



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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

Hearing Date: March 1, 2018

To: Humboldt County Planning Commission

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

Subject: **Robert Trell Messenger, Conditional Use Permit**
Application Number 11909
Case Number CUP-16-443
Assessor's Parcel Number (APNs) 220-031-010
2715 Ettersburg-Honeydew Road, Garberville, CA. 95560

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Attachment 4: Referral Agency Comments and Recommendations

Please contact Keenan Hilton, Planner, at 707-268-3722 or by email at khilton@co.humboldt.ca.us if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
March 1, 2018	Conditional Use Permit	Keenan Hilton, Planner

Project Description Robert Trell Messenger is seeking a Conditional Use Permit (CUP) for an existing 14,000 square foot (sf) outdoor commercial cannabis cultivation operation located on Assessor's Parcel Number (APN) 220-031-010, which is approximately 31.5 acres in size. Cultivation approval sought under this CUP includes two cultivation areas. The south cultivation area consists of 5,000 sf of outdoor cultivation; the north cultivation area consists of 9,000-sf of outdoor cultivation. Water for irrigation is sourced from an on-site, permitted well. Water storage consists of seven (7) 5,000-gallon hard storage tanks, one (1) 1,500-gallon hard storage tank and one (1) 350 gallon mixing tank for a total of 36,850 gallons of water storage capacity. The Applicant estimates 98,500 gallons of water use annually for cultivation. Irrigation is accomplished by use of drip lines. Occasional hand watering may be employed if needed. Cultivation operations occur from March to November, with one harvest occurring in October. The applicant proposes on-site processing in the barn, but until all necessary testing and permitting has occurred processing will be performed by a licensed 3rd party. There will be four employees needed for cultivation during peak operations. Pacific Gas and Electric (PG&E) is the primary source of power for the parcel.

Project Location: The project site is located in Humboldt County in the Ettersburg area, on the east side and adjacent to Ettersburg-Honeydew Road, approximately 2.57 miles north from the intersection of Briceland Thorne Road and Ettersburg-Honeydew Road, on the property known as 2715 Ettersburg-Honeydew Road.

Present Plan Land Use Designations: Residential Agriculture-Minimum parcel size 40 acres (RA40), Humboldt County General Plan (GP), Density: 40 acres per dwelling unit, Slope Stability: Moderate Instability (2).

Present Zoning: Unclassified (U).

Application Number: 11909

Case Number: CUP16-443

Assessor Parcel Numbers: 220-031-010

Applicant

Robert Trell Messenger
PO Box 815
Redway, CA 95560

Owner

Mark and Sheryl Speer
1879 Redwood Valley Street
Henderson, NV 89052

Agent

Timberland Resource Consultants
Ana Canter
165 S. Fortuna Boulevard
Fortuna, CA 95540
707-725-1897
acanter@timberlandresource.com

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

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

Major Issues: None

ROBERT TRELL MESSENGER
Case Number CUP-16-443
Assessor's Parcel Numbers 220-031-010

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 and 15303 of the State CEQA Guidelines, make all of the required findings for approval of the Conditional Use Permit based on evidence in the staff report and any public testimony, and adopt the Resolution approving the proposed Robert Trell Messenger project subject to the recommended conditions.

Executive Summary: Robert Trell Messenger Commercial Cannabis Cultivation Project (Project) seeks approval of a Conditional Use Permit (CUP) in compliance with the County Commercial Medical Marijuana Land Use Ordinance (CMMLUO). The CUP would allow for the continuation of an existing, full-term sunlight outdoor commercial cannabis cultivation operation located on Assessor's Parcel Number (APN) 220-031-010, which is approximately 17 acres in size. The approximately 31.5-acre property used for commercial cultivation activity is zoned Unclassified (U). The CMMLUO identifies U-zoned parcels 5 acres or larger as sites where existing cannabis cultivation activities could be allowed. Outdoor cultivation up to 43,560 sf is allowed subject to the issuance of a CUP.

Historic cultivation on the subject parcel occurred at two separate areas which were both located in the residential developed clearing. One site was approximately 9,000 sf and the other was 5,000 sf. However, during the 2017 growing season the Applicant performed an unpermitted on-site relocation, combining the two cultivation areas into a single 14,000 square foot area. Relocation of existing cultivations to another portion of a site may be allowed when it can be demonstrated the relocated site is an environmentally superior location. The applicant was given the opportunity to prepare findings to demonstrate the environmentally superior nature of combining the cultivation sites into single area, but chose to seek approval of the pre- 2016 locations to expedite the project to hearing. The Applicant proposes to restore the area disturbed by the relocation and re-implement the pre-2016 configuration. The slope of the cultivation areas is less than 15 percent. The applicant proposes on-site processing, but until all necessary testing and permitting has occurred, processing will be performed by a licensed 3rd party. The Applicant will participate in the Track and Trace program.

A 2,000-sf single-family dwelling, 1,400-sf shop/barn with septic, 860-sf apartment, and garage are located on the subject parcel. Normal day to day operations are carried out by individuals residing on the subject parcel. After all necessary testing and permitting has occurred, processing operations will be conducted such that all surfaces, equipment, and utensils which come into contact with harvested product are maintained in a clean, sanitary condition at all times.

Water for cultivation activities will be supplied via a permitted on-site well (Permit No. 15/16-0194). Water storage consists of seven (7) 5,000-gallon hard tank storage, one (1) 1,500-gallon hard tank storage, and one (1) 350-gallon mixing tank for a total of 36,850 gallons of water storage capacity. The anticipated annual water use is 98,500 gallons. The applicant has enrolled in the North Coast Regional Water Quality Control Board (NCRWQCB) Cannabis Waste Discharge Regulatory Program as a Tier 2 discharger (WDID# 1B161215CHUM). There are two Class III watercourses on

the property, both of which are unnamed tributaries to Blue Slide Creek, which is a tributary to Mattole River. Both watercourses are located over 350 feet from the cultivation operation.

Irrigation is accomplished by use of drip lines. The flow to drip lines is regulated by timers and adjusted for maximum efficiency taking into consideration temperature, plant demand, etc. Water delivery throughout the system is monitored on a regular basis to ensure proper function and water use. Mulch is placed as a top dressing to optimize soil water retention. Occasional hand watering may be employed if needed. Irrigation runoff from cultivation operation is minimized by use of a drip irrigation system which prevents overwatering or residual discharge of nutrient solutions outside of the targeted root zone.

The Applicant has prepared a Water Resource Protection Plan (WRPP) that is required for Tier 2 enrollment in the NCRWQCB Cannabis Waste Discharge Regulatory Program. The professionally prepared WRPP outlines how the Applicant will come into compliance with existing regulations.

The Applicant does not propose the use of pesticides or herbicides. The Applicant lists all fertilizers and amendments in the Cultivation and Operations Plan. Soil is managed, re-furbished and reused. All compostable materials will be stored in a small area equipped with perimeter and top containment to prevent movement. All materials unsuitable for composting are stored in trash containers with domestic garbage on site. Waste is hauled to Redway Transfer Station as needed.

Electrical power is supplied to the subject parcel by Pacific Gas and Electric. No generators are used for the cannabis cultivation or processing.

The materials submitted with the application include a Security Plan that describes that access to the parcel is restricted by a locked metal gate at the driveway entrance. The gate is kept locked at all times. Also, the property owner/occupants are normally present on the parcel.

There are no schools, places of worship, public parks, or known easements or tribal cultural resources within 600 feet of the cultivation area.

The parcel takes access directly from a County Maintained road. The Department of Public Works is requiring improvements to the driveway apron as noted in the Conditions of Approval and the Public Works Memo included in Attachment 4.

Environmental review for this Project was conducted and based on the results of that analysis, staff believes the existing cultivation operation can be considered to be "Existing Facilities" as defined by Section 15301 of the California Environmental Quality Act (CEQA) Guidelines because it consists of "the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination." Additionally, the conversion of the shop/barn to a processing facility may be considered "New Construction or Conversion of Small Structures" as defined by Section 15303 of the State CEQA Guidelines.

There is no substantial evidence of potentially significant adverse environmental effects resulting from the permitting of a recognized legal agricultural use (commercial cultivation of marijuana) on property zoned U, with slopes less than 15%, along with a permitted source of irrigation water.

