



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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

Hearing Date: November 15, 2018

To: Humboldt County Planning Commission

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

Subject: **Emerald Essence, Inc., Conditional Use Permit and Special Permit**
Application Number 11114
Case Number CUP-16-153
Assessor's Parcel Number (APNs) 211-373-033
On the South of Dyerville Loop Road, 2.66 miles southeast from the intersection of
Elk Creek Road and Dyerville Loop, Myers Flat Area

Table of Contents	Page
Agenda Item Transmittal	2
Recommended Action and Executive Summary	3
Draft Resolution	5
Maps	
Topo Map	7
Zoning Map	8
Aerial Maps	9
Site Plans	10
Attachments	
Attachment 1: Recommended Conditions of Approval	12
Attachment 2: Staff Analysis of the Evidence Supporting the Required Findings	20
Attachment 3: Applicant's Evidence in Support of the Required Findings	34
Attachment 4: Referral Agency Comments and Recommendations	52

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

AGENDA ITEM TRANSMITTAL

Hearing Date November 15, 2018	Subject Conditional Use Permit and Special Permit	Contact Rodney Yandell
--	---	----------------------------------

Project Description A Conditional Use Permit for 34,776 square feet (SF) of existing outdoor cannabis cultivation, 3,000 SF of existing mixed light cultivation, a 2,000 SF nursery, and a new 2,800 SF processing facility on Assessor's Parcel Number (APN) 211-373-033, a parcel of 40 acres in size. A Special Permit for streamside management area (SMA) encroachment is also sought for the installation of a 100,000 gallon steel water tank and remediation of two riparian areas. Electricity is provided by gas powered generators that will be audibly shielded as a condition of approval and municipal electricity is proposed to be installed for future cultivation activities. Up to four employees are anticipated on site during peak periods and all will live off site and commute daily. Portable toilets with hand washing stations will be used until a new onsite waste water treatment system can be permitted and installed to support the new facility. Irrigation water is diverted from a spring box diversion located on an adjacent parcel to the east (APN 211-361-009) through a deeded land use agreement to 16,750 gallons of tank storage and one 6,500 gallon temporary bladder also on the adjacent parcel and to 12,300 gallons of tank storage on the subject parcel for a total combined storage of 35,550 gallons. Three additional 100,000 gallon rain catchment water tanks are proposed to be installed on the subject parcel in order to meet forbearance requirements. The Applicant estimates that approximately 235,000 gallons of irrigation water are needed annually.

Project Location: The project site is located in Humboldt County in the Myers Flat area, on the south side of Dyerville Loop, approximately 2.66 miles southeast from the intersection of Elk Creek Road and Dyerville Loop, on the property known to be in Section 24 of Township 02 south, Range 03 east, Humboldt Base & Meridian.

Present Zoning: Timber Production Zone (TPZ)

Application Number: 11114

Case Number: CUP-16-153

Assessor Parcel Numbers: 211-373-033

Applicant
Emerald Essence, Inc.
Tara Sims
75 N. Willits Street, #210
Willits, CA 95490

Owner
Tara Sims
2119 Poppy Lane
Willits, CA 95490

Agent
Phil Standish
Northpoint Consulting
317 3rd Street
Eureka, CA

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), Class 4, 15304 (Minor Alterations to Land), and Class 33, 15333 (Small Habitat Restoration Projects) of the California Environmental Quality Act (CEQA) Guidelines.

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

Major Issues: None

EMERALD ESSENCE, INC
Case Number CUP 16-153
Assessor's Parcel Numbers 211-373-033

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, 15304, and 15333 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 Emerald Essence, Inc. project subject to the recommended conditions.

Executive Summary: Emerald Essence, Inc. Commercial Cannabis Cultivation Project. Applicant seeks approval of a Conditional Use Permit and Special Permit in compliance with the County Commercial Medical Marijuana Land Use Ordinance (CMMLUO) and the Medical Cannabis Regulation and Safety Act (MCRSA) for an existing outdoor commercial cannabis cultivation located on Assessor's Parcel Number (APN) 211-373-033, which is 40 acres in size.

A total of 34,776 SF of outdoor cultivation and 3,000 SF of mixed light cultivation (37,776 SF total) occur on the parcel in one consolidated area on a graded flat. One 3,000 SF mixed-light greenhouse will use a combination of artificial light and light deprivation to produce up to three flowering cycles per year. One 2,000 SF appurtenant nursery is directly adjacent to the outdoor and mixed light cultivation area. On site drying is proposed within a new 2,800 SF metal processing facility with an adjoining onsite waste water facility and eight parking spaces. The proposed processing facility is planned to be equipped with a commercial dehumidifier and two 1,500 watt electric heaters. Electricity is provided by one or more generators that will be audibly shielded as a condition of approval until the site can be linked to the municipal electricity providers in the near future. Up to two permanent and two seasonal employees are expected during peak harvest or processing times. The property owner/Agent in charge and all employees are to live off site and commute daily to the cultivation site. As a condition of approval, portable toilets with hand washing stations will be used until a new onsite waste water treatment system can be permitted and installed to support the new drying facility.

There are several small structures (ranging from 150 SF to 1,152 SF) elsewhere on the parcel including: two recreational accessory structures, an outdoor shower, two agriculturally exempt structures, and two sheds. The two appurtenant agriculturally exempt structures (640 SF and 1,152 SF) and the outdoor shower that are currently located between two intermittent drainages are to be removed, the road leading to them decommissioned, and the area rehabilitated as detailed in the Watershed Resources Protection Plan (WRPP). Encroachment of the Streamside Management Areas (SMAs) requires a Special Permit per 314-6.1.1 of the SMA Ordinance. Additional encroachment to occur on site also includes the proposed restoration and replanting of an eroding stream bank detailed in the WRPP, and the installation of one of three 100,000 gallon steel rainwater catchment tanks on a flat next to a road within the SMA of a Class II seasonal drainage. The other two 100,000 gallon steel rainwater catchment tanks will be placed outside of any SMA's.

The applicant is enrolled as a Tier 2 discharger in accordance with the North Coast Regional Water Quality Control Board (NCRWQCB) Order 2015-0023 (WDID# 1B16211CHUM), has filed an Initial Statement of Use with the State Water Board, and has provided a WRPP that identified 20 locations where the Project site does not meet the 12 Standard Conditions and set a preliminary schedule prioritizing corrective actions to reach full compliance with the Order. These corrective actions include: (1) disposal of cannabis plant waste, (2-7) installation or replacement of six ditch relief culverts, (8) improvement of one road drainage feature, (9) removal of one firewood pile and replanting within a riparian area, (10-16) implementation of various sediment control measures, (17) installation of a permitted septic system, (18)

restoration of an eroding streambank (pending CDFW approval), (19) proper storage of cultivation soils, and (20) installation of water bars along an old logging skid trail. Compliance with the WRPP corrective actions are made a condition of approval. A Lake or Streambed Alteration Agreement (1600-2017-0347-R1) has been finalized with CDFW for remediation of the point of diversion and culvert replacements. As a condition of approval, the applicant agrees to abide by the final agreement with CDFW and to seek approval from CDFW for the proposed restoration and planting of the eroding riparian area shown on the south side of the parcel and detailed in the revised WRPP, dated August 2018.

Water for cultivation uses is provided by a stream diversion from an unnamed tributary to Elk Creek on the adjacent 72 acre parcel (APN 211-361-009) with the right to use water through a deeded land use agreement. An initial statement of water diversion and use has been filed for cannabis irrigation and a small domestic use registration (SDUR) will be filed for non-cannabis use. According to the revised Cultivation and Operations Plan (August 2018), there are four water storage tanks on the project parcel (totaling 12,300 gallons) and six water storage tanks and a temporary water bladder (totaling 16,750 gallons) on the adjacent parcel with the point of diversion. The combined 35,550 gallons of storage provide domestic/fire suppression and irrigation requirements. The water bladder will be retired within two years as a condition of approval. The Applicant estimates that 235,000 gallons of water is used annual to irrigate cannabis, including approximately 200,000 gallons needed during the forbearance period. A Water Availability Analysis by Manhard Consulting concluded increasing on site water storage to the point that it will permit forbearance from all water diversions for irrigation use during the dry summer months (May 15 to October 15) requires installation of three 100,000 gallon rain catchment water tanks. The applicant shall reduce cultivation areas until onsite water storage is adequate to avoid diverting surface flows during the forbearance period and to install water use monitoring meters on each storage tank as a condition of approval.

CalFire identified Forest Practice violations based on imagery analysis and recommended the applicant seek consultation from a Registered Professional Forester (RPF). The applicant hired Michael A. Atkins, a RPF with Mad River Properties, Inc., to prepare a less than 3-acre conversion mitigation plan. This mitigation plan identified two areas of converted land totaling 2.58 acres on the property and mitigation measures to institute. A Nonindustrial Timber Management Plan (NTMP) accepted by CalFire (1-17NTMP-011 HUM) was also prepared (Hohman & Associates) to clear approximately one acre of land for saw logs, veneer logs, firewood, and to install or improve roads on the parcel. This NTMP includes details from completed Northern Spotted Owl surveys, planned rare plant surveys, and completed Archaeological and Cultural Resource surveys. Northern Spotted Owl surveys were also conducted in 2018 by Hohman & Associates and no owls were detected. Execution of seasonally appropriate rare plant surveys prior to further ground disturbance are made a condition of approval. One archaeological find and three cultural finds were identified on the parcel. Adherence and institution of the identified mitigation measures in both the RPF report and the NTMP to are made a condition of approval. The parcel is accessed directly off of Dyerville Loop Road and Public Works has conditionally approved the project. Public Works stated that the roadway serving the subject property is adequate to accommodate the proposed use and recommend that all driveways and intersections be improved to meet County standards for a commercial driveway including paving, visibility ordinance, and encroachment permit ordinance standards. This has been made a condition of approval.

Environmental review for this Project was conducted and based on the results of that analysis, staff believes the existing cultivation and appurtenant infrastructure of the Project can be considered as "Existing Facilities" as defined by Section 15301 of the California Environmental Quality Act (CEQA) Guidelines and as a "Minor Alteration to Land" as defined by Section 15304 of the CEQA Guidelines because it consists of "minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees except for forestry or agricultural purposes." Additionally, any replacement of greenhouses and sheds or the planned construction of a limited number of new small facilities, conversion of existing small structures, electrical utility extensions, or installation and maintenance of septic systems may be considered "New Construction or Conversion of Small Structures" as defined by Section 15303 of the CEQA Guidelines. Finally, as Lead Agency, the Department has determined that the remediation of riparian areas to be

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

**Case Number CUP-16-153
Assessor Parcel Number: 211-373-033**

Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the Emerald Essence, Inc. Conditional Use Permit and Special Permit request.

WHEREAS, Emerald Essence, Inc. submitted an application and evidence in support of approving a Conditional Use Permit for approximately 37,776 square feet (SF) of commercial cannabis cultivation and a new 2,800 square foot processing facility, and a Special Permit for SMA reduction located on APN 211-373-033.

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 environmental review pursuant to Class 1, 15301 (Existing Facilities), Class 3, 15303 (New Construction or Conversion of Small Structures), Class 4, 15304 (Minor Alterations to Land), and Class 33, 15333 (Small Habitat Restoration Projects) of the California Environmental Quality Act (CEQA) Guidelines; and

WHEREAS, Attachment 2 in the Planning Division staff report includes evidence in support of making all of the required findings for approving the proposed Conditional Use Permit and Special Permit ;and

WHEREAS, a public hearing was held on the matter before the Humboldt County Planning Commission on November 15, 2018.

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

1. The project is categorically exempt from environmental review pursuant to Class 1, Section 15301 (Existing Facilities), Class 3, Section 15303 (New Construction or Conversion of Small Structures), Class 4, Section 15304 (Minor Alterations to Land), and Class 33, Section 15333 (Small Habitat Restoration Projects) of the California Environmental Quality Act (CEQA) Guidelines; and
2. The findings in Attachment 2 of the Planning Commission staff report for Case Number CUP-16-153 support approval of the project based on the submitted substantial evidence; and
3. Conditional Use Permit and Special Permit CUP-16-153 is approved as recommended and conditioned in Attachment 1.

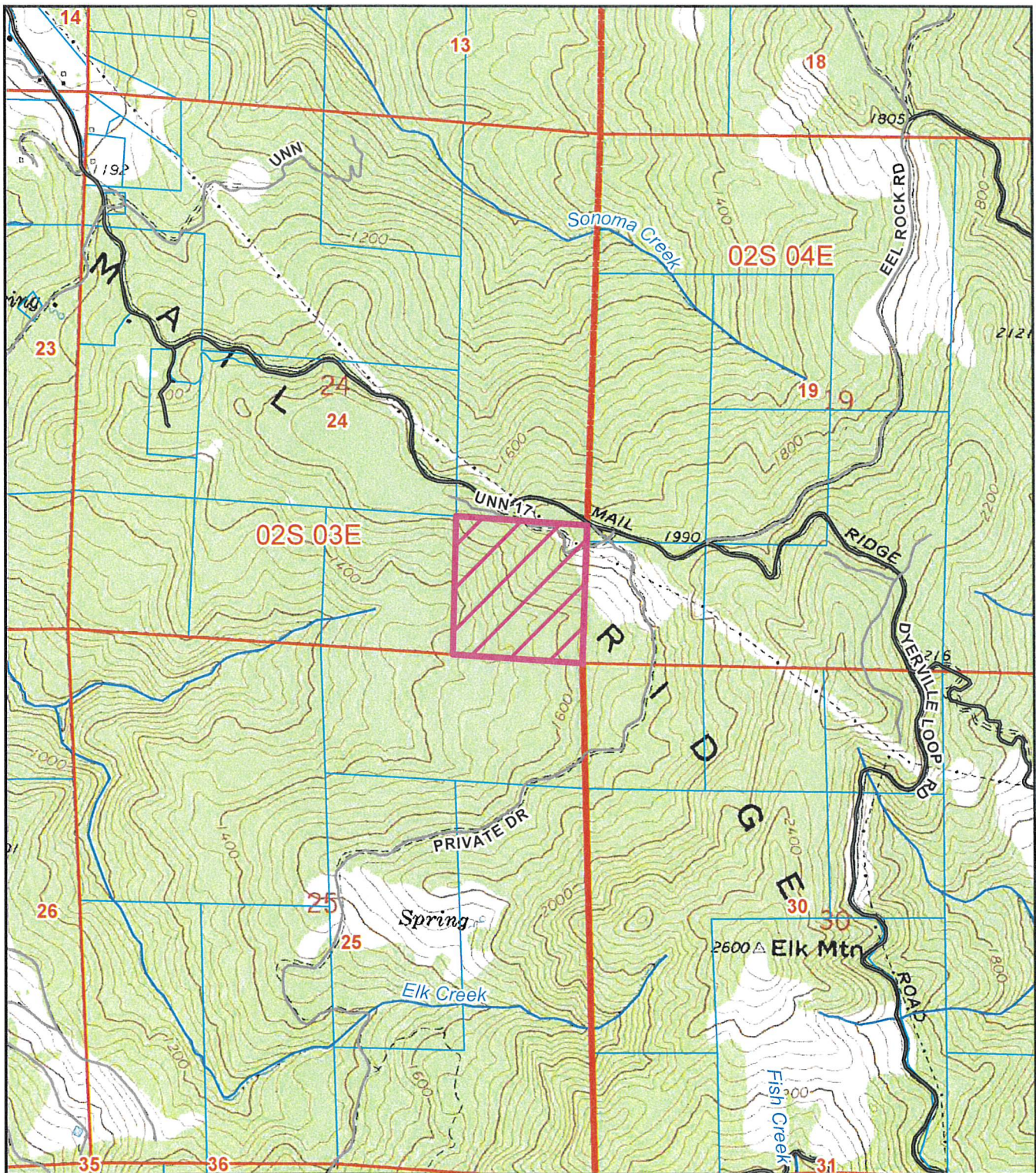
Adopted after review and consideration of all the evidence on November 15, 2018.

