

**RESOLUTION OF THE ZONING ADMINISTRATOR
OF THE COUNTY OF HUMBOLDT**

Resolution Number 24-039

Record Number PLN-12162-SP

Assessor's Parcel Numbers: 208-241-018-000

Resolution by the Zoning Administrator of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approves Kevin Hogan Special Permit.

WHEREAS, Kevin Hogan, LLC, seeks a Special Permit for an existing 5,325-square-foot (SF) outdoor cannabis cultivation. Water for irrigation is sourced from a 38,000-gallon rain catchment pond. Estimated annual water usage is 50,000 gallons which equals approximately 11.04 gallons per square foot. Water storage totals 51,500 gallons occurs in the pond and hard tanks, (3) 2,500-gallon tanks and (2) 3,000-gallon tanks. Additionally, there are (2) 2,500-gallon water storage tanks dedicated to fire suppression. Drying and bucking will occur onsite while all other processing will be performed offsite at a licensed third-party processing facility. Power is provided by generators but are conditioned to convert to a renewable source by January 1st, 2026.

WHEREAS, the lead agency, prepared an Addendum to the Final Mitigated Negative Declaration (MND) prepared for the Commercial Medical Land Use Ordinance (CMMLUO) adopted by the Humboldt County Board of Supervisors on January 26, 2016. The proposed project does not present substantial changes that would require major revisions to the previous Mitigated Negative Declaration. No new information of substantial importance that was not known and could not be known at the time was presented as described by §15162(c) of CEQA Guidelines; and

WHEREAS, the Humboldt County Zoning Administrator held a duly-noticed public hearing on November 7, 2024, and reviewed, considered, and discussed the application for a Special Permit and reviewed and considered all evidence and testimony presented at the hearing.

Now, THEREFORE BE IT RESOLVED, that the Zoning Administrator makes all the following findings:

1. FINDING:

Project Description: A special Permit for an existing 5,325-square-foot (SF) outdoor cultivation. Water for irrigation is sourced from an existing 38,000-gallon rain catchment pond. Estimated annual water usage is 50,000 gallons (11.04 gallons/SF/year). Total water storage is 51,500 gallons in a pond and hard tank storage with an additional 5,000 gallons of storage for fire suppression via (2) 2,500 storage tanks. Drying and bucking will occur onsite while all other processing

will be performed offsite at a licensed third-party processing facility. Power is provided by generators but is conditioned to convert to a renewable source by January 1st, 2026.

EVIDENCE: a) Project File: PLN-12162-SP

2. FINDING: **CEQA.** The project complies with the requirements of the California Environmental Quality Act. The Humboldt County Zoning Administrator 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 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;
- c) A Site Management Plan (SMP) was prepared for the subject site in January 2021 (Attachment 4A) in compliance with the State Water Resources Control Board (SWRCB) Cannabis General Order for Waste Discharge (WQ2019-0001-DWQ). The SMP assesses compliance with the required elements and standard conditions established in the General Order to protect water quality from cannabis cultivation and related activities. The SMP includes a series of general recommendations, winterization methods, and recommended best practices for erosion control and water quality protection consistent with the SWRCB Cannabis General Order WQ2019-0001-DWQ. The project is conditioned to implement all remaining recommendations and corrective actions identified in the SMP upon issuance of the project permits (**CoA B13**).
- d) Northern Spotted Owl habitat does not exist in the vicinity and the nearest activity center is 0.76 miles from the site. The project is conditioned to adhere to noise and light attenuation measures, refrain from using synthetic netting, ensure refuse is contained in wildlife proof storage, and refrain from using anticoagulant rodenticides to further protect wildlife. As proposed and conditioned, the project is consistent with CMMLUO performance

standards and CDFW guidance and will not negatively impact NSO or other sensitive species. Dark Sky Standards for greenhouse lighting and security lighting, refrain from using synthetic netting, ensure refuse is contained in wildlife-proof storage and refrain from using anticoagulant rodenticides to further protect wildlife.

- e) All development currently meets appropriate Streamside Management Area (SMA) Class III watercourse setbacks preserving them as wildlife and riparian corridors. No cultivation shall occur within the wetland buffer.
- f) The project was referred to the Northwest Information Center and Bear River Band of the Rohnerville Rancheria. Bear River Band of the Rohnerville Rancheria requested a cultural resource survey. In August 2019, Archaeological Research and Supply Company concluded there were zero archaeological resources located during the survey and there are no previously recorded resources on the subject property. The Inadvertent Discoveries Protocol to protect cultural resources and tribal cultural resources has been added as a condition of approval (B1).

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 Residential Agriculture (RA) 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.
 - b) General Plan 2017, Section 10.6.4 discusses methods to identify and protect sensitive cultural resources and archaeological artifacts, and methods to address development with the potential of losing or destroying those resources.

4. FINDING: The proposed development is consistent with the purposes of the existing Forestry Recreation (FR) in which the site is located. All cannabis is occurring within the TPZ zone portion of the property.

