

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

Resolution Number: 23-081

Record Number: PLN-12286-CUP

Assessor's Parcel Number: 201-111-029

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

WHEREAS, Thomas Morgan, submitted an application and evidence in support of approving a Conditional Use Permit for 12,040 square feet (SF) of existing outdoor cannabis cultivation in greenhouses and 786 SF of ancillary propagation, with irrigation water sourced from a permitted stream diversion and a well. The application also includes a Special Permit as is required for restoration work within in the Streamside Management Area; 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 September 21, 2023 and reviewed, considered, and discussed the application for the Conditional Use Permit and Special 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 12,020 square feet of existing outdoor commercial cannabis cultivation supported by a 768 square foot ancillary nursery. Annual Water Usage is estimated at 120,000 gallons. Total existing and proposed Storage equals 98,200 gallons. Processing will occur offsite. Electricity is provided by generators and solar is proposed. The project includes a Special Permit for the remediation of a historic cultivation area within a streamside management area.

EVIDENCE a) Project File: PLN-12286-CUP

2. FINDING: **CEQA.** The requirements of the California Environmental Quality Act have been complied with. The Humboldt County Planning Commission has considered the adopted 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 has considered the Addendum to the MND that was prepared for the Humboldt Spirit, Inc. project.

- 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 nearest Marbled Murrelet habitat is approximately 9 miles to the northwest. The project is located approximately 3,100 feet, or .58 miles to the nearest known Northern Spotted Owl (NSO) activity center. There was a positive observation of a Northern Spotted Owl on an adjacent parcel on July 6, 2000. Although the proposed project is for outdoor cultivation, the applicant is proposing to use artificial lighting in the 768-square-foot propagation greenhouse. Due to the proximity of the cultivation area to NSO habitat, a proposed condition of approval to this project would require the applicant to maintain generator and fan noise at or below 50 decibels at the edge of the clearing or 100 feet, whichever distance is closer. This will satisfy the auditory disturbance guidance prepared by the U.S. Fish and Wildlife (USFS), California Fish and Wildlife (CDFW) and Department Policy Statement No. 16-005 to minimize impacts to the Northern Spotted Owl and Marbled Murrelet. The use of supplemental lighting complying with dark-sky standards can adequately address any lighting impacts on NSO and so does not recommend the prohibition of supplemental lighting during the breeding season but is recommending a condition of approval be added to this permit that would prohibit the use of artificial light until the applicant can demonstrate compliance with these noise and light standards. There is one approved outdoor and three pending (outdoor) commercial cannabis applications within 1 mile of the NSO activity center, and, because most of the applications only use artificial lighting for short durations, there is, therefore, no likelihood of cumulative impacts on this activity center from permitted commercial cannabis cultivation sites in the vicinity.

- d) The cultivation of cannabis will not result in the conversion of timberland.
- e) The project was referred to the Northwest Information Center (NWIC), and the Bear River Band of Rohnerville Rancheria. A Cultural Resource Investigation Report was prepared by Archaeological Research and Supply Company in July 2019. No cultural resources were found, and the investigation concluded that the project would not affect cultural resources. The Tribal Historic Preservation Officer received the investigation and concurred that the potential for cultural resource impacts would be mitigated by adding the standard inadvertent discovery protocol to the project as a condition of approval.
- f) A road evaluation report was submitted by the applicant stating that the entirety of the 1.7-mile road connecting to State Route 36 is developed to the equivalent of road category 4 standards.

Additional Conditions include: within one year from the permit effective date, the applicant shall take steps to join or form a Road Maintenance Association for the maintenance of the privately maintained portions of the access roads to the project site located on Assessor's Parcel Number (208-111-029). The necessary steps include sending notices to all road users of the requirement to form a Road Maintenance Association and conducting a meeting with the users of the road, especially those engaged in commercial cannabis activities to discuss formation of the Road Maintenance Association. The applicant shall provide evidence, including notice, meeting minutes, and the decision as to whether a Road Maintenance Association is being formed to show this effort. In the event the applicant is unable to coordinate formation of a Road Maintenance Association, the applicant shall pay fair-share cost for maintenance of the road to any road user engaged in maintaining the road.

FINDINGS FOR CONDITIONAL USE PERMIT AND SPECIAL PERMIT

3. FINDING

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

- EVIDENCE** a) General agriculture is a use type permitted in the Residential Agriculture (RA) land use designation. The proposed cannabis cultivation, an agricultural product, is within land planned and zoned for agricultural uses. The use is consistent with the use of Open Space land for managed production of resources. 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 principally permitted use of the existing Forestry Recreation (FR) zone in which the site is located.

