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Counsel for Appellant,
MATTOLE RIVER FARMS, LLC, and
ANTON VALEOV

HUMBOLDT COUNTY BOARD OF SUPERVISORS

IN RE: PLANNING COMMISSION
DECISION DATED NOVEMBER 20, 2020

Assessor Parcel Number: 108-161-034
(hereinafter referred to as the "Property")

Application Number: 11752

Permit: PLN-11752

DECLARATION OF LESLEY DOYLE IN
SUPPORT OF APPEAL OF PLANNING
COMMISSION DECISION

Appeal Deadline: December 07, 2020

I, Lesley Doyle declare that:

1. The following information is true and correct of my personal knowledge or in information and belief thereon and, if called to do so, I could and would testify competently to it.
2. I understood that I would be allowed to provide a statement, testimony and/or other evidence to establish existing cannabis cultivation at the November 19, 2020 Planning Commission hearing on the above matter.
3. I prepared to provide a statement, testimony and/or other evidence to establish existing cannabis cultivation at the November 19, 2020 Planning Commission hearing on the above matter.
4. I was prepared to provide the following statement, testimony and/or other evidence to establish existing cannabis cultivation at the November 19, 2020 Planning Commission hearing on the above matter.

DECLARATION OF LESLEY DOYLE IN SUPPORT OF APPEAL OF PLANNING COMMISSION
DECISION

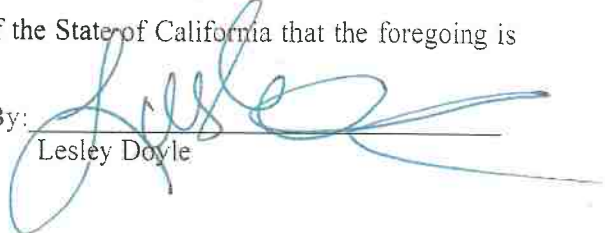
5. As the agent for Mattole River Farms LLC, our office, Elevated Solutions, prepared a packet of evidence of pre-existing outdoor cultivation, supporting 17,000 square ft., which the initial interim permit was issued for. This evidence was submitted to planner, Stephen Luther, of Humboldt County Planning Department. On 11/5/2020 our office received notice from Stephen Luther, that the Planning Department was moving forward with a Staff recommendation of 6,600 SF of Outdoor and 4,800 of Mixed Light Cultivation for the 11/19/2020 Planning Commission Hearing. In this email Mr. Luther Stated, "You will have the opportunity to Present" at the Planning Commission Hearing. please see attached email. We were never given that opportunity. Mr. Luther did not present any of the additional information provided during his presentation to the commissioners. Not once during his presentation did Mr. Luther state that our office or the applicant would be presenting the additional information that we provided to the planning staff. When we received the agenda, we questioned why we didn't receive a participant login for the hearing. We were told by county staff Laura McLenagan that the information that was provided in her email was our login. The project was approved for 6,600 sq. ft. of outdoor cultivation and 4,800 mixed light cultivation.

6. I was not permitted to provide the above statement, testimony and/or other evidence at the November 19, 2020 Planning Commission hearing and, as a result, the applicant was denied his right to present such evidence, to confront the evidence that had been provided by the Planning Department and establish the existing cannabis cultivation on the property.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct

Dated: December 5, 2020

By:


Lesley Doyle



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HUMBOLDT COUNTY BOARD OF SUPERVISORS

IN RE: PLANNING COMMISSION
DECISION DATED NOVEMBER 20, 2020

Assessor Parcel Number: 108-161-034
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Application Number: 11752

Permit: PLN-11752

DECLARATION OF MATT WADE IN
SUPPORT OF APPEAL OF PLANNING
COMMISSION DECISION

Appeal Deadline: December 07, 2020

I, Matt Wade declare that:

1. The following information is true and correct of my personal knowledge or in information and belief thereon and, if called to do so, I could and would testify competently to it.
2. I understood that I would be allowed to provide a statement, testimony and/or other evidence to establish existing cannabis cultivation at the November 19, 2020 Planning Commission hearing on the above matter.
3. I prepared to provide a statement, testimony and/or other evidence to establish existing cannabis cultivation at the November 19, 2020 Planning Commission hearing on the above matter.
4. I was prepared to provide the following statement, testimony and/or other evidence to establish existing cannabis cultivation at the November 19, 2020 Planning Commission hearing on the above matter.

5. My name is Matt Wade, and I worked as an employee of Mattole River Farms this past year. I am writing this statement to address the evidence of pre-existing cultivation that I saw on-site, and my experience at the public hearing November 19, 2020. On October 8, 2020, planner Stephen Luther came to the site for an inspection to verify evidence of 17,000 sq ft. of pre-existing outdoor cultivation that the project originally was issued an interim permit for. During this time, we observed 232 holes, old plant stalks, and water lines located in the orchard. This evidence is consistent with the number of plants that the previous property owners, Karen Ruth and Michael Hoffman's statement that they cultivated hundreds of cannabis plants in the orchard from 2009 to 2018. I also helped stake out each individual hole to drone the orchard to present to the planning department and planning commission. Despite this evidence, the planning department only supported 6,600 sq. ft. of outdoor cultivation. During the public hearing on November 19, 2020, I called in during public comment to testify to what I had seen. I pressed *9 on my keypad, but my call in was not recognized by the chair. The applicant and agents were not given the opportunity to present the additional evidence of pre-existing cultivation and the project was approved for 6,600 square ft. of outdoor and 4,800 mixed light cultivation.

6. I was not permitted to provide the above statement, testimony and/or other evidence at the November 19, 2020 Planning Commission hearing and, as a result, the applicant was denied his right to present such evidence, to confront the evidence that had been provided by the Planning Department and establish the existing cannabis cultivation on the property.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct

Dated: December 5, 2020

By: MATT WADE



Paul V. Gallegos (CSBN 161408)
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Counsel for Appellant,
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ANTON VALEOV

HUMBOLDT COUNTY BOARD OF SUPERVISORS

IN RE: PLANNING COMMISSION DECISION DATED NOVEMBER 20, 2020

Assessor Parcel Number: 108-161-034 (hereinafter referred to as the "Property")

Application Number: 11752

Permit: PLN-11752

DECLARATION OF CHRISTOPHER MCCANN IN SUPPORT OF APPEAL OF PLANNING
COMMISSION DECISION

Appeal Deadline: December 07, 2020

I, Christopher Mccann declare that:

- The following information is true and correct of my personal knowledge or in information and belief thereon and, if called to do so, I could and would testify competently to it.

- I understood that I would be allowed to provide a statement, testimony and/or other evidence to establish existing cannabis cultivation at the November 19, 2020 Planning Commission hearing on the above matter.

- I prepared to provide a statement, testimony and/or other evidence to establish existing cannabis cultivation at the November 19, 2020 Planning Commission hearing on the above matter.

- I was prepared to provide the following statement, testimony and/or other evidence to establish existing cannabis cultivation at the November 19, 2020 Planning Commission hearing on the above matter.



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Counsel for Appellant,
MATTOLE RIVER FARMS, LLC, and
ANTON VALEOV

HUMBOLDT COUNTY BOARD OF SUPERVISORS

IN RE: PLANNING COMMISSION
DECISION DATED NOVEMBER 20, 2020

Assessor Parcel Number: 108-161-034
(hereinafter referred to as the "Property")

Application Number: 11752

Permit: PLN-11752

DECLARATION OF STEPHEN DOYLE IN
SUPPORT OF APPEAL OF PLANNING
COMMISSION DECISION

Appeal Deadline: December 07, 2020

I, Stephen Doyle declare that:

1. The following information is true and correct of my personal knowledge or in information and belief thereon and, if called to do so, I could and would testify competently to it.
2. I understood that I would be allowed to provide a statement, testimony and/or other evidence to establish existing cannabis cultivation at the November 19, 2020 Planning Commission hearing on the above matter.
3. I prepared to provide a statement, testimony and/or other evidence to establish existing cannabis cultivation at the November 19, 2020 Planning Commission hearing on the above matter.
4. I was prepared to provide the following statement, testimony and/or other evidence to establish existing cannabis cultivation at the November 19, 2020 Planning Commission hearing on the above matter.

5. Stephen Luther from the Humboldt County Planning department did a site inspection on October 8, 2020 to obtain a correct Cultivation Area Verification (CAV) for Mattole River

DECLARATION OF STEPHEN DOYLE IN SUPPORT OF APPEAL OF PLANNING COMMISSION
DECISION

Farms commissioner hearing. I walked Mr. Luther into the lower field where the quince orchard was removed and showed him a total of 234 holes where the previous owner had cultivated cannabis. Mr. Luther was able to see the old plants and waterlines that were left due to the uncertainty of CAV because the cannabis was being grown within the quince orchard causing the arial imagery to be extremely hard to determine the exact CAV. Mr. Luther agreed that the existing 234 holes located in the orchard were used for cannabis cultivation and said he would support 10,000 SF of outdoor cultivation not 6,600 SF as determined prior to viewing the existing orchard in person, not arial images. The original plot map that was submitted to Humboldt County prior to 2016 had identified a total of 250 holes in the orchard along with the other 2 outdoor locations for a total of 17,000 SF of outdoor cultivation. Humboldt County has supported the 17,000 SF of outdoor since 2016 providing interim permits through 2020 for 17,000 SF and collecting taxes annually. Mattole River Farm has provided the Humboldt County Planning Department sufficient information to validate the 17,000 SF of outdoor cultivation with documentation from the previous owners as well as the new applicants.

6. I was not permitted to provide the above statement, testimony and/or other evidence at the November 19, 2020 Planning Commission hearing and, as a result, the applicant was denied his right to present such evidence, to confront the evidence that had been provided by the Planning Department and establish the existing cannabis cultivation on the property.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct

Dated: December 5, 2020

By: *STEPHEN Doyle*



Paul V. Gallegos (CSBN 161408)
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Counsel for Appellant,
MATTOLE RIVER FARMS, LLC, and
ANTON VALEOV

HUMBOLDT COUNTY BOARD OF SUPERVISORS

IN RE: PLANNING COMMISSION DECISION DATED NOVEMBER 20, 2020

Assessor Parcel Number: 108-161-034 (hereinafter referred to as the "Property")

Application Number: 11752

Permit: PLN-11752

DECLARATION OF MICHAEL HOFFMAN IN SUPPORT OF APPEAL OF PLANNING
COMMISSION DECISION

Appeal Deadline: December 07, 2020

I, Michael Hoffman, declare that:

- The following information is true and correct of my personal knowledge or in information and belief thereon and, if called to do so, I could and would testify competently to it.

- I understood that I would be allowed to provide a statement, testimony and/or other evidence to establish existing cannabis cultivation at the November 19, 2020 Planning Commission hearing on the above matter.

- I prepared to provide a statement, testimony and/or other evidence to establish existing cannabis cultivation at the November 19, 2020 Planning Commission hearing on the above matter.

- I was prepared to provide the following statement, testimony and/or other evidence to establish existing cannabis cultivation at the November 19, 2020 Planning Commission hearing on the above matter.



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Counsel for Appellant,
MATTOLE RIVER FARMS, LLC, and
ANTON VALEOV

HUMBOLDT COUNTY BOARD OF SUPERVISORS

IN RE: PLANNING COMMISSION DECISION DATED NOVEMBER 20, 2020

Assessor Parcel Number: 108-161-034 (hereinafter referred to as the "Property")

Application Number: 11752

Permit: PLN-11752

DECLARATION OF KAREN RUTH IN SUPPORT OF APPEAL OF PLANNING
COMMISSION DECISION

Appeal Deadline: December 07, 2020

I, Karen Ruth, declare that:

- The following information is true and correct of my personal knowledge or in information and belief thereon and, if called to do so, I could and would testify competently to it.

- I understood that I would be allowed to provide a statement, testimony and/or other evidence to establish existing cannabis cultivation at the November 19, 2020 Planning Commission hearing on the above matter.

- I prepared to provide a statement, testimony and/or other evidence to establish existing cannabis cultivation at the November 19, 2020 Planning Commission hearing on the above matter.

- I was prepared to provide the following statement, testimony and/or other evidence to establish existing cannabis cultivation at the November 19, 2020 Planning Commission hearing on the above matter.

- This email is in response to the complaints about the cannabis permit application PLN-11752-CUP. The Huckleberry Lane neighborhood used the same type of unfounded complaints to attempt to halt the permit process for the water and the pond in the 1990's. Letters were written an apple and quince orchard "is not consistent with the neighborhood, it will negatively affect the Mattole River, if the pond fails it will flood our house, this should be recreational property only." There were so many complaints that the SWRCB sent the head of the department to our property to do a site visit. They could not believe that all of these allegations were unfounded. They found that the complaints were all unfounded. This is the same situation, a classic "not in my backyard" scenario. Looking at the Google Earth photos of May 2014 photo and September 2015, you can see where there were trees cleared out in the fall of 2014 and spring of 2015 to grow more cannabis, we also planted in other spaces between the trees before and after this, anywhere from approximately 250-500 plants. The idea was to leave a tree barrier around the plants so you could not easily detect them from Huckleberry Lane, and according to the neighbors statements, we were successful. We contacted several people who visited our property during these years to attest that there were hundreds of Cannabis plants being grown in the orchard and you have received these emails. I am available to answer or clarify any questions or issues.
- I was not permitted to provide the above statement, testimony and/or other evidence at the November 19, 2020 Planning Commission hearing and, as a result, the applicant was denied his right to present such evidence, to confront the evidence that had been provided by the Planning Department and establish the existing cannabis cultivation on the property.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct

Dated: December 7, 2020

By: Karen Ruth

Karen Ruth

JOAN M. GALLEGOS

Family Law
Civil Litigation

GALLEGOS LAW FIRM

804 Third Street, Suite C
Eureka, California 95501
Telephone: (707) 441-8477
Facsimile: (707) 441-8479

PAUL V. GALLEGOS

Civil & Business Litigation
Commercial Cannabis
Compliance
Criminal Defense

December 6, 2020

Members of the Humboldt County
Board of Supervisors
825 Fifth Street, Room 11
Eureka, California 95501
cob@co.humboldt.ca.us

Humboldt County Planning and
Building Department
3015 H St.
Eureka, CA 95501
jford@co.humboldt.ca.us

Re: Appeal of Humboldt County Planning Commission Decision
Assessor Parcel Number: 108-161-034
Application Number: 11752
Permit Number: PLN-11752
Applicant: Mattole River Farms, LLC, Anton Valeov
Owner: Southern Exposure Farms, LLC
Agent: Elevated Solutions, Leslie Doyle

Dear Members of the Board:

This letter and the attached Appeal of the November 20, 2020, Humboldt County Planning Decision is intended to be a formal written appeal consistent with the requirements of the Humboldt County Code, Title III and the Appellant asks that it be considered as such. As is established in more detail in the attached Appeal of Planning Decision, the Applicant's commercial cannabis cultivation permit application went before the Planning Commission on November 19, 2020.

At the hearing, the Appellant understood that the Appellant would be permitted to present statements, testimony and evidence that would establish the existing of additional cannabis cultivation on the above property. The Appellant intended to provide such statements, testimony and evidence that would establish the existing of additional cannabis cultivation on the above property. The Appellant prepared to provide statements, testimony and evidence that would establish the existing of additional cannabis cultivation on the above property and had persons and evidence at the hearing by zoom for that purpose.

The Appellant had been told that the Appellant would be able to provide statements, testimony and evidence that would establish the existing of additional cannabis cultivation on the above property. Further, in the Staff report, Humboldt County Planning staff recommended that, to



December 6, 2020

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Members of the Humboldt County Board of Supervisors
Humboldt County Planning and Building Department

resolve the issue of whether there was additional existing cannabis cultivation on the property, the Planning Commission should consider statements, testimony and evidence that would establish the existing of additional cannabis cultivation on the above property

As is also established in more detail in the attached Appeal of Planning Decision, the Appellant was denied the opportunity to present statements, testimony and evidence that would establish the existing of additional cannabis cultivation on the above property by the Planning Commission. The Appellant was also denied the opportunity to cross-examine Planning Commission witnesses whose letters and emails were provided to disprove the existence of the cannabis cultivation (inaccurately) and documentary evidence that was provided by the Planning Department. As a result, the Appellant was not able to present evidence of the additional existing cannabis cultivation and was not issued a permit that included that additional cannabis cultivation amount.

The Appellant asserts that, absent a reversal of the decision of the Planning Commission's November 20, 2020, decision, the above was a denial of the Appellant's due process under the Constitutions of the United States and California and that this denial results in an uncompensated taking under both state and federal law. For this and other reasons, the Appellant appeals the decision and requests that the Board of Supervisors reverse the November 20, 2020, Planning Commission Decision and grant the Appellant's permit application

Respectfully,

GALLEGOS LAW FIRM

/s/ Paul V. Gallegos

Paul V. Gallegos (CSBN 161408)

paul@gallegoslawnhumboldt.com

PVG/jb



PLANNING APPLICATION FORM
Humboldt County Planning Department
 Current Planning Division 3015 H Street Eureka, CA 95501-4484
 Phone (707) 445-7541 Fax (707) 268-3792



INSTRUCTIONS:

1. Applicant/Agent complete Sections I, II and III below.
2. It is recommended that the Applicant/Agent schedule an Application Assistance meeting with the Assigned Planner. Meeting with the Assigned Planner will answer questions regarding application submittal requirements and help avoid processing delays. A small fee is required for this meeting.
3. Applicant/Agent needs to submit all items marked on the reverse side of this form.

SECTION I

APPLICANT (Project will be processed under Business name, if applicable)	AGENT (Communications from Department will be directed to agent)
Business Name: <u>Matole River Farms, LLC</u>	Business Name: <u>GALLEGOS LAW FIRM</u>
Contact Person: <u>Anton Valeov</u>	Contact Person: <u>Paul V. Gallegos (CSBN 161408)</u>
Mailing Address: <u>1751 Ellis Street #105</u>	Mailing Address: <u>804 Third Street, Suite C</u>
City, St, Zip: <u>Concord CA 94520</u>	City, St, Zip: <u>Eureka CA 95501</u>
Telephone: _____ Alt. Tel: _____	Telephone: <u>(707) 441-8477</u> Alt. Tel: <u>(707) 441-8479</u>
Email: _____	Email: <u>pau@gallegoslawhumboldt.com</u>
OWNER(S) OF RECORD (If different from applicant)	
Owner's Name: <u>Southern Exposure Farms, LLC</u>	Owner's Name: _____
Mailing Address: <u>1547 Palo Verde # 273</u>	Mailing Address: _____
City, St, Zip: <u>Walnut Creek CA 94597</u>	City, St, Zip: _____
Telephone: _____ Alt. Tel: _____	Telephone: _____ Alt. Tel: _____
LOCATION OF PROJECT	
Site Address: <u>569 Huckleberry Lane,</u>	Assessor's Parcel No(s): <u>108-161-034</u>
Community Area: <u>Whitethorn Area</u>	Parcel Size (acres or sq. ft.): _____
Is the proposed building or structure designed to be used for designing, producing, launching, maintaining, or storing nuclear weapons or the components of nuclear weapons? <input type="checkbox"/> YES <input type="checkbox"/> NO	

SECTION II

PROJECT DESCRIPTION
 Describe the proposed project (attach additional sheets as necessary):

Appeal of November 20, 2020, County Planning Commission decision on PLN-11752-CUP, Application 11752.

SECTION III

OWNER'S AUTHORIZATION & ACKNOWLEDGEMENT

I hereby authorize the County of Humboldt to process this application for a development permit and further authorize the County of Humboldt and employees of the California Department of Fish and Wildlife to enter upon the property described above as reasonably necessary to evaluate the project. I also acknowledge that processing of applications that are not complete or do not contain truthful and accurate information will be delayed and may result in denial or revocation of approvals.

<u>Anton Valeov</u> Applicant Signature	<u>11-6-20</u> Date
If the applicant is not the owner of record: I authorize the applicant/agent to file this application for a development permit and to represent me in all matters concerning the application.	
<u>[Signature]</u> Owner of Record Signature	<u>11/6/20</u> Date
_____ Owner of Record Signature	_____ Date

PLN-2020-16848
BR

This side completed by Planning Staff

Checklist Completed by: _____ Date: _____

THE FOLLOWING ITEMS MUST BE SUBMITTED WITH THIS APPLICATION

Item	Received	Item	Received
<input checked="" type="checkbox"/> Filing Fee of \$ 1,000.00	<input type="checkbox"/>	<input type="checkbox"/> Architectural Elevations	<input type="checkbox"/>
<input checked="" type="checkbox"/> Fee Schedule (see attached, please return completed fee schedule with application)	<input type="checkbox"/>	<input type="checkbox"/> Design Review Committee Approval	<input type="checkbox"/>
<input type="checkbox"/> Plot Plan 12 copies (folded if > 8 1/2" x 14")	<input type="checkbox"/>	<input type="checkbox"/> CEQA Initial Study	<input type="checkbox"/>
<input type="checkbox"/> Tentative Map 12 folded copies (Minor Subd)	<input type="checkbox"/>	<input type="checkbox"/> Exception Request Justification	<input type="checkbox"/>
<input type="checkbox"/> Tentative Map 18 folded copies (Major Subd) [Note: Additional plot plans/maps may be required]	<input type="checkbox"/>	<input type="checkbox"/> Joint Timber Management Plan	<input type="checkbox"/>
<input type="checkbox"/> Tentative Map/Plot Plan Checklist (complete & return with application)	<input type="checkbox"/>	<input type="checkbox"/> Lot Size Modification Request Justification	<input type="checkbox"/>
<input type="checkbox"/> Floor Plan	<input type="checkbox"/>	<input type="checkbox"/> Military Training Route (see County GIS)	<input type="checkbox"/>
<input type="checkbox"/> Division of Environmental Health Questionnaire	<input type="checkbox"/>	<input type="checkbox"/> Parking Plan	<input type="checkbox"/>
<input type="checkbox"/> On-site sewage testing (if applicable)	<input type="checkbox"/>	<input type="checkbox"/> Plan of Operation	<input type="checkbox"/>
<input type="checkbox"/> On-site water information (if applicable)	<input type="checkbox"/>	<input type="checkbox"/> Preliminary Hydraulic & Drainage Plan	<input type="checkbox"/>
<input type="checkbox"/> Solar design information	<input type="checkbox"/>	<input type="checkbox"/> R1 / R2 Report (Geologic/Soils Report, 3 copies with original signatures)	<input type="checkbox"/>
<input type="checkbox"/> Chain of Title	<input type="checkbox"/>	<input type="checkbox"/> Reclamation Plan, including engineered cost estimate for completing reclamation	<input type="checkbox"/>
<input type="checkbox"/> Grant Deed <input type="checkbox"/> Current <input type="checkbox"/> Creation	<input type="checkbox"/>	<input type="checkbox"/> Accessory Dwelling Unit Fact Sheet	<input type="checkbox"/>
<input type="checkbox"/> Preliminary Title Report (<u>two copies</u> , prepared within the last six months prior to application)	<input type="checkbox"/>	<input type="checkbox"/> Variance Request Justification	<input type="checkbox"/>
		<input type="checkbox"/> Vested Right Documentation/Evidence	<input type="checkbox"/>
		<input type="checkbox"/> Other _____	<input type="checkbox"/>
		<input type="checkbox"/> Other _____	<input type="checkbox"/>
		<input type="checkbox"/> Other _____	<input type="checkbox"/>

FOR INTERNAL USE

<input type="checkbox"/> Ag. Preserve Contract	<input type="checkbox"/> General Plan Amendment	<input type="checkbox"/> Reclamation Plan
<input type="checkbox"/> Certificate of Compliance	<input type="checkbox"/> General Plan Petition	<input type="checkbox"/> Surface Mining Permit
<input type="checkbox"/> Coastal Development Permit <input type="checkbox"/> Administrative <input type="checkbox"/> Planning Commission	<input type="checkbox"/> Information Request	<input type="checkbox"/> Surface Mining Vested Right Determination
<input type="checkbox"/> Design Review <input type="checkbox"/> Inland <input type="checkbox"/> Coastal	<input type="checkbox"/> Modification to _____	<input type="checkbox"/> Timber Harvest Plan Information Request
<input type="checkbox"/> Determination of Legal Status	<input type="checkbox"/> Lot Line Adjustment	<input type="checkbox"/> Use Permit H.C.C. § _____
<input type="checkbox"/> Determination of Substantial Conformance	<input type="checkbox"/> Preliminary Project Review	<input type="checkbox"/> Variance H.C.C. § _____
<input type="checkbox"/> Extension of _____	<input type="checkbox"/> Special Permit <input type="checkbox"/> Administrative <input type="checkbox"/> Planning Commission H.C.C. § _____	<input type="checkbox"/> Zone Reclassification
<input type="checkbox"/> Fire Safe Exception Request	<input type="checkbox"/> Subdivision <input type="checkbox"/> Parcel Map <input type="checkbox"/> Final Map	<input type="checkbox"/> Other _____
	<input type="checkbox"/> Exception to the Subdivision Requirements	<input type="checkbox"/> Other _____

Application Received By: _____ Date: _____ Receipt Number: _____

General Plan Designation: _____

Plan Document: _____

Land Use Density: _____

Zone Designation: _____

Coastal Jurisdiction Appeal Status: Appealable Not Appealable

Preliminary CEQA Status:

Environmental Review Required

Categorically Exempt From Environmental Review: Class _____ Section _____

Statutory Exemption: Class _____ Section _____

Not a Project

Other

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Counsel for Appellant,
MATTOLE RIVER FARMS, LLC, and
ANTON VALEOV

HUMBOLDT COUNTY BOARD OF SUPERVISORS

IN RE: PLANNING COMMISSION
DECISION DATED NOVEMBER 20, 2020

APPEAL OF PLANNING COMMISSION
DECISION

Assessor Parcel Number: 108-161-034
(hereinafter referred to as the "Property")

Appeal Deadline: December 07, 2020

Application Number: 11752

Permit: PLN-11752

Applicant, Mattole River Farms, LLC, by and through Anton Valeov, (hereinafter referred to individually and collectively as the "Appellant") appeals the November 20, 2020 Planning Commission Decision related to Assessor Parcel Number: 108-161-034 (hereinafter referred to as the "Property"), Application Number: 11752, Permit: PLN-11752 (Exhibit A) as follows:

I

LEGAL AUTHORITY

A

HUMBOLDT COUNTY

Humboldt County *Municipal Code* § 312-13.1 provides in relevant part that: "Except as otherwise stated in this Code, any person, as defined in this Code, aggrieved by an action taken by the Hearing Officer on any completed application, may appeal such action to the Board of Supervisors by filing a notice of appeal with the Department within ten (10) working days of said action." Humboldt County *Municipal Code* § 312-13.2 provides that: "the appellant shall state specifically why the decision of the Hearing Officer is not in accord with the standards and regulations of the zoning ordinances, or why it is believed that there was an error or an abuse of discretion by the Hearing Officer." Humboldt County *Municipal Code* § 312-13.3 provides that: "A timely appeal

APPEAL OF PLANNING COMMISSION DECISION

and action shall stay the proceedings and the effective date of the action of the Hearing Officer, until the appeal has been acted upon or withdrawn.” Humboldt County *Municipal Code* § 312-13.7 provides that: “After the appeal hearing before the Board of Supervisors, the Board may sustain the action which is being appealed, grant or modify the application subject to specified conditions, or it may deny the application.”

Section 55.4.8.2.2 of the Humboldt County *Ordinance Number 2559*, adopted by Board of Supervisors on September 13, 2016¹ provides, that “Approvals for Existing Outdoor and Mixed-Light Cultivation Areas A Zoning Clearance Certificate, Special Permit or Use Permit may be issued for outdoor or mixed-light commercial cannabis cultivation for some or all of the cultivation area in existence prior to January 1, 2016, in zoning districts AE (no parcel size limitation), RA (on parcels five acres or larger), and TC and TPZ (on parcels one acre or larger), but only when possible to bring the cultivation into compliance with all applicable standards set forth in this section and to eliminate existing violations as specified in this ordinance. No expansion of the existing cultivation area shall be permitted. The total cultivation area allowed on a single parcel shall not exceed one acre for outdoor cultivation or 22,000 square feet for mixed-light cultivation.”

Appellant asserts that section 55.4.8.2.2 and other sections of Ordinance Number 2559 gives him a right to obtain a local commercial cannabis cultivation permit for cannabis cultivation that existed on the Property prior January 2016 and that the denial of the Appellant’s due process rights at the hearing resulted in him not receiving a permit for cannabis cultivation that existed on the Property prior to January 2016. The Appellant asserts further that this denial constitutes a “taking” under state and federal law.

Appellant files this Appeal within the statutory time period and paid the appeal fee and, therefore, asks the County Board of Supervisors for a hearing on the issues presented and, after such hearing, to reverse the decision of the Planning Commission and find that the Appellant is entitled to that amount of cannabis that he can and has proved existed on the Property prior to January 2016.

B

FEDERAL AND STATE AUTHORITY

The United States and California Constitutions state that no person may be deprived of liberty or property without due process of law (United States Constitution, amendment XIV, § 1; California Constitution, article I, § 7(a)). These constitutional guarantees apply to administrative adjudicatory action (*Goldberg v. Kelly* (1970) 397 U.S. 254, 263, 90 S. Ct. 1011, 25 L. Ed. 2d 287; *Kruger v. Wells Fargo Bank* (1974) 11 Cal. 3d 352, 366–367, 113 Cal. Rptr. 449, 521 P.2d 441 (California due process provision held to be identical in scope and purpose to the due process provision of the Fourteenth Amendment to the United States Constitution)).

As explained in *Beck Development Co. v. Southern Pacific Transportation Co.* (1996) 44 Cal.App.4th 1160, 1188 “In considering the applicability of due process principles, we must distinguish between actions that are legislative in character and actions that are adjudicatory. In the case of an administrative agency, the terms ‘quasi-legislative’ and ‘quasi-judicial’ are used to denote these differing types of action. Quasi-legislative acts involve the adoption of rules of general application on the basis of broad public policy, while quasi-judicial acts involve the

¹ Referred to commonly as 1.0

determination and application of facts peculiar to an individual case. [Citations.] Quasi-legislative acts are not subject to procedural due process requirements while those requirements apply to quasi-judicial acts regardless of the guise they may take. [Citations.]”

In the instant matter, the proceeding before the Planning Commission was quasi-judicial in nature, rather than quasi-legislative, because the matter involved the determination and application of facts peculiar to an individual case, rather than the adoption of rules of general application on the basis of broad public policy. (*Beck Development Co.*, *supra*, 44 Cal.App.4th at p. 1188.) Accordingly, procedural due process principles are applicable. (*Ibid.*) The fundamental procedural due process principles that apply to quasi-judicial hearings and, therefore, the November 19, 2020, Planning Commission hearing, are: (i) the opportunity to be heard; (ii) the right to present witnesses and documentary evidence; (iii) the right to cross-examine witnesses; and (iv) the right to a neutral fact finder.

II

ARGUMENT

A

THE APPELLANT WAS DENIED THE RIGHT TO PRESENT WITNESSES AND DOCUMENTARY EVIDENCE AT THE HEARING

Procedural due process includes the right to present witnesses and other evidence. (*Sinaiko v. Superior Court* (2004) 122 Cal. App. 4th 1133, 1137, 1141 [Precluding presentation of evidence is deprivation of due process of law]).

The Appellant sought to establish that additional existing cannabis cultivation existed on the Property prior to January 2016 for which he was entitled under Humboldt County’s commercial cannabis cultivation ordinance. However, the Planning Commission denied the Appellant the opportunity to present evidence of the additional existing cannabis cultivation at the Planning Commission hearing.

As is established in the attached Humboldt County Planning Department Staff Report, (hereinafter referred to as the “Summary”) (Exhibit B), the Recommended Action and Executive Summary submitted to the Planning Commission for the November 19, 2020, hearing, provided in relevant part that “*The entirety of an apple/quince orchard was [identified] as outdoor cultivation when staff conducted the CAV in 2017.*” (Emphasis added) (Exhibit B, Page 3) It provided further that “*The previous landowner attests to growing approximately 500-600 cannabis plants dispersed in between orchard rows [within the apple/quince orchard on the property].*” The Summary also provided that “*Staff reviewed the May 2014 Google Earth imagery and observed spacing between orchard rows which could plausibly have been used for cannabis plants.*” (emphasis added). (Exhibit B, Page 3).

The Summary further provided that “*The agent provided a video clip from the television documentary “Pot Cops.” The footage shows the orchard on the subject parcel while the narrator describes the Humboldt Sheriff eradicating outdoor marijuana plants.*” The Summary then provides that “*Cultivators are known to have hidden plants from view during the 215-era to avoid enforcement*”. (emphasis added). The Summary continues with “*Evidence of existing cultivation*

provided by the applicant consists of: (i) a statement by the previous landowner ... [; (ii)] ... a Site Plan submitted with the application”; and “[a]n additional package of evidence” that was provided on October 29, 2020 (described as Exhibit C of Attachment 6) which showed showing pictures of depressions in the field and dried stalks within the orchard. (Exhibit B, Page 3).

Despite this evidence which established the existence of this additional existing cannabis cultivation, Planning Staff concluded that “Given the satellite images and comments from members of the local community, it is staff’s position that it was unlikely that the applicant grew up to 11,000 square feet of outdoor intermixed within the orchard at the same time that they were cultivating out in the open areas” and recommended approval of 6,600 square feet of outdoor and 4,800 square feet of mixed-light cultivation only. However, because Planning Staff recognized that the Appellant had a right to have a fair and impartial decision based on all available evidence, Planning staff stated in the Summary that “*the Planning Commission should consider the evidence and testimony in order to make a decision about whether to approve the entire requested cultivation area or some of the cultivation area.*” (emphasis added).

Despite the recognition by Planning Staff that there was relevant and significant direct and circumstantial evidence of additional existing cannabis cultivation on the property as asserted by the Appellant and the recommendation by Planning Staff that the Planning Commission should consider the evidence and testimony of the Appellant in making a decision on whether there was, in fact, additional existing cannabis cultivation within the orchard that would warrant permitting additional cannabis cultivation, the Planning Commission deprived the Appellant of the right to present such evidence. As such, the Appellant was denied the right to present witnesses and documentary evidence and due process as guaranteed by both the Constitutions of both the United States and the State of California.²

B

THE APPELLANT WAS DENIED THE RIGHT TO CROSS- EXAMINE WITNESSES

A number of cases have said that the right to confront and cross-examine adverse witnesses is essential to procedural due process (see, e.g., *Goldberg v. Kelly* (1970) 397 U.S. 254, 268, 90 S. Ct. 1011, 25 L. Ed. 2d 287; *Jennings v. Jones* (1985) 165 Cal. App. 3d 1083, 1088–1091); *Mackler v. Alexis* (1982) 130 Cal. App. 3d 44, 62–63.

The Summary provided that “*Three public comment letters were received from neighboring property owners and state that no outdoor cannabis cultivation occurred in the orchard.*” (Exhibit B, Page 3)(emphasis added). Attachment 7 to the Summary (Exhibit B, Pages 129 - 137) contained letters/emails from: (1) Linda Crook; (2) John Crook (3) Jourdan Laurie; (4) Heather Scharlack; (5) Ken Vallaton; (6) Kathleen Hire and Kenneth King; and (7) Ray and Debbie Sciutti.

The email from Jordan Lourie provided, in relevant part, that “When we met on site we discussed the applicants claim that the area of expansion had a history of cannabis cultivation which I refuted.

² The Appellant asserts that this deprivation also amounts to a “taking” under the law for which the Appellant is entitled to compensation under state and federal law.

Other neighbors who have lived here for many years will also refute that history of cannabis cultivation. Please direct me to anyone else I should be in touch with regarding this application in my effort to voice my strong objections.” (Exhibit B, Page 133) The email from Jourdan Lourie did not state that “no outdoor cannabis occurred in the orchard” as stated in by Planning Staff. Nor did it provide any evidence of refutation. The Appellant was denied any opportunity to confront Jourdan Lourie as to what evidence she had that might and/or would refute the Appellant’s claim and evidence. The Appellant was also denied the opportunity to confront Planning Staff as to their mischaracterization of Jourdan Lourie’s email as stating that “no outdoor cannabis occurred in the orchard.”

The attached letter from Heather Scharlack (Exhibit B, Page 134) stated, in relevant part that “I’d like to simply relate that *if* there was any cannabis cultivation at 478 Huckleberry Lane, APN 108-161-034 owned currently by Southern Exposure Farms, and owned previously by Karen Ruth and Michael Hoffman, *it was not apparent*. The predominant crops in the orchard *visible to the road* were various apple varieties, a section dedicated to quince, and in their final years there, a patch devoted to winter squash. ... I never witnessed that cannabis was grown in the lower orchard *visible to the road*.” (Emphasis added). Heather Scharlack’s letter did not state that “no outdoor cannabis occurred in the orchard” as stated in by Planning Staff. It merely stated that IF it occurred it was not apparent and it was obvious from the road. The Appellant was denied any opportunity to confront Heather Scharlack as to what was or would have actually been visible from the road and to establish that, per her own admissions, the cultivation COULD have existed on the property as was established by Appellant’s evidence. The Appellant was also denied the opportunity to confront Planning Staff as to their arguably gross mischaracterization of Heather Scharlack’s letter as stating that “no outdoor cannabis occurred in the orchard.”

Counsel was not able to see where in the other letters or emails any of the authors expressly or impliedly stated that “no outdoor cannabis occurred in the orchard” as stated by Planning Staff. The Appellant was also denied the opportunity to confront Planning Staff as to this apparent misrepresentation of the evidence.

The denial of the right to confront this evidence was fundamental because the Appellant had, at a minimum, (i) a statement by the previous landowner that established the prior cannabis cultivation; (ii) a video clip from the television documentary “Pot Cops” which showed the orchard on the subject parcel while the narrator describes the Humboldt Sheriff eradicating outdoor marijuana plants; (iii) Planning Staff admitted that “*Cultivators are known to have hidden plants from view during the 215-era to avoid enforcement;*” (iv) pictures of depressions in the field and dried stalks within the orchard that corroborated the previous landowner’s statement and the accuracy of Planning Staff’s admission; and (v) Planning Staff’s further admission that “*it was unlikely* that the applicant grew up to 11,000 square feet of outdoor intermixed within the orchard at the same time that they were cultivating out in the open areas” (emphasis added) and not that it did not occur as evidence in support of the conclusion that the existing cultivation had, in fact, taken place. When that is contrasted with the email and letter described above, i.e., one that says that “When we met on site we discussed the applicants claim that the area of expansion had a history of cannabis

cultivation which I refuted”³ and “if there was any cannabis cultivation at 478 Huckleberry Lane, APN 108-161-034 owned currently by Southern Exposure Farms, and owned previously by Karen Ruth and Michael Hoffman, *it was not apparent* [and] ... I never witnessed that cannabis was grown in the lower orchard *visible to the road.*” It is clear that there was compelling evidence that established that there was, in fact, additional existing cannabis that the Appellant was entitled to by law⁴ which he was not given AND there was no evidence that contradicted that evidence. As such, the Appellant was denied the right to cross examine witnesses and due process as guaranteed by both the Constitutions of both the United States and the State of California.⁵

C

THE APPELLANT WAS DENIED THE RIGHT TO A NEUTRAL
FACT FINDER

The requirement of a neutral fact finder has been closely protected in order to prevent unjustified or mistaken deprivations and to promote participation and dialogue by affected individuals in the decision making process (*Marshall v. Jerrico, Inc.* (1980) 446 U.S. 238, 242, 100 S. Ct. 1610, 64 L. Ed. 2d 182). “Where due process requires an administrative hearing, an individual has the right to a tribunal which meets at least currently prevailing standards of impartiality. Biased decision makers are constitutionally impermissible and even the probability of unfairness is to be avoided” (*Blinder, Robinson & Co. v. Tom* (1986) 181 Cal. App. 3d 283, 295).

The Appellant asserts that the deprivation of the above rights by the Planning Commission is evidence that they were not a neutral fact finder and, therefore, the Appellant was denied the right to a neutral factfinder and due process as guaranteed by both the Constitutions of both the United States and the State of California.⁶

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³ To the extent that the Planning Commission considered the statement that “Other neighbors who have lived here for many years will also refute that history of cannabis cultivation” the Appellant was further deprived of the opportunity to both notice as to who that might be, what they might say, and whether their statements were credible and the right to further confrontation.

⁴ Ordinance No. 2559, Section 55.4.8.2.2. Approvals for Existing Outdoor and Mixed-Light Cultivation Areas A Zoning Clearance Certificate, Special Permit or Use Permit may be issued for outdoor or mixed-light commercial cannabis cultivation for some or all of the cultivation area in existence prior to January 1, 2016, in zoning districts AE (no parcel size limitation), RA (on parcels five acres or larger), and TC and TPZ (on parcels one acre or larger), but only when possible to bring the cultivation into compliance with all applicable standards set forth in this section and to eliminate existing violations as specified in this ordinance. No expansion of the existing cultivation area shall be permitted. The total cultivation area allowed on a single parcel shall not exceed one acre for outdoor cultivation or 22,000 square feet for mixed-light cultivation. (Ord No. 2559 - Adopted by Board of Supervisors September 13, 2016)

⁵ The Appellant asserts that this deprivation also amounts to a “taking” under the law for which the Appellant is entitled to compensation under state and federal law.

