



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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Hearing Date: January 18, 2018

To: Humboldt County Planning Commission

From: Steve Werner, Supervising Planner

Subject: **Innovation West, dba Panther Gap Farms**
Application Number 10554
Case Number SP- 16-051
Assessor's Parcel Number 107-235-002
2828 Panther Gap Road, Honeydew Area

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

AGENDA ITEM TRANSMITTAL

Hearing Date January 18, 2018	Subject Special Permit	Contact Michelle Nielsen
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Project Description: In compliance with the County's Commercial Medical Marijuana Land Use Ordinance (CMMLUO), a Special Permit (SP) is requested for an existing commercial medical cannabis operation, referred to as Panther Gap Farms. The requested approval includes operation of an existing mixed-light commercial medical cannabis cultivation on a 20-acre parcel identified as APN 107-235-002. The parcel has an existing cultivation area of 35,000 square feet. The requested SP would reduce the operation to 10,000 square feet. The decommissioned sites would be required to be remediated as part of the SP. The only structures proposed for use in the operation are existing greenhouses. Water sources for the operation include an existing groundwater well, located on the adjacent property APN107-235-007 (under the same ownership) and a surface water diversion subject to an existing California Department of Fish and Wildlife (CDFW) Lake and Streambed Alteration Agreement ([LSAA] 1600 permit). The applicant will forbear use of surface water from May 15 through October 31, during which time the well will be the sole source of irrigation. CDFW has certified that the existing, permitted well on APN# 107-235-007 is non-jurisdictional. Electrical service is provided by Pacific Gas and Electric Company and generators will only be used on an emergency basis in case of power loss. The agricultural operation will require one to three full-time employees; all processing will be performed at a permitted, off-site facility. Portable toilet facilities will be provided. The applicant has enrolled with the North Coast Regional Water Quality Control Board (NCRWQCB) Cannabis Waste Discharge Regulatory Program as a Tier 2 discharger.

The parcel to the north of the property (APN# 107-235-003) is owned by the U.S. Government, abuts Humboldt Redwoods State Park, and is managed for open space and/or wildlife habitat purposes. It is within 600 feet of the existing cultivation area; however, no developed or designated recreational facilities are within 600 feet of the cultivation area. The allowance for a property line setback reduction of 600 feet from a Public Park to the proposed 189 feet would need to be approved as part of this project.

Project Location: The project site is located in the Honeydew area, on the east side of Panther Gap Road, approximately four miles east of the town of Honeydew, on the property known as 2828 Panther Gap Road.

Present Plan Land Use Designations: Residential Agriculture (RA40), Density: one dwelling unit per 40 acres; Slope Stability: Moderate Instability (2)

Present Zoning: Unclassified (U)

Case Numbers: SP16-051

Application Number: 10554

Assessor Parcel Number: 107-235-002

Applicant

Innovation West, dba
Panther Gap Farms
Robert Renfro Jr.
600 F Street, Suite 3-611
Arcata, CA 95521

Owners

Same as applicant

Agent

Lenders Construction Services
Jeff Smith
PO Box 6218
Eureka, CA 95502

Environmental Review: CEQA Exemption Section: 15301-Existing Facilities; Section 15333-Small Habitat Restoration Projects

Major Issue: None.

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

Innovation West, dba Panther Gap Farms Special Permit

Case Numbers SP 16-051

Assessor's Parcel Number (APN): 107-235-002

Recommended Commission Action

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

Find the project exempt from environmental review pursuant to Sections 15301 and 15333 of the State CEQA Guidelines, make all of the required findings for approval of the Special Permit based on evidence in the staff report and any public testimony, and adopt the Resolution approving the proposed Innovation West, dba Panther Gap Farms Special Permit subject to the recommended conditions.

Executive Summary

The proposed Special Permit (SP) would allow an existing operation of up to 10,000 square feet of mixed-light commercial medical cannabis cultivation on a 20-acre parcel in compliance with the County Commercial Medical Marijuana Land Use Ordinance (CMMLUO). The parcel (APN 107-235-002) has an existing operation of approximately 35,000 square feet. The Special Permit would require the applicant to retire approximately 25,000 square feet of existing cultivation, resulting in an overall reduction in cultivation area to 10,000 square feet.

The current cultivation operation consists of existing greenhouses located on an area of the property that has previously been cleared. The applicant has contracted with a registered professional forester (RPF) to evaluate site conditions and conversion history for the subject property. The RPF has provided a written timberland conversion report documenting that the less than 3 acre opening area has been in existence since at least 1968, and has been maintained as an opening and a home site continuously since that time. As required by the CMMLUO staff submitted the RPF report to the California Department of Forestry and Fire Protection (CAL-FIRE). CAL-FIRE has responded that they concur with the report finding that the prior activity meets the intent of not requiring a conversion permit.

There is an existing surface water diversion located on a Class II tributary to Middle Creek and the Mattole River that provides water to the cultivation operation. This diversion has a pending registration filed with the California State Water Resources Control Board for Small Domestic Use Appropriation, and a California Department of Fish and Wildlife (CDFW) Lake and Streambed Alteration Agreement ([LSAA] 1600-2015-0532-R1) has been completed for the diversion. No water will be diverted for cannabis irrigation between March 15 and October 31. In addition to this permitted and seasonally constrained diversion, the water source providing irrigation water during the forbearance period will be an existing, permitted groundwater well on an adjacent property, APN 107-235-007 owned by the applicant. Given that a person cannot dedicate an easement to him or herself, the applicant will be required to prepare a Contingent Easement on forms provided by the County Planning Department, along with recordation fees. When/if the property is transferred the actual easement is executed and recorded. CDFW has verified that the existing well is non-jurisdictional, and well flow rates are consistent with reported water use. The project will require 128,000 gallons annually, including 111,000 gallons during the forbearance period.

There are no legacy cultivation sites in Streamside Management Areas (SMAs), and the project

is in conformance with Humboldt County Code (HCC) 314-61.1 et seq. None of the sites that will be decommissioned are located in SMAs or sensitive habitat areas; however, all decommissioned or retired cultivation sites are required to be remediated to the satisfaction of the County.

The SP for this project covers cultivation activities only. All associated processing would be performed at a permitted, off-site facility. All product will be sold to state-licensed facilities on a wholesale basis. The cultivation operation would require one to three full-time employees. Cultivation activities would utilize greenhouses; the Building Inspection Division has required the applicant to submit floor plans for all greenhouses, and as-built plans for all existing structures on the property as a condition of approval. There are no other buildings planned for use in the cultivation operation, per the applicant's submitted Cultivation Operations Plan (Attachment 3). When using artificial lighting for mixed-light cultivation, shields will be deployed to cover greenhouses so that no light escapes during nighttime hours. The light source will comply with the International Dark Sky Association standards for Lighting Zone O and Lighting Zone 1, and be designed to regulate light spillage into forest habitat or onto neighboring properties resulting from backlight, uplight, or glare.

Power is provided by Pacific Gas and Electric Company. Generators would be used on an emergency basis only, and would be subject to a noise pollution prevention plan that would limit noise impacts to less than 50 decibels at the property line or the forest canopy to avoid harassment of marbled murrelet or spotted owl species. Fuel will be stored and handled in compliance with applicable regulations, and generators and their operation will meet all requirements of the North Coast Unified Air Quality Management District including registration and permitting.

Cultivation activities would be subject to the Cultivation Operations Plan (Attachment 3) and occur on the following schedule: planting in April and July, basic plant care April through September, and harvest in July and October. Hours of operation will generally be from 7:00 a.m. to 7:00 p.m. During periods of seasonally high workloads, however, the hours of operation may increase to 16 hours per day. Commercial activities such as shipping and receiving will occur during the hours of 8:00 a.m. and 6:00 p.m. The Cultivation Operations Plan in Attachment 3 also includes a security plan. Security measures include the use of outdoor lighting, video surveillance, a security/alarm system, access control, and supervised visitor access. The project will not be open to the public and will not accept visitors without pre-authorized permission. Only authorized representatives of state-licensed customer facilities and appropriately licensed vendors will be allowed to enter the site under supervision. Any other vendors or maintenance workers allowed in the facility will be escorted at all times. The applicant or lessee will contract with an appropriate temporary sanitation facilities services provider to provide and maintain toilet and hand-washing facilities in accordance with the requirements of Cal-OSHA and ADA/California accessibility regulations; the Department of Public Health has included a condition that invoices be provided confirming compliance with the applicant's sanitation commitment made in the Cultivation and Operations Plan. Solid waste will be sorted, recycled as appropriate, and transported weekly to an appropriate waste disposal location.

The parcel to the north of the property (APN107-235-003) is owned by the U.S. Government, abuts Humboldt Redwoods State Park, and is managed for open space and/or wildlife habitat purposes. It is within 600 feet of the existing cultivation area; however, no developed or designated recreational facilities are within 600 feet of the cultivation area. The allowance for an exception for a setback reduction to 189 feet from a Public Park would need to be approved as part of this project. Cultivation areas are sited at least 30 feet from the property line and 300 feet from residences on adjacent properties, and there are no schools, school bus stops, places

of worship, or Tribal Cultural Resources within 600 feet of the cultivation areas. An archaeological survey and cultural resources study has determined there are no cultural or historic resources in or near the project areas.

Road access is via Panther Gap Road. A portion of Panther Gap Road is county-maintained. The applicant has completed a cumulative road evaluation report for the non-county-maintained portion of Panther Gap Road, with photo points, maps, and measurements recorded by Manhard Consulting certifying a Category 4 equivalence for all roads. Department of Public Works is requiring that the applicant secure an encroachment permit and implement improvement of the junction of the non-county-maintained segment of Panther Gap Road and the county-maintained segment of Panther Gap Road as condition of approval. The applicant has submitted a supplemental transportation plan for employee access (in Attachment 3) that will reduce traffic impacts to roads.

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 Special Permits.

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 projects are 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 18-**

**Case Numbers SP 16-051
Assessor's Parcel Number: 107-235-002**

Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the Innovation West dba Panther Gap Farms Special Permit request.

WHEREAS, Innovation West dba Panther Gap Farms submitted an application and evidence in support of approving the Special Permit to permit an existing ten thousand (10,000) square feet mixed-light commercial medical cannabis cultivation site; and

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 Section 15301 (Existing Facilities) and 15333 (Small Habitat Restoration Projects) of the State 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 Special Permit (Case Number SP 16-051); and

WHEREAS, a public hearing was held on the matter before the Humboldt County Zoning Administrator on January 18, 2018.

NOW, THEREFORE, be it resolved, determined, and ordered by the Humboldt County Zoning Administrator that the following findings be and are hereby made:

1. The proposed project is categorically exempt from environmental review pursuant to Section 15301 (Existing Facilities) and 15333 (Small Habitat Restoration Projects) of the State CEQA Guidelines; and
2. The findings in Attachment 2 of the Planning Division staff report support approval of Case Number SP 16-051 based on the submitted substantial evidence; and
3. Special Permit Case Number SP 16-051 is approved as recommended and conditioned in Attachment 1, including a provision that the 600 foot setback from parklands is reduced to 189 feet as shown on the submitted site plan.

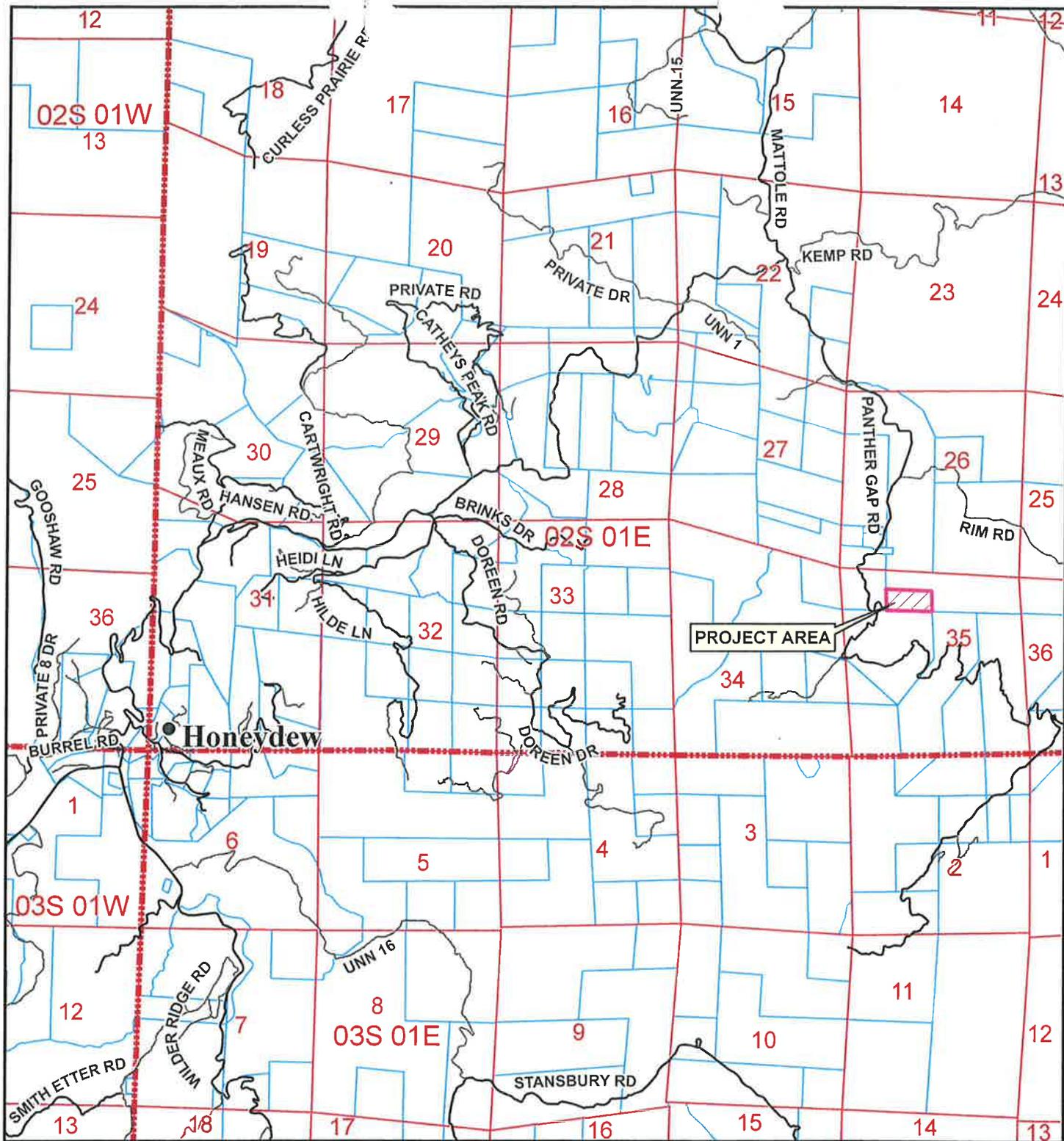
Adopted after review and consideration of all the evidence on January 18, 2018.