- EVIDENCE:**
- a) The FR Zone is applied to area of the county in which accessory agriculture uses in which growing cannabis is a principally permitted use compatible with timber production.
 - b) All general agricultural uses are principally permitted in the FR Zone.
 - c) Humboldt County Code section 314-55.4.8.2.2 allows cultivation of up to 43,560 SF of existing outdoor cannabis and up to 22,000 SF of existing mixed-light cannabis on a parcel over 1 acre subject to approval of a Conditional Use Permit and a determination that the cultivation was in existence prior to January 1, 2016. The application for 4,528 SF outdoor cultivation on a 40-acre parcel is consistent with this and with the cultivation area verification prepared by the County.
 - d) All cultivation is over 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 FR.
 - b) Irrigation water is provided by rain catchment.
 - c) Access to the site is via a driveway off a private road via Sayler Mad River Road. Per the Road evaluation report, performed by Humboldt County Department of Public Works, Salyer-Mar River Road meets the requirements of a category 4 roadway.
 - d) Power is sourced from a generator with a condition to convert to a renewable source by January 1, 2026.
 - e) The cultivation of cannabis will not result in the net conversion of timberland post environmental baseline (January 1, 2016). No timber conversion is proposed.

- f) The location of the cultivation complies with all setbacks required in Section 314-55.4.11.d. It is more than 30 from any property line, more than 300 feet from any off-site residence, more than 600 feet from any school, church, public park or Tribal Cultural Resource.

6. FINDING: The cultivation of commercial cannabis 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) Access to the site is via private driveway by Ridge Road via Salyer Mad River Road. Per the Road evaluation report, performed by Humboldt County Department of Public Works, Salyer-Mar River Road meets the requirements of a category 4 roadway. The project is conditioned to join or form a road maintenance association.
 - b) The site is in a rural part of the County where the typical parcel size is 40 acres. 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.
 - c) Irrigation water is sourced from rain catchment.
 - d) A Site Management Plan (SMP) was prepared for the subject site in January 2021 (Attachment 4A) in compliance with the State Water Resources Control Board (SWRCB) Cannabis General Order for Waste Discharge (WQ2019-0001-DWQ). The SMP assesses compliance with the required elements and standard conditions established in the General Order to protect water quality from cannabis cultivation and related activities.

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.

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) Planning staff determined 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. The project site is located in the Mad River Planning Watershed, which under Resolution 18-43 is limited to 360 permits and 115 acres of cultivation. With the approval of this project the total approved permits in this Planning Watershed would be 72 permits and the total approved acres would be 27.1 acres of total cultivation.

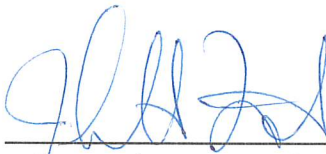
DECISION

NOW, THEREFORE, based on the above findings and evidence, the Humboldt County Zoning Administrator does hereby:

- Adopt the findings set forth in this resolution; and
- Conditionally approves the Special Permit for Hogan subject to the conditions of approval attached hereto as Attachment 1.

Adopted after review and consideration of all the evidence on **November 7, 2024**.

I, John Ford, Zoning Administrator 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 Zoning Administrator at a meeting held on the date noted above.



John Ford, Zoning Administrator,
Planning and Building Department

Conditions of Approval

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

A. Conditions which must be satisfied before the provisional cannabis cultivation permit can be finalized and no longer considered provisional (unless otherwise indicated).

1. Within 60 days of the effective date of permit approval, the applicant shall execute a Compliance Agreement with the Humboldt County Planning and Building Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval **A2 through A15**. The agreement shall provide a timeline for completing all outstanding items. All activities detailed under the agreement must be completed to the satisfaction of the Planning and Building Department before the permit may be finalized and no longer considered provisional.
2. Within 90 days 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 Division.
3. Applicant shall install and utilize a water meter to track monthly water usage. The permittee shall also keep monthly waterlogs. The water use for cultivation is limited to the use of rain catchment and amount of water available in storage tanks. Water use data shall be made available to the county upon request.
4. Prior to cultivating, the permittee shall provide a will service letter from the Ruth Lake Community Services 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.
5. The applicant shall secure permits for all structures and grading related to the cannabis cultivation and other commercial cannabis activity, including but not limited to, existing and proposed greenhouses, water tanks over 5,000 gallons, existing or proposed structures associated with drying and storage or any activity with a nexus to cannabis, generators, any noise containment structures and graded flats, as necessary. The plans submitted for building permit approval shall be consistent with the project description and the approved project site plan. A letter or similar

communication from the Building Division verifying that all structures related to the cannabis cultivation are permitted will satisfy this condition.

6. 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.
7. Applicant shall ensure that generators are stored within a secondary containment that meet the necessary requirements by the Building Division.
8. The Department of Public Works has requested an addendum to the Road Evaluation report performed by David Nicoletti.
9. Applicant shall submit and implement an erosion control plan (site management plan) to deconcentrate surface flow off roads and away from streams. Specifically, focusing on the sediment discharge to waters of the State through erosion of a hydrologically connected road (at coordinates 40.505449, -123.561446).
10. Applicant shall remove all waste from the parcel and properly dispose of at a waste management facility.
11. Prior to cultivation, the applicant shall remove or contain uncured cement and dispose of at a waste management facility.
12. Prior to cultivation, the applicant shall remove all waterline from the watercourses and cures all violations onsite.
13. The applicant shall provide and implement an Invasive Aquatic Species Management Plan. 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, a qualified biologist shall coordinate with CDFW to develop necessary eradication measures.
14. An invasive species removal and monitoring plan shall be prepared and implemented by the applicant to remove the non-native thistle and prevent the continued spread of the invasive species.
15. The applicant shall complete the following items listed below by the requested dates or within two weeks of project approval and achieves and maintains compliance with the LSAA.

