



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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Hearing Date: May 17, 2018

To: Humboldt County Planning Commission

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

Subject: **Talking Trees Farms - Conditional Use Permit and Special Permit**
Application Number 11701
Case Number CUP-16-349/SP-18-067
Assessor's Parcel Number (APN) 522-174-005
Willow Creek area

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Please contact Michelle Nielsen, Planner, at 707-445-7541 or by email at mnielsen@co.humboldt.ca.us if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date May 17, 2018	Subject Conditional Use Permit/ Special Permit	Contact Michelle Nielsen
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Project Description: In compliance with the County's Commercial Medical Marijuana Land Use Ordinance (CMMLUO), a Conditional Use Permit (CUP) for approximately 24,000 square feet (SF) of existing outdoor medical cannabis cultivation is being requested by the applicant. The applicant proposes to process (i.e., dry) the harvested cannabis in a 1,600 SF permitted metal insulated building. Processing is proposed on site and there will be an average of 6 employees. The plants will be harvested using hand shears, hanged for drying, and hand or machine trimmed. Power will be supplied by a 45-kilowatt (kW) ultra-silent MQ diesel generator. The applicant will begin the permitting process for a 20-kw solar system upon approval of this CUP. Water is provided by wells and a rainwater catchment pond. The total available water storage on the project site will be approximately 2,042,650 gallons stored in tanks and a large pond. All plants will be irrigated by a drip system and supplemented by hand watering. Water use will vary throughout the year with peak usage occurring during summer months and would total approximately 108,000 gallons annually. Domestic water will be provided by the existing permitted wells. For wastewater, the applicant is applying for an additional permit to build a secondary septic system with an ADA compliant bathroom outside the metal buildings. A Special Permit is required for a setback reduction to public lands.

Project Location: The project is located in Humboldt County in the Willow Creek area, on property accessed from a private road which intersects on the south side of Highway 299, approximately ¼ of a mile west of central Willow Creek, in the southwest portion of Section 32, Township 7 North, Range 5 East Humboldt Base & Meridian.

Present Plan Land Use Designations: Residential Agriculture (RA 40-160); Timber Production (T), Framework Plan Density: 160 to 40 acres per dwelling unit, Slope Stability Moderate Instability (2)

Present Zoning: (AE-B-5(40); TPZ) Agriculture Exclusive (AE), Minimum Building site area 40 acres (B-5(40)); Timberland Production (TPZ).

Application Number: 11701

Case Number: CUP-16-349/ SP-18-067

Assessor Parcel Numbers: 522-174-005

Applicant	Owner	Agent
Talking Trees Farms Craig Nejedly PO Box 121 Trinidad, CA 95570	Natures Peace LLC PO Box 121 Trinidad, CA 95570	None

Environmental Review: The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per Class 1, 15301 (Existing Facilities), Class 3, 15303 (New Construction or Conversion of Small Structures, and Class 4, 15304 (Minor Alterations to Land).

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

Major Issues: None

TALKING TREES FARMS, LLC
Case Number CUP-16-349/SP-18-062
Assessor's Parcel Numbers 522-174-005

Recommended Commission Action

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

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

Executive Summary:

A Conditional Use Permit (CUP) for approximately 24,000 square feet (SF) of existing outdoor medical cannabis cultivation. The project site has been cultivated for approximately 10 years and has been cultivated in its current form since 2013. The project is located on Assessor's Parcel Number (APN) 522-174-005, which is approximately 142 acres in size. The project site is leased by the applicant. The project site is accessed via a private road through APN 522-174-009, which has the same owner as the project site. The private road is directly accessed from Highway 299.

The requested approval includes operation of five Cultivation Areas (CA): CA#1, CA #2, CA#3, CA#4, and CA#5. Cultivation activity starts in late March to early April. Plants will be fertilized organically using compost tea, earthworm castings, and hi brix molasses.

CA#1 consists of 10,208 SF of cultivation with one greenhouse at 28'x96' and two greenhouses at 28'x120' and full sun outdoor area of 20'x50'; CA#2 consists of 1,600 SF of cultivation with a 24'x40' greenhouse and outdoor area of 20'x40', CA#3 consists of 6,816 SF of cultivation with two 30'x 96' greenhouses and a 28'x60' outdoor area, CA#4 consists of 3,888 SF with a 28'x96' greenhouse and 1,200 SF of outdoor cultivation, and CA#5 consists of a 1,500 SF full sun outdoor area. Greenhouses will occur on non-prime soils and will not have improved floors. The applicant proposes to process (i.e., dry) the harvested cannabis in a 1,600 SF permitted metal insulated building. The plants will be harvested using hand shears, hanged for drying, and hand or machine trimmed.

Cultivation Area #1 is adjacent to the northern parcel boundary. Although none of the cultivation area crosses the boundary and is approximately 20 to 30 feet from the adjacent parcels, a portion of disturbed ground does enter the other parcels. The plot plan for the proposed project shows that all cultivation is contained within the project site (APN 522-174-005). There are several water sources on site, two permitted wells, a rain catchment pond, and a permitted diversion. The water needs for the cannabis operation is met by the 2 permitted wells and rain catchment pond. Water is not diverted from the permitted diversion. The total available water storage is approximately 2,042,650 gallons consisting of the catchment pond (2,000,000 gallons) and eighteen water tanks (37,450 gallons). The applicant proposes two additional water tanks for 5,200 additional gallons and one additional water catchment pond for an additional 5,200 gallons. Plants will be irrigated by a drip system and supplemented with hand watering as needed. Water use will vary throughout the year with peak usage occurring during summer months. The estimated water use of the proposed project is shown in *Table 1: Water Use per Month*.

Table 1: Water Use per Month

Month	Gallons	Month	Gallons	Month	Gallons
January	0	May	6,000-7,000	September	18,000-20,000
February	0	June	16,000	October	<10,000
March	<1,000	July	20,000-22,000	November	5,000
April	<3,000	August	20,000-25,000	December	3,000

The applicant will apply for permits for a secondary septic system and ADA compliant bathroom. An ADA paved parking and entry to the bathroom will be provided.

A Water Resources Protection Plan (WRPP) was prepared by Timberland Resources Consultants for the project site and the site was enrolled with the California State Water Board as a Tier 2 discharger. Accordingly, in conformance with Order R1-2015-0023 the WRPP detailed remedial action needed for existing water sources and stream crossings. A field assessment was conducted and included an evaluation and determination of compliance and described specific measures to be implemented to achieve compliance with standard conditions. The WRPP identified four locations requiring remediation and installation of permanent Best Management Practice (BMP). The applicant has completed three of the measures as part of the existing operations and to obtain the CUP. BMP's for the project include the following: draining surface runoff from an area with slumping fill by implementing recommendations in the project's Engineering Geologic Soils Exploration Report; installation and maintenance of a rolling dip along the existing rock road; and maintenance activities and monitoring of the catchment ditch as recommended by Lindberg Geologic Consulting. In addition, the Engineering Geologic Soils Exploration Report required proper installation and maintenance of a septic system with County and Regional Water Boards Onsite Wastewater Treatment System (OWTS) policy. All work, except installation of the OWTS has been completed and installation of the OWTS has been included as conditions of approval.

A Road Evaluation Report was prepared by Trinity Valley Consulting Engineers in January 2018 for APN 522-174-009. APN 522-174-009 borders the project site and is owned by the project applicant. A private road runs through this parcel and via a network of other small provide roads is used to access areas within the project site. The Road Evaluation Report included an inventory of the private roads for conformance with Category 4 standards and concluded that the access roadways are adequate for the intended use of the project property. The Road Evaluation Report also listed additional measure that will be required to be implemented to protect water quality. This includes routine maintenance such as removal of ruts, surface rocking when needed, replacement of drainage structures, installation and use of checkdams and breaks. Approximately half of these measures have been implemented as part of the existing operations and the applicant will have the remaining measures completed by the end of 2018. The report concluded that with the implementation of recommendations in addition to the recommendations within the WRPP listed above, no additional actions are necessary.

Currently, power is supplied to the project site by a 45-kw ultra-silent MQ diesel generator and the applicant will begin the permitting process for a 20-kw solar system upon approval of this CUP. A standard permitting condition requiring the generator be housed or located to reduce noise levels are included.

The project requires a setback reduction from public land because CA#4 is approximately 430 feet from the western the property line which is shared with Six Rivers National Forest. CMMLUO Section 314-55.4.11d) allows for a setback of less than 600 feet where publically owned lands are managed for open space and/or wildlife habitat purposes with a Special Permit. The adjacent public lands are managed for these purposes with no picnic areas, trails or river access points or similar facilities in the vicinity. The adjacent public land is subject to the *Land and Resource Management Plan - Six Rivers National Forest 1995 (L&RMP)*. The project is consistent with the L&RMP because the cultivation activities will minimize impacts to biological resources and wildlife through measures to reduce potential light and noise impacts. Specific conditions are included to protect the northern spotted owl and west coast fisher. Further, the project will also protect fisheries and aquatic habitat on forest lands by maintaining buffers from streams and by improving the gravel roads on the site which will minimize sediment transport. No new cultivation areas are proposed, the project is limited to bringing the existing cultivation areas into compliance with the CMMLUO. Additional protection methods include monitoring the use of pesticides, rodenticides and fertilizers, and adhering to the County's Fire Safe Regulations and providing adequate road access. The L&RMP's provisions for protection of heritage resources is consistent with the proposed project as consultation with Tribal Historic Preservation Officers occurred. The cultural resources survey had negative results and the Hoopa Valley Tribe indicated they were satisfied with the report. Lastly, the project is consistent with recreational use on public lands as the proposed project is not located near developed campgrounds and trails.

For the reasons listed above staff supports the setback reduction. If your Commission is unable to approve the setback reduction request, CA#4 could be eliminated from the project and the remaining cultivation areas would be compliant with the standard 600 foot setback.

Environmental review for this project was conducted and based on the results of the project analysis, staff believes the existing cultivation and processing aspects of the project can be considered an "Existing Facility" as defined by Section 15301, "New Construction or Conversion of Small Structures" as defined by Section 15303, and "Minor Alteration to Land" as defined by Section 15304 of the California Environmental Quality Act (CEQA) Guidelines. Therefore, as Lead Agency, the Department has determined that continued use of the existing cultivation site is Categorically Exempt from the CEQA Guidelines.

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

ALTERNATIVES: The Planning Commission could elect not to approve the project, or to require the applicant to submit further evidence, or modify the project. If modifications may cause potentially significant impacts, additional CEQA analysis and findings may be required. These alternatives could be implemented if the Commission is unable to make all of the required findings. Planning Division staff has stated that the required findings in support of the proposal have been made. Consequently, Planning staff does not recommend further consideration of either alternative.

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT
Resolution Number 18-**

**Case Number CUP-16-349/ SP-18-067
Assessor Parcel Number: 522-174-005**

Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the Talking Trees Farms Conditional Use Permit and Special Permit request.

WHEREAS, Talking Trees Farms submitted an application and evidence in support of approving a Conditional Use Permit for approximately 24,000 square feet (SF) of cannabis cultivation located on APN 522-174-005, and processing in a 1,600 SF permitted metal insulated building and a Special Permit for a setback reduction to public lands; and

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

WHEREAS, the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per Class 1, 15301 (Existing Facilities), Class 3, 15303 (New Construction or Conversion of Small Structures), and Class 4, 15304 (Minor Alterations to Land), of the California Environmental Quality Act (CEQA) Guidelines.

WHEREAS, Attachment 2 in the Planning Division staff report includes evidence in support of making all of the required findings for approving the proposed Conditional Use Permit and Special Permit (Case Number CUP-16-349/ SP-18-067); and

WHEREAS, a public hearing was held on the matter before the Humboldt County Planning Commission on May 17, 2018.

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

1. The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per Class 1, Section 15301 (Existing Facilities), Class 3, 15303 (New Construction or Conversion of Small Structures) and Class 4, Section 15304 (Minor Alterations to Land), of the California Environmental Quality Act (CEQA) Guidelines.
2. The findings in Attachment 2 of the Planning Commission staff report support approval of Case Number CUP-16-349/ SP-18-067 based on the submitted substantial evidence; and
3. Conditional Use Permit and Special Permit Case Number CUP-16-349/ SP-18-067 are approved as recommended and conditioned in Attachment 1.

