

COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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

Hearing Date: January 18, 2018

To: Humboldt County Planning Commission

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

Subject: **Lloyd Julien and Manuel Meras, Conditional Use Permit**
Application Number 12027
Case Number CUP-16-509
Assessor's Parcel Number (APN) 201-322-019-000
1298 State Highway 36, Alton area

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

AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
January 18, 2018	Conditional Use Permit	Keenan Hilton, Planner

Project Description: The Applicant is seeking a Conditional Use Permit to permit 43,200 square feet (SF) of new outdoor cannabis cultivation. The Applicant proposes up to 18 hoop-rows covering approximately 43,200 SF or 0.99 acres. Cannabis plants cultivated on-site will be propagated onsite in an approximate 360 SF existing on-site structure. Once plants have achieved sufficient size they will be moved from the propagation area and planted in the ground in the hoop-rows. Between the months of June and September flowering will be induced by manually covering each flowing hoop-row with blackout tarps from the hours of 6:00 p.m. to 10:00 p.m. As crops are harvested, hoop-rows, tarps and all farming accessories associated with the operation will be removed and stored during the winter months. The cultivation footprint will be replanted with a cover of crop for off-season soil regeneration and added soil stability. Initial site operations are anticipated to utilize existing family members that currently reside on-site until such time in the future when cannabis processing activities can be outsourced to a licensed and properly equipped local facility. The proposed project will utilize a new on-site permitted deep well for irrigating crops. Adjacent to the well site there will be four 5,000-gallon water storage tanks. Expected water usage will be approximately 3,000 gallons per day. Power is provided by P.G. & E.

Project Location: The project site is located in the inland zone of Humboldt County in the Alton area, on the south side of State Highway 36, at the intersection of De Mello Road and State Highway 36, on the property known as 1298 State Highway 36 (Section 24 in Township 02 North, Range 01 West, Humboldt Base & Meridian).

Present Plan Land Use Designations: Industrial, General (IG); Fortuna Area Community Plan (FACP). Density: Not Applicable. Slope Stability: Low Instability (1), Moderate Instability (2).

Present Zoning: Heavy Industrial (MH), Qualified (Q).

Application Number: 12027

Case Number: CUP-16-509

Assessor Parcel Numbers: 201-322-019-000

Applicant

Julien Lloyd & Manuel Meras
1315 Fernbridge Drive
Fortuna, CA 95540

Owner

Julien Lloyd & Manuel Meras
1315 Fernbridge Drive
Fortuna, CA 95540

Environmental Review: The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per Class 4, 15304 (Minor Alterations to Land) of the CEQA Guidelines.

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

Major Issues: None.

LLOYD JULIEN AND MANUEL MERAS
Case Number CUP-16-509
Assessor's Parcel Number 201-322-019-000

Recommended Commission Action

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

Find the project exempt from environmental review pursuant to Section 15304, of the State CEQA Guidelines, make all of the required findings for approval of the Conditional Use Permit based on evidence in the staff report and any public testimony, and adopt the Resolution approving the proposed CUP-16-509 subject to the recommended conditions.

Executive Summary: A Conditional Use Permit to permit 43,200 square feet (SF) of new outdoor cannabis cultivation as permitted under the CMMLUO on property zoned Qualified, Heavy Industrial (MH-Q) zoned property, which is approximately 7.05 acres in size. The site contains mapped prime agricultural soils. The Applicant is proposing to cultivate one acre of cannabis outdoors utilizing natural sunlight. Cultivation is proposed to take place under temporary hoop-row structures and will not be equipped with electricity, lighting, or fans. The Applicant proposes up to 18 hoop-rows covering approximately 43,200 SF or 0.99 acres. The size of each hoop-row will be approximately 20' x 120' in dimension and have a footprint of 2,400 SF. The proposed structures are temporary in nature, being placed on-site from 4 to 6 months, and will qualify for an agricultural exemption from a building permit.

There are multiple existing structures on the subject property, including one single-family farmhouse with a detached garage, that predates county permitting. Additional structures include a barn located adjacent from the proposed cultivation zone that is proposed for use as a drying and processing room. Alton Farm is a family owned and operated farm. Initial site operations are anticipated to utilize existing family members that currently reside on-site until such time in the future when cannabis processing activities can be outsourced to a licensed and properly equipped local facility.

Cannabis plants cultivated on-site will be propagated onsite in the approximate 360 SF existing on-site structure. Once plants have achieved sufficient size they will be moved from the propagation area and planted in the ground in the hoop-rows. Between the months of June and September flowering will be induced by manually covering each flowing hoop-row with blackout tarps from the hours of 6 p.m. to 10 p.m. As crops are harvested, hoop-rows, tarps and all farming accessories associated with the operation will be removed and stored during the winter months. The cultivation footprint will be replanted with a cover of crop for off-season soil regeneration and added soil stability.

The proposed project will utilize a new proposed on-site well for irrigating crops. The property lies with ½ mile of the present Van Duzen River channel and is proximate to the 100-year flood plain. Before the use may be initiated, a determination will be made as to whether the well is hydrologically connected to the river and, if so, a Lake and Stream Alteration Agreement (LSAA) will be required by the Department of Fish and Wildlife. If deemed to be jurisdictional, the LSAA will stipulate if water withdrawal will be permitted during the low flow periods and, if so, the water amount that may be used. Adjacent to the well site there will be four 5,000-gallon water storage tanks. There is sufficient area for additional water tank or pond storage if required. Hydrologic connection, if demonstrated, may necessitate the collection of rainwater to offset

reduced pumping or a reduction in the amount of area under cultivation until adequate storage is provided. Water efficiency measures will be taken to reduce the water usage for the cultivation project. Drip irrigation systems will provide added efficiency and reduced water usage. Additionally, exposed soils will be covered with rice straw or other natural cover to reduce evaporation losses. Expected water usage will be approximately 3,000 gallons per day.

Environmental review for this project was conducted and based on the results of that analysis, staff believes the proposed cultivation and processing aspects of the project can be considered a "Minor Alteration to Land" as defined by Section 15304 of the California Environmental Quality Act (CEQA) Guidelines because it consists of "minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees except for forestry or agricultural purposes." While greenhouse (hoop house) structures will be used during the cultivation period, these are temporary as they will be removed at the end of the season.

There is no substantial evidence of potentially significant adverse environmental effects resulting from the permitting of a recognized legal agricultural use (cultivation of medical marijuana) on property zoned MH-Q with direct access to State Highway 36.

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

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

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

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

**Case Number CUP-16-509
Assessor Parcel Number: 201-322-019**

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

WHEREAS, Lloyd Julien and Manuel Meras, submitted an application and evidence in support of approving a Conditional Use Permit to permit a 43,200-square-foot new outdoor cannabis cultivation operation on prime agricultural soils located on Assessor's Parcel Number (APN) 201-322-019-000 consisting of: 1) 18 hoop-rows with a footprint of 2,400 SF and 2) drying and processing operations within an existing approximate 2,000 SF barn that includes a 360 SF propagation area.

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

WHEREAS, the project is categorically exempt from environmental review pursuant to Class 4, 15304 (Minor Alterations to Land) of the California Environmental Quality Act (CEQA) Guidelines; and

WHEREAS, Attachment 2 in the Planning Division staff report includes evidence in support of making all of the required findings for approving the proposed Conditional Use Permit (Case Number CUP-16-509); and

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

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

1. The proposed project is categorically exempt from environmental review pursuant to Class 4, 15304 (Minor Alterations to Land) of the California Environmental Quality Act (CEQA) Guidelines; and
2. The findings in Attachment 2 of the Planning Division staff report support approval of Case Number CUP-16-509 based on the submitted evidence; and
3. Conditional Use Permit for Case Number CUP-16-509 is approved as recommended and conditioned in Attachment 1.

