



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

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

Hearing Date: July 13, 2017

To: Humboldt County Planning Commission

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

Subject: **Humboldt Edge Farm Special Permit**  
Application Number 10236  
Case Number SP 16-010  
Assessor's Parcel Number 524-051-017  
41000 Highway 299, Willow Creek

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Please contact Elanah Adler, Planner, at 268-3736, or by email at [eadler@co.humboldt.ca.us](mailto:eadler@co.humboldt.ca.us), if you have any questions about the scheduled public hearing item.

**AGENDA ITEM TRANSMITTAL**

<b>Hearing Date</b> July 13, 2017	<b>Subject</b> Special Permit	<b>Contact</b> Elanah Adler
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**Project Description:** The Humboldt Edge Farms Project, owned and operated by Matthew Nagel and Samantha Shull, seeks approval of a Special Permit in compliance with the County's Commercial Medical Marijuana Land Use Ordinance (CMMLUO) for an existing site commercial medical cannabis operation. The project site comprises one 2.04 acre parcel, APN 524-051-017, which currently contains an outdoor cultivation area of approximately 7,300 square feet and an adjacent 2,000 square feet of personal use vegetable garden on the project site. The applicants receive water from the Willow Creek Community Services District for residential use and for irrigation for commercial cannabis cultivation. Additionally, spring-fed 1,600 gallon water storage tank is used solely for watering the domestic use vegetable garden. The site is currently developed with a residential home where the two managers of the cultivation reside, as well as a barn for storage of fertilizers, pesticides, and amendments for agricultural operations. The existing two-car garage is proposed to be converted to a commercial building to provide for on-site processing activities.

Additionally, a Special Permit to request a setback reduction pursuant to Section 314-55.4.11(d) Humboldt County Code which states that the area of cannabis cultivation and on-site processing shall be set back at least 600 feet from any public park that is a designated and developed recreational facility. Adjacent APNs 524-051-003, 524-041-005, 524-052-001, and 524-042-004 are owned by Six Rivers National Forest and are within 600 feet of the cultivation area and on-site processing, however, these lands are managed for open space and wildlife habitat purposes, and are not a designated or developed recreational facilities.

**Project Location:** : The project is located in Humboldt County, in the Willow Creek area, on the west side of State Highway 299, approximately 0.42 miles down a private road at post mile marker 40.5 State Highway 299, on the property known as 41000 State Highway 299.

**Present Plan Land Use Designation:** Agricultural Rural (AR-Rural), Willow Creek Community Plan (WCCP), Density: 20 to 5 acres per dwelling unit, Slope Stability: Moderate Instability (2)

**Present Zoning:** (AG-B-5(5)) Agriculture General (AG), Minimum building site area 5 acres (B-5(5))

**Case Number:** SP 16-010

**Application Number:** 10236

**Assessor's Parcel Number:** 524-051-017

**Applicant**

Humboldt Edge Farm  
Attn: Samantha Shull  
PO Box 523  
Willow Creek, CA 95573

**Owner**

Matthew S. Nagel  
PO Box 523  
Willow Creek, CA 95573

**Agent**

**Environmental Review:** The existing cultivation project is exempt from environmental review per Sections 15301 (Existing Facilities), 15303 (New Construction or Conversion of Small Structures) and 15304 (Minor Alterations to Land) of the California Environmental Quality Act (CEQA) Guidelines.

**Major Issue:** Letter from neighbor requesting a Public Hearing.

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

## Humboldt Edge Farm Special Permit

Case Number SP 16-010

Assessor's Parcel Number (APN): 524-051-017-000

### Recommended Planning Commission Action

1. Describe the application as a public hearing.
2. Request that staff present the project.
3. Open the public hearing and receive testimony; and.
4. Close the hearing and take the following action:

*Find the project exempt from environmental review pursuant to Sections 15301, 15303 and 15304 of the State CEQA Guidelines, make all of the required findings for approval of the Special Permit based on evidence in the staff report and any public testimony, and adopt the Resolution approving the proposed Humboldt Edge Farm Special Permit subject to the recommended conditions.*

### Executive Summary

The proposed Special Permit would allow an existing outdoor cultivation area of approximately seven-thousand three-hundred (7,300) square feet outdoor cultivation area within an existing garden area on the property in compliance with the County Commercial Medical Marijuana Land Use Ordinance (CMMLUO) and the Medical Marijuana Safety and Regulation Act (MMRSA).

There is a single family dwelling where the two managers of the cultivation reside, as well as a barn for storage of fertilizers, pesticides, and amendments for cultivation operations. Drying, curing and processing of the cultivated plants would occur onsite upon approval of a building permit for conversion of the existing two-car garage to a commercial building. The parcel is served by community service by the Willow Creek Community Services District and onsite sewage disposal systems, and a paved private road (Gypo Road). The proposed site for cultivation is not within the coastal zone.

The materials submitted with the application include a Security and Safety Plan that states the two full-time owners/managers that live on site and provide supervision for the safety and security of the farm. There is one access route that is visible from the residence to monitor incoming and outgoing traffic and is accessed through a gate. The gate has a motion sensor alarm with the audio alarm installed inside the residence to alert managers to motion during the nighttime hours. All agricultural products are stored in a locked room in the barn. Additionally, a Personal Protective Equipment Policies has been provided to address defense against injury and illness while on the job.

Additionally, the project includes a Special Permit to request a setback reduction pursuant to Section 314-55.4.11(d) Humboldt County Code which states that the area of cannabis cultivation and on-site processing shall be set back at least 600 feet from any public park that is a designated and developed recreational facility. Adjacent APNs 524-051-003, 524-041-005, 524-052-001, and 524-042-004 are owned by Six Rivers National Forest and are within 600 feet of the cultivation area and on-site processing, however, these lands are managed for open space and wildlife habitat purposes, and are not a designated or developed recreational facilities. The Department has received no comments from the Forest Service concerning the requested setback reduction.

The project was originally noticed to the surrounding properties as an administrative approval on May 23, 2017. In response to this Notice of Intent to Approve, the Department received requests for a public hearing for the project. This notification made this permit subject to a public hearing. The letters did not specify reasons for the request of public hearing. However, in subsequent contacts with the attorney representing one of the parties a draft letter was provided identifying several concerns, including road maintenance and use, potential runoff from the cultivation site and chemicals used, air quality effects and other quality of life issues. The requests for hearing and the draft letter raising concerns are attached (Attachment 5).

The safety plan measures summarized in the project description above are set forth in Attachment 3 to the staff report and remain an on-going requirement of the permit.

The Building Inspection Division recommends approval.

Staff recommends a provisional Special Permit in order for the applicant to secure building permits for conversion of the existing garage for onsite processing.

Staff recommends that the Planning Commission conduct a public hearing and receive testimony on the project. If the Commission is able to make all the required findings based on the evidence in the record, staff recommends that the Planning Commission approve the application subject to the recommended conditions.

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

**RESOLUTION OF THE PLANNING COMMISSION  
OF THE COUNTY OF HUMBOLDT  
Resolution Number 17-**

**Case Number SP 16-010  
Assessor's Parcel Number: 524-051-017**

**Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the Humboldt Edge Farm Special Permit request.**

**WHEREAS**, Humboldt Edge Farm submitted an application and evidence in support of approving the Special Permit to permit an existing seven-thousand three-hundred (7,300) square feet of an existing commercial cannabis establishment; and

**WHEREAS**, the County Planning Division has reviewed the submitted application and supporting substantial evidence and has 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), 15303 (New Construction or Conversion of Small Structures) and 15304 (Minor Alterations to Land) 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 Special Permit (Case Number SP 16-010); and

**WHEREAS**, a public hearing was held on the matter before the Humboldt County Planning Commission on July 13, 2017.

**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 Planning Commission finds the proposed project is exempt from environmental review; and
2. The Planning Commission further makes the findings in Attachment 2 of the Planning Division staff report for Case Number SP 16-010 based on the submitted substantial evidence; and
3. The Planning Commission approves the Special Permit Case Number SP 16-010 as recommended and conditioned in Attachment 1.

Adopted after review and consideration of all the evidence on July 13, 2017.

