

SW



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: April 5, 2018

To: Humboldt County Planning Commission

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

Subject: **Bridgeville Qualified Patients, Inc., Conditional Use Permit**
Application Number 12577
Case Number CUP-16-753
Assessor's Parcel Number (APNs) 210-033-006
3000 Block McClellan Mountain Road, Bridgeville

Table of Contents

Page

Agenda Item Transmittal
Recommended Action and Executive Summary
Draft Resolution

Maps

Topo Map
Zoning Map
Aerial Maps
Site Plan and Cultivation site map

Attachments

Attachment 1: Recommended Conditions of Approval
Attachment 2: Staff Analysis of the Evidence Supporting the Required Findings
Attachment 3: Applicant's Evidence in Support of the Required Findings
Attachment 4: Referral Agency Comments and Recommendations

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

AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
April 5, 2018	Conditional Use Permit	Michelle Nielsen

Project Description A Conditional Use Permit is requested for an existing outdoor commercial cannabis operation, referred to as Bridgeville Qualified Patients Association, Inc. The requested approval includes the operation of an existing 22,500 square foot outdoor commercial cannabis cultivation on an approximately 120-acre parcel (210-033-006). Water for cultivation activities will be supplied via a permitted onsite well. Water will be stored in three (3) 3,000-gallon hard tanks for a total of 9,000 gallons of water storage. The cultivation operations would use approximately 86,000 gallons of water annually. The cannabis is processed (machine trim and dry) in the applicant's residence at APN 210-032-009, approximately one mile from the cultivation site, but the applicant intends to obtain necessary permits to be in compliance with the CMMLUO. A generator provides power to the well water pump and both are stored in an enclosure for noise containment. There will be no employees; all cultivation and processing activities will be performed by the applicant and family members. The applicant has enrolled with the North Coast Regional Water Quality Control Board Cannabis Waste Discharge Regulatory Program as a Tier 2 discharger (WDID# 1B161747CHUM).

Project Location: The project site is located in Humboldt County, in the Bridgeville/McClellan Mountain area, on both sides of McClellan Mountain Road, approximately 2.73 miles east from the intersection of State Highway 36 and McClellan Mountain Road, on the property known to be in the east half of Section 12, Township 01 North, Range 04 East.

Present Plan Land Use Designations: Residential Agriculture-Minimum parcel size 40 acres (RA40), General Plan, Density: 40 acres per dwelling unit, Slope Stability: High Instability (3)

Present Zoning: Unclassified (U)

Application Number: 12577

Case Number: CUP-16-753

Assessor Parcel Numbers: 210-033-006-000

Applicant	Owner	Agent
Bridgeville Qualified Patients Association, Inc	Steven L. Smith	N/A
Attn.: Steven Smith	3639 Hawthorn Street	
1780 McClellan Mountain Road	San Diego, CA 92104-5717	
Bridgeville, CA 95526		
(707)777-1782		

Environmental Review: The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per Class 1, 15301 (Existing Facilities) of the California Environmental Quality Act (CEQA) Guidelines.

State Appeal Status: Project is located outside the Coastal Zone and is therefore NOT appealable to the California Coastal Commission.

Major Issues: None

Bridgeville Qualified Patients Association, Inc. Conditional Use Permit

Case Number CUP-16-753

Assessor's Parcel Numbers 210-033-006-000

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 Section 15301 of the State CEQA Guidelines, make all of the required findings for approval of the Conditional Use Permit based on evidence in the staff report and any public testimony, and adopt the Resolution approving the proposed Bridgeville Qualified Patients Association, Inc. project subject to the recommended conditions.

Executive Summary: Bridgeville Qualified Patients Association, Inc. Medical Marijuana Cultivation Project (Project) seeks approval of a Conditional Use 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 medical cannabis cultivation located on Assessor's Parcel Number (APN) 210-033-006, which is approximately 120 acres in size.

Cannabis cultivated onsite is currently processed in the applicant's unpermitted residence at APN 210-032-009, approximately one mile from the cultivation site, but the applicant intends to apply for an Alternative Owners Builders permit with Humboldt County. A mechanical trimmer will be used for processing, and the product will be dried indoors. Fertilizers and pesticides (neem oil) are stored indoors with secondary containment. No employees are associated with this project as cannabis processing will be completed by the applicant and family members.

The applicant has enrolled in the North Coast Regional Water Quality Control Board (NCRWQCB) Cannabis Waste Discharge Regulatory Program as a Tier 2 discharger (WDID# 1B161747CHUM). Water for cultivation activities will be supplied via a permitted onsite well (Permit No. 11-12-0045). Water will be stored in two (2) 3,000-gallon hard tanks, and then transferred to a gravity tank (3,000 gallons) for crop irrigation and fire protection, for a total of 9,000 gallons of water storage. The anticipated annual water use is 86,000 gallons. The Van Duzen River is over 1,500 feet north of the cultivation area and approximately 1,000 feet lower than the elevation of the cultivation site. The cultivation area slopes away from the river. There is a spring approximately 1,500 feet west of the cultivation area and 400 feet lower than the elevation of the cultivation site. The cultivation site also slopes away from the spring.

Access to the parcel is from McClelland Mountain Road, a county maintained road to PM 3.57. The applicant's driveway is located at PM 3.0 per submitted materials. A condition of approval has been incorporated requiring the applicant to work the County Public Works Department to ensure the road meets fire safe standards, and that fences and driveways conform to safety and fire safe standards.

There are no permanent structures on the parcel, but there is a 20-foot shipping container and a small storage trailer. According to the applicant, both are used for storage purposes, and a building permit must be required for placement of the shipping container on private property. The shipping container does not meet occupancy thresholds for use as a commercial cannabis structure. There are no bus stops, schools, mailboxes, or public areas within 600 feet of the cultivation site, and the closest residence is over 1,000 feet away. PG&E has an easement

through the property for powerline access.

The materials submitted with the application include a Security and Safety Plan that describes that the cultivation operation is secured by a 6-foot privacy fence around the entire garden. Entry gates to the site have been installed at McClellan Mountain Road to further prevent unauthorized intrusion.

CAL FIRE has noted that forest practice violations have occurred on this property based on aerial imagery and no conversion permits are on file with CAL FIRE for tree removal. However, the applicant provided a copy of the final inspection for a Less than 3 acre Conversion Exemption dated May 2, 2012 (Exemption No. 1-11EX-002-HUM).

The applicant is aware that Northern spotted owls are in the area, therefore, the generator for the well pump is stored in an enclosure that provides noise containment.

Environmental review for this Project was conducted and based on the results of that analysis, staff believes the existing cultivation operation can be considered to be "Existing Facilities" as defined by Section 15301 of the California Environmental Quality Act (CEQA) Guidelines because it consists of "the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination."