The motion was made by COMMISSIONER _____ and second by COMMISSIONER _____:

AYES: COMMISSIONERS:
NOES: COMMISSIONERS:
ABSENT: COMMISSIONERS:
ABSTAIN: 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



LOCATION MAP

**PROPOSED INNOVATION WEST
SPECIAL PERMIT
HONEYDEW AREA
CUP-16-051**

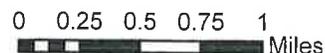
APN: 107-235-002

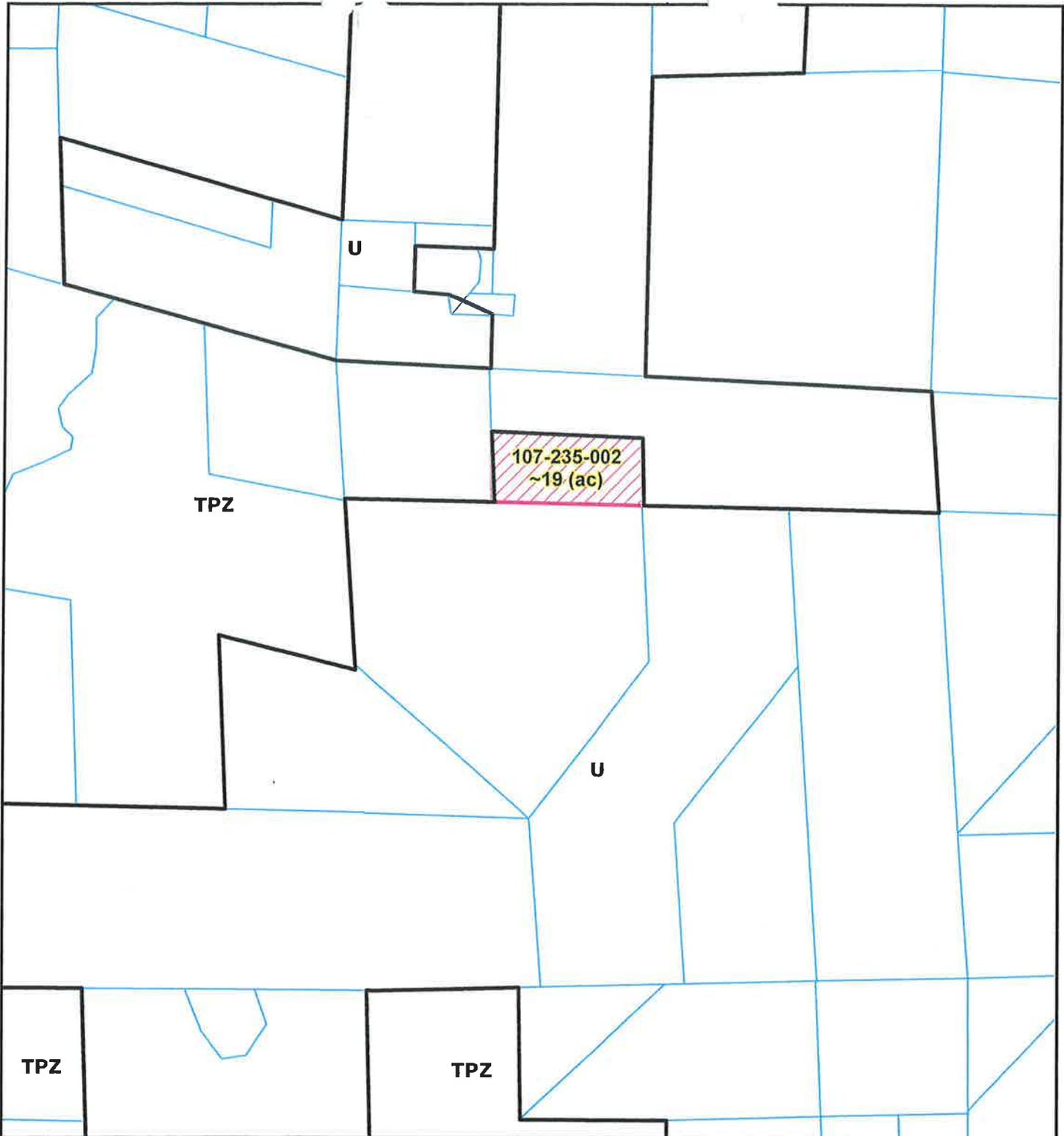
T02S R01E S35 HB&M (Bull Creek)

Project Area = 



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





ZONING MAP

**PROPOSED INNOVATION WEST
SPECIAL PERMIT
HONEYDEW AREA
CUP-16-051
APN: 107-235-002
T02S R01E S35 HB&M (Bull Creek)**

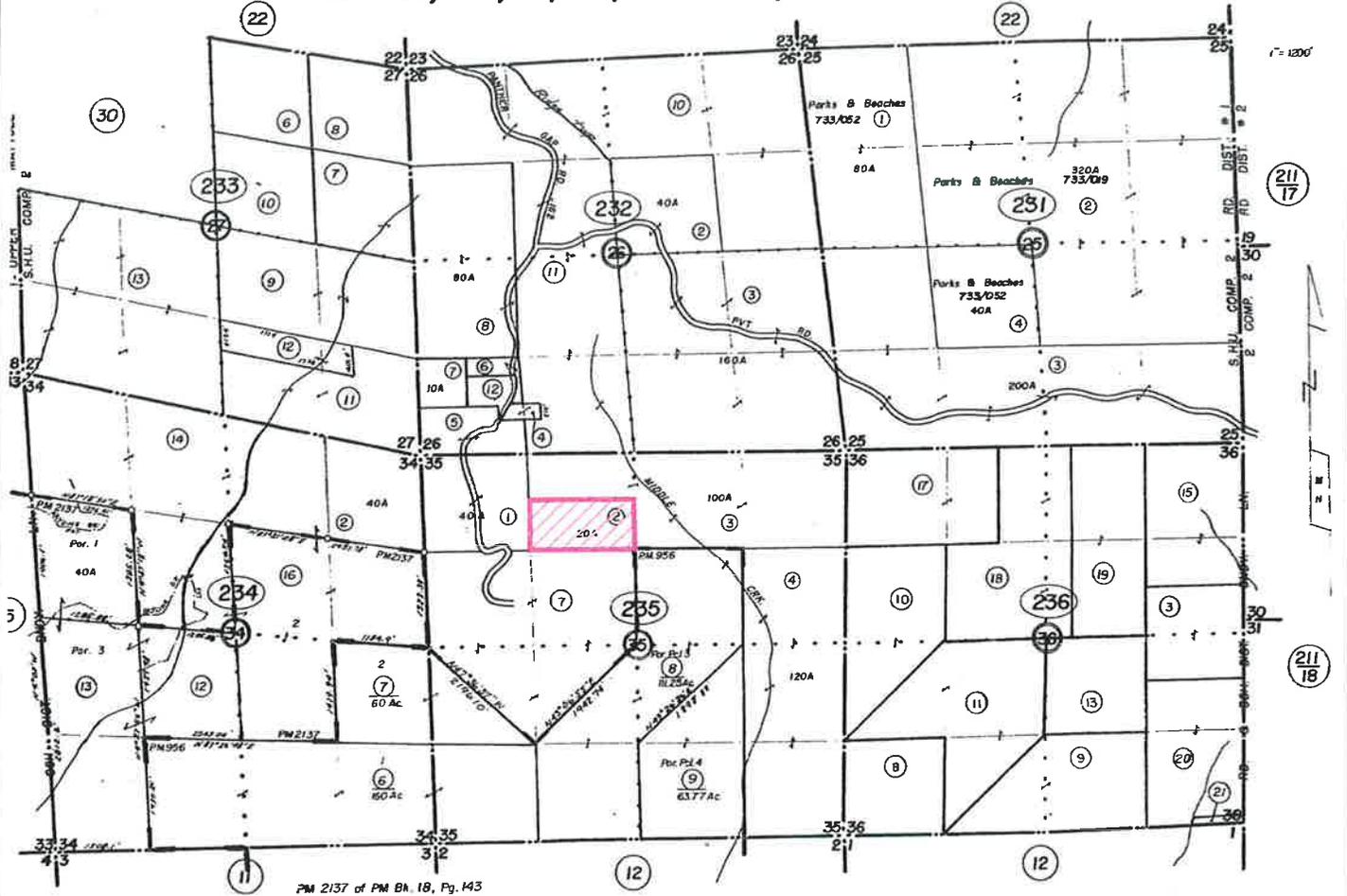
Project Area = 



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

SECS 25, 26, 27, 34, 35 & 36, 2S 1E

107-23



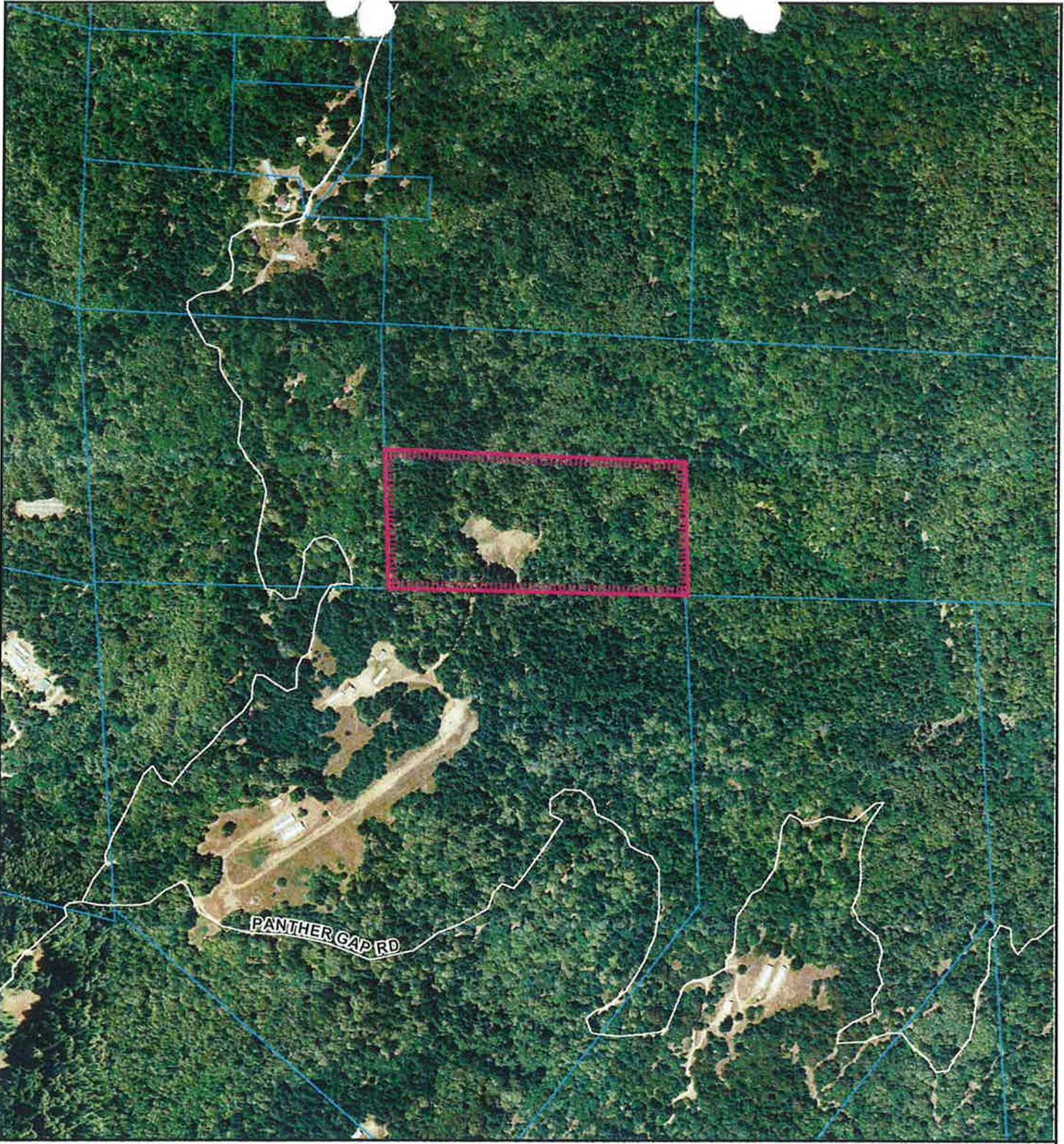
PM 2137 of PM Bk. 18, Pg. 143

1.No.956 of PM. Bk. 8, Pg. 89 thur 91

PROJECT SITE = 

ASSESSOR PARCEL MAP
PROPOSED INNOVATION WEST
SPECIAL PERMIT
HONEYDEW AREA
CUP-16-051
APN: 107-235-002
T02S R01E S35 HB&M (Bull Creek)

