



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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Hearing Date: January 18, 2018

To: Humboldt County Planning Commission

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

Subject: **The Emerald Kid Conditional Use Permit and Special Permit**
Application Number 12251
Case Numbers CUP16-582 and SP16-460
Assessor's Parcel Number (APN) 522-211-055
100 Stagecoach Lane, Willow Creek

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Please contact Rodney Yandell, Planner II, at 707-502-3732 or by email at ryandell@co.humboldt.ca.us if you have any questions about the scheduled public hearing item.

Cc: Willow Creek Community Services District

AGENDA ITEM TRANSMITTAL

Hearing Date January 18, 2018	Subject Conditional Use Permit and Special Permit	Contact Rodney Yandell,
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Project Description The Emerald Kid is seeking a Conditional Use Permit (CUP-16-582) for 5,000 square feet of new mixed-light cannabis cultivation and a Special Permit (SP-16-460) for 1,600 square feet for indoor cultivation in an existing nonresidential structure. The water source would be a physical connection to existing water lines from Willow Creek Community Services District and two hard plastic rainwater catchment tanks with a total capacity of 5,000 gallons. The projected water usage is approximately 276,000 gallons a year. Once dried on-site, the cultivation will be transported and processed off-site in a County-approved processing center. The applicant will have no employees. The applicant will have PGE service the indoor cultivation and will purchase carbon offsets from Terrapass to meet the indoor cultivation requirements for renewable energy.

Project Location: The project is located in Humboldt County, in the Willow Creek area, on the south side of Stagecoach Lane, approximately 437 feet west from the intersection of Brannan Mountain Road and Stagecoach Lane, on the property known as 100 Stagecoach Lane, Willow Creek

Present Plan Land Use Designations: Residential Estates 2.5-5 (RE2.5-5) Humboldt County General Plan (GP), Density: 2.5 acres per unit, and the maximum allowable floor to area ratio (FAR) is 0.20; slope stability: moderate instability (2).

Present Zoning: Agriculture General (AG), with a Special Building Site combining zone (B-7(1)).

Application Number: 12251 **Case Number:** CUP-16-582 and SP-16-460

Assessor Parcel Number: 522-211-055

Applicant
The Emerald Kid
P.O. Box 237
Willow Creek, CA 95573

Owner
Kimberly A. Sanders
914 Quarry Street
Petaluma, CA 94954

Agent
Green Road Consulting, Inc.
Kaylie Saxon
1650 Central Avenue, Suite C
McKinleyville, CA 95519

Environmental Review: The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per Class 1, 15301 (Existing Facilities), Class 3, 15303 (New Construction or Conversion of Small Structures), and Class 4, 15304 (Minor Alterations to Land) of the California Environmental Quality Act (CEQA) Guidelines.

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

Major Issues: None.

THE EMERALD KID
Case Number CUP-16-582 and SP-16-460
Assessor Parcel Number 522-211-055

Recommended Commission Action

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

Find the project exempt from environmental review pursuant to Sections 15301, 15303, and 15304 of the State CEQA Guidelines, make all of the required findings for approval of the Conditional Use Permit and Special Permit based on evidence in the staff report and any public testimony, and adopt the Resolutions approving the proposed The Emerald Kid project subject to the recommended conditions.

Executive Summary: The Emerald Kid seeks approval of a Conditional Use Permit (CUP-16-582) for 5,000 square feet of new mixed-light cannabis cultivation and a Special Permit (SP-16-460) for 1,600 square feet for indoor cultivation in an existing nonresidential structure. The project site is located on one legal parcel identified as APN 522-211-055 (100 Stagecoach Lane, Willow Creek).

The 2.78-acre property is zoned Agriculture General (AG) B-7(1). The Commercial Medical Marijuana Land Use Ordinance (CCMLUO) identifies AG-zoned parcels between 1 and 5 acres as sites where new mixed-light cannabis cultivation activities could be allowed. Additionally, indoor cannabis cultivation activities can occur within the footprint of existing nonresidential structures on AG-zoned parcels. Mixed-light cultivation of up to 5,000 square feet is subject to the issuance of a CUP. Indoor cultivation of up to 5,000 square feet is subject to the issuance of a SP. A CUP and a SP are discretionary permits, meaning that the Planning Commission must consider whether the findings required for permit approval can be met for the described project.

The project site would consist of three cultivation areas. The first cultivation area would be a 2,000-square-foot mixed-light area in the rear yard area of the property, behind the residence. Two 2,500-gallon hard plastic water tanks would be stored adjacent to the first cultivation area (to the west). The second cultivation area would be a 3,000-square-foot mixed-light area in the front yard area of the property. The third cultivation area would be a 1,600-square-foot indoor cultivation area within an existing shop building. An existing 250-gallon propane tank and 10 kw generator are located adjacent to the existing shop building.

In review of this project, considerable documentation submitted by the applicant was analyzed. The following discussion summarizes these project details.

Operations

The Emerald Kid would operate cultivation in a continuous rotation year-round both in mixed-light greenhouses and indoors. Cultivation is anticipated to occur in four runs per year, both for mixed-light and indoor cultivation. Soil would be amended with organic amendments and plants would be supplied with both dry and liquid organic fertilizers through a water dilution system. Plants would be harvested one at a time using hand shears and taken into a section of the on-site shop where it would be dried, cured, and stored. Processing would occur off-site.

Access/Parking

The project site is accessed from Stagecoach Lane, which is accessed from County-maintained Brannan Mountain Road. The Humboldt County Department of Public Works has determined that the County roadway serving the property is adequate to accommodate the proposed use. Additionally, the intersection of the existing access road, Stagecoach Lane, and the County road, Brannan Mountain Road, meets County standards.

The project site is fenced and vehicle access is through a locked automatic gate. Gates are of heavy steel construction and an electronic lock has been installed. The project site is secured by Advanced Security, including motion sensors, cameras, and alarms.

An approximately 130-foot-long driveway with parking areas serves the property. The Emerald Kid will have no employees.

Water Sources & On-site Wastewater System

The applicant received a "Will Serve Letter" letter from the Willow Creek Community Services District on December 18, 2017, to use up to 790,000 gallons annually from the District for irrigation. The project's estimated annual water usage is 276,000 gallons. The applicant will install two 2,500-gallon hard plastic water tanks to catch rainwater from the existing shop and residence. Rainwater will be used to irrigate the cannabis in addition to water sourced from the Willow Creek Community Services District.

Indoor cultivation would reside in soil beds and will utilize a timed drip irrigation system and best management practices. The indoor cultivation will not produce any water runoff. The Emerald Kid has filed a Notice of Intent Form for Enrollment Under Waiver of Waste Discharge Requirements with the North Coast Regional Water Quality Control Board (RWQCB) under Tier 2.

Lighting & Electrical Service

The applicant would use Gavita lighting in the greenhouses and the indoor cultivation areas. Greenhouses would be tarped during the sunset hours to prevent any light pollution. The cultivation areas would run on grid power with a small propane generator on-site in the event of a power outage.

The applicant will utilize energy from PGE, which will service the indoor cultivation. To meet the County's indoor cultivation requirement for 100% renewable energy source for indoor cultivation illumination, heating, cooling, ventilation, and other cultivation-related energy, the applicant will purchase carbon offsets. According to the Oregon Department of Energy Indoor Cannabis Cultivator Energy Use Estimator calculator (<http://energy.odoe.state.or.us/cannabis.html>), a 1,600-square-foot indoor cultivation area with a plant density of 0.85 (approximately 1,360 plants) using high wattage fixtures at low fixture density (Energy Use Description 2) would use approximately 128,000 kilowatt hours (kWh) of energy per year. According to the United States Environmental Protection Agency Greenhouse Gas Equivalencies Calculator (<https://www.epa.gov/energy/greenhouse-gas-equivalencies-calculator>), 128,000 kWh of energy is the equivalent of 95.3 metric tons of carbon dioxide. Thus, an annual carbon offset of 95.3 metric tons would be required to meet the County's indoor cultivation requirement for a 100% renewable energy source for indoor cultivation operations. Preemptively, the applicant has purchased 20.00 metric tons of carbon offsets from Terrapass. A condition of approval for this project requires the applicant to purchase the remaining carbon offsets. Through annual monitoring of energy usage, the Applicant may be able to reduce the required carbon offsets in consultation with the Planning Department.

Environmental review for this Project was conducted and based on the results of that analysis, staff believes the proposed indoor cultivation and processing aspects of the Project can be considered an "Existing Facility" as defined by Section 15301 of the California Environmental Quality Act (CEQA) Guidelines because the indoor cultivation would consist of interior alterations involving such things as plumbing and electrical conveyances. Additionally, the construction of greenhouses on the site may be considered "New Construction or Conversion of Small Structures" as defined by Section 15303 of the CEQA Guidelines because they would be accessory structures to the legal agricultural use. Finally, as the Lead Agency, the Department has determined that the proposed outdoor cultivation would be considered a "Minor Alteration to Land" as defined by Section 15304 of the CEQA Guidelines because it consists of minor trenching and backfilling where the surface is restored.

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 AG, with prime soils, with slopes less than 15%, and a source of irrigation with documented appropriate water right, or other permitted non-diversionary source.

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 and special 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 Categorical Exempt under the three Exemption Classes stated above. However, the Commission may reach a different conclusion. In that case, the Commission should continue the item to a future date at least two months later to give staff the time to complete further environmental review.

