



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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

Hearing Date: November 1, 2018

To: Humboldt County Planning Commission

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

Subject: **RBC Holdings, LLC Conditional Use Permit and Special Permit**
Application Number 10891
Case Numbers CUP 16-749
Assessor's Parcel Number(s) (APN) 522-044-047, 522-044-037
1008 M&W Road, Willow Creek area

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Please contact Caitlin Castellano, Planner, at 707-268-3731 or by email at ccastellano1@co.humboldt.ca.us if you have any questions about the scheduled item.

AGENDA ITEM TRANSMITTAL

Hearing Date November 1, 2018	Subject Conditional Use Permit and Special Permit	Contact Caitlin Castellano
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Project Description: A Conditional Use Permit (CUP) for an existing cultivation of 10,000 square feet of outdoor and 2,000 square feet of mixed-light (12,000 square feet total). A Special Permit for after-the-fact development within a Stream Management Area for relocation and restoration activities. Plants are harvested and dried in the shop then machine trimmed outside and returned to the shop for curing. All processing is completed by the applicant and no employees are utilized. The applicant is seeking an off-site licensed processing facility for future use. Because of access limitations at the intersection of M&W Ranch Road with State Highway 299, the operation will use the following route for commercial access: M&W Ranch Road to Brannan Mountain Road to Highway 96 in Willow Creek. Water is currently sourced for irrigation from the applicant's point of water diversion from Anton Creek on the property. The applicant will abandon the diversion from Anton Creek and transitioning to the use of a rainwater catchment system to supply water to the cultivation for future use. There is also a well on the property that is not used due to its low volumetric capacity. Total water storage is 120,000 gallons. The applicant completed relocation of a cultivation area away from an unnamed Class III watercourse in 2016 and full restoration will occur. The applicant filed an Initial Statement of Water Diversion and Use with the Division of Water Rights. The applicant submitted an Enrollment Notice of Intent Form for the Commercial Cannabis Waste Discharge Regulatory Program administered by the North Coast Regional Water Quality Control Board (NCRWQCB). The applicant also filed a Notification of Lake or Streambed Alteration Agreement (LSAA) (1600 Permit) with the California Department of Fish and Wildlife (CDFW).

Project Location: The project is located in Humboldt County, in the Willow Creek area, on the North side of State Hwy 299, approximately 1.31 miles north from the intersection of State Hwy 299 and M&W Road and approximately 0.21 miles from the terminus of M&W Road down a private driveway, on the property known as 1008 M&W Road, Willow Creek.

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

Present Zoning: Timberland Production (TPZ)

Case Number: CUP16-749

Application Number: 10891

Assessor Parcel Number(s): 522-044-047, 522-044-037

Applicant
RBC Holdings, LLC
Brian Sayre
PO Box 422
Willow Creek, CA 95573

Owner
Sayre Brian
PO Box 422
Willow Creek, CA 95573

Agent
Green Road Consulting (GRC)
Attn: Kaylie Saxon
1650 Central Avenue, #C
McKinleyville, California 95519

Environmental Review: California Environmental Quality Act (CEQA) Exemption Sections: 15301 (Existing Facilities) 15333 (Small Habitat Restoration Projects) of the CEQA State Guidelines.

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

Major Issues: None

RBC HOLDINGS, LLC
Case Number CUP16-749
Assessor's Parcel Number(s) 522-044-047, 522-044-037

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 Section 15301 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 RBC Holdings, LLC Conditional Use Permit and Special Permit subject to the recommended conditions.

Executive Summary: RBC Holdings, LLC is seeking a Conditional Use Permit (CUP) for an existing 12,000 square feet commercial medical cannabis operation—10,000 square feet of outdoor and 2,000 square feet of mixed-light operation—in compliance with the County Commercial Medical Marijuana Land Use Ordinance (CMMLUO). Additionally, RBC Holdings, LLC is seeking a Special Permit for after-the-fact development within a Stream Management Area (SMA) for relocation and restoration activities. The project site is comprised of one legal parcel consisting of two Assessor parcel numbers (APN 522-044-047 and 522-044-037) for a total of 40 acres. Commercial cannabis cultivation occurs at multiple locations on APN 522-044-047. Approximately 3,355 square feet of outdoor cannabis cultivation located in the northwestern quadrant of the parcel was decommissioned and relocated to an environmentally superior area in 2016 because it resided within the 50-foot buffer zone of a Class III within the affected SMA. The project is conditioned on the applicant submitting a restoration plan for full environmental remediation, including monitoring activities, and a Biological Report consistent with the Streamside Management Area Ordinance (SMAO) in Section 314-61.1 of Humboldt County Code. The restoration and any new construction will require a qualified biologist to conduct biological, botanical, and/or wetland delineation surveys and establishing appropriate buffers, which will be recorded on a development plan showing any delineated areas on the property to protect biological resources that exist within the project area. The decommissioned area was relocated to an existing graded flat adjacent to the access road on the northeast portion of APN 522-044-047 out of the 50-foot streamside buffer zone.

There is an existing outdoor cultivation areas of 5,424 square feet (located in the eastern portion of the property) and 1,221 square feet (located in the southwestern portion of the property). The total of existing outdoor cultivation areas, including the decommissioned/relocated area is 10,000 square feet. Existing mixed-light cultivation takes place in two greenhouses, 1,000 square feet each. One is located in the northwestern quadrant and the other in the southwestern quadrant of the parcel.

The operation includes on-site processing conducted by the applicant utilizing a trim machine; no employees are required for the operation. The applicant will participate in the County Track and Trace program.

In addition to the two greenhouses, there are four other structures on the property: a residence, a shop building, a nutrient shed, and a vegetation room. The residence is not used for cannabis

related activities. Applicant securing proper permits of all structures through the Humboldt County Building Department is a Condition of Approval. There are two septic systems. One is attached to the residential structure and is currently permitted. The other is attached to the shop building and is in the process of being permitted. The project is conditioned on the applicant confirming sufficient use of portable toilets to serve processing and cultivation activities or demonstrating Tier 0 status for the existing onsite septic system serving the residence. Water for domestic use is provided by a diversion site located within the Class II watercourse of Anton Creek on the property. The applicant has a pending registration filed with the State Water Resources Control Board (WRCB) for Small Domestic Use Appropriation for this water diversion, which provides up to 225 gallons per day of direct diversion for domestic and drinking water usage.

Water

The amount of water used for the cultivation of cannabis varies throughout the year, with peak periods of water use occurring during the summer months. Estimated annual water use for the property is approximately 194,095 gallons. Water used for the cultivation of cannabis is sourced onsite from a diversion on Anton Creek, from a planned rainwater catchment system, and potentially from a well. The applicant has a current approved Lake or Streambed Alteration Agreement (LSAA) 1600 permit from the CDFW; this document establishes forbearance from diverting any streamflow for irrigation between May 15 and October 15 of each year. Applicant may divert no more than 200 gallons a day during the forbearance period for domestic water use only. The maximum instantaneous diversion rate from the water intake on Anton Creek shall not exceed 20 percent of the total flow at any time. Applicant has expressed a commitment to transition water for irrigation of cannabis to rainwater catchment in 2018 and increased water storage capacity onsite from 85,000 gallons to 120,000 gallons. The site currently includes a 50,000-gallon water bladder and a series of hard tanks. Irrigation of cannabis is implemented in multiple ways to insure agronomic practices. Greenhouses are supplied with automated drip irrigation systems. Nutrient dosing systems are in place for both outdoor and mixed-light cultivation. Hand watering with a low-flow nozzle is also done in the summer months to insure there is no overwatering. Best management practices (BMPs) (including heavy mulching and straw) are in use in all cultivation areas. The applicant has agreed to use water meters and install additional water storage tanks if additional water storage is needed, to avoid relying on surface water diversion during the dry season.

There is one Class II watercourse (Anton Creek), one Class III watercourse, and one unidentified swale that runs through the property. All watercourses are tributaries to Willow Creek, to the Trinity and Klamath River. There is one stream crossing on the Class II watercourse, and there are three stream crossings on the Class III watercourse. 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 made recommendations for remediating deficiencies with existing stream crossings and determined that one cultivation site needed relocation and remediation, as it was in the 50-foot buffer zone for a Class III watercourse. The WRPP found other deficiencies related to maintenance, erosion control, drainage features, spoils management, water storage, and refuse and human waste; the WRPP laid out a schedule for remediation of each. The project is conditioned on the applicant completing proper remediation according to this schedule. The applicant has submitted notification to the California Department of Fish and Wildlife (CDFW) pursuant to Fish and Game Code 1602 for both the water diversion site and the stream crossing sites that need remediation.

Operations (Cultivation and Processing)

RBC Holdings, LLC conducts mixed-light cultivation activities in multiple cycles with harvests in January, February, April, May, July, August, October, and November. Outdoor cultivation activities begin with cracking seeds and cultivation of plants in the vegetation shed until transplanting outside in mid-May, with harvest in October and November. These cultivation activities can change depending on weather and strain. Since a component of the project is mixed-light cultivation, the applicant will comply with International Dark Sky Performance Standards. This requires the applicant to shield extraneous light during the hours of sunset to sunrise. The project is conditioned on the applicant providing a lighting plan to the Planning Division within 6 months of the effective date of this permit or prior to use of lighting.

The shop building is used for processing of the cannabis. These activities include drying, curing, and storage. Machine trimming occurs outside. Processing will continue to be completed by the applicant until Emerald Family Farms is an approved processing facility. Work surfaces and equipment are maintained in a clean, sanitary condition. Protocols to prevent the spread of mold are strictly followed. The final cannabis product is stored in a secure location.

Currently, there are no pesticides or herbicides registered specifically for use directly on applicant's cannabis, and only organic fertilizers and amendments are utilized. The WRPP includes information regarding storage and handling of these materials and BMPs. All cultivation waste is composted on site, and stored in a secure location that will not enter watercourses or surface waters. Non-compostable waste is transferred to Humboldt Sanitation and Recycling in McKinleyville, California. There is no soil pile on site. The cultivation soil is re-amended for each cultivation cycle. Shall the soil ever become nonviable for cultivation, it will be removed and disposed of at Wes Green in Arcata.

Energy

The operation is on the grid and supplied by commercial power. No generators are being used for cultivation or processing, and no fuel is stored on site.

Security

The applicant has also submitted a security plan including the use of fencing, a steel gate at the entrance, shackle locks, and a closed loop camera system that will cover all gates, cultivation and processing areas.

Access

The property is accessible from a two-mile segment of MW Ranch Road, which connects to State Highway 299 and from a one and a half mile segment of MW Ranch Road that connects to Brannan Mountain Road to the north. Parking is available on site.

Originally, the applicant planned to access the property via MW Ranch Road from Highway 299 to the south. However, Caltrans is requiring that the encroachment on MW Ranch Road at Highway 299 be re-engineered. Because this could prove to be costly, the applicant has chosen use the MW Ranch Road access from Brannan Mountain Road north of the parcel for all cultivation related operations until the improvements to the encroachment can be completed. A Road Evaluation Report was submitted to the Planning Department on June 7, 2018, by Pacific Watershed Associates, Inc. dated June 2018 and Addendum 2 dated July 2018, for this access route. All recommendations shall be implemented to the satisfaction of the Public Works Department as a condition of project approval.

The 40-acre property used for medical cultivation activity is zoned Timberland Production (TPZ). The CMMLUO identified TPZ-zoned parcels five acres or larger as sites where existing cannabis

cultivation activities could be allowed. Outdoor cultivation up to 1 acre (43,560 square feet) and mixed-light cultivation up to 22,000 square feet 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. The Klamath-Trinity Joint Unified School District has recommended denial of the application due to their stated interest in deterring drug abuse by schoolchildren. Their letter, which is included in Attachment 4 to this staff report, strongly infers a blanket opposition to all cultivation projects within their district. There are no schools or school facilities within a 1 mile radius of the project site.

Staff Recommendation

Based on the on-site inspection, a review of Planning Division reference sources, and comments from all involved referral agencies, planning staff believes that the applicant has submitted evidence in support of making all of the required findings for approving the Conditional Use Permit and Special 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 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 16-749**

Assessor's Parcel Number(s): 522-044-047, 522-044-037

Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves RBC Holdings, LLC Conditional Use Permit request.

WHEREAS, RBC Holdings, LLC submitted an application and evidence in support of approving the Conditional Use Permit to permit an existing 10,000 square-foot outdoor cultivation area and a 2,000 square-foot mixed-light cultivation area (12,000 square feet total) with on-site processing, and a Special Permit for habitat restoration within a Streamside Management Area; 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 Section 15301 (Existing Facilities) and 15333 (Small Habitat Restoration Projects) of the CEQA Guidelines; and

WHEREAS, Attachment 2 in the Planning Division staff report includes substantial evidence in support of making all of the required findings for approving the proposed Conditional Use Permit and Special Permit (Case Number CUP 16-749); and

WHEREAS, a public hearing was held on the matter before the Humboldt County Planning Commission on November 1, 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 Section 15301 (Existing Facilities) and 15333 (Small Habitat Restoration Projects) of the California Environmental Quality Act (CEQA) State Guidelines; and
2. The findings in Attachment 2 of the Planning Division staff report support approval of Case Number CUP 16-749 based on the submitted evidence; and
3. Conditional Use Permit and Special Permit Number CUP-16-749 is approved as recommended and conditioned in Attachment 1.

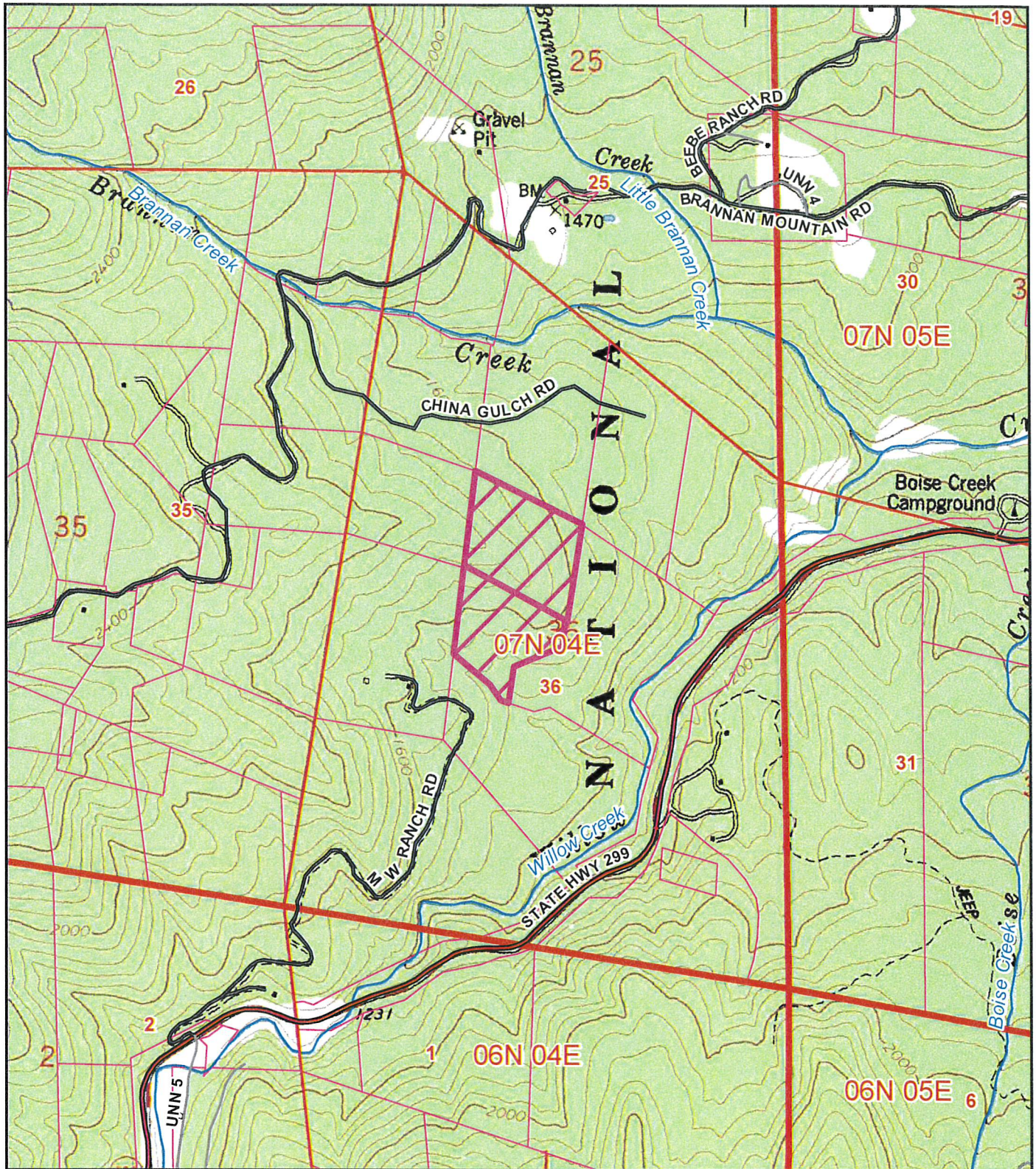
Adopted after review and consideration of all the evidence on November 1, 2018.

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.

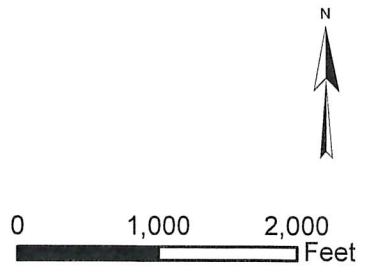
John Ford
Director, Planning and Building Department

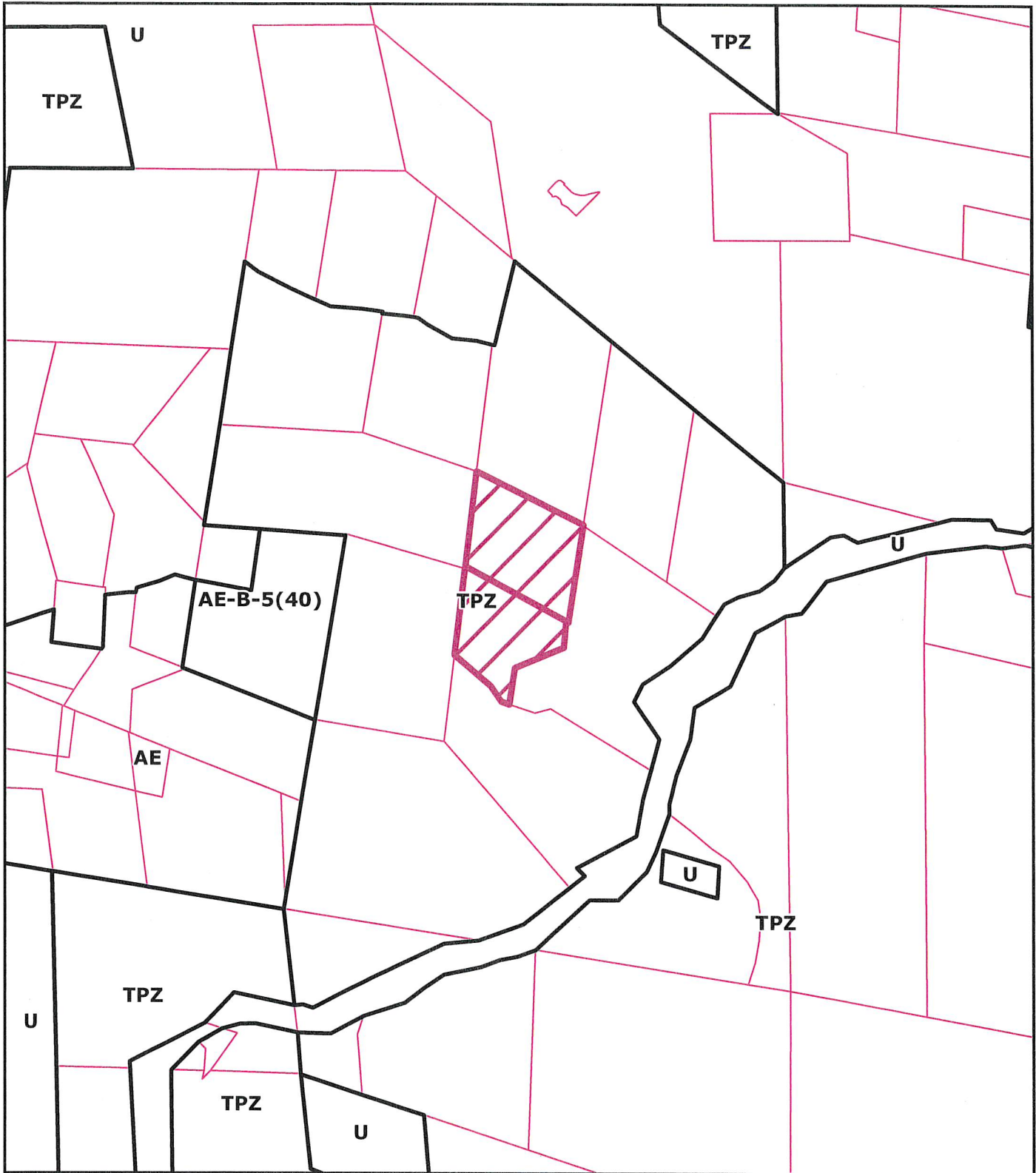


TOPO MAP
PROPOSED RBC HOLDING, INC
WILLOW CREEK AREA
CUP-16-749
APN: 522-044-037; ET AL.
T07N R04E S36 HB&M (WILLOW CREEK)

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.