MAP NOT TO SCALE



AERIAL MAP

**PROPOSED INNOVATION WEST
SPECIAL PERMIT
HONEYDEW AREA
CUP-16-051**

APN: 107-235-002

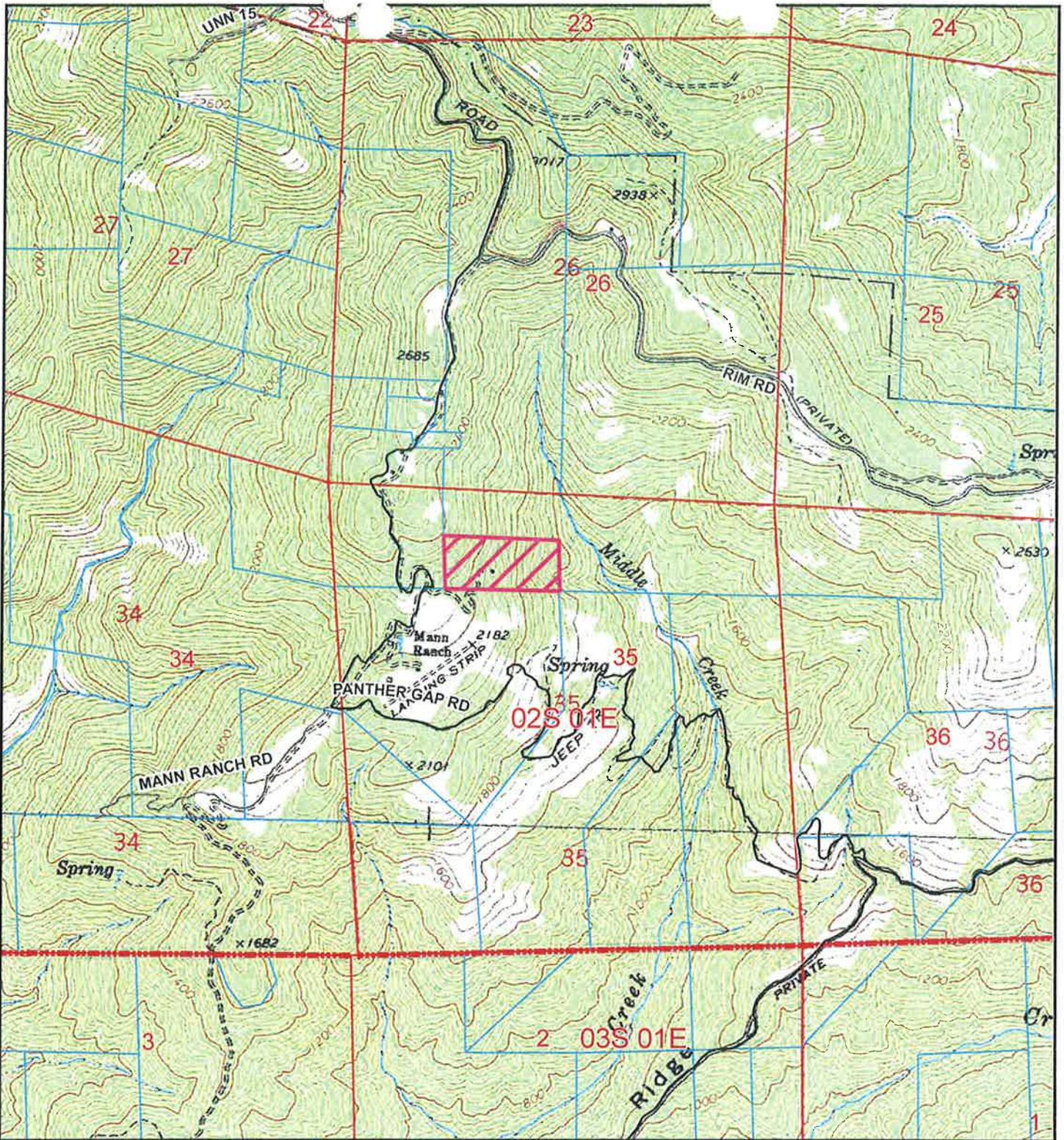
T02S R01E S35 HB&M (Bull Creek)

Project Area = 



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





TOPO MAP

**PROPOSED INNOVATION WEST
SPECIAL PERMIT
HONEYDEW AREA
CUP-16-051
APN: 107-235-002
T02S R01E S35 HB&M (Bull Creek)**

Project Area = 



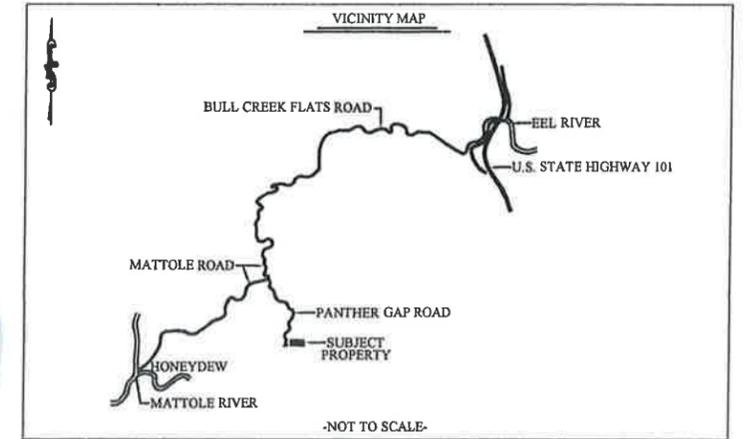
This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.



27 26
34 35

APN 107-235-001
ELIZABETH CROWDER

APN 107-235-003
UNITED STATES OF AMERICA



N89°36'50"W
1439.27

PROPOSED 10,000 SF OF
CULTIVATION AREA

APN 107-235-003
UNITED STATES OF AMERICA

NOTES

1. ZONING: U (UNCLASSIFIED)
2. ACCORDING TO FEMA MAPPING THERE IS NO FLOOD MAP FOR THIS AREA.
3. THE PROPERTY LINES SHOWN ON THIS PLOT PLAN ARE PER RECORD MAPS, BOOK 8 PARCEL MAPS, PAGE 89 AND BOOK 18 PARCEL MAPS, PAGE 143.
4. BUILDING AND ROAD LOCATIONS ARE PER AERIAL MAPPING AND ARE APPROXIMATE.
5. DIRECTIONS OF RUNOFF ARE PER AERIAL MAPPING AND ARE APPROXIMATE.
6. THIS PROPERTY MAY BE ENCUMBERED BY THE FOLLOWING RECORDED INSTRUMENTS:
 1. BOOK 13 O.R., PAGE 262 - EASEMENT FOR PUBLIC UTILITIES GRANTED TO PACIFIC GAS AND ELECTRIC COMPANY.
 2. INSTRUMENT NO. 1993-991-5 - TERMS AND PROVISIONS OF A GRANT OF RIGHT OF WAY IN FAVOR OF ERIC JEWKES AND CHRISTOPHER JEWKES.
 3. INSTRUMENT NO. 1993-32494-7 - TERMS AND PROVISIONS OF A GRANT OF RIGHT OF WAY IN FAVOR OF ERIC JEWKES AND CHRISTOPHER JEWKES.
 4. INSTRUMENT NO. 1997-6051-7 - TERMS AND PROVISIONS OF A GRANT OF RIGHT OF WAY.
 5. INSTRUMENT NO. 1997-6052-9 - TERMS AND PROVISIONS OF A GRANT OF RIGHT OF WAY.
 6. INSTRUMENT NO. 1997-6053-13 - TERMS AND PROVISIONS OF A MEMORANDUM OF AGREEMENT.
 7. INSTRUMENT NO. 1997-6054-9 - TERMS AND PROVISIONS OF A GRANT OF EASEMENT.
 8. INSTRUMENT NO. 1997-6055-8 - TERMS AND PROVISIONS OF A GRANT OF EASEMENT.
7. NO MAJOR VEGETATION REMOVAL PROPOSED.
8. NO GRADING OR FILL REQUIRED.
9. ALL EXISTING CULTIVATION AREAS OUTSIDE OF "EXISTING CANNABIS CULTIVATION AREA - 10,000 SQUARE FEET" HAVE BEEN DECOMMISSIONED.
10. THERE ARE NO SCHOOLS, SCHOOL BUS STOPS, PLACES OF WORSHIP, PUBLIC PARKS, OR TRIBAL CULTURAL RESOURCES WITHIN 600 FEET OF THE CULTIVATION SITE.
11. THERE ARE NO OFF-SITE RESIDENCES WITHIN 300 FEET OF CULTIVATION SITE.
12. EXISTING WELL AND PROPOSED WATER LINE LOCATION ARE PER OWNER.

S89°35'44"E
1451.29

PROPOSED WATER LINE

EXISTING STRUCTURE

EXISTING WELL

APN 107-235-008
ROBERT T. RENFRO JR.

APN 107-235-007
ROBERT T. RENFRO JR.



Michael J. O'Hern
MICHAEL J. O'HERN L.S. 4829

APPLICANT: INNOVATION WEST
600 F STREET, STE 3-611
ARCATA, CA 95521
(707)496-8238

APN 107-235-002
PLOT PLAN
FOR
INNOVATION WEST

IN
S 1/2 NE 1/4 NW 1/4 SECTION 35 T2S, R1E, HUMBOLDT MERIDIAN
IN THE UNINCORPORATED AREA OF HUMBOLDT COUNTY
DECEMBER 2016 SCALE 1" = 300'

HUMBOLDT COUNTY
STATE OF CALIFORNIA

KELLY-O'HERN ASSOCIATES
EUREKA, CALIFORNIA



ATTACHMENT 1
Recommended Conditions of Approval

APPROVAL OF THE SPECIAL PERMIT 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 2–13. The agreement shall provide a timeline for completing all outstanding items. All activities detailed under the agreement must be completed to the satisfaction of the Planning and Building Department before the permit may be finalized and no longer considered provisional.
2. The applicant shall submit a revised site plan that identifies the location of the restoration area, all water courses, all existing and proposed structures, water lines and water storage facilities, electrical utility lines, and location of adequate off-street parking for agricultural employees to the Building Inspection Division. The applicant shall also submit floor plans for all greenhouses and as-built plans for all existing structures on the property to the Building Inspection Division. The applicant shall secure permits for all structures related to the cannabis cultivation activity. A letter or similar communication from the Building Division verifying that all requirements have been met will satisfy this condition. No impervious floor shall be allowed for greenhouses.
3. The applicant shall provide a noise pollution prevention plan demonstrating that the proposed project's backup generator(s) shall not be audible by humans from neighboring residences. The cumulative decibel level for generator(s) measured at the property line shall be no more than 60 decibels. Where applicable, sound levels must also show that they will not result in the harassment of marbled murrelet or spotted owl species. Conformance will be evaluated using current auditory disturbance guidance prepared by the United States Fish and Wildlife Service, and further consultation where necessary. Under these guidelines, generator noise may not exceed 50 decibels as measured at 100 feet from the generator or at the edge of the nearest marbled murrelet or spotted owl habitat, whichever is closer. Should the applicant propose to achieve noise attenuation by placing the generators inside a building(s), the applicant shall secure a building permit prior to construction.
4. When using artificial lighting for mixed-light cultivation, shields shall be deployed to cover greenhouses so that no light escapes during nighttime hours. The light source shall comply with the International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1, and be designed to regulate light spillage into forest habitat or onto neighboring properties resulting from backlight, uplight, or glare.
5. The applicant shall improve the intersection of the existing access road, Panther Gap Road, and the county-maintained section of Panther Gap Road, to meet County Standards for visibility and improvement after obtaining an encroachment permit from the Department of Public Works for these improvements as identified in the Public Works referral dated April 20, 2017 included herein as Exhibit A of Attachment 1. The applicant will complete the intersection improvements requested by Public Works within one year of permit issuance. A letter or similar communication from the County Department of Public Works verifying that these requirements have been met will satisfy this condition.

