



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

3015 H Street Eureka CA 95501
Phone: (707)445-7541 Fax: (707) 268-3792

Hearing Date: February 15, 2017

To: Humboldt County Planning Commission

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

Subject: **Reliable Organic Farms, LLC** Conditional Use Permit
Application Number 10877
Case Number CUP 17-049
Assessor's Parcel Number 107-233-006
Honeydew area

Table of Contents

Page

Agenda Item Transmittal	2
Recommended Action and Executive Summary	3
Draft Resolution	5

Maps

Topo Map	6
Zoning Map	7
Aerial Map	8
Site Plans	9

Attachments

Attachment 1:	Recommended Conditions of Approval	10
Attachment 2:	Staff Analysis of Evidence Supporting the Required Findings	17
Attachment 3:	Applicant's Evidence in Support of the Required Findings	27
Attachment 4:	Referral Agency Comments and Recommendations	39

Please contact Joshua Dorris, Planner, at 707-268-3736 or by email at jdorris@co.humboldt.ca.us if you have any questions about the scheduled item.

AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
February 15, 2018	Conditional Use Permit	Joshua Dorris

Project Description: Reliable Organic Farms, LLC, is seeking a Conditional Use Permit for an existing sixteen-thousand (16,000) square foot (SF) commercial medical cannabis cultivation occurring in five (5) greenhouses. Irrigation water source is an onsite well with a solar-powered pump with a flow meter for monitoring and reporting. Water storage of twenty-nine thousand (29,000) gallons occurs in a bladder and hard tanks for use during the May to October cultivation season. Annual water budget is approximately one-hundred twenty-eight thousand (128,000). Processing is completed onsite in an existing eight-hundred twenty (820) SF building by the Applicant and one (1) full-time seasonal employee who lives onsite.

Project Location: The project is located in Humboldt County, in the Honeydew area, on the west side of Panther Gap Road, approximately 0.87 miles south from the intersection of Mattole Road and Panther Gap Road, on the property known to be in Section 27 of Township 02 South, Range 01 East, Humboldt Base & Meridian.

Present Plan Land Use Designations: Timberland (T), Density: 160 to 20 acres per dwelling unit, Slope Stability: Moderate Instability (2)

Present Zoning: Unclassified (U)

Case Number: CUP 17-049

Application Number: 10877

Assessor Parcel Number: 107-233-006

Applicant

Reliable Organic Farms, LLC
Attn: Julie Wills
P.O. Box 33
Honeydew, CA 95545

Owner

Julie Wills
P.O. Box 33
Honeydew, CA 95545

Agent

None

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

State Appeal Status: Project is located outside the Coastal Zone and is therefore NOT appealable to the California Coastal Commission.

RELIABLE ORGANIC FARMS, LLC
Case Number CUP17-049
Assessor's Parcel Number 107-233-006

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; and
3. If no one requests discussion, make the following motion to approve the application as part of the consent agenda:

Find the project Categorically 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 based on evidence in the staff report and any public testimony, and adopt the Resolution approving the proposed Reliable Organic Farms, LLC Conditional Use Permit subject to the recommended conditions.

Executive Summary

A Conditional Use Permit for Reliable Organic Farms, LLC (CUP 17-049) to permit an existing sixteen-thousand (16,000) square foot (SF) commercial medical and/or adult use cannabis cultivation in compliance with the Humboldt County Commercial Medical Marijuana Land Use Ordinance (CMMLUO). The forty (40)-acre parcel zoned U, is forested with predominately conifers and shares its northern border with Humboldt Redwoods State Park (HRSP). The cultivation areas are located greater than six-hundred feet (600') from HRSP.

Cultivation activities occur within five (5) greenhouses located in two (2) small clearings on either side of the gravel driveway on the otherwise wooded parcel. The greenhouses vary in size including: one (1) two-thousand twenty (2,020) SF, one (1) two-thousand three-hundred fifty (2,350) SF, one (1) three-thousand four-hundred (3,400) SF and two (2), three-thousand seven-hundred forty-four (3,744) SF. Generators provide electricity for the greenhouses' ventilation systems and operate daily from 10 am to 7 pm. Florescent lighting is initially used for approximately a month to acclimate the plants and get them into vegetative growth. No additional supplemental lighting is used. Plants are started in May and harvested in October.

Irrigation water source is an onsite permitted well with a solar-powered pump and a flow meter for monitoring and monthly reporting to the State Water Board. Water storage of twenty-nine thousand (29,000) gallons occurs in a bladder and hard tanks for use during the May to October cultivation season. Water storage levels are maintained at full capacity. Annual water budget is approximately one-hundred twenty-eight thousand (128,000) gallons. The Applicant has enrolled in the Tier 2 Discharge Program of the North Coast Regional Water Quality Control Board (NCRWQCB) and, has provided a Water Resources Protection Plan (WRPP) and Erosion Control plan, both prepared by A.M. Baird Engineering, detailing how the cultivation sites will meet requirements concerning erosion control measures. No cultivation activities are near or in any streamside management areas. There are no stream crossings or mapped watercourses on the property.

Processing is completed onsite in an existing eight-hundred twenty (820) SF building by the Applicant and one (1) seasonal full-time employee. The applicant will provide documentation that the building meets ADA requirements. The building uses an un-permitted composting toilet as an onsite wastewater treatment system (OWTS). The Applicant proposed installing a permitted OWTS and has provided a Septic Disposal Design demonstrating that the soil is

suitable. Until the OWTS is installed, the Applicant has agreed to provide ADA-compliant portable toilet and handwashing station to the employee. The Applicant has also submitted a detailed security plan including the use of a locked gate at the entrance to the property and plans to install a closed loop camera system that will cover the gates and building. All structures are greater than thirty-feet (30') from the parcel boundaries.

There is no substantial evidence of potentially adverse environmental effects resulting from the permitting of a recognized legal agricultural use on property zoned U.

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

ALTERNATIVES

The Planning Commission could elect not to approve the project, 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 the alternatives.

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

**Case Number: CUP 17-049
Assessor's Parcel Number: 107-233-006**

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

WHEREAS, Reliable Organic Farms, LLC submitted an application and evidence in support of approving the Conditional Use Permit to permit an existing sixteen-thousand (16,000) square foot outdoor cultivation area with onsite processing; and

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

WHEREAS, the project is exempt from environmental review per Sections 15301 (Existing Facilities), 15303 (New Conversion or Conversion of Small Structures), and 15304 (Minor Alterations to Land) of the California Environmental Quality Act (CEQA) Guidelines; and

WHEREAS, Attachment 2 in the Planning Division staff report includes substantial evidence in support of making all of the required findings for approving the proposed Conditional Use Permit (Case Number CUP 17-049); and

WHEREAS, a public hearing was held on the matter before the Humboldt County Planning Commission on February 15, 2018.

