



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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Hearing Date: May 17, 2018

To: Humboldt County Planning Commission

From: Steve Werner, Supervising Planner

Subject: **King Range Farms, Inc. Conditional Use Permit and Special Permit**
Application Number 11036
Case Number CUP18-009 and SP17-058
Assessor's Parcel Numbers 108-065-007 and 108-064-005
8900 Wilder Ridge Road, Etnersburg

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Please contact Tayla Copeland, Planner, at 445-7541, or by email at tcopeland@co.humboldt.ca.us, if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
May 17, 2018	Conditional Use Permit and Special Permit	Tayla Copeland

Project Description: A Conditional Use Permit (CUP) for an existing mixed-light commercial cannabis cultivation up to 4,400 square feet, and an existing outdoor commercial cannabis cultivation up to 10,000 square feet, for a total of 14,400 square feet of cannabis cultivation. Water sources on the property include a combination of surface water diversion from a spring, a slow-producing well, and an existing on-site rainwater catchment pond. The applicant will primarily use the rainwater catchment pond for irrigation purposes, which was newly constructed in 2015. The applicant is also authorized to use the surface water diversion for irrigation per a Lakeside Stream Alteration Agreement (LSAA 1600 Permit) with California Fish and Wildlife (CDFW). The applicant estimates 162,000 gallons of water for irrigation is required annually. There are 32,500 gallons of hard-tank water storage and 687,500 gallons of water storage in the rainwater catchment pond, which was entirely filled with rainwater runoff in winter 2016. The surface water diversion is subject to a forbearance period of May 15 to October 15, during which time the spring's water will be diverted for domestic use only. Processing activities, including drying, trimming, and curing, will occur off site in a licensed commercial processing facility to be permitted under the same applicant's other project SP-17-057. No employees are required to meet operation needs; the on-site residents are operators. Electricity is provided by solar panels and a portable 2000-watt Honda generator. A parcel abutting the south boundary of the subject property is part of the King Range National Conservation Area (NCA), and is owned and managed by the Bureau of Land Management (BLM) for open space and/or wildlife habitat purposes. These public lands are located approximately 490 feet from one of the existing cultivation areas; however, no developed or designated recreational facilities are within 600 feet of any cultivation area. A Special Permit for the allowance for a setback reduction of 600 feet from a public park is requested as part of this project.

Project Location: The project is located in Humboldt County, in the Ettersburg area, on the East side of Kings Peak Road and on the South side of Wilder Ridge Road, approximately 3.30 miles West from the intersection of Etter Ranch Road and French Ranch Road, on the property known as 8900 Wilder Ridge Road.

Present Plan Land Use Designations: Timberland (T), Density: 40 to 160 acres per dwelling unit, Slope Stability: Moderate Instability (2)

Present Zoning: Timberland Production (TPZ)

Case Numbers: CUP18-009/SP17-058

Application Number: 11036

Assessor Parcel Numbers: 108-065-007, 108-064-005

Applicant

King Range Farms, Inc.
Steve Spence
PO Box 38
Honeydew, CA 95545

Owner

Spence Steve
PO Box 38
Honeydew, CA 95545

Agent

Timberland Resource Consultants
Attn. Josh Lazarus
165 S Fortuna Blvd.
Fortuna, CA 95540

Environmental Review: CEQA Exemption Section: 15301-Existing Facilities; Section 15305 - Minor

Alterations to Land Use Limitations

Major Issue: None.

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

King Range Farms, Inc. Conditional Use Permit and Special Permit
Case Number CUP18-009/SP17-058
Assessor's Parcel Number (APN): 108-065-007 and 108-064-005

Recommended Planning 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 Section 15301 and 15305 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 King Range Farms, Inc. project subject to the recommended conditions.

Executive Summary

The proposed Conditional Use Permit (CUP) would allow existing mixed-light cannabis cultivation up to 4,400 square feet and outdoor cultivation up to 10,000 square feet on a legal parcel of approximately 160 acres in compliance with the County Commercial Medical Marijuana Land Use Ordinance (CMMLUO).

The applicant, King Range Farms, Inc., had originally submitted a site plan showing that all cultivation would be clustered on a single site on the parcel. However, upon further review of available photo documentation, staff has determined that cultivation in the largest year (2015) occurred in two locations: Cultivation Site #1 in the center of the parcel contained two outdoor cultivation areas totaling 6,658 sq. ft. and 3,000 sq. ft. of mixed light cultivation in two 30' x 50' greenhouses; Cultivation Site #2 in the far eastern side of the parcel consisted of a single outdoor cultivation area of 350 sq. ft. and 1,400 sq. ft. of mixed light cultivation in two 10' x 70' greenhouses. Relocation of pre-existing cultivation is not allowed unless the relocation is demonstrated to be environmentally superior. No such justification has been made in this case. Accordingly, the applicant has revised the project to reflect the location and size of the cultivation as it existed in 2015. This is reflected in the Site Plan received-dated March 29, 2018.

The parcel is a patent parcel consisting of two Assessor's Parcel Numbers 108-065-007 and 108-064-005. The parcel is zoned Timberland Production (TPZ) and is otherwise largely forested. The applicant has contracted with a registered professional forester (RPF) to evaluate site conditions and conversion history for the subject property. The RPF has provided a written timberland conversion report documenting that a review of aerial imagery demonstrates the 0.5-acre-opening area where cultivation is sited occupies a natural grassland opening in existence since 1968. The graded flat occupied by the cultivation site was constructed between 2009 and 2010 and the greenhouses were constructed between 2010 and 2012. Based upon review of aerial imagery and physical reconnaissance of the site, no conversion of timberland has occurred in association with the cultivation activities. The timberland conversion report makes a remediation recommendation for treatment of all associated slash and woody debris, and these prescribed treatments will be a condition of approval. Staff has provided California Department of Forestry and Fire Protection (CAL-FIRE) written Notice of Availability of the RPF's report.

Mixed-light greenhouses are shielded to prevent light escape at a level that is visible from neighboring properties between sunset and sunrise. A blackout tarp and/or appropriate

shielding will be used to prevent light spillage onto neighboring properties or into forest habitat, and eliminate light pollution to comply with the International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1. A condition of approval has been incorporated requiring the applicant to prepare a lighting plan, specifying the methodology to be utilized to achieve compliance with this standard.