Adopted after review and consideration of all the evidence on May 17, 2018.

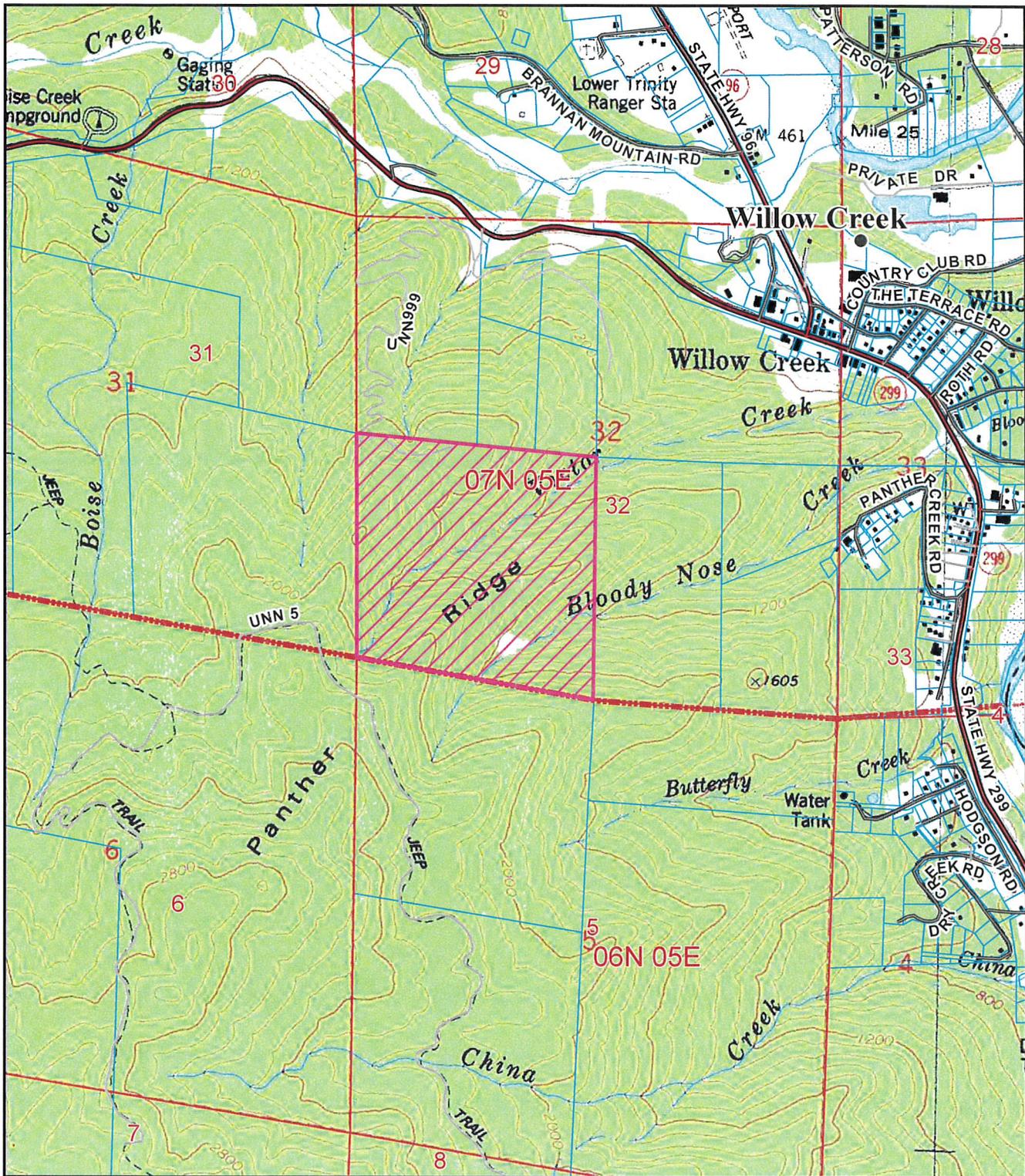
The motion was made by Commissioner _____ and seconded by Commissioner _____.

AYES: Commissioners:

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

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

John Ford
Director, Planning and Building Department



TOPO MAP

**PROPOSED TALKING TREES FARMS
WILLOW CREEK AREA
CUP-16-349**

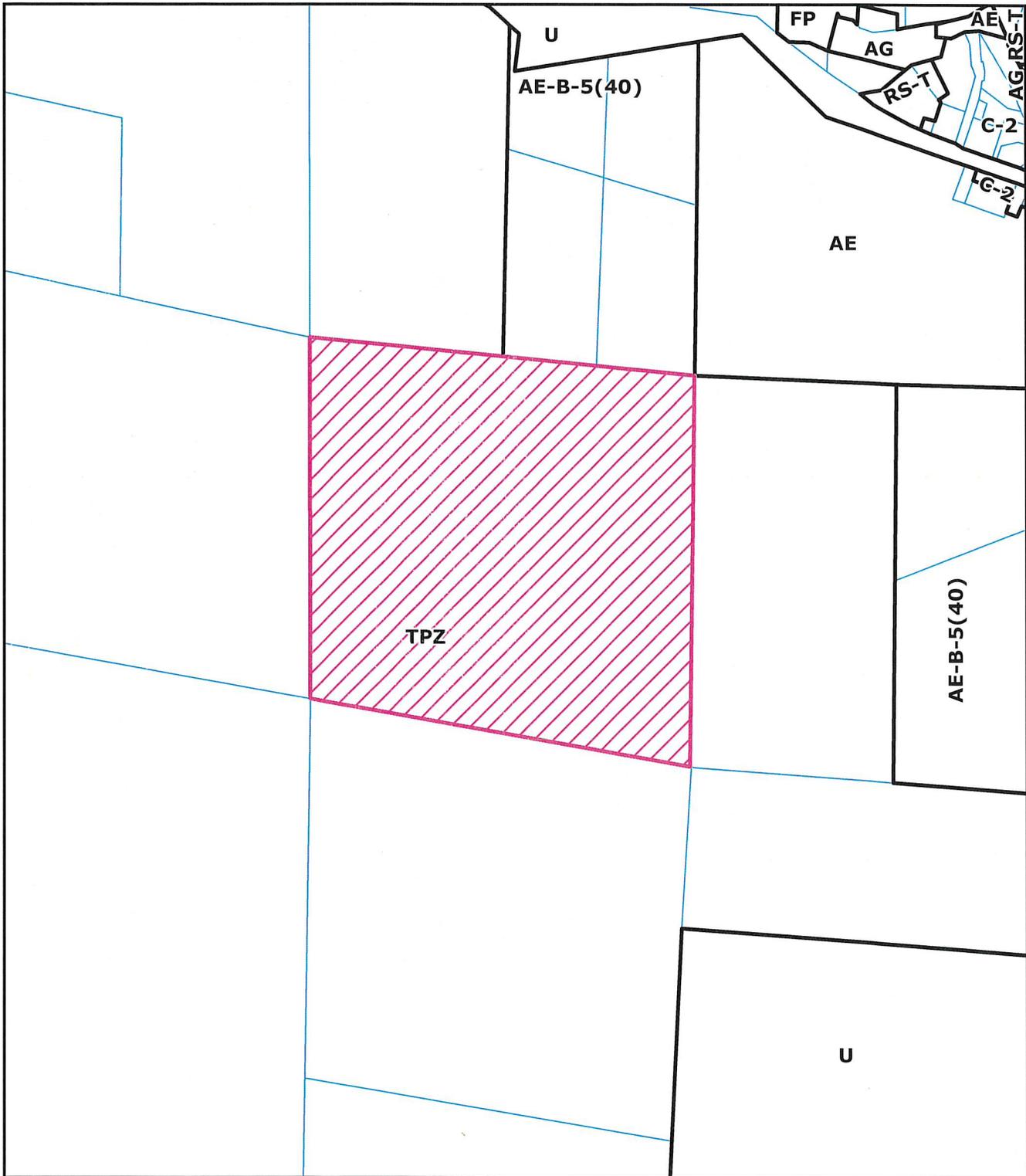
APN: 522-174-005

T07N R05E S32 HB&M (Willow Creek)

Project Area = 

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





ZONING MAP

**PROPOSED TALKING TREES FARMS
WILLOW CREEK AREA**

CUP-16-349

APN: 522-174-005

T07N R05E S32 HB&M (Willow Creek)

Project Area = 

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



0 500
 Feet



AERIAL MAP

**PROPOSED TALKING TREES FARMS
WILLOW CREEK AREA**

CUP-16-349

APN: 522-174-005

T07N R05E S32 HB&M (Willow Creek)

Project Area = 

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



0 500
Feet



ROAD STANDARDS:

- ROADWAY SURFACE PROVIDES UNOBSTRUCTED ACCESS TO CONVENTIONAL DRIVE VEHICLES INCLUDING SEDANS AND FIRE ENGINES USING COUNTY ROAD CATEGORY 2 STANDARD FOR SURFACING TYPE.
- ROADWAY TURNOUTS (WHERE REQUIRED) ARE 10' WIDE AND 80' LONG AND TAPERED 25 FEET FROM BOTH ENDS.
- ROADWAY STRUCTURES (BRIDGES AND CULVERTS) BUILT TO CARRY MINIMUM LOAD AS REQUIRED IN CALIFORNIA VEHICLE CODE SEC. 35550 (40,000 LBS.) AND COMPLIES WITH THE FOLLOWING STANDARDS:
 - MINIMUM 15' VERTICAL CLEARANCES AND DESIGNED IN CONFORMANCE WITH THE COUNTY ROADWAY DESIGN MANUAL.
 - SIGNING REFLECTS CAPABILITY OF EACH BRIDGE FOR WEIGHT, CLEARANCE, SINGLE LANE ACCESS, OR OTHER LIMITATIONS, UNLESS SIGNING WAIVED BY THE DIRECTOR OF PUBLIC WORKS PER SECTION 3112-9 OF H.C.C.
 - ONE LANE BRIDGE HAS UNOBSTRUCTED VISIBILITY FROM BOTH ENDS AND INTERVISIBLE TURNOUTS AT EACH END.
 - "FLATCAR" BRIDGE HAS ROADWAY SURFACE OF NOT LESS THAN 9' AND MEETS VISIBILITY REQUIREMENTS OF ONE LANE BRIDGE.

DRIVEWAY AND GATES:

- DRIVEWAYS MEET MINIMUM ROAD STANDARDS DESCRIBED ABOVE.
- DRIVEWAYS LESS THAN 1320' LONG ARE 10' WIDE AND HAVE 15' MINIMUM VERTICAL CLEARANCE AND ARE BUILT TO COUNTY ROAD CATEGORY 1 STANDARD.
- DRIVEWAYS LONGER THAN 1320' ARE 10'-12' WIDE AND HAVE 15' MINIMUM VERTICAL CLEARANCE WITH INTERVISIBLE TURNOUTS AND ARE BUILT TO COUNTY ROAD CATEGORY 2 STANDARD.
- DRIVEWAYS EXCEEDING 150' IN LENGTH BUT LESS THAN 800' HAVE A TURNOUT NEAR THE MIDPOINT.
- DRIVEWAYS LONGER THAN 800' HAVE TURNOUTS AT INTERVISIBLE LOCATIONS AT APPROXIMATELY 400' INTERVALS.
- DRIVEWAYS HAVE MAXIMUM GRADE MEETING STANDARD FOR COUNTY ROAD CATEGORY 1; 7% - 12% (NORMAL); 11% - 18% (TOLERABLE). GRADE IN EXCESS OF 16% MUST DEMONSTRATE CONFORMANCE WITH COUNTY ROADWAY DESIGN MANUAL.
- DRIVEWAYS HAVE MINIMUM CURVE RADIUS MEETING STANDARD FOR COUNTY ROAD CATEGORY 1; 120' (NORMAL); 50' (TOLERABLE). CURVE RADIUS LESS THAN 50' MUST DEMONSTRATE CONFORMANCE WITH COUNTY ROADWAY DESIGN MANUAL.
- ALL GATES AT LEAST 2' WIDER THAN THE LANES SERVING THE GATE AND ALLOW A VEHICLE TO STOP WITHOUT BLOCKING TRAFFIC.
- GATES PROVIDING ACCESS FROM A ROAD TO A DRIVEWAY ARE LOCATED AT LEAST 30' FROM THE ROADWAY EXCEPT AS PROVIDED BELOW.
- GATES LESS THAN 30' FROM THE ROADWAY ARE PERMITTED WHEN TURNOUTS ARE CONSTRUCTED NEXT TO THE TRAVEL LANES WITH SAFE TURNING MOVEMENTS AND VISIBILITY WHEN APPROACHING FROM EITHER DIRECTION OF TRAVEL.
- ONE-WAY ROADS ACCESSING GATES HAVE TURNAROUND WITH 40' RADIUS MINIMUM.