- EVIDENCE**
- a) The applicant is seeking a Conditional Use Permit for an 12,020 square foot outdoor commercial cannabis cultivation on a property zoned FR-B-5(40). The proposed use is specifically allowed with Conditional Use Permit in this zoning district and under Section 314-55.4.8.2.2 of the CMMLUO.
 - b) All general agricultural uses are principally permitted in the FR zone.
 - c) Humboldt County Code section 314-55.4.8.2.2 allows cultivation of up to 43,560 square feet of existing cannabis on a parcel over 1 acre in the FR zone 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 12,020 square feet of outdoor cultivation on a 40-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 FR (HCC 314-55.4.8.2.2).
 - b) The parcel was created in compliance with all applicable state and local subdivision regulations, as A Notice of Merger recorded on August 19, 1983, Document Number 16436, confirmed the legality of the parcel.
 - c) Water for irrigation will be provided by a permitted well and permitted surface diversion. The project is conditioned on the applicant developing enough water storage to serve the cultivation operation though the May 15th to October 31st forbearance period.
 - d) The applicant submitted a Road Evaluation Report on September 10, 2018. The report states that the entire road segment is developed to the equivalent of road category 4 standard.

Additional conditions include requiring within one year from the permit effective date, the applicant shall take steps to join or form a Road Maintenance Association for the maintenance of the privately maintained portions of the access roads to the project site located on Assessor's Parcel Number (208-111-029). The

necessary steps include sending notices to all road users of the requirement to form a Road Maintenance Association and conducting a meeting with the users of the road, especially those engaged in commercial cannabis activities to discuss formation of the Road Maintenance Association. The applicant shall provide evidence, including notice, meeting minutes, and the decision as to whether a Road Maintenance Association is being formed to show this effort. In the even the applicant is unable to coordinate formation of a Road Maintenance Association, the applicant shall pay fair-share cost for maintenance of the road to any road user engaged in maintaining the road.

- e) The cultivation of cannabis will not result in the net conversion of timberland.
- f) The location of the cultivation complies with all setbacks required in Section 314-55.4.11.d. It is more than 30 feet from any property line and more than 600 feet from any school, church, public park or Tribal Cultural Resource.

6. FINDING

The cultivation of 12,020 square feet of cannabis cultivation with ancillary propagation and the conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

- EVIDENCE**
- a) The site is located on road that has been found to safely accommodate the amount of traffic generated by the proposed cannabis cultivation.
 - b) The site is in a rural part of the County where the typical parcel size is over 40 acres and many of the land holdings are very large. The proposed cannabis will not be in a location where there is an established neighborhood or other sensitive receptor such as a school, church, park, or other use which may be sensitive to cannabis cultivation. Approving cultivation on this site and the other sites which have been approved or are in the application process will not change the character of the area due to the large parcel sized in the area.
 - c) Irrigation water will come from a point of diversion and a well. The project is conditioned to require forbearance from both the diversion and the well during the typical forbearance period, and the well has been found to have no direct connection to any surface waters in the vicinity. The project site is located approximately 1,100 feet from little Larabee Creek, which drains to the Van Duzen River. The Van Duzen River is a navigable waterway

which provides recreational opportunities such as kayaking, swimming and fishing. Given the lack of connection to any surface water features that could flow into the Van Duzen River, there will be no adverse impacts to these public trust resources as a result of the use of the well. Additionally, given the requirement to forbear from the diversion during the dry season, the project will not adversely impact these resources.

- d) Provisions have been made in the applicant's proposal to protect water quality and thus runoff to adjacent property and infiltration of water to groundwater resources will not be affected.

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 site was not included in the housing inventory of Humboldt County's 2019 Housing Element. The approval of cannabis cultivation on this site will not conflict with the ability for the residence to continue to be utilized on this parcel.

8. FINDING

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

- EVIDENCE** a) The project site is in the Van Duzen Planning Watershed, which under Resolution 18-43 is limited to 425 permits and 146 acres of cultivation. With the approval of this project the total approved permits in this Planning Watershed would be 153 cultivation permits and the total approved acres would be 41.87 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 and Special Permit for Thomas Morgan based upon the Findings and Evidence and subject to the conditions of approval attached hereto as Attachment 1A and incorporated herein by reference.

Adopted after review and consideration of all the evidence on September 21, 2023.

