



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

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Hearing Date: April 19, 2018

To: Humboldt County Planning Commission

From: John H. Ford, Director of Planning and Building Department

Subject: **Bear Butte Farms, LLC** Conditional Use Permit and Special Permit  
Application Number 11676  
Case Numbers CUP 16-330/SP-18-056  
Assessor's Parcel Numbers (APN) 221-230-003  
600 F Street, Suite 3 #523, Arcata, CA 95521

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Please contact Rodney Yandell, Planner II, at 707-268-3732 or by email at [ryandell@co.humboldt.ca.us](mailto:ryandell@co.humboldt.ca.us) if you have any questions about the scheduled item.

**AGENDA ITEM TRANSMITTAL**

<b>Hearing Date</b> April 19, 2018	<b>Subject</b> Conditional Use Permit and Special Permit	<b>Contact</b> Rodney Yandell, Planner II
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**Project Description:** Bear Butte Farms, LLC is seeking a Conditional Use Permit for an existing 21,780 square foot (sf) outdoor commercial medical cannabis cultivation, and relocation of approximately 9,000 sf of outdoor cultivation to a more environmentally suitable location outside of the streamside management area is planned. This project includes a Special Permit for the remediation of these relocated areas within a Streamside Management area. All water used for cultivation of cannabis is sourced from a 300,000 gallon rainwater catchment pond on the 51.7 acre parcel. The applicant estimates that a maximum of 200,000 gallons of water are needed for cultivation activities during the growing season (March to October) and 70,000 gallons of water are used annually in the existing single-family residence. Water is stored during the forbearance period in the 300,000 gallon rainwater catchment pond and 88,500 gallons across eleven storage tanks (single 1,000, 2,500, and 45,000 gallon tanks as well as eight 5,000 gallon tanks). The onsite water storage capacity of 388,500 gallons exceeds annual demand by 100,000 gallons. Appurtenant drying of cannabis product grown on-site occurs inside an existing 480 sf barn, all other processing will occur offsite at a licensed facility. There will be a total of two full time family member employees and an additional two employees during peak periods. Electricity is provided from an onsite solar power system with generators available for backup use. The existing single-family residence is served by on-site water and sewage disposal systems.

**Project Location:** The project is located in Humboldt County, in the Briceland area, on both sides of Road A and Road B, at the intersection of Road A and Road B, on the property known as 85 Road A. The project is approximately 4.3 miles directly north of Briceland and 0.4 miles north from the intersection of Road B and Road K, on the property known to be in Section 25 of Township 03 South, Range 02 East, Humboldt Base & Meridian.

**Present Plan Land Use Designations:** Residential Agriculture 40 (RA40), Humboldt County General Plan (GP), Density: 40 acres per dwelling unit, Slope Stability: High Instability (3)

**Present Zoning:** Agriculture Exclusive (AE-B-6)

**Case Number:** CUP 16-330/SP-18-056

**Application Number:** 11676

**Assessor Parcel Number:** 221-230-003

**Applicant**

Bear Butte Farms, LLC  
600 F Street, Suite 3 #523  
Arcata, CA 95521

**Owner**

Tryphena L. Lewis  
600 F Street, Suite 3 #523  
Arcata, CA 95521

**Agent**

Mother Earth Engineering,  
Inc., Attn. Patricia Lai  
920 Samoa Blvd. Suite 203  
Arcata, CA 95521

**Environmental Review:** The existing cultivation project is exempt from environmental review per Sections 15301 (Existing Facilities) and 15304 (Minor Alterations to Land), and 15333 (Small Habitat Restoration Projects) of the California Environmental Quality Act (CEQA) Guidelines.

**State Appeal Status:** Project is located outside the Coastal Zone and is therefore NOT appealable to the California Coastal Commission.

**BEAR BUTTE FARMS, LLC**  
Case Number CUP 16-330/SP-18-056  
Assessor's Parcel Number 221-230-003

**Recommended Commission 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 part of the consent agenda:

*Find the project Categorically Exempt from environmental review pursuant to Sections 15301, 15304, and 15333 of the State CEQA Guidelines, make all of the required findings for approval of the Conditional Use Permit and Special Permit based on evidence in the staff report and any public testimony, and adopt the Resolution approving the proposed Bear Butte Farms, LLC Special Permit subject to the recommended conditions.*

**Executive Summary:** Bear Butte Farms, LLC is seeking a CUP for an existing 21,780 sf outdoor commercial medical cannabis operation in compliance with the County Commercial Medical Marijuana Land Use Ordinance (CMMLUO). The Project site is comprised of one 51.7 acre parcel (APN 221-230-003) with five cultivation areas. A 7500 sq. ft. area shown as "c" on the submitted map and an approximately 1500 sq. ft. portion of area "e" will be relocated out of an SMA to a more environmentally suitable location. This project also includes a Special Permit for the remediation of the cultivation areas within the SMA, which are to be moved to a more environmentally superior location. There are six structures on the property: a single-family residence, a guest cabin, an equipment shed, a solar and generator shed, a drying barn, and a composting toilet outhouse. The residences are not used for cannabis related activities. Appurtenant drying of cannabis product grown on-site occurs inside the existing 480 sf barn, all other processing will occur offsite at a licensed facility. There will be a total of two family member employees during general operations, with an additional two employees during peak periods.

Electricity is primarily provided from an onsite solar power system with generators available for backup use. The residence was built on the parcel in 1972 and the guest residence and barn were built in 2005. The Applicant has filed a Notice of Intent with the North Coast Regional Water Control Board (NCRWCB) and has developed a Watershed Resources Protection Plan (WRPP) and Road Evaluation Report in consultation with Mother Earth Engineering, Inc.

**Water**

All water used for cultivation of cannabis is sourced on-site from a 300,000 gallon rainwater fed pond located on the 51.7 acre parcel. The applicant estimates that between 160,000 and 200,000 gallons of water are needed for cultivation activities between March and October and 70,000 gallons of water are used annually for domestic uses. Total water storage is approximately 388,500 gallons comprised of a 300,000 gallon rainwater fed pond, and 88,500 gallons of tank storage. As a result of storing 100,000 gallons more than estimated needs, the applicant is able to forbear diverting surface water during the dry season. All water used for cultivation is conveyed to the plants using an irrigation system with daily timers and low-flow drip lines and mulching to allow cannabis to be watered at highly efficient rates.

There are two Class III and one Class II watercourses that run parallel through the property. There are seven culverts on site, two of which are culverted stream crossings crossing either a Class II or

Class III watercourse on the property. All stream crossings were observed to be maintained appropriately and were in good to excellent condition. The Applicant is enrolled in the Tier 2 Discharge Program of the NCRWQCB. As detailed in the WRPP, two of the cultivation sites will need to be relocated to an environmentally superior location in order to meet the required streamside buffers for a Tier 2 site (50 feet for Class III and 100 feet for Class II and Class I). As a Condition of Approval, the Applicant will have to submit notification to the County that they have complied with the California Department of Fish and Wildlife (CDFW) Fish and Game Code 1602 for the water diversion from Hacker Creek and all culvert crossings of streams. Further, as a Condition of Approval, the Applicant will have to submit their WRPP to CDFW for review. The WRPP will need to detail compliance with Humboldt County Code §314-61.1 which provides minimum standards for the use, in this case the restoration and revegetation of decommissioned cultivation areas located within the Streamside Management Area, as a Condition of Approval.

### **Operations (Cultivation and Processing)**

Bear Butte Farms, LLC conducts outdoor cultivation activities across five agricultural sites on the property. Because two of the cultivation areas are within a 100 foot streamside management area (SMA), 7,500 sf of cultivation areas will be relocated to a more suitable location outside of the SMA. Four of the cultivation sites use full-term sun-grown conditions, and one of these sites uses a greenhouse to first rear seedlings and then later potted plants. The fifth agricultural site contains six hoop-house greenhouses employing a light-deprivation cultivation technique. The light-deprivation plants are harvested in July and the full-sun outdoor plants are harvested in September to October. The 480 sf barn building is used for drying of the harvested plants using dehumidifiers, further processing is performed offsite.

The Applicant has submitted information regarding materials used for pest management, fertilizers and amendments. The WRPP, in addition to detailing clearance and restoration of the Streamside Management Area, includes information regarding storage and handling of these materials and best management practices (BMPs). All cultivation waste is stored in trash containers and kept on site. Waste and recycling is transferred to the Redway Transfer Station in Redway, CA. All green waste will be stored away from any watercourses and composted on site.

### **Energy**

Electricity for the residences and pumps is provided from an onsite solar power system with generators available for backup use. Continued use of backup generators will have to comply with the noise attenuation measures to avoid harassment of protected species, including the Northern Spotted Owl, as a Condition of Approval.

### **Security**

The Applicant has also submitted a detailed security plan including the use of an electronically locked gate at the entrance to the property and locked doors and windows on the farmhouse, the garden/storage shed, and barn. The Applicant plans to install security cameras at the entrance to the property for added security.

### **Access**

The property is accessible via an extensive network of dirt roads leading from the Briceland Thorne Rd. to a private gate on Road B, approximately 4.3 miles directly north of Briceland. Parking is available on site. The Applicant has prepared a Road Evaluation Report for each of the three roads leading from the Briceland-Thorne Rd. self-certifying that the road segment is equivalent to the Road Category 4 standard.

### **Property**

The 51.7-acre property used for medical cultivation activity is zoned AE. The CMMLUO identified AE-zoned parcels 5 acres or larger as sites where existing cannabis cultivation activities could be

allowed. Existing outdoor cultivation of between 10,000 sf and 43,560 sf is allowed subject to the issuance of a CUP. A CUP is a discretionary permit meaning that, to approve the requested cultivation area, the Planning Commission must consider whether the findings required for permit approval can be met for the described project.

There are no schools, school bus stops, places of worship, public parks or Tribal Cultural Resources within 600 feet of the cultivation or processing areas.

### **Permits/Approvals**

CalFire provided standard project review comments regarding Fire Safe Standards, Resource Management policies, and Cannabis.

The Building Inspection Division recommends Approval based on the condition that all required grading, building, plumbing electrical and mechanical permits and or Agricultural Exemption are obtained before any structure on the property is occupied.

The Department of Public Works requires a Road Evaluation Report for each access road; this has been delivered by Mother Earth Engineering.

The Northwest Information Center and Bear River Band of the Rohnerville Rancheria requested a Cultural Resources Study.

The California Department of Fish and Wildlife requested ten items:

- 1) Statement of Water Diversion;
- 2) Notification of compliance with Bullfrog Management Plan;
- 3) Provide a Site Plan topographic map that identifies surface water, wetlands, and buffers to all sensitive habitats;
- 4) Notification of any roads crossing streams;
- 5) Describe measures that will be incorporated to minimize generator noise impacts;
- 6) Provide a copy of the Water Resources Protection Plan;
- 7) A biologist map the Streamside Management Area buffers;
- 8) Assess all roads to determine if access is suitable;
- 9) Conduct a biological survey to assess presence of rare or threatened species.