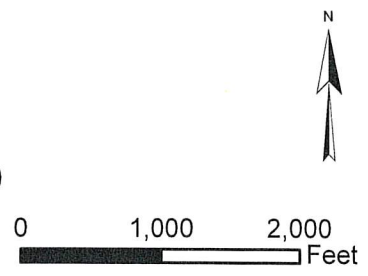


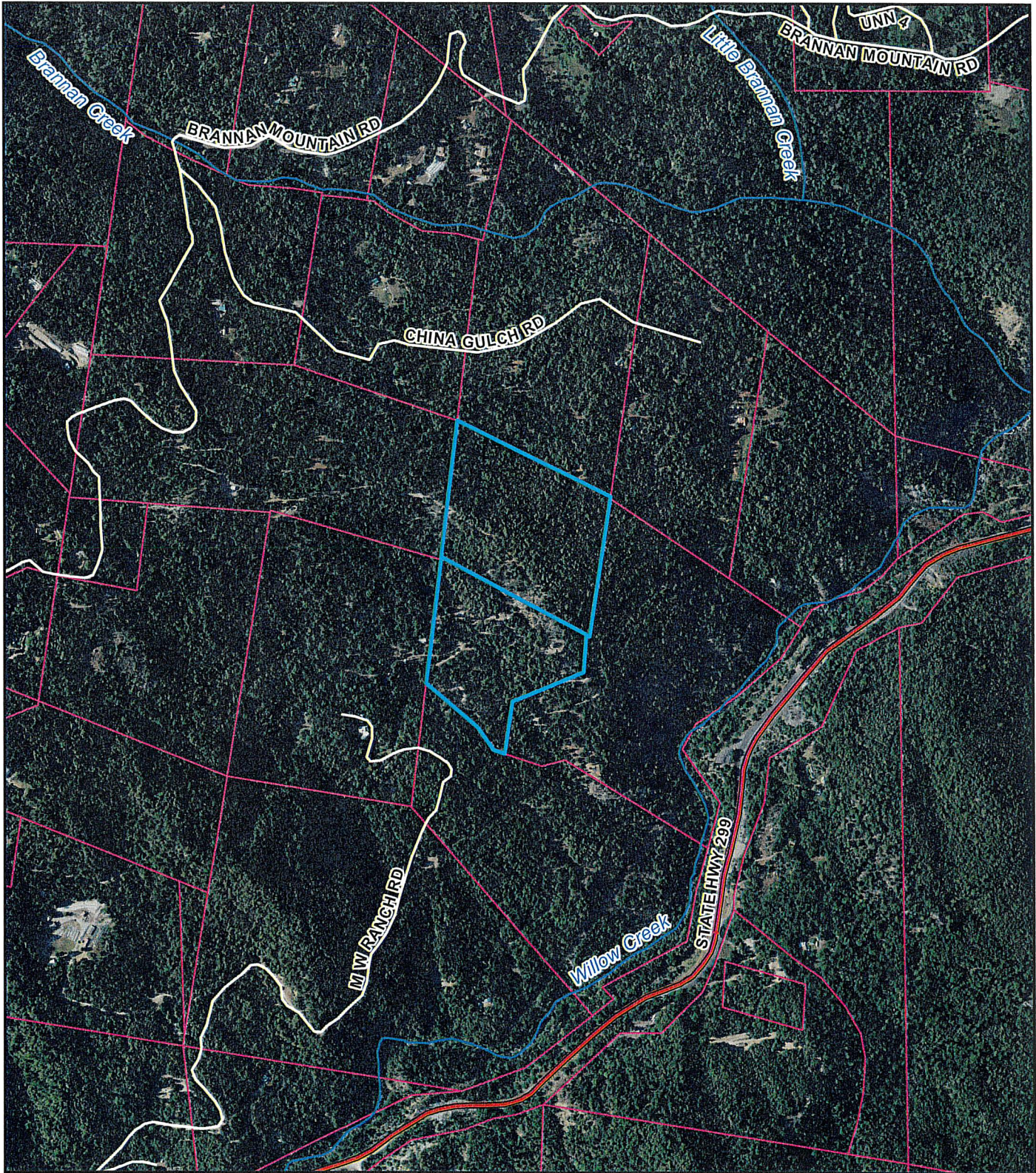


ZONING MAP
PROPOSED RBC HOLDING, INC
WILLOW CREEK AREA
CUP-16-749
APN: 522-044-037; ET AL.
T07N R04E S36 HB&M (WILLOW CREEK)

Project Area = 

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

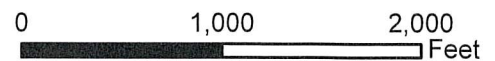




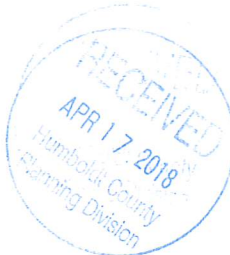
**AERIAL MAP
 PROPOSED RBC HOLDING, INC
 WILLOW CREEK AREA
 CUP-16-749**

**APN: 522-044-037; ET AL.
 T07N R04E S36 HB&M (WILLOW CREEK)**

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.

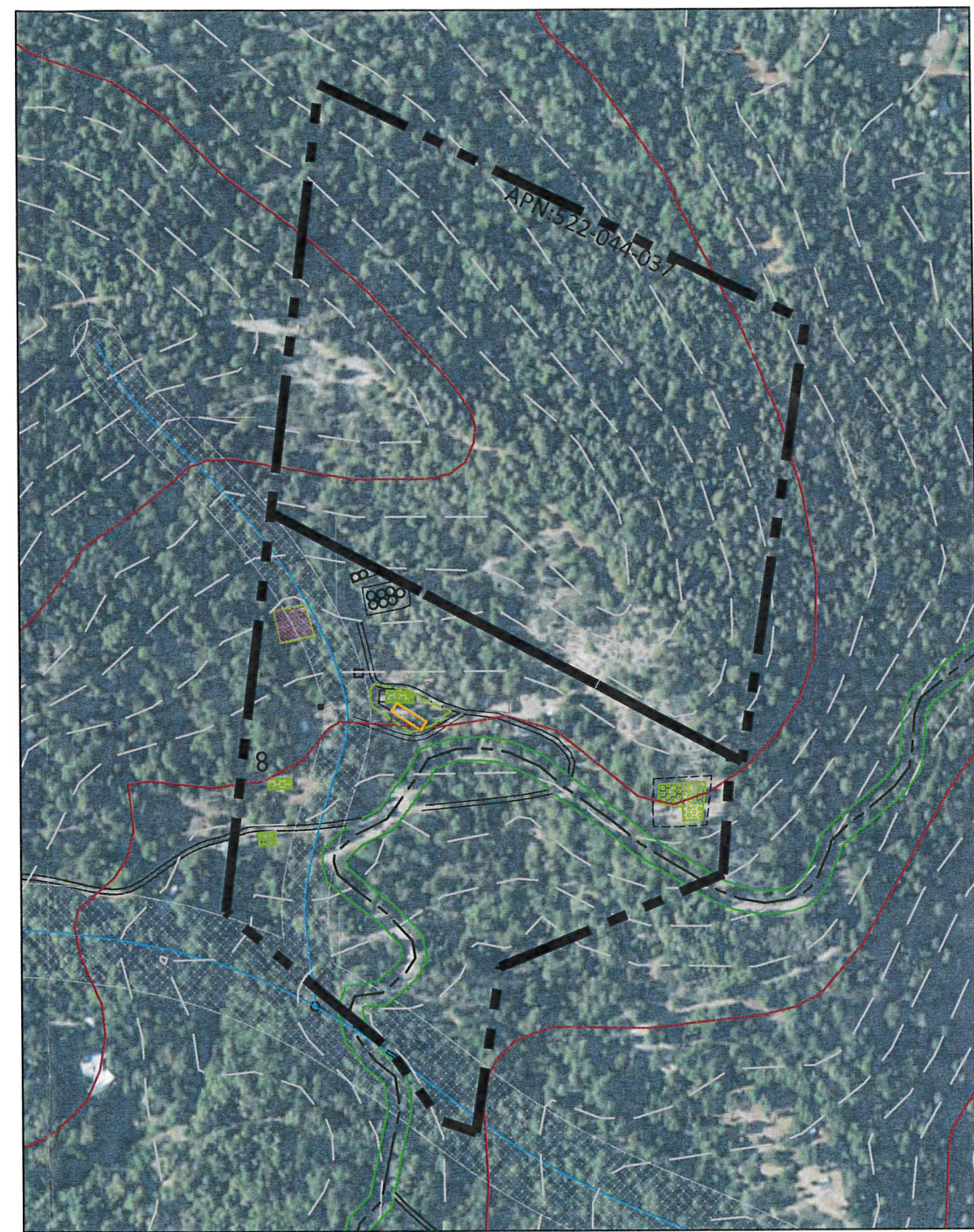


NAME: RBC HOLDINGS, INC.
APN: 522-044-047

VICINITY MAP
 NOT TO SCALE



AERIAL MAP



PROJECT DIRECTIONS

FROM: EUREKA, CA

- HEAD SOUTH ON H ST. TOWARD 6th ST. (0.1 MI)
- TURN LEFT ONTO 7th ST. (0.6 MI)
- TURN LEFT ONTO MYRTLE AVE. (0.2 MI)
- TURN RIGHT ONTO U.S. 101 N/ 5th ST. (9.0 MI) (FOLLOW U.S. 101 N)
- TAKE EXIT 716 A FOR CA-299 TOWARD WEAVERVILLE/REDDING (0.2 MI)
- CONTINUE ONTO CA-299 E (37.6 MI) TURN LEFT ONTO CA-96 E (0.4 MI)
- CONTINUE ON BRANNAN MOUNTAIN RD. MAKE A LEFT ON M AND W RANCH RD. TO DESTINATION (4.9 MI)

TRAVEL TIME

APPROXIMATELY:
 53.0 miles (1 H 11 MIN)

SHEET INDEX

CP-COVER PAGE
 PO-PARCEL OVERVIEW

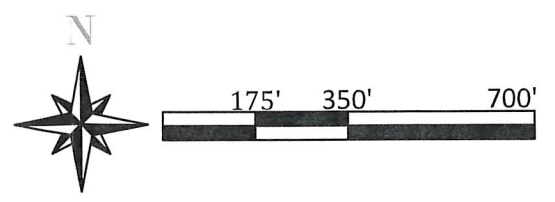
PROJECT INFORMATION

LAT/LONG: 40.9414, 123.6761
APN: 522-044-047
APPLICANT: RBC HOLDING, INC.
PARCEL SIZE: 40 ACRES
ZONING: TP2 [GEN USE: T (FRWK)]
APPLICATION TYPE: TYPE 2 SPECIAL PERMIT

COASTAL ZONE: NO
100 YEAR FLOOD: NO

AGENT:

KAYLIE SAXON
 GREEN ROAD CONSULTING INC
 1650 CENTRAL AVE. SUITE C
 MCKINLEYVILLE, CA 95519
 707-630-5041



PROPERTY LINES AND BUILDING LOCATIONS ARE APPROXIMATE AND BASED ON AERIAL MAPS AND GPS DATA TAKEN IN THE FIELD.



PROJECT INFORMATION

PROPERTY OWNER: BRYAN SAYRE
 ADDRESS: APN: 522-044-047
 SHEET INFO: COUNTY COVER PAGE

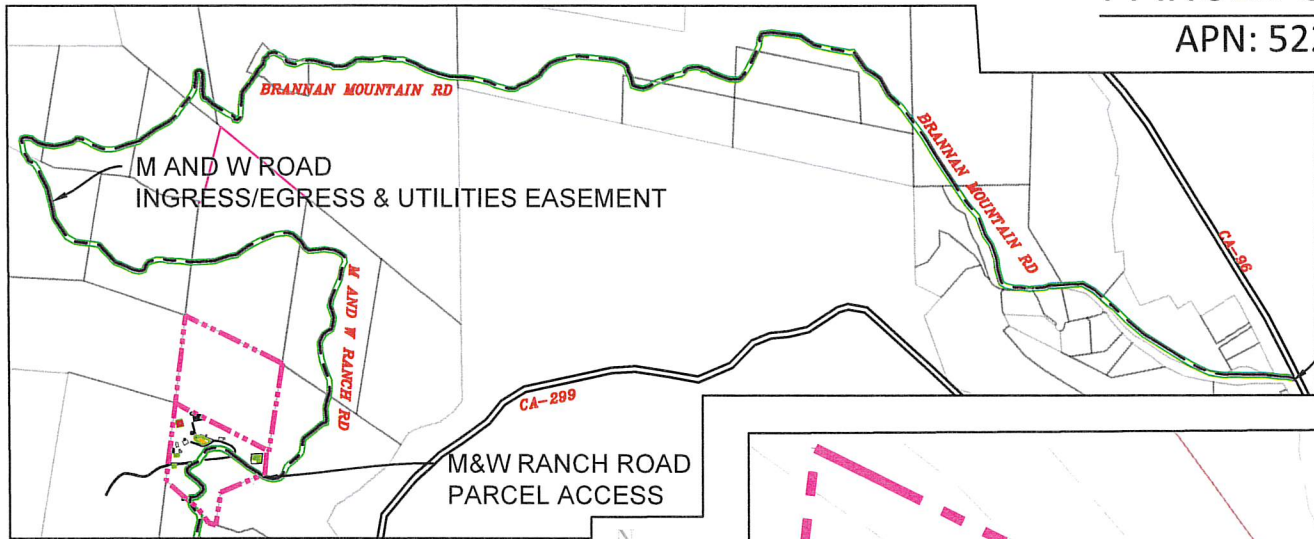
REVISIONS

NO.	NOTES	DATE

DATE: 7/18/17
 DRAFTER: X
 SCALE: AS SHOWN

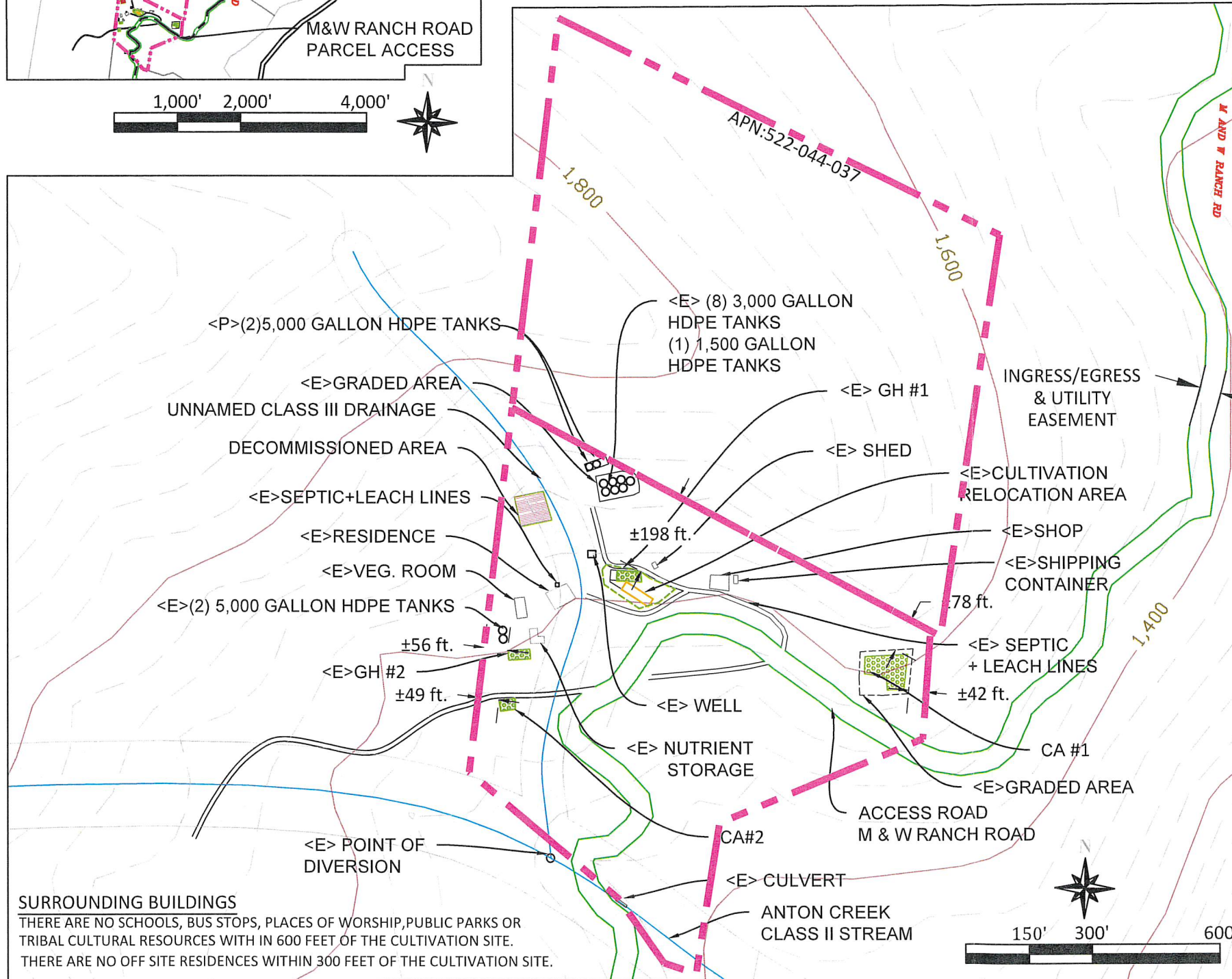
SHEET
CP

DEEDED ACCESS



PARCEL OVERVIEW

APN: 522-044-047



CULTIVATION INFORMATION

DECOMMISSIONED AREA

3,355 ft²

CULTIVATION RELOCATION AREA

3,355 ft²

EXISTING OUTDOOR CULTIVATION AREA

CA #1 = 5,424 ft²

CA #2 = 1,221 ft²

EXISTING MIXED LIGHT CULTIVATION AREA

GH #1 = 1,000 ft²

GH #2 = 1,000 ft²

TOTAL EXISTING MIXED LIGHT CULTIVATION AREA = 2,000 ft²

TOTAL EXISTING OUTDOOR CULTIVATION AREA = 10,000 ft²

CULTIVATION | DOMESTIC AND USE

CULTIVATION BUILDING	USE	YEAR	SIZE
SHOP	DRYING/STORAGE	2013	20' x 40'
NUTRIENT STORAGE	NUTRIENT/STORAGE	1997	8' x 16'
VEG ROOM	VEGETATION/PROPAGATION	2015	30' x 40'

DOMESTIC BUILDING	USE	YEAR	SIZE
RESIDENCE	PLACE OF LIVING	1986	45' x 50'
SHED	STORAGE	2009	12' x 12'
SHIPPING CONTAINER	STORAGE	2011	8' x 20'

WATER STORAGE

TYPE	NUMBER	SIZE
HDPE TANKS	2	5,000 GALLONS
HDPE TANKS	8	3,000 GALLONS
HDPE TANKS	1	1,500 GALLONS
WATER BLADDER	1	50,000 GALLONS

PROPOSED WATER STORAGE

TYPE	NUMBER	SIZE
HDPE TANKS	2	5,000 GALLONS
ANTON CREEK DIVERSION		

TOTAL AMOUNT OF WATER STORAGE = 85,500 GALLONS

TOTAL AMOUNT OF PROPOSED WATER STORAGE = 10,000 GALLONS

WATER SOURCE

ANTON CREEK DIVERSION

CLASS I & II STREAMS WITH REQUIRED 100 FT. BUFFER ZONES

CLASS III DRAINAGE WITH REQUIRED 50 FT. BUFFER ZONE

POWER SOURCE

PG + E



PROJECT INFORMATION

PROPERTY OWNER: BRYAN SAYRE
 ADDRESS: APN: 522-044-047
 SHEET INFO: PARCEL OVERVIEW

REVISIONS

NO.	NOTES	DATE

DATE: 7/18/17
 DRAFTER: X
 SCALE: AS SHOWN

SHEET
PO

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 the effective date of permit 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 #2-27. The agreement shall provide a timeline for completing all outstanding items. All activities detailed under the agreement must be completed to the satisfaction of the Planning and Building Department before the permit may be finalized and no longer considered provisional.
2. The applicant shall secure permits for all structures related to the cannabis cultivation and other commercial cannabis activity. A letter or similar communication from the Building Inspection Division verifying that all structures related to the cannabis cultivation are permitted will satisfy this condition.
3. The conditions of the Building Inspection Division referrals dated April 24, 2017 and July 18, 2017, shall be completed or secured to the satisfaction of that department. A letter or similar communication from the Building Inspection Division verifying that all their requirements have been met will satisfy this condition.
4. 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.]
5. Prior to renewal of permit, the applicant shall submit to Humboldt County Department of Environmental Health (DEH) invoices for service, or copy of contract confirming sufficient use of portable toilet(s) to serve cultivation and processing operations for duration of first year, or else provide written assessment from a qualified septic consultant confirming a Tier 0 status for the existing on-site septic system serving the dwelling. A letter or similar communication from the DEH verifying that all their requirements have been met will satisfy this condition.
6. The applicant shall provide the California Department of Fish and Wildlife (CDFW) with all requested water diversion reporting information and shall submit a water management plan according to the schedule agreed upon in the approved Lake or Streambed Alteration Agreement ([LSAA] 1600-2016-0080-R1), dated July 6, 2017, for the existing water diversion that is used on site. Communication from the CDFW verifying that this requirement has been met will satisfy this condition.
7. The applicant shall provide the CDFW with all requested notification and reporting information for all required remediation at the watercourse crossings on site pursuant to fish and game Code 1602.
8. The Applicant shall provide a lighting plan demonstrating the proposed cultivation area would not deliver or have the potential to deliver light pollution, during the hours of sunset to

sunrise, which may affect fish and/or wildlife directly, or from a distance. The plan shall be submitted to the satisfaction of the Planning Department within six months of the effective date of this permit, or prior to use of lighting, whichever occurs first.

9. Prior to issuance of any permits, the applicant shall demonstrate that there is sufficient on-site water storage to meet the annual demand of the residence and cannabis cultivation. This may be accommodated by adding other water storage facilities, or by reducing the cultivation cycles or the square footage of cultivation within the operations plan. Water storage in bladders shall cease and be replaced by hard tank storage in association with a building permit or other water storage to be reviewed for approval by the Planning and Building Department.
10. The applicant shall obtain an appropriative water right from the State Water Resources Control Board (WRCB) for water storage related to irrigation uses. A letter or similar communication from the State WRCB verifying an appropriative right has been obtained will satisfy this condition.
11. The applicant shall agree to use a water meter to demonstrate that there is sufficient water supply to meet the demands of the project without having to rely on surface water diversion during the summer months. As part of the annual inspection, the applicant shall present water use records showing water use for the year broken down by month.
12. The applicant shall install a rainwater catchment system, with sufficient collection capacity to transition from water diversion to rainwater catchment for on-site cannabis cultivation, meeting the forbearance and diversion restrictions outlined in LSAA 1600-2016-0080-R1. The applicant shall provide documentation regarding the capacity of the system to the satisfaction of the Planning Department as well as verification from CDFW as to the placement location for the proposed pond and certifying the pond is consistent with the requirements of CDFW.
13. The applicant shall provide documentation verifying that the greenhouse floors are pervious to the satisfaction of the Planning Department.
14. If a well is used to meet water supply needs for irrigation, the applicant shall obtain a well permit and pumped water shall not exceed permitted flow rate.
15. Prior to issuance of any building or construction permits a grading, erosion and sediment control plan shall be prepared by a qualified engineer. The plan shall identify the cubic yards of all grading that has been done and any proposed grading.
16. Prior to initiation of restoration work within the SMA, submit a Restoration Plan for full environmental remediation and restoration, with monitoring, for approval by the Planning Director.
17. Prior to initiation of restoration activities, , a qualified biologist shall survey the project site and identify the locations of all wetlands, springs, seeps, and riparian areas; plants with a State Rare Plant Rank of 1 or 2; and any sensitive natural communities, including wildlife species identified as potentially present by the CDFW: fisher (*Pekania pennanti*), northern red-legged frog (*Rana aurora*), tailed frog (*Ascaphus truei*), foothill yellow-legged frog (*Rana boylei*), and southern torrent salamander (*Rhyacotriton variegatus*). A 150-foot buffer around all identified habitats shall be flagged for avoidance in the field and shown on the revised site plan. No improvements or other activities are allowed within the 150-foot setback area. This shall be reflected in the operations plan.
18. Prior to initiation of restoration activities, the applicant shall submit a Biological Report prepared consistent with Stream Management Area Ordinance (SMAO) in Section 314-61.1

of Humboldt County Code. The report shall be submitted to the satisfaction of the Planning Department

19. The applicant shall meet all the required site remediation, cleanup, and Best Management Practices (BMPs) on the schedule outlined in the WRPP.
20. The applicant shall provide a copy of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (CAL-FIRE). Alternately, if the landowner has not completed a civil or criminal process and/or entered into a negotiated settlement with CAL-FIRE, the applicant shall secure the services of a registered professional forester (RPF) to evaluate site conditions and conversion history for the property and provide a written report to the Planning Division containing the RPF's recommendation as to remedial actions necessary to bring the conversion area into compliance with provisions of the Forest Practices Act. The Planning Division shall provide CAL-FIRE written Notice of Availability of the RPF's report. If CAL-FIRE takes no action within ten (10) days of the notice of availability, the report recommendations shall become final and shall be implemented by the applicant. If CAL-FIRE makes additional recommendations, these shall also be completed to the satisfaction of CAL-FIRE. A letter from the RPF, and written confirmation from CAL-FIRE (if additional requirements are imposed), verifying that all their requirements have been met will satisfy this condition.
21. 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.
22. 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.
23. 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.
24. Access to the parcel for all cultivation operation activities shall be via the MW Ranch Road section that connects to Brannan Mountain Road to the north until the applicant provides a copy of an approved encroachment permit from Caltrans indicating that the M&W ranch road access from State Highway 299 meets the standards of Caltrans.
25. All recommendations in the Road Evaluation Report submitted on June 7, 2018, by Pacific Watershed Associates, Inc. dated June 2018, and Addendum dated July 2018, for Brannan Mountain Road shall be implemented to the satisfaction of the Public Works Department. Applicant shall contact the Department of Public Works prior to ordering the required signage. The County sign shop shall install all required signs, as required by the above mentioned report to the satisfaction of the Public Works Department. Note: there may be other projects that have been conditioned to improve the road (s). Prior to constructing any improvements or implementing any neighborhood traffic management plan, the Department recommends the applicant determine what work has already been accomplished so that efforts are not duplicated.
26. Revised site plan depicting entire parcel pursuant to Planning Department determination of legal parcel consisting of APN 522-044-047 AND 522-044-037 and containing all aspects of development existing and proposed for the site, including any proposed rainwater catchment system as required, and containing all the information identified in the County's Plot Plan Checklist.

