

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

Resolution Number 23-086

Record Number PLN-12498-CUP

Assessor's Parcel Numbers: 208-251-002

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

WHEREAS, Mad River Medicinals, Inc. submitted an application and evidence in support of approving a Conditional Use Permit for the continued operation of an existing 18,500 square foot (SF) outdoor cannabis cultivation operation with appurtenant propagation and processing activities;

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

- 1. FINDING:** **Project Description:** A Conditional Use Permit for 18,500 square feet (SF) of existing Outdoor commercial cannabis cultivation supported by a 1,920 square foot ancillary nursery, and a Special Permit for development within a Streamside Management Area (SMA) for a water diversion. Water is sourced from a groundwater well and a Point of Diversion from an onsite spring. The annual estimated water budget is 158,000-gallons is supported by 12,500-gal. of existing and 65,000-gal. proposed tank storage. Processing such as drying and curing will occur on site, with trimming and packaging occurring offsite at a licensed facility. Power source is a 1.7-kW solar system with a generator as emergency backup. No employees are proposed, only operators and one immediate family member.

EVIDENCE: a) Project File: PLN-12498-CUP

- 2. FINDING:** **CEQA.** The project complies with the requirements of the California Environmental Quality Act. The Humboldt County Planning Commission has considered the Mitigated Negative Declaration prepared for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) adopted by the Humboldt County Board of Supervisors on January 26, 2016 and the addendum prepared for this project.

EVIDENCE: a) Addendum Prepared for the proposed project.

- b) The proposed project does not present substantial changes that would require major revisions to the previous 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;
- c) A Water Resources Protection Plan was prepared to show compliance with the North Coast Regional Water Quality Control Board Order No. 2015-0023.
- d) A Road Evaluation completed by a licensed engineer details road improvements that will be completed within two years of project approval, including resizing and cleaning culverts, addressing drainage and runoff issues, developing turnouts, and repairing slide areas. Further, the project is conditioned to join or attempt to form a Road Maintenance Association to ensure the current needs and ongoing maintenance of the privately maintained access roadway.
- e) There are no known cultural resources on the project site. The project was referred to affected tribal entities and Northwest Information Center at Sonoma State, and inadvertent discovery protocol has been applied to the project for any ground disturbing activities.

FINDINGS FOR CONDITIONAL USE PERMIT AND SPECIAL PERMIT

3. FINDING

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

- EVIDENCE** a) General agriculture is a use type permitted in the Residential Agriculture (RA) land use designation. The proposed cannabis cultivation, an agricultural product, is within land planned and zoned for agricultural purposes, consistent with the use of Open Space land for managed production of resources. The use of an agricultural parcel for commercial agriculture is consistent with the Open Space Plan and Open Space Action Program.

Therefore, the project is consistent with and complimentary to the Open Space Plan and its Open Space Action Program.

4. FINDING

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

- EVIDENCE** a) The Forestry Recreation (FR) Zone is intended to be applied to areas of the County in which general agriculture residential uses are the

desirable predominant uses.

- b) All general agricultural uses are principally permitted in the FR zone.
- c) Humboldt County Code section 314-55.4.8.2.2 allows cultivation of up to 43,560 square feet of existing outdoor cannabis and up to 22,000 square feet of existing mixed-light cannabis on a parcel over 1 acre subject to approval of a Conditional Use Permit and a determination that the cultivation was in existence prior to January 1, 2016. The application for 18,500 square feet of existing outdoor cultivation on a 40-acre parcel is consistent with this and with the cultivation area verification prepared by the County.
- d) Development in an SMA for the ongoing use and maintenance of a Point of Diversion from surface water is allowed with the Special Permit that is being requested per Section 314-61.1.9.1.6 H.C.C.

5. FINDING

The proposed development is consistent with the requirements of the CMMLUO Provisions of the Zoning Ordinance.

