have questions, please call the Dept. of Public Works Land Use Division at 707.445.7205.



## ATTACHMENT 4

### REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

The project was referred to the following referral agencies for review and comment. Those agencies that provided written comments are checked off.

Referral Agency	Response	Recommendation	Location
Building Inspection Division	✓	Conditional approval	Attached
Division Environmental Health	✓	Conditional approval	Attached
Public Works, Land Use Division	✓	Conditional approval	Attached
CAL FIRE	✓	Comments	Attached
California Department of Fish & Wildlife	✓	Comments	Attached, includes staff response
Northwest Information Center	✓	Comments	On file and confidential
Bear River Band of the Rohnerville Rancheria	✓	Comments	On file and confidential
Intertribal Sinkyone Wilderness Council		No response	
Mattole Union School District	✓	Comments	Attached
Humboldt County Sheriff		No response	
Humboldt County Agricultural Commissioner		No response	
Humboldt County District Attorney		No response	
State Water Resources Control Board – Division of Water Rights		No response	
U.S. Bureau of Land Management	✓	Comments	Attached, includes staff response





HUMBOLDT COUNTY  
PLANNING AND BUILDING DEPARTMENT  
CURRENT PLANNING DIVISION  
3015 H STREET, EUREKA, CA 95501 ~ PHONE (707) 445-7541



17/18 -0591

**PROJECT REFERRAL TO: Health and Human Services Environmental Health Division**

**Project Referred To The Following Agencies:**

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, Regional Water Quality Control Board, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, Humboldt County Sheriff, Mattole Union Unified School District School District, Sinkyone

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**Applicant Name** Forever Honeydew Farms, LLC **Key Parcel Number** 107-096-007-000

**Application (APPS#)** 11404 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** CUP16-243

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Please review the above project and provide comments with any recommended conditions of approval. To help us log your response accurately, please include a copy of this form with your correspondence.

Questions concerning this project may be directed to the assigned planner for this project between 8:30am and 5:30pm Monday through Friday.

County Zoning Ordinance allows up to 15 calendar days for a response. If no response or extension request is received by the response date, processing will proceed as proposed.

☐ If this box is checked, please return large format maps with your response.

**Return Response No Later Than** Planning Commission Clerk  
County of Humboldt Planning and Building Department  
3015 H Street  
Eureka, CA 95501  
**E-mail:** PlanningClerk@co.humboldt.ca.us **Fax:** (707) 268-3792

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**We have reviewed the above application and recommend the following:**

Conditional Approval

**Comments:**

DEH recommends conditional approval with the following condition(s):

Applicant must enter into a compliance agreement with DEH to abate violations associated with installation and use of onsite wastewater treatment systems (OWTS) without first obtaining a permit from DEH. The compliance agreement must require the applicant to submit complete OWTS permit applications for all residential housing, employee housing, dormitories, or any other plumbed and habitable structure. Furthermore, the compliance agreement must require installation and final approval of all OWTS within the 2-year compliance period.

\*This review and recommendation is for the Land Use aspects of the planning project and does not include or imply compliance with all DEH programs. Although DEH recommends the approval of the Planning project, Solid Waste and HazMat Program requirements need to be addressed directly with staff from those programs.

**Response Date:** 12/26/2017 **Recommendation By:** Benjamin Dolf



DEPARTMENT OF PUBLIC WORKS  
**COUNTY OF HUMBOLDT**  
MAILING ADDRESS: 1106 SECOND STREET, EUREKA, CA 95501-0579  
AREA CODE 707

ARCATA-EUREKA AIRPORT TERMINAL  
MCKINLEYVILLE  
FAX 839-3596

AVIATION 839-5401

PUBLIC WORKS BUILDING  
SECOND & L ST., EUREKA  
FAX 445-7409

ADMINISTRATION 445-7491  
BUSINESS 445-7652  
ENGINEERING 445-7377  
FACILITY MAINTENANCE 445-7493

NATURAL RESOURCES 445-7741  
NATURAL RESOURCES PLANNING 267-9540  
PARKS 445-7651  
ROADS & EQUIPMENT MAINTENANCE 445-7421

CLARK COMPLEX  
HARRIS & H ST., EUREKA  
FAX 445-7388

LAND USE



**LAND USE DIVISION INTEROFFICE MEMORANDUM**

TO: Michelle Nielsen, Senior Planner, Planning & Building Department

FROM: Kenneth M. Freed, Assistant Engineer *KMF*

DATE: 03-01-2018

RE:

Applicant Name	FOREVER HONEYDEW FARMS, LLC
APN	107-096-007
APPS#	11404 CUP16-243

The Department has reviewed the above project and has the following comments:

- ☒ The Department's recommended conditions of approval are attached as **Exhibit "A"**.
- ☐ Additional information identified on **Exhibit "B"** is required before the Department can review the project. **Please re-refer the project to the Department when all of the requested information has been provided.**
- ☐ Additional review is required by Planning & Building staff for the items on **Exhibit "C"**. **No re-refer is required.**
- ☒ **Road Evaluation Reports(s)** are required; See **Exhibit "D"**. **No re-refer is required.**

\*Note: Exhibits are attached as necessary.

Additional comments/notes:

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// END //



## Exhibit "A"

### Public Works Recommended Conditions of Approval

(All checked boxes apply)

APPS # 11404

☐ **COUNTY ROADS- FENCES & ENCROACHMENTS:**

All fences and gates shall be relocated out of the County right of way. All gates shall be setback sufficiently from the County road so that vehicles will not block traffic when staging to open/close the gate. In addition, no materials shall be stored or placed in the County right of way.

This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.

☐ **COUNTY ROADS- DRIVEWAY (PART 1):**

The submitted site plan is unclear and/or shows improvements that are inconsistent with County Code and/or Department of Public Works policies. The applicant is advised that these discrepancies will be addressed at the time that the applicant applies to the Department of Public Works for an Encroachment Permit. If the applicant wishes to resolve these issues prior to approval of the Planning & Building permit for this project, the applicant should contact the Department to discuss how to modify the site plan for conformance with County Code and or Department of Public Works policies. Notes:

☐ **COUNTY ROADS- DRIVEWAY (PART 2):**

Any existing or proposed driveways that will serve as access for the proposed project that connect to a county maintained road shall be improved to current standards for a commercial driveway. An encroachment permit shall be issued by the Department of Public Works prior to commencement of any work in the County maintained right of way. This also includes installing or replacing driveway culverts; minimum size is typically 18 inches.

- If the County road has a paved surface at the location of the driveway, the driveway apron shall be paved for a minimum width of 18 feet and a length of 50 feet.
- If the County road has a gravel surface at the location of the driveway, the driveway apron shall be rocked for a minimum width of 18 feet and a length of 50 feet.
- If the County road is an urban road, frontage improvements (curb, gutter, and sidewalk) shall also be constructed to the satisfaction of the Department. Any existing curb, gutter or sidewalk that is damaged shall be replaced.

The exact location and quantity of driveways shall be approved by the Department at the time the applicant applies to the Department of Public Works for an Encroachment Permit.

This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.

☐ **COUNTY ROADS- DRIVEWAY (PART 3):**

The existing driveway will require substantial modification in order to comply with County Code. The applicant may wish to consider relocating the driveway apron if a more suitable location is available.

☐ **COUNTY ROADS-PARKING LOT- STORM WATER RUNOFF:**

Surfaced parking lots shall have an oil-water filtration system prior to discharge into any County maintained facility.

