



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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Hearing Date: June 4, 2020
To: Humboldt County Planning Commission
From: John H. Ford, Director of Planning and Building Department
Subject: **Tree Pharms, LLC Conditional Use Permit and Special Permit**
Assessor's Parcel Number (APN): 210-191-059
41000 State Highway 36, Bridgeville area

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Please contact Elizabeth Moreno, Planner II, at (707) 445-7541 or by email at emoreno@co.humboldt.ca.us if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date June 4, 2020	Subject Conditional Use Permit and Special Permit	Contact Elizabeth Moreno
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Project Description: A Conditional Use Permit for 23,693 square feet (SF) of existing outdoor cannabis cultivation operation with appurtenant propagation area and processing facility. The project includes a Special Permit for development within the Streamside Management Area that would allow the use of a point of diversion from a spring, used for irrigation. The Special Permit is also to facilitate an encroachment within a Streamside Management Area for remediation. Water storage includes an existing 200,000-gallon rainwater catchment pond and about 3,500 gallons of water stored in hard tanks. The total water usage for cannabis irrigation about 135,980 gallons for two cycles a year. Processing will occur onsite in a proposed, 1,200 SF ADA complaint facility. Two employees are required to meet operational needs. Power is provided by PG&E.

Project Location: The project is located in the Dinsmore area, on the south side of State Highway 36, approximately 2.3 miles west from Dinsmore proper, on the property known as 41000 State Highway 36.

Present Plan Land Use Designation: Residential Agriculture (RA40), 2017 General Plan, Density: 40 acres per unit, Slope Stability: High Instability (3)

Present Zoning: Forestry Recreation (FR), Minimum Building Site Area is 20 acres (B-5(20))

Record Number: PLN-11207-CUP

Assessor Parcel Number: 210-191-059

Applicant	Owner	Agent
Tree Pharm LLC Cody MacDonald PO Box 43 Bridgeville, CA 95526	Sunshine Simmons 1301 Kansas St. San Francisco, CA 94107	Natural Resources Management 1434 Third Street Eureka, CA 95501

Environmental Review: An Addendum to a previously adopted Mitigated Negative Declaration has been prepared for consideration per Section 15164 of the State California Environmental Quality Act (CEQA) Guidelines.

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

Major Issues: None.

TREE PHARMS, LLC
Record Number: PLN-11207-CUP
Assessor's Parcel Number: 210-191-059

Recommended Commission Action:

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

Find that the Planning Commission has considered the Addendum to the adopted Mitigated Negative Declaration for the Commercial Medical Land Use Ordinance (CCMLUO) as described by Section 15164 of the State CEQA Guidelines, make all of the required findings for approval of the Conditional Use Permit and Special Permit based on evidence in the staff report and approve the proposed Tree Pharms, LLC project subject to the recommended conditions.

Executive Summary: A Conditional Use Permit for 23,693 square feet (SF) of existing outdoor cannabis cultivation operation with appurtenant propagation areas and a proposed processing facility.

The parcel is about 20 acres in size characterized by open grasslands and dense forest canopy. All cultivation activities will occur within existing open landscaped areas, no trees are proposed to be removed. There are two waterways in the parcel, a Class III stream that originates on the westside of the parcel and a Class II stream that passes through the northeast corner of the parcel. The parcel is developed with an onstream 200,000-gallon rainwater catchment/water storage pond and a cabin.

The project includes a Special Permit for an encroachment within two Streamside Management Areas onsite that would allow onsite relocation of cannabis cultivation to protect water quality from the adverse impacts of cannabis cultivation, and to allow for the outflow of the pond to run into a class III stream. About 12,600 SF of cultivation will be relocated to an environmentally superior location onsite in within six hoop houses. Four hoop houses will remain in place for a total of 18,640 SF in hoop houses and 5,053 SF in full sun outdoor cultivation. The relocation sites will meet of all riparian setbacks. The applicant submitted a Cannabis Relocation Report that details relocation justification and remediation measures, prepared by Natural Resources Management Corporation (NRM), dated February 2020. Further, the applicant submitted an Updated Grading Plan prepared by NRM, dated April 2020, which outlines the grading details for all six hoop houses, which does not exceed more than 50 cubic yards of soil disturbance. As a condition, of approval the applicant is to adhere to recommendations made in the remediation report for onsite relocation and submit a monitoring report to the Planning Department.

A Special Permit is also requested for development within a SMA that would allow the use of a point of diversion from a spring and used for irrigation. The water storage includes a 200,000-gallon pond which will be filled by a combination of rainwater and the spring diversion. The applicant obtained a Right to Divert Water (Certificate Number H100420) from the State Water Resources Control Board that allows for diversion and storage of water from the point of diversion. The specified diversion to storage shall not exceed 42,000-gallons per day or the rate specified in the current version of the State Water Board's Cannabis Policy, whichever is more restrictive. Additionally, the storage capacity shall not exceed 250,905 gallons. The total water usage for cannabis irrigation about 135,980 gallons for two cycles a year.

The applicant submitted has obtained Streambed Alteration agreement from the California Department of Fish and Wildlife (CDFW) for the point of diversion, four stream crossing improvements, and outflow of the pond. Conditions of approval require the applicant to install water flow meters in accordance with applicable regulations and require the applicant to adhere to and implement all recommendations and requirements of the Final Streambed Alteration Agreement issued by CDFW.

Propagation areas included two shipping containers totaling 320 SF, a 990 SF in a fabric house, and 900 SF greenhouse. Processing will occur onsite in a proposed, 1,200 SF ADA complaint facility. Two employees are required to meet operational needs. The applicant has submitted a Septic Site Sustainability completed by

DTN Engineering, dated December 2018, which concludes that a 750-gallon septic tank would be required for the project. Power Source is provided by PG&E.

The nearest Northern Spotted Owl Activity Center is located 1.62 miles to the southeast of the project site. Artificial lighting is proposed for use within the propagation areas, and as a condition of approval the applicant must demonstrate that no light will escape from the propagation structures. Planning staff believes that use of supplemental lighting in propagation areas complying with dark-sky standards can adequately address any lighting impacts on NSO.

Access to the site directly from State Highway 36 a publicly maintained road. The applicant has prepared a Road Evaluation prepared by David Nicoletti, dated May 2018. The report recommends the access road to be graded to improve drainage and to widen up to 12 feet. As a as condition of approval, the applicant is to obtain an encroachment permit from the California Department of Transportation and to adhere to recommendations made in the Road Evaluation Report.

Environmental review for the proposed project was conducted, and based on the results of that analysis, staff determined the existing cultivation and processing aspects of the project are consistent with the Mitigated Negative Declaration that was adopted for the Commercial Medical Marijuana Land Use Ordinance due to the fact that this is existing cultivation that is being brought into conformance with County and State requirements. No additional development other than that which was contemplated under the previously adopted MND is proposed. An addendum to the MND has been prepared for this project.

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

ALTERNATIVES: The Planning Commission could elect not to approve the project, or to require the applicant to submit further evidence, or modify the project. If modifications may cause potentially significant impacts, additional CEQA analysis and findings may be required. 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.

The Commission could also decide the project may have environmental impacts that would require further environmental review pursuant to CEQA. Staff did not identify any potential impacts. As Lead Agency, the Department has determined that the Project is consistent with the MND for the CMMLUO as stated above. However, the Commission may reach a different conclusion. In that case, the Commission should continue the item to a future date at least two months later to give staff the time to complete further environmental review.

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT
Resolution Number 20-
Record Number: PLN-11207-CUP
Assessor Parcel Number: 210-191-059**

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

WHEREAS, Tree Pharms, LLC, submitted an application and evidence in support of approving a Conditional Use Permit for 23,693 square feet (SF) of existing outdoor cannabis cultivation operation within 10 hoop houses and two area composed of open-air cultivation with appurtenant propagation area and processing facility. The project includes a Special Permit for development within the Streamside Management Area that would allow the use of a point of diversion from a spring, used for irrigation. The Special Permit is also to facilitate an encroachment within a Streamside Management Area for remediation.

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

WHEREAS, the County Planning Division, the lead agency, prepared an Addendum to the Final Mitigated Negative Declaration prepared for the Commercial Medical Land Use Ordinance (CMMLUO) adopted by the Humboldt County Board of Supervisors on January 26, 2016. The proposed project does not present substantial changes that would require major revisions to the previous Mitigated Negative Declaration, and no new information of substantial importance that was not known and could not be known at the time was presented as described by Section 15162 (c) of the State CEQA Guideline; and

WHEREAS, Attachment 2 in the Planning Division staff report includes evidence in support of making all of the required findings for approving the proposed Conditional Use Permit and Special Permit(Case Number PLN-11207-CUP); and

WHEREAS, a public hearing was held on the matter before the Humboldt County Planning Commission on June 4, 2020; and

NOW, THEREFORE, be it resolved, determined, and ordered by the Humboldt County Planning Commission that:

1. The Planning Commission considered the Addendum to the Mitigated Negative Declaration adopted for the Commercial Medical Marijuana Land Use Ordinance; and
1. Planning Commission makes all the required findings in Attachment 2 of the Planning Commission staff report for Case Number PLN-11207-CUP based on the submitted substantial evidence; and
2. The Conditional Use Permit and Special Permit (Case Number PLN-11207-CUP) is approved as recommended and conditioned in Attachment 1.

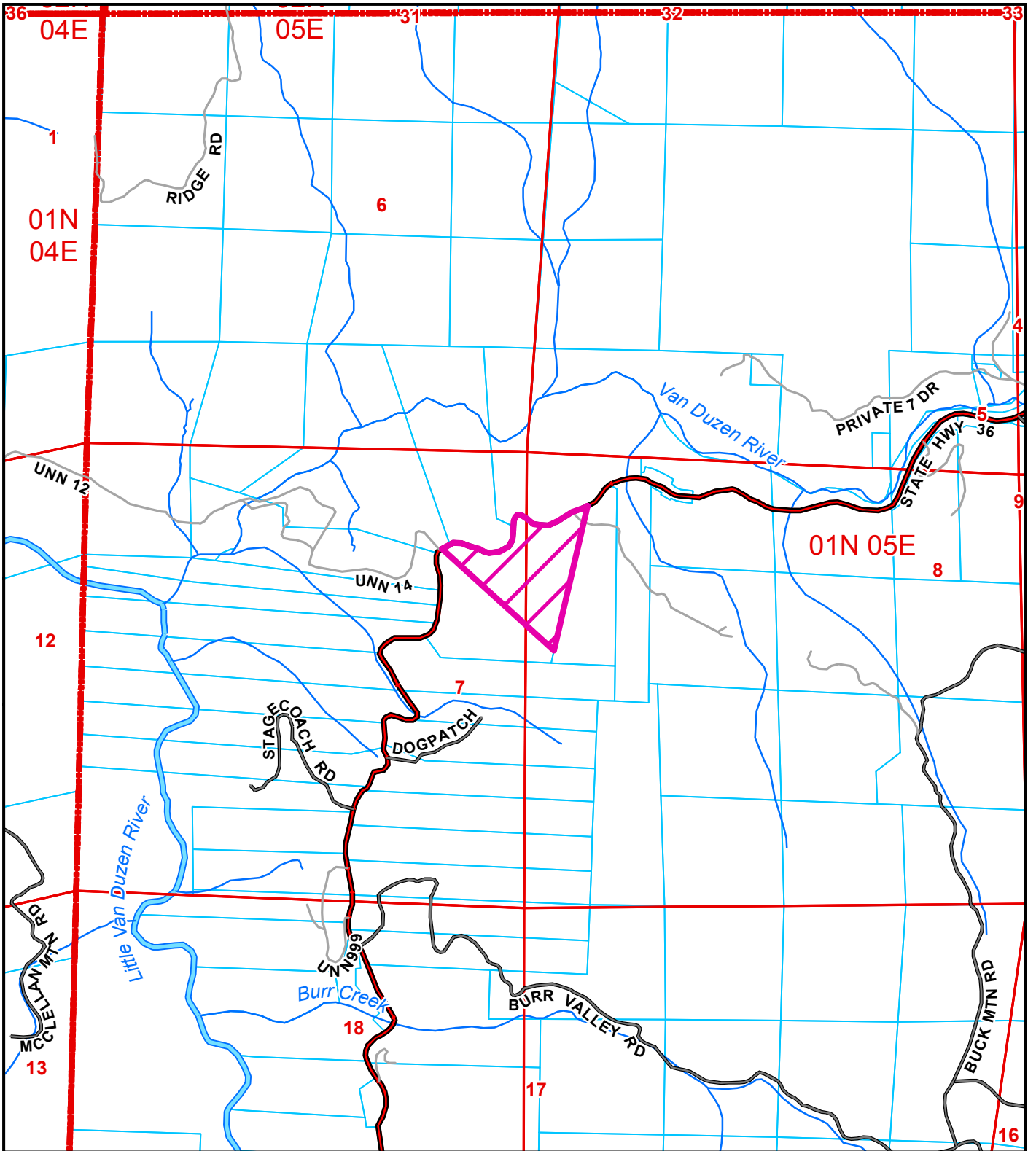
Adopted after review and consideration of all the evidence on June 4, 2020.

The motion was made by Commissioner ____ and seconded by Commissioner ____.

AYES: Commissioners:
NOES: Commissioners:
ABSTAIN: Commissioners:
ABSENT: Commissioners:
DECISION:

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

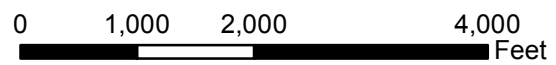
John Ford, Director
Planning and Building Department



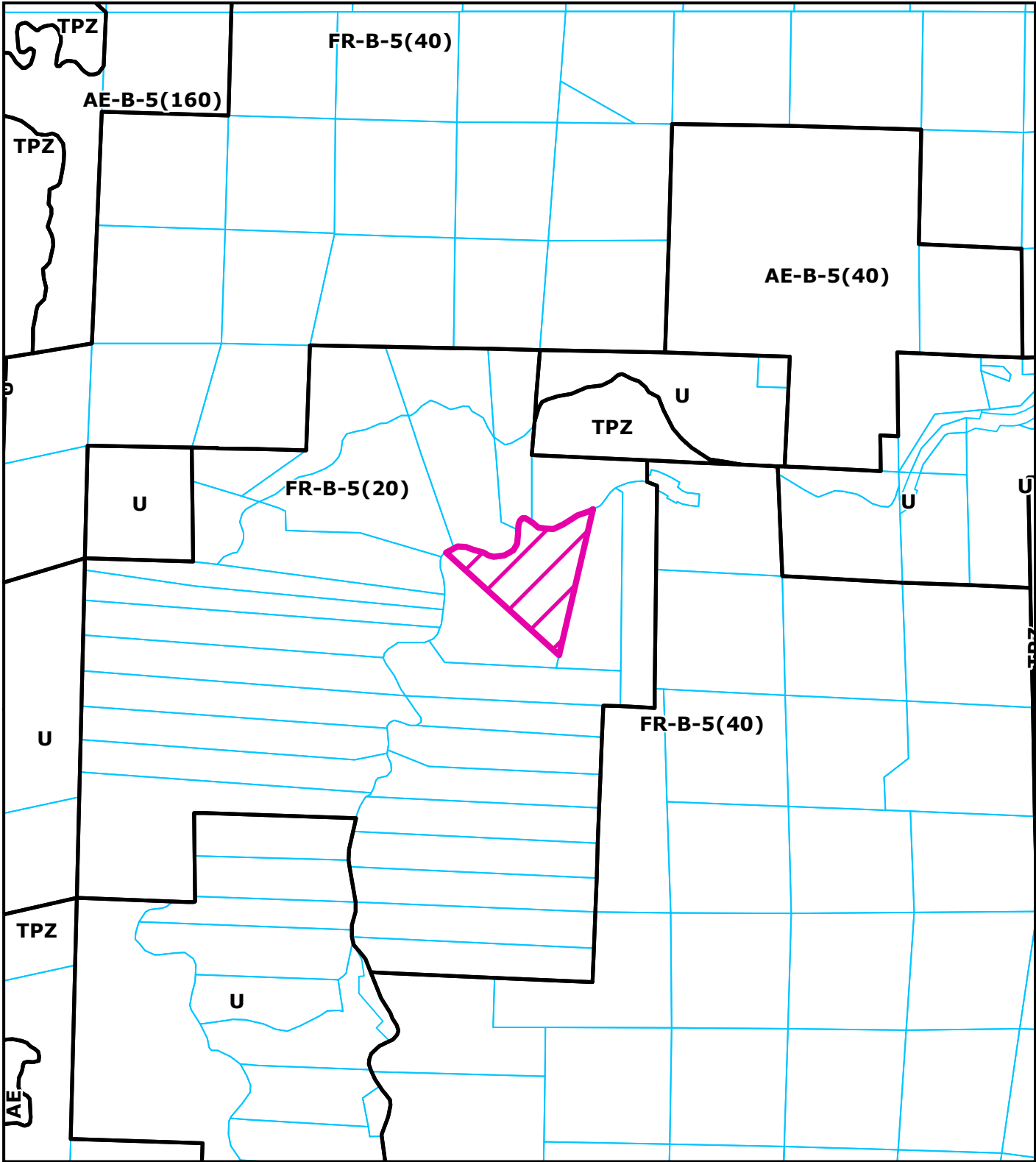
**TOPO MAP
 PROPOSED TREE PHARM LLC
 DINSMORE AREA
 CUP-16-179
 APN: 210-191-015**

T01N R05E S7; S8 HB&M (LARABEE VALLEY)

Project Area = 



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



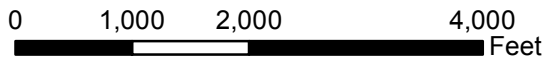
**ZONING MAP
 PROPOSED TREE PHARM LLC
 DINSMORE AREA
 CUP-16-179
 APN: 210-191-015**

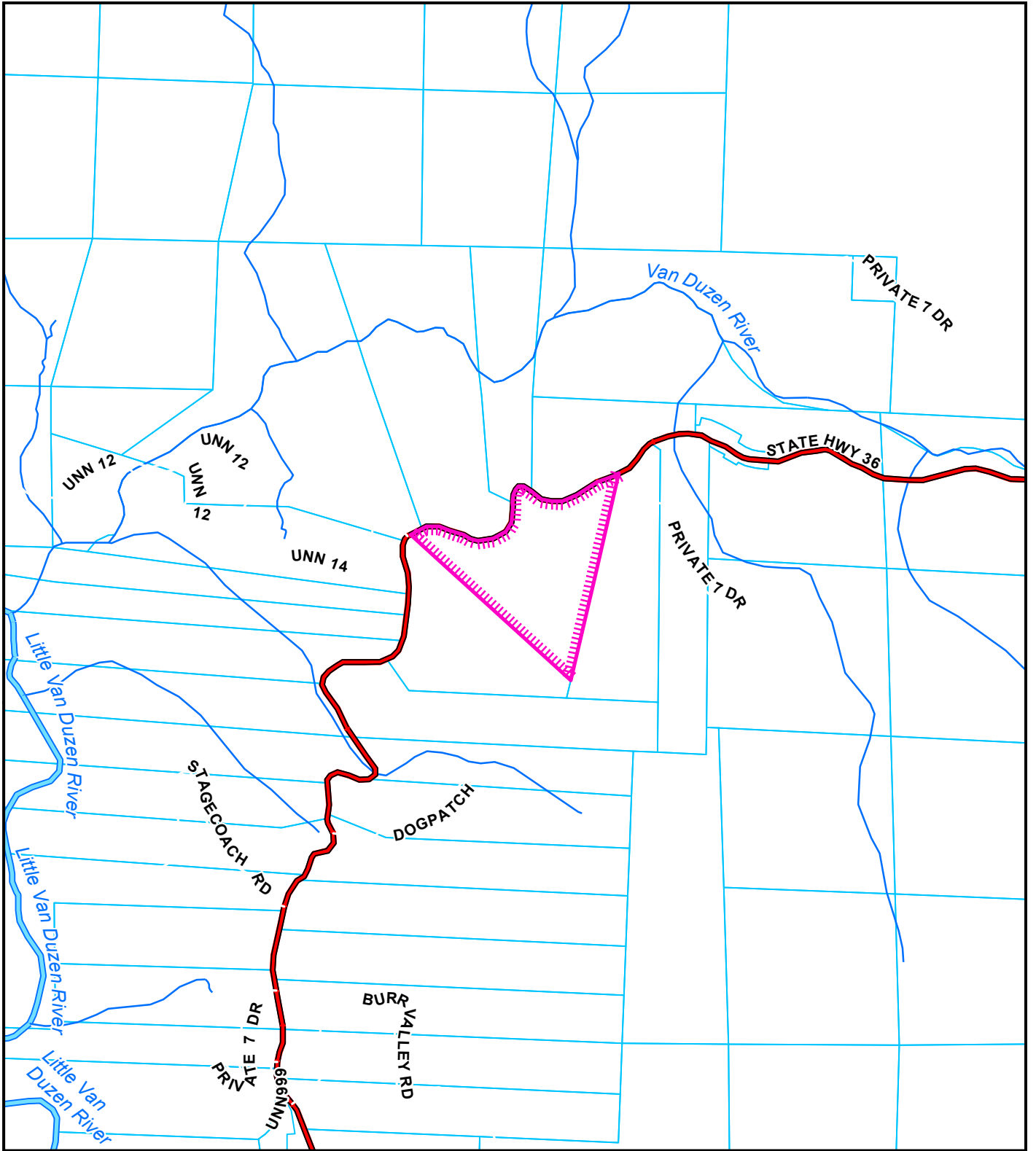
Project Area = 

T01N R05E S7; S8 HB&M (LARABEE VALLEY)