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

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

AYES: Commissioners:

NOES: Commissioners:

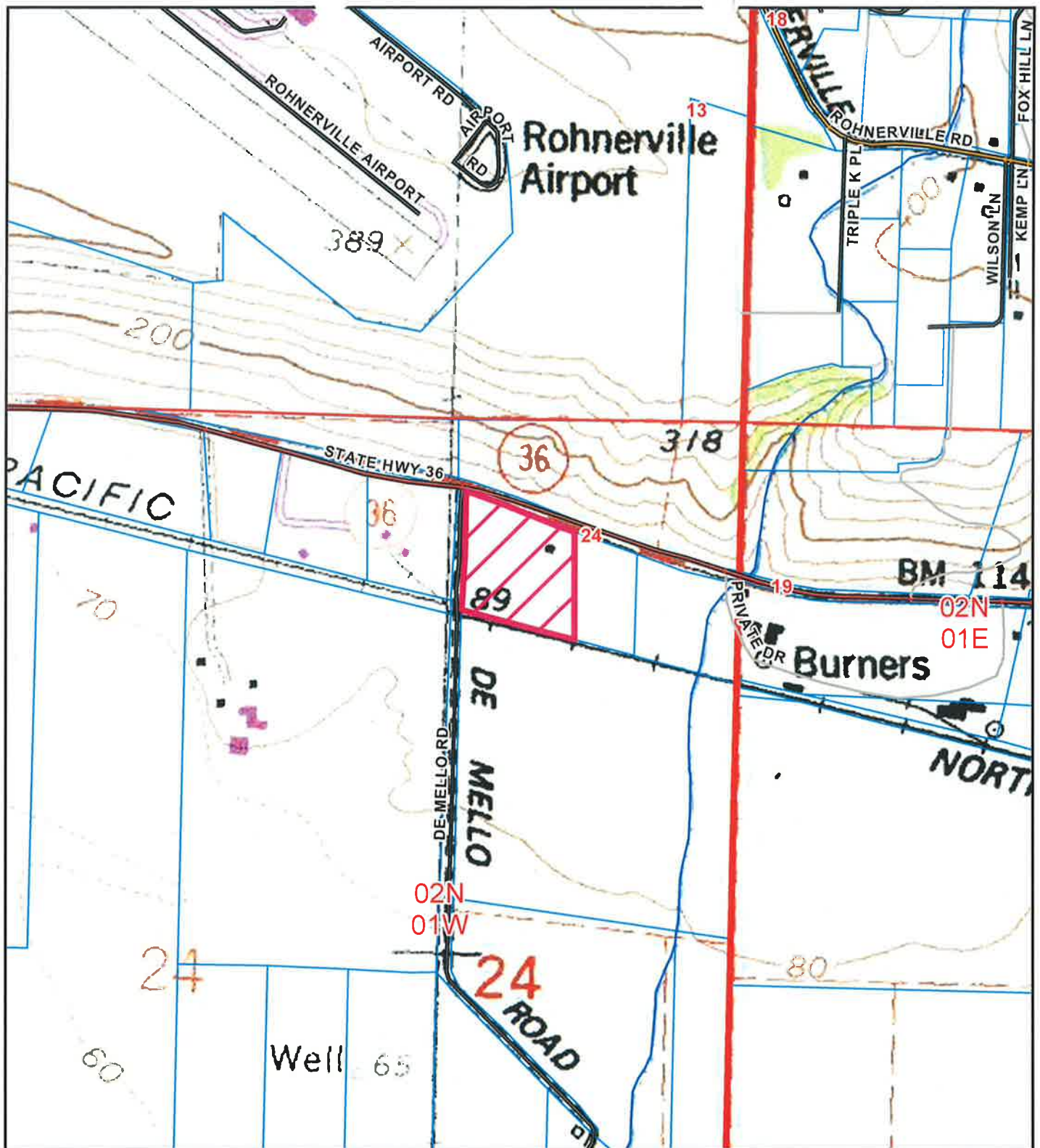
ABSTAIN: Commissioners:

ABSENT: Commissioners:

DECISION: Motion carries

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

John Ford
Director, Planning and Building Department



TOPO MAP
 PROPOSED LLOYD JULIEN AND MANUEL MERAS
 ALTON AREA
 CUP-16-509

APN: 201-322-019-000

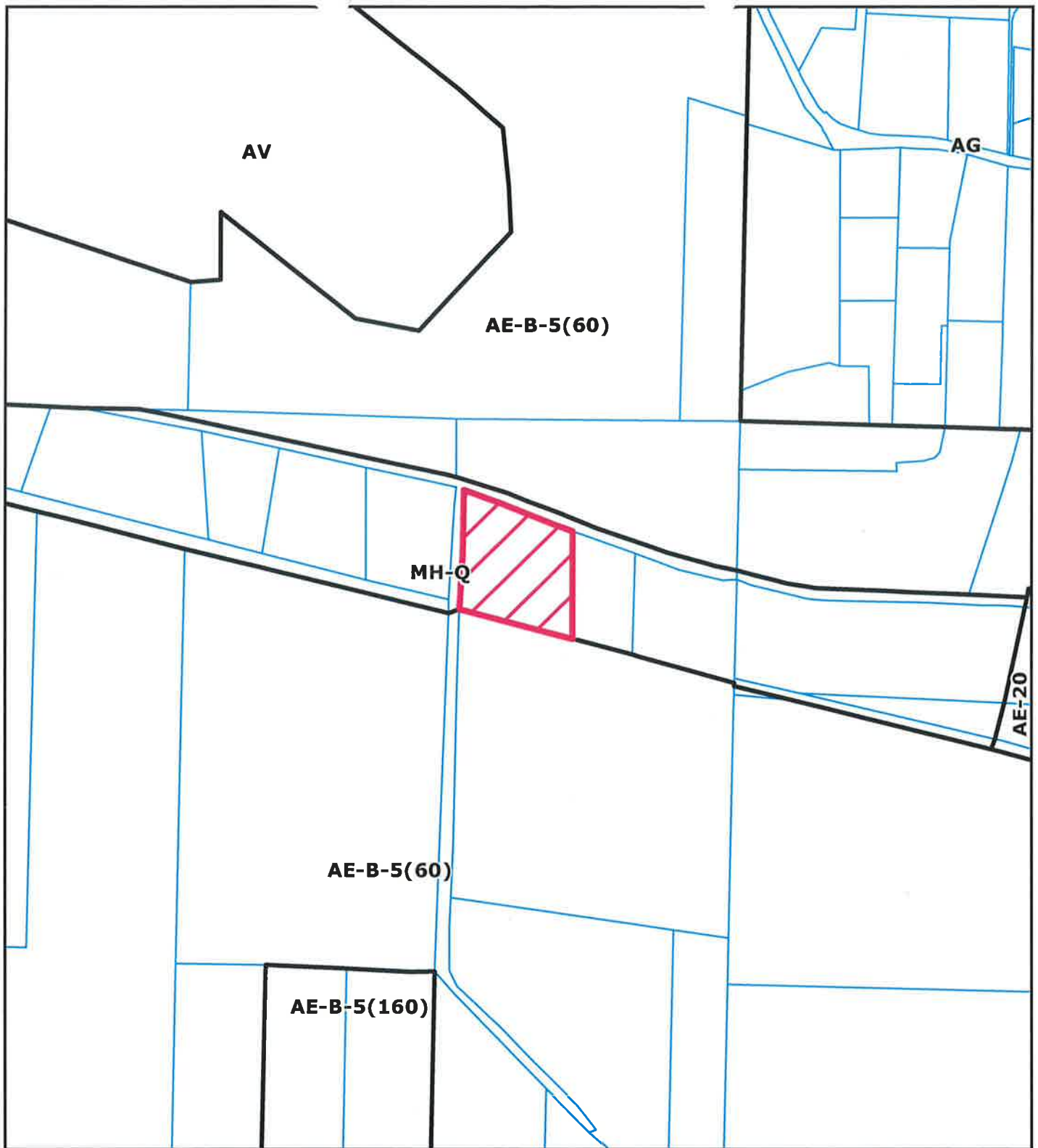
T02N R01W S24 HB&M (ROHNERVILLE)

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 1,000 1,500 Feet





**ZONING MAP
PROPOSED LLOYD JULIEN AND MANUEL MERAS
ALTON AREA
CUP-16-509**

**APN: 201-322-019-000
T02N R01W S24 HB&M (ROHNERVILLE)**

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.