- a. Submit a Reservoir Inspection Report to CDFW by August 31, 2024.
- b. Submit Water Monitoring Report for the 2023 water diversion season by June 30, 2024.
- c. Remove all waterlines located in the stream channel and maintain the pond spillway by October 1, 2024.

B. General and Ongoing Requirements 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, groundstone artifacts, shellfish or faunal remains, and human burials. If human remains are found, California Health and Safety Code 7050.5 requires that the County Coroner be contacted immediately at 707-445-7242. If the Coroner determines the remains to be Native American, the Native American Heritage Commission will then be contacted by the Coroner to determine appropriate treatment of the remains pursuant to Public Resources Code (PRC) Section 5097.98. Violators shall be prosecuted in accordance with PRC Section 5097.99.

2. Effective January 1, 2026, generator use is limited to emergency backup purposes only.
3. 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.
4. 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.
5. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions. A deposit is collected to cover this staff review. Permit conformance with conditions must be demonstrated prior to release of building

permit or initiation of use and at time of annual inspection. A conformance review deposit as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750) shall be paid within sixty (60) days of the effective date of the permit or upon filing of the Compliance Agreement (where applicable), whichever occurs first. Payment shall be made to the Humboldt County Planning Division, 3015 "H" Street, Eureka.

6. 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 will charge this cost to the project.
7. The combination of background, generator and greenhouse fan or other operational equipment created noise must not result in the harassment of Northern Spotted Owl species as required to meet the performance standards for noise set by Department Policy Statement No. 16-005 clarifying CMMLUO Section 55.4.11 (o) requirements. The combined noise levels measured at 100 feet or the edge of habitat, whichever is closer, shall be at or below 50 decibels. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service, and further consultation where necessary. A building permit shall be obtained should any structures be necessary for noise attenuation.
8. All artificial lighting shall be fully contained within structures such that no light escapes (e.g., through blackout curtains). Structures shall be enclosed between 30 minutes prior to sunset and 30 minutes after sunrise to prevent disruption to crepuscular wildlife. Security lighting shall be motion activated and comply with the International Dark-Sky Association standards and Fixture Seal of Approval Program; see: <https://www.darksky.org/our-work/lighting/lighting-for-citizens/lighting-basics/>. Standards include but are not limited to the following, 1) light shall be shielded and downward facing, 2) shall consist of Low Pressure Sodium (LPS) light or low spectrum Light Emitting Diodes (LED) with a color temperature of 3000 kelvins or less and 3) only placed where needed.
9. Should the Humboldt County Planning Division receive complaints that the lighting or noise is not complying with applicable standards, within ten (10) working days of receiving written notification that a complaint has been filed, the applicant shall submit written verification that the lights' shielding and alignment, and noise levels have been repaired, inspected, and corrected as necessary.
10. 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. Prior to cultivating the applicant shall provide

documentation that all uncontained refuse has been disposed of at an authorized waste management facility.

11. 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.
12. Ensure all generators, used as emergency backup, be located on stable surfaces with a minimum 200-foot buffer from all waterways measured horizontally from the outer edge of the riparian drip zone.
13. The applicant is required to adhere to and implement the requirements contained in the SWRCB's Cannabis Cultivation Policy, the General Order, the Site Management Plan and the Notice of Applicability. A copy of the reporting form portion of the Mitigation and Reporting Program (MRP) shall be provided to the Planning and Building Department on request.
14. Prohibition on use of synthetic netting. To minimize the risk of wildlife entrapment, Permittee shall not use any erosion control and/or cultivation materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.
15. All refuse shall be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
16. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and be allowed to leave the work site unharmed.
17. The use of anticoagulant rodenticide is prohibited.
18. 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.
19. All components of project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of

Operations, and these conditions of approval. Changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan.

20. 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.
21. If operating pursuant to a written approved compliance agreement, permittee shall abate or cure violations at the earliest feasible date, but in no event no more than two (2) years from the date of issuance of a provisional clearance or permit. Permittee shall provide plans for curing such violations to the Planning and Building Department within one (1) year of issuance of the provisional clearance or permit. If good faith effort toward compliance can be shown within the two years following the issuance of the provisional clearance or permit, the Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow additional time to meet the outstanding requirements.
22. 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.
23. 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.
24. 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).
25. Maintain enrollment in Tier 1, 2, or 3, certification with North Coast Regional Water Quality Control Board (RWQCB) Order No. R1-2015-0023, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
26. Comply with the terms of any applicable Lake and Stream Alteration (1600 or 1602) Permit obtained from the California Department of Fish and Wildlife (CDFW).

27. 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.
28. 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).
29. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
30. Pay all applicable application, review for conformance with conditions and annual inspection fees.
31. 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.
32. The master logbooks maintained by the applicant to track production and sales shall be maintained for inspection by the County.
33. 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

34. Pursuant to the MAUCRSA, Health and Safety Code Section 19322(a)(9), an applicant seeking a cultivation license shall "provide a statement declaring the applicant is an 'agricultural employer,' as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 commencing with Section 1140) of Division 2 of the Labor Code), to the extent not prohibited by law."
35. 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).
36. 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.

37. 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.

