

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

**Resolution Number: 25-010**

**Record Number: PLN-11393-CUP**

**Assessor's Parcel Numbers: 524-112-002**

**Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approving the Grouse Mountain Green LLC Conditional Use and Special Permit.**

**WHEREAS**, Grouse Mountain Green LLC provided an application and evidence in support of approving a Conditional Use and Special Permit for an existing 22,000 square foot outdoor commercial cannabis cultivation operation; and

**WHEREAS**, the lead agency, prepared an Addendum to the 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 February 20, 2025 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 22,000 square feet of existing outdoor cannabis cultivation with 2,200 square feet of nursery space. Irrigation water is sourced from a rainwater catchment pond and two permitted wells. A 675,000-gallon pond and 28,000 gallons of hard-sided tanks store water for the project. Estimated annual irrigation water usage is 340,000 gallons. Drying and curing occurs onsite, with all other processing occurring offsite at a licensed facility. Power is provided by solar panels and generators, the project is conditioned to transition to 100% renewable power by January 1, 2026, with generators reserved for emergencies only. The project includes a Special Permit for restoration in a streamside management area.

**EVIDENCE:** a) Project File: PLN-11393-CUP

**2. FINDING:** **CEQA.** The project complies with the requirements of the California Environmental Quality Act. The Humboldt County Planning Commission has considered the Mitigated Negative Declaration previously adopted for the Commercial Medical Marijuana Land Use Ordinance as well as the Addendum to the Mitigated Negative Declaration that was prepared for the project pursuant to Section 15164 of the CEQA guidelines.

**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) The project is conditioned to demonstrate compliance with the State Water Board Cannabis General Order for Waste Discharge. Conditions of approval require the applicant to adhere to and implement the recommendations of the Site Management Plan and maintain enrollment in the State Cannabis Cultivation Policy for the life of the project.
- d) The project is for pre-existing cultivation. The nearest mapped Northern Spotted Owl activity center is approximately .94 miles to the northwest (HUM0137). The proposed project will utilize the pre-existing disturbed areas created prior to the environmental baseline. The applicant has opted to eliminate mixed-light cultivation from their project to minimize impacts to light sensitive nocturnal creatures. The project has been conditioned to ensure supplemental lighting associated with the nursery cultivation adheres to Dark Sky Association standards.
- e) A Road Evaluation Report concludes the route leading to the subject parcel is equivalent to a category 4 road standard with the implementation of repair and remediation measures and does not have any evidence of site-specific safety problems. The project is accessed through United States Forest Service Roads and a private driveway. The project is conditioned to implement repair and remediation measures through participation in the State Water Resources Board General Order.

- f) The continued cultivation of commercial cannabis will not result in a timber conversion. The project does not propose tree cutting.
- g) Consultation with the Hoopa and Tsnungwe Tribe met with no objections. The standard inadvertent discovery protocol is included as a condition of approval. As conditioned the project is unlikely to impact tribal cultural resources.

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

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

**EVIDENCE:** a) General agriculture is a use type permitted in the Timberland (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 historic landings on a timberland 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:** The proposed development is consistent with the purposes of the existing Timberland Production Zone (TPZ) zone in which the site is located.

**EVIDENCE:** a) The Timberland Production Zone or TPZ zone is intended to be applied to areas of the County in which primary uses include the growing and harvesting of timber and timber production facilities, including portable processing equipment. Compatible uses other than the direct growing, harvesting, and portable processing of timber include grazing and other agricultural uses.

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 cultivation and up to 22,000 square feet of existing mixed-light commercial 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 22,000 square feet of existing cultivation on a 40-acre parcel is consistent with this and with the cultivation area verification prepared conducted by staff.

- d) All cultivation is at least 30 feet from all property lines and there are no public parks, churches, school bus stops or other sensitive receptors within 600 feet of the cultivation areas.

**5. 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 U (HCC 314-55.4.8.2.2).
  - b) Parcel is an original land patent parcel.
  - c) The project will obtain water from permitted groundwater wells and a rainwater catchment pond, eligible water sources.
  - d) A Road Evaluation Report found the access roads to be functionally appropriate for the expected traffic with specified maintenance and repair procedures.
  - e) The slope of the land where existing cannabis will be cultivated is 0% to 15% and 15% to 30 % on existing flats. No new grading will occur.
  - f) The continued cultivation of cannabis will not result in the net conversion of timberland.
  - 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 and more than 600 feet from any school, church, public park, or Tribal Cultural Resource.

**6. FINDING:** The continued cultivation of 22,000 square feet of existing 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 found to safely accommodate the amount of traffic generated by the proposed

cannabis cultivation.

- b) 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 sizes in the area.
- c) Irrigation water will come from permitted groundwater wells and a rainwater catchment pond, eligible water sources.
- d) Provisions have been made in the applicant's proposal and conditions added to the project to protect water quality and thus runoff to adjacent property and infiltration of water to groundwater resources will not be affected.

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

**EVIDENCE:** a) The parcel was not included in the housing inventory of Humboldt County's 2019 Housing Element but does have the potential to support one housing unit. The approval of cannabis cultivation on this parcel will not conflict with the ability for a residence to be permitted on this parcel.

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

**EVIDENCE:** a) The project site is in the South Fork of the Trinity River Planning Watershed, which under Resolution 18-43 is limited to 86 permits and 29 acres of cultivation. With the approval of the project the total approved permits in this Planning Watershed would be 24 permits and the total approved acres would be approximately 11.33 acres of cultivation

**9. FINDING:** The use of the wells for irrigation purposes will not have any adverse impacts on any public trust resources.

**EVIDENCE:** a) The project is in the South Fork Trinity River Watershed; the project is .7 miles away from the river. The project collects water in the rainy season from November 1st to April 31st when the river has excess water due to rainfall. Water from two wells, tanks and the pond are used in the dry season when the flow of water available for public trust resources may be limited due to lack of rainfall. The applicant provided a well connectivity report which concluded that it is unlikely that either well is hydrologically connected to the nearby wells, streams, springs, wetlands, and seeps. The pond has been determined to be an off-channel pond and would not have an impact on the hydrology of tributaries to the South Fork of the Trinity River in the dry season. The project has no impact on flows during the dry season, thus the use of the stored water or wells for irrigation purposes will not cause any significant adverse impact to the South Fork of the Trinity River, the Trinity River or the Klamath River or otherwise substantially impair the public trust uses or values related to commerce, navigation, fisheries, public access, preservation of trust lands in their natural state, or water-related-recreation and other activities.

## 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 Grouse Mountain Green LLC, subject to the conditions of approval attached hereto as Attachment 1.

Adopted after review and consideration of all the evidence on **February 20, 2024**.

The motion was made by COMMISSIONER THOMAS MULDER and second by COMMISSIONER NOAH LEVY and the following vote:

AYES: COMMISSIONERS: Iver Skavdal, Thomas Mulder, Noah Levy, Jerome Qiriazzi, Sarah West, Lorna McFarlane

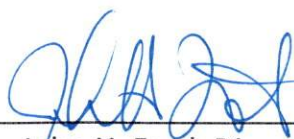
NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS: Peggy O'Neill

ABSTAIN: COMMISSIONERS:

DECISION: Motion carried 6/0

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

## **CONDITIONS OF APPROVAL**

**APPROVAL OF THE CONDITIONAL USE PERMIT IS CONDITIONED ON THE FOLLOWING TERMS AND REQUIREMENTS.**

**A. Conditions subject to the compliance agreement must be satisfied before the provisional cannabis cultivation permit is no longer considered provisional. This section also includes conditions that must be completed within specified time frames or completed prior to commencing cultivation.**

1. Within 60 days of the effective date of permit approval, the permittee shall execute a Compliance Agreement with the Humboldt County Planning and Building Department described under Conditions of Approval A6 through A9. All activities described in 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.
2. Within 60 days of the effective date of permit approval, the Permittee shall install water meters at the wellhead of the east well, west well, and the outlet of the rainwater catchment. The permittee shall provide a separate meter for domestic water. The permittee shall keep monthly records of water usage. The water meter records shall be made available to the Planning Department at each annual inspection or as requested by planning staff.
3. Within 60 days of the effective date of project approval, the permittee 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 and Building Department.
4. Within 60 days of the effective date of project approval, the permittee shall obtain a will-serve letter from the Fire Protection District OR cause to record 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.
5. Prior to cultivation in 2025, the permittee shall submit a revised cultivation operations plan that is consistent with the approved project description and site plan

6. Prior to cultivating in 2025, the permittee shall provide documentation that they have submitted a plan for the retirement of two points of diversion and have obtained a final Lake and Streambed Alteration Agreement from the California Department of Fish and Wildlife (CDFW).
7. The Permittee shall secure building permits for all structures and grading associated with the cannabis cultivation project. Permits or exemptions will be required for any significant grading that occurred to facilitate the cultivation operation.
8. The permittee shall provide a 2:1 graded escape ramp for animals or shall fully fence the pond to prevent animal entrapment.
9. The Permittee shall provide evidence that they have submitted an Invasive Aquatic Species Management Plan to the California Department of Fish and Wildlife (CDFW). The Invasive Species Management Plan shall include, at a minimum, an annual survey for invasive species including the American bullfrog. If invasive aquatic species are identified, the permittee shall submit evidence that they have coordinated with CDFW to develop necessary eradication measures.
10. No later than January 1, 2026, the permittee will develop and fully implement an alternative renewable energy (i.e., solar, wind, micro-hydro) plan for electricity serving the cannabis operation such that generator use may be reserved for emergency use only.
11. The permittee 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 to keep the permit valid.
12. Prior to cultivating in 2025, the permittee shall have a designated fire suppression tank, 2,500-gallon minimum, shall have the appropriate fire hose that meets CalFire SRA requirements, and shall have and maintain signing and building numbers.

