



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

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Hearing Date: April 19, 2018

To: Humboldt County Planning Commission

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

Subject: **Emerald Lion Medicinals, Conditional Use Permit and Special Permit**  
Application Number 11901  
Case Number CUP-16-440, SP-18-004  
Assessor's Parcel Number (APNs) 524-016-002  
West Side of State Highway 96, 3.26 miles North on USFS 6N13 from intersection of  
Staton Drive, Willow Creek Area

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Please contact Michelle Nielsen, Senior Planner, at 707-268-3708 or by email at [mnielsen@co.humboldt.ca.us](mailto:mnielsen@co.humboldt.ca.us) if you have any questions about the scheduled public hearing item.

## AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
April 19, 2018	Conditional Use Permit and Special Permit	Michelle Nielsen

**Project Description:** A Conditional Use Permit for 20,000 square feet (SF) of existing outdoor cannabis cultivation and 2,000 SF of appurtenant nursery facilities located on Assessor's Parcel Number (APN) 524-016-002, a parcel of approximately 160 acres in size. Processing is to occur offsite at a licensed third-party facility until a permitted processing facility can be constructed. Cultivation will occur in four locations, each containing between four to five greenhouses, and one full sun outdoor location. The greenhouses enable covering to control plant growth stage through light-deprivation. The applicant uses a permitted solar-powered well with a back-up generator as the source of irrigation water. Water movement, nursery lighting, and general electricity are provided to each of the four main cultivation sites using quiet Honda GX200 portable generators with an unshielded audible rating of 58 dB. Each generator is housed within a sound attenuating structure that reduces noise levels to less than 30 dB. The applicant's cultivation methodology includes using a drip irrigation system linked to 13 different storage tanks totaling 18,800 gallons of storage. The applicant estimates the total project uses 225,000 gallons of water per year. Per the applicant, there will be up to 3 permanent and 10 seasonal employees during peak phases (harvest) of the cultivation. There are three travel trailers and three tent sites spread across the parcel but no permanent residences. The applicant will have to seek permits for agricultural employee housing independently from this permit. There are two appurtenant hoop house nurseries and a drying structure. There is a septic system associated with one of the trailers. The applicant agrees that employee sewage disposal will be provided by on-site portable toilets equipped with hand-washing stations for cultivation activities.

There is a recreational pond onsite that, while registered with the State Water Board, has no nexus to the cultivation operation. The land owner shall engage the California Department of Fish and Wildlife during planned restoration and redirection of the streamside management area (SMA) toward a class III stream. Restoration will create a condition where the SMA would encroach within 50 feet from an adjacent cultivation site. As such, a Special Permit for (1) encroachment upon the SMA by the non-cannabis related pond and associated SMA and (2) reduced setbacks from Six Rivers National Forest, are also sought for this project.

**Project Location:** The project site is located in Humboldt County in the Willow Creek area, on the west side of State Highway 96, approximately 3.26 miles North from the intersection of Staton Drive and USFS 6N13 (Friday Ridge or Spur) Road, on the property known to be in Section 5 of Township 06 North, Humboldt Base & Meridian.

**Present Plan Land Use Designations:** Timberland (T), Humboldt County General Plan, 2017 (HCGP), Density: 40 to 160 acres per dwelling unit, Slope Stability: Moderate (2) and High (3)

**Present Zoning:** Timberland Production (TPZ).

**Application Number:** 11901 and 9964

**Case Number:** CUP-16-440, SP-18-004

**Assessor Parcel Numbers:** 524-016-002

Applicant	Owner	Agent
Emerald Lion Medicinals	Mônica Pereira and Kevin	None
Attn.: Peter M. Tommaso	Dolan	
1312 30 <sup>th</sup> Street, Arcata, CA 95521	3112 21 <sup>st</sup> Street, San Francisco,	
	CA 94110	

**Environmental Review:** The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per Class 1, 15301 (Existing Facilities), Class 3, 15303 (New Construction)

or Conversion of Small Structures), Class 4, 15304 (Minor Alterations to Land), and Class 33, 15333 (Small Habitat Restoration Projects) of the California Environmental Quality Act (CEQA) Guidelines.

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

**Major Issues:** None

**EMERALD LION MEDICINALS**  
Case Number CUP-16-440/SP-18-004  
Assessor's Parcel Numbers 524-016-002

**Recommended Commission Action**

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

*Find the project exempt from environmental review pursuant to Sections 15301, 15303, 15304, and 15333 of the State CEQA Guidelines, make all of the required findings for approval of the Conditional Use Permit and Special Permit based on evidence in the staff report and any public testimony, and adopt the Resolution approving the proposed Emerald Lion Medicinals project subject to the recommended conditions.*

**Executive Summary:** Emerald Lion Medicinals seeks approval of a Conditional Use Permit in compliance with the County Commercial Medical Marijuana Land Use Ordinance (CMMLUO) for existing outdoor commercial medical cannabis cultivation located on Assessor's Parcel Number (APN) 524-016-002, which is approximately 160 acres in size. There is an appurtenant nursery onsite and a Special Permit is sought for a setback reduction from Six Rivers National Forest and the potential Streamside Management Area (SMA) encroachment of one cultivation area due to an ongoing recreational pond restoration project.

Cultivation occurs in four main cultivation sites (A, B, C, and D), each containing between four to five approximately 1,000 SF hoop style greenhouses, and one smaller 480 SF full sun cultivation area near cultivation area A. The approximately 20,000 SF of total outdoor cultivation in greenhouses enable control over the timing of plant flowering using coverings (light-deprivation). Additionally, two existing structures totally 1,920 square feet in size used for nursery and drying purposes are shown on the site plan and are part of this project. Per the applicant, all cultivation areas occur on a less than 5% grade. The applicant uses a permitted solar-powered well with a back-up generator as the sole source of irrigation water for cultivation areas. The well was registered with Humboldt County and, per the applicant, the water has been laboratory tested as safe to drink as is but is filtered prior to drinking for added purification. Well installation logs indicate the well can sustain ten gallons per minute over a four hour test period. Water movement and any accessory power to each of the four main cultivation sites are powered using quiet Honda GX2000 portable generators with an audible rating of 58 dB under load; all of which are housed within sound attenuating structures that further reduce noise pollution to below 30 dB at 100 feet according to the applicants use of a decibel measuring application for smartphones.

The applicant uses a drip irrigation system linked to 13 different storage tanks totaling 18,800 gallons of storage. The applicant estimates the total project uses 225,000 gallons of water per year. Per the applicant, there will be three permanent employees and up to 10 seasonal employees during cannabis harvest periods. There are six travel trailers or tents spread across the parcel but no permanent residences. There are two appurtenant hoop house nurseries and a drying structure. There is a septic system associated with one of the trailers. However, pending inspection and permitting by the Division of Environmental Health, the applicant agrees to provide portable toilets equipped with hand-washing stations. The only other developed structures on the property are two appurtenant hoop house nurseries and a drying structure.

The Northwest Information Center recommended a cultural resource survey be conducted. However, an elder from the local Tsnungwe Tribal Council conducted a field visit to the site on November 7, 2017 and has not submitted a request for the preparation of a cultural resources study for this project. CalFire provided standard comments regarding Fire Safe, Resource Management, and Cannabis Cultivation. The applicant provided a Public Works Road Evaluation Report stating that USFS 6N13 (Friday Ridge/Spur Road), is developed to the equivalent of a Category 4 road.

There is a recreational pond onsite that has no direct nexus to the cultivation operation. A Special Permit was submitted for this pond in 2015 (SP 15-014). However, owing to its planned restoration and redirection

of its drainage toward Butterfly Creek, the future Streamside Management Area (SMA) will pass within the 50 foot SMA of cultivation site C. As a result, a Special Permit is sought for this future encroachment. Currently, winter time diversion of water to the pond is registered with the State Water Board and the land owner had obtained a small domestic use permit from CDFW that included forbearance of diversion to the pond from June 16 to October 15. The landowner will continue permitting efforts associated with this pond restoration. A review of County files indicates a Notice of Nuisance was issued on the property (Vio-13-135) and recorded with the County Recorder in 2014. The alleged violations included illegal water diversions, grading, and structures. This Special Permit application does contribute to resolution of the Notice of Nuisance, by authorizing development (stream diversion) within the Streamside Management Area. The applicant has submitted a copy of Lake or Streambed Alteration Agreement dated 11/12/2014, authorizing remediation work on an existing on-stream dam, diversion of water from the reservoir and an unnamed stream, and installing a rocked ford. The Notice of Violation is still active in Department files, and the applicant is advised to work with the County Code Enforcement Unit to resolve this issue and clear the Notice of Violation from County Records. The applicant is enrolled in the Third Party Certification Program with Timberland Resource Consultants, Inc. (TRC) for enrollment in the California Regional Water Quality Control Board Order 2015-0023 and TRC is to produce a Water Resources Protection Plan (WRPP). The applicant agrees to furnish their WRPP and Bullfrog Management plan developed for the pond to CDFW as requested (Attachment 4).