There is no substantial evidence of potentially significant adverse environmental effects resulting from the permitting of a recognized legal agricultural use (cultivation of medical marijuana) on property zoned U, with slopes less than 15%, and a permitted source of irrigation.

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

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

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

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

**Case Number CUP-16-753
Assessor Parcel Numbers: 210-033-006**

Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the Bridgeville Qualified Patients Association, Inc. Conditional Use Permit request.

WHEREAS, Bridgeville Qualified Patients Association, Inc. submitted an application and evidence in support of approving a Conditional Use Permit to permit twenty-two thousand, five hundred (22,500) square feet of existing outdoor commercial medical cannabis cultivation located on APN 210-033-006; and

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

WHEREAS, the project is categorically exempt from environmental review pursuant to Class 1, 15301 (Existing Facilities) 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 (Case Number CUP16-753); and

WHEREAS, a public hearing was held on the matter before the Humboldt County Planning Commission on April 5, 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) of the California Environmental Quality Act (CEQA) Guidelines; and
2. The findings in Attachment 2 of the Planning Commission staff report support approval of Case Number CUP-16-753 based on the submitted substantial evidence; and
3. Conditional Use Permit CUP-16-753 is approved as recommended and conditioned in Attachment 1.

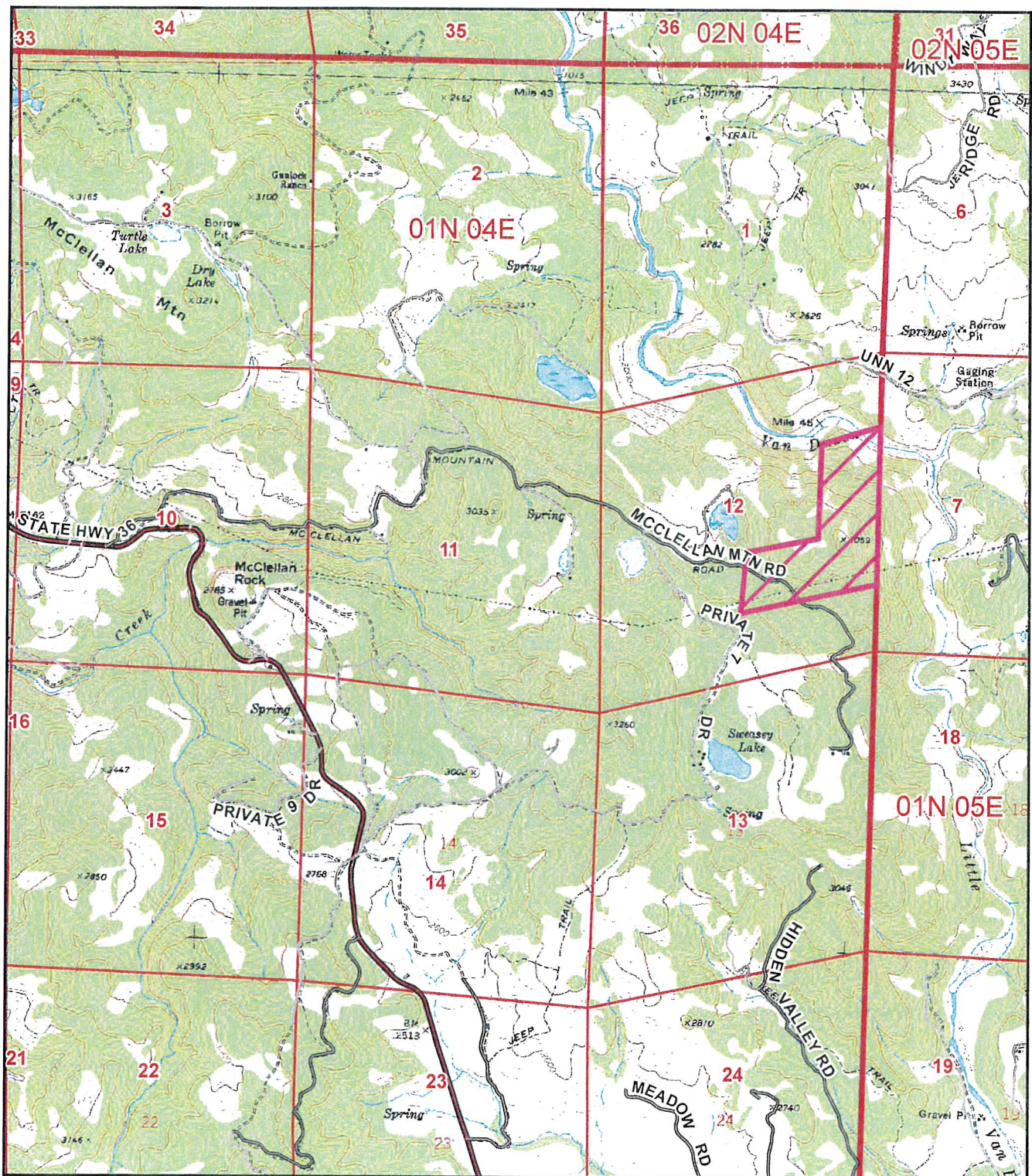
Adopted after review and consideration of all the evidence on April 5, 2018.

