



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

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

Hearing Date: December 7, 2017

To: Humboldt County Planning Commission

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

Subject: **Humboldt's Legacy Farms Conditional Use Permit**  
Application Number 11817  
Case Numbers CUP 16-399  
Assessor's Parcel Number (APN) 223-261-004-000  
2560 Sawmill Road, Garberville

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Please contact Michelle Nielsen, Senior Planner, at 707-445-7541 or by email at [mnielsen@co.humboldt.ca.us](mailto:mnielsen@co.humboldt.ca.us) if you have any questions about the scheduled item.

## AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
December 7, 2017	Conditional Use Permit	Michelle Nielsen

**Project Description:** A Conditional Use Permit (CUP) for an existing 12,910 square foot (sf) outdoor commercial medical cannabis cultivation area. Irrigation water is sourced offsite during the wet months from two (2) streambed diversions and conveyed via gravity to an onsite 800,000 gallon storage pond. Water is then pumped via solar power to a series of storage tanks. An approved 1600 Streambed Alteration Agreement is filed with the California Department of Fish and Wildlife for both points of diversion. The non-exclusive right to take and use water from these off-site sources is included in the deed for the subject property for which this CUP application has been filed. Project site is enrolled as a Tier II Discharger with the North Coast Regional Water Quality Control Board. Processing is done on-site by family members and up to four (4) members of the medical collective.

**Project Location:** The project is located in Humboldt County, in the Garberville area, on the North side and adjacent to Main Drive/Sawmill Road, approximately 0.26 mile west from the intersection of Drew Road and Sawmill Road, on the property known as 2560 Sawmill Road.

**Present Plan Land Use Designations:** Agricultural Lands (AL), Framework Plan (FRWK), Density: 160 to 20 acres per dwelling unit, Slope Stability: High Instability (3)

**Present Zoning:** AE-B-6, Agriculture Exclusive (AE) B-6

**Case Number:** CUP16-399

**Application Number:** 11817

**Assessor Parcel Number:** 223-261-004

**Applicant**

Humboldt's Legacy Farms  
James Alec Marcum  
764 Redwood Dr., Box 11  
Garberville, CA 95542

**Owner**

Same as applicant

**Agent**

Margro Advisers  
Attn: Suzanne Maese  
2306 Albee Street  
Eureka, CA 95501

**Environmental Review:** California Environmental Quality Act (CEQA) Exemption Section: 15301 (Existing Facilities) of the CEQA State Guidelines.

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

**Major Issues:** None

**HUMBOLDT'S LEGACY FARMS**  
Case Number CUP16-399  
Assessor's Parcel Number 223-261-004

**Recommended Commission Action**

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

*Find the project Categorically Exempt from environmental review pursuant to Section 15301 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 Humboldt Legacy Farms Conditional Use Permit subject to the recommended conditions.*

**Executive Summary:** Humboldt's Legacy Farms is seeking a CUP for an existing 12,910 square foot (sf) outdoor commercial medical cannabis operation in compliance with the County Commercial Medical Marijuana Land Use Ordinance (CMMLUO). The Project site is comprised of one parcel (APN 223-261-004). Commercial medical cannabis cultivation currently occurs within six outdoor cultivation areas on the property, aligned generally north to south on the parcel in the following order and labeled as such on the plot plan: Cultivation Site #1 (1,800 sf), Cultivation Site #2 (2,700 sf), Cultivation Site #3 (1,850 sf), Cultivation Site #4 (2,600 sf), Cultivation Site #5 (2,160 sf, and east of Site #4), and Cultivation Site #6 (1,800 sf). The operation includes on-site processing. The operation will employ up to four employees or family members.

There are three residential structures on the property: a residence in the northern portion of the parcel (4,200 sf, built 2016), an upper guesthouse adjacent to the residence (1,900 sf, built 1978), and a lower guesthouse in the southern portion of the parcel (684 sf, built 2011). The project's conditions of approval include a requirement that these structures shall not be inhabited by employees of the cultivation operation or by collective members (other than the resident family) until all necessary local or state permits are secured. In addition, there is a 192 sf agricultural storage building in the northern portion of the parcel. A 1,158 sf commercial building is planned on the property. Existing septic systems are utilized for onsite wastewater treatment at all three residential structures. Water for domestic use is provided by two diversion sites located within the Class II watercourse on an adjacent property, for which the subject property has a deeded right of up to 1,000 gallons per day. The Applicant has a pending registration filed with the State Water Resources Control Board (WRCB) for Small Domestic Use Appropriation for two water diversions on the same unnamed Class II watercourse on the adjacent property. The sum of the claimed water use with WRCB for the two diversions on adjacent property totals 306,230 gallons per year. The Applicant has a current approved Lake and Streambed Alteration Agreement (LSAA 1600 permit) with the California Department of Fish and Wildlife that establishes the maximum diversion between May 15 and October 15 of each year as 250 gallons per day from point of diversion #1 and 100 gallons per day from point of diversion #2.

**Water**

The amount of water used for the cultivation of cannabis varies throughout the year, with peak periods of water use occurring during the summer months. Estimated annual water use for the cultivation activity is approximately 54,400 gallons. The estimated total annual water availability is 306,230 gallons, with the potential for storage of 800,000 gallons in an onsite, off-stream pond

and 25,000 gallons in a series of nine water tanks. Water for domestic use and cannabis cultivation is sourced from two off-site surface diversions, which are permitted and for which the subject property has a deeded right. POD #1 is located on the adjacent property to the west in an unnamed Class II tributary to Dean Creek. This diversion serves the residence located within the property's northern developed area. POD #2 is also located in an unnamed Class II tributary to Dean Creek. This diversion serves the residence located within the property's southern developed area. The diversion from POD #2 fills a 2,500-gallon tank, and the overflow from the 2,500 gallon tank is plumbed to supplement the off-stream pond. Water use from these points of diversion is outlined and prescribed in the specifications of the current approved CDFW LSAA 1600 permit (#1600-2016-0190-R1). The LSAA 1600 permit states the maximum instantaneous diversion rate from the water intake shall not exceed 5 gallons per minute or 10% of the total flow at any time, and establishes the maximum diversion between May 15 and October 15 of each year as 250 gallons per day from POD #1 and 100 gallons per day from POD #2. The Applicant has agreed to use water meters to verify that these thresholds are not exceeded and to follow best practices for water conservation and management. Some irrigation water from the 800,000 gallon pond is rainwater/runoff from the subject property, although there is currently no rainwater catchment system. Gravity powers water flow from the diversion sites to the onsite storage. During the season of water use, water is then pumped from the storage pond using solar power to more direct irrigation tanks. Irrigation starts at once a week then increases to daily during the summer. Redwood mulch and bark are used around plants to improve water retention. One hour timed irrigation, with immediate oversight, is also used to prevent irrigation runoff. The project is conditioned on the applicant obtaining water appropriation or Small Irrigation Registration for the storage of water beyond 30 days.

There are no blue line streams located on the property. The closest watercourse to any cultivation area is a tributary to Dean Creek 200 feet away. The only stream crossing is integrated into the pond's rock lined spillway. The 18" diameter culvert that passes underneath a cultivation area is in good condition and appropriately sized for the expected discharge from the pond spillway. The Applicant is enrolled in the Tier 2 Discharge Program of the North Coast Regional Water Quality Control Board (NCRWQCB). The Applicant has prepared a Water Resource Protection Plan (WRPP) that is required for enrollment. The WRPP determined that all cultivation sites meet the required buffers for a Tier 2 site (50 feet for Class III and 100 feet for Class II and Class I). The WRPP determined the only corrective action to be improper storage and disposal of soil spoils, and a remediation plan has been outlined in the WRPP; it will be incorporated as a Condition of Approval. As an additional Condition of Approval, the Applicant will submit a bullfrog management plan for the on-site storage pond to CDFW and notify the agency about any stream crossings on the property per Game Code 1602.

### **Operations (Cultivation and Processing)**

Humboldt's Legacy Farms conducts cultivation activities in two cycles with harvests in August and October; work is performed by family members and up to four members of the medical collective. Cultivation activities can change depending on weather and strain. Temporary hoop houses are set up on the property beginning in March to nurture seedlings and clones. If any artificial light is used during greenhouse activity, the Applicant will shield extraneous light during sunset hours to comply with the International Dark Sky Performance Standards.

After harvest, the cannabis is taken into the on-site storage shed where it is dried, machine trimmed, cured and stored. All work surfaces and equipment are maintained in clean, sanitary conditions. Protocols are strictly followed to prevent the spread of mold and fungus. The final cannabis product is then stored in a secure location. The Applicant plans to build a larger commercial building on site for processing.

The Applicant has submitted information regarding materials used for pest management, fertilizers and amendments. The WRPP includes information regarding storage and handling of these materials and best management practices (BMPs). All compostable plant waste is stored in a covered area. Unusable plant waste is burned after harvest is completed. Other solid waste, as well as recyclables, are stored in a secure shipping container, then transported weekly to the permitted waste facility in Redway, CA.

### **Energy**

The site is powered by two solar systems, one with a 1,800 watt array and the other with a 2,000 watt array. A 6kw Generac liquid propane generator provides additional power, if needed. Estimated power usage is from 6kWh-36kWh per day depending on need for ventilation and farming equipment. The generator is rated by the manufacturer at maximum 52dB or lower, and at standard calculation is less than 50 dB at either the nearest forest canopy or at the property line. The project is conditioned on the applicant submitting a noise pollution plan that demonstrates that the generators conform to the standards outlined in Section 314-55.4.11.o.

### **Security**

The Applicant has also submitted a detailed security plan including the use of a steel gate at the entrance to the property with an electronic lock, motion sensors, and 24-hour onsite presence.

### **Access**

The property is accessible from Main Drive/Sawmill Road, which connects to the County-maintained Alderpoint Road. Parking is available on site. The applicant has self-certified that the 1.25 mile access road know as Main Drive is developed to the equivalent of a road category 4 standard, defined as a roadway generally 20 feet in width, but has pinch points which narrow the road. The project is conditioned on the applicant improving the intersection of the existing access road, Main Drive/Sawmill Road, and the County Road, Alderpoint Road, to meet County Standards after obtaining an encroachment permit from the Department of Public Works for these improvements.

The 20.6-acre property used for medical cultivation activity is zoned AE-B-6, Agriculture Exclusive. The CMMLUO identified AE-zoned parcels 5 acres or larger as sites where existing cannabis cultivation activities could be allowed. Outdoor cultivation of between 10,000 sf and 43,560 sf is allowed subject to the issuance of a CUP. A CUP is a discretionary permit meaning that, to approve the requested cultivation area, the Planning Commission must consider whether the findings required for permit approval can be met for the described project.

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

### **Permits/Approvals**

The Building Inspection Division recommends Conditional Approval.

The Department of Public Works recommends Conditional Approval.

The Division of Environmental Health recommends Conditional Approval.

The California Department of Fish and Wildlife provided comments.

The Bear River Band Rohnerville Rancheria recommends Conditional Approval.

### *Staff Recommendation*

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

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

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

**Case Number: CUP 16-399  
Assessor's Parcel Number: 223-261-004**

**Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves Humboldt's Legacy Farms Conditional Use Permit request.**

**WHEREAS, Humboldt's legacy Farms** submitted an application and evidence in support of approving the Conditional Use Permit to permit an existing 12,910 square-foot outdoor cultivation area with onsite processing; and

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

**WHEREAS,** the project is exempt from environmental review per Section 15301 (Existing Facilities), of the CEQA Guidelines; and

**WHEREAS,** Attachment 2 in the Planning Division staff report includes substantial evidence in support of making all of the required findings for approving the proposed Conditional Use Permit (Case Number CUP 16-399); and

**WHEREAS,** a public hearing was held on the matter before the Humboldt County Planning Commission on December 7, 2017.

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

1. The project is exempt from environmental review; and
2. The findings in Attachment 2 of the Planning Division staff report for Case Number CUP 16-399 support approval of the project based on the submitted substantial evidence; and
3. The Conditional Use Permit Case Number CUP 16-399 is approved as recommended and conditioned in Attachment 1 for Case Number CUP 16-399.

