



**COUNTY OF HUMBOLDT**  
**PLANNING AND BUILDING DEPARTMENT**  
**CURRENT PLANNING DIVISION**

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3015 H Street, Eureka CA 95501  
Phone: (707) 445-7541 Fax: (707) 268-3792

Hearing Date: February 18, 2021

To: Humboldt County Zoning Administrator

From: David J. R. Mack, AICP, Senior Planner (Contract)

Subject: **Maromo, LLC Special Permit**  
Record Number PLN-11434-SP  
Assessor's Parcel Numbers (APN) 107-144-021  
2252 Wilder Ridge Road, Honeydew

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Please contact David J. R. Mack, AICP, Senior Planner (Harris & Associates) at 831-320-0413 or by email at [david.mack@weareharris.com](mailto:david.mack@weareharris.com), if you have any questions about the scheduled public hearing item.

## AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
February 18, 2021	Special Permit	David J. R. Mack, AICP

**Project Description:** Maromo, LLC (11434) seeks a Special Permit for an existing 10,000-square foot (SF) outdoor cannabis cultivation operation, in two separate cultivation areas (A and B). Ancillary propagation (Nursery) occurs in a 1,000-SF greenhouse onsite.

The primary water source for irrigation consists of a point of diversion (POD) on an unnamed spring, tributary to the Honeydew Creek. The applicant has obtained a Small Irrigation Use Registration (SIUR) for irrigation purposes associated with the diversion. Existing water storage is approximately 36,000 gallons consisting of three (3) 3,500-gallon plastic tanks, one (1) 3,000-gallon plastic tank, three (3) 2,500-gallon plastic tanks, and three (3) 5,000-gallon plastic tanks. The applicant proposes to install seventeen (17) 5,000-gallon plastic tanks and one (1) 2,500-gallon plastic tank to add 87,500 gallons of water storage. Existing and proposed water storage will result in 123,500 gallons of total storage. Estimated annual water usage is 120,000 gallons (12 gal/SF). The applicant will have sufficient water storage to meet the forbearance period.

Drying and bucking occurs onsite, and all other processing occurs offsite at a licensed processing or manufacturing facility. Up to five (5) employees may be utilized during peak operations. Power is provided by PG&E, with plans to convert to a solar energy system in the future. The use of one (1) Honda generator (6500 watts each) may be utilized for supplemental power when needed.

**Project Location:** The project is located at 2252 Wilder Ridge Road, approximately 3 miles southeast of the unincorporated community of Honeydew, in southern Humboldt County.

**Present Plan Land Use Designations:** Residential Agriculture (RA 40-160) Density: forty to 160 acres per dwelling unit.

**Present Zoning:** Timber Production Zone (TPZ) and Unclassified (U).

**Record Number:** PLN-11434-SP

**Assessor's Parcel Number:** 107-144-021

**Applicant**

Maromo LLC  
PO Box 93  
Honeydew, CA 95545

**Owner**

Maureen Catalina  
PO Box 93  
Honeydew, CA 95545

**Agents**

Northpoint Consulting Group  
1117 Samoa Blvd.  
Arcata, CA 95521

**Environmental Review:** An Addendum to a previously adopted Mitigated Negative Declaration has been prepared for consideration per §15164 of the State CEQA Guidelines.

**State Appeal Status:** Project is NOT appealable to the California Coastal Commission

**Major Issues:** None

**Maromo LLC**  
Record Number: PLN-11434-SP  
Assessor's Parcel Number: 107-144-021

**Recommended Zoning Administrator Action**

1. Describe the application as part of the Consent Agenda.
2. Survey the audience for any person who would like to discuss the application.
3. If no one requests discussion, make the following motion to approve the application as a part of the consent agenda:

*Find that the Zoning Administrator has considered the Addendum to the adopted Mitigated Negative Declaration for the Commercial Medical Land Use Ordinance (CCMLUO) as described by Section §15164 of the State CEQA Guidelines, make all of the required findings for approval of the Special Permit and adopt the Resolution approving the Maromo, LLC Special Permit as recommended by staff subject to the recommended conditions.*

**Executive Summary:** Maromo, LLC (11434) seeks a Special Permit for an existing 10,000-square foot (SF) outdoor cannabis cultivation operation, in two separate cultivation areas (A and B), in accordance with Humboldt County Code Section 314-55.4 of Chapter 4 of Division I of Title III, Commercial Medical Marijuana Land Use Ordinance (CMMLUO). The site is designated as Residential Agriculture (RA 40-160) in the Humboldt County 2017 General Plan Update and zoned Timber Production Zone (TPZ) and Unclassified (U).

The parcel, APN 1107-144-021, measures approximately 67 acres in size. The site is at an elevation of approximately 800 feet, with an intermittent drainage intersecting the southern portion of the property. Existing development on the site includes two (2) residences and two (2) sheds.

The site had three pre-existing cultivation areas: a 3,295-SF outdoor cultivation area (Area A) located in the northern portion of the property; a 4,650-SF outdoor cultivation area (Area B) located in the middle of the property; and a 2,060-SF outdoor cultivation area (Area C) located in the southern portion of the property. The application proposes relocate all cultivation contained in Area C to Area A and Area B, due to Area C encroaching on a streamside management area (SMA). Cultivation Area A will be increased from 3,295 SF to approximately 4,350 SF (increase of 1,055 SF). Cultivation Area B will be increased from 4,650 SF to approximately 5,650 SF (increase of 1,000 SF). Cultivation Area C has already been decommissioned. Together, the two reconfigured cultivation areas will total 10,000 SF (an overall reduction of 5 SF), as shown below.

Cultivation Area	Existing Cultivation Area	Proposed Cultivation Area	Status
A	1,300 SF	1,300 SF	No Change
	1,995 SF	1,995 SF	No Change
	---	1,055 SF	Relocated from Area C
	<i>3,295 SF Total</i>	<i>4,350 SF Total</i>	
B	3,450 SF	3,450 SF	No Change
	1,200 SF	2,200 SF	Relocated From Area C
	<i>4,650 SF Total</i>	<i>5,650 SF Total</i>	
C	1,060 SF	---	---
	1,000 SF	---	---
<b>TOTAL SF</b>	<b>10,005 SF</b>	<b>10,000 SF</b>	<b>Overall Reduction of 5 SF</b>

Ancillary propagation (Nursery) occurs in an existing 1,000-SF greenhouse within Cultivation Area B. Two (2) to three (3) flowering cycles are anticipated annually.

Drying and bucking occur onsite, and all other processing occurs offsite at a licensed processing or manufacturing facility. Up to five (5) employees may be utilized during peak operations. Power is

provided by PG&E, with plans to convert to a solar energy system in the future. The use of one (1) Honda generator (6500 watts each) may be utilized for supplemental power when needed.

The primary water source for irrigation consists of a point of diversion (POD) on an unnamed spring, a tributary to the Honeydew Creek. The applicant has obtained a Small Irrigation Use Registration (SIUR) for irrigation purposes associated with the diversion (Certificate H100330) (**Attachment 3d**). Existing water storage is approximately 36,000 gallons consisting of three (3) 3,500-gallon plastic tanks, one (1) 3,000-gallon plastic tank, three (3) 2,500-gallon plastic tanks, and three (3) 5,000-gallon plastic tanks. The applicant proposes to install seventeen (17) 5,000-gallon plastic tanks and one (1) 2,500-gallon plastic tank to add 87,500 gallons of water storage. Existing and proposed water storage will result in 123,500 gallons of total storage. Estimated annual water usage is 120,000 gallons (12 gal/SF). The applicant will have sufficient water storage to meet the forbearance period.

### **Timber Conversion**

A Timberland Conversion Report (**Attachment 3b**) was prepared by Mad River Properties, Inc. (Stephen Hohman, RPF No. 2652) in August 2018 for the subject parcel (107-144-021) and adjacent parcel (107-144-020). The report indicated that initial conversion occurring on both parcels occurred between 2009 and 2012. The report details five separate areas of timberland conversion, totaling approximately 2.37 acres: Site A – 0.14 acres (2012); Site B – 1.08 acres (2009); Site C – 0.84 acres (2009); Site D – 0.06 acre (2009); and Site E – 0.25 acre (2009). Conversion Sites B, C, D, and E are contained within APN 107-144-021 and are applicable to this particular cannabis application. (Note: Conversion Sites A-E have different parameters than Cultivation Areas A-C.)

Conversion Site B (1.08 acres) was originally converted for cannabis cultivation sometime between 2005 and 2009, when a cabin was built and a greenhouse installed. A second structure is believed to have been constructed and more area cleared of trees in 2012. Currently the site is occupied by a 105' x 27' greenhouse, a carport, 2 water tanks, and shed housing a generator. No timber harvesting activities have occurred within this site in approximately 9 years. There are no rare, threatened, or endangered animals or plants present within 1,000-feet per a 2018 CNDDDB search conducted by Mad River Consulting.

Conversion Site C (0.84 acre) was originally converted for cannabis cultivation prior to 2009, when it was cleared of trees. Currently the site is occupied by a cabin, carport, and shed. No timber harvesting or other activities have occurred within this site in approximately 9 years. Pacific tailed frog is the only rare, threatened or endangered animal or plant within 1,000 feet per a 2018 CNDDDB search conducted by Mad River Consulting.

Conversion Site D (0.06 acre) was originally occupied by a structure before 2004. By 2010 the site had been converted to cannabis cultivation. The current structures include a 20' x 40' shed and a 22' x 26' shed. The entire site is within a class II watercourse buffer. Pacific tailed frog is the only rare, threatened or endangered animal or plant within 1,000 feet per a 2018 CNDDDB search conducted by Mad River Consulting.

Conversion Site E (0.25 acre) was originally cleared of trees before 2004 for log landing. By 2009 the site had been converted for cannabis cultivation, when a cabin was built and 2 greenhouses were installed. The current structures include a 27' x 27' cabin and two 20' x 48' greenhouses. The cabin and half of one greenhouse are within riparian buffers. Pacific tailed frog is the only rare, threatened or endangered animal or plant present within 1,000 feet per a 2018 CNDDDB search conducted by Mad River Consulting.

All timber conversion, which includes 2.23 acres total on Conversion Sites B, C, D, and E), occurred prior to January 1, 2016, which is when the established CEQA baseline for CMMLUO was enacted. Therefore, it can be assumed that potential impacts of conversion were considered, and mitigation measures were identified in the environmental document prepared for CMMLUO.



## Water Resources

The primary water source for irrigation consists of a point of diversion (POD) on an unnamed spring, a tributary to the Honeydew Creek. The applicant has obtained a Small Irrigation Use Registration (SIUR) for irrigation purposes associated with the diversion (Certificate H100330) (**Attachment 3d**). Existing water storage is approximately 36,000 gallons consisting of three (3) 3,500-gallon plastic tanks, one (1) 3,000-gallon plastic tank, three (3) 2,500-gallon plastic tanks, and three (3) 5,000-gallon plastic tanks. The applicant proposes to install seventeen (17) 5,000-gallon plastic tanks and one (1) 2,500-gallon plastic tank to add 87,500 gallons of water storage. Existing and proposed water storage will result in 123,500 gallons of total storage. Estimated annual water usage is 120,000 gallons (12 gal/SF) with peak demand occurring in July at approximately 25,000 gallons per month. The Appropriate Right allows up to 0.38 acre-feet to be diverted and no more than 0.39 acre-feet to be stored in total. A Final Lake and Streambed Alteration Agreement (LSAA 1600-2017-0877-R1) with the California Department of Fish and Wildlife (CDFW) (**Attachment 3c**) was also obtained in December 2017 and revised in October 2018, allowing the three encroachments for water diversions from the Honeydew Creek and unnamed tributaries to Honeydew Creek, for domestic and irrigation uses.

## Biological Resources

A biological resources report was not prepared for this project. However, a review of the California Natural Diversity Data Base (CNDDDB) was conducted by Harris & Associates in January 2021. The CNDDDB search identified one (1) plant species and one (1) animal species, neither of which are of special concern or sensitive status. The CNDDDB also showed that Northern Spot Owl critical habitat is near the site (approximately 175 meters from the project boundary), but no occurrences of Northern Spotted Owl are recorded. As shown below, the one (1) animal species, the foothill yellow-legged frog (*Rana boylei*), is recorded approximately 120 meters from the project boundary; and the one (1) plant species, white flowered orchid (*Piperia candida*), is recorded approximately 260 meters from the project boundary.

Cannabis cultivation activities have been occurring on the subject property since prior to 2005, which is well before the January 1, 2016, established CEQA baseline for CMMLUO. Therefore, it can be assumed that potential impacts to biological resources and required mitigation were identified in the environmental document prepared for CMMLUO 1.0. Furthermore, the project is conditioned to adhere to Dark Sky Standards for greenhouse lighting and security lighting, refrain from using synthetic netting, ensure refuse is contained in wildlife-proof storage, and refrain from using anticoagulant rodenticides to further protect wildlife. As proposed and conditioned, the project is consistent with CMMLUO performance standards and CDFW guidance, and would not negatively impact the Northern Spotted Owl or other sensitive species.

## Tribal Cultural Resource Coordination

The project is located within the traditional territory of the Mattole tribe. The project was referred to the Northwest Information Center (NWIC), Big Lagoon Rancheria, Blue Lake Rancheria, Hupa Valley Tribe, Karuk Tribe, Bear River Band of the Rohnerville Rancheria, Round Valley Indian Tribes of the Round Valley Reservation, Wiyot Tribe, and Yurok Tribe of the Yurok Reservation between February and May 2018. A Cultural Resources Investigation report was prepared by Dimitra Zalarvis-Chase, MA, RPA and Thomas J. Ross, BA, of DZC Archaeology & Cultural Resource Management (DZC), Arcata, CA (May 2018). The Bear River Tribal Historic Preservation Officer (THPO) recommended a survey given the sensitivity of the general area. No other tribe/representative responded to the referral.

The DZC report concludes that there will be "No Effect" to historic, archaeological, or Tribal Cultural Resources, as defined by CEQA. The record and literature searches indicated that there are no previously recorded resources within the Area of Potential Effect (APE) or Environmental Study Limits (ESL). A previous survey of the ESL, but not the APE, was conducted; and the survey report (S-043341), prepared for the California Department of Fish and Wildlife, concluded that no cultural resources were identified during that investigation.

The DZC survey did identify one new archaeological resource (MAR-01), which was recorded on the Department of Parks and Recreation Series 523 form (documented in Appendix F of the DZC report).

However, the resource is a lone constituent, is not recommended eligible for the California Register of Historic Resources (CRHR) or National Register of Historic Places (NRHP), and is not located within 600 feet of any cannabis activity or related structures. Measures to protect unknown cultural resources, in accordance with the Inadvertent Discoveries Protocol, have been incorporated into the Conditions of Approval (**Informational Note 3**).

### **Access**

Access to the site is via a private driveway off Wilder Ridge Road, approximately two miles south of the intersection of Mattole Road and Wilder Ridge Road, in the Honeydew area. Per the review referral from Humboldt County Department of Public Works (DPW), the entire road segment is developed to the equivalent of a road category 4 standard, and thus is adequate for the proposed use without further review. Nonetheless, DPW recommends standard conditions pertaining to private road intersections (**Condition 14 and 15**).

### **CEQA**

Environmental review for this project was conducted. Based on the results of that analysis, staff finds that all aspects of the project have been considered in the Mitigated Negative Declaration (MND) that was adopted for the CMMLUO, and thus has prepared an addendum to the MND for consideration by the Zoning Administrator (**Attachment 2**).

### **RECOMMENDATION:**

Staff recommends that the Zoning Administrator describe the application as a part of the consent agenda; survey the audience to see if any person would like to discuss the application; if no one requests discussion, make all the required findings based on the evidence in the record; and approve the application subject to the recommended conditions.

**Alternatives:** Several alternatives may be considered: 1) The Zoning Administrator could elect not to hear this item and put the decision making in front of the Planning Commission. Any decision to place this matter before the Planning Commission must be done before opening the public hearing on this project; 2) The Zoning Administrator could elect to add or delete conditions of approval; 3) The Zoning Administrator could deny approval of the requested permits if you are unable to make all of the required findings. Planning Division staff is confident that the required findings can be made based on the submitted evidence and subject to the recommended conditions of approval. Consequently, planning staff does not recommend further consideration of these alternatives.

**RESOLUTION OF THE ZONING ADMINISTRATOR  
OF THE COUNTY OF HUMBOLDT**

**Resolution Number 20-  
Record Number PLN-11434-SP  
Assessor's Parcel Numbers: 107-144-021**

**Resolution by the Zoning Administrator of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approving the Maromo, LLC, Special Permit (11434).**

**WHEREAS, Maromo, LLC**, submitted an application and evidence in support of approving a Special Permit for an existing 10,000 square feet (SF) of outdoor cannabis cultivation operation, in two separate cultivation areas: Area A – 4,350 SF and Area B – 5,650 SF. Ancillary propagation (Nursery) occurs in a 1,000-SF greenhouse onsite.

**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 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; and

**WHEREAS**, the Humboldt County Zoning Administrator held a duly-noticed public hearing on **February 4, 2021**; reviewed, considered, and discussed the application for a Special Permit; and reviewed and considered all evidence and testimony presented at the hearing.

**Now, THEREFORE BE IT RESOLVED**, that the Zoning Administrator makes all the following findings:

- 1. FINDING:**                      **Project Description:** The application is a Special Permit for an existing 10,000 square feet (SF) of outdoor cannabis cultivation operation, in two separate cultivation areas: Area A – 4,350 SF and Area B – 5,650 SF. Ancillary propagation (Nursery) occurs in a 1,000-SF greenhouse onsite.

**EVIDENCE:**                      a) Project File: PLN-11434-SP

- 2. FINDING:**                      **CEQA.** The requirements of the California Environmental Quality Act have been met. The Humboldt County Zoning Administrator has considered the Addendum (**Attachment 2**) to and 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.

