

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

Resolution Number: 24-094

Record Number: PLN-12018-CUP

Assessor's Parcel Number: 217-244-008-000

Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approving the Mystic Mountain Farms, LLC Conditional Use Permit.

WHEREAS, Mystic Mountain Farms, LLC provided an application and evidence in support of approving a Conditional Use Permit for an existing 15,289 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 August 1, 2024 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 15,289 square feet (SF) of pre-existing outdoor cannabis cultivation. Of which, 6,000 SF will be grown within greenhouses utilizing light deprivation methods and 9,289 SF will be open-air cultivation. Water will be sourced from an existing groundwater well (DEH Permit # 18/19-1171). Annual water usage is estimated to be 124,870 gallons, or 8.2 gallons per square foot. Water storage presently consists of two 20,000 gallon water bladders and ten 5,000 gallon hard sided storage tanks, totaling 90,000 gallons of water storage capacity. The project is conditioned to remove existing water bladders. The project includes ancillary propagation. Drying and trimming will occur on-site within the existing drying structures and proposed commercial processing facility. During peak operations, up to three employees may be hired

to conduct cultivation operations. Energy is presently sourced from generators.

EVIDENCE: a) Project File: PLN-12018-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 1.4 miles northeast from the project site and there have been sightings as close as 0.75 miles from the project site. The project utilizes pre-existing disturbed areas, and cultivation does not use artificial light except for the ancillary nursery. Use of the generator is subject to the standard condition limiting noise to 50 dB at 100 feet from the backup generator or at the edge of the nearest forest habitat, whichever is closer, and structural containment during use. As proposed and conditioned, the project is consistent with CMMLUO performance standards and CDFW guidance and will not negatively affect the northern spotted owl or other sensitive species.
- e) Staff review of the CNDDDB concluded that continuing the operation will not impact species of concern as it is pre-existing disturbance.

- f) An engineered Road Evaluation Report concludes the route leading to the subject parcel requires improvements to meet the equivalent of Category 4 standards. There are at least three cannabis cultivation permits utilizing the access road, so the project is conditioned to join or form a Road Maintenance Association to maintain Church Road and implement the recommended improvements.
- g) The continued cultivation of commercial cannabis will not result in a net timber conversion.
- h) A Cultural Resource Investigation on the property and consultation with the Bear River Band of the Rohnerville Rancheria resulted in the standard inadvertent discovery protocol as a condition of approval.

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 Agricultural Grazing (AG) 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: The proposed development is consistent with the purposes of the existing Agriculture Exclusive (AE) zone in which the site is located.

EVIDENCE: a) General agricultural uses are principally permitted in the AE zone.

b) 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 15,289 square feet of existing outdoor cultivation on a 170 acre parcel is consistent with this and with the cultivation area verification prepared conducted by staff.

- c) 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 purposes of the existing Timberland Production (TPZ) zone in which the site is located.

EVIDENCE:

- a) The Timberland Production (TPZ) zone is intended to be applied to areas of the County in which primary uses include the growing and harvesting of timber.
- b) All accessory agricultural uses and structures are principally permitted in the TPZ zone. Utilization of the permitted well onsite for irrigation is an agricultural accessory use.

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 AE (HCC 314-55.4.8.2.2).
- b) The parcel was created in compliance with all applicable state and local subdivision regulations. The subject parcel was created lawfully by Patent No. 2974 and is subject to a Certificate of Subdivision Compliance.
- c) The project will obtain water from a permitted well onsite, an eligible water source. Given the significant distances and elevation differences between the well and the nearest waterways, staff believes it is highly unlikely for the well to be hydrologically connected to any of these surface waters.
- d) An engineered Road Evaluation Report identified required improvements for the access roads to be functionally appropriate for the expected traffic and the applicant is conditioned to participate in implementing those improvements.
- e) The slope of the land where existing cannabis will be cultivated is in areas ranging from 15% to 30% slope. No new grading will occur.
- f) 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.

7. FINDING:

The continued cultivation of 15,289 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 a road that, if the recommendations from the engineer in the Road Evaluation are followed, will be able to safely accommodate the amount of traffic generated by the 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 a permitted well, an eligible water source.
- d) 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 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 constructed on this parcel.

SUPPLEMENTAL FINDING FOR TPZ ZONES (HCC 312-21.1)

9. FINDING: The proposed use will not significantly detract from or inhibit the growing and harvesting of timber on the site or on adjacent properties.

EVIDENCE: a) Accessory agricultural uses are principally permitted in TPZ zones. The continued use of the existing permitted well for agricultural irrigation will not detract from the potential timber uses on the TPZ-zoned portion of the property.

SUPPLEMENTAL FINDING FOR AE ZONES (HCC 312-18.1)

10. FINDING: The proposed use will not impair the continued agricultural use on the subject property or on adjacent lands or the economic viability of agricultural operations on the site.

EVIDENCE: a) The proposed use is an agricultural use. All accessory support facilities that are proposed will help to support the on-site cultivation of cannabis, an agricultural product.