⁶ The Appellant asserts that this deprivation also amounts to a “taking” under the law for which the Appellant is entitled to compensation under state and federal law.

D

THE APPELLANT WAS DENIED THE OPPORTUNITY TO BE
HEARD

In general, even informal hearings require that a party be given the opportunity to respond orally (see, e.g., *Memphis Light, Gas, & Water Div. v. Craft* (1978) 436 U.S. 1, 98 S. Ct. 1554, 56 L. Ed. 2d 30; *Goss v. Lopez* (1975) 419 U.S. 565, 95 S. Ct. 729, 42 L. Ed. 2d 725; see also *Melissa J. v. Superior Court* (1987) 190 Cal. App. 3d 476. To be meaningful, the opportunity to respond requires provision of adequate preparation time and demands that the agency do more than “go through the motions” (*Kempland v. Regents of University of California* (1984) 155 Cal. App. 3d 644, 648–650).

The Appellant incorporates by reference Appellant’s arguments in sections IIA through IIC as if fully stated again herein as evidence that Appellant was denied the opportunity to be heard and due process as guaranteed by both the Constitutions of both the United States and the State of California.⁷

E

THE APPELLANT WAS DENIED THE RIGHT TO PRESENT
WITNESSES AND DOCUMENTARY EVIDENCE

Other than in informal proceedings or unusual settings such as prisons, however, procedural due process includes the right to present witnesses and other evidence. (*Sinaiko v. Superior Court* (2004) 122 Cal. App. 4th 1133, 1137, 1141 [Precluding presentation of evidence is deprivation of due process of law]).

The Appellant was denied the opportunity to present evidence that would establish the existence of cannabis cultivation on his property for which he was legally entitled to get a permit for. As such, the Appellant was denied the opportunity to be present witnesses and documentary evidence and due process as guaranteed by both the Constitutions of both the United States and the State of California.⁸

CONCLUSION

For all of the above reasons, the Appellant asks that the Board of Supervisors reverse the November 20, 2020, Planning Commission Decision and grant the Appellant’s permit application

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⁷ The Appellant asserts that this deprivation resulted in a “taking” under the law for which the Appellant is entitled to compensation under state and federal law.

⁸ The Appellant asserts that this deprivation resulted in a “taking” under the law for which the Appellant is entitled to compensation under state and federal law.

with the additional existing commercial cannabis cultivation that was on the Property prior to January 2016.

Respectfully,

Dated: December 5, 2020

GALLEGOS LAW FIRM

By: *Paul V. Gallegos*

Paul V. Gallegos (CSBN 161408)
Counsel for Appellant,
MATTOLE RIVER FARMS, LLC, and
ANTON VALEOV



CURRENT PLANNING DIVISION
PLANNING AND BUILDING DEPARTMENT
COUNTY OF HUMBOLDT

3015 H Street, Eureka, CA 95501
Phone (707) 445-7541 • Fax (707) 268-3792
<http://www.humboldt.gov/156>

Applicant

Mattole River Farms, LLC
Anton Valeov
1547 Palo Verde #273
Walnut Creek, CA 94597

Owner

Southern Exposure Farms, LLC
Todor Hristov
1547 Palo Verde #273
Walnut Creek, CA 94597

Agent

Elevated Solutions
Lesley Doyle
3493 Walnut Drive
Eureka, Ca 95503

Notice of Planning Commission Decision

Date: November 20, 2020

Assessor Parcel Number: 108-161-034

Apps No. 11752

Permit: PLN-11752-CUP

Contact: Stephen Luther 268-3737

Description

A Conditional Use Permit for an existing 17,000 square foot outdoor cultivation area and a 4,800 square foot mixed light greenhouse. Propagation occurs in a 2,172 square foot nursery. Cultivation activities occur from February to October, with two harvest cycles occurring. Outdoor cultivation would occur in five (5) 3,400 square foot greenhouses (100' x 34'). Irrigation water is provided by a 1-million-gallon rain catchment pond. Estimated annual irrigation use is 275,000 gallons. Processing including drying and trimming occurs within the existing agricultural building, garage and containers on-site. Power is provided by P.G.&E. and solar panels.

Decision

The project was approved by the Planning Commission on **November 19, 2020** by Resolution **20-70** and is subject to the attached Conditions of Approval.

Appeals

This project may be appealed by any aggrieved person within **10 working** days. The last day to appeal to the Board of Supervisors is 5:00 p.m. on **December 7, 2020**. Information regarding appeals is included with this notice.

Conditions of Approval

Please review these conditions carefully as other permits may be required before the project commences. In accordance with County Code, this approval may be revoked or rescinded, in whole or in part, if certain grounds are found to exist (See Humboldt County Code §312-14).

Effective Date

If no appeal is initiated, the day after all appeal periods end will become the effective date of the permit. If an appeal has been initiated the effective date will depend on the outcome of the appeal.

Expiration Date

You will receive an expiration letter stating the effective date and the expiration date at the end of the appeal period.

Extensions

If the conditions for your project cannot be met before the expiration date, you may apply for an extension with the Planning Division. Extension applications must be submitted with the appropriate fees before the permit expiration date. If the permit expires, a new permit application must be filed and accompanied by applicable fees. The new permit may be subject to different processing requirements and standards. Contact your assigned planner if you have any questions about extensions.

Changes or Modifications to Project

If your project needs minor changes or major modifications, review and approval of the project by the Planning Division is required. Applications for changes or modifications must be filed and accompanied by applicable fees. Contact your assigned planner if you think your project needs to be changed or modified.



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: November 19, 2020
To: Humboldt County Planning Commission
From: John H. Ford, Director of Planning and Building Department
Subject: **Mattole River Farms, LLC, Conditional Use Permit**
Record Number PLN-11752-CUP
Assessor's Parcel Number 108-161-034
569 Huckleberry Lane, Whitethorn area

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Please contact Stephen Luther, Planner, at 707-445-7541 or by email at sluther@co.humboldt.ca.us if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
November 19, 2020	Conditional Use Permit	Stephen Luther

Project Description: A Conditional Use Permit for an existing 17,000 square foot outdoor cultivation area and a 4,800 square foot mixed light greenhouse. Propagation occurs in a 2,172 square foot nursery. Cultivation activities occur from February to October, with two harvest cycles occurring. Outdoor cultivation would occur in five (5) 3,400 square foot greenhouses (100' x 34'). Irrigation water is provided by a 1-million-gallon rain catchment pond. Estimated annual irrigation use is 275,000 gallons. Processing including drying and trimming occurs within the existing agricultural building, garage and containers on-site. Power is provided by P.G.&E. and solar panels.

Project Location: The project is located in the Whitethorn area, on the north side of Huckleberry Lane, at the intersection of Huckleberry Lane and Dragon Hill Road, on the property known as 569 Huckleberry Lane.

Present General Plan Land Use Designation: Residential Agriculture (RA40), Density: 40 acres per unit; Residential Agriculture (RA5-20), Density: Range is 5 to 20 acres per unit; 2017 General Plan, Slope Stability: Low Instability (1) and Moderate Instability (2).

Present Zoning: Unclassified (U)

Record Number: PLN-11752-CUP

Assessor Parcel Number: 108-161-034

Applicant	Owner	Agent
Mattola River Farms, LLC Anton Valeov 1751 Ellis Street # 105 Concord, CA 94520	Southern Exposure Farms, LLC Todor Hristov 1547 Palo Verde #273 Walnut Creek, CA 94597	Elevated Solutions Lesley Doyle 3493 Walnut Drive Eureka, Ca 95503

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

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

Major Issues: None.

MATTOLE RIVER FARMS, LLC
Record Number PLN-11752-CUP
Assessor's Parcel Number: 108-161-034

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:

Find that the Commission has considered the Addendum to the Mitigated Negative Declaration adopted for the Commercial Medical Marijuana Land Use Ordinance pursuant to Section 15164 of the State CEQA Guidelines, make all of the required findings for approval of the Conditional Use Permit based on evidence in the staff report and adopt the Resolution approving the proposed Mattole River Farms, LLC, project subject to the recommended conditions.

Executive Summary: Mattole River Farms, LLC requests a Conditional Use Permit (CUP) to authorize the existing commercial cannabis operation. The application is for 17,000 square feet of existing outdoor cultivation and 4,800 square feet existing mixed-light. The site is developed with a residence and accessory agricultural buildings. Drying and processing will occur in a 2,600 square foot commercial building. Up to four workers will be on-site at peak activity.

A compilation of the available evidence for existing cultivation is provided in Attachment 6. Google Earth aerial imagery from May 2014 shows the 4,800 square foot mixed light greenhouse was existing. Staff conducted a Cultivation Area Verification (CAV) in 2017 based on September 2015 TerraServer imagery. The entirety of an apple/quince orchard was misidentified as outdoor cultivation when staff conducted the CAV in 2017. Based on this CAV, an Interim Permit was issued for the full application amount of 17,000 square feet outdoor and 4,800 square feet mixed-light. The applicant has been operating under this Interim Permit since 2018. A second CAV completed by staff in July 2019, which excluded the orchard, could verify only 6,600 square feet existing outdoor in the area around the greenhouse and below the pond in addition to the 4,800 square feet of mixed-light. Additional evidence of existing outdoor cultivation was requested. The previous landowner attests to growing approximately 500-600 cannabis plants dispersed in between orchard rows. Staff reviewed the May 2014 Google Earth imagery and observed spacing between orchard rows which could plausibly have been used for cannabis plants. However, no cannabis plants are visible in the orchard through available aerial imagery, either in the May 2014 image or in September 2015 image. Three public comment letters were received from neighboring property owners and state that no outdoor cannabis cultivation occurred in the orchard. The opposition letters therefore consider this application an expansion of cultivation area. The agent provided a video clip from the television documentary "Pot Cops." The footage shows the orchard on the subject parcel while the narrator describes the Humboldt Sheriff eradicating outdoor marijuana plants. Cultivators are known to have hidden plants from view during the 215-era to avoid enforcement. There is no police report. Evidence of existing cultivation provided by the applicant consists of a statement by the previous landowner and a Site Plan submitted with the application. An additional package of evidence was provided on October 29, 2020 (see Exhibit C of Attachment 6) showing pictures of depressions in the field and dried stalks of cannabis cultivation existing on the parcel prior to January 1, 2016 is included in Attachment 6. The property was purchased in August 2018 by the current owner and transferred to the current applicant. At that time the application had a valid Interim Permit for the requested cultivation area and staff had not yet identified the incorrect basis of that analysis. Given the satellite images and comments from members of the local community, it is staff's position that it was unlikely that the applicant grew up to 11,000 square feet of outdoor intermixed within the orchard at the same time that they were cultivating out in the open areas. For this reason, staff's recommendation is for approval of 6,600 square feet of outdoor and 4,800 square feet of mixed-light cultivation only. However, the Planning Commission should consider the evidence and testimony in order to make a decision about whether to approve the entire requested cultivation area or some of the cultivation area.

The parcel is located in the Headwaters Mattole River impacted watershed and is therefore not eligible to apply for new cultivation.

The facility is secured by a privacy fence. In 2018 the applicant installed razor wire on the fence. The barbed wire was highly visible from Huckleberry Lane, and neighboring landowners successfully petitioned the applicant to remove the offending barbed wire. All fencing shall comply with Humboldt County standards. The cultivation and processing facility will have low intensity exterior lighting and motion activated security lights. All lighting will be designed and located such that light is confined to the property. Security cameras will be installed at the main access gates and the main residence will be alarmed. Cultivation activities will occur during daytime hours. Hours of operation for processing are 8 AM to 8 PM. Processing will occur in the proposed commercial facility with the use of a trim machine. Two (2) employees are needed.

The applicant estimates 274,800 gallons of water is required for the operation (12.6 gallons/sf). Water for irrigation is sourced solely from the off-stream rain catchment pond. The pond has a capacity of approximately 1-million gallons. The applicant has an appropriative water right from the State Water Resources Control Board, Division of Water Rights. The permit #20957 was filed in 1995 and allows up to 22 acre-feet of water to be diverted from the Mattole River for domestic and irrigation purposes. The permit includes conditions on the maximum instantaneous rate of diversion, amount of diversion to storage, and availability of water metering data. For the cannabis permit being considered, the sole source of irrigation water is the pond. No water diverted from the Mattole River may be used in the cannabis irrigation. The appropriative diversion is solely for domestic use. Water from the diversion will be stored in five (5) 5,000 gallon tanks for domestic use during the forbearance period between May 15 to November 15. Conditions of approval require water use will be metered to provide a record of actual water use and storage needs.

Public comments were received with complaints that agricultural activity on the subject parcel has contributed directly to algae blooms in drinking water wells located on neighboring downslope parcels. Staff has not received any results of groundwater testing to demonstrate high levels of nitrates or concentration of any other chemical in the groundwater as a result of agricultural use. Public comments have also expressed concern that agricultural products would reach the Mattole River through groundwater. The applicant is enrolled in the State Water Board Cannabis Waste Discharge Program and has prepared a Site Management Plan pursuant to Tier 1 enrollment. The operation is required to apply fertilizer at agronomic rates and store fertilizers in contained storage to prevent leaching to groundwater. In order to address the concerns about potential groundwater contamination, the applicant has agreed to conduct annual groundwater testing in the vicinity. A condition of approval requires the applicant provide a groundwater testing and containment plan within 90 days of approval for review and approval of the Planning Director, and provide results of the testing on an annual basis thereafter.

The project site is served by P.G.&E. grid power. The site is also developed with (3) 38' x 14' solar panels that supply renewable energy to the site. A Northern Spotted Owl (NSO) activity center is located 0.8 miles north of project activity. Final Critical Habitat for Marbled Murrelet and NSO is mapped on BLM land 0.7 miles to the west. A generator is used for emergency backup power only. The generator is housed in a containment shed when in use. Conditions of approval require noise from the generator, fans and water pump when in use shall not exceed 50 decibels as measured 100 feet from the source.

The parcel is accessed by a private driveway off Huckleberry Road. A Road Evaluation Report was prepared by the Applicant stating the road can be considered the functional equivalent of a Category 4 road and accommodate the increased traffic from the project (see Attachment 4). The project was referred to the Department of Public Works- Land Use Division. The intersection of Huckleberry Hill Road and Shelter Cove Road is paved. The driveway to the subject parcel shall meet the Site Visibility Standards and all fences and gates shall be relocated out of the right of way.

Public comments were received on the project. Specific issues raised concern groundwater infiltration of fertilizer and pesticide; potential impacts to drinking water quality; the scale and industrial look of the project not being compatible with the rural neighborhood; and disagreement that a cultivation operation of the requested size was existing. The General Plan designation is Residential Agriculture (RA5-20). General and intensive agriculture is an allowable use type. The operation stores pesticides and fertilizers in a containment structure and applies using agronomic rates. The proposed greenhouses would be developed with weed mat on the ground to create a barrier for any potential leakage to groundwater.

Environmental review for the proposed project as initially proposed was conducted, and based on the results of that analysis, staff determined the existing cultivation and processing aspects of the project were previously analyzed in the Final Mitigated Negative Declaration prepared for the Commercial Medical Land Use Ordinance (CMMLUO) adopted by the Humboldt County Board of Supervisors on January 26, 2016. Permitting the existing cultivation areas and bringing them into compliance with County and State regulations would not present substantial changes that would require major revisions to the previous mitigated negative declaration. An addendum to the MND has been prepared for this staff recommendation of permitting the existing cultivation areas only.

Based on a review of Planning Division 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 approving the Conditional Use Permit.

ALTERNATIVES: The Planning Commission could elect not to approve the project, or to require the applicant to submit further evidence, or modify the project. 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 Division staff has stated that the required findings in support of the proposal have been made. Consequently, Planning staff does not recommend further consideration of either alternative.

The Commission could also decide that the project may have environmental impacts that would require further environmental review pursuant to CEQA. Staff did not identify any potentially significant impacts. As Lead Agency, the Department has determined that the Project is consistent with the Mitigated Negative Declaration adopted for the Commercial Medical Marijuana Land Use ordinance (CMMLUO). However, the Commission may reach a different conclusion. In that case, the Commission should continue the item to a future date at least two months later to give staff the time to complete further environmental review.

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT
Resolution Number 20-**

**Record Number: PLN-11752-CUP
Assessor Parcel Numbers: 108-161-034**

Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the Mattole River Farms, LLC Conditional Use Permit request.

WHEREAS, Mattole River Farms, LLC submitted an application for a Conditional Use Permit for the existing cultivation of 17,000 SF outdoor and 4,800 SF mixed-light cultivation with a full-term outdoor with a 2,172 SF ancillary nursery, irrigation water from a rainwater catchment pond, and onsite processing; and

WHEREAS, the County Planning Division has reviewed the submitted application and evidence and has referred the application and evidence to involved reviewing agencies for site inspections, comments and recommendations; and

WHEREAS, the County Planning Commission has been able to verify 6,600 square feet of outdoor cultivation and 4,800 square feet of mixed-light cultivation; and

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

WHEREAS, Attachment 2 in the Planning Division staff report includes evidence in support of making all of the required findings for approving the proposed Conditional Use Permit (Record Number PLN-11752-CUP); and

WHEREAS, a public hearing was held on the matter before the Humboldt County Planning Commission on November 19, 2020.

NOW, THEREFORE, be it resolved, determined, and ordered by the Humboldt County Planning Commission that:

1. The Planning Commission considered the Addendum to the MND adopted for the Commercial Medical Marijuana Land Use Ordinance; and
2. The Planning Commission makes all the required findings in Attachment 2 of the Planning Commission staff report for Record Number PLN-11752-CUP, and
3. Record Number PLN-11752-CUP is approved for 6,600 square feet of outdoor cultivation and 4,800 square feet of mixed-light cultivation as recommended and conditioned in Attachment 1 for Record Number PLN-11752-CUP.

Adopted after review and consideration of all the evidence on November 19, 2020.

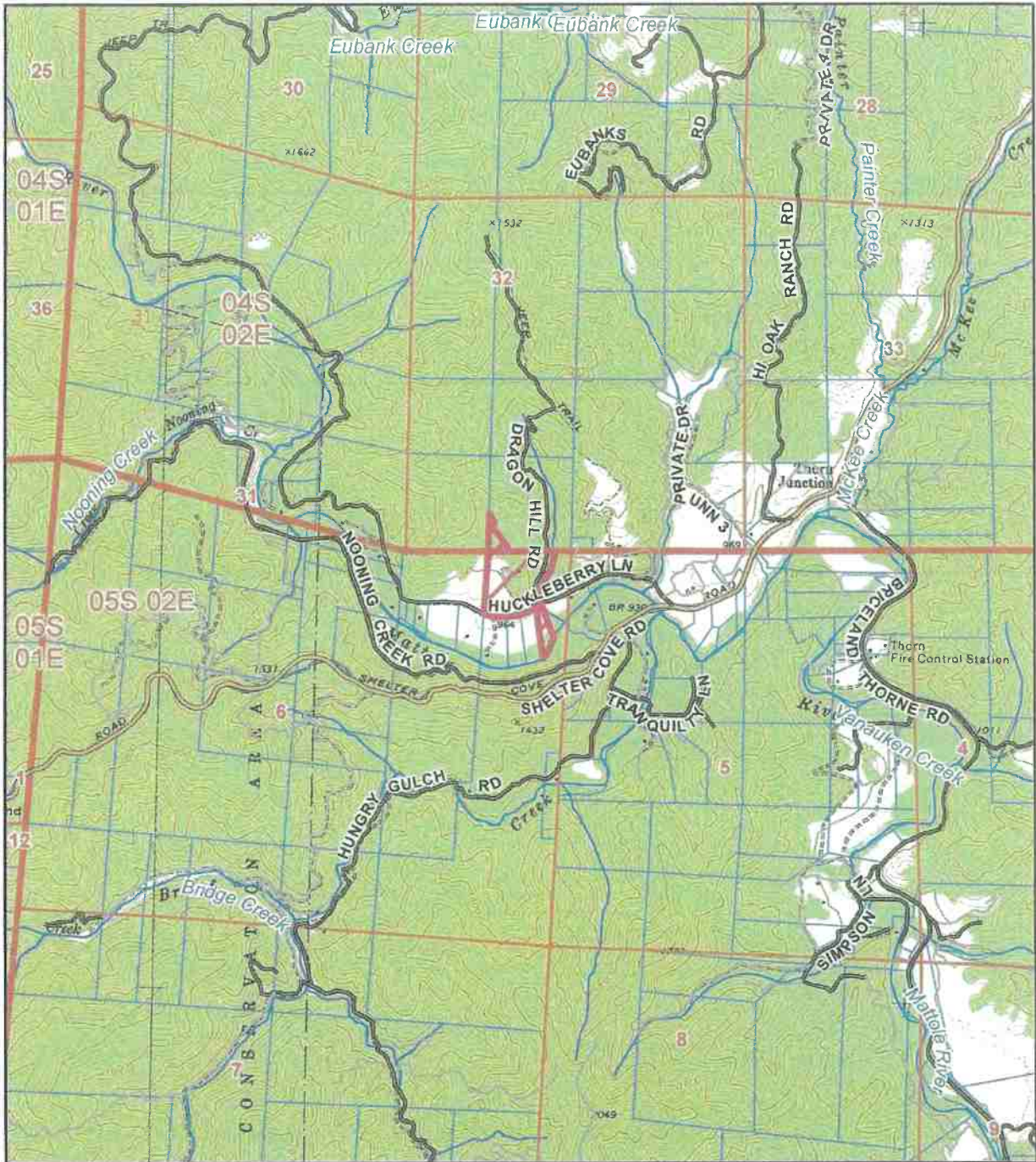
The motion was made by Commissioner ____ and seconded by Commissioner ____.

AYES: Commissioners:
NOES: Commissioners:
ABSTAIN: Commissioners:
ABSENT: 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.

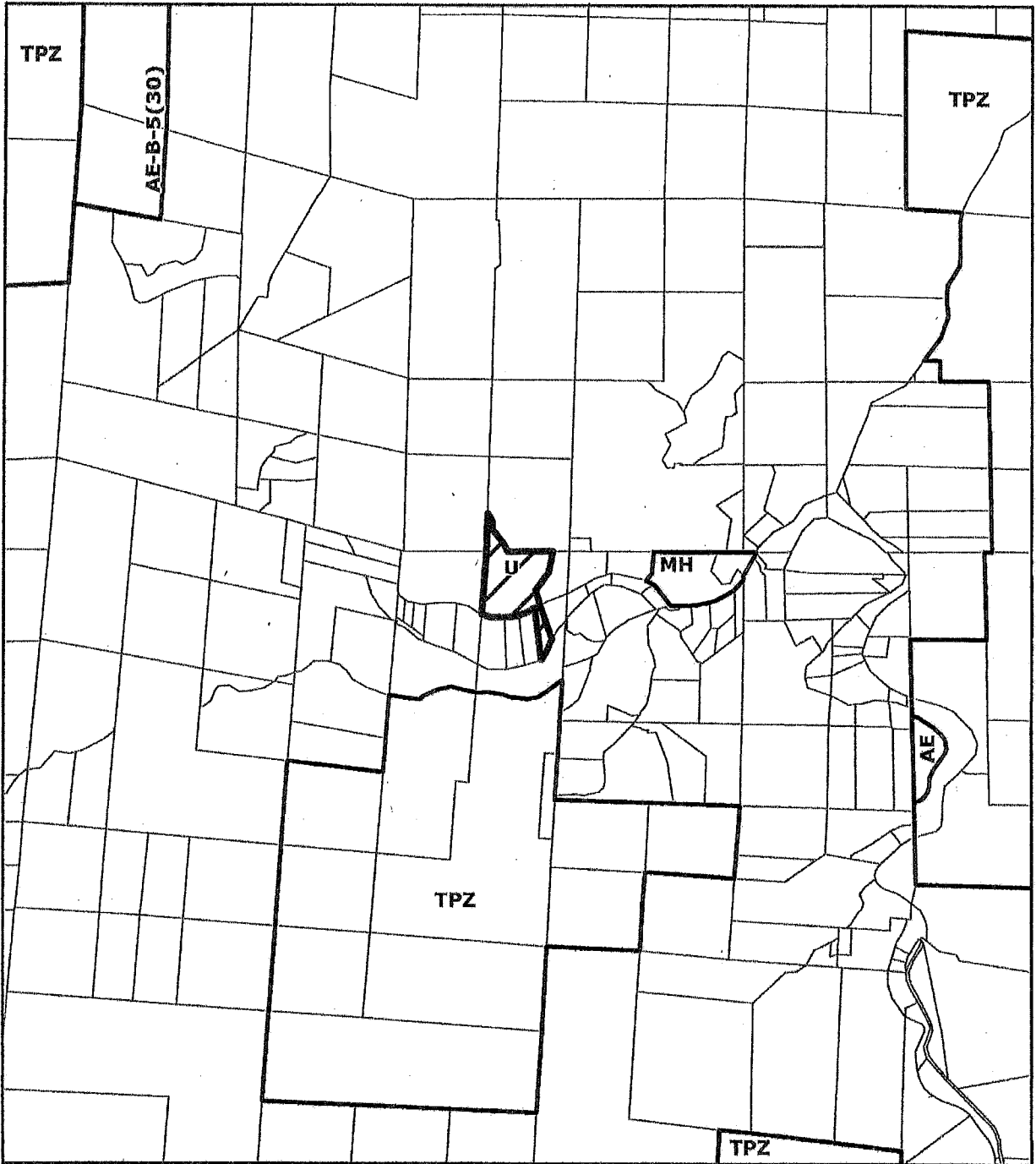
John Ford, Director
Planning and Building Department




TOPO MAP
PROPOSED MATTOLE RIVER FARMS LLC
SHELTER COVE AREA
CUP-16-376
APN: 108-161-034
T04S R02E S32; T05S R02E S6 HB&M (BRICELAND)


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.



ZONING MAP
PROPOSED MATTOLE RIVER FARMS LLC
SHELTER COVE AREA
CUP-16-376
APN: 108-161-034
T04S R02E S32; T05S R02E S6 HB&M (BRICELAND)


Project Area = 

N

 0 1,000 2,000 4,000
 Feet

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 MATTOLE RIVER FARMS LLC
SHELTER COVE AREA
CUP-16-376
APN: 108-161-034
T04S R02E S32; T05S R02E S6 HB&M (BRICELAND)

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.

0 1,000 2,000
 Feet

PLOT PLAN
APN 108-161-034
HUMBOLDT COUNTY, CA

OWNER:
SILT/WATER SCIENCES, LLC
599 HIGHLANDWAY LANE
WILSONVILLE, CA 95695

PROJECT NOTES:
APN 108-161-034-1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100

WATER STORAGE NOTES:
UNAPPROVED FOR STORAGE OF WATER

ADDITIONAL NOTES:

1. THIS PLAN IS SUBJECT TO THE HUMBOLDT COUNTY OFFICE OF REGISTERED PROFESSIONAL ENGINEERS, SURVEYORS AND ARCHITECTS.
2. THIS PLAN IS SUBJECT TO THE HUMBOLDT COUNTY OFFICE OF REGISTERED PROFESSIONAL ENGINEERS, SURVEYORS AND ARCHITECTS.
3. THIS PLAN IS SUBJECT TO THE HUMBOLDT COUNTY OFFICE OF REGISTERED PROFESSIONAL ENGINEERS, SURVEYORS AND ARCHITECTS.
4. THIS PLAN IS SUBJECT TO THE HUMBOLDT COUNTY OFFICE OF REGISTERED PROFESSIONAL ENGINEERS, SURVEYORS AND ARCHITECTS.
5. THIS PLAN IS SUBJECT TO THE HUMBOLDT COUNTY OFFICE OF REGISTERED PROFESSIONAL ENGINEERS, SURVEYORS AND ARCHITECTS.
6. THIS PLAN IS SUBJECT TO THE HUMBOLDT COUNTY OFFICE OF REGISTERED PROFESSIONAL ENGINEERS, SURVEYORS AND ARCHITECTS.
7. THIS PLAN IS SUBJECT TO THE HUMBOLDT COUNTY OFFICE OF REGISTERED PROFESSIONAL ENGINEERS, SURVEYORS AND ARCHITECTS.
8. THIS PLAN IS SUBJECT TO THE HUMBOLDT COUNTY OFFICE OF REGISTERED PROFESSIONAL ENGINEERS, SURVEYORS AND ARCHITECTS.
9. THIS PLAN IS SUBJECT TO THE HUMBOLDT COUNTY OFFICE OF REGISTERED PROFESSIONAL ENGINEERS, SURVEYORS AND ARCHITECTS.
10. THIS PLAN IS SUBJECT TO THE HUMBOLDT COUNTY OFFICE OF REGISTERED PROFESSIONAL ENGINEERS, SURVEYORS AND ARCHITECTS.

PROJECT NUMBER: 546-44
SCALE: AS NOTED
DATE: 12/15/2018

DESIGNER: CL
DRAWN BY: CL
CHECKED BY: JM
APPROVED BY: JM

TITLE SHEET

RECEIVED
DEC 15 2018
HUMBOLDT COUNTY PLANNING

REGIONAL LOCATION MAP

HUMBOLDT COUNTY MAP

VICINITY LOCATION MAP

NO.	DESCRIPTION	DATE	BY
1	ISSUED FOR PERMIT	12/15/2018	CL
2	REVISED		
3	REVISED		
4	REVISED		

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.

1. Within 60 days of project approval, the applicant shall execute a Compliance Agreement with the Humboldt County Planning Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #3-11. 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.
2. **Within 90 days of the effective date of approval**, the applicant shall provide a revised site plan showing the square footage of cultivation area as approved by the Planning Commission on November 19, 2020.
3. **Within 90 days of the effective date of approval**, the applicant shall provide a groundwater testing and containment plan that meets the criteria of providing accurate and meaningful data with which to monitor the impact of the project's use of agricultural products on the drinking water quality of adjacent parcels downslope. The monitoring plan shall also include testing in the Mattole River west of the property at a point downriver of the project site. The plan shall be submitted for review and approval by the Planning Director. The results of the testing shall be provided on an annual basis thereafter. Should the results demonstrate deleterious impacts to drinking water quality or aquatic habitat, the applicant shall either modify the project to address the issue or withdraw the project.
4. The applicant shall obtain all necessary building permits and grading permits from the Building Inspection Division (BID) for all structures related to the commercial cannabis cultivation operation, including all greenhouses, agricultural buildings, sheds, and barns used in cultivation. The applicant shall submit floor plans including dimensions with electrical, mechanical and plumbing details for all existing Agriculture Exempt Structures and an Agriculture Exempt letter of intent for each. The applicant shall submit two complete sets of construction plans developed by a California-licensed engineer for the building permits. All building plans submitted for approval shall be consistent with those approved by the Planning Commission.
5. The applicant shall secure the approval of the Division of Environmental Health for the on-site sewage disposal system showing it can accommodate the proposed use. A letter from those agencies indicating approval has been issued will satisfy this condition.
6. The applicant shall utilize portable toilet and handwashing facilities for cultivation employees only. Processing must occur off-site until permanent Onsite Wastewater Treatment System (OWTS) is installed to the satisfaction of DEH. The applicant shall furnish receipts or other documentation to the DEH for the continual use of portable toilets for employees until a permanent septic system is installed to their satisfaction. A letter or similar communication from DEH verifying that all their requirements have been met will satisfy this condition.
7. The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency 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.
8. The applicant shall provide a copy of the Notice of Applicability from the SWRCB.

9. The applicant shall provide the Planning Department of copy of the Site Management Plan developed for the parcel prepared pursuant to Tier 1 enrollment under the State Water Resources Control Board (SWRCB) Cannabis Cultivation Policy, General Order. The applicant shall provide substantial evidence that all corrective actions detailed within the Site Management Plan have been completed.
10. The applicant shall cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning Division. Document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors will be required.
11. All 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 the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.
12. The applicant shall agree to use a water meter to demonstrate that there is sufficient water supply to meet the demands of the project. As part of the annual inspection, the applicant shall present water use records showing water use for the year broken down by month.
13. The property owner 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.
14. 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 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.

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

1. All components of project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, and these conditions of approval. Changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan.
2. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CMMLUO and MAUCRSA, as applicable to the permit type.
3. 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 towards compliance can be shown within the two years following the issuance of the provisional clearance or permit, The Planning Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow for additional time to meet the outstanding requirements.
4. 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.

5. 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.
6. Power is to be supplied by P.G.&E. and solar. A generator may only be used in the case of emergency power shut-off.
7. Storage of Fuel - Fuel shall be stored and handled in compliance with applicable state and local laws and regulations, including the County of Humboldt's CUPA program, and in such a way that no spillage occurs.
8. The Master Log Books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
9. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Section 719-1 et seq.).
10. The use of monofilament netting for all uses, including but not limited for erosion control, shall be prohibited. Geotextiles, fiber rolls, and other erosion control measure materials shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves to minimize the risk of ensnaring and strangling wildlife.
11. Leave wildlife unharmed. If any wildlife is encountered during the Authorized Activity, Permittee shall not disturb the wildlife and shall allow wildlife to leave the work site unharmed.
12. The environmental impacts of improper waste disposal are significant and well documented. All refuse shall be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
13. 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."
14. 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, California Agricultural Labor Relations Act, and the Humboldt County Code (including the Building Code).
15. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:
 - i. 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.

- ii. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
 - 8) Operation manager contacts;
 - 9) Emergency responder contacts;
 - 10) Poison control contacts.
- iii. 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.
- iv. On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.

17. Term of Commercial Cannabis Activity Special Permit. Any Commercial Cannabis Cultivation Special Permit issued pursuant to the CMMLUO shall expire after 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.

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 Special Permit or permit holder with a written statement identifying the items not in compliance, and the action that the permit holder may take to cure the non-compliance, or file an appeal within ten (10) days of the date that the written statement is delivered to the permit holder. Personal delivery or mailing the written statement to the mailing address listed on the application by regular mail, plus three (3) days after date of mailing, shall constitute delivery. The permit holder may request a reinspection to determine whether or not the permit holder has cured all issues of non-compliance. Failure to request reinspection or to cure any items of non-compliance 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 of the CMMLUO.

18. 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.

Permittee further acknowledges and declares that:

- (1) All commercial cannabis activity that I, my agents, or employees conduct pursuant to a permit from the County of Humboldt for commercial cultivation, processing, manufacturing, and distribution of cannabis for adult use or medicinal use within the inland area of the County of Humboldt, shall at all times be conducted consistent with the provisions of the approved County permit; and
- (2) All cannabis or cannabis products under my control, or the control of my agents or employees, and cultivated or manufactured pursuant to local Ordinance and the State of California Medicinal and Adult Use Cannabis Regulation and Safety Act ("MAUCRSA") (SB 94), will be distributed within the State of California; and
- (3) All commercial cannabis activity conducted by me, or my agents or employees pursuant to a permit from the County of Humboldt will be conducted in compliance with the State of California MAUCRSA.

19. 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:

- (1) Identifying information for the new Owner(s) and management as required in an initial permit application;
- (2) A written acknowledgment by the new Owner in accordance as required for the initial Permit application;
- (3) The specific date on which the transfer is to occur; and
- (4) Acknowledgement of full responsibility for complying with the existing permit; and
- (5) Execution of an Affidavit of Non-diversion of Commercial Cannabis.

20. 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 of 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 of 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 #1 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 #23 of the On-Going Requirements /Development Restrictions, above.
3. If cultural resources are encountered during construction activities, the contractor on site shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist as well as the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and 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 Section 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 Section 5097.98. Violators shall be prosecuted in accordance with Public Resources Code Section 5097.99.

4. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions 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 Department will send a bill to the Applicant for all staff costs incurred for review of the project for conformance with the conditions of approval. All Planning fees for this service shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.

5. 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 NOE and will charge this cost to the project.
6. 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.

ATTACHMENT 2

STAFF ANALYSIS OF THE EVIDENCE SUPPORTING THE REQUIRED FINDINGS

Required Findings: To approve this project, the Hearing Officer must determine that the applicant has submitted evidence in support of making all of the following required findings.

The County Zoning Ordinance, Sections 312-1.1.2 and 312-17.1 of the Humboldt County Code (Required Findings for All Discretionary Permits) specify the findings that are required to grant a Conditional Use Permit.

1. The proposed development is in conformance with the County General Plan, Open Space Plan, and Open Space Action Program;
2. The proposed development is consistent with the purposes of the existing zone in which the site is located;
3. The proposed development conforms with all applicable standards and requirements of these regulations;
4. The proposed development and conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare; or materially injurious to property or improvements in the vicinity;
5. 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 (the midpoint of the density range specified in the plan designation) unless the following written findings are made supported by substantial evidence: 1) the reduction is consistent with the adopted general plan including the housing element; and 2) the remaining sites identified in the housing element are adequate to accommodate the County share of the regional housing need; and 3) the property contains insurmountable physical or environmental limitations and clustering of residential units on the developable portions of the site has been maximized; and
6. In addition, the California Environmental Quality Act (CEQA) states that one of the following findings must be made prior to approval of any development which is subject to the regulations of CEQA. The project either:
 - a. Is categorically or statutorily exempt; or
 - b. Has no substantial evidence that the project will have a significant effect on the environment and a negative declaration has been prepared; or
 - c. Has had an environmental impact report (EIR) prepared and all significant environmental effects have been eliminated or substantially lessened, or the required findings in Section 15091 of the CEQA Guidelines have been made.

To approve this project, the Hearing Officer must determine that the applicant has submitted evidence in support of making **all** of the following required findings.

1. The proposed development must be consistent with the General Plan. The following table identifies the substantial evidence which supports finding that the proposed development is in conformance with all applicable policies and standards of the Humboldt County General Plan.

