



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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Hearing Date: September 7, 2017

To: Humboldt County Planning Commission

From: John Ford, Director of Planning and Building Department

Subject: **Tina Gordon Conditional Use Permit**
Application Number 10607
Case Number CUP 16-040
Assessor's Parcel Number (APN) 218-031-007
3224 Island Mountain Road, Garberville Area

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Please contact Joshua Dorris, Planner, at 707-268-3779 or by email at jdorris@co.humboldt.ca.us if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
September 7, 2017	Conditional Use Permit	Joshua Dorris

Project Description: Tina Gordon (proposed Project) seeks approval of a Conditional Use Permit in compliance with the County Commercial Medical Marijuana Land Use Ordinance (CMMLUO) and the Medical Marijuana Safety and Regulation Act (MMRSA) for existing outdoor commercial medical cannabis cultivation and ancillary processing activities. The existing outdoor cultivation occurs in five (5) areas on the site with a total cultivation area of 24,660 square feet (SF). Conditional Use Permits for existing cultivation areas this size are subject to CMMLUO Section 314-55.4.8.2.2. The Project proposes to relocate approximately 3,115 SF of cultivated area out of the fifty (50) foot buffer of the unnamed Class III watercourse to a cultivated area completely out of the buffer area. The plants are started in greenhouses from April through June, and LED lighting is used during that time to supplement natural lighting. In June, the plants are placed outdoors in pots, and they are harvested in November. Processing is done onsite by family members in existing accessory structures. Water for cultivation and ancillary processing activities is provided by an approximately 250,000 gallon rainwater catchment and storage pond.

Project Location: The project is located in Humboldt County in the New Harris area on Island Mountain Road approximately one (1) mile east of the intersection with Hogtrap Road on the property known as 3224 Island Mountain Road.

Present Plan Land Use Designations: Agriculture Lands (AL) with a 40-acre minimum parcel size. Slope stability rating – 3 (High Instability).

Present Zoning: FR-B-5(40), Forestry recreation (FR) with a 40-acre minimum parcel size.

Case Number: CUP 16-040

Application Number: 10607

Assessor's Parcel Number: 218-031-007

Applicant

Tina Gordon
PO Box 5
Garberville, CA 95542

Owner

Same as applicant

Agent

Green Road Consulting, Inc.
Attn.: Kaylie Saxon
1650 Central Avenue
McKinleyville, CA 95519

Environmental Review: The existing cultivation Project is exempt from environmental review per Sections 15301 (Existing Facilities), 15304 (Minor Alterations to Land), and 15061(b)(3) (General Rule) of the California Environmental Quality Act (CEQA) Guidelines.

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

Major Issues: None.

GORDON CONDITIONAL USE PERMIT
Case Number CUP 16-040
Assessor's Parcel Number 218-031-007

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:

Find the project exempt from environmental review pursuant to Sections 15301, 15304, and 15061 of the State CEQA Guidelines, make all of the required findings for approval of the Conditional Use Permit based on evidence in the staff report and adopt the Resolution approving the Tina Gordon project subject to the recommended conditions.

Executive Summary: Tina Gordon (Project) seeks approval of a Conditional Use Permit in compliance with the County Commercial Medical Marijuana Land Use Ordinance (CMMLUO) and the Medical Marijuana Safety and Regulation Act (MMRSA) for existing outdoor commercial cannabis cultivation and ancillary processing activities. The project site is comprised on one (1) legal parcel thirty-nine (39) acres in size identified as APN 218-031-007.

The existing outdoor cultivation occurs in five (5) areas with a total cultivation area of 24,660 square feet (SF). Conditional Use Permits for existing cultivation areas this size are subject to CMMLUO Section 314-55.4.8.2.2. The Project proposes to relocate approximately 3,115 SF of cultivated area out of the fifty (50) foot buffer of the unnamed Class III watercourse to a cultivated area completely out of the buffer area. The plants are started in greenhouses from April through June, and LED lighting is used during that time to supplement natural lighting. In June, the plants are placed outdoors in pots, and they are harvested in November. Ancillary processing is done onsite by family members in existing accessory structures.

Water source and storage for cultivation and ancillary processing activities is provided by an approximately 250,000 gallon rainwater catchment pond. Water is conveyed from the pond to seven (7) 2,500 gallons each, water tanks. There are also two existing 50,000 gallon bladders that get filled by water from the pond. All irrigation of cannabis is completed by a timed drip system.

Cultivation Area 1 is approximately 6,835 SF and is located in the southern portion of the parcel. It consists of one (1) greenhouse, four (4) temporary hoop-style greenhouses and a small outdoor area.

Cultivation Area 2 is approximately 5,375 SF and is located in the southeastern portion of the parcel. It consists of one (1) greenhouse and one (1) outdoor cultivation area. Currently, approximately 815 SF of the cultivation area is within the fifty (50) foot setback from the unnamed Class III watercourse. The 815 SF is proposed to be relocated to Cultivation Area 3 to comply with the County's and Water Board's setback criteria.

Cultivation Area 3 is approximately 5,150 SF and located in the southwestern portion of the parcel. It consists of one (1) outdoor cultivation area. Following relocation of the 815 SF from Cultivation Area 2 and the 910 SF from Cultivation Area 5, Cultivation Area 3 will total approximately 5,970 SF.

Cultivation Area 4 is approximately 5,000 SF and is located in the southwestern portion of the parcel. It consists of one (1) outdoor cultivation area.

Cultivation Area 5 is approximately 2,300 SF and located in the northeastern portion of the parcel. It is within the fifty (50) foot setback area of the unnamed Class III watercourse. This entire area will be relocated and consolidated to Cultivation Area 3 to become compliant with the County's and Water Board's setback criteria.

The property contains a permitted single family dwelling, several permitted outbuildings and is served by a permitted onsite wastewater system.

The parcel has one (1) unnamed Class III watercourse running through it that drains into Chamise Creek. There are three (3) 1600 Stream and Lakebed Alteration permits for the property filed with CDFW for the stream crossings. The applicant also has a Water Resources Protection Plan for the Property and is enrolled in the Water Board's waiver of Waste Discharge program as a Tier II Discharger.

The submitted plot plan identifies installation of a proposed culvert as an outlet for the pond routed under the County roadway (Island Mountain Road). Department of Public Works is requiring an encroachment permit to install this feature.

Environmental review for this Project was conducted and based on the results of that analysis, staff believes the existing cultivation and processing aspects of the Project can be considered a "Minor Alteration to Land" as defined by Section 15304 of the California Environmental Quality Act (CEQA) Guidelines because it consists of "minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees except for forestry or agricultural purposes." Additionally, the existing cultivation activities may be considered an "Existing Facility" as defined by Section 15301 of the CEQA Guidelines. Finally, as Lead Agency, the Department has determined that the Project can be considered exempt under "General Rule" as defined by Section 15061(b)(3) where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

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

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

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

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

**Case Number CUP 16-040
Assessor's Parcel Number: 218-031-007**

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

WHEREAS, Tina Gordon submitted an application and evidence in support of approving a Conditional Use Permit for existing outdoor commercial cannabis cultivation and ancillary processing activities; and

WHEREAS, CUP 16-040 is assigned the following cultivation areas (sites) shown on the approved plot plan and the CUP and Site Detail Map in the staff report:

CUP #	Application	APN	Square Footage By Map Site Number	Total Square Footage (<E>/<N> sf)	Leased (Y/N)
16-040	10607	218-031-007	#1 (6,835 sf <E>)	6,835 <E>	N
			#2 (4,560 sf <E>)	4,560 <E>	N
			#3 (8,262 sf <E>) #2 (815 sf <relocated from>) #5 (2,300 sf <relocated from>)	5,150 <E> 3115 <E>	N
			#4 (5,000 sf <E>)	5,000 <E>	N
			#5 (2,300 sf <relocated to>)	2,300 <E>	N

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

WHEREAS, the project is exempt from environmental review per Sections 15301 (Existing Facilities), 15304 (Minor Alterations to Land), and 15061 (b)(3) (General Rule), of the CEQA Guidelines; and

WHEREAS, Attachment 2 in the Planning Division staff report includes substantial evidence in support of making all of the required findings for approving the proposed Conditional Use Permit (Case Number CUP 16-040); and

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

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

1. The proposed project is exempt from environmental review; and
2. The findings in Attachment 2 of the Planning Division staff report support approval of Case Number CUP 16-040 based on the submitted substantial evidence; and
3. Conditional Use Permit Case Number CUP 16-040 is approved as recommended and conditioned in Attachment 1.