A Special Permit is also sought for reduced setbacks from Six Rivers National Forest. Resulting setbacks of cultivation areas from Six Rivers National Forest shall be reduced from greater than 600 FT to 170 FT from cultivation site B on the western parcel boundary, and to 185 FT from cultivation site D on the southern parcel boundary. The project was referred to Six Rivers National Forest on September 29, 2017 and they have not responded.

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 and sheds or the planned construction of a small processing facility (less than 2500 SF in floor area) or septic system may be considered "New Construction or Conversion of Small Structures" as defined by Section 15303 of the CEQA Guidelines. Finally, as Lead Agency, the Department has determined that the remediation of the pond adjacent to cultivation site C is Categorically Exempt as defined by Class 15333, Small Habitat Restoration Projects, of the CEQA Guidelines.

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 if 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 four 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-16-440/SP-18-004  
Assessor Parcel Numbers: 524-016-002**

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

**WHEREAS**, Emerald Lion Medicinals submitted an application and evidence in support of approving a Conditional Use Permit for the cultivation of commercial medical cannabis on APN 524-016-002 to consist of 20,000 SF of outdoor cultivation in existing greenhouses, and a Special Permit to allow development (an existing pond) within a Streamside Management Area and reduction of required 600 foot setbacks from Six Rivers National Forest lands to allow for 170 foot and 185 foot setbacks; and

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

**WHEREAS**, the project is categorically exempt from environmental review pursuant to Class 1, 15301 (Existing Facilities), Class 3, 15303 (New Construction or Conversion of Small Structures), Class 4, 15304 (Minor Alterations to Land), and Class 33, 15333 (Small Habitat Restoration Projects) of the California Environmental Quality Act (CEQA) Guidelines; and

**WHEREAS**, Attachment 2 in the Planning Division staff report includes evidence in support of making all of the required findings for approving the proposed Conditional Use Permit (Case Number CUP16-440) and Special Permit (Case Number SP-18-004); and

**WHEREAS**, a public hearing was held on the matter before the Humboldt County Planning Commission on April 19, 2018.

**NOW, THEREFORE**, be it resolved, determined, and ordered by the Humboldt County Planning Commission that:

1. The project is categorically exempt from environmental review pursuant to Class 1, Section 15301 (Existing Facilities), Class 3, Section 15303 (New Construction or Conversion of Small Structures), Class 4, Section 15304 (Minor Alterations to Land), and Class 33, Section 15333 (Small Habitat Restoration Projects) of the California Environmental Quality Act (CEQA) Guidelines; and
2. The findings in Attachment 2 of the Planning Commission staff report support approval of Case Number CUP-16-440 and SP-18-004 based on the submitted substantial evidence; and
3. Conditional Use Permit CUP-16-440 and Special Permit SP-15-014 is approved as recommended and conditioned in Attachment 1 for Case Number CUP-16-440 and SP-18-004.

Adopted after review and consideration of all the evidence on April 19, 2018.

The motion was made by Commissioner \_\_\_\_ and seconded by Commissioner \_\_\_\_.

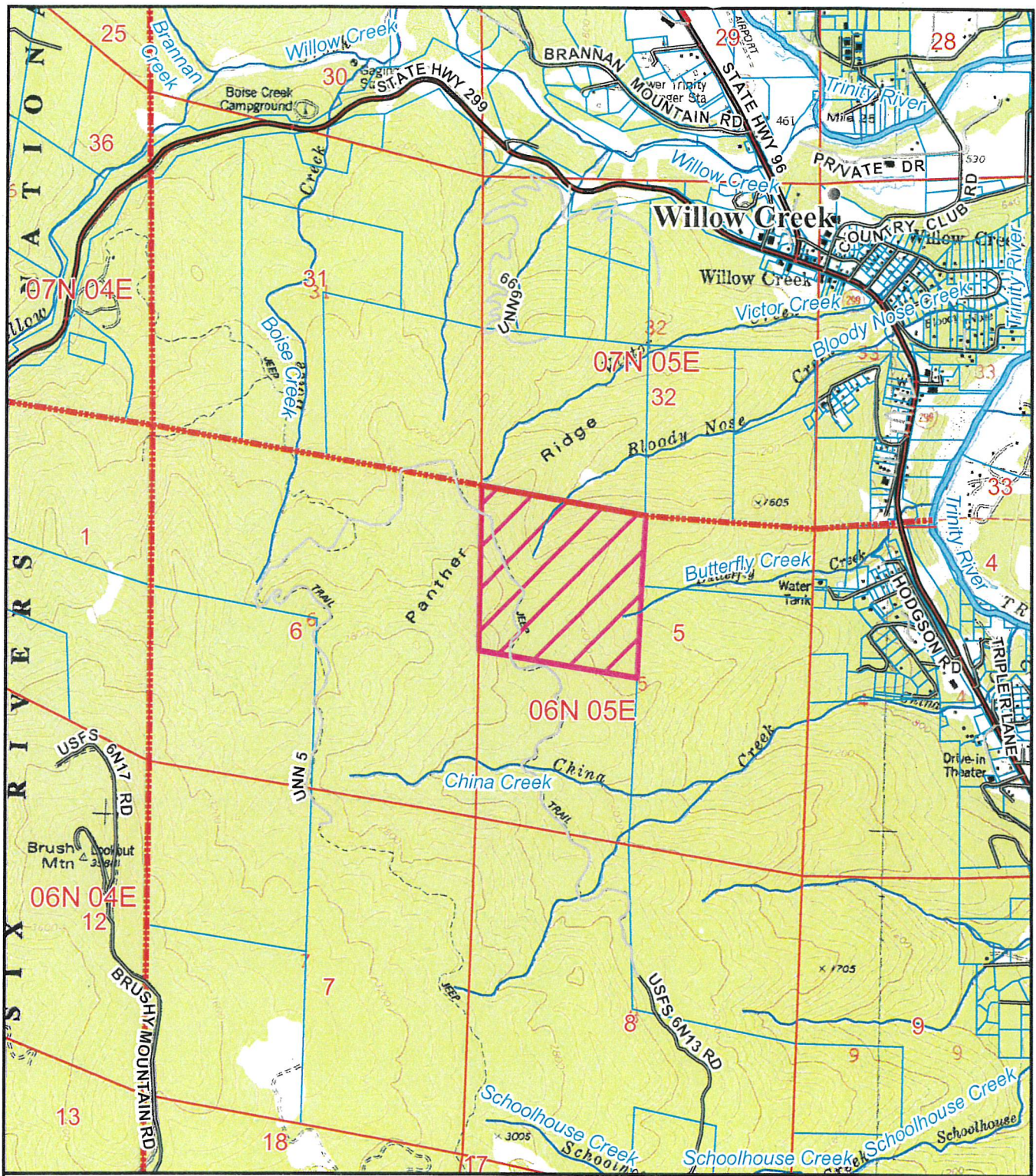
AYES: Commissioners:  
NOES: Commissioners:  
ABSTAIN: Commissioners:  
ABSENT: Commissioners:  
DECISION: Motion carries

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

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John Ford, Director  
Planning and Building Department

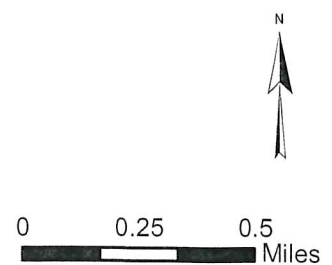




**TOPO MAP**  
**PROPOSED EMERALD LION MEDICINALS**  
**WILLOW CREEK AREA**  
**CUP-16-440**  
**APN: 524-016-002**  
**T06N R05E S5 HB&M (WILLOW CREEK)**

