



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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Phone: (707)445-7541 Fax: (707) 268-3792

Hearing Date: July 19, 2018

To: Humboldt County Planning Commission

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

Subject: **1L Garden Supply, LLC Conditional Use Permit**
Application Number 11849
Case Number: CUP16-410
Assessor's Parcel Number (APN): 033-271-004
705 US Highway 101, Garberville area

	Page
Agenda Item Transmittal	2
Recommended Action and Executive Summary	3
Draft Resolution	5
Maps	
Topo Map	7
Zoning Map	8
Aerial Photo	9
Project Plans	10
Attachments	
Attachment 1: Recommended Conditions of Approval	11
Attachment 2: Staff Analysis of the Evidence Supporting the Required Findings	18
Attachment 3: Applicant's Evidence in Support of the Required Findings	32
Attachment 4: Referral Agency Comments and Recommendations	44

Please contact Tayla Copeland, Planner, at (707) 445-7541 or by email at tcopeland@co.humboldt.ca.us if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
July 19, 2018	Conditional Use Permit	Tayla Copeland

Project Description: A Conditional Use Permit for 10,000 square feet of mixed light cannabis cultivation. The applicant proposes to construct three greenhouses ranging in size from 2,500 square feet to 4,320 square feet. A maximum of five cultivation cycles annually are proposed. Water for the proposed project will be sourced from an existing well and wastewater service will be provided by an existing Onsite Wastewater Treatment System (OWTS). Estimated monthly water use of the proposed project will be 150,000 gallons annually. Cannabis processing will occur in a permitted facility also located on the same parcel or at a licensed off-site processing facility. Access to the project site is via a driveway from US Highway 101. Power is provided by P. G. & E.

Project Location: The project is located in Humboldt County, in the Garberville area on the east side of US Highway 101, approximately 1,700 feet north of the intersection of Milky Way and US HWY 101, on the property known as 705 US HWY 101 #1.

Present Plan Land Use Designations: Commercial Recreation (CR), General Plan (GP), Relative Slope Stability 2

Present Zoning: Community Commercial (C-2), with a Qualified Combing zone (Q).

Application Number: 11849

Case Number: CUP16-410

Assessor Parcel Number: 033-271-004

Applicant

1L Garden Supply, LLC
705 US HWY 101
Garberville, CA 95542

Owner

705 101 Properties LLC
1012 Scott Street
San Francisco, CA 94519

Agent

Peter Huson
705 US HWY 101
Garberville, CA 95542

Environmental Review: The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per Class 3, 15303 (New Construction or Conversion of Small Structures) and per Class 4, 15304 (Minor Alterations to Land) of the California Environmental Quality Act (CEQA) Guidelines.

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

Major Issues: None.

1L GARDEN SUPPLY, LLC, CONDITIONAL USE PERMIT

Case Number: CUP16-410

Assessor Parcel Number: 033-271-004

Recommended Commission Action

1. Describe the application as part of the Consent Agenda.
2. Survey the audience for any person who would like to discuss the application.
3. If no one requests discussion, make the following motion to approve the application as a part of the consent agenda:

Find the project exempt from environmental review pursuant to Sections 15303 and 15304 of the State CEQA Guidelines, make all of the required findings for approval of the Conditional Use Permit based on evidence in the staff report and any public testimony, and adopt the Resolution approving the proposed 1L Garden Supply, LLC, project subject to the recommended conditions.

Executive Summary

In compliance with the County Commercial Medical Marijuana Land Use Ordinance (CMLMO), the proposed Use Permit would allow for the operation of a 10,000 square-foot (sf) mixed-light cannabis cultivation operation. The site is currently developed or is proposed to be developed with the following commercial cannabis operations (as shown on attached Master Site Plan):

- Retail cannabis nursery (APPS #11851)
- Retail cannabis dispensary (APPS #12824)
- Commercial cannabis manufacturing (APPS #11849)
- Commercial cannabis manufacturing (APPS #11859)
- Commercial cannabis distribution facility (APPS #11853)
- Mixed-Light cannabis cultivation (APPS #11849) - Current Project

The 10,000 square feet of cultivation area will occur in one (1) 4,320 sf greenhouse and two 2,500 sf greenhouses. The 4,320-sf greenhouse will be located 39 feet from the northern property line and 56 feet from the closest existing building on the site. The two (2) 2,500-sf greenhouses will be adjacent to each other and they will be located 39 feet from the southern property line and 30 feet from the closest existing building on the site. All three greenhouses will incorporate dark sky features to prevent the escape of artificial light into the night sky. A total of five flowering cycles per year will be produced in all three greenhouses. One full time cultivators and one seasonal cultivator will be employed by the proposed project.

An Operations Plan provided by the applicant estimates that the proposed project will require 12,500 gallons of water per month. Water service is provided to the site by a permitted well (Permit #01234921) that provides 12.5 gallons of water per minute. The California Department of Fish and Wildlife (CDFW) found that the well is hydrologically connected to a nearby surface water source and a Lake or Streambed Alteration Agreement (LSAA) is required. The LSAA was executed on March 19, 2018. The well is identified in the LSAA as POD 1. The LSAA limits the water diversion to no more than 10 gallons per minute, however, does not require forbearance. The LSAA requires the applicant to monitor water diverted weekly and annual reporting to CDFW is required. The LSAA and a Hydrologic Assessment by Western Groundwater Surveyors, Inc. was submitted to the State Water Resources Control Board-Division of Water Rights for comment. They determined that no water right would be required from their agency for the well. A second on-site well provides water for the existing residence only.

The project site is fenced and vehicle access is through a locked gate. Access to the project site will be limited to employees only. The proposed project is served by a 200A single phase service from Pacific Gas & Electric and all lighting will be hooded and shielded to minimize light pollution. There is an existing permitted 1,200-gallon capacity septic system on-site and solid waste service is provided by Humboldt Recology twice a week. All dumpsters located on site are covered and secure. There is a school bus stop for the Southern Humboldt Unified School District (School District) located at the Cooks Valley Patriot fuel station which would be approximately 550 feet away from one of the cultivation areas. The School District provided the applicant with a waiver for the required 600-foot setback on June 12, 2017, after the application provided the School District with sufficient evidence that student safety will not be compromised. There are no schools, youth orientated facilities, churches, residential treatment facilities, or public parks located within 600 feet of the proposed project site.

The project has been determined to be exempt from CEQA pursuant to Sections 15301 – New Construction or Conversion of Small Structures and 15304 – Minor Alterations to Land of the Guidelines for the Implementation of CEQA. Section 15303 exempts from environmental review the construction and location of accessory structures, such as the proposed greenhouses. Section 15304 exempts minor alterations to land. To construct the proposed greenhouses, minimal grading may occur on the parcel, which has slopes less than 10% and will not require removal of healthy, mature trees.

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 CUP.

ALTERNATIVES

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

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

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

**Case Number: CUP16-410
Assessor Parcel Number: 033-271-004**

Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the 1L Garden Supply, LLC, Conditional Use Permit request.

WHEREAS, 1L Garden Supply, LLC, submitted an application and evidence in support of approving a Conditional Use Permit for 10,000 square feet of new mixed-light cannabis cultivation in a C-2 zoning district that includes construction of three greenhouses ranging in size from 2,500 square feet to 4,320 square feet. A maximum of five cultivation cycles annually are proposed. Water for the proposed project will be sourced from an existing well and wastewater service will be provided by an existing Onsite Wastewater Treatment System (OWTS). Estimated water use of the proposed project will be 150,000 gallons annually. Cannabis processing will occur in a permitted facility also located on the same parcel or at a licensed off-site processing facility; and

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

WHEREAS, the project is categorically exempt from environmental review pursuant to Class 3, Section 15303 (New Construction or Conversion of Small Structures) and Class 4, Section 15304 (Minor Alterations to Land) of the California Environmental Quality Act (CEQA) Guidelines; and

WHEREAS, Attachment 2 in the Planning Division staff report includes evidence in support of making all of the required findings for approving the proposed Conditional Use Permit (Case Number CUP16-410); and

WHEREAS, a public hearing was held on the matter before the Humboldt County Planning Commission on July 19, 2018.

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

1. The project is categorically exempt from environmental review pursuant Class 3, Section 15303 (New Construction or Conversion of Small Structures) and Class 4, Section 15304 (Minor Alterations to Land) of the California Environmental Quality Act (CEQA) Guidelines; and
2. The findings in Attachment 2 of the Planning Commission staff report support approval of Case Number CUP16-410 based on the submitted substantial evidence; and
3. Conditional Use Permit CUP-16-410 is approved as recommended and conditioned in Attachment 1 for Case Number CUP16-410.