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

AYES: Commissioners:
NOES: Commissioners:
ABSTAIN: Commissioners:
ABSENT: Commissioners:
DECISION: Motion carries

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

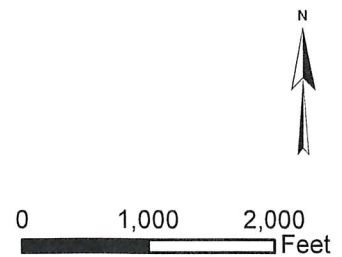
John H. Ford, Director
Planning and Building Department

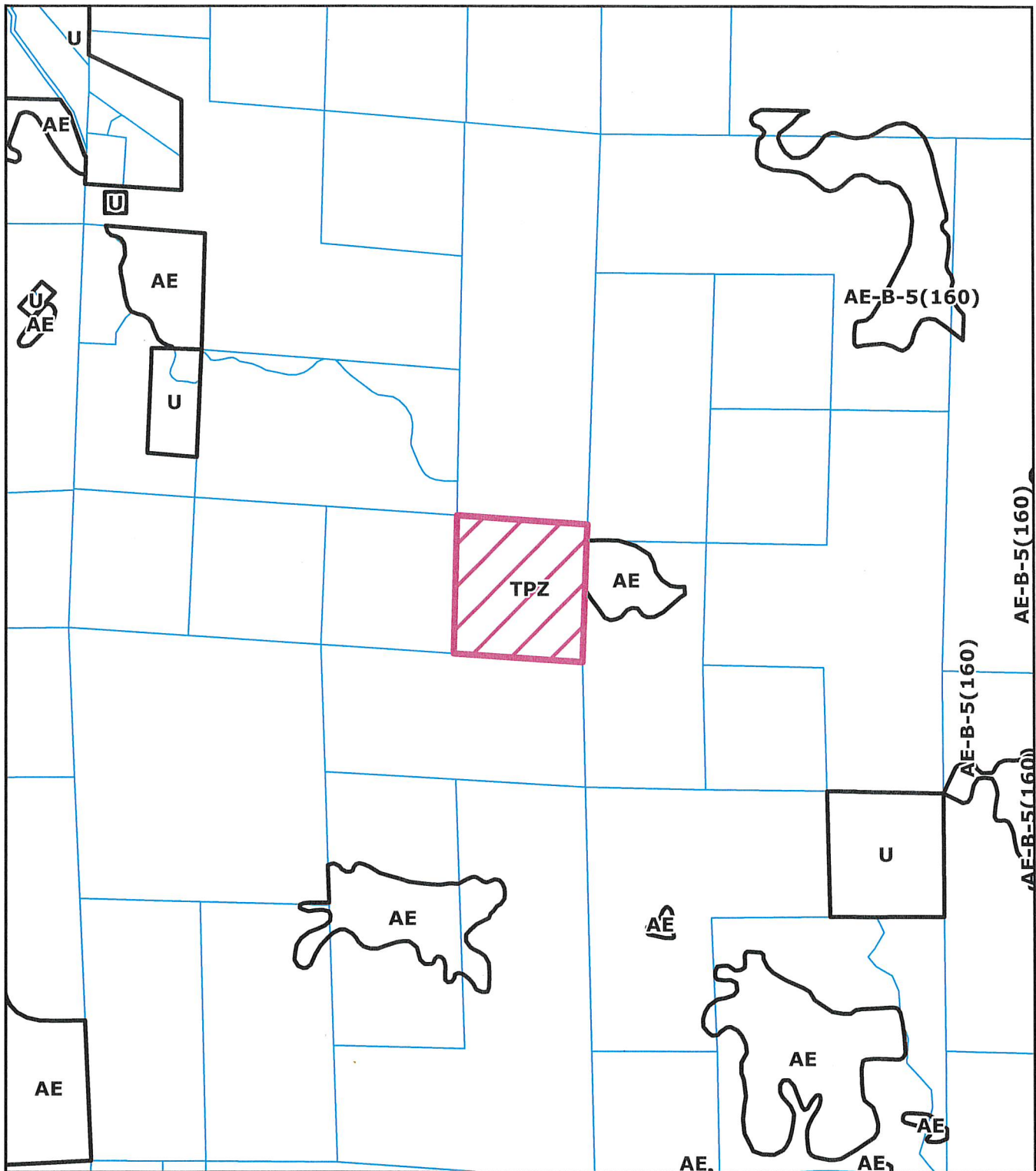


Project Area = 

**TOPO MAP
 PROPOSED EMERALD ESSENCE INC.
 MYERS FLAT AREA
 CUP-16-153
 APN: 211-373-033
 T02S R03E S24 HB&M (MYERS FLAT)**

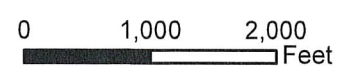
This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.



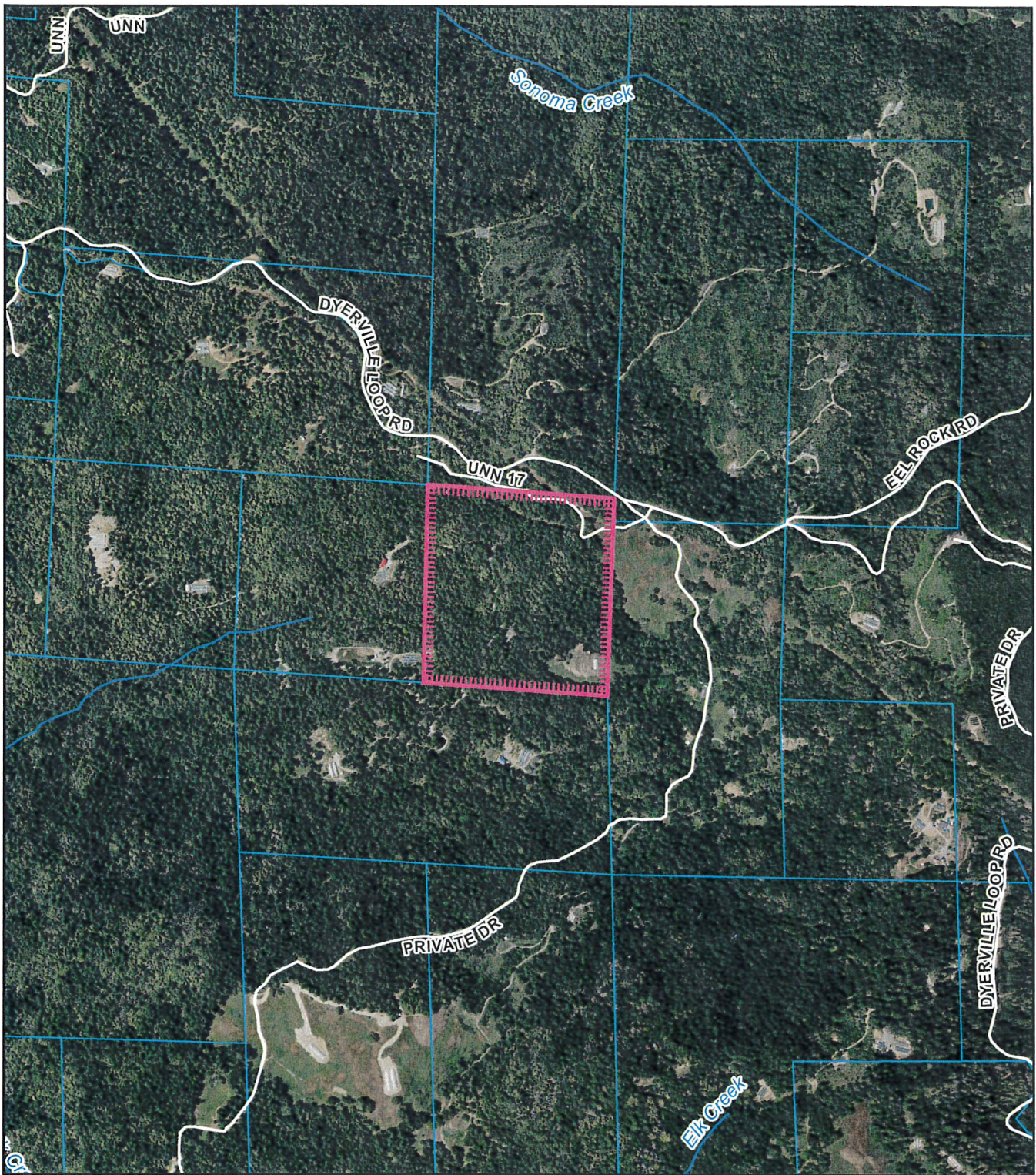


**ZONING MAP
 PROPOSED EMERALD ESSENCE INC.
 MYERS FLAT AREA
 CUP-16-153
 APN: 211-373-033
 T02S R03E S24 HB&M (MYERS FLAT)**


Project Area = 


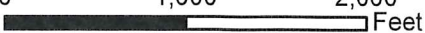


This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.



**AERIAL MAP
PROPOSED EMERALD ESSENCE INC.
MYERS FLAT AREA
CUP-16-153
APN: 211-373-033
T02S R03E S24 HB&M (MYERS FLAT)**

Project Area = 


 0 1,000 2,000
 Feet

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.



VICINITY MAP
NOT TO SCALE

DIRECTIONS TO SITE:
FROM EUREKA, CA
 -TAKE US-101 SOUTHBOUND
 -TAKE EXIT 656 TO CA-254 SOUTH
 -TURN LEFT ON ELK CREEK ROAD
 -MERGE RIGHT ON TO DYERVILLE LOOP
 -TURN RIGHT AFTER 2.7 MILES ON PRIVATE ROAD
 -MAKE FIRST LEFT ONTO PROPERTY
 25 DYERVILLE LOOP ROAD

EMERALD ESSENCE ENTERPRISES INC.

CONDITIONAL USE PERMIT

APN: 211-373-033

PROJECT INFORMATION

APPLICANT:
 EMERALD ESSENCE, INC.
 75 N. MAIN STREET STE.210
 WILLITS, CA 95490

PROPERTY OWNER:
 VINCE SIMMS
 2119 POPPY LANE
 WILLITS, CA 95490

OWNERS AGENT:
 NORTHPOINT CONSULTING GROUP, INC.
 P.O. BOX 44
 EUREKA, CA 95501
 (707) 798-6438

SITE ADDRESS:
 211-373-033
 25 DYERVILLE LOOP ROAD
 MYERS FLAT, CA 95554

TREES TO BE REMOVED: = NONE
EARTHWORK QUANTITIES: = TBD

WATER: = PRIVATE
SEWER: = PRIVATE

PARCEL SIZE: = ±43.4 ACRES
ZONING: = TPZ (FRWK)

SRA AREA: = YES
IN COASTAL ZONE: = NO
IN 100 YR FLOOD ZONE: = NO

BUILDING SETBACKS:

	AE	SRA
FRONT	30'	30'
SIDE	20'	30'
REAR	10'	30'

- EXISTING OUTDOOR CULTIVATION AREA = 34,776 SF
 (E) MIXED LIGHT CULTIVATION = 2,923 SF
- PROPOSED DRYING FACILITY FOOTPRINT = 2,800 SF

NCRWQCB NOTICE OF INTENT

THE SUBJECT PARCEL HAS BEEN ENROLLED IN THE NCRWQCB CANNABIS CULTIVATION WASTE DISCHARGE REGULATORY PROGRAM. WQID NUMBER 1B16206CHUM

GENERAL NOTES

- DRAWING SCALE AS NOTED. WRITTEN DIMENSIONS SHALL TAKE PRECEDENCE OVER SCALED DIMENSIONS.
- THIS IS NOT A BOUNDARY SURVEY. BOUNDARY INFORMATION DEPICTED HAS BEEN OBTAINED FROM HUMBOLDT COUNTY 2015 GIS DATA. NORTHPOINT CONSULTING GROUP, INC. HAS NOT VERIFIED THIS PROPERTY BOUNDARY.
- EXISTING DEVELOPMENT ON THIS PARCEL WAS CONSTRUCTED WITHOUT THE BENEFIT OF COUNTY REVIEW.
- THERE ARE NO RESIDENCES ON ADJOINING PARCELS WITHIN 300 FEET OF THE PROPOSED CULTIVATION AREAS.
- ANY EXISTING DEVELOPMENT CONSTRUCTED WITHOUT THE BENEFIT OF COUNTY REVIEW WILL BE SUBJECT TO THE HUMBOLDT COUNTY BUILDING DEPARTMENT UPON APPROVAL OF THE CONDITIONAL USE PERMIT.

PROJECT DESCRIPTION

THE EMERALD ESSENCE INC., IS PROPOSING TO PERMIT EXISTING MEDICAL CANNABIS CULTIVATION ACTIVITIES IN ACCORDANCE WITH THE COUNTY OF HUMBOLDT'S (COUNTY COMMERCIAL MEDICAL MARIJUANA LAND USE ORDINANCE (CMMLUO), ORDINANCE NO. 2554. THE EXISTING OPERATION INCLUDES APPROXIMATELY 37,699 SQUARE FEET (SF) OF MEDICAL CANNABIS WHICH INCLUDES 2,923 SF OF MIXED LIGHT AND 34,776 SF OF OUTDOOR CULTIVATION. THE PROJECT PROPOSAL INCLUDES THE DEVELOPMENT OF FACILITIES APPURTENANT TO THE CULTIVATION, INCLUDING A GREENHOUSE, ONE FACILITY FOR TRIMMING, DRYING AND CURING OF MEDICAL CANNABIS, WATER DIVERSION WORKS AND APPROPRIATE WATER STORAGE.

IRRIGATION AND DOMESTIC WATER USE

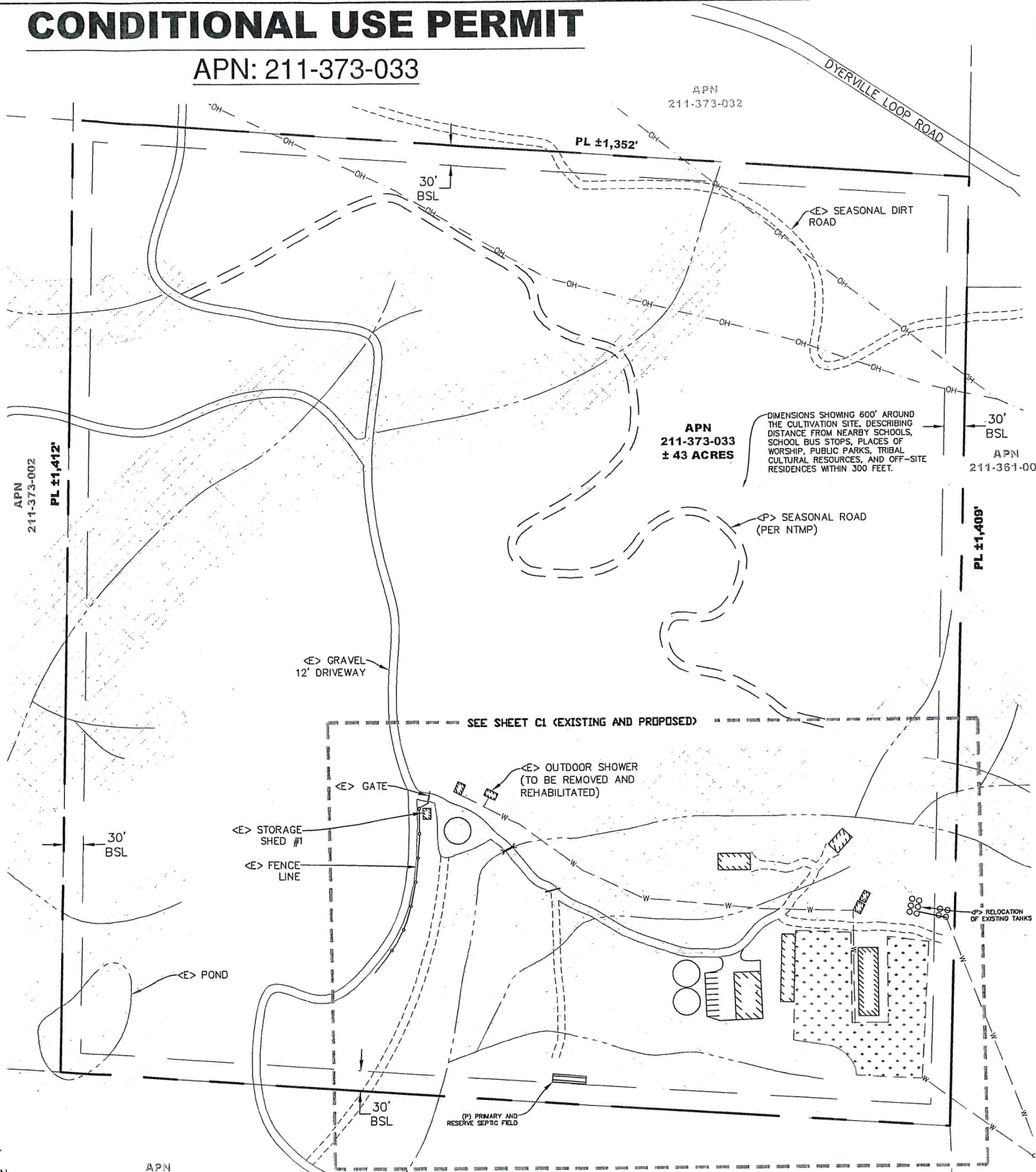
- WATER FOR DOMESTIC USES WILL BE SUPPLIED THROUGH A DEEDED SPRING ON THE ADJACENT PROPERTY. A SMALL DOMESTIC USE REGISTRATION WILL BE FILED FOR APPROPRIATION OF 45,000 GALLONS TO MEET DEMANDS DURING A 150 DAY FORBEARANCE PERIOD AND MAINTAIN INSTREAM FLOWS FROM THE PERENNIAL SPRING.
- WATER FOR IRRIGATION USE WILL BE SUPPLIED FROM RAIN CATCHMENT FROM ROAD SIDE DRAINAGE DITCHES AND IMPERVIOUS STRUCTURES. A PROPOSED RAIN WATER CATCHMENT POND WILL COLLECT WATER FROM PRECIPITATION EVENTS DURING THE WINTER MONTHS TO BE USED FOR IRRIGATION DURING SUMMER MONTHS. THE OVERFLOW STRUCTURE FROM THE POND WILL DISCHARGE INTO THE INTERMITTENT STREAM RUNNING THROUGH THE PROPERTY AND WILL BE INCLUDED IN A LAKE AND STREAMBED ALTERATION AGREEMENT TO CDFW AS WELL AS OTHER PROPERTY FEATURES SUBJECT TO FISH AND GAME CODE 1602.