Condition 9 has been met (on file). Conditions 1, 3, 6, and 8 have been partially met; the WRPP (6) will need approval by CDFW and the Road Evaluation Report (8) will need approval by Public Works. Compliance with 4 and 7 are under way. It is staff's recommendation that 9 be prepared for the proposed relocation area site.

### *Staff Recommendation*

Based on the on-site inspection, a review of Planning Division reference sources, and comments from all involved referral agencies, planning staff believes that the applicant has submitted evidence in support of making all of the required findings for approving the Conditional Use Permit.

**ALTERNATIVES:** The Planning Commission could elect not to approve the project, to require the applicant to submit further evidence, or modify the project. These alternatives could be implemented if the Commission is unable to make all of the required findings. Planning Division staff has stated that the required findings in support of the proposal have been made. Consequently, Planning staff does not recommend further consideration of the alternatives.

**RESOLUTION OF THE PLANNING COMMISSION  
OF THE COUNTY OF HUMBOLDT  
Resolution Number 18-**

**Case Number: CUP 16-330/SP-18-056  
Assessor's Parcel Number: 221-230-003**

**Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves Bear Butte Farms, LLC Conditional Use Permit and Special Permit request.**

**WHEREAS, Bear Butte Farms, LLC** submitted an application and evidence in support of approving the Conditional Use Permit to permit an existing 21,780 square-foot outdoor cultivation area with onsite processing and a Special Permit for remediation of cultivation areas located within a Streamside management Area (SMA); and

**WHEREAS,** the County Planning Division reviewed the submitted application and supporting substantial evidence and referred the application and evidence to involved reviewing agencies for site inspections, comments and recommendations; and

**WHEREAS,** the project is exempt from environmental review per Sections 15301 (Existing Facilities), 15304 (Minor Alterations to Land), and 15333 (Small Habitat Restoration Projects) of the CEQA Guidelines; and

**WHEREAS,** Attachment 2 in the Planning Division staff report includes substantial evidence in support of making all of the required findings for approving the proposed Conditional Use Permit (Case Number CUP 16-330) and Special Permit (Case Number SP-18-056); and

**WHEREAS,** a public hearing was held on the matter before the Humboldt County Planning Commission on April 19, 2018.

**NOW, THEREFORE,** be it resolved, determined, and ordered by the Humboldt County Planning Commission that the following findings be and are hereby made:

1. The proposed project is exempt from environmental review pursuant to Sections 15301 (Existing Facilities), 15304 (Minor Alterations to Land), and 15333 (Small Habitat Restoration Projects) of the California Environmental Quality Act (CEQA) State Guidelines; and
2. The findings in Attachment 2 of the Planning Division staff report support approval of Case Numbers CUP 16-330/SP-18-056 based on the submitted evidence; and
3. Conditional Use Permit Case Number CUP 16-330/SP-18--056 is approved as recommended and conditioned in Attachment 1.

Adopted after review and consideration of all the evidence on April 19, 2018.

The motion was made by COMMISSIONER \_\_\_\_\_ and second by COMMISSIONER \_\_\_\_\_:

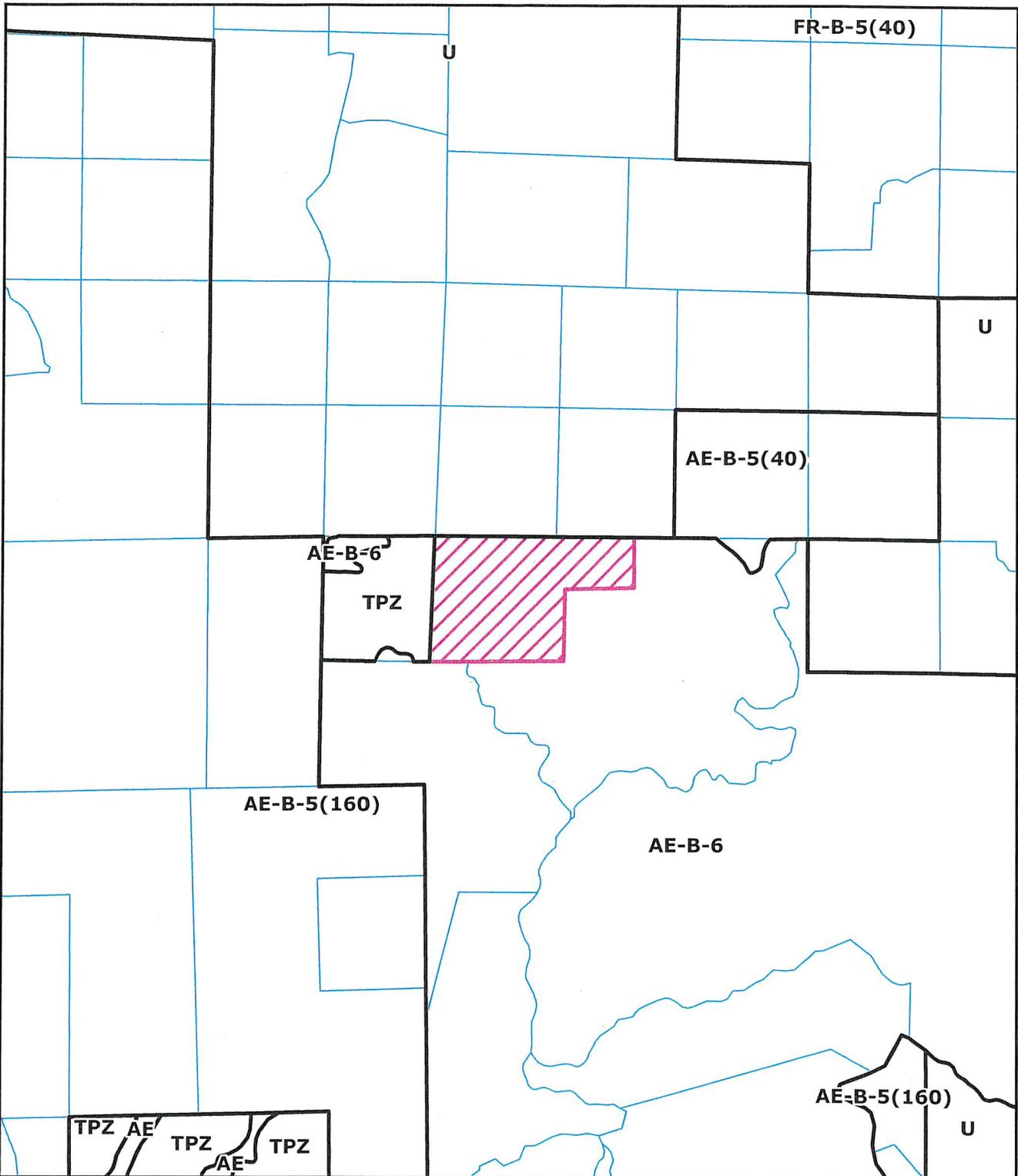
AYES: COMMISSIONERS:  
NOES: COMMISSIONERS:  
ABSENT: COMMISSIONERS:  
ABSTAIN: COMMISSIONERS:  
DECISION:

I, John Ford, Secretary to the Planning Commission of the County of Humboldt, do hereby certify the foregoing to be a true and correct record of the action taken on the above entitled matter by said Commission at a meeting held on the date noted above.

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John Ford  
Director, Planning and Building Department





**ZONING MAP**

**PROPOSED BEAR BUTTE FARMS, LLC**

**BRICELAND AREA**

**CUP-16-330**

**APN: 221-230-003**

**T03S R02E S25 HB&M (Ettersburg)**

**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.





**AERIAL MAP**

**PROPOSED BEAR BUTTE FARMS, LLC**

**BRICELAND AREA**

**CUP-16-330**

**APN: 221-230-003**

**T03S R02E S25 HB&M (Ettersburg)**

**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.



0 250 500  
 Feet

**GENERAL NOTES:**

1. PROPERTY LINES AND BUILDING LOCATIONS ARE APPROXIMATE.
2. NO RESIDENCES ON ADJACENT PARCELS WITHIN 300 FEET.
3. ALL CULTIVATION AREAS ARE SET BACK AT LEAST 30 FEET FROM PROPERTY LINES.
4. NO SCHOOLS, BUS STOPS, PLACES OF WORSHIP, PUBLIC PARKS, TRIBAL CULTURAL RESOURCES WITHIN 600 FEET.
5. NO GRADING SITE DEVELOPED IN 1980'S.
- 6.

**LEGEND**

- PROPERTY LINE
- 600 FT SETBACK FROM CULTIVATION AREAS
- 300 FT SETBACK FROM CULTIVATION AREAS
- 30 FT SETBACK FROM PROPERTY LINE
- WATERCOURSE
- 100 FT SETBACK FROM WATERCOURSE
- 50 FT SETBACK FROM CULTIVATION AREAS
- PRIVATE ACCESS ROAD
- EXISTING CULTIVATION AREA
- PROPOSED RELOCATION OF CULTIVATION SITE(S)
- CULVERT
- SETBACK DIMENSION VECTOR
- PROPERTY LINE
- USED FOR CULTIVATION ACTIVITIES
- NOT USED FOR CULTIVATION ACTIVITIES
- EXISTING
- PROPOSED
- NCRWQCB NORTH COAST REGIONAL WATER QUALITY CONTROL BOARD

**EXISTING CULTIVATION AREA**

SECTION	AREA (SQ FT)
A	7780
B	3500
C	7500
D	500
E	2500
<b>TOTAL</b>	<b>21780</b>

**LOCATION:**

THE SUBJECT PARCEL IS LOCATED APPROXIMATELY 6.8 MILES SOUTH WEST OF PHILLIPSVILLE, CA.