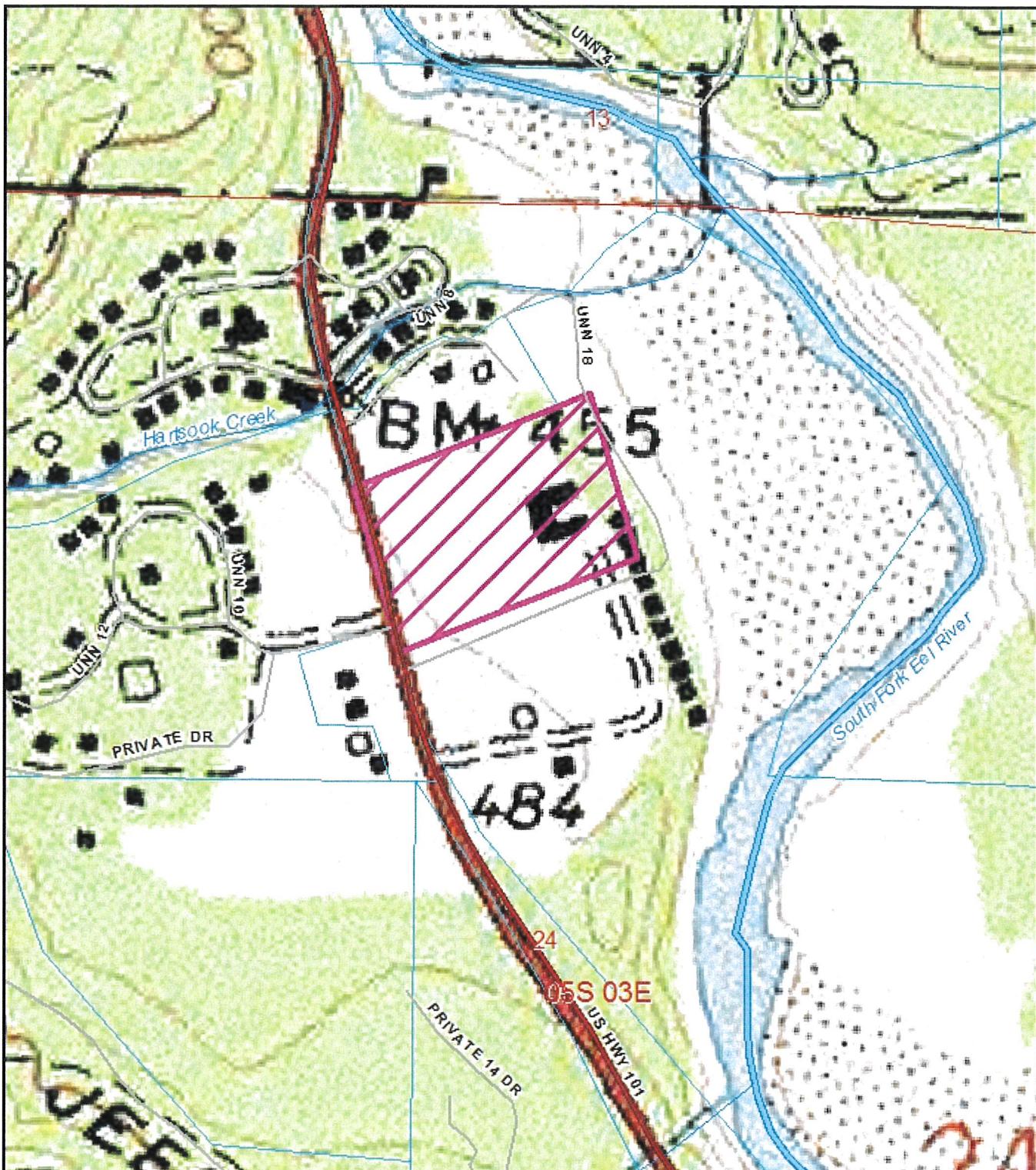
Adopted after review and consideration of all the evidence on July 19, 2018.

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

AYES: Commissioners:
NOES: Commissioners:
ABSTAIN: Commissioners:
ABSENT: Commissioners:
DECISION:

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

John H. Ford, Director
Department of Planning and Building



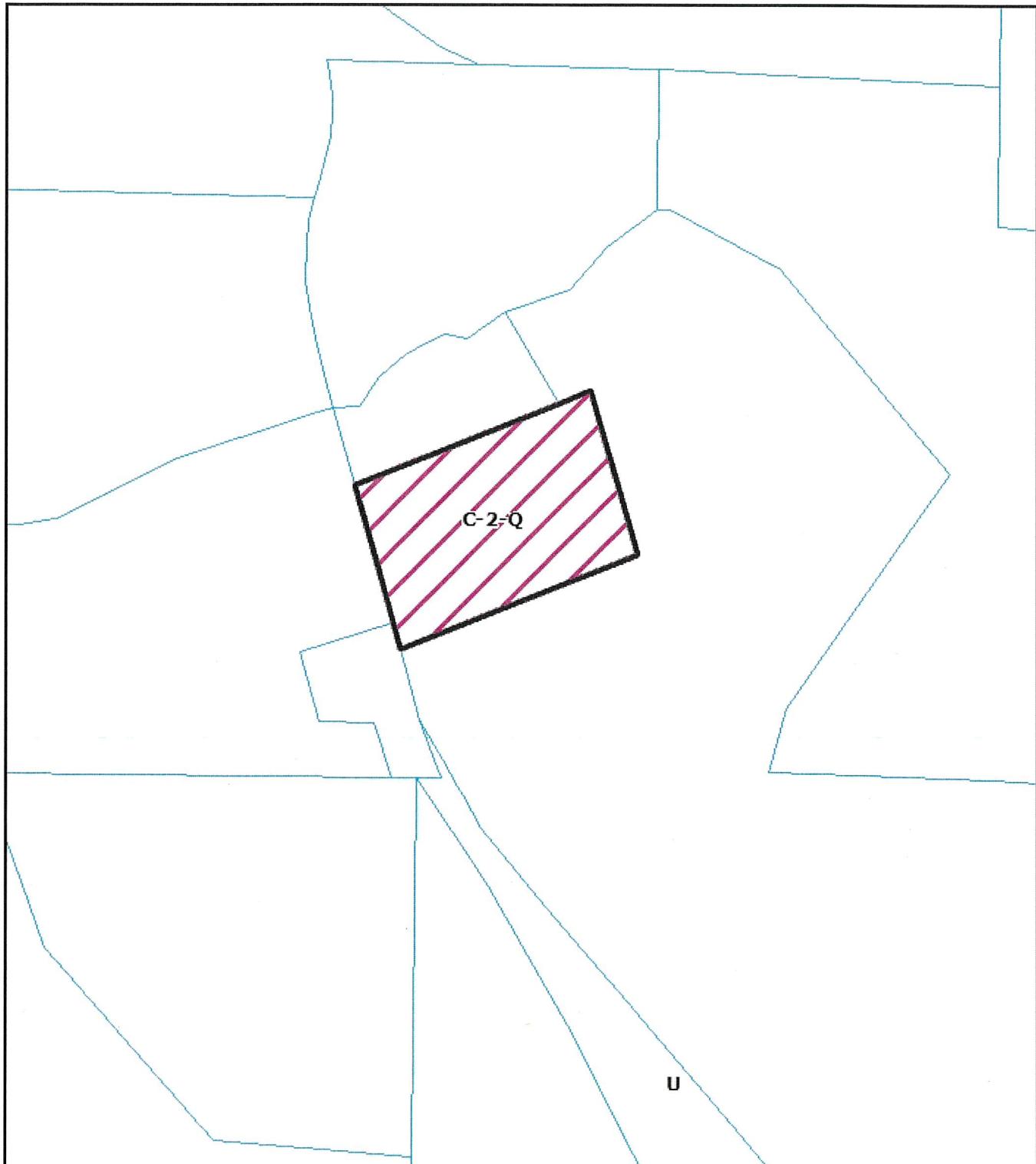
TOPO MAP
PROPOSED PETER HUSON
GARBerville AREA
CUP-16-410/SP-16-330
APN: 033-271-004

T05S R03E S24 HB&M (GARBerville)

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
or accuracy.

0 125 250 500
Feet



Project Area = 

ZONING MAP
PROPOSED PETER HUSON
GARBERVILLE AREA
CUP-16-410/SP-16-330
APN: 033-271-004
T05S R03E S24 HB&M (GARBERVILLE)

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

0 125 250 500 Feet





**AERIAL MAP
PROPOSED PETER HUSON
GARBerville AREA
CUP-16-410/SP-16-330
APN: 033-271-004**

Project Area = 

T05S R03E S24 HB&M (GARBerville)



