

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

**Resolution Number: 24-028**

**Record Number: PLN-11066-CUP  
Assessor's Parcel Number: 221-011-021**

**Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approves the Mattole Valley Farms Business Support Services LLC, Conditional Use and Special Permits request.**

**WHEREAS**, Mattole Valley Farms Business Support Services LLC, provided an application and evidence in support of approving a Conditional Use Permit for 18,300 square feet existing outdoor commercial cultivation with an 1,800 square foot nursery space; and

**WHEREAS**, the County Planning Division, the lead agency, prepared an Addendum to the Final Mitigated Negative Declaration (MND) prepared for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) adopted by the Humboldt County Board of Supervisors on January 26, 2016. 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**, the Humboldt County Planning Commission held a duly-noticed public hearing on May 2, 2024, and reviewed, considered, and discussed the application for a Conditional Use Permit and reviewed and considered all evidence and testimony presented at the hearing.

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

- 1. FINDING:**                      **Project Description:** A Conditional Use Permit for 18,300 square feet existing outdoor commercial cultivation with 1,800 square feet of nursery space. Estimated annual irrigation water usage is 200,000 gallons. Rainwater catchment will provide 11,000 gallons and a point of diversion will provide 190,000 gallons. Water storage is 71,000 gallons of existing tanks, with an additional 130,000 gallons proposed for a total of 201,000 gallons of storage. Power is provided by solar with no generator. Drying and curing will occur onsite and additional processing such as trimming will occur offsite. The project includes a Special Permit for the point of diversion.

**EVIDENCE:**    a)    Project File: PLN-11066-CUP

**2. FINDING:**

**CEQA.** The requirements of the California Environmental Quality Act have been complied with. The Humboldt County Planning Commission has considered the Mitigated Negative Declaration (MND) for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) and the addendum to the MND 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 MND. No new information of substantial importance that was not known and could not be known at the time was presented as described by §15162(c) of CEQA Guidelines.
- c) A Biological Resource Assessment found that no rare threatened or endangered animals or plants are present within 1,000 feet of the Cultivation Area. There are no documented Northern Spotted Owl (NSO) activity centers within the 1.3 miles of the cultivation site. No significant ground disturbance is proposed under the project. A Botanical Survey concluded that no special status plants were present in cultivation areas.

As proposed and conditioned, the project is consistent with CMMLUO mitigation measures and will not negatively impact NSO or other sensitive species.

- d) The cultivation of cannabis will not result in the net conversion of timberland. A Less Than Three Acre Conversion Mitigation Plan was prepared in May 2021 by Hohman and Associates Forestry Consultants, which concluded that a total of 1.53 acres of timber conversion occurred on the project site; however, all conversion occurred prior to CMMLUO environmental baseline date of January 1, 2016. Fourteen recommendations were included in the Report for items identified as conflicting with the Forest Practice Rules or have the potential to cause environmental damage. The project is conditioned to implement all remaining corrective actions identified in the Less Than Three Acre Conversion Mitigation Plan. No additional tree removal is proposed or authorized by this permit.
- e) A Cultural Resources Investigation noted three prehistoric isolated chert flakes but concluded that the proposed project will not result in any adverse changes to historical or archaeological resources.



Project conditions include inadvertent discoveries protocol, which has been included as an ongoing condition of approval.

- f) Road Evaluations concluded the road is functionally equivalent to category 4.

### **FINDINGS FOR CONDITIONAL USE PERMIT AND SPECIAL PERMITS**

**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 Agriculture General (AG) 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 Agriculture Exclusive (AE) zone in which the site is located. The subject parcel is also split-zoned Timberland Production (TPZ). However, existing and proposed development is located outside of the TPZ-portion of the subject parcel.

**EVIDENCE:** a) The Agriculture Exclusive (AE) zone is intended to be applied in fertile areas in which agriculture is and should be the desirable predominant use and in which the protection of this use from encroachment from incompatible uses is essential to the general welfare.

b) All general agricultural uses are principally permitted in the AE 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 18,300 square feet of mixed-light

cultivation on an 85.68-acre parcel is consistent with this and with the cultivation area verification prepared by the County.