**DIRECTIONS:**

FROM REDWAY  
 REDWOOD DRIVE - BRICELAND THORN ROAD  
 PERRY MEADOW ROAD - PERRY LANE  
 ELK RIDGE RD - ROAD Z - ROAD A

**PARCEL CENTROID (Google Map)**

40°10'18.1"N 123°54'29.9"W

SUBJECT PARCEL  
 APN: 221-230-003



**VICINITY MAP**  
 SCALE: 1" = 12000'



**PLOT PLAN**  
 SCALE: 1" = 200'



ADDRESS: 85 ROAD "A", WHITETHORN, CA 95589  
 APN: 221-230-003

**PLOT PLAN**

APPLICANT: BEAR BUTTE FARMS, LLC  
 ADDRESS: 600 F STREET SUITE 3 #523, ARCATA, CA 95521  
**CULTIVATION PERMIT**

DATE: 11/29/16

SCALE: AS NOTED

DRAWN: CL

CHECKED: PL

JOB NO: 016067

SHEET NO:

**1**

OF 1

## ATTACHMENT 1

### RECOMMENDED CONDITIONS OF APPROVAL

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

1. **Within 60 days of the effective date of project approval**, the applicant shall execute a Compliance Agreement with the Humboldt County Planning Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval # 2 – 15. The agreement shall provide a timeline for completing all outstanding items. All activities detailed under the agreement must be completed to the satisfaction of the Planning and Building Department before the permit may be finalized and no longer considered provisional.
2. The applicant shall secure permits for all structures related to the cannabis cultivation and other commercial cannabis activity. A letter or similar communication from the Building Division verifying that all structures related to the cannabis cultivation are permitted will satisfy this condition.
3. The applicant shall secure the approval of the Division of Environmental Health and the Regional Water Quality Control Board for an on-site sewage disposal system and the privy shall be properly destroyed under permit through DEH. A letter or similar communication from DEH indicating their concerns have been addressed will satisfy this condition.
4. The applicant is responsible for obtaining all necessary County and state permits and licenses, and for meeting all of the requirements as set forth by other regulatory agencies.
5. The applicant shall complete and implement all corrective actions detailed in the Water Resource Protection Plan developed for the parcel, prepared pursuant to Tier 2 enrollment under the North Coast Regional Water Quality Control Board's (RWQCB) Cannabis Waste Discharge Regulatory Program, including those measures later determined necessary during annual and periodic site inspections in accordance with the monitoring element. A copy of the reporting form portion of the Mitigation and Reporting Program (MRP) shall be submitted annually to the Planning and Building Department concurrent with the submittal to the NCRWQCB. A letter or similar communication from the NCRWQCB or the Third Party Consultant verifying that all the requirements in the MRP have been met will satisfy this condition. [After July 31, 2019, plans and reporting shall conform to the Cannabis Cultivation Policy and Cannabis General Order adopted October 17, 2017 by the State Water Board.]
6. The conditions of the Building Inspection Division referrals dated August 30, 2017, included herein as Exhibit A of Attachment 4 shall be completed or secured to the satisfaction of that department. A letter or similar communication from the Building Inspection Division verifying that all their requirements have been met will satisfy this condition.
7. The conditions of the Public Works memorandum, date stamped September 7, 2017, by the Planning Division, included herein as Exhibit B of Attachment 4 shall be completed or secured to the satisfaction of that department. A letter or similar communication from the Department of Public Works verifying that all their requirements have been met will satisfy this condition.
8. The Applicant shall provide the California Department of Fish and Wildlife (CDFW) with a copy of the WRPP prepared for this project to address their concerns contained in their response date stamped September 21, 2017, included herein as Exhibit C of Attachment 4. Requested items 1-7 shall be completed or secured to the satisfaction of that department, as

well as item 9 which is to be prepared for the proposed relocation area site. A letter or similar communication from CDFW indicating their concerns have been addressed will satisfy this condition.

9. The Applicant shall meet all the required site remediation, cleanup, and Best Management Practices (BMPs) stated in the WRPP and in conjunction with CDFW. The WRPP shall demonstrate consistency with section §314-61.1 (Streamside Management Area Ordinance) of the County Code, including replanting with riparian vegetation of previous cultivation areas within the Streamside Management Area and provisioning CDFW with the WRPP for comment. If no response from CDFW is received within ten working days of the referral, it shall be assumed that the report satisfies CDFW requirements.
10. Any on-site lighting existing or proposed in the future shall be fully shielded, and designed and installed to minimize off-site lighting and direct light within the property boundaries.
11. The Applicant shall agree to monitor water use to demonstrate that there is sufficient water supply to meet the demands of the project without having to rely on surface water diversion during the summer months. As part of the annual inspection, the applicant shall present water use records showing water use for the year broken down by month. The water use for cultivation is limited to the amount of water available in storage tanks.
12. Within a year of permit issuance the applicant must 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. The privy, as shown on the site plan, shall be properly destroyed under permit through DEH.
13. The property owner shall execute and file with the Planning Division the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the HCC and available at the Planning Division.
14. 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.
15. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will provide a bill to the applicant after the decision. Any and all outstanding Planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.

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

1. All components of project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, and these conditions of approval. Changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan.
2. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CMMLUO and Medicinal and Adult Use Cannabis Regulation and Safety Act (MAUCRSA), as applicable to the permit type.

3. If operating pursuant to a written approved compliance agreement, permittee shall abate or cure violations at the earliest feasible date, but in no event no more than two (2) years from the date of issuance of a provisional clearance or permit. Permittee shall provide plans for curing such violations to the Planning & Building Department within one (1) year of issuance of the provisional clearance or permit. If good faith effort towards compliance can be shown within the two years following the issuance of the provisional clearance or permit, the Planning Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow for additional time to meet the outstanding requirements.
4. Possession of a current, valid required license, or licenses, issued by any agency of the State of California in accordance with the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA), and regulations promulgated thereunder, as soon as such licenses become available.
5. Compliance with all statutes, regulations and requirements of the California State Water Resources Control Board and the Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration, as applicable.
6. Confinement of the area of cannabis cultivation, processing, manufacture or distribution to the locations depicted on the approved site plan. The commercial cannabis activity shall be set back at least 30 feet from any property line, and 600 feet from any School, School Bus Stop, Church or other Place of Religious Worship, Public Park, or Tribal Cultural Resources, except where a reduction to this setback has been approved pursuant to Section 55.4.11 (d).
7. Maintain enrollment in Tier 1, 2 or 3, certification with the North Coast Regional Water Quality Control Board (NCRWQCB) Order No. 2015-0023, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
8. For cultivation area(s) for which no enrollment pursuant to NCRWQB Order No. 2015-0023 is required by that Order, comply with the standard conditions applicable to all Tier 1 dischargers.
9. Comply with the terms of any applicable Streambed Alteration (1600) Permit obtained from the California Department of Fish & Wildlife.
10. 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.
11. Consent to an annual on-site compliance inspection, with at least 24 hours prior notice, to be conducted by appropriate County officials during regular business hours (Monday – Friday, 9:00 am – 5:00 pm, excluding holidays).
12. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
13. Pay all applicable application, review for conformance with conditions and annual inspection fees.
14. Where surface water diversion provides any part of the water supply for irrigation of cannabis cultivation, permittee shall either: 1) forebear from any such diversion during the period from May 15th to October 31st of each year (or whatever is dictated in the final LSAA, whichever is more stringent) and establish on-site water storage for retention of wet season flows sufficient to provide adequate irrigation water for the size of the area to be cultivated, or 2) comply with the approved water management plan prepared by a qualified person such as a licensed engineer, hydrologist, or similar qualified professional, that establishes minimum water storage and forbearance period, if required, based upon local site conditions, or 3) adhere to the RWQCB approved Water Resources Protection Plan or other clearance issued by the agency. If the method of compliance changes during the term of the Conditional Use

Permits, permittee shall notify the Planning and Building Department and furnish appropriate documentation of compliance with this standard.

15. The noise produced by a generator used for cannabis drying, curing, and processing shall not be audible by humans at neighboring residences. The decibel level for generators measured at the property line shall be no more than 60 decibels. Where applicable, sound levels must also show that they will not result in the harassment of Marbled Murrelet or Spotted Owl species. Conformance will be evaluated using current auditory disturbance guidance prepared by the United States Fish and Wildlife Service, and further consultation where necessary. Under these guidelines, generator noise may not exceed 50dB as measured at 100 feet from the generator or at the edge of the nearest Marbled Murrelet or Spotted Owl habitat, whichever is closer.
16. Storage of Fuel - Fuel shall be stored and handled in compliance with applicable state and local laws and regulations, including the County of Humboldt's Certified Unified Program Agency (CUPA) program, and in such a way that no spillage occurs.
17. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).
18. Participate in and bear costs for permittee's participation in the Medical Cannabis Track and Trace Program administered by the Humboldt County Agricultural Commissioner.

#### Performance Standards for Cultivation and Processing Operations

19. Pursuant to the MAUCRSA, Health and Safety Code section 19322(a)(9), an applicant seeking a cultivation license shall "provide a statement declaring the applicant is an 'agricultural employer,' as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 commencing with Section 1140) of Division 2 of the Labor Code), to the extent not prohibited by law."
20. Cultivators shall comply with all applicable federal, state, and local laws and regulations governing California Agricultural Employers, which may include federal and state wage and hour laws, CAL/OSHA, OSHA, California Agricultural Labor Relations Act, and the Humboldt County Code (including the Building Code).
21. Cultivators engaged in processing shall comply with the following Processing Practices:
  - 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 or use gloves when handling cannabis.
22. 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;
  - b. Emergency action response planning as necessary;
  - c. Employee accident reporting and investigation policies;
  - d. Fire prevention;
  - e. Hazard communication policies, including maintenance of material safety data sheets (MSDS);
  - f. Materials handling policies;

- g. Job hazard analyses;
- h. Personal protective equipment policies, including respiratory protection;
- i. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
  - i. Operation manager contacts;
  - ii. Emergency responder contacts;
  - iii. Poison control contacts.
  - iv. 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; and
  - v. On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.

24. All cultivators shall comply with an approved Processing Plan as to the following:

- a. Processing practices;
- b. Location where processing will occur;
- c. Number of employees, if any;
- d. Employee safety practices;
- e. Toilet and handwashing facilities;
- f. Plumbing and/or septic system and whether or not the system is capable of handling increased usage;
- g. Drinking water for employees;
- h. Plan to minimize impact from increased road use resulting from processing; and
- i. On-site housing, if any.

25. Permit Duration. Any Commercial Cannabis Cultivation issued pursuant to this section 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, lessees, and the permitted site have been found to comply with all conditions of approval.

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

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

Permittee further acknowledges and declares that:

- (1) All commercial cannabis activity that I, my agents, or employees conduct pursuant to a permit from the County of Humboldt for commercial cultivation, processing,

- manufacturing, and distribution of cannabis for adult use or medicinal use within the inland area of the County of Humboldt, shall at all times be conducted consistent with the provisions of the approved County permit; and
  - (2) All cannabis or cannabis products under my control, or the control of my agents or employees, and cultivated or manufactured pursuant to local Ordinance and the State of California Medicinal and Adult Use Cannabis Regulation and Safety Act ("MAUCRSA") (SB 94), will be distributed within the State of California; and
  - (3) All commercial cannabis activity conducted by me, or my agents or employees pursuant to a permit from the County of Humboldt will be conducted in compliance with the State of California MAUCRSA.
27. Transfers. Transfer of any leases or permits approved by this project is subject to the review and approval of the Planning Director for conformance with CMMLUO eligibility requirements, and agreement to permit terms and acknowledgments. The fee for required permit transfer review shall accompany the request. The request shall include the following information:
- (1) Identifying information for the new Owner(s) and management as required in an initial permit application;
  - (2) A written acknowledgment by the new Owner in accordance as required for the initial Permit application;
  - (3) The specific date on which the transfer is to occur; and
  - (4) Acknowledgement of full responsibility for complying with the existing Permit; and
  - (5) Execution of an Affidavit of Non-diversion of Medical Cannabis.
28. Inspections. The permit holder and subject property owner are to permit the County or representative(s) or designee(s) to make inspections at any reasonable time deemed necessary to assure that the activities being performed under the authority of this permit are in accordance with the terms and conditions prescribed herein.

