



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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Hearing Date: November 2, 2017

To: Humboldt County Planning Commission

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

Subject: **EcoMeds, LLC. Conditional Use Permit**
Application Number: 10706
Case Number: CUP 17-003
Assessor's Parcel Number: 223-111-004
Garberville area on west side of Homestead Road

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Please contact Rodney Yandell by phone at (707) 445-7245 or by email at ryandell@co.humboldt.ca.us, if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
November 2, 2017	Conditional Use Permit	Rodney Yandell

Project Description: A Conditional Use Permit (CUP 17-003) to permit an existing 18,000 square foot (sf) commercial medical cannabis cultivation site, consisting of approximately 15,600 sf of outdoor and 2,400 sf of mixed-light cultivation. Irrigation Water is from a rain water catchment system and stored in bladders totaling 120,000 gallons. Projected water use is approximately 87,500 gallons per year. An average of 3 employees will be engaged in cultivation activities on-site and up to 5 employees will be employed during harvest operations. Processing will occur at an off-site commercial processing center in Redway.

Project Location: The project site is located in Humboldt County, in the Garberville area, on the west side and adjacent to Homestead Road, approximately 0.65 mile west from the intersection of Dyerville Loop Road and Ross Road, then approximately 0.15 mile north from the intersection of Ross Road and Homestead Road, on the property known as 230 Homestead Road, Garberville.

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

Present Zoning: Agriculture Exclusive (AE) B-6

Case Numbers: CUP 17-003

Application Number: 10706

Assessor's Parcel Number: 223-111-004

Applicant

EcoMeds, LLC.
Attn: Robert May
100 South St. #120
Sausalito, CA 94965

Owner

Ecr LLC Co
100 South St. #120
Sausalito, CA 94965

Agent

None

Environmental Review: The existing cultivation project is exempt from environmental review pursuant to State CEQA Guidelines Section: 15301 – Existing Facilities.

Major Issue: Relocation of site prior to permit, and need for remediation work within stream channel.

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

EcoMeds, LLC. Conditional Use Permit
Case Numbers CUP 17-003
Assessor's Parcel Number (APN): 223-111-004

Recommended Planning Commission Action

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

Find the project exempt from environmental review pursuant to Section 15301 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 EcoMeds, LLC. Conditional Use Permit, subject to the recommended conditions.

Executive Summary

The proposed Conditional Use Permit for EcoMeds, LLC. (CUP 17-003) would permit 18,000 sf of existing outdoor and mixed-light cannabis cultivation on an approximately 60-acre parcel. The cultivation activities consist of three fenced, natural light planting areas totaling 15,600 sf, two mixed-light greenhouses totaling 1,920 sf, and one 480-sf mixed-light nursery, in compliance with Section 55.4.8.2.2 of the County Commercial Medical Marijuana Land Use Ordinance (CMMLUO). The project site is Assessor's Parcel Number 223-111-004.

The project site is located on a western facing slope with a mixture of hardwood forest and grasslands. There are several natural drainages with associated riparian corridors crossing the site. The existing and proposed cultivation areas are located in grassland areas not requiring removal of trees. Existing structures on site include the above-described greenhouses and outdoor gardens, an existing single-family residence, a commercial building with bathroom, two storage sheds, water storage tanks and bladders, and a pond. All existing structures associated with cultivation are over 100 feet from the parcel boundaries.

Operations and Facilities

Cultivation activities occur in three existing temporary (non-permanent structure) mixed-light greenhouses with additional open air outdoor plants grown in natural light. Two harvests are expected in mixed-light greenhouses during the growing season - one in August and one in October. Open air outdoor gardens are expected to be harvested in October.

The applicant plans to change the product line to mostly CBD strains, which require much less processing after harvest. CBD plants will be cut and transported off-site to a licensed processor in Redway. To the extent that THC flower is still grown, those plants will be transported off-site to a licensed processor in Redcrest or elsewhere.

All operations will be conducted by three operators living on the site in the existing residence. Up to three additional seasonal employees may be needed during harvest; seasonal employees will also be housed in the existing residence. Security for the site consists of fencing and gated access, security cameras, and the resident site operators.

The subject parcel is zoned Agriculture Exclusive; very low intensity residential uses may be allowed in this zone if they are incidental to the property and they support agricultural activities. The existing residence, commercial building, and sheds support the cultivation operation. The Building Department recommended conditional approval of the project with the requirement that the applicant secure building permits for all ag-exempt structures.

Access and Parking

The project site is located in the Garberville area, and is accessed via Alderpoint Road, Dyerville Loop Road, Ross Road, and Homestead Road. Alderpoint road is a County-maintained road; the others are private roads. The applicant will submit a Road Evaluation Report to Public Works, and will prepare a Neighborhood Traffic Management Plan if required.

Employee parking is available at the existing commercial building, residence, and associated cleared, developed area. Employees typically carpool into town occasionally for shopping and recreation but generally remain on-site.

Water Supply and On-site Wastewater System

The water source for the operation is an existing water catchment system that collects approximately 1,720 gallons per inch of rain off the roof of the existing agricultural building. The annual average of 80 inches of rainfall provides a total potential catchment of 138,000 gallons per year. Proposed water storage totals 120,000 gallons in six bladders, and 4,600 gallons in hard tanks. The projected water use for cultivation is 87,500 gallons per year. Irrigation is completed by hand or via automatic drip irrigation system. A 75,000-gallon pond filled by a permitted surface water diversion (S012451) supplies domestic water that is not used for cultivation.

There is concern with the use of water bladders for water storage. Many of these are second hand and they tend to deteriorate overtime creating the potential for failure. This sudden release of water could have undesirable consequences to the environment and to structures. Bladders can also roll down slopes. A condition has been recommended that water tanks be used rather than bladders. The new storage should be installed as tanks, the existing bladders can be phased out over the next two years.

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# 1B16289CHUM). The applicant has filed a notification for a Lake and Streambed Alteration Agreement (LSAA) with the California Department of Fish and Wildlife (CDFW) for the existing pond although the pond is not used for cultivation.

Onsite wastewater treatment is provided by portable toilets. The applicant plans to permit and install an ADA-compliant bathroom in the existing commercial building following approval of the CUP. DEH recommended conditional approval of the project with a requirement that the applicant complete installation of permitted septic, and submit receipts for portable toilets in the interim.

Lighting and Electrical Service

The applicant has recently installed a 4.8 kWh solar array that provides most of the electrical power for the cultivation. Generator use is currently less than 12 hours per week and the applicant plans to double the size of the solar array and eliminate generator use in the future. The existing generator is fitted with manufacturer's sound attenuation kits and is housed in a cinderblock structure. Field measurements of noise indicate that the generator produces 67.4 – 68.6 dB(A) at a distance of 23 feet. The nearest off-site residence is over 1,200 feet from the generator, and the nearest forest habitat edge is over 100 feet from the generator.

Lighting in the mixed-light greenhouses is shielded and directed downward. Greenhouses are covered with light-proof tarps during hours when supplemental lights are used. The applicant submitted a lighting plan to the Planning Department in September 2017.

Sensitive Resources

CDFW's Spotted Owl Data Viewer shows no locations of Northern Spotted Owl within 1.5 miles of the project site. No sensitive biological resources other than streams are shown on CDFW resource maps (CNDDDB) within 1.5 miles of the project site.

The Humboldt County GIS database stream layer identifies portions of two streams crossing the project site. These streams are well outside of the cultivation area and their associated Stream Management Areas will not be directly affected by the project. The Watershed Resource Protection Plan (WRPP) on-file with the Planning Department found that the project is compliant with all requirements of the NCRWQCB.

There is an intermittent stream located between the existing cultivation area and the new cultivation area. In conversations with the NCRWQCB it was stated that the existing cultivation would need to be pulled back and relocated away from this channel. In response, without a permit from the county, the applicant relocated the cultivation site. There are a couple of items to be addressed here. First, there is a significant amount of fill and garbage (including tires) placed along the bank of this stream channel. This will need to be restored to natural condition. Second a minimum of a 50 foot setback will need to be maintained from the top of the natural bank to the location of the cultivation. The area between the cultivation and the stream channel will need to be replanted with native grasses.

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 is used as a water source for domestic use. 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 September 2017.

Relocation of Cultivation Site.

As noted above, a portion of the cultivation site has been relocated, but this was undertaken without county permit and at a location that could not currently be approved for new cultivation because it does not contain prime agricultural soil and may have slopes over 15%. This is not being treated as a violation because staff from the NCRWQCB confirmed conversations relative to the preference for this as a relocation site.

Staff Recommendation

Based on the on-site inspection, as well as 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 17-003
Assessor's Parcel Number: 223-111-004**

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

WHEREAS, EcoMeds, LLC. 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 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 17-003); and

WHEREAS, a public hearing was held on the matter before the Humboldt County Planning Commission on November 2, 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 17-003 support approval of the project based on the submitted substantial evidence; and
3. The Conditional Use Permit Case Number CUP 17-003 is approved as recommended and conditioned in Attachment 1.