Adopted after review and consideration of all the evidence on December 7, 2017.

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

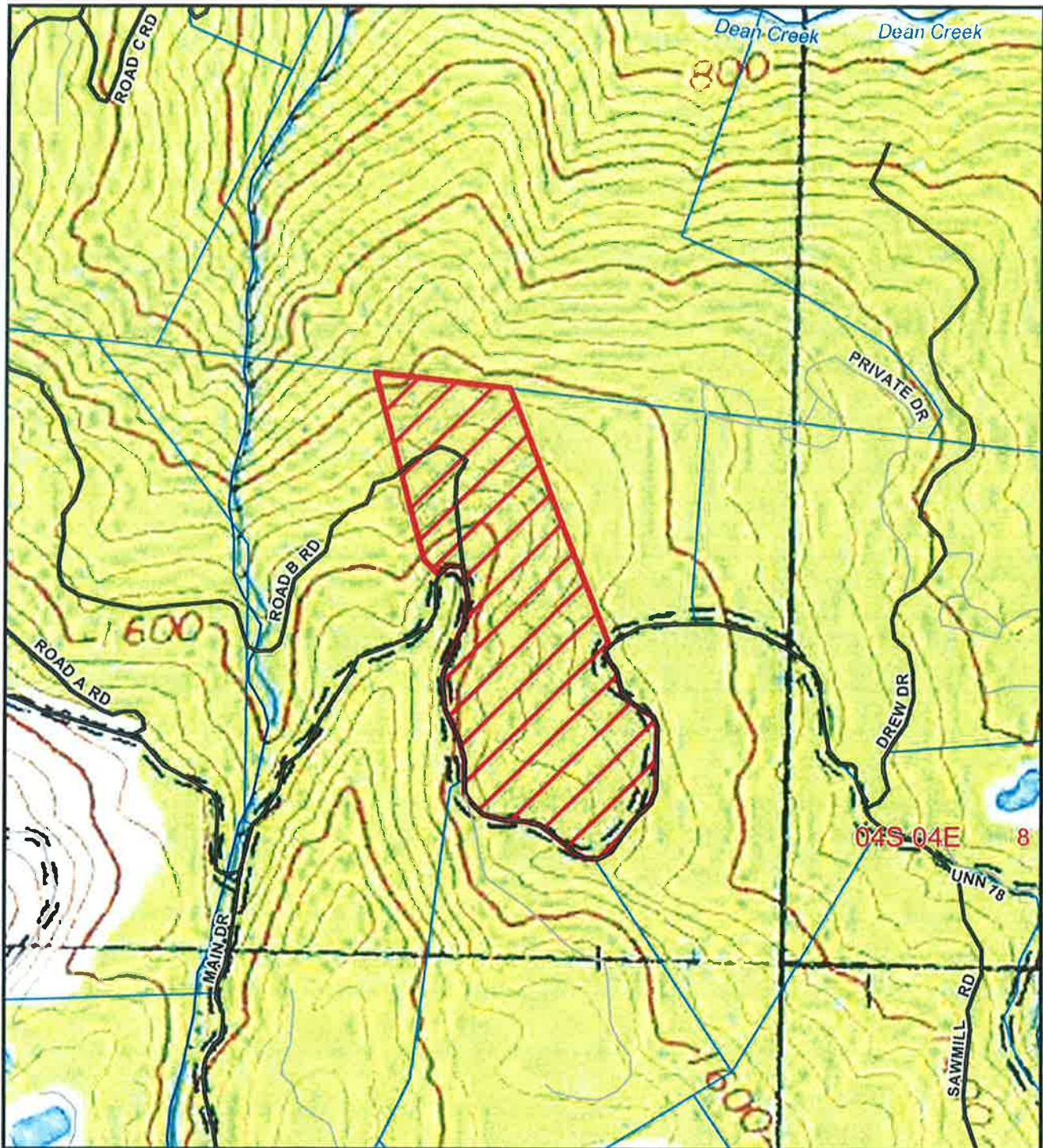
AYES: COMMISSIONERS:  
NOES: COMMISSIONERS:  
ABSENT: COMMISSIONERS:  
ABSTAIN: COMMISSIONERS:  
DECISION:

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

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John Ford  
Director, Planning and Building Department





**TOPO MAP  
PROPOSED HUMBOLDT'S LEGACY FARMS  
GARBERVILLE AREA  
CUP-16-399  
APN: 223-261-004  
T04S R04E S8 HB&M (MIRANDA)**

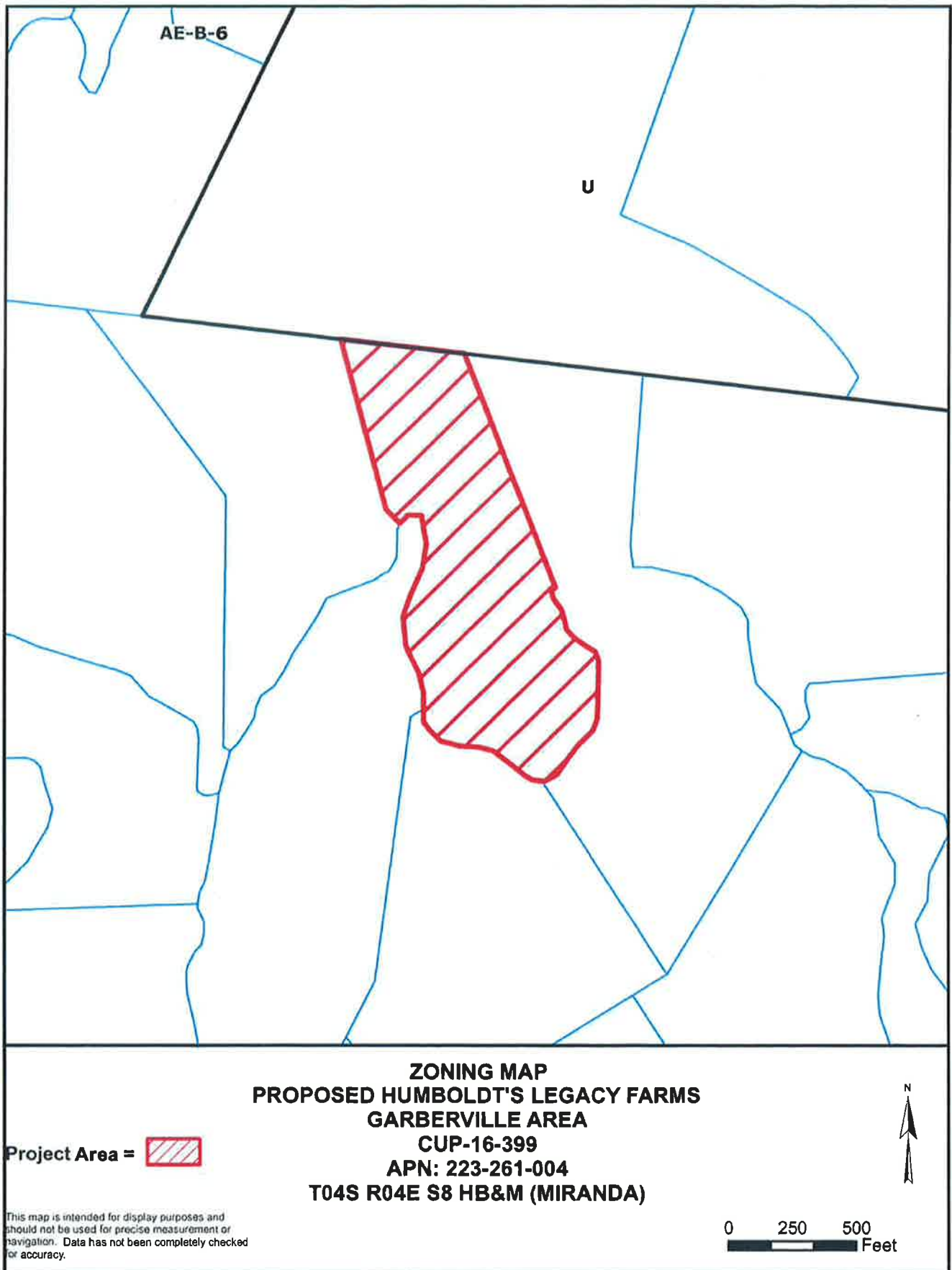
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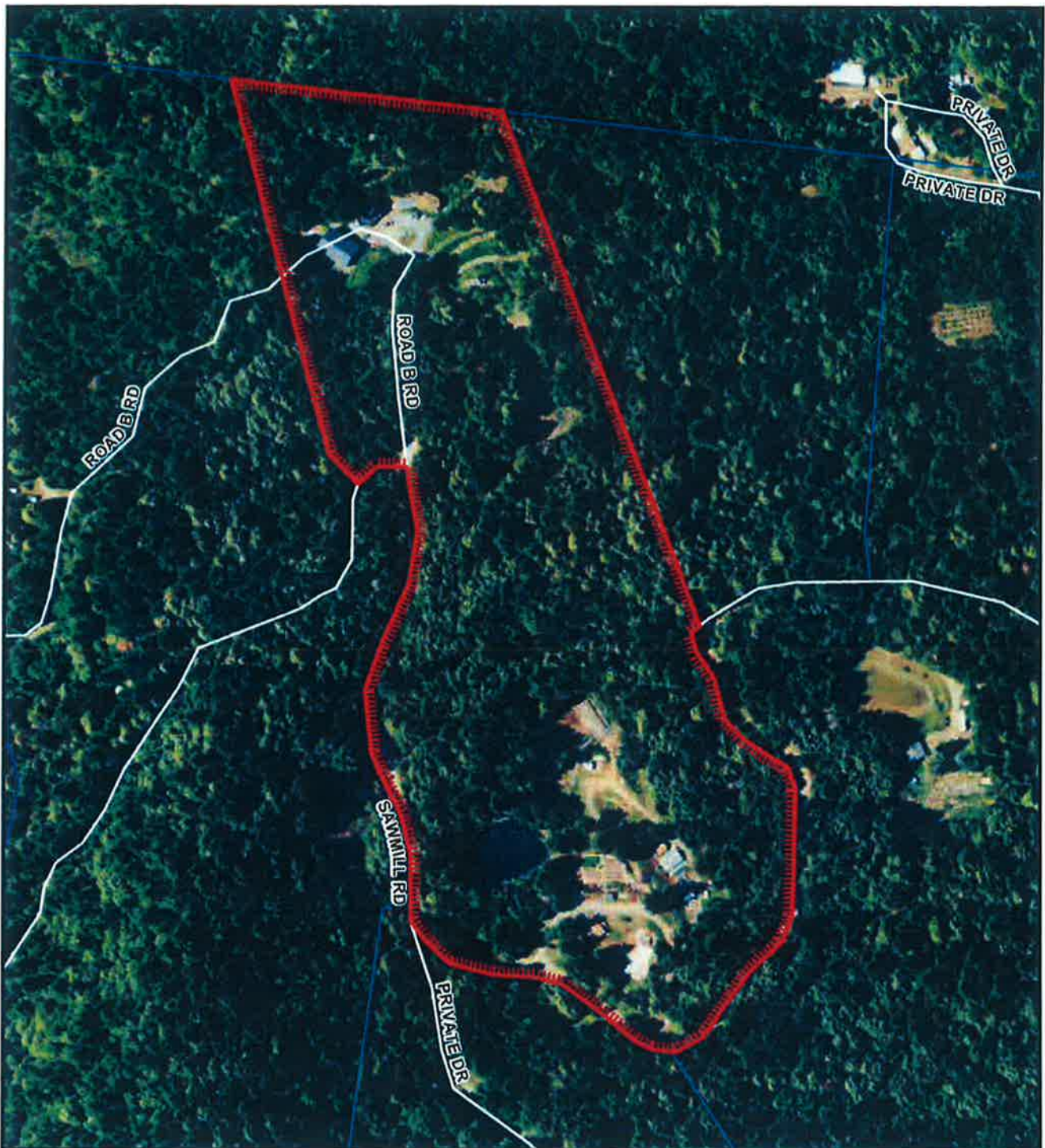
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Feet



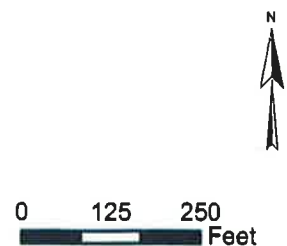




**AERIAL MAP  
PROPOSED HUMBOLDT'S LEGACY FARMS  
GARBERVILLE AREA  
CUP-16-399  
APN: 223-261-004  
T04S R04E S8 HB&M (MIRANDA)**

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.





