

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

**Resolution Number 24-034**

**Record Numbers: PLN-11809-SP, PLN-2018-15238, PLN-2018-15242, and PLN-2018-15264**

**Assessor's Parcel Number: 216-281-015**

**Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approving the Humboldt Heritage Farm Management, LLC Special Permits, Zoning Clearance Certificates, and Conditional Use Permit.**

**WHEREAS, Humboldt Heritage Farm Management, LLC** applied for a Special Permit for 10,000 square feet (SF) of existing outdoor mixed-light cannabis cultivation, two Zoning Clearance Certificates for a total of 38,940 SF of mixed-light cannabis cultivation under the Retirement, Remediation, and Relocation (RRR) program, a Special Permit for 33,560 SF of new mixed-light cannabis cultivation and Conditional Use Permit for an 8,000 square-foot commercial nursery; and

**WHEREAS,** the County Planning Division, as lead agency, prepared an Addendum to the Final Environmental Impact Report (EIR) prepared for the Commercial Cannabis Land Use Ordinance (CCLUO) adopted by the Humboldt County Board of Supervisors on May 18, 2018. The proposed project does not present substantial changes that would require major revisions to the previous EIR. No new information of substantial importance that was not known and could not be known at the time was presented as described by §15162(c) of CEQA Guidelines; and

**WHEREAS,** the Humboldt County Planning Commission held a duly-noticed public hearing on June 6, 2024, and reviewed, considered, and discussed the application for the requested Special Permits, Zoning Clearance Certificates, and 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 Special Permit for 10,000 square feet (SF) of existing mixed-light cannabis cultivation (PLN-11809-SP), a Zoning Clearance Certificate for 18,940 SF of RRR mixed-light cannabis cultivation (PLN-2018-15238), a Zoning Clearance Certificate for 20,000 SF of RRR mixed-light cannabis cultivation (PLN-2018-15242), and a Special Permit for 33,560 SF of new mixed-light cannabis cultivation and Conditional Use Permit for an 8,000 square-foot commercial nursery (PLN-2018-15264). Total mature plant cultivation area will be 82,500 SF of mixed-light cannabis in greenhouses. There will also be 8,000 SF of propagation space to

support onsite operations. There will be a total of six employees utilized for operations. A two-story 4,800 square-foot employee bunkhouse is proposed to house employees on site. The farm will use approximately 1.2 million gallons of irrigation water annually sourced from an existing non-diversionary well and rain catchment and stored in tanks totaling 837,556 gallons. There is currently a 4,680 square-foot building onsite that is used for drying and storing harvested cannabis. The applicant proposes to turn this building into a processing facility in addition to the drying location for harvested cannabis. Power for the existing 10,000 SF of cultivation is provided by a 36-kilowatt (kW) diesel generator. The applicant has applied for service through Pacific Gas and Electric Company (PG&E). Solar arrays will be the primary source of power until renewable power from PG&E becomes available, with generator as emergency back-up only. Mixed-light cultivation will not occur until renewable PG&E power is secured. Outdoor light-deprivation techniques will be utilized in the interim.

**EVIDENCE:** a) Project Files: PLN-11809-SP, PLN-2018-15238, PLN-2018-15242, and PLN-2018-15264

**2. FINDING:** **CEQA.** The requirements of the California Environmental Quality Act have been met. The Humboldt County Planning Commission has considered the Environmental Impact Report (EIR) previously adopted for the Commercial Cannabis Land Use Ordinance as well as the Addendum to the EIR that was prepared for the Humboldt Heritage Farm Management, LLC project pursuant to Section 15164 of the CEQA guidelines.

**EVIDENCE:** a) Addendum to the EIR prepared for the proposed project in compliance with CEQA.

b) The proposed project does not present substantial changes that would require major revisions to the previous EIR. No new information of substantial importance that was not known and could not be known at the time was presented as described by §15162(c) of CEQA Guidelines.

c) A Hydrological Isolation of Existing Well from Surface Waters (Hydrological Evaluation) was prepared by Lindberg Geologic Consulting in November 2022 to assess the existing well's potential for hydrological connectivity with any adjacent wetlands and surface waters, and if pumping the well could affect surface waters in nearby watercourses. As noted in the Hydrological Evaluation, the nearest



mapped watercourse to the well is noted to be an unnamed tributary to the Eel River, which is more than 550 feet east of the well. The next closest mapped watercourse is the Eel River, less than 900 feet west of the well. The well is noted to be 120 feet deep with the wellhead at an elevation of 500 feet. The elevation of the unnamed tributary of the Eel River to the east is approximately 500 feet and the elevation of the Eel River to the west is at an elevation of 260 feet. With the bottom of the well at an elevation of approximately 380 feet, the unnamed tributary is approximately 120 feet higher than the total depth elevation of the well, and the Eel River is approximately 120 feet lower than the total depth of the well, respectively. When considered with the stratigraphy and the underlying geologic structure, in addition to the distances (horizontal and vertically) from the nearest surface waters, and the depth of the producing zone, as well as the position of the well relative to the nearest surface waters in the vicinity, it is concluded in the Hydrological Evaluation that the depth of the surface seal and the upper 85 feet of the profile are sufficient to preclude the potential for hydraulic connectivity with surface waters. Thus, the water source from which this well draws appears to be a confined slightly artesian subsurface aquifer not demonstrably connected to any surface waters or unconfined, near-surface aquifer(s). As such, it is concluded that the well is likely to be hydraulically isolated from nearby wells, surface waters, springs, or wetlands, and would not have a negative impact or effect on surface waters. Based on the results of the Hydrological Evaluation, Planning staff is supportive of continued use of the well for the irrigation of cannabis on the subject property. Since the well was found to not be likely to be hydrologically connected to surface waters, the well does not require additional water rights from the State Water Resources Control Board and is not subject to forbearance or water storage requirements and is also not likely to impact public trust resources.

- d) A Site Management Plan (SMP; WDID 1B161173CHUM) was prepared by Green Road Consulting for the subject site in May 2019 and revised in April of 2024 in compliance with the State Water Resources Control Board (SWRCB) Cannabis General Order for Waste Discharge. The SMP provides an overview of existing site conditions and assesses compliance with the required elements and standard conditions established in the Order to protect water quality. As noted in the SMP, the existing cultivation area is noted to have a natural slope of approximately 4%, comprise a disturbed area of approximately 10,000 SF, and be located more than 160 and 180 feet from the nearest water bodies (Class II and Class III). Six (6) stream crossings

were identified on the subject property. Included in the SMP is a prioritized list of recommended treatments and actions to be implemented to meet the requirements of the Order. Specifically, seventeen (17) items were identified requiring remediation, including but not limited to installing or upgrading culverts, adding rock armoring and rip rap, installing rolling dips, covering and installing secondary containment on fuel tank, installation of erosion control measures, and removing cultivation related waste that is improperly stored throughout the site. The project is conditioned to require the applicant to implement all remaining corrective actions contained in the SMP.

- e) A Final Lake or Streambed Alteration Agreement (LSAA; Notification No. EPIMS-HUM-02552-R1) was issued by the California Department of Fish and Wildlife (CDFW) for six (6) encroachments, including upgrading and improving existing stream crossings (5 encroachments) and decommissioning an existing onstream pond. Work for the stream crossing upgrades has been completed and included excavation, removal of the existing culverts, replacement with new properly sized culverts or properly sized rock surface, backfilling and compaction of fill, and rock armoring as necessary to minimize erosion. Work related to the pond decommissioning includes excavation of dam, removal of existing spillway, installation of new properly sized culvert, backfilling and compaction of fill, and rock armoring of steam channels entering former pond site. Conditions of approval require the applicant to implement any remaining projects and to comply with the requirements established under the Final LSAA.
- f) Per review of CDFW's California Natural Diversity Database (CNDDB) in January 2024, there is potential habitat for foothill yellow-legged frog associated with the pond on site. The nearest Northern Spotted Owl (NSO) positive sighting and activity center is located approximately 3.4 miles from the project site.