SUPPLEMENTAL FINDING FOR CULTIVATION IN WATERSHEDS (Resolution 18-43)

11. 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 Lower Eel Planning Watershed, which under Resolution 18-43 is limited to 336 permits and 116 acres of cultivation. A significant portion of the parcel is within the Middle Main Eel Planning Watershed, but there are no cannabis activities proposed on this portion of the parcel. With the approval of this project, the total approved permits for cultivation in this Planning Watershed would be 72 permits and the total approved acres would be 32.49 acres of cultivation.

DECISION

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

- Adopt the findings set forth in this resolution; and
- Conditionally approves the Conditional Use Permit for Mystic Mountain Farms, LLC subject to the conditions of approval attached hereto as Attachment 1.

Adopted after review and consideration of all the evidence on **December 19, 2024**.

The motion was made by COMMISSIONER JEROME QIRIAZI and second by COMMISSIONER LORNA MCFARLANE and the following vote:

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

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

DECISION: Motion carried 7/0

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 PLN-12018-CUP 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 **A.10** through **A.15**. 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. As soon as practicable, the permittee shall install and utilize water meters on all irrigation water sources sufficient to track irrigation use. The water use for cultivation is limited to the use of the irrigation infrastructure described in the approved Operations Plan. The applicant will maintain monthly logs of water usage and make the logs available upon request.
3. Prior to cultivating in 2025, the applicant shall remove the two existing 20,000-gallon water bladders on the project parcel. The applicant shall replace the two 20,000 gallon bladders with appropriate water storage containers, such as hard-sided tanks, for at least the same amount, for a total cultivation water storage on the property of 90,000 gallons.
4. Prior to cultivating in 2025, the applicant shall provide to CDFW the following reports, plans, and proposals to CDFW and to the Planning & Building Department:
 - a. Minor amendment to the Lake and Streambed Alteration Agreement (LSAA) to re-align the Class III stream back to its natural water course, including updated work completion dates for all work required by the LSAA;
 - b. Stream Restoration and Remediation Plan; and
 - c. Site Management Plan.

Prior to January 1, 2026, the applicant shall provide to the Planning & Building Department evidence that the documents above have been received by CDFW.

5. 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.
6. 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 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.
7. Within 60 days of the effective date of project approval, the permittee shall pay 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. The permittee is responsible for costs for post-approval review for determining project conformance with conditions. Payment shall be made to the Humboldt County Planning Division, 3015 H Street, Eureka. Permit conformance with conditions must be demonstrated prior to release of building permit or initiation of use and at time of annual inspection.
8. The applicant shall complete the stream restoration of the on-stream stock pond by October 15, 2025, or by a date specified by CDFW.
9. No later than January 1, 2026, the permittee shall 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.
10. The permittee shall obtain grading permits for all existing, unpermitted grading associated with the existing cannabis operation. No new grading is authorized.
11. The permittee shall obtain permits or exemptions for all structures associated with the cannabis operation.
12. The applicant shall, with appropriate permitting and notification of CDFW, lower the spillway of the on-stream pond by at least four feet in order to minimize the pond's risk of flooding and impacts from the processing structures.

13. The applicant shall join or cause to be formed, a Road Maintenance Association for the maintenance of the roads. The permittee shall pay their dues and fair-share cost for maintenance of the road to any road user engaged in maintaining the roads.
14. It shall be the responsibility of the Road Maintenance Association to implement the improvements detailed in the Road Assessment prepared by Chris Carroll of Timberland Resource Consultants dated June 23, 2020, with the exception of the culvert installations at Road Points 1 and 4. A letter from the engineer that the work has been completed will satisfy this condition.
15. The applicant shall add at least 2,500 gallons of designated fire suppression water storage tanks.

B. General Conditions

1. Portable toilets shall be used to serve for cultivation activities until a septic system is installed and permitted or certified by DEH.
2. The permittee shall maintain membership in a Road Maintenance Association (RMA) for Church Road and shall pay the dues and fair-share cost for maintenance of the road to any road user engaged in maintaining the roads.
3. Processing in the form of trimming and/or final packaging will occur offsite at a licensed facility or onsite in a structure with a commercial building permit. Prior to approval of a commercial building permit, the slope shall be assessed to verify that the building is not proposed at a location with slopes greater than 15%.
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. The Department will file the NOD and the applicant is responsible for this cost to the project.
5. 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.
6. 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 to keep the permit valid.

7. 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. 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.
8. 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 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 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.

C. 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 applicant and the lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided. Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, 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 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. 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. In order to ensure conformance with this condition, all generators onsite must be substantively contained to minimize noise disturbance when in use. A building permit shall be obtained should any structures be necessary for noise attenuation.

