



**COUNTY OF HUMBOLDT**  
**PLANNING AND BUILDING DEPARTMENT**  
**CURRENT PLANNING DIVISION**

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

Hearing Date: October 5, 2017

To: Humboldt County Planning Commission

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

Subject: **Platinum Hills Ranch Conditional Use Permit**  
Application Number: 10269  
Case Numbers: AA 16-033; CUP 16-012  
Assessor's Parcel Number: 210-051-059  
Bridgeville area on north side of State Highway 36

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Please contact Michelle Nielsen by phone at 268-3708, or by email at [MNielsen@co.humboldt.ca.us](mailto:MNielsen@co.humboldt.ca.us), if you have any questions about the scheduled public hearing item.

## AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
October 5, 2017	Conditional Use Permit	Elizabeth Moreno

**Project Description:** A Conditional Use Permit for an existing commercial medical cannabis operation on an approximately 40-acre parcel. The cultivation activities consist of 13,440 square feet of outdoor cultivation in seven 20-foot x 96-foot greenhouses (each being 1,920 square feet) and 30,120 square feet of open air cultivation. No supplemental light is used in the operation. The water source for the operation is an existing well. Water storage totals 46,500 gallons and consists of one 2,500-gallon water tanks, three 3,000-gallon water tanks, and seven 5,000-gallon water tanks. The projected water usage is 583,440 gallons per year. Processing will take place onsite in a proposed 1,200-square-foot building. All operations will be conducted by two workers living on the site in an existing residence. Security for the site consists of fencing and gated access. Pacific Gas & Electricity (PG&E) supplies power to the site. The applicant applied for a permit with the Humboldt County Division of Environmental Health (DEH) for the well in April 2013. The site is also served by a permitted on-site wastewater treatment system.

**Project Location:** The project site is located in Humboldt County, in the Bridgeville area, on the north side of State Highway 36, approximately 1.7 miles east of the intersection of McClellan Mountain Road and State Highway 36, then approximately 0.5 miles northeast on a private drive, on the property known as 32801 State Highway 36.

**Present Plan Land Use Designation:** Agricultural Lands - Minimum parcel size 40 acres (AL-40), Framework Plan (FRWK), Density: 160 to 20 acres per dwelling unit, Slope Stability: High Instability (3)

**Present Zoning:** FR-B-5(40) Forestry Recreation (FR), Minimum building site area 40 acres (B-5(4))

**Case Numbers:** CUP16-012; AA16-033

**Application Number:** 10269

**Assessor's Parcel Number:** 210-051-059

**Applicant**

Platinum Hills Ranch  
Attn: Matthew Puckett  
PO Box 714  
Fortuna, CA 95540

**Owner**

Matthew M. Puckett  
PO Box 714  
Fortuna, CA 95540

**Agent**

None

**Environmental Review:** The existing cultivation project is exempt from environmental review pursuant to Section: 15301 — Existing Facilities, and Section 15303 — New Construction or Conversion of Small Structures

**Major Issue:** None

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

**Platinum Hills Ranch Conditional Use Permit**  
Case Numbers CUP16-012  
Assessor's Parcel Number (APN): 210-051-059

**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 part of the consent agenda:

*Find the project exempt from environmental review pursuant to Sections 15301 and 15303 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 Platinum Hills Ranch Conditional Use Permit, subject to the recommended conditions.*

**Executive Summary**

The proposed Conditional Use Permit for Platinum Hills Ranch (CUP 16-012) would allow one acre of existing cultivation on an approximately 40-acre parcel. The cultivation activities consist of 13,440 square feet of outdoor cultivation in seven 20-foot x 96-foot greenhouses (each being 1,920 square feet) and 30,120 square feet of open air outdoor cultivation, in compliance with Section 55.4.8.2.2 of the County Commercial Medical Marijuana Land Use Ordinance (CMMLUO).

The project site features existing cultivation operations in a cleared area of a partially forested lot. Historic aerial imagery beginning in 1998 (GoogleEarth®) indicates the operation is located in a portion of the site that was cleared prior to 1998, and no additional clearing was conducted for the operation. All development on the site is in the western half of the site, and the eastern half of the site is forested. Existing structures include the above-described greenhouses and outdoor gardens, an existing single-family residence, two storage buildings, water storage tanks, and a pond. An existing PG&E easement passes north to south through the western portion of the project site. The applicant proposes to construct a 1,200-square-foot processing building as part of the project. All existing and proposed structures associated with cultivation and processing are over 300 feet from the parcel boundaries.

**Operations and Facilities**

Cultivation activities occur in seven existing temporary (non-permanent structure) greenhouses with an additional approximately 200 open air outdoor plants in 200-gallon wood containers. No artificial lighting is used or proposed to be used in the greenhouses. Light deprivation is used by placing poly-woven fabric or tarps over the greenhouses, which are removed during the flowering period. Two harvests are expected during the growing season - one in July and one in October. Open air outdoor gardens are expected to be harvested from September to November.

During harvest, the plants will be cut down at the base and hung to dry. The plants are dried with the assistance of dehumidifiers. The buds will be removed from the plants, processed, and placed into sealed bags at one-pound increments. The trim and other byproducts from processing is also sealed and packaged for later use. All processing will take place on-site in a proposed new 1,200-square-foot building, and the final product will be moved to a secure facility for storage until distribution.

All operations will be conducted by two operators living on the site in the existing residence on the site. Security for the site would consist of fencing and gated access, security cameras, and motion sensor lighting, as well as the presence of the site operators.

### **Access and Parking**

The project site is located in the Bridgeville area, and is accessed via Upper Larabee Valley Road, which is a private road east of State Highway 36. The Road Evaluation Report submitted to the County Department of Public Works by the applicant describes the private access road as equivalent to a category 4 road and is generally 20 feet wide.

No employee parking is specifically noted on the plans or in the application, but all operations will be conducted by the two operators living on the site. A revision to the site plans showing the designated parking is included as a condition of approval.

### **Water Supply and On-site Wastewater System**

The water source for the operation is an existing well. Water storage totals 46,500 gallons and consists of one 2,500-gallon water tanks, three 3,000-gallon water tanks, and seven 5,000-gallon water tanks. The projected water usage is 583,440 gallons per year. Irrigation is completed by hand or via automatic drip irrigation system.

The applicant has enrolled in the North Coast Regional Water Quality Control Board (NCRWQCB) Cannabis Cultivation Waste Discharge Regulatory Program (Order No. R1-2015-0023) as a Tier 2 discharger (WDID# 1B16217CHUM). The California Department of Fish and Wildlife (CDFW) has reviewed the well and determined it is not under CDFW jurisdiction and no Lake and Streambed Alteration Agreement (LSAA) is required for the well.

In April 2013, the applicant received a well permit with the Humboldt County Division of Environmental Health (DEH). Onsite wastewater treatment will be achieved through an existing permitted on-site wastewater treatment system. DEH recommended approval of the project.

### **Lighting and Electrical Service**

Lighting in all outdoor cultivation areas will be natural. PG&E supplies electricity to the site and will be the power source for operations. The applicant does not propose to use generators as a primary energy source, but may install generators for back up use.

### **Sensitive Resources**

CDFW's Spotted Owl Data Viewer depicts numerous northern spotted owl occurrences in the project area, including an activity center approximately 0.9 mile north of the project site, and an occurrence in the eastern portion of the project site (approximately 500 feet from the fence line for developed portion of the site). The project does not include tree removal, and will not involve the use of generators as a primary energy source; however, the project will involve construction of a new building and generators may be used for back up. Construction timing restrictions and preconstruction surveys to avoid potential impacts from construction related activities are included as conditions of approval. Requirements to coordinate with the County and to demonstrate compliance with the County's and U.S. Fish and Wildlife Service's noise standards for generator use are included as conditions of approval if a generator is installed. No comments were received from CDFW in regards to northern spotted owl.

The Humboldt County GIS database stream layer identifies portions of two streams crossing the project site - one in the southwestern portion of the site, and another passes from the northeast to the southwest through the eastern portion of the site. These streams are well outside of the cultivation area, and they and their associated Stream Management Areas will not be directly

affected by the project. An additional waterway has been identified on the project site. The Watershed Resource Protection Plan (WRPP) prepared for the project noted that the easternmost outdoor cultivation area is partially located within a Class III stream and wetland buffer. The WRPP includes standard conditions to relocate all existing cultivation pots and materials to outside of the stream and buffer area, and to implement water quality and erosion control measures (Standard Condition 7c). Habitat mapping and mapping the limits of the Streamside Management Area by a qualified biologist, as well as recommended corrective actions by a qualified biologist are included as conditions of approval. No comments were received from CDFW regarding the streams on the site.

