

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

**Resolution Number 24-023**

**Record Number: PLN-12565-CUP**

**Assessor's Parcel Number: 217-271-005**

**Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approves the Big Rock Farms, Inc. Conditional Use Permit request.**

**WHEREAS**, Big Rock Farms, Inc. provided an application and evidence in support of approving a Conditional Use Permit for the continued operation of 20,430 square feet existing cannabis cultivation, 6,480 square feet of which is mixed light cultivation, and 13,950 of which is full sun outdoor, and 2,043 square feet of ancillary nursery space; and

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

**WHEREAS**, the Humboldt County Planning Commission held a duly-noticed public hearing on May 2, 2024, and reviewed, considered, and discussed the application for a Conditional Use Permit, and reviewed and considered all evidence and testimony presented at the hearing.

**Now, THEREFORE BE IT RESOLVED**, that the Planning Commission makes all the following findings:

**1. FINDING:**

**Project Description:** A Conditional Use Permit for 6,480 square feet of existing mixed light and 13,950 square feet of existing outdoor for a total of 20,430 square feet of commercial cannabis cultivation. A 2,043 square foot ancillary nursery is also proposed. Estimated annual water usage is 200,000 gallons and sourced from an existing permitted well, for which the applicant has provided an engineer evaluation. There is 35,000 gallons of existing tank storage. Processing will occur onsite in a proposed 3,000 square foot facility. Electricity is provided by PGE, with a generator for emergency backup use.

**EVIDENCE:** a) Project File: PLN-12565-CUP

**2. FINDING:**

**CEQA.** The requirements of the California Environmental Quality Act have been complied with. The Humboldt County Planning

Commission has considered the Mitigated Negative Declaration (MND) prepared for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) adopted by the Humboldt County Board of Supervisors on January 26, 2016, and the project specific Addendum to and the MND.

**EVIDENCE:** a) Addendum prepared for the proposed project.

- b) The proposed project does not present substantial changes that would require major revisions to the previous MND. No new information of substantial importance that was not known and could not be known at the time was presented as described by §15162(c) of CEQA Guidelines.
- c) The applicant has demonstrated enrollment under the State Water Resources Control Board General Order (WDID No. 1B190153CHUM). A Site Management Plan was also provided.
- d) The applicant has submitted a Biological Resource Assessment Report prepared by TransTerra Consulting dated March, 2020. The Report assessed areas of cultivation, roads and infrastructure locations, and areas that were at that time targeted for relocation. The Report found that the scope of the project is unlikely to significantly affect the species for which habitat is present onsite.
- e) The cultivation of cannabis will not result in the net conversion of timberland. Review of aerial imagery dating back to 2004 indicates the site contained existing open areas in the portions of the property containing cannabis cultivation. It appears that timber was removed from portions of the site between 2005 and 2009, however the areas were not utilized for cannabis cultivation and are not proposed for cannabis use. No additional tree removal is proposed or authorized by this permit.
- f) A Cultural Resources Investigation concluded that the proposed project will not result in any adverse changes to historical or archaeological resources. Recommended measures have been included as conditions of approval.
- g) The property is accessed via a driveway that intersects Alderpoint Road, a county-maintained road that meets Category 4 road standards. The applicant has submitted a road evaluation for the private access and driveway utilized on the property, which confirmed the roadway can accommodate the expected traffic.

#### **FINDINGS FOR CONDITONAL 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 Rural Community Center (RCC), Timberland (T), and Agricultural Grazing (AG) land use designation. The proposed cannabis cultivation, an agricultural product, is within land planned and zoned for agricultural purposes, consistent with the use of Open Space land for managed production of resources. The use of the 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 Unclassified (U) zone in which the site is located.

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

b) Humboldt County Code section 314-55.4.8.2.2 allows cultivation of up to one acre of existing outdoor cannabis and up to 22,000 square feet of existing mixed-light cannabis on a U zoned parcel over 1 acre in size 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 20,430 square feet of cultivation on a 47-acre parcel is consistent with this and with the cultivation area verification prepared by the County.

