

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

Resolution Number 24-080

Record Number PLN-11099-CUP

Assessor's Parcel Numbers: 317-033-008-000

Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approves the Macras Land Co., LLC, Conditional Use Permit.

WHEREAS, Macras Land Co., LLC, submitted an application and evidence in support of approving a Conditional Use Permit for the continued operation of an existing 19,595 square feet (sf) of outdoor cultivation, and appurtenant nursery, drying & processing activities; and

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

WHEREAS, the Humboldt County Planning Commission held a duly-noticed public hearing on November 7, 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 19,595 square feet (sf) of pre-existing outdoor commercial cannabis cultivation. outdoor, and 1,142 sf of ancillary nursery area. Processing, including drying and trimming occurs in an existing building on-site. Water used for irrigation is sourced from two permitted wells. The applicant estimates 180,000 gallons of water used for irrigation per year. Off-grid power is supplied by one generator and proposed solar arrays. The project is conditioned to transition to 100 percent on-site renewable energy by January 1, 2026.

EVIDENCE: a) Project File: PLN-11099-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) 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 to that document.

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) Water used for irrigation is sourced from two permitted groundwater wells.
- d) The site is currently enrolled in the State Water Resources Control Board's (SWRCB) General Order (No. WQ 2019-0001-DWQ) for Waste Discharge Requirements and Water Quality as a Tier II Moderate Risk site under WDID 1_12CC402985 and 1B161503CHUM and states the requirement for a Site Management Plan (SMP). The applicant has obtained an SMP prepared by Mother Earth Engineering, dated February 13, 2019. The SMP states that there are a total of two (2) stream crossings on-site which require upgrades or instream work. The applicant is conditioned to adhere to the corrective actions listed in Table 13 of the SMP.
- e) The applicant has obtained a Lake and Streambed Alteration Agreement (LSAA) with CDFW for the in-stream work needed to upgrade stream crossings on-site (LSAA No. 1600-2019-0662-R1)
- f) The project is located approximately 0.43 miles to the nearest known Northern Spotted Owl (NSO) activity center. The applicant obtained a Riparian and Stream Assessment prepared by Timberland Resource Consultants, dated June 26, 2017. the assessment was conducted on April 7, 2017, and habitat for several special status species were present and the species were

assumed to occur within the study area including Northern Spotted Owl (*Strix occidentalis caurina*), Coho Salmon (*Oncorhynchus kisutch*), Steelhead Trout (*Oncorhynchus mykiss*), Chinook Salmon (*Oncorhynchus tshawytscha*), Southern Torrent Salamander (*Rhyacotriton variegatus*), northern red-legged frog (*Rana aurora*), foothill yellow-legged frog (*Rana boylei*), and tailed frog (*Ascaphus truei*). The assessment states that indirect impacts to riparian and aquatic resources are primarily related to the potential for sediment delivery and this can be addressed through the Site Management Plan and improvements to the road crossings.

- g) A Less Than Three Acre Conversion (LTTAC) was accepted by Cal-Fire on June 9, 2014 for a total of 2.7 acres of timber harvesting occurred on the site. As there was less than 3 acres of timber conversion and this occurred prior to the environmental baseline of the CMMLUO, no restocking is required.
- h) The project is located within the Bear River Band Rancheria Aboriginal Ancestral Territory. The project was referred to the Bear River Band of Rohnerville Rancheria, and the Northwest Information Center (NWIC) August 28, 2017. NWIC had no record of any previous cultural resources for the project area, NWIC recommended consultation with the local tribal representatives. A response was received from the Bear River Band tribe on October 3, 2017, stating that the project did not appear to represent a source of significant impacts on cultural resources and requested the applicant adhere to Inadvertent Discover Protocols, and 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.
- i) The project is located in the Pilot Ridge area, on the north side of Stapp Road, approximately 5 miles from the intersection of Showers Pass Road and Stapp Road (APN: 317-033-008-000), in eastern Humboldt County. A Road Evaluation report was prepared for the project in September 2020, which

recommended 1) clearing of brush on both sides of the roadway to maintain maximum intervisibility on the roadway; 2) installation of a stream crossing and 3) installation of the turnouts on both sides of the stream crossing. With these recommendations, the Road Evaluation report concludes that Stapp Road will be able to safely and functionally support the intended purposes of the proposed project.

- j) The existing condition includes vehicle crossing through a fish-bearing stream which provides direct adverse impacts to aquatic species. The project is conditioned to require this condition to be improved through a bridge to allow for a permanent crossing of the creek to avoid these impacts.