A pond that was constructed by a previous landowner is located on the site. The pond features a spillway that outflows to the southwest. While the pond will not be used as a water source for operations, and there are no plans to divert water or modify the pond for the project, the pond may be used as a water source for fire suppression in the event of a fire. There is no existing LSAA with CDFW for the pond; as such, CDFW requested that the applicant obtain an LSAA. The applicant filed an application with CDFW in May 2017.

#### *Staff Recommendation*

Based on the on-site inspection, a review of Planning Division reference sources and comments from all involved referral agencies, planning staff believes that the applicant has submitted evidence in support of making all of the required findings for approving the Conditional Use Permit.

**Alternatives:** The Planning Commission could elect not to approve the project, or to require the applicant to submit further evidence, or modify the project. These alternatives could be implemented if 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.

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

**Case Number: CUP 16-012  
Assessor's Parcel Number: 210-051-059**

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

**WHEREAS**, Platinum Hills Ranch submitted an application and evidence in support of approving the Conditional Use Permit to permit an existing one-acre outdoor commercial cannabis cultivation; and

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

**WHEREAS**, the project is exempt from environmental review per Section 15301 — Existing Facilities and Section 15303 — New Construction or Conversion of Small Structures of the State CEQA Guidelines; and

**WHEREAS**, Attachment 2 in the Planning Division staff report includes substantial evidence in support of making all of the required findings for approving the proposed Conditional Use Permit (Case Number CUP 16-012); and

**WHEREAS**, a public hearing was held on the matter before the Humboldt County Planning Commission on October 5, 2017.

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

1. The proposed project is exempt from environmental review; and
2. The findings in Attachment 2 of the Planning Division staff report for Case Number CUP 16-012 based on the submitted substantial evidence support approval of the project; and
3. The Conditional Use Permit Case Number CUP 16-012 as recommended and conditioned in Attachment 1 is approved.

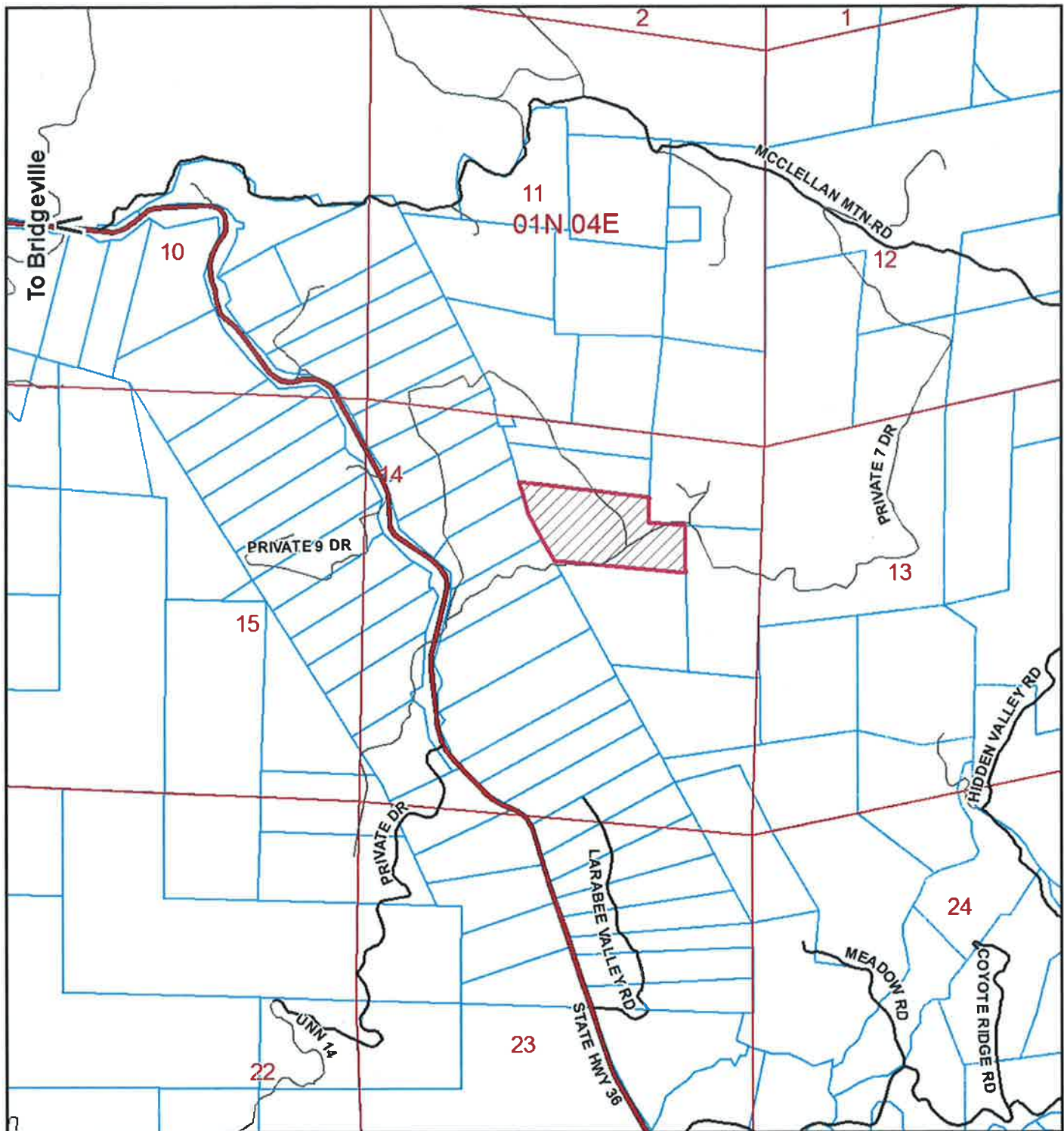
Adopted after review and consideration of all the evidence on October 5, 2017. The motion was made by COMMISSIONER \_\_\_\_\_ and second by COMMISSIONER \_\_\_\_\_:

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

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

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John Ford  
Director, Planning and Building Department