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

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

AYES: Commissioners:

NOES: Commissioners:

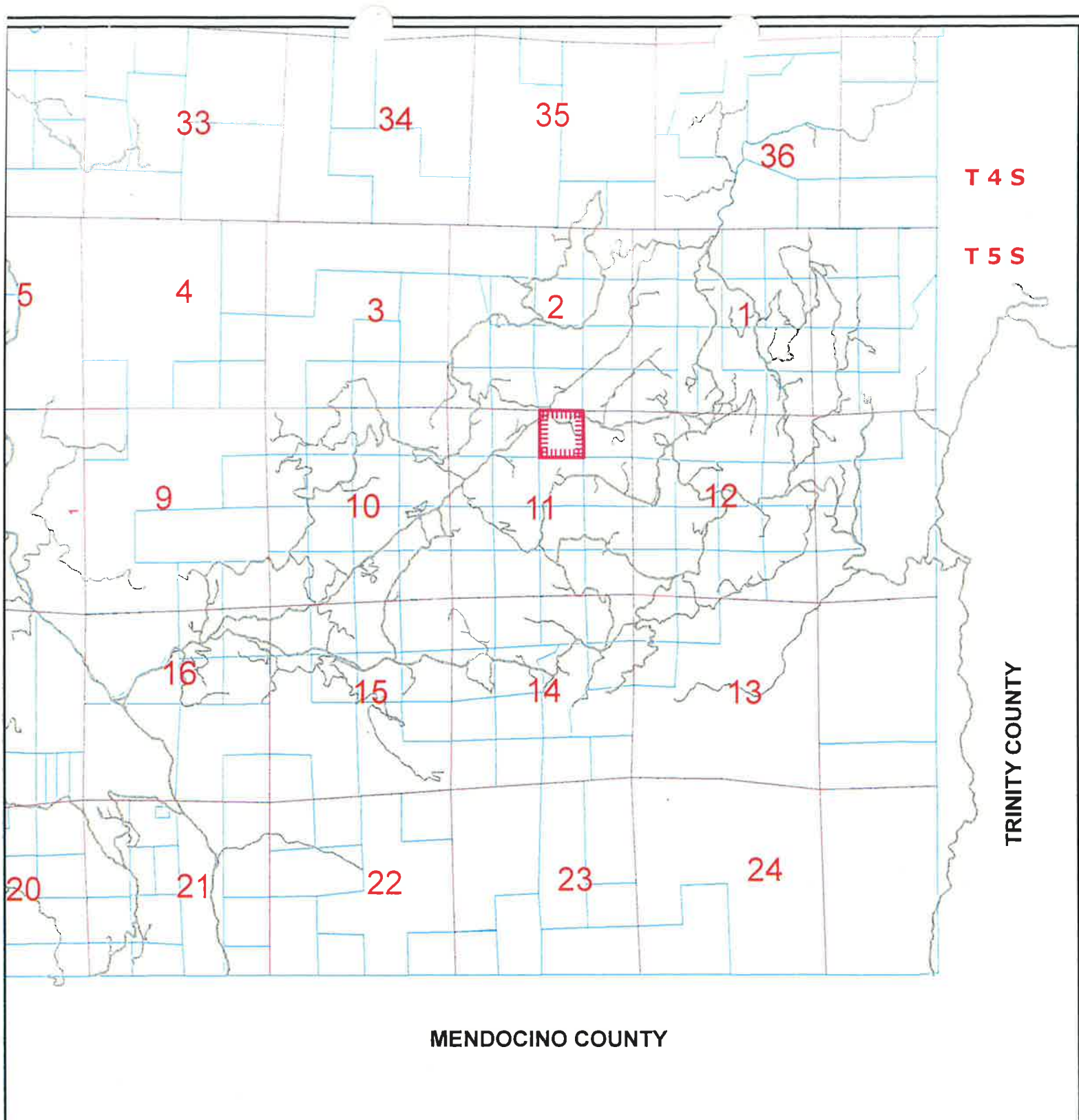
ABSTAIN: Commissioners:

ABSENT: Commissioners:

DECISION:

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

John Ford, Director
Planning and Building Department



MENDOCINO COUNTY

TRINITY COUNTY

LOCATION MAP

PROPOSED GORDON CONDITIONAL USE PERMIT

NEW HARRIS AREA

CASE NUMBER CUP 16-040

APN: 218-031-007

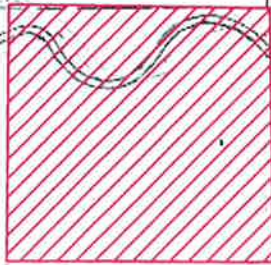
T5S R5E S11 HB&M (JEWELL ROCK)

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.



F-R-B-5 (40Ac.)



SW COR SEC 11

ZONING MAP

PROPOSED GORDON CONDITIONAL USE PERMIT

NEW HARRIS AREA

CASE NUMBER CUP 16-040

APN: 218-031-007

T5S R5E S11 HB&M (JEWELL ROCK)

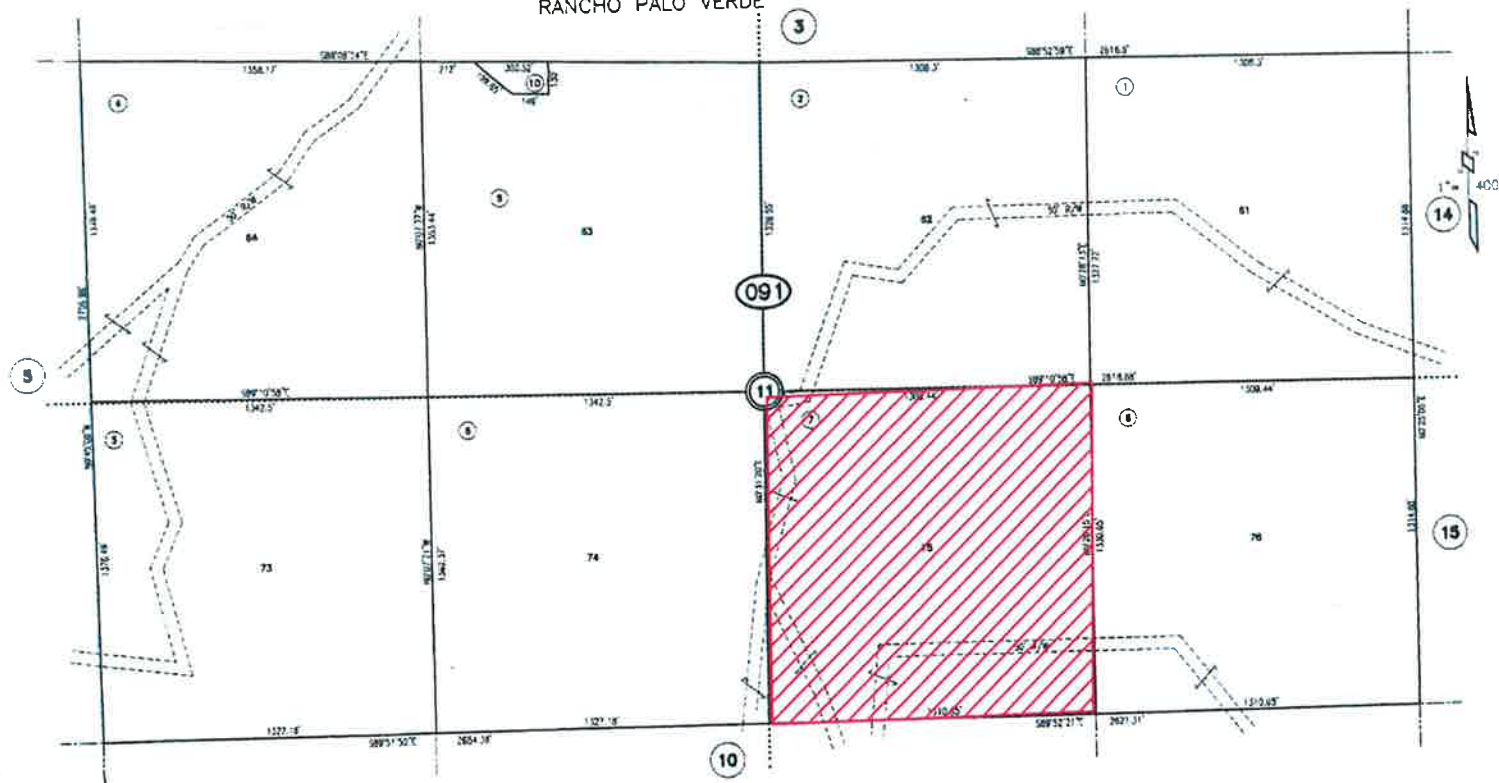
Project Area = 

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.

