



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

3015 H Street, Eureka CA 95501
Phone: (707) 445-7541 Fax: (707) 268-3792

Hearing Date: February 17, 2022

To: Humboldt County Planning Commission

From: John H. Ford, Director of Planning and Building Department

Subject: **Jake Perkins' Farm Conditional Use Permit**
Record Number PLN-12905-CUP
Assessor's Parcel Number (APN) 218-141-006
4841 Island Mountain Road, New Harris, CA 95542

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Please contact Alec Barton, Planner (Harris & Associates) at 435-851-4003 or by email at alec.barton@weareharris.com, if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date February 17, 2022	Subject Conditional Use Permit	Contact Alec Barton
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Project Description: Jake Perkins' Farm seeks a Conditional Use Permit (PLN-12905-CUP) for 25,366 square feet (SF) of outdoor cannabis cultivation. Propagation occurs in three (3) areas totaling 2,952 SF.

Irrigation water is sourced from four (4) onsite rainwater catchment ponds, which have a total storage capacity of approximately 1,100,000 gallons. Additionally, water is stored in twelve (12) hard storage tanks, including four (4) 5,000-gallon tanks and eight (8) 3,000-gallon tanks. Total water storage onsite is 1,144,000 gallons. Cultivation areas are watered by drip irrigation systems. Total annual water use is estimated to be 210,000 gallons (8.3 gal/SF).

Drying, hand trimming, and packaging occur onsite in a 2,400-SF facility. Besides the operator, no additional employees are needed to assist with cultivation operations. Electrical power is provided by a solar array, and one (1) Kohler 8.5-kW propane generator is used as a backup power source.

Project Location: The project is located on the north and south sides of Island Mountain Road, approximately 0.4 mile south from the intersection of Lauffer Road and Island Mountain Road, in the unincorporated Palo Verde area of southern Humboldt County.

Present Plan Land Use Designations: Residential Agriculture (RA), 2017 General Plan; Density: 40 acres per unit; Slope Stability: High Instability (3)

Present Zoning: Forestry Recreation (FR), Special Building Site (B-5(40))

Record Number: PLN-12905-CUP

Assessor's Parcel Number: 218-141-006

Applicant	Owner	Agents
Jake Perkins PO Box 239 Garberville, CA 95542	Jacob M Perkins PO Box 239 Garberville, CA 95542	N/A

Environmental Review: An Addendum to a previously adopted Mitigated Negative Declaration has been prepared for consideration per §15164 of the State CEQA Guidelines.

State Appeal Status: Project is NOT appealable to the California Coastal Commission.

Major Issues: No major issues/concerns were identified for this project.

Jake Perkins' Farm

Record Number: PLN-12905-CUP

Assessor's Parcel Number: 218-141-006

Recommended Commission Action

1. Describe the application as part of the Consent Agenda.
2. Survey the audience for any person who would like to discuss the application.
3. If no one requests discussion, make the following motion to approve the application as a part of the consent agenda:

Adopt the Resolution to:

1. *Find that the Commission has considered the Addendum to the adopted Mitigated Negative Declaration for the Commercial Medical Land Use Ordinance (CCMLUO), as described by Section §15164 of the State CEQA Guidelines;*
2. *Make the required findings for approval of the Conditional Use Permit; and*
3. *Approve the Jake Perkins' Conditional Use Permit as recommended by staff subject to the recommended conditions.*

Executive Summary: Jake Perkins' Farm seeks a Conditional Use Permit (PLN-12905-CUP) for 25,366 square feet (SF) of outdoor cannabis cultivation. Propagation occurs in three (3) areas totaling 2,952 SF. The medical cannabis permit application is in accordance with Humboldt County Code Section 314-55.4 of Chapter 4 of Division I of Title III, Commercial Medical Marijuana Land Use Ordinance (CMMLUO). The site has been issued a Zoning Clearance Certificate for Interim Permit (IP), based upon the Cultivation Area Verification (CAV) developed for the site. The cultivation area for this Conditional Use Permit is based upon the CAV prepared for the IP.

The project area is located on mountainous slopes with high instability. The present land use designation is Residential Agriculture (RA), as defined in the Humboldt County 2017 General Plan Update, and the 40-acre parcel is zoned as Forestry Recreation (FR) and Special Building Site (B-5(40)). Drying, hand trimming, and packaging occur onsite in a 2,400-SF facility. Besides the operator, no additional employees are needed to assist with cultivation operations. Electrical power is provided by a solar array, and a Kohler 8.5-kW propane generator is used as a backup power source.

Water Resources

Irrigation water is sourced from four (4) onsite rainwater catchment ponds (Ponds A, B, C, and D), which have a total storage capacity of approximately 1,100,000 gallons. Ponds A and B each have a capacity of approximately 300,000 gallons; Pond C has a capacity of 100,000 gallons; and Pond D has a capacity of 400,000 gallons. Additionally, water is stored in twelve (12) hard storage tanks, including four (4) 5,000-gallon tanks and eight (8) 3,000-gallon tanks. Total water storage onsite is 1,144,000 gallons. Cultivation areas are watered by drip irrigation systems. Total annual water use is estimated to be 210,000 gallons (8.3 gal/SF). The project can comply with full forbearance requirements during the required period (April 1 – October 31). The project area is located within the Eel River watershed.

A Water Resources Protection Plan (WRPP) 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. 1B161048CHUM). The subject parcel includes four (4) unnamed watercourses that converge with Chamise Creek, which is a tributary of the Eel River. The WRPP recommends the following corrective actions be implemented in the project area: 1) install water meters at the point of diversion to track water usage; and 2) implement water conservation techniques (**Condition 9**).

A Lake and Streambed Alteration Agreement (LSAA) has been filed with CDFW to address work to be conducted within the waterways (Notification No. 1600-2019-0230-R1). The LSAA includes the following features: two (2) points of diversion (POD-1 and POD-2, or Pond D) and two (2) stream crossings (Crossings 1 and 3). At POD-2, the applicant shall install a new primary spillway designed to withstand 100-year flow

and debris. The existing spillway shall be retained for secondary overflow. The applicant shall maintain Crossing 1 in good condition and replace an existing 18-inch culvert at Crossing 3 with a minimum 30-inch culvert. **(Condition 10)**

There are additional features onsite that are not included in the LSAA (Notification No. 1600-2019-0230-R1) and require a separate agreement with CDFW to ensure compliance. These features include Ponds A, B, and C; Crossing 2; and Trail Unique Point 7. Within six (6) months of project approval, the applicant shall execute an agreement with CDFW to cover these features, which are subject to notification under Fish and Game code 1600. The applicant shall comply with the recommendations and deadlines identified in that agreement. **(Condition 11)**

The LSAA establishes specific corrective actions that the applicant must apply to offset potential impacts to waterways within the area. The corrective actions are summarized as follows: 1) Document all activities that occur within waterways at the project site; 2) All work (excluding the water diversion) shall be confined to the dry weather period, from June 15 through October 15 of each year; 3) Water diversion structures shall be constructed and maintained to not inhibit the movement of aquatic life; 4) Erosion and runoff protection measures shall be placed and maintained along streambanks prior to any construction activities; 5) The maximum instantaneous diversion rate from the water intake shall not exceed five (5) gallons per minute at any time, and the applicant shall bypass 90% of flow at all times; and 6) The proposed work shall be completed no later than October 15, 2022, and a notice of completed shall be submitted to CDFW within seven (7) days of project completion. **(Condition 12)**

Biological Resources

A list of potential special status species was generated in January 2022 using the following information systems: California Natural Diversity Database (CDFW 2021), Biogeographic Information and Observation System (BIOS), Northern Spotted Owl Viewer (CDFW 2021), and US Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC). No special status species are located within six (6) miles of the project area. The closest special status species is the foothill yellow-legged frog, a state-listed endangered species, approximately 32,000 feet (6.1 miles) away. Project activities are not expected to produce adverse or cumulative effects to any special status species or habitat, due to the small size of the project area and the type of proposed activities. Therefore, impacts to biological resources with project mitigation measures in place are considered low and unlikely.

Tribal Cultural Resource Coordination

An archaeological survey report was prepared by Nick Angeloff of Archaeological Research and Supply Company (ARSC) (October 2018). Representatives of ARSC conducted a field survey of the subject parcel in September 2018. No significant historic resources were identified, and the report concluded that the project will not affect historic resources. Consultation letters were sent to Native American groups associated with the project area, including the Native American Heritage Commission, Bear River Band of the Rohnerville Rancheria, and Sinkyone Intertribal Wilderness Council. The Bear River Band of the Rohnerville Rancheria requested a copy of the final report and concurred with the recommendations therein. The Sinkyone Intertribal Wilderness Council did not respond to requests for comment. The report recommends establishing a heightened Inadvertent Discovery Protocol to protect cultural resources and/or human remains which may be discovered inadvertently during project work **(Condition 13)**.

Access

The project is located on the north and south sides of Island Mountain Road, approximately 0.4 mile south from the intersection of Lauffer Road and Island Mountain Road, in the unincorporated Palo Verde area of southern Humboldt County. A certified civil engineer with DTN Engineering and Consulting evaluated a private road providing access to the project area, and determined it is not built to the equivalent of a road category 4 standard. The engineer recommended minor modifications to the road including cutting grass and clearing obstructions at the inlets and outlets of culverts **(Condition 14)**. The Humboldt County Department of Public Works (DPW) recommended standard conditions of approval relating to fences and encroachments, driveways, and intersections be applied to the project

(Conditions 15, 16, and 17).

California Environmental Quality Act (CEQA)

Environmental review for this project was conducted in January 2022 by the County. Based on the results of that analysis, staff finds that all aspects of the project have been considered in the Mitigated Negative Declaration (MND) adopted for the Commercial Medical Marijuana Land Use Ordinance on January 26, 2016. Accordingly, staff has prepared an addendum to this document for consideration by the Planning Commission. See **Attachment 2** for more information.

Consistency with Humboldt County Board of Supervisors Resolution No. 18-43

Planning staff determined approval of this project is consistent with Humboldt County Board of Supervisors Resolution No. 18-43, which established a limit on the number of permits and acres which may be approved in each of the County's Planning Watersheds. The project site is located in the Middle Main Eel Planning Watershed, which under Resolution 18-43 is limited to 334 permits and 115 acres of cultivation. With the approval of this project the total approved permits in this Planning Watershed would be 84 permits and the total approved acres would be 41.03 acres of cultivation.

RECOMMENDATION: Based on a review of Planning and Building Department reference sources and comments from all involved referral agencies, Planning staff believes that the applicant has submitted evidence in support of making all of the required findings for approval of the Conditional Use Permit (CUP).

ALTERNATIVES: The Planning Commission could elect to 1) not approve the project, or 2) require the applicant to submit further evidence or modify the project. If modifications may cause potentially significant impacts, additional CEQA analysis and findings may be required. These alternatives could be implemented if the Commission is unable to make all of the required findings. Planning staff has stated that the required findings in support of the proposal have been made. Consequently, Planning staff does not recommend further consideration of any alternative.