Project Area = 

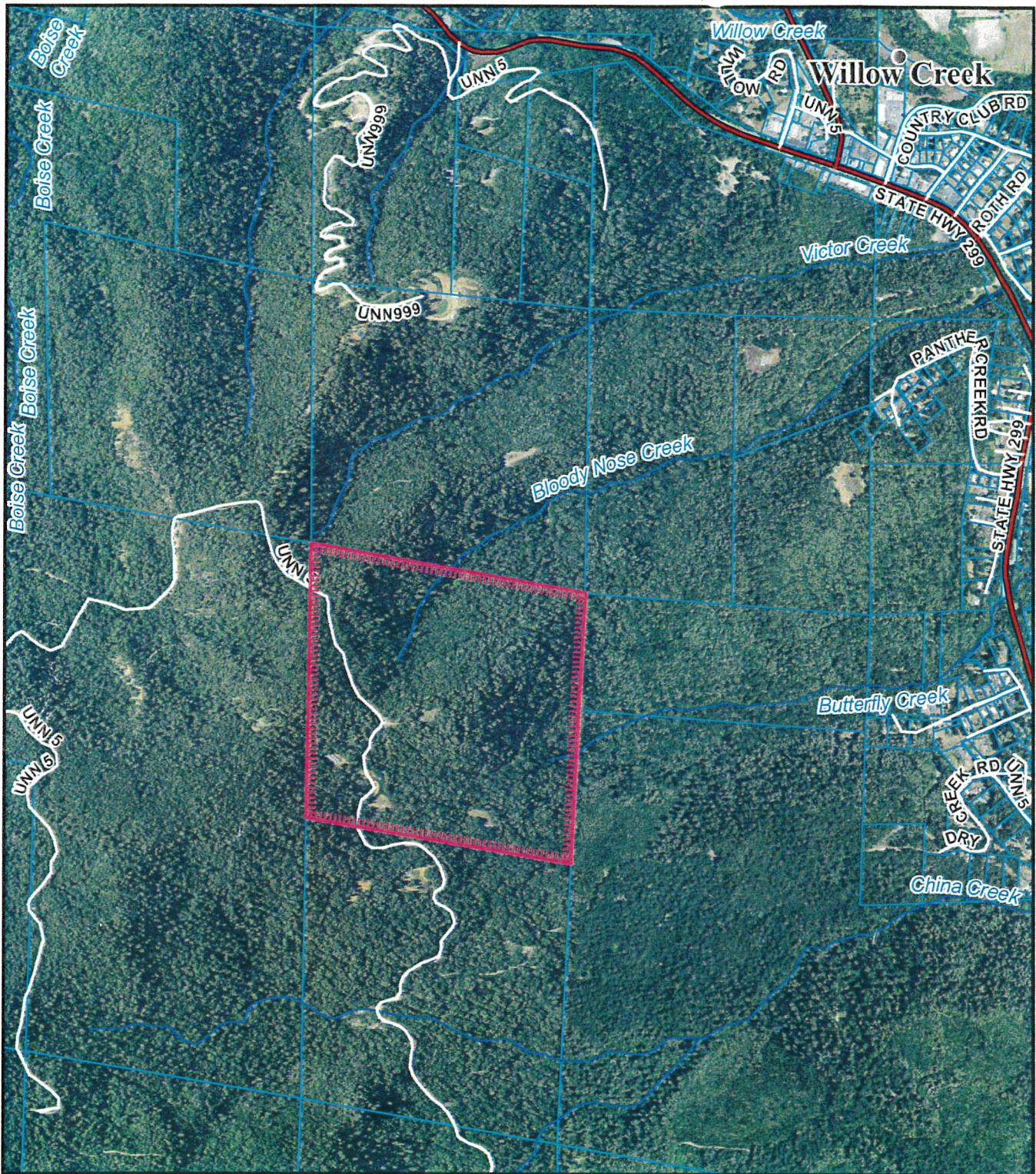
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**AERIAL MAP  
PROPOSED EMERALD LION MEDICINALS  
WILLOW CREEK AREA  
CUP-16-440  
APN: 524-016-002  
T06N R05E S5 HB&M (WILLOW CREEK)**

Project Area = 

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



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Miles







## ATTACHMENT 1

### RECOMMENDED CONDITIONS OF APPROVAL

#### **APPROVAL OF THE CONDITIONAL USE PERMIT AND SPECIAL PERMIT IS CONDITIONED ON THE FOLLOWING TERMS AND REQUIREMENTS WHICH MUST BE SATISFIED BEFORE THE 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 plans submitted for building permit approval of the planned processing facility shall be consistent with the project description and approved project site plan. A letter or similar communication from the Building Division verifying that all structures related to the cannabis cultivation are permitted will satisfy this condition. Any employee housing must abide by all State Laws including but not limited to: the "Employee Housing Act" which maintains specific requirements for the construction of housing, maintenance of buildings, minimum allowable sleeping space and facilities, sanitation, and heating. In addition, farmworker housing provided by the employer, and maintained in connection with the work or place where work is being performed, must comply with all provisions of Section 17008 of the California Health and Safety Code.
3. The approved building plans shall meet all applicable fire codes, including fire suppression infrastructure requirements deemed necessary for the project by the Building Inspection Division. Sign off on the Occupancy Permit by the Building Division shall satisfy this requirement.
4. Within one year of the effective date of this permit, the applicant shall demonstrate on-site sewage disposal system feasibility and secure the approval of the Division of Environmental Health (DEH) and the Regional Water Quality Control Board for an on-site sewage disposal system for employee use to be installed prior to occupancy of the structure and prior to the issuance of any building permit. A letter from those agencies indicating approval has been issued will satisfy this condition. Until then, the applicant agrees to use portable toilets and handwashing stations capable of supporting the peak number of seasonal employees, and provide invoices for such facilities to DEH.
5. The applicant shall coordinate with the County Public Works Department to ensure the driveway to the cultivation sites conform with Fire Safe access standards
6. The applicant shall complete and implement all corrective actions detailed in the Water Resource Protection Plan developed for the parcel, prepared pursuant to Tier 2 enrollment under the North Coast Regional Water Quality Control Board's (RWQCB) Cannabis Waste Discharge Regulatory Program, including those measures later determined necessary during annual and periodic site inspections in accordance with the monitoring element. A copy of the reporting form portion of the Mitigation and Reporting Program (MRP) shall be submitted annually to the Planning and Building Department concurrent with the submittal to the NCRWQCB. A letter or similar communication from the NCRWQCB or the Third Party Consultant verifying that all the requirements in the MRP have been met will satisfy this condition. [After July 31, 2019, plans and reporting shall conform to the Cannabis Cultivation Policy and Cannabis General Order adopted October 17, 2017 by the State Water Board.].
7. The applicant shall secure a final Lake and Streambed Alteration Agreement (LSAA) approved by the California Department of Fish and Wildlife and comply with all applicable terms associated with the planned erosion control, restoration, and drainage redirection details associated with the on-site

pond. A bullfrog management plan will be prepared for the proposed pond and submitted to CDFW for approval.

8. 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.
9. As requested by CDFW (Exhibit A), 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 100 ft buffer around all identified perennial streams 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 without a Special Permit.
10. The applicant will complete any intersection improvements where the applicants access road meets USFS 6N13, as requested by Public Works within one (1) year of permit issuance. A letter or similar communication from the USFS will satisfy this condition.
11. The property owner 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.
12. 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.
13. The applicant is responsible for obtaining all necessary County and State permits and licenses, and for meeting all of the requirements as set forth by other regulatory agencies.
14. The applicant 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.
15. The applicant shall identify the name and location of the licensed processing facility proposed to be used in conjunction with this project, as no on-site processing has been proposed nor approved.
16. For cultivation area D, 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.



17. The applicant shall provide an updated Preliminary Title Report (PTR) indicating the vesting of the property in the name of the current owners, not in Mad River Timber as submitted.
18. The owner of the property, Monica C. Pereira, identified in the Interposal Transfer deed must sign and have notarized the Authorization of Agent to Act on Property Owner's Behalf document in the file.
19. Where generators are used, the applicant shall provide a noise pollution plan demonstrating that the proposed generators would not deliver noise pollution which may affect fish and/or wildlife directly or from a distance. To show conformance with Section 314-55.4.11(o), where generator use occurs in the vicinity of Marbled Murrelet or Spotted Owl species, the plan shall be evaluated in consultation with the Department of Fish and Wildlife. Conformance will be evaluated using auditory disturbance guidance prepared by the U.S. Fish and Wildlife Service. Should the applicant propose to achieve noise attenuation by placing the generators inside a building(s), the applicant shall secure a building permit prior to construction.
20. The applicant shall 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. Accessory lighting associated with the ancillary nursery shall 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). The Applicant shall provide a lighting plan demonstrating the proposed cultivation area would not deliver or have the potential to deliver light pollution, during the hours of sunset to sunrise, which may affect fish and/or wildlife directly, or from a distance. The plan shall be submitted to the satisfaction of the Planning Division within 6 months of the effective date of this permit, or prior to use of lighting, whichever occurs first.
22. The applicant shall contact the local fire service provider [Willow Creek Volunteer Fire Department] and furnish written documentation from that agency of the available emergency response and fire suppression services and any recommended project mitigation measures. Mitigation measures shall be incorporated into the project, if applicable. If emergency response and fire suppression services are not provided, the applicant shall cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning Division. Document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors will be required.