There are seven Class III watercourses on the subject parcel; five of which are tributaries to Bear Creek, a tributary to the Mattole River, and two which are tributaries to Jewett Creek, a tributary to the Mattole River. All cultivation areas on the subject parcel are located 200 feet or further from any watercourse and exceed applicable setback requirements to watercourses, riparian zones, or wetlands. There are no legacy cultivation sites in Streamside Management Areas (SMAs). The applicant has enrolled with the North Coast Regional Water Quality Control Board (NCRWQCB) Cannabis Waste Discharge Regulatory Program as a Tier 2 discharger, and a site-specific Water Resource Protection Plan (WRPP) has been prepared for the property. Completion of the WRPP's outlined remediation actions, including road improvements to prevent erosion and the removal of plastic and other polluting material from a spring, will be a condition of approval.

There are three sources of water on the property that are used for domestic and irrigation purposes: a surface water diversion from a spring, a slow producing well, and an existing on-site rainwater catchment pond. Irrigation water for cannabis cultivation is primarily sourced from the existing unpermitted on-site rainwater catchment pond (constructed in 2015). The pond is off-stream and also non-jurisdictional. The applicant also uses the water diversion from a Class II spring for irrigation, which is subject to forbearance period of May 15 and October 15. Domestic water supply is sourced from the spring diversion and also from a slow producing well. California Department of Fish and Wildlife (CDFW) has confirmed that the well is not hydrologically connected and thus non-jurisdictional. The well is 200 feet deep and historically has been used only in the late summer when the spring slows down during the drought. The well may continue to be used to supplement domestic and agricultural uses if needed. The Class II spring is not tributary via surface flow to any downstream watercourses. However, the spring intercepts shallow (i.e. hydrologically connected to surface flow) water that contributes cold water inputs to Bear Creek, located approximately 0.25 mile south of the project site.

The applicant estimates 162,000 gallons of water for irrigation is required annually. There is 32,500 gallons of hard-tank water storage on site and 687,500 gallons of water storage in the rainwater catchment pond. The rainwater catchment pond was documented by Timberland Resource Consultants as entirely filled with rainwater runoff in January 2016, and it is anticipated that this water storage will be the primary water source for irrigation in most years. Should diverted water be stored in the pond as part of the strategy for irrigation and forbearance, the project is conditioned with the applicant required to secure an appropriative right. An Initial Statement of Water Diversion and Use has been filed with the State Water Resources Control Board (SWRCB).

A Lake and Streambed Alteration Agreement (LSAA) has also been filed with CDFW for the existing diversion (LSAA 1600-2016-0049-R1). This LSAA permit establishes a maximum of 450 gallons per day year-round, and a forbearance period of May 15 to October 15, during which time no water will be diverted for irrigation, and the diversion will be used only for domestic use.

There are three residences on the property that rely on the spring diversion for water use. The applicant may need to utilize additional storage and the well for domestic use in the future. The applicant is encouraged to install a rooftop rainwater harvesting system on the residence closest to the pond in effort to accommodate domestic water usage without having to increase well usage. Diversions and ponds within Streamside Management Areas (SMAs) are considered

developments requiring a Special Permit (SP) under Section 314-61.1.9 of the Streamside Management Area Ordinance (SMAO). Any new development activities within a SMA, except for repair and maintenance conducted under a LSAA from CDFW, would require an SP. The applicant is also requesting a SP to allow development within an SMA. The project is also conditioned on the preparation of a Biological Assessment by a qualified biologist pursuant to HCC 314-61.1.13 et seq. CDFW has requested a bullfrog management plan be developed for the pond as a condition of approval.

Two complete cultivation cycles are carried out over an eight-month period with the first harvest occurring in July and the second harvest beginning in September; all cultivation is complete by the end of October. Young plants are set in a transition greenhouse in early spring for 10-14 days and are provided supplemental light in the evenings. The transition greenhouse is covered at night preventing any light spillage. Following a brief stay in the transition greenhouse, plants are placed into regular greenhouses, one of which provides a few hours of supplemental lighting; shielding is implemented preventing any light spillage. Following this, second round young plants are set into the transition greenhouse, with some plants going into full term outdoor garden space in June, and others remaining in light-deprivation greenhouses. By July, the first-round plants are harvested and some second-round plants go into regular greenhouses until October, at which time they will be harvested along with full term outdoor plants.

Electrical power is supplied to the subject property by solar panels; a portable 2000-watt Honda generator provides auxiliary power. Generator use is limited to time periods when lighting is more intensive for the greenhouse operations. The location of generator usage is no closer than 490 feet to any neighboring property line. The Honda 2000-watt portable generator has a noise rating of 59 decibels at rated load. The expected noise level at the nearest property line is calculated at 8 decibels; however, the edge of forest canopy is considerably closer to the generator sites than the property line, and there is a northern spotted owl (NSO) activity center less than 1.0 mile away from the project. CDFW has requested protocol surveys (two-year) by a qualified wildlife biologist with a survey completion date of 2020. During the evaluation period, CDFW recommends to assume NSO presence and modify the project to avoid disturbance of habitat. As a condition of permit approval, the applicant shall construct all noise and fuel containment structures for all generators on the parcel.

All cultivation will be carried out by individuals residing on the subject property (approximately 3 persons); the operation has no employees. There are three residences on the property, two of which have standard septic tank and leach field septic systems. The three individuals involved in the cultivation activities live on site and are expected to use the existing septic systems associated with these residential structures; however, none of these septic systems are currently permitted by the Division of Environmental Health (DEH). According to the WRPP prepared for the project, the third residence does not have a permitable sewage disposal system attached and it is recommended that the applicant discontinue use of this residence's current sewage disposal system until the applicant installs an approved and permitted septic system. The applicant is required to provide DEH with an acceptable site suitability report to establish potential for an on-site waste treatment system for this residence. This requirement has been included as a condition of approval. Permitting two of the existing septic systems—and installing a new, permitted system for the third residence—through the DEH to Humboldt County health standards and to the standard of the Regional Water Board's On-site Wastewater Treatment System (OWTS) policy are conditions of project approval.

When plants are harvested, they are immediately transferred to applicant's property described in SP-17-057 for processing. All processing activities are conducted off site, and must occur in licensed structures meeting occupancy standards of the Building Code.

