



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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Phone: (707) 445-7541 Fax: (707) 268-3792

Hearing Date: February 15, 2018

To: Humboldt County Planning Commission

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

Subject: **Mountainwise Farms** Conditional Use Permit
Application Number 11911
Case Numbers CUP 16-444
Assessor's Parcel Numbers (APN) 317-183-007
3070 Pigeon Point Rd., Eureka area

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

AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
February 15, 2018	Conditional Use Permit	Rodney Yandell, Planner II

Project Description: Mountainwise Farms is seeking a Conditional Use Permit for an existing 22,000 square foot (sf) outdoor commercial medical cannabis cultivation. All water used for cultivation of cannabis is sourced on-site from a shallow hand-dug (seep) well that, although registered with the State Water Resources Control Board, does not flow off the property. Water is stored in three bladders (60,000 gallons), and two hard-sided storage tanks (4,350 gallons). The applicant estimates 369,200 gallons of water use annually. To meet the need for added storage of water for cultivation during the forbearance period, a 500,000 gallon rain catchment pond and well are planned. The Applicant will install a water meter to document compliance. Appurtenant processing of cannabis product grown on-site occurs inside an existing shop structure. There will be between two to four employees at full operation. Electricity is provided by a solar power and back-up generator power. The property is also developed with an existing single-family residence served by on-site water and sewage disposal systems. Site restoration plans include removal and replacement of a derelict barn and the restoration of a Class III stream that passed under a historic greenhouse location.

Project Location: The project is located in Humboldt County, in the Pilot Ridge area, on the North side of Stapp Road, approximately 5 miles from the intersection of Coyote Flat Road and Stapp Road, on the property known to be in Section 36 of Township 03 North, Range 04 East, Humboldt Base & Meridian.

Present Plan Land Use Designations: Timberland (T), Humboldt County General Plan (GP), Density: 160 to 40 acers per dwelling unit, Slope Stability: High Instability (3)

Present Zoning: Unclassified (U)

Case Number: CUP16-444

Application Number: 11911

Assessor Parcel Number: 317-183-007

Applicant

Mountainwise Farms
3070 Pigeon Point Rd.,
Eureka, CA 95503

Owner

Sara Bullock (Bleser)
3070 Pigeon Point Rd.,
Eureka, CA 95503

Agent

Timberland Resource
Consultants
165 S. Fortuna Blvd.
Fortuna, CA 95540

Environmental Review: The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per CEQA Exemption Sections: 15301 (Existing Facilities), 15302 (Replacement or Reconstruction), 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.

MOUNTAINWISE FARMS
Case Number CUP16-444
Assessor's Parcel Number 317-183-007

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, 15302, 15304, and 15333 of the State CEQA Guidelines, make all of the required findings for approval of the Conditional Use Permit based on evidence in the staff report and any public testimony, and adopt the Resolution approving the proposed Mountainwise Farms Conditional Use Permit subject to the recommended conditions.

Executive Summary: Mountainwise Farms is seeking a Conditional Use Permit for an existing 22,000 sf outdoor commercial medical and/or adult use cannabis operation in compliance with the County Commercial Medical Marijuana Land Use Ordinance (CMMLUO). The Project site is comprised of one parcel (APN 317-183-007). Commercial cannabis cultivation currently occurs within nine greenhouses located in the center of the 7-acre parcel on graded flat areas, as shown on the plot plan. Eight of the greenhouses are 2,304 sf, one is 1,920 sf, and an additional single propagation greenhouse is 800 sf. The operation includes outdoor cultivation and on-site processing. The Applicant will participate in the Track and Trace program.

In addition to the nine greenhouses, there are two other structures on the property: a two-bedroom residence (cabin), a barn, and two appurtenant storage structures. The residence is not used for cannabis related activities. The residence was built on the parcel in the 1950's and the septic system is under the process of being permitted through the Humboldt County Building Department. The current barn is to be deconstructed and a replacement barn is proposed at a more suitable location to be used for onsite processing.

Water for domestic use is provided by a hand-dug seep that does not flow off the property and is registered with the State Water Resource Control Board. There are two stream crossings on the property which are both functioning well. One of the stream crossings, however, was installed beneath fill associated with a historic cultivation area and corrective measures are detailed in a mitigation plan prepared by Trinity Valley Consulting Engineers. Removal of the fill and restoration of the watercourse and buffer is required for consistency with the County's Streamside Management Area regulations. A Lake and Streambed Alteration Agreement for these culverts has been prepared by Timberland Resource Consultants and approval evidence will be provided as a Condition of Approval.

Water

The amount of water used for the cultivation of cannabis varies throughout the year, with peak periods of water use estimated at 90,000 gallons per month during summer months. Estimated annual water use for the property is approximately 369,200 gallons. The estimated total annual water storage availability is 64,000 gallons in three 20,000 gallon bladders and a single 4,000 gallon hard-walled tank shown on the site plan. Because the applicant does not have adequate storage for cultivation activities during the forbearance period, Trinity Valley Consulting Engineers has designed a 500,000 gallon rain catchment pond. Construction of the

pond and installation of a well will occur in 2018 in order to provide for both cultivation and household water use, respectively. All water used for cultivation is provided via a drip-irrigation system regulated by timers, which allows for the cannabis to be watered at the most efficient rates and time periods possible.

There is one Class III watercourse on the property that is a tributary to the Mad River. The Applicant is enrolled in the Tier 2 Discharge Program of the North Coast Regional Water Quality Control Board (NCRWQCB). The Applicant has prepared a Water Resource Protection Plan (WRPP) that is required for enrollment. The WRPP determined that one of the cultivation sites is within the required buffer for a Tier 2 site (50 feet for Class III) and that a culverted stream crossing that was installed beneath this historic cultivation area will require remediation.

Operations (Cultivation and Processing)

Mountainwise Farms conducts cultivation activities in two cycles with harvests in July and October. The operation utilizes light deprivation tarps to achieve this.

The barn building is used for processing of the cannabis. These activities include drying, trimming, curing, and storage. The Applicant is planning to deconstruct this structure and build another processing facility at a more suitable location.

The Applicant has submitted information regarding materials used for pest management, fertilizers and amendments. All cultivation waste is stored in trash containers and kept on site. Waste is transferred to Humboldt Waste Management in Eureka, CA. All green waste will be stored away from any watercourses and composted on site.

Energy

The operation uses a solar power system with a back-up portable generator available as needed.

Security

The Applicant has also submitted a security plan including the use of a locked gate at the entrance to the property and proposes to deploy motion cameras and erect appropriate fencing around cultivation areas.

Access

The property is located three miles from the county maintained road and behind three other locked gates accessible to other neighboring land owners. Parking is available on site. Road Evaluation Reports have been prepared, self-certifying that the entire road segment is developed to the equivalent of a road category 4 standard.