A Biological Resource Assessment was prepared by TransTerra Consulting in February of 2019 to assess the project's potential impact on biological resources. As noted in the Report, the project area is generally Mixed Evergreen Forest, Valley and Foothill Grassland, Cis-Montane Woodland, and Riparian Forest. Marshes and Riparian scrub in addition to other wetland vegetation is also present onsite. The site contains numerous watercourses, as well as natural and manmade wetlands. Regarding special status species, NSO observances or activity centers are not recorded within one mile of



the project area. The Report notes that habitat for NSO is marginal on the subject site for nesting owls due to stand age and structure, but conifer forest with deformed trees and species diversity is present. An observance of foothill yellow-legged frog was previously recorded onsite near the inlet of the pond. Observations of beaked tracyina have been made near the property and elsewhere in the Alderpoint quadrangle. In addition, the project area contains habitat for various rare or federally listed species.

The Report further notes that the potential direct, indirect, and cumulative effects of land clearing, residential development, and cultivation activities include the removal of vegetation and canopy cover, disturbance and compaction of soil, alteration of hydrologic regime, sedimentation and erosion, increase in invasive species, noise, solid and chemical waste pollution, and visual and air quality impacts. The proposed areas for new greenhouses are noted to be within an area mapped as containing a historic palustrine wetland; however, a subsequent wetland assessment confirmed that there are no wetlands that would be impacted by the project, as described below. Recommendations in the report include following all requirements and regulations outlined by existing agency policies for minimizing impacts to natural resources and implementing best management practices.

- g) Kyle Wear, Botanical Consultant conducted a Botanical Survey for the project site in June and July of 2023 to address potential impacts to sensitive botanical resources from commercial cannabis cultivation. The survey identified no special status plants or special status natural communities. Three invasive species with Cal-IPC ratings of High were observed on the property: Himalayan blackberry, French broom, and yellow starthistle. These species are identified in the Invasive Species Control Plan provided by the applicant and are planned for eradication. The survey concluded that the project will not impact special status plants or natural communities.

- h) Kyle Wear, Botanical Consultant conducted a Wetland Assessment for the project site in October of 2022 to identify any wetlands that could constrain the proposed expansion of commercial cannabis cultivation. No wetlands were identified on or near the terrace where the expansion is proposed. The vegetation in the sample plots is composed predominantly of grasses and young shrubs indicative of upland conditions including wild oat, rattlesnake grass, Mediterranean barley, and young coyote brush. There are occasional stands of spreading rush, nut-sedge, and pennyroyal, but the vegetation does not meet the hydrophytic vegetation criteria because of the prevalence of upland plants.

The soil color is generally dark yellowish brown and does not meet any hydric soil indicators. The soil appears compacted from past land use. Information was provided that the terrace was used as a log deck in the past. Soil compaction reduces drainage and can increase surface ponding. Portions of the terrace are likely subject to occasional ponding after heavy rain events, but the water is not present frequently enough or for long enough duration to create hydric soil or hydrophytic vegetation.

- i) A Cultural Resources Investigation was conducted by Archaeological Resource and Supply Company in June 2018. The report concludes that no significant archaeological or historic period cultural resources, that for the purposes of CEQA would be considered an historical resource, exist on the site proposed for cannabis cultivation. The project was referred to the Northwest Information Center (NWIC) and the Bear River Band of the Rohnerville Rancheria. After reviewing project materials, the Tribal Historic Preservation Officer for the Bear River Band of the Rohnerville Rancheria has requested that a Tribal Monitor from the Bear River Band be onsite during excavation activities (condition of project approval) and that the standard inadvertent discovery protocol be applied to the project. This has been included in the Informational Notes within the conditions of approval.

#### **FINDINGS FOR SPECIAL PERMITS, ZONING CLEARANCE CERTIFICATES, AND 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 principally permitted in the Rural



Community Center (RCC) 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 Forestry Recreation (FR) and Special Combining Zone (B) zoning designations in which the site is located.

- EVIDENCE:**
- a) The FR zone is intended to be applied to forested areas of the County in which timber production and recreation are the desirable predominant uses and agriculture is the secondary use, and in which protection of the timber and recreational lands is essential to the general welfare. General agriculture, including the cultivation of cannabis, is a principally permitted use in this zoning district. The B zone is intended to be combined with any principal zone in which sound and orderly planning indicate that lot area and yard requirements should be modified.
  - b) Humboldt County Code section 314-55.4.6.1 allows cultivation of up to 43,560 SF of existing or new cannabis cultivation a parcel over 10 acres in size, subject to approval of a Special Permit. The parcel is approximately 63 acres in size, and the combined existing and new cultivation (not withstanding the RRR entitlements) will not exceed 43,560 SF.
  - c) Humboldt County Code section 314-55.4.6.5.9(b) allows relocation of cannabis cultivation from retired cultivation sites as entitlements of no more than 20,000 square feet with a Zoning Clearance Certificate in the FR zone. Section 314-55.4.6.5.9(d) allows for more than one relocation to occur on a single parcel on parcels ten acres or larger.

- d) Humboldt County Code section 314-55.4.7.3 allows commercial cannabis nurseries in the FR zone on a road that is not paved with a centerline stripe with a Conditional Use permit, provided that the application includes an evaluation of the local road network and relevant segments prepared by a licensed engineer that provides substantial evidence to support a finding that standards for the protection of public health and safety, including fire safe road access, capacity to support anticipated traffic volumes, water quality objectives, and protection of habitat can be met.
- e) The employee bunkhouse is an allowable use in the FR zone as no conditional use permit, zoning variance, or other discretionary zoning clearance shall be required of this employee housing that is not required of any other agricultural activity in the same zone pursuant to California Health and Safety Code Section 17021.6.
- f) All existing and proposed development meets the minimum yard setback requirements for the FR zone.

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

- EVIDENCE:**
- a) The CCLUO allows cannabis activities to be permitted in areas zoned Forestry Recreation (FR) as described in Section 4 above.
  - b) The subject parcel is a separate legal parcel described as Parcel 2 on Parcel Map 2359 in Book 20 of Parcel Maps, Pages 147-148.
  - c) Solar arrays will be the primary source of power until renewable PG&E power becomes available, with an emergency generator as back-up only.
  - d) Irrigation water is sourced from rain catchment and a non-diversionary well on site.
  - e) Cultivation will occur on slopes of 15% or less.
  - f) The cultivation of cannabis will not result in conversion of timberland.
  - g) According to the Engineering-Geologic Prime Agricultural Soils Exploration Letter-Report prepared by Lindberg Geologic Consulting in March of 2023, the site soil should not be considered or classified



as prime agricultural soils per the CCLUO.