27. The applicant shall provide information to CALFIRE indicating that Agricultural cannabis cultivation operations have easily accessible material safety data sheets (MSDS) or safety data sheets (SDS) for all chemicals and hazardous materials on site. A letter or other communication from CALFIRE will satisfy this condition.
28. The applicant must meet minimum fire safe standards. The County Fire Safe Ordinance provides specific standards for roads providing ingress and egress, signing of streets, and other development standards. Clearances from CALFIRE and Willow Creek Fire Response Area agency indicating the access road and driveways meet fire safe access requirements will satisfy this condition.
29. The applicant shall contact the local fire service provider [Willow Creek Volunteer Fire District] and furnish written documentation from that agency of the available emergency response and fire suppression services and any recommended project mitigation measures. Mitigation measures shall be incorporated into the project, if applicable. If emergency response and fire suppression services are not provided, the applicant shall cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning Division. Document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors will be required.

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. For cultivation area(s) for which no enrollment pursuant to NCRWQB Order No. 2015-0023 is required by that Order, comply with the standard conditions applicable to all Tier 1 dischargers.
10. Comply with the terms of any applicable Streambed Alteration (1600) Permit obtained from the California Department of Fish & Wildlife.
11. 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.
12. 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).
13. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
14. Pay all applicable application, review for conformance with conditions and annual inspection fees.
15. Where surface water diversion provides any part of the water supply for irrigation of cannabis cultivation, permittee shall either: 1) forebear from any such diversion during the period from May 15th to October 31st of each year (or whatever is dictated in the final LSAA, whichever is more stringent) and establish on-site water storage for retention of wet season flows sufficient to provide adequate irrigation water for the size of the area to be cultivated, or 2) comply with the approved water management plan prepared by a qualified person such as a licensed engineer, hydrologist, or similar qualified professional, that establishes minimum water storage and forbearance period, if required, based upon local site conditions, or 3) adhere to the RWQCB approved Water Resources Protection Plan or other clearance issued by the agency. If the method of compliance changes during the term of the Conditional Use Permits, permittee shall notify the Planning and Building Department and furnish appropriate documentation of compliance with this standard.
16. At least one water meter shall be installed on the water line providing irrigation flow to the cultivation site. The water meter shall have the capacity to measure at least 100,000 gallons of flow before resetting. The water meter shall be used to measure the amount of water provided to the cultivation area during the forbearance period. The meter shall be installed at a point on the water line that provides an accurate measurement of the water used for irrigation. Household water use at the residence shall be separately metered if required.
17. 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.

18. 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.
19. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).
20. 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

21. Pursuant to the MMRSA, 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."
22. 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).
23. Cultivators engaged in processing shall comply with the following Processing Practices:
 - I. Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.
 - II. Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
 - III. Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.
 - IV. Employees must wash hands sufficiently when handling cannabis or use gloves.
24. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:
 - i. Cultivation operations and processing operations must implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:
 - 1) Emergency action response planning as necessary;
 - 2) Employee accident reporting and investigation policies;
 - 3) Fire prevention;
 - 4) Hazard communication policies, including maintenance of material safety data sheets (MSDS);
 - 5) Materials handling policies;
 - 6) Job hazard analyses; and
 - 7) Personal protective equipment policies, including respiratory protection.
 - ii. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:

- 8) Operation manager contacts;
 - 9) Emergency responder contacts;
 - 10) Poison control contacts.
- iii. At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations. Plumbing facilities and water source must be capable of handling increased usage without adverse consequences to neighboring properties or the environment.
 - iv. On-site housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.
25. All cultivators shall comply with the approved Processing Plan as to the following:
- i. Processing Practices.
 - ii. Location where processing will occur.
 - iii. Number of employees, if any.
 - iv. Employee Safety Practices.
 - v. Toilet and handwashing facilities.
 - vi. Plumbing and/or septic system and whether or not the system is capable of handling increased usage.
 - vii. Drinking water for employees.
 - viii. Plan to minimize impact from increased road use resulting from processing.
 - ix. On-site housing, if any.
26. Permit Duration. Any Commercial Cannabis Cultivation CUP 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.

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.

27. 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.
28. 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.
29. 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 ultimately responsible for ensuring compliance with this condition.

2. The applicant is responsible for receiving all necessary permits and/or approvals from other state and local agencies.
3. 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 # 26 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.
4. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will provide a bill to the applicant after the decision. Any and all outstanding Planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
5. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions prior to release of building permit or initiation of use at time of annual inspection. In order to demonstrate that all conditions have been satisfied, applicant is required to pay the conformance review deposit as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750) within sixty (60) days of the effective date of the permit or upon filing the Compliance Agreement (where applicable), whichever occurs first. Payment shall be made 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 and Special Permit:

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

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

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 Timberland Production (TPZ). The proposed action would permit an existing agricultural use. The subject parcel (comprising two APNs) is 40 acres and contains one existing dwelling unit and three existing agricultural buildings. Permitting of the structures through the Building Division is a Condition of Approval.</p>

<p>Circulation Chapter 7</p>	<p>Goals and policies contained in this Chapter relate to a balanced, safe, efficient, accessible and convenient circulation system that is appropriate for each type of unincorporated community (C-G1,C-G2); coordinated planning design, development, operations, and maintenance between the County and other transportation system service providers (C-G3); and access for all transportation mode types with improved opportunities to move goods within, into and out of Humboldt County (C-G4, C-G5)</p> <p>Related policies: C-P3. Consideration of Transportation Impacts in Land Use Decision Making</p>	<p>The property is accessible from a two-mile segment of MW Ranch Road, which connects to State Highway 299 and from a one and a half mile segment of MW Ranch Road that connects to Brannan Mountain Road to the north. Parking is available on site.</p> <p>Originally, the applicant planned to access the property via MW Ranch Road from Highway 299 to the south. However, Caltrans is requiring that the encroachment on MW Ranch Road at Highway 299 be re-engineered. Because this could prove to be costly, the applicant has chosen use the MW Ranch Road access from Brannan Mountain Road north of the parcel for all cultivation related operations until the improvements to the encroachment can be completed. A Road Evaluation Report was submitted to the Planning Department on June 7, 2018, by Pacific Watershed Associates, Inc. dated June 2018 and Addendum 2 dated July 2018, for this access route. All recommendations shall be implemented to the satisfaction of the Public Works Department as a condition of project approval.</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>The proposed project is located within Open Space Land Plan because the project site is planned Timberland and is zoned Timber Production. 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</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>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 the California Department of Fish and Wildlife (CDFW), the subject parcel contains potential habitat for multiple rare or threatened wildlife species. Engaging a qualified biologist to survey for these identified species for after-the-fact development/relocation work in SMA, and before any grading or construction work takes place, is a Condition of Approval for the project.</p> <p>The 40-acre parcel has two watercourses on the property that are associated with Willow Creek. The watercourses consist of one Class II and one Class III watercourse. All the cannabis cultivation areas are either located beyond the 100-foot setback requirement and 50-foot setback requirement for Class II and III watercourses respectively, due to relocation of one pre-existing cultivation area beyond these buffer zones. As a Condition of Approval, the applicant shall submit a restoration plan and Biological Report for after-the-fact development/relocation work within the Streamside Management Area (SMA).</p> <p>Domestic water use is currently supplied by a water diversion associated with the Class II watercourse. The applicant has filed registration for small domestic use with the State Water Resources Control Board (WRCB). The applicant has entered into a Lake and Streambed Alteration Agreement (LSAA) with the CDFW which establishes a forbearance period of May 15 through October 15 for</p>

		<p>the diversion, during which no water can be diverted for irrigation and a maximum of 200 gallons of water per day can be diverted for domestic use; these provisions are established for the protection of fish and wildlife species.</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 Resource Protection Plan (WRPP) to protect water quality from cannabis cultivation and related activities. The applicant retained Timber Resource Consultants for the preparation of a WRPP to describe and address the required elements and compliance with the 12 Standard Conditions established by the Order. The WRPP identified areas where the project site does not meet all 12 Standard Conditions and set a preliminary schedule prioritizing corrective actions to reach full compliance with the Order. All identified corrective actions and best management practices (BMPs) in the WRPP are included as conditions of approval. The WRPP has identified the relocation of a cultivation area outside the buffer zone for a Class III watercourse and stream crossings on the site that require remediation and this work was completed in 2016.</p> <p>As a Condition of Approval, the applicant has agreed to develop a rainwater catchment system and additional water storage in order to phase out water diversion as the source of irrigation water for cannabis, and also to comply with the forbearance period for diversion established in the CDFW 1600 LSAA permit. Additionally, the applicant is required to submit a restoration plan and Biological Report for development/relocation work within the SMA</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 (NWIC), the Hoopa Valley Tribe, and the Tsnungwe Council. The response from NWIC recommended an archaeological study and contact with the local Tribes. The archaeological study was reviewed by the Tsnungwe Tribal Historic Preservation Officer (THPO). The THPO was satisfied with the negative findings in the archaeological study. The standard inadvertent discovery protocol has been added as a condition of approval for this permit.</p>
<p>Conservation and Open Space Chapter 10</p> <p>Scenic Resources Section 10.7</p>	<p>Goals and policies contained in this Chapter relate to the protection of scenic areas that contribute to the enjoyment of Humboldt County's beauty and abundant natural resources (SR-G1); and a system of scenic highways roadways that increase the enjoyment of, and opportunities for, recreational and cultural pursuits and tourism in the County. (SR-G2)</p> <p>Related policies: SR-S4. Light and Glare.</p>	<p>The project involves mixed-light cultivation in greenhouses that cover 2,000 square feet of cultivation area. The CMMLUO requires that mixed light cultivation comply with International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1, and be designed to regulate light spillage onto neighboring properties resulting from backlight, uplight, or glare (BUG). International Dark Sky Association Standards exceed the requirements of Scenic Resources Standard SR-4, Light and Glare, that lighting 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. The Applicant will comply with the terms of the WRPP (on file).</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 property has two septic systems. One is attached to the residence and is permitted. The other is attached to the workshop and is in the process of being permitted.</p> <p>The County's Department of Environmental Health (DEH) recommends conditional approval of the project upon the applicant's submission to DEH invoices for service, or copy of contract confirming sufficient use of portable toilets to serve cultivation and processing operations for duration of first year, or else provide written assessment from a qualified septic consultant confirming a Tier 0 status for the existing on-site septic system serving the dwelling. Any expansion of service or additional waste systems will have to meet the County's sewage disposal requirements. This requirement has been added as a condition of approval.</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 property is on the power grid (PGE), and no generators will be used.</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 subject parcel is in an area shown as High Slope Instability. Some of the cultivation areas are located on sites within the property that have been graded and are relatively flat. The applicant has submitted a grading plan prepared by an engineer for the grading done in the relocation area. The cultivation areas are located on slopes ranging from 15 to 30 percent, and in areas where slopes range between 30 and 50 percent. The property as a whole is located on hilly terrain, with slopes ranging from 15 to over 50 percent. The potential for mudslide or landslide is considered low.</p> <p>There are no faults or fault zones located within five miles of the cultivation area. The site is not located within the Alquist Priolo Fault Hazard Zone. The area is known for some seismic activity, but the possibility of seismic damage from fault rupture is considered low.</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 23 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 subject parcel is in an area shown as high fire rating and Very High Fire Severity; however, the proposed action would permit an existing activity that does not propose any substantial new development. The site is located in the Willow Creek Fire Response Area and the State responsibility Area. All applicable referral agencies were referred and did not identify any issues relating to hazards. All structures are setback at least 30 feet from the property lines.</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 Willow Creek Volunteer Fire District boundary. 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
<p>§314-7.4 Timberland Production (TPZ) §314-55.4.8.2 §314-55.4.8.2.2</p>	<p>Grazing and other agricultural uses are principal compatible uses. In all zones consisting of timberland, cultivation shall be permitted in a 3-acre conversion exemption area or in non-timberland open area. Permits for existing outdoor cultivation in zoning districts including TPZ may be issued only when possible to bring them into compliance with all applicable standards. The total cultivation area shall not exceed 1 acre for outdoor cultivation or 22,000 square feet for mixed-light cultivation.</p>	<p>The subject parcel is zoned TPZ. The proposed action would permit a combination of outdoor and mixed-light commercial cannabis cultivation in existence prior to January 1, 2016. The existing outdoor cultivation area totals 10,000 square feet (0.23 acre) and the existing mixed-light cultivation area totals 2,000 square feet.</p>

Zoning Section	Summary of Applicable Requirement	Evidence
Minimum Lot Area:	160 acres; or 40 acres if provisions of §51119.5 are met	The subject legal parcel is 40 acres and the provisions of §51119.5 are met.
Max. Lot Coverage:	None specified	N/A
Min. Yard Setbacks	Front: 20 feet Rear: 30 feet Side: 30 feet	According to the submitted Plot Plan, the minimum setbacks for all cultivation areas are as follows: Front: greater than 20 feet Rear: greater than 30 feet Side: greater than 30 feet
Max. Building Height:	None specified	N/A
§314-109.1.2.9: Parking Spaces for Uses Not Specified	<u>Uses:</u> On-site processing, 1 space per employee.	According to the applicant's information there will be no employees or any other person assisting with the cannabis operation, other than himself. Parking is sufficient for the one person (the applicant) who will be onsite.
§314-61.1: Streamside Management Area Ordinance:	Provides minimum standards pertaining to the use and development of land located within SMAs	One pre-existing cannabis cultivation area was located within the 50 foot Streamside Management Area (SMA) setback and was relocated in 2016. As a Condition of Approval, the applicant shall submit a restoration plan for full environmental remediation for approval by the Planning Director and a Biological Report prepared consistent with SMAO regulations. The WRPP details adherence to the Biological Reporting (q) requirements including adherence to suitable mitigation measures.

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 [...] TPZ districts (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. No expansion of the existing cultivation area shall be permitted. The total cultivation area allowed on a single parcel shall not exceed one acre for outdoor cultivation.	The proposed action will permit an existing mixed-light cannabis cultivation of 2,000 square feet and an existing outdoor cannabis cultivation of 10,000 square feet on a parcel zoned TPZ. No expansion of the cultivation area is proposed.
§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 application was submitted on August 12, 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.	The proposed action would permit an existing outdoor and mixed-light cannabis cultivation operation on a parcel with appropriate setbacks. Permitting the operation would not result in any change to existing conditions that would be detrimental to the public health, safety, and welfare.

5. Residential Density Target: The following table identifies the evidence which supports finding that the proposed project will not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.

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

6. Environmental Impact:

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

The project has been determined to be exempt from CEQA pursuant to Section 15301 - Existing Facilities and Section - 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. The proposed action would permit an existing commercial medicinal cannabis cultivation and on-site processing operation with no expansion of the existing use. Section 15333 exempts from environmental review projects of less than five acres that consist of the maintenance, restoration, enhancement, or protection of habitat for fish, plants or wildlife. The proposed action will include the removal of development within Streamside Management Area (SMA) and the restoration of riparian habitat.

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. An application form is on file with the name, contact address, and phone number(s) of the applicant. (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 0.25 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 (WRCB), Division of Water Rights, if applicable. (On file)
6. Description of water source, storage, irrigation plan, and projected water usage. (Attached)
7. Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the North Coast Regional Water Quality Control Board (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 Humboldt County or other responsible agency. (On file)
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 LSAA Permit obtained from the Department of Fish & Wildlife. (On File)
9. If the source of water is a well, a copy of the county well permit, if available. (Not applicable)
10. If the parcel is zoned FR, U, or TPZ, or involves the conversion of timberland as defined under section 4526 of the Public Resources Code, a copy of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California

Department of Forestry and Fire Protection (CAL-FIRE). Alternately, for existing operations occupying sites created through prior unauthorized conversion of timberland, evidence may be provided showing that the landowner has completed a civil or criminal process and/or entered into a negotiated settlement with CAL-FIRE. (Condition of approval)

11. Consent for on-site inspection of the parcel by county officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. (On file)
12. For indoor cultivation facilities, identify the source of electrical power and how it will meet with the energy requirements in section 55.4.8.2.3, and plan for compliance with applicable Building Codes. (On file)
13. Acknowledge that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed will not support diversions for irrigation. (On file)
14. Acknowledge that the County reserves the right to engage with local Tribes before consenting to the issuance of any clearance or permit, if cultivation operations occur within an Area of Traditional Tribal Cultural Affiliation, as defined herein. This process will follow current departmental referral protocol, including engagement with the Tribe(s) through coordination with their Tribal Historic Preservation Officer (THPO) or other Tribal representatives. This procedure shall be conducted similar to the protocols outlined under SB 18 (Burton) and AB 52 (Gatto), which describe "government to government" consultation, through Tribal and local government officials and their designees. During this process, the Tribe may request that operations associated with the clearance or permit be designed to avoid, minimize, or mitigate impacts to Tribal Cultural Resources, as defined herein. Examples include, but are not limited to: conducting a site visit with the THPO or their designee to the existing or proposed cultivation site, requiring that a professional cultural resources survey be performed, or requiring that a Tribal cultural monitor be retained during project-related ground disturbance within areas of sensitivity or concern. The County shall request that a records search be performed through the California Historical Resources Information System. (On file)
15. Water Resources Protection Plan (On file)
16. Artificial Light and Generator Use (On file)
17. Cultivation and Water Usage (On file)
18. Notification of Lake or Streambed Alteration Water Diversion (On file)
19. Pending Small Domestic Use Registration with State WRCB (On file)
20. Lighting Plan (Condition of Approval)
21. Special Permit for Streamside Management Area (SMA) restoration work (Condition of Approval)



Ren send



Site Plan Overview and Cultivation and Operations Plan

Applicant/Owner

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Willow Creek, CA 95573

Agent

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**GREEN
ROAD**
CONSULTING

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I. Site Plan Overview

1.0 Project Information

RBC Holdings, Inc. ("Applicant") is submitting this application for a Type 1B - Specialty Mixed Light Zoning Clearance Certificate for an existing 2,000 square foot mixed light commercial cannabis cultivation and a Type 2 - Small Outdoor Special Permit for an existing 10,000 square foot outdoor commercial cannabis cultivation on a 40-acre parcel, located near Willow Creek, CA ("Parcel"), Assessor's Parcel Number 522-044-47 and 522-044-37. This application is submitted through his agent, Kaylie Saxon of Green Road Consulting, Inc., and has been prepared in accordance with Humboldt County's ("County") Commercial Medical Marijuana Land Use Ordinance ("CMMLUO").

The Use Permit would achieve the following results for the Applicant:

- a. Permit the existing 2,000 square feet of existing mixed light cannabis cultivation, as well as permit the existing 10,000 square feet of existing outdoor cannabis cultivation.
- b. Comply with applicable standards for water quality maintenance and watershed protection through the Waiver of Waste Discharge requirements of the North Coast Regional Water Quality Control Board ("Water Board") and California Department of Fish and Wildlife ("Fish and Wildlife").

2.0 Project Location

The Applicant's Parcel is located in the inland zone of Humboldt County near Willow Creek, CA. The Parcel is comprised of 40-acres and is identified by Assessor's Parcel Number ("APN") 522-044-47 and 522-044-37. The street address for the Parcel is 1008 M & W Road Willow Creek, CA 95573.

2.1 Zoning Classification

The County's Zoning Classification of the Parcel is TPZ with a General Plan description of T (FRWK). The CMMLUO permits commercial cannabis cultivation on land zoned as TPZ with mixed light cultivation sites up to 5,000 square feet with a Zoning Clearance Certificate and outdoor cultivation sites up to 10,000 square feet with a Special Permit. The Applicant's Parcel meets all of the CMMLUO zoning requirements for commercial cannabis cultivation.

2.2 Site Topography

A map of the Parcel's topography is included as Attachment "A."

3.0 Easements

The following information is from Exhibit "A" of the Grant Deed, included in the Evidence of Ownership and Authorization section of this Application.

"That real property situate in the County of Humboldt, State of California, and described as follows:

Those portions of Sections 35 and 36, Township 7 North, Range 4 East, Humboldt Meridian, according to the United States Township Plat thereof, approved November 22, 1967, described as follows:

PARCEL ONE:

Parcel 7 as shown on Parcel Map No. 1225 for Mathews and Pappas in Sections 35 and 36, Township 7 North, Range 4 East, Humboldt Meridian, filed January 11, 1978 in Book 10 of Parcel Maps, Pages 141 and 142.

EXCEPTING THEREFROM that portion thereof described as follows:

BEGINNING at a point on the East line of Parcel 7 as shown on said Parcel Map No. 1225 distant thereon South 04 degrees 05 minutes 30 seconds West, 1198.55 feet from the Northeast corner of said Parcel 7;

thence South 63 degrees 49 minutes 13 seconds West, 40.60 feet;

thence South 70 degrees 34 minutes 25 seconds West, 284.39 feet;

thence South 79 degrees 55 minutes 47 seconds West, 112.90 feet;

thence South 0 degrees 08 minutes 09 seconds East, 349.50 feet, more or less, to the centerline of Anton Creek, said point also being the Southerly line of Parcel 7 as shown on said Parcel Map No. 1225;

thence Easterly along the Southerly line of said Parcel 7 to the southeast corner thereof;

thence North 04 degrees 05 minutes 30 seconds East along the East line of said Parcel 7 to the point of beginning.