6. The applicant shall provide invoices, or equivalent documentation, to the Division of Environmental Health (DEH) to confirm the use of portable toilets to serve the needs of cultivation staff. A letter from DEH confirming this documentation has been submitted will satisfy this condition.
7. A Contingency Easement on forms provided by the Planning and Building Department shall be recorded establishing a valid, permanent legal right to water use from the well source on APN 107-235-007, including use of water lines and appurtenances, and quantifying the amount of water deeded.
8. The applicant shall agree to use a water meter to measure the amount of water provided to the cultivation area during the forbearance period, and maintain records of water use for review by Planning staff in conjunction with the annual on-site compliance inspection..
9. The applicant shall submit one copy of the final Water Resource Protection Plan (WRPP) to the Planning and Building Department. The applicant shall implement all corrective actions detailed within the Water Resource Protection Plan (WRPP) developed for the parcel, prepared pursuant to Tier 2 enrollment under the North Coast Regional Water Quality Control Board Cannabis Cultivation Waste Discharge Regulatory Program, including those measures determined necessary during annual and periodic site inspections in accordance with the monitoring element. A copy of the report form portion of the Mitigation and Reporting Program (MRP) shall be submitted annually to the Planning and Building Department concurrent with the submittal to the NCRWQCB. A letter or similar communication from the NCRWQCB or the Third Party Consultant verifying that all their requirements have been met will satisfy this condition. [After July 31, 2019, plans and reporting shall conform to the Cannabis Cultivation Policy and Cannabis General Order adopted October 17, 2017 by the State Water Board.]
10. The applicant shall abide by all terms of the current, valid CDFW Lake and Streambed Alteration Agreement ([LSAA] 1600-2015-0532-R1), including the forbearance and reporting requirements. A letter or similar communication from the CDFW verifying that all their requirements have been met will satisfy this condition.
11. The applicant shall submit a copy of the Small Irrigation Use Registration (SIUR) application filed with the State Water Resources Control Board, Division of Water Rights.
12. For all decommissioned cultivation areas, the applicant is required to remove all associated infrastructure used for cultivation. The applicant shall retain a professional biologist to complete and submit Remediation, Restoration and Monitoring Plans for all areas decommissioned from cannabis cultivation to the satisfaction of the County and CDFW. At minimum, restoration should include removal of invasive non-native plant species, minor re-contouring by hand using the native soil with any imported non-native soils removed, the areas mulched to prevent erosion, and the areas replanted with native species. Remediation Plans shall include provisions for post-treatment monitoring and further remedial measures instituted if required.
13. Water meters shall be installed on the water lines providing irrigation flow to the cultivation sites. The water meters shall have the capacity to measure at least 100,000 gallons of flow before resetting. The water meters shall be used to measure the amount of water provided to the cultivation area during the forbearance period. The meters shall be installed at a point on the water lines that provides an accurate measurement of the water used for irrigation. Both

the surface water point of diversion onsite and the off-site well shall be metered. Household water use at the residence, if applicable, shall be separately metered if required.

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

1. All components of project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, and these conditions of approval. Changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan.
2. Off-site processing is method of processing chosen. When the off-site licensed processing facility is selected, this permit shall be supplemented to provide the identity of the off-site licensed facility. Should an on-site processing facility be proposed in the future, a modification of this permit would be necessary.
3. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) and Medical Cannabis Regulation and Safety Act (MCRSA), as applicable to the permit type.
4. 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 years from the date of issuance of a provisional clearance or permit. Permittee shall provide plans for curing such violations to the Planning and Building Department within one year of issuance of the provisional clearance or permit. If good faith effort towards compliance can be shown within the two years following the issuance of the provisional clearance or permit, The Planning Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow for additional time to meet the outstanding requirements.
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. Compliance with all statutes, regulations and requirements of the California State Water Resources Control Board and the Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration, as applicable.
7. Confinement of the area of cannabis cultivation to the locations depicted on the approved site plan. The commercial cannabis activity shall be set back at least 30 feet from any property line, and 600 feet from any School, School Bus Stop, Church or other Place of Religious Worship, or Tribal Cultural Resources, except where a reduction to this setback has been approved pursuant to County Code Section 55.4.11(d). The allowance for a setback reduction from the required 600 foot setback from a Public Park to a 189 foot setback from the North property line is recommended for approval as part of this project. The adjacent property to the North is owned by the U.S. government and abutting Humboldt Redwoods State Park is managed for open space and/or wildlife habitat purposes, and no developed or designated recreational facilities are within 600 feet of the cultivation area.

8. Maintain enrollment in Tier 1, 2 or 3, certification with the NCRWQCB Order No. R1-2015-0023, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
9. For cultivation area(s) for which no enrollment pursuant to RWQCB Order No. R1-2015-0023 is required by that Order, comply with the standard conditions applicable to all Tier 1 dischargers.
10. Comply with the terms of any applicable Streambed Alteration (1600) Permit obtained from the California Department of Fish & Wildlife (CDFW).
11. Comply with the terms of the less-than-3-acre conversion exemption or timberland conversion permit, approved by the CAL FIRE, if applicable.
12. 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).
13. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
14. Pay all applicable application and annual inspection fees.
15. 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 15 to October 31 of each year (or whatever is dictated in the final Lake and Streambed Alteration Agreement [LSAA], whichever is more stringent) 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 WRPP or other clearance issued by the agency. If the method of compliance changes during the term of the SP, permittee shall notify the Planning and Building Department and furnish appropriate documentation of compliance with this standard.
16. At least one water meter shall be installed on the water line providing irrigation flow to the cultivation site. The water meter shall have the capacity to measure at least 100,000 gallons of flow before resetting. The water meter shall be used to measure the amount of water provided to the cultivation area during the forbearance period. The meter shall be installed at a point on the water line that provides an accurate measurement of the water used for irrigation. Household water use at the residence shall be separately metered if required.
17. The noise produced by a generator used for any cannabis operations shall not be audible by humans from neighboring residences. The decibel level for generators measured at the property line shall be no more than 60 decibels. Where applicable, sound levels must also show that they will not result in the harassment of marbled murrelet or spotted owl species. Conformance will be evaluated using current auditory disturbance guidance prepared by the United States Fish and Wildlife Service, and further consultation where necessary. Under these guidelines, generator noise may not exceed 50 decibels as measured at 100 feet from the generator or at the edge of the nearest marbled murrelet or spotted owl habitat, whichever is closer.

18. Storage of Fuel - Fuel shall be stored and handled in compliance with applicable state and local laws and regulations, including the County of Humboldt's CUPA program, and in such a way that no spillage occurs.
19. The Master Log Books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
20. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Section 719-1 et seq.).
21. The operation shall participate in the Medical Cannabis Track and Trace Program administered by the Humboldt County Agricultural Commissioner, when available.
22. The applicant has submitted documentation from Timberland Resource Consultants, dated August 31, 2017, with respect to the need for a Less-Than-3-Acre Conversion Exemption from California Department of Forestry and Fire Protection (CALFIRE). CALFIRE has reviewed this information and via email on Nov. 21, 2017 determined the report meets the intent of not requiring a conversion permit. However, if additional clearing is done, a conversion permit will be required. No timberland conversion is allowed for cannabis operations.

Performance Standards for Cultivation and Processing Operations

23. Pursuant to the MCRSA, Health and Safety Code Section 19322(a)(9), an applicant seeking a cultivation license shall "provide a statement declaring the applicant is an 'agricultural employer,' as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 commencing with Section 1140) of Division 2 of the Labor Code), to the extent not prohibited by law."
24. 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 (HCC)(including the Building Code).
25. Cultivators engaged in processing shall comply with the following Processing Practices:
 - I. Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.
 - II. Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
 - III. Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.
 - IV. Employees must wash hands sufficiently when handling cannabis or use gloves.
26. 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;
 - 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, 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.
27. 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.
28. Term of Commercial Cannabis Activity Special Permit. Any Commercial Cannabis Cultivation Special Permit (SP) issued pursuant to the CMMLUO shall expire after one year after date of issuance, and on the anniversary date of such issuance each year thereafter, unless an annual compliance inspection has been conducted and the permittees and the permitted site have been found to comply with all conditions of approval.

If the inspector or other county official determines that the permittees or site do not comply with the conditions of approval, the inspector shall serve the SP or permit holder with a written statement identifying the items not in compliance, and the action that the permit holder may take to cure the non-compliance, or file an appeal within 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 days after date of mailing, shall constitute delivery. The permit holder may request a reinspection to determine whether or not the permit holder has cured all issues of non-compliance. Failure to request reinspection or to cure any items of non-compliance shall terminate the Special Permit, immediately upon the expiration of any appeal period, or final determination of the appeal if an appeal has been timely filed pursuant to Section 55.4.13 of the CMMLUO.

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

Permittee further acknowledges and declares that:

- (1) All commercial cannabis activity that I, my agents, or employees conduct pursuant to a permit from the County of Humboldt shall be solely for medical purposes and all commercial cannabis products produced by me, my agents, or employees are intended to be consumed solely by qualified patients entitled to the protections of the Compassionate Use Act of 1996 (codified at Health and Safety Code Section 11362.5); and
 - (2) All cannabis or cannabis products under my control, or the control of my agents or employees, and cultivated or manufactured pursuant to local Ordinance and the California Medical Marijuana Regulation and Safety Act will be distributed within the State of California; and
 - (3) All commercial cannabis activity conducted by me, or my agents or employees pursuant to a permit from the County of Humboldt will be conducted in compliance with the California Medical Marijuana Regulation and Safety Act.
 - (4) The above acknowledgements shall also apply to commercial cultivation, processing, manufacturing, and distribution of cannabis for adult use conducted in compliance with the Medicinal and Adult Use Cannabis Regulation and Safety Act ("MAUCRSA") (SB 94) and the Adult Use of Marijuana Act (AUMA) (Proposition 64).
31. 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;
 - (4) Acknowledgement of full responsibility for complying with the existing permit; and
 - (5) Execution of an Affidavit of Non-diversion of Medical Cannabis.

32. 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. If cultural resources are encountered during ground disturbing 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) (THPOs) 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.

The Native American Heritage Commission (NAHC) can provide information regarding the appropriate Tribal point(s) of contact for a specific area; the NAHC can be reached at 916-653-4082. Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, shellfish or fauna! 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 Professional Regulation Commission (PRC) 5097.98. Violators shall be prosecuted in accordance with PRC Section 5097.99. **The applicant is ultimately responsible for ensuring compliance with this condition.**

2. The applicant is responsible for obtaining all necessary County and state permits and licenses, and for meeting all of the requirements as set forth by other regulatory agencies.
3. This provisional permit approval shall expire and become null and void at the expiration of one year after all appeal periods have lapsed (see "Effective Date"); except where the Compliance Agreement per Condition of Approval 1 has been executed and the corrective actions pursuant to the agreement are being undertaken. Once building permits have been secured and/or the use initiated pursuant to the terms of the agreement, the use is subject to the Permit Duration and Renewal provisions set forth in Conditions of Approval 28 of the Ongoing 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.
4. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will provide a bill to the applicant after the decision. Any and all outstanding Planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
5. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will send a bill to the Applicant for all staff costs incurred for review of the project for conformance with the conditions of approval. All Planning fees for this service shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka

EXHIBIT A



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: Elanah Adler, Planner, Planning & Building Department
FROM: Kenneth M. Freed, Assistant Engineer II
DATE: 04/20/2017
RE: PANTHER GAP FARMS, APN 107-235-002, SP16-051



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 County Encroachment Permit Ordinance and Visibility Ordinance 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.

ROADS: The Department has not conducted a field investigation of the roadway(s) serving the subject property. The roadway(s) serving the subject property may or may not meet road category 4 standards. The road(s) may or may not have capacity to accommodate the proposed use. The applicant shall submit a *Road Evaluation Report* pursuant to County Code Section 313-55.4.11(u)(viii) "description of increased road use resulting from processing and a plan to minimize that impact". The Department has developed the attached *Road Evaluation Report* forms that are to be used.

See the attached diagram of the road(s) that need to be evaluated. The Department has used its best judgement to determine the offsite road(s) that would most likely be used for the project. If this is not the correct route that would be used, please contact the Department for clarification before preparing the *Road Evaluation Report*.

In general, road(s) must meet Category 4 road standards in being at least 20 feet in width when 2-way traffic is expected. In addition, a 4 foot wide shoulder is necessary when pedestrians are expected. However, 2-way traffic on a single lane road (Category 2 road) may be appropriate when a road serves only the cannabis operation and when no other parcels of land use the road for access.

Access roads not meeting the above standards must be improved to those standards, unless otherwise approved by the Department.

In lieu of constructing road improvements to meet a category 4 road standard, the Department may approve a *Neighborhood Traffic Management Plan*. The Department's criteria for approving a *Neighborhood Traffic Management Plan* is based upon site specific conditions; sound engineering judgment; the proposed ADT and DHV of the roads; the need to accommodate other road users (pedestrians, bicycles, equestrians, etc); and the frequency and quantity of traffic associated with the proposed use. The applicant's Civil Engineer can address this in Part B of the *Road Evaluation Report*.

The Department recommends that the Road Evaluation Report be submitted to the County prior to the project being presented to the Planning Commission for approval.

The subject property is located within the State Responsibility Area.

The intersection of the existing access road, Panther Gap Road (non-County), and the County road, Panther Gap Road, shall meet County standards. The access road encroachment shall be improved to meet the County visibility ordinance and encroachment permit ordinance standards. This requires that the access road encroachment be rockered for a minimum width of 20 feet and a length of 50 feet. References: County Code Sections 341-1, 411-51]

Note: There may be other projects that have been conditioned to improve the road(s). Prior to constructing any improvements the Department recommends that the applicant determine what work has already been accomplished so that efforts are not duplicated.