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

1. All components of project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, and these conditions of approval. Changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan.
2. 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 MAUCRSA, and regulations promulgated thereunder, as soon as such licenses become available.
5. Compliance with all statutes, regulations and requirements of the California State Water Resources Control Board and the Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration, as applicable.
6. Confinement of the area of cannabis cultivation, processing, manufacture or distribution to the locations depicted on the approved site plan. The commercial cannabis activity shall be set back at least 30 feet from any property line, and 600 feet from any School, School Bus Stop, Church or other Place of Religious Worship, 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; and
    - (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; and
- 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:

- a. Identifying information for the new Owner(s) and management as required in an initial permit application;
- b. A written acknowledgment by the new Owner in accordance as required for the initial Permit application;
- c. The specific date on which the transfer is to occur;
- d. Acknowledgement of full responsibility for complying with the existing Permit; and
- e. 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:**

1. Pursuant to section 314-55.4.11(a) of the CMMLUO, if upon inspection for the initial application, violations of any building or other health, safety, or other state of county statute, ordinance, or regulation are discovered, the Planning and Building Department may issue a provisional clearance or permit with a written approved Compliance Agreement. By signing the agreement, the permittee agrees to abate or cure the violations at the earliest opportunity but in no event more than two (2) years of the date of issuance of the provisional clearance or permit. Plans for curing the violations shall be submitted to the Planning and Building Department by the Permittee within one (1) year of the issuance of the provisional certificate or permit. The terms of the compliance agreement may be appealed pursuant to section 314-55.4.13 of the CMMLUO.
2. This provisional permit approval shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"); except where the Compliance Agreement per COA #1 has been executed and the corrective actions pursuant to the agreement are being undertaken. Once building permits have been secured and/or the use initiated pursuant to the terms of the agreement, the use is subject to the Permit Duration and Renewal provisions set forth in Condition of Approval #23 of the On-Going Requirements /Development Restrictions, above.
3. 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.

6. **Within three days of the effective date of permit approval**, the applicant shall submit a check in the amount of \$50 payable to the Humboldt County Clerk/Recorder to cover the filing fee for the Notice of Exemption prepared pursuant to the State CEQA Guidelines

## ATTACHMENT 2

### STAFF ANALYSIS OF THE EVIDENCE SUPPORTING THE REQUIRED FINDINGS

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

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

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



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

**1. The proposed development must be consistent with the General Plan.** The following table identifies the substantial evidence which supports finding that the proposed development is in conformance with all applicable policies and standards of the Humboldt County General Plan.

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Land Use Chapter 4</p> <p>Land Use Designations Section 4.8</p>	<p><b>Timberland (T):</b> Lands primarily suitable for the growing, harvesting and production of timber. Allowable uses include timber production, general agriculture, timber/agricultural products processing, natural resources uses, other uses</p> <p>Density range is 40 -160 acres/unit</p>	<p>The project entails cultivation of 20,000 SF of cannabis in and outside of greenhouse structures in four main sites on the 160 acre parcel.</p> <p>There are three travel trailers and three heated tents in which approximately 10 employees could seasonally reside, once permitted. Permitting of these facilities are not part of the CMMLUO permit process. These trailers must be reviewed for approval or removal in conjunction with a building permit which has been included as a condition of approval. There are no permanent housing units on this parcel.</p> <p>The MMRSA, Health and Safety Code section 11362.777(a) provides that medical cannabis is an agricultural product, subject to extensive state and local regulation. The CMMLUO provides for the cultivation and processing of medical cannabis within the zoning districts where agriculture is a principally permitted use, with limits and in compliance with performance standards that will preserve space for more traditional agricultural activities that supply food and fiber contributing to a diverse economic base. The existing cultivation and proposed relocation of the existing cultivation areas is considered an agricultural use, and the processing facility and supportive infrastructure may be considered accessory to the agricultural use.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Circulation Chapter 7	<p>Goals and policies contained in this Chapter relate to a balanced, safe, efficient, accessible and convenient circulation system that is appropriate for each type of unincorporated community (C-G1,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 a paved USFS 6N13 public road (Friday Ridge or Spur Road). The applicant provided a self-certified Public Works Road Evaluation Report indicated that the road is developed to a Category 4 standard (Box 2).</p> <p>Department of Public Works suggested referral to Six Rivers National Forest. The Planning Division referred the project to Six Rivers National Forest on September 29, 2017 and received no response.</p> <p>Conditions of approval require the driveways that connect to the public road to be improved to meet County visibility ordinance and encroachment permit ordinance standards.</p> <p>The applicant anticipates that traffic to the site will be reduced from the traffic that has been historically travelling to the site given processing is not permitted on the site and the applicant has reduced the number of cultivation cycles.</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>



Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Conservation and Open Space Chapter 10</p> <p>Open Space Section 10.2</p>	<p>Goals and policies contained in this Chapter relate to an Open Space and Conservation Program that is complimentary to other agencies' plans and that preserves the county's unique open spaces (CO-G1, CO-G3)</p> <p>Related policies: CO-P1, Conservation and Open Space Program; CO-P12, Development Review, CO-S1. Identification of Local Open Space Plan, and CO-S2. Identification of the Open Space Action Program</p>	<p>The proposed project is located within Open Space Land Plan because the project site is planned Timberland and is zoned Timberland Production Zone. 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.</p> <p>The proposed cannabis cultivation - an agricultural product - is within land planned for agricultural purposes, consistent with the use of Open Space land for management production of resources. The project also restores land adjacent to a pond within a streamside management area be redirecting outflow toward Butterfly Creek. This will increase instream flows to aquatic species in Butterfly Creek on land planned Timberland consistent with the preservation of natural resources within open space.</p>
<p>Public Lands Chapter 4.7</p>	<p>Public lands policy PL-P6 requires that discretionary review of permit applications adjacent to public lands shall consider impacts to public lands and consistency with applicable management plans</p>	<p>The adjacent public land is subject to the <i>Land and Resource Management Plan - Six Rivers National Forest 1995 (L&amp;RMP)</i>. The project is consistent with the L&amp;RMP because the cultivation activities will minimize impacts to biological resources and wildlife through measures to reduce potential light and noise impacts. No artificial lighting will be used in the greenhouses, as the project will be full sun outdoor cultivation with light deprivation. The project will also protect fisheries and aquatic habitat on forest lands by maintaining buffers from streams and by avoiding surface water diversion. The primary water source is a well. Additional protection methods include monitoring the use of pesticides, rodenticides and fertilizers, and adhering to the County's Fire Safe Regulations and providing adequate road access. The L&amp;RMP's provisions for protection of heritage resources is consistent with the proposed project as consultation with Tribal Historic Preservation Officers occurred. Bob Bensen, a Tsungwe Tribal Council elder, conducted a preliminary site visit on November 7, 2017 to assess if a Cultural Resources Investigation is needed and has not requested the preparation of a report. Lastly, the project is consistent with recreational use on public lands as the proposed project is not located near developed campgrounds and trails.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Conservation and Open Space Chapter 10</p> <p>Biological Resources Section 10.3</p>	<p>Goals and policies contained in this Chapter relate to mapped sensitive habitat areas where policies are applied to protect fish and wildlife and facilitate the recovery of endangered species (BR-G1, Threatened and Endangered Species, BR-G2, Sensitive and Critical Habitat, BR-G3, Benefits of Biological Resources)</p> <p>Related policies: BR-P1. Compatible Land Uses, BR-P5. Streamside Management Areas.</p>	<p>The applicant retained Timberland Resource Consultants, LLC (TRC) for the preparation of a Watershed Resource Protection Plan (WRPP) for the site.</p> <p>As a condition of this permit, the applicant will hire a qualified botanist to survey the cultivation areas or areas of proposed development for the processing facility for threatened or endangered plant species or unique habitats as requested by CDFW. Any special status plant encountered will be protected 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 (100 ft for perennial streams and 150 ft for perennial wetlands, 50 ft for seasonal streams and wetlands) and implement all corrective actions identified in the WRPP.</p> <p>Lastly, mapping reveals a Northern Spotted Owl (NSO) observation and activity center within ½ mile of the project area. The project is conditioned to require that generator noise be attenuated in accordance with the Guidance from the US Fish and Wildlife Service and that lighting used in the on-site propagation nursery greenhouses adhere to the International Dark Sky Association standards in section 55.4.11(v) and (w) of the CMMLUO. The project is also conditioned to require a Department approval of a plan for control of rodenticide use in the cultivation operations.</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 the services of Bob Bensen, a Tsnungwe Tribal Council elder to conduct a preliminary site visit on November 7, 2017 to assess if a Cultural Resources Investigation is needed. Bob Bensen conducted a pedestrian field survey of the Project area and has not requested the preparation of a report to address the archaeological or historic period cultural resources on this site that for the purposes of CEQA might be considered an historic resource.</p> <p>Ongoing conditions of approval are incorporated regarding the inadvertent discovery protocol to protect cultural resources should they be discovered at a later date, in accordance with</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
		CU-S4(E) Standard Conditions.
<p>Conservation and Open Space Chapter 10</p> <p>Scenic Resources Section 10.7</p>	<p>Goals and policies contained in this Chapter relate to the protection of scenic areas that contribute to the enjoyment of Humboldt County's beauty and abundant natural resources (SR-G1); and a system of scenic highways roadways that increase the enjoyment of, and opportunities for, recreational and cultural pursuits and tourism in the County (SR-G2).</p> <p>Related policies: SR-S4. Light and Glare</p>	<p>The project involves outdoor cultivation in four main locations on the 160 acre parcel. Supplemental lighting is no longer used in the cultivation of cannabis but may be employed during nursery propagation prior to out-planting. The CMMLUO requires that accessory lighting associated with cultivation activities 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. No mixed light greenhouses are included in this project.</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> <p>The cultivation areas are behind a locked gate beyond public access. In addition, much of the parcel is too steep to support economic development and the road is not designated as a Scenic Route.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Water Resources Chapter 11</p> <p>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 delisting water bodies and watersheds which are restored to meet all beneficial uses, including water use, salmon and steelhead recovery plans, recreational activities, and the economy (WR-G1, WR-G2, WR-G7, WR-G8, WR-G9); and</p> <p>Related policies: WR-P10, Erosion and Sediment Discharge; WR-P42, Erosion and Sediment Control Measures.</p>	<p>The Project site falls within Tier 2 of the North Coast Regional Water Quality Control Board's (NCRWQCB) Order No. 2015-0023 (Order), which requires preparation of a Water Resources Protection Plan (WRPP) to protect water quality from cannabis cultivation and related activities. The applicant retained Timberland Resource Consultants, Inc. (TRC) for the preparation of a WRPP as part of their Third Party Certification process. The WRPP shall describe and address the required elements and compliance with the 12 Standard Conditions established by the Order. The WRPP shall identify areas where the Project site does not meet all 12 Standard Conditions and set a preliminary schedule prioritizing corrective actions to reach full compliance with the Order.</p> <p>The highest priority "site" recommended for immediate action is the restoration of the non-cannabis related pond which includes a redirection of the drainage to better support Butterfly Creek seasonal flows and the decommissioning of the culvert that previously drained the pond during high rains located in the eastern portion of the site.</p> <p>Compliance with other sites identified in the WRPP with any standard corrective actions are also included as conditions of approval. The WRPP shall be provided to the Planning Division as a condition of approval.</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>There is an existing Onsite Wastewater Treatment System (OWTS) that has not been shown to meet the NCRWQCB's Standard Condition 11 relating to OWTS. An appropriately designed and sized OWTS will need to be permitted and installed once pending application is approved by Humboldt County Planning and Building Department. 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>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Noise Chapter 13	<p>Goals and policies contained in this Chapter discourage incompatible uses within communities and reduce excessive noise through the application of standards (N-G1, N-G2)</p> <p>Related policies: N-P1, Minimize Noise from Stationary and Mobile Sources; N-P4, Protection from Excessive Noise</p>	<p>The subject parcel is located in an area that requires special noise attenuation measures due to the potential of surrounding Northern Spotted Owls and other wildlife. The existing and proposed cultivation areas are outdoor greenhouse and mixed-light and there is no electrical grid access to the parcel.</p> <p>Water movement and lighting to each of the four main cultivation sites are powered using Honda GX200 portable generators with a rated load audible rating of 58 dB, each of which is housed within protective structures with sound attenuation measures that greatly reduce noise levels to less than 30 dB at 100 feet, a value quieter than most homes.</p> <p>Noise generated from all generators shall comply with the standards set forth in Section 55.4.11(o) of the CMMLUO and Department Policy Statement #DPS-16-005 as a condition of approval.</p>
Safety Element Chapter 14  Geologic & Seismic	<p>Goals and policies contained in this Chapter relate to communities that are designed and built to minimize the potential for loss of life and property resulting from natural and manmade hazards; and to prevent unnecessary exposure to areas of geologic instability, floodplains, tsunami run-up areas, high risk wildland fire areas, and airport areas planned and conditioned to prevent unnecessary exposure of people and property to risks of damage or injury (S-G1, S-G2)</p> <p>Related policies: S-P11. Site Suitability, S-P7. Structural Hazards.</p>	<p>The project site is not located in a mapped Alquist-Priolo fault zone nor is it subject to liquefaction. The proposed new cultivation area occurs on slopes of &lt;5%. The 160 acre parcel is seismically classified as moderate to high instability (2/3 zone). Given the relatively mild slope where cultivation activities are located, the proposed use is not expected to be affected by geologic instability. Further, the planned processing facility, principally to be located within an already graded area, is unlikely to represent a hazard.</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 General Plan. These measures are a condition of approval.</p>
Safety Element Chapter 14  Flooding	<p>Goals and policies contained in this Chapter relate to the use of natural drainage channels and watersheds that are managed to minimize peak flows in order to reduce the severity and frequency of flooding. (S-G3)</p> <p>Related policies include: S-P12, Federal Flood Insurance</p>	<p>The subject site is outside any mapped flood hazard areas. The project site is not within a mapped dam or levee inundation area and is approximately 2,300 feet above mean sea level.</p>



Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
	Program; S-P13, Flood Plains; S-P15, Construction Within Special Flood Hazard Areas	
Safety Element Chapter 14  Fire Hazards	<p>Goals and policies of this Chapter encourage development designed to reduce the risk of structural and wildland fires supported by fire protection services that minimize the potential</p> <p>Related policies: S-P19, Conformance with State Responsibility Areas (SRA) Fire Safe Regulations.</p>	<p>The subject property is located within the State Fire Responsibility Area where the State of California has the primary financial responsibility for the prevention and suppression of wildland fires. CAL FIRE provided standard comments recommended compliance with the requirements of the County's Fire Safe Regulations, Resource Management, and Cannabis. The Humboldt County Fire Safe Ordinance (Section 3111-1 et seq.) establishes development standards for minimizing wildfire danger in state responsibility designated areas. The applicant is proposing restoration of a non-cannabis related pond which will provide fire protection.</p> <p>A condition of approval has been included in this project requiring the applicant to work with the County Public Works Department to ensure the driveway to the sites conform with Fire Safe access standards.</p> <p>According to the applicant, during the peak season, the operation will employ up to 13 employees.</p>
Safety Element Chapter 14  Fire Hazards  Implementation Action Plan	<p>IS-S5 requires new industrial, commercial and residential development located outside of fire district boundaries to obtain written acknowledgment of available emergency response and fire suppression services from the local fire agency, including any recommended mitigation.</p>	<p>The project is located outside of the Willow Creek Volunteer Fire Department Fire Response Areas per the 2016 County Fire Plan. The applicant will contact the local fire agency for a written acknowledgment of available emergency response and fire suppression services and recommended mitigations.</p> <p>The project is conditioned to require that the project incorporate any recommended mitigations into the project, and, if service is not available to the site, to record an acknowledgement consistent with this standard.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Air Quality Chapter 15	<p>Goals and policies contained in this Chapter relate to improved air quality to meet current and future state and federal standards, including attainment of particulate matter requirements (AQ-G1, AQ-G2, AQ-G3) and the successful reduction of greenhouse gas emissions to levels consistent with state and federal requirements (AQ-G4)</p> <p>Related policies: AQ-P4, Construction and Grading Dust Control; AQ-S1, Construction and Grading Dust Control; AQ-P7, Interagency Coordination.</p>	As a condition of project approval, applications for grading and or building permits shall be referred to the North Coast Air Quality Management District (NCAQMD) for review and consultation. Dust control practices during construction and grading shall achieve compliance with NCAQMD fugitive dust emission standards.

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

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

Zoning Section and Summary of Applicable Requirement	Evidence That Supports the Zoning Finding
§312-1.1.2 Legal Lot Requirement: development permits shall be issued only for a lot that was created in compliance with all applicable state and local subdivision regulations.	The parcel of land known as APN 524-016-002 has been determined to be a Patent Parcel and matches the property description in sufficient detail to prove that the original legal description in the Patent remains in the same size and shape as the current combined parcel lands held by Monica Pereira and Kevin Dolan, and may therefore be considered a separate legal parcel from the Forest Service lands around it. Now merged, 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.

§314-7.4 Timberland Production (TPZ): Intended to provide standards and restrictions for the preservation of timberlands for growing and harvesting timber.

All accessory agricultural uses and structures are allowed and agricultural uses are deemed compatible with the growing and harvesting of timber.

The project is for the cultivation of outdoor 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 TPZ, 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 TPZ zoning district can be made for the project.

Zoning Section	Summary of Applicable Requirement	Evidence That Supports the Zoning Finding
Minimum Lot Size	160 acres; or 40 acres if the provisions of Government Code Section 51119.5 are met.	The subject parcel is 160 acres in size. As discussed above, the subject parcel is a separate legal parcel.
Maximum Ground Coverage	none	n/a
Minimum Lot Width	none	n/a
Maximum Lot Depth	none	n/a
Setbacks  Front: 20 feet, superseded by 30 feet Fire Safe setback  Rear: 30 feet  Side: 30 feet		The closest cultivation area is 170 feet from the western parcel boundary. Two other cultivation areas are 185 and 200 feet north of the southern parcel boundary.
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.	There is a pond onsite that has no nexus to the cultivation operation. However, owing to its location within a SMA and planned restoration and redirection of its drainage to Butterfly Creek, a Special Permit is needed for a reduction of the current SMA from cultivation site C.  An LSAA was filed with CDFW to protect the SMA from being negatively impacted by this small domestic use diversion.
§314-109.1 Off-Street Parking	Off Street Parking for Agricultural use*: Parking space per employee at peak shift. A minimum of three parking spaces are required.  <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>	There may be 13 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).  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.