MAP NOT TO SCALE

218-09

PTN SEC 11 T5S R5E H.B.& M.
RANCHO PALO VERDE



ASSESSOR PARCEL MAP

PROPOSED GORDON CONDITIONAL USE PERMIT

NEW HARRIS AREA

CASE NUMBER CUP 16-040

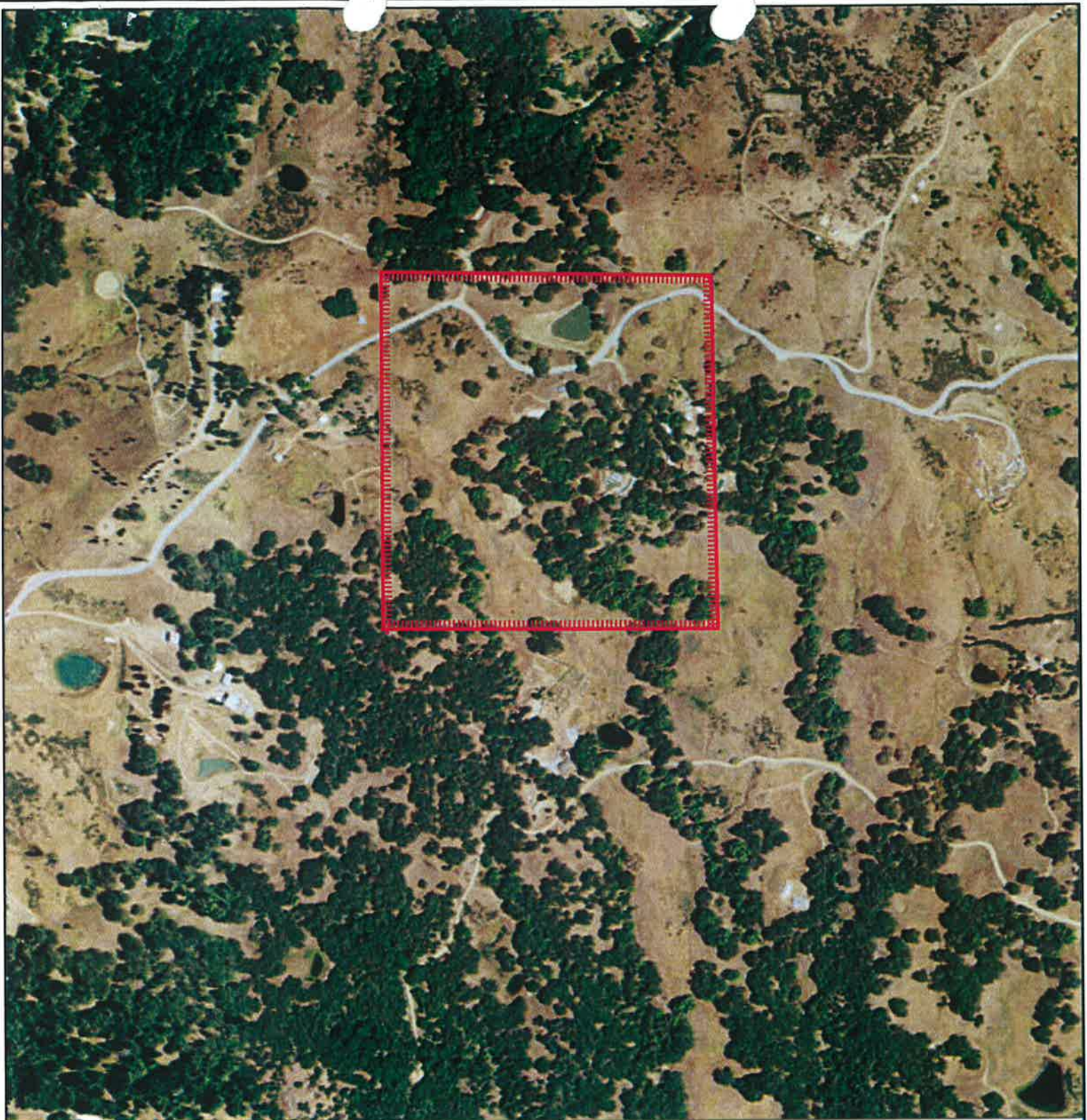
APN: 218-031-007

T5S R5E S11 HB&M (JEWELL ROCK)

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

MAP NOT TO SCALE



AERIAL MAP

PROPOSED GORDON CONDITIONAL USE PERMIT

NEW HARRIS AREA

CASE NUMBER CUP 16-040

APN: 218-031-007

T5S R5E S11 HB&M (JEWELL ROCK)

Project Area = 

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

0 500 1,000 Feet



218-031-07

PROJECT LOCATION



TOPOGRAPHY OF SITE



PROJECT INFORMATION

SITE ADDRESS:
3224 ISLAND MOUNTAIN ROAD
NEW HARRIS, CA 95542

APN:
218-031-07

CLIENT: TINA GORDON

AGENT:

GREEN ROAD CONSULTING
1225 CENTRAL AVE. SUITE 10
MCKINLEYVILLE, CA 95519
707-630-5041

APPLICATION DETAILS:

APPLICATION TYPE: OUTDOOR USE PERMIT
PARCEL ZONE: FOREST RECREATION (FR)
IN COASTAL ZONE: NO
IN 100 YR FLOOD: NO

PROJECT DIRECTIONS

FROM: GARBerville, CA
TURN RIGHT ONTO REDWOOD DR (.6 MI)
TURN RIGHT ONTO ALDERPOINT RD (8 MI)
TURN ONTO BELL SPRINGS RD (1.4 MI)
STAY ON BELL SPRINGS RD (6.6 MI)
LEFT ONTO ISLAND MOUNTAIN ROAD (4.1 MI)

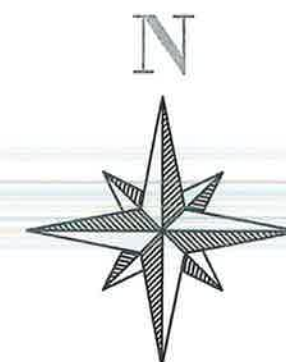
DESTINATION ON RIGHT
APPROXIMATELY 21 MILES AND 50 MIN DRIVE TIME

SHEET INDEX

SP-COVER PAGE
D0-DOMESTIC OVERVIEW
C0-CULTIVATION OVERVIEW

THERE ARE NO SCHOOLS, BUS STOPS, PLACES OF WORSHIP, PUBLIC PARKS OR TRIBAL CULTURAL RESOURCES WITH IN 600 FEET OF CULTIVATION SITE.

THERE ARE NO OFF SITE RESIDENCES WITHIN 300 FEET OF THE CULTIVATION SITE.