This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.

☒ **COUNTY ROADS- DRIVEWAY & PRIVATE ROAD INTERSECTION VISIBILITY:**

All driveways and private road intersections onto the County Road shall be maintained in accordance with County Code Section 341-1 (Sight Visibility Ordinance).

This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.

☒ **COUNTY ROADS- PRIVATE ROAD INTERSECTION: AT MATTOLE RD**

Any existing or proposed non-county maintained access roads that will serve as access for the proposed project that connect to a county maintained road shall be improved to current standards for a commercial driveway. An encroachment permit shall be issued by the Department of Public Works prior to commencement of any work in the County maintained right of way.

- If the County road has a paved surface at the location of the access road, the access road shall be paved for a minimum width of 20 feet and a length of 50 feet where it intersects the County road.
- If the County road has a gravel surface at the location of the access road, the access road shall be rocked for a minimum width of 20 feet and a length of 50 feet where it intersects the County road.

This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.

☐ **COUNTY ROADS- ROAD EVALUATION REPORT(S):**

All recommendations in the *Road Evaluation Report(s)* for County maintained road(s) shall be constructed/implemented to the satisfaction of the Public Works Department prior to commencing operations, final sign-off for a building permit, or approval for a business license. An encroachment permit shall be issued by the Department of Public Works prior to commencement of any work in the County maintained right of way.

// END //

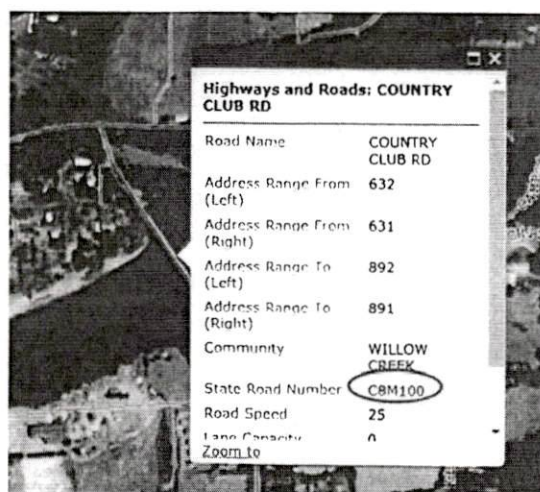
## Road Evaluation Reports

1. **ROADS – Road Evaluation Reports.** Planning and Building Department staff shall request that the applicant provide *Road Evaluation Reports* for the project. The particular roads that require a *Road Evaluation Report* is to be determined by following the guidance shown below.

The Department has developed a *Road Evaluation Report* form so that an applicant can address the adequacy of the various roads used by their project. Most projects will require that a *Road Evaluation Report* form be completed.

When viewing the project site on google earth, if the County maintained road (or other publicly maintained road) has a centerline stripe, the road is adequate. If there is no centerline stripe, then the roads leading from the nearest publicly maintained road with a paved centerline stripe (or a known category 4 road) must be evaluated. A separate *Road Evaluation Report* form is needed for each road. This applies to all roads regardless if they are publicly or privately maintained. The Department has prepared a "approved list" of known County maintained roads that are category 4 (or are equivalent to category 4) standards for cannabis projects. The Department has also prepared a list of roads that are known to not meet road category 4 of equivalent. Both of these lists will be updated as the County information regarding the County maintained roads becomes available.

The *Road Evaluation Report* form needs to be provided to applicants to complete. It is important that Planning and Building Department staff provide the applicant with a map that has the roads to be evaluated highlighted. This will most likely include a combination of County maintained roads and non-County maintained roads. This will give the applicant clear direction on which roads need to be evaluated.



Above: screenshot from the WebGIS showing County Road Number circled in RED.

A County maintained road will have a 5 or 6 character identifier. The general format is ABCDDD where:

- A** is an optional identifier for the functionality of the road (A=Arterial, C=Collector, F=Federal Aid)
- B** is a grid identifier number for the X-axis of a "battleship" style grid that was drawn on a county map to divide the county into a series of squares.
- C** is a grid identifier letter for the Y-axis for the grid.
- DDD** is a three digit road identification number within a particular grid. Each grid can have up to 999 roads in them

Examples:

ABCDDD  
 A3M020 Murray Road  
 F6B165 Alderpoint Road  
 6C040 Thomas Road



## Exhibit "D"

### Road Evaluation Reports

The Department is working towards identifying which County maintained roads meet (or are equivalent to) Road Category 4 standards for cannabis projects. Two lists are being prepared: the first list with the **green** heading shows which roads (or portions thereof) meet or are equivalent to Road Category 4 standard (AKA "Approved List"); and the second list with the **red** heading shows which roads (or portions thereof) that do not meet or are not equivalent to Road Category 4 standards. These lists will be updated as information becomes available. **This list will be updated frequently. Make sure you are using the most up to date list.**

On occasion there may be more than one road that has the same name; in these instances check the road number to ensure that you are referencing the correct road. Until such time as the GIS roads layer has been proofed by the Department, the GIS is not to be used for this task. Use the paper road maps to check road numbers.

If the subject property takes direct access from a road on the "approved list", no further road evaluation needs to be done.

<b>"APPROVED LIST"</b>		
<b>List of County Maintained Roads that meet (or are equivalent to) Road Category 4 standards for Cannabis Projects</b>		
<b>Road Name</b>	<b>Road Number</b>	<b>Range meeting (or equivalent to) Road Category 4 standard</b>
Alderpoint Road	F6B165	All
Bair Road	C6L300	All
Bair Road	6L300	All
Bald Hills Road	F4R300	All
Benbow Drive	6B180	Oakcrest Drive to State Hwy 101
Blue Slide Road	F2G100	All [Grizzley Bluff Rd to City limits of Rio Dell]
Brannon Mountain Road	7M100	State Hwy 96 to Creekside Lane
Briceland Thorne Road	F5A010	All
Burrell Road	3D030	From Mattole Rod to P.M. 067
Cathey Road	6D050	State Park to P.M. 0.87 [End of County maintained]
Chemise Mountain Road	C4A030	Shelter Cove Road to P.M. 3.0
Eel Rock Road	7D010	All
Eighth Avenue	4N080	All
Ettersburg Honeydew Road	F5A010	All
Fickle Hill Road	C5J040	PM 1.55 [end of centerline stripe] to P.M. 8.00
Fieldbrook Road	C4L760	All
Freshwater Road	F6F060	All
Friday Ridge Road	8L100	State Hwy 299 to PM 3.37[End of County maintained] then becomes USFS Road
Greenwood Heights Drive	C4K160	All
Grizzley Bluff Road	F2G100	All [City limits of Ferndale to Blue Slide Rd]
Jacoby Creek Road	C4K230	Old Arcata Road to P.M. 2.50
Jacoby Creek Road	4K230	From P.M. 2.5 to P.M. 2.69
Kneeland Road	F6F060	Freshwater Road to Mountain View Road
Maple Creek Road	5L100	All
Mattole Road	F3D010	All
Mattole Road	F3C010	All
McCann Road	6D090	Dyerville Loop Road to P.M. 1.0
McCellan Mtn Road	7F010	State Hwy 36 to P.M. 3.57[End of County maintained]
Mountain View Road	6H010	All
Murray Road	C3M020	All
Old Three Creeks Road	6L250	State Hwy 299 to P.M. 2.8 [End of County maintained]
Panther Gap Road	4D010	Mattole Road to P.M. 1.83[End of County maintained] continues as a non- County maintained road
Patterson Road	C3M130	All
Salmon Creek Road	6C030	Hwy 101 to P.M. 5.39 [Gate]
Shelter Cove Road	C4A010	All
Sprowel Creek Road	C6B095	PM 0.0 to PM 2.11
Sprowel Creek Road	6B095	PM 2.11 to PM 4.00
Thomas Road	6C040	Salmon Creek Road to P.M. 4.03 [End of County maintained] continues as a non- County maintained rd
Titlow Hill Road	7K100	Hwy 299 to PM 4.7[End of County maintained] then becomes USFS Road
West End Road	5L010	PM 0.0 at Arcata City Limits to Warren Creek Road
Wilder Ridge Road	C5B010	All