SOLID WASTE MANAGEMENT NOTES

- SOIL FOR CULTIVATION ACTIVITIES WILL BE IN BEDS AND REUSED FOR AS MANY CULTIVATION CYCLES AS POSSIBLE. THE SOIL WILL BE RECONDITIONED TWICE ANNUALLY WITH AMENDMENTS SUCH AS CHICKEN MANURE, GREEN SAND, ROCK PHOSPHATE, BONE AND BLOOD MEAL, AND MUSHROOM COMPOST. ANY UNSUITABLE SOIL WILL BE BAGGED AND DISPOSED OF AT AN APPROVED WASTE MANAGEMENT FACILITY (HUMBOLDT WASTE MANAGEMENT AUTHORITY, ETC.).
- SOLID WASTE SHALL BE TRANSFERRED TO LIDDED WASTE BINS IN THE PROPOSED WASTE ENCLOSURE DAILY. WASTE BINS SHALL BE TRANSPORTED TO NEAREST APPROVED WASTE MANAGEMENT FACILITY EACH WEEK OR AS NEEDED.
- PROPOSED WASTE BINS: (1) 2 YD GARBAGE DUMPSTER, (1) 2 YD RECYCLING DUMPSTER

SHEET INDEX

- C0 - PLOT PLAN, VICINITY MAP, AND PROJECT NOTES
- C1 - EXISTING AND PROPOSED SITE PLAN



LEGEND

- OVERHEAD POWER LINES
- <E> EXISTING
- <P> PROPOSED

Received by ICF 8.13.18



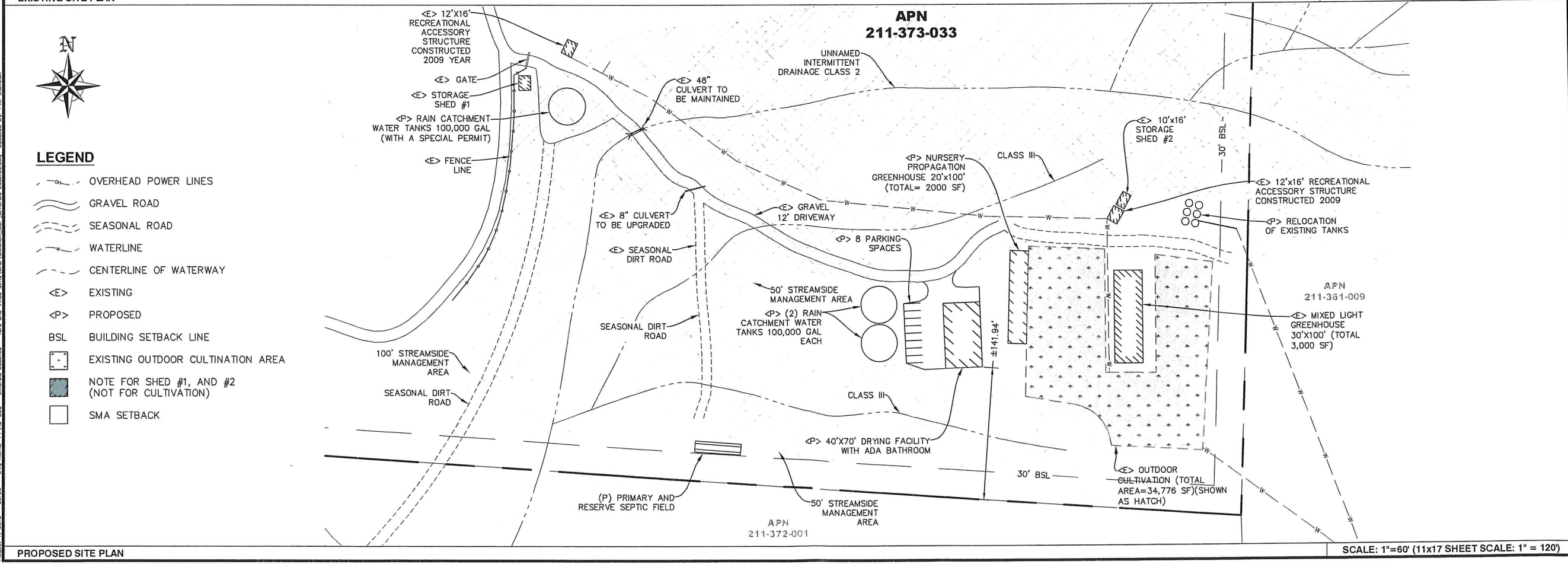
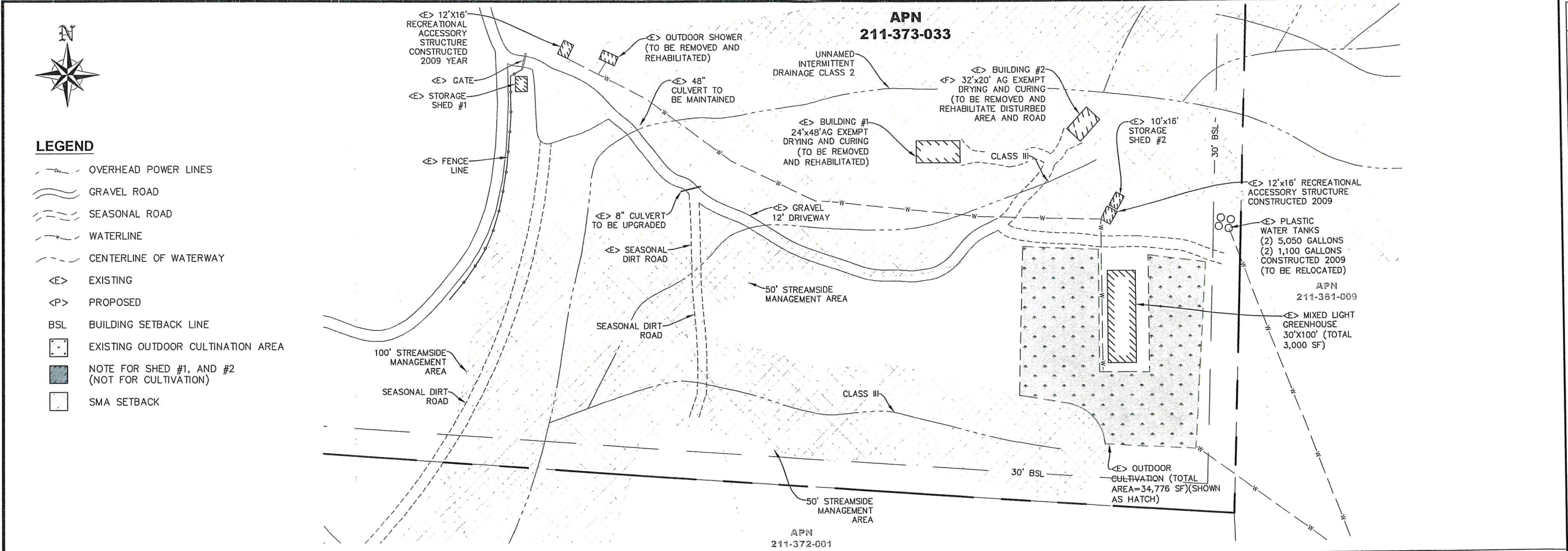
PLOT PLAN
 22x34 SHEET: 1"=100'
 11x17 SHEET: 1"=200'

DATE	REVISIONS



EMERALD ESSENCE ENTERPRISES, INC. / APN: 211-373-033
 25 DYERVILLE LOOP ROAD MYERS FLAT, CA 95554
 PLOT PLAN, VICINITY MAP AND PROJECT NOTES

PROJ. NO.:	PBS
DRAWN BY:	TJS
DATE:	07-02-18
SCALE:	AS SHOWN
SHEET	C0
18-065	###



NO.	DATE	DESCRIPTION

NorthPoint
CONSULTING GROUP

EMERALD ESSENCE ENTERPRISES, INC. / APN: 211-373-033	
25 DYERVILLE LOOP ROAD MYERS FLAT, CA 95554	
EXISTING AND PROPOSED SITE PLAN	
PROJ. MGR.:	PBS
DRAWN BY:	TJS
DATE:	07-03-18
SCALE:	AS SHOWN
SHEET	C1
18-065	###

ATTACHMENT 1

RECOMMENDED CONDITIONS OF APPROVAL

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

1. Within 60 days of the effective date of project approval, the applicant shall execute a Compliance Agreement with the Humboldt County Planning Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #2 -28. 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. Prior to initiating cultivation in 2019 or other ground disturbance, whichever occurs first, the applicant shall implement the recommendations in the Archaeological Survey Report for the Sims Nonindustrial Timber Management Plan for the 36.5 acre logging area on the Sims property, prepared by Christopher Kirk, Forestry Technician with Hohman & Associates, dated January 2018. The applicant shall submit a letter from a qualified archeologist indicating that the report's recommendations have been satisfied.
3. The applicant shall be responsible for obtaining all necessary County and State permits or licenses, and for meeting all of the requirements as set forth by other regulatory agencies.
4. The applicant shall secure permits for all unpermitted grading and 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.
5. The applicant shall submit a revised site plan showing the proposed 2,800 square foot drying and processing facility.
6. 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.
7. The applicant shall complete and implement all corrective actions detailed within the WRPP developed for the parcel prepared pursuant to Tier 2 enrollment under the North Coast Regional Water Quality Control Board (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 that the plan to complete the improvements by the listed dates is sufficient, will satisfy this condition. [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.]
8. Adhere to comments from RWQCB to staff is phone meeting on 11/2/2018.
 - a) 401 certification must be obtained for culvert replacement.
 - b) Pond spillway must be designed for 100-yr storm event.
 - c) Check with RWQCB to see if Construction General Permit is require for future development.

9. The use of water bladders is not approved on a continual basis. Within two years of the date of approval the applicant shall remove the existing water bladder.
10. The applicant shall secure the approval of the Division of Environmental Health and the RWQCB for the planned on-site waste water (OWTS) disposal system prior to the issuance of the building permit. A letter from those agencies indicating approval has been issued will satisfy this condition. In the interim, the Applicant agrees to use portable toilets and handwashing stations until a permitted septic system can be installed that is capable of handling the maximum number of staff and employees onsite during peak activities (four).
11. The applicant shall abide by the Avoidance and Minimization Measures outlined in the signed Lake and Streambed Alteration Agreement (1600-2017-0347-R1) approved by the California Department of Fish and Wildlife (CDFW) and comply with all applicable terms. The applicant shall also communicate their plans to, and seek approval from, CDFW for the proposed restoration and planting of the eroding riparian area shown on the south side of the parcel and detailed in the revised WRPP, dated August 2018.
12. Prior to issuance of any building or construction permits a revised site plan shall be prepared by the applicant and reviewed and approved by the Planning Division showing:
 - a) Compliance with emergency vehicle access requirements;
 - b) Location of all existing and proposed generators; and
 - c) Revised water storage including rainwater catchment tank locations.
 - d) The point of diversion.
13. 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.
14. The project area has been determined to have potential habitat for Giant fawn lily (State Rank S2) and several other special-status plant species. As a result, a qualified botanist shall survey the project site and identify the locations of all special-status plants during seasonally appropriate flowering periods. The provided Nonindustrial Timber Management Plan (NTMP) prepared by Hohman & Associates presented a Botanical Survey Initial Scoping Report that indicated rare plant surveys will be conducted by staff botanist Kelsey McDonald. These surveys shall follow the Protocol for Surveying and Evaluating Impacts to Special Status native Plant Populations and Natural Communities (CDFW 2018) and abide by the biological report content and standards described in the Humboldt County Code Sections 314-61.1.17 and 314-61.1.18. Furnishing a report of these surveys to CDFW and the County is made a condition of approval. Any special status plant species or Environmentally Sensitive Habitat Associations encountered will be flagged in the field and protected under consultation with CDFW and contain a minimum of 100 feet setbacks from all cultivation areas or appurtenant buildings. No grading, restoration, removal of structures, or development of new structures is allowed until this condition has been met and approved by CDFW and the Humboldt County Planning Division.
15. The project area has been determined to have potential nesting or roosting habitat for Northern Spotted Owl (*Strix occidentalis ssp. caurina*). The NTMP includes Northern Spotted Owl (NSO) protection measures for planned tree harvests associated with road realignments on the property. Surveys for NSO were conducted by a Hohman & Associates wildlife biologist during the summer of 2017 on April 4 and 26, May 22, and June 4, 14, and 23, with no auditory detections of NSO noted. Additional 2018 surveys also detected no NSO activity on the parcel. As a result, it is unlikely that NSO's will be negatively impacted by the project. However, to guard against future NSO activity on the parcel, the following avoidance and minimization measure shall be implemented:
 - a. All generators shall be audibly shielded to below 50 dB from the nearest forested habitat. Furnishing evidence of auditory compliance to the County is made a condition of approval.

