



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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Hearing Date: March 1, 2018

To: Humboldt County Planning Commission

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

Subject: **RBC Holdings, LLC Conditional Use Permit**
Application Number 10891
Case Numbers CUP 16-749
Assessor's Parcel Number(s) (APN) 522-044-047, 522-044-037
1008 M&W Road, Willow Creek area

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Please contact Rodney Yandell, Planner, at 707-445-7541 or by email at ryandell@co.humboldt.ca.us if you have any questions about the scheduled item.

Cc: California Department of Fish and Wildlife

AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
March 1, 2018	Conditional Use Permit	Rodney Yandell

Project Description: A Conditional Use Permit (CUP) for an existing cultivation of 10,000 square feet of outdoor and 2,000 square feet of mixed-light cannabis cultivation (12,000 square feet total). Plants are harvested and dried in the shop, and then they are machine trimmed outside and returned to the shop for curing. All processing is completed by the applicant and no employees are utilized. The applicant is also seeking an off-site, licensed, processing facility for future use. Water is currently sourced for irrigation from the applicant's point of water diversion from Anton Creek on the property. The applicant will be abandoning the diversion from Anton Creek in 2018 and transitioning to the use of a rainwater catchment system to supply water to the cultivation for future use. There is also a well on the property that is not used due to its low volumetric capacity. The applicant has 25,000 gallons of hard tank storage and 50,000 gallons of bladder storage, and is proposing to expand water storage to 100,000 gallons by January 1, 2018. The applicant proposes to relocate an area of cultivation away from an unnamed Class III watercourse. The applicant has filed an Initial Statement of Water Diversion and Use with the Division of Water Rights. The applicant has submitted an Enrollment Notice of Intent Form for the Commercial Cannabis Waste Discharge Regulatory Program administered by the North Coast Regional Water Quality Control Board (NCRWQCB). The applicant has also filed a Notification of Lake or Streambed Alteration Agreement (LSAA) (1600 Permit) with the California Department of Fish and Wildlife (CDFW).

Project Location: The project is located in Humboldt County, in the Willow Creek area, on the North side of State Hwy 299, approximately 1.31 miles north from the intersection of State Hwy 299 and M&W Road and approximately 0.21 miles from the terminus of M&W Road down a private driveway, on the property known as 1008 M&W Road, Willow Creek.

Present Plan Land Use Designations: Timberlands (T), Humboldt County General Plan (GP), Density: 160 to 40 acers per dwelling unit, Slope Stability: High Instability (3)

Present Zoning: Timberland Production (TPZ)

Case Number: CUP16-749

Application Number: 10891

Assessor Parcel Number(s): 522-044-047, 522-044-037

Applicant

RBC Holdings, LLC
Brian Sayre
PO Box 422
Willow Creek, CA 95573

Owner

Sayre Brian
PO Box 422
Willow Creek, CA 95573

Agent

Green Road Consulting (GRC)
Attn: Kaylie Saxon
1650 Central Avenue, #C
McKinleyville, California 95519

Environmental Review: California Environmental Quality Act (CEQA) Exemption Sections: 15301 (Existing Facilities) 15333 (Small Habitat Restoration Projects) of the CEQA State Guidelines.

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

Major Issues: None

RBC HOLDINGS, LLC
Case Number CUP16-749
Assessor's Parcel Number(s) 522-044-047, 522-044-037

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 part of the consent agenda:

Find the project Categorically Exempt from environmental review pursuant to Section 15301 and 15333 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 RBC Holdings, LLC Conditional Use Permit subject to the recommended conditions.

Executive Summary: RBC Holdings, LLC is seeking a Conditional Use Permit (CUP) for an existing 12,000 square feet commercial medical cannabis operation—10,000 square feet of outdoor and 2,000 square feet of mixed-light operation—in compliance with the County Commercial Medical Marijuana Land Use Ordinance (CMMLUO). The project site is comprised of one legal parcel consisting of two Assessor parcel numbers (APN 522-044-047 and 522-044-037). Commercial cannabis cultivation currently occurs at multiple locations on the 40-acre parcel. Cultivation Area #1 consists of approximately 3,355 square feet of outdoor cannabis cultivation and is located in the northwestern quadrant of the parcel. Cultivation Area #1 resides within the 50-foot buffer zone of a Class III watercourse and needs to be decommissioned, relocated, and restored within the affected Streamside Management Area (SMA). The project is conditioned on the applicant securing a Special Permit for development within a SMA pursuant to Section 314-61.1 of Humboldt County Code for restoration of the relocated cultivation area. The restoration and any new construction will require a qualified biologist to conduct biological, botanical, and/or wetland delineation surveys and establishing appropriate buffers, which will be recorded on a development plan showing any delineated areas on the property to protect biological resources that exist within the project area.

The applicant identified two sites for relocation of the existing 3,355 square feet of cultivation in the 50-foot streamside buffer zone. Proposed Cultivation Area #1 will be approximately 2,355 square feet and located northeast of the Class III watercourse, out of the 50-foot streamside buffer zone, positioned between the watercourse and the existing water bladder/hard water tank storage. Proposed Cultivation Area #2 will be approximately 1,000 square feet and located south of the existing nutrient storage shed and vegetation room, outside the 50-foot streamside buffer zone. In addition, there are existing outdoor cultivation areas of 5,424 square feet (located in the eastern portion of the property) and 1,221 square feet (located in the southwestern portion of the property). The total of existing outdoor cultivation areas, including those that will be relocated to environmentally preferable locations, is 10,000 square feet.

Existing mixed-light cultivation takes place in two greenhouses, 1,000 square feet each. One is located in the northwestern quadrant and the other in the southwestern quadrant of the parcel.

The operation includes on-site processing conducted by the applicant; no employees are hired for the operation. The applicant will participate in the County Track and Trace program.

In addition to the two greenhouses, there are four other structures on the property: a residence, a shop building, a nutrient shed, and a vegetation room. The residence is not used for cannabis related activities. Applicant securing proper permits of all structures through the Humboldt County Building Department will be a Condition of Approval. There are two septic systems. One is attached to the residential structure and is currently permitted. The other is attached to the shop building and is in the process of being permitted. The project is conditioned on the applicant confirming sufficient use of portable toilets to serve processing and cultivation activities or demonstrating Tier 0 status for the existing onsite septic system serving the residence. Water for domestic use is provided by a diversion site located within the Class II watercourse of Anton Creek on the property. The applicant has a pending registration filed with the State Water Resources Control Board (WRCB) for Small Domestic Use Appropriation for this water diversion, which provides up to 225 gallons per day of direct diversion for domestic and drinking water usage.

Water

The amount of water used for the cultivation of cannabis varies throughout the year, with peak periods of water use occurring during the summer months. Estimated annual water use for the property is approximately 194,095 gallons. Water used for the cultivation of cannabis is sourced on site from a diversion on Anton Creek, from a planned rainwater catchment system, and potentially from a well. The applicant has a current approved Lake or Streambed Alteration Agreement (LSAA) 1600 permit from the CDFW; this document establishes forbearance from diverting any streamflow for irrigation between May 15 and October 15 of each year. Applicant may divert no more than 200 gallons a day during the forbearance period for domestic water use only. The maximum instantaneous diversion rate from the water intake on Anton Creek shall not exceed 20 percent of the total flow at any time. Applicant has expressed a commitment to transition water for irrigation of cannabis to rainwater catchment in 2018. Applicant has also committed to increasing water storage capacity on site to 100,000 gallons by January 1, 2018. The site currently includes a 50,000-gallon water bladder and a series of hard tanks that provide an additional 25,000 gallons of water storage. Irrigation of cannabis is implemented in multiple ways to insure agronomic practices. Greenhouses are supplied with automated drip irrigation systems. Nutrient dosing systems are in place for both outdoor and mixed-light cultivation. Hand watering with a low-flow nozzle is also done in the summer months to insure there is no overwatering. Best management practices (BMPs) (including heavy mulching and straw) are in use in all cultivation areas. The applicant has agreed to use water meters and install additional water storage tanks if additional water storage is needed, to avoid relying on surface water diversion during the dry season.

There is one Class II watercourse (Anton Creek), one Class III watercourse, and one unidentified swale that runs through the property. All watercourses are tributaries to Willow Creek, to the Trinity and Klamath River. There is one stream crossing on the Class II watercourse, and there are three stream crossings on the Class III watercourse. The applicant is enrolled in the Tier 2 Discharge Program of the North Coast Regional Water Quality Control Board (NCRWQCB). The applicant has prepared a Water Resource Protection Plan (WRPP) that is required for enrollment. The WRPP made recommendations for remediating deficiencies with existing stream crossings and determined that one cultivation site needed relocation and remediation, as it was in the 50-foot buffer zone for a Class III watercourse. The applicant will secure a Special Permit for the SMA restoration and has incorporated the relocation of Cultivation Area #1 in his site plan as described above in "Executive Summary." The WRPP found other deficiencies related to maintenance, erosion control, drainage features, spoils management, water storage, and refuse and human waste; the WRPP laid out a schedule for remediation of each. The project is conditioned on the applicant completing proper remediation according to this schedule. The applicant has submitted notification to the California Department of Fish and Wildlife (CDFW) pursuant to Fish

and Game Code 1602 for both the water diversion site and the stream crossing sites that need remediation.

Operations (Cultivation and Processing)

RBC Holdings, LLC conducts mixed-light cultivation activities in multiple cycles with harvests in January, February, April, May, July, August, October, and November. Outdoor cultivation activities begin with cracking seeds and cultivation of plants in the vegetation shed until transplanting outside in mid-May, with harvest in October and November. These cultivation activities can change depending on weather and strain. Since a component of the project is mixed-light cultivation, the applicant will comply with International Dark Sky Performance Standards. This requires the applicant to shield extraneous light during the hours of sunset to sunrise. The project is conditioned on the applicant providing a lighting plan to the Planning Division within 6 months of the effective date of this permit or prior to use of lighting.

The shop building is used for processing of the cannabis. These activities include drying, curing, and storage. Machine trimming occurs outside. Processing will continue to be completed by the applicant until Emerald Family Farms is an approved processing facility. Work surfaces and equipment are maintained in a clean, sanitary condition. Protocols to prevent the spread of mold are strictly followed. The final cannabis product is stored in a secure location.