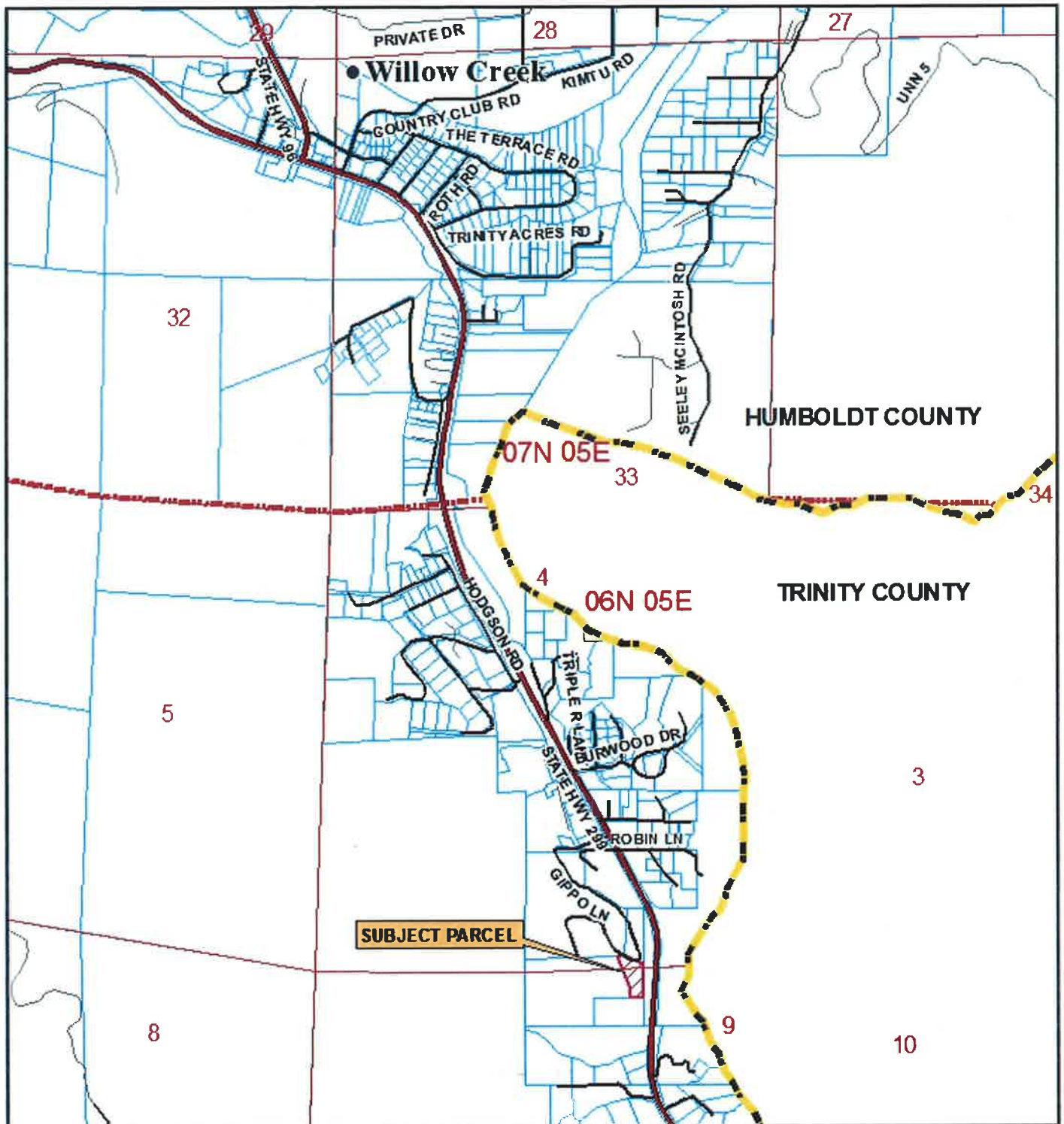
The motion was made by COMMISSIONER \_\_\_\_\_ and second by COMMISSIONER \_\_\_\_\_:

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

\_\_\_\_\_  
Robert Morris, Chair

I, Suzanne Lippre, Clerk 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.

\_\_\_\_\_  
Suzanne Lippre, Clerk



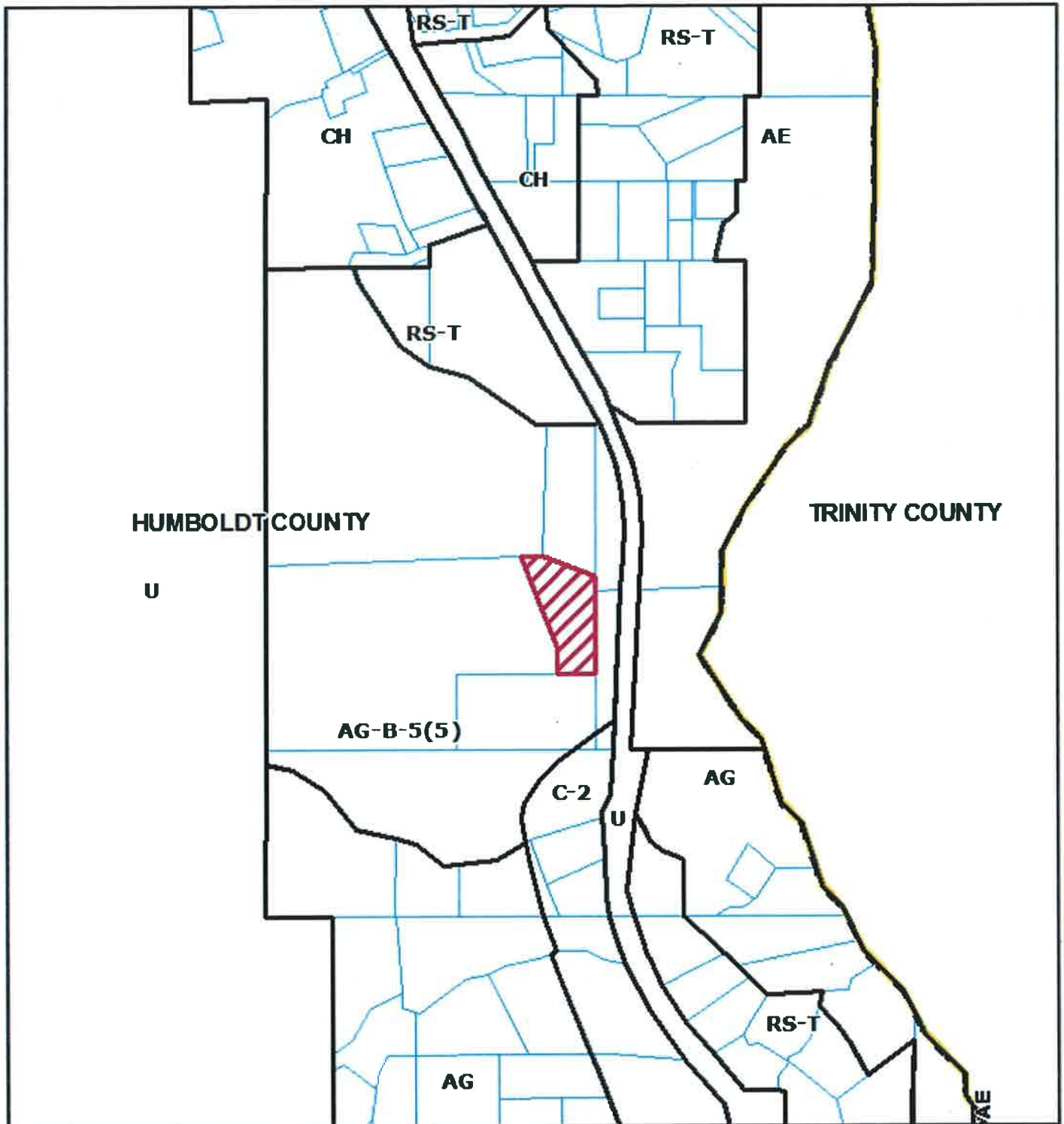
**LOCATION MAP**

**PROPOSED HUMBOLDT EDGE FARM  
SPECIAL PERMIT  
WILLOW CREEK AREA  
SP-16-010  
APN: 524-051-017  
T06N R05E S09 HB&M (Salyer)**

**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.





HUMBOLDT COUNTY

TRINITY COUNTY

U

AG-B-5(5)

C-2

AG

U

RS-T

AG

AE

**ZONING MAP**

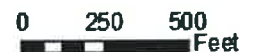
**PROPOSED HUMBOLDT EDGE FARM  
SPECIAL PERMIT  
WILLOW CREEK AREA  
SP-16-010**

**APN: 524-051-017**

**T06N R05E S09 HB&M (Salyer)**

**Project Area =** 

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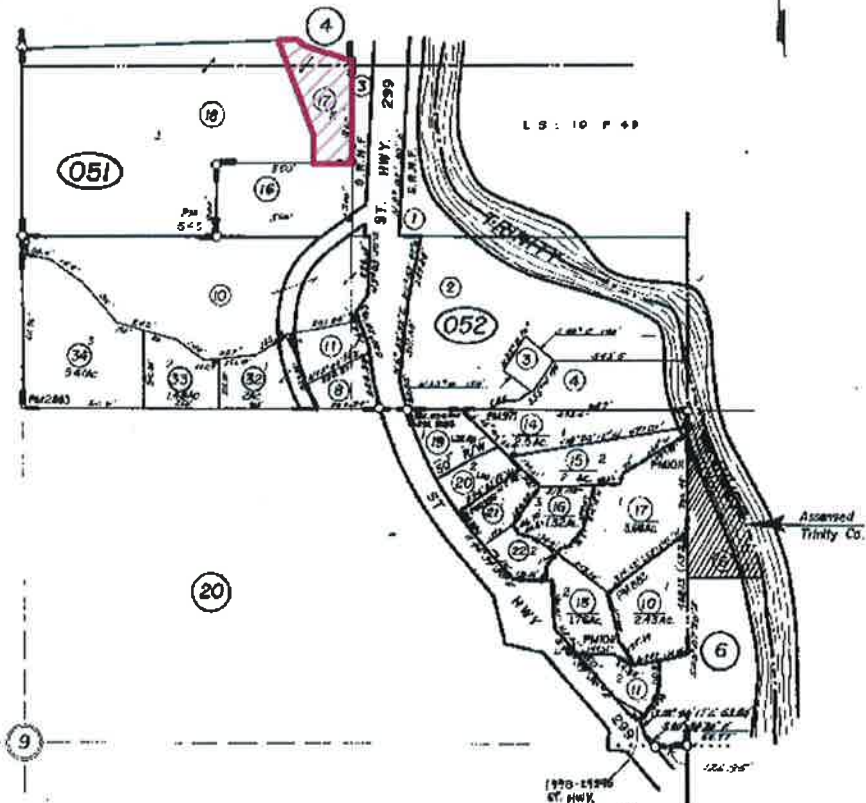
PTN N 1/2 SECS 9 & 10, 6N, 5E

524-05

NOTES :

PARCELS 524-052-03 & 04 INCLUDE INDEFINITE R/W OVER 524-052-02  
 CENTER OF TRINITY RIVER IS BNDY. BTW HUMBOLDT & TRINITY COUNTIES.