3. No ground-disturbing activities shall occur during the breeding season of Northern Spotted Owls (NSO), February 1 through July 9.
4. After January 1, 2026, the generator shall not be utilized except in emergency situations, defined as sudden, unexpected occurrences demanding immediate action.
5. All water used for cultivation activities shall be sourced from the permitted well onsite with DEH Permit #18/19-1171. The points of diversion onsite are not permitted for use associated with cultivation or irrigation. To permit additional or alternative water sources, a modification to the project is required. Unless the project is modified, the second well onsite may only be utilized for cultivation purposes if a hydrologic study is prepared by a geologist and submitted to the Planning Division with evidence that the well has been permitted, after which, a Substantial Conformance Review must be performed by the Planning Division prior to use of that well.
6. All unused waterlines shall be regularly cleaned up and properly disposed of at a waste management facility.
7. The water tracking log shall be provided annually prior to or during the annual inspection. The water tracking log shall include measured water diversion and measured water use at daily, weekly, or monthly intervals.
8. All artificial lighting shall be fully contained within structures such that no light escapes (e.g., through blackout curtains). Structures shall be shielded 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. Standards include but are not limited to the following, 1) light shall be shielded and downward facing, 2) shall consist of low-pressure sodium light or low spectrum light emitting diodes with a color temperature of 3000 kelvins or less and 3) only placed where needed. No use of artificial lighting is authorized by this permit until the applicant can demonstrate compliance with this standard. Verification from Planning Division staff is required.

9. Should the Humboldt County Planning Division receive complaints that lighting or noise is not complying with the standards listed above in this permit, within ten (10) working days of receiving written notification that a complaint has been filed, the applicant shall submit written verification that the light shielding and alignment, and noise levels have been repaired, inspected, and corrected as necessary.
10. Prohibition of the 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.
11. All refuse shall be contained in wildlife proof containers, always, and relocated to an authorized waste management facility, in compliance with State and local laws, on a regular and on-going basis.
12. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and be allowed to leave the work site unharmed.
13. The use of anticoagulant rodenticide is prohibited.
14. 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.
15. All components of the project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, the CMMLUO, 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.
16. Confinement of the area of cannabis cultivation, processing, manufacture, or distribution to the locations depicted on the approved site plan. The commercial cannabis activity shall be set back at least 30 feet from any property line, and 600 feet from any school, school bus stop, church or other place of religious worship, or tribal cultural resources, except where a reduction to this setback has been approved pursuant to Section 55.4.11(d).

17. Applicant must adhere to and implement the Site Management Plan. A copy of the reporting form portion of the Mitigation and Reporting Program (MRP) shall be submitted to the Planning and Building Department upon request.
18. Applicant must demonstrate and maintain enrollment in Tier 1 or 2 in accordance with State Water Resources Control Board Order No. WQ 2019-0001-DWQ, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
19. The applicant is required to comply with the terms of any applicable Lake and Stream Alteration (1600 or 1602) Agreement obtained from the California Department of Fish and Wildlife (CDFW). Reporting requirements shall be submitted to the Planning Department at 3015 H St and to the California Department of Fish and Wildlife at 619 Second Street, Eureka, CA 95501, no later than December 31 of each year. Noncompletion of the improvements required by the LSAA by the work completion dates therein is noncompliance with the LSAA.
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. In accordance with Humboldt County Code section 314-55.4.12.2.5, no water shall be trucked to the property, except for emergencies, which are defined as a sudden, unexpected occurrence demanding immediate action.
22. 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.
23. 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. At time of issuance, that agency is the Department of Cannabis Control (DCC).
24. 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).

25. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide. All fuels, fertilizers, pesticides, fungicides, rodenticides, and herbicides must be stored in secondary containment within structures.
26. Pay all applicable fees associated with application review for conformance with conditions and annual inspections.
27. 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.
28. The master logbooks maintained by the applicant to track production and sales shall be maintained for inspection by the County.
29. 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

30. Pursuant to Business and Professions Code section 26051.5(a)(8), 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."
31. 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).
32. 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.

33. 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.

34. 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

35. Term of Commercial Cannabis Activity Permit. Any Commercial Cannabis Cultivation permit issued pursuant to the CMMLUO or CCLUO shall expire one (1) year after date of issuance, and on the anniversary date of such issuance each year thereafter, unless an annual compliance inspection has been conducted and the permittees and the permitted site have been found to comply with all conditions of approval.

36. Inspections. 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 Permit, immediately upon the expiration of any appeal period, or final determination of the appeal if an appeal has been timely filed.

The permit holder and subject property owner are to allow 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.

37. 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.

38. 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.

39. 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.

**MYSTIC MOUNTAIN FARMS, LLC****AMENDMENT TO CULTIVATION, OPERATIONS, AND SECURITY PLAN****PROJECT DESCRIPTION**

Upon review of the Humboldt County Planning and Building cultivation area verification, the applicant agrees with the what the County was able to verify. However, the applicant would propose to eliminate the mixed light lighting type from the application and permit the project as an outdoor cultivation project utilizing no mixed light cultivation. Rather, the applicant proposes to permit existing outdoor cultivation in the amount of 15,289 sq. ft. with 9,289 sq. ft. being strictly outdoor cultivation and the remaining 6,000 sq. ft being light deprivation cultivation. This cultivation operations plan and the accompanying site plan have been updated to reflect these changes. The applicant is proposing 2,000 sq. ft. of accessory propagation area and a proposed processing facility.