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

**EVIDENCE:** a) The CMMLUO allows existing cannabis cultivation to be permitted in areas zoned U (HCC 314-55.4.8.2.2).

b) The parcel was created in compliance with all applicable state and local subdivision regulations, as the subject parcel was created by conveyance on May 4, 1956. At the time of the conveyance Humboldt County did not regulate these types of land divisions created by deed conveyance. The subject APN is comprised of two separate legal parcels. All proposed cannabis activities occur on a single legal parcel.

c) Irrigation water is provided by an existing permitted well, for which the applicant has provided an engineer evaluation prepared by Marvin Chapman of Chapman Engineering. The well evaluation notes there are no additional registered wells within 2,000 feet, and the nearest surface water feature is a seasonal creek 350 feet from the subject well, and the bottom of the creek elevation is

approximately 80 feet above the water bearing strata per the well completion report. The report concludes that the well exhibits a low probability for hydrologic connectivity or negative impact on adjacent surface water resource, and that the project will not substantially adversely affect an existing water or hydrologic resource.

A review of the well report indicates an estimated yield of 36 gallons per minute. A six-hour pump test conducted in October of 2017 resulted in a total drawdown of 0 feet. There are currently 35,000 gallons of hard tank water storage on site. Estimated annual water usage is 200,000 Gallons (9.8 gallons per square foot).

As the well is hydrologically disconnected from surface waters, it does not require additional water rights from the State Water Resources Control Board and is not subject to forbearance or water storage requirements. Conditions of approval require the applicant to monitor water use from the well and water storage tanks annually.

- d) The property is accessed via a driveway that intersects Alderpoint Road, a county-maintained road that meets Category 4 road standards. The applicant has submitted a road evaluation for the private access and driveway utilized on the property, which confirmed the roadway can accommodate the expected traffic.
- e) Cannabis cultivation occurs in pre-existing graded flats.
- f) The cultivation of cannabis will not result in the net conversion of timberland. Review of aerial imagery dating back to 2004 indicates the site contained existing open areas in the portions of the property containing cannabis cultivation. It appears that timber was removed from portions of the site between 2005 and 2009, however the areas were not utilized for cannabis cultivation and are not proposed for cannabis use. Additionally, it appears natural revegetation has been occurring in these areas.

No additional tree removal is proposed or authorized by this permit.

- g) The location of the cultivation complies with all setbacks required in Section 314-55.4.11.d. It is more than 30 feet from any property line, more than 300 feet from any off-site residence, more than 600 feet from any school, church, or public park. Project activities are within 600 feet of a Tribal Cultural Resource, however the applicant has received express written consent from appropriate tribal professionals to reduce the setback to 50 feet.

## **6. FINDING:**

The cultivation of 20,430 SF of cannabis cultivation and the conditions under which it may be operated or maintained will not be



detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

- EVIDENCE:**
- a) The property is accessed via a driveway that intersects Alderpoint Road, a county-maintained road that meets Category 4 road standards. The applicant has submitted a road evaluation for the private access and driveway utilized on the property, which confirmed the roadway can accommodate the expected traffic.
  - b) The site is in a rural part of the County where the typical parcel size is over 67 acres and many of the land holdings are very large. The proposed cannabis will not be in a location where there is an established neighborhood or other sensitive receptor such as a school, church, park or other use which may be sensitive to cannabis cultivation. Approving cultivation on this site and the other sites which have been approved or are in the application process will not change the character of the area due to the large parcel sized in the area.
  - c) The location of the proposed cannabis cultivation is more than 300 feet from the nearest off-site residence.
  - d) Irrigation water is provided by an existing permitted well, for which the applicant has provided an engineer evaluation prepared by Marvin Chapman of Chapman Engineering. The well evaluation notes there are no additional registered wells within 2,000 feet, and the nearest surface water feature is a seasonal creek 350 feet from the subject well, and the bottom of the creek elevation is approximately 80 feet above the water bearing strata per the well completion report. The report concludes that the well exhibits a low probability for hydrologic connectivity or negative impact on adjacent surface water resource, and that the project will not substantially adversely affect an existing water or hydrologic resource.
  - e) Provisions have been made in the applicant's proposal to protect water quality and thus runoff to adjacent property and infiltration of water to groundwater resources will not be affected.
  - f) Electricity is provided by PGE, and the applicant has a generator stored onsite for emergency backup use.

