



**COUNTY OF HUMBOLDT**  
**PLANNING AND BUILDING DEPARTMENT**  
**CURRENT PLANNING DIVISION**

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Hearing Date: March 15, 2018

To: Humboldt County Planning Commission

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

Subject: **Nikolai Erickson, Full Moon Farms, MBC** Conditional Use Permit  
Application Number 11221  
Case Numbers CUP 16-187  
Assessor's Parcel Numbers (APN) 210-022-003  
30225 State Highway 36, Bridgeville area

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Please contact Elanah Adler, Planner, at 707-268-3736 or by email at [eadler@co.humboldt.ca.us](mailto:eadler@co.humboldt.ca.us) if you have any questions about the scheduled item.

## AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
March 15, 2018	Conditional Use Permit	Elanah Adler, Planner

**Project Description:** A Conditional Use Permit (CUP) is sought for an existing 42,000 square foot (sf) outdoor and an existing 1,800 sf mixed light commercial medical cannabis cultivation. The Initial Statement of Diversion and Use filed with the State Water Resources for 2016 shows that 285,000 gallons of water was diverted from a Class II stream to meet cultivation needs on the 94 acre parcel. There are fourteen water storage tanks totaling 62,300 gallons. Additionally the applicant has an Initial Statement of Water Diversion for Small Domestic Use and a Stream Alteration Permit that allows no more than 150 gallons of water diverted per day for strictly domestic use. The applicant is pursuing an amendment to this agreement to reflect the diversion for cannabis cultivation. To meet the water demands of the commercial cultivation operation the applicant has applied to install a well and to increase water storage to 150,000 gallons in 2018. This storage will need to be adjusted upward to reflect the mandatory forbearance period if the well is determined to be hydrologically connected to surface water. Additionally, appurtenant processing of cannabis product grown on-site will occur inside an existing 1,800 sf multi-use building. There will be a total of six seasonal and one full time employee at full operation. Portable toilets, hand washing stations, and potable water is to be provided until an onsite septic system is permitted. Electricity is provided by Pacific Gas and Electric. In addition to the multi-use building, there is also a storage shed and two dilapidated buildings that are to be removed. Construction of one additional storage shed is planned. The Applicant has provided a WRPP prepared by Timberland Resource Consultants and a Cultural Resources Survey prepared by Alta Archaeological Consulting. No cultural resources were found within the area of potential effect.

**Project Location:** The project is located in Humboldt County, in the Bridgeville area, on the North side of State Hwy 36, approximately 95 feet north from the intersection of State Hwy 36 and a private driveway, on the property known as 30225 State Highway 36.

**Present Plan Land Use Designations:** Timberland (T), Humboldt County General Plan, 2017, Density Range: 40-160 acres /unit, Slope Stability: High Instability (3)

**Present Zoning:** Agriculture Exclusive (AE)

**Case Number:** CUP 16-187

**Application Number:** 11221

**Assessor Parcel Number:** 210-022-003

**Applicant**

Full Moon Farms, MBC  
Nikolai Erickson  
1065 Riverside Drive  
Rio Dell, CA 95562

**Owner**

Nikolai Erickson  
1065 Riverside Drive  
Rio Dell, CA 95562

**Agent**

Green Road Consulting, Inc.  
Attn: Kaylie Saxon  
1650 Central Avenue, #C  
McKinleyville, CA 95519

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

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



## NIKOLAI ERICKSON, FULL MOON FARMS

Case Number CUP 16-187

Assessor's Parcel Number 210-022-003

### 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 Sections 15301, 15303, and 15304 of the State CEQA Guidelines, make all of the required findings for approval of the Conditional Use Permit based on evidence in the staff report and any public testimony, and adopt the Resolution approving the proposed Nikolai Erickson, Full Moon Farms, MBC Conditional Use Permit subject to the recommended conditions.*

**Executive Summary:** Nikolai Erickson, Full Moon Farms, MBC (organized as a non-profit mutual benefit organization) is seeking a CUP for the combined use of an existing 42,000 sf outdoor and 1,800 sf mixed light commercial medical cannabis cultivation and for cannabis processing within an existing 1,800 sf building in compliance with the County Commercial Medical Marijuana Land Use Ordinance (CMMLUO). The Project site is comprised of one parcel (APN 210-022-003).

Commercial cannabis cultivation currently occurs within three outdoor locations and five greenhouses located at four different locations on the 94-acre parcel. All occur outside of streamside management areas and all are more than 30 feet from any parcel boundary. The operation includes outdoor full-sun, four outdoor greenhouses, and a mixed light greenhouse (GH #5) cultivation area. On-site processing has occurred within a multi-use building, however continued use of this facility is conditioned upon receipt of any required grading, building, plumbing, electrical, and mechanical permits by the Building Inspection Division. The Applicant will participate in the Track and Trace program. Until such clearance of this structure is secured, no processing may occur within this structure, and an off-site authorized processing facility must be identified.

In addition to the five greenhouses, there are four other structures on the property: an unused single-family cabin, a dilapidated barn, a 30' x 60' multi-use building, and a storage shed. The residence and the barn were built in the 1960's, are not used, and are to be removed. The dilapidated barn to be removed is currently within the upper reaches of a streamside management area. The Applicant plans to construct another small drying shed away from sensitive resources. The multi-use building is used for appurtenant processing. Employees using the multi-use building will use portable toilets until the permitting of the septic system is completed. Water for domestic use is provided by a permitted diversion site located within the Class II watercourse (a seep spring) on the property. The Applicant was in a state of non-compliance with the California Department of Fish and Wildlife (CDFW) for failure to report water usage rates. The Applicant has since contracted with Timberland Resource Consultants and provided a Water Management and Water Use Plan to CDFW and, as a result, the small domestic use diversion remains valid. However, small domestic use registration is not an appropriate method to cover commercial cannabis cultivation. A compliance agreement letter from CDFW that the applicant receives an appropriative water right of this diversionary water are here made a condition of approval. The Applicant is contracted with a local drilling company to install a well that, once installed, will facilitate forbearance from surface water diversions. Furnishing the well installation records is made a condition of approval.

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 in 2016 was approximately 285,000 gallons per the Initial Statement of Diversion and Use filed with the State Water Resources Control Board. The Cultivation and Operations Plan estimates the water demand for the cultivation operation from April to October to be 350,000 gallons. The estimated total water storage availability is 62,300 gallons stored within fourteen HDPE tanks. The applicant has applied to install a well and to increase water storage to 150,000 gallons in 2018. This storage will need to be adjusted upward to reflect the mandatory forbearance period (May 15 to October 15) if the well is determined to be hydrologically connected to surface water. All water used for cultivation is conveyed by a timed, metered drip irrigation system, which allows for the cannabis to be watered at the most efficient rate possible. The Applicant has agreed to monitor water usage and install additional water storage tanks to avoid relying on surface water diversion during the forbearance period. The applicant has been issued a Final Lake and Streambed Alteration Agreement (LSAA) from CDFW. The Water Management Plan prepared by TRC indicates this LSAA allows no more than 150 gallons of water per day for strictly domestic use. The CDFW referral indicated that agency is not clear on how water use estimates were derived or how the amount of water storage proposed meets the requirements for seasonal water diversion minimization. CDFW has requested the applicant provide further detail on water usage as a condition of approval.

There are two Class II watercourses that run through the property. Water is sourced from the unnamed watercourse on the southwest of the property adjacent to state highway 36 for which a Lake and Streambed Alteration agreement has been signed that allows for no more than 150 gallons of water be diverted between May 15 to October 15 for domestic uses. The other Class II watercourse, known as Muddy Creek, passes along the eastern border of the property. No roads cross any watercourse. The Applicant is enrolled in the Tier 2 Discharge Program of the North Coast Regional Water Quality Control Board (NCRWQCB; WID # 1B16187CHUM). The Applicant has provided a WRPP prepared by Timberland Resource Consultants. The WRPP has detailed all the efforts necessary to bring the areas where standard conditions are not met into compliance within the required buffers for a Tier 2 site (50 feet for Class III and 100 feet for Class II and Class I). If the barn is not removed from the streamside management area, as is planned, a Special Permit may be required for the reduced streamside buffer.

Cultivation activities are conducted in a single cycle with harvests in October. Outdoor cultivation totaling 42,000 sf occurs across three full sun areas and four greenhouses. Cultivation activities change depending on weather, strain, and personal schedules. Young cannabis plants start under fluorescent lighting in greenhouse #5 and in the 1,800 sf multi-use building. These plants are used for the development of plants to supply the other four greenhouses early in the season. Mixed-light cultivation takes place only in greenhouse #5. Processing in October will occur in the multi-use building once permitted, with peak processing involving up to six day-labor employees. These activities include drying, trimming, curing, and storage. The applicant will supply portable toilets, hand washing facilities, and potable water. A permitted septic system will be installed in 2018. Since the operation also includes 1,800 sf of mixed-light cultivation, the Applicant will shield extraneous light during sunset hours to comply with the International Dark Sky Performance Standards.

The submitted application materials identify that there are no schools within 600 feet of the cultivation site. Maps on file in the Planning and Building Department identify Buck Mountain School in the proximity of the parcel. A referral was sent to the Bridgeville School District, and no response was received. A condition of approval has been included requiring the applicant to contact the School District and secure a statement as to the current status of Buck Mountain School, and if it still active, identify its location on the Site Plan and verify it is outside of 600 feet



from cultivation areas. And identify there are no school bus stops within 600 feet of the cultivation areas.

The Applicant has submitted information regarding materials used for pest management, fertilizers and amendments. The provided WRPP includes information regarding storage and handling of these materials and best management practices (BMPs). The WRPP has identified that the Discharger has plans to replace this unpermitted system. A condition of approval has been included requiring conformation from the County Division of Environmental Health (DEH) that any replacement meets the standards of the DEH. All cultivation waste is stored in trash containers and kept on site. Waste is transferred to a sanitation and recycling facility. All green waste will be stored away from any watercourses and composted on site.

The property is zoned Agriculture Exclusive (AE), and Section 314-17.1 of the HCC indicates that farm outbuildings shall not be less than 20 feet from any dwelling on the premises. The submitted application material indicates only a dilapidated cabin as the only residential structure on the property. Additional information in the LSAA consisting of a photo of this apparently dilapidated structure shows evidence of human occupation. Staff has been unable to determine if the 20 foot separation required by 314-7.1 exists, and a condition of approval has been included to have the applicant verify if any farm outbuildings are within this 20 foot separation. This condition would apply to the existing structure or any proposed replacement.

The operation is on the grid and supplied by commercial power from Pacific Gas and Electric. No use of backup generators for cultivation activities is proposed. Any use of backup generators, in the event of power outages, will comply with the noise attenuation measures to avoid harassment of protected species, including the Northern Spotted Owl.

The Applicant has also submitted a security plan detailing the use of locked gates at all entrances to the property. A PG&E power transmission access route passes through the parcel to the north of all cultivation activities.

The property is accessible directly off State Highway 36 via a private driveway. Public Works referred the project to Caltrans. Caltrans responded that the driveway access does not appear to meet State standards for a commercial driveway that permits two-way traffic and that a Caltrans Right-of-Way Encroachment Permit will be needed to bring the driveway into compliance. This has been made a condition of approval. Adequate parking is available on site. A turnaround area suitable for firetruck access is available directly in front of the residence.

The 94-acre property used for medical cultivation activity is zoned AE. The CMMLUO identified AE-zoned parcels 5 acres or larger as sites where existing cannabis cultivation activities could be allowed. Outdoor cultivation up to 43,560 sf and mixed light cultivation up to 22,000 sf is allowed subject to the issuance of a combined use 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. The proposed 42,000 sq. ft. of outdoor cultivation as well as the 1,800 square footage proposed as mixed light is consistent with the allowable amounts in this AE zone district. The County Planning and Building Department has utilized aerial imagery from 2015 which shows the applicant identified cultivation areas and greenhouses in the locations shown on the submitted Site Plan.