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

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

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

John Ford, Director
Planning and Building Department



TOPO MAP
PROPOSED BRIDGEVILLE QUALIFIED PATIENTS ASSOC INC
BRIDGEVILLE/McCLELLAN MOUNTAIN AREA

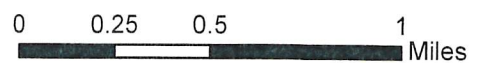
Project Area = 

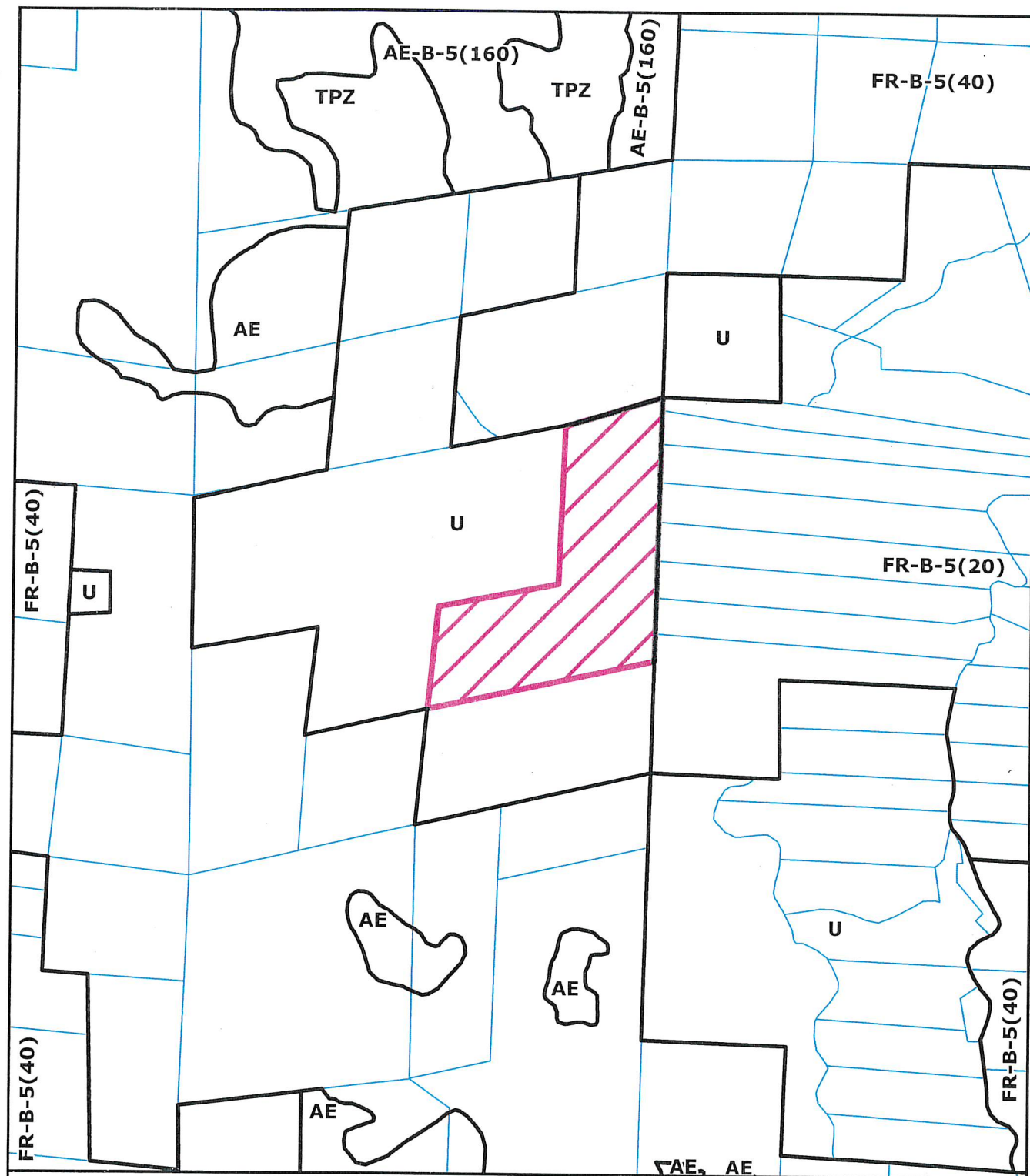
CUP-16-753
APN: 210-033-006

T01N R04E S12 HB&M (LARABEE VALLEY)



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





**ZONING MAP
 PROPOSED BRIDGEVILLE QUALIFIED PATIENTS ASSOC INC
 BRIDGEVILLE/McCLELLAN MOUNTAIN AREA**

Project Area = 

**CUP-16-753
 APN: 210-033-006**

T01N R04E S12 HB&M (LARABEE VALLEY)

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





AERIAL MAP
PROPOSED BRIDGEVILLE QUALIFIED PATIENTS ASSOC INC
BRIDGEVILLE/McCLELLAN MOUNTAIN AREA

Project Area = 

CUP-16-753
APN: 210-033-006
T01N R04E S12 HB&M (LARABEE VALLEY)



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

0 0.1 0.2 0.4
Miles

APR 15 12577

STEVEN L. SMITH

A N 210.033.006

WT = WATER TANK

WP = WATER WELL PUMP

•• = 2- 3000 GAL. STORAGE TANKS @ PUMP

• = 1- 3000 GAL. GRAVITY WATER TANK

↘ ↘ = ARROWS INDICATE SLOPE (SW)
ENTIRE GROW GARDEN WATER
COLLECTED IN DIKED CULVERT &
TERMINATES IN FLAT LEACH FIELD
SOUTH OF SHIPPING CONTAINER

SCALE 1" = 250'

MAP NOT EXACTLY TO SCALE

PLOT PLAN · STEVEN SMITH
1780 MS MTN RD BRIDGEVILLE CO
-95526-

LEACH FIELD (FLAT)

1' PRIMARY DIKE

2' SECONDARY
CONTAINMENT DIKE

NOTE: X X X X = 6' CHAIN LINK SECURITY
FENCE W/ 1'X1' CULVERT (DIRECTING &
COLLECTING RAIN WATER TO LEACH FIELD)
FLAT AREA S. OF SHIPPING CONTAINER

PORTA · POTTY

IN SMALL TRAILER -
CENTER OF GARDEN

EROSION CONTROL - ENTIRE FENCED GARDEN

CARPETED W/ SHORT GRASS - CONTROLS SILT

WATER WANDS W/ SHUT-OFFS ON ALL
GARDEN HOSES - NO SPILLAGE LESS WATER USED

GARDEN SOIL HIGHLY COMPOSTED ALLOWS
FOR LESS WATER USE

NCWQB

12

SPRING @ PROPERTY
CORNER 1200'
TO GARDEN

PL

1200' WT &
WPTO PL

2- 3000 GAL
WATER STORAGE
TANKS

WATER
DRAIN SW

SHIPPING
CONTAINER

GATE

LOCKED GATES

MC CLELLAN MTN RD

3. MILE
MARKER

PGE EASEMENT & GARDEN ACCESS
10'-12' WIDE 5°-10° SLOPE

N81°24'27"E

2573.6'