The 7-acre property used for medical cultivation activity is zoned U. The CMMLUO identified U-zoned parcels 5 acres or larger as sites where existing cannabis cultivation activities could be allowed. Outdoor cultivation up to 22,000 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

The Building Inspection Division recommends Conditional Approval.

CalFire has provided standard comments.

The Department of Public Works has requested a Road Evaluation Report.

The Division of Environmental Health recommends Conditional Approval.

The California Department of Fish and Wildlife has not responded but has provided a Biological Resources Map of the area.

Northwest Information Center (NWIC) recommends a Cultural Resources Report. (on file)

The Bear River Band Rohnerville Rancheria recommends Conditional Approval. (on file)

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 16-444
Assessor's Parcel Number: 317-183-007**

Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves Mountainwise Farms Conditional Use Permit request.

WHEREAS, Mountainwise Farms submitted an application and evidence in support of approving the Conditional Use Permit to permit an existing 22,000 square-foot outdoor cultivation area with onsite processing; 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), 15302 (Replacement or Reconstruction), 15304 (Minor Alterations to Land), and 15333 (Small Habitat Restoration Projects) of the California Environmental Quality Act (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 (CUP 16-444); and

WHEREAS, a public hearing was held on the matter before the Humboldt County Planning Commission on February 15, 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), 15302 (Replacement or Reconstruction), 15304 (Minor Alterations to Land), and 15333 (Small Habitat Restoration Projects) of the CEQA State Guidelines; and
2. The findings in Attachment 2 of the Planning Division staff report support approval of Case Number CUP 16-444 based on the submitted evidence; and
3. Approves the Conditional Use Permit Case Number CUP 16-444 as recommended and conditioned in Attachment 1 for Case Number CUP 16-444.

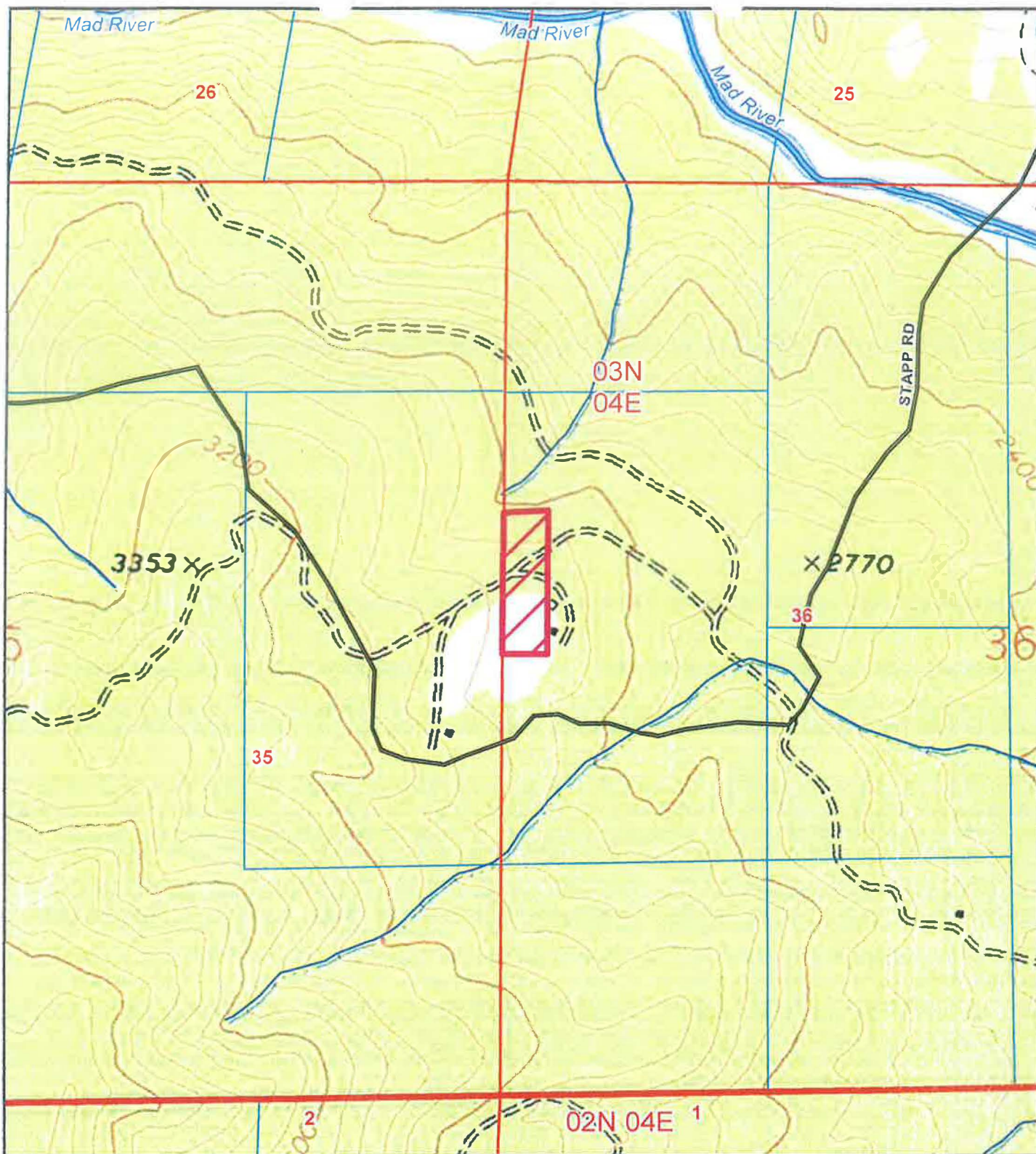
Adopted after review and consideration of all the evidence on February 15, 2018.

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.