Prior to constructing improvements 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)]

Note: There may be other projects that have been conditioned to improve the road(s). Prior to constructing any improvements the Department recommends that the applicant determine what work has already been accomplished so that efforts are not duplicated.

DRIVEWAYS: 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.

AIRPORT: The subject property is not located near a public 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 //

ATTACHMENT 2

Staff Analysis of the Substantial 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) specifies the findings that are required to grant a 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; 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 Hearing Officer must determine that the applicant has submitted evidence in support of making **all** of the following required findings.

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

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Land Use Chapter 4</p> <p>Land Use Designations Section 4.8</p>	<p>Residential Agriculture (RA40): This designation applies to large lot residential uses that typically rely upon on-site water and wastewater systems. RA40 designations are applied to more remote, steep and high hazard areas or where appropriate to ensure compatibility with adjacent resource production and open space uses.</p> <p>Density range for RA40 is 40 acres/unit</p>	<p>The project entails mixed-light cannabis cultivation on a parcel located within the "RA40" area.</p> <p>The Medical Marijuana Regulation and Safety Act, Health and Safety Code section 11362.777(a), provides that medical cannabis is an agricultural product, subject to extensive state and local regulation. The Commercial Medical Marijuana Land Use Ordinance (CMMLUO) provides for the cultivation and processing of medical cannabis within the zoning districts where agriculture is a principally permitted use, with limits and in compliance with performance standards that will preserve space for more traditional agricultural activities that supply food and fiber contributing to a diverse economic base. The existing cultivation is considered an agricultural use, and the reduction of existing cannabis cultivation size from 35,000 square feet to 10,000 square feet of mixed-light is consistent with the limits established in the CMMLUO for compatibility with adjacent resource production and open space uses.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Circulation Chapter 7	<p>Goals and policies contained in this Chapter relate to a balanced, safe, efficient, accessible, and convenient circulation system that is appropriate for each type of unincorporated community (C-G1, C-G2); coordinated planning design, development, operations, and maintenance between the County and other transportation system service providers (C-G3); and access for all transportation mode types with improved opportunities to move goods within, into and out of Humboldt County (C-G4, C-G5)</p> <p>Related policies: C-P3, Consideration of Transportation Impacts in Land Use Decision Making</p>	<p>Road access is via Panther Gap Road. A portion of Panther Gap Road is county-maintained. The applicant has completed cumulative road evaluation reports for all non-county-maintained road access segments to all associated properties, with photo points, maps, and measurements recorded by Manhard Consulting certifying a Category 4 equivalence for all roads. The applicant has submitted a supplemental transportation plan for employee access that will reduce traffic impacts to roads.</p> <p>Conditions of approval require that the applicant secure an encroachment permit and implement improvement of the junction of the non-county-maintained segment of Panther Gap Road to meet County visibility ordinance and encroachment permit ordinance standards.</p>
Housing Chapter 8	<p>Goals and policies contained in this Element seek to identify existing and projected housing needs and establish goals, policies, standards and measures for the preservation, improvement, and development of housing.</p> <p>Related policies: H-P3, Development of Parcels in the Residential Land Inventory</p>	<p>The project does not involve residential development; however, the project will not preclude any future residential development. The project will not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Conservation and Open Space Chapter 10</p> <p>Open Space Section 10.2</p>	<p>Goals and policies contained in this Chapter relate to an Open Space and Conservation Program that is complimentary to other agencies' plans and that preserves the county's unique open spaces (CO-G1, CO-G3)</p> <p>Related policies: CO-P1, Conservation and Open Space Program; CO-P12, Development Review, CO-S1. Identification of Local Open Space Plan, and CO-S2. Identification of the Open Space Action Program</p>	<p>The proposed project is not located within an Open Space Land Plan because it is planned Residential Agriculture and zoned Unclassified; however, the project can still be found consistent with the Open Space Plan's Open Space Action Program because the proposed project is consistent with the allowable uses of the Land Use Designations. The proposed cannabis cultivation, an agricultural product, is within land planned for agricultural purposes, consistent with the use of Open Space land for managed production of resources.</p>
<p>Conservation and Open Space Chapter 10</p> <p>Biological Resources Section 10.3</p>	<p>Goals and policies contained in this Chapter relate to mapped sensitive habitat areas where policies are applied to protect fish and wildlife and facilitate the recovery of endangered species (BR-G1, Threatened and Endangered Species, BR-G2, Sensitive and Critical Habitat, BR-G3, Benefits of Biological Resources)</p> <p>Related policies: BR-P1. Compatible Land Uses, BR-P5. Streamside Management Areas.</p>	<p>The project is consistent with the goals and policies of the Biological Resources Section of the Conservation and Open Space Element because it commits to forbearance of all surface water diversion for existing outdoor cannabis cultivation between March 15 and October 31, replacing this diversion site during the forbearance period with a hydrologically disconnected well source and thus ensuring improved water quality and quantity available for fish and wildlife. In addition, the project is not planned for an area with threatened or endangered species, sensitive or critical habitats, or within or near a Streamside Management Area. Project conditions regarding mitigation of generator noise are designed to prevent direct or indirect impacts to spotted owl or marbled murrelet species into the future.</p>
<p>Conservation and Open Space Chapter 10</p> <p>Cultural Resources Section 10.6</p>	<p>Goals and policies contained in this Chapter relate to the protection and enhancement of significant cultural resources, providing heritage, historic, scientific, educational, social, and economic values to benefit present and future generations (CU-G1, Protection and Enhancement of Significant Cultural Resources)</p> <p>Related policies: CU-P1.</p>	<p>The applicant retained Archaeological Research and Supply Company (ARSC) for the preparation of a Cultural Resources Investigation of the Project sites. ARSC 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 the entire Project area for all six projects proposed by the applicant. The report concludes that no significant archaeological or historic period cultural</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
	Identification and Protection, CU-P2. Native American Tribal Consultation]	resources, that for the purposes of California Environmental Quality Act (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 and the Sinkyone Intertribal Wilderness Council. The Bear River Band of the Rohnerville Rancheria responded. The Bear River Band recommended a condition of project approval be incorporated regarding inadvertent discovery protocol. Ongoing conditions of approval are incorporated regarding the inadvertent discovery protocol to protect cultural resources.
<p>Conservation and Open Space Chapter 10</p> <p>Scenic Resources Section 10.7</p>	<p>Goals and policies contained in this Chapter relate to the protection of scenic areas that contribute to the enjoyment of Humboldt County's beauty and abundant natural resources (SR-G1); and a system of scenic highways roadways that increase the enjoyment of, and opportunities for, recreational and cultural pursuits and tourism in the County. (SR-G2)</p> <p>Related policies: SR-S4. Light and Glare</p>	<p>The project involves mixed-light cultivation in greenhouses. The CMMLUO requires that mixed-light cultivation comply with International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1, and be designed to regulate light spillage onto neighboring properties resulting from backlight, uplight, or glare. International Dark Sky Association Standards exceed the requirements of Scenic Resources Standard SR-S4, Light and Glare, that lighting be fully shielded, and designed and installed to minimize off-site lighting and direct light within the property boundaries.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Water Resources Chapter 11</p> <p>Stormwater Drainage</p>	<p>Goals and policies contained in this Chapter relate to coordinated watershed planning and land use decision making to advance management priorities (WR-G3, WR-G4, WR-G5); watershed conservation and restoration efforts aimed at delisting water bodies and watersheds which are restored to meet all beneficial uses, including water use, salmon and steelhead recovery plans, recreational activities, and the economy (WR-G1, WR-G2, WR-G7, WR-G8, WR-G9); and</p> <p>Related policies: WR-P10. Erosion and Sediment Discharge; WR-P42. Erosion and Sediment Control Measures.</p>	<p>The project site falls within Tier 2 of the North Coast Regional Water Quality Control Board's (NCRWQCB) Order No. 2015-0023 (Order), which requires preparation of a Water Resources Protection Plan (WRPP) to protect water quality from cannabis cultivation and related activities. The applicant retained Timberland Resource Consultants for the preparation of a WRPP for one of the six projects (APN107-236-011). Parcel specific WRPPs have been required as a condition of approval to describe and address the required elements and compliance with the 12 Standard Conditions established by the Order. The applicant will be required to complete the recommendations in the parcel specific WRPPs, and this has been included as a condition of approval.</p>
<p>Water Resources Chapter 11</p> <p>Community Infrastructure and Services Element (IS) Chapter 5</p> <p>On-site Wastewater Systems</p>	<p>Goals and policies contained in this Chapter relate to adequate public water supply as well as on-site wastewater systems and natural and developed storm drainage systems that minimize interference with surface and groundwater flows and storm water pollution (WR-G6, WR-G9, WR G10)</p> <p>Related policies: WR-IM7. Basin Plan Septic Requirements; and IS-P17. On-Site Sewage Disposal Requirements.</p>	<p>In order to accomplish on-site wastewater management for the cultivation operations, the applicant will contract with an appropriate temporary sanitation facilities services provider to provide and maintain toilet and hand-washing facilities. As a condition of approval, the applicant will provide invoices, or equivalent documentation, to the Division of Environmental Health (DEH) to confirm the ongoing use of portable toilets to serve the needs of cultivation staff.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Noise Chapter 13	<p>Goals and policies contained in this Chapter discourage incompatible uses within communities and reduce excessive noise through the application of standards (N-G1, N-G2)</p> <p>Related policies: N-P1, Minimize Noise from Stationary and Mobile Sources; N-P4, Protection from Excessive Noise</p>	<p>Electric power is supplied by Pacific Gas and Electric Company, and electrical generators will be used at each facility only on an emergency basis in the case of power outage. A noise pollution prevention plan is a condition of approval, to ensure that noise generated from the emergency generator complies with the standards set forth in Section 55.4.11(o) of the CMMLUO and Department Policy Statement DPS-16-005.</p>
Safety Element Chapter 14 Geologic & Seismic	<p>Goals and policies contained in this Chapter relate to communities that are designed and built to minimize the potential for loss of life and property resulting from natural and manmade hazards; and to prevent unnecessary exposure to areas of geologic instability, floodplains, tsunami run-up areas, high risk wildland fire areas, and airport areas planned and conditioned to prevent unnecessary exposure of people and property to risks of damage or injury (S-G1, S-G2)</p> <p>Related policies: S-P11. Site Suitability, S-P7. Structural Hazards,</p>	<p>The project site is not located in a mapped Alquist-Priolo fault zone nor is subject to liquefaction. The existing cultivation area occurs on slopes of 15 to 30 percent or less seismically classified moderate instability. Given the existing contours of the site, the existing use is not expected to be affected by geologic instability. The project also does not pose a threat to public safety related from exposure to natural or manmade hazards.</p>
Safety Element Chapter 14 Flooding	<p>Goals and policies contained in this Chapter relate to the use of natural drainage channels and watersheds that are managed to minimize peak flows in order to reduce the severity and frequency of flooding. (S-G3)</p> <p>Related policies include: S-P12, Federal Flood Insurance Program; S-P13, Flood Plains; S-P15, Construction Within Special Flood Hazard Areas</p>	<p>The project is outside any mapped flood hazard areas. The project site is also not within a mapped dam or levee inundation area and is significantly inland from the areas subject to tsunami run-up.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Safety Element Chapter 14</p> <p>Fire Hazards</p>	<p>Goals and policies of this Chapter encourage development designed to reduce the risk of structural and wildland fires supported by fire protection services that minimize the potential</p> <p>Related policies: S-P19, Conformance with State Responsibility Areas Fire Safe Regulations;</p>	<p>The subject property is located within the State Fire Responsibility Area where the State of California has the primary financial responsibility for the prevention and suppression of wildland fires. California Department of Forestry and Fire Protection (CAL-FIRE) 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. According to the applicant, each operation will employ up to three full-time employees who will live off site, for a total of up to 15 employees.</p>
<p>Air Quality Chapter 15</p>	<p>Goals and policies contained in this Chapter relate to improved air quality to meet current and future state and federal standards, including attainment of particulate matter requirements (AQ-G1, AQ-G2, AQ-G3) and the successful reduction of greenhouse gas emissions to levels consistent with state and federal requirements (AQ-G4)</p> <p>Related policies: AQ-P4, Construction and Grading Dust Control, AQ-S1. Construction and Grading Dust Control, AQ-P7. Interagency Coordination.</p>	<p>There is no grading or construction associated with this permit. The applicant, as part of his Cultivation Operations Plan, has confirmed that the emergency generator and its operation will meet all requirements of the North Coast Unified Air Quality Management District including registration and permitting.</p>

