



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

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

Hearing Date: October 18, 2018

To: Humboldt County Planning Commission

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

Subject: **Matt Scott Conditional Use Permit**  
Application Number: 12403  
Case Number: CUP16-665  
Assessor's Parcel Number (APN): 209-351-083

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Please contact Rodney Yandell, Planner II, at (707) 445-7541 or by email at [ryandell@co.humboldt.ca.us](mailto:ryandell@co.humboldt.ca.us) if you have any questions about the scheduled public hearing item.

## AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
October 18, 2018	Conditional Use Permit	Rodney Yandell

**Project Description:** A Conditional Use Permit for the operation of a commercial cannabis nursery in an existing 91,223 square foot industrial building. The floor area of the nursery is proposed to be 22,485 square feet. The nursery will operate year-round and will have a maximum of six employees. The on-site source of water of the nursery is an existing well. The applicant is also proposing to develop a rainwater catchment system that will capture rainwater from the rooftop. The applicant is proposing 20,000 gallons of water storage in hard-sided tanks. Once fully operational, approximately 7,970 gallons of water weekly will be required to meet operational needs. The nursery restrooms and wash stations are located within the commercial building and will be connected to the existing on-site commercial septic system. Power will be provided by P. G. & E.

**Project Location:** The project is located in Humboldt County, in the Pepperwood area, on the East side of State Highway 254, approximately 1.6 miles South from the intersection of Holmes Flat Road and State Highway 254, on the property known to be in Section 10 of Township 01 South, Range 02 East, Humboldt Base & Meridian.

**Present Plan Land Use Designations:** Industrial, General (IG), 2017 General Plan, Density: N/A, Slope Stability: Moderate Instability (2).

**Present Zoning:** Heavy Industrial (MH), Design Review (DR), Qualified (Q)

**Application Number:** 12403

**Case Number:** CUP16-665

**Assessor's Parcel Number:** 209-351-083

**Applicant**

Matt Scott  
PO Box 865  
Garberville, CA 95542

**Owner**

Velma Childs  
PO Box 103  
Redcrest, CA 95569

**Agent**

Kristen Nevedal  
434 Church St.  
Garberville, CA 95542

**Environmental Review:** CEQA Exemption Section 15301 – Existing Facilities and 15303 – New Construction or Conversion of Small Structures

**State Appeal Status:** The project is NOT appealable to the California Coastal Commission.

**Major Issues:** On-site waste treatment system (OWTS) development and installation to serve the project will require further engineering analysis.

**Matt Scott**  
Case Number: CUP16-665  
Assessor's Parcel Number: 209-351-083

**Recommended Commission Action:**

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

*Find the project Categorically Exempt from environmental review pursuant to Sections 15301 & 15303 of the State CEQA Guidelines, make all of the required findings for approval of the Conditional Use Permit based on evidence in the staff report and any public testimony, and adopt the Resolution approving the proposed Matt Scott Conditional Use Permit subject to the conditions of approval.*

**Executive Summary:** Matt Scott (applicant) is seeking a Conditional Use Permit for development and operation of a commercial cannabis retail nursery space in compliance with the County Commercial Medical Marijuana Land Use Ordinance (CMMLUO). "Nursery" means a licensee that produces only clones, immature plants, seeds, and other agricultural products for retail or wholesale, used specifically for the planting, propagation, and cultivation of medical cannabis. As the parcel's principal zoning is Heavy Industrial (MH), the nursery must produce nursery stock for solely retail sale pursuant to Humboldt County Code Section 314-55.4.8.7.

The subject parcel is located at 26011 State Highway 254, in the Redcrest area, and is approximately 23.53 acres in area. The subject parcel is developed for industrial uses as timber and logging operations have used the site in the past. According to a previous employee of the Eel River Sawmills, upwards of 200 employees were utilizing the site during peak operations. There are five large metal structures on-site and the site is entirely paved with asphalt. The power source for the parcel is PG&E. Eight permit applications were filed for the subject parcel, with two approvals, including in the following:

APPLICATION NUMBER	APPLICANT	PROPOSED PROJECT	Status
13056	Harvest Pacific, LLC	Retail nursery, processing, manufacturing and 10,000 square feet of outdoor cultivation	In process
13015	The Humboldt Concentrate, LLC	Non-volatile manufacturing	In process
12973	Innovation Pacific Corp.	Distribution	In process
12607	Abacus Apothecary, LLC	Non-volatile manufacturing	In process
12411	Sunfed, Inc.	Distribution	In process
12407	Matt Scott	Volatile manufacturing	Proposed project
12403	Matt Scott	Wholesale nursery	In process
11767	Tree Frog Botanicals	Indoor	In process
10493	Innovation Pacific Corp.	Processing and manufacturing	Approved
13227	Southern Humboldt	Manufacturing and	Approved

	Concentrates, LLC	distribution	
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The applicant proposes to implement a security plan that establishes a secure perimeter fence with restricted access and a high tech camera system that digitally monitors and records all activities on the premises and at all facility access points and restricted access points. The security system will be installed and monitored by a qualified security firm. Upon request, security information will be made available to State, local and/or law enforcement agencies.

In their letter dated April 13, 2018, the Department of Environmental Health (DEH) noted that a review of the historical records for the subject parcel show one approved permit from 1955, as well as Onsite Wastewater Treatment System (OWTS) failure, expired permit applications and soil testing information indicating shallow groundwater conditions in some areas. Based on engineer's evaluation and DEH's on-site evaluation, DEH can allow for conditional use of the two existing systems located on the subject parcel. The proposed project would utilize what is known as 'System 2'.

Per email from Benjamin Dolf with the Department of Environmental Health dated August 31, 2018, System 2 can accommodate 52 employee-shifts per day. There will be a maximum of six employees on-site during a 24-hour period in Phase one of the project and maximum of 15 employees on-site during a 24-hour period in Phase two of the project. Other projects pending on the subject parcel are restricted to phasing the projects to ensure the maximum number of people using System 2 does not exceed 52 people. Phase 2 (full project build out) cannot commence until such time there is an OWTS that can accommodate all the projects as proposed. As required in the same communication, prior to commencing operations, the applicant shall install a monitoring well to a depth 7 feet in the vicinity of the leechfield to prove adequate groundwater separation is maintained through the wet season. Additionally, the applicant shall prepare and submit a plan for discharge of water from the nursery and obtain accompanied by necessary permits or approval from agencies having jurisdiction to the satisfaction of the Department of Environmental Health.

The State Water Resources Control Board (SWRCB) defines a 'public water system' as a system that provides water for human consumption to regularly serve 25 or more people daily for at least 60 days out of the year. Based on the operations plan submitted by each applicant, there will be over 70 employees on-site, which does not include other people (e.g. those making deliveries) that will be served by the on-site wells. Well completion logs will be provided to the Department of Fish and Wildlife for review. If the well that supplies irrigation water is hydrologically connected to surface water, the applicant will secure a Streambed Alteration Agreement from the Department of Fish and Wildlife, and will implement forbearance in accordance with Humboldt County Code Section 314-55.4.11(I). This application includes a maximum of 6 employees, with a maximum of 15 at full build out under Phase 2. A drinking water supply permit will need to be obtained from the SWRCB – Division of Drinking Water for the subject parcel once the total number served onsite reaches 25 or more daily.

Based on a review of Planning Division reference sources and comments from all involved referral agencies, planning staff believes that the applicant has submitted evidence in support of making all of the required findings for approving the conditional use permit.

**ALTERNATIVES:** The Planning Commission could elect not to approve the project, 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 potentially significant impacts. As Lead Agency, the Department has determined that the Project is Categorical Exempt under the three Exemption Classes 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 18-  
Case Number: CUP 16-665  
Assessor's Parcel Number: 209-351-083**

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

**WHEREAS**, Matt Scott, submitted an application and evidence in support of approving a Conditional Use Permit for the development and operation of a commercial cannabis nursery in an existing 91,223 square foot industrial building.

**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 project is exempt from environmental review per Section 15301(a) and 15303 of the CEQA Guidelines; and

**WHEREAS**, Attachment 2 in the Planning Division staff report includes evidence in support of making all the required findings for approving the proposed Conditional Use Permit (Case Number CUP16-665); and

**WHEREAS**, a public hearing was held on the matter before the Humboldt County Planning Commission on October 18, 2018.

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

1. The proposed project is exempt from environmental review pursuant to Section 15301 (Existing Facilities) and 15303 (New Construction or Conversion of Small Structures) of the California Environmental Quality Act (CEQA) State Guidelines; and
2. The findings in Attachment 2 of the Planning Division staff report for Case Number CUP 16-665 support approval of the project based on the submitted evidence; and
3. Conditional Use Permit CUP16-665 is approved as recommended and conditioned in Attachment 1 for Case Number CUP16-665.

Adopted after review and consideration of all the evidence on October 18, 2018.

The motion was made by Commissioner \_\_\_\_ and seconded by Commissioner \_\_\_\_.

AYES: Commissioners:

NOES: Commissioners:

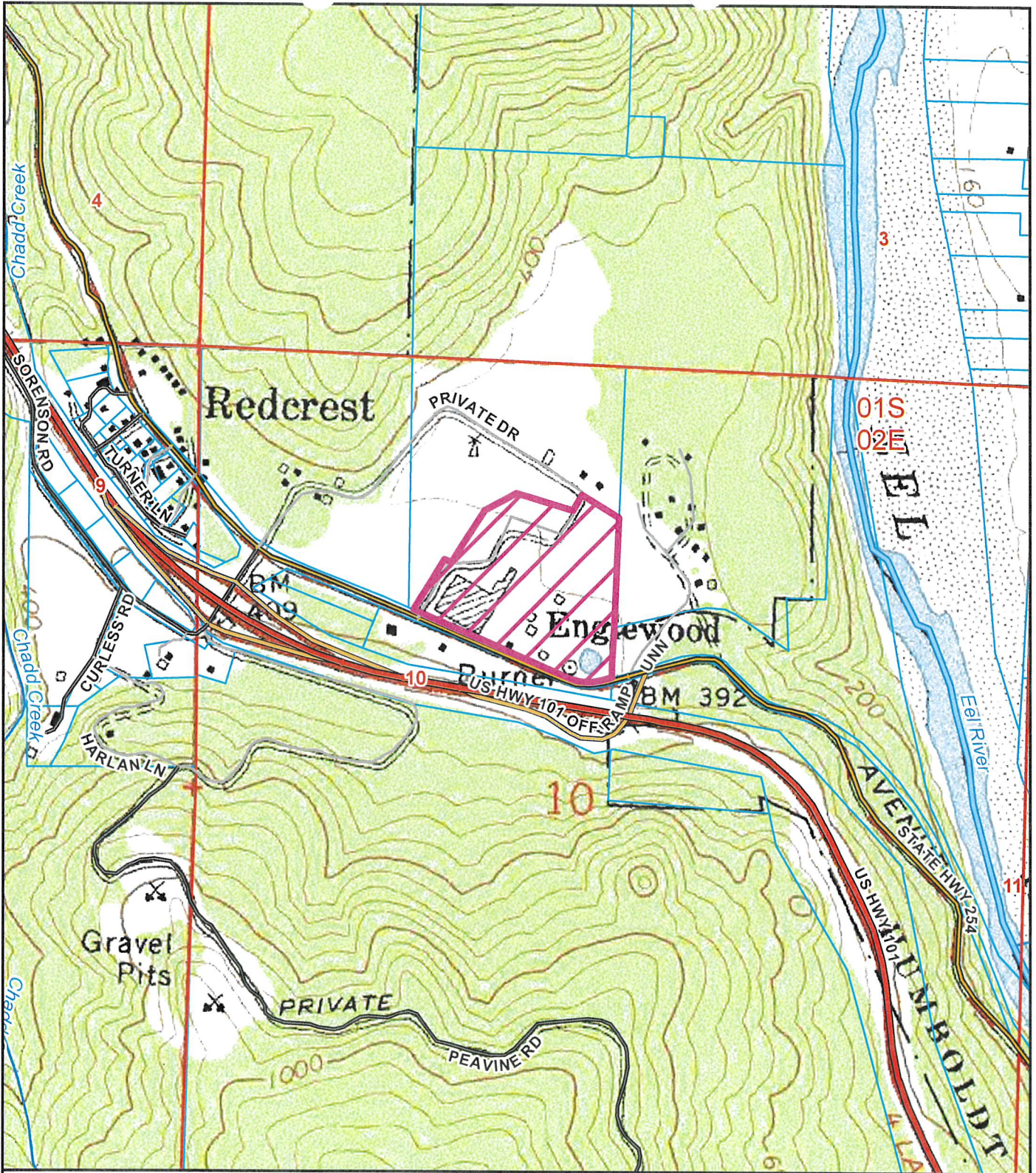
ABSTAIN: Commissioners:

ABSENT: Commissioners:

DECISION:

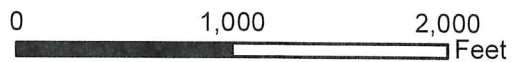
I, John Ford, Secretary to the Planning Commission of the County of Humboldt, do hereby certify the foregoing to be a true and correct record of the action taken on the above entitled matter by said Commission at a meeting held on the date noted above.