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

**Case Number CUP-16-682
Assessor Parcel Number: 522-211-055**

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

WHEREAS, The Emerald Kid submitted an application and evidence in support of approving a Conditional Use Permit for 5,000 square feet of new mixed-light cannabis cultivation; and

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

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

WHEREAS, Attachment 2 in the Planning Division staff report includes evidence in support of making all of the required findings for approving the proposed Conditional Use Permit (Case Number CUP-16-582); 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 Humboldt County Planning Commission that:

1. The project is categorically exempt from environmental review pursuant Section 15303 (New Construction or Conversion of Small Structures), and Section 15304 (Minor Alterations to Land) of the California Environmental Quality Act (CEQA) Guidelines; and
2. The findings in Attachment 2 of the Planning Commission staff report supports approval of Case Number CUP-16-682 based on the submitted substantial evidence; and
3. Conditional Use Permit CUP-16-682 is approved as recommended and conditioned in Attachment 1 for Case Number CUP-16-682.

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

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

**Case Number SP-16-460
Assessor Parcel Number: 522-211-055**

Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the Emerald Kid Conditional Use Permit and Special Permit request.

WHEREAS, The Emerald Kid submitted an application and evidence in support of approving a Special Permit for 1,600 square feet for indoor cultivation in an existing nonresidential structure; and

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

WHEREAS, the project is categorically exempt from environmental review pursuant to Class 1, Section 15301 (Existing Facilities) and Class 3, Section 15303 (New Construction or Conversion of Small Structures) 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 Special Permit (SP-16-460); 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 Humboldt County Planning Commission that:

1. The project is categorically exempt from environmental review pursuant Section 15301 (Existing Facilities), and Section 15303 (New Construction or Conversion of Small Structures) of the California Environmental Quality Act (CEQA) Guidelines; and
2. The findings in Attachment 2 of the Planning Commission staff report supports approval of Case Number SP-16-460 based on the submitted substantial evidence; and
3. Special Permit SP-16-460 is approved as recommended and conditioned in Attachment 1 for Case Number SP-16-460.

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:

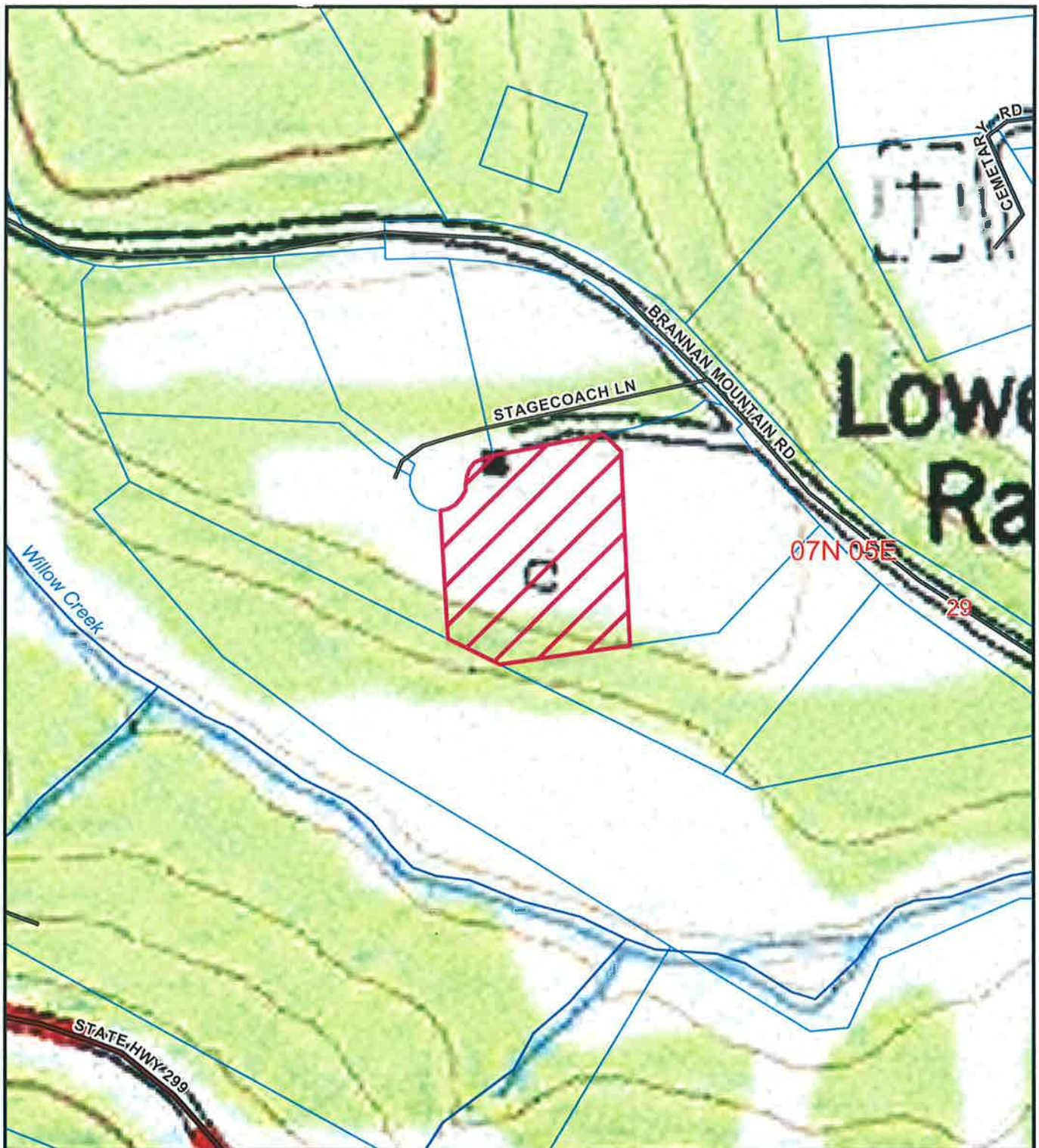
ABSTAIN: Commissioners:

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 THE EMERALD KID
WILLOW CREEK AREA
SP16-460/CUP16-582
APN: 522-211-055**

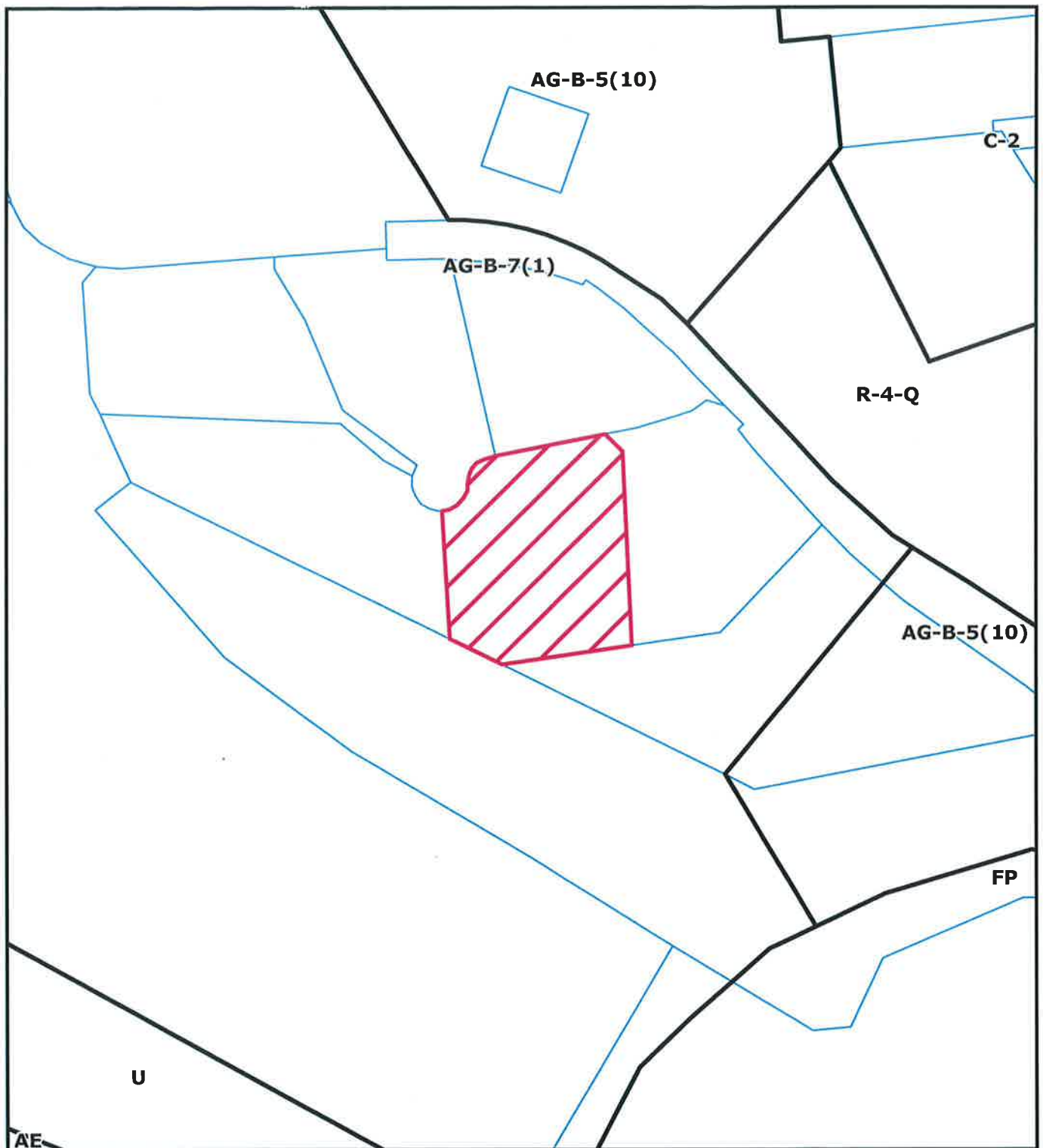
Project Area = 

T07N R05E S29 HB&M (WILLOW CREEK)

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

0 125 250
Feet





Project Area = 

**ZONING MAP
PROPOSED THE EMERALD KID
WILLOW CREEK AREA
SP16-460/CUP16-582
APN: 522-211-055
T07N R05E S29 HB&M (WILLOW CREEK)**