**Exhibit "D"****Road Evaluation Reports**

<b>List of County Maintained Roads that do not meet (or are not equivalent to) Road Category 4 standards for Cannabis Projects</b>		
<b>Road Name</b>	<b>Road Number</b>	<b>Range not meeting (or not equivalent to) Road Category 4 standard</b>
Bark Shanty Road	9R105	All
Benbow Drive	6B180	Oakcrest Dr to end of County maintained
Brannon Mountain Road	7M100	Creekside Lane to PM 5.0 [End of County maintained] then becomes USFS Road
Burrell Road	3D030	P.M. 067 to P.M. 2.22 [End of County maintained]
Butte Creek Road	6H020	All
Chemise Mountain Road	C4A030	P.M. 3.0 to P.M. 4.09 [Mendocino County Line]
Essex Lane	C4L780	P.M. 0.2 to P.M. 0.9 [End of County maintained]
Fickle Hill Road	C5J040	P.M. 8.0 to P.M. 11.72
Kings Peak Road	C4A020	P.M. 1.0 to P.M. 12.20
McCann Road	6D090	P.M. 1.0 to P.M. 2.6 [End of County maintained]
Mill Street	3G305	Country Club Estates to P.M. 0.49[End]
Old Eel Rock Road	7D025	All
River Bar Road	4G010	Hwy 36 to P.M. 1.76 [End of County maintained]
Salmon Creek Road	6C030	P.M. 5.39 to P.M. 5.88[End of County maintained]
Sprowel Creek Road	6B095	P.M. 4.00 to PM 7.22 [End of County maintained]
Stapp Road	7H010	P.M. 0.00 to 3.25[End of County maintained]
Warren Creek Road	5L740	P.M. 0.0 to PM 0.95 [End of County maintained]
Williams Creek Road	2G045	All

// END //

**From:** Meyers, Tim@CALFIRE  
**To:** [Schaeffer, Mara](#); [Forsberg, William@CALFIRE](#); [Planning Clerk](#)  
**Subject:** Re: 11404 Forever Honeydew Farms  
**Date:** Monday, March 26, 2018 3:05:24 PM

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I have reviewed the landowner's proposal of mitigation prepared by an RPF regarding the past harvest and conversions that occurred years ago on the parcel. I have concluded that the mitigation offered is acceptable and appropriate based on the conditions and detailed information provided. CAL FIRE has no additional recommendations or comments relating to the mitigation plan. This email will serve as the official response.

[Tim Meyers](#)  
[Forester I, RPF #2813](#)  
Department of Forestry and Fire Protection  
**CAL FIRE**  
Weott Resource Management  
Humboldt-Del Norte Unit  
Office (707) 946-2204  
Cellular (707) 599-6433  
[tim.meyers@fire.ca.gov](mailto:tim.meyers@fire.ca.gov)

Every Californian should conserve water. Find out how at:

[SaveOurWater.com](http://SaveOurWater.com) - [Drought.CA.gov](http://Drought.CA.gov)

**DEPARTMENT OF FORESTRY AND FIRE PROTECTION**

Humboldt – Del Norte Unit  
118 Fortuna Blvd.  
Fortuna, CA 95540  
Website: [www.fire.ca.gov](http://www.fire.ca.gov)  
(707) 726-1272

Ref: 7100 Planning  
Date: September 18, 2017

John Ford, Director  
Humboldt County Planning and Building Department – Planning Division  
3015 H Street  
Eureka, CA 95501

**Attention:** Cannabis Planner (CPOD)  
**Applicant:** Forever Honeydew Farms,  
LLC  
**APN:** 107-096-007-000  
**Area:** Honeydew  
**Case Numbers:** CUP16-243

**Humboldt County Application #:** 11404  
**Type of Application:** Conditional Use Permit  
**Date Received:** 9/7/2017  
**Due Date:** 9/20/2017  
**APN 104-096-007-000**

**Project Description:** An application for a Conditional Use Permit for 37,424 square feet existing outdoor medical cannabis cultivation. Water is sourced from an on-site well. Water is stored in a water bladder totaling 210,000 gallons of storage capacity. The Applicant states that the annual projected water usage is 882,000 gallons. Processing will be done on site in a 2,000 square foot processing facility. Power is provided through PG&E and generator use.

Mr. Ford,

The California Department of Forestry and Fire Protection (CALFIRE) provides these standard project review comments on the above noted project for the following subject matter:

- Fire Safe
- Resource Management
- Cannabis

The following pages address these concerns directly.

If CALFIRE staff develops additional comment on this project, it will be forwarded in an additional response letter.

By: Planning Battalion  
CALFIRE Humboldt – Del Norte Unit

For **Hugh Scanlon**, Unit Chief



## **FIRE SAFE**

### **General:**

CALFIRE has responsibility for enforcement of Fire Safe Standards as required by Public Resources Code (PRC) 4290 and 4291. However CALFIRE is not the lead agency in planning development and project permitting. CALFIRE provides input as a contributing agency, generally limited to plan review, and is not the approving agency for these projects.

### **Local Responsibility Areas:**

Should this project include Local Responsibility Area (LRA) lands, CALFIRE has no direct fire safe input on those parcels. However, in those areas with LRA parcels adjacent to State Responsibility Area (SRA) land, CALFIRE recommends that local standards be applied that are consistent with those CALFIRE makes for SRA lands.

### **State Responsibility Areas:**

Should this project include State Responsibility Area (SRA) lands, the following are CALFIRE's Fire Safe minimum input and recommendation for any and all development.

1. In Humboldt County, developments must meet minimum fire safe standards by constructing the project in conformance with County Fire Safe Ordinance 1952, which the California Board of Forestry and Fire Protection has accepted as functionally equivalent to PRC 4290. The County Fire Safe Ordinance provides specific standards for roads providing ingress and egress, signing of streets and buildings, minimum water supply requirements, and setback distances for maintaining defensible space.
2. New buildings located in any Fire Hazard Severity Zone within State Responsibility Areas shall comply with the 2007 California Building Code (CBC) Section 701A.3.2. This requires roofing assemblies, attic and eave ventilation, exterior siding, decking and deck enclosure, windows and exterior doors, and exposed under floor areas that are approved "ignition resistive" in design.
3. All development, especially commercial or industrial development, should be designed to comply with the most current versions of the following standards:
  - a) California Fire Code (CFC) — for overall design standards
  - b) Public Utilities Commission (PUC) General Order 103 — for design of water systems
  - c) National Fire Protection Association Standards (NFPA) for fire flow minimums and other design questions not specifically covered by CFC and PUC
  - d) Housing and Community Development Codes and Standards —for mobile home parks and recreational camps
4. For Department of Real Estate reporting purposes, fire protection coverage in SRA is generally described as follows:

During the declared fire season (usually June through October) CALFIRE responds to all types of fires and emergencies in SRA.