PM2332

PGE

ELECTRIC POWER
LINES
EASEMENT

Ptn2

CANNIBUS

Appl. # 12577

VAN DUZEN RIVER
2000' TO GROW SITE

DRAINS - SW TO
LEACH FIELD

3000 GAL GRAVITY
WATER TANK

6' CHAIN
LINK FENCE

GATE

120Ac±

6

800'
TO
GARDEN

RECEIVED
DEC 26 2017
Mantle Creek
Mantle Creek Svc

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 –13. The agreement shall provide a timeline for completing all outstanding items. All activities detailed under the agreement must be completed to the satisfaction of the Planning and Building Department before the permit may be finalized and no longer considered provisional.
2. The applicant shall secure permits for all unpermitted grading and structures related to the cannabis cultivation and other commercial cannabis activity. Compliance with the Flood Damage Prevention Ordinance is required, where applicable. A letter or similar communication from the Building Division verifying that all structures related to the cannabis cultivation are permitted will satisfy this condition. No impervious floor shall be allowed for greenhouses. No shipping containers may be used for commercial application.
3. The applicant is responsible for obtaining all necessary County and State permits and licenses, and for meeting all of the requirements as set forth by other regulatory agencies.
4. The applicant shall work with the County Department of Public Works to obtain confirmation that the access road is in conformance with Fire Safe Regulations (County Code Section 3112-12), and that fences, gates, and driveways meet Department of Public Works standards. . The applicant shall be responsible for implementing any necessary improvements to bring the access road into compliance. Prior to constructing improvements within the County maintained road right-of-way, the applicant shall apply for and obtain an encroachment permit from the County Department of Public Works, if necessary. A letter or similar communication from the County Department of Public Works verifying that these requirements have been met will satisfy this condition.
5. The applicant shall provide a to scale, legible plot plan for the site which will include the location and dimensions of all facilities associated with the operation, including the processing facility and locations and sizes (gallons) of the permitted onsite well and water storage containers. The plot plan shall include the distance(s) from all facilities associated with the operation, including the processing facility and property lines.
6. The project area has been determined to have potential nesting, roosting, or foraging habitat for Northern Spotted Owl (*Strix occidentalis caurina*). The following avoidance and minimization measure shall be implemented:
 - a. Prior to any tree removal activities, a qualified wildlife biologist with experience in Northern Spotted Owl protocol surveys shall complete a survey of the site to determine if there are trees that could provide nesting or roosting habitat for the Northern Spotted Owl. No tree that could provide suitable nesting or roosting habitat for this species shall be removed or altered.
 - b. No work will occur in the Northern Spotted Owl nesting season (February 1st - July 31st) unless a wildlife biologist with experience in Northern Spotted Owl protocol surveys completes a biological assessment of the property to determine whether the area

- has Northern Spotted Owl presence and whether site specific avoidance measures are necessary to avoid any impact to the species. Any measures developed by the biologist must be adhered to during the nesting season.
- c. No proposed activity generating noise levels 20 or more decibels above ambient noise levels or with maximum noise levels above 90 decibels may occur during the Northern Spotted Owl nesting season.
 - d. No human activities shall occur within a visual line-of-sight of 40 meters (131 feet) or less from a known nest location.
 - e. For the life of the project, the applicant shall submit annual monitoring reports prepared by a qualified wildlife biologist with experience in Northern Spotted Owl protocol surveys for the review and approval of the Planning Director.
 - f. No rodenticides will be used in association with the cultivation operation.
7. The applicant shall implement all corrective actions detailed in the Water Resource Protection Plan developed for the parcel, prepared pursuant to Tier 2 enrollment under the North Coast Regional Water Quality Control Board's (RWQCB) Cannabis Waste Discharge Regulatory Program, including those measures later determined necessary during annual and periodic site inspections in accordance with the monitoring element. A copy of the reporting form portion of the Mitigation and Reporting Program (MRP) shall be submitted annually to the Planning and Building Department concurrent with the submittal to the NCRWQCB. A letter or similar communication from the NCRWQCB or the Third Party Consultant verifying that all the requirements in the MRP have been met 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. Where generators are used the applicant shall provide a noise pollution plan demonstrating that the proposed generator would not deliver noise pollution, which may affect fish and/or wildlife directly, or from a distance. To show conformance with Section 314-55.4.11.o), where generator use occurs in the vicinity of Marbled Murrelet or Spotted Owl species, the plan shall be evaluated in consultation with the Department of Fish and Wildlife. Conformance will be evaluated using auditory disturbance guidance prepared by the United States Fish and Wildlife Service. Should the applicant proposed to achieve noise attenuation by placing the generators inside a building(s), the applicant shall secure a building permit prior to construction.
 9. The applicant shall submit to the Health and Human Services Environmental Health Division the following information: 1) list/describe fuel onsite for power generators and/or heating elements (e.g., diesel, propane, etc.) and identify the quantity and the container used to hold it; 2) Provide Safety Data Sheets for all fertilizers, soil amendments and pesticides (including organic ones) and include quantities stored onsite; 3) List/describe all compressed gases, cleaners and sanitizers (including, but not limited to, household chemicals, bleach and alcohol) and include quantities stored onsite.
 10. The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency (CUPA) requirements regarding any hazardous materials. A written verification of compliance shall be required before any provisional permits may be finalized. Ongoing proof of compliance with this condition shall be required at each annual inspection in order to keep the permit valid.
 11. The applicant shall secure the signature of the property owner(s) 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.

12. The applicant is required to pay the Provisional Approval Compliance Agreement fee as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$175.00) 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.
13. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will provide a bill to the applicant after the decision. Any and all outstanding Planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.

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

1. All components of project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, and these conditions of approval. Changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan. 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 MAUCRSA, as applicable to the permit type.
3. If operating pursuant to a written approved compliance agreement, permittee shall abate or cure violations at the earliest feasible date, but in no event no more than two (2) years from the date of issuance of a provisional clearance or permit. Permittee shall provide plans for curing such violations to the Planning & Building Department within one (1) year of issuance of the provisional clearance or permit. If good faith effort towards compliance can be shown within the two years following the issuance of the provisional clearance or permit, The Planning Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow for additional time to meet the outstanding requirements.
4. Possession of a current, valid required license, or licenses, issued by any agency of the State of California in accordance with the MAUCRSA, and regulations promulgated thereunder, as soon as such licenses become available.
5. Compliance with all statutes, regulations and requirements of the California State Water Resources Control Board and the Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration, as applicable.
6. Confinement of the area of cannabis cultivation, processing, manufacture or distribution to the locations depicted on the approved site plan. The commercial cannabis activity shall be set back at least 30 feet from any property line, and at least 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 a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (CAL-FIRE), if applicable.
9. Consent to an annual on-site compliance inspection, with at least 24 hours prior notice, to be conducted by appropriate County officials during regular business hours (Monday – Friday, 9:00 am – 5:00 pm, excluding holidays).
10. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
11. Pay all applicable application, review for conformance with conditions and annual inspection fees.
12. The noise produced by a generator used to pump water from the permitted onsite well 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 States Fish and Wildlife Service, and further consultation where necessary. Under these guidelines, generator noise may not exceed 50dB as measured at 100 feet from the generator or at the edge of the nearest Marbled Murrelet or Spotted Owl habitat, whichever is closer.
13. 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.
14. The Master Log Books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
15. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).
16. Participate in and bear costs for permittee's participation in the Medical Cannabis Track and Trace Program administered by the Humboldt County Agricultural Commissioner.

Performance Standards for Cultivation and Processing Operations

17. 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."
18. 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).

