



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: July 13, 2017

To: Humboldt County Planning Commission

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

Subject: **Emerald Family, LLC Conditional Use Permit and Special Permit**
Application Number 10406
Case Numbers CUP16-022 and SP16-032
Assessor's Parcel Number (APNs) 522-201-001 and 522-491-016
131 Flower-McNeil Road, Willow Creek Area

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Please contact Michelle Nielsen, Senior Planner, at 707-268-3708 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 July 13, 2017	Subject Conditional Use Permit and Special Permit	Contact Michelle Nielsen
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Project Description Emerald Family, LLC is applying for a Conditional Use Permit and Special Permit for development of Phase 2, the second phase of a three phase project. Phase 2 consists of the following development and activities:

- a. Existing Building "B": The existing 890 square foot (SF) office building will be rehabilitated and leased for distribution and transportation activities.
- b. Proposed Greenhouse Building "C": A 174,240 SF greenhouse with eight (8) rooms is proposed to be constructed and used for mixed light cultivation by the applicant. A proposed 14,240 SF wholesale nursery will be constructed within Building "C". Development of this structure will reduce the outdoor cultivation area used in Phase 1 of the project from 7-acres to 3-acres of outdoor cultivation.
- c. Proposed Building "D": A two-story 17,500 SF metal building is proposed to be constructed and used for manufacturing activities by the applicant. Prior to the construction of Building "D", the application will install temporary mobile manufacturing facilities and associated utility improvements. The temporary mobile manufacturing facilities consist of four Class 1 Division 1 cannabis extraction labs with an overall development footprint of 4,000 square feet. The extraction labs are manufactured by FlexMOD Solutions, and are Class 1 Division 1 Extraction Labs and meet all requirements of the NEC, OSHA, MED and NFPA.
- d. Rainwater Catchment Pond: An approximately 3-million-gallon rain water catchment pond is proposed on the western edge of the site that will be used as the main water supply for the cannabis facility. The rainwater catchment system will also include tanks, piping, pumps, and filters to capture, transport, and filter the rainwater. This pond will be designed to overflow into the existing vegetated basin on the site (i.e. remnants of the former log pond).
- e. Pre-Treatment Pond: An approximately 1-million-gallon pre-treatment pond is proposed to be constructed and used as part of the stormwater system (see Proposed Site Plan). Roof runoff from most of the existing and proposed structures on the site (except Existing Building "B" and the equipment storage building) will ultimately drain into the pre-treatment pond. This pond will be designed to overflow into the rainwater catchment pond (see stormwater management discussion below).
- f. Modification of CUP-16-022 for temporary outdoor cultivation: Prior to the development of the Rainwater Catchment Pond, Pre-Treatment Pond, and Building "E" and its adjacent parking area a Modification of approved CUP-16-022 is requested to allow temporary outdoor cultivation within the footprint of the future on-site ponds, Building "E" and adjacent parking area. This would expand the temporary outdoor cultivation from 7 acres to 8.5 acres. Upon construction of Greenhouse Building "C" there will be 4.5 acres of outdoor cultivation. And when the ponds and building E are constructed the outdoor cultivation will be approved at 3 acres.

Prior to the development of the ponds, irrigation water for cultivation will be provided by the Willow Creek Community Services District. The business will operate on an approximately 17-acre portion of the 41-acre parcel; no development is proposed on the portion of the property known as APN 522-491-016. Phase 3 will require separate land use permit approval and consists of the construction of a new building of up to 4-stories in height with a floor area of approximately 95,000 SF to be used for plant nursery and indoor cultivation. Once Phases 1, 2 and 3 are complete and operational, it is estimated that the facility will employ 75 people.

Project Location: The project is located in Humboldt County, in the Willow Creek area, on both sides of Country Club Road and Flower McNeil Road, approximately 530 feet west from the intersection of Country Club Road and Flower McNeil Road, on the property known as 131 Flower McNeil Road.

Present Plan Land Use Designations: (AR;IG) Agricultural Rural (AR), Density: 20 to 5 acres per dwelling unit; Industrial, General (IG), Density: N/A; Willow Creek Community Plan (WCCP), Slope Stability: Low Instability (1).

Present Zoning: Agriculture General (AG), with a Special Building Site combining zone specifying that the minimum parcel size is the per the subdivision map of record (B-6); Flood Plain (FP), Heavy Industrial (MH).

Application Number: 10406 **Case Numbers:** CUP-16-022, SP 16-032

Assessor Parcel Numbers: 522-201-001 and 522-491-016

Applicant

Emerald Family, LLC
Attn.: Patrick Murphy
PO Box 1643
Willow Creek, CA 95573

Owner

S&S Cornerstone Developments
LLC
C/O Kenny Smith
PO Box 904
Willow Creek, CA 95573

Agents

Manhard Consulting
Attn.: Phil Standish
611 I Street
Eureka, CA 95501

Streamline Planning Consultants
Attn.: Garry Rees
1062 G St., Suite I
Arcata, CA 95521

Environmental Review: A Mitigated Negative Declaration has been prepared for adoption and approval for the Conditional Use Permit project component.

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

Major Issues: None

EMERALD FAMILY, LLC
Case Numbers CUP16-022 and SP16-032
Assessor's Parcel Numbers 522-201-001 and 522-491-016

Recommended Commission Action

1. Describe the application as a Public Hearing;
2. Request that staff present the project;
3. Open the public hearing and receive testimony; and
4. Close the hearing and take the following action:

Move to 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 Family, LLC project subject to the recommended conditions.

Executive Summary: Emerald Family, LLC is seeking Conditional Use and Special Permits for the second phase of a three phase project. Phase 1 was approved by the Planning Commission on May 4, 2017 (May 4, 2017 staff report attached, Attachment 5.) Phase 1 authorized:

1. Rehabilitating and remodeling the existing 23,000 SF Building "A" to be used for processing activities and
2. Outdoor cultivation of seven acres of commercial medical cannabis. Four acres will be full sun outdoor cultivation, and remaining three acres will be outdoor cultivation using greenhouses.

In the hearing on May 4, 2017 it was stated that Phases 2 and 3 would require subsequent approval from the Planning Commission. The applicant is now seeking approval of phase 2 which would include the following:

- a. Use existing Building "B" for distribution and transportation activities. This use will not be undertaken by the applicant but the space will be rented to another entity. This action approves the use of this facility. This is shown as construction sequence F on the plans received June 29, 2017. This phase also involves installation of a loading zone for this building.
- b. Construction of a 174,240 SF greenhouse consisting of eight (8) rooms to be used for mixed light cultivation by the applicant (Building C). This will include 14,240 SF of wholesale nursery space. This approximately four acre area was approved in Phase 1 for outdoor cultivation. With installation of Building C the currently approved outdoor cultivation area would be reduced from 7-acres to 3-acres. This is shown as Construction Sequence D of the plans received June 29, 2017.
- c. Proposed Building "D" is a two-story 17,500 SF metal building to be constructed and used for cannabis manufacturing activities by the applicant. The manufacturing processes are described in more detail in the operations plan, but in summary the applicant will manufacture cannabis concentrates using both volatile and non-volatile solvent-based extraction methods as well as chemical synthesis to develop specific products. This is shown as Construction Sequence E on the plans received June 29, 2017.
- d. An approximately 3-million-gallon rain water catchment pond and approximately 1-million-gallon pre-treatment pond is proposed on the western edge of the site that will be used as the main water supply for the cannabis facility. Roof runoff from most of the existing and proposed structures on the site (except Existing Building "B" and the equipment storage building) will ultimately drain into the pre-treatment pond. This pond will be designed to overflow into the rainwater catchment pond where the water will be used for irrigation and operation of the site. These ponds are shown as construction sequence G on the plans received June 29, 2017. The construction sequence shows these being constructed in the second and third quarters of 2019.

Phase 2 also includes the following temporary facilities:

- a. Expansion of the temporary outdoor cultivation area to include the areas to be occupied by the Rainwater Catchment Pond, Pre-Treatment Pond, and Building "E" and its adjacent parking area. This would expand the temporary outdoor cultivation from 7 acres to 8.5 acres. Upon construction of Greenhouse Building "C" there will be 4.5 acres of outdoor cultivation. And when the ponds and building E are constructed the outdoor cultivation will be approved at 3 acres. The new configuration of the outdoor cultivation is shown as construction sequence A in the plans received 6/29/2017.
- b. Prior to the construction of Building "D", the application will install temporary mobile manufacturing facilities and associated utility improvements. The temporary mobile manufacturing facilities consist of four Class 1 Division 1 cannabis extraction labs with an overall development footprint of 4,000 square feet. The extraction labs are manufactured by FlexMOD Solutions, and are Class 1 Division 1 Extraction Labs and meet all requirements of the NEC, OSHA, MED and NFPA. These are shown as construction sequence B on the plans received 6/29/2017. These will be removed from the site prior to occupancy of Building D.

Phase 3 is a four story building for indoor cultivation. We do not yet have plans for this building and it is not included in this phase. This will require separate land use permit approval prior to initiation.

The Initial Study and Draft Mitigated Negative Declaration in Attachment 4 considered potential impacts associated with the full build out of the project which anticipates everything included in Phase 2. At the meeting of May 4, 2017, the Planning Commission adopted the Mitigated Negative Declaration. As such the action the Planning Commission must take on the Mitigated Negative Declaration is to consider whether it has adequately addressed all potential environmental impacts, and whether there are any changed circumstances. Staff has not identified any changed circumstances since May 4, 2017.

The May 4, 2017 staff report gives a good back ground on the overall project which has not changed. This is attached for reference. The changes from the prior report are related to the two temporary activities. Neither the additional outdoor cultivation area nor the temporary manufacturing trailers are new uses. Both are interim uses previously contemplated in the project buildout. The manufacturing use will be permanently located in Building D; and the a portion of the temporary outdoor cultivation will ultimately be located indoors in Building E (Phase 3).

The primary concern with temporary uses on a site is the extent to which they may interfere with the overall use of the site. In this case the modular manufacturing units are located in an area which will not conflict with other activities on the site and they will be removed prior to occupancy of Building D. The added outdoor cultivation will be removed as permanent improvements are installed and will not conflict with the orderly functioning of the site.

Staff Recommendation

All responding referral agencies have recommended approval or conditional approval of the project. Project approval is conditioned upon meeting their requirements. Based on the on-site inspection, a review of Planning Division reference sources and comments from all involved referral agencies, planning staff believes that the applicant has submitted evidence in support of making all of the required findings for approving the Conditional Use Permit and Special 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. These alternatives could be implemented if your Commission is unable to make all of the required findings. Planning Division staff has stated that the required findings in support

of the proposal have been made. Consequently, Planning staff does not recommend further consideration of either alternative.

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

**Case Numbers CUP16-022 and SP16-032
Assessor Parcel Number: 522-201-001 and 522-491-016**

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

WHEREAS, Emerald Family, LLC submitted an application and evidence in support of approving a Conditional Use Permit and Special Permit for the development and operation of Phase 2 of a commercial medical cannabis cultivation, processing and manufacturing use consisting of outdoor cultivation, mixed light cultivation, processing, manufacturing, construction of a water collection and storage ponds and temporary manufacturing modules and temporary outdoor cultivation totaling 8.5; and

WHEREAS, Emerald Family, LLC submitted an application and evidence in support of approving a Special Permit for the reduction of the 100-foot buffer to allow a 50-foot buffer for the delineated wetland;

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 subject to environmental review pursuant to the California Environmental Quality Act (CEQA); 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 (Case Numbers CUP16-022 and SP16-032); and

WHEREAS, a public hearing was held on the matter before the Humboldt County Planning Commission on July 13, 2017.

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

1. The Planning Commission has considered the Initial Study and Mitigated Negative Declaration and the Mitigation and Monitoring Report in Attachment 4 (adopted by the Planning Commission on May 4, 2017) and finds that the Mitigated Negative Declaration has adequately addressed all potential environmental impacts and that there are not changed circumstances; and
2. The Planning Commission further makes the findings in Attachment 2 of the Planning Division staff report for Case Numbers CUP16-022 and SP16-032 based on the submitted evidence; and
3. The Planning Commission approves the Conditional Use Permit and Special Permit applied for as recommended and conditioned in Attachment 1 for Case Numbers CUP16-022 and SP16-032.

Adopted after review and consideration of all the evidence on July 13, 2017.