FINDINGS FOR CONDITIONAL USE PERMIT

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

EVIDENCE: a) General agriculture is a use type permitted in the Timber Production Zone (TPZ) and Timber (T) 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 TPZ zone in which the site is located.

EVIDENCE: a) The Timberland Production Zone (TPZ) Zone is intended to be applied to areas of the County in which general agriculture uses is a desirable use.

b) All general agricultural uses are principally permitted in the TPZ.

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 sq. ft. of existing mixed-light cannabis on a parcel

zoned TPZ or AE 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 19,595 sq. ft. of outdoor cultivation on a 44-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 TPZ (HCC 314-55.4.8.2.2).
 - b) The subject parcel has been determined to be one legal parcel as a remainder of Parcel Map recorded in Book 8 of Parcel Maps page 115.
 - c) The project sources water from two (2) permitted groundwater wells.
 - d) A Road Evaluation report was prepared for the project in September 2020, which recommended 1) clearing of brush on both sides of the roadway to maintain maximum intervisibility on the roadway; 2) installation of a stream crossing and 3) installation of turnouts on both sides of the stream crossing. With these recommendations, the Road Evaluation report concludes that Stapp Road will be able to safely and functionally support the intended purposes of the proposed project.
 - e) A Less Than Three Acre Conversion (LTTAC) was accepted June 9, 2014 for a total of 2.7 acres of timber harvesting occurred on the site. As there was less than 3 acres of timber conversion, no restocking is required. No timber removal is proposed for the project.
 - f) 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, and more than 600 feet from any school, school bus stop, church or other place of religious worship, Public Park or Tribal Cultural Resource.

6. FINDING: The cultivation of 19,595 square feet of cannabis cultivation and

the conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

- EVIDENCE:**
- a) The site is in a rural part of the County where the typical parcel size is over 40 acres or more 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.
 - b) The project sources water from two (2) existing permitted groundwater wells. Currently, water is 70,000 gallons in water storage tanks. There is also one (1) 2,500-gallon hard water tank on-site designated for fire suppression only. The applicant must add water storage of no less than 100,000, per CDFW's requested condition.
 - c) The parcel is located in an area known to have a Very High Fire Hazard Severity and is within the State Responsibility jurisdiction for local fire response. The project was referred to CalFire and the agency responded August 29, 2017. CalFire recommended signing and building numbers as well as fuel modification standards which are included as conditions.
 - d) A Road Evaluation report was prepared for the project in September 2020, which recommended 1) clearing of brush on both sides of the roadway to maintain maximum intervisibility on the roadway; 2) installation of a stream crossing and 3) installation of the turnouts on both sides of the stream crossing. With these recommendations, the Road Evaluation report concludes that Stapp Road will be able to safely and functionally support the intended purposes of the proposed project. The property does include taking access by driving though a fish-bearing stream and continued use this type of crossing presents an on-going threat to water quality and to fish and amphibians. Recommended conditions of approval include the requirement to form a Road Maintenance Association and a

requirement to improve at least one of the crossings with a permanent bridge, within three (3) years (with the possibility of an additional one (1) year extension with approval from the Planning Director) of the effective date of project approval. Included in this recommended condition is the requirement that continued access to the operation be via the improved crossing once such a crossing is in place.

- 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 located in the Mad River Planning Watershed, which under Resolution 18-43 is limited to 334 permits and 115 acres of cultivation. With the approval of this project the total approved permits in this Planning Watershed would be 76 cultivation permits and the total approved acres would be approximately 28 acres of cultivation.

- 9. FINDING:** The use of the wells for irrigation and domestic use purposes will not have any adverse impacts on any public trust resources.

EVIDENCE: a) The project uses two wells for irrigation purposes. Both wells are located within a quarter mile of Showers Creek, which is a Class 1 perennial, fish bearing stream which flows into the Mad River, and within a third of a mile of the Mad River. The Mad River contains important public trust resources such as fisheries, recreation such as boating and swimming, and historically may have provided opportunities for waterborne commerce. The primary well is located approximately 820 feet from Showers

Creek, and approximately 1,630 feet from the Mad River. The elevation of Showers Creek at its closest point is roughly 2,320 feet above sea level, which is 20 feet below the bottom of the well and roughly 100 feet below the elevation of the screening interval. The elevation of the Mad River at its closest point to the well is 1,920 feet above sea level, which is 320 feet below the bottom of the well and roughly 400 feet below the screened interval of the well. The geologic layers of the water bearing unit (shale, chert, sandstone and quartz) are more indicative of a bedrock aquifer than an alluvial aquifer and the fact that the well is drawing from above the creek and the river demonstrates that it is not directly connected to the underflow of either watercourse.