RESERVING THEREFROM, for the benefit of an as an appurtenance to Grantors adjacent land to the East, a non-exclusive easement for ingress, egress and public utilities, 50 feet in width, over Parcel 200 as shown on said Parcel Map No. 1225.

ALSO RESERVING THEREFROM, for the benefit of an as an appurtenance to Grantors adjacent land to the East, a non-exclusive easement for ingress, egress and public utilities 10 feet in width, the Southerly line of which is described as follows:

BEGINNING at the Southerly terminus of the course described in Parcel One above as: "south 4 degrees 5 minutes 30 seconds West 1198.55 feet";

thence South 63 degrees 49 minutes 13 seconds West 40.60 feet;

thence South 70 degrees 34 minutes 25 seconds West 284.39 feet;

thence South 79 degrees 55 minutes 47 seconds West 112.90 feet.

ALSO RESERVING THEREFROM, for the benefit of and as an appurtenance to Grantors adjacent land to the East, an easement for a water line over that portion of the south 23 feet of Parcel No. 7, as shown on Parcel Map No. 1225 filed January 11, 1978 in Book 10 of Parcel Maps, Pages 141 and 142, in the office of the county Recorder of Humboldt County, which lies Easterly of the road

shown as Parcel 200 on said Parcel Map No. 1225 and Westerly of the Easterly line of Parcel One above described.

ALSO RESERVING THEREFROM, for the benefit of an as an appurtenance to Grantors adjacent land to the East, the right to take water from that portion of Anton Creek forming the South boundary of Parcel No. 7 as shown on said Parcel Map No. 1225, which lies Easterly of the road shown as Parcel 200 on said Parcel Map.

PARCEL TWO:

A non-exclusive easement for ingress, egress and public utilities 50 feet in width over Parcel 200 as shown on said Parcel Map No. 1225.

PARCEL THREE:

A non-exclusive easement for ingress, egress and public utilities 10 feet in width the Northerly line of which is described as follows:

BEGINNING at a point on the East line of Parcel 7 as shown on said Parcel Map No. 1225, distant thereon South 04 degrees 05 minutes 30 seconds West, 1198.55 feet from the Northeast corner of said Parcel 7;

thence South 63 degrees 49 minutes 13 seconds West, 40.60 feet;

thence South 70 degrees 34 minutes 25 seconds West, 284.39;

thence South 79 degrees 55 minutes 47 seconds West, 112.90 feet;

PARCEL FOUR:

A non-exclusive easement for ingress, egress and public utilities 20 feet in width, the centerline of which is described as follows:

BEGINNING at a point on the East line of Parcel 7 as shown on said Parcel Map No. 1225, distant thereon South 04 degrees 05 minutes 30 seconds West, 1198.55 feet from the Northeast corner of said Parcel 7;

thence North 63 degrees 49 minutes 13 seconds East, 155.84 feet;

thence North 14 degrees 08 minutes 51 seconds East, 157.99 feet;

thence North 72 degrees 42 minutes 51 seconds West, 73.47 feet to the centerline of Parcel 200 as shown on said Parcel Map No. 1225.”

4.0 Natural Waterways

The Parcel has one (1) Class II watercourse – Anton Creek and two (2) Class III watercourses. All cannabis cultivation resides at least 100 feet from the Class II watercourse and 50 feet from the Class III watercourse.

The water used for cannabis cultivation is gathered from the Parcel's water diversion system within Anton Creek. The Applicant has applied for water rights with the State Water Resources Water Rights Division. The Applicant also understands this is not a long term solution, and is in the process of setting up a rainwater catchment system. By the 2016/2017 rainy season, the Applicant will have all of his buildings guttered and will be switching over to the rainwater catchment system.

The Applicant has a Water Resource Protection Plan ("WRRP") for the Parcel and is enrolled in the Water Board's Waiver of Waste Discharge program as a Tier II discharger.

5.0 Location and Area of Existing Cultivation

The total square feet of existing cannabis cultivation located on the Parcel was existing prior to the January 1, 2016 deadline provided by the County. A satellite image documents the prior cultivation and is attached to the Activity Registration Form included in the Application section of this application.

Mixed Light

The 2,000 square feet of mixed light cannabis cultivation occurs in two (2) locations on the Parcel and can be viewed on the Site Plan, included in the Site Plan of Entire Parcel section of this application.

Greenhouse #1

Greenhouse #1 is 1,000 square feet and is located in the northwestern quadrant of the Parcel. It resides within the proper buffer zones for the County and the Water Board.

Greenhouse #2

Greenhouse #2 is 1,000 square feet and is located in the southwestern quadrant of the Parcel. It resides within the proper buffer zones for the County and the Water Board.

Outdoor

The 10,000 square feet of outdoor cannabis cultivation occurs in three (3) locations on the Parcel and can be viewed on the Cultivation Overview, sheet CO, included in the Site Plan of the Entire Parcel section of this application.

Decommissioned Cultivation Area

***Please note, decommissioning of this cultivation area occurred in 2016. All work has been completed.**

Decommissioned Cultivation Area consists of approximately 3,355 square feet of outdoor cannabis cultivation. It is located in the northwestern quadrant of the Parcel. Decommissioned Cultivation Area within the 50 foot buffer zone of the Class III watercourse and needs to be decommissioned and relocated. The proposed areas for relocation are outlined in the Cultivation Overview, sheet CO, included in the Site Plan of the Entire Parcel section of this application notated as Cultivation Relocation Area.

Cultivation Area #1

Cultivation Area #1 consists of approximately 5,424 square feet of outdoor cannabis cultivation. It is located in the northeaster quadrant of the Parcel. It resides within the proper buffer zones for the County and the Water Board.

Cultivation Area #2

Cultivation Area #2 consists of approximately 1,221 square feet of outdoor cannabis cultivation. It is located in the southwestern quadrant of the Parcel. It resides within the proper buffer zones for the County and the Water Board.

6.0 Setbacks of Cultivation Area

Mixed Light

Greenhouse #1

Greenhouse #1 setbacks from the nearest parcel lines are 330 feet from the northern line and 330 feet from the western line.

Greenhouse #2

Greenhouse #2 setbacks from the nearest parcel lines are 400 feet from the southern line and 79 feet from the western line.

Outdoor

Cultivation Relocation Area

Cultivation Relocation Area setbacks from the nearest parcel lines are 300 feet from the northern line and 65 feet from the western line.

Cultivation Area #1

Cultivation Area #1 setbacks from the nearest parcel lines are 120 feet from the northern line and 50 feet from the eastern line.

Cultivation Area #2

Cultivation Area #2 setbacks from the nearest parcel lines are 280 feet from the southern line and 66 feet from the western line.

7.0 Access Roads

The Parcel is located off of M & W Ranch Road.

8.0 Graded Flats

There are existing graded flats located on the parcel. A grading plan will be submitted to the County Building Department and is included in the Other Permits, Licenses and Documents section of this application.

9.0 Existing and Proposed Buildings

All building plans are included in the Other Permits, Licenses and Documents section of this application.

Shop

The existing Shop was constructed in 2012. It is used for basic equipment storage and the drying/curing of cannabis. It will be permitted as an AOB through the County.

Shed #1

Shed #1 was constructed at an unknown date. It is used for the storage of cannabis nutrients and fertilizers. It will be permitted as an AOB structure through the County.

Vegetation Room

The vegetation room was constructed at an unknown date. It is used for the vegetation of cannabis prior to its transition to its more permanent cultivation area. It will be permitted as an AOB structure through the County.

10.0 Water Storage, Use and Watershed Protection

10.1 Water Storage

The water used for cannabis cultivation is gathered from the Parcel's water diversion system within Anton Creek. The Applicant has applied for water rights with the State Water Resources Water Rights Division. The Applicant also understands this is not a long term solution, and is in the process of setting up a rainwater catchment system. By the 2016/2017 rainy season, the Applicant will have all of his buildings guttered and will be switching over to the rainwater catchment system.

The Applicant currently has approximately 75,000 gallons of water storage in place on the parcel. There is approximately 50,000 gallons of water bladder storage and 25,000 gallons of hard tank water storage.

10.2 Water Use

The amount of water used for the cultivation of cannabis will vary throughout the year, with peak periods of water use occurring during the summer months. The Applicant's cultivation and water use is outlined in the Cultivation and Water Usage Chart, attached as Attachment "B."

The water used for cannabis cultivation is gathered from the Parcel's water diversion system within Anton Creek. The Applicant has applied for water rights with the State Water Resources Water Rights Division. The Applicant also understands this is not a long term solution, and is in the process of setting up a rainwater catchment system. By the 2016/2017 rainy season, the Applicant will have all of his buildings guttered and will be switching over to the rainwater catchment system.

The Applicant currently has approximately 75,000 gallons of water storage in place on the parcel. There is approximately 50,000 gallons of water bladder storage and 25,000 gallons of hard tank water storage.

The irrigation of the cannabis is completed in multiple ways to insure agronomic practices. Greenhouses are supplied with automated drip irrigation systems. Nutrient dosing systems are in place for both outdoor and mixed light cultivation. Hand watering with a low-flow nozzle is also done in the summer months to insure there is no over watering. Best management practices are in use in all cultivation areas (heavy mulching, straw, etc.)

10.3 Watershed Protection

The Parcel has one (1) Class II watercourse – Anton Creek and two (2) Class III watercourses. All cannabis cultivation resides at least 100 feet from the Class II watercourse and 50 feet from the Class III watercourse.

The water used for cannabis cultivation is gathered from the Parcel's water diversion system within Anton Creek. The Applicant has applied for water rights with the State Water Resources Water Rights Division. The Applicant also understands this is not a long term solution, and is in the process of setting up a rainwater catchment system. By the 2016/2017 rainy season, the Applicant will have all of his buildings guttered and will be switching over to the rainwater catchment system.

The Applicant has a Water Resource Protection Plan ("WRRP") for the Parcel and is enrolled in the Water Board's Waiver of Waste Discharge program as a Tier II discharger.

11.0 Distances from Significant Landmarks

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

II. Cultivation and Operations Plan

1.0 Water Use

The amount of water used for the cultivation of cannabis will vary throughout the year, with peak periods of water use occurring during the summer months. The Applicant's cultivation and water use is outlined in the Cultivation and Water Usage Chart, attached as Attachment "B."

The water used for cannabis cultivation is gathered from the Parcel's water diversion system within Anton Creek. The Applicant has applied for water rights with the State Water Resources Water Rights Division. The Applicant also understands this is not a long term solution, and is in the process of setting up a rainwater catchment system. By the 2016/2017 rainy season, the Applicant will have all of his buildings guttered and will be switching over to the rainwater catchment system.

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The Applicant has a Water Resource Protection Plan ("WRRP") for the Parcel and is enrolled in the Water Board's Waiver of Waste Discharge program as a Tier II discharger.

3.0 Materials Storage

Currently, there are no pesticides or herbicides registered specifically for use directly on cannabis.

All fertilizers and amendments are located in the Nutrient Storage Shed on the Parcel. Fertilizers and amendments are placed on the shelves and floor where any spill will be contained. Currently, the applicant is using strictly organic fertilizers and amendments.

The Applicant is also composting all cannabis and non-cannabis related green waste on site and using the compost as an all plant based fertilizer for the cannabis. Any cannabis and non-cannabis related green materials that are unable to be composted will be used in the Applicants vermicomposting system on Site. The purely organic vermicompost will then be used on the cannabis plants. Between the onsite composting and the rainwater catchment system, the Applicant is close to his efforts for a 100% closed loop regenerative cannabis farm, significantly decreasing the farms environmental impact.

All labels are kept and directions are followed when nutrients are applied. The storage area is in need of posted instructions for storing fertilizers and amendments, instructions for cleaning up spills and a spill kit that contains a container, gloves, towels, absorbent socks and an absorbent material (kitty litter).

4.0 Cultivation Activities

All cultivation activities are subject to change based on climate, strain and Applicant’s schedule.

Outdoor

The Applicant begins cracking seeds for their outdoor cultivation sites in the vegetation room. Plants then stay in their vegetative state until they are ready to transplanting to their permanent homes.

By mid-May, the Applicant’s outdoor plants are placed into their permanent homes to begin their flowering process.

Harvesting of the outdoor plants begins at the beginning of October and usually ends in November.

Mixed Light

Greenhouse	Vegetation	Flowering	Harvest
#1	January	March	May
#2	December	February	April
#1	April	June	August
#2	March	April	July
#1	July	September	November
#2	June	August	October
#1	October	December	February
#2	September	November	January

5.0 Processing Practices

Plants will be harvested one at a time using hand shears and taken into the Shop where it will be dried, machine trimmed outdoors and then returned to the Shop for curing.

All processing will be completed by the Applicant until Emerald Family Farms is an approved processing facility.

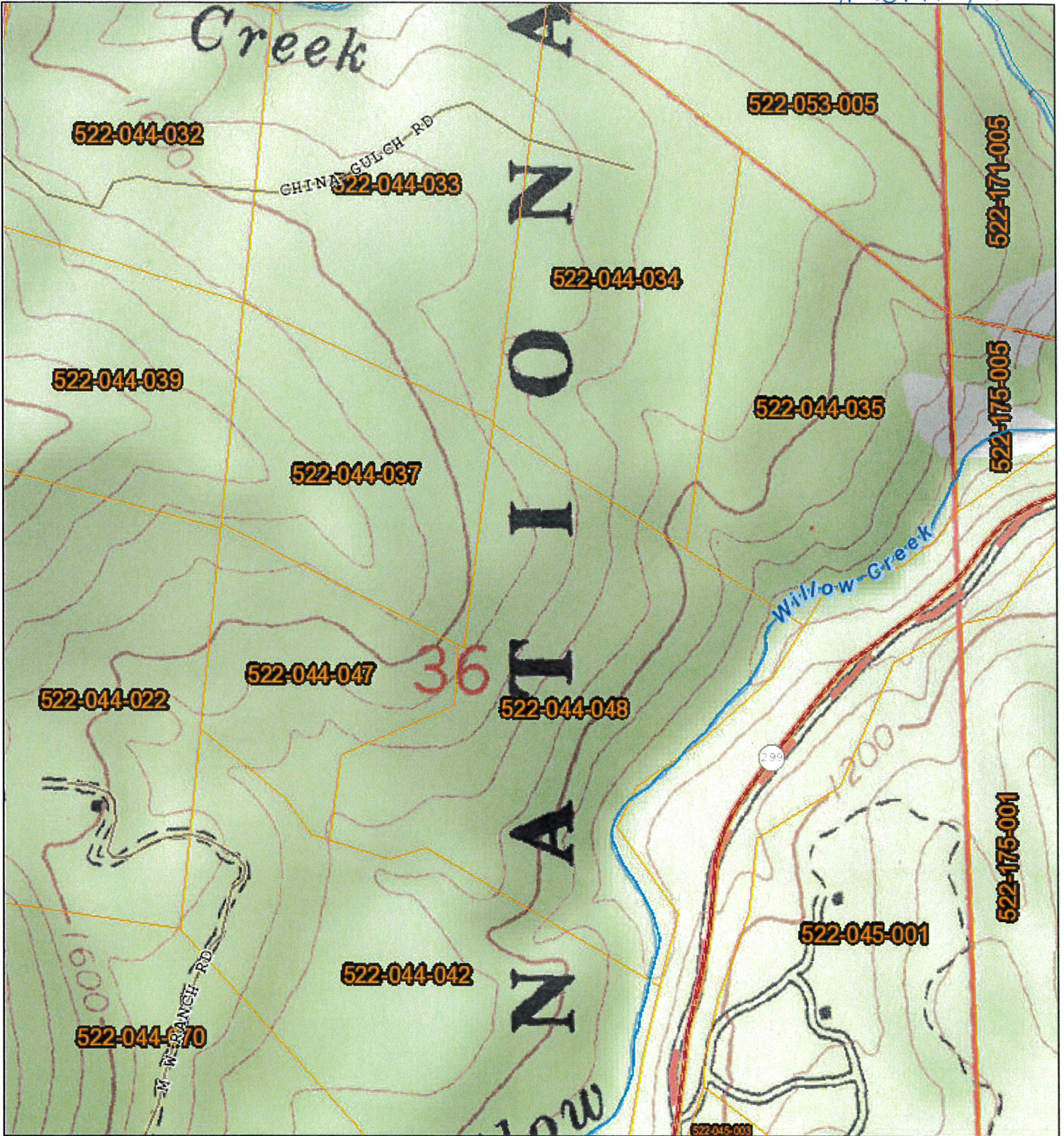
All work surfaces and equipment are maintained in a clean, sanitary condition. Protocols to prevent the spread of mold are strictly followed. The final cannabis product is stored in a secure location.

All cultivation related waste is stored in proper receptacles and removed to the proper trash facilities. Green waste is composted on site, as outlined in Section II.3.0.

The Applicant will be utilizing any Track and Trace program the County seeks to implement, abiding by all appropriate record keeping practices.

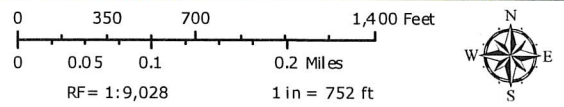
6.0 Security Measures

The Parcel is fenced and all access roads are gated. Gates are of heavy steel construction and heavy shackle locks are in place. Game cameras are located around each cultivation area, the Shop and all gates.



ArcGIS Web Map
Humboldt County Planning and Building Department

- Highways and Roads**
- Private or Unclassified
 - Principal Arterials
 - Minor Arterials
 - Major Collectors
 - Minor Collectors
 - Local Roads
- Blue Line Streams**
- Perennial 1-3
 - Perennial >4
- Other Features**
- Intermittent
 - Subsurface
 - City Boundary
 - Counties
 - Parcels
 - Parcels (no APN labels)



Printed: October 25, 2018 Web AppBuilder 2.0 for ArcGIS
 Map Disclaimer:
 While every effort has been made to assure the accuracy of this information, it should be understood that it does not have the force & effect of law, rule, or regulation. Should any difference or error occur, the law will take precedence.
 Source: Humboldt County GIS, Esri, HERE, Garmin, © OpenStreetMap contributors, and the GIS user community, Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



Water Use and Cultivation Form

Name:	Bryan Sayre
APN:	552-044-047
WDID:	
Reporting Year	2016
Storage (Gallons):	45,000
Total Cultivation (ft ²):	12,000

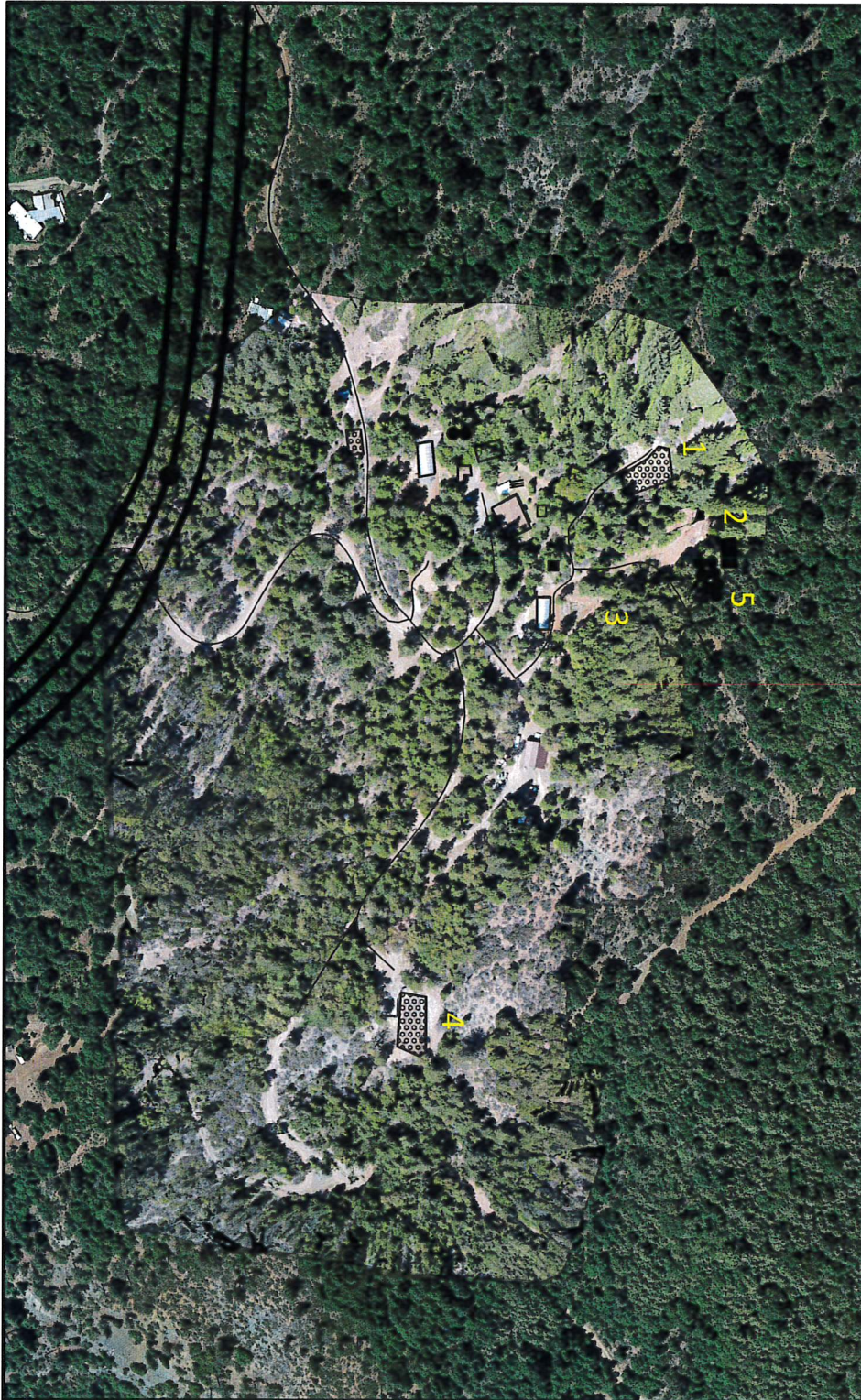
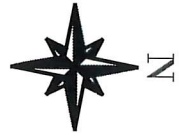
Cultivation Information			
Cultivation Area	Distance to watercourse (ft)	Watercourse Classification	Average Slope
Outdoor			10,000
Mixed Light			2,000

Total Water Surface Diversion (Gallons)													
Source	January	February	March	April	May	June	July	August	September	October	November	December	Total
POD	17,450	16,850	17,450	30,075	20,735	23,100	25,865	13,355	6,000	6,200	6,000	6,200	189,280

Water Input to Storage by Source (Gallons)													
Source to Storage	January	February	March	April	May	June	July	August	September	October	November	December	Total
POD	11,250	11,250	11,250	11,250									45,000

Water Use by Source (Gallons)													
Use from Source	January	February	March	April	May	June	July	August	September	October	November	December	Total
Cultivation - Storage				12,825	14,535	17,100	19,665	7,155	18,810	12,825			45,000
Cultivation - POD				6,000	6,200	6,000	6,200	6,200	6,000	6,200			71,280
Domestic - POD	6,200	5,600	6,200	6,000	6,200	6,000	6,200	6,200	6,000	6,200	6,000	6,200	73,000

* Water use is estimated from the best information available, if water meters are not installed.