The Planning Commission could also decide the project may have environmental impacts that would require further environmental review pursuant to CEQA. Staff did not identify any potential impacts. As the lead agency, the Department has determined that the project is consistent with the MND for the CMMLUO as stated above. However, the Commission may reach a different conclusion, In which case, the Commission should continue the item to a future date at least two months later to provide staff adequate time to complete further environmental review.

(USFWS) Information for Planning and Consultation (IPaC). No special status species are located within six (6) miles of the project area. The closest special status species is the foothill yellow-legged frog, a state-listed endangered species, approximately 32,000 feet (6.1 miles) away. Project activities are not expected to produce adverse or cumulative effects to any special status species or habitat, due to the small size of the project area and the type of proposed activities. Therefore, impacts to biological resources with project mitigation measures in place are considered low and unlikely.

- d) A Water Resources Protection Plan (WRPP) 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. 1B161048CHUM). The subject parcel includes four (4) unnamed watercourses that converge with Chamise Creek, which is a tributary of the Eel River. The WRPP recommends the following corrective actions be implemented at the project site: 1) install water meters at the point of diversion to track water usage and 2) implement water conservation techniques (**Condition 9**).
- e) An archaeological survey report was prepared by Nick Angeloff of Archaeological Research and Supply Company (ARSC) (October 2018). Representatives of ARSC conducted a field survey of the subject parcel in September 2018. No significant historic resources were identified, and the report concluded that the project will not affect historic resources. Consultation letters were sent to Native American groups associated with the project area, including the Native American Heritage Commission, Bear River Band of the Rohnerville Rancheria, and Sinkyone Intertribal Wilderness Council. The Bear River Band of the Rohnerville Rancheria requested a copy of the final report and concurred with the recommendations therein. The Sinkyone Intertribal Wilderness Council did not respond to requests for comment. The report recommends establishing a heightened Inadvertent Discovery Protocol to protect cultural resources and/or human remains which may be discovered inadvertently during project work (**Condition 13**).

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 a Streamside Management Area (SMA).

4. FINDING The proposed development is consistent with the purposes of the existing Forestry Recreation (FR) and Special Building Site (B-5(40)) zoning designations in which the site is located.

EVIDENCE: a) Forestry Recreation (FR) areas are intended to be applied to areas of the County in which forestry recreation is the desirable predominant use and agriculture is the secondary use. Special Building Site (B-5(40)) areas are subzones that are intended to be combined with any principal zone, consistent with cultivation activities within the project area.

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 25,366 SF of outdoor cannabis cultivation and a 2,952-SF ancillary propagation area on a 40-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) and Special Building Sites (B-5(40)), (HCC 314-55.4.8.2.2).

b) The parcel was created in compliance with all applicable state and local subdivision regulations, as it was recorded via grant deed with Humboldt County on March 2, 2012.

c) Irrigation water is sourced from four (4) onsite rainwater catchment ponds, which have a total storage capacity of approximately 1,100,000 gallons. Ponds A and B each have a capacity of approximately 300,000 gallons; Pond C has a capacity of 100,000 gallons; and Pond D has a capacity of 400,000 gallons. Additionally, water is stored in twelve (12) hard storage tanks, including four (4) 5,000-gallon tanks and eight (8) 3,000-gallon tanks. Total water storage onsite is 1,144,000 gallons. Cultivation areas are watered by drip irrigation systems. Total annual water use is estimated to be 210,000 gallons (8.3 gal/SF). The project can comply with full forbearance requirements during the required period (April 1 – October 31).

d) The slope of the land where cannabis will be cultivated is less than 15%.

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, more than 300 feet from any offsite residence, and more than 600 feet from any school, church, public park, or Tribal Cultural Resource.

6. FINDING The cultivation of 25,366 SF of outdoor cannabis cultivation and the conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

EVIDENCE: a) All access roads on the property shall be maintained in compliance with the State Water Resources Control Board Order WQ 2019-0001-DWQ, which states that all access roads are to be hydrologically disconnected to receiving waters. To ensure that roads meet this condition, the applicant shall implement the erosion control measures outlined in the LSAA that address the replacement of undersized culverts at stream crossings (**Condition 10**).

- 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) The location of the proposed cannabis cultivation is more than 300 feet from the nearest off-site residence.
- d) Irrigation water is sourced from four (4) onsite rainwater catchment ponds, which have a total storage capacity of approximately 1,100,000 gallons. Ponds A and B each have a capacity of approximately 300,000 gallons; Pond C has a capacity of 100,000 gallons; and Pond D has a capacity of 400,000 gallons. Additionally, water is stored in twelve (12) hard storage tanks, including four (4) 5,000-gallon tanks and eight (8) 3,000-gallon tanks. Total water storage onsite is 1,144,000 gallons.
- e) Provisions have been made in the applicant's proposal to 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 contains one (1) existing residential unit. The approval of cannabis cultivation on this parcel will not conflict with the operation or use of the existing residential unit onsite.

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: Planning staff determined approval of this project is consistent with Humboldt County Board of Supervisors Resolution No. 18-43, which established a limit on the number of permits and acres which may be approved in each of the County's Planning Watersheds. The project site is located in the Middle Main Eel Planning Watershed, which under Resolution 18-43 is limited to 334 permits and 115 acres of cultivation. With the approval of this project the total approved permits in this Planning Watershed would be 84 permits and the total approved acres would be 41.03 acres of cultivation.

DECISION

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

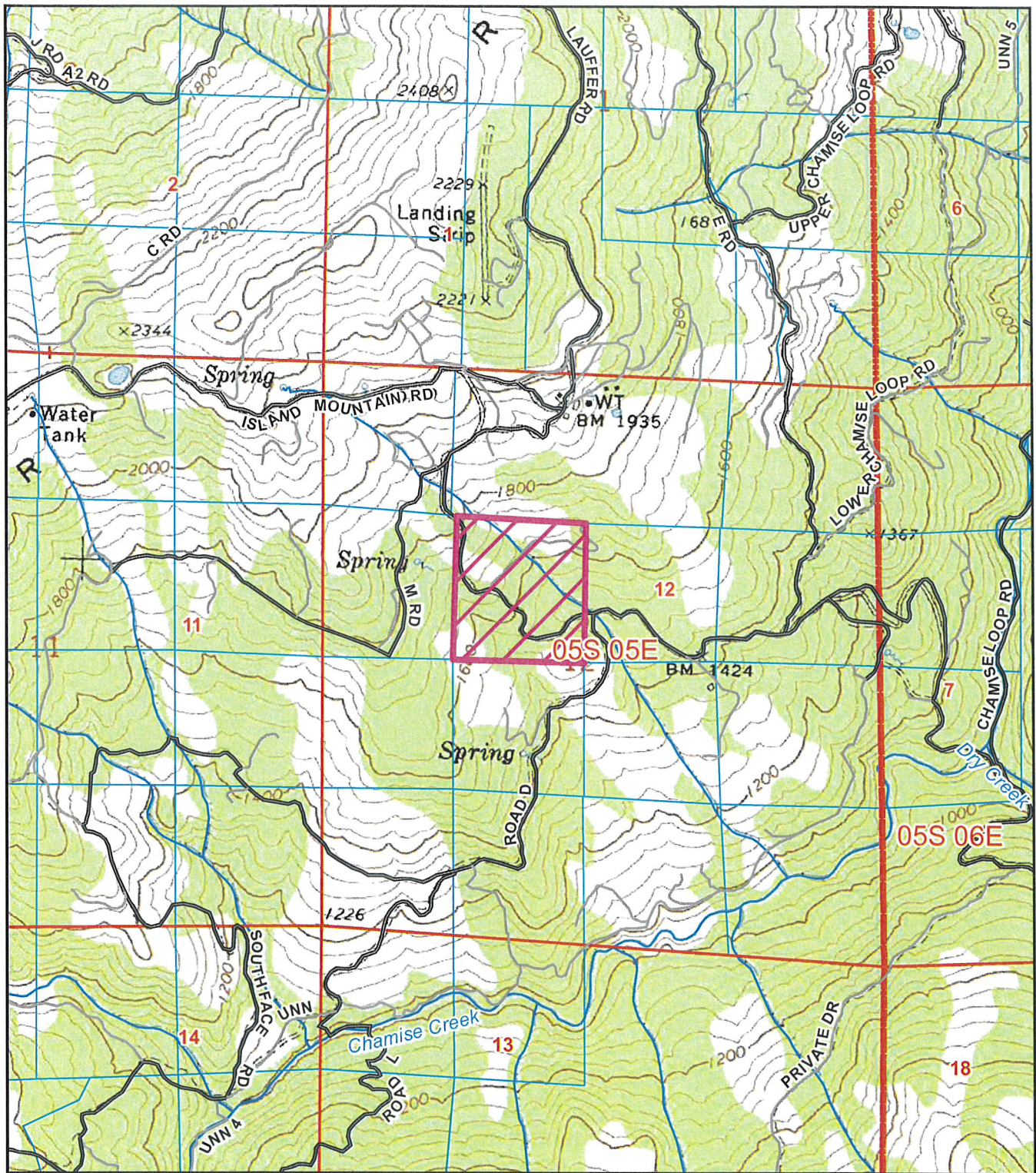
- Adopt the findings set forth in this resolution; and
- Conditionally approve the Conditional Use Permit (PLN-12905-CUP) for Jake Perkins' Farm based upon the Findings and Evidence and subject to the conditions of approval attached hereto as Attachment 1 and incorporated herein by reference; and
- Adopted after review and consideration of all the evidence on February 17, 2022.

The motion was made by COMMISSIONER _____ and second by COMMISSIONER _____ and the following ROLL CALL vote:

AYES: COMMISSIONERS:
 NOES: COMMISSIONERS:
 ABSENT: COMMISSIONERS:
 ABSTAIN: COMMISSIONERS:
 DECISION:

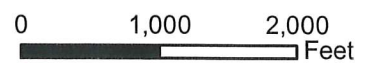
I, John Ford, Secretary to the Planning Commission of the County of Humboldt, do hereby certify the foregoing to be a true and correct record of the action taken on the above entitled matter by said Commission at a meeting held on the date noted above.

