RESOLUTION OF THE PLANNING COMMISSION OF THE COUNTY OF HUMBOLDT

Resolution Number 23-078

Record Number PLN-12166-CUP
Assessor's Parcel Number: 210-051-081

Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approving the Happy Valley, LLC Conditional Use Permit and Zoning Clearance Certificate.

WHEREAS, **Happy Valley**, **LLC** applied for Conditional Use Permit PLN-12166-CUP for 12,500 square feet (SF) of existing outdoor cannabis cultivation and a 1,460-SF ancillary propagation area along with appurtenant drying activities;

WHEREAS, the County prepared an Addendum to the Final Mitigated Negative Declaration (MND) 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 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; and

WHEREAS, the Humboldt County Planning Commission held a duly-noticed public hearing on August 17, 2023, and reviewed, considered, and discussed the application for the requested Conditional Use Permit and Zoning Clearance Certificate 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 12,500 square feet of existing Outdoor commercial cannabis cultivation supported by a 1,220 square foot ancillary nursery. Water is sourced exclusively from a permitted groundwater well on adjacent parcel (APN 210-051-064) that has been analyzed for hydrologic connectivity to surface waters and nearby domestic water sources. The annual estimated water budget is 54,000-gal. is supported by 6,600-gal. of onsite tank storage, and an additional 155,900-gal. on adjacent parcel (APN 210-051-064) totaling 162,600-gal. of water storage. Applicant has secured grant funding to install an additional 30,000-gal. of storage. Processing such as bucking, drying, and curing will take place onsite in the existing shop building. Power is provided by a 6-kW solar system, with a generator utilized for backup. Grant funding has been secured to increase renewable energy capacity and will provide at least 80% of the project's total power demand by January 1, 2026. Three (3) to five (5) employees are needed to support operations.

EVIDENCE: a) Project File: PLN-12166-CUP

2. FINDING:

CEQA. The requirements of the California Environmental Quality Act have been met. The Humboldt County Planning Commission has considered the Addendum to and 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.

EVIDENCE:

- a) Addendum to the MND prepared for the proposed project in compliance with CEQA.
- b) The proposed project does not present substantial changes that would require major revisions to the previous 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.
- A Biological Assessment Report was prepared by Naiad Biological Consulting (October 9, 2019). The assessment included a field visit conducted by biologist Mason London on October 8, 2019. No special status plant or animal species were observed during the site visit, and the biologist concluded that existing habitat and cultivation uses on the site makes it unlikely that special status species would be present or negatively impacted by cultivation. Special status species with a moderate to high potential of occurring in the project area include Tracy's sanicle, Tracy's tarplant, Pacific gilia, western bumblebee, North American porcupine, and American badger. However, cultivation occurs in areas of the subject parcels where these species are unlikely to be disturbed. The nearest northern spotted owl activity center is located 1.55 miles away. Outside of adherence to required stream setbacks, the report includes no recommendations or corrective actions.
- d) A Site Management Plan (SMP) was prepared in fulfillment of State Water Resources Control Board (SWRCB) General Order WQ 2019-0001-DWQ. The document was prepared to meet the North Coast Regional Water Quality Control Board (NCRWQCB) requirements for Tier 2 discharges of waste resulting from cannabis cultivation (WDID No. 1B16432CHUM).

e) A cultural resources investigation report was prepared by William Rich, M.A., of William Rich and Associates (December 2021). The investigation covered the subject parcel (210-051-081) and an adjacent parcel under the same ownership (210-051-064). No historic or tribal cultural resources were identified as a result of the investigation, and no further archaeological surveys are recommended as a condition of approval for this project. Consultation letters were sent to Native American groups associated with the project area. The Bear River Band of the Rohnerville Rancheria recommended implementation of the inadvertent discovery protocol. The standard inadvertent discovery protocol will be used to protect artifacts or remains that may be discovered during project work.

FINDINGS FOR CONDITIONAL USE PERMIT

3. FINDING

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

EVIDENCE:

- a) General agriculture is a use type permitted in the Residential Agriculture (RA) land use designation. The proposed cannabis cultivation, an agricultural product, is within land planned and zoned for agricultural purposes, consistent with the use of Open Space land for managed production of resources. The use of an agricultural parcel for commercial agriculture is consistent with the Open Space Plan and Open Space Action Program. Therefore, the project is consistent with and complimentary to the Open Space Plan and its Open Space Action Program.
- b) The proposed project is not located within any riparian setbacks or streamside management areas.