The secondary well is screened between 70 and 230 feet below the surface in a mix of shale, sandstone and basalt. The closest waterbody is the Class III unnamed watercourse referenced above which is approximately 400 feet away to the northwest and is 119 feet higher than the depth of the well. This well is approximately 1,170 feet from Showers Creek and approximately 1,480 feet from the Mad River. Showers Creek at its closest is at an elevation of 2,160 feet, which is 165 feet below the screening interval of the well. The Mad River is at an elevation of 1,920 at its closest point, which is 405 feet below the screening interval. The geologic layers of the water bearing unit (shale, sandstone and basalt) are more indicative of a bedrock aquifer than an alluvial aquifer and the fact that the well is drawing from above the creek and the river demonstrates that it is not directly connected to the underflow of either watercourse. Additionally, the use of the wells for approximately 577,500 gallons of water per year is unlikely to significantly impact groundwater resources because the approximately 44-acre property provides significantly more groundwater recharge per year than the amount of water used for irrigation purposes.

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 Permit for Macras Land Co, Inc., 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 **November 7, 2024**.

The motion was made by COMMISSIONER Sarah West and second by COMMISSIONER Lorna McFarlane and the following Roll Call vote:

AYES: COMMISSIONERS: Iver Skavdal, Thomas Mulder, Noah Levy, Jerome Qiriaz, Peggy O'Neill, Lorna McFarlane, Sarah West

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

DECISION: Motion carried 7/0

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 CONDITIONAL USE PERMIT AND SPECIAL PERMIT ARE 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. 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 #23. 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. 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.
7. Within 180 days of the effective date of permit approval the applicant shall provide evidence that a Road Maintenance Association for Stapp Road has been created. Within three years the RMA shall design and construct a permanent bridge crossing or crossings over Showers Creek and construct the Road Improvements specified in the road evaluation report prepared for this project. The applicant shall actively comply with the terms and requirements of the RMA.
8. A permanent bridge crossing shall be installed over the Showers Pass stream crossing of either the primary or secondary access route, and once installed no commercial cannabis traffic shall occur through any routes that require fording the creek. A permanent bridge shall be installed within three (3) years of the effective date of approval of this permit. A one (1) year extension beyond the three (3) years may be approved with Planning Director approval. The applicant and/or Road Maintenance Association shall submit notification to CDFW to obtain an LSAA from CDFW for the crossing (or crossings) within 90 days of the effective date of approval of this permit.
9. Within 60 days of the effective date of project approval, the applicant shall install appropriate water meters on both wells and the stream diversion, and meter them separately at the outflow to the irrigation tanks and the outflow to the residential use. Records shall be maintained and submitted at each annual inspection or as otherwise requested by the Planning and Building Department.
10. A total of 100,000-gallons of water storage shall be developed on the site to be used for irrigation purposes.
11. The applicant shall submit for an application for an extension of the existing LSAA or a new LSAA with CDFW and complete all work associated with the previously issued LSAA (1600-2017-0360-R1) no later than January 1, 2026.
12. The applicant shall submit for and obtain building permits for all existing and proposed structures and grading with a nexus to cannabis.
13. The applicant shall submit a grading, erosion and sediment control plan for any previous grading and proposed grading in excess of 50 cubic yards. The plan shall

identify the cubic yards of all grading that has been completed. A letter or similar communication from the Building Division verifying that all grading related to the cannabis cultivation operation are permitted, or not needed, will satisfy this condition.

14. Power is sourced by solar arrays on-site, and the applicant shall permit the solar systems with the Building Division.
15. Generators must be housed in secondary containment, and generator sheds must have a concrete floor designed to incorporate containment for fuel leaks and spills which must be located on a stable surface with a minimum 200-foot buffer from Class I and Class II streams.
16. The designated fire suppression tank shall have the appropriate fire hose that meets CalFire SRA requirements as well as adding signing and building numbers and fuel modification standards.
17. The applicant shall adhere to the corrective actions listed in Table 13 of the Site Management Plan.
18. 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.
19. 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.
20. The applicant shall fully contain compost piles and all imported soil on site.
21. The applicant shall not utilize Well #2 (WCR2018-010452) for irrigation purposes unless written permission is received from the property owner of APN 317-182-020-000. If written authorization is obtained, the applicant will cause to be recorded a easement on the adjacent property (APN 317-182-020-000) to allow for the extraction and transport of irrigation water as well as installation and maintenance of any associated infrastructure.
22. The applicant shall install building signage to clearly identify the address of the parcel, and shall maintain compliance with Cal-Fire SRA fuel modification standards to reduce

ladder fuels surrounding all wood framed structures.