EVIDENCE

- a) The CMMLUO allows existing cannabis cultivation to be permitted in areas zoned FR (HCC 314-55.4.8.2.2).
- b) The parcel was created in compliance with all applicable state and local subdivision regulations, as it was created in its current configuration by survey filed August 14, 1968 in Book 24 of Surveys at Page 24.
- c) The project will obtain water from a permitted groundwater well and Point of Diversion from an onsite spring with an issued Right to Divert and Use Water (Cert. No. H100568).
- d) The parcel is accessed from River Road and an unnamed road, both privately maintained. Engineer's Road Evaluation indicates multiple improvements will be required within two years of project approval. Additionally, applicant is required to attempt to form or join a Road Maintenance Association for the current necessary road improvements and ongoing maintenance of the access roads.
- e) The slope of the land where cannabis will be cultivated is less than 15%.
- f) Power will be provided by 1.7-kW existing solar system with generator backup, and will provide a plan within 60 days of project approval detailing energy use primarily from renewable energy implemented no later than Jan. 1, 2026.

8. FINDING

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

EVIDENCE

- a) Approval of this project is consistent with Humboldt County Board of Supervisors Resolution No. 18-43 which established a limit on the number of permits and acres which may be approved in each of the County's Planning Watersheds. The project site is in the Mad River Watershed, which under Resolution 18-43 is limited to 334 permits and 115-acres of cultivation. With the approval of this project the total approved permits for cultivation in this Planning Watershed would be 74 permits and the total approved acres would be 27.52-acres of cultivation.

DECISION

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


Conditionally approves the Conditional Use Permit for Mad River Farms, Inc. subject to the conditions of approval attached hereto as EXHIBIT A and the Cultivation Operations Plan attached hereto as EXHIBIT B and Site Plan attached hereto as Exhibit C.

Adopted after review and consideration of all the evidence on **October 5, 2023**.

The motion was made by COMMISSIONER Lonyx Landry and second by COMMISSIONER Iver Skavdal and the following ROLL CALL vote:

AYES:	COMMISSIONERS:	Iver Skavdal, Noah Levy, Lonyx Landry, Thomas Mulder, Sarah West
NOES:	COMMISSIONERS:	
ABSENT:	COMMISSIONERS:	Brian Mitchell, Peggy O'Neill
ABSTAIN:	COMMISSIONERS:	
DECISION:		Motion carries 5/0

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



John H. Ford, Director
Planning and Building Department

CONDITIONS OF APPROVAL

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

A. General Conditions

1. The applicant is responsible for obtaining all necessary County and State permits and licenses, and for meeting all requirements set forth by other regulatory agencies.
2. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Planning and Building Department will provide a bill to the applicant after the decision. Any and all outstanding planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
3. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions. A deposit is collected to cover this staff review. Permit conformance with conditions must be demonstrated prior to release of building permit or initiation of use and at time of annual inspection. A conformance review deposit as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750) shall be paid within sixty (60) days of the effective date of the permit or upon filing of the Compliance Agreement (where applicable), whichever occurs first. Payment shall be made to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
4. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. **Within three days of the effective date of permit approval**, it is requested that the applicant submit a check or money order for the required filing fee in the amount of \$50 payable to the Humboldt County Clerk/Recorder. If this payment is not received within this time period, the Department will file the NOD and will charge this cost to the project.
5. Within 60 days of the effective date of permit approval, the applicant shall execute a Compliance Agreement with the Humboldt County Planning and Building Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #6 through #20. The agreement shall provide a timeline for completing all outstanding items. All activities detailed under the agreement must be completed to the satisfaction of the Planning and Building Department before the permit may be finalized and no longer considered provisional.
6. The applicant shall secure permits for all structures and grading related to the cannabis cultivation and other commercial cannabis activity, including but not limited to, existing and proposed greenhouses, generator noise attenuation shed regardless of size, water tanks over 5,000 gallons existing, proposed structures associated with drying and storage, or any activity with a nexus to cannabis, graded flats and any noise containment structures as necessary. The plans submitted for building permit approval shall be consistent with the project descriptions and the approved project site plans. A letter or similar communication from the Building Division verifying that all structures related to the cannabis cultivation are permitted will satisfy this condition.