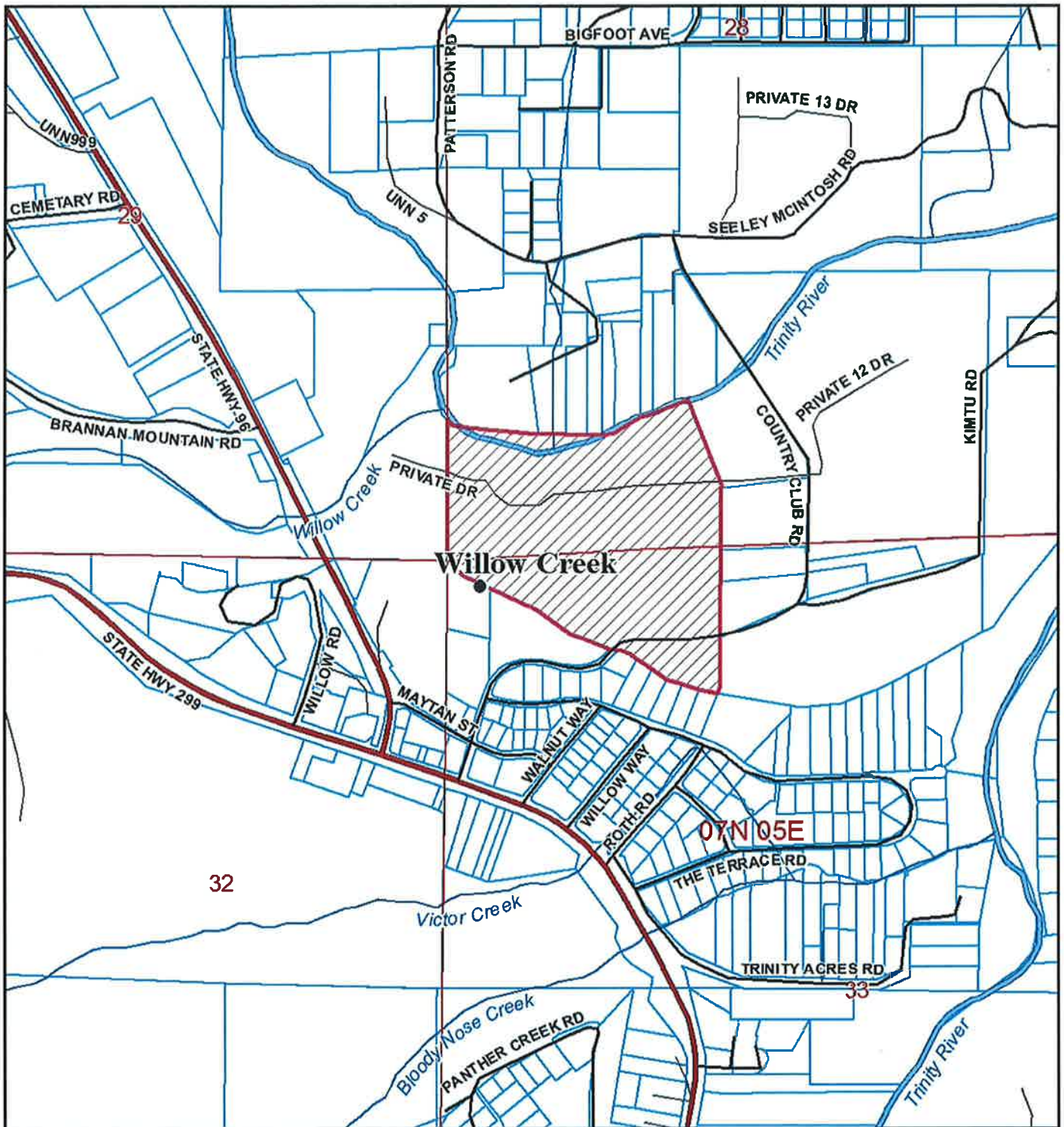
The motion was made by Commissioner _____ and seconded by Commissioner _____.

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

Robert Morris, Chair

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

Suzanne Lippe, Clerk

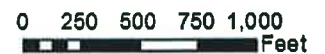


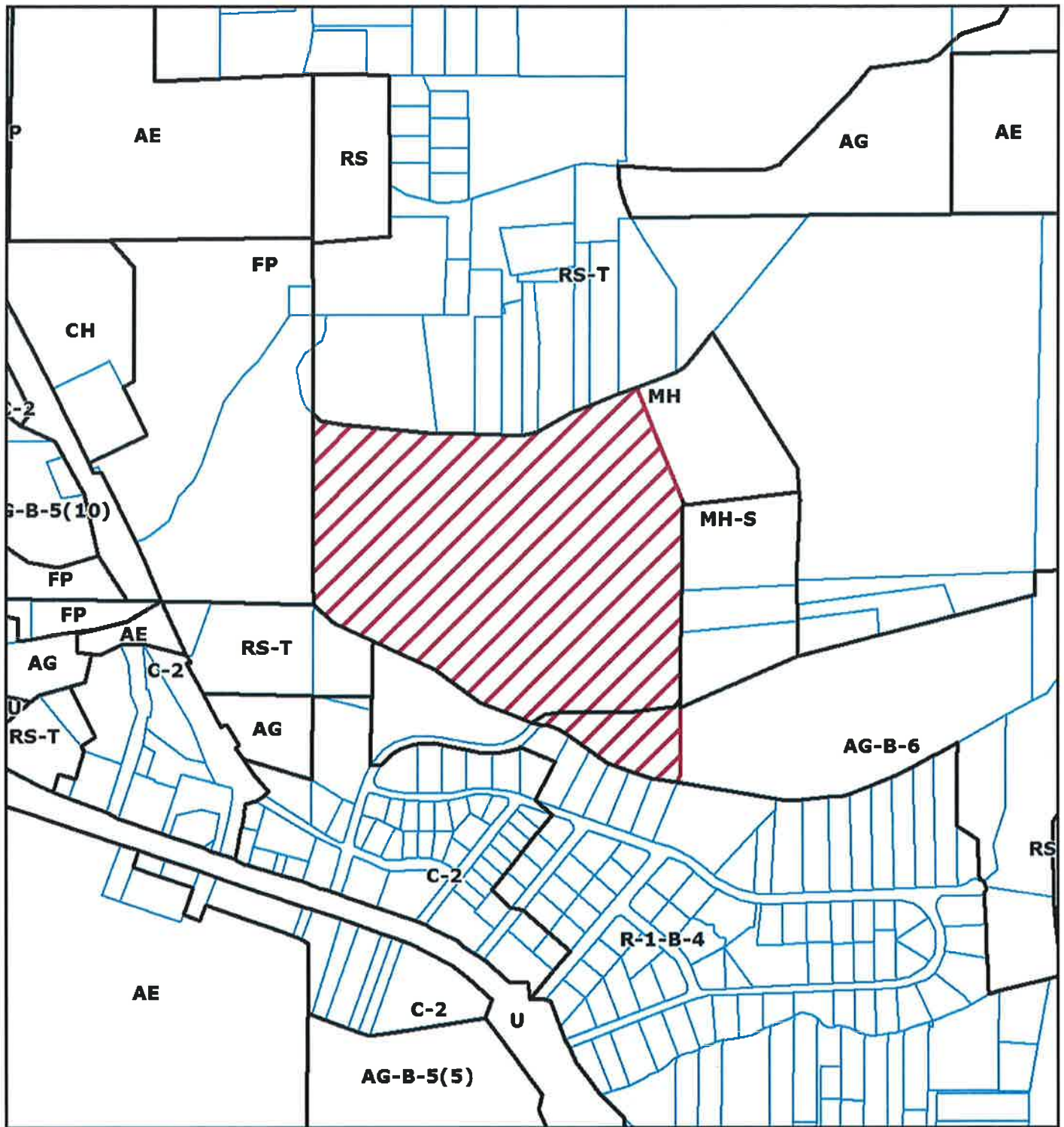
LOCATION MAP

**PROPOSED EMERALD FAMILY, LLC
 CONDITIONAL USE PERMIT &
 SPECIAL PERMIT
 WILLOW CREEK AREA
 CUP-16-022/SP-16-032
 APN: 522-201-001
 T07N R05E S28,33 HB&M
 (Willow Creek/Salyer)**

Project Area = 

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



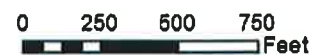


ZONING MAP

**PROPOSED EMERALD FAMILY, LLC
 CONDITIONAL USE PERMIT &
 SPECIAL PERMIT
 WILLOW CREEK AREA
 CUP-16-022/SP-16-032
 APN: 522-201-001
 T07N R05E S28,33 HB&M
 (Willow Creek/Salyer)**

Project Area = 

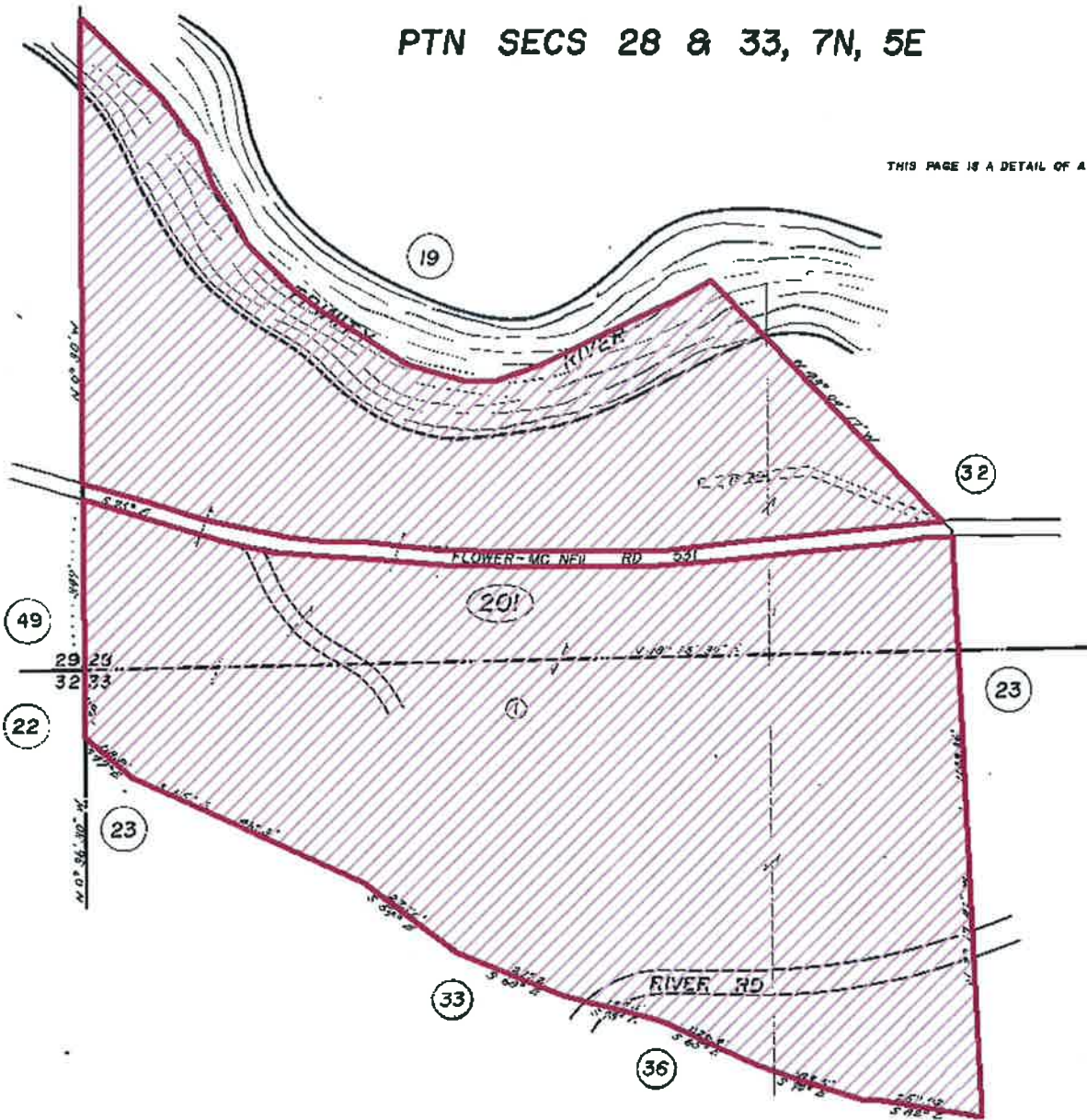
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PTN SECS 28 & 33, 7N, 5E

522-20
T.C.A. 155-02
1" = 200'