The Building Inspection Division recommends Conditional Approval provided applicant provides all required grading, building, plumbing electrical and mechanical permits and or Agricultural Exemptions. The Department of Public Works recommends referral to Caltrans given site access is on Highway 36. Caltrans has responded that the private driveway accessing the parcel needs to meet State standards for two-way commercial driveways and that updating said access will

require a Caltrans Right-of-Way Encroachment Permit. The Division of Environmental Health has not responded. The applicant will use portable toilets until a permitted septic system is installed. CalFire provided standard project review comments regarding Fire Safe Standards, Resource Management policies, and Cannabis. The applicant will be required to contact CALFIRE to determine if a Less-Than-3-acre Conversion must be secured for the cleared areas devoted to cannabis cultivation, and this has been incorporated as a condition of approval.

The CDFW provided a referral checklist of outstanding items including: failure to provide a Water Management Plan leading to non-compliance, a request for Northern Spotted Owl and biological resource surveys, the preparation of a light and noise pollution prevention plan, and documentation of pre-existing cultivation area acreages. The Applicant provided the Water Management Plan to CDFW and CDFW has not yet responded. The Applicant's Agent has provided a letter to the County stating that a biological assessment is in progress for the site. Both of these items, as well as avoidance and minimization measure for northern spotted owl habitats have been made conditions of approval.

Impacts to northern spotted owl populations are of specific concern based on a recent report by Kat Kerlin. The report, released Jan. 11, 2018 in the journal Avian Conservation and Ecology, showed that seven of the 10 northern spotted owls collected in this study tested positive for rat poison, while 40 percent of 84 barred owls collected also tested positive for the poison. The study is the first published account of anticoagulant rodenticide in northern spotted owls, which are listed as a threatened species under federal and state Endangered Species acts. It supports previous accounts that rat poison is contaminating the food web in this region, as the primary food source for owls — rodents — is being contaminated. The applicant will be required to address the concerns raised in this report by identifying application protocol for use of rodenticides with particular attention to methods for reduction of the potential to contaminate the food chain or identify a range of non-rodenticide treatments to discourage animal destruction of cannabis plants. This has been included as a condition of approval for the project

The Bear River Band Rohnerville Rancheria recommends Conditional Approval upon receipt of a Cultural Resources Evaluation. A Cultural Resources Survey prepared by Alta Archaeological Consulting found no cultural resources within the area of potential effect. 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.

Environmental review for this Project was conducted and based on the results of that analysis, staff believes the existing cultivation and processing aspects of the Project can be considered as "Existing Facilities" as defined by Section 15301 of the California Environmental Quality Act (CEQA) Guidelines for the existing cultivation activities that are occurring at the time the exemption is granted; a "Minor Alteration to Land" as defined by Section 15304 of the CEQA Guidelines because it consists of "minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees except for forestry or agricultural purposes." Additionally, any replacement of greenhouses, sheds, or septic systems may be considered "New Construction or Conversion of Small Structures" as defined by Section 15303 of the CEQA Guidelines. If structures are to be removed from a SMA, a Class 33 CEQA exemption per section 15333 "Small Habitat Restoration Projects" would be applicable

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



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

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

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

**Case Number: CUP 16-187  
Assessor's Parcel Number: 210-022-003**

**Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves Nikolai Erickson, Full Moon Farms, MBC Conditional Use Permit request.**

**WHEREAS, Nikolai Erickson, Full Moon Farms, MBC** submitted an application and evidence in support of approving the Conditional Use Permit to permit an existing 42,000 sf outdoor and 1,800 sf mixed-light cultivation area with onsite processing; and

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

**WHEREAS,** the project is exempt from environmental review per Sections 15301 (Existing Facilities), 15301 (New Construction or Conversion of Small Structures), and 15304 (Minor Alterations to Land) 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 16-187); and

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

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

1. The proposed project is exempt from environmental review pursuant to Sections 15301 (Existing Facilities), 15301 (New Construction or Conversion of Small Structures), and 15304 (Minor Alterations to Land) of the California Environmental Quality Act (CEQA) State Guidelines; and
2. The findings in Attachment 2 of the Planning Division staff report for Case Number CUP 16-187 support approval of the project based on the submitted evidence; and
3. Approves the Conditional Use Permit Case Number CUP 16-187 as recommended and conditioned in Attachment 1 for Case Number CUP 16-187.

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

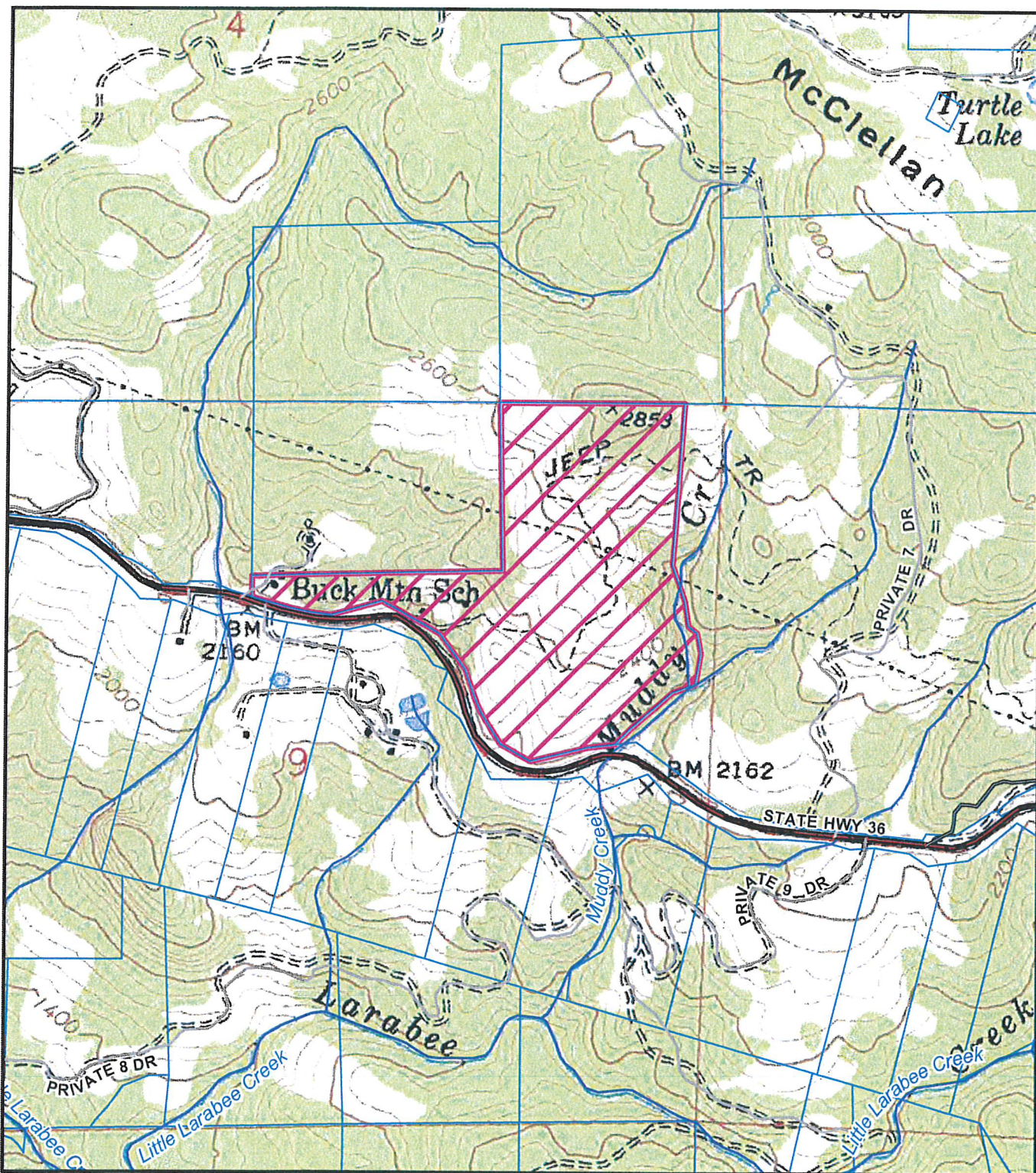
The motion was made by COMMISSIONER \_\_\_\_ and second by COMMISSIONER \_\_\_\_:

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

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

\_\_\_\_\_  
John Ford  
Director, Planning and Building Department





# TOPO MAP

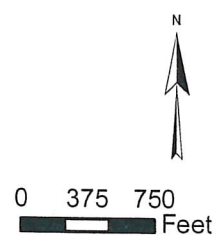
Project Area = 

PROPOSED NIKOLAI ERICKSON  
BRIDGEVILLE AREA  
CUP-16-187

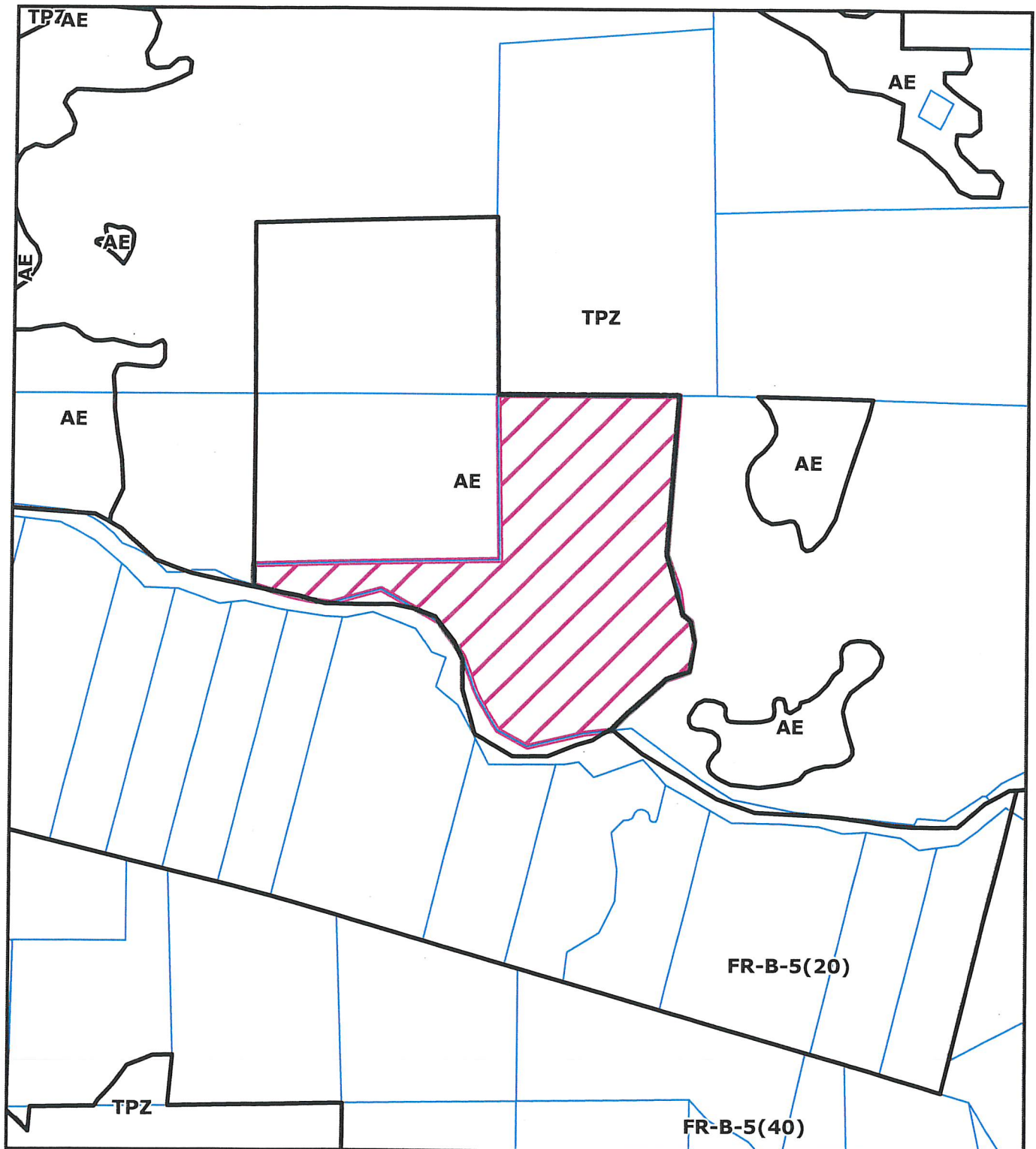
APN: 210-022-003

T01N R04E S9 HB&M (LARABEE VALLEY)

