

**SUPPLEMENTAL INFORMATION #2**

For Planning Commission Agenda of:  
August 20, 2020

<input checked="" type="checkbox"/>	Consent Agenda Item	<b>No. E.3</b>
<input type="checkbox"/>	Continued Hearing Item	
<input type="checkbox"/>	Public Hearing Item	
<input type="checkbox"/>	Department Report	
<input type="checkbox"/>	Old Business	

**Re: Crisp Farms, LLC Conditional Use Permit**

Record Number: PLN-11019-CUP, CUP-16-129

Assessor's Parcel Number: 315-093-006,

Grouse Valley Road, Dinsmores area

Attached for the Planning Commissioners' record and review is the following supplementary information item:

1. Referral comments from the Department of Public Works dated August 17, 2020. This notes that the Road Evaluation Report does not address the entire roadway to a publicly maintained road and that the Road Evaluation Report identifies some segments of the road that are over 16% grade and would not comply with the state Fire Safe requirements. County notes that other road information submitted for adjacent projects identifies the forest service road as meeting the functional equivalent of a Road Category 4. Regarding Fire Safe road requirements, the county has added an additional recommended condition of approval to address this issue.
2. Additional recommended condition of approval to add the requirement to pave all portions of the access road above 16% or obtain approval of an SRA Fire Safe exception from Cal-Fire.



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

ON-LINE  
 WEB: CO.HUMBOLDT.CA.US

PUBLIC WORKS BUILDING  
 SECOND & L ST., EUREKA  
 FAX 445-7409

ADMINISTRATION	445-7491	NATURAL RESOURCES	445-7741
BUSINESS	445-7652	NATURAL RESOURCES PLANNING	267-9540
ENGINEERING	445-7377	PARKS	445-7651
FACILITY MANAGEMENT	445-7493	ROADS	445-7421

CLARK COMPLEX  
 HARRIS & H ST., EUREKA  
 FAX 445-7388  
 LAND USE 445-7205

**LAND USE DIVISION INTEROFFICE MEMORANDUM**

TO: Misael Ramos, Planner, Planning & Building Department  
 FROM: Kenneth M. Freed, Assistant Engineer *KMF*  
 DATE: 08/17/2020

RE:

<b>Applicant Name</b>	<b>CRISP FARMS</b>
<b>APN</b>	<b>315-093-006</b>
<b>APPS#</b>	<b>PLN-11019-CUP</b>

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"**.

**Note:** Prior to requesting an applicant to submit a road evaluation report, verify if the project is exempt from meeting road system performance standards under CCLUO v2.0 sections 313-55.4.6.5.1 and 314-55.4.6.5.1, even if this box is checked.

**No re-refer is required.**

\*Note: Exhibits are attached as necessary.

Additional comments/notes:

Review Item #2 on Exhibit C

Applicant has submitted an incomplete road evaluation report dated 12/19/2018, not stamped received by the Humboldt County Planning Division. The road evaluation did not include all the roads used to access the property and it is unclear where the applicant starts access. It appears that the road evaluation should start at either the end of the County Maintained road of Titlow Hill Road or Friday Ridge Road.

In addition, the Engineer has stated that portions of the access road exceed 16% grade. Per County Code Section 3112-5, "No roadway grade in excess of 16 percent shall be permitted unless it has been demonstrated to be in conformance with the County Roadway Design Manual." In addition, the Engineer is recommending that the excessive road grade sections not be surfaced with asphalt concrete. The Department recommends that the applicant apply for an exception request pursuant to County Code. The Department can support grades in excess of 16%; however, the Department cannot support unpaved road surfaces on grades in excess of 16%. [reference: County Code sections 3111-9 and 3112-5]

// END //

**Exhibit "C"**

**Additional Review is Required by Planning & Building Staff**

AAPS # 11019

**All of the following questions are to be answered by Planning and Building Department staff.**

No further involvement with the Department of Public Works is required for these items; however Public Works staff is available to answer any questions that may arise.

- 1. **ROADS – PART 1.** Does the project take access from a series of non-county maintained roads that connect directly to a State Highway (36, 96, 101, 255, 299, etc...)?  
 YES  NO

If **YES**, the project does not need to be referred to the Department. Include the following requirement:

**All recommendations in the Road Evaluation Report(s) for non-county maintained road(s) shall be constructed/implemented to the satisfaction of the Planning & Building Department prior to commencing operations, final sign-off for a building permit, or approval for a business license. A grading permit may be required; check with the Building Division of the Planning and Building Department for any permit requirements.**

- 2. **ROADS – PART 2.** Does the project take access from a series of non-county maintained roads that connect directly to a Caltrans State Highway, **US Forest Service Road**, BLM Road, or a City road?  
 YES  NO

If **YES**, the Department recommends that prior to the project presented to the Planning Commission or Zoning Administrator, that the project should be referred to the affected road agency(ies).