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Land Use Chapter 4</p> <p>Land Use Designations Section 4.8</p>	<p>Residential Agriculture (RA5-20, RA40): RA5-20: Rural residential designation for lands with slopes generally less than 30% and served by individual water and wastewater systems and good road access.</p> <p>RA40 is applied to more remote, steep and high hazard areas or where appropriate to ensure compatibility with adjacent resource production and open space uses.</p> <p>Density range is 5 to 40 acres/unit.</p>	<p>The Applicant is proposing to permit an existing commercial cannabis cultivation operation consisting of 17,000 SF outdoor and 4,800 SF mixed-light cultivation on lands designated as Residential Agriculture. The portion of the property where cultivation activities will occur is planned RA5-20, while the upper portion north of the pond is planned RA40. General and intensive agriculture and similar compatible uses are allowable use types for this designation.</p>
<p>Circulation Chapter 7</p>	<p>Goals and policies contained in this Chapter relate to a balanced, safe, efficient, accessible and convenient circulation system that is appropriate for each type of unincorporated community (C-G1,C-G2); coordinated planning design, development, operations, and maintenance between the County and other transportation system service providers (C-G3); and access for all transportation mode types with improved opportunities to move goods within, into and out of Humboldt County (C-G5).</p> <p>Related policies: C-P3, Consideration of Transportation Impacts in Land Use Decision Making.</p>	<p>The parcel is accessed by a private driveway off Huckleberry Road. A Road Evaluation Report was prepared by the Applicant stating the access road can be considered the functional equivalent of a Category 4 road and accommodate the increased traffic from the project (see Attachment 4). The project was referred to the Department of Public Works- Land Use Division. The intersection of Huckleberry Hill Road and Shelter Cove Road is paved. The driveway to the subject parcel shall meet the Site Visibility Standards and all fences and gates shall be relocated out of the right of way. These have been made conditions of approval.</p>
<p>Housing Chapter 8</p>	<p>Goals and policies contained in this Element seek to identify existing and projected housing needs and establish goals, policies, standards and measures for the preservation, improvement, and development of housing.</p> <p>Related policies: H-P3, Development of Parcels in the Residential Land Inventory.</p>	<p>The project does not involve residential development, nor is the project site part of the Housing Element Residential Land Inventory. However, the project will not preclude any future residential development. The project will 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.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Conservation and Open Space Chapter 10</p> <p>Open Space Section 10.2</p>	<p>Goals and policies contained in this Chapter relate to an Open Space and Conservation Program that is complimentary to other agencies' plans and that preserves the county's unique open spaces. (CO-G1, CO-G3).</p> <p>Related policies: CO-P1, Conservation and Open Space Program; CO-P12, Development Review; CO-S1, Identification of Local Open Space Plan; and CO-S2, Identification of the Open Space Action Program.</p>	<p>The proposed project is located on a parcel mapped with a Streamside Management Area, thus, it is within the Open Space Land Plan. The proposed project, considered an agricultural product, is consistent with the Open Space Plan, Open Space Action because it is consistent with the allowable uses of the Land Use Designations. The proposed project is consistent with the use of Open Space land for management and production of resources. The proposed project is consistent with the preservation of natural resources within open space. See Section 10.3 <i>Biological Resources</i> for additional information.</p>

<p>Conservation and Open Space Chapter 10</p> <p>Biological Resources Section 10.3</p>	<p>Goals and policies contained in this Chapter relate to mapped sensitive habitat areas where policies are applied to protect fish and wildlife and facilitate the recovery of endangered species (BR-G1, Threatened and Endangered Species, BR-G2, Sensitive and Critical Habitat, BR-G3, Benefits of Biological Resources).</p> <p>Related policies: BR-P1, Compatible Land Uses; BR-P5, Streamside Management Areas.</p>	<p>The project area is within the Headwaters Mattole impacted watershed. The Mattole River runs through the south east portion of the parcel. A Class II stream runs across the eastern edge of the property. Cultivation operations are outside riparian areas, and no riparian areas are directly impacted by project activities. Proposed greenhouses are approximately 870 feet from the Mattole River, and according to the WebGIS elevation tool the cultivation area is 8 feet above the Mattole. Summer-run steelhead and red-bellied newt are mapped on the California Natural Diversity Database (CNDDDB) as occurring within the vicinity of the area. The proposed greenhouse construction would occur in a disturbed area previously used for intensive agriculture in the form of an apple/ quince orchard that was removed by backhoe in 2018. The irrigation water source is an existing off-stream rainwater catchment pond. Domestic water is provided under permit from a Point of Diversion on the Mattole River. No water from the diversion is authorized by this permit for use in the cannabis operation. A Northern Spotted Owl (NSO) activity center is located 0.8 miles north of project activity. Final Critical Habitat for Marbled Murrelet and NSO is mapped on BLM land 0.7 miles to the west. The project is served by P.G.&E. and solar panels, with a generator used for emergency backup only. The generator is housed in a containment shed when in use. Supplemental lighting used in the on-site nursery and mixed-light greenhouse is required to be shielded such that no light escapes from the hour after sunset to an hour before sunrise. The project was referred to the California Department of Fish and Wildlife (CDFW). A response was received on 6/18/2018. Staff provided a response on 8/17/2020 with additional information on both domestic and irrigation water sources, energy source, and verification of existing cultivation. Conditions are incorporated for the applicant to comply with the Bull Frog management Plan and adhere to standard measures for the protection of wildlife.</p>
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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: November 19, 2020
To: Humboldt County Planning Commission
From: John H. Ford, Director of Planning and Building Department
Subject: **Mattole River Farms, LLC, Conditional Use Permit**
Record Number PLN-11752-CUP
Assessor's Parcel Number 108-161-034
569 Huckleberry Lane, Whitethorn area

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Please contact Stephen Luther, Planner, at 707-445-7541 or by email at sluther@co.humboldt.ca.us if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date November 19, 2020	Subject Conditional Use Permit	Contact Stephen Luther
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Project Description: A Conditional Use Permit for an existing 17,000 square foot outdoor cultivation area and a 4,800 square foot mixed light greenhouse. Propagation occurs in a 2,172 square foot nursery. Cultivation activities occur from February to October, with two harvest cycles occurring. Outdoor cultivation would occur in five (5) 3,400 square foot greenhouses (100' x 34'). Irrigation water is provided by a 1-million-gallon rain catchment pond. Estimated annual irrigation use is 275,000 gallons. Processing including drying and trimming occurs within the existing agricultural building, garage and containers on-site. Power is provided by P.G.&E. and solar panels.

Project Location: The project is located in the Whitethorn area, on the north side of Huckleberry Lane, at the intersection of Huckleberry Lane and Dragon Hill Road, on the property known as 569 Huckleberry Lane.

Present General Plan Land Use Designation: Residential Agriculture (RA40), Density: 40 acres per unit; Residential Agriculture (RA5-20), Density: Range is 5 to 20 acres per unit; 2017 General Plan, Slope Stability: Low Instability (1) and Moderate Instability (2).

Present Zoning: Unclassified (U)

Record Number: PLN-11752-CUP

Assessor Parcel Number: 108-161-034

Applicant	Owner	Agent
Mattole River Farms, LLC Anton Valeov 1751 Ellis Street #105 Concord, CA 94520	Southern Exposure Farms, LLC Todor Hristov 1547 Palo Verde #273 Walnut Creek, CA 94597	Elevated Solutions Lesley Doyle 3493 Walnut Drive Eureka, Ca 95503

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

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

Major Issues: None.

MATTOLE RIVER FARMS, LLC
Record Number PLN-11752-CUP
Assessor's Parcel Number: 108-161-034

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:

Find that the Commission has considered the Addendum to the Mitigated Negative Declaration adopted for the Commercial Medical Marijuana Land Use Ordinance pursuant to Section 15164 of the State CEQA Guidelines, make all of the required findings for approval of the Conditional Use Permit based on evidence in the staff report and adopt the Resolution approving the proposed Mattole River Farms, LLC, project subject to the recommended conditions.

Executive Summary: Mattole River Farms, LLC requests a Conditional Use Permit (CUP) to authorize the existing commercial cannabis operation. The application is for 17,000 square feet of existing outdoor cultivation and 4,800 square feet existing mixed-light. The site is developed with a residence and accessory agricultural buildings. Drying and processing will occur in a 2,600 square foot commercial building. Up to four workers will be on-site at peak activity.

A compilation of the available evidence for existing cultivation is provided in Attachment 6. Google Earth aerial imagery from May 2014 shows the 4,800 square foot mixed light greenhouse was existing. Staff conducted a Cultivation Area Verification (CAV) in 2017 based on September 2015 TerraServer imagery. The entirety of an apple/quince orchard was misidentified as outdoor cultivation when staff conducted the CAV in 2017. Based on this CAV, an Interim Permit was issued for the full application amount of 17,000 square feet outdoor and 4,800 square feet mixed-light. The applicant has been operating under this Interim Permit since 2018. A second CAV completed by staff in July 2019, which excluded the orchard, could verify only 6,600 square feet existing outdoor in the area around the greenhouse and below the pond in addition to the 4,800 square feet of mixed-light. Additional evidence of existing outdoor cultivation was requested. The previous landowner attests to growing approximately 500-600 cannabis plants dispersed in between orchard rows. Staff reviewed the May 2014 Google Earth imagery and observed spacing between orchard rows which could plausibly have been used for cannabis plants. However, no cannabis plants are visible in the orchard through available aerial imagery, either in the May 2014 image or in September 2015 image. Three public comment letters were received from neighboring property owners and state that no outdoor cannabis cultivation occurred in the orchard. The opposition letters therefore consider this application an expansion of cultivation area. The agent provided a video clip from the television documentary "Pot Cops." The footage shows the orchard on the subject parcel while the narrator describes the Humboldt Sheriff eradicating outdoor marijuana plants. Cultivators are known to have hidden plants from view during the 215-era to avoid enforcement. There is no police report. Evidence of existing cultivation provided by the applicant consists of a statement by the previous landowner and a Site Plan submitted with the application. An additional package of evidence was provided on October 29, 2020 (see Exhibit C of Attachment 6) showing pictures of depressions in the field and dried stalks. of cannabis cultivation existing on the parcel prior to January 1, 2016 is included in Attachment 6. The property was purchased in August 2018 by the current owner and transferred to the current applicant. At that time the application had a valid Interim Permit for the requested cultivation area and staff had not yet identified the incorrect basis of that analysis. Given the satellite images and comments from members of the local community, it is staff's position that it was unlikely that the applicant grew up to 11,000 square feet of outdoor intermixed within the orchard at the same time that they were cultivating out in the open areas. For this reason, staff's recommendation is for approval of 6,600 square feet of outdoor and 4,800 square feet of mixed-light cultivation only. However, the Planning Commission should consider the evidence and testimony in order to make a decision about whether to approve the entire requested cultivation area or some of the cultivation area.

The parcel is located in the Headwaters Mattole River impacted watershed and is therefore not eligible to apply for new cultivation.

The facility is secured by a privacy fence. In 2018 the applicant installed razor wire on the fence. The barbed wire was highly visible from Huckleberry Lane, and neighboring landowners successfully petitioned the applicant to remove the offending barbed wire. All fencing shall comply with Humboldt County standards. The cultivation and processing facility will have low intensity exterior lighting and motion activated security lights. All lighting will be designed and located such that light is confined to the property. Security cameras will be installed at the main access gates and the main residence will be alarmed. Cultivation activities will occur during daytime hours. Hours of operation for processing are 8 AM to 8 PM. Processing will occur in the proposed commercial facility with the use of a trim machine. Two (2) employees are needed.

The applicant estimates 274,800 gallons of water is required for the operation (12.6 gallons/sf). Water for irrigation is sourced solely from the off-stream rain catchment pond. The pond has a capacity of approximately 1-million gallons. The applicant has an appropriative water right from the State Water Resources Control Board, Division of Water Rights. The permit #20957 was filed in 1995 and allows up to 22 acre-feet of water to be diverted from the Mattole River for domestic and irrigation purposes. The permit includes conditions on the maximum instantaneous rate of diversion, amount of diversion to storage, and availability of water metering data. For the cannabis permit being considered, the sole source of irrigation water is the pond. No water diverted from the Mattole River may be used in the cannabis irrigation. The appropriative diversion is solely for domestic use. Water from the diversion will be stored in five (5) 5,000 gallon tanks for domestic use during the forbearance period between May 15 to November 15. Conditions of approval require water use will be metered to provide a record of actual water use and storage needs.

Public comments were received with complaints that agricultural activity on the subject parcel has contributed directly to algae blooms in drinking water wells located on neighboring downslope parcels. Staff has not received any results of groundwater testing to demonstrate high levels of nitrates or concentration of any other chemical in the groundwater as a result of agricultural use. Public comments have also expressed concern that agricultural products would reach the Mattole River through groundwater. The applicant is enrolled in the State Water Board Cannabis Waste Discharge Program and has prepared a Site Management Plan pursuant to Tier 1 enrollment. The operation is required to apply fertilizer at agronomic rates and store fertilizers in contained storage to prevent leaching to groundwater. In order to address the concerns about potential groundwater contamination, the applicant has agreed to conduct annual groundwater testing in the vicinity. A condition of approval requires the applicant provide a groundwater testing and containment plan within 90 days of approval for review and approval of the Planning Director, and provide results of the testing on an annual basis thereafter.

The project site is served by P.G.&E. grid power. The site is also developed with (3) 38' x 14' solar panels that supply renewable energy to the site. A Northern Spotted Owl (NSO) activity center is located 0.8 miles north of project activity. Final Critical Habitat for Marbled Murrelet and NSO is mapped on BLM land 0.7 miles to the west. A generator is used for emergency backup power only. The generator is housed in a containment shed when in use. Conditions of approval require noise from the generator, fans and water pump when in use shall not exceed 50 decibels as measured 100 feet from the source.

The parcel is accessed by a private driveway off Huckleberry Road. A Road Evaluation Report was prepared by the Applicant stating the road can be considered the functional equivalent of a Category 4 road and accommodate the increased traffic from the project (see Attachment 4). The project was referred to the Department of Public Works- Land Use Division. The intersection of Huckleberry Hill Road and Shelter Cove Road is paved. The driveway to the subject parcel shall meet the Site Visibility Standards and all fences and gates shall be relocated out of the right of way.

Public comments were received on the project. Specific issues raised concern groundwater infiltration of fertilizer and pesticide; potential impacts to drinking water quality; the scale and industrial look of the project not being compatible with the rural neighborhood; and disagreement that a cultivation operation of the requested size was existing. The General Plan designation is Residential Agriculture (RA5-20). General and intensive agriculture is an allowable use type. The operation stores pesticides and fertilizers in a containment structure and applies using agronomic rates. The proposed greenhouses would be developed with weed mat on the ground to create a barrier for any potential leakage to groundwater.

Environmental review for the proposed project as initially proposed was conducted, and based on the results of that analysis, staff determined the existing cultivation and processing aspects of the project were previously analyzed in the Final Mitigated Negative Declaration prepared for the Commercial Medical Land Use Ordinance (CMMLUO) adopted by the Humboldt County Board of Supervisors on January 26, 2016. Permitting the existing cultivation areas and bringing them into compliance with County and State regulations would not present substantial changes that would require major revisions to the previous mitigated negative declaration. An addendum to the MND has been prepared for this staff recommendation of permitting the existing cultivation areas only.

Based on a review of Planning Division 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 approving the Conditional Use Permit.

ALTERNATIVES: The Planning Commission could elect not to approve the project, or to require the applicant to submit further evidence, or modify the project. 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 Division staff has stated that the required findings in support of the proposal have been made. Consequently, Planning staff does not recommend further consideration of either alternative.

The Commission could also decide that the project may have environmental impacts that would require further environmental review pursuant to CEQA. Staff did not identify any potentially significant impacts. As Lead Agency, the Department has determined that the Project is consistent with the Mitigated Negative Declaration adopted for the Commercial Medical Marijuana Land Use ordinance (CMMLUO). However, the Commission may reach a different conclusion. In that case, the Commission should continue the item to a future date at least two months later to give staff the time to complete further environmental review.

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT
Resolution Number 20-**

**Record Number: PLN-11752-CUP
Assessor Parcel Numbers: 108-161-034**

Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the Mattole River Farms, LLC Conditional Use Permit request.

WHEREAS, Mattole River Farms, LLC submitted an application for a Conditional Use Permit for the existing cultivation of 17,000 SF outdoor and 4,800 SF mixed-light cultivation with a full-term outdoor with a 2,172 SF ancillary nursery, irrigation water from a rainwater catchment pond, and onsite processing; and

WHEREAS, the County Planning Division has reviewed the submitted application and evidence and has referred the application and evidence to involved reviewing agencies for site inspections, comments and recommendations; and

WHEREAS, the County Planning Commission has been able to verify 6,600 square feet of outdoor cultivation and 4,800 square feet of mixed-light cultivation; and

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

WHEREAS, Attachment 2 in the Planning Division staff report includes evidence in support of making all of the required findings for approving the proposed Conditional Use Permit (Record Number PLN-11752-CUP); and

WHEREAS, a public hearing was held on the matter before the Humboldt County Planning Commission on November 19, 2020.

NOW, THEREFORE, be it resolved, determined, and ordered by the Humboldt County Planning Commission that:

1. The Planning Commission considered the Addendum to the MND adopted for the Commercial Medical Marijuana Land Use Ordinance; and
2. The Planning Commission makes all the required findings in Attachment 2 of the Planning Commission staff report for Record Number PLN-11752-CUP, and
3. Record Number PLN-11752-CUP is approved for 6,600 square feet of outdoor cultivation and 4,800 square feet of mixed-light cultivation as recommended and conditioned in Attachment 1 for Record Number PLN-11752-CUP.

Adopted after review and consideration of all the evidence on November 19, 2020.

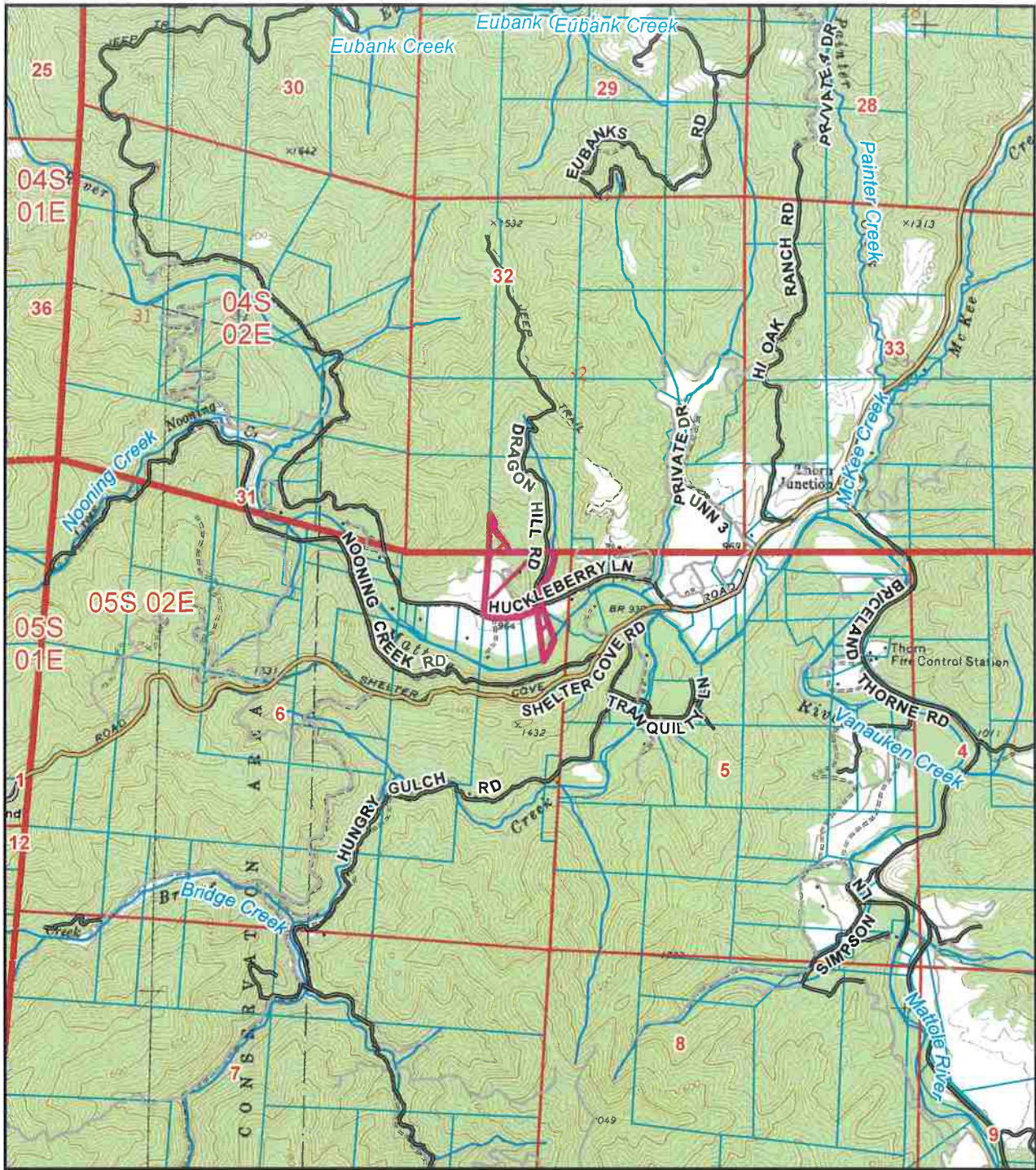
The motion was made by Commissioner ____ and seconded by Commissioner ____.

AYES: Commissioners:
NOES: Commissioners:
ABSTAIN: Commissioners:
ABSENT: 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

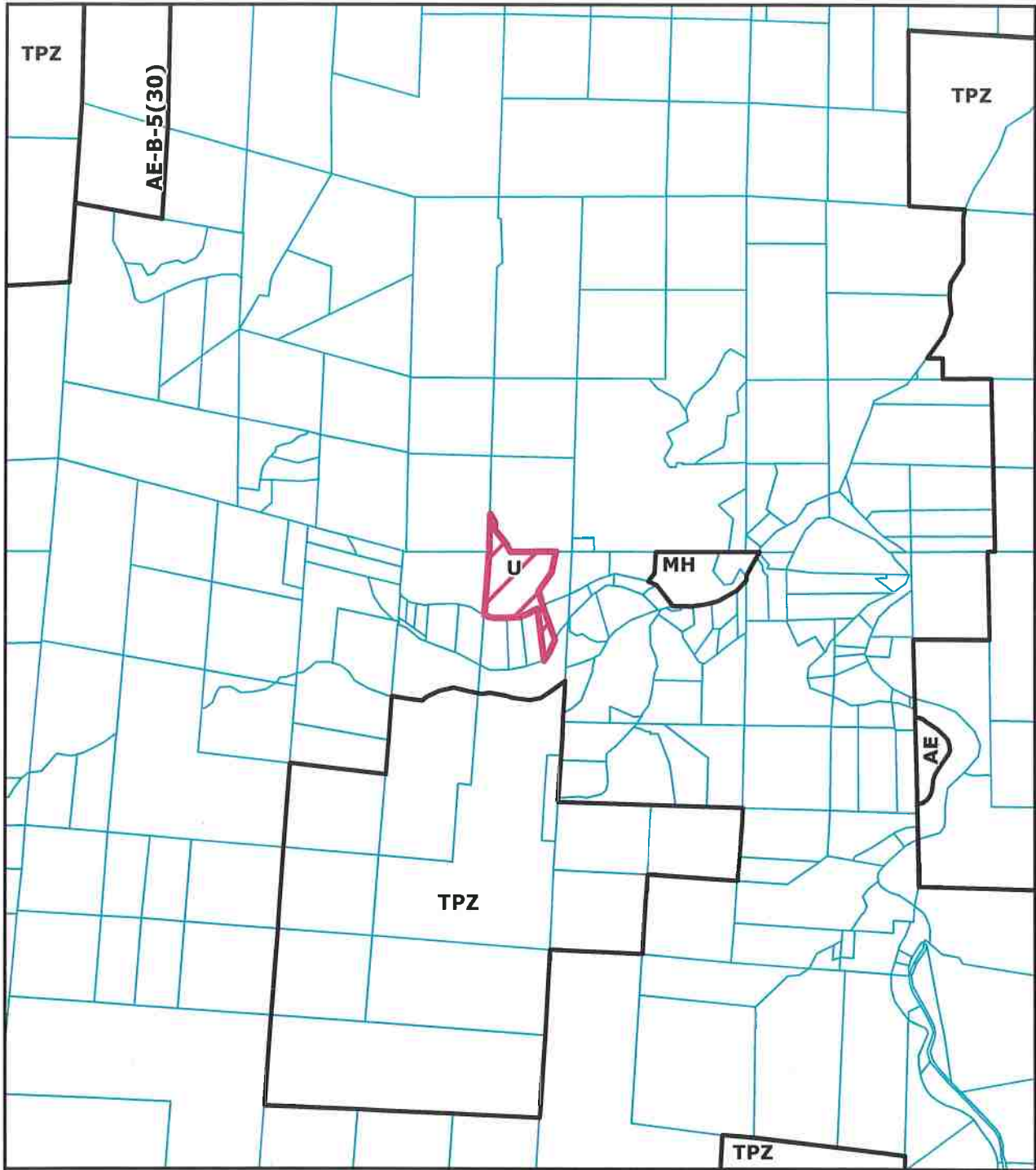


TOPO MAP
PROPOSED MATTOLE RIVER FARMS LLC
SHELTER COVE AREA
CUP-16-376
APN: 108-161-034
T04S R02E S32; T05S R02E S6 HB&M (BRICELAND)

Project Area =

0 1,000 2,000 4,000
 Feet

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.



ZONING MAP
PROPOSED MATTOLE RIVER FARMS LLC
SHELTER COVE AREA
CUP-16-376
APN: 108-161-034
T04S R02E S32; T05S R02E S6 HB&M (BRICELAND)

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.



AERIAL MAP
PROPOSED MATTOLE RIVER FARMS LLC
SHELTER COVE AREA
CUP-16-376
APN: 108-161-034
T04S R02E S32; T05S R02E S6 HB&M (BRICELAND)

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 108-161-034
PLOT PLAN

HUMBOLDT COUNTY, CA

Stillwater Sciences

11000 SOUTHWEST AVENUE SUITE 100
MILPITAS, CA 95035



PROJECT NUMBER: 546.44
SCALE: AS NOTED
DATE: 12/19/2019



DESIGN: CL
DRAWN: CL
CHECKED: JM
APPROVED: JM

TITLE SHEET

SHEET 1 OF 2

PLOT PLAN APN 108-161-034 HUMBOLDT COUNTY, CA

OWNER:
SOUTHWEST EXPOSURE FARMS, LLC
11000 SOUTHWEST AVENUE SUITE 100
MILPITAS, CA 95035

Sheet No.	Sheet Title
1	Plot Plan
2	Water Storage
3	Additional Notes

PROJECT NOTES:

APN 108-161-034 - 45 - 31,000 SF OUTDOOR CULTIVATION AREA

WATER STORAGE NOTES:

1.000,000 GALLON PAMMATER CATIONM/T POND

ADDITIONAL NOTES:

1. FENCE CONSTRUCTION SHALL BE IN ACCORDANCE WITH COUNTY AND HUMBOLDT COUNTY ORDINANCES AND LOCAL ORDINANCES.
2. ALL FIELD CONDITIONS, APPROXIMATE SIZE, AND LOCATION SHALL BE SHOWN ON THE PLOT PLAN.
3. THE PLOT PLAN SHALL BE SUBJECT TO THE FINAL REVIEW AND APPROVAL OF THE HUMBOLDT COUNTY PLANNING DEPARTMENT.
4. THE PLOT PLAN SHALL BE SUBJECT TO THE FINAL REVIEW AND APPROVAL OF THE HUMBOLDT COUNTY PLANNING DEPARTMENT.
5. THE PLOT PLAN SHALL BE SUBJECT TO THE FINAL REVIEW AND APPROVAL OF THE HUMBOLDT COUNTY PLANNING DEPARTMENT.
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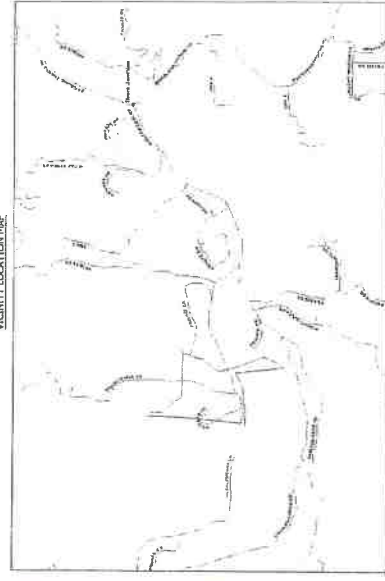


HUMBOLDT COUNTY MAP
TWS

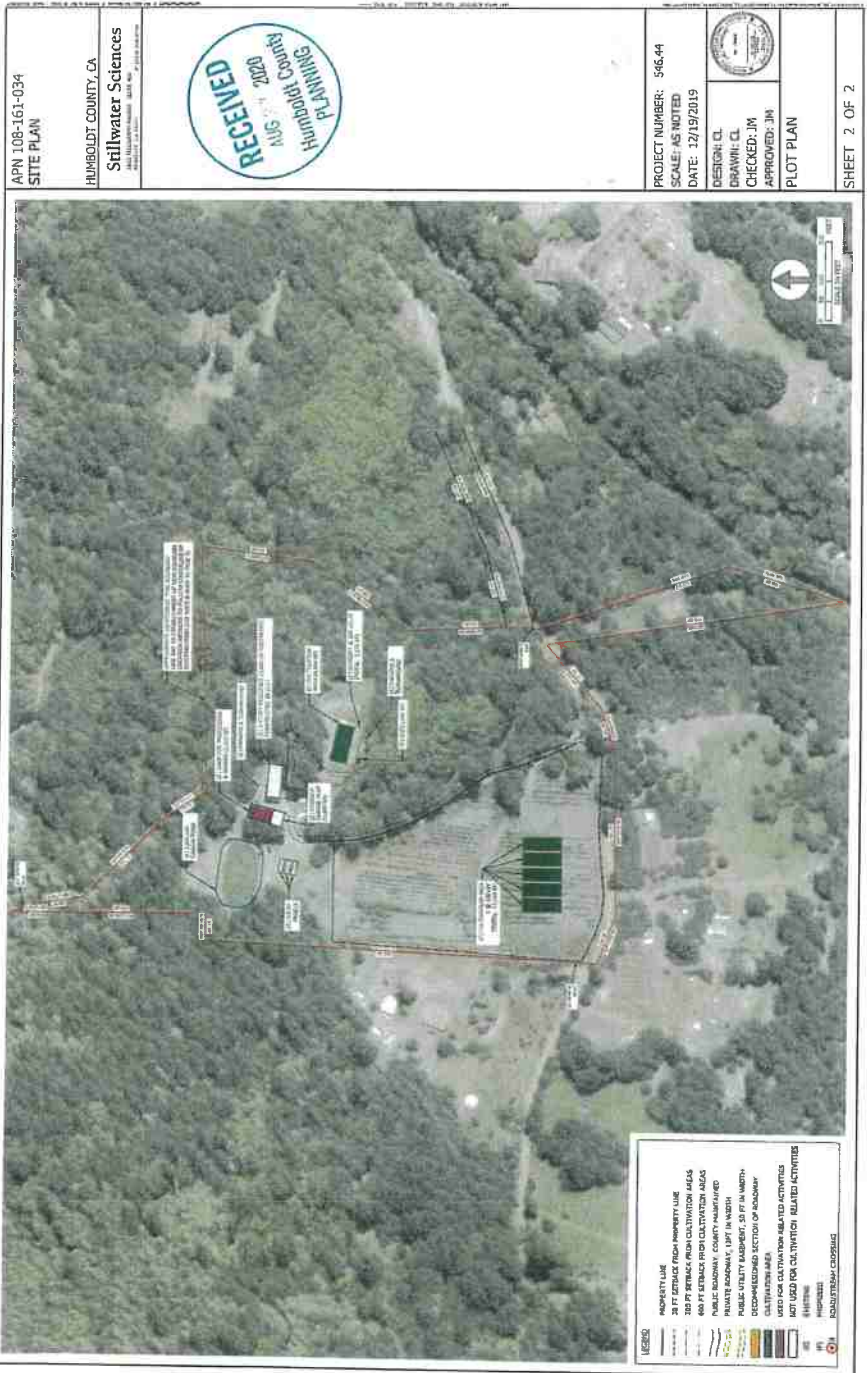
CALIFORNIA MAP
TWS



REGIONAL LOCATION MAP



VICINITY LOCATION MAP



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.

1. Within 60 days of project approval, the applicant shall execute a Compliance Agreement with the Humboldt County Planning Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #3-11. 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.
2. **Within 90 days of the effective date of approval**, the applicant shall provide a revised site plan showing the square footage of cultivation area as approved by the Planning Commission on November 19, 2020.
3. **Within 90 days of the effective date of approval**, the applicant shall provide a groundwater testing and containment plan that meets the criteria of providing accurate and meaningful data with which to monitor the impact of the project's use of agricultural products on the drinking water quality of adjacent parcels downslope. The monitoring plan shall also include testing in the Mattole River west of the property at a point downriver of the project site. The plan shall be submitted for review and approval by the Planning Director. The results of the testing shall be provided on an annual basis thereafter. Should the results demonstrate deleterious impacts to drinking water quality or aquatic habitat, the applicant shall either modify the project to address the issue or withdraw the project.
4. The applicant shall obtain all necessary building permits and grading permits from the Building Inspection Division (BID) for all structures related to the commercial cannabis cultivation operation, including all greenhouses, agricultural buildings, sheds, and barns used in cultivation. The applicant shall submit floor plans including dimensions with electrical, mechanical and plumbing details for all existing Agriculture Exempt Structures and an Agriculture Exempt letter of intent for each. The applicant shall submit two complete sets of construction plans developed by a California-licensed engineer for the building permits. All building plans submitted for approval shall be consistent with those approved by the Planning Commission.
5. The applicant shall secure the approval of the Division of Environmental Health for the on-site sewage disposal system showing it can accommodate the proposed use. A letter from those agencies indicating approval has been issued will satisfy this condition.
6. The applicant shall utilize portable toilet and handwashing facilities for cultivation employees only. Processing must occur off-site until permanent Onsite Wastewater Treatment System (OWTS) is installed to the satisfaction of DEH. The applicant shall furnish receipts or other documentation to the DEH for the continual use of portable toilets for employees until a permanent septic system is installed to their satisfaction. A letter or similar communication from DEH verifying that all their requirements have been met will satisfy this condition.
7. The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency 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.
8. The applicant shall provide a copy of the Notice of Applicability from the SWRCB.

9. The applicant shall provide the Planning Department of copy of the Site Management Plan developed for the parcel prepared pursuant to Tier 1 enrollment under the State Water Resources Control Board (SWRCB) Cannabis Cultivation Policy, General Order. The applicant shall provide substantial evidence that all corrective actions detailed within the Site Management Plan have been completed.
10. The applicant shall cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning Division. Document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors will be required.
11. All 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 the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.
12. The applicant shall agree to use a water meter to demonstrate that there is sufficient water supply to meet the demands of the project. As part of the annual inspection, the applicant shall present water use records showing water use for the year broken down by month.
13. The property owner 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.
14. 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 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.

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

1. All components of project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, and these conditions of approval. Changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan.
2. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CMMLUO and MAUCRSA, as applicable to the permit type.
3. 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 towards compliance can be shown within the two years following the issuance of the provisional clearance or permit, The Planning Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow for additional time to meet the outstanding requirements.
4. 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.

5. 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.
6. Power is to be supplied by P.G.&E. and solar. A generator may only be used in the case of emergency power shut-off.
7. Storage of Fuel - Fuel shall be stored and handled in compliance with applicable state and local laws and regulations, including the County of Humboldt's CUPA program, and in such a way that no spillage occurs.
8. The Master Log Books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
9. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Section 719-1 et seq.).
10. The use of monofilament netting for all uses, including but not limited for erosion control, shall be prohibited. Geotextiles, fiber rolls, and other erosion control measure materials shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves to minimize the risk of ensnaring and strangling wildlife.
11. Leave wildlife unharmed. If any wildlife is encountered during the Authorized Activity, Permittee shall not disturb the wildlife and shall allow wildlife to leave the work site unharmed.
12. The environmental impacts of improper waste disposal are significant and well documented. All refuse shall be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
13. 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."
14. 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, California Agricultural Labor Relations Act, and the Humboldt County Code (including the Building Code).
15. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:
 - i. 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.

- ii. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
 - 8) Operation manager contacts;
 - 9) Emergency responder contacts;
 - 10) Poison control contacts.
- iii. 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.
- iv. On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.

17. Term of Commercial Cannabis Activity Special Permit. Any Commercial Cannabis Cultivation Special Permit issued pursuant to the CMMLUO shall expire after 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.

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 Special Permit or permit holder with a written statement identifying the items not in compliance, and the action that the permit holder may take to cure the non-compliance, or file an appeal within ten (10) days of the date that the written statement is delivered to the permit holder. Personal delivery or mailing the written statement to the mailing address listed on the application by regular mail, plus three (3) days after date of mailing, shall constitute delivery. The permit holder may request a reinspection to determine whether or not the permit holder has cured all issues of non-compliance. Failure to request reinspection or to cure any items of non-compliance 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 of the CMMLUO.

18. 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.

Permittee further acknowledges and declares that:

- (1) All commercial cannabis activity that I, my agents, or employees conduct pursuant to a permit from the County of Humboldt for commercial cultivation, processing, manufacturing, and distribution of cannabis for adult use or medicinal use within the inland area of the County of Humboldt, shall at all times be conducted consistent with the provisions of the approved County permit; and
- (2) All cannabis or cannabis products under my control, or the control of my agents or employees, and cultivated or manufactured pursuant to local Ordinance and the State of California Medicinal and Adult Use Cannabis Regulation and Safety Act ("MAUCRSA") (SB 94), will be distributed within the State of California; and
- (3) All commercial cannabis activity conducted by me, or my agents or employees pursuant to a permit from the County of Humboldt will be conducted in compliance with the State of California MAUCRSA.

19. 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:

- (1) Identifying information for the new Owner(s) and management as required in an initial permit application;
- (2) A written acknowledgment by the new Owner in accordance as required for the initial Permit application;
- (3) The specific date on which the transfer is to occur; and
- (4) Acknowledgement of full responsibility for complying with the existing permit; and
- (5) Execution of an Affidavit of Non-diversion of Commercial Cannabis.

20. 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 of 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 of 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 #1 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 #23 of the On-Going Requirements /Development Restrictions, above.
3. If cultural resources are encountered during construction activities, the contractor on site shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist as well as the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and 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 Section 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 Section 5097.98. Violators shall be prosecuted in accordance with Public Resources Code Section 5097.99.

4. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions 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 Department will send a bill to the Applicant for all staff costs incurred for review of the project for conformance with the conditions of approval. All Planning fees for this service shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.

5. 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 NOE and will charge this cost to the project.

6. 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.

ATTACHMENT 2

STAFF ANALYSIS OF THE EVIDENCE SUPPORTING THE REQUIRED FINDINGS

Required Findings: To approve this project, the Hearing Officer must determine that the applicant has submitted evidence in support of making **all** of the following required findings.

The County Zoning Ordinance, Sections 312-1.1.2 and 312-17.1 of the Humboldt County Code (Required Findings for All Discretionary Permits) specify the findings that are required to grant a Conditional Use Permit.

1. The proposed development is in conformance with the County General Plan, Open Space Plan, and Open Space Action Program;
2. The proposed development is consistent with the purposes of the existing zone in which the site is located;
3. The proposed development conforms with all applicable standards and requirements of these regulations;
4. The proposed development and conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare; or materially injurious to property or improvements in the vicinity;
5. 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 (the midpoint of the density range specified in the plan designation) unless the following written findings are made supported by substantial evidence: 1) the reduction is consistent with the adopted general plan including the housing element; and 2) the remaining sites identified in the housing element are adequate to accommodate the County share of the regional housing need; and 3) the property contains insurmountable physical or environmental limitations and clustering of residential units on the developable portions of the site has been maximized; and
6. In addition, the California Environmental Quality Act (CEQA) states that one of the following findings must be made prior to approval of any development which is subject to the regulations of CEQA. The project either:
 - a. Is categorically or statutorily exempt; or
 - b. Has no substantial evidence that the project will have a significant effect on the environment and a negative declaration has been prepared; or
 - c. Has had an environmental impact report (EIR) prepared and all significant environmental effects have been eliminated or substantially lessened, or the required findings in Section 15091 of the CEQA Guidelines have been made.

To approve this project, the Hearing Officer must determine that the applicant has submitted evidence in support of making **all** of the following required findings.

1. The proposed development must be consistent with the General Plan. The following table identifies the substantial evidence which supports finding that the proposed development is in conformance with all applicable policies and standards of the Humboldt County General Plan.