CULTIVATION			
SITE	CULTIVATION TYPE		SQUARE FOOTAGE
AREA 1	GREENHOUSE	(1) 28X96	2,688
	GREENHOUSE	(2) 28X120	6,720
	OUTDOOR	(1) 20X50	1,000
		AREA 1 TOTAL:	10,408
AREA 2	GREENHOUSE	(1) 24X40	960
	OUTDOOR	(1) 20X40	800
		AREA 2 TOTAL:	1,760
AREA 3	GREENHOUSE	(2) 28X96	5,376
	OUTDOOR	(1) 28X60	1,680
		AREA 3 TOTAL:	7,056
AREA 4	GREENHOUSE	(1) 28X96	2,688
	OUTDOOR	(1) 1,200SF	1,200
		AREA 4 TOTAL:	3,888
AREA 5	OUTDOOR	(1) 30X60	1,800
		AREA 5 TOTAL:	1,800
TOTAL CULTIVATION:			24,912

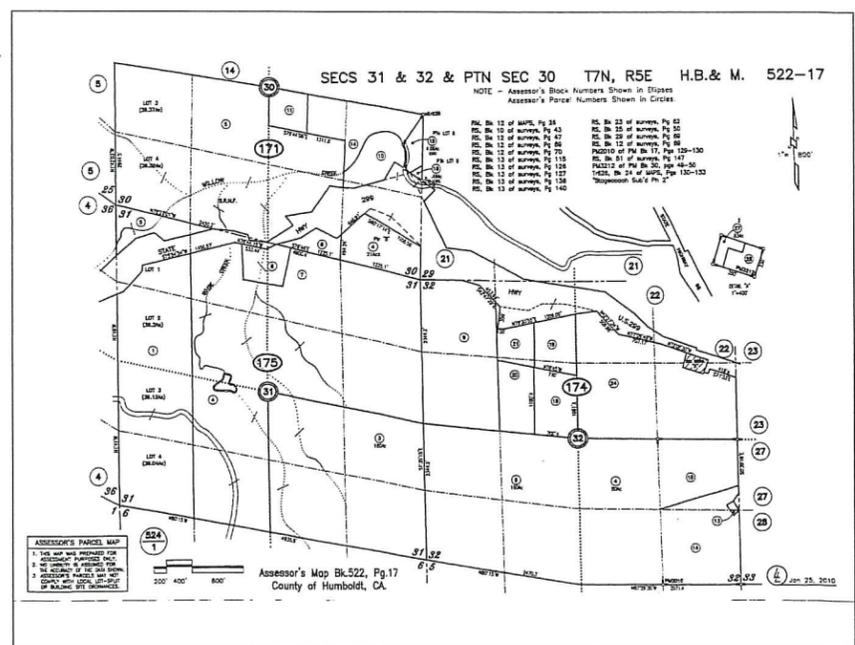
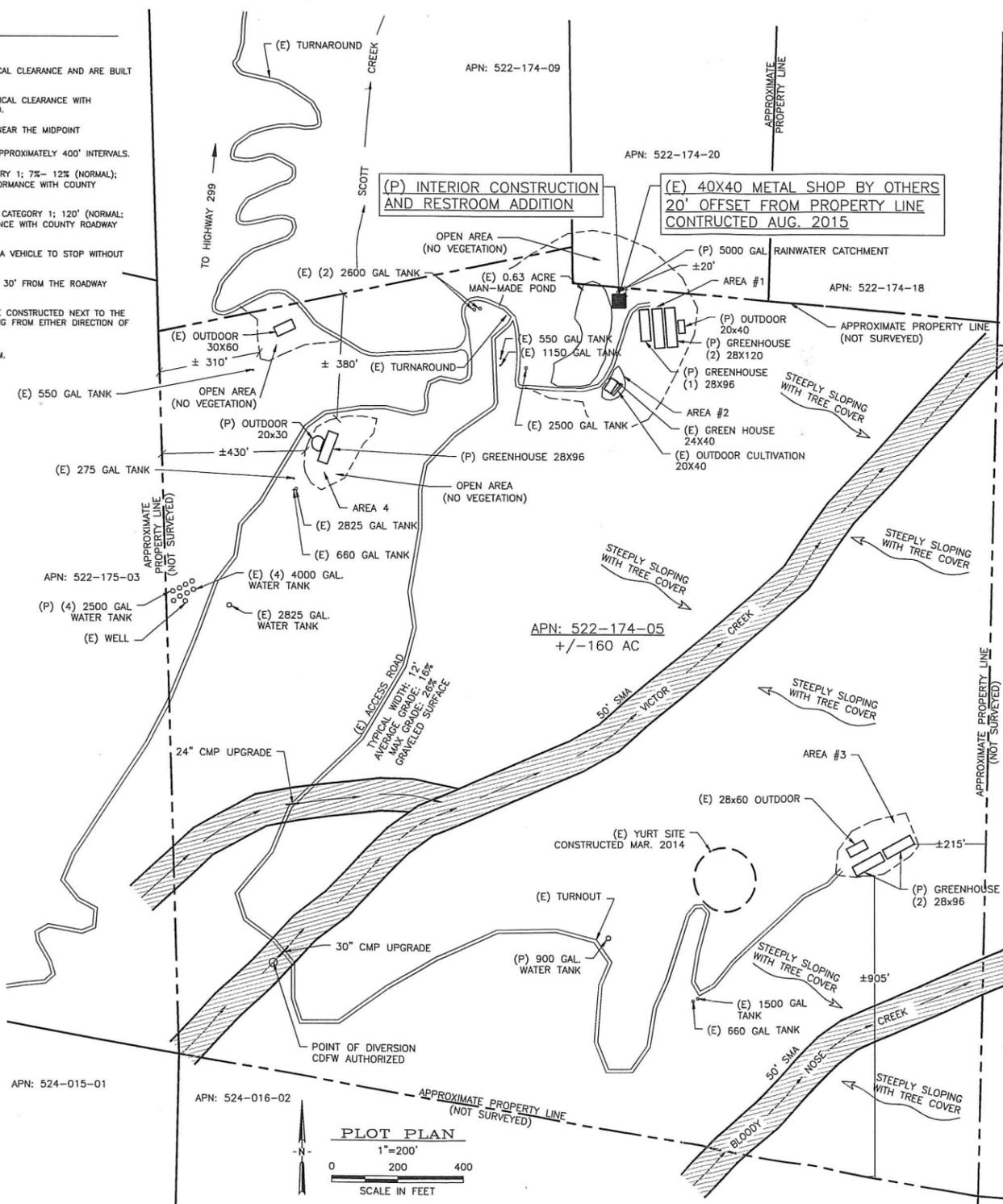
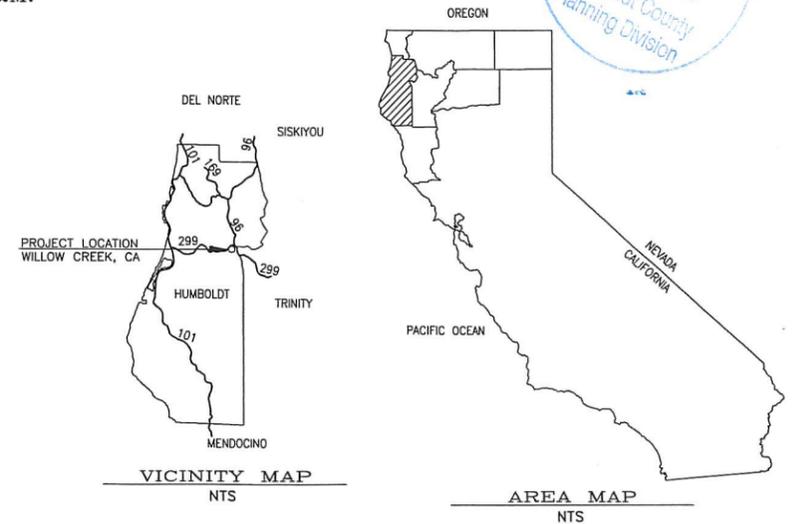
WATER STORAGE		
WATER STORAGE TYPE	AMOUNT (GALLONS)	
WATER TANKS (EXISTING)	(5) 2,500	
	(4) 4,000	
	(2) 600	
	(2) 550	
	(1) 2,825	
	(1) 1,500	
TOTAL WATER TANKS (EXISTING)	37,450 GALLONS	
	WATER TANKS (PROPOSED)	(2) 2,600
	TOTAL WATER TANKS (PROPOSED)	5,200 GALLONS
TOTAL RAINWATER CATCHMENT (PROPOSED)	5,000 GALLONS	
RAINWATER CATCHMENT (PROPOSED)	???? GALLONS	
TOTAL WATER STORAGE:	42,650 GALLONS (+POND ????)	

PLOT PLAN

APN: 522-174-005

A PORTION OF SECTION 32, TOWNSHIP 7 NORTH, RANGE 5 EAST, H.B.&M.

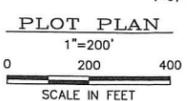
FOR
TALKING TREE FARMS
NATURES PEACE, LLC.
PO BOX 121
TRINIDAD, CA 95570



GENERAL NOTES:
 WATER: SPRING/ WELL
 WASTEWATER: ONSITE
 POWER: NONE
 PHONE: NONE
 CREEKS/STREAMS: VICTOR CREEK & BLOODY NOSE CREEK
 TREES TO BE REMOVED: NONE
 GRADING: PREVIOUSLY COMPLETED FOR BUILDING SITES AND ACCESS ROADWAYS

SRA REQUIREMENTS
 PROVIDE ADEQUATE WATER STORAGE AND DELIVERY AS OUTLINED BY SRA ORDINANCE AND CALFIRE REQUIREMENTS
 PROVIDE ADEQUATE TURN AROUND AND PULLOUTS AS OUTLINED BY SRA ORDINANCE REQUIREMENTS AND CALFIRE REQUIREMENTS

CONTRACTOR ALERT!
 CONTRACTOR MUST CONTACT USA DIG AT 800-227-2600 AT LEAST 72 HOURS BEFORE ANY EARTHWORK OR ACTIVITIES THAT MAY IMPACT EXISTING UNDERGROUND UTILITIES.
 EXISTING UTILITY ALIGNMENTS BOTH HORIZONTALLY AND VERTICALLY MUST BE VERIFIED BY THE CONTRACTOR PRIOR TO ANY CONSTRUCTION ACTIVITIES.