19. Cultivators engaged in processing shall comply with the following Processing Practices:
 - i. Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.
 - ii. Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
 - iii. Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.
 - iv. Employees must wash hands sufficiently when handling cannabis or use gloves.
20. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:
 - I. Cultivation operations and processing operations must implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:
 - (a) Emergency action response planning as necessary;
 - (b) Employee accident reporting and investigation policies;
 - (c) Fire prevention;
 - (d) Hazard communication policies, including maintenance of material safety data sheets (MSDS);
 - (e) Materials handling policies;
 - (f) Job hazard analyses; and
 - (g) Personal protective equipment policies, including respiratory protection.
 - II. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
 - (a) Operation manager contacts;
 - (b) Emergency responder contacts;
 - (c) Poison control contacts.
 - III. At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations. Plumbing facilities and water source must be capable of handling increased usage without adverse consequences to neighboring properties or the environment.
 - IV. On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.
21. All cultivators shall comply with the approved Processing Plan as to the following:
 - I. Processing Practices.
 - II. Location where processing will occur.
 - III. Number of employees, if any.
 - IV. Employee Safety Practices.
 - V. Toilet and handwashing facilities.
 - VI. Plumbing and/or septic system and whether or not the system is capable of handling increased usage.
 - VII. Drinking water for employees.
 - VIII. Plan to minimize impact from increased road use resulting from processing.
 - IX. On-site housing, if any.

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

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 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.

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

Permittee further acknowledges and declares that:

- (1) All commercial cannabis activity that I, my agents, or employees conduct pursuant to a permit from the County of Humboldt for commercial cultivation, processing, manufacturing, and distribution of cannabis for adult use or medicinal use within the inland area of the County of Humboldt, shall at all times be conducted consistent with the provisions of the approved County permit; and
 - (2) All cannabis or cannabis products under my control, or the control of my agents or employees, and cultivated or manufactured pursuant to local Ordinance and the State of California Medicinal and Adult Use Cannabis Regulation and Safety Act ("MAUCRSA") (SB 94), will be distributed within the State of California; and
 - (3) All commercial cannabis activity conducted by me, or my agents or employees pursuant to a permit from the County of Humboldt will be conducted in compliance with the State of California MAUCRSA.
24. Transfers. Transfer of any leases or permits approved by this project is subject to the review and approval of the Planning Director for conformance with CMMLUO eligibility requirements, and agreement to permit terms and acknowledgments. The fee for required permit transfer review shall accompany the request. The request shall include the following information:
- a. Identifying information for the new Owner(s) and management as required in an initial permit application;
 - b. A written acknowledgment by the new Owner in accordance as required for the initial Permit application;
 - c. The specific date on which the transfer is to occur; and
 - d. Acknowledgement of full responsibility for complying with the existing Permit; and
 - e. Execution of an Affidavit of Non-diversion of Medical Cannabis.

25. 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 #22 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.
5. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will send a bill to the Applicant for all staff costs incurred for review of the project for conformance with the conditions of approval. All Planning fees for this service shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.

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:

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 State CEQA Guidelines have been made.

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

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

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Land Use Chapter 4</p> <p>Land Use Designations Section 4.8</p>	<p>Residential Agriculture (RA): Large lot residential units that typically rely upon on-site water and wastewater systems. Varying densities are reflective of land capabilities and/or compatibility issues. RA40 designations are applied to more remote, steep and high hazards areas or where appropriate to ensure compatibility with adjacent resource production and open space uses.</p> <p>Density range is 40 acres/unit</p>	<p>The project entails the cultivation of 22,500-sf of existing outdoor cannabis on an approximately 120-acre parcel. This project is compatible with the land use objectives for a parcel designated as RA.</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 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>The access road to the site is from a paved County-maintained public road (McClellan Mountain Road). Conditions of approval require that the access road that connects to the County road be improved to meet County visibility ordinance and encroachment permit ordinance standards, if necessary.</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>