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

0 125 250
Feet





**AERIAL MAP
PROPOSED THE EMERALD KID
WILLOW CREEK AREA
SP16-460/CUP16-582
APN: 522-211-055**

Project Area = 

T07N R05E S29 HB&M (WILLOW CREEK)

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



0 125 250 Feet



THE EMERALD KID
APN:522-211-55

VICINTY MAP
NOT TO SCALE



PROJECT DIRECTIONS

FROM: WILLOW CREEK, CA
-HEAD NORTH ON CA-36
-TAKE THE FIRST LEFT ONTO BRANNAN MOUNTAIN ROAD
-LEFT ONTO STAGECOACH LANE

TRAVEL TIME

APPROXIMATELY: 1 MILES (3 MINUTES)
FROM WILLOW CREEK

SHEET INDEX

CP-COVER PAGE
P0-PARCEL OVERVIEW

PROJECT INFORMATION

LAT/LONG: 40.9455, -123.6422
APN: 522-211-55
APPLICANT: THE EMERALD KID
PARCEL SIZE: ±3 ACRES
ZONING: AG
APPLICATION TYPE: TYPE 1A, TYPE 1B
COASTAL ZONE: NO
100 YEAR FLOOD: NO

AGENT:

KAYLIE SAXON
GREEN ROAD CONSULTING INC
1650 CENTRAL AVE. SUITE C
MCKINLEYVILLE, CA 95519
707-630-5041

AERIAL MAP



50' 100' 200'

January 18, 2016

PROPERTY LINES AND BUILDING LOCATIONS
ARE APPROXIMATE AND BASED ON AERIAL
MAPS AND GPS DATA TAKEN IN THE FIELD.



PROJECT INFORMATION

KIMBERLY SANDERS
100 STAGECOACH LANE WILLOW CREEK, CA 95573
COUNTY COVER PAGE

PROPERTY OWNER

ADDRESS
SHEET INFO

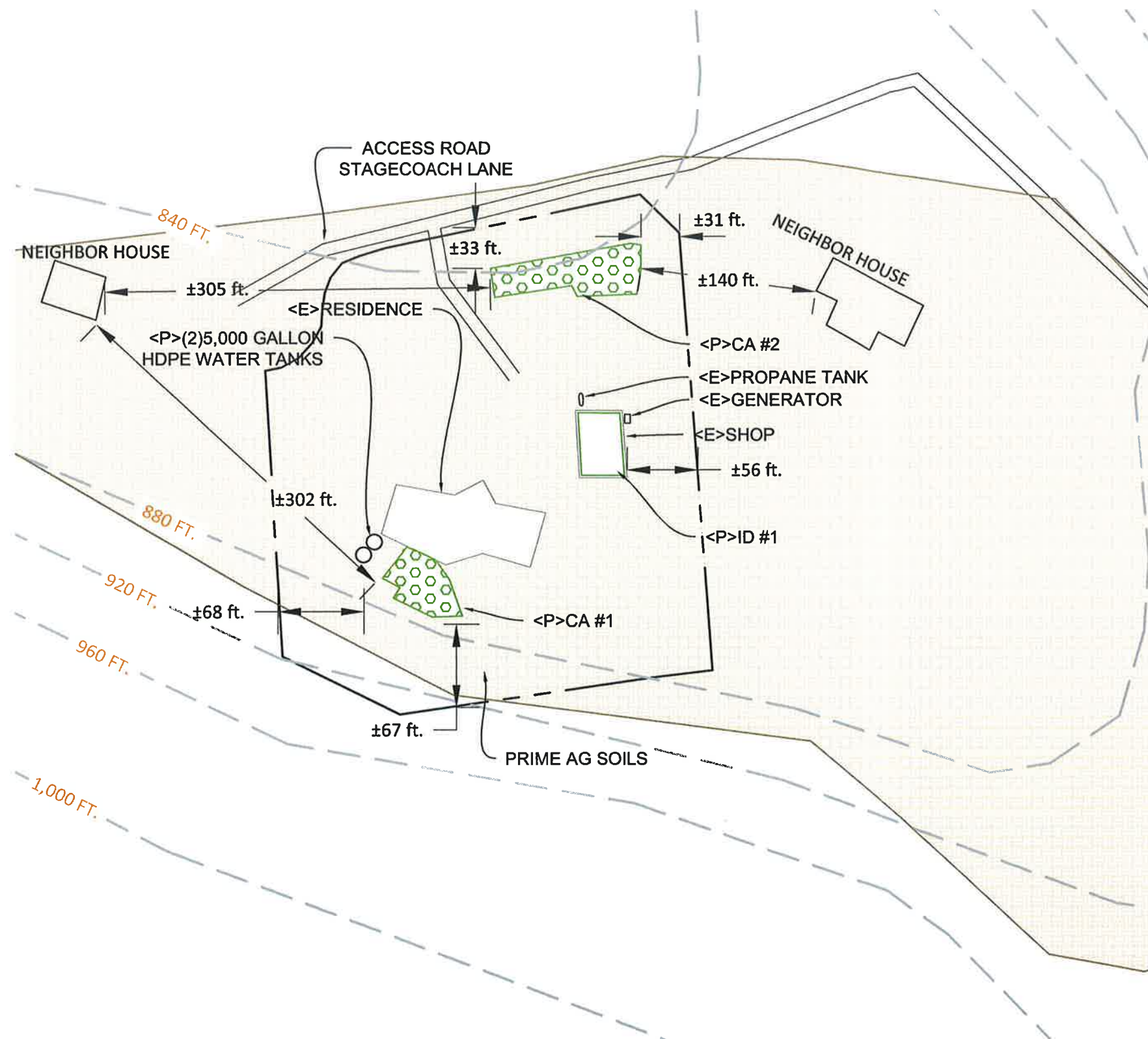
REVISIONS

NO.	NOTES	DATE

DATE 1/3/16
DRAFTER
SCALE AS SHOWN
SHEET
CP
Page 11

PARCEL OVERVIEW

APN:522-211-55



CULTIVATION INFORMATION

PROPOSED MIXED LIGHT CULTIVATION AREA

CA #1=2,000 FT²

CA #2=3,000 FT²

TOTAL PROPOSED MIXED LIGHT CULTIVATION =5,000 FT²

TOTAL AMOUNT OF PRIME AG SOILS ON PROPERTY=115,039 FT²

CULTIVATION BUILDINGS AND USE

BUILDINGS	USE	YEAR
SHOP	INDOOR CULTIVATION	2009

INDOOR CULTIVATION AREA

ID #1=1,600 FT²

TOTAL AMOUNT OF PROPOSED INDOOR CULTIVATION=1,600 FT²

DOMESTIC BUILDINGS AND USE

BUILDINGS	USE	YEAR
RESIDENCE	PLACE OF LIVING	2009

WATER STORAGE AND USE

TYPE	NUMBER	SIZE
HDPE TANKS	2	5,000 GALLONS

TOTAL AMOUNT OF WATER STORAGE = 10,000 GALLONS

WATER SOURCE

WILLOW CREEK COMMUNITY SERVICES

POWER SOURCE

PG&E
GENERATOR-10K (BACKUP)

SURROUNDING BUILDINGS

THERE ARE NO SCHOOLS, BUS STOPS, PLACES OF WORSHIP, PUBLIC PARKS OR TRIBAL CULTURAL RESOURCES WITH IN 600 FEET OF THE CULTIVATION SITE.



PROJECT INFORMATION

KIMBERLY SANDERS

PROPERTY OWNER

100 STAGECOACH LANE WILLOW CREEK, CA 95573

ADDRESS

PARCEL OVERVIEW

SHEET INFO

REVISIONS

NO.	NOTES	DATE

DATE 1/3/18
DRAFTER RP
SCALE AS SHOWN

SHEET
PO

ATTACHMENT 1

RECOMMENDED CONDITIONS OF APPROVAL

APPROVAL OF THE CONDITIONAL USE PERMIT AND SPECIAL PERMIT IS CONDITIONED ON THE FOLLOWING TERMS AND REQUIREMENTS WHICH MUST BE SATISFIED BEFORE THE CANNABIS CULTIVATION PERMIT CAN BE INITIATED.

1. The applicant shall secure permits for all 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.
2. 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. Sign off on the Occupancy Permit by the Building Division shall satisfy this requirement.
3. The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency requirements regarding 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.
4. The property owner shall execute and file with the Planning Division the statement titled "Notice and Acknowledgment Regarding Agricultural Activities in Humboldt County" as required by Section 314-43.2 of the Humboldt County Code. Contact the Planning Division for a copy of the required form.
5. Electrical power associated with the project's indoor cultivation shall be provided by an on-grid power with a 100% renewable source, an on-site zero net energy renewable source, or with purchase of carbon offsets of any portion of power not from renewable sources.

As detailed the executive summary section of the project staff report, the applicant shall purchase 95.3 metric tons of carbon offsets annually so long as all the electric power associated with the project's indoor cultivation does not come from on-grid power with a 100% renewable source or on-site zero net energy renewable source.

Additionally, the applicant shall submit an interior lighting and electrical plan that identifies the location, manufacturer, and model for all sources of illumination, heating, cooling, and ventilation for Current Planning Division review. The plan shall demonstrate conformance with "Medium-Low energy usage" as defined below (or a similar definition that is determined to be appropriate by the Current Planning Division).

Medium-Low energy usage: High wattage HID fixtures at low light fixture density (greater than 60 sq. ft. per light). Very minimal or no supplemental cooling or heating to grow space. Minimal mechanical ventilation and air circulation (ventilation only used minimally and not continuously to control temperature). No dehumidification, pumping, CO2 production, or additional energy usages.

The Planning and Building Department may adjust the project's carbon offset requirements if the applicant provides usage data showing the electrical power usage is less than initially estimated.

6. The applicant shall prepare a Water Resource Protection Plan to satisfy North Coast Regional Water Quality Control Board's Order No. R1-2015-0023, and 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). 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.