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Land Use Chapter 4</p> <p>Land Use Designations Section 4.8</p>	<p>Residential Agriculture (RA5-20, RA40): RA5-20: Rural residential designation for lands with slopes generally less than 30% and served by individual water and wastewater systems and good road access.</p> <p>RA40 is applied to more remote, steep and high hazard areas or where appropriate to ensure compatibility with adjacent resource production and open space uses.</p> <p>Density range is 5 to 40 acres/unit.</p>	<p>The Applicant is proposing to permit an existing commercial cannabis cultivation operation consisting of 17,000 SF outdoor and 4,800 SF mixed-light cultivation on lands designated as Residential Agriculture. The portion of the property where cultivation activities will occur is planned RA5-20, while the upper portion north of the pond is planned RA40. General and intensive agriculture and similar compatible uses are allowable use types for this designation.</p>
<p>Circulation Chapter 7</p>	<p>Goals and policies contained in this Chapter relate to a balanced, safe, efficient, accessible and convenient circulation system that is appropriate for each type of unincorporated community (C-G1,C-G2); coordinated planning design, development, operations, and maintenance between the County and other transportation system service providers (C-G3); and access for all transportation mode types with improved opportunities to move goods within, into and out of Humboldt County (C-G5).</p> <p>Related policies: C-P3, Consideration of Transportation Impacts in Land Use Decision Making.</p>	<p>The parcel is accessed by a private driveway off Huckleberry Road. A Road Evaluation Report was prepared by the Applicant stating the access road can be considered the functional equivalent of a Category 4 road and accommodate the increased traffic from the project (see Attachment 4). The project was referred to the Department of Public Works- Land Use Division. The intersection of Huckleberry Hill Road and Shelter Cove Road is paved. The driveway to the subject parcel shall meet the Site Visibility Standards and all fences and gates shall be relocated out of the right of way. These have been made conditions of approval.</p>
<p>Housing Chapter 8</p>	<p>Goals and policies contained in this Element seek to identify existing and projected housing needs and establish goals, policies, standards and measures for the preservation, improvement, and development of housing.</p> <p>Related policies: H-P3, Development of Parcels in the Residential Land Inventory.</p>	<p>The project does not involve residential development, nor is the project site part of the Housing Element Residential Land Inventory. However, the project will not preclude any future residential development. The project will 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.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Conservation and Open Space Chapter 10</p> <p>Open Space Section 10.2</p>	<p>Goals and policies contained in this Chapter relate to an Open Space and Conservation Program that is complimentary to other agencies' plans and that preserves the county's unique open spaces. (CO-G1, CO-G3).</p> <p>Related policies: CO-P1, Conservation and Open Space Program; CO-P12, Development Review; CO-S1, Identification of Local Open Space Plan; and CO-S2, Identification of the Open Space Action Program.</p>	<p>The proposed project is located on a parcel mapped with a Streamside Management Area, thus, it is within the Open Space Land Plan. The proposed project, considered an agricultural product, is consistent with the Open Space Plan, Open Space Action because it is consistent with the allowable uses of the Land Use Designations. The proposed project is consistent with the use of Open Space land for management and production of resources. The proposed project is consistent with the preservation of natural resources within open space. See Section 10.3 <i>Biological Resources</i> for additional information.</p>

<p>Conservation and Open Space Chapter 10</p> <p>Biological Resources Section 10.3</p>	<p>Goals and policies contained in this Chapter relate to mapped sensitive habitat areas where policies are applied to protect fish and wildlife and facilitate the recovery of endangered species (BR-G1, Threatened and Endangered Species, BR-G2, Sensitive and Critical Habitat, BR-G3, Benefits of Biological Resources).</p> <p>Related policies: BR-P1, Compatible Land Uses; BR-P5, Streamside Management Areas.</p>	<p>The project area is within the Headwaters Mattole impacted watershed. The Mattole River runs through the south east portion of the parcel. A Class II stream runs across the eastern edge of the property. Cultivation operations are outside riparian areas, and no riparian areas are directly impacted by project activities. Proposed greenhouses are approximately 870 feet from the Mattole River, and according to the WebGIS elevation tool the cultivation area is 8 feet above the Mattole. Summer-run steelhead and red-bellied newt are mapped on the California Natural Diversity Database (CNDDB) as occurring within the vicinity of the area. The proposed greenhouse construction would occur in a disturbed area previously used for intensive agriculture in the form of an apple/ quince orchard that was removed by backhoe in 2018. The irrigation water source is an existing off-stream rainwater catchment pond. Domestic water is provided under permit from a Point of Diversion on the Mattole River. No water from the diversion is authorized by this permit for use in the cannabis operation. A Northern Spotted Owl (NSO) activity center is located 0.8 miles north of project activity. Final Critical Habitat for Marbled Murrelet and NSO is mapped on BLM land 0.7 miles to the west. The project is served by P.G.&E. and solar panels, with a generator used for emergency backup only. The generator is housed in a containment shed when in use. Supplemental lighting used in the on-site nursery and mixed-light greenhouse is required to be shielded such that no light escapes from the hour after sunset to an hour before sunrise. The project was referred to the California Department of Fish and Wildlife (CDFW). A response was received on 6/18/2018. Staff provided a response on 8/17/2020 with additional information on both domestic and irrigation water sources, energy source, and verification of existing cultivation. Conditions are incorporated for the applicant to comply with the Bull Frog management Plan and adhere to standard measures for the protection of wildlife.</p>
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Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Conservation and Open Space Chapter 10</p> <p>Cultural Resources Section 10.6</p>	<p>Goals and policies contained in this Chapter relate to the protection and enhancement of significant cultural resources, providing heritage, historic, scientific, educational, social and economic values to benefit present and future generations (CU-G1, Protection and Enhancement of Significant Cultural Resources).</p> <p>Related policies: CU-P1, Identification and Protection; CU-P2, Native American Tribal Consultation.</p>	<p>The project was referred to the Northwest Information Center (NWIC), the Bear River Band of Rohnerville Rancheria, and the Intertribal Sinkyone Wilderness Tribe. NWIC responded and recommended a cultural resource survey be prepared for the site. A cultural resources investigation was prepared for the parcel by William Rich and Associates in May 2019. The project site is in the ancestral territory of the <i>Tcis-tci kai-a</i> / Shelter Cove Sinkyone people. Many of the surviving descendants of this people are part of the Bear River Rancheria Tribe. No cultural resources were identified on the site. The Bear River Tribal Historic Preservation Officer responded that there were no further concerns and recommended the applicant adhere to the inadvertent discovery protocol.</p>
<p>Conservation and Open Space Chapter 10</p> <p>Scenic Resources Section 10.7</p>	<p>Goals and policies contained in this Chapter relate to the protection of scenic areas that contribute to the enjoyment of Humboldt County's beauty and abundant natural resources (SR-G1); and a system of scenic highways roadways that increase the enjoyment of, and opportunities for, recreational and cultural pursuits and tourism in the County (SR-G2).</p> <p>Related standards: SR-S4, Light and Glare.</p>	<p>The project involves outdoor cultivation in five proposed greenhouses, and mixed-light cultivation in an existing greenhouse. The applicant utilizes a 2,172 square foot greenhouse for propagation of seeds and clones. Supplemental lighting in the nursery and mixed-light greenhouse will comply with International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1 and be designed to regulate light spillage onto neighboring properties resulting from backlight, uplight, or glare (BUG). International Dark Sky Association Standards exceed the requirements of Scenic Resources Standard SR-S4, Light and Glare, that lighting be fully shielded, and designed and installed to minimize off-site lighting and direct light within the property boundaries. By adhering to these standards, the project meets the goals of this section.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Water Resources Chapter 11</p> <p>Stormwater Drainage</p>	<p>Goals and policies contained in this Chapter relate to coordinated watershed planning and land use decision making to advance management priorities (WR-G3, WR-G4, WR-G5); watershed conservation and restoration efforts aimed at delisting water bodies and watersheds which are restored to meet all beneficial uses, including water use, salmon and steelhead recovery plans, recreational activities, and the economy (WR-G1, WR-G2, WR-G7, WR-G8, WR-G9).</p> <p>Related policies: WR-P10, Erosion and Sediment Discharge; WR-42, Erosion and Sediment Control Measures.</p>	<p>The site of the proposed greenhouses is on a flat area gently sloping to the south. The cultivation operation would employ weed mat on the floors of the greenhouses and use agronomic watering in order to minimize infiltration of fertilizer runoff into the groundwater. Winterization measures will include covering spent soil in a single pile covered with a tarp and surrounded by waddles, and cover crops will be used in beds to hold in nutrients. The applicant is enrolled in the State Cannabis Discharge program. Conditions of approval require the applicant to submit evidence of enrollment into the State Cannabis Cultivation Discharge program by submitting copies of all documents filed with the State Water Resources Control Board, including, but not limited to, a Notice of Applicability. The applicant is required to adhere to and implement the requirements contained in the SWRCB's Cannabis Cultivation Policy, the General Order and the Notice of Applicability. A copy of the reporting form portion of the Mitigation and Reporting Program (MRP) shall be submitted annually to the Planning and Building Department concurrent with the submittal to the SWRCB.</p>
<p>Water Resources Chapter 11</p> <p>Onsite Wastewater Systems</p>	<p>Goals and policies contained in this Chapter relate to adequate public water supply as well as onsite wastewater systems and natural and developed storm drainage systems that minimize interference with surface and groundwater flows and storm water pollution (WR-G6, WR-G9, WR-G11).</p> <p>Related policies: WR-IM7, Basin Plan Septic Requirements; and IS-P17, On-Site Sewage Disposal Requirements.</p>	<p>The site is developed with a residence with an approved septic system. The project was referred to the Division of Environmental Health (DEH) and the response recommended approval. Prior to processing on-site, the applicant must demonstrate the system</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Noise Chapter 13	<p>Goals and policies contained in this Chapter discourage incompatible uses within communities and reduce excessive noise through the application of standards (N-G1, N-G2).</p> <p>Related policies: N-P1, Minimize Noise from Stationary and Mobile Sources; N-P4, Protection from Excessive Noise.</p>	<p>The proposed project is located in an area that requires noise attenuation measures. Electric power is supplied by P.G.&E., and supplemented by solar. A generator is used for emergency backup power in the case of power outage. The generator is housed in a containment shed when in use. Fans will be used in the greenhouses. A Northern Spotted Owl (NSO) activity center is located 0.8 miles north of project activity. Final Critical Habitat for Marbled Murrelet and NSO is mapped on BLM land 0.7 miles to the west. Conditions of approval require noise from the generator and fans when in use shall not exceed 50 decibels as measured 100 feet from the source.</p>
Safety Element Chapter 14 Geologic & Seismic	<p>Goals and policies contained in this Chapter relate to communities that are designed and built to minimize the potential for loss of life and property resulting from natural and manmade hazards; and to prevent unnecessary exposure to areas of geologic instability, floodplains, tsunami run-up areas, high risk wildland fire areas, and airport areas planned and conditioned to prevent unnecessary exposure of people and property to risks of damage or injury (S-G1, S-G2).</p> <p>Related policies: S-P7, Structural Hazards; and S-P11, Site Suitability.</p>	<p>The project site has variable topography, ranging from less than 15% to more than 50% slopes. The parcel is mapped as having low to moderate geologic instability. The project site is not located in a mapped Alquist-Priolo fault zone or subject to liquefaction. The mixed-light cultivation occurs in an existing greenhouse on an existing developed flat. Five greenhouses are proposed on a gently sloping field with slopes between 0-10%. The Water Resource Protection Plan (WRPP) prepared for the parcel did not identify erosion issues on the site. In addition, because the cannabis operation is an agricultural activity located outdoors with only minor accessory structures to support the cultivation, the use is not expected to affect or to be affected by geologic instability. The project does not pose a threat to public safety related from exposure to natural or manmade hazards.</p>
Safety Element Chapter 14 Flooding	<p>Goals and policies contained in this Chapter relate to the use of natural drainage channels and watersheds that are managed to minimize peak flows in order to reduce the severity and frequency of flooding (S-G3).</p> <p>Related policies include: S-P12, Federal Flood Insurance Program; S-P13, Flood Plains; and S-P15, Construction Within Special Flood Hazard Areas.</p>	<p>The project site is outside any mapped flood hazard areas. The project site is not within a mapped dam or levee inundation area and is outside the areas subject to tsunami run-up.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Safety Element Chapter 14</p> <p>Fire Hazards</p>	<p>Goals and policies of this Chapter encourage development designed to reduce the risk of structural and wildland fires supported by fire protection services that minimize the potential for loss of life, property, and natural resources (S-G4).</p> <p>Related policies: S-P19, Conformance with State Responsibility Areas (SRA) Fire Safe Regulations.</p>	<p>The subject parcel is located within an area with a high fire hazard severity. The project site is located within the Whitethorn Fire Protection District fire response area. The site is in the State Fire Responsibility Area where the State of California has the primary financial responsibility for the prevention and suppression of wildland fires. CALFIRE comments recommended compliance with the requirements of the County's Fire Safe Ordinance. The Humboldt County Fire Safe Ordinance (Section 3111-1 <i>et seq.</i>) establishes development standards for minimizing wildfire danger in state responsibility designated areas. The proposed project includes a 1-million-gallon pond that can also be used in fire protection. Conditions of approval for the project require the applicant to demonstrate the driveway and emergency vehicle turn around conform with the Humboldt County Code Section 3112-12, the Fire Safe Regulations. All applicable referral agencies were referred and did not identify any issues relating to fire hazards.</p>
<p>Community Infrastructure and Services Element, Chapter 5</p> <p>Implementation Action Plan</p>	<p>IS-S5 requires new industrial, commercial and residential development located outside of fire district boundaries to obtain written acknowledgment of available emergency response and fire suppression services from the local fire agency, including any recommended mitigation.</p>	<p>To implement this policy, conditions of approval for the proposed project require the applicant to cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel on a form provided by the Humboldt County Planning Division.</p>
<p>Air Quality Chapter 15</p>	<p>Goals and policies contained in this Chapter relate to improved air quality to meet current and future state and federal standards, including attainment of particulate matter requirements (AQ-G1, AQ-G2, AQ-G3) and the successful reduction of greenhouse gas emissions to levels consistent with state and federal requirements (AQ-G4).</p> <p>Related policies: AQ-P4, Construction and Grading Dust Control; and AQ-P7, Interagency Coordination.</p>	<p>Applications for grading and/or building permits shall be referred to the North Coast Air Quality Management District (NCAQMD) for review and consultation. Dust control practices during any construction and grading shall achieve compliance with NCAQMD fugitive dust emission standards.</p>

2. Zoning Compliance and 3. Conforms with applicable standards and requirements of these regulations:
 The following table identifies the evidence which supports finding that the proposed development is in conformance with all applicable policies and standards in the Humboldt County Zoning Regulations.

Zoning Section	Summary of Applicable Requirement	Evidence That Supports the Zoning Finding
§312-1.1.2 Legal Lot Requirement	Development permits shall be issued only for a lot that was created in compliance with all applicable state and local subdivision regulations.	The parcel known as APN 108-161-034 is one separate legal parcel created by Notice of Merger (NOM 18-009) that resulted in the voluntary merger of two parcels to cure a legacy subdivision violation. There is no evidence indicating there have been any subsequent acts to merge or divide this parcel. Therefore, the subject parcel was lawfully created in its current configuration and can be developed as proposed.
§314-8.1 Unclassified (U)	Unclassified (U): All of the unincorporated area of the County not otherwise zoned is designated as Unclassified.	The applicant is seeking one Conditional Use Permit for an existing 17,000 SF outdoor and 4,800 SF mixed-light cannabis cultivation operation on property zoned U. The proposed use is specifically allowed with a Conditional Use Permit in this zoning district and under Section 314-55.4.8.2.2 of the CMMLUO.
Minimum Lot Area:	6,000 square feet	25.35 acres
Maximum Ground Coverage:	40%	4%
Minimum Lot Width:	50 feet	90 feet
Maximum Lot Depth:	Three (3) times the width	1,520 feet
Minimum Yard Setbacks:	Front: 20 feet Rear: 10 feet Side: 5 feet SRA: 30 feet all sides	Front (south): 30feet Rear (north): 100 feet Side (west): 42 feet
Max. Building Height:	None specified	Less than 40 feet
§314-61.1 Streamside Management Area (SMA)	Purpose: To provide minimum standards pertaining to the use and development of land located within Streamside Management Areas (SMAs) and other wet areas to implement the County's Open Space Element of the General Plan.	The parcel is situated above the Mattole River which runs through the southernmost portion of the parcel. An unnamed Class II stream runs parallel to the eastern property line. Access to the site crosses the stream which has a functioning culvert, according to the Lake and Streambed Alteration Agreement. No project activities occur in the SMA, and therefore no Special Permit is required.

<p>§314-109.1 Off-Street Parking</p>	<p>Off Street Parking for Agricultural use*: Parking space per employee at peak shift. A minimum of three parking spaces are required.</p> <p>*Use for this activity is not specified. Per Section 314-109.1.2.9, the Director may fix the required number of parking spaces based on standards for most comparable use.</p>	<p>6 spaces</p>
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<p>314-55.4 et seq. HCC: Commercial Cultivation, Processing, Manufacturing and Distribution of Cannabis for Medical Use Inland Land Use Regulation (CMMLUO)</p>		
<p>§314-55.4.8.2</p>	<p>In all zones where cultivation is allowed consisting of timberland, the commercial cultivation of cannabis for medical use shall only be permitted within a 3-acre conversion exemption area, or non-timberland open area, subject to the conditions and limitations set forth in this Section.</p>	<p>The project site is a partially forested site zoned U and was reviewed for timberland conversion. CALFIRE provided a referral response recommending standard conditions related to the SRA and Fire Safe Ordinance. A review of aerial imagery shows that vegetation was removed between 2016-2018. The applicant attested that these were fruit trees, and not commercial tree species. No timberland has been converted.</p>

<p>§314-55.4.8.2.2 Existing Outdoor and Mixed-Light Cultivation Areas</p>	<p>On parcels 5 acres or larger in size, a Zoning Clearance Certificate, Special Permit or Conditional Use Permit may be issued for existing outdoor and mixed light cultivation for some or all of the cultivation area in existence prior to January 1, 2016. The total cultivation area allowed on a single parcel shall not exceed one acre for outdoor cultivation or 22,000 square feet for mixed-light cultivation. A Conditional Use Permit is appropriate for existing outdoor and/or mixed-light cultivation >10,000 - 43,560 sf on parcels over 1-acre, zoned FR.</p>	<p>The applicant submitted evidence of cannabis cultivation existing on the parcel prior to January 1, 2016. Google Earth aerial imagery from 2014 shows the 4,800 square foot mixed light greenhouse. Staff conducted a Cultivation Area Verification in 2018 based on September 2015 TerraServer imagery in which the entirety of an apple/quince orchard was misidentified as outdoor cultivation. Based on this CAV, an Interim Permit was issued for the full application amount of 17,000 square feet outdoor and 4,800 square feet mixed-light. The applicant has been operating under this Interim Permit since 2018. A second CAV completed by staff, which excluded the orchard, could verify only 6,600 square feet existing outdoor. In July 2019, staff requested additional evidence of existing outdoor cultivation. The previous landowner attests to growing approximately 500-600 cannabis plants dispersed in between orchard rows. Staff reviewed the May 2014 Google Earth imagery and observed spacing between orchard rows which could plausibly have been used for cannabis plants. However, no cannabis plants are visible in the orchard through aerial imagery. The agent provided a video clip from the television documentary "Pot Cops." The clip shows the camera looking down on the orchard on the subject parcel while the narrator speaks about large illegal marijuana grows occurring out in the open. Cultivators are known to have hidden plants from view during the 215 era. Staff finds it plausible the applicant grew up to 17,000 square feet outdoor, and is recommending the Planning Commission consider the evidence and testimony in order to make a decision.</p>
<p>§314-55.4.8.10 Permit Limit</p>	<p>No more than four commercial cannabis activity permits may be issued to a single person, as defined in the referenced section.</p>	<p>According to records maintained by the Department, the applicant Mattole River Farms, LLC has only this application and is entitled to four. This application is for one Conditional Use Permit.</p>
<p>§314-55.4.10 Application Requirements</p>	<p>Identifies the Information Required for All Applications</p>	<p>Attachment 4 identifies the information submitted with the application, and shows all the required information was received.</p>
<p>§314-55.4.11 Performance Standards</p>	<p>Identifies the Performance Standards for Cannabis Cultivation Activities</p>	<p>All the applicable performance standards are included as Conditions of project approval. They are required to be met throughout the timeframe of the permit.</p>

<p>§314-55.4.11.c Performance Standards-Water</p>	<p>Compliance with all statutes, regulations and requirements of the California State Water Resources Control Board, 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.</p>	<p>The applicant estimates approximately 275,000 gallons of water is required for the operation (12.6 gallons/sf). Water for irrigation is sourced solely from the off-stream rain catchment pond. The pond has a capacity of approximately 1-million gallons. The applicant has an appropriative water right from the State Water Resources Control Board, Division of Water Rights. The permit #20957 was filed in 1995 and allows up to 22 acre-feet of water to be diverted from the Mattole River for domestic and irrigation purposes. The permit includes conditions on the maximum instantaneous rate of diversion, amount of diversion to storage, and availability of water metering data. For the cannabis permit being considered, the sole source of irrigation water is the pond, and the appropriative diversion is solely for domestic use. No water diverted from the Mattole River may be used to irrigate cannabis cultivation. Water lines from the Mattole diversion to the pond have been removed to ensure the pond is not filled by diversionary water. Water from the diversion will be stored in five (5) 5,000-gallon tanks for domestic use during the forbearance period between May 15 to November 15. Conditions of approval require water use will be metered to provide a record of actual water use and storage needs and to ensure adherence to any forbearance or water limitation requirements, if applicable. Based on the submitted evidence and conditions of approval, the project complies with the referenced section.</p>
<p>§314-55.4.11.d Performance Standards-Setbacks</p>	<p>The area of cannabis cultivation and on-site processing shall be setback at least 30 feet from any property line, and 600 feet from any school, school bus stop, church or other place of religious worship, public park, or tribal cultural resources (TCRs).</p>	<p>The site plan shows that the project complies with 30-foot property line setbacks. The site plan notes, and aerial imagery verifies, there are no schools, school bus stops, public parks, places of worship, or tribal cultural resources within 600 feet of the project site.</p>

<p>§314-55.4.11.o Performance Standards- Generator Noise</p>	<p>The noise produced by a generator used for cannabis cultivation shall not be audible by humans from neighboring residences. The combined decibel level for all noise sources, including generators, at the property line shall be no more than 60 decibels. Where applicable, sound levels must also show that they will not result in the harassment of Marbled Murrelet or Spotted Owl species, when generator use is to occur in the vicinity of potential habitat. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service.</p>	<p>The project site is served by P.G.&E. grid power. The site is also developed with (3) 38' x 14' solar panels that supply renewable energy to the site. A Northern Spotted Owl (NSO) activity center is located 0.8 miles north of project activity. Final Critical Habitat for Marbled Murrelet and NSO is mapped on BLM land 0.7 miles to the west. A generator is used for emergency backup power only. The generator is housed in a containment shed when in use. Conditions of approval require noise from the generator when in use shall not exceed 50 decibels as measured 100 feet from the source.</p>
<p>§314-55.4.17 Sunset Date</p>	<p>No application for any Use Permit pursuant to the CMMLUO shall be processed for issuance or approval that is received after December 31, 2016.</p>	<p>The applicant filed the application on December 12, 2016.</p>

4. Public Health, Safety and Welfare: The following table identifies the evidence which supports finding that the proposed development will not be detrimental to the public health, safety and welfare or materially injurious to properties or improvements in the vicinity and will not adversely impact the environment.

Code Section	Summary of Applicable Requirements	Evidence that Supports the Required Finding
§312-17.1.4	The proposed development will not be detrimental to the public health, safety and welfare, and will not be materially injurious to properties or improvements in the vicinity.	The Department finds that the proposed project will not be detrimental to the public health, safety and welfare since all reviewing referral agencies have approved the proposed project design. The project as proposed and conditioned is consistent with the general plan and zoning ordinance and the project is not expected to cause significant environmental damage.

5. Residential Density Target: The following table identifies the evidence which supports finding that the proposed project will 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.

Code Section	Summary of Applicable Requirement	Evidence that Supports the Required Finding
17.1.5 Housing Element Densities	The proposed development shall not reduce the residential density for any parcel below that is utilized by the Department of Housing and Community Development in determining compliance with housing element law (the midpoint of the density range specified in the plan designation), except where: 1) the reduction is consistent with the adopted general plan including the housing element; and 2) the remaining sites identified in the housing element are adequate to accommodate the County share of the regional housing need; and 3) the property contains insurmountable physical or environmental limitations and clustering of residential units on the developable portions of the site has been maximized.	As discussed above the property was not included in the 2019 Housing Inventory because of the land use designation and zoning. The project is in conformance with the standards in the Housing Element.

6. Environmental Impact: The following table identifies the evidence which supports finding that the proposed development will not adversely impact the environment.

As lead agency, the Department prepared an Addendum to the previously adopted Mitigated Negative Declaration (MND) (State Clearinghouse # 2015102005) prepared for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) and adopted by the County Board of Supervisors January 26, 2016. The MND prepared for the CMMLUO established that the environmental effects of existing cultivation operations would be reduced from the baseline impacts through the regulations applied by the CMMLUO. The proposed project is consistent with all regulations within the CMMLUO and all mitigation measures of the MND. The project is for the approval of an existing cultivation, on-site propagation, irrigation from rainwater catchment, and on-site processing. The environmental document on file includes detailed discussions of all the relevant environmental issues.

**ATTACHMENT 3
CEQA Addendum**

**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 108-161-034, 569 Huckleberry Lane, Whitethorn County of Humboldt

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

September 2020

Background

Modified Project Description and Project History - The original project reviewed under the Mitigated Negative Declaration (MND) for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) 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 by establishing regulations for an existing unregulated land use to help prevent and reduce environmental impacts that are known to result from unpermitted baseline cultivation operations. 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."

The modified project involves a Conditional Use Permit for an existing 17,000 square foot outdoor cultivation area and a 4,800 square foot mixed light greenhouse. Propagation occurs in a 2,172 square foot nursery. Cultivation activities occur year-round, with two harvests annually. Cultivation would occur in five (5) 3,400 square foot greenhouses (100' x 34'). Irrigation water is provided by a 1-million-gallon rain catchment pond. Estimated annual irrigation use is 275,000 gallons. Processing includes drying and trimming and occurs within the existing agricultural building, garage and containers on-site. Power is provided by P.G.&E. and solar panels.

The project site has variable topography, ranging from less than 15% to more than 50% slopes. The parcel is mapped as having low to moderate geologic instability. Mixed-light cultivation occurs in an existing greenhouse on an existing developed flat. Five greenhouses are proposed on a gently sloping field with slopes between 0-10%. The Site Management Plan prepared for the parcel did not identify erosion issues on the site. Riparian habitat associated with the Mattole River running through the southern portion of the parcel will not be impacted by the project as proposed. The modified project will also comply with provisions of the CMMLUO intended to eliminate impacts to sensitive species from noise and from light through the requirement to develop a light and noise attenuation plan. Compliance with these and other measures of the CMMLUO ensure consistency with the MND.

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 for impacts of existing cultivation. These include compliance with noise and light standards to limit disturbance to wildlife and proper storage of fertilizers and soil amendments.

Purpose - 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; or
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.

Summary of Significant Project Effects and Mitigation Recommended

No changes are proposed for the original MND recommended mitigations. The proposal to authorize an existing 17,000 square foot (SF) outdoor and 4,800 square foot mixed-light cultivation operation with irrigation sourced from rainwater catchment, on-site processing, and minor improvements necessary to bring the operation into compliance with the CMMLUO 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.

In reviewing the application for consistency with the adopted MND, the County considered the following information and studies, among other documents (see Attachment 4 for a complete listing of supporting documentation):

- Cultivation and Operation Plan prepared by Elevated Solutions, LLC dated February 5, 2020
- Road Evaluation Report for Huckleberry Hill Road prepared by applicant 4/12/2018
- Site Management Plan prepared by Elevated Solutions, LLC received February 5, 2020
- Cultural Resource Survey
- Streambed Alteration Agreement No. 1600-2018-0795-R1
- Division of Water Rights Permit for Diversion and Use of Water- Permit 20957

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.

In every impact category analyzed in this review, the projected consequences of the current project proposal are either the same or less than significantly increased than the initial 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. 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 4

Applicant's Evidence In Support of the Required Findings

Attachment 4 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. (Application form 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 ¼ mile (1,320 ft.) 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. (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; and 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. (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. (Attached- Division of Water Rights Permit for Diversion and Use of Water- Permit 20957)
6. Description of water source, storage, irrigation plan, and projected water usage. (Attached – operations plan)
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. (Attached- Site Management Plan prepared by Elevated Solutions)
8. If any on-site or off-site 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 Department of Fish & Wildlife. (Attached –Streambed Alteration Agreement No. 1600-2018-0795-R1)
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 (CALFIRE). 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 CALFIRE. (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. For indoor cultivation facilities, identify the source of electrical power and how it will meet with the energy requirements in section 55.4.8.2.3, and plan for compliance with applicable Building Codes. (Not applicable)
13. Acknowledge 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)
14. Acknowledge 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)
15. Road Evaluation Report for Huckleberry Hill Road prepared by applicant 4/12/2018 (Attached)
16. Attachment for Commercial Medical Marijuana (CMM) Clearances/Permits. (On file)



**Cultivation and Operations Manual
For
Mattole River Farms, LLC
APN 108-161-034
WDID 1_12CC412289
Provisional License # CCL18-0003137 - Mixed Light
Provisional License # CCL18-0003141 - Outdoor**

Lead Agency:

Humboldt County Planning Department
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Mattole River Farms, LLC

Revised August 2020

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1. PROJECT SUMMARY

PROJECT OBJECTIVE

MATTOLE RIVER FARMS, LLC is proposing to permit medical cannabis cultivation activities in accordance with the County of Humboldt's *Commercial Medical Marijuana Land Use Ordinance* (CMMLUO). The project requires a Conditional Use Permit (CUP) for a total of 4,727 SF of mixed light cultivation and 17,000 SF of outdoor cultivation. Mattole River Farms currently has a State Provisional License for the mixed light and outdoor cultivation. Mixed light cultivation takes place in (1) 107'-9"x42'-10" (4615 SF) greenhouse. Mattole River Farms proposes the 17,000 SF of outdoor cultivation to be cultivated in (5) 100'x34' metal greenhouse structures which would total 17,000 SF of outdoor cultivation. Mattole River Farms proposes outdoor cultivation in greenhouse structures, which would be environmentally superior by having complete control of odor, noise, and environment. Outdoor cultivation will be dry farmed in the native soil. Mattole River Farms proposes a 2,172 SF ancillary nursery that will be located by the mixed light cultivation used for propagation of clones. Cultivation activities include (2) mixed light harvests and (2) outdoor harvest annually. Water for agricultural use is provided by a 1 million-gallon rain catchment pond and domestic water is provided by an appropriative right on the Mattole River (A030424, Permit# 20957). Approximately 275,000 gallons of water will be used for irrigation annually. There is a 2600 SF facility that is currently used for drying and curing of cannabis. At this time processing will occur off site at a licensed facility. The applicant is proposing on-site processing within the 2600 SF building after the proper permits are obtained with the county and state. There are (2) 8'x20' connex boxes that are used for cannabis storage. Nutrients and pesticides are stored in a 10'x10' (100 SF) shed located by the mixed-light cultivation area. There are (3) 38'x14' solar panels located below the pond that works with the on-grid power supplied by PG&E.

Site Description:

The project site is located approximately 33 miles north west of Garberville, CA. To reach the site from Eureka take US-101 south for 63 miles to exit 642 to Redwood Drive. Continue onto Redwood drive for 1.8 miles. Turn right onto Briceland Thorn Road for 10 miles then continue onto Shelter Cove Road for 2.1 miles. Take a slight right turn onto Huckleberry Lane for 1.2 miles and the project site is at 569 Huckleberry Lane, Whitethorn CA. The site is located in section 6, township 5 south, range 2 east, H.D & M and can be seen on the Honeydew 7.5' quadrangle map. Furthermore, the site is located at latitude 40.0591 and longitude 123.9814. The subject parcel is approximately 25.35 acres in size (per Humboldt County Web GIS).

LAND USE

The subject property has a General Plan designation of dispersed housing as identified by the Northern Humboldt General Plan (NHGP) and is zoned T: U(FRWK) Unclassified. Approximately 11.81 acres are prime AG soil and identified on the Humboldt County Web GIS.

STATE AND LOCAL COMPLIANCE

STATE OF CALIFORNIA COMMERCIAL CANNABIS ACTIVITY LICENSE

MATTOLE RIVER FARMS, LLC has obtained a Provisional Commercial Cannabis Activity license from the State of California License numbers CCL18-0003137 and CCL18-0003141 both licenses are valid through August 2021.

NORTH COAST REGIONAL WATER QUALITY CONTROL BOARD & STATE WATER RESOURCES CONTROL BOARD

A total of (2) watercourses exist on this property. Water for domestic uses is provided by an appropriative water right for the Mattole river issued by the NCRWQB. Water for irrigation is provided by the 1 million - gallon rain catchment pond. Annual water use is projected at 275,000 gallons for agricultural use. Mattole River Farms, LLC has enrolled with the North Coast Regional Water Quality Control Board (NCRWQCB) for

coverage under Tier 2 of Order No. 2015-0023 and 2017-0023 *Waiver of Waste Discharge Requirements and General Water Quality Certification for Discharges of Waste Resulting from Cannabis Cultivation and Associated Activities or Operations with Similar Environmental Effects in the North Coast Region and State Water Board* (WDID # 1B170812CHUM). A Water Resources Protection Plan and Site Management Plan has been developed for the project by Six Rivers Construction & Consulting and will be implemented for activities associated with on-site cultivation. The applicant has transitioned to the State Water Resource Control Board, under Order WQ 2017-0023-DWQ (WDID 1_12CC412289).

HUMBOLDT COUNTY BUILDING DEPARTMENT

The residence and axillary structures are permitted through the County of Humboldt Building Department. All necessary building permits for the (1) pre-existing greenhouse structure and proposed processing building will be obtained from the Humboldt County Building Department for supporting infrastructure upon approval of the Conditional Use Permit.

Cal Fire

The subject property is located within a State Responsibility Area (SRA) for fire protection. Several improvements are proposed in order to meet SRA requirements, including designating a fire turn-around and pull-out area for emergency vehicles, and management of trees and vegetation around existing structures to maintain the required 100-foot defensible space. All structures on the property meet the 30-foot SRA setback requirement from property lines. A 5000- gallon water tank has been installed specifically for fire protection and is labeled with a blue reflector.

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

A Lake and Streambed Alteration Agreement (LSAA) from the Department of Fish and Wildlife (DFW) has been drafted and signed by applicant for culvert upgrades. Timberland Resource Consultants oversees this project and communicates with the State Water Board and CDFW.

CULTURAL RESOURCES

If buried archaeological or historical resources are encountered during construction or cultivation activities, the applicant or contractor shall call all work in the immediate area to halt temporarily, and a qualified archaeologist is to be contacted to evaluate the materials. Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, ground stone artifacts, dietary bone, and human burials. If human burial is found during construction, state law requires that the County Coroner be contacted immediately. If the remains are found to be those of a Native American, the California Native American Heritage Commission will then be contacted by the Coroner to determine appropriate treatment of the remains. The applicant is ultimately responsible for ensuring compliance with this condition. Archaeological studies were completed in December 2017.

CULTIVATION AND PROCESSING

PROPAGATION AND INITIAL TRANSPLANT

Clones are typically obtained from 'mother plants' that demonstrate the desired genetics for the specific cannabis strain. Cuttings are sampled from the mother plants and are rooted into a growing medium, to produce 'clones.' They are sponged for 21 days and after that they are transplanted directly into 1-3-gallon pots. The clones are irrigated using hand watering methods three times every five days depending on the weather. After one month the clones are then transplanted into 20-30-gallon pots with a soil and perlite medium and moved into either a mixed light greenhouse where they continue their 'vegetative' cycle. Adult plants will be watered using hand watering methods once a day depending on the climate.

CULTIVATION PLAN AND SCHEDULE

The outdoor cultivation will occur in a secured fenced in location that is 17,000 square feet. Mattole River Farms proposes that the outdoor cultivation be grown in (5) 100'x34' metal greenhouse structures which would allow control over odor and noise. Applicant proposes a 100'x21.72' (2172 SF) ancillary nursery that

will be used only for on-site propagation, which will be located by the mixed light cultivation. The greenhouses consist of heavy gauge steel tubing, covered with a woven poly translucent opaque tarp. Each greenhouse is ventilated by intake and exhaust fans. The 107'-9"x42'-10" (4615 SF) mixed light greenhouse utilizes a combination of artificial light and light deprivation to produce up to two (2) flowering cycles per year. The monthly Cultivation Schedule in Appendix B details the cultivation activities associated with the mixed light cultivation operation and adheres to the International Dark Sky Standards (see Appendix D).

IRRIGATION PLAN AND SCHEDULE

Irrigation and fertigation of plants occurs using top-feed hand watering methods. Mattole River Farms, LLC maintains that irrigation and fertigation is more efficiently managed via hand watering, allowing for daily inspection of each plant by the cultivator and tailored irrigation and nutrient application depending on the needs of each individual plant. The monthly Cultivation Schedule in Appendix B details the irrigation activities associated with all cultivation.

HARVESTING AND DRYING

Plants that are ready for harvest have their flowering branches removed and suspended in the greenhouse which is equipped with ventilation fans and dehumidifiers. In the future, the drying will be done in the proposed processing facility. The drying process takes approximately one week. The dried flowers are then bucked into manageable buds and transported to the proposed residence for processing. The finished product is stored in the processed materials room before being transported to a licensed distribution facility.

PROCESSING FACILITY

The applicant is proposing the current 2600 SF Ag Exempt building be modified into a commercial processing building to allow on-site processing. The applicant has had a civil engineer start drafting the modification to the building and will submit an application with the building department to start this process. Processing will occur at a licensed processing facility until the required permits and licenses are obtained to allow processing to occur on-site.

SECURITY PLAN AND HOURS OF OPERATION

FACILITY SECURITY

The cultivation facilities, including greenhouses and the residence are enclosed in a secure privacy fence. The entry gate at Huckleberry Lane remain locked at all times and access to the cultivation area is limited exclusively to employees. Restricted access signs are posted conspicuously at the entry gates. The cultivation and Ag Exempt Drying and Curing Building area will have low intensity exterior lighting to illuminate the entrances and will include a small number of motion activated security lights. All lighting will be designed and located so that direct rays are confined to the property. Security cameras will be installed at the main access gates and at entrances to the facilities, and the proposed residence will include an alarm system. All above will be powered by PG&E and Solar.

HOURS OF OPERATION

Activities associated with cultivation in the greenhouses (watering, transplanting, and harvesting) generally occur during daylight hours. All other activities such as processing typically occur no earlier than 8 AM and extend no later than 8 PM.

ENVIRONMENT

WATER SOURCE AND PROJECTED WATER USE

Water for agricultural use is provided by the 1 million- gallon rain catchment pond and domestic use is provided by an appropriative right, A030424, permit #20957, to the Mattole River during the non-forbearance period. Mattole River Farms, LLC utilizes water management strategies such as hand watering to conserve water use. The table below outlines the estimated irrigation water usage for cultivation during

a typical year. Variables such as weather conditions and specific cannabis strains will have a slight effect on water use.

Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec
0	0	1,500	18,400	33,000	40,200	54,000	56,200	53,200	18,300	0	0

WATER STORAGE

Water for agricultural use is provided by the 1 million-gallon rain catchment pond. Water for domestic use is provided by an appropriative right to the Mattole River during the non-forbearance period between October to April pending weather. There are (5) 5000-gallon tanks used to store the domestic water. There are (3) 1,100-gallon tanks, (1) 2,500-gallon tank, and (1) 5,000-gallon water that are used as additional for storage.

Site Drainage, Runoff, and Erosion Control

Mattole River Farms, LLC is enrolled with the North Coast Regional Water Quality Control Board (NCRWQCB) and State Water Resource Control Board, and a Water Resources Protection Plan (SMP) and Site Management Plan (SMP) has been developed utilizing best management practices (BMP's) in accordance with the NCRWQCB's recommendations. WDID# 1B170812CHUM, 1_12CC412289.

SITE DRAINAGE AND RUNOFF

Cultivation facilities will meet all required setbacks from the nearest water course, providing a sufficient buffer to prevent sediment and nutrient delivery. To further prevent runoff to riparian areas, water conservation and containment measures will be implemented including the use of hand irrigation to prevent excessive water use, and the maintenance of a stable, vegetated buffer between the cultivation area and riparian zone.

EROSION CONTROL

Mattole River Farms, LLC will utilize best management practices including but not limited to:

1. Maintenance of roads, including rocking and armoring.
2. Proper management of solid, liquid and cultivation waste (see section 3.8)
3. Mattole River Farms, LLC has secured a DFW LSAA for its culvert upgrades.
4. Cultivation facilities and spoil stockpiles will meet all required setbacks from riparian and wetland areas.
5. Irrigation and application of fertilizers will be applied at agronomic rates.
6. Regulated products will be safely stored with secondary containment (see section 3.7)

WATERSHED AND HABITAT PROTECTION

Adherence to the proposed best management practices ensures that the watershed and surrounding habitat are protected. The cultivation activities and associated structures meet all required setbacks from the nearest watercourse, providing a suitable buffer between the cultivation operation and habitat. Additionally, site development and maintenance activities utilize BMP's in accordance with the SWRCB and NCRWQCB's recommendations. Any grading and earthwork activities will be conducted by a licensed contractor in accordance with approved grading permits.

MONITORING AND REPORTING

Monitoring will be conducted to confirm the effectiveness of corrected measures listed in the Site Management Plan (SMP) and determine if the site meets all Standard Conditions. Inspections will include photographic documentation of any controllable sediment discharge sites as identified on the site map. Visual inspection will occur at those locations on the site where pollutants or wastes, if uncontained, could be transported into receiving waters, and those locations where runoff from roads or developed areas drains into or towards surface water. The inspection will also document the progress of any plan element subject to a time schedule, or in the process of being implemented. A monitoring plan is included in the SMP with photo points identified on SMP map.

Onsite monitoring shall occur:

- Before and after any significant alteration or upgrade to a given stream crossing, road segment, or other controllable sediment discharge site. Inspection should include photographic documentation, with photo records to be kept on site.
- Prior to October 15 and December 15 to evaluate site preparedness for storm events and storm water runoff.
- Following any rainfall event with an intensity of 3 inches precipitation in 24 hours. Precipitation data can be obtained from the National Weather Service by entering the site zip code at <http://www.srh.noaa.gov/forecast>.

A Monitoring and Reporting Form (Order No. 2015-0023 Appendix C) will be submitted upon initial enrollment in the Order (NOI) and then annually by March 31 to the Regional Water Board. The annual report will include data from the monitoring reports.

ENERGY AND GENERATOR USE

On-grid electricity is provided by PG&E for all uses. Mattole River Farms has (3) 38'x14' solar panels that work in conjunction with PG&E to help decrease the carbon footprint. Use of the onsite generator is limited to power outage events and follows all guidelines set up by Humboldt County and the State of California. The emergency only generator is a Whisper Watt or equivalent to a 45KW with a rated decibel level of 65DBA at a distance of 23 feet at full load. Decibel readings at the property line were recorded at 39.7 DBA.

