

**SUPPLEMENTAL INFORMATION  
No. 1**

For Zoning Administrator Agenda of:  
May 16, 2019

Re:	Applicant	Mindfulness Farms, Inc.	<b>Item No.: D-2</b>
	Record Number	PLN-10715-SP	
	Assessor Parcel Number	221-031-011	

The following items are included in this supplemental:

1. Revised Conditions of Approval with new condition regarding formation of a Road Maintenance Association.
2. Email from James Kennedy dated May 13, 2019, regarding degradation of the private road accessing the subject parcel.
3. Email from Robert Seares dated May 15, 2019, regarding adopting appellations and maintenance and traffic on Salmon Creek Road.

**ATTACHMENT 1**  
**\*REVISED Recommended Conditions of Approval**

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

1. The applicant shall execute a Compliance Agreement with the Humboldt County Planning Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #3 – 15. The agreement shall provide a timeline for completing all outstanding items. All activities detailed under the agreement must be completed to the satisfaction of the Planning and Building Department before the permit may be finalized and no longer considered provisional.
2. The applicant shall be responsible for obtaining all necessary State permits or licenses, and for meeting all of the requirements as set forth by other regulatory agencies.
3. The applicant shall obtain all necessary building permits and grading permits from the Building Inspection Division (BID) for all structures related to the commercial cannabis cultivation operation, including all greenhouses, agricultural buildings, sheds, and barns used in cultivation. Existing structures used for cultivation shall not be used or occupied until permits are obtained. The applicant shall submit floor plans including dimensions with electrical, mechanical and plumbing details for all existing Agriculture Exempt Structures and an Agriculture Exempt letter of intent for each. The applicant shall submit two complete sets of construction plans developed by a California-licensed engineer for the building permits. All building plans submitted for approval shall be consistent with those approved by the Zoning Administrator.
4. The applicant shall obtain an after-the-fact grading permit for the existing "Lower Pond" used for irrigation.
5. A bullfrog management plan shall be prepared for the pond and submitted to the California Department of Fish and Wildlife and copy to the Planning Department.
6. The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency (CUPA) requirements regarding any hazardous materials. A written verification of compliance shall be required before any provisional permits may be finalized. Ongoing proof of compliance with this condition shall be required at each annual inspection in order to keep the permit valid.
7. Prior to reissuance of annual permit, provide evidence of proper destruction of pit privy in accordance with HCC section 615-6, and prior to construction of any on-site wastewater disposal system, the applicant shall secure the approval of the Division of Environmental Health and the Regional Water Quality Control Board for the proposed on-site sewage disposal system, showing it can accommodate the proposed use. A letter from those agencies indicating approval has been issued will satisfy this condition.
8. The use of water bladders are not approved on a continual basis. Within two years of the date of approval the applicant shall exchange the existing water bladders for hard storage tanks or permitted rainwater catchment pond.

9. The applicant shall implement all outstanding corrective actions and Best Practical Treatment and Control Measures detailed in the Water Resources Protection Plan developed for the parcel, pursuant Tier 2 enrollment under the North Coast Regional Water Quality Control Board (NCRWQCB) Cannabis Waste Discharge Regulatory Program, including those measures later determined necessary during annual and periodic site inspections in accordance with the monitoring element. A copy of the reporting form portion of the Mitigation and Reporting Program (MRP) shall be submitted annually to the Planning and Building Department concurrent with the submittal to the NCRWQCB. A letter or similar communication from the NCRWQCB or the Third Party Consultant verifying that all the requirements in the MRP have been met will satisfy this condition. [After July 31, 2019, plans and reporting shall conform to the Cannabis Cultivation Policy and Cannabis General Order adopted October 17, 2017 by the State Water Board].
10. Water meters shall be installed and maintained at the point of diversion and the water line served by the pond to measure water usage for irrigation. Logs of monthly water use shall be kept on site and made available during the annual inspection.
11. **Within 1 year, the Applicant shall take steps to form a Road Maintenance Association for the maintenance for the portion of the private access road from the intersection of Thomas Road. The necessary steps include sending notices to all road users of the requirement to form a Road Maintenance Association, and conducting a meeting with the users of the road, especially those engaged in commercial cannabis activities to discuss formation of the Road Maintenance Association. The applicant shall provide evidence, including notice, meeting minutes, and the decision as to whether a Road Maintenance Association is being formed to show this effort. In the event the applicant is unable to coordinate formation a Road Maintenance Association, the applicant shall pay fair-share cost for maintenance of the road to any road user engaged in maintaining the road.**
12. The access road shall be paved for a minimum width of 20 feet and a length of 50 feet where it intersects the point at which Salmon Creek Road is maintained by the County. An encroachment permit shall be issued by the Department of Public Works prior to commencement of any work in the County maintained right of way.
13. All private road intersections onto the County Road shall be maintained in accordance with County Code Section 341-1 (Sight Visibility Ordinance). This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.
14. The applicant shall contact the local fire service provider [Salmon Creek Volunteer Fire Department] and furnish written documentation from that agency of the available emergency response and fire suppression services and any recommended project mitigation measures. Mitigation measures shall be incorporated into the project, if applicable. If emergency response and fire suppression services are not provided, the applicant shall cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning Division. Document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors will be required.
15. Applicant shall meet all State Responsibility Area (SRA) requirements, including installation of a turn around for emergency vehicles, maintenance of defensible space, and installation of a 2,500 gallon water tank near the residence.