38. 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

39. Term of Commercial Cannabis Activity Conditional Use Permit. 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.

40. If the inspector or other County official determines that the permittees or site do not comply with the conditions of approval, the inspector shall serve the permit holder with a written statement identifying the items not in compliance, and the action that the permit holder may take to cure the noncompliance, or file an appeal within ten (10) days of the date that the written statement is delivered to the permit holder. Personal delivery or mailing the written statement to the mailing address listed on the application by regular mail, plus three (3) days after date of mailing, shall constitute delivery. The permit holder may request a reinspection to determine whether or not the permit holder has cured all issues of noncompliance. Failure to request reinspection or to cure any items of noncompliance shall terminate the Special Permit, immediately upon the expiration of any appeal period, or final determination of the appeal if an appeal has been timely filed pursuant to Section 55.4.13.

41. 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.

42. 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.

43. 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.
44. 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.
45. The applicant shall provide service receipts for the portable toilet and handwashing station and make documentation available at each annual inspection. Once a permitted Onsite Wastewater Treatment System (OWTS) is permitted and developed, this requirement will become moot. Applicant shall also provide these service receipts to Division of Environmental Health (DEH).

Informational Notes:

1. Pursuant to Section 314-55.4.11(a) of the CMMLUO, if upon inspection for the initial application, violations of any building or other health, safety, or other state or county statute, ordinance, or regulation are discovered, the Planning and Building Department may issue a provisional clearance or permit with a written approved Compliance Agreement. By signing the agreement, the permittee agrees to abate or cure the violations at the earliest opportunity but in no event more than two (2) years after the date of issuance of the provisional clearance or permit. Plans for curing the violations shall be submitted to the Planning and Building Department by the permittee within one (1) year of the issuance of the provisional certificate or permit. The terms of the compliance agreement may be appealed pursuant to Section 314-55.4.13 of the CMMLUO.

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 does not authorize transportation of cannabis across Federal lands.

APN 208-241-018-000
18 Ridge Rd. MAD RIVER, Ca. 95526
Humboldt County App. # 12162
Owners/Applicants Kelth Markle & Lauren Nance



CULTIVATION AND OPERATION PLAN

4,528 sf. of existing noncontiguous canopy outdoor cultivation

A) POWER SOURCE

- Power source is 3500 watt Predator Inverter Generator
- maximum sound output is 57 db
- see Site Plan for Generator Building location

B) DESCRIPTION OF WATER SOURCE, STORAGE, IRRIGATION PLAN AND PROJECTED WATER USAGE

Water Source

- Water is sourced on-site. Water source is a 38,000 gallon rain catchment pond

Water Storage

- Water storage of 56,500 gallons occurs in the pond and hard tanks.
- Please see Site Plan for pond and tank locations. Please see Premises Diagram for water distribution infrastructure and pump location

Irrigation Plan

4,528 sf. of existing noncontiguous canopy outdoor cultivation

- Plants are to be irrigated through multiple 2500 gallon hard plastic water storage tanks located through out the site (see plot plan)
- All water storage tanks are gravity feed to 300 gallon holding tanks contained within each cultivation site.
- All water storage tanks are proposed to be fitted with gallon meters for record
- Enrolled in California State Water Board Cannabis General Order- Application #404287
(See attached receipts for Cannabis General Order and Small Use Irrigation Permit application)

Projected Water Usage

4,528 sf. of existing noncontiguous canopy outdoor cultivation. See Site Plan

1000 gallons per week for 25 weeks during all stages of growth(First Cycle) 25,000 gallons total
1000 gallons per week for 25 weeks during all stages of growth(Second Cycle) 25,000 gallons total

Cultivation plan includes two outdoor growing cycles per year for a total of 50,000 gallons estimated water usage per year.

Domestic Water

- Residential drinking water is purchased locally and stored in the residence with 35 gallons in reserve at all times for drinking
- Residential holding tank is located next to the residence (300 gallons) for handwashing, dishwashing, etc.

C)*DESCRIPTION OF SITE DRAINAGE

4,528 sf. of existing noncontiguous canopy outdoor cultivation

Runoff Control

- All cultivation areas are fully contained underneath and on all sides by ground cover tarp.
- Pots are to be sitting atop contained flower beds to prevent any runoff.
- All interior walkways and perimeters are covered in gravel and hay for further runoff protection
- All cultivation areas are at least 107 ft from the intermittent stream located on the property for runoff protection.
- Greenhouse floors are entirely covered by an impervious commercial greenhouse ground cover.
- Additionally, this ground cover extends 12 inches up the sidewalls to keep the Greenhouse materials fully contained and further prevent erosion or runoff and protect surrounding habitat
- Footpaths and Walkways are in compliance with Humboldt County Code 314-43.1.3.2 and are covered with gravel and hay in addition to the impervious ground cover which will preclude the agricultural use of the underlying soil and further prevent runoff

Erosion Control

- All cultivation sites are accompanied by posterior retaining walls to prevent erosion.
- All cultivation area perimeters are covered in hay and gravel to prevent erosion.
- Surrounding Native vegetation has been left in place to prevent erosion with the exception of fire breaks.
- Driveway is properly engineered and maintained to prevent erosion and runoff.