 John Ford, Director
 Planning and Building Department

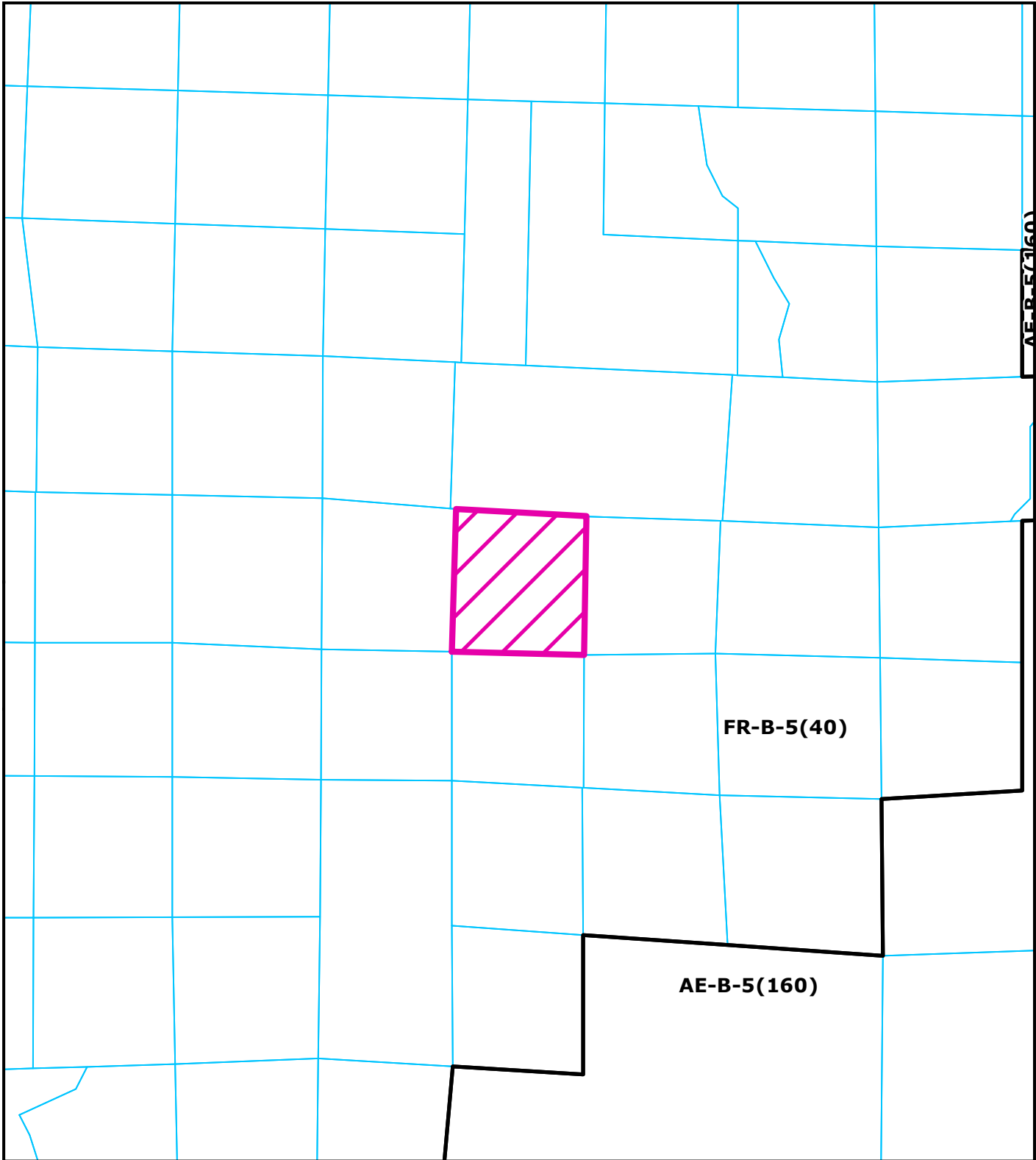


TOPO MAP
PROPOSED JAKE PERKINS
PALO VERDE AREA
CUP-16-911
APN: 218-141-006
T05S R05E S12 HB&M (JEWETT ROCK)

Project Area =

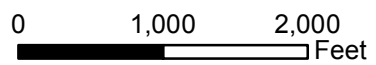


This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.

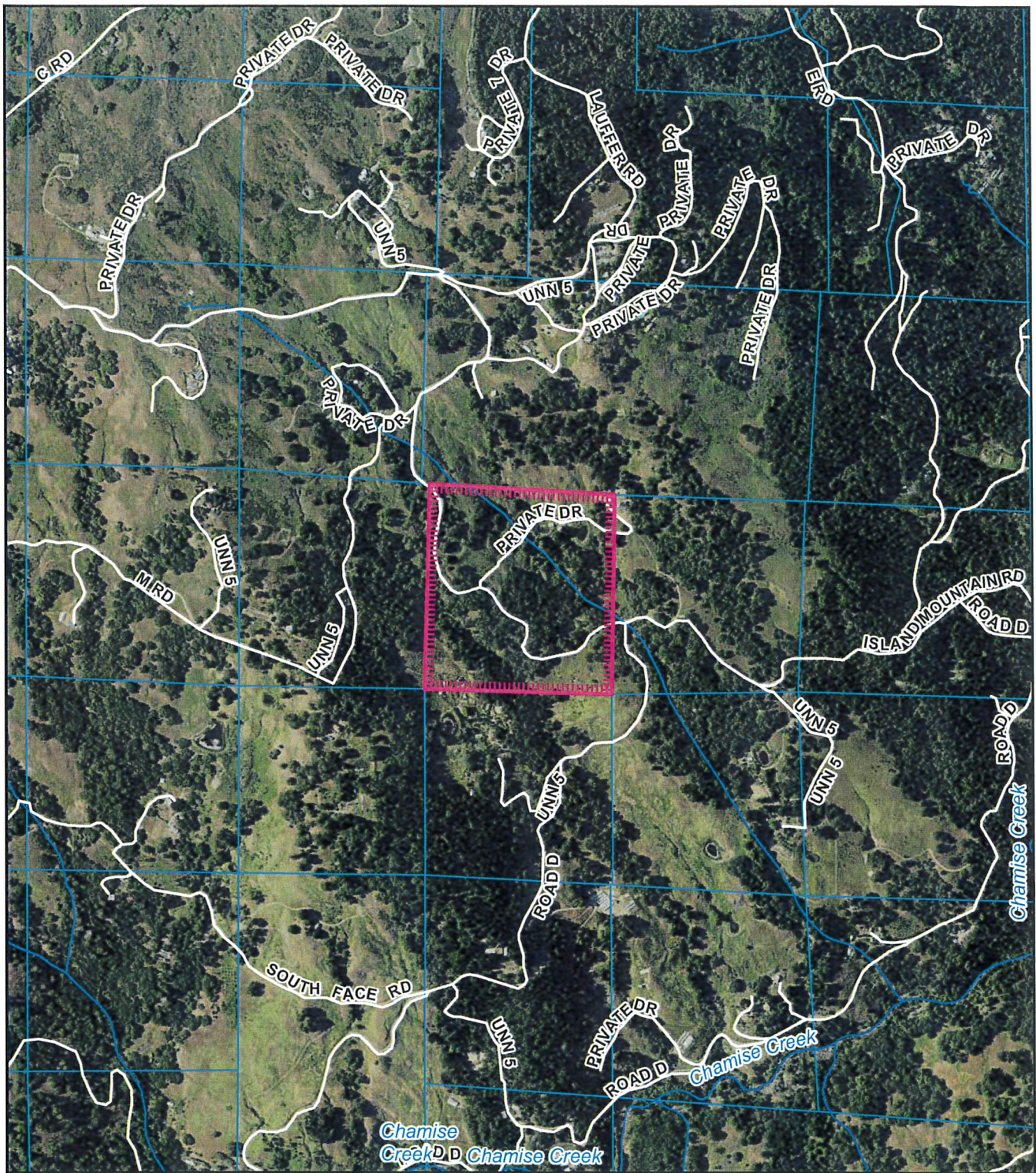


Project Area = 

ZONING MAP
PROPOSED JAKE PERKINS
PALO VERDE AREA
CUP-16-911
APN: 218-141-006
T05S R05E S12 HB&M (JEWETT ROCK)



This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.



AERIAL MAP
PROPOSED JAKE PERKINS
PALO VERDE AREA
CUP-16-911
APN: 218-141-006
T05S R05E S12 HB&M (JEWETT ROCK)

Project Area = 



This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.



APN 218-141-006

Map Scale 1" = 130'

Site Plan

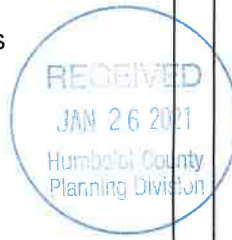
- Property Boundary
- Immature/Mature Cultivation Area
- Cultivation Area
- Parking, Turn-Around
- Structure

- Riparian Buffer
- Pond
- Ditch
- Class III Watercourse
- Class II Watercourse
- Permanent Road
- Trail

- Watercourse Crossing
- Point of Diversion
- Water Tank
- Septic
- Entrance/Exit

Project Information:

Applicant/Owner: Jacob Perkins
 APN: 218-141-006
 APPS: 12905
 Parcel Size: 40 Acres
 Zoning: FR-B-5(40)
 Cultivation Area: 25,366 SqFt



For planning purposes only.

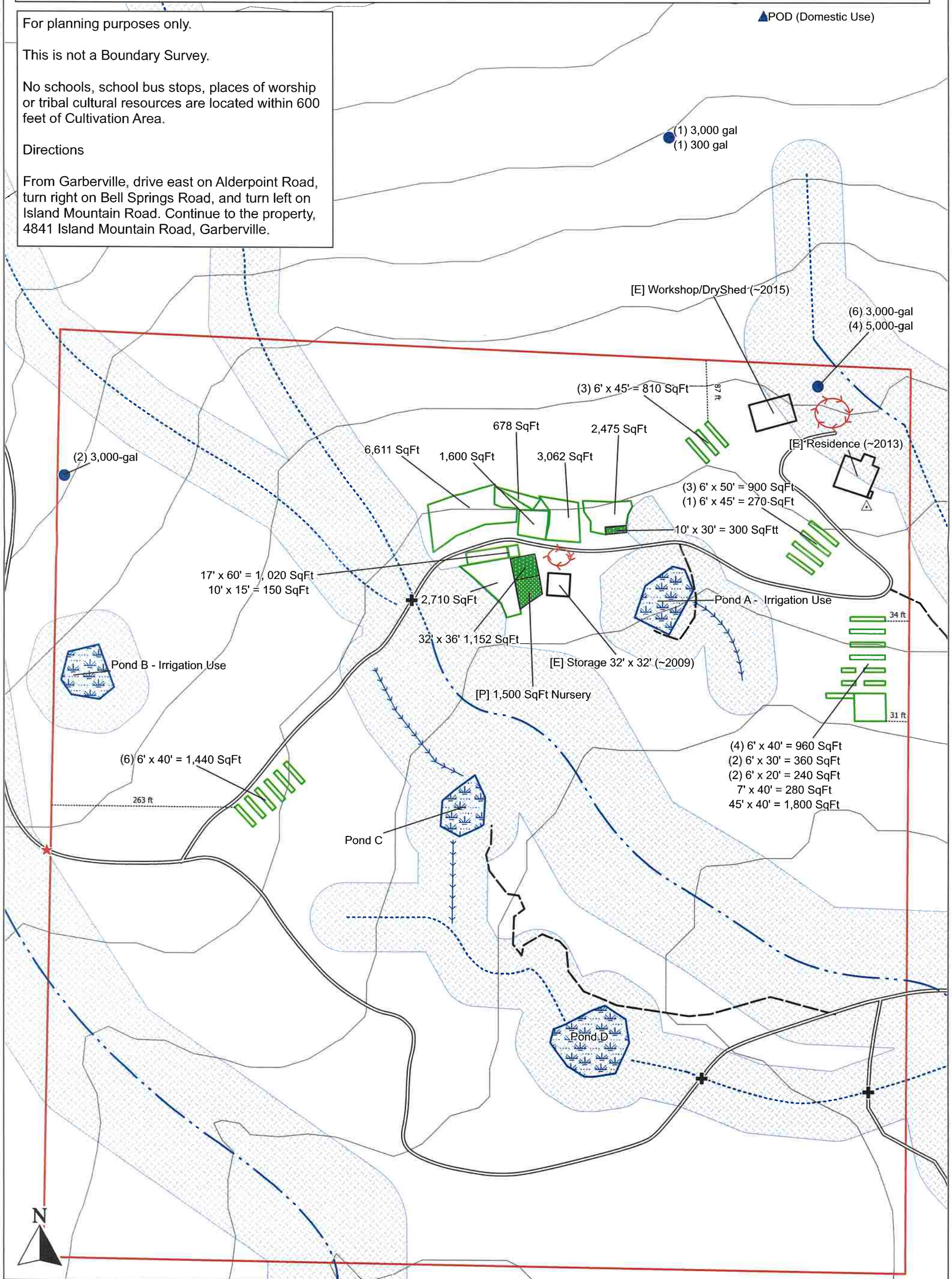
This is not a Boundary Survey.