# **LOCATION MAP**

**PROPOSED PLATINUM HILLS RANCH  
CONDITIONAL USE PERMIT  
BRIDGEVILLE AREA  
CUP-16-012**

**APN: 210-051-059**

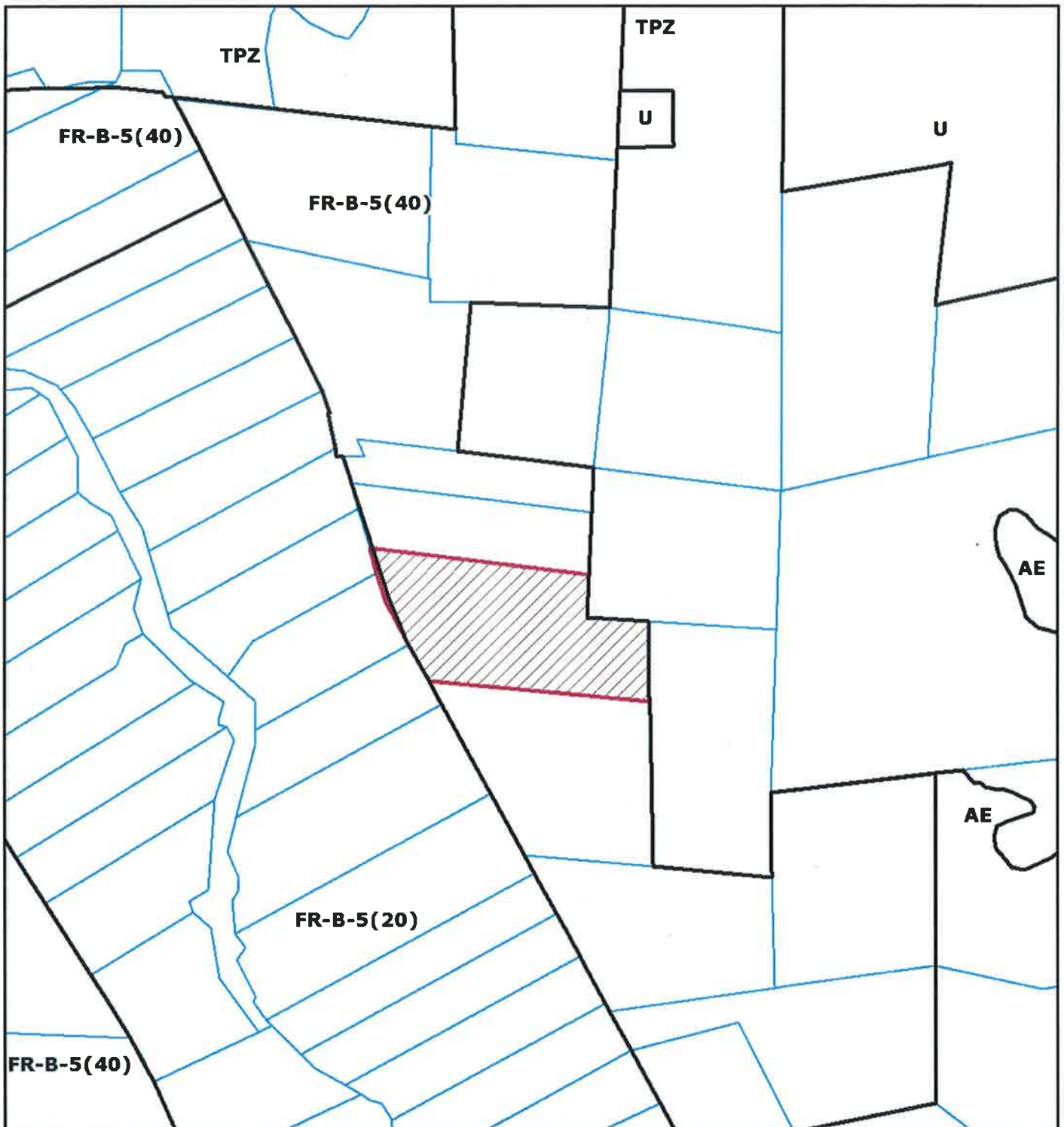
**T01N R04E S14 HB&M (Larabee Valley)**

**Subject Parcel =** 

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

0 0.25  
Miles





# **ZONING MAP**

**PROPOSED PLATINUM HILLS RANCH  
CONDITIONAL USE PERMIT  
BRIDGEVILLE AREA**

**CUP-16-012**

**APN: 210-051-059**

**T01N R04E S14 HB&M (Larabee Valley)**

**Subject Parcel =** 

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

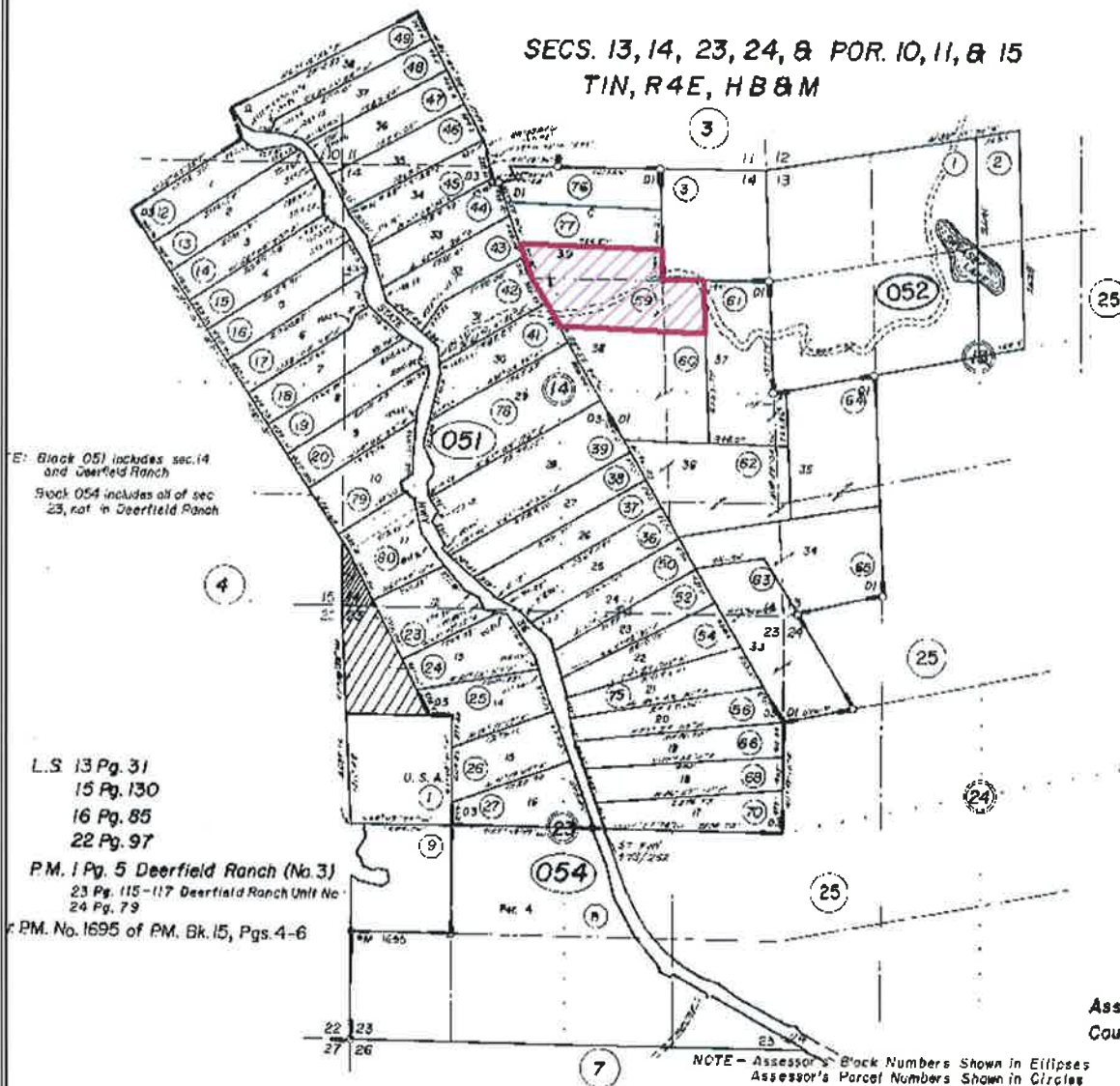


0 500 1,000  
Feet



SECS. 13, 14, 23, 24, & POR. 10, 11, & 15  
T1N, R4E, HB&M

210-05

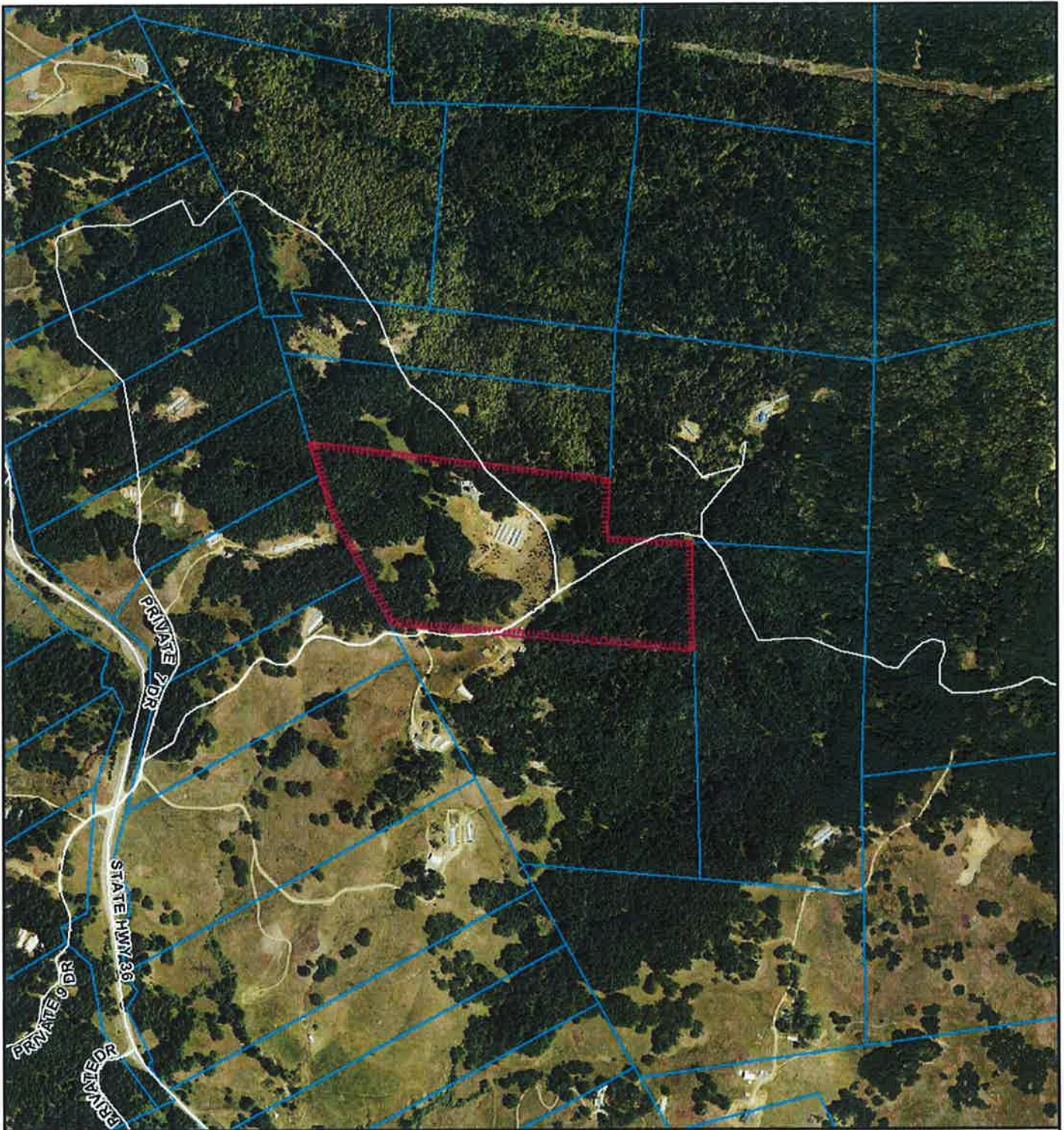


PROJECT SITE = 