GRADING PLAN
 APN: 522-044-047

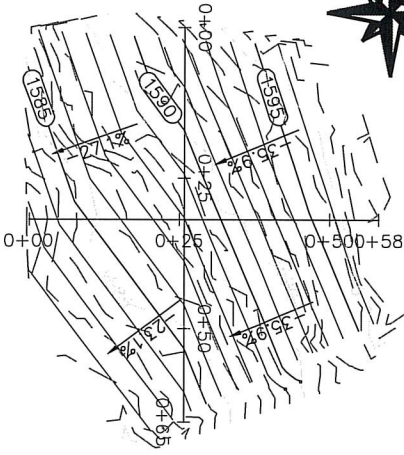
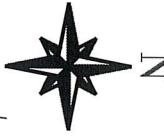
SITE MAP
 NTS

SM SHEET	DATE	9/28/18	PROJECT INFORMATION	PROJECT	RBC HOLDINGS, INC.	
	DESIGNER	CABRETT		ADDRESS	1008 M and W RANCH ROAD	
	SCALE	NOT TO		SHEET INFO	GRADING PLAN	
	NO.	NOTES		DATE	REVISIONS	

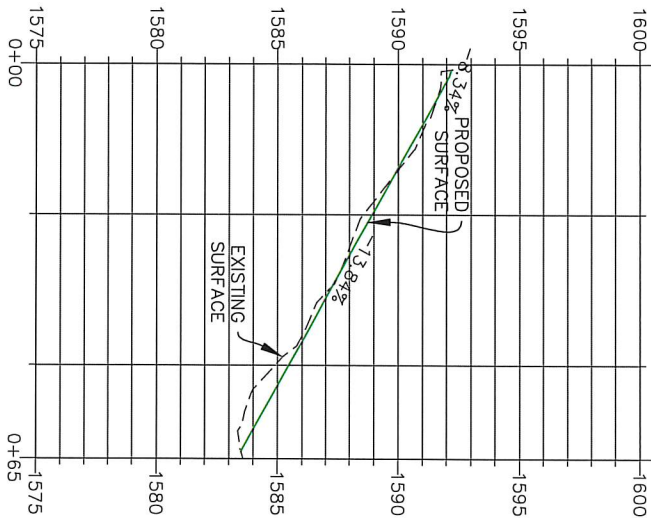
GRADING PLAN

APN: 522-044-047

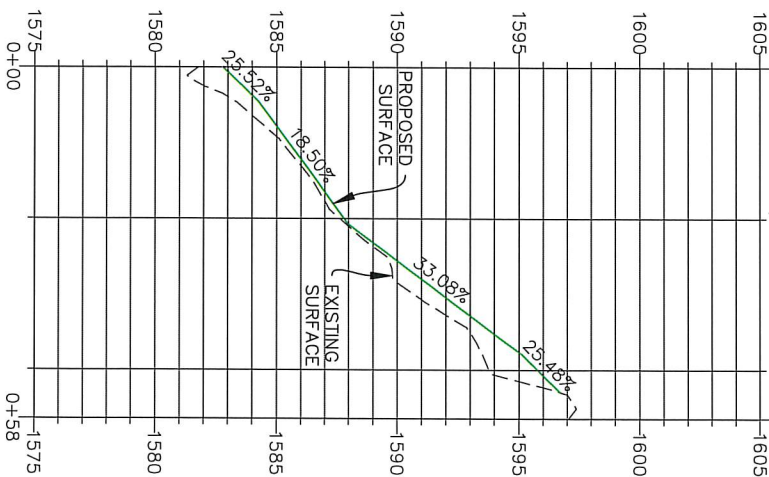
1. IT IS THE CONTRACTOR'S RESPONSIBILITY TO VERIFY THE LOCATION AND ELEVATION OF ALL EXISTING UTILITIES, PRIOR TO STARTING CONSTRUCTION. THESE PLANS ARE BASED UPON THE BEST INFORMATION AVAILABLE, BUT CAN ONLY BE TAKEN AS APPROXIMATE.
2. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, THE CONTRACTOR SHALL SECURE CONSTRUCTION PERMITS FROM HUMBOLDT COUNTY AND ANY OTHER JURISDICTIONAL AGENCY AS REQUIRED. OWNER SHALL PAY FOR ALL FEES INCLUDING INSPECTION FEES.
3. ALL STATIONS ON PLAN ARE TAKEN ALONG CENTERLINE UNLESS OTHERWISE NOTED.
4. ALL GRADING, SITE PREPARATION, PLACING AND COMPACTING OF FILL SHALL BE DONE ACCORDING TO THESE PLANS, AND HUMBOLDT COUNTY REQUIREMENTS.
5. ALL CUT AND FILL SLOPES SHALL BE 2:1 OR MORE GENTLE UNLESS OTHERWISE NOTED.
6. ALL ABANDONED UNDERGROUND UTILITIES EXPOSED DURING GRADING SHALL BE REMOVED OR ADEQUATELY PLUGGED.
7. EROSION CONTROL MEASURES SHALL BE EMPLOYED DURING THE RAINY SEASON AS REQUIRED AND AS SHOWN ON THE EROSION CONTROL PLAN.
8. CHANGES TO THIS PLAN DUE TO FIELD CONDITIONS WILL BE MADE ONLY WITH THE APPROVAL OF THE ENGINEER AND HUMBOLDT COUNTY.
9. DAM FILLS WILL BE COMPACTED WITH SHEEP FOOT ROLLERS AND ACHIEVE A COMPACTION RATE OF 95% WITH SOIL > 20% FINES.
10. ADJACENT PROPERTIES SHALL BE PROTECTED FROM STORM WATERS, MUD, SILT, ETC. THIS PLAN MAY NOT COVER ALL THE SITUATIONS THAT ARISE DURING THE CONSTRUCTION DUE TO UNANTICIPATED FIELD CONDITIONS. VARIATIONS MAY BE MADE TO THE PLAN IN THE FIELD SUBJECT TO THE APPROVAL OF THE ENGINEER AND HUMBOLDT COUNTY.
11. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PLACEMENT OF ALL FILLS ACCORDING TO THE PLAN AND THE PREPARATION OF GROUND TO RECEIVE FILLS.
12. TESTING FOR REQUIRED COMPACTION, STABILITY OF ALL FINISH SLOPES, SOIL EROSION, AND REQUIRED CUT SLOPE SURFACES.



W-E (1) PROFILE

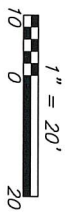


S-N (1) PROFILE



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Totals			2835.30 Sq. Ft.	55.76 Cu. Yd.	54.36 Cu. Yd.	1.37 Cu. Yd.<FILL>



PROJECT INFORMATION

RBC HOLDINGS, INC.
1008 M and W RANCH ROAD
GRADING PLAN

PROJECT ADDRESS SHEET INFO

NO.	REVISIONS	DATE

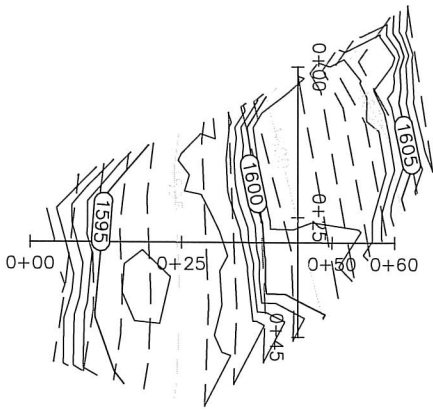
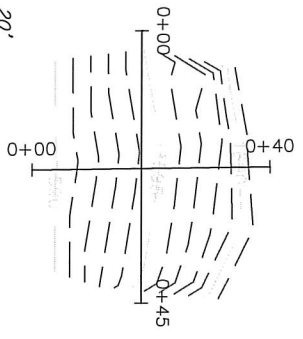
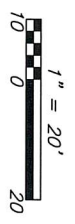
DATE	DESIGNER	SCALE	SHEET
9/28/18	GAHRETT	NOT TO	C1





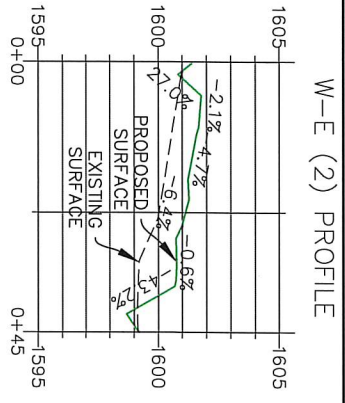
GRADING PLAN

APN: 522-044-047

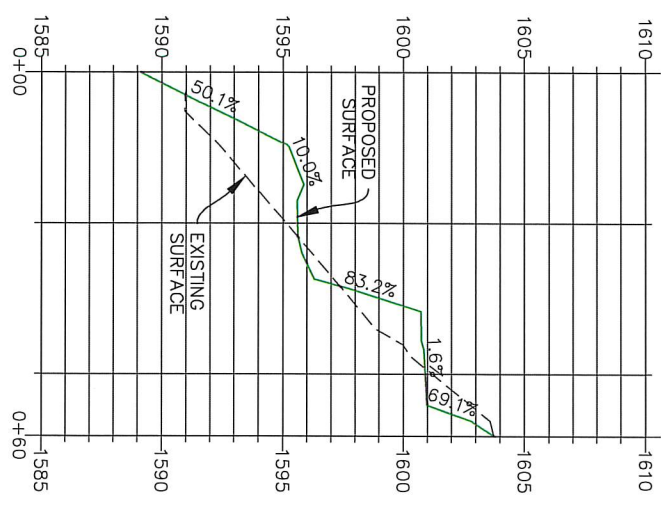


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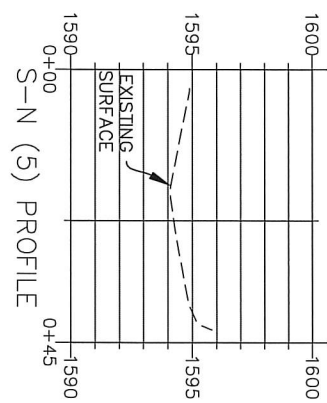
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S-N (2) PROFILE



W-E (5) PROFILE



S-N (5) PROFILE

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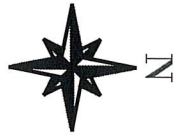
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CUP FILL	1.000	1.000	2432.17 Sq. Ft.	69.39 Cu. Yd.	65.50 Cu. Yd.	3.89 Cu. Yd.<Cut>
Totals			2432.17 Sq. Ft.	69.39 Cu. Yd.	65.50 Cu. Yd.	3.89 Cu. Yd.<Cut>

DATE	9/28/18
DESIGNER	CAHARRT
SCALE	NAT TO
SHEET	C2

NO.	NOTES	DATE

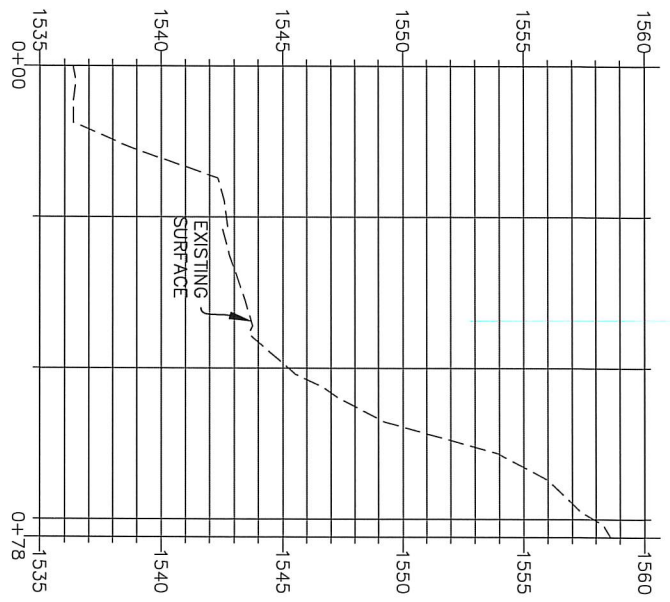
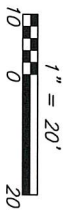
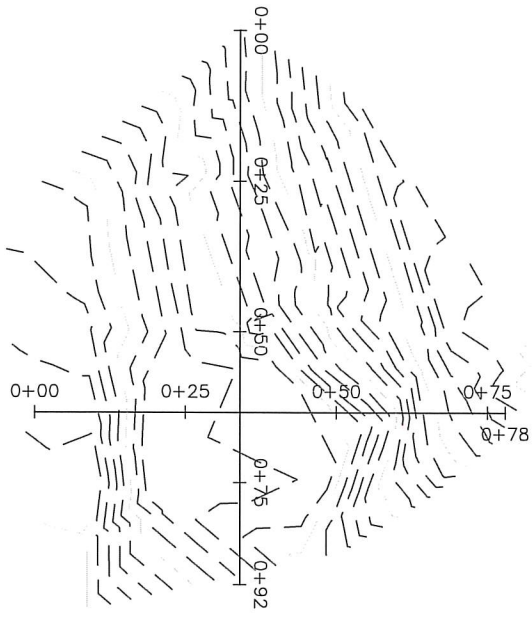
PROJECT INFORMATION	
PROJECT	RBC HOLDINGS, INC.
ADDRESS	1008 M and W RANCH ROAD
SHEET INFO	GRADING PLAN



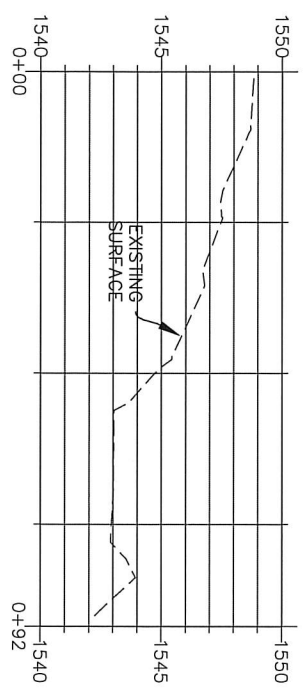


GRADING PLAN
 APN: 522-044-047

3

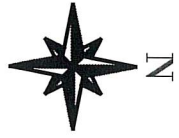


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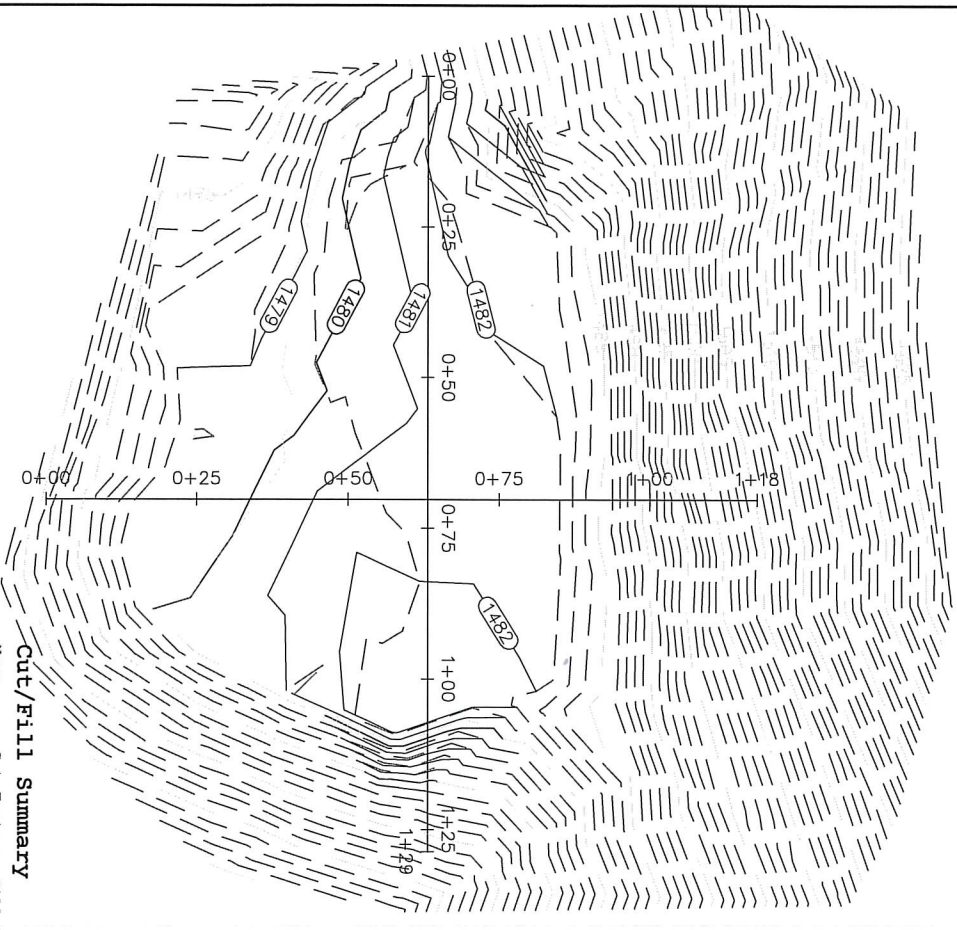
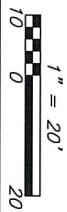
W-E (3) PROFILE

<p>PROJECT INFORMATION</p> <p>PROJECT: RBC HOLDINGS, INC. ADDRESS: 1008 M and W RANCH ROAD SHEET INFO: GRADING PLAN</p>		<p>GREEN ROAD CONSULTING</p>									
<p>DATE: 8/28/18 DESIGNER: CABARET SCALE: NOT TO SHEET: C3</p>											
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NO.	NOTES	DATE									



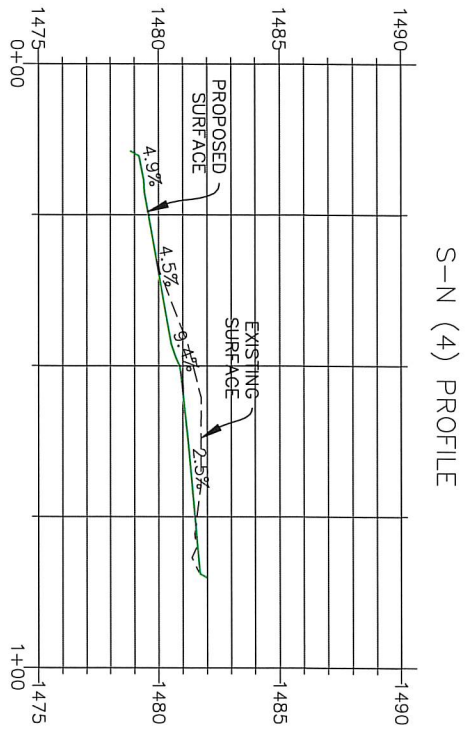
GRADING PLAN
APN: 522-044-047

4

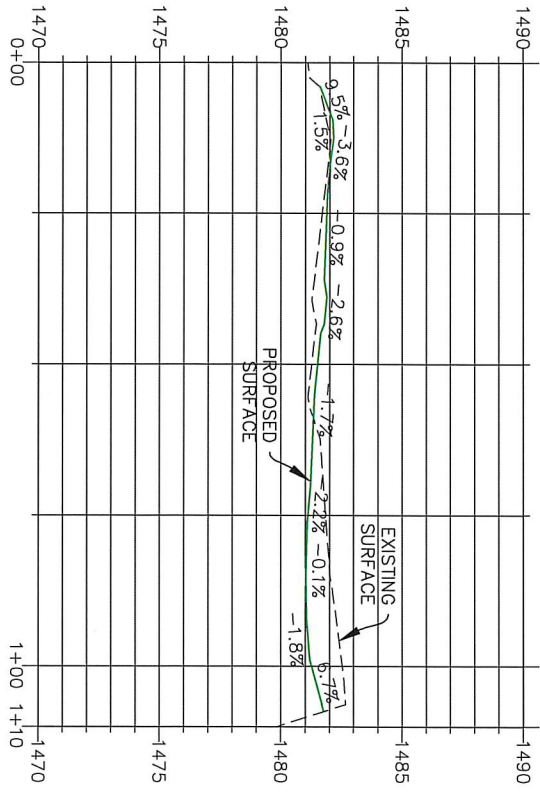


Cut/Fill Summary

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W-E (4) PROFILE



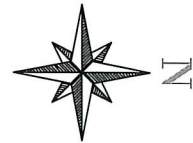
PROJECT INFORMATION

PROJECT: RBC HOLDINGS, INC.
ADDRESS: 1008 M and W RANCH ROAD
SHEET INFO: GRADING PLAN



DATE	DESIGNER	SCALE	SHEET
9/29/16	CAH		C4

RBC HOLDINGS, INC. PLOT PLAN
APN: 522-044-47



AGENT
 GREEN ROAD CONSULTING
 1650 CENTRAL AVE. SUITE C
 MCKINLEVILLE, CA 95519
 (707) 630-5041

NOTES:

1. PROPERTY LINES AND BUILDING LOCATIONS ARE APPROXIMATE AND BASED ON ASSESSOR MAPS AND AERIAL PHOTOS.
- ZONING: TPZ
- 2.1 FRONT SETBACK = 20'
- 2.2 REAR SETBACK = 30'
- 2.3 SIDE SETBACK = 20-30'
- 2.4 MAX. HT. = 35'
3. SITE AREA = ±18 ACRES
4. SITE WATER SUPPLY FROM RAIN CATCHMENT AND WELL.

PROJECT INFORMATION

SITE ADDRESS: 1008 M & W RANCH ROAD
 WILLOW CREEK, CA 95573
LAT/LONG: 40.9414, -123.6761
APN: 522-044-47
APPLICANT: RBC HOLDINGS, INC.
PARCEL SIZE: ±18 ACRES
ZONING: TPZ

PROJECT DIRECTIONS


FROM: WILLOW CREEK, CA
 HEAD SOUTH ON CA-96 TOWARD CA-299 E
 FOLLOW CA-299 WEST
 TURN RIGHT ONTO M AND W RANCH RD.
 2 MILES TO 1008 M AND W RANCH RD.