No schools, school bus stops, places of worship or tribal cultural resources are located within 600 feet of Cultivation Area.

Directions

From Garberville, drive east on Alderpoint Road, turn right on Bell Springs Road, and turn left on Island Mountain Road. Continue to the property, 4841 Island Mountain Road, Garberville.

▲POD (Domestic Use)



ATTACHMENT 1

RECOMMENDED CONDITIONS OF APPROVAL

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

A. General Conditions:

1. The applicant is responsible for obtaining all necessary County and State permits and licenses, and for meeting all requirements set forth by other regulatory agencies.
2. The applicant is required to pay for permit processing on a time and material basis, as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Planning and Building Department will provide a bill to the applicant after the decision. Any and all outstanding planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
3. The applicant is responsible for costs for post-approval review for determining project conformance with conditions. A deposit is collected to cover the staff review. Permit conformance with conditions must be demonstrated prior to release of building permit or initiation of use, and at the time of annual inspection. A conformance review deposit, as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750), shall be paid within sixty (60) days of the effective date of the permit or upon filing of the Compliance Agreement (where applicable), whichever occurs first. Payment shall be made to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
4. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. **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 #22. 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 schedule and obtain an onsite Building Division review to ensure that permits for all structures, greenhouses, water tanks or other cannabis and/or residential structures have been obtained. This inspection shall be scheduled within thirty (30) days of permit approval and conducted within three (3) months permit approval. Any structures identified to require permits shall be permitted through the Humboldt County Building Department within two (2) years of the inspection date.
7. The approved building plans shall meet all applicable fire codes, including fire suppression infrastructure requirements deemed necessary for the project by the Building Inspection Division. Sign-off on the Occupancy Permit by the Building Division shall satisfy this requirement.
8. Within sixty (60) days of project approval, the applicant shall provide to the Humboldt County Department of Health and Human Services Environmental Health Division (DEH) a written assessment

from a qualified septic consultant confirming a minimum of Tier 0 status for the existing onsite waste treatment system serving the project.

9. The applicant shall complete the corrective actions identified in the Water Resources Protection Plan (WRPP) (WDID No. 1B161048CHUM) as follows:
 - a. Install water meters at the point of diversion to track water usage within three (3) months of project approval.
 - b. Implement water conservation techniques.
10. The applicant shall perform the corrective actions identified in the Lake and Streambed Alteration Agreement (LSAA Notification No. 1600-2019-0230-R1) as follows:
 - a. At POD-2, install a new primary spillway designed to withstand 100-year flow and debris. Retain the existing spillway for secondary overflow.
 - b. Maintain Crossing 1 in good operating condition.
 - c. Replace the existing 18-inch culvert at Crossing 3 with a minimum 30-inch culvert.
11. Within six (6) months of project approval, the applicant shall execute an agreement with the California Department of Fish and Wildlife to address features that are not covered in LSAA Notification No. 1600-2019-0230-R1. Project features not covered by this agreement are subject to notification under Fish and Game code 1600 and include Ponds A, B, and C; Crossing 2; and Trail Unique Point 7. The applicant shall comply with the recommendations and deadlines identified in the agreement.
12. The applicant shall comply with the following required measures as specified in the LSAA (Notification No. 1600-2019-0033-R1):
 - a. Document all activities that occur within waterways in the project area.
 - b. All work (excluding water diversion) shall be confined to the dry weather period, from June 15 through October 15 of each year.
 - c. Water diversion structures shall be constructed and maintained to not inhibit the movement of aquatic life.
 - d. Erosion and runoff protection measures shall be placed and maintained along streambanks prior to any construction activities.
 - e. The maximum instantaneous diversion rate from the water intake shall not exceed five (5) gallons per minute at any time, and the applicant shall bypass 90% of flow at all times during the diversion season.
 - f. Project work shall be completed by no later than October 15, 2022. Notification of completion shall be submitted to the California Department of Fish and Wildlife (CDFW) per specifications of the LSAA within seven (7) days of project completion.
13. The applicant shall implement the Inadvertent Discovery Protocol. If buried archaeological resources are discovered during project implementation all work shall be halted within 100 feet of the find and county officials, a professional archaeologist, and tribal representatives shall be contacted immediately to evaluate the find. If human remains are discovered during project implementation all work shall be halted and the permitting agency, Humboldt County, shall be contacted immediately. The county shall contact the county coroner immediately and the coroner will evaluate the find to determine the subsequent course of action.
14. The applicant shall comply with the recommendations of the Road Evaluation Report prepared by David Nicoletti, PE (September 10, 2018):
 - a. Cut grass along the access road and keep the road free of debris.
 - b. Clear obstructions at the inlets and outlets of culverts.
15. COUNTY ROADS – FENCES AND ENCROACHMENTS – All fences and gates shall be relocated out of the county right-of-way. All gates shall be set back sufficiently from the county road so that vehicles will not block traffic when staging to open/close the gate. In addition, no materials shall be stored or

placed in the county right-of-way. This condition shall be completed to the satisfaction of the Humboldt County Department of Public Works (DPW) prior to commencing operations, final sign-off for a building permit, or DPW approval for a business license.

16. COUNTY ROADS – DRIVEWAY (PART 2) – Any existing or proposed driveways that will serve as access for the proposed project that connect to a county-maintained road shall be improved to current standards for a commercial driveway. An encroachment permit shall be issued by DPW prior to commencement of any work in the county-maintained right-of-way. This includes installing or replacing driveway culverts; minimum size is typically 18 inches. If the county road has a paved surface at the location of the driveway, the driveway apron shall be paved for a minimum width of 18 feet and a length of 50 feet. If the county road has a gravel surface at the location of the driveway, the driveway apron shall be rocked for a minimum width of 18 feet and a length of 50 feet. If the county road is an urban road, frontage improvements (curb, gutter, and sidewalk) shall also be constructed to the satisfaction of DPW. Any existing curb, gutter, or sidewalk that is damaged shall be replaced. The exact location and quantity of driveways shall be approved by DPW at the time the applicant applies to DPW for an encroachment permit. This condition shall be completed to the satisfaction of DPW prior to commencing operations, final sign-off for a building permit, or DPW approval for a business license.
17. COUNTY ROADS – DRIVEWAY AND PRIVATE ROAD INTERSECTION VISIBILITY – All driveways and private road intersections onto the County Road shall be maintained in accordance with County Code Section 341-1 (Sight Visibility Ordinance). This condition shall be completed to the satisfaction of DPW prior to commencing operations, final sign-off for a building permit, or DPW approval for a business license.
18. The applicant shall contact the Palo Verde Volunteer Fire Department and furnish written documentation from that agency of the available emergency response and fire suppression services and any recommended project mitigation measures. Mitigation measures shall be incorporated into the project, if applicable. If emergency response and fire suppression services are not provided, the applicant shall cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning and Building Department. 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.
19. 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.
20. 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.
21. The applicant shall apply for a water quality certification and receive approval from the NCRWQCB prior to beginning any instream work.
22. The applicant shall apply for a Corps 404 permit from the US Army Corps of Engineers prior to beginning any instream work.

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

1. The combined noise from background, generator, greenhouse fan, or other operational activities and equipment must not result in the harassment of Northern Spotted Owl (NSO) 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 NSO habitat, whichever is closer, shall be at or below 50 decibels. Conformance

will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service, and further consultation where necessary. A building permit shall be obtained should any structures be necessary for noise attenuation.

2. All artificial light utilized in mixed-light greenhouses shall be limited to 6 watts per square foot, with no wattage limit in the ancillary propagation greenhouse. All artificial lighting shall be fully contained within structures such that no light escapes (i.e., through the use of blackout curtains). Structures shall be enclosed between 30 minutes prior to sunset and 30 minutes after sunrise to prevent disruption to crepuscular wildlife. Security lighting shall be motion activated and comply with the International Dark-Sky Association standards and Fixture Seal of Approval Program (refer to <https://www.darksky.org/our-work/lighting/lighting-for-citizens/lighting-basics/>). Standards include, but are not limited to: Light shall 1) be shielded and downward facing, 2) consist of Low Pressure Sodium (LPS) light or low spectrum Light Emitting Diodes (LED) with a color temperature of 3000 kelvins or less, and 3) only be placed where needed.
3. Should the Humboldt County Planning Division receive complaints that the lighting or noise is not complying with the standards listed above in items B.1. and B.2., within ten (10) working days of receiving written notification that a complaint has been filed, the applicant shall submit written verification that the lights' shielding and alignment and noise levels have been repaired, inspected, and corrected as necessary.
4. The use of synthetic netting for purposes of erosion control is prohibited. To minimize the risk of wildlife entrapment, the applicant shall not use any erosion control materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.
5. All refuse shall be contained in wildlife proof storage containers at all times, and disposed at an authorized waste management facility.
6. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and shall be allowed to leave the work site unharmed.
7. The use of anticoagulant rodenticide is prohibited.
8. 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.
9. All components of the project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, and these conditions of approval. Any changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan. When offsite processing is chosen to be the preferred method of processing, this permit shall be modified to identify the offsite licensed facility.
10. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CMMLUO and Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA), as applicable to the permit type.
11. 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.