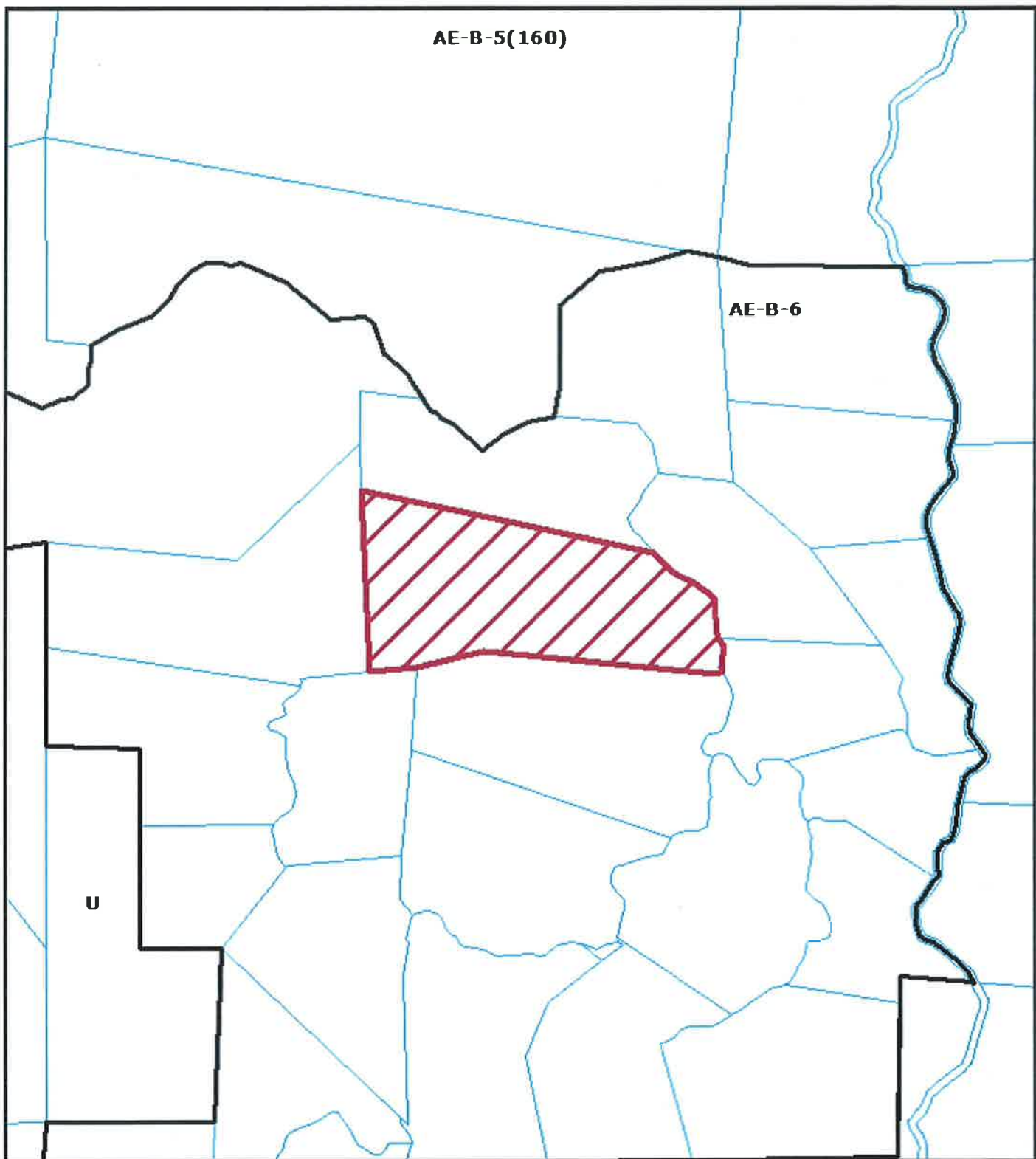
Adopted after review and consideration of all the evidence on November 2, 2017


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.