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







# **ZONING MAP**

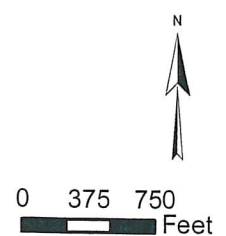
Project Area = 

**PROPOSED NIKOLAI ERICKSON  
BRIDGEVILLE AREA  
CUP-16-187**

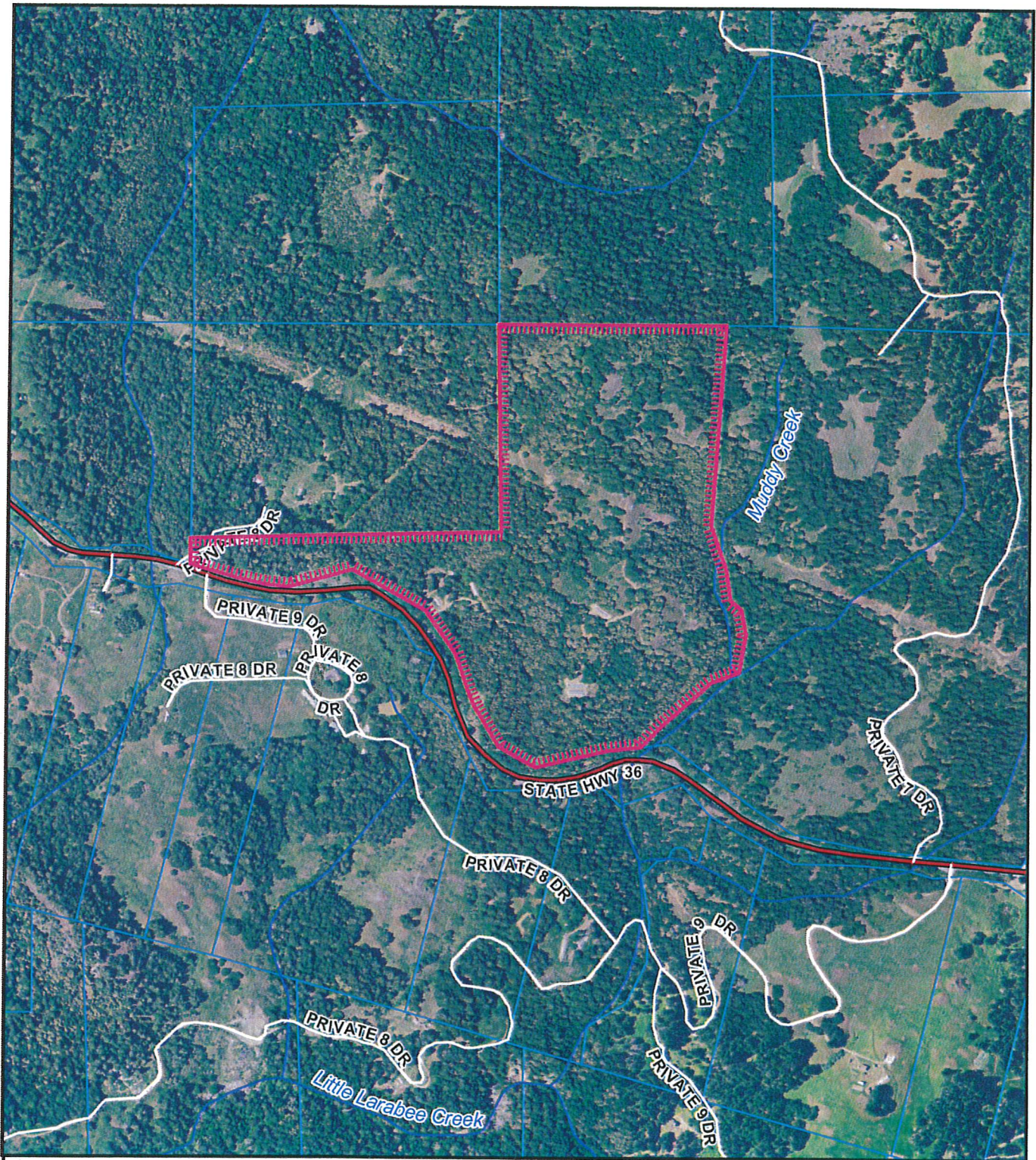
**APN: 210-022-003**

**T01N R04E S9 HB&M (LARABEE VALLEY)**

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# AERIAL MAP

Project Area =



PROPOSED NIKOLAI ERICKSON  
BRIDGEVILLE AREA  
CUP-16-187

APN: 210-022-003

T01N R04E S9 HB&M (LARABEE VALLEY)

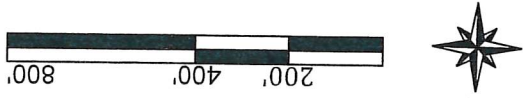
This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.



0 375 750 Feet



APN: 210-022-003



OUTDOOR CULTIVATION AREA

TOTAL EXISTING OUTDOOR CULTIVATION = 42,000 FT<sup>2</sup>

MIXED LIGHT AREA

TOTAL EXISTING MIXED LIGHT CULTIVATION = 1,800 FT<sup>2</sup>

## CULTIVATION BUILDINGS AND USE

## DOMESTIC BUILDING AND USE

## WATER STORAGE & USE

## WATER STORAGE & USE

PROPOSED WELL

## URROUNDING BUILDINGS

## URROUNDING BUILDINGS

HERE ARE NO OFF SITE RESIDENCES WITHIN 300 FEET OF THE CULTIVATION SITE

PROJECT INFORMATION	
PROPERTY OWNER	NIKOLAI ERICKSON
ADDRESS	30225 STATE HWY 36, BRIDGEVILLE, CA
SHEET INFO	PARCEL OVERVIEW





**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 project approval**, the applicant shall execute a Compliance Agreement with the Humboldt County Planning Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval # 2 – 22. The agreement shall provide a timeline for completing all outstanding items. All activities detailed under the agreement must be completed to the satisfaction of the Planning and Building Department before the permit may be finalized and no longer considered provisional.
2. The applicant shall secure permits for all structures related to the cannabis cultivation and other commercial cannabis activity. The conditions of the Building Inspection Division referrals dated August 1, 2017 shall be completed or secured to the satisfaction of that department. A letter or similar communication from the Building Division verifying that all structures related to the cannabis cultivation are permitted will satisfy this condition.
3. Prior to issuance of any building or construction permits a grading, erosion, dust, 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. Dust control practices during construction and grading shall achieve compliance with North Coast Air Quality Management District (NCAQMD) fugitive dust emission standards.
4. The applicant shall implement all corrective actions detailed within the WRPP developed for the parcel, prepared pursuant to Tier 2 enrollment under the North Coast Regional Water Quality Control Board (NCRWQCB) Cannabis Waste Discharge Regulatory Program. In particular, the Applicant agrees to use portable toilets and handwashing stations until a permitted septic system can be installed that is capable of handling the maximum number of staff and employees (7). A letter or similar communication from the NCRWQCB verifying that all their requirements have been met will satisfy this condition.
5. The applicant shall secure an encroachment permit and perform all improvements to the apron of Highway 36 and the existing driveway into the site to the satisfaction of the California Department of Transportation (Caltrans). A letter or similar communication from Caltrans verifying that their requirements have been met will satisfy this condition.
6. The conditions of the CDFW memorandum, included herein as Attachment 4, Referral Agency Comments and Recommendations, shall be completed or secured to the satisfaction of that agency. These conditions include: Securing a final Lake or Streambed Alteration Agreement for LSA#1600-2016-0538; providing protocol level surveys for northern spotted owl presence; a biological survey to determine whether rare species or sensitive natural communities are present; and information from CDFW that the TRC Water Usage and Management Plan dated 10/6/2017 and the information in the Lake and Streambed Alteration Agreement (LSAA) prepared by TRC is acceptable and that any implementing program have been completed or secured. Final documentation or other communication from the CDFW verifying that the requirements of this memorandum have been met will satisfy this condition.
7. The Applicant shall amend the LSA Agreement to provide notice of the proposed irrigation well to CDFW along with a copy of the well log. If hydraulically connected to surface water, forbearance consistent with the LSAA or Section 55.4.11(l) shall be implemented with adequate water storage provided.

8. As requested by CDFW, prior to any ground-disturbance or the issuance of any building permits, a qualified biologist shall survey the project site and identify the locations of all wetlands, springs, seeps, and riparian areas, or plants with a State Rare Plant Rank of 1 or 2. Further, mapping of Streamside Management Areas and wetlands shall be conducted in accordance with CDFW and the 2017 Humboldt County General Plan guidance. A minimum 150 ft. buffer around all identified perennial wetlands, a minimum 100 ft. buffer around all identified perennial streams or sensitive plants, and 50 ft. buffer around any seasonal streams or wetlands shall be flagged in the field and shown on a revised site plan that shall be submitted to the County for approval. No improvements or other activities are allowed within such setback areas.
9. The Applicant shall agree to document water rights and water sources through a combination of (a) well installation reports with draw down pumping tests, (b) an amended water diversion agreement for commercial cannabis production from CDFW and associated statement of water use from the State Water Board, and (c) to monitor water usage to demonstrate that there is sufficient water supply to meet the demands of the project without having to rely on surface water diversion for cultivation activities under the current small domestic use agreement. As part of the annual inspection, the applicant shall present water use records for the year broken down by month.
10. If at any time, the Applicant chooses to use generators, the Applicant must notify the County and demonstrate that the generators will not produce noise levels that would result in the harassment of the Northern Spotted Owl species, which are known to occur adjacent to the property. The Applicant would have to identify the type and the location of the generator to demonstrate that the noise can be attenuated below 50 dB sound output at 100 feet from the generator or at the edge of the nearest forest habitat, so that protected species are not harassed. These standards are set forth in Section 55.4.11 (o) of the CMMLUO. Prior to issuance of a building permit or the initiation of cultivation activities, whichever occurs first, the applicant shall provide documentation from a qualified professional demonstrating that the generators conform to the specified standard. Should the applicant proposed to achieve noise attenuation by placing the generators inside a building(s), the applicant shall secure a building permit prior to construction.
11. The project area has been determined to have potential nesting or roosting habitat for Northern Spotted Owl (*Strix occidentalis caurina*). The following avoidance and minimization measure shall be implemented:
  - a. Prior to any tree removal activities, a qualified wildlife biologist with experience in Northern Spotted Owl protocol surveys shall complete a survey of the site to determine if there are trees that could provide nesting or roosting habitat for the Northern Spotted Owl. No tree that could provide suitable nesting or roosting habitat for this species shall be removed or altered.
  - b. No work will occur in the Northern Spotted Owl nesting season (February 1<sup>st</sup> – July 31<sup>st</sup>) unless a wildlife biologist with experience in Northern Spotted Owl protocol surveys completes a biological assessment of the property to determine whether the area has Northern Spotted Owl presence and whether site specific avoidance measures are necessary to avoid any impact to the species. Any measures developed by the biologist must be adhered to during the nesting season.
  - c. No proposed activity generating noise levels 20 or more decibels above ambient noise levels or with maximum noise levels above 90 decibels may occur during the Northern Spotted Owl nesting season.
  - d. No human activities shall occur within a visual line-of-sight of 40 meters (131 feet) or less from a known nest location.