TVCE
 67 WALNUT WAY
 PO BOX 1567
 WILLOW CREEK, CA 95573
 PHONE (530) 629-3000
 FAX (530) 629-3011

NATURES PEACE, LLC.
 PO BOX 121
 TRINIDAD, CA 95570
 APN: 522-174-005

PLOT PLAN
 WILLOW CREEK, HUMBOLDT COUNTY, CALIFORNIA

DATE: APRIL 2017
 SCALE: AS SHOWN
 PROJECT NO: 756.1
 DRAWING NO: C01

ATTACHMENT 1

RECOMMENDED CONDITIONS OF APPROVAL

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

1. Within 60 days of the effective date of project approval, the applicant shall execute a Compliance Agreement with the Humboldt County Planning Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #2 through #20. The agreement shall provide a timeline for completing all outstanding items. All activities detailed under the agreement must be completed to the satisfaction of the Planning and Building Department before the permit may be finalized and no longer considered provisional.
2. The applicant shall provide a revised site plan to show the revised cultivation areas CA#1, CA #2, CA#3, CA#4, and CA#5 greenhouse areas and total area of 24,000 sf and show that all greenhouses shall have pervious floors.
3. The applicant shall secure permits for all structures related to the cannabis cultivation and other commercial cannabis activity. The plans submitted for building permit approval shall be consistent with the project description and approved project site plan. A letter or similar communication from the Building Division verifying that all structures related to the cannabis cultivation are permitted will satisfy this condition.
4. The approved building plans shall meet all applicable fire codes, including fire suppression infrastructure requirements deemed necessary for the project by the Building Inspection Division. Sign off on the Occupancy Permit by the Building Division shall satisfy this requirement.
5. The applicant shall complete and implement all corrective actions detailed in the Water Resource Protection Plan developed for the parcel, prepared pursuant to Tier 2 enrollment under the North Coast Regional Water Quality Control Board's (RWQCB) Cannabis Waste Discharge Regulatory Program, including those measures later determined necessary during annual and periodic site inspections in accordance with the monitoring element. A copy of the reporting form portion of the Mitigation and Reporting Program (MRP) shall be submitted annually to the Planning and Building Department concurrent with the submittal to the RWQCB. A letter or similar communication from the RWQCB verifying that all their requirements have been met by the listed dates or the applicant has proven to the satisfaction of RWQCB or the Third Party Consultant verifying that all the requirements in the MRP have been met will satisfy this condition. Note that after July 31, 2019, plans and reporting shall conform to the Cannabis Cultivation Policy and Cannabis General Order adopted October 17, 2017 by the State Water Board.
6. The applicant shall contact the Willow Creek Volunteer Fire Department and furnish written documentation from that agency of the available emergency response and fire suppression services and any recommended project mitigation measures. Mitigation measures shall be incorporated into the project, if applicable. If emergency response and fire suppression services are not provided, the applicant shall cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning Division. Document review fees as set

forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors will be required.

7. Prior to issuance of any building or construction permits a grading, erosion and sediment control plan shall be prepared by a qualified engineer. The plan shall identify the cubic yards of all grading that has been done and any proposed grading.
8. If grading will be required, the applicant shall submit a grading plan and a soils report from a licensed person before ground breaking.
9. The project area has been determined to have potential nesting, roosting, or foraging habitat for Northern Spotted Owl (*Strix occidentalis caurina*), and resting, denning or foraging habitat for West Coast Fisher (*Pekania pennanti*). The following avoidance and minimization measure shall be implemented:
 - (a) Prior to tree removal activities, a qualified wildlife biologist with experience in Northern Spotted Owl and/or West Coast Fisher protocol surveys shall complete a survey of the site to determine if there are trees that could provide nesting, roosting, resting or denning habitat for the Northern Spotted Owl and the West Coast Fisher. No tree that could provide suitable nesting, roosting, resting or denning habitat for these species shall be removed or altered.
 - (b) No work will occur in the Northern Spotted Owl nesting season (February 1st- July 31st) or West Coast Fisher (March 1st- July 15th) nesting and denning seasons unless a wildlife biologist with experience in Northern Spotted Owl and West Coast Fisher protocol surveys completes a biological assessment of the property to determine whether the area has Northern Spotted Owl or West Coast Fisher presence and whether site specific avoidance measures are necessary to avoid any impact to the species. Any measures developed by the biologist must be adhered to during the nesting or denning season.
 - (c) No proposed activity generating noise levels 20 or more decibels above ambient noise levels or with maximum noise levels above 90 decibels may occur during the Northern Spotted Owl nesting season or West Coast Fisher denning season.
 - (d) No human activities shall occur within a visual line-of-sight of 40 meters (131 feet) or less from a known nest or den location.
 - (e) For the life of the project, the applicant shall submit annual monitoring reports prepared by a qualified wildlife biologist with experience in Northern Spotted Owl and West Coast Fisher protocol surveys for the review and approval of the Planning Director.
10. 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 Spotted Owl or West Coast Fisher 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. For the life of the project, the applicant shall submit annual monitoring reports prepared by a qualified wildlife biologist with experience in Northern Spotted Owl protocol surveys for the review and approval of the Planning Director.
11. The existing metal shop on the northern property line is noted as 20 feet from the property line where a 30 foot setback is required. All processing must be located at least 30 feet from

the property line (HCC 314-55.4-11.d)). If it cannot be demonstrated through a survey that the building is at least 30 feet from the property line, the processing facility will need to be relocated to conform to the setback a different processing location will need to be identified.

12. If applicable, the Applicant shall secure permits from the North Coast Unified Air Quality Management District. A letter or similar communication from the North Coast Air Quality Management District verifying that all their requirements have been met and/or no additional permitting is required will satisfy this condition.
13. The applicant shall submit a revised Site Plan to Humboldt County Planning for the review and approval of the Planning Director. The revised Site Plan shall show the following: the location of six independently accessible on-site parking spaces to serve the cultivation and ancillary processing; and generator location.
14. The applicant shall implement the recommendations in the Road Evaluation Report prepared by Trinity Valley Consulting Engineers (January 2018) and maintain the road for the life project.
15. The owner shall apply for and receive an encroachment permit from Caltrans and complete improvements to bring the existing driveway encroachment on Highway 299 up to current Caltrans Standards.
16. The applicant shall address the use of rodenticides by identifying application protocol for use of rodenticides in this project, with particular attention to methods for reduction of the potential to contaminate the food chain or identify a range of non-rodenticide treatments to discourage animal destruction of cannabis plants. No rodenticides designated as California Restricted Materials (3 CCR Section 6400) shall be used. This report is to be submitted to the Planning and Building Department for review in consultation with affected agencies, with identified protocols to be reviewed in the annual review for the project.
17. The applicant shall secure permits and install an on-site sewage disposal system and restroom facility for use by employees. Portable toilet and handwashing facilities may be utilized during the construction of these permanent improvements. The applicant shall furnish receipts or other documentation to the DEH for the continual use of portable toilets for employees either through 2019 or until a permanent septic system is installed to their satisfaction. A letter or similar communication from DEH verifying that all their requirements have been met will satisfy this condition.
18. The applicant shall remove any supplemental lighting from the greenhouses. A modification to this permit from outdoor to mixed light cultivation will be required prior to use of any supplemental lighting in the greenhouses.
19. The property owner 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. The owner shall implement the recommendations of the Engineering Geologic Soils Exploration Report (Lindberg Geologic Consulting June, 2016). A letter from the Engineer to the Planning Director indicating recommendations have been implemented will satisfy this condition.

21. The use of monofilament netting for all uses, including but not limited for erosion control, shall be prohibited. Geotextiles, fiber rolls, and other erosion control measure materials shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves to minimize the risk of ensnaring and strangling wildlife.

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

1. All components of the project shall be developed, operated, and maintained in conformance with the project description, the approved Site Plan, or revised 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. If offsite processing is chosen to be the preferred method of processing, this permit shall be modified to identify the offsite licensed facility.
2. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CMMLUO and Medicinal and Adult Use Cannabis Regulation and Safety Act (MAUCRSA), as applicable to the permit type.
3. 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 and 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.
4. Possession of a current, valid required license, or licenses, issued by any agency of the State of California in accordance with the MAUCRSA, and regulations promulgated thereunder, as soon as such licenses become available.
5. 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.
6. Confinement of the area of cannabis cultivation, processing, manufacture or distribution to the locations depicted on the approved site plan. The applicant shall ensure that the commercial cannabis activity shall be set back at least 30 feet from any property line, and 600 feet from any School, School Bus Stop, Church or other Place of Religious Worship, or Tribal Cultural Resources, except where a reduction to this setback has been approved pursuant to Section 55.4.11(d). The allowance for a setback reduction of 600 feet from a Public Park is approved as part of this project.
7. Maintain enrollment in Tier 2, certification with the North Coast Regional Water Quality Control Board (NCRWQCB) Order No. R1-2015-0023, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.

8. Comply with the terms of any applicable Lake and Streambed Alteration Agreement (1600) Permit obtained from the Department of Fish and Wildlife, which may be required for the spring fed tank used for domestic vegetable production.
9. 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 through Friday, 9:00 a.m. to 5:00 p.m., excluding holidays).
10. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
11. The applicant shall, to the satisfaction of the County Department of Environmental Health, maintain the portable toilet(s) on-site to accommodate for worker waste until such time a permitted septic system, or other such permanent human waste facility can be designed and installed.
12. Pay all applicable application, review for conformance with conditions, and annual and annual inspection fees.
13. The decibel level for any generators used onsite as measured at the property line shall be no more than 60 decibels (dB). Where applicable, sound levels must also show that they will not result in the harassment of Spotted Owl or West Coast Fisher species. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service (USFWS), and further consultation where necessary. Under these guidelines, generator noise may not exceed 50 dB as measured at 100 feet from the generator or at the edge of the nearest Spotted Owl habitat, whichever is closer.
14. Storage and handling of fuel shall be in compliance with applicable state and local laws and regulations, including the County of Humboldt's Certified Unified Protection Agency CUPA program, and in such a way that no spillage occurs.
15. The applicant shall maintain the Master Log Books to track production and sales shall be maintained for inspection by the County.
16. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.)
17. Participate in and bear costs for permittee's participation in the Track and Trace Program administered by the Humboldt County Agricultural Commissioner.
18. The use of monofilament netting for all uses, including but not limited for erosion control, shall be prohibited. Geotextiles, fiber rolls, and other erosion control measure materials shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves to minimize the risk of ensnaring and strangling wildlife.
19. Should any wildlife be encountered during to work activities, the wildlife shall not be disturbed and be allowed to leave the work site unharmed.

Performance Standards for Cultivation and Processing Operations

20. Pursuant to the MCRSA, Health and Safety Code section 19322(a)(9), an applicant seeking a cultivation license shall "provide a statement declaring the applicant is an 'agricultural

employer,' as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 commencing with Section 1140) of Division 2 of the Labor Code), to the extent not prohibited by law."

21. 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, California Occupational Health and Safety (CAL/OSHA), Occupational Health and Safety (OSHA), California Agricultural Labor Relations Act, and the Humboldt County Code (including the Building Code).
22. 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.
23. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:
 - I. Cultivation operations and processing operations must implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:
 - (a) Emergency action response planning as necessary;
 - (b) Employee accident reporting and investigation policies;
 - (c) Fire prevention;
 - (d) Hazard communication policies, including maintenance of material safety data sheets (MSDS);
 - (e) Materials handling policies;
 - (f) Job hazard analyses; and
 - (g) Personal protective equipment policies, including respiratory protection.
 - II. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
 - (a) Operation manager contacts;
 - (b) Emergency responder contacts;
 - (c) Poison control contacts.
 - III. At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations. Plumbing facilities and water source must be capable of handling increased usage without adverse consequences to neighboring properties or the environment.
 - IV. On-site housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.
24. 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.

25. Term of Commercial Cannabis Activity Conditional Use Permit and/or Special Permit. Any Commercial Cannabis Cultivation Conditional Use Permit (CUP) or Special Permit (SP) issued pursuant to the CMMLUO shall expire after one (1) year after date of issuance, and on the anniversary date of such issuance each year thereafter, unless an annual compliance inspection has been conducted and the permittees and the permitted site have been found to comply with all conditions of approval.

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

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

Permittee further acknowledges and declares that:

- (1) All commercial cannabis activity that I, my agents, or employees conduct pursuant to a permit from the County of Humboldt for commercial for adult use or medical use within the inland area of the County of Humboldt shall at all times be conducted consistent with the provisions of the approved County permit; and
- (2) All cannabis or cannabis products under my control, or the control of my agents or employees, and cultivated or manufactured pursuant to local Ordinance and the California Medicinal and Adult Use Cannabis Regulation and Safety Act (MAUCRSA) will be distributed within the State of California; and
- (3) All commercial cannabis activity conducted by me, or my agents or employees pursuant to a permit from the County of Humboldt will be conducted in compliance with the State of California MAUCRSA.