OPERATIONS PLAN**1. Description of Water Source, Storage, Irrigation Plan, and Projected Water Usage**

WATER SOURCE AND STORAGE: Applicant will use groundwater to irrigate crops. Applicant has obtained a well permit and completion report for a well located on the subject property (Permit No. 18/19 1171; WCR2019-011314). A copy of the well completion report is attached hereto. The well is 150 ft. deep with a total boring depth of 180 feet. The well's approximate yield is twenty gallons per minute.

Applicant intends to use the springs identified as backup sources of irrigation water only. The filed LSA included herein incorporates the springs as part of the project to be permitted under Fish and Game Code Section 1602. If the springs are used, applicant will observe the required forbearance period and will only use the springs to fill irrigation tanks outside of the forbearance period as a backup water source.

Applicant's storage includes ten (10) five-thousand-gallon water tanks and one 20,000-gallon water bladder for total storage capacity of 70,000 gallons.

Applicant will follow BMPs for properly anchoring tanks and bladders to minimize threat to water quality. Further, the water bladder will be equipped with secondary containment existing of an earthen berm surrounding the bladder sufficient to catch its volume when full. Additionally, the berm will extend one foot above bladder when full to prevent overflow in the event of catastrophic failure.

IRRIGATION PLAN: Irrigation water is applied via drip line irrigation at agronomic rates to minimize over watering cannabis plants and reduce the risk of irrigation runoff. Applicant anticipates watering cannabis plants every other day during the growing season. Applicant waters in the morning/early evening hours to reduce evaporative loss. Ground cover and weed barrier is used to minimize weed growth, which reduces water loss during watering. Applicant uses natural soil amendments to aid in soil moisture retention as part of irrigation plan.

PROJECTED WATER USAGE: Applicant intends to cultivate 15,289 sq. ft. of cannabis including 9,289 sq. ft. of outdoor cannabis and 6,000 sq. ft. of light deprivation cannabis. Applicant proposes 2,000 sq. ft. of accessory propagation.

Applicant anticipates two cycles of light deprivation cannabis. Applicant anticipates using 41,120 gallons of water annually for light deprivation cannabis.

Applicant anticipates one cycle of outdoor cannabis. Applicant anticipates using 83,750 gallons of water annually for outdoor cultivation.

Total annual water usage is projected to be 124,870 gallons of water. The below table breaks down the projected monthly water usage in gallons:

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec		
Outdoor	0	0	0	0	8900	17835	18443	18443	17835	2294	0	0		
Light Dep	0	0	0	3663	7313	7556	7556	7556	7556	7313	0	0	Total	124,870

The above figures are in gallons and are weather dependent. Applicant will monitor annual water usage going forward with water meters installed from source and storage to determine actual water usage.

2. Description of Site Drainage, Including Runoff and Erosion Control Measures

SITE DRAINAGE: Per the Lake and Streambed Alteration Agreement Notification submitted to the California Department of Fish and Wildlife, there are three stream crossings in use and one stream crossing to be decommissioned. Applicant's project proposes to resize culverts to meet sufficient flow requirements for proper drainage of watercourses. The cultivation sites themselves are in gently sloping areas that do not present a risk of runoff to surface water, and the soil is well drained.

EROSION CONTROL MEASURES: Applicant will continuously monitor discharge points to minimize potential erosion hazards. Applicant will address road erosion and rills by installing water bars and discharge points and installing outlets that disperse flows. Rolling dips will be utilized to disperse road surface runoff and prevent road surface

erosion. Roads will be appropriately rocked and the stream crossing culverts will be adequately sized and set to grade to further minimize erosion at the site. Applicant will seed areas of exposed soils with native grasses to prevent bare soil erosion. Applicant will consult with Timber Resource Consultants to implement best management practices to prevent erosion from occurring around roads and developed areas.

RUNOFF CONTROL MEASURES: Applicant waters at agronomic rates to avoid potential runoff from cultivation activities. Applicant will re-seed and regarding-vegetate any exposed soils around the cultivation areas and install straw bales and sediment control fencing on slopes or discharge points that may transport sediment to receiving waters. Applicant will consult with, and implement recommendations from, Timberland Resource Consultants to improve runoff control measures on an as needed basis.

3. Details of Measures Taken to Ensure Protection of Watershed and Nearby Habitat

PROTECTION OF WATERSHED AND HABITAT: Applicant has relocated two historic cultivation areas as shown on the site map. Applicant has removed all cultivation related items from the area and did not disturb any native vegetation in the area. Applicant will apply seed and mulch as erosion control and plant the disturbed buffer area with native riparian plants. No spoils from road grading or site grading are stored on the project site. Applicant maintains sufficient buffer areas between the existing cultivation areas and riparian zones and potential habitat. All cultivation related activities are located at least 300 feet from any watercourses on the property. Applicant will consult with and implement recommendations by Timberland Resource Consultants to promote and maintain watershed and riparian habitat areas.