During the remainder of the year (winter period), CALFIRE responds to emergency requests with the closest available fire engine, if a response can reasonably be expected to arrive in time to be effective. A fire engine is usually available somewhere in the Unit, but may have an extended response time.

There are many hazards confronting fire protection agencies in most subdivisions on SRA lands. Steep terrain and heavy wildland fuels contribute to fire intensity and spread. The distances from fire stations and road grades encountered usually create an excessive response time for effective structure fire suppression purposes.

Subdivisions increase fire risks from additional people and increase probable dollar losses in the event of fire due to added structures and improvements.
5. If the project expects to produce densities consistent with a major subdivision, the impacts on all infrastructures should be mitigated. Local government more appropriately provides the responsibility for high-density area protection and services. Annexation or inclusion into Local Responsibility Area should be studied as well.

6. CALFIRE does not support development in areas where there is no local agency fire service for structure fires and emergency medical response. Fire services should be extended into service gap areas as a condition of development. New development can adversely impact existing fire services. Careful consideration must be given where development may overload the local fire service's ability to respond.

## **RESOURCE MANAGEMENT**

CALFIRE has enforcement responsibility for requirements of the Z'berg—Nejedly Forest Practice Act of 1973. CALFIRE is also the lead agency for those parts of projects involving the scope of the Forest Practice Act. The following basic input will cover the majority of projects. Each project will be reviewed with additional input sent at a later date, if needed.

The following comments reflect the basic Resource Management policies of the Board of Forestry and Fire Protection and CALFIRE on CEQA review requests. These policies apply to both Local and State Responsibility Areas.

1. If this project reduces the amount of timberland, by policy, the Board of Forestry and CALFIRE cannot support any project that will reduce the timberland base of California. "Timberland" means land which is available for, and capable of, growing a crop of trees of any commercial species used to produce lumber and other forest products, including Christmas trees regardless of current zoning (PRC 4526). However, if the zoning and intended use are consistent with the county's general plan; and if no land other than timberland can be identified to site the project; then CALFIRE may choose not to oppose the project.
2. If **any** commercial timber operations are involved with a project, the timber operations cannot be conducted without a CAL FIRE permit. Commercial timber operations include the cutting or removal of trees offered for sale, barter, exchange, or trade or the conversion of timberlands to land uses other than the growing of timber (PRC 4527). Contact your nearest CAL FIRE Resource Management office for guidance on obtaining the necessary permits.
3. If **any** timberlands are being converted to a non-timber growing use by this project, the conversion operations cannot be conducted without a CAL FIRE permit (PRC 4621). Conversion of timberland takes place when trees are removed and the land use changes, even without the sale, barter, exchange, or trade of the trees. Contact your nearest CAL FIRE Resource Management office for guidance on obtaining the necessary permits.
4. If timberland is in the viewshed of a project, the current and future owners should be overtly notified that changes will occur to their views due to timber management activities. Further, no project should be allowed to negatively affect access to timberland for timber management purposes; neither on the project parcel(s) nor any other timberland parcels.
5. If timber harvesting has occurred and post-harvest restocking and prescribed erosion control maintenance obligations have not been met on a parcel, future owners should be overtly notified (14 CCR 1042). The current owner of a parcel is responsible for restocking requirements and maintenance of roads whether or not they were involved in the actual harvest plan.
6. If the project involves the development of parcels zoned as Timber Production Zone (TPZ), CALFIRE cannot support the project. Dividing TPZ land into parcels of less than 160 acres requires a Joint Timber Management plan prepared by a Registered Professional Forester (RPF), recorded as a deed restriction for a minimum of 10-years on all affected parcels, and approved by a four – fifths vote of the full board (Govt. Code 51119.5). TPZ may be rezoned using a "Ten Year Phase Out," which precludes the need for a Timberland Conversion Permit. CALFIRE opposes immediate rezoning of TPZ land.



## **Cannabis**

### **General:**

CALFIRE has responsibility for enforcement of Fire Safe Standards as required by Public Resources Code (PRC) 4290 and 4291. CALFIRE is not the lead agency in planning development and project permitting. However, CALFIRE provides comment as an emergency response expert agency, generally limited to plan review, and is not the approving agency for these projects.

### **Local Responsibility Areas:**

Should this project include Local Responsibility Area (LRA) lands, CALFIRE has no direct fire safe input on those parcels. However, in those areas with LRA parcels adjacent to State Responsibility Area (SRA) land, CALFIRE recommends that local standards be applied that are consistent with those CALFIRE makes for SRA lands. Also CAL FIRE is the primary command and control dispatch, for most local agency fire districts and departments.

### **State Responsibility Areas:**

Should this project include State Responsibility Area (SRA) lands, the following are CALFIRE's minimum input.

1. Agricultural cannabis growing operations medicinal or commercial shall have an easily accessible material safety data sheet (MSDS) or safety data sheet (SDS) for all chemicals and hazardous materials on site. Posted (NFPA 704) Placard clearly visible to emergency responders
2. California code of regulations Health and Safety (CCR 11362.769.) Indoor and outdoor medical marijuana cultivation shall be conducted in accordance with state and local laws related to land conversion, grading, electricity usage, water usage, water quality, woodland and riparian habitat protection, agricultural discharges, and similar matters. State agencies, including, but not limited to, the State Board of Forestry and Fire Protection, the Department of fish and Wildlife, the State Water Resources Control Board, the California regional water quality control boards, and traditional state law enforcement agencies shall address environmental impacts of medical marijuana cultivation and shall coordinate, when appropriate, with cities and counties and their law enforcement agencies in enforcement efforts.
3. International Fire Code (N101.1 Scope) Marijuana growing and extraction shall be in accordance with this chapter, of the International Building Code, and the International Mechanical Code. Cryogenic fluids shall comply with Chapter 55. Compressed gases shall comply with Chapter 53. Flammable and combustible liquids shall comply with Chapter 57. Hazardous materials shall comply with Chapter 50. LP-gas shall comply with Chapter 61 and the International Fuel Gas Code. All applicable California State Fire Marshal standards and regulations for the designated occupancy must be met.
4. Growing marijuana and the extracting of oils  
Extraction of marijuana oils; All materials hazardous and non-hazardous associated with the extraction process shall be utilized in conformance of the law and fire safe codes.

## Zander, AnaCena

---

**From:** HUU CEQA@CALFIRE <HUUCEQA@fire.ca.gov>  
**Sent:** Thursday, September 21, 2017 3:35 PM  
**To:** Planning Clerk  
**Subject:** FW: 107-096-007



Chris Ramey  
Battalion Chief, Fire Planning

### **CAL FIRE**

Humboldt-Del Norte Unit  
C: 707-599-6442  
Duty Days: Tues-Fri

---

**From:** Meyers, Tim@CALFIRE  
**Sent:** Thursday, September 14, 2017 11:26 AM  
**To:** HUU CEQA@CALFIRE <HUUCEQA@fire.ca.gov>  
**Subject:** 107-096-007

It may be necessary for a CALFIRE harvest permit to be obtained prior to expanding this cultivation and new development sites. A Registered Professional Forester may be required to advise the landowner of necessary permits from CALFIRE. Previous land use activities may have resulted in harvest without an permit and harvesting without a plan or a license. More information is required for a proper evaluation.