1" = 400'



- PM.No.545 of PM.Bk.5, Pg.9
- PM.No.610 of PM.Bk.5, Pg.87,88
- PM.No.883 of PM.Bk.7, Pg.143
- PM.No.894 of PM.Bk.6, Pg.9
- PM.No.971 of PM.Bk.8, Pg.109
- PM.No.1011 of PM.Bk.9, Pg.14
- PM.No.1203 of PM.Bk.10, Pg.115
- PM.2883 of PM.Bk.26, Pg.56-57
- PM.2936 of PM.Bk.26, Pg.147-8

PROJECT SITE =

**ASSESSOR PARCEL MAP**  
**PROPOSED HUMBOLDT EDGE FARM**  
**SPECIAL PERMIT**  
**WILLOW CREEK AREA**  
**SP-16-010**  
**APN: 524-051-017**





**AERIAL MAP**

**PROPOSED HUMBOLDT EDGE FARM  
SPECIAL PERMIT  
WILLOW CREEK AREA  
SP-16-010**

**APN: 524-051-017  
T06N R05E S09 HB&M (Salyer)**

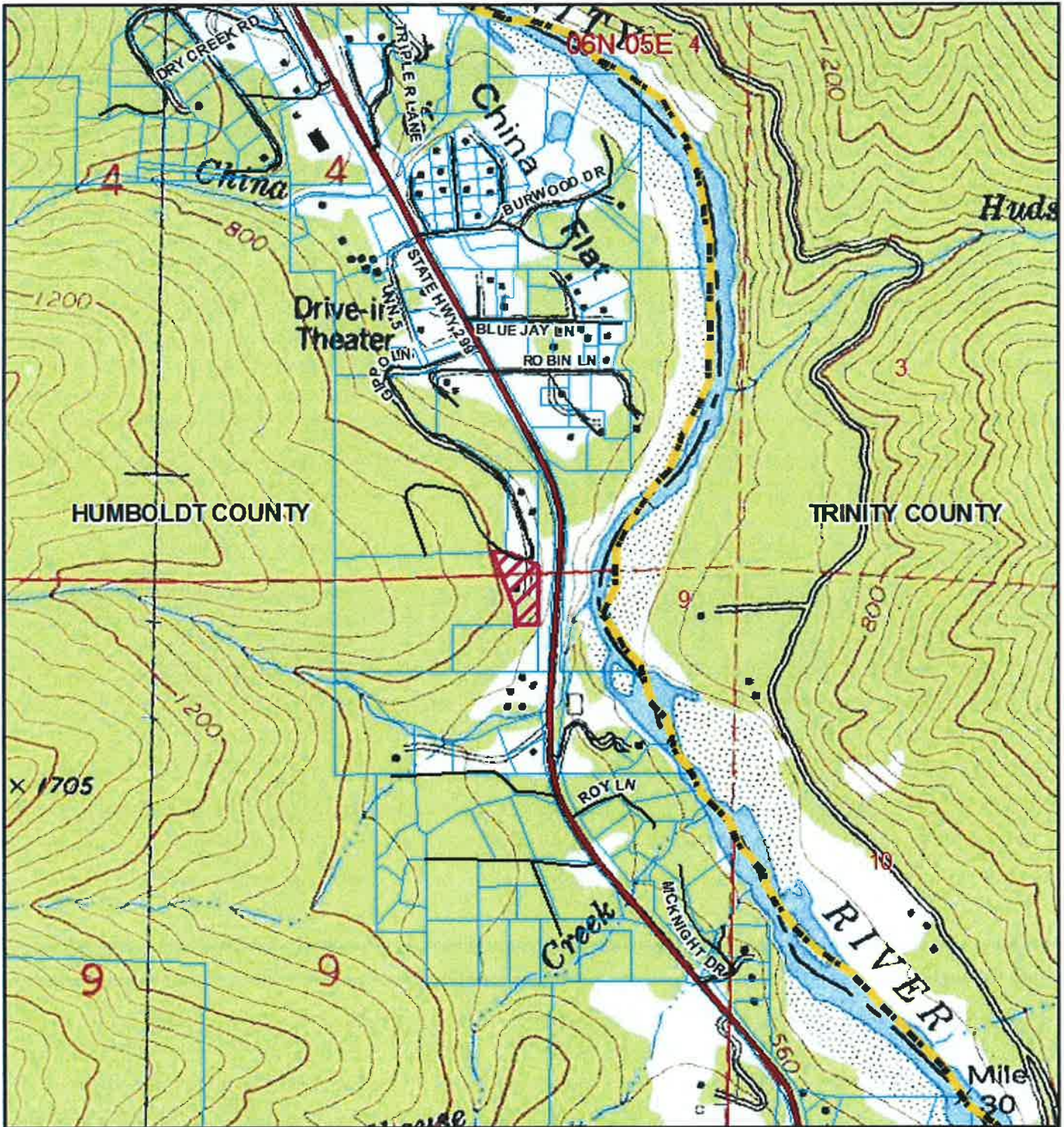
**Project Area =** 

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



0  250 Feet





**TOPO MAP**

**PROPOSED HUMBOLDT EDGE FARM  
SPECIAL PERMIT  
WILLOW CREEK AREA  
SP-16-010**

**APN: 524-051-017**

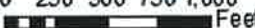
**T06N R05E S09 HB&M (Salyer)**

Project Area = 

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



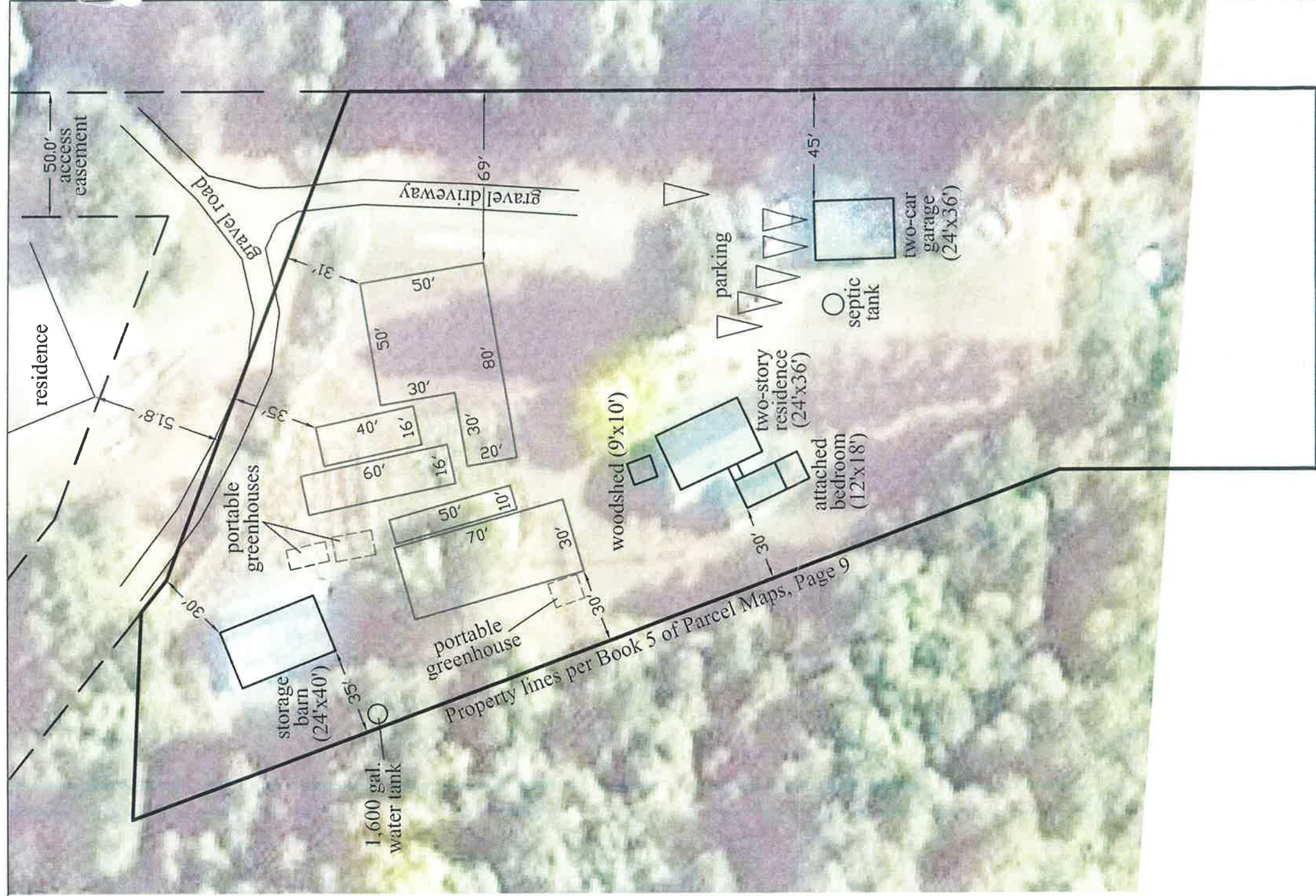
0 250 500 750 1,000 Feet





**NOTES:**

- 1) Perimeter from Book 5 of Parcel Maps, Page 9, which created the subject parcel.
- 2) No watercourses or stream crossings on the subject property.
- 3) Cultivation activities:  
 Residence - none  
 Storage barn - storage of tools, fertilizers, etc.  
 Garage - drying & curing of product
- 4) Total Cultivation Area:  
 7,300 s.f.