NOW, THEREFORE, be it resolved, determined, and ordered by the Humboldt County Planning Commission that the following findings be and are hereby made:

1. The proposed project is exempt from environmental review pursuant to Sections 15301 (Existing Facilities), 15303 (New Conversion or Conversion of Small Structures), and 15304 (Minor Alterations to Land) of the California Environmental Quality Act (CEQA) State Guidelines; and
2. The findings in Attachment 2 of the Planning Division staff report support approval of Case Number CUP 17-049 based on the submitted evidence; and
3. Approves the Conditional Use Permit Case Number CUP 17-049 as recommended and conditioned in Attachment 1.

Adopted after review and consideration of all the evidence on February 15, 2018.

The motion was made by COMMISSIONER _____ and second by COMMISSIONER _____:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

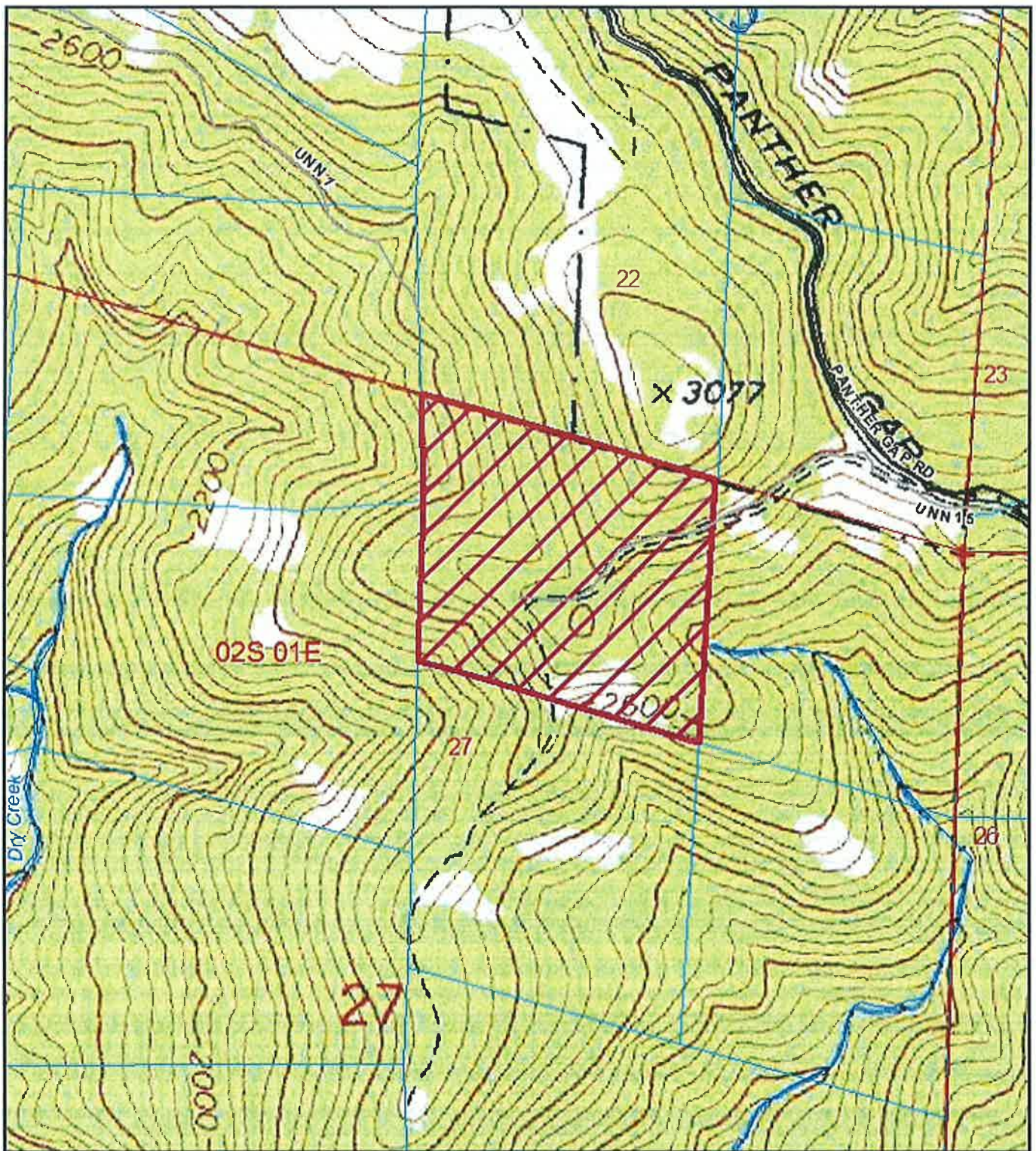
ABSENT: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

DECISION:

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

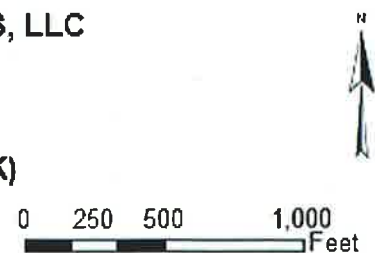
John Ford
Director, Planning and Building Department