Currently, there are no pesticides or herbicides registered specifically for use directly on applicant's cannabis, and only organic fertilizers and amendments are utilized. The WRPP includes information regarding storage and handling of these materials and BMPs. All cultivation waste is composted on site, and stored in a secure location that will not enter watercourses or surface waters. Non-compostable waste is transferred to Humboldt Sanitation and Recycling in McKinleyville, California. There is no soil pile on site. The cultivation soil is re-amended for each cultivation cycle. Shall the soil ever become nonviable for cultivation, it will be removed and disposed of at Wes Green in Arcata.

Energy

The operation is on the grid and supplied by commercial power. No generators are being used for cultivation or processing, and no fuel is stored on site.

Security

The applicant has also submitted a security plan including the use of fencing, a steel gate at the entrance, shackle locks, and a closed loop camera system that will cover all gates, cultivation and processing areas.

Access

The property is accessible from a two-mile segment of MW Ranch Road, which connects to State Highway 299. Parking is available on site.

The 40-acre property used for medical cultivation activity is zoned Timberland Production (TPZ). The CMMLUO identified TPZ-zoned parcels five acres or larger as sites where existing cannabis cultivation activities could be allowed. Outdoor cultivation up to 1 acre (43,560 square feet) and mixed-light cultivation up to 22,000 square feet is allowed subject to the issuance of a CUP. A CUP is a discretionary permit meaning that, to approve the requested cultivation area, the Planning Commission must consider whether the findings required for permit approval can be met for the described project.

There are no schools, school bus stops, places of worship, public parks, or Tribal Cultural Resources within 600 feet of the cultivation or processing areas.

Permits/Approvals

The Building Inspection Division recommends Conditional Approval.

The Department of Public Works recommends Conditional Approval.

The Division of Environmental Health recommends Conditional Approval.

The California Department of Fish and Wildlife provided comments.

The Hoopa Valley Tribe and Tsnungwe Tribal Council have not provided comments.

The Tsnungwe Tribal Historic Preservation Officer (THPO) reviewed the archaeological report. The THPO was satisfied with the negative findings in the archaeological study.

Staff Recommendation

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 Conditional Use Permit.

ALTERNATIVES: The Planning Commission could elect not to approve the project, to require the applicant to submit further evidence, or modify the project. These alternatives could be implemented if the Commission is unable to make all the required findings. Planning Division staff has stated that the required findings in support of the proposal have been made. Consequently, Planning staff does not recommend further consideration of the alternatives.

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT
Resolution Number 18-
Case Number: CUP 16-749**

Assessor's Parcel Number(s): 522-044-047, 522-044-037

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

WHEREAS, RBC Holdings, LLC submitted an application and evidence in support of approving the Conditional Use Permit to permit an existing 10,000 square-foot outdoor cultivation area and a 2,000 square-foot mixed-light cultivation area with on-site processing; and

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

WHEREAS, the project is exempt from environmental review per Section 15301 (Existing Facilities) and 15333 (Small Habitat Restoration Projects) of the CEQA Guidelines; and

WHEREAS, Attachment 2 in the Planning Division staff report includes substantial evidence in support of making all of the required findings for approving the proposed Conditional Use Permit (Case Number CUP 16-749); 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 the following findings be and are hereby made:

1. The proposed project is exempt from environmental review pursuant to Section 15301 (Existing Facilities) and 15333 (Small Habitat Restoration Projects) of the California Environmental Quality Act (CEQA) State Guidelines; and
2. The findings in Attachment 2 of the Planning Division staff report support approval of Case Number CUP 16-749 based on the submitted evidence; and
3. Approves the Conditional Use Permit as recommended and conditioned in Attachment 1 for Case Number CUP 16-749.

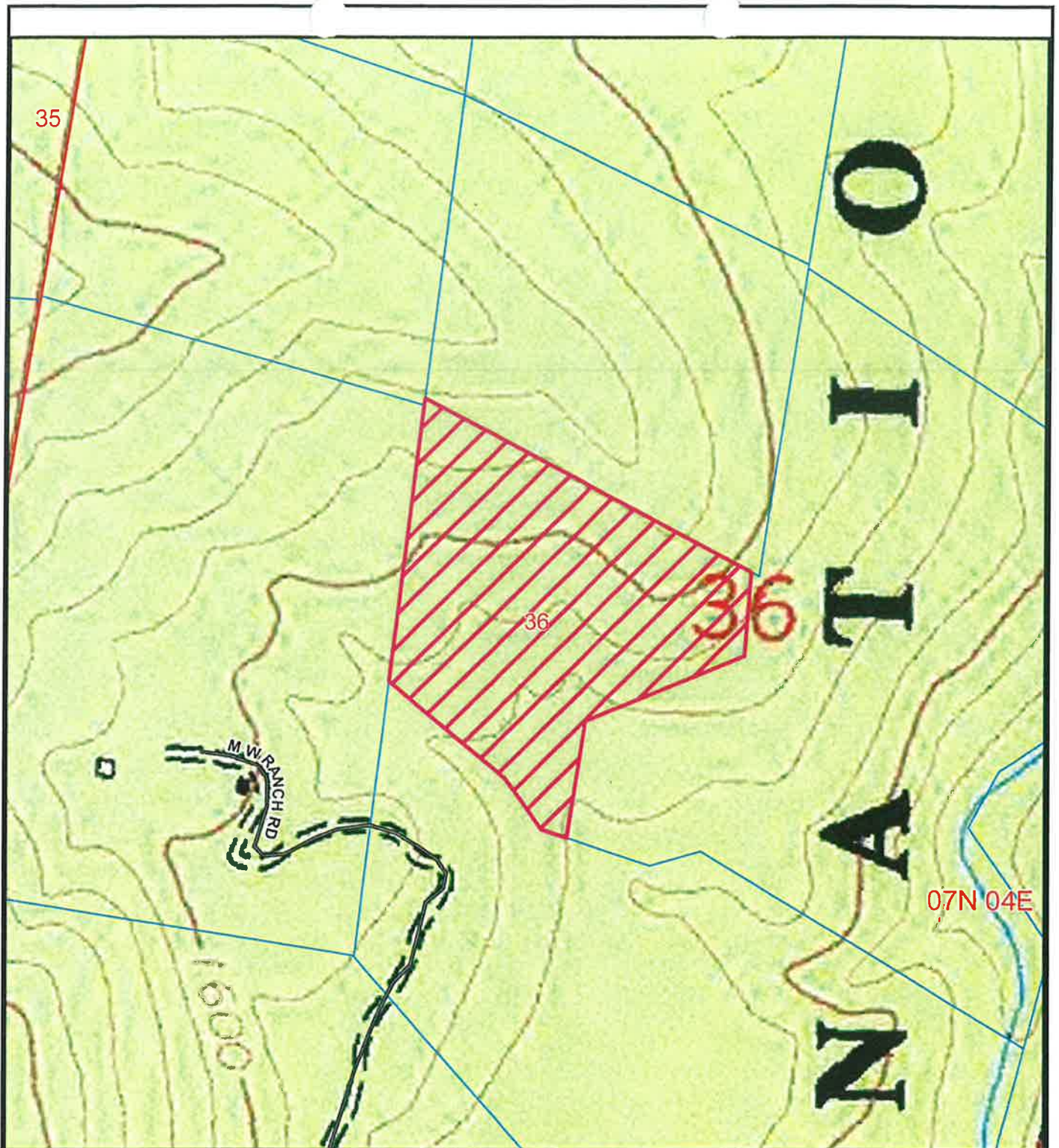
Adopted after review and consideration of all the evidence on March 1, 2018.

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

AYES: COMMISSIONERS:
NOES: COMMISSIONERS:
ABSENT: COMMISSIONERS:
ABSTAIN: COMMISSIONERS:
DECISION:

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

John Ford
Director, Planning and Building Department



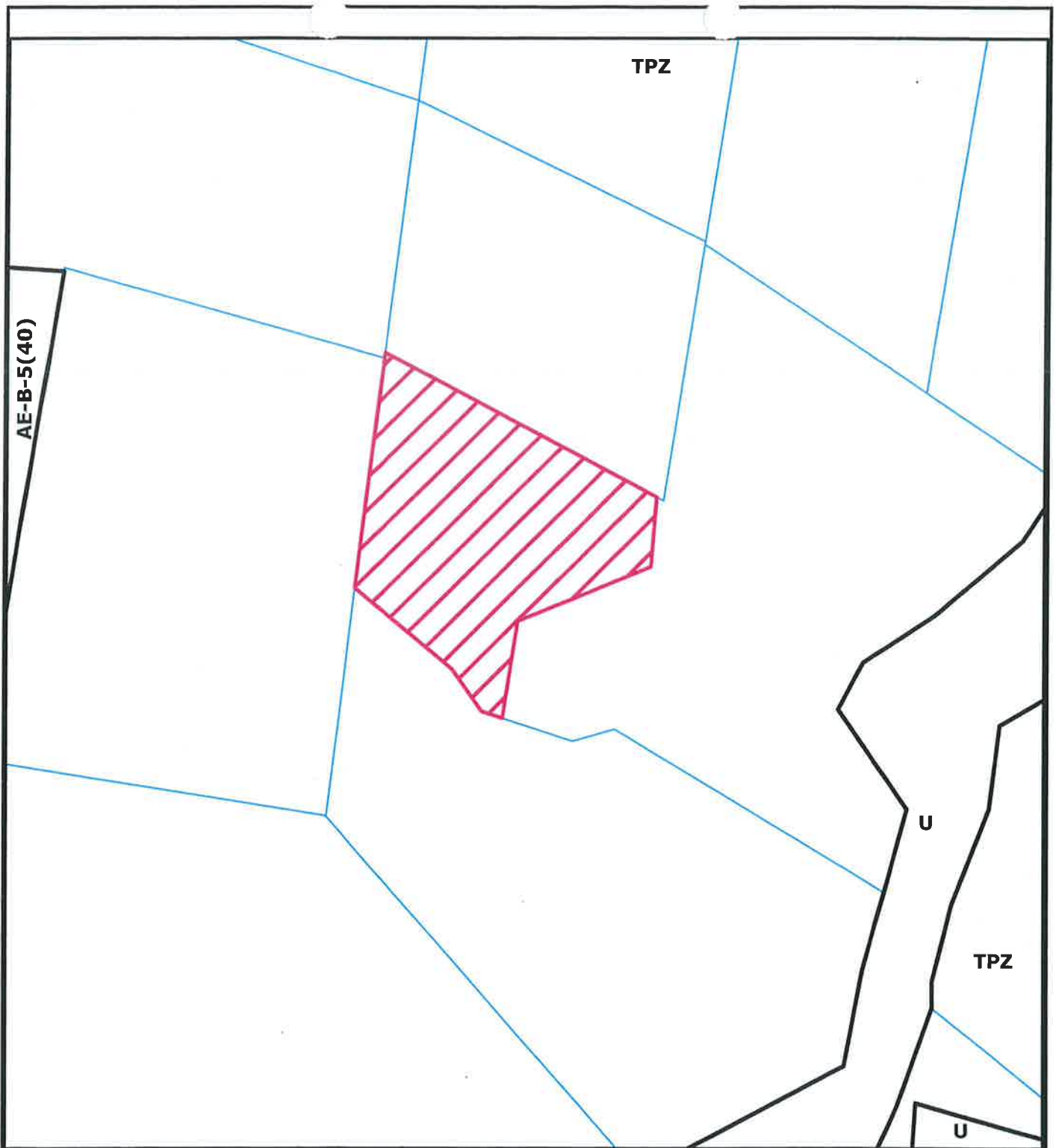
**TOPO MAP
PROPOSED RBC HOLDINGS, INC.
WILLOW CREEK AREA
CUP-16-749
APN: 522-044-047
T07N R04E S36 HB&M (WILLOW CREEK)**