Scale: 1" = 60'

APN: 524-051-017  
 Owner: Matthew Nagel

**SITE PLAN**  
 Humboldt Edge Farm

**ATTACHMENT 1**  
**Recommended Conditions of Approval**

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

1. The applicant shall execute a Compliance Agreement with the Humboldt County Planning Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #2 – 10. 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. To ensure compliance with noise standards, the application for building permit for the garage conversion shall identify the emergency generator type and specifications, placements, and any necessary noise reduction measures.
3. The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency (CUPA) requirements regarding any hazardous materials. A written verification of compliance shall be required before any provisional permits may be finalized. Ongoing proof of compliance with this condition shall be required at each annual inspection in order to keep the permit valid.
4. The applicant shall provide a complete set of plans completed by a licensed person for the conversion of the existing garage building to a commercial processing facility. A letter from the Building Inspection Division indicating that the building final or certificate of occupancy has been issued will satisfy this condition.
5. The applicant shall be responsible for obtaining all necessary State permits or licenses, and for meeting all of the requirements as set forth by other regulatory agencies. These permits may include a permit for the use of the on-site spring for domestic vegetable production through consultation with the California Department of Fish and Wildlife.
6. Prior to initiating commercial medical cannabis cultivation or associated activities the applicant shall obtain a Business License from the Humboldt County Tax Collector.
7. Prior to initiating commercial medical cannabis cultivation or associated activities 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.
8. 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.

9. The applicant shall implement all corrective actions detailed within the Water Resource Protection Plan developed for the parcel, prepared pursuant to Tier 2\* enrollment under the North Coast Regional Water Quality Control Board Cannabis Waste Discharge Regulatory Program. A letter or similar communication from the RWQCB verifying that all their requirements have been met will satisfy this condition.
10. Modify site plan to show location of seven (7) independently accessible on-site parking spaces for the existing residence (once garage is converted to processing building) and employee parking associated with cultivation and processing activities at peak shift. No parking in Gyppo Lane is authorized.

**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 MCRSA, 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 MCRSA, 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, or Tribal Cultural Resources, except where a reduction to this setback has been approved pursuant to Section 55.4.11(d). The allowance for a setback reduction of 600 feet from a Public Park is approved as part of this project. The adjacent property owned by Six Rivers National Forest is managed for open space and/or

wildlife habitat purposes, and no developed or designated recreational facilities are within 600 feet of the cultivation area.

8. Maintain enrollment in Tier 1, 2 or 3, certification with the North Coast Regional Water Quality Control Board (NCRWQCB) Order No. R1-2015-0023, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
9. For cultivation area(s) for which no enrollment pursuant to NCRWQB Order No. R1-2015-0023 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 Department of Fish & Wildlife, which may be required for the spring fed tank used for domestic vegetable production.
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 and annual inspection fees.
15. The noise produced by a generator used on an emergency-only basis for cannabis drying, curing, and processing shall not be audible by humans from 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 State Fish and Wildlife Service, and further consultation where necessary. Under these guidelines, generator noise may not exceed 50dB as measured at 100 feet from the generator or at the edge of the nearest Marbled Murrelet or Spotted Owl habitat, whichever is closer.
16. Storage of Fuel - Fuel shall be stored and handled in compliance with applicable state and local laws and regulations, including the County of Humboldt's CUPA program, and in such a way that no spillage occurs.
17. The Master Log Books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
18. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).
19. The operation shall participate in the Medical Cannabis Track and Trace Program administered by the Humboldt County Agricultural Commissioner, when available.



20. The spring fed 1,600 gallon storage collection tank shall be maintained and operated so as to be independent at all times of irrigation for commercial cannabis cultivation and processing. Water serving the commercial cannabis cultivation and on-site processing operation shall be provided exclusively by water supplied by the Willow Creek CSD.

Performance Standards for Cultivation and Processing Operations

21. Pursuant to the MCRSA, Health and Safety Code section 19322(a)(9), an applicant seeking a cultivation license shall "provide a statement declaring the applicant is an 'agricultural employer,' as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 commencing with Section 1140) of Division 2 of the Labor Code), to the extent not prohibited by law."
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. Term of Commercial Cannabis Activity Special Permit. Any Commercial Cannabis Cultivation SP issued pursuant to the CMMLUO shall expire after one (1) year after date of issuance, and on the anniversary date of such issuance each year thereafter, unless an annual compliance inspection has been conducted and the permittees and the permitted site have been found to comply with all conditions of approval.

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

27. Permit Renewals to comply with Updated Laws and Regulations. Permit renewal per Ongoing Condition of Approval #26 above is subject to the laws and regulations effective at the time of renewal, which may be substantially different than the regulations currently in place and may require the submittal of additional information to ensure that new standards are met.

28. 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 shall be solely for medical purposes and all commercial cannabis products produced by me, my agents, or employees are intended

to be consumed solely by qualified patients entitled to the protections of the Compassionate Use Act of 1996 (codified at Health and Safety Code section 11362.5); 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 California Medical Marijuana Regulation and Safety Act 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 California Medical Marijuana Regulation and Safety Act.

29. 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.

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

#### **Informational Notes:**

1. Pursuant to section 314-55.4.11(a) of the CMMLUO, if upon inspection for the initial application, violations of any building or other health, safety, or other state of county statute, ordinance, or regulation are discovered, the Planning and Building Department may issue a provisional clearance or permit with a written approved Compliance Agreement. By signing the agreement, the permittee agrees to abate or cure the violations at the earliest opportunity but in no event more than two (2) years of the date of issuance of the provisional clearance or permit. Plans for curing the violations shall be submitted to the Planning and Building Department by the Permittee within one (1) year of the issuance of the provisional certificate or permit. The terms of the compliance agreement may be appealed pursuant to section 314-55.4.13 of the CMMLUO.
2. This provisional permit approval shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"); except where the Compliance Agreement per COA #1 has been executed and the corrective actions pursuant to the agreement are being undertaken. Once building permits have been secured and/or the use initiated pursuant to the terms of the agreement, the use is subject to the Permit Duration and Renewal provisions set forth in Condition of Approval #26 and 27 of

the On-Going Requirements /Development Restrictions, above.

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

Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, shellfish or faunal remains, and human burials. If human remains are found, California Health and Safety Code 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.

## ATTACHMENT 2

### Staff Analysis of the Substantial 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, Sections 312-1.1.2 and 312-17.1 of the Humboldt County Code (Required Findings for All Discretionary Permits) specifies the findings that are required to grant a 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; and
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 midpoint of the density range specified in the plan designation) unless the following written findings are made supported by substantial evidence: 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.
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 CEQA Guidelines have been made.

**Staff Analysis of the Evidence Supporting the 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.

**1. The proposed development must be consistent with the General Plan.** The following table identifies the substantial evidence which supports finding that the proposed development is in conformance with all applicable policies and standards of the Framework Plan (FRWK) and the Willow Creek Community Plan (WCCP).

Plan Section and Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Land Use §2725 (WCCP) Agriculture Rural (AR): Outside of Urban/Rural Community Centers areas, few public services required. Large lot areas on slopes generally less than 30%. Timber or agricultural land allowing intensive management opportunities.</p> <p>Primary and Compatible Uses: Agriculture and timber harvesting under intensive management, single family residences, cottage industries, educational and religious activities and recreational uses.</p> <p>Density Range: One (1) dwelling unit per 20 acres to one (1) dwelling unit/ per 5 acres.</p>	<p>The MCRSA, Health and Safety Code section 11362.777(a) provides that medical cannabis is an agricultural product, subject to extensive state and local regulation. The CMMLUO provides for the cultivation and processing of medical cannabis within the zoning districts where agriculture is a principally permitted use, with limits and in compliance with performance standards that will preserve space for more traditional agricultural activities that supply food and fiber contributing to a diverse economic base. The subject parcel is designated AR under the WCCP. The referenced section enumerates "agriculture...under intensive management" as a primary and compatible use. The proposed project includes approximately seven-thousand three-hundred (7,300) square feet (SF) of cultivation in an outdoor cultivation area located on an approximately 2.04 acre parcel; an existing approximate 864 SF two car garage to be converted to commercial structure for ancillary activities such as drying, curing, and processing of the cannabis produced on site. At this time the property is host to a single family residence on the property. The proposed project is therefore consistent with the AR land use designation as an agricultural endeavor consisting of approximately 7,300 square feet of cultivation and an ancillary processing facility for product cultivated on-site. The nature of the proposed use is consistent with resource production allowing for intensive management opportunities.</p>
<p>Cultural Resources §3500 (FRWK) Protect cultural resources, including historic, archaeological, and scenic resources.</p>	<p>The applicant retained DZC Consulting for the preparation of a Phase I Cultural Resource Inventory Report for the entire 2.04 acre property. According to the report, the study area comprises the property and a 1/2-mile radius around it. DZC Consulting conducted a records search and literature review in addition to a pedestrian archeological survey, and provided this report to the Wiyot Tribal Historical Preservation Officer. The report concludes that there are no cultural, tribal, or historic resources within the project site.<sup>1</sup> Nonetheless, the conditions of approval incorporate the inadvertent discovery protocol to protect cultural resources.</p>

<sup>1</sup> Phase I Cultural Resource Inventory Report for Humboldt Edge Commercial Cannabis Permit APN 524-051-017, Humboldt County, California, by DZC Consulting, page 31.