- 3. **ROADS – PART 3.** Does the project take access or use a county maintained road that does not have a centerline stripe or is not on the "approved list" of known category 4 roads?  
 YES  NO

If **YES**, a *Road Evaluation Report* must be done for the County road(s) that do not have a centerline stripe or are not on the "approved" list. The project along with the road evaluation report(s) for the County maintained road(s) must be referred to Public Works for review to ensure that the Department supports the findings in the report. If the road is on the "not approved" list, then Part B of the *Road Evaluation Report* form must be completed.

- 4. **Deferred Subdivision Improvements.** Does the project have deferred subdivision improvements?  YES  NO

*How to check:* **Method 1:** Planning and Building Department staff review the legal description for the subject property in the deed. If the deed reads similar to "Parcel \_\_\_ of Parcel Map No. \_\_\_" then there may be deferred subdivision improvements; further research will be needed. **Method 2:** Planning and Building Department staff need to review the title report(s) for the subject property(ies) to see if a "Notice of Construction Requirements" document is listed. If the document is listed, then there are deferred subdivision improvements.

If **YES** then the subject property has deferred subdivision improvements. The project cannot be presented to the Zoning Administrator or the Planning Commission until the deferred subdivision improvements are completed. The applicant should be directed to the Department of Public Works regarding the deferred subdivision improvements.

- 5. **AIRPORT:** If the project is located within Airport Land Use Compatibility Plan (ALUCP) Zone A, B, B1, B2, or B3 as shown on the ALUCP GIS layer **or** if the project is located within the County Code Section 333 GIS layer **AND** the project is proposing to construct (or permit) a fence, building or other structure.  YES  NO

If **YES**, the Department recommends that prior to the project presented to the Planning Commission or Zoning Administrator, that the project should be referred to the Humboldt County Airports Department.

- 6. **MS4/ASBS Areas.** Is the project located within MS4 Permit Area as shown on the GIS layer?  
 YES  NO

If **YES**, include the following requirement:

**The applicant shall demonstrate to the satisfaction of the Planning & Building Department that the project is in compliance with MS4/ASBS requirements.**

**Exhibit "C"**

**Additional Review is Required by Planning & Building Staff**

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**7. COUNTY ROADS- PROXIMITY OF FARMS:**

Applicant is advised that County maintained roads may generate dust and other impacts to farm(s). Applicant shall locate their farm(s) in areas not subject to these impacts. Applicant shall be responsible for protecting their farm(s) against these impacts. Applicant shall hold the County harmless from these impacts. Applicant is advised that a paved road may not always remain paved and Applicant shall locate their farms appropriately. Applicant is advised that the amount of traffic on a road will vary over time which may increase or decrease the impacts.

// END //

## 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 #2-15. 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. Photo documentation shall be provided, indicating that proper containment of all hazardous chemicals/materials within thirty-days, following execution of the final Project permit.
3. Processing on-site must be supported by a permitted onsite wastewater treatment system. A system must be installed with DEH approval within the 2-year compliance period. Portable toilets shall be provided to cultivation staff and provide a copy of the receipt to the Planning Department.
4. The Applicant shall secure permits for all unpermitted grading and structures related to the cannabis cultivation and other commercial cannabis activity. The plans submitted for building permit approval shall be consistent with the project description and approved project site plan. A letter or similar communication from the Building Division verifying that all structures related to the cannabis cultivation are permitted will satisfy this condition.
5. The applicant shall secure a contingency easement for the ongoing and continued use of the two rainwater catchment ponds on APN 315-092-007, a separate legal parcel under common ownership, for irrigation of commercial cannabis on the APN 315-093-006, subject parcel.
6. The approved building plans shall meet all applicable fire codes, including fire suppression infrastructure requirements deemed necessary for the project by the Building Inspection Division. Sign off of the Occupancy Permit by the Building Division shall satisfy this requirement.
7. The Applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency (CUPA) requirements regarding any 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 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.
9. The Applicant shall secure a final Lake and Streambed Alteration Agreement for the point of diversion as required by the California Department of Fish and Wildlife and comply with all applicable terms.