The property is located at the end of Jewett Ridge south of Honeydew and is accessed off Wilder Ridge Road. Jewett Ridge Road travels approximately 2.5 miles from Wilder Ridge Road before providing access to the property, and Jewett Ridge Road continues through the parcel allowing access for neighboring parcels. The applicant has completed a road evaluation report self-certifying that the entire segment of Jewett Ridge Road from the project to Wilder Ridge Road is developed to the equivalent of a Category 4 road. The applicant is required to make improvements at the junction of Jewett Ridge Road and the County-maintained Wilder Ridge Road. This requirement is a condition of approval. The junction to be improved serves both this project and the applicant's property described in SP-17-057, which is the location of the planned processing site for cannabis cultivated under this application.

Cultivation related wastes are sorted such that compostable materials are recycled and composted on site within a small area equipped with perimeter and top containment to prevent unwanted movement of materials. Other waste, unsuitable for composting, is stored in conventional trash containers with tight fitting lids and hauled to an approved transfer station as needed. No pesticides or herbicides are used in this operation.

The materials submitted with the application include a Security and Safety Plan that includes a combination of locked metal gates, security cameras, fencing and regulated access. An automated locked metal gate is located at the junction where the private road accessing the subject parcel comes off the county road. Only private property owners have access through this gate.

A parcel abutting the south boundary of the property is part of the King Range National Conservation Area (NCA), and is managed by the U.S. Bureau of Land Management (BLM) for open space and/or wildlife habitat purposes. These lands are approximately 490 and 125 feet from Cultivation Areas #1 and #2, respectively; however, no developed or designated recreational facilities are within 600 feet of any cultivation area. The allowance for a setback reduction of 600 feet from a public park would need to be approved as part of this project. Cultivation is concentrated in the center of the parcel and is set back further than 30 feet from property boundaries. Cultivation areas are also sited more than 300 feet from residences on adjacent properties, and there are no schools, school bus stops, places of worship, or Tribal Cultural Resources (TCRs) within 600 feet of the cultivation areas. A cultural resources inventory and archeological survey was prepared by Arsenault & Associates for the project. The report concluded that there are no TCRs on the subject property.

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

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

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

**Case Numbers CUP18-009/SP17-058
Assessor's Parcel Number: 108-065-007**

Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the King Range Farms, Inc. Conditional Use Permit and Special Permit request.

WHEREAS, King Range Farms, Inc. submitted an application and evidence in support of approving the Conditional Use Permit (CUP) to permit an existing 10,000 square foot outdoor and 4,400 square foot mixed-light medical cannabis cultivation project and a Special Permit for work in a Streamside Management Area and relaxation of the 600 foot cultivation setback from the Kings Range National Conservation Area; and

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

WHEREAS, the project is exempt from environmental review per Section 15301 (Existing Facilities) and Section 15305 (Minor Alterations to Land Use Limitations) of the State CEQA Guidelines; and

WHEREAS, Attachment 2 in the Planning Division staff report includes substantial evidence in support of making all of the required findings for approving the proposed CUP and SP (Case Number CUP18-009/SP17-058); and

WHEREAS, a public hearing was held on the matter before the Humboldt County Planning Commission on May 17, 2018.

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

1. The proposed project is categorically exempt from environmental review pursuant to Class 1, Section 15301 (Existing Facilities) and Class 5, (Minor Alterations to Land Use Regulations) of the State CEQA Guidelines; and
2. The findings in Attachment 2 of the Planning Division staff report support approval of Case Number CUP18-009/SP17-058 based on the submitted substantial evidence; and
3. Case Number CUP18-009/SP17-058 is approved as recommended and conditioned in Attachment 1.

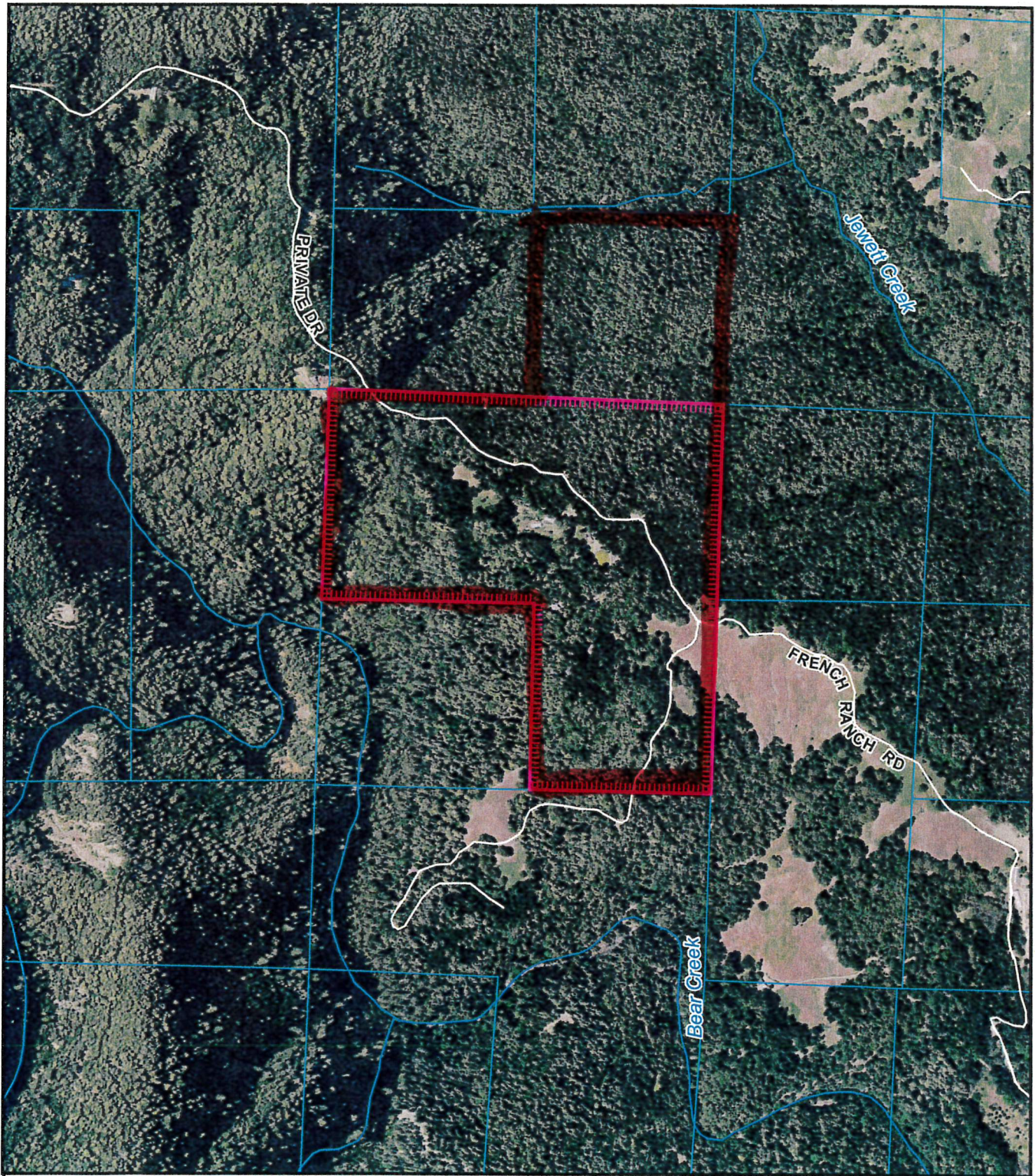
Adopted after review and consideration of all the evidence on May 17, 2018.