4. FINDING

The proposed development is consistent with the purposes of the existing Forestry Recreation (FR) zoning designation in which the site is located.

EVIDENCE:

a) The FR zone is intended to be applied to forested areas of the County in which timber production and recreation are the desirable predominant uses and agriculture is the secondary use, and in which protection of the timber and recreational lands is essential to the general welfare. General agriculture, including the cultivation of cannabis, is a principal permitted use in this zoning district. The B zone is a combining zone intended to be combined with any principal zone in which

sound and orderly planning indicate that lot area and yard requirements should be modified.

b) Humboldt County Code section 313-106.6 allows cultivation of up to 43,560 SF of existing outdoor cannabis and up to 22,000 SF of existing mixed-light cannabis on a parcel over 1 acre, subject to approval of a Conditional Use Permit and a determination that the cultivation was in existence prior to January 1, 2016. The application for a total of 12,500 SF of cannabis cultivation and a 1,220-SF ancillary propagation area on a 132-acre parcel is consistent with the Humboldt County Code 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 Forestry Recreation (FR) (HCC 314-7.3)
- b) The parcel was created in compliance with all applicable state and local subdivision regulations, as it was created via Notice of Merger and Certificate of Subdivision Compliance recorded in Humboldt County Office of the Recorder 02/22/2018 (2018-003559).
- lrrigation water is sourced from one groundwater well on an adjacent parcel (APN 210-051-064. Estimated annual water use is 70,000-gallons (5.3 gal/SF). Water is stored in one (1) 50,000-gallon bladder (to be replaced with hard sided storage), and a series of tanks totaling 112,000-gal., for a total of 162,000-gal. shared between this project and a project on an adjacent parcel under common ownership (PLN-12170-CUP). An additional 30,000-gal. will be installed via grant funding.
- d) The slope of the land where cannabis will be cultivated is greater than 15%. Because this is an existing cultivation site, the CMMLUO does not require cultivation to occur on slopes of 15% or less.
- e) The cultivation of cannabis will not result in the 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, more than 300 feet from any offsite

Provisions have been made in the applicant's proposal to e) protect water quality through yearly site inspection, monitoring, and reporting to the NCRWQCB. The site shall be inspected and monitoring reports prepared for the following activities: 1) before and after any alteration or upgrade to a given stream crossing, road segment, or other controllable sediment discharge site; 2) prior to the start of the water year (October 15) to evaluate site preparedness for storm events and associated storm water runoff; 3) site inspection no later than December 15 of each year; and 4) following any rainfall event with an intensity of 3 inches of precipitation within any 24 hour period. Annual reporting shall be submitted to the NCRWQCB by March 31 of each year. Therefore, runoff to adjacent property and infiltration of water to groundwater resources will not be adversely affected.

7. FINDING

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

EVIDENCE:

The parcel is not developed with a residence, nor is a residence proposed. The proposed operation will not impact potential to develop a residence at some point in the future.

8. FINDING

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

EVIDENCE:

The project site is in the Van Duzen 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 for cultivation in this Planning Watershed would be 123 permits and the total approved acres would be 42.91 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 approve the Conditional Use Permit (PLN-12166-CUP) and Special Permit for Happy Valley 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 August 17, 2023.

The motion was made by Commissioner Thomas Mulder and seconded by Commissioner Lonyx Landry.

AYES:

Commissioners:

Iver Skavdal, Thomas Mulder, Noah Levy, Lonyx Landry,

Peggy O'Neill, Sarah West

NOES:

Commissioners:

ABSTAIN:

Commissioners:

ABSENT:

Commissioners: Brian Mitchell

DECISION:

Motion carries 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.