CULTIVATION RELATED WASTE PROTOCOLS: Applicant is implementing measures to reduce and/or eliminate cultivation related waste. All plant related material will be composted in piles covered with plastic sheeting to prevent nutrient transport and will be reused as part of Applicant's soils management plan. Pots containing starts and clones will be washed, rinsed, and reused between seasons and recycled at the end of their useful life. Applicant will recycle pesticide and fertilizer containers per California pesticide regulations. Cultivation will occur in native soils and using bio-amendments (cover crops) to re-amend soils, resulting in zero soil waste on site. All other associated waste will be placed in garbage cans with lids and placed on concrete surfaces to prevent nutrients from being leached to groundwater or transported to watercourses. Applicant will determine frequency of disposal to permitted disposal sites that prevents rodent infestation and other nuisances on the property. This will likely be done on a bi-weekly schedule during the growing season.

REFUSE DISPOSAL: The site generates little human refuse. However, Applicant has garbage cans equipped with lids in secondary containment to prevent leaching and transport of foreign materials to receiving waters. The cans are stored outside within a fenced area. Applicant will determine the frequency of pickup and delivery to disposal facilities that prevents rodent infestation and other nuisances on the property. This will likely be done on a monthly schedule during the growing season.

HUMAN WASTE: The previously referenced on-site waste treatment system (OWTS) is no longer in use. Applicant anticipates adding an OWTS to service the processing facility for the cultivation, but it is not constructed at this time. In the meantime, applicant will utilize ADA accessible portable toilet facilities to service the cultivation needs.

4. Protocols for Proper Storage and Use of Fertilizers, Pesticides, and Other Regulated Products

PESTICIDES: Pesticides will be stored in an on-site shipping container equipped with a non-permeable floor liner to prevent leaching of pesticides into groundwater or transport to surface waters. Pesticides will be kept in original containers with labels affixed and kept in secondary containment totes to further minimize spills from being transported to groundwater or receiving surface waters. Approved spill proof containers with appropriate warning and information labels will be used to transport pesticides to and from site.

Applicant will maintain and keep personal protective equipment required by the pesticide label in good working order. Coveralls will be washed after all use when required.

All required warning signs will be posted and material safety data sheets (MSDS) will be kept in the area where pesticides are stored. Emergency contact information in the event of pesticide poisoning shall also be posted at the work site including the name, address and telephone number of emergency medical care facilities. Change areas and decontamination rooms will be available off-site.

Before making a pesticide application, operators will evaluate equipment, weather conditions, and the property to be treated and surrounding areas to determine the likelihood of substantial drift or harm to non-target crops, contamination, or the creation of a health hazard.

FERTILIZERS: Fertilizers will be stored in the on-site shipping container which is equipped with a non-permeable floor liner to prevent leaching and transport to surface waters. Applicant will store and use fertilizers according to the protocols it uses for pesticide storage and use. Fertilizers will be kept in secondary containment totes to further prevent

leaching. Applicant will use all fertilizers according to the label and use personal protective equipment as required by the label. Before making a fertilizer application, operators will evaluate equipment, weather conditions, and the property to be treated and surrounding areas to determine the likelihood of substantial drift or harm to non-target crops, contamination, or the creation of a health hazard.

SOIL AMENDMENTS: Applicant will store and use soil amendments according to the protocols it uses for pesticide storage and use. Soil amendments will be kept in secondary containment totes to further prevent leaching. Applicant will use all soil amendments according to the label and use personal protective equipment as required by the label. Applicant will seek out and use soil amendments that are advertised as naturally based. Applicant will follow appropriate application rates of soil amendments. Before making a soil amendment application, operators will evaluate equipment, weather conditions, and the property to be treated and surrounding areas to determine the likelihood of substantial drift or harm to non-target crops, contamination, or the creation of a health hazard.

PETROLEUM PRODUCTS AND STORAGE: Applicant does not store petroleum products or compressed gasses on site. Applicant houses one generator on the property in the shed shown on the site plan. Generators are equipped with secondary containment, and spill-prevention kits are on-site. Applicant will muffle generator noise to less than 50 dbs. to prevent disturbance of surrounding habitat.

5. Description of Cultivation Activities (e.g. outdoor, indoor, mixed light)

CULTIVATION ACTIVITIES: Applicant proposes to permit existing outdoor cultivation in the amount of 15,289 sq. ft. with 9,289 sq. ft. being strictly outdoor cultivation and the remaining 6,000 sq. ft. being light deprivation cultivation. Applicant is also proposing 2,000 sq. ft. of accessory propagation area and a processing facility.

Applicant is anticipating two cycles of light deprivation cultivation. Generators may be used in the nursery portion of the greenhouses.

Applicant anticipates hiring 2-3 employees to assist with cultivation activities. Applicant does not anticipate increase road activity. Employees car pool to and from the site. Peak road usage will be between 8:00 AM and 9:00 AM and 5:00 PM to 6:00 PM. Parking will be located next to the processing facility. There will be no on-site housing available. Applicant will execute a statement declaring it is an agricultural employer as that term is defined under the California Labor code.