**5. FINDING:**

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

**EVIDENCE:** a) The CMMLUO allows existing cannabis cultivation to be permitted in areas zoned AE (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 a lot line adjustment, as described in the Notice of Lot Line Adjustment and Certificate of Subdivision Compliance (Record No. 1993-34868), recorded December 6, 1993.

c) Irrigation water will be sourced from an existing point of diversion from an unnamed Class II tributary of Salmon Creek. A rain catchment system will capture between 13,000 and 42,000 gallons of water per year to reduce reliance on the point of diversion. Existing available water storage is 118,500 gallons in a series of tanks, with an additional 82,500 gallons proposed, for a total of 201,000 gallons of onsite water storage.

The project includes a right to divert 0.6-acre feet from an unnamed stream, Certificate H100760. The water rights allow withdrawals from November 1 to March 31. The water right allows the withdrawal of 195,511 gallons.

The rainwater catchment system has the potential to capture approximately 42,000 gallons per year, based on average rainfall amounts for the project area and catchment area. The operations plan states that a minimum of 10,000 gallons of rainwater will be collected annually.

d) Road Evaluation Reports were prepared by Steven Luu (SL Consulting Services, Inc.) in July 2021 for a 2.35-mile segment of Salmon Creek Road (from the transition from asphalt to gravel) to the property line of APN 221-071-043 (at the end of Salmon Creek Road and start of the private driveway) and for a 1.5-mile segment of the private road to the subject property. The Reports indicated the road segments are developed to the equivalent of a road Category 4 standard and are functionally appropriate for the expected traffic.



A secondary Road Evaluation was conducted by Chapman Engineering in February from the junction with State Highway 101, exit 653 to the project parcel that is accessed from Salmon Creek Road. The Report concludes the existing road is adequate for all anticipated traffic at peak operations.

Per comments received from the Department of Public Works, Land Use Division in February 2018, any existing or proposed driveways that will serve as access for the proposed project that connect to a County-maintained road shall be improved to current standards for a commercial driveway and that private road intersections onto the County road shall be maintained in accordance with County Code section 341-1 (Sight Visibility Ordinance), which have been included as conditions of approval.

- e) The slope of the land where cannabis will be cultivated is less than 15%.
- f) A Less Than Three Acre Conversion Mitigation Plan was prepared in May 2021 by Hohman and Associates Forestry Consultants, which concluded that a total of 1.53 acres of timber conversion occurred on the project site; however, all conversion occurred prior to CMMLUO environmental baseline date of January 1, 2016. Fourteen (14) recommendations were included in the Report for items identified as conflicting with the Forest Practice Rules or have the potential to cause environmental damage. The project is conditioned to implement all remaining corrective actions identified in the Less Than Three Acre Conversion Mitigation Plan. No additional tree removal is proposed or authorized by this permit.
- g) The location of the cultivation complies with all setbacks required in Section 314-55.4.11.d. It is more than 30 from any property line, more than 300 feet from any off-site residence, more than 600 feet from any school, church, public park or Tribal Cultural Resource.

**6. FINDING:**

The cultivation of 18,300 square feet of cannabis and the conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

- EVIDENCE:**
- a) The site is located on road that has been certified by a licensed engineer to safely accommodate the amount of traffic generated by the proposed cannabis cultivation.
  - b) The site is in a rural part of the County where the typical parcel size is over 40 acres and many of the land holdings are very large. The proposed cannabis will not be in a location where there is an established neighborhood or other sensitive receptor such as a school, church, park or other use which may be sensitive to cannabis cultivation. Approving cultivation on this site and the other sites which have been approved or are in the application process will not change the character of the area due to the large parcel sized in the area.
  - c) The location of the proposed cannabis cultivation is more than 300 feet from the nearest off-site residence.
  - d) Irrigation water will come from an existing point of diversion from an unnamed Class II tributary from Salmon Creek and a proposed gutter rainwater catchment system. Rainwater catchment tanks are installed and will reduce the reliance of the point of diversion by 13,000 to 42,000 gallons per year.

As a current water right is in place for the project, Certificate H10076. The water right is for 195,511 gallons per year to be diverted from November 1 to March 31. All storage tanks are placed outside of all required SMA buffers.