- 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) The project site is in the Lower Eel Planning Watershed, which under Resolution 18-43 is limited to 336 permits and 116 acres of cultivation. With the approval of this project the total approved permits in this Planning Watershed would be 76 permits and the total approved acres would be 35.41 acres of cultivation.

## DECISION

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

- Adopt the findings set forth in this resolution; and
- Conditionally approves the Conditional Use Permit for Big Rock Farms, Inc., based upon the Findings and Evidence and subject to the conditions of approval attached hereto as Attachment 1 and incorporated herein by reference; and

Adopted after review and consideration of all the evidence on **May 2, 2024**.

The motion was made by Commissioner Noah Levy and seconded by Commissioner Sarah West and the following vote.

AYES: Commissioners: Iver Skavdal, Thomas Mulder, Noah Levy, Jerome Qiriaz, Sarah West, Lorna McFarlane  
NOES: Commissioners:  
ABSTAIN: Commissioners:  
ABSENT: Commissioners: Peggy O'Neill  
DECISION: Motion carried 6/0

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



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John Ford, Director  
Planning and Building Department



## **CONDITIONS OF APPROVAL**

**APPROVAL OF THE CONDITIONAL USE PERMIT IS CONDITIONED ON THE FOLLOWING TERMS AND REQUIREMENTS WHICH MUST BE SATISFIED BEFORE THE PROVISIONAL CANNABIS CULTIVATION PERMIT CAN BE FINALIZED.**

### **A. General Conditions**

1. The applicant is responsible for obtaining all necessary County and State permits and licenses, and for meeting all requirements set forth by other regulatory agencies.
2. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Planning and Building Department will provide a bill to the applicant after the decision. Any and all outstanding planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
3. The applicant is responsible for costs for post-approval review for determining project conformance with conditions. A deposit is collected to cover this staff review. Permit conformance with conditions must be demonstrated prior to release of building permit or initiation of use and at time of annual inspection. A conformance review deposit as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750) shall be paid within sixty (60) days of the effective date of the permit or upon filing of the Compliance Agreement (where applicable), whichever occurs first. Payment shall be made to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
4. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. The Department will file the NOD and will charge this cost to the project.
5. Within 60 days of the effective date of permit approval, the applicant shall execute a Compliance Agreement with the Humboldt County Planning and Building Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #6 - #12. 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 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, 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.

7. The applicant shall implement all corrective actions detailed in the Site Management Plan (SMP; WDID 1B190153CHUM) developed for the parcel, prepared by Green Road Consulting, dated 7/8/19, pursuant to enrollment under the State Water Resource Control Board (State Water Board) Cannabis Cultivation Policy (Cannabis Policy), in congruence with Order WQ 2017-0023-DWQ General Waste Discharge Requirements for Dischargers of Waste Associated with Cannabis Cultivation Activities (General Order). The applicant shall submit a letter or similar communication from a qualified professional (e.g., civil engineer) that the improvements were completed as recommended in the SMP.
8. All fences and gates shall be relocated out of the County right of way. All gates shall be setback sufficiently from the County road so that vehicles will not block traffic when staging to open/close the gate. In addition, no materials shall be stored or placed in the County right of way. Final signoff from Public Works will satisfy this condition.
9. The existing non-county-maintained access road and driveway that serve as access for the project that connect to Alderpoint 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. The intersection of the access road and Alderpoint Road shall be paved for a minimum width of 20 feet and a length of 50 feet. The intersection of the private driveway and Alderpoint Road shall be paved for a minimum width of 18 feet and a length of 50 feet. The applicant may elect decommission one of the existing access points (either the access road or the driveway) and restore the access to pre-construction conditions subject to issuance of an encroachment permit. Final signoff from the Department of Public Works will satisfy this condition.
10. The existing non-county-maintained access road and driveway that serve as access for the project that connect to Alderpoint Road shall be maintained in accordance with the county Sight Visibility Ordinance. Final signoff from the Department of Public Works will satisfy this condition.
11. The applicant shall comply with the referral comments received from California Department of Fish and Wildlife (CDFW):
  - a. Prior to commencing cultivation activities, the applicant shall notify CDFW for required work and receive a final LSAA.
  - b. The applicant shall remove all cannabis cultivation and cultivation related infrastructure in the northern cultivation area from SMAs. The applicant shall submit a Restoration and Revegetation Plan to restore the habitat within the SMA for review and approval prior to commencing work.
  - c. The applicant shall remove and properly dispose of refuse and all unused waterline at a waste management facility.