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

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

The Commission could also decide the project may have environmental impacts that would require further environmental review pursuant to CEQA. Staff did not identify any potential impacts. As Lead Agency, the Department has determined that the Project is Categorically Exempt under the two 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-16-443
Assessor Parcel Numbers: 220-031-010**

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

WHEREAS, Robert Trell Messenger submitted an application and evidence in support of approving a Conditional Use Permit to permit fourteen thousand (14,000) square feet of existing outdoor commercial cannabis cultivation, in two areas of 9,000 sq. ft. and 5,000 sq. ft. in size located on APN 220-031-010; 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 categorically exempt from environmental review pursuant to Class 1, 15301 (Existing Facilities) and Class 3, 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 Conditional Use Permit (Case Number CUP-16-443); and

WHEREAS, a public hearing was held on the matter before the Humboldt County Planning Commission on March 1, 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 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
2. The findings in Attachment 2 of the Planning Commission staff report for Case Number CUP-16-443 support approval of the project based on the submitted substantial evidence; and
3. Approves the Conditional Use Permit CUP-16-443 as recommended and conditioned in Attachment 1 for Case Number CUP-16-443.

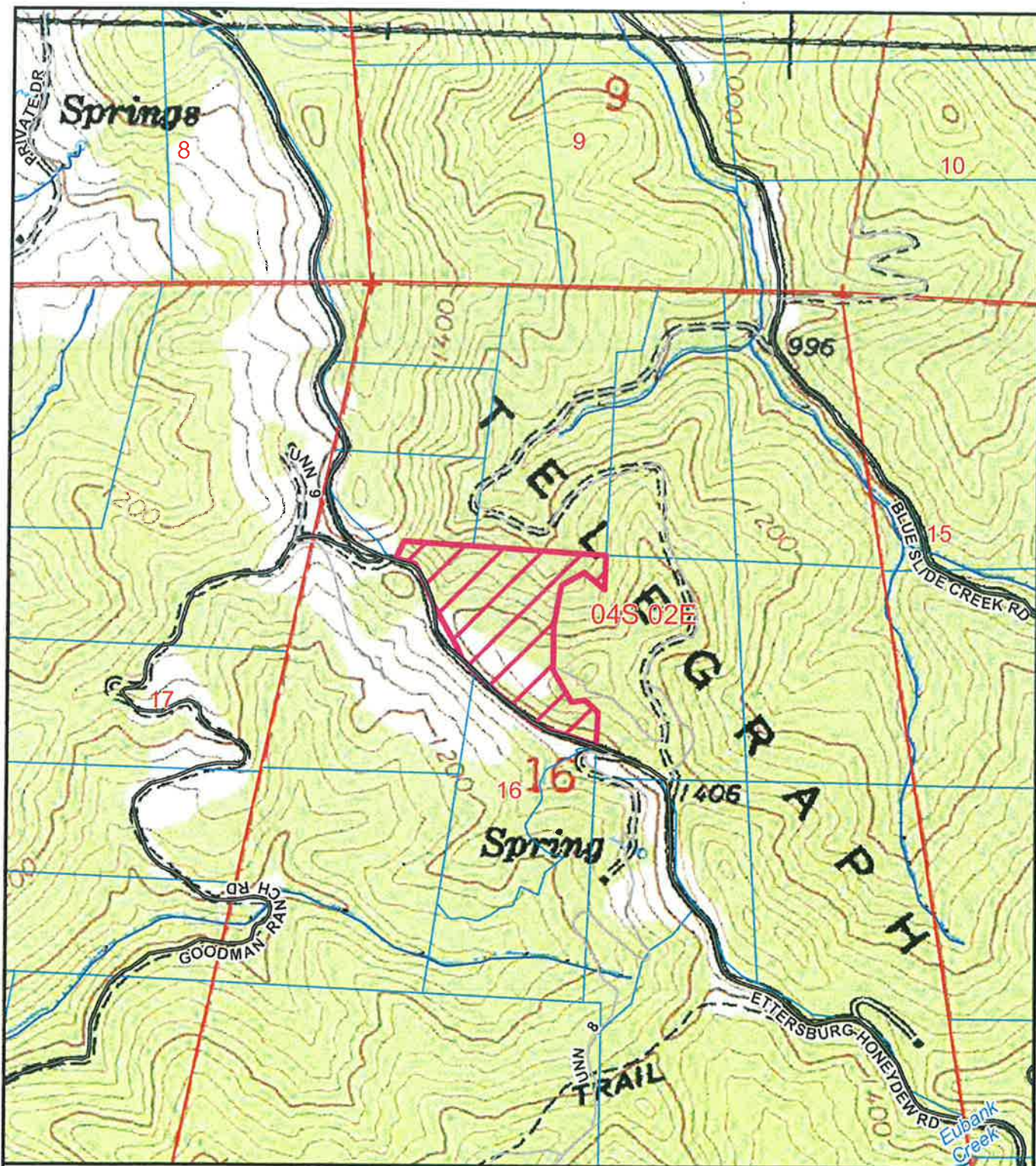
Adopted after review and consideration of all the evidence on March 1, 2018.

The motion was made by Commissioner _____ and seconded by Commissioner _____:

AYES: Commissioners:
NOES: Commissioners:
ABSTAIN: Commissioners:
ABSENT: 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



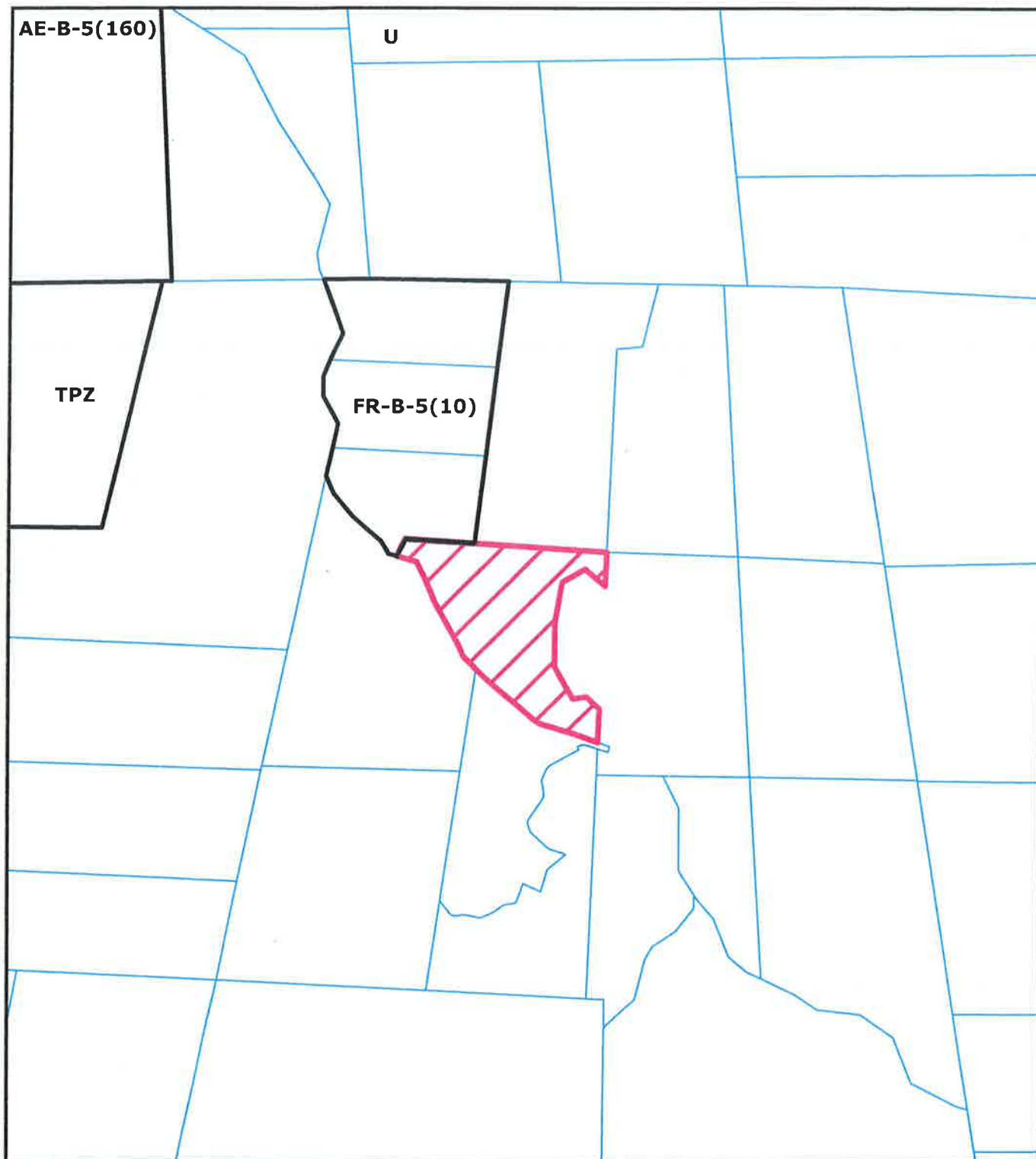
TOPO MAP
PROPOSED ROBERT TRELL MESSENGER
ETTERSBURG AREA
CUP-16-443
APN: 220-031-010
T04S R02E S16 HB&M (BRICELAND)

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.