- e) Power is provided by photovoltaic panels and a battery storage system. No generator is proposed.
- f) Provisions have been made in the applicant's proposal to protect water quality and thus runoff to adjacent property and infiltration of water to groundwater resources will not be affected.

**7. FINDING:**

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

- EVIDENCE:**
- a) The parcel was not included in the housing inventory of Humboldt County's 2019 Housing Element but does have the potential to support one housing unit. The approval of cannabis cultivation on

this parcel will not conflict with the ability for a residence to be constructed on this parcel.

**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) The project site is in the South Fork Eel Planning Watershed, which under Resolution 18-43 is limited to 730 permits and 251 acres of cultivation. With the approval of this project the total approved permits in this Planning Watershed would be 181 permits and the total approved acres would be 58.25 acres of cultivation.



## DECISION

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

- Adopt the findings set forth in this resolution; and
- Conditionally approves the Conditional Use and Special Permits for Mattole Valley Farms Business Support Services LLC, based upon the Findings and Evidence and subject to the conditions of approval attached hereto as Attachment 1 and incorporated herein by reference; and

Adopted after review and consideration of all the evidence on **May 2, 2024**.

The motion was made by COMMISSIONER Sarah West and second by COMMISSIONER Noah Levy and the following vote:

AYES: Commissioners: Iver Skavdal, Thomas Mulder, Noah Levy, Jerome Qiriaz, Sarah West, Lorna McFarlane

NOES: Commissioners:

ABSTAIN: Commissioners:

ABSENT: Commissioners: Peggy O'Neill

DECISION: Motion carried 6/0

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.



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John Ford, Director  
Planning and Building Department



## **CONDITIONS OF APPROVAL**

### **APPROVAL OF THE CONDITIONAL USE PERMIT IS CONDITIONED ON THE FOLLOWING TERMS AND REQUIREMENTS.**

**A. Conditions subject to the compliance agreement must be satisfied before the provisional cannabis cultivation permit is no longer considered provisional. This section also includes conditions that must be completed within specified time frames or completed prior to commencing cultivation.**

1. Within 60 days of the effective date of permit approval, the permittee shall execute a Compliance Agreement with the Humboldt County Planning and Building Department described under Conditions of Approval **A9** and **A12**. All activities described in 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. The permittee must complete the transfer of the Lake and Streambed Alteration Agreement EPIMS-HUM-21027-R1C prior to diverting additional cultivation water under water right (Certificate H100760).
3. Within 60 days of the effective date of project approval, the permittee 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 and Building Department.
4. Within 60 days of the effective date of project approval, the permittee shall obtain a will serve letter from the Fire Protection District OR cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning Division. Document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors will be required.
5. Within 60 days of the effective date of project approval, the permittee shall pay 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. The permittee is responsible for costs for post-approval review for determining project conformance with conditions. Payment shall be made to the Humboldt County Planning Division, 3015 H Street, Eureka. Permit conformance with conditions must be demonstrated prior to release of building permit or initiation of use and at time of annual inspection.