- d. The applicant shall fully contain all compost piles and imported soils.
  - e. The applicant shall submit an erosion control plan (Site Management Plan) to deconcentrate surface flow off roads and away from streams. This would include ditch relief culverts and water bars as necessary to mitigate sediment delivery.
12. The Applicant shall install and utilize a water meter to track irrigation separate from domestic use and demonstrate that there is sufficient water supply to meet the demands of the project.
  13. Within 90 days of project approval, the applicant shall cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning Division. Document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors will be required.
  14. The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency (CUPA) requirements regarding hazardous materials. A written verification of compliance shall be required before any provisional permits may be finalized. Ongoing proof of compliance with this condition shall be required at each annual inspection in order to keep the permit valid.
  15. Within 90 days of project approval, 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.
  16. Within 60 days of project approval the applicant shall submit a revised Site Plan showing dimensions for the proposed processing facility with a total maximum area of 3,000 square feet, and removing immature plant space to show a total maximum area of 2,043 square feet of immature plant area on the property.
  17. Prior to any ground-disturbing activities, including but not limited to the construction of the proposed processing building and the proposed nursery space, a Biological Assessment shall be conducted, as well as protocol-level surveys conducted by a qualified botanist, for any California Rare Plant Ranked Species that may be present within 200 feet of the proposed disturbance area.
  18. Prior to commencing construction of the processing building the applicant shall submit a site suitability report to establish potential for an onsite waste treatment system.
  19. If cultural resources are encountered during construction activities, the contractor on-site shall cease all work in the immediate area and within a 100-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.

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

1. The combination of background, generator, 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 treeline, 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. Until such time as the proposed processing facility has received final signoff from the Building Department and Division of Environmental Health, trimming will take place off site at a licensed third-party processing facility.
5. The applicant shall provide portable toilets and handwashing facilities to serve the needs of cultivation staff. The applicant shall provide annual invoice to the Division of Environmental Health to confirm ongoing use of portable toilets and retain invoices to be furnished to the Planning Department prior to or during annual inspections.

6. 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.
7. All refuse shall be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
8. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and be allowed to leave the work site unharmed.
9. The use of anticoagulant rodenticide is prohibited.
10. The prehistoric site identified in the Cultural Resources Investigation prepared by Archaeological Resource and Supply Company shall be excluded from all project activities, no project infrastructure shall be placed within site boundaries, and the existing water bladder shall be removed. Prior to cultivation a 50-foot buffer around the site shall be established by a professional archaeologist and monitoring of all initial ground disturbing activities over the entire parcel shall be conducted by a professional archaeologist and if available, tribal professionals.
11. The applicant shall adhere to heightened inadvertent discovery protocol. This protocol shall include a pre-project 'tailgate' meeting with the construction crew clarifying the sensitivity of the project area and distributing inadvertent discovery protocol tear sheets attached in Appendix A of the Cultural Resources Investigation prepared by Archaeological Research and Supply Company dated November 2017. If this or any project conducted on the property should inadvertently discover cultural resources, all work should halt within 100 feet of the find and a qualified archaeologist and tribal representative should be contacted immediately to evaluate the find.
12. The water use for cultivation is limited to the use of the well and amount of water available in storage tanks and shall be provided annually prior to or during the annual inspection.
13. 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.
14. All components of project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, and these conditions of approval. Changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan. If offsite