12. 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.
13. 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.
14. The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency (CUPA) requirements regarding hazardous materials. A written verification of compliance shall be required before any provisional permits may be finalized. Ongoing proof of compliance with this condition shall be required at each annual inspection in order to keep the permit valid.
15. 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.
16. The applicant is required to contact the Bridgeville Elementary School District and secure a statement indicating that either the Buck Mountain School is not currently active or that the proposed cannabis locations are further than 600 feet from the school; and verify there are no school bus stops within 600 feet of the cultivation sites.
17. The applicant shall work with the County Department of Public Works to obtain confirmation that the driveways on the subject property is in conformance with County Fire Safe Regulations (County Code Section 3112-12) The applicant shall be responsible for implementing any necessary improvements to bring the driveway into compliance. A letter or similar communication from the County Public Works Department verifying these requirements have been met will satisfy this condition.
18. The applicant shall provide a lighting plan demonstrating the proposed cultivation area and greenhouses will 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 greenhouses and any supplemental lighting shall comply with International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1, and shall be designed to regulate light spillage onto neighboring properties resulting from backlight, uplight, or glare (BUG).
19. The applicant is required to secure approval of the County Division of Environmental Health (DEH) in securing approval of the un-permitted septic system on-site or for replacement of such system with a new sewage disposal system. No processing can be approved until an acceptable site suitability report can establish potential for onsite waste treatment system. An invoice or equivalent documentation must be provided to DEH to conform with the continual use of portable toilets to serve the needs of cultivation staff prior to re-issuance of annual permit. A letter from DEH indicating their requirements have been met will satisfy this condition.

20. The applicant will be required to address the use of rodenticides by identifying application protocol for use of rodenticides in this project, with particular attention to methods for reduction of the potential to contaminate the food chain or identify a range of non-rodenticide treatments to discourage animal destruction of cannabis plants. No rodenticides designated as California Restricted Materials (3 CCR Section 6400) shall be used. This report is to be submitted to the Planning and Building Department for review in consultation with affected agencies, with identified protocols to be reviewed in the annual review for the project.
21. The applicant shall provide proof that the existing hard tanks are filled, citing the amounts and source of the water used for this purpose and the methodology utilized, and agreeing that no further filling of the tanks will be performed until a water source approved by CDFW has been identified. This information is to be submitted to the Planning and Building Department for review in conjunction with CDFW.
22. The applicant shall submit a revised Site Plan and a revised Cultivation and Operations Plan identifying the current aspects of the proposal, especially the wide ranging differences in projected water use in the submitted material. These range from 350,000 gallons in the Cultivation and Operations Plan to 100,000 gallon in the Water Management Plan. This is to be submitted to the Planning and Building Department.

**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. As onsite processing is currently not part of this permit, this permit shall be modified to identify the offsite licensed facility.
2. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CMMLUO and MAUCRSA, as applicable to the permit type.
3. If operating pursuant to a written approved compliance agreement, permittee shall abate or cure violations at the earliest feasible date, but in no event no more than two (2) years from the date of issuance of a provisional clearance or permit. Permittee shall provide plans for curing such violations to the Planning & Building Department within one (1) year of issuance of the provisional clearance or permit. If good faith effort towards compliance can be shown within the two years following the issuance of the provisional clearance or permit, The Planning Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow for additional time to meet the outstanding requirements.
4. Possession of a current, valid required license, or licenses, issued by any agency of the State of California in accordance with the MCRSA, and regulations promulgated thereunder, as soon as such licenses become available.
5. Compliance with all statutes, regulations and requirements of the California State Water Resources Control Board and the Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration, as applicable.



6. Confinement of the area of cannabis cultivation, processing, manufacture or distribution to the locations depicted on the approved site plan. The commercial cannabis activity shall be set back at least 30 feet from any property line, and 600 feet from any School, School Bus Stop, Church or other Place of Religious Worship, or Tribal Cultural Resources, except where a reduction to this setback has been approved pursuant to Section 55.4.11(d). The allowance for a setback reduction of 600 feet from a Public Park is approved as part of this project. The adjacent property owned by Six Rivers National Forest is managed for open space and/or wildlife habitat purposes, and no developed or designated recreational facilities are within 600 feet of the cultivation area.
7. Maintain enrollment in Tier 1, 2 or 3, certification with the North Coast Regional Water Quality Control Board (NCRWQCB) Order No. R1-2015-0023, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
8. Comply with the terms of any applicable Streambed Alteration (1600) Permit obtained from the Department of Fish & Wildlife for the winter time diversion to the pond which is used for small domestic use. This includes conducting all restoration work, apart from revegetation and water diversion, during June 1 to October 15; and, confining all diversions of the unnamed stream to the pond during October 16 to June 15 of each year.
9. 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.
10. 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).
11. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
12. Pay all applicable application, review for conformance with conditions and annual inspection fees.
13. The noise produced by all generators, including those used on an emergency-only basis for cannabis drying, curing, and processing shall not be audible by humans from neighboring residences. The decibel level for generators measured at the property line shall be no more than 60 decibels. Where applicable, sound levels must also show that they will not result in the harassment of wildlife or Spotted Owl species. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service, and further consultation where necessary. Under these guidelines, generator noise may not exceed 50 dB as measured at 100 feet from the generator or at the edge of the nearest Spotted Owl habitat, whichever is closer.
14. Storage of Fuel - Fuel shall be stored and handled in compliance with applicable state and local laws and regulations, including the County of Humboldt's CUPA program, and in such a way that no spillage occurs.
15. The Master Log Books maintained by the applicant to track production and sales shall be maintained for inspection by the County.

16. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).
17. Participate in and bear costs for permittee's participation in the Medical Cannabis Track and Trace Program administered by the Humboldt County Agricultural Commissioner.

Performance Standards for Cultivation and Processing Operations

18. Pursuant to the MCRSA, Health and Safety Code section 19322(a)(9), an applicant seeking a cultivation license shall "provide a statement declaring the applicant is an 'agricultural employer,' as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 commencing with Section 1140 of Division 2 of the Labor Code), to the extent not prohibited by law."
19. 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).
20. 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.
21. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:
  - I. Cultivation operations and processing operations must implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:
    - (a) Emergency action response planning as necessary;
    - (b) Employee accident reporting and investigation policies;
    - (c) Fire prevention;
    - (d) Hazard communication policies, including maintenance of material safety data sheets (MSDS);
    - (e) Materials handling policies;
    - (f) Job hazard analyses; and
    - (g) Personal protective equipment policies, including respiratory protection.
  - II. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
    - (a) Operation manager contacts;
    - (b) Emergency responder contacts;
    - (c) Poison control contacts.
  - III. At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations. Plumbing facilities and water source must be capable of handling increased usage without adverse consequences to neighboring properties or the environment.



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

22. 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.

23. Term of Commercial Cannabis Activity Special Permit. Any Commercial Cannabis Cultivation CUP or SP issued pursuant to the CMMLUO shall expire after one (1) year after date of issuance, and on the anniversary date of such issuance each year thereafter, unless an annual compliance inspection has been conducted and the permittees and the permitted site have been found to comply with all conditions of approval.

If the inspector or other County official determines that the permittees or site do not comply with the conditions of approval, the inspector shall serve the CUP or SP 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 SP, 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.

24. 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.

25. 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:
- Identifying information for the new Owner(s) and management as required in an initial permit application;
  - A written acknowledgment by the new Owner in accordance as required for the initial Permit application;
  - The specific date on which the transfer is to occur;
  - Acknowledgement of full responsibility for complying with the existing Permit; and
  - Execution of an Affidavit of Non-diversion of Medical Cannabis.
26. 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:**

- Pursuant to section 314-55.4.11 (a) of the CMMLUO, if upon inspection for the initial application, violations of any building or other health, safety, or other state of county statute, ordinance, or regulation are discovered, the Planning and Building Department may issue a provisional clearance or permit with a written approved Compliance Agreement. By signing the agreement, the permittee agrees to abate or cure the violations at the earliest opportunity but in no event more than two (2) years of the date of issuance of the provisional clearance or permit. Plans for curing the violations shall be submitted to the Planning and Building Department by the Permittee within one (1) year of the issuance of the provisional certificate or permit. The terms of the compliance agreement may be appealed pursuant to section 314-55.4.13 of the CMMLUO.
- This provisional permit approval shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"); except where the Compliance Agreement per COA #1 has been executed and the corrective actions pursuant to the agreement are being undertaken. Once building permits have been secured and/or the use initiated pursuant to the terms of the agreement, the use is subject to the Permit Duration and Renewal provisions set forth in Condition of Approval #23 the On-Going Requirements /Development Restrictions, above.
- If cultural resources are encountered during construction activities, the contractor on site shall cease all work in the immediate area and within a 50 foot buffer of the discovery location. A qualified archaeologist as well as the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils,



groundstone artifacts, shellfish or faunal remains, and human burials. If human remains are found, California Health and Safety Code 7050.5 requires that the County Coroner be contacted immediately at 707-445-7242. If the Coroner determines the remains to be Native American, the NAHC will then be contacted by the Coroner to determine appropriate treatment of the remains pursuant to PRC 5097.98. Violators shall be prosecuted in accordance with PRC Section 5097.99.

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

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



**1. 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.

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Land Use Chapter 4</p> <p>Land Use Designations Section 4.8</p>	<p><b>Timber (T):</b> This designation is utilized to classify land that is primarily suitable for the growing, harvesting and production of timber. Prairie and grazing lands may be intermixed..</p> <p>Density Range: 40-160 acres/unit</p>	<p>The project entails cultivation of existing 42,000 sf of outdoor and 1,800 sf of mixed-light cannabis cultivation at seven locations on the parcel with on-site processing.</p> <p>There is one residence dating from the 1960's on the site but it is not used and is in a state of disrepair.</p> <p>Compatible uses for Timber Land Use designations include grazing and agricultural uses. The Medical Marijuana Regulation and Safety Act (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 designated Timber, a Resource Production Land Use Designation in the County General Plan, and General Agriculture is listed as an allowable use Type in the Timber designation, as evidenced in Table 4-G of the General Plan.</p> <p>The cannabis cultivation is existing as evidenced by aerial imagery from 2015, and no expansion is proposed. The project has been referred to CALFIRE, and that agency in their Resource Management section identifies if <b>any</b> commercial timber operations are involved, the timber operations cannot be conducted without a CALFIRE permit. As a condition of approval, the applicant is required to 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).</p>

		<p>Alternatively, a report prepared by a Registered Professional Forester evaluating the non-permitted conversion for a conformance the Forest Practices Act may be submitted subject to recommendations from CALFIRE. A letter from CALFIRE that their requirements have been met will satisfy this condition.</p> <p>Based on this discussion, the project may be found consistent with the Timber land use designation of the General Plan.</p>
Circulation Chapter 7	<p>Goals and policies contained in this Chapter relate to a balanced, safe, efficient, accessible and convenient circulation system that is appropriate for each type of unincorporated community (C-G1,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 is directly off State Highway 36. Public Works recommended the project be referred to Caltrans for comment. Caltrans has responded that the private driveway accessing the parcel needs to meet State standards for two-way commercial driveways and that updating said access will require a Caltrans Right-of-Way Encroachment Permit. This has been made a condition of approval.</p> <p>Processing activities peak in the winter months and are said to involve up to six day-labor seasonal and one full time employee, as apparently no one resides on site. This is based on the information provided in the Cultivation and Operations Plan for the project, which indicates the residence is old and dilapidated, is unused and will be torn down. Thus, it is anticipated that up to seven trips to and from the site could be generated during peak times.</p>
Housing Chapter 8	<p>Goals and policies contained in this Element seek to identify existing and projected housing needs and establish goals, policies, standards and measures for the preservation, improvement, and development of housing.</p> <p>Related policies: H-P3, Development of Parcels in the Residential Land Inventory</p>	<p>The project does not involve residential development, nor is the project site part of the Housing element Residential Land Inventory. However, the project will not preclude any future residential development. The project will not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.</p>