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

1. 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 permittee and the lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided. Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, ground-stone 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

2. The Permittee must demonstrate that a properly functioning onsite wastewater treatment system serves the operation. This can be accomplished by either installing a new, permitted septic system; or alternatively, permittee shall provide DEH with an assessment of the existing system performed by a qualified professional engineer, geologist, soil scientist, or REHS that certifies that the existing system complies with the State RWQCB definition of a Tier 0 system - not impairing groundwater or surface water resources. Until such time that this condition is satisfied, the permittee must use a portable toilet to support the cultivation operation.
3. The permittee shall adhere to the ongoing monitoring and maintenance protocols listed in the table of the Site Management Plan as amended.
4. The permittee shall maintain compliance with Lake and Streambed Alteration Agreement (LSAA, 1600-2016-0210-0000-R1) for water diversion from Eubank Creek.
5. After December 31, 2025, generators shall be used for emergency purposes only.
6. 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 should be obtained should any structures be necessary for noise attenuation.
7. All artificial lighting shall be fully contained within propagation structures such that no

light escapes (e.g., through blackout tarps). 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 3,000 kelvins or less and 3) only placed where needed.

8. Should the Humboldt County Planning Division receive complaints that the lighting or noise is not complying with the standards listed above in items B.7 and B.8, within ten (10) working days of receiving written notification that a complaint has been filed, the permittee shall submit written verification that the lights' shielding and alignment, and noise levels have been repaired, inspected, and corrected as necessary.
9. Prohibition on use of synthetic netting. To minimize the risk of wildlife entrapment, Permittee shall not use any erosion control materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.
10. All refuse shall always be contained in wildlife proof storage containers and disposed of at an authorized waste management facility. This includes plastic irrigation lines when not in use during the growing season.
11. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and be allowed to leave the work site unharmed.
12. The use of anticoagulant rodenticide is prohibited.
13. All components of the project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Cultivation & Operations Plan, 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.
14. 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.

15. If operating pursuant to a written approved compliance agreement, the 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. The 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.
16. 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.
17. Compliance with all statutes, regulations, and requirements of the California State Water Resources Control Board and the Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration, as applicable.
18. 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).
19. Maintain enrollment in Tier 1, or 2 certification with State Water Resource Control Board (SWRCB) Order No. WQ 2019-0001-DWQ, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
20. Comply with the terms of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (Cal Fire), if applicable.
21. Consent to an annual on-site compliance inspection, with at least 24 hours prior notice, to be conducted by appropriate County officials during regular business hours (Monday through Friday, 9:00 a.m. to 5:00 p.m., excluding holidays).

22. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
23. Pay all applicable application, review for conformance with conditions and annual inspection fees.
24. Fuel shall be stored and handled in compliance with applicable state and local laws and regulations, including the County of Humboldt's Certified Unified Program Agency (CUPA) program, and in such a way that no spillage occurs.
25. The master logbooks maintained by the permittee to track production and sales shall be maintained for inspection by the County.
26. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).
27. The permittee is not allowed to utilize stringed lighting in the outdoor cultivation greenhouses, and this must be demonstrated through a site inspection.
28. The permittee shall have a dedicated fire suppression tank with a minimum of 2,500-gallon capacity. The designated fire suppression tank shall have the appropriate pipe size and valving requirements for such structures according to the Humboldt County Fire Safe Regulations Ordinance No. 2540 (Humboldt County, 2015) and shall meet minimum CalFire SRA requirements.

#### Performance Standards for Cultivation and Processing Operations

29. 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).
30. 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.
31. 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.
32. 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

33. Term of Commercial Cannabis Activity Conditional Use Permit & Special Permits. Any Commercial Cannabis Cultivation CUP 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.

34. 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 Conditional Use 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.

35. 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.

36. 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 if 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.

37. 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:
- a. Identifying information for the new owner(s) and management as required in an initial permit application;
  - b. A written acknowledgment by the new owner in accordance as required for the initial permit application;
  - c. The specific date on which the transfer is to occur;
  - d. Acknowledgement of full responsibility for complying with the existing permit; and
  - e. Execution of an Affidavit of Non-diversion of Medical Cannabis.
38. Inspections. The permit holder and subject property owner are to permit the County or representative(s) or designee(s) to make inspections at any reasonable time deemed necessary to assure that the activities being performed under the authority of this permit are in accordance with the terms and conditions prescribed herein.

**Informational Notes:**

1. Per Section 1273.03 of State Fire Safe Regulations: (a) At no point shall the grade for all roads and driveways exceed 16 percent; (b) The grade may exceed 16%, not to exceed 20%, with approval from the County of Humboldt Planning & Building Department with mitigations, such as paving, to provide for the same practical effect.
2. The permittee shall be aware that the Federal Government considers the cultivation of cannabis to be an illegal activity. This project is accessed by using roads that pass-through lands owned by the Federal Government. The Federal Government may not allow the permittee to use these roads to transport cannabis. In such case, Humboldt County will not provide relief to the permittee. Approval of this permit does not authorize transportation of cannabis across Federal lands.



11393

**Project Description – APN 53524-112-002****Outdoor and Mixed Light Cultivation Permits****Owner: W.U.R.M. Assets, LLC. - Applicant: Grouse Mountain Green, LLC.**

The Project is described below for APN 524-112-002, located on timberlands in northeastern Humboldt County in the vicinity of the community of Willow Creek in the lower South Fork Trinity River watershed (Figure 1), owned by W.U.R.M. Assets, LLC, and operated by the applicant, Grouse Mountain Green, LLC. This Project consists of an Outdoor Cultivation Special Permit (Type II) for 10,000 and a Mixed Light Cultivation use Permit for 22,000 ft<sup>2</sup> (Type III) under the pre-2016 existing cultivation provision. This Project Description includes documentation (date-stamped aerial imagery) of cannabis cultivation activity prior to January 1, 2016, which consisted of a total of ~12,600 ft<sup>2</sup> between two separate outdoor cultivation areas and a total of ~22,100 ft<sup>2</sup> between two separate mixed light cultivation areas (see pre-2016 cultivation documentation section below). A consolidation of all outdoor cultivation areas into area #3a or a nearby alternate location is proposed.

The existing conditions and proposed cultivation plan for APN 524-112-002, as detailed below, has been prepared, and is based on a site inspection and evaluation, by Joshua Strange, PhD, who is the Principal Biologist at Sweet River Sciences (email: joshua@sweetriversciences.com). Sweet River Sciences specializes in understanding complex river and water issues and technical information in order to provide easy to understand summaries, win-win solutions, innovative restoration designs, fundable study plans, sustainable water planning, land use planning and remediation, and reliable expertise with a proven record of excellence and success. Dr. Strange has over 15 years of experience in fisheries biology and aquatic ecology, and collaborates with a variety of specialists in forestry, geology, engineering, archeology, hydrology, water rights law, and statistical analysis.

APN 524-112-002 is a 136 acre parcel (Zoned TPZ) located adjacent to the paved public road USFS Route 6N06 (Figure 1). This parcel is near a ridgetop and thus contains relatively few streams with one marked blue line stream (Class II) and other potential Class III stream channels that would be unnamed tributaries to the lower South Fork of the Trinity River, all of which is visible in the parcel topography (Figure 2). The Class II stream provides domestic water from a previously developed Point of Diversion (POD), the location of which is show on the Site Plan (Figure 3). A permit application (1600/LSA) for the domestic water diversion and infrastructure (Figure 4) has been submitted to the CDFW. All irrigation water for cultivation is provided by a ~675,000 gallon off-channel, lined, rainwater catchment pond (Figure 4).

Cultivation occurs on natural terraces with gentle slopes (Figure 2) with minor clearing and grading for cultivation on top of the preexisting logging decks that were built, along with the road network, as part of prior timber harvest activities. Cultivation includes use of containers, holes, and raised beds with open air and hoop houses (Figure 5). Developments on the parcel include a residence with septic (Figure 6), several storage sheds, two processing shops, two diesel generators shed, solar power, hoop houses, a private road network, off-channel rainwater catchment pond for irrigation, and a basic domestic water system from the POD

(Figure 3). Electricity is provided primarily by generator power with proper fuel containment (Figure 7), which is augmented by solar power. The private roads on the property are generally in good condition, and a road assessment and improvement plan has been developed by Pacific Watershed Associates. There are no egregious erosional features on the private roads that need urgent remediation and there is only one stream crossing. Enrollment in the NCRWQCB cannabis program has been recently completed and a Water Resources Protection Plan is in development. A less-than-3-acre timber conversion evaluation has been conducted by Timberland Resource Consultants and the report is in preparation.

There are no schools, public facilities, or neighboring residences within the setbacks of the cultivation sites on the parcel (see setback section). No public access is permitted or proposed as part of this permit application. Cannabis related facilities are limited to residences, sheds for drying, processing (trimming), propagation, as well as covered storage for fertilizers and OMRI listed and MMRSA approved pesticides.