John H. Ford, Director
Planning and Building Department
County of Humboldt



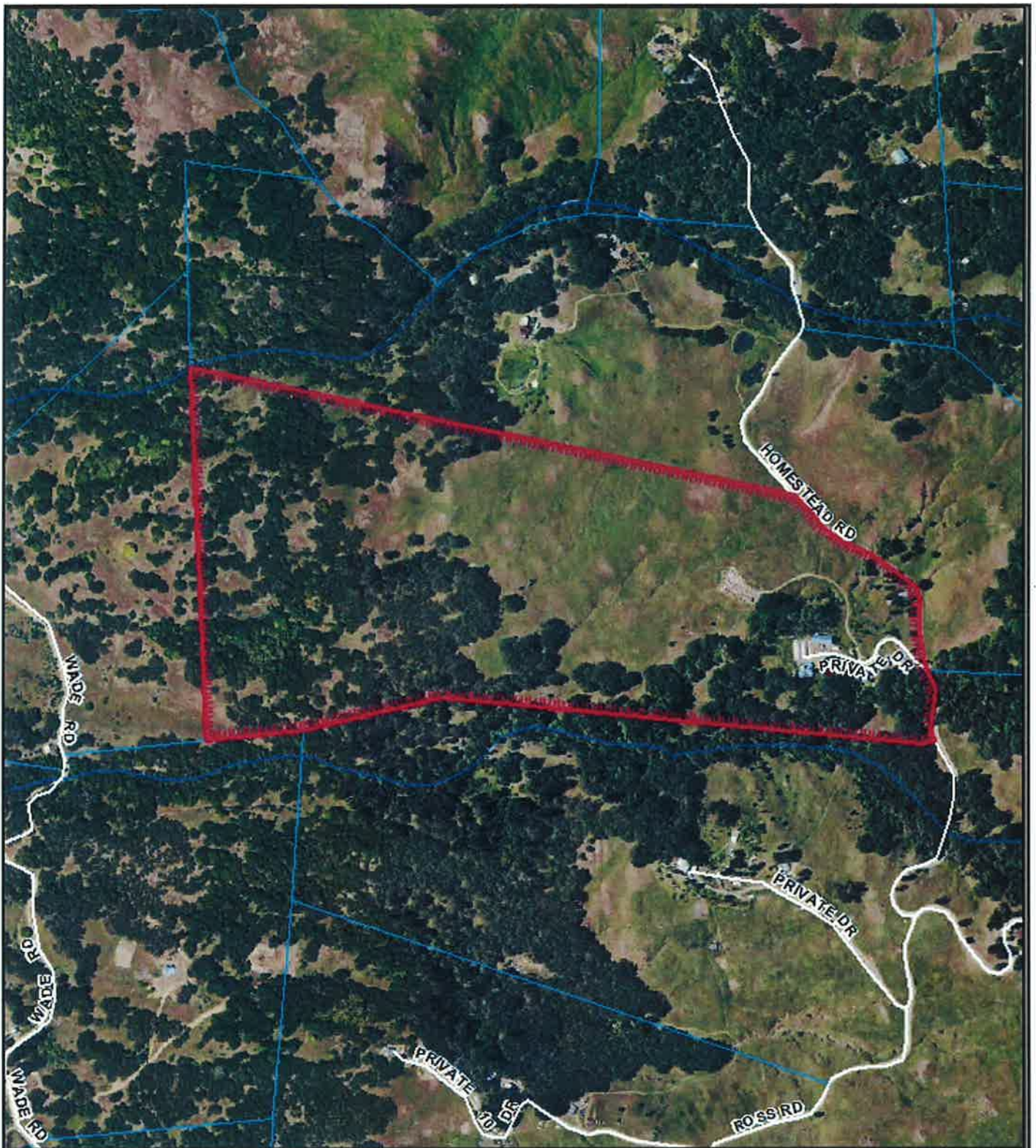
Project Area = 

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

**ZONING MAP
PROPOSED ECOMEDS, LLC
GARBERVILLE AREA
SP-16-071
APN: 223-111-004
T04S R04E S10 HB&M (FORT SEWARD)**

0 0.25 Miles



**AERIAL MAP
PROPOSED ECOMEDS, LLC
GARBERVILLE AREA
SP-16-071**

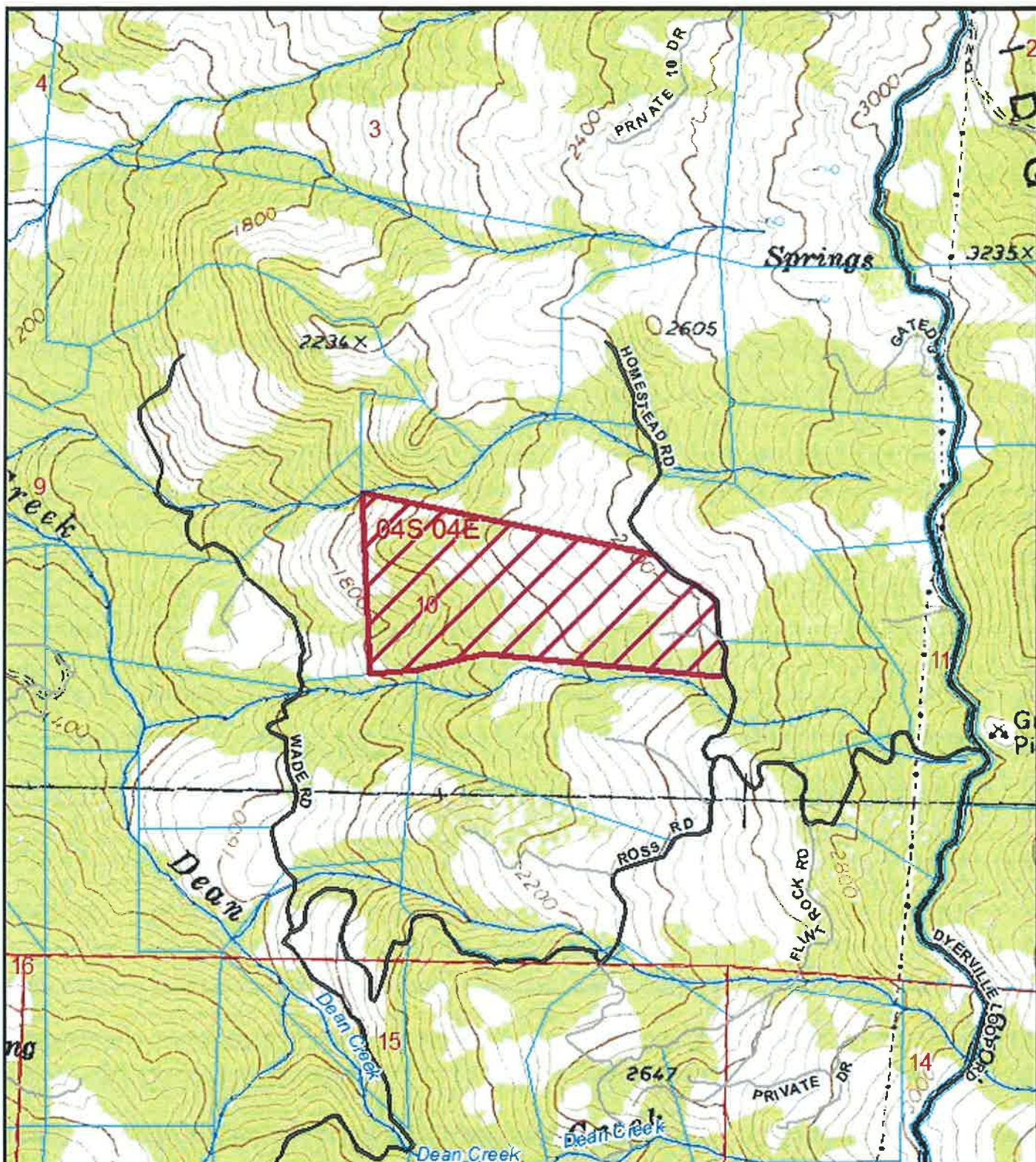
**APN: 223-111-004
T04S R04E S10 HB&M (FORT SEWARD)**

Project Area = 

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



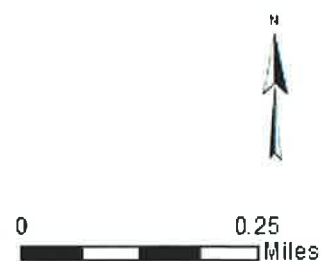
0 250 500 750 Feet



TOPO MAP
PROPOSED ECOMEDS, LLC
GARBERVILLE AREA
SP-16-071
APN: 223-111-004
T04S R04E S10 HB&M (FORT SEWARD)

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.



Legend

















-  Spotted Owl Stations
-  Spotted Owl Spider Diagram

 Wetland

 SMA

Endangered Species

AVLCODE

-  Plant (80m)
-  Plant (specific)
-  Plant (non-specific)
-  Plant (circular)
-  Animal (80m)
-  Animal (specific)
-  Animal (non-specific)
-  Animal (circular)
-  Terr. Comm. (80)
-  Terr. Comm. (specific)
-  Terr. Comm. (non-specific)
-  Terr. Comm. (circular)
-  Aqu. Comm. (80)
-  Aqu. Comm. (specific)
-  Aqu. Comm. (non-specific)
-  Aqu. Comm. (circular)

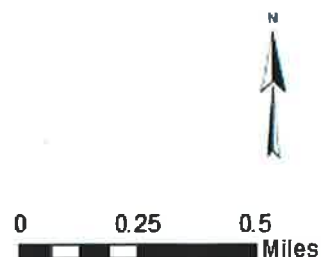


Project Area = 

CDFW RESOURCE MAP PROPOSED ECOMEDS, LLC GARBERVILLE AREA SP-16-071

APN: 223-111-004
T04S R04E S10 HB&M (FORT SEWARD)

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.