## ASSESSOR PARCEL MAP

**PROPOSED PLATINUM HILLS RANCH  
CONDITIONAL USE PERMIT  
BRIDGEVILLE AREA  
CUP-16-012  
APN: 210-051-059  
T01N R04E S14 HB&M (Larabee Valley)**





# **AERIAL MAP**

## **PROPOSED PLATINUM HILLS RANCH CONDITIONAL USE PERMIT BRIDGEVILLE AREA CUP-16-012**

**APN: 210-051-059**

**T01N R04E S14 HB&M (Larabee Valley)**

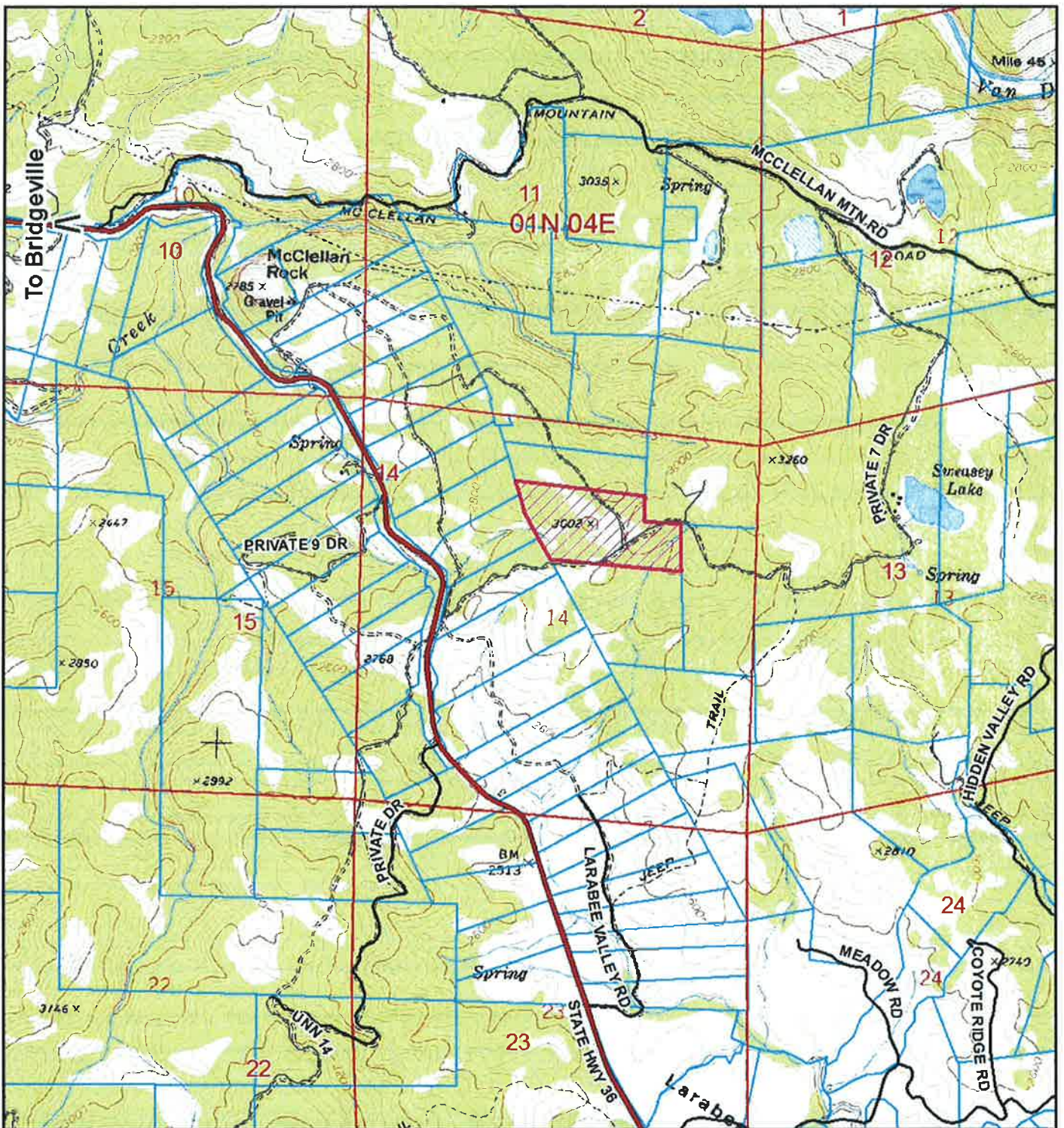
**Project Area =** 

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



0 500 1,000 Feet





# **TOPO MAP**

## **PROPOSED PLATINUM HILLS RANCH CONDITIONAL USE PERMIT BRIDGEVILLE AREA CUP-16-012**

**APN: 210-051-059**

**T01N R04E S14 HB&M (Larabee Valley)**

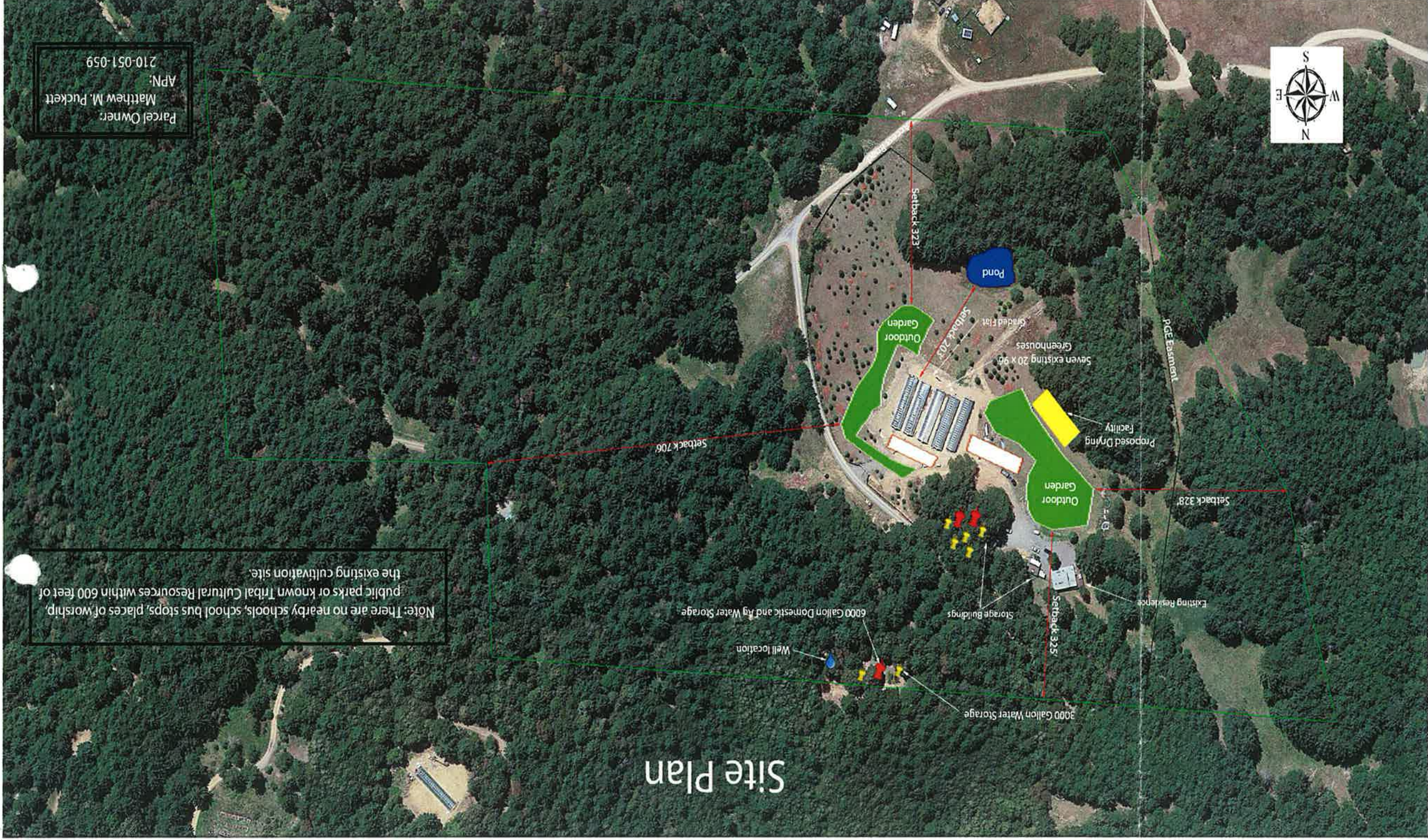
**Subject Parcel =** 

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.