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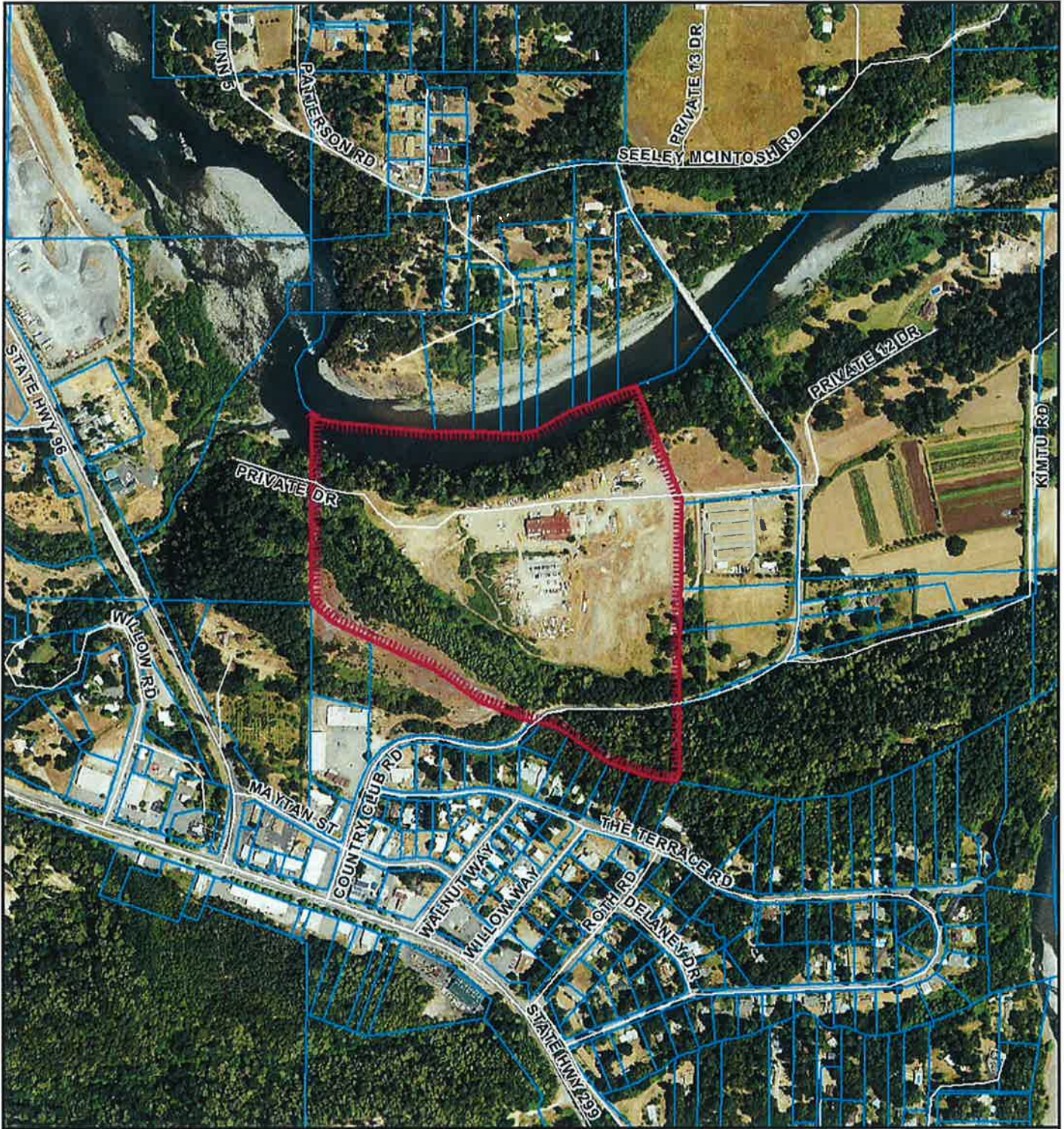


L.S. 13 P 126
13 P 136

PROJECT SITE = 

ASSESSOR PARCEL MAP

**PROPOSED EMERALD FAMILY, LLC
CONDITIONAL USE PERMIT &
SPECIAL PERMIT
WILLOW CREEK AREA
CUP-16-022/SP-16-032
APN: 522-201-001
T07N R05E S28,33 HB&M
(Willow Creek/Salyer)**



AERIAL MAP

**PROPOSED EMERALD FAMILY, LLC
 CONDITIONAL USE PERMIT &
 SPECIAL PERMIT
 WILLOW CREEK AREA
 CUP-16-022/SP-16-032
 APN: 522-201-001
 T07N R05E S28,33 HB&M
 (Willow Creek/Salyer)**

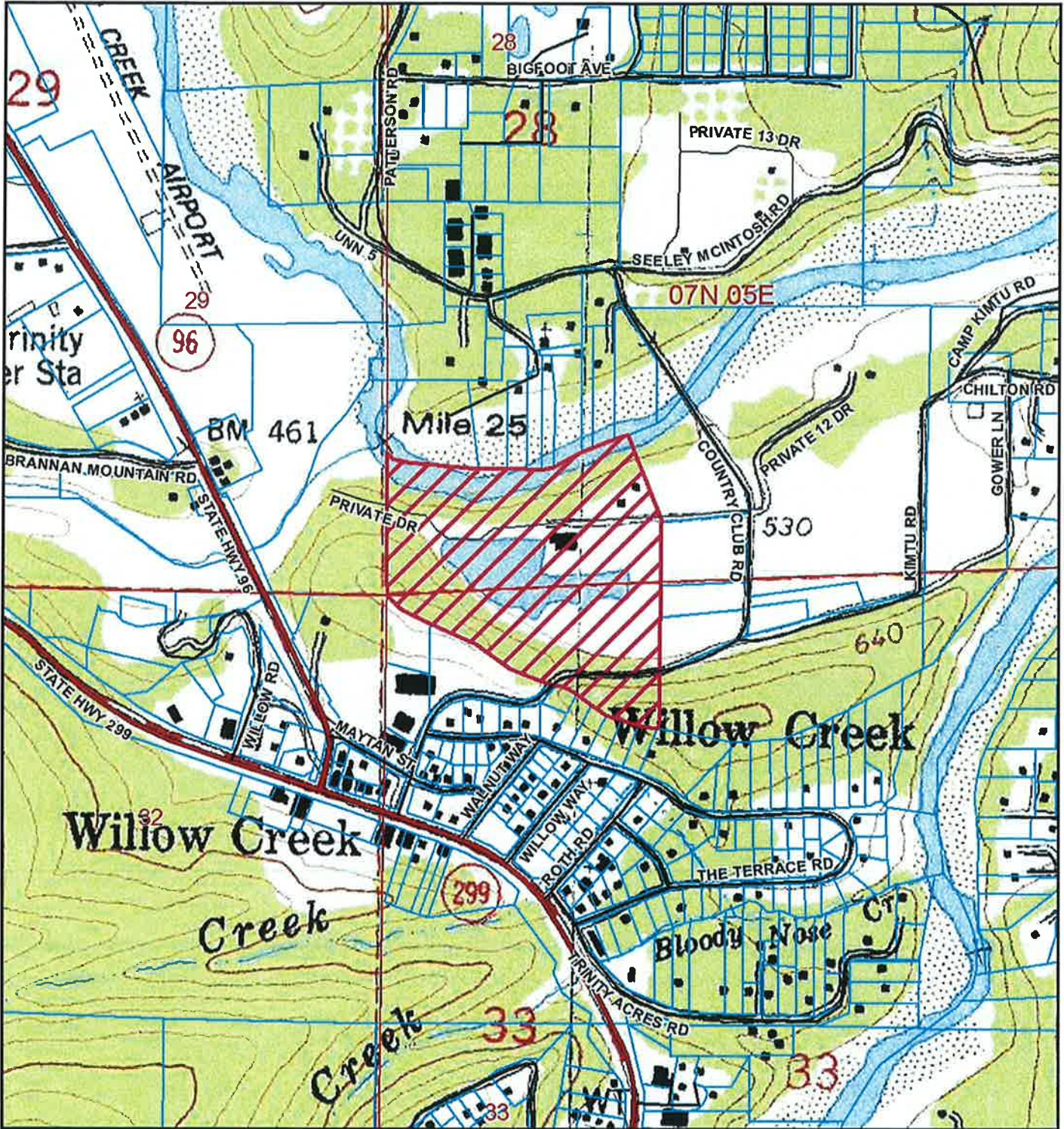
Project Area = 

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



0 250 500 750 Feet





TOPO MAP


**PROPOSED EMERALD FAMILY, LLC
 CONDITIONAL USE PERMIT &
 SPECIAL PERMIT
 WILLOW CREEK AREA
 CUP-16-022/SP-16-032
 APN: 522-201-001
 T07N R05E S28,33 HB&M
 (Willow Creek/Salyer)**

Project Area = 

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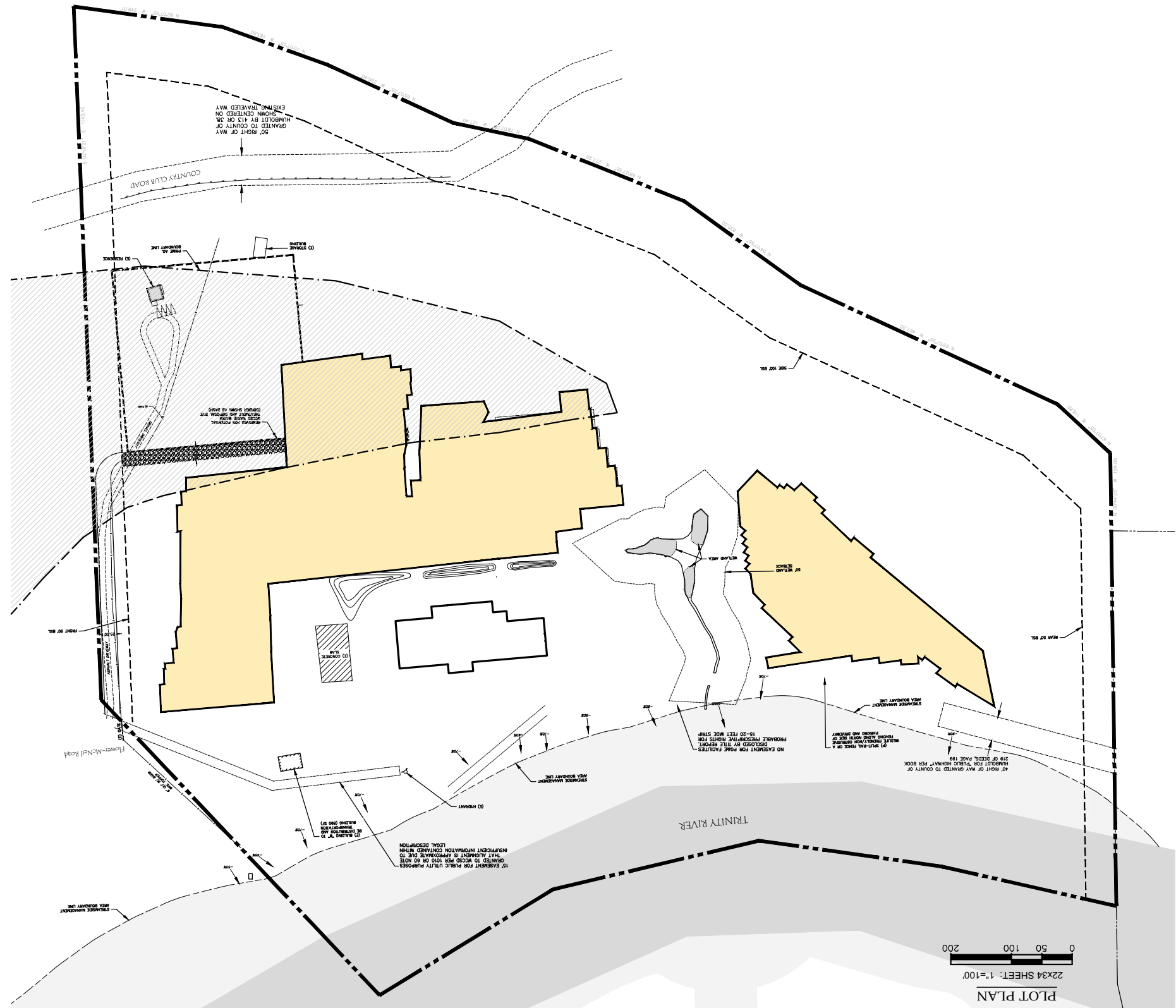
0 250 500 750 1,000 Feet



EMERALD FAMILY, LLC

CONDITIONAL USE PERMIT APPLICATION

APN: 522-201-001



2021	2020	2019	2018	2017	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC
					Q1	Q2	Q3	Q4								
				A												

KEY	CONSTRUCTION SEQUENCE	A	PROPOSED IMPROVEMENTS
	PLANNING PHASE	1	Construct hoop green houses and outdoor cultivation on 7 acres

Pl.A

SHEET

EMERALD FAMILY, LLC
131 FLOWER-McNEIL RD. / APN: 522-201-001
PROPOSED SITE PLAN

Manhard CONSULTING LTD

6111 Street, Emeryville, CA 94601 | Tel: (925) 484-3000 | Fax: (925) 484-3000 | www.manhard.com

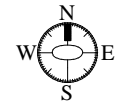
Civil Engineering | Surveying | Water Resources Engineering | Water & Wastewater Engineering
Construction Management | Environmental Science & Technology | Land Use Planning