Rev. 1.2 prepared 7/7/2016

HUMBOLDT COUNTY PLANNING

MMCLUO APPLICATION APN223-111-004 Zoning AE-B-6

APPLICANT: EcoMeds LLC

Project Location: 230 Homestead Rd. Garberville CA 95542

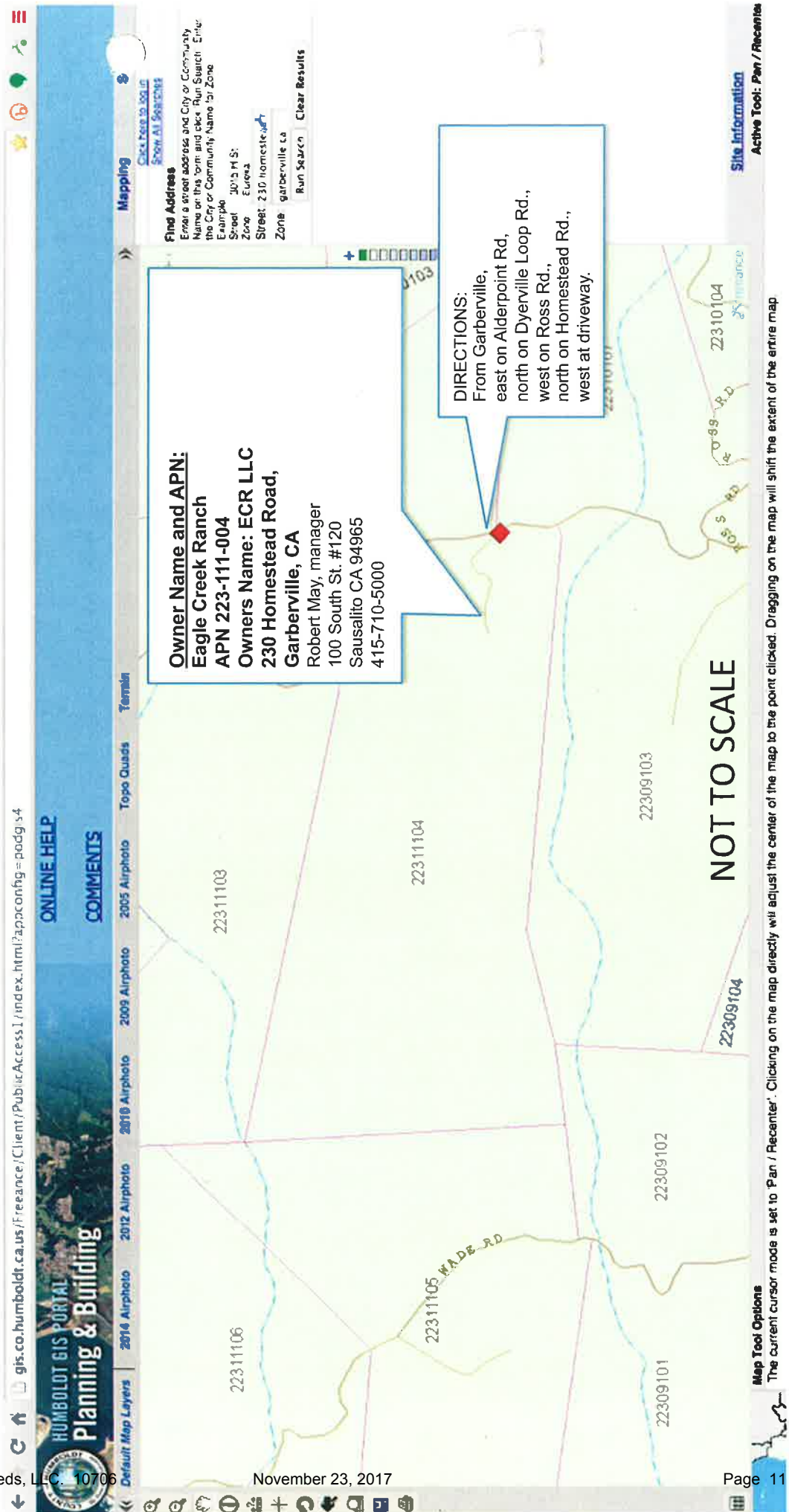
Property Owner: ECR LLC

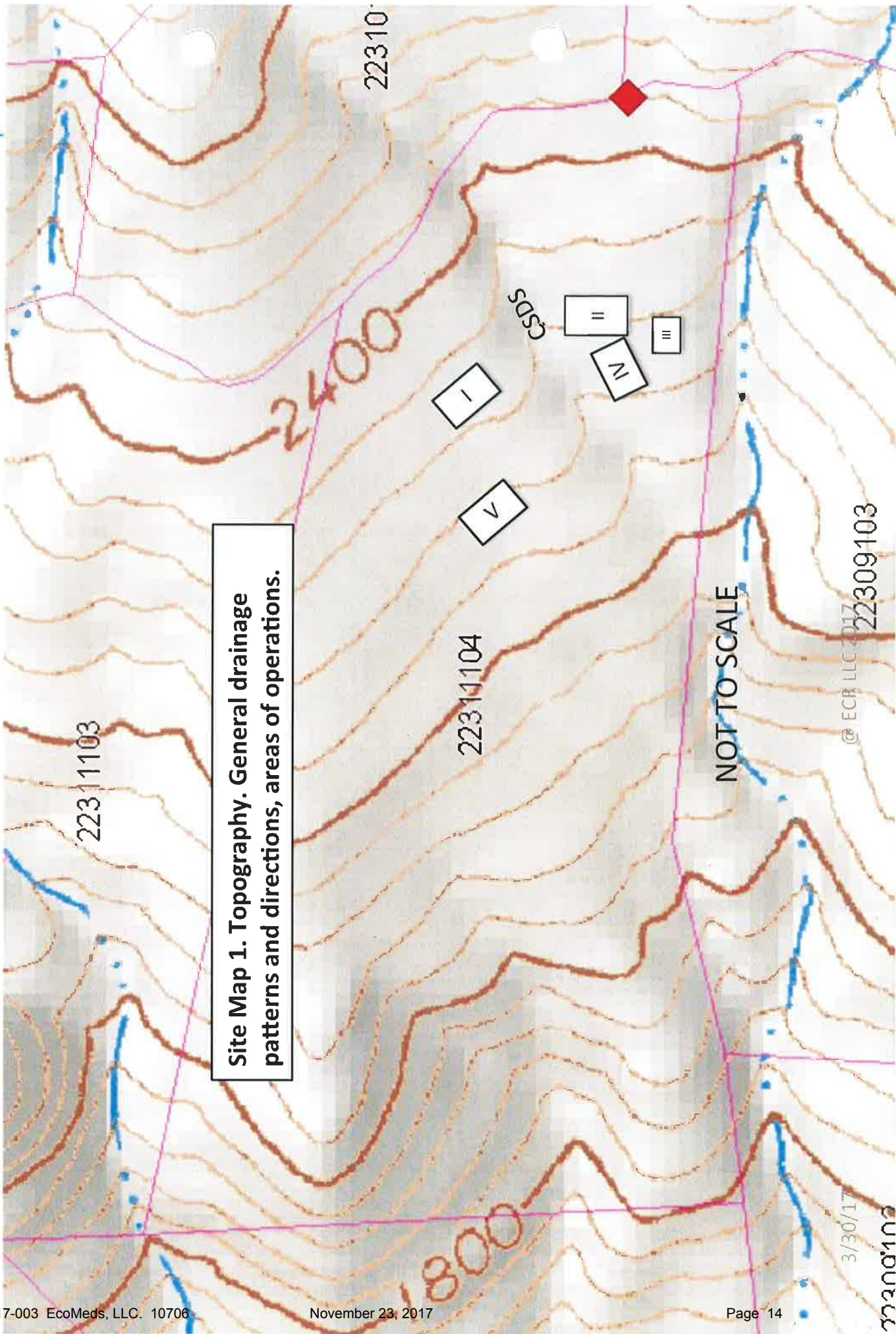
Mailing Address: 100 South St. #120, Sausalito CA 94965

WATER RIGHTS:

- 1) Riparian to Eagle Creek (HUC-12 180101060403)
- 2) Deeded exclusive rights to Eagle Creek source Spring #5 (recorded 1981)
- 3) Statements of Diversion: S 012451 (1985-present)
- 4) Small Domestic Use: D03482 (2015-present)
- 5) Water catchment system on property supplies all cultivation requirements.

NOTE: MAPS NOT TO SCALE





Site Map 1. Topography. General drainage patterns and directions, areas of operations.



Site Map 3. Watercourses and stream crossings

Intermittent spring



Perennial spring with easement



Perennial flow (WS Class 2 Stream)



Intermittent flow (WS Class 2 Stream)



Intermittent flow (WS Class 3 Stream)



Driveways



Stream crossings (culverts)



HOMESTEAD RD

<- 24" dia. culvert

<- 18" dia. culvert

pond

NOT TO SCALE

@ ECR LLC 2017

3/30/17



223
HOMESTEAD RD

Site Map 4. Roads, clearings, developed areas.

Existing driveways. Surface compacted Cal State base rock

Existing armored culverts, sized for 100 year flood event.

Cultivation Areas:

Cleared/developed area

NOT TO SCALE

@ ECR LLC 2017

3/30/17

Site Map 5. Perimeter of Cultivation Areas*

- I. 7,800 sq ft outdoor (fenced area*)
- II. 960 sq ft. mixed light greenhouses (x 2)
- III. 480 sqft mixed light (nursery)
- IV. 2,500 sq. ft outdoor per amended appl. (fenced area*)
- V. 5,500 sq.ft outdoor per amended appl. (fenced area*)

* NOTE: Cultivation areas defined in Humboldt County MMCLUO ordinance are specific to cumulative area of pots, greenhouses, etc. used for cultivation.

Perimeter measurements provided pursuant to this filing are not to be used for calculation of HumCo permitted cultivation areas.

All dimensions approximate due to topography.

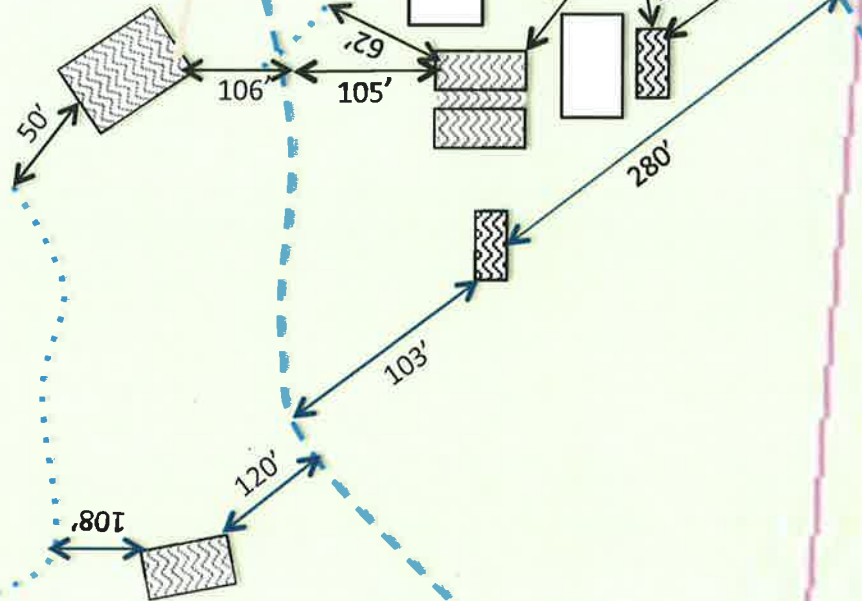




223
HOMESTEAD RD

Distances from cultivation
sites to watercourses.

22311104



NOT TO SCALE

@ ECR LLC 2017

3/30/17













HOMESTEAD RD

223

223

Site Map 6. Water source types and locations.

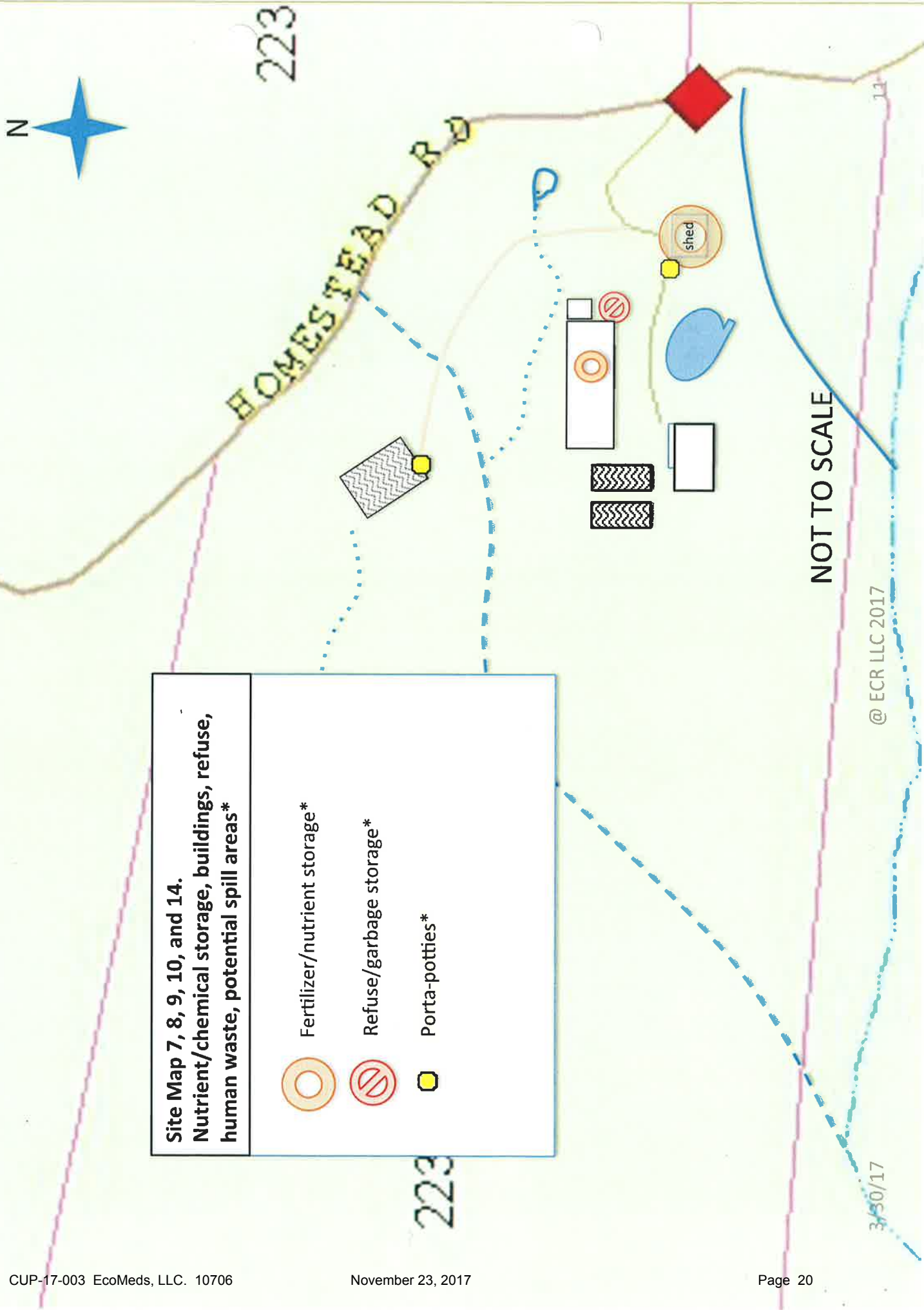
-  Perennial spring with easement
-  Perennial flow (Class 2 WS stream)
-  Intermittent flow (Class 2 WS stream)
-  Intermittent spring to Class 3 WS
-  Intermittent flow (Class 3 WS stream)
-  800-1500 gal H2O tanks (4), filled from catchment, SDU
-  20,000 gal H2O bladder tanks (4), filled from catchment
-  20,000 gal H2O bladder tanks (two planned for 2017)
-  75,000 gal recreational pond, SDU diversion (not used for cultivation)
-  CalFire approved 2" standpipes with CalFire 1.5" connections (2)