John Ford
Director, Planning and Building Department



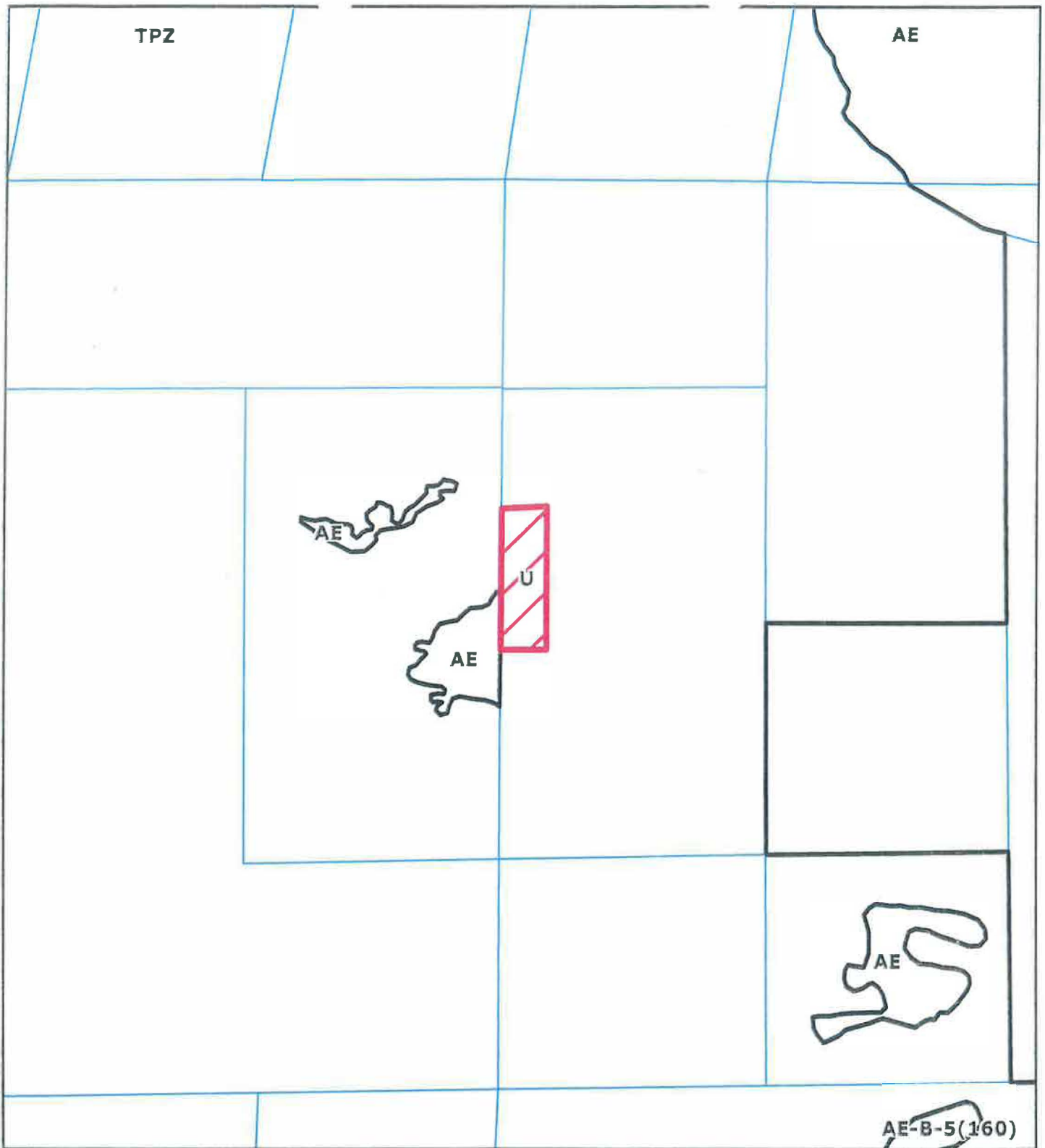
**TOPO MAP
PROPOSED MOUNTAINWISE FARMS
PILOT RIDGE AREA
CUP-16-444
APN: 317-183-007
T03N R04E S36 HB&M (PILOT RIDGE)**

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.



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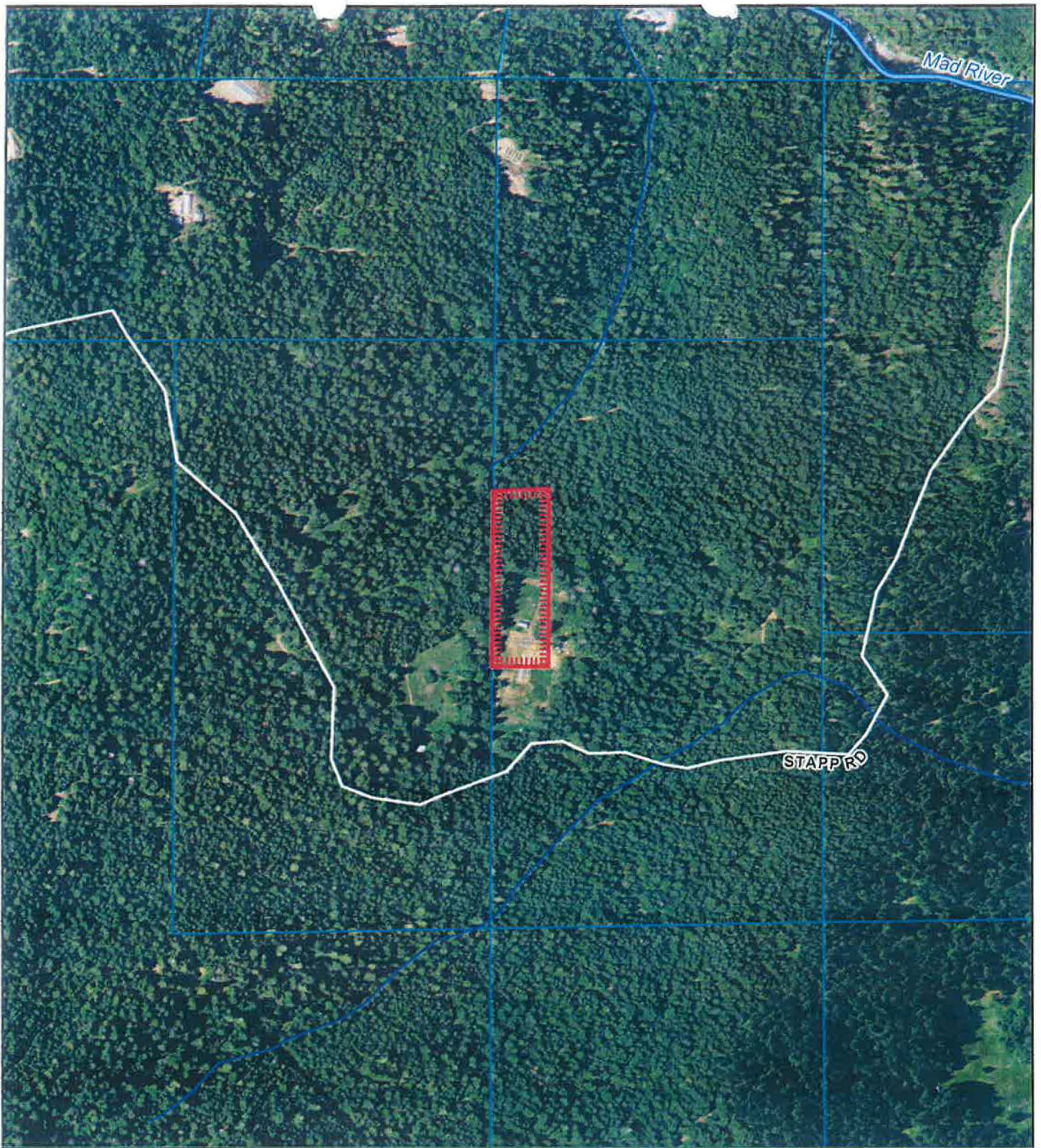