D)*PROTECTION OF WATERSHED AND NATURAL HABITAT

- 4,528 sf. of existing noncontiguous canopy outdoor cultivation in preexisting cultivation areas (See Site Plan)
- Enrollment and compliance with all controlling agencies (State Water Board, Humboldt County Building and Planning, Fish and Wildlife, CDFA, etc.)
- ANY AND ALL nutrients, fertilizers and/or pesticides used shall be natural and not harmful to surrounding environment.
- No alteration of stream bed
- Surrounding areas of habitat and native vegetation shall be left undisturbed with the exception of fire prevention management.
- No new cultivation or building sites (all buildings and cultivation sites are preexisting)
- Compliance with all statutes, regulations and requirements of the California State Water Resources Control Board, Division of Water Rights
- No Environmental review required for APP#12162
- This cultivation site is in compliance with the International Dark Sky Association standards. No light is to be visible from greenhouses during evening or night time hours

E)*PROTOCOLS FOR STORAGE AND USE OF REGULATED PRODUCTS

- NO pesticides cultural or chemical will be implemented
- locally sourced native predatory insects will be utilized (please see attached pesticide attestation)
- ANY AND ALL nutrients, fertilizers and/or pesticides used shall be natural and not harmful to the surrounding environment.
- ANY AND ALL nutrients fertilizers and/or pesticides shall be sealed at all times when not in immediate use.
- ANY AND ALL nutrients, fertilizers and/or pesticides shall be stored in an upright position in the locked Ag. Storage Building (see site plan)
- ANY AND ALL nutrients, fertilizers and/or pesticides shall be kept sealed until time of application within contained sites.
- Application of any and all nutrients, fertilizers and/or pesticides shall be done as instructed on the package.
- Gloves and face masks shall be made available and used as required during application of any and all said regulated products.
- Any uses of pesticide products shall be in compliance with the State pesticide laws and regulations enforced by the County Agricultural Commissioner's Office and the California Department of Pesticide Regulation.
- At all times this site shall refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
- Storage of Fuel. Fuel shall be stored and handled in compliance with applicable state and local laws and regulations, and in such a way that no spillage occurs
- See Site Plan for Secure Ag/Chemical Storage & Fuel Storage locations

F)*DESCRIPTION OF CULTIVATION ACTIVITIES

4,528 sf. of existing noncontiguous canopy outdoor cultivation

-This area of cannabis cultivation is located as shown on the application site plan, 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, Public Park, or Tribal Cultural Resource .

G)*EMPLOYEES

-OWNER OPERATED

-number of employees-2

-Cultivators on site 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, California Agricultural Labor Relations Act, and the Humboldt County Code

H)*PROCESSING

-Processing occurs offsite via third-party processing company

I)*SCHEDULE OF GROWING ACTIVITIES

4,528 sf. of existing noncontiguous canopy outdoor cultivation

Outdoor Growing Cycles- No generator required for cultivation

1st CYCLE

-FEBRUARY- (VEGETATIVE GROWTH)

-MARCH - (VEGETATIVE GROWTH)

-APRIL - (VEGETATIVE STAGE GROWTH)

-MAY - (FLOWERING STAGE GROWTH)

-JUNE- (FLOWERING STAGE GROWTH)

2nd CYCLE

-JULY - (VEGETATIVE GROWTH)

-AUGUST - (VEGETATIVE GROWTH)

-SEPTEMBER- (FLOWERING STAGE GROWTH)

-OCTOBER - (FLOWERING STAGE GROWTH)

-NOVEMBER - (FLOWERING STAGE GROWTH)

SECURITY PLAN

- Security Gates located on both the driveway and the upper easement to remain locked at all times
- CTV Security Cameras to be directed on all cultivation sites and access road
- Fence and Gate will be in place to ensure security and safety for processing and distribution
- All processing of cultivated cannabis will occur offsite at a licensed, secure processing facility
- Transport of all cultivated cannabis will be done through a licensed and secure transporter/courier

K)*WASTE MANAGEMENT

- waste will be contained in a secure waste trailer
- see attached Waste Management Plan which is on file with the CDFA
- See attached Site Plan for waste location