Area of water catchment

Pond

NOT TO SCALE

@ ECR LLC 2017



Site Map 11, 12. Unstable Earthen Features, Spoils Storage

None.



223
HOMESTEAD RD

CSDS

NOT TO SCALE

@ ECR LLC 2017

Site Map 13.
Controllable Sediment Discharge Site:
Overview

Existing driveways.

Surface compacted Cal State base rock

Existing armored culverts, sized for 100 year flood event.

Cultivation areas

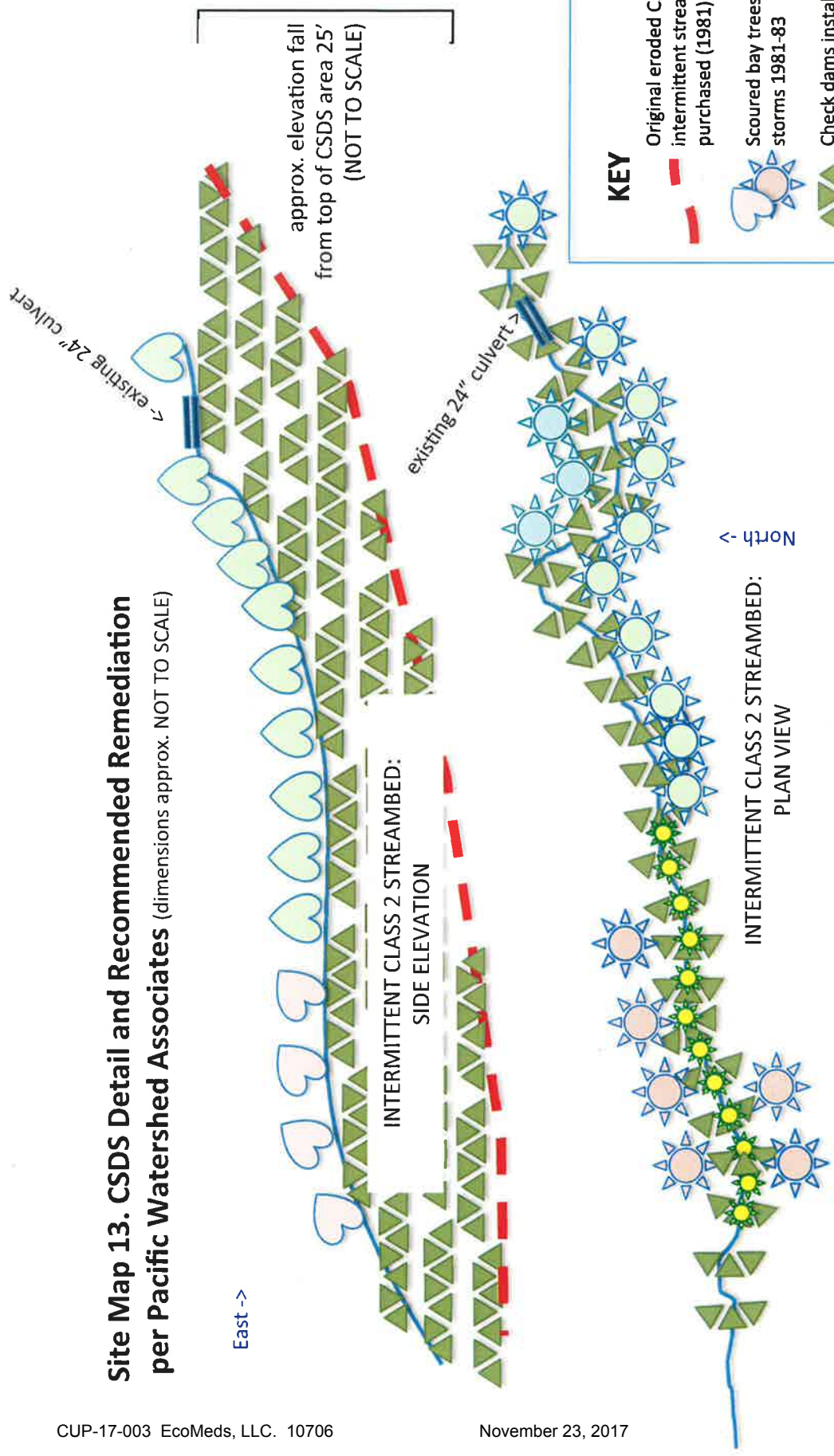
Cleared/developed area

Class 2 streams

Class 3 stream

CSDS

Site Map 13. CSDS Detail and Recommended Remediation per Pacific Watershed Associates (dimensions approx. NOT TO SCALE)



approx. CSDS distance 200'
(NOT TO SCALE)

> @ ECR LLC 2017

3/30/17

Site Map 15*. Specific Management Measures

- a. Erosion Control/Stability: Areas of operation are located more than required distances from nearest streambeds, are almost flat, and if sloping, are pitched to drain away from streams. Distances of each outdoor site and greenhouse from nearest Class Two and Class Three watercourses exceed NOI requirements .
 - b. Vetch and clover cover crops are extensively planted with straw mulch. Straw wattles and brush dams are placed in storm water runoff areas. Overflow from tanks is drained into armored watercourses.
 - b. Stream crossings: property culverts are maintained during storms, de-brushed in fall and as needed. Culvert slopes follow natural grade and outlets are armored.
 - c. Watercourse protection: per third party consultant PWA: maintain existing check dams and continue native plantings to stabilize banks. (See WRPP, on following slides)
 - d. No road construction is planned. Minimal maintenance due to short length and minimal slopes. Grading uses dips and catchments to control sediment discharge. No spoils are planned.
 - e. Chemicals are handled and stored inside barn. A spill kit is onsite.
 - f. Waste handling: human waste during 2016 season is through "porta potties", all garbage is taken to county dump. Once the existing onsite septic system is approved by the county (expected 2017), it will be used for human waste.
 - g. Irrigation runoff from mixed light greenhouses are captured in runoff tank, outdoor site slopes away from watercourse.
 - h. Water storage and use is covered in Water Resource Protection Plan, Item 8.
- (* see Item 14 on prior slides)

ATTACHMENT 1

RECOMMENDED CONDITIONS OF APPROVAL

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

1. The applicant shall execute a Compliance Agreement with the Humboldt County Planning Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #2 – 16. 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 applicant shall file an Ag Exempt letter of intent for each structure used for cannabis cultivation activities.
4. The applicant shall provide DEH with copies of receipts showing use of portable toilets sufficient to meet the sanitation needs of the cultivation staff at the site until the applicant has installed a permitted septic system(s).
5. 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.
6. 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 six vehicles. The site plan shall identify the streams on the site and the appropriate buffers based on the buffer identified in the WRPP and the requirements of the Streamside Management Area (SMA).
7. Where feasible, new utilities shall be underground or sited unobtrusively if above ground.
8. A restoration plan shall be developed to remove all excess fill and trash from the intermittent stream, re-contour the banks of the channel to a natural condition, and revegetate the area along the bank and within 50 feet of the top of the bank. No cannabis cultivation shall be allowed within 50 of the top of the bank of the channel.
9. The applicant shall remove all impervious flooring from greenhouses.
10. 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).