Tim Meyers

Forester I, RPF #2813

Department of Forestry and Fire Protection

### ***CAL FIRE***

Weott Resource Management

Humboldt-Del Norte Unit

Office (707) 946-2204

Cellular (707) 599-6433

[tim.meyers@fire.ca.gov](mailto:tim.meyers@fire.ca.gov)

**From:** [Meghan Ryan](#)  
**To:** [scott.bauer@wildlife.ca.gov](mailto:scott.bauer@wildlife.ca.gov)  
**Cc:** [Johnson, Cliff](#); [King, Jenifer](#)  
**Subject:** APPS 11404 - Forever Honeydew Farms, LLC, APN 107-096-007: Projected Hearing Date: April 15, 2021  
**Date:** Wednesday, March 24, 2021 3:54:00 PM  
**Attachments:** [11404\\_ref\\_CDFW.pdf](#)

---

Good afternoon, Scott – I hope this email finds you well. I am reviewing APPS 11404 and I see that CDFW provided comments regarding the wells used for the project, however, I don't see any additional comments. I wanted to check in with you to see if CDFW has any additional comments.

PROJECT DESCRIPTION;

A Conditional Use Permit for an existing 37,543-square-foot outdoor cannabis cultivation operation that occurs within three distinct cultivation area with ancillary propagation and drying activities. Irrigation water is sourced from two groundwater wells and a point of diversion on an unnamed Class II watercourse that is tributary to Squaw Creek then the Mattole River. Water for irrigation is sourced from two groundwater wells and a point of diversion from an unnamed water course. Existing available water storage is 195,000 gallons in 49 hard-sided tanks. Estimated annual water usage is 882,000 gallons. Processing, including drying, curing and trimming, occurs in an existing 2,000-square-foot processing facility. A maximum of 6 employees may be utilized during peak operations. Power is provided by 72 solar panels with an automatic backup generator in the event of a power outage. The proposed project includes a Special Permit for development within the Streamside Management Area to allow continued use of a point of diversion located on an unnamed Class II watercourse that is tributary to Squaw Creek then the Mattole River.

Please let me know if you have any questions or need any additional information.

Best,  
Meghan



Meghan Ryan  
Planning Director  
LACO Associates  
Eureka | Ukiah | Santa Rosa | Chico  
*Advancing the quality of life for generations to come*  
707 443-5054  
<http://www.lacoassociates.com>

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**Graydon, Dawn**

---



**From:** Bocast, Kalyn@Wildlife <Kalyn.Bocast@Wildlife.ca.gov>  
**Sent:** Friday, October 20, 2017 12:40 PM  
**To:** Graydon, Dawn  
**Subject:** Forever Honeydew Farms-APPS 11404 Well Completion Report Response  
**Attachments:** 11404\_well completion report.pdf

Hello Dawn,

It appears that the well for APPS# 11404 is not hydrologically connected to surface waters of the State and is therefore not in the jurisdiction of CDFW.

Thank you,

Kalyn Bocast  
Environmental Scientist  
Watershed Enforcement Team  
California Department of Fish and Wildlife  
619 2nd Street  
Eureka, CA 95501  
(707) 441-2077



HUMBOLDT COUNTY  
PLANNING AND BUILDING DEPARTMENT  
CURRENT PLANNING DIVISION  
3015 H STREET, EUREKA, CA 95501 ~ PHONE (707) 445-7541



9/5/2017

**PROJECT REFERRAL TO: Mattole Union Unified School District School District**

**Project Referred To The Following Agencies:**

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, Regional Water Quality Control Board, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, Humboldt County Sheriff, Mattole Union Unified School District School District, Sinkyone

**Applicant Name** Forever Honeydew Farms, LLC **Key Parcel Number** 107-096-007-000

**Application (APPS#)** 11404 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** CUP16-243

Please review the above project and provide comments with any recommended conditions of approval. To help us log your response accurately, please include a copy of this form with your correspondence.

Questions concerning this project may be directed to the assigned planner for this project between 8:30am and 5:30pm Monday through Friday.

County Zoning Ordinance allows up to 15 calendar days for a response. If no response or extension request is received by the response date, processing will proceed as proposed.

☐ If this box is checked, please return large format maps with your response.

**Return Response No Later Than 9/20/2017** Planning Commission Clerk  
County of Humboldt Planning and Building Department  
3015 H Street  
Eureka, CA 95501  
**E-mail:** PlanningClerk@co.humboldt.ca.us **Fax:** (707) 268-3792

**We have reviewed the above application and recommend the following (please check one):**

☐ Recommend Approval. The Department has no comment at this time.

☐ Recommend Conditional Approval. Suggested Conditions Attached.

☐ Applicant needs to submit additional information. List of items attached.

☐ Recommend Denial. Attach reasons for recommended denial.

☒ Other Comments: See attached

DATE: 9/8/17

PRINT NAME: Shari Lovitt



## **Mattole Unified School District**

P.O. Box 211, 29289 Chambers Road

Petrolia, CA. 95558

Phone# (707) 629-3311

Fax# (707) 629-3575

**TO:** Humboldt County Planning and Building Department

**FROM:** Board of Trustees of Mattole Unified School District

**SUBJECT:** APPS#11404

**DATE:** September 8, 2017

---

Mattole Unified School District desires to promote a safe, drug-free environment for our students and staff. In our attempts to ensure drug-free campuses, we have adopted board policy 4020 Alcohol-Free Workplace and board policy 5131.6 Alcohol and Other drugs (attached). These policies are maintained and strictly enforced. Mattole Unified School District does not condone any illegal activity and endeavors to promote a safe and healthy lifestyle.

With this said, upon inspection and in accord with Ordinance 2559, Section 313 of Chapter 3, Division 1 of Title III of the Humboldt County Code, at this time, the proposed project's cultivation area does not appear to be within 600 feet of a school or school bus stop. The need to add bus stops is subject to change, and it is possible the District may need to add a bus stop at some point which would violate this provision of the County Code. However, at this time, there is no conflict.



**DRUG AND ALCOHOL-FREE WORKPLACE**

The Governing Board believes that the maintenance of drug and alcohol-free workplaces is essential to school and district operations.

No employee shall unlawfully manufacture, distribute, dispense, possess, use or be under the influence of any alcoholic beverage, drug or controlled substance as defined in the Controlled Substances Act and Code of Federal Regulations before, during or after school hours at school or in any other district workplace.

The Superintendent or designee shall:

1. Publish and give to each employee a notification of the above prohibitions. The notification shall specify the actions that will be taken against employees who violate these prohibitions. The notification shall also state that as a condition of employment, the employee will abide by the terms of this policy and notify the employer, within five days, of any criminal drug or alcohol statute conviction which he/she receives for a violation occurring in the workplace.

For the purpose of this policy, "conviction" shall mean a finding of guilt, including a plea of nolo contendere, or imposition of sentence, or both, by any judicial body charged to determine violations of federal or state criminal drug or alcohol statutes.

2. Establish a drug and alcohol-free awareness program to inform employees about:
  - a. The dangers of drug and alcohol abuse in the workplace
  - b. The district policy of maintaining drug and alcohol-free workplaces
  - c. Any available drug and alcohol counseling, rehabilitation, and employee assistance programs and
  - d. The penalties that may be imposed on employees for drug and alcohol abuse violations
3. Notify the appropriate federal granting or contracting agencies within 10 days after receiving notification, from an employee or otherwise, of any conviction for a violation occurring in the workplace.
4. Initiate disciplinary action within 30 days after receiving notice of a conviction for a violation in the workplace from an employee or otherwise. Such action shall be consistent with state and federal law, the appropriate employment contract, the applicable collective bargaining agreement and district policy and practices.