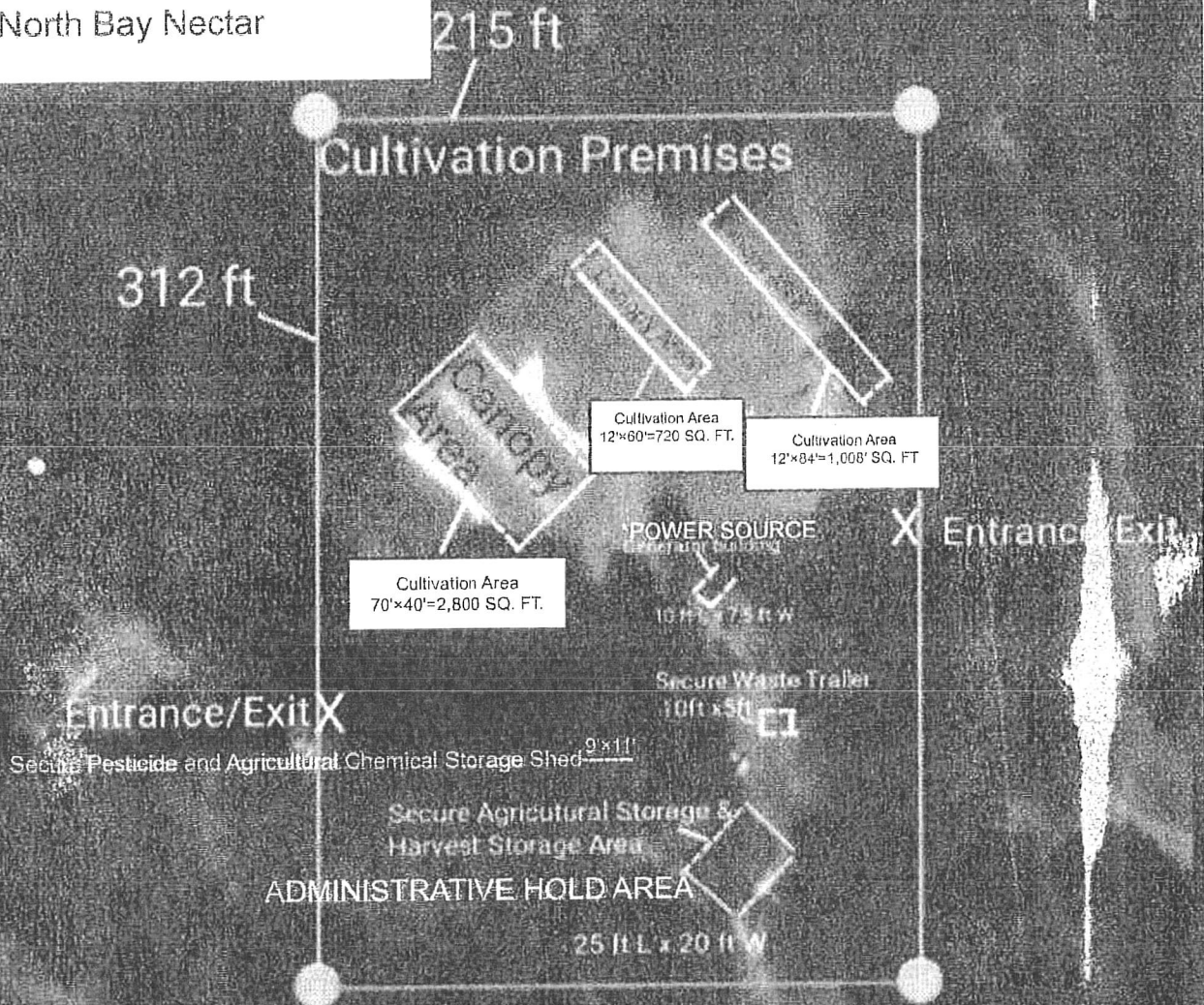
L)*SANITATION

- A portable toilet will be provided and serviced regularly. See Site Plan for location
- Handwashing facilities are provided

LISTED ATTACHMENTS TO CULTIVATION AND OPERATION PLAN

- Item 1- Site Plan
- item 2- Premises Diagram
- Item 3- Property Diagram
- Item 4- Pesticide Attestation
- item 5- Pest Management Plan
- Item 6- Waste Management Plan

PREMISES DIAGRAM
 18 Ridge Rd.
 Mad River, CA 95528
 APN 208-241-018
 Lauren Nance & Keith Markle
 North Bay Nectar



NOTES

1. This Cultivation site does not utilize an immature plant area
2. Power Source is a 3500 watt Predator Inverter Generator
3. Non-contiguous canopy total is 4,529 SQ. FT
4. Remaining land is used for residential purposes
5. Processing and Packaging occurs offsite via third party
6. Administrative Hold Area is located in the secure Agricultural Storage Building as shown