16. 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.
17. The applicant shall adhere to the terms and conditions of the Final Streambed Alteration Agreement (Notification No. 1600-2016-0498-R1) issued by the California Department of Fish and Wildlife.
18. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will provide a bill to the applicant after the decision. Any and all outstanding Planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.

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

1. All components of project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, and these conditions of approval. Changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan.
2. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CMMLUO and MAUCRSA, as applicable to the permit type.
3. If operating pursuant to a written approved compliance agreement, permittee shall abate or cure violations at the earliest feasible date, but in no event no more than two (2) years from the date of issuance of a provisional clearance or permit. Permittee shall provide plans for curing such violations to the Planning and Building Department within one (1) year of issuance of the provisional clearance or permit. If good faith effort towards compliance can be shown within the two years following the issuance of the provisional clearance or permit, The Planning Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow for additional time to meet the outstanding requirements.
4. Possession of a current, valid required license, or licenses, issued by any agency of the State of California in accordance with the MAUCRSA, and regulations promulgated thereunder, as soon as such licenses become available.
5. Compliance with all statutes, regulations and requirements of the California State Water Resources Control Board and the Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration, as applicable.
6. 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 County Code Section 55.4.11(d).

7. Maintain enrollment in Tier 1, 2 or 3, certification with the NCRWQCB Order No. R1-2015-0023, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
8. For cultivation area(s) for which no enrollment pursuant to RWQB Order No. R1-2015-0023 is required by that Order, comply with the standard conditions applicable to all Tier 1 dischargers.
9. Consent to an annual on-site compliance inspection, with at least 24 hours prior notice, to be conducted by appropriate County officials during regular business hours (Monday – Friday, 9:00 am – 5:00 pm, excluding holidays).
10. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
11. Pay all applicable application, review for conformance with conditions and annual inspection fees.
12. The noise from any generator use or fans shall not be audible by humans from neighboring residences. The decibel level for generators and fans measured at the property line shall be no more than 60 decibels. The property has the potential for Northern Spotted Owl and Marbled Murrelet habitat. Generator and fan noise may not exceed 50 decibels as measured at 100 feet from the generator or at the edge of the nearest Marbled Murrelet or Spotted Owl habitat, whichever is closer.
13. Storage of Fuel - Fuel shall be stored and handled in compliance with applicable state and local laws and regulations, including the County of Humboldt's CUPA program, and in such a way that no spillage occurs.
14. The Master Log Books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
15. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Section 719-1 et seq.).
16. Participate in and bear costs for permittee's participation in the Cannabis Track and Trace Program administered by the Humboldt County Agricultural Commissioner.
17. 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.
18. Leave wildlife unharmed. If any wildlife is encountered during the Authorized Activity, Permittee shall not disturb the wildlife and shall allow wildlife to leave the work site unharmed.

#### Performance Standards for Cultivation and Processing Operations

19. Pursuant to the MCRSA, Health and Safety Code Section 19322(a)(9), an applicant seeking a cultivation license shall "provide a statement declaring the applicant is an 'agricultural employer,' as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations

Act of 1975 (Part 3.5 commencing with Section 1140) of Division 2 of the Labor Code), to the extent not prohibited by law."