AERIAL MAP
PROPOSED LLOYD JULIEN AND MANUEL MERAS
ALTON AREA
CUP-16-509
APN: 201-322-019-000
T02N R01W S24 HB&M (ROHNERVILLE)

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 1,000
 Feet





DIRECTIONS TO SITE

THE APPLICANT IS PROPOSING TO PERMIT PROPOSED MEDICAL CANNABIS CULTIVATION ACTIVITIES IN ACCORDANCE WITH THE COUNTY OF HUMBOLTS (COUNTY) COMMERCE MEDICAL MARIJUANA LAND USE ORDINANCE (CMMLUO), ORDINANCE NO 2554. THE OPERATION INCLUDES APPROXIMATELY 43,560 SQUARE FEET (6F) OF MEDICAL CANNABIS. THE PROJECT PROPOSAL INCLUDES THE DEVELOPMENT OF FACILITIES, APPURTENANT TO THE CULTIVATION, INCLUDING GREENHOUSES.

1. DRAWING SCALE NOTED, WRITTEN DIMENSIONS SHALL TAKE PRECEDENCE OVER SCALED DIMENSIONS.
2. THIS IS NOT A BOUNDARY SURVEY. BOUNDARY INFORMATION HAS BEEN OBTAINED FROM HUMSBOLT COUNTY 2015 GIS DATA. FL DRAFTING HAS NOT VERIFIED THIS PROPERTY BOUNDARY.
3. THERE ARE NO NEARBY SCHOOLS, SCHOOL BUS STOPS, PLACES OF WORSHIP, PUBLIC PARKS, OR TRIBAL RESOURCES WITHIN 600 FEET OF THE PROPOSED CULTIVATION AREA.
4. THERE ARE NO RESIDENCES ON ADJOINING PARCELS WITHIN 300 FEET OF THE PROPOSED CULTIVATION AREAS.
5. PROPOSED GREENHOUSES WILL BE CONSTRUCTED OF TEMPORARY HOOPS OR ALTERNATIVELY PERMITTED THROUGH THE HUMSBOLT COUNTY BUILDING DEPARTMENT IF THEY ARE PERMANENT STRUCTURES.

1. WATER FOR DOMESTIC USE WILL BE SUPPLIED BY EXISTING AGRICULTURAL WELL.

2. WATER FOR IRRIGATION USE WILL BE SUPPLIED BY A NEW PERMITTED WELL.

THE SUBJECT PARCELS DO NOT HAVE ANY PRE-EXISTING CULTIVATION AND WILL BE ENROLLED IN THE MARIJUANA CANNABIS CULTIVATION WASTE DISCHARGE REGULATOR PROGRAM UPON APPROVAL OF THE PROPOSED DEVELOPMENT, PRIOR TO COMMENCEMENT OF CULTIVATION ACTIVITIES.

UPON THIS SECTION OF THE PROPOSAL, NOT PROPOSED OR EXISTING
CUB 16-508-JWH and Meters 120927

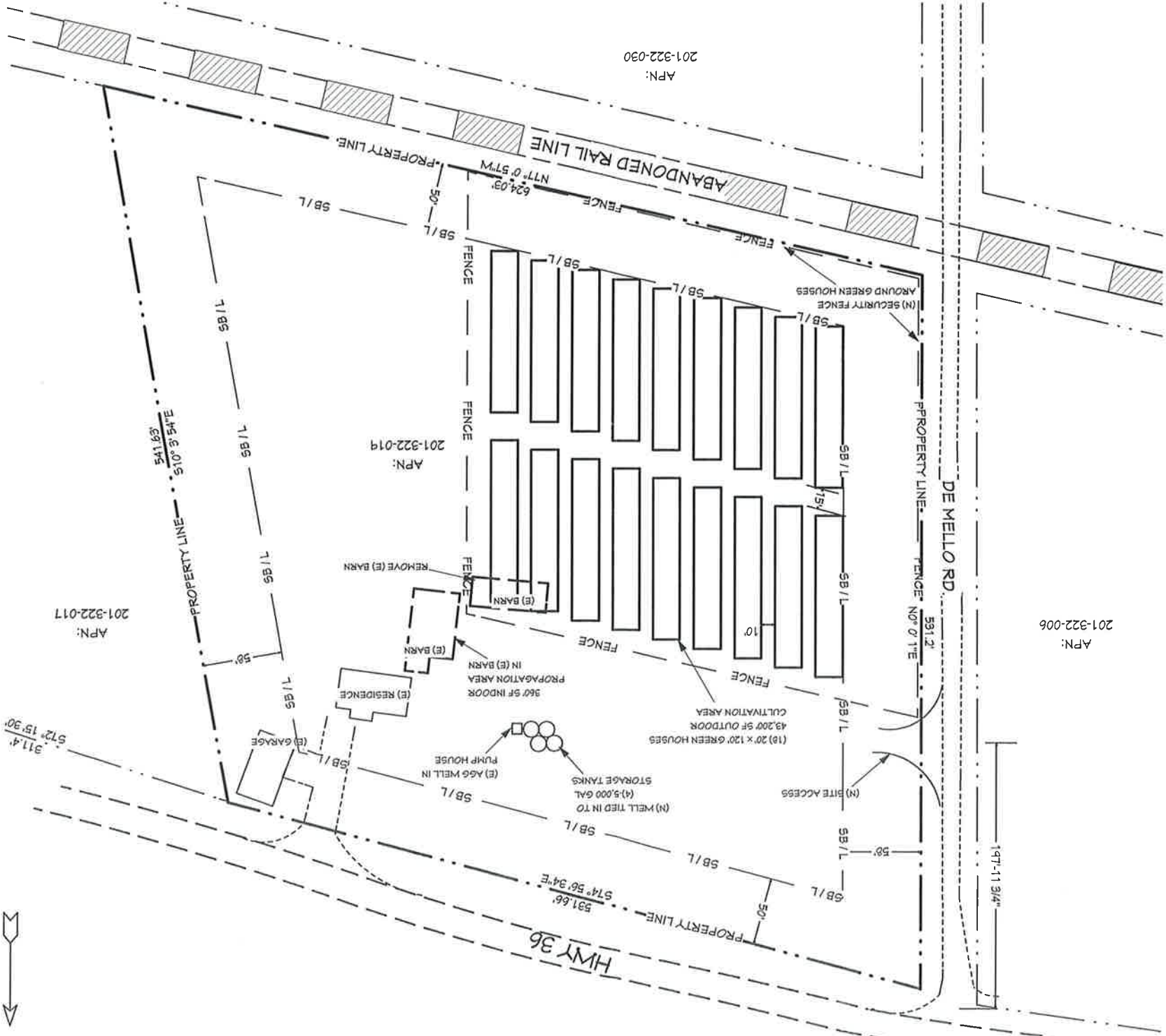


January 18, 2018

PROJECT: 12.09.16
DATE: 4/27/2017

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SCALE 1"=100'



APPROX. 7.05± ACRES

1,600 SQFT

4,412 SQFT

13,200 SQFT

9 2125QFT

(±16% OF LOT)

APPLICANT

Lloyd & Donna Julien, and Manuel Meras

DARWISH BUILDING & CONSULTING

FO BOX 001
FORTUNA CA 95540

ABN: 201-322-019

ALTON, CA 95540

TREES TO BE REMOVED

APN: 201-27-019

YES ☒ SLOPES LESS THAN 15%

EARTHWORK QUANTITIES = TBD

MATER (E) B

SEMER = PRIVATE

PARCEL SIZE ±71.06 ACRES

CONING:

HEAVY INDUSTRIAL

CON 50%
PIPE 10% OF AVERAGE LOT WIDTH (58')

REAR 50'

MAX BUILD HEIGHT = 75'

GRA AREA = NO

N COASTAL ZONE

Tabloid (11" x 17")

ATTACHMENT 1

RECOMMENDED CONDITIONS OF APPROVAL

Approval of the Conditional Use Permit is conditioned on the following terms and requirements which must be satisfied before release of the building permit or initiation of operations, whichever occurs first.