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

0 125 250
Feet



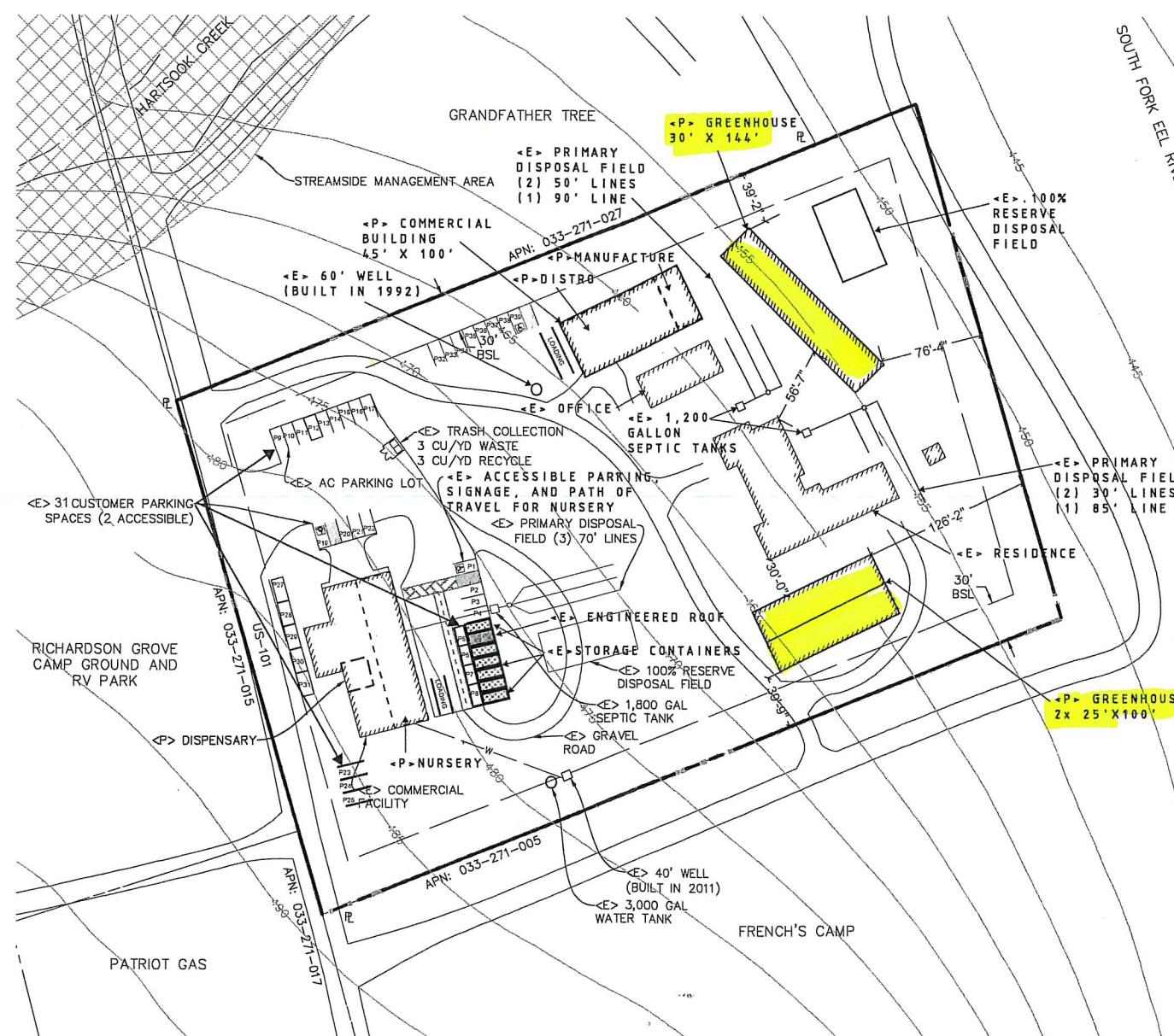
DIRECTIONS TO SITE:
FROM EUREKA, CA
-SOUTHBOUND ON US-101
(APPROX. 74.7 MILES)
-SITE DRIVEWAY ON LEFT

ONE LOG HOUSE

705 US HWY 101

GARBERVILLE, CA 95542

APN: 033-271-004



SITE ADDRESS:
APN: 033-271-004
705 US HWY 101
GARBERVILLE, CA 95542

WATER = PRIVATE
SEWER = PRIVATE
PARCEL SIZE = ± 5.05 ACRES

ZONING: = C-2
GENERAL PLAN DESIGNATION = CR

BUILDING SETBACKS:

	C-2	SRA
FRONT	0'	30'
SIDE	15'	30'
REAR	0'	30'

MAX. BLDG. HT. = 75'

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

PLOT PLAN

22x34 SHEET: 1"=60'
11x17 SHEET: 1"=120'
0 30 60 120
NORTH

ATTACHMENT 1

RECOMMENDED CONDITIONS OF APPROVAL

APPROVAL OF THE CONDITIONAL USE PERMIT IS CONDITIONED ON THE FOLLOWING TERMS AND REQUIREMENTS WHICH MUST BE SATISFIED BEFORE ISSUANCE OF BUILDING PERMITS OR INITIATION OF USE:

1. The project shall be developed in accordance with the project description and project site plan for the mixed light cultivation operation described by this application.
2. The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency (CUPA) requirements regarding any hazardous materials. Written verification of compliance shall be required before any provisional permits may be finalized. Ongoing proof of compliance with this condition shall be required at each annual inspection in order to keep the permit valid.
3. The applicant shall secure permits for all proposed structures and grading related to the commercial cannabis activity. The plans submitted for building and grading permits approval shall be consistent with the project description and approved project site plan. A letter or similar communication from the Building Division verifying that all structures related to the cannabis cultivation are permitted will satisfy this condition.
4. To demonstrate compliance with the Qualified Combining Zone development restrictions the applicant shall submit a landscape plan for approval by Planning and Building Department that shows that existing vegetation is retained to the maximum extent feasible, especially large trees and that visual buffering from Highway 101 is maintained at the site.
5. All security lighting for the proposed use and structures require be shielded and directed inward. Mixed-light cultivation shall adhere with International dark Sky Association standards for lighting zone 0 and 1, and shall be designed to regulate light spillage resulting from backlight, uplight and glare (BUG). A lighting plan shall be submitted for approval by the Planning Director.
6. The applicant shall provide a to-scale, legible plot plan for the site which will include the location and dimensions of all facilities associated with the operation, including the other on-site cannabis manufacturing, distribution and nursery facilities and locations, parking for at least two vehicles for the proposed operation and parking for all uses. The plot plan shall show the designated parking spaces for each use on the subject parcel. The plot plan shall include the distance(s) from all facilities associated with the operation to the property line and to adjacent residences.
7. The driveway and turnaround area(s) shall meet the Fire Safe standards, Humboldt County Code Section 3111-12, for adequate emergency access. The applicant shall be responsible for implementing any necessary improvements to bring the driveway and emergency vehicle turn around into compliance. The Applicant shall provide a stamped letter from California licensed engineer documenting that the driveway and turnaround areas on the parcel meet the referenced standards.
8. Prior to any ground-disturbance, the applicant shall consult with, or obtain a permit as needed from, the North Coast Unified Air Quality Management District (NCUAQMD). Dust control practices during construction and grading shall achieve compliance with NCUAQMD fugitive dust emission standards.

9. The applicant shall contact the local fire service provider [Garberville Fire Protection District] and furnish written documentation from that agency of the available emergency response and fire suppression services and any recommended project mitigation measures. Mitigation measures shall be incorporated into the project, if applicable. If emergency response and fire suppression services are not provided, the applicant shall cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning Division. Document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors will be required.
10. Prior to the construction of the proposed greenhouses, conditions of approval require that a biological resources study be prepared by a qualified professional that includes, but is not limited to, determining if pallid bats or coastal fawn lillies are present within the area proposed for development. The report should include any recommendations that will be required before and during construction to ensure that no pallid bats or coastal fawn lillies are disturbed.
11. The applicant shall provide a copy of an encroachment permit or equivalent issued by CAL TRANS for the driveway connection within the State's right-of-way.
12. The applicant shall adhere to the terms and reporting requirements of the Lake or Streambed Alteration Agreement (1600-2017-0372-R1) issued by the California Department of Fish and Game on March 19, 2018.
13. Applicant shall provide a copy of the Water Management Plan required by the Final Lake and Streambed Alteration Agreement (1600-2017-0372-R1) issued by the Department of Fish and Wildlife to the Planning Department.
14. 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.
15. The applicant shall obtain a Business License from the Humboldt County Tax Collector.
16. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will provide a bill to the applicant after the decision. Any and all outstanding Planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.

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

1. All components of project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, and these conditions of approval. Changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan.
2. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CMMLUO and MAUCRSA, as applicable to the permit type.

3. If operating pursuant to a written approved compliance agreement, permittee shall abate or cure violations at the earliest feasible date, but in no event no more than two (2) years from the date of issuance of a provisional clearance or permit. Permittee shall provide plans for curing such violations to the Planning & Building Department within one (1) year of issuance of the provisional clearance or permit. If good faith effort towards compliance can be shown within the two years following the issuance of the provisional clearance or permit, the Planning Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow for additional time to meet the outstanding requirements.
4. Possession of a current, valid required license, or licenses, issued by any agency of the State of California in accordance with the MAUCRSA, and regulations promulgated thereunder, as soon as such licenses become available.
5. Compliance with all statutes, regulations and requirements of the California State Water Resources Control Board and the Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration, as applicable.
6. Confinement of the area of cannabis cultivation, processing, manufacture or distribution to the locations depicted on the approved site plan. The commercial cannabis activity shall be set back at least 30 feet from any property line, and 600 feet from any School, School Bus Stop, Church or other Place of Religious Worship, or Tribal Cultural Resources, except where a reduction to this setback has been approved pursuant to Section 55.4.11(d).
7. Maintain enrollment in Tier 1, 2 or 3, certification with the North Coast Regional Water Quality Control Board (NCRWQCB) Order No. R1-2015-0023, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
8. 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).
9. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
10. Pay all applicable application, review for conformance with conditions and annual inspection fees.
11. Any generator used in association with the mixed-light cultivation operation for an emergency back-up power source, shall not be audible by humans from neighboring residences. The decibel level for generators measured at the property line shall be no more than 60 decibels. Where applicable, sound levels must also show that they will not result in the harassment of Marbled Murrelet or Spotted Owl species. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service, and further consultation where necessary. Under these guidelines, generator noise may not exceed 50dB as measured at 100 feet from the generator or at the edge of the nearest Marbled Murrelet or Spotted Owl habitat, whichever is closer.

12. 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.
13. The Master Log Books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
14. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).
15. Participate in and bear costs for permittee's participation in the Medical Cannabis Track and Trace Program administered by the Humboldt County Agricultural Commissioner.