\_\_\_\_\_  
John Ford, Director  
Planning and Building Department

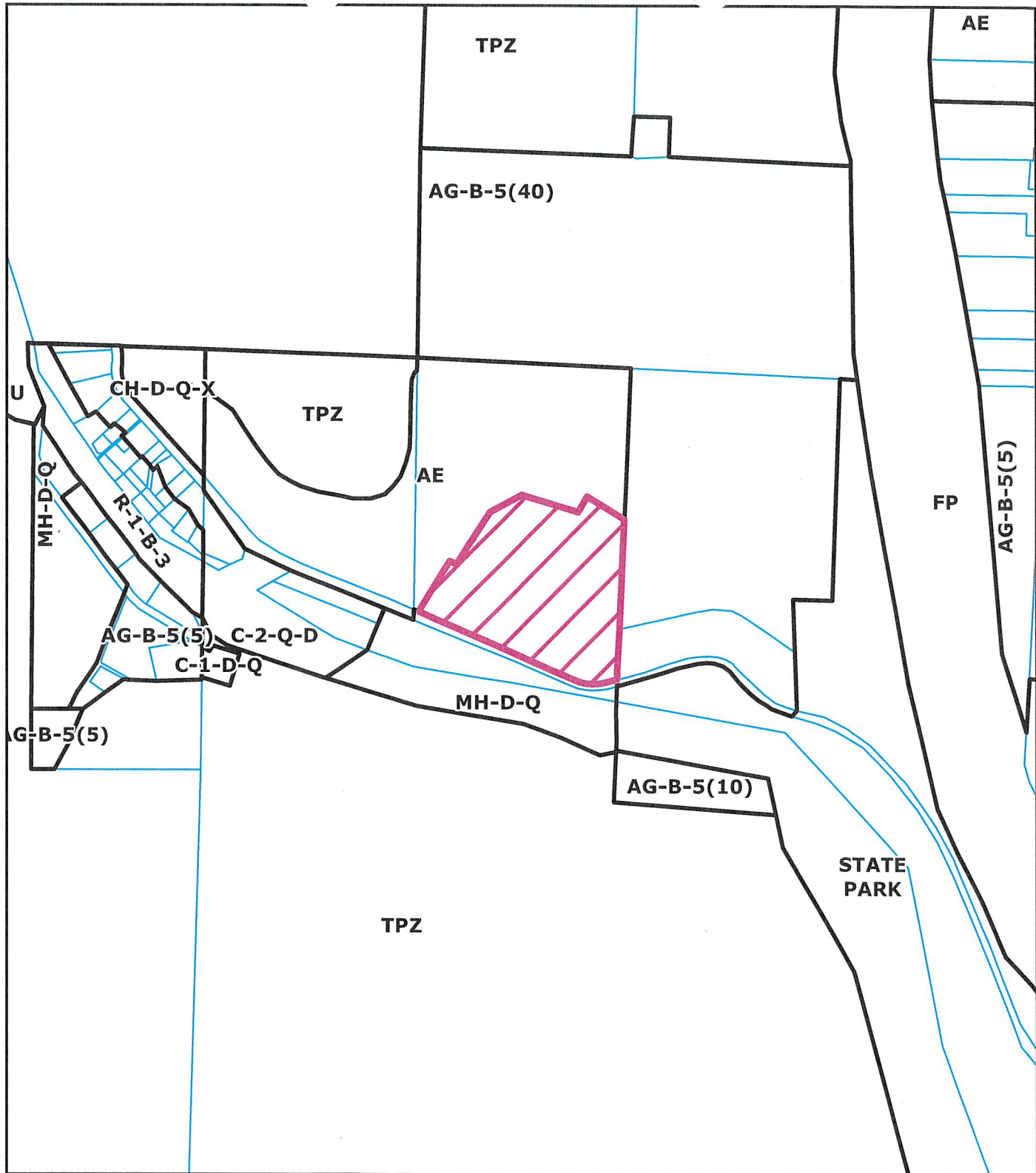


**TOPO MAP**  
**PROPOSED MATT SCOTT**  
**PEPPERWOOD AREA**  
**CUP-16-665**  
**APN: 209-351-083**  
**T01S R02E S10 HB&M (REDCREST)**

Project Area =

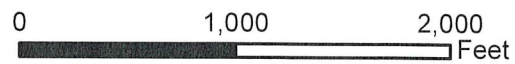


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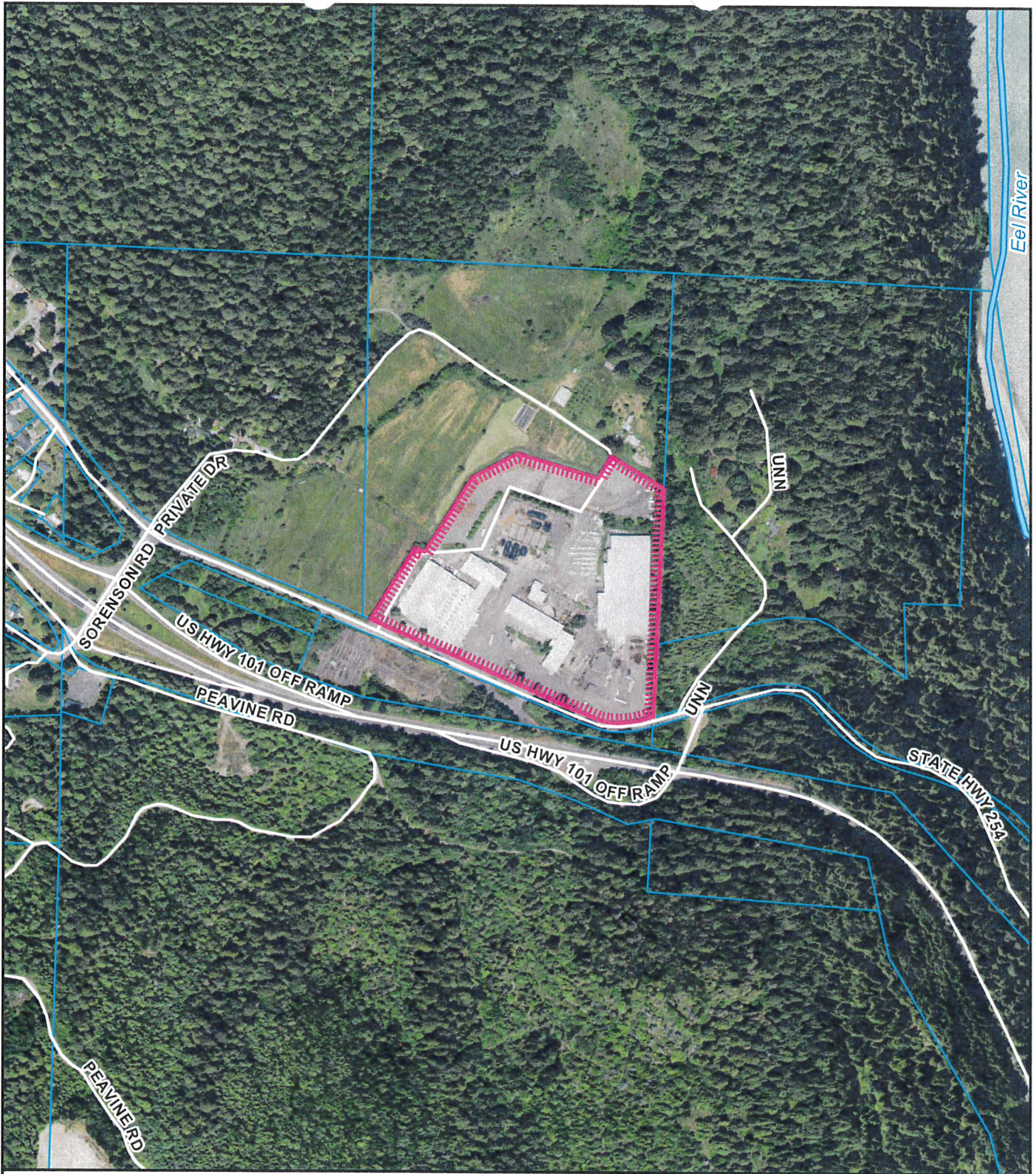
**ZONING MAP**  
**PROPOSED MATT SCOTT**  
**PEPPERWOOD AREA**  
**CUP-16-665**  
**APN: 209-351-083**  
**T01S R02E S10 HB&M (REDCREST)**

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.



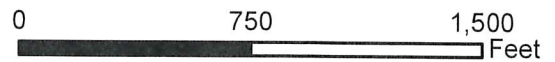


Project Area = 

**AERIAL MAP  
 PROPOSED MATT SCOTT  
 PEPPERWOOD AREA  
 CUP-16-665  
 APN: 209-351-083  
 T01S R02E S10 HB&M (REDCREST)**



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.



RECEIVED  
AUG - 9 2017  
Humboldt County  
Planning Division

(P) BUILDING "D" TENANT INFILL  
(A-DISTRIBUTION)  
(B-PROCESSING/MANUFACTURING)  
(C-NURSERY)  
(D-CENTRAL COMMON AREA)  
(E-TENANT INFILL)  
(F-OWNER SPACE/SHOP)



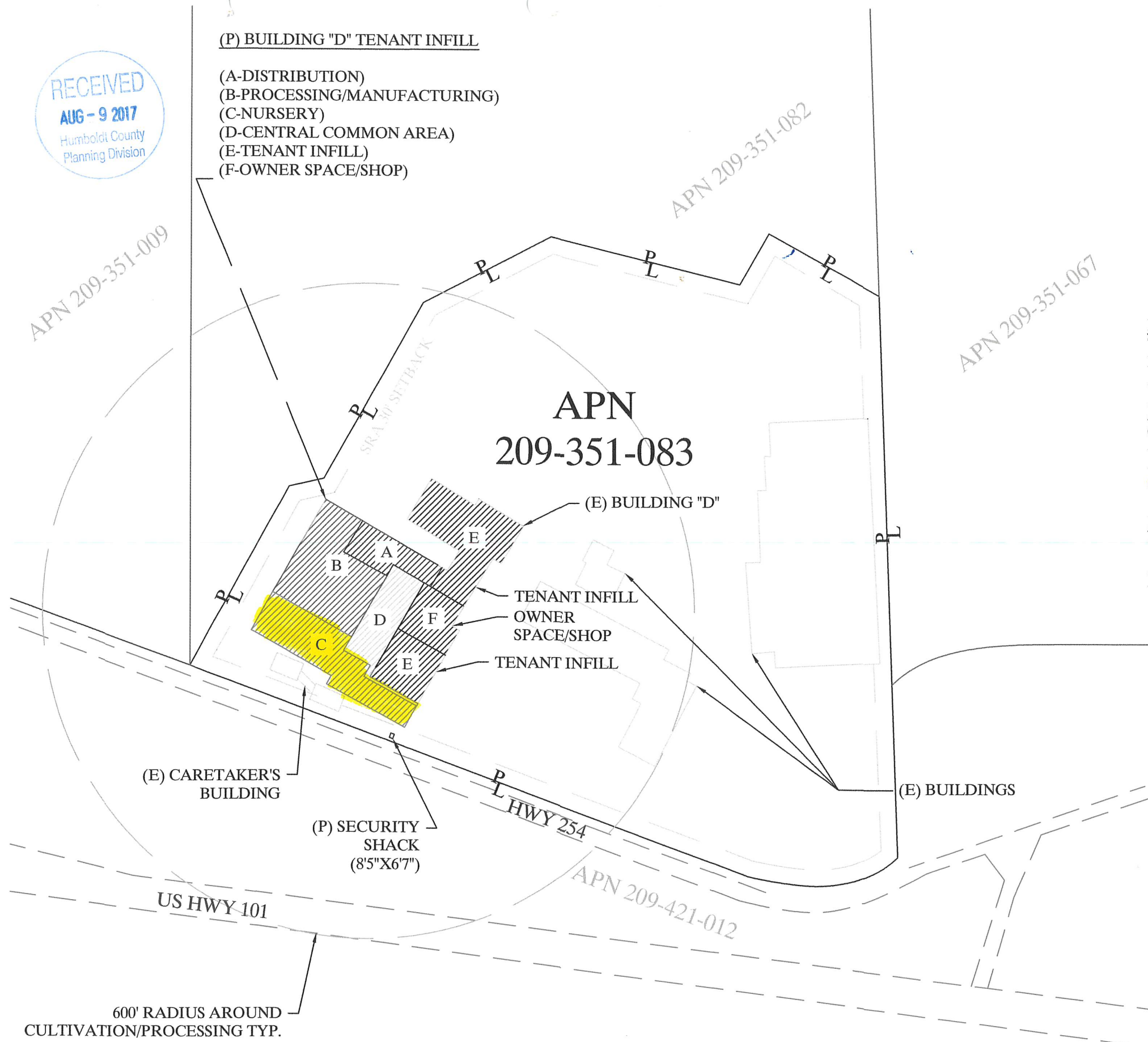
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ENGINEERING  
252 G ST.  
ARCATA, CA 95521  
(707) 822-2822 PH & FAX  
WWW.ATLASENG.NET

APN 209-351-009

APN 209-351-082

APN 209-351-067

APN  
209-351-083



**VICINITY MAP**

**PROJECT DESCRIPTION** N.T.S.  
TENANT INFILL FOR COMMERCIAL CANNABIS  
NURSERY, PROCESSING/MANUFACTURING,  
AND DISTRIBUTION.

**PROPOSED COMMERCIAL CANNABIS PERMIT AREA(S)**  
(APPROX.) 80,127.5 SQ. FT.

- (A) DISTRIBUTION = 8,630 SQ. FT.
- (B) PROCESSING/MANUFACTURING = 49,013 SQ. FT.
- (C) NURSERY = 22,484.5 SQ. FT.

**PROPOSED NON-CANNABIS ANXILLARY AREA**  
- (D) CENTRAL COMMON AREA = 11,095 SQ. FT.

**TOTAL PROJECT SQ. FT. = 91,222.5**

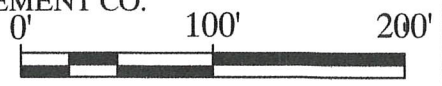
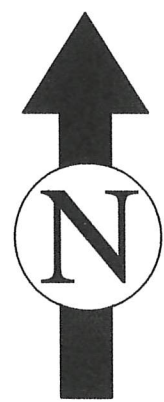
**NOTES:**

1. PROPERTY LINES AND BUILDING LOCATIONS ARE APPROXIMATE AND BASED ON AERIAL PHOTOS PER GOOGLE EARTH.
2. NO CREEKS, WETLANDS OR WATERCOURSES.
3. ZONING: MH-D-Q (SRA >1 ACRE)
4. FRONT SETBACK = 30'
5. REAR SETBACK = 20'
6. SIDE SETBACK = 20'
7. SITE AREA = 23.52 ACRES

**AGENT:**  
ATLAS ENGINEERING  
252 G STREET  
ARCATA, CA 95521  
(707) 822-2822  
MICHAEL@ATLASENG.NET

**OWNER:**  
VELMA & ROBIN CHILDS  
PO BOX 103  
REDCREST, CA 95569-0103  
(707)-599-7600

**CLIENT:**  
REDWOOD MILLER MANAGEMENT CO.  
PO BOX 865  
GARBERVILLE, CA 95542



SCALE: 1" = 200'

**PLOT PLAN**  
**RMM/BAKER/SCOTT - REDCREST-PERMITTING**  
 26011 HWY 254 REDCREST, CA 95569  
 APN:209-351-083

Date:	
Revision No.:	
Date:	6/26/17
Project #:	17020
Drawn by:	KCB
Scale:	1"=250'