11. 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.
12. The applicant shall secure a final Lake and Streambed Alteration Agreement approved by CDFW and comply with all applicable terms.
13. 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.
14. Prior to initiating commercial medical cannabis cultivation or associated activities the applicant shall obtain a Business License from the Humboldt County Tax Collector.
15. The use of water bladders are not approved on a continual basis. The two new storage containers shall be tanks. Within two years of the date of approval the applicant shall exchange the water bladders for water tanks.
16. The applicant shall install flow meters showing how much rain water is being captured from the roof of the agricultural building and a meter showing how much water is being used to irrigate cannabis.
17. 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 NCRWQCB 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.
3. 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.

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;
1. 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 State 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).

Relevant Plan Section(s)	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
§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 an urbanized area of the County.
Land Use: §2724 Agricultural Lands (FRWK) County Code §314-17 "B" Combining Zone Designations	<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>Special Building Site Combining Zone (B Zones) are intended to be combined with any principal zone in which sound and orderly planning indicate that lot area and yard requirements should be modified.</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 AE-B-6, in which agriculture is a principal use. The proposed action would permit an existing agricultural use. The subject parcel is 60 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>

Relevant Plan Section(s)	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
§3200 Hazards	<p>§3220 Flood; §3230 Fire: New development shall minimize risk to life and property in areas of high flood and fire hazards.</p> <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>According to Humboldt County GIS mapping, the subject parcel is not within a FEMA 100-year flood zone. The subject parcel is within an area mapped as Moderate Fire Rating and High Fire Hazard Severity. Most of the property is open pasture, and the wooded portions are not densely wooded. The proposed project would be operated by three resident staff members, which is consistent with the number of people expected in a single-family residence such as already exists on the property. The project would not result in an increased risk to life and property from fire.</p> <p>The subject parcel is mapped as having high slope instability (3). All existing buildings are on graded flats.</p>
§3240 Noise (FRWK)	Conform with noise standards.	<p>The project uses a generator for some of its electricity needs. The generator is equipped with manufacturer's noise attenuation kits and is housed in a cinder block shed. Generator noise has been measured in the field at 67-68 dB(A) at a distance of 23 feet. The generator is more than 100 feet from any potentially sensitive noise receptor such as a neighboring residence or forest habitat edge. No long-term noise impacts are anticipated as a result of the project.</p>

Relevant Plan Section(s)	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
§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.</p> <p>The applicant has enrolled with the North Coast Regional Water Quality Control Board (NCRWQCB) as a Tier 2 discharger (WDID#1B16289CHUM), and a Watershed Resource Protection Plan (WRPP) has been prepared. The WRPP notes that the project is in compliance with all conditions of the NCRWQCB general order for cannabis cultivation.</p>
§3420 Biological Resources (FRWK)	Protect designated sensitive and critical resource habitats.	CDFW's Spotted Owl Data Viewer and CNDDB sensitive species mapper (BIOS) depicts no occurrences of sensitive species within 1.5 miles of the project site. 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 (WDID#1B16217CHUM), and has prepared a Watershed Resources Protection Plan to protect water quality from cannabis cultivation and related activities.
§3500 Cultural Resource Protection (FRWK)	New development shall protect cultural, archaeological 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 archaeology survey and report (William Rich and Associates 2016) were prepared. The report concluded that no significant archaeological or historical period resources exist in the project site. A condition of approval regarding legal protection requirements for inadvertent discovery is included.

Relevant Plan Section(s)	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
§4220, 4237.7 (FRWK): Access	Goal: To develop, operate, and maintain a well-coordinated, balanced, circulation system that is safe, efficient and provides good access to all cities, communities, neighborhoods, recreational facilities and adjoining areas.	Access to the property is via private roads off a County maintained road. Compliance with these standards has been made a condition of approval for the CUP.
§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 applicant plans to install a permitted septic system following approval of the CUP. In the interim, DEH has approved the use of portable toilets on the condition that the applicant provide receipts annually demonstrating use of portable toilets sufficient to the demands of cultivation staff. This requirement is included as a condition of approval for the CUP.

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.

Zoning Section	Summary of Applicable Requirement	Evidence
§314-7.1 AE – Agriculture Exclusive Zone §314-17 Special Building Site Combining Zone	<p>The principal permitted uses in the Agriculture Exclusive zone are general agriculture, farm dwellings, and manufactured homes.</p> <p>Special Building Site Combining Zone (B Zones) are intended to be combined with any principal zone in which sound and orderly planning indicate that lot area and yard requirements should be modified.</p>	<p>Cannabis cultivation is an agricultural use, which is consistent with the zoning designation for the site.</p> <p>The proposed project requires the approval of a Conditional Use Permit that authorizes a total of 18,000 sf of existing cultivation area, which includes 15,600 sf of natural light cultivation and 2,400 square feet of mixed-light greenhouse. The proposed use is an agricultural use that is specifically allowed with a Conditional Use Permit in this zoning district under Section 314-55 of the Humboldt County Code.</p> <p>Special Building Site Combining Zone B-6 refers to adjustments to the minimum lot size. The proposed project does not include a subdivision of the subject parcel.</p>
Min. Lot Area:	20 acres	Complies: The parcel is approximately 60 acres.
Min. Lot Width:	100 feet	Complies: The parcel is approximately 900 feet wide at the narrowest point.
Max. Lot Depth	None specified	N/A
Max. Lot Coverage:	35 percent	Complies: The lot area is approximately 60 acres; the allowable lot coverage is 21 acres. The cultivation area, commercial building, sheds, and residence total less than 0.7 acre.
Min. Yard Setbacks (through the Zoning Code requirements):	Front 30 feet; Rear 20 feet; Side 20 feet (max); Farm outbuildings shall not be less than 20 feet from any dwelling on the premises.	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. The commercial building and all sheds are greater than 20 feet from the residence.

Zoning Section	Summary of Applicable Requirement	Evidence
Max. Building Height:	None specified	N/A
§314-61.1 Streamside Management Area (SMA)	Placement of soil within SMAs shall be prohibited, except where specifically authorized by the SMA ordinance. Development within SMAs may include wildlife enhancement and restoration projects. The SMA of perennial streams outside of urban development and expansion areas is defined as 100 feet from the stream transition line.	No activities related to the cultivation take place within an SMA.
§314-109.1 Off-Street Parking	Off Street Parking for Agricultural use*: Parking space per employee at peak shift. A minimum of six parking spaces are required. <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>	No designated parking spaces are noted on the site plans; however, there is sufficient space in the property for the three to six cars used by the operators to park near the residence. The conditions of approval include a requirement to submit 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.

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

Zoning Section	Summary of Applicable Requirement	Evidence that Supports the Required Finding
§314-55.4.8.2	Commercial cannabis cultivation is allowed on parcels zoned AE that are larger than one acre. 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.
§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 AE (on parcels one acre or larger), but only when	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 18,000 sf of existing cultivation area, which includes 15,600 square feet of natural

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

	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.	light outdoor and 2,400 sf of mixed-light greenhouse. The subject property is correctly zoned for the proposed use (AE – Agriculture Exclusive) 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 applicant will use licensed off-site processors; no processing will occur on-site.
§314-55.4.10 Application Requirements	Identifies the Information Required for All Applications	Attachment 3 identifies the information submitted with the application. Contents of the application are on file. All outstanding items are included as conditions of approval.
§314-55.4.11 Performance Standards	Identifies the Performance Standards for Cannabis Cultivation Activities	All the applicable performance standards are included as conditions of project approval. They are required to be met throughout the timeframe of the permit. As depicted on the site plans, the existing cultivation sites and proposed processing facility are located at least 30 feet from any property line.
§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.

Code Section	Summary of Applicable Requirement	Evidence that Supports the Required Finding
§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 section of the State CEQA Guidelines: Section 15301 — Existing Facilities. 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 18,000 sf of existing cultivation area. The existing cultivation footprint will not be expanded under the proposed project, which is consistent with Section 15301. 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, then written consent of the owner for the application with original signature and notary acknowledgement is required. (On-file)
3. Site plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including: access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within ¼ mile (1,320 ft.) of a school, school bus stop, church or other place of religious worship, public park, or Tribal Cultural Resource, the site plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 600 feet. (On-file; site plan will be updated in accordance with Condition 6)
4. A cultivation and operations plan that meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; and proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel, and a description of cultivation activities (outdoor, indoor, mixed light), the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. (On-file)
5. Copy of a Road Evaluation Report for Homestead Road, Ross Road, and Dyerville Loop Road, between the property entrance and Alderpoint Road, demonstrating that the access roads to the property are developed to a Category 4 standard, or providing a Neighborhood Traffic Management Plan if roads cannot be improved to a Category 4 standard. (Attached)
6. 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)
7. Description of water source, storage, irrigation plan, and projected water usage. (On-file)
8. Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the NCRWQCB demonstrating enrollment in Tier 1, 2 or 3, NCRWQCB Order No. 2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (On-file)

9. If the source of water is a well, a copy of the County well permit, if available. (Not applicable)
10. If the parcel is zoned FR, U or TPZ, or involves the conversion of timberland as defined under section 4526 of the Public Resources Code, a copy of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (CAL-FIRE). Alternately, for existing operations occupying sites created through prior unauthorized conversion of timberland, evidence may be provided showing that the landowner has completed a civil or criminal process and/or entered into a negotiated settlement with CAL-FIRE. (Not applicable; 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)