**Informational Notes:**

1. Pursuant to section 314-55.4.11(a) of the CMMLUO, if upon inspection for the initial application, violations of any building or other health, safety, or other state of county statute, ordinance, or regulation are discovered, the Planning and Building Department may issue a provisional clearance or permit with a written approved Compliance Agreement. By signing the agreement, the permittee agrees to abate or cure the violations at the earliest opportunity but in no event more than two (2) years of the date of issuance of the provisional clearance or permit. Plans for curing the violations shall be submitted to the Planning and Building Department by the Permittee within one (1) year of the issuance of the provisional certificate or permit. The terms of the compliance agreement may be appealed pursuant to section 314-55.4.13 of the CMMLUO.
2. This provisional permit approval shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"); except where the Compliance Agreement per COA #1 has been executed and the corrective actions pursuant to the agreement are being undertaken. Once building permits have been secured and/or the use initiated pursuant to the terms of the agreement, the use is subject to the Permit Duration and Renewal provisions set forth in Condition of Approval #25 of the On-Going Requirements /Development Restrictions, above.

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

The Native American Heritage Commission (NAHC) can provide information regarding the appropriate Tribal point(s) of contact for a specific area; the NAHC can be reached at 916-653-4082. 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 NAHC will then be contacted by the Coroner to determine appropriate treatment of the remains pursuant to PRC 5097.98. Violators shall be prosecuted in accordance with PRC Section 5097.99

The applicant is responsible for receiving all necessary permits and/or approvals from other state and local agencies.

4. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will provide a bill to the applicant after the decision. Any and all outstanding Planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
5. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will send a bill to the Applicant for all staff costs incurred for review of the project for conformance with the conditions of approval. All Planning fees for this service shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
6. **Within three days of the effective date of permit approval**, the applicant shall submit a check in the amount of \$50 payable to the Humboldt County Clerk/Recorder to cover the filing fee for the Notice of Exemption prepared pursuant to the State CEQA Guidelines

## ATTACHMENT 2

### Staff Analysis of the Evidence Supporting the Required Findings

**Required Findings:** To approve this project, the Hearing Officer must determine that the applicant has submitted evidence in support of making **all** of the following required findings.

The County Zoning Ordinance, Section 312-17.1 of the Humboldt County Code (Required Findings for All Discretionary Permits) specifies the findings that are required to grant a Conditional Use Permit:

1. The proposed development is in conformance with the County General Plan;
2. The proposed development is consistent with the purposes of the existing zone in which the site is located;
3. The proposed development conforms with all applicable standards and requirements of these regulations;
4. The proposed development and conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare; or materially injurious to property or improvements in the vicinity;
5. 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 (the mid-point of the density range specified in the plan designation).
6. In addition, the California Environmental Quality Act (CEQA) states that one of the following findings must be made prior to approval of any development which is subject to the regulations of CEQA. The project either:
  - a) is categorically or statutorily exempt; or
  - b) has no substantial evidence that the project will have a significant effect on the environment and a negative declaration has been prepared; or
  - c) has had an environmental impact report (EIR) prepared and all significant environmental effects have been eliminated or substantially lessened, or the required findings in Section 15091 of the State CEQA Guidelines have been made.

**1. General Plan Consistency.** The following table identifies the evidence which supports finding that the proposed action is in conformance with all applicable policies and standards in the Humboldt County General Plan.

<b>Relevant Plan Section(s)</b>	<b>Summary of Applicable Goal, Policy or Standard</b>	<b>Evidence Which Supports Making the General Plan Conformance Finding</b>
<p>Land Use Chapter 4</p> <p>Land Use Designations 4.8</p>	<p><b>Residential Agriculture (RA):</b>            Large lot residential uses that typically use on-site water and wastewater systems. Applied density reflects land capabilities or compatibility issues. Five to 20 acre density for lands with slopes less than 30% and good road access. Higher densities are applied to more remote, steep and high hazard areas or to ensure compatibility with adjacent resource production and open space uses.</p> <p>Density range is 40 acres/unit</p>	<p>Compatible uses for Residential Agriculture include general and intensive agriculture. The MMRSA, Health and Safety Code section 11362.777(a) provides that medical cannabis is an agricultural product, subject to extensive state and local regulation.</p> <p>The subject parcel is zoned AG-B-6. The proposed action would permit an existing agricultural use. The subject parcel is 51.7 acres and contains one existing dwelling unit and one shop building.</p>
<p>Circulation Chapter 7</p>	<p>Goals and policies contained in this Chapter relate to a balanced, safe, efficient, accessible and convenient circulation system that is appropriate for each type of unincorporated community (C-G1, C-G2); coordinated planning design, development, operations, and maintenance between the County and other transportation system service providers (C-G3); and access for all transportation mode types with improved opportunities to move goods within, into and out of Humboldt County (C-G4, C-G5)</p> <p>Related policies: C-P3.            Consideration of Transportation Impacts in Land Use Decision Making</p>	<p>The project is located in Humboldt County, in the Briceland area, on both sides of Road A and Road B. Access is from approximately four different dirt roads north of Briceland.</p> <p>Department of Public Works stated that the applicant needs to submit a completed Road Evaluation Report for each road that is used to access the property from the Briceland-Thorne Road. The applicant has prepared Road Evaluation Reports in consultation with Mother Earth Engineering, Inc. for each road segment serving the property from Briceland -Thorne Road. A condition of approval has been incorporated into the project requiring the applicant to address the concerns of the Public Works Department.</p>

<p>Housing Chapter 8</p>	<p>Goals and policies contained in this Element seek to identify existing and projected housing needs and establish goals, policies, standards and measures for the preservation, improvement, and development of housing.</p> <p>Related policies: H-P3, Development of Parcels in the Residential Land Inventory</p>	<p>The project does not involve residential development, nor is the project site part of the Housing Element Residential Land Inventory. However, the project will not preclude any future residential development. The project will 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.</p>
<p>Conservation and Open Space Chapter 10</p> <p>Open Space Section 10.2</p>	<p>Goals and policies contained in this Chapter relate to an Open Space and Conservation Program that is complimentary to other agencies' plans and that preserves the county's unique open spaces (CO-G1, CO-G3).</p> <p>Related policies: CO-P1, Conservation and Open Space Program; CO-P12, Development Review, CO-S1, Identification of Local Open Space Plan, and CO-S2. Identification of the Open Space Action Program.</p>	<p>The proposed project is located within Open Space Land Plan because the project site is planned Residential Agriculture and is zoned Agriculture Exclusive. The project can be found consistent with the Open Space Action Plan because the proposed project is consistent with the allowable uses of the Land Use Designations. The project also restores land within streamside management area on land planned Agriculture Exclusive consistent with the preservation of natural resources within open space.</p>

<p>Conservation and Open Space Chapter 10</p> <p>Biological Resources Section 10.3</p>	<p>Goals and policies contained in this Chapter relate to mapped sensitive habitat areas where policies are applied to protect fish and wildlife and facilitate the recovery of endangered species (BR-G1, Threatened and Endangered Species, BR-G2, Sensitive and Critical Habitat, BR-G3, Benefits of Biological Resources).</p> <p>Related policies: BR-P1. Compatible Land Uses, BR-P5. Streamside Management Areas.</p>	<p>The Biological Resource maps of the County General Plan do not identify any sensitive or critical habitat areas on the subject parcel. However, CDFW has recommended that a biological survey report be prepared by a qualified biologist. A report covering the proposed relocation area has been made a Condition of Approval.</p> <p>The 51.7-acre parcel has two (2) watercourses on the property. The watercourses consist of one Class II and one Class III watercourse. One of the cannabis cultivation areas are located within the 100-foot setback requirement for Class II watercourses and 50-foot setback requirement for Class III watercourses.</p> <p>Domestic water use is currently supplied by a water diversion associated with the Class II watercourse. This diversion supplies approximately 300 gallons per day for domestic use. The residence uses a 3,000-gallon hard tank to store water diverted from the Class II watercourse. The Applicant has filed registration for small domestic use with the State Water Resources Control Board (WRCB) in 2014 according to their operations plan.</p> <p>The Project site falls within Tier 2 of the NCRWQCB's Order No. 2015-0023 (Order), which requires preparation of a WRPP to protect water quality from cannabis cultivation and related activities. The applicant retained Mother Earth Engineering for the preparation of a WRPP to describe and address the required elements and compliance with the 12 Standard Conditions established by the Order. The WRPP has identified areas where the Project site does not meet all 12 Standard Conditions and set a preliminary schedule prioritizing corrective actions to reach full compliance with the Order. The identified corrective actions and BMPs in the WRPP are included as Conditions of Approval.</p>
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		As a Condition of Approval, the Applicant will have to submit notification to the CDFW pursuant to Fish and Game Code 1602 for the water diversion and any culvert stream crossing sites that may or may not need remediation.
<p>Conservation and Open Space Chapter 10</p> <p>Cultural Resources Section 10.6</p>	<p>Goals and policies contained in this Chapter relate to the protection and enhancement of significant cultural resources, providing heritage, historic, scientific, educational, social and economic values to benefit present and future generations. (CU-G1, Protection and Enhancement of Significant Cultural Resources)</p> <p>Related policies: CU-P1. Identification and Protection, CU-P2. Native American Tribal Consultation.</p>	<p>The project was referred to the Northwest Information Center (NWIC) and the Bear River Band of the Rohnerville Rancheria. The applicant retained William Rich and Associates (WRA) for the preparation of a Cultural Resources Investigation for the Project site. The WRA report concluded that no significant archaeological or historic period cultural resources, that for the purposes of CEQA, would be considered a historical resource exist within the limits of the project area. Inclusion of protocols for Inadvertent Discoveries has been made a condition of approval.</p>
<p>Conservation and Open Space Chapter 10</p> <p>Scenic Resources Section 10.7</p>	<p>Goals and policies contained in this Chapter relate to the protection of scenic areas that contribute to the enjoyment of Humboldt County's beauty and abundant natural resources (SR-G1); and a system of scenic highways roadways that increase the enjoyment of, and opportunities for, recreational and cultural pursuits and tourism in the County. (SR-G2)</p> <p>Related policies: SR-S4. Light and Glare.</p>	<p>The project is sited at approximately 5.75 miles from State Highway 101. Highway 101 is eligible for a scenic highway designation, however the County has not adopted a resolution formally designating this highway for inclusion into the State Scenic Highway Program. County.</p> <p>Furthermore, Outdoor cannabis cultivation does not require lighting, and is prohibited. There is no ancillary lighting proposed as part of the project.</p> <p>Any on-site lighting existing or proposed in the future shall be fully shielded, and designed and installed to minimize off-site lighting and direct light within the property boundaries.</p>