DATE	BY	DESCRIPTION
05-23-17		SUBMITTAL FOR PHASE 1
06-28-17		REVISED SUBMITTAL FOR PHASE 1

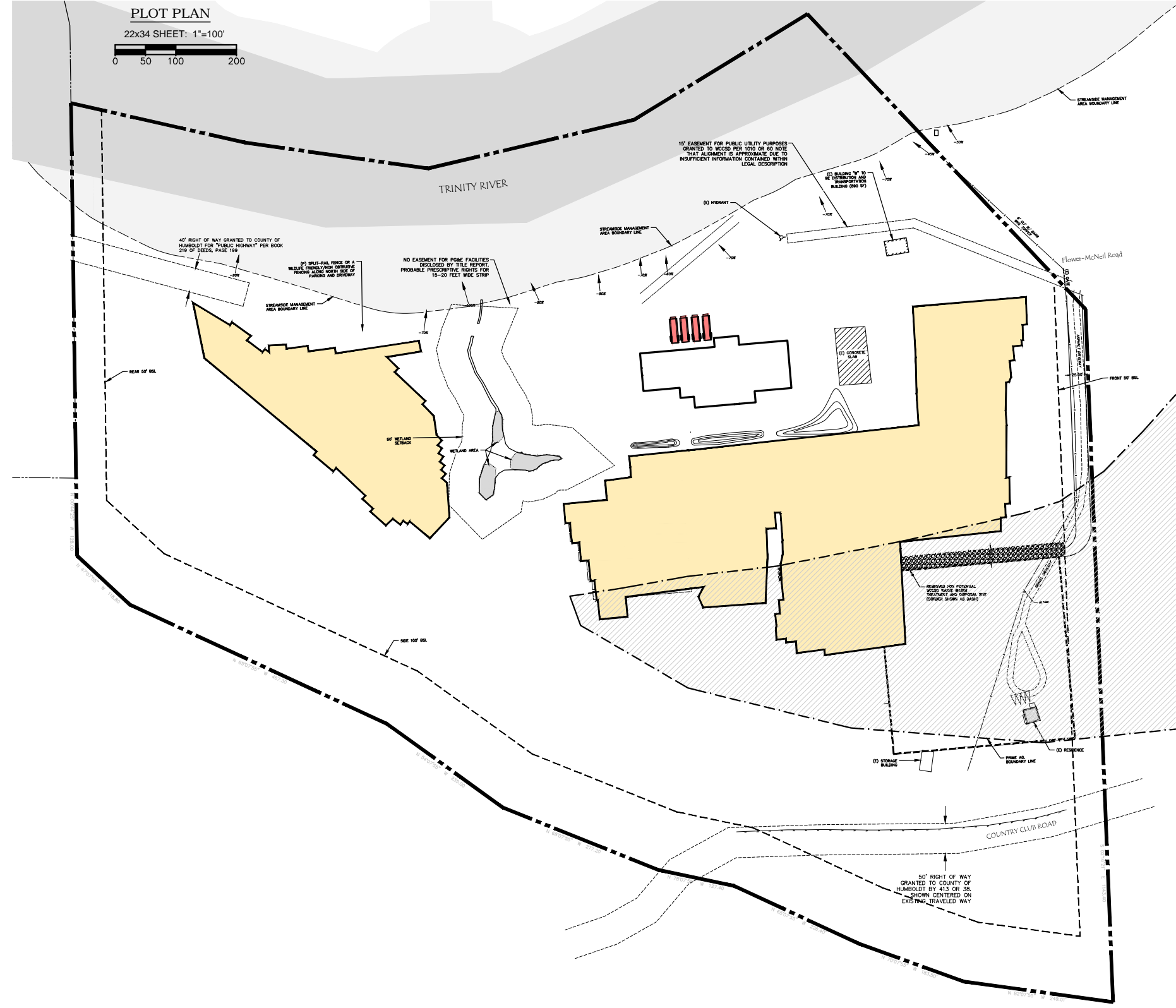
EMERALD FAMILY, LLC

CONDITIONAL USE PERMIT APPLICATION

APN: 522-201-001



PLOT PLAN
22x34 SHEET: 1"=100'



KEY	CONSTRUCTION SEQUENCE	PLANNING PHASE	PROPOSED IMPROVEMENTS
	A	1	Construct hoop green houses and outdoor cultivation on 7 acres
	B	2	Proposed temporary mobile manufactured facility and associated utility modification as required for operation (see "Flex-Mod" manufacture specifications)

	Q1			Q2		Q3			Q4			
	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC
2017						A		B				
2018												
2019												
2020												
2021												

DATE	REVISIONS
05-22-17	SUBMITTAL FOR PHASE 2 OF CUP
05-28-17	REVISED SUBMITTAL FOR PHASE 1

Manhard CONSULTING LTD.
 611 E Street, Eureka, CA 95501 | Tel: (707) 444-3000 | Fax: (707) 444-3000 | www.manhard.com
 Civil Engineers | Surveyors | Water Resources Engineers | Water & Wastewater Engineers
 Construction Management | Environmental Scientists | Landscape Architects | Planners

EMERALD FAMILY, LLC
131 FLOWER-McNEIL RD. / APN: 522-201-001
PROPOSED SITE PLAN

PROJ. MGR.: EW
 PROJ. ASSOC.: PBS
 DRAWN BY: PBS
 DATE: 05-22-17
 SCALE: SEE PLAN

SHEET
P2.B
 HAY.WCCA

ATTACHMENT 1

RECOMMENDED CONDITIONS OF APPROVAL

Approval of the Conditional Use Permit and Special Permit is conditioned on the following terms and requirements which must be satisfied before release of the building permit and initiation of operations.

Section 1: Development Restrictions

1. The applicant shall be responsible for obtaining all necessary County and State permits or licenses, and for meeting all of the requirements as set forth by other regulatory agencies.
2. The applicant shall secure the approval of the Division of Environmental Health and the Regional Water Quality Control Board for the on-site sewage disposal system prior to the issuance of the building permit. A letter from those agencies indicating approval has been issued will satisfy this condition.
3. The applicant shall obtain all necessary building permits and grading permits from the Building Inspection Division (BID) for all structures and grading related to the cannabis cultivation and other commercial cannabis activity. The applicant/owner shall submit plans by a California-licensed engineer for the building permit and grading permit. All building and grading plans submitted for approval shall be consistent with those approved by the Planning Commission.
4. Prior to occupancy of the processing facility, Building A, the applicant shall improve the intersection Flower-McNeill and Country Club as specified in Exhibit B of Attachment 1 to the satisfaction of the Department of Public Works. Contact the Department of Public Works for more information.
5. Upon the completion of the parking area but not before October 1st, the applicant shall install landscaping and irrigation as per the approved landscaping plan. All landscaping materials shall be maintained and replaced in-kind.
6. In accordance with the Framework, Vol.1, General Plan, the applicant shall:
 - A. Maintain erosion control as specified in §3432(9) of the Framework Plan;
 - B. Implement "Best Management Practices" for erosion and sediment control during the construction phase of the project;
 - C. Use dust control techniques when excavating to minimize dust problems on adjacent dwelling(s).
 - D. Reseed/gravel disturbed areas prior to winter rain.
 - E. Take all precautions necessary to avoid the encroachment of dirt or debris on adjacent properties.**This condition shall appear as an information note on the building permit and grading permit plot plans.**
7. The approved building plans shall address odor management by incorporating a ventilation/air filtration system which limits potential adverse odor emission impacts to employees and/or properties located in the vicinity. The system shall be designed, signed, and stamped by a mechanical engineer for review and approval by the Building Official.
8. The 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.
9. Prior to the issuance of the Building Permit the applicant shall obtain a Business License from the Humboldt County Tax Collector.

10. 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.
11. Prior to the issuance of building or grading permits the applicant shall pay the \$125.00 Review for Conformance with Conditions deposit as required by the County's adopted Schedule of Fees and Charges.
12. **Prior to hearing**, the applicant shall submit a check to the Planning Division payable to the Humboldt County Recorder in the amount of \$2,266.25. Pursuant to Section 711.4 of the Fish and Game Code, the amount includes the \$2,216.25 Department of Fish and Wildlife (DFW) fee plus a \$50 document handling fee. This fee is effective through December 31, 2017, at such time the fee will be adjusted pursuant to Section 713 of the Fish and Game Code. Alternatively, the applicant may contact DF&W by phone at (916) 651-0603 or through the DF&W website at www.dfg.ca.gov for a determination stating the project will have *no effect* on fish and wildlife. If DF&W concurs, a form will be provided exempting the project from the \$2,216.25 fee payment requirement. In this instance, only a copy of the DFW form and the \$50.00 handling fee is required.

Section 2: On-Going Requirements/Development Restrictions Which Must Continue for the Life of the Project

1. The project shall be developed, operated and maintained in accordance with the project description, the Processing Operations Plan, Exhibit P, rev. 3, dated march 22, 2017 submitted by Manhard Consulting, in particular Appendix D Cultivation Plan, Appendix E Processing and Manufacturing Plan subsections a) Summary of Processing Practices, c) Description and location where processing will occur, e) Summary of employee safety practices, n) Employee training and competency. Additionally the facility shall be developed and operated consistent with the approved project site plan, floor plan and elevations. Changes to the project except for Minor Deviations to the Plot Plan as provided in Section 312- 11.1, shall require Modification of this permit.
2. All new and existing outdoor lighting shall be compatible with the existing setting and directed within the property boundaries.
3. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the Humboldt County Commercial Medical Marijuana Land Use Ordinance (CMMLUO) and the Medical Cannabis Regulation and Safety Act (MCRSA),as may be amended from time to time, as applicable to the permit type.
4. The operation shall participate in the Medical Cannabis Track and Trace Program administered by the Humboldt County Agricultural Commissioner or State equivalent, when available.
5. 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.
6. Possession of a current, valid permit or license, issued by the Humboldt County Department of Health and Human Services-Environmental Health Division, as soon as such permits or licenses become available.

7. All persons hiring employees to engage in commercial processing of medical cannabis shall comply with the following Employee Safety Practices:
 - A. Implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:
 - 1) Emergency action response planning as necessary;
 - 2) Employee accident reporting and investigation policies;
 - 3) Fire prevention;
 - 4) Hazard communication policies, including maintenance of material safety data sheets (MSDS);
 - 5) Materials handling policies;
 - 6) Job hazard analyses; and
 - 7) Personal protective equipment policies, including respiratory protection.
 - B. Visibly post and maintain an emergency contact list which includes at a minimum:
 - 1) Operation manager contacts;
 - 2) Emergency responder contacts;
 - 3) Poison control contacts.
 - C. At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations. Plumbing facilities and water source must be capable of handling increased usage without adverse consequences to neighboring properties or the environment.

8. Odors shall be contained on the property on which the Cannabis activity is located. To implement this requirement air filtration and ventilation equipment is to be maintained in good working condition and monitored on an on-going basis to limit potential adverse odor emission impacts to employees and/or properties located in the vicinity of the operation. If the County receives any odor complaints, the permit holder shall work with the Building Official to correct odor concerns.

9. **Permit Duration.** The Permit shall be valid for one year from the effective date of approval, and on the anniversary date of such effective each year thereafter, unless an annual compliance inspection has been completed and the permit has been found to comply with all conditions of approval. In the event the inspection finds noncompliance, a written notification of shall be provided to the permit holder identifying the items not in compliance and the action the permit holder may take to cure the noncompliance. Failure to cure the noncompliance shall result in termination of the permit. The process of notification, re-inspection and appeal of any noncompliance determination shall be as set forth in sections 55.4.1.2.2 and 55.4.13 of the CMMLUO.

10. **Permit renewals to comply with updated laws and regulations.** Permit renewal per Ongoing Condition of Approval #9 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.

11. **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 conformance with conditions review shall accompany the request. The request shall include the following information:
 - (1) Identifying information for the new Owner(s) and management as required in an initial permit application;
 - (2) A written acknowledgment by the new Owner in accordance as required for the initial Permit application;

 - (3) The specific date on which the transfer is to occur; and

- (4) Acknowledgement of full responsibility for complying with the existing Permit; and
- (5) Execution of an Affidavit of Non-diversion of Medical Cannabis.

12. **Modifications to the Facility.** Prior to making any modifications to a permitted facility, the permittee shall submit to the Planning Director a request for determination of County approvals, together with the appropriate fee. The request shall contain a description sufficiently detailed to allow the Planning Director to determine what permits and other approvals, are needed, and whether a modified Permit is required.
13. **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.
14. Site visibility must be maintained at the driveway approach in conformance with County Code Section 341-1 et seq.
15. The applicant and successor's in interest shall adhere to all of the Mitigation Measures attached hereto as Exhibit A and incorporated hereby reference. The applicant and successor's in interest are required to pay for Mitigation Monitoring 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. Any and all outstanding Planning fees to cover the Mitigation Monitoring shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
16. The following provides means of responding to the circumstances of a significant discovery during the cultural monitoring of the final implementation of the proposed agricultural development within the project parcel. If cultural materials for example: chipped or ground stone, historic debris, building foundations, or bone are discovered during ground-disturbance activities, work shall be stopped within 20 meters (66 feet) of the discovery, per the requirements of CEQA (January 1999 Revised Guidelines, Title 14 CCR 15064.5 (f)). Work near the archaeological finds shall not resume until a professional archaeologist, who meets the Secretary of the Interior's Standards and Guidelines, has evaluated the materials and offered recommendation for further action.