- h) The location of the cultivation site complies with three of the four setbacks required in Section 314-55.4.6.4.4 of Humboldt County Code. It is more than 30 feet from any property line, more than 300 feet from any offsite residence, and more than 600 feet from any school, church, public park, or Tribal Cultural Resource. The cultivation site is within 270 feet of the adjacent undeveloped parcel to the west-northwest (APN 216-281-005). The purpose of the 270-foot setback is to allow an adjacent property owner to develop a residence within 30 feet of their own property line while maintaining a 300-foot setback from any adjacent cultivation sites. In this case, due to constraints from building setback requirements, steep slopes, difficulty of access, and streamside management areas, future residential development on the adjacent parcel within 300 feet of the cultivation site would not be feasible.
- i) The property is accessed via Steelhead Road, a road connected to Highland Avenue, then county-maintained 6<sup>th</sup> Avenue. Steelhead Road traverses one property owned by the County (County Dump) before it reaches the driveway to the subject parcel. The applicant will be the only permit holder on Steelhead Road, and as such a Road Maintenance Association is not necessary. Humboldt County Code section 314-55.4.7.3 states that all Cannabis Support Facilities must be located on a paved road with a centerline stripe or a paved road meeting category 4 standards. Exceptions may be sought via a Conditional Use Permit provided the applicant provides an evaluation prepared by a licensed engineer to demonstrate that the road meets fire safe road access, capacity to support anticipated traffic volumes, water quality objectives, and protection of habitat. The applicant submitted a Road Evaluation Report prepared by Green Road Consulting in January of 2019 demonstrating that road has the capacity to support anticipated traffic volumes and all maintenance and recommendations within the Site Management Plan prepared for the parcel are in line with best management practices from Five Counties Salmonid Conservation Roads Maintenance Manual to protect water quality as well as aquatic, reptilian, amphibious, and aquatic invertebrate wildlife. The Department of Public Works has requested that a vehicle turn-out be provided on Steelhead Road halfway between 6th Avenue and the project site to achieve compliance with Fire Safe Regulations. Sufficient turnouts currently exist at three points along Steelhead Road between 6th Avenue and the project site.

- j) All use of supplemental lighting will comply with International Dark-Sky Standards
- k) The applicant has submitted a Sound Evaluation Report, which describes noise measurements taken at the north, west, south, and east property lines. The existing average decibel levels at the north, west, south, and east property lines when measurements were taken were 34.55, 41.34, 40.11, and 31.43 respectively. The project is conditioned to not to go over three decibels above the measured ambient noise levels found at each property line for the life of the project.
- l) A one-time purchase of 2,185 cubic yards of soil is expected to begin operations. All soil from the cultivation site will be reused and never dumped. Soil will be tilled, organic matter and nutrients will be added and living soil will be developed over time. The applicant will amend the soil every year with basic organic amendments, compost, and plant waste to enrich the biodiversity. No soil will be removed from the property.
- m) Invasive Species Plan has been submitted that identified plants proposed for control and eradication, including Himalaya blackberry, yellow starthistle, and French broom.

**6. FINDING:**

The project 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) All access roads on the property shall be maintained in compliance with the State Water Resources Control Board Order WQ 2019-0001-DWQ, which states that all access roads are to be hydrologically disconnected to receiving waters. To ensure that roads meet this condition, the applicant has implemented the erosion control measures outlined in the Site Management Plan that address replacing culverts and decommissioning crossings.



- 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 will not change the character of the area due to the large parcel sized in the area.
- c) The location of the proposed cannabis cultivation is more than 300 feet from the nearest off-site residence.
- d) Irrigation water is sourced from rain catchment and a non-diversionary well on site.
- e) Provisions have been made in the applicant's proposal to protect water quality through yearly site inspection, monitoring, and reporting to the NCRWQCB. Annual reporting shall be submitted to the NCRWQCB. Therefore, runoff to adjacent property and infiltration of water to groundwater resources will not be adversely affected.

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

**EVIDENCE:** a) The parcel was included in the 2019 County Housing Inventory; however, there are no existing residences on the parcel, and none are proposed. The proposed project will not preclude development of a residence in the future.

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

**EVIDENCE:** a) The project site is in the Middle Main Eel Planning Watershed, which under Resolution 18-43 is limited to 360 permits and 125 acres of cultivation. With the approval of this project the total approved permits for cultivation in this Planning Watershed would be 106 and the total approved acres of cultivation would be 44.1.

## 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
- Approve the Special Permits, Zoning Clearance Certificates, and Conditional Use Permit (PLN-11809-SP, PLN-2018-15238, PLN-2018-15242, and PLN-2018-15264) for Humboldt Heritage Farm Management, LLC subject to the Conditions of Approval attached hereto as Attachment 1A; and
- Adopted after review and consideration of all the evidence on **June 6, 2024**.

The motion was made by COMMISSIONER Noah Levy and second by COMMISSIONER Peggy O'Neill and the following vote:

AYES: COMMISSIONERS: Iver Skavdal, Noah Levy, Jerome Qiriazzi, Peggy O'Neill, Lorna McFarlane

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS: Thomas Mulder, Sarah West

ABSTAIN: COMMISSIONERS:

DECISION: Motion carried 5/0

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



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John Ford, Director  
Planning and Building Department



## **CONDITIONS OF APPROVAL**

### **APPROVAL OF THE PROJECT IS CONDITIONED ON THE FOLLOWING TERMS AND REQUIREMENTS:**

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

1. The applicant is responsible for obtaining all necessary County and State permits and licenses, and for meeting all requirements set forth by other regulatory agencies.
2. The applicant is required to pay for permit processing on a time and material basis, as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Planning and Building Department will provide a bill to the applicant after the decision. Any and all outstanding planning fees to cover the processing of the application to decision by the Planning Commission shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
3. The applicant is responsible for costs for post-approval review for determining project conformance with conditions. A deposit is collected to cover the staff review. Permit conformance with conditions must be demonstrated prior to release of building permit or initiation of use, and at the time of annual inspection. A conformance review deposit, as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750), shall be paid within sixty (60) days of the effective date of the permit or upon filing of the Compliance Agreement (where applicable), whichever occurs first. Payment shall be made to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
4. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. The Department will file the NOD and will charge this cost to the project.
5. Within 60 days of the effective date of permit approval, the applicant shall execute a Compliance Agreement with the Humboldt County Planning and Building Department for PLN-11809-SP detailing all necessary permits and infrastructure improvements described under Condition of Approval #6. The agreement shall provide a timeline for completing all outstanding items. All activities detailed under the agreement must be completed to the satisfaction of the Planning and Building Department before the permit may be finalized and no longer considered provisional.
6. The applicant shall secure permits for all structures related to the existing cannabis cultivation and other commercial cannabis activity, including the existing greenhouses, the existing multi-use building, the existing shipping containers, and any noise containment and storage structures as necessary, as well as a grading permit for

removal of the pond. The plans submitted for building permit approval shall be consistent with the project description and the approved project site plan.

7. Prior to operations of PLN-2018-15238, PLN-2018-15242, and PLN-2018-15264, the applicant shall secure permits for all proposed structures and grading related to the cannabis cultivation and other commercial cannabis activity. A letter or similar communication from the Building Division verifying that all structures related to cannabis cultivation are permitted will satisfy this condition.
8. The approved building plans shall meet all applicable fire codes, including fire suppression infrastructure requirements deemed necessary for the project by the Building Inspection Division. Sign-off on the Occupancy Permit by the Building Division shall satisfy this requirement.
9. The applicant shall submit a comprehensive Light Pollution Prevention Plan for the project including all measures necessary to adhere to International Dark Sky Association standards as set forth in the CCLUO, demonstrating that the proposed project would not deliver or have the potential to deliver light pollution, during the hours of sunset to sunrise, affecting fish and/or wildlife directly or from a distance. The plan shall include information about any outdoor lighting utilized and measures to down-shield this lighting. The plan shall be submitted to the satisfaction of the Planning Division within six months of the effective date of this permit, or prior to use of lighting, whichever occurs first.
10. The applicant shall implement all remaining corrective actions and recommendations described in the Site Management Plan (WDID 1B161173CHUM) pursuant to the State Water Board Cannabis General Order for Waste Discharge. The applicant shall submit a letter or similar communication from a qualified professional (e.g., civil engineer or Registered Professional Forester) that the improvements were completed as recommended in the SMP.
11. The applicant shall implement all the remaining corrective actions detailed in the Final Lake or Streambed Alteration Agreement (Notification No. EPIMS-HUM-02552-R1) issued by the California Department of Fish and Wildlife (CDFW).
12. Prior to initiating commercial cannabis cultivation or associated activities the applicant shall obtain a Business License from the Humboldt County Tax Collector.
13. If grading is required for any future development on the site, the applicant is required to obtain a permit from the Building Inspection Division and the North Coast Air Quality Management District (NCAQMD). Dust control practices during construction and grading shall achieve compliance with NCAQMD fugitive dust emission standards.