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

Zoning Section	Summary of Applicable Requirement	Evidence
§312-1.1.2 Legal Lot Requirement:	development permits shall be issued only for a lot that was created in compliance with all applicable state and local subdivision regulations.	The parcel of land known as APN 107-235-002 was created by deed dated December 26, 1961 from Olive Gladys Scholes to Joel A. Daggett and Pauline W. Daggett, and has been deemed a legal parcel pre-dating County regulations.
§314-8.1 Unclassified (U)	Unclassified areas have not been sufficiently studied to justify precise zoning classifications. The following Code sections have been adopted to protect the health, safety, and general welfare of the citizens and to insure orderly development in conformance with the General Plan.	General agriculture is a principally permitted use of the Unclassified Zone. The project proposes the cultivation of commercial medical cannabis in an existing, already cleared location. Commercial medical cannabis cultivation is recognized under state law as an agricultural product. Although state law specifies it is agricultural use and general agricultural uses are principally permitted in U, pursuant to Humboldt County Code Section 314-55.4.3.7, the commercial cultivation of cannabis for medical use is a regulated specialty crop and the cultivation of that specialty crop is not a principal permitted use under the General Agriculture use type classification in the Humboldt County Zoning Regulations. The applicant has applied for the requisite permit. Based on the referenced principally permitted use and the above, a finding of consistency with the U zoning district can be made for the project.
Minimum Lot Area:	6,000 square feet	20.0 acres The parcel is a legal, conforming parcel in terms of size. No further subdivision is proposed.
Minimum Lot Width:	50 feet	Greater than 50 feet
Maximum Lot Depth:	Three times the width	Less than three times the width for this parcel

Zoning Section	Summary of Applicable Requirement	Evidence
Max. Lot Coverage:	40 percent	Approximately 10,000 square feet of cultivation coverage (less than 2 percent of lot)
Min. Yard Setbacks (through the Fire Safe requirements):	Front: 30 feet Rear: 30 feet Side: 30 feet North property line: 600 feet per CMMLUO setback from parks	Front: greater than 200 feet Rear: 190 feet (closest boundary of cultivation area is the north boundary of parcel) Side: greater than 200 feet North: A setback reduction from 600 feet to 189 feet from the property line is recommended for approval in conjunction with this project.
Max. Building Height:	None specified	N/A
§314-61.1 Streamside Management Area (SMA)	<p>Placement of soil within SMAs shall be prohibited, except where specifically authorized by the SMA ordinance.</p> <p>Development within SMAs may include wildlife enhancement and restoration projects.</p> <p>The SMA of perennial streams outside of urban development and expansion areas is defined as 100 feet from the stream transition line.</p>	<p>There is an existing spring/stream diversion located on an unnamed Class II tributary to Middle Creek and the Mattole River. A Lake and Streambed Alteration Agreement (LSAA) has been completed for this diversion, and no surface water will be diverted for cannabis irrigation between March 15 and October 31 to protect the SMA from being negatively impacted. In addition, it is noted that there is a stream crossing on this property, and improvement to enhance the protection and health of the SMA on the unnamed Class II tributary to Middle Creek and the Mattole River is anticipated in the forthcoming WRPP.</p>
§314-109.1 Off-Street Parking	<p>Off Street Parking for Agricultural use*: Parking space per employee at peak shift. A minimum of three parking spaces are required.</p> <p><i>*Use for this activity is not specified. Per Section 314-109.1.2.9, the Director may fix the required number of parking spaces based on standards for most comparable use.</i></p>	<p>There are one to three full-time employees anticipated for the cultivation operation. The land use on the site is agricultural, and the Code is silent as to the requirement for agricultural employees. The most comparable standard for employees in this situation is one space for each employee at peak shift (per Section 314-109.1.3.4.2 - Manufacturing).</p> <p>No designated parking spaces are noted on the site plan; however, the applicant has submitted a transportation plan that provides for carpooling. There is also sufficient space on the subject property for employees to park. A condition has</p>

Zoning Section	Summary of Applicable Requirement	Evidence
		<p>been applied to require a revised plot plan that will identify available parking spaces to ensure no conflict with safety and fire access to the site. No parking on Panther Gap Road is authorized.</p>
<p>314-55.4 Commercial Cultivation, Processing, Manufacturing, and Distribution of Cannabis for Medical Use Inland Land Use Regulation (CMMLUO)</p>		
<p>§314-55.4.8.2</p>	<p>Commercial cannabis cultivation is allowed on parcels zoned U, on parcels one acre or larger. 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.</p>	<p>The parcel is of conforming size, and the applicant has contracted with a registered professional forester (RPF) to evaluate site conditions and conversion history for the subject property. The RPF has provided a written timberland conversion report documenting that the less than 3 acre opening area has been in existence since at least 1968, and has been maintained as an opening and a home site nearly continuously since that time.</p>
<p>§314-55.4.8.2.2 Existing Outdoor and Mixed-Light Cultivation Areas</p>	<p>A Zoning Clearance Certificate, Special Permit or Use Permit may be issued for outdoor or mixed-light commercial cannabis cultivation for some or all of the cultivation area in existence prior to January 1, 2016, in zoning districts... U (on parcels one acre or larger), but only when possible to bring the cultivation into compliance with all applicable standards set forth in this section and to eliminate existing violations as specified in this ordinance. The total cultivation area allowed on a single parcel shall not exceed one acre for outdoor cultivation or 22,000 square feet for mixed-light cultivation. No expansion of the existing cultivation area shall be permitted.</p>	<p>The applicant has provided evidence of cultivation prior to January 1, 2016, and aerial imagery from May 28, 2014 (most recent available) confirms the existing cultivation.</p> <p>The proposed project includes permitting 10,000 square feet of existing mixed-light cultivation operation on a parcel zoned U. The cultivation area is consistent with the requirements for the cultivation type, status, and zoning of the parcel. The applicant will comply with all conditions of the CMMLUO, as specified in the recommended conditions of approval.</p> <p>The applicant has used a surface water diversion for irrigating the existing cultivation area, as described in the Notice of Intent to the North Coast Regional Water Quality Control Board (NCRWQCB), but will forbear from surface diversion for cannabis irrigation from March 15 to October 31 by using well water from an adjacent property.</p>

Zoning Section	Summary of Applicable Requirement	Evidence
§314-55.4.8.10 Permit Limit	No more than four commercial cannabis activity permits may be issued to a single person.	Innovation West dba Panther Gap Farms has five cannabis project applications contained in a series of pending Conditional Use Permits (CUPs), and one contained in this Special Permit. The applicant proposes to lease the two permit applications proposed as CUP 17-021 and 17-022 to an assignee operator, to conform with the 4-permit limit.
§314-55.4.9.1 Accessory Processing	Processing for cultivation requiring a Special Permit or Use Permit will be considered in the Use Permit application.	All commercial medical cannabis cultivated will be processed at a licensed off-site location.
§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.	Commercial Cannabis Registration Forms for the project was filed with the Planning Division on May 21, 2016, and within the specified window.
§314-55.4.10 Application Requirements	Identifies the Information Required for All Applications	Attachment 3 identifies the information submitted with the application. Contents of the application are on file. All outstanding items are included as conditions of approval.
§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.

Zoning Section	Summary of Applicable Requirement	Evidence
§314-55.4.11.c Performance Standards-Water	Compliance with all statutes, regulations and requirements of the California State Water Resources Control Board, Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration.	The applicant has a pending registration for small domestic use appropriation with the California State Water Resources Control Board for the surface diversions, as well as a current, valid California Department of Fish and Wildlife (CDFW) Lake and Streambed Alteration Agreements (LSAA) for the diversion. A Small Irrigation Use Registration is also required from the State Water Resources Control Board and has been made a condition of approval. A permitted well source that has been confirmed by CDFW to be not hydrologically connected to streams or springs will provide all irrigation water between March 15 and October 31. During the forbearance period, no diverted water will be used for the cultivation operation. As the well is not located on the subject property where the water will be utilized, obtaining an easement for that water is a condition of approval.
§314-55.4.11.d Performance Standards-Setbacks	The area of cannabis cultivation and on-site processing shall be setback at least 30 feet from any property line, and 600 feet from any school, school bus stop, church or other place of religious worship, public park, or Tribal cultural resources (TCRs).	<p>The applicant's site plan show that all cultivation areas conform to the 30-foot setbacks from property lines, as well as 600 feet from any school, school bus stop, church or other place of religious worship, or Tribal cultural resources (TCRs). An archaeological survey and cultural resources report has been completed to verify that there are no TCRs on any of the sites.</p> <p>A Special Permit for a setback reduction to permit cultivation to be sited 189 feet from a Public Park is requested as part of this project. The adjacent property owned by the U.S. federal government and abutting Humboldt Redwoods State Park is managed for open space and/or wildlife habitat purposes, and no developed or designated recreational facilities are within 600 feet of the cultivation area.</p>

Zoning Section	Summary of Applicable Requirement	Evidence
§314-55.4.11.o Performance Standards-Generator Noise	The noise produced by a generator used for cannabis cultivation shall not be audible by humans from neighboring residences. The combined decibel level for all noise sources, including generators, at the property line shall be no more than 60 decibels. Where applicable, sound levels must also show that they will not result in the harassment of marbled murrelet or spotted owl species, when generator use is to occur in the vicinity of potential habitat. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service	As discussed above the primary power source for the project will be conventional grid power supplied by Pacific Gas and Electric Company. Electrical generators will be used at only on an emergency backup basis, so there will be minimal noise generated by the project. A noise pollution prevention plan is a condition of approval, to ensure that noise generated from the infrequently-used generator complies with the standards set forth in Section 55.4.11 (o).
§314-55.4.17 Sunset Date	No application for any Use Permit pursuant to the CMMLUO shall be processed for issuance or approval that is received after December 31, 2016.	The applicant filed the application on May 21, 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. 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.

6. Environmental Impact: The following table identifies the evidence which supports finding that the proposed development will not adversely impact the environment.

Code Section	Summary of Applicable Requirement	Evidence that Supports the Required Finding
§15301 and 15333 of CEQA Guidelines	Categorically exempt from State environmental review.	CEQA Exemption Sections Class 1, 15301 (Existing Facilities) and Class 33, 15333 (Small Habitat Restoration Projects) of the State CEQA Guidelines. Per the submitted evidence and agency responses, none of the exceptions to the Categorical Exemption per Section 15300.2 of the State CEQA Guidelines apply to this project.

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 0.25 mile (1,320 feet) of a school, school bus stop, church or other place of religious worship, public park, or Tribal Cultural Resource (TCR), 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. Alternatively, the site plan may show a setback of 189 feet from the North property line if the Planning Commission approves the recommended 189 foot setback based on the findings in Section 314-55.4.11.d Performance Standards-Setbacks (the submitted site plan is 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 (On file – Cultivation Operations Plan received June 2, 2017 and addendum dated September 28, 2017).
5. Copy of the statement of water diversion, or other permit, license or registration filed with the State Water Resources Control Board, Division of Water Rights, if applicable (On file).
6. Description of water source, storage, irrigation plan, and projected water usage (On file - Cultivation Operations Plan received June 2, 2017 and addendum dated September 28, 2017).
7. Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the NCRWQCB demonstrating enrollment in Tier 1, 2 or 3, NCRWQCB Order No. 2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency (On file).

8. If any on-site or off-site component of the cultivation facility, including access roads, water supply, grading, or terracing impacts the bed or bank of any stream or other watercourse, a copy of the Streambed Alteration Permit obtained from the Department of Fish & Wildlife (On file).
9. If the source of water is a well, a copy of the County well permit, if available (On file).
10. If the parcel is zoned FR, U or TPZ, or involves the conversion of timberland as defined under section 4526 of the Public Resources Code, a copy of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (CAL-FIRE). Alternately, for existing operations occupying sites created through prior unauthorized conversion of timberland, evidence may be provided showing that the landowner has completed a civil or criminal process and/or entered into a negotiated settlement with CAL-FIRE (On file – timberland conversion report from Timberland Resource Consultants).
11. Consent for on-site 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 (On file).

INNOVATION WEST (Corp)

Medical Cannabis Small Mixed-light Cultivation Facility

2828 Panther Gap Road, Honeydew, CA

APN: 107-235-02

Small Mixed-light Cultivation Operations Plan

PROJECT: APPS #: 10554
 APN: 107-235-002
 Applicant: Innovation West DBA Panther Gap Farms

GENERAL: This Addendum No. 1 supplements the previously submitted Operations Manual for the above referenced project.

This addendum consists of 2 page(s).

ADDENDUM No. 1:

1. Employee Transportation Plan:

- a. Vehicle trips to the project site will be reduced through carpooling. Initially, employees will park at the Fortuna park-and-ride, or other convenient locations, and consolidate into as few vehicles as practical to shuttle employees to and from the project site for work. It is anticipated that only one or two vehicles will be needed to transport employees to and from work. There is adequate parking for the vehicles onsite.



LOT ID	COUNTY	ROUTE	POSTMILE	NAME
101	HUM	101	59.9	FORTUNA

2. Soils Management Plan:

- a. Soils used for cultivation will be re-fortified after harvest so that it may be used again for future cultivation, and the cycle repeated as many times as feasible to minimize the amount of imported soil necessary. In the event that soil cannot be reused, it will be disposed of appropriately as solid waste.

3. Projected Water Usage:

- a. The chart below shows the projected water usage in gallons listed underneath the corresponding month.

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
2000	4000	6000	10000	12000	16000	18000	20000	18000	14000	6000	2000

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OPERATIONS PLAN & MANUAL

1) County's Access to the Facility:

- a) All facility personnel will cooperate fully with all conditions in the Use Permit and Use Permit Application requiring that the County, its agents, and employees, be granted access to the facility to seek verification of the information contained within the conditional use permit, permit applications, the Operations Manual, and the Operating Standards at any time before or after the conditional use permit is issued.
- b) The Humboldt County Sherriff's Department will be authorized to have 24 hour access to the facility's security surveillance video.