7. Within 60 days of project approval the applicant shall provide a revised site plan showing the following:
 - a. Location of emergency vehicle turnaround
 - b. Location of dedicated water for fire suppression
8. The applicant shall construct noise containment structures for all generators used on the parcel. The applicant shall obtain all required building permits for such structures. The applicant shall maintain generator, fan, and dehumidifier noise at or below 50 decibels at the edge of the clearing or 100 feet, whichever distance is closer. This will satisfy the auditory disturbance guidance prepared by the U.S. Fish and Wildlife (USFS), California Fish and Wildlife (CDFW) and Department Policy Statement No. 16-005 to minimize impacts to the Northern Spotted Owl and Marbled murrelet. All generators must be located on stable surfaces with a minimum 200-foot buffer from Class I and Class II streams, per the requirements of CDFW. In addition, fire-resistant materials shall be utilized for construction of the generator containment structures. No generator use is authorized by this permit until the applicant can demonstrate compliance with this standard. Verification from Planning Division staff is required.
9. All artificial lighting, including security and propagation area lighting, shall comply with International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1, and be designed to regulate light spillage onto neighboring properties resulting from backlight, up light, or glare (BUG). International Dark Sky Association standards exceed the requirements of Scenic Resources Standard SR-S4, Light and Glare, that lighting be fully shielded, and designed and installed to minimize off-site lighting and direct light within the property boundaries. No use of artificial lighting is authorized by this permit until the applicant can demonstrate compliance with this standard. Verification from Planning Division staff is required.
10. Within 60 days of project approval, the applicant shall submit an energy budget outlining power needs for the project, noting the renewable energy source chosen, and demonstrating capability to supply renewable energy for the project power needs. The applicant shall transition from mixed generator/solar use for operations to renewable energy (e.g., solar, wind, hydropower, grid power purchased from a renewable portfolio) with generator for emergency backup only sources by January 1, 2026.
11. Within 60 days of project approval, the applicant shall update the name referenced on the Final Lake or Streambed Alteration Agreement (LSAA) issued by the California Department of Fish and Wildlife (CDFW) and comply with all applicable terms. Applicant shall provide Planning Division with the updated LSAA and complete all required work within the deadlines stated within the revised LSAA.
12. Within 90 days of project approval, the applicant shall provide a Site Management Plan (SMP) developed for the project in accordance with State Water Resources Control Board (SWRCB) Order No. WQ 2019-0001-DWQ. Applicant shall provide a copy to the Planning Division, and shall further adhere to all requirements contained within.
13. The applicant shall submit copies of all documents filed with the State Water Resources Control Board, including, but not limited to, a Notice of Availability and Site Management Plan. The applicant is required to adhere to and implement the requirements contained in the SWRCB's Cannabis Cultivation Policy, the General Order, the Site Management Plan and the Notice of Applicability. A copy of the reporting form portion of the Mitigation and Reporting Program (MRP) shall be submitted annually to the Planning and Building Department concurrent with the submittal to the SWRCB.

14. The applicant shall submit evidence that they have established or joined a Road Maintenance Association for River Road. Minutes from an RMA meeting, written correspondence and confirmation from the RMA Secretary or a similar document would satisfy this condition.
15. Processing building will require a permitted Onsite Wastewater Treatment System (OWTS) prior to processing such as trimming and packaging to occur onsite. The processing building shall also receive a commercially rated (F-1) occupancy permit prior to processing such as trimming and packaging to occur onsite. Portable toilet and handwashing stations are acceptable for onsite drying in the interim until the processing building receives Final Occupancy Permit.
16. Until the Onsite Wastewater Treatment System (OWTS) is installed and permitted, the applicant shall provide portable toilet and handwashing station, and provide service receipts upon each annual inspection.
17. The applicant shall adhere to the road improvement recommendations in the Road Evaluation prepared by engineer David Nicoletti received December 4, 2019. Satisfaction of this item will require an engineer's stamped evaluation of all the road improvements described within the above-mentioned Road Evaluation. Engineer shall also ensure road improvements meet California Department of Forestry and Fire Protection (CalFIRE) State Responsibility Area (SRA) regulations. Applicant shall make these road improvements prior to occupancy of the proposed commercial building for processing. The following describes the necessary upgrades to River Road:
 - a. Construct turnouts at photo locations 18, 184, & 195.
 - b. Address slides at photo locations 51, 56, 116, 117, & 118. This work may include, but is not limited to, re-establishing stable slopes with grading and rock placement.
 - c. Unclog culverts at photo locations 25/26, 28/29, 33, 61, 68/69, 111, 125/126, 144, 152/154, 164, 169, 176, & 179.
 - d. Mow grass along the roadside, which will expose turnouts.
 - e. Clean roadside ditches.
 - f. Address erosion and drainage issues covered on Page 7 of the Road Evaluation.
18. The applicant shall install and utilize water meter(s) to demonstrate that there is sufficient water supply to meet the demands of the project. Each water source shall be separately metered to demonstrate the quantity of water used from each water source. The water use for cultivation is limited to the use of the permitted groundwater well (WCR2019-013014; 18/19-1259) and amount of water available in storage tanks and shall be provided annually prior to or during the annual inspection.
19. The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency (CUPA) requirements regarding hazardous materials. A written verification of compliance shall be required before any provisional permits may be finalized. Ongoing proof of compliance with this condition shall be required at each annual inspection in order to keep the permit valid.