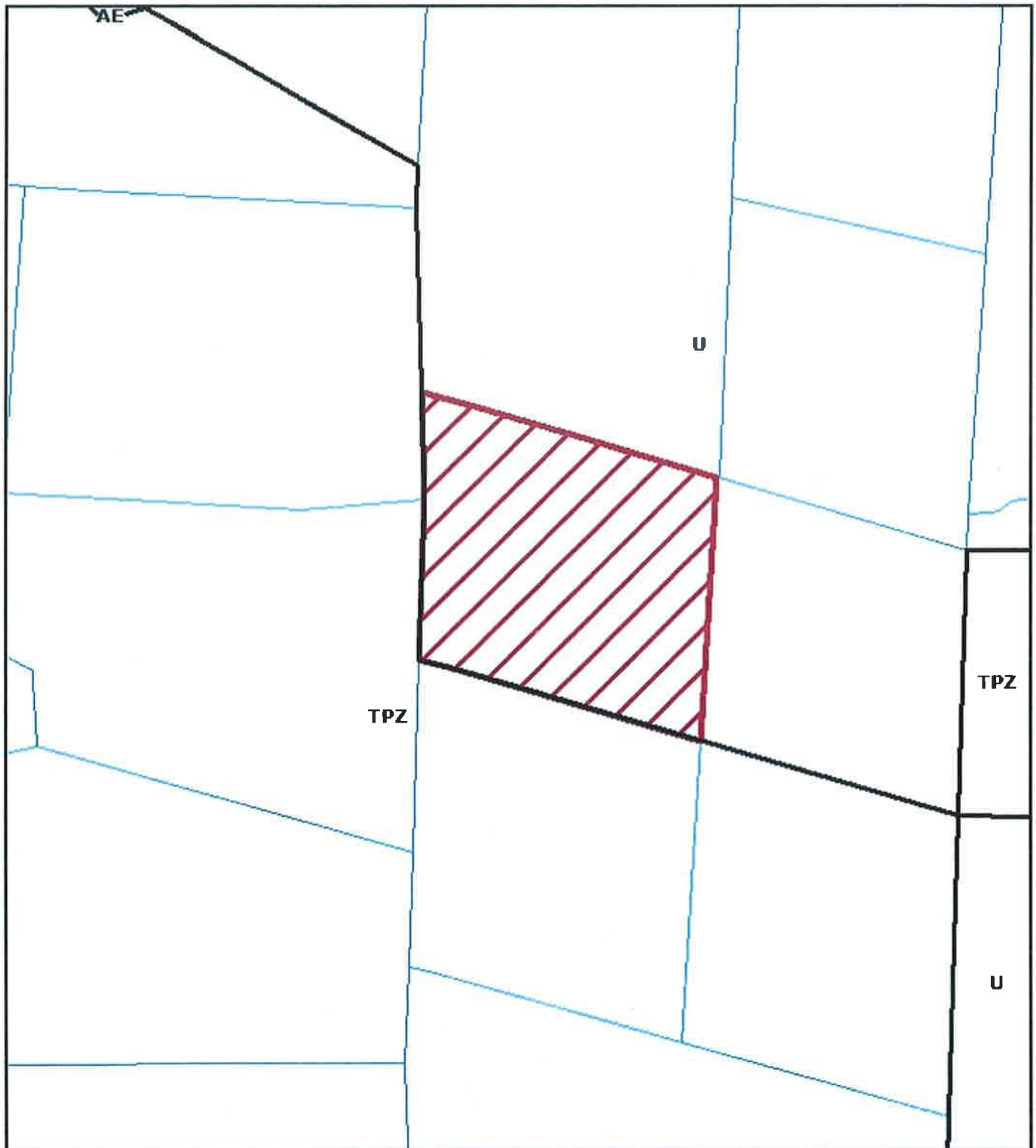


**TOPO MAP
PROPOSED RELIABLE ORGANIC FARMS, LLC
HONEYDEW AREA
SP-16-092/SP-16-093
APN: 107-233-006
T02S R01E S27 HB&M (BULL CREEK)**

Project Area = 

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

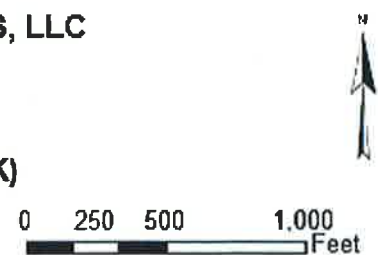




ZONING MAP
PROPOSED RELIABLE ORGANIC FARMS, LLC
HONEYDEW AREA
SP-16-092/SP-16-093
APN: 107-233-006
T02S R01E S27 HB&M (BULL CREEK)

Project Area = 

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





**AERIAL MAP
PROPOSED RELIABLE ORGANIC FARMS, LLC
HONEYDEW AREA
SP-16-092/SP-16-093
APN: 107-233-006
T02S R01E S27 HB&M (BULL CREEK)**

Project Area = 

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



0 125 250 500
Feet

DIRECTIONS:
EXIT US-HWY 101 (633) CA-HWY 254 SOUTH
FORK/HONEYDEW
MERGE ONTO BULL CREEK FLATS ROAD
CONTINUE ONTO LOWER BULL CREEK FLATS ROAD
RIGHT MATTOLE ROAD
LEFT PANTHER GAP ROAD
LEFT ONTO PERIMETER MULTI-USE TRAIL

- NOTES:
1. THE WATER SOURCE FOR THIS SITE IS PRIVATE WATER.
 2. EXISTING WATER STORAGE ON SITE IS A ±20,000 GALLON WATER BAG & 8850 IN WATER TANKS AS SHOWN.
 3. AS-BUILT ENGINEERING FOR ALL STRUCTURES HAVE NOT BEEN REVIEWED BY THIS OFFICE.
 4. SLOPES AT ALL CULTIVATION SITES ARE LESS THAN 5%.
 5. DURING WET WEATHER CULTIVATION SITES WILL BE MONITORED DAILY. AS NECESSARY, STRAW AND FIBER ROLLS SHALL BE PACED TO MITIGATE ANY SEASONAL RUN OFF.
 6. NO SCHOOLS, SCHOOL BUS STOPS, PLACES OF WORSHIP, PUBLIC PARKS, TRIBAL CULTURAL RESOURCES, W/IN 600' OR W/IN 300' OF OFF-SITE RESIDENCES
 7. THERE ARE NO PRIME AG SOILS IN THE VICINITY.
 8. NO KNOWN EASMENTS
 9. IMAGE DATE: 3/28/2014

EXISTING CULTIVATION AREA DELINEATION:
AREA 1 - ±10,250 SQ-FT 0-5% AVG. SLOPE
AREA 2 - ± 5,750 SQ-FT 0-5% AVG. SLOPE
TOTAL = ±16,000 SQ-FT
(8,000 OUTDOOR, 8,000 MIXED LIGHTING)

LEGEND:

---	PROPERTY LINES
---	30' SETBACK
---	300' SETBACK
---	600' SETBACK
---	EXISTING GRAVEL ROAD
(E)	EXISTING
(P)	PROPOSED
---	DRAINAGE PATTERN
---	GRADING



VICINITY MAP N.T.S.



PROJECT INFORMATION

OWNER/APPLICANT:
JULIE WILLS
P.O. BOX 33
HONEYDEW, CA 95545
(707)986-8044

LOCATION:
A.P.N. 107-233-006

SETBACK: 30' PERIMETER

ZONING: UNCLASSIFIED

LOT SIZE: ±40 ACRES

DESCRIPTION: SPECIAL PERMIT FOR
±8,000 SF OF EXISTING OUTDOOR
CANNABIS CULTIVATION AND ±8,000
SF OF EXISTING MIXED LIGHT
CANNABIS CULTIVATION

DISCLAIMER:
MAPPING INFORMATION PROVIDED IS FOR HUMBOLDT
COUNTY PLANNING PERMITTING PURPOSES ONLY.
THIS SITE PLAN REFLECTS MANY MAPPING DETAILS THAT
ARE USEFUL
TO ASSURE THAT THE STRUCTURES ARE LOCATED
WITHIN THE PROPOSED CULTIVATION SITES.
HOWEVER, NONE OF THE INFORMATION
SHOWN IS IMPLIED
TO SUGGEST OR SUBSTITUTE FOR A CONTRACTED ACTUAL
LAND SURVEY.
A. M. BAIRD, ENGINEERING AND SURVEYING, INC. ASSUMES
NO RESPONSIBILITY ARISING FROM THE USE OF THIS
MAPPING INFORMATION FOR ANY PURPOSES OTHER THAN
SPECIFICALLY INTENDED FOR THE SEPTIC DESIGN.