**314-55.4 et seq. HCC: Commercial Cultivation, Processing, Manufacturing and Distribution of Cannabis for Medical Use Inland Land Use Regulation (CMMLUO)**

314-55.4.8.2.2 Approval of existing outdoor and mix-light cultivation areas	For cultivation areas in existence prior to January 1, 2016, in zoning districts AE (no parcel size restriction), RA (parcel 5 acres or greater), AG, FP, DF, FR, U and TPZ (parcels 1 acre or larger), a permit or clearance may be issued in order to bring the cultivation into compliance with applicable standard of the CMMLUO. No expansion of the existing cultivation area may be permitted.	The parcel is zoned TPZ and is 160 acres in size. Evidence of cultivation existing prior to January 1, 2016 has been submitted by the applicant and independently verified. The cultivation area requested is smaller than previously conducted.
§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 TerraServer imagery shows the parcel's clearings, where cannabis cultivation is occurring, have not changed since 2010. Conversion of timberland in Cultivation Area D occurred in 2008 or 2009. 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 Emerald Lion Medicinals, Peter Tommaso, hold 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 processed at a licensed off-site facility.
§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 533-016-002, was filed with the Planning Division on December 14, 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.

§314-55.4.11.c Performance Standards-Water	Compliance with all statutes, regulations and requirements of the California State Water Resources Control Board, Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration.	The applicant is using well water as the sole source of irrigation water. The total storage capacity is 18,800 gallons and estimated annual water demands are 225,000 gallons. The applicant is not proposing to use a surface diversion nor the on-site pond for irrigation water. Based on the submitted evidence, the project complies with the referenced section.
§314-55.4.11.d Performance Standards- Setbacks	The area of cannabis cultivation and on-site processing shall be setback at least 30 feet from any property line, and 600 feet from any school, school bus stop, church or other place of religious worship, public park, or tribal cultural resources (TCRs).	The applicant's site plan shows that the cultivation area conforms to the property line setback. The cultivation is located more than 600 feet from any school, school bus stop, church or other place of religious worship, or tribal cultural resources (TCRs). However, the parcel is less than the required 600 feet setback from publicly owned lands (Six Rivers National Forest). Therefore a Special Permit is also requested as defined in HCC Section 314-55.4.11(d). (See General Plan Public Lands discussion above.)
§314-55.4.11.o Performance Standards- Generator Noise	The noise produced by a generator used for cannabis cultivation shall not be audible by humans from neighboring residences. The combined decibel level for all noise sources, including generators, at the property line shall be no more than 60 decibels. Where applicable, sound levels must also show that they will not result in the harassment of Marbled Murrelet or Spotted Owl species, when generator use is to occur in the vicinity of potential habitat. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service	As discussed above the primary power source for the project will be 58 dB Honda generators housed within protective structures that attenuate noise to 30 dB based on an iPhone app recording made at 100 ft distances from the generators. Therefore, the project is currently conforming to the referenced standards.
§314-55.4.17 Sunset Date	No application for any Use Permit pursuant to the CMLUO shall be processed for issuance or approval that is received after December 31, 2016.	The applicant filed the application on December 14, 2016.

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

Code Section	Summary of Applicable Requirements	Evidence that Supports the Required Finding
§312-17.1.4	The proposed development will not be detrimental to the public health, safety and welfare, and will not be materially injurious to properties or improvements in the vicinity.	The Department finds that the proposed project will not be detrimental to the public health, safety, and welfare since all reviewing referral agencies have approved the proposed project design. The project as proposed and conditioned is consistent with the general plan and zoning ordinances; and the proposed project is not expected to cause significant environmental damage.
§§15301, 15303, 15304, and 15333 of CEQA	Categorically exempt from environmental review.	CEQA Exemption Sections Class 1, 15301 (Existing Facilities), Class 3, 15303 (New Construction or Conversion of Small Structures), Class 4, 15304 (Minor Alterations to Land), and 15333 (Small Habitat Restoration Projects) 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
17.1.5 Housing Element Densities	The proposed development shall not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law (the midpoint of the density range specified in the plan designation), except where: 1) the reduction is consistent with the adopted general plan including the housing element; and 2) the remaining sites identified in the housing element are adequate to accommodate the County share of the regional housing need; and 3) the property contains insurmountable physical or environmental limitations and clustering of residential units on the developable portions of the site has been maximized.	As discussed above the property was not included in the 2014 Housing Inventory because of the land use designation and zoning. It is developed with only temporary trailers and tents which will remain. The project is in conformance with the standards in the Housing Element.



### ATTACHMENT 3

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

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

1. The name, contact address and phone number(s) of the applicant. (Application form on file)
2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. (On file)
3. Site plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including: access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within ¼ mile (1,320 ft.) of a school, school bus stop, church or other place of religious worship, public park, or Tribal Cultural Resource, the site plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 600 feet. (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. (Attached)
5. Copy of the statement of water diversion, or other permit, license or registration filed with the State Water Resources Control Board, Division of Water Rights, if applicable. (On file)
6. Description of water source, storage, irrigation plan, and projected water usage. (On file)
7. Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the North Coast Regional Water Quality Control Board demonstrating enrollment in Tier 1, 2 or 3, North Coast Regional Water Quality Control Board Order No. 2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (On file)
8. If any on-site or off-site component of the cultivation facility, including access roads, water supply, grading or terracing impacts the bed or bank of any stream or other watercourse, a copy of the Streambed Alteration Permit obtained from the Department of Fish & Wildlife. (On file)
9. If the source of water is a well, a copy of the County well permit, if available. (On file)
10. If the parcel is zoned FR, U or TPZ, or involves the conversion of timberland as defined under section 4526 of the Public Resources Code, a copy of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (CAL-FIRE). Alternately, for existing operations occupying sites created through prior unauthorized conversion of timberland, evidence may be provided showing that the landowner has completed a civil or criminal process and/or entered into a negotiated settlement with CAL-FIRE. (Conditioned)

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. Cultural resources response from Tsnungwe Tribal Council elder, January 2018. No request for a Report has been received)
16. CalFire standard comments regarding Fire Safe, Resource Management, and Cannabis. (attached)
17. Contract with Timberland Resource Consultants to enroll the applicant in their Third Party Program including the preparation of a Water Resource Protection Plan, received September 22, 2017. (attached)
18. Well installation documentation, received September 18, 2017. (on file)
19. Pond grading plan. (on file)
20. Building Division referral with photo documentation of the site. (on file)
21. Updated site plan received October 03, 2017. (on file)
22. Memorandum from CDFW to Water Resources Control Board communicating the applicants registration and conditions of a Small Domestic Use permit dated February 27, 2015. (attached)

Rev 1 seed  
9/18/2017

11901  
524.016.002



**PROJECTION of WATERSHED and HABITAT:**

Cultivation areas are located no closer than 50 feet from the class 3 stream running through the property. We are adamant in ensuring that over-watering does not happen and thus that there is no excess water drainage from beds. The majority of nutrients and fertilizers used are OMRI-listed organic. As our location is quite rural, there is plenty of forest to ensure that there is plenty of habitat for wildlife. The property owner is in the process of hiring a contractor to divert the stream and thus increasing the distance between the watershed and cultivation areas.

**STORAGE of FARM PRODUCTS:**

We have a 10ft by 12 ft agricultural shed built with a locking door. All fertilizers, nutrient solutions, and petroleum products are stored in plastic bins inside the shed. However, fertilizers and nutrients are bought immediately before use, thus reducing the amount of storage time needed and guaranteeing freshness. Each generator will be operating in a semi- enclosed structure with plywood floors which with a secondary metal catchment , in order to prevent leaching of oil or gas into the earth. Garbage, recycling, and any used petroleum products are removed from site once a week.

**CULTIVATION ACTIVITIES:**

The majority of our crop is produced via <sup>Outdoor</sup> ~~indoor~~ standards. We have a nursery where clones are kept mid-season and the beginning of the year. There are also small vegetable gardens for the staff. In the beginning of the year, the nursery is set up with lights and heat for the clones which are brought out and transplanted into 3x3 containers. As the plants grow, they are transplanted into the greenhouses and provided with extra light at night to keep them in a vegetative state. The greenhouses are covered prior to nightfall in order to eliminate light pollution in the forest. Around June 1<sup>st</sup>, supplemental light is terminated and tarps are closed on all of the greenhouses in order to induce flowering. This continues until approximately August 1<sup>st</sup>, when the first crop is harvested. The greenhouses are then replanted and are grown until the second harvest, which is approximately October 1<sup>st</sup>. At the end of the season, all garden beds with be planted with legumes to help fixate nitrogen and absorb excess rain water in soil. Employees are encouraged to research symbiotic plant species that will reduce pests and nitrogen-leaching. The dates and the amounts of nutrient applications and water are recorded in order to avoid over-fertilization and any potential negative effects on the habitat and the crop. Employees are encouraged to research and study proper farming techniques and practices. Several comprehensive books on cannabis cultivation are available for reading. Before any of our finished product is distributed to patients, it is tested at True Humboldt for molds, bacteria, pesticides, etc.