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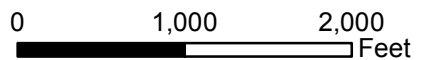




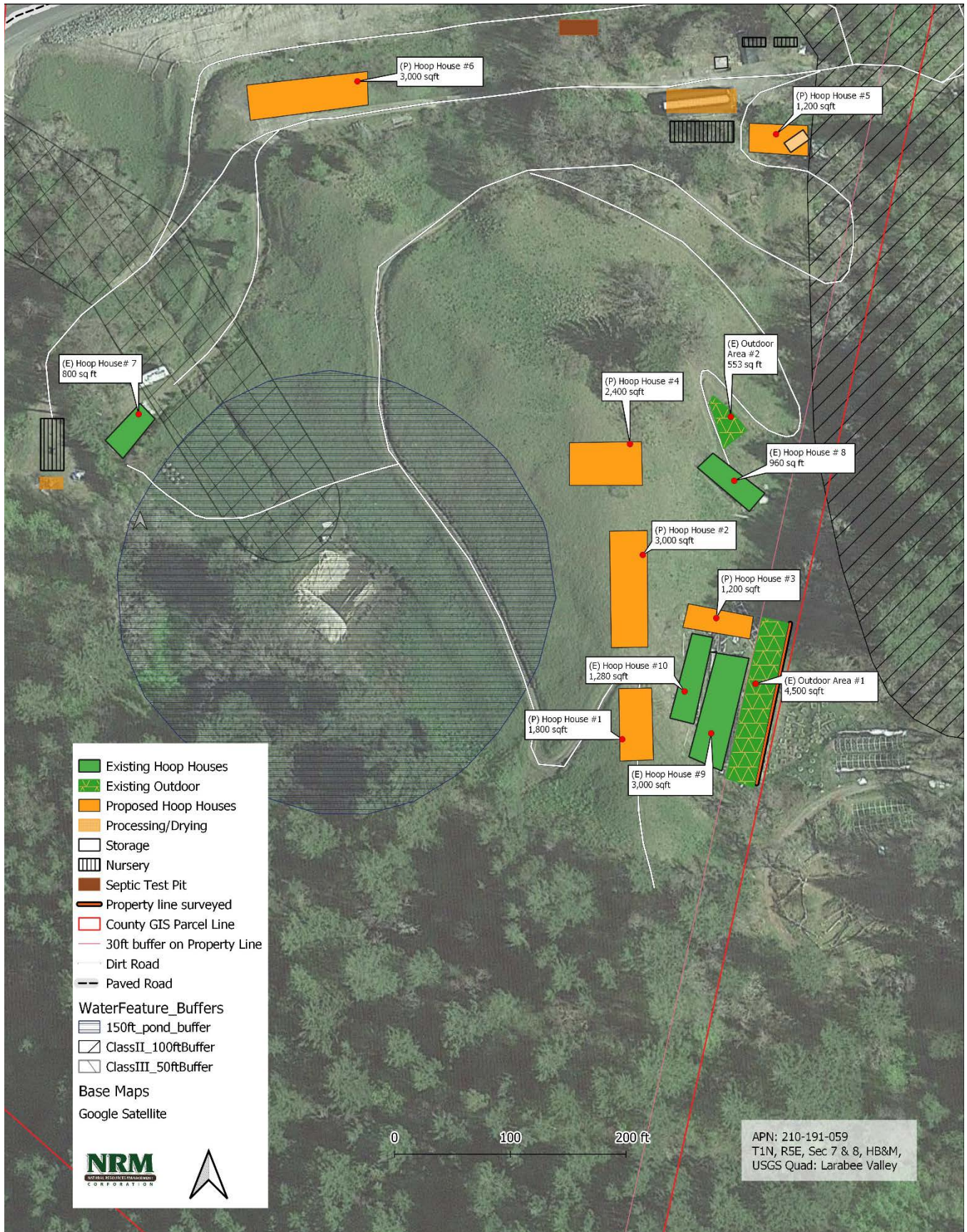
Project Area = 

**AERIAL MAP
 PROPOSED TREE PHARM LLC
 DINSMORE AREA
 CUP-16-179
 APN: 210-191-015**

T01N R05E S7; S8 HB&M (LARABEE VALLEY)



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.



Proposed or Existing	Cultivation type	Site Number	Total Square Footage
Proposed	Hoop House	1	1,800
Proposed	Hoop House	2	3,000
Proposed	Hoop House	3	1,200
Proposed	Hoop House	4	2,400
Proposed	Hoop House	5	1,200
Proposed	Hoop House	6	3,000
Existing	Hoop House	7	800
Existing	Hoop House	8	960
Existing	Hoop House	9	3,000
Existing	Hoop House	10	1,280

Total Hoop House: 18,640 square feet

Existing	Outdoor	1	4,500
Existing	Outdoor	2	553

Total Outdoor: 5,053 square feet

Total Cultivation: 23,693 square feet

ATTACHMENT 1

RECOMMENDED CONDITIONS OF APPROVAL

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

1. Within 60 days of the effective date of project approval, the applicant shall execute a Compliance Agreement with the Humboldt County Planning Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #2 – 16. The agreement shall provide a timeline for completing all outstanding items. All activities detailed under the agreement must be completed to the satisfaction of the Planning and Building Department before the permit may be finalized and no longer considered provisional.
2. The applicant shall secure permits for all structures (including, but not limited to greenhouses, and accessory structures) and grading (including road improvements, graded flats) related to the cannabis cultivation and other commercial cannabis activity. The plans submitted for building permit approval shall be consistent with the project description and approved project site plan. A letter or similar communication from the Building Division verifying that all structures related to the cannabis cultivation are permitted will satisfy this condition. Existing structures used in the cannabis operation shall not be used/occupied until all required permits have been obtained.
3. The applicant is to adhere to recommendations made in the Cannabis Remediation Report for onsite relocation and Updated Grading Plan prepared by Natural Resources Management Corporation, dated February and April 2020. The applicant must submit a monitoring report to the Planning Department.
4. The applicant shall secure permits and install an on-site sewage disposal system and restroom facility prior to processing on-site. Portable toilet and handwashing facilities may be utilized during the construction of these permanent improvements. The applicant shall furnish receipts or other documentation to the DEH for the continual use of portable toilets for employees either through 2019 or until a permanent septic system is installed to their satisfaction. A letter or similar communication from DEH verifying that all their requirements have been met will satisfy this condition.
5. 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, including those measures later determined necessary during annual and periodic site inspections in accordance with the monitoring element until the applicant has demonstrated enrollment in the State Cannabis Cultivation Discharge Program.
6. The applicant to submit evidence of enrollment into the State Cannabis Cultivation Discharge program by submitting copies of all documents filed with the State Water Resources Control Board, including, but not limited to, a Notice of Applicability and a Site Management Plan. The applicant is required to adhere to and implement the requirements contained in the SWRCB's Cannabis Cultivation Policy, the General Order and the Notice of Applicability. A copy of the reporting form portion of the Mitigation and Reporting Program (MRP) shall be submitted annually to the Planning and Building Department concurrent with the submittal to the SWRCB.
7. The applicant shall adhere to and comply with all applicable terms of the Streambed Alteration Agreement issued by CDFW and submit a Bullfrog Management Plan for review and approval by CDFW. Reporting requirements shall be submitted to the Planning Department and the California Department of Fish and Wildlife at 619 Second Street, Eureka, CA 95501, no later than December 31 of each year.

8. The approved building plans shall meet all applicable fire codes, including fire suppression infrastructure requirements deemed necessary for the project by the Building Inspection Division. Sign off on the Occupancy Permit by the Building Division shall satisfy this requirement.
9. The applicant shall submit compliance with the requirements of the County's Fire Safe Regulations and to provide evidence of emergency access turnarounds, signing & building numbers, emergency water standards, a designated water storage for fire, and fuel modification standards.
10. 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.
11. The applicant shall install and utilize a water meter to demonstrate that there is sufficient water supply to meet the demands of the project without having to rely on surface water diversion during the forbearance period. The water use for cultivation is limited to the amount of water available in storage tanks and shall be provided annually prior to or during the annual inspection.
12. The applicant shall obtain an encroachment permit from the California Department of Transportation and provide a copy to the Planning Department and to adhere to recommendations made in the Road Evaluation Report for the access road, Evaluation prepared by David Nicoletti, dated May 2018.
13. Applicant shall secure permits from the North Coast Unified Air Quality Management District, as applicable. A letter or similar communication from the North Coast Air Quality Management District verifying that all their requirements have been met and/or no additional permitting is required will satisfy this condition.
14. 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.
15. All mixed light from the propagation areas shall comply with International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1 and be designed to regulate light spillage onto neighboring properties resulting from backlight, up light, or glare (BUG). International Dark Sky Association standards exceed the requirements of Scenic Resources Standard SR-S4, Light and Glare, that lighting be fully shielded, and designed and installed to minimize off-site lighting and direct light within the property boundaries. The applicant must demonstrate and submit evidence that no light will escape from the propagation structures.
16. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will provide a bill to the applicant after the decision. Any and all outstanding Planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.

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

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

3. The applicant shall not use any erosion control measures that contain synthetic (e.g. plastic or nylon) monofilament netting, including photo- or biodegradable plastic netting, on a regular and on-going basis. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without weaves.
4. All refuse shall be contained in wildlife proof containers, at all times, and relocated to an authorized waste management facility, in compliance with State and local laws, on a regular and on-going basis.
5. No fish stocking shall be permitted without written permission from the California Department of Fish and Game pursuant to Section 6400 of the Fish and Game Code.
6. 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.
7. Possession of a current, valid required license, or licenses, issued by any agency of the State of California in accordance with the MAUCRSA, and regulations promulgated thereunder, as soon as such licenses become available.
8. 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.
9. 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).
10. 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.
11. Comply with the terms of any applicable Streambed Alteration (1600) Permit obtained from the Department of Fish & Wildlife.
12. 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.
13. 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).
14. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
15. Pay all applicable application and annual inspection fees.

16. 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.
17. 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.
18. The Master Log Books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
19. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).
20. The operation shall participate in the Medical Cannabis Track and Trace Program administered by the Humboldt County Agricultural Commissioner, when available.

Performance Standards for Cultivation and Processing Operations

21. Pursuant to the MAUCRSA, Health and Safety Code section 19322(a)(9), an applicant seeking a cultivation license shall "provide a statement declaring the applicant is an 'agricultural employer,' as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 commencing with Section 1140) of Division 2 of the Labor Code), to the extent not prohibited by law."
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:
 - (a) Emergency action response planning as necessary;
 - (b) Employee accident reporting and investigation policies;
 - (c) Fire prevention;
 - (d) Hazard communication policies, including maintenance of material safety data sheets (MSDS);
 - (e) Materials handling policies;
 - (f) Job hazard analyses; and
 - (g) 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:
 - (a) Operation manager contacts;
 - (b) Emergency responder contacts;
 - (c) 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 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.

27. 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.

28. Permit Renewals to comply with Updated Laws and Regulations. Permit renewal per Ongoing Condition of Approval #23 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.

29. 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.

30. Permittee further acknowledges and declares that:

- I. 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
- II. 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
- III. 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.

31. 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:

- a. Identifying information for the new Owner(s) and management as required in an initial permit application;
- b. A written acknowledgment by the new Owner in accordance as required for the initial Permit application;
- c. The specific date on which the transfer is to occur; and
- d. Acknowledgement of full responsibility for complying with the existing Permit; and
- e. Execution of an Affidavit of Non-diversion of Medical Cannabis.

32. 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 Condition of Approval #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 Conditions of Approval #23 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 Section 7050.5 requires that the County Coroner be contacted immediately at 707-445-7242. If the Coroner determines the remains to be Native American, the Native American Heritage Commission will then be contacted by the Coroner to determine appropriate treatment of the remains pursuant to Public Resources Code Section 5097.98. Violators shall be prosecuted in accordance with Public Resources Code Section 5097.99.

4. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will provide a bill to the applicant after the decision. Any and all outstanding Planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
5. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will send a bill to the Applicant for all staff costs incurred for review of the project for conformance with the conditions of approval. All Planning fees for this service shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
6. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. **Within three days of the effective date of permit approval**, it is requested that the applicant submit a check or money order for the required filing fee in the amount of \$50 payable to the Humboldt County Clerk/Recorder. If this payment is not received within this time period, the Department will file the NOD and will charge this cost to the project.
7. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions prior to release of building permit or initiation of use and at time of annual inspection. In order to demonstrate that all conditions have been satisfied, applicant is required to pay the conformance review deposit as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750) within sixty (60) days of the effective date of the permit or upon filing of the Compliance Agreement (where applicable), whichever occurs first. Payment shall be made to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
8. The operator shall provide information to all employees about the potential health impacts of cannabis use on children. Information shall be provided by posting the brochures from the Department of Health and Human Services titled *Cannabis Palm Card* and *Cannabis Rack Card*. This information shall also be provided to all employees as part of the employee orientation.

ATTACHMENT 2

REQUIRED FINDINGS FOR APPROVAL

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) specify the findings that are required to grant a Conditional Use Permit and Special Permit:

1. The proposed development is in conformance with the County General Plan 2017, Open Space Plan, and Open Space Action Program;
2. The proposed development is consistent with the purposes of the existing zone in which the site is located;
3. The proposed development conforms with all applicable standards and requirements of these regulations;
4. The proposed development and conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare; or materially injurious to property or improvements in the vicinity;
5. The proposed development does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law (the 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; and
6. In addition, the California Environmental Quality Act (CEQA) states that one of the following findings must be made prior to approval of any development which is subject to the regulations of CEQA. The project either:
 - a. Is categorically or statutorily exempt; or
 - b. Has no substantial evidence that the project will have a significant effect on the environment and a negative declaration has been prepared; or
 - c. Has had an environmental impact report (EIR) prepared and all significant environmental effects have been eliminated or substantially lessened, or the required findings in Section 15091 of the State CEQA Guidelines have been made.

1. **The proposed development must be consistent with the General Plan.** The following table documents the substantial evidence which supports finding that the proposed development is in conformance with all applicable policies and standards of the Humboldt County General Plan 2017, Open Space Plan, and Open Space Action Program.

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Land Use Chapter 4</p> <p>Land Use Designations Section 4.8</p>	<p>Residential Agriculture (RA40): This designation applies to large lot residential uses that typically rely upon on-site water and wastewater systems. Varying densities are reflective of land capabilities and/or compatibility issues. General and Intensive agriculture are allowed uses.</p> <p>Density range is 40 -160 acres/unit.</p>	<p>The applicant is proposing to continue an existing commercial cannabis cultivation operation consisting of 23,693 SF of outdoor cultivation area on lands designated as Residential Agriculture. General and intensive agriculture are allowable use types for this designation. The project is therefore consistent with the RA designation.</p>
<p>Circulation Chapter 7</p>	<p>Goals and policies contained in this Chapter relate to a balanced, safe, efficient, accessible and convenient circulation system that is appropriate for each type of unincorporated community (C-G1,C-G2); coordinated planning design, development, operations, and maintenance between the County and other transportation system service providers (C-G3); and access for all transportation mode types with improved opportunities to move goods within, into and out of Humboldt County. (C-G4, C-G5)</p> <p>Related policies: C-P3. Consideration of Transportation Impacts in Land Use Decision Making.</p>	<p>Access to the site directly from State Highway 36 a publicly maintained road. The applicant has prepared a Road Evaluation prepared by David Nicoletti, dated May 2018. The report recommends the access road to be graded to improve drainage and to widen up to 12 feet. As a as condition of approval, the applicant is to obtain an encroachment permit from the California Department of Transportation and to adhere to recommendations made in the Road Evaluation Report</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Housing Chapter 8</p>	<p>Goals and policies contained in this Element seek to identify existing and projected housing needs and establish goals, policies, standards and measures for the preservation, improvement, and development of housing.</p> <p>Related policies: H-P3, Development of Parcels in the Residential Land Inventory.</p>	<p>The project does not involve residential development, nor is the project site part of the Housing element Residential Land Inventory. However, the project will not preclude any future residential development. The project will not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law. The project is therefore consistent with the Housing Element.</p>
<p>Conservation and Open Space Chapter 10</p> <p>Open Space Section 10.2</p>	<p>Goals and policies contained in this Chapter relate to an Open Space and Conservation Program that is complimentary to other agencies' plans and that preserves the county's unique open spaces. (CO-G1, CO-G3)</p> <p>Related policies: CO-P1, Conservation and Open Space Program; CO-P12, Development Review, CO-S1. Identification of Local Open Space Plan, and CO-S2. Identification of the Open Space Action Program.</p>	<p>The project is consistent with the Open Space Plan because the proposed project is consistent with the allowable uses of the Land Use Designations. The proposed cannabis cultivation - an agricultural product - is within land planned for agricultural purposes, consistent with the use of Open Space land for management production of resources. There are no mapped Streamside Management Areas (SMAs) on the subject parcel, however, the Water Resource Protection Plan (WRPP) states there are two streams a Class II and a Class III. The project includes a Special Permit for an encroachment within two Streamside Management Areas onsite that would allow onsite relocation of cannabis cultivation to protect water quality from the adverse impacts of cannabis cultivation. About 12,600 SF will be relocated to an environmentally superior location onsite in within six hoop houses. Four hoop houses will remain in place for a total of 18,640 SF in hoop houses and 5,053 SF in full sun outdoor cultivation. The relocation sites will meet of all riparian setbacks. The applicant submitted a Cannabis Relocation Report that details relocation justification and remediation measures, prepared by Natural Resources Management Corporation (NRM), dated February 2020. Further, the applicant submitted an Updated Grading Plan prepared by NRM, dated April 2020, which outlines the grading details for all six hoop houses, which does not exceed more than 50 cubic yards of soil disturbance. As a condition, of approval the applicant is to adhere to recommendations made in the remediation report for onsite relocation and submit a monitoring report to the Planning Department.</p>