**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 resources report was not prepared for this project. However, a review of the California Natural Diversity Data Base (CNDDDB) was conducted by Harris & Associates in January 2021 and identified one (1) plant species and one (1) animal species, neither of which are of special concern or sensitive status. The CNDDDB also showed that Northern Spot Owl critical habitat is near the site (approximately 175 meters), but no occurrences of the Northern Spotted Owl are recorded. The one (1) animal species, the foothill yellow-legged frog (*Rana boylei*), is recorded approximately 120 meters from the project boundary. The one (1) plant species, white flowered orchid (*Piperia candida*), is recorded approximately 260 meters from the project boundary. Cannabis cultivation activities have been occurring on the subject property since prior to 2012, which is well before the January 1, 2016, established CEQA baseline for CMMLUO. Therefore, it can be assumed that potential impacts to biological resources and required mitigation were identified in the environmental document prepared for CMMLUO 1.0. Furthermore, the project is conditioned (**Condition B.2**) to adhere to Dark Sky Standards for greenhouse lighting and security lighting, refrain from using synthetic netting, ensure refuse is contained in wildlife-proof storage, and refrain from using anticoagulant rodenticides to further protect wildlife. As proposed and conditioned, the project is consistent with CMMLUO performance standards and CDFW guidance and would not negatively impact NSO or other sensitive species.
- d) A Timberland Conversion Report (**Attachment 3b**) was prepared by Mad River Properties, Inc. (Stephen Hohman, RPF No. 2652) in August 2018 for the subject parcel (107-144-021) and adjacent parcel (107-144-020). The report indicated that initial conversion occurring on both parcels occurred between 2009 and 2012. The report details five separate areas of timberland conversion, totaling approximately 2.37 acres: Site A – 0.14 acres (2012); Site B – 1.08 acres (2009); Site C – 0.84 acres (2009); Site D – 0.06 acre (2009); and Site E – 0.25 acre (2009). Conversion Sites B, C, D, and E are contained within APN 107-144-021 and are applicable to this particular cannabis application. All timber conversion on Conversion Sites B, C, D, and E (2.23 acres total) occurred prior to January 1, 2016, which is when the established CEQA baseline for CMMLUO was enacted. Therefore, it can be assumed that potential impacts of conversion were considered, and mitigation measures were identified in the environmental document prepared for CMMLUO.
- e) A Cultural Resources Investigation report was prepared by Dimitra Zalarvis-Chase, MA, RPA and Thomas J. Ross, BA, of DZC Archaeology & Cultural Resource Management (DZC), Arcata, CA (May 2018). The DZC report concludes that there will be “No Effect” to historic, archaeological, or Tribal Cultural Resources. Measures to protect

unknown cultural resources, in accordance with the Inadvertent Discoveries Protocol to protect cultural resources, have been incorporated into the Conditions of Approval (**Informational Note 3**).

- f) Per the review referral from Humboldt County Department of Public Works (DPW), the entire road segment is developed to the equivalent of a road category 4 standard, and thus is adequate for the proposed use without further review. Nonetheless, DPW recommends standard conditions pertaining to private road intersections (**Condition 14** and **15**).

#### **FINDINGS FOR SPECIAL PERMIT**

### **3. FINDING**

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

#### **EVIDENCE**

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

### **4. FINDING**

The proposed development is consistent with the purposes of the existing Timber Production Zone (TPZ) in which the site is located.

#### **EVIDENCE**

- a) Timber Production Zones are intended to be applied to areas of the County in which timber production is the desirable predominant uses.
- b) All General agricultural uses are principally permitted in the TPZ zone.
- c) Humboldt County Code section 314-55.4.8.2.2 allows cultivation of up to 10,000 SF of existing outdoor cannabis and up to 10,000 SF of existing mixed-light cannabis on a parcel over 1 acre, subject to approval of a Special Permit and a determination that the cultivation was in existence prior to January 1, 2016. The application for an existing 10,000 SF of outdoor cannabis cultivation operation, in two separate cultivation areas (Area A – 4,350 SF and Area B – 5,650 SF) and ancillary propagation (nursery) in a 1,000-SF greenhouse, on 67-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 and U (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 deed recorded September 2, 1950, before the establishment of county and state subdivision regulations that would have applied to the creation of the parcel.
- c) The primary water source for irrigation consists of a point of diversion (POD) on an unnamed spring, a tributary to the Honeydew Creek. The applicant has obtained a Small Irrigation Use Registration (SIUR) for irrigation purposes associated with the diversion (Certificate H100330) (**Attachment 3d**). Existing water storage is approximately 36,000 gallons consisting of three (3) 3,500-gallon plastic tanks, one (1) 3,000-gallon plastic tank, three (3) 2,500-gallon plastic tanks, and three (3) 5,000-gallon plastic tanks. The applicant proposes to install seventeen (17) 5,000-gallon plastic tanks and one (1) 2,500-gallon plastic tank to add 87,500 gallons of water storage. Existing and proposed water storage will result in 123,500 gallons of total storage. Estimated annual water usage is 120,000 gallons (12 gal/SF), with peak demand occurring in July at approximately 25,000 gallons per month. The Appropriate Right allows up 0.38 acre-feet to be diverted and no more than 0.39 acre-feet to be stored in total.
- d) Humboldt County Department of Public Works (DPW) reviewed and inspected the access roadways in October of 2019, and concluded that the entire road segment is developed to the equivalent of a road category 4 standard, and thus is adequate for the proposed use without further review (**Condition 14 and 15**).
- e) The slope of the land where cannabis will be cultivated is less than 15%.
- f) A Timberland Conversion Report dated August 2018 was prepared by Mad River Properties, LLC. It details previously unauthorized timber conversion, consistent with the Forest Practices Act, and how the project can be implemented with no net loss of timberland, after the environmental baseline of January 1, 2016. In this particular case, the 2.23 acres of unauthorized timber conversion was done prior to 2012. All conversion occurred prior to the established CEQA baseline for CMMLUO. Therefore, the potential environmental impacts of all conversion was considered, and mitigation was identified in the environmental document prepared for CMMLUO.
- g) The location of the cultivation complies with all setbacks required in Section 314-55.4.11.d. It is more than 30 feet from any property line, more than 300 feet from any off-site residence, and more than 600 feet from any school, church, public park or Tribal Cultural Resource.

## 6. FINDING

The cultivation of 10,000 SF 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 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 areas 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, as well as 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 sizes in the area.
- c) The location of the proposed cannabis cultivation is more than 300 feet from the nearest off-site residence.
- d) The primary water source for irrigation consists of a point of diversion (POD) on an unnamed spring, a tributary to the Honeydew Creek. The applicant has obtained a Small Irrigation Use Registration (SIUR) for irrigation purposes associated with the diversion (Certificate H100330) (**Attachment 3d**). Existing water storage is approximately 36,000 gallons consisting of three (3) 3,500-gallon plastic tanks, one (1) 3,000-gallon plastic tank, three (3) 2,500-gallon plastic tanks, and three (3) 5,000-gallon plastic tanks. The applicant proposes to install seventeen (17) additional 5,000-gallon plastic tanks and one (1) 2,500-gallon plastic tank to add 87,500 gallons of water storage. Existing and proposed water storage will result in 123,500 gallons of total storage. Estimated annual water usage is 120,000 gallons (12 gal/SF).
- e) 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 would 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.

## DECISION

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

- Adopt the findings set forth in this resolution; and
- Conditionally approves the Special Permit for Maromo LLC (11434), based upon the Findings and Evidence and subject to the conditions of approval attached hereto as Attachment 1 and incorporated herein by reference; and

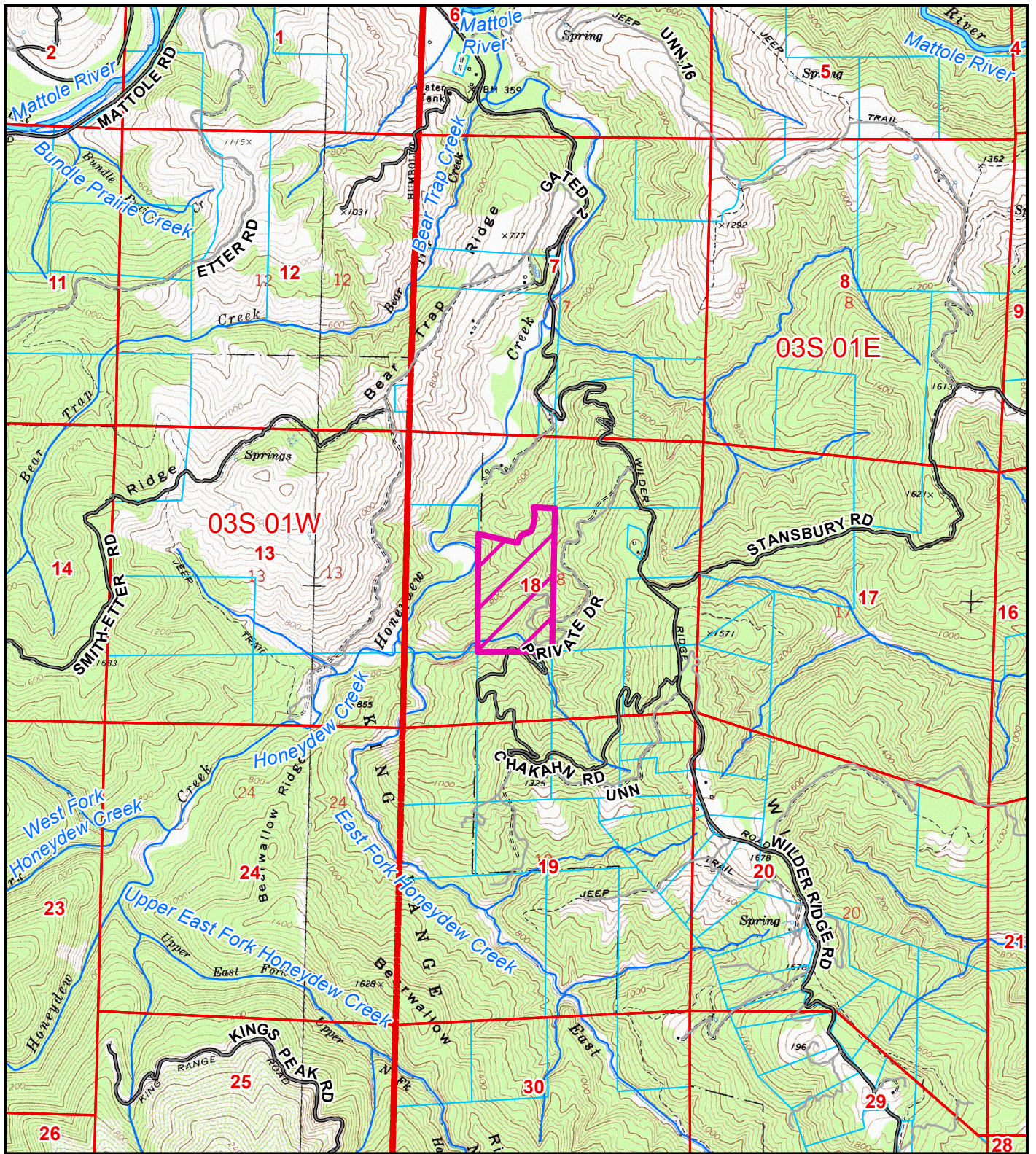
Adopted after review and consideration of all the evidence on **February 18, 2021**

I, John H. Ford, Zoning Administrator 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 Zoning Administrator at a meeting held on the date noted above.

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John H. Ford, Zoning Administrator  
Planning and Building Department





**TOPO MAP**  
**PROPOSED MAROMO, LLC**  
**HONEYDEW AREA**  
**SP-16-223**  
**APN: 107-144-021**  
**T03S R01E S18 HB&M (HONEYDEW)**

Project Area =

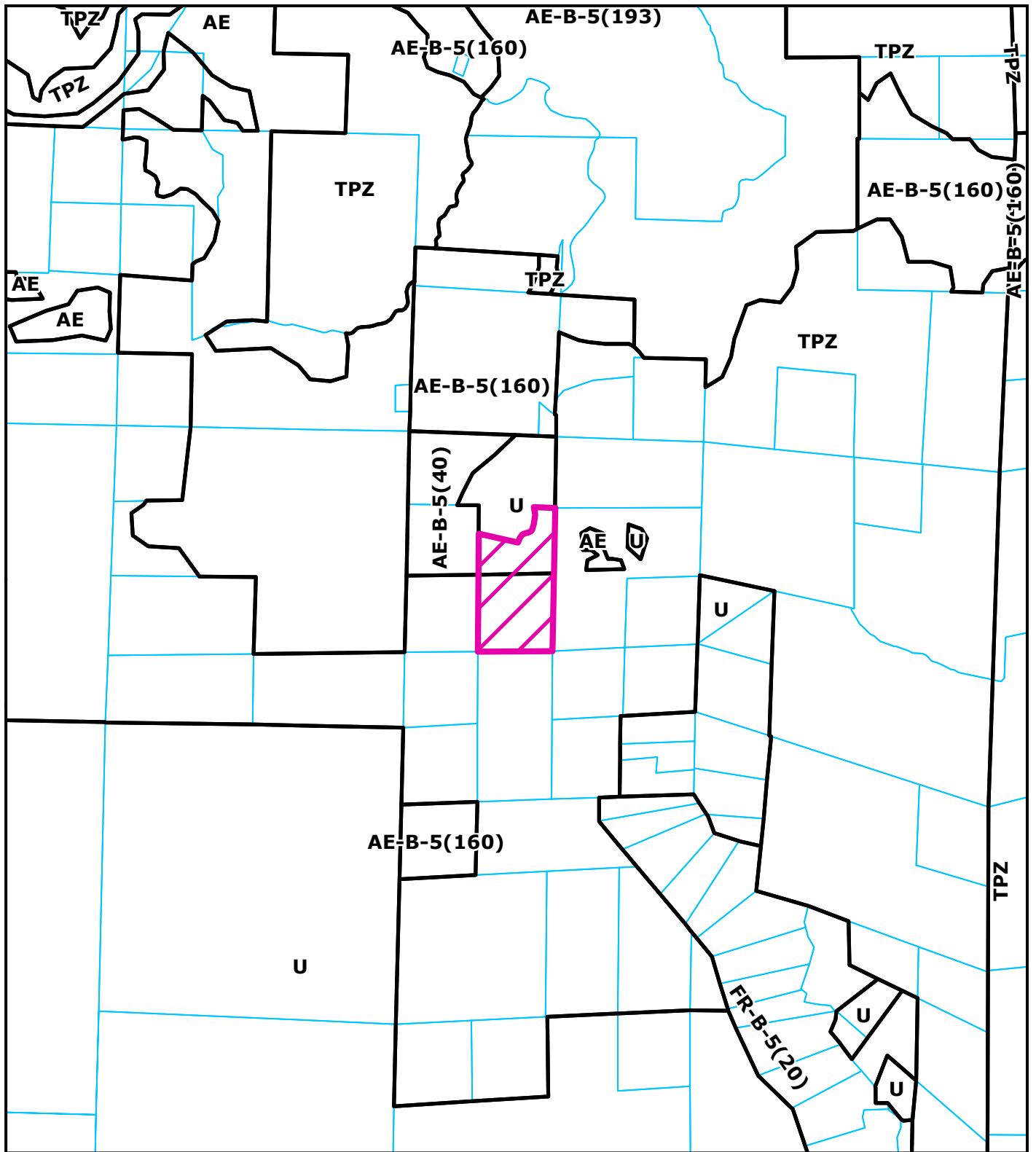


This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.

0 0.25 0.5 1 Miles







Project Area = 

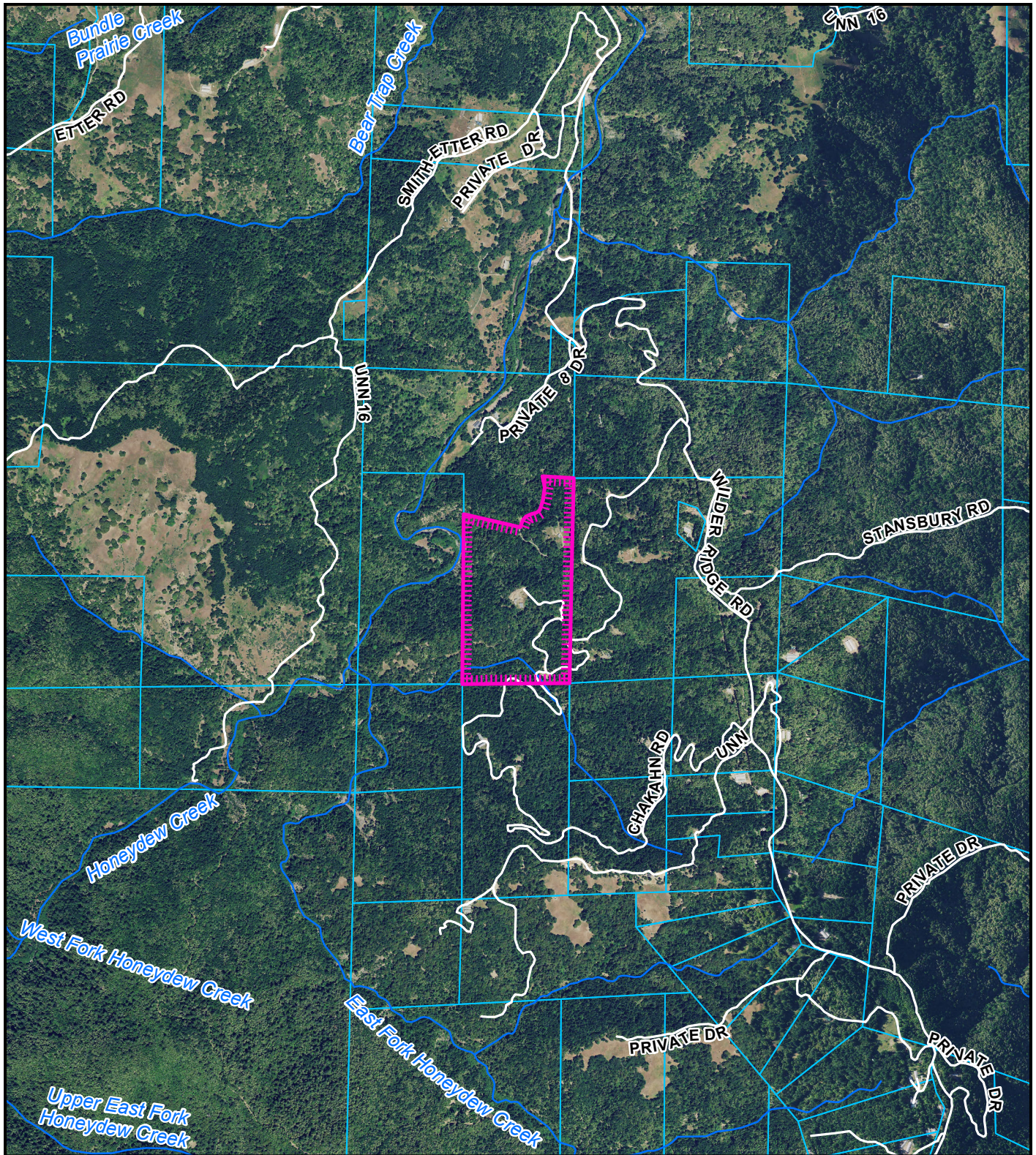
**ZONING MAP  
PROPOSED MAROMO, LLC  
HONEYDEW AREA  
SP-16-223  
APN: 107-144-021  
T03S R01E S18 HB&M (HONEYDEW)**

This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.