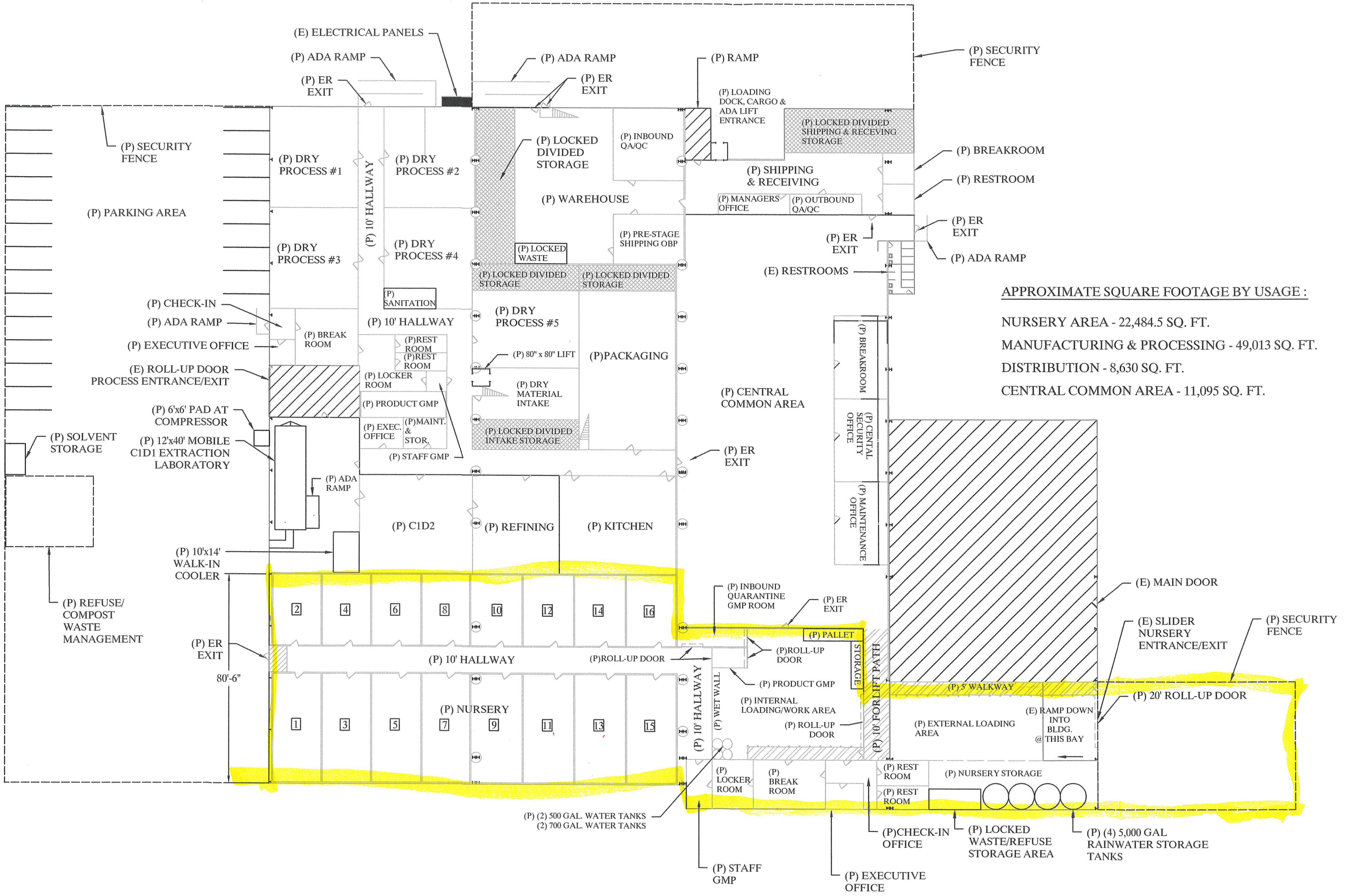
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**P1**



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**PROPOSED FIRST FLOOR LAYOUT**  
**RMM/BAKER/SCOTT - REDCREST-PERMITTING**  
26011 HWY 254 REDCREST, CA 95569  
APN:209-351-083



APPROXIMATE SQUARE FOOTAGE BY USAGE :  
NURSERY AREA - 22,484.5 SQ. FT.  
MANUFACTURING & PROCESSING - 49,013 SQ. FT.  
DISTRIBUTION - 8,630 SQ. FT.  
CENTRAL COMMON AREA - 11,095 SQ. FT.

Date:	
Revision No.:	
Date: 6/26/17	
Project #: 17020	
Drawn by: KCB	
Scale: 1" = 35'	

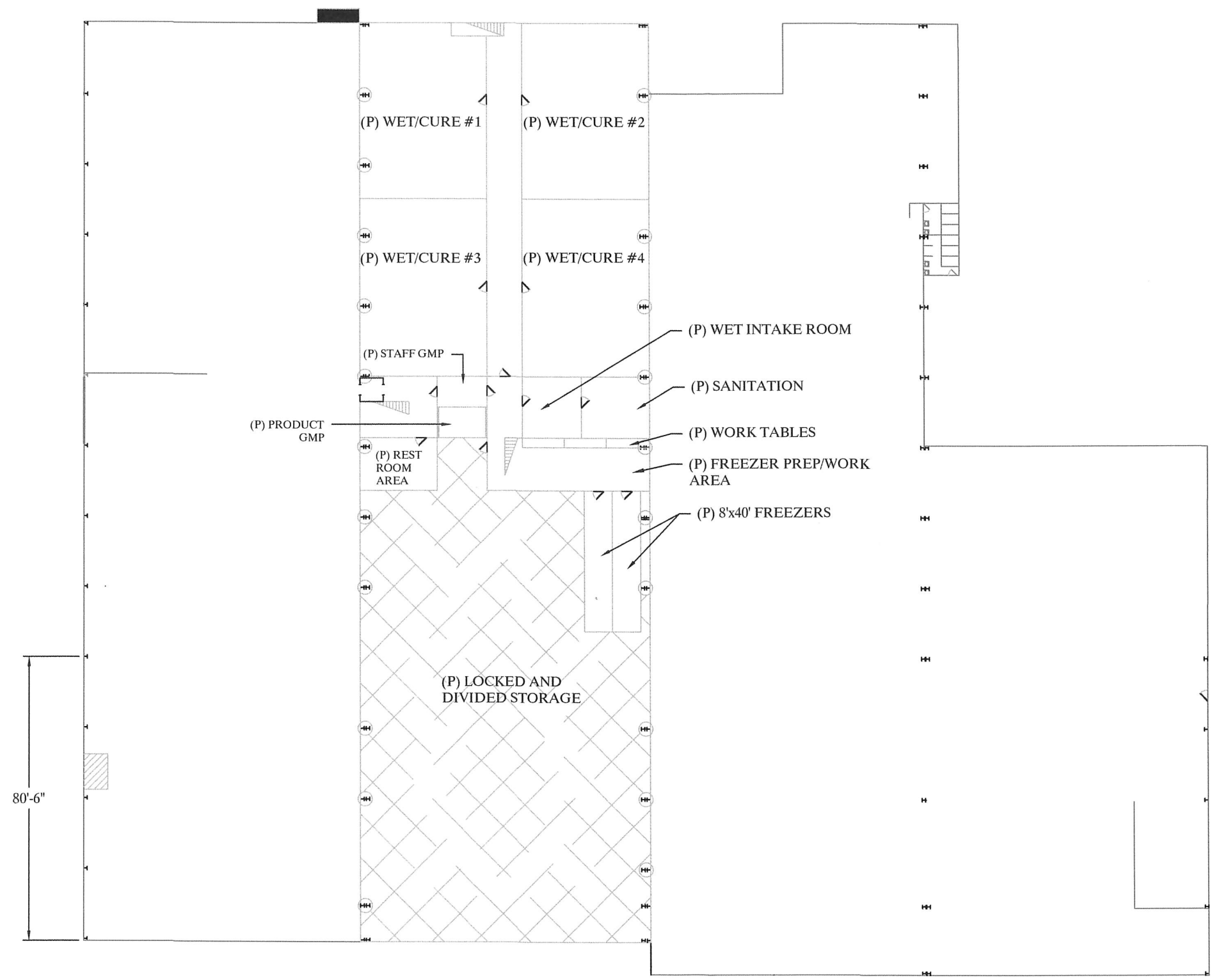
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**A1**



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**PROPOSED SECOND FLOOR LAYOUT**  
**RMM/BAKER/SCOTT - REDCREST-PERMITTING**  
26011 HWY 254 REDCREST, CA 95569  
APN:209-351-083



Date:	
Revision No.:	

Date: 6/26/17

Project #: 17020

Drawn by: KCB

Scale: 1" = 35'

Sheet No.

**A2**

**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 release of the Building Permit and initiation of operations.

**Section 1: Development Restrictions**

1. The applicant shall be responsible for obtaining all necessary County and State permits and licenses, and for meeting all of the requirements as set forth by other regulatory agencies.
2. The project shall be developed in accordance with the Type 4 Wholesale Nursery Operations Plan received August 9, 2017, and project site and floor plans.
3. The project shall meet all applicable fire codes, including fire suppression infrastructure requirements deemed necessary for the project. Sign off on the Occupancy Permit by the Building Division shall satisfy this requirement.
4. Where feasible, new utilities shall be underground or sited unobtrusively if above ground.
5. The applicant shall obtain from the Building Inspection Division any Building or other required permits prior to commencing construction activities or the approved use.
6. The applicant shall submit a consolidated site plan to the Building Department, for the building permits, showing the following information, which can be used for all projects:
  - a. Items required by the plot plan checklist (attached), which includes showing all existing and proposed development, including location of septic systems, primary and reserve leech fields and wells;
  - b. Setbacks of **all** development (both existing and proposed) from property lines;
  - c. Buildings labeled as to APPS # and proposed use;
  - d. Buffers and setback distances from all natural waterways, including streams, springs, ponds, culverts and any other features (wetlands);
  - e. Water storage structures labeled as to type, capacity and date of construction;
  - f. Solid waste, recycling and composting areas;
  - g. Clearly labeled parking and loading spaces for **all** development pursuant to Humboldt County Code (HCC) Section 314-109.1 *Off-street Parking*; this shall include a master parking table for all existing and proposed tenants;
  - h. Site circulation;
  - i. Landscaping and lighting plan; and
  - j. Easements.
7. The approved building plans shall address odor management by incorporating a ventilation/air filtration system that limits potential adverse odor emission impacts to employees and/or properties located in the vicinity. The system shall be designed, signed, and stamped by a mechanical engineer for review and approval by the Building Official.
8. The applicant shall install a 2,500-gallon water storage tank for fire protection.
9. Prior to ground disturbance or building permit issuance, the applicant shall obtain a Design Review (DR) permit from the Humboldt County Planning Division.
10. The applicant shall not use any vehicles or equipment (e.g., fork lift) for the operations equipped with back-up warning beepers.

11. 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 release of the Building Permit and initiation of operations. Ongoing proof of compliance with this condition shall be required at each annual inspection in order to keep the permit valid.
12. Prior to cultivation, the applicant shall obtain approval from the Department of Environmental Health to use the discharge pond for water discharged from the nursery. A letter or similar communication from the Department of Environmental Health stating this requirement is met will satisfy this condition.
13. Prior to cultivation, the applicant shall submit a soils management plan describing the amount of soil imported to the site, how the soil will be managed while in use and how often and where the soil used during operations will be disposed.
14. Provide a copy of the approved CalTrans encroachment permit that identifies the applicant or property title-holder as the owner responsible for the driveway connection encroachment per Letter from Caltrans dated June 12, 2018. Contact Caltrans District 1 for further information.
15. The applicant shall contact the local fire service provider [Redcrest Volunteer Fire Department] and furnish written documentation from that agency of the available emergency response and fire suppression services and any recommended project mitigation measures. Mitigation measures shall be incorporated into the project, if applicable. If emergency response and fire suppression services are not provided, the applicant shall cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning Division. Document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors will be required.
16. Prior to ground disturbance a qualified biologist shall conduct seasonally appropriate bird and plant surveys in the area of disturbance and area of potential effect for any sensitive natural communities, animals, or plants with a State Rare Plant Rank of 1 or 2. Ground disturbing activities shall occur in the bird non-breeding season between September and January. If ground disturbing activities cannot be done in the non-breeding season and must occur during bird breeding season (between February and August), a qualified wildlife biologist with experience in breeding bird Surveys shall perform pre-construction breeding bird surveys within 14 days of the onset of construction or clearing of vegetation. If active breeding bird nests are observed, no ground disturbance activities shall occur within a minimum 100-foot exclusion zone. The exclusion zone(s) shall remain in place around the active nest(s) until all young are no longer dependent upon the nest(s). A wildlife biologist shall monitor the nest site(s) weekly during the breeding season to ensure the buffer is sufficient to protect the nest(s) from potential disturbances.
17. The Applicant shall provide a well completion log to CDFW for review. If the well that supplies irrigation water is hydrologically connected to surface water, the applicant shall secure a Streambed Alteration Agreement from the Department of Fish and Wildlife, and shall agree to and implement forbearance in accordance with Humboldt County Code Section 314-55.4.11(I).
18. Prior to initiating operation the applicant shall meet all of the requirements and obtain all necessary permits from the Division of Environmental Health and Regional Water Quality

Control Board. The applicant shall submit written verification from that agency verifying this requirement has been met.

19. A drinking water supply permit will need to be obtained from the SWRCB – Division of Drinking Water for the subject parcel.
20. 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.
21. Prior to initiating the use the applicant shall obtain a Business License from the Humboldt County Tax Collector.
22. Construction hours shall be limited to between the hours of 8:00 a.m. and 7:00 p.m. Monday through Friday, and between 9:00 and 7:00 p.m. on Saturdays. No heavy equipment related construction activities shall be allowed on Sundays or nationally recognized holidays.
23. All signage shall comply with Section 314-87.2 of the Humboldt County Code, and shall be subject to review and approval by the Planning Director. Signage shall be compatible with surrounding uses and not distract from visitor serving uses in the area.
24. Applicant is to obtain enrollment in PG&E's Solar Choice Plan or other qualified carbon offset program for any portion of power used for the indoor nursery operation not from renewable sources for the life of the project. Evidence of enrollment and energy use shall be maintained for inspection by County.
25. 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. Any and all outstanding Planning fees to cover the processing of the subdivision shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka. The Department will provide a bill to the applicant upon file close out.

## **Section 2: Ongoing Requirements/Development Restrictions Which Must Be Satisfied for the Life of the Project**

1. The project shall be developed, operated, and maintained in accordance with the project description, the Type 4 Wholesale Nursery Operations Plan received August 9, 2017, and project site and floor plans and the approved project site plan and floor plan. Changes to the project, except for Minor Deviations to the Plot Plan as provided in Section 312-11.1 of Title III of the Humboldt County Code, shall require modification of this permit.
2. The project shall be operated and maintained as a retail nursery, and only produces clones, immature plants, seeds, and other agricultural products for retail sale used specifically for the planting, propagation, and cultivation of cannabis. Public access to the nursery proper shall be restricted to persons meeting the minimum age requirements for possessing cannabis under State law.
3. All new and existing outdoor lighting shall be compatible with the existing setting and directed within the property boundaries.
4. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the Humboldt County Commercial

Medical Marijuana Land Use Ordinance (CMMLUO), as may be amended from time to time, as applicable to the permit type.