TRAVEL TIME

APPROXIMATELY 5.6 MILES (10 MIN)

Cut/Fill Summary

Name	Cut Factor	Fill Factor	2d Area	Cut	Fill	Net
CUT FILL	1.000	1.000				
#1			2,835.30 Sq. Ft.	55.76 Cu. Yd.	54.36 Cu. Yd.	1.37 Cu. Yd.<Fill>
#2			2,432.17 Sq. Ft.	69.39 Cu. Yd.	65.50 Cu. Yd.	3.89 Cu. Yd.<Cut>
#3			5,795.89 Sq. Ft.	55.73 Cu. Yd.	54.36 Cu. Yd.	1.37 Cu. Yd.<Cut>
Totals			11,063.36 Sq. Ft.	180.88 Cu. Yd.	174.22 Cu. Yd.	6.63 Cu. Yd.<Fill>

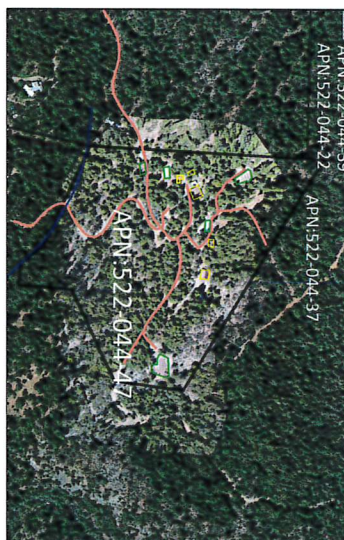
 <p>GREEN ROAD CONSULTING</p>	PROJECT INFORMATION												
	PROJECT ADDRESS SHEET INFO	RBC HOLDINGS, INC. 1008 M AND W RANCH ROAD, CA 95573 RBC HOLDING, INC. PLOT PLAN											
	DATE: 9/29/18 DRAWN BY: [blank] SCALE: [blank] SHEET: PP	<table border="1" style="width: 100%;"> <thead> <tr> <th>NO.</th> <th>REVISIONS</th> <th>DATE</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> </tbody> </table>	NO.	REVISIONS	DATE								
NO.	REVISIONS	DATE											

COVER PAGE
 APN: 522-044-47

PROJECT LOCATION



PARCEL OVERVIEW



PROJECT INFORMATION

APN: 522-044-47
 CLIENT: BRIAN SAYRE

PROJECT DIRECTIONS

FROM: WILLOW CREEK, CA
 HEAD SOUTH ON CA-96 TOWARD CA-299 E
 FOLLOW CA-299 WEST
 TURN RIGHT ONTO M AND W RANCH RD.
 2 MILES TO 1008 M AND W RANCH RD.

PARCEL INFORMATION:

PARCEL ZONE: TPZ
 PARCEL SIZE: ±18 ACRES
 IN COSTAL ZONE: N
 IN 100 YR FLOOD ZONE: N

SHEET INDEX

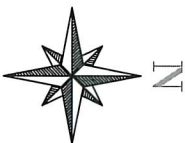
- C0 - COVER PAGE
- C1 - PLOT PLAN
- A1 - SHOP FLOOR PLAN
- A2 - SHOP ELEVATIONS
- A3 - SHED 1
- A4 - SHED 2
- A5 - SHED 3 FLOOR PLAN
- A6 - SHED 3 ELEVATIONS
- A7 - GREENHOUSE 1,2

AGENT:

GREEN ROAD CONSULTING
 1650 CENTRAL AVE. SUITE C
 MCKINLEVILLE, CA 95519
 707-630-5041

APPROXIMATELY 5.6 MILES 10 MIN

BUILDING SETBACKS:
 FRONT: 20'
 REAR: 30'
 SIDE: 20'
 MAX BUILDING HEIGHT: 35'
 MAX GROUND COVERAGE: NOT SPECIFIED



PROJECT INFORMATION		GREEN ROAD CONSULTING
PROJECT ADDRESS SHEET INFO	RBC HOLDINGS, INC. 1008 M AND W RANCH ROAD, CA 95573 COVER PAGE	
DATE	9/23/16	
DRAWN BY		
SCALE		
SHEET	C0	

RBC HOLDINGS, INC. SITE PLAN

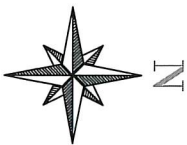
APN: 522-044-47



SYMBOL	DESCRIPTION
	Ceiling Fan
	Ventilation Fans: Ceiling Mounted, Wall Mounted
	Recessed: Heat Lamp, Low Voltage
	Wall Mounted Light Fixtures: Surface/Pendant, Chandelier Light Fixture
	Fluorescent Light Fixture
	240V Receptacle
	110V Receptacles: Duplex, Weather Proof, GFCI
	Switches: Single Pole, Weather Proof, 3Way, 4Way
	Switches: Dimmer, Timer
	Electrical Breaker Panel

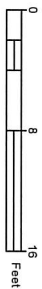
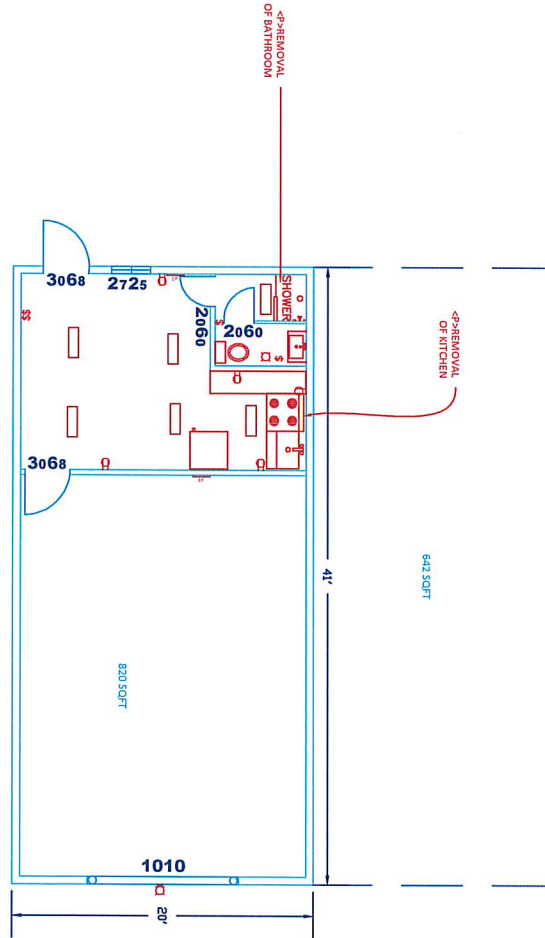
SQUARE FOOTAGE INDEX:

SHOP	FOOTPRINT	1,462 SQFT
	COVERED AREA	642 SQFT
	UNCONDITIONED SPACE	820 SQFT
SHED #1	FOOTPRINT	144 SQFT
	UNCONDITIONED SPACE	144 SQFT
SHED #2	FOOTPRINT	390 SQFT
	UNCONDITIONED SPACE	115 SQFT
	COVERED AREA	275 SQFT
SHED #3	FOOTPRINT	804 SQFT
	UNCONDITIONED SPACE	600 SQFT
	COVERED AREA	204 SQFT
GREENHOUSE 1	FOOTPRINT	1,000 SQFT
	UNCONDITIONED SPACE	1,000 SQFT
GREENHOUSE 2	FOOTPRINT	1,000 SQFT
	UNCONDITIONED SPACE	1,000 SQFT
TOTALS	FOOTPRINT	4,800 SQFT
	UNCONDITIONED SPACE	3,679 SQFT
	COVERED AREA	1,121 SQFT



	PROJECT INFORMATION	
	PROJECT	AOB RBC HOLDINGS, INC.
	ADDRESS	1008 M AND W RANCH ROAD, CA 95573
	SHEET INFO	RBC HOLDING, INC. SITE PLAN
DATE	9/23/16	
DRAWN BY		
SCALE		
SHEET		
C1		

SHOP FLOOR PLAN

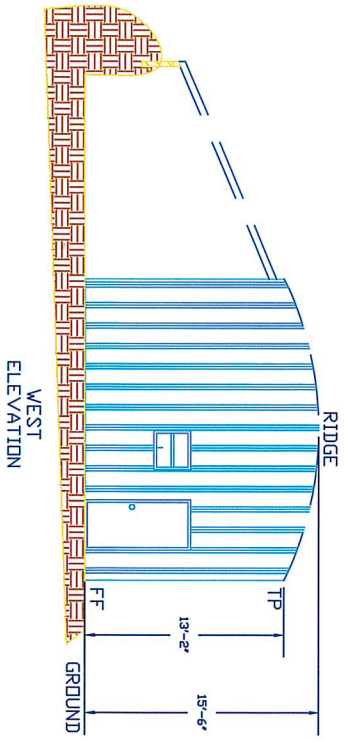


NO.	NOTES	DATE

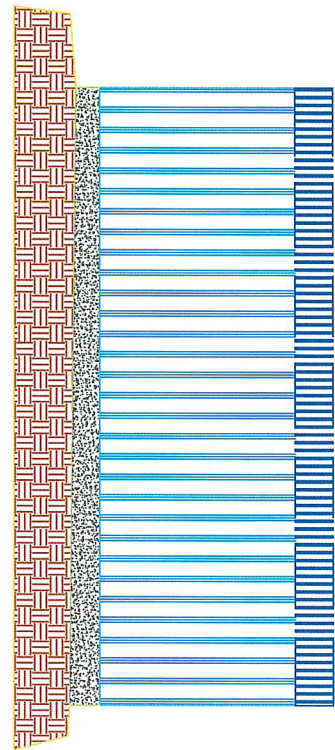
PROJECT INFORMATION	
PROJECT	RBC HOLDINGS, INC.
ADDRESS	1008 M AND W RANCH ROAD, CA 95573
SHEET INFO	SHOP FLOOR PLAN



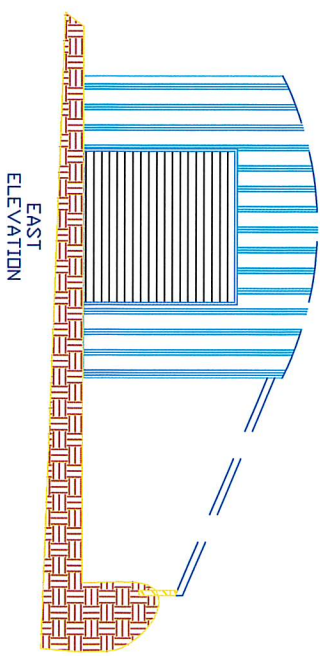
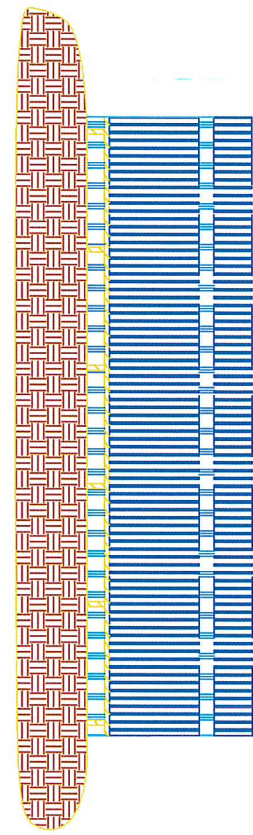
SHOP ELEVATIONS



SOUTH ELEVATION




NORTH ELEVATION

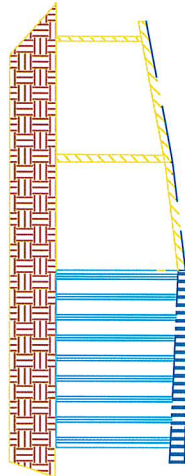
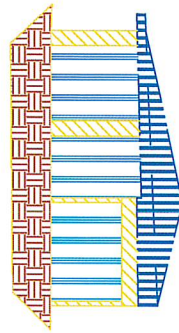
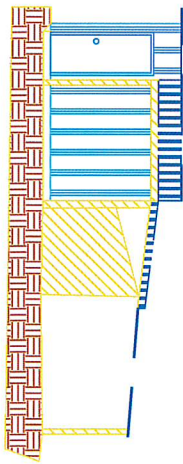
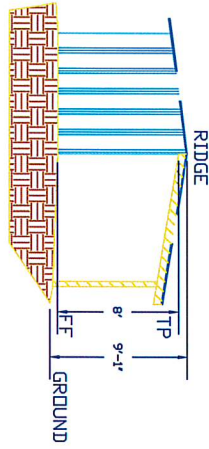
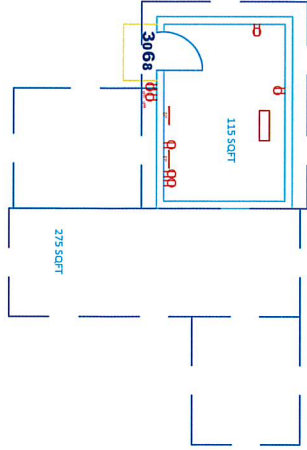


EAST ELEVATION



REVISIONS NO. NOTES DATE		PROJECT INFORMATION PROJECT RBC HOLDINGS, INC. ADDRESS 1008 M AND W RANCH ROAD, CA 95573 SHEET INFO SHOP ELEVATIONS		 GREEN ROAD CONSULTING
DATE	9/13/16			
DRAFTER	gp			
SCALE	1/8"			
SHEET	A2			

SHED #2

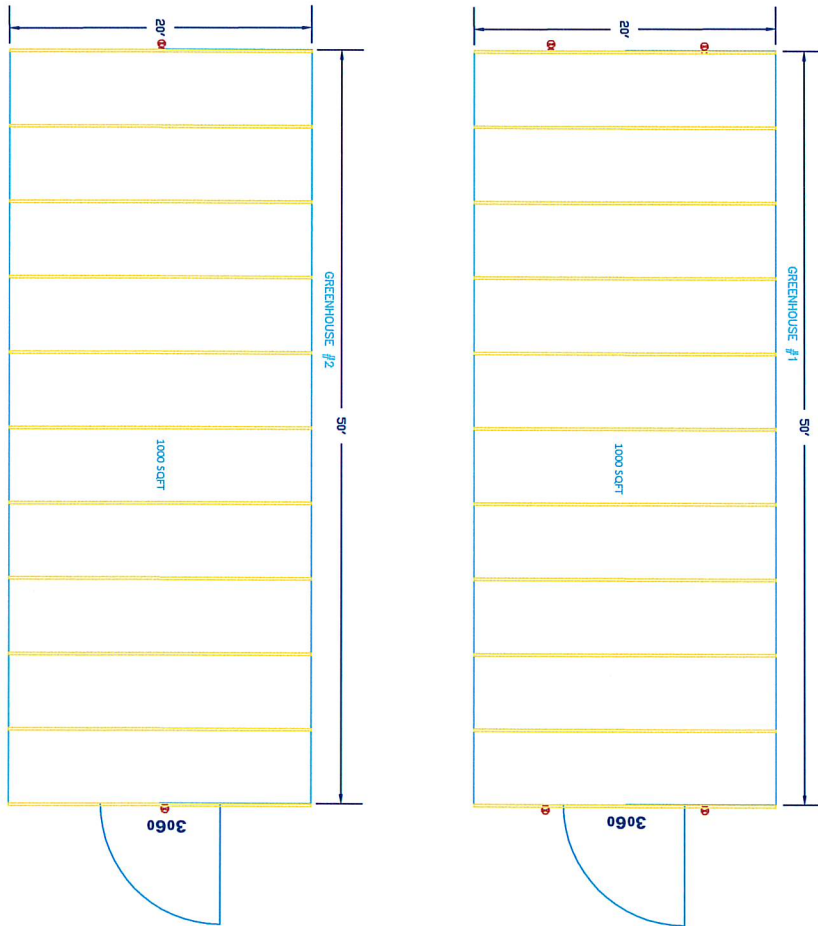



NO.	NOTES	DATE

PROJECT INFORMATION	
PROJECT	RBC HOLDINGS, INC.
ADDRESS	1008 M AND W RANCH ROAD, CA 95573
SHEET INFO	SHED #2



GREENHOUSE 1-2



DATE 9/12/16 DRAFTER R SCALE 1/4" = 1'-0" SHEET A7	PROJECT INFORMATION		 GREEN ROAD CONSULTING
	PROJECT	RBC HOLDINGS, INC.	
	ADDRESS	1008 M AND W RANCH ROAD, CA 95573	
	SHEET INFO	GREENHOUSE 1-2	
REVISIONS NO. NOTES DATE			

ATTACHMENT 4

Referral Agency Comments and Recommendations

Referral Agency	Response	Recommendation	Location
County Building Inspection Division	✓	Conditional Approval	Attached
County Public Works, Land Use Division	✓	Conditional Approval	Attached
County Division of Environmental Health	✓	Conditional Approval	Attached
NWIC	✓	Provided Comments	On file with Planning
Department of Fish and Wildlife	✓	Provided Comments	Attached
Regional Water Quality Control Board		None received	
Division of Water Resources		None received	
CALFIRE	✓	Conditional Approval	Attached
Hoop Valley Tribe		None received	
Tsnungwe Council	✓	Conditional Approval	On file with Planning
Klamath-Trinity Joint Unified School District	✓	Recommend Denial	Attached
Agriculture Commissioner		None received	
Sheriff		None received	
Caltrans District 1	✓	Provided Comments	Attached
Humboldt County District Attorney		None received	
United States Forest Service	✓	Recommended Denial	Attached



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

4/14/2017

PROJECT REFERRAL TO: Building Inspection Division

Project Referred To The Following Agencies:

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, Supervising Planner, Current Planning Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Hoopa Valley Tribe, Tsnungwe Council, Regional Water Quality Control Board, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, California Division of Water Resources, Klamath-Trinity Joint Union School District, Humboldt County Sheriff

Applicant Name RBC Holdings, LLC **Key Parcel Number** 522-044-047-000

Application (APPS#) 10891 **Assigned Planner** Rodney Yandell (707) 268-3732 **Case Number(s)** CUP16-749

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

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

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

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

Return Response No Later Than 4/29/2017

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

We have reviewed the above application and recommend the following (please check one):

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

Recommend Conditional Approval. Suggested Conditions Attached.

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

Recommend Denial. Attach reasons for recommended denial.

Other Comments: See Attached

DATE: 7-18-17

PRINT NAME: Gustav Dumlauer



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
BUILDING DIVISION

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



Building Division's Referral Comments for Cannabis Operations:

Application No.: 10891 CUP-16-749

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

Site/plot plan appears to be accurate.

Submit revised site/plot plan showing all of the following items: all grading including ponds and roads, location of any water course including springs, all structure including size and use and all setbacks from the above stated to each other and property lines.

Existing operation appears to have expanded, see comments: Plot Plan does not match site.

Existing structures used in the cannabis operation shall not to be used/occupied until all required permits have been obtained.

Proposed new operation has already started.

Recommend approval based on the condition that all required grading, building, plumbing electrical and mechanical permits and or Agricultural Exemption are obtained.

Other Comments: Unpermitted buildings in use

See photos in folder 572-044-047 @ CUP-16-749

Name: Gustin Dumlauer

Date: 7-18-17

Note: Remember to take photographs and then save them to the Planning's application number.

CUP-16-749



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

3015 H STREET EUREKA CA 95501 FAX: (707) 445-7446 PHONE: (707) 445-7245
<http://www.co.humboldt.ca.us/planning/>

**Planning Referral Comments
A# 10891**

- **Submit complete plan of operations, including any plans of employees, processing, or manufacturing.**
- **Secure all building permits for any tenant improvements, all non-permitted structures, and all proposed structures.**
- **Submit current plot plan showing all grading, pond building, and springs, with all structures on parcel, include dimensions of all structures, with declared use, and setbacks to property lines, roads, right of ways, and creeks and streams.**
- **Submit floor plans including dimensions with electrical, mechanical and plumbing details for all existing and proposed Ag exempt structures and an Ag Exempt letter of intent for each.**
- **Submit 2 complete sets of construction plans for all proposed buildings that are not AG exempt.**
- **Declare amount in cubic yards of all grading that has been done and any proposed grading.**
- **Applicant needs to submit additional information based on application required for Building Department permits such as; Grading, Building, Ag exempt structures, Commercial grow processing structures, etc.,**



M

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

4/14/2017

PROJECT REFERRAL TO: Building Inspection Division

Project Referred To The Following Agencies:

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, Supervising Planner, Current Planning Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Hoopa Valley Tribe, Tsungwe Council, Regional Water Quality Control Board, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, California Division of Water Resources, Klamath-Trinity Joint Union School District, Humboldt County Sheriff

Applicant Name RBC Holdings, LLC **Key Parcel Number** 522-044-047-000

Application (APPS#) 10891 **Assigned Planner** Rodney Yandell (707) 268-3732 **Case Number(s)** CUP16-749

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

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

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

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

Return Response No Later Than 4/29/2017 Planning Commission Clerk
County of Humboldt Planning and Building Department
3015 H Street
Eureka, CA 95501
E-mail: PlanningClerk@co.humboldt.ca.us **Fax:** (707) 268-3792

We have reviewed the above application and recommend the following (please check one):

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

Recommend Conditional Approval. Suggested Conditions Attached.

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

Recommend Denial. Attach reasons for recommended denial.

Other Comments: Made Contact w/ Consultant, Applicant will Reschedule
See attached comments.

DATE: 4-24-17 PRINT NAME: Gustin Dunker



DEPARTMENT OF PUBLIC WORKS
C O U N T Y O F H U M B O L D T

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

ARCATA-EUREKA AIRPORT TERMINAL
McKINLEYVILLE
FAX 839-3596

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

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

AVIATION 839-5401

ADMINISTRATION 445-7491
BUSINESS 445-7652
ENGINEERING 445-7377
FACILITY MAINTENANCE 445-7493

NATURAL RESOURCES 445-7741
NATURAL RESOURCES PLANNING 267-9540
PARKS 445-7651
ROADS & EQUIPMENT MAINTENANCE 445-7421

LAND USE 445-7205

LAND USE DIVISION INTEROFFICE MEMORANDUM

TO: Caitlin Castellano, Planner, Planning & Building Department

FROM: Kenneth M. Freed, Assistant Engineer *KMF*

DATE: 08/24/2018

RE: RBC HOLDINGS, LLC; APN 522-044-037, CUP16-749, APPS# 10891

The Department of Public Works has received a road evaluation report for the above project. The results of the road evaluation report are as follows:

Road Name & Limits	Maintained By:	Investigated By & Report Date:	Public Works Comments and Recommendations
Brannon Mountain Road [From Creekside Lane (P.M. 0.4) to End (P.M. 5.89)]	<input checked="" type="checkbox"/> County <input type="checkbox"/> Other	Nancy Atkinson on June 6, 2018 and July 24, 2018	The road is not adequate as is. The improvements recommended in the road evaluation report must be constructed/ implemented as part of the project.

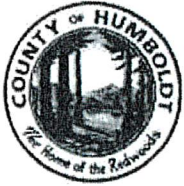
The maintained road log for Brannon Mountain states that the County maintains from State Hwy 96 (P.M. 0.0) to the National Forest Boundary (at P.M. 5.0). Then from the National Forest Boundary (P.M. 5.0) to the End (P.M. 5.89).

All recommendations in the Road Evaluation Report submitted to the Humboldt County Planning Division on June 7, 2018, by Pacific Watershed Associates, Inc dated June 2018 (and Addendum 2 dated July 2018) for Brannon Mountain Road shall be implemented to the satisfaction of the Public Works Department prior to commencing operations, final sign-off for a building permit, or approval for a business license. Applicant shall contact the Department of Public Works prior to ordering the required signage. Applicant will be required to pay for all required signage. The County sign shop shall install all required signs, as required by the above mentioned report to the satisfaction of the Public Works Department.

Note: There may be other projects that have been conditioned to improve the road(s). Prior to constructing any improvements or implementing any neighborhood traffic management plan, the Department recommends that the applicant determine what work has already been accomplished so that efforts are not duplicated.