Project Area = 

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



0 250 500 Feet



ZONING MAP
PROPOSED RBC HOLDINGS, INC.
WILLOW CREEK AREA
CUP-16-749
APN: 522-044-047
T07N R04E S36 HB&M (WILLOW CREEK)

Project Area = 

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



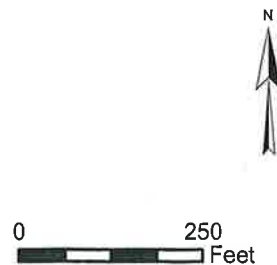
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**AERIAL MAP
PROPOSED RBC HOLDINGS, INC.
WILLOW CREEK AREA
CUP-16-749
APN: 522-044-047
T07N R04E S36 HB&M (WILLOW CREEK)**

Project Area = 

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PARCEL OVERVIEW

APN: 522-044-047

CULTIVATION INFORMATION

DECOMISSIONED AREA

3,355 ft²

CULTIVATION RELOCATION AREA

3,355 ft²

EXISTING OUTDOOR CULTIVATION AREA

CA #1 = 5,424 ft²

CA #2 = 1,221 ft²

EXISTING MIXED LIGHT CULTIVATION AREA

GH #1 = 1,000 ft²

GH #2 = 1,000 ft²

TOTAL EXISTING MIXED LIGHT CULTIVATION AREA = 2,000 ft²

TOTAL EXISTING OUTDOOR CULTIVATION AREA = 10,000 ft²

CULTIVATION | DOMESTIC AND USE

CULTIVATION BUILDING	USE	YEAR	SIZE
SHOP	DRYING/STORAGE	2013	20' x 40'
NUTRIENT STORAGE	NUTRIENT/STORAGE	1997	8' x 16'
VEG ROOM	VEGETATION/PROPAGATION	2015	30' x 40'

DOMESTIC BUILDING	USE	YEAR	SIZE
RESIDENCE	PLACE OF LIVING	1986	45' x 50'
SHED	STORAGE	2009	12' x 12'
SHIPPING CONTAINER	STORAGE	2011	8' x 20'

WATER STORAGE

TYPE	NUMBER	SIZE
HDPE TANKS	2	5,000 GALLONS
HDPE TANKS	8	3,000 GALLONS
HDPE TANKS	1	1,500 GALLONS
WATER BLADDER	1	50,000 GALLONS

PROPOSED WATER STORAGE

TYPE	NUMBER	SIZE
HDPE TANKS	2	5,000 GALLONS
ANTON CREEK DIVERSION		

TOTAL AMOUNT OF WATER STORAGE = 85,500 GALLONS

TOTAL AMOUNT OF PROPOSED WATER STORAGE = 10,000 GALLONS

WATER SOURCE

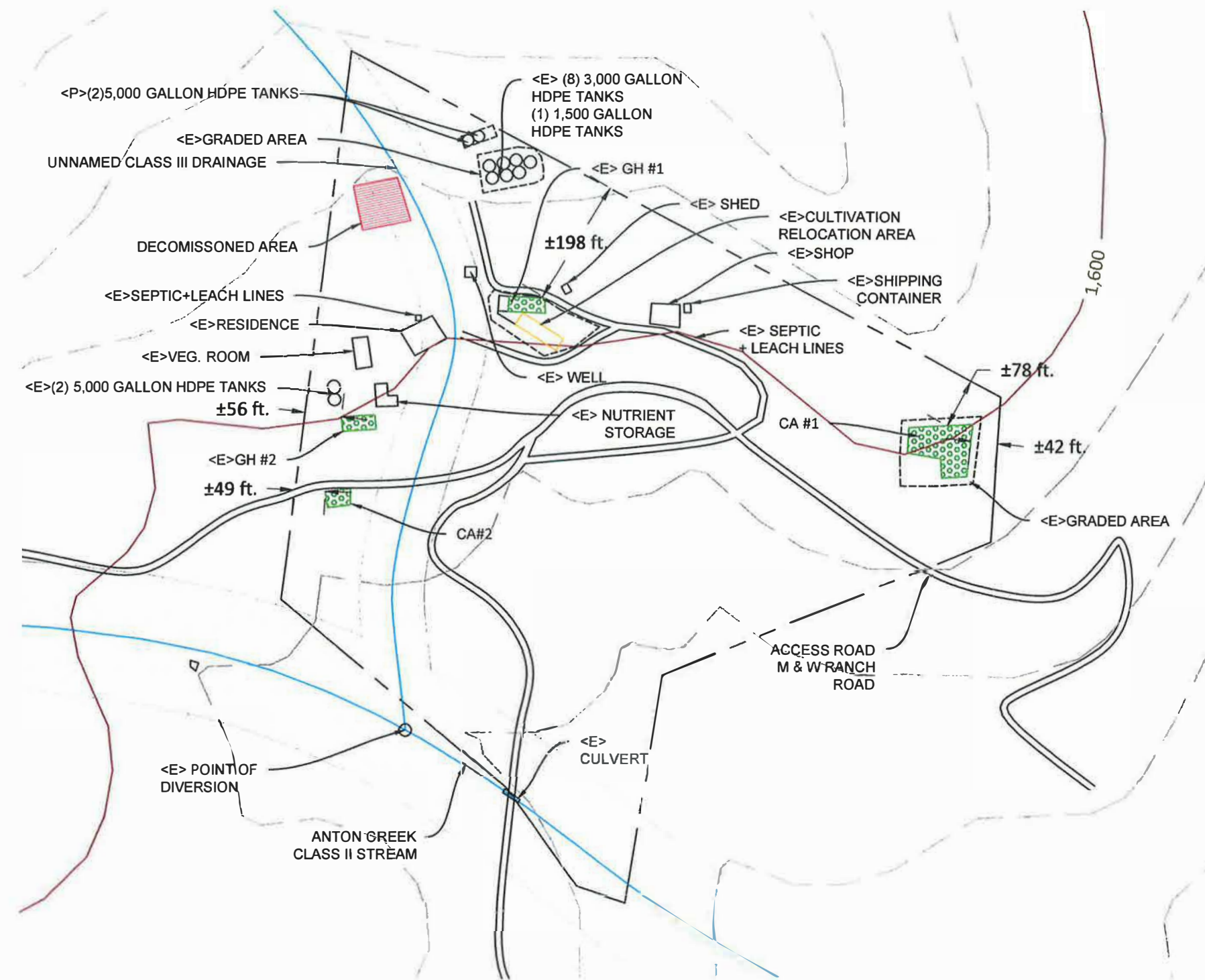
ANTON CREEK DIVERSION

CLASS I & II STREAMS WITH REQUIRED 100 FT. BUFFER ZONES

CLASS III DRAINAGE WITH REQUIRED 50 FT. BUFFER ZONE

POWER SOURCE

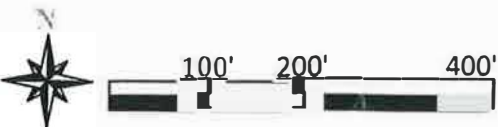
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SURROUNDING BUILDINGS

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

THERE ARE NO OFF SITE RESIDENCES WITHIN 300 FEET OF THE CULTIVATION SITE.



PROJECT INFORMATION

PROPERTY OWNER

ADDRESS

SHEET INFO

BRYAN SAYRE

APN: 522-044-047

PARCELOVERVIEW

REVISIONS

NO	NOTES	DATE

DATE 7/18/17
DRAFTER
SCALE AS SHOWN

SHEET
PO

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 the effective date of permit 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 #2-27. 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. A letter or similar communication from the Building Inspection Division verifying that all structures related to the cannabis cultivation are permitted will satisfy this condition.
3. The conditions of the Building Inspection Division referrals dated April 24, 2017 and July 18, 2017, shall be completed or secured to the satisfaction of that department. A letter or similar communication from the Building Inspection Division verifying that all their requirements have been met will satisfy this condition.
4. The applicant shall complete and implement all corrective actions detailed in the Water Resource Protection Plan developed for the parcel, prepared pursuant to Tier 2 enrollment under the North Coast Regional Water Quality Control Board's (RWQCB) Cannabis Waste Discharge Regulatory Program, including those measures later determined necessary during annual and periodic site inspections in accordance with the monitoring element. A copy of the reporting form portion of the Mitigation and Reporting Program (MRP) shall be submitted annually to the Planning and Building Department concurrent with the submittal to the NCRWQCB. A letter or similar communication from the NCRWQCB or the Third Party Consultant verifying that all the requirements in the MRP have been met will satisfy this condition. [After July 31, 2019, plans and reporting shall conform to the Cannabis Cultivation Policy and Cannabis General Order adopted October 17, 2017 by the State Water Board.]
5. Prior to renewal of permit, the applicant shall submit to Humboldt County Department of Environmental Health (DEH) invoices for service, or copy of contract confirming sufficient use of portable toilet(s) to serve cultivation and processing operations for duration of first year, or else provide written assessment from a qualified septic consultant confirming a Tier 0 status for the existing on-site septic system serving the dwelling. A letter or similar communication from the DEH verifying that all their requirements have been met will satisfy this condition.
6. The applicant shall provide the California Department of Fish and Wildlife (CDFW) with all requested water diversion reporting information and shall submit a water management plan according to the schedule agreed upon in the approved Lake or Streambed Alteration Agreement ([LSAA] 1600-2016-0080-R1), dated July 6, 2017, for the existing water diversion that is used on site. Communication from the CDFW verifying that this requirement has been met will satisfy this condition.
7. The applicant shall provide the CDFW with all requested notification and reporting information for all required remediation at the watercourse crossings on site pursuant to fish and game Code 1602.
8. The Applicant shall provide a lighting plan demonstrating the proposed cultivation area would not deliver or have the potential to deliver light pollution, during the hours of sunset to sunrise, which may affect fish and/or wildlife directly, or from a distance. The plan shall be submitted

to the satisfaction of the Planning Division within six months of the effective date of this permit, or prior to use of lighting, whichever occurs first.