Performance Standards for Cultivation and Processing Operations

16. 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."
17. Cultivators shall comply with all applicable federal, state, and local laws and regulations governing California Agricultural Employers, which may include: federal and state wage and hour laws, CAL/OSHA, OSHA, California Agricultural Labor Relations Act, and the Humboldt County Code (including the Building Code).
18. 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.
19. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:
 - I. Cultivation operations and processing operations must implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:
 - (a) Emergency action response planning as necessary;
 - (b) Employee accident reporting and investigation policies;
 - (c) Fire prevention;
 - (d) Hazard communication policies, including maintenance of material safety data sheets (MSDS);
 - (e) Materials handling policies;
 - (f) Job hazard analyses; and
 - (g) Personal protective equipment policies, including respiratory protection.

- II. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
 - (a) Operation manager contacts;
 - (b) Emergency responder contacts;
 - (c) Poison control contacts.
- III. At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations. Plumbing facilities and water source must be capable of handling increased usage without adverse consequences to neighboring properties or the environment.
- IV. On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.

20. All cultivators shall comply with the approved Processing Plan as to the following:

- I. Processing Practices.
- II. Location where processing will occur.
- III. Number of employees, if any.
- IV. Employee Safety Practices.
- V. Toilet and handwashing facilities.
- VI. Plumbing and/or septic system and whether or not the system is capable of handling increased usage.
- VII. Drinking water for employees.
- VIII. Plan to minimize impact from increased road use resulting from processing.
- IX. On-site housing, if any.

21. The mixed light cultivation shall comply with International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1, and be designed to regulate light spillage onto neighboring properties resulting from backlight, uplight, or glare (BUG). International Dark Sky Association standards exceed the requirements of Scenic Resources Standard SR-S4, Light and Glare, that lighting be fully shielded, and designed and installed to minimize off-site lighting and direct light within the property boundaries.

22. Permit Duration. Any Commercial Cannabis Cultivation CUP issued pursuant to this section shall expire after one (1) year after date of issuance, and on the anniversary date of such issuance each year thereafter, unless an annual compliance inspection has been conducted and the permittees, lessees, and the permitted site have been found to comply with all conditions of approval. If the inspector or other County official determines that the permittees, lessees, or site do not comply with the conditions of approval, the inspector shall serve the CUP or permit holder with a written statement identifying the items not in compliance, and the action that the permit holder may take to cure the non-compliance, or file an appeal within ten (10) days of the date that the written statement is delivered to the permit holder. Personal delivery or mailing the written statement to the mailing address listed on the application by regular mail, plus three (3) days after date of mailing, shall constitute delivery. The permit holder may request a reinspection to determine whether or not the permit holder has cured all issues of non-compliance. Failure to request reinspection or to cure any items of non-compliance shall terminate the Use Permit, immediately upon the expiration of any appeal period, or final determination of the appeal if an appeal has been timely filed pursuant to section 55.4.13.

23. Acknowledgements to Remain in Full Force and Effect. Permittee acknowledges that the County reserves the right to reduce the size of the area allowed for cultivation under any

clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed in which the cultivation area is located will not support diversions for irrigation.

Permittee further acknowledges and declares that:

- (1) All commercial cannabis activity that I, my agents, or employees conduct pursuant to a permit from the County of Humboldt for commercial cultivation, processing, manufacturing, and distribution of cannabis for adult use or medicinal use within the inland area of the County of Humboldt, shall at all times be conducted consistent with the provisions of the approved County permit; and
- (2) All cannabis or cannabis products under my control, or the control of my agents or employees, and cultivated or manufactured pursuant to local Ordinance and the State of California Medicinal and Adult Use Cannabis Regulation and Safety Act ("MAUCRSA") (SB 94), will be distributed within the State of California; and
- (3) All commercial cannabis activity conducted by me, or my agents or employees pursuant to a permit from the County of Humboldt will be conducted in compliance with the State of California MAUCRSA.

24. Transfers. Transfer of any leases or permits approved by this project is subject to the review and approval of the Planning Director for conformance with CMLLUO eligibility requirements, and agreement to permit terms and acknowledgments. The fee for required permit transfer review shall accompany the request. The request shall include the following information:

- a. Identifying information for the new Owner(s) and management as required in an initial permit application;
- b. A written acknowledgment by the new Owner in accordance as required for the initial Permit application;
- c. The specific date on which the transfer is to occur; and
- d. Acknowledgement of full responsibility for complying with the existing Permit; and
- e. Execution of an Affidavit of Non-diversion of Medical Cannabis.

25. Inspections. The permit holder and subject property owner are to permit the County or representative(s) or designee(s) to make inspections at any reasonable time deemed necessary to assure that the activities being performed under the authority of this permit are in accordance with the terms and conditions prescribed herein.

Informational Notes:

1. This permit approval shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"); except where building permits have been secured and/or the use initiated pursuant to the terms of the permit, the use is subject to the Permit Duration and Renewal provisions set forth in Conditions of Approval #22 of the On-Going Requirements /Development Restrictions, above.
2. If cultural resources are encountered during construction activities, the contractor on site shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist as well as the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and lead agency, develop a treatment plan in any instance where significant

impacts cannot be avoided.

Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, shellfish or faunal remains, and human burials. If human remains are found, California Health and Safety Code Section 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 Native American Heritage Commission will then be contacted by the Coroner to determine appropriate treatment of the remains pursuant to Public Resources Code Section 5097.98. Violators shall be prosecuted in accordance with Public Resources Code Section 5097.99.

3. 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.
4. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions prior to release of building permit or initiation of use and at time of annual inspection. In order to demonstrate that all conditions have been satisfied, applicant is required to pay the conformance review deposit as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750) within sixty (60) days of the effective date of the permit or upon filing of the Compliance Agreement (where applicable), whichever occurs first. Payment shall be made to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
5. A Notice of Exemption (NOE) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. **Within three days of the effective date of permit approval**, it is requested that the applicant submit a check or money order for the required filing fee in the amount of \$50 payable to the Humboldt County Clerk/Recorder. If this payment is not received within this time period, the Department will file the NOE and will charge this cost to the project.

ATTACHMENT 2

STAFF ANALYSIS OF THE EVIDENCE SUPPORTING THE REQUIRED FINDINGS

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

The County Zoning Ordinance, Sections 312-1.1.2 and 312-17.1 of the Humboldt County Code (Required Findings for All Discretionary Permits) specify the findings that are required to grant a Conditional Use Permit:

1. The proposed development is in conformance with the County General Plan;
2. The proposed development is consistent with the purposes of the existing zone in which the site is located;
3. The proposed development conforms with all applicable standards and requirements of these regulations;
4. The proposed development and conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare; or materially injurious to property or improvements in the vicinity;
5. The proposed development does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law (the midpoint of the density range specified in the plan designation) unless the following written findings are made supported by substantial evidence: 1) the reduction is consistent with the adopted general plan including the housing element; and 2) the remaining sites identified in the housing element are adequate to accommodate the County share of the regional housing need; and 3) the property contains insurmountable physical or environmental limitations and clustering of residential units on the developable portions of the site has been maximized; and
6. In addition, the California Environmental Quality Act (CEQA) states that one of the following findings must be made prior to approval of any development which is subject to the regulations of CEQA. The project either:
 - a. Is categorically or statutorily exempt; or
 - b. Has no substantial evidence that the project will have a significant effect on the environment and a negative declaration has been prepared; or
 - c. Has had an environmental impact report (EIR) prepared and all significant environmental effects have been eliminated or substantially lessened, or the required findings in Section 15091 of the 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
Land Use Chapter 4 Land Use Designations Section 4.8	<p>Commercial Recreation (CR): Primary and compatible uses include commercial recreation facilities and accommodations and recreation/tourist-orientated sales and services geared to local and visitor need, including associated retail sales and service.</p>	<p>The proposed project includes the establishment of a 10,000-sf mixed light cultivation operation on a previously developed site. The General Plan also lists timber production and similar compatible uses as permitted uses on land designated CR. General agriculture is an allowable use type for lands managed for timber production and cannabis cultivation would be considered a similar compatible use type.</p>
Circulation Chapter 7	<p>Goals and policies contained in this Chapter relate to a balanced, safe, efficient, accessible and convenient circulation system that is appropriate for each type of unincorporated community (C-G1, C-G2); coordinated planning design, development, operations, and maintenance between the County and other transportation system service providers (C-G3); and access for all transportation mode types with improved opportunities to move goods within, into and out of Humboldt County. (C-G4, C-G5)</p> <p>Related policies: C-P3. Consideration of Transportation Impacts in Land Use Decision Making.</p>	<p>Access to the site is directly off a paved federally maintained public road (US Highway 101). The project was referred to CAL TRANS for comments. Although CAL TRANS did not respond to the referral, CAL TRANS did respond to the referral for a different project on the same parcel. The project is conditioned on the applicant is required to be provide a copy of an encroachment permit or equivalent issued by CAL TRANS for the driveway connection within the State's right-of-way.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Housing Chapter 8	<p>Goals and policies contained in this Element seek to identify existing and projected housing needs and establish goals, policies, standards and measures for the preservation, improvement, and development of housing.</p> <p>Related policies: H-P3, Development of Parcels in the Residential Land Inventory.</p>	<p>The project does not involve residential development, nor is the project site part of the Housing element Residential Land Inventory. However, the project will not preclude any future residential development. The project will not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.</p>
Conservation and Open Space Chapter 10 Open Space Section 10.2	<p>Goals and policies contained in this Chapter relate to an Open Space and Conservation Program that is complimentary to other agencies' plans and that preserves the county's unique open spaces. (CO-G1, CO-G3)</p> <p>Related policies: CO-P1, Conservation and Open Space Program; CO-P8, Development Review, CO-S1. Identification of Local Open Space Plan, and CO-S2. Identification of the Open Space Action Program.</p>	<p>The proposed project is located within an existing commercial development, not on working resource lands or park lands. However, the project will not preclude orderly development and coordination with other agencies programs related to conserving open space lands. See Section 10.3 Biological Resources for additional information.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Conservation and Open Space Chapter 10 Biological Resources Section 10.3	<p>Goals and policies 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, BR-G2, and BR-G3).</p> <p>Related policies: BR-P1, Compatible Land Uses; and BR-P5, Streamside Management Areas.</p>	<p>The project site is not located within a streamside management area (SMA) or wetland. The SMA for the South Fork of the Eel River is located approximately 400 feet to the southwest of the subject parcel and the SMA for Hartsook Creek is located approximately 100 feet north of the subject parcel. Water for the proposed project will be supplied by an existing on-site well. Referral comments from CDFW in August 2017, indicate the well is hydrologically connected and a Lake or Streambed Alteration Agreement (LSAA) is required. The LSAA was executed on March 19, 2018. The well is identified in the LSAA as POD 1. The LSAA limits the water diversion to no more than 10 gallons per minute, however, does not require forbearance. The LSAA requires the applicant to monitor water diverted weekly and annual reporting to CDFW is required. Conditions of approval for this permit require the applicant to adhere to the LSAA effective March 19, 2018, and provide a copy of the water management plan to the Planning Department. The applicant filed a <i>Statement of Water Diversion and Use</i> to the State Water Resources Control Board to report the use of the point of diversion.</p> <p>According to the Humboldt WebGIS mapping application, there is potential for pallid bats or the coastal fawn lilies on the subject parcel. Prior to the construction of the proposed mixed-light green houses, conditions of approval require that a biological report be prepared by a qualified professional that includes, but is not limited to, determining if pallid bats or coastal fawn lilies are present within the area proposed for development. The report should include any recommendations that will be required before and during construction to ensure that no pallid bats or coastal fawn lilies are disturbed.</p>
Conservation and Open Space Chapter 10 Cultural Resources Section 10.6	<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</p>	<p>Minimal ground disturbance is associated with this project. The Bear River Band THPO 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>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
	<p>Enhancement of Significant Cultural Resources)</p> <p>Related policies: CU-P1. Identification and Protection, CU-P2. Native American Tribal Consultation]</p>	
<p>Conservation and Open Space Chapter 10</p> <p>Scenic Resources Section 10.6</p>	<p>Goals and policies contained in this Chapter relate to the protection of scenic areas that contribute to the enjoyment of Humboldt County's beauty and abundant natural resources (SR-G1); and a system of scenic highways roadways that increase the enjoyment of, and opportunities for, recreational and cultural pursuits and tourism in the County. (SR-G2)</p> <p>Related policies: SR-S4. Light and Glare.</p>	<p>The project involves mixed-light cultivation in greenhouses that cover 10,000 square feet of cultivation area. 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 (BUG). International Dark Sky Association Standards exceed the requirements of Scenic Resources Standard SR-S4, Light and Glare, that lighting be fully shielded, and designed and installed to minimize off-site lighting and direct light within the property boundaries.</p> <p>The project also requires a landscaping plan to ensure that screening vegetation between the cultivation site and Highway 101 is maintained or enhanced to protect views of the traveling public.</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 de-listing water bodies and watersheds which are restored to meet all beneficial uses, including water use, salmon and steelhead recovery plans, recreational activities, and the economy. (WR-G1, WR-G, WR-G7, WR-G8, WR-G9)</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 WRPP will be prepared to describe and address the required elements and compliance with the 12 Standard Conditions established by the Order. The WRPP will identify areas where the Project site does not meet all 12 Standard Conditions and set a preliminary schedule prioritizing corrective actions to reach full compliance with the Order.</p>
<p>Water Resources Chapter 11</p> <p>Onsite Wastewater Systems</p>	<p>Goals and policies contained in this Chapter relate to adequate public water supply as well as onsite wastewater systems and natural and developed storm drainage systems that minimize interference with surface and groundwater flows and storm water pollution. (WR-G6, WR-G9, WR G10)</p> <p>Related policies: WR-IM7, Basin Plan Septic Requirements; and IS-P17, On-Site Sewage Disposal Requirements.</p>	<p>The proposed project under this application is for cannabis mixed-light cultivation, one of several uses on the subject parcel. The site is served by two existing septic systems. In their letter dated August 8, 2017, A.M. Baird Engineering and Surveying, Inc., stated factory workers generate 35 gallons per day (gpd) of wastewater. The applicant is proposing to have 2 employees, meaning approximately 70 gpd of wastewater will be added to the existing onsite wastewater treatment system. An engineer's letter has been provided indicating sufficient septic capacity for all existing and currently proposed uses on site.</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 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; and N-P4, Protection from Excessive Noise.</p>	<p>The subject parcel is not located in an area that requires special noise attenuation measures. The proposed cultivation areas are mixed-light, and will not use electrical generators, so there will be minimal noise generated by the project. Electric power is supplied to the property by Pacific Gas and Electric Company.</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; and 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 County's GIS shows the site in an area designated as Moderately Unstable (2). The proposed facility occurs on slopes of 5% or less seismically classified moderate instability. Minimal grading will be required for development of the greenhouse. Given the relatively flat site where the greenhouse is located, the proposed new 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 man-made hazards. As a condition of approval, the existing and proposed graded areas and structures shall be reviewed by the County Building Division and will be reviewed for consistency with applicable State and local regulations of building standards, including those addressing slope stability, ground shaking, and geologic risks.</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>According to the Flood Insurance Rate Map Panel No. 06023C2000F (effective 1/19/2011), the project site is located within an area of minimal flooding. The project site is not within a mapped dam or levee inundation area and, at several miles distance from the coast is outside the areas subject to tsunami run-up.</p>
Safety Element	Goals and policies of this Chapter encourage	The subject property is located in an area designated as a high wildfire risk with a very high fire

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Chapter 14 Fire Hazards	<p>development designed to reduce the risk of structural and wildland fires supported by fire protection services that minimize the potential.</p> <p>Related policies: S-P19, Conformance with State Responsibility Areas (SRA) Fire Safe Regulations.</p>	<p>hazard severity. The subject property is located within the non-District response area for the Garberville Fire Protection District and the State Responsibility Area (SRA) where the State of California has the primary financial responsibility for the prevention and suppression of wildland fires. CALFIRE 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. Compliance with these requirements has been incorporated as a condition of approval.</p>
Community Infrastructure and Services Element, Chapter 5 Implementation Action Plan	<p>IS-S5 requires new industrial, commercial and residential development located outside of fire district boundaries to obtain written acknowledgment of available emergency response and fire suppression services from the local fire agency, including any recommended mitigation.</p>	<p>To implement this policy, conditions of approval for the proposed project required the applicant to contact the local fire service provider [Garberville Fire Protection District] and furnish written documentation from that agency of the available emergency response and fire suppression services and any recommended project mitigation measures. If emergency response and fire suppression services are not provided, the applicant shall cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning Division.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Air Quality Chapter 15	<p>Goals and policies 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; and AQ-P7, Interagency Coordination.</p>	<p>The proposed project is a new 10,000-square-foot mixed light operation that includes development of 3 greenhouses. As a condition of project approval, applications for grading and or building permits shall be referred to the North Coast Air Quality Management District (NCAQMD) for review and consultation. Dust control practices during construction and grading shall achieve compliance with NCAQMD fugitive dust emission standards.</p>

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

Zoning Section	Summary of Applicable Requirement	Evidence That Supports the Zoning Finding
<p>§312-1.1.2</p> <p>Legal Lot Requirement</p>	<p>Development permits shall be issued only for a lot that was created in compliance with all applicable state and local subdivision regulations.</p>	<p>The parcel of land known as APN 033-271-004 is a legal parcel as previous permits were issued by the Planning and Building Department (CUP-10-96). There is no evidence indicating there have been any subsequent acts to merge or divide this parcel. Therefore, the subject parcel was lawfully created in its current configuration and can be developed as proposed.</p>

§314-2.2 Community Commercial	Community Commercial (C-2): The C-2 zone is intended to apply to areas where more complete commercial facilities are necessary for community convenience.	The proposed project is a Special Permit for manufacturing of cannabis products. The proposed manufacturing facility is specifically allowed with a Special Permit in this zone district under Section 314-55.4.8.5 of the CMMLUO (Ordinance No. 2559).
§314-32.1 Qualified	The Qualified Combining (Q) Zone: Intended to be combined with any principal zone in situations where sound and orderly planning indicate that specified principal permitted uses or conditional uses otherwise allowed under the principal zone may be limited or not allowed with or without a Use Permit, or development standards/restrictions can be added, deleted or modified to implement the General Plan or to implement CEQA mitigation or to limit additional entitlements. The qualified uses shall be specified in the ordinance applying the Q zone to specific property.	A Qualified Combining Zone was applied to the subject parcel by Ordinance 2568. The qualification requires uses to be consistent with the CR land use designation and protective of visual resources. In addition to the light commercial character of the proposed project, which will have limited visual impacts, the project has been conditioned to ensure existing vegetation is retained to the maximum extent feasible, especially large trees and that visual buffering from Highway 101 is maintained at the site. The project will initially use the existing infrastructure at the site. Vegetation removal will be required to accommodate the building. However many mature trees will still remain on the parcel. The building will be screened from Highway 101 by existing vegetation and other development on the property. The new impermeable areas will be limited to the internal roads and the building site and equate to a very small portion of the approximately 5 1/2 acre site. No non-appurtenant signs are proposed.
Minimum Lot Size	2,000 square feet	5.05 acres
Maximum Ground Coverage	None Specified	N/A
Minimum Lot Width	25 Feet	400 feet
Maximum Lot Depth	None specified	N/A
Min. Yard Setbacks (through the SRA requirements):	Front: 20 feet Rear: 10 feet Side: 5 feet SRA: 30 feet, all sides	Front: >350 feet Rear: 76 feet Side: >30 feet
Max. Building Height	75 Feet	15 feet