20. The applicant shall execute and file with the Planning Division the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the HCC and available at the Planning Division.

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

1. The combination of background, generator and greenhouse fan or other operational equipment created noise must not result in the harassment of Northern Spotted Owl species as required to meet the performance standards for noise set by Department Policy Statement No. 16-005 clarifying CMMLUO Section 55.4.11 (o) requirements. The combined noise levels measured at 100 feet or the edge of habitat, whichever is closer, shall be at or below 50 decibels. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service, and further consultation where necessary. A building permit shall be obtained should any structures be necessary for noise attenuation.
2. Should the Humboldt County Planning Division receive complaints that the lighting or noise is not complying with the standards listed above in items B.1. and B.2., within ten (10) working days of receiving written notification that a complaint has been filed, the applicant shall submit written verification that the lights' shielding and alignment, and noise levels have been repaired, inspected, and corrected as necessary.
3. Ensure all generators be located on stable surfaces with a minimum 200 feet buffer from all waterways measured horizontally from the outer edge of the riparian drip zone, per CDFW referral comments received January 4, 2018.
4. Prohibition of use of synthetic netting. To minimize the risk of wildlife entrapment, Permittee shall not use any erosion control and/or cultivation materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.
5. No rodenticides are authorized for use for cannabis cultivation activities on the subject parcel for the life of the project.
6. All refuse shall be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
7. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and be allowed to leave the work site unharmed.
8. The use of anticoagulant rodenticide is prohibited.
9. The operator shall provide information to all employees about the potential health impacts of cannabis use on children. Information shall be provided by posting the brochures from the Department of Health and Human Services titled "Cannabis Palm Card" and "Cannabis Rack Card." This information shall also be provided to all employees as part of the employee orientation.
10. All components of project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, and these

conditions of approval. Changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan. If offsite processing is chosen to be the preferred method of processing, this permit shall be modified to identify the offsite licensed facility.

11. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CMMLUO and MAUCRSA, as applicable to the permit type.
12. If operating pursuant to a written approved compliance agreement, permittee shall abate or cure violations at the earliest feasible date, but in no event no more than two (2) years from the date of issuance of a provisional clearance or permit. Permittee shall provide plans for curing such violations to the Planning and Building Department within one (1) year of issuance of the provisional clearance or permit. If good faith effort toward compliance can be shown within the two years following the issuance of the provisional clearance or permit, the Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow additional time to meet the outstanding requirements.
13. Possession of a current, valid required license, or licenses, issued by any agency of the State of California in accordance with the MAUCRSA, and regulations promulgated thereunder, as soon as such licenses become available.
14. Compliance with all statutes, regulations, and requirements of the California State Water Resources Control Board and the Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration, as applicable.
15. Confinement of the area of cannabis cultivation, processing, manufacture, or distribution to the locations depicted on the approved site plan. The commercial cannabis activity shall be set back at least 30 feet from any property line, and 600 feet from any school, school bus stop, church or other place of religious worship, or tribal cultural resources, except where a reduction to this setback has been approved pursuant to Section 55.4.11(d).
16. Maintain enrollment in Tier 1, 2, or 3, certification with North Coast Regional Water Quality Control Board (RWQCB) Order No. R1-2015-0023, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
17. Comply with the terms of any applicable Lake and Stream Alteration (1600 or 1602) Permit obtained from the California Department of Fish and Wildlife (CDFW).
18. Comply with the terms of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (Cal Fire), if applicable.
19. Consent to an annual on-site compliance inspection, with at least 24 hours prior notice, to be conducted by appropriate County officials during regular business hours (Monday through Friday, 9:00 a.m. to 5:00 p.m., excluding holidays).
20. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.