5. The operation shall participate in the Medical Cannabis Track and Trace Program administered by the Humboldt County Agricultural Commissioner.
6. The project operator shall possess 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.
7. The project operator shall possess a current, valid permit or license, issued by the Humboldt County Department of Health and Human Services–Environmental Health Division, as soon as such permits or licenses become available.
8. All persons hiring employees to engage in in commercial cannabis nursery activities shall comply with the following employee safety practices:
  - A. Implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:
    - 1) Emergency action response planning as necessary;
    - 2) Employee accident reporting and investigation policies;
    - 3) Fire prevention;
    - 4) Hazard communication policies, including maintenance of material safety data sheets (MSDS);
    - 5) Materials handling policies;
    - 6) Job hazard analyses; and
    - 7) Personal protective equipment policies, including respiratory protection.
  - B. Visibly post and maintain an emergency contact list which includes at a minimum:
    - 1) Operation manager contacts;
    - 2) Emergency responder contacts; and
    - 3) Poison control contacts.
  - C. 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 the water source must be capable of handling increased usage without adverse consequences to neighboring properties or the environment.
9. Odors shall be contained on the property on which the cannabis activity is located. To implement this requirement, air filtration and ventilation equipment is to be maintained in good working condition and monitored on an ongoing basis to limit potential adverse odor emission impacts to employees and/or properties located in the vicinity of the operation. If the County receives any odor complaints, the permit holder shall work with the Building Official to correct odor concerns.
10. **Permit Duration.** The permit shall be valid for one year from the effective date of approval, and on the anniversary date of such effective each year thereafter, unless an annual compliance inspection has been completed and the permit has been found to comply with all conditions of approval. In the event the inspection finds noncompliance, a written notification shall be provided to the permit holder identifying the items not in compliance



and the action the permit holder may take to cure the noncompliance. Failure to cure the noncompliance shall result in termination of the permit. The process of notification, reinspection, and appeal of any noncompliance determination shall be as set forth in Sections 55.4.1.2.2 and 55.4.13 of the CMMLUO.

11. **Transfers.** Transfer of any leases or permits approved for 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 conformance with conditions 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;
  - D. Acknowledgement of full responsibility for complying with the existing permit; and
  - E. Execution of an Affidavit of Non-diversion of Medical Cannabis.
12. **Acknowledgements to Remain in Full Force and Effect.** Permittee acknowledges that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed in which the cultivation area is located will not support diversions for irrigation.

Permittee further acknowledges and declares that:

- (1) All commercial cannabis activity that I, my agents, or employees conduct pursuant to a permit from the County of Humboldt shall be solely for medical purposes and all commercial cannabis products produced by me, my agents, or employees are intended to be consumed solely by qualified patients entitled to the protections of the Compassionate Use Act of 1996 (codified at Health and Safety Code Section 11362.5); and
  - (2) All cannabis or cannabis products under my control, or the control of my agents or employees, and cultivated or manufactured pursuant to local Ordinance and the California Medical Marijuana Regulation and Safety Act will be distributed within the State of California; and
  - (3) All commercial cannabis activity conducted by me, or my agents or employees pursuant to a permit from the County of Humboldt will be conducted in compliance with the California Medical Marijuana Regulation and Safety Act.
  - (4) The above acknowledgements shall also apply to commercial cultivation, processing, manufacturing, and distribution of cannabis for adult use conducted in compliance with the Medicinal and Adult Use Cannabis Regulation and Safety Act ("MAUCRSA") (SB 94) and the Adult Use of Marijuana Act (AUMA) (**Proposition 64**).
13. **Modifications to the Facility.** Prior to making any modifications to a permitted facility, the permittee shall submit to the Planning Director a request for determination of County approvals, together with the appropriate fee. The request shall contain a description sufficiently detailed to allow the Planning Director to determine what permits and other approvals are needed and whether a modified permit is required.

14. **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 ensure that the activities being performed under the authority of this permit are in accordance with the terms and conditions prescribed herein.
15. The project operator shall pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).

**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 Exemption (NOE) 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 NOE and will charge this cost to the project.
7. If any wildlife is encountered during the authorized activity, the applicant shall not disturb the wildlife and shall allow wildlife to leave the work site unharmed.
8. 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.

## ATTACHMENT 2

### STAFF ANALYSIS OF THE EVIDENCE SUPPORTING THE REQUIRED FINDINGS

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

The County Zoning Ordinance, Sections 312-1.1.2 (Legal Lot Requirement) and 312-17.1 of the Humboldt County Code (Required Findings for All Permits), specifies the findings that are required to grant a Conditional Use Permit:

1. The proposed development is in conformance with the County General Plan.
2. The proposed development is consistent with the purposes of the existing zone in which the site is located.
3. The proposed development conforms with all applicable standards and requirements of these regulations.
4. The proposed development and conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare; or materially injurious to property or improvements in the vicinity.
5. The proposed development does not reduce the residential density for any parcel below that is 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; (2) the remaining sites identified in the Housing Element are adequate to accommodate the County share of the regional housing need; and (3) the property contains insurmountable physical or environmental limitations and clustering of residential units on the developable portions of the site has been maximized.
6. In addition, the California Environmental Quality Act (CEQA) states that one of the following findings must be made prior to approval of any development which is subject to the regulations of CEQA. The project either:
  - a. Is categorically or statutorily exempt; or
  - b. Has no substantial evidence that the project will have a significant effect on the environment and a negative declaration has been prepared; or
  - c. Has had an environmental impact report (EIR) prepared and all significant environmental effects have been eliminated or substantially lessened, or the required findings in Section 15091 of the CEQA Guidelines have been made.

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

1. **General Plan Consistency.** The following table identifies the evidence which supports finding that the proposed project is in conformance with all applicable policies and development standards in the General Plan (GP).

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><b>Industrial General (IG):</b> This designation provides for general industrial and manufacturing uses, typically in urban areas, convenient access to transportation systems and a full range of urban services are available. This designation may be accommodated in rural areas where full urban services are not required for the intended use.</p> <p><b>Avenue of the Giants Community Plan Area (AVES):</b> This plan area is in southern Humboldt County and includes policies to protect resource production land, increase rural densities, provide economic development, and identification of areas of special concern.</p>	<p>The project proposes use of 22,485 square feet of an existing 91,223 square-foot industrial building as a commercial cannabis nursery.</p> <p>The proposed project is within the Redcrest community in the AVES. The proposed project will support the major policies of the AVES and Humboldt County General Plan which work in unison. According to the AVES, The industrial parcels in Redcrest have been designated Industrial General (IG) to give flexibility for the community to establish another industrial site, recognizing that full urban services are not available at this time. The proposed project is located on site developed for industrial uses, therefore, the proposed project would be consistent with both the General Plan and AVES.</p>

<p>Circulation Chapter 7</p>	<p>Goals and policies contained in this Chapter relate to a balanced, safe, efficient, accessible and convenient circulation system that is appropriate for each type of unincorporated community (C-G1, C-G2); coordinated planning design, development, operations, and maintenance between the County and other transportation system service providers (C-G3); and access for all transportation mode types with improved opportunities to move goods within, into and out of Humboldt County. (C-G4, C-G5)</p> <p>Related policies: C-P3, Consideration of Transportation Impacts in Land Use Decision Making.</p>	<p>Access to the site is from Highway 254, a publicly-maintained road. The project was referred to CalTrans. CalTrans recommended conditional approval of the project, requiring an encroachment permit for the driveway encroachment into the CalTrans right-of-way. Conditions of approval include obtaining an encroachment permit from CalTrans.</p>
<p>Housing Chapter 8</p>	<p>Goals and policies in this chapter 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 Properties in the Residential Land Inventory.</p>	<p>The site is planned and zoned for heavy industrial use. The project does not involve residential development, nor is the project site part of the Housing Element Residential Land Inventory. The project will not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.</p>
<p>Conservation and Open Space Chapter 10  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 subject to the Local Open Space Plan because the site is located adjacent to agricultural lands and critical habitat areas, including potential habitat for the Marbled Murrelet (<i>Brachyramphus marmoratus</i>). See additional discussion in Section 10.3 <i>Biological Resources</i> below.</p>

<p>Conservation and Open Space Chapter 10</p> <p>Biological Resources Section 10.3</p>	<p>Goals and policies 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, BR-G2, and BR-G3)</p> <p>Related policies: BR-P1, Compatible Land Uses; and BR-P5, Streamside Management Areas.</p>	<p>The activity would occur within an existing an existing structure on a developed property. The project site is not within a streamside management area or wetland.</p> <p>Due to the potential presence of <i>Brachyramphus marmoratus</i> (marbeled murrelet), the conditions of approval require a prior to ground disturbance a qualified biologist shall conduct seasonally appropriate bird and plant surveys in the area of disturbance and area of potential effect for any sensitive natural communities, animals, or plants with a State Rare Plant Rank of 1 or 2. Ground disturbing activities shall occur in the bird non-breeding season between September and January. If ground disturbing activities cannot be done in the non-breeding season and must occur during bird breeding season (between February and August), a qualified wildlife biologist with experience in breeding bird Surveys shall perform pre-construction breeding bird surveys within 14 days of the onset of construction or clearing of vegetation. If active breeding bird nests are observed, no ground disturbance activities shall occur within a minimum 100-foot exclusion zone. The exclusion zone(s) shall remain in place around the active nest(s) until all young are no longer dependent upon the nest(s). A wildlife biologist shall monitor the nest site(s) weekly during the breeding season to ensure the buffer is sufficient to protect the nest(s) from potential disturbances.</p> <p>No generators will be used as part of the proposed project. Due to the assumed presence of the marbled murrelet species, conditions of approval require that the applicant does not use any vehicles for the operations equipped with back-up beepers to ensure the operation will not result in the harassment of the marbled murrelet species.</p>
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<p>Conservation and Open Space Chapter 10</p> <p>Cultural Resources Section 10.6</p>	<p>Goals and policies 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).</p> <p>Related policies: CU-P1, Identification and Protection; and CU-P2, Native American Tribal Consultation.</p>	<p>The subject parcel was surveyed for archeological and cultural resources by the Archeological Research and Supply Company in April 2018. The Tribal Historic Preservation Officer (THPO) of the Bear River Band of Rohnerville Rancheria was on-site during the survey. Results of the survey found no archeological or cultural resources present. Ongoing conditions of approval are incorporated regarding the inadvertent discovery protocol to protect cultural resources per comments provided by the Bear River Band on August 15, 2018.</p>
<p>Conservation and Open Space Chapter 10</p> <p>Scenic Resources Section 10.7</p>	<p>Goals and policies 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 and 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 proposed project is located within an existing industrial development that accesses from State Highway 254. The development will be sited more than 200 feet from the edge of the highway and is not subject to SR-S2. Additionally, no vegetation between the site and the facility is proposed for removal and the proposed project does not include any additional lighting or signage at this time. Any future lighting and/or signs that may be proposed must conform to Humboldt County Code lighting or signage requirements.</p>



<p>Water Resources Chapter 11</p> <p>Stormwater Drainage</p>	<p>Goals and policies contained in this Chapter relate to coordinated watershed planning and land use decision making to advance management priorities (WR-G3, WR-G4, WR-G5); watershed conservation and restoration efforts aimed at de-listing water bodies and watersheds which are restored to meet all beneficial uses, including water use, salmon and steelhead recovery plans, recreational activities, and the economy. (WR-G1, WR-G, WR-G7, WR-G8, WR-G9)</p> <p>Related policies: WR-P10, Erosion and Sediment Discharge; WR-P42, Erosion and Sediment Control Measures.</p>	<p>The proposed project is located on a site previously developed for industrial uses and is completely paved. According to the operations plan, the property features a discharge pond in the northeastern corner of the project site. The discharge pond, which has been in use for several years, is regularly inspected and monitored by the Department of Environmental Health. The applicant will install a discharge monitoring station to assist with monitoring of the water discharged from the nursery. Prior to cultivation, conditions of approval require the applicant to obtain approval from the Department of Environmental Health to use the discharge pond for water discharged from the nursery. Site development activities will also require a permit from the Building Department, which will include best management practices (BMPs) for sediment and erosion control.</p>
<p>Water Resources Chapter 11</p> <p>On-site 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>Water is provided by an existing on-site well and sewer is to be provided by existing an Onsite Wastewater Treatment System (OWTS) known as 'System 2'. Per email dated August 31, 2018, System 2 can accommodate 52 employee-shifts per day. There will be a maximum of six employees on-site during a 24-hour period. The applicant indicates As required in the same communication, prior to commencing operations, the applicant shall install a monitoring well to a depth 7 feet in the vicinity of the leechfield to prove adequate groundwater separation is maintained through the wet season.</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; and N-P4, Protection from Excessive Noise.</p>	<p>The power source for this project is PG&amp;E combined with solar proposed in the future. No generators will be used as part of the proposed project. Due to the assumed presence of the marbled murrelet species, conditions of approval require that the applicant does not use any vehicles or equipment for the operations equipped with back-up beepers to ensure the operation will not result in the harassment of the marbled murrelet species. Therefore, the project would conform to the referenced standard.</p>
<p>Safety Element Chapter 14  Geologic &amp; Seismic</p>	<p>Goals and policies contained in this Chapter relate to communities that are designed and built to minimize the potential for loss of life and property resulting from natural and manmade hazards; and to prevent unnecessary exposure to areas of geologic instability, floodplains, tsunami run-up areas, high risk wildland fire areas, and airport areas planned and conditioned to prevent unnecessary exposure of people and property to risks of damage or injury. (S-G1, S-G2)</p> <p>Related policies: S-P11, Site Suitability; and S-P7, Structural Hazards.</p>	<p>The project is located on a previously developed site. The project site is not located in a mapped Alquist-Priolo fault zone nor is subject to liquefaction. The existing cultivation area occurs on slopes of 15% or less seismically classified moderate instability. The project also does not pose a threat to public safety related from exposure to natural or manmade hazards.</p>
<p>Safety Element Chapter 14  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 a great distance from the coast, the project is located is outside the areas subject to tsunami run-up.</p>

<p>Safety Element Chapter 14  Fire Hazards</p>	<p>Goals and policies of this Chapter encourage development designed to reduce the risk of structural and wildland fires supported by fire protection services that minimize the potential.</p> <p>Related policies: S-P19, Conformance with State Responsibility Areas (SRA) Fire Safe Regulations.</p>	<p>The subject property is located in an area designated as a high wildfire risk with a high fire hazard severity. The subject property is located within the response area for the Redcrest Volunteer Fire Department and State Fire Responsibility Area (SRA), 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. The Humboldt County Fire Safe Ordinance (Section 3111-1 et seq.) establishes development standards for minimizing wildfire danger in state responsibility designated areas. Conditions of approval require the applicant to install a 2,500 gallon water storage tank to comply with Fire Safe regulations.</p> <p>General Plan Standard IS-S5, <i>Other Development Outside of Fire District Boundaries</i>, requires that applicants for new industrial, commercial, and residential development, located outside of fire district boundaries obtain, prior to permit approval, written acknowledgement of the available emergency response and fire suppression services and recommended mitigations from an appropriate local fire service provider. To implement this policy, conditions of approval for the proposed project required the applicant to contact the local fire service provider [Redcrest Volunteer Fire Department] and furnish written documentation from that agency of the available emergency response and fire suppression services and any recommended project mitigation measures. If emergency response and fire suppression services are not provided, the applicant shall cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning Division.</p>
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<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>The project was referred to the North Coast Air Quality Management District (NCAQMD) on December 6, 2017. No comments were received. As a condition of project approval, applications for grading and or building permits shall be referred to for review and consultation. Dust control practices during construction and grading shall achieve compliance with NCAQMD fugitive dust emission standards.</p>
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2. The proposed development is consistent with the purposes of the existing zone in which the site is located; and 3. The proposed development conforms with all applicable standards and requirements of these regulations. The following table identifies the evidence which supports finding that the proposed development is in conformance with all applicable policies and standards in the Humboldt County Zoning Regulations.