Property Diagram

18 Ridge Rd.

Mad River, CA 95526

Owners/Applicants: Keith Markle & Lauren Nance

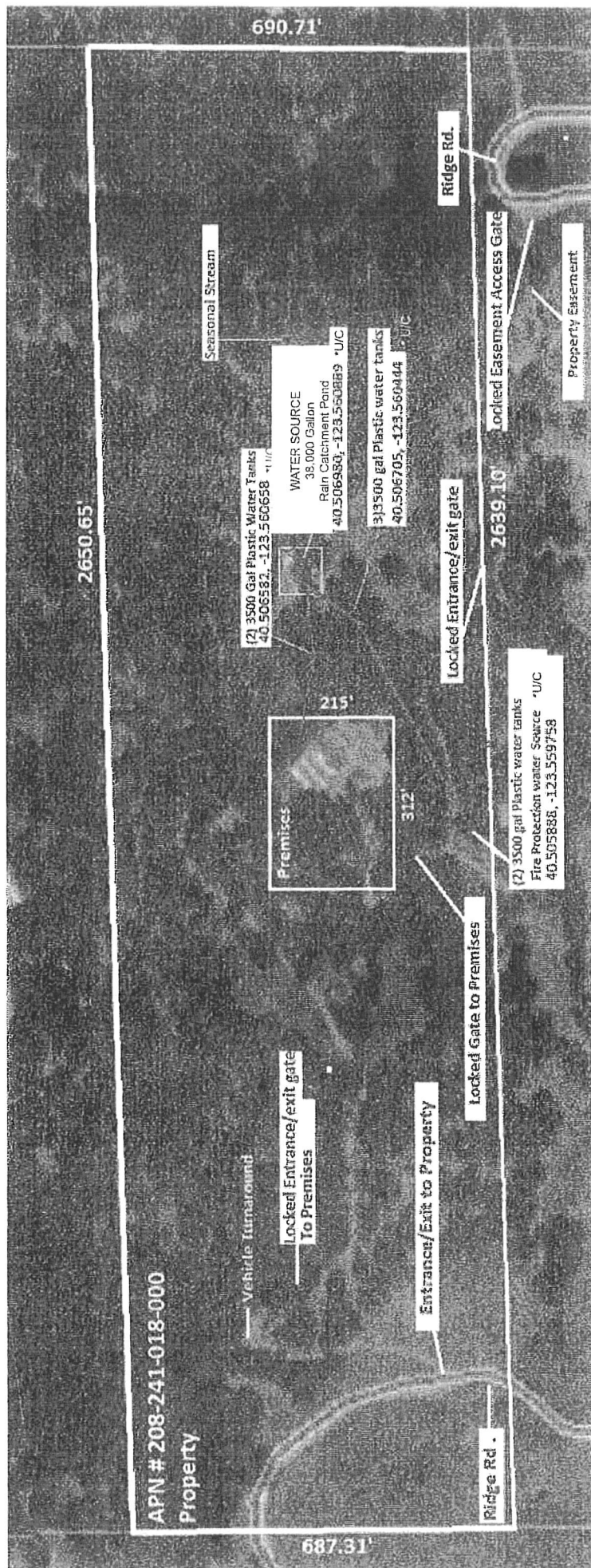


DIAGRAM KEY
 *U/C = Beneficial Use type is for Cultivation
 X = Water Pump Location (shown in blue)
 Water Distribution Lines

*remaining property is used for residential purposes



CALIFORNIA DEPARTMENT OF
FOOD & AGRICULTURE



CalCannabis
Cultivation Licensing

CalCannabis Cultivation Licensing Pest Management Plan

Cultural Pest-Management Control Methods

there will be no cultural or chemical pest control measures being implemented

Biological Pest-Management Control Methods

Native locally sourced
predatory insects are utilized
for pest management

There will be no cultural or chemical
pest control measures being
implemented

Chemical Pest-Management Control Methods

Chemical(s) to Be Applied at any Stage of Plant Growth

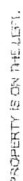
Product Name	Active Ingredient(s)

Attach additional sheets of paper as needed.

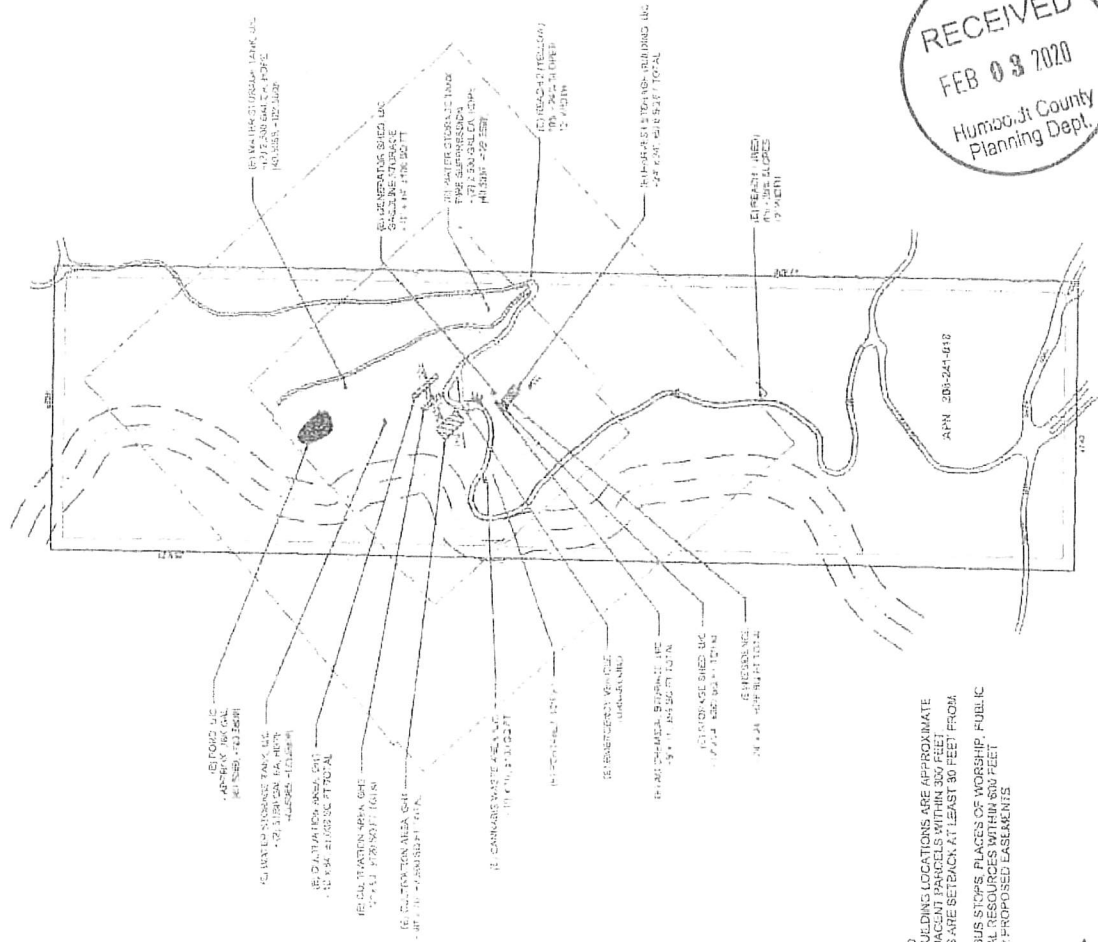


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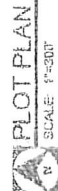
ON LINE