23. The applicant shall provide documentation of the continual use and proper maintenance of portable toilets until such time as an on-site wastewater treatment facility has been developed. The applicant shall develop a permitted on-site wastewater treatment facility within two years of the effective date of permit approval or commercial processing (i.e., trimming) shall not be permitted to continue on-site.

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

1. In the event that the applicant decides to have processing conducted off-site at a licensed processing facility, the applicant shall have documentation kept on-site to show the use of a licensed processing facility, to be furnished during an annual inspection.
2. If portable toilets are provided to the cultivation areas, the applicant shall provide receipts, or other equivalent documentation, annually to the Planning Division for proof of portable toilet service, unless a permitted onsite wastewater treatment system has been obtained.
3. The applicant shall obtain the necessary building permits for the proposed solar system.
4. The applicant shall also adhere to the ongoing monitoring and winterization methods recommended in the Site Management Plan.
5. The applicant shall adhere to the project description and work outlined within the revised Streambed Alteration Agreement with CDFW.
6. 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.

7. All artificial lighting shall be fully contained within mixed-light and propagation structures such that no light escapes (e.g., through blackout tarps). Structures shall be enclosed between 30 minutes prior to sunset and 30 minutes after sunrise to prevent disruption to crepuscular wildlife. Security lighting shall be motion activated and comply with the International Dark-Sky Association standards and Fixture Seal of Approval Program; see: <https://www.darksky.org/our-work/lighting/lighting-for-citizens/lighting-basics/>. 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 (LED) with a color temperature of 3000 kelvins or less and 3) only placed where needed.
8. 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.
9. Prohibition on use of synthetic netting. To minimize the risk of wildlife entrapment, Permittee shall not use any erosion control materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.
10. All refuse shall be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
11. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and be allowed to leave the work site unharmed.
12. The use of anticoagulant rodenticide is prohibited.
13. All components of project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Cultivation & Operations Plan, 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.
14. 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.

15. 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.
16. 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.
17. 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.
18. 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).
19. Maintain enrollment in Tier 1, or 2 certification with State Water Resource Control Board (SWRCB) Order No. WQ 2019-0001-DWQ, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
20. 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.
21. 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).

22. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
23. Pay all applicable application, review for conformance with conditions and annual inspection fees.
24. 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.
25. The master log books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
26. 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

27. 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).
28. 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.
29. 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.

30. 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

31. Term of Commercial Cannabis Activity Conditional Use Permit & Special Permits. 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.
32. 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 Conditional Use 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.
33. 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.
34. 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.
35. 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.
36. Inspections. The permit holder and subject property owner are to permit the County or representative(s) or designee(s) to make inspections at any reasonable time deemed necessary to assure that the activities being performed under the authority of this permit are in accordance with the terms and conditions prescribed herein.

Informational Notes:

1. Pursuant to Section 314-55.4.11(a) of the CMMLUO, if upon inspection for the initial application, violations of any building or other health, safety, or other state or county statute, ordinance, or regulation are discovered, the Planning and Building Department may issue a provisional clearance or permit with a written approved Compliance Agreement. By signing the agreement, the permittee agrees to abate or cure the violations at the earliest opportunity but in no event more than two (2) years after the date of issuance of the provisional clearance or permit. Plans for curing the violations shall be submitted to the Planning and Building Department by the permittee within one (1) year of the issuance of the provisional certificate or permit. The terms of the compliance agreement may be appealed pursuant to Section 314-55.4.13 of the CMMLUO.
2. This provisional permit approval shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"), except where the Compliance Agreement per Condition of Approval #8 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 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.

Macras Land CO., Inc.
App #: 11099
APN: 317-033-008



Cultivation and Operations Plan Addendum



Project Description

This application is for a commercial cannabis cultivation permit: **19,595 square feet**

~~Existing Mixed Light Cultivation (Supplemental lighting): 6,560 ft²~~

Existing Outdoor Cultivation (no artificial lighting): ~~13,035 ft²~~

Parking Plan

~~Per the Cultivation and Operations plan, it is expected that an average of two employees will be onsite during normal operations, with a total of six employees during processing operations. As a result, there are a total of six parking spaces on the property and are indicated on the Revised Site Plan.~~

OWTS

An OWTS Feasibility Report has been completed for this property. Currently, portable toilets are utilized on site and are serviced by B&B Toilets. The long term permanent solution for the property is to implement a septic design as outlined by the Feasibility Report.