John Ford, Director

Planning and Building Department

ATTACHMENT 1

RECOMMENDED CONDITIONS OF APPROVAL

APPROVAL OF THE CONDITIONAL USE PERMIT AND ZONING CLARANCE CERTIFICATE 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. Within three days of the effective date of permit approval, it is requested that the applicant submit a check or money order for the required filing fee in the amount of \$50 payable to the Humboldt County Clerk/Recorder. If this payment is not received within this time period, 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 #16. 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 and proposed structures associated with drying and storage or any activity with a nexus to cannabis, graded flats and any noise containment structures as necessary. The plans submitted for building permit approval shall be consistent with the project descriptions and the approved project site

- plans. 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 construct noise containment structures for all generators used on the parcel. The applicant shall obtain all required building permits for such structures. The applicant shall maintain generator, fan, and dehumidifier 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. All generators must be located on stable surfaces with a minimum 200-foot buffer from Class I and Class II streams, per the requirements of CDFW. In addition, fire-resistant materials shall be utilized for construction of the generator containment structures. No generator use is authorized by this permit until the applicant can demonstrate compliance with this standard. Verification from Planning Division staff is required.
- 8. All artificial lighting including greenhouse, security, and propagation area lighting shall comply with International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1, and be designed to regulate light spillage onto neighboring properties resulting from backlight, up light, or glare (BUG). International Dark Sky Association standards exceed the requirements of Scenic Resources Standard SR-S4, Light and Glare, that lighting be fully shielded, and designed and installed to minimize off-site lighting and direct light within the property boundaries. No use of artificial lighting is authorized by this permit until the applicant can demonstrate compliance with this standard. Verification from Planning Division staff is required.
- 9. The applicant shall transition from mixed generator/solar use for operations to a minimum of 80% renewable energy (e.g., solar, wind, hydropower, grid power purchased from a renewable portfolio) sources by the end of 2026. The applicant shall submit an energy budget outlining power needs for the project, noting the renewable energy source chosen, and demonstrating capability to supply renewable energy for 80% of the project power needs. Final signoff from the Planning Department will satisfy this condition.
- 10. The applicant shall adhere to the Final Lake or Streambed Alteration Agreement issued by the California Department of Fish and Wildlife (CDFW) and comply with all applicable terms.
- 11. The applicant shall submit copies of all documents filed with the State Water Resources Control Board, including, but not limited to, a Notice of Availability and Site Management Plan. The applicant is required to adhere to and implement the requirements contained in the SWRCB's Cannabis Cultivation Policy, the General Order, the Site Management Plan and the Notice of Applicability. A copy of the reporting form portion of the Mitigation and Reporting Program (MRP) shall be submitted annually to the Planning and Building Department concurrent with the submittal to the SWRCB.
- 12. The applicant shall install and utilize water meter(s) to demonstrate that there is sufficient water supply to meet the demands of the project. Each water source shall be separately metered to demonstrate the quantity of water used from each water source. The water use for cultivation is limited to the use of the permitted groundwater well (WCR2016-003430, 15/16-0544) and amount of water available in storage tanks and shall be provided annually prior to or during the annual inspection.
- 13. The applicant shall either provide a "will serve" letter from Bridgeville Fire Protection District or

cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning Division. Document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors will be required. A "will serve" letter shall contain the project name, APN, Application Number, and an explicit signed statement, "the property will be served with emergency response and fire suppression services."

- 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. 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. The applicant shall construct noise containment structures for all generators used on the parcel. The applicant shall obtain all required building permits for such structures. The applicant shall maintain generator, fan, and dehumidifier 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. All generators must be located on stable surfaces with a minimum 200-foot buffer from Class I and Class II streams, per the requirements of CDFW. In addition, fire-resistant materials shall be utilized for construction of the generator containment structures. No generator use is authorized by this permit until the applicant can demonstrate compliance with this standard. Verification from Planning Division staff is required.
- 17. All artificial lighting including greenhouse, security, and propagation area lighting shall comply with International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1, and be designed to regulate light spillage onto neighboring properties resulting from backlight, up light, or glare (BUG). International Dark Sky Association standards exceed the requirements of Scenic Resources Standard SR-S4, Light and Glare, that lighting be fully shielded, and designed and installed to minimize off-site lighting and direct light within the property boundaries. No use of artificial lighting is authorized by this permit until the applicant can demonstrate compliance with this standard. Verification from Planning Division staff is required.
- 18. The applicant shall transition from mixed generator/solar use for operations to a minimum of 80% renewable energy (e.g., solar, wind, hydropower, grid power purchased from a renewable portfolio) sources by January 1, 2026. The applicant shall submit an energy budget outlining power needs for the project, noting the renewable energy source chosen, and demonstrating capability to supply renewable energy for 80% of the project power needs. Final signoff from the Planning Department will satisfy this condition.
- 19. The two operations (Apps. 12170, APN 210-051-064 and Apps. 12166, APN 210-051-081) share resources across parcel lines, including water source (well on APN 210-051-064), water storage on both parcels, and drying/curing facility (APN 210-051-081), and are currently under common ownership. In the event either of the two parcels or projects are conveyed