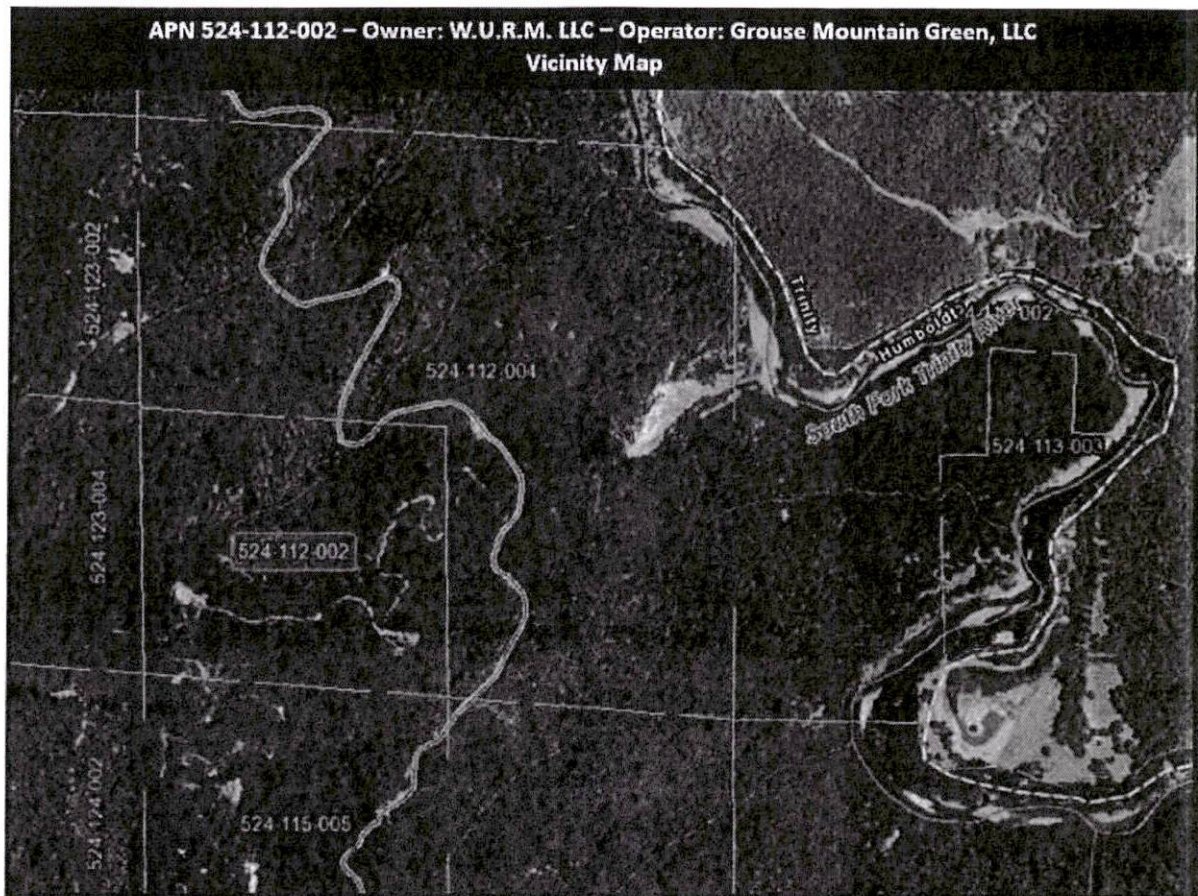


Figure 1. Vicinity overview map of APN 524-112-002 in relation to blue-water streams, USFS roads, neighboring parcels, and the South Fork of the Trinity River (Source: Humboldt County's GIS website).

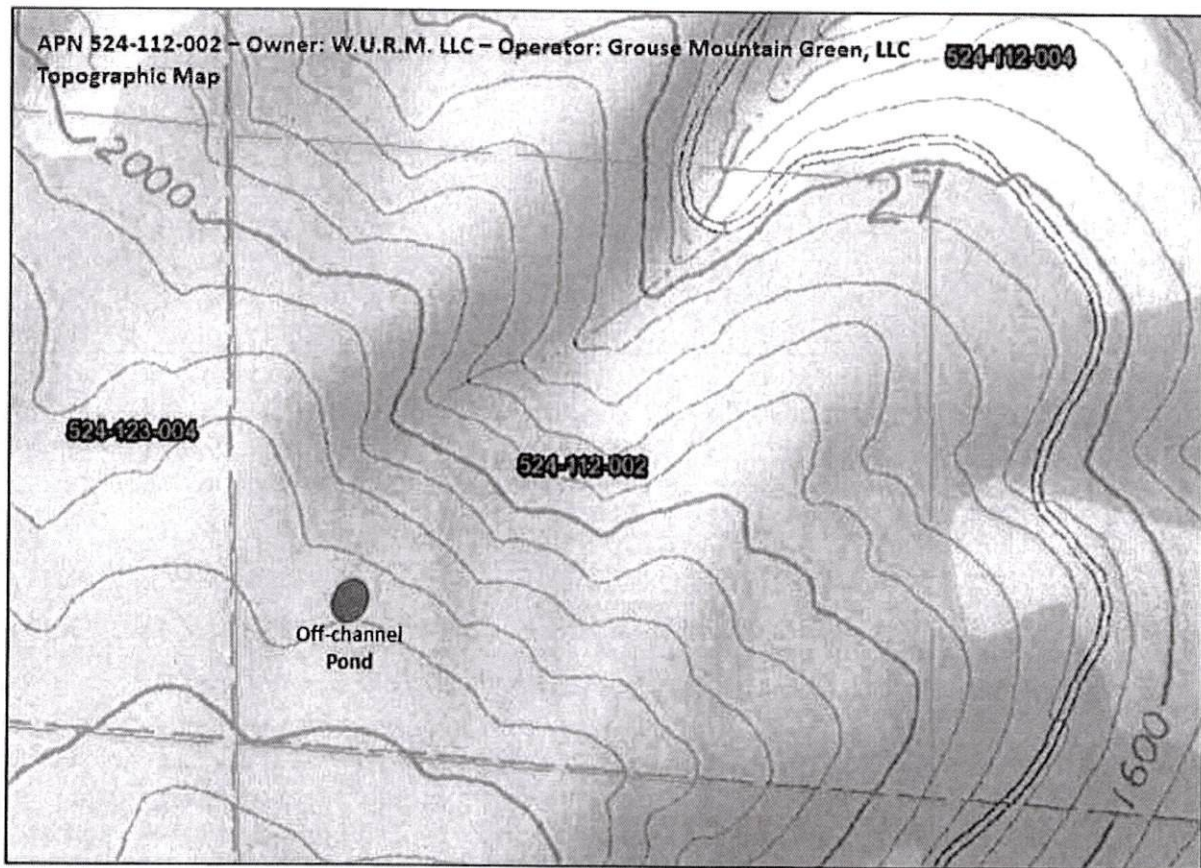


Figure 2. Contour map topography for APN 524-112-002, including the location of the off-channel rainwater catchment pond.

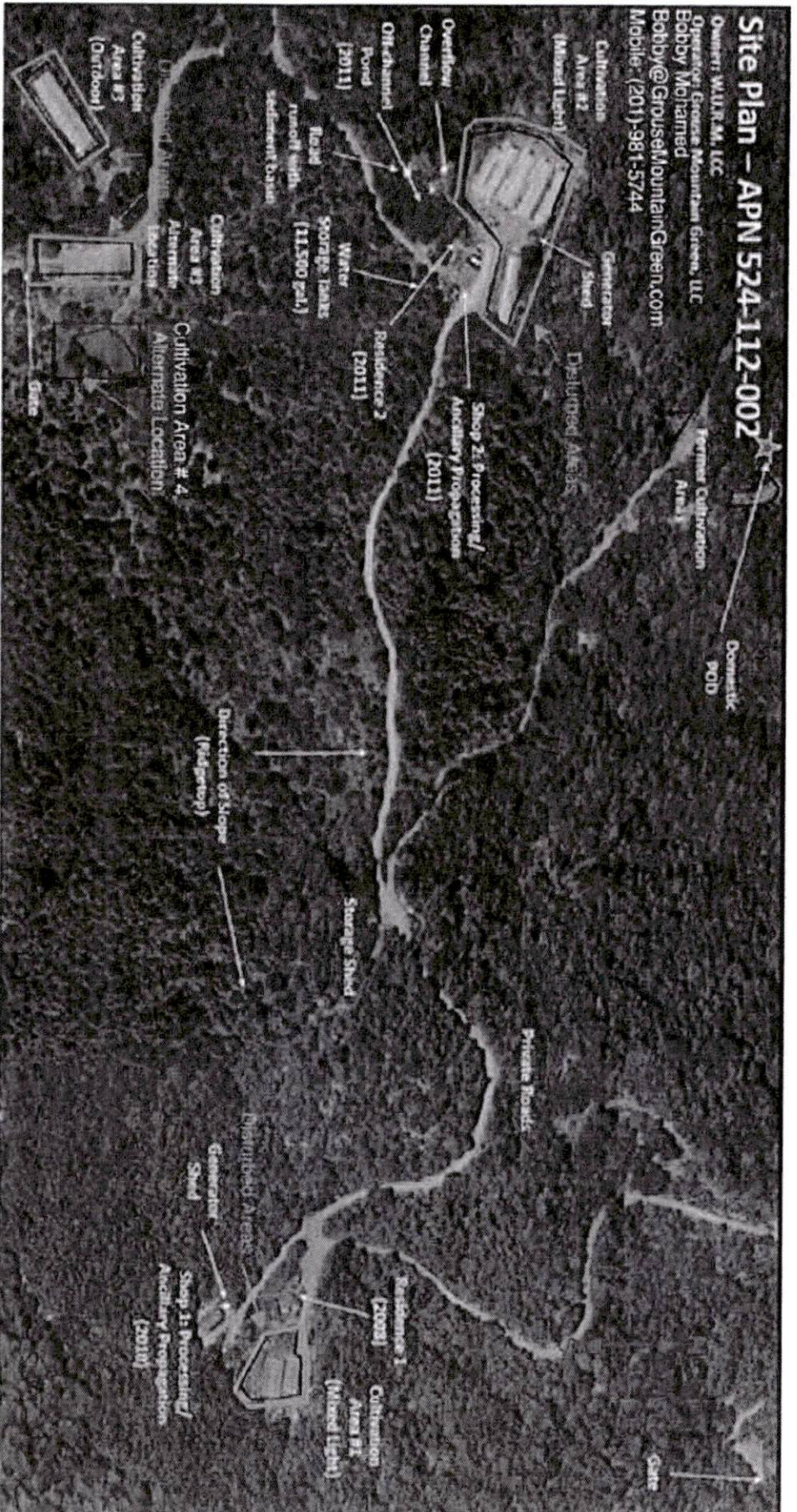


Figure 3. Site plan for APN 524-112-002.





Figure 4. Ground level photos of POD for domestic water source for APN 524-112-002. These pipes are in close proximity to each other and are combined into the same settling tank.