## **CULTIVATION AND OPERATIONS PLAN**

### **WATER SOURCE and STORAGE:**

Pond is not used for irrigation, was built circa 1998.

We have a licensed well that was drilled by Fish Drilling with the approval of the Humboldt County Health and Human Services. The well is 195 feet deep and reaches water at 95 feet. Its estimated yield is ten gallons per minute. The flow rate is more than ample to provide us with sufficient water for the entire season. The well is powered by solar panels and is supplemented with electricity from a generator in times when a higher flow rate is needed. On the parcel we have five 1500 gallon tanks, four 500 gallon tanks, one 3000 gallon tank, two 2500 gallon tanks, and one 1100 gallon tank, totaling 18,600 gallons of water tank storage.

### **IRRIGATION PLAN:**

We have three rows of T-tape Irrigation Line in each four foot wide bed. There are a total of 50 beds. They are used in the early morning before sunrise in order to minimize evaporation. We hand-water liquid nutrient mix in each bed approximately once a week.

### **PROJECTED WATER USAGE**

During the winter months there will be next to no water usage as we are non-operational during this time. In April, water usage will be minimal as we are only watering small plants in the nursery. In May, plants will be transplanted into beds and each bed will receive at most 100 gallons of water every four to five days. This number could be drastically reduced due to rainfall. As June arrives and with it the hotter weather, each bed will receive approximately 300 gallons every three days. Mid-June to mid-September is the peak summer dry time and the entire parcel will receive approximately 6500 gallons every three days. Mid-September to mid-October each bed will receive approximately 100 gallons. Our total projected water usage for the entire season is 225,000 gallons.

### **SITE DRAINAGE:**

All cultivation areas are on a less than 5% grade. We have also placed semi-permeable weed mat underneath all garden beds to reduce water run-off. Soil saturation is tested frequently and before each watering in order to provide each bed with the necessary amount of water. So far we have not noticed any significant water drainage from any of the beds. Employees are trained to keep water drainage at a minimum.

### **RUN-OFF and EROSION CONTROL MEASURES:**

We coordinate with adjacent property owners to keep the main road in good condition with proper run-off. As noted earlier, cultivation areas are not near any unstable or erosion-prone areas.

## **SCHEDULE of ACTIVITIES E A MONTH of the GROWING and H RVESTING SEASON:**

January to March:

Periodic visits to property to assess road conditions and conditions of entire parcel. Assess and schedule any repairs needed in order to make sure operations are up to code. Assemble staff for upcoming year. Locate reliable source for clean and healthy clones.

April:

Set up and stock nursery with clones for upcoming year by April 15. Move equipment onto property, including generators, lights, campers. Make sure property is suitable for human residence. Assess and repair all water irrigation systems.

May:

Transplant clones to one-gallon pots. Have soil professionally tested and amended. Develop road repair plan with adjacent parcel owners. Finalize staff for upcoming year.

June:

Start pulling tarps for first round of light-dep. Maintain plant integrity through pruning, watering, trellising, and testing, such as PH testing, soil testing, visual tests for molds and pests. Set up nursery for next round of clones and acquire clones.

July:

Daily maintenance, including tarp-pulling, pruning, trellising, watering. Transplant clones to one-gallon pots in preparation for August replant. Finalize additional staff for harvesting and replanting.

August:

Harvest and test first round of mixed-light. Re-amend soil. Replant all beds. Continue to maintain plant vitality through watering, pruning, and trellising.

September:

Maintain plant integrity through pruning, watering, and trellising. Schedule plans for year-end clean up, including possible truck rentals and storage facilities for winter storage of fertilizers, generators, gas cans, etc. Pack up the supplies that will not be needed for the rest of the year. Acquire additional staff for October harvest.

October:

Harvest second round of mixed-light crop. General clean up and organization of entire parcel. Trash and debris removal. Drain water tanks. Plant cover-crop in beds.

November-December:

Tie up any remaining loose ends. Begin planning for next year's operations.

### **SECURITY PLAN:**

The vast expanse of forest surrounding our parcel provides immense security through isolation. The shed storing fertilizers, gasoline, and other chemicals is securely locked. The private residences, ie, RV campers, are kept locked. The main access roads are gated and padlocked. The main entrance and exit will have a security camera on a 48 hour loop. At any given time, there are between one and five dogs on property, who alert us to any possible intruders. After processing, product is taken to a private undisclosed secured location off-site.

### **POWER SOURCE:**

We have several generators on-site, none of which are audible to humans at the property line of neighboring residences. Biologists specializing in owl habitat have frequented our location over the past several years and have not noted any significant problems.

### **PROCESSING PLAN:**

Crop will be hung and dried in PVC-framed structures. Each structure will have two 8 inch exhaust fans running 24 hours a day until product has reached desired dryness. Propane heat will be used if necessary. Once properly dried, product will be placed in airtight plastic totes. Hand-trimming with scissors will occur in a 20x13 foot ventilated outdoor tent. Number of employees will be between 15-30. Employees will be provided with rubber gloves, face masks, isopropyl alcohol for sterilization of trimming equipment. A HEPA air filter will be running in tent to keep air clean. A hand-washing sink with hot water will be provided directly outside of tent. During time of processing, port-a-potties, or acceptable composting toilets will be provided. Employee drinking water will be trucked in from water retailer in Arcata. Carpooling will be encouraged to reduce traffic and wear and tear on the road. New employees will receive a manual and one-on-one training on sanitary processing and handling practices. If a licensed processing facility is not built on site we intend to take it off site for processing in the future. All green matter waste from processing will be composted and mixed into soil for next years growing season.

*Interim processing plan; licensed off-site 3rd party*

## ATTACHMENT 4

### REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

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

Referral Agency	Response	Recommendation	Location
Building Inspection Division	✓	Update Site Plan	Updated plan on file with Planning
Land Use Division	✓	Road Evaluation Required	Self-certification provided
Division Environmental Health		No response	On file with Planning, with recommendations incorporated into Attachment 1
CalFire	✓	Standard Comments	On file with Planning
Department of Fish & Wildlife	✓	CEQA Checklist	Attached; recommendations incorporated into Attachment 1
NWIC	✓	Further Study	On file with Planning
Humboldt County Agricultural Commissioner		No response	
Humboldt County District Attorney		No response	
RWQCB		No response	
Humboldt County Sheriff		No response	
Klamath-Trinity Unified School District		No response	
Six Rivers National Forest		No response	
Hoopa Valley Tribe		No response	
Tsnungwe Council	✓	Site Visit	Receipt for services on file with County





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

Co APPS: 11901	APN: 524-016-002	CDFW CEQA: 2017-0290	<input type="checkbox"/> ZCC <input type="checkbox"/> SP <input checked="" type="checkbox"/> CUP
<input type="checkbox"/> RRR	<input type="checkbox"/> New Size (SF):	<input checked="" type="checkbox"/> Existing Size (SF): 20,000	<input type="checkbox"/> Mixed <input checked="" type="checkbox"/> Outdoor

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:**

- ☐ 1. If the applicant has submitted a Notification of Lake or Streambed Alteration (LSA) to CDFW, include the LSA project number (e.g. 1600-2017-XXXX-R1) or a copy of the Notification.
- ☒ 2. Provide additional information on the water source(s) for the parcel(s) including both domestic use and irrigation.
  - a. If the source is a well(s), provide a copy of the well completion log.
  - b. If the source is municipal water, provide documentation that municipality/CSD/etc. is willing to provide all water necessary for the subject parcel (include the specific amount that is approved).
  - c. If the source is surface water (spring, stream, or hydrologically connected pond or well) CDFW recommends that the applicant notify our Department, pursuant to Fish and Game Code Section 1602, of all unpermitted points of diversion located on the parcel or provide a copy of the non-jurisdictional letter issued by CDFW.
- ☒ 3. The referral materials state that there is a hydrologically connected, illegally constructed, pond onsite. Please provide a Bullfrog Management Plan to CDFW (see-attached Exhibit A) and notify CDFW pursuant to Fish and Game Code Section 1602.
- ☐ 4. Include a topographic map that identifies all surface water, wetlands, or other sensitive habitats onsite and the appropriate buffer distances for each.
- ☐ 5. If new or existing road(s) cross streams, springs, seeps, wetlands, etc. on the parcel, provide detailed descriptions of each (e.g. culvert sizes, condition, etc.) and permits under which they were installed, if any. CDFW requires notification, pursuant to Fish and Game Code Section 1602, for all stream crossings or any other alteration of the bed, bank, or channel of any stream located on the parcel.
- ☐ 6. Identify all energy sources for project.
  - a. If generator, identify the size and location of the generator and describe measures that will be incorporated to avoid or minimize impacts to fish and wildlife, such as secondary containment.
  - b. If micro hydropower, provide detailed information regarding the existing or proposed system. CDFW requires that the applicant notify CDFW, pursuant to Fish and Game Code Section 1602, of all micro hydropower systems located on the parcel.