**DRUG AND ALCOHOL-FREE WORKPLACE (continued)**

5. Make a good faith effort to continue maintaining a drug and alcohol-free workplace through implementation of Board policy.

In taking disciplinary action, the Board shall require termination when termination is required by law. When termination is not required by law, the Board shall either take disciplinary action, up to and including termination, or shall require the employee to satisfactorily participate in and complete a drug assistance or rehabilitation program approved by a federal, state or local health, law enforcement or other appropriate agency. The Board's decision shall be made in accordance with relevant state and federal laws, employment contracts, collective bargaining agreements and district policies and practices.

(cf. 4117.4 - Dismissal)

(cf. 4118 - Suspension/Disciplinary Action)

(cf. 4159/4258/4359 - Employee Assistance Programs)

(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

*Legal Reference:*

EDUCATION CODE

44011 Controlled substance offense

44065 Issuance of credentials

44425 Conviction of controlled substance offenses as grounds for revocation of credential

44836 Employment of certificated persons convicted of controlled substance offenses

44940 Compulsory leave of absence for certificated persons

44940.5 Procedures when employees are placed on compulsory leave of absence

45123 Employment after conviction of controlled substance offense

45304 Compulsory leave of absence for classified persons

GOVERNMENT CODE

8350-8357 Drug-free workplace

THE DRUG-FREE WORKPLACE ACT OF 1988

Public Law 100-690, 5151-5160

DRUG-FREE SCHOOLS AND COMMUNITIES ACT AMENDMENT OF 1989

H.R. 3614

UNITED STATES CODE, TITLE 21

202 schedules I-V

812 Controlled Substances Act

CODE OF FEDERAL REGULATIONS, TITLE 21

1300.1-1300.15 Definitions relating to controlled substances

Policy  
adopted: April 3, 3003

**MATTOLE UNIFIED SCHOOL DISTRICT**  
Petrolia, California

**DRUG AND ALCOHOL-FREE WORKPLACE  
NOTICE TO EMPLOYEES**

YOU ARE HEREBY NOTIFIED that it is a violation of Board policy for any employee at a school district workplace to unlawfully manufacture, distribute, dispense, possess, use or be under the influence of any alcoholic beverage, drug or controlled substance as defined in the Controlled Substances Act and Code of Federal Regulations.

"School district workplace" is defined as any place where school district work is performed, including a school building or other school premises; any school-owned or school-approved vehicle used to transport students to and from school or school activities; any off-school sites when accommodating a school-sponsored or school-approved activity or function, such as a field trip or athletic event, where students are under district jurisdiction; or during any period of time when an employee is supervising students on behalf of the district or otherwise engaged in district business.

As a condition of your continued employment with the district, you will comply with the district's policy on Drug and Alcohol-Free Workplace and will, any time you are convicted of any criminal drug or alcohol statute violation occurring in the workplace, notify your supervisor of this conviction no later than five days after such conviction.

Pursuant to the federal Omnibus Transportation Employee Testing Act of 1991, school bus drivers shall be subject to a drug and alcohol testing program that fulfills the requirements of the Code of Federal Regulations, Title 49, Part 382.

*(cf. 4112.42/4212.42/4312.42 - Drug and Alcohol Testing for School Bus Drivers)*

Pursuant to California Education Code 44836 and 45123, the Board may not employ or retain in employment persons convicted of a controlled substance offense as defined in Education Code 44011. If any such conviction is reversed and the person acquitted in a new trial or the charges dismissed, his/her employment is no longer prohibited.

Pursuant to Education Code 45123, the district may employ for classified service a person who has been convicted of a controlled substance offense only if it determines, from evidence presented, that the person has been rehabilitated for at least five years. The Board shall determine the type and manner of presentation of the evidence, and the Board's determination as to whether or not the person has been rehabilitated is final.

Pursuant to Education Code 44425, whenever the holder of any credential issued by the State Board of Education or the Commission for Teacher Preparation and Licensing has been convicted of a controlled substance offense as defined in Education Code 44011, the commission shall forthwith suspend the credential. When the conviction becomes final or when imposition of sentence is suspended, the commission shall revoke the credential. (Education Code 44425)



**DRUG AND ALCOHOL-FREE WORKPLACE NOTICE TO EMPLOYEES**  
(continued)

Pursuant to Education Code 44940, the district must immediately place on compulsory leave of absence any certificated employee charged with involvement in the sale, use or exchange to minors of certain controlled substances.

Pursuant to Education Code 44940, the district may immediately place on compulsory leave of absence any certificated employee charged with certain controlled substance offenses.

Exhibit  
version: April 3, 3003

**MATTOLE UNIFIED SCHOOL DISTRICT**  
Petrolia, California

Policy  
adopted: January 10, 2004  
Students

MATTOLE UNIFIED SCHOOL DISTRICT  
Petalia, California  
BP 5131.6(a)

## ALCOHOL AND OTHER DRUGS

The Governing Board believes that the use of alcohol or other drugs adversely affects a student's ability to achieve academic success, is physically and emotionally harmful, and has serious social and legal consequences. The Board desires to keep district schools free of alcohol and other drugs and desires that every effort be made to reduce student use of these substances. The Board perceives this effort as an important step towards preventing violence, promoting school safety and creating a disciplined environment conducive to learning.

The Superintendent or designee shall develop a comprehensive prevention and intervention program that includes instruction, referral to a rehabilitation program, enforcement/ discipline, activities that promote the involvement of parents/guardians and coordination with appropriate community agencies and organizations.

*(cf. 0450 - Comprehensive Safety Plan)*  
*(cf. 1020 - Youth Services)*  
*(cf. 4020 - Drug and Alcohol-Free Workplace)*  
*(cf. 6020 - Parent Involvement)*

The Superintendent or designee shall clearly communicate to all students, staff and parents/guardians the district's policies, regulations and school rules related to the use of alcohol and other drugs on school campuses or at school activities. Information about program needs and goals shall be widely distributed in the community.

*(cf. 1100 - Communication with the Public)*  
*(cf. 5131.61 - Drug Testing)*  
*(cf. 5131.62 - Tobacco)*  
*(cf. 5144.1 - Suspension and Expulsion/Due Process)*

The Board expects staff to conduct themselves in accordance with the district's philosophy related to alcohol and other drugs. Staff should help students see themselves as responsible partners in efforts to maintain a safe, constructive school climate.

*(cf. 5137 - Positive School Climate)*

The Board also encourages the establishment of site-level advisory groups to assist in promoting alcohol- and drug-free schools.

*(cf. 1220 - Citizen Advisory Committees)*

### Instruction

The district shall provide preventative instruction which helps students avoid the use of alcohol and other drugs. Comprehensive, age-appropriate K-12 instruction shall address the legal, social, personal and health consequences of drug and alcohol use, promote a sense of individual responsibility, and inform students about effective techniques for resisting peer pressure to use alcohol and other drugs.

BP 5131.6(b)

## ALCOHOL AND OTHER DRUGS (continued)

All instruction and related materials shall consistently state that unlawful use of alcohol or other drugs is wrong and harmful. Instruction shall not include the concept of responsible use when such use is illegal.

Teachers shall be trained to answer students' questions related to alcohol and drugs and to help students obtain and use current and accurate information, develop and maintain a positive self-concept, take positive actions to cope with stress, and use appropriate social and personal skills to resist involvement with alcohol and other drugs.