**ZONING MAP
PROPOSED MOUNTAINWISE FARMS
PILOT RIDGE AREA
CUP-16-444
APN: 317-183-007
T03N R04E S36 HB&M (PILOT RIDGE)**

Project Area = 

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AERIAL MAP
PROPOSED MOUNTAINWISE FARMS
PILOT RIDGE AREA
CUP-16-444
APN: 317-183-007
T03N R04E S36 HB&M (PILOT RIDGE)

Project Area = 

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ATTACHMENT 1

RECOMMENDED CONDITIONS OF APPROVAL

APPROVAL OF THE CONDITIONAL USE 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 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 – 19. 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 unpermitted structures related to the cannabis cultivation and other commercial cannabis activity. The plans submitted for building permit approval shall be consistent with the project description and approved project site plan. A letter or similar communication from the Building Division verifying that all structures related to the cannabis cultivation are permitted will satisfy this condition.
3. 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.]
4. The applicant shall submit a revised Site Plan that shows the location of the water source, the solar array and the generator.
5. The conditions of the Division of Environmental Health, dated November 16, 2017, shall be completed or secured to the satisfaction of that department, including the permitting of the septic system. A letter or similar communication from the Department of Environmental Health verifying that all their requirements have been met will satisfy this condition. If processing activities require additional staffing, then portable toilets with hand washing facilities will have to be added.
6. The Applicant shall provide the California Department of Fish and Wildlife with all requested notification and reporting information for obtaining a Lake or Streambed Alteration Agreement (LSAA) for 1) the existing water diversion that is used or planned on the site and 2) the existing stream crossing that is to be remediated and restored pursuant to Fish and Game Code 1602. Final LSAA documentation or other communication from the CDFW verifying that this requirement has been met will satisfy this condition.
7. The applicant shall install additional water storage facilities to provide sufficient storage for the water needs of their operation without having to rely on surface water diversion during the summer months. Development of the rainwater catchment pod shall incorporate the mitigation measures for work in streamside management areas per HCC Section 314-61.1.10. No timberland conversion shall occur in development of this water storage feature.

8. 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 or ponds.
9. The use of water bladders is not approved on a continual basis. The two new storage containers shall be tanks. Within two years of the date of approval the applicant shall remove the water bladders from the property.
10. The Applicant shall meet all the required site remediation, cleanup, and Best Management Practices (BMPs) stated in the WRPP. The WRPP shall demonstrate consistency with section §314-61.1 (Streamside Management Area Ordinance) of the County Code, including replanting with riparian vegetation along the restored Class III stream 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.
11. Prior to removal of cannabis associated improvements, a qualified biologist shall survey the area of disturbance and adjacent habitat within a 150-foot buffer in order to identify and establish buffers for any sensitive natural communities, such as wetlands, springs, seeps, and riparian areas, or plants with a State Rare Plant Rank of 1 or 2. The applicant shall submit a restoration report prepared by a qualified biologist prior to the removal of cannabis associated improvements within the Streamside Management Area (SMA) of the unnamed stream. This report shall meet the requirements of Humboldt County Code Section 314-61.1.18 et seq. The applicant shall implement the report's recommendations within 10 days of the conclusion of removal of cannabis associated improvements. The restoration activity shall apply to all disturbed areas within the SMA and shall include success criteria for revegetation. The applicant shall submit monitoring reports prepared by a qualified biologist annually for the review and approval of the Planning Director for a period of three years.
12. Any proposed new or additional ground disturbance within the cultural resource site boundaries identified in the cultural resource investigation would need to be shifted to move outside of the identified site or the site must be capped. The other alternative would be to have a cultural monitor on location during any ground disturbance within the identified site. Alternative one and two would require the resubmittal of the project site plan showing the shifting of project related disturbances out of the area of the identified site. Alternative three would require a letter from the cultural monitor confirming there was no disturbance within the identified site as a result of the proposed development.
13. The project area has been determined to have potential nesting, roosting, or foraging habitat for Northern Spotted Owl (*Strix occidentalis caurina*). The following avoidance and minimization measure shall be implemented:
 - a) Prior to tree removal activities, a qualified wildlife biologist with experience in Northern Spotted Owl protocol surveys shall complete a survey of the site to determine if there are trees that could provide nesting or roosting habitat for the Northern Spotted Owl. No tree that could provide suitable nesting or roosting habitat for this species shall be removed or altered.
 - b) No work will occur in the Northern Spotted Owl nesting season (February 1st- July 31st) unless a wildlife biologist with experience in Northern Spotted Owl protocol surveys completes a biological assessment of the property to determine whether the area has Northern Spotted Owl presence and whether site specific avoidance measures are necessary to avoid any impact to the species. Any measures developed by the biologist must be adhered to during the nesting season.
 - c) No proposed activity generating noise levels 20 or more decibels above ambient noise levels or with maximum noise levels above 90 decibels may occur during the Northern Spotted Owl nesting season.

- d) No human activities shall occur within a visual line-of-sight of 40 meters (131 feet) or less from a known nest location.
14. Noise generated from generator used as backup emergency power source shall not exceed 50 decibels (dB) at 100 feet from the generator or at the edge of the nearest forest habitat, whichever is closer, as required by Section 314-55.4.11(o) of the Humboldt County Code. Prior to issuance of a building permit or the initiation of cultivation activities, whichever occurs first, the applicant shall provide documentation from the manufacturer demonstrating that the generators conform to the specified standard. Should the applicant propose to achieve noise attenuation by placing the generators inside a building(s), the applicant shall secure a building permit prior to construction.
 15. The applicant shall execute and file with the Planning Division the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the HCC and available at the Planning Division.
 16. 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.
 17. 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.
 18. The applicant shall contact the local fire service providers [Bridgeville Fire Protection District/Kneeland Volunteer Fire Company] and furnish written documentation from those agencies of the available emergency response and fire suppression services and any recommended project mitigation measures. Mitigation measures shall be incorporated into the project, if applicable. If emergency response and fire suppression services are not provided, the applicant shall cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning Division. Document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors will be required.
 19. 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. If offsite processing is chosen to be the preferred method of processing, this permit shall be modified to identify the offsite licensed facility.
3. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CMMLUO and MAUCRSA, as applicable to the permit type.
4. 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.
5. Possession of a current, valid required license, or licenses, issued by any agency of the State of California in accordance with the MAUCRSA, and regulations promulgated thereunder, as soon as such licenses become available.
6. 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.
7. 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).
8. 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.
9. 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.
10. 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).
11. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
12. Pay all applicable application, review for conformance with conditions and annual inspection fees.
13. 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 NCRWQCB 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.

14. 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.
15. Storage of Fuel - Fuel shall be stored and handled in compliance with applicable state and local laws and regulations, including the County of Humboldt's CUPA program, and in such a way that no spillage occurs.
16. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).
17. The operation shall participate in the Medical Cannabis Track and Trace Program administered by the Humboldt County Agricultural Commissioner, when available.