21. Pay all applicable application, review for conformance with conditions and annual inspection fees.
22. Fuel shall be stored and handled in compliance with applicable state and local laws and regulations, including the County of Humboldt's Certified Unified Program Agency (CUPA) program, and in such a way that no spillage occurs.
23. The master log books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
24. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).

Performance Standards for Cultivation and Processing Operations

25. Pursuant to the MCRSA, Health and Safety Code Section 19322(a)(9), an applicant seeking a cultivation license shall "provide a statement declaring the applicant is an 'agricultural employer,' as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 commencing with Section 1140) of Division 2 of the Labor Code), to the extent not prohibited by law."
26. Cultivators shall comply with all applicable federal, state, and local laws and regulations governing California Agricultural Employers, which may include federal and state wage and hour laws, Cal/OSHA, OSHA, the California Agricultural Labor Relations Act, and the Humboldt County Code (including the Building Code).
27. Cultivators engaged in processing shall comply with the following Processing Practices:
 - a. Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.
 - b. Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
 - c. Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.
 - d. Employees must wash hands sufficiently when handling cannabis or use gloves.
28. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:
 - a. Cultivation operations and processing operations must implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:
 - (1) Emergency action response planning as necessary;
 - (2) Employee accident reporting and investigation policies;
 - (3) Fire prevention;
 - (4) Hazard communication policies, including maintenance of material safety data sheets (MSDS);
 - (5) Materials handling policies;
 - (6) Job hazard analyses; and
 - (7) Personal protective equipment policies, including respiratory protection.
 - b. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:

- (1) Operation manager contacts;
 - (2) Emergency responder contacts; and
 - (3) Poison control contacts.
 - c. At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations. Plumbing facilities and water source must be capable of handling increased usage without adverse consequences to neighboring properties or the environment.
 - d. On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.
29. All cultivators shall comply with the approved processing plan as to the following:
- a. Processing practices
 - b. Location where processing will occur
 - c. Number of employees, if any
 - d. Employee Safety Practices
 - e. Toilet and handwashing facilities
 - f. Plumbing and/or septic system and whether or not the system is capable of handling increased usage
 - g. Drinking water for employees
 - h. Plan to minimize impact from increased road use resulting from processing
 - i. On-site housing, if any
30. Term of Commercial Cannabis Activity Special Permit. Any Commercial Cannabis Cultivation SP issued pursuant to the CMMLUO shall expire one (1) year after date of issuance, and on the anniversary date of such issuance each year thereafter, unless an annual compliance inspection has been conducted and the permittees and the permitted site have been found to comply with all conditions of approval.
31. If the inspector or other County official determines that the permittees or site do not comply with the conditions of approval, the inspector shall serve the permit holder with a written statement identifying the items not in compliance, and the action that the permit holder may take to cure the noncompliance, or file an appeal within ten (10) days of the date that the written statement is delivered to the permit holder. Personal delivery or mailing the written statement to the mailing address listed on the application by regular mail, plus three (3) days after date of mailing, shall constitute delivery. The permit holder may request a reinspection to determine whether or not the permit holder has cured all issues of noncompliance. Failure to request reinspection or to cure any items of noncompliance shall terminate the Special Permit, immediately upon the expiration of any appeal period, or final determination of the appeal if an appeal has been timely filed pursuant to Section 55.4.13.
32. Permit Renewals to Comply with Updated Laws and Regulations. Permit renewal is subject to the laws and regulations effective at the time of renewal, which may be substantially different than the regulations currently in place and may require the submittal of additional information to ensure that new standards are met.
33. Acknowledgements to Remain in Full Force and Effect. Permittee acknowledges that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this section in the event that environmental conditions, such as a sustained drought or low flows in the watershed in which the cultivation area is located, will not support diversions for irrigation.