// END //

u:\pwrk_landdevprojects\referrals\522-044-037 road evaluation report response.docx



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



DEH received
4-18-17

PROJECT REFERRAL TO: Health and Human Services Environmental Health Division

16/17-1022

Project Referred To The Following Agencies:

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, Supervising Planner, Current Planning Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Hoopa Valley Tribe, Tsungwe Council, Regional Water Quality Control Board, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, California Division of Water Resources, Klamath-Trinity Joint Union School District, Humboldt County Sheriff

Applicant Name RBC Holdings, LLC **Key Parcel Number** 522-044-047-000

Application (APPS#) 10891 **Assigned Planner** Rodney Yandell (707) 268-3732 **Case Number(s)** CUP16-749

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

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

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

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

Return Response No Later Than Planning Commission Clerk
County of Humboldt Planning and Building Department
3015 H Street
Eureka, CA 95501
E-mail: PlanningClerk@co.humboldt.ca.us **Fax:** (707) 268-3792

We have reviewed the above application and recommend the following:

Conditional Approval

Comments:

Prior to renewal of permit submit to DEH invoices for service, or copy of contract confirming sufficient use of portable toilet(s) to serve cultivation/processing operator for duration of first year or provide written assessment from a qualified septic consultant confirming a Tier 0 status for the existing onsite septic serving the dwelling.

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

Response Date: 6/28/2017 **Recommendation By:** Mario Kalson



From: Bocast, Kalyn@Wildlife [<mailto:Kalyn.Bocast@Wildlife.ca.gov>]
Sent: Friday, April 28, 2017 2:59 PM
To: Yandell, Rodney
Cc: Bauer, Scott@Wildlife; Planning Clerk
Subject: RBC Holdings LLC Conditional Use Permit Application-APPS 10891

Hello Rodney,

Thank you for referring the RBC Holdings, LLC Conditional Use Permit application (APPS 10891, Project) to the California Department of Fish and Wildlife (CDFW) for review and comment. The Project consists of 10,000 square feet of existing outdoor and 2,000 square feet of existing mixed-light cannabis cultivation on parcel 522-044-047. Water for irrigation is currently sourced from a point of diversion on Anton Creek. The applicant will be abandoning the diversion in 2018 and transitioning to the use of a rainwater catchment system to supply water to the cultivation site for future use. There is a well on site that is not used, due to its poor volumetric capacity. The applicant has 25,000 gallons of hard tank storage and 50,000 gallons of bladder storage. The applicant has filed an Initial Statement of Water Diversion and Use with the Division of Water Rights. The applicant has submitted an Enrollment Notice of Intent Form for the Commercial Waste Discharge Regulatory Program (CCWDRP) administered by the North Coast Regional Water Quality Control Board. The applicant has also filed a Notification of a Lake or Streambed Alteration with the Department of Fish and Wildlife.

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

- A Final Streambed Alteration Agreement (1600-2016-0080) was issued to the applicant on 07/06/2016. According to CDFW records, the applicant is currently out of compliance due to a failure to meet the reporting requirements of the Agreement. CDFW recommends as a condition of project approval, that the applicant provide all requested reporting information, pursuant to the Agreement, to CDFW.
- According to the Lake or Streambed Alteration Notification filed with the Department of Fish and Wildlife on 02/29/2016, the applicant had a total existing cultivation area of 4,000 square feet with a present zoning of Timberland Production (TPZ).
- Sensitive fish resources that exist within the project vicinity include: Fisher (*Pekania pennanti*), Northern Red-legged frog (*Rana aurora*), Tailed frog (*Ascaphus truei*), Foothill yellow legged frog (*Rana boylei*), and Southern Torrent Salamander (*Rhyacotriton variegatus*).

Thank you for the opportunity to comment on this Project. Please contact me if you need additional information.

Sincerely,

Kalyn Bocast
Environmental Scientist
Watershed Enforcement Team
California Department of Fish and Wildlife
619 2nd Street
Eureka, CA 95501
(707) 441-2077

From: Salazar, Kim@CALFIRE [<mailto:Kim.Salazar@fire.ca.gov>]
Sent: Monday, April 17, 2017 9:40 AM
To: Moxon, Delilah
Subject: CANNABIS, APN#522-044-047-000

STATE OF CALIFORNIA—THE RESOURCES AGENCY

EDMUND G. BROWN, JR., Governor

DEPARTMENT OF FORESTRY AND FIRE PROTECTION

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



Ref: 7100 Planning
Date: April 17, 2017

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

Attention: Rodney Yandell
Applicant: RBC Holdings, LLC
APN: 522-044-047-000
Area: Willow Creek
Case Numbers: CUP16-749

Humboldt County Application #: 10891
Type of Application: Conditional Use Permit
Date Received: 4/17/2017
Due Date: 4/29/2017

Project Description: The applicant is seeking a Conditional Use Permit for 10,000 square feet of outdoor cannabis cultivation and 2,000 square feet of mixed-light cannabis cultivation (12,000 square feet in total). Plants are harvested and dried in the shop then they are machine trimmed outside and returned to the shop for curing. All processing is completed by the applicant and no employees are utilized. The applicant is also seeking an off-site licensed processing facility for future use. Water is currently sourced for irrigation from the applicant's point of water diversion from Anton Creek on the property. The applicant will be abandoning the diversion from Anton Creek in 2018 and transitioning to the use of a rainwater catchment system to supply water to the cultivation for future use. There is also a wall on the property that is not used due to its low volumetric capacity. The applicant has 25,000 gallons of hard tank storage and 50,000 gallons of bladder storage. The applicant has filed an Initial Statement of Water Cannabis Waste Discharge Regulatory Program (CCWDRP) administered by the North Coast Regional Water Quality Control Board (RWQCB). The applicant has also filed a Notification of Lake or Streambed Alteration (1600 Permit) with the Department of Fish and Wildlife.

Mr. Ford,

The California Department of Forestry and Fire Protection (CALFIRE) provides these standard project review comments on the above noted project.

Cannabis

General:

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

Local Responsibility Areas:

Should this project include Local Responsibility Area (LRA) lands, CALFIRE has no direct fire safe input on those parcels. However, in those areas with LRA parcels adjacent to State Responsibility Area (SRA) land, CALFIRE recommends that local standards be applied that are consistent with those CALFIRE makes for SRA lands. Also CAL FIRE is the primary command and control dispatch, for most local agency fire districts and departments.

State Responsibility Areas:

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

1. Agricultural cannabis growing operations medicinal or commercial shall have an easily accessible material safety data sheet (MSDS) or safety data sheet (SDS) for all chemicals and hazardous materials on site. Posted (NFPA 704) Placard clearly visible to emergency responders
2. California code of regulations Health and Safety (CCR 11362.769.) Indoor and outdoor medical marijuana cultivation shall be conducted in accordance with state and local laws related to land conversion, grading, electricity usage, water usage, water quality, woodland and riparian habitat protection, agricultural discharges, and similar matters. State agencies, including, but not limited to, the State Board of Forestry and Fire Protection, the Department of fish and Wildlife, the State Water Resources Control Board, the California regional water quality control boards, and traditional state law enforcement agencies shall address environmental impacts of medical marijuana cultivation and shall coordinate, when appropriate, with cities and counties and their law enforcement agencies in enforcement efforts.
3. International Fire Code (N101.1 Scope) Marijuana growing and extraction shall be in accordance with this chapter, of the International Building Code, and the International Mechanical Code. Cryogenic fluids shall comply with Chapter 55. Compressed gases shall comply with Chapter 53. Flammable and combustible liquids shall comply with Chapter 57. Hazardous materials shall comply with Chapter 50. LP-gas shall comply with Chapter 61 and the International Fuel Gas Code. All applicable California State Fire Marshal standards and regulations for the designated occupancy must be met.
4. Growing marijuana and the extracting of oils
Extraction of marijuana oils; All materials hazardous and non-hazardous associated with the extraction process shall be utilized in conformance of the law and fire safe codes.

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

By: Planning Battalion
CALFIRE Humboldt – Del Norte Unit

For **Hugh Scanlon**, Unit Chief

FIRE SAFE

General:

CALFIRE has responsibility for enforcement of Fire Safe Standards as required by Public Resources Code (PRC) 4290 and 4291. However CALFIRE is not the lead agency in planning development and project permitting. CALFIRE

provides input as a contributing agency, generally limited to plan review, and is not the approving agency for these projects.

Local Responsibility Areas:

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

State Responsibility Areas:

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

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

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

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

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

Subdivisions increase fire risks from additional people and increase probable dollar losses in the event of fire due to added structures and improvements.
5. If the project expects to produce densities consistent with a major subdivision, the impacts on all infrastructures should be mitigated. Local government more appropriately provides the responsibility for high-density area protection and services. Annexation or inclusion into Local Responsibility Area should be studied as well.
6. CALFIRE does not support development in areas where there is no local agency fire service for structure fires and emergency medical response. Fire services should be extended into service gap areas as a

condition of development. New development can adversely impact existing fire services. Careful consideration must be given where development may overload the local fire service's ability to respond.

RESOURCE MANAGEMENT

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

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

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

Cannabis

General:

CALFIRE has responsibility for enforcement of Fire Safe Standards as required by Public Resources Code (PRC) 4290 and 4291. CALFIRE is not the lead agency in planning development and project permitting. However,

CALFIRE provides comment as an emergency response expert agency, generally limited to plan review, and is not the approving agency for these projects.

Local Responsibility Areas:

Should this project include Local Responsibility Area (LRA) lands, CALFIRE has no direct fire safe input on those parcels. However, in those areas with LRA parcels adjacent to State Responsibility Area (SRA) land, CALFIRE recommends that local standards be applied that are consistent with those CALFIRE makes for SRA lands. Also CAL FIRE is the primary command and control dispatch, for most local agency fire districts and departments.

State Responsibility Areas:

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

1. Agricultural cannabis growing operations medicinal or commercial shall have an easily accessible material safety data sheet (MSDS) or safety data sheet (SDS) for all chemicals and hazardous materials on site. Posted (NFPA 704) Placard clearly visible to emergency responders

2. California code of regulations Health and Safety (CCR 11362.769.) Indoor and outdoor medical marijuana cultivation shall be conducted in accordance with state and local laws related to land conversion, grading, electricity usage, water usage, water quality, woodland and riparian habitat protection, agricultural discharges, and similar matters. State agencies, including, but not limited to, the State Board of Forestry and Fire Protection, the Department of fish and Wildlife, the State Water Resources Control Board, the California regional water quality control boards, and traditional state law enforcement agencies shall address environmental impacts of medical marijuana cultivation and shall coordinate, when appropriate, with cities and counties and their law enforcement agencies in enforcement efforts.

3. International Fire Code (N101.1 Scope) Marijuana growing and extraction shall be in accordance with this chapter, of the International Building Code, and the International Mechanical Code. Cryogenic fluids shall comply with Chapter 55. Compressed gases shall comply with Chapter 53. Flammable and combustible liquids shall comply with Chapter 57. Hazardous materials shall comply with Chapter 50. LP-gas shall comply with Chapter 61 and the International Fuel Gas Code. All applicable California State Fire Marshal standards and regulations for the designated occupancy must be met.

4. Growing marijuana and the extracting of oils

Extraction of marijuana oils; All materials hazardous and non-hazardous associated with the extraction process shall be utilized in conformance of the law and fire safe codes.

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

By: Planning Battalion
CALFIRE Humboldt – Del Norte Unit

For **Hugh Scanlon**, Unit Chief



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

4/14/2017

PROJECT REFERRAL TO: Klamath-Trinity Joint Union School District

Project Referred To The Following Agencies:

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, Supervising Planner, Current Planning Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Hoopa Valley Tribe, Tsnungwe Council, Regional Water Quality Control Board, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, California Division of Water Resources, Klamath-Trinity Joint Union School District, Humboldt County Sheriff

Applicant Name RBC Holdings, LLC **Key Parcel Number** 522-044-047-000

Application (APPS#) 10891 **Assigned Planner** Rodney Yandell (707) 268-3732 **Case Number(s)** CUP16-749

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

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

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

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

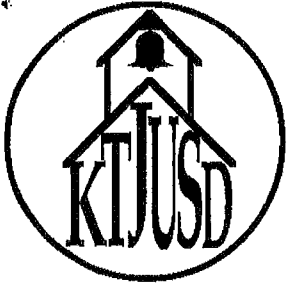
Return Response No Later Than 4/29/2017 Planning Commission Clerk
 County of Humboldt Planning and Building Department
 3015 H Street
 Eureka, CA 95501
E-mail: PlanningClerk@co.humboldt.ca.us **Fax:** (707) 268-3792

We have reviewed the above application and recommend the following (please check one):

- Recommend Approval. The Department has no comment at this time.
- Recommend Conditional Approval. Suggested Conditions Attached.
- Applicant needs to submit additional information. List of items attached.
- Recommend Denial. Attach reasons for recommended denial.

Other Comments: _____

DATE: 4/19/17 PRINT NAME: Jon Ray



Klamath-Trinity Joint Unified School District

P. O. BOX 1308 + HOOPA, HUMBOLDT COUNTY, CALIFORNIA 95546

JON RAY
Superintendent

Telephone (530) 625-5600

FAX (530) 625-5611

Web address: <http://www.ktjUSD.k12.ca.us>

Dear Rodney Yandell:

We write in opposition to the Planning Commission's approval of project number CUP16-749. As concerned citizens of Hoopa and guardians entrusted with schoolchildren of all ages, the Klamath-Trinity Joint Unified School District ("KTJUSD") is deeply opposed to the proposed rezoning of Key Parcel Number, 522-044-047-000, which would permit cannabis cultivation. As described in detail below, the proposed rezoning is contrary to the community's, the District's, and the state's compelling interest in deterring drug abuse by schoolchildren.

Current law contains relatively few limitations concerning the cultivation and processing of marijuana. As you know, on November 8, 2016, California voters passed Proposition 64, the "Control, Regulate, and Tax Adult Use of Marijuana Act" ("Act"), which legalized the growth and personal use of marijuana. The Act also included provisions related to the sale, transportation, and taxation of marijuana. For example, the Act prohibits marijuana businesses from being located within 600 feet of schools, day cares, or youth centers. (*See* Cal. Bus. & Prof. Code § 26054.) Likewise, the California Health & Safety Code states in pertinent part:

No medical marijuana cooperative, collective, dispensary, operator, establishment, or provider who possesses, cultivates, or distributes medical marijuana... shall be located within a 600-foot radius of a school. (Cal. Health & Safety Code § 11362.768(b).)

Although authority specific to marijuana is limited, the regulation of other substances and activities through statutes and case law provides useful guidance. For example, regarding alcoholic beverages, the California Department of Alcoholic Beverage Control ("Department") may, in its discretion, license and regulate the sale of alcohol, and may specifically refuse to issue licenses for premises located within 600 feet of schools. (*See* Cal. Bus. & Prof. Code § 23789; *see generally* Cal. Const., Art. XX § 22; Cal. Bus. & Prof. Code § 23051; Cal. Bus. & Prof. Code § 23789.)

Case law illustrates the importance of such restrictions. For instance, in *Weiss v. State Board of Equalization*, the California Supreme Court upheld the denial of an off-sale license at premises within 80 feet of a school, stating that, "a reasonable person could conclude that the sale of liquor on such premises would adversely affect the public welfare and morals." (*Weiss v. State Bd. of Equalization* (Cal. 1953) 40 Cal.2d 772, 775-776; *see also* Cal. Const., Art. XX § 22.) Similarly, the California Court of Appeal in *Donia v. Alcoholic Beverage Control Appeals Board* upheld the Department's denial of a license to a convenience store located near an elementary school in a low-income area, recognizing that, "there is considerable expert evidence of the recognized effects of off-sale outlets on public drinking, the associated police problems and the psychological effect of public drinking on children." (*Donia v. Alcoholic Bev. Control Appeals Bd.* (Cal. App. 1985) 167 Cal.App.3d 588, 596.)

Courts have also discussed the important state interest in deterring drug use by schoolchildren. For example, the United States Supreme Court recognized that deterring drug use by schoolchildren is an, "important – indeed, perhaps compelling" interest, reasoning that, "[d]rug abuse can cause severe and permanent damage to the health and well-being of young people." (*Morse v. Frederick* ("*Morse*") (2007) 551 U.S. 393, 407.) Specifically, the Court stated:

School years are the time when the physical, psychological, and addictive effects of drugs are most severe. Maturing nervous systems are more critically impaired by intoxicants than mature ones are; childhood losses in learning are lifelong and profound; children grow chemically dependent more quickly than adults, and their record of recovery is depressingly poor. And of course the effects of a drug-infested school are visited not just upon the users, but upon the entire student body and faculty, as the educational process is disrupted. (*Id.*)

The court in *Morse* concluded, "[t]he drug abuse problem among our Nation's youth has hardly abated... [i]n fact, evidence suggests that it has only grown worse." (*Id.*)

The Court's cautionary language in *Morse* is particularly applicable to District students. As you may be aware, in December, 2016, Colorado State University studied drug use among District students.¹ That study revealed alarming and widespread use of marijuana and other substances among the District's students. For example, the study found that the following students used marijuana in the month prior to the study:

18.6% of Hoopa Valley Elementary School ("HVES") 7th and 8th grade students;
16.4% of Hoopa Valley High School ("HVHS") 9th and 10th grade students; and,
32.5% of HVHS 11th and 12th grade students.

Additionally, the study revealed that 36.8% of Hoopa Valley Elementary School Students reported that most of their friends use marijuana.

The study also revealed that District students are likely susceptible to the use and abuse of many other substances. For example, the study found that the following students used alcohol in the month prior to the study:

17.1% of HVES 7th and 8th grade students;
17.1% of HVHS 9th and 10th grade students; and,
29.5% of HVHS 11th and 12th grade students.

The following students had been drunk in the month prior to the study:

8.6% of HVES 7th and 8th grade students;
10.3% of HVHS 9th and 10th grade students; and,
16.7% of HVHS 11th and 12th grade students.

¹ See *Drug and Alcohol Use Among Hoopa Valley Elementary School 7th – 8th Graders, Fall 2016*, CSU: Tri-Ethnic Center for Prevention Research, Dept. of Psychology.

The following students had smoked cigarettes in the month prior to the study:

11.4% of HVES 7th and 8th grade students;
5.1% of HVHS 9th and 10th grade students; and,
13.9% of HVHS 11th and 12th grade students.

The following students used inhalants (glue, gas, sprays, etc.) in the month prior to the study:

10.0% of HVES 7th and 8th grade students;
0.9% of HVHS 9th and 10th grade students; and,
3.8% of HVHS 11th and 12th grade students.

The following students used LSD in the month prior to the study:

1.3% of HVHS 11th and 12th grade students.

The following students used other hallucinogens (peyote, shrooms, etc.) in the month prior to the study:

1.4% of HVES 7th and 8th grade students; and,
2.6% of HVHS 11th and 12th grade students.

The following students used amphetamines (Ritalin, Adderall, etc.) without a doctor's orders in the month prior to the study:

4.3% of HVES 7th and 8th grade students;
1.7% of HVHS 9th and 10th grade students; and,
2.6% of HVHS 11th and 12th grade students.

The following students used crystal meth (ice) in the month prior to the study:

0.9% of HVHS 9th and 10th grade students; and,
1.3% of HVHS 11th and 12th grade students.

The following students used tranquilizers (Valium, Xanax, Klonopin, etc.) without a doctor's order in the month prior to the study:

0.9% of HVHS 9th and 10th grade students; and,
2.6% of HVHS 11th and 12th grade students.

The following students used cocaine (powdered form) in the month prior to the study:

0.9% of HVHS 9th and 10th grade students; and,
3.8% of HVHS 11th and 12th grade students.

The following students used cocaine (crack or freebase) in the month prior to the study:

1.4% of HVES 7th and 8th grade students; and,
0.9% of HVHS 9th and 10th grade students.

The following students used heroin in the month prior to the study:

1.7% of HVHS 9th and 10th grade students.

The following students used narcotics other than heroin (Morphine, Vicodin, Oxycontin, etc.) without a doctor's orders in the month prior to the study:

4.3% of HVHS 9th and 10th grade students; and,
5.1% of HVHS 11th and 12th grade students.

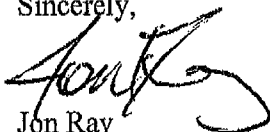
Notably, the percentage of HVES 7th and 8th grade students, the youngest students who participated in the study, who used illegal substances in the one-year period prior to the study was even greater. For example:

26.1% used alcohol;
18.6% had been drunk;
28.6% used marijuana;
11.4% used inhalants (glue, gas, sprays, etc.);
1.4% used LSD;
4.3% used other hallucinogens (peyote, shrooms, etc.);
5.7 used amphetamines (Ritalin, Adderall, etc.) without a doctor's order;
4.3% used crystal meth (ice);
2.9% used tranquilizers (Valium, Xanax, Klonopin, etc.) without a doctor's orders;
4.3% used cocaine (powdered form);
1.4% used cocaine (crack or freebase);
1.4% used heroin; and,
4.3% used narcotics other than heroin (Morphine, Vicodin, Oxycontin, etc.) without a doctor's orders .

The cultivation of marijuana, or presence of marijuana processing facilities, near District bus stops and other school facilities is harmful to the compelling state interest in deterring drug use by school children. Approval of project number CUP16-749 in such close proximity to Klamath-Trinity's school facilities will exacerbate the problem of marijuana use among District students. This location is particularly concerning, as many students are required to walk long distances to reach their assigned bus stop, and can be unsupervised at those bus stops. Allowing cultivation of marijuana, or factories processing marijuana, in such close proximity to schoolchildren increases the probability that those children will be exposed to marijuana, and therefore places those children at risk of increased drug use. As a result, we respectfully request the Planning Commission reject that project.

Thank you in advance for your consideration. If we can provide any additional information, please do not hesitate to call.

Sincerely,



Jon Ray

Klamath-Trinity Joint Unified School District



From: ROBERTSON, JESSE GRAHAM@DOT
To: [Nielsen, Michelle](#); [Yandell, Rodney](#); [Planning Clerk](#)
Cc: [Van Bonn, James T@DOT](#)
Subject: Caltrans" Comments re: RBC Holding Co Cannabis CUP (APN: 522-044-047) - 1 HUM 299 PM 35.24
Date: Wednesday, February 21, 2018 4:21:42 PM
Attachments: [1 HUM 299 PM 35.24 RBC CUP Letter 02212018.pdf](#)
[EP Appendix J \(WEB\).pdf](#)
[1 HUM 299 PM 35.55 maps_rwe_1811.pdf](#)
[1 HUM 299 PM 35.0 maps_rwe_1810.pdf](#)

Michelle,

Attached are Caltrans' comments regarding the RBC Holding Co Cannabis Conditional Use Permit, adjacent to State Route 299 at post-mile 35.24. A print copy will be mailed to you. Please contact me with questions or for further assistance with the comments provided.