Performance Standards for Cultivation and Processing Operations

18. Pursuant to the MRRSA, 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."
19. 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).
20. Cultivators engaged in processing shall comply with the following Processing Practices:
 - a. Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.
 - b. Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
 - c. Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.
 - d. Employees must wash hands sufficiently when handling cannabis or use gloves.
21. 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.
23. 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.
24. Permit Duration. Any Commercial Cannabis Cultivation issued pursuant to this section shall expire after one (1) year after date of issuance, and on the anniversary date of such issuance each year thereafter, unless an annual compliance inspection has been conducted and the permittees, lessees, and the permitted site have been found to comply with all conditions of approval.
25. 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. 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.

2. This 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 construction under a valid building permit or use in reliance on the permit has commenced prior to such anniversary date. Once initiated, the use is subject to the Permit Duration and Renewal provisions set forth in Condition of Approval #24 of the On-Going Requirements /Development Restrictions, above. The period within which construction or use must be initially commenced may be extended as provided by Section 312-11.3 of the Humboldt County Code.
3. 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.
4. 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.

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 General Plan.

Relevant Plan Section(s)	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Land Use Chapter 4</p> <p>Land Use Designations 4.8</p>	<p>Timberland (T): Lands primarily suitable for the growing, harvesting and production of timber. Allowable uses include timber production, general agriculture, timber/agricultural products processing, natural resources uses, other uses</p> <p>Density range is 40 -160 acres/unit.</p>	<p>Compatible uses for Timber land (T) include grazing and agricultural uses. 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 U. The proposed action would permit an existing agricultural use. The subject parcel is 7 acres and contains one existing dwelling unit, one barn, and two storage sheds.</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>Access to the site is directly off two small roads leading from Stapp Road. Public Works has commented on this application indicating a need for the preparation of a Road Evaluation Report. A road Evaluation Report has been prepared by the applicant, self-certifying that the entire road segment is developed to the equivalent of a road category 4 standard.</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</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 Timberland and is zoned Unclassified. 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 Timberland 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 General Plan do not identify any sensitive or critical habitat areas on the subject parcel. However, according to a CDFW provided map, there are reported Northern Spotted Owl observations on and near to the property. The Applicant proposes to use generators as 'back-up power supplies when solar power is insufficient. As a result, the Applicant must notify the County and demonstrate that the generators will not produce noise levels that would result in the harassment of the Northern Spotted Owl or other wildlife. The Applicant will have to identify the type of generators used on-site and the location of the generator to demonstrate that the noise can be attenuated below 50 dB sound output at</p>

		<p>100 feet from the generator or at the edge of the nearest forest habitat, whichever is closer, so that protected species are not harassed. These standards are set forth in Section 55.4.11 (o) of the CMMLUO.</p> <p>The 7-acre parcel has one main Class III watercourses on the property that is a tributary to Mad River. The current cannabis cultivation areas are located beyond the 50-foot setback requirement for Class III watercourses, however a culverted stream crossing that was installed beneath a historic cultivation area will require remediation.</p> <p>The CDFW has not commented on this application, however the Applicant is prepared to file notification pursuant to Fish and Game Code 1600 for the stream restoration and to determine if the seep water source is jurisdictional.</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 Timberland Resource Consultants for the preparation of a WRPP. Any identified corrective actions and BMPs in the WRPP are included as conditions of approval. In particular, the WRPP has identified a stream crossing on the site that requires remediation. As a Condition of Approval, the Applicant will have to submit notification to the CDFW pursuant to Fish and Game Code 1602 for this water diversion and stream crossing site.</p> <p>Water for the outdoor cultivation areas is sourced from an onsite hand-dug seep well. The Applicant's usage from April to October is approximately 369,200 gallons. CDFW has not provided comments on the water usage. Trinity Valley Consulting Engineers, Inc. has produced a report evaluating the existing conditions for installing a storage catchment pond to store water for cultivation activities and a well for personal use.</p>
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<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 and the Bear River Band of Rohnerville Rancheria. The Bear River Band requested an Archaeological study, which was prepared by William Rich and Associates. One site was identified that is partially within the project area requiring that new or additional ground disturbance within the identified site boundaries be shifted to move outside of the identified site or the site must be capped. Alternatively, a cultural monitor could be on location during any ground disturbance within the identified site. These requirements have been added as conditions 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>Outdoor cannabis cultivation does not require lighting. There is no ancillary lighting proposed as part of the project.</p> <p>Any on-site lighting to be 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 de-listing 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 applicant retained Timberland Resource Consultants for the preparation of the WRPP. The WRPP has been prepared to describe and address the required elements and compliance with the 12 Standard Conditions established by the Order. A stream crossing and fill associated with a historic cultivation site was identified as requiring removal and remediation or improvement. The applicant will obtain a Lake and Streambed Alteration Agreements (LSAA) permit for the work, and improvements consistent with WRPP recommendations and the County's Streamside Management Area provisions are conditions of approval.</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 and shop building is served by an onsite septic system that has not yet been permitted. The applicant states that permitting will occur in 2018. Permitting of the septic system has been added to the conditions of approval to this permit.</p> <p>The County's Department of Environmental Health commented on the proposed project and their recommendations have been added as conditions of approval.</p> <p>Any expansion of service or additional waste systems to accommodate the residents and employees will have to meet the County's sewage disposal requirements.</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>The subject parcel is not located in an area that requires special noise attenuation measures to protect adjacent communities.</p> <p>The applicant proposes that all power used for the project will be supplied by an off-grid solar system. There is an emergency back-up generator on site.</p> <p>The project area has been determined to have potential nesting, roosting or foraging habitat for Northern Spotted Owl (<i>Strix occidentalis caurina</i>) and conditions of approval have been added to ensure noise compliance.</p> <p>Noise generated from the generator shall comply with the standards set forth in Section 55.4.11(o) of the CMMLUO and Department Policy Statement #DPS-16-005. The applicant shall update site plan to reflect the location of the generator. This has been included as a condition of approval.</p>
<p>Safety Element Chapter 14</p> <p>Geologic & 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 project site is not located in a mapped Alquist-Priolo fault zone nor is subject to liquefaction. The existing cultivation areas occur on slopes of 15 percent or less, seismically classified high instability. Given the existing contours of the sites, the existing use is not expected to be affected by geologic instability. The project also does not pose a threat to public safety related from exposure to natural or manmade hazards. The applicant must secure a grading permit for any new construction (including a proposed pond or any ancillary buildings), and as part of the permit the applicant will incorporate standard erosion control measures.</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 34 miles distance from the coast, is outside the areas subject to tsunami run-up.</p>
<p>Safety Element Chapter 14</p> <p>Fire Hazards</p>	<p>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.</p> <p>Related policies: S-P19, Conformance with State Responsibility Areas (SRA) Fire Safe Regulations.</p>	<p>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.</p>
<p>Safety Element Chapter 14</p> <p>Fire Hazards</p> <p>Implementation Action Plan</p>	<p>IS-S5 requires new industrial, commercial and residential development located outside of fire district boundaries to obtain written acknowledgment of available emergency response and fire suppression services from the local fire agency, including any recommended mitigation.</p>	<p>The project is located outside of the Bridgeville Fire Protection District boundary and the Kneeland Volunteer Fire Company Fire Response Areas per the 2016 County Fire Plan. The applicant will contact the local fire agency for a written acknowledgment of available emergency response and fire suppression services and recommended mitigations.</p> <p>The project is conditioned to require that the project incorporate any recommended mitigations into the project, and, if service is not available to the site, to record an acknowledgement consistent with this standard.</p>