USE AND STORAGE OF REGULATED PRODUCTS

BEST MANAGEMENT PRACTICES

Best Management Practices (BMP's) are employed when storing, handling, mixing, application and disposal of all fertilizers, pesticides and fungicides. All nutrients, pesticides and fungicides are located in a locked storage room, and contained within water tight, locked and labeled containers in accordance with manufactures instruction. Application rates will be tracked and reported with the end of the year monitoring report required in the Water Resources Protection Plan (WRPP). Employees responsible for application are trained to handle, mix, apply or dispose of pesticides/fungicides with proper hand, eye body and respiratory protection in accordance with the manufacturer's recommendations. See the WRPP for complete BMP specifications for the use and storage of regulated products.

FERTILIZERS

Nutrients and biological inoculants used for cultivation include:

Nutrients/Fertilizer (N-P-K)	Annual Usage
Clonex (1-6-1)	Varies
Dyna Grow Protekt (0-0-3)	70 gal
Max Sea All Purpose (16-16-16)	187 lbs
Max Sea Bloom (187 lbs
Botanicare Cal-Mag Plus (2-0-0)	52 gal
Fox Farm Chaching (9-50-10)	.69 gal
Fox Farm Beastie Blooms (0-50-30)	.69 gal
Grow More (0-50-30)	On-site, not currently used
Grow More (16-16-16)	On-site, not currently used
Grow More (10-52-10)	On-site, not currently used
Grow More (30-10-10)	On-site, not currently used
Grow More (6-30-30)	On-site, not currently used
Magriculture Epsom Salt	111 lbs
Advanced Nutrients pH Down	Varies

Advanced Nutrients pH Up	Varies
Eco Nutrients Liquid Bone Meal	On-site, not currently used
Ferrous Sulfate	On-site, not currently used
General Hydroponics CallMagic (1-0-0)	On-site, not currently used
General Hydroponics Flora Nova Grow (7-4-10)	On-site, not currently used
General Hydroponics MaxiGro (10-5-14)	On-site, not currently used
Humboldt Ag Supply Plant Nitrogen (12.91)	On-site, not currently used
Liquinox Iron & Zinc	Varies
Mammoth Microbes	On-site, not currently used
Plant Revolution Great White	On-site, not currently used
Sparetime Seaweed Powder (1-0-12)	On-site, not currently used
Sparetime Supply Molasses (1-.1-3)	102 gal
Therm-X Yucca Extract	21 gal
Xtreme Gardening Myokos	160 lbs

See Appendix B - *Regulated Products Resource List* for product details.

Monthly Nutrients Use Logs are available on-site by request. Annual monitoring of Nutrient Use is reported the SWRCB, CDFW and the Humboldt County Agriculture Department.

PESTICIDES AND FUNGICIDES

Pesticides and fungicides used for cultivation include:

- Neem Oil – 2 Liters

Monthly Pesticide Use Logs are available on-site by request. Annual monitoring of Pesticide Use is reported the SWRCB, CDFW and the Humboldt County Department of Agriculture.

See Appendix B - *Regulated Products Resource List* for product details.

WASTE MANAGEMENT PLAN

SOLID WASTE MANAGEMENT

Trash and recycling containers are located in every greenhouse. The trash containers are enclosed within a fenced area to prevent animal intrusion. Solid waste and recycling are hauled off-site to Fortuna Transfer Station or Redway disposal at least once per week. Cultivation waste that is not composted is hauled to Eel River Transportation and Salvage. Records of all off hauled waste are on-site and available on request.

CULTIVATION WASTE AND SOIL MANAGEMENT

Cultivation vegetative matter such as root balls, branches, and leaves are composted on site within the Secured Cannabis Waste Storage area (composting area) located by the outdoor cultivation. Spent potting soil is stored in the greenhouses and tarped during the winter months. The soil containment area is lined to prevent any soil erosion or nutrient seepage. Soil in the outdoor area is tilled and a cover crop is planted to prevent run off and assist in balancing the soil for the next year.

The soils are hauled off-site to Eel River Salvage and Transportation in Fortuna. All packaging from soil amendments and fertilizers will be collected and disposed at an appropriate facility.

WASTEWATER MANAGEMENT

Hand watering methods minimize the over-irrigation of plants and subsequent runoff. Moreover, the greenhouse floors are lined with heavy duty weed mat. Portable toilets are located by the outdoor cultivation and next to the Ag Exempt Building. Portable toilets are serviced monthly and documented by the provider.

PRODUCT MANAGEMENT

PRODUCT TESTING

Samples for product testing are selected from individual harvested cannabis strains and are tested by a licensed third-party lab in accordance with State and local standards.

PRODUCT INVENTORY AND TRACKING

California track and trace system Metrc tracks all plant and product inventory. Plants that are imported from a licensed nursery are received into the Metrc inventory at the time of delivery. Clones that taken from tagged "mother plants" are cut and placed in trays of 50. Packaging tags are assigned to each clone lot from the mother plant source tag. Clones that are transplanted into pots are kept in their original plant lots until they are able to hold an individual plant tag or enter into their final flowering home. Dead loss or underperforming clones are recorded as loss and adjustments are made into Metrc via "adjustments". Individually tagged plants are placed into their final flowering location. When de-leafing or loss of a plant occurs, all weights are accounted for in Metrc as "Waste or Destroyed Plant". When harvesting occurs plants are cut at the base of the stock and weighed "Wet Weight" as a whole. The total wet weight for each plant is recorded into Metrc. When the curing process is complete the plant is weighed again and recorded as "Dry Weight" into the system. Dried Plants are then "Bucked Down" off the stock and the buds/leaves are measured and recorded, and then placed into tubs where "package tags" are created with all product that are awaiting processing. Packages are transferred via a Metrc "Manifest" to licensed transportation and distribution facilities. When packages arrive at the distribution/manufacturing facility for processing they are weighted for accuracy and the manifest is exported into the distribution inventory. When processing occurs flower and biomass/shake are separated into two separate packages. Waste and loss are also adjusted in Metrc. Product is either sold through the distributor or it is transferred back on-site and placed in harvest storage until it goes to market. Inventory sheets and manifests are available on-site.

TRANSPORTATION AND DISTRIBUTION

Transportation will be handled by a third-party, contracted, licensed transporter/distributor in accordance with state and local regulations. Prior to moving packages from the on-site holding facility to another physical location, a transport manifest will be created through Metrc.

- Product ID numbers and product weight
- Route to be travelled
- Origin and destination addresses
- Driver's license information and make and model of the transport vehicle
- Time of departure
- Time of arrival

The distribution company will receive the product into their inventory when it arrives at their facility

Appendix A: Site Plan

Appendix B: Cultivation Activities Schedule

February 1-April 1st: Clone Propagation

All plant used in Mattole River Farms LLC cultivation sites will be composed of clones taken from "mother" plants. Mother plants are composed of samples that have been deemed to demonstrate superior genetics for desired outcomes. Cuttings, or clones, are taken from the mother plants at various intervals. Mother Plants, Clones are grown in the on-site processing facility.

Clones will be cut from mother plants and will be placed within trays to root. After approximately 2-3 weeks, rooted clones will be transferred to 5" by 5" pots within the mixed light square footage green house to acclimate.

April 1 – April 15: Transplant Phase

When the plants have achieved desired height and plant growth density for transplant, the plants are immediately planted into 25-gal pots. Due to the increase in container size and increase in daylight hours, the plants will continue to grow in a vegetative state for 2-4 weeks. The approximate desired height and growth density would be 3'-4'. Upon final transplant, plants will be hand-watered and fertilized. All fertilizers and supplements used are in accordance with Humboldt County and State of California Department of Agriculture compliance. Once the desired height and vegetative growth density has been achieved the Light Deprivation Phase begins.

April 15 – Jun 15: Light Deprivation Phase-Cycle 1

Taking into account factors such as height, growth density and overall health of the plant, determination of the exact date for the light deprivation process begins. Once that date is determined, 100% light resistant, specifically designed tarps will be automatically pulled over the outside of the greenhouses. This process will reduce the daylight hours from approximately fifteen (15) hours of daylight to the desired twelve (12) hours of daylight, twelve (12) hours of darkness desired to induce flowering. During the first two weeks of light deprivation, the plants will enter into a transitional phase. During this transitional phase plants will continue vegetative growth while transitioning into flowering.

It is not uncommon for plants to obtain 25% of their entire height and vegetative growth density during the transitional phase. Once the plants enter in the final bloom or flowering phase, they will begin to expend energy into the production of flowers, therefore, ceasing vegetative growth and begin to flower. The entire flowering process, including the transitional and final bloom phases, will last fifty-five (55) to sixty-five (65) days depending on strain variation and weather conditions.

June 15 – 22: First Harvest and Re-Planting

Once the light deprivation phase has concluded and it has been determined that the plants are at their peak, harvest procedures will be initiated. (See Section 2.4 of the Cultivation and Operations Plan). The soil in the pots will be turned and amended. All amendments used are in accordance with Humboldt County and State of California Department of Agriculture compliance. New clones obtained from the "mother" will be transplanted into the greenhouses. Due to the length of daylight hours, the plants will continue in a vegetative state for approximately one month. Plants will be planted using the same methodology as with the Transplant Phase.

June 22 – September 15: Light Deprivation-Cycle 2

See Light Deprivation-Cycle 1 for a description of activities during this phase.

September 15 - September 22 – Second Harvest and Re-Planting

See First Harvest and Re-Planting for a description of activities during this phase.

October 1 – February 1st- Repair, Upgrade and Recondition Phase

Barryland Farm, LLC will inspect all cold frames and covers for wear and replace as necessary. All watering hoses, etc. will be inspected and repaired or replaced, as appropriate. Refilling of irrigation tanks will

commence in accordance with the Small Irrigation Use Registration and Conditions of the Department of Fish and Wildlife (DFW) Lake or Streambed Alteration Agreement (LSAA). Pots will be turned over and composted within the greenhouses to prepare for the upcoming season.

Appendix C: References

- Bass, Ronald E., Kenneth M. Bogdan, and Terry Rivasplata. 2013. CEQA Desktop. Point Arena, CA; Solano Book Press. Page 44.
- California Code of Regulations. Health and Safety Code Section 11357-11362.9. <<http://www.leginfo.ca.gov/cgi-bin/displaycode?section=hsc&group=11001-12000&file=11357-11362.9>> Date accessed: July 16, 2014.
- California NORML. SB 420 Establishes Prop. 215 Guidelines, Voluntary Patient Identification Card System. <<http://www.canorml.org/laws/sb420.html>> Date accessed: July 21, 2014.
- County of Humboldt. *Medical Marijuana Land Use Ordinance (MMLUO) – Phase IV, Commercial Cultivation, Processing, Manufacturing and Distribution of Cannabis for Medical Use* (Staff Report to the Board of Supervisors). January 26, 2016. <<https://humboldt.legistar.com/Calendar.aspx>> Date accessed: March 28, 2016.
- North Coast Regional Water Quality Control Board. 2016. *Cannabis Cultivation Waste Discharge Regulatory Program*. http://www.waterboards.ca.gov/northcoast/water_issues/programs/cannabis/. Date accessed: March 28, 2016.
- State Board of Equalization. Information on the Sales and Registration for Marijuana Sellers. June 2007. <<http://www.boe.ca.gov/news/pdf/173.pdf>>
- State of California. Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use. August 2008. <http://www.ag.ca.gov/cms_attachments/press/pdfs/n1601_medicalmarijuanaguidelines.pdf>

Appendix D: International Dark Sky Policy

LIGHTING MANAGEMENT PLAN FOR INTERNATIONAL DARK SKY

Mattole River Farms, LLC

APN# 108-161-034

1. Purpose and Philosophy

This Lighting Management Plan (LMP) is intended to be used by Mattole River Farms, LLC as a guide in the selection, placement, installation and operation of all Mixed Light Cultivation area. Its function is to regulate the use of Artificial Light At Night (ALAN) at Mattole River Farms, LLC in a way that prioritizes the safety of staff while minimizing the impact of such light on protected wildlife. Therefore, all instances of the use of ALAN at Mattole River Farms, LLC will adhere to the principle that any artificial light will be deployed only: (1) when it is strictly needed; (2) where it is needed; (3) in the appropriate amount for a specific task; and (4) with the appropriate spectrum and in accordance with Humboldt County Medical Marijuana Land Use Ordinance (CMMLUO) Section 55.4.1 (V) et. seq. Performance Standard for Mixed Light Cultivation and Processing Operations and the State of California Department Medicinal And Adult-Use Cannabis Regulation and Safety Act (MAUCRSA) and the California Department of Food Administration (CDFA) Regulation Code Article 4. Section 8304 Cultivation Site Requirements. General Environmental Protection Measures (c) & (g).

2. Applicability

Mattole River Farms, LLC represents that this Lighting Management Plan (LMP) meets or exceeds all applicable agency and/or departmental policies regarding outdoor lighting and conforms to all local, regional, and national laws. Humboldt County Medical Marijuana Land Use Ordinance (CMMLUO) Section 55.4.1 (V) et. seq. Performance Standard for Mixed Light Cultivation and Processing Operations and the State of California Department Medicinal And Adult-Use Cannabis Regulation and Safety Act (MAUCRSA) and the California Department of Food Administration (CDFA) Regulation Code Article 4. Section 8304 Cultivation Site Requirements. General Environmental Protection Measures (c) & (g).

Those cultivators using artificial lighting for mixed-light cultivation shall shield greenhouses so that little to no light escapes. Light shall not escape at a level that is visible from neighboring properties between sunset and sunrise.

The light source should comply with the International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1 and be designed to regulate light spillage onto neighboring properties resulting from backlight, uplight, or glare (BUG). Should the Humboldt County Planning Division receive complaints that the lighting is out of alignment or not complying with these standards, 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 has been repaired, inspected and corrected as necessary.

All outdoor lighting used for security purposes shall be shielded and downward facing

Mixed-Light license types of all tiers and sizes shall ensure that lights used for cultivation are shielded from sunset to sunrise to avoid nighttime glare.

5. Shielding

Mattole River Farms, LLC currently has manual Blackout curtains that shield the night and early morning sky from light pollution. Black out curtains are pulled before dusk prior to any artificial light use in Greenhouse structures. Further, to the greatest possible extent, Mattole River Farms, LLC will endeavor to limit the inadvertent or incidental emission of light from Greenhouse Structures to the outdoors through the use of automated deprivation curtains, indoor lighting timers/switches, and other appropriate measures.

In all applications, outdoor lighting deployed throughout the developed area at Mattole River Farms, LLC will use the most energy efficient lamp technology that minimizes the emission of short-wavelength light into the nighttime environment. This will include outdoor lighting on all structures, including but not limited to House, Processing facility, Sheds, etc.

8. Application

Artificial lighting will only be used when needed and limited to times of the year when the natural light cycle will not be significant for vegetative plant growth.

9. Curfew

Mattole River Farms, LLC will follow the Dusk to Dawn International Dark Sky Standard. All Greenhouse curtains will be pulled and secured prior to any artificial light use. When possible lighting at Mattole River Farms, LLC will be extinguished between the hours of 10pm and one hour before sunrise except in cases where staff safety is at risk.

10. Adaptive Controls

To the greatest practical extent possible, all lighting at Mattole River Farms, LLC will make appropriate use of adaptive controls to limit the duration, intensity, and/or extent of outdoor lighting. Mattole River Farms, LLC is proposing to install automated black out curtains and automated lighting timer to reduce the human error factor. Staff will be required to do mandatory inspections of all Greenhouse Structures to reduce mechanical error. All staff will be required as a part of the employment training program regarding the International Dark Sky Standards and this Lighting Management Plan will be added to the Operation Plan and Employee Handbook.

References:

- a) Humboldt County Medical Marijuana Land Use Ordinance (CMMLUO) Section 55.4.1 (V) et. seq. Performance Standard for Mixed Light Cultivation and Processing Operations
 - i. <https://humboldt.gov/2124/Medical-Marijuana-Land-Use-Ordinance>
- b) State of California Department Medicinal And Adult-Use Cannabis Regulation and Safety Act (MAUCRSA) and the California Department of Food Administration (CDFA) Regulation Code Article 4. Section 8304 Cultivation Site Requirements. General Environmental Protection Measures (c) & (g).
 - i. https://static.cdfa.ca.gov/MCCP/document/CDFA%20Final%20Regulation%20Text_01162019_Clean.pdf
- c) California Cannabis Laws and Regulations 2019 Edition- ©2019 Omar Figueroa, ALL rights reserved ISBN 978-0-9984215-3-7
 - i. A Review of the Potential Impacts of Cannabis Cultivation on Fish and Wildlife Resources California Department of Fish and Wildlife Habitat Conservation Planning Branch July 2018
<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=160552&inline>
Pages: 14-16

STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

PERMIT FOR DIVERSION AND USE OF WATER

PERMIT 20957

Application 30424 of Karen Ruth
15 Echo Place, San Rafael, CA 94901

filed on January 11, 1995, has been approved by the State Water Resources Control Board SUBJECT TO PRIOR RIGHTS and to the limitations and conditions of this permit.

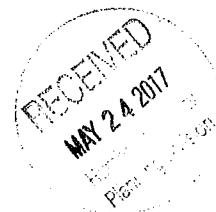
Permittee is hereby authorized to divert and use water as follows:

- | | |
|-------------------------------|----------------------|
| 1. Source: | Tributary to: |
| <u>(1) Mattole River</u> | <u>Pacific Ocean</u> |
| <u>(2) (3) Unnamed Creeks</u> | <u>Mattole River</u> |
| _____ | _____ |
| _____ | _____ |

2. Location of point of diversion:	40-acre subdivision of public land survey or projection thereof	Section Projected	Township	Range	Base and Meridian
By California Coordinate System Zone 1					
(1) North 269,600 feet and East 1,446,100 feet	NE¼ of NE¼	6	5S	2E	H
(2) North 271,700 feet and East 1,445,300 feet	SE¼ of SW¼	32	4S	2E	H
(3) North 270,700 feet and East 1,446,000 feet	NE¼ of NE¼	6	5S	2E	H

County of Humboldt

SWRCB 14 (6-94)



3. Purpose of use:	4. Place of use:	Section Projected	Township	Range	Base and Meridian	Acres
Fire Protection						
Domestic	NEM of NEM	6	5S	2E	H	
Frost Protection						
Irrigation	NEM of NEM	6	5S	2E	H	16

The place of use is shown on map on file with the State Water Resources Control Board.

5. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 4,090 gallons per day by direct diversion to be diverted from January 1 to December 31 of each year and 20 acre-feet per annum by storage to be collected from November 15 of each year to May 15 of the succeeding year. The total amount of water to be taken from the source shall not exceed 22.14 acre-feet per water year of October 1 to September 30. (0000005)

6. This permit does not authorize collection of water to storage outside of the specified season to offset evaporation and seepage losses or for any other purpose. (0000051)

7. The maximum rate of diversion to offstream storage shall not exceed 0.19 cubic foot per second. (0000057)

8. The amount authorized for appropriation may be reduced in the license if investigation warrants. (0000006)

9. Construction work shall be prosecuted with reasonable diligence and shall be completed by December 31, 2002. (0000008)

10. Complete application of the water to the authorized use shall be made by December 31, 2005. (0000009)

11. Water Progress reports shall be submitted promptly by permittee when requested by the State Resources Control Board until a license is issued. (0000010)

12. Permittee shall allow representatives of the State Water Resources Control Board and other parties, as may be authorized from time to time by said Board, reasonable access to project works to determine compliance with the terms of this permit. (0000011)

13. Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest; and is necessary to preserve or restore the uses protected by the public trust. (0000012)

14. Quantity of water diverted under this permit and under any license issued pursuant thereto is subject to modification by the State Water Resources Control Board if, after notice to the permittee and an opportunity for hearing, the Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the Board finds that (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges. (0000013)

15. The quantity of water diverted under this permit and under any license issued pursuant thereto is subject to modification by the State Water Resources Control Board if, after notice to the permittee and an opportunity for hearing, the Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the Board finds that (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water

quality objectives cannot be achieved solely through the control of waste discharges. Jurisdiction to impose conditions to conform this permit to Board policy on use of water for frost protection. Action by the Board will be taken only after notice to interested parties and opportunity for hearing. (0000020)

16. The equivalent of the authorized continuous flow allowance for any 7-day period may be diverted in a shorter time, provided there is no interference with other rights and instream beneficial uses, and provided further that all terms and conditions protecting instream beneficial uses are observed. (0000027)

17. In order to prevent degradation of the quality of water during and after construction of the project, prior to commencement of construction, permittee shall file a report pursuant to Water Code Section 13260 and shall comply with all waste discharge requirements imposed by the California Regional Water Quality Control Board, with North Coast Region, or by the State Water Resources Control Board. (0000100)

18. The right to use water for fire protection purposes authorized by this permit is limited to that quantity normally necessary for actual fire fighting and to maintain an adequate reserve for fire protection. (0000116)

19. No construction shall be commenced and no water shall be used under this permit until all necessary federal, state and local approvals have been obtained. (000J001)

20. No diversion shall occur unless screening devices are installed on diversion pump intakes and maintained in accordance with the requirements of the California Department of Fish and Game. (0400500)

21. No water shall be diverted, under this permit, from the unnamed stream tributary to the Mattole River during the period between June 1 through September 30 of each year. (0400500)

22. The maximum instantaneous rate of diversion from the Mattole River shall not exceed 20 gallons per minute, during the period of June 1 and October 31 of each year. (0400500)

23. Permittee shall maintain a meter at Point of Diversion No. 1, satisfactory to the State Water Resources Control Board, which is capable of measuring the instantaneous rate of diversion in gallons per minute and the cumulative quantity of water diverted in gallons. The meter shall be conveniently located so as to be accessible for reading by the State Water Resources Control Board or its designated representative. (0400500)

This permit is issued and permittee takes it subject to the following provisions of the Water Code:

Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Dated: MARCH 3 1998

STATE WATER RESOURCES CONTROL BOARD

Roger Shuman
Chief, Division of Water Rights

Site Management Plan

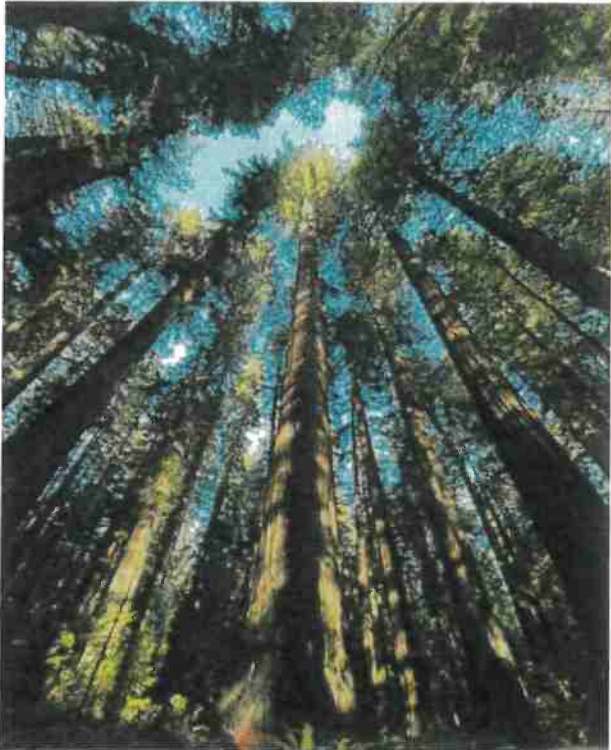
For

Mattole River Farm LLC

APN 108-161-034

WDID #1_12CC412289

Tier 1, Low Risk



PREPARED FOR

State Water Resources Control Board

PREPARED BY

Elevated Solutions LLC

3943 Walnut Dr STE E

Eureka, CA 95503

Suggested citation:
Elevated Solutions. 2019. Site Management Plan for APN 108-161-034. Prepared by Elevated Solutions, Eureka, California for the North Coast Regional Water Quality Control Board, Santa Rosa, California and Mattole River Farms, LLC.

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Purpose:

This document serves as the Site Management Plan on behalf of the discharger, Mattole River Farms, LLC pursuant to Order No. WQ 2019-001-DWQ (General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for discharges of Waste Associated with Cannabis Cultivation Activities) of the California Water Code Section 13260(a).

Tier Designation

This property has been classified as a Tier 1, Low Risk designation.

1 SEDIMENT DISCHARGE BEST PRACTICAL TREATMENT OR CONTROL (BPTC)

1.1 Site Characteristics

1.1.1 Site Overview

Elevated Solutions has been contracted by the owners of APN 108-161-034 to perform a site assessment and develop a Water Resource Protection and Site Management Plan to decrease existing and potential future sediment delivery to tributaries of the Mattole River and reduce other threats to water quality. The site plan for the property is shown on Figure 1.

In September 2019, a site visit was conducted by Elevated Solutions in which a road inventory and assessment of cultivation areas were evaluated. All site locations are shown in Appendix B and each site is described below.

- Water for agricultural use is provided by a 1 million-gallon Off-Stream Pond. Water for Domestic Use is provided by a POD in the Mattole River (Permit# 20957). Water is pumped into the 28,000-gallons of hard plastic tanks during the rainy winter months and used during the forbearance period for domestic use only.
- Mattole River currently has an interim permit with Humboldt County and a Provisional License with the State of California to cultivate 17,000 SF of Outdoor and 4,727 SF of Mixed Light Cultivation for the 2020 season.

The subject property is located off Huckleberry Lane in Briceland, CA, situated in a draw that drains into the Eubanks Creek watershed per Calwater planning, tributary to the Mattole River. The property and surrounding vicinity is composed of Franciscan Complex geology consisting of Cretaceous and Jurassic sandstone with smaller amounts of shale, chert, limestone, and conglomerate as well as Franciscan mélangé. Based on NRCS soils map for the region, the cultivation areas and proposed project components are in Yorknorth-Devilshole complex.

¹ California Department of Conservation, Geologic Map of California (2010), accessed online at: <http://maps.conservation.ca.gov/ogs/gmc>
² NRCS Watershed Boundary Dataset, Sub-region level, 2012.

Figure 1. APN 108-161-034 overview map.

APN 108-161-034
PLOT PLAN

HUMBOLDT COUNTY, CA

Stillwater Sciences
2455 TELEGRAPH AVENUE, SUITE 400
EMERYVILLE, CA 94608

PROJECT NUMBER: 546.44
SCALE: AS NOTED
DATE: 12/19/2019

DESIGN: CL
DRAWN: CL
CHECKED: JM
APPROVED: JM

TITLE SHEET

SHEET 1 OF 2

PLOT PLAN

APN 108-161-034

HUMBOLDT COUNTY, CA

OWNER:
SOUTHERN EXPOSURE FARMS, LLC
569 HICKLEBERRY LANE
WHITTIER, CA 95589

Sheet No.	Sheet Title
1	TITLE SHEET
2	PLOT PLAN

PROJECT NOTES:

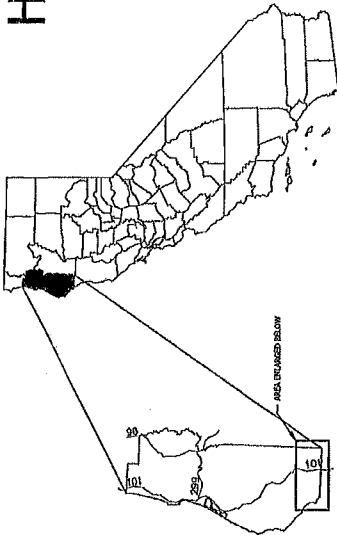
APN 108-161-034 - 21,100 SF OUTDOOR CULTIVATION AREA.

WATER STORAGE NOTES:

1,000,000 GALLON RAINWATER CATCHMENT POND

ADDITIONAL NOTES:

1. PARCEL BOUNDARY TAKEN FROM HUMBOLDT COUNTY CBS AND ASSASSOR'S PARCEL MAPS; MODIFIED BASED ON FIELD CONDITIONS, APPROXIMATE ONLY.
2. SLOPE DIRECTION AND GRADIENT CAN BE DETERMINED USING SCALE BAR AND UNDERLYING USGS TOPO MAPS.
3. ALL DISTANCES ARE APPROXIMATELY BASED UPON 1"=400'.
4. NO SCHOOLS, BUS STOPS, PLAYERS PARKS, OR OTHER CULTURAL RESOURCES WITHIN 600' OF PROPERTY.
5. ALL ROADS AND PARKING AREAS SURFACED WITH GRAVEL. MAIN COMMUNITY ROAD THROUGH PROPERTY IS UNPAVED AND APPROXIMATELY 12' WIDE WITH 12.5% GRADE.
6. NO RESIDENCES EXIST WITHIN 500 FEET OF THE SITE.



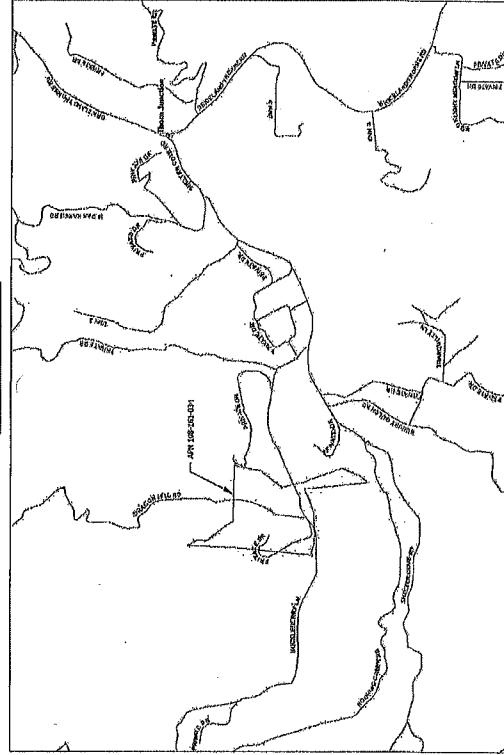
HUMBOLDT COUNTY MAP
N.T.S.

CALIFORNIA MAP
N.T.S.

REGIONAL LOCATION MAP



VICINITY LOCATION MAP



APN 108-161-034
SITE PLAN

HUMBOLDT COUNTY, CA

Stillwater Sciences
2055 HILSDALE AVENUE, SUITE 100
SUNOLEN, CA 94960
P: (707) 948-8070

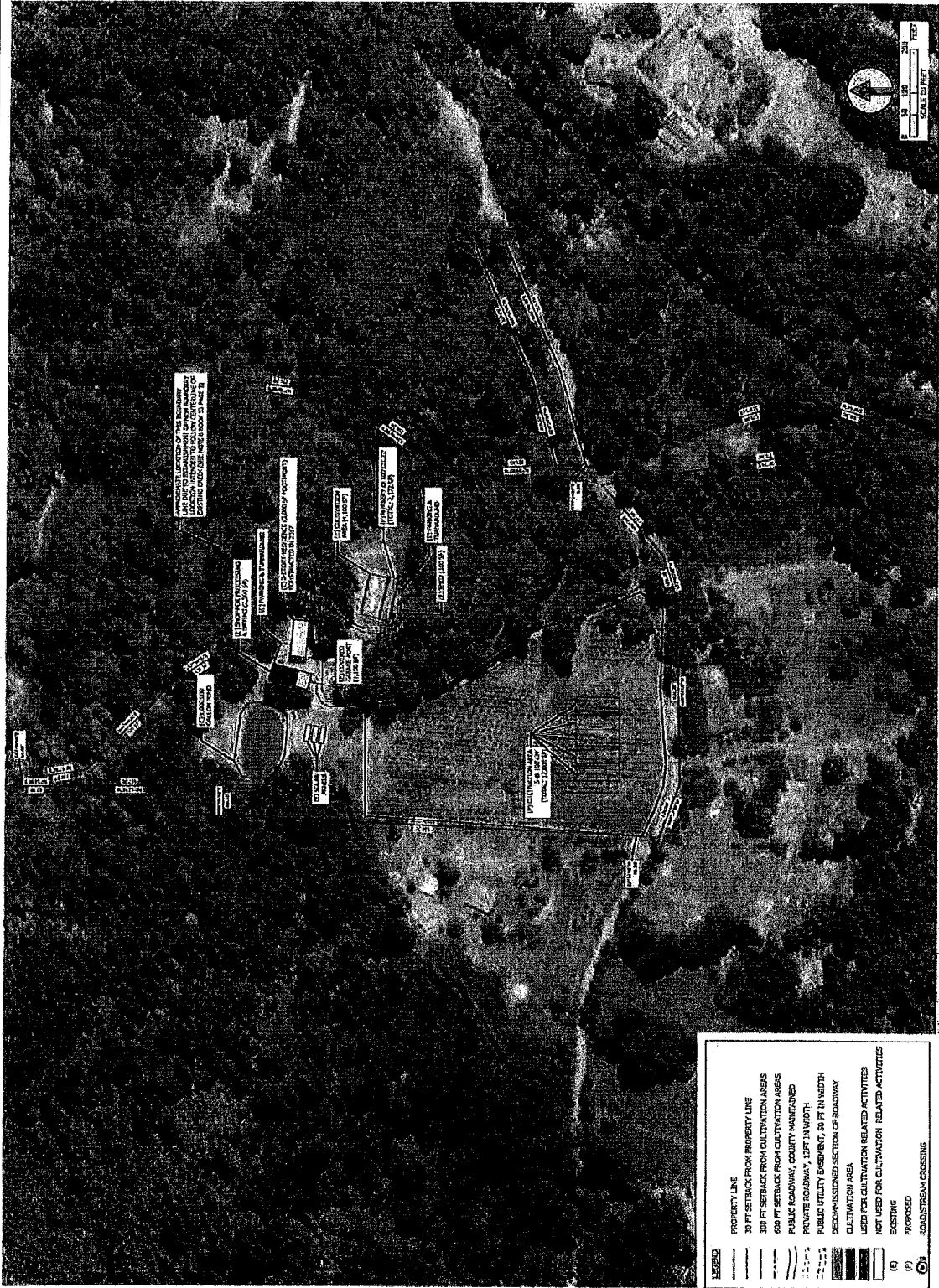
PROJECT NUMBER: 546.44
SCALE: AS NOTED
DATE: 12/19/2019

DESIGN: CL
DRAWN: CL
CHECKED: JM
APPROVED: JM



PLOT PLAN

SHEET 2 OF 2



LEGEND

- PROPERTY LINE
- 30 FT SETBACK FROM PROPERTY LINE
- 300 FT SETBACK FROM CULTIVATION AREAS
- 600 FT SETBACK FROM CULTIVATION AREAS
- PUBLIC ROADWAY, COUNTY MAINTAINED
- PRIVATE ROADWAY, 15 FT IN WIDTH
- PUBLIC UTILITY EASEMENT, 50 FT IN WIDTH
- DECOMMISSIONED SECTION OF ROADWAY
- CULTIVATION AREA
- USED FOR CULTIVATION RELATED ACTIVITIES
- NOT USED FOR CULTIVATION RELATED ACTIVITIES
- EXISTING
- PROPOSED
- ROAD/STREAM CROSSING

1.1.2 Access Road Conditions

Overall, the primary access roads on the property are in good condition. The roads were processed, rocked, and out sloped in 2019 by a licensed contractor. Road systems will be evaluated after the winter rains/snow and repaired if needed to reduce any sediment delivery.

1.1.3 Legacy Waste Discharge Issues

Legacy disturbance from historic timber harvest on the property prior to current ownership has been assessed and is generally limited to the currently utilized access roads. The road network and cultivation areas are inspected regularly for signs of erosion that could exacerbate the legacy waste discharge issues.

1.1.4 Vehicle stream crossing

There are 2 road crossings located on this property. Crossing #1 is an existing 7-foot diameter by 50-foot long CMP culvert on a class II watercourse. This culvert is functioning correctly and will not be upgraded. Crossing #2 is an existing 30-inch diameter by 30-foot long plastic culvert on a class II watercourse and will be upgraded to a 48-inch diameter by 30-foot long CMP culvert.

1.2 Sediment Erosion Prevention and Sediment Capture

1.2.1 Roads - Sediment and Erosion Prevention

All roads on the property are in good condition. The road system was processed in 2019 with rock, out slope installed/rolling dips installed. Mattole River Farms paved the roads around the house in 2019 by a licensed contractor. Roads will be evaluated after the winter rains/snow and repaired if needed to avoid any sediment delivery.

1.2.2 Cultivation Areas - Sediment and Erosion Prevention

All cultivation sites have appropriate setbacks from watercourses and follow the BMPs. Soil pile is covered starting October 1 with plastic and the perimeter is contained with straw wattles. All dirt areas have straw applied and straw bales are placed strategically on out sloped areas to prevent any sediment delivery. Greenhouse covers have been removed and wattles have been placed around the perimeter of the structure.

1.2.3 Other Areas - Sediment and Erosion Prevention

1.2.3.1 Pond Treatments

Water for agricultural use is provided by a 1 million-gallon Off-Stream Pond. Water for domestic use is provided by a point of diversion (permit#20957) on the Mattole River and fills the 28,000-gallon of hard plastic tank storage during the wintertime and uses it for domestic use during the forbearance period.

1.2.4 Maintenance - Sediment and Erosion Prevention

- Erosion and sediment control best management practices (BMPs) shall be installed prior to the wet season (1 October through 30 April).

- Sensitive areas and areas where existing vegetation is being preserved shall be protected with construction fencing; fencing shall be maintained throughout construction activities.
- All areas disturbed during grading activities shall be seeded with native grass seed and mulched with rice straw.
- Prior to seeding and straw, disturbed areas should be roughened by track walking with a dozer.
- Straw shall be applied at a uniform rate of approximately 4,000 lbs per acre by hand.
- At the completion of the project, straw wattles shall be placed as directed by the engineer or geologist.
- All sediment control BMPs shall be maintained throughout the wet season until new vegetation has become established on all graded areas.

2 FERTILIZER, PESTICIDE, HERBICIDE, AND RODENTICIDE BPTC MEASURES

2.1 Summary of Products Used

Nutrients/Fertilizer (N-P-K)	Annual Usage
Clonex (1-.6-1)	Varies
Dyna Grow Protekt (0-0-3)	70 gal
Max Sea All Purpose (16-16-16)	187 lbs
Max Sea Bloom (187 lbs
Botanicare Cal-Mag Plus (2-0-0)	52 gal
Fox Farm Chaching (9-50-10)	.69 gal
Fox Farm Beastie Blooms (0-50-30)	.69 gal
Grow More (0-50-30)	On-site, not currently used
Grow More (16-16-16)	On-site, not currently used
Grow More (10-52-10)	On-site, not currently used
Grow More (30-10-10)	On-site, not currently used
Grow More (6-30-30)	On-site, not currently used
Magriculture Epsom Salt	111 lbs
Advanced Nutrients pH Down	Varies
Advanced Nutrients pH Up	Varies
Eco Nutrients Liquid Bone Meal	On-site, not currently used
Ferrous Sulfate	On-site, not currently used
General Hydroponics CaliMagic (1-0-0)	On-site, not currently used
General Hydroponics Flora Nova Grow (7-4-10)	On-site, not currently used
General Hydroponics MaxiGro (10-5-14)	On-site, not currently used
Humboldt Ag Supply Plant Nitrogen (12.91)	On-site, not currently used
Liquinox Iron & Zinc	Varies
Mammoth Microbes	On-site, not currently used
Plant Revolution Great White	On-site, not currently used
Sparetime Seaweed Powder (1-0-12)	On-site, not currently used
Sparetime Supply Molasses (1-.1-3)	102 gal
Therm-X Yucca Extract	21 gal
Xtreme Gardening Myokos	160 lbs

2.1.1 Fertilizer

Fertilizers, potting soils, compost, and other soils and soil amendments are stored in locations and in a manner in which they cannot enter or be transported into surface waters and such that nutrients or other pollutants cannot be leached into groundwater. All soil is contained in a single pile, covered with plastic, and straw wattles have been placed around the perimeter to avoid any delivery to surface waters.

If the landowner wishes to keep fertilizers and soil amendments on the Project Site, they should continue to be stored fully under cover, off the ground, and in a stable location not exposed to the elements. All fertilizers are stored in a secure cargo shipping container with secondary containment, identified as Nutrient and Pesticide storage area. Fertilizers, potting soils, compost, and other soils and soil amendments should not be stored with petroleum products as they may be incompatible and could potentially react. All petroleum products are stored in a secure cargo shipping container with secondary containment identified as Oil and Petroleum storage area.

Applicant is required to keep detailed records of the type, timing and volume of fertilizers and/or other soil amendments you use in your operations. Observe and monitor soil moisture so watering, fertilizer and chemical applications are made only when necessary and overwatering and excess infiltration is avoided. Mattole River Farms utilizes hand watering to avoid any overwatering.

2.1.2 Pesticide, Herbicide, and Rodenticide

To be compliant with the Order, all pesticides, herbicides and related materials (e.g., fungicides) must be used and applied consistent with product labeling. Pesticide and herbicide storage and use on the Project Site must be closely monitored and recorded. Landowner is required to keep records (logs) of the type, timing and volume of pesticides and herbicides used in your operations.

When present, pesticides and herbicides should be stored within enclosed buildings in such a way they cannot enter or be released into surface or ground waters. They should not be stored with petroleum products as they may be incompatible and could potentially react.