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

15. 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.
16. 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.
17. 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.
18. 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.
19. 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).
20. 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.
21. Comply with the terms of the Final Lake and Stream Alteration Agreement (EPIMS-HUM-09230-R1), as well as any subsequent amendments, obtained from the California Department of Fish and Wildlife (CDFW).
22. 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.

23. 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).
24. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
25. Pay all applicable application, review for conformance with conditions and annual inspection fees.
26. 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.
27. The master log books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
28. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).
29. Fish stocking of the on-site pond is prohibited without written permission from CDFW pursuant to Section 6400 of the Fish and Game Code

#### Performance Standards for Cultivation and Processing Operations

30. Pursuant to the MCRSA, Health and Safety Code Section 19322(a)(9), an applicant seeking a cultivation license shall "provide a statement declaring the applicant is an 'agricultural employer,' as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 commencing with Section 1140) of Division 2 of the Labor Code), to the extent not prohibited by law."
31. Cultivators shall comply with all applicable federal, state, and local laws and regulations governing California Agricultural Employers, which may include federal and state wage and hour laws, Cal/OSHA, OSHA, the California Agricultural Labor Relations Act, and the Humboldt County Code (including the Building Code).
32. Cultivators engaged in processing shall comply with the following Processing Practices:
  - a. Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.
  - b. Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
  - c. Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.
  - d. Employees must wash hands sufficiently when handling cannabis or use gloves.



33. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:
- a. Cultivation operations and processing operations must implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:
    - (1) Emergency action response planning as necessary;
    - (2) Employee accident reporting and investigation policies;
    - (3) Fire prevention;
    - (4) Hazard communication policies, including maintenance of material safety data sheets (MSDS);
    - (5) Materials handling policies;
    - (6) Job hazard analyses; and
    - (7) Personal protective equipment policies, including respiratory protection.
  - b. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
    - (1) Operation manager contacts;
    - (2) Emergency responder contacts; and
    - (3) Poison control contacts.
  - c. At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations. Plumbing facilities and water source must be capable of handling increased usage without adverse consequences to neighboring properties or the environment.
  - d. On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.
34. All cultivators shall comply with the approved processing plan as to the following:
- a. Processing practices
  - b. Location where processing will occur
  - c. Number of employees, if any
  - d. Employee Safety Practices
  - e. Toilet and handwashing facilities
  - f. Plumbing and/or septic system and whether or not the system is capable of handling increased usage
  - g. Drinking water for employees
  - h. Plan to minimize impact from increased road use resulting from processing
  - i. On-site housing, if any
35. Term of Commercial Cannabis Activity 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.

36. 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.
37. Permit Renewals to Comply with Updated Laws and Regulations. Permit renewal is subject to the laws and regulations effective at the time of renewal, which may be substantially different than the regulations currently in place and may require the submittal of additional information to ensure that new standards are met.
38. Acknowledgements to Remain in Full Force and Effect. Permittee acknowledges that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this section in the event that environmental conditions, such as a sustained drought or low flows in the watershed in which the cultivation area is located, will not support diversions for irrigation.
39. Transfers. Transfer of any leases or permits approved by this project is subject to the review and approval of the Planning Director for conformance with CMMLUO eligibility requirements and agreement to permit terms and acknowledgments. The fee for required permit transfer review shall accompany the request. The request shall include the following information:
- a. Identifying information for the new owner(s) and management as required in an initial permit application;
  - b. A written acknowledgment by the new owner in accordance as required for the initial permit application;
  - c. The specific date on which the transfer is to occur;
  - d. Acknowledgement of full responsibility for complying with the existing permit; and
  - e. Execution of an Affidavit of Non-diversion of Medical Cannabis.
40. 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 314-55.4.11(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. This provisional permit approval shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"), except where the Compliance Agreement per Condition of Approval #5 has been executed and the corrective actions pursuant to the agreement are being undertaken.