<p>§314-109.1.3.4: Industrial Uses (Off-Street Parking)</p>	<p><u>Manufacturing</u>: The higher of one parking space for each 1500 square feet of gross floor space within all enclosed building areas or one (1) parking space for each employee at the peak shift. A minimum of two (2) parking spaces are required.</p>	<p>The proposed cultivation area will be 10,000 square feet. There will be a maximum of two employees during peak operations. Based on the parking standards for a manufacturing use, 2 parking spaces are required.</p>
<p>§314-109.1.4: Loading Spaces Required</p>	<p><u>Loading Spaces</u>: One (1) space for each 20,000 square feet of gross floor area or portion thereof.</p> <p><i>Note: 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>The existing commercial uses on the subject parcel require 31 parking spaces. The Master Site Plan shows 37 spaces, however, the spaces located in front of the gift shop are located within the CAL TRANS right-of-way and do not meet Humboldt County Code requirements for off-street parking spaces. Based on the number of spaces required for the proposed use and other uses on-site (32 spaces total), one (1) additional parking space must be developed on-site. Adequate area exists on-site to develop this space. Conditions of approval require the applicant to submit a revised site plan showing the total number of spaces for the project, all uses on-site and which spaces are designated for which use.</p>

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

<p>§ 314-55.4.8.2.1.2</p>	<p>In zoning districts C-2, C-3, MB, ML, and MH, outdoor and mixed light cultivation may be permitted with a Use Permit.</p>	<p>The proposed project is for 10,000 square feet of mixed light cannabis cultivation located within the C-2 zone, which is an allowable use with a Conditional Use Permit.</p>
<p>§314-55.4.8.2</p>	<p>In all zones where cultivation is allowed consisting of timberland, the commercial cultivation of cannabis for medical use shall only be permitted within a 3-acre conversion exemption area, or non-timberland open area, subject to the conditions and limitations set forth in this Section.</p>	<p>No timber removal is required for the proposed project.</p>

§314-55.4.8.10 Permit Limit	No more than four commercial cannabis activity permits may be issued to a single person, as defined in the referenced section.	According to records maintained by the Department, the applicant has one other approved permit (SP16-412) activity permit, and is entitled to four. This application is for a single permit for cultivation, therefore, the applicant will hold 2 permits upon approval of the proposed project with one pending application.
§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 location on the project site, or may be processed at a licensed off-site facility.
§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.	N/A
§314-55.4.10 Application Requirements	Identifies the Information Required for All Applications	Attachment 3 identifies the information submitted with the application, and shows all the required information was received.
§314-55.4.11 Performance Standards	Identifies the Performance Standards for Cannabis Cultivation Activities	All the applicable performance standards are included as Conditions of project approval. They are required to be met throughout the timeframe of the permit.
§314-55.4.11.c Performance Standards-Water	Compliance with all statutes, regulations and requirements of the California State Water Resources Control Board, Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration.	Water for the proposed project will be supplied by an existing on-site well. Referral comments from CDFW in August 2017, indicate the well is hydrologically connected and a Lake or Streambed Alteration Agreement (LSAA) is required. The LSAA was executed on March 19, 2018. The well is identified in the LSAA as POD 1. The LSAA limits the water diversion to no more than 10 gallons per minute, however, does not require forbearance. The LSAA requires the applicant to monitor water diverted weekly and annual reporting to CDFW is required. Conditions of approval for this permit require the applicant to adhere to the LSAA effective March 19, 2018. The applicant has submitted a Statement of Water Diversion and Use to the State Water Resources Control Board to report water diverted from the well. The LSAA and a Hydrologic Assessment by Western Groundwater Surveyors, Inc. was submitted to the State Water Resources Control Board-Division of Water Rights for comment. They determined that no water right would be required from their agency for the well .

§314-55.4.11.d Performance Standards-Setbacks	The area of cannabis cultivation and on-site processing shall be setback at least 30 feet from any property line, and 600 feet from any school, school bus stop, church or other place of religious worship, public park, or tribal cultural resources (TCRs).	The proposed project occurs within a proposed structure. Of the described existing uses, only the bus stop lies within 600 feet of the proposed manufacturing facility location. The Southern Humboldt Unified School District has granted a waiver from the 600-foot set back requirement for proximity to a bus stop. Based on this waiver the potential for significant impact has been adequately addressed.
§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	No generators will be used as a part of the proposed project.
§314-55.4.17 Sunset Date	No application for any Use Permit pursuant to the CMMLUO shall be processed for issuance or approval that is received after December 31, 2016.	The applicant filed the application on December 14, 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 Ordinance, 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 is 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 is utilized by the Department of Housing and Community Development in determining compliance with housing element law.	The proposed project involves operation of a Dispensary on lands designated "Commercial Recreation" (CR) and zoned C-2 Community Commercial. The parcel was not inventoried as source of potential residential housing. Therefore, 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.

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
§§15303 and 15304 of CEQA Guidelines	Categorically exempt from state environmental review.	The project has been determined to be exempt from CEQA pursuant to Sections 15301 – New Construction or Conversion of Small Structures and 15304 – Minor Alterations to Land of the Guidelines for the Implementation of CEQA. Section 15303 exempts from environmental review the construction and location of accessory structures, such as the proposed greenhouses. Section 15304 exempts minor alterations to land. To construct the proposed greenhouses, minimal grading may occur on the parcel, which has slopes less than 10% and will not require removal of healthy, mature trees.

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. (Application form on file)
3. Site plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including: access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within one-quarter mile (1,320 feet) of a school, school bus stop, church or other place of religious worship, public park, or Tribal Cultural Resource, the site plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 600 feet. (Attached)
4. A cultivation and operations plan that meets or exceeds minimum legal standards for water storage; conservation and use; drainage, runoff and erosion control; watershed and habitat protection; and proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel; and includes a description of cultivation activities (outdoor, indoor, mixed light), the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. (Attached)
5. Copy of the statement of water diversion, or other permit, license, or registration filed with the State Water Resources Control Board, Division of Water Rights, if applicable. (Not applicable)
6. Description of water source, storage, irrigation plan, and projected water usage. (Attached)
7. Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the North Coast RWQCB demonstrating enrollment in Tier 1, 2 or 3, North Coast RWQCB 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 California Department of Fish and Wildlife. (Not applicable)

9. If the source of water is a well, a copy of the County well permit, if available. (Attached)
10. If the parcel is zoned FR, U, or TPZ, or involves the conversion of timberland as defined under Section 4526 of the Public Resources Code, a copy of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (CAL-FIRE). Alternately, for existing operations occupying sites created through prior unauthorized conversion of timberland, evidence may be provided showing that the landowner has completed a civil or criminal process and/or entered into a negotiated settlement with CAL-FIRE. (Not applicable)
11. Consent for 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 of the CMMLUO, and plan for compliance with applicable Building Codes. (Not applicable)
13. Acknowledge that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this section in the event that environmental conditions, such as a sustained drought or low flows in the watershed, will not support diversions for irrigation. (On file)
14. Acknowledge that the County reserves the right to engage with local Tribes before consenting to the issuance of any clearance or permit, if cultivation operations occur within an Area of Traditional Tribal Cultural Affiliation, as defined herein. This process will follow current departmental referral protocol, including engagement with the Tribe(s) through coordination with their Tribal Historic Preservation Officer (THPO) or other tribal representatives. This procedure shall be conducted similar to the protocols outlined under SB 18 (Burton) and AB 52 (Gatto), which describe "government to government" consultation, through tribal and local government officials and their designees. During this process, the tribe may request that operations associated with the clearance or permit be designed to avoid, minimize, or mitigate impacts to tribal cultural resources, as defined herein. Examples include, but are not limited to: conducting a site visit with the THPO or their designee to the existing or proposed cultivation site, requiring that a professional cultural resources survey be performed, or requiring that a tribal cultural monitor be retained during project-related ground disturbance within areas of sensitivity or concern. The county shall request that a records search be performed through the California Historical Resources Information System (CHRIS). (On file)
15. Division of Environmental Health, Attachment for Commercial Medical Marijuana (CMM) Clearance/Permits. (On file)
16. Emails dated June 7, 2018, regarding compliance with CDFW LSAA. (Attached)
17. Hydrologic Assessment by Western Groundwater Surveyors, Inc. dated September 1, 2017 (On file)

One Log
Cultivation Operations Plan
Garberville, CA

Application #11849
Conditional Use Permit 16-335

705 US HIGHWAY 101 #R1
GARBERVILLE, CA 95542

Contents

Project Description

1.1	Project Location	1-1
1.2	Land Use, Zoning and Surrounding Uses.....	1-2
1.3	Project Objectives	1-3

Operations Plan

2.1	Mixed Light Cultivation Plan & Schedule.....	2-1
2.2	Irrigation Plan & Schedule.....	2-2
2.3	Processing	2-3
2.4	Security Plan & Hours of Operation.....	2-4
2.5	Employee Plan	2-5
2.6	Emergency Procedures & Contact Information.....	2-6

Environment

3.1	Water Use.....	3-1
3.2	Energy Use.....	3-2
3.3	Waste Management.....	3-3
3.4	Fertilizers & Nutrients	3-4
3.5	Watershed Protection	3-5
3.6	Monitoring & Reporting	3-6

Appendices

4.1	County & Ownership Documents	4-1
4.2	Site Plans.....	4-2
4.3	Other Permits & Licenses	4-3
4.2	Safety Standards.....	4-4

1. Project Description

1.1 Projection Location

Peter Huson (Applicant) is proposing to permit cannabis mixed light cultivation operation, located in Humboldt County, Assessor Parcel Number (APN) 033-271-004, with an address of 705 US Highway 101 R1, near the community of Garberville. The subject parcel is approximately 5.05 acres on Prime Agricultural soils (per Humboldt County GIS). Uses surrounding the parcel include commercial and recreational. The applicant will operate within a 10,000 sq ft portion of the parcel.