The motion was made by COMMISSIONER Brian Mitchell and second by COMMISSIONER Iver Skavdal.

AYES: COMMISSIONERS: Iver Skavdal, Noah Levy, Lonyx Landry, Thomas Mulder, Peggy O'Neill, Brian Mitchell, Sarah West

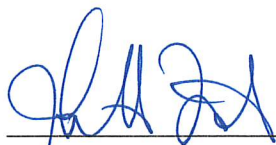
NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

DECISION: Motion carries 7/0

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.



John Ford, Director

Planning and Building Department

ATTACHMENT 1A

CONDITIONS OF APPROVAL

APPROVAL OF THE CONDITIONAL USE PERMIT AND SPECIAL PERMIT ARE 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, 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 through #23. 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. Within two years of the permit issuance date, the applicant must obtain a permit for and install an approved Onsite Wastewater Treatment System to support the cultivation areas within two years of permit issuance. Until such OWTS system is permitted and installed, the applicant must provide a portable toilet.

7. The applicant shall secure building permits for all structures related to the cannabis cultivation and other commercial cannabis activity.
8. The applicant shall submit a grading, erosion and sediment control plan for any previous grading done in excess of 50 cubic yards. The plan shall identify the cubic yards of all grading that has been completed. A letter or similar communication from the Building Division verifying that all grading related to the cannabis cultivation operation are permitted, or not needed, will satisfy this condition.
9. The applicant shall have a fire suppression tank with a minimum of 2,500-gallon capacity. The designated fire suppression tank shall have the appropriate fire hose that meets CalFire SRA requirements.
10. The applicant is required to remediate, to pre-disturbance conditions, a 2,975 square foot area in the SMA that was occupied by the unpermitted greenhouse.
11. The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency (CUPA) requirements regarding hazardous materials. A written verification of compliance shall be required before any provisional permits may be finalized. Ongoing proof of compliance with this condition shall be required at each annual inspection to keep the permit valid.
12. 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.
13. The applicant shall obtain 100% of power from PG&E or other renewable source by January 1, 2026, and shall be allowed one generator for emergency backup purposes only. An energy budget shall be developed which documents the electrical needs of the project and its ability to be supported by the proposed renewable energy sources.
14. The applicant shall install an additional 70,000 gallons of water storage on the property.
15. The Applicant shall install water meters at the point of diversion and well head and shall keep monthly records of water usage. The records shall be made available to the Planning Department at each annual inspection or as requested by planning staff.
16. Should the irrigation needs prove to be more than 120,000 gallons annually the cultivation area shall be reduced, or the water storage shall be increased as appropriate.
17. The applicant shall have processing conducted off-site at a licensed processing facility.
18. Generators must be housed in secondary containment, and generator sheds must have a concrete floor designed to incorporate containment for fuel leaks and spills which must be

located on a stable surface with a minimum 150-foot buffer and Class II watercourses.

19. The applicant is not allowed to utilize stringed lighting in the outdoor cultivation greenhouses, and this must be demonstrated through a site inspection.
20. Applicant shall secure a Caltrans encroachment permit, improve the driveway to meet current Caltrans standard for a commercial road approach (driveway) with a minimum throat width of 20feet.
19. Within one year from the permit effective date, the applicant shall take steps to join or form a Road Maintenance Association for the maintenance of the privately maintained portions of the access roads to the project site located on Assessor's Parcel Number (208-111-029). The necessary steps include sending notices to all road users of the requirement to form a Road Maintenance Association and conducting a meeting with the users of the road, especially those engaged in commercial cannabis activities to discuss formation of the Road Maintenance Association. The applicant shall provide evidence, including notice, meeting minutes, and the decision as to whether a Road Maintenance Association is being formed to show this effort. In the even the applicant is unable to coordinate formation of a Road Maintenance Association, the applicant shall pay fair-share cost for maintenance of the road to any road user engaged in maintaining the road.
20. The Applicant shall implement the prescribed measures in the Water Resources Protection Plan (WRRP) mitigation report prepared by Timberland Resources Consultants, dated April 13, 2018, and shall update the WRPP with the revised site plan and cultivation operations plan.
21. The Applicant shall install water meters at the outflow of the water tank farm, outflow of the permitted diversion, well head, and shall keep monthly records of water usage. The records shall be made available to the Planning Department at each annual inspection or as requested by planning staff.
22. The Applicant shall forbear from water withdrawals from both the point of diversion and the well between May 15th and October 31st of every year, and for the diversion shall further comply with any additional forbearance requirements from the State Water Resources Control Board and California Department of Fish and Wildlife.
23. The Applicant shall resolve all Fish and Game Code violations identified in the CDFW Notice of Violation issued to the Applicant on March 23, 2018, and shall provide a closure notice to the County prior to cultivating cannabis.