## **CULTIVATION + OPERATIONS PLAN rev. 24 January 2024**



### **1. Project Description**

Cultivation permit for 20,430 sq. ft of pre-existing cannabis. 6,480 sq ft mixed light cultivation (with artificial lighting), and 13,950 sq ft of outdoor cultivation (no artificial lighting). Immature plant area of 2,043 sq ft. Irrigation water source is from a groundwater well. There are six (7) HDPE 5,000-gal water tanks totaling 35,000-gallons of onsite water storage for irrigation. Estimated annual water use for cultivation is approximately 200,000-gallons. Agricultural buildings AG-1 and AG-2 are used for harvest storage and to support farm operations. Propose construction of a new multipurpose building AG-3 to improve facilities and support onsite cannabis operations. Power is sourced from PG+E. Approximately 13,950 square feet of historic cultivation area has been restored.



## 2. Description of Water Source, Storage, Irrigation Plan, and Projected Water Usage

### **WATER SOURCE AND STORAGE:**

Irrigation use water for the commercial cannabis operation onsite comes from permitted groundwater well installed in 2017 (Permit # 17/-0031).

Total current water storage capacity for cultivation is 35,000 gallons. Storage on site currently consists of seven (7) 5,000-gallon tanks. There are also 1 x 3,000-gal domestic tank and 1 x 3,000-gal emergency tank. See site map for locations.

Applicant maintains enrollment and compliance with the State Water Resource Control Board order (**WQ 2019-0001-DWQ**).

### **IRRIGATION PLAN:**

Irrigation water is applied at agronomic rates and does not produce runoff. Irrigation is applied through a pressure-regulated, drip emitter system with timers and hand-watering/regulated fertilizer injector system for feeding applications. Water conservation measures are in place. Time of day watering to reduce evaporative loss. Ground cover and weed barrier is used to minimize weed growth and reduces water loss. Natural soil amendments are used to increase moisture retention.

### **PROJECTED WATER USAGE:**

Estimated 200,000 gallons are needed per year for cultivation. The table below shows the estimated water use by month per growing season. Commercial cannabis water use is currently being measured with a meter onsite.

MONTH	GALLONS
JAN	0
FEB	0
MAR	5,000
APR	10,000
MAY	15,000
JUN	19,000
JUL	32,000
AUG	35,000
SEP	42,000
OCT	35,000
NOV	0
DEC	0
TOTAL	193,000

### **RESTORATION OF HISTORIC CULTIVATION AREA**

As shown on the site map, there is one historic cultivation area that is no longer used, approximately 13,950 sq ft that was relocated to its current location due to its location in the riparian buffer. The current cultivation site is environmentally superior as it is outside of the riparian setback and has gentler ground slopes (<5%). The historic cultivation area has been remediated and restored – all cultivation infrastructure has been removed and disposed of



properly. The historic cultivation site has been revegetated to more than 80% coverage and has been restored.

### 3. Description of Site Drainage, including Runoff and Erosion Control Measures

Please see the Site Management Plan for in depth information on the Site drainages and erosion control measures being implemented onsite to ensure complete compliance with SWRCB order.

#### **SITE DRAINAGE:**

There are three watercourses located on the property and 3 stream crossings as noted on the site map. Riparian buffers are maintained around streams to minimize potential for impacts to streams.

#### **EROSION CONTROL MEASURES:**

Applicant will seed any bare ground around cultivation and water storage areas with erosion control mix before the onset of winter each year. Applicant cover crops beds to minimize runoff potential. Maintain compliance with all Water Board standards. See the Site Management plan for more information on erosion control measures.