- to another party and are no longer under common ownership, each project will require a permit modification per HCC Section 312-11 to ensure each project has adequate water source, storage, and capability of drying/curing cannabis.
- 20. The applicant shall join or cause to be formed a road maintenance association (RMA) for Larabee Valley Road and Coyote Ridge Road with a provision for maintenance of the entirety of the access roads to their intersection with State HWY 36. Applicant shall provide evidence of enrolling or creating an RMA at each annual inspection.

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

- 1. The combination of background, generator and greenhouse fan or other operational equipment created noise must not result in the harassment of Northern Spotted Owl species as required to meet the performance standards for noise set by Department Policy Statement No. 16-005 clarifying CMMLUO Section 55.4.11 (a) 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.
- 2. 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.
- 3. Ensure all generators be located on stable surfaces with a minimum 200 feet buffer from all waterways measured horizontally from the outer edge of the riparian drip zone, per CDFW referral comments received January 4, 2018.
- 4. Prohibition of 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.
- 5. No rodenticides are authorized for use for cannabis cultivation activities on the subject parcel for the life of the project.
- 6. All refuse shall be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
- 7. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and be allowed to leave the work site unharmed.
- 8. The use of anticoagulant rodenticide is prohibited.
- 9. 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.
- 10. 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.
- 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, 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.
- 17. Comply with the terms of any applicable Lake and Stream Alteration (1600 or 1602) Permit obtained from the California Department of Fish and Wildlife (CDFW).
- 18. 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.

- 19. 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).
- 20. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
- 21. Pay all applicable application, review for conformance with conditions and annual inspection fees.
- 22. 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.
- 23. The master log books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
- 24. 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

- 25. 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."
- 26. 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).
- 27. 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.
- 28. 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.
- 29. 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
- 30. Term of Commercial Cannabis Activity Special Permit. Any Commercial Cannabis Cultivation SP 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.
- 31. 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.
- 32. <u>Permit Renewals to Comply with Updated Laws and Regulations</u>. 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.

- 33. 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.
- 34. <u>Transfers</u>. 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.
- 35. <u>Inspections</u>. 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. Once building permits have been secured and/or the use initiated pursuant to the terms of the agreement, the use is subject to the Permit Duration and Renewal provisions set forth in Conditions of Approval #29 31 of 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.



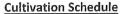
Humboldt County Planning Department 3015 H Street Eureka, CA 95501

RE: Happy Valley, LLC - Humboldt County APPS 12166- APN: 210-051-081

January 28th, 2021

To Whom It May Concern:

The following information should be added to the Cultivation and Operations Plan for Happy Valley LLC, APPS #12166, APN: 210-051-064.



*Please note, the cultivation schedule may change due to the weather, strain, and the Applicant's personal schedule.

*The Applicant anticipates two harvests annually from their light depravation (outdoor) cultivation area.

<u>Light Dep 1st Run</u> March-April (veg)

May-July (flower)
July (harvest)

Light Dep 2nd Run

July-August (veg)
August-October (flower)
October (harvest)

Employees Safety Practices

The Applicant anticipates 3-5 seasonal employees.

There are five (5) existing parking spots onsite.

All those working on the property will be instructed in safe and proper techniques for performing any duties pretraining to cultivation. This includes the utilization of personal protective equipment and proper use of tools and necessary instruments required for the performance of one's duties. Personal protective equipment shall be provided for all employees and/or independent contractors via the proponent as well as having ample personal protective equipment in stock and onsite. Clean and safe drinking water will be in the form of filtered spring





water. For the safety of the public and employees working while intoxicated will not be tolerated. All Employee and/or independent contractors shall be made aware of the following.

- I. Location of fire extinguishers and the "P.A.S.S" technique.
- II. List of operations manager contacts;
- III. List of emergency control contacts;
- IV. List of poison control contacts;
- V. Location of first aid kit;
- VI. Location of Restroom and hand washing stations;
- VII. Location of clean drinking water and;
- VIII. Location of Personal protective equipment.

All work surfaces and equipment are maintained in a clean, sanitary condition. Protocols to prevent the spread of mold are strictly followed.