Section 1: Development Restrictions

1. The Applicant shall be responsible for obtaining all necessary County and State permits or licenses, and for meeting all of the requirements as set forth by other regulatory agencies.
2. The Applicant shall comply with the comments from the Humboldt County Public Works Department dated November 1, 2017, regarding fences and encroachments, driveways and private road intersection visibility (Exhibit A of Attachment 1) to the satisfaction of that agency. A letter from that agency indicating approval has been issued will satisfy this condition.
3. The Applicant shall secure permits to install the proposed well to the satisfaction of the Division of Environmental Health. A copy of the well completion log and letter or similar communication from the Division of Environmental Health verifying that all their requirements have been met will satisfy this condition.
4. The applicant shall submit one copy of the final Water Resource Protection Plan (WRPP) to the Planning and Building Department. The applicant shall implement all corrective actions detailed within the Water Resource Protection Plan (WRPP) developed for the parcel, prepared pursuant to Tier 2 enrollment under the North Coast Regional Water Quality Control Board Cannabis Cultivation Waste Discharge Regulatory Program, including those measures determined necessary during annual and periodic site inspections in accordance with the monitoring element. A copy of the report form portion of the Mitigation and Reporting Program (MRP) shall be submitted annually to the Planning and Building Department concurrent with the submittal to the NCRWQCB. A letter or similar communication from the NCRWQCB or the Third Party Consultant verifying that all their requirements have been met will satisfy this condition. [After July 31, 2019, plans and reporting shall conform to the Cannabis Cultivation Policy and Cannabis General Order adopted October 17, 2017 by the State Water Board.]
5. The Applicant shall provide the California Department of Fish and Wildlife with all requested notification and reporting information for obtaining a Lake or Streambed Alteration Agreement (LSAA) for the proposed well. Final LSAA documentation or other communication from the CDFW verifying that this requirement has been met will satisfy this condition. Alternatively, the Applicant can provide communication from CDFW that the proposed well is hydrologically disconnected and does not required a LSAA.
6. If per Condition of Approval #5 above the well is hydrologically connected, the Applicant shall adhere to the forbearance period or water withdrawal limitation permitted under the LSAA for diversion during the low flow periods, as applicable. Water pond or tank storage shall be increased to meet the required storage for the forbearance or limitation period. Well production and outflow shall be metered and logs retained for inspection. If necessary, use of the well shall be offset or decreased by use of rain water collection or by a reduction in the size of the area under cultivation until adequate storage is provided. The applicant

shall also file an *Initial Statement of Water Diversion and Use* with the State Water Resources Control Board, Division of Water Rights, and secure any other required approvals or authorizations.

7. If applicable, the Applicant shall secure permits from the North Coast Unified Air Quality Management District. A letter or similar communication from the North Coast Air Quality Management District verifying that all their requirements have been met and/or no additional permitting is required will satisfy this condition.
8. 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.
9. 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.

Section 2: On-Going Requirements/Development Restrictions Which Must Continue 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. If offsite processing is chosen to be the preferred method of processing, the Applicant shall notify the Department of the identity of the offsite licensed facility. This change will be processed as a Minor Deviation.
2. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the Humboldt County Commercial Medical Marijuana Land Use Ordinance (CMMLUO) and the Medical and Adult Use Cannabis Regulation and Safety Act (MAUCRSA), as may be amended from time to time, as applicable to the permit type.
3. The operation shall participate in the Medical Cannabis Track and Trace Program administered by the Humboldt County Agricultural Commissioner or State equivalent, when available.
4. Possession of a current, valid required license, or licenses, issued by any agency of the State of California in accordance with the MAUCRSA, and regulations promulgated thereunder, as soon as such licenses become available.
5. Compliance with all statutes, regulations and requirements of the California State Water Resources Control Board and the Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration, as applicable.

6. Maintain enrollment in Tier 1, 2 or 3, certification with the North Coast Regional Water Quality Control Board (NCRWQCB) Order No. R1-2015-0023, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
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 Section 55.4.11(d).
8. At all times, on-site workers 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.
9. Comply with the terms of any applicable Streambed Alteration (1600) Permit obtained from the Department of Fish & Wildlife, which may be required for the proposed well.
10. Odors shall be contained on the property on which the Cannabis activity is located. To implement this requirement air filtration and ventilation equipment is to be maintained in good working condition and monitored on an on-going basis to limit potential adverse odor emission impacts to employees and/or properties located in the vicinity of the operation. If the County receives any odor complaints, the permit holder shall work with the Building Official to correct odor concerns.
11. 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).
12. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
13. Pay all applicable application and annual inspection fees.
14. 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.
15. The Master Log Books maintained by the Applicant to track production and sales shall be maintained for inspection by the County.
16. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).
17. Term of Commercial Cannabis Activity Conditional Use Permit. Any Commercial Cannabis Cultivation CUP 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 SP or permit holder with a written statement identifying the items not in compliance, and the action that the permit holder may take to cure the non-compliance, or file an appeal within 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 Special Permit, immediately upon the expiration of any appeal period, or final determination of the appeal if an appeal has been timely filed pursuant to section 55.4.13.

18. 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:

- I. 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
 - II. 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
 - III. 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.
19. 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:
- a. Identifying information for the new Owner(s) and management as required in an initial permit application;
 - b. A written acknowledgment by the new Owner in accordance as required for the initial Permit application;
 - c. The specific date on which the transfer is to occur; and
 - d. Acknowledgement of full responsibility for complying with the existing Permit; and
 - e. Execution of an Affidavit of Non-diversion of Medical Cannabis.
20. 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.

Performance Standards for Cultivation and Processing Operations

21. 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."
22. 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).
23. 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.
24. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:
 - I. Cultivation operations and processing operations must implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:
 - (a) Emergency action response planning as necessary;
 - (b) Employee accident reporting and investigation policies;
 - (c) Fire prevention;
 - (d) Hazard communication policies, including maintenance of material safety data sheets (MSDS);
 - (e) Materials handling policies;
 - (f) Job hazard analyses; and
 - (g) Personal protective equipment policies, including respiratory protection.
 - II. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
 - (a) Operation manager contacts;
 - (b) Emergency responder contacts;
 - (c) Poison control contacts.
 - III. At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations. Plumbing facilities and water source must be capable of handling increased usage without adverse consequences to neighboring properties or the environment.

- IV. On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.

25. 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.

Informational Notes:

- 1. This permit approval shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"); except where building permits have been secured and/or the use initiated pursuant to the terms of the permit, the use is subject to the Permit Duration and Renewal provisions set forth in Condition of Approval #16 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 7050.5 requires that the County Coroner be contacted immediately at 707-445-7242. If the Coroner determines the remains to be Native American, the NAHC will then be contacted by the Coroner to determine appropriate treatment of the remains pursuant to PRC 5097.98. Violators shall be prosecuted in accordance with PRC Section 5097.99.

- 3. The Applicant is responsible for costs for permit processing and the post-approval review for project conformance with conditions on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. After the decision on the application, the Department will send a bill to the Applicant for costs incurred in permit processing that exceed the deposit on hand. Also, the Department will send a bill to the Applicant for all staff costs for review of the project for conformance with the conditions of approval. Any and all Planning fees shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.

EXHIBIT 'A'



ARCATA-EUREKA AIRPORT TERMINAL
MCKINLEYVILLE
FAX 839-3596

AVIATION

839-5401

ADMINISTRATION
BUSINESS
ENGINEERING
FACILITY MAINTENANCE

445-7491
445-7652
445-7377
445-7493

PUBLIC WORKS BUILDING
SECOND & L ST., EUREKA
FAX 445-7409

NATURAL RESOURCES
NATURAL RESOURCES PLANNING
PARKS
ROADS & EQUIPMENT MAINTENANCE

445-7741
267-9540
445-7651
445-7421

CLARK COMPLEX
HARRIS & H ST., EUREKA
FAX 445-7388

LAND USE

445-7205



LAND USE DIVISION INTEROFFICE MEMORANDUM

TO: Michelle Nielsen, Senior Planner, Planning & Building Department

FROM: Kenneth M. Freed, Assistant Engineer

DATE:

11/01/2017

RE:

Applicant Name	Lloyd Julien & Manuel Meras
APN	201-322-019
APPS#	12027

The Department has reviewed the above project and has the following comments:

- ☒ The Department's recommended conditions of approval are attached as **Exhibit "A"**.
- ☐ Additional information identified on **Exhibit "B"** is required before the Department can review the project. **Please re-refer the project to the Department when all of the requested information has been provided.**
- ☐ Additional review is required by Planning & Building staff for the items on **Exhibit "C"**. **No re-refer is required.**
- ☐ *Road Evaluation Reports(s)* are required; See **Exhibit "D"**. **No re-refer is required.**

*Note: Exhibits are attached as necessary.