14. The applicant shall execute and file with the Planning Division the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the HCC and available at the Planning Division.
15. The existing driveway that will serve as access for the proposed project that connects to the County road shall be improved to current standards for a commercial driveway. An encroachment permit shall be issued by the Department of Public Works prior to commencement of any work in the County maintained right of way.
16. The driveway onto the County Road shall be maintained in accordance with County Code Section 341-1 (Sight Visibility Ordinance). This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.
17. All fences and gates shall be outside of the County right of way. All gates shall be setback sufficiently from the County road so that vehicles will not block traffic when staging to open/close the gate. In addition, no materials shall be stored or placed in the County right of way. This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.
18. Onsite employee occupancy and processing activities must be supported by an approved onsite wastewater treatment system (OWTS) sized to accommodate peak flow rates for both commercial and domestic wastewater demands of employee bunkhouse and processing structures. Seasonal/outdoor cultivation sites may be supported by portable toilets. The applicant must obtain a permit for, and install, an approved OWTS to support onsite housing and processing locations and either install approved OWTS or provide portable toilets to cultivation areas.
19. The applicant shall arrange for a cultural monitor from the Bear River Band of the Rohnerville Rancheria to be present during excavation activities associated with the project. The Bear River Band Tribal Historic Preservation Officer can be contacted via email at [thpo@brb-nsn.gov](mailto:thpo@brb-nsn.gov), and by phone at 707-532-0193.
20. The permittee shall be compliant with the County of Humboldt's Certified Unified Program Agency (CUPA) requirements regarding hazardous materials. A written verification of compliance shall be required before any provisional permits may be finalized. Ongoing proof of compliance with this condition shall be required at each annual inspection in order to keep the permit valid.
21. Prior to cultivation or development associated with PLN-2018-15242, items 2, 3, and 4 in Exhibit A of the Cannabis Compliance Agreement executed on February 5, 2024, and

attached to the approved Retirement Site Staff Report for the PLN-2018-15242, must be satisfied.

22. When PG&E power becomes available, the applicant shall enroll to receive power through the Redwood Coast Energy Authority (Re-Power Plus) program or a suitable equivalent source, subject to the approval of the Planning and Building Department.
23. Until the pond is removed, the applicant shall provide to CDFW for review, and implement an approved Bullfrog Management Plan to mitigate the proliferation of the invasive bullfrog population on site.
24. A certified hydrologist shall assess the potential long-term yield of the well with the proposed increased usage. If the well is projected to produce less water as well use continues, the applicant shall increase water storage as necessary to meet all the projects projected needs.

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

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



applicant shall submit written verification that the lights' shielding, and alignment and noise levels have been repaired, inspected, and corrected as necessary.

4. The applicant shall install and utilize water meters to demonstrate that there is sufficient water supply to meet the demands of the project. The water use for cultivation is limited to the maximum estimated amount described in the Operations Plan and annual water use records shall be provided prior to or during the annual inspection.
5. The use of synthetic netting for purposes of erosion control is prohibited. To minimize the risk of wildlife entrapment, the applicant shall not use any erosion control materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.
6. All refuse shall be always contained in wildlife proof storage containers and disposed at an authorized waste management facility.
7. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and shall be allowed to leave the work site unharmed.
8. The use of anticoagulant rodenticide is prohibited.
9. The noise from operations shall not exceed 37.55, 44.34, 43.11, and 34.43 decibels at the north, west, south, and east property lines respectively for the life of the project.
10. The applicant shall maintain enrollment in Redwood Coast Energy Authority (Re-Power Plus) or a suitable equivalent to meet the renewable power source requirement for open- air cultivation and shall provide copies of energy bills confirming enrollment at each annual inspection to keep the permit valid.
11. 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.
12. All components of the project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, and these conditions of approval. Any changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan. When offsite processing is chosen to be the

preferred method of processing, this permit shall be modified to identify the offsite licensed facility.

13. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CCLUO and Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA), as applicable to the permit type.
14. If operating pursuant to a written approved compliance agreement, the permittee shall abate or cure violations at the earliest feasible date, but in no event no more than two (2) years from the date of issuance of a provisional clearance or permit. 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.
15. The permittee shall have possession of a current, valid required license, or licenses, issued by any agency of the State of California in accordance with MAUCRSA, and regulations promulgated thereunder, as soon as such licenses become available.
16. The permittee shall be in compliance with all statutes, regulations, and requirements of the California State Water Resources Control Board and the Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration, as applicable.
17. The permittee shall ensure confinement of the area of cannabis cultivation, processing, manufacture, or distribution to the locations depicted on the approved site plan. The commercial cannabis activity shall be set back at least 30 feet from any property line and 600 feet from any school, school bus stop, church or other place of religious worship, or tribal cultural resources, except where a reduction to this setback has been approved pursuant to Section 314-55.4.6.4.4 of the CCLUO.
18. The permittee shall maintain enrollment in Tier 1 or 2, certification with North Coast Regional Water Quality Control Board (RWQCB) Order WQ 2019-0001-DWQ, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
19. The permittee shall comply with the terms of the Final Lake or Streambed Alteration Agreement, as well as any subsequent amendments, obtained from the California Department of Fish and Wildlife.



20. The permittee shall comply with the terms of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (CAL FIRE), if applicable.
21. The permittee shall consent to an annual on-site compliance inspection, with at least 24 hours prior notice, to be conducted by appropriate County officials during regular business hours (Monday through Friday, 9:00 a.m. to 5:00 p.m., excluding holidays).
22. The permittee shall pay all applicable fees for application review to ensure conformance with conditions and annual inspection fees.
23. 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.
24. Fertilizer, pesticide, fungicide, rodenticide, or herbicide shall be properly stored, handled and used in accordance with applicable regulations.
25. The master logbooks maintained by the applicant to track production and sales shall be maintained for inspection by the County.
26. The permittee shall pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).

#### Performance Standards for Cultivation and Processing Operations

27. Pursuant to 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."
28. Cultivators shall comply with all applicable federal, state, and local laws and regulations governing California Agricultural Employers, which may include federal and state wage and hour laws, Cal/OSHA, OSHA, the California Agricultural Labor Relations Act, and the Humboldt County Code (including the Building Code).
29. Cultivators engaged in processing shall comply with the following Processing Practices:
  - a. Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.