*(cf. 4131 - Staff Development)*  
*(cf. 6142.2 - AIDS Prevention Instruction)*  
*(cf. 6142.8 - Comprehensive Health Education)*  
*(cf. 6143 - Courses of Study)*

#### **Intervention, Referral and Recovering Student Support**

The Board believes that effective interventions should be available to assist students who use alcohol or other drugs. School staff, students and parents/guardians shall be informed about signs and symptoms which may indicate alcohol and other drug use and about appropriate agencies offering intervention programs, counseling and rehabilitation for students and their family members. The district shall help recovering students to avoid reinvolvement with alcohol and other drugs by providing school and/or community service activities designed to increase students' sense of community.

*(cf. 6142.4 - Learning Through Community Service)*

The Board strongly encourages any student who is using alcohol or drugs to discuss the matter with his/her parent/guardian or with any staff member. Students who disclose their use of alcohol or other drugs when seeking help from an intervention or recovery program shall not be disciplined for such use.

#### **Enforcement/Discipline**

The Superintendent or designee shall take appropriate action to eliminate possession, use or sale of alcohol and other drugs and related paraphernalia on school grounds, at school events, or in any situation in which the school is responsible for the conduct and well-being of students. School authorities may search students and school properties for the possession of alcohol and other drugs in accordance with law, Board policy and administrative regulations.

*(cf. 5145.11 - Questioning and Apprehension)*  
*(cf. 5145.12 - Search and Seizure)*

BP 5131.6(c)

#### **ALCOHOL AND OTHER DRUGS (continued)**

Students possessing, using or selling alcohol or other drugs or related paraphernalia at school or at a school event shall be subject to disciplinary procedures including suspension or expulsion in accordance with law, Board policy and administrative regulations. Such students also may be referred to an appropriate rehabilitation program.

*(cf. 5144.1 - Suspension and Expulsion/Due Process)*



*Legal Reference:*

EDUCATION CODE

44049 *Known or suspected alcohol or drug abuse by student*  
48900 *Suspension or expulsion (grounds)*  
48900.5 *Suspension, limitation on imposition; exception*  
48901 *Smoking or use of tobacco prohibited*  
48901.5 *Prohibition of electronic signaling devices*  
48902 *Notification of law enforcement authorities; civil or criminal immunity*  
48909 *Narcotics or other hallucinogenic drugs*  
48915 *Expulsion; particular circumstances*  
49423 *Administration of prescribed medication*  
49480 *Notice to school by parent or guardian; consultation with physician*  
49602 *Confidentiality of pupil information*  
51202 *Instruction in personal and public health and safety*  
51203 *Instruction on alcohol, narcotics and restricted dangerous drugs*  
51210 *Areas of study*  
51220 *Areas of study, grades 7 to 12*  
51260 *Elementary and secondary school instruction in drug education by appropriately trained instructors*  
51262 *Use of anabolic steroids; legislative finding and declaration*  
51264 *CDE assistance for inservice training*  
51265 *Gang violence and drug and alcohol abuse prevention inservice*  
51268 *Collaboration to avoid duplication of effort*

BUSINESS AND PROFESSIONS CODE

25608 *Alcohol on school property; use in connection with instruction*

HEALTH AND SAFETY CODE

11032 *Narcotics, restricted dangerous drugs and marijuana; construction of terms used in other divisions*  
11053-11058 *Standards and schedules*  
11353.6 *Juvenile Drug Trafficking and Schoolyard Act*  
11357 *Unauthorized possession of marijuana; punishment; prior conviction; possession in school or on school grounds*  
11361.5 *Destruction of arrest or conviction records*  
11372.7 *Drug program fund; uses*  
11802 *Joint school-community alcohol abuse primary education and prevention program*

*Legal Reference continued: (see next page)*

BP 5131.6(d)

**ALCOHOL AND OTHER DRUGS (continued)**

*Legal Reference: (continued)*

11965-11969 *The School-Community Primary Prevention Program*  
11998-11998.3 *Drug and Alcohol Abuse Master Plans*  
11999-11999.3 *Alcohol and drug program funding; no unlawful use*  
124175-124200 *Adolescent family life program (Department of Health Services)*

PENAL CODE

13864 *Comprehensive alcohol and drug prevention education*

VEHICLE CODE

13202.5 *Drug and alcohol related offenses by person under age of 21, but aged 13 or over; suspension, delay, or restriction of driving privileges*

WELFARE AND INSTITUTIONS CODE

828 *Disclosure of information re minors*

828.1 *Disclosure of criminal records; protection of vulnerable staff & students*

UNITED STATES CODE, TITLE 20

5812 *National education goals*

7101-7143 *Safe and Drug-Free Schools and Communities Act of 1994*

## **ALCOHOL AND OTHER DRUGS**

### **Instruction**

Students shall receive instruction by appropriately trained instructors about the nature and effects of alcohol and other drugs, including dangerous drugs defined by Health and Safety Code 11032. (Education Code 51260)

Site administrators shall determine that drug education instructors possess: (Education Code 51260)

1. The ability to interact with students in a positive way
2. Knowledge of the properties and effects of tobacco, alcohol, narcotics, dangerous drugs, and shared drug apparatus
3. Effective teaching skills and competency in helping students to express opinions responsibly and to become aware of their values as they affect drug-use decisions

At all grade levels, instruction shall include a study of the effects of alcohol and other drugs upon the human system, as determined by science. Instruction shall be sequential in nature and suited to meet the needs of students at their respective grade level. (Education Code 51203, 51260)

In grades 1 through 6, instruction in drug education should be given in health courses required by Education Code 51210. (Education Code 51260)

In grades 7 through 12, instruction in drug education shall be conducted in health courses and in any other appropriate area of study required by Education Code 51220. (Education Code 51260)

Secondary school instruction shall include a study of the effects of alcohol and other drugs upon prenatal development. (Education Code 51203)

*(cf. 6143 - Courses of Study)*

The district drug education program shall augment county drug education services, if any. District staff shall take every opportunity to cooperate with county office of education staff in planning and implementing collaborative alcohol and drug prevention programs. (Education Code 51260, 51268)

### **Intervention**

The staff shall intervene whenever students use alcohol or other illegal drugs while on school property or under school jurisdiction. Staff members who believe that a student may be under the influence of alcohol or drugs shall immediately notify the principal or designee.

AR 5131.6(b)

## **ALCOHOL AND OTHER DRUGS (continued)**

If the principal or designee knows, observes or suspects that a student may be under the influence of alcohol or drugs, he/she may notify the parent/guardian. (Education Code 44049)

However, school staff shall not disclose confidential information provided during counseling by a student 12 years of age or older. School counselors may report such information to the principal or parent/guardian only

when they believe that disclosure is necessary to avert a clear and present danger to the health, safety or welfare of the student or other persons living in the school community. They shall not disclose such information to the parent/guardian if they believe that the disclosure would result in a clear and present danger to the student's health, safety or welfare. (Education Code 44049, 49602)

*(cf. 5145.1 - Privacy)*

In cases of medical emergency, the principal is authorized to call an ambulance to remove the student to a hospital. Parents/guardians will be notified of this action and shall be responsible for the incurred expenses.