Zoning Section	Summary of Applicable Requirement	Evidence that Supports the Required Finding
<p>§314-7.1</p> <p>Heavy Industrial (MH)</p> <p>Qualified Combining Zone (Q)</p>	<p><b>Heavy Industrial (MH):</b> The MH zone is applied to all the unincorporated areas of the County not otherwise zoned. Principally permitted uses include one-family dwellings and general agriculture.</p> <p><b>Qualified Combining Zone (Q):</b> The Q zone is intended to be combined with any principal zone in situations where sound and orderly planning indicate that specified principal permitted uses or conditional uses otherwise allowed under the principal zone may be limited or not be allowed with or without a Use Permit, or development standards/restrictions can be added, deleted or modified to implement the General Plan or to implement CEQA mitigation or to limit additional entitlements. The qualified uses shall be specified in the ordinance applying the Q Zone to specific property.</p>	<p>The proposed project is a Conditional Use Permit for a commercial cannabis nursery. The proposed facility is specifically allowed with a Conditional Use Permit in this zone district under Section 314-55.4.8.7 of the CMMLUO (Ordinance No. 2559).</p> <p>Ordinance No. 2207 established a Q zone for the subject parcel. The Q zone limits principally permitted to uses that do not require new or additional water or wastewater services. The subject parcel was a former lumber mill operation center with up to 200 employees during peak operations according to information provided to the Planning Department by a former employee. Additionally, no new community water or wastewater systems are necessary to serve the proposed project. Based on this information, the Planning Department finds the proposed project and other approved and pending applications will not exceed the historical use of the site in terms of requiring new or expanded water or wastewater services.</p>
<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 209-351-083 is a legal parcel per Notice of Lot Line Adjustment and Certificate of Subdivision Compliance recorded as Document 2010-9426-4 dated May 7, 2010. 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>

Zoning Section	Summary of Applicable Requirement	Evidence that Supports the Required Finding
<b>Development Standards</b>		
Minimum Lot Area:	1 acre	25.53 acres
Minimum Lot Width:	None specified	N/A
Max. Lot Coverage:	None specified	N/A
Min. Yard Setbacks (through the SRA requirements):	Front: 50 feet Rear: 50 feet Side: 10 percent of average lot width but not less than 25 feet  SRA: 30 feet, all sides	Front: <50 feet Legal Non-Conforming Existing structure pre-dates zoning code.  Rear: >50 feet Sides: >30 feet  The parcel is located within the State Responsibility Area (SRA) for fire protection and is required to have 30-foot setbacks on all sides of the parcel.
Max. Building Height:	75 feet	<75 feet
§314-19 "D" Combining Zone Designations	The reviewing authority shall take the following items under consideration in approving plans within a D zone:  The height, bulk and area of buildings. All setbacks from property lines. The color, textures and materials of exterior walls. The type, pitch and material of roofs. The type, size and location of signs. Landscaping, and parking lot layout. Relationship to other buildings and/or uses in the area. Architectural treatment of any historical buildings or structures. Location and treatment of the site as related to its natural setting.	The proposed project is located within a 22,485 square-foot portion of an existing 91,223 square-foot industrial structure. No exterior modifications are proposed. Conditions of the approval require the applicant to obtain a Design Review permit prior to any exterior modifications.

Zoning Section	Summary of Applicable Requirement	Evidence that Supports the Required Finding
§314-109.1  Off-Street Parking	The higher of one parking space for each 1500 square feet of gross floor area within all enclosed building areas or one (1) parking space for each employee at the peak shift. A minimum of two (2) parking spaces are required.	<p>6 spaces are required (based on a maximum of 6 employees per shift). As a condition of approval of this project, the Applicant will submit a revised site plan showing the required parking.</p> <p>There is sufficient space on the subject parcel to accommodate all approved and proposed uses. Condition of approval require the applicant to submit a comprehensive site plan at the time of application to the Building Department, which includes clearly labeled parking and loading spaces for all development pursuant to Humboldt County Code (HCC) Section 314-109.1 Off-street Parking; this shall include a master parking table for all existing and proposed tenants.</p>

**314-55.4 Commercial Cultivation, Processing, Manufacturing and Distribution of Cannabis for Medical Use Inland Land Use Regulations (CMMLUO)**

§314-55.4.8.7 Nurseries	Nurseries producing commercial cannabis nursery products for retail sale shall be a permitted use in zoning districts C-2, C-3, MB, ML, U (where developed as industrial use), and MH, subject to a Use Permit.	As shown on the site plan, all of the nursery area is within the MH-D-Q zoned area. The total proposed nursery area is 22,485 square feet.
§314-55.4.8.10 Permit Limit	No more than four commercial cannabis activity permits may be issued to a single person.	According to records maintained by the Department, the applicant has applied for three other cannabis activity permits, and is entitled to four. The applicant's other permits are still being processed. This application is for one permit for distribution. When approved, the applicant will hold a total of one permit.
§314-55.4.10 Application Requirements	Identifies the information required for all applications.	Attachment 3 identifies the information submitted with the application, and shows all the required information was received.
§314-55.4.11 Performance Standards	Identifies the Performance Standards for Cannabis Cultivation Activities	All the applicable performance standards are included as Conditions of project approval. They are required to be met throughout the timeframe of the permit.

<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>Water is provided by an on-site permitted well. As a condition of approval the well completion log will need to be reviewed by California Department of Fish and Wildlife (CDFW). If the well is determined to be hydrologically connected to a watercourse a Streambed Alteration Agreement will be required from CDFW and the applicant would also need to comply with requirements of the State Water Resources Control Board.</p> <p>The State Water Resources Control Board (SWRCB) defines a 'public water system' as a system that provides water for human consumption to regularly serve 25 or more people daily for at least 60 days out of the year. Based on the operations plan submitted by each applicant, there will be over 70 employees on-site, which does not include other people (e.g. those making deliveries) that will be served by the on-site wells. This application includes maximum of 6 employees per shift, for a maximum total of 12 employees per day. A drinking water supply permit will need to be obtained from the SWRCB – Division of Drinking Water for the subject parcel once the total number served onsite reaches 25 or more daily.</p>
<p>§314-55.4.11.d Performance Standards-Setbacks</p>	<p>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).</p>	<p>The project does not involve cannabis cultivation or processing. There are no schools or school bus stops within 600 feet of the cultivation operation. There are no parks as defined HCC Section 314- 55.4.7 within 600 feet of the cultivation site based on a review of aerial imagery. Nor is there a place of religious worship within 600 feet. One outcome of the cultural resources study was there are no TCRs present on the site. The site plan shows the project complies with property line setback.</p>
<p>§314-55.4.11.o Performance Standards-Generator Noise</p>	<p>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,</p>	<p>As discussed above, the primary power source for the project will be supplied by PG&amp;E. No generators will be used as part of the proposed project. Due to the assumed presence of the marbled murrelet species, conditions of</p>



	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.	approval require that the applicant does not use any vehicles for the operations equipped with back-up beepers to ensure the operation will not result in the harassment of the marbled murrelet species. Therefore, the project would conform to the referenced standard.
§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 submitted the Use Permit application on December 23, 2016.

**4. Public Health, Safety, and Welfare:** The following table identifies the evidence which supports finding that the proposed location of the use and conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.

Code Section	Summary of Applicable Requirement	Evidence that Supports the Required Finding
§312-17.1.4 Conditional Use Permit Findings	The proposed development will not be detrimental to the public health, safety and welfare, and will not be materially injurious to properties or improvements in the vicinity.	The Department finds that the proposed project will not be detrimental to the public health, safety and welfare since all reviewing referral agencies have approved the proposed project design. The project as proposed and conditioned is consistent with the general plan and zoning ordinances; and the proposed project is not expected to cause any environmental damage.

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

Code Section	Summary of Applicable Requirements	Evidence that Supports the Required Finding
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<p>§312-17.1.5 Housing Element Densities</p>	<p>The proposed development shall not reduce the residential density for any parcel below that is utilized by the Department of Housing and Community Development in determining compliance with housing element law.</p>	<p>The parcel was not included in the 2014 Housing Inventory.</p>
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**6. Environmental Impact:** The following table identifies the evidence which supports finding that the proposed development will not adversely impact the environment.

<p>§15301 and 15303 of CEQA Guidelines</p>	<p>Categorically exempt from state environmental review.</p>	<p>The project has been determined to be exempt from CEQA pursuant to Section 15301 (Existing Facilities) of the Guidelines for the Implementation of CEQA. Section 15301 exempts from environmental review the operation, repair maintenance, permitting, licensing, or minor alteration of existing private structures or facilities where involving negligible or no expansion of use. This exemption applies to the use of the well and existing utilities. Section 15303 (New Construction of Small Structures), exempts the construction and location of limited numbers of new, small facilities or structures and applies to improvements or interior conversion required to meet Building Code standards for manufacturing. Per the submitted evidence and agency responses, none of the exceptions to the Categorical Exemption per Section 15300.2 of the State CEQA Guidelines apply to this project.</p>
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## ATTACHMENT 3

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

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

1. The name, contact address, and phone number(s) of the applicant. (Application form on file)
2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. (On file)
3. Site plan showing the entire parcel, including easements, streams, springs, ponds, and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. If the nursery is within 600 feet of a school, school bus stop, church, other medical cannabis dispensary site, residential treatment facility, playground, public park, library, licensed day care facility, or any place where children congregate, 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. Of the described existing uses, only the bus stop lies within 600 feet of the nursery location. The Southern Humboldt Unified School District has granted a waiver from the 600-foot set back requirement for proximity to a bus stop (see Attachment 4). Based on this waiver the potential for significant impact has been adequately addressed. (Attached with maps)
4. An operations manual that includes each of the items listed in Section 314.55.4.11 of the Humboldt County Code. (Attached)
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. (Condition of Approval)
6. Description of water source, storage, irrigation plan, and projected water usage. (On file)
7. Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the North Coast Regional Water Quality Control Board demonstrating enrollment in Tier 1, 2, or 3, North Coast Regional Water Quality Control Board Order No. 2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (Not applicable)
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 California Department of Fish and Wildlife. (Not Applicable)
9. If the source of water is a well, a copy of the County well permit, if available. (Condition of Approval)

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 on-site inspection of the parcel by County officials at a 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. Archeological Research and Supply Company. April 2018. A Cultural Resources Investigation of the Redcrest Childs Property Final Report. (Confidential and on file)
16. DEH Worksheet (On file)
17. *Septic Disposal – Existing System Analysis* prepared by A.M. Baird Engineering and Surveying, Inc. dated August 20, 2018. (On file)

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## Type 4 Wholesale Nursery Operations Plan

### 1.0.0 Type 4 Wholesale Nursery Facility Site Description.

**1.0.1 INTRODUCTION:** Matthew Scott, a co-founder of Humboldt's Finest, is seeking a new Type 4 wholesale nursery permit to be located at 26011 HWY 254 BUILDING 'D', REDCREST, CA 95569, on APN 209-351-083. The wholesale nursery will operate under the name Humboldt's Finest Nursery and will utilize the Type 4 wholesale nursery permit to produce a variety of cannabis related products including but not limited to:

- seeds,
- seedlings,
- cuttings, and
- potted vegetative cannabis plants of various sizes.

In addition to producing propagated material, the HF (Humboldt's Finest) Nursery, will maintain a small Research and Development area to utilize in the development of new cultivars and to conduct plant studies. The primary goal of this wholesale nursery is to ensure the standardization of brands under the RMM umbrella, such as Humboldt's Finest and Bumblebee Vape, by providing licensed cultivators working with the brands consistent healthy pre-vegged cannabis plants. Any and all additional cannabis plants produced by the HF Nursery will be distributed to appropriate state licensed entities, as allowed by local and state laws and regulations.

**1.0.2 SITE DESCRIPTION:** The proposed Type 4 Wholesale Nursery permit will operate out of Building 'D', a Group F-1 (Factory Industrial) structure, located at 26011 HWY 254 in Redcrest, CA. The Type 4 Wholesale Nursery will occupy approximately twenty-two thousand four hundred and eighty-five (22,485) SF of Building 'D'. (Please see (C) NURSERY on P1 of the Plot Plan provided by Atlas Engineering for footprint detail.)

Building 'D' is a multi-bayed warehouse structure that Redwood Miller Management (RMM) has leased, and in some cases subleased. RMM, along with the tenants RMM has subleased to, intend to build out approximately eighty thousand one hundred twenty seven (80,127.5) SF of Commercial Cannabis Permit area, plus an additional eleven thousand ninety-five (11,095) SF of Non-Cannabis Ancillary Area, for a combined total of approximately ninety one thousand two hundred twenty-three (91,223) SF of leased area to be developed.

Matt Scott has subleased the area of Building 'D' identified as (C) NURSERY (see P1 of the Plot Plan) from RMM. RMM has applied for a Type 7 permit to be located in area (B) PROCESSING/MANUFACTURING and holds the lease on the following areas of Building 'D':

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- (A) DISTRIBUTION = 8,630 SF
- (B) PROCESSING/MANUFACTURING = 49,013 SF
- (C) NURSERY = 22,484.5 SF
- (D) CENTRAL COMMON AREA = 11,095 SF (Detailed drawings of the Common Area can be seen on A1 of the Plot Plan provided by Atlas Engineering.)

Please note that there will be NO cannabis related activities occurring in the Common Area. Areas (A), (B) & (C) all have emergency exits leading into the the Common Area, yet there will be NO access from the Common Area into areas (A), (B), or (C). Within the Common Area there is a very large open space that can be utilized by the tenants of areas (A), (B), or (C) to host staff trainings, meetings, team building events, etc. The Common Area also features (E) RESTROOMS with multiple stalls, a (P) BREAKROOM, a (P) CENTRAL SECURITY OFFICE, and a (P) MAINTENANCE OFFICE (see A1 of the Plot Plan provided by Atlas Engineering).