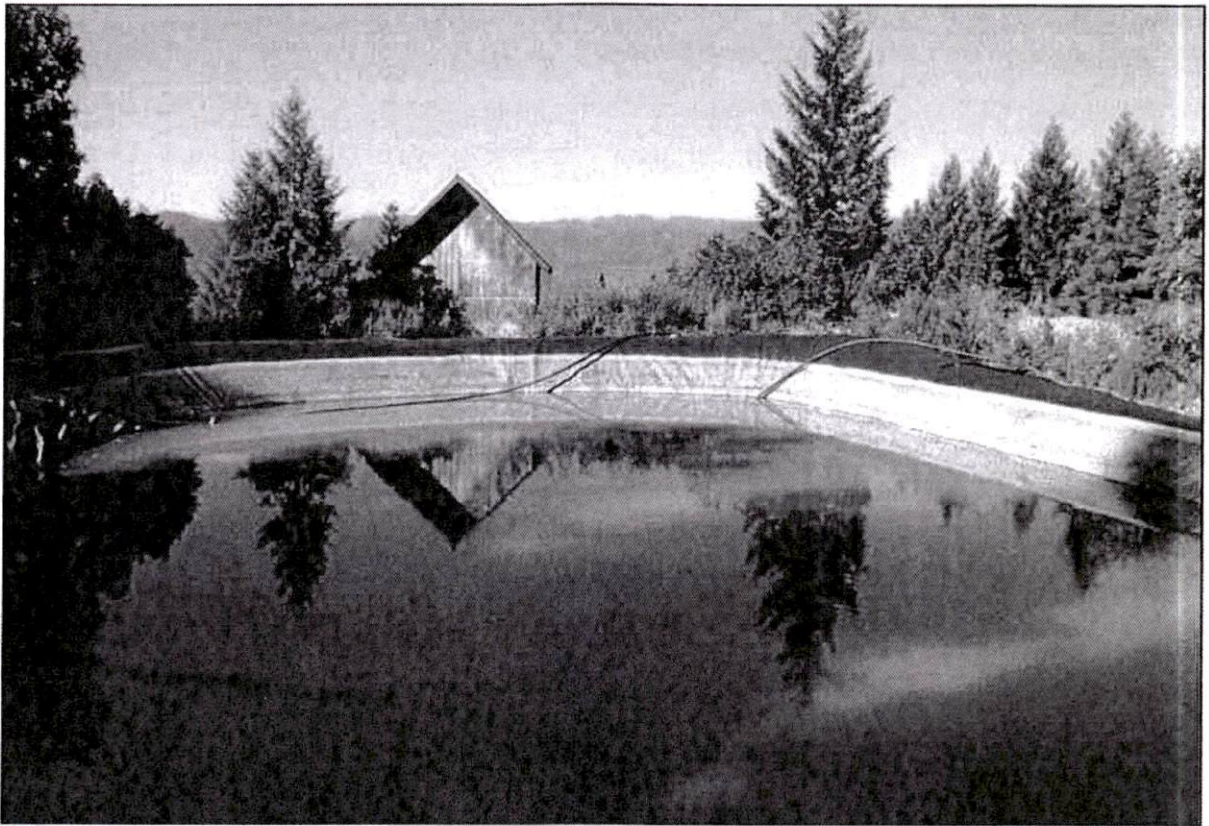


Figure 5. Off-channel rainwater catchment pond that provides irrigation water for APN 524-112-002.

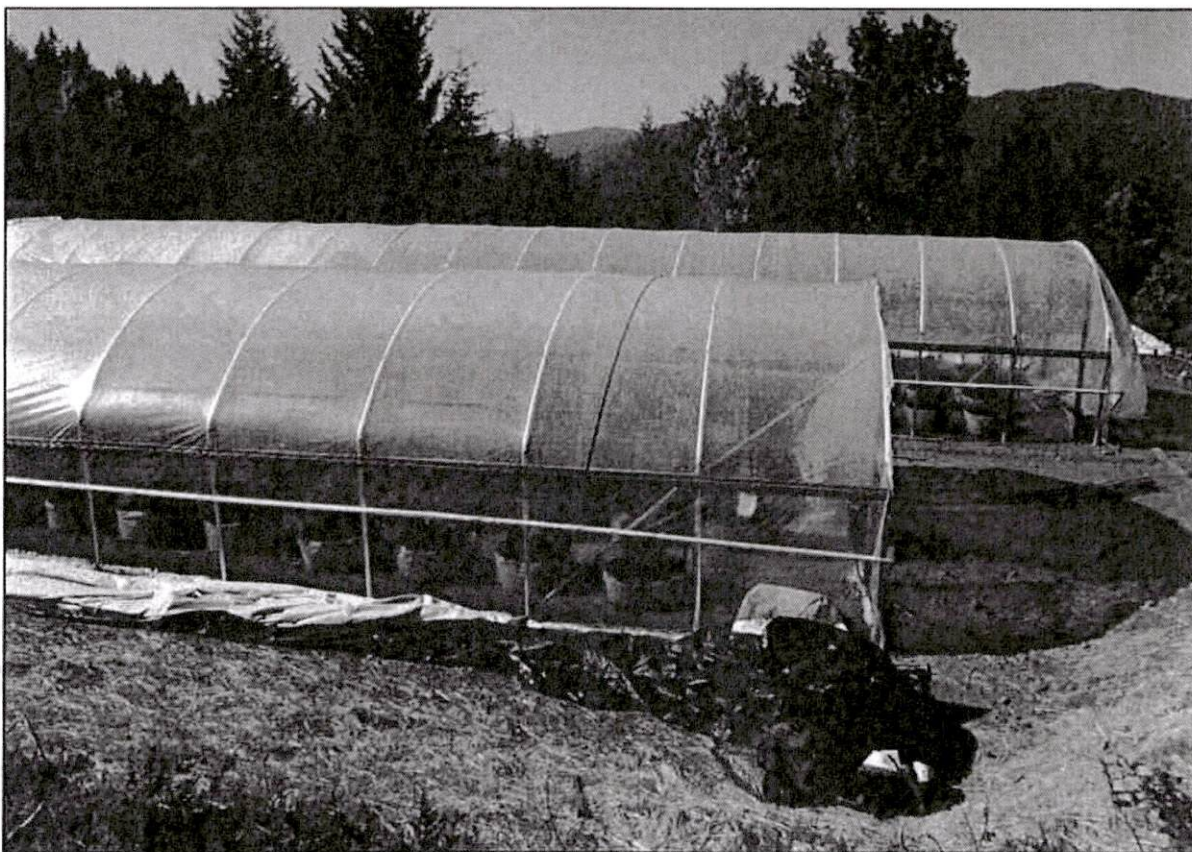


Figure 6. Example photo of cultivation areas (#1) on APN 524-112-002.



Figure 7. Primary residence on APN 524-112-002.

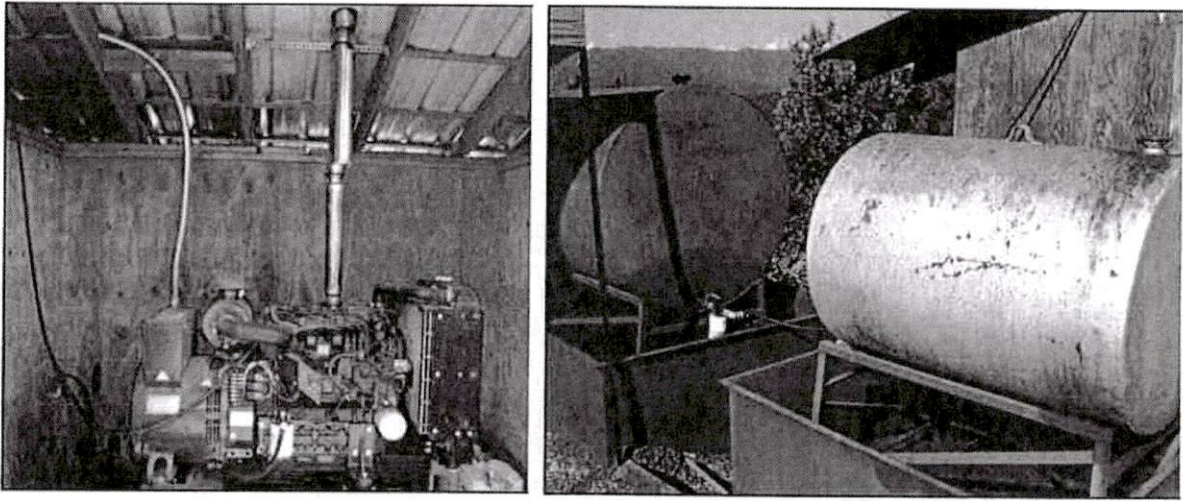


Figure 8. Generator in shed with separate fuel containment on APN 524-112-002 at Site #2.

## **Operations Plan – APN 524-112-002**

### **Outdoor and Mixed-Light Cultivation Permits**

The applicant's proposed project for APN 524-112-002 includes applications for an (pre-2016) outdoor cultivation Special Permit for 10,000 ft<sup>2</sup> and a mixed light cultivation Use Permit for 22,000 ft<sup>2</sup> pursuant to CMMLUO 55.4.8.2. This parcel is approximately 136 acres and is zoned TPZ.

#### **Cultivation Plan**

##### Water Operations

This property has two primary sources of water: (1) a point of diversion (POD) from an unnamed Class II/III tributary for domestic water, and (2) an off-channel rainwater catchment pond for irrigation water. The location of the POD and pond are shown on the Site Plan.

Drinking and domestic water for the residences and processing facilities on this property is supplied by the Class III tributary POD (subject of a pending CDFW 1600 permit). Domestic water use on this property is estimated at 400 gallons per day, although that amount could be higher during the peak of processing season.

The preexisting off-channel rainwater catchment pond has a volume of ~675,000 gallons and outfitted with a rubber liner to prevent seepage loss. A retroactive grading permit and stability analysis is in preparation by Trinity Valley Engineers, which will include recommendations for any necessary upgrades. The off-channel pond is stable and is fed by rain and snow fall during the wet season with a negligible amount of overland flow recruited into the pond. All irrigation water for this property during the full May 15<sup>th</sup> to October 15<sup>th</sup> forbearance period comes from the pond and is pumped or gravity fed into tanks that serve the various cultivation areas.

Total estimated agricultural irrigation water use is approximately 550,000 gallons for the growing season, although this is highly contingent on annual and monthly variation in meteorological conditions, cannabis strains, and cultivation techniques. The applicant irrigates at an agronomic rate that does not produce runoff.

##### Drainage and Water Resource Protections

Water resources and cultivation areas were assessed by Sweet River Sciences and the road network was assessed by Pacific Watershed Associates as part of the permitting process for the North Coast Regional Water Quality Control Board (NCRWQCB) and the California Department of Fish and Wildlife (CDFW). This included multiple inspections during the dry and wet seasons. There is one blue line stream on the parcel, which is a tributary to the South Fork Trinity River, but no active road stream crossings. The 1600 Lake and Streambed Alteration Permit application to the CDFW covers the Point of Diversion from the surface stream for domestic water supply. The NCRWQCB's cannabis program requires the development of a Monitoring and Reporting Plan and Water Resources Protection Plan, which focuses on protecting water resources from erosion and sediment delivery from cultivation areas, infrastructures, and road. The road network assessment and remediation plan developed by PWA will bring the road up

to standard condition requirements. The road network was constructed by prior landowners as part of timber harvest operations. Presently the road is functional with no significant areas for immediate remediation, which is due in part to the predominance of upland rocky soils. The road remediation plan includes the construction or further maintenance of 33 rolling dips. These remediation actions are designed to improve road drainage to decrease existing and potential sediment delivery to tributaries the South Fork Trinity River in northeastern Humboldt County.