PROJECT INFORMATION

PROJECT	GORDON
ADDRESS	3224 ISLAND MOUNTAIN ROAD NEW HARRIS, CA 95542
SHEET INFO	WATER RESOURCE PROTECTION PLAN

REVISIONS

[illegible]

DATE	5/31/16
DRAFTER	PRH
SCALE	NOT TO

SHEET
SP

DOMESTIC USE OVERVIEW

218-031-07



DOMESTIC SITE SUMMARY

SHOWS AND IDENTIFIES ALL BUILDINGS AND FEATURES THAT ARE NOT ASSOCIATED WITH CULTIVATION OR RESTORATION AREAS

- NOTES:
1. PROPERTY LINES AND BUILDING LOCATIONS ARE APPROXIMATE AND BASED ON AERIAL MAPS AND GPS DATA TAKEN IN THE FIELD.
 2. RUNNING THROUGH THE PROPERTY IS A CLASS III STREAM THAT FLOWS FROM NORTH TO SOUTH
 3. ZONING= FOREST RECREATION (FR)
 4. PARCEL SIZE =±40 ACRES
 5. HAS A PERMITTED SEPTIC FOR RESIDENCE
 6. WATER DIVERSION= SMALL DOMESTIC USE APPLIED 17,500 GALLONS OF HARD TANK STORAGE WITH A 45 DAY FORBEARANCE BEING AUGUST 15TH.

DOMESTIC BUILDINGS AND USE

BUILDING	ACTIVITY/USE	YR BUILT
RESIDENCE-	PLACE OF LIVING	1985
TOOL SHED-	TOOL STORAGE	2007
OUTBUILDING #1-	STORAGE	2010
OUTBUILDING #2-	STORAGE	2010



PROJECT INFORMATION

GORDON
3224 ISLAND MOUNTAIN ROAD NEW HARRIS, CA 95542
DOMESTIC OVERVIEW PLAN

REVISIONS

NO.	NOTES	DATE

DATE 5/31/16
DRAFTER PRH
SCALE NOT TO

SHEET
SP

Page 13

ATTACHMENT 1

CONDITIONS OF APPROVAL

Approval of the existing cannabis cultivation and other commercial cannabis activity is conditioned on the following terms and requirements which must be satisfied before the provisional cannabis cultivation permit can be finalized.

1. The applicant shall execute a Compliance Agreement with the Humboldt County Planning Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #2 – 9. The agreement shall provide a timeline for completing all outstanding items. All activities detailed under the agreement must be completed to the satisfaction of the Planning and Building Department before the permit may be finalized and no longer considered provisional.
2. The applicant shall secure permits for all unpermitted structures related to the cannabis cultivation and other commercial cannabis activity. A letter or similar communication from the Building Division verifying that all structures related to the cannabis cultivation are permitted will satisfy this condition.
3. Prior to constructing improvements (installation of culvert pipe) within a County-maintained road right-of-way, the applicant shall apply for and obtain an Encroachment Permit from the Department of Public Works. [Reference: County Code 411-11(a)(b)]
4. 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; and
 - 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 plot plan.

5. The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency (CUPA) requirements regarding hazardous materials. A written verification of compliance shall be required before any provisional permits may be finalized. Ongoing proof of compliance with this condition shall be required at each annual inspection in order to keep the permit valid.
6. The applicant shall submit a revised site plan showing 815 square feet of Cultivation Area 2 relocated to Cultivation Area 3, and elimination of Cultivation Area 5. The CUP approved by the resolution in this staff report does not authorize any site disturbance outside Cultivation Area 3 as stated in the Cultivation and Operations Plan and Site Plan dated 5/31/16.
7. The property owner shall execute and file with the Planning Division the statement titled "*Notice and Acknowledgment Regarding Agricultural Activities in Humboldt County*" as required by Section 314-43.2 of the Humboldt County Code. Contact the Planning Division for a copy of the required form.
8. The applicant shall implement all corrective actions detailed within the Water Resource Protection Plan developed for the parcel, prepared pursuant to Tier 2 enrollment under the

North Coast Regional Water Quality Control Board Cannabis Waste Discharge Regulatory Program. A letter or similar communication from the RWQCB verifying that all their requirements have been met will satisfy this condition.

9. The applicant shall submit at least one legible copy of the executed Lake and Streambed Alteration Agreements to Planning. The applicant shall implement all actions detailed within the LSAA for the parcel to the satisfaction of the California Department of Fish and Wildlife (CDFW). A letter or similar communication from the CDFW verifying that all their requirements have been met will satisfy this condition.

On-going Requirements/Development Restrictions Which Must be Satisfied for the Life of the Project:

1. All components of Project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, Cultivation Plan, and these conditions of approval. Changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan.
2. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CMMLUO and MMRSA, as applicable to the permit type.
3. If operating pursuant to a written approved compliance agreement, permittee shall abate or cure violations at the earliest feasible date, but in no event no more than two (2) years of date of issuance of a provisional clearance or permit. Permittee shall provide plans for curing such violations to the Planning & Building Department within one (1) year of issuance of the provisional clearance or permit.
4. Possession of a current, valid required license, or licenses, issued by any agency of the State of California in accordance with the MMRSA, and regulations promulgated thereunder, as soon as such licenses become available.
5. 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, as applicable.
6. Confinement of the area of cannabis cultivation, processing, manufacture or distribution to the location depicted on the approved site plan. The commercial cannabis activity shall be set back at least 30 feet from any property line, and 600 feet from any School, School Bus Stop, Church or other Place of Religious Worship, Public Park, or Tribal Cultural Resources, except where a reduction to this setback has been approved pursuant to Section 55.4.11(d).
7. Maintain enrollment in Tier 1, 2 or 3, certification with the North Coast Regional Water Quality Control Board (NCRWQCB) Order No. 2015-0023, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
8. For cultivation area(s) for which no enrollment pursuant to NCRWQB Order No. 2015-0023 is required by that Order, comply with the standard conditions applicable to all Tier 1 dischargers.

9. Comply with the terms of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (CAL-FIRE), if applicable.
10. Consent to an annual on-site compliance inspection, with at least 24 hours prior notice, to be conducted by appropriate County officials during regular business hours (Monday – Friday, 9:00 am – 5:00 pm, excluding holidays).
11. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
12. Pay all applicable application and annual inspection fees.
13. Where surface water diversion provides any part of the water supply for irrigation of cannabis cultivation, permittee shall either: 1) forebear from any such diversion during the period from May 15th to October 31st of each year and establish on-site water storage for retention of wet season flows sufficient to provide adequate irrigation water for the size of the area to be cultivated, or 2) comply with the approved water management plan prepared by a qualified person such as a licensed engineer, hydrologist, or similar qualified professional, that establishes minimum water storage and forbearance period, if required, based upon local site conditions, or 3) adhere to the RWQCB approved Water Resources Protection Plan or other clearance issued by the agency. If the method of compliance changes during the term of the Conditional Use Permits, permittee shall notify the Planning and Building Department and furnish appropriate documentation of compliance with this standard.
14. Water is to be sourced locally (on-site) and trucked water shall not be allowed, except for emergencies. For purposes of this provision, "emergency" is defined as: "a sudden, unexpected occurrence demanding immediate action." Permittee shall maintain a record of date(s), nature of the emergency, and the amount of trucked water delivered to demonstrate compliance with this standard.
15. The noise produced by a generator used for cannabis cultivation shall not be audible by humans from neighboring residences. The decibel level for generators measured at the property line shall be no more than 60 decibels. Where applicable, sound levels must also show that they will not result in the harassment of Marbled Murrelet or Spotted Owl species. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service, and further consultation where necessary.
16. Storage of Fuel. Fuel shall be stored handled in compliance with applicable state and local laws and regulations, and in such a way that no spillage occurs.
17. If cultural resources are encountered during construction activities, the contractor on site shall cease all work in the immediate area and within a 50 foot buffer of the discovery location. A qualified archaeologist as well as the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, shellfish or faunal remains, and human burials. If human remains

are found, California Health and Safety Code 7050.5 requires that the County Coroner be contacted immediately at 707-445-7242. If the Coroner determines the remains to be Native American, the NAHC will then be contacted by the Coroner to determine appropriate treatment of the remains pursuant to PRC 5097.98. Violators shall be prosecuted in accordance with PRC Section 5097.99.