<b>Plan Section and Summary of Applicable Goal, Policy or Standard</b>	<b>Evidence Which Supports Making the General Plan Conformance Finding</b>
<p>Housing §2400 (FRWK) Encourage innovative designs that facilitate optimum use of sites.</p>	<p>Under the AR land use designation that applies to the parcel, single family residences are identified as a primary and compatible use. There is a residential use present on the subject property, the applicant's currently live in the house on site. This residence will remain. As the property is planned AR, it was not included in the 2014 housing inventory. The project will not impact housing inventory.</p>
<p>Geologic Hazards §3210 (FRWK) Goals: To reduce public exposure to natural and manmade hazards. To ensure the continuity of vital services and functions. To educate the community. Policy: Regulate land use to ensure that development in potentially hazardous areas will not preclude preserving and promoting public safety. Standards: Require geologic reports according to the Geologic Hazards Land Use Matrix as denoted in the Framework Plan.</p>	<p>The project site is not located in a mapped Alquist-Priolo fault zone or is subject liquefaction. The site is located in an area designated as Moderately Unstable (2) on the County's GIS. The building permit for the conversion of the existing 864 SF two car garage to be converted to commercial structure for ancillary activities such as drying, curing, and processing of the cannabis produced on site requires the applicant to provide engineered plans. Based on the project and evidence before staff, the project does not pose any other threat to public safety related from exposure to natural or manmade hazards.</p>
<p>Hazards §3200 (FRWK)  Flood §3220 (FRWK)  Fire Hazards §3230 (FRWK) New development shall minimize risk to life and property in areas of high flood and fire hazards.</p>	<p><i>The subject parcel is outside any mapped flood hazard areas. Due to the site's location along the crest of a ridgeline at an elevation of approximately 725 and 750 feet above mean sea level, the project site is not subject to inundation from an upstream dam failure or tsunami.</i></p> <p>The subject parcel and the surrounding area are located in area with a high fire hazard rating. According to the applicant, at full operation there will be approximately 2 full time employees and 1 to 3 part-time employees. The 2 full time farm managers reside on site. Assuming the worst-case scenario where each employee drives to the facility and leaves each day in their own vehicle, the site would experience up to twelve trips entering or leaving the site per day during the harvest, which is equivalent to the traffic generated by two new single family homes which are assumed by the County's subdivision regulations to generate up to eight trips per day. According to the applicant's Road Evaluation Report, received on April 7, 2017, the entire segment of Gypo Lane from the publicly-maintained road, Highway 299, to the project site is improved to the equivalent of a road category 4 standard. The Department of Public Work's has reviewed the referenced Road Evaluation Report.</p> <p>The subject property is located within the State Fire Responsibility</p>

Plan Section and Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
	<p>Area for fire protection (Calfire). Calfire's comments recommended compliance with the requirements of the County's Fire Safe Regulations. With respect to the Fire Safe Ordinance (Section 3111-1 <i>et seq.</i>), all existing and proposed improvements are setback at least 30 feet from all property lines. As the water supply for both residential and cannabis irrigation use is provided by the Willow Creek Community Services District, the requested permit is not subject to forbearance, the project as proposed provides adequate water for fire suppression.</p> <p>According to the applicant's Plan of Operation, if needed all fertilizer, pesticide and other regulated products will be stored in the storage barn. The Division of Environmental Health has recommended approval of the project. That agency did not specify conditions concerning compliance with the County's Certified Unified Program Agency (CUPA) program to manage any hazardous materials used on site. The project's Conditions of Approval include an ongoing requirement that the operation be compliant with all applicable State and County regulations.</p>
<p>Noise §3240 (FRWK) Conform with noise standards.</p>	<p>The subject parcel is not located in an area that requires special noise attenuation measures due to proximity to known noise sources. Power is supplied by Pacific Gas &amp; Electric. Generators are not to be used on the farm except in the case of extreme emergency such as extended power outages during times of electrical necessity. The type of generator that may utilized during these times has not been identified. In accordance with Departmental Policy Statement (DPS) 16-005, the subject parcel is considered to contain habitat or potential habitat for Marbled Murrelet or Northern Spotted Owl because it is within one-mile of timberland (timberland is defined as land growing trees, regardless of whether the trees are a commercial species or not). The maximum allowable generator noise exposure level is 50 dB when measured from the generator at a distance of 100 feet or at the edge of habitat (aka the edge of the tree line), whichever is closer. To ensure compliance, the application for building permit for the garage conversion shall identify the generator type and specifications, placements, and any associated structures or noise reduction measures necessary to achieve the performance standard.</p>

<b>Plan Section and Summary of Applicable Goal, Policy or Standard</b>	<b>Evidence Which Supports Making the General Plan Conformance Finding</b>
<p>Sewage Disposal §4530, 4531.5, 4531.6, 3361.2 (FRWK)</p> <p>Goal: To ensure a safe means for waste disposal and protect the County's water resources for the public's health and safety.</p> <p>Policy: Septic systems shall not be permitted where the slope exceeds 30% or within 50 feet from an unstable land form.</p> <p>Policy: Sewage disposal systems placed on an existing lot must meet all of the requirements of the Humboldt County Department of Public Health and the North Coast Regional Water Quality Control Board.</p> <p>Policy: Regulate development that would pollute watershed areas.</p>	<p>The applicant has onsite sewage disposal system associated with the residence that has a 1,200 gallon septic tank and passed a load test. The site is not on a 30% slope or within 50 feet of an unstable land form. The proposed sites are located well over 600 feet from the nearest water course, minimizing or eliminating the potential for impacts to water quality as a result of installing the proposed systems. The project was referred to the County Department of Environmental Health which had no comment on the septic system and recommended approval.</p>
<p>Biological Resources §3400 (FRWK)</p> <p>Goal: To maximize where feasible, the long term public and economic benefits from the biological resources within the County by maintaining and restoring fish and wildlife habitats.</p> <p>Policies: Maintain values of significantly important habitat areas by assuring compatible adjacent land uses, where feasible.</p>	<p>There are no streams, mapped or unmapped, or other wet areas in the immediate vicinity of the existing developed area footprint. While the spring that feeds the 1600 gallons of water storage may be subject to notification per Section 1602 of the Fish and Game Code, the project does not rely on this water source. The cannabis cultivation and processing activities will utilize water provided by Willow Creek Community Services District. The project is consistent with the Biological Resource Protection policies based on comments from reviewing agencies and the project as proposed and condition.</p>



<b>Plan Section and Summary of Applicable Goal, Policy or Standard</b>	<b>Evidence Which Supports Making the General Plan Conformance Finding</b>
<p>§4220, 4237.7 (FRWK): Access Goal: To develop, operate, and maintain a well-coordinated, balanced, circulation system that is safe, efficient and provides good access to all cities, communities, neighborhoods, recreational facilities and adjoining areas. Policy: New Development shall only be approved which will not significantly create or aggravate safety, capacity or parking problems on County roads.</p>	<p>As discussed above, the parcel is accessed by Gypo Lane. According to the applicant's Road Evaluation Report, received on April 7, 2017, the entire segment of Gypo Lane from the publicly-maintained road, i.e., Highway 299, to the project site is improved to the equivalent of a road category 4 standard. The Department of Public Work's has reviewed the referenced Road Evaluation Report.</p>

**2. Zoning Compliance and 3. Conforms with 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 Requirements	Evidence That Supports the Zoning Finding
314-7.2	Agriculture General Zone (AG): To be applied in areas in which agriculture is the desirable predominant use and rural residential uses are secondary. Principally permitted uses include general agriculture, including accessory agricultural uses and structures, one-family dwellings and farm dwellings, rooming and boarding of not more than two (2) persons not employed on the premises, and manufactured homes.	The site plan and attached zoning map shows the existing cannabis cultivation areas and the residence and accessory structures are located on portions of the property zoned AG, and the underlying General Plan Land Use designation is AR.
314-17.1	"B" Combining Zone for Special Building Site B-5(5): To be combined with any principal zone in which sound and orderly planning indicate that lot area and yard requirements should be modified. B-5 are specified on the zoning maps designating any such zone, except that in no case shall these requirements be less than 1 acre.	The project site is 2.04 acres and does not meet the B-5(5) Combining Zone building site requirement. Pursuant to Section 314-107.2.1 a substandard lot may be developed provided the lot was lawfully created and has not been merged with adjoining property. The subject parcel is Parcel 2 of Parcel Map No. 545 recorded in Book 5 of Parcel Maps, Page 9, Humboldt County Records. The parcel has not been merged.
§314-55.4.8.2	Commercial cannabis cultivation is allowed on parcels zoned AG where the General Plan on parcels one (1) acre or larger. In all zones where cultivation is allowed consisting of timberland, the commercial cultivation of cannabis for medical use shall only	Based on a review of the site plan and aerial imagery dating to 1993, the footprint of the developed area that hosts cannabis operations aligns with a non-timberland open area.

<b>Zoning Section</b>	<b>Summary of Applicable Requirements</b>	<b>Evidence That Supports the Zoning Finding</b>
	be permitted within a 3-acre conversion exemption area, or non-timberland open area.	
Min. Lot Size	Five acres	Approximately 2.04, which does not meet the B-5(5) combining zone. (see B combining zone above)
Min. Lot Width	60 feet	Greater than 100 feet wide (approx. 290 feet)
Max. Ground Coverage	35%	Given the parcel size, the existing coverage is far below the maximum allowed.
Setbacks	Firesafe setbacks of 30 feet from all property lines applies.	A review of the submitted site plan indicates that the all improvements provide a 30 foot or greater setback.
Max. Building Height	35 feet	The existing structures do not exceed 35 feet in height.