International Dark Sky Standards

Greenhouses have permeable floors and will be covered with blackout tarps during sunset hours, ensuring they abide by the International Dark Sky Associations standards. Tarps will be pulled by hand and will not have any negative effects to the surrounding area or the cannabis.

Existing Water Storage

The water storage for cannabis cultivation consists of:

- (29)5K gal HDPE tank
- (12).55K gal HDPE tank
- (2) 3k gal HDPE tank

(shared between two parcels)

Monthly Water Use

*Estimate

March-2,655 gal April-4,108 gal May-3,568 gal June-6,371 gal July-7,964 gal August- 9,557 gal September-9,967 gal October- 8,905 gal

Total= 53,095 gal

Humboldt County Planning Department 3015 H Street Eureka, CA 95501



RE: Application Needs, Happy Valley Farms, Inc., APN 210-051-081, Apps 12166

Wednesday May 31st, 2023.

To Whom It May Concern:

The following information is to address the discrepancies identified by Humboldt County Staff in an email dated Tue, May 2, 2023, for Happy Valley LLC, PLN-12166, APN: 210-051-081.

Water Source

There are three wells on the adjoining property. Two of the wells have been decommissioned and capped. Only one well is in use. The well in use has been assessed by licensed Geologist, David Lindberg. The coordinates of the assessed well are 40.4634, -123.6816.

The pond in question was planned by the previous owner. The current owner no longer wishes to pursue this plan. The pond should be removed from the project description.

Cultivation Area (Outdoor, Light Deprivation)

The Cultivation area's total 12,500 ft2.

GH1= (120'x20') 2,400 ft² GH2= (120'x20') 2,400 ft² GH3= (120'x16') 1,920 ft² GH4= (120'x16') 1,920 ft² GH5= (120'x20') 2,400 ft² GH6= (73'x20') 1,460 ft²

Ancillary Nursery

The nursery hoop house structure totals 1,460 ft², however the nursery hoophouse is shared with the application on the conjoining parcel (same owner) APN:210-051-064. **1,220ft²** is used by Apps No. 12166 and the remaining 240 ft² is used by the application on parcel 210-051-064.

Processing

There are no commercially rated buildings on site currently. Until the Applicant can design, permit, and construct a commercially rated building, processing will be done offsite by a licensed third-party facility.

APN: 210-051-062 APN: 210-051-063 APN: 210-051-064 APN: 210-051-065

APPD

AUG 1 8 2023
Humboldt County
PLANNING

Cultivation and Operations Plan

1 PROJECT OVERVIEW

This cultivation and operations plan is for the four applications noted below. While there are four separate permit applications, the sites function as a single operation. The four parcels are adjacent and have the same owner. Infrastructure such as wells or buildings are shared between the four parcels allowing for consolidated operations that are streamlined and efficient.

APN	APPS#
210-051-062	12166
210-051-063	12168
210-051-064	12170
210-051-065	12167

2 WATER

Water source + Storage:

Irrigation water source is from three groundwater wells located on APN -062. Two of the wells are permitted and were installed by Fisch Drilling in 2017. The third well is of unknown age installed by a previous owner with no available documentation.

There is a proposed rainwater catchment pond proposed on APN -063 pending approval. The proposed 2.4M gallon pond would provide ample storage for irrigation water in addition to recreation and other beneficial uses.

The current irrigation water storage capacity for this operation is summarized in the table below, the resources are shared amongst the four parcels.

APN	Total Water Storage Capacity (gal)
210-051-062	210000
210-051-063	9600

Irrigation Plan:

Drip irrigation, mulching, time of day watering, and moisture retentive soils for water conservation. Water is applied at no more than agronomic rates.

APN: 210-051-063 APN: 210-051-063 APN: 210-051-064 APN: 210-051-065

Projected Water Usage:

The estimated irrigation water use is summarized in the table below. Irrigation occurs from March to October.

APN	Estimated Monthly Water Use, Mar-Oct (gal)
210-051-062	30,000
210-051-063	10,500
210-051-064	10,500
210-051-065	30,000

Water usage will be recorded monthly and reported annually to the Water Board pursuant to NCRWCQB Order No. R-12015-0023.

3 SITE CHARACTERISTICS

Drainage:

At all times water is used appropriately and applied at no more than agronomic rates.