7. Prior to issuance of the building permit or initiation of cultivation activities, whichever occurs first, the applicant shall submit an engineered erosion and sedimentation plan that addresses both the short and long term impacts associated with the project. The plan shall employ best management practices to minimize the transport of sediment, pesticide, fertilizers to the surface water intake galleries of the Willow Creek Community Services District for the life of the project. A letter or similar communication from the Willow Creek Community Services District verifying that all their requirements have been met will satisfy this condition.
8. Noise generated from generator used as backup emergency power source shall not exceed 50 decibels (dB) at 100 feet from the generator or at the edge of the nearest forest habitat, whichever is closer, as required by Section 314-55.4.11(o) of the Humboldt County Code. Prior to issuance of a building permit or the initiation of cultivation activities, whichever occurs first, the applicant shall provide documentation from the manufacturer demonstrating that the generators conform to the specified standard. Should the applicant propose to achieve noise attenuation by placing the generators inside a building(s), the applicant shall secure a building permit prior to construction.

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

1. All components of project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, and these conditions of approval. Changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan.
2. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CMMLUO and MCRSA, as applicable to the permit type.
3. If operating pursuant to a written approved compliance agreement, permittee shall abate or cure violations at the earliest feasible date, but in no event no more than two (2) years from the date of issuance of a provisional clearance or permit. Permittee shall provide plans for curing such violations to the Planning & Building Department within one (1) year of issuance of the provisional clearance or permit. If good faith effort towards compliance can be shown within the two years following the issuance of the provisional clearance or permit, The Planning Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow for additional time to meet the outstanding requirements.
4. Possession of a current, valid required license, or licenses, issued by any agency of the State of California in accordance with the MCRSA, and regulations promulgated thereunder, as soon as such licenses become available.
5. Compliance with all statutes, regulations and requirements of the California State Water Resources Control Board and the Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration, as applicable.
6. Confinement of the area of cannabis cultivation, processing, manufacture or distribution to the locations depicted on the approved site plan. The commercial cannabis activity shall be set back at least 30 feet from any property line, and 600 feet from any School, School Bus Stop, Church or other Place of Religious Worship, or Tribal Cultural Resources, except where a reduction to this setback has been approved pursuant to Section 55.4.11(d).

7. Maintain enrollment in Tier 1, 2 or 3, certification with the North Coast Regional Water Quality Control Board (NCRWQCB) Order No. R1-2015-0023, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
8. Consent to an annual on-site compliance inspection, with at least 24 hours prior notice, to be conducted by appropriate County officials during regular business hours (Monday – Friday, 9:00 am – 5:00 pm, excluding holidays).
9. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
10. Pay all applicable application and annual inspection fees.
11. The noise produced by a generator used on an emergency-only basis for cannabis drying, curing, and processing shall not be audible by humans from neighboring residences. The decibel level for generators measured at the property line shall be no more than 60 decibels. Where applicable, sound levels must also show that they will not result in the harassment of Marbled Murrelet or Spotted Owl species. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service, and further consultation where necessary. Under these guidelines, generator noise may not exceed 50dB as measured at 100 feet from the generator or at the edge of the nearest Marbled Murrelet or Spotted Owl habitat, whichever is closer.
12. Storage of Fuel - Fuel shall be stored and handled in compliance with applicable state and local laws and regulations, including the County of Humboldt's CUPA program, and in such a way that no spillage occurs.
13. The Master Log Books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
14. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).
15. 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

16. Pursuant to the MCRSA, Health and Safety Code section 19322(a)(9), an applicant seeking a cultivation license shall "provide a statement declaring the applicant is an 'agricultural employer,' as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 commencing with Section 1140) of Division 2 of the Labor Code), to the extent not prohibited by law."
17. Cultivators shall comply with all applicable federal, state, and local laws and regulations governing California Agricultural Employers, which may include: federal and state wage and hour laws, CAL/OSHA, OSHA, California Agricultural Labor Relations Act, and the Humboldt County Code (including the Building Code).
18. Cultivators engaged in processing shall comply with the following Processing Practices:
 - i. Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.
 - ii. Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
 - iii. Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.
 - iv. Employees must wash hands sufficiently when handling cannabis or use gloves.

19. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:
- I. Cultivation operations and processing operations must implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:
 - (a) Emergency action response planning as necessary;
 - (b) Employee accident reporting and investigation policies;
 - (c) Fire prevention;
 - (d) Hazard communication policies, including maintenance of material safety data sheets (MSDS);
 - (e) Materials handling policies;
 - (f) Job hazard analyses; and
 - (g) Personal protective equipment policies, including respiratory protection.
 - II. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
 - (a) Operation manager contacts;
 - (b) Emergency responder contacts;
 - (c) Poison control contacts.
 - III. At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations. Plumbing facilities and water source must be capable of handling increased usage without adverse consequences to neighboring properties or the environment.
 - IV. On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.
20. All cultivators shall comply with the approved Processing Plan as to the following:
- I. Processing Practices.
 - II. Location where processing will occur.
 - III. Number of employees, if any.
 - IV. Employee Safety Practices.
 - V. Toilet and handwashing facilities.
 - VI. Plumbing and/or septic system and whether or not the system is capable of handling increased usage.
 - VII. Drinking water for employees.
 - VIII. Plan to minimize impact from increased road use resulting from processing.
 - IX. On-site housing, if any.
21. Permit Duration. Any Commercial Cannabis Cultivation CUP issued pursuant to this section shall expire after one (1) year after date of issuance, and on the anniversary date of such issuance each year thereafter, unless an annual compliance inspection has been conducted and the permittees, lessees, and the permitted site have been found to comply with all conditions of approval. If the inspector or other County official determines that the permittees, lessees, or site do not comply with the conditions of approval, the inspector shall serve the CUP or permit holder with a written statement identifying the items not in compliance, and the action that the permit holder may take to cure the non-compliance, or file an appeal within ten (10) days of the date that the written statement is delivered to the permit holder. Personal delivery or mailing the written statement to the mailing address listed on the application by regular mail, plus three (3) days after date of mailing, shall constitute delivery. The permit holder may request a reinspection to determine whether or not the permit holder has cured all issues of non-compliance. Failure to request reinspection or to cure any items of non-compliance shall terminate the Use Permit, immediately upon the expiration of any appeal period, or final determination of the appeal if an appeal has been timely filed pursuant to section 55.4.13.

22. 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.

23. 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.
- IV. The above acknowledgements shall also apply to commercial cultivation, processing, manufacturing, and distribution of cannabis for adult use conducted in compliance with the Medicinal and Adult Use Cannabis Regulation and Safety Act ("MAUCRSA") (SB 94) and the Adult Use of Marijuana Act (AUMA) (**Proposition 64**).

24. Transfers. Transfer of any leases or permits approved by this project is subject to the review and approval of the Planning Director for conformance with 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.

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

Informational Notes:

1. This permit approvals 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 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 #21 of the On-Going Requirements /Development Restrictions, above. The period within which construction or use must be

commenced may be extended as provided by Section 312-11.3 of the Humboldt County Code.

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 required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will provide a bill to the applicant after the decision. Any and all outstanding Planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
4. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will send a bill to the Applicant for all staff costs incurred for review of the project for conformance with the conditions of approval. All Planning fees for this service shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.

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 substantial evidence which supports finding that the proposed development is in conformance with all applicable policies and standards of the Humboldt County General Plan.