2.2 Procedures for Storage, Mixing, and Application

2.2.1 Irrigation Runoff

Irrigation water is applied to cultivation areas at agronomic rates, so runoff is not an issue.

2.2.2 Spoils Management

All spoils generated by the operations are reused on site. All soil is contained in a single pile, covered with plastic, straw wattles placed around the perimeter, and amended each year after analysis. All dirt areas in the greenhouses that are exposed are covered in straw and perimeter of greenhouses have straw wattles.

2.3 Procedures for Spill Prevention and Cleanup

To prevent nutrient leaching from cultivation areas, continue to plant dense cover crops in spent pots, holes and beds to enrich soil and lock up nutrients or; 1) fully tarp any exposed soils and growing mediums in beds, pots, holes or piles; or 2) move spent soils and amendments inside or

under cover to temporarily store them during the wet season (November 1 – May 15). If dense cover crops cannot be kept alive, all planted areas should be tarped to protect them from rainfall, snowmelt and subsequent infiltration and leaching of nutrients. Winterize all cultivation areas and all disturbed areas on the Project Site by placing straw wattles with biodegradable wrapping on the downslope perimeter and/or by mulching/seeding any bare soil areas on cultivation sites.

All the necessary spill prevention and clean-up materials are on site and available in the immediate vicinity of storage area. Major spills should be addressed per actions described in Section 3.3 below.

3 PETROLEUM PRODUCT BPTC MEASURES

3.1 Summary of Products Used

On-grid electricity is provided by PG&E for all uses. Mattole River Farms has (3) 38'x14' solar panels that work in conjunction with PG&E to help decrease the carbon footprint. Use of the onsite generator is limited to power outage events and follows all guidelines set by Humboldt County and the State of California. Fuel is limited to (1) 55-gal drum of generator fuel for back up use.

3.2 Procedures for Storage, Mixing, and Application

All small fuel cans, generators, fuel tanks, gasoline powered garden equipment and any other items containing petroleum products in adequate secondary containment basins and store in a safe, covered, secure location (e.g. away from slopes and outside of riparian buffers). Generators and fuel are stored in a secured enclosed structure with a concrete flooring. Spill kits, fire extinguishers, and eye wash stations are located at all fuel and nutrient storage area.

3.3 Procedures for Spill Prevention and Cleanup

If gas or oil is spilled, immediate attention will be taken to stop the spill by turning off valves or plugging the source of the leak. If the source is a tank or any other kind of container and it is punctured, a wooden plug or a bolt will be used to prevent further leaking. Spill kits and fire extinguishers are located at the fuel/generator shed and Oil/Petroleum storage area.

After stopping the spill, the contaminated soil will be removed from the ground and contained in a bucket, pail, or other non-permeable container. All soil that has visible oil stains or petroleum odor will be dug out and contained. The contaminated soil will be disposed of in accordance with state law.

After the cleaning process is finished, the employee must submit a report of the incident describing what was spilled and the amount, how the spill was cleaned, and the steps that will be taken to prevent future spills. Illustrations or diagrams should be included to show the contaminated area, the excavation of the soil, and the kind of waste that was created. The spillage event and corrective actions will be written down in the Field Sanitation Unit Service Log and kept in our records.

In general, the following clean-up steps will be performed:

1. Any affected material is immediately disposed of in a covered waste bin.
2. The contaminated area will be marked off with caution tape or string.

3. Signs in appropriate languages will be posted at the perimeter prohibiting entry to the contaminated area.
4. People and animals will be kept out until the area is sufficiently decontaminated.
5. Any solid waste still resting on the surface will be collected, shoveled up, and removed to the waste bin.
8. The spillage event and corrective actions will be written down in the Field Sanitation Unit Service Log and kept in our records.

4 TRASH/REFUSE AND DOMESTIC WASTEWATER BPTC MEASURES

4.1 Trash/Refuse

All refuse is stored in trash containers in a secure location. It is important to utilize storage facilities which prevent animals from accessing or disturbing garbage or refuse. Garbage is removed from the property and hauled to approved County collection location at least once per month. All Trash is stored in a 10x10 secure enclosed structure.

4.2 Number of Employees, Visitors, or Residents at Site

Typically, two individuals would be working during production April-October. During peak harvest periods as many as 4 individuals may be working on the property in July through October.

4.2.1 Human Waste

Human waste is directed from the residence to the existing permitted septic tank and leach field system. Mattole River Farms will have the septic tank serviced during the 2020 season and will service as needed.

5 WINTERIZATION BPTC MEASURES & SCHEDULE

The applicant should conduct the following activities prior to the onset of measurable rainfall:

- 1) Ensure that the cultivation areas are either tarped or planted with thick cover crop
- 2) Make sure that all cultivation related supplies and equipment are in a secure covered location per Sections 2-4 above
- 3) Roads are surfaced with rolling dips and out slope installed to prevent sediment delivery
- 4) Soil pile is covered with plastic and straw wattles are placed around the perimeter
- 5) Perform yearly maintenance on drainage features as applicable to reduce runoff concentration (i.e. handwork or small equipment work to maintain water bars, ditches, sediment catchment areas, etc.)
- 6) Project site is monitored monthly or after a significant rainfall event for any sign of sediment control failures.

6 OTHER CULTIVATION SITE INFORMATION

Elevated Solutions has conducted significant assessment and planning at this site. Mattole River Farms currently has an interim permit with Humboldt County and a Provisional License with the State of California to cultivate in the 2020 season. Mattole River Farms has proposed to Humboldt County planning department to cultivate the outdoor in metal greenhouse structures that would be located in the orchard where the original 17,000 SF of outdoor is cultivated. Mattole River Farms proposes to have a 2,172 SF ancillary nursery that will be used for the propagation of nursery stock that will be located by Greenhouse #1 on the upper flat.

7 CERTIFICATION

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information. I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

Steve Doyle
State Contractor # 1031712
Elevated Solutions

HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS
ROAD EVALUATION REPORT

#8

PART A: Part A may be completed by the applicant

Applicant Name: Michael Hoffman APN: 108-161-034

Planning & Building Department Case/File No.: Cup-16-376

Road Name: Huckleberry Lane (complete a separate form for each road)

From Road (Cross street): Shelter Cove Road

To Road (Cross street): 569 Huckleberry Lane

Length of road segment: .5 miles Date Inspected: 4-12-18

Road is maintained by: County Other private
(State, Forest Service, National Park, State Park, BLM, Private, Tribal, etc)

Check one of the following:

Box 1 The entire road segment is developed to Category 4 road standards (20 feet wide) or better. If checked, then the road is adequate for the proposed use without further review by the applicant.

Box 2 The entire road segment is developed to the equivalent of a road category 4 standard. If checked, then the road is adequate for the proposed use without further review by the applicant.

An equivalent road category 4 standard is defined as a roadway that is generally 20 feet in width, but has pinch points which narrow the road. Pinch points include, but are not limited to, one-lane bridges, trees, large rock outcroppings, culverts, etc. Pinch points must provide visibility where a driver can see oncoming vehicles through the pinch point which allows the oncoming vehicle to stop and wait in a 20 foot wide section of the road for the other vehicle to pass.

Box 3 The entire road segment is not developed to the equivalent of road category 4 or better. The road may or may not be able to accommodate the proposed use and further evaluation is necessary. Part B is to be completed by a Civil Engineer licensed by the State of California.

The statements in PART A are true and correct and have been made by me after personally inspecting and measuring the road.

Michael Hoffman
Signature

4-12-18
Date

Michael Hoffman
Name Printed

Important: Read the instruction before using this form. If you have a question, please call the Dept. of Public Works and Use Division at 707-455-7203.

u:\pwk\landdev\projects\referrals\strns\road evaluation report form (09-27-2017).docx

ATTACHMENT 5

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
Building Inspection Division	✓	Conditional Approval	Attached
Public Works Land Use Division	✓	Conditional Approval	Attached
Environmental Health Division	✓	Approval	Attached
CALFIRE	✓	Standard Comments	Attached
CA Department of Fish & Wildlife	✓	Conditional Approval	Attached
NWIC	✓	Cultural Resources Survey	On file with Planning
Intertribal Sinkyone Wilderness Council		No Response	
RWQCB		No Response	
Humboldt County District Attorney		No Response	
Humboldt County Agricultural Commissioner		No Response	
Humboldt County Sheriff		No Response	
Southern Humboldt Joint Unified School District		No Response	



**HUMBOLDT COUNTY
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION
3015 H STREET, EUREKA, CA 95501 ~ PHONE (707) 445-7541**



8/24/2017

PROJECT REFERRAL TO: Building Inspection Division

Project Referred To The Following Agencies:

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, Regional Water Quality Control Board, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, Intertribal Sinkyone Wilderness Council, Humboldt County Sheriff, Southern Humboldt Unified School District School District

Applicant Name Michael Hoffman **Key Parcel Number** 108-161-034-000
Application (APPS#) 11752 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** CUP16-376

Please review the above project and provide comments with any recommended conditions of approval. To help us log your response accurately, please include a copy of this form with your correspondence.

Questions concerning this project may be directed to the assigned planner for this project between 8:30am and 5:30pm Monday through Friday.

County Zoning Ordinance allows up to 15 calendar days for a response. If no response or extension request is received by the response date, processing will proceed as proposed.

If this box is checked, please return large format maps with your response.

Return Response No Later Than 9/8/2017 Planning Commission Clerk
 County of Humboldt Planning and Building Department
 3015 H Street
 Eureka, CA 95501
E-mail: PlanningClerk@co.humboldt.ca.us **Fax:** (707) 268-3792

108-161-34

We have reviewed the above application and recommend the following (please check one):

- Recommend Approval. The Department has no comment at this time.
- Recommend Conditional Approval. Suggested Conditions Attached.
- Applicant needs to submit additional information. List of items attached.
- Recommend Denial. Attach reasons for recommended denial.

Other Comments: _____

DATE: 9-22-17 PRINT NAME: Gustin Dumler



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
BUILDING DIVISION

3015 H STREET EUREKA CA 95501
PHONE: (707) 445-7245 FAX: (707) 445-7446

Building Division's Referral Comments for Cannabis Operations:

Application No.: 11752 (44593)
Parcel No.: 108-161-034
Case No.: CUP 16-376

The following comments apply to the proposed project, (check all that apply).

- Site/plot plan appears to be accurate.
- Submit revised site/plot plan showing all of the following items: all grading including ponds and roads, location of any water course including springs, all structure including size and use and all setbacks from the above stated to each other and property lines.
- Existing operation appears to have expanded, see comments: _____

- Existing structures used in the cannabis operation shall not to be used/occupied until all required permits have been obtained.
- Proposed new operation has already started.
- Recommend approval based on the condition that all required grading, building, plumbing electrical and mechanical permits and or Agricultural Exemption are obtained.

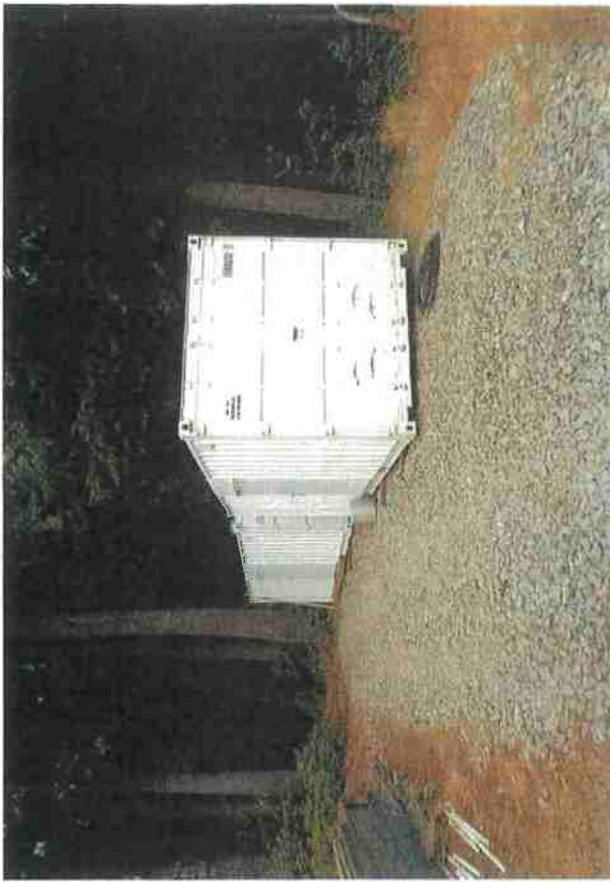
Other Comments: See photos @ CUP 16-376 - folder 108-161-034

Name: Gustin Dumlauer

Date: 9-22-17

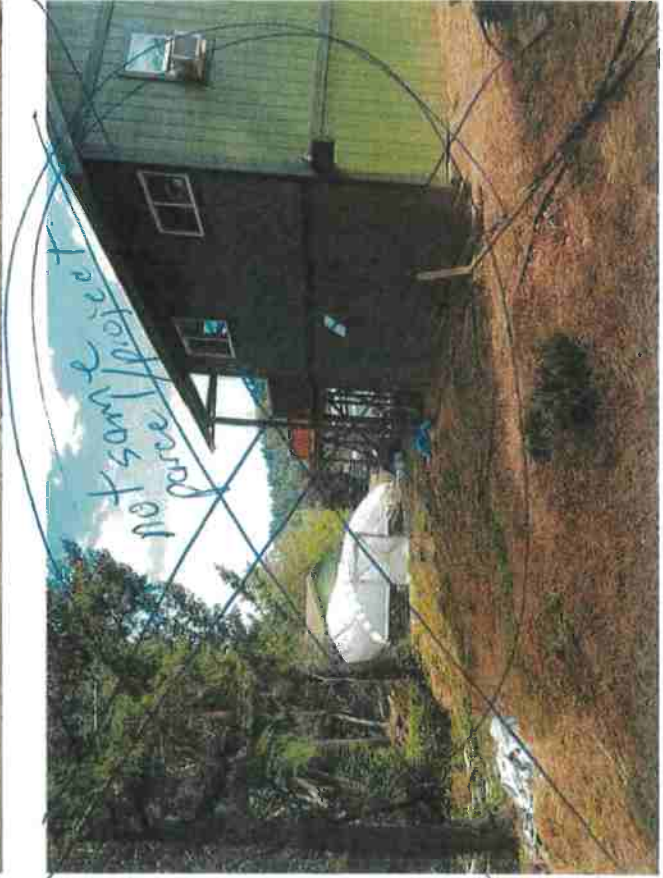
Note: Remember to take photographs and then save them to the Planning's case number. File location J, Current Planning, Projects, (CUP, SP, ZCC) Case number.

Containers



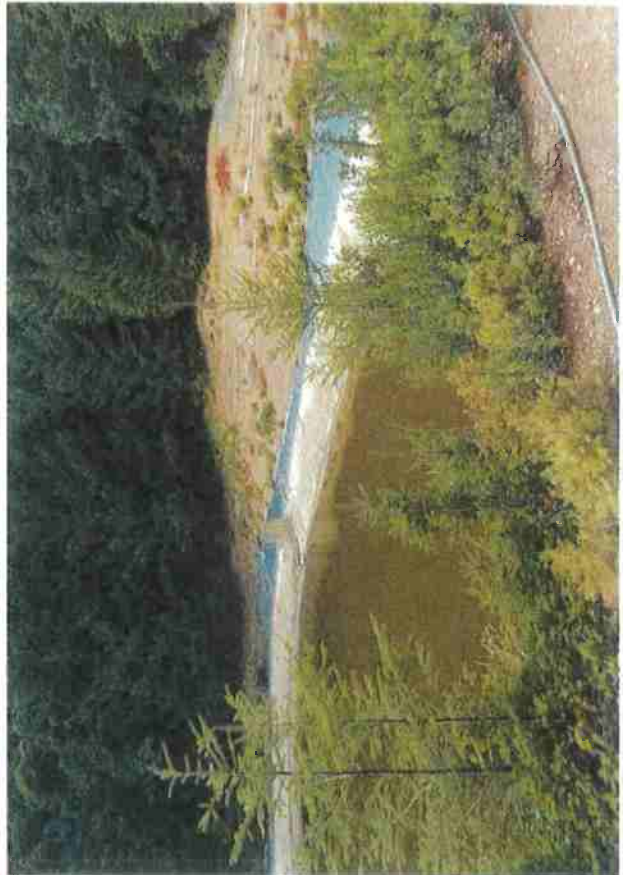
Barn

Home



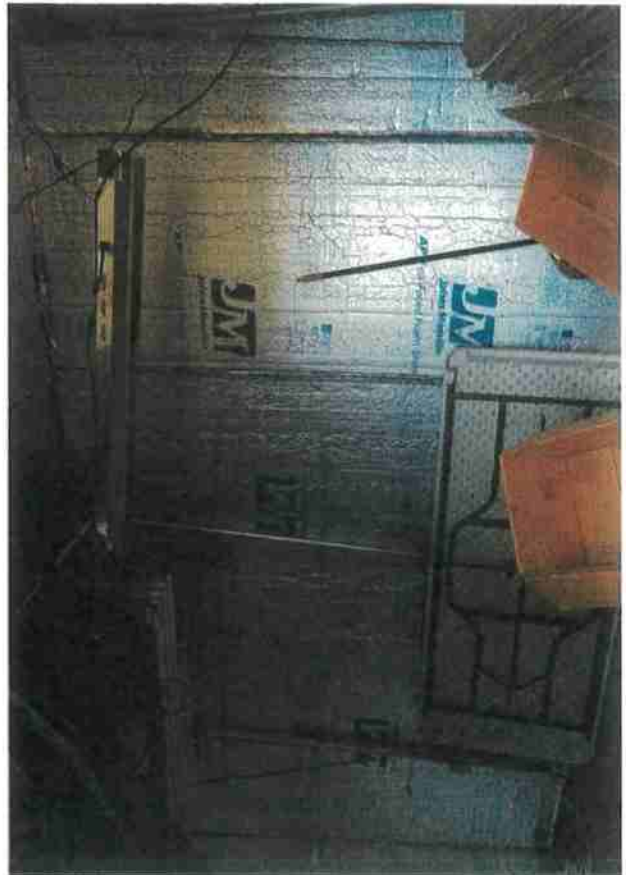
9-21-17 108-161-034

Pond



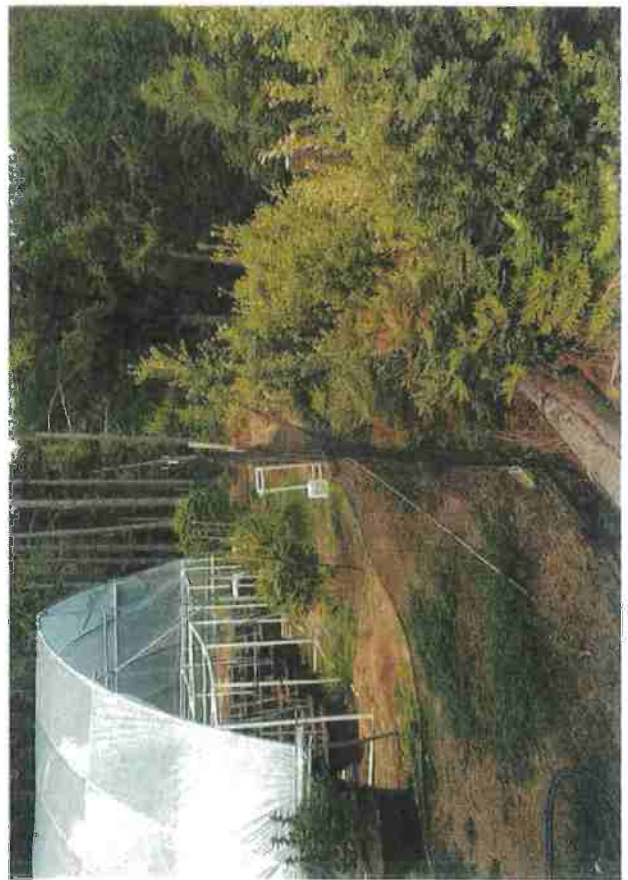
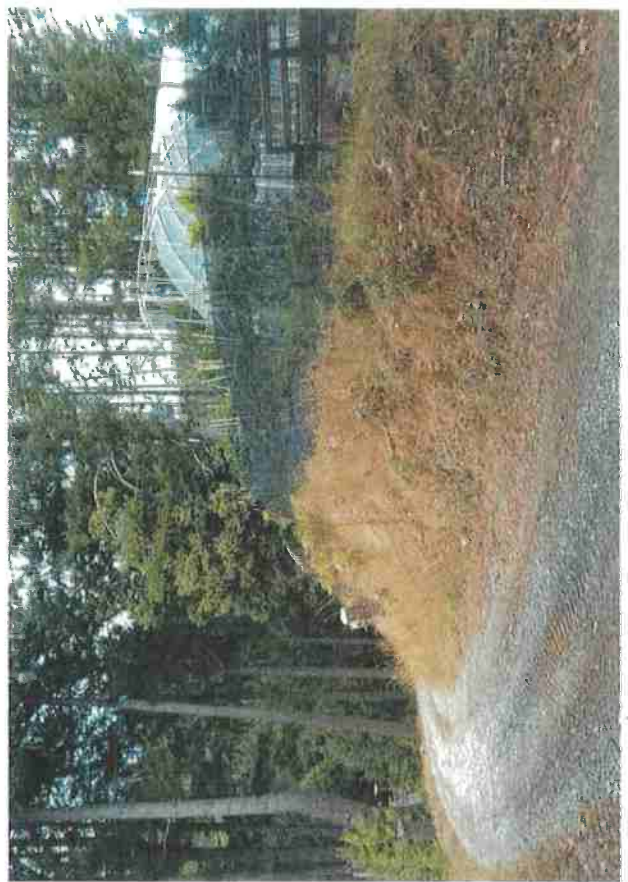
9-21-17 108-161-034 Pond

Barn



Containers

9-21-17 108-101-034



9-21-17 108-161-034 Upper 4300 SF outdoor / 4800 SF Mixed height

Tanks



Shed



4-21-17 108-161-034



Upper 4300 outdoor / 4800 Mixed Grant



**HUMBOLDT COUNTY
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION
3015 H STREET, EUREKA, CA 95501 ~ PHONE (707) 445-7541**



RECEIVED

8/24/2017

PROJECT REFERRAL TO: Public Works Land Use Division

AUG 28 2017

Project Referred To The Following Agencies:

**HUMBOLDT CO. PUBLIC WORKS
LAND USE DIVISION**

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, Regional Water Quality Control Board, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, Intertribal Sinkyone Wilderness Council, Humboldt County Sheriff, Southern Humboldt Unified School District School District

Applicant Name Michael Hoffman **Key Parcel Number** 108-161-034-000

Application (APPS#) 11752 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** CUP16-376

Please review the above project and provide comments with any recommended conditions of approval. To help us log your response accurately, please include a copy of this form with your correspondence.

Questions concerning this project may be directed to the assigned planner for this project between 8:30am and 5:30pm Monday through Friday.

County Zoning Ordinance allows up to 15 calendar days for a response. If no response or extension request is received by the response date, processing will proceed as proposed.

If this box is checked, please return large format maps with your response.

Return Response No Later Than 9/8/2017

Planning Commission Clerk
County of Humboldt Planning and Building Department
3015 H Street
Eureka, CA 95501
E-mail: PlanningClerk@co.humboldt.ca.us **Fax:** (707) 268-3792

We have reviewed the above application and recommend the following (please check one):

Recommend Approval. The Department has no comment at this time.

Recommend Conditional Approval. Suggested Conditions Attached.

Applicant needs to submit additional information. List of items attached.

Recommend Denial. Attach reasons for recommended denial.

Other Comments: _____

DATE: _____

PRINT NAME: _____



DEPARTMENT OF PUBLIC WORKS
COUNTY OF HUMBOLDT
 MAILING ADDRESS: 1106 SECOND STREET, EUREKA, CA 95501-0579
 AREA CODE 707

ARCATA-EUREKA AIRPORT TERMINAL MCKINLEYVILLE FAA #39-3599		PUBLIC WORKS BUILDING SECOND & L ST., EUREKA FAX 445-7409		CLARK COMPLEX HARRIS & H ST., EUREKA FAX 445-7388	
AVIATION	838-5401	ADMINISTRATION	445-7491	NATURAL RESOURCES	445-7741
		BUSINESS	445-7652	NATURAL RESOURCES PLANNING	267-9540
		ENGINEERING	445-7377	PARKS	445-7651
		FACILITY MAINTENANCE	445-7493	ROADS & EQUIPMENT MAINTENANCE	445-7421
				LAND USE	445-7205

LAND USE DIVISION INTEROFFICE MEMORANDUM

TO: Michelle Nielsen, Senior Planner, Planning & Building Department

FROM: Kenneth M. Freed, Assistant Engineer *KMF*

DATE: 2-07-2018

RE:

Applicant Name	MICHAEL HOFFMAN
APN	108-161-034
APPS#	11752

The Department has reviewed the above project and has the following comments:

- The Department's recommended conditions of approval are attached as **Exhibit "A"**.
- Additional information identified on **Exhibit "B"** is required before the Department can review the project. **Please re-refer the project to the Department when all of the requested information has been provided.**
- Additional review is required by Planning & Building staff for the items on **Exhibit "C"**. **No re-refer is required.**
- Road Evaluation Reports(s)** are required; See **Exhibit "D"**. **No re-refer is required.**

*Note: Exhibits are attached as necessary.

Additional comments/notes:

// END //

Exhibit "D"

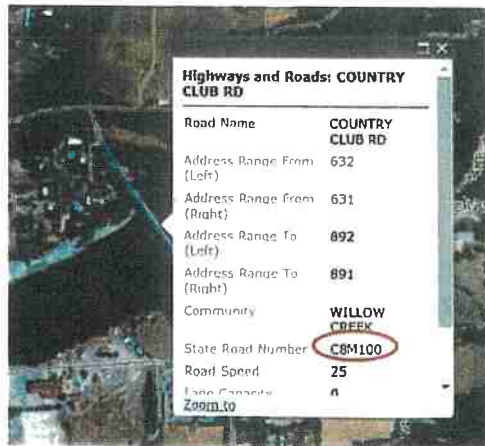
Road Evaluation Reports

- 1. **ROADS – Road Evaluation Reports.** Planning and Building Department staff shall request that the applicant provide Road Evaluation Reports for the project. The particular roads that require a Road Evaluation Report is to be determined by following the guidance shown below.

The Department has developed a Road Evaluation Report form so that an applicant can address the adequacy of the various roads used by their project. Most projects will require that a Road Evaluation Report form be completed.

When viewing the project site on google earth, if the County maintained road (or other publicly maintained road) has a centerline stripe, the road is adequate. If there is no centerline stripe, then the roads leading from the nearest publicly maintained road with a paved centerline stripe (or a known category 4 road) must be evaluated. A separate Road Evaluation Report form is needed for each road. This applies to all roads regardless if they are publicly or privately maintained. The Department has prepared a "approved list" of known County maintained roads that are category 4 (or are equivalent to category 4) standards for cannabis projects. The Department has also prepared a list of roads that are known to not meet road category 4 of equivalent. Both of these lists will be updated as the County information regarding the County maintained roads becomes available.

The Road Evaluation Report form needs to be provided to applicants to complete. It is important that Planning and Building Department staff provide the applicant with a map that has the roads to be evaluated highlighted. This will most likely include a combination of County maintained roads and non-County maintained roads. This will give the applicant clear direction on which roads need to be evaluated.



Above: screenshot from the WebGIS showing County Road Number circled in RED.

A County maintained road will have a 5 or 6 character identifier. The general format is ABCDDD where:

- A** is an optional identifier for the functionality of the road (A=Arterial, C=Collector, F=Federal Aid)
- B** is a grid identifier number for the X-axis of a "battleship" style grid that was drawn on a county map to divide the county into a series of squares.
- C** is a grid identifier letter for the Y-axis for the grid.
- DDD** is a three digit road identification number within a particular grid. Each grid can have up to 999 roads in them

Examples:

- ABCDDD**
- A 3 M 0 2 0 Murray Road
- F 6 B 1 6 5 Alderpoint Road
- 6 C 0 4 0 Thomas Road

Exhibit "D"
Road Evaluation Reports

The Department is working towards identifying which County maintained roads meet (or are equivalent to) Road Category 4 standards for cannabis projects. Two lists are being prepared: the first list with the **green** heading shows which roads (or portions thereof) meet or are equivalent to Road Category 4 standard (AKA "Approved List"); and the second list with the **red** heading shows which roads (or portions thereof) that do not meet or are not equivalent to Road Category 4 standards. These lists will be updated as information becomes available. **This list will be updated frequently. Make sure you are using the most up to date list.**

On occasion there may be more than one road that has the same name; in these instances check the road number to ensure that you are referencing the correct road. Until such time as the GIS roads layer has been proofed by the Department, the GIS is not to be used for this task. Use the paper road maps to check road numbers.

If the subject property takes direct access from a road on the "approved list", no further road evaluation needs to be done.

"APPROVED LIST"		
List of County Maintained Roads that meet (or are equivalent to) Road Category 4 standards for Cannabis Projects		
Road Name	Road Number	Range meeting (or equivalent to) Road Category 4 standard
Alderpoint Road	F6B165	All
Benbow Drive	6B180	Oakerest Dr to State Hwy 101
Blue Slide Road	F2G100	All (Grizzley Bluff Rd to City limits of Rio Dell)
Brannon Mountain Road	7M100	State Hwy 96 to Creekside Lane
Briceland Thorne Road	F5A010	All
Cathy Road	6D050	State Park to P.M. 0.87 (End of County maintained)
Fickle Hill Road	C5J040	Arcata city limits at PM [redacted] to PM [redacted] (end of centerline stripe)
Fieldbrook Road	C4L760	All
Freshwater Road	F6F060	All
Friday Ridge Road	8L100	State Hwy 299 to PM 3.37(End of County maintained) then becomes USFS Road
Greenwood Heights Drive	C4K160	All
Grizzley Bluff Road	F2G100	All (City limits of Ferndale to Blue Slide Rd)
Jacoby Creek Road	C4K230	Old Arcata Road to P.M. 2.50
Jacoby Creek Road	4K230	From P.M. 2.5 to P.M. 2.69
Kneeland Road	F6F060	Freshwater Road to Mountain View Road
Maple Creek Road	5L100	All
Mattole Road	F3D010	All
Mattole Road	F3C010	All
McCann Road	6D090	Dyerville Loop Road to P.M. 1.0
McCellan Mtn Road	7F010	State Hwy 36 to P.M. 3.57(End of County maintained)
Murray Road	C3M020	All
Old Three Creeks	6L250	State Hwy 299 to P.M. 2.8 (End of County maintained)
Panther Gap Road	4D010	Mattole Road to P.M. 1.83(End of County maintained) continues as a non- County maintained road
Patterson Road	C3M130	All
Salmon Creek Road	6C030	Hwy 101 to P.M. 5.39 (End of County maintained)
Shelter Cove Road	C4A010	All
Sprovel Creek Road	C6B095	PM 0.0 to PM 2.11
Sprovel Creek Road	6B095	PM 2.11 to PM 4.00
Thomas Road	6C040	Salmon Creek Road to P.M. 4.03 (End of County maintained) continues as a non- County maintained rd
Tidlow Hill Road	7K100	Hwy 299 to PM 4.7(End of County maintained) then becomes USFS Road
West End Road	5L010	PM 0.0 at Arcata City Limits to Warren Creek Road
Wilder Ridge Road	C5B010	All

Exhibit "D"
Road Evaluation Reports

List of County Maintained Roads that do not meet (or are not equivalent to) Road Category 4 standards for Cannabis Projects		
Road Name	Road Number	Range not meeting (or not equivalent to) Road Category 4 standard
Benbow Drive	6B180	Oakerest Dr to end
Brannon Mountain Road	7M100	Creekside Lane to PM 5.0 [End of County maintained] then becomes USFS Road
Essex Lane	C4L780	P.M. 0.2 to P.M. 0.9 [End of County maintained]
McCann Road	6D090	PM.1.0 to P.M.2.6 [End of County maintained]
Warren Creek Road	5L740	PM 0.0 to PM 0.95 [End of County maintained]
Sprovel Creek Road	6B095	PM 4.00 to PM 7.22 [End of County maintained]

// END //



HUMBOLDT COUNTY
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION
3015 H STREET, EUREKA, CA 95501 ~ PHONE (707) 445-7541



17/18-0451

RECEIVED

AUG 25 2017

8/24/2017

PROJECT REFERRAL TO: Health and Human Services Environmental Health Division

HUMBOLDT CO. DIVISION
OF ENVIRONMENTAL HEALTH

Project Referred To The Following Agencies:

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, Regional Water Quality Control Board, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, Intertribal Sinkyone Wilderness Council, Humboldt County Sheriff, Southern Humboldt Unified School District School District

Applicant Name Michael Hoffman **Key Parcel Number** 108-161-034-000

Application (APPS#) 11752 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** CUP16-376

Please review the above project and provide comments with any recommended conditions of approval. To help us log your response accurately, please include a copy of this form with your correspondence.

Questions concerning this project may be directed to the assigned planner for this project between 8:30am and 5:30pm Monday through Friday.

County Zoning Ordinance allows up to 15 calendar days for a response. If no response or extension request is received by the response date, processing will proceed as proposed.

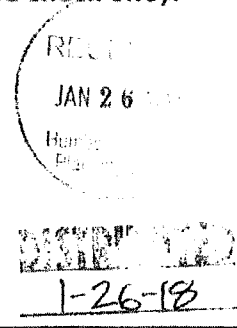
If this box is checked, please return large format maps with your response.

Return Response No Later Than 9/8/2017

Planning Commission Clerk
County of Humboldt Planning and Building Department
3015 H Street
Eureka, CA 95501
E-mail: PlanningClerk@co.humboldt.ca.us Fax: (707) 268-3792

We have reviewed the above application and recommend the following (please check one):

- Recommend Approval. The Department has no comment at this time.
- Recommend Conditional Approval. Suggested Conditions Attached.
- Applicant needs to submit additional information. List of Items attached.
- Recommend Denial. Attach reasons for recommended denial.
- Other Comments: _____



DATE: 1/23/18

PRINT NAME: Ben Bell



DEPARTMENT OF FORESTRY AND FIRE PROTECTION

Humboldt – Del Norte Unit
 118 Fortuna Blvd
 Fortuna, CA 95540
 Website: www.fire.ca.gov
 (707) 726-1272



Ref: 7100 Planning
 Date: August 29, 2017



John Ford, Director
 Humboldt County Planning and Building Department – Planning Division
 3015 H Street
 Eureka, CA 95501

Attention: Cannabis Planner (CPOD)
Applicant: Hoffman, Michael
APN: 108-161-034-000
Area: Whitethorn
Case Numbers: CUP16-376

Humboldt County Application #: 11752
Type of Application: Conditional Use Permit
Date Received: 8/28/2017
Due Date: 9/9/2017

Project Description: A Conditional Use Permit for an existing 17,000 square foot outdoor cultivation area and a 4,800 square foot mixed-light medical cannabis cultivation operation. Cultivation activities occur year-round, with one (1) outdoor harvest and two (2) mixed-light harvests annually. Water for irrigation is provided by a point of diversion on the Mattole River (Permit #20957) and a ten (10) acre-foot rainwater catchment pond. Approximately 275,000 gallons of water for irrigation will be used annually. Processing includes drying and trimming and occurs with the existing agricultural building, garage and containers on-site. Solar power is provided to the site.

Mr. Ford,

The California Department of Forestry and Fire Protection (CALFIRE) provides these standard project review comments on the above noted project for the following subject matter:

- Fire Safe
- Resource Management
- Cannabis

The following pages address these concerns directly.

If CALFIRE staff develops additional comment on this project, it will be forwarded in an additional response letter.

By: Planning Battalion
 CALFIRE Humboldt – Del Norte Unit

For **Hugh Scanlon**, Unit Chief

FIRE SAFE

General:

CALFIRE has responsibility for enforcement of Fire Safe Standards as required by Public Resources Code (PRC) 4290 and 4291. However CALFIRE is not the lead agency in planning development and project permitting. CALFIRE provides input as a contributing agency, generally limited to plan review, and is not the approving agency for these projects.

Local Responsibility Areas:

Should this project include Local Responsibility Area (LRA) lands, CALFIRE has no direct fire safe input on those parcels. However, in those areas with LRA parcels adjacent to State Responsibility Area (SRA) land, CALFIRE recommends that local standards be applied that are consistent with those CALFIRE makes for SRA lands.

State Responsibility Areas:

Should this project include State Responsibility Area (SRA) lands, the following are CALFIRE's Fire Safe minimum input and recommendation for any and all development.

1. In Humboldt County, developments must meet minimum fire safe standards by constructing the project in conformance with County Fire Safe Ordinance 1952, which the California Board of Forestry and Fire Protection has accepted as functionally equivalent to PRC 4290. The County Fire Safe Ordinance provides specific standards for roads providing ingress and egress, signing of streets and buildings, minimum water supply requirements, and setback distances for maintaining defensible space.
2. New buildings located in any Fire Hazard Severity Zone within State Responsibility Areas shall comply with the 2007 California Building Code (CBC) Section 701A.3.2. This requires roofing assemblies, attic and eave ventilation, exterior siding, decking and deck enclosure, windows and exterior doors, and exposed under floor areas that are approved "ignition resistive" in design.
3. All development, especially commercial or industrial development, should be designed to comply with the most current versions of the following standards:
 - a) California Fire Code (CFC) — for overall design standards
 - b) Public Utilities Commission (PUC) General Order 103 — for design of water systems
 - c) National Fire Protection Association Standards (NFPA) for fire flow minimums and other design questions not specifically covered by CFC and PUC
 - d) Housing and Community Development Codes and Standards —for mobile home parks and recreational camps
4. For Department of Real Estate reporting purposes, fire protection coverage in SRA is generally described as follows:

During the declared fire season (usually June through October) CALFIRE responds to all types of fires and emergencies in SRA.

During the remainder of the year (winter period), CALFIRE responds to emergency requests with the closest available fire engine, if a response can reasonably be expected to arrive in time to be effective. A fire engine is usually available somewhere in the Unit, but may have an extended response time.

There are many hazards confronting fire protection agencies in most subdivisions on SRA lands. Steep terrain and heavy wildland fuels contribute to fire intensity and spread. The distances from fire stations and road grades encountered usually create an excessive response time for effective structure fire suppression purposes.

Subdivisions increase fire risks from additional people and increase probable dollar losses in the event of fire due to added structures and improvements.
5. If the project expects to produce densities consistent with a major subdivision, the impacts on all infrastructures should be mitigated. Local government more appropriately provides the responsibility for high-density area protection and services. Annexation or inclusion into Local Responsibility Area should be studied as well.

6. CALFIRE does not support development in areas where there is no local agency fire service for structure fires and emergency medical response. Fire services should be extended into service gap areas as a condition of development. New development can adversely impact existing fire services. Careful consideration must be given where development may overload the local fire service's ability to respond.

RESOURCE MANAGEMENT

CALFIRE has enforcement responsibility for requirements of the Z'berg—Nejedly Forest Practice Act of 1973. CALFIRE is also the lead agency for those parts of projects involving the scope of the Forest Practice Act. The following basic input will cover the majority of projects. Each project will be reviewed with additional input sent at a later date, if needed.

The following comments reflect the basic Resource Management policies of the Board of Forestry and Fire Protection and CALFIRE on CEQA review requests. These policies apply to both Local and State Responsibility Areas.

1. If this project reduces the amount of timberland, by policy, the Board of Forestry and CALFIRE cannot support any project that will reduce the timberland base of California. "Timberland" means land which is available for, and capable of, growing a crop of trees of any commercial species used to produce lumber and other forest products, including Christmas trees regardless of current zoning (PRC 4526). However, if the zoning and intended use are consistent with the county's general plan; and if no land other than timberland can be identified to site the project; then CALFIRE may choose not to oppose the project.
2. If **any** commercial timber operations are involved with a project, the timber operations cannot be conducted without a CAL FIRE permit. Commercial timber operations include the cutting or removal of trees offered for sale, barter, exchange, or trade or the conversion of timberlands to land uses other than the growing of timber (PRC 4527). Contact your nearest CAL FIRE Resource Management office for guidance on obtaining the necessary permits.
3. If **any** timberlands are being converted to a non-timber growing use by this project, the conversion operations cannot be conducted without a CAL FIRE permit (PRC 4621). Conversion of timberland takes place when trees are removed and the land use changes, even without the sale, barter, exchange, or trade of the trees. Contact your nearest CAL FIRE Resource Management office for guidance on obtaining the necessary permits.
4. If timberland is in the viewshed of a project, the current and future owners should be overtly notified that changes will occur to their views due to timber management activities. Further, no project should be allowed to negatively affect access to timberland for timber management purposes; neither on the project parcel(s) nor any other timberland parcels.
5. If timber harvesting has occurred and post-harvest restocking and prescribed erosion control maintenance obligations have not been met on a parcel, future owners should be overtly notified (14 CCR 1042). The current owner of a parcel is responsible for restocking requirements and maintenance of roads whether or not they were involved in the actual harvest plan.
6. If the project involves the development of parcels zoned as Timber Production Zone (TPZ), CALFIRE cannot support the project. Dividing TPZ land into parcels of less than 160 acres requires a Joint Timber Management plan prepared by a Registered Professional Forester (RPF), recorded as a deed restriction for a minimum of 10-years on all affected parcels, and approved by a four – fifths vote of the full board (Govt. Code 51119.5). TPZ may be rezoned using a "Ten Year Phase Out," which precludes the need for a Timberland Conversion Permit. CALFIRE opposes immediate rezoning of TPZ land.