18. Pursuant to the MMRSA, Health and Safety Code section 19322(a)(9), an applicant seeking a cultivation license shall "provide a statement declaring the applicant is an 'agricultural employer,' as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 commencing with Section 1140) of Division 2 of the Labor Code), to the extent not prohibited by law."
19. On-site ancillary processing operations shall be restricted to the resident occupants as described in Section 5.0 of the Cultivation and Operations Plan. Any change from this (resident-processor) approach will require processing off-site at an approved facility until an ADA compliant commercial processing building and washroom were constructed in accordance with Humboldt County Code.

Performance Standards for Cultivation and Processing Operations

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

- 5) Materials handling policies;
 - 6) Job hazard analyses; and
 - 7) Personal protective equipment policies, including respiratory protection.
- ii. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
- 8) Operation manager contacts;
 - 9) Emergency responder contacts; and
 - 10) Poison control contacts.
- iii. At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations. Plumbing facilities and water source must be capable of handling increased usage without adverse consequences to neighboring properties or the environment.
- iv. On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.
24. All cultivators shall comply with the approved Processing Plan as to the following:
- i. Processing Practices;
 - ii. Location where processing will occur;
 - iii. Number of employees, if any;
 - iv. Employee Safety Practices;
 - v. Toilet and handwashing facilities;
 - vi. Plumbing and/or septic system and whether or not the system is capable of handling increased usage;
 - vii. Drinking water for employees;
 - viii. Plan to minimize impact from increased road use resulting from processing and
 - ix. On-site housing, if any.
25. Permit Duration. Any Commercial Cannabis Cultivation CUP issued pursuant to this section shall expire after one (1) year after date of issuance, and on the anniversary date of such issuance each year thereafter, unless an annual compliance inspection has been conducted and the permittees, lessees, and the permitted site have been found to comply with all conditions of approval.
- If the inspector or other County official determines that the permittees, lessees, or site do not comply with the conditions of approval, the inspector shall serve the CUP or permit holder with a written statement identifying the items not in compliance, and the action that the permit holder may take to cure the non-compliance, or file an appeal within ten (10) days of the date that the written statement is delivered to the permit holder. Personal delivery or mailing the written statement to the mailing address listed on the application by regular mail, plus three (3) days after date of mailing, shall constitute delivery. The permit holder may request a reinspection to determine whether or not the permit holder has cured all issues of non-compliance. Failure to request reinspection or to cure any items of non-compliance shall terminate the Use Permit, immediately upon the expiration of any appeal period, or final determination of the appeal if an appeal has been timely filed pursuant to section 55.4.13.
26. Permit Renewals to comply with Updated Laws and Regulations. Permit renewal per Ongoing Condition of Approval #26 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,

27. Acknowledgements to Remain in Full Force and Effect. Permittee Acknowledges that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed in which the cultivation area is located will not support diversions for irrigation.
28. Transfers. Transfer of any leases or permits approved by this project is subject to the review and approval of the Planning Director for conformance with CMMLUO eligibility requirements, and agreement to permit terms and acknowledgments. The fee for required permit transfer review shall accompany the request. The request shall include the following information:
 - (1) Identifying information for the new Owner(s) and management as required in an initial permit application;
 - (2) A written acknowledgment by the new Owner in accordance as required for the initial Permit application;
 - (3) The specific date on which the transfer is to occur; and
 - (4) Acknowledgement of full responsibility for complying with the existing Permit; and
 - (5) Execution of an Affidavit of Non-diversion of Medical Cannabis.
29. Inspections. The permit holder and subject property owner are to permit the County or representative(s) or designee(s) to make inspections at any reasonable time deemed necessary to assure that the activities being performed under the authority of this permit are in accordance with the terms and conditions prescribed herein.

Informational Notes:

1. Pursuant to section 314-55.4.11(a) of the CMMLUO, if upon inspection for the initial application, violations of any building or other health, safety, or other state of county statute, ordinance, or regulation are discovered, the Planning and Building Department may issue a provisional clearance or permit with a written approved Compliance Agreement. By signing the agreement, the permittee agrees to abate or cure the violations at the earliest opportunity but in no event more than two (2) years of the date of issuance of the provisional clearance or permit. Plans for curing the violations shall be submitted to the Planning and Building Department by the Permittee within one (1) year of the issuance of the provisional certificate or permit. The terms of the compliance agreement may be appealed pursuant to section 314-55.4.13 of the CMMLUO.
2. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will provide a bill to the applicant after the decision. Any and all outstanding Planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.

ATTACHMENT 2

Staff Analysis of the Substantial Evidence Supporting the Required Findings

Required Findings: To approve this project, the Planning Commission must determine that the applicant has submitted substantial 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) specifies the findings that are required to grant a Conditional Use Permit:

1. The proposed development is in conformance with the County General Plan;
2. The proposed development is consistent with the purposes of the existing zone in which the site is located;
3. The proposed development conforms with all applicable standards and requirements of these regulations; and
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.
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 Planning Commission must determine that the applicant has submitted evidence in support of making **all** of the following required findings.

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

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Land Use §2724 (FRWK)	Agriculture Lands: Resource production allowing intensive management opportunities, recreational uses, single family residences and cottage industries. Density Range: Shall not exceed one (1) dwelling unit per twenty (20) acres.	The MMRSA, Health and Safety Code section 11362.777(a) provides that medical cannabis is an agricultural product, subject to extensive state and local regulation. The CMLUO provides for the cultivation and processing of medical cannabis within the zoning districts where agriculture is a principally permitted use, with limits and in compliance with performance standards that will preserve space for more traditional agricultural activities that supply food and fiber contributing to a diverse economic base. The existing cultivation is considered an agricultural use, and the processing facility and supportive infrastructure may be considered accessory to the agricultural use. There is an existing single family dwelling on the approximately 39-acre site.
Cultural Resources §3500 (FRWK)	Protect cultural resources, including historic, archaeological, and scenic resources.	The applicant retained Alta Archaeological Consulting (AAC) for the preparation of a Cultural Resources Investigation for the Project site. AAC conducted a records search, consulted with the Native American Heritage Commission, local Native American tribal representatives, and other interested parties; and an intensive pedestrian field survey of approximately 12.38 acres of the area of potential effects. The report concludes that no significant archaeological or historic period cultural resources, that for the purposes of CEQA would be considered an historic resource, exist in the limits of the project area. This report was provided to the Tribal Historic Preservation Officer (THPO) of the Bear River Band of the Rohnerville Rancheria. The Bear River Band had no formal comment. Ongoing conditions of approval are incorporated regarding the inadvertent discovery protocol to protect cultural resources.

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Housing §2400 (FRWK)	Encourage innovative designs that facilitate optimum use of sites.	The project does not involve residential development. However, the project will not preclude any future residential development. The project will not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.
Geologic Hazards §3210 (FRWK)	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.	The project site is not located in a mapped Alquist-Priolo fault zone nor is subject to liquefaction. The existing cultivation areas occur on slopes of 15-30% with high instability. The project also does not pose a threat to public safety related from exposure to natural or manmade hazards. As part of the permit, the applicant will, at a minimum, incorporate the standard erosion control measures enumerated in the Framework Plan.
Hazards §3200 (FRWK) Flood §3220 (FRWK) Fire Hazards §3230 (FRWK)	New development shall minimize risk to life and property in areas of high flood and fire hazards.	The subject site is outside any mapped flood hazard areas. The project site is not within a mapped dam or levee inundation area and, at approximately 1900-2200 feet above mean sea level, is outside the areas subject to tsunami run-up. The subject property is located within the State Fire Responsibility Area for fire protection (CalFire). CalFire's comments recommended compliance with the requirements of the County's Fire Safe Regulations. The Humboldt County Fire Safe Ordinance (Section 3111-1 et seq.) establishes development standards for minimizing wildfire danger in "state responsibility" designated areas.

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Noise §3240 (FRWK)	Conform with noise standards.	The subject parcel is not located in an area that requires special noise attenuation measures. The proposed cultivation areas are all outdoor, and do not use electrical generators, so there will be minimal noise generated by the project. Noise generated from the processing operation generator shall comply with the standards set forth in Section 55.4.11(o) of the CMMLUO.
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.	An existing sewage disposal system serves the residence located on the subject parcel.
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.	California Department of Fish and Wildlife recommended a biological resources study be conducted prior to the expansion of Cultivation Site 3. The applicant retained Kyle Wear, Biological Consultant, for a Botanical Survey Report of the site to identify special status plants and plant communities that could be impacted by cannabis cultivation. The Report concludes that no special status plants or special status plant communities were encountered in the Project area. It recommended no additional surveys of mitigation be conducted.