10. The Applicant shall demonstrate the driveway and emergency vehicle turn around, signing and building numbers, conforming access to the planned 5,000-gallon tank for emergency water, and fuel modification standards conform to the Humboldt County Code Section 3112-12, the Fire Safe Regulations. The Applicant shall be responsible for implementing any necessary improvements to bring the driveway and emergency vehicle turn around into compliance. A letter from a qualified engineer shall satisfy this requirement.
11. 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.
12. 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.
13. The applicant shall remove all cultivation related wastes, debris materials and other debris including defunct structures and automobiles on the project site.
14. The applicant shall adhere to the recommendations of the Road Evaluation Report prepared for Crisp Farms by DTN Engineering and Consulting in December 2018 to improve the private roads used to access the property to commercial standards of use.
15. The applicant shall either A) pave all portions of the access road that exceed 16% grade as indicated in the Road Evaluation Report prepared for Crisp Farms by DTN Engineering and Consulting in December 2018, or B) obtain approval of an SRA Fire Safe exception by Cal-Fire.
16. The applicant shall limit all operational noise generated from generators, fans, and dehumidifiers to not exceed 50 db at 100 feet from the source or at the edge of the nearest forest habitat, whichever is closer, as required by Section 314-55.4.11(o) Humboldt County Code. No artificial lighting is authorized for cultivation activities by this permit until a light and noise attenuation plan, developed in consultation with the Planning Department and California Department of Fish and Wildlife, is approved by the Planning Director.
17. A review fee for Conformance with Conditions as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750.00) shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka. This fee is a deposit, and if actual review costs exceed this amount, additional fees will be billed at the County's current burdened hourly rate.
18. The Applicant is responsible for obtaining all necessary County and State permits and licenses, and for meeting all of the requirements as set forth by other regulatory agencies.
19. 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.
20. 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.

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

1. All components of the project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, and these conditions of approval. 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 MCRSA, 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 & 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. Prohibition on 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. All refuse is to be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
6. That all imported soil located onsite be fully contained and setback a minimum of 150ft from watercourses and/or wet areas; and that all discarded soil and trash present onsite be removed and properly disposed of at a waste management facility.
7. Possession of a current, valid required license, or licenses, issued by any agency of the State of California in accordance with the MCRSA, and regulations promulgated thereunder, as soon as such licenses become available.
8. 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).
9. Maintain enrollment in Tier 1, 2 or 3, certification with the North Coast Regional Water Quality Control Board (NCRWQCB) Order No. R1-2015-0023, if applicable, or any substantially

equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.

10. Comply with the terms of any applicable Streambed Alteration (1600) Permit obtained from the California Department of Fish & Wildlife.
11. 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 – Friday, 9:00 am – 5:00 pm, excluding holidays).
12. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
13. The applicant shall not use any erosion control measures that contain synthetic (e.g. plastic or nylon) monofilament 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 weaves.
14. If any wildlife is encountered during the authorized activity, the Applicant shall not disturb the wildlife and shall allow wildlife to leave the work site unharmed.
15. Pay all applicable application and annual inspection fees.
16. The noise produced by any generator used on an emergency-only basis for cannabis drying, curing, and processing shall not be audible by humans from neighboring residences. The decibel level for generators measured 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. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service, and further consultation where necessary. Under these guidelines, generator noise may not exceed 50dB as measured at 100 feet from the generator or at the edge of the nearest Marbled Murrelet or Spotted Owl habitat, whichever is closer
17. 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.
18. The Master Log Books maintained by the Applicant to track production and sales shall be maintained for inspection by the County.
19. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).
20. The operation shall participate in the Medical Cannabis Track and Trace Program administered by the Humboldt County Agricultural Commissioner, when available.

#### Performance Standards for Cultivation and Processing Operations

21. 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."

22. 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).
23. 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:
    - (a) Emergency action response planning as necessary;
    - (b) Employee accident reporting and investigation policies;
    - (c) Fire prevention;
    - (d) Hazard communication policies, including maintenance of material safety data sheets (MSDS);
    - (e) Materials handling policies;
    - (f) Job hazard analyses; and
    - (g) 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:
    - (a) Operation manager contacts;
    - (b) Emergency responder contacts;
    - (c) 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.
24. Term of Commercial Cannabis Activity Conditional Use Permit. Any Commercial Cannabis Cultivation CUP issued pursuant to the CMMLUO shall expire one (1) year after date of issuance, and on the anniversary date of such issuance each year thereafter, unless an annual compliance inspection has been conducted and the permittees and the permitted site have been found to comply with all conditions of approval.
25. 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 CUP 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.

26. Permit Renewals to comply with Updated Laws and Regulations. Permit renewal per Ongoing Condition of Approval #18 above 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.
27. 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.
28. Permittee further acknowledges and declares that:
  - I. All commercial cannabis activity that I, my agents, or employees conduct pursuant to a permit from the County of Humboldt shall be solely for medical purposes and all commercial cannabis products produced by me, my agents, or employees are intended to be consumed solely by qualified patients entitled to the protections of the Compassionate Use Act of 1996 (codified at Health and Safety Code section 11362.5); and
  - II. 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 California Medical Marijuana Regulation and Safety Act will be distributed within the State of California; and
  - III. 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 California Medical Marijuana Regulation and Safety Act.
29. 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:
  - I. Identifying information for the new Owner(s) and management as required in an initial permit application;
  - II. A written acknowledgment by the new Owner in accordance as required for the initial Permit application;
  - III. The specific date on which the transfer is to occur; and
  - IV. Acknowledgement of full responsibility for complying with the existing Permit; and
  - V. Execution of an Affidavit of Non-diversion of Medical Cannabis.
30. 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. 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 #19 of the On-Going Requirements /Development Restrictions, above.
2. 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.