Noise Analysis

The generator used on site is a Honda EB5000X. This generator is located in a semi-enclosed structure and is typically running at 50% load. Manufacturer's specifications for this generator is 63 dB(A) at 50% rated load and 65 dB(A) at 100% rated load at a distance of 23 feet (Honda, 2017). Using the Inverse Square Law Calculator, the sound pressure level at 100 ft at 50% load is 50.2 dB(A). With the dampening effect of the semi-enclosed structure, it is expected that the sound pressure level will be below 50 dB(A) at 100 ft. * NEW * Installing 6KW off-grid system until summer of 2024, currently working on the project with 6 River Solar located in Eureka, CA*

International Dark Sky Association Standards

In order to comply with the International Dark Sky Association Standards regarding nighttime light pollution, all cultivation areas utilizing mixed light will be covered at night with blackout-style woven poly tarps.

Greenhouse Floorplans and Foot Paths

All greenhouses and cultivation areas consist of raised beds or cultivation pots that exist on permeable graded flats or native soil. Figure 1 below shows the construction and setup of the cultivation areas and the permeable floors that exist throughout each greenhouse/cultivation area. No prime agricultural soil exists on the property.

Macras Land CO., Inc.
App #: 11099
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Figure 1: Cultivation greenhouses on property, showing permeable foot paths throughout.

Water Bladder Replacement Plan

The Applicant will be removing the water storage bladders that were previously utilized for cannabis irrigation. No additional water storage solutions are provided at this time, as irrigation water will continue to be provided by two permitted groundwater wells. The primary well is located . A permitted stream diversion will be utilized for domestic water only. Water will be stored in 25,000 gallons worth of HDPE water storage tanks. This arrangement will allow for the Applicant to sufficiently store and use water during the forbearance period associated with the permitted stream diversion. *NEW The bladders are removed and additional of 50,000 gallons water storage tanks will be added by 2026.

Processing

The applicant proposes processing in an existing 1,500 sq. ft. two story metal building as indicated on the Site Plan. All processing methods utilized will comply with all industry, county, and state rules and guidelines. All work surfaces and equipment maintained in a clean and sanitary condition. The applicant may also process at licensed off site facilities should it become necessary.

Macras Land CO., Inc.

App #: 11099

APN: 317-033-008

Processing Staffing + Staff Screening Processes:

There are no proposed employees.

All candidates for staff will undergo criminal background checks as part of the standard screening process. To the maximum effect allowed by California and federal employment law, candidates with a violent criminal history or a history of drug abuse will be screened from employment.

Days and Hours of Operation:

The facility is not open to the public and will not accept visitors without a specific business purpose.

Hours of operation will typically be from 9 AM to 5 PM; Commercial activities such as shipping and receiving will be limited to 9AM to 2PM.

•

Safe Drinking Water, Toilets, and Sanitary Facilities:

Domestic water shall be sourced from an onsite well.

Processing facilities shall be equipped with an ADA portable toilet until a permanent ADA restroom and septic system can be permitted and installed.

Increased Road Use:

No employees are proposed. No significant noise or traffic impacts are anticipated on access roads or impacts to neighboring properties are anticipated for processing activities.

Macras Land CO., Inc.