- b. Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
  - c. Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.
  - d. Employees must wash hands sufficiently when handling cannabis or use gloves.
30. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:
- a. Cultivation operations and processing operations must implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:
    - (1) Emergency action response planning as necessary;
    - (2) Employee accident reporting and investigation policies;
    - (3) Fire prevention;
    - (4) Hazard communication policies, including maintenance of material safety data sheets (MSDS);
    - (5) Materials handling policies;
    - (6) Job hazard analyses; and
    - (7) Personal protective equipment policies, including respiratory protection.
  - b. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
    - (1) Operation manager contacts;
    - (2) Emergency responder contacts; and
    - (3) Poison control contacts.
  - c. At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations. Plumbing facilities and water source must be capable of handling increased usage without adverse consequences to neighboring properties or the environment.
  - d. Onsite housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.
31. All cultivators shall comply with the approved processing plan as to the following:
- a. Processing practices
  - b. Location where processing will occur
  - c. Number of employees, if any



- d. Employee Safety Practices
- e. Toilet and handwashing facilities
- f. Plumbing and/or septic system and whether or not the system is capable of handling increased usage
- g. Drinking water for employees
- h. Plan to minimize impact from increased road use resulting from processing
- i. Onsite housing, if any

32. Term of Commercial Cannabis Activity Special Permit. Any Commercial Cannabis Activity Permit issued pursuant to the CCLUO shall expire one (1) year after date of issuance, and on the anniversary date of such issuance each year thereafter, unless an annual compliance inspection has been conducted and the permittees and the permitted site have been found to comply with all conditions of approval.
33. If the inspector or other County official determines that the permittees or site do not comply with the conditions of approval, the inspector shall serve the permit holder with a written statement identifying the items not in compliance, and the action that the permit holder may take to cure the noncompliance, or file an appeal within ten (10) days of the date that the written statement is delivered to the permit holder. Personal delivery or mailing the written statement to the mailing address listed on the application by regular mail, plus three (3) days after date of mailing, shall constitute delivery. The permit holder may request a re-inspection to determine whether or not the permit holder has cured all issues of noncompliance. Failure to request re-inspection or to cure any items of noncompliance shall terminate the permits, immediately upon the expiration of any appeal period, or final determination of the appeal if an appeal has been timely filed pursuant to Section 314-55.4.5.7 of the CCLUO.
34. Permit Renewals to Comply with Updated Laws and Regulations. Permit renewal is subject to the laws and regulations effective at the time of renewal, which may be substantially different than the regulations currently in place and may require the submittal of additional information to ensure that new standards are met.
35. Acknowledgements to Remain in Full Force and Effect. Permittee acknowledges that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this section in the event that environmental conditions, such as a sustained drought or low flows in the watershed in which the cultivation area is located, will not support diversions for irrigation.
36. Transfers. Transfer of any leases or permits approved by this project is subject to the review and approval of the Planning Director for conformance with CCLUO eligibility requirements and agreement to permit terms and acknowledgments. The fee for

required permit transfer review shall accompany the request. The request shall include the following information:

- a. Identifying information for the new owner(s) and management as required in an initial permit application;
- b. A written acknowledgment by the new owner in accordance as required for the initial permit application;
- c. The specific date on which the transfer is to occur;
- d. Acknowledgement of full responsibility for complying with the existing permit; and
- e. Execution of an Affidavit of Non-diversion of Commercial Cannabis.

37. Inspections. The permit holder and subject property owner are to permit the County or representative(s) or designee(s) to make inspections at any reasonable time deemed necessary to assure that the activities being performed under the authority of this permit are in accordance with the terms and conditions prescribed herein.

#### **Informational Notes:**

1. Pursuant to Section 314-55.4.6.5.7 of the CCLUO, if upon inspection for the initial application, violations of any building or other health, safety, or other state or county statute, ordinance, or regulation are discovered, the Planning and Building Department may issue a provisional clearance or permit with a written approved Compliance Agreement. By signing the agreement, the permittee agrees to abate or cure the violations at the earliest opportunity but in no event more than two (2) years after the date of issuance of the provisional clearance or permit. Plans for curing the violations shall be submitted to the Planning and Building Department by the permittee within one (1) year of the issuance of the provisional certificate or permit. The terms of the compliance agreement may be appealed pursuant to Section 314-55.4.5.7 of the CCLUO.
2. The provisional permit approval shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"), except where the Compliance Agreement per Condition of Approval A5 has been executed and the corrective actions pursuant to the agreement are being undertaken. Once building permits have been secured and/or the use initiated pursuant to the terms of the agreement, the use is subject to the Permit Duration and Renewal provisions set forth in Conditions of Approval of the Ongoing Requirements/Development Restrictions, above.
3. The applicant shall implement the Inadvertent Discovery Protocol. If cultural resources are encountered during construction activities, the contractor onsite shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified



archaeologist and the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and the lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided. Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, shellfish or faunal remains, and human burials. If human remains are found, California Health and Safety Code 7050.5 requires that the County Coroner be contacted immediately at 707-445-7242. If the Coroner determines the remains to be Native American, the Native American Heritage Commission will then be contacted by the Coroner to determine appropriate treatment of the remains pursuant to Public Resources Code (PRC) Section 5097.98. Violators shall be prosecuted in accordance with PRC Section 5097.99.

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

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**Applicant/Owner**

Humboldt Heritage Farm Management, LLC

PO Box 430

Whitethorn, CA 95589

APN: 216-281-015

Phone Number: 707-223-2055



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## I. Site Plan Overview

### 1.0 Project Information

Humboldt Heritage Farm Management, LLC. ("Applicant") is submitting this application for a Zoning Clearance Certificate in order to receive cultivation from two (2) RRR donor sites (APN: 220-241-004 and 215-241-014), totaling 38,940 ft<sup>2</sup> of mixed-light commercial cannabis cultivation, and to increase the existing 10,000 ft<sup>2</sup> to 43,560 ft<sup>2</sup> of mixed-light adding new cultivation totaling 33,560 ft<sup>2</sup> (overall, total proposed mixed-light cultivation consists of 82,500 ft<sup>2</sup>) on a 70-acre parcel, located near Alderpoint, CA ("Parcel"), Assessor's Parcel Number 216-281-015.

The Applicant sources water from a permitted, ground water well on the parcel, that has been deemed hydrologically disconnected from any surface waters. Hydrology report is on file with the Planning Department. A well completion report is included with the project and was included in the 1602 Stream and Lakebed Alteration Notification with the California Department of Fish and Wildlife.

There are currently fourteen (14) HDPE water tanks onsite totaling 55,050-gallons of existing water storage for the parcel. The Applicant is proposing one (1) 755,506-gallon rain catchment tank and eighteen (18) 1,500 gallon HDPE tanks, which will bring the parcel total to 837,556-gallons of water storage. The Applicant estimates their annual water use to be 1,200,000-gallons for cannabis cultivation.

There is currently a 130'x36' building onsite that is used for drying and storing harvested cannabis. The Applicant is proposing to turn this building into a processing facility, along with a drying location for harvested cannabis. The Applicant is also proposing an 80'x30' employee bunk house and multiple commercial nurseries.

The parcel is currently served by generator power and the Applicant has applied for a PG&E power drop. A solar array is proposed as a primary power source until PG&E power becomes available. The Applicant has agreed to grow outdoor light deprivation only, until PG&E power is available. There is a compost area on site. Trash and refuse are stored in watertight containers near each greenhouse and Multi-Use Building. All trash will be stored in the trash shed prior to weekly removal.

There is 10,000 square feet of existing cultivation currently active on site and the Applicant is proposing the addition of 33,560 ft<sup>2</sup> of new cultivation, 18,940 ft<sup>2</sup> of RRR cultivation from 220-241-004 and 20,000 ft<sup>2</sup> of RRR cultivation from 215-241-014 for a total of 82,500 ft<sup>2</sup> of cultivation area. The Applicant is anticipating two (2) harvests from the greenhouses, sometime in July and October. The Applicant will be processing on site.