Google Earth

2017 Google

Main Dr

Sawmill Rd

Drew Dr

3000 ft

**APN: 223 261 004**

**Applicant:** Humboldt Legacy Farms

**Owner:** James Alec Marcum

**Description:**

Existing outdoor cultivation with total operations of 12,910 sq ft  
Areas: 2x1,800 sq ft; 1,850 sq ft; 2,160 sq ft; 2,600 sq ft; 2,700 sq ft

**Residential Structures:**

Residence - 4,200 sq ft - yr 2016  
Upper Guesthouse - 1,944 sq ft - yr 1978  
Lower Guesthouse - 684 sq ft - yr 2011

**Non-Residential Structures:**

AG Storage - 192 sq ft - yr 1979  
Commercial Building - 1158 sq ft (planned)

**Cultivation Setbacks:**

30 ft Property Line: None  
300 ft Residence: None  
600 ft Schools, Bus Stops, Public Parks, Tribal Resources, Places of Worship: None  
600 ft Public Land: None

**Power Sources:**

Solar: 1,800W array, 2,000W array  
Backup Generator: Generac 6000W (propane)

**Water Sources:**

Spring Diversions: 2 points of diversion (POD);  
POD #1 - offsite residential  
POD #2 - offsite irrigation  
Pond: 800,000 gal - prior to 1970

**Water Storage:**

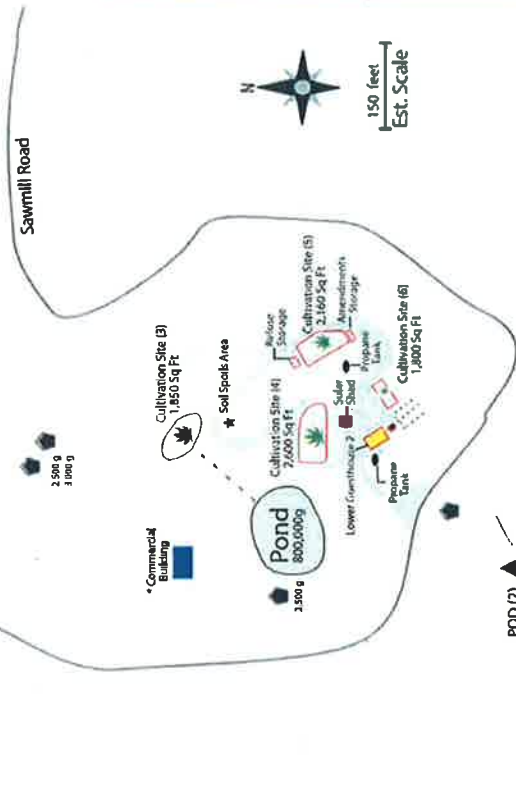
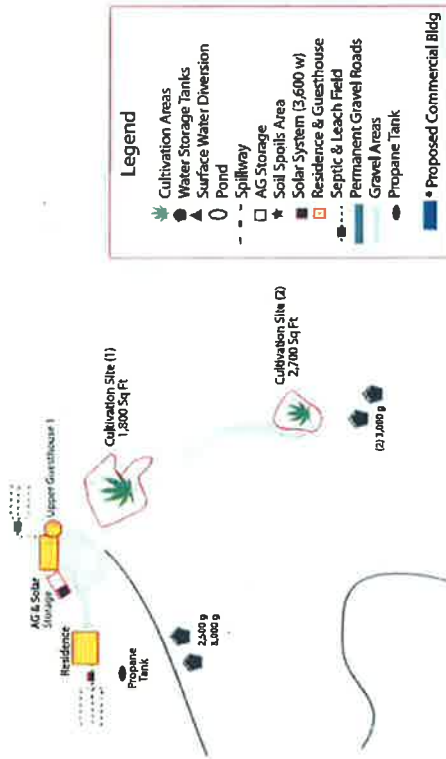
Water tanks (in gal): 2,500; 3,000 - yr 2000;  
2x3,000 - yr 2004; 2x2,500; 3,000 - yr 2006  
Pond: 800,000 gal - prior to 1970

**State Agency Compliance:**

CA Dept Fish & Wildlife: 1602 Permit filed;  
Notification No. 1600-2016-0190-R1  
NCRWQCB: Tier 2 - WDID: 1B161180CHUM

**Mapping Sources:** All designs and scales are estimates based on the following data sources: Humboldt GIS, USGS, Google Maps

**CMMLUO: Use Permit (Tier III)**



**Property Address:**  
2560 Sawmill Road  
Garberville, CA 95542  
**Zone:** AE-B-6  
**General Plan:** AL40 (FRWK)  
**Size:** 20.6 acres



**Agent:** Margro Advisors - (707) 500-2420





## ATTACHMENT 1

### RECOMMENDED CONDITIONS OF APPROVAL

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

1. Within 60 days of project approval, the applicant shall execute a Compliance Agreement with the Humboldt County Planning Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #2-18. The agreement shall provide a timeline for completing all outstanding items. All activities detailed under the agreement must be completed to the satisfaction of the Planning and Building Department before the permit may be finalized and no longer considered provisional.
2. The structures identified as guest houses/cabins on the site plan shall not be used by employees or inhabited by collective members (other than the resident family) until all necessary local and/or state permits and approvals are secured.
3. Should the applicant proceed with plans for a 1,158 sf commercial processing building on the property, he shall first secure a valid permit from the Building Division.
4. For any new planned construction, prior to ground disturbance a qualified biologist shall survey the area of disturbance and area of potential effect for any sensitive natural communities 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.
5. Within 1 year of the effective date of this permit the applicant shall demonstrate on-site sewage disposal system feasibility to the satisfaction of the Humboldt County Division of Environmental Health; including verification of the stated three permitted on-site waste disposal systems. Prior to occupancy of the planned processing facility the on-site sewage disposal system shall be installed to the satisfaction of the Humboldt County Division of Environmental Health.
6. The applicant shall improve the intersection of the existing access road, Main Drive/Sawmill Road, and the County Road, Alderpoint Road, to meet County Standards for visibility and improvement after obtaining an encroachment permit from the Department of Public Works for these improvements as identified in the Public Works referral dated July 28, 2017 included herein as Exhibit B of Attachment 1.
7. The applicant shall submit at least one legible copy of an updated Water Resources Protection Plan (WRPP) that includes the total cultivated square footage of 12,910 to the Planning and Building Department. The applicant shall implement the corrective action related to soil spoils management, and any new corrective actions, detailed within the updated WRPP developed for the parcel, prepared pursuant to Tier 2 enrollment under the North Coast Regional Water Quality Control Board (NCRWQCB) Cannabis Waste Discharge



Regulatory Program. A letter or similar communication from the RWQCB verifying that all their requirements have been met will satisfy this condition.

8. The applicant shall provide a copy of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (CAL-FIRE). Alternately, if the landowner has not completed a civil or criminal process and/or entered into a negotiated settlement with CAL-FIRE, the applicant shall secure the services of a registered professional forester (RPF) to evaluate site conditions and conversion history for the property and provide a written report to the Planning Division containing the RPF's recommendation as to remedial actions necessary to bring the conversion area into compliance with provisions of the Forest Practices Act. The Planning Division shall provide CAL-FIRE written Notice of Availability of the RPF's report. If CAL-FIRE takes no action within ten (10) days of the notice of availability, the report recommendations shall become final and shall be implemented by the applicant. If CAL-FIRE makes additional recommendations, these shall also be completed to the satisfaction of CAL-FIRE. A letter from the RPF, and written confirmation from CAL-FIRE (if additional requirements are imposed), verifying that all their requirements have been met will satisfy this condition.
9. The applicant shall provide the California Department of Fish and Wildlife (CDFW) with a bullfrog management plan for the constructed on-site pond used for cannabis irrigation. A sample plan is included as Exhibit A of Attachment 1. A letter or similar communication from the CDFW verifying that this requirement has been met will satisfy this condition.
10. The applicant shall notify the CDFW of any and all unpermitted stream crossings on the project parcel pursuant to Fish and Game Code section 1602. A letter or similar communication from the CDFW verifying that this requirement has been met will satisfy this condition.
11. Noise generated from generator shall not exceed 50db at 100 feet from the generator or at the edge of the nearest forest habitat, whichever is closer, as required by Section 314-55.4.11(o) Humboldt County Code. The applicant shall provide documentation from a qualified professional demonstrating that the generators conform to the specified standard and to the General Plan 2040 Land Use/Noise Compatibility Matrix.
12. Prior to initiating cultivation of cannabis in 2018 or issuance of any permits, whichever occurs first, the applicant shall demonstrate there is sufficient on site water storage to meet the annual demand of the residences and cannabis cultivation for the forbearance period from May 15 to October 31. If insufficient storage exists, the Applicant shall utilize the existing off-stream pond or install additional water storage tanks. As part of the annual inspection, the applicant shall present water use records showing water use for domestic and cannabis cultivation activity for the year broken down by month.
13. The Applicant shall obtain an appropriative water right from the State Water Resources Control Board for water storage related to irrigation uses.
14. The applicant shall submit a revised Site Plan that includes the sites of the temporary hoop houses (those proposed by the applicant to be removed each year) and shows the location of six on-site parking spaces. The parking spaces shall be developed as part of the building permit(s). For the temporary hoop houses, if artificial lighting is used, the applicant shall provide a lighting plan demonstrating the proposed cultivation area would not deliver or have the potential to deliver light pollution, during the hours of sunset to sunrise, affecting fish and/or wildlife directly or from a distance. The plan shall be submitted to the satisfaction of the Planning Division within 6 months of the effective date of this permit, or prior to use of lighting, whichever occurs first.
15. The Applicant shall comply with all terms of the CDFW LSAA 1600 permit (#1600-2016-0190-R1) including the provision that the maximum instantaneous diversion rate from the water intake shall not exceed 5 gallons per minute or 10% of the total flow at any time, and the maximum diversion between May 15 and October 15 of each year shall not exceed 250 gallons per day from point of diversion #1 and 100 gallons per day from point of diversion #2. The

Applicant shall use water meters to verify that these thresholds are not exceeded and to follow best practices for water conservation and management. As part of the annual inspection, the applicant shall present water use records verifying compliance with agreed-upon limits.