1.2 Land Use, Zoning and Surrounding Uses

The Project site has a General Plan Designation of Commercial Recreational. The site is zoned C2-Q. Per the CMMLUO, mixed light cannabis cultivation operation is an allowable land use in this zone with a special permit.

The zoning districts adjacent to the subject parcel are community commercial (C2) and Unclassified (U). There are no schools, youth oriented facilities, churches, residential treatment facilities or public access to parks within 600 feet of the proposed cultivation site.

1.3 Project Objectives

The objective for the project is to obtain a special permit from the County of Humboldt for a cannabis cultivation operation within the Commercial Medical Marijuana Land Use Ordinance (CMMLUO).

2. Operations Plan

2.1 Mixed Light Cultivation Plan & Schedule

The mixed-light cultivation occurs in one 30 ft x 144 ft greenhouse and two 25'x 100' greenhouses for a total area of 10,000 sq. ft. Juvenile plants are delivered and transplanted into pots. The cold frame allows blackout tarps to be used for light deprivation and produce up to five flowering cycles per year.

2.2 Irrigation Plan & Schedule

Juvenile plants will be hand watered as needed and monitored to tend to the needs of each plant. Once they are planted in pots, irrigation and fertigation of plants will occur using drip irrigation.

2.3 Processing & Inventory

Processing will be done on site, under SP16-330. Cuttings will also be taken from plants to provide stock for SP16-412.

The applicant will use an enterprise level inventory interface system together with SICPA & METRC. All plants are entered as “product intake” whereby the inventory of those items increases in the inventory system. As sales are recorded product inventory decreases. Inventory is counted twice monthly and adjustments are made as needed.

2.4 Security Plan & Hours of Operation

Activites associated with cultivation generally occur during daylight hours. The entry gate from US 101 will remain locked at all times. All other gates on the site

will be locked during non-business hours. Access is limited exclusively to employees and restricted access signs posted at gates.

2.5 Employee Plan

The cultivation operation will be staffed by a Lead Cultivator, Assistant Cultivator and Seasonal Laborers. The Lead Cultivator is responsible for day to day management of the cultivation operation and employees, while the Assistant Cultivator assists the Lead Cultivator and manages the site when the Lead Cultivator is off site. Seasonal Laborers are utilized during pushes such as replanting and harvesting.

2.6 Emergency Procedures & Contact Information

All employees will be trained by the Lead Cultivator on proper safety procedure. This training will include but not be limited to: fire safety, proper hand washing guidelines and an Emergency Procedures Plan in case of emergency. Contact information for the local fire department, CAL FIRE, Humboldt County Sheriff and Poison Control as well as the Agent in Charge, and the Lead Cultivator will be posted in a conspicuous place. Applicant will also provide each employee with a written copy of emergency procedures and contact information. See Safety Standards attached.

3. Environment

3.1 Water Use

Water is supplied to the operation by a 12.5 GPM permitted well (Permit #01234921). Estimated monthly water use is projected at 12,500 gallons per month, year round, and will not exceed 10 gal/min at anytime.

3.2 Electrical Use

The operation is served by a 200A single phase PG&E service and utilizes state of the art LED lighting systems that will be downcast and shielded to mitigate any light pollution.

3.3 Waste Management

The property solid waste is serviced by Humboldt Recology twice a week and the bins are located in a 10' x 6' covered structure near the entrance to the property to prevent storm water contamination and leachate from entering or percolating to receiving waters.

Cultivation vegetative matter is composted and burned during designated burn days. Any packaging or growth mediums will be collected and disposed of at an appropriate facility.

Any mixed solutions will be used to their entirety and in the event there is a surplus of mixed solution, it will be disposed of according to State of California Agricultural Department Personnel Pesticide Application License procedures.

A dedicated restroom and wash stations are located at the residence and connected to the existing on-site septic system, serviced by a 1200-gallon septic tank.

3.4 Fertilizers & Nutrients

All nutrients, pesticides, fungicides and agricultural chemicals will be located within a water tight, locked and labeled container, in accordance with manufacturer's specifications and guidelines of the State of California Agricultural Department Personnel Pesticide Application License.

Employee will be required to follow BMP's when storing, handling, mixing, applying or disposing of all fertilizers or pesticides with manufacturer specific hand, eye, body and respiratory protection. Employees will be trained in accordance with the State of California Agricultural Department Personnel Pesticide Application License, including maintaining a log that includes name of the employee removing material, date and time of day and the amount and type of product used. Application rates will be tracked and reported within the end of the year report required in the WRPP.

The applicant practices Integrated Pest Management (IPM) to ensure a longterm biosecure facility. Pesticides will be applied using a variety of methods including an atomizer, back pack sprayer and air less sprayer. Application frequency will vary with each phase of growth or type of infestation. A saline eye wash station will be provided anywhere pesticide is applied.

The Lead Cultivator will maintain a current Applicator's License with the Humboldt County Agricultural Department. The license will be posted and a copy will be available for view by any regulatory agency deemed appropriate by Humboldt County or State of California.

3.5 Watershed Protection

The flat parcel has minimal slopes (less than 1%) and the cultivation site will have close to zero surface runoff. The applicant is enrolled with the NCRWQCB for Tier 2 coverage, has executed an LSA agreement with DFW and a WRPP has been developed utilizing BMP's in accordance with the board's recommendations to mitigate any discharge. The cultivation activities will be greater than 100 feet from the nearest water course, providing a suitable buffer between the cultivation operation and habitat.

3.6 Monitoring & Reporting

The WRPP will serve as the guiding document to meet all Standard Conditions. Monitoring will include measurement of water use, power use, and septic system performance, as well as visual inspections and photographs to mitigate any controllable sediment discharge and to ensure no pollutants or wastes are transported into receiving waters. Required dates for monitoring include October 15 and December 15 to prepare for stormwater as well as any rainfall event with an intensity of 3 inches of rain, and will be submitted by March 31 each year.

The free Adobe Reader may be used to view and complete this original with DWR.

form. However, software must be purchased to complete

and reuse a saved form.

Page 1 of 1

Owner's Well Number 1

Date Work Began 06/01/2011

Date Work Ended 6/10/2011

Local Permit Agency Humboldt County

Permit Number 033-271-04

Permit Date 2/2/11

State of California Well Completion Report

Refer to Instruction Pamphlet

No. e0134921

DWR Use Only - Do Not Fill In											
State Well Number/Site Number											
N						W					
Latitude						Longitude					
APN/TRS/Other											

Geologic Log												
Orientation	<input checked="" type="radio"/> Vertical	<input type="radio"/> Horizontal	<input type="radio"/> Angle	Specify	Drilling Method	Air Drilling						
Drilling Fluid												
Depth from Surface	Description											
Feet to Feet	Describe material, grain size, color, etc											
0	200	Drilled by other Morrison Drilling & Pump Lic# 3618										
AUG 15 2011												
Total Depth of Boring 200 Feet												
Total Depth of Completed Well 40 Feet												

Well Owner											
Name [REDACTED]											
Mailing Address [REDACTED]											
City [REDACTED]						State [REDACTED] Zip [REDACTED]					
Well Location											
Address [REDACTED]											
City Garberville						County Humboldt					
Latitude [REDACTED]						N Longitude [REDACTED]					
Datum [REDACTED]						Decimal Lat. [REDACTED]					
APN Book 033						Decimal Long. [REDACTED]					
Page 271						Parcel 04					
Township [REDACTED]						Range [REDACTED]					
Section [REDACTED]											
Location Sketch											
(Sketch must be drawn by hand after form is printed.)											
North [REDACTED]											
West [REDACTED]											
South [REDACTED]											
Illustrate or describe distance of well from roads, buildings, fences, rivers, etc. and attach a map. Use additional paper if necessary. Please be accurate and complete.											
Activity											
<input checked="" type="radio"/> New Well <input type="radio"/> Modification/Repair <input type="radio"/> Deepen <input type="radio"/> Other <input type="radio"/> Destroy <small>Describe procedures and materials under "GEOLOGIC LOG".</small>											
Planned Uses											
<input checked="" type="radio"/> Water Supply <input type="checkbox"/> Domestic <input checked="" type="checkbox"/> Public <input type="checkbox"/> Irrigation <input type="checkbox"/> Industrial <input type="radio"/> Cathodic Protection <input type="radio"/> Dewatering <input type="radio"/> Heat Exchange <input type="radio"/> Injection <input type="radio"/> Monitoring <input type="radio"/> Remediation <input type="radio"/> Sparging <input type="radio"/> Test Well <input type="radio"/> Vapor Extraction <input type="radio"/> Other											
Water Level and Yield of Completed Well											
Depth to first water 20 (Feet below surface)											
Depth to Static											
Water Level 18						(Feet)					
Estimated Yield * 2 (GPM)						Test Type Air Lift					
Test Length 1.0 (Hours)						Total Drawdown 38 (Feet)					
*May not be representative of a well's long term yield.											