Additional comments/notes:

// END //

Exhibit "A"

Public Works Recommended Conditions of Approval

(All checked boxes apply)

APPS # _____

☒ **COUNTY ROADS- FENCES & ENCROACHMENTS:**

All fences and gates shall be relocated out of the County right of way. All gates shall be setback sufficiently from the County road so that vehicles will not block traffic when staging to open/close the gate. In addition, no materials shall be stored or placed in the County right of way.

This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.

☐ **COUNTY ROADS- DRIVEWAY (PART 1):**

The submitted site plan is unclear and/or shows improvements that are inconsistent with County Code and/or Department of Public Works policies. The applicant is advised that these discrepancies will be addressed at the time that the applicant applies to the Department of Public Works for an Encroachment Permit. If the applicant wishes to resolve these issues prior to approval of the Planning & Building permit for this project, the applicant should contact the Department to discuss how to modify the site plan for conformance with County Code and/or Department of Public Works policies. Notes:

☒ **COUNTY ROADS- DRIVEWAY (PART 2):**

Any existing or proposed driveways that will serve as access for the proposed project that connect to a county maintained road shall be improved to current standards for a commercial driveway. An encroachment permit shall be issued by the Department of Public Works prior to commencement of any work in the County maintained right of way. This also includes installing or replacing driveway culverts; minimum size is typically 18 inches.

• If the County road has a paved surface at the location of the driveway, the driveway apron shall be paved for a minimum width of 18 feet and a length of 50 feet.

• If the County road has a gravel surface at the location of the driveway, the driveway apron shall be rocked for a minimum width of 18 feet and a length of 50 feet.

• If the County road is an urban road, frontage improvements (curb, gutter, and sidewalk) shall also be constructed to the satisfaction of the Department. Any existing curb, gutter or sidewalk that is damaged shall be replaced.

The exact location and quantity of driveways shall be approved by the Department at the time the applicant applies to the Department of Public Works for an Encroachment Permit.

This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.

☐ **COUNTY ROADS- DRIVEWAY (PART 3):**

The existing driveway will require substantial modification in order to comply with County Code. The applicant may wish to consider relocating the driveway apron if a more suitable location is available.

☐ **COUNTY ROADS-PARKING LOT- STORM WATER RUNOFF:**

Surfaced parking lots shall have an oil-water filtration system prior to discharge into any County maintained facility.

This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.

☒ **COUNTY ROADS- DRIVEWAY & PRIVATE ROAD INTERSECTION VISIBILITY:**

All driveways and private road intersections onto the County Road shall be maintained in accordance with County Code Section 341-1 (Sight Visibility Ordinance).

This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.

☐ **COUNTY ROADS- PRIVATE ROAD INTERSECTION:**

Any existing or proposed non-county maintained access roads that will serve as access for the proposed project that connect to a county maintained road shall be improved to current standards for a commercial driveway. An encroachment permit shall be issued by the Department of Public Works prior to commencement of any work in the County maintained right of way.

• If the County road has a paved surface at the location of the access road, the access road shall be paved for a minimum width of 20 feet and a length of 50 feet where it intersects the County road.

• If the County road has a gravel surface at the location of the access road, the access road shall be rocked for a minimum width of 20 feet and a length of 50 feet where it intersects the County road.

This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.

☐ **COUNTY ROADS- ROAD EVALUATION REPORT(S):**

All recommendations in the *Road Evaluation Report(s)* for County maintained road(s) shall be constructed/implemented to the satisfaction of the Public Works Department prior to commencing operations, final sign-off for a building permit, or approval for a business license. An encroachment permit shall be issued by the Department of Public Works prior to commencement of any work in the County maintained right of way.

// END //

ATTACHMENT 2

STAFF ANALYSIS OF THE EVIDENCE SUPPORTING THE REQUIRED FINDINGS

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

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

1. The proposed development is in conformance with the County General Plan;
2. The proposed development is consistent with the purposes of the existing zone in which the site is located;
3. The proposed development conforms with all applicable standards and requirements of these regulations;
4. The proposed development and conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare; or materially injurious to property or improvements in the vicinity;
5. The proposed development does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law (the midpoint of the density range specified in the plan designation) unless the following written findings are made supported by substantial evidence: 1) the reduction is consistent with the adopted general plan including the housing element; and 2) the remaining sites identified in the housing element are adequate to accommodate the County share of the regional housing need; and 3) the property contains insurmountable physical or environmental limitations and clustering of residential units on the developable portions of the site has been maximized; and
6. In addition, the California Environmental Quality Act (CEQA) states that one of the following findings must be made prior to approval of any development which is subject to the regulations of CEQA. The project either:
 - a. Is categorically or statutorily exempt; or
 - b. Has no substantial evidence that the project will have a significant effect on the environment and a negative declaration has been prepared; or
 - c. Has had an environmental impact report (EIR) prepared and all significant environmental effects have been eliminated or substantially lessened, or the required findings in Section 15091 of the CEQA Guidelines have been made.

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

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

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Land Use Chapter 4 Land Use Designations Section 4.8	Industrial, General (IG): This designation provide for general industrial and manufacturing uses, typically in urban areas, convenient access to transportation systems and full range of urban services are available. This designation may be accommodated in rural areas where full urban services are not required for the intended use.	The Applicant is proposing to develop a 1-acre (43,560 square foot) outdoor medical cannabis cultivation operation on lands designated as General Industrial. Intensive agriculture and agriculture product processing are allowable use types for this designation.
Circulation Chapter 7	Goals and policies contained in this Chapter relate to a balanced, safe, efficient, accessible and convenient circulation system that is appropriate for each type of unincorporated community (C-G1,C-G2); coordinated planning design, development, operations, and maintenance between the County and other transportation system service providers (C-G3); and access for all transportation mode types with improved opportunities to move goods within, into and out of Humboldt County (C-G4, C-G5) Related policies: C-P3. Consideration of Transportation Impacts in Land Use Decision Making	Access to the site is directly off of State Highway 36 or from a paved County-maintained public road (De Mello Road). CAL TRANS did not respond to the project referral, however, the project is conditioned on obtaining all permits from State and local agencies with jurisdiction. Conditions of approval provided by the Department of Public Works require the fencing and driveways that connect to the County road to be improved to meet County visibility ordinance and encroachment permit ordinance standards.

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Housing Chapter 8	Goals and policies contained in this Element seek to identify existing and projected housing needs and establish goals, policies, standards and measures for the preservation, improvement, and development of housing. Related policies: H-P3, Development of Parcels in the Residential Land Inventory	The project does not involve residential development, nor is the project site part of the Housing element Residential Land Inventory. However, the project will not preclude any future residential development. The project will not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.
Conservation and Open Space Chapter 10 Open Space Section 10.2	Goals and policies contained in this Chapter relate to an Open Space and Conservation Program that is complimentary to other agencies' plans and that preserves the county's unique open spaces (CO-G1, CO-G3) Related policies: CO-P1, Conservation and Open Space Program; CO-P12, Development Review, CO-S1, Identification of Local Open Space Plan, and CO-S2. Identification of the Open Space Action Program	The proposed project is located on a parcel planned General Industrial, not on working resource lands or park lands. However, the project will not preclude orderly development and coordination with other agencies programs related to conserving open space lands.
Conservation and Open Space Chapter 10 Biological Resources Section 10.3	Goals and policies contained in this Chapter relate to mapped sensitive habitat areas where policies are applied to protect fish and wildlife and facilitate the recovery of endangered species (BR-G1, Threatened and Endangered Species, BR-G2, Sensitive and Critical Habitat, BR-G3, Benefits of Biological Resources) Related policies: BR-P1, Compatible Land Uses, BR-P5, Streamside Management Areas.	There is no known sensitive habitat or threatened or endangered species present on the project site, and the project does not involve development within a Streamside Management Area.
Conservation and Open Space Chapter 10	Goals and policies contained in this Chapter relate to the protection and enhancement of significant cultural resources,	The Applicant retained the Archaeological Research and Supply Company (ARSC) for the preparation of a Cultural Resources Investigation for the Project site. The ARSC