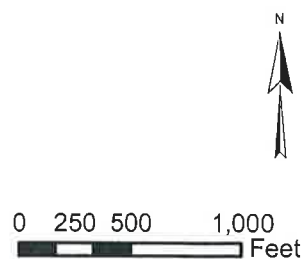
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**TOPO MAP
PROPOSED ROBERT TRELL MESSENGER
ETTERSBURG AREA
CUP-16-443
APN: 220-031-010
T04S R02E S16 HB&M (BRICELAND)**

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 ROBERT TRELL MESSENGER
ETTERSBURG AREA
CUP-16-443
APN: 220-031-010
T04S R02E S16 HB&M (BRICELAND)**

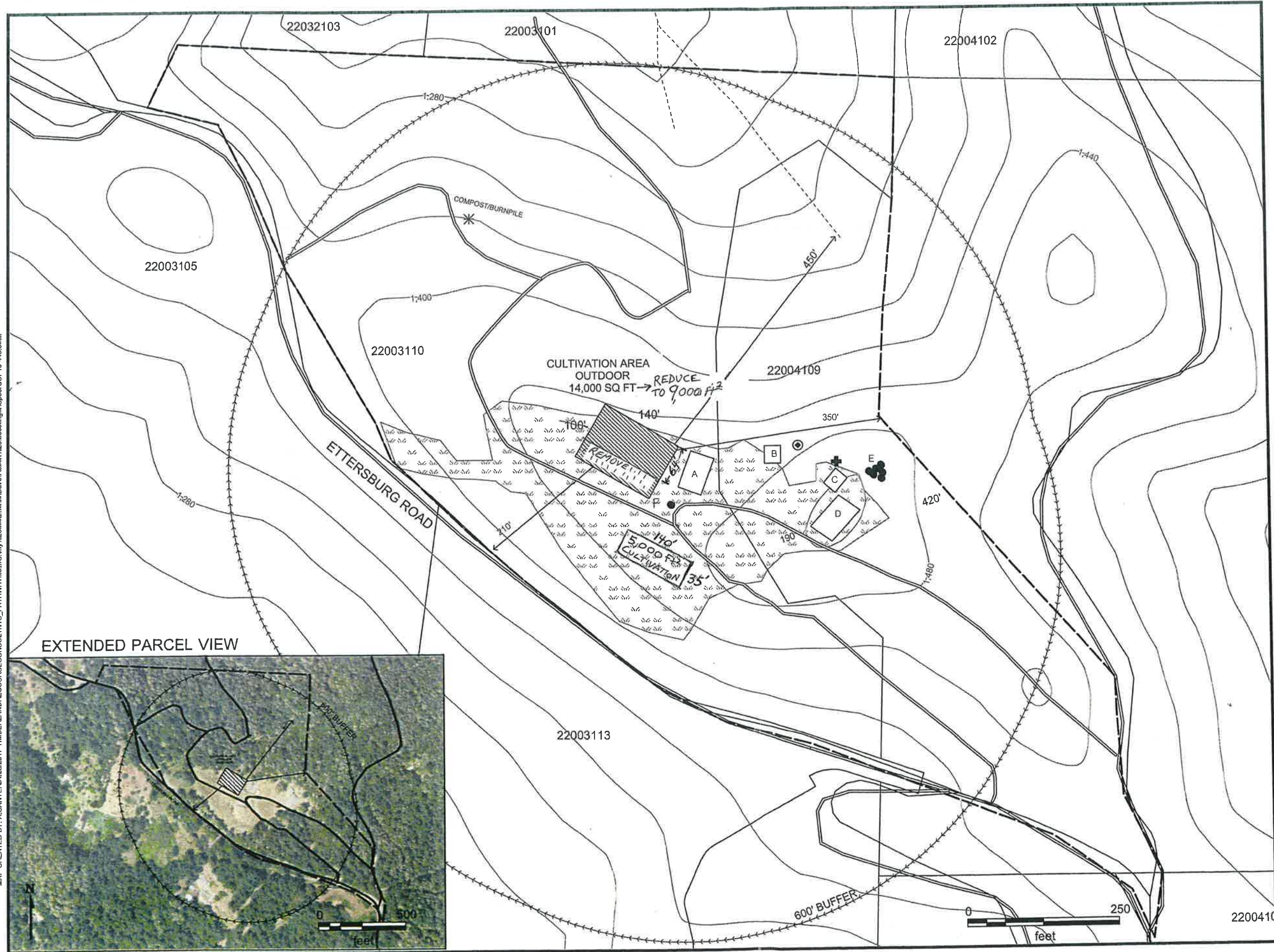
Project Area = 

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

MAP CREATED BY: A.CANTERO/04/26/2017 TIMBERLANDRESOURCECONSULTANTS_PATHWAY\TILES\JIS\my%20documents\Dave\Robert%20Messenger\SpecCUP-16-443.docx



- CULTIVATION AREA
- PROPERTY BOUNDARY
- EXISTING STRUCTURES
- CLEARING/MEADOW
- WATER STORAGE
- 250 GAL PROPANE TANK
- CLASS III WATERCOURSE
- WELL

- A. SHOP/BARN 1400 SQ FT (1997) septic installed
- B. RESIDENCE 860 SQ FT (2015)
- C. GARAGE
- D. MAIN RESIDENCE 2000 SQ FT (1997)
- E. WATER STORAGE TANKS SIX 5,000 GALLON (1997)
- F. WATER STORAGE TANKS ONE 5,000 GAL, ONE 350 MIX TANK AND ONE 1500 GAL (1997)

APPLICANT: TRELL MESSENGER
APN: 220-031-110
LOT SIZE: 31.5 ACRES
ZONING: U-UNCLASSIFIED
CULTIVATION AREA: UP TO 14,000 SQ FT OUTDOOR

DIRECTIONS TO SITE:
DRIVING SOUTH ON US HWY 101
TAKE EXIT 642 FOR REDWOOD DRIVE TOWARD REDWAY
IN 0.2 MI CONTINUE ONTO REDWOOD DR
IN 1.8 MI TURN RIGHT ONTO BRICELAND THORN RD
IN 10 MI CONTINUE STRAIGHT ONTO ETTERSBURG/
HONEYDEW RD
IN 2.4 MI ETTERSBURG HONEY DEW RD
IN 0.3 MI ARRIVE AT THE SITE
LOCATED AT: 2715 ETTERSBURG RD, ETTERSBURG

THERE ARE NO SCHOOLS, PLACES OF WORSHIP, OR PUBLIC PARKS WITHIN 600 FT OF THE CULTIVATION AREAS. THERE ARE NO OFF SITE RESIDENCES LOCATED WITHIN 300 FEET OF THE CULTIVATION AREA.

THERE ARE NO KNOWN EASEMENTS OR TRIBAL CULTURAL RESOURCES LOCATED WITHIN 600 FEET OF THE CULTIVATION AREAS.

REVISED
2-8-2018

SITE PLAN
PAGE 1 OF 1
04/26/2017

Timberland
Resource
Consultants

File COPY

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 Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #2 –16. The agreement shall provide a timeline for completing all outstanding items. All activities detailed under the agreement must be completed to the satisfaction of the Planning and Building Department before the permit may be finalized and no longer considered provisional.
2. The applicant shall secure permits for all structures related to the cannabis cultivation and other commercial cannabis activity. The plans submitted for building permit approval shall be consistent with the project description and approved project site plan. A letter or similar communication from the Building Division verifying that all structures related to the cannabis cultivation are permitted will satisfy this condition.
3. The Applicant shall restore the cultivation area disturbed in 2017 to pre-2016 conditions by spreading native grass seed. A letter from a qualified biologist will satisfy this condition.
4. Processing must occur at a licensed third party facility until the applicant has secured all necessary testing and permitting from the County's Division of Environmental Health (DEH) and Building Department for processing to occur in the shop/barn on-site. The applicant shall identify the site of the licensed off-site facility and submit this information to the County Planning and Building Department.
5. The applicant shall implement all corrective actions detailed within the WRPP developed for the parcel, prepared pursuant to Tier 2 enrollment under the North Coast Regional Water Quality Control Board (NCRWQCB) Cannabis Waste Discharge Regulatory Program. A letter or similar communication from the NCRWQCB verifying that all their requirements have been met will satisfy this condition.
6. The applicant shall provide DEH with copies of receipts showing use of portable toilets sufficient to meet the sanitation needs of the cultivation staff at the site until the applicant has installed a permitted septic system(s). At least one of the portable toilets shall be handicap accessible.
7. Any conditions of the Division of Environmental Health, once received, shall be completed or secured to the satisfaction of that department. A letter or similar communication from the Department of Environmental Health verifying that all their requirements have been met will satisfy this condition.
8. Prior to any ground-disturbance, a qualified biologist shall survey the proposed area of disturbance and area of potential effect to identify any sensitive natural communities and/or plants and wildlife of sensitive status.
9. The applicant shall submit an Encroachment Permit Application to the Public Works Department (DPW) and complete the driveway apron improvements as required by DPW. The DPW referral is included in Attachment 4).