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>Open Space Section 10.2</p>	<p>Goals and policies contained in this Chapter relate to an Open Space and Conservation Program that is complimentary to other agencies' plans and that preserves the county's unique open spaces (CO-G1, CO-G3)</p> <p>Related policies: CO-P1, Conservation and Open Space Program; CO-P12, Development Review, CO-S1. Identification of Local Open Space Plan, and CO-S2. Identification of the Open Space Action Program</p>	<p>The proposed project site is designated as Residential Agriculture (RA). Residential Agriculture is not a land use designation intended to implement the open space plan. However, the project is subject to the Open Space Action Program because the project site is located approximately 1.3-miles east of an activity center for Northern Spotted Owl this is subject to the open space protections implemented through the Special Biological Areas overlay. (See below for special protections.)</p>
<p>Conservation and Open Space Chapter 10</p> <p>Biological Resources Section 10.3</p>	<p>Goals and policies contained in this Chapter relate to mapped sensitive habitat areas where policies are applied to protect fish and wildlife and facilitate the recovery of endangered species (BR-G1, Threatened and Endangered Species, BR-G2, Sensitive and Critical Habitat, BR-G3, Benefits of Biological Resources)</p> <p>Related policies: BR-P1. Compatible Land Uses, BR-P5. Streamside Management Areas.</p>	<p>The existing outdoor cannabis cultivation site is located approximately 1.3 miles east of an activity center for Northern Spotted Owl.</p> <p>Due to the proximity to known Northern Spotted Owl occurrences, a condition of approval has been added to require a biological monitor on-site prior to any tree removal activities.</p>
<p>Conservation and Open Space Chapter 10</p> <p>Cultural Resources Section 10.6</p>	<p>Goals and policies contained in this Chapter relate to the protection and enhancement of significant cultural resources, providing heritage, historic, scientific, educational, social and economic values to benefit present and future generations (CU-G1, Protection and Enhancement of Significant Cultural Resources)</p> <p>Related policies: CU-P1. Identification and Protection, CU-P2. Native American Tribal Consultation]</p>	<p>The property applicant provided Bear River Band with copies of the Non-Industrial Timber Management Plan (NTMP) and Less-than-3-acre Conversion Exemption (CE) for the subject parcel and project (APPS#12577; APN 210-033-006). The surveys conducted for the NTMP and CE had adequate survey coverage and appropriate field methods. The surveys covered all of the areas of the parcel where activities associated with the pending permit application will occur. All of the surveys were negative, with no cultural resources identified. The representative for Bear River Band concluded that the applicant does not need to have a survey conducted for this project. The Bear River Band recommended a condition of project</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
		approval be incorporated regarding inadvertent discovery protocol.
<p>Conservation and Open Space Chapter 10</p> <p>Scenic Resources Section 10.6</p>	<p>Goals and policies contained in this Chapter relate to the protection of scenic areas that contribute to the enjoyment of Humboldt County's beauty and abundant natural resources (SR-G1); and a system of scenic highways roadways that increase the enjoyment of, and opportunities for, recreational and cultural pursuits and tourism in the County. (SR-G2)</p> <p>Related policies: SR-S4. Light and Glare</p>	<p>The project involves the cultivation of approximately twenty-two thousand and five hundred (22,500) square feet (sf) of existing outdoor cultivation on an approximately 120-acre parcel. The project site is not located in an area of scenic value and will not create new sources of light and/or glare.</p>
<p>Water Resources Chapter 11</p> <p>Stormwater Drainage</p>	<p>Goals and policies contained in this Chapter relate to coordinated watershed planning and land use decision making to advance management priorities (WR-G3, WR-G4, WR-G5); watershed conservation and restoration efforts aimed at de-listing water bodies and watersheds which are restored to meet all beneficial uses, including water use, salmon and steelhead recovery plans, recreational activities, and the economy (WR-G1, WR-G2, WR-G7, WR-G8, WR-G9); and</p> <p>Related policies: WR-P10. Erosion and Sediment Discharge; WR-P42. Erosion and Sediment Control Measures.</p>	<p>The Project site falls within Tier 2 of the North Coast Regional Water Quality Control Board's (NCRWQCB) Order No. 2015-0023 (Order), which requires preparation of a Water Resources Protection Plan (WRPP) to protect water quality from cannabis cultivation and related activities. A Condition of Approval requiring that the applicant is in compliance with the NCRWQB's requirements of a Tier 2 discharger has been added.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Water Resources Chapter 11</p> <p>Onsite Wastewater Systems</p>	<p>Goals and policies contained in this Chapter relate to adequate public water supply as well as onsite wastewater systems and natural and developed storm drainage systems that minimize interference with surface and groundwater flows and storm water pollution (WR-G6, WR-G9, WR-G10)</p> <p>Related policies: WR-IM7. Basin Plan Septic Requirements; and IS-P17. On-Site Sewage Disposal Requirements.</p>	<p>The Project site falls within Tier 2 of the North Coast Regional Water Quality Control Board's (NCRWQCB) Order No. 2015-0023 (Order), which requires preparation of a Water Resources Protection Plan (WRPP) to protect water quality from cannabis cultivation and related activities. A Condition of Approval requiring that the applicant is in compliance with the NCRWQB's requirements for a Tier 2 discharger has been added.</p> <p>The source of irrigation for the cannabis cultivation is a permitted onsite well. The cultivation site is sloped 5- to 15-percent.</p> <p>Best Management Practices have been in place for 5 years and effectively control drainage. A portion of the perimeter of the cultivation area contains a 1-foot channel/culvert to divert run-off to an on-site water containment area that is almost flat so that sediment can settle. The dike in this area has not been breached in 5 years. (As a second defense, there is a second dike). Additionally, the garden area is seeded with grass to control silt.</p> <p>The applicant recently installed onsite water hoses with shutoff capabilities to conserve water.</p>
<p>Noise Chapter 13</p>	<p>Goals and policies contained in this Chapter discourage incompatible uses within communities and reduce excessive noise through the application of standards (N-G1, N-G2)</p> <p>Related policies: N-P1, Minimize Noise from Stationary and Mobile Sources; N-P4, Protection from Excessive Noise</p>	<p>Due to the proximity of known Norther Spotted Owl occurrences, the subject parcel is located in an area that requires special noise attenuation measures. The existing cultivation area is outdoor and uses all natural light. The water well is powered by a generator that is located near the well pump in the center of the parcel within a sound containment structure. Noise generated from the generator shall comply with the standards set forth in Section 55.4.11(o) of the CMMLUO and Department Policy Statement #DPS-16-005.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Safety Element Chapter 14</p> <p>Geologic & Seismic</p>	<p>Goals and policies contained in this Chapter relate to communities that are designed and built to minimize the potential for loss of life and property resulting from natural and manmade hazards; and to prevent unnecessary exposure to areas of geologic instability, floodplains, tsunami run-up areas, high risk wildland fire areas, and airport areas planned and conditioned to prevent unnecessary exposure of people and property to risks of damage or injury (S-G1, S-G2)</p> <p>Related policies: S-P11. Site Suitability, S-P7. Structural Hazards,</p>	<p>The project site is not located in a mapped Alquist-Priolo fault zone nor is it subject to liquefaction. The existing cultivation site is in an area of high instability but occurs on slopes of 15% or less. The cultivation site is located in an area with a high fire rating. The project does not pose a threat to public safety related from exposure to natural or manmade hazards. The applicant implements erosion control Best Management Practices, including diking the lowest part of the cultivation area to contain any runoff.</p>
<p>Safety Element Chapter 14</p> <p>Flooding</p>	<p>Goals and policies contained in this Chapter relate to the use of natural drainage channels and watersheds that are managed to minimize peak flows in order to reduce the severity and frequency of flooding. (S-G3)</p> <p>Related policies include: S-P12, Federal Flood Insurance Program; S-P13, Flood Plains; S-P15, Construction Within Special Flood Hazard Areas</p>	<p>The subject site is outside any mapped flood hazard areas. The project site is not within a mapped dam or levee inundation area and, at approximately 38 miles from the coast and approximately 2,966 feet above mean sea level, is outside the areas subject to tsunami run-up.</p>
<p>Safety Element Chapter 14</p> <p>Fire Hazards</p>	<p>Goals and policies of this Chapter encourage development designed to reduce the risk of structural and wildland fires supported by fire protection services that minimize the potential</p> <p>Related policies: S-P19, Conformance with State Responsibility Areas (SRA) Fire Safe Regulations;</p>	<p>The subject property is located within the State Fire Responsibility Area where the State of California has the primary financial responsibility for the prevention and suppression of wildland fires. CAL FIRE recommended denial noting that forest practice violations have occurred on this property based off aerial imagery and no conversion permits are on file with CAL FIRE for tree removal. However, the applicant provided a copy of the final inspection for a Less than 3 acre Conversion Exemption dated May 2, 2012 (Exemption No. 1-11EX-002-HUM).</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
		The Humboldt County Fire Safe Ordinance (Section 3111-1 et seq.) establishes development standards for minimizing wildfire danger in state responsibility designated areas.
Air Quality Chapter 15	Goals and policies contained in this Chapter relate to improved air quality to meet current and future state and federal standards, including attainment of particulate matter requirements (AQ-G1, AQ-G2, AQ-G3) and the successful reduction of greenhouse gas emissions to levels consistent with state and federal requirements (AQ-G4) Related policies: AQ-P4, Construction and Grading Dust Control, AQ-S1. Construction and Grading Dust Control, AQ-P7. Interagency Coordination.	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.

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 210-033-006 is a legal parcel created by Patent from the United States of America dated December 11, 1939. 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.
§314-8.1 Unclassified (U): All of the unincorporated area of Humboldt County not otherwise zoned is designated as Unclassified or U Zone. This area has not been sufficiently studied to justify precise zoning classifications.	Principal permitted uses for the unclassified zone includes one-family dwelling, general agriculture, rooming and boarding of not more than two (2) persons, and manufactured home. The project is for the cultivation of outdoor commercial medical cannabis. Commercial medical cannabis cultivation is recognized under State law as an agricultural product. Based on the referenced principally permitted use, a finding of consistency with the U zoning district can be made for the project.