0 0.25 0.5 1 Miles







**AERIAL MAP  
PROPOSED MAROMO, LLC  
HONEYDEW AREA  
SP-16-223  
APN: 107-144-021  
T03S R01E S18 HB&M (HONEYDEW)**

**Project Area =** 

This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.

0 1,000 2,000 4,000 Feet



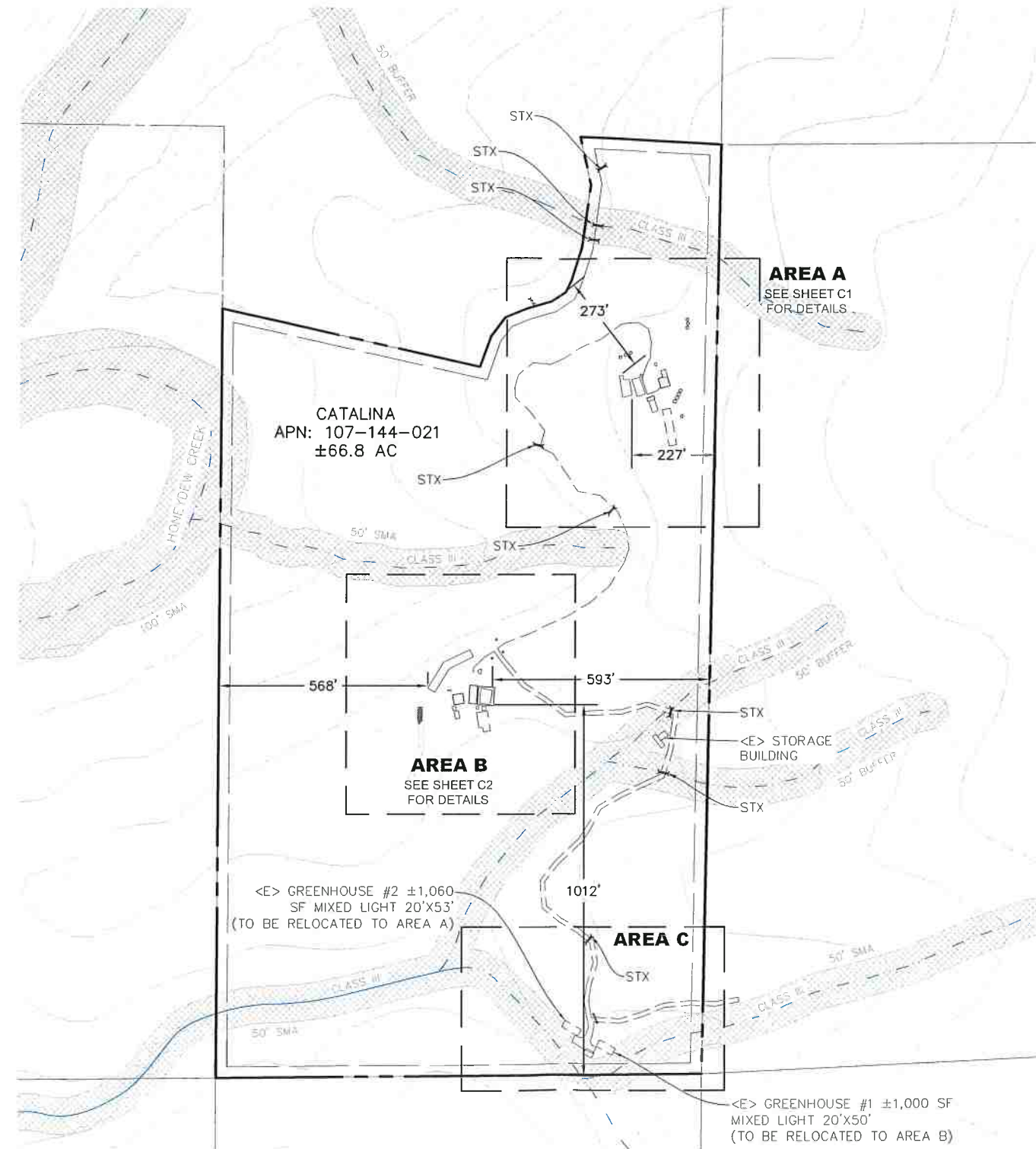


**FROM EUREKA, CA**  
 -SOUTHBOUND ON US-101  
 (APPROX. 41.6 MILES)  
 -TAKE EXIT 663 FOR CA-254  
 -TURN RIGHT ONTO BULL CREEK FLATS RD  
 (APPROX. 1.4 MILES)  
 -TURN RIGHT ONTO MATTOLE RD  
 (APPROX. 16.3 MILES)  
 -STRAIGHT ONTO WILDER RD  
 (APPROX. 2.3 MILES) TO SITE

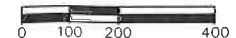
APN: 107-144-021

MAROMO, LLC, IS PROPOSING TO PERMIT EXISTING CANNABIS CULTIVATION ACTIVITIES IN ACCORDANCE WITH THE COUNTY OF HUMBOLDT (COUNTY) COMMERCIAL MEDICAL MARIJUANA LAND USE ORDINANCE (CMMLUO), ORDINANCE NO. 2554. THE EXISTING OPERATION INCLUDES APPROXIMATELY 10,000 SQUARE FEET (SF) OF OUTDOOR CULTIVATION. THE PROJECT PROPOSAL INCLUDES THE DEVELOPMENT OF FACILITIES APPURTENANT TO THE CULTIVATION, INCLUDING GREENHOUSES, FACILITIES FOR DRYING, CURING, WATER DIVERSION WORKS AND APPROPRIATE WATER STORAGE.

1. DRAWING SCALE AS NOTED. WRITTEN DIMENSIONS SHALL TAKE PRECEDENCE OVER SCALED DIMENSIONS.
2. THIS IS NOT A BOUNDARY SURVEY. BOUNDARY INFORMATION DEPICTED HAS BEEN OBTAINED FROM HUMBOLDT COUNTY 2015 GIS DATA. MANHARD CONSULTING LTD. HAS NOT VERIFIED THIS PROPERTY BOUNDARY.
3. THERE ARE NO NEARBY SCHOOLS, SCHOOL BUS STOPS, PLACES OF WORSHIP, PUBLIC PARKS OR TRIBAL RESOURCES WITHIN 600 FEET OF THE CULTIVATION AREA.
4. THERE ARE NO RESIDENCES ON ADJOINING PARCELS WITHIN 300 FEET OF THE PROPOSED CULTIVATION AREAS.
5. ANY EXISTING DEVELOPMENT CONSTRUCTED WITHOUT THE BENEFIT OF COUNTY REVIEW WILL BE SUBJECT TO THE HUMBOLDT COUNTY BUILDING DEPARTMENT UPON APPROVAL OF THE SPECIAL PERMIT.



22x34 SHEET: 1"=200'  
11x17 SHEET: 1"=400'



CO - PLOT PLAN, VICINITY MAP, & PROJECT NOTES  
C1 - AREA A & AREA B DETAIL

[illegible]

**NORTHPOINT**  
CONSULTING GROUP, INC.  
1117 Samoa Blvd., Arcata, CA 95521

MAROMO, LLC. / APN: 107-144-021

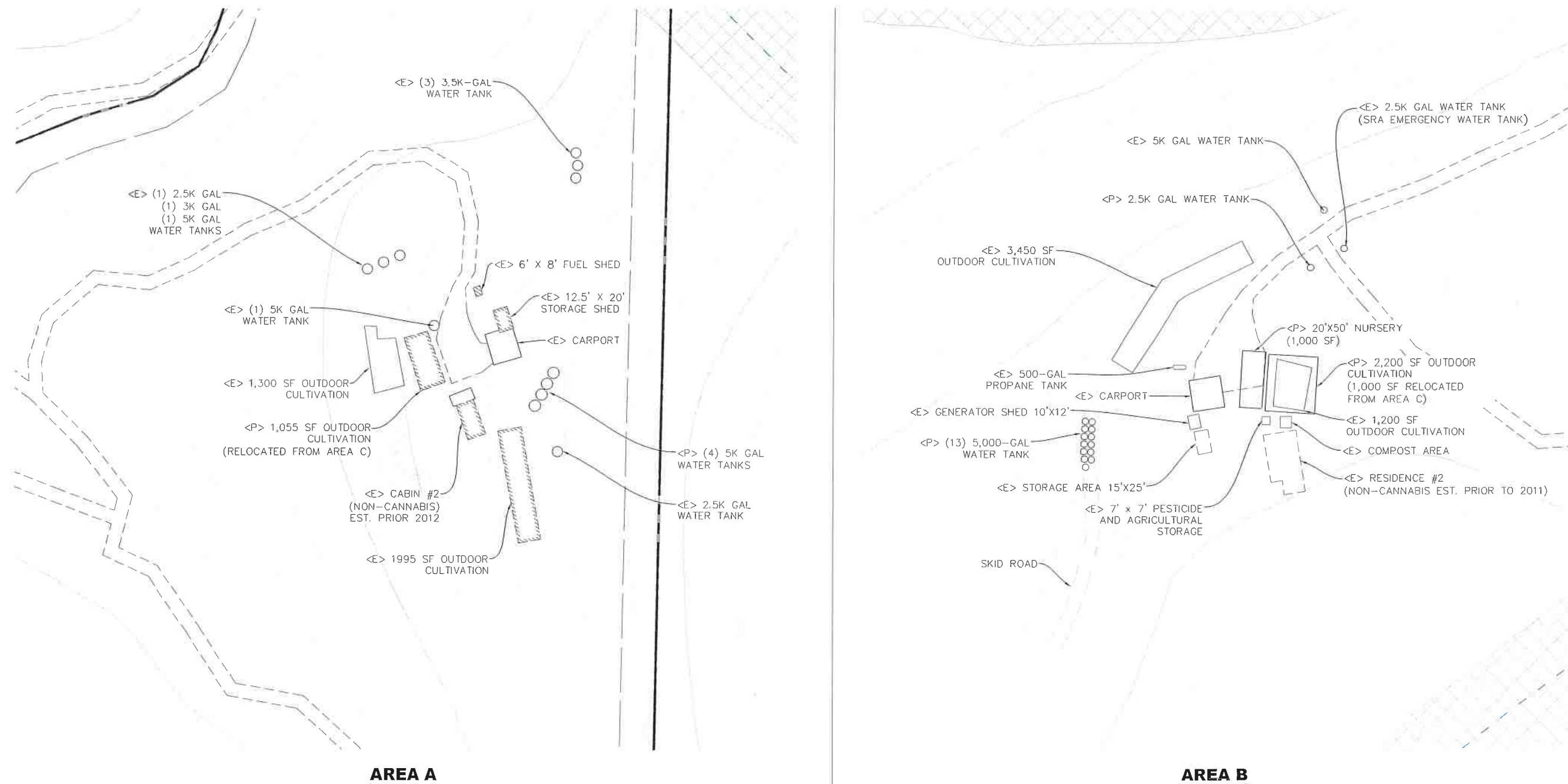
HONEYDEW, CA 95545

PLOT PLAN, VICINITY MAP, &amp; PROJECT NOTES

PROJ MGR:	PBS
DRAWN BY:	CJC
DATE:	12/19/19
SCALE:	AS SHOWN

SHEET  
CO  
18-039

**MAROMO, LLC**  
**SPECIAL PERMIT**  
AREA A & AREA B DETAIL  
APN: 107-144-021



22x34 SHEET: 1"=50'  
11x17 SHEET: 1"=100'



A horizontal graphic scale bar with a black and white alternating pattern. It is marked with the numbers 0, 25, 50, and 100, representing feet.



**NORTHPOINT**  
CONSULTING GROUP, INC.  
1117 Samoa Blvd., Arcata, CA 95521

MAROMO, LLC. / APN: 107-144-021

HONEYDEW, CA 95545

AREA A & AREA B DETAIL

PROJ. MGR.	PBS
DRAWN BY:	CJC
DATE:	12/19/19
SCALE:	AS SHOWN
SHEET	
C1	
18-039	

## ATTACHMENT 1

### 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.

##### 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 the time of annual inspection. A conformance review deposit, as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750), shall be paid within sixty (60) days of the effective date of the permit or upon filing of the Compliance Agreement (where applicable), whichever occurs first. Payment shall be made to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
4. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. **Within three days of the effective date of permit approval** 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 #16. The agreement shall provide a timeline for completing all outstanding items. All activities detailed under the agreement must be completed to the satisfaction of the Planning and Building Department before the permit may be finalized and no longer considered provisional.
6. The Applicant shall secure permits for all structures related to the cannabis cultivation and other commercial cannabis activity including, but not limited to, existing and proposed greenhouses, water tanks over 5,000 gallons, structures associated with drying and storage or any activity with a nexus to cannabis, and any noise containment structures as necessary. The plans submitted for building permit approval shall be consistent with the project description and the approved project site plan. A letter or similar communication from the Building Division verifying that all structures related to the cannabis cultivation are permitted will satisfy this condition.
7. The approved building plans shall meet all applicable fire codes, including fire suppression infrastructure requirements deemed necessary for the project by the Building Inspection Division. Sign-off on the Occupancy Permit by the Building Division shall satisfy this requirement.
8. The Applicant shall obtain a permit to operate the proposed generators from the North Coast Unified Air Quality Management District (NCUAQMD) and obtain an electric permit from the County's Building Department.

9. The Applicant shall submit a grading, erosion and sediment control plan prepared by a qualified engineer. The plan shall identify the cubic yards of all grading that has been completed and any proposed. 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.
10. The Applicant shall implement recommendations in the Timberland Conversion Report, dated August 2018 and prepared by Mad River Properties, Inc. A monitoring report prepared by a licensed professional forester shall be submitted annually to the Planning and Building Department.
11. The Applicant shall contact the local fire service provider (Honeydew Volunteer Fire Department) and furnish written documentation from that agency of the available emergency response, 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.
12. 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.
13. 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.
14. COUNTY ROADS – DRIVEWAY & PRIVATE ROAD INTERSECTION VISIBILITY: All driveways and 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.
15. COUNTY ROADS – PRIVATE ROAD INTERSECTION: Any existing or proposed non-county maintained access roads, which will serve as access for the proposed project and connect to a county maintained road, shall be improved to current standards for a commercial driveway. 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. If the County road has a paved surface at the location of the access road, the access road shall be paved for a minimum width of 20 feet and a length of 50 feet where it intersects the County Road. 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 of a business license.
16. Not later than December 31, 2025, the source of power for all cannabis activities shall be either from a utility or alternative form of renewable energy. Starting January 1, 2026 the use of a generator is only permitted as an emergency power source. Prior to December 31, 2025 the applicant must submit information to the Planning and Building department demonstrating there is sufficient power available that generator use will cease.

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

1. The combination of background, generator and greenhouse fan or other operational equipment created noise must not result in the harassment of Northern Spotted Owl species, as required to meet the performance standards for noise set by Department Policy Statement No. 16-005 clarifying

CMMLUO Section 55.4.11 (o) requirements. The combined noise levels measured at 100 feet or the edge of habitat, whichever is closer, shall be at or below 50 decibels. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service, and further consultation where necessary. A building permit shall be obtained should any structures be necessary for noise attenuation.

2. All artificial light utilized in mixed-light greenhouses shall be limited to 6 watts per square foot, with no wattage limit in the ancillary propagation greenhouse. All artificial lighting shall be fully contained within structures such that no light escapes (i.e., through the use of blackout curtains). 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 (refer to <https://www.darksky.org/our-work/lighting/lighting-for-citizens/lighting-basics/>). Standards include, but are not limited to: Light shall 1) be shielded and downward facing, 2) 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.
3. 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/or noise levels have been repaired, inspected, and corrected as necessary.
4. The applicant shall ensure all generators are located on stable surfaces, with a minimum 200-foot buffer from all waterways, measured horizontally from the outer edge of the riparian drip zone, per CDFW referral comments received January 4, 2018.
5. The use of synthetic netting is prohibited. To minimize the risk of wildlife entrapment, the applicant shall not use any erosion control and/or cultivation materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.
6. The applicant shall contain all refuse in wildlife-proof storage containers at all times, and ensure refuse is disposed at an authorized waste management facility.
7. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and be allowed to leave the work site unharmed.
8. The use of anticoagulant rodenticide is prohibited.
9. The operator shall provide information to all employees about the potential health impacts of cannabis use on children. Information shall be provided by posting the brochures from the Department of Health and Human Services, titled "Cannabis Palm Card" and "Cannabis Rack Card." This information shall also be provided to all employees as part of the employee orientation.
10. All components of the project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, and these conditions of approval. Changes shall require modification of this permit, except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan. At any time if offsite processing is chosen to be the preferred method of processing, this permit shall be modified to identify the offsite licensed facility.
11. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CMMLUO and MAUCRSA, as applicable to the permit type.