27. Transfers. Transfer of any leases or permits approved by this project is subject to the review and approval of the Planning Director for conformance with CMMLUO eligibility requirements, and agreement to permit terms and acknowledgments. The fee for required permit transfer review shall accompany the request. The request shall include the following information:

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

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

Informational Notes:

1. Pursuant to Section 314-55.4.11(a) of the CMMLUO, if upon inspection for the initial application, violations of any building or other health, safety, or other state or county statute, ordinance, or regulation are discovered, the Planning and Building Department may issue a provisional clearance or permit with a written approved Compliance Agreement. By signing the agreement, the permittee agrees to abate or cure the violations at the earliest opportunity but in no event more than two (2) years of the date of issuance of the provisional clearance or permit. Plans for curing the violations shall be submitted to the Planning and Building Department by the Permittee within one (1) year of the issuance of the provisional certificate or permit. The terms of the compliance agreement may be appealed pursuant to Section 314-55.4.13 of the CMMLUO.
2. This provisional permit approval shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"); except where the Compliance Agreement per Condition of Approval#1 has been executed and the corrective actions pursuant to the agreement are being undertaken. Once building permits have been secured and/or the use initiated pursuant to the terms of the agreement, the use is subject to the Permit Duration and Renewal provisions set forth in Condition of Approval #25 of the On-Going Requirements /Development Restrictions, above.
3. If cultural resources are encountered during any construction activities, the contractor or applicant site shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist as well as the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, shellfish or faunal remains, and human burials. If human remains are found, California Health and Safety Code 7050.5 requires that the County Coroner be contacted immediately at 707-445-7242. If the Coroner determines the remains to be Native American, the Native American Heritage Commission (NAHC) will then be contacted by the Coroner to determine appropriate treatment of the remains pursuant to Public Resources Code (PRC) 5097.98. Violators shall be prosecuted in accordance with PRC Section 5097.99.

4. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will provide a bill to the applicant after the decision. Any and all outstanding Planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
5. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will send a bill to the Applicant for all staff costs incurred for review of the project for conformance with the conditions of approval. All Planning fees for this service shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
6. A Notice of Exemption (NOE) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. **Within three days of the effective date of permit approval**, it is requested that the applicant submit a check or money order for the required filing fee in the amount of \$50 payable to the Humboldt County Clerk/Recorder. If this payment is not received within this time period, the Department will file the NOE and will charge this cost to the project.
7. Should any wildlife be encountered during to work activities, the wildlife shall not be disturbed and be allowed to leave the work site unharmed.

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, Sections 312-1.1.2 and 312-17.1 of the Humboldt County Code (Required Findings for All Discretionary Permits) specify the findings that are required to grant a Conditional Use Permit and Special Permit:

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

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

1. The proposed development must be consistent with the General Plan. The following table identifies the substantial evidence which supports finding that the proposed development is in conformance with all applicable policies and standards of the Humboldt County General Plan.

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Land Use Chapter 4</p> <p>Land Use Designations Section 4.8</p>	<p>Residential Agriculture (RA 40-160): Large lot residential uses that typically rely on on-site water and wastewater. RA 40 to 160 designations are applied to more remote, steep and high hazard areas or where appropriate to ensure compatibility with adjacent resource production and open space. Allowable use types include single family residential, cottage industry and general and intensive agriculture.</p> <p>Density Range: One (1) dwelling unit per 40-160 acres.</p> <p>Timberland (T): Lands primarily suitable for the growing, harvesting and production of timber. Prairie and grazing lands may be intermixed. Allowable use types include timber production and general agriculture.</p> <p>Density range is 40 -160 acres/unit.</p>	<p>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 CMMLUO provides for the cultivation and processing of medical cannabis within the zoning districts where agriculture is a principally permitted use, with limits and in compliance with performance standards that will preserve space for more traditional agricultural activities that supply food and fiber contributing to a diverse economic base. The existing cultivation and proposed relocation of the existing cultivation areas is considered an agricultural use, and the processing facility and supportive infrastructure may be considered accessory to the agricultural use.</p> <p>The proposed project includes the permitting of approximately 24,000 SF of existing outdoor cannabis cultivation which is considered an agricultural product and which is an allowed use in both the T and RA land use designations.</p> <p>The proposed project does not include the harvesting or removal of any timber associated with the proposed project so the site would be preserved for that use in the future.</p>
<p>Circulation Chapter 7</p>	<p>Goals and policies contained in this Chapter relate to a balanced, safe, efficient, accessible and convenient circulation system that is</p>	<p>Access to the project site is a via private drive and roadway accessed directly from Highway 299. A Road Evaluation Report was prepared for the private drive by Trinity Valley Consulting Engineers (TVCE) in</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
	<p>appropriate for each type of unincorporated community (C-G1,C-G2); coordinated planning design, development, operations, and maintenance between the County and other transportation system service providers (C-G3); and access for all transportation mode types with improved opportunities to move goods within, into and out of Humboldt County (C-G4, C-G5).</p> <p>Related policies: C-P3. Consideration of Transportation Impacts in Land Use Decision Making</p>	<p>January 2018. TVCE and concluded the road was sufficient to meet the demand of the proposed use.</p> <p>Conditions of approval requiring the roadway to be maintained have been added to the project.</p> <p>A condition of approval has been added to require a Caltrans Encroachment permit and to bring the encroachment up to Caltrans standards.</p>
<p>Housing Chapter 8</p>	<p>Goals and policies contained in this Element seek to identify existing and projected housing needs and establish goals, policies, standards and measures for the preservation, improvement, and development of housing.</p> <p>Related policies: H-P3, Development of Parcels in the Residential Land Inventory</p>	<p>The proposed project does not involve residential development, nor is the project site part of the Housing Element Residential Land Inventory. The project will not reduce the residential density for any parcel below utilized by the Department of Housing and Community Development in determining compliance with housing element law.</p>
<p>Conservation and Open Space Chapter 10</p> <p>Open Space Section 10.2</p>	<p>Goals and policies contained in this Chapter relate to an Open Space and Conservation Program that is complimentary to other agencies' plans and that preserves the county's unique open spaces (CO-G1,CO-G3).</p> <p>Related policies: CO-P1, Conservation and Open Space Program; CO-P8, Development Review; CO-S1, Identification of Local Open Space Plan; and CO-S2, Identification of the Open Space Action Program.</p>	<p>The proposed project is located within Open Space Land Plan because a portion of the project site is planned Timberland and is zoned Agriculture Exclusive (AE) and Timberland Production Zone (TPZ). The project can be found consistent with the Open Space Plan Open Space Action because the proposed project is consistent with the allowable uses of the Land Use Designations. The proposed cannabis cultivation, which is an agricultural land use, is within land planned for agricultural purposes, consistent with the use of Open Space land for management production of resources.</p>

<p>Conservation and Open Space Chapter 10</p> <p>Public Lands Chapter 4.7</p>	<p>Public lands policy PL-P6 requires that discretionary review of permit applications adjacent to public lands shall consider impacts to public lands and consistency with applicable management plans</p>	<p>The project requires a setback reduction from public land because CA#4 is approximately 430 feet from the western the property line which is shared with Six Rivers National Forest. CMMLUO Section 314-55.4.11d) allows for a setback of less than 600 feet where publically owned lands are managed for open space and/or wildlife habitat purposes with a Special Permit. The adjacent public lands are managed for these purposes with no picnic areas, trails or river access points or similar facilities in the vicinity.</p> <p>The adjacent public land is subject to the <i>Land and Resource Management Plan - Six Rivers National Forest 1995 (L&RMP)</i>. The project is consistent with the L&RMP because the cultivation activities will minimize impacts to biological resources and wildlife through measures to reduce potential light and noise impacts. Specific conditions are included to protect the northern spotted owl and west coast fisher. Further, the project will also protect fisheries and aquatic habitat on forest lands by maintaining buffers from streams and by improving the gravel roads on the site which will minimize sediment transport. No new cultivation areas are proposed, the project is limited to bringing the existing cultivation areas into compliance with the CMMLUO. Additional protection methods include monitoring the use of pesticides, rodenticides and fertilizers, and adhering to the County's Fire Safe Regulations and providing adequate road access. The L&RMP's provisions for protection of heritage resources is consistent with the proposed project as consultation with Tribal Historic Preservation Officers occurred. The cultural resources survey had negative results and the Hoopa Valley Tribe indicated they were satisfied with the report. Lastly, the project is consistent with recreational use on public lands as the proposed project is not located near developed campgrounds and trails. For the reasons listed above staff supports the setback reduction.</p>
<p>Conservation and Open Space</p>	<p>Goals and policies contained in this Chapter relate to mapped sensitive habitat areas where</p>	<p>The proposed project has two blue line streams, Victor Creek and Bloodynose Creek, and two unnamed Class III</p>

<p>Chapter 10 Biological Resources Section 10.3</p>	<p>policies are applied to protect fish and wildlife and facilitate the recovery of endangered species (BR-G1, Threatened and Endangered Species, BR-G2, Sensitive and Critical Habitat, BR-G3, Benefits of Biological Resources).</p> <p>Related policies: BR-P1, Compatible Land Uses; BR-P5, Streamside Management Areas.</p>	<p>watercourses that flow into Victor Creek, all of which are located in the northern portion of the Campbell Creek Watershed and are tributary to the Trinity River. Locally, the project is in the Brimmer Creek Watershed. A Water Resources Protection Plan (WRPP) was prepared by Timberland Resource Consultants (TRC) to remediate the degraded conditions associated with roadway runoff. The remediation efforts were completed, and not only protect stream habitat and water quality, but sensitive species that may use the streams or be downstream of the project site. In addition, BMP's detailed in the Road Evaluation Report are approximately 50 percent complete and the applicant expects to have the remaining completed by the end of the 2018. All cultivation areas are outside the associated streamside management areas (SMA's) of the creeks and unnamed tributaries.</p> <p>Although there were no recorded Spotted owl observations according the California Department of Fish and Wildlife Map, the birds have been observed adjacent to the project boundaries. The project site also may provide habitat for the West Coast Fisher.</p> <p>In addition, to the requirements for erosion control to protection of aquatic resources, other conditions of approval have been added regarding measures needed to protect the Spotted owl, west coast fisher, and any other sensitive species from project related noise. These conditions, as well as other standard permitting conditions, would be sufficient to protect natural resources on this parcel.</p>
<p>Conservation and Open Space Chapter 10 Cultural Resources Section 10.6</p>	<p>Goals and policies contained in this Chapter relate to the protection and enhancement of significant cultural resources, providing heritage, historic, scientific, educational, social and economic values to benefit present and future generations (CU-G1, Protection and Enhancement of Significant Cultural Resources).</p>	<p><i>Cultural Resources Investigation for Talking Tree Farms-Natures Peace, LLL</i> dated February 2018 was conducted by William Rich and Associates. The report includes a review of records, reports, and published literature of the Northwest Information Center (NWIC) and correspondence with tribal representatives. The Hoopa Valley Tribe indicated they were satisfied with the report.</p> <p>The cultural resources survey had negative</p>