Cultivation and Operations Plan
Pursuant to Humboldt County MMCLUO Application for EcoMeds LLC
APN# 223-111-004

July 7, 2016

1. Water sources for cultivation:
May 15-Oct 31 Stored water and rainwater from catchment system
Nov. 1-May 14: Rainwater from catchment system
2. Storage for Cultivation: 80,000 gallons
3. Irrigation: drip and handheld wands
4. Projected Water Usage: less than 10,000 gpm (measured 6,000 gallons to date from May 15, 2016-June 30, 2016)
5. Site drainage: greenhouses built with impermeable floors. Planting beds are equipped with 60' DWV perf pipe to capture and channel any overflow to external storage/evap. tank.. Outdoor site drains away from creeks to open meadow. Both sites conform with SWRCB NOI setbacks. NOI filing provided via email, Pacific Watershed Associates report included with this application.
6. Protection of watershed and habitat: All cultivation border areas are planted with vetch and clover and have straw wattles and anti-erosion mulching.
7. Protocols for fertilizer use: All fertilizers/pesticides are OMRI-listed organic. All are stored in covered ag barn and shed. Grower has met with Humboldt County Ag Commissioner and staff for training in fertilizer/pesticide application.
8. Cultivation activities (planning for 1x outdoor, 2x mixed light) and schedule:
 - i) Jan: clean ranch and cultivation sites
 - ii) Feb.: cleanup, ready planting pots, areas
 - iii) Mar: start seeds, amend soils
 - iv) April: transplant seeds and first clones
 - v) May: transplant potted seeds to outdoor, transplant clones to mixed light greenhouses
 - vi) June: water/fertilize/spray outdoor and mixed light as needed
 - vii) July: same
 - viii) August: harvest first mixed light, water/fertilize/spray outdoor and second harvest mixed light as needed
 - ix) Sept.: water/fertilize/spray outdoor and mixed light as needed
 - x) October: harvest outdoor and second mixed light
 - xi) November: clean up, possible processing and/or transport to offsite processors

- xii) December: clean ranch and cultivation sites, complete possible processing and/or transport to offsite processors
9. Processing Plan: Unknown at present. Planning to use off-site commercial processing site if ready. If not, grower family and friends will probably clean.
10. Generator use. Property leased by applicant is an off-grid ranch. Since 1981, like most ranches in Southern Humboldt, domestic, building, stock keeping, and farming power at ECR has been provided through a mix of generator and solar power. Though significant solar power is used, supplemental generator power has always been used as needed for tenant family and visitors as well as cultivation. Generator is new Cummins C-25 N6 low speed propane power plant (the quietest model in class) fitted with Cummins optional Sound Attenuation Kit (insulated fiberglass generator housing) plus Cummins optional fan intake sound attenuation housing. Generator is bolted to 4" concrete pad. Tested configuration's ANSI Sound Pressure Level measures 67.4-68.6 dB(A) at 23 feet (test results attached) To avoid neighbor complaints, this generator has been re-located to behind a two story barn interposed between it and the nearest residence, (Bonnie Blackberry property) which is located almost one quarter mile (approximately 1230 feet according to Humboldt County GIS) from generator site.
<http://gis.co.humboldt.ca.us/Freeance/Client/PublicAccess1/index.html?appconfig=podgis4>
11. Security Plan: Property is gated, with No Trespassing signs. All cultivation areas are fenced. Game cameras and other technologies will be used at harvest time to monitor cultivation areas. Tenant(s) and dogs will be present 24/7 during harvest times. Stored cannabis is in locked containers. Other measures will be taken to ensure safety and security.
12. (Not Required but for provided for Humboldt Fire Department and Planning/Building info) Eagle Creek Ranch is set up with 100' of CalFire fire hose, nozzles, 2" fire standpipes connected to 40,000 gallons of stored water. System has been designed in consultation with CalFire Garberville. Standpipes are fitted with CalFire-supplied connections and signage.

Attachment to DPW Road Evaluation Report

From Applicant ECR LLC
APN 223-111-004
CUP 17-003

October 3, 2017

On October 1, 2017, this applicant and neighboring applicant 12961 surveyed roads requested by HumCo DPW. It is the opinion of applicants that the roads inspected generally conform to Category 4 standards.

The following additional factors pertaining to traffic usage and road suitability were noted:

- 1) As is true of all rural roads in Southern Humboldt County, Dyerville Loop Road and Ross Road have numerous "pinch points". In fact, the narrowest surveyed point on the county-maintained Dyerville Loop Road was equal in width to the narrowest width noted on privately-maintained Ross Road. The surveyed section of Homestead Road was uniformly wider than both.
- 2) Ross and Homestead Roads are well-maintained by the Overland Road Association (OSPOA), which spends over \$7000 annually to maintain its roads. For many years, the OSPOA has contracted with Brett van Meter. Mr. van Meter is a very experienced road builder and equipment operator who frequently works on Cal-Trans projects. He has offered to testify to the status of the OSPOA roads if helpful. Brett can be reached at 707-223-0311.
- 3) OSPOA roads are lightly used. Ross and Homestead Roads serve approximately eleven parcels with an average of one household per parcel. The average number of residents per parcel is two. In general, residents go to town once or twice a week and generally car-pool. Therefore, the likely traffic averages approximately three cars per day.
- 4) There are three commercial cannabis applicants who use these roads. Each applicant has applied for grow areas well under the maximum permitted by County regulations. These are small rural family farms, not large-scale commercial operations. In general, they are inhabited by 2-3 persons through the year.
- 5) Since cannabis farms are highly security-conscious, at least one of these persons always stays home, so essentially the applicants' parcels equal the traffic load of any other parcel during most times of the year.
- 6) Traditionally, harvest and trim seasons in Humboldt have attracted temporary workers. Since these workers are generally working "per piece" and the season is short, they're highly incented to stay on the farm. When temp workers do go to town, it's typically once a week to check mail, etc.

When they do go, these workers like to go together so no one is advantaged by getting work the others are missing. The bottom-line is that even though harvest time historically has seen an increase in workers, the parcels' ADT remain the same.

7) This old model of cannabis farming where a number of temp workers show up seasonally is going away. In order to compete with the new high-intensity commercial ag style cannabis operations that are underway in Monterey, Calaveras, Lake and other California counties, Humboldt County farms are changing. Many are moving to machine trimming, or shipping whole plants to an off-site, commercially zoned processing facility.

ECR (Applicant CUP 17-003) intends to shift to growing predominantly CBD cannabis. CBD plants do not require trimming or extensive harvest, since they are harvested as whole plants and processed offsite. This will significantly reduce the number of temporary workers needed at harvest. Applicant does not expect to exceed five persons total at peak operations, and again, these persons will generally stay on the parcel except one trip to town per week.

Operations Plan

8) Applicants have voluntarily agreed to coordinate their parcels' trips to town to further reduce road use. During periods of peak activity (typically mid September/end of October), this applicant will have workers/residents go to town only on two days of the week. The other applicants will select two days per week for their team members. For security reasons, applicants prefer not to define these days on this application but are willing to do so privately to the sheriff if requested by DPW.

Applicant ECR believes these measures will facilitate continued safe operation of the roads used by applicant and hereby requests DPW to approve applicant's CUP-17-003.

Respectfully,

Eagle Creek Ranch (ECR) LLC
Robert May, manager

Date:

17	Location	Miles (1/2)	Width	Notes
18	Dyerville Loop Rd. at Alderpoint Road	0	24	
19	by rock	0.5	24	
20	pullout	1	28	
21	cattleguard	1.5	14	pullout both sides
22	Dyerville Loop Rd. at Ross Rd.	1.8	24	pullout
23	Ross Rd. (private) at Dyerville Loop Rd.	0	16	narrow spot between tree and private road signpost. Good visibility both ways
24	narrow spot	0.5	13	pullout above and below
25	ECR (APN 223-111-004)	0.9	24	

October 3, 2017

HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS
ROAD EVALUATION REPORT

PART A: Part A may be completed by the applicant

Applicant Name: Eco LLC

APN: 223-111-004

Planning & Building Department Case/File No:

CUP 17-003

Road Name: Ross Rd.

(complete a separate form for each road)

From Road (Cross street): Main Ridge Road (aka Dyerville Loop Rd.)

To Road (Cross street): Homestead Rd.

Length of road segment: approx. 0.75 mi. miles Date inspected: 10/1/17

Road is maintained by: ☐ County ☒ Other OSPDA (Overland Subdivision Property Owners Assn.)
(State, Forest Service, National Park, State Park, BLM, Private, Tribal, etc)

Check one of the following:

Box 1 ☐ The entire road segment is developed to Category 4 road standards (20 feet wide) or better. If checked, then the road is adequate for the proposed use without further review by the applicant.

Box 2 ☒ The entire road segment is developed to the equivalent of a road category 4 standard. If checked, then the road is adequate for the proposed use without further review by the applicant.

An equivalent road category 4 standard is defined as a roadway that is generally 20 feet in width, but has pinch points which narrow the road. Pinch points include, but are not limited to, one-lane bridges, trees, large rock outcroppings, culverts, etc. Pinch points must provide visibility where a driver can see oncoming vehicles through the pinch point which allows the oncoming vehicle to stop and wait in a 20 foot wide section of the road for the other vehicle to pass.