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

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

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

John Ford
Director, Planning and Building Department



AERIAL MAP

Project Area =



PROPOSED KING RANGE FARMS
ETTERSBURG AREA
SP-17-058

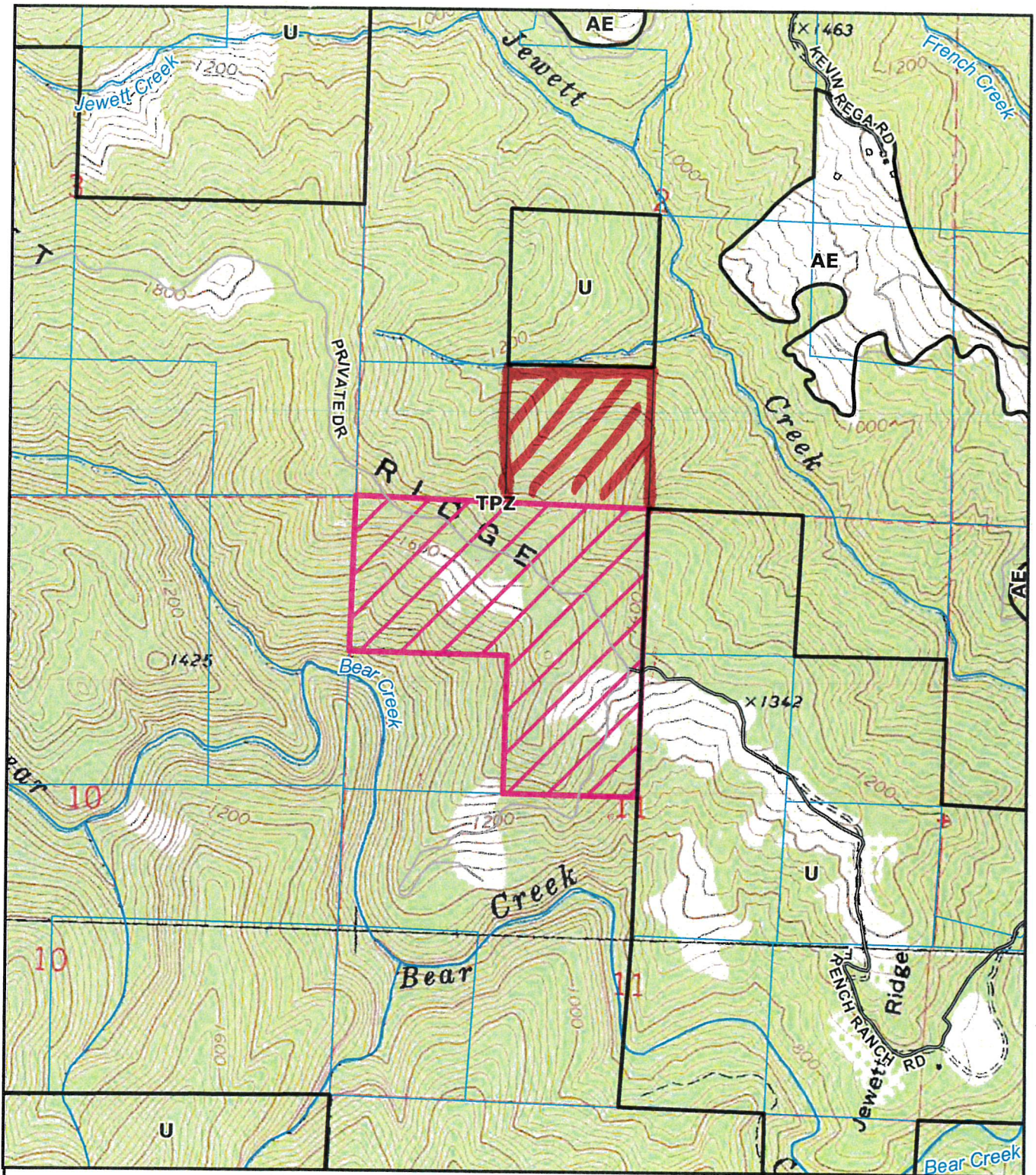
APN: 108-065-007

T04S R01E S11 HB&M (HONEYDEW)