6. The permittee shall submit a Site Management Plan to the North Coast Regional Water Quality Control Board prior to July 10, 2024, and shall submit the Site Management Plan to the Planning Department.
7. No later than January 1, 2026, the permittee will develop and fully implement an alternative renewable energy (i.e., solar, wind, micro-hydro) plan for electricity serving the cannabis operation such that generator use may be reserved for emergency use only.
8. Prior to cultivating cannabis, the permittee shall install and utilize a water meter on all irrigation sources to demonstrate that there is sufficient water supply to meet the demands of the project. The water use for cultivation is limited to the use of the irrigation infrastructure described in the approved Operations Plan. The applicant will maintain logs of water usage and make the logs available upon request.
9. The permittee shall obtain grading permits for all existing, unpermitted grading associated with the existing cannabis operation. No new grading is authorized without a permit from the Humboldt County Building Division.
10. The permittee shall obtain permits or exemptions for all structures associated with the cannabis operation.
11. The permittee shall complete the items detailed in the Lake or Streambed Alteration Agreement No. EPIMS-HUM-21027-R1C. Items include addressing six encroachments: a water diversion from an unnamed tributary to Salmon Creek, a SMA buffer zone encroachment and four other proposed encroachments are to upgrade failing or undersized stream crossings. See EPIMS-HUM-21027-R1C for details.
12. The applicant shall improve the intersection of the private road and Salmon Creek Road to commercial driveway standards. Specifically, the private access road shall be rocked for a minimum width of 20 feet and a length of 50 feet where it intersects the County Road (Salmon Creek Road). The applicant shall obtain an encroachment permit from the Department of Public Works prior to commencing any work. A letter or similar communication from the Department of Public Works will satisfy this condition.
13. All driveways and private road intersections onto the County Road shall be maintained in accordance with County Code Section 341-1 (Sight Visibility Ordinance). A letter or similar communication from the Department of Public Works will satisfy this condition.
14. The applicant shall develop 200,000 gallons of hard tanked water storage as shown in the approved site plan. If the applicant has less than 200,000 gallons of water storage, the cultivation area will be reduced in proportion to the deficit in water storage at a rate of one square foot for every ten gallons of water.



15. The permittee shall conduct eradication efforts on four areas where invasive plants have colonized the site. Information on the locations and types of invasive plants are found in Attachment 4H to the staff report.
16. The permittee shall permanently retire the 50,000-gallon water storage bladder by August 15, 2024.

## **B. General Conditions**

1. The permittee shall take action to form, join, or maintain membership in a Road Maintenance Association (RMA) for the maintenance of the roads. In the event the applicant is unable to coordinate formation or join an RMA, the permittee shall pay fair-share cost for maintenance of the road to any road user engaged in maintaining the roads.
2. There shall be no interconnectivity between cannabis irrigation water infrastructure (e.g., water lines, tanks, etc.) and any other water source.
3. Cultivation activities will be supported by portable toilets and the permittee shall provide evidence, such as invoices and receipts, of the use of portable toilets. This condition shall not apply if the permittee develops a permitted onsite wastewater treatment system and bathroom.
4. Processing in the form of trimming and/or packaging will occur offsite at a licensed facility.
5. The permittee may divert no more than 195,511 gallons of water from permitted diversion and shall comply with the terms and conditions of the water right (Certificate H100760).
6. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. The Department will file the NOD and the applicant is responsible for this cost to the project.
7. 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.
8. 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 to keep the permit valid.



9. 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. 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.
10. The applicant shall implement an erosion control plan (site management plan) to deconcentrate surface flow off roads and away from streams. This would include installation and/or maintenance of ditch relief culverts and water bars as necessary to mitigate sediment delivery to streams.

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

1. 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, ground-stone 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.
2. 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. 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.
3. All artificial lighting shall be fully contained within structures such that no light escapes (e.g., through blackout curtains). Structures shall be shielded between 30 minutes prior to sunset and 30 minutes after sunrise to prevent disruption to crepuscular wildlife.

Security lighting shall be motion activated and comply with the International Dark-Sky Association standards and Fixture Seal of Approval Program. Standards include but are not limited to the following, 1) light shall be shielded and downward facing, 2) shall consist of low-pressure sodium (LPS) light or low spectrum light emitting diodes with a color temperature of 3000 kelvins or less and 3) only placed where needed.

4. Should the Humboldt County Planning Division receive complaints that lighting, or noise is not complying with the standards listed above in this permit, within ten (10) working days of receiving written notification that a complaint has been filed, the applicant shall submit written verification that the light shielding and alignment, and noise levels have been repaired, inspected, and corrected as necessary.
5. 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.
6. All refuse shall be contained in wildlife proof containers, always, and relocated to an authorized waste management facility, in compliance with State and local laws, on a regular and on-going basis.
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 the project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, the CMMLUO, and these conditions of approval.
11. If operating pursuant to a written approved compliance agreement, the permittee shall abate or cure violations at the earliest feasible date, but in no event no more than two (2) years from the date of issuance of a provisional clearance or permit. Permittee shall provide plans for curing such violations to the Planning and Building Department within one (1) year of issuance of the provisional clearance or permit. If good faith effort toward compliance can be shown within the two years following the issuance of



the provisional clearance or permit, the Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow additional time to meet the outstanding requirements.