20. Cultivators shall comply with all applicable federal, state, and local laws and regulations governing California Agricultural Employers, which may include: federal and state wage and hour laws, CAL/OSHA, OSHA, California Agricultural Labor Relations Act, and the Humboldt County Code (including the Building Code).
21. Cultivators engaged in processing shall comply with the following Processing Practices:
  - I. Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.
  - II. Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
  - III. Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.
  - IV. Employees must wash hands sufficiently when handling cannabis or use gloves.
22. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:
  - i. Cultivation operations and processing operations must implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:
    - 1) Emergency action response planning as necessary;
    - 2) Employee accident reporting and investigation policies;
    - 3) Fire prevention;
    - 4) Hazard communication policies, including maintenance of material safety data sheets (MSDS);
    - 5) Materials handling policies;
    - 6) Job hazard analyses; and
    - 7) Personal protective equipment policies, including respiratory protection.
  - ii. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
    - 8) Operation manager contacts;
    - 9) Emergency responder contacts;
    - 10) Poison control contacts.
  - iii. At all times, employees shall have access to safe drinking water and toilets, and handwashing facilities that comply with applicable federal, state, and local laws and regulations. Plumbing facilities and water source must be capable of handling increased usage without adverse consequences to neighboring properties or the environment.
  - iv. On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.
23. All cultivators shall comply with the approved Processing Plan as to the following:
  - i. Processing Practices.
  - ii. Location where processing will occur.
  - iii. Number of employees, if any.
  - iv. Employee Safety Practices.
  - v. Toilet and handwashing facilities.
  - vi. Plumbing and/or septic system and whether or not the system is capable of handling increased usage.
  - vii. Drinking water for employees.
  - viii. Plan to minimize impact from increased road use resulting from processing.

ix. On-site housing, if any.

24. Term of Commercial Cannabis Activity Special Permit. Any Commercial Cannabis Cultivation Special Permit issued pursuant to the CMMLUO shall expire after one (1) year after date of issuance, and on the anniversary date of such issuance each year thereafter, unless an annual compliance inspection has been conducted and the permittees and the permitted site have been found to comply with all conditions of approval.

If the inspector or other County official determines that the permittees or site do not comply with the conditions of approval, the inspector shall serve the Special Permit or permit holder with a written statement identifying the items not in compliance, and the action that the permit holder may take to cure the non-compliance, or file an appeal within ten (10) days of the date that the written statement is delivered to the permit holder. Personal delivery or mailing the written statement to the mailing address listed on the application by regular mail, plus three (3) days after date of mailing, shall constitute delivery. The permit holder may request a reinspection to determine whether or not the permit holder has cured all issues of non-compliance. Failure to request reinspection or to cure any items of non-compliance shall terminate the Special Permit, immediately upon the expiration of any appeal period, or final determination of the appeal if an appeal has been timely filed pursuant to Section 55.4.13 of the CMMLUO.

25. Acknowledgements to Remain in Full Force and Effect. Permittee acknowledges that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed in which the cultivation area is located will not support diversions for irrigation.

Permittee further acknowledges and declares that:

- (1) All commercial cannabis activity that I, my agents, or employees conduct pursuant to a permit from the County of Humboldt for commercial cultivation, processing, manufacturing, and distribution of cannabis for adult use or medicinal use within the inland area of the County of Humboldt, shall at all times be conducted consistent with the provisions of the approved County permit; and
  - (2) All cannabis or cannabis products under my control, or the control of my agents or employees, and cultivated or manufactured pursuant to local Ordinance and the State of California Medicinal and Adult Use Cannabis Regulation and Safety Act ("MAUCRSA") (SB 94), will be distributed within the State of California; and
  - (3) All commercial cannabis activity conducted by me, or my agents or employees pursuant to a permit from the County of Humboldt will be conducted in compliance with the State of California MAUCRSA.
26. Transfers. Transfer of any leases or permits approved by this project is subject to the review and approval of the Planning Director for conformance with CMMLUO eligibility requirements, and agreement to permit terms and acknowledgments. The fee for required permit transfer review shall accompany the request. The request shall include the following information:
- (1) Identifying information for the new Owner(s) and management as required in an initial permit application;
  - (2) A written acknowledgment by the new Owner in accordance as required for the initial Permit application;
  - (3) The specific date on which the transfer is to occur; and
  - (4) Acknowledgement of full responsibility for complying with the existing permit; and

(5) Execution of an Affidavit of Non-diversion of Commercial Cannabis.

27. Inspections. The permit holder and subject property owner are to permit the County or representative(s) or designee(s) to make inspections at any reasonable time deemed necessary to assure that the activities being performed under the authority of this permit are in accordance with the terms and conditions prescribed herein.

**Informational Notes:**

1. Pursuant to Section 314-55.4.11 (a) of the CMMLUO, if upon inspection for the initial application, violations of any building or other health, safety, or other state of county statute, ordinance, or regulation are discovered, the Planning and Building Department may issue a provisional clearance or permit with a written approved Compliance Agreement. By signing the agreement, the permittee agrees to abate or cure the violations at the earliest opportunity but in no event more than two (2) years of the date of issuance of the provisional clearance or permit. Plans for curing the violations shall be submitted to the Planning and Building Department by the Permittee within one (1) year of the issuance of the provisional certificate or permit. The terms of the compliance agreement may be appealed pursuant to section 314-55.4.13 of the CMMLUO.