<p>Water Resources Chapter 11</p> <p>Stormwater Drainage</p>	<p>Goals and policies contained in this Chapter relate to coordinated watershed planning and land use decision making to advance management priorities (WR-G3, WR-G4, WR-G5); watershed conservation and restoration efforts aimed at delisting water bodies and watersheds which are restored to meet all beneficial uses, including water use, salmon and steelhead recovery plans, recreational activities, and the economy. (WR-G1, WR-G2, WR-G7, WR-G8, WR-G9)</p> <p>Related policies: WR-P10. Erosion and Sediment Discharge; WR-P42. Erosion and Sediment Control Measures.</p>	<p>The Project site falls within Tier 2 of the North Coast Regional Water Quality Control Board's (NCRWQCB) Order No. 2015-0023 (Order), which requires preparation of a Water Resources Protection Plan (WRPP) to protect water quality from cannabis cultivation and related activities. The WRPP was prepared by Mother Earth Engineering. The WRPP was prepared to describe and address the required elements and compliance with the 12 Standard Conditions established by the Order. The WRPP identifies areas where the Project site does not meet all 12 Standard Conditions and sets a preliminary schedule prioritizing corrective actions to reach full compliance with the Order.</p>
<p>Water Resources Chapter 11</p> <p>Onsite Wastewater Systems</p>	<p>Goals and policies contained in this Chapter relate to adequate public water supply as well as onsite wastewater systems and natural and developed storm drainage systems that minimize interference with surface and groundwater flows and storm water pollution. (WR-G6, WR-G9, WR G10)</p> <p>Related policies: WR-IM7. Basin Plan Septic Requirements; and IS-P17. On-Site Sewage Disposal Requirements.</p>	<p>The residence is served by a composting toilet.</p> <p>The County's Department of Environmental Health has indicated that prior to reissuance of an annual permit, the applicant must 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 cultivation staff. The privy as shown on the site plan shall be properly destroyed under permit through DEH. A condition of approval has been included in the project to secure a letter from DEH indicating their concerns have been addressed.</p>

<p>Noise Chapter 13</p>	<p>Goals and policies contained in this Chapter discourage incompatible uses within communities and reduce excessive noise through the application of standards. (N-G1, N-G2)</p> <p>Related policies: N-P1, Minimize Noise from Stationary and Mobile Sources; N-P4, Protection from Excessive Noise.</p>	<p>Noise generated from the generators shall comply with the standards set forth in Section 55.4.11(o) of the CMMLUO.</p> <p>The Applicant shall provide evidence of noise attenuation measures, detailed in the Ongoing Requirements and Development Restrictions Section.</p>
<p>Safety Element Chapter 14</p> <p>Geologic &amp; Seismic</p>	<p>Goals and policies contained in this Chapter relate to communities that are designed and built to minimize the potential for loss of life and property resulting from natural and manmade hazards; and to prevent unnecessary exposure to areas of geologic instability, floodplains, tsunami run-up areas, high risk wildland fire areas, and airport areas planned and conditioned to prevent unnecessary exposure of people and property to risks of damage or injury. (S-G1, S-G2)</p> <p>Related policies: S-P11. Site Suitability, S-P7. Structural Hazards.</p>	<p>The subject parcel is in an area shown as high slope instability; however, the proposed action would permit an existing activity that does not propose any substantial new development so the proposed project is not likely to be subject to geologic hazards.</p>
<p>Safety Element Chapter 14</p> <p>Flooding</p>	<p>Goals and policies contained in this Chapter relate to the use of natural drainage channels and watersheds that are managed to minimize peak flows in order to reduce the severity and frequency of flooding. (S-G3)</p> <p>Related policies include: S-P12, Federal Flood Insurance Program; S-P13, Flood Plains; S-P15, Construction Within Special Flood Hazard Areas.</p>	<p>The subject site is outside any mapped flood hazard areas. The project site is not within a mapped dam or levee inundation area and, at approximately 11 miles distance from the coast, is outside the areas subject to tsunami run-up.</p>

Safety Element Chapter 14	Goals and policies of this Chapter encourage development designed to reduce the risk of structural and wildland fires supported by fire protection services that minimize the potential.	The parcel is in an area of High Fire Hazard rating and within the State Responsibility Area. All applicable referral agencies were referred and did not identify any issues relating to hazards.
Fire Hazards	Related policies: S-P19, Conformance with State Responsibility Areas (SRA) Fire Safe Regulations.	

**2. The proposed development is consistent with the purposes of the existing zone in which the site is located; and 3. The proposed development conforms with all applicable standards and requirements of these regulations.** The following table identifies the evidence which supports finding that the proposed development is in conformance with all applicable policies and standards in the Humboldt County Zoning Regulations.

Zoning Section	Summary of Applicable Requirement	Evidence
§312-1.1.2 Legal Lot Requirement	Development permits shall be issued only for a lot that was created in compliance with all applicable state and local subdivision regulations.	It is a lawful parcel created by recorded map as lot 7 of PM1130 in Bk.10 of PM, page 29-34. There is no evidence indicating there have been any subsequent acts to divide this parcel. Therefore, the subject parcel was lawfully created in its current configuration and can be developed as proposed.
§314-7.1 Agriculture Exclusive (AE-B-6) §314-55.4.8.2 §314-55.4.8.2.2	Intended to be applied in fertile areas in which agriculture is and should be the desirable predominant use. The total cultivation area shall not exceed 1 acre for outdoor cultivation.	The subject parcel is zoned AE. The proposed action would permit an outdoor commercial cannabis cultivation in existence prior to January 1, 2016. The existing cultivation area totals 21,780 sf (0.50 acre) which has been verified by the County to have existed prior to January 1, 2016.
Minimum Lot Area:	2.5 acres	The subject parcel is approximately 51.7 acres.
Max. Lot Coverage:	35%	Substantially less than 35%
Min. Yard Setbacks	Front: 20 feet Rear: 20 feet Side: 6 feet  Fire Safe: 30 feet	According to the submitted Plot Plan, the minimum setbacks for all cultivation areas are as follows:  Front: 20 feet Rear: 30 feet Side: 20 feet to 30 feet

Zoning Section	Summary of Applicable Requirement	Evidence
		Fire Safe: Complies
Max. Building Height:	35 feet	< 35 feet
§314-109.1.3.3: Off-Street Parking:	None specified	According to the applicant's information there will be no more than four people working the site. The area appears to be easily able to accommodate four vehicles.
§314-61.1: Streamside Management Area Ordinance:	Provides minimum standards pertaining to the use and development of land located within SMAs.	<p>Development allowed includes: (j) "Improvements to non-conforming uses and structures when consistent with Section §314-131 – §314-132 (Non-conforming uses) of the County Code.</p> <p>The WRPP shall detail adherence to the Biological Reporting (q) requirements including adherence to suitable mitigation measures. This has been made a Condition of Approval as the restoration and remediation of current cultivation areas in the Streamside Management Area are not detailed in the WRPP. This has been made a Condition of Approval.</p>
<b>314-55.4 Commercial Cultivation, Processing, Manufacturing and Distribution of Cannabis for Medical Use Inland Land Use Regulation (CMMLUO)</b>		
§314-55.4.8.2.2 Existing Outdoor Cultivation and Mixed Light Areas	A Use Permit may be issued for outdoor commercial cannabis cultivation for some or all of the cultivation area in existence prior to January 1, 2016, in [...] AE zoning districts (no parcel size limitation) ... only when possible to bring them into compliance with all applicable standards set forth in this section and to eliminate existing violations as specified in this ordinance. No expansion of the existing cultivation area shall be permitted. The total cultivation area allowed on a single parcel shall not exceed one acre for outdoor cultivation.	The proposed action will permit an existing outdoor cannabis cultivation of 21,780 sf (0.50 acre) on a parcel zoned AE. No expansion of the cultivation area is proposed. New greenhouses would be constructed in existing cultivation areas.

<b>Zoning Section</b>	<b>Summary of Applicable Requirement</b>	<b>Evidence</b>
§314-55.4.8.10 Permit Limit	No more than four commercial cannabis activity permits may be issued to a single person.	According to records maintained by the Department, the applicant holds no other cannabis activity permits, and is entitled to four.
§314-55.4.9.1 Accessory Processing	Processing for cultivation requiring a Special Permit or Use Permit will be considered in the Use Permit application.	All commercial medical cannabis cultivated will be processed at a licensed off-site facility.
314-55.4.9.4 Pre-Application Registration	All operators of existing cultivation sites seeking recognition of cultivation activities that occurred on or before January 1, 2016, for purposes of obtaining a Zoning Clearance Certificate or discretionary permit for ongoing commercial cannabis cultivation for medical use pursuant to the CMMLUO shall register with the County of Humboldt Department of Planning & Building within 180 days of the effective date of this ordinance.	The applicant submitted the required registration form, received along with the submitted application information on December 6, 2016.
§314-55.4.10 Application Requirements	Identifies the Information Required for All Applications	All the required information was received.
§314-55.4.11 Performance Standards	Identifies the Performance Standards for Cannabis Cultivation Activities	All the applicable performance standards are included as conditions of project approval. They are required to be met throughout the timeframe of the permit.
§314-55.4.17 Sunset Date	No application for any Use Permit pursuant to the CMMLUO shall be processed for issuance or approval that is received after December 31, 2016.	The County acknowledges that the applicant met the appropriate deadline requirements.

**4. Public Health, Safety, and Welfare:** The following table identifies the evidence which supports finding that the proposed development will not be detrimental to the public health, safety and welfare or materially injurious to properties or improvements in the vicinity.

Code Section	Summary of Applicable Requirement	Evidence that Supports the Required Finding
§312-17.1.4 Permit Findings	The proposed development will not be detrimental to the public health, safety and welfare, and will not be materially injurious to properties or improvements in the vicinity.	The proposed action would permit an existing outdoor cannabis cultivation operation on a parcel with no immediate neighbors. Relocation of two cultivation areas totaling approximately 9,000 sq. ft. in size, currently located within the Streamside Management Area (SMA) to an environmentally superior location are planned. The project has been conditioned on the preparation of a Biological Report to address the proposed relocation area and remediate the abandoned sites. Permitting the operation would not result in any change to existing conditions that would be detrimental to the public health, safety, and welfare.

**5. Residential Density Target:** The following table identifies the evidence which supports finding that the proposed project will 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.

Code Section	Summary of Applicable Requirement	Evidence that Supports the Required Finding
312-17.1.5 Housing Element Densities	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 (the midpoint of the density range specified in the plan designation), except where: 1) the reduction is consistent with the adopted general plan including the housing element; and 2) the remaining sites identified in the housing element are adequate to accommodate the County share of the regional housing need; and 3) the property contains insurmountable physical or environmental limitations and clustering of residential units on the developable portions of the site has been maximized.	The proposed project involves an existing commercial cannabis cultivation and does not propose any new residences on the subject parcel.  The site is zoned AE. Therefore, the parcel was not included in the Housing Inventory.

**6. Environmental Impact:**

Consistent with the California Environmental Quality Act (CEQA), the project was evaluated for any potential adverse effects on the environment. Based on a site inspection, information in the application, a review of relevant references in the Department, and comments from affected agencies, staff has determined that there is no evidence before the Department that the project could have any adverse effect, either individually or cumulatively, on the environment.