App# 11099

317-033-008

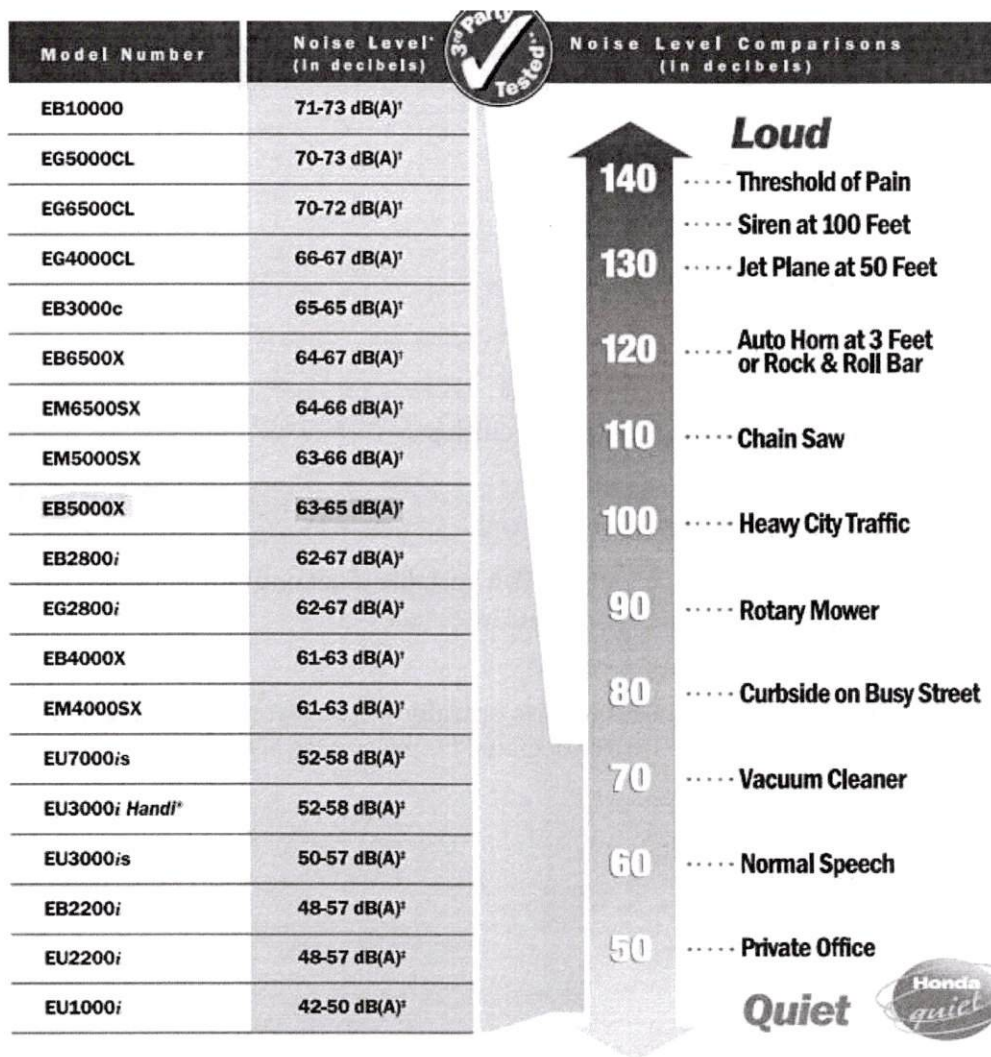
Noise Analysis Calculations

The generator used on site is a Honda EB5000X. Manufacturer's specifications for this generator is 63 dB(A) at 50% rated load and 65 dB(A) at 100% rated load at a distance of 23 feet (Honda, 2017). The generator used on site is typically used at 50% load. Using the Inverse Square Law Calculator, it is expected that the sound pressure level at 100 ft at 50% load is 50.2 dB(A).

NEW currently working with 6 River Solar, located in Eureka, CA. Project is for installing 12k inverter and 12 solar panel system. whi beginning of 2024 grow season*

Honda Noise Level chart: <http://cdn.powerequipment.honda.com/pe/pdf/misc/Honda-Generators-dBA-Chart-2018.pdf>

Inverse Square Law: https://www.engineeringtoolbox.com/inverse-square-law-d_890.html



¹Tested in accordance with ISO 9614-2, sound pressure level calculated at 23 Feet (7 meters) using the front plane of the generator (control panel side) per ASHRAE Handbook 2017.

²3rd Party Testing by Leading Independent Laboratory. ¹50% Rated Load-100% Rated Load. ²25% Rated Load-100% Rated Load.

Distance (feet) (m)	Sound Pressure Level (dB)
1.25	
2.5	
5	
10	
20	
40	104
80	98
160	92
320	86
640	78
1280	74
2560	68
5120	62

www.engineeringtoolbox.com says

dL - Sound Pressure Level Difference (dB): -12.8

Lp2 - Sound Pressure Level at Distance (dB): 50.2

OK

Inverse Square Law Calculator

Use the calculator below to calculate the sound pressure level at distance.

L_{p1} - sound pressure level at location 1 (dB)

R_1 - distance from source to location 1 (m, ft)

L_{p2} - distance from source to location 2 (m, ft)

Calculate!

APPROVED
NOV - 7 2024
Humboldt County
PLANNING

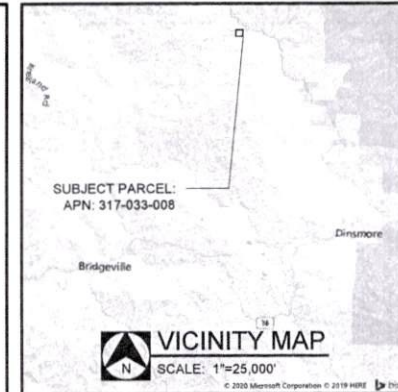
GENERAL NOTES:

1. NO PROPOSED GRADING.
2. BUILDING, ROAD, AND FEATURE LOCATIONS ARE APPROXIMATE.
3. ALL CULTIVATION AREAS ARE SET BACK AT LEAST 30 FEET FROM PROPERTY LINES.
4. NO KNOWN RESIDENCES ON ADJACENT PARCELS WITHIN 300 FEET OF CULTIVATION AREAS.
5. NO KNOWN SCHOOLS, SCHOOL BUS STOPS, PLACES OF WORSHIP, PUBLIC PARKS, OR TRIBAL CULTURAL RESOURCES WITHIN 600 FEET OF CULTIVATION AREAS.
6. PROPERTY LINES ARE APPROXIMATE.
7. PROPOSED GREENHOUSES WON'T USE LIGHTS OR FANS, RESULTING IN NO NET INCREASE IN ENERGY USE OR NOISE GENERATION.