NO.	DATE	DESCRIPTION	BY
5			
4			
3			
2			
1			

A.M. Baird
Engineering & Surveying
1257 Main St., P.O. Box 396, Fortuna, CA 95540
(707)725-5182



SCALE: AS SHOWN
DRAWN BY: M.J.N.
CHKD: A.M.B.
DATE: 08/08/16

JULIE WILLS
APN: 107-233-006
HUMBOLDT COUNTY, CA
COMMERCIAL MEDICAL MARIJUANA SITE PLAN
SITE PLAN

JOB NO. 16-4607

Page 19 of 1

SITE PLAN (DETAIL A)

February 15, 2018

ATTACHMENT 1
Recommended Conditions of Approval

Approval of the Conditional Use Permit is conditioned on the following terms and requirements which must be satisfied before THE PROVISIONAL CANNABIS CULTIVATION PERMIT CAN BE FINALIZED.

1. Within 60 days of project approval, the applicant shall execute a Compliance Agreement with the Humboldt County Planning Division detailing all necessary permits and infrastructure improvements described under Conditions of Approval # 2 – 15. The Agreement shall provide a timeline for completing all outstanding items. All activities detailed under the Agreement must be completed to the satisfaction of the Planning and Building Department before the permit may be finalized and no longer considered provisional.
2. The applicant shall secure Building Permits and/or clearances from the Building Inspection Division (BID) for all structures related to the cannabis cultivation and other commercial cannabis activity. A letter or similar communication from the BID verifying that all structures related to the cannabis cultivation are permitted will satisfy this condition.
3. The applicant shall complete and implement all corrective actions detailed in the Water Resource Protection Plan developed for the parcel, prepared pursuant to Tier 2 enrollment under the North Coast Regional Water Quality Control Board's (RWQCB) Cannabis Waste Discharge Regulatory Program, including those measures later determined necessary during annual and periodic site inspections in accordance with the monitoring element. A copy of the reporting 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 the requirements in the MRP have been met will satisfy this condition. [After July 31, 2019, plans and reporting shall conform to the Cannabis Cultivation Policy and Cannabis General Order adopted October 17, 2017 by the State Water Board.]
4. The conditions of the Division of Environmental Health (DEH) referral, date stamped June 13, 2017, by the Planning Division, shall be completed or secured to the satisfaction of that Division. A letter or similar communication from DEH verifying that all their requirements have been met will satisfy this condition.
5. The project area has been determined to have potential nesting, roosting, or foraging habitat for Northern Spotted Owl (*Strix occidentalis caurina*). The following avoidance and minimization measure shall be implemented:
 - a) No proposed activity generating noise levels 20 or more decibels above ambient noise levels or with maximum noise levels above 90 decibels may occur during the Northern Spotted Owl nesting season.
 - b) No human activities shall occur within a visual line-of – sight of 40 meters (131 feet) or less from a known nest location.
6. Noise generated from back-up emergency generator 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 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.

7. The applicant shall contact the local fire service provider [Honeydew Volunteer Fire Company] and furnish written documentation from that agency of the available emergency response and fire suppression services and any recommended project mitigation measures. Mitigation measures shall be incorporated into the project, if applicable. If emergency response and fire suppression services are not provided, the applicant shall cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning Division. Document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors will be required.
8. The applicant shall execute and file with the Planning Division the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the HCC and available at the Planning Division.
9. The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency (CUPA) 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.
10. The use of water bladders is not approved on a continual basis. Within two years of the date of approval the applicant shall exchange the existing water bladder for water tanks.
11. Greenhouses shall be constructed without improved floors that would preclude agricultural use of the underlying soil in accordance with Humboldt County Code section 314-69.1.1.2.
12. The Applicant shall provide a lighting plan demonstrating the proposed cultivation area would not deliver or have the potential to deliver light pollution, during the hours of sunset to sunrise, which may affect fish and/or wildlife directly, or from a distance. The plan shall be submitted to the satisfaction of the Planning Division within 6 months of the effective date of this permit, or prior to use of lighting, whichever occurs first.
13. The Applicant is responsible for obtaining all necessary County and State permits and licenses, and for meeting all of the requirements as set forth by other regulatory agencies.
14. The Applicant shall submit a Road Evaluation Report with photo documentation for the road segment from Panther Gap Road to the subject parcel per the October 25, 2017 memorandum from the Department of Public Works. If the road segment does not meet the access standard a report by a civil engineer describing necessary road improvements shall be provided subject to approval by the Department of Public Works and the required work completed to that Department's satisfaction.
15. The applicant shall provide 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, if the landowner has not completed a civil or criminal process and/or entered into a negotiated settlement with CAL-FIRE, the applicant shall secure the services of a registered professional forester (RPF) to evaluate site conditions and conversion history for the property and provide a written report to the Planning Division containing the RPF's recommendation as to remedial actions necessary to bring the conversion area into compliance with provisions of the Forest Practices Act. The Planning Division shall provide CAL-FIRE written Notice of Availability of the RPF's report. If CAL-FIRE takes no action within ten (10) days of the notice of availability, the report recommendations shall become final and shall be implemented by the applicant. If CAL-FIRE makes additional recommendations, these shall also be completed to the satisfaction of CAL-FIRE. A letter from the RPF, and written confirmation from CAL-FIRE (if additional requirements are imposed), verifying that all their requirements have been met will satisfy this condition.

16. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will provide a bill to the applicant after the decision. Any and all outstanding Planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.

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

1. All components of project shall be developed, operated, and maintained in conformance with the Cultivation and Operations Plan on file at the Planning Division and these conditions of approval. Changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan. If offsite processing is chosen to be the preferred method of processing, this permit shall be modified to identify the offsite licensed facility.
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 Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA), as applicable to the permit type.
3. If operating pursuant to a written approved compliance agreement, permittee shall abate or cure violations at the earliest feasible date, but in no event no more than two (2) years from the date of issuance of a provisional clearance or permit. Permittee shall provide plans for curing such violations to the Planning & Building Department within one (1) year of issuance of the provisional clearance or permit. If good faith effort towards compliance can be shown within the two years following the issuance of the provisional clearance or permit, The Planning Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow for additional time to meet the outstanding requirements.
4. Possession of a current, valid required license, or licenses, issued by any agency of the State of California in accordance with the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA), and regulations promulgated thereunder, as soon as such licenses become available.
5. Compliance with all statutes, regulations and requirements of the California State Water Resources Control Board and the Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration, as applicable.
6. Confinement of the area of cannabis cultivation, processing, manufacture or distribution to the locations depicted on the approved site plan. The commercial cannabis activity shall be set back at least 30 feet from any property line, and 600 feet from any School, School Bus Stop, Church or other Place of Religious Worship, Public Park, 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. 2015-0023, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
8. Comply with the terms of any applicable Streambed Alteration (1600) Permit obtained from the California Department of Fish & Wildlife.