12. If operating pursuant to a written approved compliance agreement, permittee shall abate or cure violations at the earliest feasible date, but in no event no more than two (2) years from the date of issuance of a provisional clearance or permit. Permittee shall provide plans for curing such violations to the Planning and Building Department within one (1) year of issuance of the provisional clearance or permit. If good faith effort toward compliance can be shown within the two years following the issuance of the provisional clearance or permit, the Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow additional time to meet the outstanding requirements.
13. The applicant shall possess a current, valid required license or licenses issued by any agency of the State of California in accordance with the MAUCRSA, and regulations promulgated thereunder, as soon as such licenses become available.
14. The applicant shall comply with all statutes, regulations, and requirements of the California State Water Resources Control Board and the Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration, as applicable.
15. The applicant shall confine the area of cannabis cultivation, processing, manufacture, or distribution to the locations depicted on the approved site plan. The commercial cannabis activity shall be set back at least 30 feet from any property line and 600 feet from any school, school bus stop, church or other place of religious worship, or tribal cultural resources, except where a reduction to this setback has been approved pursuant to Section 55.4.11(d).
16. The applicant shall maintain enrollment in Tier 1, 2, or 3, certification with North Coast Regional Water Quality Control Board (RWQCB) Order No. R1-2015-0023, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
17. The applicant shall comply with the terms of any applicable Lake and Stream Alteration (1600 or 1602) Permit obtained from the California Department of Fish and Wildlife (CDFW).
18. The applicant shall comply with the terms of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (Cal Fire), if applicable.
19. The applicant shall consent to an annual onsite compliance inspection, with at least 24 hours prior notice, to be conducted by appropriate County officials during regular business hours (Monday through Friday, 9:00 a.m. to 5:00 p.m., excluding holidays).
20. The applicant shall refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
21. The applicant shall pay all applicable application, review for conformance with conditions, and annual inspection fees.
22. Fuel shall be stored and handled in compliance with applicable state and local laws and regulations, including the County of Humboldt's Certified Unified Program Agency (CUPA) program, and in such a way that no spillage occurs.
23. The master log books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
24. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).

## Performance Standards for Cultivation and Processing Operations

25. Pursuant to the MCRSA, Health and Safety Code Section 19322(a)(9), an applicant seeking a cultivation license shall "provide a statement declaring the applicant is an 'agricultural employer,' as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 commencing with Section 1140) of Division 2 of the Labor Code), to the extent not prohibited by law."
26. Cultivators shall comply with all applicable federal, state, and local laws and regulations governing California Agricultural Employers, which may include federal and state wage and hour laws, Cal/OSHA, OSHA, the California Agricultural Labor Relations Act, and the Humboldt County Code (including the Building Code).
27. Cultivators engaged in processing shall comply with the following Processing Practices:
  - a. Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.
  - b. Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
  - c. Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition, as applicable to their job function.
  - d. Employees must wash hands sufficiently when handling cannabis or use gloves.
28. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:
  - a. Cultivation operations and processing operations must implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:
    - (1) Emergency action response planning as necessary;
    - (2) Employee accident reporting and investigation policies;
    - (3) Fire prevention;
    - (4) Hazard communication policies, including maintenance of material safety data sheets (MSDS);
    - (5) Materials handling policies;
    - (6) Job hazard analyses; and
    - (7) Personal protective equipment policies, including respiratory protection.
  - b. Cultivation operations and processing operations must visibly post and maintain an emergency contact list, which includes at a minimum:
    - (1) Operation manager contacts,
    - (2) Emergency responder contacts, and
    - (3) Poison control contacts.
  - c. At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations. Plumbing facilities and water source must be capable of handling increased usage without adverse consequences to neighboring properties or the environment.
  - d. On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.
29. All cultivators shall comply with the approved processing plan, regarding:
  - 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, and
- i. Onsite housing, if any.

30. Term of Commercial Cannabis Activity Special Permit. Any Commercial Cannabis Cultivation SP issued pursuant to the CMMLUO shall expire one (1) year after date of issuance, and on the anniversary date of such issuance each year thereafter, unless an annual compliance inspection has been conducted, and the permittees and the permitted site have been found to comply with all conditions of approval.
31. If the inspector or other County official determines that the permittees or site do not comply with the conditions of approval, the inspector shall serve the permit holder with a written statement identifying the items not in compliance, and the action that the permit holder may take to cure the noncompliance, or file an appeal within ten (10) days of the date that the written statement is delivered to the permit holder. Personal delivery or mailing of 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 re-inspection to determine whether or not the permit holder has cured all issues of noncompliance. Failure to request re-inspection or to cure any items of noncompliance shall terminate the Special Permit, immediately upon the expiration of any appeal period or final determination of the appeal, if an appeal has been timely filed pursuant to Section 55.4.13.
32. Permit Renewals to Comply with Updated Laws and Regulations. Permit renewal is subject to the laws and regulations effective at the time of renewal, which may be substantially different than the regulations currently in place, and may require the submittal of additional information to ensure that new standards are met.
33. Acknowledgements to Remain in Full Force and Effect. Permittee acknowledges that the County reserves the right to reduce the size of the area allowed for cultivation, under any clearance or permit issued, in accordance with this section in the event that environmental conditions, such as a sustained drought or low flows in the watershed in which the cultivation area is located, will not support diversions for irrigation.
34. Transfers. Transfer of any leases or permits approved by this project is subject to the review and approval of the Planning Director for conformance with CMMLUO eligibility requirements and agreement to permit terms and acknowledgments. The fee for required permit transfer review shall accompany the request. The request shall include:
  - a. Identifying information for the new owner(s) and management as required in an initial permit application;
  - b. A written acknowledgment by the new owner in accordance as required for the initial permit application;
  - c. The specific date on which the transfer is to occur;
  - d. Acknowledgement of full responsibility for complying with the existing permit; and
  - e. Execution of an Affidavit of Non-diversion of Medical Cannabis.
35. Inspections. The permit holder and subject property owner are to permit the County or representative(s) or designee(s) to make inspections at any reasonable time deemed necessary to assure that the activities being performed under the authority of this permit are in accordance with the terms and conditions prescribed herein.

## 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 #6 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 #26 and 27 of the Ongoing Requirements/Development Restrictions, above.
3. If cultural resources are encountered during construction activities, the contractor onsite 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) shall 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.

4. The applicant shall be aware that the Federal Government considers the cultivation of cannabis to be an illegal activity. This project is accessed by using roads that pass-through lands owned by the Federal Government. The Federal Government may not allow the applicant to use these roads to transport cannabis. In such case, Humboldt County will not provide relief to the applicant. Approval of this permit does not authorize transportation of cannabis across Federal lands.

**ATTACHMENT 2**

**CEQA ADDENDUM TO THE  
MITIGATED NEGATIVE DECLARATION FOR THE COMMERCIAL MEDICINAL MARIJUANA LAND USE  
ORDINANCE**

**Commercial Medical Marijuana Land Use Ordinance Mitigated Negative Declaration (MND)  
(State Clearinghouse # 2015102005), January 2016**

**APN 107-144-021; 2252 Wilder Ridge Road, Honeydew  
County of Humboldt**

**Prepared By  
Humboldt County Planning and Building Department  
3015 H Street, Eureka, CA 95501**

**January 2021**

## **BACKGROUND**

### **Purpose of Addendum**

Section 15164 of the California Environmental Quality Act (CEQA) provides that the lead agency shall prepare an addendum to a previously certified Mitigated Negative Declaration (MND), if some changes or additions are necessary, but none of the conditions described in Section 15162 calling for a subsequent EIR or Negative Declaration have occurred. Section 15162 states that when an EIR has been certified for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

1. Substantial changes are proposed in the project which require major revisions of the previous MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous MND, due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous MND was certified as complete, shows any of the following: A) the project will have one or more significant effects not discussed in the previous MND; B) a significant effect previously examined will be substantially more severe than shown in the previous MND; C) mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or D) mitigation measures or alternatives, which are considerably different from those analyzed in the previous MND, would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

### **Project History**

The Commercial Medical Marijuana Land Use Ordinance (CMMLUO) established specific regulations for commercial cannabis operations in Humboldt County. These regulations were developed in concert with the MND that was adopted for the CMMLUO, in order to implement the mitigation measures of the MND. The MND addressed the broad environmental impacts that could be expected to occur from the adoption and implementation of the ordinance. The MND specified that the regulations established in the CMMLUO would mitigate the impacts of existing cannabis operations, by establishing regulations for an existing unregulated land use to help prevent and reduce environmental impacts that are known to result from unpermitted baseline cultivation operations. Commercial cannabis cultivation in existence as of December 31, 2015, was included in the environmental baseline for the MND. The MND states that "Bringing existing operations into compliance will help to attenuate potential environmental effects from existing cultivation activities, including aesthetic impacts resulting from improper operation or poor siting." The current project was reviewed within the context of the MND, and compliance with the provisions of the CMMLUO will fully mitigate all environmental impacts of the project to a less than significant level.

### **Modified Project Description**

The modified project involves a Special Permit for an existing 10,000-square foot (SF) outdoor cannabis cultivation operation, in two separate cultivation areas (A – 4,350 SF and B – 5,650 SF). Ancillary propagation (Nursery) occurs in a 1,000-SF greenhouse onsite. Drying and bucking occur onsite, and all other processing occurs offsite at a licensed processing or manufacturing facility. Up to five (5) employees may be utilized during peak operations. Power is provided by PG&E, with plans to convert to

a solar energy system in the future. The use of one (1) Honda generator (6500 watts each) may be utilized for supplemental power when needed.

The primary water source for irrigation consists of a point of diversion (POD) on an unnamed spring, a tributary to the Honeydew Creek. The applicant has obtained a Small Irrigation Use Registration (SIUR) for irrigation purposes associated with the diversion (Certificate H100330) (**Attachment 3d**). Existing water storage is approximately 36,000 gallons consisting of three (3) 3,500-gallon plastic tanks, one (1) 3,000-gallon plastic tank, three (3) 2,500-gallon plastic tanks, and three (3) 5,000-gallon plastic tanks. The applicant proposes to install seventeen (17) 5,000-gallon plastic tanks and one (1) 2,500-gallon plastic tank to add 87,500 gallons of water storage. Existing and proposed water storage will result in 123,500 gallons of total storage. Estimated annual water usage is 120,000 gallons (12 gal/SF), with peak demand occurring in July at approximately 25,000 gallons per month. The Appropriate Right allows up to 0.38 acre-feet to be diverted and no more than 0.39 acre-feet to be stored in total. A Final Lake and Streambed Alteration Agreement (LSAA 1600-2017-0877-R1) with the California Department of Fish and Wildlife (CDFW) (**Attachment 3c**) was also obtained in December 2017 and revised in October 2018, allowing the three encroachments for water diversions from the Honeydew Creek and unnamed tributaries to Honeydew Creek, for domestic and irrigation uses.

A Cultural Resources Investigation report was prepared by Dimitra Zalarvis-Chase, MA, RPA and Thomas J. Ross, BA, of DZC Archaeology & Cultural Resource Management (DZC), Arcata, CA (May 2018). The DZC report concludes that there will be "No Effect" to historic, archaeological, or Tribal Cultural Resources. Measures regarding the Inadvertent Discoveries Protocol to protect unknown cultural resources have been incorporated into the Conditions of Approval (**Information Note 3**).

The modified project is consistent with the adopted MND for the CMMLUO, because it complies with all standards of the CMMLUO which were intended to mitigate impacts of existing cultivation. These include ensuring supplemental lighting and security lighting adheres to Dark Sky Association standards, and ensuring project related noise does not harass nearby wildlife, which will limit impacts to biological resources as a result of light and noise.

### **Summary of Significant Project Effects and Required Mitigation**

No changes are proposed for mitigation measures identified in the original MND. The proposal to authorize the continued operation of an existing cannabis cultivation site, comprised of 10,000 SF outdoor cannabis cultivation operation, in two separate cultivation areas (A – 4,350 SF and B – 5,650 SF), ancillary propagation (nursery) in a 1,000-SF greenhouse onsite, and associated drying/bucking activities is fully consistent with the potential environmental impacts identified and adequately mitigated in the original MND. The project, as conditioned to implement responsible agency recommendations (**Attachment 1**) results in no significant adverse environmental effects beyond those identified in the MND. Compliance with the CMMLUO ensures consistency with the adopted MND and provides for mitigation of all project related impacts to a less than significant level.

In reviewing the application for consistency with the adopted MND, the County considered the following information and studies, among other documents:

- Plot Plans prepared by Northpoint Consulting Group, dated 03/13/2020
- Cultivation and Operations Plan prepared by Northpoint Consulting Group, revised March 2020
- Right to Divert and Use Water, Certificate H100330 with the State Water Resources Control Board, Division of Water Rights, dated October 19, 2017
- Timberland Conversion Report, prepared by Mad River Properties, Inc., dated August 2018
- Phase 1 Cultural Resource Inventory Report for Maromo, LLC, APNs 107-144-020 and 107-144-021, Humboldt County, California, prepared by DZC Archaeology & Cultural Resource Management, Arcata, California, prepared May 2018

## **Other CEQA Considerations**

Staff suggests no changes to the revised project.

## **EXPLANATION OF DECISION NOT TO PREPARE A SUPPLEMENTAL MITIGATED NEGATIVE DECLARATION OR ENVIRONMENTAL IMPACT REPORT**

See **Purpose** statement above.

In every impact category analyzed in this review, the potential environmental impacts of the current project proposal would be the same or similar. There would be no new significant environmental impacts, or a substantial increase in the severity of previously identified significant impact, than identified in the initial CMMLUO project for which the MND was adopted. Based upon this review, the following findings are supported:

## **FINDINGS**

1. The proposed project will permit an existing cannabis operation and bring the operation into compliance with county and state requirements intended to adequately mitigate environmental impacts.
2. The circumstances under which the project was approved have not changed substantially. There are no new significant environmental effects and no substantial increases in the severity of previously identified effects.
3. For the current proposed project, there has been no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous MND was adopted as complete.

## **CONCLUSION**

Based on these findings, it is concluded that an Addendum to the certified MND is appropriate to address the requirements under CEQA for the current project proposal. All of the findings, mitigation requirements, and mitigation and monitoring program of the MND, remain in full force and effect on the original project.



### **ATTACHMENT 3**

#### **Applicant's Evidence in Support of the Required Findings**

Attachment 3 includes a listing of all written evidence, which has been submitted by the applicant in support of making the required findings. The following materials are on file with the Planning Division:

1. The name, contact address, and phone number(s) of the applicant. (Application form on file)
2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. (On file)
3. Site plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within one-quarter mile (1,320 feet) of a school, school bus stop, church or other place of religious worship, public park, or tribal cultural resource, the site plan shall include dimensions showing that the distance, from the location of such features to the nearest point of the cultivation area, is at least 600 feet. (Plot Plans prepared by Northpoint Consulting Group, dated 3/13/2020 – Attached)
4. A cultivation and operations plan that meets or exceeds minimum legal standards for: water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel; a description of cultivation activities (outdoor, indoor, mixed light); the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable; and schedule of activities during each month of the growing and harvesting season. (Cultivation and Operations Plan prepared by Northpoint Consulting Group, revised March 2020 - Attached)
5. Copy of the statement of water diversion, or other permit, license or registration filed with the State Water Resources Control Board, Division of Water Rights, if applicable. (Riparian Water Rights Statement of Diversion and Use claims and reporting, and Right to Divert and Use Water, Certificate H100330 with the State Water Resources Control Board, Division of Water Rights, dated October 19, 2017– Attached)
6. Description of water source, storage, irrigation plan, and projected water usage. (Included in Cultivation Operations Plan, item 4 above)
7. Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the North Coast Regional Water Quality Control Board demonstrating enrollment in Tier 1, 2 or 3, North Coast Regional Water Quality Control Board Order No. 2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (NOI and reporting – On file)
8. If any onsite or offsite component of the cultivation facility, including access roads, water supply, grading or terracing, impacts the bed or bank of any stream or other watercourse, a copy of the Lake and Streambed Alteration Permit obtained from the California Department of Fish and Wildlife. (Notification No. 1600-2017-0877-R1 executed 12/21/2017 and revised on 10/01/2018 – Attached separately as Attachment 3c)
9. If the source of water is a well, a copy of the County well permit, if available. (Not applicable)

10. If the parcel is zoned FR, U or TPZ, or involves the conversion of timberland as defined under Section 4526 of the Public Resources Code, a copy of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (CalFIRE). Alternately, for existing operations occupying sites created through prior unauthorized conversion of timberland, evidence may be provided by showing that the landowner has completed a civil or criminal process and/or entered into a negotiated settlement with Cal Fire. (Timber Conversion Report dated August 2018 prepared by Mad River Properties, Inc. – Attached separately as Attachment 3b)
11. Consent for onsite inspection of the parcel by County officials at prearranged date and time, in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. (On file)
12. For indoor cultivation facilities, identify the source of electrical power, how it will meet with the energy requirements in Section 55.4.8.2.3, and plan for compliance with applicable building codes. (Not applicable)
13. Acknowledge 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, will not support diversions for irrigation. (On file)
14. Acknowledge that the County reserves the right to engage with local tribes before consenting to the issuance of any clearance or permit, if cultivation operations occur within an Area of Traditional Tribal Cultural Affiliation, as defined herein. This process will follow current departmental referral protocol, including engagement with the tribe(s) through coordination with their Tribal Historic Preservation Officer (THPO) or other tribal representatives. This procedure shall be conducted similar to the protocols outlined under SB 18 (Burton) and AB 52 (Gatto), which describe "government to government" consultation, through tribal and local government officials and their designees. During this process, the tribe may request that operations associated with the clearance or permit be designed to avoid, minimize, or mitigate impacts to tribal cultural resources, as defined herein. Examples include, but are not limited to, conducting a site visit with the THPO or their designee to the existing or proposed cultivation site, requiring that a professional cultural resources survey be performed, or requiring that a tribal cultural monitor be retained during project-related ground disturbance within areas of sensitivity or concern. The County shall request that a records search be performed through the California Historical Resources Information System (CHRIS). (On file)
15. Phase 1 Cultural Resource Inventory Report for Maromo, LLC, APNs 107-144-020 and 107-144-021, Humboldt County, California, prepared by DZC Archaeology & Cultural Resource Management, Arcata, California, prepared May 2018. (On-file and confidential)
16. Division of Environmental Health Attachment for Commercial Medical Marijuana (CMM) Clearances/ Permits (DEH Form). (On file)

HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS  
ROAD EVALUATION REPORT

**PART A:** *Part A may be completed by the applicant*

Applicant Name: Maromo, LLC APN: 107-144-021

Planning & Building Department Case/File No.: 11434

Road Name: Unnamed Private Access Road *(complete a separate form for each road)*

From Road (Cross street): Wilder Ridge Road (State Road Np. C5B010)

To Road (Cross street): Subject Parcel

Length of road segment: 0.51 miles Date Inspected 1/15/20

Road is maintained by: ☐ County ☒ Other Private  
(State, Forest Service, National Park, State Park, BLM, Private, Tribal, etc)

Check one of the following:

**Box 1** ☐ The entire road segment is developed to Category 4 road standards (20 feet wide) or better. If checked, then the road is adequate for the proposed use without further review by the applicant.