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Miles







## **ATTACHMENT 1**

### **RECOMMENDED CONDITIONS OF APPROVAL**

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

1. Within in sixty (60) days of project approval, the applicant shall execute a Compliance Agreement with the Humboldt County Planning Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #2 – 15. The agreement shall provide a timeline for completing all outstanding items. All activities detailed under the agreement must be completed to the satisfaction of the Planning and Building Department before the permit may be finalized and no longer considered provisional.
2. The applicant shall secure permits for all unpermitted structures related to the cannabis cultivation and other commercial cannabis activity. The plans submitted for building permit 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.
3. The approved building plans shall meet all applicable fire codes, including fire suppression infrastructure requirements deemed necessary for the project by the Building Inspection Division and California Department of Forestry and Fire Protection (CAL-FIRE). Sign off on the Occupancy Permit by the Building Division shall satisfy this requirement.
4. The applicant shall provide a to scale, legible site plan which will include the location and dimensions of all facilities associated with the operation, including the proposed processing facility and locations and sizes (gallons) of the water storage containers, and parking for at least three vehicles. The site plan shall identify the streams on the site, including the Class III stream through the existing outdoor cultivation area, and the appropriate buffer based on the buffer identified in the WRPP and the requirements of the Streamside Management Area (SMA) (see condition 7, below).
5. The applicant shall implement all corrective actions detailed within the Water Resource Protection Plan (WRPP) developed for the parcel, prepared pursuant to Tier 2 enrollment under the North Coast Regional Water Quality Control Board Cannabis Cultivation Waste Discharge Regulatory Program (Order No. R1-2015-0023).
6. To avoid and correct impacts to the Class III stream identified in the WRPP, the applicant shall move all cultivation activities at least 50 feet from the edge of the stream and wetland habitat outside of the SMA, whichever is further. To ensure the cultivation activities are adequately outside of the avoidance area, a qualified biologist shall map the boundaries of the stream and wetland area. The biologist shall identify any necessary actions needed to restore the sensitive habitat resulting from cultivation activities. The habitat mapping and proposed remedial actions shall be provided to the Humboldt County Planning Department within one year of project approval, and all modifications to the planting locations and implementation of biologist recommendations shall be completed prior to any cultivation after October 2017.

7. 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.
8. To avoid construction-related noise impacts on northern spotted owl, the applicant shall, to the extent feasible, avoid commencing construction during the nesting bird season (February 15 to September 1). If construction activities will occur during the breeding/nesting season for northern spotted owl, a qualified biologist shall conduct pre-construction surveys in the project site, no earlier than three days prior to the start of ground-disturbing activities. If no nesting activities are observed during the surveys, then the activities may commence. If nesting northern spotted owl are observed, the California Department of Fish and Wildlife (CDFW) shall be notified within 24 hours of the observance and consulted with to determine the appropriate buffer and the appropriate measures.
9. The applicant shall secure a final Lake and Streambed Alteration Agreement approved by CDFW and comply with all applicable terms.
10. The applicant shall work with the County Department of Public Works Building Division or County Planning Department to obtain confirmation that the driveway meets all requirements for conformance with Fire Safe Regulations (County Code Section 3112-12).
11. The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency (CUPA) requirements regarding any hazardous materials. A written verification of compliance shall be required before any provisional permits may be finalized. Ongoing proof of compliance with this condition shall be required at each annual inspection in order to keep the permit valid.
12. The applicant shall coordinate with the County prior to installing a new building on the project site. All appropriate building permits and approvals would be required.
13. Prior to initiating commercial medical cannabis cultivation or associated activities the applicant shall obtain a Business License from the Humboldt County Tax Collector.
14. Prior to initiating commercial medical cannabis cultivation or associated activities the applicant shall execute and file with the Planning Division the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the HCC and available at the Planning Division.
15. 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. If offsite processing is chosen to be the preferred method of processing, this permit shall be modified to identify the offsite licensed facility.
3. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CMMLUO and MCRSA, as applicable to the permit type.
4. If operating pursuant to a written approved compliance agreement, permittee shall abate or cure violations at the earliest feasible date, but in no event no more than two (2) years from the date of issuance of a provisional clearance or permit. Permittee shall provide plans for curing such violations to the Planning and Building Department within one (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.
5. Possession of a current, valid required license, or licenses, issued by any agency of the State of California in accordance with the MCRSA, and regulations promulgated thereunder, as soon as such licenses become available.
6. Compliance with all statutes, regulations and requirements of the California State Water Resources Control Board and the Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration, as applicable.
7. Confinement of the area of cannabis cultivation, 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 County Code Section 55.4.11(d).
8. Maintain enrollment in Tier 1, 2 or 3, certification with the NCRWQCB Order No. R1-2015-0023, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
9. For cultivation area(s) for which no enrollment pursuant to RWQB Order No. R1-2015-0023 is required by that Order, comply with the standard conditions applicable to all Tier 1 dischargers.
10. Comply with the terms of any applicable Lake and Streambed Alteration Agreement (pursuant to Section 1600 of the Fish and Game Code) obtained from CDFW.
11. Comply with the terms of a less-than-3-acre conversion exemption or timberland conversion permit, approved by CAL-FIRE, if applicable.



12. Consent to an annual on-site compliance inspection, with at least 24 hours prior notice, to be conducted by appropriate County officials during regular business hours (Monday – Friday, 9:00 am – 5:00 pm, excluding holidays).
13. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
14. Pay all applicable application and annual inspection fees.
15. Should generators be installed for back up use, 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 50 decibels as measured at 100 feet from the generator or at the edge of the nearest Marbled Murrelet or Spotted Owl habitat, whichever is closer.
16. 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.
17. The Master Log Books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
18. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Section 719-1 et seq.).
19. The operation shall participate in the Medical Cannabis Track and Trace Program administered by the Humboldt County Agricultural Commissioner, when available.

#### Performance Standards for Cultivation and Processing Operations

20. 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."
21. Cultivators shall comply with all applicable federal, state, and local laws and regulations governing California Agricultural Employers, which may include: federal and state wage and hour laws, CAL/OSHA, OSHA, California Agricultural Labor Relations Act, and the Humboldt County Code (including the Building Code).
22. Cultivators engaged in processing shall comply with the following Processing Practices:
  - I. Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.
  - II. Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
  - III. Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.
  - IV. Employees must wash hands sufficiently when handling cannabis or use gloves.

23. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:
- i. Cultivation operations and processing operations must implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:
    - 1) Emergency action response planning as necessary;
    - 2) Employee accident reporting and investigation policies;
    - 3) Fire prevention;
    - 4) Hazard communication policies, including maintenance of material safety data sheets (MSDS);
    - 5) Materials handling policies;
    - 6) Job hazard analyses; and
    - 7) Personal protective equipment policies, including respiratory protection.
  - ii. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
    - 8) Operation manager contacts;
    - 9) Emergency responder contacts;
    - 10) Poison control contacts.
  - iii. At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations. Plumbing facilities and water source must be capable of handling increased usage without adverse consequences to neighboring properties or the environment.
  - iv. On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.
24. All cultivators shall comply with the approved Processing Plan as to the following:
- i. Processing Practices.
  - ii. Location where processing will occur.
  - iii. Number of employees, if any.
  - iv. Employee Safety Practices.
  - v. Toilet and handwashing facilities.
  - vi. Plumbing and/or septic system and whether or not the system is capable of handling increased usage.
  - vii. Drinking water for employees.
  - viii. Plan to minimize impact from increased road use resulting from processing.
  - ix. On-site housing, if any.
25. Term of Commercial Cannabis Activity Conditional Use Permit. Any Commercial Cannabis Cultivation Conditional Use Permit issued pursuant to the CMMLUO 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 and the permitted site have been found to comply with all conditions of approval.