12. The permittee shall have possession of a current, valid required license, or licenses, issued by any agency of the State of California in accordance with the MAUCRSA, and regulations promulgated thereunder, as soon as such licenses become available.
13. The permittee shall be in compliance with all statutes, regulations, and requirements of the California State Water Resources Control Board and the Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration, as applicable.
14. The permittee shall ensure confinement of the area of cannabis cultivation, processing, manufacture, or distribution to the locations depicted on the approved site plan. The commercial cannabis activity shall be set back at least 30 feet from any property line and 600 feet from any school, school bus stop, church or other place of religious worship, or tribal cultural resources, except where a reduction to this setback has been approved pursuant to Section 55.4.11(d).
15. The permittee shall maintain enrollment in Tier 1, 2, or 3, certification with North Coast Regional Water Quality Control Board (NCRWQCB) 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.
16. The permittee shall 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).
17. The permittee shall comply with the terms of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (CAL FIRE), if applicable.
18. The permittee shall consent to an annual on-site compliance inspection, with at least 24 hours prior notice, to be conducted by appropriate County officials during regular business hours (Monday through Friday, 9:00 a.m. to 5:00 p.m., excluding holidays).
19. The permittee shall pay all applicable fees for application review to ensure conformance with conditions and annual inspection fees.
20. 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.
21. Fertilizer, pesticide, fungicide, rodenticide, or herbicide shall be properly stored, handled and used in accordance with applicable regulations.
22. The master log books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
23. The permittee shall pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).

Performance Standards for Cultivation and Processing Operations

24. Pursuant to the MAUCRSA, Health and Safety Code Section 19322(a)(9), an applicant seeking a cultivation license shall "provide a statement declaring the applicant is an 'agricultural employer,'

as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 commencing with Section 1140) of Division 2 of the Labor Code), to the extent not prohibited by law.”

25. 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).
26. 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.
27. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:
 - a. Cultivation operations and processing operations must implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:
 - (1) Emergency action response planning as necessary;
 - (2) Employee accident reporting and investigation policies;
 - (3) Fire prevention;
 - (4) Hazard communication policies, including maintenance of material safety data sheets (MSDS);
 - (5) Materials handling policies;
 - (6) Job hazard analyses; and
 - (7) Personal protective equipment policies, including respiratory protection.
 - b. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
 - (1) Operation manager contacts;
 - (2) Emergency responder contacts; and
 - (3) Poison control contacts.
 - c. At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations. Plumbing facilities and water source must be capable of handling increased usage without adverse consequences to neighboring properties or the environment.
 - d. Onsite housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.
28. All cultivators shall comply with the approved processing plan as to the following:
 - a. Processing practices
 - b. Location where processing will occur
 - c. Number of employees, if any
 - d. Employee Safety Practices
 - e. Toilet and handwashing facilities
 - f. Plumbing and/or septic system and whether or not the system is capable of handling increased usage
 - g. Drinking water for employees
 - h. Plan to minimize impact from increased road use resulting from processing
 - i. Onsite housing, if any

29. Term of Commercial Cannabis Activity Special Permit. Any Commercial Cannabis Activity Permit 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.
30. If the inspector or other County official determines that the permittees or site do not comply with the conditions of approval, the inspector shall serve the permit holder with a written statement identifying the items not in compliance, and the action that the permit holder may take to cure the noncompliance, or file an appeal within ten (10) days of the date that the written statement is delivered to the permit holder. Personal delivery or mailing the written statement to the mailing address listed on the application by regular mail, plus three (3) days after date of mailing, shall constitute delivery. The permit holder may request a re-inspection to determine whether or not the permit holder has cured all issues of noncompliance. Failure to request re-inspection or to cure any items of noncompliance shall terminate the 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.
31. 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.
32. 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.
33. 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.
34. 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 #B.11 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 #B.29 and B.30 of the Ongoing Requirements/Development Restrictions, above.
3. If cultural resources are encountered during construction activities, the contractor onsite shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist and the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and the lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

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

4. The applicant shall be aware that the Federal Government considers the cultivation of cannabis to be an illegal activity. This project is accessed by using roads that pass-through lands owned by the Federal Government. The Federal Government may not allow the applicant to use these roads to transport cannabis. In such case, Humboldt County will not provide relief to the applicant. Approval of this permit does not authorize transportation of cannabis across Federal lands.

ATTACHMENT 2

**CEQA ADDENDUM TO THE
MITIGATED NEGATIVE DECLARATION FOR THE COMMERCIAL MEDICAL MARIJUANA LAND USE
ORDINANCE**

**Commercial Medical Marijuana Land Use Ordinance Mitigated Negative Declaration (MND)
(State Clearinghouse # 2015102005), January 2016**

**APN 218-141-006; 4841 Island Mountain Road, New Harris, CA 95542
County of Humboldt**

**Prepared By
Humboldt County Planning and Building Department
3015 H Street, Eureka, CA 95501**

January 2022

BACKGROUND

Purpose of Addendum

Section 15164 of the California Environmental Quality Act (CEQA) provides that the lead agency shall prepare an addendum to a previously certified Mitigated Negative Declaration (MND) if some changes or additions are necessary, but none of the conditions described in Section 15162 calling for a subsequent EIR or Negative Declaration have occurred. Section 15162 states that when an EIR has been certified for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

1. Substantial changes are proposed in the project which require major revisions of the previous MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous MND was certified as complete, shows any of the following: A) the project will have one or more significant effects not discussed in the previous MND; B) significant effect previously examined will be substantially more severe than shown in the previous MND; C) mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or D) mitigation measures or alternatives which are considerably different from those analyzed in the previous MND would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Project History

The Commercial Medical Marijuana Land Use Ordinance (CMMLUO) established specific regulations for commercial cannabis operations in Humboldt County. The CMMLUO was considered a "project" under CEQA and thus required analysis for potential environmental impacts. Therefore, the CMMLUO regulations were developed and adopted in concert with the environmental analysis and MND that was adopted for the ordinance in 2016.

The MND addressed the broad environmental impacts that could be expected to occur from the adoption and implementation of the ordinance. The MND specified that the regulations established in the CMMLUO would mitigate the impacts of existing cannabis operations and unregulated land use to help prevent and reduce environmental impacts that are known to result from unpermitted baseline cultivation operations. Commercial cannabis cultivation in existence as of December 31, 2015, was included in the environmental baseline for the MND. The MND states that "Bringing existing operations into compliance will help to attenuate potential environmental effects from existing cultivation activities, including aesthetic impacts resulting from improper operation or poor siting." As applications are filed for new or differing cultivation activities, the "modification" to the CMMLUO is evaluated for consistency and compliance with the CMMLUO MND.

Modified Project Description

The modified project involves a Conditional Use Permit (PLN-12905-CUP) for 25,366 square feet (SF) of outdoor cannabis cultivation. Propagation occurs in three (3) areas totaling 2,952 SF. Drying, hand trimming, and packaging occur onsite in a 2,400-SF facility.

The project area is located on mountainous slopes with high instability. The present land use designation is Residential Agriculture (RA), as defined in the Humboldt County 2017 General Plan Update, and the 40-acre parcel is zoned as Forestry Recreation (FR) and Special Building Site (B-5(40)). Besides the operator, no additional employees are needed to assist with cultivation operations. Electrical power is provided by a solar array, and one (1) Kohler 8.5-kW propane generator is used as a backup power source.

Irrigation water is sourced from four (4) onsite rainwater catchment ponds (Ponds A, B, C, and D), which have a total storage capacity of approximately 1,100,000 gallons. Ponds A and B each have a capacity of approximately 300,000 gallons; Pond C has a capacity of 100,000 gallons; and Pond D has a capacity of 400,000 gallons. Additionally, water is stored in twelve (12) hard storage tanks, including four (4) 5,000-gallon tanks and eight (8) 3,000-gallon tanks. Total water storage onsite is 1,144,000 gallons. Cultivation areas are watered by drip irrigation systems. Total annual water use is estimated to be 210,000 gallons (8.3 gal/SF). The project can comply with full forbearance requirements during the required period (April 1 – October 31). The project area is located within the Eel River watershed.

A Water Resources Protection Plan (WRPP) 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. 1B161048CHUM). The subject parcel includes four (4) unnamed watercourses that converge with Chamise Creek, which is a tributary of the Eel River. The WRPP recommends the following corrective actions be implemented in the project area: 1) install water meters at the point of diversion to track water usage; and 2) implement water conservation techniques (**Condition 9**).

A Lake and Streambed Alteration Agreement (LSAA) has been filed with CDFW to address work to be conducted within the waterways (Notification No. 1600-2019-0230-R1). The LSAA includes the following features: two (2) points of diversion (POD-1 and POD-2, or Pond D) and two (2) stream crossings (Crossings 1 and 3). At POD-2, the applicant shall install a new primary spillway designed to withstand 100-year flow and debris. The existing spillway shall be retained for secondary overflow. The applicant shall maintain Crossing 1 in good condition and replace an existing 18-inch culvert at Crossing 3 with a minimum 30-inch culvert. (**Condition 10**)

There are additional features onsite that are not included in the LSAA (Notification No. 1600-2019-0230-R1) and require a separate agreement with CDFW to ensure compliance. These features include Ponds A, B, and C; Crossing 2; and Trail Unique Point 7. Within six (6) months of project approval, the applicant shall execute an agreement with CDFW to cover these features, which are subject to notification under Fish and Game code 1600. The applicant shall comply with the recommendations and deadlines identified in that agreement. (**Condition 11**)

The LSAA establishes specific corrective actions that the applicant must apply to offset potential impacts to waterways within the area. The corrective actions are summarized as follows: 1) Document all activities that occur within waterways at the project site; 2) All work (excluding the water diversion) shall be confined to the dry weather period, from June 15 through October 15 of each year; 3) Water diversion structures shall be constructed and maintained to not inhibit the movement of aquatic life; 4) Erosion and runoff protection measures shall be placed and maintained along streambanks prior to any construction activities; 5) The maximum instantaneous diversion rate from the water intake shall not exceed five (5) gallons per minute at any time, and the applicant shall bypass 90% of flow at all times; and 6) The proposed work shall be completed no later than October 15, 2022, and a notice of

completed shall be submitted to CDFW within seven (7) days of project completion. (**Condition 12**)

A list of potential special status species was generated in January 2022 May 2021 using the following information systems: California Natural Diversity Database (CDFW 2021), Biogeographic Information and Observation System (BIOS), Northern Spotted Owl Viewer (CDFW 2021), and US Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC). No special status species are located within six (6) miles of the project area. The closest special status species is the foothill yellow-legged frog, a state-listed endangered species, approximately 32,000 feet (6.1 miles) away. Project activities are not expected to produce adverse or cumulative effects to any special status species or habitat, due to the small size of the project area and the type of proposed activities. Therefore, impacts to biological resources with project mitigation measures in place are considered low and unlikely.