<p>Conservation and Open Space Chapter 10</p> <p>Biological Resources Section 10.3</p>	<p>Goals and policies contained in this Chapter relate to mapped sensitive habitat areas where policies are applied to protect fish and wildlife and facilitate the recovery of endangered species (BR-G1, Threatened and Endangered Species, BR-G2, Sensitive and Critical Habitat, BR-G3, Benefits of Biological Resources)</p> <p>Related policies: BR-P1. Compatible Land Uses, BR-P5. Streamside Management Areas.</p>	<p>There are no mapped rare or species of special concern on the subject parcel based on a review of the California Natural Diversity Database. The nearest Northern Spotted Owl Activity Center is located 1.62 miles to the southeast of the project site. Artificial lighting is proposed for use within the propagation areas; the applicant must demonstrate that no light will escape from the propagation structures. Planning staff believes that use of supplemental lighting in propagation areas complying with dark-sky standards can adequately address any lighting impacts on NSO.</p> <p>The project includes a Special Permit for an encroachment within two Streamside Management Areas onsite that would allow onsite relocation of cannabis cultivation to protect water quality from the adverse impacts of cannabis cultivation. About 12,600 SF will be relocated to an environmentally superior location onsite in within six hoop houses. Four hoop houses will remain in place for a total of 18,640 SF in hoop houses and 5,053 SF in full sun outdoor cultivation. The relocation sites will meet of all riparian setbacks. The applicant submitted a Cannabis Relocation Report that details relocation justification and remediation measures, prepared by Natural Resources Management Corporation (NRM), dated February 2020. Further, the applicant submitted an Updated Grading Plan prepared by NRM, dated April 2020, which outlines the grading details for all six hoop houses, which does not exceed more than 50 cubic yards of soil disturbance. As a condition, of approval the applicant is to adhere to recommendations made in the remediation report for onsite relocation and submit a monitoring report to the Planning Department.</p> <p>A Special Permit is also requested for development within a SMA that would allow the use of a point of diversion from a spring and used for irrigation. The water storage includes a 200,000-gallon pond, where water from the spring will be stored. The applicant obtained a Right to Divert Water (Certificate Number H100420) from the State Water Resources Control Board that allows for diversion and storage of water from the point of diversion. The specified diversion to storage shall not exceed 42,000-gallons per day or the rate specified in the current version of the State Water Board's Cannabis Policy, whichever is more restrictive. Additionally, the storage capacity shall not exceed 250,905 gallons. The total water usage for cannabis irrigation about 135,980 gallons for two cycles a year.</p> <p>The applicant submitted has obtained Streambed</p>
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Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
		<p>Alteration agreement from the California Department of Fish and Wildlife (CDFW) for the point of diversion, four stream crossing improvements, and outflow of the pond. Conditions of approval require the applicant to install water flow meters in accordance with applicable regulations and require the applicant to adhere to and implement all recommendations and requirements of the Final Streambed Alteration Agreement issued by CDFW.</p> <p>Additionally, CDFW was sent a project referral on September 19, 2017. Although no comments were received from CDFW Several conditions of approval requested by CDFW for wildlife and watershed protection, such as preparation and implementation of a bullfrog management plan and a prohibition on use of synthetic netting, are incorporated into the project. conditions of approval. As conditioned, the project is consistent with the Biological Resource policies of the General Plan.</p>
<p>Conservation and Open Space Chapter 10</p> <p>Cultural Resources Section 10.6</p>	<p>Goals and policies contained in this Chapter relate to the protection and enhancement of significant cultural resources, providing heritage, historic, scientific, educational, social and economic values to benefit present and future generations (CU-G1, Protection and Enhancement of Significant Cultural Resources)</p> <p>Related policies: CU-P1. Identification and Protection, CU-P2. Native American Tribal Consultation]</p>	<p>The project was referred to the Northwest Information Center (NWIC) and the Bear River Band of the Rohnerville Rancheria (BRB). NWIC and BRB requested an archeological survey of the subject parcel. The applicant retained Roscoe and Associates Cultural Resources Consultants for the preparation of a Cultural Resources Investigation for the Project site. The report concludes that no significant archaeological or historic period cultural resources, that for the purposes of CEQA would be considered an historic resource, exist in the limits of the project area. The Cultural Resources Investigation was sent to BRB for their review, and who recommended inadvertent discovery protocol. Ongoing conditions of approval are incorporated regarding the inadvertent discovery protocol to protect cultural resources. The project is therefore consistent with the Cultural Resource policies of the General Plan.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Conservation and Open Space Chapter 10</p> <p>Scenic Resources Section 10.6</p>	<p>Goals and policies contained in this Chapter relate to the protection of scenic areas that contribute to the enjoyment of Humboldt County's beauty and abundant natural resources (SR-G1); and a system of scenic highways roadways that increase the enjoyment of, and opportunities for, recreational and cultural pursuits and tourism in the County. (SR-G2)</p> <p>Related policies: SR-S4. Light and Glare</p>	<p>The project involves the cultivation of approximately 23,693 SF of outdoor cultivation. Additionally, the project has been conditioned to fully shield all of the propagation areas so that it does not direct light within the property boundaries. With these conditions of approval, the proposed project would meet the goals and policies contained in this chapter relating to the protection of scenic areas. As conditioned, the project is therefore consistent with the Scenic Resource policies of the General Plan.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Water Resources Chapter 11</p> <p>Stormwater Drainage</p>	<p>Goals and policies contained in this Chapter relate to coordinated watershed planning and land use decision making to advance management priorities (WR-G3, WR-G4, WR-G5); watershed conservation and restoration efforts aimed at de-listing water bodies and watersheds which are restored to meet all beneficial uses, including water use, salmon and steelhead recovery plans, recreational activities, and the economy (WR-G1, WR-G2, WR-G7, WR-G8, WR-G9); and</p> <p>Related policies: WR-P10. Erosion and Sediment Discharge; WR-P42. Erosion and Sediment Control Measures.</p>	<p>The Project site falls within Tier 2 of the North Coast Regional Water Quality Control Board's (NCRWQCB) Order No. 2015-0023 (Order), which requires preparation of a Water Resources Protection Plan (WRPP) to protect water quality from cannabis cultivation and related activities. A WRPP has been prepared for the project by Pacific Watershed Associates dated April 2017, that describes and addresses compliance with the 12 Standard Conditions established by the Order (see Attachment 4). The WRPP identifies several improvements that are needed on-site, including the installation of a water meter to accurately track water usage and repair or installation of culverts. The project has been conditioned to implement all recommendations listed in the WRPP. With implementation of the proposed recommendations this project will conform to the requirements of the Plan.</p> <p>The applicant was required to enroll in the State Cannabis Discharge program. Conditions of approval require the applicant to submit evidence of enrollment into the State Cannabis Cultivation Discharge program by submitting copies of all documents filed with the State Water Resources Control Board, including, but not limited to, a Notice of Applicability and a Site Management Plan. The applicant is required to adhere to and implement the requirements contained in the SWRCB's Cannabis Cultivation Policy, the General Order and the Notice of Applicability. A copy of the reporting form portion of the Mitigation and Reporting Program (MRP) shall be submitted annually to the Planning and Building Department concurrent with the submittal to the SWRCB. The project is consistent with the Water Resource policies of the General Plan.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Water Resources Chapter 11</p> <p>Onsite Wastewater Systems</p>	<p>Goals and policies contained in this Chapter relate to adequate public water supply as well as onsite wastewater systems and natural and developed storm drainage systems that minimize interference with surface and groundwater flows and storm water pollution. (WR-G6, WR-G9, WR G10)</p> <p>Related policies: WR-IM7. Basin Plan Septic Requirements; and IS-P17. On-Site Sewage Disposal Requirements.</p>	<p>The proposed project includes development of bathroom facilities for the be proposed processing facility. The applicant submitted a Septic Site Suitability Analysis to establish the potential for an on-site Wastewater Treatment System Design Report for the proposed processing facility, prepared by DTN Engineering, Consulting, and Permitting dated December 2018. The report states sufficient area exists to accommodate the septic system and reserve field for the processing facility for up to two employees. Department of Environmental Health (DEH) recommended conditional approval for the project. Per DEH request, no processing can be approved until an acceptable site suitability report can establish potential for onsite waste treatment system. Portable toilet and handwashing facilities will be allowed to be utilized during the construction of these permanent improvements. An invoice, or equivalent documentation, is provided to DEH to confirm the continual use of portable toilets to serve the needs of cultivation staff prior to reissuance of annual permit. As a part of this condition the applicant is required to provide receipts or other documentation to the DEH for the continual use of portable toilets for employee use either through 2020 or until a permanent septic system is installed to their satisfaction.</p>
<p>Noise Chapter 13</p>	<p>Goals and policies contained in this Chapter discourage incompatible uses within communities and reduce excessive noise through the application of standards. (N-G1, N-G2)</p> <p>Related policies: N-P1, Minimize Noise from Stationary and Mobile Sources; N-P4, Protection from Excessive Noise.</p>	<p>Artificial lighting is proposed for use within the propagation areas. Power is provided by PG&E. The nearest Northern Spotted Owl Activity Center is located 1.62 miles to the of the project site. Ongoing conditions of approval require the maximum allowable backup generator noise exposure level is 50 dB when measured from the generator at a distance of 100 feet or at the edge of habitat, whichever is closer. Conditions of approval require the applicant to provide evidence that backup generator and fan noise exposure levels are 50 dB when measured at 100 feet or edge of habitat prior to using any artificial lighting. As conditioned, the project is consistent with the Noise Element.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Safety Element Chapter 14</p> <p>Geologic & Seismic</p>	<p>Goals and policies contained in this Chapter relate to communities that are designed and built to minimize the potential for loss of life and property resulting from natural and manmade hazards; and to prevent unnecessary exposure to areas of geologic instability, floodplains, tsunami run-up areas, high risk wildland fire areas, and airport areas planned and conditioned to prevent unnecessary exposure of people and property to risks of damage or injury. (S-G1, S-G2)</p> <p>Related policies: S-P11. Site Suitability, S-P7. Structural Hazards.</p>	<p>The project site is not located in a mapped Alquist-Priolo fault zone nor is subject to liquefaction. The site is located in an area designated as High Slope Instability (3) in the County's GIS mapping. All of the cultivation will be located on slopes 15 % or less. Conditions of approval require the applicant to obtain gradings permits from the Building Inspection Division for all grading and grading conducted without the benefit of County review. The project is consistent with the geologic resource policies of the Safety Element.</p>
<p>Safety Element Chapter 14</p> <p>Flooding</p>	<p>Goals and policies contained in this Chapter relate to the use of natural drainage channels and watersheds that are managed to minimize peak flows in order to reduce the severity and frequency of flooding. (S-G3)</p> <p>Related policies include: S-P12, Federal Flood Insurance Program; S-P13, Flood Plains; S-P15, Construction Within Special Flood Hazard Areas.</p>	<p>The subject site is outside any mapped flood hazard areas. The project site is not within a mapped dam or levee inundation area and, at more than 2,714 feet above mean sea level, is outside the areas subject to tsunami run-up. The project is consistent with the flood policies of the General Plan.</p>
<p>Safety Element Chapter 14</p> <p>Fire Hazards</p>	<p>Goals and policies of this Chapter encourage development designed to reduce the risk of structural and wildland fires supported by fire protection services that minimize the potential.</p> <p>Related policies: S-P15, Conformance with State Responsibility Areas (SRA) Fire Safe Regulations.</p>	<p>The subject property is located within an area with a high and very high fire hazard severity. The parcel is located within the Bridgeville Fire Protection District Response Area and within the State Fire Responsibility Area where the State of California has the primary financial responsibility for the prevention and suppression of wildland fires. CAL FIRE comments recommended compliance with the requirements of the County's Fire Safe Regulations and to provide evidence of emergency access turnarounds, signing & building numbers, emergency water standards, a designated water storage for fire, and fuel modification standards. The Humboldt County Fire Safe Ordinance (Section 3111-1 et seq.) establishes development standards for minimizing wildfire danger in state responsibility designated areas.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
		<p>According to the operations plan, cultivation and processing will be conducted by two employees. Total water storage is 200,000 gallons in the onstream pond and hard-sided tanks that can be used for fire protection is needed. Additionally, the applicant will designate a 2,500-gallon water tank for emergencies. The project is consistent with the fire protection policies of the Safety Element.</p>
<p>Community Infrastructure and Services Element, Chapter 5</p> <p>Implementation Action Plan</p>	<p>IS-S5 requires new industrial, commercial and residential development located outside of fire district boundaries to obtain written acknowledgment of available emergency response and fire suppression services from the local fire agency, including any recommended mitigation.</p>	<p>The parcel is located within the jurisdiction of the Bridgeville Fire Protection District.</p>
<p>Air Quality Chapter 15</p>	<p>Goals and policies contained in this Chapter relate to improved air quality to meet current and future state and federal standards, including attainment of particulate matter requirements (AQ-G1, AQ-G2, AQ-G3) and the successful reduction of greenhouse gas emissions to levels consistent with state and federal requirements (AQ-G4)</p> <p>Related policies: AQ-P4, Construction and Grading Dust Control, AQ-S1, Construction and Grading Dust Control, AQ-P7, Interagency Coordination.</p>	<p>As a condition of project approval, applications for grading and or building permits shall be referred to the North Coast Air Quality Management District (NCAQMD) for review and consultation. Dust control practices during construction and grading shall achieve compliance with NCAQMD fugitive dust emission standards. As conditioned, the project is consistent with these policies of the General Plan.</p>

2. Zoning Compliance and 3. Conforms with applicable standards and requirements of these regulations:
The following table demonstrates that the proposed development is in conformance with all applicable policies and standards in the Humboldt County Zoning Regulations.

Zoning Section	Summary of Applicable Requirement	Evidence That Supports the Zoning Finding

<p>§312-1.1.2</p> <p>Legal Lot Requirement</p>	<p>Development permits shall be issued only for a lot that was created in compliance with all applicable state and local subdivision regulations.</p>	<p>The parcel of land known as APN 210-191-059 is one legal parcel as recorded on Parcel Map 1611, in Book 14, Page 28. There is no evidence indicating there have been any subsequent acts to merge or divide this parcel. Therefore, the subject parcel was lawfully created in its current configuration and can be developed as proposed.</p>
<p>§314-7.1</p> <p>Forestry Recreation (FR-B-5 (20))</p>	<p>Forestry Recreation (FR)</p> <p>The Forestry Recreation or FR Zone is intended to be applied to forested areas of the County in which timber production and recreation are the desirable predominant uses and agriculture is the secondary use, and in which protection of the timber and recreational lands is essential to the general welfare.</p> <p>B-Special Building Site Combining Zone</p> <p>As specified on the zoning maps designating any such zone, except that in no case shall these requirements be less than those required under the B-4 requirements.</p>	<p>The applicant is seeking a Conditional Use Permit for an existing 23,693 square foot cannabis cultivation operation on a property zoned FR-B-5(20). The proposed use is specifically allowed with Conditional Use Permit in this zoning district and under Section 314-55.4.8.2.2 of the CMMLUO.</p>

Zoning Section	Summary of Applicable Requirement	Evidence That Supports the Zoning Finding
Minimum Lot Size:	1 acre	20.1 acres
Maximum Ground Coverage:	None Specified	<1%
Minimum Lot Width:	200 feet	997 feet
Maximum Lot Depth:	None specified	1260 feet
Minimal Parcel Setbacks: (Through the SRA requirements)	Front: 20 feet Rear: 20 feet Side: 10 SRA: 30 feet, all sides	Front: >30 feet Rear: >30 feet Side: >2 feet With the exemption of the eastside property line. The cultivation is 2 feet away from the property line. Open air cultivation is not subject to the SRA setback requirements.
Max. Building Height:	35	<35 feet

<p>§314-61.1 Streamside Management Area (SMA)</p>	<p>Purpose: to provide minimum standards pertaining to the use and development of land located within Streamside Management Areas (SMAs) and other wet areas (OWA) to implement the County's Open Space Element of the General Plan.</p>	<p>There are no mapped Streamside Management Areas on the subject parcel according to the Humboldt WebGIS, however, there are a Class II and Class III watercourses shown on the site map and maps prepared for the Water Resources Protection Plan (WRPP) parcel. There are several stream crossings and one point of diversion for irrigation use on the subject parcel. The project includes a Special Permit for an encroachment within two Streamside Management Areas onsite that would allow onsite relocation of cannabis cultivation to protect water quality from the adverse impacts of cannabis cultivation. About 12,600 SF will be relocated to an environmentally superior location onsite in within six hoop houses. Four hoop houses will remain in place for a total of 18,640 SF in hoop houses and 5,053 SF in full sun outdoor cultivation. The relocation sites will meet of all riparian setbacks. The applicant submitted a Cannabis Relocation Report that details relocation justification and remediation measures, prepared by Natural Resources Management Corporation (NRM), dated February 2020. Further, the applicant submitted an Updated Grading Plan prepared by NRM, dated April 2020, which outlines the grading details for all six hoop houses, which does not exceed more than 50 cubic yards of soil disturbance. As a condition, of approval the applicant is to adhere to recommendations made in the remediation report for onsite relocation and submit a monitoring report to the Planning Department.</p> <p>A Special Permit is also requested for development within a SMA that would allow the use of a point of diversion from a spring and used for irrigation. The water storage includes a 200,000-gallon pond, where water from the spring will be stored. The applicant obtained a Right to Divert Water (Certificate Number H100420) from the State Water Resources Control Board that allows for diversion and storage of water from the point of diversion. The specified diversion to storage shall not exceed 42,000-gallons per day or the rate specified in the current version of the State Water Board's Cannabis Policy, whichever is more restrictive. Additionally, the storage capacity shall not exceed 250,905 gallons</p>
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<p>§314-109.1 Off-Street Parking</p>	<p>Off Street Parking for Agricultural use*: Parking space per employee at peak shift. A minimum of three parking spaces are required.</p> <p>*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.</p>	<p>Two parking spaces is available onsite.</p>
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314-55.4 et seq. HCC: Commercial Cultivation, Processing, Manufacturing and Distribution of Cannabis for Medical Use Inland Land Use Regulation (CMMLUO)

<p>§314-55.4.8.2 Timber Conversion</p>	<p>In all zones where cultivation is allowed consisting of timberland, the commercial cultivation of cannabis for medical use shall only be permitted within a 3-acre conversion exemption area, or non-timberland open area, subject to the conditions and limitations set forth in this Section.</p>	<p>The subject parcel is zoned Forest Recreation. Cultivation and cultivation related operations occur in two locations on site. Based on a review of aerial imagery no timber conversion has occurred. A project referral was sent to CAL FIRE who did not have any comments regarding timber conversion (see Attachment 5).</p>
<p>§ 314-55.4.8.2.2 Existing Outdoor and Mixed-Light Cultivation Areas</p>	<p>On parcels 5 acres or larger in size, a Zoning Clearance Certificate, Special Permit or Conditional Use Permit may be issued for existing outdoor and mixed light cultivation for some or all of the cultivation area in existence prior to January 1, 2016. The total cultivation area allowed on a single parcel shall not exceed one acre for outdoor cultivation or 22,000 square feet for mixed-light cultivation.</p> <p>A Conditional Use Permit is appropriate for existing outdoor and/or mixed-light cultivation >10,000 - 43,560 sf on parcels over 1 acre, zoned AE.</p>	<p>The proposed action is a Conditional Use Permit for 23,693 SF of existing outdoor cultivation on APN 210-191-059, which is a 20-acre parcel zoned FR- B-5. A review of Google Earth imagery in 2014 found the 23,693 square feet of cultivation was in existence prior to January 1, 2016. The cultivation area, type, status, and zoning of the parcel are consistent with the requirements for a Conditional Use Permit. The applicant will comply with all conditions of the CMMLUO, as specified in the recommended conditions of approval.</p>
<p>§314-55.4.8.10 Permit Limit</p>	<p>No more than four commercial cannabis activity permits may be issued to a single person, as defined in the referenced section.</p>	<p>According to records maintained by the Department, the applicant has applied for no other cannabis activity permits, and he is entitled to four. This application is for a single permit for outdoor cultivation.</p>

<p>§314-55.4.9.1 Accessory Processing</p>	<p>Processing for cultivation requiring a Special Permit or Use Permit will be considered in the Use Permit application.</p>	<p>All cannabis cultivated on-site will be processed (dried, cured and trimmed) will occur onsite in a proposed, 1,200 SF ADA compliant facility. Until the Onsite Wastewater Treatment Facility (OWTS) is installed to the satisfaction of the Department of Environmental Health, processing is required to take place at an off-site licensed processing facility. The applicant can also take harvested cannabis to a licensed processing facility for processing should they choose once the OWTS is installed. Conditions of approval require processing to occur off-site until the septic system is permitted. Conditions of approval also require the applicant to obtain building permits from the Humboldt County Building Inspection Division for use of the barn for commercial activities.</p>
<p>§314-55.4.10 Application Requirements</p>	<p>Identifies the Information Required for All Applications</p>	<p>Attachment 4 identifies the information submitted with the application and shows all the required information was received.</p>
<p>§314-55.4.11 Performance Standards</p>	<p>Identifies the Performance Standards for Cannabis Cultivation Activities</p>	<p>All the applicable performance standards are included as Conditions of project approval. They are required to be met throughout the timeframe of the permit.</p>
<p>§314-55.4.11.c Performance Standards-Water</p>	<p>Compliance with all statutes, regulations and requirements of the California State Water Resources Control Board, 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.</p>	<p>The project includes a Special Permit for development within the Streamside Management Area (SMA) that would allow for use of a point of diversion in a spring and used for irrigation. The Spring will be fed into an onstream 200,000-gallon pond. The applicant obtained a Right to Divert Water (Certificate Number H100420) from the State Water Resources Control Board that allows for diversion and storage of water from the point of diversion on the unnamed spring that is tributary to an unnamed stream. The specified diversion to storage shall not exceed 42,000-gallons per day or the rate specified in the current version of the State Water Board's Cannabis Policy, whichever is more restrictive. Additionally, the storage capacity shall not exceed 250,905. Conditions of approval require the applicant to adhere to the Streambed Alteration Agreement for the point of diversion from the California Department of Fish and Wildlife (CDFW), adhere to the requirement of the Right to Use and Divert Water and obtain a grading permit from the Building Inspection Division for the onstream pond. In addition, the applicant is required to prepare and submit a Bullfrog Management Plan to the Planning Department for review and approval by the Planning Department and CDFW. Implementing the Bullfrog Management Plan is an ongoing condition of approval that is required for the life of the project. Based on the submitted evidence, the project complies with the referenced section.</p>

§314-55.4.11.d Performance Standards-Setbacks	The area of cannabis cultivation and on-site processing shall be setback at least 30 feet from any property line, and 600 feet from any school, school bus stop, church or other place of religious worship, public park, or tribal cultural resources (TCRs).	The applicant's site plan shows that the cultivation area conforms to the 600-foot setback for schools, school bus stops, parks, or places of religious worship. The cultural study prepared for the project indicated that there were not any nearby Tribal Cultural Resources. The cultivation area on westside property line does not meet the 30 feet setback. The applicant has submitted a property line survey prepared by Ed Gorge Jr, dated February 2020. The survey indicates that the cultivation is two feet away from the neighboring property, on the eastside. The applicant has received expressed consent from the property owners.
§314-55.4.11.o Performance Standards- Generator Noise	The noise produced by a generator used for cannabis cultivation shall not be audible by humans from neighboring residences. The combined decibel level for all noise sources, including generators, 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, when generator use is to occur in the vicinity of potential habitat. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service	Artificial lighting is proposed for use within propagation greenhouse. Greenhouses are equipped with fans and power is provided by PG&E. The nearest Northern Spotted Owl Activity Center is located 1.62 miles to the southeast of the project site. Ongoing conditions of approval require the maximum allowable from a backup generator noise exposure level is 50 dB when measured from the generator at a distance of 100 feet or at the edge of habitat, whichever is closer.
§314-55.4.17 Sunset Date	No application for any Use Permit pursuant to the CMMLUO shall be processed for issuance or approval that is received after December 31, 2016.	The applicant filed the application on September 22, 2016.