- b. No proposed activity generating noise levels 20 or more dB above ambient noise levels or with maximum noise levels above 90 dB may occur during the NSO nesting season.
 - c. No human activities shall occur within a visual line-of-sight of 40 meters (131 feet) or less from a known nest location.
16. As the Applicant is using artificial lighting for mixed light cultivation they shall shield greenhouses so that little to no light escapes. Light shall not escape at a level that is visible from neighboring properties between sunset and sunrise. The light source should comply with the International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1, and be designed to regulate light spillage onto neighboring properties resulting from backlight, uplight, or glare (BUG). Should the Humboldt County Planning Division receive complaints that the lighting is out of alignment or not complying with these standards, within ten (10) working days of receiving written notification that a complaint has been filed, the applicant shall submit written verification that the lights' shielding and alignment has been repaired, inspected, and corrected as necessary.
 17. Applicant shall not use any erosion control materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.
 18. If any wildlife is encountered during the Authorized Activity, Permittee shall not disturb the wildlife and shall allow wildlife to leave the work site unharmed.
 19. All refuse shall be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
 20. The Applicant shall obtain an appropriative water right from the State Water Resources Control Board for water storage related to irrigation uses.
 21. The applicant will complete the driveway and intersection requirements requested by Public Works (attached) 1 within one (1) year of permit issuance.
 22. The applicant will comply with the Fruitland Ridge VPD comments to: update the address to conform with 911 address requirements, provide the location of the generator(s) on the Site Plan, identify the location and type of fuel used for the generator, indicate the width and percent slope of the access road, and identify the location and type of a State Response Area (SRA) standard water source fire hook up that is provided for use.
 23. Prior to issuance of any building or construction permits a grading, erosion, dust, 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. Dust control practices during construction and grading shall achieve compliance with North Coast Air Quality Management District (NCAQMD) fugitive dust emission standards.
 24. The Applicant shall agree to institute the identified Timber Conversion Report mitigation measures relating to the 2.48 acres of historic timberland conversions identified in the less than 3-acre conversion mitigation report and provide documentation to the County that these measures have been met.
 25. The applicant shall execute and file with the Planning Division the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the HCC and available at the Planning Division.
 26. The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency (CUPA) requirements regarding hazardous materials. A written verification of compliance shall be

required before any provisional permits may be finalized. Ongoing proof of compliance with this condition shall be required at each annual inspection in order to keep the permit valid.

27. Within 30 days of application approval, the applicant shall obtain a Business License from the Humboldt County Tax Collector.
28. A review fee for Conformance with Conditions as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$125.00) shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka. This fee is a deposit, and if actual review costs exceed this amount, additional fees will be billed at the County's current burdened hourly rate.
29. 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.
30. 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.

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

1. All components of project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, and these conditions of approval. Changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan. 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 MCRSA, 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 & 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 MCRSA, 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 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).

7. Maintain enrollment in Tier 1, 2 or 3, certification with the North Coast Regional Water Quality Control Board (NCRWQCB) Order No. R1-2015-0023, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
8. Comply with the terms of any applicable Streambed Alteration (1600) Permit obtained from the Department of Fish & Wildlife, which may be required for the three spring diversions and three stream crossings on the parcel.
9. Comply with the terms of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (CalFire), if applicable.
10. Consent to an annual on-site compliance inspection, with at least 24 hours prior notice, to be conducted by appropriate County officials during regular business hours (Monday – Friday, 9:00 am – 5:00 pm, excluding holidays).
11. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
12. Pay all applicable application and annual inspection fees.
13. The noise produced by the four backup generators used for cannabis drying, curing, and processing shall not be audible by humans from neighboring residences. The decibel level for generators measured at the property line shall be no more than 60 decibels. Where applicable, sound levels must also show that they will not result in the harassment of Marbled Murrelet or Spotted Owl species. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service, and further consultation where necessary. Under these guidelines, generator noise may not exceed 50dB as measured at 100 feet from the generator or at the edge of the nearest Marbled Murrelet or Spotted Owl habitat, whichever is closer.
14. Storage of Fuel - Fuel shall be stored and handled in compliance with applicable state and local laws and regulations, including the County of Humboldt's CUPA program, and in such a way that no spillage occurs.
15. The Master Log Books maintained by the applicant 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. The operation shall participate in the Cannabis Track and Trace Program administered by the Humboldt County Agricultural Commissioner, when available.

Performance Standards for Cultivation and Processing Operations

18. 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."
19. Cultivators shall comply with all applicable federal, state, and local laws and regulations governing California Agricultural Employers, which may include: federal and state wage and hour laws, CAL/OSHA, OSHA, California Agricultural Labor Relations Act, and the Humboldt County Code (including the Building Code).

20. 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; and
 - IV. Employees must wash hands sufficiently when handling cannabis or use gloves.

21. 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; and
 - (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.

22. 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; and
 - IX. On-site housing, if any.

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

24. 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.
25. Permit Renewals to comply with Updated Laws and Regulations. Permit renewal per Ongoing Condition of Approval #25 above is subject to the laws and regulations effective at the time of renewal, which may be substantially different than the regulations currently in place and may require the submittal of additional information to ensure that new standards are met.
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.
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;
 - d. Acknowledgement of full responsibility for complying with the existing Permit; and
 - e. Execution of an Affidavit of Non-diversion of Commercial 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 of county statute, ordinance, or regulation are discovered, the Planning and Building Department may issue a provisional clearance or permit with a written approved Compliance Agreement. By signing the agreement, the permittee agrees to abate or cure the violations at the earliest opportunity but in no event more than two (2) years of the date of issuance of the provisional clearance or permit. Plans for curing the violations shall be submitted to the Planning and Building Department by the Permittee within one (1) year of the issuance of the provisional certificate or permit. The terms of the compliance agreement may be appealed pursuant to section 314-55.4.13 of the CMMLUO.
2. This provisional permit approval shall expire and become null and void at the expiration of one (1)

year after all appeal periods have lapsed (see "Effective Date"); except where the Compliance Agreement per COA #1 has been executed and the corrective actions pursuant to the agreement are being undertaken. Once building permits have been secured and/or the use initiated pursuant to the terms of the agreement, the use is subject to the Permit Duration and Renewal provisions set forth in Condition of Approval #23 and 25 of the On-Going Requirements /Development Restrictions, above.

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

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

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.

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>Timberland</p>	<p>Timberland (T): This designation is intended for land that is primarily suitable for the growing, harvesting, and production of timber. Density range is 40-160 acres/unit.</p>	<p>The project entails cultivation of 34,776 SF of outdoor cannabis, 3,000 SF of mixed-light cannabis cultivation, and a 2,000 SF appurtenant nursery. A new 2,800 SF processing facility is proposed. Cultivation currently occurs across a single graded flat area. A Special Permit is also requested for the installation of a water tank in the Streamside Management Area and for riparian restoration.</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>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Circulation Chapter 7	<p>Goals and policies contained in this Chapter relate to a balanced, safe, efficient, accessible and convenient circulation system that is appropriate for each type of unincorporated community (C-G1, C-G2); coordinated planning design, development, operations, and maintenance between the County and other transportation system service providers (C-G3); and access for all transportation mode types with improved opportunities to move goods within, into and out of Humboldt County (C-G4, C-G5)</p> <p>Related policies: C-P3, Consideration of Transportation Impacts in Land Use Decision Making</p>	<p>Access to the site is via a small private driveway directly off a paved County-maintained public road (Dyerville Loop Road). Public Works conditionally approved the project and requested that the roadway serving the subject property are adequate to accommodate the proposed use and recommend that all driveways and intersections be improved to meet County standards for a commercial driveway including paving, visibility ordinance, and encroachment permit ordinance standards. This has been made a condition of approval.</p>
Housing Chapter 8	<p>Goals and policies contained in this Element seek to identify existing and projected housing needs and establish goals, policies, standards and measures for the preservation, improvement, and development of housing.</p> <p>Related policies: H-P3, Development of Parcels in the Residential Land Inventory</p>	<p>The project does not involve residential development, nor is the project site part of the Housing element Residential Land Inventory. However, the project will not preclude any future residential development. The project will not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.</p>
Conservation and Open Space Chapter 10 Open Space Section 10.2	<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-P4, Support for Working Lands; CO-P12, Development Review, CO-S1, Identification of Local Open Space Plan; and, CO-S2, Identification of the Open Space Action Program</p>	<p>The proposed project is located within lands designated as Open Space because the project site is planned Timberland and is zoned Timberland Production Zone. The project can be found consistent with the Open Space Plan because the proposed project is consistent with the allowable uses of the Land Use Designations while not impacting the ability to provide livelihoods.</p> <p>The proposed cannabis cultivation - an agricultural product - is within land planned for agricultural purposes, consistent with the use of Open Space land for management production of resources.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Conservation and Open Space Chapter 10</p> <p>Biological Resources Section 10.3</p>	<p>Goals and policies contained in this Chapter relate to mapped sensitive habitat areas where policies are applied to protect fish and wildlife and facilitate the recovery of endangered species (BR-G1, Threatened and Endangered Species; BR-G2, Sensitive and Critical Habitat; BR-G3, Benefits of Biological Resources)</p> <p>Related policies: BR-P1, Compatible Land Uses; BR-P5, Streamside Management Areas.</p>	<p>CDFW resources indicate northern spotted owl activity has been recorded on the parcel directly north of the cultivation site and special status plants have been identified to the west and to the east of the site adjacent to Dyersville Loop Road and Eel Rock Road.</p> <p>A Nonindustrial Timber Management Plan (NTMP) was prepared by Hohman & Associates. In it, details of a 2017 survey for Northern Spotted Owls (NSO) was included, none were found. Hohman & Associates informed the County that 2018 surveys were also completed and no NSO's were detected. A mapped NSO activity center is located 0.7 miles (3,700 feet) to the northeast of the cultivation area on the parcel. However, NSO surveys conducted during both 2017 and 2018 did not detect the presence of any owls within the vicinity. Nonetheless, a standard condition of approval is that this project conform with auditory shielding of generators so that they do not exceed 50 dB as measured at 100 feet from the generator or to the edge of the nearest tree line, whichever is closer.</p> <p>The NTMP also detailed plans to conduct seasonally appropriate rare plant surveys by a qualified individual. Furnishing a report of these surveys, which shall also cover all areas of potential soil disturbance related to cannabis cultivation, site remediation, and road maintenance to CDFW and the County is made a condition of approval. Any special status plant species will be flagged in the field and protected under consultation with CDFW and contain a minimum of 100 feet setbacks from all cultivation areas or appurtenant buildings. No grading, restoration, removal of structures, or development of new structures is allowed until this condition has been met and approved by CDFW and the Humboldt County Planning Division.</p> <p>The draft Watershed Resources Protection Plan (WRPP), provided a preliminary schedule prioritizing 20 corrective actions to reach full compliance with the Order. Fulfillment of those corrective actions is made a condition of approval. Existing buildings located in the Streamside Management Area (SMA) will be removed and the area restored, and one rainwater catchment tank is proposed within the SMA as part of the Special Permit request. The rainwater catchment tank is proposed to be approximately 50 feet from the edge of riparian vegetation because it is an existing flat area within a historical road prism and no additional disturbance to habitat would occur as a result of its placement in this location.</p> <p>The cultivation areas and development are largely limited to the southeast of the parcel (approximately</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
		1,600 feet elevation) and do not encroach upon the seasonal drainages on the site. The parcel is within the South Fork of the Eel watershed. Drainage flows west into unnamed tributaries to Canoe Creek and then into Elk Creek.
<p>Conservation and Open Space Chapter 10</p> <p>Chapter 10 cont.</p> <p>Cultural Resources Section 10.6</p>	<p>Goals and policies contained in this Chapter relate to the protection and enhancement of significant cultural resources, providing heritage, historic, scientific, educational, social and economic values to benefit present and future generations (CU-G1, Protection and Enhancement of Significant Cultural Resources)</p> <p>Related policies: CU-P1, Identification and Protection; CU-P2, Native American Tribal Consultation]</p>	<p>This project was referred to the Tribal Historic Preservation Officer (THPO) of the Bear River Band of Rohnerville Rancheria (BRB), the Intertribal Sinkyone Wilderness Council (ISWC), and the Northwest Information Center (NWIC). The ISWC THPO did not respond to the project referral and the BRB THPO recommended a condition of project approval be incorporated regarding inadvertent discovery protocol and the following of the recommendations in the NTMP archaeological survey. The NTMP archaeological survey found one archaeological site and three cultural significant sites and prescribed protection measures for these finds. Following the protection measures detailed in the NTMP, as well as the inadvertent discovery protocol to protect any future discovered cultural resources, are made a condition of 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 cultivation of 34,776 SF of outdoor cannabis, a 3,000 SF of mixed-light greenhouse, and a 2,000 SF appurtenant nursery greenhouse.</p> <p>As artificial light is chosen to be used, the CMMLUO requires that lighting associated with cultivation comply with International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1, and be designed to regulate light spillage onto neighboring properties resulting from backlight, uplight, or glare (BUG). International Dark Sky Association Standards exceed the requirements of Scenic Resources Standard SR-S4, Light and Glare, that lighting be fully shielded, and designed and installed to minimize off-site lighting and direct light within the property boundaries.</p> <p>The cultivation areas are behind a locked gate beyond public access. In addition, much of the parcel is too steep to support economic development, cultivation areas are shielded from the road with vegetation, and the road is not designated as a Scenic Route.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Water Resources Chapter 11</p> <p>Stormwater Drainage</p>	<p>Goals and policies contained in this Chapter relate to coordinated watershed planning and land use decision making to advance management priorities (WR-G3, WR-G4, WR-G5); watershed conservation and restoration efforts aimed at delisting water bodies and watersheds which are restored to meet all beneficial uses, including water use, salmon and steelhead recovery plans, recreational activities, and the economy (WR-G1, WR-G2, WR-G7, WR-G8, WR-G9); and</p> <p>Related policies: WR-P10, Erosion and Sediment Discharge; WR-P42, Erosion and Sediment Control Measures.</p>	<p>The Project site falls within Tier 2 of the North Coast Regional Water Quality Control Board's (NCRWQCB) Order No. 2015-0023 (Order), which requires preparation of a Water Resources Protection Plan (WRPP) to protect water quality from cannabis cultivation and related activities. The applicant retained Manhard Consulting for the preparation of a WRPP. A revised (August 2018) WRPP has been provided that describes a schedule for meeting the required 12 Standard Conditions established by the Order. The WRPP identified twenty 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. Compliance with the order will be included as part of the compliance agreement required as condition of approval #1.</p> <p>The highest priority "sites" include removal of cannabis related debris, culvert replacement, and revegetation of a disturbed riparian area. These standard corrective actions are conditions of approval.</p> <p>Some of the planned work in jurisdictional water is described in a final Lake or Streambed Alteration Agreement (LSAA) filed with the CDFW. In-stream project plans also require authorization from the NCRWQCB. Compliance with these agreements are made a condition of approval and future in-stream work is required to seek additional LSA agreements.</p>
<p>Water Resources Chapter 11</p> <p>Onsite Wastewater Systems</p>	<p>Goals and policies contained in this Chapter relate to adequate public water supply as well as onsite wastewater systems and natural and developed storm drainage systems that minimize interference with surface and groundwater flows and storm water pollution (WR-G6, WR-G9, WR-G10)</p> <p>Related policies: WR-IM7, Basin Plan Septic Requirements; and IS-P17, On-Site Sewage Disposal Requirements.</p>	<p>The WRPP map indicates that the site plans to install and permit an Onsite Wastewater Treatment System (OWTS) adjacent to the proposed drying facility. An appropriately designed and sized OWTS will need to be sited and installed once approved by Humboldt County Planning and Building Department. These requirements have been incorporated as conditions of approval.</p> <p>In the interim, the applicant agrees to use portable toilets and handwashing stations capable of supporting the peak number of seasonal employees (four).</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Noise Chapter 13	<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 subject parcel is located in an area that requires special noise attenuation measures due to the potential of surrounding Northern Spotted Owls and other wildlife. The existing and proposed cultivation areas are outdoor and mixed-light greenhouses and there is not yet any electrical grid access to the parcel.</p> <p>Portable generators provide all power to the parcel. The applicant agrees to shield all generators and to provide evidence of compliance with the standards set forth in Section 55.4.11(o) of the CMMLUO and Department Policy Statement #DPS-16-005 as a condition of approval.</p>
Safety Element Chapter 14 Geologic & Seismic	<p>Goals and policies contained in this Chapter relate to communities that are designed and built to minimize the potential for loss of life and property resulting from natural and manmade hazards; and to prevent unnecessary exposure to areas of geologic instability, floodplains, tsunami run-up areas, high risk wildland fire areas, and airport areas planned and conditioned to prevent unnecessary exposure of people and property to risks of damage or injury (S-G1, S-G2)</p> <p>Related policies: S-P11. Site Suitability, S-P7. Structural Hazards,</p>	<p>The project site is not located in a mapped Alquist-Priolo fault zone nor is subject to liquefaction. The cultivation area and areas where the proposed drying facility is to be installed occur on slopes of 15 to 30% and the site is classified as of moderate seismic instability. Approximately 3,000 SF of cultivation in greenhouses is proposed. Given the relatively mild slope where the greenhouse and proposed drying facility are located the proposed use is not expected to be affected by geologic instability.</p> <p>The project also does not pose a threat to public safety related from exposure to natural or manmade hazards.</p> <p>Prior to construction of the proposed drying facility, 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 enumerated in the Humboldt County General Plan. These measures are a condition of approval.</p>
Safety Element Chapter 14 Flooding	<p>Goals and policies contained in this Chapter relate to the use of natural drainage channels and watersheds that are managed to minimize peak flows in order to reduce the severity and frequency of flooding. (S-G3)</p> <p>Related policies include: S-P12, Federal Flood Insurance Program; S-P13, Flood Plains; S-P15, Construction Within Special Flood Hazard Areas</p>	<p>The subject site is outside any mapped flood hazard areas as the project site is not within a mapped dam or levee inundation area.</p>
Safety Element Chapter 14	<p>Goals and policies of this</p>	<p>The subject property is located within the State Fire Responsibility Area (SRA) where the State of California</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Fire Hazards	<p>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>has the primary financial responsibility for the prevention and suppression of wildland fires and is within The Fruitland Ridge Volunteer Fire Protection District. The Humboldt County Fire Safe Ordinance (Section 3111-1 <i>et seq.</i>) establishes development standards for minimizing wildfire danger in state responsibility designated areas.</p> <p>Fruitland Ridge VPD provided several comments that are made conditions of approval. These include: updating the address to conform with 911 address requirements, placing the location of the generator(s) on the Site Plan, identifying the location and type of fuel used for the generator, the width and percent slope of the access road, and identifying the location and type of SRA water source standard fire hook up is provided.</p> <p>The applicant has 12,300 gallons of hard tank storage adjacent to the cultivation area and plans for 200,000 gallons more adjacent to the proposed processing facility to provide fire protection in addition to irrigation.</p> <p>According to the applicant, four employees are anticipated during the peak cultivation periods and no employees live on site.</p>
Air Quality Chapter 15	<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-G2X) and the successful reduction of greenhouse gas emissions to levels consistent with state and federal requirements (AQ-G3)</p> <p>Related policies: AQ-P4, Construction and Grading Dust Control, AQ-S1. Construction and Grading Dust Control, AQ-P7. Interagency Coordination.</p>	<p>As a condition of project approval, applications for grading and or building permits shall be referred to the North Coast Air Quality Management District (NCAQMD) for review and consultation. Dust control practices during construction and grading shall achieve compliance with NCAQMD fugitive dust emission standards.</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
§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.	The parcel of land known as APN 211-373-033 is was created legally through a grant deed recorded in 1946 in Book 278, Page 481 of Deeds. There is no evidence indicating there have been any subsequent acts to merge or divide this parcel. Therefore, the subject parcel was lawfully created in its current configuration and can be developed as proposed.
§314-7.4 Timberland Production (TPZ): Intended to provide standards and restrictions for the preservation of timberlands for growing and harvesting timber.	<p>All accessory agricultural uses and structures are allowed and agricultural uses are deemed compatible with the growing and harvesting of timber.</p> <p>The project is for the cultivation of outdoor and mixed-commercial cannabis. Commercial 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 TPZ, pursuant to Humboldt County Code Section 314-55.4.3.7, the commercial cultivation of cannabis 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 TPZ zoning district can be made for the project.</p>