9. 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).
10. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
11. The noise produced by a generator used for greenhouses ventilation shall not be audible by humans at 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 States 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 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. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).
14. Pay all applicable application, review for conformance with conditions and annual inspection fees.
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 MAUCRSA, 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:
 - a. Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.
 - b. Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
 - c. Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.
 - d. 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:
 - a. 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;

- b. Emergency action response planning as necessary;
- c. Employee accident reporting and investigation policies;
- d. Fire prevention;
- e. Hazard communication policies, including maintenance of material safety data sheets (MSDS);
- f. Materials handling policies;
- g. Job hazard analyses;
- h. Personal protective equipment policies, including respiratory protection;
- i. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
 - i. Operation manager contacts;
 - ii. Emergency responder contacts;
 - iii. Poison control contacts.
 - iv. 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; and
 - v. Onsite housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.

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

- a. Processing Practices;
- b. Location where processing will occur;
- c. Number of employees, if any;
- d. Employee Safety Practices;
- e. Toilet and handwashing facilities;
- f. Plumbing and/or septic system and whether or not the system is capable of handling increased usage;
- g. Drinking water for employees;
- h. Plan to minimize impact from increased road use resulting from processing; and
- i. On-site housing, if any.

24. Permit Duration. Any Commercial Cannabis Cultivation 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.

25. Acknowledgements to Remain in Full Force and Effect. Permittee Acknowledges that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed in which the cultivation area is located will not support diversions for irrigation.

Permittee further acknowledges and declares that:

- (1) All commercial cannabis activity that I, my agents, or employees conduct pursuant to a permit from the County of Humboldt for commercial cultivation, processing, manufacturing, and distribution of cannabis for adult use or medicinal use within the inland area of the County of Humboldt, shall at all times be conducted consistent with the provisions of the approved County permit; and
 - (2) All cannabis or cannabis products under my control, or the control of my agents or employees, and cultivated or manufactured pursuant to local Ordinance and the State of California Medicinal and Adult Use Cannabis Regulation and Safety Act ("MAUCRSA") (SB 94), will be distributed within the State of California; and
 - (3) All commercial cannabis activity conducted by me, or my agents or employees pursuant to a permit from the County of Humboldt will be conducted in compliance with the State of California MAUCRSA.
26. Transfers. Transfer of any leases or permits approved by this project is subject to the review and approval of the Planning Director for conformance with CMMLUO eligibility requirements, and agreement to permit terms and acknowledgments. The fee for required permit transfer review shall accompany the request. The request shall include the following information:
- (1) Identifying information for the new Owner(s) and management as required in an initial permit application;
 - (2) A written acknowledgment by the new Owner in accordance as required for the initial Permit application;
 - (3) The specific date on which the transfer is to occur; and
 - (4) Acknowledgement of full responsibility for complying with the existing Permit; and
 - (5) Execution of an Affidavit of Non-diversion of Medical Cannabis.
27. 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. If cultural resources are encountered during ground disturbing 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) (THPOs) 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.

The Native American Heritage Commission (NAHC) can provide information regarding the appropriate Tribal point(s) of contact for a specific area; the NAHC can be reached at 916-653-4082. 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

The applicant is responsible for receiving all necessary permits and/or approvals from other state and local agencies.

2. This permit approval shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"); except where construction under a valid building permit or use in reliance on the permit has commenced prior to such anniversary date. Once initiated, the use is subject to the Permit Duration and Renewal provisions set forth in Condition of Approval #24 of the On-Going Requirements /Development Restrictions, above. The period within which construction or use must be initially commenced may be extended as provided by Section 312-11.3 of the Humboldt County Code.
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, Section 312-17.1 of the Humboldt County Code (Required Findings for All Discretionary Permits) specifies the findings that are required to grant a Conditional Use Permit:

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

Staff Analysis of the Evidence Supporting the Required Findings: To approve this project, the Planning Commission 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 action is in conformance with all applicable policies and standards of the Humboldt County General Plan.

Plan Section(s)	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>Timberland</p>	<p>The Timberlands designation is utilized to classify land that is primarily suitable for the growing, harvesting and production of timber.</p> <p>Compatible uses include recreation, agriculture, single family residences, and cottage industries.</p> <p>Density Range: One (1) dwelling unit per 40 acres to one (1) dwelling unit per 160 acres.</p>	<p>The application would permit an existing commercial cannabis cultivation and processing operation. Cannabis cultivation is agriculture and is a principally permitted use.</p>
<p>Circulation Chapter 7</p>	<p>Goals and policies contained in this Chapter relate to a balanced, safe, efficient, accessible and convenient circulation system that is appropriate for each type of unincorporated community (C-G1, C-G2); coordinated planning design, development, operations, and maintenance between the County and other transportation system service providers (C-G3); and access for all transportation mode types with improved opportunities to move goods within, into and out of Humboldt County (C-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 public, county-maintained road (Panther Gap Road). Department of Public Works stated that the County roadway serving the subject parcel is adequate to accommodate the agricultural use. However, the private road segment serving the parcel was not evaluated in the Road Evaluation Report to show that it meets the standards for Road Category 4 (or Road Category 2 if serving only the subject parcel). The project is conditioned to require the submittal of the Road Evaluation Report and implementation of any improvements necessary to satisfy the minimum road standard.</p>