All cultivation areas are located on landings constructed and utilized by the previous property owner for timber harvest activities, which has been evaluated in a timberland conversion report by a Registered Professional Forester at Timberland Resource Consultants. Although some surficial grading occurred at each cultivation site, there was no evidence of extensive recent cut or fill and the potential for surface erosion from the cultivation areas to reach watercourses was determined to be relatively low. The cultivation areas and the off-channel pond have minimal potential for sediment delivery to watercourses. However, the following general treatments will be conducted:

- General BMPs to be implemented at all cultivation areas: spreading straw and seed on all un-vegetated slopes; conduct minor grading to prevent runoff concentration as needed.

#### Storage of Regulated Products

No synthetic chemical fertilizers or pesticides will be used, and in the event of an emergency need, use would be from MMRSA approved list of chemical pesticides under their cannabis program requirements. Such products would be used according to the label specifications and any applicators will receive training and certification by Department of Pesticide Regulation along with appropriate protective gear.

Cultivation practices rely on regular foliar and root area spraying of compost tea as a preventive treatment to prevent problems with parasitic microbes, especially fungal. In the event of a fungal outbreak, OMRI approved organic pesticide products such as Neem Oil or Green Cleaner will be used. Plant fertilization will only be from organic OMRI approved products that will be added to the growing soil medium prior to the growing season as solids and also as liquid to irrigation tanks for fertigation during the growing season. All organic fertilizers will be stored out of the elements in the shop or the shipping container sheds.

Portable gasoline tanks for equipment will be stored in covered sheds. Diesel generators to provide electricity for drying and processing at the shop will be housed appropriately to contain noise at acceptable levels (e.g., <60 decibels at property boundaries) and provide protection from the element, including a proper fuel containment system for the diesel fuel tank. All generators and fuel tanks will have proper containment and cover from the elements.

#### Cultivation Activities and Schedules

The outdoor cultivation area of 10,000 ft<sup>2</sup> was comprised of four separate flats within the footprint of logging deck landings, but is proposed to be consolidated into one outdoor

cultivation area (see Site Plan). These flats are properly sited relative to County and agency guidelines. These outdoor cultivation areas are grown without supplemental lighting and have consisted of one crop per year grown in holes filled with growing medium (potting soil). The growing medium will be reused for years with annual amendments prior to the growing season and fertigation during the growing season following bio-dynamic practices. It is proposed to consolidate outdoor growing into cultivation area #3 or a proposed adjacent alternate location.

The mixed-light cultivation area of 22,000 ft<sup>2</sup> is comprised of two separate flats (see Site Plan), also within the footprint of logging deck landings. These flats are properly sited relative to County and agency guidelines. Cultivation methods include the use of raised bed with growing medium and covered hoops for day-length control and protection from the element to allow for year-round cultivation, although a fallowing period occurs during the height of the winter. This allows for two to three cycles per year from approximately March through October. These mixed-light cultivation areas are grown with a combination of supplemental lighting and light deprivation. Light deprivation tarps will also be used to cover the hoops when supplemental lighting is used at night to prevent light pollution. Supplemental day-length lighting is provided by a string of low-volt lights powered by generators that will be covered with underlying fuel containment. Heating for inside the hoops as needed will be provided by propane based forced air heating systems. The growing medium will be reused for years with annual amendments prior to the growing season and fertigation during the growing season following bio-dynamic practices. Irrigation water is distributed from the pond or its connected tanks via 1 inch poly tubing. There are no schools, public facilities, Tribal Cultural resources, or neighboring residences in the vicinity (i.e., 600 and 300 foot setbacks) of the processing areas.

#### Processing Plan

The location of processing facilities is shown on the Site Plan Map. Shops will be used for drying and pre-processing steps. The processing cabin will be used to house seasonal employees and conduct on-site processing of dried flowers. Facilities for employees include a kitchen with potable water, hand washing stations and showers, flush toilets with septic, and sleeping quarters. The cabins are wired and lighted with electricity provided by diesel generators. No processing of concentrates will occur. These buildings were built to code and back-permitting will be pursued under the Alternative Owner Builder ordinance. Additional permitted developments may be pursued as necessary to ensure compliance with processing and employment regulations. For processing, employees will be trained and have access to safety protocols and protective equipment.

There are no schools, public facilities, Tribal Cultural resources, or neighboring residences in the vicinity (i.e., 600 and 300 foot setbacks) of the processing areas.

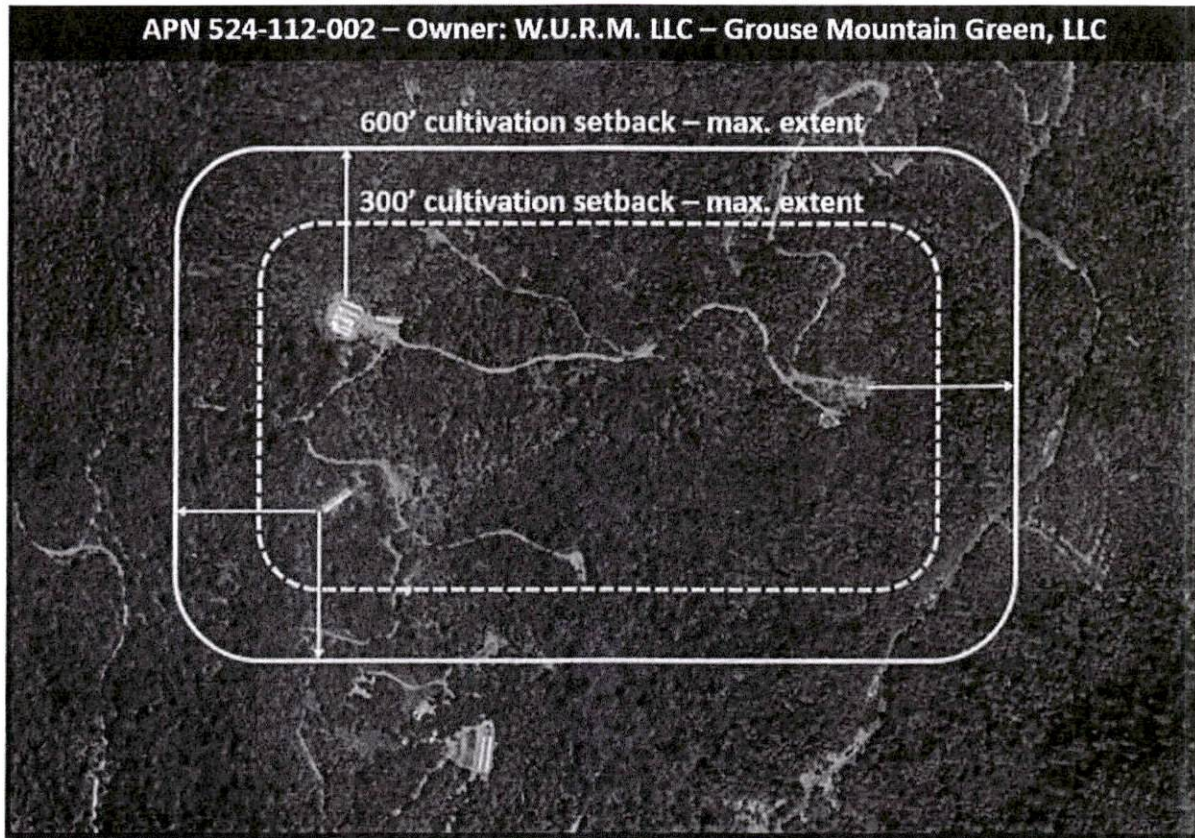
#### **Security Plan**

Security is provided by a combination of controlling the limited entry points, lack of public visibility, and surveillance. The remote location and forested and hilly terrain serve to obscure any view of cultivation areas from public roads or access points and also make off-road vehicle access impossible. No public access is allowed or proposed. The property has only two access

entry points at the top and bottom of the road system, which both have sturdy locked metal gates. Hidden and open video surveillance and motion detecting warning systems will be used to alert to the presence of vehicular or foot traffic and to document any suspicious activity on the roads, gates, processing facilities, and cultivation areas. No cash will be stored on site. Employees will have access to an emergency contact list and evacuation plan.

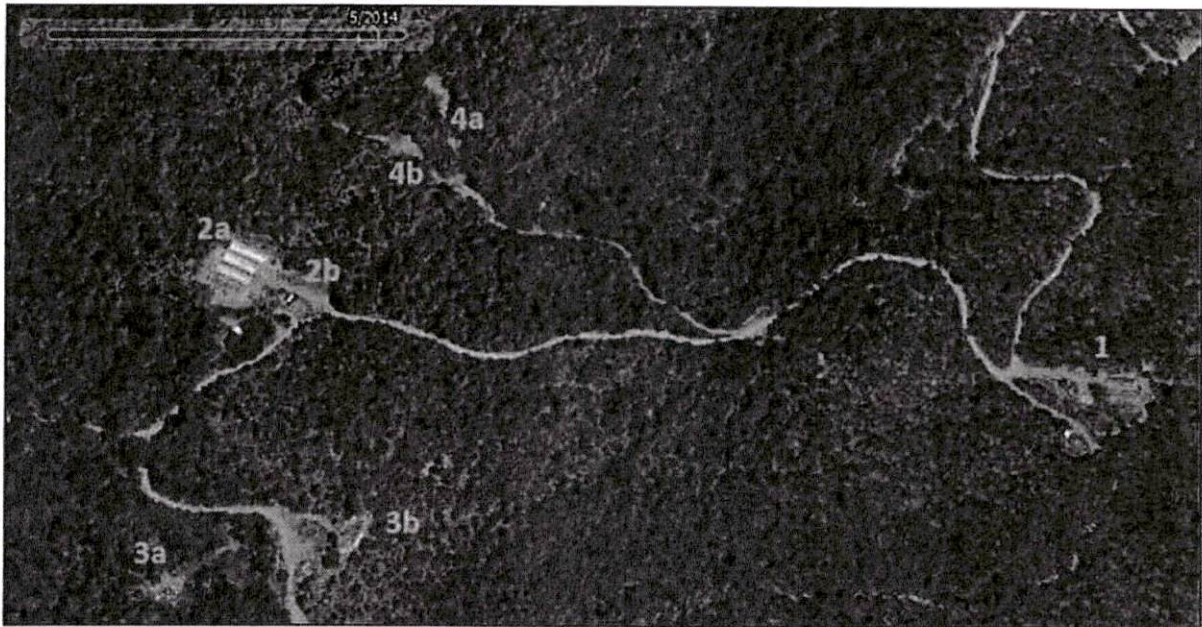
**Cultivation Setbacks – APN 524-112-002**  
**Outdoor and Mixed-Light Cultivation Permits**

There are no schools, public facilities, Tribal Cultural resources, or neighboring residences in the vicinity (i.e., 600 and 300 foot setbacks) of the processing areas (see documentation below).