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Land Use Chapter 4</p> <p>Land Use Designations Section 4.8</p>	<p>Residential Estates 2.5-5 (RE2.5-5):</p> <p>This designation is used for lands adjacent to urban areas or rural communities with limited public services but suitable for single-family residential use. It is also intended as a transition from urban development to rural lands. Clustering policies are suggested to assist in buffering adjacent resource production or open space uses and to retain contiguous open space. This designation is commonly used in water-only service areas. The maximum residential density is one unit per 2.5 acres and the maximum allowable FAR is 0.20.</p>	<p>The applicant is proposing to develop a new 5,000-square-foot mixed light and 1,600-square-foot indoor medical cannabis cultivation operation on lands designated (RE2.5-5). General agricultural is an allowable use type for this designation.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Circulation Chapter 7	<p>Goals and policies contained in this Chapter relate to a balanced, safe, efficient, accessible and convenient circulation system that is appropriate for each type of unincorporated community (C-G1,CT-G2); coordinated planning design, development, operations, and maintenance between the County and other transportation system service providers (C-G3); and access for all transportation mode types with improved opportunities to move goods within, into and out of Humboldt County (C-G4, C-G5)</p> <p>Related policies: C-P3. Consideration of Transportation Impacts in Land Use Decision Making</p>	<p>Access to the site is from a non-county maintained road which intersects a County maintained road (Brannon Mountain Road). Department of Public Works stated that the roadway serving the subject property is adequate to accommodate the proposed use.</p>
Housing Chapter 8	<p>Goals and policies contained in this Element seek to identify existing and projected housing needs and establish goals, policies, standards and measures for the preservation, improvement, and development of housing.</p> <p>Related policies: H-P3, Development of Parcels in the Residential Land Inventory</p>	<p>The project does not involve residential development, nor is the project site part of the Housing Element Residential Land Inventory. However, the project will not preclude any future residential development. The project will not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.</p>
<p>Conservation and Open Space Chapter 10</p> <p>Open Space Section 10.2</p>	<p>Goals and policies contained in this Chapter relate to an Open Space and Conservation Program that is complimentary to other agencies' plans and that preserves the county's unique open spaces (CO-G1,CO-G3)</p> <p>Related policies: CO-P1, Conservation and Open Space Program; CO-P12, Development Review, CO-S1. Identification of Local Open Space Plan, and CO-S2. Identification of the Open Space Action Program</p>	<p>The County's Local Open Space Plan includes goals, policies and standards for the managed production of resources, including Agricultural Resources as described in the Land Use Element of the General Plan. The Agricultural Resources portion of the Land Use Element calls for agricultural lands to be conserved and conflicts between agricultural and non-agricultural uses to be minimized. The project conforms to these policies by continuing and permitting an agricultural use, and by ensuring that appropriate performance standards are met in order to avoid adverse impacts or conflicts with adjacent uses.</p> <p>The project site is not located within an area that is subject to the Open Space Action Program.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Conservation and Open Space Chapter 10</p> <p>Biological Resources Section 10.3</p>	<p>Goals and policies contained in this Chapter relate to mapped sensitive habitat areas where policies are applied to protect fish and wildlife and facilitate the recovery of endangered species (BR-G1, Threatened and Endangered Species, BR-G2, Sensitive and Critical Habitat, BR-G3, Benefits of Biological Resources)</p> <p>Related policies: BR-P1. Compatible Land Uses, BR-P5, Streamside Management Areas.</p>	<p>The project site is not within a streamside management area, wetland, or sensitive habitat area.</p> <p>Development would occur on an existing developed property that has been substantially paved and covered with buildings and landscaping. Additionally, all irrigation of cannabis is completed at an agronomic rate by a metered drip irrigation system in order to prevent any overwatering and runoff. No biological resources are anticipated to be damaged by the project.</p>
<p>Conservation and Open Space Chapter 10</p> <p>Cultural Resources Section 10.6</p>	<p>Goals and policies contained in this Chapter relate to the protection and enhancement of significant cultural resources, providing heritage, historic, scientific, educational, social and economic values to benefit present and future generations (CU-G1, Protection and Enhancement of Significant Cultural Resources)</p> <p>Related policies: CU-P1. Identification and Protection, CU-P2. Native American Tribal Consultation]</p>	<p>The applicant retained Alta Archaeological Consulting for the preparation of an Archaeological Survey Report for the project site. A cultural resources inventory was conducted to satisfy CEQA requirements, and the responsibilities codified in Public Resources Code Section 5097, and its implementing guidelines 21082 and 21083.2. This project requires a permit from the County of Humboldt, which is the Lead Agency for this project.</p> <p>An archaeological field survey was completed for the purpose of identifying cultural resources within the project area. Fieldwork was completed by ALTA on July 24, 2017, for the purpose of identifying cultural resources within the project area. No significant cultural resources were identified within the project area. The Hoopa Valley Tribe and Tsnungwe Council did not respond to referrals requesting comments on the subject application.</p> <p>Ongoing conditions of approval are incorporated regarding the inadvertent discovery protocol to protect cultural resources.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>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-4. Light and Glare</p>	<p>The project involves mixed-light cultivation in greenhouses that cover 5,000 square feet of cultivation area. The CMMLUO requires that mixed light cultivation comply with International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1, and be designed to regulate light spillage onto neighboring properties resulting from backlight, uplight, or glare (BUG). International Dark Sky Association Standards exceed the requirements of Scenic Resources Standard SR-4, Light and Glare, that lighting be fully shielded, and designed and installed to minimize off-site lighting and direct light within the property boundaries</p>
<p>Water Resources Chapter 11</p> <p>Stormwater Drainage</p>	<p>Goals and policies contained in this Chapter relate to coordinated watershed planning and land use decision making to advance management priorities (WR-G3, WR-G4, WR-G5); watershed conservation and restoration efforts aimed at de-listing water bodies and watersheds which are restored to meet all beneficial uses, including water use, salmon and steelhead recovery plans, recreational activities, and the economy (WR-G1, WR-G2, WR-G7, WR-G8, WR-G9); and</p> <p>Related policies: WR-P10. Erosion and Sediment Discharge; WR-P42. Erosion and Sediment Control Measures.</p>	<p>The Project site falls within Tier 2 of the North Coast Regional Water Quality Control Board's (NCRWQCB) Order No. 2015-0023 (Order), which requires preparation of a Water Resources Protection Plan (WRPP) to protect water quality from cannabis cultivation and related activities. The applicant has retained Green Road Consulting to prepare a WRPP. The WRPP will be prepared to describe and address the required elements and compliance with the 12 Standard Conditions established by the Order. The WRPP will identify areas where the Project site does not meet all 12 Standard Conditions and set a preliminary schedule prioritizing corrective actions to reach full compliance with the Order.</p>
<p>Water Resources Chapter 11</p> <p>Onsite Wastewater Systems</p>	<p>Goals and policies contained in this Chapter relate to adequate public water supply as well as onsite wastewater systems and natural and developed storm drainage systems that minimize interference with surface and groundwater flows and storm water pollution (WR-G6, WR-G9, WR-G10)</p> <p>Related policies: WR-IM7. Basin Plan Septic Requirements; and IS-P20. On-Site Sewage Disposal Requirements.</p>	<p>The applicant received a "Will Serve Letter" letter on December 18, 2017, from the Willow Creek Community Services District to use up to 790,000 gallons annually from the District for irrigation. The project's estimated annual water usage is 276,000 gallons. Therefore, an adequate water supply is available for 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 existing and proposed cultivation areas are mixed-light, and do not use electrical generators except for emergency backup power, so there will be minimal noise generated by the project. Noise generated from the emergency backup generator shall comply with the standards set forth in Section 55.4.11(o) of the CMMLUO and Department Policy Statement #DPS-16-005. Electric power is supplied to the property by Pacific Gas and Electric Company.</p>
Safety Element Chapter 14 Geologic & Seismic	<p>Goals and policies contained in this Chapter relate to communities that are designed and built to minimize the potential for loss of life and property resulting from natural and manmade hazards; and to prevent unnecessary exposure to areas of geologic instability, floodplains, tsunami run-up areas, high risk wildland fire areas, and airport areas planned and conditioned to prevent unnecessary exposure of people and property to risks of damage or injury (S-G1, S-G2)</p> <p>Related policies: S-P11. Site Suitability, 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 proposed new cultivation area occurs on slopes of 15% or less seismically classified low instability. The project also does not pose a threat to public safety related from exposure to natural or manmade hazards. The applicant must secure a grading permit and as part of the permit the applicant will, at a minimum, incorporate the standard erosion control measures enumerated in the General Plan. These measures are a condition of approval.</p>
Safety Element Chapter 14 Flooding	<p>Goals and policies contained in this Chapter relate to the use of natural drainage channels and watersheds that are managed to minimize peak flows in order to reduce the severity and frequency of flooding. (S-G3)</p> <p>Related policies include: S-P12, Federal Flood Insurance Program; S-P13, Flood Plains; S-P15, Construction Within Special Flood Hazard Areas</p>	<p>The project site is outside any mapped flood hazard areas.</p> <p>The project site is within a mapped dam inundation area. Located downstream from the Trinity and Lewiston Dams, which are approximately 7 miles apart and feed into the Trinity River, the project site could be impacted by dam inundation. The Trinity Dam is located approximately 50 miles away from the project site and contains a large volume of water that could create a safety hazard for the project site with a short warning time. The County's 2016 Dam Failure Contingency Plan contains preparations and response operations for a dam failure situation. The Dam Failure Contingency Plan will be implemented upon the decision of the Director of Emergency Services (Humboldt County Sheriff), or the Director's designated representative, when a</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
		river dam's integrity is threatened. The plan contains notification, evacuation, and search and rescue procedures. Implementation of the plan would occur through an Emergency Operations Center (EOC). These steps would minimize risk to life and property, including the project site and its occupants, from potential dam inundation.
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 subject property is located within the State Fire Responsibility Area where the State of California has the primary financial responsibility for the prevention and suppression of wildland fires. CAL FIRE comments recommended compliance with the requirements of the County's Fire Safe Regulations. The Humboldt County Fire Safe Ordinance (Section 3111-1 et seq.) establishes development standards for minimizing wildfire danger in state responsibility designated areas. The operation will not involve any employees.
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, applications for grading and or building permits shall be referred to the North Coast Air Quality Management District (NCAQMD) for review and consultation. Dust control practices during construction and grading shall achieve compliance with NCAQMD fugitive dust emission standards.

2. Zoning Compliance and 3. Conforms with applicable standards and requirements of these regulations:

The following table identifies the evidence which supports finding that the proposed development is in conformance with all applicable policies and standards in the Humboldt County Code (HCC) Zoning Regulations.

Zoning Section and Summary of Applicable Requirement	Evidence That Supports the Zoning Finding
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<p>§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.</p>	<p>The parcel of land known as APN 522-211-055 is Lot 2 of Tract No. 615 as per Map recorded in Book 24 of Maps, Pages 95-97, Humboldt County Records, January 7, 2009. There is no evidence indicating there have been any subsequent acts to merge or divide this parcel. Therefore, the subject parcel was lawfully created in its current configuration and can be developed as proposed.</p>
<p>§314-7.2 Agricultural General (AG): Intended to be applied to areas in which agriculture is the desirable predominant use and rural residential uses are secondary. Cannabis cultivation is allowed on parcels zoned AG.</p> <p>§314-43.1.3.2 Accessory Agricultural Structures</p>	<p>General agricultural uses, included accessory agricultural uses, are identified principal permitted uses in the AG zoning district. Greenhouses which do not result in lot coverage exceeding 5 acres on lots 20 acres or larger in size, or exceeding 25% of the lot coverage for lots less than 20 acres in size, either individually or collectively, with or without a perimeter foundation, and without an improved floor or footpath which will preclude the agricultural use of the underlying soil. Greenhouses with an improved floor or footpath which will preclude the agricultural use of the underlying soil shall not be located on prime agricultural soils. The project is for the cultivation of commercial medical cannabis employing both indoor and mix-light production. The greenhouses will have a lot coverage of approximately 4.13% and will have permeable floors that not preclude the future use of the underlying prime agricultural soil. Furthermore, commercial medical cannabis cultivation is recognized under State law as an agricultural product. Based on the referenced principally permitted use and the above, a finding of consistency with the AG zoning district can be made for the project.</p>
<p>§314-21.1 Flood Hazard Areas (F) combining zone: Minimize public and private losses due to flood and tsunami conditions. Prohibited new Development Within 100-Year Floodway and Floodplain:</p> <ul style="list-style-type: none"> • Mobilehome Parks • Health Care Services • Extensive Impact Civic use • Solid Waste Disposal <p>Hazardous Industrial</p>	<p>As discussed above, the project site is not within a 100-year flood plain as FEMA'S 2016 mapping. The project does not entail any prohibited development as per Section 314-21.1.4.</p>