Housing Chapter 8	Goals and policies contained in this Element seek to identify existing and projected housing needs and establish goals, policies, standards and measures for the preservation, improvement, and development of housing.	The project does not involve residential development, nor is the project site part of the Housing element Residential Land Inventory. However, the project will not preclude any future residential development. The project will not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.
Conservation and Open Space Chapter 10 Open Space Section 10.2	Goals and policies contained in this Chapter relate to an Open Space and Conservation Program that is complimentary to other agencies' plans and that preserves the county's unique open spaces (CO-G1, CO-G3) Related policies: CO-P1, Conservation and Open Space Program; CO-P4, Support for Working Lands; CO-S1. Identification of Local Open Space Plan; and CO-S2, Identification of the Open Space Action Program.	The County's Local Open Space Plan includes goals, policies, and standards for the managed production of resources, including timberland resources, as described in the Land Use Element of the General Plan. The Forest Resources section of the Land Use Element calls for timberlands to be protected from encroachment and managed for inclusion of compatible uses. The project conforms to these policies by continuing and permitting an existing agricultural use and by ensuring that appropriate performance standards are met in order to avoid adverse impacts or conflicts with continued timber production and other land uses in the vicinity. The project is located on a parcel with existing development of commercial cannabis cultivation and appurtenant facilities, which occupy approximately 1.8 acres of the 40 acre timbered parcel.
Conservation and Open Space Chapter 10 Biological Resources Section 10.3	Goals and policies contained in this Chapter relate to mapped sensitive habitat areas where policies are applied to protect fish and wildlife and facilitate the recovery of Threatened and Endangered Species (BR-G1), Sensitive and Critical Habitat (BR-G2), and Benefits of Biological Resources (BR-G30) Related policies: BR-P1, Compatible Land Uses.	The Biological Resource maps of the General Plan do not identify any sensitive or critical habitat areas on the project site.

<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 (CU-P1)</p> <p>Related policies: Identification and Protection (CU-P1), and Native American Tribal Consultation (CU-P2)</p>	<p>The project was referred to the Northwest Information Center (NWIC) and the Bear River Band of the Rohnerville Rancheria.</p> <p>The THPO of the Bear River Band of the Rohnerville Rancheria reviewed the investigation and recommend use of the standard inadvertent archaeological discovery language because the project parcel is not particularly sensitive. This requirement has been added to the conditions of approval to this permit.</p>
<p>Conservation and Open Space Chapter 10</p> <p>Scenic Resources Section 10.7</p>	<p>Goals and policies contained in this Chapter relate to the protection of scenic areas that contribute to the enjoyment of Humboldt County's beauty and abundant natural resources (SR-G1); and a system of scenic highways roadways that increase the enjoyment of, and opportunities for, recreational and cultural pursuits and tourism in the County (SR-G2)</p> <p>Related policies: SR-S4. Light and Glare.</p>	<p>The project is on a parcel with existing development of commercial cannabis cultivation and appurtenant facilities. The project infrastructure is not visible from the public road (Panther Gap Road). However, the cultivation operation includes 8,000 sq. ft. of mixed-light cultivation. The Department of Fish and Wildlife has commented that the cultivation area may or will have the potential to deliver light pollution, during the hours of sunset to sunrise, which may affect wildlife directly or from a distance, including the Northern Spotted Owl (NSO). A known NSO observation has been recorded within 6,000 feet of the cultivation area. For this reason, a Lighting Plan has been made a condition of approval.</p>

<p>Water Resources Chapter 11</p> <p>Stormwater Drainage and Onsite Wastewater Systems</p>	<p>Goals and policies contained in this Chapter relate to coordinated watershed planning and land use decision making to advance management priorities (WR-G3, WR-G4, WR-G5); watershed conservation and restoration efforts aimed at delisting water bodies and watersheds which are restored to meet all beneficial uses, including water use, salmon and steelhead recovery plans, recreational activities, the economy (WR-G1, WR-G2, WR-G6, WR-G7, WR-G8, WR-G9), onsite wastewater systems and wastewater management (WR-G11).</p> <p>Related policies: Erosion and Sediment Discharge (WR-P10); Erosion and Sediment Control Measures (WR-P42); and Onsite wastewater pollution (IS-P17).</p>	<p>Pacific Watershed Associates prepared a Water Resources Protection Plan (WRPP) for the project site. The WRPP determined that the site meets all standards relating to stormwater drainage, runoff, and erosion and that no corrective or remedial actions are needed.</p> <p>A.M. Baird Engineering provided a septic disposal design for an onsite wastewater treatment system (OWTS) to serve the property/processing facility. The report concluded that the site can accommodate the proposed OWTS.</p>
<p>Noise Chapter 13</p>	<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: Minimize Noise from Stationary and Mobile Sources (N-P1); Protection from Excessive Noise (N-P4).</p>	<p>The subject parcel is located in an area that supports habitat for the Northern Spotted Owl (NSO) and the project power source is primarily by generators, special noise attenuation measures are required. Honda EU3000iS generators provide electricity for the greenhouses' ventilation system and are used daily from 10 am to 7 pm. The manufacturer's specifications indicate a measured noise level of 58 dB at a distance of 9 feet from the generator. This is compliant with of the CMMLUO.</p>

<p>Safety Element Chapter 14</p> <p>Components include:</p> <p>Geologic/Seismic Hazards;</p> <p>Flooding and Drainage;</p> <p>Fire Hazards;</p> <p>Airport Safety;</p> <p>Industrial Hazards;</p> <p>Emergency Management</p>	<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; 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); encourage development designed to reduce the risk of structural and wildland fires supported by fire protection services that minimize the potential for loss of life, property, and natural resources (S-G4)</p> <p>Related policies: S-P1, Reduce the Potential for Loss; S-P7, Structural Hazards; S-P11, Site Suitability; S-P12, Federal Flood Insurance Program; S-P19, Conformance with State Responsibility Areas (SRA) Fire Safe Regulations</p>	<p>The subject parcel is in an area shown as moderate slope instability and high fire danger; however, the proposed action would permit an existing activity that does not propose any substantial new development. The site is located in the Honeydew Fire Response Area and the State Responsibility Area (SRA). All structures are setback at least 30 feet from the property lines.</p> <p>The cultivation area is located on a site within the property that has been graded and is relatively flat. The cultivation areas are located on less than 10 percent slopes. The property as whole is located on hilly terrain, with slopes ranging from 30 percent to 50 percent. The potential for mudslide or landslide is considered low.</p> <p>The site is located in the Garberville-Briceland fault zone. The site is not located within the Alquist-Priolo Fault Hazard Zone.</p> <p>The Humboldt County Building Inspection Division requested that the Applicant provide floor plans for all greenhouses and structures with a nexus to the cannabis activities. These have been included as Conditions of Approval.</p> <p>The Building Inspection Division also requested that the Applicant secure grading permit for any grading that has been done on the property. This request has been included as a Condition of Approval.</p> <p>The site does not fall within a 100-year or 500-year flood zone.</p> <p>Being approximately 15 miles from the coast and 2,600 feet in elevation, the property is not subject to inundation from tsunami or an upstream dam.</p>
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<p>Air Quality Chapter 15</p>	<p>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)</p> <p>Related policies: AQ-P1, Reduce Length and Frequency of Vehicle Trips; AQ-P4, Construction and Grading Dust Control; AQ-P14, Solar Electric System Capacity</p>	<p>The project is an existing cannabis cultivation and processing activity that has one (1) employee living onsite. The water well pumps are powered by solar electric. Honda EU3000iS generators provide electricity for the greenhouses' ventilation system and are used daily from 10 am to 7. The energy efficient generators are not expected to substantially increase particulate matter or greenhouse gas emissions or degrade air quality.</p>
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2. The proposed development is consistent with the purposes of the existing zone in which the site is located; and 3. The proposed development conforms with all applicable standards and requirements of these regulations. The following table identifies the evidence which supports finding that the proposed development is in conformance with all applicable policies and standards in the Humboldt County Zoning Regulations.