Zoning Section	Summary of Applicable Requirements	Evidence That Supports the Zoning Finding
<p>Off-Street Parking §314-109.1</p>	<p>Off Street Parking: Multiple Use and Joint Use: whenever more than one use is proposed for a development site, the total off-street parking spaces required shall be the sum of the spaces required for each use.</p> <p>Residential use: Two (2) parking spaces for each dwelling unit containing more than one bedroom. An additional two (2) on-site spaces are required when the access road fronting the parcel is not developed with a parking lane.</p> <p>Agricultural use*: Parking space per employee at peak shift. A minimum of three parking spaces are required.</p> <p><i>*Use for this activity is not specified. Per Section 314-109.1.2.9, the Director may fix the required number of parking spaces based on standards for most comparable use.</i></p>	<p>The proposal is for residential and agricultural use (cannabis cultivation and processing), with up to 3 seasonal employees. The formula requires 4 on-site parking spaces for the residence. The Code is silent as to the requirement for agricultural employees. The most comparable standard for employees in this situation is one space for each employee at peak shift (per 314-109.1.3.4.2 - Manufacturing). Two existing parking spaces are in the existing garage. However, once the garage is converted to processing building, the joint use will require a total of 7 parking spaces. The Site Plan identifies the location of on-site parking and will be modified to clearly delineate seven (7) independently accessible on-site parking spaces for the existing residence and employee parking associated with cultivation and processing activities at peak shift.</p> <p>No parking on Gypo Lane is authorized.</p>

Zoning Section	Summary of Applicable Requirements	Evidence That Supports the Zoning Finding
<b>314-55.4 Commercial Cultivation, Processing, Manufacturing and Distribution of Cannabis for Medical Use Inland Land Use Regulation (CMMLUO)</b>		
§314-55.4.8.2.2 Existing Cultivation A Special Permit may be issued for outdoor or mixed light commercial cannabis cultivation for some or all of the cultivation area in existence prior to January 1, 2016 in zoning districts RA, AG, AE, FP, DF, FR, U, and TPZ only when possible to bring them into compliance with all applicable standards set forth in this section and to eliminate existing violations. No expansion of the existing cultivation area shall be permitted. Total cultivation area allowed on a single parcel shall not exceed one acre for outdoor cultivation.		<p>The applicant has provided the following satisfactory evidence of cultivation prior to January 1, 2016:</p> <ol style="list-style-type: none"> <li>1. 2014 Satellite imagery from Google Earth showing approximately 9000 square feet of cultivation in outdoor areas and 3 discrete greenhouses</li> <li>2. Photographs dated 2015 showing the outdoor cultivation located within the property's garden area</li> </ol> <p>As shown on the site plan, the proposed cultivation area would result in slightly less cultivation than what was cultivated in 2014 (9,000 square feet vs 7,300 square feet). However, a portion of the garden area is dedicated to a domestic vegetable garden (approximately 2,000 square feet in size).</p> <p>The source of water for all the existing cultivation areas is provided by Willow Creek Community Services District, who has provided a "will-serve" letter to provide domestic and irrigation water to the property. This Special Permit, in addition to authorizing the cannabis cultivation as required under the CMMLUO, authorizes the applicant to utilize only WCCSD water source for commercial cannabis irrigation, processing building and residential purposes at the existing farm manager's residence. The applicant has stated that there is a spring fed water storage tank that is solely used for the domestic vegetable garden. Conditions of Approval require the applicant to consult with the California Department of Fish and Wildlife for continued use of the underground water source for vegetable irrigation purposes.</p>
§314-55.4.8.10 Permit Limit	No more than four commercial cannabis activity permits may be issued to a single person, as defined in the referenced section.	According to records maintained by the Department, the parties who are the officers of Humboldt Edge Farms, a California Nonprofit Mutual Benefit Corporation, hold no other cannabis activity permits, and is entitled to four. This application is for a single permit for outdoor cultivation.
§314-55.4.9.1 Accessory Processing	Processing for cultivation requiring a Special Permit or Use Permit will be considered in the Use Permit application.	An existing 864 square foot garage is proposed to be converted to a commercial building for cultivation processing facility, solely for product grown on-site, is shown on the site plan. This would provide space for drying, curing, and processing cannabis grown on site. An ADA equipped restroom will also be required to accommodate the proposed 1-3 part time employees. The project's conditions of approval include the requirement that the applicant secure any required building permits.
§314-55.4.9.4 Pre-Application Registration	Existing cultivation sites shall register with the County within 180 days of the effective date of this ordinance.	The applicant submitted the required registration form on February 26, 2016.

<b>Zoning Section</b>	<b>Summary of Applicable Requirements</b>	<b>Evidence That Supports the Zoning Finding</b>
§314-55.4.10 Application Requirements	Identifies the Information Required for All Applications	Attachment 3 identifies the information submitted with the application, and shows all the required information was received. Contents of the application are on file.
§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. As discussed above, the cultivation area does not meet the setback of 600 foot from Public Lands. However, there are no designated or developed recreational facilities within this 600 foot area.
§314-55.4.17 Sunset Date	No application for any Use Permit pursuant to the CMLLUO shall be processed for issuance or approval that is received after December 31, 2016.	The applicant submitted the Special Permit Application on February 26, 2016.
314-61.1 Streamside Management Area	Placement of soil within Streamside Management Areas shall be prohibited, except where specifically authorized by the SMA ordinance. Development within Streamside Management Areas may include wildlife enhancement and restoration projects. Streamside Management Area buffer zones in areas within urban expansion areas shall be defined as 50 feet from perennial and 25 feet from intermittent streams.	As discussed above, the project does not use a surface water diversion or a hydrologically connected well as a water source for either irrigation or potable water. Water is sourced from the Willow Creek Community Services District. As discussed above, the applicant is using a spring fed 1,600 gallon water storage tank for irrigation of a domestic vegetable garden. While the applicant has stated that this water source is non-jurisdictional, referral of the project materials to the Department of Fish and Wildlife for review, the agency did not have record of making this determination. They have requested further information and/or documentation about when this determination was made and by whom. This request was provided to the applicant. The spring fed water source system will not be used for commercial cannabis cultivation, and thus is not part of this permit issuance and no forbearance is required.

**4. Public Health, Safety and Welfare.** The following table identifies the evidence which supports finding that the proposed location of the use 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 properties or improvements in the vicinity.

Code Section	Summary of Applicable Requirements	Evidence that Supports the Required Finding
§312-17.1.4	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 Department finds that the proposed project will not be detrimental to the public health, safety and welfare since all reviewing referral agencies have approved the proposed project design. The project as proposed and conditioned is consistent with the general plan and zoning ordinances; and the proposed project is not expected to cause any environmental damage. All commenting agencies have recommended approval or conditional approval of the project.

**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 shall 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 parcel was not included in the 2014 Housing Inventory.

**6. Environmental Impact:**

The project was found exempt from the California Environmental Quality Act for the following reasons. The existing cultivation project is exempt from environmental review per Sections 15301 (Existing Facilities), which applies to the seven-thousand three-hundred (7,300) square feet of existing cultivation within the confines of an existing non-timberland open area; Section 15303 (New Construction of Small Structures), which applies to the conversion of the existing 864 square foot garage to an ancillary structure for processing cultivated on site; and 15304 (Minor Alterations to Land), which applies to minor site alteration for new gardening or landscaping. Furthermore, none of the exceptions to a Categorical Exemption pursuant to Section 15300.2 apply to the project. Therefore, the project may be found to be exempt from environmental review the California Environmental Quality Act (CEQA) Guidelines.

## ATTACHMENT 3

### Applicant's Evidence In Support of the Required Findings

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

1. The name, contact address and phone number(s) of the applicant. (Application form on file)
2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. (Not Applicable)
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 ¼ mile (1,320 ft.) 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. (On file)
5. Copy of the statement of water diversion, or other permit, license or registration filed with the State Water Resources Control Board, Division of Water Rights, if applicable. (Not applicable)
6. Description of water source, storage, irrigation plan, and projected water usage. (On file)
7. Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the North Coast Regional Water Quality Control Board demonstrating enrollment in Tier 1, 2 or 3, North Coast Regional Water Quality Control Board Order No. 2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (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 Streambed Alteration Permit obtained from the Department of Fish & Wildlife. (Not Applicable)



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

# Cultivation and Operations Plan

Updated 2-12-2016

1. Humboldt Edge Farm is a sungrown (outdoor) cannabis farm doing business at 41000 Highway 299, parcel number 524-051-017 in Willow Creek, California.
2. In this document Humboldt Edge Farm will be known as the farm from this point forward.
3. Cannabis Cultivation is at a unique moment in time with ever changing legislation and management practices. The farm strives to stay current with changing legislation and permitting, as well current best management practices.
4. The farm currently operates as organically as possible under current circumstances. Once organic certification becomes available for cannabis cultivators the farm intends to apply for such certification.
5. Cannabis Cultivation at Humboldt Edge Farms is conducted in compliance with all State and County laws and ordinances. The Farm gives its consent to onsite inspections of the farm by licensing and permitting bodies with at least 24 hours notice Mondays thru Fridays between the hours of eight AM and five PM
6. The farm is run under the direct supervision of the two owners and operators, Samantha Shull and Matthew Nagel. These owners and operators will henceforth be known as the managers.
7. Employees of the farm will operate under the direct supervision of the managers and shall be trained on all operations of the farm. All employees shall be provided access to the farm manual upon employment and continuously during tenure at the farm.
8. Regarding Water on Humboldt Edge Farm, Please see:
  - i. Statement Regarding Sourcing of Water
  - ii. Water Resource Protection Plan
9. Drainage at the farm is appropriate and runoff is prevented by the use of the drip irrigation system utilized for watering the cultivated areas. Erosion is also not a problem at the farm due to the extremely slight slope being cultivated.
10. Electricity used on the farm is sourced through the Pacific Gas and Electric System. Generators are not used on the farm except in the case of extreme emergency such as extended power outages during times of electrical necessity.
  - i. Electricity is used on the farm to power the dehumidifier during times of high humidity in the storage areas, See Processing Policies and Procedures
  - ii. Lighting of work spaces as needed.
11. Pesticide, Fertilizers and Amendments Use, See:

- i. Storage of Fertilizers, Amendments, and Pesticides Policies and Procedures
  - ii. Pest Management Policies and Procedures
  - iii. Water Resource Protection Plan
  - iv. Personal Protective Equipment Policies and Procedures
  - v. Exposure Policies
12. Site Planning: The farm strives to cultivate in a manner that promotes healthy and vigorous growth while reducing the risk of pests, molds and mildews. One manner of accomplishing this is by giving plants adequate spacing. Doing so allows for optimum air flow reducing disease and pest vectors. The farm strives to allow no more than ten feet between plants; this has the drawback of increasing the square footage of the farm while maintaining the same or a lower number of plants.
13. Security of the site:
  - i. See Security Protocols and Plan
14. Marketing of Farm Products: The farm complies with all state and local regulations regarding the sale of cannabis products within a “closed-loop system”. Humboldt Edge Farm is a member of the Humboldt Sun Growers Guild and markets its products under the True Humboldt Brand to legally operating dispensaries within the State of California.
15. Monthly Schedule Of Activities (All schedules are approximate and highly dependent on seasonal and farm conditions)(Subject to update and change):
  - i. January:
    - Farm Cleanup and Preparation.
    - Clone research and pricing.
    - Cultivation planning for following season.
    - Infrastructure Repair and Improvement.
    - Continued processing of previous seasons crop as needed utilizing offsite independent contractors as needed. See Processing Plan.
    - Ongoing site inspection for problems and improvements related to all aspects of the farm.
  - ii. February:
    - Farm Cleanup and Preparation.
    - Clone research and pricing.
    - Cultivation planning for following season.
    - Infrastructure Repair and Improvement.
    - Ongoing site inspection for problems and improvements related to all aspects of the farm. Implementation of improvements.