An archaeological survey report was prepared by Nick Angeloff of Archaeological Research and Supply Company (ARSC) (October 2018). Representatives of ARSC conducted a field survey of the subject parcel in September 2018. No significant historic resources were identified, and the report concluded that the project will not affect historic resources. Consultation letters were sent to Native American groups associated with the project area, including the Native American Heritage Commission, Bear River Band of the Rohnerville Rancheria, and Sinkyone Intertribal Wilderness Council. The Bear River Band of the Rohnerville Rancheria requested a copy of the final report and concurred with the recommendations therein. The Sinkyone Intertribal Wilderness Council did not respond to requests for comment. The report recommends establishing a heightened Inadvertent Discovery Protocol to protect cultural resources and/or human remains which may be discovered inadvertently during project work (**Condition 13**).

The modified project is consistent with the adopted MND for the CMMLUO because it complies with all standards of the CMMLUO, which were intended to mitigate impacts of existing cultivation.

Summary of Significant Project Effects and Required Mitigation

No changes are proposed for the mitigation measures identified in the original MND. The proposal to authorize the continued operation of an existing cannabis cultivation site, 25,366 SF of outdoor cultivation, with a 2,952-SF ancillary propagation area, is fully consistent with the impacts identified and adequately mitigated in the original MND. The project, as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the MND. Compliance with the CMMLUO ensures consistency with the adopted MND and provides for mitigation of all project related impacts to a less than significant level.

In reviewing the application for consistency with the adopted MND, the County considered the following information and studies, among other documents:

- Site Plan prepared by applicant, received 1/26/2021
- Cultivation and Operations Plan prepared by Emerald Heritage Farms, received 10/18/2018
- Lake and Streambed Alteration Agreement (Notification No. 1600-2018-0230-R1), dated 6/18/2021
- Water Resources Protection Plan (WDID No. 1_1B161048CHUM) prepared by Timberland Resource Consultants, received 6/29/2017
- Northwest Information Center (NWIC) records search conducted by Bryan Much on 1/30/2018
- Road Evaluation Report prepared by David Nicoletti, PE, received 9/10/2018

Other CEQA Considerations

Staff suggests no changes for the revised project.

EXPLANATION OF DECISION NOT TO PREPARE A SUPPLEMENTAL MITIGATED NEGATIVE DECLARATION OR ENVIRONMENTAL IMPACT REPORT

See **Purpose** statement above.

For every environmental topic analyzed in this review, the potential environmental impacts of the current project proposal, Jake Perkins' Farm, would be the same or similar. There would be no new significant environmental impacts or a substantial increase in the severity of previously identified significant impact, than the initial CMMLUO project for which the MND was adopted. Based upon this review, the following findings are supported.

FINDINGS

1. The proposed project will permit an existing cannabis operation and bring the operation into compliance with county and state requirements intended to adequately mitigate environmental impacts.
2. The circumstances under which the project was approved have not changed substantially. There are no new significant environmental effects and no substantial increases in the severity of previously identified effects.
3. For the current proposed project, there has been no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous MND was adopted as complete.

CONCLUSION

Based on these findings it is concluded that an Addendum to the certified MND is appropriate to address the requirements under CEQA for the current project proposal, Jake Perkins' Farm. All of the findings, mitigation requirements, and mitigation and monitoring program of the MND, remain in full force and effect on the original project.

Attachment 3 Application Report of Findings

Attachment 3 includes a listing of all written evidence which has been submitted by the applicant in support of making the required findings. The following materials are on file with the Planning Division:

1. The name, contact address, and phone number(s) of the applicant. **(On file)**
2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. **(On file)**
3. Site plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within one-quarter mile (1,320 feet) of a school, school bus stop, church or other place of religious worship, public park, or tribal cultural resource, the site plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 600 feet. (Site Plan prepared by applicant, received 1/26/2021–**Attached**)
4. A cultivation and operations plan that meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel; and a description of cultivation activities (outdoor, indoor, mixed light), the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. (Cultivation and Operations Plan prepared by Emerald Heritage Farms, received 10/18/2018 – **Attached**)
5. Copy of the statement of water diversion, or other permit, license or registration filed with the State Water Resources Control Board, Division of Water Rights, if applicable. **(Not applicable)**
6. Description of water source, storage, irrigation plan, and projected water usage. (Included in Cultivation Operations Plan, item 4 above – **Attached**)
7. Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the North Coast Regional Water Quality Control Board demonstrating enrollment in Tier 1, 2 or 3, North Coast Regional Water Quality Control Board Order No. 2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. **(On file)**
8. If any onsite or offsite component of the cultivation facility (including access roads, water supply, grading or terracing) impacts the bed or bank of any stream or other watercourse, a copy of the Streambed Alteration Permit obtained from the California Department of Fish and Wildlife on June 22, 2020 (LSAA Notification No. 1600-2019-0230-R1). **(On file)**
9. If the source of water is a well, a copy of the County well permit, if available. **(Not applicable)**
10. If the parcel is zoned FR, U or TPZ, or involves the conversion of timberland as defined under Section 4526 of the Public Resources Code, a copy of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (Cal Fire). Alternately, for existing operations occupying sites created through prior unauthorized conversion of timberland, evidence may be provided showing that the landowner has completed a civil or criminal process and/or entered into a negotiated settlement with Cal Fire. **(Not applicable)**

11. Consent for onsite inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. **(On file)**
12. Acknowledgment 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, will not support diversions for irrigation. **(On file)**
13. Acknowledgment that the County reserves the right to engage with local tribes before consenting to the issuance of any clearance or permit, if cultivation operations occur within an Area of Traditional Tribal Cultural Affiliation, as defined herein. This process will follow current departmental referral protocol, including engagement with the tribe(s) through coordination with their Tribal Historic Preservation Officer (THPO) or other tribal representatives. This procedure shall be conducted similar to the protocols outlined under SB 18 (Burton) and AB 52 (Gatto), which describe "government to government" consultation, through tribal and local government officials and their designees. During this process, the tribe may request that operations associated with the clearance or permit be designed to avoid, minimize, or mitigate impacts to tribal cultural resources, as defined herein. Examples include, but are not limited to, conducting a site visit with the THPO or their designee to the existing or proposed cultivation site, requiring that a professional cultural resources survey be performed, or requiring that a tribal cultural monitor be retained during project-related ground disturbance within areas of sensitivity or concern. The County shall request that a records search be performed through the California Historical Resources Information System (CHRIS). **(On file)**
14. Division of Environmental Health Attachment for Commercial Medical Marijuana (CMM) Clearances/ Permits (DEH Form). **(On file)**

**JAKE PERKINS' FARM
CULTIVATION AND OPERATIONS MANUAL
HUMBOLDT COUNTY, CA**



**COMMERCIAL CANNABIS
CULTIVATION FACILITIES**

Prepared For:



October 2018

JAKE PERKINS
PO Box 239
Garberville, CA 95542

Cultivation and Operations Plan

October 2018
APN: 218-141-006
App#: 12905

Commercial Cannabis Cultivation Facilities

Lead Agency:

Humboldt County Planning Department
3015 H Street
Eureka, CA 95501

Prepared By:



EMERALD HERITAGE
FARMS

Consulting . Advocacy . Education

Dani Burkhart
P.O. Box 5062
Eureka, CA 95502

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1.0 Operations Plan

1.1 Water Management

1.11 Source

Jake Perkins' Farm will draw water from four onsite ponds and a tank farm located on APN 218-141-006. Jake Perkins' Farm has submitted a Notice of Intent for Waiver of Waste Discharge Requirements as Tier 2 with the North Coast Regional Water Quality Control Board (NCRWQCB) and will adhere to the standards of that tier to maintain enrollment. A Water Resource Protection Plan has been developed.

1.12 Storage

Agricultural irrigation is sourced from four off-stream, man-made ponds on the parcel -- these ponds are over 30 years old and are rainfed. The ponds hold approximately 1,000,000 gallons of water total. In addition to the ponds, there are multiple hard storage tanks consisting of a single 1,500 gal plastic tank, eight tanks with a capacity of 3,000-gallons each and four tanks with a 5,000-gallon capacity each -- these total 45,500 gallons of hard tank storage. This is a sufficient amount of water storage to comply with a forbearance period.

1.13 Irrigation Plan & Projected Usage

Cultivation areas are watered by drip system and the entire cultivation area has been mulched. Total usage is approximately 100,000-200,000 gallons of water per year. Water meters are installed to monitor water usage.

Projected Water Usage by Month

- May: 2,000 gallons
- June: 15,000 gallons
- July: 30,000 gallons
- August: 38,000 gallons
- September: 50,000 gallons
- October: 50,000 gallons
- November: 25,000 gallons
- December-April: No water usage

1.2 Erosion Control & Habitat Protection

1.21 Erosion Control

Cover crop is planted in holes and beds during winter and then mulched into the soil. Bulk soil for starts is reused and kept contained and under tarp in the off-season in the cultivation area. Straw mulch is used to prevent erosion during the cultivation season.

1.22 Habitat Protection

The cultivation parcel has not been identified as being in a sensitive habitat area, nearest mapped Marbled Murrelet and Spotted Owl habitat is over one mile from the site. No irrigation runoff was observed during field assessments for the Water Resource Protection Plan. See Appendix C for a letter identifying no need for wetland delineation on the property and that the project is in compliance with Army Corps of Engineers letter submitted on October 16, 2017.

1.23 Water Resource Protection Plan

The Water Resource Protection Plan (“WRPP”) for the Parcel, created by Timberland Resource Consultants (TRC), is attached with this Operations Manual. Watercourses that run along the parcel are well buffered from the cultivation zone, as seen in the attached map. Jake Perkins' Farm is enrolled in the Water Board's Waiver of Waste Discharge program as a Tier II discharger. A copy of the Notice of Intent and the Monitoring and Reporting Program form is attached. The applicant will continue work with TRC to implement the WRPP and develop continuing plans to maintain compliance with State and Regional Water Boards. This project is currently in conformance with it's WRPP, and on-track to stay on the timelines laid out by TRC in the WRPP.

1.3 Noise Compliance

Generators will not be used for cannabis production, the entire farm is solar powered (including residence). Noise levels generated by normal farming activities will be below the 60 decibel maximum allowed at the property line.

1.31 Generator Compliance

A small propane-powered backup generator is occasionally used to top off batteries for the residence. The noise level of the generator is 55.5dB as measured by a decibel meter on a mobile device standing next to the generator while running. Using the Inverse Square Law to predict sound level at the nearest property line, the decibels of the generator will be at or below 38dB.

1.4 Storage Protocols

All amendments and Neem Oil are used preventatively through the vegetative cycle on a weekly basis and is stored in secondary containment within the designated on-site storage facility.

All labels are kept and directions are followed when amendments are applied. All excess compost and amendments are stored and/or disposed of according to manufacturer's guidelines. This is outlined in the Applicant's included Water Resource Protection Plan.

1.5 Security Plan

Only persons approved by the owners will be allowed onto the property. The driveway leading into the cultivation parcel will have a locked gate to prevent unwanted vehicle access. The parcel will be monitored by owners residing on-site and security cameras.

2.0 Cultivation Plan

Jake Perkins' Farm will feature 30,000 square feet of outdoor cultivation in eight adjacent areas and a garden by the residence. There is a maximum of one full-term cultivation cycle per year.