**Box 2** ☒ The entire road segment is developed to the equivalent of a road category 4 standard. If checked, then the road is adequate for the proposed use without further review by the applicant.

*An equivalent road category 4 standard is defined as a roadway that is generally 20 feet in width, but has pinch points which narrow the road. Pinch points include, but are not limited to, one-lane bridges, trees, large rock outcroppings, culverts, etc. Pinch points must provide visibility where a driver can see oncoming vehicles through the pinch point which allows the oncoming vehicle to stop and wait in a 20 foot wide section of the road for the other vehicle to pass.*

**Box 3** ☐ The entire road segment is not developed to the equivalent of road category 4 or better. The road may or may not be able to accommodate the proposed use and further evaluation is necessary. Part B is to be completed by a Civil Engineer licensed by the State of California.

The statements in PART A are true and correct and have been made by me after personally inspecting and measuring the road.



Signature

**Derek Roelle, E.I.T**

Name Printed



02/20/2020

Date



NorthPoint Consulting Group, Inc.  
P.O. Box 44  
Eureka, CA 95502  
(707) 798-6438

February 20, 2020

Humboldt County Department of Public Works  
531 K St. Eureka, CA 95501

RE: Maramo, LLC. (Honeydew Upper) - Road Evaluation Report  
2250 Wilder Ridge Rd, Garberville, CA  
APN: 107-144-021  
Apps# 11434

Private roads provide access for numerous property owners in the Honeydew area and are classified as *very low-volume local roads*. The American Association of State Highways and Transportation Officials (AASHTO, 2001) defines a *very low-volume local road* as a road that is functionally classified as a local road and has a design average daily traffic volume (ADT) of 400 vehicles per day or less. This Road Evaluation Report describes the 0.51-mile route leading to the subject parcel from the County maintained road, Wilder Ridge Road (State No. C5B010). See the attached maps for the route that leads to the subject parcel.

Road Points (RPs) were located along the route leading to the subject parcels. Photos were taken at each RP, showing the drivable width of the private road. See the attached Road Evaluation Photographs for photos of each RP.

The average daily traffic (ADT) of the 0.51-mile route is estimated to be 10. There are 2 parcels located off of the subject route. Multiplying the number of parcels served by 5 (*Humboldt County Code – Design Standards for Roadway Categories*). During the peak operating season, Maromo, LLC employs up to two (2) employees. During this time, the ADT is estimated to increase to 14. The increase in traffic is minimal and is not expected to negatively impact the surrounding area. Furthermore, the designated road speed for all roads comprised in the subject route is 25 miles per hour (Humboldt County WebGIS), classifying it as a very low-volume road with low speeds (AASHTO, 2001).

The AASHTO guidelines also suggest that rural very low-volume roads are traveled by drivers that are familiar with the road segments, which corresponds to even fewer auto accidents. The AASHTO guidelines suggest that existing, very low-volume roads with low speeds should not be modified except in cases where there is evidence of a site-specific safety problem. There are no road sections that have evidence of a site-specific safety problem.

In conclusion, the roads leading to the subject parcel do not need modification to support the increased traffic due to Maramo, LLC's proposed project. The subject section of road is equivalent to category 4 road standards. Furthermore, Wilder Ridge Road is on the Humboldt County's "Approved List" of County maintained roads that meet Road Category 4 standards.

If you have any questions, please contact me at (707) 798-6438.

Sincerely,  
  
Derek Roelle, E.I.T.







**Maramo, LLC (Honeydew Upper) – Road Evaluation Photos**

APN: 107-144-021

APPS# 11434

---



**Figure 1** – RP 1. Vehicle on access road, leaving subject parcel. Photo taken facing north.



**Figure 2** – RP 2. Vehicle on access road. Photo taken facing north.





**Figure 3** – RP 3. Vehicle on access road. Photo taken facing north.



**Figure 4** – RP 4. Vehicle on access road. Photo taken facing north.





**Figure 5** – RP 5. Vehicle on access road. Photo taken facing north.



**Figure 6** – RP 6. Vehicle on access road at property gate.





**Figure 7** - RP 7. Intersection of two private access roads leading from Wilder Ridge Road. Phot taken facing north.



**Figure 8** - Intersection of two private access roads leading from Wilder Ridge Road. Phot taken facing south-west.

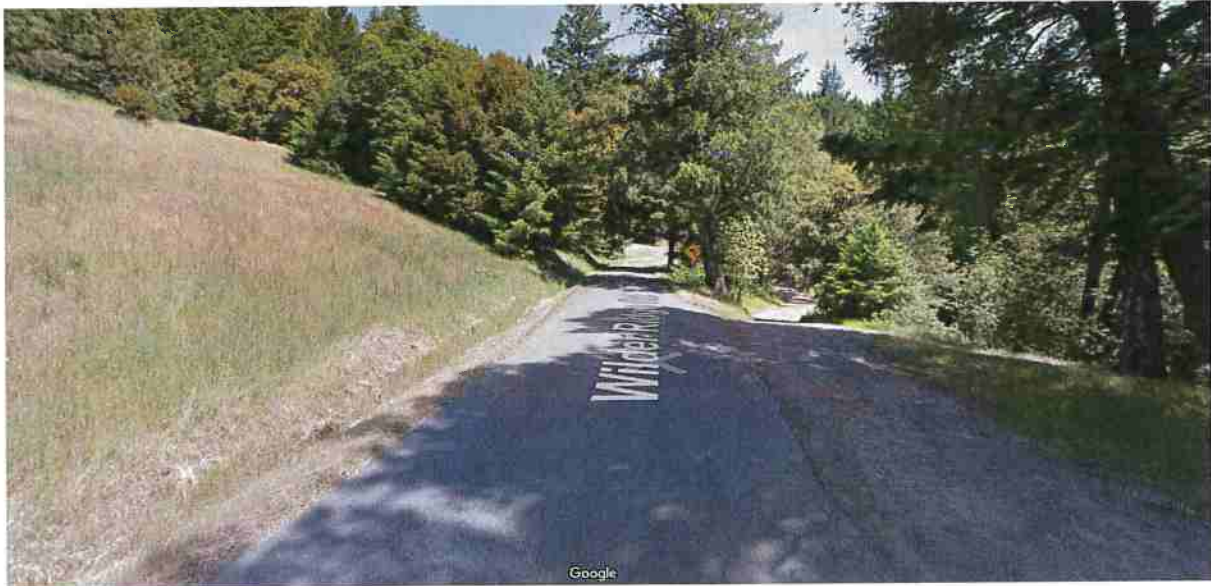




**Figure 9 - RP 7.** Intersection of two private access roads leading from Wilder Ridge Road. Phot taken facing south.

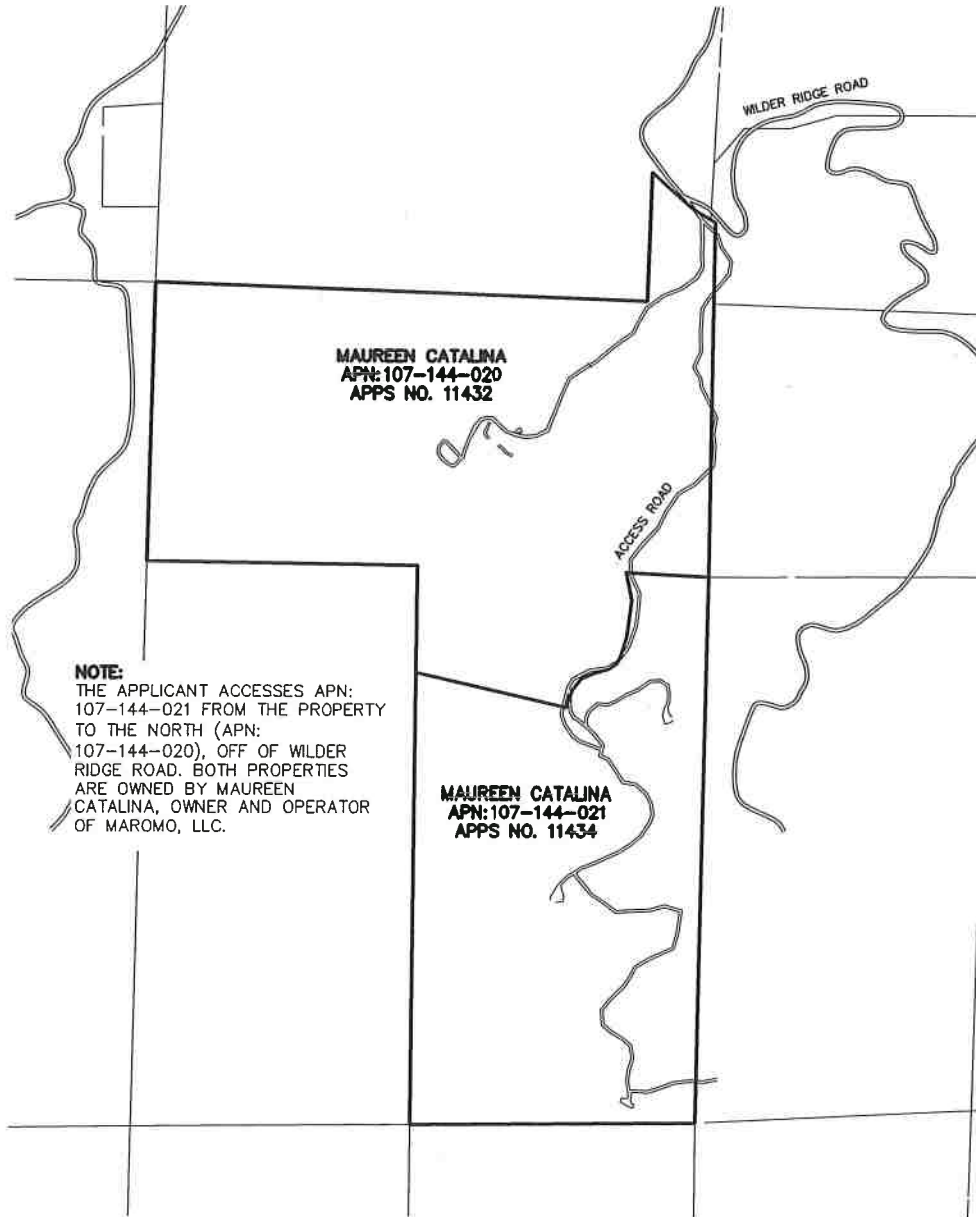


**Figure 10.** RP 8. Intersection of Private Access Road and Wilder Ridge Road. Screen clip from Google Maps. Facing west.



**Figure 11** - RP 8. Intersection of Private Access Road and Wilder Ridge Road. Screen clip from Google Maps. Facing east.

# ACCESS ROUTE MAP FOR APN: 107-144-021



**ROAD ACCESS MAP**

N.T.S.



DATE	REVISIONS	DRAWN BY

**NORTHPOINT**  
CONSULTING GROUP, INC.  
1117 Samoa Blvd., Arcata, CA 95521

MAROMO, LLC/APN: 107-144-021

HONEYDEW, CA 95545

ROAD ACCESS MAP

PROJ. MGR.: PS

DRAWN BY: MA

DATE: 12/18/19

SCALE: AS SHOWN

SHEET

1 OF 1

18-039

13: 49 Dwg Name: P:\18-039 - Maromo - Honeydew Upper- Maureen Catalina\CAD\WARHCA01-CUP-021.dwg Updated By: Michelle Aldrete

**MAROMO, LLC**  
**CULTIVATION AND OPERATIONS MANUAL**  
**HUMBOLDT COUNTY, CA**

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**PROPOSED CANNABIS**  
**CULTIVATION FACILITIES**



**PREPARED FOR:**



**August 2017**  
**Revised – September 2017**  
**Revised January 2020**

**Cultivation and Operations Manual  
For**

**Maromo, LLC**

APN: 107-144-021

County Application #: 11434

**Proposed Cannabis Cultivation Facilities**

Lead Agency:

***Humboldt County Planning Department***

3015 H Street

Eureka, CA 95501

Prepared By:

***NorthPoint Consulting Group***

1117 Samoa Blvd

Arcata, CA 95521

In Consultation with:

**Maromo, LLC**

PO Box 43

Honeydew, CA 95545

Revised January 2020



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Appendix A: Plot Plan

Appendix B: References

Appendix C: SIUR Certificate

Appendix D: Final Streambed Alteration Agreement

## 1. PROJECT SUMMARY

### 1.1. PROJECT OBJECTIVE

Maromo, LLC is proposing to permit existing cannabis cultivation activities in accordance with the County of Humboldt's (County) *Commercial Medical Marijuana Land Use Ordinance* (CMMLUO). The project requires a Special Permit for approximately 10,000 square feet (sf) of outdoor cultivation. The project includes the permitting of existing and proposed facilities appurtenant to the cultivation, including greenhouses and cultivation facilities for cannabis. The applicant aims to become fully compliant with State and Local cultivation regulations.

### 1.2. SITE DESCRIPTION

The project is located at parcel number 107-144-021 approximately 27 miles north-west of the community of Redway, CA at latitude of 40.2083 and longitude of -124.1133. The subject parcel is approximately 65 acres in size per the County of Humboldt's WebGIS. The site is at an elevation of approximately 800 ft with an intermittent drainage intersecting the southern quadrant of the property. Existing development of the site includes two (2) residences and (2) sheds.

### 1.3. LAND USE

The subject property has a General Plan Designation Timber Production and Residential Agriculture as identified by the Humboldt County General Plan and is zoned Timber Production Zone and Unclassified. The surrounding parcels are zoned Timber Production Zone, Agricultural Exclusive and Unclassified.

### 1.4. STATE AND LOCAL COMPLIANCE

#### 1.4.1. STATE OF CALIFORNIA COMMERCIAL CANNABIS ACTIVITY LICENSE

Maromo, LLC has obtained a Commercial Cannabis Activity license from the State of California (CCL18-0003406 and CCL18-0003407).

#### 1.4.2. STATE WATER RESOURCES CONTROL BOARD

The applicant has been issued a Small Irrigation Use Registration (SIUR). The point of diversion associated with the SIUR is located on an unnamed spring, tributary to Honeydew Creek. Please refer to Appendix C for a copy of SIUR Certificate H100330.

#### 1.4.3. NORTH COAST REGIONAL WATER QUALITY CONTROL BOARD

Maromo, LLC was historically enrolled with the North Coast Regional Water Quality Control Board (NCRWQCB) for coverage under Tier 2 of Order No. 2015-0023 *Waiver of Waste Discharge Requirements and General Water Quality Certification for Discharges of Waste Resulting from Cannabis Cultivation and Associated Activities or Operations with Similar Environmental Effects in the North Coast Region* (WDID Number 1B170015CHUM).

Maromo, LLC has transitioned to coverage under the State Water Resources Control Board General Order WQ 2017-0023-DWQ General Waste Discharge Requirements and Waiver of Discharge Requirements for Dischargers of Waste Associated with Cannabis Cultivation Activities (WDID Number: Pending). A Site Management Plan (SMP) has been generated by NorthPoint Consulting Group. The SMP has been submitted to the North Coast Regional Water Quality Control Board as part of the enrollment process.



**1.4.4. HUMBOLDT COUNTY BUILDING DEPARTMENT**

All necessary building permits will be obtained from the Humboldt County Building Department for all existing and proposed structures and supporting infrastructure upon approval of the Special Permit.

**1.4.5. CAL FIRE**

The subject property is located within a State Responsibility Area (SRA) for fire protection. Several improvements are proposed to meet SRA requirements, including designating a fire turn-around and pull-out area for emergency vehicles, and management of trees and vegetation around existing structures to maintain the required 100-foot defensible space. All structures on the property meet the 30-foot SRA setback requirement from property lines. A fire riser will be installed near the property's residence to SRA specifications that is connected to a 2,500-gallon emergency water tank.