9. Prior to issuance of any permits, the applicant shall demonstrate that there is sufficient on-site water storage to meet the annual demand of the residence and cannabis cultivation. This may be accommodated by adding other water storage facilities, or by reducing the cultivation cycles or the square footage of cultivation within the operations plan. If cultivation area is not reduced, the applicant must have a minimum of 100,000 gallons of water storage on site prior to initiating cultivation in the year 2018. Water storage in bladders shall cease and be replaced by hard tank storage in association with a building permit or other water storage to be reviewed for approval by the Planning and Building Department.
10. The applicant shall obtain an appropriative water right from the State Water Resources Control Board (WRCB) for water storage related to irrigation uses. A letter or similar communication from the State WRCB verifying an appropriative right has been obtained will satisfy this condition.
11. The applicant shall agree to use a water meter to demonstrate that there is sufficient water supply to meet the demands of the project without having to rely on surface water diversion during the summer months. As part of the annual inspection, the applicant shall present water use records showing water use for the year broken down by month.
12. The applicant shall install a rainwater catchment system by January 1, 2019, with sufficient collection capacity to transition from water diversion to rainwater catchment for on-site cannabis cultivation, meeting the forbearance and diversion restrictions outlined in LSAA 1600-2016-0080-R1. The applicant shall provide documentation regarding the capacity of the system to the satisfaction of the Planning Department as well as verification from CDFW as to the placement location for the proposed pond and certifying the pond is consistent with the requirements of CDFW.
13. The applicant shall provide documentation verifying that the greenhouse floors are pervious to the satisfaction of the Planning Department.
14. If a well is used to meet water supply needs for irrigation, the applicant shall obtain a well permit and pumped water shall not exceed permitted flow rate.
15. Prior to issuance of any building or construction permits a grading, erosion and sediment control plan shall be prepared by a qualified engineer. The plan shall identify the cubic yards of all grading that has been done and any proposed grading.
16. The applicant shall secure a Special Permit for development within a Streamside Management Area pursuant to Section 314-61.1 of Humboldt County Code for restoration of the relocated cultivation area.
17. Prior to any ground disturbance or the issuance of any permits, a qualified biologist shall survey the project site and identify the locations of all wetlands, springs, seeps, and riparian areas; plants with a State Rare Plant Rank of 1 or 2; and any sensitive natural communities, including wildlife species identified as potentially present by the CDFW: fisher (*Pekania pennanti*), northern red-legged frog (*Rana aurora*), tailed frog (*Ascaphus truei*), foothill yellow-legged frog (*Rana boylei*), and southern torrent salamander (*Rhyacotriton variegatus*). A 150-foot buffer around all identified habitats shall be flagged for avoidance in the field and shown on the revised site plan. No improvements or other activities are allowed within the 150-foot setback area. This shall be reflected in the operations plan.
18. The applicant shall meet all the required site remediation, cleanup, and Best Management Practices (BMPs) on the schedule outlined in the WRPP.

19. The applicant shall provide a copy of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (CAL-FIRE). Alternately, if the landowner has not completed a civil or criminal process and/or entered into a negotiated settlement with CAL-FIRE, the applicant shall secure the services of a registered professional forester (RPF) to evaluate site conditions and conversion history for the property and provide a written report to the Planning Division containing the RPF's recommendation as to remedial actions necessary to bring the conversion area into compliance with provisions of the Forest Practices Act. The Planning Division shall provide CAL-FIRE written Notice of Availability of the RPF's report. If CAL-FIRE takes no action within ten (10) days of the notice of availability, the report recommendations shall become final and shall be implemented by the applicant. If CAL-FIRE makes additional recommendations, these shall also be completed to the satisfaction of CAL-FIRE. A letter from the RPF, and written confirmation from CAL-FIRE (if additional requirements are imposed), verifying that all their requirements have been met will satisfy this condition.
20. 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.
21. 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.
22. 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.
23. The applicant shall provide a copy of an approved encroachment permit from Caltrans indicating that the M&W ranch road access from State Highway 299 meets the standards of Caltrans. The applicant shall be responsible for improving this intersection to the satisfaction of Caltrans, as required by that agency.
24. Revised site plan depicting entire parcel pursuant to Planning Department determination of legal parcel consisting of APN 522-044-047 AND 522-044-037 and containing all aspects of development existing and proposed for the site, including any proposed rainwater catchment system as required, and containing all the information identified in the County's Plot Plan Checklist.
25. The applicant shall provide information to CALFIRE indicating that Agricultural cannabis cultivation operations have easily accessible material safety data sheets (MSDS) or safety data sheets (SDS) for all chemicals and hazardous materials on site. A letter or other communication from CALFIRE will satisfy this condition.
26. The applicant must meet minimum fire safe standards. The County Fire Safe Ordinance provides specific standards for roads providing ingress and egress, signing of streets, and other development standards. Clearances from CALFIRE and Willow Creek Fire Response Area agency indicating the access road and driveways meet fire safe access requirements will satisfy this condition.
27. The applicant shall contact the local fire service provider [Willow Creek Volunteer Fire District] and furnish written documentation from that agency of the available emergency response and fire suppression services and any recommended project mitigation measures. Mitigation measures shall be incorporated into the project, if applicable. If emergency response and fire suppression services are not provided, the applicant shall cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION

SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning Division. Document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors will be required.

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

1. All components of project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, and these conditions of approval. Changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan.
2. If offsite processing is chosen to be the preferred method of processing, this permit shall be modified to identify the offsite licensed facility.
3. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CMMLUO and MAUCRSA, as applicable to the permit type.
4. If operating pursuant to a written approved compliance agreement, permittee shall abate or cure violations at the earliest feasible date, but in no event no more than two (2) years from the date of issuance of a provisional clearance or permit. Permittee shall provide plans for curing such violations to the Planning & Building Department within one (1) year of issuance of the provisional clearance or permit. If good faith effort towards compliance can be shown within the two years following the issuance of the provisional clearance or permit, The Planning Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow for additional time to meet the outstanding requirements.
5. Possession of a current, valid required license, or licenses, issued by any agency of the State of California in accordance with the MAUCRSA, and regulations promulgated thereunder, as soon as such licenses become available.
6. Compliance with all statutes, regulations and requirements of the California State Water Resources Control Board and the Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration, as applicable.
7. Confinement of the area of cannabis cultivation, processing, manufacture or distribution to the locations depicted on the approved site plan. The commercial cannabis activity shall be set back at least 30 feet from any property line, and 600 feet from any School, School Bus Stop, Church or other Place of Religious Worship, Public Park, or Tribal Cultural Resources, except where a reduction to this setback has been approved pursuant to Section 55.4.11(d).
8. Maintain enrollment in Tier 1, 2 or 3, certification with the North Coast Regional Water Quality Control Board (NCRWQCB) Order No. 2015-0023, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
9. For cultivation area(s) for which no enrollment pursuant to NCRWQB Order No. 2015-0023 is required by that Order, comply with the standard conditions applicable to all Tier 1 dischargers.
10. Comply with the terms of any applicable Streambed Alteration (1600) Permit obtained from the California Department of Fish & Wildlife.
11. 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), if applicable.

12. Consent to an annual on-site compliance inspection, with at least 24 hours prior notice, to be conducted by appropriate County officials during regular business hours (Monday – Friday, 9:00 am – 5:00 pm, excluding holidays).
13. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
14. Pay all applicable application, review for conformance with conditions and annual inspection fees.
15. Where surface water diversion provides any part of the water supply for irrigation of cannabis cultivation, permittee shall either: 1) forebear from any such diversion during the period from May 15th to October 31st of each year (or whatever is dictated in the final LSAA, whichever is more stringent) and establish on-site water storage for retention of wet season flows sufficient to provide adequate irrigation water for the size of the area to be cultivated, or 2) comply with the approved water management plan prepared by a qualified person such as a licensed engineer, hydrologist, or similar qualified professional, that establishes minimum water storage and forbearance period, if required, based upon local site conditions, or 3) adhere to the RWQCB approved Water Resources Protection Plan or other clearance issued by the agency. If the method of compliance changes during the term of the Conditional Use Permits, permittee shall notify the Planning and Building Department and furnish appropriate documentation of compliance with this standard.
16. At least one water meter shall be installed on the water line providing irrigation flow to the cultivation site. The water meter shall have the capacity to measure at least 100,000 gallons of flow before resetting. The water meter shall be used to measure the amount of water provided to the cultivation area during the forbearance period. The meter shall be installed at a point on the water line that provides an accurate measurement of the water used for irrigation. Household water use at the residence shall be separately metered if required.
17. The noise produced by a generator used for cannabis drying, curing, and processing shall not be audible by humans at neighboring residences. The decibel level for generators measured at the property line shall be no more than 60 decibels. Where applicable, sound levels must also show that they will not result in the harassment of Marbled Murrelet or Spotted Owl species. Conformance will be evaluated using current auditory disturbance guidance prepared by the United States Fish and Wildlife Service, and further consultation where necessary. Under these guidelines, generator noise may not exceed 50dB as measured at 100 feet from the generator or at the edge of the nearest Marbled Murrelet or Spotted Owl habitat, whichever is closer.
18. 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.
19. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).
20. 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

21. Pursuant to the MMRSA, Health and Safety Code section 19322(a)(9), an applicant seeking a cultivation license shall "provide a statement declaring the applicant is an 'agricultural employer,' as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 commencing with Section 1140) of Division 2 of the Labor Code), to the extent not prohibited by law."