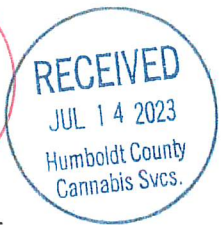
34. Transfers. Transfer of any leases or permits approved by this project is subject to the review and approval of the Planning Director for conformance with CMMLUO eligibility requirements and agreement to permit terms and acknowledgments. The fee for required permit transfer review shall accompany the request. The request shall include the following information:
 - a. Identifying information for the new owner(s) and management as required in an initial permit application;
 - b. A written acknowledgment by the new owner in accordance as required for the initial permit application;
 - c. The specific date on which the transfer is to occur;
 - d. Acknowledgement of full responsibility for complying with the existing permit; and
 - e. Execution of an Affidavit of Non-diversion of Medical Cannabis.
35. 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.
36. The applicant shall join or cause to be formed a road maintenance association (RMA) for Larabee Valley Road and Coyote Ridge Road with a provision for maintenance of the entirety of the roads to their intersection with State HWY 36. Applicant shall provide evidence of enrolling or creating an RMA at each annual inspection.

Informational Notes:

1. Pursuant to Section 314-55.4.11(a) of the CMMLUO, if upon inspection for the initial application, violations of any building or other health, safety, or other state or county statute, ordinance, or regulation are discovered, the Planning and Building Department may issue a provisional clearance or permit with a written approved Compliance Agreement. By signing the agreement, the permittee agrees to abate or cure the violations at the earliest opportunity but in no event more than two (2) years after the date of issuance of the provisional clearance or permit. Plans for curing the violations shall be submitted to the Planning and Building Department by the permittee within one (1) year of the issuance of the provisional certificate or permit. The terms of the compliance agreement may be appealed pursuant to Section 314-55.4.13 of the CMMLUO.
2. This provisional permit approval shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"), except where the Compliance Agreement per Condition of Approval #5 has been executed and the corrective actions pursuant to the agreement are being undertaken. Once building permits have been secured and/or the use initiated pursuant to the terms of the agreement, the use is subject to the Permit Duration and Renewal provisions set forth in Conditions of Approval #29 – 31 of the Ongoing Requirements/Development Restrictions, above.
3. If cultural resources are encountered during construction activities, the contractor on-site shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist and the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and the lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

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

Cultivation/Operations Plan
APN:208-251-002/APP#12498
Mad River Medicinals



The following plan describes the general operations for managing a 18,500 sq ft outdoor cultivation site. The site plan shows the applicant's current reduced square footage amount of 14,957.25.

1. Water Use

Water from the permitted well is used for cultivation. A winter diversion is also allowed as a backup source and registered with Diversion of Water Rights (H507266). The site currently has the capacity to store 7,500 gallons in water tanks. The applicant was awarded DCC grant funding and will implement an additional (13) 5,000 gallon water tanks for onsite storage. This will bring the total site storage capacity to 65,000 gallons.

An electric pump directs water to the storage tanks which are then gravity fed to the garden. Site is then watered with manual watering. All irrigation will be dispersed to maximize water conservation.

During the beginning of the grow season, clones are watered 2-3 times per week as needed. Once fully planted in greenhouses, irrigation increases up to once per day. Carefully managed irrigation, with immediate oversight, along with vegetation around the gardens are used to reduce the possibility of irrigation runoff.

1.a .Water use by month for 18,500 sq ft of cultivation area:

Jan	Feb	Mar	Apr	May	June
0	0	0	0	0	38,570

July	Aug	Sept	Oct	Nov	Dec
58,570	41,500	29,830	21,530	0	0

Estimated total annual water use= 190,000 gallons

2. Watershed Protection

To protect nearby watershed areas and nearby habitat the site will be managed to meet standard conditions and follow best practices in accordance with guidelines provided by the State Water Resources Control Board (SWRCB). These practices address erosion control and drainage features, spoils management, water storage and use, irrigation runoff, fertilizers and pesticides, and stream and wetland buffers when applicable.