12. 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.
13. 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).
14. Permittee must develop, adhere to and implement a Site Management Plan. A copy of the reporting form portion of the Mitigation and Reporting Program (MRP) shall be submitted to the Planning and Building Department upon request.
15. Applicant must demonstrate and maintain enrollment in Tier 1 or 2 in accordance with State Water Resources Control Board Order No. WQ 2019-0001-DWQ, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
16. 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) if applicable.
17. Comply with the terms of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (Cal Fire), if applicable.
18. Consent to an annual on-site compliance inspection, with at least 24 hours prior notice, to be conducted by appropriate County officials during regular business hours (Monday through Friday, 9:00 a.m. to 5:00 p.m., excluding holidays).
19. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
20. Pay all applicable application, review for conformance with conditions, and annual inspection fees.



21. 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.
22. The master logbooks maintained by the applicant to track production and sales shall be maintained for inspection by the County.
23. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).

Performance Standards for Cultivation and Processing Operations

24. Pursuant to Business and Professions Code section 26051.5(a)(8), an applicant seeking a cultivation license shall "provide a statement declaring the applicant is an 'agricultural employer,' as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 commencing with Section 1140) of Division 2 of the Labor Code), to the extent not prohibited by law."
25. Cultivators shall comply with all applicable federal, state, and local laws and regulations governing California Agricultural Employers, which may include federal and state wage and hour laws, Cal/OSHA, OSHA, the California Agricultural Labor Relations Act, and the Humboldt County Code (including the Building Code).
26. Cultivators engaged in processing shall comply with the following Processing Practices:
  - a. Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.
  - b. Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
  - c. Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.
  - d. Employees must wash hands sufficiently when handling cannabis or use gloves.
27. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:
  - a. Cultivation operations and processing operations must implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:
    - (1) Emergency action response planning as necessary;
    - (2) Employee accident reporting and investigation policies;
    - (3) Fire prevention;

- (4) Hazard communication policies, including maintenance of material safety data sheets (MSDS);
    - (5) Materials handling policies;
    - (6) Job hazard analyses; and
    - (7) Personal protective equipment policies, including respiratory protection.
  - b. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
    - (1) Operation manager contacts;
    - (2) Emergency responder contacts; and
    - (3) Poison control contacts.
  - c. At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations. Plumbing facilities and water source must be capable of handling increased usage without adverse consequences to neighboring properties or the environment.
  - d. On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.
28. All cultivators shall comply with the approved processing plan as to the following:
- a. Processing practices
  - b. Location where processing will occur
  - c. Number of employees, if any
  - d. Employee Safety Practices
  - e. Toilet and handwashing facilities
  - f. Plumbing and/or septic system and whether or not the system is capable of handling increased usage
  - g. Drinking water for employees
  - h. Plan to minimize impact from increased road use resulting from processing
  - i. On-site housing, if any
29. Term of Commercial Cannabis Activity Permit. Any Commercial Cannabis Cultivation permit issued pursuant to the CMMLUO or CCLUO shall expire one (1) year after date of issuance, and on the anniversary date of such issuance each year thereafter, unless an annual compliance inspection has been conducted and the permittees and the permitted site have been found to comply with all conditions of approval.
30. Inspections. 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 Permit, immediately upon the expiration of any appeal period, or final determination of the appeal if an appeal has been timely filed.

The permit holder and subject property owner are to allow 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.

31. Permit Renewals to Comply with Updated Laws and Regulations. Permit renewal is subject to the laws and regulations effective at the time of renewal, which may be substantially different than the regulations currently in place and may require the submittal of additional information to ensure that new standards are met.
32. Acknowledgements to Remain in Full Force and Effect. Permittee acknowledges that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this section in the event that environmental conditions, such as a sustained drought or low flows in the watershed in which the cultivation area is located, will not support diversions for irrigation.
33. Transfers. Transfer of any leases or permits approved by this project is subject to the review and approval of the Planning Director for conformance with CMMLUO eligibility requirements and agreement to permit terms and acknowledgments. The fee for required permit transfer review shall accompany the request. The request shall include the following information:
  - a. Identifying information for the new owner(s) and management as required in an initial permit application;
  - b. A written acknowledgment by the new owner in accordance as required for the initial permit application;
  - c. The specific date on which the transfer is to occur;
  - d. Acknowledgement of full responsibility for complying with the existing permit; and
  - e. Execution of an Affidavit of Non-diversion of Medical Cannabis.