Zoning Section	Summary of Applicable Requirement	Evidence That Supports the Zoning Finding
Minimum Lot Size	2.50 acres	Per Tract Map 615, the subject parcel is 2.78 acres in size.
Maximum Ground Coverage	35 percent	The proposed ground coverage is less than 10%.
Minimum Lot Width	60 feet	Approximately 240 feet
Maximum Lot Depth	None specified	N/A
Setbacks Front: 30 feet Rear: 20 feet Side: ten percent of lot width but not more than 20 feet. Subject parcel has a lot width 330 feet, so the side yard setback is 20 feet. SRA: 30 feet		Front: 33 feet Rear: 67 feet Sides: 31 feet and 68 feet
Max. Building Height	Thirty-five percent (35')	The applicant will use conventional single story greenhouses for mixed-light cultivation. The height of these structures will not exceed the height standard.
§314-61.1 Streamside Management Area (SMA)	Purpose: to provide minimum standards pertaining to the use and development of land located within Streamside Management Areas (SMAs) and other wet areas (OWA) to implement the County's Open Space Element of the General Plan.	The project site is not within a SMA. The nearest SMA is located approximately 320 feet away, to the south-west.

314-55.4 et seq. HCC: Commercial Cultivation, Processing, Manufacturing and Distribution of Cannabis for Medical Use Inland Land Use Regulation (CMMLUO)		
§ 314-55.4.8.2.1.3	On AG parcels between 1 acre and 5 acres in size, new outdoor and mix-light cultivation may be permitted with a Conditional Use Permit.	In accordance with the referenced section the applicant has applied for the necessary CUP due to the parcel being 2.78 acres in size.

§ 314-55.4.8.2.1.4	On eligible parcels under 5 acres in size, new cultivation areas must be set back at least 300 feet from existing residences on adjoining parcels.	<p>The proposed cultivation are on the northeastern section of the parcel is 140 feet from the existing residence on APN: 522-211-053.</p> <p>The applicant and the owner of APN: 522-211-053 have executed a signed Neighborhood Cultivation Agreement that gives consent for a reduction of the 300 foot setback (on file).</p>
§314-55.4.8.2.1 Criterial for approval of new outdoor and mix-light cultivation areas:		
Slopes less than 15 percent		The US Geological Survey (USGS) slope map from the County's GIS map shows that the front yard cultivation has a slope of less than 15% while the rear yard cultivation area has a slope of 15-30%. Photos submitted by the applicant and preserved in the project file demonstrate that the USGS slope map is slightly off and the rear yard cultivation area is on a slope of less than 15% but that is near a slope of 30-50+%.
With documented current water right or other non-diversionary source of irrigation water.		The source of water for all cultivation areas would be municipal water and rainwater from the existing shop and residence that will be stored in two 2,500-gallon hard plastic tanks.
Cultivation shall be located on the Prime Agricultural Soils on the parcel and no more than 20 percent of the area of Prime Agricultural soils may be permitted for commercial medical cannabis cultivation.		The site plan contains an overlay that demonstrates nearly the entire site would be on prime agricultural soils, which aligns with the County's prime agricultural soils GIS map. The cultivation areas would occupy less than 20% of the prime agricultural soils on the parcel.
§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.	There is no timberland on the project site.
§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 two permits.
§314-55.4.9.1 Accessory Processing	Processing for cultivation requiring a Special Permit or Use Permit will be considered in the Use Permit application.	All commercial medical cannabis cultivated will be processed at a licensed off-site location.
§314-55.4.9.4 Pre-Application Registration	Existing cultivation sites shall register with the County within 180 days of the effective date of this ordinance.	A Commercial Cannabis Registration Form is not required for applications for new cannabis cultivation.

§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 project's primary source of irrigation water will be from the Willow Creek Community Services District. The applicant is not proposing to use a surface diversion or well for irrigation water. Based on the submitted evidence, the project complies with the referenced section.
§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 applicant's site plan states that the cultivation area is more than 600 feet from a school bus stop.. The site plan shows the project complies with property line setbacks. 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. The project cultural resources study found that there are no tribal cultural resources 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	As discussed above, the primary power source for the project will be conventional grid power supplied by PGE. A backup generator will be used for emergency purposes. As required in the project conditions, the noise produced by a generator used on an emergency-only basis for cannabis drying, curing, and processing shall not be audible by humans from neighboring residences. The decibel level for generators measured at the property line shall be no more than 60 decibels. Where applicable, sound levels must also show that they will not result in the harassment of Marbled Murrelet or Spotted Owl species. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service, and further consultation where necessary. Under these guidelines, generator noise may not exceed 50dB as measured at 100 feet from the generator or at the edge of the nearest Marbled Murrelet or Spotted Owl habitat, whichever is closer. Therefore, the project would conform with the referenced standard.

<p>§314-55.4.17 Sunset Date</p>	<p>No application for any Use Permit pursuant to the CMMLUO shall be processed for issuance or approval that is received after December 31, 2016.</p>	<p>The applicant filed the application on December 22, 2016.</p>
<p>§314-55.4..8.3 Indoor Cultivation</p>		
<p>Indoor cultivation areas are permitted with a Special Permit on the AG parcels so long as they are located in existing, nonresidential structures and are no more than 5,000 square feet. Electrical power for indoor cultivation shall be provided by on-grid power with 100% renewable source, an on-site zero net energy source, or with purchase of carbon offsets of any portion of power not from renewable sources.</p>	<p>Indoor cultivation would take place in an existing 1,600-square-foot shop building that is accessory to the residential structure on the parcel. The applicant purchased 20.00 metric tons of carbon offsets from the Terrapass business carbon offset package on February 22, 2017.</p> <p>According to the Oregon Department of Energy Indoor Cannabis Cultivator Energy Use Estimator calculator (http://energy.odoe.state.or.us/cannabis.html), a 1,600-square-foot indoor cultivation area with a plant density of 0.85 (approximately 1,360 plants) using high wattage fixtures at low fixture density (Energy Use Description 2) would use approximately 128,000 kWh of energy per year. According to the United States Environmental Protection Agency Greenhouse Gas Equivalencies Calculator (https://www.epa.gov/energy/greenhouse-gas-equivalencies-calculator), 128,000 kWh of energy is the equivalent of 95.3 metric tons of carbon dioxide.</p> <p>The applicant's 20.00 metric ton offset purchase would offset approximately 20% of the indoor cultivation's annual greenhouse gas emissions. A condition has been written to require the applicant to purchase the additional carbon offsets necessary to meet the CMMLUO requirements. By providing the Planning Department with sufficient electrical power data usage once the cultivation operation commences, the applicant required carbon offsets may be reduced.</p>	

4. Public Health, Safety and Welfare, and 6. Environmental Impact: The following table identifies the evidence which supports finding that the proposed development will not be detrimental to the public health, safety and welfare or materially injurious to properties or improvements in the vicinity, and will not adversely impact the environment.

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 would not be detrimental to the public health, safety, and welfare since no reviewing referral agencies have recommended denial of the proposed project and the commercial cannabis operation would be conducted in accordance with the properties or performance standards set forth in the CMMLUO. 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.
§§15301, 15303, and 15304 (a) of CEQA	Categorically exempt from State environmental review.	The project is categorically exempt from CEQA pursuant to CEQA Exemption Sections Class 1, Section 15301 (Existing Facilities), Class 3, Section 15303 (New Construction or Conversion of Small Structures), and Class 4, Section 15304 (Minor Alterations to Land). 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.

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
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 midpoint of the density range specified in the plan designation), except where: 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.	As discussed above the property was not included in the 2014 Housing Inventory because of the land use designation and zoning. It is developed with a single family residence which will remain. The project is in conformance with the standards in the Housing Element.

ATTACHMENT 3
Applicant's Evidence in Support of the Required Findings

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

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

11. Consent for on-site inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. (On file)
12. For indoor cultivation facilities, identify the source of electrical power and how it will meet with the energy requirements in Section 55.4.8.2.3 of the CMMLUO, and plan for compliance with applicable Building Codes. (Attached)
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, ALTA, August 2017 (On file and confidential)
16. DEH Worksheet (On file)



Site Plan Overview and Cultivation and Operations Plan

Applicant/Owner

The Emerald Kid

100 Stagecoach Lane

Willow Creek, CA 95514

Agent

Kaylie Saxon

Green Road Consulting

1650 Central Avenue, Suite C

McKinleyville, CA 95519



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I. Site Plan Overview

1.0 Project Information

The Emerald Kid ("Applicant") is submitting this application for a Use Permit for a Mixed Light and indoor commercial cannabis cultivation on a 2.64-acre parcel, located in Willow Creek, CA ("Parcel"), Assessor's Parcel Number 522-211-055. This application is submitted through his agent, Kaylie Saxon of Green Road Consulting, Inc., and has been prepared in accordance with Humboldt County's ("County") Commercial Medical Marijuana Land Use Ordinance ("CMMLUO").