1,468±

CANOPY AREA

CANOPY AREA ID	LICENSE TYPE	CANOPY DIMENSIONS (FT)	CANOPY AREA (SQ FT)
A	OUTDOOR	29' X 89'	1,625
B	OUTDOOR	IRREGULAR	2,310
C	OUTDOOR	25' X 102'	2,550
D	OUTDOOR	25' X 89'	2,125
E	OUTDOOR	17' X 23'	391
F	OUTDOOR	IRREGULAR	403
G	OUTDOOR	8' X 150'	1,350
H	OUTDOOR	8' X 35'	280
I	OUTDOOR	23' X 55'	1,265
J	OUTDOOR	IRREGULAR	736
EXISTING OUTDOOR CANOPY AREA (SQ FT)			13,035
K	OUTDOOR	16' X 110'	1760
L	OUTDOOR	16' X 110'	1760
M	OUTDOOR	16' X 108'	1728
N	OUTDOOR	16' X 82'	1312
AGGREGATE CANOPY AREA (SQ FT)			19,595
ANCILLARY NURSERY AREA (SQ FT)			
O	NURSERY	15' X 50'	750 SQ FT
P	NURSERY	12' X 16'	192 SQ FT
Q	NURSERY	15' X 20'	300 SQ FT
NURSERY TOTAL			1,442 SQ FT



DIRECTIONS TO SITE

FROM FRESHWATER, CA:

1. HEAD EAST ON KNEELAND RD. 16.5 MILES.
2. TURN LEFT ONTO SHOWERS PASS RD. 10.4 MILES.
3. SLIGHT LEFT ONTO STAPP RD. 1.0 MILES.
4. TURN LEFT TO STAY ON STAPP RD. 3.5 MILES.
5. PROPERTY ON THE RIGHT.

LEGEND

—	PROPERTY LINE
- - -	40' CONTOUR (HUMBLE)
- - -	30' SETBACK FROM PROPERTY LINE
- - -	300' SETBACK FROM CULTIVATION AREAS
- - -	600' SETBACK FROM CULTIVATION AREAS
- - -	CLASS II WATERCOURSE WITH 100 FT STREAM SIDE MANAGEMENT AREA BUFFER
- - -	CLASS III WATERCOURSE WITH 50 FT STREAM SIDE MANAGEMENT AREA BUFFER
- - -	ACCESS ROAD
- - -	GRADED FLAT
- - -	STRUCTURE
- - -	MIXED LIGHT CULTIVATION AREA
- - -	OUTDOOR CULTIVATION AREA
- - -	NURSERY AREA
○	WELL
○	POINT OF DIVERSION
△	STREAM CROSSING
□	PARKING SPACE, 9X18
+	EXISTING
+	PROPOSED
NA	NOT USED FOR CULTIVATION
UC	USED FOR CULTIVATION

SITE PLAN
SCALE: 1"=200'



MEE JOB NO: 20007

REVISION SCHEDULE

#	DATE	BY	DESCRIPTION
0	01/31/20	JL	DRAFTED
1	09/22/20	JL	REVISIONS
2	11/04/20	JL	REVISIONS
3	01/18/21	JL	REVISIONS
4	09/01/21	DT	REVISIONS
5			

SITE PLAN
APN: 317-033-008
SITE ADDRESS: KNEELAND, CA

COUNTY CANNABIS PERMITTING
APPLICANT: MOTHER EARTH ENGINEERING
MAILING ADDRESS: 500 S. BANCROFT ST. STE 215, ARCATA, CA 95521

SHEET NO:

1

Mother Earth Engineering Inc. 2020



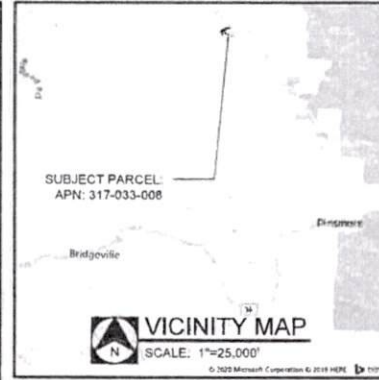
GENERAL NOTES:

1. NO PROPOSED GRADING.
2. BUILDING, ROAD, AND FEATURE LOCATIONS ARE APPROXIMATE.
3. ALL CULTIVATION AREAS ARE SET BACK AT LEAST 30 FEET FROM PROPERTY LINES.
4. NO KNOWN RESIDENCES ON ADJACENT PARCELS WITHIN 300 FEET OF CULTIVATION AREAS.
5. NO KNOWN SCHOOLS, SCHOOL BUS STOPS, PLACES OF WORSHIP, PUBLIC PARKS, OR TRIBAL CULTURAL RESOURCES WITHIN 600 FEET OF CULTIVATION AREAS.
6. PROPERTY LINES ARE APPROXIMATE.
7. PROPOSED GREENHOUSES WON'T USE LIGHTS OR FANS, RESULTING IN NO NET INCREASE IN ENERGY USE OR NOISE GENERATION.



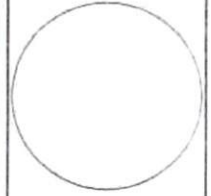
CANOPY AREA

CANOPY AREA ID	LIC. TYPE	CANOPY DIMENSIONS	CANOPY AREA (SQ FT)
I	(E) OUTDOOR	IRREGULAR	3,610
J	(E) OUTDOOR	IRREGULAR	4,500
K	(E) OUTDOOR	IRREGULAR	7,770
EXISTING OUTDOOR CANOPY AREA (SQ FT)			15,880
S	MIKED LIGHT	10' X 110'	1,100
F	MIKED LIGHT	10' X 110'	1,100
G	MIKED LIGHT	10' X 100'	1,000
H	MIKED LIGHT	10' X 100'	1,000
MIKED LIGHT CANOPY AREA (SQ FT)			4,200
AGGREGATE CANOPY AREA (SQ FT)			20,080



DIRECTIONS TO SITE

- FROM FRESHWATER, CA:
1. HEAD EAST ON KNEELAND RD, 16.5 MILES.
 2. TURN LEFT ONTO SHOWERS PASS RD, 10.4 MILES.
 3. SLIGHT LEFT ONTO STAPP RD, 1.0 MILES.
 4. TURN LEFT TO STAY ON STAPP RD, 3.5 MILES.
 5. PROPERTY ON THE RIGHT.



MEE JOB NO: 20007

REVISION SCHEDULE

#	DATE	BY	DESCRIPTION
0	01/21/20		DRAFTED
1	02/23/20		REVISIONS
2	11/04/20		REVISIONS
3	01/18/21		REVISIONS
4			
5			

PROPOSED GREENHOUSES

CANOPY AREA ID	LICENSE TYPE	CANOPY DIMENSIONS (FT)	CANOPY AREA (SQ FT)
A	(P) OUTDOOR	31' X 72'	2,232
B	(P) OUTDOOR	21' X 80'	1,680
C	(P) OUTDOOR	39' X 64'	2,496
D	(P) OUTDOOR	27' X 102'	2,754
AGGREGATE CANOPY AREA (SQ FT)			8,532

LEGEND

- PROPERTY LINE
- 40' CONTOUR (HUMGIS)
- 30' SETBACK FROM PROPERTY LINE
- 300' SETBACK FROM CULTIVATION AREAS
- 600' SETBACK FROM CULTIVATION AREAS
- CLASS II WATERCOURSE WITH 100 FT STREAM SIDE MANAGEMENT AREA BUFFER
- CLASS III WATERCOURSE WITH 50 FT STREAM SIDE MANAGEMENT AREA BUFFER
- ACCESS ROAD
- GRADED FLAT
- STRUCTURE
- MIKED LIGHT CULTIVATION AREA
- OUTDOOR CULTIVATION AREA
- NURSERY AREA
- WELL
- POINT OF DIVERSION
- STREAM CROSSING
- PARKING SPACE, 12X18'
- EXISTING
- PROPOSED
- NU: NOT USED FOR CULTIVATION
- UC: USED FOR CULTIVATION



SITE PLAN
MEE 317-033-008
SITE ADDRESS: KNEELAND CA 95521
COUNTY CANNABIS PERMITTING
MAILING ADDRESS: 530 S. GARDEN BLVD STE 118 ARCAT, CA 95521

SHEET NO:

1

We are adding a 2nd compost area, the reason for is the 1st one is filled and need time to set and stew.



MACRAS LAND Co. Inc

AP.