10. The Applicant shall meet all the required site cleanup, and Best Management Practices (BMPs) stated in the WRPP. The WRPP shall demonstrate consistency with section §314-61.1 (Streamside Management Area Ordinance) of the County Code and section BR-S5 of the Humboldt County General Plan (Streamside Management Areas Defined).
11. The Applicant shall submit a completed California Department of Fish and Wildlife Notification of Lake or Streambed Alteration to allow the agency to determine whether the on-site well is hydrologically connected to surface water or not. Upon CDFW determination, the Applicant shall submit the completed LSA Agreement or a letter from CDFW denying hydrological connectivity.
12. If applicable, the Applicant shall secure permits from the North Coast Unified Air Quality Management District. A letter or similar communication from the North Coast Air Quality Management District verifying that all their requirements have been met and/or no additional permitting is required will satisfy this condition.
13. The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency (CUPA) requirements regarding any hazardous materials. A written verification of compliance shall be required before any provisional permits may be finalized. Ongoing proof of compliance with this condition shall be required at each annual inspection in order to keep the permit valid.
14. Prior to initiating commercial medical cannabis cultivation or associated activities the applicant shall execute and file with the Planning Division the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the HCC and available at the Planning Division.
15. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will provide a bill to the applicant after the decision. Any and all outstanding Planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
16. 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.

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. 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 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. Comply with the terms of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (CAL-FIRE).
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. Pay all applicable application and annual inspection fees.
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. Term of Commercial Cannabis Activity Special Permit. Any Commercial Cannabis Cultivation SP issued pursuant to the CMMLUO shall expire one (1) year after date of issuance, and on the anniversary date of such issuance each year thereafter, unless an annual compliance inspection has been conducted and the permittees and the permitted site have been found to comply with all conditions of approval.

If the inspector or other County official determines that the permittees or site do not comply with the conditions of approval, the inspector shall serve the SP or permit holder with a written statement identifying the items not in compliance, and the action that the permit holder may take to cure the non-compliance, or file an appeal within ten (10) days of the date that the written statement is delivered to the permit holder. Personal delivery or mailing the written statement to the mailing address listed on the application by regular mail, plus three (3) days after date of mailing, shall constitute delivery. The permit holder may request a reinspection to determine whether or not the permit holder has cured all issues of non-compliance. Failure to request reinspection or to cure any items of non-compliance shall terminate the Special Permit, immediately upon the expiration of any appeal period, or final determination of the appeal if an appeal has been timely filed pursuant to section 55.4.13.

22. Permit Renewals to comply with Updated Laws and Regulations. Permit renewal per Ongoing Condition of Approval #21 above is subject to the laws and regulations effective at the time of renewal, which may be substantially different than the regulations currently in place and may require the submittal of additional information to ensure that new standards are met.

23. 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.

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:

- I. Identifying information for the new Owner(s) and management as required in an initial permit application;
- II. A written acknowledgment by the new Owner in accordance as required for the initial Permit application;
- III. The specific date on which the transfer is to occur; and
- IV. Acknowledgement of full responsibility for complying with the existing Permit; and
- V. 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. Pursuant to Section 314-55.4.11 (a) of the CMMLUO, if upon inspection for the initial application, violations of any building or other health, safety, or other state of county statute, ordinance, or regulation are discovered, the Planning and Building Department may issue a provisional clearance or permit with a written approved Compliance Agreement. By signing the agreement, the permittee agrees to abate or cure the violations at the earliest opportunity but in no event more than two (2) years of the date of issuance of the provisional clearance or permit. Plans for curing the violations shall be submitted to the Planning and Building Department by the Permittee within one (1) year of the issuance of the provisional certificate or permit. The terms of the compliance agreement may be appealed pursuant to section 314-55.4.13 of the CMMLUO.
2. This provisional permit approval shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"); except where the Compliance Agreement per COA #1 has been executed and the corrective actions pursuant to the agreement are being undertaken. Once building permits have been secured and/or the use initiated pursuant to the terms of the agreement, the use is subject to the Permit Duration and Renewal provisions set forth in Condition of Approval #21 and 22 of the On-Going Requirements/Development Restrictions, above.
3. The project site is not located within an area where known archaeological sites have been identified. However, as there exists the possibility that undiscovered archaeological resources may be encountered during construction activities, the following post-review, inadvertent archaeological discovery measures are required under state and federal laws:

If archaeological resources are encountered, all ground disturbing work at the find location plus a reasonable buffer zone must be immediately suspended, the approving County department contacted, and a qualified professional archaeologist retained to analyze the significance of the find and formulate further mitigation (e.g., project relocation, excavation plan, and protective cover) in consultation with culturally affiliated tribes or other descendent groups, where applicable. Resources may include obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, shellfish or faunal remains, and human burials.

Pursuant to California Health and Safety Code §7050.5, if known or suspected Native American or other human remains are encountered, all ground-disturbing work must cease in the vicinity of the discovery, and the County Coroner contacted at (707) 445-7542. The respectful treatment and disposition of remains and associated grave offerings shall be in accordance with PRC §5097.98. Violators shall be prosecuted in accordance with PRC Section 5097.99.

The applicant and successors in interest are ultimately responsible for ensuring compliance with this condition.

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

ATTACHMENT 2

STAFF ANALYSIS OF THE EVIDENCE SUPPORTING THE REQUIRED FINDINGS

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

The County Zoning Ordinance, 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.