RMM takes the security of the of Building 'D', seriously. In doing so, RMM will be providing a minimum of two (2) around the clock security personnel tasked with overseeing the general security of Building 'D'. RMM will ensure that there is at least one (1) security person staffed at the (P) SECURITY SHACK (8'5"X6'7") (see P1 of the Plot Plan) at all times, to monitor traffic entering and exiting the fenced industrial area located on APN: 209-351-083.

The (P) CENTRAL SECURITY OFFICE (A1 of the Plot Plan), within the Common Area, will also be staffed by RMM with at least one (1) security person twenty-four hours a day, seven (7) days a week. The Central Security Office will feature multiple monitoring screens providing full visibility to all points of ingress and egress to Building 'D' and the associated parking areas leased by RMM.

The (P) MAINTENANCE OFFICE (A1 of the Plot Plan) will store any and all pesticide products used by maintenance to control pest issues within the Common Area as well as the surrounding parking areas of Building 'D'. An emergency eyewash station and an MSDS station will be kept within the Maintenance Office to help ensure employee safety. Also within the Maintenance Office, RMM will keep general tools as necessary for maintaining the grounds, and leased areas of Building 'D'. The (P) BREAKROOM will be made available to RMM security personnel, RMM maintenance personnel and RMM lease holders using the Common Area for trainings, meetings, team building events, etc.

The areas in Building 'D' identified below are NOT affiliated with the RMM lease of Building 'D'.

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- (E) TENANT INFALL - There are two of these located within what is outlined as Building 'D' (see P1 of the Plot Plan). Neither of these Tenant Infill areas has access to area's (A), (B), (C), or (D).
- (F) OWNER SPACE/SHOP - This area belongs to the Child's and has no access to areas (A), (B), (C), or (D)

The exterior entrance to Building 'D', where HF Nursery personnel and delivery/distribution vehicles access the building, and where RMM Common Area personnel access the building, is security fenced to provide a secure loading and personnel entrance (shown on A1 of the Plot Plan). There is plenty of personnel parking in the immediate area surrounding the security fenced entrance. HF Nursery personnel and RMM Common Area personnel share the same secured doorway and walkway into Building 'D' (please see P1 and A1 of the Plot Plan for details). Access to the (P) EXTERNAL LOADING AREA is restricted to traffic associated with the HF Nursery only. HF Nursery may provide access to RMM maintenance personnel, security personnel or lease holders upon request by RMM.

**1.0.3 FLOOR PLAN:** There are two levels of restricted access to the area shown as (C) NURSERY (see P1 of the Plot Plan). The exterior most entrance to area (C) NURSERY is located on the east southeast side of Building 'D' and is the shared personnel entrance for the HF Nursery and the RMM (D) COMMON AREA. This exterior entrance to Building 'D' is security fenced to restrict access to the main personnel door and the (E) SLIDER NURSERY ENTRANCE/EXIT (to become (P) 20' ROLL-UP DOOR (see A1 of the Plot Plan provided by Atlas Engineering).

The (P) 20' ROLL-UP DOOR will be available exclusively to the HF Nursery staff for the purpose of loading and unloading non-cannabis materials and to allow access of cannabis related deliveries and distribution trucks into the (P) INTERNAL LOADING/WORK AREA. Personnel associated with the HF Nursery will need to pass through the personnel gate in the (P) SECURITY FENCE, then the exterior door located on the east side of the (P) 5' WALKWAY, and then through HF Nursery's main entrance, located in the southern corner of the eastern wall of the (P) INTERNAL LOADING/WORK AREA. All roll-up doors and personnel entrances located on the external wall of Building 'D', as well as on the eastern wall of the (P) INTERNAL LOADING/WORK AREA, will be kept locked at all times.

Any and all visitors to the HF Nursery facility, including materials delivery and distribution vehicles, will be required to first check in with security personnel at the (P) SECURITY SHACK (8'5"X6'7") (see P1 of the Plot Plan). Security personnel will confirm that the visitor(s) is expected by the HF Nursery management. Once the visitor(s) has been confirmed by the HF Nursery management, the security personnel will allow the visitor to enter the property through

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the main gate located along HWY 254 near the (P) SECURITY SHACK. A HF Nursery security staff person will be sent out to greet the visitor, delivery vehicle or distribution vehicle. The HF Nursery security personnel will provide access through the appropriate security gate that surrounds the entrance to the building and into the outer area of the HF Nursery and Common Area. If the delivery vehicle or distribution vehicle is to have cannabis plants loaded or unloaded then the vehicle will be brought into the internal area of the nursery identified as (P) INTERNAL LOADING/WORK AREA (see A1 of the Plot Plan). Both the exterior roll-up door and the interior roll-up door to area (C) will be kept locked at all times when not in immediate use. Personnel and visitors to the HF Nursery will be required to officially check-in with HF Security staff and management at the (P) CHECK-IN OFFICE.

The (P) EXTERNAL LOADING AREA will feature a (P) LOCKED WASTE REFUSE STORAGE AREA, where the HF Nursery will store cannabis waste until it can be picked up, and (P) (4) 5,000 GAL RAINWATER STORAGE TANKS.

The internal area of the HF Nursery features the following areas that are restricted to HF Nursery personnel and approved accompanied visitors only:

- (P) INTERNAL LOADING/WORK AREA
- (P) RESTROOMS
- (P) CHECK-IN OFFICE
- (P) EXECUTIVE OFFICE
- (P) BREAKROOM
- (P) LOCKER ROOM
- (P) STAFF GMP
- (P) PRODUCT GMP
- (P) INBOUND QUARANTINE GMP ROOM
- (P) PALLET STORAGE;
- (P) NURSERY 1 - 16

The HF Nursery is designed in a manner that allows senior management to restrict personnel to job related areas only. For example, HR personnel, security personnel, bookkeeper, etc., may never gain access to the (P) NURSERY 1-16. Personnel working in the (P) NURSERY 1-16 area will be required to pass through the (P) STAFF GMP area to gain access to the HF Nursery's propagation rooms, and the Research and Development rooms (numbered 1 - 16 on A1 of the Plot Plan). The (P) NURSERY features sixteen (16) individual rooms that will accommodate all propagation and Research and Development occurring at the HF Nursery. These rooms will be used as follows:

- Room 1: This room will be part of the research and development area of the nursery and will be used to 'flower' cannabis for the purpose of creating seeds and exploring the unique qualities of new cultivars the nursery will be working with. Room 1 will feature approximately seven hundred thirty-eight (738) SF of usable space and will be equipped with Govida lights that allow the user to choose from six hundred (600) Watts of lighting



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to twelve hundred (1200) Watts of lighting for a maximum electrical draw of twenty-six thousand four hundred (26,400) Watts.

- Room 2: This room will be part of the research and development area of the nursery as well, and is likely to house male plants for the purposes of developing seeds. Room 2 will feature approximately four hundred eighty-six (486) SF of usable space. We intend to utilize three hundred (300) Watt LEC lighting in this area totalling approximately forty-two hundred (4200) Watts of electrical draw.
- Room 3, 5 & 7: These rooms will be used to cultivate 'mother plants' that will be utilized to produce cuttings. Each of these rooms will feature approximately seven hundred thirty-eight (738) SF of usable space and will be equipped with three hundred (300) Watt LEC lighting fixtures. Each of these rooms will utilize approximately six thousand six hundred (6,600) Watts of lighting for a total combined electrical draw of nineteen thousand eight hundred (19,800) Watts of electrical draw.
- Rooms 4, 6, 8, 10, 12 & 14: These rooms will be used to house fresh cuttings (clones) and seedlings that are in the 'rooting' stage of life. Each of these rooms will feature approximately four hundred eighty-six (486) SF of usable space. These rooms will be equipped with lit shelving units that allow for multiple trays of cuttings/seedlings to be cultivated per shelf. Each of these rooms will feature approximately nine (9) shelving units with three (3) lit shelves per unit totalling approximately two hundred forty (240) Watts of electricity per shelving unit. We anticipate being able to fit nine (9) shelving units in each room for an approximate electrical of two thousand one hundred sixty (2,160) Watts per room. Combined, rooms 4, 6, 8, 10, 12 & 14 will draw twelve thousand nine hundred sixty (12,960) Watts of electricity.
- Rooms 9, 11, 13, & 15: These rooms will be used as 'grow up' rooms, meaning that once the cuttings or seedlings are fully rooted the plant(s) will be moved to a 'grow up' room where it can be transplanted into 4" pots with soil based medium. The young plants may be sold as rooted 4" potted propagation material or potted up from 4" pots into one (1) or two (2) gallon pots, depending on what has been ordered by licensed cultivators or other approved wholesale outlets. Each of the 'grow up' rooms will feature approximately seven hundred thirty-eight (738) SF of usable space and will be equipped with three hundred (300) Watt LEC lighting fixtures. Each of these rooms will utilize approximately six thousand six hundred forty (6,640) Watts of lighting for a total combined electrical draw of twenty-six thousand five hundred sixty eight (26,568) Watts.
- Room 16: This room will be used to house outbound quarantined plant material. Due to the fact that plant material within this room has been declared waste, this room will only be equipped adequate work lighting. Room 16 will NOT provide the artificial lighting necessary to facilitate plant growth.
- Based on the above description of the nursery rooms we anticipate that the HF Nursery facility will have an approximate maximum lighting draw of eighty-nine thousand nine hundred twenty-eight (89,928) Watts of electrical draw in the nursery rooms.

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### 1.1.0 Water Source, Storage, and Projected Water Usage.

**1.1.1 WATER USE AND STORAGE:** Water at this property will be supplied by a permitted well which will be pumped directly into multiple storage tanks of suitable size to adequately allow HF Nursery to monitor and treat the water as necessary for the production of cannabis plants. HF Nursery, has identified a sizable area, just inside the roll-up door of the main entrance that is suitable for (P) (4) 5,000 GAL RAINWATER STORAGE TANKS (see A1 of the Plot Plan). These tanks represent HF Nursery's initial installation of water storage tanks which will fill from rainwater collected from the seventy-four thousand four hundred (74,400) SF roof of Building 'D'. Additional water used in association with the HF Nursery will be provided by the on-site well. There is plenty of additional area available to add rainwater catchment tanks as necessary to meet the water demands of the HF Nursery.

**1.1.2 PROJECTED WATER USAGE:** The projected water use for this project is only an estimate. At this time we anticipate utilizing the (P) (2) 500 GAL. WATER TANKS & (2) 700 GAL. WATER TANKS located in the (P) INTERIOR LOADING/WORK AREA, to manage weekly compost tea and water applications. (Please see A1 of the Plot Plan for details regarding location.)

The two (2) 500 gallon water tanks will be used for a compost tea blend that will be used to feed all plants located within the facility once per week. The two (2) 700 gallon water tanks will be used for 'clear water' and will help the facility meter daily water use as well as allow nursery personnel to properly ph the water as needed. We anticipate using approximately .15 gallons of clear water per square foot of plant area for a maximum daily total of one thousand three hundred ninety five (1,395) gallons of water per day, six (6) days a week. The seventh day of the week will feature a light compost application. Combined we expect this facility to utilize approximately seven thousand nine hundred seventy-five (7,970) gallons of water per week, if all nursery rooms are completely full. Any additional water use will be associated with restroom facilities, eye wash stations, and hand washing facilities.

**1.1.4 IRRIGATION PLAN:** This facility will likely start with hand watering and then as the operations mature will transition into automated irrigation systems.

**1.1.5 CONSERVATION MEASURES:** HF Nursery, intends to utilize motion sensed faucet systems to meter the water used at all handwashing sinks and low water use toilets in all restroom areas.

### 1.2.0 Site Drainage, Runoff and Erosion Control Measures.

**1.2.1 SITE DRAINAGE:** The area immediately surrounding Building 'D' is covered in concrete and bordered on the West side by agricultural field. Currently the roof of Building 'D' drains through a spidery network of old PVC pipe attached to the buildings gutter connect system. We are currently upgrading the roof on the warehouse and the drainage system for the runoff associated with it.

This property also features a discharge pond its northeastern corner. Building 'D' has a sump-pump in its southwest corner that drains any and all excess water that perks into the building out to the discharge pond.

The discharge pond, which has been in use for this property for a number of years and is regularly inspected and monitored by Humboldt County Department of Environmental Health, is the proposed drainage location for runoff coming from the nursery's cultivation areas. HF Nursery, will be installing a discharge monitoring station on the exterior of the west wall of the nursery to assist with the monitoring of waters discharged from the nursery. This nursery operation will exclusively use organic products for it's production purposes.

**1.2.2 EROSION CONTROL MEASURES:** All areas surrounding Building 'D' are paved and flat. We do not anticipate that there will be erosion issues associated with, nor generated by, the HF Nursery facility. We will not be disturbing or altering the paved areas surrounding Mr. Scott's sublease in Building 'D' and all non-agricultural water use associated with the nursery facility will be directed into Building 'D's permitted septic system.

### 1.3.0 Protection of Watershed and Nearby Habitat.

**1.3.1 PROTECTION OF WATERSHED AND HABITAT:** The wholesale nursery facility is located in an industrial area and is not within proximity of waterways or other potable water sources. All cannabis waste produced during the nursery activities will be stored in the (P) LOCKED WASTE REFUSE STORAGE AREA (see A1 of the Plot Plan) until it can be removed by a state approved entity. In addition, this nursery will only utilize products that are organic and bear a Cal Organics approved certification body seal such as OMRI, Oregon Tilth, etc..

### 1.4.0 Offsetting of Potential Carbon Footprint.

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**1.4.1 CARBON OFFSET:** Humboldt's Finest Nursery is currently working with Solarwinds Northern Lights renewable energy contractors to develop a solar grid tie plan for the facility. Due to the fact that this will take some time to develop and install we anticipate purchasing carbon offset credits until such time as the solar grid tie system meets the needs of local and state offset requirements. Once the system is installed it may still be necessary to purchase some offset credits, due to seasonal fluctuations in solar exposure.

**1.5.0 Proper Storage and Use of Hazardous Chemicals, Pesticides, and Other Regulated Products Utilized.**

**1.5.1 STORAGE OF NURSERY TOOLS AND EQUIPMENT:** The HF Nursery facility will need to store a variety of hand tools, plant carts, pots, trays, plant tags, amendments, nutrients, pesticides, and at least one fork-lift. Hand tools, pots, trays, plant tags and other non-hazardous materials will be stored in the (P) PALLET/STORAGE area located within the (P) INTERNAL LOADING/WORK area (see A1 of the Plot Plan).