The Use Permit would achieve the following results for the Applicant:

- a. Permit 5,000 square feet of new Mixed Light commercial cannabis cultivation activities that were not in existence prior to January 1, 2016, in compliance with the County CMMLUO.
- b. Permit 1,600 square feet of new indoor commercial cannabis cultivation activities in an existing non-residential structure that were not in existence prior to January 1, 2016, in compliance with the County CMMLUO.
- c. Comply with applicable standards for water quality maintenance and watershed protection through the Waiver of Waste Discharge requirements of the North Coast Regional Water Quality Control Board ("Water Board") and California Department of Fish and Wildlife ("Fish and Wildlife").

2.0 Project Location

The Applicant's Parcel is located in the inland zone of Humboldt County near Willow Creek, CA. The Parcel is comprised of 2.64-acres and is identified by Assessor's Parcel Number ("APN") 522-211-055. The address for this parcel is 100 Stagecoach Lane Willow Creek, CA 95540.

2.1 Zoning Classification

The County's Zoning Classification of the Parcel is AG [GenUse: AS(WCCP)] with a General Plan Description of AG:B7. The CMMLUO permits new Mixed Light and Indoor commercial cannabis cultivation on land zoned as AG with cultivation sites up to 5,000 square feet each with a Use Permit on parcels less than five (5) acres in size providing the land contains Prime Ag soil, slopes of less than 15%, and a non-diversionary source of water. The Parcel is zoned AG and meets all of the zoning requirements for a new cannabis cultivation site and the Applicant will be using less than 20% of the prime soil available.

2.2 Site Topography

A map of the Parcel's topography is included as Attachment "A."

3.0 Easements

The following is taken from Exhibit "A" of the Grant Deed, a copy of which is included in the Evidence of Ownership and Authorization section of this Application.

"That real property situate in the County of Humboldt, State of California, described as follows:

PARCEL ONE:

That portion of Section 29, Township 7 North, Range 5 East, Humboldt Meridian, described as follows:

Lot 2 of Tract No. 615 as per Map recorded in Book 24 of Maps, Pages 95 – 97, Humboldt County Records.

That portion of Lot 1 of said Tract No. 615 described as follows:

BEGINNING at the Northwest corner of Lot 1 of said Tract No. 615;

Thence South 47 degrees 21 minutes 10 seconds East 44.02 feet;

Thence South 3 degrees 48 minutes 52 seconds East 150.30 feet;

Thence South 3 degrees 22 minutes 04 seconds East 205.70 feet, more or less, to the Southerly line of said Lot 1;

Thence South 79 degrees 59 minutes 30 seconds West along said Southerly line 29.97 feet, more or less, to the Southwest corner of said Lot 1;

Thence North 3 degrees 39 minutes 25 seconds West along the West line of said Lot 1, 391.15 feet, more or less, to the point of beginning.

PARCEL TWO:

A non-exclusive easement for ingress, egress and utilities over, under and across Stagecoach Lane as the same is shown on the Map of said Tract No. 615."

4.0 Natural Waterways

There currently are not any natural waterways identified on the Parcel. Green Road Consulting, Inc. will be conducting a site visit to complete the applicant's Water Resource Protection Plan ("WRPP") and will identify if there are any natural waterways on the Parcel. A WRPP will be in place once the Applicant begins cultivating.

5.0 Location and Area of Proposed Cultivation

The 5,000 square feet of Mixed Light cannabis cultivation is proposed to occur in two (2) locations on the Parcel and the Indoor cannabis cultivation is proposed to occur in one (1) location, the existing Shop. The proposed cultivation areas can be viewed on the Site Plan, included in the Site Plan of Entire Parcel section of this application.

Mixed Light Cultivation Area

It is proposed that the Mixed Light Cultivation Area be located behind and in front of the residence. The cultivation will be in greenhouse structures that are situated within the Prime Ag soil available. The Mixed Light Cultivation Area will meet all set back and buffer zone requirements set by the County and the Water Board.

Indoor Cultivation Area

It is proposed that the Indoor Cultivation Area be inside the existing Shop. The Indoor Cultivation Area will meet all set back and buffer zone requirements set by the County and the Water Board.

6.0 Setbacks of Cultivation Area

Cultivation Area #1

Cultivation Area #1 is setback from the southern parcel line by 67 feet and the western parcel line by 68 feet.

Cultivation Area #2

Cultivation Area #2 is setback from the eastern parcel line by 31 feet and the northern parcel line by 33 feet.

Indoor Cultivation

The Indoor Cultivation is setback from the eastern parcel line, the closes parcel line, by 56 feet.

7.0 Access Roads

The Parcel is located off Stagecoach Lane, which is in good condition. The interior driveway is in good condition and any erosion control measures necessary will be addressed in the Applicant's WRPP.

8.0 Graded Flats

There are no graded flats located on the Parcel that require permitting.

9.0 Existing and Proposed Buildings

Residence

There is an existing Residence located on the Parcel. It has been permitted through Humboldt County's Building Department and will not be used for any part of the cannabis cultivation activities.

Shop

There is an existing Shop located on the Parcel. It has been permitted through Humboldt County's Building Department and will hold the Indoor Cultivation Area, nutrients and basic cultivation tools.

Greenhouses

The Mixed Light Cultivation Area will be held in greenhouses on the Parcel. The greenhouses will be permitted through the Humboldt County Building Department. The greenhouses will not contain impervious flooring.

10.0 Water Storage, Use and Watershed Protection

10.1 Water Storage

The Applicant will install two (2) 2,500-gallon hard water tanks to catch rainwater off of the existing shop and residence. Rainwater will be used to irrigate the cannabis in addition to water sourced from the Willow Creek Community Services District.

10.2 Water Use

The amount of water used for the cultivation of cannabis will vary throughout the year, with peak periods of water use occurring during the summer months. The Applicant's cultivation and water use is outlined in the Cultivation and Water Usage Chart, attached as Attachment "B."

The Applicant will install two (2) 2,500-gallon hard water tanks to catch rainwater off of the existing shop and residence. Rainwater will be used to irrigate the cannabis in addition to water sourced from the Willow Creek Community Services District.

All irrigation of cannabis is completed at an agronomic rate by a metered drip irrigation system in order to prevent any over watering and runoff.

10.3 Watershed Protection

There currently are not any natural waterways identified on the Parcel. Green Road Consulting, Inc. will be conducting a site visit to complete the applicant's Water Resource Protection Plan ("WRPP") and will identify if there are any natural waterways on the Parcel. A WRPP will be in place once the Applicant begins cultivating.

All irrigation of cannabis is completed at an agronomic rate by a metered drip irrigation system in order to prevent any over watering and runoff. The slope of the Parcel averages between 0% and 2%, reducing erosion and drainage. The Applicant's intent to store rainwater he captures off of the greenhouses and other structures on site will also reduce/eliminate site drainage.

11.0 Distances from Significant Landmarks

There are no schools, school bus stops, places of worship, State Parks or Tribal Cultural Resources within 600 feet of the cultivation site. There are off-site residences within 300 feet of the proposed Cultivation Areas. The Applicant has received written authorization to cultivate on his land from the neighboring parcel owner in question. A copy of this authorization is included in the Other Permits, Licenses and Documents section of this Application.

II. Cultivation and Operations Plan

1.0 Water Use

The amount of water used for the cultivation of cannabis will vary throughout the year, with peak periods of water use occurring during the summer months. The Applicant's cultivation and water use is outlined in the Cultivation and Water Usage Chart, attached as Attachment "B."

The Applicant will install two (2) 2,500-gallon hard water tanks to catch rainwater off of the existing shop and residence. Rainwater will be used to irrigate the cannabis in addition to water sourced from the Willow Creek Community Services District.

All irrigation of cannabis is completed at an agronomic rate by a metered drip irrigation system in order to prevent any over watering and runoff.

2.0 Watershed Protection

There currently are not any natural waterways identified on the Parcel. Green Road Consulting, Inc. will be conducting a site visit to complete the applicant's Water Resource Protection Plan ("WRPP") and will identify if there are any natural waterways on the Parcel. A WRPP will be in place once the Applicant begins cultivating.

All irrigation of cannabis is completed at an agronomic rate by a metered drip irrigation system in order to prevent any over watering and runoff. The slope of the Parcel averages between 0% and 2%, reducing erosion and drainage. The Applicant's intent to store rainwater he captures off of the greenhouses and other structures on site will also reduce/eliminate site drainage.

3.0 Materials Storage

Currently, there are no pesticides or herbicides registered specifically for use directly on cannabis. Items that were accepted under Legal Pest Management Practices for Marijuana Growers in California will be used exclusively.

All fertilizers and amendments are located in the Shop located on the Parcel. Fertilizers and amendments are placed on the shelves and floor where any spill will be contained. Currently, the applicant is using strictly organic fertilizers and amendments following the Soilscape Solutions Feeding Plan.

All labels are kept and directions are followed when nutrients are applied. The storage area is in need of posted instructions for storing fertilizers and amendments, instructions for cleaning up spills and a spill kit that contains a container, gloves, towels, absorbent socks and an absorbent material (kitty litter). This will be outlined in the Applicant's included Water Resource Protection Plan.

4.0 Cultivation Activities

Cultivation Activities are approximate and will vary based on climate, strain and the Applicant's personal schedule.

Cultivation will be occurring year-round with the Applicant anticipating 4 runs per year for both the Mixed Light and Indoor cultivation. Soil is amended with organic amendments and plants will be supplied with both dry and liquid organic fertilizers through a water dilution system. The following schedule is an approximate for the year-round cultivation activities.

Run #1

Location	Flowering	Harvest
Greenhouse	March 1	April 25
Indoor	April 15	June 9

Run #2

Location	Flowering	Harvest
Greenhouse	June 9	August 3
Indoor	July 24	September 17

Run #3

Location	Flowering	Harvest
Greenhouse	September 17	November 11
Indoor	November 1	December 26

Run #4

Location	Flowering	Harvest
Greenhouse	December 26	February 19
Indoor	February 9	April 5

The Applicant will be using Gavita lighting in the greenhouses and the Indoor cultivation areas. Greenhouses will be tarped during the sunset hours to prevent any light pollution. The Applicant will be running on grid power with a small propane generator on site in the event of a power outage.