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 Agriculture (RA): Large lot residential units that typically rely upon on-site water and wastewater systems. Varying densities are reflective of land capabilities and/or compatibility issues. RA40 designations are applied to more remote, steep and high hazards areas or where appropriate to ensure compatibility with adjacent resource production and open space uses.</p> <p>Density range is 5 to 160 acres/unit</p>	<p>The project entails the cultivation of 14,000 sf of existing outdoor cannabis in two areas comprised of 9,000 sq. ft. And 5, 000 sq. ft. cultivations on an approximately 31.5-acre parcel. This project is compatible with the land use objectives for a parcel designated as RA.</p> <p>The CMMLUO provides for the cultivation and processing of medical cannabis within the zoning districts where agriculture is a principally permitted use, with limits and in compliance with performance standards that will preserve space for more traditional agricultural activities that supply food and fiber contributing to a diverse economic base. The existing cultivation areas is considered an agricultural use, and the processing facility and supportive infrastructure may be considered accessory to the agricultural 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-G4, C-G5)</p> <p>Related policies: C-P3. Consideration of Transportation Impacts in Land Use Decision Making</p>	<p>The access road to the site is off a paved County-maintained public road (Ettersburg-Honeydew Road).</p> <p>Conditions of approval require that the applicant make necessary improvements to the driveway apron to meet County visibility ordinance and encroachment permit ordinance standards, as requested by the Public Works Department, their referral has been included in Attachment 4.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
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. In addition, 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 proposed project is not located within the Open Space Action Program because the project site is designated as Residential Agriculture (RA). Residential Agriculture is not a land use designation intended to implement the open space plan.</p>
<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 subject parcel is not located in a known biologically sensitive area. However, per comments from the California Department of Fish and Wildlife, the applicant shall have a qualified biologist survey any proposed area of disturbance and associated potential area of effect for any natural sensitive communities and plants and wildlife of sensitive status prior to any ground disturbance. This has been added as a condition of approval.</p> <p>Additionally, the applicant must notify CDFW of the use of their well in order to determine whether or not it is hydrologically connected to surface water. This has been added as a condition of approval.</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</p>	<p>The applicant retained Arsenault & Associates (AA) for the preparation of a Cultural Resources Investigation for the project site. AA conducted a records search, consulted with the Native American Heritage Commission, local Native American tribal representatives, and other interested parties; and an intensive pedestrian field survey of the entire project area. The report</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
	<p>(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>concludes that no significant archaeological or historic period cultural resources, that for the purposes of CEQA would be considered an historic resource, exist in the limits of the project area. This report was provided to the Tribal Historic Preservation Officer (THPO) of the Bear River Band of the Rohnerville Rancheria. The Bear River Band of the Rohnerville Rancheria responded and recommended a condition of project approval be incorporated regarding inadvertent discovery protocol. Ongoing conditions of approval are incorporated regarding the inadvertent discovery protocol to protect cultural resources.</p>
<p>Conservation and Open Space Chapter 10</p> <p>Scenic Resources Section 10.7</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 involves the cultivation of approximately 14,000 sf of existing full term sunlight outdoor cultivation on an approximately 31.5 acre parcel. As outdoor cultivation does not include the use of artificial light the project will not create new sources of light and/or glare. The project site is not located in an area of scenic value according the General Plan.</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 retained Timberland Resource Consultants for the preparation of the WRPP. The WRPP has been prepared to describe and address the required elements and compliance with the 12 Standard Conditions established by the Order. Spoils management and water storage were identified as not meeting standard conditions of compliance. The applicant must address these issues as a condition of project approval.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Water Resources Chapter 11</p> <p>On-site Wastewater Systems</p>	<p>Goals and policies contained in this Chapter relate to adequate public water supply as well as on-site wastewater systems and natural and developed storm drainage systems that minimize interference with surface and groundwater flows and storm water pollution (WR-G6, WR-G9, WR-G10)</p> <p>Related policies: WR-IM7, Basin Plan Septic Requirements; and IS-P17, On-Site Sewage Disposal Requirements.</p>	<p>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. A Condition of Approval requiring that the applicant is in compliance with the NCRWQB's requirements of a Tier 2 discharger has been added.</p> <p>The source of irrigation water for the cannabis cultivation is a permitted on-site well, and there is a permitted on-site wastewater system associated with the single-family residence on this parcel.</p> <p>The slope of the cultivation area is less than 15 percent. Irrigation runoff from cultivation is minimized by use of a drip irrigation system which prevents overwatering or residual discharge of nutrient solutions outside of the targeted root zone. In the unlikely event that residual discharge did occur, it would be absorbed upon contact with permeable soil surrounding the cultivation area. Cultivation activities are limited to the immediate area surrounding the cultivation area and conducted so materials are kept confined. The ground surface within and around the cultivation area is formed and managed year-round to prevent any movement of entrained constituents such as fine sediment, fertilizer, or other organic particles beyond the cultivation area.</p> <p>Compliance with future input from the Division of Environmental Health is a condition of project approval.</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: 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 to protect adjacent communities.</p> <p>The applicant proposes that all power used for the project will be provided by PG&E; no generators will be used.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Safety Element Chapter 14</p> <p>Geologic & Seismic</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; 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 existing cultivation area occurs on slopes of 15% or less and is seismically classified moderate instability. The cultivation site is located in an area with a high fire rating. The project does not pose a threat to public safety related from exposure to natural or manmade hazards.</p>
<p>Safety Element Chapter 14</p> <p>Flooding</p>	<p>Goals and policies contained in this Chapter relate to the use of natural drainage channels and watersheds that are managed to minimize peak flows in order to reduce the severity and frequency of flooding. (S-G3)</p> <p>Related policies include: S-P12, Federal Flood Insurance Program; S-P13, Flood Plains; S-P15, Construction Within Special Flood Hazard Areas</p>	<p>The subject site is outside any mapped flood hazard areas. The project site is not within a mapped dam or levee inundation area and, at approximately 7.0 miles distance from the coast and approximately 1,444 feet above mean sea level, is outside the areas subject to tsunami run-up.</p>
<p>Safety Element Chapter 14</p> <p>Fire Hazards</p>	<p>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</p> <p>Related policies: S-P19, Conformance with State Responsibility Areas (SRA) Fire Safe Regulations;</p>	<p>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 provided standardized comments for the project. The applicant provided a copy of the Less than 3 acre Conversion Exemption dated January 11, 2013 (Exemption No. 1-13EX-002-HUM).</p> <p>The Humboldt County Fire Safe Ordinance (Section 3111-1 et seq.) establishes development standards for minimizing wildfire danger in state responsibility designated areas.</p> <p>Telegraph Ridge Fire Protection District Recommended Approval.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Air Quality Chapter 15	<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-P4, Construction and Grading Dust Control, AQ-S1. Construction and Grading Dust Control, AQ-P7. Interagency Coordination.</p>	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 Zoning Regulations.

Zoning Section and Summary of Applicable Requirement	Evidence That Supports the Zoning Finding
§312-1.1.2 Legal Lot Requirement: development permits shall be issued only for a lot that was created in compliance with all applicable state and local subdivision regulations.	The parcel of land known as APN 220-031-010 is considered a lawful parcel as evidenced by the County approval of a building permit on May 27, 1997. 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>§314-8.1 Unclassified (U): All of the unincorporated area of Humboldt County not otherwise zoned is designated as Unclassified or U Zone. This area has not been sufficiently studied to justify precise zoning classifications.</p> <p>Principal permitted uses for the unclassified zone includes one-family dwelling, general agriculture, rooming and boarding of not more than two (2) persons, and manufactured home.</p>	The project is for the cultivation of outdoor commercial medical cannabis. Commercial medical cannabis cultivation is recognized under State law as an agricultural product. Based on the referenced principally permitted use, a finding of consistency with the U zoning district can be made for the project.

Zoning Section	Summary of Applicable Requirement	Evidence That Supports the Zoning Finding
Minimum Lot Size	6,000 square feet	According to the site plan prepared by Timberland Resource Consultants, the subject parcel is approximately 31.5 acres in size. Pursuant to HCC Section 314-107.2.1, a substandard lot may be developed or sold if it was legally created. As discussed above, the subject parcel is a separate legal parcel.
Maximum Ground Coverage	40 percent	The project is the cultivation of approximately 14,000 sf of outdoor commercial medical cannabis on an approximately 31.5-acre parcel. Ground coverage from cannabis cultivation would be approximately 2 percent, which is well below the lot coverage.
Minimum Lot Width	50 feet	Minimum width is approximately 1,210 feet.
Maximum Lot Depth	Three (3) times the width	Maximum depth is approximately 1,620 feet.
Setbacks	Front: 20 feet Rear: 10 feet Side: 5 feet	Front, west property line: plot plan shows a 210-foot setback. Rear, east property line: plot plan shows a 350-foot setback. Side, north and south property lines: plot plan shows a setback of greater than 350 feet.
Max. Building Height	None specified	N/A
§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.	There are two Class III watercourses on the property, both of which are unnamed tributaries to Blue Slide Creek, which is a tributary to Mattole River. They are both more than 350 feet from the cultivation area. The project does not conflict and is not located within a Streamside Management Area or other wet area.
314-55.4 et seq. HCC: Commercial Cultivation, Processing, Manufacturing and Distribution of Cannabis for Medical Use Inland Land Use Regulation (CMMLUO)		
§ 314-55.4.8.2.2	On ... U parcels of 1 acre or larger, outdoor cultivation may be permitted with a Use Permit.	In accordance with the referenced section the applicant has applied for the necessary CUP due to the cannabis cultivation being 14,000 sf in size on an approximately 31.5-acre parcel.
§314-55.4.8.2.2 Criterial for approval of existing outdoor and mix-light cultivation areas:	Slopes less than 15 percent	Per Humboldt County Web GIS Application, the slopes of the cannabis cultivation area do not exceed 15 percent, and is in slope stability category 2, an area of moderate instability.

	With documented current water right or other non-diversionary source of irrigation water.	<p>The applicant's operation will use a permitted well on-site as the source of irrigation water. For rainwater catchment, the applicant has seven (7) 5,000-gallon hard tank storage, one (1) 1,500-gallon hard tank storage, and one (1) 350-gallon mixing tank for a total of 36,850 gallons of water storage capacity. Based on the submitted evidence, the project complies with the referenced section.</p> <p>As a condition of project approval the Applicant shall submit the completed LSA Agreement or a letter from CDFW denying hydrological connectivity.</p>
§314-55.4.8.2	In all zones where cultivation is allowed consisting of timberland, the commercial cultivation of cannabis for medical use shall only be permitted within a 3-acre conversion exemption area, or non-timberland open area, subject to the conditions and limitations set forth in this Section.	Per Calfire's comments, "[c]onversion of timberland takes place when trees are removed and the land use changes even without the sale, barter, exchange, or trade of trees". A review of Google Earth imagery shows that trees were removed from the parcel to create a clearing between 2010 and 2012. The applicant provided a copy of the Less than 3-acre Conversion Exemption dated January 11, 2013 (Exemption No. 1-13EX-002-HUM).
§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, Robert Trell Messenger is the operator of three cannabis permit applications in progress, including the subject of this report. The applicant is in compliance with the four permit limit.
§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.	Processing, including drying and trimming, is proposed to occur in the existing shop/barn on-site. However, a condition of approval has been added requiring that all processing occur at an offsite, licensed third party facility until the applicant obtains all necessary testing and permitting for on-site processing. A condition of approval requires the applicant to identify the location of the licensed off-site facility to be used for this purpose.
§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 for the project, APN 220-031-010, was filed with the Planning Division on August 22, 2016, while the application materials submitted on December 15, 2016. This document is considered timely filed for purposes of this section
§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.	Water is sourced from the permitted well on-site to serve both the cultivation site and existing residences. 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 shows that the cultivation is 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).
§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 site is conventional grid power supplied by Pacific Gas and Electric. No generators will be used as part of this project. Therefore, the project conforms with the referenced standard.
§314-55.4.17 Sunset Date	No application for any Use Permit pursuant to the CMLUO shall be processed for issuance or approval that is received after December 31, 2016.	The applicant filed the application prior to December 31, 2016.