	<p>Related policies: CU-P1, Identification and Protection; CU-P2, Native American Tribal Consultation.</p>	<p>results and no additional archeological studies are recommended for permit approval. A condition regarding inadvertent archaeological discovery be including prior to project approval.</p>
<p>Conservation and Open Space Chapter 10</p> <p>Scenic Resources Section 10.6</p>	<p>Goals and policies contained in this Chapter relate to the protection of scenic areas that contribute to the enjoyment of Humboldt County's beauty and abundant natural resources (SR-G1); and a system of scenic highways roadways that increase the enjoyment of, and opportunities for, recreational and cultural pursuits and tourism in the County (SR-G2).</p> <p>Related policies: SR-S4, Light and Glare.</p>	<p>The project involves outdoor cultivation in five areas some under full sun and others in greenhouses, without supplemental lighting. A condition has been made to require that existing lighting in the greenhouses be removed and there be no supplemental lighting used in the cultivation operation. The project site is not located near any designated scenic highway but is approximately 0.5 miles from Highway 299 which is listed as an Eligible State Scenic Highway but is not officially designated. None of the cultivation areas will be visible from the highway.</p>
<p>Water Resources Chapter 11</p> <p>Stormwater Drainage</p>	<p>Goals and policies contained in this Chapter relate to coordinated watershed planning and land use decision making to advance management priorities (WR-G3, WR-G4, WR-G5); watershed conservation and restoration efforts aimed at de-listing water bodies and watersheds which are restored to meet all beneficial uses, including water use, salmon and steelhead recovery plans, recreational activities, and the economy (WR-G1, WR-G2, WR-G7, WR-G8, WR-G9).</p> <p>Related policies: WR-P10. Erosion and Sediment Discharge; WR-P42. Erosion and Sediment Control Measures.</p>	<p>The project site falls within Tier 2 of the North Coast Regional Water Quality Control Board's (NCRWQCB) Order No. 2015-0023 (Order), which requires preparation of a Water Resources Protection Plan (WRPP) to protect water quality from cannabis cultivation and related activities. The WRPP was prepared to describe and address the required elements and compliance with the 12 Standard Conditions established by the Order. The WRPP identified areas where the Project site does not meet all 12 Standard Conditions and set a preliminary schedule prioritizing corrective actions to reach full compliance with the Order. The WRPP identifies remediation efforts and corrective actions based on a site evaluation and previous studies including the Engineering Geologic Soils Exploration Report conducted by Lindberg Engineering to bring the site into compliance, as well as a monitoring and reporting plan following remediation activities. Implementation of the WRPP is included in the recommended conditions of approval.</p>
<p>Water Resources</p>	<p>Goals and policies contained in this Chapter relate to</p>	<p>The project site does not have an Onsite Wastewater Treatment System (OWTS). An</p>

<p>Chapter 11</p> <p>Onsite Wastewater Systems</p>	<p>adequate public water supply as well as onsite wastewater systems and natural and developed storm drainage systems that minimize interference with surface and groundwater flows and storm water pollution (WR-G6, WR-G9, WR-G10).</p> <p>Related policies: WR-IM7. Basin Plan Septic Requirements; and IS-P17. On-Site Sewage Disposal Requirements.</p>	<p>OWTS is required to be installed within two years. The applicant has the plans for the OWTS and is in the process of permitting the OWTS with the County. A condition of approval has been included and requires the applicant to provide portable toilets to accommodate worker waste until a permitted septic system can be designed and installed to the satisfaction of Humboldt County Department of Environmental Health.</p>
<p>Noise</p> <p>Chapter 13</p>	<p>Goals and policies contained in this Chapter discourage incompatible uses within communities and reduce excessive noise through the application of standards (N-G1, N-G2)</p> <p>Related policies: N-P1, Minimize Noise from Stationary and Mobile Sources; N-P4, Protection from Excessive Noise.</p>	<p>The project site is approximately 142 acres in size. No residences are located on adjacent parcels within 300 feet. The applicant uses a 45-kw ultra-silent MQ diesel generator which would be cited to minimize noise. No Spotted Owls were observed within the project site; however, there were observations in adjacent areas. Therefore, standard permitting conditions and compliance with the standards set forth in Section 55.4.11(o) of the CMMLUO and Department Policy Statement #DPS-16-005 are required. Implementation of these conditions would also avoid impacts to the West Coast Fisher, should it be present.</p>
<p>Safety Element</p> <p>Chapter 14</p> <p>Geologic & Seismic</p>	<p>Goals and policies contained in this Chapter relate to communities that are designed and built to minimize the potential for loss of life and property resulting from natural and manmade hazards; and to prevent unnecessary exposure to areas of geologic instability, floodplains, tsunami run-up areas, high risk wildland fire areas, and airport areas planned and conditioned to prevent unnecessary exposure of people and property to risks of damage or injury (S-G1, S-G2).</p> <p>Related policies: S-P11, Site Suitability; S-P7, Structural Hazards.</p>	<p>The project site is not located in a mapped Alquist-Priolo fault zone nor is subject to liquefaction. According to the Humboldt County Web GIS, the site is shown as being in an area of moderate instability in relation to seismic safety. For any grading that is proposed, the applicant must secure a grading permit and as part of the permit the applicant will, at a minimum, incorporate the standard erosion control measures. These measures are a condition of approval. Therefore, the project does not pose a threat to public safety related from exposure to natural or manmade hazards.</p>
<p>Safety Element</p> <p>Chapter 14</p>	<p>Goals and policies contained in this Chapter relate to the use of</p>	<p>The subject site is outside any mapped flood hazard areas. The project site is not</p>

<p>Flooding</p>	<p>natural drainage channels and watersheds that are managed to minimize peak flows in order to reduce the severity and frequency of flooding (S-G3).</p> <p>Related policies include: S-P12, Federal Flood Insurance Program; S-P13, Flood Plains; S-P15, Construction Within Special Flood Hazard Areas.</p>	<p>within a mapped dam or levee inundation area. At approximately 26 miles distance from the coast and between approximately 1,200 to 2,000 feet above mean sea level, is outside the areas subject to tsunami run-up.</p>
<p>Safety Element Chapter 14</p> <p>Fire Hazards</p>	<p>Goals and policies of this Chapter encourage development designed to reduce the risk of structural and wildland fires supported by fire protection services that minimize the potential</p> <p>Related policies: S-P19, Conformance with State Responsibility Areas (SRA) Fire Safe Regulations.</p>	<p>The subject property is located within the State Responsibility Area for fire protection where the State of California has the primary financial responsibility for the prevention and suppression of wildland fires. County GIS shows the site within a very high fire hazard severity zone. The project, however, does not propose any habitable structures and all water stored in existing tanks and catchment pond, as well as proposed tanks and catchment pond, would be available for fire suppression efforts.</p> <p>CAL FIRE comments recommended compliance with the requirements of the County's Fire Safe Regulations, Resource Management policies, and for cannabis cultivation in SRA lands. The project would comply with the requirements of the County's Fire Safe Regulations and the Humboldt County Fire Safe Ordinance (Section 3111-1 et seq.), which establishes development standards for minimizing wildfire danger in state responsibility designated areas.</p>
<p>Air Quality Chapter 15</p>	<p>Goals and policies contained in this Chapter relate to improved air quality to meet current and future state and federal standards, including attainment of particulate matter requirements (AQ-G1, AQ-G2, AQ-G3) and the successful reduction of greenhouse gas emissions to levels consistent with state and federal</p>	<p>As a condition of project approval, applications for grading and or building permits shall be referred to the North Coast Air Quality Management District (NCAQMD) for review and consultation. Dust control practices will be required during all work on the project site to include BMP installation, and any grading that would occur for work on the project site. All work shall achieve compliance with NCAQMD fugitive dust emission standards.</p>

	<p>requirements (AQ-G4).</p> <p>Related policies: AQ-P4, Construction and Grading Dust Control; AQ-S1, Construction and Grading Dust Control; AQ-P7, Interagency Coordination.</p>	
<p>Safety Element Chapter 14</p> <p>Fire Hazards</p> <p>Implementation Action Plan</p>	<p>IS-S5 requires new industrial, commercial and residential development located outside of fire district boundaries to obtain written acknowledgment of available emergency response and fire suppression services from the local fire agency, including any recommended mitigation.</p>	<p>The project is located outside of the Willow Creek Volunteer Fire Department Fire Response Area per the 2016 County Fire Plan. The applicant will contact the local fire agency for a written acknowledgment of available emergency response and fire suppression services and recommended mitigations.</p> <p>The project is conditioned to require that the project incorporate any recommended mitigations into the project, and, if service is not available to the site, to record an acknowledgement consistent with this standard.</p>

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

Zoning Section and Summary of Applicable Requirement	Evidence That Supports the Zoning Finding
<p>§312-1.1.2 Legal Lot Requirement: development permits shall be issued only for a lot that was created in compliance with all applicable state and local subdivision regulations.</p>	<p>The parcel was created by a recent Lot Line Adjustment.</p>
<p>§314-7.1 Agricultural Exclusive (AE): Intended to be applied in fertile areas in which agriculture is and should be the desirable predominate use and in which protection of this use from encroachment from incompatible uses is essential for the general welfare.</p>	<p>All general agricultural use is enumerated as a principally permitted use in the Agricultural Exclusive (AE) zoning district. The project is for the cultivation of outdoor commercial medical cannabis production. Commercial medical cannabis cultivation is recognized under State law as an agricultural product. Although State law specifies it is agricultural use and general agricultural uses are principally permitted in AE, pursuant to Humboldt County Code Section 314-55.4.3.7, the commercial cultivation of cannabis for medical use is a regulated specialty crop and the cultivation of that specialty crop is not a principal permitted use under the General Agriculture use type classification in the Humboldt County Zoning Regulations. The applicant has applied for the requisite permit. Based on the referenced principally permitted use and the above, a finding of consistency with the AE zoning district can be made for the project.</p>
<p>§314-7.4 Timberland Production (TPZ) is intended to provide standards and restrictions for the preservation of timberlands for growing and harvesting timber.</p>	<p>Principal permitted uses in the Timberland Production (TPZ) zoning district includes, "accessory agricultural uses and structures as listed at Section 314-43.1.3 (Permitted Agricultural Accessory Uses) and 314-69.1-1 (Permitted Agricultural Accessory Structures." The TPZ also includes grazing and other agricultural uses under Principle Permitted Uses Compatible with Timber Production.</p> <p>Pursuant to Humboldt County Code Section 43.1.3 – Permitted Agricultural Accessory Uses includes greenhouses, tank houses, and drainage facilities and structures. While the project applicant is not proposing to utilize the land for timber production, the proposed uses are consistent with those allowed in the TPZ, and a finding of consistency can be made for the project. In addition, the California Department of Forestry and Fire Protection (CALFIRE) did not indicate a request for a less than three-acre conversion exemption.</p>

Zoning Section	Summary of Applicable Requirement	Evidence That Supports the Zoning Finding
§314-7.1 Agricultural Exclusive (AE)		
Minimum Lot Size	20 acre	142 acres
Maximum Ground Coverage	35 percent	The applicant proposes coverage of less than one acre, which is well below the lot coverage.
Minimum Lot Width	100 feet	2,400 feet
Maximum Lot Depth	None specified	N/A
Setbacks Front: 20 feet Rear: 30 feet Side: ten percent of lot width but not more than 20 feet. Subject parcel has a lot width approximately 1,300 feet, so the side yard setback is 20 feet. Fire Safe Standards require a 30' setback from all property lines.		Front, north property line: 20' setback from a property line to metal processing structure. A condition of approval has been added requiring this structure to be moved to make it compliant with the CMMLUO. This will also conform to the required Fire Safe setback. Rear, south property line: 905 feet Side, east and west property lines: 310 feet and from the east of 215 feet.
Max. Building Height	None specified	Green houses are proposed. Other than that there will be no new structures.
§314-7.4 Timberland Production (TPZ)		
Minimum Lot Size	160 acres	142 acres
Maximum Ground Coverage	N/A	Not applicable
Residential Density	No greater than 1 dwelling per 20 acres	The applicant is not proposing a new dwelling.