**1.4.6. CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE**

The applicant has been issued a Final Streambed Alteration Agreement by California Department of Fish and Wildlife (Notification No. 1600-2017-0877-R1). The Agreement encompasses two contiguous parcels under the same ownership, APN 107-144-021 (subject parcel) and 107-144-020 (adjacent parcel to the north). The project is limited to 21 encroachments which consist of water diversions and stream crossings. All work will be done in accordance with the Final Streambed Alteration Agreement.

**1.4.7. CULTURAL RESOURCES**

If buried archaeological or historical resources are encountered during construction or cultivation activities, the applicant or contractor shall call all work in the immediate area to halt temporarily, and a qualified archaeologist is to be contacted to evaluate the materials. Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, dietary bone, and human burials. If human burial is found during construction, state law requires that the County Coroner be contacted immediately. If the remains are found to be those of a Native American, the California Native American Heritage Commission will then be contacted by the Coroner to determine appropriate treatment of the remains. The applicant is ultimately responsible for ensuring compliance with this condition.

**2. CULTIVATION AND PROCESSING****2.1. PROPAGATION AND INITIAL TRANSPLANT**

Juvenile plants are propagated on site from 'mother plants' that demonstrate the desired genetics for the specific cannabis strain. Mother plants remain in the vegetative stage solely for propagation. Cuttings are sampled from the mother plants and are rooted into a growing medium, typically oasis cubes, to produce 'clones.' Once fully rooted, they are transplanted directly into 4" pots after 3 weeks (see Appendix A – Site Plan for nursery location). The juvenile plants are irrigated using hand watering methods. After 4 weeks the clones are then transplanted into 25-gallon smart pots with a soil and perlite medium, and moved to an outdoor cultivation site where they continue their 'vegetative' cycle.

**2.2. PRE-CULTIVATION ACTIVITIES**

Organic native soil will be amended with horse manure, straw, coconut fibers, bone blood, fish meal, feather meal, bone meal, kelp and bat guano.

**2.3. OUTDOOR CULTIVATION PLAN AND SCHEDULE**

Outdoor cultivation will occur in Area A and Area B, with cultivation relocation occurring out of Area C, refer to site map in Appendix A. Cultivation located within Area C is being relocated due to its

encroachment on the streamside management area (SMA). Cultivation Area C has already been decommissioned. Remediation efforts are in place. Table 1 contains a summary of existing and proposed conditions.

Table 1: List of Existing and Proposed Water Storage Vessels on Site			
Location	Existing Cultivation Area (sf)	Status	Proposed Cultivation Area
Area A	1,300	No Change	1,300
	1,995	No Change	1,995
	-	Relocation Site	1,055
Area B	3,450	No Change	3,450
	1,200	Relocation Site	2,200
Area C	1,060	Relocating to Area A	-
	1,000	Relocating to Area B	-
Total = 10,005 sf		Total = 10,000 sf	

Cultivation may occur as full sun outdoor or in greenhouses. However, cultivation activities will not exceed the existing and proposed cultivation footprints. The greenhouses will consist of heavy gauge steel tubing, covered with a woven poly translucent opaque tarp. Each greenhouse will be ventilated by intake and exhaust fans. The greenhouses will utilize a combination of artificial light and light deprivation to produce up to two (2) to three (3) flowering cycles per year. Black out tarps will be used to achieve light deprivation. Any greenhouse or propagation area with supplemental lighting will be properly maintained by shielding so little to no light escapes.

## 2.4. IRRIGATION PLAN AND SCHEDULE

Irrigation of plants occurs using top-feed hand watering methods while juveniles. Once the plants are transplanted into the greenhouse's raised beds plants are watered by drip irrigation 3-4 times per week. Tubing is running the length of the beds with drip emitters placed at the base of the plant. Each emitter delivers the right amount of water directly to the base of the plants so over watering is not occurring. Maromo, LLC maintains that irrigation is efficiently managed, allowing for daily inspection of each plant by the cultivator.

## 2.5. HARVESTING, DRYING, AND TRIMMING

Plants that are ready for harvest have their flowering branches removed and suspended in a 10'x12' room in the existing barn which is equipped with ventilation fans. The drying will take place in the shop/barn and in the shed. The drying process takes approximately one week, at which time the flowers are bucked into manageable buds and placed in storage bins. The dried flowers are then bucked into manageable buds and transported to an off-site processing facility.

## 2.6. EMPLOYEE PLAN

Maromo, LLC 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), and complies with all applicable federal, state and local laws and regulations governing California Agricultural Employers.

### 2.6.1. JOB DESCRIPTIONS AND EMPLOYEE SUMMARY

- *Agent in Charge* (1) Full-time: Responsible for business oversight and management of the Maromo, LLC. Responsibilities include, but are not limited to: inventory and tracking,

personnel management, record keeping, budget, and liaison with State and County inspectors as needed. This is a part-time to full-time, seasonal position.

- *Lead Cultivator* (1) Full-time: Oversight and management of the day to day cultivation of cannabis. Responsibilities include but are not limited to: plant propagation and transplant, soil management, irrigation, fertilization, pesticide management, and harvest activities. This is a full-time, year-round position.
- *Assistant Cultivator / Processing Manager* (1) Part-time: Provides support to the *Lead Cultivator* in their day to day duties and takes the lead role during times when the *Lead Cultivator* may be off site. This is a full-time, seasonal position.
- *Seasonal Laborer* (2): Provides cultivation and harvesting support. This is a part-time to full-time, seasonal position.

#### **2.6.2. STAFFING REQUIREMENTS**

In addition to the *Agent, Lead Cultivator, and Assistant Cultivator positions*, two (2) seasonal laborers are employed. The number of seasonal laborers varies based on the needs of the farm during the cultivation, harvest and processing seasons. At the peak harvest season, there are an estimated total of five (5) employees on site.

#### **2.6.3. EMPLOYEE TRAINING AND SAFETY**

On site cultivation, harvesting, and drying is performed by employees trained on each aspect of the procedure including: cultivation and harvesting techniques and use of pruning tools; proper application and storage of pesticides and fertilizers. All cultivation and processing staff are provided with proper hand, eye, body and respiratory Personal Protective Equipment (PPE). Access to the onsite cultivation and drying facilities are limited to authorized and trained staff.

All employees are trained on proper safety procedure including fire safety; use of rubber gloves and respirators; proper hand washing guidelines; and protocol in the event of an emergency. Contact information for the local fire department, CAL FIRE, Humboldt County Sheriff and Poison Control as well as the Agent in Charge will be posted at the employee restroom. Each employee is provided with a written copy of emergency procedures and contact information. The material safety data sheets (MSDS) are kept on site and accessible to employees.

#### **2.6.4. TOILET, HANDWASHING AND SEPTIC FACILITIES**

There is a finished bathroom with unpermitted septic system at the lower residence, and a permitted septic system at the main 3-bedroom residence. The other system is proposed to be permitted by the Humboldt County Department of Environmental Health. Portable restrooms may be provided for sites that are more than 100' from existing restroom facilities.

#### **2.6.5. ON SITE HOUSING**

Existing development of the site includes a garage, two (2) residences onsite, each which are occupied year-round by property owner and family. There is a one (1) bedroom residence and a three (3) bedroom residence. During the working season the agent in charge will be living in the residence on the property. All other full-time and seasonal employees live off site and commute daily to the cultivation site. No new residential structures are proposed as a part of this project.

#### **2.6.6. PARKING PLAN**

There will be five parking spaces provided onsite with carports. Parking spaces will be located near the cultivation areas. Please refer to the site map for parking locations.

## 2.7. SECURITY PLAN AND HOURS OF OPERATION

### 2.7.1. FACILITY SECURITY

The site is secured by two gates on the access road and a security system. Access to the facilities are limited exclusively to employees, and restricted access signs are posted conspicuously at the entry gates. During the working season the agent in charge will be living in the residence on the property.

### 2.7.2. HOURS OF OPERATION

Activities associated with cultivation in the greenhouses (watering, transplanting, and harvesting) generally occur 7 days per week during daylight hours during the months of operation of April - November. All other activities such as processing typically occur no earlier than 8am and extend no later than 10pm.

## 3. ENVIRONMENT

### 3.1. WATER SOURCE AND PROJECTED WATER USE

The applicant was issued a Small Irrigation Use Registration (SIUR) Certificate in November 2018 (Registration # H503797). The applicant intends to divert water from an unnamed spring, tributary to Honeydew Creek, during the diversion season. Water is gravity fed from the point of diversion to multiple water tanks located throughout the property. The applicant will divert water in accordance to the SIUR Certificate.

The total estimated water use for irrigation purposes is approximately 120,000 gallons (Table ). Variables such as weather conditions and specific cannabis strains will also have a slight effect on water use.

Table 2: Estimated Annual Irrigation Water Usage (Gallons)												
Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Total
0	0	0	6,700	11,000	18,000	25,000	22,000	18,000	8,000	0	0	120,000

### 3.2. WATER STORAGE

The table below outlines the existing and proposed water storage on the parcel. Currently, the existing water storage capacity is 36,000 gallons. The applicant intends to install multiple 5,000-gallon water storage tanks throughout the property. This would bring the total storage capacity to 123,500 gallons. The applicant will have sufficient water storage to meet the forbearance period.

Table 3: List of Existing and Proposed Water Storage Vessels on Site				
Existing/Proposed	Type	Quantity (Gallons)	Number	Total Storage (Gallons)
	Plastic Tank	3,500	3	10,500
	Plastic Tank	3,000	1	3,000
	Plastic Tank	2,500	3	7,500
	Plastic Tank	5,000	3	15,000
<b>Total Existing Storage</b>	---			<b>36,000</b>
Proposed storage tank	Plastic Tank	5,000	17	85,000
		2,500	1	2,500
<b>Total Proposed Storage</b>	---			<b>87,500</b>

Existing and Proposed Storage = 123,500 gallons



### **3.3. SITE DRAINAGE, RUNOFF, AND EROSION CONTROL**

As mentioned prior Maromo, LLC was historically enrolled with the North Coast Regional Water Quality Control Board (NCRWQCB) for coverage under Tier 2 of Order No. 2015-0023 *Waiver of Waste Discharge Requirements and General Water Quality Certification for Discharges of Waste Resulting from Cannabis Cultivation and Associated Activities or Operations with Similar Environmental Effects in the North Coast Region*. King's Peak Farms Cooperative, Inc. is in the process of transitioning to coverage under the State Water Resources Control Board General Order WQ 2017-0023-DWQ *General Waste Discharge Requirements and Waiver of Discharge Requirements for Dischargers of Waste Associated with Cannabis Cultivation Activities*. NorthPoint Consulting Group has transitioned Maromo, LLC to the state order. Additionally, a Site Management Plan has been generated by NorthPoint Consulting Group.

The Site Management Plan (SMP) was developed utilizing best practical treatment or controls (BPTC's) in accordance with the SWRCB's and NCRWQCB's recommendations. The drainage and erosion control measures described below, are addressed in the SMP.

#### **3.3.1. SITE DRAINAGE AND RUNOFF**

Site investigation for the development of the Site Management Plan (SMP) showed no evidence of surface runoff associated with the cultivation. Moreover, the existing and proposed cultivation structures will be located approximately >100 feet from the nearest water course, providing a sufficient buffer to prevent sediment and nutrient delivery. To further prevent runoff to riparian areas, water conservation and containment measures will be implemented including the use of hand irrigation to prevent excessive water use, and the maintenance of a stable, vegetated buffer between the cultivation area and riparian zone.

#### **3.3.2. EROSION CONTROL**

The Site Management Plan (SMP) includes erosion and sediment control BPTC's designed to prevent, contain, and reduce sources of sediment. The SMP may also include corrective actions to reduce sediment delivery, such as: outsloping, adding rocked rolling dips, adding seed and straw to bare surfaces for stabilization, and improving inboard ditches. Additionally, the SMP requires mulch piles and spoils from any grading to be stored in a designated location away from watercourses.

### **3.4. WATERSHED AND HABITAT PROTECTION**

Adherence to the Site Management Plan (SMP) ensures that the watershed and surrounding habitat are protected. The cultivation activities and associated structures are >100 feet from the nearest watercourse, providing a suitable buffer between the cultivation operation and habitat. Additionally, site development and maintenance activities utilize BPTC's in accordance with the SWRCB's recommendations. Any grading and earthwork activities will be conducted by a licensed contractor in accordance with approved grading permits and the SMP, once developed.

### **3.5. MONITORING AND REPORTING**

Monitoring will be conducted to confirm the effectiveness of corrected measures listed in the WRPP and SMP and determine if the site meets all of the BPTC Measures in Attachment A of the Order. The Site Management Plan provides more details regarding Monitoring and Reporting. The applicant tracks all water diversion and use and records fertilizer applications. This information will be reported to the State Water Resources Control Board in the Annual Report, due annually by March 1<sup>st</sup>.

### **3.6. ENERGY AND GENERATOR USE**

Electricity is currently supplied by PG&E. There are future plans to convert energy to solar. Maromo, LLC does employ the use of a generator for power for supplemental use. Maromo, LLC will limit the use of a Honda generator to an as needed basis. Generators are stored inside the shed and barn with the five (5) 5-gallon containers used to store the fuel will have secondary containment for spill prevention.

### **3.7. USE AND STORAGE OF REGULATED PRODUCTS**

#### **3.7.1. FUEL STORAGE**

Fuel for heating and generators is stored in secondary containment. All equipment is inspected prior to each use (sometimes daily). Maintenance varies based on manufacturers requirements and oil changes for all equipment as well as all other maintenance is done at a certified maintenance facility.

#### **3.7.2. BEST PRACTICAL TREATMENT OR CONTROLS**

Best Practical Treatment or Controls (BPTCs) are employed when storing, handling, mixing, application and disposal of all fertilizers, pesticides and fungicides. All nutrients, pesticides and fungicides are in a locked storage room, and contained within water-tight, locked and labeled containers in accordance with manufactures instruction. Application rates will be tracked and reported with the end of the year monitoring report required in the Site Management Plan (SMP). Employees responsible for application are trained to handle, mix, apply or dispose of pesticides/fungicides with proper hand, eye body and respiratory protection in accordance with the manufacturer's recommendations. See the SMP for complete BPTC specifications for the use and storage of regulated products. Maromo, LLC uses rubbing alcohol for sanitizing and cleaning.

#### **3.7.3. FERTILIZERS**

A list of fertilizers and amendments will be provided as part of the completed Water Resources Protection Plan.

- Black Gold
- Blood Meal
- Bone Meal
- Fish Meal
- Feather Meal
- Horse Manure
- Compost
- Granulated Kelp
- Bat Guano
- Chicken Manure

#### **3.7.4. PESTICIDES AND FUNGICIDES**

Pesticides and fungicides used for cultivation include:

- Safer Brand Neem Oil
- Flying Skull Plant Product's Nukem

### **3.8. WASTE MANAGEMENT PLAN**

#### **3.8.1. SOLID WASTE MANAGEMENT**

Trash and recycling will be kept and stored at the storage area at the residence. The containers will be placed to prevent storm water contamination and leachate from entering or percolating to receiving waters. Solid waste and recycling are self-hauled off-site via trailer to the nearest facility bi-weekly.

Vegetation matter such as branches and leaves will be chipped and composted at the lower cultivation site. The root balls will be burned in the winter during the appropriate burn days recommended by the local fire department. Soil will be left in the raised beds and cover crop planted in rainy months.

#### **3.8.2. IRRIGATION RUNOFF MANAGEMENT**

The applicant aims to achieve an entirely closed-cycle irrigation and nutrient system. Hand watering methods minimize the over-irrigation of plants and subsequent runoff. No evidence of water movement and erosion in the cultivation area was observed during the site assessment. Maromo, LLC will apply amendments and fertilizers per label specifications.

#### **3.8.3. CULTIVATION WASTE AND SOIL MANAGEMENT**

Cultivation vegetative matter such as root balls, branches, and leaves are composted at a designated area. Spent potting soil is stored in the greenhouses the first year and then in a designated contained covered area in subsequent years. The soil containment area is lined to prevent any soil erosion or nutrient seepage. Used pots will be collected and stored in the barn for the winter. All packaging from soil amendments and fertilizers will be collected and disposed at an appropriate facility.

#### **3.8.4. WASTEWATER MANAGEMENT**

The applicant aims to achieve an entirely closed-cycle irrigation and nutrient system. Hand watering methods minimize the over-irrigation of plants and subsequent runoff.

There is a finished bathroom with an unpermitted septic system at the lower residence, and a permitted septic system at the main 3-bedroom residence. The other system is proposed to be permitted by the Humboldt County Department of Environmental Health. At the lower site, a portable toilet will be onsite and serviced by the provider during the working season. Portable restrooms will be provided for sites that are more than 100' from existing restroom facilities.

## **4. PRODUCT MANAGEMENT**

### **4.1. PRODUCT TESTING AND LABELING**

Samples are selected from individual harvested cannabis strains and are tested by a licensed third-party lab in accordance with State and local standards.

### **4.2. PRODUCT INVENTORY AND TRACKING**

The applicant will enroll in the California Cannabis Track & Trace (CCTT) METRC program and complies with all METRC regulations.

### **4.3. TRANSPORTATION AND DISTRIBUTION**

Transportation will be handled by a licensed transporter/distributor in accordance with State and Local regulations. All merchantable product will be distributed through licensed commercial cannabis dispensaries. Prior to moving packages from the on-site holding facility to another physical location, a transport manifest will be created by the distributor/transporter and will include:

- Product ID numbers and product weight
- Route to be travelled
- Origin and destination addresses
- Time of departure
- Time of arrival

The *Agent in Charge* and the *Processing Manager* are responsible for performing a physical inventory of all packages being transported, and ensuring that the physical inventory coincides with the transport manifest.