Casings												Annular Material			
Depth from Surface	Borehole Diameter	Type	Material	Wall Thickness	Outside Diameter	Screen Type	Slot Size If Any (Inches)	Depth from Surface	Fill	Description					
Feet to Feet	(Inches)			(Inches)	(Inches)		(Inches)	Feet to Feet							
0	20	10	Blank	PVC Sch. 80	CL 200	5.5"		0	20	Bentonite Sanitary Seal					
20	40	10	Screen	PVC Sch. 80	CL 200	5.5"	Milled Slots	0.032	20	3/8 Pea Gravel					

Attachments				Certification Statement							
<input type="checkbox"/> Geologic Log <input type="checkbox"/> Well Construction Diagram <input type="checkbox"/> Geophysical Log(s) <input type="checkbox"/> Soil/Water Chemical Analyses <input type="checkbox"/> Other				I, the undersigned, certify that this report is complete and accurate to the best of my knowledge and belief Name Fisch Drilling Person, Firm or Corporation 3150 Johnson rd Address [REDACTED] Signed [Signature] C-57 Licensed Water Well Contractor							
				Hydesville CA 95547 City State Zip 8/12/2011 683865 Date Signed C-57 License Number							
Attach additional information, if it exists.				IF ADDITIONAL SPACE IS NEEDED, USE NEXT CONSECUTIVELY NUMBERED FORM							

ATTACHMENT 4**REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS**

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

Referral Agency	Response	Recommendation	Location
Building Inspection Division	✓	Conditional approval	On file with Planning
Public Works Land Use	✓	Approval	On file with Planning
Environmental Health	✓	Approval	On file with Planning
CA Department of Fish & Wildlife	✓	Conditional approval	Attached
NWIC	✓	Referred to local tribes	On file with Planning
Bear River Band Rohnerville Rancheria	✓	Conditional approval	On file with Planning
Intertribal Sinkyone Wilderness Council		No response	
Caltrans District 1		No response	
RWQCB		No response	
AG Commissioner		No response	
State Water Resources Control Board - Division of Water Rights	✓	No water right required	On file with Planning
CAL-FIRE	✓	Standard comments provided.	On file with Planning
Southern Humboldt Unified School District	✓	Waiver granted	On file with Planning
Humboldt County Sheriff		No response	

Vendor LACO 3

From: Liebenberg, Angela@Wildlife <Angela.Liebenberg@wildlife.ca.gov>
Sent: Thursday, June 07, 2018 9:22 AM
To: Vendor LACO 3; Manthorne, David@Wildlife; Bocast, Kalyn@Wildlife
Subject: RE: APPS #11859, Diem, Notification #1600-2017-0372-R1 (Habenicht)

Hi Meghan –

There is a due date in the LSA Agreement, which should be the guideline for all projects.

That said, this specific project was fairly low-risk, so I will follow up with the project proponent on the Water Management Plan. If you need a specific date for the County permit, I will include you and the project proponent on a follow-up email with an agreed-upon deadline.

Thank you,

Angela

From: Vendor LACO 3 <vendorlaco3@co.humboldt.ca.us>
Sent: Thursday, June 07, 2018 8:54 AM
To: Liebenberg, Angela@Wildlife <Angela.Liebenberg@wildlife.ca.gov>; Manthorne, David@Wildlife <David.Manthorne@wildlife.ca.gov>; Bocast, Kalyn@Wildlife <Kalyn.Bocast@Wildlife.ca.gov>
Subject: RE: APPS #11859, Diem, Notification #1600-2017-0372-R1 (Habenicht)

Thanks! I appreciate it! Only question – is there a time frame to submit the water management plan?

Thanks again,
Meghan

From: Liebenberg, Angela@Wildlife [<mailto:Angela.Liebenberg@wildlife.ca.gov>]
Sent: Thursday, June 07, 2018 8:48 AM
To: Manthorne, David@Wildlife <David.Manthorne@wildlife.ca.gov>; Vendor LACO 3 <vendorlaco3@co.humboldt.ca.us>; Bocast, Kalyn@Wildlife <Kalyn.Bocast@Wildlife.ca.gov>
Subject: RE: APPS #11859, Diem, Notification #1600-2017-0372-R1 (Habenicht)

Yes, the LSAA was executed – I don't have any new information.

Meghan, if you have any questions or would like to discuss this project further, please let me know - we can schedule a phone call.

Thank you,

Angela

From: Manthorne, David@Wildlife
Sent: Thursday, June 07, 2018 8:22 AM
To: Vendor LACO 3 <vendorlaco3@co.humboldt.ca.us>; Bocast, Kalyn@Wildlife <Kalyn.Bocast@Wildlife.ca.gov>

Cc: Liebenberg, Angela@Wildlife <Angela.Liebenberg@wildlife.ca.gov>
Subject: RE: APPS #11859, Diem, Notification #1600-2017-0372-R1 (Habenicht)

The LSA was executed March 18, 2018. We do not have any record that the Water Management Plan has been submitted. Angela, any more information on this project?

Thanks

From: Vendor LACO 3 <vendorlaco3@co.humboldt.ca.us>
Sent: Thursday, June 07, 2018 8:14 AM
To: Manthorne, David@Wildlife <David.Manthorne@wildlife.ca.gov>; Bocast, Kalyn@Wildlife <Kalyn.Bocast@Wildlife.ca.gov>
Subject: RE: APPS #11859, Diem, Notification #**1600-2017-0372-R1 (Habenicht)**

No, I don't think so.

From: Manthorne, David@Wildlife [mailto:David.Manthorne@wildlife.ca.gov]
Sent: Thursday, June 07, 2018 7:55 AM
To: Vendor LACO 3 <vendorlaco3@co.humboldt.ca.us>; Bocast, Kalyn@Wildlife <Kalyn.Bocast@Wildlife.ca.gov>
Subject: RE: APPS #11859, Diem, Notification #1600-2017-0372-R1 (Habenicht)

Did we respond to this one?

From: Vendor LACO 3 <vendorlaco3@co.humboldt.ca.us>
Sent: Friday, June 01, 2018 2:01 PM
To: Bocast, Kalyn@Wildlife <Kalyn.Bocast@Wildlife.ca.gov>
Cc: Manthorne, David@Wildlife <David.Manthorne@wildlife.ca.gov>
Subject: APPS #11859, Diem, Notification #1600-2017-0372-R1 (Habenicht)

Good afternoon, Kalyn –

Was this above referenced LSAA executed? Is the permittee in compliance with the notification? Specifically, I am curious if a water management plan was submitted and approved by CDFW as required by the LSAA.

Thanks,
Meghan

Laney, Megan

From: Bocast, Kalyn@Wildlife <Kalyn.Bocast@Wildlife.ca.gov>
Sent: Monday, August 07, 2017 2:08 PM
To: Nielsen, Michelle
Cc: Planning Clerk; Bauer, Scott@Wildlife
Subject: Paul Huson Conditional Use Permit and Special Permit Application-APPS 11849

Hello Michelle,

Thank you for referring the Paul Huson Conditional Use Permit and Special Permit application (APPS 11849, Project) to the California Department of Fish and Wildlife (CDFW) for review and comment. The project consists of 10,000ft² of new mixed-light cannabis cultivation and a new cannabis manufacturing in an existing commercial building on APN: 033-271-004.

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

- The referral materials show that a hydrologically connected well is the primary water source for the project. Hydrologically connected wells are generally jurisdictional for CDFW, and their use, for domestic purposes or otherwise, generally requires notification pursuant to Fish and Game Code 1602. CDFW recommends as a condition of project approval, that the applicant obtain a Final Lake or Streambed Alteration Agreement (LSAA).
- The referral materials state that the applicant will be utilizing mixed-light cultivation methods. CDFW recommends that the county require, as a condition of Project approval, that the applicant provide a lighting plan demonstrating that the proposed cultivation area would not deliver or have the potential to deliver light pollution, during the hours of sunrise to sunset, which may affect fish and/or wildlife directly, or from a distance. Light pollution has the potential to impact sensitive species such as the Northern Spotted Owl (*Strix occidentalis caurina*, a State and Federally Threatened species).
- Sensitive fish or wildlife resources that exist within the project vicinity include Chinook salmon (*Oncorhynchus tshawytscha*), coho salmon (*O. kisutch*), steelhead trout (*O. mykiss*), Pacific lamprey (*Entosphenus tridentata*), foothill yellow-legged frog (*Rana boylii*), along with other amphibians, reptiles, aquatic invertebrates, mammals, birds, and other aquatic and riparian species.

Thank you for the opportunity to comment on this Project. Please contact me at kalyn.bocast@wildlife.ca.gov if you need additional information.

Please confirm that you have received this email.

Sincerely,

Kalyn Bocast
Environmental Scientist
Watershed Enforcement Team
California Department of Fish and Wildlife
619 2nd Street
Eureka, CA 95501
(707) 441-2077