This application has been prepared in accordance with Humboldt County's ("County") Commercial Cannabis Land Use Ordinance ("CCLUO").

The Zoning Clearance Certificate would achieve the following results for the Applicant:

- a. Permit 82,500 ft<sup>2</sup> of open-air commercial cannabis cultivation activities as an RRR receiver site, an onsite commercial nursery, an onsite noncommercial nursery and an onsite processing facility in compliance with the County CCLUO.
- b. Comply with applicable standards for water quality maintenance and watershed protection through the Waiver of Waste Discharge requirements of the North Coast



Regional Water Quality Control Board ("Water Board") and California Department of Fish and Wildlife ("Fish and Wildlife").

## **2.0 Project Location**

The Applicant's Parcel is located in the inland zone of Humboldt County Alderpoint, CA. The Parcel is comprised of 70-acres and is identified by Assessor's Parcel Number ("APN") 216-281-015. The street address for the Parcel is 845 Steelhead Road Alderpoint, CA 95511.

### **2.1 Zoning Classification**

The County's Zoning Classification of the Parcel is FR-B-5(20) with a Current General Plan Framework of RCC. The CCLUO land zoned as FR to receive RRR donor sites with a Zoning Clearance Certificate.

### **2.2 Site Topography**

A map of the Parcel's topography is included as Attachment "A."

## **3.0 Easements**

The following information is taken from Exhibit "A" of the Grant Deed, a copy of which is included in Evidence of Ownership and Authorization section of this application.

Exhibit A

### **DESCRIPTION**

That real property situate in the County of Humboldt, State of California, described as follows:

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE UNINCORPORATED AREA IN COUNTY OF HUMBOLDT, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

Parcel 2 of Parcel Map No. 2359 for the Humboldt County Department of Public Works, as recorded in Book 20 of Parcel Maps page 147 and 148 in the office of the Humboldt County Recorder.

## **4.0 Natural Waterways**

There are multiple Class II Watercourses and Class III Drainages that run through the parcel. The cultivation is at least 100-feet from the Class II Watercourses and at least 50-feet from the Class III Drainages. There is also an in-stream pond on site that is not used for any cultivation related activities.

## 5.0 Location and Area of Cultivation

10,000 ft existing cultivation under 1.0 and 33,560 ft of proposed cultivation under 2.0

Greenhouse #9 - #51, #68

18,940 ft<sup>2</sup> proposed new cultivation as an RRR Receiver from donor site APN: 220-241-004

Greenhouse #62 - #68, #70 - #74

20,000 ft<sup>2</sup> proposed new cultivation as an RRR receiver from donor site APN: 215-241-048

Greenhouses #52 - #61, #69

### Proposed Nursery Greenhouses

#### Greenhouses #1 - #4

The Applicant is proposing the addition of four (4) greenhouses to be used for immature plants. The breakdown for designation is as follows: Greenhouses #1 a 1,000 ft<sup>2</sup> of the greenhouse will be licensed under CMMLUO (1.0). The remaining 1,000 ft<sup>2</sup> of Greenhouse #1 and Greenhouse #2 (2,000 ft<sup>2</sup>) will be licensed under CCLUO (2.0) Cultivation Application. Greenhouse #3 (2,000 ft<sup>2</sup>) will be licensed under RRR 220-241-004. Greenhouse #4 (2,000 ft<sup>2</sup>) will be licensed under RRR 215-241-014.

### Proposed Commercial Nursery Greenhouses

#### Greenhouses #5 - #8

The 8,000 ft<sup>2</sup> of immature plant area would be used to commercially provide plants for the Applicants other parcels that are under the permitting process (APN's: 220-191-035; 220-091-002; 217-181-013).

## 6.0 Setbacks of Cultivation Area

Cultivation is 30' from property lines (55.4.6.4.4.a). Some of the cultivation is close to an undeveloped parcel in the N/E coner, setback is 265', (55.4.6.4.4.b) of a neighboring parcel. However said parcel is unbuildable due to step terrain (35% - 58% slopes), stream crossing and being within the streamside management areas of the Eel River. See attachmens A, requesting this setback be exempt from neighbor approval. Cultivation is 30' from all property lines and there are no sensitive receptors within 600' (55.4.6.4.4c).

## 7.0 Access Roads

The following details regarding the Access Roads and Stream Crossings is pulled from the Water Resource Protection Plan, which was created in accordance with NCRWQCB Waiver of Waste Discharge, Order R1-2015-0023. Map points referenced are from the Water Resource Protection Plan.



## **8.0 Graded Flats**

There are no graded flats on the parcel.

## **9.0 Buildings**

### **Existing Cultivation Related Buildings**

#### **Multi Use Building**

The existing Multi Use Building is a 130'x36' structure on site that was constructed in 2016.

### **Proposed Cultivation Related Buildings**

#### **Bunk House**

The Applicant is proposing a two story, 80'x30' employee bunk house on site.

#### **Nursery**

The Applicant is proposing eight (8) nurseries. The Applicant is intending (4) nursery greenhouses to be used as ancillary for the onsite cultivation. The remaining (4) greenhouses will be used as commercial nurseries in order to provide plants for the Applicant's other licensed commercial cannabis cultivation site.

## **10.0 Water Source, Storage, Irrigation Plan and Projected Water Use**

### **10.1 Water Source**

Water used for cannabis irrigation is sourced from the on-site, groundwater well that has been deemed hydrologically disconnected from any surface waters. Hydrology report is on file with the Planning Department. Rain catchment from proposed 272,000 gallon tank yield approximately 414,607 in rain for irrigation.

### **10.2 Water Storage**

The Applicant has fourteen (14) existing HDPE tanks totaling to 55,050-gallons of water storage as outlined below.

- Ten (10) 5,000-gallon HDPE tanks
- Three (3) 1,500-gallon HDPE tanks
- One (1) 550-gallon HDPE tank

### **Proposed Water Storage**

The Applicant is proposing one (1) 755,506-gallon rain catchment water tank and eighteen (18) 1.5K gallon HDPE tanks for future storage.

Total of both existing and proposed water storage is 837,556 gallons.

### **10.3 Irrigation Plan**

The Applicant will have a drip irrigation system that waters cannabis plants at an agronomic rate. A Water Use Assessment including a water budget that outlines projected monthly irrigation demands broken out by each discrete cultivation site and the monthly water demands.

#### 10.4 Projected Water Use

The amount of water used for the cultivation of cannabis will vary throughout the year, with peak periods of water use occurring during the summer months. The annual water use is estimated to be 1,200,000 gallons for cannabis cultivation.

Estimated well water pumped to storage:

Jan	Feb	Mar	Apr	May	June
229,000	216,000	192,500	0	0	0
July	Aug	Sept	Oct	Nov	Dec
0	0	0	0	0	194,000

Estimated rain catchment for Irrigation (Catchment Tank, 9,676 sq.ft.):

Jan	Feb	Mar	Apr	May	June
74,274	67,833	55,766	28,838	14,568	4,522
July	Aug	Sept	Oct	Nov	Dec
241	1,206	4,764	21,583	53,656	87,356

Estimated Use for Irrigation:

Jan	Feb	Mar	Apr	May	June
0	0	0	25,000	280,000	280,000
July	Aug	Sept	Oct	Nov	Dec
272,550	280,000	280,000	0	0	0

Estimated Use for the Nursery:

Jan	Feb	Mar	Apr	May	June
0	0	0	25,000	0	0
July	Aug	Sept	Oct	Nov	Dec
25,000	0	0	0	0	0

#### 10.5 On-Site Water Conservation Measures

All irrigation infrastructure will be regularly inspected for leaks and immediately repaired if any are found. Weed free mulch or straw will be used in cultivation areas that do not have ground cover to reduce evaporation and conserve water. Water conservation such as water timing and drip irrigation will be implemented to ensure water is applied at agronomic rates. The cultivator will record daily irrigation water usage and maintain records on site for a minimum of 5 years.