**Informational Note:**

1. Per Section 1273.03 of State Fire Safe Regulations: (a) At no point shall the grade for all roads and driveways exceed 16 percent; (b) The grade may exceed 16%, not to exceed 20%, with approval from the County of Humboldt Planning & Building Department with mitigations, such as paving, to provide for the same practical effect.



**RECEIVED**

By Andrew Whitney at 2:01 pm, Apr 11, 2024

**Mattole Valley Farms Business Support Services, LLC ( MVFBSS, LLC)**  
**Cannabis Cultivation Facility: APN No. 221-011-021 ( Salmon Creek)**  
**Virgil and Karman Willner**  
**P.O Box 736**  
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**OPERATIONAL PLAN**  
**UPDATED 4/10/2024**



## **1. Project Summary**

Mattole Valley Farms Business Support Services, LLC is proposing to permit Commercial Cannabis Cultivation Activities in Accordance with the County Of Humboldt Commercial Medical Marijuana Land Use Ordinance (CMMLUO). The project is seeking a Conditional/ Interim Use Permit for commercial cannabis cultivation of 18,300 square feet of existing outdoor cultivation and a 1,800 square foot accessory nursery. With intentions to achieve compliance with the county agreement and eventually achieving a finalized zoning permit for cannabis cultivation.

The processing activity will be limited to hanging, drying and bucking dried cannabis off the stalk into totes for sale to a distributor and to transport to a third party facility. Drying will occur in an existing ag exempt barn.

Site has not been cultivated since 2014.

Cultivation will occur in greenhouses in amended raised soil beds utilizing water from a spring box Point of Diversion, as well as utilizing 46,200 gallons of rainwater catchment, on an unnamed tributary of Salmon Creek. There is also a **proposed** 3,600 square feet of full term outdoor garden with approval by a botanist that no special plant species are found or would be disturbed. There is currently on site 162,200 gallons of irrigation water storage with an additional 2,500 gallons of stored water designated for fire protection. Total stored water to 164,700 gallons. This occurs in (18) 5,000 gal. hard plastic tanks and (6) 3,000 gal hard plastic tanks, (1) 4,200 gal rain catchment tank and (1) 2,500 gal designated fire protection tank. An additional **temporary** water bladder of 50,000 gallons of storage will be retired by August 15, 2024 as required by CDFW. The bladder water storage will be replaced in the following cultivation year in the form of (10) 5,000 gallon hard water tanks. An additional (8) 5,000 gallon hard water tanks plan to be added, with the approval of the proposed 3,600 sq. feet of cultivation, to bring the total storage capacity to 204,700 gallons.

Solar Power will be provided by a bank of solar panels and an inverter to provide electricity for farm needs.

## **2. Land Use/Site Description**

The Project is located in the Salmon Creek watershed near Miranda, CA (APN 221-011-021-000) just north of the intersection of Salmon Creek Road and an unnamed road. The subject parcel is zoned AE/TPZ and is approximately 85.68 total acres in size.

### **3. Outdoor Cultivation Plan and Schedule**

The greenhouses cultivation sizes are:

(10) 10' X 90' = 9,000 sqf.

(3) 20' x 95' = 5,700 sqf.

(1) 10' x 90' = 900 sqf Nursery

(1) 10' x 40' = 400 sqf Nursery

(1) 10 x 50 = 500 sqf Nursery

Additional **PROPOSED** Outdoor square footage (Full term) in a 50' X 72' area = 3,600 sq. ft. ( with conditions of approval by a botanist.)

The Cultivation schedule is to do two yearly harvest starting in April and ending in November for all greenhouses. The proposed 3,600 feet of full term outdoor will be planted in May and harvested in Oct.