**1.5.2 STORAGE OF NURSERY MEDIUM, AMENDMENTS, AND FERTILIZERS:** Larger items that will likely be purchased in quantity such as soil based medium, oasis cubes for cuttings, amendments, nutrients, etc., will be stored on the pallet shelves located within the (P) INTERNAL LOADING/WORK area. The HF Nursery will utilize products that have been approved for crops produced for human consumption and that are certified organic. There will be a centralized MSDS station located in the vicinity of the (P) PALLET/STORAGE area along with an eyewash station.

**1.5.3 STORAGE OF NURSERY RELATED PESTICIDES AND SANITATION PRODUCTS:** The HF Nursery will focus on utilizing 'clean' practices, such as those associated with cGMP compliance, coupled with strategic application(s) of beneficial predatory insects to manage pest control needs. Pesticide products such as food grade hydrogen peroxide and approved beneficial micro organisms may also be used. All pesticide products used on-site will be stored in a specially marked locker, to be located in the (P) PALLET/STORAGE area identified within the (P) INTERNAL LOADING/WORK AREA (see A1 of the Plot Plan provided by Atlas Engineering). There will be a centralized MSDS station located in the vicinity of the (P) PALLET/STORAGE area along with an eyewash station.

**1.6.0 Description of Nursery Activities.**

**1.6.1 DESCRIPTION OF MOTHER PLANT AREA:** The HF Nursery consists of approximately sixteen hundred sixty-two (1,662) SF of mother plant cultivation area. Mother plants will be grown in a soil based medium and kept in thirty (30) gallon felt pots. As mentioned above we will be using rooms 3, 5 & 7 for the cultivation of mother plants. Each of these rooms features

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approximately seven hundred thirty-eight (738) SF of usable space and will be equipped with three hundred (300) Watt LEC lighting fixtures. Each of these rooms will utilize approximately six thousand six hundred (6,600) Watts of lighting for a total combined electrical draw of nineteen thousand eight hundred (19,800) Watts of electrical use. The mother plant rooms will require artificial lighting for eighteen (18) hours per twenty-four (24) hour cycle resulting in an approximate total of three hundred fifty-six thousand four hundred (356,400) Watts of electrical use per day.

**1.6.2 DESCRIPTION OF CUTTING/SEEDLING AREAS:** The HF Nursery will utilize rooms 4, 6, 8, 10, 12 & 14 for the cultivation of cuttings and seedlings for a combined propagation area of approximately two thousand nine hundred sixteen (2,916) SF. Each of these rooms will feature approximately nine (9) shelving units. Each shelving unit will be equipped with three (3) light shelves which utilize approximately 80 Watts per shelf. At this rate, each shelving unit will use approximately two hundred forty (240) Watts of electricity, times nine (9) shelving units per room for an approximate total maximum electrical draw of two thousand one hundred sixty (2,160) Watts of lighting per room. The artificial lighting used in the cutting/seedling rooms will run for eighteen (18) hours per twenty-four (24) hour cycle. With this said, it is estimated that each of these propagation rooms will use approximately thirty-eight thousand eight hundred eighty (38,880) Watts of electricity for lighting purposes per day. Combined, rooms 4, 6, 8, 10, 12 & 14 are likely to consume two hundred thirty-three thousand two hundred eighty (233,280) Watts of electricity per day.

Once clones are cut from the mother plants, or seeds are sown into traditional propagation flats, the newly propagated plant material is labeled, dated, given a specified shelf location in the states Track & Trace Inventory program and moved to that location within rooms 4, 6, 8, 10, 12 or 14. The cuttings and seedlings will remain in this location until well rooted, approximately seven (7) days.

Once well rooted the cutting or seedling may be sold to a legal entity, and their status updated in the state T&T Inventory program, or the the young plant will be transplanted into 4" pots with potting soil. If it is determined that the cutting or seedling will be transplanted the state T&T Inventory program will be updated to reflect this next step and the selected young plants will be transferred to one of the 'grow up' rooms (rooms 9, 11, 13 or 15 on A1 of the Plot Plan). Here the well rooted cuttings and seedlings will be transplanted into 4" pots where they will remain until well rooted into the 4" container.

**1.6.3 DESCRIPTION OF POTTED PLANT GROW UP AREAS:** Rooms 9, 11, 13 & 15 will be used as 'grow up' rooms and used primarily to nursery plants ranging in size from 4" potted plants to two (2) gallon potted plants. As mentioned above, rooms 9, 11, 13 & 15 will be used to grow up cuttings and seedlings that have been rooted in rooms 4, 6, 8, 10, 12, or 14. Each of the 'grow

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'up' rooms features approximately seven hundred thirty-eight (738) SF of usable space and will be equipped with three hundred (300) Watt LEC lighting fixtures. Each room will utilize approximately six thousand six hundred (6,600) Watts of lighting for a total combined electrical draw of twenty-six thousand four hundred (26,400) Watts. Based on eighteen (18) hours of artificial lighting use per day, the 'grow up' rooms combined will utilize approximately four hundred seventy-five thousand two hundred (475,200) Watts of electricity per day.

Once the clone or seedling is transplanted into a 4" pot with a soil based medium it will remain in that pot until it is well rooted, approximately seven (7) to ten (10) days. Well rooted 4" potted plants may be sold to a legal entity, or potted up into a larger one (1) gallon or two (2) gallon pot to be sold as larger pre-vegged propagation material.

**1.6.4 DESCRIPTION OF RESEARCH AND DEVELOPMENT AREAS:** Mr. Scott realizes that HF Nursery will need to evolve with the changing times and bring new cultivars to the marketplace. In order to do this the HF Nursery plants to utilize rooms 1 & 2 for Research and Development purposes. Room 1 (see A1 of the Plot Plan) will be reserved for flowering new cultivars that have been developed at the HF Nursery or legally procured through licensed nursery operators or seed distributors.

Room 1 will feature approximately seven hundred thirty-eight (738) SF of usable flower space and be equipped with adjustable Govida lighting systems that will allow HF Nursery personnel to choose lighting intensity of between six hundred (600) and twelve hundred (1,200) Watts for a maximum electrical draw of twenty-six thousand four hundred (26,400) Watts of electrical draw. The lighting in room 1 will be used during periods of flowering only which requires ten (10) hours of artificial lighting a day meaning that Room 1 may consume as much as two hundred sixty-four thousand (264,000) Watts per day when in use.

Room 2 will be reserved to grow male plants for the purpose of pollinating flowering plants in room 1 for controlled seed production. Room 2 will feature approximately four hundred eighty-six (486) SF of usable space. We intend to utilize three hundred (300) Watt LEC lighting in this area totalling approximately forty-two hundred (4200) Watts of electrical draw. Similarly to Room 1, Room 2 will utilize ten (10) hours of artificial lighting per day when in use, equalling approximately forty-two thousand (42,000) Watts of electricity per day when in use.

At this time, it is unclear how often Rooms 1 & 2 will be in use. This will need to be evaluated by senior management as the HF Nursery operation matures.

**1.6.5 PFC VERIFIED NURSERY:** Patient Focused Certification (PFC) is a non-profit, third party certification for the medical cannabis industry offered by [Americans for Safe Access \(ASA\)](#). PFC is the only industry certification based on the new quality standards for medical cannabis products & business issued by the American Herbal Products Association (AHPA). PFC verifies

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compliance with state and local regulations as well as AHPA and AHP standards and provides standardized industry training. Upon receiving permit approval from Humboldt County, the HF Nursery will engage in the PFC program. A full description of PFC required trainings can be found at <http://patientfocusedcertification.org/education/education-for-industry>. A full set of the PFC's cultivation and processing standards can be found at <http://patientfocusedcertification.org/standards-development/ahpa-guidelines/>

**1.6.6 RECORD KEEPING:** The HF Nursery will keep detailed records of all products applied to each cannabis plant produced. Record keeping will be kept on charts in each room as well as in reference to each shelf within Rooms 4, 6, 8, 10, 12, & 14. The record keeping information will include, at a minimum: detailed descriptions of all amendments, nutrients, compost tea ingredients and pesticides used. The HF Nursery personnel responsible for the application will be required to initial each application as well as provide the ratio of product applied and the reason for each application. Temperature, pest management, and daily activities will also be documented on a daily basis.

**1.6.7 HOURS OF OPERATION:** The full scope of Hours of Operation are yet-to-be determined. However, a first shift will commence upon being granted a conditional use permit, and will shortly thereafter, be evaluated by management to see if it is necessary to add a second and third shift.

Hours of Operation

First Shift 8am-4pm, Monday through Friday

Proposed Second Shift 4pm-12am

Proposed Third Shift 12am-7am

Facility-wide Employee Holidays

Closed: Memorial Day, 4th of July, Labor Day, Thanksgiving Eve, Thanksgiving, Christmas Eve, Christmas, New Year's Eve, New Year's Day

**1.7.0 Sanitation Practices, and Workplace Safety Standards.**

**1.7.1 SANITATION PRACTICES:** The HF Nursery will use sanitation checklists in the restrooms, breakroom, locker room, staff GMP room, the product GMP room, the inbound quarantine GMP room and Rooms 1 - 16 to ensure that daily cleaning and sanitation tasks are addressed. The floors in Rooms 1 - 16 will be kept clear of debris and decomposing plant material.

**1.7.2 WORKPLACE SAFETY STANDARDS:** The HF Nursery will comply with all safety standards and will post OSHA compliant workplace safety posters in the personnel breakroom or locker

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room, to be determined. Additionally, employees have access to all written Standard Operating Procedures and Protocols, which include emergency phone numbers, first responders, fire safety and evacuation routes, the address of the HF Nursery facility, and a signature page that verifies each HF Nursery personnel has reviewed the Standard Operating Procedures and Protocols. local resource information as well a list of personnel 'rights and responsibilities' will be posted for all personnel to review.

**1.8.0 Security Protocols.**

**1.8.1 OVERVIEW:** The HF Nursery has developed and implemented a security plan that establishes a secure perimeter with restricted access areas, that digitally monitors and records all activities on premises and all activity occurring at ingress/egress point to the facility. Upon request from a local or state regulatory body, or law enforcement entity, HF Nursery management will make available all information related to Security Alarm Systems, Monitoring, and alarm activity.

Security and key management personnel will investigate and record any and all incidences necessitating an Incident Report (IR) and/or Serious Incident Report (SIR). RMM will retain copies of all reports for seven (7) years, or as required by local and state laws and regulations. The theft, loss or diversion of Cannabis products within the licensee's control will require a SIR and will be reported to the appropriate regulatory agency and law enforcement authorities within twenty four (24) hours, or as required by local and state law and regulatory requirements.

**1.8.2 RECORD RETENTION:** HF Nursery's Human Resources department will manage and retain criminal pre-employment screening information for all personnel and employment applicants. Information collected on successful finalists is stored separately from the official employee files. Documents related to pre-employment screening information collected by HR is filed and maintained in the HR department files and destroyed after three (3) years, or as required by local and state law and regulatory requirement. Criminal history record information is regarded as confidential and will be released only consistent with applicable law.

**1.8.3 PREMISES:** The exterior entrances to the HF Nursery facility are fenced and gated with restricted access at entry points that will be monitored by on-site security staff twenty four (24) hours a day, seven (7) days a week. All personnel will be issued internally coded Identification Badges that reflect access levels and employment grade. Any and all visitors must check in and out with HF Nursery security personnel to receive a visitor pass. Visitors must be escorted at all times.

**1.8.4 SECURITY ALARM SYSTEMS AND LOCKS:** Security Alarm Systems will be installed and monitored by a licensed and contracted security provider, who is contractually obligated to



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notify first responders. The alarm system will account for all perimeter entry points and perimeter windows. Records will be maintained describing the location and operation of each Security Alarm System, a schematic of security zones, the name of the Alarm Installation Company, and the name of any Monitoring Company. This system, in the event of an alarm system being triggered, will activate a first responder notification process automatically.

**1.8.5 LOCK STANDARDS:** The HF Nursery will be installing two (2) separate lock systems. One will consist of commercial grade, non-residential door locks that will be utilized to secure doors at all points of ingress and egress, and to provide additional security to all limited access areas when the facility is not in-use. The HF Nursery will also be installing a secondary lock system that consists of “key card” readers, or similar technology, designed to provide management with the ability to create code restricted access areas and record the identity and time of each individual using a “key card” to access the restricted area. “Key card” lock activated doors will remain locked at all times regardless of whether the facility is operational or closed.

**1.8.6 VIDEO SURVEILLANCE:** The HF Nursery will be installing and incorporating a fully operational closed-circuit digital video surveillance and camera recording system. The video surveillance recording equipment will be housed in a designated, locked, and secured room with access limited to only authorized employees, service personnel or contractors, agents of the licensing department and relevant local jurisdictions, or state or local law enforcement agencies.

All video surveillance recordings and commission and maintenance records will be stored in the (P) EXECUTIVE OFFICE (see A1 of the Plot Plan). The executive office will be kept locked at all times when authorized management personnel is not immediately present. Video surveillance records and recordings are readily available upon request to the designated regulatory agency, the relevant local jurisdiction, or any other state or local law enforcement agency, as required by law.

The video surveillance systems will be equipped with a power failure backup system that allows the system to run for a minimum of forty-eight (48) hours during a period of electricity interruption. If at any time the system fails to record, the failure notification system will provide a prompt notification to HF Nursery’s management and the appropriate authorities having jurisdiction, as required by local and state laws and regulations.

Facility management will ensure that all surveillance equipment is properly functioning and maintained, and log sheets will be kept to ensure compliance with HF Nursery’s security policies and procedures.

- HF Nursery will ensure that there is complete camera and recording coverage of all Restricted Access Areas. This recording will be continuous, twenty four (24) hours a day at a minimum of twenty (20) frames per second. All monitored activities will be recorded at a resolution of at least 1280 x 1024 pixels, to ensure that the playback

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quality is suitable for viewing and the surveillance equipment is capturing the identity of all individuals and activities occurring within the monitored areas. The video surveillance equipment will have the capability to produce a color still photograph from any camera image, live or recorded.

- All surveillance recordings will be kept for a minimum of thirty (30) days, or as required by local and state law and regulations. Surveillance recordings will be kept in a digitized, timestamped format that can be easily accessed for review. Video surveillance recordings will be kept in two locations, on-site in the executive management office as well as on the 'cloud'. Video recordings will be archived in a format that ensures authentication of the recording as legitimately captured video and guarantees that no alteration of the recorded image has taken place.
- Video surveillance equipment will consist of networked digital video recorders, cameras, video monitors, digital archiving devices, and a color printer capable of delivering still photos.

**1.8.7 PLACEMENT OF CAMERAS AND CAMERA COVERAGE:** Camera coverage will be implemented for maximum view of all restricted access areas, external nursery storage, internal loading and work area, and all nursery rooms, as well as all points of ingress and egress to restricted access areas, and all points of ingress and egress to the exterior of the Premises and associated parking areas.