- Clone sourcing and care in certain years, utilizing quarantine techniques as described in Pest Management Policy.

iii. March:

- Farm Cleanup and Preparation.
- Clone research and pricing.
- Cultivation planning for following season.
- Infrastructure Repair and Improvement.
- Ongoing site inspection for problems and improvements related to all aspects of the farm. Implementation of improvements.
- Clone sourcing utilizing quarantine techniques as described in Pest Management Policy.
- Plant care as needed including watering, transplanting, pruning, fertilization, pesticide management, quarantine for incoming and contaminated plants.
- Cleaning and Preparation for light deprivation.
- Soil testing.
- Needs assessment for light deprivation season.
- Site preparation for light deprivation season based upon needs assessment.
- Seed planting for full season seed started plants.

iv. April:

- Continued care for onsite plants including watering, transplanting, pruning, fertilization, pesticide management, quarantine for incoming and contaminated plants, plant sexing (for seedlings at appropriate growth stage) and other plant care duties as needed.
- Farm Cleanup and Preparation.
- Cultivation planning for full season.
- Infrastructure Repair and Improvement.
- Ongoing site inspection for problems and improvements related to all aspects of the farm. Implementation of improvements.
- Clone research and sourcing utilizing quarantine techniques as described in Pest Management Policy for full season plants.
- Cleaning and Preparation for light deprivation.
- Site preparation for light deprivation season based upon needs assessment.

- Site needs assessment for full season plants.

v. May:

- Finalization of light deprivation infrastructure repair and changes.
- Soil preparation (amendments and turning) for light deprivation.
- Irrigation setup, main lines, attachments, emitters, timers installation and testing.
- Clone sorting for light deprivation (healthy plants chosen for final planting)
- Planting of light deprivation plants into final sites and mulching of planted sites.
- In some years, onset of blackout tarping for light deprivation.
- Final Farm Cleanup and Preparation for full season based upon needs assessment.
- Clone research and pricing.
- Cultivation planning for following season.
- Ongoing site inspection for problems and improvements related to all aspects of the farm. Implementation of improvements.
- Plant care as needed including watering, transplanting, pruning, fertilization, pesticide management, quarantine for incoming and contaminated plants and plant sexing for seedlings at appropriate growth stage.

vi. June:

- Depending on year, onset or continuation of blackout tarping for light deprivation.
- Ongoing site inspection for problems and improvements related to all aspects of the farm. Implementation of improvements.
- Plant care as needed including watering, transplanting, pruning, fertilization, pesticide management, quarantine for incoming and contaminated plants and plant sexing for seedlings at appropriate growth stage.
- Finalization of full season infrastructure repair and changes.
- Soil preparation (amendments and turning) for full season.
- Irrigation setup: main lines, attachments, emitters, and timers installation and testing for full season.

- Clone sorting for full season (healthy plants chosen for final planting)
- Soil preparation (amendments and turning) for full season plants to be planted this month. Mulching of planted sites.
- Changing of plant care techniques for flowering light deprivation plants as needed (changes in nutrient needs, pesticide treatments, etc.)

vii. July:

- Continuation and culmination of blackout tarping for light deprivation.
- Harvesting of light deprivation plants as needed depending on ripeness assessments (performed by loupe or other microscopic assessment of flower trichomes).
- Hanging and processing of harvested light deprivation flowers as per Processing Plan.
- Processing of flowers utilizing offsite independent contractors as needed. See Processing Policies and Procedures.
- Cleanup and storage of light deprivation areas and tools.
- Ongoing site inspection for problems and improvements related to all aspects of the farm. Implementation of improvements.
- Plant care as needed including watering, transplanting, pruning, fertilization, and pesticide management.
- Final Soil preparation (amendments and turning) for full season plants to be planted this month. Mulching of planted sites.

viii. August:

- Ongoing site inspection for problems and improvements related to all aspects of the farm. Implementation of improvements.
- Plant care as needed including watering, transplanting, pruning, fertilization, and pesticide management.
- Continued processing of flowers utilizing offsite independent contractors as needed. See Processing Plan.
- Changing of plant care techniques for flowering plants as needed (changes in nutrient needs, pesticide treatments, etc.)

- In some years harvesting of flowering plants as needed depending on ripeness assessments (performed by loupe or other microscopic assessment of flower trichomes).
- Disconnection of unused irrigation as plants are harvested.

ix. September:

- Ongoing site inspection for problems and improvements related to all aspects of the farm. Implementation of improvements.
- Plant care as needed including watering, transplanting, pruning, fertilization, and pesticide management.
- Ongoing harvesting of flowering plants as needed depending on ripeness assessments (performed by loupe or other microscopic assessment of flower trichomes).
- Continued processing of flowers utilizing offsite independent contractors as needed. See Processing Plan.
- Disconnection of unused irrigation as plants are harvested.

x. October:

- Ongoing site inspection for problems and improvements related to all aspects of the farm. Implementation of improvements.
- Plant care as needed including watering, transplanting, pruning, fertilization, and pesticide management.
- Ongoing harvesting of flowering plants as needed depending on ripeness assessments (performed by loupe or other microscopic assessment of flower trichomes).
- Continued processing of flowers utilizing offsite independent contractors as needed. See Processing Plan.
- Disconnection of unused irrigation as plants are harvested.

xi. November:

- Ongoing site inspection for problems and improvements related to all aspects of the farm. Implementation of improvements.
- Final harvesting of flowering plants as needed.
- Continued processing of flowers utilizing offsite independent contractors as needed. See Processing Plan.
- Infrastructure Repair and Improvement.

- Final disconnection of any remaining irrigation systems, cleanup and storage of main lines, attachments, emitters, timers as needed.

xii. December:

- Year end review of farm activities.
- Year end inspection for problems and improvements related to all aspects of the farm. Implementation of improvements.
- Infrastructure Repair and Improvement.
- Continued processing of flowers utilizing offsite independent contractors as needed. See Processing Plan.



# Processing Plan

Updated 2-14-2016

1. Summary of Employee Practices:
  - a. Humboldt Edge farm estimates an average number of two full time employees (the onsite owners/managers) and one to three seasonal part time employees as needed.
  - b. The only employees housing onsite will be the owners/managers residing in the onsite dwelling.
  - c. From time to time the farm may need to contract out for additional services. Whenever possible this will be done utilizing the work of Independent Contractors.
  - d. At this time processing centers for the manicuring of marijuana are in development in the County of Humboldt. Once these processing centers are permitted and fully operational the farm will select one of these centers for offsite manicuring of Cannabis flowers.
  - e. Until such time that a processing center can be utilized for manicuring of flowers the farm will hire Independent Contractors to manicure offsite as much as reasonably possible. Onsite manicuring of flowers will occur in the shop located on the parcel with a very limited number of onsite manicurist.
  - f. Onsite employee facilities:
    - i. There are two restrooms for employee use located on the property, both inside of the residential dwelling. Each restroom has a toilet, hot and cold running water, soap and clean hand towels for hand washing. Restrooms are serviced by an underground septic system with a leach field located away from all cultivation areas.
    - ii. Additionally there is a third cold water only hand washing station located behind the shop with hand soap and hand towels.
    - iii. Employee drinking water is sourced from the Willow Creek Community Services District.
  - g. Employees of the farm will operate under the direct supervision of the managers and shall be trained on all operations of the farm. All employees shall be provided access to the farm manual upon employment and continuously during tenure at the farm.

- h. At the time of employment all employees and managers shall sign an employment contract outlining duties and responsibilities of the employee and employer, as well as salary/wage agreements.
  - i. Humboldt Edge Farms is an agricultural employer as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Relations Act of 1975. See: Statement regarding Agricultural Employees.
- 2. Summary of Processing Practices:
  - a. See Pest Management Policies and Procedures for information on how the farm prevents processing of pests.
  - b. See Mold and Mildew Prevention Policies and Procedures for information on how the farm prevents processing of molds and mildews.
  - c. Harvesting of flowering plants shall occur when peak ripeness is obtained. Peak ripeness shall be assessed by microscopic examination of the trichomes on the flowers of each plant. Peak ripeness is defined for this farms purposes as being achieved when no more than 20% of the heads have turned amber. Allowing plants to grow past this point encourages mold and mildew growth.
  - d. Before any plant is harvested the shop used for processing shall be cleaned and inspected. All surfaces shall be cleaned and free of dirt and contaminants. All tools and equipments shall be cleaned and inspected prior to commencement of harvesting.
  - e. All persons must thoroughly wash hands prior to handling cannabis flowers.
  - f. Harvested plants shall be cut down to appropriate sizes and hung on the drying lines located in the shop. All plants will be hung in manner that allows air flow throughout the shop.
  - g. A dehumidifier shall be placed in the shop preset at 50-60% to inhibit the growth of molds and mildews.
  - h. Plants will remain on the hanging lines until an optimum level of dryness is achieved. At no point during the hanging process will sweeping, vacuuming or other activity be allowed that might encourage contaminants to move freely through the air.
  - i. As plants come down from the hanging lines flowers shall be removed and placed into clean paper bags. Each clean bag will contain one half pound of un-manicured flowers. Three papers bags will then be placed into one large clean plastic bag. These flowers are now ready for storage until such time they are manicured.