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

Code Section	Summary of Applicable Requirements	Evidence that Supports the Required Finding
--------------	------------------------------------	---

<p>§312-17.1.4</p> <p>Required Findings for All Permits</p>	<p>The proposed development will not be detrimental to the public health, safety and welfare, and will not be materially injurious to properties or improvements in the vicinity.</p>	<p>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 significant environmental damage.</p>
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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
<p>17.1.5</p> <p>Housing Element Densities</p>	<p>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 midpoint of the density range specified in the plan designation), except where: 1) the reduction is consistent with the adopted general plan including the housing element; and 2) the remaining sites identified in the housing element are adequate to accommodate the County share of the regional housing need; and 3) the property contains insurmountable physical or environmental limitations and clustering of residential units on the developable portions of the site has been maximized.</p>	<p>As discussed above the property was not included in the 2014 Housing Inventory because of the land use designation and zoning. The project is in conformance with the standards in the Housing Element.</p>

6. Environmental Impact: The following evidence supports finding that the proposed development will not adversely impact the environment.

As lead agency, the Department prepared an Addendum to the previously adopted Mitigated Negative Declaration (MND) (State Clearinghouse # 2015102005) prepared for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) and adopted by the County Board of Supervisors January 26, 2015. The MND prepared for the CMMLUO established that the environmental effects of existing cultivation operations would be reduced from the baseline impacts through the regulations applied by the CMMLUO. The proposed project is consistent with all regulations within the CMMLUO and all mitigation measures of the MND. The project is for the approval of an existing cultivation, on-site processing and use of point of diversion in an unnamed Class III watercourse for irrigation. The environmental document on file include detailed discussions of all the relevant environmental issues.

ATTACHMENT 3

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

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

APN 210-191-059, Bridgeville, CA County of Humboldt

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

April 2020

Background

Modified Project Description and Project History-The original project reviewed under the Mitigated Negative Declaration (MND) for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) addressed the broad environmental impacts that could be expected to occur from the adoption and implementation of the ordinance. The MND specified that the regulations established in the CMMLUO would mitigate the impacts of existing cannabis operations by establishing regulations for an existing unregulated land use to help prevent and reduce environmental impacts that are known to result from unpermitted baseline cultivation operations. The MND states that "Bringing existing operations into compliance will help to attenuate potential environmental effects from existing cultivation activities, including aesthetic impacts resulting from improper operation or poor siting."

The modified project involves a Conditional Use Permit A Conditional Use Permit for 23,693 square feet (SF) of existing outdoor cannabis cultivation operation with appurtenant propagation areas and a proposed processing facility.

The project includes a Special Permit for an encroachment within two Streamside Management Areas onsite that would allow onsite relocation of cannabis cultivation to protect water quality from the adverse impacts of cannabis cultivation. About 12,600 SF will be relocated to an environmentally superior location onsite in within six hoop houses. Four hoop houses will remain in place for a total of 18,640 SF in hoop houses and 5,053 SF in full sun outdoor cultivation. The relocation sites will meet of all riparian setbacks. The applicant submitted a Cannabis Relocation Report that details relocation justification and remediation measures, prepared by Natural Resources Management Corporation (NRM), dated February 2020. Further, the applicant submitted an Updated Grading Plan prepared by NRM, dated April 2020, which outlines the grading details for all six hoop houses, which does not exceed more than 50 cubic yards of soil disturbance. As a condition, of approval the applicant is to adhere to recommendations made in the remediation report for onsite relocation and submit a monitoring report to the Planning Department.

A Special Permit is also requested for development within a SMA that would allow the use of a point of diversion from a spring and used for irrigation. The water storage includes a 200,000-gallon pond, where water from the spring will be stored. The applicant obtained a Right to Divert Water (Certificate Number H100420) from the State Water Resources Control Board that allows for diversion and storage of water from the point of diversion. The specified diversion to storage shall not exceed 42,000-gallons per day or the rate specified in the current version of the State Water Board's Cannabis Policy, whichever is more restrictive. Additionally, the storage capacity shall not exceed 250,905 gallons. The total water usage for cannabis irrigation about 135,980 gallons for two cycles a year.

The applicant submitted has obtained Streambed Alteration agreement from the California Department of Fish and Wildlife (CDFW) for the point of diversion, four stream crossing improvements, and outflow of the pond. Conditions of approval require the applicant to install water flow meters in accordance with applicable regulations and require the applicant to adhere to and implement all recommendations and requirements of the Final Streambed Alteration Agreement issued by CDFW.

Propagation areas included two shipping containers totaling 320 SF, a 990 SF in a fabric house, and 900 SF greenhouse. Processing will occur onsite in a proposed, 1,200 SF ADA complaint facility. Two employees are required to meet operational needs. The applicant has submitted a Septic Site Sustainability completed by DTN Engineering, dated December 2018, which concludes that a 750-gallon septic tank would be required for the project. Power Source is provided by PG&E.

The nearest Northern Spotted Owl Activity Center is located 1.62 miles to the southeast of the project site. Artificial lighting is proposed for use within the propagation areas, the applicant must demonstrate that no light will escape from the propagation structures. Planning staff believes that use of supplemental lighting in propagation areas complying with dark-sky standards can adequately address any lighting impacts on

NSO.

The modified project is consistent with the adopted MND for the CMMLUO because it complies with all standards of the CMMLUO which were intended to mitigate for impacts of existing cultivation. These include compliance with noise and light standards to limit disturbance to wildlife, water metering and proper storage of fertilizers and soil amendments.

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

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

Summary of Significant Project Effects and Mitigation Recommended

The project, as conditioned, results in no significantly adverse environmental effects beyond those identified in the adopted MND and no changes are proposed to the original MND's recommended mitigation measure for the proposal to authorize an existing 23,693 -square-foot outdoor cannabis cultivation and 2,210-square-foot mixed light propagation greenhouse.

In reviewing the application for consistency with the adopted MND, the County considered the following information and studies, among other documents (see Attachment 4 for a complete listing of supporting documentation):

- Road Evaluation Report prepared by David Nicoletti dated May 14, 2018. (Attached)
- Addendum Operation Plan and Site Plan, prepared by Natural Resource Management Corporation, dated February 2020.
- Cannabis Relocation Report and Updated Grading Plan, prepared by Natural Resource Management Corporation, dated February and April 2020.
- Water Resource Protection Plan, prepared by Pacific Watershed Associates, dated April 2017.
- Streambed Alteration Agreement issued by the California Department of Fish and Wildlife, dated January 2020.

- Septic Site Suitability Analysis, prepared by DTN Engineering, dated December 2018.

Other CEQA Considerations

Staff suggests no changes for the revised project.

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

See Purpose statement above.

For all impact categories analyzed in the review of this staff report, the projected consequences of the current project proposal are either the same or less than significantly increased than the initial project for which the MND was adopted. Based upon this review, the following findings are supported:

FINDINGS

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

CONCLUSION

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

ATTACHMENT 4

Applicant's Evidence in Support of the Required Findings

Attachment 4 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 contacts address and phone number(s) of the applicant. (Application form on file)
2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. (On file)
3. Site plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within 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. (Revised September 6, 2018, 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. (Separately attached as Attachment 4.A)
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. (Attached i- see operations plan – Right to Use and Divert Water, Certificate Number H100420)
6. Description of water source, storage, irrigation plan, and projected water usage. (Attached in operations plan)
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. (Attached - see operations plan - Water Resource Protection Plan, prepared by Pacific Watershed Associates, dated April 2017)
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. (Attached - see operations plan)
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)
15. DEH Worksheet. (On file)
16. Road Evaluation Report prepared by David Nicoletti dated May 14, 2018. (See Attachment 4.B)
17. Addendum Operation Plan and Site Plan, prepared by Natural Resource Management Corporation, dated February 2020. (See attachment 4.A)
18. Cannabis Relocation Report and Updated Grading Plan, prepared by Natural Resource Management Corporation, dated February and April 2020. (Attached)
19. Streambed Alteration Agreement issued by the California Department of Fish and Wildlife, dated January 2020. (On file)
20. Septic Site Suitability Analysis, prepared by DTN Engineering, dated December 2018. (Attached)

Cannabis Relocation Report

APN 210-191-059

Humboldt County Application #11207

Prepared By:
Natural Resources Management Corporation
1434 3rd Street
Eureka, CA 95501

February 20, 2020



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Appendixes

Appendix A - Supporting Photos

Appendix B - *Preliminary* Grading, Drainage and Erosion Control Plan; Omsberg and Preston,
February 18, 2020

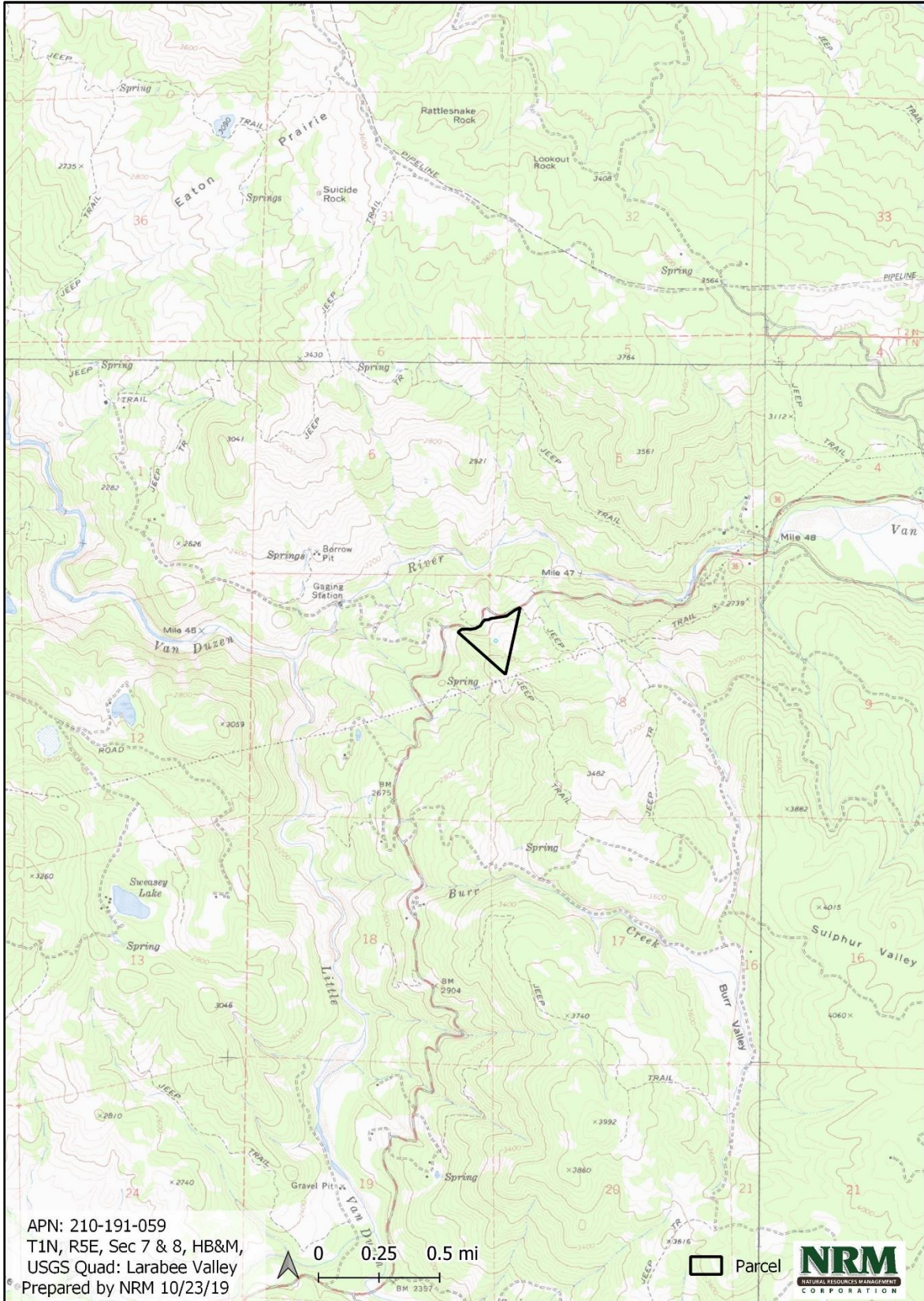


Figure 1. Project Vicinity

Summary

This is the Cannabis Relocation Report for Sunny Simmons (Humboldt County APN 210-191-059) at 41000 State Highway 36, Bridgeville, CA. This document describes the current conditions of the property, the cultivation history, the proposed relocation of the site features and details the environmental benefits of the proposed relocation.

Environmental Context

This site is located (Figure 1) in Humboldt County off of State Route 36 in the Van Duzen Planning Watershed. The parcel is approximately 20 acres in size with a landscape characterized by a mosaic of Bald Hills Prairie, Non-native Grassland, Mixed Evergreen Forest, and Oregon Oak Woodland (Holland 1986). The elevation at the top of the property is approximately 2900-feet; at the bottom of the property, near State Route 36, the elevation drops to 2,540-feet. The parcel has, on average, a Northern aspect as the parcel slopes toward the Van Duzen River. The western portion of the property is dense forest canopy that slopes into a swale on the property. The eastern half of the parcel is primarily open grasslands with a minor ridgeline that slopes downhill from the top of the parcel just inside the eastern boundary and provides additional west and east aspects. Two waterways were identified during previous surveys (Plot Plan, PWA, 2017) as present on the parcel; there is a class III that originates on the parcel and a class II that passes through the northeast corner of the parcel. The Van Duzen River is approximately 1,000-feet North of the project parcel and 340-feet below the lowest (most Northern) edge of the parcel boundary.

Existing Cultivation

There were six (6) pre-existing cultivation areas on the property (A-F; Figure 2) that amounted to 25,515 sq. ft. of total cultivation area. Of this original amount, Humboldt County awarded the cultivator 24,000 sq. ft. of outdoor cultivation in the interim permit. The most recent cultivation (Spring-Fall 2018) layout is shown in the Plot Plan from PWA (Figure 3). The cultivation is represented in the form of 7 hoop houses (numbered 1-7) in three locations, four propagation areas, and the remainder in full sun.

The PWA Plot Plan from 2017 (Figure 3) did not include the outdoor cultivation area (CAV area 'C') by the pond; nor did it include the outdoor cultivation area (CAV area 'F'). These outdoor areas were not included by PWA because the full sun outdoor had not been planted during the time that the map was created. Figure 4 integrates the onsite measurements from PWA (hoop house dimensions) and the Outdoor gardens from the Humboldt County CAV into a 'Site Overview' map that is a more accurate overview of the project's existing cultivation.