<p>Setbacks</p> <p>Front: 20 feet</p> <p>Rear: 30 feet</p> <p>Side: 30 feet</p> <p>Fire Safe Standards require a 30' setback from all property lines.</p>		<p>Front, north property line: 20' setback from a property line to metal processing structure. A condition of approval has been added requiring this structure to be moved to make it compliant with the CMMLUO. This will also conform to the required Fire Safe setback.</p> <p>Rear, south property line: 905 feet</p> <p>Side, east and west property lines: 310 feet and from the east of 215 feet.</p>
<p>Max. Building Height</p>	<p>None specified</p>	<p>The applicant does not propose to build any new buildings nor are there any structures on the project site.</p>
<p>§314-61.1 Streamside Management Area (SMA)</p>	<p>Purpose: to provide minimum standards pertaining to the use and development of land located within Streamside Management Areas (SMAs) and other wet areas (OWA) to implement the County's Open Space Element of the General Plan.</p>	<p>The proposed project has two blue line streams, Victor Creek and Bloodynose Creek, and two unnamed Class III watercourses that flow into Victor Creek, all of which are located in the northern portion of the Campbell Creek Watershed and are tributary to the Trinity River. Locally, the project is in the Brimmer Creek Watershed. A Water Resources Protection Plan (WRPP) was prepared by Timberland Resource Consultants (TRC) to remediate the degraded conditions associated with stream crossings and culverts. The remediation efforts were completed, and not only protect stream habitat and water quality, but sensitive species that may use the streams or be downstream of the project site. In addition, BMP's detailed in the Road Evaluation Report are approximately 50 percent complete and the applicant expects to have the remaining completed by the end of the 2018. All cultivation areas are outside the associated streamside management areas (SMA's) of the creeks and unnamed tributaries.</p>
<p>§314-109.1.3.3: Off-Street Parking:</p>	<p>None specified</p>	<p>According to the applicant's information there will be approximately 6 employees on average. Attachment 1 includes a condition that the applicant submit a revised Site Plan showing the location of six on-site parking spaces.</p>

314-55.4 et seq. HCC: Commercial Cultivation, Processing, Manufacturing and Distribution of Cannabis for Medical Use Inland Land Use Regulation (CMMLUO)

§ 314-55.4.8.2.2	On AE parcels (no parcel size limitation), existing outdoor and mix-light cultivation may be permitted with a Zoning Clearance Certificate, Special Permit or Use Permit.	In accordance with the referenced section the applicant has applied for the necessary CUP. The project is limited to existing outdoor cultivation.
§ 314-55.4.8.2.2	On TPZ parcels (on parcels of one acre or larger), only when possible to bring them into compliance.	In accordance with the referenced section the applicant has applied for the necessary CUP due to the parcel being approximately 142 acres in size. Approval of the CUP for the project as proposed and conditioned would bring it into compliance with applicable standards. There is a Joint Timber Management Plan on file for the site.
§314-55.4.8.2.2 Criterial for approval for existing outdoor and mix-light cultivation areas:		
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 of 43,560 square feet for outdoor cultivation.	The applicant does not propose to expand the area within the project site currently under outdoor cultivation. The area under cultivation is approximately 24,000 SF.	
With documented current water right or other non-diversionary source of irrigation water.	To support the cannabis operation the applicant's operation uses two permitted wells, a 2,000,000 gallon pond, 18 storage tanks totaling 37,450 gallons of storage, and plans to install 2 additional tanks totaling 5,200 gallon and a 5,000 gallon rainwater catchment pond. The applicant also has a permitted water diversion, however it will not be used in the production of cannabis. Per the Plan of Operation and Water Resource Protection plan, the operation will utilize natural rainwater from the catchment pond as the primary source of irrigation water. The applicant proposes drip irrigation to water most of the cultivation areas. The applicant is not proposing to use any additional surface diversion or additional wells for irrigation water. Based on the submitted evidence, the project complies with the referenced section.	

§314-55.4.8.2	In all zones where cultivation is allowed consisting of timberland, the commercial cultivation of cannabis for medical use shall only be permitted within a 3-acre conversion exemption area, or non-timberland open area, subject to the conditions and limitations set forth in this Section.	Portions of the project site that are currently used for cannabis cultivation would have previously required conversion from timberland to cleared areas. According to the Engineering Geologic Soils Exploration Report (Lindberg Geologic Consulting June, 2016) the property was logged decades prior. In the years prior to August 2005 and continuing through October 2010 grading occurred. CALFIRE was contacted but did not indicate a request for a less than three acre conversion exemption. The applicant does not propose to expand the area under cultivation and existing operations, as proposed, would not require removal of any trees. There is a Joint Timber Management Plan recorded for this parcel.
§314-55.4.8.10 Permit Limit	No more than four commercial cannabis activity permits may be issued to a single person, as defined in the referenced section.	According to records maintained by the Department, the applicant who is a member of Natures Peace LLC. holds three other cannabis activity permits, and is entitled to four. This application is for one permit.
§314-55.4.9.1 Accessory Processing	Processing for cultivation requiring a Special Permit or Use Permit will be considered in the Use Permit application.	This Conditional Use Permit includes a request for processing of cannabis grown on site. All commercial cannabis cultivated will be dried, cured, and trimmed by the applicant and by employees and temporary workers. The project has been conditioned to include all applicable Employee Safe Practices enumerated in Section 55.4.11 (q) through (u).
§314-55.4.9.4 Pre-Application Registration	Existing cultivation sites shall register with the County within 180 days of the effective date of this ordinance.	A Commercial Cannabis Registration Form for the site, APN 522-174-005, was filed with the Planning Division on December 29, 2015, and within the specified window.
§314-55.4.10 Application Requirements	Identifies the Information Required for All Applications	Attachment 3 identifies the information submitted with the application, and shows all the required information was received.
§314-55.4.11 Performance Standards	Identifies the Performance Standards for Cannabis Cultivation Activities	All the applicable performance standards are included as conditions of project approval. They are required to be met throughout the timeframe of the permit.

<p>§314-55.4.11.c Performance Standards-Water</p>	<p>Compliance with all statutes, regulations and requirements of the California State Water Resources Control Board, Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration.</p>	<p>The applicant utilizes natural rainwater from the catchment pond as the primary source of irrigation and is primarily delivered to plants via a drip irrigation system to reduce overwatering and runoff. The applicant currently has one permitted surface water diversion from CDFW; however, this water is not used for nor planned to be used for irrigation.</p>
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<p>§314-55.4.11.d Performance Standards- Setbacks</p>	<p>The area of cannabis cultivation and on-site processing shall be setback at least 30 feet from any property line, and 600 feet from any school, school bus stop, church or other place of religious worship, public park, or tribal cultural resources (TCRs).</p>	<p>The applicant's site plan shows that the cultivation and processing area is setback approximately 20 feet from the northern property line and greater than 30 feet from all other property lines. All processing must be located at least 30 feet from the property line (HCC 314-55.4-11.d)). If it cannot be demonstrated through a survey that the building is at least 30 feet from the property line, the processing facility will need to be relocated to conform to the setback a different processing location will need to be identified.</p> <p>The applicant's site plan also shows that the cultivation and processing area conforms to required 600-foot setback from any school, school bus stop, church or other place of public worship.</p> <p>The project requires a setback reduction from public land because the nearest point of the cultivation area is approximately 430 feet from the western the property line which is shared with Six Rivers National Forest. CMMLUO Section 314-55.4.11d) allows for a setback of less than 600 feet where publically owned lands are managed for open space and/or wildlife habitat purposes with a Special Permit. The adjacent public lands are managed for these purposes with no picnic areas, trails or river access points or similar facilities in the vicinity. The cultivation area is located on the north end of the northeasterly trending ridgeline at 1,840 feet above sea level and is not visible from the majority of the adjacent USFS lands which are located below and to the west of this ridge.</p> <p>Further, the project is consistent with the <i>Land and Resource Management Plan - Six Rivers National Forest 1995 (L&RMP)</i> because the cultivation activities will minimize impacts to biological resources and wildlife through measures to reduce potential light and noise impacts. Specific conditions are included to protect the northern spotted owl and west coast fisher. Further, the project will also protect fisheries and aquatic habitat on forest lands by maintaining buffers from streams and by improving the gravel roads on the site which will minimize sediment transport. No new cultivation areas are proposed, the project is limited to bringing the existing cultivation areas into compliance with the CMMLUO. Additional</p>
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		<p>protection methods include monitoring the use of pesticides, rodenticides and fertilizers, and adhering to the County's Fire Safe Regulations and providing adequate road access. The L&RMP's provisions for protection of heritage resources is consistent with the proposed project as consultation with Tribal Historic Preservation Officers occurred. The cultural resources survey had negative results and the Hoopa Valley Tribe indicated they were satisfied with the report. Lastly, the project is consistent with recreational use on public lands as the proposed project is not located near developed campgrounds and trails. For the reasons listed above staff supports the setback reduction.</p>
<p>§314-55.4.11.o Performance Standards- Generator Noise</p>	<p>The noise produced by a generator used for cannabis cultivation shall not be audible by humans from neighboring residences. The combined decibel level for all noise sources, including generators, at the property line shall be no more than 60 decibels. Where applicable, sound levels must also show that they will not result in the harassment of Marbled Murrelet or Spotted Owl species, when generator use is to occur in the vicinity of potential habitat. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service</p>	<p>The applicant proposes to use a 45-kw ultra-silent MQ diesel generator. The location of the generator is not located in proximity to any residences and it would be stored in an insulated structure to reduce noise. There were no observation of Spotted Owl within the project site, however, the Owl and West Coast Fisher have the potential to be on the site and in adjacent areas. Conditions of approval regarding ensuring and/or reducing the decibel levels from the project have been incorporated as conditions of approval. These conditions will reduce harassment of the Spotted Owl and West Coast Fisher and, therefore, the project conforms with the referenced standard.</p>
<p>§314-55.4.17 Sunset Date</p>	<p>No application for any Use Permit pursuant to the CMMLUO shall be processed for issuance or approval that is received after December 31, 2016.</p>	<p>The applicant filed the application on December 8, 2016.</p>

4. Public Health, Safety and Welfare, and 6. Environmental Impact: 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, and will not adversely impact the environment.

Code Section	Summary of Applicable Requirements	Evidence that Supports the Required Finding
§312-17.1.4	The proposed development will not be detrimental to the public health, safety and welfare, and will not be materially injurious to properties or improvements in the vicinity.	The Department finds that the proposed project will not be detrimental to the public health, safety and welfare since all reviewing referral agencies have approved the proposed project design. The project as proposed and conditioned is consistent with the general plan and zoning ordinances; and the proposed project is not expected to cause significant environmental damage.
§§15304 (a) and 15311 of CEQA	Categorically exempt from State environmental review.	The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per Class 1, Section 15301 (Existing Facilities), Class 3, 15303 (New Construction or Conversion of Small Structures) and Class 4, Section 15304 (Minor Alterations to Land), of the California Environmental Quality Act (CEQA) Guidelines are applicable to the proposed project.

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

Code Section	Summary of Applicable Requirement	Evidence that Supports the Required Finding
17.1.5 Housing Element Densities	The proposed development shall not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law (the 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.	As discussed above the property was not included in the 2014 Housing Inventory because of the land use designation and zoning. The project is in conformance with the standards in the Housing Element.

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. (Attached)
5. Copy of the statement of water diversion, or other permit, license or registration filed with the State Water Resources Control Board, Division of Water Rights, if applicable. (On File)
6. Description of water source, storage, irrigation plan, and projected water usage. (Attached)
7. Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the North Coast Regional Water Quality Control Board demonstrating enrollment in Tier 1, 2 or 3, North Coast Regional Water Quality Control Board Order No. 2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (On file)
8. If any on-site or off-site component of the cultivation facility, including access roads, water supply, grading or terracing impacts the bed or bank of any stream or other watercourse, a copy of the Streambed Alteration Permit obtained from the Department of Fish & Wildlife. (On file)
9. If the source of water is a well, a copy of the County well permit, if available. (On File)

10. If the parcel is zoned FR, U or TPZ, or involves the conversion of timberland as defined under section 4526 of the Public Resources Code, a copy of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (CAL-FIRE). Alternately, for existing operations occupying sites created through prior unauthorized conversion of timberland, evidence may be provided showing that the landowner has completed a civil or criminal process and/or entered into a negotiated settlement with CAL-FIRE. (Not applicable)
11. Consent for onsite inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. (On file)
12. For indoor cultivation facilities, identify the source of electrical power and how it will meet with the energy requirements in section 55.4.8.2.3, and plan for compliance with applicable Building Codes. (Not applicable)
13. Acknowledge that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed will not support diversions for irrigation. (On file)
14. Acknowledge that the county reserves the right to engage with local Tribes before consenting to the issuance of any clearance or permit, if cultivation operations occur within an Area of Traditional Tribal Cultural Affiliation, as defined herein. This process will follow current departmental referral protocol, including engagement with the Tribe(s) through coordination with their Tribal Historic Preservation Officer (THPO) or other tribal representatives. This procedure shall be conducted similar to the protocols outlined under SB 18 (Burton) and AB 52 (Gatto), which describe "government to government" consultation, through tribal and local government officials and their designees. During this process, the tribe may request that operations associated with the clearance or permit be designed to avoid, minimize or mitigate impacts to Tribal Cultural Resources, as defined herein. Examples include, but are not limited to: conducting a site visit with the THPO or their designee to the existing or proposed cultivation site, requiring that a professional cultural resources survey be performed, or requiring that a tribal cultural monitor be retained during project-related ground disturbance within areas of sensitivity or concern. The county shall request that a records search be performed through the California Historical Resources Information System (CHRIS). (On-file)
15. Talking Trees Farms. Site Plan Overview and Cultivation and Operations Plan, received June 12, 2017, (Attached)
16. Timberland Resource Consultants, Water Resource Protection Plan for WDID#1b16302CHUM (on file)
17. DEH Worksheet and Road Evaluation Report (on file)

Rec'd 6/12/17

Talking Trees Farms

A California Medical Cannabis Collective
Nonprofit Mutual Benefit Corporation, Number C3815847
APN 522-174-05/2015 Exiting TPZ/24,000sqft

Version 2: June 7, 2017

OPERATIONS PLAN

Introduction

Under California law, medical marijuana patients and primary caregivers may “associate within the State of California in order collectively or cooperatively to cultivate cannabis for medical purposes.” (Health and Safety Code § 11362.775.)