16. If processing activities require additional staffing, then an additional system may have to be added or the existing system expanded. Any expansion of service or additional waste systems will have to meet the County's sewage disposal requirements.
17. The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency (CUPA) requirements regarding hazardous materials. A written verification of compliance shall be required before any provisional permits may be finalized. Ongoing proof of compliance with this condition shall be required at each annual inspection in order to keep the permit valid.
18. Where generators are used the applicant shall provide a noise pollution plan demonstrating that the proposed generator would not deliver noise pollution, which may affect fish and/or wildlife directly, or from a distance. To show conformance with Section 314-55.4.11.o), where generator use occurs in the vicinity of Marbled Murrelet or Spotted Owl species, the plan shall be evaluated in consultation with the Department of Fish and Wildlife. Conformance will be evaluated using auditory disturbance guidance prepared by the United States Fish and Wildlife Service. Should the applicant proposed to achieve noise attenuation by placing the generators inside a building(s), the applicant shall secure a building permit prior to construction.
19. The applicant shall execute and file with the Planning Division the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the HCC and available at the Planning Division.
20. Within 30 days of application approval, the applicant shall obtain a Business License from the Humboldt County Tax Collector.
21. A review fee for Conformance with Conditions as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$125.00) shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka. This fee is a deposit, and if actual review costs exceed this amount, additional fees will be billed at the County's current burdened hourly rate.
22. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will provide a bill to the applicant after the decision. Any and all outstanding Planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.

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

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

4. If operating pursuant to a written approved compliance agreement, permittee shall abate or cure violations at the earliest feasible date, but in no event no more than two (2) years from the date of issuance of a provisional clearance or permit. Permittee shall provide plans for curing such violations to the Planning & Building Department within one (1) year of issuance of the provisional clearance or permit. If good faith effort towards compliance can be shown within the two years following the issuance of the provisional clearance or permit, The Planning Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow for additional time to meet the outstanding requirements.
5. Possession of a current, valid required license, or licenses, issued by any agency of the State of California in accordance with the MMRSA, and regulations promulgated thereunder, as soon as such licenses become available.
6. Compliance with all statutes, regulations and requirements of the California State Water Resources Control Board and the Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration, as applicable.
7. Confinement of the area of cannabis cultivation, processing, manufacture or distribution to the locations depicted on the approved site plan. The commercial cannabis activity shall be set back at least 30 feet from any property line, and 600 feet from any School, School Bus Stop, Church or other Place of Religious Worship, Public Park, or Tribal Cultural Resources, except where a reduction to this setback has been approved pursuant to Section 55.4.11(d).
8. Maintain enrollment in Tier 1, 2 or 3, certification with the North Coast Regional Water Quality Control Board (NCRWQCB) Order No. 2015-0023, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
9. For cultivation area(s) for which no enrollment pursuant to NCRWQB Order No. 2015-0023 is required by that Order, comply with the standard conditions applicable to all Tier 1 dischargers.
10. Comply with the terms of any applicable Streambed Alteration (1600) Permit obtained from the California Department of Fish & Wildlife.
11. Comply with the terms of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (CAL-FIRE), if applicable.
12. Consent to an annual on-site compliance inspection, with at least 24 hours prior notice, to be conducted by appropriate County officials during regular business hours (Monday – Friday, 9:00 am – 5:00 pm, excluding holidays).
13. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
14. Pay all applicable application and annual inspection fees.
15. Where surface water diversion provides any part of the water supply for irrigation of cannabis cultivation, permittee shall either: 1) forebear from any such diversion during the period from May 15th to October 31st of each year (or whatever is dictated in the final LSAA, whichever is more stringent) and establish on-site water storage for retention of wet season flows sufficient to provide adequate irrigation water for the size of the area to be cultivated, or 2) comply with the approved water management plan prepared by a qualified person such as a licensed engineer, hydrologist, or similar qualified professional, that establishes minimum water storage and forbearance period, if required, based upon local site conditions, or 3) adhere to the RWQCB approved Water Resources Protection Plan or other clearance issued by the agency. If the method of compliance changes during the term of the Conditional Use Permits, permittee shall notify the Planning and Building Department and furnish appropriate documentation of compliance with this standard.

16. At least one water meter shall be installed on the water line providing irrigation flow to the cultivation site. The water meter shall have the capacity to measure at least 100,000 gallons of flow before resetting. The water meter shall be used to measure the amount of water provided to the cultivation area during the forbearance period. The meter shall be installed at a point on the water line that provides an accurate measurement of the water used for irrigation. Household water use at the residence shall be separately metered if required.
17. The noise produced by a generator used for cannabis drying, curing, and processing shall not be audible by humans at neighboring residences. The decibel level for generators measured at the property line shall be no more than 60 decibels. Where applicable, sound levels must also show that they will not result in the harassment of Marbled Murrelet or Spotted Owl species. Conformance will be evaluated using current auditory disturbance guidance prepared by the United States Fish and Wildlife Service, and further consultation where necessary. Under these guidelines, generator noise may not exceed 50dB as measured at 100 feet from the generator or at the edge of the nearest Marbled Murrelet or Spotted Owl habitat, whichever is closer.
18. Storage of Fuel - Fuel shall be stored and handled in compliance with applicable state and local laws and regulations, including the County of Humboldt's CUPA program, and in such a way that no spillage occurs.
19. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).
20. The operation shall participate in the Medical Cannabis Track and Trace Program administered by the Humboldt County Agricultural Commissioner, when available.

#### Performance Standards for Cultivation and Processing Operations

21. Pursuant to the MMRSA, Health and Safety Code section 19322(a)(9), an applicant seeking a cultivation license shall "provide a statement declaring the applicant is an 'agricultural employer,' as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 commencing with Section 1140) of Division 2 of the Labor Code), to the extent not prohibited by law."
22. Cultivators shall comply with all applicable federal, state, and local laws and regulations governing California Agricultural Employers, which may include federal and state wage and hour laws, CAL/OSHA, OSHA, California Agricultural Labor Relations Act, and the Humboldt County Code (including the Building Code).
23. Cultivators engaged in processing shall comply with the following Processing Practices:
  - I. Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.
  - II. Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
  - III. Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.
  - IV. Employees must wash hands sufficiently when handling cannabis or use gloves.
24. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:
  - i. Cultivation operations and processing operations must implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:
    - 1) Emergency action response planning as necessary;
    - 2) Employee accident reporting and investigation policies;
    - 3) Fire prevention;

- 4) Hazard communication policies, including maintenance of material safety data sheets (MSDS);
  - 5) Materials handling policies;
  - 6) Job hazard analyses; and
  - 7) Personal protective equipment policies, including respiratory protection.
  - ii. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
    - 8) Operation manager contacts;
    - 9) Emergency responder contacts;
    - 10) Poison control contacts.
  - iii. At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations. Plumbing facilities and water source must be capable of handling increased usage without adverse consequences to neighboring properties or the environment.
  - iv. On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.
25. All cultivators shall comply with the approved Processing Plan as to the following:
- i. Processing Practices.
  - ii. Location where processing will occur.
  - iii. Number of employees, if any.
  - iv. Employee Safety Practices.
  - v. Toilet and handwashing facilities.
  - vi. Plumbing and/or septic system and whether or not the system is capable of handling increased usage.
  - vii. Drinking water for employees.
  - viii. Plan to minimize impact from increased road use resulting from processing.
  - ix. On-site housing, if any.
26. Permit Duration. Any Commercial Cannabis Cultivation CUP issued pursuant to this section shall expire after one (1) year after date of issuance, and on the anniversary date of such issuance each year thereafter, unless an annual compliance inspection has been conducted and the permittees, lessees, and the permitted site have been found to comply with all conditions of approval.

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

27. Acknowledgements to Remain in Full Force and Effect. Permittee Acknowledges that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed in which the cultivation area is located will not support diversions for irrigation.

Permittee further acknowledges and declares that:

- (1) All commercial cannabis activity that I, my agents, or employees conduct pursuant to a permit from the County of Humboldt 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);
  - (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.
28. Transfers. Transfer of any leases or permits approved by this project is subject to the review and approval of the Planning Director for conformance with CMMLUO eligibility requirements, and agreement to permit terms and acknowledgments. The fee for required permit transfer review shall accompany the request. The request shall include the following information:
- (1) Identifying information for the new Owner(s) and management as required in an initial permit application;
  - (2) A written acknowledgment by the new Owner in accordance as required for the initial Permit application;
  - (3) The specific date on which the transfer is to occur; and
  - (4) Acknowledgement of full responsibility for complying with the existing Permit; and
  - (5) Execution of an Affidavit of Non-diversion of Medical Cannabis.
29. Inspections. The permit holder and subject property owner are to permit the County or representative(s) or designee(s) to make inspections at any reasonable time deemed necessary to assure that the activities being performed under the authority of this permit are in accordance with the terms and conditions prescribed herein.

#### **Informational Notes:**

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

The Native American Heritage Commission (NAHC) can provide information regarding the appropriate Tribal point(s) of contact for a specific area; the NAHC can be reached at 916-653-4082. Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, shellfish or faunal remains, and human burials. If human remains are found, California Health and Safety Code 7050.5 requires that the County Coroner be contacted immediately at 707-445-7242. If the Coroner determines the remains



to be Native American, the NAHC will then be contacted by the Coroner to determine appropriate treatment of the remains pursuant to PRC 5097.98. Violators shall be prosecuted in accordance with PRC Section 5097.99

**The applicant is ultimately responsible for ensuring compliance with this condition.**

2. The applicant is responsible for receiving all necessary permits and/or approvals from other state and local agencies.
3. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will provide a bill to the applicant after the decision. Any and all outstanding Planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
4. This permit approval shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"); except where construction under a valid building permit or use in reliance on the permit has commenced prior to such anniversary date. Once initiated, the use is subject to the Permit Duration and Renewal provisions set forth in Condition of Approval #26 of the On-Going Requirements /Development Restrictions, above. The period within which construction or use must be initially commenced may be extended as provided by Section 312-11.3 of the Humboldt County Code.

## EXHIBIT A. TO ATTACHMENT I

### BULLFROG MONITORING AND MANAGEMENT PLAN FOR CEQA-2017-0180-R1

#### GENERAL BULLFROG INFORMATION

The American bullfrog (*Lithobates catesbeianus* = *Rana catesbeiana*); hereafter bullfrog, is an invasive non-native species in California that poses a significant threat to California's native fish and wildlife resources. Bullfrogs were introduced in California over 100 years ago from eastern parts of the United States as a food supply, but have since caused substantial ecological consequences. Bullfrogs are considered highly invasive and are well documented to prey upon a variety of fish and wildlife species, including some that are rare, threatened, and endangered. Human modifications to the environment provide favorable condition to bullfrogs such as artificially created agricultural ponds, canals and ditches where warm still water occurs. As a result, bullfrogs have spread throughout California.

Efforts to control bullfrogs have been met with varying degrees of success because: 1) bullfrogs can be difficult to detect and go dormant from fall through winter, 2) bullfrogs often take cover in difficult areas to manage (e.g. dense vegetation), 3) they can travel long distances to colonize and re-colonize areas, 4) they have high reproductive output, 5) they are wary and readily flee perceived threats, and 6) they can survive physical trauma remarkably well. CDFW scientific staff recognizes there is an urgent and immediate need to develop improved bullfrog management strategies to protect California's diverse fish, wildlife, and plant resources, and the habitats upon which they depend, for their ecological values and for their use and enjoyment by the public. Public support and implementation of bullfrog control in California is an important conservation strategy that will help protect natural resources for future generations.

#### MONITORING

The Project reservoir(s) shall be monitored for bullfrog presence on an annual basis with a minimum of five total surveys, no less than two weeks apart, throughout the months of May-July

- All pond survey efforts must be made by a person knowledgeable in bullfrog identification (see Appendix A for reference photos);
- Survey efforts shall include listening for bullfrog calls and slowly walking the complete perimeter of the pond at night\* (dusk or later) while shining a flashlight to detect movement and eye-shine

If bullfrogs are not detected upon completion of five total surveys, or at any other time of the year incidentally, removal efforts are not required that year.

\*Day time monitoring can also be conducted to aid detection but is not required under this plan.

#### SUCCESS CRITERIA

The level of effort needed to successfully manage bullfrog populations varies with infestation levels. This plan shall be considered successful if sufficient effort is provided to prevent adult bullfrogs from reproducing in the reservoir(s) each year, and no bullfrog life-stages can be detected. Bullfrogs are capable of traveling long distances over-land, and on-going efforts will be required to ensure dispersing bullfrogs do not colonize the reservoir(s) at a future time.