Figure 2. Location of preexisting cultivation areas (from County Certified Area Verification (CAV))

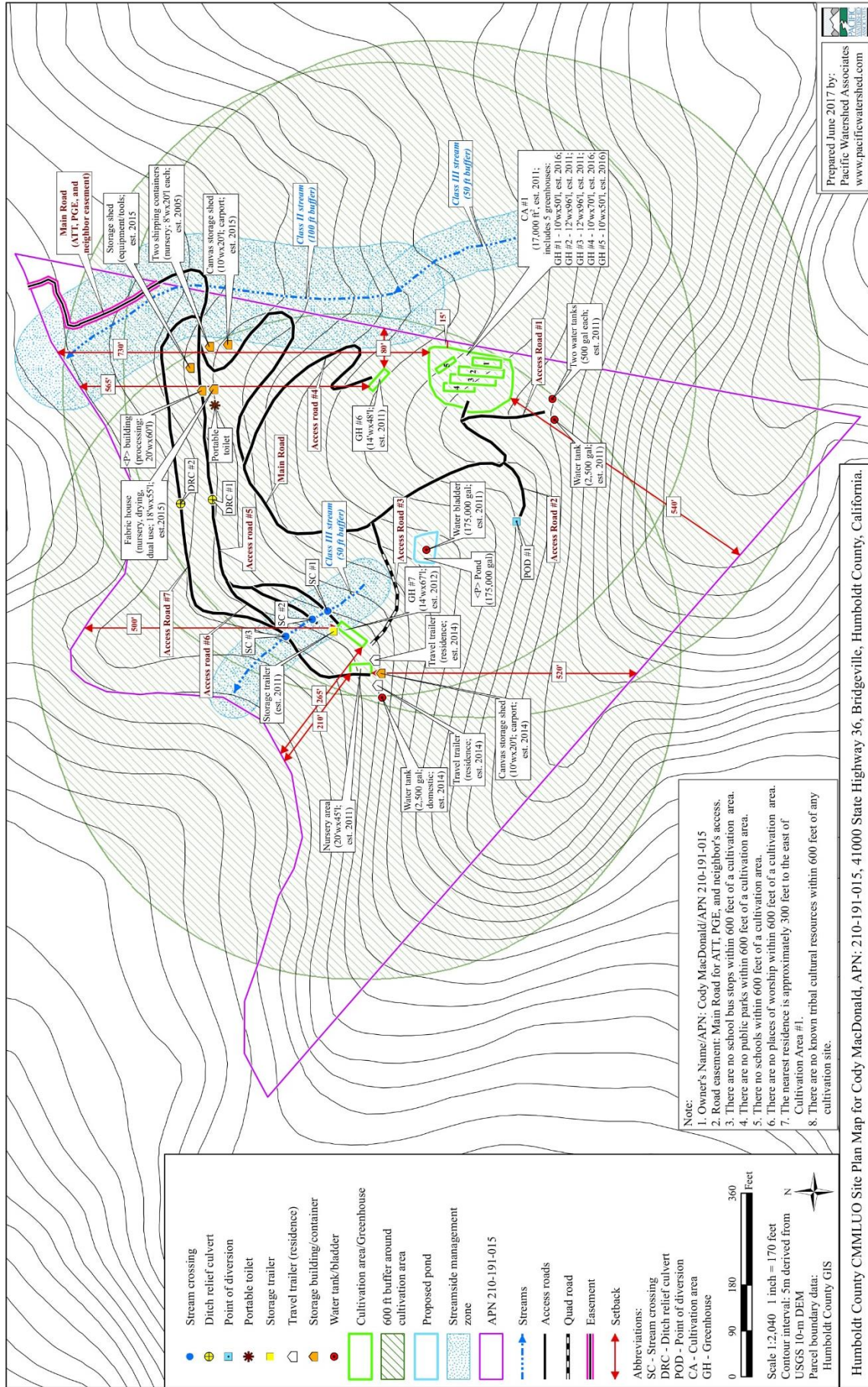


Figure 3. 210-191-059 (-015 old APN) Plot Plan: PWA, 2017

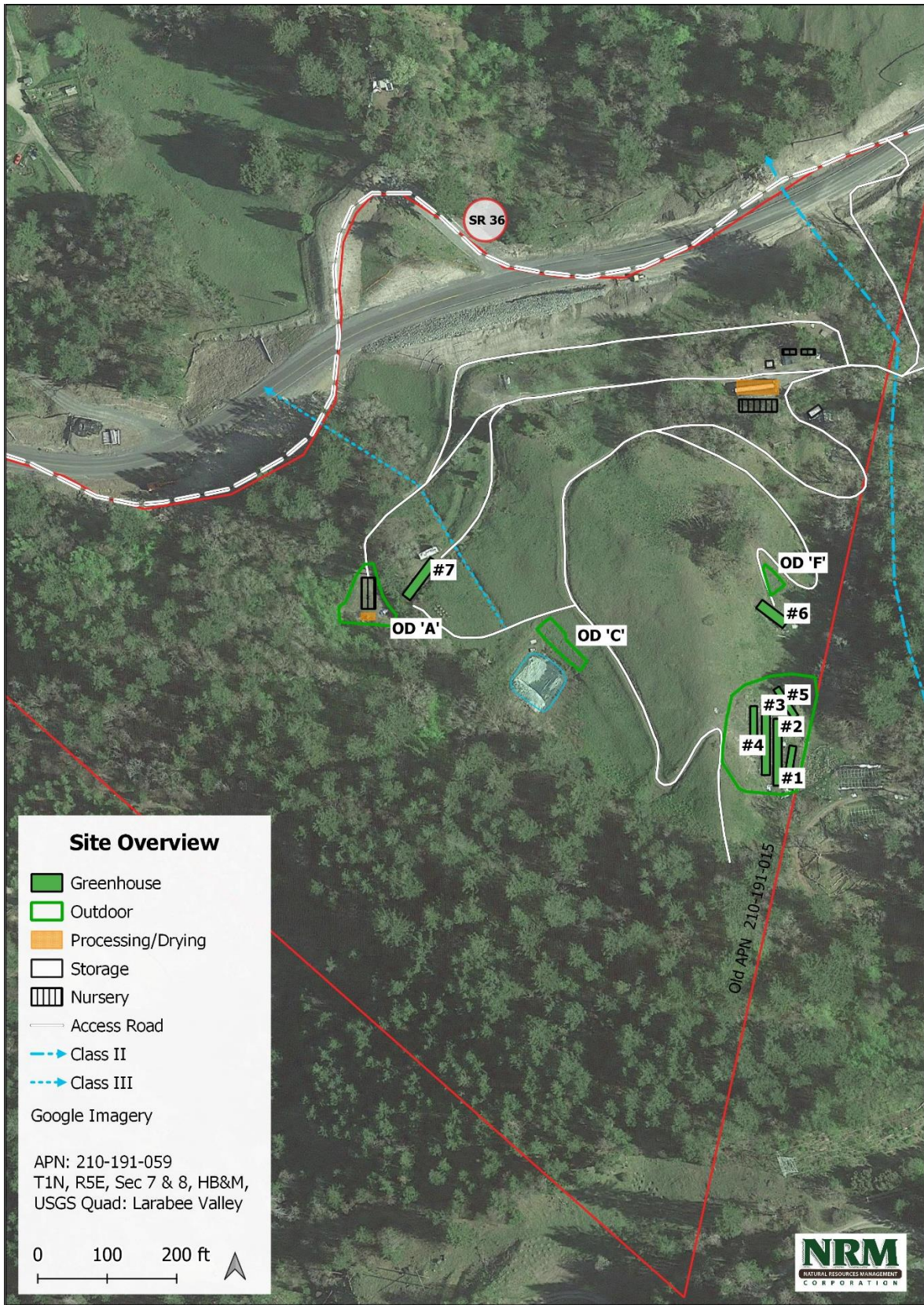


Figure 4. Site Overview

Relocation

Rationale

The State Water Resources and Control Board (SWRCB), with authority from the Clean Water Act, approved the Cannabis General Order, WQ-2017-0015-DWQ, amended by WQ-2019-0001-DWQ, to protect the waters of the state from adverse impacts due to cannabis cultivation. In this order, the SWRCB established minimum setbacks between disturbed areas and water resources.

The water resources on the project APN are: one Class II stream, one Class III stream, and one onstream pond. The SWRCB setback distances (See Table 1 below) are measured from top of bank or the bankful stage, whichever is more conservative*.

Table 1. SWRCB Minimum Riparian Setbacks

Water Resource	Class	Distance
Perennial watercourses, ponds	I	150-feet
Intermittent watercourses	II	100-feet
Ephemeral watercourses	III	50-feet

*The Humboldt County Streamside Management Area Ordinance (SMAO) also places restrictions on development within the riparian areas of streams and waterbodies; the setbacks are measured from the top of bank, or edge of riparian dripline. In this area, both the class III and class II intermittent streams receive a more limited setback under Humboldt's SMA than the setbacks defined by the SWRCB. The SWRCB setbacks, Table 1, are therefore the most conservative protection for the riparian habitats at this location.

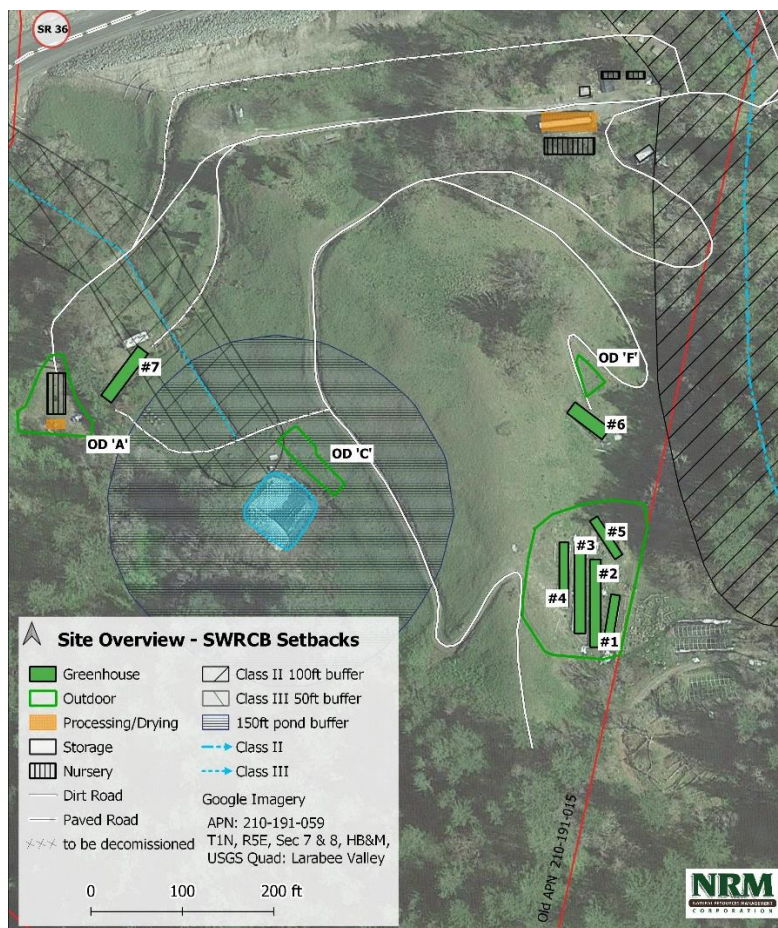


Figure 5. Site Overview, SWRCB setbacks; APN 210-191-059

Two portions of the pre-existing cannabis cultivation areas on APN 210-191-059 are located within riparian buffers established by the SWRCB. The greenhouse to the northwest of the pond, Greenhouse #7, (Figure 5) has a portion of its area (288 sq. ft. out of 938 sq. ft. of existing GH) located within a class III buffer (50-foot buffer). The 2,217 sq. ft. of outdoor cultivation, established on the CAV as OD ‘C’ is entirely within the riparian setback of the onstream pond (Table 1 & Figure 5). Moving the cultivation out of the riparian setbacks is required by the SWRCB General Order.

The 553 sq. feet of outdoor cultivation, established on the CAV as OD ‘F’ is not within any riparian setbacks, but it is a steeply sloped site immediately above the Class II stream (50-feet from the setback). It is the opinion of NRM that as this area has successfully revegetated during the period of rest during the permitting process, the environmentally superior option is to relocate this cultivation area off of the slope and away from the Class II stream.

Lastly, the 4,669 sq. ft. of outdoor cultivation area, established on the CAV as OD ‘A’ will also be relocated. This area is one of the on the site that has electric power available (the other areas are the propagation and processing areas in the northeast corner of the property). This outdoor area was also not planted during the composition of the previous Plot Plan (PWA, 2017). This area has grid power and had been used in the past as an area for propagation. Currently, the area hosts a propagation facility (900 sq. ft.) and a storage/processing tent that use the available grid power.

It is the opinion of NRM that the propagation facilities remain in areas where grid power is available and therefore eliminate the need for generator supplied electricity. The outdoor cultivation does not need electrical power and can be located anywhere on the property. To this end, the propagation facility will stay where it is currently located and the cultivation area that was attributed to OD ‘A’ will be relocated.

Summary of Area

To Remain = **18,350 sq. ft.**

Greenhouse #6	750 sq. ft. (entire GH remains)
Greenhouse #7	570 sq. ft. (partial GH remains)
Greenhouse #1-5 & outdoor	17,000 sq. ft. (Figure 3; total area will remain, but will be reconfigured on engineered terraces; Figure 7).

To be Relocated = **5,650 sq. ft.**

Greenhouse #7	280 sq. ft. (partial GH)
OD ‘C’	2, 217 sq. ft. (entire area)
OD ‘F’	553 sq. ft. (entire area)
OD ‘A’	4,669 sq. ft. (reduced to 2,630 sq. ft. to not exceed Humboldt County’s final awarded amount of 24,000 sq. ft. of total outdoor cultivation)

Total Cultivation area = **24,000 square feet** of Outdoor.

Site Summary



Figure 6. Google Earth views and Humboldt Web GIS low slope area of proposed relocation area; retrieved Sept 2019

The relocation area (Figure 7) would encompass an established dirt road and disturbed open grassland that has been used as parking and a turnaround area in the past; the area will be integrated with the existing cultivation area. The relocation will result in a combined area (existing and relocated) of 22,680 square feet of total cultivation area on a series of engineered flats. The cultivation area will be composed of five greenhouses, each with 4,200 sq. ft. of cultivation space (21,000 sq. ft total) and one greenhouse that is 1,680 sq. ft. in size. The proposed graded flats will be just under 32,000 square feet total, including parking and turn around.

The designated relocation site was selected as a superior site due to several factors:

1. The site has established road access with proposed improvements (see Grading Plan (draft), Appendix B) and irrigation infrastructure.
2. According to Humboldt Web GIS and visits by site engineers at Omsberg and Preston, the site is dominated by slopes under 15% (Figure 6).
3. The relocation site is outside of riparian setbacks (Figure 7); relocation will minimize risk of mobilization and delivery of polluted waters to project waterways and the Van Duzen River
4. The site is already extensively used for driving and parking with the majority of the proposed relocation area already disturbed (Figure 2, Figure 6).
5. The relocation site will include improvements to and integration with an existing cultivation area.
 - engineered terracing of the entire planting area will provide slope stability and improved drainage (see Grading Plan (draft), Appendix B).

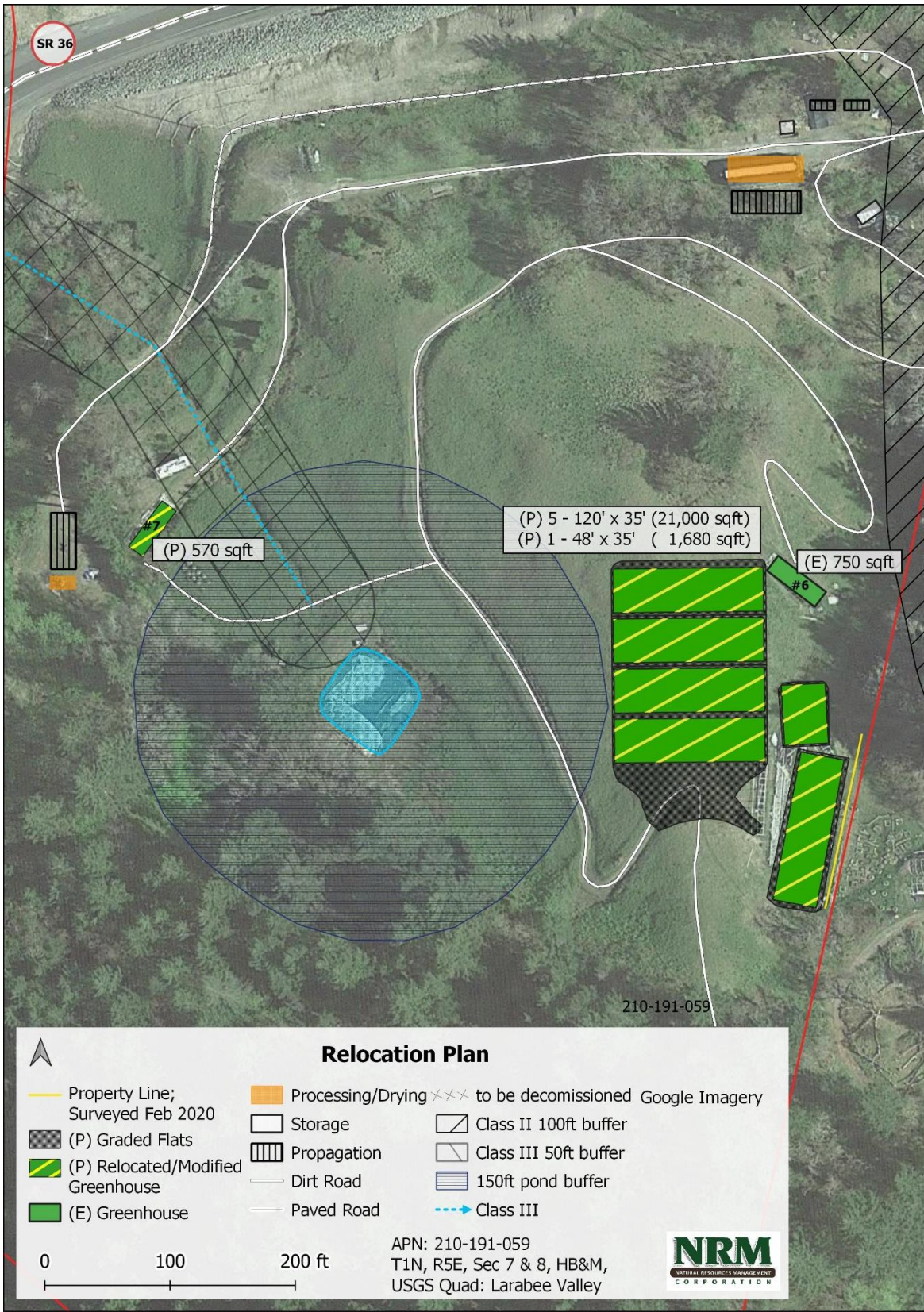


Figure 7. Relocation Site Overview

Restoration

All cultivation materials including but not limited to hoop houses, tarps, pots, soil, stakes, and other cultivation related wastes will be removed from decommissioned preexisting cultivation areas. Material will either be relocated to the relocation area or properly disposed of at a legal dump. Figure 8 shows existing cultivation areas that will be relocated and, where necessary, restored.

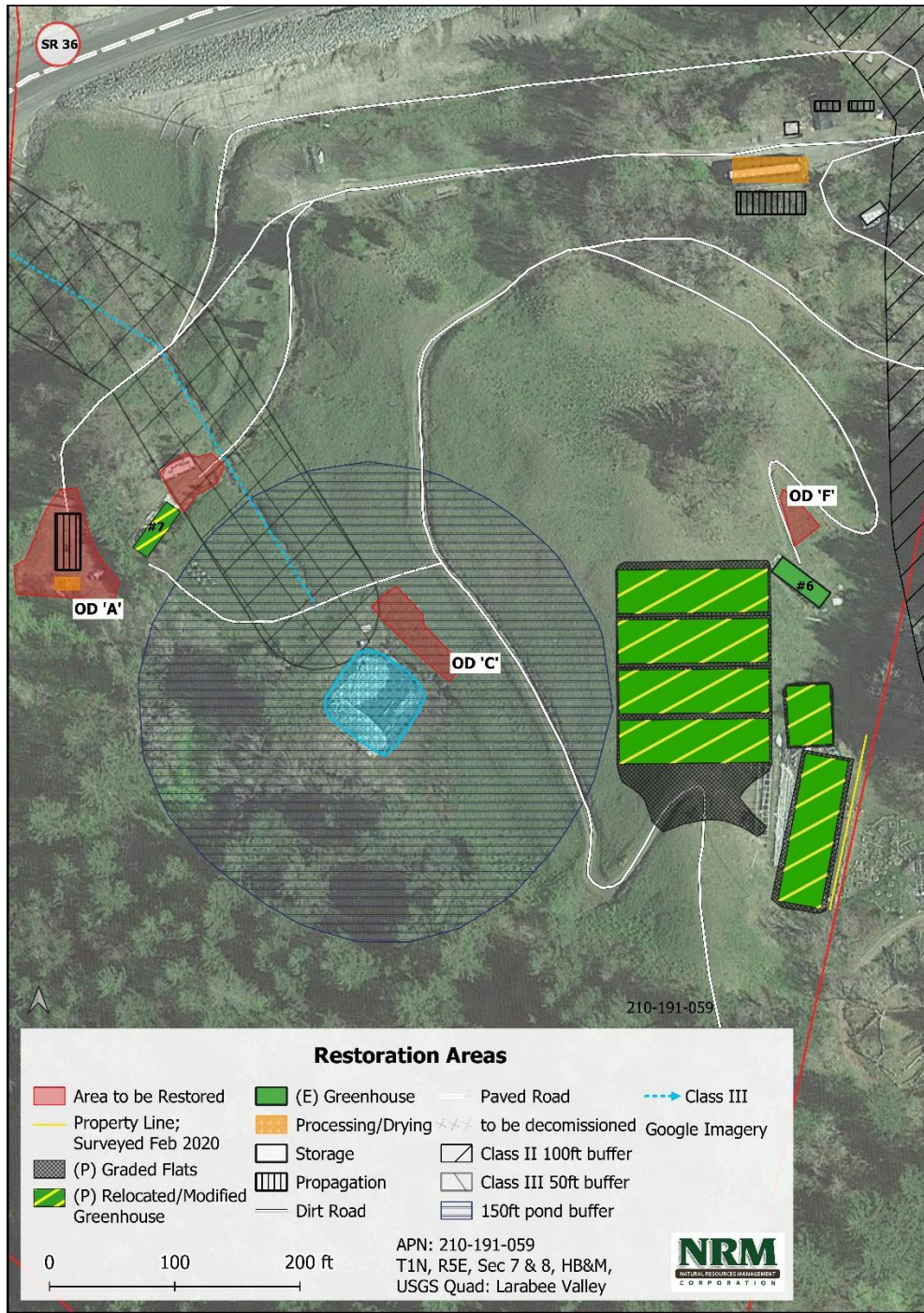


Figure 8. Restoration Areas

Greenhouse #7

Photo: 3 & 4

Approximately 280 sq. ft of the existing greenhouse #7 that is within the 50 foot setback of the Class III channel will be removed and all associated infrastructure and waste will be either re-used at the relocation site or removed to a legal transfer station. Because the greenhouse is primarily located on an established roadbed, most of the disturbed area to be restored is the fill slope of the roadbed. Once cultivation materials and waste are removed, the exposed and disturbed bare soil on the fill slope will be covered with a layer (2-inches thick) of weed free straw. If the bare dirt remains on the slopes at the beginning of the wet season (Oct 15), straw wattle will be installed perpendicular to the slope at the road fill slope break; the wattle will be secured with stakes.