Zoning Section	Summary of Applicable Requirement	Evidence
<p>§314-8.1 Unclassified (U)</p> <p>§314-55.4.8.2 §314-55.4.8.2.2</p>	<p>General agricultural uses are principal compatible uses.</p> <p>In all zones consisting of timberland, cultivation shall be permitted in a 3-acre conversion exemption area or in non-timberland open area.</p> <p>The total cultivation area shall not exceed 1 acre for outdoor cultivation and 22,000 square feet for mixed-light.</p>	<p>The proposed action would permit an existing commercial cannabis cultivation and processing operation in existence prior to January 1, 2016. The existing cultivation area totals 16,000 SF occurring in five (5) greenhouses.</p> <p>Air photo imagery shows the conversion of forest canopy between 2005 and 2010 which now correspond with on-site cannabis activities. The Applicant will be required to show evidence of a prior 3-acre conversion exemption from CAL-FIRE or retain a Registered Professional Forester (RPF) to prepare a report identifying any remedial actions necessary to bring the conversion into compliance with the Forest Practice Rules as a Condition of Approval. Any recommendations prepared by the RPF will be subject to review and approval by CAL-FIRE.</p>

Zoning Section	Summary of Applicable Requirement	Evidence
Min. Lot Area:	6,000 square feet	Subject parcel is approximately 40 acres
Max. Lot Coverage:	40%	Substantially less than 40%
Min. Yard Setbacks	SRA requirements require 30 feet from all parcel boundaries	All greater than 30 feet
Max. Building Height:	None specified	Meets standard
§314-109.1.3.3: Off-Street Parking:	None specified	Onsite parking provided
314-55.4 Commercial Cultivation, Processing, Manufacturing and Distribution of Cannabis for Medical Use Inland Land Use Regulation (CMMLUO)		
§314-55.4.8.2.2 Existing Outdoor Cultivation and Mixed Light Areas	A Zoning Clearance Certificate, Special Permit or Use Permit may be issued for outdoor or mixed-light commercial cannabis cultivation for some or all of the cultivation area in existence prior to January 1, 2016, in...U zoning districts (on parcels of one acre or larger) only when possible to bring them into compliance with all applicable standards set forth in this section and to eliminate existing violations as specified in this ordinance. No expansion of the existing cultivation area shall be permitted. The total cultivation area allowed on a single parcel shall not exceed one acre for outdoor cultivation.	The proposed action will permit an existing cannabis cultivation area of sixteen-thousand (16,000) SF on a parcel zoned U. No expansion of the cultivation area is proposed. New greenhouses may be constructed in existing cultivation areas.
§314-55.4.8.10 Permit Limit	No more than four commercial cannabis activity permits may be issued to a single person.	According to records maintained by the Department, the applicant holds no other cannabis activity permits.

Zoning Section	Summary of Applicable Requirement	Evidence
314-55.4.9.4 Pre-Application Registration	All operators of existing cultivation sites seeking recognition of cultivation activities that occurred on or before January 1, 2016, for purposes of obtaining a Zoning Clearance Certificate or discretionary permit for ongoing commercial cannabis cultivation for medical use pursuant to the CMMLUO shall register with the County of Humboldt Department of Planning & Building within 180 days of the effective date of this ordinance.	The applicant submitted the required registration form.
§314-55.4.10 Application Requirements	Identifies the Information Required for All Applications	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.
§314-55.4.17 Sunset Date	No application for any Use Permit pursuant to the CMMLUO shall be processed for issuance or approval that is received after December 31, 2016.	The County acknowledges that the applicant met the appropriate deadline requirements.

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

Code Section	Summary of Applicable Requirement	Evidence that Supports the Required Finding
§312-17.1.4 Permit Findings	The proposed development will not be detrimental to the public health, safety and welfare, and will not be materially injurious to properties or improvements in the vicinity.	The proposed action would permit an existing cannabis cultivation operation on a parcel with no immediate neighbors. Permitting the operation would not result in any change to existing conditions that would be detrimental to the public health, safety, and welfare.

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

Code Section	Summary of Applicable Requirement	Evidence that Supports the Required Finding
312-17.1.5 Housing Element Densities	The proposed development 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), 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.	The proposed project involves an existing commercial cannabis cultivation and does not propose any new residences on the subject parcel. The parcel is zoned U and therefore, was not included in the Housing Inventory.

6. Environmental Impact:

Consistent with the California Environmental Quality Act (CEQA), the project was evaluated for any potential adverse effects on the environment. Based on a site inspection, information in the application, a review of relevant references in the Department, and comments from affected agencies, staff has determined that there is no evidence before the Department that the project could have any adverse effect, either individually or cumulatively, on the environment.

The project has been determined to be exempt from CEQA pursuant to Section 15301 – Existing Facilities, 15303 – New Construction or Conversion of Small Structures, and 15304 – Minor Alterations to Land of the Guidelines for the Implementation of CEQA. Section 15301 exempts from environmental review the permitting of existing facilities involving negligible or no expansion of an existing use. Section 15303 exempts from environmental review the permitting of construction of limited numbers of new small facilities or the conversion of existing small appurtenant structures from one use to another. Section 15304 exempts from environmental review the permitting of minor alterations to land including gardening and landscaping. The proposed action would permit an existing commercial medicinal cannabis cultivation and on-site processing operation with no expansion of the existing use.

ATTACHMENT 3

Applicant's Evidence in Support of the Required Findings

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

1. The name, contact address and phone number(s) of the applicant. (Application form on file)
2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. (On file)
3. Site plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including: access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within ¼ mile (1,320 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 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. (Attachment 3)
5. Copy of the statement of water diversion, or other permit, license or registration filed with the State Water Resources Control Board (WRCB), Division of Water Rights, if applicable. (Not applicable)
6. Description of water source, storage, irrigation plan, and projected water usage. (Attachment 3)
7. Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the NCRWQCB demonstrating enrollment in Tier 1, 2 or 3, NCRWQCB Order No. 2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (On File)
8. If the source of water is a well, a copy of the County well permit, if available. (Attachment 3)
9. 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. (Condition of Approval)

10. Consent for onsite inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. (On file)
11. 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)
12. 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)
13. Cultivation and Water Usage (On File)
14. Well completion log (On File)
15. Storm Water Prevention Plan. (On file)
16. Floor plans of cabin and greenhouses. (On file)
17. Erosion Control Plan. (On file)
18. Waste Disposal Plan. (On file)

Reliable Organic Farms, LLC
Site Address APN# 107-233-006
1 Panther Gap Road

Cultivation and Operations Manual

Reliable Organic Farms considers being able to come into compliance of County and State laws a privilege of great magnitude. I am being excited to apply for commercial cannabis cultivation in Humboldt County. With minimal impact to the environment, I look forward to partnering with Humboldt County to produce high quality sun grown cannabis.