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
§314-7.4 Unclassified (U) Designated Land Use Timberland (T) §314-55.4.8.2 §314-55.4.8.2.2	General agricultural uses are principal compatible uses. The total cultivation area shall not exceed 1 acre for outdoor cultivation and 22,000 square feet for mixed-light.	The subject parcel is zoned U and the land use designation is T. The proposed action would permit an outdoor commercial cannabis cultivation in existence prior to January 1, 2016. The existing cultivation area totals 22,000 sf on a 7 acre parcel.
Minimum Lot Area:	6,000 square feet	The subject parcel is approximately 7 acres.
Max. Lot Coverage:	40%	The subject parcel is covered by substantially less than 40%
Min. Yard Setbacks	Front: 20 feet Rear: 10 feet Side: 5 feet	Minimum setbacks for all cultivation areas are equal to or greater than 30 feet as indicated on the applicant-provided plot plan.
Max. Building Height:	None specified	> 5 feet
§314-61.1: Streamside Management Area Ordinance:	Provides minimum standards pertaining to the use and development of land located within SMAs	The project involves the full restoration of the riparian area within the SMA to its predeveloped condition. The remediation plan will be designed and monitored by a qualified biologist. The WRPP details adherence to the Biological Reporting as required above and set forth in the WRPP including adherence to suitable mitigation measures. This has been made a Condition of Approval. The hand dug seep used as the water source for irrigation may be an Other Wet Area as defined within the SMAO. Agricultural diversions and wells are a permitted use with a Special Permit. The proposed rainwater catchment pond is subject to the SMAO if it includes an outfall into an intermittent stream. The LSA for this work shall incorporate the mitigation measures in Section 314-61.1.10.

Zoning Section	Summary of Applicable Requirement	Evidence
314-55.4 Commercial Cultivation, Processing, Manufacturing and Distribution of Cannabis for Medical Use Inland Land Use Regulation (CMMLUO)		
§314-55.4.8.2.2 Existing Outdoor Cultivation and Mixed Light Areas	A Zoning Clearance Certificate, Special Permit or Use Permit may be issued for outdoor or mixed-light commercial cannabis cultivation for some or all of the cultivation area in existence prior to January 1, 2016, in zoning district U (on parcels of one acre or larger) 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.	The proposed action will permit an existing outdoor cannabis cultivation of 22,000 square feet on a parcel zoned U. No expansion of the cultivation area is proposed. New greenhouses may be constructed in existing cultivation areas. Site restoration plans detailed in the WRPP are said to include removal and replacement of a derelict barn and the restoration of a Class III stream that passed under a historic greenhouse location.
§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.
314-55.4.9.4 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.
§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.

Zoning Section	Summary of Applicable Requirement	Evidence
§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 (December 15, 2016).

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.	<p>The proposed action would permit an existing outdoor cannabis cultivation operation on a parcel with no immediate neighbors. On site processing, replacement of a barn, and restoration of a small Class III watercourse are planned.</p> <p>Permitting the operation would not result in any change to existing conditions that would be detrimental to the public health, safety, and welfare.</p>

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.	<p>The proposed project involves an existing commercial cannabis cultivation and does not propose any new residences on the subject parcel.</p> <p>The site is zoned U with a designated land use of T. Therefore, the parcel was not included in the Housing Inventory.</p>

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 Sections 15301 – Existing Facilities, 15302 – Replacement or Reconstruction, 15304 – Minor Alterations to Land, and 15333 – Small Habitat Restoration Projects 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 15302 exempts from environmental review the permitting of replacement or reconstruction activities for existing structures with substantially the same size, purpose, and capacity. Section 15304 exempts from environmental review the permitting of minor alterations to land including gardening or 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; the replacement of an on-site barn used in the commercial medicinal cannabis cultivation with one of equivalent size and use, and the restoration of a short culverted portion of a Class III stream channel.

ATTACHMENT 3

Applicant's Evidence in Support of the Required Findings

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

1. The name, contact address and phone number(s) of the applicant. (Application form on file)
2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. (On file)
3. Site plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including: access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within $\frac{1}{4}$ mile (1,320 feet) of a school, school bus stop, church or other place of religious worship, public park, or Tribal Cultural Resource, the site plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 600 feet. (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. Copy of the statement of water diversion, or other permit, license or registration filed with the State Water Resources Control Board (SWRCB), Division of Water Rights, if applicable. (On File)
6. Description of water source, storage, irrigation plan, and projected water usage. (Attachment 3)
7. 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)
8. If any on-site or off-site component of the cultivation facility, including access roads, water supply, grading or terracing impacts the bed or bank of any stream or other watercourse, a copy of the Streambed Alteration Permit obtained from the Department of Fish & Wildlife. (Condition of Approval)
9. 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)
10. 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)

11. 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)
12. Cultivation and Water Usage (On-File)
13. Engineering Report for Proposed Pond (On-File)
14. Water Resources Protection Plan (On-File)

Mountain Wise Farms

Operations Plan

Apps# 11911

APN: 317-183-007

1-10-2018

rev's

Application Compiled By:



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CMMLUO SITE/OPERATIONS OVERVIEW

{CUP 16-444/APN: 317-183-007}

Project Description: Mountainwise Farms, LLC. is seeking a Conditional Use Permit under the CMMLUO to permit existing outdoor cannabis cultivation up to 22,000 ft², ancillary processing activities, appurtenant support infrastructure/facilities. The applicant cultivates cannabis in an outdoor setting in greenhouses and raised beds from roughly March to October in two separate cycles. Date stamped air photo/maps are provided to show cultivated areas in existence prior to January 1, 2016 encompassing an area totaling 22,000 square feet.

The applicant acknowledges that the commercial cannabis activity approval being sought under the conditional use permit application, pursuant to CMMLUO, is subject to compliance with all other applicable Humboldt County zoning and land use regulations, as well as other applicable provisions of the Humboldt County Code and applicable state laws.

A determination of compliance will require multi-agency review of activities/development described in the permit application and in some cases, site inspections.

If development and/or activities on the subject parcel are determined, for some reason, to be out of compliance with any applicable State or County code, regulation or policy, a compliance agreement can be formulated between the applicant and relevant agency or agencies, which includes a compliance timeline whereby operations may continue under a “*Provisional Clearance or Permit*” and corrective action is initiated to achieve compliance under agreed upon terms.