This area will be checked the Spring following cultivation material removal to see if grasses are recolonizing the area. Any moderate or high listed invasive will be removed and properly disposed of (compost pile or green waste facility). If the area is not re-vegetating naturally all remaining bare dirt areas will be seeded with native grass seed.

Per the description in the associate Lake and Streambed Alteration Agreement (FINAL LSAA no. 1600-2018-0814-R1), the road to the east will no longer be used to access the remaining 658 sq. ft. of Greenhouse #7. The class III stream crossing and the road will be discontinued.

Outdoor 'A'

The area will continue to be used for propagation and storage/drying. The cultivator will replant, with native grass mix, disturbed, unused areas (parking, turnaround) that remain bare ground and keep them free of refuse.

Outdoor 'C' and 'F'

OD 'C' and 'F' are clean of cultivation materials and heavily revegetated with grasses. No further work is required at these sites.

Restoration Success Criteria

For all restored areas, the restoration will be considered successful if after 2 years of monitoring the areas of bare dirt have 100% vegetative cover with less than 10% cover of invasive species listed at moderate or high on the Cal-IPC Inventory.

Restoration Monitoring

Grassland restoration will be monitored for two years. To ensure it meets the success criteria explained above.

During each monitoring visit a botanist will record the survival of planted grasses, assess the general condition of the site, and record the cover of invasive species. Adaptive management strategies for plant survival and invasive removal will be recommended as necessary. A yearly report will be filed with the county documenting native ground cover, invasive cover and adaptive management recommendations.

References

Holland, R.F. Unpublished report 1986. *Preliminary Descriptions of the Terrestrial Plant Communities of California*. State of California, The Resources Agency, Department of Fish and Game, Natural Heritage Division, Sacramento, CA.

Humboldt County. 2019. Humboldt County Web GIS. <http://webgis.co.humboldt.ca.us/HCEGIS2.0/>. Accessed September 2019

Pacific Watershed Associates. April 2017. Water Resources Protection Plan for APN 210-191-015.

Appendix A - Supporting Photos

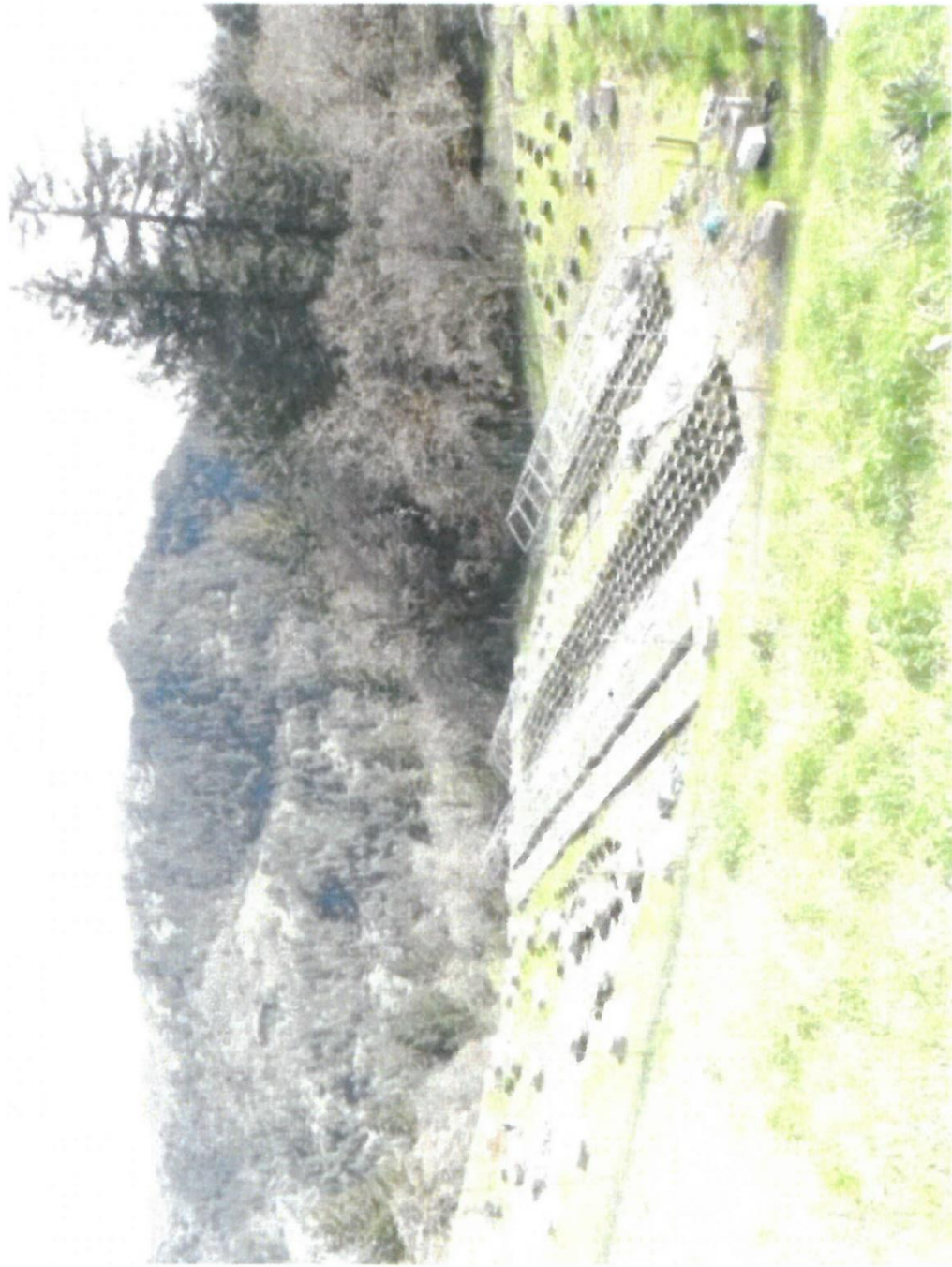


Photo 1. From south looking north, northeast. Main cultivation area with some hoop houses and full sun outdoor. Photo from PWA WRPP, 2017.



Photo 2. Main cultivation area at southwest boundary with slope to Class II in background; Jan 2019, NRM.



Photo 3. People at head of class III; GH#7 in background; Jan 2019, NRM.



Photo 4. GH #7, Photo from PWA WRPP, 2017

Appendix B – Preliminary Grading, Drainage and Erosion Control Plan
Omsberg and Preston, February 18, 2020

GRADING, DRAINAGE & EROSION CONTROL PLAN

for
RAKOCEVIC
Bridgville, California

CAUTION:
UNAUTHORIZED CHANGES & USES

THE ENGINEER PREPARING THESE PLANS WILL NOT BE RESPONSIBLE FOR, OR LIABLE FOR, UNAUTHORIZED CHANGES TO OR USES OF THESE PLANS. ALL CHANGES MUST BE IN WRITING AND MUST BE APPROVED BY THE PREPARER OF THESE PLANS.

CONSTRUCTION CONTRACTOR AGREES THAT IN ACCORDANCE WITH GENERALLY ACCEPTED CONSTRUCTION PRACTICES, CONSTRUCTION CONTRACTOR WILL BE REQUIRED TO ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR JOB SITE CONDITIONS DURING THE COURSE OF CONSTRUCTION OF THE PROJECT, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY; THAT THIS REQUIREMENT SHALL BE MADE TO APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS; AND CONSTRUCTION CONTRACTOR FURTHER AGREES TO DEFEND, INDEMNIFY AND HOLD DESIGN PROFESSIONAL HARMLESS FROM ANY AND ALL LIABILITY, REAL OR ALLEGED, IN CONNECTION WITH THE PERFORMANCE OF WORK ON THIS PROJECT, EXCEPTING LIABILITY ARISING FROM THE SOLE NEGLIGENCE OF DESIGN PROFESSIONALS.

NOTES

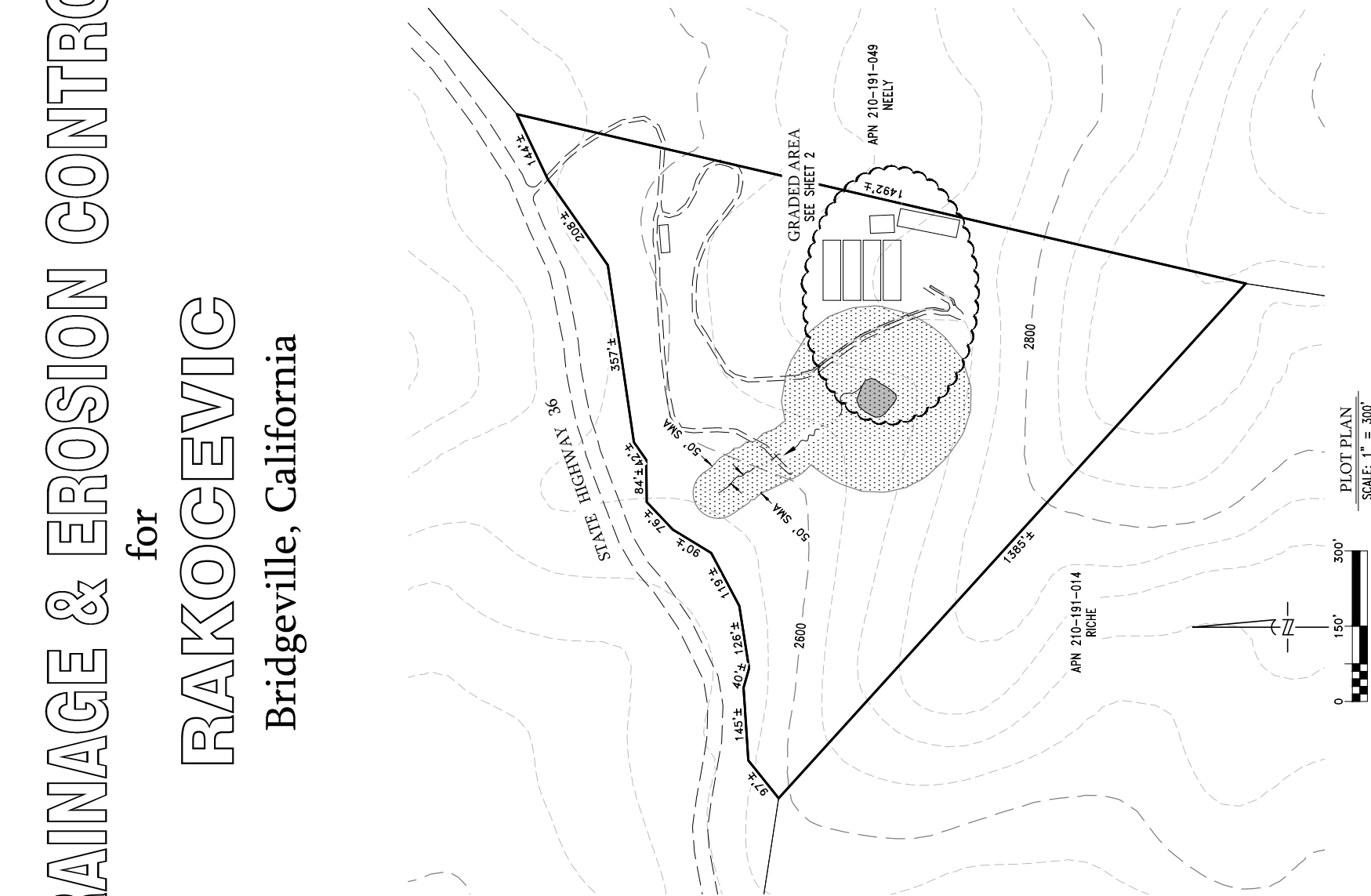
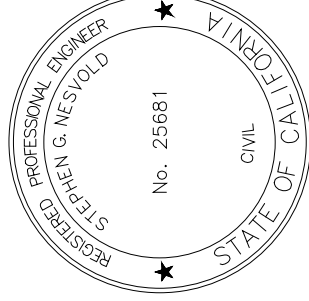
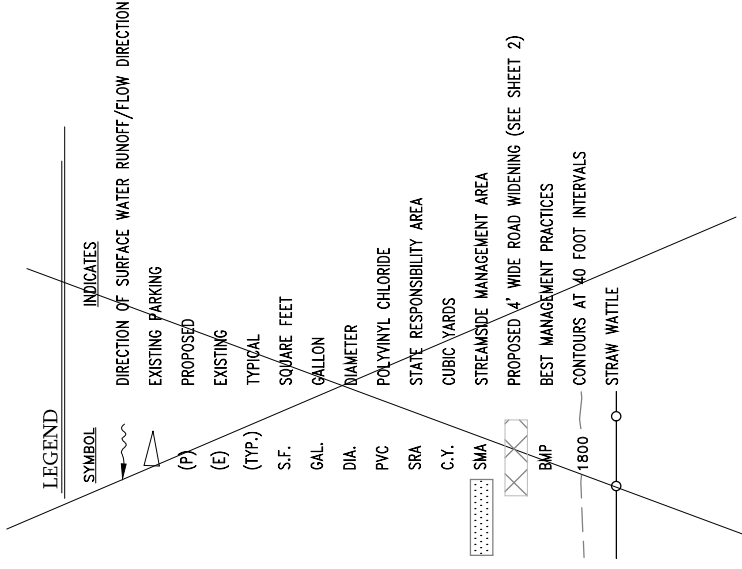
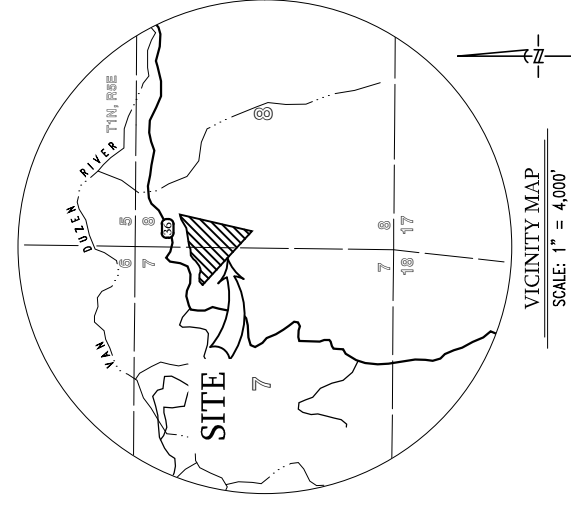
- PLOT PLAN**
1. THIS PARCEL IS APPROXIMATELY 20 ACRES IN SIZE, ZONED FR-B-5(20), HAS A GENERAL PLAN DESIGNATION OF R440, AND IS IN THE STATE RESPONSIBILITY AREA (SRA).
 2. THE PROPERTY IS CURRENTLY DEVELOPED WITH ONE (1) STORAGE BUILDING AND (1) POND.
 3. THE GRADED AREAS HAVE HISTORICALLY NOT BEEN SUBJECT TO FLOODING, PER F.I.R.M. COMMUNITY-PANEL NUMBER 0602301525F.
 4. IT IS UNKNOWN AT THIS TIME WHETHER THE SITE IS UNDERLAIN BY SENSITIVE HABITAT AREAS, WETLAND AREAS OR ARCHAEOLOGICAL RESOURCES.

GENERAL

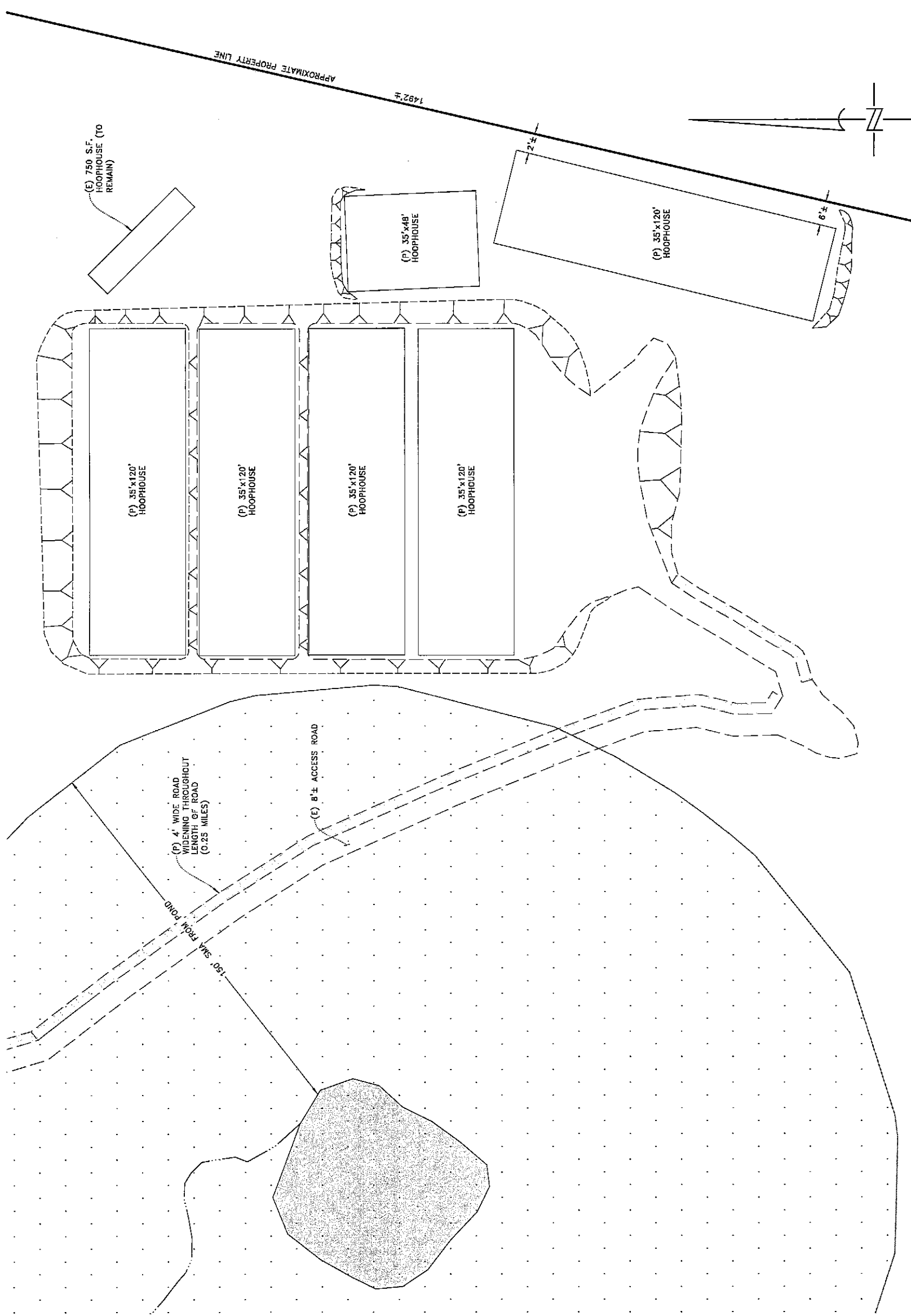
5. THE INFORMATION AND ELEVATIONS PERTAINING TO EXISTING UNDERGROUND FACILITIES, AS SHOWN HEREON, ARE FROM RECORD INFORMATION AND IS PRESENTED HERE FOR INFORMATIONAL PURPOSES ONLY. THE CONTRACTOR SHALL BE RESPONSIBLE FOR CONTACTING ALL AGENCIES INVOLVED AND SHALL LOCATE THE EXISTING UNDERGROUND FACILITIES PRIOR TO EXCAVATION AND CONSTRUCTION IN ANY AREA. THE CONTRACTOR SHALL CONTACT UNDERGROUND SERVICE ALERT (USA) AT 811 AT LEAST TWO (2) WORKING DAYS IN ADVANCE OF ANY EXCAVATION, AND SHALL NOTIFY THE ENGINEER AND DEVELOPER OF ANY APPARENT DISCREPANCIES IN THE RECORD INFORMATION SHOWN HEREIN.
6. CONTOURS ARE BASED ON USGS 1/3 ARC-SECOND DIGITAL ELEVATION MODELS AND ARE AT 40 FOOT INTERVALS.
7. MATERIALS AND WORK SHALL BE IN ACCORDANCE WITH THE STANDARD SPECIFICATIONS AND STANDARD PLANS OF THE STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS), LATEST EDITION, AND THE IMPROVEMENT STANDARDS, LATEST REVISION, OF THE COUNTY OF HUMBOLDT.
8. THE CONTRACTOR SHALL REMOVE FROM THE SITE AND LAWFULLY DISPOSE OF ALL DELETERIOUS MATERIAL (BROKEN CONCRETE, ASPHALT PAVEMENT, BASE MATERIAL, ROCKS, STUMPS, ROOTS, LIMBS, ETC.) TO A COUNTY APPROVED DISPOSAL SITE.
9. THE CONTRACTOR SHALL PROTECT ALL EXISTING IMPROVEMENTS ON OR ADJACENT TO THE PROJECT SITE, INCLUDING BUT NOT LIMITED TO FENCES, CONCRETE CURBS AND GUTTERS, CONCRETE SLABS, UNDERGROUND CONDUITS, STRUCTURES, DECKS, LANDSCAPING, ETC. WHERE DAMAGE TO ADJACENT IMPROVEMENT IS UNAVOIDABLE, THE CONTRACTOR SHALL MAKE ARRANGEMENTS WITH THE PROPERTY OWNER TO REPLACE OR REPAIR THE DAMAGED IMPROVEMENTS.