2. This provisional permit approval shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"); except where the Compliance Agreement per Condition of Approval #1 has been executed and the corrective actions pursuant to the agreement are being undertaken. Once building permits have been secured and/or the use initiated pursuant to the terms of the agreement, the use is subject to the Permit Duration and Renewal provisions set forth in Conditions of Approval #23 of the On-Going Requirements /Development Restrictions, above.

3. If cultural resources are encountered during construction activities, the contractor on site shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist as well as the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

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

4. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will provide a bill to the applicant after the decision. Any and all outstanding Planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.

5. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The



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

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. Within three days of the effective date of permit approval, it is requested that the applicant submit a check or money order for the required filing fee in the amount of \$50 payable to the Humboldt County Clerk/Recorder. If this payment is not received within this time period, the Department will file the NOD and will charge this cost to the project.
7. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions prior to release of building permit or initiation of use and at time of annual inspection. In order to demonstrate that all conditions have been satisfied, applicant is required to pay the 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) 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.

## Johnson, Cliff

---

**From:** Planning Clerk  
**Sent:** Monday, May 13, 2019 3:57 PM  
**To:** Welsh, Liza; Lippre, Suzanne; Johnson, Cliff  
**Subject:** FW: 221-031-011 hearing

**From:** James Kennedy <jsquarek@gmail.com>  
**Sent:** Monday, May 13, 2019 3:49 PM  
**To:** Planning Clerk <planningclerk@co.humboldt.ca.us>  
**Subject:** 221-031-011 hearing

The people who are doing the grow on the 221-031-011 property have been degrading the private road through my property and through the property of Rob Seares, especially during the wet months of the year. They have contributed nothing in money, or in time, to fixing and maintaining the road. The new permit should stipulate that each year \$3000 go to Rob or to me for the road.

## Ryan, Meghan

---

**From:** Odry, Zsafia  
**Sent:** Wednesday, May 15, 2019 3:31 PM  
**To:** Ryan, Meghan  
**Subject:** FW: 221-031`-011



Zsafia Odry  
Planner  
[Cannabis Services Division](#)  
[Planning and Building Department](#)  
Direct: 707.268.3727  
Main: 707.445.7541  
[zodry1@co.humboldt.ca.us](mailto:zodry1@co.humboldt.ca.us)

---

**From:** Planning Clerk  
**Sent:** Wednesday, May 15, 2019 2:39 PM  
**To:** Odry, Zsafia <[zodry1@co.humboldt.ca.us](mailto:zodry1@co.humboldt.ca.us)>  
**Subject:** FW: 221-031`-011

**From:** Robert Seares <[robseares@gmail.com](mailto:robseares@gmail.com)>  
**Sent:** Wednesday, May 15, 2019 11:42 AM  
**To:** Planning Clerk <[planningclerk@co.humboldt.ca.us](mailto:planningclerk@co.humboldt.ca.us)>  
**Subject:** 221-031`-011

May, 15, 2019

Planning and Building Department  
Planning Division County of Humboldt  
3015 H. Street  
Eureka California

Robert Seares  
3007 Shattuck  
Berkeley, Ca 94705

Concerning the application--221-031-011

The financial press is full of articles about cannabis stocks, indicating we are at the beginning of industrial scale, large capital production of marijuana. How Humboldt County and in particular, Salmon Creek, could compete in this environment is a rapidly approaching question. SC is remote, with very, very weak road access, no stable labor supply, and fragile geology., Seasonal drought with limited summer water resources and abundant forest fuel make for an extended and dangerous fire season. Surface water scarcity has dried watersheds even taking the Eel underground.

Using the wine industry template, the County should immediately adopt an appellation based marketing strategy for Humboldt County. County certification of sustainability and environmental responsibility a Humboldt/Salmon Creek,(for example) moniker, could add a possibility of success to those who wish to attempt what may be seen in just a few years as a fools venture. The County and the Planning Dept, if they are to green light grows, and accept fees, should promote, enforce.and certify 'best practices'. Each of these elements is necessary if there is any possibility of marketing a long-term,legal industry with the expensive handicaps faced by remote producers.

I would wager that without the county establishing and enforcing something like 'best practices' the legal pot industry will dead end in a few short years.

Organic mixed greens were first grown in Sonoma County. They have moved on. I believe legal marijuana will also move on for the same macro-economic reasons .Provision should be made for clean-up and restoration, a responsibility to the residents and taxpayers of Humboldt County that might need a home.

I am a landowner near the subject property. I have not lived on my land since 1980/81. My neighbor Jim Kennedy has been the prime force (and often the only one) in maintaining the back portion of the Salmon Creek loop road for almost forty year-- consistently--much money, work and coordination. Heavy winter traffic is an ongoing concern.

Robert Seares