The project has been determined to be exempt from CEQA pursuant to Section 15301 - Existing Facilities of the Guidelines for the Implementation of CEQA. Section 15301 exempts from environmental review the permitting of existing facilities involving negligible or no expansion of an existing use. Section 15304 exempts from environmental review the permitting of minor alterations to land including gardening and landscaping. Section 15333 exempts from environmental review the permitting of small habitat restoration projects including stream or river bank revegetation to improve habitat for amphibians or native fish, or to reduce or eliminate erosion and sedimentation. The proposed action would permit an existing commercial medicinal cannabis cultivation and on-site processing operation with no expansion of the existing use, only relocation of a portion of the existing cultivation area to a more environmentally suitable area outside of the Streamside Management Area.

## 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. (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; and proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel, and 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. (Attachment 3)
5. Description of water source, storage, irrigation plan, and projected water usage. (Attachment 3)
6. Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the NCRWQCB demonstrating enrollment in Tier 1, 2 or 3, NCRWQCB Order No. 2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (Attachment 3)
7. 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)
8. 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)
9. 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)

10. Water Resources Protection Plan (On-file)
11. Road Evaluation Report (On-file)
12. Cultivation and Water Usage (On-File)

CULTIVATION and OPERATIONS PLAN- Bear Butte Farms LLC

RECEIVED  
JUN - 9 2017  
Humboldt County  
Planning Division

1. Description of Water Source, Irrigation Plan, and Projected Water Usage

**WATER USAGE & STORAGE:** In 2014, an Initial Statement of Water Use and a Small Domestic Water Use Permit were filed, and a permit for the water storage tanks on the property were registered under the Emergency Drought Tank Registration program. Currently there is an approximated total of 388,500 gallons of water storage between the rainwater fed pond and eleven water storage tanks.

**TANKS:** There is a total of 88,500 gallons of water storage with one 45,000 gallon tank, eight 5,000 gallon tanks, one 2,500 gallon tank and one 1,000 gallon tank. Two of the tanks are filled with a rainwater catchment system and there is a plan to install similar systems on the remaining tanks. All of the water is currently stored during the wet season and we forebear taking water from springs or creeks June-October or later until there has been ample rainfall.

**POND:** We utilize a 300,000 gallon rainwater fed pond that has been in existence on the property for over 40 years and was built prior to us being there.

**PERMITS:** We have filed the NOI with the North Coast Regional Water Quality Control Board and developed a Watershed Resource Protection Plan as part of filing the Waste Waiver Discharge permit.

**IRRIGATION PLAN:** We utilize drip irrigation systems with timers and low-flow drip irrigation lines, mulch all plants to prevent evaporation in our mixed orchard, vegetable bed, and medicinal plant cultivation sites, and work to conserve and retain as much water as possible. We also hand water with compost teas and use only organic fertilizers to optimize our nutrient uptake, and to minimize our water usage and impact on the surrounding landscape. We regularly maintain and inspect irrigation lines for leaks and have check valves installed to minimize accidental water loss from our tanks and irrigation system.

**PROJECTED WATER USAGE:** Projected water use is different in each agricultural area and is dependent on the time of year, the size and type of plants being grown, and on the weather. For instance, we use no water or irrigation for agricultural purposes from October to mid March. Water usage begins in the spring when plants are seedlings and small, they require less water, and water usage is significantly lower. During summer and the hottest times of the year, mid June through mid September, our projected daily water usage is higher. On average individual plants receive approximately 30 minutes of drip irrigation per plant per day or a total of 3.5 hours per week. Within the hoop-houses, the beds with multiple smaller plants receive approximately 15-20 minutes of drip irrigation per bed per day, during their 10-12 week cycle. Plants also receive compost tea and are hand-watered every other week during peak growth times for a

total of approximately 300 gallons per week. Taking all these rates, ratios and varying factors into consideration, we estimate the total projected annual water usage on the farm to be approximately 160,000- 200,000 gallons from March to October. Separately, we also estimate an approximate 70,000 gallons of domestic water usage as stated on our Small Domestic Water Use permit.

## 2. Description of Site Drainage, including Runoff and Erosion Control Measures

**SITE DRAINAGE:** On the 52 acre property we have 3 mixed garden areas, 1 greenhouse, and one site with approximately 2000 sq. feet of hoop-house structures making 5 different agricultural sites. Each site is slightly different regarding it's drainage, with only one of the sites being determined to close to a waterway with drainage and run off issues. To address the issue, as part of developing the Watershed Resource Protection Plan, we will stop utilizing that site as it is and instead plant drought-resistant olive and fruit trees there, which will require no nutrients. As part of the plan, we intend to take the square footage from that site and consolidate it with partial square footage from another site and move the cultivation area to a different, better-suited site on the property as noted on the site plan.

**RUN OFF & EROSION CONTROL MEASURES:** In most cultivation areas, there is a mixture of perennial shrubs, culinary herbs, vegetables, and/or fruit trees, which help to minimize erosion at the sites. We also use mulch around plants, plant cover crops in the winter to help mitigate run off, and work to keep the soil and organic nutrients in the beds where they belong.

Regarding the roads, we inherited the existing dirt road system throughout the property and have created no new roads during our tenor. For the last 20 years, we have hired local professional consultants and equipment operators to grade and maintain the roads with proper slopes, to replace old outdated culverts, and to ensure the new culverts were properly sized and placed. During the rainy season, we employ basic erosion control measures to help minimize sediment along roadways. We create water bars to ditch water and ensure proper drainage off roads, we monitor culverts to keep them free of debris, and we create check dams to slow water flow and sediment in certain places as needed.

As part of the permitting process, we have also hired professional consultants with Mother Earth Engineering to review our existing road system and all cultivation sites, and to help us develop a more comprehensive Watershed Resource Protection Plan as required by the NCRQCB.

## 3. Details of Measures taken to Ensure Protection of Watershed and nearby Habitat

**PROTECTION OF WATERSHED AND HABITAT:** As mentioned above, we are employing the Mother Earth Engineering firm to help develop a comprehensive Watershed Resource Protection Plan for the entire property, and in the spring we had a site visit by the NCRWQCB. In the interim we continue to utilize Best Management Practices, use a rainwater fed pond for most of our agricultural needs, conserve water by storing all water used on the property during the wet season and forebear taking water from any springs or waterways between June-October during the dry season. We also utilize permaculture principles and integrated pest management strategies such as companion planting to help deter pests and to benefit our soil and native insect populations.

#### 4. Protocols for Proper Storage and Use of Fertilizers, Pesticides, and other Regulated Products utilized

**STORAGE OF FARM-RELATED PRODUCTS:** We utilize an 8 x 12 secured garden/storage shed where all farm-related products are safely stored in bins and/or kept on shelves. We use organic amendments and fertilizers maintaining they're original packaging and instructions for use. We store them in 5 gallon plastic buckets with lids as needed for containment. Liquid fertilizers and organic fungicides or pesticides are kept in their original containers and are stored within bins for containment. We follow all manufacturers suggested uses and amounts for application. We keep NCRWQCB's Best Management Practices- Appendix B - laminated and posted in the shed and farmhouse.

#### 5. Description of Cultivation Activities (e.g. outdoor, indoor, mixed light)

**CULTIVATION ACTIVITIES:** Within 4 of the 5 agricultural sites on the property, the primary amount of square footage utilized is for full-term organic, sun-grown seed plants, many of which are grown integrated with a landscape of perennial shrubs, fruit trees, vegetable beds and culinary herbs. One site contains a greenhouse, which rears the farm's seedlings and then contains a small number of full-term potted seed plants after it's initial use. The fifth site contains 6 hoop-houses, which are used for a light-deprivation crop, which consists of plants purchased from a registered nursery off-site before being brought to our farm and planted.

Our goal is to continue working on building the integrated permaculture farm and to be able to grow fruits, vegetables, culinary herbs and other beneficial plants in addition to becoming permitted to grow medicinal cannabis plants for our families and community. We have always seen ourselves as stewards of the land, and we see the current regulatory process as being the next step along the evolution of meeting those goals.

We are a small, multi-generational group of farmers who are likeminded and work together to accomplish these goals. As individuals, we have each attended different workshops to better educate ourselves about the regulatory process and to learn more about best management practices. We are in the process of having laminated sets of safety standards, operational procedures and BMP's posted. We have regular meetings

to discuss farm operations and needs. In general we are all committed to using Best Management Practices, adhering to operational procedures, and to maintaining safety standards on the farm.

## 6. Processing Plan

PROCESSING: Currently we have a 480 square feet barn for drying. All other processing, will be done offsite.

## 7. Schedule of Activities during each month of the growing and harvesting season

### January

Planning, Water Storage, and Road Maintenance

- identify farm's infrastructure needs; develop work plan and & prioritize budget for the year i.e. replace old drip lines, add more rainwater catchment, improve power systems
- create annual farm calendar with timeline of activities, planting and fertilizing dates, and chart all upcoming farm activity
- monitor & maintain water tanks, check waterlines, & all connections for leaks\*
- monitor & maintain float valves & valve tree at tanks\*
- monitor & maintain roads; water bar & minimize sediment run-off during rain\*
- monitor & maintain culverts; clear debris if needed\*
- monitor & maintain pond; ensure overflow is functioning properly\*
- monitor & maintain solar system; panels; batteries charging; inverter functioning\*

### February

Choose Seed Strains, Place Plant Orders; Greenhouse & Hoop-house Preparation

- choose seed strains for the year, map out garden sites; acquire new seeds as needed
- choose and place plant orders with registered nurseries
- prepare greenhouse, hoop-houses & cultivation area as needed

### March

Greenhouse Preparation; Plant Seeds

- greenhouse preparation; re-erect tables, clean pots, fill w/ soil
- sprout seeds for full-term outdoor plants by mid-March
- care for seedlings, monitor temperature

### April

Amend Soil in Hoop-houses, Purchase & Transplant Clones; Seedling Care

- amend soil in hoop-house beds
- purchase plants from registered nursery end of month
- transplant clones & place in hoop-houses by end of April/ early May
- mulch beds, set up drip irrigation system; water only as needed

- care for seedling plants in greenhouse; transplant as needed
- weed-wack around property and cultivation areas

### May

Light Dep & Seedling Care, Prep Full-Term Cultivation Area

- care for clones and maintain hoop-house
- care for seed plants; transplant as needed
- prepare full-term plant cultivation areas;
- turn cover crops in, amend beds, holes & pots
- weed-wack around cultivation areas; clearing around curtilage & monitoring for fire safety

### June

Clone Care & Dep Maintenance; Plant Seed Plants

- clone care, netting, leafing & dep maintenance
- plant full-term seed plants; mulch all planted areas
- set up & monitor drip irrigation system
- care for all plants/ increase drip watering as needed & begin fertilizing schedule

### July

Prep Barn/Drying Facility; Harvest Dep; On-going Full-Term Plant Care

- prepare dry room facility; hang lines & sanitize area
- harvest light dep plants
- dry all harvested plants (10 days)
- bring to processing facility offsite
- ongoing care for full-term plants/drip watering & fertilizing as scheduled; maintaining best management practices\*

### AUGUST

Full-Term Plants Maintenance; Staking, Supporting, Leafing

- on-going care for full-term plants/drip watering & fertilizing as needed
- staking, supporting & leafing full-term seed plants

### SEPTEMBER

Infrastructure Preparation; Equipment; Early Harvest

- on-going care for plants/drip watering & fertilizing as needed
- mold, mildew, & pest checks
- barn/dry room facility preparation
- equipment checks & maintenance
- early harvest as needed

### OCTOBER

Harvest & Dry Full-Term Plants

- harvest all full-term plants
- dry full term plants in locked barn/drying facility; monitor temperatures & humidity
- store everything in locked barn/drying facility

### NOVEMBER

Clean Up, Breakdown and Cover Crop Cultivation Sites

- remove drip irrigation & compost plant debris from cultivation sites
- clean up, sanitize, & shut down greenhouse & barn/drying facility
- ensure all remaining fertilizers & farm products are properly stored for winter
- ensure all farm tools are put away & properly stored for winter
- plant cover crop in cultivation areas; mulch cover crop
- fill water tanks (rain water dependent)

### DECEMBER

Year End Holidays, Rest & Repair

### VIII. Security Plan

**SECURITY PLAN:** The property is rurally located 30 minutes from town and at the end of a private dirt road system. We have an electronic keypad with a locked gate system at the entrance to the property. The gate is always locked to keep the property secure. There are only two neighboring properties that have deeded access on the road. Both neighbors understand the importance of keeping the gate locked to secure the property. There is no other public or private access to the property. All of the main buildings such as the farmhouse, the garden/storage shed, and the barn have locking doors and secure windows. We plan to install security cameras at the entrance to the property for added security.