## OPTIONS FOR MANAGEMENT

Two removal methods may be employed for controlling bullfrogs under this plan and include:

- Manual direct removal
- Reservoir de-watering (Hydro-modification)

Implementing both reservoir de-watering and manual direct removal is currently believed to be the most effective method of managing bullfrog infestations. For reservoirs that are heavily infested with juvenile bullfrogs and/or tadpoles, reservoir dewatering may be necessary to break the bullfrog's life cycle and prevent on-going reproduction. Prior to conducting reservoir dewatering activities, please coordinate with CDFW Environmental Scientist Kalyn Bocast by phone at (707) 441-2077 or via email at [kalyn.bocast@wildlife.ca.gov](mailto:kalyn.bocast@wildlife.ca.gov).

### Direct Removal

All direct removal efforts must be made by a person knowledgeable in bullfrog identification.

- Removal efforts must occur during, but are not be limited to the active/breeding season, occurring May – July;
- A minimum of **five** efforts throughout the season are considered necessary;
- Direct removal efforts are typically most effective when conducted at night with use of lights but can also be conducted during the day;
- Direct removal must include working the entire perimeter of the reservoir;
- A rubber raft or small boat may be necessary to successfully remove some individuals;
- A team of two individuals or more is often helpful, one person for shining lights and/or operating a boat and the other person to perform removal efforts;
- Bullfrog tadpoles must be removed and dispatched and must not be relocated or kept as pets.

### Management Authorization

Take of bullfrogs is specifically allowed in the California Code of Regulations (CCR), Title 14 (T-14) section 5.05(a)(28), under the authority of a sport fishing license. There is no daily bag limit, possession limit or hour restriction, but bullfrogs can only be taken by hand, hand-held dip net, hook and line, lights, spears, gigs, grabs, paddles, bow and arrow or fish tackle.

Alternatively, FGC Section 5501 allows CDFW, as limited by the commission, to issue a permit to destroy fish that are harmful to other wildlife. The regulations have addressed this under Section CCR T-14 226.5 Issuance of Permits to Destroy Harmful Species of Fish in Private Waters for Management Purposes. This allows the CDFW to issue free permits to destroy harmful aquatic species by seining and draining.

### **Pond Dewatering**

Pond dewatering may be appropriate if the reservoir can be successfully dewatered without adversely affecting stream resources. Careful planning and coordination with CDFW, is necessary to ensure potential impacts to stream resources can be addressed, prior to commencing with pond draining. Discharge of polluted water to waters of the state may require permitting from other agencies with permitting authority, such as the Regional Water Quality Control Board.

In general, bullfrog tadpoles require two years to develop into frogs, whereas native amphibians only require one year. Therefore, draining a reservoir every year is intended to interrupt bullfrog tadpole development, dramatically decrease bullfrog populations and allow for reduced efforts as a measure of adaptive management. Typically in Northern California, reservoir draining should occur in September through October to avoid impacts to sensitive native amphibian and fishery resources. While draining occurs, direct removal efforts should be employed as described above if possible.

### **REPORTING**

A written log shall be kept of monitoring and management efforts and shall be provided to CDFW **each year** by December 31. The written log shall include: 1) date and time of each monitoring and management effort, 2) approximate number of each bullfrog life stage detected and/or removed per effort, and 3) amount of time spent for each monitoring and management effort.

### **APPENDIX A. BULLFROG REFERENCE PHOTOS**



This is a photo of a Bullfrog tadpole. (Photo taken by Mike van Hattem).



The photos shown in this Appendix demonstrate a medium sized adult bullfrog that was removed from Ten Mile Creek, Mendocino County. Note the bullfrog has a large tympanum, (circular ear drum shown with an arrow) and **does not** have distinct ridges along its back (dorsolateral folds). Photo taken by Wes Stokes.



The bullfrog has somewhat distinct mottling and the underside of the bullfrogs hind legs are not shaded pink or red.





## EXHIBIT B- ATTACHMENT 1

DEPARTMENT OF PUBLIC WORKS

# COUNTY OF HUMBOLDT

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



ARCATA-EUREKA AIRPORT TERMINAL  
McKINLEYVILLE  
FAX 839-3596

AVIATION 839-5401

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

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

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

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

LAND USE 445-7205

### LAND USE DIVISION INTEROFFICE MEMORANDUM

TO: Steve Werner, Supervising Planner, Planning & Building Department

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

DATE: 07/27/2017

RE: **HUMBOLDT'S LEGACY FARMS, APN 223-261-004, CUP16-399, APPS# 11817**

*Requested  
8/1 RY*



The Department of Public Works reviews projects for issues relating to the adequacy of the roadway network to accommodate the proposed use; issues relating to encroachments (such as driveways and private roads) onto County maintained roads; ensuring that any outstanding violations relating to County Encroachment Permit Ordinance and Visibility Ordinance have been addressed; identifying any necessary frontage improvements that are required along County maintained roads; impacts of projects on nearby airports; ensuring that deferred subdivision improvements, if any, are completed; and identifying impacts of the proposed project to adjacent County owned properties or facilities.

The Department's review of this project is limited to what is shown on the submitted plot plan and accompanying materials.

**ROADS:** The Department has not conducted a field investigation of the roadway(s) serving the subject property. The roadway(s) serving the subject property may or may not meet road category 4 standards. The road(s) may or may not have capacity to accommodate the proposed use. Prior to the project being presented to the Planning Commission (or Zoning Administrator) for approval, the applicant shall submit a Road Evaluation Report pursuant to County Code Section 313-55.4.11(u)(viii) "description of increased road use resulting from processing and a plan to minimize that impact". The Department has developed the attached Road Evaluation Report forms that are to be used.

See the attached diagram of the road(s) that need to be evaluated. The Department has used its best judgement to determine the offsite road(s) that would most likely be used for the project. If this is not the correct route that would be used, please contact the Department for clarification before preparing the *Road Evaluation Report*.

In general, road(s) must meet Category 4 road standards in being at least 20 feet in width when 2-way traffic is expected. In addition, a 4 foot wide shoulder is necessary when pedestrians are expected. However, 2-way traffic on a single lane road (Category 2 road) may be appropriate when a road serves only the cannabis operation and when no other parcels of land use the road for access.



Access roads not meeting the above standards must be improved to those standards, unless otherwise approved by the Department.

In lieu of constructing road improvements to meet a category 4 road standard, the Department may approve a *Neighborhood Traffic Management Plan*. The Department's criteria for approving a *Neighborhood Traffic Management Plan* is based upon site specific conditions; sound engineering judgment; the proposed ADT and DHV of the roads; the need to accommodate other road users (pedestrians, bicycles, equestrians, etc); and the frequency and quantity of traffic associated with the proposed use. The applicant's Civil Engineer can address this in Part B of the *Road Evaluation Report*.

**The Department recommends that the Road Evaluation Report be submitted to the County prior to the project being presented to the Planning Commission for approval.**

The subject property is located within the State Responsibility Area.

The intersection of the existing access road, Main Drive / Sawmill Road, and the County road, Alderpoint Road, does not meet County standards. Prior to commencing operations, the access road encroachment shall be improved to meet the County visibility ordinance and encroachment permit ordinance standards. This requires that the access road encroachment be paved for a minimum width of 20 feet and a length of 50 feet. [References: County Code Sections 341-1, 411-51]

Prior to constructing improvements within a County maintained road right of way, the applicant shall apply for and obtain an encroachment permit from the Department of Public Works. [Reference: County Code 411-11(a)(b)]

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

**DRIVEWAYS:** The driveway within the subject property has not been reviewed by the Department for conformance with Fire Safe Regulations (County Code Section 3112-12). This is an on-site issue that is to be reviewed by the Building Division or the Planning and Building Department.

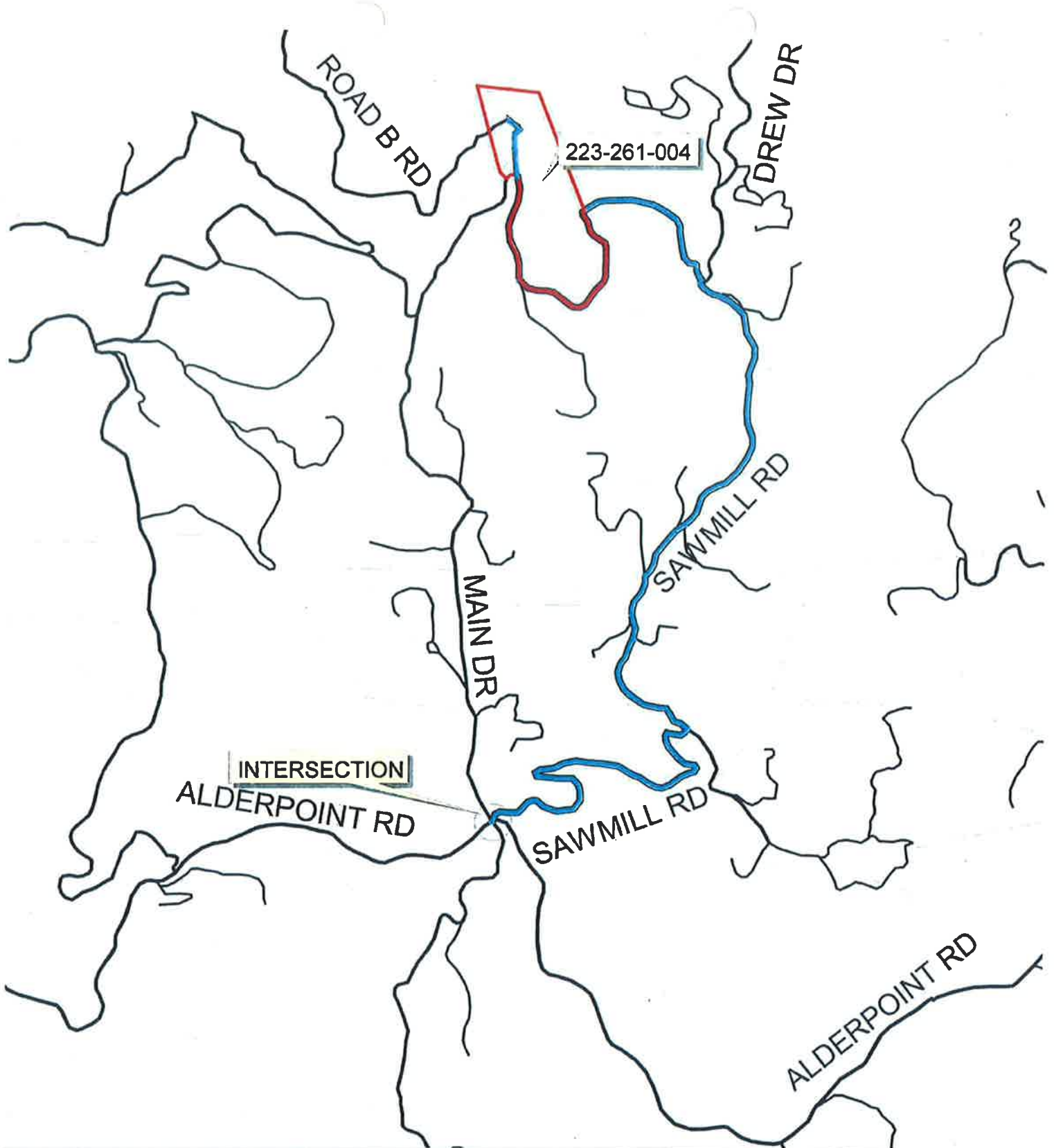
Rec'd 10/20/17 JC

**AIRPORT:** The subject property is not located near a public airport.

**DEFERRED SUBDIVISION IMPROVEMENTS:** The subject property does not have any deferred subdivision improvements that have not been fulfilled.