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

1. The applicant shall adhere to the ongoing monitoring and maintenance protocols listed in the

table of the Water Resources Protection Plan as amended.

2. The combination of background, generator and greenhouse fan or other operational equipment created noise must not result in the harassment of Northern Spotted Owl species as required to meet the performance standards for noise set by Department Policy Statement No. 16-005 clarifying CMMLUO Section 55.4.11 (o) requirements. The combined noise levels measured at 100 feet or the edge of habitat, whichever is closer, shall be at or below 50 decibels. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service, and further consultation where necessary. A building permit shall be obtained should any structures be necessary for noise attenuation.
3. All artificial lighting shall be fully contained within propagation structures such that no light escapes (e.g., through blackout tarps). Structures shall be enclosed between 30 minutes prior to sunset and 30 minutes after sunrise to prevent disruption to crepuscular wildlife. Security lighting shall be motion activated and comply with the International Dark-Sky Association standards and Fixture Seal of Approval Program; see: <https://www.darksky.org/our-work/lighting/lighting-for-citizens/lighting-basics/>. Standards include but are not limited to the following, 1) light shall be shielded and downward facing, 2) shall consist of Low-Pressure Sodium (LPS) light or low spectrum Light Emitting Diodes (LED) with a color temperature of 3,000 kelvins or less and 3) only placed where needed.
4. Should the Humboldt County Planning Division receive complaints that the lighting or noise is not complying with the standards listed above in items B.3. and B.4., 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.
5. The applicant shall adhere to the project description and work outlined within the Streambed Alteration Agreement No. #1600-2018-0752-R1 with CDFW.
6. Prohibition on use of synthetic netting. To minimize the risk of wildlife entrapment, Permittee shall not use any erosion control materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.
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. All components of project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Cultivation & Operations Plan, and these conditions of approval. Changes shall require modification of this permit except where

consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan.

11. 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.
12. 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.
13. 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.
14. 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.
15. 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).
16. Maintain enrollment in Tier 1, or 2 certification with State Water Resource Control Board (SWRCB) Order No. WQ 2019-0001-DWQ, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
17. 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.
18. 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).
19. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.

20. Pay all applicable application, review for conformance with conditions and annual inspection fees.
21. 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.
22. The master logbooks maintained by the applicant to track production and sales shall be maintained for inspection by the County.
23. 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

24. 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).
25. 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.
26. 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.
27. 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
28. Term of Commercial Cannabis Activity Conditional Use Permit & Special Permits. Any Commercial Cannabis Cultivation CUP issued pursuant to the CMMLUO shall expire one (1) year after date of issuance, and on the anniversary date of such issuance each year thereafter, unless an annual compliance inspection has been conducted and the permittees and the permitted site have been found to comply with all conditions of approval.
29. If the inspector or other County official determines that the permittees or site do not comply with the conditions of approval, the inspector shall serve the permit holder with a written statement identifying the items not in compliance, and the action that the permit holder may take to cure the noncompliance, or file an appeal within ten (10) days of the date that the written statement is delivered to the permit holder. Personal delivery or mailing the written statement to the mailing address listed on the application by regular mail, plus three (3) days after date of mailing, shall constitute delivery. The permit holder may request a reinspection to determine whether or not the permit holder has cured all issues of noncompliance. Failure to request reinspection or to cure any items of noncompliance shall terminate the Conditional Use Permit, immediately upon the expiration of any appeal period, or final determination of the appeal if an appeal has been timely filed pursuant to Section 55.4.13.
30. 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.
31. Acknowledgements to Remain in Full Force and Effect. Permittee acknowledges that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this section if environmental conditions, such as a sustained drought or low flows in the watershed in which the cultivation area is located, will

not support diversions for irrigation.

32. 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.
33. 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 #8 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 the Ongoing Requirements/Development Restrictions, above.
3. If cultural resources are encountered during construction activities, the contractor on-site shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist and the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and the lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, shellfish or faunal remains, and human burials. If human remains are found, California Health and Safety Code 7050.5 requires that the County Coroner be contacted immediately at 707-445-7242. If the Coroner determines the remains to be Native American, the Native American Heritage Commission will then be contacted by the Coroner to determine appropriate treatment of the remains pursuant to Public Resources Code (PRC) Section 5097.98. Violators shall be prosecuted in accordance with PRC Section 5097.99.