Applicant will follow all performance standards outlined in Humboldt County's Commercial Medical Marijuana Land Use Ordinance ("CMMLUO") with respect to cultivation activities, including developing employee safety protocols which include: 1) an emergency action response plan and spill prevention protocols; 2) employee accident reporting and investigation policies; 3) fire prevention policies; 4) maintenance of Material Safety Data Sheets (MSDS); 5) materials handling policies; 6) job hazard analyses; and 7) personal protective equipment policies. Applicant will ensure that all safety equipment is in good and operable condition and provide employees with training on the proper use of safety equipment.

Applicant will post and maintain an emergency contact list which includes: 1) operation manager contacts; 2) emergency responder contacts; and 3) poison control contacts. All cultivation activities will be charted and calendared and visibly posted in the cultivation facilities.

6. Schedule of Activities During Each Month of the Growing and Harvesting Season

January, February, March

- Purchasing seeds and clones of desired strains
- Clean greenhouses and make necessary repairs
- Prepare greenhouses and beds for planting
- Amend soil using blood meal, bone meal, dolomite, chicken manure
- Pot clones and starts
- Generator hours: 45

April

- Rotate mixed run starts and clones into greenhouses
- Planting into beds
- Water greenhouses
- Covers are attached
- Constructing trellis
- Generator hours: 0

May

- Watering continues
- Nursery activities
- Apply nutrient and feed
- Generator hours: 45

June

- Harvest first run of mixed light
- Rotate second run of mixed light plants
- Watering
- Apply nutrient
- Begin planting outdoor plants
- Generator use: 90 hours (for drying and processing activities)

July

- Watering
- Feed applications
- De-leafing and trellising
- Continue harvesting first run plants complete harvest
- Generator use: 90 hours (for drying and processing activities)

August

- Water greenhouses
- Apply nutrient feed
- De-leaf and trellis
- Processing activities
- Generator use: 0 hours

September

- Watering activities
- Apply feed
- De-leaf plants
- Begin harvesting plants
- Generator use: 0 hours

October

- Watering activities
- Apply nutrient feed
- Harvest activities
- Generator use: 90 hours (for drying and processing activities)

November, December

- Finish harvesting activities
- End of year reporting
- Clean beds and areas

- Generator use: 0 hours

PROCESSING PLAN AND ACTIVITIES

PLAN: Applicant proposes the construction of a 40 x 60 metal building adjacent to the cultivation site in which processing activities will occur as shown on the site plan. The processing facility will meet commercial building standards. It will be equipped with portable, ADA compliant restrooms and handwashing facilities, as well as supplies for cleanliness and sanitation. The system will be designed to meet the needs of 2-3 employees working in the processing facility. Hand sanitizing liquid, gloves, potable water, and face masks shall be provided. Applicant will ensure there is sufficient potable water available for use. Applicant anticipates using 2-3 employees for processing activities. Drinking water may be addressed by having bottled water on site for employee drinking water. Road usage will be consistent with cultivation activities and employees will be encouraged to carpool to minimize road usage during processing activities.

The dry rooms and processing facilities will be sanitized after every use using organic cleaning products to prevent mold growth and other contaminants. A daily cleaning routine for all work rooms and surface areas will be prepared and carried out by employees. Employees will be required to wash their hands prior to handling the product and after using the restroom. Sanitary equipment and products such as hand sanitizing liquids, paper towels, gloves, water and face masks will be provided and kept in good and operable condition. Emergency contact numbers will be posted in working areas, including the local poison control center.

Applicant will implement the following safety practices as a part of the processing plan: 1) functioning safety equipment, including masks, gloves, and respiratory equipment will be provided to employees in good and operable condition; 2) sanitized protective overcoats will be provided to prevent cross contamination and skin irritation; 3) poison control and emergency services contacts will be posted in processing areas; 4) safety signage will be posted and spillage prevention policies will be developed; 5) safety training on proper use of trimming equipment; and 6) development and implementation of a workplace health and safety survey.

PROCESSING ACTIVITIES: During harvest months, the climate is warm and dry. Therefore, harvested plants can be air-dried. Humidity and temperature will be monitored to ensure proper conditions for curing. Cut flowers will be de-leaved and inspected for mold and then brought to the dry room. Flowers will remain on stalk and hung on screen racks for approximately 4-7 days. The dry room is thermostatically controlled to regulate temperature and humidity levels.

The Applicant will use a moisture meter to determine dryness. If the moisture content is below 15%, mold development is prevented. Upon reaching sufficiently safe moisture content, flowers will be bucked, placed into sealed plastic bins, and moved into the curing room. The cure room is also thermostatically controlled to regulate temperature and humidity and to ensure an even, slow cure. Bins will be regularly opened and closed to enhance flavor and aroma and to ensure a fully dried product for packaging and storage in the cultivation facility.

Flowers will then be bagged, barreled, and moved to storage rooms where they will remain until ready to be trimmed. Flowers will be hand-trimmed and finished. They will be separated and packaged in one-pound increments, bagged, sealed, and moved back into storage for transport. Trim will be gathered for secondary manufacturing markets.