Parcel Information: The subject parcel (APN: 317-183-007) is approximately 7 acres, zoned Unclassified (U) with T framework designation. It is located approximately 8 miles NNW from Dinsmore, 3,5000 feet south of the Mad River and is accessed from Stapp Road which branches off from Showers Pass Road.

Topography/Landscape: The parcel is gently sloped approximately 15 percent with a mostly easterly aspect with the centralized portion comprised of open grasslands and surrounding areas made up of conifer timberland.

Surface Water Features: There is one un-named Class III watercourse located on the property and it is a tributary to the Mad River.

Roads/Stream Crossings/Easements: Roads on the parcel are nearly flat, well drained and are used seasonally. There was not any road related drainage, sediment transport/delivery problems noted when assessed by Timberland Resource Consultants (Spring 2016). There are two stream crossings on the property which are both functioning adequately however, one crossing was installed beneath a historic cultivation area. This cultivation has been removed and the corrective measures are detailed in a mitigation plan prepared by Trinity Valley Consulting Engineers included with this submission.

Mountain Wise Farms APN 317-183-007 Operations Plan

Site Development (residence, structures, other, year built): The parcel has a history of agricultural activity including timber, cattle, grazing and cannabis cultivation. There is a two-bedroom cabin on the parcel which was built in the 1950's and appurtenant agriculture structures. A barn is proposed to be removed to relocate the historic cultivation area to a more environmentally appropriate location on the property (refer to site plan).

Utilities (electric, propane, sewer): Electric power is supplied to the parcel from solar panels; there is a back-up portable generator available if needed. Propane is stored in 10 gallon metal tank located in an enclosed shed in the northern corner of the property (refer to site map). The cabin is served by a conventional septic system.

Water Supply: Currently water is sourced from a shallow hand-dug (seep) well. Trinity Valley Consulting Engineers has designed a 500,000-gallon rain catchment pond to augment water supply on the subject parcel. The design plans are included with this submission. The applicants are also considering having a well drilled on-site. If this proves to be a viable option the proposed pond plans will be abandoned.

Water Storage: Current water storage consists of three (3) bladders each having a 20,000-gallon capacity. One 4,000 gal hard Plastic tank and one 350 gal tank for nutrient mixing and dispersal is also kept on site.

Cultivation Areas: The existing cultivation has been decommissioned and moved approximately 400 ft to the north where a large existing ag barn will be removed to allow development of a new cultivation site. The applicant proposes a total of (9) nine flowering greenhouses and one propagation greenhouse. Eight (8) of the greenhouses measure 24x96 ft. this results in a 18,432 ft² footprint. A single 20x 96 = 1920 ft² greenhouse will be used for cultivation as well. The propagation greenhouse will measure 8 x 100 = 800 ft². The remaining space will be used for drying and processing for a combined use space of less than 22,000 square feet.

Peak Water Demand: The peak water demand projected to maintain plants for the summer months of July through September is an average of 90,000 gallons per month. The "Monthly Water Use" table below shows estimated water use throughout the grow season. Water usage will be monitored and recorded by use of in-line totalizing flow meters in accordance with applicable regulations. At this time, the applicant does not have adequate storage to forbear water use during the required season. However, to alleviate this issue, engineered plans to install a 500,000 gallon rain catchment pond have been developed by Trinity Valley Consulting Engineers (permit pending).

Water Use Table: January to March no water use

Month	Cultivation Area:1 First Cycle 9 Greenhouses 20,832 ft ²	Cultivation Area: 1 Second Cycle 9 Greenhouses 20,832ft ²	Cultivation Area: 2 Propagation Site 800 ft ²	Seedling/Vegetative/Flower	Source: Proposed Pond
					Total Gallons:
March 1	0	0	1,000	Seedlings	1,000
April 15	0	0	3,000	Seedling/ Vegetative	3,000
May 15	21,600	0	3,000	Vegetative/Flower	24,600
June15	81,000	0	3,000	Flower	84,000
July 15	81,000	21,600	1,000	Flower/Harvest Vegetative: Second Cycle	103,000
August 15	0	81,000	1,000	Vegetative/Flower: Second Cycle	82,000
September15	0	81,000	1,000	Flower: Second Cycle	82,000
October 15	0	0	1,000	Harvest: Second Cycle	1,000
November	0	0	1,000	Vegetative (Mother)	1,000
December	0	0	1,000	Vegetative (Mother)	1,000
Totals:	183,600	183,600	2,000		369,200

Irrigation Methods: Water and nutrient delivery to the plants will be by means of drip irrigation using low flow drip tape on each bed. The flow to drip lines are regulated by timers and adjusted for maximum efficiency taking into consideration temperature, plant demand etc. Water delivery throughout the system is carefully monitored on a regular basis to ensure proper function and responsible water use. Mulch is carefully placed as a top dressing to optimize soil water retention. Occasional hand watering may be employed if needed.

Irrigation Runoff/Erosion control: The use of drip lines ensures the beds are more evenly and efficiently watered. Through a watering practice of high interval and low quantity we expect near zero runoff. Cultivation activities are limited to the immediate area surrounding cultivation areas and conducted so products/materials are kept confined and not allowed to spread. The ground

Mountain Wise Farms APN 317-183-007 Operations Plan

surface within and around the cultivation areas is formed and managed year-round to prevent any movement of entrained constituents such as fine sediment, fertilizer or other organic particles beyond the cultivation area.

Watershed Protection: The Cultivation areas on the subject parcel meet applicable setback requirements to watercourses, riparian zones or wetlands (see site plan). Sheet flow of rainwater or transport of cultivation byproducts over permeable, gently sloped soils in and around the cultivation areas is unlikely. Vegetative buffers have been maintained at natural slope around entire perimeter of cleared/developed area.

Watershed protection will be ensured by adherence to measures prescribed in the Water Resources Protection Plan (WDID:1B16640CHUM). developed specifically for this parcel by Timberland Resource Consultants under Regional Water Quality Control Board WDR Order # R1-2015-0023 and the subsequent enrollment requirements. Included with this submittal is a signed copy of Appendix A, “Enrollment Notice of Intent”.

Once enrolled under R1-2015-0023, participants are required to engage in ongoing monitoring, reporting and maintenance including periodic site inspections and reviews of operational practices to ensure regulatory requirements related to the following listed items are being met:

<i>Site maintenance, erosion control, and drainage features</i>	<i>Stream crossing maintenance</i>
<i>Riparian and wetland protection and management</i>	<i>Spoils management</i>
<i>Water storage and use</i>	<i>Irrigation runoff</i>
<i>Fertilizers and soil amendments</i>	<i>Pesticides and herbicides</i>
<i>Petroleum products and other chemicals</i>	<i>Cultivation-related wastes</i>
<i>Refuse and human waste</i>	

Additionally, participants must ensure that management measures and controls are effectively protecting water resources, and that any newly developing problems representing a water quality concern are identified and corrected quickly.