Jesse Robertson
Transportation Planning
Caltrans District 1
707-441-4693

DEPARTMENT OF TRANSPORTATION

DISTRICT 1, P. O. BOX 3700
EUREKA, CA 95502-3700
PHONE (707) 441-4693
FAX (707) 445-6314
TTY 711



*Making Conservation
a California Way of Life.*

February 21, 2018

1-HUM-299-35.24
RBC Holding CUP
APN: 522-044-047

Michelle Nielsen, Senior Planner
Planning & Building Department
County of Humboldt
3015 H Street
Eureka, CA 95501

Dear Ms. Nielsen:

Thank you for giving Caltrans the opportunity to review and comment on the RBC Holding LLC's request for a Conditional Use Permit to cultivate 12,000 square feet of cannabis in both outdoor and mixed light settings. The project is located west of the community of Willow Creek at 1008 M&W Road. We offer the following comments:

- The project referral includes an address for the project site on M&W Road with driving directions from Willow Creek via State Route 299. The existing driveway connection to State Route 299 does not meet State standards for either commercial or public road approach and we have no record of the encroachment permit issued for its construction. We have a number of concerns related to the suitability of the existing driveway for the proposed usage:
 - The existing driveway was not constructed to current standards and would need to be widened for two-way traffic, meet sight-distance requirements, intersect SR 299 at a 90-degree angle, and be paved to a minimum of 20 feet from the edge of the existing traveled way. See appendix J of the Caltrans encroachment Permit Manual for commercial road approach standards:
< [http://www.dot.ca.gov/trafficops/ep/docs/Appendix_J_\(WEB\).pdf](http://www.dot.ca.gov/trafficops/ep/docs/Appendix_J_(WEB).pdf)>;
 - The topography within the section of highway where the driveway connects is constrained by steep slopes. Improving the driveway to current road approach standards may result in high construction costs and create additional environmental impacts. Caltrans will require an adopted environmental document with consideration of driveway construction impacts as a pre-requisite for an encroachment permit.
 - Prior to the State issuing an encroachment permit to improve the existing road connection, the applicant will need to demonstrate that they have been granted the necessary easements to use M&W Road which demonstrates that the applicant has permission to cross all intervening parcels.
- If the applicant is unable to build a standard road connection to State Route 299, we recommend one of the following alternatives:

*"Provide a safe, sustainable, integrated and efficient transportation system
to enhance California's economy and livability"*

- The County establish a road association for the purposes of improving and maintaining M&W Road to a state of good repair, including the connection to State Route 299. By doing so, the County would sponsor (fund) the necessary road improvement projects to allow for commercial or public use on behalf of multiple properties;
 - The County adopt (and improve) M&W Road as part of the County public road system on behalf of all parcels accessing State Route 299 at post-mile 35.24 (+/-). The cost of a larger-scale improvement project at the connection with Route 299 could be shared by all parties in interest;
 - The County consider requiring the applicant to take access from Brannan Mountain Road, assuming that the necessary deeded easements can be obtained; or,
 - Relocate the cannabis cultivation operation to a location with a legal, conforming access that is adequate to serve the proposed use.
- Any work within Caltrans Right-of-Way will require an Encroachment Permit from Caltrans. Applications are reviewed for consistency with State standards and are subject to Department approval. To streamline the permit application and review process, we encourage the applicant to consult with our Permit staff prior to submitting an application. Requests for permit applications can be sent to: Caltrans District 1 Permits Office, P.O. Box 3700, Eureka, CA 95502-3700, or requested by phone at (707) 445-6389. For additional information, the Caltrans Permit Manual is available online at:
<<http://www.dot.ca.gov/hq/traffops/developserv/permits/>>.

Please contact me with questions or for further assistance regarding the above comments at (707) 441-4693 or at: <jesse.robertson@dot.ca.gov>.

Sincerely,



Jesse Robertson
Transportation Planning
Caltrans District 1

Enclosures: Appendix J of the Caltrans Encroachment Permit Manual
 Caltrans Right-of-Way Map



**Road Connections
and Driveways**

Design Guidelines for Typical Rural Driveways in State Right of Way.

REFERENCES:

Please always refer to the latest Highway Design Manual (HDM) for most up to date guidelines. The HDM indexes referenced in the guidelines below can be accessed online from the following link:

www.dot.ca.gov/hq/oppd/hdm/hdmtoc.htm

Initial Driveway Design Considerations:

1. **Location of the driveway shall be designed to maximize corner sight distance.** For corner sight distance, see HDM Index 405.1 (2) (c). Driveway proposals that do not meet sight distance requirements will not be permitted. The minimum corner sight distance shall be equal to the stopping sight distance as given in HDM Table 201.1. HDM Table 101.2 shows appropriate ranges of design speeds that shall be used for the various types of facilities, place types, and conditions listed. (See HDM Table 101.2 Vehicular Design Speed; Table 201.1 Sight Distance Standards; Index 205.4 Driveways on Frontage roads and in Rural Areas; Index 405.1 (2) Corner Sight Distance)
2. **Driveways connecting to State highways shall be paved a minimum of 20 feet from the edge of shoulder** or to the edge of State right of way, whichever is less to minimize or eliminate gravel from being scattered on the highway and to provide a paved surface for vehicles and bicycles to accelerate and merge. Where larger design vehicles are using the driveway (e.g., dump trucks, flatbed trucks, moving vans, etc.), extend paving so the drive wheels will be on a paved surface when accelerating onto the roadway (See HDM Index 205.4 Driveways on Frontage roads and in Rural Areas).

Driveway Design Details: Once considerations 1 and 2 above are met, driveway shall be designed per the following requirements:

3. Where County or City Regulations differ from the State's, it may be desirable to follow their regulations (See HDM Index 205.4 Driveways on Frontage roads and in Rural Areas).

OR

4. Design details are shown on HDM Figure 205.1. This detail, without the recess, may be used on conventional highways (See HDM Figure 205.1 Access Openings on Expressways, Note 2).
5. Approach and departure tapers should be 50 feet longitudinal and 8 feet from edge of traveled way at the end of the taper. Approach and departure tapers are not required where the existing paved shoulder is at least 8 feet wide (See HDM Figure 205.1 Access Openings on Expressways).

Structural Section Design Details: Driveways structural section has to meet the following requirements:

6. Approach and departure tapers should have structural sections matching the existing State highway shoulders. An alternate shoulder design is allowed. See HDM Figure 613.5B for details. For asphalt driveway the structural section should be equal to or greater than edge of shoulder or approach and departure tapers. Minimum thickness of surface course is 0.35 foot. Aggregate base depth should match State highway shoulders. Details (cross section, etc.) for concrete driveways are shown on Standard Plan A87A. Minimum thickness at driveway shall be 4 inches for residential and 6 inches for

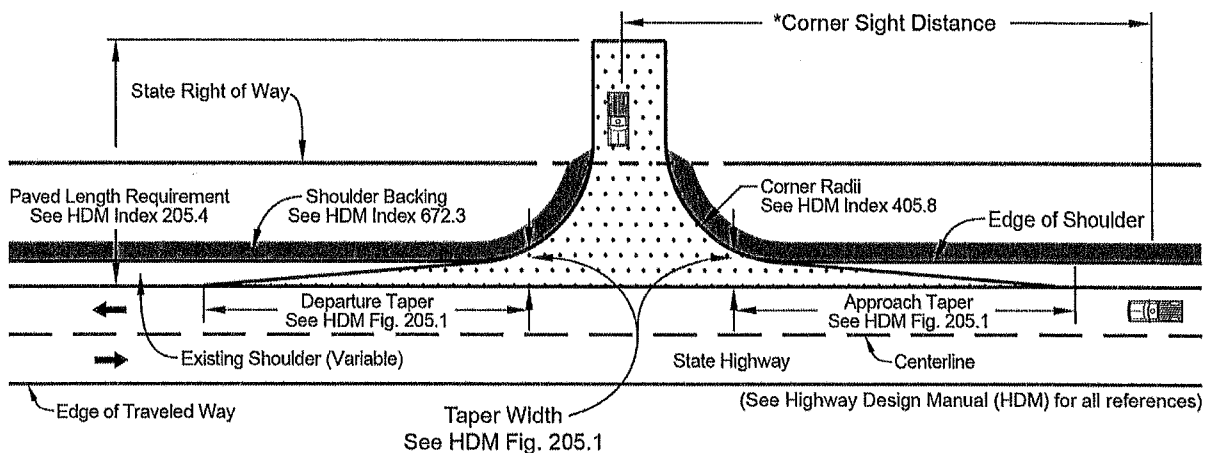
commercial. (See HDM 613.5 (2) Shoulders; Standard Plan A87A Curb and Driveways; Standard Plans are available at:

www.dot.ca.gov/des/oe/construction-contract-standards.html.)

7. Place shoulder backing from the edge of pavement (EP) to the hinge point (HP). Shoulder backing should be placed on a width of at least 2 feet from EP. For placement of shoulder backing thickness greater than 0.5 foot for slope repair; shoulder backing behind dikes; and where longitudinal drainage are present; see HDM for details. (see HDM Index 672 Shoulder Backing and HDM Figures 672.3 A through E)

The Figure below is provided to assist driveway design for rural areas and to clarify terminologies used in the above guidance. This figure is provided for general illustration purposes and is not be used for design details. It should not to be used as a drawing in the encroachment permit application for the driveway.

Driveway Design Requirements for Rural Areas with Unimproved Frontage on Conventional State Highways



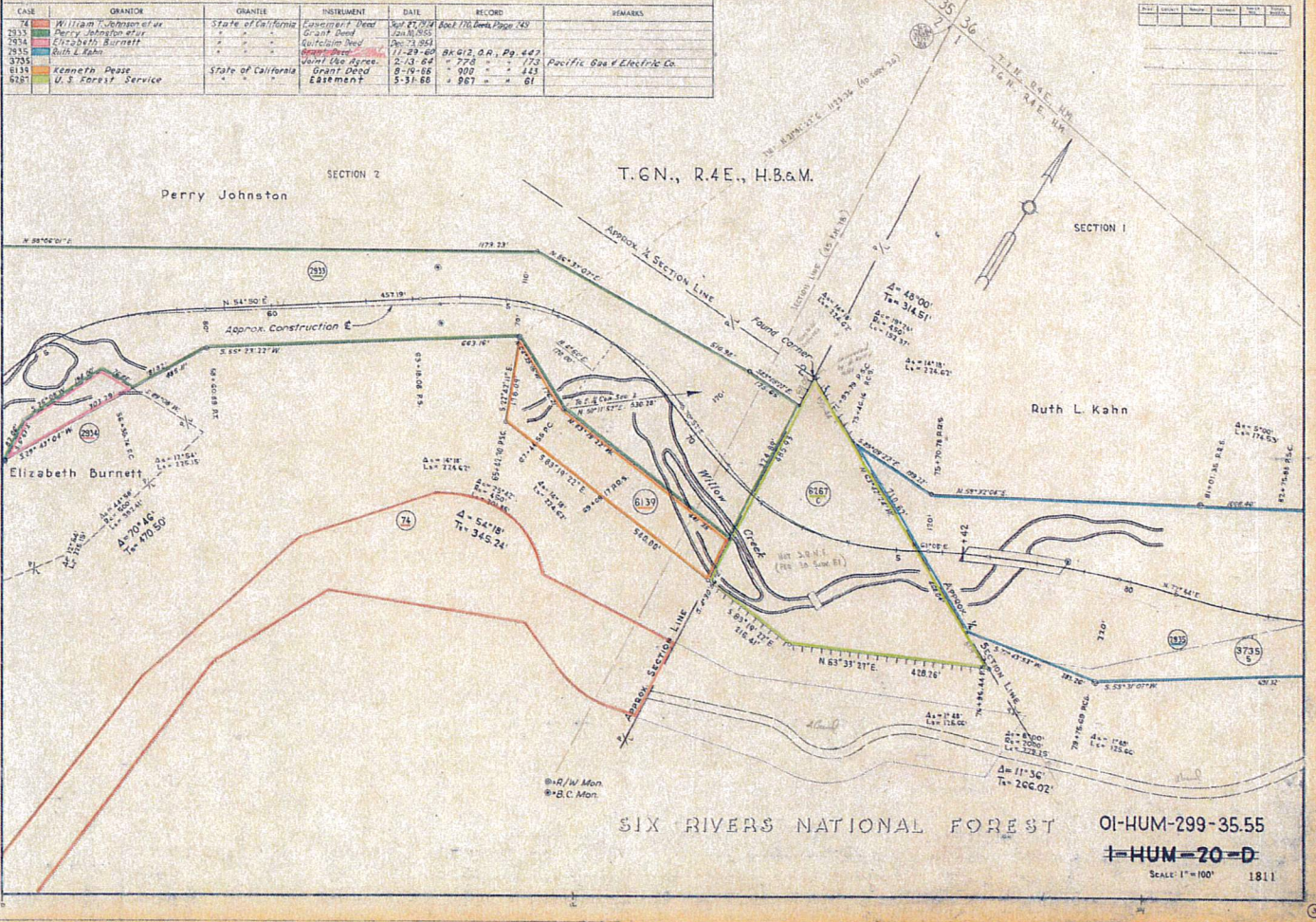
*Corner Sight Distance shall be calculated from all directions of approach. See HDM Index 405.1(2) & Figure 405.7 for set back and sight distance calculations.

Purpose: The above excerpts from the Department's HDM are shown for reference. The design standards used for any project should equal or exceed the minimum given in the manual to the maximum extent feasible. They do not replace engineering knowledge, experience, and judgment in the design of driveways.

Special situations may call for variation from policies and procedures, subject to the appropriate approval. This is not intended to, nor does it establish a legal standard or any other standard of conduct or duty toward the public.

SCHEDULE

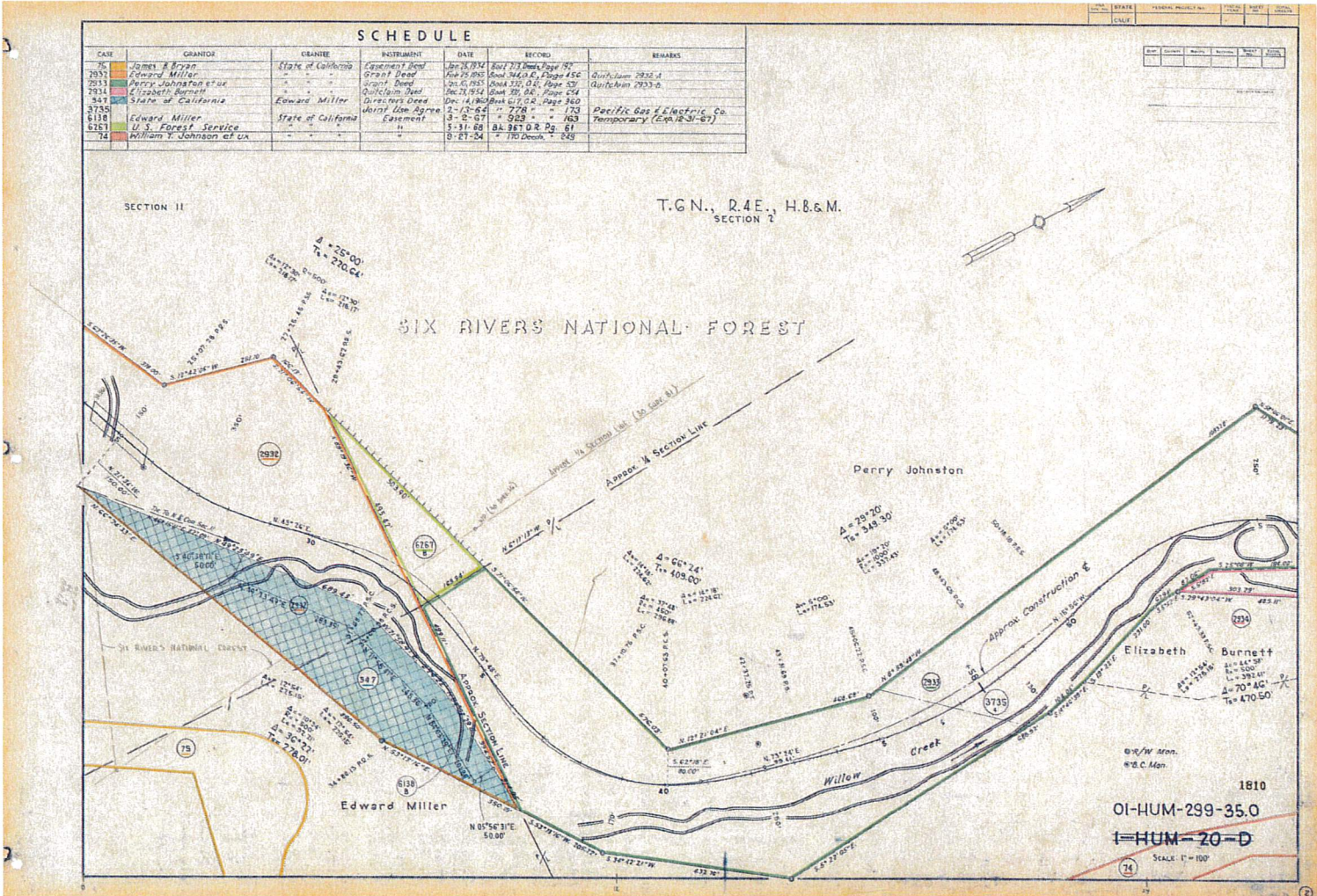
CASE	GRANTOR	GRANTEE	INSTRUMENT	DATE	RECORD	REMARKS
74	William Johnston	State of California	Conservation Deed Grant Deed	Sept 27, 1978	Book 176, Deed Page 43	
2333	Perry Johnston	"	"	02/03/85	"	
2934	Elizabeth Burnett	"	"	Dec 3, 1964	"	
2935	Ruth L. Kahn	"	"	11-29-68	Book 173, D.R., Pg. 447	
3735	"	"	"	2-13-68	" 778 " 193	
6134	Kenneth Pease	State of California	Grant Deed	8-10-66	" 900 " 143	Pacific Gas & Electric Co.
6221	U.S. Forest Service	"	Equipment	5-31-66	" 967 " 61	



SCHEDULE						
CASE	GRANTOR	GRANTEE	INSTRUMENT	DATE	RECORDS	REMARKS
76	James K. Bryan	State of California	Leasehold Bond	Jan. 18, 1934	Book 713, Page 197	
2092	Edward Miller	"	Grant Deed	Feb. 25, 1935	Book 744, P. 6, Page 156	Quitclaim 2933-d
2913	Perry Johnston et ux	"	Grant Deed	Jan. 10, 1951	Book 1215, P. 24, Page 52	Quitclaim 2933-d
2914	Elizabeth Burnett	"	Quitclaim Deed	Dec. 7, 1954	Book 30, P. 6, Page 254	
343	State of California	Edward Miller	Director's Deed	Dec. 14, 1952	Book 67, P. 2, Page 340	
3735	"	"	Utility Easement	12-15-64	" 7728 - 1 - 163	
6130	Edward Miller	State of California	Easement	3-2-67	" 923 - 1 - 163	Pacific Gas & Electric Co. Temporary (EX-1831-67)
6161	U. S. Forest Service	"	"	5-31-68	84-367 D & Pg. 61	
74	William V. Johnson et ux	"	"	8-21-54	" 775 Deeds - 1 - 163	

LOCAL	STATE	FEDERAL PROJECT NO.	SECTION	SHEET	PLAT

Area	Volume	Page	Section	Plat	Area





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



8/30/2018

PROJECT REFERRAL TO: United States Forest Service

Project Referred To The Following Agencies:

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, Supervising Planner, Current Planning Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Hoopa Valley Tribe, Tsungwe Council, California Department of Transportation District #1, Regional Water Quality Control Board, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, California Division of Water Resources, Klamath-Trinity Joint Union School District, Humboldt County Sheriff, Public Works - Engineer's Road Evaluation Report, United States Forest Service

Applicant Name RBC Holdings, LLC **Key Parcel Number** 522-044-037-000

Application (APPS#) 10891 **Assigned Planner** Caitlin Castellano (707) 268-3731 **Case Number(s)** CUP16-749

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

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

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

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

Return Response No Later Than 9/14/2018

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

We have reviewed the above application and recommend the following (please check one):

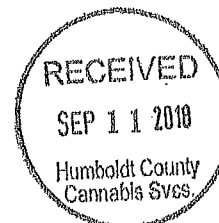
- Recommend Approval. The Department has no comment at this time.
- Recommend Conditional Approval. Suggested Conditions Attached.
- Applicant needs to submit additional information. List of items attached.
- Recommend Denial. Attach reasons for recommended denial.
- Other Comments: _____

DATE: 11 Sept 2018

PRINT NAME: Michael Green

File Code: 1500
Date: September 11, 2018

Planning Commission Clerk
County of Humboldt Planning and Building Department
3015 H Street
Eureka, California 95501



Dear County Planner:

The USDA Forest Service (Forest Service) recommends denial of the following applications for a County Condition Use Permit because the operations would involve the transportation of cannabis across National Forest System (NFS) lands:

Tonic Inc. #13348
Green Gate #11550
RBC Holdings LLC #10891
Humboldt Homegrown Collective # 13052 & #10857
Rambling Rose MBC #12421
Three Creek Holdings LLC #13160

Cannabis is a Schedule 1 drug under Title II of the Comprehensive Drug Abuse Protection and Control Act of 1970. Use, cultivation, and transportation of cannabis on NFS lands is therefore illegal. This includes transportation of cannabis across existing right of ways on federal lands such as county road and state highways.

Enclosed is a copy of a letter previously submitted to Humboldt County Planning that further explains our position on the subject.

Sincerely,

A handwritten signature in black ink, appearing to read "Ted O. McArthur", with a long horizontal line extending to the right.

for TED O. MCARTHUR
Forest Supervisor

Enclosure: Letter to Humboldt County dated August 29, 2018
cc: Nolan Colegrove





United States
Department of
Agriculture

Forest
Service

Pacific Southwest Region
Six Rivers National Forest

1330 Bayshore Way
Eureka, CA 95501
707-442-1721
TDD: 707-442-1721
Fax: 707-442-9242

File Code: 1500
Date: August 29, 2018

Michelle Nelson
Planning and Building Department
Humboldt County
3015 H Street
Eureka, CA 95501

Dear Ms. Nelson:

Thank you for providing the USDA Forest Service with the opportunity to provide input to Humboldt County's land use regulations governing cannabis cultivation on private property as they relate to National Forest System (NFS) lands.

The use, cultivation and transportation of cannabis on Forest Service lands is illegal. The Comprehensive Drug Abuse Protection and Control Act of 1970, and more specifically Title II of the act (the Controlled Substances Act), lists cannabis as a Schedule 1 drug. The Forest Service does not have discretion to permit activities on NFS lands that will violate the Controlled Substances Act or any other federal law. The Forest Service cannot authorize any activities related to cannabis operations on public land, such as the cultivation, production, transportation, or distribution of supplies or product.

We recommend that applicants for county cannabis permits who are adjacent to or near Forest Service lands have their parcels surveyed by a professional land surveyor to ensure their operations are not trespassing upon or causing impacts to federal lands. Individuals that cause resource damage, including soil erosion and contamination to Forest Service administered lands from illicit acts including the manufacture of cannabis, may be subject to federal criminal and/or civil action. Permit applicants should be aware that transporting cannabis across an existing right of way on federal lands to access a private parcel, is also illegal under federal law, and violators could face federal criminal action.

We appreciate the opportunity to comment on the county's cannabis-use regulations. If you need further information on this subject, please contact me at (707) 441-3531.

Sincerely,

MICHAEL A. GREEN
Acting Forest Supervisor



RBC Holdings LLC
CUP 16-749
Roads - Brannon Mtn Rd - County

RECEIVED
SEP 17 2018
K. Harold County
Tenn. D.



Response by 9/14