### **4. Irrigation Plan and Schedule**

Irrigation of plants occurs using drip irrigation and hand watering methods at agronomic rates which conserves water by not allowing excess water runoff. Plants are watered until established and then dry farming techniques are used to reduce water usage.

### **5. Harvesting, Drying, and Trimming**

Plants that are ready for harvest have their flowering branches removed and are brought to the drying facility, a storage barn indicated on the site plan. Once taken to the drying building then hung and suspended in the drying facility until dry and broken down into totes.

### **6. Staffing**

The farm will hire up to 6 temporary, seasonal worker as needed. Hours between 8am- 8pm.

### **7. Toilet, Handwashing and First Aid**

Portable Toilets and handwashing station will be provided. Along with access to first aid kit/eye wash station.

### **8. Water Source and Projected Water Use**

MVFBSS utilizes water management strategies such as drip irrigation to conserve water use. The table below outlines the estimated irrigation water usage for cultivation during the year. Variables such as weather conditions and specific cannabis strains will have a slight effect on water use. A total of 202,00 gallons of water usage is estimated (11.11 gallons/square foot of



canopy) for the total 18,300 of cannabis cultivation. For the year of 2024, with permit approval, we will be cultivating **only** the greenhouses for a total of **14,700 sq. feet** of cultivation. Our estimated irrigated water use for this cultivation year 2024 of 14,700 sq. Feet at (11.11 gallons/ square foot of canopy) is 160,000 gallons of stored water.

TABLE 4.1 ESTIMATED ANNUAL IRRIGATION WATER USAGE

JAN	—
FEB	—
MAR	—
APR	12,500
MAY	30,000
JUN	30,000
JUL	35,000
AUG	35,000
SEP	35,000
OCT	20,000
NOV	—
DEC	—

Water Storage: There is currently 162,200 of irrigation water stored in (18) 5,000 gal. hard plastic water tanks, (6) 3,000 gal hard plastic water tanks, (1) 4,200 gal. rain catchment tank. The 50,000 gallon water bladder storage shall be retired by August 15, 2024 as required by CDFW. Replacement of the water bladder storage will occur in (10) 5,000 gallon hard plastic water tanks the following cultivation year. An additional (8) 5,000 hard plastic water tanks will be added to the farm to bring the total water storage capacity to 204,700 gallons. Currently on the property there is rain catchment tanks for a capacity of 46,200 gallons of rain catchment storage. (1) 2,500 gallon tank will be marked and designated for fire storage and protection.

#### **9. Site Drainage/ Runoff/ Erosion Control**

The cultivation site is mostly flat and has a forested buffer surrounding the property to mitigate runoff.

Buffers and setbacks from neighboring drainages will be met as well as respecting and staying clear of the stream set backs on the property.

Erosion Control Methods will be met first and foremost by disturbing as little land as possible. Erosion control methods of straw, waddles, French drains, pea gravel and seeding will be implemented in event of disturbance. Work on the LSAA for replacement culverts will be done by hired professionals such as Wilcox Enterprises or Edwards Excavation with the proper armoring and erosion control put into placement.

MVFBSS will utilize best management practices including but not limited to:

Maintenance of roads, including rocking and armoring.  
Proper management of solid, liquid and cultivation waste will be properly disposed of.  
Cultivation facilities will meet all required setbacks from riparian and wetland areas.  
Irrigation and application of fertilizers will be applied at agronomic rates.  
Regulated products will be safely stored with secondary containment.

#### **10. Best Management Practices**



Best Management Practices are used when storing, handling, mixing, applying and disposing of all fertilizers and pesticides. Fertilizers and Pesticides will be storage properly and contained within water tight, locked and labeled containers in accordance with manufacturer's instruction. Application rates will be tracked and reported through annual reporting. Solid waste and recycling is hauled off-site to transfer station and plant materials are composted in designated compost area.

#### **11. Fertilizers**

Fertilizers used in cultivation are:

- \* Bat Guano
- \* Age Old Bloom
- \* General Hydroponics

Pesticide:

- \* Plant Therapy

#### **12. Product Inventory and Tracking/ Transportation**

Site will be enrolled in the state METRC track and trace system. Transportation will be provided by third part distributor.