**ADJACENT COUNTY OWNED PROPERTY OR FACILITIES:** The proposed project does not have any impact on any adjacent county owned property or facilities.

// END //



500 0 500 1000 Feet

RF -- 1:12000

**Map Disclaimer:**

While every effort has been made to assure the accuracy of this information, it should be understood that it does not have the force and effect of law or regulation. Should any difference or error occur, the law will take precedence.

Copyright © 2017 Humboldt Legacy Farms 11817  
 CUP 16-377 Humboldt Legacy Farms 11817

November 2, 2017  
 Printed December 2, 2017, at HWK372



Indicates the project area

Indicates the access road(s) that need to be evaluated

## Humboldt County Department of Public Works - Land Use Division Diagram of road(s) that need to be evaluated

Planning & Building Department File/Case No.: \_\_\_\_\_

HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS  
ROAD EVALUATION REPORT

**PART A:** *Part A may be completed by the applicant*

Applicant Name: Humboldt Legacy Farms

APN: 223-261-004

Planning & Building Department Case/File No.: CUP16-399 / APP# 11817

Road Name: Main Dr (complete a separate form for each road)

From Road (Cross street): Alderpoint

To Road (Cross street): \_\_\_\_\_

Length of road segment: 1.25 miles Date Inspected: 8/19/2017

Road is maintained by: ☐ County ☒ Other Private

(State, Forest Service, National Park, State Park, BLM, Private, Tribal, etc)

Check one of the following:

Box 1 ☐ The entire road segment is developed to Category 4 road standards (20 feet wide) or better. If checked, then the road is adequate for the proposed use without further review by the applicant.

Box 2 ☒ The entire road segment is developed to the equivalent of a road category 4 standard. If checked, then the road is adequate for the proposed use without further review by the applicant.

*An equivalent road category 4 standard is defined as a roadway that is generally 20 feet in width, but has pinch points which narrow the road. Pinch points include, but are not limited to, one-lane bridges, trees, large rock outcroppings, culverts, etc. Pinch points must provide visibility where a driver can see oncoming vehicles through the pinch point which allows the oncoming vehicle to stop and wait in a 20 foot wide section of the road for the other vehicle to pass.*

Box 3 ☐ The entire road segment is not developed to the equivalent of road category 4 or better. The road may or may not be able to accommodate the proposed use and further evaluation is necessary. Part B is to be completed by a Civil Engineer licensed by the State of California.

The statements in PART A are true and correct and have been made by me after personally inspecting and measuring the road.

Signature

James Alec Marcum

Name Printed

Date

8/19/17

Important: Read the instructions before using this form. If you have questions, please call the Dept. of Public Works Land Use Division at 707-245-7205.

## ATTACHMENT 2

### Staff Analysis of the Evidence Supporting the Required Findings

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

The County Zoning Ordinance, Section 312-17.1 of the Humboldt County Code (Required Findings for All Discretionary Permits) specifies the findings that are required to grant a Conditional Use Permit:

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

**1. General Plan Consistency.** The following table identifies the evidence which supports finding that the proposed action is in conformance with all applicable policies and standards in the Humboldt County General Plan 2040.

<b>Relevant Plan Section(s)</b>	<b>Summary of Applicable Goal, Policy or Standard</b>	<b>Evidence Which Supports Making the General Plan Conformance Finding</b>
Land Use Element, Chapter 3 (GP)	Find that cumulative impacts for surface water withdrawal and septic system have been addressed	The subject parcel is 20.6 acres and contains one existing dwelling unit, two guesthouses, and one storage shed. The County Division of Environmental Health has reviewed the project, and a condition of approval has been incorporated indicating that if processing activities require additional staffing, then an additional system may have to be added or the existing system expanded. Any expansion of service or additional waste systems will have to meet the County's sewage disposal requirements.
-Rural Lands, Section 4.4 (located outside of Community Plan Areas)	Remote, steep and high natural hazards areas. The Agricultural Lands designation is utilized to classify land where resource production allows intensive management opportunities, recreational uses, single family residences and cottage industries.	
-Agricultural Resources, Section 4.5	Density Range: One (1) dwelling unit per 160 acres to one (1) dwelling unit/ per 20 acres.	Agriculture is a primary use in this land designation. The MMRSA, Health and Safety Code section 11362.777(a) provides that medical cannabis is an agricultural product, subject to extensive state and local regulation.  The subject parcel is zoned AL. The proposed action would permit an existing agricultural use. The subject parcel is 20.6 acres and contains one existing dwelling unit, two guesthouses, and one storage shed.
Housing Element, Chapter 8 (GP)	Housing shall be developed in conformity with the goals and policies of the Humboldt County Housing Element.	No new housing is proposed. No subdivision is proposed.

Safety Element, Chapter 14 (GP)	New development shall minimize risk to life and property in areas of high geologic, flood and fire hazards.	The subject parcel is in an area shown as high slope instability and very high fire hazard severity; however, the proposed action would permit an existing activity that does not propose any substantial new development. The site is located in the Garberville Fire PDAA. All structures are set back at least 30 feet from the property lines.
-Geologic and seismic Hazards		
-Fire Hazards		

-Development within Flood Plain	Findings must show that the proposed project conforms to applicable flood plain standards and regulations	<p>The cultivation areas is located on sites within the property that are relatively flat, with 15 percent to 30 percent slopes. The property as whole is located on hilly terrain, with slopes ranging from below 15 percent up to 50 percent. The potential for mudslide or landslide is considered low.</p> <p>One quaternary fault is located within a mile of the site: The Garberville Briceland Fault Zone. The site is not located within the Alquist Priolo Fault Hazard Zone. There is a possibility of seismic activity, but the possibility of seismic damage from fault rupture is considered low.</p> <p>The Building Inspection Department has recommended approval of the project.</p> <p>The site does not fall within a 100-year or 500-year flood zone.</p> <p>The property is not subject to inundation from tsunami or an upstream dam.</p>
<p>Conservation and Open Space Element, Chapter 10 (GP)</p> <p>-Biological Resources, Section 10.3</p> <p>-Development within Streamside Management Areas</p>	<p>Biological Resource Maps shall be incorporated into the project review process in order to identify sensitive habitat concerns.</p> <p>Evidence and findings are to be made to show that the land use is consistent with BR-S7, Development within Streamside</p>	<p>The Biological Resource mappings of the General Plan do not identify any sensitive or critical habitat areas on the subject parcel. The CDFW has identified the potential for the project to affect multiple sensitive aquatic species through the unintended rearing of bullfrogs in the existing pond used for irrigation water storage. The Applicant will submit a bullfrog management plan to CDFW and implement this plan as a Condition of Approval.</p> <p>The 20.6-acre parcel has no watercourses on the property; the nearest watercourse is an unnamed</p>



<p>Water Resources Element, Chapter 11 (GP)</p> <p>-Development with new Surface Water Diversions</p>	<p>Management areas. Where necessary, the width of the Streamside Management Area (SMA) may be expanded to include areas of significant riparian vegetation up to 200 feet. Development allowed instream channels includes agricultural diversions and wells.</p> <p>Evidence and Findings must show that the project is conditioned to install water storage</p>	<p>tributary to Dean Creek, a Class II watercourse, which occurs on the adjacent property. The cannabis cultivation areas in this project are 200 feet from this watercourse and are thus located beyond the 100-foot setback requirement for Class II watercourses.</p> <p>Domestic water use is currently supplied by two water diversions associated with the Class II watercourse on the adjacent property; this project's property has a deeded right to 1,000 gallons per day from the water source on the adjacent property. The Applicant has filed registration for small domestic use with the State Water Resources Control Board (WRCB). The Applicant also has a current Lake and Streambed Alteration Agreement (LSAA 1600) for the water diversions with CDFW pursuant to Fish and Game Code 1600. The LSAA 1600 permit governing the diversions states that the maximum instantaneous diversion rate from the water intake shall not exceed 5 gallons per minute or 10% of the total flow at any time, and the maximum diversion between May 15 and October 15 of each year shall not exceed 250 gallons per day from point of diversion #1 and 100 gallons per day from point of diversion #2. The Applicant will use water meters to verify that these thresholds are not exceeded and to follow best practices for water conservation and management. There is 25,000 gallons of storage in tanks and 800,000 gallons of storage in the onsite pond.</p> <p>The Project site falls within Tier 2 of the NCRWQCB's Order No. 2015-0023 (Order), which requires preparation of a WRPP to protect water quality from cannabis cultivation and related</p>
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		<p>activities. The applicant retained Timberland Resource Consultants for the preparation of a Water Resource Protection Plan (WRPP). The WRPP has been prepared to describe and address the required elements and compliance with the 12 Standard Conditions established by the Order. The WRPP identified one area where the Project site does not meet all 12 Standard Conditions and set a schedule prioritizing corrective actions to reach full compliance with the Order. In particular, the WRPP has identified soil spoils storage and disposal on the site to require remediation, and compliance with the remediation plan is a Condition of Approval.</p> <p>Water for the outdoor cultivation areas is sourced primarily from the permitted diversions on adjacent property, with an unmeasured additional amount being provided by rainwater runoff into the pond. The Applicant's estimated usage from April to October is approximately 54,500 gallons. As a condition of approval, the applicant must provide further documentation and evidence regarding water usage and storage. If necessary, the applicant is required to provide an updated LSAA and WRPP to reflect the new size of cultivation (12,910 sf versus 5,410 sf stated in LSAA and WRPP).</p>
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<p>Conservation and Open Space Element, Chapter 10.3 (GP)</p> <p>-Cultural Resources, Section 10.6</p>	<p>New development shall protect cultural, archeological and paleontological resources. Present findings to show that consultation with Native American Tribes and consultation, as appropriate, with other historic preservation agencies and organizations has occurred</p>	<p>The project was referred to the Northwest Information Center (NWIC) and the Bear River Band of the Rohnerville Rancheria. The Bear River Band of the Rohnerville Rancheria indicated that the project was not in an area sensitive for cultural resources and did not recommend a Cultural Resource Investigation. The THPO of the Bear River Band of the Rohnerville Rancheria did request the inclusion of the standard inadvertent discovery condition. This requirement has been added to the conditions of approval to this permit.</p>
<p>Land Use Element, Chapter 4 (GP)</p> <p>-Rural Lands, Section 4.4</p> <p>-Sewage Disposal,</p>	<p>To ensure a safe means for waste disposal and protect the County's water resources for the public's health and safety, evidence and findings must be included indicating that cumulative impacts for surface water withdrawal and septic system have been addressed</p> <p>Policy: Septic systems shall not be permitted where the slope exceeds 30% or within 50 feet from an unstable land form. Policy: Sewage disposal systems placed on an existing lot must meet all of the requirements of the Humboldt County Department of Public Health and the North Coast Regional Water Quality Control Board (NCRWQCB). Policy: Regulate development that would pollute watershed areas.</p>	<p>The applicant has stated the structures on the property are served by permitted on site waste disposal systems. A condition of approval has been included that requires the applicant within 1 year of the effective date of this permit to demonstrate on-site sewage disposal system feasibility to the satisfaction of the Humboldt County Division of Environmental Health; including verification of the stated three permitted on site waste disposal systems. Prior to occupancy of the planned processing facility the on-site sewage disposal system shall be installed to the satisfaction of the Humboldt County Division of Environmental Health.</p> <p>The County's Division of Environmental Health recommends conditional approval for the septic service, as long as processing activities are conducted by the residents of the onsite dwelling and guest houses. If processing activities require additional staffing, then an additional system may have to be added or the existing system expanded. Any expansion of service or additional waste systems will have to meet the County's sewage disposal requirements.</p>