Zoning Section	Summary of Applicable Requirement	Evidence That Supports the Zoning Finding
Minimum Lot Size	160 acres; or 40 acres if the provisions of Government Code Section 51119.5 are met.	The subject parcel is 40 acres in size. As discussed above, the subject parcel is a separate legal parcel.
Maximum Ground Coverage	none	n/a
Minimum Lot Width	none	n/a
Maximum Lot Depth	none	n/a
Setbacks Front: 20 feet, superseded by 30 feet Fire Safe setback Rear: 30 feet Side: 30 feet		Front, Rear, and Side setbacks are all greater than 30 feet once the planned relocation of four water tanks takes place.
Max. Building Height	None specified	The applicant will use conventional single story greenhouse design.

<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>Water for cultivation uses is provided by a stream diversion from an unnamed tributary to Elk Creek on the adjacent 72 acre parcel (APN 211-361-009) with the right to use water through a deeded land use agreement.</p> <p>The two appurtenant agriculturally exempt structures (1,152 and 640 SF) that are currently located between two intermittent drainages are to be removed and the area rehabilitated. Encroachment of the Streamside Management Areas (SMAs) requires a Special Permit. Additional encroachment to occur on site also includes the proposed restoration and replanting of an eroding stream bank detailed in the WRPP and the installation of one of three 100,000 gallon steel rainwater catchment tanks within an SMA. The rainwater catchment tank is proposed approximately 50 feet from the edge of riparian vegetation of a Class 2 stream. The location is within an existing flat area of a historical road and would not require any additional habitat disruption.</p> <p>An LSAA has been signed with CDFW for the spring diversion maintenance and two stream crossings to protect the SMAs from being negatively impacted by the diversions or alterations. As a condition of approval, the applicant agrees to abide by the Avoidance and Mitigation Measures outlined in the LSAA and to seek an additional LSA agreement for planned restoration of a riparian bank detailed in the revised WRPP, dated August 2018.</p>
<p>§314-109.1 Off-Street Parking</p>	<p>Off Street Parking for Agricultural use*: Parking space per employee at peak shift. A minimum of three parking spaces are required.</p> <p><i>*Use for this activity is not specified. Per Section 314-109.1.2.9, the Director may fix the required number of parking spaces based on standards for most comparable use.</i></p>	<p>There may be four employees associated with the requested permit during peak periods of activity. The most comparable standard for employees in this situation is one space for each employee at peak shift (per Section 314-109.1.3.4.2 - Manufacturing).</p> <p>Building designs for the proposed drying facility are under production but revised site plans indicate there is parking for eight cars.</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	A Use Permit may be issued for outdoor ... cultivation ... in TPZ districts 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 40 acres in size. No expansion of the existing cultivation area is proposed.
§314-55.4.8.2	In all zones where cultivation is allowed consisting of timberland, the commercial cultivation of cannabis for 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.	CalFire's response to project referral, dated August 10, 2017, was to not support this project because it appeared unauthorized timberland conversion had occurred on this parcel. The applicant hired Mike Atkins, a RPF, to prepare a less than 3-acre conversion mitigation plan. This plan identified 2.58 acres of converted land on the property dating from activities in between 2010 and 2016. The mitigation report was forwarded to CalFire for comment on January 17, 2018 and again on March 20, 2018. CalFire has not responded. The applicant has also prepared a Nonindustrial Timber Management Plan (NTMP) that has been approved by CalFire in February of 2018 (1-17NTMP-011 HUM). As a condition of approval, the applicant shall agree to institute the identified mitigation measures in both the RPF and NTMP reports relating to the historic and planned timberland conversions. Many of these mitigation measures relate to reducing erosion from roads and stream crossings. The project will not result in a further conversion of timberland for cannabis cultivation because the project will result in the land being used for existing agricultural production within areas already clear of trees and any future clearing is to be used to improve the system of roads and for the harvesting of timber products.
§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 party who is the member of Emerald Essence, Inc., Tara Sims, hold no 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.	All commercial cannabis cultivated is proposed to be dried, trimmed, and processed in a new 2,800 SF facility.
§314-55.4.10 Application Requirements	Identifies the Information Required for All Applications	Attachment 3 identifies the information submitted with the application, and shows all the required information was received.
§314-55.4.11 Performance Standards	Identifies the Performance Standards for Cannabis Cultivation Activities	All the applicable performance standards are included as Conditions of project approval. They are required to be met throughout the timeframe of the permit.

<p>§314-55.4.11.c Performance Standards-Water</p>	<p>Compliance with all statutes, regulations and requirements of the California State Water Resources Control Board, Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration.</p>	<p>Water for cultivation uses is provided by a stream diversion from an unnamed tributary to Elk Creek on the adjacent 72 acre parcel (APN 211-361-009) with the right to use water through a deeded land use agreement.</p> <p>An initial statement of water diversion and use was filed for cannabis irrigation and a small domestic use registration (SDUR) will be filed for non-cannabis use. There are four water storage tanks on the project parcel (totaling 12,300 gallons) and six water storage tanks and a temporary water bladder (totaling 16,750 gallons) on the adjacent parcel with the point of diversion. The combined 35,550 gallons of storage provide domestic/fire suppression and irrigation requirements. The Applicant estimates that 235,000 gallons of water is used annual to irrigate cannabis. Three 100,000 gallon rain catchment water tanks are proposed for immediate installation with additional storage to be added as necessary. The applicant shall reduce cultivation areas until water storage is adequate to avoid diverting during the forbearance period (May 15 to October 15) and to install a water monitoring meter as a condition of approval.</p>
<p>§314-55.4.11.d Performance Standards- Setbacks</p>	<p>The area of cannabis cultivation and on-site processing shall be setback at least 30 feet from any property line, and 600 feet from any school, school bus stop, church or other place of religious worship, public park, or tribal cultural resources (TCRs).</p>	<p>The applicant's site plan shows that the cultivation areas conform to the 30-foot fire safe setback requirement from property lines. There are no schools or parks as defined HCC Section 314-55.4.7 within 600 feet of the cultivation site based on a review of aerial imagery. Nor is there a place of religious worship or identified cultural resources within 600 feet of cultivation areas. There are identified archaeological artifacts on the property and mitigation measures (cap and cover) to protect these resources are made a condition of approval. If buried archaeological or historical resources are encountered during construction or cultivation activities, the applicant or contractor shall call all work in the immediate area to halt temporarily, and a qualified archaeologist is to be contacted to evaluate the materials.</p>

§314-55.4.11.o Performance Standards- Generator Noise	The noise produced by a generator used for cannabis cultivation shall not be audible by humans from neighboring residences. The combined decibel level for all noise sources, including generators, at the property line shall be no more than 60 decibels. Where applicable, sound levels must also show that they will not result in the harassment of Marbled Murrelet or Spotted Owl species, when generator use is to occur in the vicinity of potential habitat. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service	Electricity is provided by generators. As part of the construction of a proposed drying facility, the applicant plans to shield all generators as discussed above when considering Noise. The cultivation is located within 0.7 miles of a Northern Spotted Owl activity center. The applicant agrees to shield all generators and to provide evidence of compliance with the standards set forth in Section 55.4.11(o) of the CMMLUO and Department Policy Statement #DPS-16-005 as a condition of approval. Therefore, the project is currently conforming to the referenced standard.
§314-55.4.17 Sunset Date	No application for any Use Permit pursuant to the CMMLUO shall be processed for issuance or approval that is received after December 31, 2016.	The applicant filed the application on September 21, 2016.

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.	CEQA Exemption Sections Class 1, 15301 (Existing Facilities), Class 3, 15303 (New Construction or Conversion of Small Structures), Class 4, 15304 (Minor Alterations to Land), and 15333 (Small Habitat Restoration Projects) of the State CEQA Guidelines. Per the submitted evidence and agency responses, none of the exceptions to the Categorical Exemption per Section 15300.2 of the State CEQA Guidelines apply to this project.
--------------------------------	---	--

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. It is developed with a single family residence which will remain. 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. (Not applicable)
3. Site plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including: access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within ¼ mile (1,320 ft.) of a school, school bus stop, church or other place of religious worship, public park, or Tribal Cultural Resource, the site plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 600 feet. (Revised Version 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. (Revised Version On file)
5. Copy of the statement of water diversion, or other permit, license or registration filed with the State Water Resources Control Board, Division of Water Rights, if applicable. (On file)
6. Description of water source, storage, irrigation plan, and projected water usage. (On file)
7. Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the 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. (Application On file)
9. If the source of water is a well, a copy of the County well permit, if available. (Not applicable)
10. If the parcel is zoned FR, U or TPZ, or involves the conversion of timberland as defined under section 4526 of the Public Resources Code, a copy of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (CAL-FIRE). Alternately, for existing operations occupying sites created through prior unauthorized conversion of timberland, evidence may be provided showing that the landowner has completed a civil or criminal process and/or entered into a negotiated settlement with CAL-FIRE. (On file)

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. Building Inspection Division Conditional Approval, August 21, 2017. (attached)
16. Humboldt County Sherriff comments that the project is not near a school and that neither applicant has had criminal contact in RMS, August 25, 2017. (attached)
17. Public Works Conditional Approval, November 27, 2018. (attached)
18. Fruitland Ridge Volunteer Fire Department comments regarding Fire Safe regulations, August, 17, 2017. (attached)
19. CalFire response that Forest Practice violations have occurred, August, 17, 2017. (attached)
20. Less than 3-acre conversion mitigation plan prepared by Mike Atkins, RPF, September 25, 2017. (On file)
21. Emerald Essence, Inc. revised Water Resource Protection Plan, August 2018. (On file)
22. Nonindustrial Timber Management Plan. (On file)
23. California Department of Fish and Wildlife conditional approval. (attached)

**EMERALD ESSENCE ENTERPRISES, INC
CULTIVATION AND OPERATIONS MANUAL
HUMBOLDT COUNTY, CA**

**PROPOSED MEDICAL CANNABIS
CULTIVATION FACILITIES**

PREPARED FOR:



June 2017



**Cultivation and Operations Manual
For
Emerald Essence Enterprises, Inc.**

Proposed Medical Cannabis Cultivation Facilities

APN: 211-373-033

Application #: 11114

Lead Agency:

Humboldt County Planning Department

3015 H Street
Eureka, CA 95501

Prepared By:

Manhard Consulting

517 3rd Street, Suite 6
Eureka, California 95501

In Consultation with:

Emerald Essence Enterprises, Inc

75 North Main Street, Suite 210
Willits, CA 95490

June 2017

This page intentionally left blank

TABLE OF CONTENTS

1. PROJECT SUMMARY2-2

 1.1. Project Objective2-2

 1.2. Site Description.....2-2

 1.3. Land Use2-2

 1.4. State and Local Compliance.....2-2

2. CULTIVATION AND PROCESSING2-3

 2.1. Nursery Propagation and Initial Transplant.....2-3

 2.2. Mixed Light and Outdoor Cultivation Plan, Cultivation Schedule, and Irrigation.....2-3

 2.3. Processing Plan2-4

 2.4. Employee Plan2-4

 2.5. Security Plan and Hours of Operation2-6

3. ENVIRONMENTAL.....3-6

 3.1. Water Diversion and Use.....3-6

 3.2. Water Storage.....3-8

 3.3. Site Drainage, Runoff and Erosion Control3-8

 3.4. Watershed and Habitat Protection.....3-9

 3.5. Monitoring and Reporting3-9

 3.6. Energy and Generator Use3-10

 3.7. Use and Storage of Regulated Products3-10

 3.8. Waste Management Plan3-12

4. PRODUCT MANAGEMENT.....4-12

 4.1. Product Testing and Labeling4-12

 4.2. Product Inventory and Tracking4-12

 4.3. Transportation and Distribution4-12

APPENDICES

APPENDIX A: Site Plan

APPENDIX B: Regulated Products Resource List and Material Safety Data Sheets (MSDS)

APPENDIX C: Cultivation Activities Schedule

APPENDIX D: References

APPENDIX E: Generator

1. PROJECT SUMMARY

1.1. PROJECT OBJECTIVE

Emerald Essence Enterprises, Inc (from here on out referred to as Emerald Essence Enterprises) is proposing to permit existing medical cannabis cultivation activities in accordance with the County of Humboldt's (County) *Commercial Medical Marijuana Land Use Ordinance (CMMLUO)*, Ordinance No. 2544. Emerald Essence Enterprises has applied for a Conditional Use Permit for approximately 28,000 square feet (sf) of medical cannabis (22,175 sf of existing outdoor medical cannabis cultivation, and 25,825 sf of existing mixed light cultivation). The project includes the permitting of existing and proposed facilities appurtenant to the cultivation, including a 3,200 square feet (sf) cultivation facility for drying, curing, grading and trimming of medical cannabis. The applicant aims to become fully compliant with State and Local cultivation regulations.