- Camera placement will be capable of identifying activity occurring within twenty (20) feet of all points of ingress and egress and shall allow for the clear and certain identification of any individual and activities occurring on the Premises.
- At each product transition point and location, camera coverage enables recording of the individual(s) and employee(s) facial features with sufficient clarity to determine identity.
- All entrances and exits to the facility are recorded from both indoor and outdoor vantage points.
- The system will be capable of recording all predetermined surveillance areas in any lighting conditions. All secured access areas and ingress and egress points will remain constantly illuminated for recording purposes.
- Areas where cannabis is propagated, transplanted, rooted, grown up, loaded, transferred and/or held will have camera placements in the room facing the primary entry door at a height which provides a clear unobstructed view of activity without sight blockage from lighting hoods, fixtures, or other equipment.
- Cameras will be placed at each location where T&T Inventory entry, labeling, transport preparation, or tagging activities occur.
- At least one camera will dedicated to record the access points to the secured surveillance recording area.
- Monitors will be placed at strategic points throughout the facility allowing staff and management the ability to clearly see activities occurring at all points of ingress/egress to the premises as well as activity in the loading bay area.

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### 1.9.0 Description of Daily and Monthly Activities.

**1.9.1 DESCRIPTION OF ACTIVITIES:** Below is a brief list of activities occurring at the HF Nursery facility, including but not limited to:

- Daily Activities:
  - start-of-shift cleaning and maintenance schedules;
  - visual inspection of all cannabis plants;
  - inventory updating by authorized personnel;
  - watering;
  - take cuttings and propagate seeds;
  - transplanting;
  - labeling and preparing for shipment;
  - quality assurance, quality control; and
  - end-of-shift cleaning and maintenance schedules
- Weekly Activities
  - internal inventory and T&T Inventory program audits;
  - audit of key access activities;
  - production schedule audits;
  - management meeting;
  - OSHA and cGMP maintenance schedules;
  - equipment calibration;
  - compost tea application; and
  - plant waste disposal

## ATTACHMENT 4

### REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

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

<b>Referral Agency</b>	<b>Response</b>	<b>Recommendation</b>	<b>Location</b>
Building Inspection Division	✓	Conditional approval	On file with Planning
Public Works Land Use	✓	Approval	On file with Planning
Division of Environmental Health	✓	Conditional approval	Attached
CA Dept. of Fish and Wildlife	✓	No response	On file with Planning
Humboldt Redwoods State Park			Attached
NWIC	✓	Further study	On file with Planning
Caltrans District #1		Conditional approval	Attached
RWQCB		No response	
NCUAQMD		No response	
District Attorney		No response	
Ag Commissioner		No response	
CA Division of Water Resources		No response	
Bear River Band of Rohnerville Rancheria	✓	With no ground disturbance, no concerns	On file with Planning
Intertribal Sinkyone Wilderness Council		No response	
Cal Fire	✓	Standard comments	On file with Planning
Fortuna Union School District		No response	
Humboldt County Sheriff		No response	



Environmental Health  
Melissa Martel, Director  
100 H Street, Eureka, CA 95501  
phone: (707) 445-6215 | fax: (707) 441-5699

September 18, 2018

Humboldt County Planning Division  
c/o Meghan Ryan  
3015 H Street  
Eureka, CA 95501

**SUBJECT: Englewood Business Park Commercial Cannabis Applications**

Ms. Ryan,

The Humboldt County DHHS Division of Environmental Health (DEH) has received an assessment of the suitability and sizing of the existing onsite wastewater treatment systems (OWTS) serving the Englewood Business Park parcel, APN 209-351-083. The report estimates that the two systems, System 1 – the stand-alone restroom, and System 2 – Building D, can accommodate 31 eight-hour employee shifts per day, and 52 eight-hour employee shifts per day, respectively. DEH conditionally accepts this estimate per the attached email message dated August 31, 2018.

The report does not address how this limited OWTS capacity will be distributed among the various applicants. In order for DEH to provide responses to the referrals for each project, our office will require the site owner and applicants to provide a new baseline number of employees for each individual project demonstrating that the combined staffing levels will be within OWTS capacity limits. DEH also recommends that any project approvals be conditioned such that payroll records are maintained to verify compliance with OWTS capacity limitations.

DEH will process the referrals received for this parcel once we receive the revised staffing levels for all projects. Please contact me if you have any questions or comments.

Sincerely,

Benjamin W. Dolf, R.E.H.S.  
DEH Land Use Program Senior

BD:dm

Enclosure: Attachment



A Division of Public Health  
phone: (707) 445-6200  
fax: (707) 445-6097

DHHS Administration  
phone: (707) 441-5400  
fax: (707) 441-5412

## Dolf, Benjamin

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**From:** Dolf, Benjamin  
**Sent:** Friday, August 31, 2018 9:10 AM  
**To:** Ford, John  
**Cc:** Werner, Steve; Vendor LACO 3; Nielsen, Michelle  
**Subject:** RE: Redcrest Industrial Park -- Path forward

Good morning John,

Based on the engineer's analysis and our on-site observations DEH can allow conditional use of the two existing systems serving the Englewood business park. Specific conditions are detailed below – System 1 refers to the stand-alone restroom at the south side of the parcel, and System 2 refers to the system serving Building D.

**System 1** may be used temporarily to accommodate up to 31 employee-shifts per day. Use is contingent upon installation of a groundwater monitoring well to a depth of 7 feet in the vicinity of the leach field to monitor seasonal groundwater fluctuation. DEH will retain the right to require immediate corrective action should groundwater levels rise to the point of direct groundwater impacts from effluent. Additionally, use is also contingent upon developing a design and installation of a new permitted system within one year to accommodate planned expansion and ensure on-going protection of groundwater.

**System 2** may be used to accommodate up to 52 employee-shifts per day. Use is contingent again upon installation of a monitoring well to a depth of 7 feet in the vicinity of the leach field to prove adequate groundwater separation is maintained through the wet season. Additionally, HCC Section 613-1 specifically prohibits the deposition of flammable, poisonous, or explosive liquids or gases into any drainage system, septic tank, etc. Therefore this OWTS must be isolated from any floor drains, washbasins, sinks, or other fixtures that may receive waste from commercial uses including but not limited to extraction, solvent-based equipment cleaning, fertilization, pesticide application, or other prohibited waste stream. Occupants proposing cultivation, manufacturing, processing, or extraction must provide a plan for disposal of prohibited waste streams accompanied by any necessary permits or approvals from agencies having jurisdiction.

I will be in the office until lunch today, so feel free to contact me if you'd like to discuss.



Benjamin W. Dolf, R.E.H.S.

Senior Environmental Health Specialist

DHHS Division of Environmental Health, Land Use Program :: 100 H St. Eureka, CA 95501 :: (707) 268-2235

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**From:** Ford, John  
**Sent:** Wednesday, August 29, 2018 7:35 AM  
**To:** Dolf, Benjamin <BDolf@co.humboldt.ca.us>  
**Subject:** RE: Redcrest Industrial Park -- Path forward



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

**5/31/2018**

**PROJECT REFERRAL TO: Humboldt Redwoods State Park**

**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, North Coast Unified Air Quality Management District, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, Intertribal Sinkyone Wilderness Council, SWRCB - Division of Water Rights, Sheriff, Fortuna Union School District, Humboldt Redwoods State Park

**Applicant Name** Matt Scott **Key Parcel Number** 209-351-083-000

**Application (APPS#)** 12403 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** CUP16-665

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 6/15/2018** Planning Commission Clerk  
County of Humboldt Planning and Building Department  
3015 H Street  
Eureka, CA 95501  
**E-mail:** PlanningClerk@co.humboldt.ca.us **Fax:** (707) 268-3792

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

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

Other Comments: Please see attached letter for recommendations and information requested

DATE: June 18, 2018

PRINT NAME: Shannon Dempsey, Environmental Coordinator  
North Coast Redwoods District, CA State Parks  
shannon.dempsey@parks.ca.gov  
(707) 445-5344 office  
(707) 498-8478 mobile



DEPARTMENT OF PARKS AND RECREATION

PO Box 2006  
Eureka, CA 95502-2006

Lisa Ann L. Mangat, Director

June 18, 2018

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

**Subject:** Commercial Cannabis Land Use Ordinance (CCLUO) Conditional Use Permit application, Key Parcel Number 209-351-083-000, Case Number CUP16-665

Dear Cannabis Planner,

California State Park's North Coast Redwoods District (NCRD) is responsible for the management of the 54,000-acre Humboldt Redwoods State Park (HRSP), which is adjacent to the subject parcel pending application review for a Conditional Use Permit (CUP) under the newly adopted CCLUO. HRSP contains multiple camping and day use areas with over 138 miles of non-motorized trails. It's the third largest park unit in the State Park system and is home to the largest contiguous old growth coast redwood forest in the world. The Park receives over a half million visitors each year from local community members to national and international travelers.

HRSP is considered a Public Park under the CCLUO that is managed for both the purpose of providing public recreation and open space for public use and wildlife habitat. Section 55.4.6.4.4 c) of the CCLUO requires siting criteria to include a standard setback of 600 feet from Sensitive Receptors, which include Public Parks. NCRD concurs with the CCLUO siting criteria and supports the County's enforcement of its terms. The subject parcel is located adjacent to the HRSP boundary, however, the cultivation and processing facilities appear consistent with the required setback. There are a few buildings located much closer to the property line that are proposed for tenant infill. NCRD recommends that any existing or future buildings used for tenant infill, including upgrades or utility improvements, comply with setback requirements and similar provisions of the principal zoning district as well as those required by the Building Code, including lot coverage.

NCRD requests additional information regarding compliance with Performance Standards for 1) Noise at Cultivation Site, section 55.4.12.6, and 2) Invasive Species Control, section 55.4.12.16.



Case Number CUP16-665  
Key Parcel Number 209-351-083-000  
Page 2

We appreciate the opportunity to review and comment on the project referral.  
Please contact Shannon Dempsey at 707-445-5344 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'V. Bjelajac', with a long horizontal flourish extending to the right.

Victor Bjelajac  
Superintendent  
North Coast Redwoods District

ec: Shannon Dempsey  
Environmental Coordinator  
North Coast Redwoods District  
[shannon.dempsey@parks.ca.gov](mailto:shannon.dempsey@parks.ca.gov)

## Vendor LACO 3

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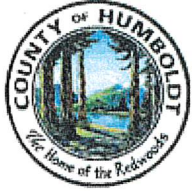
**From:** Vendor LACO 3  
**Sent:** Thursday, September 27, 2018 4:13 PM  
**To:** 'Dempsey, Shannon@Parks'  
**Subject:** APPS #12403 - Matt Scott  
**Attachments:** 12403\_ref\_Parks.pdf

Good afternoon, Shannon – I hope this email finds you well! I am writing to provide the additional information requested for APPS #12403, Matt Scott (I attached your response to this email).

1. Noise: The project will be conditioned as follows:
  - a. The applicant shall not use any vehicles or equipment (e.g., fork lift) for the operations equipped with back-up warning beepers.
  - b. The primary power source for the project will be supplied by PG&E. No generators will be used as part of the proposed project. Due to the assumed presence of the marbled murrelet species, conditions of approval require that the applicant does not use any vehicles for the operations equipped with back-up beepers to ensure the operation will not result in the harassment of the marbled murrelet species.
  - c. Prior to ground disturbance a qualified biologist shall conduct seasonally appropriate bird and plant surveys in the area of disturbance and area of potential effect for any sensitive natural communities, animals, or plants with a State Rare Plant Rank of 1 or 2. Ground disturbing activities shall occur in the bird non-breeding season between September and January. If ground disturbing activities cannot be done in the non-breeding season and must occur during bird breeding season (between February and August), a qualified wildlife biologist with experience in breeding bird Surveys shall perform pre-construction breeding bird surveys within 14 days of the onset of construction or clearing of vegetation. If active breeding bird nests are observed, no ground disturbance activities shall occur within a minimum 100-foot exclusion zone. The exclusion zone(s) shall remain in place around the active nest(s) until all young are no longer dependent upon the nest(s). A wildlife biologist shall monitor the nest site(s) weekly during the breeding season to ensure the buffer is sufficient to protect the nest(s) from potential disturbances.
2. Invasive species: The proposed project will be located within an existing industrial/commercial building. No ground disturbance is required.

Please let me know if you have any questions or need any additional information.

Best,  
Meghan



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

5/25/2018

**PROJECT REFERRAL TO: California Department of Transportation  
District #1**

**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, North Coast Unified Air Quality Management District, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, Intertribal Sinkyone Wilderness Council, Humboldt County Sheriff, SWRCB- Division of Water Rights, Fortuna High School District, Scotia Union Elementary School District

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**Applicant Name** Southern Humboldt Concentrates, LLC **Key Parcel Number** 209-351-083-000

**Application (APPS#)** 13227 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** SP16-829  
SP16-830

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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 6/9/2018**

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

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**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: \_\_\_\_\_

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DATE: 06-12-2018

PRINT NAME: Jesse Robertson

**DEPARTMENT OF TRANSPORTATION**

DISTRICT 1, P.O. BOX 3700  
PHONE (707) 441-4693  
FAX (707) 445-6314  
TTY 711  
www.dot.ca.gov



*Making Conservation  
a California Way of Life.*

June 12, 2018

1-HUM-254-39.35  
So. Hum. Concentrates  
SP16-829, App# 13227

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

Dear Ms. Nielsen:

Thank you for giving Caltrans the opportunity to review and comment on two proposed Special Permits: one for a 4,000 square-foot manufacturing facility; the other for a 2,000 square-foot distribution facility. The project is located east of east of State Route 254 in the Redcrest/Pepperwood area approximately 0.3 miles south and east from the Redcrest/Holmes interchange, on the east side of State Highway 254. We offer the following comments:

We request that the county require a copy of the approved Caltrans encroachment permit that identifies the applicant or property title-holder as the owner responsible for the driveway connection encroachment within the state's right-of-way. If the applicant cannot produce an approved encroachment permit, the District is willing to issue a fee-exempt permit to provide documentation identifying the responsible owner of an existing commercial road approach, assuming that it meets the Department's current standards. Any work within Caltrans Right-of-Way will require an Encroachment Permit from Caltrans. Applications are reviewed for consistency with State standards and are subject to Department approval. For additional information, the Encroachment Permit Application Form and the Caltrans Permit Manual is available online at: <<http://www.dot.ca.gov/hq/traffops/developserv/permits/>>. Requests for permit applications can also be sent to: Caltrans District 1 Permits Office, P.O. Box 3700, Eureka, CA 95502-3700, or requested by phone at (707) 445-6389.

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

Sincerely,

A handwritten signature in blue ink, appearing to read "Jesse Robertson".

JESSE ROBERTSON  
Transportation Planning  
District 1 Caltrans