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 will not be detrimental to the public health, safety and welfare since all reviewing referral agencies have approved the proposed project design. The project as proposed and conditioned is consistent with the general plan and zoning ordinances; and the proposed project is not expected to cause significant environmental damage.

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

Code Section	Summary of Applicable Requirement	Evidence that Supports the Required Finding
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 and apartment which will remain. The project is in conformance with the standards in the Housing Element.

6. Environmental Impact: The following table identifies the evidence which supports finding that the proposed development will not result in any significant adverse impact on the environment as the project will be required to comply with conditions of approval contained in this report, and there will be no significant, new land disturbance.

§§15301 and 15303 of CEQA	Categorically exempt from State environmental review.	CEQA Exemption Sections Class 1, 15301 (Existing Facilities) and Class 3, 15303 (New Construction or Conversion of Small Structures) of the State CEQA Guidelines. Per the submitted evidence and agency responses, none of the exceptions to the Categorical Exemption per Section 15300.2 of the State CEQA Guidelines apply to this project.
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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 all the owner for the application with original signature and notary acknowledgement. (On file)
3. Site plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including: access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within ¼ mile (1,320 ft.) of a school, school bus stop, church or other place of religious worship, public park, or Tribal Cultural Resource, the site plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 600 feet. (On file)
4. A cultivation and operations plan that meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; and proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel, and a description of cultivation activities (outdoor, indoor, mixed light), the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. (On file)
5. Copy of the statement of water diversion, or other permit, license or registration filed with the State Water Resources Control Board, Division of Water Rights, if applicable. (Not applicable)
6. Description of water source, storage, irrigation plan, and projected water usage. (On file)
7. Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the North Coast Regional Water Quality Control Board demonstrating enrollment in Tier 1, 2 or 3, North Coast Regional Water Quality Control Board Order No. 2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (On file)
8. If any on-site or off-site component of the cultivation facility, including access roads, water supply, grading or terracing impacts the bed or bank of any stream or other watercourse, a copy of the Streambed Alteration Permit obtained from the Department of Fish & Wildlife. (Not applicable)
9. If the source of water is a well, a copy of the County well permit, if available. (On file)

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

Trell Messenger

CMMLUO Operations Plan

Apps# 11909

APN: 220-031-010
6-8-2017

Application Compiled By:



165 South Fortuna Blvd.
Fortuna, CA 95540
phone 707-725-1897
fax 707-725-0972
trc@timberlandresource.com



165 South Fortuna Boulevard, Suite 4 Fortuna, CA 95540
707-725-1897 • fax 707-725-0972



February 8, 2018

Subject: CMMLUO Apps# 11909 (APN: 220-031-010)
Cultivation Area Addendum

To Whom It May Concern

Historic cultivation on the aforementioned parcel consisted of two(2) garden sites separated by 100 feet; the northern site was approximately 9,000 ft² of cultivated area and the southern site 5,000 ft².

The two sites were combined into a single 14,000 ft² garden this past season as shown/described in materials submitted to complete the aforementioned CMMLUO permit application.

Recently the applicant was informed that relocating and combining the 5,000 ft² garden with the 9,000 ft² garden to form a single 14,000 ft² garden was not considered an *environmentally superior* outcome and did not comply with county policy.

The applicant now plans to restore the garden sites back to the pre -2016 configuration consisting of a 5,000 ft² and 9,000 ft² garden site. The 5,000 ft² area added to the 9,000 ft² site will be decommissioned having all cultivation related materials removed and properly disposed of and/or recycled. Grass species currently surrounding the area shall be re-established and no further disturbance shall occur.

Included with this submission is a revised site plan showing the cultivation area to be removed (approximately 36 ft. x 140 ft.) from the 14,000 ft² site reducing it back to 9,000 ft² and the re-establishment of the 5,000 ft² site dimensioned at approximately 35 ft. x 140 ft.

If you have any further questions regarding this matter please contact me (707)725-1897 or through email: dspinosa@timberlandresource.com

Sincerely,

A handwritten signature in black ink, appearing to read "David Spinosa".

David Spinosa, REHS
Timberland Resource Consultants

APPS: 11909
CMMLUO SITE/OPERATIONS OVERVIEW
(CUP 16-443/APN: 220-031-010)



Project Description: The applicant is seeking a Conditional Use Permit under the CMMLUO to permit existing outdoor cannabis cultivation up to 14,000 ft², ancillary processing activities, appurtenant infrastructure/facilities. Date stamped air photo/maps are provided to show cultivated areas in existence prior to January 1, 2016 encompassing an area totaling 14,000 square feet.

The applicant acknowledges that the commercial cannabis activity approval being sought under the aforementioned conditional use permit, pursuant to CMMLUO, is subject to compliance with all other applicable Humboldt County zoning and land use regulations, as well as other applicable provisions of the Humboldt County Code and applicable state laws.

A determination of compliance will require multi-agency review of activities/development described in the aforementioned permit application and in some cases, site inspections.

If development and/or activities on the subject parcel are determined, for some reason, to be out of compliance with any applicable State or County code, regulation or policy, a compliance agreement can be formulated between the applicant and relevant agency or agencies, which includes a compliance timeline whereby operations may continue under a "Provisional Clearance or Permit" and corrective action is initiated to achieve compliance under agreed upon terms.

Parcel Information: the subject parcel (APN: 220-031-010) is approximately 31 acres, zoned Unclassified (U) with AL40 framework designation. It is located near the community of Ettersburg and borders Ettersburg-Honeydew Road; the parcel is accessed directly off of Ettersburg-Honeydew Road.

Topography/Landscape: The subject parcel is primarily covered with native tree species with the exception of a small clearing near the southern portion of the parcel in which past residential development has occurred. The developed site is situated on nearly level ground at the highest elevation on the parcel. The ground slopes very gently from the developed site to the north.

Surface Water Features: There are two Class III watercourses on the property, both of which are unnamed tributaries to Blue Slide Creek, which is a tributary of the Mattole River. They are greater than 350 feet from cultivation areas.

Roads/Stream Crossings/Easements: Site assessment revealed that roads on the property are well maintained with adequate surfacing and drainage features to prevent erosion. There are no stream crossings on the subject parcel.

Utilities: Electrical power is supplied to the subject parcel by PG&E

Blue Star Gas in Garberville provides propane (250 gallon tank x 2)

Private Water Well (Permit copy included)

Onsite Wastewater Disposal (Septic Permit copy included)

Water Storage: There are seven (7) hard plastic water tanks each with 5,000 gallons storage capacity (installed in 1997), one (1) tank that is 1,500 gallons (1997) and a 350 gallon tank.

Residence(s): Main residence was built in 1997 and it is approximately 2,000 ft²

Other Structures/Facilities: A shop/barn was built in 1997 and it is approximately 1400 ft²; a small apartment was built in 2015 and it is approximately 860 ft².

Cultivation Area(s) and/or other graded flats: Historic cultivation on the subject parcel occurred at two (2) separate areas which were both located in the residential developed clearing. One site was approximately 9,000 ft² and the other was 5,000 ft². Cultivation approval sought under this conditional use permit calls for the previously cultivated square footage limited to a single area of 14,000 ft². This is achieved by abandoning the previously cultivated 5,000 ft² area and moving it a short distance to the NW where it merges with the previously cultivated 9,000 ft² area resulting in a single plot approximately 100' x 140'.

Peak Water Demand: The peak water demand projected to maintain plants for the summer months of July through September is 18,000 gallons per month. The "Monthly Water Use" table below shows estimated water use throughout the grow season. Water usage will be monitored and recorded by use of in-line totalizing flow meters in accordance with applicable regulations

January-March: No Water Use

	14,000 ft² Cultivation	Plant Stage	Total Gallons
<i>April</i>	<i>3,000 gallons</i>	<i>seedling</i>	<i>3,000</i>
<i>May</i>	<i>8,950 gallons</i>	<i>seedling/veg</i>	<i>8,950</i>
<i>June</i>	<i>17,850 gallons</i>	<i>vegetative</i>	<i>17,850</i>
<i>July</i>	<i>18,000 gallons</i>	<i>vegetative</i>	<i>18,000</i>
<i>August</i>	<i>18,000 gallons</i>	<i>vegetative</i>	<i>18,000</i>
<i>September</i>	<i>18,000 gallons</i>	<i>vegetative/flower</i>	<i>18,000</i>
<i>October</i>	<i>14,700 gallons</i>	<i>flower</i>	<i>14,700</i>

Irrigation Method(s): Irrigation is accomplished by use of drip lines. The flow to drip lines is regulated by timers and adjusted for maximum efficiency taking into consideration temperature, plant demand etc. Water delivery throughout the system is carefully monitored on a regular basis to ensure proper function and responsible water use. Mulch is carefully placed as a top dressing to optimize soil water retention. Occasional hand watering may be employed if needed.