## 10.6 Water Use Record Keeping Practices

Per Sections 55.4.12.7.5 through 55.4.12.7.7, the applicant will adhere to the following metering and record keeping practices.

- A metering device shall be installed and maintained on all discrete points of diversion or other locations of water withdrawal (in this case, the Applicant's well). The meter shall be located at or near the point of diversion or withdrawal.
- A metering device shall be installed and maintained at or near the outlet of all water storage facilities utilized for Irrigation.
- Operators shall maintain a weekly record of water collected from Diversionary sources, as well as a record of all water used in Irrigation of permitted Cultivation Areas. A copy of these records shall be stored and maintained at the cultivation site and kept separately of differentiated from any record of water use for domestic, fire protection, or separately or differentiated from any record of water use for domestic, fire protection, or other irrigation purposes. Irrigation records shall be reported to the County on an annual basis, at least thirty (30) days prior to the date of each annual permit inspection. Records shall also be made available for review during site inspections by local and state officials.

## 11.0 Site Drainage, Runoff, Erosion Control Measures and Watershed Protection

The following is taken from the Applicant's SMP (Site management Plan) which was created in accordance with the SWRCB (State Water Resources Control Board). Deadlines referenced are fluid and are dependent on jurisdictional authorization. **MP** (map points) referenced are from the SMP.

### Site Maintenance, Erosion Control and Drainage Features

The disturbed areas consisted of the cultivation areas, soils/amendment piles, unstable road segments, and a multiuse building as shown on the Disturbed Area Map. Map points correspond to the Remediation Summary Table found in section 10 of this report. At **MP4** there is an old structure within the riparian buffer which was used for the commercial operation in the past. Operations in the structure have been decommissioned with all cultivation related materials removed from the area. At **MP6** there is an inboard ditch filled with sediment. The sediment will be cleared out and the ditch will have wash rock installed for filtration. A rock apron will be installed at the DRC outlet. A rolling dip will be installed ~50-ft from **MP6** as indicated on the Disturbed Area Map. At **MP9** a clearing located off the main road on the west end of the loop shows potential for hydraulic connectivity to waters of the state. That area also shows evidence of instability. The clearing should have native seed mix and straw applied prior to the winter period 2019 and the area shall be monitored during rain events for potential concentrated flow to the west. At **MP14** Stormwater runoff associated with the large multiuse building is pooling in the northwest section of the parcel. The area is heavily driven and used to park vehicles. The stormwater discharges at **MP9**. All bare roads around the multiuse building must be heavily rocked in order to filter sediments from stormwater. All other bare soils surrounding this area must be straw and seeded with native seed mix. The area shall be monitored for turbid water discharge during rain events. GRC recommends that the cultivator install rain gutters on the multiuse building and collect it in HDPE tanks for later use during the cultivation season. This installation would mitigate excess stormwater runoff and reduce the risk for turbid discharge to waters of the state while also providing a secondary, non-jurisdictional water source for the operation. **MP11** is a flat where greenhouses for cultivation once stood within the riparian buffer. A site evaluation conducted by GRC staff in February 2019 confirmed that the area has had all greenhouses deconstructed and removed with all bare soils spread with seed and straw to encourage vegetated growth for stabilization. The flat now houses disused cultivation soils which have erosion control measures installed to reduce the potential for

constituents to be transported to surface waters. The cultivation soils are located outside of the riparian buffer.

#### Stream Crossing Maintenance

There are six (6) stream crossings on the property that are the responsibility of the property owner. All stream crossing will be permitted through the appropriate agencies (e.g. CDFW, SWRCB) before work commences. The following stream crossing descriptions are proposed recommendations which are pending final state approval. **MP1-STX1** is an old skid road trail crosses the head of a Class III watercourse. The watercourse above the crossing is more like a seasonal seep with no defined channel. Erosion was observed below the crossing. The crossing should be armored with approximately 2-5 yards of rock. At **MP8-POF1**, the point of overflow has (3) Class III watercourses and (1) Class II watercourse flowing into it. The overflow has a concrete headwall/ sluice gate. The 48-inch diameter culvert was 30-ft long under the roadway with a 45- ft downspout that was anchored, and rock placed at outfall. The culvert was installed appropriately but was just short of handling a 100-yr storm event. An additional 18-inch culvert is recommended to help handle the 100-yr storm event and associated debris. The pond was not permitted prior to installation and will require environmental review of potential impacts. CDFW suggests two different options. Option 1 is to decommission the pond and Option 2 create a plan with CDFW. At **MP13-STX2** there is an 18-inch CPP on a Class II watercourse. The stream crossing is not sized for the 100-yr storm event. The stream crossing will be replaced with a 30-inch Corrugated Metal Pipe (CMP). At **MP2-STX3** there is a 24-inch CPP on a Class II watercourse. The culvert was found to be sufficient to pass the 100-yr storm event. However, the stream crossing has a minor shotgun outlet. To dissipate the downfall energy, 2 – 5 yards of rip rap should be placed at the outlet. At **MP3-STX4** there is a 24-inch CPP on a Class II watercourse. The crossing is not sized for the 100-year storm event and shall be replaced with a CMP of at least 30-inches. Additionally, minor erosion was observed at the outlet on the left bank. To protect the bank, 2 – 5 yards of rip rap should be placed at the outlet. At **MP5-STX5** the stream crossing on a Class III watercourse that diverts into an IBD for ~170 ft before entering STX4. A rocked ford or a 24-inch shall be installed to direct flow back to the natural channel at **MP5**. The IBD between **MP5** and **MP3** shall be rocked. **UPDATE-** at the time of this revision, 3 Culverts have been replaced, rolling dips added and winterization measures implemented annually. See CDFW reporting attached.

#### Riparian and Wetland Protection and Management

All Cultivation and proposed development is located outside of the SMA and Riparian areas. The Applicant will ensure they abide the Waterboards best practical treatment or control to ensure the project has little to no impact on water quality.

#### Irrigation Runoff

There were no signs of irrigation runoff during the site investigation. The landowner irrigates at an agronomic rate and does not have any irrigation runoff. The registrant is considering installing a drip irrigation system to limit water use and prevent any irrigation runoff. **No remediation is required.**

#### Fertilizers, herbicides, pesticides, fertilizers, and Soil Amendments

All fertilizers, pesticides, herbicides and rodenticides will be mixed or prepared in locations where they cannot enter a waterbody (surface or groundwater). Fertilizers, pesticides, herbicides and rodenticides shall be applied at agronomic rates specified on the product label. The enrollee will keep a log of their fertilizers, pesticides and herbicides use for annual reporting. All labels will be kept, and directions followed when amendments and fertilizers are applied. All liquid chemicals will be stored in separate secondary containment. During the off season all chemicals will be stored in a covered building. Agricultural chemicals will not be applied within 48-hr of a predicted rain event with a 50% or greater chance of 0.25-inches. Disposal of unused products will be consistent with



labels on containers. Empty containers will be disposed of at an authorized recycling center. A spill clean-up kit will be stored in the garage/shop. No restricted materials will be used or stored on site. No greater than 319 pounds of nitrogen per acre per year shall be applied.