Box 3 ☐ The entire road segment is not developed to the equivalent of road category 4 or better. The road may or may not be able to accommodate the proposed use and further evaluation is necessary. Part B is to be completed by a Civil Engineer licensed by the State of California

The statements in PART A are true and correct and have been made by me after personally inspecting and measuring the road.

Signature

Date 10/3/17

Name Printed

Robert May manager

Read the instructions before this form. If you have questions, call the Dept. of Public Works Land Use Division at 707.445.7205.

HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS
ROAD EVALUATION REPORT

PART A: Part A may be completed by the applicant

Applicant Name: EcoMed LLC

APN: 223.111.004

Planning & Building Department Case/File No: CUP 17.003

Road Name: Mail Ridge Road (aka Dyerville Loop Rd.)
(complete a separate form for each road)

From Road (Cross street): Alderpoint Rd.

To Road (Cross street): Ross Rd.

Length of road segment: approx 1.8 miles miles Date Inspected: 10/1/17

Road is maintained by: ☒ County ☐ Other

(State, Forest Service, National Park, State Park, BLM, Private, Tribal, etc)

Check one of the following:

Box 1 ☐ The entire road segment is developed to Category 4 road standards (20 feet wide) or better. If checked, then the road is adequate for the proposed use without further review by the applicant.

Box 2 ☒ The entire road segment is developed to the equivalent of a road category 4 standard. If checked, then the road is adequate for the proposed use without further review by the applicant.

An equivalent road category 4 standard is defined as a roadway that is generally 20 feet in width, but has pinch points which narrow the road. Pinch points include, but are not limited to, one-lane bridges, trees, large rock outcroppings, culverts, etc. Pinch points must provide visibility where a driver can see oncoming vehicles through the pinch point which allows the oncoming vehicle to stop and wait in a 20 foot wide section of the road for the other vehicle to pass.

Box 3 ☐ The entire road segment is not developed to the equivalent of road category 4 or better. The road may or may not be able to accommodate the proposed use and further evaluation is necessary. Part B is to be completed by a Civil Engineer licensed by the State of California.

The statements in PART A are true and correct and have been made by me after personally inspecting and measuring the road.

Signature [Signature]

Date 10/3/17

Name Printed Robert MAY manager

Important: Read the instructions before using this form. If you have questions, please call the Dept. of Public Works Land Use Division at 707.445.7265.

HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS
ROAD EVALUATION REPORT

PART A: Part A may be completed by the applicant

Applicant Name: ECK LLC

APN: 223.111.004

Planning & Building Department Case/File No.: CUP 17.003

Road Name: Honested Rd. (complete a separate form for each road)

From Road (Cross street): Ross Rd.

To Road (Cross street): subject property 223.111.004

Length of road segment: approx. 0.9 mi. miles Date Inspected: 10/1/17

Road is maintained by: ☐ County ☒ Other OSPOA (Overland Subdivision Property Owners Assn.)
(State, Forest Service, National Park, State Park, BLM, Private, Tribal, etc)

Check one of the following:

Box 1 ☐ The entire road segment is developed to Category 4 road standards (20 feet wide) or better. If checked, then the road is adequate for the proposed use without further review by the applicant.

Box 2 ☒ The entire road segment is developed to the equivalent of a road category 4 standard. If checked, then the road is adequate for the proposed use without further review by the applicant.

An equivalent road category 4 standard is defined as a roadway that is generally 20 feet in width, but has pinch points which narrow the road. Pinch points include, but are not limited to, one-lane bridges, trees, large rock outcroppings, culverts, etc. Pinch points must provide visibility where a driver can see oncoming vehicles through the pinch point which allows the oncoming vehicle to stop and wait in a 20 foot wide section of the road for the other vehicle to pass.

Box 3 ☐ The entire road segment is not developed to the equivalent of road category 4 or better. The road may or may not be able to accommodate the proposed use and further evaluation is necessary. Part B is to be completed by a Civil Engineer licensed by the State of California.

The statements in PART A are true and correct and have been made by me after personally inspecting and measuring the road.

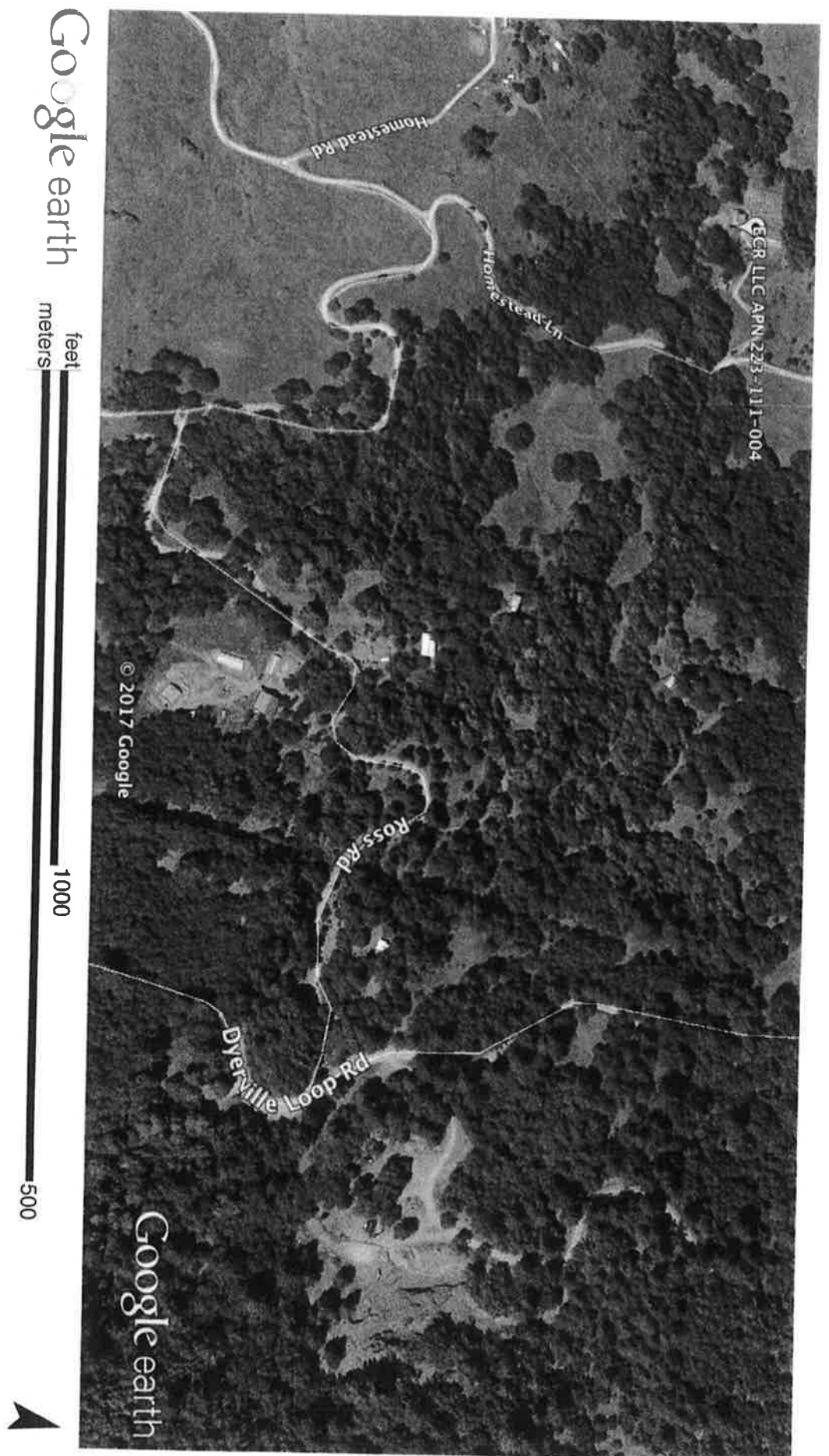
Signature

Date 10/3/17

Name Printed Robert May, manager

Important: Read the instructions before using this form. If you have questions, please call the Dept. of Public Works Land Use Division at 707.445.7205.





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.

Referral Agency	Recommendation	Location
Public Works Building Inspection Division	Conditional approval – secure building permits for all Ag exempt structures, and file an Ag exempt letter of intent for each structure.	On file with Planning
Public Works Land Use Division	Road Evaluation Report for Dyerville Loop Rd and Homestead Rd from Alderpoint Rd to the project site.	On file with Planning
Health and Human Services Environmental Health Division	Conditional approval – install permitted septic before on-site processing; portable toilets allowed in interim with receipts.	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 review comments	On file with Planning
California Department of Fish and Wildlife	Require LSA notification	On file with Planning
Northwest Information Center	No response	N/A
Bear River Band Rohnerville Rancheria	Responded to Arch/Cult survey in 2016 with no concerns	On file with Planning
Regional Water Quality Control Board	No response	N/A
Humboldt County District Attorney	No response.	N/A
Humboldt County Agriculture Commissioner	No response.	N/A
Sinkyone, Garberville PDAA Fire Protection District	No response.	N/A
Southern Humboldt Joint Unified School District	No response.	N/A
Humboldt County Sheriff's Department	No response.	N/A