Site has well-draining soils and natural vegetation is maintained around all cultivation areas. Rock and riprap is installed on all drainage ditches rock to reduce flow velocity and minimize erosion.

Runoff and Erosion Control Measures:

Drip irrigation is utilized and the irrigation practices do not produce runoff.

Flow dissipaters installed along drainage ditches and culverts as required, bank stabilization installed as required. All use rock sourced onsite.

Buffers of native vegetation are maintained around all cultivation areas. The majority of the parcel is conserved as wilderness. The parcel is characterized by grassy open areas with trace canopy. No trees have been removed.

All exposed areas of soil have been reseeded and mulched with straw and are monitored and maintained to promote revegetation.

Temporary erosion control measures (hay waddles, straw bales, etc.) to be implemented prior to each rainy season to minimize sediment discharge as needed.

APN: 210-051-062 APN: 210-051-063

APN: 210-051-064 APN: 210-051-065

4 WATERSHED + HABITAT PROTECTION

Applicant is enrolled in the Regional Water Board's Cannabis Discharge Waiver Program. Pacific Watershed Associates (McKinleyville, CA) is a certified third-party program, and has been contracted by the applicant for enrollment and development/implementation of Water Resources Protection Plan to ensure riparian watershed and habitat protection.

The use of ground water wells provides a non-diversionary irrigation water source.

The proposed rainwater catchment pond, once installed will provide an even higher level of watershed and habitat protection. The exclusive use of rainwater for irrigation will conserve groundwater and surface water resources. In addition the pond could provide potential for ground water recharge as well as wildlife habitat once established.

All trash, recycling, amendments, fertilizers, and other cultivation related materials stored such that they are secured from wildlife and cannot be released into the natural environment.

Buffers of natural vegetation and habitat maintained around all areas of human activity. The majority of parcel is undeveloped and conserved in a wild state.

Cultivation areas will be maintained to prevent nutrients from leaving the site at all times: during the growing season and post-harvest.

5 STORAGE + HAZARDOUS MATERIALS

Storage of fertilizers, pesticides, and other regulated products is in accordance with best practices, including storage within an enclosed space to prevent surface water contamination.

Fertilizers, potting soils, compost, soils, soil amendments, fuels, and all cultivation related items and wastes are stored in locations and in a manner in which they cannot enter or be transported into surface waters and such that nutrients or other pollutants cannot be leached into groundwater, and cannot enter the environment.

Amendments and Nutrients:

Amendments are brought to site and used immediately. No amendment storage onsite.

All other fertilizers, nutrients, etc are stored in shop building located on APN -064 on shelves or as appropriate. Secondary containment provided for all liquid products. All products applied per package directions or more conservatively.

APN: 210-051-062 APN: 210-051-063 APN: 210-051-064

APN: 210-051-065

Pesticides and Herbicides:

Only OMRI listed and/or approved products are utilized for pest and disease control. All products are stored in shop building located on APN -064 as specified by manufacturer's recommendations. Secondary containment provided for all liquid products. All products applied using package directions.

Fuel:

Fuels are stored onsite in approximately the following amounts- gasoline: 5x5-gal cans; diesel: 5x5-gal cans; propane: 10x5-gal cans. All fuels are stored in shop building located on APN -064. Liquid fuels stored with secondary containment and in compliance with Regional Water Board standard conditions.

6 Solid Waste/Recycling

Refuse and garbage is stored in a location and manner that prevents its discharge to receiving water and prevents any leachate or contact water from entering or percolating to receiving waters.

Storage Area: Trash and recycling are stored in trash cans stored in shop building located on APN -064.

<u>Removal Frequency:</u> Trash is removed at least once weekly or more frequently. Recycling removed from site at least once monthly or more frequently.

Disposal Facility: Eureka transfer station.

Waste Soil/ Growth Media: All soil amended and reused.

7 DESCRIPTION OF CULTIVATION ACTIVITIES

Activities are described as Existing Outdoor Cultivation as defined in the Humboldt County CCMLUO with no artificial lighting and utilizing light deprivation (artificial darkness) techniques.

8 SCHEDULE OF ACTIVITIES

Generator use:

Generator electricity is utilized for houses, running power tools and other farm operations. In the fall the electricity is used to run heaters and dehumidifiers for drying.

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APN: 210-051-065

Any generator noise is less than 60 decibels at property line.