Irrigation Runoff/Erosion control: Irrigation runoff from cultivation areas is minimized by the use of carefully regulated drip irrigation to prevent any overwatering or residual discharge of nutrient solutions outside of the "targeted" root zone. In the unlikely event that residual discharge did occur, it would be

absorbed upon contact with permeable soil surrounding the cultivation area. Cultivation activities are limited to the immediate area surrounding cultivation areas and conducted so materials are kept confined. The ground surface within and around the cultivation areas is formed and managed year-round to prevent any movement of entrained constituents such as fine sediment, fertilizer or other organic particles beyond the cultivation area.

Watershed Protection: The Cultivation Areas on the subject parcel meet applicable setback requirements to watercourses, riparian zones or wetlands (see site plan). Sheet flow of rainwater or transport of cultivation byproducts over permeable, gently sloped soils in and around the cultivation areas is unlikely. Vegetative buffers have been maintained at natural slope around entire perimeter of cleared/developed area. **Watershed protection** will be ensured by adherence to measures prescribed in the Water Resources Protection Plan (WDID: 1B161215CHUM) developed specifically for this parcel by Timberland Resource Consultants under Regional Water Quality Control Board WDR Order # R1-2015-0023 enrollment requirements. Included with this submittal is a signed copy of Appendix A, "Enrollment Notice of Intent".

Once enrolled under R1-2015-0023, participants are required to engage in ongoing monitoring, reporting and maintenance including periodic site inspections and reviews of operational practices to ensure regulatory requirements related to the following listed items are being met:

<i>Site maintenance, erosion control, and drainage features</i>	<i>Stream crossing maintenance</i>
<i>Riparian and wetland protection and management</i>	<i>Spoils management</i>
<i>Water storage and use</i>	<i>Irrigation runoff</i>
<i>Fertilizers and soil amendments</i>	<i>Pesticides and herbicides</i>
<i>Petroleum products and other chemicals</i>	<i>Cultivation-related wastes</i>
<i>Refuse and human waste</i>	

Additionally, participants must ensure that management measures and controls are effectively protecting water resources, and that any newly developing problems representing a water quality concern are identified and corrected quickly.

Fertilizers, Pesticides, other Regulated products: The following Fertilizers/Amendments are used to recondition soil at the beginning of each grow season.

Neem Seed Meal 6-1-2

Bat Guano 9-3-1

VermiBlend Soil Amendment 1-1.5-0.6

Earthworm Castings 1.25-0-0

Once brought to the site, the products are blended into raised beds. The total amount of any leftover products is not expected to exceed 400 lbs. and it would be stored atop pallets inside the shop adjacent to the garden. This is an outdoor cultivation and pesticides/herbicides/fungicides are not used.

The applicant acknowledges that the storage and/or use of certain materials in specified volumes and/or weights will be subject to regulation through Humboldt County Division of Environmental Health CUPA and may require: submittal of inventories for those materials, documentation of emergency and training procedures, maintenance of hazardous waste disposal records, obtaining an EPA generator ID number and be subject to site inspections.

Cultivation Related Wastes: Cultivation related wastes are sorted such that compostable materials are recycled/composted onsite within a small area equipped with perimeter and top containment to prevent unwanted movement of materials due to weather conditions or animals/pests. Other materials, unsuitable for composting, are stored in conventional lid trash containers along with domestic garbage and hauled to an approved transfer station/disposal facility as needed.

Human Waste: Normal day to day operations shall be carried out by individuals residing on the subject parcel. **Restrooms** within the residence/dwelling on the subject parcel are within close proximity to all cultivation areas and are easily accessed by the individuals on the property as needed.

Cultivation Operations:

January

February

March General site maintenance and preparation.

April Plants are started from seed in small 6-pack containers inside of a small "Starter" greenhouse.

May Outdoor beds are amended with Neem Meal, VermiBlend, Bat Guano and Worm Castings;

Plants put into 2 gallon pots.

At the end of the month plants are removed from 2 gallon pots and place into outdoor beds

June General garden care and maintenance

July General garden care and maintenance

August General garden care and maintenance

September General garden care and maintenance

October General garden care and maintenance; harvest at peak ripenes

November Clean cultivation area and prepare for winter.

December

Processing: Plants are harvested at peak ripeness and immediately transferred to the shop/barn where they are hung to dry. Natural air flow may be supplemented with household fans and dehumidifiers to aid the drying process. All processing of harvested product will take place on the parcel where it was

grown and be shall completed by family members. Processing operations are conducted such that all surfaces, equipment and utensils which come into contact with harvested product are maintained in a clean, sanitary condition at all times.

The use of a CMMLUO Approved Processing Facility is also under consideration at this time. The applicant shall provide additional information pertaining to this processing option as it becomes available.

Security: Access to the parcel is restricted by a locked metal gate at the driveway entrance. The gate is kept locked at all times. Property owner/occupants are normally present on the parcel.

RECEIVED
FEB 08 2018
Humboldt Co



220-031-010

9,000

5,000

EMERSON HENRY RD

RECEIVED
FEB 08 2018
Humboldt County
Cannabis Sycs



Latitude: 40.1153 Longitude: -123...



Image Drawer

Date Range All Images

2017-12-21 (0.50m)	2017-06-14 (0.50m)	2017-06-14 (0.50m)	2017-05-21 (0.50m)
2017-06-04 (0.50m)	2017-06-04 (0.50m)	2017-05-12 (0.50m)	2016-05-21 (0.50m)
2016-07-24 (0.50m)	2016-05-28 (0.50m)	2016-05-21 (0.50m)	2016-05-21 (0.50m)

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	✓	Conditional Approval	On file with Planning
Land Use Division	✓	Conditional Approval	Exhibit A
Division Environmental Health		No response	
Calfire	✓	Standard Comments	On file with Planning
Department of Fish & Wildlife	✓	Conditional Approval	On file with Planning
NWIC	✓	Further Study	On file with Planning
Bear River Band of the Rohnerville Rancheria	✓	Cultural Study Accepted	On file with Planning
RWQCB		No Response	
CA Division of Water Rights		No Response	
Humboldt County Sheriff		No response	
Humboldt County District Attorney		No response	
Humboldt County Agricultural Commissioner		No response	
Southern Humboldt Unified School District		No response	
Telegraph Ridge Fire Protection District	✓	Recommended Approval	On file with Planning



HUMBOLDT COUNTY
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION
3015 H STREET, EUREKA, CA 95501 ~ PHONE (707) 445-7541

th

7/12/2017

PROJECT REFERRAL TO: Building Inspection Division

Project Referred To The Following Agencies:

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, Supervising Planner, Current Planning Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, Regional Water Quality Control Board, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, Telegraph Ridge Fire Protection District Fire Protection District, Humboldt County Sheriff, Southern Humboldt Unified School District School District



Applicant Name Robert Trell Messenger **Key Parcel Number** 220-031-010-000

Application (APPS#) 11909 **Assigned Planner** () - **Case Number(s)** CUP16-443

Please review the above project and provide comments with any recommended conditions of approval. To help us log your response accurately, please include a copy of this form with your correspondence.

Questions concerning this project may be directed to the assigned planner for this project between 8:30am and 5:30pm Monday through Friday.

County Zoning Ordinance allows up to 15 calendar days for a response. If no response or extension request is received by the response date, processing will proceed as proposed.

☐ If this box is checked, please return large format maps with your response.

Return Response No Later Than 7/27/2017

Planning Commission Clerk
County of Humboldt Planning and Building Department
3015 H Street
Eureka, CA 95501
E-mail: PlanningClerk@co.humboldt.ca.us **Fax:** (707) 268-3792

We have reviewed the above application and recommend the following (please check one):

☐ Recommend Approval. The Department has no comment at this time.

☒ Recommend Conditional Approval. Suggested Conditions Attached.

☒ Applicant needs to submit additional information. List of items attached.

☐ Recommend Denial. Attach reasons for recommended denial.