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Cultural Resources Section 10.6	<p>providing heritage, historic, scientific, educational, social and economic values to benefit present and future generations (CU-G1, Protection and Enhancement of Significant Cultural Resources)</p> <p>Related policies: CU-P1. Identification and Protection, CU-P2. Native American Tribal Consultation]</p>	<p>conducted a records search, consulted with the Native American Heritage Commission, local Native American tribal representatives, and other interested parties; and an intensive pedestrian field survey of the entire Project area. The report concludes that no significant archaeological or historic period cultural resources, that for the purposes of CEQA would be considered an historic resource, exist in the limits of the project area. This report was provided to the Tribal Historic Preservation Officer (THPO) of the Bear River Band of the Rohnerville Rancheria. The Bear River Band recommended a condition of project approval be incorporated regarding inadvertent discovery protocol. Ongoing conditions of approval are incorporated regarding the inadvertent discovery protocol to protect cultural resources.</p>
<p>Conservation and Open Space Chapter 10</p> <p>Scenic Resources Section 10.6</p>	<p>Goals and policies contained in this Chapter relate to the protection of scenic areas that contribute to the enjoyment of Humboldt County's beauty and abundant natural resources (SR-G1); and a system of scenic highways roadways that increase the enjoyment of, and opportunities for, recreational and cultural pursuits and tourism in the County. (SR-G2)</p> <p>Related policies: SR-S4. Light and Glare</p>	<p>The project is for outdoor cultivation only, which does not require the use of artificial lighting.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Water Resources Chapter 11</p> <p>Stormwater Drainage</p>	<p>Goals and policies contained in this Chapter relate to coordinated watershed planning and land use decision making to advance management priorities (WR-G3, WR-G4, WR-G5); watershed conservation and restoration efforts aimed at delisting water bodies and watersheds which are restored to meet all beneficial uses, including water use, salmon and steelhead recovery plans, recreational activities, and the economy (WR-G1, WR-G2, WR-G7, WR-G8, WR-G9); and</p> <p>Related policies: WR-P10. Erosion and Sediment Discharge; WR-42 Erosion and Sediment Control Measures.</p>	<p>The Project site falls within Tier 2 of the North Coast Regional Water Quality Control Board's (NCRWQCB) Order No. 2015-0023 (Order), which requires preparation of a Water Resources Protection Plan (WRPP) to protect water quality from cannabis cultivation and related activities. The project is conditioned on the Applicant submitting at least one legible copy of the WRPP to Planning when completed. The Applicant shall implement all corrective actions detailed within the WRPP developed for the parcel, prepared pursuant to Tier 2 enrollment under the NCRWQCB's Order.</p>
<p>Water Resources Chapter 11</p> <p>Onsite Wastewater Systems</p>	<p>Goals and policies contained in this Chapter relate to adequate public water supply as well as onsite wastewater systems and natural and developed storm drainage systems that minimize interference with surface and groundwater flows and storm water pollution (WR-G6, WR-G9, WR G10)</p> <p>Related policies: WR-IM7. Basin Plan Septic Requirements; and IS-P17. On-Site Sewage Disposal Requirements.</p>	<p>Cultivation activities will be carried out by the on-site residents and will not require additional outside employees. The property is served by an existing on-site septic system and will not require new or upgraded facilities to serve the project.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Noise Chapter 13	<p>Goals and policies contained in this Chapter discourage incompatible uses within communities and reduce excessive noise through the application of standards (N-G1, N-G2)</p> <p>Related policies: N-P1, Minimize Noise from Stationary and Mobile Sources; N-P4, Protection from Excessive Noise</p>	<p>The subject parcel is not located in an area that requires special noise attenuation measures. The proposed project is for outdoor cultivation of medical cannabis. Power to the existing structure is provided by P.G. & E. and does not require use electrical generators.</p>
Safety Element Chapter 14 Geologic & Seismic	<p>Goals and policies contained in this Chapter relate to communities that are designed and built to minimize the potential for loss of life and property resulting from natural and manmade hazards; and to prevent unnecessary exposure to areas of geologic instability, floodplains, tsunami run-up areas, high risk wildland fire areas, and airport areas planned and conditioned to prevent unnecessary exposure of people and property to risks of damage or injury (S-G1, S-G2)</p> <p>Related policies: S-P11. Site Suitability, S-P7. Structural Hazards,</p>	<p>The project site is not located in a mapped Alquist-Priolo fault zone nor is subject to liquefaction. The project site is not located in a mapped Geologic hazard maps of the Framework Plan show the slope instability of the property to be low and the proposed new cultivation area occurs on slopes of 15% or less. No grading is proposed to accommodate the proposed project, so the proposed project is not likely to be subject to geologic hazards.</p>
Safety Element Chapter 14 Flooding	<p>Goals and policies contained in this Chapter relate to the use of natural drainage channels and watersheds that are managed to minimize peak flows in order to reduce the severity and frequency of flooding. (S-G3)</p> <p>Related policies include: S-P12, Federal Flood Insurance Program; S-P13, Flood Plains; S-P15, Construction Within Special Flood Hazard Areas</p>	<p>The subject site is outside any mapped flood hazard areas. The project site is not within a mapped dam or levee inundation area and, at approximately 12 miles distance from the coast, is outside the areas subject to tsunami run-up.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Safety Element Chapter 14 Fire Hazards	Goals and policies of this Chapter encourage development designed to reduce the risk of structural and wildland fires supported by fire protection services that minimize the potential Related policies: S-P19, Conformance with State Responsibility Areas (SRA) Fire Safe Regulations;	The parcel is in an area of Low Fire rating and within the Fortuna Fire Protection District. All applicable referral agencies were referred and did not identify any issues relating to fire hazards.
Air Quality Chapter 15	Goals and policies contained in this Chapter relate to improved air quality to meet current and future state and federal standards, including attainment of particulate matter requirements (AQ-G1, AQ-G2, AQ-G3) and the successful reduction of greenhouse gas emissions to levels consistent with state and federal requirements (AQ-G4) Related policies: AQ-P4, Construction and Grading Dust Control, AQ-S1, Construction and Grading Dust Control, AQ-P7, Interagency Coordination.	As a condition of project approval, the Applicant shall secure permits from the North Coast Unified Air Quality Management District. A letter or similar communication from the North Coast Air Quality Management District verifying that all their requirements have been met and/or no additional permitting is required will satisfy this condition.

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

Zoning Section	Summary of Applicable Requirement	Evidence That Supports the Zoning Finding
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§312-1.1.2 Legal Lot Requirement	Development permits shall be issued only for a lot that was created in compliance with all applicable state and local subdivision regulations.	The parcel of land known as APN 201-322-019 is comprised of two separate parcels; one legal parcel per Government Code Section 66499.35(c) and a second parcel unlawfully created by deed conveyance. A Notice of Merger has been completed that merges the land into one parcel (NOM-17-016) resolving the non-compliance with the State Subdivision Map Act.
§314-3.3 Heavy Industrial (MH)	Intended to apply to areas devoted to normal operations of industries subject only to regulations as are needed to control congestion and protect surrounding areas.	The applicant is seeking a Conditional Use Permit for a new 1-acre outdoor medical cannabis cultivation operation on a property zoned MH. The proposed use is specifically allowed with Conditional Use Permit in this zoning district and under Section 314-55.4.8.2.1.2 of the CMMLUO.
§314-32.1 Qualified (Q)	Intended to be combined with any principal zone in situations where sound and orderly planning indicate that specified principal permitted uses or conditional uses otherwise allowed under the principal zone may be limited or not be allowed with or without a Use Permit, or development standards/restrictions can be added, deleted or modified to implement the General Plan or to implement CEQA mitigation or to limit additional entitlements.	The Q zone, adopted under Ordinance 1689, on May 28, 1985, allows for general agriculture, including nurseries and greenhouses as a principally permitted use.
Minimum Lot Area:	1 acre	Approximately 7.05 acres
Minimum Lot Width:	None specified	N/A
Maximum Ground Coverage:	None specified	N/A
Minimum Yard Setbacks:	Front: 50 feet Rear: 50 feet Side: ten percent of average lot width but not less than 25 feet.	Front: >50 feet Rear: >50 feet Sides: >25 feet
Max. Building Height	75 feet	<75 feet

§314-109.1.2.9 Off-Street Parking	Parking Spaces for Uses Not Specified	Employees for the proposed operation currently live on-site, therefore, adequate parking for four employees is currently available.
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314-55.4 et seq. HCC: Commercial Cultivation, Processing, Manufacturing and Distribution of Cannabis for Medical Use Inland Land Use Regulation (CMMLUO)