<p>Noise Element, Chapter 13 (GP)</p> <p>-Noise</p>	<p>Evidence and findings must be included to show that the proposed project conforms to the General Plan 2040 Land Use/Noise Compatibility Matrix</p>	<p>Onsite solar power provides the primary source of energy for the property, with a 6kw Generac liquid propane generator provides additional power, if needed. The generator is rated by the manufacturer at maximum 52 dB, and at standard calculation the noise generated will be less than 50 dB at either the nearest forest canopy or at the property line. However, little evidence has been provided regarding the generator, and as a condition of approval, the applicant must have a qualified professional demonstrate that the generator conforms to the specified standards of the Land Use/Noise Compatibility Matrix. As a condition of approval, the applicant is required so submit a noise pollution plan.</p>
<p>Circulation Element, Chapter 7 (GP)</p> <p>-Transportation Impacts in Discretionary Projects</p>	<p>In order to develop, operate, and maintain a well-coordinated, balanced, circulation system that is safe, efficient and provides good access to all cities, communities, neighborhoods, recreational facilities and adjoining areas, evidence and findings must be included to show that impacts to existing and proposed transportation facilities and services, including bicycle, pedestrian and public transit, have been analyzed and significant operational , environmental, economic, and health-related consequences have been minimized or avoided.</p>	<p>Access to the site is off Main Drive/Sawmill Road, which connects with Alderpoint Road.</p> <p>The department of Public Works has recommended conditional approval, based on the applicant self-certifying that the entire access road is developed to the equivalent of a road category 4 standard, defined as a roadway that is generally 20 feet in width, but has pinch points which narrow the road. The project has been conditioned on improving the intersection of the access road, Main Drive/Sawmill Road, and the County Road, Alderpoint Road, to meet County Road standards for visibility and improvement. An encroachment permit must be secured by the Applicant for these improvements These are incorporated into the Conditions of Approval for this use permit.</p> <p>The applicant will develop six on-site parking spaces, include them in the plot plan, and develop the spaces as part of the building permit as a Condition of Approval.</p>

**2. The proposed development is consistent with the purposes of the existing zone in which the site is located; and 3. The proposed development conforms with all applicable standards and requirements of these regulations.** The following table identifies the evidence which supports finding that the proposed development is in conformance with all applicable policies and standards in the Humboldt County Zoning Regulations.

<b>Zoning Section</b>	<b>Summary of Applicable Requirement</b>	<b>Evidence</b>
§314-7.1 Agricultural Exclusive (AE) §314-55.4.8.2 §314-55.4.8.2.2	All general agricultural uses, including accessory agricultural uses and listed structures are compatible. In all zones consisting of timberland, cultivation shall be permitted in a 3-acre conversion exemption area or in non-timberland open area. Permits for existing outdoor cultivation in zoning districts including AE may be issued only when possible to bring them into compliance with all applicable standards. The total cultivation area shall not exceed 1 acre for outdoor cultivation.	The subject parcel is zoned AE. The proposed action would permit an outdoor commercial cannabis cultivation in existence prior to January 1, 2016. The applicant has indicated the existing cultivation area totals 12,910 sf (0.296 acre), as verified by imagery dated 11-4-2015. The Applicant will be required to show evidence of a prior 3-acre conversion exemption from CAL-FIRE or retain a Registered Professional Forester (RPF) to prepare a report identifying any remedial actions necessary to bring the conversion into compliance with the Forest Practice Rules as a Condition of Approval. Any recommendations prepared by the RPF will be subject to review and approval by CAL-FIRE.
Minimum Lot Area:	20 acres	The subject parcel is approximately 20.6 acres.
Max. Lot Coverage:	35%	The project will cover less than 15% of the lot.
Min. Yard Setbacks	Front: 30 feet Rear: 20 feet Side: 20 feet	According to the submitted Plot Plan, the minimum setbacks for all cultivation areas are as follows:  Front: >30 feet Rear: >30 feet Side: >30 feet
Max. Building Height:	None specified	N/A
§314-109.1.3.3: Off-Street Parking:	None specified	The project will have six on-site parking spaces to accommodate peak use.

Zoning Section	Summary of Applicable Requirement	Evidence
<b>314-55.4 Commercial Cultivation, Processing, Manufacturing and Distribution of Cannabis for Medical Use Inland Land Use Regulation (CMMLUO)</b>		
§314-55.4.8.2.2 Existing Outdoor Cultivation and Mixed Light Areas	A Zoning Clearance Certificate, Special Permit or Use Permit may be issued for outdoor or mixed-light commercial cannabis cultivation for some or all of the cultivation area in existence prior to January 1, 2016, in [...] zoning district AE (no parcel size limitation) only when possible to bring them into compliance with all applicable standards set forth in this section and to eliminate existing violations as specified in this ordinance. No expansion of the existing cultivation area shall be permitted. The total cultivation area allowed on a single parcel shall not exceed one acre for outdoor cultivation.	The proposed action will permit an existing outdoor cannabis cultivation of 12,910 square feet, as stated by the applicant, on a parcel zoned AE. No expansion of the cultivation area is proposed. Temporary greenhouses would be assembled and disassembled annually in existing cultivation areas.
§314-55.4.8.10 Permit Limit	No more than four commercial cannabis activity permits may be issued to a single person.	According to records maintained by the Department, the applicant holds no other cannabis activity permits, and is entitled to four.
314-55.4.9.4 Pre-Application Registration	All operators of existing cultivation sites seeking recognition of cultivation activities that occurred on or before January 1, 2016, for purposes of obtaining a Zoning Clearance Certificate or discretionary permit for ongoing commercial cannabis cultivation for medical use pursuant to the CMMLUO shall register with the County of Humboldt Department of Planning & Building within 180 days of the effective date of this ordinance.	The applicant submitted the required registration form.
§314-55.4.10 Application Requirements	Identifies the Information Required for All Applications	All the required information was received.



<b>Zoning Section</b>	<b>Summary of Applicable Requirement</b>	<b>Evidence</b>
§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.
§314-55.4.17 Sunset Date	No application for any Use Permit pursuant to the CMMLUO shall be processed for issuance or approval that is received after December 31, 2016.	The County acknowledges that the applicant met the appropriate deadline requirements.

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

<b>Code Section</b>	<b>Summary of Applicable Requirement</b>	<b>Evidence that Supports the Required Finding</b>
§312-17.1.4 Permit Findings	The proposed development will not be detrimental to the public health, safety and welfare, and will not be materially injurious to properties or improvements in the vicinity.	The proposed action would permit an existing outdoor cannabis cultivation operation on a fully fenced parcel with an adequate security plan. Permitting the operation would not result in any change to existing conditions that would be detrimental to the public health, safety, and welfare.

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

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

**6. Environmental Impact:**

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

The project has been determined to be exempt from CEQA pursuant to Section 15301 - Existing Facilities of the Guidelines for the Implementation of CEQA. Section 15301 exempts from environmental review the permitting of existing facilities involving negligible or no expansion of an existing use. The proposed action would permit an existing commercial medicinal cannabis cultivation and on-site processing operation with no expansion of the existing use.

## ATTACHMENT 3

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

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

1. The name, contact address and phone number(s) of the applicant. (Application form on file)
2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. (On file)
3. Site plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including: access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within ¼ mile (1,320 feet) of a school, school bus stop, church or other place of religious worship, public park, or Tribal Cultural Resource, the site plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 600 feet. (Attached)
4. A cultivation and operations plan that meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; and proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel, and a description of cultivation activities (outdoor, indoor, mixed light), the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. (Attachment 3)
5. Copy of the statement of water diversion, or other permit, license or registration filed with the State Water Resources Control Board (WRCB), Division of Water Rights, if applicable. (On-file)
6. Description of water source, storage, irrigation plan, and projected water usage. (On file)
7. Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the NCRWQCB demonstrating enrollment in Tier 1, 2 or 3, NCRWQCB Order No. 2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (Attachment 3)
8. If any on-site or off-site component of the cultivation facility, including access roads, water supply, grading or terracing impacts the bed or bank of any stream or other watercourse, a copy of the Streambed Alteration Permit obtained from the Department of Fish & Wildlife. (On File)
9. If the source of water is a well, a copy of the County well permit, if available. (Not applicable)
10. If the parcel is zoned FR, U, or TPZ, or involves the conversion of timberland as defined under section 4526 of the Public Resources Code, a copy of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (CAL-FIRE). Alternately, for existing operations occupying sites created through prior unauthorized conversion of timberland, evidence may be provided showing that the landowner has completed a

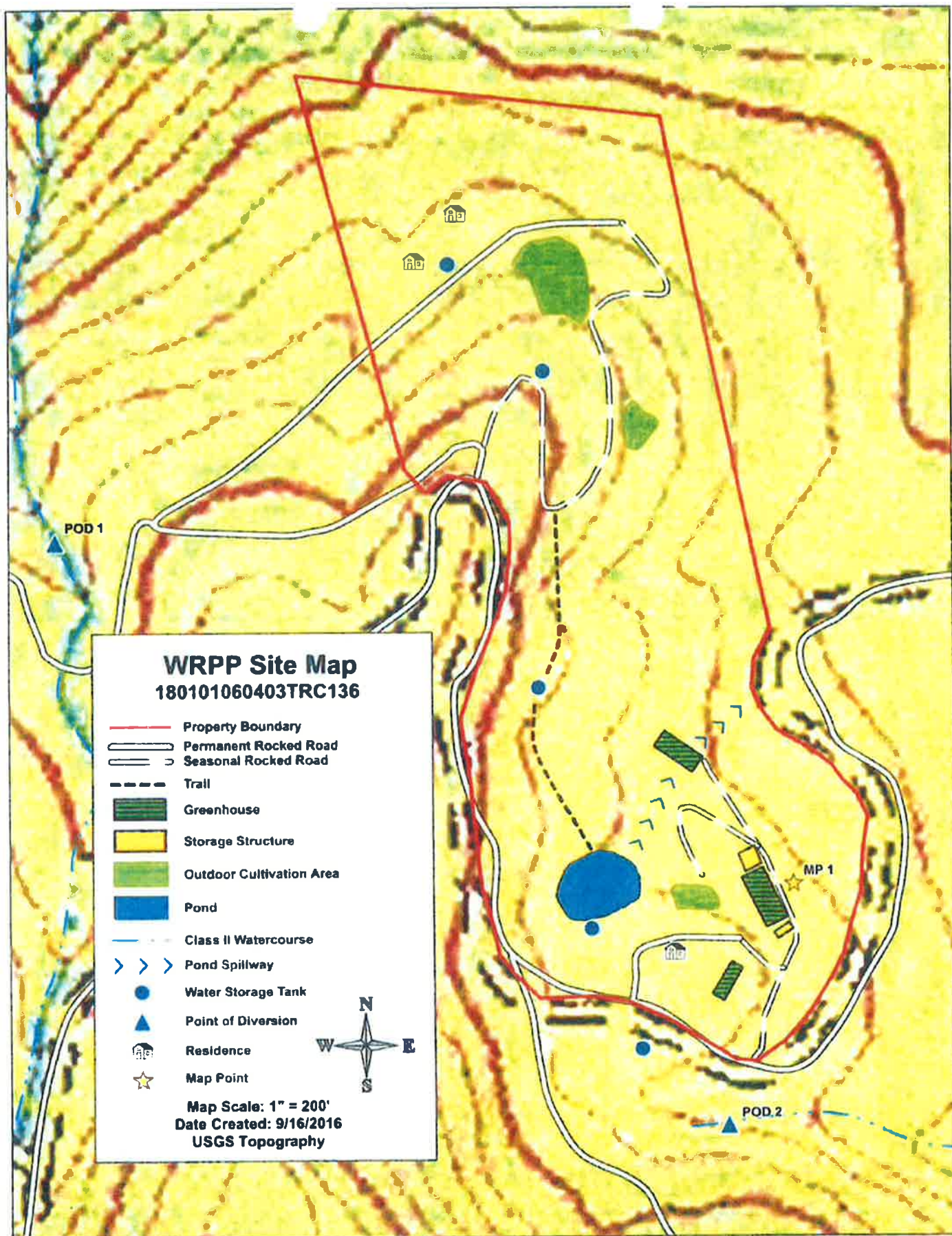
civil or criminal process and/or entered into a negotiated settlement with CAL-FIRE.  
(Condition of Approval)

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











**Identified Sites Requiring Remediation (See Standard Conditions Assessment)**

Unique Map Point(s)	Map Point Description	Associated Standard Condition	Temporary BMP	Permanent BMP	Priority for Action	Time Schedule for completion of Permanent BMP	Completion Date
Map Point 1	Soil spoils have been improperly stored/disposed of at this location	A 4 b	N/A	It is recommended that the spoils be moved to an area that has a flat surface and be sufficiently contained. A tarp should be placed over any spoils prior to the winter period. BMP 76	2	11/15/16	

Treat Priority Treatment Priority (1) indicates a very high priority with treatment being planned to occur immediately. (2) indicates a high priority site with treatment to occur prior to the start of the winter period (Nov 15). (3) indicates a moderate priority with treatment being planned to occur within one year, or prior to the winter period (Nov 15) of the 2<sup>nd</sup> season of operations, and (4) indicates a low priority with treatment being planned to occur in the shortest time possible, but no later than the expiration of this Order (five years).