Cultivation and Operations Plan

Applicant

Thomas Morgan

PO Box 212

Bridgeville, CA 95526

Parcel: 208-111-029

Agent

n/a

Table of Contents

I. Site Plan Overview 3

 1.0 – Project Information..... 3

 2.0 – Project Location 3

 2.1 – Zoning Classification..... 3

 2.2 – Site Topography 4

 3.0 – Easements 4

 4.0 – Natural Waterways 5

 5.0 – Location and Area of Existing Cultivation 6

 6.0 – Setbacks of Cultivation Area 6

 7.0 – Access Roads 6

 8.0 – Graded Flats 6

 9.0 – Existing and Proposed Buildings 6

 10.0 – Water Source, Storage, Irrigation Plan and Projected Water Usage 7

 10.1 – Water Source 7

 10.2 – Water Storage 7

 10.3 – Irrigation Plan..... 7

 10.4 – Projected Water Usage 7

 11.0 - Site Drainage, Runoff, Erosion Control Measures and Watershed Protection 8

 12.0 – Distances from Significant Landmarks 8

II. Cultivation and Operations Plan 8

 1.0 – Materials Storage..... 8

 2.0 – Cultivation Activities 9

 3.0 – Processing Practices 9

 4.0 – Security Measures 9

I. Site Plan Overview

1.0 Project Information

Thomas Morgan ("Applicant") is submitting this application for a Type 2 Special Permit for 10,000 square feet of existing outdoor commercial cannabis cultivation on a 40-acre parcel, located near Bridgeville, CA ("Parcel"), Assessor's Parcel Number 208-111-029.

All water used for cultivation is sourced from a well and one (1) Point of Diversion sourced from a Class II Watercourse. There are eighteen (18) existing HDPE water tanks and the applicant will add (11) eleven more 5,000 gallon tanks for a total of 113,090 gallons of hard tank water storage. The Applicant estimates their annual water use to be 120,000 gallons.

The Applicant has proposed the construction of: a 120 square foot shed to store cultivation equipment and supplies, one (1) Vegging Green House (GH) that is to be 768 square feet, and one (1) Drying Building that is to be 768 square feet. The Vegging (GH) is used to house immature cannabis plans, and not for harvesting. Applicant will apply for building permits for the proposed structures. There is one (1) 1,639 square foot Residence that was built in 2009. It is used as a place of living and is not associated with the cultivation operation. There is one (1) 4'x8' wood shed that was built in 2015, and is used to store firewood for the residence.

The Applicant expects to have two (2) harvests via light deprivation in the greenhouses. All processing is completed by a 3rd party processing company.

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

The Type 2 Special Permit would achieve the following results for the Applicant:

- a. Permit 12,040 square feet of Outdoor commercial cannabis cultivation activities that were in existence prior to January 1, 2016, in compliance with the County CMMLUO; and
- 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 near Bridgeville, CA. Parcel is comprised of 40-acres and is identified by Assessor's Parcel Number ("APN") 208-111-029.

2.1 Zoning Classification

The County's Zoning Classification of the Parcel is FR with a Current General Plan of AL40 (FRWK). The CMMLUO permits existing Outdoor commercial cannabis cultivation on land zoned as FR with cultivation sites over 10,000 square feet with a Use Permit.

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 recorded Grant Deed, a copy of which is included in the Evidence of Ownership and Authorization section of this Application.

"PARCEL ONE:

That portion of the South Half of Section 7, Township I North, Range 4 East, Humboldt Base and Meridian, described as follows:

BEGINNING at the Southwest corner of Lot 10, as shown on the Record of Survey filed March 26, 1968, in the Office of the Humboldt County Recorder, in Book 23, Page 116 of Surveys.