1.2. SITE DESCRIPTION

The Project is located at 25 Dyerville Loop Road, (APN 211-373-033) just 10 miles east of the community of Miranda. The subject parcel is approximately 43.4 acres in size (per the County of Humboldt's WebGIS). The property is located on a hillside, west of the main-stem Eel River and east of the South Fork Eel River in Southern Humboldt County at an elevation of approximately 1,650 feet above mean sea level. The property is surrounded by steep, rugged, mountainous terrain that hosts dense hardwood forest intermixed with oak and other species. The climate here is characterized by a pattern of high-intensity rainfall in winter and warm, dry summers. Mean annual precipitation is approximately 69 inches. The soils within the area comprise predominately the Sproulish – Canoecreek - Redwohly complex (15 to 30 percent slopes) which are considered well drained and have a water table that is typically greater than 80 inches deep (NRCS Websoil Survey).

1.3. LAND USE

The Site has a Land Use Designation of Timberland Production (T) as described in the Humboldt County General Plan – Volume 1, Framework Plan (FWRK). The site is zoned Timberland Production Zone (TPZ). Most the surrounding parcels are planned Agriculture Exclusive (AE) and Timberland Production Zone (TPZ).

1.4. STATE AND LOCAL COMPLIANCE

1.4.1. STATE OF CALIFORNIA COMMERCIAL CANNABIS ACTIVITY LICENSE

Emerald Essence Enterprises will obtain a Commercial Cannabis Activity license from the State of California at the time such a license becomes available.

1.4.2. STATE WATER RESOURCES CONTROL BOARD

The primary domestic water source on the property is a spring box point of diversion (POD) by means of an unnamed spring which is a tributary to Elk Creek. The POD is located at Latitude 40.266056, Longitude -123.777747 on the adjacent parcel (APN 211-361-009) with the right to use water through a deeded land use agreement. An initial statement of diversion and use for cannabis irrigation, and a Small Domestic Use Registration (SDUR) will be filed for non-cannabis uses. The registration will prescribe additional storage to meet demands during summer months and reduce depending on the spring during low flows.

1.4.3. NORTH COAST REGIONAL WATER QUALITY CONTROL BOARD

Effective March 4, 2016, Emerald Essence Enterprises enrolled with the North Coast Regional Water Quality Control Board (NCRWQCB) for coverage under Tier 2 of Order No. 2015-0023 *Waiver of Waste Discharge Requirements and General Water Quality Certification for Discharges of Waste Resulting*

from Cannabis Cultivation and Associated Activities or Operations with Similar Environmental Effects in the North Coast Region (WDID Number 1B16211CHUM). A Water Resources Protection Plan was developed for the project by Manhard Consulting, and has been implemented for activities associated with onsite cultivation since May 2016.

1.4.4. HUMBOLDT COUNTY BUILDING DEPARTMENT

All necessary building permits will be obtained from the Humboldt County Building Department for all existing structures, proposed structures and supporting infrastructure upon approval of the Conditional Use Permit.

1.4.5. CAL FIRE

The subject property is located within a State Responsibility Area (SRA) for fire protection. Several improvements are proposed to meet SRA requirements, including designating a fire turn-around and pull-out area for emergency vehicles, and providing water storage for fire. Two (2) existing 5,050 gallon water tanks on the project parcel and two (2) existing 3,600 gallon water on the adjacent parcel (APN 211-361-009) tanks are currently being used to comply with requirements for SRA fire suppression. Additionally, trees and vegetation will be managed around existing structures to maintain the required 100-foot defensible space. All structures on the property meet the 30-foot SRA setback requirement from property lines.

1.4.6. CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

An existing spring has been severely disturbed with vehicle traffic with the potential to deliver sediment, fuels and chemicals downstream. Two structures accessed by driving through the spring will be removed. The spring shall be rocked and re-planted with vegetation. The spring leads to a heavily scoured roadside ditch. It is proposed to armor the channel and add check dams leading up to an existing 8" culvert. The 8" culvert is proposed to be replaced with a 24" culvert. An additional 48" culvert exists on the property, but it does not require immediate action. This additional 48" culvert was included in the notification for maintenance purposes as well as to report that its installation was done without agency review. All work will be done during summer months when water is not present, and erosion control BMP's will be used throughout the working period.

2. CULTIVATION AND PROCESSING

2.1. NURSERY PROPAGATION AND INITIAL TRANSPLANT

Emerald Essence Enterprises propagates from 'mother plants' that demonstrate the desired genetics for the specific cannabis strain; the mother plants remain in the vegetative stage solely for propagation. Cuttings are sampled from the mother plants and are rooted into a growing medium, typically oasis cubes, to produce 'clones'. The clones are placed into the nursery, and once fully rooted they are transplanted directly into one (1) gallon plastic containers containing a growing medium of coco-core fiber and perlite (see Appendix A for nursery location). The juvenile plants are irrigated using hand watering methods. After 2-4 weeks the clones are then transplanted into 20-gallon smart pots with a soil and perlite medium, and moved into either a mixed light greenhouse or outdoor cultivation building where they continue their 'vegetative' cycle.

2.2. MIXED LIGHT AND OUTDOOR CULTIVATION PLAN, CULTIVATION SCHEDULE, AND IRRIGATION

The mixed light cultivation will occur in one (1) 35'x75' greenhouse (2,625 sf) and 25,400 sf of outdoor cultivation for a combined cultivation area of approximately 28,000 square feet. The greenhouses

consist of heavy gauge steel tubing, covered with a woven poly translucent opaque tarp. Each greenhouse is ventilated by intake and exhaust fans as well as roll up side panels. The greenhouse utilizes a combination of artificial light and light deprivation to produce up to four (4) flowering cycles per year. The cultivation schedule details the cultivation, fertilization, and irrigation practices associated with the mixed light operation for a three cycle year, typical for a mixed-light and an outdoor growing season for Emerald Essence Enterprises (Appendix C).

2.3. PROCESSING PLAN

2.3.1. HARVESTING, DRYING, AND TRIMMING

Plants that are ready for harvest will have their flowering branches removed and suspended in the drying room which is equipped with ventilation fans. The drying and curing process takes approximately one week, at which time the flowers will be bucked into manageable buds and fed into an automated trimming machine. The machine-trimmed buds receive a finishing trim by hand before being weighed, labeled, logged and sealed. The finished product will be stored in the processed materials room before being transported to a licensed distribution facility. The waste product, or 'trim', from the machines will be collected and placed into bins to be weighed, labeled and sealed. Trim will be transferred to an offsite, licensed manufacturing facility.

Plants are selectively harvested by maturity then hand or machine big leafed, then hung on drying racks with a commercial dehumidifier and 2-1500-watt electric heaters. Currently using building 1 and 2 for drying and curing. Proposed processing building will be outfitted with a special drying room. Equipment used includes custom built drying racks, commercial dehumidifier and 1500-watt electric heaters. Leaves will be allowed to dry for 7-14 days.

2.3.2. PROCESSING FACILITY

All cannabis processing will occur on site at the proposed 2-story 6,400 square foot processing facility. The facility will incorporate all aspects of processing including drying, curing, and trimming, and will include an ADA restroom for employees. The restroom will include a working flush toilet as well as a sink with cold and hot running water provided by an on demand electric water heater. The proposed metal building will have an engineered concrete slab and will conform to commercial building standards per the 2013 California Building Code.

2.4. EMPLOYEE PLAN

Emerald Essence Enterprises 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), and will comply with all applicable federal, state and local laws and regulations governing California Agricultural Employers.

2.4.1. JOB DESCRIPTIONS AND EMPLOYEE SUMMARY

- *Agent in Charge*: Responsible for business oversight and management of the Emerald Essence Enterprises, Inc. Responsibilities include, but are not limited to: inventory and tracking, personnel, records keeping, budget, and liaison with State and County inspectors as needed. This is a part-time to full-time, seasonal position.
- *Lead Cultivator*: Oversight and management of the day to day cultivation of medical cannabis. Responsibilities include, but are not limited to: irrigation, fertilization, pesticide management and harvest. This is a full-time, year-round position.
- *Assistant Cultivator / Processing Manager*: Provides support to the *Lead Cultivator* in their day to day duties as well as take the Lead Role during times when the *Lead Cultivator* may be off site. During harvests, the *Assistant Cultivator / Processing Manager* duties will

switch to oversight and management of the processing the dried/cured medical cannabis. This is a full-time, seasonal position.

- Seasonal Laborer: Provides cultivation, harvesting, and processing support including trim machine operation and hand-finish trimming. This is a part-time to full-time, seasonal position.

2.4.2. EMPLOYEE COUNT

In addition to the *Agent, Lead Cultivator, and Assistant Cultivator positions*, up to two (2) full-time seasonal labor positions will be employed. The number of seasonal laborers will vary based on the needs of the farm during the cultivation, harvest and processing seasons. During the peak harvest and processing season, there will be an estimated total of four (4) employees at the site.

The *Agent in Charge* will monitor the entire facility daily to ensure all medical cannabis from freshly cut clone to packaging for sale is tracked, accounted for and inventoried in real time. In addition, weekly physical inventory will be taken by each department to ensure all inventory logs are accurate. Cultivation inventory is tracked via in-house recording (until a seed to sale program is introduced via county or state regulation) from explants (new plant cutting) to harvest and sale.

2.4.3. EMPLOYEE TRAINING AND SAFETY

On site cultivation, harvesting, drying, and trimming will be performed by employees trained on each aspect of the procedure including: cultivation and harvesting techniques and use of pruning tools; proper use and storage of pesticides and fertilizers; trimming machine use and cleaning; and correct hand trimming methods. All cultivation and processing staff will be provided with proper hand, eye, body and respiratory Personal Protective Equipment (PPE). Access to the onsite cultivation, drying and processing facilities will be limited to authorized and trained staff.

All employees will be trained on proper safety procedure. This training will include but not be limited to: fire safety; use of rubber gloves and respirators; proper hand washing guidelines; and an Emergency Procedures Plan in case of emergency. Contact information for the local fire department, CAL FIRE, Humboldt County Sheriff and Poison Control as well as the Agent in Charge will be posted at the employee restroom. Emerald Essence Enterprises will provide rubber gloves and respirators or dust masks to all employees, and will provide a Saline Eye Wash Station at the restroom. Each employee will be provided with a written copy of emergency procedures and contact information. A copy of the Operations Plan will be kept on site by the Agent in Charge and will contain all material safety data sheets (MSDS).

2.4.4. TOILET AND HANDWASHING FACILITIES

The proposed 2-story cultivation facility will include one (1) 75 square feet (sf) ADA-compliant restroom on the first floor, and one (1) 47 sf restroom on the second floor, including a working flush toilet as well as a sink with hot and cold running water in both bathrooms. Anti-bacterial Liquid Soap and paper hand towels will be made available. Above the sink in a conspicuous place a "*Before Returning to Work*" hand washing procedure placard will be posted. The cleaning and sanitation of the restroom will be the responsibility of the *Processing Manager*. A record of cleanings will be kept in the restroom always and include date and time of day cleaned.

2.4.5. SEPTIC SYSTEM

A septic system has been proposed and will be designed to meet the capacity of the proposed cultivation facility.

2.4.6. PARKING

There are twelve (12) 8'x18' proposed parking spaces and one (1) proposed ADA accessible parking space.

2.4.7. ON-SITE HOUSING

There are currently no residential structures existing on site. The Property owner/Agent in charge and all other full-time and seasonal employees live off site and will commute daily to the cultivation site. No new residential structures are proposed as a part of this project.

2.5. SECURITY PLAN AND HOURS OF OPERATION

2.5.1. FACILITY SECURITY

The cultivation facilities, including greenhouses, processing building, and indoor cultivation building are enclosed in a secure privacy fence. The entry gates, located off Dyerville Loop Road and at the west perimeter of the facility, remain locked always. Access to the facilities are limited exclusively to employees, and restricted access signs are posted conspicuously at the entry gates. The cultivation and processing facility will have motion activated security lights to illuminate the entrances and parking areas. Security cameras will be installed at the main access gates and at entrances to the facilities, and the proposed processing facility will include an alarm system.

2.5.2. HOURS OF OPERATION

Activities associated with cultivation in the greenhouses (watering, transplanting, and harvesting) will typically occur during daylight hours. All other activities such as processing will typically occur no earlier than 8am and extend no later than 8pm.

3. ENVIRONMENTAL

3.1. WATER DIVERSION AND USE

The primary domestic water source on the property is a point of diversion (POD) by means of an unnamed spring which is a tributary to Elk Creek. The POD is located at Latitude 40.266056, Longitude -123.777747 on the adjacent parcel (APN 211-361-009) with the right to use water through a deeded land use agreement. An initial statement of diversion and use will be filed for cannabis irrigation, and a Small Domestic Use Registration (SDUR) will be filed for non-cannabis uses. The registration will prescribe additional storage to meet demands during summer months and reduce depending on the spring during low flows. The summary of annual water use below reflects the proposed storage capacity and diversion rates of the proposed appropriate right.

Additionally, two (2) existing 5,050-gallon water tanks on the project parcel and two (2) existing 3,600-gallon water tanks on the adjacent parcel (APN 211-361-009) are currently being used to comply with requirements for SRA fire suppression. Emerald Essence Enterprises will implement water resource management strategies designed in consultation with Manhard Consulting, LLC to address water needs for the commercial medical cannabis activities described within this cultivation and operations manual. This plan may include but not be limited to:

- Annual forbearance as determined by a *Water Availability Analysis*
- Obtaining a Lake or Streambed Alteration Agreement for the water diversion works and storage through the Department of Fish and Wildlife (DFW)
- Enrollment in the North Coast Regional Water Quality Control Board's (NCRWQCB) Cannabis Cultivation Discharge Program (Order #R1-2015-00230, which includes preparation of a *Water Resources Protection Plan*).

Water for the Project is gravity fed by an unpermitted spring on an adjacent subject parcel (APN 211-361-009). The source of the water and the associated water rights and permits will be dependent on the requirements of the State of California. An appropriative right for irrigation will be obtained from the State Water Resources Control Board (SWRCB) and an LSAA for the water diversion works and storage will be obtained from the DFW if the State of California mandates the use of surface water for cannabis cultivation activities. Emerald Essence Enterprises registered with the NCRWQCB as a Tier 2 Cultivation site.

The *Lead Cultivator* will be solely responsible for the implementation of the irrigation and fertilization program. The *Lead Cultivator* will also provide the necessary training of *Assistant Cultivator* and oversee all product handling. All safety, handling and mixing as well as application procedure training will be organized by the *Lead Cultivator* and detailed in the Lead Cultivator Handbook. Annual training sessions will ensure all safety guidelines issued by the manufacturer, Humboldt County Agricultural Department, State of California Agricultural Department and Federal Environmental Protection Agency and Emerald Essence Enterprises are followed. All fertilizers will be stored in water-tight locked housings. These housings will be properly labeled as to denote their contents. All MSDS will be recorded and available for inspection in The Lead Cultivator's Handbook. At all locations fertilizers are to be mixed, applied or stored, Emerald Essence Enterprises will install saline eye wash stations. In addition, Emerald Essence Enterprises will provide any employee with proper hand, eye and body and respiratory protection deemed necessary by manufacture labeling requirements.

A proprietary nutrient solution is prepared as needed by the *Lead Cultivator* and housed in a light-resistant, agricultural grade fertilization holding tank at each site. The solution is formulated by manufacturer instructions and calibrated by means of a sensor feedback array composed of a pH probe, parts per million probe, thermometer probe and, if needed, a solar water heater all of which will work in concert with a proprietary dosing algorithm. The subsequent nutrient is then dosed with either an agricultural base or acid to ensure proper pH prior to feeding. A target pH range of 5.6 to 6.2 is ideal and necessary to maximize uptake of the solution by the plant. All fertilizers and supplements to be used are OMRI listed and compliant with all Humboldt County and State of California Department of Agriculture label requirements. MSDS and labels will be available onsite in the Lead Cultivator Handbook.