If the inspector or other County official determines that the permittees or site do not comply with the conditions of approval, the inspector shall serve the Conditional Use Permit 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 Conditional 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 of the CMMLUO.

26. Permit Renewals to comply with Updated Laws and Regulations. Permit renewal per Ongoing Condition of Approval #25 above is subject to the laws and regulations effective at the time of renewal, which may be substantially different than the regulations currently in place and may require the submittal of additional information to ensure that new standards are met.
27. Acknowledgements to Remain in Full Force and Effect. Permittee acknowledges that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed in which the cultivation area is located will not support diversions for irrigation.

Permittee further acknowledges and declares that:

- (1) All commercial cannabis activity that I, my agents, or employees conduct pursuant to a permit from the County of Humboldt shall be solely for medical purposes and all commercial cannabis products produced by me, my agents, or employees are intended to be consumed solely by qualified patients entitled to the protections of the Compassionate Use Act of 1996 (codified at Health and Safety Code Section 11362.5); and
  - (2) All cannabis or cannabis products under my control, or the control of my agents or employees, and cultivated or manufactured pursuant to local Ordinance and the California Medical Marijuana Regulation and Safety Act will be distributed within the State of California; and
  - (3) All commercial cannabis activity conducted by me, or my agents or employees pursuant to a permit from the County of Humboldt will be conducted in compliance with the California Medical Marijuana Regulation and Safety Act.
28. Transfers. Transfer of any leases or permits approved by this project is subject to the review and approval of the Planning Director for conformance with CMMLUO eligibility requirements, and agreement to permit terms and acknowledgments. The fee for required permit transfer review shall accompany the request. The request shall include the following information:
    - (1) Identifying information for the new Owner(s) and management as required in an initial permit application;
    - (2) A written acknowledgment by the new Owner in accordance as required for the initial Permit application;
    - (3) The specific date on which the transfer is to occur; and
    - (4) Acknowledgement of full responsibility for complying with the existing permit; and
    - (5) Execution of an Affidavit of Non-diversion of Medical Cannabis.
  29. Inspections. The permit holder and subject property owner are to permit the County or representative(s) or designee(s) to make inspections at any reasonable time deemed necessary to assure that the activities being performed under the authority of this permit are in accordance with the terms and conditions prescribed herein.

### Informational Notes:

1. Pursuant to Section 314-55.4.11(a) of the CMMLUO, if upon inspection for the initial application, violations of any building or other health, safety, or other state or county statute, ordinance, or regulation are discovered, the Planning and Building Department may issue a provisional clearance or permit with a written approved Compliance Agreement. By signing the agreement, the permittee agrees to abate or cure the violations at the earliest opportunity but in no event more than two (2) years of the date of issuance of the provisional clearance or permit. Plans for curing the violations shall be submitted to the Planning and Building Department by the Permittee within one (1) year of the issuance of the provisional certificate or permit. The terms of the compliance agreement may be appealed pursuant to Section 314-55.4.13 of the CMMLUO.
2. This provisional permit approval shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"); except where the Compliance Agreement per Condition of Approval #1 has been executed and the corrective actions pursuant to the agreement are being undertaken. Once building permits have been secured and/or the use initiated pursuant to the terms of the agreement, the use is subject to the Permit Duration and Renewal provisions set forth in Conditions of Approval #25 and 26 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.

## 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, Section 312-17.1 of the Humboldt County Code (Required Findings for All Discretionary Permits) specifies the findings that are required to grant a Conditional Use Permit:

1. The proposed development is in conformance with the County General Plan;
2. The proposed development is consistent with the purposes of the existing zone in which the site is located;
3. The proposed development conforms with all applicable standards and requirements of these regulations;
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 mid-point of the density range specified in the plan designation).
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.

**1. General Plan Consistency.** The following table identifies the evidence which supports finding that the proposed tree removal is in conformance with all applicable policies and standards in the Framework Plan (FRWK).

<b>Relevant Plan Section(s)</b>	<b>Summary of Applicable Goal, Policy or Standard</b>	<b>Evidence Which Supports Making the General Plan Conformance Finding</b>
§2400 Housing	Housing shall be developed in conformity with the goals and policies of the Humboldt County Housing Element.	The project does not involve residential development.
§2600 Urban Land Use	Urban land use planning should occur in areas of the County characterized by dense patterns of development.	The subject parcel is not in any Community Planning Area.
Land Use: §2724 Agricultural Lands (FRWK)	<p>Agricultural Lands include areas of remote, steep, and high natural hazards areas. Primary and compatible uses include resource production, recreational uses, single family residences, and cottage industries.</p> <p>Density Range: One (1) dwelling unit per 160 acres to one (1) dwelling unit/ per 20 acres.</p>	<p>The MMRSA, Health and Safety Code Section 11362.777(a) provides that medical cannabis is an agricultural product, subject to extensive state and local regulation. The CMMLUO provides for the cultivation and processing of medical cannabis within the zoning districts where agriculture is a principally permitted use, with limits and in compliance with performance standards that will preserve space for more traditional agricultural activities that supply food and fiber contributing to a diverse economic base.</p> <p>The subject parcel is zoned FR, in which agriculture is a principal use. The proposed action would permit an existing agricultural use. The subject parcel is 40 acres and contains one existing dwelling unit. The land uses are consistent with the land use designation for the site, and with the CMMLUO.</p>
§3200 Hazards	§3220 Flood; §3230 Fire New development shall minimize risk to life and property in areas of high flood and fire hazards.	<p>According to the Flood Insurance Rate Map (FIRM) Panel No. 06023C1525F (effective 11/4/2016), there are no hazard flood areas in or near the project site.</p> <p>According to County GIS database, the project site is in a Very High Fire Severity Zone. The site is located within the Bridgeville Fire Protection</p>

Relevant Plan Section(s)	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
		<p>District, but is in State Responsibility Area (SRA) lands. CAL-FIRE has provided comments regarding minimum requirements for developments with regards to meeting fire safety standards. These requirements have been incorporated as conditions of approval to the permit. Access to the site and on-site driveways shall be evaluated by the County Department of Public Works for conformance with Fire Safe Regulations. This has been incorporated as a condition of approval to the permit. In addition, water storage on the site would total 46,500 gallons, including one 3,000 -gallon water tank near the existing residence on the site.</p>
Hazards continued	<p>§3210 Geologic Hazards Regulate land use to ensure that development in potentially hazardous areas will not preclude preserving and promoting public safety. Require geologic reports according to the Geologic Hazard Land Use Matrix as denoted in the Framework Plan.</p> <p>§3250 Airport Safety Regulate and plan land use around airports according to the Airport Land Use Compatibility criteria matrix, and ensure that future development within the community is compatible with the airport and its associated noise and hazard nuisances.</p>	<p>The County's geospatial data show the site in an area with a Seismic Safety Classification of Highly Instable (3) with slopes less than 15%. The cultivation areas and residence are located in previously graded, level portions of the site. While some grading may be required for the proposed processing building, extensive excavation would not be required. All existing and proposed structures on the site are being reviewed by the County Building Division and will be reviewed for consistency with applicable State, Federal, and local regulations of building standards, including slope stability, ground shaking, and geologic risks.</p> <p>The project site is located approximately 5 miles southwest of Dinsmore Airport, and is outside of the Airport Land Use Compatibility Zone. There would be no issues related to airport safety hazards.</p>



Relevant Plan Section(s)	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
§3240 Noise (FRWK)	Conform with noise standards.	The project does not include the use of generators; however, the applicant may install generators for back up use. The applicant would be required to conform with noise standards, and provide the County with the generator location and projected use. This is included as a condition of approval. No long-term noise impacts are anticipated as a result of the project.
§3300 Water Resources	Maintain or enhance the quality of the County's water resources and the fish and wildlife habitat utilizing those resources. Maintain a dependable water supply, sufficient to meet existing and future domestic, agricultural, industrial needs and to assure that new development is consistent with the limitations of the local water supply.	<p>The applicant has applied for a Lake and Streambed Alteration Agreement (LSAA) with the California Department of Fish and Wildlife (CDFW) for the existing pond on the site. As described in the project description, the pond will not be used for the project. In addition, the existing well was built by a previous property owner and will not be used or modified as part of the project. CDFW has reviewed the well and determined that it is not under CDFW jurisdiction and no LSAA is needed.</p> <p>The applicant has enrolled with the North Coast Regional Water Quality Control Board (NCRWQCB) as a Tier 2 discharger (NOI dated 4/19/2016 WDID#1B16217CHUM), and a Watershed Resource Protection Plan (WRPP) has been prepared. The WRPP notes that there is a Class III aquatic feature that flows through the easternmost outdoor cultivation area. The WRPP includes a corrective/remedial action to move the existing pots to beyond 50 feet from the edge of the feature and its associated vegetation. As a condition of approval of this CUP, the boundaries of the aquatic habitat and Streamside Management Area (SMA) will be mapped by a qualified biologist, and no cultivation activities will be allowed within 50 feet of the habitat or the SMA, whichever is further. The biologist will make recommendations for restoration of</p>