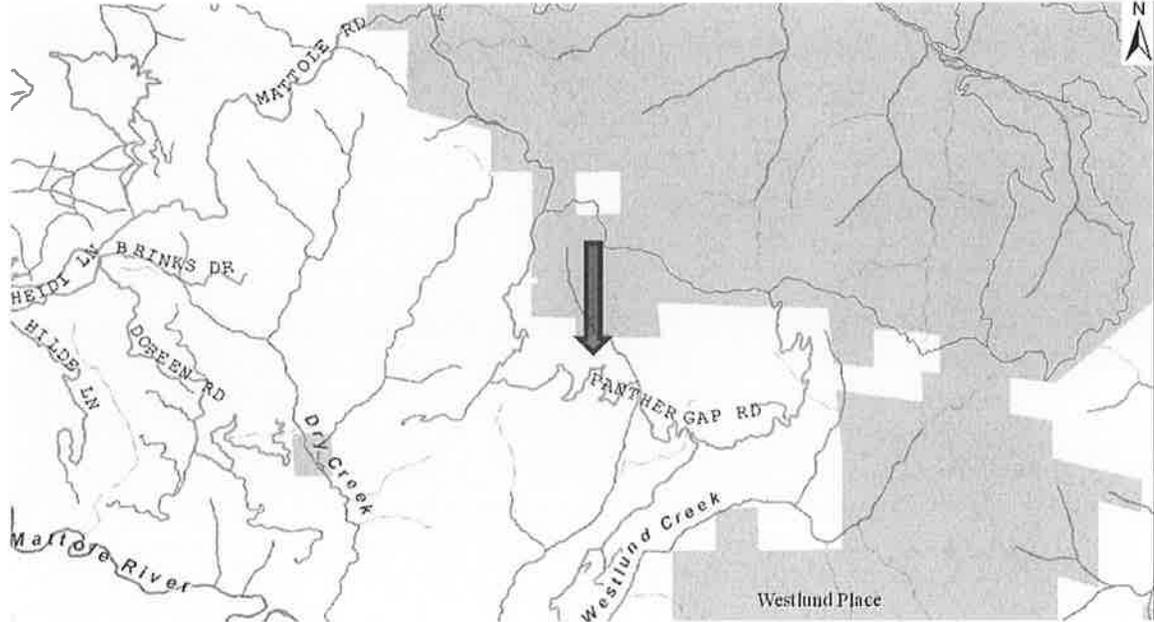
2) Staffing & Staff Screening Processes

- a) The facility will require 1 to 3 FTE employees depending on workload.
- b) All candidates for staff positions will undergo criminal background checks as part of the standard screening process. To the maximum effect allowed by California and federal employment law, candidates with a criminal history or a history of drug abuse will be screened from employment.

3) Days and Hours of Operation

- a) The facility is not open to the public and will not accept visitors without a specific business purpose.
- b) Hours of operation will typically be from 7 AM to 7 PM; however, during periods of seasonally high workload, the hours of operations within the facility may increase to 16 hours per day. Commercial activities such as shipping and receiving will be limited to 8:00 AM to 6:00 PM. Due to the remote location of the facility and the limited commercial activity window, there are anticipated to be no significant noise or traffic impacts upon the occupants of neighboring properties.

4) Location Map



5) Security Measures

- a) The security measures located on the premises will include the following:
 - i) Lighting -- outdoor lighting will be controlled by photocell switching, timers, infrared motion sensors and/or other state-of-the-art control systems to provide an appropriate light level at the exterior of the facilities to ensure that personnel and the video surveillance system can effectively monitor the space in and around the facility at all times. Exterior lighting will be directed so as to not pose a nuisance to neighboring properties.
 - ii) Alarm -- A security/burglar alarm system will be installed and operated at all appropriate times within the facility. When technologically feasible, this system will be monitored by a third-party remote central control station which will have the responsibility for automatically providing notification to law enforcement of any breach in the facility's security system.
 - iii) Access Control -- All entrances to the occupied building space of the facility will be restricted by an access control system. 24 hour access to the facility by emergency responders (Fire Dept.) will be provided via a Knox Box.
 - iv) The Safety of Staff -- working in concert together, the access control system, lighting, and alarm system, will provide a secure and protected facility for the staff to occupy.

- v) The security measures will secure the medical marijuana against diversion for non-medical purposes by protecting against theft not only from intruders, but also from staff members and visitors. This is done by limiting access into the facility as necessary and by surveillance monitoring of personnel and visitors at all times when in close proximity to the product. Strict inventory control measures will also be engaged to prevent and detect diversion.
- vi) All Medical Marijuana other than lab samples will be transported to State licensed and/or locally permitted licensed medical cannabis wholesale, distribution, or manufacturing companies by a State licensed and/or locally permitted licensed transport company.

6) Customer Screening, Registration, and Validation Process and Procedures.

- a) The facility is for the purpose of cultivation only, and all products will be sold to State licensed facilities on a wholesale basis. As this is the case, the facility will not be open to the public and will not accept visitors without a specific pre-authorized business purpose. Only authorized representatives of state licensed customer facilities and appropriately licensed vendors will be allowed to enter the facility and be in close proximity to medical cannabis, but in all cases supervised at all times. Any other vendors or maintenance workers allowed in the facility will be at all times escorted and sequestered from the finished products and harvested materials.

7) Inventory control processes and procedures

- a) The facilities inventory control process includes tracking of all incoming seedlings, including the name and state license number of the cultivator, the testing lab data (as applicable), the strain, the supplier's product tracking identification data, and bill of lading from the transport company or nursery.
- b) All incoming plants will be assigned a unique number or identifier that can be cross-referenced to the above referenced data and stays with the product through the cultivation, harvesting, off-site processing, and to final sale to our authorized customers.

- c) All outgoing product will be tracked by SKU, batch number, invoice, and shipping documents; unless the product is not for sale and will be destroyed. The process for documenting product to be destroyed is described separately in this manual.
- d) The methodologies for tracking and Inventory Control of Medical Marijuana may be subject to requirements imposed by the State Licensing Authority and will be adjusted accordingly as required.

8) Measures taken to minimize carbon footprint.

- a) We believe that everyone has a responsibility to reduce their individual carbon footprint. We will do our part by doing the following activities and more . . .
 - i) **Switch it Off:** Turn off the lights when natural light is sufficient.
 - ii) **Climate Control:** Keep our temperature system on a moderate to minimize energy use.
 - iii) **Minimize Electrical Load:** Cut down the number of fixtures and appliances we are running and we will save big on energy.
 - iv) **Phantom Power:** Use power strips to easily unplug electronics when not in use.
 - v) **Give it a Rest:** Power our computers down when we're away. A computer turned off uses at least 65% less energy than a computer left on or idle on a screen saver.
 - vi) **Switch to CFLs/LEDs:** Compact fluorescent light bulbs (CFLs) use 75% less energy than incandescent and last up to 10 times longer.
 - vii) **Use solar electricity when available!**

9) Description of chemicals stored or discharged:

- a) The facility does not currently intend to handle any hazardous materials in amounts requiring a Hazardous Material Business Plan (HMBP); however, if the facility handles any non-exempt hazardous materials, it will register its hazardous materials with the local agency using the Hazardous Materials/Waste Registration Form so that the local agency can evaluate the storage or use and give notice of any permits or storage/use fees that may apply.

- b) If the facility begins to handle any individual hazardous material or mixture containing a hazardous material which has a quantity at any time during the reporting year equal to or greater than those listed below, it will complete a Hazardous Material Business Plan (HMBP) and submit a copy to the local agency (Humboldt County DHHS Division of Environmental Health):
 - i) 500 pounds for solid hazardous materials. [H&SC §25503.5(a)]
 - ii) The following amounts for liquid hazardous materials:
 - (a) Lubricating oil as defined by H&SC §25503.5(b)(2)(B): 55 gallons of any type or 275 gallons aggregate quantity on site. H&SC §25503.5(b)(2)(A)]
 - (b) All others, including waste oil: 55 gallons. [H&SC §25503.5(a)]
 - iii) The following amounts of hazardous material gases:
 - (a) Oxygen, Nitrogen, or Nitrous Oxide stored/handled at a physician, dentist, podiatrist, veterinarian, or pharmacist's place of business: 1,000 cubic feet of each material on site. [H&SC §25503.5(b)(1)]
 - (b) All others: 200 cubic feet. [H&SC §25503.5(a)]
 - iv) Amounts of radioactive materials requiring an emergency plan under Parts 30, 40, or 70 of Title 10 Code of Federal Regulations or equal to or greater than applicable amounts specified in items 1, 2, or 3, above, whichever amount is smaller. [H&SC §25503.5(a)]
 - v) Applicable federal threshold planning quantities for extremely hazardous substances listed in 40 CFR Part 355, Appendix A.
- c) Disposal of any chemical, dangerous, or hazardous waste will be conducted in a manner consistent with federal, state and local laws, regulations, rules or other requirements. Any waste solvents or other chemicals will be handled and disposed of properly by *Safety-Kleen* or another highly qualified and properly licensed contractor.

10) Quality/consumer safety control processes, procedures, and documentation.

- a) Product Quality Control:
 - i) In addition to meeting all State and local requirements for product quality control, the standard procedures for operation will include the following:

- (1) Samples from each batch of finished products will be screened and tested by a State licensed and/or locally permitted licensed independent laboratory for pesticides, mold, and other undesirable qualities prior to release for sale to wholesalers and retailers.
- (2) Documentation of all lab test results will be kept on file.

b) Packaging:

- i) All final packaging of processed goods will meet State requirements for packaging. In advance of State requirements being issued, the facility will follow the following guidelines:

- (1) Because the processing into finished product and packaging will be performed at an off-site location by a permitted processing/manufacturing facility, no packaging will be performed at the cultivation facility. As such is the case, packaging operations are not applicable to this operation and permit.

11) Health and Safety:

a) Training.

- i) Prior to engaging in the harvesting of any product, the Licensee will have an owner or employee who has successfully passed an approved and accredited food safety certification examination as specified in Sections 113947.2 and 113947.3 of the California Retail Food Code. Food safety certification will be achieved by successfully passing an examination from an accredited food protection manager certification organization. The certification organization will be accredited by the American National Standards Institute as meeting the requirements of the Conference for Food Protection's "Standards for Accreditation of Food Protection Manager Certification Programs."

b) Employee Knowledge:

- i) All employees will have adequate knowledge of, and will be properly trained in, food safety as it relates to their assigned duties.
- ii) There will be at least one food safety certified owner or employee at the facility responsible for setting policy and providing training to employees. The certified owner or employee need not be present at the food facility during all hours of operation.

- iii) The certified owner or employee will be responsible for ensuring that all employees who handle, or have responsibility for handling harvested medical marijuana, have sufficient knowledge to ensure the safe handling of the product. The nature and extent of the knowledge that each employee is required to have may be tailored, as appropriate, to the employee's duties.
- c) Physical Plant Inspection:
- i) The Facility will welcome inspection of the Medical Marijuana cultivation center by the local fire department, building inspector, or code enforcement officer to confirm that no health or safety concerns are present. It is understood that the inspections may result in additional specific standards to meet local jurisdiction restrictions related to Medical Marijuana. An annual fire safety inspection may result in the required installation of fire suppression devices, or other means necessary for adequate fire safety.
- d) Sanitary Conditions:
- The Facility will take all reasonable measures and precautions to ensure the following:
- i) That any person who, by medical examination or supervisory observation, is shown to have, or appears to have, an illness, open lesion, including boils, sores, or infected wounds, or any other abnormal source of microbial contamination for whom there is a reasonable possibility of contact with Medical Marijuana will be excluded from any operations which may be expected to result in contamination until the condition is corrected;
 - ii) Hand-washing facilities will be adequate and convenient and be furnished with running water. Hand-washing facilities will be located at the Facility and where good sanitary practices require employees to wash or sanitize their hands, and provide effective hand-cleaning and sanitizing preparations and sanitary towel service or suitable drying devices;
 - iii) That all persons working in direct contact with Medical Marijuana will conform to hygienic practices while on duty, including but not limited to:
 - (1) Maintaining adequate personal cleanliness;
 - (2) Washing hands thoroughly in an adequate hand-washing area(s) before starting work and at any other time when the hands may have become soiled or contaminated; and

- (3) Refraining from having direct contact with Medical Marijuana if the person has or may have an illness, open lesion, including boils, sores, or infected wounds, or any other abnormal source of microbial contamination, until such condition is corrected.
- iv) That litter and waste are properly removed and the operating systems for waste disposal are maintained in an adequate manner so that they do not constitute a source of contamination in areas where Medical Marijuana is exposed;
- v) That there is appropriate lighting in all areas where Medical Marijuana are stored, and where equipment or utensils are cleaned;
- vi) That there is adequate screening or other protection against the entry of pests. Rubbish will be disposed of so as to minimize the development of odor and minimize the potential for the waste becoming an attractant, harborage, or breeding place for pests;
- vii) That fixtures and other facilities are maintained in a sanitary condition;
- viii) That toxic cleaning compounds, sanitizing agents, and other chemicals will be identified, held, stored and disposed of in a manner that protects against contamination of Medical Marijuana in a manner that is in accordance with any applicable local, state or federal law, rule, regulation or ordinance;
- ix) That all operations will be conducted in accordance with adequate sanitation principles;
- x) That employees are provided with adequate and readily accessible toilet facilities that are maintained in a sanitary condition and good repair; and
- xi) That Medical Marijuana that can support the rapid growth of undesirable microorganisms are held in a manner that prevents the growth of these microorganisms.