- ☐ 7. 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.
- ☐ 8. If mixed-light, describe how the project will eliminate light escapement/pollution from cultivation structures.
- ☐ 9. If the project is within one mile of a mapped polygon for a California Rare Plant Ranked - species, include protocol level surveys for that species by a qualified botanist. See: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959&inline=1>
- ☐ 10. If National Wetlands Inventory mapped wetlands occur onsite, include a wetland delineation by a qualified person (i.e. at minimum, successfully completed a 40 hour training that satisfies the requirements for basic wetland delineation training as specified by the Army Corps of Engineers using the 1987 ACOE Wetland Delineation manual and appropriate regional supplements).
- ☐ 11. If the project proposes to remove vegetation, include description of project (type of vegetation/amount/location).
- ☒ 12. Referral materials suggest that significant grading has taken place on the parcel. Please provide evidence of one of the following: a valid grading permit or a less-than-3-acre conversion exemption or timberland conversion permit, approved by CAL-FIRE. If grading was conducted without proper permits, CDFW may recommend remediation of impacted area, in whole or part.
- ☐ 13. If the Project requires fill disposal, include the disposal location on the site plan/map.
- ☐ 14. If a Retire Remediate Relocate (RRR) project, CDFW recommends, notification pursuant to Fish and Game Code Section 1602 (Lake or Streambed Alteration) for all jurisdictional points located on the Remediation site, whether currently or previously utilized.
- ☒ 15. Include a copy of the Water Resource Protection Plan if one has been developed for the Project. If none has been developed, indicate this in the referral packet.
- ☐ 16. If CDFW has issued a Notice of Violation (NOV) associated with the project parcel(s), please provide a copy of the NOV.
- ☒ 17. All or part of the Project is located within the Streamside Management Area and/or CDFW recommended minimum setback area. CDFW recommends that the applicant have a qualified biologist assess the property to delineate the appropriate setbacks (a minimum of 150ft from perennial streams/wetlands and 50ft from intermittent streams), measured from the outer edge of the riparian or top of bank, whichever is greater. These areas should be identified as no-disturbance buffers and future development.
- ☐ 18. CDFW requests an assessment of the access road leading to the project site. CDFW believes that this site may be inappropriate for commercial cannabis cultivation due to the difficult access, potential sediment discharge and high cost of road repair.
- ☐ 19. Aerial imagery suggests that the cultivation area, prior to January 1, 2016, was approximately \_\_\_\_\_ 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.
- ☒ 20. The referral materials identify CEQA section 15301, Existing Facilities. CDFW requests further information regarding the justification of this classification.

## EXHIBIT A.

### BULLFROG MONITORING AND MANAGEMENT PLAN FOR CEQA-2017-0290-R1

#### GENERAL BULLFROG INFORMATION

The American bullfrog (*Lithobates catesbeianus* = *Rana catesbeiana*); hereafter bullfrog, is an invasive non-native species in California that poses a significant threat to California's native fish and wildlife resources. Bullfrogs were introduced in California over 100 years ago from eastern parts of the United States as a food supply, but have since caused substantial ecological consequences. Bullfrogs are considered highly invasive and are well documented to prey upon a variety of fish and wildlife species, including some that are rare, threatened, and endangered. Human modifications to the environment provide favorable condition to bullfrogs such as artificially created agricultural ponds, canals and ditches where warm still water occurs. As a result, bullfrogs have spread throughout California.

Efforts to control bullfrogs have been met with varying degrees of success because: 1) bullfrogs can be difficult to detect and go dormant from fall through winter, 2) bullfrogs often take cover in difficult areas to manage (e.g. dense vegetation), 3) they can travel long distances to colonize and re-colonize areas, 4) they have high reproductive output, 5) they are weary and readily flee perceived threats, and 6) they can survive physical trauma remarkably well. CDFW scientific staff recognizes there is an urgent and immediate need to develop improved bullfrog management strategies to protect California's diverse fish, wildlife, and plant resources, and the habitats upon which they depend, for their ecological values and for their use and enjoyment by the public. Public support and implementation of bullfrog control in California is an important conservation strategy that will help protect natural resources for future generations.

#### MONITORING

The Project reservoir(s) shall be monitored for bullfrog presence on an annual basis with a minimum of five total surveys, no less than two weeks apart, throughout the months of May-July

- All pond survey efforts must be made by a person knowledgeable in bullfrog identification (see Appendix A for reference photos);
- Survey efforts shall include listening for bullfrog calls and slowly walking the complete perimeter of the pond at night\* (dusk or later) while shining a flashlight to detect movement and eye-shine

If bullfrogs are not detected upon completion of five total surveys, or at any other time of the year incidentally, removal efforts are not required that year.

\*Day time monitoring can also be conducted to aid detection but is not required under this plan.

#### SUCCESS CRITERIA

The level of effort needed to successfully manage bullfrog populations varies with infestation levels. This plan shall be considered successful if sufficient effort is provided to prevent adult bullfrogs from reproducing in the reservoir(s) each year, and no bullfrog life-stages can be detected. Bullfrogs are capable of traveling long distances over-land, and on-going efforts will be required to ensure dispersing bullfrogs do not colonize the reservoir(s) at a future time.

## OPTIONS FOR MANAGEMENT

Two removal methods may be employed for controlling bullfrogs under this plan and include:

- Manual direct removal
- Reservoir de-watering (Hydro-modification)

Implementing both reservoir de-watering and manual direct removal is currently believed to be the most effective method of managing bullfrog infestations. For reservoirs that are heavily infested with juvenile bullfrogs and/or tadpoles, reservoir dewatering may be necessary to break the bullfrog's life cycle and prevent on-going reproduction. Prior to conducting reservoir dewatering activities, please coordinate with CDFW Environmental Scientist Kalyn Bocast by phone at (707) 441-2077 or via email at [kalyn.bocast@wildlife.ca.gov](mailto:kalyn.bocast@wildlife.ca.gov).

### Direct Removal

All direct removal efforts must be made by a person knowledgeable in bullfrog identification.

- Removal efforts must occur during, but are not be limited to the active/breeding season, occurring May – July;
- A minimum of **five** efforts throughout the season are considered necessary;
- Direct removal efforts are typically most effective when conducted at night with use of lights but can also be conducted during the day;
- Direct removal must include working the entire perimeter of the reservoir;
- A rubber raft or small boat may be necessary to successfully remove some individuals;
- A team of two individuals or more is often helpful, one person for shining lights and/or operating a boat and the other person to perform removal efforts;
- Bullfrog tadpoles must be removed and dispatched and must not be relocated or kept as pets.

### Management Authorization

Take of bullfrogs is specifically allowed in the California Code of Regulations (CCR), Title 14 (T-14) section 5.05(a)(28), under the authority of a sport fishing license. There is no daily bag limit, possession limit or hour restriction, but bullfrogs can only be taken by hand, hand-held dip net, hook and line, lights, spears, gigs, grabs, paddles, bow and arrow or fish tackle.

Alternatively, FGC Section 5501 allows CDFW, as limited by the commission, to issue a permit to destroy fish that are harmful to other wildlife. The regulations have addressed this under Section CCR T-14 226.5 Issuance of Permits to Destroy Harmful Species of Fish in Private Waters for Management Purposes. This allows the CDFW to issue free permits to destroy harmful aquatic species by seining and draining.

### **Pond Dewatering**

Pond dewatering may be appropriate if the reservoir can be successfully dewatered without adversely affecting stream resources. Careful planning and coordination with CDFW, is necessary to ensure potential impacts to stream resources can be addressed, prior to commencing with pond draining. Discharge of polluted water to waters of the state may require permitting from other agencies with permitting authority, such as the Regional Water Quality Control Board.

In general, bullfrog tadpoles require two years to develop into frogs, whereas native amphibians only require one year. Therefore, draining a reservoir every year is intended to interrupt bullfrog tadpole development, dramatically decrease bullfrog populations and allow for reduced efforts as a measure of adaptive management. Typically in Northern California, reservoir draining should occur in September through October to avoid impacts to sensitive native amphibian and fishery resources. While draining occurs, direct removal efforts should be employed as described above if possible.

### **REPORTING**

A written log shall be kept of monitoring and management efforts and shall be provided to CDFW **each year** by December 31. The written log shall include: 1) date and time of each monitoring and management effort, 2) approximate number of each bullfrog life stage detected and/or removed per effort, and 3) amount of time spent for each monitoring and management effort.

### **APPENDIX A. BULLFROG REFERENCE PHOTOS**



This is a photo of a Bullfrog tadpole. (Photo taken by Mike van Hattem).



The photos shown in this Appendix demonstrate a medium sized adult bullfrog that was removed from Ten Mile Creek, Mendocino County. Note the bullfrog has a large tympanum, (circular ear drum shown with an arrow) and **does not** have distinct ridges along its back (dorsolateral folds). Photo taken by Wes Stokes.



The bullfrog has somewhat distinct mottling and the underside of the bullfrogs hind legs are not shaded pink or red.