Relevant Plan Section(s)	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
		<p>any damaged aquatic habitat, as appropriate.</p> <p>The WRPP also notes that the existing spillway for the pond should be inspected by a licensed engineer. This is included as Standard Condition #5. Compliance with all corrective and remedial actions contained in the WRPP is a condition of approval of this CUP.</p>
§ 3420 Biological Resources (FRWK)	Protect designated sensitive and critical resource habitats.	<p>CDFW's Spotted Owl Data Viewer depicts a northern spotted owl occurrence in the eastern portion of the project site. No trees will be removed for the project; however, the project includes construction of a new building approximately 950 feet west of the occurrence. Construction activities may affect northern spotted owls, if nesting in the project site during construction. As a condition of approval, the applicant will be required to avoid starting construction during the nesting season for the owl, or if construction starts during the nesting season, the applicant will be required to conduct preconstruction nesting bird surveys. The applicant has applied for a LSAA with CDFW regarding the existing in-stream pond on the site. The applicant has enrolled in the NCRWQCB's Cannabis Cultivation Waste Discharge Regulatory Program as a Tier 2 discharger (NOI dated 4/19/2016 WDID#1B16217CHUM), and has prepared a Watershed Resources Protection Plan to protect water quality from cannabis cultivation and related activities.</p> <p>The applicant does not propose to use generators as a primary energy source, but may install generators for back up use. The applicant would be required to demonstrate to the County the generator location(s), projected use, and that the generator noise would</p>

Relevant Plan Section(s)	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
		not exceed thresholds for impacts to sensitive species. This is included as a condition of approval.
§3500 Cultural Resource Protection (FRWK)	New development shall protect cultural, archeological and paleontological resources.	The subject parcel was reviewed with respect to archaeological and cultural resources. The Northwest Information Center was contacted, and records indicate that there are no cultural resources on the property. An archeologist survey and report (Roscoe, et. al. 2016) were prepared, and the Bear River Band was involved with the investigative process. No historical resources were found in the project site. A condition of approval regarding legal protection requirements for inadvertent discovery is included.
§4220, 4237.7 (FRWK): Access	Goal: To develop, operate, and maintain a well-coordinated, balanced, circulation system that is safe, efficient and provides good access to all cities, communities, neighborhoods, recreational facilities and adjoining areas.	Access to the property is on a private road off a County maintained road. Compliance with these standards has been made a condition of approval for a conditional use permit.
§4530, 4531.5, 4531.6, 3361.2 Sewage Disposal	Goal: To ensure a safe means for waste disposal and protect the County's water resources for the public's health and safety. Policy: Septic systems shall not be permitted where the slope exceeds 30% or within 50 feet from an unstable land form. Policy: Sewage disposal systems placed on an existing lot must meet all of the requirements of the Humboldt County Department of Public Health and the NCRWQCB. Policy: Regulate development that would pollute watershed areas.	The site is served by a permitted on-site wastewater treatment system. The County Division of Environmental Health recommended approval of the project.

**2. The proposed development is consistent with the purposes of the existing zone in which the site is located; and 3. The proposed development conforms with all applicable standards and requirements of these regulations.** The following table identifies the evidence which supports finding that the proposed development is in conformance with all applicable policies and standards in the Humboldt County Zoning Regulations.

<b>Zoning Section</b>	<b>Summary of Applicable Requirement</b>	<b>Evidence that Supports the Required Finding</b>
<p>§314-7.3 FR - Forestry Recreation Zone</p> <p>§314-55.4.8.2.2 Approvals for existing outdoor and mixed-light cultivation</p>	<p>This zoning designation applies to forested areas in which timber production and recreation are the desirable predominant uses and agriculture is the secondary use.</p> <p>Under a conditional use permit, up to one-acre of outdoor cultivation is permitted on legally created parcels in FR zones.</p>	<p>Cannabis cultivation is an agricultural use, which is consistent with the zoning designation for the site.</p> <p>The proposed project is a Conditional Use Permit with a total of 43,560 square of existing cultivation area, which includes 30,120 square feet of open air outdoor and 13,440 square feet of greenhouse. This is the maximum allowable limit for cultivation under this zoning and permit type. The proposed use is an agricultural use that is specifically allowed with a Conditional Use Permit in these zoning districts under Section 314-55 of the Humboldt County Code.</p>
Min. Lot Area:	1 acre	The parcel is approximately 40 acres.
Max. Lot Coverage:	None specified	N/A
Min. Yard Setbacks (through the Zoning Code requirements):	Front 20 feet; Rear 20 feet; Side 10 feet	The cultivation areas and buildings are 30 feet or more from the property boundary, which is consistent with this zoning section and Section 55.4.11(d) of the Humboldt County Code (CMMLUO) which requires a 30-foot set back.
Max. Building Height:	35 feet	All buildings will be less than 35 feet in height.
§314-61.1 Streamside Management Area (SMA)	<p>Placement of soil within SMAs shall be prohibited, except where specifically authorized by the SMA ordinance.</p> <p>Development within SMAs may include wildlife enhancement and restoration projects.</p> <p>The SMA of perennial streams outside of urban</p>	<p>As discussed above, the project does not propose to use a surface water diversion or a hydrologically connected well as a water source for cultivation activities.</p> <p>Portions of three streams cross onto the project site. Two of the streams are outside of the cultivation area - one is in the southwestern portion of the site, and another passes from the northeast to the southwest through the eastern portion of</p>

Zoning Section	Summary of Applicable Requirement	Evidence that Supports the Required Finding
	development and expansion areas is defined as 100 feet from the stream transition line.	<p>the site. These streams and their associated Stream Management Areas (SMAs) will not be directly affected by the project.</p> <p>The WRPP notes that there is a Class III aquatic feature that flows through the easternmost outdoor cultivation area. The WRPP includes a corrective/remedial action to move the existing pots to beyond 50 feet from the edge of the feature and its associated vegetation. As a condition of approval of this CUP, the boundaries of the aquatic habitat and SMA will be mapped by a qualified biologist, and no cultivation activities will be allowed within 50 feet of the habitat or the SMA, whichever is further. The biologist will make recommendations for restoration of any damaged aquatic habitat, as appropriate.</p>
§314-109.1 Off-Street Parking	<p>Off Street Parking for Agricultural use*: Parking space per employee at peak shift. A minimum of three parking spaces are required.</p> <p><i>*Use for this activity is not specified. Per Section 314-109.1.2.9, the Director may fix the required number of parking spaces based on standards for most comparable use.</i></p>	<p>There are no employees associated with the requested permit. All work would be conducted by the two operators - the maximum number of people working on the site would be two. The land use on the site is agricultural, and the Code is silent as to the requirement for agricultural employees. The most comparable standard for employees in this situation is one space for each employee at peak shift (per Section 314-109.1.3.4.2 - Manufacturing).</p> <p>No designated parking spaces are noted on the plans; however, there is sufficient space in the property for the one to two cars used by the operators to park near the residence. A condition has been applied to require a comprehensive site plan that will include features such as available parking spaces to ensure no conflict with safety and fire access to the site.</p>