The most active steps for this site will include:

- Moderate road shaping and ditch-relief used to optimize drainage to stable areas
- Out-sloping maintained to ensure proper capture and capacity of seasonal flow
- Usage of vegetative ground cover and gravel for added sediment control
- Application of straw mulch to exposed soils to minimize erosion

The grower, designated as the "Discharger", is enrolled in the SWRCB Waiver of Waste Discharge as a Tier I Discharger (WDID: 1_12CC416819). A copy of the Site Management Plan (SMP) will be kept onsite for ongoing site management and regulatory inspections.

3. Power Source

The site uses a 1.7kW solar system along with a Honda EU6500 backup generator for electricity. The Honda generator is rated by the manufacturer at under 60dB, requiring enclosure and placement away from the property line, to meet noise restrictions required by environmental regulations. Generator use is generally relegated to back-up for the solar system and results in minimal use. Usage peaks early in the year at 17.2kWh per day for the initial nursing of clones, depending on the need for and duration of supplemental lighting and ventilation, this period represents no more than 30 days. Use is 2-3 hours per day for 30-60 days of the year (during the fall/winter season when solar power is not optimal).

4. Onsite Structures

Existing Structures		
AG Storage Shed	8'x20' (160 sq ft)	Amendment/Pesticide Storage, Fuel and Refuse Storage
AG Storage Shed	30'x60' (1,800 sq ft)	Drying, Harvest Product Storage and Amendment/Pesticide Storage
(P) AG Storage Shed	20'x40' (800 sq ft)	Drying Area
Residence (Domestic)	2,750 sq ft	Main Residence

5. Materials Storage

Currently there are primarily natural fertilizers utilized in the cultivation process and include:

- Soilscape Solutions': Mothership Mix
- Soilscape Solutions': Potent Grow
- Soilscape Solutions': Double Depper Mix

The primary pesticides used to control mites and powdery mildew are:

- Plant Therapy

The site has 2 AG storage sheds to store amendments. Materials are kept in their original containers with product labels in place and legible. Appropriate Safety Data Sheets (SDS) are kept onsite as a component of the cultivator's SMP.

Fuel is stored within an onsite storage shed with secondary containment, along with a Spill Prevention, Countermeasures, and Cleanup (SPCC) kit. As a safety measure, kits provide a supply of clean-up materials in the event of accidents, and are kept within fuel storage areas.

6. Waste Management

Unusable plant waste is disposed of in the compost area. Other solid waste is stored in containers with covers and transported to the Eel River Resource Recovery, on a weekly basis. Recyclables are taken monthly. Materials intended for reuse are stored in a clean and safe manner to be managed and reused as needed.

Portable toilets and handwashing stations will be provided onsite for any future proposed employees.

7. Cultivation Activities

Jan-Feb	<input type="checkbox"/> Submit SWRCB enrollment annual report <input type="checkbox"/> Install and repair any infrastructure <input type="checkbox"/> Perform initial site inspection
Mar-Apr	<input type="checkbox"/> Conduct and record inventory of amendments and verify proper storage <input type="checkbox"/> Begin tilling soil and amendments to prepare for planting

	<input type="checkbox"/> Obtain clones <input type="checkbox"/> Begin daily plant inspections <input type="checkbox"/> Check water meters and record monthly usage <input type="checkbox"/> Conduct regular site inspections and make repairs as needed
May-Jun	<input type="checkbox"/> Add nutrients as needed <input type="checkbox"/> Transfer plants to larger pots to complete vegetative growth stage <input type="checkbox"/> Transplant to final beds in cultivation area <input type="checkbox"/> Add bamboo posts to plants for stability <input type="checkbox"/> Top and prune plants
July-Aug	<input type="checkbox"/> Top and prune plants periodically <input type="checkbox"/> Conduct regular site inspections and make repairs as needed <input type="checkbox"/> Check water meters and record monthly usage
Sep-Oct	<input type="checkbox"/> Harvest crop by hand <input type="checkbox"/> Dry Crop <input type="checkbox"/> Crop will be transferred to an offsite licensed facility for trimming and processing <input type="checkbox"/> Remove and compost plant waste following harvest

8. Soil Management

Amendments are applied based on standard practices. Items are purchased, applied, stored and inventoried. Tilling is done within the soil beds and pots at the beginning of the season. Once completed and soil has been prepared, planting can begin. Following the harvest, reusable soil is properly contained within the beds until the next season.