GRADING

10. APPROXIMATELY XXXX C.Y. OF SOIL MATERIAL WAS RELOCATED TO ACCOMPLISH THE GRADING AS SHOWN HEREON.
11. THE GOAL OF THIS GRADING, DRAINAGE & EROSION CONTROL PLAN IS TO MINIMIZE SEDIMENT LEAVING THE SITE, AND TO ENSURE THAT ANY SEDIMENT THAT DOES LEAVE WILL HAVE AN INSIGNIFICANT IMPACT DOWNSTREAM.
12. DUST SHALL BE CONTROLLED BY WATERING DURING ALL PHASES OF CONSTRUCTION.
13. SANITARY FACILITIES SHALL BE MAINTAINED ON THE SITE DURING CONSTRUCTION.
14. ALL NON-VEGETATED AREAS SHALL RECEIVE THE EROSION CONTROL TREATMENT PRIOR TO THE ONSET OF THE WINTER RAINS. EROSION CONTROL TREATMENT SHALL CONSIST OF THE FOLLOWING:
 - a. SPREAD EROSION CONTROL SEED MIX AT THE MANUFACTURERS RECOMMENDED RATE.
 - b. SPREAD STRAW AT THE RATE OF 2 TONS/ACRE.
 - c. STRAW SHALL BE STABLE AND NOT SUBJECT TO REMOVAL BY WIND. THE STRAW SHALL BE PLACED WITH PARTIAL EMBEDMENT INTO THE SOIL OR TREATED WITH A SUITABLE STABILIZING EMULSION.
14. FUTURE EARTHWORK AND GRADING SHALL BE COMPLETED IN ACCORDANCE WITH SECTION 19 OF CALTRANS SPECIFICATIONS, LATEST EDITION, AND SECTION 331-12 OF THE HUMBOLDT COUNTY LAND USE AND DEVELOPMENT ORDINANCE.
15. CUT SLOPES SHALL BE 2:1 MAXIMUM AND FILL SLOPES SHALL BE 2:1 MAXIMUM UNLESS OTHERWISE SHOWN HEREON.
16. IN THE EVENT OF FUTURE WORK, CONTRACTOR IS TO PROVIDE BMPS AS REQUIRED IN APPENDIX B OF SWRCB ORDER NO. R1-2015-0023. II. STANDARD BMPS FOR CONSTRUCTION.
17. SITE MONITORING PRIOR TO AND AFTER SIGNIFICANT STORM EVENTS SHALL BE MADE BY THE DEVELOPER, TO VERIFY THAT THE EROSION CONTROL MEASURES ARE SATISFACTORY, AND TO DETERMINE IF ADDITIONAL MEASURES ARE REQUIRED IN ORDER TO ACHIEVE THIS PLAN'S GOAL.



<p>OWNER SUNSHINE SIMMONS 1301 KANSAS STREET SAN FRANCISCO, CA 94107</p>	<p>APPLICANT ALEX RAKOCEVIC 162 BROADWAY AVE UNIT #331 EUREKA, CA 95501 (917) 588-6192</p>	<p>DESIGNED BY SGN</p> <p>DRAWN BY CVB</p> <p>CHECKED BY SGN</p>	<p>DATE 01/30/20</p> <p>DATE 01/30/20</p> <p>DATE 02/18/20</p>	<p>SCALE AS SHOWN</p> <p>JOB NO. 20-2166</p> <p>SHEET 1</p> <p>OF 2</p>
<p>APN 210-191-059 GRADING, DRAINAGE & EROSION CONTROL PLAN</p>		<p>for ALEX RAKOCEVIC In the unincorporated area of Humboldt County Section 7 & 8, T.1N., R.5E., H.B.M.</p>		



GRADING PLAN
SCALE: 1" = 40'

AMBERG & DREXION 402 E Street Brea, California 92601 Telephone (977) 443-8851 SURVEYORS PLANNERS ENGINEERS	DESIGNED BY: SGN DRAWN BY: CWB ENGINEER OF WORK: STEPHEN G. NESVOLD, RCEI, 25681	DATE: 01/30/20 DATE: 01/30/20 DATE: 01/30/20	GRADED PLAN ALEX RAKOCJEVIC in the unincorporated area of Humboldt County Section 7 & 8, T.11N., R.8E., N.E.1/4.	SCALE: AS SHOWN JOB NO.: 20-2166 SHEET: 2 OF 2
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Septic Site Suitability Analysis

For

Tree Pharm LLC

41000 Highway 36

Bridgeville, CA 95526

APN 210-191-015

APPS #11207

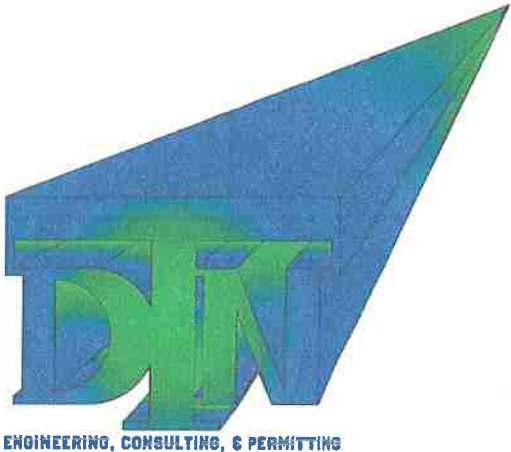
By:

DTN Engineering

2731 K Street Unit A

Eureka, CA 95501

dnicoletti@dtneengineering.com



Introduction:

DTN Engineering (Engineer) has contracted with AgDynamix (Client) to perform a Site Septic Suitability Analysis for Tree Pharm LLC (Owner) as part of the Humboldt County Commercial Medical Marijuana Land Use Ordinance (APPS #11207). A Referral from Health and Human Services, Environmental Health Division has been issued to complete a site suitability report to establish the potential for an onsite waste treatment system.

The project location (Appendix A) is on Highway 36 approximately 39 miles east of Highway 101 and for APN 210-191-015 Tree Pharm LLC, which is portion of the NW ¼ of Section 8 and a portion of NE ¼ Section 7, T. 1 N., R. 5 E. (Appendix B). The Longitude and the Latitude for the project is 40.4834,-123.6474. The Owner is planning on constructing a Cannabis processing facility that will have a shower, sink, and a gravity water closet for 1 to 2 employees.

Evaluation:

This Septic Site Suitability Analysis is being conducted in accordance with the Humboldt County Onsite Wastewater Treatment System (OWTS) Regulations and Technical Manual. The locations of the test pits are shown on the Site Plan (Appendix C). Laboratory results show that the site soils are of Zone 2 (Appendix D). The soil types are a Sandy Loam and Sandy Clay Loam with percolation rates for Test Pit (TP) – 1 is 31 minutes per inch and the percolation rate for TP – 2 is 26 minutes per inch (Appendix E). These percolation rates correspond to the soil types that were observed and tested. Based on the site investigation it is recommended that the bottom of the septic field be installed at 5 feet of depth with 3 feet of drain rock under the pipe.

This evaluation will size the proposed Cannabis processing facility as a 1 Bedroom Cabin\Mobile Home as shown in Table 1 – Septic Tank Sizing Requirements of the Humboldt County Onsite Wastewater Treatment System (OWTS) Regulations and Technical Manual. An effluent demand of 150 gallons per day will be assigned for leachfield sizing and a 750 gallon septic tank will be used. The onsite wastewater treatment system will have one proposed leachfield and one proposed reserve leachfield.

The leachfield locations and septic tank location will not be within a 100 year flood plain, not be within 100 feet of a private water well, not be within 50 feet of a perennial stream, not be within 25 feet of an ephemeral stream. The site is constrained between two cut slopes. To maintain a minimum of 25 feet distance from the catch point of the cut slopes to the leachfield and septic tank, when the proposed structure is constructed locations of the septic tank and leachfield can be located more exactly.

The loading rate for a percolation rate of 31 minutes per inch is .363 gallons per day (GPD) per square feet (Ft²) for Zone 2 soils. Dividing the effluent demand of 150 GPD divided by .363 GPD/Ft² equals 413 Ft² of absorption area. Assuming 3 feet of sidewall on each side of the leachfield trench would create 6 Ft² per linear foot of absorption area. Dividing 413 Ft² of required absorption area by 6 Ft² of absorption area per foot equals a total of 68 feet of leachfield.

Conclusion:

Based on the calculations from soil type, percolation testing and the proposed project approximately 68 feet of leachfield trench would be required for the project and a 750 gallon septic tank.

Appendix A

Location Map

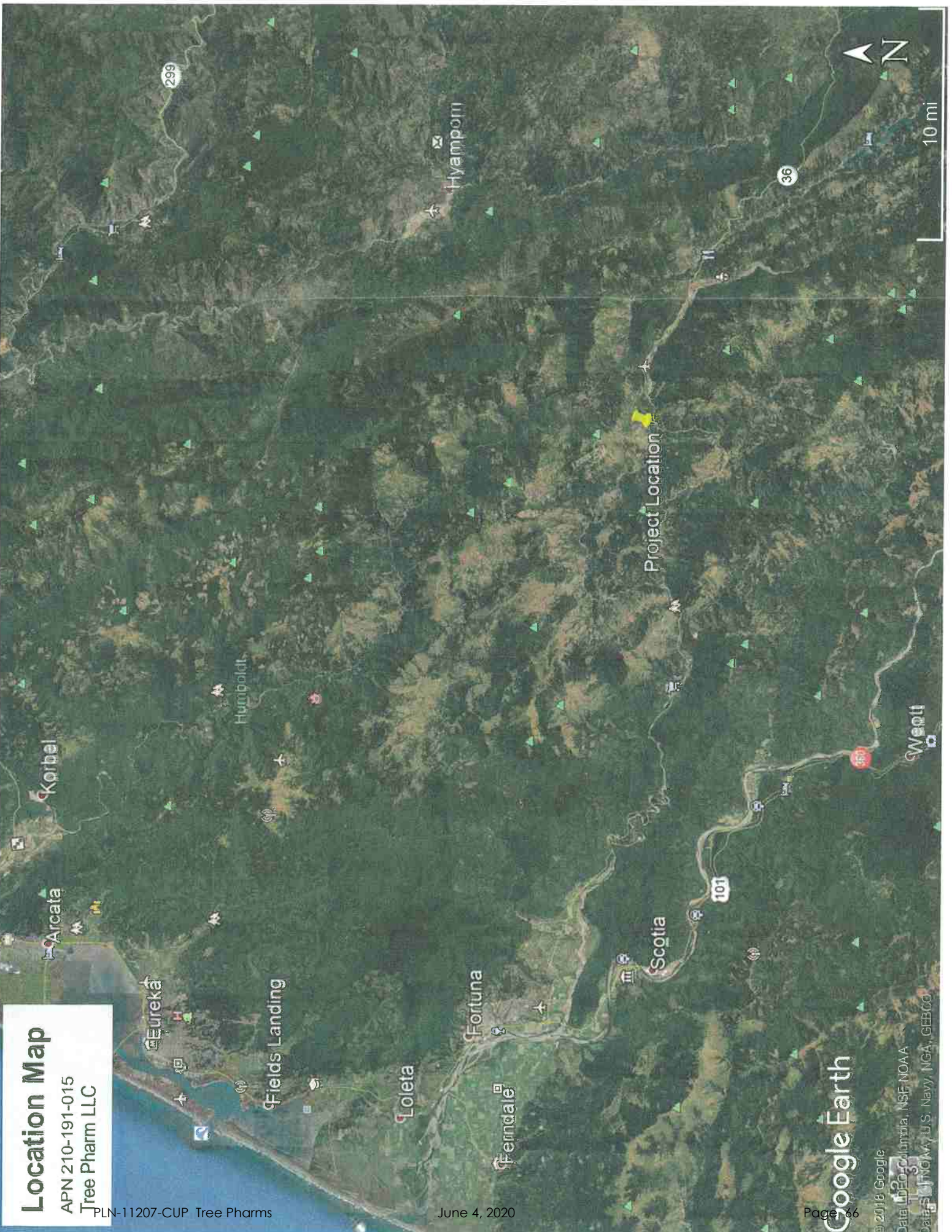
Location Map

APN 210-191-015
Tree Pharm LLC

PLN-11207-CUP Tree Pharms

June 4, 2020

Page 66



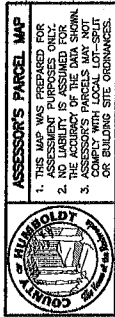
Google Earth

© 2018 Google
Data Sourced from: Google, NOAA, NSF, NOAA, NOAA, NOAA, U.S. Navy, NGA, GEBCO

Appendix B

Parcel Map

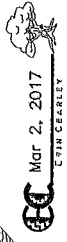
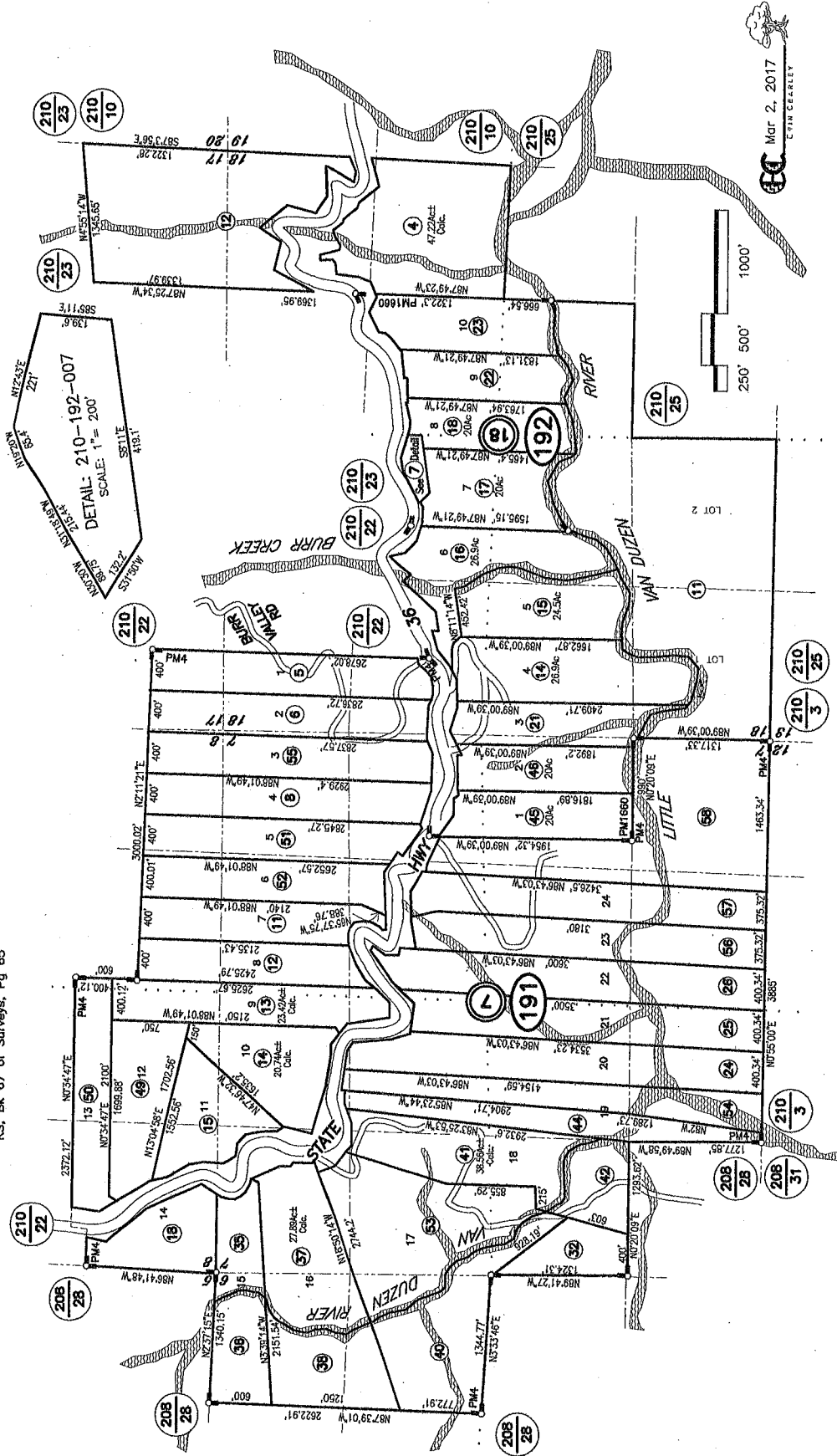
Assessor's Map Bk. 210, Pg. 19 SEC 7 & PTN SECS 6,8,17 & 18, T1N R5E, HB&M 210-19
 County of Humboldt, CA.



ASSASSOR'S PARCEL MAP
 1. THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY.
 2. NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THE INFORMATION CONTAINED HEREIN.
 3. ASSASSOR'S PARCELS MAY NOT COMPLY WITH LOCAL LOT-SPLIT OR BUILDING SITE ORDINANCES.