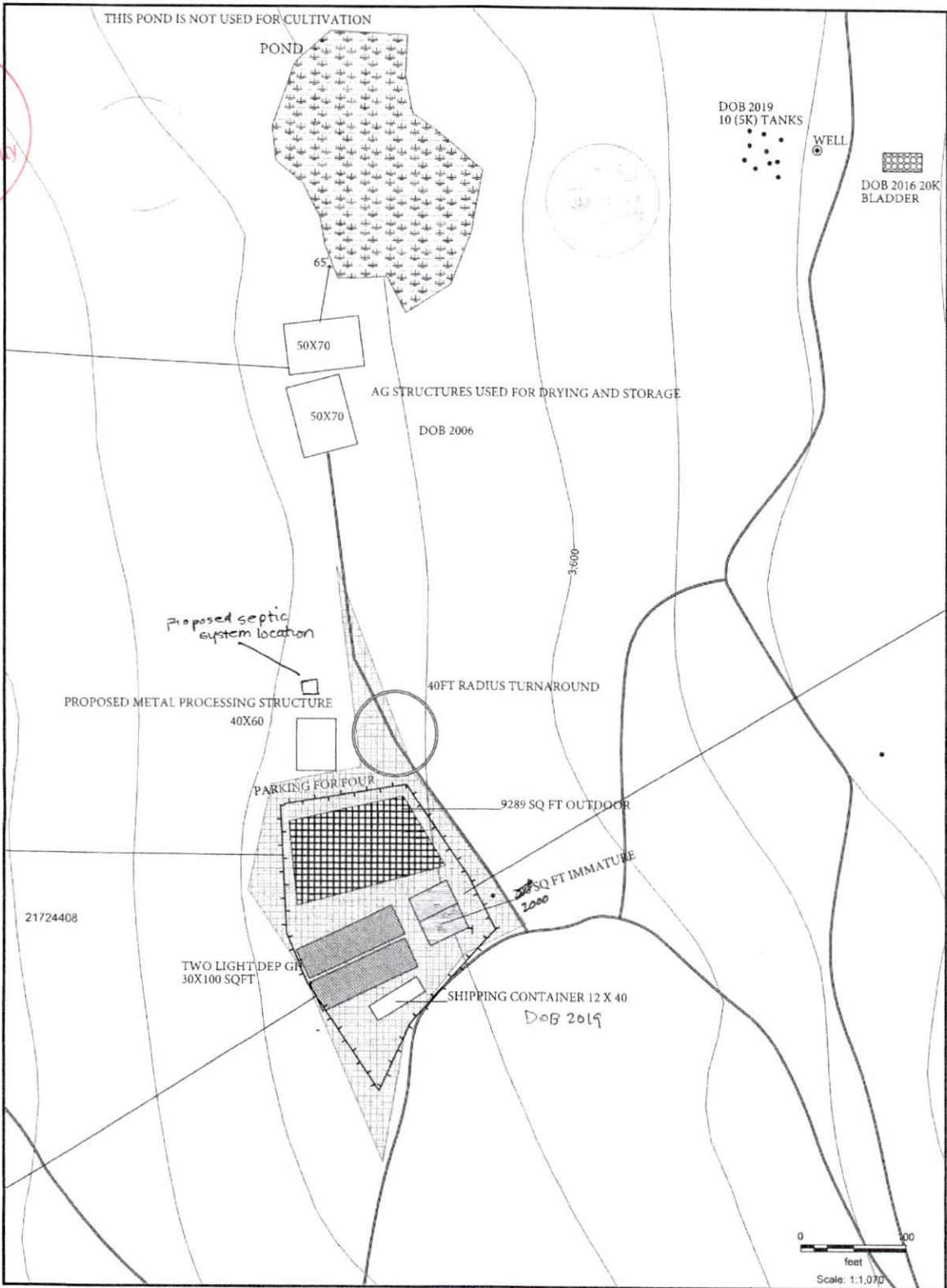
SECURITY FEATURES

The subject property is a rural property and the road is solely accessed by the owners.

Applicant will implement security measures to safeguard the product and prevent nuisance from occurring on the property. Perimeter fencing around the cultivation areas have been established. All doors and windows on buildings are lockable. Finished product is stored in a locked area away from the processing facility. There are locked gates on all access roads. "No Trespassing" signs and "Private Property" signs have been posted along the property perimeter.

Applicant intends to install security cameras around the exterior of the proposed processing facility, the cultivation sites, and at the entrances to the parcel.