Cannabis

General:

CALFIRE has responsibility for enforcement of Fire Safe Standards as required by Public Resources Code (PRC) 4290 and 4291. CALFIRE is not the lead agency in planning development and project permitting. However, CALFIRE provides comment as an emergency response expert agency, generally limited to plan review, and is not the approving agency for these projects.

Local Responsibility Areas:

Should this project include Local Responsibility Area (LRA) lands, CALFIRE has no direct fire safe input on those parcels. However, in those areas with LRA parcels adjacent to State Responsibility Area (SRA) land, CALFIRE recommends that local standards be applied that are consistent with those CALFIRE makes for SRA lands. Also CAL FIRE is the primary command and control dispatch, for most local agency fire districts and departments.

State Responsibility Areas:

Should this project include State Responsibility Area (SRA) lands, the following are CALFIRE's minimum input.

1. Agricultural cannabis growing operations medicinal or commercial shall have an easily accessible material safety data sheet (MSDS) or safety data sheet (SDS) for all chemicals and hazardous materials on site. Posted (NFPA 704) Placard clearly visible to emergency responders
2. California code of regulations Health and Safety (CCR 11362.769.) Indoor and outdoor medical marijuana cultivation shall be conducted in accordance with state and local laws related to land conversion, grading, electricity usage, water usage, water quality, woodland and riparian habitat protection, agricultural discharges, and similar matters. State agencies, including, but not limited to, the State Board of Forestry and Fire Protection, the Department of fish and Wildlife, the State Water Resources Control Board, the California regional water quality control boards, and traditional state law enforcement agencies shall address environmental impacts of medical marijuana cultivation and shall coordinate, when appropriate, with cities and counties and their law enforcement agencies in enforcement efforts.
3. International Fire Code (N101.1 Scope) Marijuana growing and extraction shall be in accordance with this chapter, of the International Building Code, and the International Mechanical Code. Cryogenic fluids shall comply with Chapter 55. Compressed gases shall comply with Chapter 53. Flammable and combustible liquids shall comply with Chapter 57. Hazardous materials shall comply with Chapter 50. LP-gas shall comply with Chapter 61 and the International Fuel Gas Code. All applicable California State Fire Marshal standards and regulations for the designated occupancy must be met.
4. Growing marijuana and the extracting of oils
Extraction of marijuana oils; All materials hazardous and non-hazardous associated with the extraction process shall be utilized in conformance of the law and fire safe codes.

EXHIBIT A.

BULLFROG MONITORING AND MANAGEMENT PLAN FOR CEQA-2017-0613-R1

GENERAL BULLFROG INFORMATION

The American bullfrog (*Lithobates catesbeianus* = *Rana catesbeiana*); hereafter bullfrog, is an invasive non-native species in California and poses a significant threat to California's native fish and wildlife resources. Bullfrogs were introduced in California over 100 years ago from eastern parts of the United States as a food supply, but have since caused substantial ecological consequences. Bullfrogs are considered highly invasive and are well documented to be prey upon a variety of fish and wildlife species, including some that are rare, threatened, and endangered. Human modifications to the environment provide favorable condition to bullfrogs such as artificially created agricultural ponds, canals and ditches where warm still water occurs. As a result bullfrogs have spread throughout California.

Efforts to control bullfrogs have been met with varying degrees of success because: 1) bullfrogs can be difficult to detect and go dormant from fall through winter, 2) bullfrogs often take cover in difficult areas to manage (e.g. dense vegetation), 3) they can travel long distances to colonize and re-colonize areas, 4) they have high reproductive output, 5) they are weary and readily flee perceived threats, and 6) they can survive physical trauma remarkably well. CDFW scientific staff recognizes there is an urgent and immediate need to develop improved bullfrog management strategies to protect California's diverse fish, wildlife, and plant resources, and the habitats upon which they depend, for their ecological values and for their use and enjoyment by the public. Public support and implementation of bullfrog control in California is an important conservation strategy that will help protect natural resources for future generations.

MONITORING

The Project reservoir(s) shall be monitored for bullfrog presence on an annual basis with a minimum of five total surveys, no less than two weeks apart, throughout the months of May-July

- All pond survey effort must be made by a person knowledgeable in bullfrog identification (see Appendix A for reference photos);
- Survey efforts shall include listening for bullfrog calls and slowly walking the complete perimeter of the pond at night* (dusk or later) while shining a flashlight to detect movement and eye-shine

If bullfrogs are not detected upon completion of five total surveys, or at any other time of the year incidentally, removal efforts are not required that year.

*Day time monitoring can also be conducted to aid detection but is not required under this plan.

SUCCESS CRITERIA

The level of effort needed to successfully manage bullfrog populations varies with infestation levels. This plan shall be considered successfully implemented if sufficient effort is provided to prevent adult bullfrogs from reproducing in the reservoir(s) each year, and no bullfrog life-stages can be detected. Bullfrogs are capable of traveling long distances over-land, and on-going

efforts will be required to ensure dispersing bullfrogs do not colonize the reservoir(s) at a future time.

MANAGEMENT METHODS

Two removal methods may be employed for controlling bullfrogs under this plan and include:

- Manual direct removal
- Reservoir de-watering (Hydro-modification)

Implementing both reservoir de-watering and manual direct removal is currently believed to be the most effective method of managing bullfrog infestations. Prior to conducting reservoir dewatering activities, please coordinate with CDFW Environmental Scientist Kalyn Bocast by email at kalyn.bocast@wildlife.ca.gov.

Direct Removal

All direct removal efforts must be made by a person knowledgeable in bullfrog identification.

- Removal efforts must occur during, but are not be limited to the active/breeding season, occurring May – July;
- A minimum of **two** efforts throughout the season are considered necessary;
- Direct removal efforts are typically most effective when conducted at night with use of lights but can also be conducted during the day;
- Direct removal must include working the entire perimeter of the reservoir;
- A rubber raft or small boat may be necessary to successfully remove some individuals;
- A team of two individuals or more is often helpful, one person for shining lights and/or operating a boat and the other person to perform removal efforts;
- Bullfrog tadpoles must be removed and dispatched and must not be relocated or kept as pets.

Management Authorization

Take of bullfrogs is specifically allowed in the California Code of Regulations (CCR), Title 14 (T-14) section 5.05(a)(28), under the authority of a sport fishing license. There is no daily bag limit, possession limit or hour restriction, but bullfrogs can only be taken by hand, hand-held dip net, hook and line, lights, spears, gigs, grabs, paddles, bow and arrow or fish tackle.

Alternatively, FGC Section 5501 allows CDFW, as limited by the commission, to issue a permit to destroy fish that are harmful to other wildlife. The regulations have addressed this under Section CCR T-14 226.5 Issuance of Permits to Destroy Harmful Species of Fish in Private Waters for Management Purposes. This allows the CDFW to issue free permits to destroy harmful aquatic species by seining and draining.

Pond Dewatering

In order to prevent and/or control infestations, annual pond dewatering may be appropriate, under the condition that the reservoir can be successfully dewatered without adversely affecting stream resources. Careful planning and coordination with CDFW, is necessary to ensure potential impacts to stream resources can be addressed, prior to commencing with pond draining. Discharge of polluted water to waters of the state may require permitting from other agencies with permitting authority, such as the Regional Water Quality Control Board.

In general, bullfrog tadpoles require two years to develop into frogs, whereas native amphibians only require one year. Therefore, draining a reservoir every year is intended to interrupt bullfrog tadpole development, dramatically decrease bullfrog populations and allow for reduced efforts as a measure of adaptive management. Typically in Northern California, reservoir draining should occur in September through October to avoid impacts to sensitive native amphibian and fishery resources. While draining occurs, direct removal efforts should be employed as described above if possible.

REPORTING

A written log shall be kept of monitoring and management efforts and shall be provided to CDFW **each year** by December 31. The written log shall include: 1) date and time of each monitoring and management effort, 2) approximate number of each bullfrog life stage detected and/or removed per effort, and 3) amount of time spent for each monitoring and management effort.

APPENDIX A. BULLFROG REFERENCE PHOTOS



This is a photo of a Bullfrog tadpole. (Photo taken by Mike van Hattem).



The photos shown in this Appendix demonstrate a medium sized adult bullfrog that was removed from Ten Mile Creek, Mendocino County. Note the bullfrog has a large tympanum, (circular ear drum shown with an arrow) and **does not** have distinct ridges along its back (dorsolateral folds). Photo taken by Wes Stokes.



The bullfrog has somewhat distinct mottling and **the underside of the bullfrogs hind legs are not shaded pink or red.**



**California Department of Fish and Wildlife
CEQA Referral Checklist**

Applicant: Michael Hoffman		Date: 6/18/2018	
APPS No.: 11752	APN: 108-161-034	CDFW CEQA: 2017-0613	Case No.: CUP16-376
<input type="checkbox"/> New	<input checked="" type="checkbox"/> Existing	<input checked="" type="checkbox"/> Mixed-light (SF): 4,800	<input type="checkbox"/> Outdoor (SF): 17,000 <input type="checkbox"/> Indoor <input type="checkbox"/> RRR

Thank you for referring this application to the California Department of Fish and Wildlife (CDFW) for review and comment.

CDFW offers the following comments on the Project in our role as a Trustee and Responsible Agency pursuant to the California Environmental Quality Act (CEQA; California Public Resource Code Section 21000 *et seq.*). These comments are intended to assist the Lead Agency in making informed decisions early in the planning process.

- Recommend Approval. The Department has no comment at this time.
- Recommend Conditional Approval. Suggested conditions below.
- Applicant needs to submit additional information. Please see the list of items below.
- Recommend Denial. See comments below.

Please provide the following information prior to Project Approval: *(All supplemental information requested shall be provided to the Department concurrently)*

- Provide additional information on the water source(s) for the parcel(s) including both domestic use and irrigation.
 - a. If the source is a well(s), provide a copy of the well completion log.
 - b. If the source is municipal water, provide documentation that municipality/CSD/etc. is willing to provide all water necessary for the subject parcel (include the specific amount that is approved).
 - c. If the source is surface water (spring, stream, or hydrologically connected pond or well) CDFW recommends that the applicant notify our Department, pursuant to Fish and Game Code Section 1602, of all unpermitted points of diversion located on the parcel or provide a copy of the non-jurisdictional letter issued by CDFW.
- Include a topographic map that identifies all surface water, wetlands, or other sensitive habitats onsite and the appropriate buffer distances for each.
- Identify all energy sources for project.
 - a. If generator, identify the size and location of the generator and describe measures that will be incorporated to avoid or minimize impacts to fish and wildlife, such as secondary containment.

- b. If micro hydropower, provide detailed information regarding the existing or proposed system. CDFW requires that the applicant notify CDFW, pursuant to Fish and Game Code Section 1602, of all micro hydropower systems located on the parcel.

Please note the following information:

- Aerial imagery suggests that the cultivation area, prior to January 1, 2016, was approximately 8,000 square feet of outdoor and 4,800 square feet of mixed-light. CDFW requests, prior to Project approval, a copy of the County Cannabis Area Assessment (CAV) and that the applicant provide substantial evidence, of existing cannabis on the parcel, prior to the cutoff date, or that the application be reconsidered for Project approval.
- Prohibition on use of synthetic netting. To minimize the risk of wildlife entrapment, Permittee shall not use any erosion control materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.
- Leave wildlife unharmed. If any wildlife is encountered during the Authorized Activity, Permittee shall not disturb the wildlife and shall allow wildlife to leave the work site unharmed.
- The environmental impacts of improper waste disposal are significant and well documented. CDFW requests, as a condition of Project approval, that all refuse be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
- The referral materials state that there is a rainwater catchment pond onsite. CDFW requests:
 - More information regarding how the pond is filled, spillway construction, whether the pond contains a liner or natural bottom, etc.
 - That the applicant comply with the attached CDFW Bullfrog Management Plan (**Exhibit A**). Reporting requirements shall be submitted to CDFW at 619 Second Street, Eureka, CA 95501, no later than December 31 of each year.
- Human induced noise pollution may adversely affect wildlife species in several ways including abandonment of territory, loss of reproduction, auditory masking (inability to hear important cues and signals in the environment), hindrance to navigation, and physiological impacts such as stress, increased blood pressure, and respiration. To avoid disturbance, CDFW requests, as a condition of project approval, the construction of noise containment structures for all generators, fans, and other cannabis related processing equipment on the parcel; noise released shall be no more than 50 decibels measured from 100ft.
- This project has the potential to affect sensitive fish and wildlife resources such as Chinook Salmon (*Oncorhynchus tshawytscha*), Coho Salmon (*O. kisutch*), Steelhead Trout (*O. mykiss*), Coastal rainbow trout (*O. mykiss irideus*), Pacific Lamprey (*Entosphenus tridentatus*), Inland Threespine Stickleback (*Gasterosteus aculeatus microcephalus*), Foothill Yellow-legged Frog (*Rana boylei*), Pacific Giant Salamander (*Dicamptodon tenebrosus*), Red-bellied Newt (*Taricha rivularis*), Northern Red-legged Frog (*Rana aurora*), Western Pond Turtle (*Actinemys marmorata marmorata*), and amphibians, reptiles, aquatic invertebrates, mammals, birds, and other aquatic and riparian species.

Thank you for the opportunity to comment on this Project. Please send all inquiries regarding these comments to kalyn.bocast@wildlife.ca.gov .

Please confirm that you have received this email.

Sincerely,

California Department of Fish and Wildlife
619 2nd Street
Eureka, CA 95501

ATTACHMENT 6

Cultivation Area Verification and Evidence

ATTACHMENT 6
EVIDENCE OF EXISTING CULTIVATION

Exhibit 1: County Cultivation Area Verifications

- a. 2017 CAV
- b. 2019 CAV

Exhibit 2: Aerial Imagery

- a. 08/23/2013 TerraServer
- b. 05/28/2014 Google Earth
- c. 09/15/2015 TerraServer
- d. 08/2020 Planet

Exhibit 3: Applicant's Evidence

- a. Agent's Narrative
- b. Aerial Images
- c. Original plot plan submitted in 2016
- d. Original owner's statement
- e. Field pictures
- f. Photograph from Greenwired Renewable Energy Solutions of solar array overlooking quince orchard (circa Aug 2013)

Exhibit 1: County Cultivation Area Verifications

Cultivation Area Verification (CAV)

1) Enter amount of verified cultivation area.

Existing Outdoor Square Footage: ≈ 231,082 #

Existing Mixed Light Square Footage: ≈ 4,727 #

2) Enter base year date and source (e.g. 2014 – GIS or 10/27/15 – TerraServer or May 28, 2014 – Google Earth etc)

Base Year Date and Source: 10/26/2015 - Terra Server

3) Enter person performing verification:

Verified By: MCH - LACO

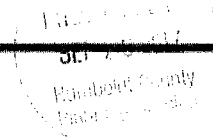
4) Enter date of verification (e.g. current date)

Date Verified: 11/9/17

5) Attach Evidence of Verification (e.g. TerraServer photos w/ polygons etc.)

6) Write "CAV" on the outside of the project file to indicate that cultivation area verification is completed for project.

Zander, AnaCena



From: HUU CEQA@CALFIRE <HUUCEQA@fire.ca.gov>
Sent: Thursday, September 21, 2017 3:33 PM
To: Planning Clerk
Subject: FW: 108-161-034-000 Hoffman, Michael

Chris Ramey
Battalion Chief, Fire Planning
CAL FIRE
Humboldt-Del Norte Unit
C: 707-599-6442
Duty Days: Tues-Fri

From: Lake, M. Isaac@CALFIRE
Sent: Saturday, September 16, 2017 4:08 PM
To: HUU CEQA@CALFIRE <HUUCEQA@fire.ca.gov>
Subject: APN: 108-161-034-000 Hoffman, Michael

No additional comments from B-1211 other than any artificial lighting being used shall be shielded so that little or no light escapes.

M. Isaac Lake
Battalion Chief
CAL FIRE
HUMBOLDT-DEL NORTE UNIT
Battalion 1
Alderpoint~Garberville~Thorn
Cell (707) 499-2249
Office (707) 923-3446
Schedule Thrs, Fri, Sat
MLake@fire.ca.gov



40.059° -123.9812

Q X

Image Drawer

40.05911111111111	-123.98122222222222	40.05911111111111
40.05911111111111	-123.98122222222222	40.05911111111111
40.05911111111111	-123.98122222222222	40.05911111111111

Check Purchase Options →

A: 3,187 sf
 B: 15,585 sf
 C: 124,222 sf
 D: 92,815 sf
 GHI: 4,727 sf

Approximately:
 235,809 sf existing
 cultivation

B.

Cultivation Area Verification (CAV)¹

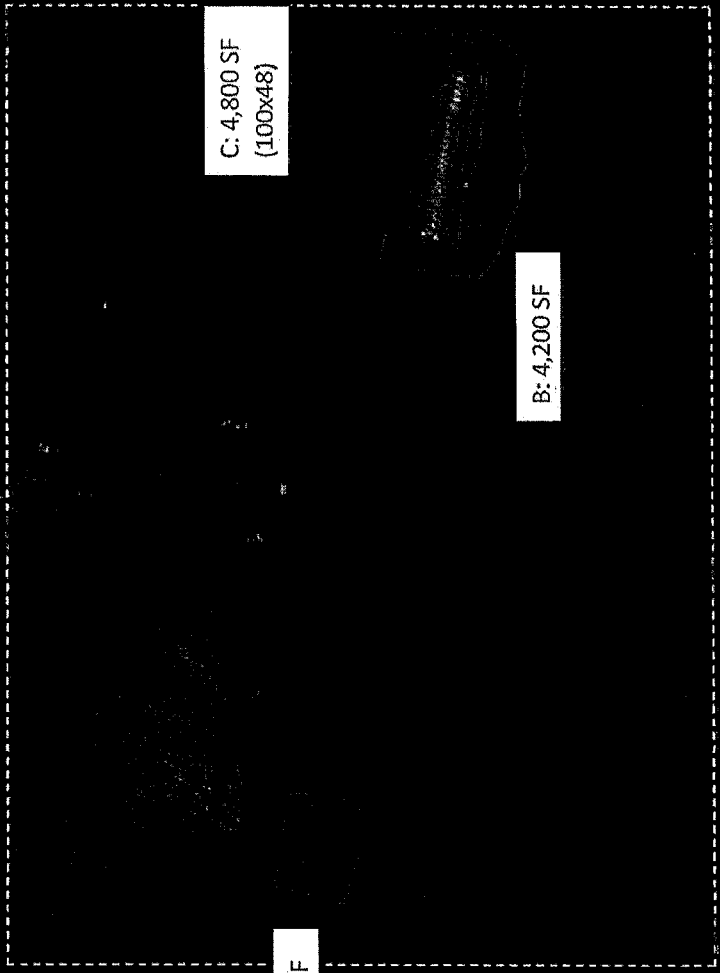
Apps# 11752 / APN: 108-161-034

- 1) Amount and type applied for:
 Application Outdoor Square Footage: 17,000
 Application Mixed Light Square Footage: 4,800
- 2) Enter amount of verified cultivation area:
 Existing Outdoor Square Footage: 6,600
 Existing Mixed Light Square Footage: 4,800
- 3) Enter base year date and source (e.g. 10/27/15 – TerraServer or May 28, 2014 – Google Earth etc)
 Base Year Date and Source: 9/18/2015 Terra Server
- 4) Enter person performing verification:
 Verified By: S Luther
- 5) Enter date of verification (e.g. current date)
 Date Verified: 7/9/2019
- 6) Attach Evidence of Verification (e.g. TerraServer photos w/ polygons etc.)
- 7) Write "CAV" on the outside of the project file.
- 8) Please note any observed expansions, relocations, timber conversions, or ground disturbances:

Notes: _____

¹ (55.4.7 Definitions) "Cultivation Area" means the sum of the area(s) of cannabis cultivation as measured around the perimeter of each discrete area of cannabis cultivation on a single premises, as defined herein. Area of cannabis cultivation is the physical space where cannabis is grown and includes, but is not limited to, garden beds or plots, the exterior dimensions of hoop houses or green houses, and the total area of each of the pots and bags containing cannabis plants on the premises. The cultivation area shall include the maximum anticipated extent of all vegetative growth of cannabis plants to be grown on the premises.

Total: 6,600 outdoor
4,800 mixed light



Latitude: 40.0586 Longitude: -123...



Area Measurement

Start Draw Edit Draw Delete Draw

Line Color Fill Color

Line Width

November 19, 2020

Area Measurement

Area

Number of Points	: 21
Perimeter	: 117.95 ft
Length	: 378.81 ft
Area	: 4203.95 ft ²

Exhibit 2: Aerial Imagery

A.

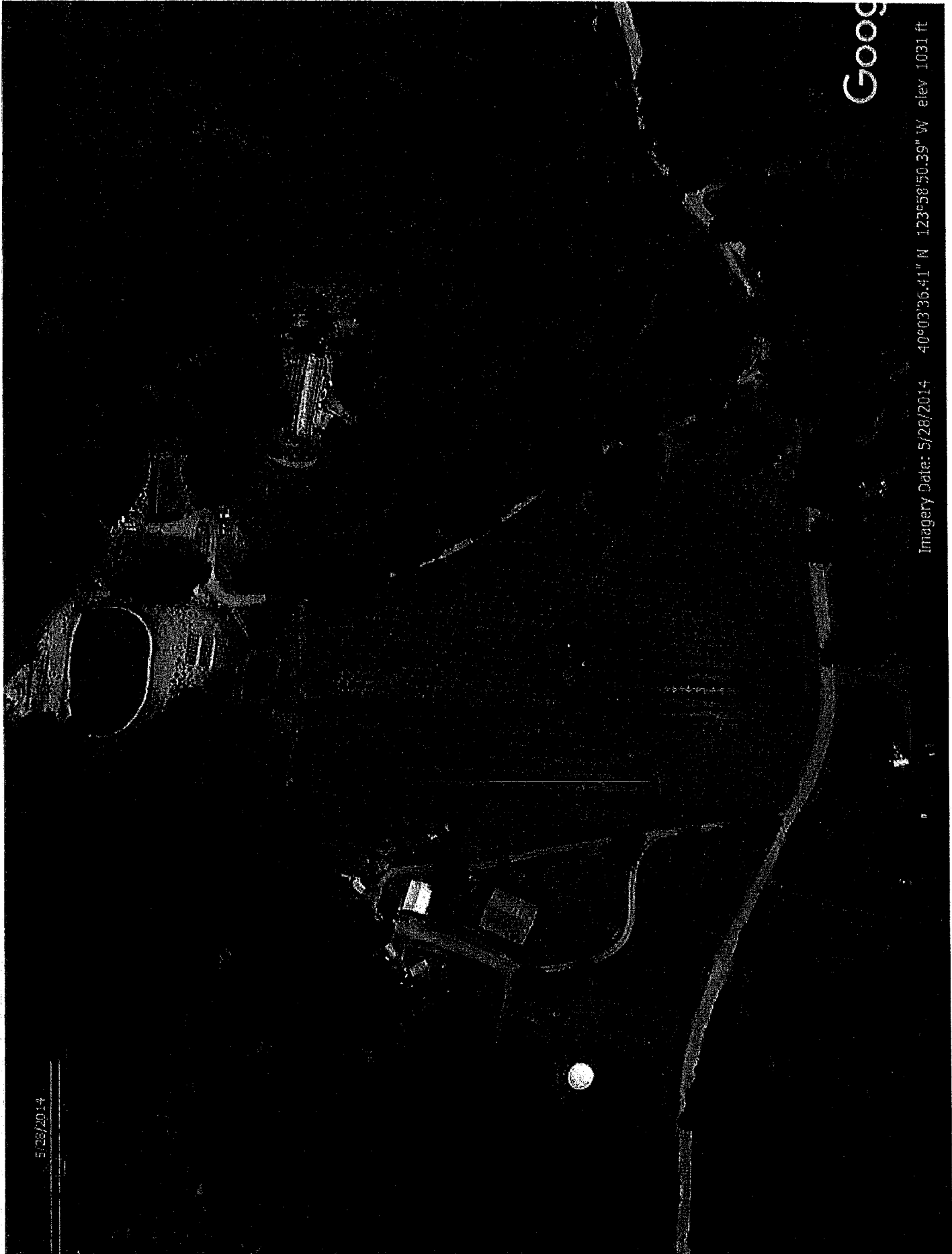
Search by location name

Available Images

Date Range	All Images	Resolution	Sharpened
2015-10-26	0.50 m	0.20%	Sharpened
2015-08-16	0.50 m	0.01%	Sharpened
2013-11-15	0.50 m	1.08%	Sharpened
2013-08-23	0.50 m	12.02%	Sharpened
2013-02-15	0.50 m	0.0%	Sharpened
2011-06-19	0.50 m	0.0%	Sharpened
2011-06-19	0.50 m	5.48%	Sharpened
2010-06-16	0.30 m	0.0%	Color
2010-05-11	0.50 m	11.56%	PAN

Enlarge Options

© 2019 TerraServer, DigitalGlobe

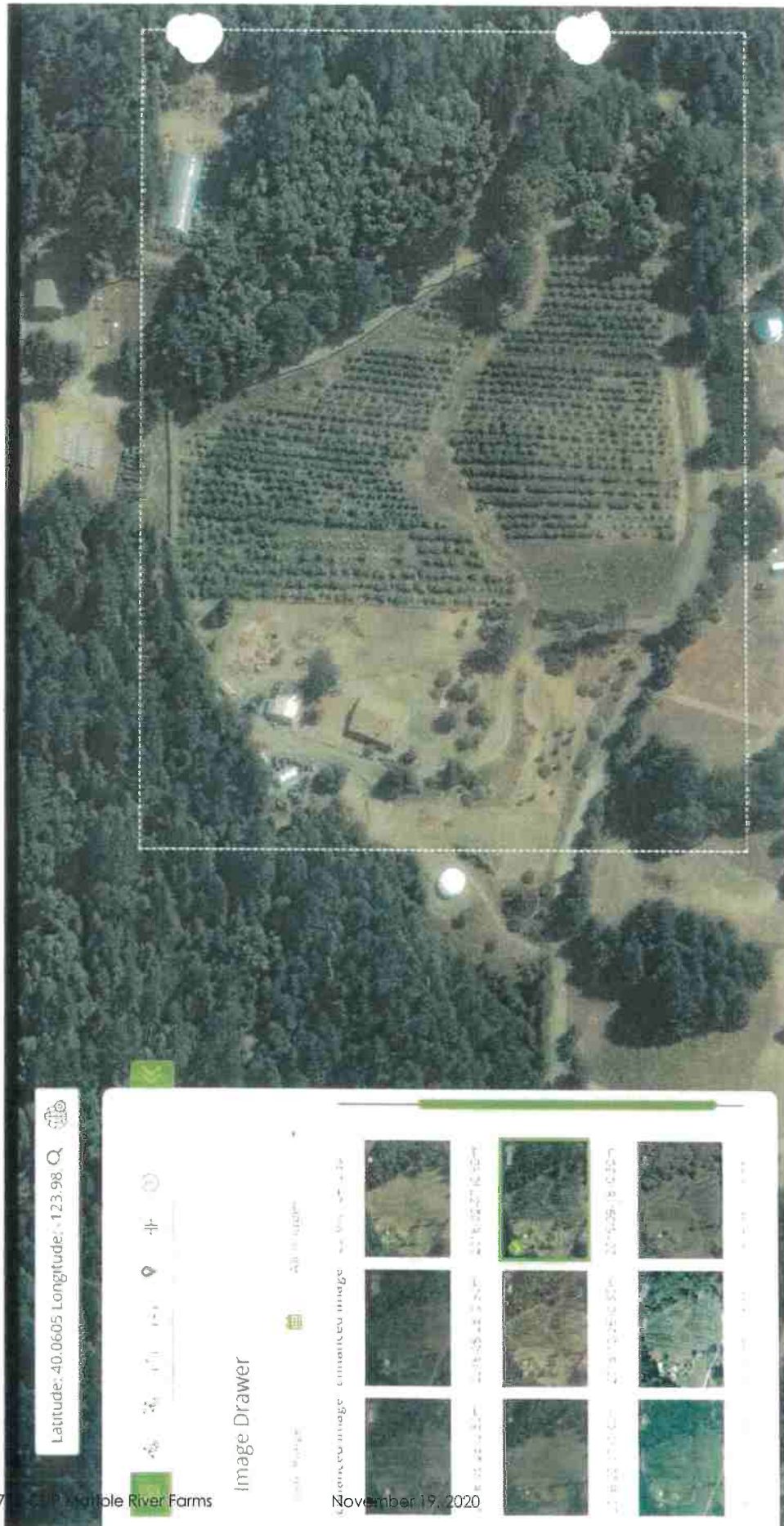


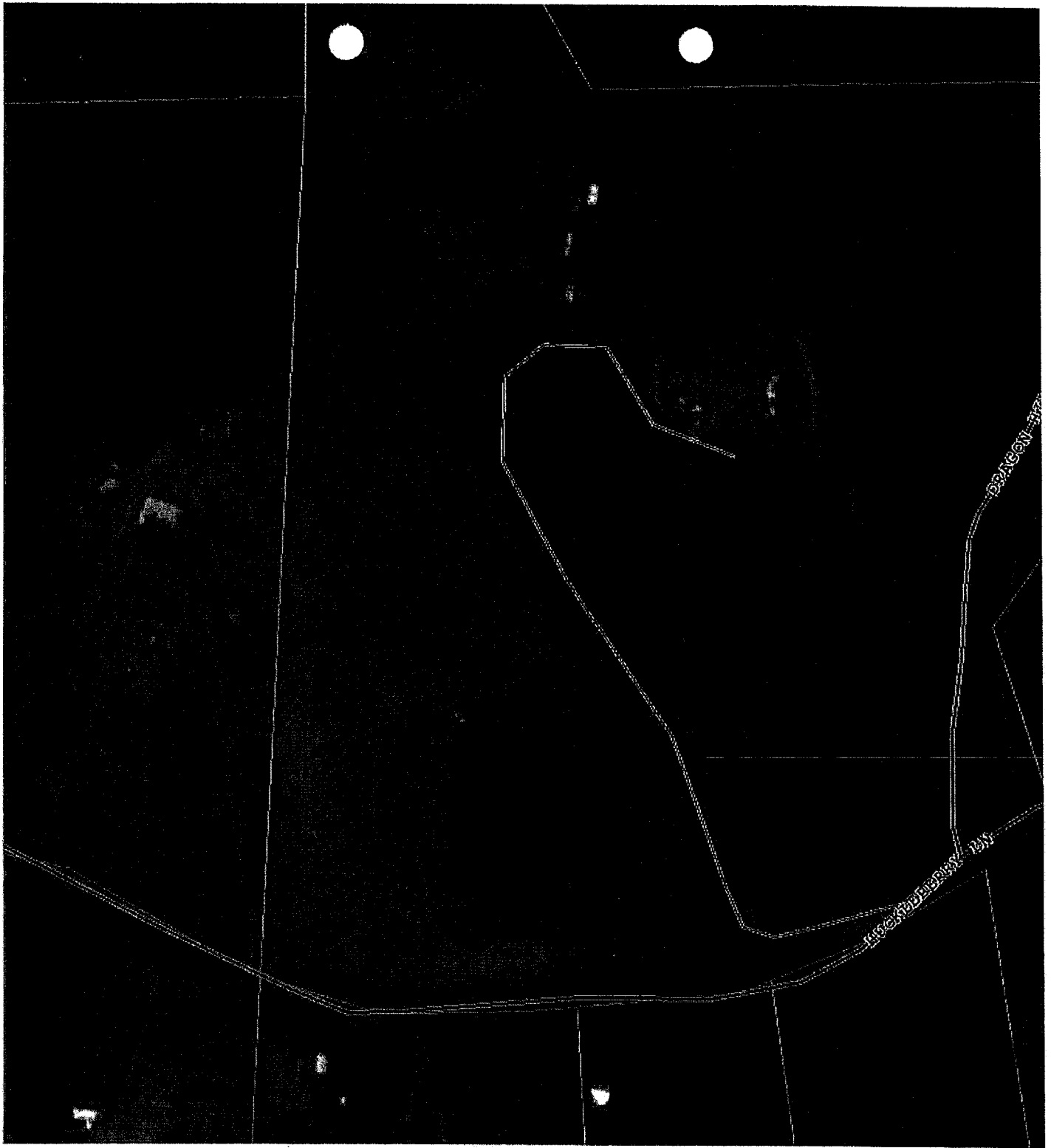
Goog

Imagery Date: 5/28/2014 40°03'36.41" N 123°58'50.39" W elev 1031 ft

5/28/2014

C.





D. August 2020

Exhibit 3: Applicant's Evidence

Elevated Solutions, LLC
3943 Walnut Drive, Ste. E
Eureka, CA 95503
(707) 798-6686
info@elevsolutions.com

Re: CAV Mattole River Farms, LLC. APP 11752

Attached you will find the collection of data in which we have based the CAV for Mattole River Farms, LLC. The property was purchased in 2018 with an active Interim Permit for 17,000 SF of Pre-Existing Outdoor Cultivation and 4,727 SF of Pre-Existing Mixed Light Cultivation. At the time of the purchase the new property owner retained our office to review the submitted county application and material regarding the ongoing application. As of June of 2018, there was no information in the file questioning the CAV. The current owner purchased the property assuming that the Interim Permit was accurate.

The Cultivation was relocated from the three separate cultivation area in the field to its current location in the center of the field after the property was purchased in 2018. The relocation was due to flowline that was cut by the previous property owner in order to control water run-off and sediment delivery from the road system. This flow line is not classified on the LSAA as a watercourse and therefore isn't listed on the site map. Because this flowline channels water it was determined that the relocation would be appropriate and a 50' setback from the flowline should be established.

I have attached a letter from the previous owners stating that cultivation had occurred between 2009-2018. CDFW stated in their referral that their CAV of the pre-existing cultivation was 8,000 SF of outdoor. CDFW staff has also visited the site and an LSAA was issued after the 2018 purchase. The cultivation occurred in between the trees in the orchard. The pre-existing cultivation holes still remain in the field today. There is currently a total of 234 holes in the field some of which still have remaining stocks with dripline ran to each hole. If the County Standard of 36 SF per whole is used to calculate the pre-existing foot print the total cultivation area in the field is 8,424 SF, 2300 (county CAV) SF in the garden area below the solar panels, and 3400 SF around the greenhouse. Based on this information we believe that there is 14,124 SF of credible pre-existing cultivation. Please see the proof attached of Pre-Existing holes.

The solar system permit was finalized on 08/30/2012. Our office contacted Greenwired regarding the timeline of the photo of the solar array that is currently on their website. They looked by in their records and the photo was taken on August 12, 2013 as a part of their marketing collection. This image doesn't represent the cultivation that would have occurred in the field in 2014-2015. In the image you can see the white frost protection surrounding the fence in the three side of the field. In the available images in 2014 that screen material has been removed.

We would like to request that the Planning Department support on an outdoor cultivation area of 10,000 SF. Based on the aerial photos, statement from the previous owners, photos of pre-existing cultivation holes in the field, the 2014 footage from "Pot Cops" a show in which Humboldt County Sheriff's Department made statements while showing footage of the field located at 569 Huckleberry Lane regarding outdoor cultivation and other supporting data provided.

We held a community meeting on October 26, 2020 @ 6:00pm. A total of 24 letters were sent out to the neighbors inviting them to attend and address any questions or concerns regarding the project. One Neighbor, Jordan Lourie attended the meeting and John and Linda Crook left a letter on gate thanking us for the invite but stated they were unable to attend. In our opinion the meeting went well. Jordan acted as a liaison for the neighbors that had written in with concerns. During the meeting the project practices and goals were relayed to Jordan. Jordan seemed welcoming of the cultivation plan and said he felt 10,000 SF was reasonable considering the neighborhood. The applicant offered to perform/pay for annual ground water well testing to assure that ground water wells are not being contaminated from the applicant's cultivation. These tests will be conducted by North Coast Laboratories in Arcata, CA and paid for by the applicant on an annual basis. Water tests will also be conducted on the water at Mattole River Farms as well to get a community baseline. Mattole River Farms already conducts soil testing several times a year to monitor the health of the soil in the field and in order to amend to soil. The applicant doesn't have a problem providing these results to the Planning Department along with the other annual reports that will be required under the conditions of approval. They would not see an issue adding these items as a part of their conditions of approval.

A to remove the Greenhouse structures from the field. The cultivation that is proposed to occur in the field would be done in the native soil in full sun. The applicant is requesting to have two cultivation beds that would be 5,000 SF each with 12' row in between to allow space for air flow and access for the tractor. Once the CAV is agreed upon a revised site map will be provided, the operations plan will be revised to reflect the CAV and submitted to the Planning Department.

Please feel free to reach out to our office with any questions.