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



0 375 750
Feet



TOPO & ZONING MAP

Project Area = 

PROPOSED KING RANGE FARMS
ETTERSBURG AREA
SP-17-058

APN: 108-065-007

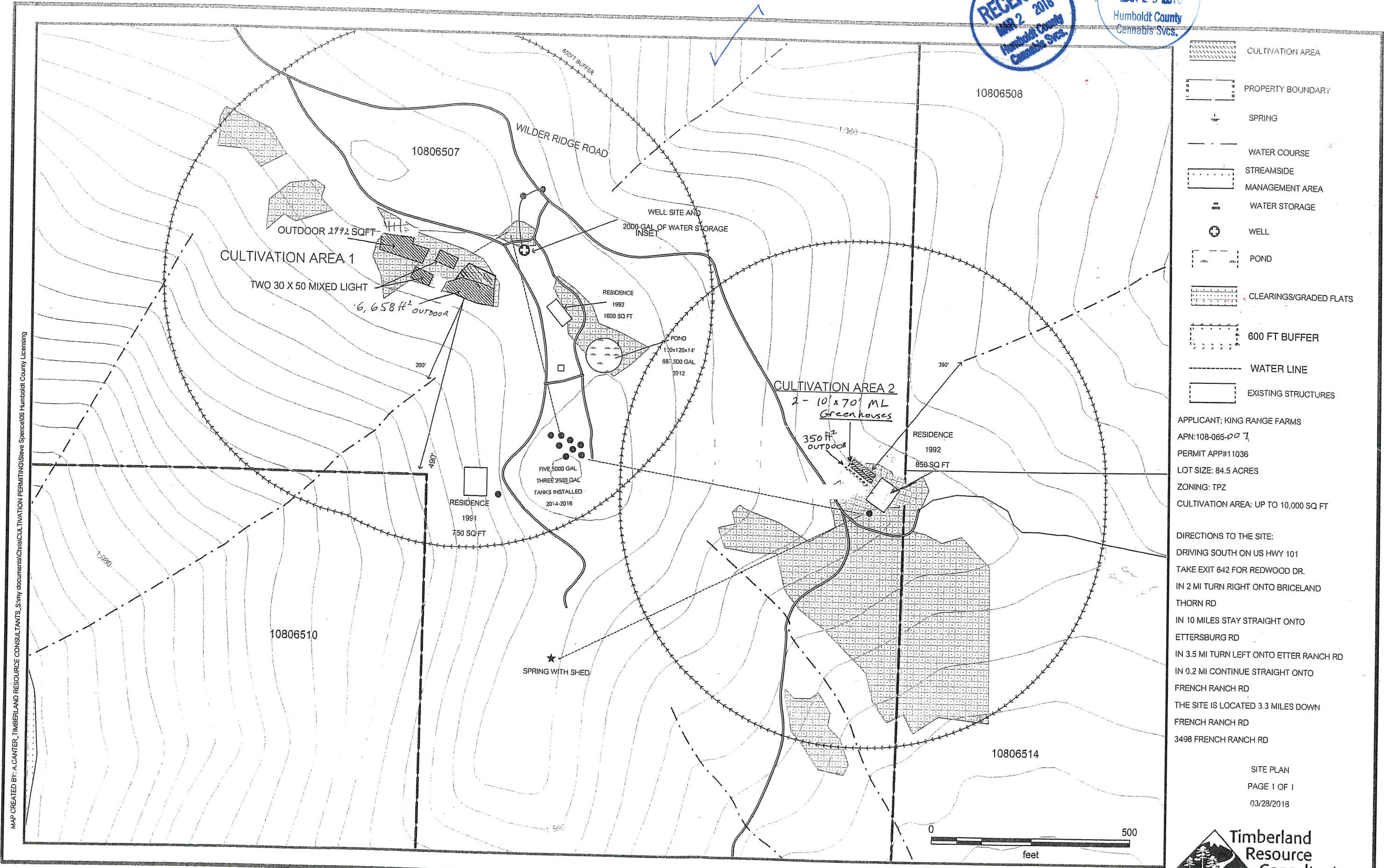
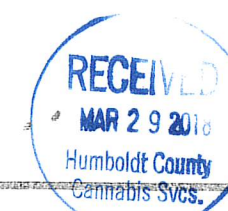
T04S R01E S11 HB&M (HONEYDEW)

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



0 500 1,000
Feet

APN 108-064-005



- CULTIVATION AREA
- PROPERTY BOUNDARY
- SPRING
- WATER COURSE
- STREAMSIDE MANAGEMENT AREA
- WATER STORAGE
- WELL
- POND
- CLEARINGS/GRADED FLATS
- 600 FT BUFFER
- WATER LINE
- EXISTING STRUCTURES

APPLICANT: KING RANGE FARMS
APN: 108-065-007
PERMIT APP# 11036
LOT SIZE: 84.5 ACRES
ZONING: TPZ
CULTIVATION AREA: UP TO 10,000 SQ FT

DIRECTIONS TO THE SITE:
DRIVING SOUTH ON US HWY 101
TAKE EXIT 642 FOR REDWOOD DR.
IN 2 MI TURN RIGHT ONTO BRICELAND THORN RD
IN 10 MILES STAY STRAIGHT ONTO ETTERSBURG RD
IN 3.5 MI TURN LEFT ONTO ETTER RANCH RD
IN 0.2 MI CONTINUE STRAIGHT ONTO FRENCH RANCH RD
THE SITE IS LOCATED 3.3 MILES DOWN FRENCH RANCH RD
3498 FRENCH RANCH RD

SITE PLAN
PAGE 1 OF 1
03/28/2018



MAP CREATED BY: A. CANTER, TIMBERLAND RESOURCE CONSULTANTS, S:\my documents\Chris\CULTIVATION PERMITTING\Sieve Spence\08 Humboldt County Licensing

ATTACHMENT 1
Recommended Conditions of Approval

APPROVAL OF THE 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 – 21. 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 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.
3. The applicant shall secure permits for all unpermitted grading and structures related to the cannabis cultivation and other commercial cannabis activity, including the grading associated with the pond. A letter or similar communication from the Building Division verifying that all structures related to cannabis cultivation are permitted will satisfy this condition. No impervious floor shall be allowed for greenhouses.
4. The applicant shall improve the existing junction of Jewett Ridge Road that connects to the County maintained Wilder Ridge Road to meet the County visibility ordinance and encroachment permit standards. This requires that the driveway apron be paved for a minimum width of 20 feet and for a length of 50 feet. The applicant shall be responsible for implementing any necessary improvements to bring the driveway into compliance. Prior to constructing improvements within the County maintained road right-of-way, the applicant shall apply for and obtain an encroachment permit from the County Department of Public Works. A letter or similar communication from the County Department of Public Works verifying that these requirements have been met will satisfy this condition.
5. The applicant shall provide a revised, to-scale plot plan for the site which includes APN 108-065-007 and 108-064-005 as a single patent parcel, and also identify parking areas for at least four vehicles and truck turnaround for fire safety, as well as revising the cultivation areas and designations consistent with this revised project to the County Planning and Building Department. The Cultivation and Operations Plan must also be updated to be consistent with this revision
6. The applicant shall obtain domestic sewage disposal permits from the County Department of Environmental Health (DEH) for the two existing septic tank and leachfield septic systems that serve the property, and shall immediately discontinue use of the non-permittable waste disposal system attached to the residence identified in the Water Resources Protection Plan (WRPP) for the property, until such time that the applicant can demonstrate on-site sewage disposal system feasibility to the satisfaction of DEH and install an approved and permitted septic system for this structure. If the applicant cannot obtain DEH approval for the existing septic systems, then the applicant is required to use portable restroom facilities and provide invoices to DEH demonstrating continual use of portable toilets. The applicant shall ensure that all domestic sewage disposal systems meet applicable County health standards, local agency management plans and ordinances, and the Regional Water Board's On-site Wastewater Treatment System (OWTS) policy, and shall not represent a threat to surface