Fertilizers, Pesticides, other Regulated products:

The applicant will only use organic compost teas, which will be brewed onsite as need. Crops will be irrigated and fertilized at agronomic rates in accordance with North Coast Regional Water Quality Control Board Oder R1-2015-0023. Any fertilizer and pesticides will be stored and labeled in a secured shed adjacent to the cultivation zone (refer to site plan). Any potentially hazardous substances will be labeled and stored as required by MSDS (material safety data sheets), and will be maintained onsite.

Fertilizers and Pesticides to be used:

Liquid Bone Meal Liquid Karma (1-1-5): full complement of metabolically active and organic compounds not found in regular plant foods or supplements

Botanicare Pure Blend Grow (3-2-4): contains only 100% soluble natural sources of essential major, secondary, and trace minerals from the land and sea. It is an environmentally friendly alternative to conventional chemical fertilizer.

Botanicare Pure Blend Pro Bloom (1-4-5): Containing only natural sources of essential major, secondary, and trace minerals, natural and organic based. 100% soluble.

Bone Meal (0-10-0): 100% micronized bone meal

In the Vegetative/Propagation Greenhouse the nutrient requirement is 250 Liters of Liquid Karma and 750 Liters of Botanicare grow per year. The total amount of fertilizers needed for two cycles in the flowering greenhouse is 350 gallons Liquid Karma, 507 gallons Botanicare Grow, 537 gallons Botanicare Bloom, and 77 gallons of Liquid Bone Meal.

In terms of pesticides we will follow existing protocols established by the California Department of Pesticide Regulations, using OMRI certified products Green Cure, and Neem Oil.

Cultivation Related Wastes:

All solid waste accumulated by operations and will be sorted on site and contained in lidded cans outside of the northern most shed (refer to site plan). The garbage will be disposed of regularly offsite at a location such as at Humboldt Waste Management. All green waste material is composted on site (refer to site plan).

Human Waste: The employees will live onsite in two-bedroom cabin that was built on the property in the 1950's. **Restrooms** within the residence/dwelling on the subject parcel are within proximity to all cultivation areas and are easily accessed by the individuals on the property as needed. This cabin is serviced by onsite septic (pending permit).

Cultivation Operations/Practices (include generator and light usage):

In order to maximize efficiency, we will use a system of staggered harvests made possible by initiating the plants to flower on a defined schedule. We will use cold frames constructed from structural steel tubing. Each harvest will be offset by two weeks. This will reduce the need for required drying space and limit the energy inputs for drying. Once plants have achieved sufficient size and vigor they will be moved from the nursery greenhouse and planted in the flowering zones. These zones will be equipped with blackout tarps to block out natural light during extended daylight hours in the summer months. The sizes of each flowering greenhouses are eight 24'x96', one 20'x96' and one 8'x100'. At full capacity, the greenhouses will total of 21,152 square feet.

Flowering will be induced between the months of mid-May thru mid-August by manually covering each flowering greenhouse with blackout tarp from the hours of 7pm to 7am. After mid-August plants will be allowed to naturally flower. All crops will be irrigated via drip irrigation systems. As final fall crops are harvested greenhouses covers will be removed and stored for the winter along with all other equipment.

Monthly Activity Schedule

Month	Activities	
January	Finalized farm plans, prepare for ordering supplies, take care of mother plants	
February	Order tarps, fertilizers, and other supplies/equipment. Maintain mother plants and begin cloning.	
March	Maintain mother plants, continue cloning and begin site preparations.	
April	Plant greenhouses maintain mother plants. Trellis, support, and branch plants in greenhouses.	
May	Mid-month, begin flowering, bottom branch removal, take clones from second crop	
June	Flower and transplant clones	
July	Mid-month begin harvest. Re-plant greenhouses as plants are being harvested. Dry harvest.	
August	Trimming and packaging of first crop onsite. Mid-month greenhouses are back in flower. Trellis support plants, take new mother plants before the plants mature into flower.	
September	Flower, transplant new moms, branch plants in greenhouse.	
October	Begin second harvest mid-month. Dry, process, trim and package. Remove and store tarps. Clean up site.	
November	Maintain mother plants, clean up property.	
December	Maintain mother plants, repair infrastructure and equipment.	

Harvest and Processing:

Harvest: When flowering plants are ready for harvest they will be stripped of all water leaves and cut at the base. They will then be moved and hung for drying and curing. Drying and curing will be done in a building constructed for drying and processing. Trimming will be done by onsite employees by means of a mechanical trimming machine. After trimming the flowers will be packaged for members. **The use of a CMMLUO approved processing facility is also under consideration at this time (refer to site plan for proposed location).** The applicant shall provide additional information pertaining to this processing option as it becomes available.

Processing: When the drying process is complete the flowers will be removed from the stems and processed. We will use a combination of mechanized trimming machines and onsite employed labor. We will be equipped with all necessary personal protective equipment. Processing operations are conducted such that all surfaces, equipment and utensils which come into contact with harvested product are maintained in a clean, sanitary condition at all times. We do not expect that our road use will be increased or impacted significantly.

Security: We will deploy a multilevel security plan. The first level is operational security. Operational security includes building an internal culture structure for protecting critical information. We will not allow unauthorized persons on the property. We will operate as discreetly as possible and not reveal times or dates for harvest, processing, or transportation operations. Operational security will require that we refer any suspicious activity to the appropriate authorities. The second level of the security plan is surveillance. We will equip all areas with motion triggered cameras and a recording system for the production and processing site. The third level of security planning all be physical security The natural topography of the property allows for securing vehicle access by a single entrance/exit point. This access point is secured with a locking gate that will be locked at all times. This property is located three miles from the county maintenance road and behind three other locked gates only accessible to other neighboring land owners. The cultivation zone will be secured with appropriate fencing and will also be secured. The processing zone and associated structures will also be locked and secured. Any processed products will by secured, locked, and monitored as appropriate. The fourth and final level of our security plan will be to hire third party security. If required will provide for a physical guarded presence especially during transport. These services will follow all applicable laws and have appropriate insurances and performance certification.

ATTACHMENT 4

Referral Agency Comments and Recommendations

Referral Agency	Response	Recommendation	On File
County Building Inspection Division	✓	Conditional Approval	✓
County Public Works, Land Use Division	✓	Conditional Approval	✓
County Division of Environmental Health	✓	Conditional Approval	✓
NWIC	✓	Archeology study, condition with inadvertent discovery protocols	✓
Bear River Band of the Rohnerville Rancheria	✓	Archeology study, condition with inadvertent discovery protocols	✓
Department of Fish and Wildlife	✓	Biological Resources map received	✓
Regional Water Quality Control Board		None received	
Division of Water Resources		None received	
CALFIRE	✓	Standard input letter	✓
Bridgeville Elementary School District		None received	
Fortuna Union Agriculture Commissioner		None received	
Fortuna Union High School District		None received	
Agriculture Commissioner		None received	
Sheriff		None received	
Humboldt County District Attorney		None received	