THENCE, following the center of Little Larabee Creek:

North 44 degrees 26 minutes 01 seconds East, 91.36 feet; North 50 degrees 51 minutes 36 seconds East, 70.92 feet; North 65 degrees 46 minutes 20 seconds East, 21.93 feet; North 85 degrees 36 minutes 05 seconds East, 13.04 feet; South 77 degrees 31 minutes 03 seconds East, 134.17 feet;

South 88 degrees 01 minutes 30 seconds East, 29.02 feet; North 49 degrees 05 minutes 33 seconds East, 8.32 feet; North 53 degrees 23 minutes 46 seconds East, 83.10 feet; North 52 degrees 55 minutes 37 seconds East, 56.40 feet; North 60 degrees 45 minutes 04 seconds East, 57.31 feet; North 82 degrees 52 minutes 30 seconds East, 24.19 feet; South 86 degrees 35 minutes 00 seconds East, 67.12 feet;

South 72 degrees 07 minutes 17 seconds East, 32.57 feet; South 61 degrees 55 minutes 39 seconds East, 34.00 feet; South 46 degrees 06 minutes 06 seconds East 73.55 feet; South 56 degrees 45 minutes 23 seconds East, 43.07 feet; South 85 degrees 47 minutes 06 seconds East, 141.36 feet;

South 78 degrees 00 minutes 32 seconds East, 43.22 feet;

South 65 degrees 59 minutes 27 seconds East, 95.55 feet;

THENCE leaving Little Larabee Creek North 15 degrees 09 minutes 35 seconds East, 974.68 feet; THENCE North 00 degrees 07 minutes 26 seconds West, 486.00 feet;

THENCE North 86 degrees 12 minutes 58 seconds West, 978.00 feet;

THENCE South 00 degrees 07 minutes 26 seconds East, 449.79 feet; THENCE North 86 degrees 12 minutes 58 seconds West, 683.00 feet;

THENCE South 19 degrees 54 minutes 33 seconds East, 1,204.77 feet to the point of beginning. EXCEPTING THEREFROM that portion thereof described as follows:

That portion of the South Half of Section 7, Township 1 North, Range 4 East Humboldt Base and Meridian, described as follows:

BEGINNING at the Northeast corner of Lot 4 as shown on the Record of Survey filed March 26, 1968, in the Office of the Humboldt County Recorder, in Book 23, Pages 116, 117 and 118 of Surveys;

THENCE South 86 degrees 12 minutes 58 seconds East, 483.00 feet to the East line of the West Half of the Southeast Quarter of said Section;

THENCE South 00 degrees 07 minutes 26 seconds East along said subdivision line, 495.34 feet to a point on the centerline of an existing private road;

THENCE Northerly and Westerly along said centerline to a point which bears South 19 degrees 54 minutes 33 seconds East, from the point of beginning;

THENCE North 19 degrees 54 minutes 33 seconds West, 231.73 feet, to the point of beginning. BEING a portion of Lot 10 of said Record of Survey.

PARCEL ONE-A:

TOGETHER WITH and subject to that certain declaration of Grant and Reservation of Easement executed by The Bank of California, a National Association, recorded June 16, 1967, in Book 925, Page 171, Humboldt County Official Records.

PARCEL TWO:

That portion of the South Half of Section 7, Township 1 North, Range 4 East, Humboldt Base and Meridian, described as follows:

BEGINNING at the Southwest Corner of Lot 10 as shown on the Record of Survey filed March 26, 1968, in the Office of the Humboldt County Recorder, in Book 23, Pages 116, 117 and 118 of Surveys;

THENCE North 19 degrees 54 minutes 33 seconds West along the Westerly line of said Lot 10, 973.04 feet to a point on the centerline of an existing private road;

THENCE South 08 degrees 40 minutes 33 seconds West 627.39 feet to the center of Little Larabee Creek; THENCE along the center of said Creek, Southerly and Easterly to the point of beginning.

BEING a portion of Lot 4 of said Record of Survey.”

4.0 Natural Waterways

Per the Humboldt County GIS website, Class I Watercourse, Little Larabee Creek passes through the Parcel. The Applicant’s well and cultivation is well outside of the 100-foot stream side management area Little Larabee Creek requires.

There is a one (1) Class II Watercourse and two (2) Class III Drainages that pass through the parcel.

Timberland Resource Consultants will prepare a Water Resource Protection Plan in accordance with Order R1-2015-0023 by the North Coast Regional Water Quality Control Board.

5.0 Location and Area of Existing Cultivation

The 12,040 square feet of Outdoor cannabis cultivation occurs in three (3) locations

Outdoor Cultivation

Greenhouses #1 and #3(Proposed)

Greenhouses #1 is located on the eastern section of the parcel on an existing graded flat consists of 3,640 square feet outdoor cannabis cultivation. Proposed greenhouse #3, 3,000 square feet, will be located on the northern side of GH#1.