22. Cultivators shall comply with all applicable federal, state, and local laws and regulations governing California Agricultural Employers, which may include federal and state wage and hour laws, CAL/OSHA, OSHA, California Agricultural Labor Relations Act, and the Humboldt County Code (including the Building Code).
23. Cultivators engaged in processing shall comply with the following Processing Practices:
 - I. Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.
 - II. Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
 - III. Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.
 - IV. Employees must wash hands sufficiently when handling cannabis or use gloves.
24. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:
 - i. Cultivation operations and processing operations must implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:
 - 1) Emergency action response planning as necessary;
 - 2) Employee accident reporting and investigation policies;
 - 3) Fire prevention;
 - 4) Hazard communication policies, including maintenance of material safety data sheets (MSDS);
 - 5) Materials handling policies;
 - 6) Job hazard analyses; and
 - 7) Personal protective equipment policies, including respiratory protection.
 - ii. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
 - 8) Operation manager contacts;
 - 9) Emergency responder contacts;
 - 10) Poison control contacts.
 - iii. At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations. Plumbing facilities and water source must be capable of handling increased usage without adverse consequences to neighboring properties or the environment.
 - iv. On-site housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.
25. All cultivators shall comply with the approved Processing Plan as to the following:
 - i. Processing Practices.
 - ii. Location where processing will occur.
 - iii. Number of employees, if any.
 - iv. Employee Safety Practices.
 - v. Toilet and handwashing facilities.

- vi. Plumbing and/or septic system and whether or not the system is capable of handling increased usage.
- vii. Drinking water for employees.
- viii. Plan to minimize impact from increased road use resulting from processing.
- ix. On-site housing, if any.

26. Permit Duration. Any Commercial Cannabis Cultivation CUP issued pursuant to this section shall expire after one (1) year after date of issuance, and on the anniversary date of such issuance each year thereafter, unless an annual compliance inspection has been conducted and the permittees, lessees, and the permitted site have been found to comply with all conditions of approval.

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

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

Permittee further acknowledges and declares that:

- (1) All commercial cannabis activity that I, my agents, or employees conduct pursuant to a permit from the County of Humboldt for commercial cultivation, processing, manufacturing, and distribution of cannabis for adult use or medicinal use within the inland area of the County of Humboldt, shall at all times be conducted consistent with the provisions of the approved County permit; and
- (2) All cannabis or cannabis products under my control, or the control of my agents or employees, and cultivated or manufactured pursuant to local Ordinance and the State of California Medicinal and Adult Use Cannabis Regulation and Safety Act ("MAUCRSA") (SB 94), will be distributed within the State of California; and
- (3) All commercial cannabis activity conducted by me, or my agents or employees pursuant to a permit from the County of Humboldt will be conducted in compliance with the State of California MAUCRSA.

28. Transfers. Transfer of any leases or permits approved by this project is subject to the review and approval of the Planning Director for conformance with CMMLUO eligibility requirements, and agreement to permit terms and acknowledgments. The fee for required permit transfer review shall accompany the request. The request shall include the following information:

- (1) Identifying information for the new Owner(s) and management as required in an initial permit application;

- (2) A written acknowledgment by the new Owner in accordance as required for the initial Permit application;
 - (3) The specific date on which the transfer is to occur; and
 - (4) Acknowledgement of full responsibility for complying with the existing Permit; and
 - (5) Execution of an Affidavit of Non-diversion of Medical Cannabis.
29. Inspections. The permit holder and subject property owner are to permit the County or representative(s) or designee(s) to make inspections at any reasonable time deemed necessary to assure that the activities being performed under the authority of this permit are in accordance with the terms and conditions prescribed herein.

Informational Notes:

1. If cultural resources are encountered during ground disturbing activities, the contractor on site shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist as well as the appropriate Tribal Historic Preservation Officer(s) (THPOs) are to be contacted to evaluate the discovery and, in consultation with the applicant and lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

The Native American Heritage Commission (NAHC) can provide information regarding the appropriate Tribal point(s) of contact for a specific area; the NAHC can be reached at 916-653-4082. Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, shellfish or faunal remains, and human burials. If human remains are found, California Health and Safety Code 7050.5 requires that the County Coroner be contacted immediately at 707-445-7242. If the Coroner determines the remains to be Native American, the NAHC will then be contacted by the Coroner to determine appropriate treatment of the remains pursuant to PRC 5097.98. Violators shall be prosecuted in accordance with PRC Section 5097.99

The applicant is ultimately responsible for ensuring compliance with this condition.

2. The applicant is responsible for receiving all necessary permits and/or approvals from other state and local agencies.
3. This permit approval shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"); except where construction under a valid building permit or use in reliance on the permit has commenced prior to such anniversary date. Once initiated, the use is subject to the Permit Duration and Renewal provisions set forth in Condition of Approval # 26 of the On-Going Requirements /Development Restrictions, above. The period within which construction or use must be initially commenced may be extended as provided by Section 312-11.3 of the Humboldt County Code.
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.
5. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will send a bill to the Applicant for all staff costs incurred for review of the project for conformance with the conditions of approval. All Planning fees for this service shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.

ATTACHMENT 2

Staff Analysis of the Evidence Supporting the Required Findings

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

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

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

1. General Plan Consistency. The following table identifies the evidence which supports finding that the proposed action is in conformance with all applicable policies and standards in the Framework General Plan.

Relevant Plan Section(s)	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Land Use Chapter 4</p> <p>Land Use Designations 4.8</p>	<p>Timberland (T): Lands primarily suitable for the growing, harvesting and production of timber. Allowable uses include timber production, general agriculture, timber/agricultural products processing, natural resources uses, other uses</p> <p>Density range is 40 -160 acres/unit.</p>	<p>Compatible uses for Timber land (T) include grazing and agricultural uses. The MMRSA, Health and Safety Code section 11362.777(a) provides that medical cannabis is an agricultural product, subject to extensive state and local regulation.</p> <p>The subject parcel is zoned Timberland Production (TPZ). The proposed action would permit an existing agricultural use. The subject parcel is 40 acres and contains one existing dwelling unit and three existing agricultural buildings. Permitting of the structures through the Building Division is a Condition of Approval.</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>Access to the site property is from a two-mile segment of MW Ranch Road, which connects to State Highway 299.</p> <p>The applicant has completed a Humboldt County Road Evaluation Report self-certifying that MW Ranch Road is developed to the equivalent of a category 4 road standard and adequate for the proposed use. Parking is available on site. The Department of Public Works has not responded to the Road Evaluation. The project has been conditioned on securing a clearance letter or other form of communication from CALFIRE indicating the access road and driveways meet fire safe standards.</p> <p>The project has been conditioned on the California Department of Transportation (Caltrans) certifying that the intersection of MW Ranch Road and State Highway 2999 is improved to Caltrans standards. The applicant will be responsible for improving this intersection to the satisfaction of Caltrans as required by that agency.</p>

Housing Chapter 8	<p>Goals and policies contained in this Element seek to identify existing and projected housing needs and establish goals, policies, standards and measures for the preservation, improvement, and development of housing.</p> <p>Related policies: H-P3, Development of Parcels in the Residential Land</p>	<p>The project does not involve residential development, nor is the project site part of the Housing Element Residential Land Inventory. However, the project will not preclude any future residential development. The project will not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.</p>
<p>Conservation and Open Space Chapter 10</p> <p>Open Space Section 10.2</p>	<p>Goals and policies contained in this Chapter relate to an Open Space and Conservation Program that is complimentary to other agencies' plans and that preserves the county's unique open spaces (CO-G1, CO-G3).</p> <p>Related policies: CO-P1, Conservation and Open Space Program; CO-P12, Development Review, CO-S1, Identification of Local Open Space Plan, and CO-S2, Identification of the Open Space Action Program.</p>	<p>The proposed project is located within Open Space Land Plan because the project site is planned Timberland and is zoned Timber Production. The project can be found consistent with the Open Space Action Plan because the proposed project is consistent with the allowable uses of the Land Use Designations. The project also restores land within streamside management area on land planned Timberland consistent with the preservation of natural resources within open space.</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 Biological Resource Maps of the General Plan do not identify any sensitive or critical habitat areas on the subject parcel; however, according to the California Department of Fish and Wildlife (CDFW), the subject parcel contains potential habitat for multiple rare or threatened wildlife species. Engaging a qualified biologist to survey for these identified species before any grading or construction work takes place is a Condition of Approval for the project.</p> <p>The 40-acre parcel has two watercourses on the property that are associated with Willow Creek. The watercourses consist of one Class II and one Class III watercourse. The cannabis cultivation areas are either located beyond the 100-foot setback requirement and 50-foot setback requirement for Class II and III watercourses respectively, or are</p>