APPROVED
DEC. 19 2024
Humboldt County
PLANNING

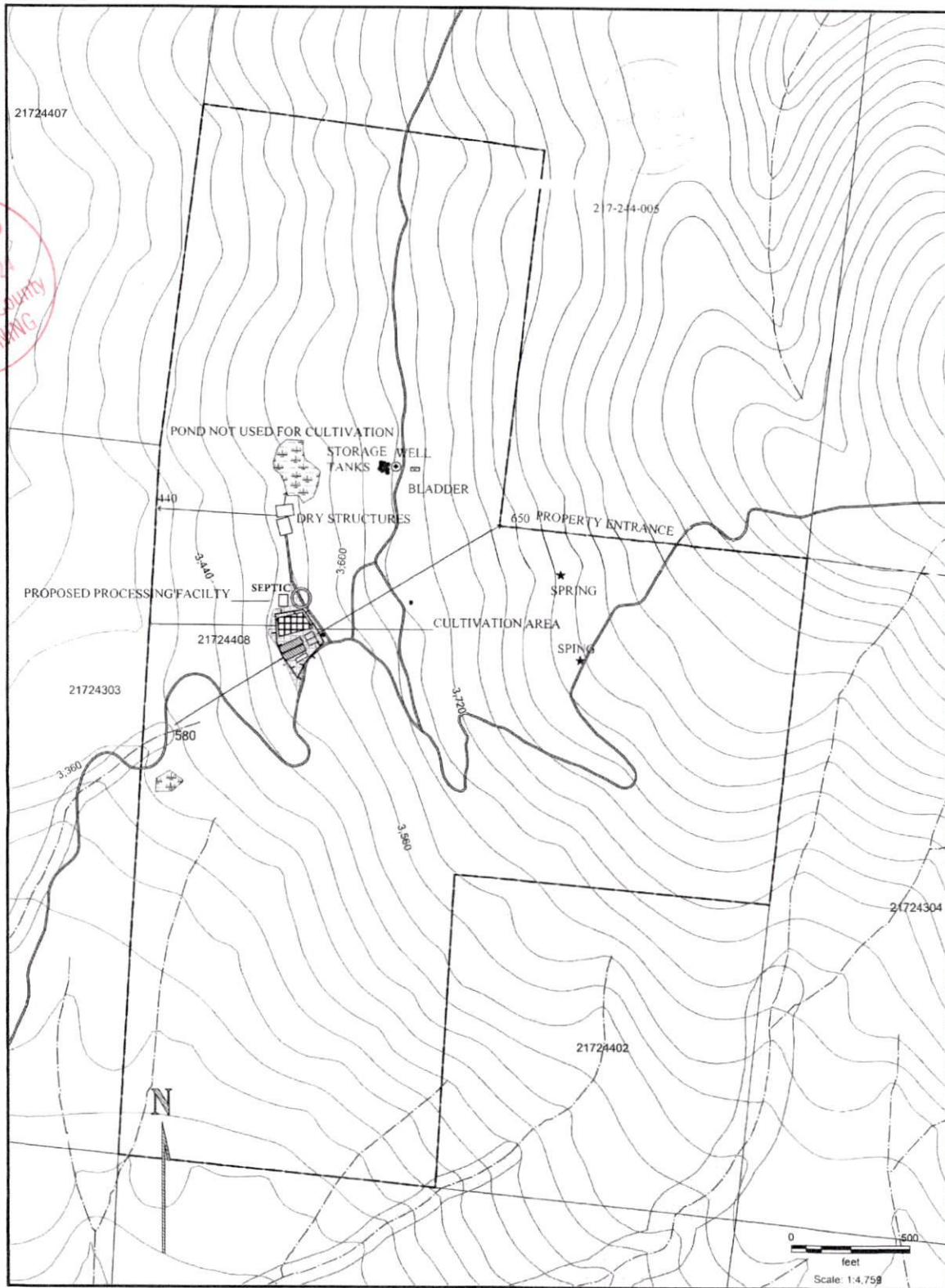


- | | |
|--------------------|-------------|
| LIGHT DEP | SPRING |
| OUTDOOR | WATERCOURSE |
| IMMATURE PLANT | STRUCTURE |
| WATER STORAGE TANK | FENCE |
| BLADDER | WELL |
| GRADED AREA | |
| PROPERTY BOUNDARY | |
| POND | |

APPLICANT: MYSTIC MOUNTAIN FARMS LLC
OWNER: ~~W. [REDACTED]~~ Randy and Dawnita Hoisington.
APN: 217-244-008
LOT SIZE: 71 ACRES
ZONING: AE- AGRICULTURE EXCLUSIVE
CULTIVATION AREA: 15,289 SQFT

1/29/2020
PAGE 2 OF 2

**Timberland
Resource
Consultants**
165 South Fortuna Boulevard, Suite 4 Fortuna, CA 95540
707-725-1897 • fax 707-725-0972



- | | |
|---------------------|--------------|
| LIGHT DEPRIVATION | SPRING |
| OUTDOOR | WATER COURSE |
| IMMATURE PLANT AREA | STRUCTURE |
| WATER STORAGE TANK | FENCING |
| BLADDER | WELL |
| GRADED AREA | |
| PROPERTY BOUNDARY | |
| POND | |

APPLICANT: MYSTIC MOUNTAIN FARMS LLC
 OWNER: Randy and Dawnita Hasington
 APN: 217-244-008
 LOT SIZE: 71 ACRES
 ZONING: AE- AGRICULTURE EXCLUSIVE
 CULTIVATION AREA: 15,289 SQFT

PAGE 1 OF 2
 1/29/2020

Timberland Resource Consultants
 165 South Fortuna Boulevard, Suite 4 Fortuna, CA 95540
 707-725-1897 • fax 707-725-0972