<p>Conservation and Open Space Chapter 10</p> <p>Open Space Section 10.2</p>	<p>Goals and policies contained in this Chapter relate to an Open Space and Conservation Program that is complimentary to other agencies' plans and that preserves the county's unique open spaces (CO-G1, CO-G3)</p> <p>Related policies: CO-P1, Conservation and Open Space Program; CO-P4, Support for Working Lands; 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 for Timber use and is zoned Agricultural Exclusive. The project can be found consistent with the Open Space Plan because the proposed project is consistent with the allowable uses of the Land Use Designations while not impacting the ability to provide livelihoods, profitable economic returns, and ecological values.</p> <p>The proposed cannabis cultivation - an agricultural product - is within land planned for Timber use, where General Agriculture is identified as a compatible land use in the General Plan, consistent with the use of Open Space land for management production of resources. The project will not remove or clear trees and is consistent with the preservation of natural resources within open space. It is unknown if clearing of timber has occurred to create the existing cultivation areas. However, a condition of approval has been incorporated requiring the applicant to secure clearance from CALFIRE which will address any past actions.</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 applicant retained Timberland Resource Consultants, LLC (TRC) for the preparation of a Watershed Resource Protection Plan (WRPP) for the site in accordance with Regional Water Board discharge notification requirements (WDID# 1B16187CHUM).</p> <p>According to maps provided by CDFW, there are reported Northern Spotted Owl observations adjacent to the property and known occurrences of endangered plant and animal populations directly adjacent to or on the property. As a result, CDFW recommended biological resource surveys be conducted. Their referral to this project is included in Attachment 4 off this report.</p>

		<p>As a condition of this permit, and in accordance with the submitted CDFW referral checklist, the applicant has hired a biologist with Green Road Consulting to survey all cultivation areas or areas of potential effect for threatened or endangered plant species or unique habitats as requested by CDFW. Any special status plant encountered will be flagged with 100 foot buffers and avoided under consultation with CDFW.</p> <p>Further, as a condition of this permit, the applicant will need to demonstrate that the WRPP accurately maps all Streamside Management Areas and wetlands in accordance with CDFW and the 2017 Humboldt County General Plan guidance and that any riparian areas or wetlands will be protected by the appropriate buffers (150 ft buffers for perennial wetlands, 100 ft for perennial streams, and 50 ft for seasonal streams and wetlands). Finally, a condition has been included to address rodenticide use in the project, and propose methods to reduce contamination of the food web.</p>
<p>Conservation and Open Space Chapter 10</p> <p>Cultural Resources Section 10.6</p>	<p>Goals and policies contained in this Chapter relate to the protection and enhancement of significant cultural resources, providing heritage, historic, scientific, educational, social and economic values to benefit present and future generations (CU-G1, Protection and Enhancement of Significant Cultural Resources)</p> <p>Related policies: CU-P1. Identification and Protection, CU-P2. Native American Tribal Consultation]</p>	<p>The applicant retained Alta Archaeological Consulting to conduct a site visit on September 29, 2017 and to prepare an Archaeological Survey Report for the area of potential effect within the parcel. This report states that ground visibility was fair with around 25% due to low lying grass and exposed mineral soils. The archaeologist noted the presence of a mid-century cabin that was not in use (the residence on the Site Map) and no other historic artifacts were found. In conclusion, the Report stated: "The project, as presently designed, is not anticipated to have an adverse effect on cultural resources..." The Report was forwarded to Bear River Tribal Council and no response was received.</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); a system of scenic highways roadways that increase the enjoyment of, and opportunities for, recreational and cultural pursuits and tourism in the County (SR-S2, SR-S6).</p> <p>Related policies: SR-S4, Light and Glare</p>	<p>Route 36 from Route 101 to Route 3 is considered a Scenic Highway according to Section 263.3 of the California Streets and Highways Code, but has not been designated a Scenic Highway by the County. SR-S2 allows permitted uses and encourages retaining of vegetation to act as a visual buffer. The greenhouse that is approximately 100 feet from Highway 36 is masked from view by vegetation and topography.</p> <p>The project involves outdoor cultivation across three full sun areas and in four greenhouses on the 94 acre parcel. Supplemental lighting (mixed-light) is used in one of the greenhouses. 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). This has been made a condition of approval.</p> <p>International Dark Sky Association Standards exceed the requirements of Scenic Resources Standard SR-S4, Light and Glare, and state that new exterior lighting fixtures be fully shielded, and designed and installed to minimize off-site lighting and direct light within the property boundaries.</p>
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<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-G10); and</p> <p>Related policies: WR-P10, Erosion and Sediment Discharge; WR-P42, Erosion and Sediment Control Measures.</p>	<p>The Project site falls within Tier 2 of the North Coast Regional Water Quality Control Board's (NCRWQCB) Order No. 2015-0023 (Order), which requires preparation of a Water Resources Protection Plan (WRPP) to protect water quality from cannabis cultivation and related activities.</p> <p>The applicant retained Timberland Resource Consultants, Inc. for the preparation of a WRPP. The WRPP describes and addresses the required elements and compliance with the 12 Standard Conditions established by the Order. Only one Standard Condition (#11) was not met and that is discussed below.</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); and</p> <p>Related policies: WR-IM7. Basin Plan Septic Requirements; and IS-P17. On-Site Sewage Disposal Requirements.</p>	<p>The WRPP identified that Standard Condition #11 "refuse and human waste" does not meet the Standard Condition because the Onsite Waste Water Treatment System (OWTS), a septic system associated with the unused cabin, while functioning, has not been permitted or shown to comply with County Health Standards. The Discharger plans to replace the septic system with a permitted structure. These requirements have been incorporated as conditions of approval.</p> <p>Until then, the applicant agrees to use portable toilets and handwashing stations capable of supporting the peak number of seasonal employees.</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</p>	<p>The subject parcel is located in an area that requires special noise attenuation measures due to the potential of surrounding Northern Spotted Owls and other wildlife. The existing cultivation areas are outdoor, outdoor greenhouses, and a single mixed-light greenhouse served by on-grid PG&amp;E power. In the event that portable emergency generators are used, these shall comply with the standards set forth in Section 55.4.11(o) of the CMMLUO and</p>



	Mobile Sources; N-P4, Protection from Excessive Noise	Department Policy Statement #DPS-16-005 as a condition of approval.
<p>Safety Element Chapter 14</p> <p>Geologic &amp; Seismic</p>	<p>Goals and policies contained in this Chapter relate to communities that are designed and built to minimize the potential for loss of life and property resulting from natural and manmade hazards; and to prevent unnecessary exposure to areas of geologic instability, floodplains, tsunami run-up areas, high risk wildland fire areas, and airport areas planned and conditioned to prevent unnecessary exposure of people and property to risks of damage or injury (S-G1, S-G2)</p> <p>Related policies: S-P11, Site Suitability; S-P7, Structural Hazards</p>	<p>The project site is not located in a mapped Alquist-Priolo fault zone nor is it subject to liquefaction. The Eaton Roughs Fault Zone is approximately 4.5 miles northeast of the cultivation area. The 94 acre parcel is in an area shown as high slope instability; however, the proposed action would permit an existing activity that does not propose any substantial new development.</p> <p>The cultivation areas are located within sites on the property that have been graded and are relatively flat. The property as whole is located on hilly terrain. The potential for mudslides or landslides is considered low according to the WRPP.</p> <p>The project also does not pose a threat to public safety related from exposure to natural or manmade hazards. The applicant must secure a grading permit for any planned improvements and as part of the permit the applicant will, at a minimum, incorporate the standard erosion control measures enumerated in the 2017 Humboldt County General Plan. These measures are a condition of approval.</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 area. The project site is not within a mapped dam or levee inundation area.</p>

<p>Safety Element Chapter 14</p> <p>Fire Hazards</p>	<p>Goals and policies of this Chapter encourage development designed to reduce the risk of structural and wildland fires supported by fire protection services that minimize the potential</p> <p>Related policies: S-P19, Conformance with State Responsibility Areas (SRA) Fire Safe Regulations;</p>	<p>The subject property is located within the State Fire Responsibility Area where the State of California has the primary financial responsibility for the prevention and suppression of wildland fires. CalFire provided standard comments recommending compliance with the requirements of the County's Fire Safe Regulations, Resource Management, and Cannabis. The Humboldt County Fire Safe Ordinance (Section 3111-1 <i>et seq.</i>) establishes development standards for minimizing wildfire danger in state responsibility designated areas.</p> <p>According to the applicant, during the peak season, the operation will employ from up to 6 seasonal employees and no one will reside onsite.</p>
<p>Air Quality Chapter 15</p>	<p>Goals and policies contained in this Chapter relate to improved air quality to meet current and future state and federal standards, including attainment of particulate matter requirements (AQ-G1, AQ-G2, AQ-G3) and the successful reduction of greenhouse gas emissions to levels consistent with state and federal requirements (AQ-G4)</p> <p>Related policies: AQ-P4, Construction and Grading Dust Control; AQ-S1, Construction and Grading Dust Control; AQ-P7, Interagency Coordination.</p>	<p>As a condition of project approval, applications for grading and or building permits shall be referred to the North Coast Air Quality Management District (NCAQMD) for review and consultation. Dust control practices during construction and grading shall achieve compliance with NCAQMD fugitive dust emission standards.</p>



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

<b>Zoning Section and Summary of Applicable Requirement</b>		<b>Evidence That Supports the Zoning Finding</b>
§312-1.1.2 Legal Lot Requirement: development permits shall be issued only for a lot that was created in compliance with all applicable state and local subdivision regulations.		The parcel of land known as APN 210-022-003 matches the property description in sufficient detail to prove that the original two parcels now remain in the same size and shape as the current combined parcel lands held by Nikolai Erickson, and may therefore be considered a separate legal parcel. Based on a 1963 Executor's Deed, the Planning and Building Department has determined this approx. 94 acre site is a separate lawful parcel, and there is no evidence indicating there have been any subsequent acts to divide this parcel. Therefore, the subject parcel was lawfully created in its current configuration and can be developed as proposed.
§314-7.1 Agriculture Exclusive (AE): Intended to provide standards and restrictions for the preservation of fertile areas in which agriculture is and should be the desirable predominant use.		<p>All general agricultural uses and structures are allowed and deemed compatible.</p> <p>The project is for the cultivation of outdoor and mixed-light commercial medical cannabis. Commercial medical cannabis cultivation is recognized under State law as an agricultural product. Although State law specifies it is agricultural use and general agricultural uses are principally permitted in AE, pursuant to Humboldt County Code Section 314-55.4.3.7, the commercial cultivation of cannabis for medical use is a regulated specialty crop and the cultivation of that specialty crop is not a principal permitted use under the General Agriculture use type classification in the Humboldt County Zoning Regulations. The applicant has applied for the requisite permit. Based on the referenced principally permitted use and the above, a finding of consistency with the AE zoning district can be made for the project.</p>
<b>Zoning Section</b>	<b>Summary of Applicable Requirement</b>	<b>Evidence That Supports the Zoning Finding</b>
Minimum Lot Size	20 acres	The subject parcel is 94 acres in size. As discussed above, the subject parcel is a separate legal parcel.
Maximum Ground Coverage	35%	Ground coverage is less than 35%
Minimum Lot Width	100 feet	Lot is wider than 1000 feet