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
§4220, 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.	Access to the site is directly off a public County-maintained road (Island Mountain Road). Department of Public Works indicated that the roadway serving the subject property is adequate to accommodate the proposed use.

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	Summary of Applicable Requirement	Evidence That Supports the Zoning Finding
314-7.3	Forestry Recreation (FR): Intended to be applied in forested areas of the County in which timber production and recreation are the desirable predominant uses and agriculture is the secondary use. Cannabis cultivation is allowed on parcels zoned FR.	The site plan and attached zoning map shows the existing cannabis cultivation areas are located on the property zoned FR, consistent with the zoning ordinance.
Min. Lot Size	One (1) acre	Approximately 39-acres
Min. Lot Width	Two hundred (200) feet	Approximately 1,200 feet
Max. Lot Depth	None specified	Approximately 1,300 feet
Max. Ground Coverage	35%	The existing coverage is far below the maximum allowed
Setbacks	Fire safe setbacks of 30 feet from all property lines applies	All existing development is more than 30 feet from all property lines
Max. Building Height	Thirty-five (35) feet	Existing structures are less than 35 feet

Zoning Section	Summary of Applicable Requirement	Evidence That Supports the Zoning Finding
314-55.4 Commercial Cultivation, Processing, Manufacturing and Distribution of Cannabis for Medical Use Inland Land Use Regulation (CMLUO)		
§314-55.4.8.2.2 Existing Cultivation	Existing outdoor cultivation areas up to one acre in size are allowed on parcels zoned FR provided they were in existence prior to January 1, 2016.	As shown on the site plan, all of the existing cultivation areas are within the FR-zoned area. The total cultivation area is 24,660 square feet (SF), which is below the permissible outdoor square footage of 43,560 SF. Photo and aerial imagery documentation on file with the Department shows the existing cultivation areas were in use prior to January 1, 2016. The existing source of water for all cultivation areas is a rainwater catchment pond. There also are two (2) bladders totaling 50,000 gallons that get filled by pond water.
§314-55.4.8.10 Permit Limit	No more than four commercial cannabis activity permits may be issued to a single person ⁱ .	According to records maintained by the Department, the applicant holds no other cannabis activity permits, and is entitled to four.
§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.	The existing processing facilities are shown on the site plan. The buildings will be used as cultivation processing facilities solely for product grown onsite. They will provide space for drying, curing, and processing cannabis. The Project's conditions of approval include the requirement that the applicant secure any required building permits for the structures. Furthermore, the project is conditioned to require that only the resident operators as described in the Cultivation and Operations Plan conduct processing operations. Any change will require the development of an ADSA compliant commercial processing building and washroom.
§314-55.4.9.4 Pre-Application Registration	Existing cultivation sites shall register with the County within 180 days of the effective date of this ordinance.	The applicant submitted the required registration form.
§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 except for the information about the leases as described above.

ⁱ "For purposes of this limitation, any natural person who owns or controls any interest, directly or indirectly, in a firm, partnership, joint venture, association, cooperative, collective, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit, shall be collectively considered a single person with those entities."

Zoning Section	Summary of Applicable Requirement	Evidence That Supports the Zoning Finding
§314-55.4.11 Performance Standards	Identifies the Performance Standards for Cannabis Cultivation Activities	All the applicable performance standards are included as conditions of project approval. They are required to be met throughout the timeframe of the permit.
§314-55.4.17 Sunset Date	No application for any Use Permit pursuant to the CMMLUO shall be processed for issuance or approval that is received after December 31, 2016.	The applicant submitted the Use Permit Application in June, 2016.

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 and the commercial cannabis operation will be conducted in accordance with the performance standards set forth in the CMMLUO. The Project as proposed and conditioned is consistent with the general plan and zoning ordinances; and the proposed Project is not expected to cause any 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
§312-17.1.5 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 parcel was not included in the 2014 Housing Inventory. However, the project also does not preclude any residential development.

6. Environmental Impact:

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

Continuation of the existing cultivation area will not result in any alteration to the Project site. The cultivation is also an agricultural activity that will occur in areas zoned FR. Accordingly, the Project may be found to be exempt from environmental review per Sections 15301 (Existing Facilities), 15304 (Minor Alterations to Land), and 15061(b)(3) (General Rule) of the California Environmental Quality Act (CEQA) Guidelines.

In addition, staff could not find any evidence of potential significant adverse environmental effect from permitting the existing cultivation of an agricultural product (medical marijuana) on soils with slopes less than 15% and non-diversionary source of irrigation water. Permitting of existing cultivation and greenhouses is exempt from CEQA guidelines by Section 15301, the categorical exemption for permitting of existing facilities.

ATTACHMENT 3

Applicant's Evidence In Support of the Required Findings

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

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

9. If the source of water is a well, a copy of the County well permit, if available. (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.
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)

ATTACHMENT 3A
Cultivation and Operations Plan



**GREEN
ROAD
CONSULTING**

Site Plan Overview and Cultivation and Operations Plan

Applicant/Owner

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I. Site Plan Overview

1.0 Project Information

Tina Gordon ("Applicant") is submitting this application for a Use Permit for commercial cannabis cultivation on her 39- acre farm, located near New Harris, CA ("Parcel"), Assessor's Parcel Number 218-031-07. This application is submitted through her agent, Kaylie Saxon of Green Road Consulting, Inc., and has been prepared in accordance with Humboldt County's ("County") Commercial Medical Marijuana Land Use Ordinance ("CMMLUO").

The Use Permit would achieve the following results for the Applicant:

- a. Bring the Applicant's existing 24,660 square feet of commercial cannabis cultivation activities in existence prior to January 1, 2016 into compliance with the County CMMLUO.
- b. Comply with applicable standards for water quality maintenance and watershed protection through the Waiver of Waste Discharge requirements of the North Coast Regional Water Quality Control Board ("Water Board") and California Department of Fish and Wildlife ("Fish and Wildlife").

2.0 Project Location

The Applicant's Parcel is located in the inland zone of Humboldt County near New Harris, CA. The Parcel is comprised of 39-acres and is identified by Assessor's Parcel Number ("APN") 218-031-07. The street address for the Parcel is 3224 Island Mountain Road, New Harris, CA.

2.1 Zoning Classification

The County's Zoning Classification of the Parcel is Forrest Recreation with a Use Code Description of Improved, Rural Residential, 20+ to 40 acres. The CMMLUO permits existing commercial cannabis cultivation on land zoned for Forrest Recreation with cultivation sites between 10,000 and 43,560 square feet with a Use Permit.

2.2 Site Topography

A map of the Parcel's topography is included as Attachment "A."

3.0 Easements

There aren't any easements for this Parcel.

4.0 Natural Waterways

The Parcel has one (1) unnamed Class III watercourse. There is a naturally occurring spring on the Parcel that is a tributary to Chamise Creek that the Applicant uses for domestic use. A Registration for Small Domestic Use Appropriation has been submitted to the State Water Resources Control Board, Division of Water Rights and is included in the Other Permits, Licenses and Documents section of this application.

The water used for cannabis cultivation is gathered from the Property's rainwater catchment system that includes a pond that should hold approximately 250,000 gallons of rainwater when full.

All water crossings have a 1600 Stream and Lake Bed Alteration Permit filed with Fish and Wildlife and a representative of their agency has gone on a site visit to the Parcel. All 1600's filed are included in the Other Permits, Licenses and Documents section of this application.

The Applicant has a Water Resource Protection Plan ("WRRP") for the Parcel and is enrolled in the Water Board's Waiver of Waste Discharge program as a Tier II discharger. A copy of the WRRP is included in the Other Permits, Licenses and Documents section of this application.