Zoning Section	Summary of Applicable Requirement	Evidence That Supports the Zoning Finding
Minimum Lot Size	6,000 square feet	Per the Humboldt County Web GIS Application, the subject parcel is 120 acres in size
Maximum Ground Coverage	40 percent	The project is the cultivation of approximately 22,500 sf of outdoor commercial medical cannabis on an approximately 120-acre parcel. Ground coverage from cannabis cultivation would be less than 1 percent, which is well below the lot coverage.
Minimum Lot Width	50 feet	Minimum width is approximately 1,000 feet. Maximum width is approximately 2,350 feet.
Maximum Lot Depth	Three (3) times the width	Maximum depth is approximately 2,700 feet.
Setbacks Front: 20 feet Rear: 10 feet Side: 5 feet		The subject parcel is irregularly shaped, however, the cultivation is setback at least 100 feet from all property boundaries.
Max. Building Height	None specified	N/A
§314-61.1 Streamside Management Area (SMA)	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.	Water for cannabis irrigation is sourced from an onsite permitted well. The Van Duzen River is over 1,500 feet north of the cultivation area and approximately 1,000 feet lower than the elevation of the cultivation site. The cultivation area slopes away from the river. There is a spring approximately 1,500 feet west of the cultivation area and 400 feet lower than the elevation of the cultivation site. The cultivation site also slopes away from the spring. The project is consistent with this standard and does not conflict with any Streamside Management Area or other wet areas.

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

§ 314-55.4.8.2.2	On...U parcels of 1 acre or larger, outdoor cultivation may be permitted with a Use Permit.	In accordance with the referenced section the applicant has applied for the necessary CUP due to the cannabis cultivation being 22,500 sf in size on an approximately 120-acre parcel.
§314-55.4.8.2.2 Criterial for approval of new outdoor and mix-light cultivation areas:		
Slopes less than 15 percent		Not applicable; however per Humboldt County Web GIS Application, the slopes of the cultivation area on the subject parcel do not exceed 15 percent.

With documented current water right or other non-diversionary source of irrigation water.		Not applicable; however, the applicant's operation will use a permitted well onsite as the source of irrigation water. For rainwater catchment, the applicant has two (2) 3,000-gallon hard water tanks for storage then transfer water to the 3,000-gallon gravity tank for a total of 9,000 gallons of water storage.
Cultivation shall be located on the Prime Agricultural Soils on the parcel and no more than 20 percent of the area of Prime Agricultural soils may be permitted for commercial medical cannabis cultivation.		Not applicable; per Humboldt County Web GIS, the entire subject parcel is not designated as prime farmland.
§314-55.4.8.2	In all zones where cultivation is allowed consisting of timberland, the commercial cultivation of cannabis for medical use shall only be permitted within a 3-acre conversion exemption area, or non-timberland open area, subject to the conditions and limitations set forth in this Section.	CAL FIRE has noted that forest practice violations have occurred on this property based off aerial imagery and no conversion permits are on file with CAL FIRE for tree removal. However, the applicant provided a copy of the final inspection for a less-than-3-acre conversion exemption dated May 2, 2012 (Exemption No. 1-11EX-002-HUM).
§314-55.4.8.10 Permit Limit	No more than four commercial cannabis activity permits may be issued to a single person, as defined in the referenced section.	According to records maintained by the Department, the applicant has applied for one other cannabis activity permit, and he is entitled to four. This application is for a single permit for outdoor cultivation.
§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 medical cannabis cultivated will be processed at the applicant's currently unpermitted residence on APN 210-032-009. Also, the applicant intends to acquire the appropriate permits for the cannabis to be legally processed on APN 210-032-009. The cannabis product is processed by the applicant and family members. This project only applies to the cannabis cultivation on APN 210-033-006.
§314-55.4.9.4 Pre-Application Registration	Existing cultivation sites shall register with the County within 180 days of the effective date of this ordinance.	The applicant submitted the required registration form on December 27, 2016, along with other submitted application materials.
§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.

§314-55.4.11.c Performance Standards-Water	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.	Water is sourced from the permitted well on-site to serve the cultivation site. Based on the submitted evidence, the project complies with the referenced section.
§314-55.4.11.d Performance Standards- Setbacks	The area of cannabis cultivation and on-site processing shall be setback at least 30 feet from any property line, and 600 feet from any school, school bus stop, church or other place of religious worship, public park, or tribal cultural resources (TCRs).	The applicant's site plan shows that the cultivation is setback at least 30 feet from any property line, and at least 600 feet from any school, school bus stop, church or other place of religious worship, public park, or tribal cultural resources (TCRs).
§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	As discussed above the primary power source for the water well is a generator. The generator is stored next to the water well pump in the center of the parcel in an enclosure for noise containment. Due to the project site's proximity to known Northern Spotted Owl habitat, a condition of approval has been added to ensure the applicant complies with the County's noise requirements. Therefore, the project conforms with 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 December 27, 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 Section Class 1, 15301 (Existing Facilities) 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. The project is in conformance with the standards in the Housing Element.

ATTACHMENT 3

Applicant's Evidence In Support of the Required Findings

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

1. The name, contact address and phone number(s) of the applicant. (Application form on file)
2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. (On file)
3. Site plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including: access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within ¼ mile (1,320 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. (Attached; Condition of Approval added for applicant to provide a revised and legible plot plan.)
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. (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. (Not applicable)
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. (Not applicable)
9. If the source of water is a well, a copy of the County well permit, if available. (On file)

10. If the parcel is zoned FR, U or TPZ, or involves the conversion of timberland as defined under section 4526 of the Public Resources Code, a copy of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (CAL-FIRE). Alternately, for existing operations occupying sites created through prior unauthorized conversion of timberland, evidence may be provided showing that the landowner has completed a civil or criminal process and/or entered into a negotiated settlement with CAL-FIRE. (A copy of the final inspection for the less-than-3-acre conversion exemption is Attached.)
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)

CULTIVATION AND OPERATIONS PLAN *22,500 SF existing
outdoor *

1. WATER

Grower has well permit 11-12-0045 (two (2) 3,000 gal)

Grower stores water at the pump in a tank (6000 gal) then transfers water to a gravity tank (3000 gal) for crop irrigation and fire protection.

2. WATER STORAGE AND USE

Juvenal plants (in 4 inch pots) receive one quart of water per day in the month of May.

Intermediate plants (in one gallon pots) receive one gallon per day in the month of June.

Plants are moved outside into fabric pots in July when they receive 15 gallons every other day until harvest, see chart.

*Annual
Total est. water usage - 86,000 gal*

Incidental to the Medical Cannabis grow, the owner has vegetable garden and fruit trees for his personal use.

3. EROSION CONTROL

Under security fencing is a ditch to channel runoff water to the dispersion area. The entire garden area is seeded with grass to control silt.

4. DRAINAGE (SLOPE)

The garden is sloped 5% to 15%. BMPs have been in place for 5 years and effectively controls drainage.