In the event that paleontological resources are discovered, work shall be stopped within 20 meters of the discovery and a qualified paleontologist shall be notified. The paleontologist shall document the discovery as needed, evaluate the potential resource, and assess the significance of the find under the criteria set forth in CEQA Guidelines Section 15064.5. If fossilized materials are discovered during construction, excavations within 50 feet of the find shall be temporarily halted or diverted until the discovery is examined by a qualified paleontologist. The paleontologist shall notify the appropriate agency to determine procedures that would be followed before construction is allowed to resume at the location of the find.

17. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).
18. The generator(s) used for emergency backup power shall be designed within enclosures that provide noise attenuation such that the combined decibel level from all noise sources, including the generators, measured at the property line shall be no more than 60 decibels.

Informational Notes:

1. One (1) nameplate non-illuminated and not exceeding twenty (20) square feet in sign area may be permitted without modification of this permit. The sign shall conform to Section 314-87.2 of the Humboldt County Code and will maintain adequate sight visibility from points of ingress/egress.
2. The applicant is responsible for receiving all necessary permits and/or approvals from other state and local agencies.
3. This permit approval shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"); except where construction under a valid building permit or use in reliance on the permit has commenced prior to such anniversary date. Once initiated, the use is subject to the Permit Duration and Renewal provisions set forth in Condition of Approval #9 and 10 of the On-Going Requirements /Development Restrictions, above. The period within which construction or use must be initially commenced may be extended as provided by Section 312-11.3 of the Humboldt County Code.

If human remains are discovered during project construction, work will stop at the discovery location, within 20 meters (66 feet), and any nearby area reasonably suspected to overlie adjacent to human remains (Public Resources Code, Section 7050.5). The Humboldt County coroner will be contacted to determine if the cause of death must be investigated. If the coroner determines that the remains are of Native American origin, it is necessary to comply with state laws relating to the disposition of Native American burials, which fall within the jurisdiction of the NAHC (Public Resources Code, Section 5097). The coroner will contact the NAHC. The descendants or most likely descendants of the deceased will be contacted, and work will not resume until they have made a recommendation to the landowner or the person responsible for the excavation work for means of treatment and disposition, with appropriate dignity, of the human remains and any associated grave goods, as provided in Public Resources Code, Section 5097.98.

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

**ATTACHMENT 1
EXHIBIT A**

**HUMBOLDT COUNTY PLANNING & BUILDING DEPARTMENT
MITIGATION MONITORING REPORT
For The Emerald Family, LLC Rainwater Capture and Delivery Operation
Conditional Use Permit and Special Permit**

APNS 522-201-001 and 522-491-016; Case Numbers: CUP16-022 and SP16-032; Apps No. 10406

Mitigation measures were incorporated into conditions of project approval for the above referenced project. The following is a list of these measures and a verification form that the conditions have been met. For conditions that require on-going monitoring, attach the Monitoring Form for Continuing Requirements for subsequent verifications.

Mitigation Measures

M-1. Existing vegetation surrounding the project site will be retained to maintain a visual buffer from off-site areas. The width of the buffer shall not be less than 50 feet. Specifically the riparian corridors and buffers along the Trinity River will be retained and not disturbed. The minimum width of this buffer is 100 feet from the stream transition line pursuant to HCC Section 314-61.1 et seq.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance		Comments / Action Taken
				Yes	No	
During construction activity and project operations.	Continuous		HCP&BD**			

M-2. To minimize potential impacts to special status species that may exist at the project site, the applicant shall adhere to the recommendations from the SHN Natural Resources Assessment (2016b).

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance		Comments / Action Taken
				Yes	No	
Prior to issuance of the building permit, during construction activity, and during project operations.	Once		HCP&BD** and CDFW*			

M-3. To prevent impacts to wildlife species including amphibians, and reptiles during the term of the project, water pumps will be used for the operation that contain screens meeting the CDFW fish screening criteria (http://www.dfg.ca.gov/fish/Resources/Projects/Engin/Engin_ScreenCriteria.asp).

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance		Comments / Action Taken
				Yes	No	
Prior to the building permit final inspection.	Once		HCP&BD** and CDFW*			

M-4. The applicant shall replace any riparian vegetation, at a 3:1 ratio, that is impacted by replacement and armoring of the existing culvert pipe outfall that drains stormwater from the existing vegetated basin (i.e. remnants of the former log pond) to the Trinity River. The replacement of riparian vegetation will occur at appropriate locations on the project site and could include the enhancement of existing wetland and riparian areas at the site. If applicable, a mitigation plan will be prepared and submitted to regulatory agencies for review and concurrence prior to replacement of the culvert.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance		Comments / Action Taken
				Yes	No	
Prior to issuance of the building permit, during construction activity, and during project operations.	Once		HCP&BD** and CDFW*			

M-5. The following provides means of responding to the circumstances of a significant discovery during the cultural monitoring of the final implementation of the proposed agricultural development within the project parcel. If cultural materials for example: chipped or ground stone, historic debris, building foundations, or bone are discovered during ground-disturbance activities, work shall be stopped within 20 meters (66 feet) of the discovery, per the requirements of CEQA (January 1999 Revised Guidelines, Title 14 CCR 15064.5 (f)). Work near the archaeological finds shall not resume until a professional archaeologist, who meets the Secretary of the Interior's Standards and Guidelines, has evaluated the materials and offered recommendation for further action.

In the event that paleontological resources are discovered, work shall be stopped within 20 meters of the discovery and a qualified paleontologist shall be notified. The paleontologist shall document the discovery as needed, evaluate the potential resource, and assess the significance of the find under the criteria set forth in CEQA Guidelines Section 15064.5. If fossilized materials are discovered during construction, excavations within 50 feet of the find shall be temporarily halted or diverted until the discovery is examined by a qualified paleontologist. The paleontologist shall notify the appropriate agency to determine procedures that would be followed before construction is allowed to resume at the location of the find.

If human remains are discovered during project construction, work will stop at the discovery location, within 20 meters (66 feet), and any nearby area reasonably suspected to overlie adjacent to human remains (Public Resources Code, Section 7050.5). The Humboldt County coroner will be contacted to determine if the cause of death must be investigated. If the coroner determines that the remains are of Native American origin, it is necessary to comply with state laws relating to the disposition of Native American burials, which fall within the jurisdiction of the NAHC (Public Resources Code, Section 5097). The coroner will contact the NAHC. The descendants or most likely descendants of the deceased will be contacted, and work will not resume until they have made a recommendation to the landowner or the person responsible for the excavation work for means of treatment and disposition, with appropriate dignity, of the human remains and any associated grave goods, as provided in Public Resources Code, Section 5097.98.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance		Comments / Action Taken
				Yes	No	
During construction activity and project operations.	Continuous		HCP&BD**			

M-6. The applicant shall comply with the recommendations from the Manhard Consulting Limited Scope Geologic

Hazards Assessment (2017c) which state the following:

- (a) All foundations shall be founded a minimum of 24" inches below undisturbed native soils or structural fill compacted to 95% compaction per ASTM D1557.
- (b) Prior to placement of structural fill, all disturbed soils and miscellaneous fills must be removed.
- (c) Prior to construction activities, specific building and pond foundation and fill design investigations and construction details should be developed to refine the required excavation of fill materials and placement of structural fill requirements.
- (d) All structural design shall be in conformance with the requirements of the 2016 California Building Code for seismic design category (SDC) E.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance		Comments / Action Taken
				Yes	No	
Prior to the issuance of building and/or grading permits for the project.	Once		HCP&BD**			

M-7. To address the increase in stormwater runoff that will occur due to the increase in impervious surface from the proposed project (8.88 acres), the applicant shall design, construct, and maintain stormwater facilities to detain stormwater on the project site through LID improvements such as a rainwater catchment pond and catchment tanks, a pre-treatment pond, bioswales, infiltration basins, and detention basins. The proposed stormwater improvements will ensure that additional stormwater runoff from the proposed project infiltrates into the ground on-site or is pre-treated prior to discharge without violating any water quality standards or waste discharge requirements. The final discharge from the area for all stormwater that does not infiltrate, evaporate or is consumed, will be discharged after pre-treatment through an existing culvert pipe outfall from the existing vegetated basin (i.e. remnants of the former log pond). The pipe outlet will be armored with rock to provide energy dissipation.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance		Comments / Action Taken
				Yes	No	
Prior to the building permit final inspection.	Once		HCP&BD**			

M-8. To ensure the impacts to people at the proposed cannabis facility related to the failure of Trinity Dam are less than significant, the following mitigation shall be required for the project:

- 1) Notices shall be posted on the project site regarding potential of flooding from the failure of Trinity Dam in a major seismic event. The notices shall state that the property is located in an area subject to inundation by flood waters from Trinity Lake in the event of the failure of Trinity Dam and include maps showing the inundation areas and location of evacuation routes; and
- 2) The premises shall have radio receivers (preferably battery-operated) capable of receiving emergency broadcasts and instructions. The owners and employees of the proposed facility shall monitor such information during flood warning and respond accordingly.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance		Comments / Action Taken
				Yes	No	
During project operations.	Ongoing		HCP&BD**			

M-9. The following shall apply to construction noise from tools and equipment:

- a) The operation of tools or equipment used in construction, drilling, repair, alteration or demolition shall be limited to between the hours of 8 A.M. and 5 P.M. Monday through Friday, and between 9 a.m. and 5 p.m. on Saturdays.
- b) No heavy equipment related construction activities shall be allowed on Sundays or holidays.
- c) All stationary and construction equipment shall be maintained in good working order, and fitted with factory approved muffler systems.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance		Comments / Action Taken
				Yes	No	
During construction activities.	Ongoing		HCP&BD**			

M-10. The applicant shall implement the detailed security plan contained in the Cultivation and Operations Plan prepared for the project (EFF, 2017). Implementation of the security plan measures will minimize impacts on local law enforcement service provided by the County Sheriff's Department.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance		Comments / Action Taken
				Yes	No	
During project operations.	Ongoing		HCP&BD**			

* CDFW = California Department of Fish & Wildlife

** HCP&BD = Humboldt County Planning and Building Department



EXHIBIT B of ATTACHMENT 1

DEPARTMENT OF PUBLIC WORKS

COUNTY OF HUMBOLDT

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



ARCATA-EUREKA AIRPORT TERMINAL
McKINLEYVILLE
FAX 839-3596

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

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

AVIATION 839-5401

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

LAND USE 445-7205

LAND USE DIVISION INTEROFFICE MEMORANDUM

TO: Michele Nielsen, Planner II, Planning & Building Department

FROM: Robert W. Bronkall, Deputy Director 

DATE: 06/10/2016
01/24/2017 revised

RE: EMERALD FAMILY, LLC, APN 522-201-001, CUP16-022, SP16-032

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

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

DRIVEWAYS: The existing driveway apron (encroachment) that connects to the County road meets County standards and no improvements to the encroachment are necessary.

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

ROADS: The width of the County roadways serving the subject property is adequate to accommodate the proposed use.

A prior referral for a project on the subject property (Jurin, APN 522-201-001, CUP 03-24) identified off-site issues at the intersection of Flower-Mc Neil Road and County Club Drive. A copy of the Department's 04/05/2004 and 12/17/2004 memos are attached. The applicant's civil engineer needs to evaluate the intersection to determine what improvements, if any, are necessary to accommodate the proposed use.

u:\pwrk\landdevprojects\referrals\522-201-001 emerald family, llc-2.docx



Above: 2008 picture at stop limit line on Flower-NcNeil Road at its intersection with Country Club Drive. Looking north along Country Club Drive towards the Trinity River.



Above: 2008 picture at stop limit line on Flower-NcNeil Road at its intersection with Country Club Drive. Looking south along Country Club Drive towards Willow Creek.



Above: 2008 picture Looking north along Country Club Drive towards Flower-McNeil Road

AIRPORT: The subject property is not located near an airport.

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

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

// END //

MEMO
HUMBOLDT COUNTY
DEPARTMENT OF PUBLIC WORKS
LAND USE DIVISION

DATE: December 17, 2004
TO: Steve Werner, Supervising Planner
FROM: Robert Burnett, Associate Engineer
RE: JURIN CUP-03-24, APN 522-201-01

The Land Use Division has investigated various measures to mitigate the increase in traffic at the Flower-McNeal Road/Country Club Road intersection.

The applicant has offered to stripe the existing right turn lane from Flower-McNeal Road onto Country Club Road. A merge lane has been constructed along the south bound side of Country Club Road that is approximately 10 feet wide by 90 feet long followed by a transition section 80 feet in length. This lane was installed as mitigation for the Big Foot Storage business that fronts Country Club Road and is accessed from Flower-McNeal Road. A vehicle positioned at the end of the merge lane has adequate visibility at the posted speed limit to safely merge with the oncoming traffic. Striping the entire length of the merge lane would deter drivers from merging into the oncoming traffic until there was adequate site visibility. In addition, raised reflectors and/or traffic cones at the intersection could be installed to form a diverter island which would further enhance the turning movement. The applicant appears receptive to installing such devices. There does not appear to be any sight visibility problem with vehicles turning from Country Club Road onto Flower-McNeal Road.