2.1 Schedule of Activities for Harvest and Growing Seasons

Table 2.1 outlines the month-by-month schedule of activities for the farm, including erosion control measures.

Table 2.1 Schedule of Activities for Growing and Harvest Seasons

Month	Activity
January	Maintain cover crop in cultivation zone
February	Maintain cover crop in cultivation zone
March	Maintain cover crop in cultivation zone
April	May purchase plant stock or seeds from a permitted nursery or use genetics propagated on-site.
May	Begin planting in 200-300 gallon smart pots, as weather allows.
June	Tend plants. Monitor water use and watch for signs of mold and nutrient imbalance.
July	Tend plants. Monitor water use and watch for signs of mold and nutrient imbalance.
August	Tend plants. Monitor water use and watch for signs of mold and nutrient imbalance.
September	Harvest and process the varieties that finish maturing flowers this month. Maintain and monitor other varieties in preparation for late harvest.
October	Harvest and process the varieties that finish maturing flowers this month.
November	Maintain cover crop in cultivation zone.
December	Maintain cover crop in cultivation zone.

2.2 Standard Cultivation Practices

- Planting: A portion of the total cannabis plant stock will be planted in garden beds, and the remaining will be placed in 200-300 gallon pots.
- Soil Management: Current soil is re-amended and cover cropped in place to prevent erosion and supplement nutrients. Bulk soil for starts is reused and kept contained and under tarp in the off-season in the cultivation area.
- Mildew management: Excessive signs of mold and/or mildew will require containment and destruction.
- Amendments: Kelp, bone meal, guano, azomite, oyster shell, gypsum

2.3 Propagation

Propagation is done through seed starts and cloning using the propagation area, with research and development of strains in this area as well. Depending on weather, some indoor propagation may be used on-site in existing structures. Some starts/clones may be acquired from an off-site licensed nursery to provide genetic diversity and supplement propagation needs.

2.4 Processing Plan

When cannabis flowers have reached desired maturity, the whole plant will be chopped and hung on-site at the designated facility to await transport to a processing facility. Jake Perkins' Farm will process offsite at a compliant processing facility. The workshop 60'x40' is where cannabis will kept to be transported to a licensed manufacturer or processing facility.

2.5 Recordkeeping

Jake Perkins' Farm will comply with all accountability requirements from the state and county. The applicant will comply with track-and-trace measures once available.

2.6 Waste Removal

Solid Waste is removed from the parcel and taken to a permitted waste transfer station in Redway. Plant material and organic material is composted on-site.

2.61 Wastewater

Wastewater is from domestic use and goes to a septic system connected to the on-site residence, illustrated on the site plan. Seasonal portable toilets and handwashing stations will be provided if they become necessary (see section 2.7 for additional clarification).

2.7 Human Resources

The cultivation is owned and operated by Jake Perkins, on-site resident, and labor is provided by Jake Perkins only. Should additional workers be required in the future seasonally, Jake Perkins' Farm will comply with all applicable laws and regulations regarding labor.

If workers are hired in the future, all workers will be trained in visitor protocols, loss aversion requirements, emergency action response planning as necessary; employee accident reporting and investigation policies; fire prevention; hazard communication policies, including maintenance of material safety data sheets (MSDS); materials handling policies; job hazard analyses; and personal protective equipment policies, including respiratory protection. All workers will be given a copy of this operations manual and Jake Perkins will ensure each worker signs Appendix A acknowledging they received a copy of this operations plan. No employee housing will be provided.

Appendix A: Personnel Acknowledgement Form

It is the intention of Jake Perkins to create an enjoyable, safe and sane workplace at the farm if he decides to hire laborers. We feel that understanding and compliance with our Operations Manual will create just that. It is the responsibility of each employee to read and understand the procedures outlined herein. If after reading and reviewing this entire document, you have any questions please see Jake Perkins immediately for clarification. By signing this document below, it confirms your reading, understanding and adherence to the entire Jake Perkins' Farm OPERATIONS MANUAL.

Employee sign and date

Agent in Charge sign and date

Appendix B: Emergency Procedures and Contact Information for Jake Perkins' Farm

The first priority in the event of an emergency is for the safety of all people present.

Move quickly out of area danger.

Meet at assigned meeting place to get a headcount.

Enact Emergency Procedures.

Emergency Phone Numbers Dial 911 for Fire/Police/Ambulance:

1. Tell the operator which emergency service you want
2. Wait until the service answers
3. Give the following address: 4841 Island Mountain Road, Garberville
4. Do not hang up until told to do so by the 911 Operator

Other Emergency Contacts

Humboldt County Sheriff: 707-445-7251

Palo Verde Volunteer Fire Department: 707-845-3282

Humboldt County HazMat: 707-445-6215

Humboldt County Ag Dept.: 707-441-5260

Fire and Emergency Procedures Checklist

You must know and understand what to do if a fire occurs. Your first concern is the immediate safety of visitors and staff; secondly, the need to call emergency services and then to contain the fire but only if it is safe to do so. If help is available, allocate responsibilities to others to create a competent firefighting team.

- Evacuate people from the area
- If it is safe to do so, switch off power to all equipment
- Call the fire department (dial 911)
- If a small fire, use your fire extinguisher, tools and water hoses if it is safe to do so – try to contain and extinguish the fire
- If the fire is near a fuel tank, do not attempt to extinguish the fire – retreat to a safe distance
- Be prepared to direct the fire service to the scene

Spill Procedures Checklist

You must know and understand what to do if a spill occurs. Your first consideration is the immediate safety of visitors and staff; secondly, the need to call emergency services and then contain the spill if it is safe to do so. If help is available, allocate responsibilities to others to create a competent team to deal with the spill.

- If the spill is from the hose or tap, shut the isolation valve
- Warn people in area of the spill – evacuate if necessary
- Remove sources of ignition if flammable substance is present
- Evaluate the spill – only respond if you believe it is safe to do so
- Refer to the Materials Safety Data Sheet or call on an approved handler or other specialists for advice
- If necessary, call emergency services and advise local authority
- Put on safety equipment (e.g., overalls, boots, gloves, eye protection, etc.)
- Contain the spill if it is safe to do so – utilize a drip tray or oversize container or spill kit to soak up the substance
- Dispose of waste safely as set out in the Materials Safety Data Sheet

Incident Reporting

- Every accident resulting in injury or damage to the property must be reported to your manager immediately
- Respond to the accident promptly and positively
- Collect relevant information about the accident
- Develop and take remedial actions

- Complete insurance claims and reports required
- A first aid kit must be kept on the premises and maintained
- All staff must know basic first aid procedures

Minor Injury Accidents

- Minor cuts and abrasions must be attended to immediately
- If in doubt, contact a physician or call 911

Serious Injury Accidents

- Call an ambulance immediately (dial 911)
- Seek the assistance of any first responder
- Stabilize the victim
- Advise your manager

Property Damage

- All damage to farm property must be reported to your manager

Control of Bleeding

1. Direct pressure – use your hand(s)
2. Elevate (raise) the limb
3. Apply a pad and firm bandage
4. If necessary, use clean rags or clothing

Remember!!

- Always check for circulation below the bandage!
- If there is tingling, numbness or blue color, loosen the bandage

Management of Burns

1. Cool the burned area with cool water for 10-15 minutes
2. If necessary, cover the burn with a clean dressing or plastic wrap before moving person

Remember!!

- Do not burst blisters
- Do not remove clothing that is stuck
- Do not apply creams

Management of Eye Injuries

Foreign Bodies In the Eye(s)

1. Wash the eye(s) with eyewash or clean water
2. If the foreign body is stuck to the eye, DO NOT attempt remove
3. Place covering over the eye and obtain medical attention

Chemicals in Eye(s)

1. Wash the eye(s) with clean cool water for at least 15 minutes
2. Wash from near the nose outward
3. Always wash under the upper eyelid
4. Obtain medical attention

Breathing

If a person is breathing but unconscious, turn them on their side to prevent tongue swelling or vomit from obstructing airway

If person is not breathing:

- Check airway for blockage and clear
- Call 911
- Administer CPR

Location of Firefighting, Spill and First Aid Kits

A fire extinguisher is located in the following places:

- Work vehicles
- Equipment storage area

A first aid kit is located in the following places:

- Work vehicles
- Equipment storage area

A spill kit is located in the following places:

Not applicable (if chemicals are acquired that require special handling, a spill kit will be provided)

Appendix C: Letter from Timberland Resource Consultants

Buld, DEH, FM

**JAKE PERKINS' FARM
CULTIVATION AND OPERATIONS MANUAL
HUMBOLDT COUNTY, CA**



**MEDICAL CANNABIS
CULTIVATION FACILITIES**

PREPARED FOR:



June 2017

3

JAKE PERKINS
PO Box 239
Garberville, CA 95542

Cultivation and Operations Plan

June 2017
APN: 218-141-006
App#: 12905

Medical Cannabis Cultivation Facilities

Lead Agency:

Humboldt County Planning Department
3015 H Street
Eureka, CA 95501

Prepared By:



Emerald Heritage Farms

Humboldt County, CA

Emerald Heritage Farms

Dani Burkhart
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1.0 Operations Plan

1.1 Water Management

1.11 Source

Jake Perkins' Farm will draw water from four onsite ponds and a tank farm located on APN 218-141-006. Jake Perkins' Farm has submitted a Notice of Intent for Waiver of Waste Discharge Requirements as Tier 2 with the North Coast Regional Water Quality Control Board (NCRWQCB) and will adhere to the standards of that tier to maintain enrollment. A Water Resource Protection Plan has been developed.

1.12 Storage

Agricultural irrigation is sourced from four off-stream, man-made ponds on the parcel -- these ponds are over 30 years old and are rainfed. The ponds hold approximately 1,000,000 gallons of water total. In addition to the ponds, there are multiple hard storage tanks consisting of eight tanks with a capacity of 3,000-gallon tanks and four tanks with a 5,000-gallon capacity -- these total 44,000 gallons of hard tank storage. This is a sufficient amount of water storage to comply with a forbearance period.

1.13 Irrigation Plan & Projected Usage

Cultivation areas are watered by drip system and the entire cultivation area has been mulched. Total usage is approximately 100,000-200,000 gallons of water per year. Water meters will be installed to monitor water usage.

Projected Water Usage by Month

- May: 2,000 gallons
- June: 15,000 gallons
- July: 30,000 gallons
- August: 38,000 gallons
- September: 50,000 gallons
- October: 50,000 gallons
- November: 25,000 gallons
- December-April: No water usage

1.2 Erosion Control & Habitat Protection

Cover crop is planted in holes and beds during winter and then mulched into the soil. Bulk soil is reused and kept under tarp in the off-season. The cultivation parcel has not been identified as being in a sensitive habitat area. No irrigation runoff was observed during field assessments for the Water Resource Protection Plan.