Zoning Section	Summary of Applicable Requirement	Evidence That Supports the Zoning Finding
Setbacks	<p>Front: 30 feet Rear: 20 feet Side: 30 feet</p> <p>Farm Outbuildings: not less than 20 feet from any dwelling</p>	<p>The closest greenhouse cultivation area is 42 feet from the front parcel boundary, 282 feet from the rear portion of the western parcel boundary, and greater than 200 feet from either side of the parcel boundaries.</p> <p>Outbuildings are greater than 20 feet from the residence that is not in use. Any new residential structure must be sited consistent with this standard.</p>
Max. Building Height	None specified	The applicant will use conventional single story hoop greenhouses for outdoor cultivation. The height of these structures will not exceed the height standard.
§314-61.1 Streamside Management Area (SMA)	Purpose: to provide minimum standards pertaining to the use and development of land located within SMAs and other wet areas (OWA) to implement the County's Open Space Element of the General Plan.	<p>The 94-acre parcel has two Class II watercourses on the property that are tributaries to Little Larabee Creek, itself a tributary to the Van Duzen River. The cannabis cultivation areas are located beyond the 100-foot setback requirement for Class II watercourses although the Site Plan indicates that there is a dilapidated barn approximately 40 feet from one of the watercourses. The Applicant plans to remove this structure.</p> <p>An LSAA was filed with CDFW to protect the SMA from being negatively impacted by a small domestic use diversion.</p>
§314-109.1 Off-Street Parking	<p>Off Street Parking for Agricultural use*: Parking space per employee at peak shift. A minimum of three parking spaces are required.</p> <p><i>*Use for this activity is not specified. Per Section 314-109.1.2.9, the Director may fix the required number of parking spaces based on standards for most comparable use.</i></p>	<p>There may be 6 seasonal employees associated with the requested permit. The most comparable standard for employees in this situation is one space for each employee at peak shift (per Section 314-109.1.3.4.2 - Manufacturing).</p> <p>No designated parking spaces are noted on the plans; however, there is sufficient space on the property for the parking of cars used by the employees.</p>



<b>314-55.4 Commercial Cultivation, Processing, Manufacturing and Distribution of Cannabis for Medical Use Inland Land Use Regulation (CMMLUO)</b>		
§314-55.4.8.2.2	A ... 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 [...] AE parcels (no parcel size limitation)	In accordance with the referenced section the applicant has applied for the necessary CUP for the 94 acre parcel.
§314-55.4.9.3 Combined Use: A combination of permit types combined in a single application shall be considered a single permit	The total cultivation area allowed on a single parcel shall not exceed one acre for outdoor cultivation or 22,000 sf for mixed-light cultivation.	The proposed action will permit the combined use of existing 42,000 sf (<1 acre) outdoor and 1,800 sf mixed-light cannabis cultivation on a parcel zoned AE. No expansion of the cultivation area is proposed.
<b>§314-55.4.8.2.2 Criteria for approval of existing outdoor and mix-light cultivation areas:</b>		
Slopes less than 15 percent		Per the applicant, slopes where cultivation occurs do not exceed five percent.
With documented current water right or other non-diversionary source of irrigation water.		Applicant has an LSAA for small domestic use that allows for no more than 150 gallons of water be diverted from May 15 to October 15 for domestic uses. This diversion type cannot be used for commercial medical marijuana. The applicant is on a wait list to install a well and permitting of this well and documentation of the well flow rates is a condition of this permit.
Cultivation shall be located on the Prime Agricultural Soils on the parcel and no more than 20 percent of the area of Prime Agricultural soils may be permitted for commercial medical cannabis cultivation.		Per Humboldt County WebGIS, the entire subject parcel contains no prime farmland. Per the CMMLUO, new cultivations must be located on prime ag soil on a parcel. This project is existing and is not subject to this standard, however no expansion can occur. The project as proposed is consistent with this zoning section.

§314-55.4.8.2	In all zones where cultivation is allowed consisting of timberland, the commercial cultivation of cannabis for medical use shall only be permitted within a 3-acre conversion exemption area, or non-timberland open area, subject to the conditions and limitations set forth in this Section.	CalFire's response to the project referral was to provide standard recommendations. A review of 2015 imagery shows the parcel's clearings, where cannabis cultivation is occurring, have not changed since 2010. No trees are proposed to be removed as part of the project. Compliance with the less than 3-acre conversion are made a condition of approval in this use permit.
§314-55.4.8.10 Permit Limit	No more than four commercial cannabis activity permits may be issued to a single person, as defined in the referenced section.	According to records maintained by the Department, the party who is the member of Full Moon Farms, MBC, Nikolai Erickson, has applied for 3 cannabis cultivation permits: CUP-116-185, apps 11219; CUP-16-186, apps 11220; and CUP-16-187, apps 11221. None of these have been approved to date. The applicant holds no other cannabis activity permits, and is entitled to four. This application is for one permit.
§314-55.4.9.1 Accessory Processing	Processing for cultivation requiring a Special Permit or Use Permit will be considered in the Use Permit application.	All commercial medical cannabis cultivated will be processes at a licensed off-site facility until the mixed-use building on the parcel can be permitted as a condition of approval.
§314-55.4.9.4 Pre-Application Registration	Existing cultivation sites shall register with the County within 180 days of the effective date of this ordinance.	A Commercial Cannabis Registration Form for the cultivation site, APN 210-022-003, was filed with the Planning Division on September 23, 2016.
§314-55.4.10 Application Requirements	Identifies the Information Required for All Applications	Attachment 3 identifies the information submitted with the application, and shows all the required information was received.
§314-55.4.11 Performance Standards	Identifies the Performance Standards for Cannabis Cultivation Activities	All the applicable performance standards are included as conditions of project approval. They are required to be met throughout the timeframe of the permit.



<p>§314-55.4.11.c Performance Standards-Water</p>	<p>Compliance with all statutes, regulations and requirements of the California State Water Resources Control Board, Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration.</p>	<p>The applicant has agreed to an LSAA for small domestic use. A final LSAA (LSA#:1600-2016-0538) was issued 2/1/2017. The CDFW issued a letter of non-compliance in September 2017 citing the failure to provide reporting data. A Water Management Plan was submitted to CDFW dated 10/6/2017. This Plan reaffirmed that the existing diversion can only be used for domestic purposes NOT for cannabis cultivation. , and cites water conservation measures as the mitigation until a well is drilled. A compliance agreement letter from CDFW indicating that the applicant has filed and been approved for an appropriate use of this diversionary water and the reporting issues contained in the letter of non-compliance are here made a Condition of Approval.</p> <p>Alternatively, the applicant agrees to furnish well installation and flow rate tests once the planned well is installed. If found to be hydrologically connected to surface water, forbearance consistent with the LSAA or Section 55.4.11(I) shall be implemented with adequate water storage provided.</p> <p>A condition of approval has been incorporated requiring the applicant to provide proof that the existing hard tanks are filled, citing the source of the water used for this purpose and the methodology utilized, and agreeing that no further filling of the tanks will be performed until an appropriate water source approved by CDFW has been identified. The applicant shall also submit a revised Cultivation and Operations Plan identifying the current aspects of the proposal, especially the wide ranging differences in projected water use in the submitted material. These range from 350,000 gallons in the Cultivation and Operations Plan to 100,000 gallon in the Water Management Plan.</p>
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§314-55.4.11.o Performance Standards- Generator Noise	The noise produced by a generator used for cannabis cultivation shall not be audible by humans from neighboring residences. The combined decibel level for all noise sources, including generators, at the property line shall be no more than 60 decibels. Where applicable, sound levels must also show that they will not result in the harassment of Marbled Murrelet or Spotted Owl species, when generator use is to occur in the vicinity of potential habitat.	The operation is on the grid and supplied by commercial power from Pacific Gas and Electric. No use of backup generators for cultivation activities is proposed. Any use of backup generators, in the event of power outages, will comply with the noise attenuation measures to avoid harassment of protected species, including the Northern Spotted Owl.  Therefore, the project is currently conforming to the referenced standard.  Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service.
§314-55.4.17 Sunset Date	No application for any Use Permit pursuant to the CMMLUO shall be processed for issuance or approval that is received after December 31, 2016.	The applicant filed the application on September 23, 2016, before the sunset date.

**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 an existing mixed-light cannabis cultivation operation on a 94 acre parcel with no immediate neighbors. Permitting the operation would not result in any change to existing conditions that would be detrimental to the public health, safety, and welfare.
§§15304 (a) and 15311 of CEQA	Categorically exempt from State environmental review.	CEQA Exemption Sections Class 1, 15301 (Existing Facilities), Class 3, 15303 (New Construction or Conversion of Small Structures), and Class 4, 15304 (Minor Alterations to Land), of the State CEQA Guidelines. Per the submitted evidence and agency responses, none of the exceptions to the Categorical Exemption per Section 15300.2 of the State CEQA Guidelines apply to this project.



**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.	<p>The proposed project involves an existing commercial cannabis cultivation and does not propose any new residences on the subject parcel.</p> <p>The site is zoned AE and is designated as agricultural land. Therefore, the parcel was not included in the Housing Inventory.</p>

## ATTACHMENT 3

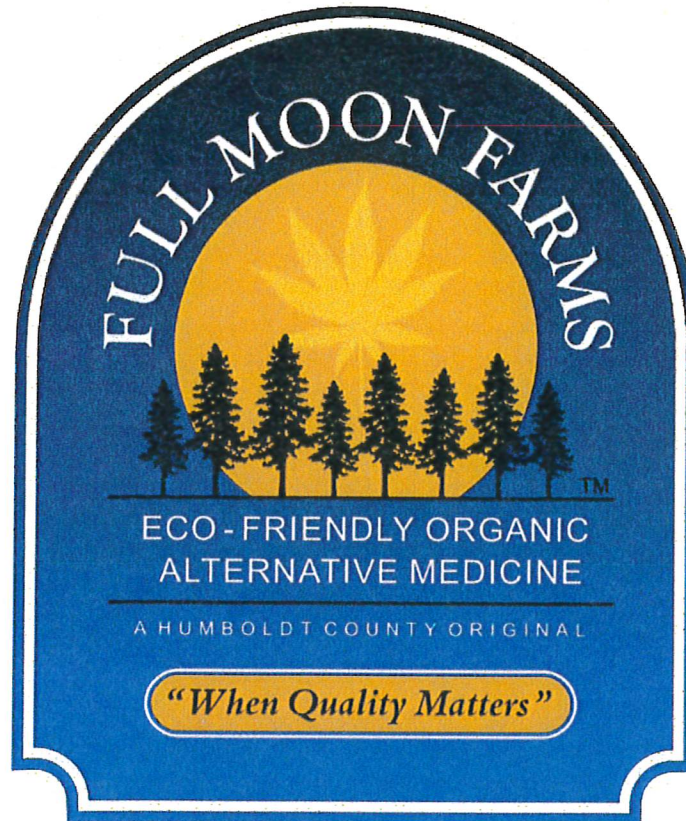
### Applicant's Evidence in Support of the Required Findings

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

1. The name, contact address and phone number(s) of the applicant. (Application form on file)
2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. (On file)
3. Site plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including: access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within  $\frac{1}{4}$  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 NCRWQCB demonstrating enrollment in Tier 1, 2 or 3, NCRWQCB Order No. 2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (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 Streambed Alteration 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. (Not applicable)