The issue of vehicles making left hand turns from Flower-McNeal Road is problematic. Because Country Club Road falls downhill and around a bend, there is limited sight visibility. When the Trinity Bridge was constructed, a barn was located in the field adjacent to the road cut. Rather than purchase additional right of way and condemning the barn, the engineers realigned the road and cut the slopes to the maximum slope stability (3/4:1). The barn has since fallen down, portions of which can still be seen lying on the ground.

Using the as-built construction drawing for the road, an estimate was made of the right of way take that would be needed to improve the sight visibility to current road standards. It appears that the hill will need to be cut back 16 to 20 feet with an additional 10 feet of right of way for slope maintenance purposes. The height of the embankment varies from 1 to 16 feet for a length of 200 feet, therefore an estimated 500 cubic yards of earth will need to be removed. The applicant has proposed to remove this earth if an easement or right of entry can be obtained from the property owner.

The applicant is not adverse in attempting to purchase the necessary right of way. However, the applicant has no legal right to compel the owner to grant such an easement. Only the County has the right to use its power of eminent domain to acquire the right of way involuntarily. As an interim measure, the applicant has proposed installing a flashing warning light near the bridge to warn approaching vehicles that a vehicle is turning onto Country Club Road from Flower-McNeal Road. The signal would be activated by vehicles leaving the applicant's site.

If the Planning Commission chooses to deny the applicant the Conditional Use Permit, the applicant may appeal the decision to the Board of Supervisors. In the alternative, the Planning Commission may choose to condition the project on the applicant's moving the bank back so as to improve the sight visibility. If the applicant does not obtain the necessary easements, then the conditions of the Conditional Use Permit cannot be met. The applicant can appeal the condition to the Board of Supervisors who can repeal the condition, uphold the condition, or add additional conditions.

It is the opinion of the Department of Public Works that, on appeal, the applicant may offer to cover the expense incurred by the County in using its power of eminent domain. Note that, in a controvert case, the expenses can be over \$100,000 for a parcel appraised at a fair market value of less than \$10,000.

The Department has investigated alternative means of improving the sight distance and/or mitigation measures. One alternative is to relocate the road to the east. However, in order to meet the recommended sight visibility criteria, the road would have to be relocated approximately 25 feet to the east. This would entail purchasing 25 feet of additional right of way along the east side of the road, cut down the east bank, and realign the road from the bridge to a point past the intersection.

Another alternative is to create a "no left turn" at the intersection. The owner of the Big Foot Storage business now tells customers to make a turn right at the intersection and go the next road (Kimtu Road) and turn down that road and then turnaround (per conversation). This is a drastic measure but, as there are only three properties that access Flower-McNeal Road (the applicant's, the owner of the Big Foot Storage business, and the property at the northwest corner), this may be the best interim solution. This alternative would involve a hearing before the Board of Supervisors.

Another alternative would be to create another road and intersection between APN 522-321-46 and -47. An intersection at this location would have better sight visibility than the existing Flower-McNeal Road intersection. It would entail obtaining the necessary easement from the owner of the Big Foot Storage business, the construction of a new access road, and the possible relocation/removal of an existing structure.

Finally, one alternative mitigation would be to establish a development fee under Section 66000 et seq. of the California Government Code. The collected fees would then be used to undertake the necessary improvements. The amount of the fee would be determined by the Board of Supervisors. The applicant could volunteer to pay a portion of the cost of creating the fee, such as the engineering and processing costs or the applicant could undertake to do the work (including the cost of eminent domain) and then be reimbursed by collected fees.

c Allen Campbell, Director Public Works
Kirk Girard, Director of Community Development Services Department
Rosanne Zuber, Deputy County Counsel
Craig Newman, Agent for the Applicant, 2870 Dunbar Ct, Arcata 95521

MEMO
HUMBOLDT COUNTY
DEPARTMENT OF PUBLIC WORKS
LAND USE DIVISION

DATE: April 5, 2004
TO: Alyson Hunter, Planner II
FROM: Robert Burnett, Associate Engineer
RE: Jurin CUP-03-24, APN 522-201-01

The Department of Public Works has reviewed the application for a Conditional Use Permit noted above and has two concerns: Flower-McNeil Road is County Maintained from Country Club Road for a distance of approximately 370-feet, which is the approximate entrance to the applicant's parcel. The applicant shall obtain an encroachment permit from this office. The encroachment permit shall require the applicant to surface the road with asphalt concrete a minimum of 50-feet beyond the end of the County maintained road. The second concern is the poor site visibility of the intersection of Flower-McNeil Road and Country Club Road. The applicant and the Department of Public Works have discussed this concern with the applicant in the past. It is the Department's position that the applicant must approach the adjoining property owner for permission to cut back the northerly embankment approaching the intersection. This approach is a "blind" corner for cars traveling up the hill from the Trinity River Bridge. Trucks exiting Flower-McNeil Road are a traffic hazard that must be resolved prior to granting any use permit.

This office has no other recommendations regarding this project.

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 evidence which supports finding that the proposed development is in conformance with all applicable policies and standards of the Framework Plan (FRWK) and the Willow Creek Community Plan (WCCP).

Plan Section, Summary of Applicable Goal, Policy or Standard, and Evidence Which Supports Making the General Plan Conformance Finding
<p>Land Use §2725 (FRWK) §2700 (WCCP)</p> <p>Industrial General (IG): In urban areas, convenient access to transportation systems and a full range of urban services required. Primary and compatible uses: manufacturing, processing wood, iron and concrete products, energy related facilities. Minimum parcel size: adequate for the proposed use under the test of parking and setback requirements, consistent with planned uses of adjacent lands.</p> <p>Agriculture Rural (AR): Outside of Urban/Rural Community Centers few public services required. Large lot areas on slopes generally less than 30 percent. Timber or agricultural land allowing intensive management opportunities. Primary and Compatible uses: Agriculture and timber harvesting under intensive management, single family residences, cottage industries, educational and religious activities and recreational uses. Density: 1 dwelling unit per 5 – 20 acres.</p> <p>All commercial medical cannabis cultivation and production activities, including those appurtenant to the use, will occur on the portion planned Industrial General (IG). The Agricultural Rural (AR) portions of the parcel are the land known as APN 522-491-016 and the forested hillside lying on the south side of County Club Drive. These AR portions of the property will not be used for the proposed operation in Phase 1 or any other subsequent phases. Phase 1 entails seven acres of outdoor cultivation of medical cannabis cultivation: three (3) acres will be grown in ten metal hoop greenhouses that will be installed, with the remaining four acres being full sun outdoor cultivation. For the processing operations, the applicant will rehabilitate an existing commercial metal building that will process the medical cannabis grown on-site and product that is under the control other licensed cultivators. While cultivation of an agricultural commodity is not traditionally viewed as an industrial use, the use will not preclude future industrial development of the property. In fact the applicant’s cultivation methodology is protective the soil as it employs minimal disturbance of the native soil, and the applicant will employee best management practices (BMPs) to minimize potential erosion and sedimentation. Furthermore, cultivation of commercial medical cannabis will occupy 7 acres of the approximately 39 acres that is planned IG, which represents approximately 18 percent of the total area. Being more precise, according to Manhard Consulting’s Limited Scope Geologic Hazards Assessment dated March 22, 2017, the flat that will host the project is approximately 20 acres in size, and the seven acres of cultivation will occupy only 35 percent of the flat. Additionally, cultivation activities will be clustered, resulting in a contiguous area of MH without the presence of cultivation. Therefore, the majority of the property will still be available for industrial uses. Based on the above, staff believes the propose use is consist with the IG land use designation.</p>

Cultural Resources §3500 (FRWK/WCCP)

Protect cultural resources, including historic, archaeological, and scenic resources.

The project site is located in the ancestral territory of the Tsnungwe Tribe. In November 2016, A Cultural Resources Investigation was completed by Jamie Roscoe & Associates. As part of preparing the report, Mr. Roscoe engaged the Tsnungwe tribe. The concludes: "... that no historical resources, as defined in CEQA, Article 4, 15064.5(a), were identified in the project area. This supports a finding that the proposed project will not cause a substantial adverse change in the significance of an historical resource (Public Resources Code, Section 21084.1). Although unlikely give the identification effort, the proposed project activities do have the potential to inadvertently uncover subsurface archaeological material or human remains (page 28). The report's recommendations for adherence to inadvertent discovery protocol are incorporated into both the Conditions of Approval and Mitigation Monitoring (Attachment 1). The project site is not in mapped scenic corridor. This segment of the Trinity River is designated as recreational under the 1968 Wild and Scenic Rivers Act since 1981. The closest sections of The closest sections of the Trinity River that are designated as "scenic" under the Act are 4 miles to the south at the confluence with the South Fork Trinity River and approximately 6.5 miles to the north on the Hoopa Valley Reservation.

Housing
§2400 (FRWK/ WCCP)
Encourage innovative designs that facilitate optimum use of sites.

The portion to be developed is not planned or zoned for residential use. There is an existing residences located in the southeast corner of the property that will remain. The project does not involve residential development. As part of the General Plan Update all of the property known as APN 522-201-001 will be planned IG. Given the existing IG land use designation, the property was not included in the 2014 housing inventory. Based on the above, the project will not impact existing or future housing availability.

Geologic Hazards
§3210 (FRWK/ WCCP)
Goals: To reduce public exposure to natural and manmade hazards. To ensure the continuity of vital services and functions. To educate the community. Policy: Regulate land use to ensure that development in potentially hazardous areas will not preclude preserving and promoting public safety. Standards: Require geologic reports according to the Geologic Hazards Land Use Matrix as denoted in the Framework Plan.

Although the Hennesey Ridge fault, the closest known fault, is located approximately 2 miles west of the project site per California Division of Mine and Geology geologic maps, the site is not within a mapped Alquist-Priolo Fault Hazard Zone. Humboldt County in general is at risk for strong ground shaking. In the North Coast Ranges, landslides and soil slips are common due to the combination of sheared rocks, shallow soil profile development, steep slopes, and heavy seasonal precipitation. The moderately steep forested hillsides along the perimeter of the property including the bank of the Trinity River have a slope stability rating of 2. The area of development is relatively flat, with an elevation ranging from 533 feet to 550 feet and slope stability rating of 1 (low instability). The subject parcel is not subject to liquefaction. Phase 1 of the project involves site preparation work for which the applicant will be incorporating BMPs to minimize erosion and sedimentation, and will be subject to securing a grading permit. Additionally, Phase 1 includes rehabilitating an existing structure to meet current building code requirements for a commercial processing facility with employees. The footprint of these activities is limited to areas having low slope instability, and will not entail development necessitating extensive excavation for footings. Based on the applicant's proposed operational restrictions as specified in the IS-MND in Attachment 4, the characteristics of the area of development as discussed above, and the project's conditions of approval, staff believes the project will not expose people or property to significant geologic hazards.

Hazards §3200 (FRWK/WCCP): Flood §3220 (FRWK) and Fire Hazards §3230 (FRWK)

According to the Flood Insurance Rate Maps the area of development is outside the FEMA mapped areas subject to flooding. As discussed in the IS-MND, the project site is within a mapped inundation area for Trinity Dam, dam failure inundation area according to the Humboldt County Web GIS system. The County Hazard Mitigation Plan (Tetra Tech, 2014) suggests establishing early warning capability downstream of dams to increase response capability. Two mitigation measures are incorporated to address potential impacts to people at the commercial medical cannabis facility stemming from the failure of Trinity Dam: 1) the applicant will post notices regarding potential flooding during a major seismic event; and 2) the premises will have radio receivers capable of receiving emergency broadcasts and instructions. The owners and employees of the facility shall monitor such information during flood warning and respond accordingly.

The existing building meets the 30 foot setbacks for defensible space, and the hoop houses to be added will too have to conform to this standard. The access road is adequate per comments from the Department of Public Works. The proposed interior access roads show on the plot plan conform to the County's Fire Safe regulations. The existing building to be rehabilitated and remodeled to be used as a commercial processing facility will have to meet current Building Code includes requirements for fire safety. The Willow Creek Fire Protection District did not provide comments.

Noise §3240 (FRWK) Conform with noise standards.

The IS-MND contains further discussion of potential noise impacts. Ambient noise levels in the vicinity of the project site are elevated due to the proximity of the site to Country Club Road, Highways 299 and 96, nearby agricultural operations and the neighboring gravel mining operations at the Mercer Fraser property. Noise levels will increase during the construction phase due to the use of heavy equipment. The duration of the Phase 1 construction period is expected to be 3 to 4 months. To minimize noise impacts to nearby sensitive receptors, the applicant is proposing to limit hours for the operation of tools or equipment used in construction, drilling, repair, alteration or demolition to between the hours of 8 a.m. and 5 p.m. Monday through Friday, and between 9 a.m. and 5 p.m. on Saturdays; no heavy equipment related construction activities shall be allowed on Sundays or holidays. Moreover all stationary and construction equipment shall be maintained in good working order, and fitted with factory approved muffler systems. Service from PG&E will provide power for Phase 1. To ensure the facility has back-up power in the case of a power outage during long-term operation, generators will be installed adjacent to some of the existing and proposed buildings. To buffer noise levels generated by use of the back-up generators, generators will be used that are designed within enclosures that provide noise attenuation. HVAC units and some filter equipment will be installed to minimize odors and dust that may result in some minor noise on the exterior of the buildings. The project is conditioned on-going conformance to the County's noise standards, 60 dBA Ldn over the life of the project. The project as proposed and conditioned is not expected to generate significant noise levels.