The Water Resource Protection Plan (“WRRP”) for the Parcel, created by Timberland Resource Consultants, is attached with this Operations Manual. Watercourses that run along the parcel are well buffered from the cultivation zone, as seen in the attached map. Jake Perkins' Farm is enrolled in the Water Board's Waiver of Waste Discharge program as a Tier II discharger. A copy of the Notice of Intent and the Monitoring and Reporting Program form is attached.

1.3 Noise Compliance

No generators will be used regularly for cannabis production, the entire farm is solar powered (including residence). A small back-up generator is occasionally used to top off batteries, and it is powered by propane. Noise levels generated by normal farming activities will be below the 60 decibel maximum allowed at the property line.

1.4 Storage Protocols

All amendments and Neem Oil are used preventatively through the vegetative cycle on a weekly basis and is stored in secondary containment within the designated on-site storage facility.

All labels are kept and directions are followed when amendments are applied. All excess compost and amendments are stored and/or disposed of according to manufacturer's guidelines. This is outlined in the Applicant's included Water Resource Protection Plan.

1.5 Security Plan

Only persons approved by the owners will be allowed onto the property. The driveway leading into the cultivation parcel will have a locked gate to prevent unwanted vehicle access. The parcel will be monitored by owners residing on-site and game cameras.

2.0 Cultivation Plan

Jake Perkins' Farm will feature 9,970 square feet of outdoor cultivation in three adjacent areas and a garden by the residence. There is a maximum of one full-term cultivation cycle per year.

2.1 Schedule of Activities for Growing and Harvest Seasons

Month	Activity
January	Maintain cover crop in cultivation zone
February	Maintain cover crop in cultivation zone
March	Maintain cover crop in cultivation zone
April	May purchase plant stock or seeds from a permitted nursery or use genetics propagated on-site.
May	Begin planting in 200-300 gallon smart pots, as weather allows.
June	Tend plants. Monitor water use and watch for signs of mold and nutrient imbalance.
July	Tend plants. Monitor water use and watch for signs of mold and nutrient imbalance.
August	Tend plants. Monitor water use and watch for signs of mold and nutrient imbalance.
September	Harvest and process the varieties that finish maturing flowers this month. Maintain and monitor other varieties in preparation for late harvest.
October	Harvest and process the varieties that finish maturing flowers this month.
November	Maintain cover crop in cultivation zone.
December	Maintain cover crop in cultivation zone.

2.2 Standard Cultivation Practices

- *Planting:* A portion of the total cannabis plant stock will be planted in garden beds, and the remaining will be placed in 200-300 gallon pots.
- *Soil Management:* Current soil is reused and stored under tarp to prevent loss.
- *Mildew management:* Excessive signs of mold and/or mildew will require containment and destruction.
- *Amendments:* Kelp, bone meal, guano, azomite, oyster shell, gypsum

2.3 Propagation

Propagation is done through seed starts and cloning using the propagation area, with research and development of strains in this area as well. Depending on weather, some indoor propagation may be used onsite in existing structures. Some starts/clones may be acquired from an off-site licensed nursery to provide genetic diversity and supplement propagation needs.

2.4 Processing Plan

When cannabis flowers have reached desired maturity, the whole plant will be chopped and processed on-site at the designated facility. Jake Perkins' Farm currently processes onsite, and will seek permits for a compliant processing facility if licensed off-site processing is not readily available or cost effective. The workshop 60'x40' is where drying, hand-trimming and packaging for distribution occur. Jake Perkins' Farm will work towards ADA compliant permitted processing facilities, and additional housing if it becomes necessary to employ workers (see section 2.7). Upon licensure, packaged cannabis will be transported to a licensed distributor, manufacturer, or processing facility.

2.5 Recordkeeping

Jake Perkins' Farm will comply with all accountability requirements from the state and county. A perpetual inventory system will be used to comply with track-and-trace measures once it is available.

2.6 Waste Removal

Solid Waste is removed from the parcel and taken to a permitted waste transfer station in Redway. Plant material and organic material is composted on-site. Wastewater is from domestic use and goes to a septic system.

2.7 Human Resources

The medical cultivation is operated by Jake Perkins and labor is provided by Jake Perkins and family members. Should additional workers be required seasonally, Jake Perkins' Farm will acknowledge that it is an agricultural employer and will comply with all applicable federal, state, and local laws and regulations governing California Agricultural Employers, which may include: federal and state wage and hour laws, CAL/OSHA, OSHA, California Agricultural Labor Relations Act, and the Humboldt County Code (including the Building Code). All workers will be trained in visitor protocols, loss aversion requirements, emergency action response planning as necessary; employee accident reporting and investigation policies; fire prevention; hazard communication policies, including maintenance of material safety data sheets (MSDS); materials handling policies; job hazard analyses; and personal protective equipment policies, including respiratory protection. All workers will be given a copy of this operations manual and Jake Perkins will ensure each worker signs Appendix A acknowledging they received a copy of this operations plan.

Appendix A: Personnel Acknowledgement Form

It is the intention of Jake Perkins to create an enjoyable, safe and sane workplace at the farm if he decides to hire laborers. We feel that understanding and compliance with our Operations Manual will create just that. It is the responsibility of each employee to read and understand the procedures outlined herein. If after reading and reviewing this entire document, you have any questions please see Jake Perkins immediately for clarification. By signing this document below, it confirms your reading, understanding and adherence to the entire Jake Perkins' Farm OPERATIONS MANUAL.

Employee sign and date

Agent in Charge sign and date

Appendix B: Emergency Procedures and Contact Information for Jake Perkins' Farm

The first priority in the event of an emergency is for the safety of all people present.

Move quickly out of area danger.

Meet at assigned meeting place to get a headcount.

Enact Emergency Procedures.

Emergency Phone Numbers Dial 911 for Fire/Police/Ambulance:

1. Tell the operator which emergency service you want
2. Wait until the service answers
3. Give the following address: 4841 Island Mountain Road, Garberville
4. Do not hang up until told to do so by the 911 Operator

Other Emergency Contacts

Humboldt County Sheriff: 707-445-7251

Palo Verde Volunteer Fire Department: 707-845-3282

Humboldt County HazMat: 707-445-6215

Humboldt County Ag Dept.: 707-441-5260

Fire and Emergency Procedures Checklist

You must know and understand what to do if a fire occurs. Your first concern is the immediate safety of visitors and staff; secondly, the need to call emergency services and then to contain the fire but only if it is safe to do so. If help is available, allocate responsibilities to others to create a competent firefighting team.

- Evacuate people from the area
- If it is safe to do so, switch off power to all equipment
- Call the fire department (dial 911)
- If a small fire, use your fire extinguisher, tools and water hoses if it is safe to do so – try to contain and extinguish the fire
- If the fire is near a fuel tank, do not attempt to extinguish the fire – retreat to a safe distance
- Be prepared to direct the fire service to the scene

Spill Procedures Checklist

You must know and understand what to do if a spill occurs. Your first consideration is the immediate safety of visitors and staff; secondly, the need to call emergency services and then contain the spill if it is safe to do so. If help is available, allocate responsibilities to others to create a competent team to deal with the spill.

- If the spill is from the hose or tap, shut the isolation valve
- Warn people in area of the spill – evacuate if necessary
- Remove sources of ignition if flammable substance is present
- Evaluate the spill – only respond if you believe it is safe to do so
- Refer to the Materials Safety Data Sheet or call on an approved handler or other specialists for advice
- If necessary, call emergency services and advise local authority
- Put on safety equipment (e.g., overalls, boots, gloves, eye protection, etc.)
- Contain the spill if it is safe to do so – utilize a drip tray or oversize container or spill kit to soak up the substance
- Dispose of waste safely as set out in the Materials Safety Data Sheet

Incident Reporting

- Every accident resulting in injury or damage to the property must be reported to your manager immediately
 - Respond to the accident promptly and positively
 - Collect relevant information about the accident
 - Develop and take remedial actions
-
- Complete insurance claims and reports required
 - A first aid kit must be kept on the premises and maintained
 - All staff must know basic first aid procedures

Minor Injury Accidents

- Minor cuts and abrasions must be attended to immediately
- If in doubt, contact a physician or call 911

Serious Injury Accidents

- Call an ambulance immediately (dial 911)
- Seek the assistance of any first responder
- Stabilize the victim
- Advise your manager

Property Damage

- All damage to farm property must be reported to your manager

Control of Bleeding

1. Direct pressure – use your hand(s)
2. Elevate (raise) the limb
3. Apply a pad and firm bandage
4. If necessary, use clean rags or clothing

Remember!!

- Always check for circulation below the bandage!
- If there is tingling, numbness or blue color, loosen the bandage

Management of Burns

1. Cool the burned area with cool water for 10-15 minutes
2. If necessary, cover the burn with a clean dressing or plastic wrap before moving person

Remember!!

- Do not burst blisters
- Do not remove clothing that is stuck
- Do not apply creams

Management of Eye Injuries

Foreign Bodies In the Eye(s)

1. Wash the eye(s) with eyewash or clean water
2. If the foreign body is stuck to the eye, DO NOT attempt remove
3. Place covering over the eye and obtain medical attention

Chemicals in Eye(s)

1. Wash the eye(s) with clean cool water for at least 15 minutes
2. Wash from near the nose outward
3. Always wash under the upper eyelid
4. Obtain medical attention

Breathing

If a person is breathing but unconscious, turn them on their side to prevent tongue swelling or vomit from obstructing airway

If person is not breathing:

- Check airway for blockage and clear
- Call 911
- Administer CPR

Location of Firefighting, Spill and First Aid Kits

A fire extinguisher is located in the following places:

- Work vehicles
- Equipment storage area

A first aid kit is located in the following places:

- Work vehicles
- Equipment storage area

A spill kit is located in the following places:

Not applicable (if chemicals are acquired that require special handling, a spill kit will be provided)

ATTACHMENT 4

REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

The project was referred to the following referral agencies for review and comment. Those agencies that provided written comments are checked off.

Referral Agency	Response	Recommendation	Location
Humboldt County Division of Environmental Health	✓	Conditional approval	On file
Humboldt County Building Inspection Division	✓	Approval	On file
Humboldt County Department of Public Works	✓	Conditional approval	On file
CAL FIRE	✓	Comments	Attached
Northwest Information Center (NWIC)	✓	Comments	On file and confidential
Bear River Tribal Band of the Rohnerville Rancheria	✓	Comments	On file and confidential
United States Army Corps of Engineers	✓	Comments	Attached
Humboldt County Counsel		No response	
California Department of Fish and Wildlife (CDFW)		Comments	Attached
North Coast Regional Water Quality Control Board (NCRWQCB)		Comments	Attached
North Coast Unified Air Quality Management District (NCUAQMD)		No response	
State Water Resources Control Board (SWRCB)		No response	
Humboldt County District Attorney		No response	
Humboldt County Agricultural Commissioner		No response	
Humboldt County Sheriff		No response	
California Division of Water Rights		No response	
Southern Humboldt Joint Unified School District		No response	