#### Cultivation-related wastes

It is especially important that cultivation wastes be properly stored or disposed of prior to the rainy season, when the opportunity for delivery to surface water increases. Composting and soil piles must be limited to 100 cubic yards or 250 ft<sup>2</sup>. They must also have perimeter controls and be covered during strong winds. Any soil to be disposed of should be brought to Wes Green in Arcata for disposal. Any compost should be stored in a location and manner to ensure pollutants and residuals do not migrate or leach in to surface waters or ground water. Vegetation waste, stems, and root balls will be added to the living soil otherwise the remaining waste will be appropriately disposed of. All cultivation related wastes must be used for mulch or collected and stored in suitable watertight containers. No remediation is required.

#### Refuse and Human Waste

All garbage and recyclables should be stored in water tight containers with a lid in the trash shed. Recycling must be stored separate from garbage. All waste material must be removed on a weekly basis to maintain a clean and sanitary site. Portable toilets need to be put in place to accommodate for worker waste until a permitted septic system or other such permanent human waste facility can be designed and installed.

#### Petroleum Products

The site is powered by diesel generators. While in use, the generators will need to be stored with drip containment outside of riparian setbacks. Fueling of the generators, as well as any other equipment or vehicles, will also take place outside of the riparian setbacks. All equipment containing petroleum derivatives will be inspected regularly for leaks. When the generators are not in use they will be stored in a covered building. At **MP7** there is generator which will require secondary containment and a cover. Before the onset of each winter period, all generators and fuel containers shall be stored in a covered building.

### **12.0 Biological Assessment**

A biological assessment was completed for the parcel and was provided to the county.

### **13.0 Energy Use**

The parcel is currently served by generator power and the Applicant has applied for a PG&E power drop. A solar array is proposed as a primary power source until PG&E power becomes available.

### **14.0 Distances from Significant Landmarks**

There are no schools, school bus stops, places of worship, or state parks within 600 feet of the cultivation site. There are also no Tribal Lands, areas of Traditional Tribal Cultural Affiliation within 1,000 feet of the cultivation site. The Applicant has completed a report with a licensed archaeologist.

## II. Cultivation and Operations Plan

### 1.0 Materials Storage

All fertilizers and amendments are located in the Multi Use Building on the Parcel. Fertilizers and amendments are placed on the shelves and floor where any spill will be contained. All labels are kept and directions are followed when nutrients are applied. The storage area will have posted instructions for storing fertilizers and amendments, instructions for cleaning up spills and a spill kit that contains a container, gloves, towels, absorbent socks and an absorbent material (kitty litter).

Currently, there are no pesticides or herbicides registered specifically for use directly on cannabis. The Applicant will be using items that were accepted under Legal Pest Management Practices for Marijuana Growers in California.

The Applicants Materials Management Plan is included with the Application further detailing their waste management practices.

### 1.1 On-Site Waste Treatment System Information

The Applicant has been approved for a septic system by the Department of Environmental Health. The Applicant has contracted the service of Whitchurch Engineering to design the system and permits have been filed. Until the permitted septic is installed, the applicant will provide those working onsite with serviceable portable toilets and handwashing stations.

### 2.0 Cultivation Activities

#### Mixed Light Cultivation

- Structures used for Mixed Light Cultivation and Nurseries shall be shielded to that no light escapes between sunset and sunrise. The Applicant will ensure this by covering the greenhouses with blackout plastic during the hours between sunset and sunrise while artificial lighting is in use.
- The lighting will comply with the International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1 and be designed to regulate light spillage onto neighboring properties resulting from backlight, uplight or glare (BUG).
- Should the Humboldt County Planning Division receive complaints that the lighting is out of alignment or not complying with these standards, the Applicant will provide written verification that the lights' shielding, and alignment has been repaired, inspected and corrected as necessary.

#### Cultivation Standards

The Applicant will adhere to and uphold the following cultivation standards:

- Maintain compliance with all applicable state laws and County ordinances
- Maintain valid licenses issued by the appropriate state licensing authority or authorities for the type of activity being conducted, as soon as such licenses become available.



- Where subject to state licensures, participate in local and state programs for METRC tracking.
- Maintain a current, valid business license at all times. 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 – Friday, 9:00 am – 5:00 pm, excluding holidays).
- Pay all applicable application and annual inspection fees.
- Comply with any special conditions applicable to the permit or Premises which may be imposed.

### **3.0 Processing Practices**

Plants will be harvested one at a time using hand shears and taken into Multi-Use Building where it will be dried and cured. Harvested cannabis will either be processed in the multi-use building or via licensed, 3<sup>rd</sup> party processor.

All work surfaces and equipment are maintained in a clean, sanitary condition. Protocols to prevent the spread of mold are strictly followed. The final cannabis product is stored in a secure location.

The Applicant will be utilizing any Track and Trace program the County seeks to implement, abiding by all appropriate record keeping practices.

The Applicant intends to hire 6 employees and will adhere to the following standards:

- Applicant 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 (including the Building Code.)
- 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:
  - Emergency action response planning as necessary;
  - Employee accident reporting and investigation policies;
  - Fire prevention;
  - Hazard communication policies, including maintenance of material safety data sheets (MSDS);
  - Materials handling policies;
  - Job hazard analyses; and
  - Personal protective equipment policies, including respiratory protection.
- Applicant will visibly post and maintain an emergency contact list which includes at a minimum:
  - Operation manager contacts;
  - Emergency responder contacts;
  - Poison control contacts.
- 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.

- On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.

Should the Applicant follow through with machine trimming harvested cannabis onsite, the following standards will be upheld.

- Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.
- Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis
- Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.
- Employees must wash hands sufficiently when handling cannabis or use gloves.

#### **Parking and Public Accommodations**

The Applicant does not intend to have their facility open to the public. There is enough space for fourteen (14) vehicles to park at any given time. Should employees be added, an additional two (2) spaces per employee and compliance with the Americans with Disabilities Act will be maintained.

#### **4.0 Security Measures**

The access road to the parcel is gated and locked.

#### **5.0 Soils Management Plan**

A one time purchase of 2,185 cubic yards of soil is expected to begin operations. All soil from the cultivation site will be reused and never dumped. Soil will be tilled, organic matter and nutrients will be added and living solid will be developed over time. The applicant will amend the soil every year with basic organic amendments, compost and plant waste to enrich the biodiversity. No soil will be removed from the property.

Greenhouses plants are planted in beds directly in the ground. Protection from overuse of inputs and reuse of these soils shall be a key component of operations and soils will be tested annually and corrections or adjustments made accordingly.

Operations will protect the resources through the following means:

1. The Site Management Plan will be implemented using best practices in line with the Waterboard Enrollment Order WQ 2023-0102-DWQ requirements.
2. Cultivations will occur in beds in the ground.
3. Mixing, tilling, and amending of soils will occur within the bed space.
4. Composting is in a secure dedicated area.
5. Vegetative materials will be chipped back into the compost pile.
6. Cover crops will be utilized when not in cultivation to reduce soil loss.
7. All items used in operations will be cleaned and maintained properly, recycled if possible and if not moved to the transfer station. Cultivation-related wastes including, but not limited to, empty soil/soil amendment/ fertilizer/pesticide bags and containers, empty plant pots or containers, dead or harvested plant waste, and spent growth medium shall, for as long as they remain on the site, be stored at locations where they will not enter or be blown into surface waters, and in a manner that ensures that residues and pollutants within those materials do not migrate or leach into surface water or groundwaters