Sewage Disposal §4530, 4531.5, 4531.6, 3361.2 (FRWK)

Goal: To ensure a safe means for waste disposal and protect the County's water resources for the public's health and safety. Policy: Septic systems shall not be permitted where the slope exceeds 30% or within 50 feet from an unstable land form. Policy: Sewage disposal systems placed on an existing lot must meet all of the requirements of the Humboldt County Department of Public Health and the North Coast Regional Water Quality Control Board. Policy: Regulate development that would pollute watershed areas.

The project site is located within the Willow Creek Community Services District (WCCSD) which does not have a wastewater treatment system. As such, the proposed project will be served by an on-site wastewater treatment system. As shown on the site plan, this system will be located between the existing metal building at the site and the proposed greenhouse structure. This system will be designed to adequately treat the estimated wastewater discharge volume and strength from the proposed facility and will be reviewed for compliance with the requirements of the North Coast Regional Water Quality Control Board (NCRWQCB) and Humboldt County Division of Environmental Health (DEH). As such it is not anticipated that the proposed facility will exceed the wastewater treatment requirements of the NCRWQCB.

Biological Resources §3400 (FRWK)

Goal: To maximize where feasible, the long term public and economic benefits from the biological resources within the County by maintaining and restoring fish and wildlife habitats. Policies: Maintain values of significantly important habitat areas by assuring compatible adjacent land uses, where feasible.

To begin with the applicant site design incorporates DFW's recommendation for a 150 foot buffer for the Trinity River. The Natural Resources Assessment prepared by SHN Consulting Engineers and Geologists, evaluated the project site for potential habitat for various species of plants, birds, mammals, and amphibians protected by federal and state regulations. The evaluation involved reviewing existing literature regarding sensitive resources that have the potential to occur within the site, including consulting several databases, coordination with the regulatory agencies, and field observations and studies. Based on the Natural Resources Assessment prepared by SHN Consulting Engineers and Geologists in Attachment 3, various species of plants, birds, mammals, and amphibians protected by federal and state regulations have potential habitat at the project site. The potential for these species to exist at the project site is greatest along the Trinity River and the associated riparian zone and other vegetated areas of the project site. During the field surveys conducted as part of the SHN Natural Resources Assessment, no protected species were documented within the project site study area. However, due to the potential for some of these species to exist at the project site, the SHN Natural Resources Assessment contains a list of recommendations that will reduce impacts to potential biological resources to less than significant. These are included in Exhibit A of Attachment 1.

As discussed below, within the limits of the area of development there is a jurisdictional wetland. There are also manmade drainage swales traversing the property that were constructed for storm water management as part of past industrial uses. These too were evaluated and determined to not be 3-parameter wetlands; therefore, they are not jurisdictional and are not subject to the Framework Plan's biological resource protection policies. With respect to the jurisdictional wetland the applicant is seeking a Special Permit to reduce the buffer setback from 100 feet to 50 feet. The proposed 50 foot buffer is generally greater than the extent of the established riparian vegetation. All wetland vegetation will be retained. The wetland will also be protected from contaminants by the installing vegetative plantings in the drainage swales that will intercept water flows prior to conveyance to the wetland. During the construction phase construction fencing will be installed at the perimeter of the buffer to ensure equipment does not encroach into the buffer and wetland. Upon completion of construction, and for the life of the project, a wildlife-friendly split rail fence will be installed on a permanent basis to protect the resource from encroachment. The applicant's wetland delineation was reviewed by both the ACOE and DFW, and both agencies concurred with the report's delineation. The ACOE only requested that the wetland delineation figure be revised to include the areas that they identified as containing an Ordinary High Water Mark (OHWM). SHN provided a revised figure and summary the spatial areas that are jurisdictional. That agency did not have further comments upon receipt of this supplemental information. Based on the above, staff supports the requested SP to allow the reduction in the buffer with the implementation of the applicant's proposed operating restrictions and mitigation measures as specified in the IS-MND in Attachment 4.

220, 4237.7 (FRWK): Access

Goal: To develop, operate, and maintain a well-coordinated, balanced, circulation system that is safe, efficient and provides good access to all cities, communities, neighborhoods, recreational facilities and adjoining areas.
Policy: New Development shall only be approved which will not significantly create or aggravate safety, capacity or parking problems on County roads.

The Department of Public Works (DPW) commented that the County access roads serving the parcel are adequate for the proposed use, as is the driveway encroachment. The interior roadways on the site are required to conform with the Fire Safe Regulations for driveways. The submitted plot plan indicates at build out the interior roadways will be 25 feet in width, and those that will experience high level of activity will be paved. As the site is nearly level, there are no issues with respect to steep slopes. The project was referred to the Department of Transportation, and that agency respond with comments.

The DPW commented that as part of previous projects involving the same property there was an issue concerning limited visibility at the intersection of Flowers-McNeill Road and Country Club for left turns onto Country Club. In response to these comments, the applicant has indicated that the intersection will be improved to address the concerns in their December 17, 2004 memo and improve sight visibility that is currently limited due to the cut bank. This will improve the safety of left turn movements onto Country Club from Flowers-McNeill Road, and is necessary as the project will increase traffic at this intersection.

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 consisting of APNs 522-201-001 and 522-491-016, the subject parcel, was created in its current configuration by the Notice of Lot Line Adjustment and Certificate of Subdivision Compliance recorded in Book 1989 of Official Records Page 6668. There is no evidence indicating there have been any subsequent acts to merge or divide this parcel. Therefore, the subject parcel was lawfully created in its current configuration and can be developed as proposed.

<p>§314-55.4.11.c Performance Standards-Water</p>	<p>Compliance with all statutes, regulations and requirements of the California State Water Resources Control Board, Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration.</p>	<p>The subject parcel is within the service area of the Willow Creek Community Services District (WCCSD). Water for all Phase 1 operations, including irrigation water, will be provided by the WCCSD. Per a personal communication with the District's General Manager, Susan O'Gorman, on April 18, 2017, the District will be able to provide water service. Therefore, the project will be compliant with the referenced section.</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 area and processing facilities conform to the 30 foot property line setback. With respect to the park setback, the closest park is Community Commons Park which is approximately 1,300 feet to the southwest from the project site. With respect to schools, the closest school is Trinity Valley Elementary which 0.5 miles northwest of the project site. The project was referred to the Klamath-Trinity Joint Unified school district; that school district did not provide comments. Based on a review of aerial imagery, there is no place of religious worship within 600 feet of the project site. One outcome of the cultural resources study was there are no TCRs present on the site.</p>
<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</p>		

§314-3.3 Heavy Industrial (MH): Intended to apply to areas devoted to normal operations of industrials only to regulations as needed to control congestion and protect surrounding areas.

§314-5.2 Flood Plain (FP): Intended to be applied to areas which have inundated by flood waters in the past and which may reasonably be expected to be inundated by flood waters in the future.

§314-7.2 Agricultural General (AG): Intended to be applied in areas in which agriculture is the desirable predominate use and rural residential uses are secondary.

§314-55.4.8.2.1.2: In zoning districts C-2, C-3, MB, ML, and MH outdoor and mixed light cultivation may be permitted with a Use Permit.

§314-55.4.8.4: Processing Facilities for commercial cannabis for medical use for other than an appurtenant, on-premises cultivation operation...shall be a permitted use in zoning districts...C-2, C-3, MB, ML, U (where developed as industrial use) and MH, subject to a Special Permit and the conditions and limitations set forth in this Section. Processing facilities shall meet the Processing Performance Standards and Employee Safety Practices enumerated in section 314-55.4.11 (q) through (u).

§314-55.4.9.1: Processing of cannabis at the same premises where the cultivation site is located shall be allowed pursuant to the applicable... Use Permit provided that the Processing Performance Standards and Employee Safety Practices enumerated in section 55.4.11(q) through (u) below are met.

The project area is zoned Heavy Industrial (MH). Section 314-55.4.8.2.1.2 HCC expressly enumerates MH as zoning district where outdoor and mixed light cultivation of commercial medical cannabis may be permitted with a Use Permit. The applicant has applied for the specified permit. The referenced section does not specify a maximum allowable cultivation square footage for the MH zoning district. Moreover, the definition of cultivation site extends beyond cultivation to the drying, curing, grading, trimming, and/or packaging of medical cannabis grown on-site, Section 314-55.4.7 HCC, as an appurtenant use.

The applicant is proposing rehabilitate and remodel an existing building to be a processing facility. Processing consists of drying, curing, grading, trimming, and/or packaging of commercial medical cannabis. This building is proposed to be a processing facility for medical cannabis cultivated on-site under the control of the applicant as provided by Section 314-55.4.9.1 HCC and is part of the Use Permit, which has been applied for. The processing of commercial medical cannabis cultivated under the control of other licensed parties is subject to the Special Permit as provided by Section 314-55.4.8.4. Again, the applicant has applied for the necessary Special Permit. The discussion of project's conformance with the specified performance standards follows.

The portions of the property zoned Agricultural General (AG) and Flood Plain (FP) are not proposed for development for Phase 1 or any subsequent phases.

Zoning Section	Summary of Applicable Requirement	Evidence That Supports the Zoning Finding
Minimum Lot Size ¹	1 acre	Overall the parcel is approximately 51.9 acres. The portion that is zoned MH is 39 acres
Minimum Lot Width and Maximum Ground Coverage ¹	None specified	N/A
Setbacks ¹ Front: 50 feet Rear: 50 feet Side: 10 percent of average lot width but not less than 25 feet		Front, east property line: plot plan shows a 50 foot setback. Rear, west property line: plot plan greater than 50 foot back. Side, north and south property lines: average width is approximately 708 feet = setback of 70.08 feet: plot plan shows setbacks greater than 70 feet from the north and south property lines.
Max. Building Height ¹	75 feet	The existing metal building that will be remodeled and the hoop houses that are to be installed for cultivation will not exceed the specified height limit.
<p>§314-61.1 HCC Streamside Management Area Regulation: Purpose: to provide minimum standards pertaining to the use and development of land located within Streamside Management Areas (SMAs) and other wet areas such as natural ponds, springs, vernal pools, marshes, and wet meadows (exhibiting standing water year-long or riparian vegetation) to implement the County's Open Space Element of the General Plan.</p> <p>The parcel is at the confluence of the Trinity River and Willow Creek. The parcel also hosts a wetland that is jurisdictional for both Army Corps of Engineers (ACOE) and California Department of Fish and Wildlife (DFW). The applicant's plot plan incorporates DFW's recommendation for a 150 foot buffer for the Trinity River. The manmade drainage swales that traverse the property were constructed for storm water management as part of past industrial uses. These too were evaluated and determined to not be 3-parameter wetlands; therefore, they are not jurisdictional and are not subject to the SMA regulations. With respect to the jurisdictional wetland the applicant is seeking a Special Permit to reduce the buffer setback from 100 feet to 50 feet. The proposed 50 foot buffer is generally greater than the extent of the established riparian vegetation. All wetland vegetation will be retained. The wetland will also be protected from containments by the installing vegetative plantings in the drainage swales that will intercept water flows prior to conveyance to the wetland. During the construction phase construction fencing will be installed at the perimeter of the buffer to ensure equipment does not encroach into the buffer and wetland. Upon completion of construction, and for the life of the project, a wildlife-friendly split rail fence will be installed on a permanent basis to protect the resource from encroachment. The applicant's wetland delineation was reviewed by both the ACOE and DFW, and both agencies concurred with the report's delineation. The ACOE only requested that the wetland delineation figure be revised to include the areas that they identified as containing an Ordinary High Water Mark (OHWM). SHN provided a revised figure and summary the spatial areas that are jurisdictional. That agency did not have further comments upon receipt of this supplemental information. Based on the above, staff supports the requested SP to allow the reduction in the buffer with the implementation of the applicant's proposed operating restrictions and mitigation measures as specified in the IS-MND in Attachment 4.</p>		

¹ As the area of development is limited to that portion zoned Heavy Industrial (MH) and does not encroach into the Agricultural General (AG) and Flood Plain (FP) zoned portions, only conformance with the MH standards are presented.