## ATTACHMENT 4

### Referral Agency Comments and Recommendations

Referral Agency	Response	Recommendation	On File
County Building Inspection Division	✓	Conditional Approval	Attached
County Public Works, Land Use Division	✓	Requested Road Evaluation Report (on file)	Attached
County Division of Environmental Health	✓	Conditional approval	✓
NWIC	✓	Archeology study	✓
Bear River Band of the Rohnerville Rancheria	✓	Archeology study (on file), condition with inadvertent discovery protocols	✓
Department of Fish and Wildlife	✓	Provided 10 Comments	Attached
Regional Water Quality Control Board		None received	
Division of Water Resources		None received	
CALFIRE	✓	Standard input letter	✓
Southern Humboldt Unified School District		None received	
Briceland Fire Protection District		None received	
Agriculture Commissioner		None received	
Sheriff		None received	
Humboldt County District Attorney		None received	



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

*Th*



**7/20/2017**

**PROJECT REFERRAL TO: Building Inspection Division**

**Project Referred To The Following Agencies:**

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, Supervising Planner, Current Planning Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, Regional Water Quality Control Board, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, SOUTHERN HUMBOLDT UNIFIED School District, Briceland Fire Protection District Fire Protection District, Humboldt County Sheriff Office, State Water Resource Control Board, Sinkyone Tribe

**Applicant Name** Bear Butte Farms, LLC, **Key Parcel Number** 221-230-003-000

**Application (APPS#)** 11676 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** CUP16-330

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 8/4/2017**

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 (please check one):**

Recommend Approval. The Department has no comment at this time.

Recommend Conditional Approval. Suggested Conditions Attached.

Applicant needs to submit additional information. List of items attached.

Recommend Denial. Attach reasons for recommended denial.

Other Comments: see attached Referral comments

DATE: 8-29-17

PRINT NAME: Patricia McTing

*Exhibit A*



COUNTY OF HUMBOLDT  
PLANNING AND BUILDING DEPARTMENT  
BUILDING DIVISION

3015 H STREET EUREKA CA 95501  
PHONE: (707) 445-7245 FAX: (707) 445-7446

Building Division's Referral Comments for Cannabis Operations:

Application No.: 44149  
Parcel No.: 221-230-003-000  
Case No.: CUP 16-330

The following comments apply to the proposed project, (check all that apply).

- Site/plot plan appears to be accurate.
- Submit revised site/plot plan showing all of the following items: all grading including ponds and roads, location of any water course including springs, all structure including size and use and all setbacks from the above stated to each other and property lines.
- Existing operation appears to have expanded, see comments: \_\_\_\_\_  
\_\_\_\_\_
- Existing structures used in the cannabis operation shall not to be used/occupied until all required permits have been obtained.
- Proposed new operation has already started.
- Recommend approval based on the condition that all required grading, building, plumbing electrical and mechanical permits and or Agricultural Exemption are obtained.
- Other Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Name: Patrick Metzger

Date: 8-29-17

Note: Remember to take photographs and then save them to the Planning's case number. File location J, Current Planning, Projects, (CUP, SP, ZCC) Case number.



ARCATA-EUREKA AIRPORT TERMINAL  
McKINLEYVILLE  
FAX 839-3596

DEPARTMENT OF PUBLIC WORKS

COUNTY OF HUMBOLDT

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



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

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

AVIATION 839-5401

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

LAND USE 445-7205

**LAND USE DIVISION INTEROFFICE MEMORANDUM**

TO: Cannabis Planner, Planning & Building Department

FROM: Ken Freed, Assistant Engineer *KF*

DATE: 9-07-2017

RE: **REQUEST FOR ADDITIONAL INFORMATION FOR PUBLIC WORKS REVIEW**  
APPLICATION No. 11676 ; APN 221-230-003

The Department has received a greater number of projects than can be processed in the time frame provided. The Department is providing the following abbreviated review of the project. **Once the requested information has been provided, please re-refer the project to the Department.**

All boxes that are checked apply.

- (1) Prior to the project being presented to the Planning Commission or the Zoning Administrator, it is recommended that the project should be referred to:
  - Caltrans;  Bureau of Land Mgmt.;  US Forest Service;  City of \_\_\_\_\_

**Prior to the project being presented to the Planning Commission of the Zoning Administrator, the following must be done:**

- (2) Applicant shall submit a completed Public Works Road Evaluation Report form for each road that is used to access the subject property. The applicant shall provide a "google earth" type map showing the locations of the road being evaluated that is indexed to each Road Evaluation Form. Road evaluations are needed for all roads that access off of BriceLand-Thorne Road.

Including \_\_\_\_\_

A Road Evaluation Report form is available from the Land Use Division. The Department recommends that the applicant make an appointment with staff to go over the road evaluation process.

- The submitted Road Evaluation Form(s) is(are) inadequate. See attached road evaluation report response for comments.
- (3) Applicant shall submit a completed Airspace Clearance Form. The subject property is located within the area covered by County Code section 333-1 et seq., the applicant shall submit evidence that the project complies or will comply with County Code.
  - The submitted Airspace Clearance Form is inadequate. See below for comments.
- (4) The subject property has deferred subdivision improvements that must be completed. Prior to the project being presented to the Planning Commission or the Zoning Administrator for approval or prior to the issuance of any building permits, whichever occurs first.

*Exhibit B*

HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS  
ROAD EVALUATION REPORT

#1 RECEIVED  
OCT 26 2017  
Humboldt County  
Development Assn.

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

Applicant Name: BEAR BUTTE FARMS LLC APN: 221-230-003

Planning & Building Department Case/File No.: 11676

RECEIVED

Road Name: PERRY MEADOW RD complete a separate form for each road NOV 08 2017

From Road (Cross street): BRICELAND THORN RD.

HUMBOLDT CO. PUBLIC WORKS  
LAND USE DIVISION

To Road (Cross street): ELK RIDGE RD

Length of road segment: 112 FEET miles Date Inspected 10-23-17

Road is maintained by:  County  Other PRIVATE ROAD ASSOCIATION  
(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.

Tryphena Lewis  
Signature

10-24-17  
Date

TRYPHENA LEWIS BEAR BUTTE FARMS LLC  
Name Printed

If you have questions regarding this form, or need assistance in filling it out, please call the Department of Public Works Land Use Division at 707.445.7205.

HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS  
ROAD EVALUATION REPORT

#2

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

Applicant Name: BEAR BUTTE FARMS LLC APN: 221-230-003

Planning & Building Department Case/File No.: 11676

Road Name: ELK RIDGE RD (complete a separate form for each road)

From Road (Cross street): PERRY MEADOW RD

To Road (Cross street): ROAD Z

Length of road segment: 3.2 MILES miles Date Inspected 10-23-17

Road is maintained by:  County  Other PRIVATE ROAD ASSOCIATION  
(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.

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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.

Tryphena Lewis  
Signature

10-24-17  
Date

TRYPHENA LEWIS BEAR BUTTE FARMS LLC  
Name Printed

If you have questions regarding this form, or need assistance in filling it out, please call the Department of Public Works Land Use Division at 707.445.7205.

HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS  
ROAD EVALUATION REPORT

# 3

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

Applicant Name: BEAR BUTTE FARMS LLC APN: 221-230-003

Planning & Building Department Case/File No.: 11676

Road Name: ROAD Z (complete a separate form for each road)

From Road (Cross street): ELK RIDGE RD

To Road (Cross street): ROAD A

Length of road segment: 1.2 MILES <sup>38</sup> miles Date Inspected 10-23-17

Road is maintained by:  County  Other PRIVATE ROAD ASSOCIATION  
(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.

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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.

Tryphena Lewis  
Signature

10-24-17  
Date

TRYPHENA LEWIS BEAR BUTTE FARMS LLC  
Name Printed

If you have questions regarding this form, or need assistance in filling it out, please call the Department of Public Works Land Use Division at 707.445.7205.

HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS  
ROAD EVALUATION REPORT

#4

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

Applicant Name: BEAR BUTTE FARMS LLC APN: 221-230-003

Planning & Building Department Case/File No.: 11676

Road Name: ROAD A (complete a separate form for each road)

From Road (Cross street): ROAD Z

To Road (Cross street): 85 ROAD A

Length of road segment: 1.8 MILES miles Date Inspected 10-23-17

Road is maintained by:  County  Other PRIVATELY  
(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.

Tryphena Lewis  
Signature

10-24-17  
Date

TRYPHENA LEWIS BEAR BUTTE FARMS LLC  
Name Printed

If you have questions regarding this form, or need assistance in filling it out, please call the Department of Public Works Land Use Division at 707.445.7205.



**California Department of Fish and Wildlife  
CEQA Referral Checklist**



Applicant: Bear Buttes Farm LLC			
Co APPS: 11676	APN: 221-230-003	CDFW CEQA: 2017-0327	<input type="checkbox"/> ZCC <input type="checkbox"/> SP <input checked="" type="checkbox"/> CUP
<input type="checkbox"/> New Size (SF):	<input checked="" type="checkbox"/> Existing Size (SF): 21,780	<input type="checkbox"/> Mixed-light	<input checked="" type="checkbox"/> Outdoor <input type="checkbox"/> Indoor <input type="checkbox"/> RRR

Thank you for referring this application to the California Department of Fish and Wildlife (CDFW) for review and comment.

CDFW offers the following comments on the Project in our role as a Trustee and Responsible Agency pursuant to the California Environmental Quality Act (CEQA; California Public Resource Code Section 21000 *et seq.*). These comments are intended to assist the Lead Agency in making informed decisions early in the planning process.