Renewable Energy:

Water is pumped using solar pumps. There is also an off-grid power system that is powered by solar panels as well as a small wind turbine.

Month	Activities
January	No activity
February	No activity
March	Prepare farm. Dewinterize.
April	Begin starts. Nursery and planting
May	Veg and flower
June	Flowering
July	Harvest and replant. Drying. Processing.
August	Flowering
September	Flowering
October	Flower and Harvest
November	Harvest, Dry, Process. Winterize property.
December	No activity

9 OPERATIONS AND PROCESSING PROTOCOLS

Processing Practices:

Plants harvested and dried onsite.

The bulk of harvested crop is dried, then sent as-is offsite for extraction at a licensed 3rd party facility.

A small portion (less than 20%) of the crop is hand trimmed onsite.

Any and all processing methods utilized will comply with all industry, county, and state rules and guildelines as they become available.

All work surfaces and equipment maintained in a clean and sanitary condition. Protocols to prevent contamination of cannabis product with mold and mildew to be strictly followed. Curing takes place in

APN: 210-051-063 APN: 210-051-063 APN: 210-051-064 APN: 210-051-065

an environment with temperature and humidity control. The finished product is then moved to a secure location.

Processing operations include the following Processing Practices:

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

Location: Permitted shop building located on APN -064.

Staffing + Staff Screening Processes

The facilities will require 4 full time employees during operations (March to November).

All candidates for staff will undergo criminal background checks as part of the standard screening process. To the maximum effect allowed by California and federal employment law, candidates with a criminal history or a history of drug abuse will be screened from employment.

Days and Hours of Operation

The facility is not open to the public and will not accept visitors without a specific business purpose.

Hours of operation will typically be from 7 AM to 7 PM; eight hours per workshift. Commercial activities such as shipping and receiving will be limited to 8:00 AM to 6:00 PM. Due to the location of the facility, large parcel size, and the limited commercial activity window, there are anticipated to be no significant noise or traffic impacts upon the occupants of neighboring properties.

<u>Employee Safety Practices</u>: Cultivation and processing operations implement best practices to the highest degree feasible. The operation follows all safety protocols and provides all employees with adequate safety training pursuant to County and State regulations and guidance. Employee safety practices will be in compliance with standards set forth by the County and State which may include the following and additional elements:

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 Emergency action response planning as necessary; employee accident reporting and investigation policies; fire prevention; hazard communication policies; maintenance of material safety data sheets (MSDS); materials handling policies; job hazard analyses; and personal protective equipment policies, including respiratory protection.

 Visibly posted emergency contact list that includes operation manager, emergency responder contacts, and poison control contacts.

Safe Drinking Water, Toilets, and Sanitary Facilities

At all times, employees will have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations.

There are two permitted septic systems. One is connected to permitted shop building on APN -064, and the other is connected to the permitted house located on APN -065. There is one toilet and one sink in shop, and three bathrooms inside house.

Increased Road Use:

No significant noise or traffic impacts are anticipated on access roads or impacts to neighboring properties.

Onsite Housing:

There is a 3000 sq ft permitted house located on APN -065.

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

10 SECURITY PLAN

The security measures located on the premises will include the following:

a) Lighting and Surveillance- Motion sensor lighting and game cameras are installed around the facilities such that personnel and the video surveillance system can effectively monitor the space in and around the facility.

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APN: 210-051-065

b) Alarm —There is an informal community watch in place in the neighborhood. Guard dogs are also present on the property during operations.

- c) Access Control All entrances to the facility are restricted by a locked gate. 24- hour access to the facility by emergency responders will be provided via a lock box. Full time occupancy of parcel and neighboring farms. Some portions of parcels are fenced limiting access.
- d) Safety of Staff working in concert together, the access control system, lighting, and alarm system, will provide a secure and protected facility for the staff to occupy.
- e) All cultivation related items and products will be stored in locked locations. The security measures will secure the medical marijuana against diversion for non-medical purposes by protecting against theft not only from intruders, but also from staff members and other parties onsite. This is done by limiting access into the facility as necessary and by surveillance monitoring of personnel and visitors at all times when in close proximity to the product. Strict inventory control measures will also be engaged to prevent and detect diversion.
- f) All Medical Marijuana other than lab samples will be transported to State licensed and/or locally permitted licensed medical cannabis wholesale, distribution, or manufacturing companies by a State licensed and/or locally permitted licensed transport company.