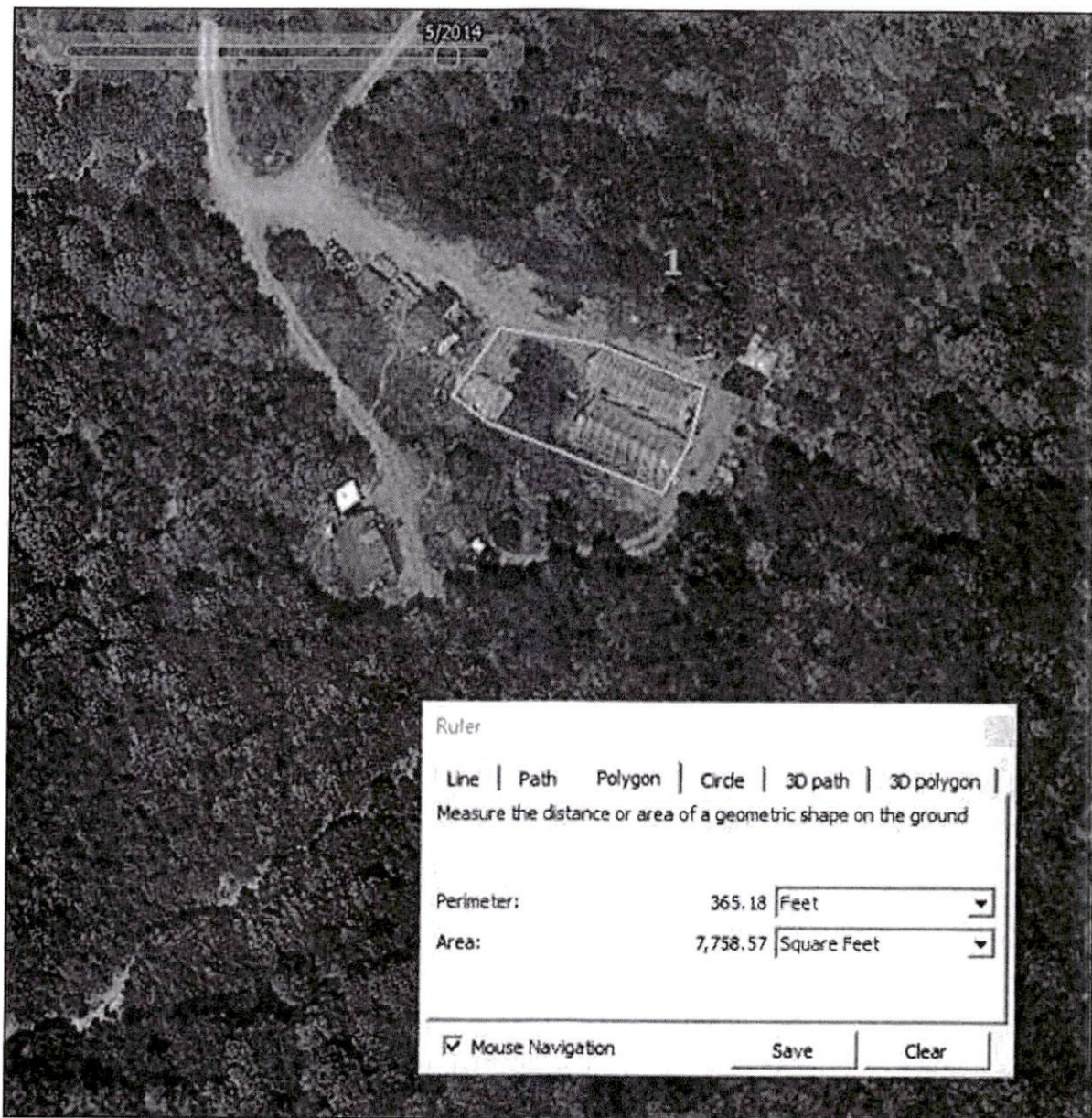


**Pre-2016 Cultivation Documentation and Area – APN 524-112-002**  
**Outdoor and Mixed-Light Cultivation Permits**

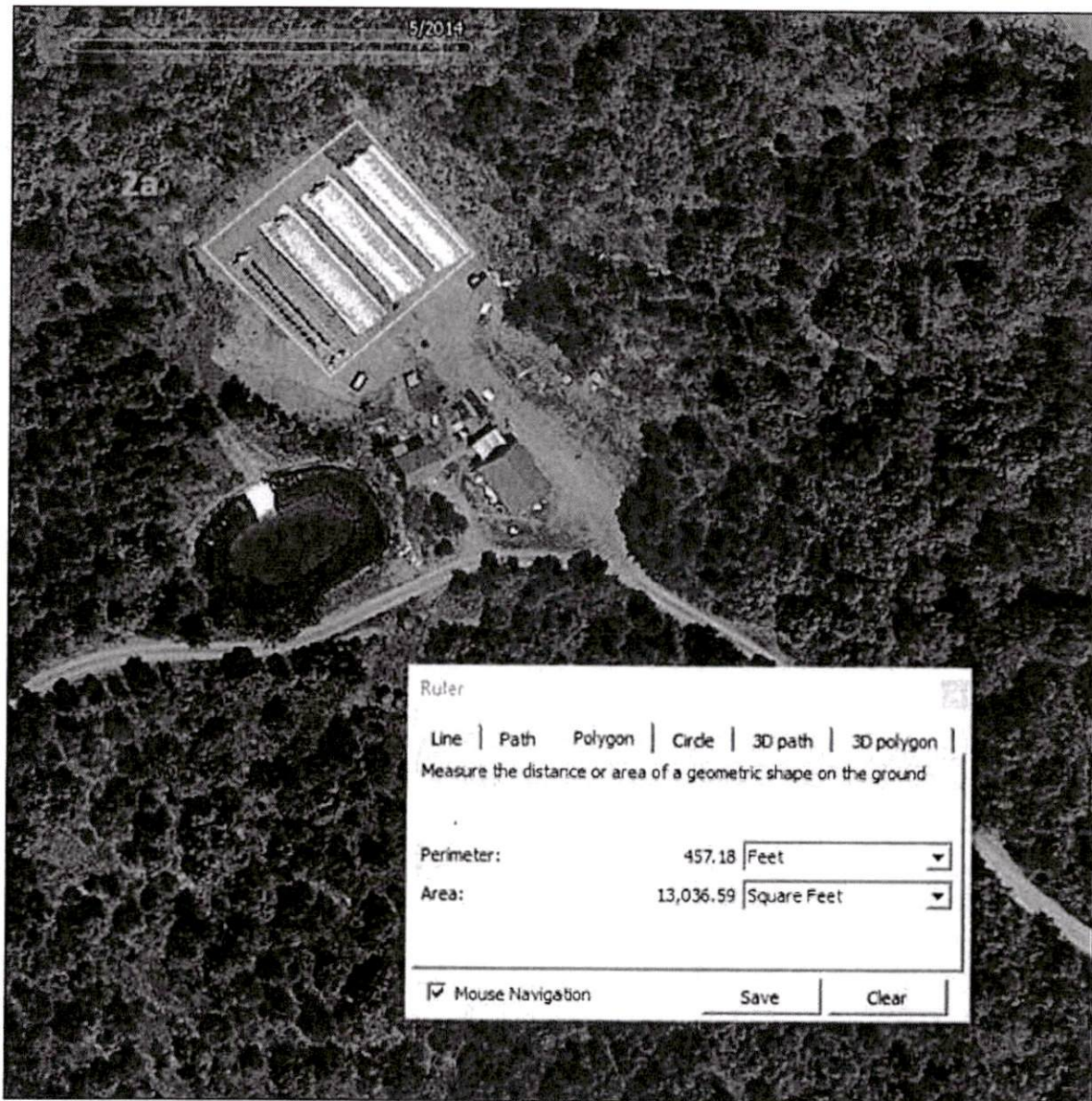
Attached below is image documentation of the cannabis cultivation activity prior to January 1, 2016 for APN 524-112-002, Zoned TPZ, in northeastern Humboldt County, Cultivation operations commenced prior to 2016 using logging deck landings cleared by the previous owner as part of timber harvest activities. Total outdoor cultivation area prior to January 1, 2016 for APN 524-112-002 was ~12,600 ft<sup>2</sup> between two separate cultivation areas (see images and captions below), and the proposed outdoor cultivation Special Permit is for 10,000 ft<sup>2</sup>, with a proposed consolidation of all outdoor cultivation areas into area #3a. Total mixed light cultivation area owned by W.U.R.M. Assets, LLC, and operated by the applicant, Grouse Mountain Green, LLC, prior to January 1, 2016 for APN 524-112-002 was ~22,100 ft<sup>2</sup> between two separate cultivation areas (see images and captions below), and the proposed mixed light cultivation Use Permit is for 22,000 ft<sup>2</sup>.