**Please provide the following information:**

- Provide additional information on the water source(s) for the parcel(s) including both domestic use and irrigation.
  - a. If the source is a well(s), provide a copy of the well completion log.
  - b. If the source is municipal water, provide documentation that municipality/CSD/etc. is willing to provide all water necessary for the subject parcel (include the specific amount that is approved).
  - c. If the source is surface water (spring, stream, or hydrologically connected pond or well) CDFW requests, as a condition of project approval, that the applicant notify our Department, pursuant to Fish and Game Code Section 1602, of all unpermitted points of diversion located on the parcel or provide a copy of the non-jurisdictional letter issued by CDFW.
- The referral materials state that there is a constructed pond onsite. CDFW requests, as a condition of Project approval, that the applicant notify CDFW, pursuant to Fish and Game Code Section 1602 and comply with the attached CDFW Bullfrog Management Plan (Exhibit A). Reporting requirements shall be submitted to CDFW at 619 Second Street, Eureka, CA 95501, no later than December 31 of each year.
- Include a topographic map that identifies all surface water, wetlands, or other sensitive habitats onsite and the appropriate buffer distances for each.
- If new or existing road(s) cross streams, springs, seeps, wetlands, etc. on the parcel, provide detailed descriptions of each (e.g. culvert sizes, condition, etc.) and permits under which they were installed, if any. CDFW requires notification, pursuant to Fish and Game Code Section 1602, for all stream crossings or any other alteration of the bed, bank, or channel of any stream located on the parcel.
- Identify all energy sources for project.
  - a. If generator, identify the size and location of the generator and describe measures that will be incorporated to avoid or minimize impacts to fish and wildlife, such as secondary containment.
  - b. If micro hydropower, provide detailed information regarding the existing or proposed system. CDFW requires that the applicant notify CDFW, pursuant to Fish and Game Code Section 1602, of all micro hydropower systems located on the parcel.

*Exhibit C*

- Include a copy of the Water Resource Protection Plan if one has been developed for the Project. If none has been developed, indicate this in the referral packet.
- All or part of the Project is located within the CDFW recommended minimum setback area. CDFW recommends that the applicant have a qualified biologist assess the property to delineate the appropriate setbacks (a minimum of 150ft from perennial streams/wetlands and 50ft from intermittent streams), measured from the outer edge of the riparian or top of bank, whichever is greater. These areas should be identified as no-disturbance buffers and future development.
- CDFW requests an assessment of the access road leading to the project site. CDFW believes that this site may be inappropriate for commercial cannabis cultivation due to the difficult access, potential sediment discharge and high cost of road repair.
- Aerial imagery suggests that the cultivation area, prior to January 1, 2016, was approximately 13,200 square feet. CDFW recommends that the applicant provide proof of existing cannabis on the parcel, prior to the cutoff date, or that the application be reconsidered for permit approval. 02 (27)
- Conduct a biological survey of the property to determine whether rare species or sensitive natural communities are present. In order to identify and prevent impacts to rare species and sensitive natural communities, a qualified biologist should conduct appropriate surveys in all areas that would potentially be impacted by the project, and submit a report of the findings for County and CDFW staff review. After review of the report, CDFW will be able to provide site-specific recommendations to avoid, minimize, or mitigate project impacts.

## EXHIBIT A.

### BULLFROG MONITORING AND MANAGEMENT PLAN FOR CEQA-2017-0327-R1

#### GENERAL BULLFROG INFORMATION

The American bullfrog (*Lithobates catesbeianus* = *Rana catesbeiana*); hereafter bullfrog, is an invasive non-native species in California that poses a significant threat to California's native fish and wildlife resources. Bullfrogs were introduced in California over 100 years ago from eastern parts of the United States as a food supply, but have since caused substantial ecological consequences. Bullfrogs are considered highly invasive and are well documented to prey upon a variety of fish and wildlife species, including some that are rare, threatened, and endangered. Human modifications to the environment provide favorable condition to bullfrogs such as artificially created agricultural ponds, canals and ditches where warm still water occurs. As a result, bullfrogs have spread throughout California.

Efforts to control bullfrogs have been met with varying degrees of success because: 1) bullfrogs can be difficult to detect and go dormant from fall through winter, 2) bullfrogs often take cover in difficult areas to manage (e.g. dense vegetation), 3) they can travel long distances to colonize and re-colonize areas, 4) they have high reproductive output, 5) they are weary and readily flee perceived threats, and 6) they can survive physical trauma remarkably well. CDFW scientific staff recognizes there is an urgent and immediate need to develop improved bullfrog management strategies to protect California's diverse fish, wildlife, and plant resources, and the habitats upon which they depend, for their ecological values and for their use and enjoyment by the public. Public support and implementation of bullfrog control in California is an important conservation strategy that will help protect natural resources for future generations.

#### MONITORING

The Project reservoir(s) shall be monitored for bullfrog presence on an annual basis with a minimum of two total surveys, no less than two weeks apart, throughout the months of May-July

- All pond survey efforts must be made by a person knowledgeable in bullfrog identification (see Appendix A for reference photos);
- Survey efforts shall include listening for bullfrog calls and slowly walking the complete perimeter of the pond at night\* (dusk or later) while shining a flashlight to detect movement and eye-shine

If bullfrogs are not detected upon completion of two total surveys, or at any other time of the year incidentally, removal efforts are not required that year.

\*Day time monitoring can also be conducted to aid detection but is not required under this plan.

#### SUCCESS CRITERIA

The level of effort needed to successfully manage bullfrog populations varies with infestation levels. This plan shall be considered successful if sufficient effort is provided to prevent adult bullfrogs from reproducing in the reservoir(s) each year, and no bullfrog life-stages can be detected. Bullfrogs are capable of traveling long distances over-land, and on-going efforts will be required to ensure dispersing bullfrogs do not colonize the reservoir(s) at a future time.

## OPTIONS FOR MANAGEMENT

Two removal methods may be employed for controlling bullfrogs under this plan and include:

- Manual direct removal
- Reservoir de-watering (Hydro-modification)

Implementing both reservoir de-watering and manual direct removal is currently believed to be the most effective method of managing bullfrog infestations. For reservoirs that are heavily infested with juvenile bullfrogs and/or tadpoles, reservoir dewatering may be necessary to break the bullfrog's life cycle and prevent on-going reproduction. Prior to conducting reservoir dewatering activities, please coordinate with CDFW Environmental Scientist Kalyn Bocast by phone at (707) 441-2077 or via email at [kalyn.bocast@wildlife.ca.gov](mailto:kalyn.bocast@wildlife.ca.gov).

### Direct Removal

All direct removal efforts must be made by a person knowledgeable in bullfrog identification.

- Removal efforts must occur during, but are not be limited to the active/breeding season, occurring May – July;
- A minimum of **five** efforts throughout the season are considered necessary;
- Direct removal efforts are typically most effective when conducted at night with use of lights but can also be conducted during the day;
- Direct removal must include working the entire perimeter of the reservoir;
- A rubber raft or small boat may be necessary to successfully remove some individuals;
- A team of two individuals or more is often helpful, one person for shining lights and/or operating a boat and the other person to perform removal efforts;
- Bullfrog tadpoles must be removed and dispatched and must not be relocated or kept as pets.

### Management Authorization

Take of bullfrogs is specifically allowed in the California Code of Regulations (CCR), Title 14 (T-14) section 5.05(a)(28), under the authority of a sport fishing license. There is no daily bag limit, possession limit or hour restriction, but bullfrogs can only be taken by hand, hand-held dip net, hook and line, lights, spears, gigs, grabs, paddles, bow and arrow or fish tackle.

Alternatively, FGC Section 5501 allows CDFW, as limited by the commission, to issue a permit to destroy fish that are harmful to other wildlife. The regulations have addressed this under Section CCR T-14 226.5 Issuance of Permits to Destroy Harmful Species of Fish in Private Waters for Management Purposes. This allows the CDFW to issue free permits to destroy harmful aquatic species by seining and draining.

### **Pond Dewatering**

Pond dewatering may be appropriate if the reservoir can be successfully dewatered without adversely affecting stream resources. Careful planning and coordination with CDFW, is necessary to ensure potential impacts to stream resources can be addressed, prior to commencing with pond draining. Discharge of polluted water to waters of the state may require permitting from other agencies with permitting authority, such as the Regional Water Quality Control Board.

In general, bullfrog tadpoles require two years to develop into frogs, whereas native amphibians only require one year. Therefore, draining a reservoir every year is intended to interrupt bullfrog tadpole development, dramatically decrease bullfrog populations and allow for reduced efforts as a measure of adaptive management. Typically in Northern California, reservoir draining should occur in September through October to avoid impacts to sensitive native amphibian and fishery resources. While draining occurs, direct removal efforts should be employed as described above if possible.

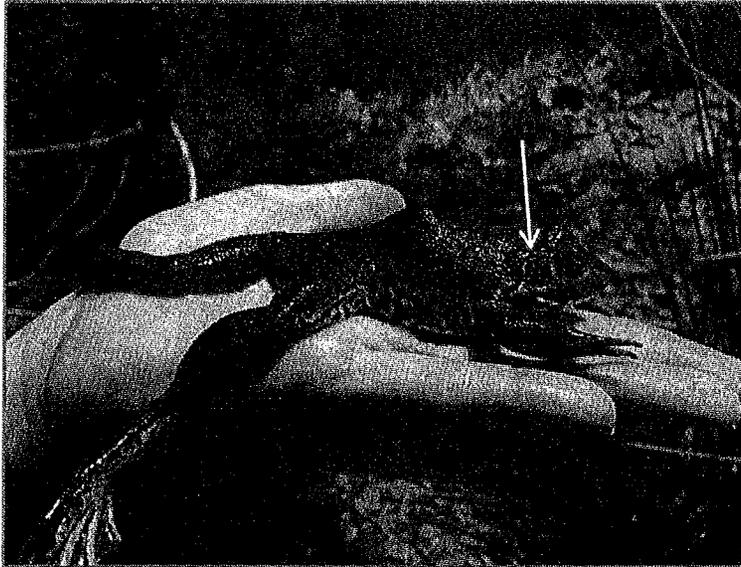
### **REPORTING**

A written log shall be kept of monitoring and management efforts and shall be provided to CDFW **each year** by December 31. The written log shall include: 1) date and time of each monitoring and management effort, 2) approximate number of each bullfrog life stage detected and/or removed per effort, and 3) amount of time spent for each monitoring and management effort.

### **APPENDIX A. BULLFROG REFERENCE PHOTOS**



This is a photo of a Bullfrog tadpole. (Photo taken by Mike van Hattem).



The photos shown in this Appendix demonstrate a medium sized adult bullfrog that was removed from Ten Mile Creek, Mendocino County. Note the bullfrog has a large tympanum, (circular ear drum shown with an arrow) and **does not** have distinct ridges along its back (dorsolateral folds). Photo taken by Wes Stokes.



The bullfrog has somewhat distinct mottling and the underside of the bullfrogs hind legs are not shaded pink or red.