**314-55.4 Indoor Commercial Cultivation of Cannabis for Medical Use Inland Land Use Regulation (CMMLUO)**

<b>Zoning Section</b>	<b>Summary of Applicable Requirement</b>	<b>Evidence that Supports the Required Finding</b>
§314-55.4.8.2	Commercial cannabis cultivation is allowed on parcels zoned FR, with no parcel size limitation. 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.	Based on a review of the site plan and aerial imagery dating to 1998 (GoogleEarth®), the footprint of the developed area that hosts cannabis operations aligns with a non-timberland open area. No trees will be removed for construction of the proposed processing facility.
§314-55.4.8.2.2 Existing Outdoor and Mixed-Light Cultivation Areas	A Zoning Clearance Certificate, Special Permit or Use Permit may be issued for outdoor or mixed-light commercial cannabis cultivation for some or all of the cultivation area in existence prior to January 1, 2016, in zoning district FR (on parcels one acre or larger), but only when possible to bring the cultivation into compliance with all applicable standards set forth in this section and to eliminate existing violations as specified in this ordinance. The total cultivation area allowed on a single parcel shall not exceed one acre for outdoor cultivation or 22,000 square feet for mixed light cultivation. No expansion of the existing cultivation area shall be permitted.	Based on a review of aerial imagery on GoogleEarth®, the current cannabis cultivation operations were in existence prior to January 1, 2016.  The proposed project is a Conditional Use Permit with a total of 43,560 square of existing cultivation area, which includes 30,120 square feet of open air outdoor and 13,440 square feet of greenhouse.  The subject property is correctly zoned for the proposed use (FR - Forestry Recreation) and the applicant will comply with all conditions of the MMLUO ordinance, as specified in the recommended conditions of approval.
314-55.4.8.10 Permit Limit	No more than four commercial cannabis activity permits may be issued to a single person.	According to records maintained by the Department, the applicant holds no other cannabis activity permits, and is entitled to four.
§314-55.4.9.1 Accessory Processing	Processing for cultivation requiring a Special Permit or Use Permit will be considered in the Use Permit application.	The location of the proposed processing building (drying building) is shown on the site plan. The building will be used as cultivation processing facilities solely for product grown on-site. It will provide space for drying, curing, and processing cannabis grown on site. The project's conditions of approval include the requirement that the applicant

<b>314-55.4 Indoor Commercial Cultivation of Cannabis for Medical Use Inland Land Use Regulation (CMMLUO)</b>		
		secure any required building permits for the structure.
§314-55.4.10 Application Requirements	Identifies the Information Required for All Applications	Attachment 3 identifies the information submitted with the application. Contents of the application are on file. All outstanding items are included as conditions of approval.
§314-55.4.11 Performance Standards	Identifies the Performance Standards for Cannabis Cultivation Activities	<p>All the applicable performance standards are included as conditions of project approval. They are required to be met throughout the timeframe of the permit.</p> <p>As depicted on the site plans, the existing cultivation sites and proposed processing facility are located at least 30 feet from any property line.</p>
§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 County acknowledges that the applicant met the appropriate deadline requirements.

**4. Public Health, Safety, and Welfare:** The following table identifies the evidence which supports finding that the proposed development will not be detrimental to the public health, safety and welfare, and will not adversely impact the environment.

<b>Code Section</b>	<b>Summary of Applicable Requirement</b>	<b>Evidence that Supports the Required Finding</b>
§312-17.1.4 Special Permit Findings	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.	All responding referral agencies have either provided no comment, recommended approval, or provided comments with conditions of approval for of the proposed use. The proposed agricultural use is consistent with the type of development in the area. There is no evidence that the project will be materially injurious to properties or improvements in the vicinity.



**5. Residential Density Target:** The following table identifies the evidence which supports finding that the proposed project will not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.

Code Section	Summary of Applicable Requirement	Evidence that Supports the Required Finding
312-17.1.5 Housing Element Densities	The proposed development shall not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.	The parcel was not included in the 2014 Housing Inventory as an opportunity for potential housing. Therefore, the project would 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 project has been determined to be exempt from CEQA pursuant to the following sections of the State CEQA Guidelines: Section 15301 — Existing Facilities and Section 15303 — New Construction or Conversion of Small Structures. Section 15301 allows the permitting of existing public or private structures or operations involving negligible or no expansion of use beyond that existing at the time of the lead agencies determination. The project consists of 43,560 square of existing cultivation area with a proposed 1,200-square-foot processing building. The existing cultivation footprint will not be expanded under the proposed project, which is consistent with Section 15301. In addition, the proposed 1,200-square-foot processing building is exempt under Section 15303(c) which allows construction of new, small facilities not exceeding 2,500 square feet and not involving the use of significant amounts of hazardous substances. Hazardous materials that may be present on the site include gasoline, cleaning agents, organic fertilizers, organic pesticides and organic fungicides. The use of pesticides and fungicides would be minimized and only used as necessary. All materials would be properly stored in the existing storage building. The project site is in a rural, primarily agricultural area. The proposed project will not result in any significant adverse impact on the environment as the project will be required to comply with conditions of approval contained in this report, and there will be no significant new land disturbance.

## **ATTACHMENT 3**

### **Applicant's Evidence in Support of the Required Findings**

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

1. The name, contact address and phone number(s) of the applicant. (Application form on file)
2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. (Not Applicable)
3. Site plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including: access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within ¼ mile (1,320 ft.) of a school, school bus stop, church or other place of religious worship, public park, or Tribal Cultural Resource, the site plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 600 feet. (Attached - site plan prepared by.)
4. A cultivation and operations plan that meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; and proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel, and a description of cultivation activities (outdoor, indoor, mixed light), the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. (Attached 3A - Cultivation and Operations Plan received March 2016, and addendum dated September 15, 2017)
5. Copy of the statement of water diversion, or other permit, license or registration filed with the State Water Resources Control Board, Division of Water Rights, if applicable. (Not Applicable)
6. Description of water source, storage, irrigation plan, and projected water usage. (Attached - Cultivation and Operations Plan received March 2016, and addendum dated September 15, 2017)
7. Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the NCRWQCB demonstrating enrollment in Tier 1, 2 or 3, NCRWQCB Order No. 2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (Attached - NOI, Watershed Resources Protection Plan, and Annual Report)
8. If any on-site or off-site component of the cultivation facility, including access roads, water supply, grading or terracing impacts the bed or bank of any stream or other watercourse, a copy of the Streambed Alteration Permit obtained from the Department of Fish & Wildlife. (On file - Lake and Streambed Alteration Agreement for existing pond)

9. If the source of water is a well, a copy of the County well permit, if available. (On File)
10. If the parcel is zoned FR, U or TPZ, or involves the conversion of timberland as defined under section 4526 of the Public Resources Code, a copy of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (CAL-FIRE). Alternately, for existing operations occupying sites created through prior unauthorized conversion of timberland, evidence may be provided showing that the landowner has completed a civil or criminal process and/or entered into a negotiated settlement with CAL-FIRE. (Does not apply; the parcel is zoned FR, however, review of historical aerial imagery on GoogleEarth® indicates that the operation is in a previously cleared area of the site.)
11. Consent for onsite inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. (On-file)
12. For indoor cultivation facilities, identify the source of electrical power and how it will meet with the energy requirements in section 55.4.8.2.3, and plan for compliance with applicable Building Codes. (Not applicable)
13. Acknowledge that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed will not support diversions for irrigation. (On-file)
14. Acknowledge that the County reserves the right to engage with local Tribes before consenting to the issuance of any clearance or permit, if cultivation operations occur within an Area of Traditional Tribal Cultural Affiliation, as defined herein. This process will follow current departmental referral protocol, including engagement with the Tribe(s) through coordination with their Tribal Historic Preservation Officer (THPO) or other tribal representatives. This procedure shall be conducted similar to the protocols outlined under SB 18 (Burton) and AB 52 (Gatto), which describe "government to government" consultation, through tribal and local government officials and their designees. During this process, the tribe may request that operations associated with the clearance or permit be designed to avoid, minimize or mitigate impacts to Tribal Cultural Resources, as defined herein. Examples include, but are not limited to: conducting a site visit with the THPO or their designee to the existing or proposed cultivation site, requiring that a professional cultural resources survey be performed, or requiring that a tribal cultural monitor be retained during project-related ground disturbance within areas of sensitivity or concern. The county shall request that a records search be performed through the California Historical Resources Information System (CHRIS). (On-file)

## ATTACHMENT 4

### Referral Agency Comments and Recommendation

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

<b>Referral Agency</b>	<b>Recommendation</b>	<b>Location</b>
Public Works Building Inspection Division	Conditional approval.	On file with Planning
Public Works Land Use Division	Road is adequate.	On file with Planning
Health and Human Services Environmental Health Division	Recommend approval.	On file with Planning
Supervising Planner	No response.	N/A
Planning and Building Department Current Planning Division	No response.	N/A
California Department of Forestry and Fire Protection	Standard project review comments.	On file with Planning
California Department of Fish and Wildlife	Correspondence between County and CDFW regarding pond and well.	On file with Planning
Northwest Information Center	Conduct study and contact tribes.	On file with Planning
Bear River Band Rohnerville Rancheria	Conduct study. Study dated August 2016 prepared, no further concerns regarding the project.	On file with Planning
Regional Water Quality Control Board	No response.	N/A
Farm Bureau	No response.	N/A
Humboldt County District Attorney	No response.	N/A
Bridgeville Fire Protection District	No response.	N/A
Bridgeville School District	No response.	N/A
State Resources Water Control Board	No response.	N/A