11. Consent for onsite inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. (On-file)
12. For indoor cultivation facilities, identify the source of electrical power and how it will meet with the energy requirements in section 55.4.8.2.3, and plan for compliance with applicable Building Codes. (Not applicable)
13. Acknowledge that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed will not support diversions for irrigation. (On-file)
14. Acknowledge that the county reserves the right to engage with local Tribes before consenting to the issuance of any clearance or permit, if cultivation operations occur within an Area of Traditional Tribal Cultural Affiliation, as defined herein. This process will follow current departmental referral protocol, including engagement with the Tribe(s) through coordination with their Tribal Historic Preservation Officer (THPO) or other Tribal representatives. This procedure shall be conducted similar to the protocols outlined under SB 18 (Burton) and AB 52 (Gatto), which describe "government to government" consultation, through Tribal and local government officials and their designees. During this process, the Tribe may request that operations associated with the clearance or permit be designed to avoid, minimize or mitigate impacts to Tribal Cultural Resources, as defined herein. Examples include, but are not limited to: conducting a site visit with the THPO or their designee to the existing or proposed cultivation site, requiring that a professional cultural resources survey be performed, or requiring that a Tribal cultural monitor be retained during project-related ground disturbance within areas of sensitivity or concern. The county shall request that a records search be performed through the California Historical Resources Information System (CHRIS). (On-file)
15. California Department of Fish and Wildlife CEQA referral checklist. (Attached)
16. Streambed Alteration Agreement for water diversion for domestic use, dated February 1, 2017. (On-File)
17. Watershed Resource Protection plan prepared by Timberland Resource Consultants on September 11, 2017. (On-File)
18. Archaeological Survey Report prepared by Alta Archaeological Consulting on January 8, 2017. (On-File)
19. Caltrans referral comments dated October 12, 2017. (On-File)
20. Division of Environmental Health referral letter recommending Conditional Approval received November 8, 2017. (On-File)
21. Notarized Consent of Owner dated October 23, 2017. (On-File)
22. Letter of intent to conduct biological assessment of parcel, dated January 12, 2018. (On-File)
23. Memorandum from Timberland Resource Consultants to CDFW providing water usage and water management plan in response to the Notice of Violation received on August 17, 2017, dated October 6, 2017. (On-File)
24. Updated Cultivation and Operations Plan provided by Applicant's Agent on October 30, 2017. (On-File)



## **Site Plan Overview and Cultivation and Operations Plan**

### **Applicant/Owner**

Full Moon Farms  
1065 Riverside Drive  
Rio Dell, CA 95562

### **Agent**

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





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## I. Site Plan Overview

### 1.0 Project Information

Full Moon Farms ("Applicant") is submitting this application for a Type 3 Use Permit for 42,000 square feet of existing outdoor commercial cannabis cultivation and 1,800 square feet of existing mixed light commercial cannabis cultivation on a 94-acre parcel, located in Bridgeville, CA ("Parcel"), Assessor's Parcel Number 210-022-003.

The water source for this parcel is a diversion from a Class II Watercourse. The applicant is also contracted with a local well drilling company to have a permitted, confined aquafer well installed. Once the well is installed, the diversion will be discontinued. There is 62,300 gallons HDPE water tank storage on site. Should the applicant need to continue to exclusively use the diversion, they are aware that their water storage number will likely need to increase to meet the forbearance period of May 15 to October 31. An Initial Statement of Water Diversion and Use and a Stream and Lakebed Alteration Permit has been filed for the Class II diversion. The Applicant estimates their annual water usage to be approximately 350,000 gallons.

The applicant is anticipating the need for six (6) day labor employees and will be processing on site in their processing building. The parcel is supplied with PG and E grid power and a permitted septic system will be installed in 2018.

This application is submitted through their 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 42,000 square feet of outdoor commercial cannabis cultivation activities that were in existence prior to January 1, 2016, in compliance with the County CMMLUO.
- b. Permit 1,800 square feet of mixed light commercial cannabis cultivation activities that were in existence prior to January 1, 2016, in compliance with the County CMMLUO.
- c. Comply with applicable standards for water quality maintenance and watershed protection through the Waiver of Waste Discharge requirements of the North Coast Regional Water Quality Control Board ("Water Board") and California Department of Fish and Wildlife ("Fish and Wildlife").

### 2.0 Project Location

The Applicant's Parcel is located in the inland zone of Humboldt County near Dinsmore, CA. The Parcel is comprised of 94-acres and is identified by Assessor's Parcel Number ("APN") 210-02-003. There is no street address for the Parcel.

#### 2.1 Zoning Classification

The County's Zoning Classification of the Parcel is FR-B-5(40) with a Current General Plan of AL40 (FRWK). The CMMLUO permits existing Outdoor commercial cannabis cultivation on land zoned as FR with cultivation sites between 10,001 and 43,560 square feet and up to 22,000 square feet of existing Mixed Light cultivation with a Use Permit.



## 2.2 Site Topography

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

## 3.0 Easements

The following is from the Grant Deed, a copy of which is included in the Evidence of Ownership and Authorization section of this application.

### "PARCEL ONE

Those portion of the East Half of the Northeast Quarter and the Northeast Quarter of the Southeast Quarter of Section 9, Township 1 North, Range 4 East, Humboldt Meridian, lying North of the State Highway leading from Bridgeville to Red Bluff.

EXCEPTING therefrom that portion thereof conveyed to Everett Milton Cottrell, et al, by Deed recorded July 17, 1943 under Recorder's Serial No. 7198, Humboldt County Records.

ALSO EXCEPTING therefrom that portion thereof conveyed at to the State of California for highway purposes, by Deed recorded June 10, 1968 in Book 740 of Official Records, Page 438, under Recorder's Serial No. 9369 Humboldt County Records.

### PARCEL TWO

That portion of the Southwest Quarter of the Northeast Quarter of Section 9, Township 1 North, Range 4 East, Humboldt Meridian, lying North and East of the State Highway leading from Bridgeville to Red Bluff, as it existed March 30, 1943.

EXCEPTING therefrom that portion thereof conveyed to the State of California for highway purposes, by Deed recorded June 10, 1963 in Book 740 of Official Records, Page 438, under Recorder's Serial No. 9369, Humboldt County Records.

ALSO EXCEPTING therefrom all merchantable fir timber reserved by Ethel McClellan, et al, in the Deed recorded July 17, 1948 in Book 56 of Official Records, Page 304, under Recorder's Serial No. 7199, Humboldt County Records, including however, and no excepting any interest in said timber conveyed by Barbara G. Cottrell, to the heirs or devisees of Marth C. Burns, deceased, subject to the administration of the Estate of said Decedent, by Quit Claim Deed recorded June 18, 1963 in Book 740 of Official Records, Page 431, under Recorder's Serial No. 9366, Humboldt County Records, or by Barbara G. Cottrell, as Trustee created by the Last Will and Testament of Everett H. Cottrell, deceased, to Mary J. Lee and Philip J. Lee, single persons as joint tenants , by Quit Claim Deed recorded January 6, 1964 in Book 768 of Official Records, Page 453, under Recorder's Serial No. 210, Humboldt County Records."

#### **4.0 Natural Waterways**

The Parcel has one (1) unnamed Class II watercourse at the western end of the parcel and one (1) Class II watercourse at the eastern end (Muddy Creek). See Sheet PO of the Site Plan, located in the Site Plan of Entire Parcel section of this application.

#### **5.0 Location and Area of Existing Cultivation**

The 42,000 square feet of outdoor cannabis cultivation occurs in three (3) outdoor locations and within three (3) greenhouses on the Parcel and can be viewed on the Site Plan, included in the Site Plan of Entire Parcel section of this application. The 1,800 square feet of Mixed Light cultivation occurs in one (1) greenhouse and can be viewed on the Site Plan.

##### **Outdoor Cultivation**

###### **Cultivation Area #1**

Cultivation Area #1 is located near the center of the Parcel. It consists of approximately 17,400 square feet of outdoor cultivation and meets buffer zone and setback requirements for the Water Board and County.

###### **Cultivation Area #2**

Cultivation Area #2 is located to the west of Cultivation Area #1. It consists of approximately 13,287 square feet of outdoor cultivation and meets buffer zone and setback requirements for the Water Board and County.

###### **Cultivation Area #3**

Cultivation Area #3 is located to the south of Cultivation Area #2. It consists of approximately 3,813 square feet of outdoor cultivation and meets buffer zone and setback requirements for the Water Board and County.

###### **Greenhouse #1**

Greenhouse #1 is located south of Cultivation Areas #1 and #2. It is approximately 1,400 square feet and meets buffer zone and setback requirements for the Water Board and County.

###### **Greenhouse #2**

Greenhouse #2 is located to the west of Greenhouse #1. It is approximately 2,000 square feet and meets buffer zone and setback requirements for the Water Board and County.

###### **Greenhouse #3**

Greenhouse #2 is located to the west of Greenhouse #1. It is approximately 2,000 square feet and meets buffer zone and setback requirements for the Water Board and County.



Greenhouse #4

Greenhouse #2 is located to the west of Greenhouse #1. It is approximately 2,100 square feet and meets buffer zone and setback requirements for the Water Board and County.

Mixed LightGreenhouse #5

Greenhouse #5 is located in the western section of the parcel near the Multi Use Building. It is approximately 1,800 square feet and meets buffer zone and setback requirements for the Water Board and County.

**6.0 Setbacks of Cultivation Area**OutdoorCultivation Area #1

Cultivation Area #1 is setback from the northern parcel line by approximately 1,192 feet and the eastern parcel line by approximately 628 feet.

Cultivation Area #2

Cultivation Area #2 is setback from the eastern parcel line by at least 790 feet and the western line by at least 348 feet.

Cultivation Area #3

Cultivation Area #3 is setback from the southwestern parcel line by approximately 667 feet and the southern parcel line by approximately 363 feet.

Greenhouse #1

Greenhouse #1 is setback from the eastern parcel line, the closest line, by approximately 790 feet.

Greenhouse #2

Greenhouse #2 is setback from the southern parcel line, the closest line, by approximately 363 feet.

Greenhouse #3

Greenhouse #3 is setback from the southern parcel line, the closest line, by approximately 363 feet.

Greenhouse #4

Greenhouse #4 is setback from the northern parcel line by approximately 282 feet and the southwestern line by at least 75 feet.

**Mixed Light****Greenhouse #5**

Greenhouse #5 is setback from the southwestern line, the closest line, by at least 75 feet.

**7.0 Access Roads**

The Parcel is located off Highway 36. The interior roads are in good condition.

The applicant's Monitoring and Reporting Form shows that all Erosion Control, Drainage and Stream Crossing Maintenance meet the Standard Conditions and no remediation is necessary.

**8.0 Graded Flats**

There are no graded flats on the parcel that have been identified to require a grading permit.

**9.0 Existing and Proposed Buildings****Mother in Law Suite**

There is a Mother in Law Suite located to the north of the catchment ponds in the western section of the parcel. It is not used for any cultivation related activities.

**Cabin**

There is a Cabin located across from the Mother in Law Suite to the north of the catchment ponds. It is not used for any cultivation related activities.

**Storage Shed**

There is a Storage Shed located behind the Mother in Law Suite. It is not used for any cultivation related activities.

**Existing Dry Shed**

The Existing Dry Shed is located near Cultivation Areas #3 and #4. It is used for drying and curing of the cannabis.

**Proposed Dry Shed**

The Proposed Dry Shed is located to the left of the existing dry shed near Cultivation Areas #3 and #4. It will be 30' X 40' and used for drying and curing of the cannabis. The applicant intends to have this structure permitting and completed by 2019.

**10.0 Water Storage, Use and Watershed Protection****10.1 Water Storage**

There are fourteen (14) HDPE water storage tanks located on the parcel. See Sheet PO of the Site Plan for location. The size and quantity of the tanks is outlined below.