		<p>planned for relocation beyond these buffer zones. As a Condition of Approval, the applicant shall secure a separate Special Permit for restoration of the relocated cultivation area within the Streamside Management Area (SMA).</p> <p>Domestic water use is currently supplied by a water diversion associated with the Class II watercourse. The applicant has filed registration for small domestic use with the State Water Resources Control Board (WRCB). The applicant has entered into a Lake and Streambed Alteration Agreement (LSAA) with the CDFW which establishes a forbearance period of May 15 through October 15 for the diversion, during which no water can be diverted for irrigation and a maximum of 200 gallons of water per day can be diverted for domestic use; these provisions are established for the protection of fish and wildlife species.</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 Resource Protection Plan (WRPP) to protect water quality from cannabis cultivation and related activities. The applicant retained Timber Resource Consultants for the preparation of a WRPP to describe and address the required elements and compliance with the 12 Standard Conditions established by the Order. The WRPP identified areas where the project site does not meet all 12 Standard Conditions and set a preliminary schedule prioritizing corrective actions to reach full compliance with the Order. All identified corrective actions and best management practices (BMPs) in the WRPP are included as conditions of approval. The WRPP has identified the relocation of a cultivation area outside the buffer zone for a Class III watercourse and stream crossings on the site that require remediation.</p>
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		As a Condition of Approval, the applicant has agreed to develop a rainwater catchment system and additional water storage in order to phase out water diversion as the source of irrigation water for cannabis, and also to comply with the forbearance period for diversion established in the CDFW 1600 LSAA permit.
<p>Conservation and Open Space Chapter 10</p> <p>Cultural Resources Section 10.6</p>	<p>Goals and policies contained in this Chapter relate to the protection and enhancement of significant cultural resources, providing heritage, historic, scientific, educational, social and economic values to benefit present and future generations. (CU-G1, Protection and Enhancement of Significant Cultural Resources)</p> <p>Related policies: CU-P1. Identification and Protection, CU-P2. Native American Tribal Consultation.</p>	<p>The project was referred to the Northwest Information Center (NWIC), the Hoopa Valley Tribe, and the Tsnungwe Council. The response from NWIC recommended an archaeological study and contact with the local Tribes. The archaeological study was reviewed by the Tsnungwe Tribal Historic Preservation Officer (THPO). The THPO was satisfied with the negative findings in the archaeological study. The standard inadvertent discovery protocol has been added as a condition of approval for this permit.</p>
<p>Conservation and Open Space Chapter 10</p> <p>Scenic Resources Section 10.7</p>	<p>Goals and policies contained in this Chapter relate to the protection of scenic areas that contribute to the enjoyment of Humboldt County's beauty and abundant natural resources (SR-G1); and a system of scenic highways roadways that increase the enjoyment of, and opportunities for, recreational and cultural pursuits and tourism in the County. (SR-G2)</p> <p>Related policies: SR-S4. Light and Glare.</p>	<p>The project involves mixed-light cultivation in greenhouses that cover 2,000 square feet of cultivation area. The CMMLUO requires that mixed light cultivation comply with International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1, and be designed to regulate light spillage onto neighboring properties resulting from backlight, uplight, or glare (BUG). International Dark Sky Association Standards exceed the requirements of Scenic Resources Standard SR-4, Light and Glare, that lighting be fully shielded, and designed and installed to minimize off-site lighting and direct light within the property boundaries</p>

<p>Water Resources Chapter 11</p> <p>Stormwater Drainage</p>	<p>Goals and policies contained in this Chapter relate to coordinated watershed planning and land use decision making to advance management priorities (WR-G3, WR-G4, WR-G5); watershed conservation and restoration efforts aimed at de-listing water bodies and watersheds which are restored to meet all beneficial uses, including water use, salmon and steelhead recovery plans, recreational activities, and the economy. (WR-G1, WR-G2, WR-G7, WR-G8, WR-G9)</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. The Applicant will comply with the terms of the WRPP (on file).</p>
<p>Water Resources Chapter 11</p> <p>Onsite Wastewater Systems</p>	<p>Goals and policies contained in this Chapter relate to adequate public water supply as well as onsite wastewater systems and natural and developed storm drainage systems that minimize interference with surface and groundwater flows and storm water pollution. (WR-G6, WR-G9, WR G10)</p> <p>Related policies: WR-IM7. Basin Plan Septic Requirements; and IS-P17. On-Site Sewage Disposal Requirements.</p>	<p>The property has two septic systems. One is attached to the residence and is permitted. The other is attached to the workshop and is in the process of being permitted.</p> <p>The County's Department of Environmental Health (DEH) recommends conditional approval of the project upon the applicant's submission to DEH invoices for service, or copy of contract confirming sufficient use of portable toilets to serve cultivation and processing operations for duration of first year, or else provide written assessment from a qualified septic consultant confirming a Tier 0 status for the existing on-site septic system serving the dwelling. Any expansion of service or additional waste systems will have to meet the County's sewage disposal requirements. This requirement has been added as a condition of 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 property is on the power grid, and no generators will be used.</p>
<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 subject parcel is in an area shown as High Slope Instability. Some of the cultivation areas are located on sites within the property that have been graded and are relatively flat; the applicant is proposing grading in areas where cultivation will be moved to environmentally preferable location. The applicant has submitted a grading plan prepared by an engineer for this proposed work. The cultivation areas are located on slopes ranging from 15 to 30 percent, and in areas where slopes range between 30 and 50 percent. The property as a whole is located on hilly terrain, with slopes ranging from 15 to over 50 percent. The potential for mudslide or landslide is considered low.</p> <p>There are no faults or fault zones located within five miles of the cultivation area. The site is not located within the Alquist Priolo Fault Hazard Zone. The area is known for some seismic activity, but the possibility of seismic damage from fault rupture is considered low.</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 23 miles distance from the coast, 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 parcel is in an area shown as high fire rating and Very High Fire Severity; however, the proposed action would permit an existing activity that does not propose any substantial new development. The site is located in the Willow Creek Fire Response Area and the State responsibility Area. All applicable referral agencies were referred and did not identify any issues relating to hazards. All structures are setback at least 30 feet from the property lines.</p>
<p>Safety Element Chapter 14</p> <p>Fire Hazards</p> <p>Implementation Action Plan</p>	<p>IS-S5 requires new industrial, commercial and residential development located outside of fire district boundaries to obtain written acknowledgment of available emergency response and fire suppression services from the local fire agency, including any recommended mitigation.</p>	<p>The project is located outside of the Willow Creek Volunteer Fire District boundary. The applicant will contact the local fire agency for a written acknowledgment of available emergency response and fire suppression services and recommended mitigations.</p> <p>The project is conditioned to require that the project incorporate any recommended mitigations into the project, and, if service is not available to the site, to record an acknowledgement consistent with this standard.</p>

2. The proposed development is consistent with the purposes of the existing zone in which the site is located; and 3. The proposed development conforms with all applicable standards and requirements of these regulations. The following table identifies the evidence which supports finding that the proposed development is in conformance with all applicable policies and standards in the Humboldt County Zoning Regulations.

Zoning Section	Summary of Applicable Requirement	Evidence
<p>§314-7.4 Timberland Production (TPZ) §314-55.4.8.2 §314-55.4.8.2.2</p>	<p>Grazing and other agricultural uses are principal compatible uses. In all zones consisting of timberland, cultivation shall be permitted in a 3-acre conversion exemption area or in non-timberland open area. Permits for existing outdoor cultivation in zoning districts including TPZ may be issued only when possible to bring them into compliance with all applicable standards. The total cultivation area shall not exceed 1 acre for outdoor cultivation or 22,000 square feet for mixed-light cultivation.</p>	<p>The subject parcel is zoned TPZ. The proposed action would permit a combination of outdoor and mixed-light commercial cannabis cultivation in existence prior to January 1, 2016. The existing outdoor cultivation area totals 10,000 square feet (0.23 acre) and the existing mixed-light cultivation area totals 2,000 square feet.</p>

Zoning Section	Summary of Applicable Requirement	Evidence
Minimum Lot Area:	160 acres; or 40 acres if provisions of §51119.5 are met	The subject parcel is 40 acres and the provisions of §51119.5 are met.
Max. Lot Coverage:	None specified	N/A
Min. Yard Setbacks	Front: 20 feet Rear: 30 feet Side: 30 feet	According to the submitted Plot Plan, the minimum setbacks for all cultivation areas are as follows: Front: greater than 20 feet Rear: greater than 30 feet Side: greater than 30 feet
Max. Building Height:	None specified	N/A
§314-109.1.2.9: Parking Spaces for Uses Not Specified	<u>Uses:</u> On-site processing. 1 space per employee.	According to the applicant's information there will be no employees or any other person assisting with the cannabis operation, other than himself. Parking is sufficient for the one person (the applicant) who will be onsite.
§314-61.1: Streamside Management Area Ordinance:	Provides minimum standards pertaining to the use and development of land located within SMAs	One existing cannabis cultivation area is located within the 50 foot Streamside Management Area (SMA) setback. As a Condition of Approval, the applicant shall secure a separate Special Permit for restoration of the relocated cultivation area within the Streamside Management Area (SMA) to its pre-development condition. The WRPP details adherence to the Biological Reporting (q) requirements including adherence to suitable mitigation measures.

Zoning Section	Summary of Applicable Requirement	Evidence
314-55.4 Commercial Cultivation, Processing, Manufacturing and Distribution of Cannabis for Medical Use Inland Land Use Regulation (CMMLUO)		
§314-55.4.8.2.2 Existing Outdoor Cultivation and Mixed-Light Areas	A Zoning Clearance Certificate, Special Permit or Use Permit may be issued for outdoor or mixed-light commercial cannabis cultivation for some or all of the cultivation area in existence prior to January 1, 2016, in [...] TPZ districts (on parcels of one acre or larger) only when possible to bring them into compliance with all applicable standards set forth in this section and to eliminate existing violations as specified in this ordinance. No expansion of the existing cultivation area shall be permitted. The total cultivation area allowed on a single parcel shall not exceed one acre for outdoor cultivation.	The proposed action will permit an existing mixed-light cannabis cultivation of 2,000 square feet and an existing outdoor cannabis cultivation of 10,000 square feet on a parcel zoned TPZ. No expansion of the cultivation area is proposed.
§314-55.4.8.10 Permit Limit	No more than four commercial cannabis activity permits may be issued to a single person.	According to records maintained by the Department, the applicant holds no other cannabis activity permits, and is entitled to four.
314-55.4.9.4 Pre-Application Registration	All operators of existing cultivation sites seeking recognition of cultivation activities that occurred on or before January 1, 2016, for purposes of obtaining a Zoning Clearance Certificate or discretionary permit for ongoing commercial cannabis cultivation for medical use pursuant to the CMMLUO shall register with the County of Humboldt Department of Planning & Building within 180 days of the effective date of this ordinance.	The applicant submitted the required registration form.
§314-55.4.10 Application Requirements	Identifies the Information Required for All Applications	All the required information was received.
§314-55.4.11 Performance Standards	Identifies the Performance Standards for Cannabis Cultivation Activities	All the applicable performance standards are included as conditions of project approval. They are required to be met throughout the timeframe of the permit.

Zoning Section	Summary of Applicable Requirement	Evidence
§314-55.4.17 Sunset Date	No application for any Use Permit pursuant to the CMMLUO shall be processed for issuance or approval that is received after December 31, 2016.	The County acknowledges that the applicant met the appropriate deadline requirements.

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

Code Section	Summary of Applicable Requirement	Evidence that Supports the Required Finding
§312-17.1.4 Permit Findings	The proposed development will not be detrimental to the public health, safety and welfare, and will not be materially injurious to properties or improvements in the vicinity.	The proposed action would permit an existing outdoor and mixed-light cannabis cultivation operation on a parcel with appropriate setbacks. Permitting the operation would not result in any change to existing conditions that would be detrimental to the public health, safety, and welfare.