Greenhouse #2

Greenhouse #2 is located in the northwestern section of the parcel on an existing graded flat. It consists of 5,400 square feet of outdoor cannabis cultivation.

6.0 Setbacks of Cultivation Area

Outdoor Cultivation

Greenhouses #1 and #3

Greenhouses #1 and #3 are setback from the southern parcel line by approximately 400 feet and the western parcel line by approximately 1,800 feet.

Greenhouse #2

Greenhouse #2 is setback from the northern parcel line by approximately 568 feet, the eastern line by more than 768 feet.

7.0 Access Roads

The Parcel is located off State Highway 36, which is maintained by Cal Trans.

8.0 Graded Flats

There are existing flats on the Parcel. They may require permitting with the Humboldt County Building Department.

9.0 Existing and Proposed Buildings

Proposed Shed

The Proposed Shed will be a 10'x12' structure that is used for storing all cultivation related equipment, fertilizers and waste. It will not need a building permit but the applicant will confirm setbacks to SMA and parcel line prior to construction.

Residence

The Residence is an existing 1,639 square feet structure that is not associated with the cultivation operation. The applicant will secure a permit for an on-site wastewater treatment system with the Humboldt County Department of Environmental Health within two years of permit issuance.

Proposed Dry Building

The proposed dry building will be used to dry and store cannabis. It will be 24' x 32' and will require a building permit.

Proposed Vegging GH

The Vegging Greenhouse is 768 square foot structure that is being used to house immature cannabis that are in a vegetative state, and not for harvesting. It was built in 2015 and may require permitting with the Humboldt County Building Department.

10.0 Water Source, Storage, Irrigation Plan and Projected Water Usage

10.1 Water Source

All water used for cultivation is sourced from a permitted well and one (1) Point of Diversion sourced from a Spring.

10.2 Water Storage

There are eighteen (18) existing HDPE tanks and eleven (11) proposed 5000 gallon tanks for a total of 113,090 gallons of hard tank water storage. The individual number and amount of storage is outlined below:

- Five (5) 5,000-gallon HDPE tanks
- One (1) 4,400-gallon HDPE tank
- Two (2) 3,200-gallon HDPE tanks
- One (1) 2,800-gallon HDPE tank
- Eight (8) 2,500-gallon HDPE tanks
- One (1) 350-gallon HDPE tank
- Eleven (11) 5,000-gallon tanks (Proposed)

10.3 Irrigation Plan

All irrigation of cannabis is completed by hand watering at an agronomic rate.

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 Applicant's cultivation and water use is outlined in the Cultivation and Water Usage Chart, attached below. The Applicant estimates their annual water use to be approximately 120,000 gallons.

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

Site Drainage, Runoff, Erosion Control Measures

The greenhouses will have proper erosion control (gravel, straw, mulch, etc.) around the base so rain runoff will not cause an erosion issue.

The Applicant will adhere to all best management practices for site drainage, runoff and erosion control set by the North Coast Regional Water Quality Control Board, the California Department of Fish and Wildlife, and the Humboldt County Code section 331-14.

Watershed Protection

The Applicant will be enrolled in the North Coast Regional Water Quality Control Board's Waiver of Waste Discharge program as a Tier II discharger and will have a Water Resource Protection Plan created.

Greenhouses #1, #2, and #3 reside at least 500 feet at its closest point from a Class I Watercourse, Little Larabee Creek. The greenhouses are sited outside the 100-foot streamside management area for a Class II watercourse.

A legacy greenhouse was located in the stream buffer zone of a Class II Watercourse and has been decommissioned. The site will be restored to pre-disturbance conditions within one-year of permit issuance.

12.0 Distances from Significant Landmarks

There are no schools, school bus stops, state parks, places of worship or Tribal Cultural Resources within 600 feet of the cultivation site.

II. Cultivation and Operations Plan

1.0 Materials Storage

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.

All fertilizers and amendments will be located in the propose storage shed. 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 shed 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).

The Applicant will use (3) 6.5 KW generators for cultivation operations. All fuel will be stored in the proposed storage shed in secondary containers to prevent any spills.

All cultivation related waste will be stored in water tight trash containers in the proposed storage shed and disposed of weekly.

There is no soil pile on-site. The Applicant brings in soil to fill the beds and pots. The soil is reamended for each cultivation cycle. Once the dirt is no longer viable for cultivation, it is removed and disposed of at Wes Green in Arcata.

2.0 Cultivation Activities

Cultivation activities will typically begin sometime during May when cannabis is distributed to Greenhouse #1, #2 and #3 from the Vegging GH for planting.