5. HABITAT PROTECTION

For security purposes the entire garden has a 6 foot fence, in part to keep animals out. Fertilizers and pesticides (neem oil) are stored indoors and inside the fenced area to protect the wildlife. All dirts and composts are diked and tarped.

NOTE: Owner is aware of evidence that spotted owls are in the area, therefore the generator for the well pump is in a sound enclosure.

6. PROCESSING

Applicant intends to process in a currently un-permitted building. In 2017 owner intends to apply for AOB with Humboldt County. The processing will be accomplished by the owner's family – no employees. Grower will machine trim and dry indoors.

7. SECURITY

Owner has 6 foot fence surrounding the garden and installed entry gates at McClellan Mountain Road to prevent unauthorized intrusion.

8 EASEMENTS

PG&E has an easement for powerline access. See: parcel map.

9. BUILDINGS

There are no buildings on the parcel. There is a 20 foot shipping container and a small storage trailer.

10. ROAD ACCESS

The road is accessible to all vehicles. Slope 5% to 10%.

11. DISTANCE TO PROBLEM LANDMARKS

There no bus stops, schools, mailboxes, or public areas within 600 feet of the grow site. The closest residence is +1000 feet.

12. WATER RESOURCE PROTECTION PLAN

The owner has submitted an application for a waiver as Tier 2.

13. RIVERS, SPRINGS AND WATERCOURSES

The Van Duzen River is at least 1500 feet north of the grow and approximately 1000 feet lower than the grow elevation. The grow slopes away from the river. There is a spring 1500 feet west of the grow and 400 feet lower than the grow elevation. The grow slopes away from the spring.

17. TUE L N =

14. SCHEDULE OF ACTIVITIES

November - April--- winter, no activity

May ---start seeds in visqueen tent and install nutrients one time in fabric pots

June --- move small plants outside into fabric pots (water use increases)

July --- September --- cultivate water and prune plants

Last two weeks of September and October---water and harvest

Last week in October---prepare garden for winter (removal of stalks, leaves and debris. Mulch for compost to be used the following year. Compost to be diked and tarped.

Water use:
(gallons)

Apr = 1,000

May - 9,000

June - 20,000

July - Sept -
15,000

Sept - Oct -
11,000

24,000
annually

Storm water run-off

Storm water run-off is dispersed into the leach field (see drawing)

The grow site has a 5 to 15% slope.

Perimeter of the garden site has a 1 foot channel/culvert to divert run-off to containment site. The containment site is almost flat and facilitates any sediment to settle in that spot. The area is diked and has not been breached in 5 years. (As a second defense, there is a second dike)

Site maintenance

The garden area is seeded with ground-cover to control run-off and erosion. The grower supervises the watering to avoid overwatering. The ground-cover is weed-whipped periodically. Cultivation wastes are mulched and composted at the site to be reused the following year. All extra growing soils and composts are diked and covered by tarps at the site. Fertilizers are stored in a shipping container at the site.

The property owner lives one mile west of the property. The property owner continues to monitor and inspect to ensure continued compliance with state and county regulations. Pride of ownership will be obvious to the inspector. BMPs have been built into the site for over 5 years.

Tools and garden supplies are stored either in the shipping container (garden shed) or the garden trailer. The entire garden is secured by a 6' fence.

All trash is removed regularly.

Water storage and irrigation distribution

There is a permitted well on site. (see attached permits) We store approximately a total of 6,000 gallons of irrigation and fire control water. The waterlines are underground. The generator and fuel are located at the well pump. The fuels are stored in secondary containment.

Nutrient management plan

The nutrients are purchased in bulk and are mixed into the soil, on a one time basis, at an offsite commercial nursery and then transported to the site. There are minimal nutrients at the site and they are stored in the shipping container at the site.

Neem oil is used to control mold and pests.

DATE: APRIL 20, 2017

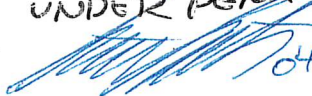
TO: HUMBOLDT COUNTY PLANNING DEPARTMENT

FROM: BRIDGEVILLE QUALIFIED PATIENTS ASSOCIATION, INC.
(STEVEN L. SMITH) *PHONE 707-777-1782*



SUBJECT: AMENDMENT NO. 1 TO CANNIBIS PERMIT APPLICATION 12577
(PARCEL NUMBER APN 210 033 006)

1. RESUBMITTED IS A NEW AND IMPROVED TOP VIEW PLOT PLAN SHOWING THE SCALE TO BE 1 INCH EQUALS 30 FEET.
2. FERTILIZERS AND PESTICIDES ARE CONTAINED IN LOCKABLE SECURE SHIPPING CONTAINER.
3. THE ORGANIC FERTILIZER /AMENDMENTS ARE PURCHASED AND AT AN OFFSITE GARDEN CENTER.
4. THE RECYCLED ORGANIC FERTILIZER/AMENDMENTS CONSIST OF CHICKEN MANURE, COMPOSTED GREEN YARD WASTE, AND COMPOSTED GRAPE POMACE, MPK 6-3-2. THIS AMENDMENT SAVES WATER, REQUIREING WATERING EVERY OTHER DAY, THUS, NO RUN-OFF. *12-YARDS*
5. THE THREE ACRE FORESTRY EXEMPTION SPECIFICALLY ALLOWS FOR AGRICULTURAL USE.
6. OWNER IS SUBMITTING DOCUMENTS HE HAS RETREIVED FROM NTMP (93NTMP-005). THESE DOCUMENTS CONCERN ARCHEOLOGICAL SITES, AND THE ABSENCE OF NSO SIGHTINGS. OWNER WILL SUBMIT COPIES OF THESE DOCUMENTS WITH THE REQUIRED FEES TO THE LOCAL NATIVE AMERICAN TRIBAL COUNCIL.

THIS CANNIBUS (MEDICAL) HAS BEEN IN OPERATION SINCE 2012 SIGNED UNDER PENALTY OF PERJURY ON HUMBOLDT COUNTY-CALIF  04-24-17 STEVEN L. SMITH

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 – Submit revised plot plan showing all structures and setbacks.	On file with Planning
Land Use Division		No response	
Division Environmental Health		No response	
Calfire	✓	Denial – forest practice violations have occurred on this property based on aerial imagery.	On file with Planning
Department of Fish & Wildlife		No Response	
NWIC	✓	Conditional Approval	On file with Planning
Bear River Band of the Rohnerville Rancheria	✓	No Cultural Survey Needed.	On file with Planning
RWQCB		No Response	
CA Division of Water Rights		No Response	
Humboldt County Sheriff		No response	
Humboldt County District Attorney		No response	
Humboldt County Agricultural Commissioner		No response	
Fortuna Union School District		No response	
Bridgeville Fire Protection District		No response	