Irrigation and fertigation of plants will consist of hand watering as well as employ a top-feed/bottom-flow nutrient flow technique with run-off capture and re-use. Irrigation and fertigation of plants will occur initially via hand water. At this stage the plants are juvenile and the one (1) gallon container is very small; therefore, the amount of irrigation and fertilization needed is better controlled via hand watering. Upon final planting plants will be irrigated and fertilized using a top-feed fashion with nutrients being dispensed from a one gallon per hour drip emitters specifically tailored to the application. The watering cycle is controlled via battery operated timers and lasts approximately fifteen to twenty minutes. These cycles occur between two and four times per day, depending on the stage of growth, canopy biomass and evaporative transpiration demand. Additional hand watering/feeding will be implemented at this stage at the direction of the *Lead Cultivator*, as needed.

Irrigation run off will then collect in reservoirs placed under the raised beds or in plastic trays placed under each individual ten (10) gallon pot. The *Lead Cultivator* will be responsible for inspecting the run off collection each day. If a surplus off run off is encountered it is then siphoned off and returned to the agricultural grade fertilization holding tank as needed. All run off recaptured will be recycled, analyzed, and augmented to meet the metabolic demand of the plants.

The irrigation water usage for cultivation during a typical year was estimated based on the number of residence year around, the number of seasonal workers, the existing cultivation area, and the peak

seasonal demand (Table 3.1). Variables such as weather conditions and specific cannabis strains will also have a slight effect on water use.

Table 3.1: Estimated Annual Irrigation Water Usage (Gallons)

Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec
0	0	0	35,000	59,000	95,000	130,000	117,000	95,000	41,000	0	0

The table above outlines the estimated irrigation water usage for Emerald Essence Enterprises during a typical year (as reported on the DRAFT Initial Statement to be filed later). Irrigation water usage will be dependent on weather conditions. Emerald Essence Enterprises commits to meeting any forbearance requirements if the State of California requires use of surface water diversion for medical cannabis cultivation.

3.2. WATER STORAGE

Currently, the spring is diverted to a series of holding tanks and one temporary water bladder. The storage consists of a cumulative storage capacity of 35,550 gallons. The water bladder (6,500 gallons), and six tanks (16,750 gallons) are located on the adjacent parcel, and four tanks (12,300 gallons) located on the property itself. The property owner intends to install (1) 100,000-gallon steel rainwater catchment tank to meet forbearance requirements and to meet all future agricultural demands for the duration of the cultivation season. Direct diversion and diversion from storage are limited to the specified dates in the table below. Domestic/Fire Protection uses are not as restrictive to the outlined forbearance period. Riparian rights may be exercised to meet strictly domestic demands if needed. Cannabis cultivation will remain at agronomic rates using conservative irrigation systems. Annual water use on the property is summarized below (Table 3.2 and Table 3.3).

Table 3.2: Dates of Water Diversion and Quantities Diverted

Purpose of Use	Start Date	End Date	From Diversion (gal)	From Storage (gal)
Storage (Domestic/Fire Suppression)	Dec. 15	Mar. 31	20,000	
Domestic	Jun. 16	Nov. 12		20,000
Cultivation	May 1	Oct. 15	45,450	15,550

Table 3.3: List of Current Water Storage Vessels on Site

Type	Quantity (gal)	Number	Total Storage (gal)
Existing Plastic Tank	5,050	2	10,100
Existing Plastic Tank	3,600	2	7,200
Existing Plastic Tank	3,000	3	9,000
Existing Plastic Tank	1,100	2	2,200
Existing Plastic Tank	550	1	550
Existing Water Bladder	6,500	1	6,500
Total Storage on Site	---	10	35,550

3.3. SITE DRAINAGE, RUNOFF AND EROSION CONTROL

Emerald Essence Enterprises is enrolled with the North Coast Regional Water Quality Control Board (NCRWQCB) for Tier 2 coverage, and a Water Resources Protection Plan (WRPP) has been developed

utilizing best management practices (BMP's) in accordance with the NCRWQCB's recommendations. Manhard Consulting enrolled Emerald Essence Enterprises and developed the WRPP. The drainage and erosion control measures described below are referenced from the WRPP.

3.3.1. SITE DRAINAGE AND RUNOFF

Site investigation for the development of the Water Resources Protection Plan (WRPP) by Manhard Consulting showed that the main road to the property is communal access road shared by adjacent landowners. This road is in good condition with limited connectivity to the stream system. The road surface is compact, well graded and not susceptible to erosion. The road is mostly in-sloped with ditch relief culverts (DRC) for drainage. Corrective actions on the main road include maintenance at existing ditch relief culvert and installing four additional ditch relief culverts to shorten ditch lengths and disperse runoff.

The driveway to the cultivation site is native surface with no real drainage pattern. This road is to be rocked, out-sloped, and rolling dips installed. At the northeast corner of this road is a saturated corner of the road leading to the two processing sheds. This corner is located at spring and headwaters of an ephemeral swale. This section of road needs to be constructed with engineered fill and a drainage structure installed.

3.3.2. EROSION CONTROL

The Water Resource Protection Plan (WRPP) includes erosion and sediment control BMP's designed to prevent, contain, and reduce sources of sediment. The upper spur road leading to the greenhouses receives a high volume of runoff and has gullied. This gully needs check dams installed. This ditch crossing under the driveway through a DRC, which needs rock added at the exit and enters the ephemeral stream. This stream/ditch flows to a roadside ditch where it is channelized and directed under the road onto a modified hillslope where sediment can be deposited before entering the class II stream. The ditch along the road requires check dams, the DRC replaced, and a sediment basin installed to capture sediment before entering the stream system.

The parking area at the base of hill at the cabin and outdoor kitchen drains to small swale ending in the class II stream. A sediment basin will be installed and the swale rocked, to prevent erosion before entering the stream. This parking area is being considered for a rain catchment pond site in the future. Additionally, the WRPP requires mulch piles and spoils from any grading to be stored in a designated location away from watercourse. The WRPP section titled *Best Management Practices for Discharges of Waste Resulting from Cannabis Cultivation and Associated Activities* details complete BMP recommendations and specifications.

3.4. WATERSHED AND HABITAT PROTECTION

Adherence to the Water Resource Protection Plan (WRPP) ensures that the watershed and surrounding habitat are protected. The cultivation activities and associated structures will be outside of all riparian zones, providing a suitable buffer between the cultivation operation and habitat. Additionally, site development and maintenance activities utilize BMP's in accordance with the NCRWQCB's recommendations. Any grading and earthwork activities will be conducted by a licensed contractor in accordance with approved grading permits and the WRPP.

3.5. MONITORING AND REPORTING

Monitoring will be conducted to confirm the effectiveness of corrected measures listed in the Water Resource Protection Plan (WRPP) and determine if the site meets all Standard Conditions. Inspections will include photographic documentation of any controllable sediment discharge sites as identified on the site map. Visual inspection will occur at those locations on the site where pollutants or wastes, if uncontained, could be transported into receiving waters, and those locations where runoff from roads

or developed areas drains into or towards surface water. The inspection will also document the progress of any plan element subject to a time schedule, or in the process of being implemented. A monitoring plan is included in the WRPP with photo points identified on WRPP map.

Onsite monitoring shall occur:

- Before and after any significant alteration or upgrade to a given stream crossing, road segment, or other controllable sediment discharge site. Inspection should include photographic documentation, with photo records to be kept on site.
- Prior to October 15 and December 15 to evaluate site preparedness for storm events and stormwater runoff.
- Following any rainfall event with an intensity of 3 inches precipitation in 24 hours. Precipitation data can be obtained from the National Weather Service by entering the site zip code at <http://www.srh.noaa.gov/forecast>.

A Monitoring and Reporting Form (Order No. 2015-0023) will be submitted upon initial enrollment in the Order (NOI) and then annually by March 31 to the Regional Water Board. The annual report will include data from the monitoring reports.

3.6. ENERGY AND GENERATOR USE

Due to the remote location and off the grid nature of the site, it will be necessary for Emerald Essence Enterprises to employ the use of a generator for power. Emerald Essence Enterprises will limit the use of the generator to an as needed basis following all guidelines set up by Humboldt County and the State of California. The generator will be located over one hundred feet from the property line to ensure the noise level will not exceed 60 decibels at the property line. Potential noise impacts to protected species will be identified as part of the NTMP, and the generator sites will be adjusted accordingly if species of concern and habitat are found. The generator will have secondary containment in the event of a spill.

3.7. USE AND STORAGE OF REGULATED PRODUCTS

3.7.1. FUEL STORAGE

Fuel for the generator is stored in 30-gallon and 5-gallon cans and will be stored in an adjoining shed to the processing facility to prevent spillage, discharge, or seepage into surface or groundwater. Fuel storage will have appropriate secondary containment and a spill cleanup kit will be kept onsite in the event of a spill while storing or fueling.

3.7.2. BEST MANAGEMENT PRACTICES

The State of California Agricultural Department as well as the Humboldt County Agricultural Department recognize the need for use of pesticides and fungicides. Emerald Essence Enterprises will employ best management practices when storing, handling, mixing, application and disposal of all pesticides/fungicides. Emerald Essence Enterprises will also engage in the use of pesticides and fungicides that have been approved by either the state of California Agricultural Department or the Humboldt County Agricultural Department or by any Humboldt County Ordinance or State of California Initiative.

Emerald Essence Enterprises will follow required regulations in the storing, handling, mixing, application and disposal of all pesticides. The Agent in Charge will hold a State of California Agricultural Department Private Pesticide Applicators License issued through the Humboldt County Agricultural Department. Training of employees in the storing, handling, mixing, application, disposal and emergency spill containment and clean up procedure will be sole responsibility of the Lead Cultivator as the holder of the Private Pesticide Applicators License.

3.7.3. FERTILIZERS, PESTICIDES AND FUNGICIDES

All nutrients, pesticides and fungicides will be stored in water tight, locked and labeled housing in accordance with manufactures instruction. Emerald Essence Enterprises will provide all employees trained to handle, mix, apply or dispose of pesticides/fungicides with proper hand, eye body and respiratory protection in accordance with State of California Agricultural Department Private Pesticide Applicators License as well as manufacturer's recommendations. In addition, at any place where pesticide/fungicide to be stored, handled, mixed, applied or disposed, Emerald Essence Enterprises will provide saline eye wash stations and emergency containment and clean up kits as prescribed in the State of California Agricultural Department Pesticide Applicators License handbook as well as manufacture labeling directions. (see Appendix B – *Regulated Products Resource List* of the present document).

Amendments, fertilizers and biological inoculants include:

- Azomite – Micronized
- Botanicare – Cal-Mag Plus
- Buckaroo Brand Natural and Organic – Sanctuary Soil – Worm Castings
- Down to Earth – Crab Meal
- Extreme Gardening – Azos
- Extreme Gardening – Mykos
- Gia Green Glacial Rock Dust
- Great Salt Lake Minerals Corporation – Sulfate of Potash Soluble Fines
- Roots Organics Nitro Bat Guano
- Sea Pal – Liquid Fish Plus Kelp, Bloom Plus *
- Sparetime Supply – Soluble Seaweed Powder
- Sparetime Supply – Trace Mineral Additive
- Sparetime Supply Mocha Bat Guano
- Stutzman Sup'r Green

Pesticides and fungicides used on site include:

- *Azamax Insecticide*
Broad spectrum insect and spider mite control. General Hydroponics *AzaMax* contains 1.2% Azadirachtin, an anti-feedant and insect growth regulator (IGR) — controls pests through starvation and growth disruption. Works as well as synthetic insecticides, but without the environmental impact. Can be applied up to the time or day of harvest. OMRI Listed for use in organic production.
- *Doctor Zymes*
- Enzymatic Insecticide/Fungicide. Kills and eliminates all mites, thrips, aphids, whiteflies as well as their Larvae and eggs. Non-Toxic, Pesticide free, Biodegradeable.
- *NUKE EM* Insecticide and Fungicide to the indoor/outdoor gardening community. This multi-purpose insecticide and fungicide kills the eggs, larvae, juvenile and adult insects that feeds on, and ultimately kills, plants. *NUKE EM* targets all species of Spider Mites, Thrips, Whitefly, Mealy bugs and other plant insect parasites. The unique formula allows for outstanding control of vast varieties of powdery mildew and mold found in the garden.

Emerald Essence Enterprises will enroll with the Humboldt County Department of Environmental Health Department (DEH) as the Certified Unified Program Agency and will comply with DEH's inventory reporting and response plan requirements.

A copy of the Operations Plan will be kept on site by the Agent in Charge and will contain all material safety data sheets for all regulated products used on site (MSDS).

3.8. WASTE MANAGEMENT PLAN

3.8.1. SOLID WASTE MANAGEMENT

The property owner has removed litter/debris that was left by the previous owner. Future garbage will be stored in a location and manner that prevents its discharge to receiving waters and prevents any leachate or contact water from entering or percolating to receiving waters until it is off-hauled by property owner and disposed of at the Eel River Disposal facility in Redway.

3.9. WASTEWATER MANAGEMENT

The property owner is in the process of permitting a new septic system site. A permit should be issued and a system should be in place by 2017.

4. PRODUCT MANAGEMENT

4.1. PRODUCT TESTING AND LABELING

Samples are selected from individual harvested cannabis strains and are tested by a licensed third-party lab in accordance with State and local standards. The finished product is labeled with the Dos Rios Ranch logo, and will include tracking ID's provided by the County of Humboldt and/or Statewide tracking systems once they become available.

4.2. PRODUCT INVENTORY AND TRACKING

Until either a County or Statewide cannabis product and inventory tracking system becomes available, an internally-developed system of inventory and tracking is utilized. The Agent in Charge and Lead Cultivator ensure all medical cannabis from clone to packaged product is tracked, accounted for and inventoried. Records are kept at each phase of the harvest and processing operation for reporting and compliance with State and Local regulations. The information recorded for each harvest includes:

- Cultivation canopy area
- Weight of flowers, by-product, and trim waste after drying and separation
- Weight of buds after trimming
- Product ID numbers and product weight
- Staff identification (at each step)
- Physical location of the plant material at all times

4.3. TRANSPORTATION AND DISTRIBUTION

Transportation will be handled by a third-party, contracted, licensed transporter/distributor in accordance with State and Local regulations. All merchantable product will be distributed through licensed medical cannabis dispensaries. Prior to moving packages from the on-site holding facility to another physical location, a transport manifest will be created by the distributor/transporter and will include:

- Product ID numbers and product weight
- Route to be travelled
- Origin and destination addresses
- Time of departure
- Time of arrival

The *Agent in Charge* and the *Processing Manager* are responsible for performing a physical inventory of all packages being transported, and ensuring that the physical inventory coincides with the transport manifest.