- j. As flowers are manicured they will be weighed into one pound bags. These will be known as “units” from this point forward.
- k. Each unit will be checked by management or other trained personnel for optimum moisture content.
- l. Once optimum moisture content is achieved each unit shall be placed into clean plastic bags, sealed, and then double bagged in a clean bag and sealed. This unit shall be labeled and placed into the appropriate labeled container in the storage basement.
- m. This storage basement maintains a consistent temperature, and is humidity controlled using a dehumidifier. It is maintained in a manner that promotes the safe and sanitary storage of the units. The storage containers are light blocking to prevent the degradation of units. Lights remain off in the storage basement unless actively being used.
- n. These units are now ready to cure until such time as they are marketed and sold to legal outlets.
- o. Units shall be inspected twice monthly to ensure storage techniques are effective in preserving quality.

# Security Protocols and Plan

Updated 2-21-2016

1. Humboldt Edge farms is currently changing and learning regarding security protocols and plans as the industry changes and evolves. As this happens this security plan will evolve as well.
2. Humboldt Edge farm has two full time owners/managers that live onsite and provide supervision for the safety and security of the farm.
3. The farm only has one access route that is visible from the residence to monitor incoming and outgoing traffic.
4. The cultivation area is accessed through a gate. The gate has a motion sensor alarm with the audio alarm installed inside the residence to alert managers to motion during the nighttime hours.
5. All products in the processing, curing, or storage phases are stored in a locked concrete room. Shop
6. Once plant matter is dried and brought down off of the hanging lines it is weighed and bagged as per the Processing Plan. Using this consistent and measured method of storage allows Humboldt Edge Farm to calculate averages regarding each strain, and account for all dried products up to the final stages of processing and marketing. This helps to prevent diversion of Medical Cannabis and adds accountability and security to Humboldt Edge Farm.

## ATTACHMENT 4

### Referral Agency Comments And Recommendations

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

<b>Referral Agency</b>	<b>Recommendation</b>	<b>Location</b>
Building Inspection Division	Approval	On file with Planning
Land Use Division	Approval	On file with Planning
Division of Environmental Health	Approval	On file with Planning
Humboldt County Agricultural Commissioner	No Response	
Department of Fish & Wildlife	Conditional Approval – Provide records of the amount of water from WCCSD and that are able to continue to supply sufficient water, address reconfiguration of garden area, and additional information in regard to jurisdictional status of the underground stream	On file with Planning
County Counsel	No Response	
NWIC	Conditional Approval	On file with Planning
Hoopa Valley Tribe	No Response	
Supervising Planner	No Response	
CSD: Willow Creek Community Services District	No Response	
Calfire	Standard comments	On file with Planning
RWQCB	No Response	
School District: Klamath-Trinity	No Response	
District Attorney	No Response	
CA Division of Water Rights	No Response	

**ATTACHMENT 5**

**Letters requesting a public hearing**

Carol Bounds

91 Forest View

PO Box 492

Willow Creek, CA 95573

Cell: 707-407-5412 Work: 707-441-4860

Humboldt County Planning and Building Department

3015 H Street

Eureka, CA 95501:

I am writing this letter in response to a Notice of Intent To Approve A Special Permit for Humboldt Edge Farm; Assessor Parcel 524-051-017 Case Nos: Sp 16-010 And Apps # 10236.

I am requesting a public hearing for this permit. I can be contacted at the phone numbers noted above.

Thank You

*Carol Bounds*

Carol Bounds



# FLOYD LAW FIRM

819 Seventh Street  
Eureka, California 95501  
Telephone:(707) 445-9754  
Facsimile:(707) 445-5915  
E-mail: [bcfloyd@floydlawfirm.net](mailto:bcfloyd@floydlawfirm.net)

Attorneys:

Bradford C Floyd  
Carlton D. Floyd

June 6, 2017

Elanah Adler  
Humboldt Planning & Building Department  
3015 H Street  
Eureka, CA 95501

**Re: Applicant: Humboldt Edge Farm    Date Filed: February 26, 2016**  
**Assessor Parcel: 524-051-017    CEQA Status: Exempt**  
**Case Nos.: SP 16-010    Apps No.: 10236**

Dear Ms. Adler:

This letter is to inform you of my Client's intent to challenge the approval of the above referenced permit and to request a public hearing for this project.

Thank you for your courtesy and consideration.

Sincerely,



Bradford C Floyd

BCF/hla



Floyd Law Firm  
 819 Seventh Street  
 Eureka, California 95501  
 Telephone: (707) 445-9754  
 Facsimile: (707) 445-5915  
[bcfloyd@floydlawfirm.net](mailto:bcfloyd@floydlawfirm.net)

## FAX COVER SHEET

TO: Lana  
 Planning Department  
 FACSIMILE NO.: 707-268-3792  
 FROM: Gina M. Emery, CCLS, Paralegal  
 RE: **Applicant: Humboldt Edge Farm Date Filed: February 26, 2016**  
**Assessor Parcel: 524-051-017 CEQA Status: Exempt**  
**Case Nos.: SP 16-010 Apps No.: 10236**  
 DATE: June 23, 2017

DOCUMENTS	NUMBER OF PAGES*
Draft Letter to Planning Commission	2

\* NOT COUNTING COVER SHEET. IF YOU DO NOT RECEIVE ALL PAGES, PLEASE TELEPHONE US IMMEDIATELY AT (707) 445-9754.

Brad asked me to forward this to you for your review and information prior to sending it the Commissioners.

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**DRAFT****FLOYD LAW FIRM**

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## Attorneys:

Bradford C Floyd  
Carlton D. Floyd

June 12, 2017

Humboldt County Planning & Building Department  
3015 H Street  
Eureka, CA 95501

**Re: Applicant: Humboldt Edge Farm Date Filed: February 26, 2016**  
**Assessor Parcel: 524-051-017 CEQA Status: Exempt**  
**Case Nos.: SP 16-010 Apps No.: 10236**

Dear Gentilepersons:

I represent Kevin and Diane Brown, the owners of property adjacent to the proposed permit of a commercial grow, which is the subject of this agenda item.

Mr. and Mrs. Brown oppose the application of a commercial grow permit at the proposed site for the following reasons:

1. The Applicant's property is accessed by using a roadway over and through the Brown's property. Applicant has an easement over this roadway for ingress and egress to their residence. The use of this roadway for commercial purposes would overburden the easement as it was never contemplated the easement would be used for commercial purposes. Other property owners also have easements for ingress and egress. The road is poorly maintained by Applicant and the other easement owners. The sediment and run-off from the road runs directly onto our driveway and causes the culverts to plug and overflow.
2. Mr. And Mrs. Brown's property is situated below the subject property and they have a domestic well system for water. It is anticipated that Applicant will use chemicals for their commercial grow operation. Without preventative measures in place these chemicals will run onto the Brown's property and contaminate their well water.
3. Air quality is another concern. The smell of Cannabis growing in the past on Applicant's property was so strong during the fall that the Brown's cannot keep their windows open in the afternoon as it causes them headaches. They are also concerned about their three children, ages 9, 10, and 12, inhaling the odor. These health issues are of grave concern to the Browns.
4. The Brown's are also concerned about how transactions between Applicant and their Cannabis buyers will take place. In the past Applicant's met with Cannabis buyers on the roadway easement near the Brown's home.

Humboldt County Planning & Building Department

June 12, 2017

Page 2

5. How many employees does the proposed commercial grow plan on hiring? The number of employees will also increase traffic on the private road.
6. What will be done with the byproduct/waste or "trim" ? Will they transport it off-site, or burned? If transported off-site the traffic over the private roadway will increase.
7. As stated in the County letter, the subject property is requesting an outdoor grow. Is the proposed Cannabis permit only for a seasonal crop outdoor crop or can Applicants turn this into a year round indoor/outdoor crop? The concern of course is the amount of traffic on the private roadway and the use of fertilizers, pesticides and other hazardous chemical that can contaminate the Brown's domestic water and groundwater.
8. How will the fertilizers, pesticides, and other hazardous chemicals be transported to the proposed Cannabis grow site and how they will be applied and by whom? A Certified technician? The concern of course is the amount of traffic on the private roadway and the use of fertilizers, pesticides and other hazardous chemical that can contaminate the Brown's domestic water and groundwater.
9. The Browns also object to issuance of a permit due to increased in crime and the likelihood associated with the increase in violent crimes associated with the cannabis industry. The Browns are worried about their safety and the safety of their children.
10. The Browns also object to the issuance of the proposed permit based upon the fact that the cultivation and sale of Cannabis is a Federal offense under the laws of the United States of America. Therefore, any cultivation of Cannabis for commercial purposes, or otherwise, is both a public and private nuisance.

Based upon the foregoing, Mr. and Mrs. Brown respectfully request the Department to oppose the proposed Commercial Cannabis Permit at the location adjacent to their property.

Respectfully submitted,

Bradford C Floyd

BCF/hla