12) Disposal of Waste and Destroyed Product:

- a) Medical Marijuana waste will be made unusable and Unrecognizable prior to leaving the Facility.
 - i) Methods to make waste unusable and unrecognizable. Medical Marijuana waste will be rendered unusable and unrecognizable through one of the following methods unless another method is prescribed by the County of Humboldt or the State of California:

- (1) Grinding and incorporating the marijuana waste with non-consumable, solid wastes listed below such that the resulting mixture is at least 50 percent non-marijuana waste:
 - (a) Non-recyclable solid waste;
 - (b) Food waste;
 - (c) Grease or other compostable oil waste;
 - (d) Bokashi, or other compost activators;
 - (e) Other wastes approved by the State Licensing Authority that will render the Medical Marijuana waste unusable and Unrecognizable as marijuana; and
 - (f) Soil.
 - ii) The methodology for destroying and disposing of Medical Marijuana may be subject to requirements imposed by the State Licensing Authority and will be adjusted accordingly as required.
- b) Records of destroyed product:
- i) Records of destroyed raw materials and product will be kept and cross-referenced by batch number and SKU and/or other unique identifier. The weight or volume, as appropriate, will be recorded along with the method of disposal.
 - ii) The methodology for recording destroyed Medical Marijuana may be subject to requirements imposed by the State Licensing Authority and will be adjusted accordingly as required.

Cultivation Plan

1) Basic Requirements

- a) Water Quality, Conservation, & Use
 - i) Description of water source, storage, irrigation plan, and projected water usage.
 - (1) During the wet weather months, water will be supplied from approved sources consisting of surface water diversion (subject to a Fish & Wildlife 1603 permit and enrollment in NCRWQCB Order No. R1-2015-0023 – Tier 2 initially). Quantities of water diverted for cultivation use are subject to limitations imposed by the SWRCB Division of Water Rights and the State Department of Fish & Wildlife.
 - (2) During the forbearance period from May 15 through October 15, all surface water diversion for cultivation purposes will cease and water will be supplied by an existing water-well located on the parcel APN 107-235-07. The well was installed according to the requirements of County DEH issued Permit No. 11/12-0054. A State of California Well Completion Report (No. e0136381) was filed on September 7, 2011, and is also on record with the County DEH. No water is intended nor required to be stored for use during the forbearance period.
 - (3) At all times, water will be applied using no more than agronomic rates.
 - (4) If required by Cal Fire, water will be stored on site for fire protection purposes in the requisite amounts.
 - ii) A copy of the Notice of Intent and Monitoring Self-Certification and other documents filed with the North Coast Regional Water Quality Control Board demonstrating enrollment in Tier 2, is attached.
 - iii) Because surface water diversion provides part of the water supply for irrigation of cannabis cultivation, the applicant consents to forebear from any such diversion during the period from May 15th to October 31st of each year. In lieu of establishing 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, water from the existing permitted well will be used to meet all water usage requirements. Forbearance from May 15th to October 31st of each year and water sourced from the well are at the heart

of the Water Management Plan that will be submitted to Fish & Wildlife as part of the 1603 Agreement.

- iv) An approval from the RWQCB has been obtained through enrollment pursuant to NCRWQB Order No. 2015-0023 and preparation of a Water Resources Protection Plan. The facility will comply with all measures required for the assigned Tier level.
 - v) Copies of the statement of water diversion, and/or other permits, licenses or registration filed with the State Water Resources Control Board, Division of Water Rights, if applicable, are attached to this Operation Plan & Manual.
 - vi) The applicant/operator 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 will not support diversions for irrigation.
- b) Drainage, Run-off, and Erosion Control:
- i) Drainage, Run-off, and Erosion Control will all be managed within the RWQCB's requirements for dischargers. Initially, the site has been registered as Tier 2 out of abundance of caution; however, because the mixed-light facility is entirely enclosed, the operations may merit Tier reduction to Tier 2* or better in the future. The cultivation is to be located within an existing fully enclosed structure which prevents soil erosion, and any excess water used during cultivation will be recycled or evaporated instead of discharged. No cultivation water will be disposed of by discharge.
 - ii) Site maintenance, erosion control and drainage features may include the following:
 - (1) Roads will be maintained as appropriate (with adequate surfacing and drainage features) to avoid developing surface ruts, gullies, or surface erosion that results in sediment delivery to surface waters.
 - (2) Roads, driveways, trails, and other defined corridors for foot or vehicle traffic of any kind will have adequate ditch relief drains or rolling dips and/or other measures to prevent or minimize erosion along the flow paths and at their respective outlets.

- (3) Roads and other features will be maintained so that surface runoff drains away from potentially unstable slopes or earthen fills. Where road runoff cannot be drained away from an unstable feature, an engineered structure or system will be installed to ensure that surface flows will not cause slope failure.
 - (4) Roads, clearings, fill prisms, and terraced areas (cleared/developed areas with the potential for sediment erosion and transport) will be maintained so that they are hydrologically disconnected, as feasible, from surface waters, including wetlands, ephemeral, intermittent and perennial streams.
 - (5) Ditch relief drains, rolling dip outlets, and road pad or terrace surfaces will be maintained to promote infiltration/dispersal of outflows and have no apparent erosion or evidence of soil transport to receiving waters.
 - (6) Stockpiled construction materials will be stored in a location and manner so as to prevent their transport to receiving waters.
- c) Watershed and habitat protection:
- i) Watershed and habitat protection will be provided through compliance with within the RWQCB's and the Department of Fish & Wildlife's requirements associated with their respective permits and agreements.
- d) Storage of fertilizers, pesticides, and other regulated products:
- i) Storage of fertilizers, pesticides, and other regulated products used on the parcel will be in accordance with best practices, which include storage within an enclosed space to prevent surface water contamination.
 - (1) Pesticides/Herbicides:
 - (a) Under California law, the only pesticide products not illegal to use on cannabis are those that contain an active ingredient that is exempt from residue tolerance requirements and either registered and labeled for a broad enough use to include use on cannabis or exempt from registration requirements as a minimum risk pesticide under FIFRA section 25(b) and California Code of Regulations, title 3, section 6147. For the purpose of compliance with conditions of this Order, any uses of pesticide products will be consistent with product

labelling and any products on the site will be placed, used, and stored in a manner that ensures that they will not enter or be released into surface or ground waters.

(2) Fertilizers and Soil Amendments:

- (a) Fertilizers, potting soils, compost, and other soils and soil amendments will be stored in locations and in a manner in which they cannot enter or be transported into surface waters and such that nutrients or other pollutants cannot be leached into groundwater.
- (b) Fertilizers and soil amendments will be applied and used per packaging instructions and/or at proper agronomic rates.
- (c) Cultivation areas will be maintained so as to prevent nutrients from leaving the site during the growing season and post-harvest.

e) Electrical Power:

- i) The facility is on the electrical grid and is served by electrical power supplied by Pacific Gas & Electric Company (PG&E). Generator power will not be used except in case of emergency, such as an extended PG&E power outage. See “Electrical Generators” below for details.

f) Cultivation Activities:

- i) Cultivation activities are described as “mixed light” as defined in Humboldt County’s CMMLUO.
- ii) Schedule of activities:
 - (1) Planting in April and July.
 - (2) Basic Plant Care April through September.
 - (3) Harvest July and October

g) Cultivation-related wastes

- i) Cultivation-related wastes including, but not limited to, empty soil bags, soil amendment bags, fertilizer bags and containers, empty plant pots or containers, dead or harvested plant waste, and spent growth medium will, for as long as they remain on the site, be stored at locations where they will not enter or be blown into surface waters, and in a manner that ensures that residues and pollutants within those materials do not migrate or leach into surface water or groundwaters.

- h) Refuse and human waste
 - i) Refuse and garbage will be stored in a location and manner that prevents its discharge to receiving waters and prevents any leachate or contact water from entering or percolating to receiving waters.
 - ii) Garbage and refuse will be disposed of at an appropriate waste disposal location.

2) General Performance Requirements:

- a) Water Quality – See “Water Quality, Conservation, & Use” above.
- a) Setbacks –
 - i) The area of cannabis cultivation is located as shown on the application site plan, set back at least 30 feet from any property line, and more than 600 feet from any School, School Bus Stop, Church or other Place of Religious Worship, Public Park, or Tribal Cultural Resource.
 - ii) Cultivation areas and associated facilities observe all required setbacks from watercourses, wetlands and Environmentally Sensitive Habitat Areas, as described within sections 313-33 and 313-38 of the code, as well as applicable resource protection policies. Where enhanced, reduced, or modified watercourse or wetland setbacks have been agreed to by the operator and RWQCB under enrollment pursuant to NCRWQB Order No. 2015-0023 and/or preparation of a Water Resources Protection Plan, these may control and supersede any setback applied pursuant to 314-61.1.
- b) Land Use –
 - i) The cultivation is not located on land designated for timberland; therefore, a 3 acre conversion is not required.
- c) Chemical, Hazardous, and Dangerous Materials –
 - i) Operator will refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide. It is recognized that Hazardous materials and wastes from agricultural businesses are regulated by the Humboldt County Environmental Health Division, that administers

the Hazardous Materials program as one of the Certified Unified Program Agencies (CUPA).

d) Electrical Generators:

i) This facility enjoys full electrical power service from Pacific Gas & Electric Company. As such is the case, Electrical Generators are not planned to be used at this facility unless in case of emergency caused by extended duration power loss from PG&E. In such rare occurrences, the following guidelines will be followed:

- (1) Noise – The noise produced by the generator used for cannabis cultivation will not be audible by humans from neighboring residences. The decibel level for generators at the property line will be no more than 60 decibels. If applicable, sound levels will 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. We understand that conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service, and further consultation where necessary.
- (2) Storage of Fuel -- Fuel will be stored and handled in compliance with applicable state and local laws and regulations, and in such a way that no spillage occurs.

3) Cultivation Operations Performance Standards:

a) Labor:

- i) Pursuant to the MMRSA, Health and Safety Code section 19322(a)(9), the applicant hereby declares that it is a 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.”
- ii) In addition to the above declaration of status as an “Agricultural Employer” per Labor Code Sections 1140-1166.3, the applicant/employer hereby agrees to 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).

b) Processing Practices:

- i) Processing is not intended to be performed on site. All processing will be performed off-site at a facility permitted under the Humboldt County CMMLUO and licensed by the State of California as applicable.

c) Employee/Worker Safety

- i) Regarding employees engaging in commercial cannabis cultivation and processing, the Applicant/Employer will comply with the following Employee Safety Practices:

- (1) Cultivation operations will implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:

- (a) Emergency action response planning as necessary;
- (b) Employee accident reporting and investigation policies;
- (c) Fire prevention;
- (d) Hazard communication policies, including maintenance of material safety data sheets (MSDS);
- (e) Materials handling policies;
- (f) Job hazard analyses; and
- (g) Personal protective equipment policies, including respiratory protection.

d) Emergency Contact List:

- i) The employer will 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.

e) Safe Drinking Water, Toilets, & Sanitary Facilities:

- i) At all times, employees will have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and

local laws and regulations. The employer will contract with an appropriate temporary sanitation facilities services provider to provide and maintain toilet and hand-washing facilities in accordance with the requirements of Cal-OSHA and ADA/California Accessibility regulations.

f) On-Site Housing:

- i) Any and all on site-housing provided to employees, if any, will comply with all applicable federal, state, and local laws and regulations. There is no intent to provide on-site housing at this time.

4) Performance Standards for Mixed-Light Cultivation:

a) Shields:

- i) When using artificial lighting for mixed-light cultivation, shields will be deployed to shield greenhouses so that little to no light escapes during nighttime hours. Light will be prevented from escape at a level that is visible from neighboring properties between sunset and sunrise.

b) Design Standards:

- i) The light source will comply with the International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1, and be designed to regulate light spillage onto neighboring properties resulting from backlight, uplight, or glare (BUG).

c) Compliance:

- i) The applicant understands and agrees that should the Humboldt County Planning Division receive complaints that the lighting is out of alignment or not complying with these standards, within ten (10) working days of receiving written notification that a complaint has been filed, the applicant shall submit written verification that the lights' shielding and alignment has been repaired, inspected and corrected as necessary

ATTACHMENT 4

Referral Agency Comments And Recommendations

The project was referred to the following referral agencies for review and comment. Recommendations received are summarized, and the locations of the recommendations are noted.

Referral Agency	Recommendation	Location
Public Works Building Inspection Division	Conditional Approval	On file with Planning
Public Works Land Use Division	Conditional Approval	On file with Planning
Health and Human Services Environmental Health Division	Conditional Approval	On file with Planning
Planning and Building Department Current Planning Division	No Response	N/A
CAL-FIRE	Commented and requested timberland conversion report, which has been completed and approved	On file with Planning
California Department of Fish and Wildlife	Commented	On file with Planning
Northwest Information Center	Further Study – Cultural Resources study has been submitted	On file with Planning
Bear River Band Rohnerville Rancheria	Conditional Approval	On file with Planning
Regional Water Quality Control Board	No Response	N/A
Mattole Unified School District	Commented	On file with Planning
North Coast Unified Air Quality Management District		