The Vegging GH will have string LED lights to keep the cannabis plants from flowering. The Applicant will have blackout tarps over the greenhouses during sunset hours in order to abide by the International Dark Sky Associations Standards.

The applicant will be pulling tarps over the greenhouses in order to have two (2) harvests of cannabis via light deprivation, sometime in July and October. Tarps will be pulled by hand and will not have any negative effects to the surrounding area or the cannabis.

3.0 Processing Practices

Plants will be harvested one at a time using hand shears and taken to the dry building for drying. A 3rd party processing company will prepare the cannabis for sale.

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 a Track and Trace program implemented by the CA department of Cannabis Control (DCC) and will abide by all appropriate record keeping practices.

4.0 Security Measures

The access to the parcel is gated and locked. There are game cameras placed over the gate, buildings and cultivation areas.

Cultivation and Water Usage

Month	Stage of Cultivation			Cultivation Space per Stage (Square Footage) *	Water Usage (gallons/month)
	Vegging	Flowering	Harvesting		
EXAMPLE	X	X		1,200 sq. ft. – Vegging 1,500 sq. ft. – Flowering	5,000 gal/month
January					
February					
March	X			5,000 square feet – vegging	3,100 gallons
April	X	X		5,000 square feet – vegging 4,480 square feet – flowering	8,532 gallons
May		X		9,480 square feet – flowering	8,816 gallons
June	X		X	5,000 square feet – vegging 9,480 square feet – harvesting	6,000 gallons
July	X	X		5,000 square feet – vegging 4,480 square feet – flowering	14,694 gallons
August		X		9,480 square feet – flowering	20,571 gallons
September		X		10,000 square feet – flowering	19,908 gallons
October			X	10,000 square feet – harvesting	
November					
December					

*with a plant density of 0.85

T-MO FARMS, LLC
 APN: 208-111-029



PROJECT INFORMATION

PROPERTY OWNER: THOMAS MORGAN
 ADDRESS: APN: 208-111-029
 SHEET INFO: COVER PAGE

REVISIONS	
NO.	NOTES
1	ISSUED FOR PERMITS
1	ISSUED FOR PERMITS
1	ISSUED FOR PERMITS
1	ISSUED FOR PERMITS
1	ISSUED FOR PERMITS
1	ISSUED FOR PERMITS

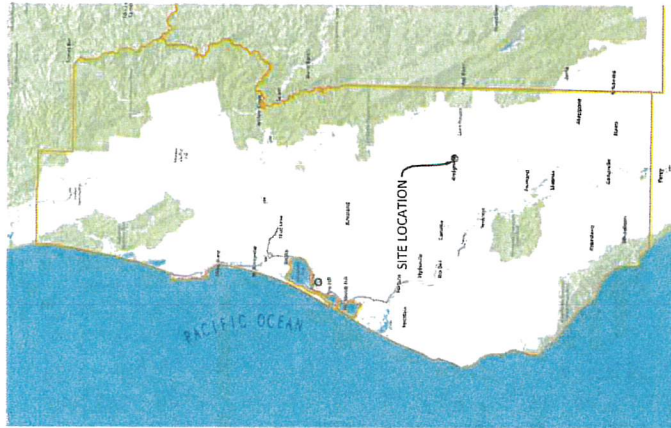
DATE	10/24/22
DRAFTER	AG BROWN
SCALE	AS SHOWN
SHEET	CP

AERIAL MAP



VICINITY MAP

1:10,000



PROJECT INFORMATION
 LAT/LONG: -40.4732, -123.762
 APPLICANT: THOMAS MORGAN
 PARCEL SIZE: 2.40 ACRES
 ZONING: FR-2(40)
 APPLICATION TYPE: TYPE 2 OUTDOOR

CONTACT NAME: N
 100 YARBROOK LN
 AGENT: N
 GREEN ROAD CONSULTING INC
 1650 CENTRAL AVE, SUITE C
 HUMBOLDT, CA 95519
 707-530-5041

PROJECT DIRECTIONS
 HEAD SOUTH ON US-101 (19.9MI)
 TAKE EXIT 88F FOR CA-36E (3MI)
 TURN LEFT ONTO CA-36E (27.1MI)
 TURN RIGHT (5MI)
 TRAVEL TIME
 APPROXIMATELY: 1 HOUR 10 MINUTES (49.5 MI)

SHEET INDEX
 C1-PARCEL OVERVIEW