## **Cultivation Plan**

### **Parcel # 223 261 004**

The following plan describes the general operations for managing a 12,910 sq ft outdoor cultivation site.

#### **1. Water Use**

The amount of water used for the cultivation of cannabis will vary throughout the year, from 100 gallons a week up to 400 gallons a day during peak summer periods. Details of the grower's cultivation and water usage is outlined below.

Water is collected during the forbearance period. All water used for cannabis cultivation is sourced from an offsite streambed diversion to an onsite pond of approximately 800,000 gallons.

Gravity powers waterflow from the diversion to the onsite pond. During the season, water is then solar pumped to more direct irrigation tanks.

Irrigation starts at once a week then increases to daily during the summer. Redwood mulch and bark are used around plants to improve water retention. Careful one hour timed irrigation, with immediate oversight, is also used to reduce the possibility of irrigation runoff.

The following provides an estimate of monthly irrigation use in gallons:

##### **1.a. Water USE by month**

Jan	Feb	Mar	Apr	May	June
0	400	800	1,200	4,000	6,000

July	Aug	Sept	Oct	Nov	Dec
12,000	12,000	12,000	6,000	0	0

#### **2. Watershed Protection**

To protect nearby watershed areas and nearby habitat the site is managed to meet standard conditions and follow best practices in accordance with guidelines provided by the North Coast Regional Water Quality Control Board (NCRWQCB). These practices address erosion control

and drainage features, spoils management, water storage and use, irrigation runoff, fertilizers and pesticides, and stream and wetland buffers when applicable.

The most active steps for this site include:

- Application of redwood mulch on exposed soils to prevent runoff minimize erosion
- Usage of native vegetative ground cover and gravel for added sediment control

The parcel has no onsite watercourses. The cannabis cultivation occurs more than 200 feet from the nearest waterway, an offsite class II watercourse, pursuant to the NCRWQCB specifications.

There are two 1600 Stream Alteration permits filed with the California Department of Fish and Wildlife (CDFW). Both points of diversion exist offsite. All rainwater flow, points of diversion, and pond use meet the regulations and requirements set by the CDFW.

The grower, designated as the "Discharger", is enrolled in the NCRWQCB Waiver of Waste Discharge as a Tier II Discharger. The cultivation site includes a Water Resource Protection Plan (WRPP) for the property. A copy of the WRPP is kept onsite for any official inspections.

### **3. Power Source**

The site is powered by two solar systems, one with an 1,800 watt array and the other with a 2,000 watt array. A 6kw Generac liquid propane generator provides additional power, if needed. Estimated power usage is from 6kWh-36kWh per day depending on need for ventilation and farming equipment. The generator is rated by the manufacturer at maximum 52dB or lower, meeting perimeter noise restrictions required by environmental regulations.

### **4. Site Structures**

There are three residences, a main house and two guesthouses, along with a barn used for trimming and drying product, and sheds are used for tools, fuel, refuse, and amendments storage. During the season, the cultivation areas include up to six greenhouses.

A new building is being designed to provide a commercial work area and temporary staff housing in 2018 for up to six workers, as needed.

### **5. Materials Storage**

Currently there are no chemical pesticides or herbicides utilized in any onsite cultivation. Natural fertilizers include:

- AG 420 isoap
- Tappin Roots Solid Bloom

- Botanicare Pure Blend
- Guano Co. Bud Swell

Currently there are no chemical pesticides used. The primary pesticide applied to control mites and powdery mildew is:

- AG 420 Bamboo Silica

These items are accepted under Legal Pest Management Practices for Marijuana Growers in California.

Appropriate Material Safety Data Sheets (MSDS) are kept onsite as a component of the cultivator's WRPP. A dedicated locked and secure steel container is used for the storage of all amendments, as well as fuels.

The site's backup generator is properly kept on a dedicated slab to prevent leaching. Fuel is stored in standard polyethylene containers in the solar shed and placed on a liner for containment. Spill kits are stored alongside to provide safe and quick clean-up if any spillage occurs.

## 6. Waste Management

All plant waste saved for reuse is stored in a covered area. Unusable plant waste is burned after harvest is completed. Other solid waste, as well as recyclables, are stored in a secure container, then transported weekly to Eel River Disposal & Resource Recovery facility in Redway.

Materials intended for onsite reuse are stored in a clean and secure manner.

## 7. Cultivation Activities

<b>Jan-Feb</b>	<ul style="list-style-type: none"><li><input type="checkbox"/> Ensure complete off-season water storage</li><li><input type="checkbox"/> Submit NCRWQCB enrollment report and fee</li><li><input type="checkbox"/> Install and repair any infrastructure and systems necessary</li><li><input type="checkbox"/> Perform initial site inspection</li><li><input type="checkbox"/> Start seed planting</li></ul>
<b>Mar-Apr</b>	<ul style="list-style-type: none"><li><input type="checkbox"/> Submit soil samples for testing</li><li><input type="checkbox"/> Purchase amendments for soil preparation based on test results</li><li><input type="checkbox"/> Conduct and record inventory of amendments and verify proper storage</li><li><input type="checkbox"/> Setup greenhouses</li><li><input type="checkbox"/> Conduct quarterly site inspection and make repairs as needed</li></ul>

	<input type="checkbox"/> Check water meters and begin to record monthly usage
<b>May-Jun</b>	<input type="checkbox"/> Begin tilling amendments to cultivate soils <input type="checkbox"/> Transplant to raised soil bed (May: Crop #1) <input type="checkbox"/> Begin daily plant inspections <input type="checkbox"/> Add nutrients as needed
<b>Jul-Aug</b>	<input type="checkbox"/> Harvest outdoor cultivation (Aug: Crop #1) <input type="checkbox"/> Dry plants in shop with dehumidifiers and fans <input type="checkbox"/> Complete trimming, curing, and storage <input type="checkbox"/> Transplant clones to hoophouse areas (Aug: Crop #2) <input type="checkbox"/> Top and prune plants
<b>Sep-Oct</b>	<input type="checkbox"/> Harvest cultivation (Oct: Crop #2) <input type="checkbox"/> Dry plants in shop with dehumidifiers and fans <input type="checkbox"/> Complete trimming, curing, and storage <input type="checkbox"/> Burn plant waste following harvest

## 8. Soil Management

Lab testing for soil with prescription for soil amendments begin the cultivation activities. Based on the test results, develop the prescription of amendments. Cover cropping from the fall and begin tilling amendments into the soil in May as needed. At the same time, fertilize in small doses as needed throughout the grow cycle. No fertilizers are to be used in final weeks of harvest to allow for clean crops.

## 9. Cultivation Cycles

There are two outdoor cultivation grow cycles. Clones are placed in hoophouses in April and again in August. Harvests take place in August and then in mid-October.

## 10. Plant Management

During the cultivation cycles, plants are inspected every day. Irrigation is monitored and adjusted based on impact of environmental factors, mainly heat and participation. Plants are pruned and topped until ready for harvest.

## 11. Processing Practices

After being harvested, the cannabis is taken into the barn where it will be dried, machine trimmed, cured and stored. All work surfaces and equipment are maintained in clean, sanitary



conditions. Protocols are strictly followed to prevent the spread of mold and fungus. The final cannabis product is then stored in a secure location.

## **12. Staffing**

The site is a family farm currently not hiring part-time or full-time employees. Harvesting and processing is done with the support of family members and those within the cultivator's medical collective. Once conversion from a collective to a commercial operation is completed, temporary staffing will be considered.

## **13. Security Measures**

The road accessing the property and areas within the site are restricted by locked gates. Gates are of heavy steel construction with a 5/16" hardened steel shackle combination lock. The main entrance is secured by an electronic keypad and code. There are also motion sensor lights.

A cedar fence helps protect the perimeter on the south side of the parcel. There is 24/7 presence onsite throughout the cultivation cycle. Guard dogs also provide onsite protection against human intruders and invasive wildlife.

## ATTACHMENT 4

### Referral Agency Comments and Recommendations

Referral Agency	Response	Recommendation	On File
County Building Inspection Division	✓	Conditional Approval	✓
County Public Works, Land Use Division	✓	Conditional Approval	✓
County Division of Environmental Health	✓	Conditional approval	✓
NWIC	✓	Provided Comments	✓
Department of Fish and Wildlife	✓	Provided Comments	✓
Regional Water Quality Control Board		None received	
Division of Water Resources		None received	
CALFIRE	✓	Standard input letter	✓
Bear River Band of the Rohnerville Rancheria	✓	No Archeology study required, condition with inadvertent discovery protocols	✓
Southern Humboldt School District		None received	
US Air Force		None received	
US Navy		None received	
US Army		None received	
US Marine Corps		None received	
Agriculture Commissioner		None received	
Sheriff		None received	
Humboldt County District Attorney		None received	

## **ATTACHMENT 5**

### **Public Comments**

1. Telecommunications from two individuals who oppose the project.

Per November 2, 2017 phone conversation at 2:55 pm with John Roark who states he is a disabled veteran and unable to attend this meeting.

Re: Humboldt's Legacy Farms, Garberville area; Application No. 11817 (filed December 14, 2016); Case Number CUP16-399; APN: 223-261-004

John Franklin Roark III (formerly Adkins)  
PO Box 1764, Redway, CA 95560  
1401 Skyway or Sawmill Road 223-291-003-000  
223-1050

Point of Diversion (POD) spring water source is located on John's parcel (he is original owner of water rights) and six other parcels have deeded rights with waterline easements. Deeds allow 1 gal/ min up to 1500 gal/day for household only. He doesn't agree with diversion of spring to pond for irrigation b/c for household use only, not irrigation. Seven parcels/families (approx. 45 people) share this spring. He believes PGE electricity is only located at POD on water line easement and gravity flow distribution system used to transport water to respective parcels and tanks. As a result, he believes applicant. Illegal taking PGE power from pump station to house. Wants applicant to fairly participate in system and not take more than his fair share

Caitlin Camp, Planner  
Current Planning, Cannabis Services  
Planning & Building | Humboldt County, CA  
3015 H Street | Eureka, CA 95501  
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Per Phone conversation with Karla Knust today at 12:43pm who is unable to attend this meeting.

RE: Humboldt's Legacy Farms, Garberville area; Application Number 11817 (filed December 14, 2016);  
Case Numbers CUP16-399; Assessor Parcel Number (APN) 223-261-004.

Opposition to the project for the following reasons:

1. Concerned about water consumption. People in the area are running out of water already and if this project is approved the applicant would be consuming more water than one gallon a minute. That is his deeded rights at this time and if allowed, he would be taking more than that.

Karla Knust  
3295 Upper Sawmill Road  
Garberville, CA 95542  
707-223-0943