*(cf. 5141 - Health Care and Emergencies)*

#### **Confiscation of Electronic Signaling Devices**

Because electronic signaling devices (beepers, cellular telephones, etc.) are sometimes used to facilitate illegal drug transactions, the possession or use of such devices by students is prohibited on school premises, at all school-sponsored activities, and at any time while students are under the supervision and control of district employees. An exception shall be made only when the principal or designee has determined that the device is essential for the student's health and then shall be used only for health purposes. (Education Code 48901.5)

The Superintendent or designee shall confiscate these devices from students.

*(cf. 5144 - Discipline)*

#### **Enforcement/Discipline**

Staff shall notify the principal or designee immediately upon suspecting a student is selling, providing or using alcohol or other drugs.

When any student uses, possesses or sells alcohol or illegal drugs at school or while under school jurisdiction, the following shall result:

1. Parent/guardian contact

AR 5131.6(c)

#### **ALCOHOL AND OTHER DRUGS (continued)**

2. Suspension or expulsion in accordance with law or Board policy

*(cf. 5144.1 - Suspension and Expulsion/Due Process)*

3. Contact with law enforcement authority within one school day of the suspension (Education Code 48902)

In addition, the following actions may be taken:

1. Referral to an appropriate counseling program
2. Transfer/alternative placement
3. Restriction from all extracurricular activities, including athletics, for the length of the semester

*(cf. 6145 - Extracurricular and Cocurricular Activities)*





## **Reports**

Upon request, the Superintendent or designee shall submit alcohol and drug prevention program information to the California Department of Education, including information on the prevalence of drug use and violence by youth in the schools and community. Such information shall also be made readily available to the public. (20 USC 7117)



**United States Department of the Interior**  
**BUREAU OF LAND MANAGEMENT**

Arcata Field Office  
1695 Heindon Road  
Arcata, CA 95521-4573  
[www.blm.gov/california](http://www.blm.gov/california)



7/26/2019

Planning Commission Clerk  
County of Humboldt County  
Planning and Building Department  
3015 H Street, Eureka, CA 95501

Dear Sir or Madam:

In response to Application APP(S) # PLN-11404-CUP APN: 107-096-007-000

This project is adjacent to critical habitat for Northern Spotted Owl (NSO) and near critical habitat for Marbled Murrelet, designated by U.S. Fish and Wildlife Service. The project site is potentially used for foraging and dispersal habitat for northern spotted owls. It is unlikely that northern spotted owls nest near the project site to the lack of suitable habitat based on aerial photos. It is unlikely marbled murrelets are in the area.

The parcel falls within an area of "Essential Habitat Connectivity." Completed in 2010, this large, multi-stakeholder effort identified areas across California that provided critical corridors connecting blocks of relatively undisturbed wildlands. Over sixty federal, state, local, tribal and non-governmental organizations collaborated in delineation of these important landscape features. Since then, this corridor has been the site of several projects designed to address wildland fire threats, improve ecological processes, enhance grassland habitats, and restore depleted fish populations. Locally, this area is known as the "Redwoods to the Sea Corridor" connecting the coastal blocks encompassing the King Range through Gilham Butte to the Redwood parks along the South Fork Eel River. The report and supporting materials is available online at: <https://www.wildlife.ca.gov/Conservation/Planning/Connectivity/CEHC>

The report citation is:

Spencer, W.D., P. Beier, K. Penrod, K. Winters, C. Paulman, H. Rustigian-Romsos, J. Strittholt, M. Parisi, and A. Pettler. 2010. California Essential Habitat Connectivity Project: A Strategy for Conserving a Connected California. Prepared for California Department of Transportation, California Department of Fish and Game, and Federal Highways Administration. 313 pp.

The Humboldt County Ordinance No. 2559, Performance Standards for all Commercial Medical Marijuana Land Use Ordinance, Cultivation and Processing Operations section 55.4.11 item d, requires a 600 foot setback for publicly owned lands managed for open space and/or wildlife

habitat purposes. The BLM is concerned about a reduced setback because of the potential impacts to wildlife habitat.

Any activity or resource damage related to cannabis operations on public land such as the cultivation, production, transportation or distribution of supplies or product will violate the Controlled Substances Act and may be subject to federal criminal and/or civil action.

Sincerely,



Molly Brown  
Field Manager

**From:** [Meghan Ryan](#)  
**To:** [Fritze, Paul](#)  
**Cc:** [Johnson, Cliff](#)  
**Subject:** APPS #11404 - Forever Honeydew Farms - APN 107-096-007 - Humboldt County  
**Date:** Wednesday, March 24, 2021 4:08:00 PM  
**Attachments:** [PLN-11404-CUP-BLM-Response.pdf](#)  
[Property Site Maps-Forever Honeydew Farms.pdf](#)

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Good afternoon, Paul – I hope you’re doing well. Thank you for comments on APPS #11404 Honeydew Forever Honeydew Farms. The proposed project description is the following:

A Conditional Use Permit for an existing 37,543-square-foot outdoor cannabis cultivation operation that occurs within three distinct cultivation area with ancillary propagation and drying activities. Irrigation water is sourced from two groundwater wells and a point of diversion on an unnamed Class II watercourse that is tributary to Squaw Creek then the Mattole River. Water for irrigation is sourced from two groundwater wells and a point of diversion from an unnamed water course. Existing available water storage is 195,000 gallons in 49 hard-sided tanks. Estimated annual water usage is 882,000 gallons. Processing, including drying, curing and trimming, occurs in an existing 2,000-square-foot processing facility. A maximum of 6 employees may be utilized during peak operations. Power is provided by 72 solar panels with an automatic backup generator in the event of a power outage. The proposed project includes a Special Permit for development within the Streamside Management Area to allow continued use of a point of diversion located on an unnamed Class II watercourse that is tributary to Squaw Creek then the Mattole River.

Conditions of approval require noise and light attenuation measures as follows:

1. The applicant shall construct noise containment structures for all generators used on the parcel. The applicant shall obtain all required building permits for such structures. The applicant shall maintain generator, fan, and dehumidifier noise at or below 50 decibels at the edge of the clearing or 100 feet, whichever distance is closer. This will satisfy the auditory disturbance guidance prepared by the U.S. Fish and Wildlife (USFS), California Fish and Wildlife (CDFW) and Department Policy Statement No. 16-005 to minimize impacts to the Northern Spotted Owl and Marbled murrelet. All generators must be located on stable surfaces with a minimum 200-foot buffer from Class I and Class II streams, per the requirements of CDFW. No generator use is authorized by this permit until the applicant can demonstrate to compliance with this standard.
2. All artificial lighting used for propagation shall comply with International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1, and be designed to regulate light spillage onto neighboring properties resulting from backlight, up light, or glare (BUG). International Dark Sky Association standards exceed the requirements of Scenic Resources Standard SR-S4, Light and Glare, that lighting be fully shielded, and designed and installed to minimize off-site lighting and direct light within the property boundaries. Within 30 days of the effective date of this permit, the applicant shall schedule a site inspection with the Humboldt County Planning Department to demonstrate the structures and greenhouses can be comply with this standard.

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Regarding a reduction from the 600-foot setback from public lands mentioned in the BLM referral response, measurements from the Humboldt County WebGIS appear to be approximately 750 feet from the northernmost cultivation area, which would not require a Special Permit. I attached the site plans for your review. Please let me know if you concur with my analysis. The applicant has a pending permit on the adjacent parcel to the west that is within 600 feet of BLM lands and I will coordinate with you on that project separately.

Please let me know if you have any additional comments or questions regarding this project.

I appreciate your time!

Best,

Meghan



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