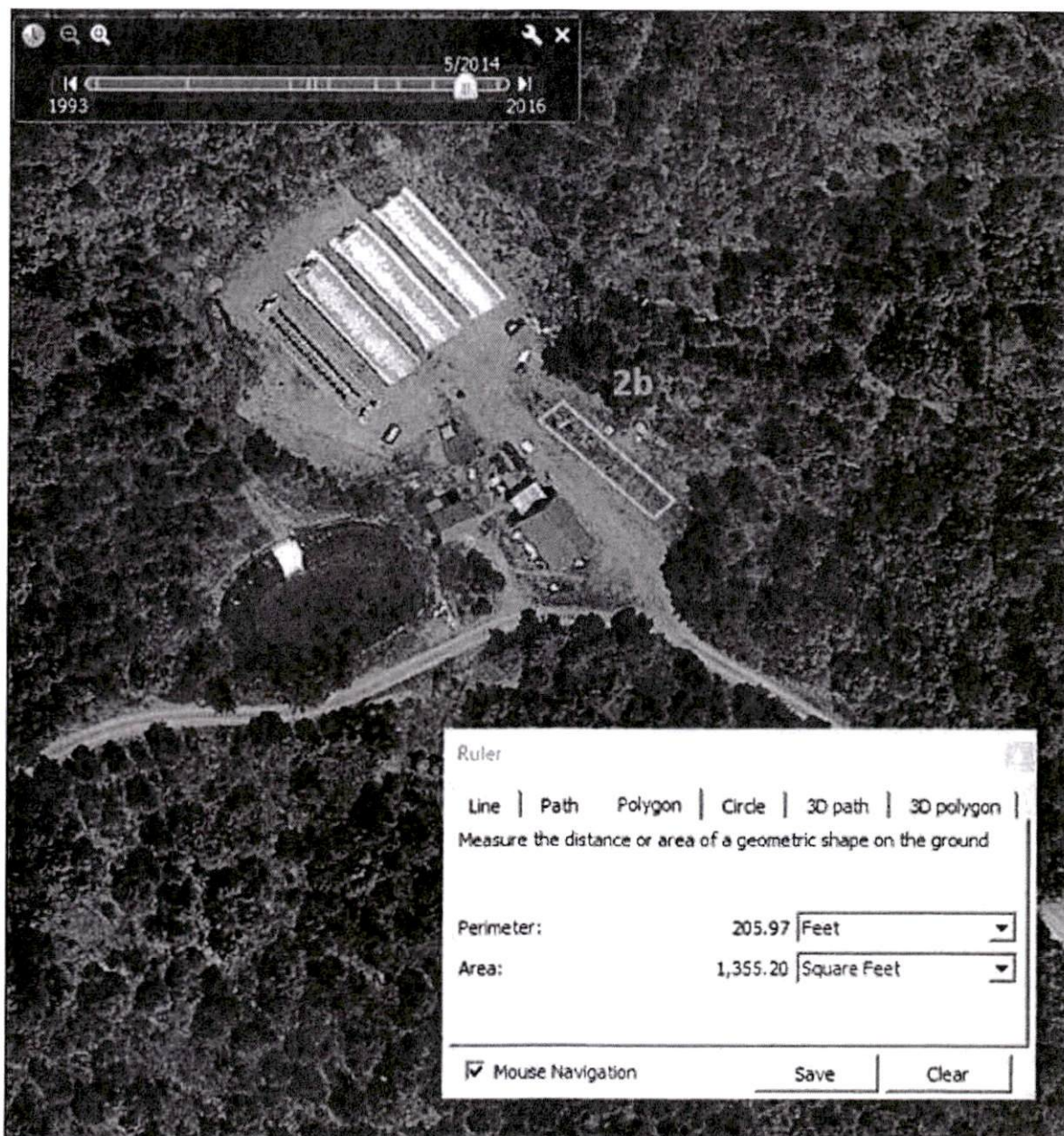
Layout of pre-2016 cultivation areas 1 through 4 for APN 524-112-002 owned by W.U.R.M. Assets, LLC and operated by Grouse Mountain Green, LLC (Image: Google, May 2014).



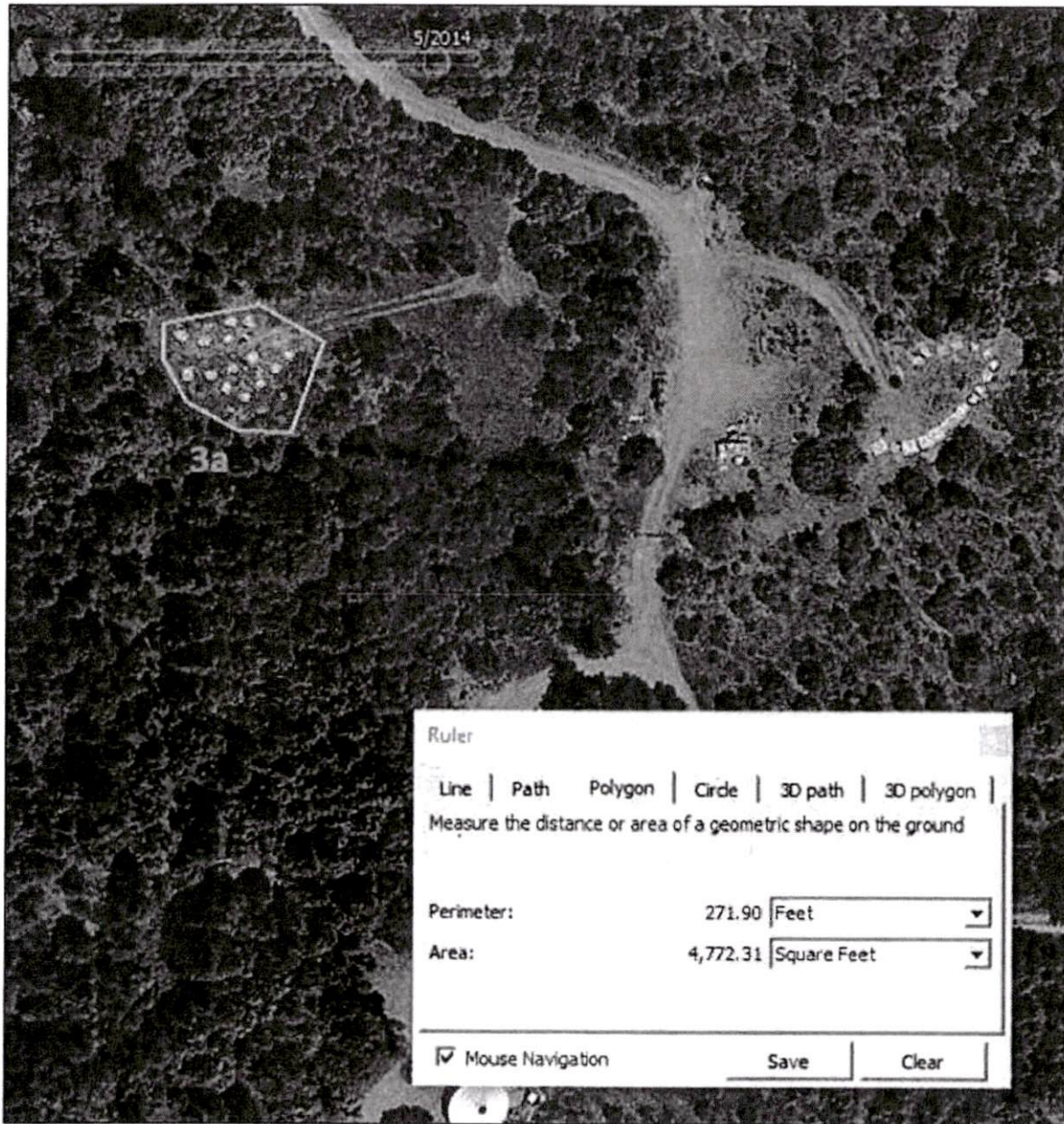
Area and perimeter of pre-2016 and existing mixed light cultivation area #1 at ~7,750 ft<sup>2</sup> (APN 524-112-002 owned by W.U.R.M. Assets, LLC and operated by Grouse Mountain Green, LLC. Image: Google, May 2014).



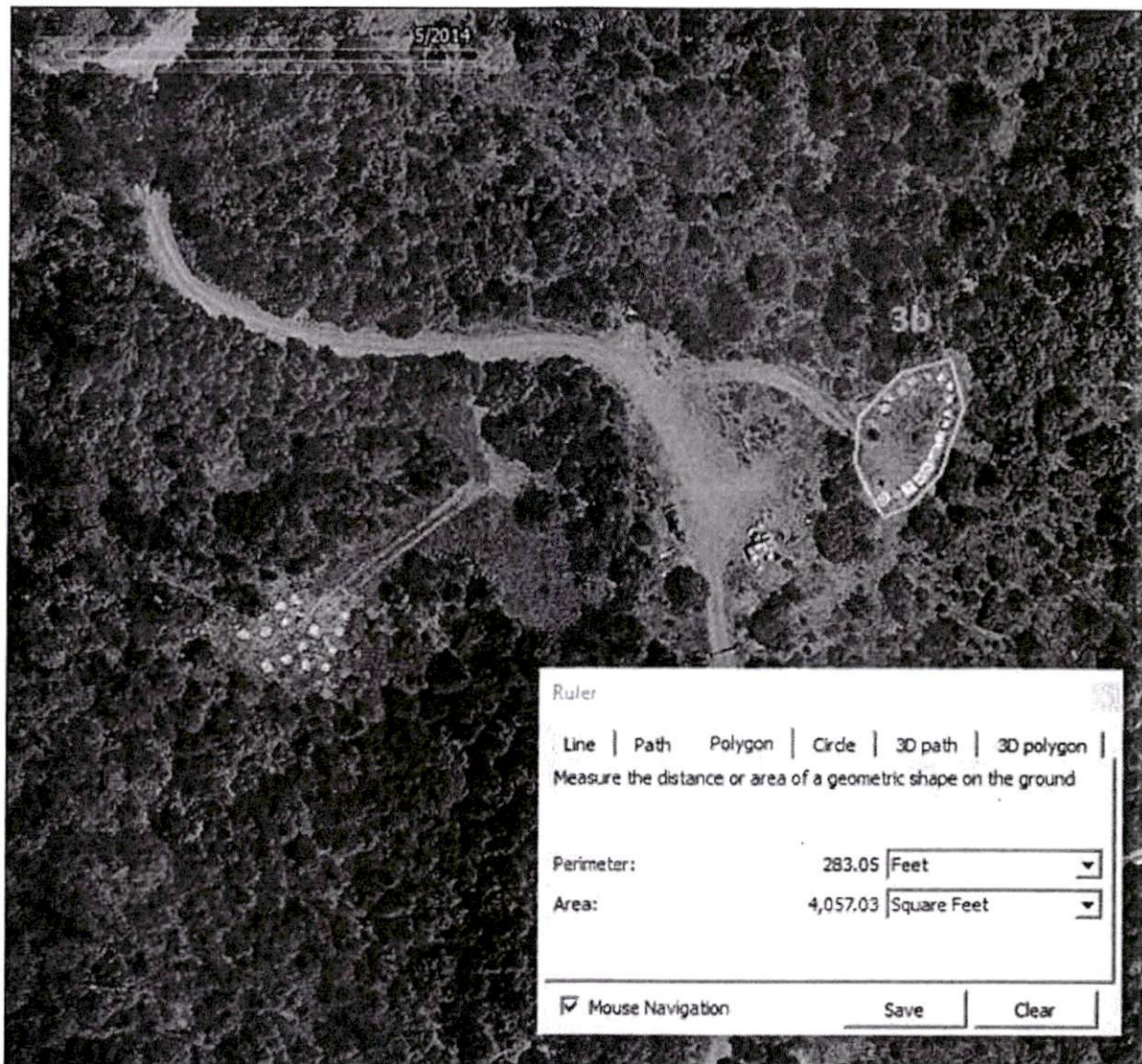
Area and perimeter of pre-2016 and existing mixed light cultivation area #2a at ~13,000 ft<sup>2</sup> (APN 524-112-002 owned by W.U.R.M. Assets, LLC and operated by Grouse Mountain Green, LLC. Image: Google, May 2014).