STATE OF CALIFORNIA  
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY  
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

RIGHT TO DIVERT AND USE WATER

REGISTRATION H503797

CERTIFICATE H100330

Right Holder: *Maureen Catalina*  
*P.O. Box 93*  
*Honeydew, CA 95545*



The State Water Resources Control Board (State Water Board) authorizes the diversion and use of water by the right holder in accordance with the limitations and conditions herein SUBJECT TO PRIOR RIGHTS. The priority of this right dates from 11/02/2018. This right is issued in accordance with the State Water Board delegation of authority to the Deputy Director for Water Rights (Resolution 2012-0029) and the Deputy Director for Water Rights redelegation of authority dated October 19, 2017.

The Deputy Director for Water Rights finds that this registration meets the requirements for registration of small irrigation use appropriation. (Wat. Code, § 1228 et seq.)

Right holder is hereby granted a right to divert and use water as follows:

1. Location of point(s) of diversion (**Coordinates in WGS 84**)

Name of Diversion	Source	Tributary To:	Thence	Latitude	Longitude	County	Assessor's Parcel Numbers (APN)
Maromo-Honeydew-POD-2	Unnamed Spring	Honeydew Creek	Mattole River	40.211072	-124.111209	Humboldt	107-144-021

2. Purpose of Use and 3. Place of Use

2. Purpose of Use	3. Place of Use		
	County	Assessor's Parcel Numbers (APN)	Acres
Irrigation, Fire Protection	Humboldt	107-144-021	0.23
Irrigation	Humboldt	107-144-020	0.23

Note: Assessor's Parcel Numbers provided are based on the user's entries in this portal on 11/19/2018.  
The place of use is shown on the map filed on 11/19/2018 with the State Water Board.

4. Quantity and Season:

The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 0.38 **acre-feet per year** to be collected from 01/01 to 12/31 and as permitted in the diversion season specified in the current version of the State Water Board's Cannabis Policy, whichever is more restrictive. The total storage capacity shall not exceed 0.39 acre-feet. The rate of diversion to storage shall not exceed **42,000 gallons per day (gpd) or the diversion rate specified in the current version of the State Water Board's Cannabis Policy, whichever is more restrictive.**

5. No water shall be diverted or used under this right unless the water right holder is in compliance with all applicable conditions, including the numeric and narrative instream flow requirements, of the current version of the State Water Board's

Cannabis Policy, except as follows:

Right holders enrolled under Regional Water Quality Control Board Order R1-2015-0023 or Order R5-2015-0113 shall comply at all times with requirements related to flow, diversion, storage, and similar requirements of Attachment A of the Cannabis Policy identified by the Division of Water Rights below in this condition. This condition remains in effect until July 1, 2019, or when the right holder enrolls under the statewide Cannabis General Order, whichever comes first, at which time right holders shall comply with all applicable conditions and requirements of Attachment A of the Cannabis Policy.

- Section 1 – Term Numbers 4, 15, 17, 24, 26, and 36.
- Section 2 – Term Numbers 23, 63, 64, 66, 69 – 78, 82 – 94, 96, and 98 – 103.
- Section 3 – All Instream Flow Requirements for Surface Water Diversions (Requirements 1 – 7) and the Gage Installation, Maintenance, and Operation Requirements.
- Section 4 – All requirements and conditions.

The current version of the State Water Board's *Cannabis Policy* is available online at:  
[https://www.waterboards.ca.gov/water\\_issues/programs/cannabis/docs/policy.pdf](https://www.waterboards.ca.gov/water_issues/programs/cannabis/docs/policy.pdf).

6. No water shall be diverted or used under this right, and no construction related to such diversion shall commence, unless right holder has obtained and is in compliance with all necessary permits or other approvals required by other agencies.
7. Diversion works shall be constructed and water applied to beneficial use with due diligence.
8. No water shall be diverted under this right unless right holder complies with all lawful conditions required by the California Department of Fish and Wildlife. (Wat. Code, § 1228.6, subd. (a)(2).)
9. No water shall be diverted under this right unless it is diverted in accordance with the information set forth in the completed registration form as to source, location of point of diversion, purpose of use, place of use, quantity, and season of diversion. This information is reproduced as conditions 1 through 4 of this certificate.
10. No water shall be diverted under this right unless right holder complies with all applicable state, city, county, and local laws, regulations, ordinances, permits, and license requirements including, but not limited to those for cannabis cultivation, grading, construction, and building.
11. Pursuant to Water Code sections 100 and 275 and the common law public trust doctrine, all rights and privileges under this right, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.
12. The State Water Board reserves jurisdiction over this registration to change the season of diversion and rate of diversion based on later findings of the State Water Board concerning availability of water and the protection of beneficial uses. Any action to change the authorized season of diversion and rate of diversion will be taken only after notice to interested parties and opportunity for hearing.
13. Right holder shall grant, or secure authorization through right holder's right of access to property owned by another party, the staff of the State Water Board, and any other authorized representatives of the State Water Board the following:
  - a. Entry upon property where water is being diverted, stored, or used under a right issued by the State Water Board or where monitoring, samples and/or records must be collected under the conditions of this right;
  - b. Access to copy any records at reasonable times that are kept under the terms and conditions of a right or other order issued by the State Water Board;
  - c. Access to inspect at reasonable times any project covered by a right issued by the State Water Board, equipment (including monitoring and control equipment), practices, or operations regulated by or required under this right; and,
  - d. Access to photograph, sample, measure, and monitor at reasonable times for the purpose of ensuring compliance with a right or other order issued by the State Water Board, or as otherwise authorized by the Water Code.
14. Diversion of water under this right is subject to prior rights. Right holder may be required to curtail diversion or release water stored during the most recent collection season should diversion under this right result in injury to holders of legal downstream senior rights. If a reservoir is involved, right holder may be required to bypass or release water through, over, or around the dam. If release of stored water would not effectively satisfy downstream prior storage rights, right holder may be required to otherwise compensate the holders of such rights for injury caused.
15. This right shall not be construed as conferring right of access to any lands or facilities not owned by right holder.

16. All rights are issued subject to available flows. Inasmuch as the source contains treated wastewater, imported water from another stream system, or return flow from other projects, there is no guarantee that such supply will continue.
17. If storage or diversion of water under this right is by means of a dam, right holder shall allow sufficient water at all times to pass through a fishway or, in the absence of a fishway, allow sufficient water to pass over, around, or through the dam to keep in good condition any fish that may be planted or exist below the dam; provided that, during a period of low flow in the stream, upon approval of the California Department of Fish and Wildlife, this requirement will be satisfied if sufficient water is passed through a culvert, waste gate, or over or around the dam to keep in good condition any fish that may be planted or exist below the dam if it is impracticable or detrimental to pass the water through a fishway. In the case of a reservoir, this provision shall not require the passage or release of water at a greater rate than the unimpaired natural inflow into the reservoir. (Fish & G. Code, § 5937.)
18. The facilities for diversion under this right shall include satisfactory means of measuring and bypassing sufficient water to satisfy downstream prior rights and any requirements of the California Department of Fish and Wildlife and the State Water Board's Cannabis Policy.
19. This right does not authorize any act which results in the taking of a threatened, endangered, or candidate species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code section 2050 et seq.) or the federal Endangered Species Act (16 U.S.C.A. section 1531 et seq.). If a "take" will result from any act authorized under this water right, the right holder shall obtain authorization for an incidental take prior to construction or operation of the project. Right holder shall be responsible for meeting all requirements of the state and Federal Endangered Species Acts for the project authorized under this right.
20. This right is subject to the submittal of an annual report of water use and satisfactory renewal, on forms to be furnished by the State Water Board, including payment of the then-current annual renewal fees. (Wat. Code, § 1228.5.)
21. This right shall be totally or partially forfeited for nonuse if the diversion is abandoned or if all or any part of the diversion is not beneficially used for a continuous period of five years.
22. This right is subject to enforcement, including but not limited to revocation, by the State Water Board if 1) the State Water Board finds that the right holder knowingly made any false statement, or knowingly concealed any material fact, in the right; 2) the right is not renewed as required by the conditions of this certificate; or 3) the State Water Board finds that the right holder is in violation of the conditions of this right. (Wat. Code, § 1228.4 et seq.)
23. The State Water Board intends to develop and implement a basin-wide program for real-time electronic monitoring and reporting of diversions, withdrawals, releases, and streamflow in a standardized format if and when resources become available. Such real-time reporting will be required upon a showing by the State Water Board that the program and the infrastructure are in place to accept real-time electronic reports. Implementation of the reporting requirements shall not necessitate amendment to this right.

STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF WATER RIGHTS

This certificate was issued automatically as a result of the registrant self-certifying submittal of a water right registration filing in substantial compliance with Water Code §1228.3.

Dated: 11/19/2018 07:10:07

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## ATTACHMENT 4

### REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

The project was referred to the following referral agencies for review and comment. Those agencies that provided written comments are checked off.

Referral Agency	Response	Recommendation
Building Inspection Division	✓	Memo (05/02/2018)
Department of Health & Human Services	✓	Memo (03/15/2018)
Public Works, Land Use Division	✓	Memo (12/09/2019)
CalFIRE	✓	Memo (10/26/2017)
Northwest Information Center (NWIC)	✓	Memo (10/16/2017) and Archaeology report (May 2018) & submitted for tribal review
California Department of Fish & Wildlife, Lake and Streambed Alteration Agreement	✓	Memo (12/06/2018)
State Water Quality Control Board, Division of Water Resources	✓	Water Right Letter (10/19/2017)



HUMBOLDT COUNTY  
PLANNING AND BUILDING DEPARTMENT  
CURRENT PLANNING DIVISION  
3015 H STREET, EUREKA, CA 95501 ~ PHONE (707) 445-7541

**PROJECT REFERRAL TO: Health and Human Services Environmental Health Division**

DEH received  
11-7-17

**Project Referred To The Following Agencies:**

17/18-1010

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, Regional Water Quality Control Board, North Coast Unified Air Quality Management District, United States Army Corps of Engineers, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, Sinkyone, SWRCB, Division of Water Rights, Humboldt County Sheriff, Mattole Unified School District

**Applicant Name** Maromo, LLC **Key Parcel Number** 107-144-021-000

**Application (APPS#)** 11434 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** SP16-223

Please review the above project and provide comments with any recommended conditions of approval. To help us log your response accurately, please include a copy of this form with your correspondence.

Questions concerning this project may be directed to the assigned planner for this project between 8:30am and 5:30pm Monday through Friday.

County Zoning Ordinance allows up to 15 calendar days for a response. If no response or extension request is received by the response date, processing will proceed as proposed.

☐ If this box is checked, please return large format maps with your response.

**Return Response No Later Than**

Planning Commission Clerk  
County of Humboldt Planning and Building Department  
3015 H Street  
Eureka, CA 95501  
**E-mail:** PlanningClerk@co.humboldt.ca.us **Fax:** (707) 268-3792

**We have reviewed the above application and recommend the following:**

Conditional Approval

**Comments:**

DEH recommends approval with the following conditions:

(1) Prior to reissuance of annual permit **provide an invoice, or equivalent documentation to DEH** to confirm the continual use of portable toilets or provide an approved means of sewage disposal to serve the needs of the cultivation staff.

\*This review and recommendation is for the Land Use aspects of the planning project and does not include or imply compliance with all DEH programs. Although DEH recommends the approval of the Planning project, Solid Waste and HazMat Program requirements need to be addressed directly with staff from those programs.

**DISTRIBUTED**

3-19-18

**Response Date:** 3/16/2018 **Recommendation By:** Joey Whittlesey



DEPARTMENT OF PUBLIC WORKS  
**COUNTY OF HUMBOLDT**

MAILING ADDRESS: 1106 SECOND STREET, EUREKA, CA 95501-0579  
AREA CODE 707

ARCATA-EUREKA AIRPORT TERMINAL  
McKINLEYVILLE  
FAX 839-3596

AVIATION

839-5401

PUBLIC WORKS BUILDING  
SECOND & L ST., EUREKA

FAX 445-7409

ADMINISTRATION

445-7491

BUSINESS

445-7652

ENGINEERING

445-7377

FACILITY MAINTENANCE

445-7493

NATURAL RESOURCES

445-7741

NATURAL RESOURCES PLANNING

267-9540

PARKS

445-7651

ROADS & EQUIPMENT MAINTENANCE

445-7421

CLARK COMPLEX  
HARRIS & H ST., EUREKA

FAX 445-7388

LAND USE

445-7205

**LAND USE DIVISION INTEROFFICE MEMORANDUM**

TO: Michelle Nielsen, Senior Planner, Planning & Building Department

FROM: Kenneth M. Freed, Assistant Engineer

DATE: 3-29-2018

RE:

Applicant Name	Maromo, LLC
APN	107-144-021
APPS#	11434

SP16-223

The Department has reviewed the above project and has the following comments:

- ☒ The Department's recommended conditions of approval are attached as **Exhibit "A"**.
- ☐ Additional information identified on **Exhibit "B"** is required before the Department can review the project. **Please re-refer the project to the Department when all of the requested information has been provided.**
- ☐ Additional review is required by Planning & Building staff for the items on **Exhibit "C"**. **No re-refer is required.**
- ☒ **Road Evaluation Reports(s)** are required; See **Exhibit "D"**. **No re-refer is required.**

\*Note: Exhibits are attached as necessary.

Additional comments/notes:

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// END //



## Public Works Recommended Conditions of Approval

(All checked boxes apply)

APPS # 11434

☐ COUNTY ROADS- FENCES & ENCROACHMENTS:

All fences and gates shall be relocated out of the County right of way. All gates shall be setback sufficiently from the County road so that vehicles will not block traffic when staging to open/close the gate. In addition, no materials shall be stored or placed in the County right of way.

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.

☐ COUNTY ROADS- DRIVEWAY (PART 1):

The submitted site plan is unclear and/or shows improvements that are inconsistent with County Code and/or Department of Public Works policies. The applicant is advised that these discrepancies will be addressed at the time that the applicant applies to the Department of Public Works for an Encroachment Permit. If the applicant wishes to resolve these issues prior to approval of the Planning & Building permit for this project, the applicant should contact the Department to discuss how to modify the site plan for conformance with County Code and or Department of Public Works policies. Notes:

☐ COUNTY ROADS- DRIVEWAY (PART 2):

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. 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. This also includes installing or replacing driveway culverts; minimum size is typically 18 inches.

- If the County road has a paved surface at the location of the driveway, the driveway apron shall be paved for a minimum width of 18 feet and a length of 50 feet.
- If the County road has a gravel surface at the location of the driveway, the driveway apron shall be rocked for a minimum width of 18 feet and a length of 50 feet.
- If the County road is an urban road, frontage improvements (curb, gutter, and sidewalk) shall also be constructed to the satisfaction of the Department. Any existing curb, gutter or sidewalk that is damaged shall be replaced.

The exact location and quantity of driveways shall be approved by the Department at the time the applicant applies to the Department of Public Works for an Encroachment Permit.

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.

☐ COUNTY ROADS- DRIVEWAY (PART 3):

The existing driveway will require substantial modification in order to comply with County Code. The applicant may wish to consider relocating the driveway apron if a more suitable location is available.

☐ COUNTY ROADS-PARKING LOT- STORM WATER RUNOFF:

Surfaced parking lots shall have an oil-water filtration system prior to discharge into any County maintained facility.

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.

☒ COUNTY ROADS- DRIVEWAY & PRIVATE ROAD INTERSECTION VISIBILITY:

All driveways and 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.

☒ COUNTY ROADS- PRIVATE ROAD INTERSECTION:

Any existing or proposed non-county maintained access roads 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. 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.

- If the County road has a paved surface at the location of the access road, the access road shall be paved for a minimum width of 20 feet and a length of 50 feet where it intersects the County road.
- If the County road has a gravel surface at the location of the access road, the access road shall be rocked for a minimum width of 20 feet and a length of 50 feet where it intersects the County road.

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.

☐ COUNTY ROADS- ROAD EVALUATION REPORT(S):

All recommendations in the Road Evaluation Report(s) for County maintained road(s) shall be constructed/implemented to the satisfaction of the Public Works Department prior to commencing operations, final sign-off for a building permit, or approval for a business license. 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.

// END //

## Exhibit "D"

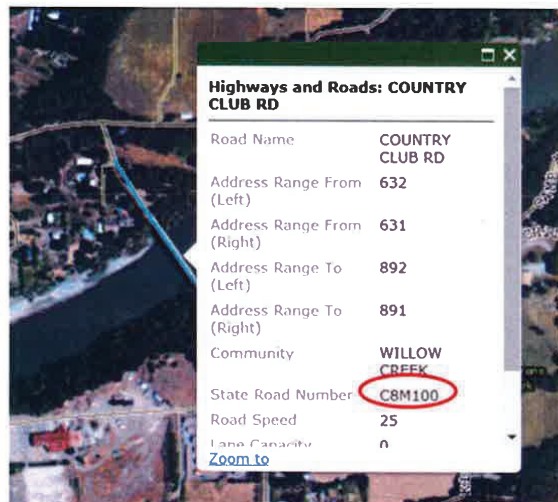
### Road Evaluation Reports

1. **ROADS – Road Evaluation Reports.** **Planning and Building Department staff shall request that the applicant provide Road Evaluation Reports for the project.** The particular roads that require a *Road Evaluation Report* is to be determined by following the guidance shown below.

The Department has developed a *Road Evaluation Report* form so that an applicant can address the adequacy of the various roads used by their project. Most projects will require that a *Road Evaluation Report* form be completed.

When viewing the project site on google earth, if the County maintained road (or other publicly maintained road) has a centerline stripe, the road is adequate. If there is no centerline stripe, then the roads leading from the nearest publicly maintained road with a paved centerline stripe (or a known category 4 road) must be evaluated. A separate *Road Evaluation Report* form is needed for each road. This applies to all roads regardless if they are publicly or privately maintained. The Department has prepared a "approved list" of known County maintained roads that are category 4 (or are equivalent to category 4) standards for cannabis projects. The Department has also prepared a list of roads that are known to not meet road category 4 of equivalent. Both of these lists will be updated as the County information regarding the County maintained roads becomes available.