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

Code Section	Summary of Applicable Requirement	Evidence that Supports the Required Finding
312-17.1.5 Housing Element Densities	The proposed development does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law (the midpoint of the density range specified in the plan designation), except where: 1) the reduction is consistent with the adopted general plan including the housing element; and 2) the remaining sites identified in the housing element are adequate to accommodate the County share of the regional housing need; and 3) the property contains insurmountable physical or environmental limitations and clustering of residential units on the developable portions of the site has been maximized.	The proposed project involves an existing commercial cannabis cultivation and does not propose any new residences on the subject parcel. The site is zoned TPZ and is designated as Timberland Production; therefore, the parcel was not included in the Housing Inventory.

6. Environmental Impact:

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

The project has been determined to be exempt from CEQA pursuant to Section 15301 - Existing Facilities and Section - 15333 (Small Habitat Restoration Projects) of the Guidelines for the Implementation of CEQA. Section 15301 exempts from environmental review the permitting of existing facilities involving negligible or no expansion of an existing use. The proposed action would permit an existing commercial medicinal cannabis cultivation and on-site processing operation with no expansion of the existing use. Section 15333 exempts from environmental review projects of less than five acres that consist of the maintenance, restoration, enhancement, or protection of habitat for fish, plants or wildlife. The proposed action will include the removal of development within Streamside Management Area (SMA) and the restoration of riparian habitat.

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. An application form is on file with the name, contact address, and phone number(s) of the applicant. (On file)
2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. (On file)
3. Site plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including: access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within 0.25 mile (1,320 feet) of a school, school bus stop, church or other place of religious worship, public park, or Tribal Cultural Resource, the site plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 600 feet. (Attached)
4. A cultivation and operations plan that meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff, and erosion control; watershed and habitat protection; and proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel, and a description of cultivation activities (outdoor, indoor, mixed-light), the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. (Attachment 3)
5. Copy of the statement of water diversion, or other permit, license or registration filed with the State Water Resources Control Board (WRCB), Division of Water Rights, if applicable. (On file)
6. Description of water source, storage, irrigation plan, and projected water usage. (Attachment 3)
7. Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the North Coast Regional Water Quality Control Board (NCRWQCB) demonstrating enrollment in Tier 1, 2 or 3, NCRWQCB Order No. 2015-0023, or any substantially equivalent rule that may be subsequently adopted by the Humboldt County or other responsible agency. (Attachment 3)
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 LSAA Permit obtained from the Department of Fish & Wildlife. (On File)
9. If the source of water is a well, a copy of the county well permit, if available. (Not applicable)
10. If the parcel is zoned FR, U, or TPZ, or involves the conversion of timberland as defined under section 4526 of the Public Resources Code, a copy of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California

Department of Forestry and Fire Protection (CAL-FIRE). Alternately, for existing operations occupying sites created through prior unauthorized conversion of timberland, evidence may be provided showing that the landowner has completed a civil or criminal process and/or entered into a negotiated settlement with CAL-FIRE. (Condition of approval)

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. (On file)
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. (On file)
15. Water Resources Protection Plan (On file)
16. Artificial Light and Generator Use (On file)
17. Cultivation and Water Usage (On file)
18. Notification of Lake or Streambed Alteration Water Diversion (On file)
19. Pending Small Domestic Use Registration with State WRCB (On file)
20. Lighting Plan (Condition of Approval)
21. Special Permit for Streamside Management Area (SMA) restoration work (Condition of Approval)



Site Plan Overview and Cultivation and Operations Plan

Applicant/Owner

RBC Holdings, Inc.
PO Box 422
Willow Creek, CA 95573

Agent

Kaylie Saxon
Green Road Consulting
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McKinleyville, CA 95519



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I. Site Plan Overview

1.0 Project Information

RBC Holdings, Inc. ("Applicant") is submitting this application for a Type 1B - Specialty Mixed Light Zoning Clearance Certificate for an existing 2,000 square foot mixed light commercial cannabis cultivation and a Type 2 - Small Outdoor Special Permit for an existing 10,000 square foot outdoor commercial cannabis cultivation on a 40-acre parcel, located near Willow Creek, CA ("Parcel"), Assessor's Parcel Number 522-044-47 and 522-044-37. This application is submitted through his agent, Kaylie Saxon of Green Road Consulting, Inc., and has been prepared in accordance with Humboldt County's ("County") Commercial Medical Marijuana Land Use Ordinance ("CMMLUO").

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

- a. Permit the existing 2,000 square feet of existing mixed light cannabis cultivation, as well as permit the existing 10,000 square feet of existing outdoor cannabis cultivation.
- b. Comply with applicable standards for water quality maintenance and watershed protection through the Waiver of Waste Discharge requirements of the North Coast Regional Water Quality Control Board ("Water Board") and California Department of Fish and Wildlife ("Fish and Wildlife").

2.0 Project Location

The Applicant's Parcel is located in the inland zone of Humboldt County near Willow Creek, CA. The Parcel is comprised of 40-acres and is identified by Assessor's Parcel Number ("APN") 522-044-47 and 522-044-37. The street address for the Parcel is 1008 M & W Road Willow Creek, CA 95573.

2.1 Zoning Classification

The County's Zoning Classification of the Parcel is TPZ with a General Plan description of T (FRWK). The CMMLUO permits commercial cannabis cultivation on land zoned as TPZ with mixed light cultivation sites up to 5,000 square feet with a Zoning Clearance Certificate and outdoor cultivation sites up to 10,000 square feet with a Special Permit. The Applicant's Parcel meets all of the CMMLUO zoning requirements for commercial cannabis cultivation.

2.2 Site Topography

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

3.0 Easements

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

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

Those portions of Sections 35 and 36, Township 7 North, Range 4 East, Humboldt Meridian, according to the United States Township Plat thereof, approved November 22, 1967, described as follows:

PARCEL ONE:

Parcel 7 as shown on Parcel Map No. 1225 for Mathews and Pappas in Sections 35 and 36, Township 7 North, Range 4 East, Humboldt Meridian, filed January 11, 1978 in Book 10 of Parcel Maps, Pages 141 and 142.

EXCEPTING THEREFROM that portion thereof described as follows:

BEGINNING at a point on the East line of Parcel 7 as shown on said Parcel Map No. 1225 distant thereon South 04 degrees 05 minutes 30 seconds West, 1198.55 feet from the Northeast corner of said Parcel 7;

thence South 63 degrees 49 minutes 13 seconds West, 40.60 feet;

thence South 70 degrees 34 minutes 25 seconds West, 284.39 feet;

thence South 79 degrees 55 minutes 47 seconds West, 112.90 feet;

thence South 0 degrees 08 minutes 09 seconds East, 349.50 feet, more or less, to the centerline of Anton Creek, said point also being the Southerly line of Parcel 7 as shown on said Parcel Map No. 1225;

thence Easterly along the Southerly line of said Parcel 7 to the southeast corner thereof;

thence North 04 degrees 05 minutes 30 seconds East along the East line of said Parcel 7 to the point of beginning.

RESERVING THEREFROM, for the benefit of an as an appurtenance to Grantors adjacent land to the East, a non-exclusive easement for ingress, egress and public utilities, 50 feet in width, over Parcel 200 as shown on said Parcel Map No. 1225.

ALSO RESERVING THEREFROM, for the benefit of an as an appurtenance to Grantors adjacent land to the East, a non-exclusive easement for ingress, egress and public utilities 10 feet in width, the Southerly line of which is described as follows:

BEGINNING at the Southerly terminus of the course described in Parcel One above as: "south 4 degrees 5 minutes 30 seconds West 1198.55 feet";

thence South 63 degrees 49 minutes 13 seconds West 40.60 feet;

thence South 70 degrees 34 minutes 25 seconds West 284.39 feet;

thence South 79 degrees 55 minutes 47 seconds West 112.90 feet.

ALSO RESERVING THEREFROM, for the benefit of and as an appurtenance to Grantors adjacent land to the East, an easement for a water line over that portion of the south 23 feet of Parcel No. 7, as shown on Parcel Map No. 1225 filed January 11, 1978 in Book 10 of Parcel Maps, Pages 141 and 142, in the office of the county Recorder of Humboldt County, which lies Easterly of the road

shown as Parcel 200 on said Parcel Map No. 1225 and Westerly of the Easterly line of Parcel One above described.

ALSO RESERVING THEREFROM, for the benefit of an as an appurtenance to Grantors adjacent land to the East, the right to take water from that portion of Anton Creek forming the South boundary of Parcel No. 7 as shown on said Parcel Map No. 1225, which lies Easterly of the road shown as Parcel 200 on said Parcel Map.

PARCEL TWO:

A non-exclusive easement for ingress, egress and public utilities 50 feet in width over Parcel 200 as shown on said Parcel Map No. 1225.

PARCEL THREE:

A non-exclusive easement for ingress, egress and public utilities 10 feet in width the Northerly line of which is described as follows:

BEGINNING at a point on the East line of Parcel 7 as shown on said Parcel Map No. 1225, distant thereon South 04 degrees 05 minutes 30 seconds West, 1198.55 feet from the Northeast corner of said Parcel 7;

thence South 63 degrees 49 minutes 13 seconds West, 40.60 feet;
thence South 70 degrees 34 minutes 25 seconds West, 284.39;
thence South 79 degrees 55 minutes 47 seconds West, 112.90 feet;

PARCEL FOUR:

A non-exclusive easement for ingress, egress and public utilities 20 feet in width, the centerline of which is described as follows:

BEGINNING at a point on the East line of Parcel 7 as shown on said Parcel Map No. 1225, distant thereon South 04 degrees 05 minutes 30 seconds West, 1198.55 feet from the Northeast corner of said Parcel 7;

thence North 63 degrees 49 minutes 13 seconds East, 155.84 feet;
thence North 14 degrees 08 minutes 51 seconds East, 157.99 feet;
thence North 72 degrees 42 minutes 51 seconds West, 73.47 feet to the centerline of Parcel 200 as shown on said Parcel Map No. 1225."

4.0 Natural Waterways

The Parcel has one (1) Class II watercourse – Anton Creek and two (2) Class III watercourses. All cannabis cultivation resides at least 100 feet from the Class II watercourse and 50 feet from the Class III watercourse.

The Applicant has a Water Resource Protection Plan ("WRPP") for the Parcel and is enrolled in the Water Board's Waiver of Waste Discharge program as a Tier II discharger.