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	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.	During a site visit in March 2017, staff did not observe any stands of timber in the area of development. The area of development is a flat graded surface with an abundance of non-native species. It has functioned as an industrial facility since the late 1940s, with the main use being a lumber mill. (Natural Resource Assessment, page 1). Given the above, the area of development was converted from timberland decades ago.
§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 parties who are the members of Emerald Family, LLC, applicant, hold no other cannabis activity permits, and is entitled to four. This application is for two permits: one permit for seven acres of outdoor cultivation with appurtenant on-site processing; and one permit for a processing facility as defined and allowed in Sections 314-55.4.7 and 314-55.4.8.4 HCC.
§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.	As discussed herein, the existing 20,300 SF metal building will be rehabilitated and remodeled to be used for appurtenant processing commercial medical cannabis cultivated on-site, and for processing cannabis cultivated under the control of other licensed cultivators. The project's conditions of approval include the requirement that the applicant secure any required building permits, and other agency approvals.
§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.	This does not apply as this new cultivation.
§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.

The primary power source for Phase 1 will be conventional grid power supplied by PG&E. The Natural Resources Assessment prepared by SHN Consulting Engineers and Geologists, evaluated the project site for potential habitat for various species of plants, birds, mammals, and amphibians protected by federal and state regulations. The evaluation involved reviewing existing literature regarding sensitive resources that have the potential to occur within the site, including consulting several databases, coordination with the regulatory agencies, and field observations and studies. The site does not have the potential for Marbled Murrelet habitat. For Spotted Owl, the potential for habitat was found to be low. During the field surveys conducted as part of the SHN Natural Resources Assessment (2016b), no protected species were documented within the project site study area. Nonetheless, because the project proposes to use generators for back-up power in the case of a power outage during long-term operation generators will be used that are designed within enclosures that provide noise attenuation to buffer noise levels generated by use of the back-up generators. During the construction phase of the project, noise from construction activities would add to the noise environment in the immediate project vicinity. This noise increase would be of short duration, and would occur during daytime hours. It is anticipated that Phase 1 construction will take approximately 3-4 months. To reduce noise impacts associated with construction, the applicant will employ the following operation restrictions during the construction phase measures:

- a) The operation of tools or equipment used in construction, drilling, repair, alteration or demolition shall be limited to between the hours of 8 a.m. and 5 p.m. Monday through Friday, and between 9 a.m. and 5 p.m. on Saturdays.
- b) No heavy equipment related construction activities shall be allowed on Sundays or holidays.
- c) All stationary and construction equipment shall be maintained in good working order, and fitted with factory approved muffler systems.

Based on the above evidence, staff believes the project as proposed will conform to the referenced noise standard.

§314-55.4.17 Sunset Date	No application for any Use Permit pursuant to the CMMLUO shall be processed for issuance or approval that is received after December 31, 2016.	The applicant submitted the Conditional Use Permit and Special Permit application on April 1, 2016.
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Section 314-109.1 et seq. Off-Street Parking

<p>Building A: per the applicant's plot plan, the interior of this building will host a mix of office, manufacturing [processing], and warehousing work spaces. The square footage of these various uses yields a requirement for 27 parking spaces. The regulations also stipulate that parking consider the number of employees. Whichever, employee count vs. workspace square footage, yields the greater number will be the minimum number of parking spaces required. As indicated herein, the maximum number of employees for Phase 1 is 50. As the employee count results in the greater number, that will be number of parking spaces required.</p>	<p>A review of the site design incorporates several parking zones, with zones A, B, and C being the most proximate to the building to be remodeled into the processing facility, referred to as Building A on the plot plan. Zone A will have 50 spaces and one ADA accessible space; Zone B will have 12 spaces, and one 1 van ADA space, and Zone C will have 8 spaces and 1 van ADA space. Developing all of the parking in Zones B and C and portion of A will meet the requirement. Alternatively, developing all of Zone A will be meet the requirement. The project's Conditions of Approval stipulate that 50 parking spaces be developed consistent with the approved plot plan.</p>
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4. Public Health, Safety and Welfare. The following table identifies the evidence which supports finding that the proposed location of the use and conditions under which it may be operated or maintained will not be detrimental

to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.

Code Section	Summary of Applicable 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.

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.

6. Environmental Impact:

Please see the attached draft Initial Study-Mitigated Negative Declaration.

As required by the California Environmental Quality Act, the initial study conducted by the Planning and Building Department, Planning Division (Attachment 4) evaluated the project for any adverse effects on the environment. Based on a site inspection, information in the application, and a review of relevant references in the Department, staff has determined that there is no evidence before the Department that the project will have any potential adverse effect, either individually or cumulatively, on the environment. The environmental document on file in the Department includes a detailed discussion of all relevant environmental issues.

Because the project was found subject to CEQA and a Mitigated Negative Declaration was prepared, the provisions of Section 711.4 of the California Fish and Game Code apply to this project. Within five (5) days of the effective date of the approval of this tentative map, the applicant shall submit a check to the Planning

Division payable to the Humboldt County Recorder in the amount of 2,266.25. Pursuant to Section 711.4 of the Fish and Game Code, the amount includes the Department of Fish and Wildlife (DFW) fee plus the \$50 document handling fee. This fee is effective through December 31, 2017 at such time the fee will be adjusted pursuant to Section 713 of the Fish and Game Code. Alternatively, the applicant may contact DFW by phone at (916) 651-0603 or through the DFW website at www.wildlife.ca.gov for a determination stating the project will have *no effect* on fish and wildlife. If DFW concurs, a form will be provided exempting the project from the \$2,216.25 fee payment requirement. In this instance, only a copy of the DFW form and the \$50.00 handling fee is required. This requirement appears as Condition #12 of Attachment 1 (Section 1).

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)
4. A cultivation and operations plan that meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; and proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel, and a description of cultivation activities (outdoor, indoor, mixed light), the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. (Attached: on CD)
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. (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. (Not applicable)

11. Consent for onsite inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. (On file)
12. For indoor cultivation facilities, identify the source of electrical power and how it will meet with the energy requirements in section 55.4.8.2.3, and plan for compliance with applicable Building Codes. (Not applicable)
13. Acknowledge that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed will not support diversions for irrigation. (On file)
14. Acknowledge that the county reserves the right to engage with local Tribes before consenting to the issuance of any clearance or permit, if cultivation operations occur within an Area of Traditional Tribal Cultural Affiliation, as defined herein. This process will follow current departmental referral protocol, including engagement with the Tribe(s) through coordination with their Tribal Historic Preservation Officer (THPO) or other tribal representatives. This procedure shall be conducted similar to the protocols outlined under SB 18 (Burton) and AB 52 (Gatto), which describe "government to government" consultation, through tribal and local government officials and their designees. During this process, the tribe may request that operations associated with the clearance or permit be designed to avoid, minimize or mitigate impacts to Tribal Cultural Resources, as defined herein. Examples include, but are not limited to: conducting a site visit with the THPO or their designee to the existing or proposed cultivation site, requiring that a professional cultural resources survey be performed, or requiring that a tribal cultural monitor be retained during project-related ground disturbance within areas of sensitivity or concern. The county shall request that a records search be performed through the California Historical Resources Information System (CHRIS). (On-file)
15. Natural Resources Study, Exhibit I (attached)
16. Septic Suitability letter, Exhibit J (attached)
17. CUPA Hazardous Waste statement, Exhibit k (attached)
18. Preliminary Soils Report Exhibit N (attached)
19. Wetland Delineation Exhibit R (attached)
20. Preliminary Drainage Report, Exhibit M (attached)
21. Limited Scope Geologic Hazards Assessment, Exhibit S (attached)

ATTACHMENT 4

Initial Study and Draft Mitigated Negative Declaration (State Clearinghouse Number TBD)

Circulated March 31, 2017 to May 1, 2017

ATTACHMENT 5

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		Recommendation	Location
Building Inspection Division	✓	Conditional Approval	On file with Planning
Land Use Division	✓	Conditional Approval	Exhibit B of Attachment 1
Division Environmental Health	✓	Conditional Approval	On file with Planning
Calfire	✓	Conditional Approval	On file with Planning
Department of Fish & Wildlife	✓	Conditional Approval	On file with Planning
County Counsel		No Response	
NWIC	✓	Further Study	On file with Planning
Tsungwe Council	✓	Consulted in Cultural Resources Investigation	On file with Planning
Hoopa		No response	
RWQCB		No Response	
Water Resources Control Board-Div. of Water Rights		No Response	
Department of Transportation		No response	
Klamath-Trinity Joint Unified School District		No response	
Willow Creek Fire Protection District		No response	
Army Corps of Engineers	✓	Conditional Approval	On file with Planning
Willow Creek Community Services District		District has capacity to serve project	Personal communication with Planning staff 4/18/2017
PG&E	✓	Conditional Approval	On file with Planning

ATTACHMENT 6

Public Comments Received

1. Letter from Marvyn Stockel and Phyllis Stockel in opposition to the project. Letter received by the Planning Division on April 14, 2017.

April 12, 2017

To: Planning and Building Dept.

Planning Division Co. of Humboldt

3015 H St. Eureka, Ca. 95501



From: Marvyn & Phyllis Stockel Adjacent land owners

Parcel #'s 522-321-047 522-321-048

PO Box 1345 Willow Creek, CA 95573

We hereby express our opposition to this three-phase project involving the Emerald Family LLC development of Cannabis cultivation, processing nursery, and manufacturing facility as described in the Public Hearing Notice received recently. Since we were already well aware of all the activity, automobiles on site, and the constant roaring of fans, the applicant LLC has obviously been busily at work for some time...without benefit of any prior public notice with respect to an appropriate permitting process having been completed. That, unfortunately, is no surprise as anyone with observational skills knows that our town, community, and surrounding properties (both private and public) are festooned with numerous illegal cultivation sites. They operate illegally, often with devastating effects upon the environment, with no fear of interference by law enforcement... to the disgust of property owners who have lived here for decades, paid taxes, supported civic and social causes, and enjoyed a positive quality of life.

Despite the obvious eagerness of Humboldt Co. officials to embrace the Pot industry wholeheartedly (and look ahead to what they view as a veritable windfall in income from taxation), many people in this community, like ourselves, are vehemently opposed to the further disruption and degradation of this heretofore peaceful rural life.

Our objection to this project centers around two main points.

(#1) We have witnessed firsthand the influx of countless “seasonal” workers for whom there is no housing. They camp in doorways, behind buildings, sleep in public buildings with their animals, remove and damage others’ property, and overburden the local Willow Creek Community Center which struggles to serve the local elderly, those with mental health issues, and others who are in need. Mountains of debris are left behind to be gathered and removed daily by the Willow Creek Community Services before they can even move on to ongoing community improvement projects of importance.

Were Humboldt Co. officials to spend even one day traveling about this area, viewing this situation, and all the flourishing illegal grows, they might perhaps understand why long-time residents have little or no faith in the ability of the county to actually enforce the unrealistic rules and regulations as decided upon by elected officials and set forth in the our local newspaper. We rightfully wonder where the county plans to find the funding (not to mention the will) to employ the army of law-enforcement /environmental personnel which would become necessary if any of these rules and regulations were actually to be enforced. We in this community are already painfully aware that a lack of enforcement renders the supposedly rigorous regulations without any meaning.

(#2)

We have already experienced the futility of relying upon either the verbal or written promises made by the “The Emerald Family LLC”, after witnessing their complete lack of follow through on plans made following their purchase of the Big Foot Golf and Country Club property in Willow Creek. The LLC presented specific plans verbally and in writing to members and community members...none of which has come to pass.

This property used to be a draw for visitors, a place to relax, play golf, participate in tournaments, and otherwise patronize our town’s other public and private offerings. Presently, other than mowing fairways and greens, no other improvements have been made despite many promises to the contrary. Other

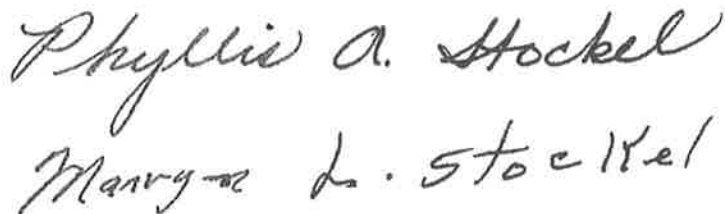
than serving the infrequent golfers, the facilities (pool, restaurant, etc.) are closed and in obvious deterioration. Having been personally involved with the original construction and development of this Golf and Restaurant property the failure to maintain and honor improvement plans as promised, is particularly galling. It further speaks directly to the likelihood that these somewhat grandiose "stages" (as outlined in the Emerald Family LLC proposal currently in question) will ever be implemented as described...in accordance with the Humboldt Co. Commercial Medical Marijuana land Use Ordinance. Very few of our longtime community residents have any faith in the actual employment of the tremendous enforcement apparatus which would have to be put in place in order to insure that this project did not become just one more problem with which we have to deal. We have had way too much experience to the contrary.

Though we understand that this representation of our heartfelt opinion might be a futile attempt to battle the tides of "pot mania" in this county, we feel a responsibility to speak out for the many, many people in our community who feel as we do, for most of the same reasons.

Respectfully,

Phyllis Stockel Retired teacher/administrator

Marvyn Stockel Retired Landscaper/Business Owner



Phyllis A. Stockel
Marvyn L. Stockel

ATTACHMENT 7

May 4, 2017 Staff Report to the Planning Commission on CD