water or groundwater. A letter or similar communication from the County Department of Environmental Health verifying that these requirements have been met will satisfy this condition.

7. The applicant shall implement all other corrective actions detailed within the Water Resource Protection Plan developed for the parcel, prepared pursuant to Tier 2* enrollment under the North Coast Regional Water Quality Control Board (NCRWQCB) Cannabis Waste Discharge Regulatory Program, including the five identified road point improvements to minimize erosion and the removal of plastic and other polluting material from the spring, as well as fencing this spring site to exclude trespass cattle if necessary. A letter or similar communication from the NCRWQCB verifying that all their requirements have been met will satisfy this condition.
8. The applicant shall implement the corrective actions identified in the Timberland Conversion Report prepared for this property dated October 23, 2017, all slash and woody debris as soon as possible using one of the following methods: burying chipping and spreading, piling and burning, or removal from site. A letter from CAL-FIRE or from the registered professional forester who prepared the Timberland Conversion Report verifying that the corrective actions have been completed will satisfy this condition.
9. A bullfrog management plan shall be prepared and submitted to the California Department of Fish and Wildlife (CDFW) for the existing rainwater catchment pond.
10. The applicant shall install a rooftop rainwater harvesting system on the residence closest to the rainwater catchment pond.
11. The applicant shall comply with the terms of the valid CDFW Lake and Streambed Alteration Agreement (1600-2016-0049-R1) for the surface water diversion on the subject property, including the metering, reporting, and forbearance period requirements. If water obtained from the permitted surface diversion is stored in order to meet the irrigation needs and the forbearance requirements imposed on irrigation, the applicant shall obtain an appropriate right from the State Water Resources Control Board for water storage related to irrigation uses.
12. Water meters shall be installed on all sources of water used for cannabis cultivation to monitor water usage.
13. 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.
14. The applicant shall hire a qualified wildlife biologist to conduct protocol level surveys (two-year) to determine northern spotted owl (NSO) presence, with a survey completion date of 2020. During the evaluation period, the applicant shall assume presence and modify the project to avoid disturbance of the habitat. The applicant shall also use noise and fuel containment structures for all generators on the parcel.
15. The applicant shall obtain a permit from the Building Inspection Division for a secondary containment structure for the generator used on site, complete construction of the containment structure, and install the generator in this structure.

16. The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency (CUPA) requirements regarding any hazardous materials. A written verification of compliance shall be required before any provisional permits may be finalized. Ongoing proof of compliance with this condition shall be required at each annual inspection in order to keep the permit valid.
17. Prior to initiating commercial medical cannabis cultivation or associated activities 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 Humboldt County Code (HCC) and available at the Planning Division.
18. 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.
19. The applicant shall provide copies of incorporation documents for King Range Farms, Inc. and a copy of a lease from the property owner (Steven Spence) to King Range Farms, Inc. and submit these copies to the Planning and Building Department.
20. The applicant shall provide adequate amount of water storage.
21. The applicant shall obtain a Special Permit for any new point of diversion (POD) or development activities located within an SMA or OWA, excepting repair and maintenance work conducted with a Lake and Stream Alteration Agreement (LSAA). The applicant would also be required to hire a professional biologist to prepare a Biological Assessment pursuant to HCC 314-61.1.13 et seq for such activities within an SMA or OWA.

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

1. All components of project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, and these conditions of approval. Changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan.
2. If offsite processing is chosen to be the preferred method of processing, this permit shall be modified to identify the offsite licensed facility.
3. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CMMLUO and MAUCRSA, as applicable to the permit type.
4. If operating pursuant to a written approved compliance agreement, permittee shall abate or cure violations at the earliest feasible date, but in no event no more than two (2) years from the date of issuance of a provisional clearance or permit. Permittee shall provide plans for curing such violations to the Planning and Building Department within one (1) year of

issuance of the provisional clearance or permit. If good faith effort towards compliance can be shown within the two years following the issuance of the provisional clearance or permit, The Planning Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow for additional time to meet the outstanding requirements.

5. Possession of a current, valid required license, or licenses, issued by any agency of the State of California in accordance with the MAUCRSA, and regulations promulgated thereunder, as soon as such licenses become available.
6. Compliance with all statutes, regulations and requirements of the California State Water Resources Control Board and the Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration, as applicable.
7. Confinement of the area of cannabis cultivation, processing, manufacture or distribution to the locations depicted on the approved site plan. The commercial cannabis activity shall be set back at least 30 feet from any property line, and 600 feet from any School, School Bus Stop, Church or other Place of Religious Worship, or Tribal Cultural Resources, except where a reduction to this setback has been approved pursuant to County Code 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 property south-southwest of the project is part of the King Range National Conservation Area (NCA) and is managed by the U.S. BLM for open space and/or wildlife habitat purposes, and no developed or designated recreational facilities are within 600 feet of the cultivation area.
8. Maintain enrollment in Tier 1, 2 or 3, certification with the 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.
9. For cultivation area(s) for which no enrollment pursuant to RWQB Order No. R1-2015-0023 is required by that Order, comply with the standard conditions applicable to all Tier 1 dischargers.
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 a generator used for cannabis trimming and operations 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 Marbled Murrelet 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 decibels as

measured at 100 feet from the generator or at the edge of the nearest Marbled Murrelet or 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 (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.
18. The proposed well on the site shall not be used for cultivation activities without first obtaining all necessary permits and approvals.