5.0 Location and Area of Existing Cultivation

The total square feet of existing cannabis cultivation located on the Parcel was existing prior to the January 1, 2016 deadline provided by the County. A satellite image documents the prior cultivation and is attached to the Activity Registration Form included in the Application section of this application.

Mixed Light

The 2,000 square feet of mixed light cannabis cultivation occurs in two (2) locations on the Parcel and can be viewed on the Site Plan, included in the Site Plan of Entire Parcel section of this application.

Greenhouse #1

Greenhouse #1 is 1,000 square feet and is located in the northwestern quadrant of the Parcel. It resides within the proper buffer zones for the County and the Water Board.

Greenhouse #2

Greenhouse #2 is 1,000 square feet and is located in the southwestern quadrant of the Parcel. It resides within the proper buffer zones for the County and the Water Board.

Outdoor

The 10,000 square feet of outdoor cannabis cultivation occurs in three (3) locations on the Parcel and can be viewed on the Cultivation Overview, sheet CO, included in the Site Plan of the Entire Parcel section of this application.

Cultivation Area #1

Cultivation Area #1 consists of approximately 3,355 square feet of outdoor cannabis cultivation. It is located in the northwestern quadrant of the Parcel. Cultivation Area #1 resides within the 50 foot buffer zone of the Class III watercourse and needs to be decommissioned and relocated. The proposed areas for relocation are outlined in the Cultivation Overview, sheet CO, included in the Site Plan of the Entire Parcel section of this application.

Cultivation Area #2

Cultivation Area #2 consists of approximately 5,424 square feet of outdoor cannabis cultivation. It is located in the northeaster quadrant of the Parcel. It resides within the proper buffer zones for the County and the Water Board.

Cultivation Area #3

Cultivation Area #3 consists of approximately 1,221 square feet of outdoor cannabis cultivation. It is located in the southwestern quadrant of the Parcel. It resides within the proper buffer zones for the County and the Water Board.

6.0 Setbacks of Cultivation Area

Mixed Light

Greenhouse #1

Greenhouse #1 setbacks from the nearest parcel lines are 330 feet from the northern line and 330 feet from the western line.

Greenhouse #2

Greenhouse #2 setbacks from the nearest parcel lines are 400 feet from the southern line and 79 feet from the western line.

Outdoor

Cultivation Area #1

Cultivation Area #1 setbacks from the nearest parcel lines are 300 feet from the northern line and 65 feet from the western line.

Cultivation Area #2

Cultivation Area #2 setbacks from the nearest parcel lines are 120 feet from the northern line and 50 feet from the eastern line.

Cultivation Area #3

Cultivation Area #3 setbacks from the nearest parcel lines are 280 feet from the southern line and 66 feet from the western line.

Proposed Cultivation Area #1

Proposed Cultivation Area #1 will be set back from the eastern line by 195 feet and the northern line by 145 feet.

Proposed Cultivation Area #2

Proposed Cultivation Area #2 will be setback from the eastern line by 316 feet and the western line by 336 feet.

7.0 Access Roads

The Parcel is located off of M & W Ranch Road, which is in good condition. All interior roads are in good condition and any remediation or erosion control measures necessary is outlined in the Applicant's WRPP.

8.0 Graded Flats

There are existing graded flats located on the parcel. A grading plan will be submitted to the County Building Department and is included in the Other Permits, Licenses and Documents section of this application.

9.0 Existing and Proposed Buildings

All building plans are included in the Other Permits, Licenses and Documents section of this application.

Shop

The existing Shop was constructed in 2012. It is used for basic equipment storage and the drying/curing of cannabis. It will be permitted as an AOB through the County.

Shed #1

Shed #1 was constructed at an unknown date. It is used for the storage of cannabis nutrients and fertilizers. It will be permitted as an AOB structure through the County.

Vegetation Room

The vegetation room was constructed at an unknown date. It is used for the vegetation of cannabis prior to its transition to its more permanent cultivation area. It will be permitted as an AOB structure through the County.

10.0 Water Storage, Use and Watershed Protection

10.1 Water Storage

The Applicant currently has approximately 75,000 gallons of water storage in place on the parcel. There is approximately 50,000 gallons of water bladder storage and 25,000 gallons of hard tank water storage.

10.2 Water Use

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

The water used for cannabis cultivation is gathered from the Parcel's water diversion system within Anton Creek. The Applicant has applied for water rights with the State Water Resources Water Rights Division. The Applicant also understands this is not a long term solution, and is in the process of setting up a rainwater catchment system. By the 2018/2019 rainy season, the Applicant will have all of his buildings guttered and will be switching over to the rainwater catchment system.

The irrigation of the cannabis is completed in multiple ways to insure agronomic practices. Greenhouses are supplied with automated drip irrigation systems. Nutrient dosing systems are in place for both outdoor and mixed light cultivation. Hand watering with a low-flow nozzle is also done in the summer months to insure there is no over watering. Best management practices are in use in all cultivation areas (heavy mulching, straw, etc.)

10.3 Watershed Protection

The Parcel has one (1) Class II watercourse – Anton Creek and two (2) Class III watercourses. All cannabis cultivation resides at least 100 feet from the Class II watercourse and 50 feet from the Class III watercourse.

The water used for cannabis cultivation is gathered from the Parcel's water diversion system within Anton Creek. The Applicant has applied for water rights with the State Water Resources Water Rights Division. The Applicant also understands this is not a long term solution, and is in the process of setting up a rainwater catchment system. By the 2018/2019 rainy season, the Applicant will have all of his buildings guttered and will be switching over to the rainwater catchment system.

The Applicant has a Water Resource Protection Plan ("WRPP") for the Parcel and is enrolled in the Water Board's Waiver of Waste Discharge program as a Tier II discharger.

11.0 Distances from Significant Landmarks

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

II. Cultivation and Operations Plan

1.0 Water Use

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

The water used for cannabis cultivation is gathered from the Parcel's water diversion system within Anton Creek. The Applicant has applied for water rights with the State Water Resources Water Rights Division. The Applicant also understands this is not a long term solution, and is in the process of setting up a rainwater catchment system. By the 2018/2019 rainy season, the Applicant will have all of his buildings guttered and will be switching over to the rainwater catchment system.

The irrigation of the cannabis is completed in multiple ways to insure agronomic practices. Greenhouses are supplied with automated drip irrigation systems. Nutrient dosing systems are in place for both outdoor and mixed light cultivation. Hand watering with a low-flow nozzle is also done in the summer months to insure there is no over watering. Best management practices are in use in all cultivation areas (heavy mulching, straw, etc.)

2.0 Watershed Protection

The Parcel has one (1) Class II watercourse – Anton Creek and two (2) Class III watercourses. All cannabis cultivation resides at least 100 feet from the Class II watercourse and 50 feet from the Class III watercourse.

The water used for cannabis cultivation is gathered from the Parcel's water diversion system within Anton Creek. The Applicant has applied for water rights with the State Water Resources Water Rights Division. The Applicant also understands this is not a long term solution, and is in the process of setting up a rainwater catchment system. By the 2018/2019 rainy season, the Applicant will have all of his buildings guttered and will be switching over to the rainwater catchment system.

The Applicant has a Water Resource Protection Plan ("WRPP") for the Parcel and is enrolled in the Water Board's Waiver of Waste Discharge program as a Tier II discharger.

3.0 Materials Storage

Currently, there are no pesticides or herbicides registered specifically for use directly on cannabis.

All fertilizers and amendments are located in the Nutrient Storage Shed on the Parcel. Fertilizers and amendments are placed on the shelves and floor where any spill will be contained. Currently, the applicant is using strictly organic fertilizers and amendments.

The Applicant is also composting all cannabis and non-cannabis related green waste on site and using the compost as an all plant based fertilizer for the cannabis. Any cannabis and non-cannabis related green materials that are unable to be composted will be used in the Applicants vermicomposting system on Site. The purely organic vermicompost will then be used on the cannabis plants. Between the onsite composting and the rainwater catchment system, the Applicant is close to his efforts for a 100% closed loop regenerative cannabis farm, significantly decreasing the farms environmental impact.

All labels are kept and directions are followed when nutrients are applied. The storage area is in need of posted instructions for storing fertilizers and amendments, instructions for cleaning up spills and a spill kit that contains a container, gloves, towels, absorbent socks and an absorbent material (kitty litter).

4.0 Cultivation Activities

All cultivation activities are subject to change based on climate, strain and Applicant's schedule.

Outdoor

The Applicant begins cracking seeds for their outdoor cultivation sites in the vegetation room. Plants then stay in their vegetative state until they are ready to transplanting to their permanent homes.

By mid-May, the Applicant's outdoor plants are placed into their permanent homes to begin their flowering process.

Harvesting of the outdoor plants begins at the beginning of October and usually ends in November.

Mixed Light

Greenhouse	Vegetation	Flowering	Harvest
#1	January	March	May
#2	December	February	April
#1	April	June	August
#2	March	April	July
#1	July	September	November
#2	June	August	October
#1	October	December	February
#2	September	November	January

5.0 Processing Practices

Plants will be harvested one at a time using hand shears and taken into the Shop where it will be dried, machine trimmed outdoors and then returned to the Shop for curing.

All processing will be completed by the Applicant until Emerald Family Farms is an approved processing facility.

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

All cultivation related waste is stored in proper receptacles and removed to the proper trash facilities. Green waste is composted on site, as outlined in Section II.3.0.

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

6.0 Security Measures

The Parcel is fenced and all access roads are gated. Gates are of heavy steel construction and heavy shackle locks are in place. Game cameras are located around each cultivation area, the Shop and all gates.

ATTACHMENT 4

Referral Agency Comments and Recommendations

Referral Agency	Response	Recommendation	On File
County Building Inspection Division	✓	Conditional Approval	✓
County Public Works, Land Use Division	✓	Conditional approval	✓
County Division of Environmental Health	✓	Conditional approval	✓
NWIC	✓	Provided Comments	✓
Department of Fish and Wildlife	✓	Provided Comments	✓
Regional Water Quality Control Board		None received	
Division of Water Resources		None received	
CALFIRE	✓	Standard input letter	✓
Hoopa Valley Tribe		None received	
Tsnungwe Council	✓	Approval of archaeological study	
Klamath-Trinity Joint Unified School District	✓	Recommend Denial	✓
Agriculture Commissioner		None received	
Sheriff		None received	
Humboldt County District Attorney		None received	