9. Cultivation Cycles

The site produces one outdoor crop cycle. In March, planting begins with clones in the propagation area. Plants are then transplanted to the garden beds. Harvest usually occurs in October, but can vary depending on environmental factors including weather, pests, and plant strains.

10. Plant Management

During the cultivation cycles, plants are inspected daily. Irrigation is monitored and adjusted based on impact of various factors, mainly heat and precipitation. Once plants are placed into garden beds, they are carefully maintained with periodic topping and pruning until ready to harvest.

11. Processing Practices

After being harvested, the cannabis is dried in an AG shed onsite. The dried product will then be transferred to an off site licensed facility for trimming, processing, and packaging of the final product.

12. Staffing

The site is a family farm currently not hiring part-time or full-time employees. Harvesting is done with the support of one family member also residing on the property. There are two people onsite at peak season operating the farm.

13. Security Measures

A number of security measures have been established on the site. They include:

- Road access is restricted by locked gates. Gates are of heavy steel construction with a steel combination lock.
- A guard dog provides onsite protection against human intruders and invasive wildlife.
- A six foot fence encloses cultivation perimeters
- Surveillance cameras provide additional monitoring .

14. Health and Safety

The site currently has no employees and no plans of hiring any employees. In the future, if employees are hired this site will be operated as an "agricultural employer" as defined by 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, and comply with all applicable federal, state, and local laws and regulations governing California Agricultural Employers.

15. International Dark Sky Standards

The farm is an outdoor farm with no artificial light being used within the canopy areas. The propagation area with supplemental lighting will be properly maintained to avoid being visible from any neighboring property between sunset and sunrise. The site will comply with International Dark Sky Association standards for Lighting Zone 0, and prevent light spillage which may impact local wildlife. Any and all complaints received in writing regarding light spillage will be corrected within 10 business days from the date of receipt.



SITE PLAN

APN: 208-251-002
FOR
MAD RIVER MEDICINALS

CULTIVATION AREA 1:
GARDEN BED #1: 5' X 78.5'
GARDEN BED #2: 5' X 77'
GARDEN BED #3: 23.5' X 75'
GARDEN BED #4: 5' X 74'
GARDEN BED #5: 5' X 74'
GARDEN BED #6: 5' X 73'
GARDEN BED #7: 5' X 73'
GARDEN BED #8: 5' X 73'
GARDEN BED #9: 5' X 73'
GARDEN BED #10: 5' X 73'
GARDEN BED #11: 6.5' X 73.5'
GARDEN BED #12: 6.5' X 71'
GARDEN BED #13: 8' X 90'
GARDEN BED #14: 8' X 69.5'
GARDEN BED #15: 5' X 55'
GARDEN BED #16: 5' X 55'
GARDEN BED #17: 5' X 53'
GARDEN BED #18: 5' X 52.5'
GARDEN BED #19: 5' X 51'
GARDEN BED #20: 5' X 49'
GARDEN BED #21: 5' X 48'
GARDEN BED #22: 5' X 40'
GARDEN BED #23: 5' X 40'
GARDEN BED #24: 5' X 36'
GARDEN BED #25: 5' X 27'
GARDEN BED #26: 5' X 80'

CULTIVATION AREA 2:
GARDEN BED #27: 21' X 90'
GARDEN BED #28: 21' X 90'
GARDEN BED #29: 21' X 90'

CULTIVATION AREA 3:
IMMATURE PLANT AREA: 20' X 96'

TOTAL OUTDOOR CULTIVATION: 18,488.75 sq ft

- LEGEND**
- POLY WATER TANK
 - CULTIVATION AREA
 - CULVERT
 - PUMP
 - PARKING
 - WELL



*TRIMMING, PROCESSING AND PACKAGING
IS DONE OFF SITE*