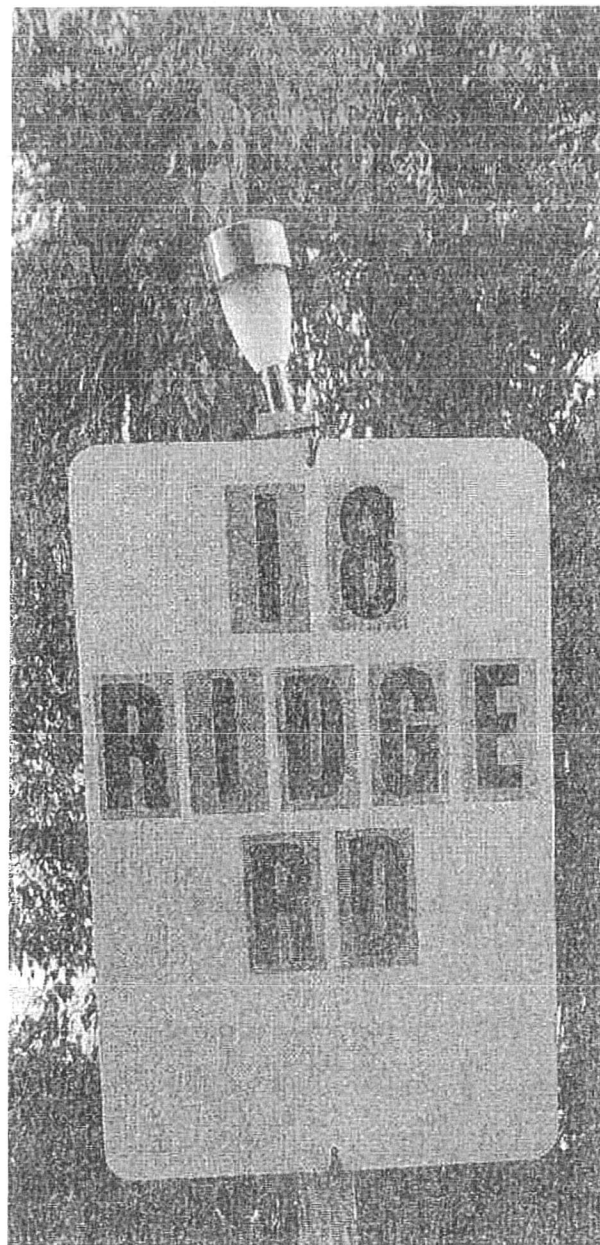
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FEB 03 2020
Humboldt County
Planning Dept.



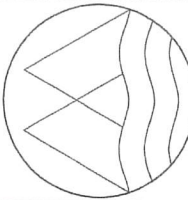
NOTE:
1. NO GRASSING PROPOSED
2. PROPERTY LINES AND BUILDING LOCATIONS ARE APPROXIMATE
3. ALL RESIDENCES ON ADJACENT PARCELS WITHIN 300 FEET
4. ALL CULTIVATION AREAS ARE SETBACK AT LEAST 30 FEET FROM
PROPERTY LINES
5. NO SCHOOLS, SCHOOL BUS STOPS, PLACES OF WORSHIP, PUBLIC
PARKS, TRAIL OR CULTURAL RESOURCES WITHIN 600 FEET
6. NO KNOWN EXISTING OR PROPOSED EASEMENTS






Description of Signing and Building Numbers

- 12 inch by 18 inch white weatherproof sign permanently attached to 5 ft. wood stake
- 3 inch black reflective address letters
- Solar light attached at the top of sign for illumination during nighttime hours
- Located at the driveway entrance to the property on Ridge Rd.



**MOTHER EARTH
ENGINEERING**
661 G STREET
ARCATA, CA 95521, 707-615-5521



1.0 CULTIVATION PERMIT
MAILING ADDRESS: PO BOX 324 MAD RIVER, CA 95552
APPLICANT: MOTHER EARTH ENGINEERING

PLAT PLAN
SITE ADDRESS: 208-241-018

SHEET NO: 1

REVISION SCHEDULE

#	DATE	BY	DESCRIPTION
1	11/7/2019	JT	DRAFTED
2			
3			
4			
5			

MEE JOB NO: 019040



DIRECTIONS TO SITE

FROM FORTUNA, CA:
HEAD EAST ON CA HWY 36, 52.4 MILES.
TURN LEFT ONTO COUNTY LINE CREEK RD, 4.2 MILES.
CONTINUE ONTO SALVER MAD RIVER RD, 1.0 MILES.
TURN RIGHT ONTO RIDGE RD, 1.2 MILES.
PROPERTY IS ON THE LEFT.

LEGEND

- PROPERTY LINE
- 30' SETBACK FROM PROPERTY LINE
- 300' SETBACK FROM CULTIVATION AREAS
- 800' SETBACK FROM CULTIVATION AREAS
- CLASS III WATERCOURSE WITH 50 FT STREAM SIDE MANAGEMENT AREA BUFFER
- WATER LINE FOR CULTIVATION ACTIVITIES
- PUBLIC ROAD
- ACCESS ROAD
- STRUCTURE
- OUTDOOR CULTIVATION AREA
- SEPTIC SYSTEM
- DITCH/RELIEF CULVERT
- PARKING SPACE 9'x12'
- EXISTING
- PROPOSED
- NOT USED FOR CULTIVATION
- USED FOR CULTIVATION
- % SLOPE AND DIRECTION