#### **RUNOFF CONTROL MEASURES:**

There is no runoff from Applicant's cultivation activities. Applicant uses drip irrigation, waters at agronomic rates (when hand watering), uses timers to avoid overwatering and

maintains vegetation around cultivation areas and riparian areas to minimize any potential for runoff and sediment transportation to receiving waters. Applicant will re-seed and re vegetate any exposed soils around the cultivation areas and monitor the areas for signs of sediment runoff regularly. If needed applicant will install straw bales and sediment control fencing on slopes or discharge points that may transport sediment to receiving waters.

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

##### **PROTECTION OF WATERSHED AND HABITAT:**

Buffers are maintained at natural slope with native vegetation to prevent sediment transport to receiving waters and are of sufficient width to filter wastes from runoff and to maintain essential functions of riparian areas. Riparian areas are protected in a manner that maintains their essential functions.

##### **CULTIVATION RELATED WASTE PROTOCOLS/COMPOST:**

Operation shall implement measures to reduce and/or eliminate cultivation related waste. All plant related material will be composted. Operation shall recycle and reuse or repurpose to the highest degree feasible. All petroleum, chemical, or other hazardous wastes shall be handled appropriately and disposed of at a licensed recycling or disposal facility. All general waste will be placed in garbage cans with lids and stored in the waste storage area to prevent nutrients



from being leached to groundwater or transported to watercourses. Garbage shall be disposed of at least once weekly.

**REFUSE DISPOSAL:**

Applicant has garbage cans equipped with lids to prevent leaching and transport of foreign materials to receiving waters. The cans are stored in the waste storage area as shown on the site plan. Garbage shall be disposed of at least once weekly at a licensed facility. Typically garbage will be hauled to Blocksburg, Fortuna, Eureka, or Redway transfer stations, as appropriate.

**TOILET FACILITIES:**

There is an existing toilet and septic system in the house on the property. There is also a portable toilet onsite to service the cultivation activities. Applicant proposes a septic system west of the processing building AG-3.

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

**PESTICIDES:**

Pesticides are stored in the pesticide and fertilizer storage area AG-2. Pesticides will be kept in original containers with labels affixed and kept in secondary containment totes to

further minimize spills from transportation to groundwater or receiving surface waters.

Approved spill proof containers with appropriate warning and information labels will be used to transport pesticides to and from site.

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

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

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

## **FERTILIZERS:**

Fertilizers will be stored in the on-site pesticide and fertilizer storage area AG-2 which is equipped with a non-permeable floor liner to prevent leaching and transport to surface waters. Applicant will store and use fertilizers according to the protocols it uses for pesticide storage and use. Fertilizers will be kept in secondary containment totes to further prevent leaching.



Applicant will use all fertilizers according to the label and use personal protective equipment as required by the label.

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

**SOIL AMENDMENTS:**

Applicant does not store bulk amendments on site. Generally soil amendments are applied immediately upon purchase. Any excess amendments are stored in the pesticide and fertilizer storage area in secondary containment. Operation shall comply with Water Board standards regarding nutrient use and storage.

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

**PETROLEUM PRODUCTS AND STORAGE:**

Applicant stores less than 50 gallons of gasoline in 5-gal containers for use in ATVs and other small farm equipment including one back up generator for use on site to be utilized when PG&E is not working or is doing a public safety shutoff. Gas is stored in compliant cans,

and cans are stored in secondary containment. Applicant has a spill- prevention kit on site.

Applicant will store combustible materials in a different location from petroleum products.

#### 5. Power Source:

#### **POWER SOURCE + ENERGY USE:**

Power for this cultivation operation is supplied by PG&E. There is a backup generator for use during public safety shut offs and other emergencies.

#### **LIGHT MANAGEMENT:**

All operations will comply with International Dark Sky Association Standards. No artificial light will escape at a level that is visible from neighboring properties; nor during the darkness period. Solid black out tarps shall be used to contain artificial light inside the Immature Plant Area during nocturnal hours of use, at minimum 30 minutes before sunset and 30 minutes after sunrise.