Performance Standards for Cultivation and Processing Operations

19. 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."
20. 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).
21. 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.
22. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:
 - i. Cultivation operations and processing operations must implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:
 - 1) Emergency action response planning as necessary;
 - 2) Employee accident reporting and investigation policies;
 - 3) Fire prevention;
 - 4) Hazard communication policies, including maintenance of material safety data sheets (MSDS);

- 5) Materials handling policies;
 - 6) Job hazard analyses; and
 - 7) Personal protective equipment policies, including respiratory protection.
 - ii. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
 - 8) Operation manager contacts;
 - 9) Emergency responder contacts;
 - 10) Poison control contacts.
 - iii. At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations. Plumbing facilities and water source must be capable of handling increased usage without adverse consequences to neighboring properties or the environment.
 - iv. On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.
23. All cultivators shall comply with the approved Processing Plan as to the following:
- i. Processing Practices.
 - ii. Location where processing will occur.
 - iii. Number of employees, if any.
 - iv. Employee Safety Practices.
 - v. Toilet and handwashing facilities.
 - vi. Plumbing and/or septic system and whether or not the system is capable of handling increased usage.
 - vii. Drinking water for employees.
 - viii. Plan to minimize impact from increased road use resulting from processing.
 - ix. On-site housing, if any.

Performance Standards for Mixed-Light Cultivation:

24. Those cultivators using artificial lighting for mixed-light cultivation shall shield greenhouses so that little to no light escapes. Light shall not escape at a level that is visible from neighboring properties between sunset and sunrise.
25. The light source should comply with the 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). Should the Humboldt County Planning Division receive complaints that the lighting is out of alignment or not complying with these standards, within ten (10) working days of receiving written notification that a complaint has been filed, the applicant shall submit written verification that the lights' shielding and alignment has been repaired, inspected and corrected as necessary.
26. Term of Commercial Cannabis Activity Permit. Any Commercial Cannabis Cultivation Conditional Use Permit (CUP) or Special Permit (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 SP or permit holder with a written statement identifying the items not in compliance, and the action that the permit holder may take to cure the non-compliance, or file an appeal within ten (10) days of the date that the written statement is delivered to the permit holder. Personal delivery or mailing the written statement to the mailing address listed on the application by regular mail, plus three (3) days after date of mailing, shall constitute delivery. The permit holder may request a reinspection to determine whether or not the permit holder has cured all issues of non-compliance. Failure to request reinspection or to cure any items of non-compliance shall terminate the 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 of the CMMLUO.

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

Permittee further acknowledges and declares that:

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

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

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

29. Inspections. The permit holder and subject property owner are to permit the County or representative(s) or designee(s) to make inspections at any reasonable time deemed necessary to assure that the activities being performed under the authority of this permit are in accordance with the terms and conditions prescribed herein.

Informational Notes:

1. 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 or 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 Condition of Approval #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 Conditions of Approval #26 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 Section 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 Native American Heritage Commission will then be contacted by the Coroner to determine appropriate treatment of the remains pursuant to Public Resources Code Section 5097.98. Violators shall be prosecuted in accordance with Public Resources Code Section 5097.99.

4. The Zoning district for this parcel is TPZ and the parcel size is approximately 160 acres. The zoning allows for one (1)-family home or caretaker's unit as a principally permitted use. HCC Section 314-7.4.1.6.3. states that no more than 2 residences are allowed. The parcel currently has 3 residential dwellings and each residential structure has attached septic systems, none of which are permitted. The WRPP prepared for the site indicates that two of the three septic systems would most likely be permissible by Division of Environmental Health (DEH). The third residence does not have a sewage disposal system that would be permitted by DEH and would most likely have to be removed or replaced. The WRPP prepared for the project recommends that the applicant discontinues use of this residence's current sewage disposal system until an approved and permitted septic system is installed. The project is conditioned on the applicant ensuring that the all domestic sewage disposal systems meet applicable County health standards, local agency management plans and ordinances, and/or the Regional Water Board's On-site Wastewater Treatment System (OWTS) policy, and shall not represent a threat to surface water or groundwater.

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. A Notice of Exemption (NOE) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. **Within three days of the effective date of permit approval**, it is requested that the applicant submit a check or money order for the required filing fee in the amount of \$50 payable to the Humboldt County Clerk/Recorder. If this payment is not received within this time period, the Department will file the NOE and will charge this cost to the project.