The *Road Evaluation Report* form needs to be provided to applicants to complete. It is important that Planning and Building Department staff provide the applicant with a map that has the roads to be evaluated highlighted. This will most likely include a combination of County maintained roads and non-County maintained roads. This will give the applicant clear direction on which roads need to be evaluated.



Above: screenshot from the WebGIS showing County Road Number circled in **RED**.

A County maintained road will have a 5 or 6 character identifier. The general format is ABCDDD where:

- A** is an optional identifier for the functionality of the road (A=Arterial, C=Collector, F=Federal Aid)
- B** is a grid identifier number for the X-axis of a "battleship" style grid that was drawn on a county map to divide the county into a series of squares.
- C** is a grid identifier letter for the Y-axis for the grid.
- DDD** is a three digit road identification number within a particular grid. Each grid can have up to 999 roads in them

Examples:

**ABCDDD**

A 3 M 0 2 0 Murray Road

F 6 B 1 6 5 Alderpoint Road

6 C 0 4 0 Thomas Road

## Exhibit "D"

### Road Evaluation Reports

The Department is working towards identifying which County maintained roads meet (or are equivalent to) Road Category 4 standards for cannabis projects. Two lists are being prepared: the first list with the **green** heading shows which roads (or portions thereof) meet or are equivalent to Road Category 4 standard (AKA "Approved List"); and the second list with the **red** heading shows which roads (or portions thereof) that do not meet or are not equivalent to Road Category 4 standards. These lists will be updated as information becomes available. **This list will be updated frequently. Make sure you are using the most up to date list.**

On occasion there may be more than one road that has the same name; in these instances check the road number to ensure that you are referencing the correct road. Until such time as the GIS roads layer has been proofed by the Department, the GIS is not to be used for this task. Use the paper road maps to check road numbers.

If the subject property takes direct access from a road on the "approved list", no further road evaluation needs to be done.

<b>"APPROVED LIST"</b> <b>List of County Maintained Roads that meet (or are equivalent to)</b> <b>Road Category 4 standards for Cannabis Projects</b>		
<b>Road Name</b>	<b>Road Number</b>	<b>Range meeting (or equivalent to) Road Category 4 standard</b>
Alderpoint Road	F6B165	All
Bair Road	C6L300	All
Bair Road	6L300	All
Bald Hills Road	F4R300	All
Benbow Drive	6B180	Oakcrest Drive to State Hwy 101
Blue Slide Road	F2G100	All [Grizzley Bluff Rd to City limits of Rio Dell]
Brannon Mountain Road	7M100	State Hwy 96 to Creekside Lane
Briceland Thorne Road	F5A010	All
Burrell Road	3D030	From Mattole Rod to P.M. 067
Cathey Road	6D050	State Park to P.M. 0.87 [End of County maintained]
Chemise Mountain Road	C4A030	Shelter Cove Road to P.M. 3.0
Eel Rock Road	7D010	All
Eighth Avenue	4N080	All
Ettersburg Honeydew Road	F5A010	All
Fickle Hill Road	C5J040	PM 1.55 [end of centerline stripe] to P.M. 8.00
Fieldbrook Road	C4L760	All
Freshwater Road	F6F060	All
Friday Ridge Road	8L100	State Hwy 299 to PM 3.37[End of County maintained] then becomes USFS Road
Greenwood Heights Drive	C4K160	All
Grizzley Bluff Road	F2G100	All [City limits of Ferndale to Blue Slide Rd]
Jacoby Creek Road	C4K230	Old Arcata Road to P.M. 2.50
Jacoby Creek Road	4K230	From P.M. 2.5 to P.M. 2.69
Kneeland Road	F6F060	Freshwater Road to Mountain View Road
Maple Creek Road	5L100	All
Mattole Road	F3D010	All
Mattole Road	F3C010	All
McCann Road	6D090	Dyerville Loop Road to P.M. 1.0
McCellan Mtn Road	7F010	State Hwy 36 to P.M. 3.57[End of County maintained]
Mountain View Road	6H010	All
Murray Road	C3M020	All
Old Three Creeks Road	6L250	State Hwy 299 to P.M. 2.8 [End of County maintained]
Panther Gap Road	4D010	Mattole Road to P.M. 1.83[End of County maintained] continues as a non- County maintained road
Patterson Road	C3M130	All
Salmon Creek Road	6C030	Hwy 101 to P.M. 5.39 [Gate]
Shelter Cove Road	C4A010	All
Sprowel Creek Road	C6B095	PM 0.0 to PM 2.11
Sprowel Creek Road	6B095	PM 2.11 to PM 4.00
Thomas Road	6C040	Salmon Creek Road to P.M. 4.03 [End of County maintained] continues as a non- County maintained rd
Titlow Hill Road	7K100	Hwy 299 to PM 4.7[End of County maintained] then becomes USFS Road
West End Road	5L010	PM 0.0 at Arcata City Limits to Warren Creek Road
Wilder Ridge Road	C5B010	All

**Exhibit "D"****Road Evaluation Reports**

<b>List of County Maintained Roads that do not meet (or are not equivalent to) Road Category 4 standards for Cannabis Projects</b>		
<b>Road Name</b>	<b>Road Number</b>	<b>Range not meeting (or not equivalent to) Road Category 4 standard</b>
Bark Shanty Road	9R105	All
Benbow Drive	6B180	Oakcrest Dr to end of County maintained
Brannon Mountain Road	7M100	Creekside Lane to PM 5.0 [End of County maintained] then becomes USFS Road
Burrell Road	3D030	P.M. 067 to P.M. 2.22 [End of County maintained]
Butte Creek Road	6H020	All
Chemise Mountain Road	C4A030	P.M. 3.0 to P.M. 4.09 [Mendocino County Line]
Essex Lane	C4L780	P.M. 0.2 to P.M. 0.9 [End of County maintained]
Fickle Hill Road	C5J040	P.M. 8.0 to P.M. 11.72
Kings Peak Road	C4A020	P.M. 1.0 to P.M. 12.20
McCann Road	6D090	P.M.1.0 to P.M.2.6 [End of County maintained]
Mill Street	3G305	Country Club Estates to P.M. 0.49[End]
Old Eel Rock Road	7D025	All
River Bar Road	4G010	Hwy 36 to P.M. 1.76 [End of County maintained]
Salmon Creek Road	6C030	P.M. 5.39 to P.M. 5.88[End of County maintained]
Sprowel Creek Road	6B095	P.M 4.00 to PM 7.22 [End of County maintained]
Stapp Road	7H010	P.M 0.00 to 3.25[End of County maintained]
Warren Creek Road	5L740	P.M 0.0 to PM 0.95 [End of County maintained]
Williams Creek Road	2G045	All

// END //





**From:** [Titus, Lucas@CALFIRE](mailto:Titus_Lucas@CALFIRE)  
**To:** [Planning Clerk; HUU\\_CEQA@CALFIRE](mailto:Planning_Clerk; HUU_CEQA@CALFIRE)  
**Cc:** [sluu@manhard.com](mailto:sluu@manhard.com)  
**Subject:** APN# 107-144-021 Marmo, LLC APPS# 11434  
**Date:** Monday, November 13, 2017 10:30:23 AM

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Previous land use activities may have resulted in harvest without an permit and harvesting without a plan or a license. More information is required for a proper evaluation.

Lucas Titus  
Forester I, Bridgeville Resource Management  
Department of Forestry and Fire Protection  
**CAL FIRE**  
Humboldt-Del Norte Unit  
Office (707)777-1720  
Cellular (707)599-6893

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**DEPARTMENT OF FORESTRY AND FIRE PROTECTION**

Humboldt – Del Norte Unit  
118 Fortuna Blvd.  
Fortuna, CA 95540  
Website: [www.fire.ca.gov](http://www.fire.ca.gov)  
(707) 726-1272



Ref: 7100 Planning  
Date: November 14, 2017

John Ford, Director  
Humboldt County Planning and Building Department – Planning Division  
3015 H Street  
Eureka, CA 95501

**Attention:** Cannabis Planner (CPOD)  
**Applicant:** Maromo, LLC  
**APN:** 107-144-021-000  
**Area:** Honeydew  
**Case Numbers:** SP16-223

**Humboldt County Application #:** 11434  
**Type of Application:** Special Permit  
**Date Received:** 11/8/2017  
**Due Date:** 11/22/2017

**Project Description:** A Special Permit for an existing 10,000 square foot (SF) cannabis cultivation operation and work completed within an unnamed creek Stream Management Area (SMA). Four thousand (4,000) square feet (SF) is mixed-light and six thousand (6,000) SF is outdoor. Irrigation water is sourced from spring and stream diversion. Existing total water storage is 19,000 gallons in six (6) tanks and an additional 90,000 gallons is proposed in three (3) tanks. Existing water storage is shared with adjacent parcel on APN: 107-144-020. This project is associated with three (3) other applications (Apps#); Apps# 11430, APN: 105-044-006; Apps# 11431, APN: 104-131-007; Apps# 11432, APN: 107-144-020; and together they comprise Maromo, LLC.

Mr. Ford,

The California Department of Forestry and Fire Protection (CALFIRE) provides these standard project review comments on the above noted project for the following subject matter:

- Fire Safe
- Resource Management
- Cannabis

The following pages address these concerns directly.

If CALFIRE staff develops additional comment on this project, it will be forwarded in an additional response letter.

By: Planning Battalion  
CALFIRE Humboldt – Del Norte Unit

For **Hugh Scanlon**, Unit Chief

## **FIRE SAFE**

### **General:**

CALFIRE has responsibility for enforcement of Fire Safe Standards as required by Public Resources Code (PRC) 4290 and 4291. However CALFIRE is not the lead agency in planning development and project permitting. CALFIRE provides input as a contributing agency, generally limited to plan review, and is not the approving agency for these projects.

### **Local Responsibility Areas:**

Should this project include Local Responsibility Area (LRA) lands, CALFIRE has no direct fire safe input on those parcels. However, in those areas with LRA parcels adjacent to State Responsibility Area (SRA) land, CALFIRE recommends that local standards be applied that are consistent with those CALFIRE makes for SRA lands.

### **State Responsibility Areas:**

Should this project include State Responsibility Area (SRA) lands, the following are CALFIRE's Fire Safe minimum input and recommendation for any and all development.

1. In Humboldt County, developments must meet minimum fire safe standards by constructing the project in conformance with County Fire Safe Ordinance 1952, which the California Board of Forestry and Fire Protection has accepted as functionally equivalent to PRC 4290. The County Fire Safe Ordinance provides specific standards for roads providing ingress and egress, signing of streets and buildings, minimum water supply requirements, and setback distances for maintaining defensible space.
2. New buildings located in any Fire Hazard Severity Zone within State Responsibility Areas shall comply with the 2007 California Building Code (CBC) Section 701A.3.2. This requires roofing assemblies, attic and eave ventilation, exterior siding, decking and deck enclosure, windows and exterior doors, and exposed under floor areas that are approved "ignition resistive" in design.
3. All development, especially commercial or industrial development, should be designed to comply with the most current versions of the following standards:
  - a) California Fire Code (CFC) — for overall design standards
  - b) Public Utilities Commission (PUC) General Order 103 — for design of water systems
  - c) National Fire Protection Association Standards (NFPA) for fire flow minimums and other design questions not specifically covered by CFC and PUC
  - d) Housing and Community Development Codes and Standards —for mobile home parks and recreational camps
4. For Department of Real Estate reporting purposes, fire protection coverage in SRA is generally described as follows:

During the declared fire season (usually June through October) CALFIRE responds to all types of fires and emergencies in SRA.

During the remainder of the year (winter period), CALFIRE responds to emergency requests with the closest available fire engine, if a response can reasonably be expected to arrive in time to be effective. A fire engine is usually available somewhere in the Unit, but may have an extended response time.

There are many hazards confronting fire protection agencies in most subdivisions on SRA lands. Steep terrain and heavy wildland fuels contribute to fire intensity and spread. The distances from fire stations and road grades encountered usually create an excessive response time for effective structure fire suppression purposes.

Subdivisions increase fire risks from additional people and increase probable dollar losses in the event of fire due to added structures and improvements.
5. If the project expects to produce densities consistent with a major subdivision, the impacts on all infrastructures should be mitigated. Local government more appropriately provides the responsibility for high-density area protection and services. Annexation or inclusion into Local Responsibility Area should be studied as well.

6. CALFIRE does not support development in areas where there is no local agency fire service for structure fires and emergency medical response. Fire services should be extended into service gap areas as a condition of development. New development can adversely impact existing fire services. Careful consideration must be given where development may overload the local fire service's ability to respond.



## **RESOURCE MANAGEMENT**

CALFIRE has enforcement responsibility for requirements of the Z'berg—Nejedly Forest Practice Act of 1973. CALFIRE is also the lead agency for those parts of projects involving the scope of the Forest Practice Act. The following basic input will cover the majority of projects. Each project will be reviewed with additional input sent at a later date, if needed.

The following comments reflect the basic Resource Management policies of the Board of Forestry and Fire Protection and CALFIRE on CEQA review requests. These policies apply to both Local and State Responsibility Areas.

1. If this project reduces the amount of timberland, by policy, the Board of Forestry and CALFIRE cannot support any project that will reduce the timberland base of California. "Timberland" means land which is available for, and capable of, growing a crop of trees of any commercial species used to produce lumber and other forest products, including Christmas trees regardless of current zoning (PRC 4526). However, if the zoning and intended use are consistent with the county's general plan; and if no land other than timberland can be identified to site the project; then CALFIRE may choose not to oppose the project.
2. If **any** commercial timber operations are involved with a project, the timber operations cannot be conducted without a CAL FIRE permit. Commercial timber operations include the cutting or removal of trees offered for sale, barter, exchange, or trade or the conversion of timberlands to land uses other than the growing of timber (PRC 4527). Contact your nearest CAL FIRE Resource Management office for guidance on obtaining the necessary permits.
3. If **any** timberlands are being converted to a non-timber growing use by this project, the conversion operations cannot be conducted without a CAL FIRE permit (PRC 4621). Conversion of timberland takes place when trees are removed and the land use changes, even without the sale, barter, exchange, or trade of the trees. Contact your nearest CAL FIRE Resource Management office for guidance on obtaining the necessary permits.
4. If timberland is in the viewshed of a project, the current and future owners should be overtly notified that changes will occur to their views due to timber management activities. Further, no project should be allowed to negatively affect access to timberland for timber management purposes; neither on the project parcel(s) nor any other timberland parcels.
5. If timber harvesting has occurred and post-harvest restocking and prescribed erosion control maintenance obligations have not been met on a parcel, future owners should be overtly notified (14 CCR 1042). The current owner of a parcel is responsible for restocking requirements and maintenance of roads whether or not they were involved in the actual harvest plan.
6. If the project involves the development of parcels zoned as Timber Production Zone (TPZ), CALFIRE cannot support the project. Dividing TPZ land into parcels of less than 160 acres requires a Joint Timber Management plan prepared by a Registered Professional Forester (RPF), recorded as a deed restriction for a minimum of 10-years on all affected parcels, and approved by a four – fifths vote of the full board (Govt. Code 51119.5). TPZ may be rezoned using a "Ten Year Phase Out," which precludes the need for a Timberland Conversion Permit. CALFIRE opposes immediate rezoning of TPZ land.

## **CANNABIS PROJECTS**

### **Local Responsibility Areas:**

CAL FIRE is the primary command and control dispatch center for many local agency fire districts and departments. Potential life hazard threats associated with a project must be identified and documented for the protection of the public and first responders. Projects which include timber harvesting or conversion of timberland are subject to the Forest Practices Act and Rules, regardless of wildland fire responsibility area.

### **State Responsibility Areas:**

Should this project include State Responsibility Area (SRA) lands, the following are CAL FIRE's minimum input.

Conversion of timberland to a non-timber producing use is subject to permit from CAL FIRE. Commercial timber harvesting operations to facilitate cannabis cultivation and processing are subject to permitting and regulation under the Forest Practice Act and Rules. Please refer to the RESOURCE MANAGEMENT comments.

### **General Recommendations:**

The following recommendations are made by CAL FIRE with the understanding that most areas of Humboldt County do not have a paid fire department providing fire prevention services.

1. Cannabis growing operations shall have easily accessible safety data sheets (SDS) for all chemicals and hazardous materials on site. Commercial operations must have a current Hazardous Materials Business Plan on file with Humboldt County Environmental Health, where applicable.
2. California Health and Safety Code (HSC 11362.769.) Requires that indoor and outdoor medical marijuana cultivation shall be conducted in accordance with state and local laws related to land conversion, grading, electricity usage, water usage, water quality, woodland and riparian habitat protection, agricultural discharges, and similar matters.
3. Cannabis growing and extraction shall be in accordance with Chapter N101.1 of the International Fire Code, the International Building Code, and the International Mechanical Code. Hazardous materials shall comply with Chapter 50. Compressed gases shall comply with Chapter 53. Cryogenic fluids shall comply with Chapter 55. Flammable and combustible liquids shall comply with Chapter 57. LP-gas shall comply with Chapter 61 and the International Fuel Gas Code. All applicable California State Fire Marshal standards and regulations for the designated occupancy must be met.
4. Growing and processing of cannabis is generally an agricultural operation. However, manufacture of marijuana extracts and concentrates are commercial or industrial activities, and may be subject to the county's SRA Fire Safe Ordinance. Any new residential units associated with cannabis cultivation and processing may also be subject to the SRA Fire Safe Ordinance. All materials hazardous and non-hazardous associated with the extraction process shall be utilized in conformance of the law and fire safe codes.