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	Attached
CalFire	✓	Comments	Attached
Department of Fish & Wildlife	✓	Comments	Attached
Division Environmental Health	✓	Conditional Approval	Attached
Humboldt County Agricultural Commissioner		No response	
Humboldt County District Attorney		No response	
Land Use Division	✓	Conditional Approval	Attached
RWQCB	✓	Conditional Approval	Phone meeting 11/2/2018
Humboldt County Sheriff	✓	Comments	Attached
Southern Humboldt Joint Unified School District		No response	
CalFire – Timber Conversion Report		No response	
Intertribal Sinkyone Wilderness Council		No response	
Bear River Band of the Rohnerville Rancheria	✓	Comments	On file with Planning
NWIC	✓	Comments	On file with Planning
Fruitvale Ridge Volunteer Fire Protection District	✓	Comments	Attached



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



8/8/2017

PROJECT REFERRAL TO: Building Inspection Division

Project Referred To The Following Agencies:

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, Supervising Planner, Current Planning Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, Regional Water Quality Control Board, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, Humboldt County Sheriff, Sinkyone Tribe, Southern Humboldt Joint Unified School District, Division of Water Rights, Fruitland Ridge VFC Response Area Fire Protection District

Applicant Name Emerald Essence, Inc. **Key Parcel Number** 211-373-033-000

Application (APPS#) 11114 **Assigned Planner** () - **Case Number(s)** CUP16-153

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

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

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

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

Return Response No Later Than 8/23/2017 Planning Commission Clerk
County of Humboldt Planning and Building Department
3015 H Street
Eureka, CA 95501
E-mail: PlanningClerk@co.humboldt.ca.us **Fax:** (707) 268-3792

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

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

DATE: 8/21/17

PRINT NAME: PM



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
BUILDING DIVISION

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

Building Division's Referral Comments for Cannabis Operations:

Application No.: 44306
Parcel No.: 211-373-033-000
Case No.: CUP 16-153

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

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

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

Name: Patrick McTague

Date: 8-21-17

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

From: Meyers, Tim@CALFIRE
To: [Schaeffer, Mara](#); [Forsberg, William@CALFIRE](#); [Planning Clerk](#)
Subject: Re: 11114 Tara Sims
Date: Monday, March 26, 2018 3:02:58 PM

I have reviewed the landowner's proposal of mitigation prepared by an RPF regarding the past harvest and conversions that occurred years ago on the parcel. I have concluded that the mitigation offered is acceptable and appropriate based on the conditions and detailed information provided. CAL FIRE has no additional recommendations or comments relating to the mitigation plan. This email will serve as the official response

[Tim Meyers](#)
[Forester I, RPF #2813](#)
Department of Forestry and Fire Protection
CAL FIRE
Weott Resource Management
Humboldt-Del Norte Unit
Office (707) 946-2204
Cellular (707) 599-6433
tim.meyers@fire.ca.gov

Every Californian should conserve water. Find out how at:

SaveOurWater.com - Drought.CA.gov



**California Department of Fish and Wildlife
CEQA Referral Checklist**

Applicant: Sims Emerald Essence		Date: 5-10-18	
APPS No.: 11114	APN: 211-373-033	CDFW CEQA: 2017-431	Case No.:
<input checked="" type="checkbox"/> New	<input type="checkbox"/> Existing	<input checked="" type="checkbox"/> Mixed-light (SF):2600	<input checked="" type="checkbox"/> Outdoor (SF): 24,400 <input type="checkbox"/> Indoor <input type="checkbox"/> RRR

Thank you for referring this application to the California Department of Fish and Wildlife (CDFW) for review and comment.

CDFW offers the following comments on the Project in our role as a Trustee and Responsible Agency pursuant to the California Environmental Quality Act (CEQA; California Public Resource Code Section 21000 *et seq.*). These comments are intended to assist the Lead Agency in making informed decisions early in the planning process.

- Recommend Approval. The Department has no comment at this time.
- Recommend Conditional Approval. Suggested conditions below.
- Applicant needs to submit additional information. Please see the list of items below.
- Recommend Denial. See comments below.

Please note the following information:

- The applicant submitted a Notification of Lake or Streambed Alteration (LSA#: 1600-2017-0347). A draft Agreement was issued to the applicant on September 15, 2017 and remains unsigned. It is not clear to CDFW why the Agreement remains unsigned, but CDFW now has the right to revoke the draft and cancel the project. CDFW will issue a letter this month (May 2018) indicating that the applicant must complete the draft or the project will be closed.

Based upon the information provided, CDFW does not see a plan to achieve compliance with forbearance terms. CDFW requests, **prior to project approval**, that the applicant submits a plan to achieve compliance with forbearance terms.

- The project is located in/near Northern Spotted Owl (*Strix occidentalis caurina*), a State- and Federally-Threatened species) potential habitat. CDFW requests, prior to Project approval, either protocol level surveys (two-year) by an experienced wildlife biologist, to determine whether the area has NSO presence; OR assume presence and avoid disturbance of habitat as determined by a qualified biologist, in consultation with CDFW and the US Fish and Wildlife Service.
 - a. If generator, identify the size and location of the generator and describe measures that will be incorporated to avoid or minimize impacts to fish and wildlife, such as secondary containment. Due to the proximity to known Northern Spotted Owl (*Strix occidentalis caurina*) occurrence in the project area, CDFW requests that all generators and lights meet the highest level of performance standards set forth by the county to minimize any potential impacts.

- ☒ Prohibition on use of synthetic netting. To minimize the risk of wildlife entrapment, Permittee shall not use any erosion control materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.
- ☒ Leave wildlife unharmed. If any wildlife is encountered during the Authorized Activity, Permittee shall not disturb the wildlife and shall allow wildlife to leave the work site unharmed.
- ☒ The environmental impacts of improper waste disposal are significant and well documented. CDFW requests, as a condition of Project approval, that all refuse be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
- ☒ This project has the potential to affect sensitive fish and wildlife resources such as Coho Salmon (*O. kisutch*), Steelhead Trout (*O. mykiss*), Foothill Yellow-legged Frog (*Rana boylei*), Pacific Giant Salamander (*Dicamptodon tenebrosus*), Southern Torrent Salamander (*Rhyacotriton variegatus*), Northern Red-legged Frog (*Rana aurora*), Tailed Frog (*Ascaphus truei*), Western Pond Turtle (*Actinemys marmorata marmorata*), and amphibians, reptiles, aquatic invertebrates, mammals, birds, and other aquatic and riparian species.

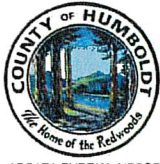
Thank you for the opportunity to comment on this Project. Please send all inquiries regarding these comments to david.manthorne@wildlife.ca.gov .

Please confirm that you have received this email.

Sincerely,

David Manthorne

California Department of Fish and Wildlife
619 2nd Street
Eureka, CA 95501



DEPARTMENT OF PUBLIC WORKS
COUNTY OF HUMBOLDT

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

ARCATA-EUREKA AIRPORT TERMINAL
McKINLEYVILLE
FAX 839-3596
AVIATION 839-5401

PUBLIC WORKS BUILDING
SECOND & L ST., EUREKA
FAX 445-7409
ADMINISTRATION 445-7491
BUSINESS 445-7652
ENGINEERING 445-7377
FACILITY MAINTENANCE 445-7493
NATURAL RESOURCES 445-7741
NATURAL RESOURCES PLANNING 267-9540
PARKS 445-7651
ROADS & EQUIPMENT MAINTENANCE 445-7421

CLARK COMPLEX
HARRIS & H ST., EUREKA
FAX 445-7388
LAND USE 445-7205

LAND USE DIVISION INTEROFFICE MEMORANDUM

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

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

DATE: *11/27/2017*

RE:

Applicant Name	<i>Emerald Essence, Inc.</i>
APN	<i>211-373-033</i>
APPS#	<i>11114</i>

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

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

*Note: Exhibits are attached as necessary.

Additional comments/notes:

Only need to review Item 4 of Exhibit "C"

// END //

Exhibit "A"

Public Works Recommended Conditions of Approval

(All checked boxes apply)

APPS # 1114

COUNTY ROADS- FENCES & ENCROACHMENTS:

All fences and gates shall be relocated out of the County right of way. All gates shall be setback sufficiently from the County road so that vehicles will not block traffic when staging to open/close the gate. In addition, no materials shall be stored or placed in the County right of way.

This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.

COUNTY ROADS- DRIVEWAY (PART 1):

The submitted site plan is unclear and/or shows improvements that are inconsistent with County Code and/or Department of Public Works policies. The applicant is advised that these discrepancies will be addressed at the time that the applicant applies to the Department of Public Works for an Encroachment Permit. If the applicant wishes to resolve these issues prior to approval of the Planning & Building permit for this project, the applicant should contact the Department to discuss how to modify the site plan for conformance with County Code and or Department of Public Works policies. Notes:

COUNTY ROADS- DRIVEWAY (PART 2):

Any existing or proposed driveways that will serve as access for the proposed project that connect to a county maintained road shall be improved to current standards for a commercial driveway. An encroachment permit shall be issued by the Department of Public Works prior to commencement of any work in the County maintained right of way. This also includes installing or replacing driveway culverts; minimum size is typically 18 inches.

- If the County road has a paved surface at the location of the driveway, the driveway apron shall be paved for a minimum width of 18 feet and a length of 50 feet.
- If the County road has a gravel surface at the location of the driveway, the driveway apron shall be rocked for a minimum width of 18 feet and a length of 50 feet.
- If the County road is an urban road, frontage improvements (curb, gutter, and sidewalk) shall also be constructed to the satisfaction of the Department. Any existing curb, gutter or sidewalk that is damaged shall be replaced.

The exact location and quantity of driveways shall be approved by the Department at the time the applicant applies to the Department of Public Works for an Encroachment Permit.

This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.

COUNTY ROADS- DRIVEWAY (PART 3):

The existing driveway will require substantial modification in order to comply with County Code. The applicant may wish to consider relocating the driveway apron if a more suitable location is available.

COUNTY ROADS-PARKING LOT- STORM WATER RUNOFF:

Surfaced parking lots shall have an oil-water filtration system prior to discharge into any County maintained facility.

This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.

COUNTY ROADS- DRIVEWAY & PRIVATE ROAD INTERSECTION VISIBILITY:

All driveways and private road intersections onto the County Road shall be maintained in accordance with County Code Section 341-1 (Sight Visibility Ordinance).

This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.

COUNTY ROADS- PRIVATE ROAD INTERSECTION:

Any existing or proposed non-county maintained access roads that will serve as access for the proposed project that connect to a county maintained road shall be improved to current standards for a commercial driveway. An encroachment permit shall be issued by the Department of Public Works prior to commencement of any work in the County maintained right of way.

- If the County road has a paved surface at the location of the access road, the access road shall be paved for a minimum width of 20 feet and a length of 50 feet where it intersects the County road.
- If the County road has a gravel surface at the location of the access road, the access road shall be rocked for a minimum width of 20 feet and a length of 50 feet where it intersects the County road.

This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.

COUNTY ROADS- ROAD EVALUATION REPORT(S):

All recommendations in the *Road Evaluation Report(s)* for County maintained road(s) shall be constructed/implemented to the satisfaction of the Public Works Department prior to commencing operations, final sign-off for a building permit, or approval for a business license. An encroachment permit shall be issued by the Department of Public Works prior to commencement of any work in the County maintained right of way.

// END //

Exhibit "C"

Additional Review is Required by Planning & Building Staff

APPS # 11114

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

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

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

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

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

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

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

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

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

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

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

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

If YES, include the following requirement:

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

Exhibit "C"

Additional Review is Required by Planning & Building Staff

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

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

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

7. **AIRPORT – PART 3 (Height Restrictions).** Planning & Building Staff shall review the completed *Airspace Certification Form* as follows:

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

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

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

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

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

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

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

// END //

Exhibit "D"

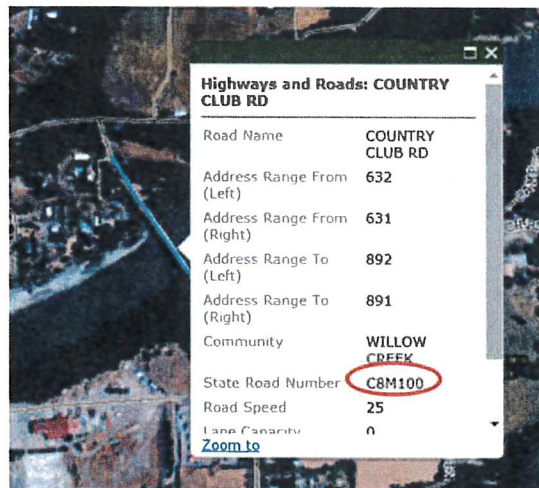
Road Evaluation Reports

1. **ROADS – Road Evaluation Reports.** **Planning and Building Department staff shall request that the applicant provide Road Evaluation Reports for the project.** The particular roads that require a *Road Evaluation Report* is to be determined by following the guidance shown below.

The Department has developed a *Road Evaluation Report* form so that an applicant can address the adequacy of the various roads used by their project. Most projects will require that a *Road Evaluation Report* form be completed.

When viewing the project site on google earth, if the County maintained road (or other publicly maintained road) has a centerline stripe, the road is adequate. If there is no centerline stripe, then the roads leading from the nearest publicly maintained road with a paved centerline stripe (or a known category 4 road) must be evaluated. A separate *Road Evaluation Report* form is needed for each road. This applies to all roads regardless if they are publicly or privately maintained. The Department has prepared a "approved list" of known County maintained roads that are category 4 (or are equivalent to category 4) standards for cannabis projects. The Department has also prepared a list of roads that are known to not meet road category 4 of equivalent. Both of these lists will be updated as the County information regarding the County maintained roads becomes available.

The *Road Evaluation Report* form needs to be provided to applicants to complete. It is important that Planning and Building Department staff provide the applicant with a map that has the roads to be evaluated highlighted. This will most likely include a combination of County maintained roads and non-County maintained roads. This will give the applicant clear direction on which roads need to be evaluated.



Above: screenshot from the WebGIS showing County Road Number circled in **RED**.

A County maintained road will have a 5 or 6 character identifier. The general format is **ABCDDD** where:

- A** is an optional identifier for the functionality of the road (A=Arterial, C=Collector, F=Federal Aid)
- B** is a grid identifier number for the X-axis of a "battleship" style grid that was drawn on a county map to divide the county into a series of squares.
- C** is a grid identifier letter for the Y-axis for the grid.
- DDD** is a three digit road identification number within a particular grid. Each grid can have up to 999 roads in them

Examples:

ABCDDD

A 3 M 0 2 0 Murray Road
F 6 B 1 6 5 Alderpoint Road
6 C 0 4 0 Thomas Road



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



8/8/2017

PROJECT REFERRAL TO: Humboldt County Sheriff

Project Referred To The Following Agencies:

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, Supervising Planner, Current Planning Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, Regional Water Quality Control Board, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, Humboldt County Sheriff, Sinkyone Tribe, Southern Humboldt Joint Unified School District, Division of Water Rights, Fruitland Ridge VFC Response Area Fire Protection District

Applicant Name Emerald Essence, Inc. **Key Parcel Number** 211-373-033-000

Application (APPS#) 11114 **Assigned Planner** () - **Case Number(s)** CUP16-153

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

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

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

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

Return Response No Later Than 8/23/2017 Planning Commission Clerk
County of Humboldt Planning and Building Department
3015 H Street
Eureka, CA 95501
E-mail: PlanningClerk@co.humboldt.ca.us **Fax:** (707) 268-3792

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

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

Other Comments: NOT NEAR SCHOOL, NEITHER APPLICANT HAS CRIMINAL CONTACT IN RMS

DATE: 8-25-17 PRINT NAME: TK. SWITAGUBANK



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



8/8/2017

PROJECT REFERRAL TO: Fruitland Ridge VFC Response Area Fire Protection District

Project Referred To The Following Agencies:

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, Supervising Planner, Current Planning Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, Regional Water Quality Control Board, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, Humboldt County Sheriff, Sinkyone Tribe, Southern Humboldt Joint Unified School District, Division of Water Rights, Fruitland Ridge VFC Response Area Fire Protection District

Applicant Name Emerald Essence, Inc. **Key Parcel Number** 211-373-033-000

Application (APPS#) 11114 **Assigned Planner** () - **Case Number(s)** CUP16-153

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

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

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

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

Return Response No Later Than 8/23/2017

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

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

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

Other Comments: See attached

DATE: 8/17/17

PRINT NAME: MIKE LAKE, CHIEF 6200

APPS# 11114 Emerald Essence

We have reviewed the above application and recommend the following:

1. The address is not following the 911 address requirement. 25 Dyerville Loop Road places it about 18 miles from the actual physical site.
2. Plan states a generator will be the electrical source. That item is not on the site plan.
3. The fuel source for the generator is not identified. Where is the fuel tank, shut-off, and containment system?
4. What is the width and percent slope and grade of the road? This allows emergency vehicles access.
5. Identify where and what type of SRA water source standard fire hook up is provided.

Fruitland Ridge Fire Protection District
PO Box 87
Myers Flat, CA 95554