Indoor cultivation will reside in soil beds and will utilize a timed drip irrigation system and best management practices. The indoor cultivation will not produce any water runoff.

The Applicant will purchase the necessary carbon offset credits in order to 100% offset his Indoor power use.

5.0 Processing Practices

Plants will be harvested one at a time using hand shears and taken into a section of the Shop where it will be dried, cured and stored. All processing will be performed by the Emerald Family Farms processing facility.

All work surfaces and equipment are maintained in a clean, sanitary condition. Protocols to prevent the spread of mold are strictly followed. The final cannabis product is stored in a secure location.

All cultivation related waste is stored in proper trash receptacles and disposed of in at the proper facilities. Any green waste will be piled and kept well away from any watercourse. Green waste is composted on site.

The Applicant will be utilizing any Track and Trace program the County seeks to implement, abiding by all appropriate record keeping practices.

6.0 Security Measures

The Parcel is fenced is accessed through a locked automatic gate. Gates are of heavy steel construction and an electronic lock is installed. The parcel is secured by Advanced Security including motion sensors, cameras and alarms.

7.0 Consent and Acknowledgments

The Applicant consents 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.

The Applicant 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 section 55.4.10(k), (m), and (n) in the event that environmental conditions, such as a sustained drought or low flows in the watershed will not support diversions for irrigation.

The Applicant acknowledges 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).

Cultivation and Water Usage

The Emerald Kid - APN: 522-211-005

Month	Stage of Cultivation			Cultivation Space per Stage (Square Footage) *	Water Usage (gallons/month)
EXAMPLE	Vegging	Flowering	Harvesting	1,200 sq. ft. – Vegging 1,500 sq. ft. – Flowering	5,000 gal/month
January	X	X		Indoor: 1,600 sq. ft. – Vegging & Flowering Mixed Light: 5,000 sq. ft. – Vegging & Flowering	Indoor: 2,000 gal/month Mixed Light: 3,000 gal/month
February		X		Indoor: 1,600 sq. ft. – Flowering Mixed Light: 5,000 sq. ft. – Flowering	Indoor: 2,000 gal/month Mixed Light: 3,000 gal/month
March		X	X	Indoor: 1,600 sq. ft. – Flowering & Harvesting Mixed Light: 5,000 sq. ft. – Flowering & Harvesting	Indoor: 2,000 gal/month Mixed Light: 3,000 gal/month
April	X	X		Indoor: 1,600 sq. ft. – Vegging & Flowering Mixed Light: 5,000 sq. ft. – Vegging & Flowering	Indoor: 2,000 gal/month Mixed Light: 3,000 gal/month
May		X		Indoor: 1,600 sq. ft. – Flowering Mixed Light: 5,000 sq. ft. – Flowering	Indoor: 2,000 gal/month Mixed Light: 3,000 gal/month
June		X	X	Indoor: 1,600 sq. ft. – Flowering & Harvesting Mixed Light: 5,000 sq. ft. – Flowering & Harvesting	Indoor: 2,000 gal/month Mixed Light: 3,000 gal/month
July	X	X		Indoor: 1,600 sq. ft. – Vegging & Flowering Mixed Light: 5,000 sq. ft. – Vegging & Flowering	Indoor: 2,000 gal/month Mixed Light: 3,000 gal/month
August		X		Indoor: 1,600 sq. ft. – Flowering Mixed Light: 5,000 sq. ft. – Flowering	Indoor: 2,000 gal/month Mixed Light: 3,000 gal/month
September		X	X	Indoor: 1,600 sq. ft. – Flowering & Harvesting Mixed Light: 5,000 sq. ft. – Flowering & Harvesting	Indoor: 2,000 gal/month Mixed Light: 3,000 gal/month
October	X	X		Indoor: 1,600 sq. ft. – Vegging & Flowering Mixed Light: 5,000 sq. ft. – Vegging & Flowering	Indoor: 2,000 gal/month Mixed Light: 3,000 gal/month
November		X		Indoor: 1,600 sq. ft. – Flowering Mixed Light: 5,000 sq. ft. – Flowering	Indoor: 2,000 gal/month Mixed Light: 3,000 gal/month
December		X	X	Indoor: 1,600 sq. ft. – Flowering & Harvesting Mixed Light: 5,000 sq. ft. – Flowering & Harvesting	Indoor: 2,000 gal/month Mixed Light: 3,000 gal/month

*with a plant density of 0.85



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Attachment “#1”

DCA70USI3CAN

Ultra-Silent WhisperWatt 25 to 150 kVA - Single / Three Phase (Canada/Export Only)

MQ Power WhisperWatt Ultra-Silent Generators give you the reliability of our WhisperWatt Super-Silent Generators while achieving sound levels that are 11 percent quieter. And to safeguard the environment, each WhisperWatt Ultra-Silent Generator features an integrated 24-hour fuel tank with a fluid containment system. Their dependability and quiet operation make for great sources of portable power in the construction and entertainment industries.



The DCA70USI3CAN provides a prime rating of 56 kW (70 kVA) and a standby rating of 62 kW (77 kVA). A sound proof housing keeps operating noise levels to 60 dB(A). It features an electronic governor that maintains frequency to 0.25% from no load to full load. A comprehensive analog control panel provides instrumentation including AC ammeter, AC voltmeter, frequency meter, AC circuit breaker, engine gauges and much more.

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Performance Data

Options

Unit Specifications		
Prime Rating	56 kW	70 kVA
Standby Rating	62 kW	77 kVA
Generator RPM	1800	
Voltage - Three Phase	208, 220, 240, 416, 440, 480V Switchable	
Voltage - Single Phase	120, 127, 139, 240, 254, 277V Switchable	
Generator Design	Revolving field, Self-ventilated, Drip-proof, Single bearing	
Voltage Regulation (No Load to Full Load)	±0.5 %	
Power Factor	0.8	
Armature Connection	Star with Neutral/ Zig Zag	
Excitation	Brushless with AVR	
No. Poles	4-pole	
Frequency	60 Hz	
Frequency Regulation (steady state load)	±0.25 %	
Sound Level (Full Load at 23 ft.)	60 dB(A)	

Engine Specifications

Make/Model	Isuzu/BJ-4JJ1X	
Emissions	Tier 3	
Starting System	Electric	
Design	4-cycle, Water cooled, Direct injection, Turbocharged, Charge Air Cooled	
Gross Engine Power Output	97.9 bhp	73 kW
Fuel Tank Capacity	103 gal	390 L
Fuel Consumption:		
Full load	4.1 gph	15.4 lph
3/4 load	3.1 gph	11.9 lph
1/2 load	2.1 gph	8.1 lph
1/4 load	1.3 gph	4.8 lph
Coolant Capacity	3.57 gal	13.5 L

ATTACHMENT 4

REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

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

Referral Agency	Response	Recommendation	Location
Building Inspection Division	✓	Visited site. Observed no cultivation, grading, or growing material on site.	On file with Planning
Land Use Division	✓	Commented that the County roadway serving the property is adequate to accommodate the project.	On file with Planning
Division of Environmental Health	✓	Recommended approval.	On file with Planning
CAL-FIRE	✓	Standard comments provided.	On file with Planning
Department of Fish & Wildlife	✓	Commented that the project has the potential to affect sensitive fish and wildlife resources.	On file with Planning
NWIC	✓	Recommended Cultural Study.	On file with Planning
Hoopla Valley Tribe		No response	
Tsungenwe Council		No response	
RWQCB		No response	
Willow Creek Community Services District	✓	Comments	Attached
Sheriff		No response	
District Attorney		No response	
Klamath Trinity Joint Unified School District		No response	
State Water Resources Control Board-Division of Water Rights		No response	
Humboldt County Agriculture Commissioner		No response	



July 28, 2017

Planning Commission Clerk
County of Humboldt Planning and Building Department
3015 H Street
Eureka, CA 95501

RE: APPS# 12251 – The Emerald Kid

Planning Clerk,

The Willow Creek Community Services District (WCCSD) has received a project referral for 'The Emerald Kid' (APPS# 12251). We understand this project is for the cultivation of cannabis.

The WCCSD Board met on July 27, 2017 at their monthly board meeting and discussed this project along with three other project referrals for cannabis cultivation in our District. Given this project is directly upstream from our surface water intake galleries for our community water system; the Board had some initial reservations regarding this project.

The Board discussed concerns of over-fertilization, sediment, and pesticide run-off. We understand as part of this project the owner is required, and is working on developing a Watershed Resource Protection Plan (WRPP).

Given the proximity of the outdoor cultivation to the edge of the slope, just above the creek, this project is particularly of importance to the WCCSD. While the Board did not direct me to write an objection letter to this project, they did ask that I inform the Planning Department of our concerns of projects of this nature on the Willow Creek watershed. We encourage the Planning Department to confirm all projects are closely watched to make sure they are in compliance with all regulations. Specifically, please confirm the WRPP is completed and adhered to.

Additionally, the WCCSD has been required by other project of similar nature (commercial cannabis) to provide a "will serve letter" stating the applicants ability to use the District's water for irrigation. The District has been keeping a tally of the amount of water for all permits to make sure our system is not over loaded.

We have not received a request for a will serve letter from this application. The application lists that this project will use an estimated 276,000 gallons of water annually. A will server letter will be issued for this amount to the applicant. Please note that the WCCSD has a Drought Ordinance in its Board Policy. In the event of a drought, the water usage may be restricted per the policy.

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The WCCSD would like to request that the county require a will serve letter from all applicants who plan to use WCCSD water for irrigation.

If you have any questions, please feel free to contact me at anytime.

Sincerely,

A handwritten signature in black ink, appearing to read "Susan O'Gorman", with a long horizontal flourish extending to the right.

Susan O'Gorman
General Manager