5.0 Location and Area of Existing Cultivation

The 24,660 square feet of existing cannabis cultivation located on the Parcel was existing prior to the January 1, 2016 deadline provided by the County. A Google Earth image documents the prior cultivation and is attached to the Activity Registration Form included in the Application section of this application. Commercial cannabis cultivation currently occurs in five (5) locations on the Parcel and can be viewed on the Site Plan, included in the Site Plan of Entire Parcel section of this application.

Cultivation Area #1

Cultivation Area #1 is approximately 6,835 square feet and is located in the southwestern quadrant of the Parcel. It consists of one (1) greenhouse, four (4) temporary hoop-style greenhouses and a small outdoor cultivation area. It resides within the proper buffer zones for the County and the Water Board.

Cultivation Area #2

Cultivation Area #2 is approximately 5,375 square feet and is located in the southwestern quadrant of the Property. It consists of one (1) greenhouse and one (1) outdoor cultivation area. Currently, 815 square feet of the cultivation area is too close to the unnamed Class III watercourse on the Property to abide by the Water Boards guidelines. That square footage will be relocated to Cultivation Area #3 (see Site Plan) to make the cultivation area compliant with the Water Board and County buffer zones. A fifty (50) foot buffer will be measured and flagged to ensure no cultivation is taking place within the buffer (see WRPP).

Cultivation Area #3

Cultivation Area #3 is approximately 5,150 square feet and is located in the southeastern quadrant of the property. It consists of one (1) outdoor cultivation area. It resides within the proper buffer zones for the County and the Water Board. Once the 815 square feet from Cultivation Area #2 and the 910 square feet from Cultivation Area #5 are relocated to this cultivation area, it will total approximately 5,970 square feet.

Cultivation Area #4

Cultivation Area #4 is approximately 5,000 square feet and is located in the southeastern quadrant of the property. It consists of one (1) outdoor cultivation area. It resides within the proper buffer zones for the County and the Water Board.

Cultivation Area #5

Cultivation Area #5 is approximately 2,300 square feet and is located in the northeastern quadrant of the property. Cultivation Area #5 is currently too close to the Class III watercourse on the property to abide by the Water Board's guidelines (see WRPP). This cultivation area will be moved to Cultivation Area #3 to make the land compliant with the Water Board and County buffer zones.

6.0 Setbacks of Cultivation Area

Cultivation Area #1

Cultivation Area #1 setbacks from the Parcel lines are 560 feet from the eastern line and 480 feet from the southern line.

Cultivation Area #2

Cultivation Area #2 setbacks from the Parcel lines are 225 feet from the eastern line and 465 feet from the southern line. 815 square feet of Cultivation Area #2 is moving to Cultivation Area #3, which is setback from the western line by 185 feet.

Cultivation Area #3

Cultivation Area #3 setbacks from the Parcel lines are 185 feet from the western line.

Cultivation Area #4

Cultivation Area #4 setback from the Parcel lines are 270 feet from the western line and 55 feet from the southern line.

Cultivation Area #5

Cultivation Area #5 is going to be completely relocated to Cultivation Area #3, which is setback from the western line by 185 feet.

7.0 Access Roads

The Parcel is located off Island Mountain Road, which is maintained by the County.

8.0 Graded Flats

There are no graded flats located on the Parcel.

9.0 Existing and Proposed Buildings

All buildings can be found in the Alternative Owner/Builder permit, included in the Other Permits, Licenses and Documents section of this application.

Residence

The residence on the Parcel was constructed in 1985 and located in the southeastern quadrant of the Parcel. The residence holds the proper permits required by the County.

Secondary Building

The building the Applicant will be using for drying the cannabis is labeled as the Secondary Building and is located on the northeastern quadrant of the parcel. It was built in 2008 and is currently being permitted through the Alternative Owner/Builder process outlined by the County.

Out Building #1

Out Building #1 was constructed in 2010 and is used for storage on the Parcel. It is located in the northwestern quadrant of the Parcel. It is currently being permitted through the Alternative Owner/Builder process outlined by the County.

Out Building #2

Out Building #2 was constructed in 2010 and is used for storage on the Parcel. It is located in the northwestern quadrant of the Parcel. It is currently being permitted through the Alternative Owner/Builder process outlined by the County.

Out Building #3

Out Building #3 was constructed in 2013 and is used for storage on the Parcel. It is located in the southeastern quadrant of the Parcel. It is currently being permitted through the Alternative Owner/Builder process outlined by the County.

Tool Shed

The Tool Shed was constructed in 2007 and is used for storage on the Parcel. It is located in the northeastern quadrant of the Parcel. It is currently being permitted through the Alternative Owner/Builder process outlined by the County.

Greenhouse

The Greenhouse was constructed in 2010 and is used for cannabis cultivation on the Parcel. It is located in the southwestern quadrant of the Parcel. It is currently being permitted through the Alternative Owner/Builder process outlined by the County. The other greenhouses located on the Parcel are temporary hoop-style greenhouses.

Storage Shed

The Storage Shed was constructed in 2013 and is used for storage on the Parcel. It is located in the southwestern quadrant of the Parcel. It is currently being permitted through the Alternative Owner/Builder process outlined by the County.

10.0 Water Storage, Use and Watershed Protection

10.1 Water Storage

All water used for the cultivation of cannabis is sourced on-site from the Parcel's rainwater catchment pond, located in the northeastern quadrant of the Parcel. The pond

is approximately 250x165 feet and should hold approximately 250,000 gallons of rainwater when full.

Water from the pond is diverted to seven (7) 2,500-gallon hard water tanks, located in the northwestern quadrant of the parcel. There are also two (2) water bladders that hold 50,000 gallons of diverted pond water.

10.2 Water Use

The amount of water used for the cultivation of cannabis will vary throughout the year, with peak periods of water use occurring during the summer months. The Applicant's cultivation and water use is outlined in the Cultivation and Water Usage Chart, attached as Attachment "B."

All water used for the cultivation of cannabis is sourced on-site from the Parcel's rainwater catchment pond, located in the northeastern quadrant of the Parcel. The pond is approximately 250x165 feet and should hold approximately 250,000 gallons of rainwater when full.

All irrigation of cannabis is completed by a timed drip system and is occasionally supplemented by hand during the peak dry months at an agronomic rate.

10.3 Watershed Protection

The Parcel has one (1) unnamed Class III watercourse running through it and its domestic water is supplied by an unnamed natural spring that is a tributary of Chamise Creek. The cannabis cultivation occurs at least 50 feet away from the Class III watercourse, pursuant to the Water Board's specifications. The cannabis that is currently within that buffer zone will be relocated.

There are three (3) 1600 Stream and Lake Bed Alteration permits for the Property filed with the California Department of Fish and Wildlife. This insures that all stream crossings and the outflow for the rainwater catchment pond meet the requirements set by Fish and Wildlife. The 1600 permits are included in the Other Permits, Licenses and Documents section of this application.

The applicant has a Water Resource Protection Plan for the Property and is enrolled in the Water Board's Waiver of Waste Discharge program as a Tier II Discharge. A copy of the Water Resource Protection Plan is included in the Other Permits, Licenses and Documents section of this application.

11.0 Distances from Significant Landmarks

There are no schools, school bus stops, places of worship, public parks or Tribal Cultural Resources Dimensions within 600 feet of the cultivation site. There also are not any off-site residences within 300 feet of the cultivation site

II. Cultivation and Operations Plan

1.0 Water Use

The amount of water used for the cultivation of cannabis will vary throughout the year, with peak periods of water use occurring during the summer months. The Applicant's cultivation and Water Usage is outlined in the Cultivation and Water Usage chart, attached as Attachment "B."

All water used for the cannabis cultivation is sourced on-site from the Property's rainwater catchment pond. The pond is approximately 250x165 feet and should hold approximately 250,000 gallons when full. All irrigation of cannabis is completed by a timed drip system and is occasionally supplemented by hand during the peak dry months at an agronomic rate.

2.0 Watershed Protection

The Parcel has one (1) unnamed Class III watercourse running through it and its domestic water is supplied by an unnamed natural spring that is a tributary of Chamise Creek. The cannabis cultivation occurs at least 50 feet away from the Class III watercourse, pursuant to the Water Board's specifications. The cannabis that is currently within that buffer zone will be relocated.