§ 314-55.4.8.2	In zoning district MH, outdoor and mixed light cultivation may be permitted with a use permit.	In accordance with the referenced section the Applicant has applied for the necessary CUP due to the existing site zoning designation of MH-Q.
§314-55.4.8.2.1 Criteria for approval of new outdoor and mix-light cultivation areas in Industrial and Commercial Zone Districts	In zoning Districts C-2, C-3, MB, ML and MH, outdoor and mixed light cultivation may be permitted with a Use Permit.	<p>While not a pre-requisite for siting cultivation in the MH Zone, the subject parcel meets many of the standards applied to other non-commercial or industrial zones where new cultivation is permitted under the CMMLUO:</p> <p>Per Humboldt County WebGIS, approximately 2/3 of the subject parcel is considered Prime Agricultural Soils per the Natural Resources Conservation Services 2014 soils mapping.</p> <p>Per Humboldt County WebGIS, the slopes on the subject parcel do not exceed 15 percent.</p> <p>The proposed greenhouses result in 43,200 SF of building area of approximately 16 percent coverage of the existing Prime Agricultural Soils on-site.</p>
§314-55.4.8.2	In all zones where cultivation is allowed consisting of timberland, the commercial cultivation of cannabis for medical use shall only be permitted within a 3-acre conversion exemption area, or non-timberland open area, subject to the conditions and limitations set forth in this Section.	The property is currently utilized as a rural residential parcel with various small land-owning activities occurring on a day to day basis such as hay production and other agricultural practices. No timberlands existing on-site or in the immediately project vicinity.

§314-55.4.8.10 Permit Limit	No more than four commercial cannabis activity permits may be issued to a single person, as defined in the referenced section.	According to records maintained by the Department, the Applicant holds no other cannabis activity permits, and is entitled to four. This application is for one permit.
§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.	Only cannabis cultivated on-site will be processed at the processing facility. The operator may choose to have processing conducted off-site by a licensed facility in the future.
§314-55.4.10 Application Requirements	Identifies the Information Required for All Applications.	Attachment 3 identifies the information submitted with the application, and shows all the required information was received.
§314-55.4.11 Performance Standards	Identifies the Performance Standards for Cannabis Cultivation Activities.	All the applicable performance standards are included as Conditions of project approval. They are required to be met throughout the timeframe of the permit.
§314-55.4.11.c Performance Standards-Water	Compliance with all statutes, regulations and requirements of the California State Water Resources Control Board, Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration.	The proposed project will utilize a new on-site permitted deep well for irrigating crops. The Applicant has obtained the requisite permit from the County for a new groundwater irrigation well. Conditions of approval for the project require that the well completion log be submitted to Planning once drilled. The Applicant will be responsible for obtaining a Lake or Streambed Alteration Agreement and water rights should the proposed well be hydrologically connected, and for developing additional storage should a requirement to forbear or limit well use be imposed. Water use will be metered to provide a record of actual water use and storage needs and to ensure adherence to any forbearance or water limitation requirements, if applicable.
§314-55.4.11.d Performance Standards-Setbacks	The area of cannabis cultivation and on-site processing shall be setback at least 30 feet from any property line, and 600 feet from any school, school bus stop, church or other place of religious worship, public park, or tribal cultural resources (TCRs).	The site plan shows the project complies with property line setback. There are no parks as defined HCC Section 314- 55.4.7 within 600 feet of the cultivation site based on a review of aerial imagery. Nor is there a place of religious worship within 600 feet. One outcome of the cultural resources study was there are no TCRs present on the site.

§314-55.4.11.o Performance Standards- Generator Noise	The noise produced by a generator used for cannabis cultivation shall not be audible by humans from neighboring residences. The combined decibel level for all noise sources, including generators, at the property line shall be no more than 60 decibels. Where applicable, sound levels must also show that they will not result in the harassment of Marbled Murrelet or Spotted Owl species, when generator use is to occur in the vicinity of potential habitat. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service.	No generators will be used as a part of the proposed project.
§314-55.4.17 Sunset Date	No application for any Use Permit pursuant to the CMMLUO shall be processed for issuance or approval that is received after December 31, 2016.	The applicant filed the application on December 19, 2016.

4. Public Health, Safety and Welfare. The following table identifies the evidence which supports finding that the proposed location of the use and conditions under which it may be operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.

Code Section	Summary of Applicable Requirements	Evidence that Supports the Required Finding
§312-17.1.4	The proposed development will not be detrimental to the public health, safety and welfare, and will not be materially injurious to properties or improvements in the vicinity.	The Department finds that the proposed project will not be detrimental to the public health, safety and welfare since all reviewing referral agencies have approved the proposed project design. The project as proposed and conditioned is consistent with the general plan and zoning ordinances; and the proposed project is not expected to cause any environmental damage.

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

Code Section	Summary of Applicable Requirement	Evidence that Supports the Required Finding
§312-17.1.5 Housing Element Densities	The proposed development shall not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.	The parcel was not included in the 2014 Housing Inventory.

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

Code Section	Summary of Applicable Requirement	Evidence that Supports the Required Finding
§15304 of CEQA Guidelines	Categorically exempt from State environmental review.	CEQA Exemption Section Class 4, 15304 (Minor Alterations to Land) of the State CEQA Guidelines. Per the submitted evidence and agency responses, none of the exceptions to the Categorical Exemption per Section 15300.2 of the State CEQA Guidelines apply to this project.

ATTACHMENT 3

Applicant's Evidence In Support of the Required Findings

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

1. The name, contact address and phone number(s) of the Applicant. (Application form on file)
2. If the Applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. (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. (Attached)
4. A cultivation and operations plan that meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; and proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel, and a description of cultivation activities (outdoor, indoor, mixed light), the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. (Attached)
5. Copy of the statement of water diversion, or other permit, license or registration filed with the State Water Resources Control Board, Division of Water Rights, if applicable. (Not applicable)
6. Description of water source, storage, irrigation plan, and projected water usage. (On file)
7. Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the North Coast Regional Water Quality Control Board demonstrating enrollment in Tier 1, 2 or 3, North Coast Regional Water Quality Control Board Order No. 2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (On file)
8. If any on-site or off-site component of the cultivation facility, including access roads, water supply, grading or terracing impacts the bed or bank of any stream or other watercourse, a copy of the Streambed Alteration Permit obtained from the Department of Fish & Wildlife. (Not applicable)
9. If the source of water is a well, a copy of the County well permit, if available. (Attached)

10. If the parcel is zoned FR, U or TPZ, or involves the conversion of timberland as defined under section 4526 of the Public Resources Code, a copy of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (CAL-FIRE). Alternately, for existing operations occupying sites created through prior unauthorized conversion of timberland, evidence may be provided showing that the landowner has completed a civil or criminal process and/or entered into a negotiated settlement with CAL-FIRE. (Not applicable)
11. Consent for 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)
15. Cultural Resources Study, Archaeological Research and Supply Company, May 2017 (on file and confidential)

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1.0 PROJECT INFORMATION

Lloyd Julien and Manuel Meras are submitting this application for a Use Permit for a New Outdoor commercial cannabis cultivation on a 7.05 acre parcel, located in Alton, CA. Parcel APN: 201-322-019. This application is submitted through their agent Adram Darwish of Darwish Building and Consulting and has been prepared in accordance with Humboldt County's Commercial Marijuana Land Use Ordinance.

1.1 Project Location

The applicants' parcel is in the inland zone of Humboldt County in Alton CA. The parcel is identified as APN 201-322-019, it is comprised of 7.05 acres. The street address is 1298 State Hwy 36 Alton, CA 95540.

1.2 Site Topography

Entire Site is less than 15 degrees slope. See attached topographical map from Humboldt GIS.

1.3 Easements

There is one five-foot easement for a water pipeline. See details on property deed found in the appendices.

1.4 Natural Waterways

There are no waterways on or adjacent to the parcel.

1.5 Setbacks of Cultivation Area

Cultivation and cultivation activities will be set back at minimum 50' from property boundaries.

Project Access and Distance to Significant Landmarks

The property has two access points. The first used primarily for the residence is from State Hwy 36. The second is adjacent from the cultivation zone and is from De Melo Rd. Both access points are noted on the included plot plan.