Reliable Organic Farms will vigilantly adhere to all guidelines set by the CMMLVO. Reliable Organic Farms will simultaneously integrate practice supporting the local economy. I am very grateful for the opportunity to change the direction of the industry and participate in the process. I sincerely hope for the opportunity to do so with your blessing. Having owned property and lived in Humboldt County since 1984, I am excited, hopeful, and thankful for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Julie Wills". The signature is written in dark ink and is positioned to the right of the word "Sincerely,".

Julie Wills

Reliable Organic Farms, LLC
APN:107-223-006
1 Panther Gap Road

Description Of Water Storage

My water source consists of one abundant solar pumping well with a flow meter to make monthly reports to the State Board in regards to monthly water use. Reliable Organic Farms uses water monthly from May to October. I have no plans to use surface water in the cultivation process. Reliable Organic Farms has 29,000 gallons of water storage; including a water bag and water storage tanks.

Reliable Organic Farms, LLC
APN: 107-233-006
1 Panther Gap Road

Irrigation Plan

Reliable Organic Farms is aware of the importance of water conservation. All plants are watered by hand in an effective manner to avoid water waste. Cultivators are instructed on proper water irrigation process avoiding wasting water.

Reliable Organic Farms, LLC
APN: 107-223-006
1 Panther Gap Road

Measures Taken To Ensure The Protection Of Wildlife

Reliable Organic Farms is a seasonal residence, and borders State Park on two sides, providing an 80 acre corridor for wildlife (bear, coyote, fox, quail), and a variety of cats (bob cats, civet cats, and mountain lions) to access the 53,000 acres of Humboldt Redwoods State Park from the King's Range Wilderness Area.

Cultivators/ workers are advised to not disturb wildlife that they encounter on the property. Vehicles are not permitted off road to avoid/ prevent erosion, and to avoid damaging native vegetation and habitats. No firearms are permitted by Reliable Organic Farms.

For anti-erosion protocols see Baird Engineering.

Description of Cultivator Activities

Reliable Organic Farms is an outdoor mixed light greenhouse cultivation. The grow consists of five plastic covered greenhouses. Lighting is used only in the beginning of the season. No light dep is used. One yearly harvest is the practice used.

Storage/ Use of Fertilizers and Pesticides

Reliable Organic Farms is an organic farm using minimal use of pesticides and never any use on flowering plants. Chemicals are stored in a locked shipping container to ensure a non polluted, controlled safe environment. Unauthorized access is insured by locked secure container.

In the event that chemicals must be used protective clothing (protective suits, gloves, face protection, and ventilation) are provided to cultivators. Reliable Organic Farms does not use rodenticides.

Site drainage including runoff and control measures – see Baird Engineering

Reliable Organic Farms, LLC
APN:107-223-006
1 Panther Gap Road

Cultivation Cycles and Projected General Use

Reliable Organic Farms harvests once annually, with the cycle going from May – October. Generator use is compliant with current California regulations in regard to placement, exhaust, and noise control. Generators are used for airflow. They are portable Honda generators, running from 10 am to 7 pm. There is the possibility of bringing in PG&E commercial power, thusly eliminating the use of generators.

It is a must that cultivators comply with all State and Local laws concerning Agricultural Employers. Responsibility for maintaining sanitary conditions including Equipment and preventing contamination is that of the cultivator.

Reliable Organic Farms, LLC
APN: 107-233-006
1 Panther Gap Road

PROCESSING PLAN

All processing is done on site in my processing center which is an 820 sq. ft. building. It is a clean and dry structure which has ADA compliant bath rooms, hand washing stations with safe drinking water available.

Workers will be required to receive proper training on safety and cannabis handling protocol. Gloves and face masks are provided.

After harvesting cannabis, the product is hung to dry and cure in the processing center. The process usually takes 7 to 10 days. After drying a trimming machine is used as it is efficient in producing a quality product, and requires less processors. Strict practices are taken to prevent contamination from bacteria, mold, and mildew. Product is tested for further microbes. Pending that test, the product is distributed legally through True Humboldt.

Reliable Organic Farms, LLC
APN: 107-233-006
1 Panther Gap Road

Schedule of Cultivation Activities

May/ June purchase of clones and acclimate them. Water and fertilize clones.

July – water, fertilize pot plants as needed. Put clear plastic back on greenhouse frames.

In regard to big leaf plants, pull off excess sun leaf.

August – continue water and fertilizers. Full term cycle plant maintenance.

September – water and fertilizers as needed. Mouse traps are the only source of pest control.

October/ November. See processing plan. Upon harvest completion plastic is removed from greenhouse frame, and the property is prepared for the off season.

Reliable Organic Farms, LLC
ADN: 107-223-006
1 Panther Gap Road

Security Plan

Reliable Organic Farms is located behind a locked gate. Access is available to only those with deeded permission. Also there will be a security camera at the gate and one at the cabin. In addition there will be a seasonal worker living on site.

Reliable Organic Farms, LLC
ADN: 107-223-006
1 Panther Gap Road

Square Footage/ Greenhouse Amendment

Please see Baird Engineering Site Plan and aerial photo from 2014 as proof of greenhouse 5 is 2,350 square feet, expanding square footage total to 16,000 square feet canopy.

Thank You,

A handwritten signature in cursive script that reads "Julie Wills".

Julie Wills

ATTACHMENT 4

Referral Agency Comments and Recommendations

Referral Agency	Response	Recommendation	On File
County Building Inspection Division	✓	Conditional Approval	✓
County Public Works, Land Use Division	✓	Conditional Approval	✓
County Division of Environmental Health	✓	Conditional approval	✓
CALFIRE	✓	Standard input letter	✓
NWIC	✓	Archeology study	✓
Bear River Band of the Rohnerville Rancheria	✓	Condition with inadvertent discovery protocol	✓
North Coast Regional Water Quality Control Board		None received	
Department of Fish and Wildlife	✓	Provided Comments	✓
Regional Water Quality Control Board		None received	
Humboldt County District Attorney		None received	
Humboldt County Agriculture Commissioner		None received	
Humboldt County Sheriff		None received	