- Two (2) 3,000-gallon water tanks;
- Nine (9) 5,000-gallon water tanks;
- Three (3) 2,500-gallon water tanks;
- Two (2) 500-gallon water tanks;
- One (1) 1,300-gallon water tanks; and
- One (1) 1,500-gallon water tanks.

The total amount of water storage for the parcel is 62,300 gallons.

## **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."

All water used for the irrigation of cannabis is currently sourced from the Class II watercourse diversion and will be sourced from the permitted well once it is drilled. Irrigation is completed by a timed, metered drip irrigation system. The applicant estimates their annual water usage to be approximately 350,000 gallons.

## **10.3 Watershed Protection**

There are two (2) Class II Watercourses on the Parcel.

The applicant has contracted with Timberland Resource Consultants to complete their Water Resource Protection Plan. The Notice of Intent and Monitoring and Reporting Form are included in the Other Permits, Licenses and Documents section of this application. The Monitoring and Reporting Form states that the Water Resource Protection Plan will be completed by 10/04/2017.

The Monitoring and Reporting Form states that the Site Maintenance/Erosion Control/Drainage Features, Stream Crossing Maintenance, Riparian and Wetland Protection and Management, Water Storage and Use, Irrigation Runoff, Fertilizers and Soil Amendments, Pesticides and Herbicides, Cultivation Related Wastes and Refuse and Human Waste all meet Standard Conditions.

The Petroleum Products and Other Chemicals and their storage does not meet the Standard Conditions and the Monitoring and Reporting Form provides the Applicant until 10/15/2017 to meet the conditions.

Once the WRPP is completed, details on the efforts necessary to bring the areas where Standard Conditions are not met into compliance will be outlined. The WRPP is expected to be completed in 11/2017.

### **11.0 Distances from Significant Landmarks**

There are no schools, school bus stops, places of worship or Tribal Cultural Resources within 600 feet of the cultivation site. There also are not any off-site residences within 300 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."

All water used for the irrigation of cannabis is currently sourced from the Class II watercourse diversion and will be sourced from the permitted well once it is drilled. Irrigation is completed by a timed, metered drip irrigation system. The applicant estimates their annual water usage to be approximately 350,000 gallons.

### **2.0 Watershed Protection**

There are two (2) Class II Watercourses on the Parcel.

The applicant has contracted with Timberland Resource Consultants to complete their Water Resource Protection Plan. The Notice of Intent and Monitoring and Reporting Form are included in the Other Permits, Licenses and Documents section of this application. The Monitoring and Reporting Form states that the Water Resource Protection Plan will be completed by 10/04/2017.

The Monitoring and Reporting Form states that the Site Maintenance/Erosion Control/Drainage Features, Stream Crossing Maintenance, Riparian and Wetland Protection and Management, Water Storage and Use, Irrigation Runoff, Fertilizers and Soil Amendments, Pesticides and Herbicides, Cultivation Related Wastes and Refuse and Human Waste all meet Standard Conditions.

The Petroleum Products and Other Chemicals and their storage does not meet the Standard Conditions and the Monitoring and Reporting Form provides the Applicant until 10/15/2017 to meet the conditions.

Once the WRPP is completed, details on the efforts necessary to bring the areas where Standard Conditions are not met into compliance will be outlined. The WRPP is expected to be completed in 11/2017.

### **3.0 Materials Storage**

Currently, there are no pesticides or herbicides registered specifically for use directly on cannabis. The applicant will be using strictly approved substances for pest and mold management as well as approved fertilizers and amendments.

All fertilizers and amendments are brought in as needed to the parcel. The applicant keeps a spill kit on site in the event of a spill, but materials are not stored for use on site.



All labels are kept and directions are followed when nutrients and fertilizers are applied. A list of materials used has been provided as an attachment for the Department of Environmental Health.

#### **4.0 Cultivation Activities**

Cultivation Activities will vary based on climate, strain and the applicants personal schedule.

Plants in their vegetative state will be kept under fluorescent lighting in Greenhouse #5 and the Multi Use Building. Soil is amended with organic amendments and fertilizers. Plants are placed in their permanent outdoor home sometime in May. The applicant will be harvesting the cannabis sometime in October.

The Applicant is anticipating the potential for six (6) day labor employees and will have portable toilets, hand washing facilities and potable water available.

#### **5.0 Processing Practices**

Plants will be harvested one at a time using hand shears and taken into the existing Multi Use Building where it will be dried and cured. The applicant will be processing in the Multi Use Building once it meets the restroom requirements. A 3<sup>rd</sup> party processor will be used until the building meets requirements.

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 watertight containers and trash and recycling will be disposed of weekly. Any green waste will be piled and kept well away from any watercourse in a compost pile that will not exceed 100 cubic yards.

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**

All access roads are gated to the parcel.

## 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	✓
Caltrans	✓	Referral Comments	✓
County Division of Environmental Health	✓	Conditional approval	✓
NWIC	✓	Archeology study	
Department of Fish and Wildlife	✓	Provided Comments	✓
Regional Water Quality Control Board		None received	
Division of Water Resources		None received	
CALFIRE	✓	Standard input letter	✓
Bear River Band of the Rohnerville Rancheria	✓	Archeology study, condition with inadvertent discovery protocols	✓
Bridgeville Fire Protection District		None received	
Bridgeville Elementary School		None received	
Fortuna Union High School		None received	
Agriculture Commissioner		None received	
Sheriff		None received	
Humboldt County District Attorney		None received	





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

7/18/2017



**PROJECT REFERRAL TO: Building Inspection Division**

**Project Referred To The Following Agencies:**

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

**Applicant Name** Nikolai Erickson **Key Parcel Number** 210-022-003-000

**Application (APPS#)** 11221 **Assigned Planner** () - **Case Number(s)** CUP16-187  
AA16-467

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

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

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

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

**Return Response No Later Than 8/2/2017** Planning Commission Clerk  
County of Humboldt Planning and Building Department  
3015 H Street  
Eureka, CA 95501  
**E-mail:** PlanningClerk@co.humboldt.ca.us **Fax:** (707) 268-3792

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

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

☐ Recommend Conditional Approval. Suggested Conditions Attached.

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

☐ Recommend Denial. Attach reasons for recommended denial.

☐ Other Comments: \_\_\_\_\_

DATE: 8/1/17

PRINT NAME: Ian Mich



**COUNTY OF HUMBOLDT**  
**PLANNING AND BUILDING DEPARTMENT**  
**BUILDING DIVISION**

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

**Building Division's Referral Comments for Cannabis Operations:**

Application No.: 11221

parc # 210-022-003  
app # 44144

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

- ☒ Site/plot plan appears to be accurate.
- ☐ Submit revised site/plot plan showing all of the following items: all grading including ponds and roads, location of any water course including springs, all structure including size and use and all setbacks from the above stated to each other and property lines.
- ☐ Existing operation appears to have expanded, see comments: \_\_\_\_\_
- ☐ Existing structures used in the cannabis operation shall not to be used/occupied until all required permits have been obtained.
- ☐ Proposed new operation has already started.
- ☒ Recommend approval based on the condition that all required grading, building, plumbing electrical and mechanical permits and or Agricultural Exemption are obtained.

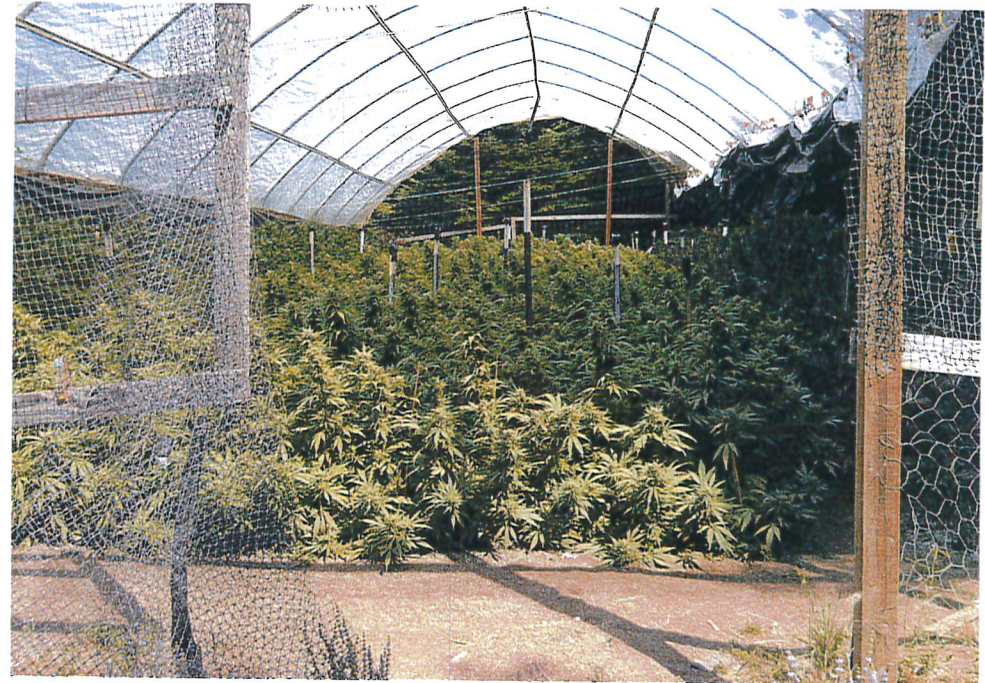
☐ Other Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Name: Ian Mion

Date: 8/1/17

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

















**California Department of Fish and Wildlife  
CEQA Referral Checklist**

Applicant: Nikolai Erickson			
Co APPS: 11221	APN: 210-022-003	CDFW CEQA: 2017-0296	<input type="checkbox"/> ZCC <input type="checkbox"/> SP <input checked="" type="checkbox"/> CUP
<input type="checkbox"/> New Size (SF):	<input checked="" type="checkbox"/> Existing Size (SF): 44,000	<input checked="" type="checkbox"/> Mixed-light	<input checked="" type="checkbox"/> Outdoor <input type="checkbox"/> Indoor <input type="checkbox"/> RRR

Thank you for referring this application to the California Department of Fish and Wildlife (CDFW) for review and comment.

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

**Please provide the following information:**

- ☒ A Final Lake or Streambed Alteration Agreement (LSA#: 1600-2016-0538) was issued to the applicant on February 1, 2017. As of September 2017, the reporting requirements of the Agreement have not been met. On 8/17/2017, the Department issued a letter of non-compliance to the applicant. CDFW recommends as a condition of project approval, that the applicant provide all requested reporting information, pursuant to the Agreement, to the Department.
- ☒ The project is located in/near Northern Spotted Owl (*Strix occidentalis caurina*, a State- and Federally-Threatened species) potential habitat. CDFW recommends protocol level surveys (two-year) by an experienced wildlife biologist, to determine whether the area has NSO presence; OR assume presence and avoid disturbance of habitat as determined by a qualified biologist, in consultation with CDFW and the US Fish and Wildlife Service.
- ☒ If mixed-light, describe how the project will eliminate noise and light escapement/pollution from cultivation structures.
- ☒ Aerial imagery suggests that the cultivation area, prior to January 1, 2016, was approximately 9,000 square feet. CDFW recommends that the applicant provide proof of existing cannabis on the parcel, prior to the cutoff date, or that the application be reconsidered for permit approval.
- ☒ Conduct a biological survey of the property to determine whether rare species or sensitive natural communities are present. In order to identify and prevent impacts to rare species and sensitive natural communities, a qualified biologist should conduct appropriate surveys in all areas that would potentially be impacted by the project, and submit a report of the findings for County and CDFW staff review. After review of the report, CDFW will be able to provide site-specific recommendations to avoid, minimize, or mitigate project impacts.
- ☒ CDFW is not clear on how the water use estimates were derived or how the amount of water storage proposed will meet the requirements for seasonal water diversion minimization. CDFW requests, as a condition of project approval, that the applicant provide further detail on the methods used to estimate water usage.