There are no schools, school bus stops, state parks, places of worship or Tribal Cultural Resources within 600 feet of the project site.

1.6 Grading

There is no grading necessary for this project.

1.7 Existing Buildings

There are multiple existing structures on the property. There is one single family farmhouse that predates county permitting. The private residence is accompanied by a detached garage. Additionally, there is an existing barn located adjacent from the cultivation zone. The barn will be used for drying and processing.

1.8 Water Source and Storage

The proposed project will utilize a new deep well drilled by Fisch Drilling. The County permit for said well can be found in the accompanying appendices. Adjacent to the well site there will be four 5,000-gallon water storage tanks.

2.0 CULTIVATION AND OPERATIONS PLAN

Alton Farm, is a family owned and operated farm that is located off Highway 36 in Humboldt County, CA. The farm is connected to the grid, with utility services being provided by Pacific Gas and Electric. Alton Farm will not require generators or gas powered pumps onsite.

Alton Farm is proposing to cultivate 1-acre of cannabis outdoors using natural light only. Cultivation will take place under temporary hoop-row structures. The hoop-rows will not be equipped with electricity, lighting, or fans. The hoop-rows will function as a support structure for blackout-tarps also providing cover from rain and moisture. The hoop-rows will be constructed from recycled steel, and wood and will only be in place for up to 4-6 months and will not require building permits. There will be 18 hoop-rows in total, covering 43,200 ft² or .99 acres. The size of each hoop-row will be 20'x 120' in dimension and will have a footprint of 2400ft².

The plants being cultivated on the farm will be propagated onsite. This activity will occur in a propagation room (approximately 360 ft² or less) inside of the existing on-site structure. Once plants have achieved sufficient size and vigor, they will be moved from the propagation area and planted in the ground in the hoop rows. Flowering will be induced between the months of June and September by manually covering each flowering hoop-row with blackout tarp from the hours of approximately 6pm to 10pm. Annually, there will be one cycle of flowering that is achieved. As crops are harvested, hoop rows, tarps and all farming accessories associated with the operation will be removed and stored during the winter months. With the hoop rows removed the cultivation footprint will be replanted with a cover crop for off-season soil regeneration and added soil stability.

2.1 Water usage

Water efficiency measures will be taken to reduce the water usage for the cultivation project. Irrigation will be provided for by a new on-site deep well. Drip irrigation systems will provide added efficiency and reduced water usage. Additionally, exposed soils will be covered with rice straw or other natural cover mulch to reduce evaporation losses. Expected water usage will be approximately 3,000 gallons/ day. Annual water usage will be recorded with a flow usage meter.

2.2 Soil Fertility and Watershed Protection

Native soils will be tested to assess the necessary action needed for additions of amendments. Organic soil amendments and conditioners will be blended into native soils as necessary to achieve the desired composition and nutrient profile. Dirty Business Analytics or an equivalent third-party, will be contracted out to test the soil and provide amendment recommendations. Freshly tilled areas will be mulched over with rice straw to increase moisture retention and reduce evaporation and eliminate chances of sediment runoff. Organic compost teas will be used for supplemental fertilizer, which will be brewed onsite as needed. Crops will be irrigated and fertilized, in accordance with North Coast Regional Water Quality Control Board (NCRWQB) Order No. R1-2015-0023. The farm will enroll with the NCRWQB when the cultivation permits are granted. All fees and dues with NCRWQCB will be paid and a Water Resource Protection Plan will be created to ensure compliance and sustainability measures are met.

There are no watercourses in proximity to the cultivation area. To the east of the cultivation zone on an adjacent parcel there is a low-lying wetlands area. This is approximately 450 feet from the cultivation zone. All irrigation and fertilization will be at agronomic rates and will not result in nutrient run-off. Additionally, the utilization of heavy feeding cover crops will offset any chance for nutrient run-off.

2.3 Solid Waste Management

Garbage will be collected daily and removed from the site weekly. Recyclables will be separated from non-recyclables. All refuse will be stored in covered water and pest resistant containers in a dedicated zone until removed from the property.

2.4 Materials Storage

All fertilizers and pesticides will be stored and labeled in a secured cabinet in a dedicated storage locker located adjacent to the cultivation zone. Any potentially hazardous substances will be labeled and stored as required by OSHA 29 CFR 1900.1200-Hazard Communication and all SDS (Safety Data Sheets) will be maintained and kept onsite.

2.5 Pest Management

Alton Farm will be following the protocol developed by California Certified Organic Farmers (CCOF), in hopes of receiving it Organic Certification in the future. The farm will only use CCOF approved products and methods regarding pest management. Additionally, the farm will follow all rules and standards that are regulated by the California Department of Pesticide Regulations. An Integrated Pest Management Plan account for the various substances and practices utilized for pest management.

2.6 Processing Activities

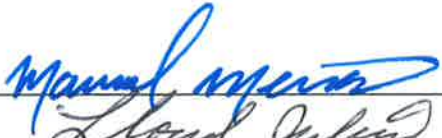


When the drying process is complete, the flowers will be removed from the stems and stored for processing. A mechanized trimming machine will be used to process the finished crop. The machine's operations manual will be located on site and proper safety measures will be put in place to protect family members who are tasked to operate the machine. Anyone engaged processing will be equipped with all necessary PPE as required by OSHA 29 CFR 1910.132-Personal Protective Equipment. This is a family owned and operated farm, all the family members (workers) will reside onsite in the existing house. Road use will not increase significantly nor will it be impacted by day to day operations. Ultimately, the plan will be to outsource processing to a licensed and properly equipped local facility. Until these services become available processing will be in-house and on-site.

2.7 Security Measures

Alton Farm plans on utilizing a multilevel security plan for its family farm. The first level is **Operational Security**, which will focus on protecting critical information by developing an internal structure within the family. The farm will not allow unauthorized persons on the property. The operations of the farm will be conducted discreetly and will not reveal times and dates for harvest, processing or transportation operations. Operational security measures will require that the farm stays in constant communication with the local neighborhood watch organization and Humboldt County Sherriff's Department to report any suspicious activities. The second level of the security plan is **Surveillance and Response**. A high-definition closed-circuit (HDCC) surveillance and integrated alarm system will be utilized, so that if the premises is breeched, the system will record the event and alert appropriate persons and/or authorities. This system will monitor and record all activities on the cultivation and processing sites. The third level of our security plan will be **Physical Security**. Access to Alton Farm will be limited. These access points will be secured with locking gates and will remain shut and locked always (access codes will be given to local emergency responders). The cultivation zone will be secured with appropriate fencing and will also be secured. The processing zone and associated structures will also be locked and secured. Any processed products will be secured, locked and monitored as appropriate. The last part of the security plan will be to hire a third-party security agency. These services, if required, will provide security enforcement during critical times, including, but not limited to harvest, processing and transportation. All operations will follow all applicable State and local laws, rules, and regulations and will maintain the appropriate permits as required.

2.8 Application and Operations Plan Approval

This application, operations plan and contents have been approved by owner/ operators Lloyd Julien and Manuel Meras for final submission to the Humboldt County Planning Department for review.

Owner Signature/ Date  4-28-17
Owner Signature/ Date  4-28-17
Agent Signature/ Date  4-28-17.

3.0 APPENDIX

3.1 Plot Plan

3.2 GIS Site Overview

3.3 GIS Topography

3.4 GIS Prime Ag Soils

3.5 Proof of Ownership, Grant Deed

3.6 Schedule of Operations

3.7 Water Usage Plan

ATTACHMENT 4

REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

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

Referral Agency		Recommendation	Location
Building Inspection Division	✓	Approval	On file with Planning
Department of Public Works Land Use Division		Conditional Approval	Exhibit A to Attachment 1
Division Environmental Health		No response	
Calfire		No response	
Department of Fish & Wildlife		No response	
NWIC	✓	Further Study	On file with Planning
Bear River Band of the Rohnerville Rancheria	✓	Conditional Approval	On file with Planning
Wiyot Tribe		No response	
RWQCB		No Response	
CAL TRANS		No Response	
Humboldt County Sheriff		No response	
Humboldt County District Attorney		No response	
Humboldt County Agricultural Commissioner		No response	
Fortuna Union High School District		No response	
Fortuna Fire Protection District	✓	No comments	On file with Planning