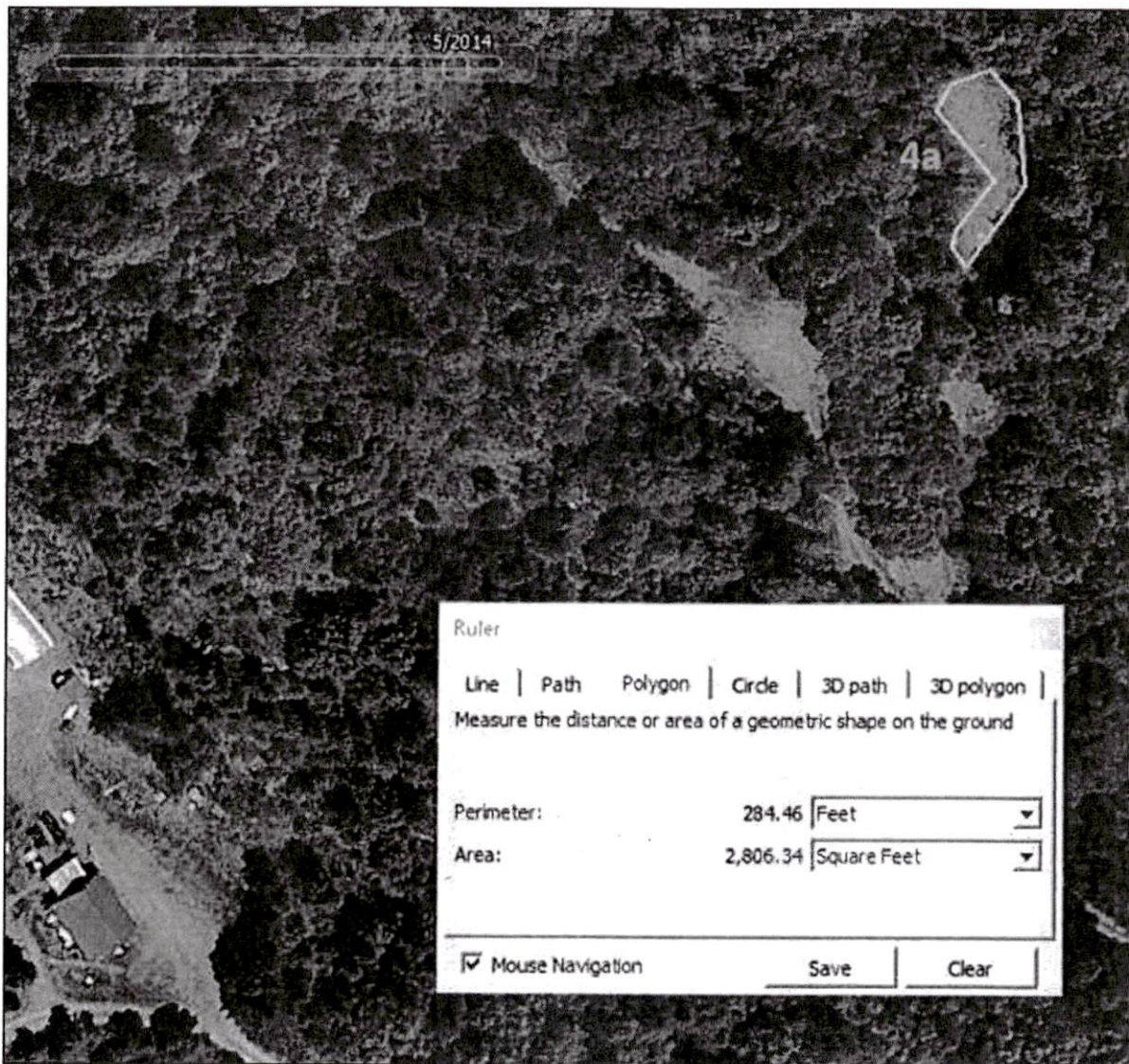
Area and perimeter of pre-2016 and existing mixed light cultivation area #2b at ~1,250 ft<sup>2</sup> (APN 524-112-002 owned by W.U.R.M. Assets, LLC and operated by Grouse Mountain Green, LLC. Image: Google, May 2014).



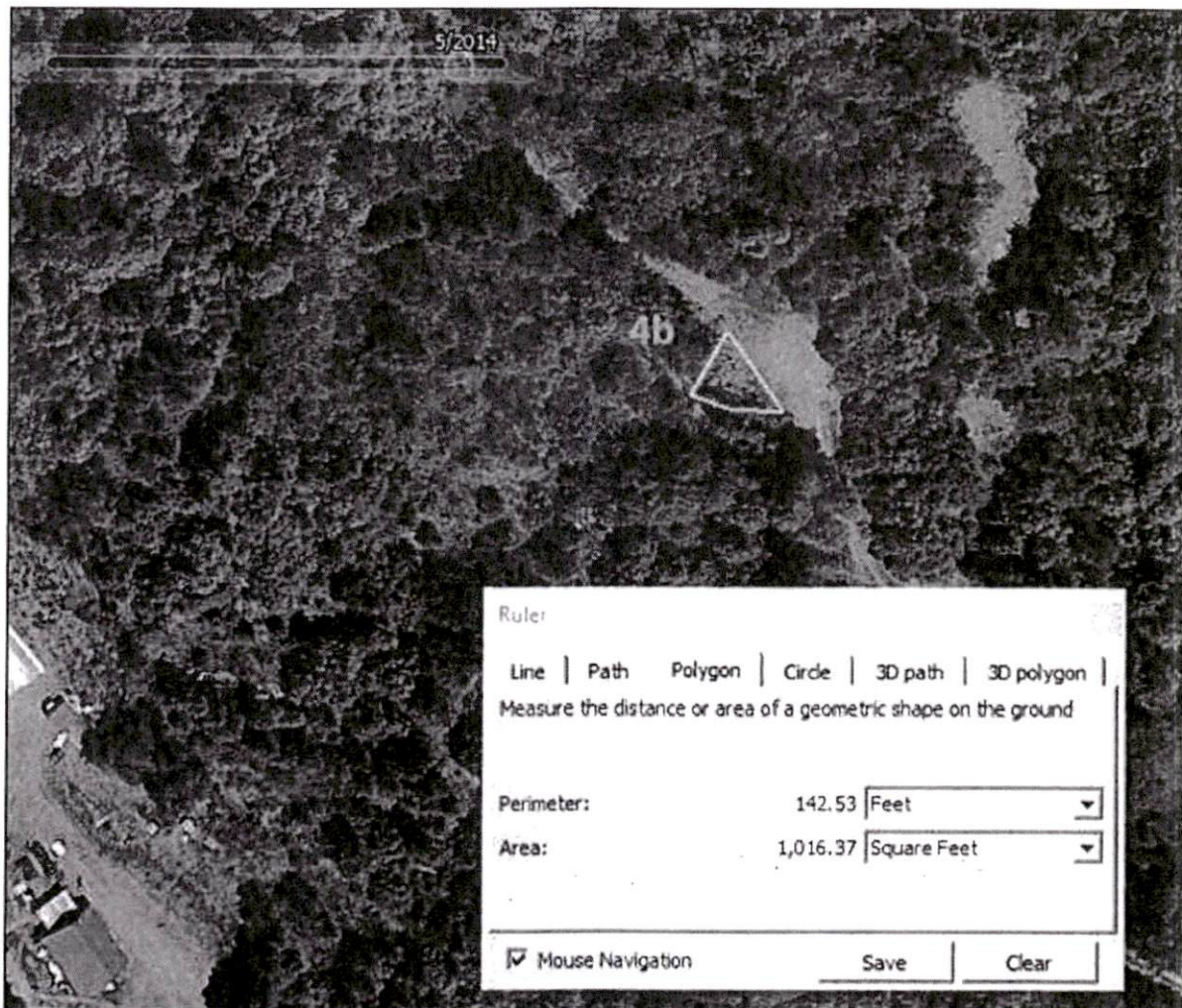
Area and perimeter of pre-2016 and existing outdoor cultivation area #3a at ~4,750 ft<sup>2</sup> (APN 524-112-002 owned by W.U.R.M. Assets, LLC and operated by Grouse Mountain Green, LLC. Image: Google, May 2014).



Area and perimeter of pre-2016 and existing outdoor cultivation area #3b at ~4,050 ft<sup>2</sup> (APN 524-112-002 owned by W.U.R.M. Assets, LLC and operated by Grouse Mountain Green, LLC. Image: Google, May 2014).



Area and perimeter of pre-2016 and existing outdoor cultivation area #4a at ~2,800 ft<sup>2</sup> (APN 524-112-002 owned by W.U.R.M. Assets, LLC and operated by Grouse Mountain Green, LLC. Image: Google, May 2014).



Area and perimeter of pre-2016 and existing outdoor cultivation area #4b at ~1,000 ft<sup>2</sup> (APN 524-112-002 owned by W.U.R.M. Assets, LLC and operated by Grouse Mountain Green, LLC. Image: Google, May 2014).