Thank You,

Lesley Doyle
Elevated Solutions, LLC
3943 Walnut Drive, Ste. E
Eureka, CA 95503
(707) 683-6686
lesley@elevsolutions.com



Google Earth

Imagery Date 8/17/2016 40°03'33.82"N 123°58'50.31"W elev 958 ft view 354.2 ft

689 Huckabee Lane Whitehorn, 95589
 48 1200 Imagery, 4000 Ave 28/200
 Get Directions History

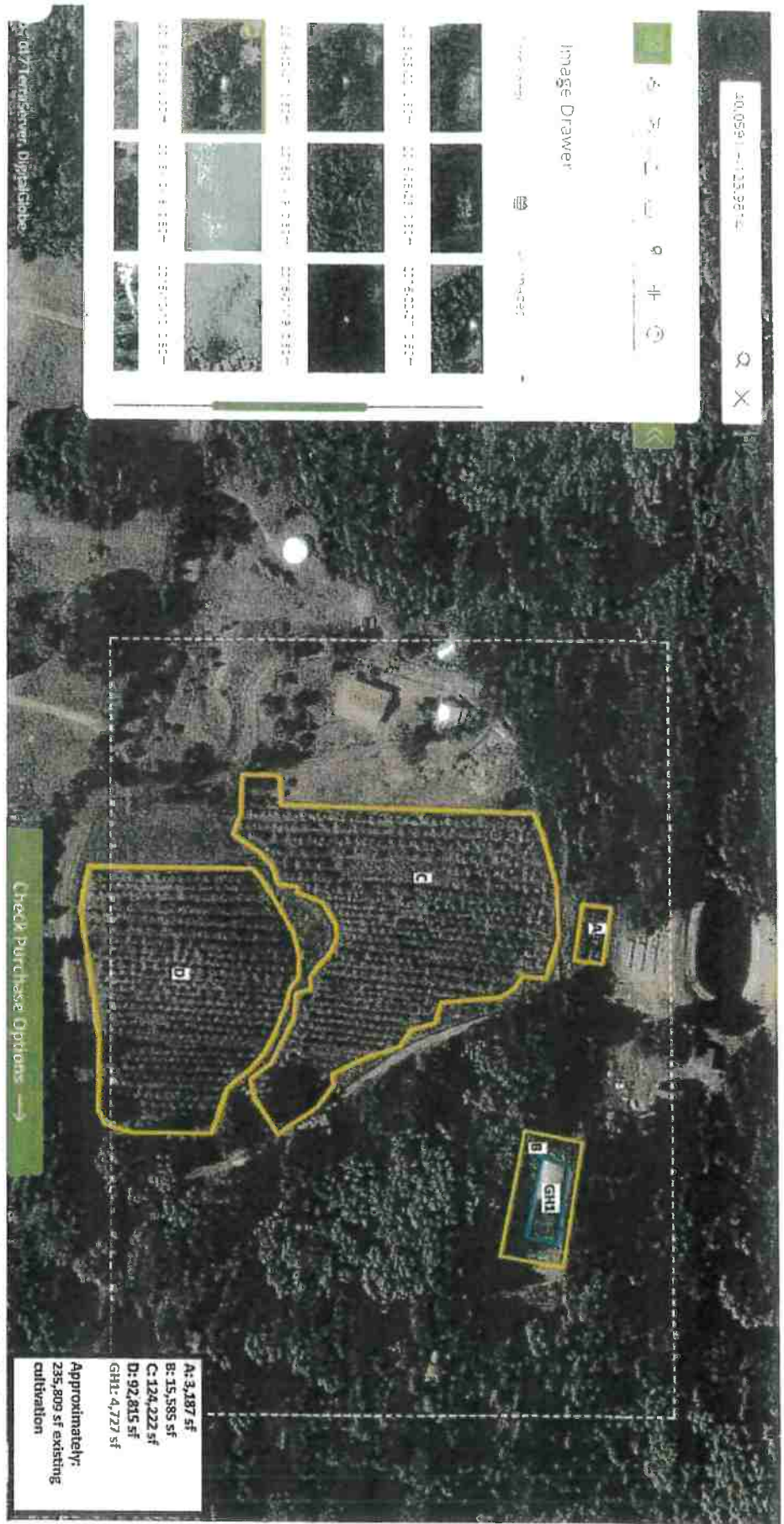
689 Huckabee Ln

My Places

- Statistics Tour
- 40.2626, -123.7885
- Untitled Polygon
- Geogoged Photos
- Geogoged Photos
- Jet D Entrance Gate
- Start of Burr Valley Road
- Temporary Places

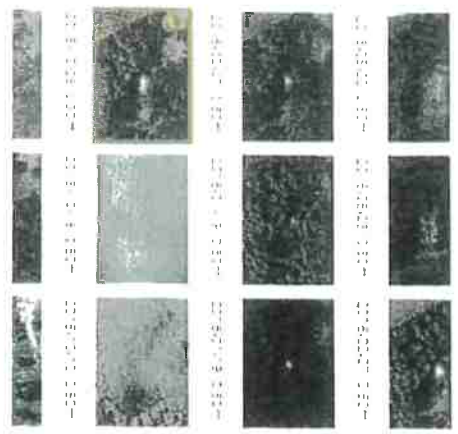
Layers

- Primary Database
- Announcements
- Borders and Labels
- Places
- Photos
- Roads
- 3D Buildings
- Weather
- Gallery
- More
- Terrain



40,0581 - 123,987

Image Drawer



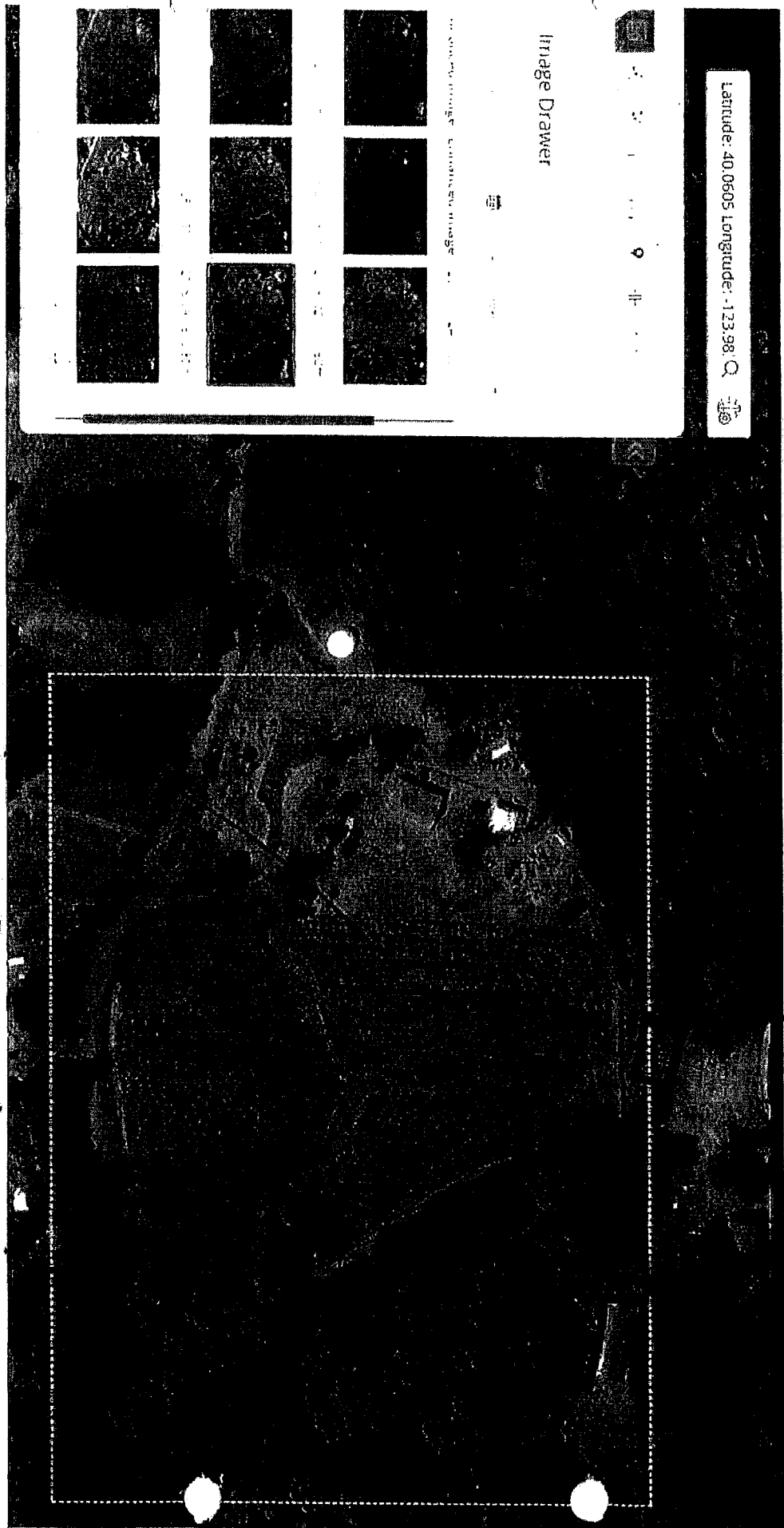
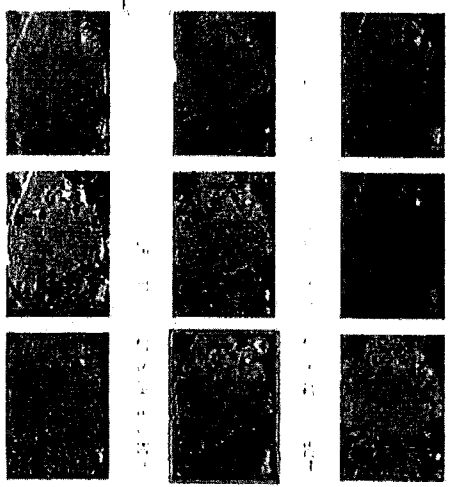
Check Purchase Options →

Org. County CAPU

A:	3,187 sf
B:	15,585 sf
C:	124,222 sf
D:	92,815 sf
GH1:	4,727 sf
Approximately: 235,809 sf existing cultivation	

Latitude: 40.0605 Longitude: -123.981

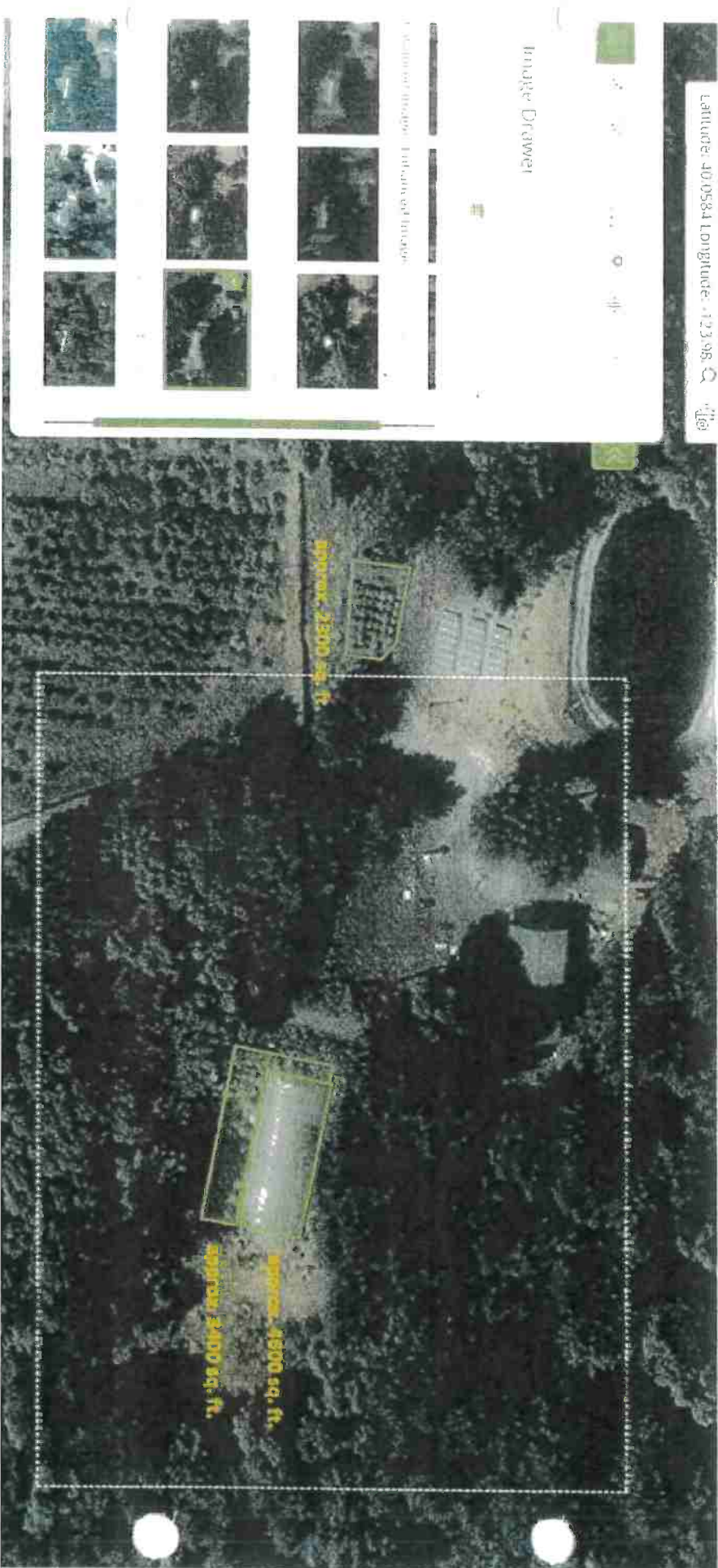
Image Drawer



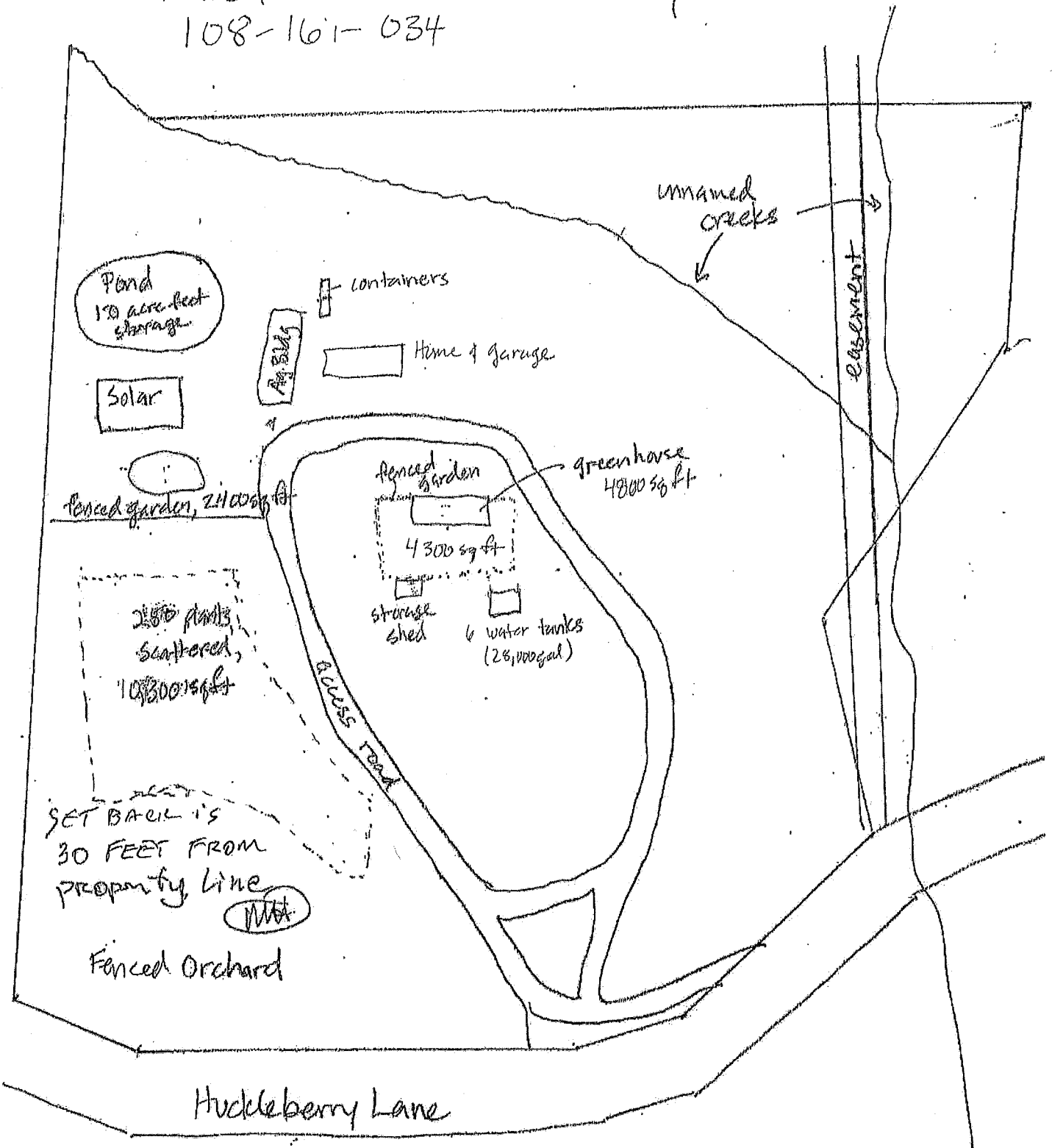
234 holes in field 234/300 = 8424 SF

County CAN
2800 SF = 9.18.15

County CAN
3400 SF
9.18.15



Karen Ru
108-161-034

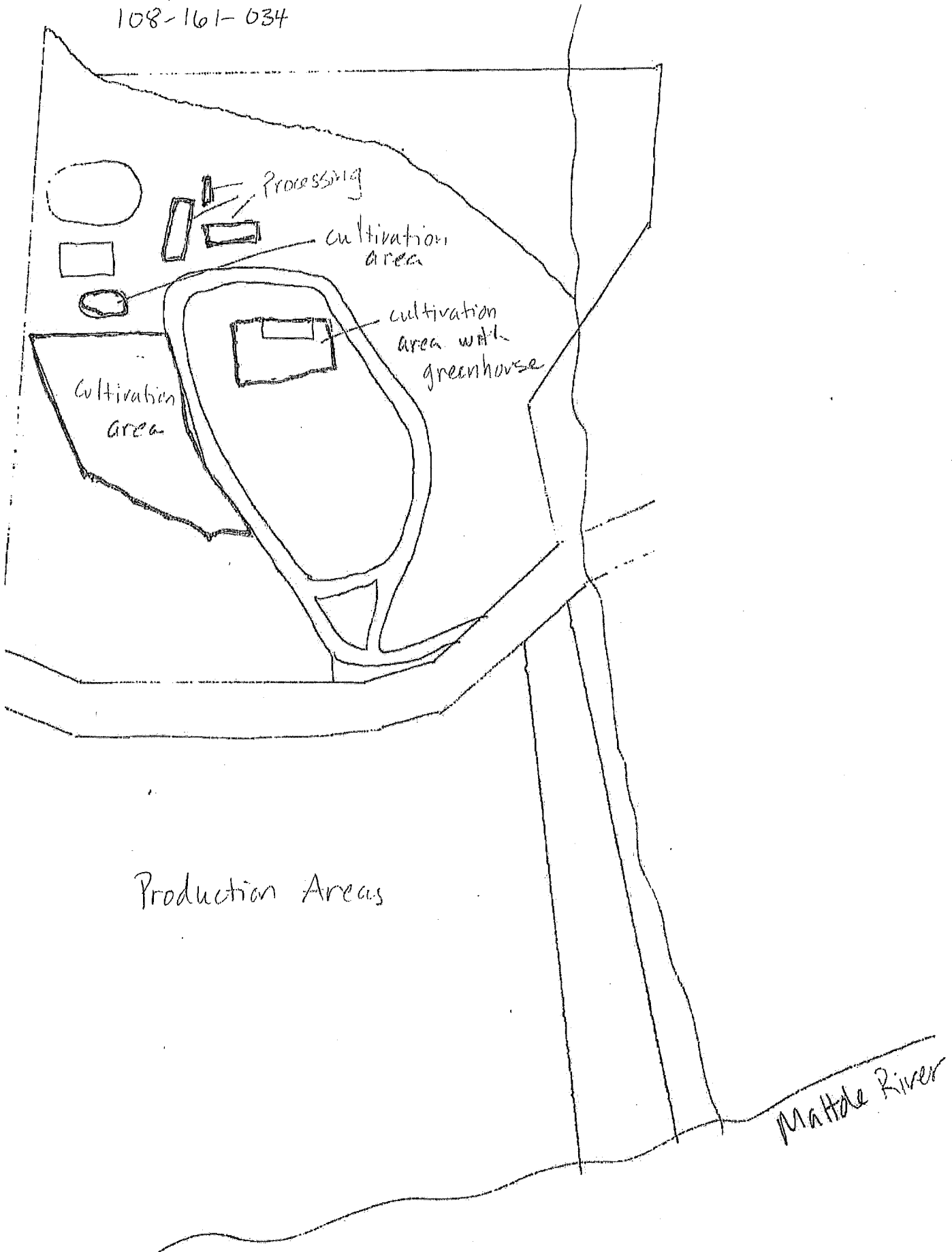


	Start	Final Permit	
Home	2004	2014	processing
Ag	2010	2010	processing
Pond	1995	2011	
Solar	2012	2012	

All cultivation more than 30 feet from lot line

Containers are used for processing

Karen Ruth
108-161-034



Production Areas

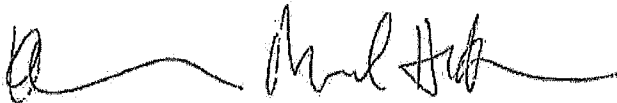
Mattole River

RE: 569 Huckleberry Lane, Whitethorn, CA 95589

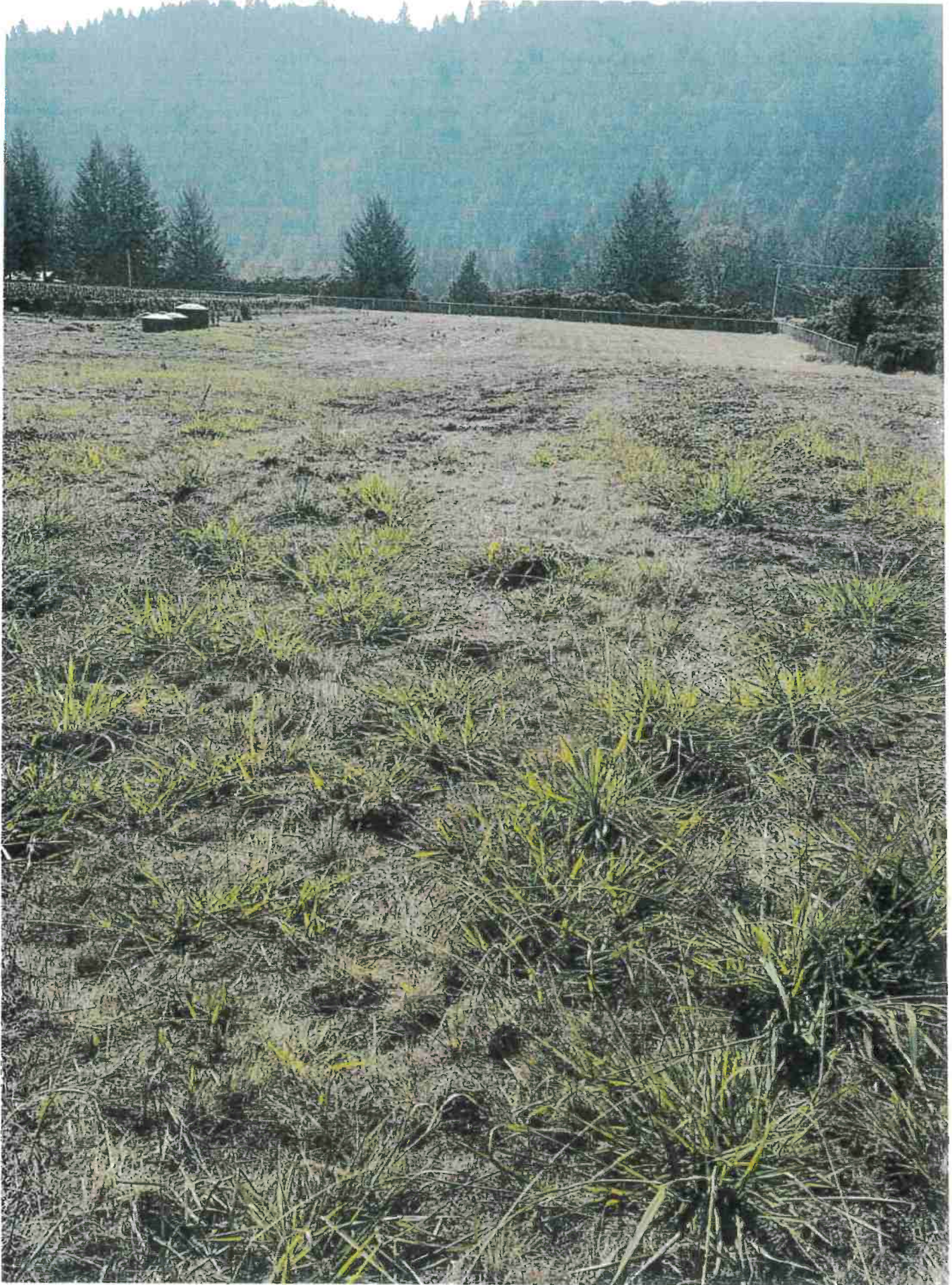
This letter is to validate the cultivation that took place as well as our experiences with the neighbors during our time living at 569 Huckleberry Lane in Whitethorn. The hypocrisy started when the property was purchased to develop an organic apple and quince orchard. The complaints immediately began. A small, outspoken group did not want a fence, did not want an orchard. The "reasons" stated in letters and phone calls to the State Water Resources Control Board in an attempt to deny the water permit were eventually dismissed and the permit was granted. There was verbal harassment and vandalism. These same tactics were attempted with the permit process for the pond, again they were dismissed. Now the same obstructionist tactics are being used to try to deny a cannabis cultivation permit. Is this same group of people complaining about all the illegal, unpermitted cannabis cultivation on Huckleberry Lane? Are they complaining about illegal, unpermitted water diversion? Are they complaining about non-conforming wells, septic systems and unpermitted structures?

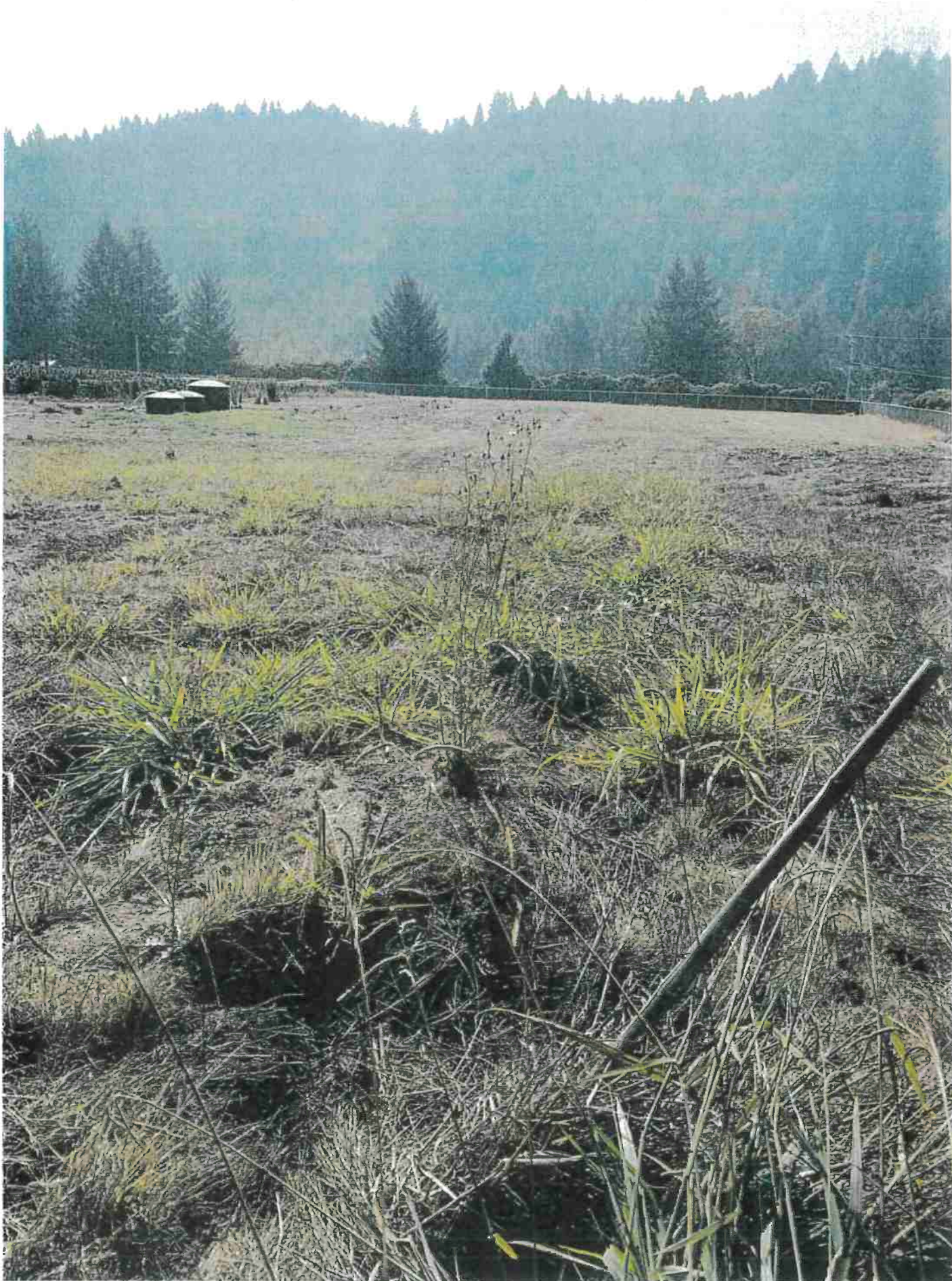
We cultivated in the orchard in the years of 2009-2018 until we sold the property to the current owners. There were approximately 500-600 plants directly in the native soil (about 36 sq. ft. per plant). Outdoor cultivation also took place in the area surrounding the greenhouse and below the solar panels, for a total of ~17,000 sq. ft. of outdoor cultivation.

Thank You,

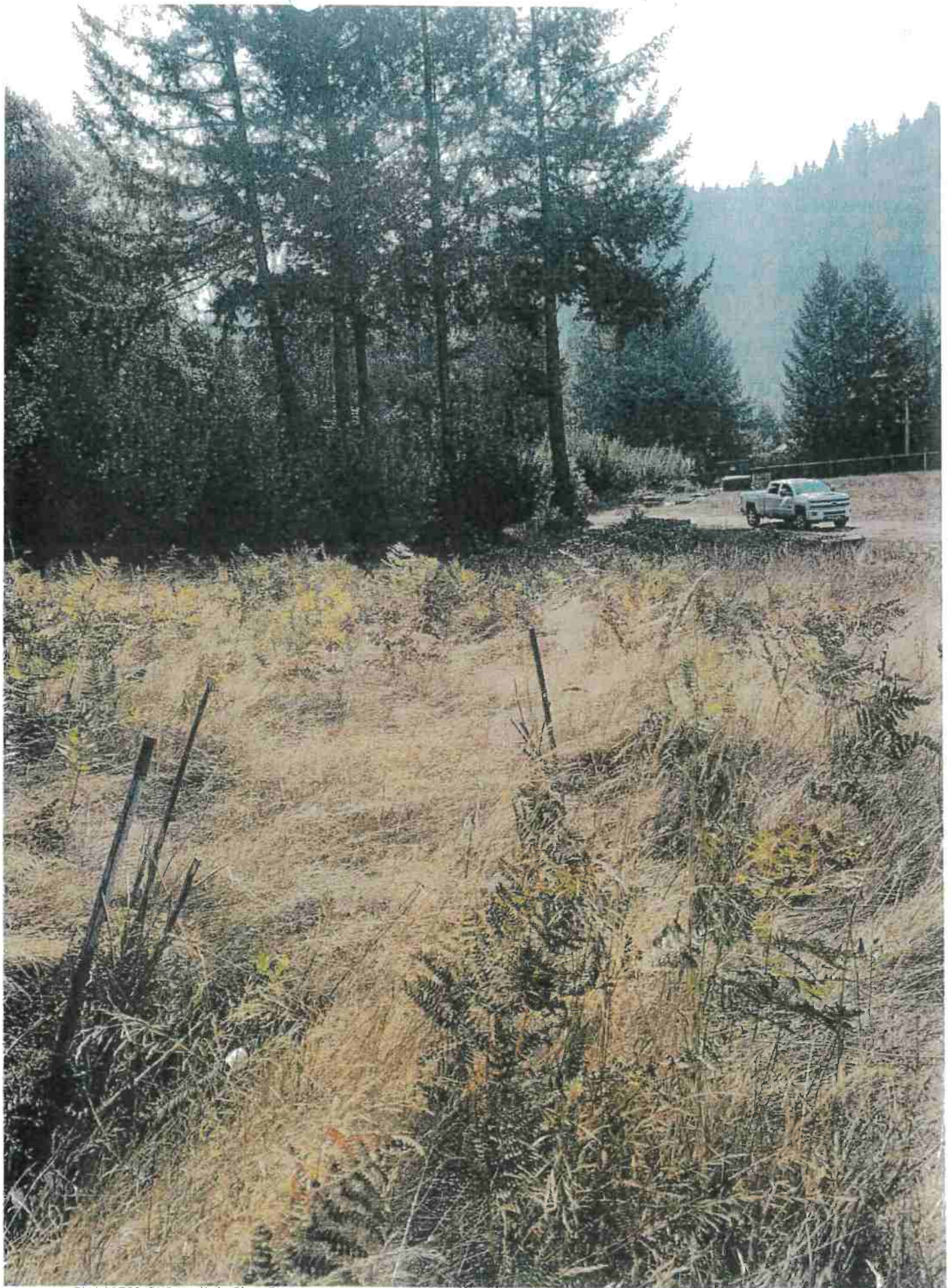
A handwritten signature in black ink, appearing to read "Karen Ruth & Michael Hoffman". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Karen Ruth & Michael Hoffman











Whitethorn, CA: A 20 kW ground mount grid-tied system powering the home and operations of a local Quince farm.



ATTACHMENT 7
Public Comments

From: [Linda Crook](#)
To: [G. Pritchard-Peterson](#); [Jordan Lourie](#); [Lisa Cyrek](#); [Luther, Stephen](#); [Fennell, Estelle](#); [PlanningBuilding](#)
Subject: App # 11752
Date: Monday, September 7, 2020 12:39:14 PM

Dear County Reps,

We resist the expansion of cannabis growth by applicants # 11752 because of its effects on neighboring properties.

Unlike the sprawling greenhouse operations of the Lower Mattole Valley, surrounded by ranch land, our upstream valley is more compact, divided into smaller parcels. These residential parcels rely on private water systems, shallow wells constructed in an underground aquifer that flows through the applicant's property. The cannabis grown on top of this underground stream contaminated the drinking water supply of these small parcels.

Water samples tested by Northcoast Labs indicate high levels of nitrites and nitrates. Pesticide testing is too expensive, but we trust is present. Drainage into the Mattole River indicates higher growths of algae, due to fertilizer runoff.

The applicant's plan does not address drinking water quality.

We urge those making decisions on this expansion application to make a site visit, to SEE how this will affect our residential neighborhood views, once pristine drinking water and our beloved Wild and Scenic Mattole River.

Sincerely,
John and Linda Crook
500 Huckleberry Ln.
P.O. box 10
Whitethorn, Ca 95589

From: [Linda Crook](#)
To: [Luther, Stephen](#)
Subject: Application #11752
Date: Monday, August 24, 2020 5:19:09 PM

Dear Sir,

We oppose the further expansion or commercial growing on the parcel next to us, on application 11752.

We live on 4 acres, 108-161-024-000, fronting the Mattole River and for 45 years we have had an adequate supply of water for domestic use and a small garden. Annual rainfall creates an underground aquifer which drains from applicant's property, through ours, seeking the river. I built our well and our neighbor's well in this aquifer many years ago.

On the applicants's land, the previous owner drilled a well at a higher elevation, hoping to capture water for a failed pond. This resulted in our well running dry for the first time.

The porosity of the soils has leached chemicals and fertilizers from the commercial grow into the aquifer-through our domestic water supply, and ultimately, into the Mattole River. For the first time, we have algae growing in toilets and on soils where water stands. Northcoast Labs test high nitrate-nitrite levels in test samples.

The site plans position the greenhouse complex arranged around this drilled well. We are concerned that further commercial expansion of this growing operation will have a negative effect on the quality of life in our retirement years and to the overall health and stability of the Mattole River.

We invite those who would make decisions on this permit, to make a site visit to our property in order to understand the fragile nature of the river.

Sincerely,

John S. Crook

McClenagan, Laura

From: Linda Crook <jlcrook6510@gmail.com>
Sent: Wednesday, November 04, 2020 11:56 AM
To: Luther, Stephen
Subject: H2O

Mr. Luther,

We began testing our water in 1994, when the previous property owner of 569 Huckleberry Ln., applied glyphosate to his field in order to control regrowth of manzanita. Our testing has been random and inconsistent, but since construction of our well in 1974, we do have a clear picture of how agricultural development has affected our drinking water.

The hydrology of this small valley flows through four properties, whose shallow wells are affected by seasonal rainfalls that total up to +60" annually. Unused nutrients from the crops above us are leached through permeable soils during heavy rain events, and enter the aquifer's downhill flow to the Mattole River.

With this history, it's hard to support the commercial expansion of an LLC, whose only purpose is profit, into a residential neighborhood. More tests will be done after the first heavy rainfalls of this year and will be made available, if needed.

Sincerely,
John and Linda Crook

From: [Jordan Lourie](#)
To: [Luther, Stephen](#)
Subject: Southern Exposure Farms Application 11752
Date: Monday, August 24, 2020 10:45:29 AM

Good morning Stephen,

This is Jordan Lourie, writing to you regarding my neighbor Southern Exposure Farms application 11752 to increase their cannabis farm cultivation by adding a 17,000 square foot grow to their existing cannabis operation. You & I met at my property at 600 Huckleberry Lane several months ago when you visited me to review site conditions regarding my application for a 6,000 square foot cannabis permit which was approved in June of this year. My neighbors and I object to this expansion for a few reasons. Foremost is that both my neighbors and I have existing shallow wells for our domestic water needs that are less than 600 feet from this proposed cultivation site. Our legitimate concern is that runoff from this new intense cultivation area will negatively impact our water quality. Additionally the Mattole River is below us and all runoff eventually ends up in the river. The size of the proposed expansion is completely out of scale with the site and the neighborhood we live in. Huckleberry Lane is comprised of 4, 6, 8 & under 30 acre parcels. These 5 greenhouses Southern Exposure Farms wants to add are located alongside Huckleberry Lane visible from adjacent neighbors. This is a neighborhood and not an industrial area. When we met on site we discussed the applicants claim that the area of expansion had a history of cannabis cultivation which I refuted. Other neighbors who have lived here for many years will also refute that history of cannabis cultivation.

Please direct me to anyone else I should be in touch with regarding this application in my effort to voice my strong objections.

Thank you for your assistance,
Jordan Lourie

To Whom it May Concern: Stephen Luther

8/25/2020

I'd like to simply relate that if there was any cannabis cultivation at 478 Huckleberry Lane, APN 108-161-034 owned currently by Southern Exposure Farms, and owned previously by Karen Ruth and Michael Hoffman, it was not apparent. The predominant crops in the orchard visible to the road were various apple varieties, a section dedicated to quince, and in their final years there, a patch devoted to winter squash. My understanding is it was an organic fruit and vegetable orchard. Michael hired the local kids to thin the fruit.

Michael struggled with the orchard. He tried different things to maximize yield and eventually removed many of the trees, but I never witnessed that cannabis was grown in the lower orchard visible to the road.

Thanks,
Heather Scharlack

Follow up from e-mail 9/1/2020:

I have property on Huckleberry Lane, 1036-1046, and lived there 1997-2014 full time, then went 2X monthly since moving to Arcata, 2014 to 2019. This entire time frame overlaps the time Karen and Michael owned the property.

Thanks, Heather

To whom it may concern,

In December 2017, I was hired by Mike Hoffman to remove several hundred fruit trees from his orchard, with my back hoe. The job was completed the first couple of days of 2018.



Ken Vallotton
707-986-7797



Re Southern Exposure Farms LLC
Huckleberry Lane
Whitson, CA

Mr. Luther;

We are residents of Huckleberry Lane in Whitethorn, CA 95589. We object to the Conditional Use Permit being considered for Mattole River Farms, LLC Record PLN-11752-CUP (filed 12/12/16) APN: 108-161-034.

First off, the amount of water diversion; 1 million gallons off-stream rain catchment, is too taxing on our already very fragile ecosystem in the Mattole river. The Mattole river has been having year-round low-flow issues for several years now due to drought conditions along with other misuses causing significant damage to the fish and other wildlife that have made it their home for many years as well as the residents who rely on the river for household use. Just recently there has been algae blooms consistent with use of chemicals such as fertilizers, herbicides and pesticides common with cannabis grow sites. The 1 million gallons would come from a rain-water catchment system, but that is indeed water that would make it into the river without this catchment pond. The Mattole river is the only water source for our house and we use our riparian rights (which are filed yearly) to run our household while practicing water conservation in the form of low-flow plumbing fixtures and water conservation in our household use. We would suffer greatly if the Mattole were to flow lower than it currently does because of neighbors' need for such high capacity cannabis grow business as outlined in the Notice of Public Hearing.

Secondly, our neighborhood consists of like-minded people who strive to leave small footprints on this precious ecosystem while sufficiently providing for their families' agricultural needs without such high capacity catchment. This high end, large scale industrial cannabis grow business is just not a good fit with our family-oriented community and its' values.

Thirdly, the potential effects of such large-scale business grows in the form of pollution to what still exists of our rivers and a markedly high influx of road traffic that causes poor road conditions in the form of harsh dust in the summer and high likelihood of ruts and other unsafe road conditions in the winter. Does this LLC intend to lay down dust retardant in the summer and road maintenance in the winter to compensate for the increase in road wear and tear?

And finally, this kind of industrial size grow leaves all of us in proximity of this business open and vulnerable to violent, criminal events, such as home invasions, throughout the year because of public knowledge of the scope and high dollar amounts of this cannabis grow location. This is a **neighborhood**, not an industrial park.

We respectfully request that the Planning Commission take these things in consideration when making the decisions regarding the requests of this Conditional Use Permit.

Sincerely,
Kathleen Hire
Kenneth King'
200 Huckleberry Lane
Whitethorn, CA 95589
707 986-7563

Luther, Stephen

From: Ray And Debbie Sciutti <rfsciutti@aol.com>
Sent: Tuesday, October 27, 2020 6:54 AM
To: Luther, Stephen

Mr Luther

My name is Ray Sciutti and I own property at 510 huckleberry Lane , next door to John and Lynn Crook . I am concerned about what is going on with the commercial growing across the the street . I have owned our property and built our cabin in 1971, 50 years ago . My two daughters were raised spending fantastic summers on the Matole . We get our water from a well in the middle of our meadow and it's always been good clean water . I'm concerned about the use of chemicals that the growers use for their crops and I want you to know that I'm completely against what is going on for the sake of making money at the expense of families that have been there for 50 years or more . My entire family consisting of parents , aunts . uncles , children , and a host of close friends , have made a lifetime of memories at our cabin . Ruining our water supply is going to destroy a place that we hold dear to our hearts . I'm writing this in hopes that it will be taken into consideration in the meetings that are to take place . I reside in Novato California and it is hard for me to drive up there to attend any of these meetings , but as I wrote , I want my opinions on this matter known . My two daughters will inherit our cabin as I get older . I thank you for allowing me to give my opinion on this matter . If you have any questions I can be reached at 415 892 5492 , or written to at 10 Palomino road Novato Ca. 94947 . You now have my email adress . Sincerely , Ray Sciutti