There are three (3) 1600 Stream and Lake Bed Alteration permits for the Property filed with the California Department of Fish and Wildlife. This insures that all stream crossings and the outflow for the rainwater catchment pond meet the requirements set by Fish and Wildlife. The 1600 permits are included in the Other Permits, Licenses and Documents section of this application.

The applicant has a Water Resource Protection Plan for the Property and is enrolled in the Water Board's Waiver of Waste Discharge program as a Tier II Discharge. A copy of the Water Resource Protection Plan is included in the Other Permits, Licenses and Documents section of this application.

3.0 Materials Storage

Currently, there are no pesticides or herbicides registered specifically for use directly on cannabis. Neem oil, horticulture oil and sulfur are used to control mites and powdery mildew. These items were accepted under Legal Pest Management Practices for Marijuana Growers in California.

All fertilizers and amendments are located in a storage shed on the Property. Fertilizers and amendments are placed on the shelves and floor where any spill will be contained. Currently, organic amendments are added to the soil. Cannabis plants are then fed throughout the season with an organic compost tea. All labels are kept and directions are followed when amendments are applied. The storage area is in need of posted instructions for storing fertilizers and amendments, instructions for cleaning up spills and a spill kit that contains a container, gloves, towels, absorbent socks and an absorbent material (kitty litter). This is outlined in the Applicant's included Water Resource Protection Plan.

4.0 Cultivation Activities

Cultivation activities typically begin in April when cannabis plants are started in 4-inch pots in one of the Property's greenhouses. Soil is amended with organic amendments and compost tea is added throughout the season. Plants will continue their veg cycle under LED lighting until June when they will be beginning their flowering cycle. Plants are then transplanted into larger pots or into soil beds. Harvest of the cannabis begins around August and usually occurs to until November.

5.0 Processing Practices

After being harvested, the cannabis is taken into the Secondary Building (see Site Plan) where it will be dried, machine trimmed, cured and stored. The Applicant and her family will be performing all of the cannabis related work on the Parcel. All work surfaces and equipment are maintained in a clean, sanitary condition. Protocols to prevent the spread of mold are strictly followed. The final cannabis product is then stored in a secure location.

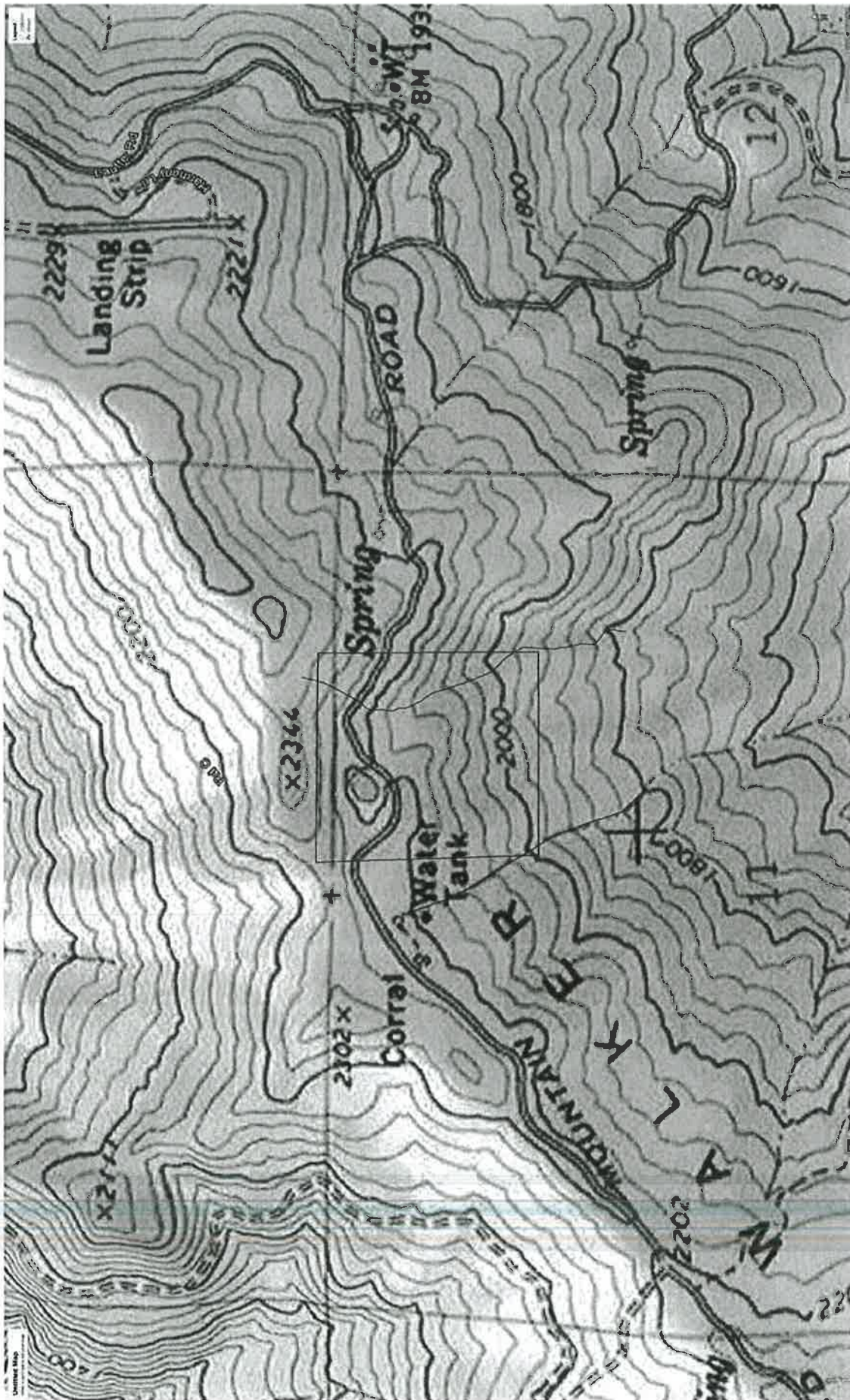
6.0 Security Measures

The road/driveway accessing the Property is blocked by locked gates. Gates are of heavy steel construction and a 5/16 inch harden steel shackle combination lock is used. There is a 6' perimeter fence surrounding 1/3 of the property that is within the proper guidelines for the County. All of the cultivation areas are fenced and the gates are locked. All greenhouses are fenced and have locked doors. Security cameras will be installed and monitored.



**GREEN
ROAD**
CONSULTING

Attachment "A"





**GREEN
ROAD**
CONSULTING

Attachment “B”

Cultivation and Water Usage

(Tina Gordon – 218-031-07)

Month	Stage of Cultivation			Cultivation Space per Stage (Square Footage)*	Water Usage (gallons/month)
	Vegging	Flowering	Harvesting		
EXAMPLE	X	X		1,200 sq. ft. – Vegging 1,500 sq. ft. – Flowering	5,000 gal/month
January					
February					
March					
April	X			1,500 sq. ft. – Vegging	30 gal/day, 900 gal/month
May	X			4,500 sq. ft. – Vegging	90 gal/day, 2,790 gal/month
June	X			10,000 sq. ft. – Vegging	400 gal/day, 12,000 gal/month
July	X			24,660 sq. ft. – Vegging	986.4 gal/day, 30,578.4 gal/month
August		X		24,660 sq. ft. – Flowering	986.4 gal/day, 30,578.4 gal/month
September		X		24,660 sq. ft. – Flowering	739.8 gal/day, 22,194 gal/month
October		X		24,660 sq. ft. – Flowering	739.8 gal/day, 22,933.8 gal/month
November					
December					

*With a Plant Density of 0.40

ATTACHMENT 4

Referral Agency Comments And Recommendations

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

Referral Agency	Recommendation	Location
Building Inspection Division	Approval	On file with Planning
Land Use Division	Encroachment improvements required	On file with Planning
Division of Environmental Health	Approval	On file with Planning
Calfire	No Response	
Department of Fish & Wildlife	Conditional Approval	On file with Planning
NWIC	Recommended Cultural Study	On file with Planning
Bear River Band of the Rohnerville Rancheria	No formal response	
RWQCB	No Response	
Farm Bureau	No Response	