#### **STAFFING:**

This operation requires 2 full-time workers during normal cultivation operations. Depending on season and budget an additional one (1) to seven (7) seasonal, short-term workers may be hired for supplemental helping during the busy times of year (i.e. planting and harvest). Portable toilets will service employee needs on the site.



Applicant will comply with all applicable federal, state, and local laws and regulations governing California agricultural employers.

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

Applicant will post and maintain an emergency contact list which includes: 1) operation manager contacts; 2) emergency responder contacts; and 3) poison control contacts.

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

### Cultivation Activities

Outdoor Cultivation activities include 1 cycle per year of outdoor cultivation utilizing natural sunlight only (full-term, sun grown) and also may include light deprivation techniques with 2 harvests. Plants are propagated onsite with the use of natural and supplemental lighting in the immature plant areas. Mixed light cultivation areas may use artificial lighting depending on time of year and will comply with all light management standards at all times. Mixed light cultivation areas may yield one (1) to four (4) harvests depending on farm budget as well as crop market conditions.

The immature plant areas for cultivation are located in AG-1 in a 15'x30' propagation room and a greenhouse located to the north of the outdoor cultivation area that is approximately 1,582 sq ft for a total of 2,034 sq ft of immature plant area.

The greenhouses have pervious floors (bare soil) and are in compliance with Humboldt County Code Section 314-43.1.3.2. They do not contain perimeter foundation, do not have improved floors and do not have improved footpaths.



### Typical Monthly schedule of Cultivation Activities:

The schedule below reflects full use of mixed light cultivation. The operator may choose to cultivate anywhere between one (1) and four (4) harvests in the mixed light area depending on farm budget and crop market conditions.

Month	Mixed Light Activities	Outdoor Activities
January	Sea of green: Immature plant activities. Planting.	No activity.
February	Harvest. Sea of green: Farm operation and maintenance	No activity.
March	Sea of green: Site Preparation.	Site Preparation.
April	Sea of green: Immature plant activities. Planting.	Immature plant activities.
May	Harvest - Sea of green: Transplanting and site maintenance	Transplanting and site maintenance
June	Farm operation and maintenance. Sea of green - Immature plant activities	Farm operation and maintenance
July	Farm operation and maintenance. Harvest	Farm operation and maintenance.
August	Farm operation and maintenance. Sea of green - plant	Farm operation and maintenance.
September	Farm operation and maintenance.	Farm operation and maintenance.
October	Harvest	Full Term - Harvest
November	Curing / Processing/ Packaging. Clean up + Winterization.	
December	Sea of Green -Immature plant activities.	No activity.

## **PROCESSING PLAN**

Plants are harvested and dried in the outbuilding (AG-1, AG-2) with use of portable dehumidifiers and fans. Curing takes place in a climate-controlled environment. The finished product is then moved to the secured Harvest Storage location. Once the proposed agricultural building is completed (AG-3) Harvest storage, processing, packaging and other farm operations will be conducted in the new building.

Depending on market conditions, the operator may opt to conduct processing operations offsite, processing onsite, or may opt to not process at all (crop direct to extraction without processing). All operations will comply with any and all pertinent regulations.

Direct to Extraction (no processing) – crop or portion of crop sold direct to extraction with no processing required.

Offsite Processing – crop or portion of crop sent to licensed processing facility in compliance with all required regulations and documentation.

Onsite Processing – crop or portion of crop processed onsite in the outbuilding (AG-1) utilizing trim machine. Any onsite processing will comply with all required safety and sanitation practices will be followed including frequent handwashing, and the wearing of gloves and masks.



Any processing activities conducted onsite will follow all applicable regulations and requirements as stated by all agencies with jurisdiction.

## **SECURITY FEATURES**

All access roads have gates with locks. The property has a perimeter fencing. "No Trespassing" signs are posted at various points along the perimeter of the property. Finished product is stored in a locked area away from the processing area. All doors and windows, including greenhouse doors are lockable.

To ensure the non-diversion of product, Applicant participates in the California track and trace program.