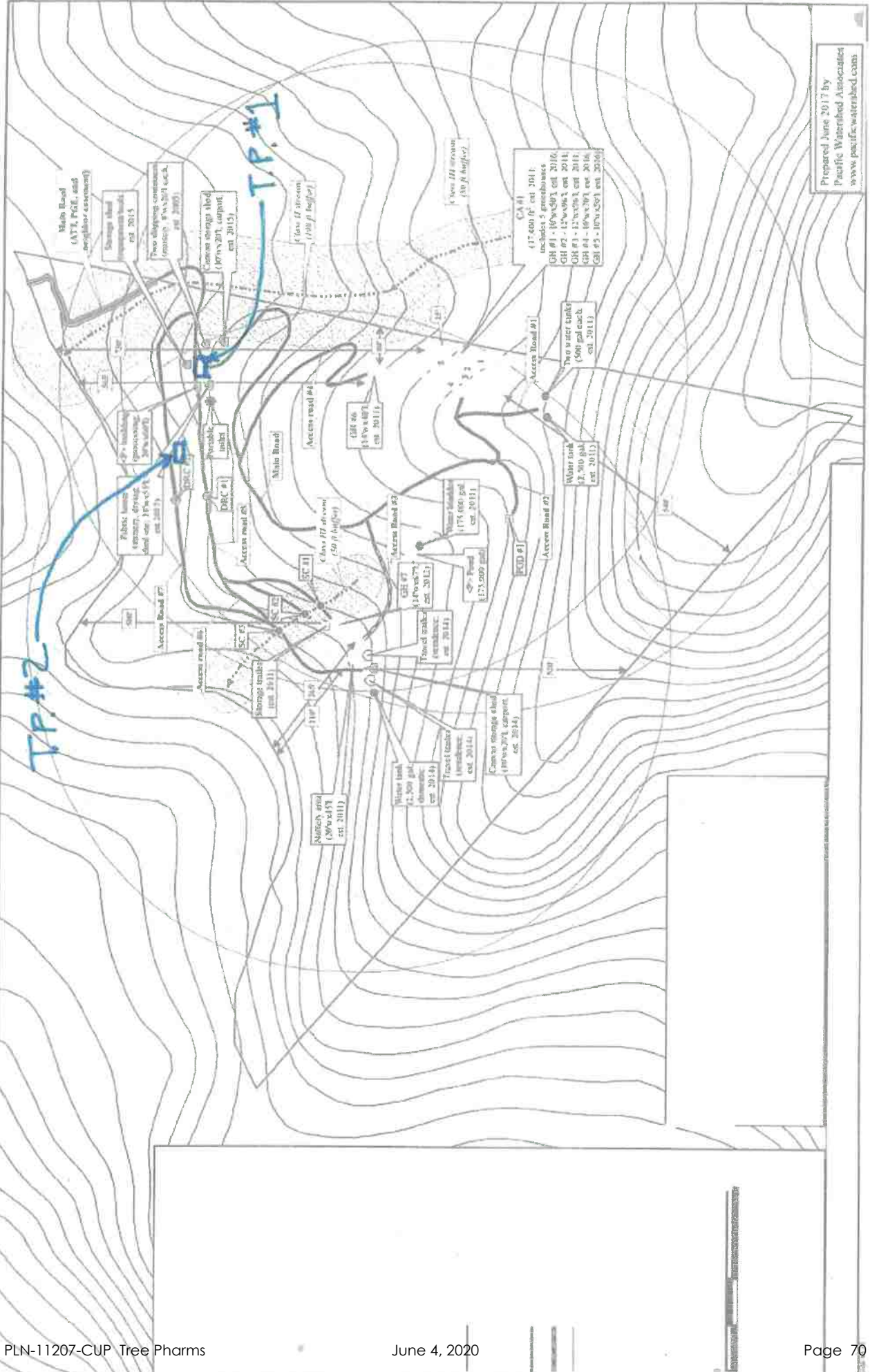
NOTE - Assessor's Block Numbers Shown in Ellipses
 Assessor's Parcel Numbers Shown in Small Circles

RS, Bk22 of Surveys, Pg 106
 PM4, Bk 1 of Parcel Maps, Pg 8 (Deerfield Ranch)
 PM1660, Bk 14 of Parcel Maps, Pgs 92-95 (Oakleaf Subdivision)
 RS, Bk 52 of Surveys, Pg 128
 RS, Bk 67 of Surveys, Pg 65



Appendix C

Plot Plan and Test Pit Locations



Appendix D

Laboratory Soil Test Results



Reference: 018113

June 5, 2018

David Nicoletti
DTN Engineering & Consulting
2731 K Street, Unit A
Eureka, CA 95501

SOIL PERCOLATION SUITABILITY / TEXTURAL ANALYSIS RESULTS

Job Name: Free Farm
Date Sampled: 05/21/18
Date Received: 05/29/18

Sampled By: DTN
Date Tested: 06/05/18
AP Number: 210-191-015

<u>Sample ID</u>	<u>Depth</u>	<u>% Sand</u>	<u>% Clay</u>	<u>% Silt</u>	<u>% Coarse Fragments by Volume</u>	<u>Zone</u>	<u>Bulk Density</u>
TP-1	8'	53.0	25.7	21.3	30.9	2	*
Material: Sandy Clay Loam							

* = no peds provided

Regional Water Quality Control Board Zone Descriptions:

Zone 1 - Soils in this zone are very high in sand content. They readily accept effluent, but because of their low silt and clay content they provide minimal filtration. These soils demand greater separation distances from groundwater.

Zone 2 - Soils in this zone provide adequate percolation rates and filtration of effluent. They are suitable for use of a conventional system without further testing.

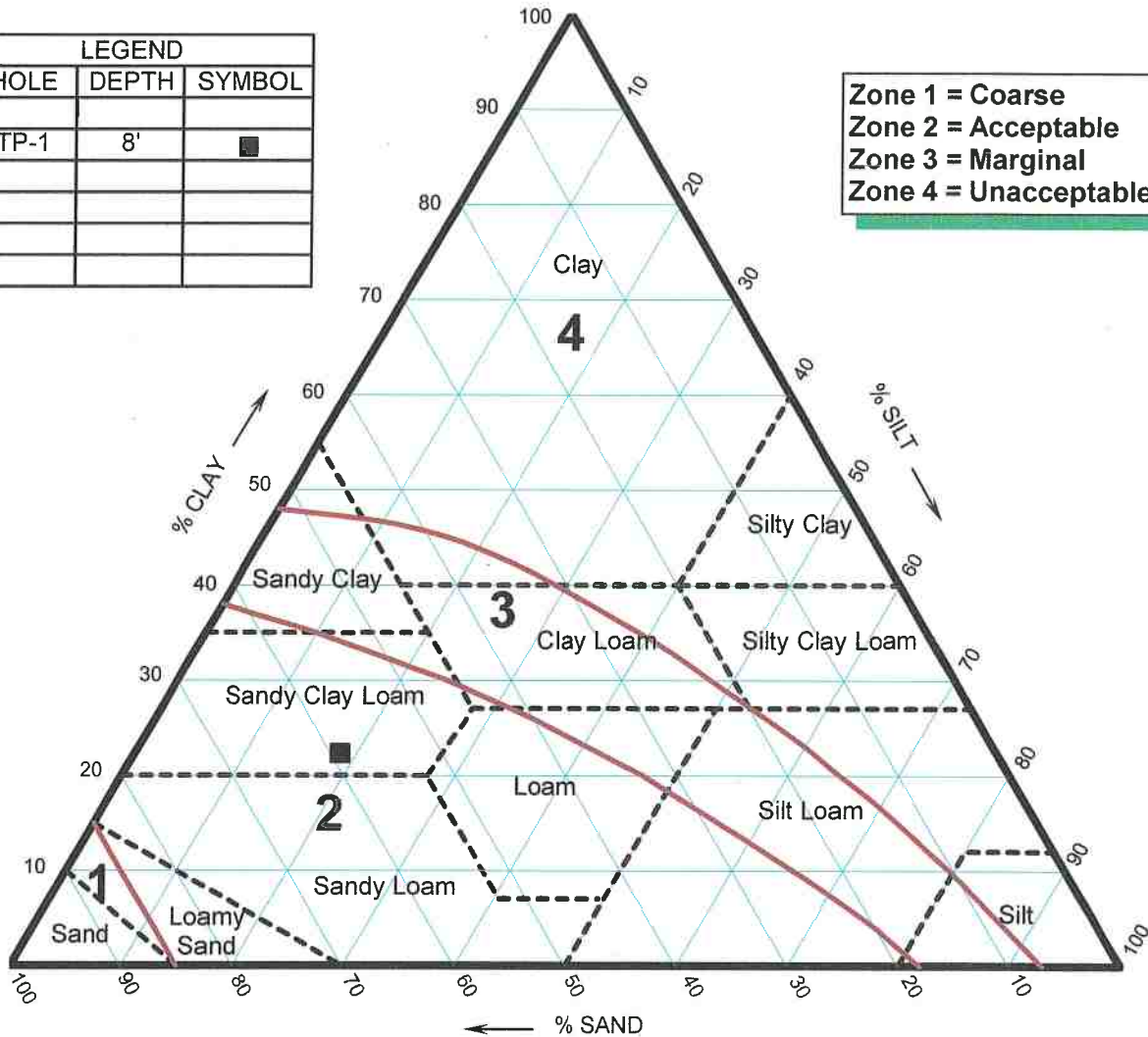
Zone 3 - Soils in this zone are expected to provide good filtration of effluent, but their ability to accept effluent at a suitable rate is questionable. These soils require wet-weather percolation tests to verify their suitability for effluent disposal by conventional leachfield methods.

Zone 4 - Soils in this zone are unsuitable for a conventional leachfield because of their severe limitations for accepting effluent.

SOIL PERCOLATION SUITABILITY CHART

LEGEND		
HOLE	DEPTH	SYMBOL
TP-1	8'	■

Zone 1 = Coarse
Zone 2 = Acceptable
Zone 3 = Marginal
Zone 4 = Unacceptable



NOTES

1. Soil texture is plotted on triangle based on percent sand, silt, and clay as determined by hydrometer analysis.
2. Adjustment for coarse fragments has been made by moving the plotted point in the sand direction an additional 2% for each 10% (by volume) of fragments greater than 2mm in diameter.
3. Adjustment for compactness of soil has been made by moving the plotted point in the clay direction an additional 15% for soils having a bulk-density greater than 1.7 gm/cc, when analyzed.
4. For soils falling in sand, loamy sand, or sandy loam, classification adjustment for bulk density will generally not affect suitability and a bulk-density analysis was not necessary.

JOB NUMBER: NJN

DATE: 06/05/18

JOB NAME: Free Farm

APN: 210-191-015

***SEW* Consulting Engineers & Geologists, Inc.**

812 W. Wabash
 Eureka, CA 95501-2138
 (707) 441-8855

Appendix E

Soil Profile

Soil Exploration Log

APN #210-191-015

Logged By: David Nicoletti PE

Date 5/18/2018

Test Pit #	Description	Color	Moisture	Consist	Depth	Soil Type	Percolation Rate
	0-1.5 feet Roots	Brn	Dry	Firm			
TP-1		Brn	Dry	Firm	1.5 - 5 Feet	SM	
		Brn	Dry	Firm	5 - 8 Feet	SC	31Min\In
TP-2		Brn	Dry	Firm	1.5 - 5 Feet	SM	
		Brn	Dry	Firm	5 - 8 Feet	SC	26 Min\In



TP - 1



TP - 2

ATTACHMENT 5

REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

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

Referral Agency	Response	Recommendation	Location
Building Inspection Division	✓	Conditional approval	Attached
Public Works - Land Use Division	✓	Conditional approval	Attached
Division Environmental Health	✓	Conditional approval	On file with Planning
CAL FIRE	✓	Conditional approval	Attached
Bridgeville Fire Protection District		No response	
Department of Fish & Wildlife		No comments	
State Water Resources Control Board – Division of Water Rights		No comments	
CA Division of Water Resources		No response	
NWIC	✓	Further Study	On file with Planning
Bear River Band of the Rohnerville Rancheria	✓	Inadvertent Discovery	On file with Planning
RWQCB		No response	
North Coast Unified Air Quality Management District		No response	
Humboldt County District Attorney		No response	
Humboldt County Agricultural Commissioner		No response	
Fortuna Union High School		No response	
California Department of Transportation District #1		No response	



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



9/19/2017

PROJECT REFERRAL TO: Building Inspection Division

Project Referred To The Following Agencies:

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, California Department of Transportation District #1, Regional Water Quality Control Board, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, NCUR Air Quality Control Board, SWRCB, Division of Water Rights, Humboldt County Sheriff, Bridgeville Fire Protection District, Bridgeville School District, Fortuna Union High School

Applicant Name Tree Pharm LLC **Key Parcel Number** 210-191-015-000

Application (APPS#) 11207 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** CUP16-179

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

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

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

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

Return Response No Later Than 10/4/2017

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

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

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

Recommend Conditional Approval. Suggested Conditions Attached.

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

Recommend Denial. Attach reasons for recommended denial.

Other Comments: _____

DATE: 1/24/18

PRINT NAME: R.M.

210-191-015



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
BUILDING DIVISION

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

Building Division's Referral Comments for Cannabis Operations:

Application No.: 45431 / 11207 (APPS #)
Parcel No.: 210-191-015
Case No.: CUP16-179

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

- Site/plot plan appears to be accurate.
- Submit revised site/plot plan showing all of the following items: all grading including ponds and roads, location of any water course including springs, all structure including size and use and all setbacks from the above stated to each other and property lines.
- Existing operation appears to have expanded, see comments: _____

- Existing structures used in the cannabis operation shall not to be used/occupied until all required permits have been obtained.
- Proposed new operation has already started.
- Recommend approval based on the condition that all required grading, building, plumbing electrical and mechanical permits and or Agricultural Exemption are obtained.
- Other Comments: _____
- Soils Report

Name: Rudy Marenghi

Date: 1/24/18

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



From: Lee_Bo@CALFIRE
To: [Planning Clerk; HUU_CEOA@CALFIRE](mailto:Planning_Clerk_HUU_CEOA@CALFIRE)
Subject: 210-191-015 Tree Pharm, LLC
Date: Saturday, October 07, 2017 9:47:59 PM

Reviewed by B1213. Recommend:

- Emergency access
 - Turnarounds
- Signing & building numbers
- Emergency water standards
 - Designated water storage for fire
- Fuel modification standards

Bo Lee
Battalion Chief
CAL FIRE
Humboldt-Del Norte Unit
707-499-2244

DEPARTMENT OF FORESTRY AND FIRE PROTECTION

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



Ref: 7100 Planning
Date: September 27, 2017

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

Attention: Cannabis Planner (CPOD)
Applicant: Tree Pharm LLC
APN: 210-191-015-000
Area: Dinsmore
Case Numbers: CUP16-179

Humboldt County Application #: 11207
Type of Application: Conditional Use Permit
Date Received: 9/21/2017
Due Date: 10/4/2017

Project Description: A Conditional Use Permit for an existing 24,000 square foot (SF) outdoor cannabis cultivation operation in seven (7) greenhouses with appurtenant propagation area (nursery and processing facility) is requested. Irrigation water is sourced from a spring diversion. Total water storage is 181,000 gallons in four (4) tanks and one (1) 175,000 gallon water bladder. On-site processing currently occurs in an existing fabric house and a 1,200 SF (20' x 60') Processing Facility is proposed. Pacific Gas & Electric provides power to the operation.

Mr. Ford,

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

- Fire Safe
- Resource Management
- Cannabis

The following pages address these concerns directly.

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

By: Planning Battalion
CALFIRE Humboldt – Del Norte Unit

For **Hugh Scanlon**, Unit Chief

FIRE SAFE

General:

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

Local Responsibility Areas:

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

State Responsibility Areas:

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

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

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

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

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

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

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

RESOURCE MANAGEMENT

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

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

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

CANNABIS PROJECTS

Local Responsibility Areas:

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

State Responsibility Areas:

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

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

General Recommendations:

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

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



DEPARTMENT OF PUBLIC WORKS
COUNTY OF HUMBOLDT

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

ARCATA-EUREKA AIRPORT TERMINAL
MCKINLEYVILLE
FAX 539-3999

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

CLARK COMPLEX
HARRIS & H ST., EUREKA
FAX 445-7988

AVIATION 839-5401

ADMINISTRATION	445-7491	NATURAL RESOURCES	445-7741
BUSINESS	445-7952	NATURAL RESOURCES PLANNING	267-8540
ENGINEERING	445-7377	PARKS	445-7651
FACILITY MAINTENANCE	445-7493	ROADS & EQUIPMENT MAINTENANCE	445-7421

LAND USE 445-7208

LAND USE DIVISION INTEROFFICE MEMORANDUM

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

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

DATE: 4-17-2018

RE:	Applicant Name	Tree Pharm LLC
	APN	210-191-015
	APPS#	11207 CUP16-179

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

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

*Note: Exhibits are attached as necessary.

Additional comments/notes:

Review item 1 on Exhibit "C".

// END //

Exhibit "C"

Additional Review is Required by Planning & Building Staff

APPS # 11207

All of the following questions are to be answered by Planning and Building Department staff. No further involvement with the Department of Public Works is required for these items; however Public Works staff is available to answer any questions that may arise.

1. **ROADS – PART 1.** Does the project takes access from a series of non-county maintained roads that connect directly to a State Highway (36, 96, 101, 255, 299, etc...)?
 YES NO

If **YES**, the project does not need to be referred to the Department. Include the following requirement:

All recommendations in the Road Evaluation Report(s) for non-county maintained road(s) shall be constructed/implemented to the satisfaction of the Planning & Building Department prior to commencing operations, final sign-off for a building permit, or approval for a business license. A grading permit may be required; check with the Building Division of the Planning and Building Department for any permit requirements.

2. **ROADS – PART 2.** Does the project takes access from a series of non-county maintained roads that connect directly to a Caltrans State Highway, US Forest Service Road, BLM Road, or a City road?
 YES NO

If **YES**, the Department recommends that prior to the project presented to the Planning Commission or Zoning Administrator, that the project should be referred to the affected road agency(ies).

3. **ROADS – PART 3.** Does the project take access or use a county maintained road that does not have a centerline stripe or is not on the "approved list" of known category 4 roads? YES NO

If **YES**, a *Road Evaluation Report* must be done for the County road(s) that do not have a centerline stripe or are not on the "approved" list. The project along with the road evaluation report(s) for the County maintained road(s) must be referred to Public Works for review to ensure that the Department supports the findings in the report. If the road is on the "not approved" list, then Part B of the *Road Evaluation Report* form must be completed.

4. **Deferred Subdivision Improvements.** Does the project have deferred subdivision improvements? YES NO

How to check: Method 1: Planning and Building Department staff review the legal description for the subject property in the deed. If the deed reads similar to "Parcel __ of Parcel Map No. __" then there may be deferred subdivision improvements; further research will be needed. Method 2: Planning and Building Department staff need to review the title report(s) for the subject property(ies) to see if a "Notice of Construction Requirements" document is listed. If the document is listed, then there are deferred subdivision improvements.

If **YES** then the subject property has deferred subdivision improvements. The project cannot be presented to the Zoning Administrator or the Planning Commission until the deferred subdivision improvements are completed. The applicant should be directed to the Department of Public Works regarding the deferred subdivision improvements.

5. **AIRPORT- PART 1 (ALUCP).** Is the project located within Airport Land Use Compatibility Plan (ALUCP) Zone A, B, B1, B2, or B3 as shown on the ALUCP GIS layer? YES NO

If **YES**, include the following requirement:

The applicant shall cause to be dedicated to the County of Humboldt an Avigation Easement. The avigation easement shall be on the form prescribed by the Department of Public Works. This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.

Exhibit "C"

Additional Review is Required by Planning & Building Staff

The applicant shall conduct all operations consistent with the ALUCP and in a manner that does not attract flocks of birds. Open ponds shall not be permitted.

6. **AIRPORT – PART 2 (County Code Section 333).** Is the project is located within the County Code Section 333 GIS layer **AND** is the project proposing to construct (or permit) a fence, building or other structure? YES NO

If **YES**, the applicant shall submit a completed *Airspace Certification Form* prior to the project being presented to the Zoning Administrator or the Planning Commission for approval.

7. **AIRPORT – PART 3 (Height Restrictions).** Planning & Building Staff shall review the completed *Airspace Certification Form* as follows:
- o If Box 1 is checked **NO**, the applicant shall either modify the project to comply with County Code Section 333-4 or the applicant shall request a variance pursuant to County Code Section 333-8. The project shall not be presented to the Zoning Administrator or the Planning Commission for approval until the variance is approved by the Board of Supervisors, or the project was modified to comply with County Code Section 333-4.
 - o If Box 2 is checked **YES**, the applicant shall submit form FAA 7460-1 to the FAA for review and comment. The project shall not be presented to the Zoning Administrator or the Planning Commission for approval until the FAA supports the project.
 - o If Box 3 is checked **YES**, then the project cannot be permitted and must be modified to conform to the easement. As an alternative, the applicant may wish to seek approval from both the County and the FAA to quitclaim a portion of the easement to allow the project to be permitted.
 - o If Box 1 is checked **YES** and Box 2 is checked **NO** and Box 3 checked **NO** or **NA**, then Planning & Building staff shall signoff on the project in the "county use only" section of the form. In the "pre-construction" right of way (or "post construction" right of way if the building exists), check the approval box; date and initial your work.

Note that if the proposed structure is close to the imaginary surface (within 5 feet), then require a post construction certificate to be filed. By including the following requirement:

Applicant shall file a post construction *Airspace Certification Form* to ensure that the proposed structures are in compliance with County Code 333-3. This shall be completed within 90 days of completion of construction or prior to building final, whichever occurs first.

Submit a copy of all processed *Airspace Certification Forms* to the Land Use Division.

8. **MS4/ASBS Areas.** Is the project located within MS4 Permit Area as shown on the GIS layer? YES NO

If **YES**, include the following requirement:

The applicant shall demonstrate to the satisfaction of the Planning & Building Department that the project is in compliance with MS4/ASBS requirements.

// END //