Talking Trees Farms (“Company”) is a medical cannabis collective, which is a member owned and operated collective, that is lawfully organized and operating in compliance with California medical marijuana laws including but not limited to the Compassionate Use Act, (“CUA”) the Medical Marijuana Program Act, codified in Health & Safety Code §§ (§§ 11362.7-11362.83.) (“MMPA”), the California Attorney General’s Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use (August 2008) (“AG Guidelines”) and interpretive case law (“state law”), (“referred to collectively as “California medical marijuana laws”).

Company is applying for a 24,000 square foot outdoor cultivation permit.

A. Background

Property has been cultivated on for a decade or more. Natures Peace, LLC took possession of the property in its current form in 2013. All the grading and grow sites were already established. Natures Peace took the immediate steps to permit all activities including grading, pond, water diversions, etc. and has actively been working on permitting all aspects of the property over these years. Talking Trees Farms rents the property for cultivation and is a registered Mutual Benefit nonprofit corporation licensed to do business in California.

B. Water

Water needs are met by 2 permitted wells and a rain catchment pond. There is also a permitted CDFW 1600 creek diversion in place. The Farm is not currently diverting from the creek as the rain catchment keeps the pond close to full until May 1st which is the forbearance date to end diversions. We have chosen to not divert from the creek as it is not needed. The pond holds nearly 2 million gallons of water when it is full. The topography of the land and drainage was engineered to capture optimal runoff from rain storms capturing tens of thousands of gallons of rain per month in the rainy season. We also installed drainage pipe off the 2080 sq foot roof of the building adjacent to the pond which feeds an estimated 60,000+ gallons of rain water to the pond per year. The pond is usually full by the end of

March (It is currently full as of 11/29/2016). In addition to the pond, there is a permitted well at the top of the property in which all water is fed from the well area to all parts of the property. There, we have installed a water meter to know exactly how much water the entire property is using. Even pond water is pumped up to the well tanks to capture and meter its use.

With over 35,000 gallons of tank storage, our solar powered well pump easily fills every tank on the property over the winter and early spring months. All our tanks are full by March 1st. The well maintains all water needs most of the season into August. If the well slows down, we keep a reserve and start to pump from the pond as needed. The pond loses water through the summer due to seepage and evaporation but still holds hundreds of thousand gallons of water to the end of the growing season.

The Farm is enrolled with the Water Board as a tier 2 discharger and has already turned in the Water Resource Protection Plan prepared by Timberland Resource Consultants. Water board has visited the property with the "WET" team in 2014 and their report is included with application packet.

C. Irrigation

Almost all irrigation on the property is done through drip systems which provide the most efficient use of water. We have drip systems set up in every cultivation site along with rice straw mulch to help with water retention. In addition, about once a week, gardens are hand watered with traditional hose and watering wand with compost teas.

D. Drainage/Runoff/Erosion Control

The accompanying report from the CA State Water Board cites that drainage and run off are not an issue of concern on the property. Reused soils are amended each year. The plants are only watered what they need, so there is virtually no additional runoff. All sites are over 200 feet away from any waterway they could potentially affect. Erosion control measures are being implemented where needed per recommendations from the Water Board and a licensed Geologist. We mulch each garden site along with planting seed and straw on graded hillsides.

E. Watershed and Habitat Protection

Company does everything it can to protect the water ways and natural environment on and surrounding the property. Company chooses not divert water from the creek even though permitted. If water is diverted from the creek, a fine mesh screen is on inlet pipe and flow is fed via gravity siphon flow, no generator used. Property is kept clean and generator usage is extremely minimal as to not disturb any surrounding habitat. Generators are kept in insulated generator sheds to keep noise disturbance to absolute minimum.

F. Storage and use of Fertilizers and Pesticides

Talking Trees Farms grows organically and avoids the use of chemical pesticides. Cultivation starts with amending soils with organic nutrient inputs that sustain the life of the plant cycle and requires very minimal additional inputs which include compost teas comprised of organic green compost and earthworm castings. Farm also uses hi brix molasses as the flower buds start to form on the plant. A list

of the nutrient inputs we use is attached with description of their purpose. All nutrients, fertilizers and organic pest management products are kept contained inside the metal building on site. They are only deployed from the building as needed and returned once applied.

G. Prior Cultivation Activities

The property has had a cultivation area of approximately 25,000+ sq ft for years that Talking Trees Farms inherited upon renting the property. There are no diesel generators used on site. Cultivation activity starts in late March/ early April in the 24x40 foot greenhouse. All plants for the entire property start here. At that time, a Honda 2000 generator is used to supplement less than 2,000 watts of lights from about 6p to 11pm. This minimal amount of supplemental light keeps the plants in a vegetative state, and it takes very little light to achieve this. Farm uses LED shop lights that are 42watts per unit. All generators are kept in containment sheds.

The plants are moved from the main greenhouse by the pond, and once planted in the "light dep" green houses, Around mid May to early June, the tarps begin being pulled to start the flowering process.

In late May, the full sun, full season plants are moved out of the 24x40 foot greenhouse and planted in the remainder cultivation sites for the season.

There has been mostly one harvest a year on the property. Farm refills the houses in early August for a second harvest which requires no supplemental lighting. All other sites have been one harvest per year.

H. Cultivation

Cultivation area #1 is 10,208 square feet with 1 greenhouse at 28'x96' and two greenhouses at 28'x120 as well as a full sun outdoor area of 20'x40' square foot. Cultivation area #2 is 1600square foot consisting of a 24'x40' greenhouse and a outdoor area of 16x40 behind the greenhouse. Cultivation area #3 is 6,816square feet consisting of two 30x96ft greenhouses and a 24x60ft outdoor area. Cultivation area #5 is 1500 square foot of full sun outdoor. .

I. Processing Plan

Processing takes place in the insulated metal building on the property. The 1600 sf foot building was constructed in August 2015 with permits. The building provides ideal space for hanging the plants as they are harvested and dried. The dried cannabis is stored in totes once dry and then goes to trimming. The building is secured by a heavy metal door under lock and key.

The building will be outfitted with permitted electrical capabilities that will be powered by solar. A propane generator will also be installed for backup power, and the building will be outfitted with a propane heating system. The generator will be in an insulated shed to minimize any noise disturbance.

Once the building has power, a security camera system and alarms will be installed on the building.

Farm is applying for a permit to build a secondary septic system with a ADA bathroom outside of the metal building. The bathroom will be built to meet ADA standards and provide ADA paved parking and entry into both the bathroom and building.

J. Schedule of Activities

January: Property maintenance. It is typically raining this month so we survey the roads and drainage ways with shovels to ensure water is channeling properly and not rutting roads etc. Chainsaws are always in tow. Clearing roads of fallen trees and thinning in the forest. Stacking firewood, cleaning, organizing, and securing water storage for the season.

February: Same as January

March: Same as previous month. In mid to late march, seeds and clones are brought out to start the vegetative process. Vegging the plants in the greenhouse is much more energy efficient then indoors and the plants prefer being outdoors. There is very minimal water use in March; less than 1000 gallons. All water used at the main greenhouse.

April: Vegetative plants are being maintained and sites are being prepped with clearing weeds, weed wacking, turning soil to be reused and general clean up and organizing. Supplemental light is used 5 hours a day with a Honda 2000w generator. Less than 3000 gallons of water is used. All water used is at the main greenhouse.

May: Same as April. If weather permits, we move light dep plants from 24x40 ft enclosed greenhouse and plant them in the various greenhouses. Water use is 6000-7000 gallons a month.

June: Once all plants are in their final homes, drip systems are put in place and rice straw mulch is laid around base of all plants. Planting takes weeks. Water begins being used at all sites and as it heats up water usage goes up to about 16,000 gallons for the month. Tarps are pulled over the light dep plants starting early June.

July: Maintaining all plants. Most of the month is spent grooming, staking, and watering. Around 20,000-22,000 gallons of water is used and light dep begins to be harvested in last weeks of July. If new baby plants are ready, the light dep will be replanted for a second harvest which requires no additional lighting because of natural day light cycles.

August: Maintaining all plants. Trimming the light dep which takes 1-2 weeks to accomplish. While trimming a honda 2000watt generator is used to provide light for trimmers. Water usage is 20,000-25,000 gallons

September: Maintaining all plants. Water usage begins to decline as plants put on more flower and begin to come to the end of their life cycle. 18,000-20,000 gallons of water is used.

October: Begin Harvesting and drying to processing. Depending on the strain of plants being grown flowering cycle, harvest takes place most of the month. Water usage is down to less than 10,000 gallons for the month. Once dried in metal building, the cannabis is weighed into bins and then allocated to

trimmers for processing. While harvesting, we are also cleaning up sites, and begin the organizing and storage for winter months. Honda 2000 watt generator is used most hours of the day to provide power and lighting for trim crew

November: Trimming and processing continues as well as site cleanup and organization which in entails putting away bamboo and plant cages for the winter and putting plastics away etc etc. Water usage is down to less than 5000 gallons, mostly for domestic use. Honda 2000 watt generator is used most hours of the day to provide power and lightning for trim crew.

December: Trimming finishes sometime within the month and final cleanup of trim staff and grounds is done while winter maintenance of roads and land continues. Water usage is less than 3000 gallons for domestic use. Honda 2000 generator is used sparingly for domestic use.

K. Security Plan

The property is well isolated from easy access. The property line is about 2miles up a private road off the highway 299. There is heavy duty electronic gate just off the 299 that is shared with the neighbor below. We also have installed metallic security sensors that let us know if any vehicle is coming up to our gate via radio walkie talkies. With the same radio wave system, we also have motion detectors set up in key locations to detect movement on the property. All buildings are kept under lock and key and only select individuals have access to certain areas. We make copies of employees and temp workers IDs and sometimes run background checks on individuals not well known to management. A security system with cameras will be installed at the building and adjacent greenhouses once solar power is up at the building.

ATTACHMENT 4

REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

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

Referral Agency	Response	Recommendation	Location
Building Inspection Division	✓	Conditional Approval	On file with Planning
Public Works Land Use Division	✓	Conditional Approval	Road Evaluation Exhibit A of Attachment 1
Health and Human Services Environmental Health Division	✓	Conditional Approval	On file with Planning, with recommendations incorporated into Attachment 1
CALFIRE	✓	Conditional Approval	On file with Planning
NWIC	✓	Conditional Approval	On file with Planning
Hoop Valley Tribe	✓	Approval	
Department of Fish & Wildlife	✓	Conditional Approval	On file with Planning, with recommendations incorporated into Attachment 1
Humboldt County Agricultural Commissioner		No response	
Humboldt County District Attorney		No response	
Regional Water Quality Control Board		No Response	
Humboldt County Sheriff		No response	
Klamath-Trinity Joint Unified School District		No Response	
Tsnungwe Tribe		No Response	
Willow Creek Response Area Fire Protection District		No Response	
Six Rivers National Forest Service		No Response (sent 4/25/18)	
Caltrans	✓	Conditional Approval	On file with Planning, with recommendations incorporated into Attachment 1