☐ Other Comments: _____

DATE: 8-17-17

PRINT NAME: Patrick Metzger



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
BUILDING DIVISION

3015 H STREET EUREKA CA 95501
PHONE: (707) 445-7245 FAX: (707) 445-7446

Building Division's Referral Comments for Cannabis Operations:

Application No.: 11909

The following comments apply to the proposed project, (check all that apply).

- ☒ Site/plot plan appears to be accurate.
- ☐ Submit revised site/plot plan showing all of the following items: all grading including ponds and roads, location of any water course including springs, all structure including size and use and all setbacks from the above stated to each other and property lines.
- ☐ Existing operation appears to have expanded, see comments: _____

- ☐ Existing structures used in the cannabis operation shall not to be used/occupied until all required permits have been obtained.
- ☐ Proposed new operation has already started.
- ☒ Recommend approval based on the condition that all required grading, building, plumbing electrical and mechanical permits and or Agricultural Exemption are obtained.
- ☐ Other Comments: _____

Name: Patrick McTigue

Date: 8-7-17

Note: Remember to take photographs and then save them to the Planning's application number.

Laney, Megan

From: Bocast, Kalyn@Wildlife <Kalyn.Bocast@Wildlife.ca.gov>
Sent: Monday, August 21, 2017 11:15 AM
To: Planning Clerk
Cc: Bauer, Scott@Wildlife
Subject: Robert Trell Messenger Conditional Use Permit Application-APPS 11909

POSTED

To Whom It May Concern,

Thank you for referring the Robert Trell Messenger Conditional Use Permit application (APPS 11909, Project) to the California Department of Fish and Wildlife (CDFW) for review and comment. A Conditional Use Permit for an existing 14,000 square foot outdoor cultivation operation on APN: 220-031-010. Water for irrigation is sourced from an onsite, permitted well. Water storage consists of seven, 5,000-gallon hard-sided storage tanks, one, 1,500-gallon hard-sided storage tank, and a 350-gallon mixing tank for a total of 36,850 gallons of storage capacity. Cultivation areas are hand-watered, using conventional garden hoses. Cultivation operations occur from March to November, with one harvest occurring in October. Processing, including drying and trimming will occur in the existing shop/barn on-site. There will be four employees needed for cultivation activity during peak operations. Solar panels are the primary power source for the parcel and there is a portable generator as a back-up power source.

CDFW offers the following comments on the Project in our role as a Trustee and Responsible Agency pursuant to the California Environmental Quality Act (CEQA; California Public Resource Code section 21000 et seq.). These are comments intended to assist the Lead Agency in making informed decisions early in the planning process.

- This referral does not contain sufficient information to conduct meaningful environmental review. CDFW recommends a biological assessment of the property by a qualified, experienced person.
- Existing fish or wildlife resources the project could substantially adversely affect include Townsend Big-eared Bat (*Corynorhinus townsendi*), include Chinook Salmon (*Oncorhynchus tshawytscha*), Coho Salmon (*O. kisutch*), Steelhead Trout (*O. mykiss*), Coastal Cutthroat Trout (*O. clarki clarki*), Western Brook Lamprey (*Lampetra richardsoni*), Pacific Lamprey (*Entosphenus tridentata* ssp. 1), Pacific Giant Salamander (*Dicamptodon tenebrosus*), Foothill Yellow-Legged Frog (*Rana boylei*), Coastal Tailed Frog (*Ascaphus truei*), Western Pond Turtle (*Actinemys marmorata marmorata*) amphibians, reptiles, aquatic invertebrates, mammals, birds, and other aquatic and riparian species.

Thank you for the opportunity to comment on this Project. Please contact me at kalyn.bocast@wildlife.ca.gov if you need additional information.

Please confirm that you have received this email.

Sincerely,

Kalyn Bocast
Environmental Scientist
Watershed Enforcement Team
California Department of Fish and Wildlife
619 2nd Street
Eureka, CA 95501
(707) 441-2077



ARCATA-EUREKA AIRPORT TERMINAL
McKINLEYVILLE
FAX 839-3596

AVIATION 839-5401

DEPARTMENT OF PUBLIC WORKS

COUNTY OF HUMBOLDT

MAILING ADDRESS: 1106 SECOND STREET, EUREKA, CA 95501-0579
AREA CODE 707

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

ADMINISTRATION	445-7491	NATURAL RESOURCES	445-7741
BUSINESS	445-7652	NATURAL RESOURCES PLANNING	267-9540
ENGINEERING	445-7377	PARKS	445-7651
FACILITY MAINTENANCE	445-7493	ROADS & EQUIPMENT MAINTENANCE	445-7421



LAND USE 445-7205

LAND USE DIVISION INTEROFFICE MEMORANDUM

TO: Steve Werner, Supervising Planner, Planning & Building Department

FROM: Kenneth M. Freed, Assistant Engineer II

DATE: 08/11/2017

RE: MESSENGER, APN 220-031-010, CUP16-443, APPS# 11909

The Department of Public Works reviews projects for issues relating to the adequacy of the roadway network to accommodate the proposed use; issues relating to encroachments (such as driveways and private roads) onto County maintained roads; ensuring that any outstanding violations relating to County Encroachment Permit Ordinance and Visibility Ordinance have been addressed; identifying any necessary frontage improvements that are required along County maintained roads; impacts of projects on nearby airports; ensuring that deferred subdivision improvements, if any, are completed; and identifying impacts of the proposed project to adjacent County owned properties or facilities.

The Department's review of this project is limited to what is shown on the submitted plot plan and accompanying materials.

ROADS: The County roadway serving the subject property is adequate to accommodate the proposed use. The subject property is located within the State Responsibility Area.

DRIVEWAYS: The existing driveway apron (encroachment) that connects to the County road does not meet County standards. Prior to commencing operations, the driveway shall be improved to meet the County visibility ordinance and encroachment permit ordinance standards. This requires that the driveway apron be paved for a minimum width of 18 feet and a length of 50 feet [Reference: 314-109.1.2.2.5 , 314-109.1.5.1 , 341-1, 411-51]

The driveway within the subject property has not been reviewed by the Department for conformance with Fire Safe Regulations (County Code Section 3112-12). This is an on-site issue that is to be reviewed by the Building Division or the Planning and Building Department.

Prior to constructing improvements within a County maintained road right of way, the applicant shall apply for and obtain an encroachment permit from the Department of Public Works. [Reference: County Code 411-11(a)(b)]

AIRPORT: The subject property is not located near a public airport.

DEFERRED SUBDIVISION IMPROVEMENTS: The subject property does not have any deferred subdivision improvements that have not been fulfilled.

ADJACENT COUNTY OWNED PROPERTY OR FACILITIES: The proposed project does not have any impact on any adjacent county owned property or facilities.

Informational Notes:

1. **FENCES/GATES:** Pursuant to County Code Section 411-11 (j) and California Streets & Highways Code Sections 1481 & 1482, fences are not allowed within the public right of way of County maintained roads. Prior to constructing any fences along (or near) the right of way line, the applicant is advised to consult with the Department of Public Works Encroachment Permit Office at 707.445.7205.

It is important to note that fences constructed outside of the public right of way are still subject to the County's visibility Ordinance (County Code Section 341-1). Fences and gates on private property may need to be setback further to comply with the County Visibility Ordinance.

Gates must be set back sufficiently from the road so that a vehicle can completely pull off the road while opening or closing the gate. In addition, for properties in the State Responsibility Area, conformance with Fire Safe Regulations (County Code Section 3112-13) is also required.

Fences and gates taller than 6 feet may require a building permit. The applicant is advised to consult with the Planning and Building Department – Building Division at 707.445.7245 prior to constructing any fences or gates.

// END //



HUMBOLDT COUNTY
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION
3015 H STREET, EUREKA, CA 95501 ~ PHONE (707) 445-7541



7/12/2017

PROJECT REFERRAL TO: Telegraph Ridge Fire Protection District Fire Protection District

Project Referred To The Following Agencies:

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, Supervising Planner, Current Planning Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, Regional Water Quality Control Board, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, Telegraph Ridge Fire Protection District Fire Protection District, Humboldt County Sheriff, Southern Humboldt Unified School District School District

Applicant Name Robert Trell Messenger **Key Parcel Number** 220-031-010-000

Application (APPS#) 11909 **Assigned Planner** () - **Case Number(s)** CUP16-443

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Planning Commission Clerk
County of Humboldt Planning and Building Department
3015 H Street
Eureka, CA 95501
E-mail: PlanningClerk@co.humboldt.ca.us **Fax:** (707) 268-3792

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- ☐ Recommend Conditional Approval. Suggested Conditions Attached.
- ☐ Applicant needs to submit additional information. List of items attached.
- ☐ Recommend Denial. Attach reasons for recommended denial.
- ☐ Other Comments: _____

DATE:

7/27/17

PRINT NAME:

Laura Coltrane