Attachment 2

Staff Analysis of the Substantial 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) specifies 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; and
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.
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>Timberland (T): Lands primarily suitable for the growing, harvesting and production of timber. Allowable uses include: timber production, general agriculture, timber/agricultural products processing, natural resources use, and other uses</p> <p>Density range is 40 -160 acres/unit</p>	<p>The project is entirely located within the T area, where allowable uses include agriculture.</p> <p>The Medical Marijuana Regulation and Safety Act (MMRSA), Health and Safety Code section 11362.777(a) provides that medical cannabis is an agricultural product, subject to extensive state and local regulation. The Commercial Medical Marijuana Land Use Ordinance (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 and C-G5).</p> <p>Related policies: C-P3. Consideration of Transportation Impacts in Land Use Decision Making</p>	<p>Road access is via the private road known as Jewett Ridge Road, located south of Honeydew. Jewett Ridge Road is accessed off of Wilder Ridge Road, approximately 4.5 miles west from the intersection of Ettersburg-Honeydew Road and Wilder Ridge Road. Jewett Ridge Road travels approximately 2.5 miles from Wilder Ridge Road before providing access to the property, and Jewett Ridge Road continues through the parcel allowing access for neighboring parcels. The applicant has completed a road evaluation report self-certifying that the entire segment of Jewett Ridge Road from the project to Wilder Ridge Road is developed to the equivalent of a category 4 road standard.</p> <p>Conditions of approval require that the applicant secure an encroachment permit and implement improvement of the junction of Jewett Ridge Road and Wilder Ridge Road to meet county visibility ordinance and encroachment permit ordinance standards.</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 additional 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. There exist three residential structures on the site, according to submitted documents. A condition of approval has been incorporated into the project requiring the applicant to secure building permits for all structures involved in the cannabis cultivation on the site.</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>Public Lands Chapter 4.7</p>	<p>Goals and policies contained in this Chapter present a framework of goals and policies for use and protection of all the natural resource and open space assets of the county, including agricultural production.</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>Cannabis cultivation is an agricultural activity and an allowable use type in this designation, consistent with this policy.</p> <p>The project is located adjacent to the federal lands managed by the Bureau of Land Management (BLM). The adjacent public lands are subject to the <i>Resource Management Plan - for the King Range National Conservation Area (RMP)</i>. The project is consistent with the RMP because the cultivation activities will minimize impacts to biological resources and wildlife through measures to reduce potential light and noise impacts. The project will also protect fisheries and aquatic habitat on forest lands by maintaining buffers from streams and by placing controls on water withdrawals and on the storage and use of pesticides, rodenticides and fertilizers, and will minimize risk from wildfire by adhering to the County's Fire Safe Regulations and the requiring adequate road access. The RMP's provisions for cultural resource protection will be met through the project consultation with Tribal Historic Preservation Officers and avoidance of sensitive tribal cultural resources. Lastly, the project is consistent with recreational use on public lands by maintaining a minimum 600 buffer separation from developed campgrounds and/or trails.</p>
<p>Conservation and Open Space Chapter 10</p> <p>Open Space Section 10.2</p>	<p>Goals and policies contained in this Chapter relate to an Open Space and Conservation Program that is complimentary to other agencies' plans and that preserves the county's unique open spaces (CO-G1, CO-G3)</p> <p>Related policies: CO-P1, Conservation and Open Space Program; CO-P12, Development Review, CO-S1. Identification of Local Open Space Plan, and CO-S2. Identification of the Open Space Action Program</p>	<p>The proposed project is located within the Open Space Action Program because the project site is planned Timberland (T) and is zoned Timberland Production Zone (TPZ). The project can be found consistent with the Open Space Plan's Open Space Action Program because the proposed project is consistent with the allowable uses of the Land Use Designations. The proposed cannabis cultivation, an agricultural product, is within land planned for agricultural purposes, consistent with the use of Open Space land for managed production of resources.</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 project is consistent with the goals and policies of the Biological Resources Section of the Conservation and Open Space Element of the General Plan because it commits to forbearance of surface water diversion for existing outdoor cannabis cultivation between May 15 and October 15, replacing former diverted water with either a hydrologically disconnected well source or with rainwater catchment pond storage, thus ensuring improved water quality and quantity available for fish and wildlife. The project is also required to install water meters on all water sources to monitor water usage. The project is also required to obtain a Special Permit for any new POD or development activities located within an SMA, excepting for repair and maintenance activities conducted under a Lake or Stream Alteration Agreement (LSAA) issued by CDFW. The applicant would also be required to hire a professional biologist to prepare a Biological Assessment pursuant to HCC 314-61.1.13 et seq for such activities within an SMA. The CDFW requires the applicant to prepare a bullfrog management plan for the rainwater catchment pond. These requirements have been included as a condition of approval.</p> <p>In addition, there is a northern spotted owl (NSO) activity center within 1.0 mile. To facilitate the recovery of this species, there is a condition of project approval limiting generator noise. California Department of Fish and Wildlife (CDFW) requires the applicant to hire a qualified wildlife biologist to conduct protocol level surveys (two-year) to determine NSO presence, with a survey completion date of 2020. During the evaluation period, the applicant shall assume presence and modify the project to avoid disturbance of the habitat. The applicant will be responsible for obtaining required permits and build secondary containment structures for all generators on the parcel, in order to reduce noise impacts to a sensitive species. This requirement has been included as a condition of approval.</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>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 Arsenault & Associates (AA) for the preparation of a Cultural Resources Investigation of the project sites. AA conducted a records search, Native American outreach; and an intensive pedestrian field survey of the project area and a 600-foot buffer around the project area. The report concludes that no significant Tribal, archeological, or historic period cultural resources, that for the purposes of CEQA, would be considered a historic resource existing in the limits of the project area. This report was provided to the Tribal Historic Preservation Officer (THPO) of the Bear River Band of the Rohnerville Rancheria. The Bear River Band of the Rohnerville Rancheria responded THPO recommended a condition of project approval be incorporated regarding inadvertent discovery protocol. Ongoing conditions of approval are incorporated regarding the inadvertent discovery protocol to protect cultural resources.</p>
<p>Conservation and Open Space Chapter 10</p> <p>Scenic Resources Section 10.7</p>	<p>Goals and policies contained in this Chapter relate to the protection of scenic areas that contribute to the enjoyment of Humboldt County's beauty and abundant natural resources (SR-G1); and a system of scenic highways roadways that increase the enjoyment of, and opportunities for, recreational and cultural pursuits and tourism in the County (SR-G2).</p> <p>Related policies: SR-S4. Light and Glare</p>	<p>The project site is located adjacent to the King Range National Conservation Area (NCA), which is considered a significant, protected forest. The project involves mixed-light cultivation in four greenhouses. The CMMLUO requires that mixed-light cultivation comply with International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1, and be designed to regulate light spillage onto neighboring properties resulting from backlight, uplight, or glare (BUG). International Dark Sky Association Standards exceed the requirements of Scenic Resources Standard SR-S4, Light and Glare, that lighting be fully shielded, and designed and installed to minimize off-site lighting and direct light within the property boundaries. The applicant has committed to compliance with these requirements in his cultivation and operations plan, and the project has been conditioned of the preparation of a lighting plan to document the methods proposed to achieve consistency with this standard.</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, WR-G10 and WR-G11); and</p> <p>Related policies: WR-P10, Erosion and Sediment Discharge; WR-P42, Erosion and Sediment Control Measures;</p>	<p>The project site falls within Tier 2 of the North Coast Regional Water Quality Control Board's (NCRWQCB) Order No. 2015-0023 (Order), which requires preparation of a Water Resources Protection Plan (WRPP) to protect water quality from cannabis cultivation and related activities. The applicant retained Timberland Resource Consultants for the preparation of a WRPP. The WRPP has been prepared to describe and address the required elements and compliance with the 12 Standard Conditions established by the Order. The WRPP identified areas where the project site does not meet all 12 Standard Conditions and set a preliminary schedule prioritizing corrective actions to reach full compliance with the Order. The highest priorities were improving road features to reduce erosion and removing plastic and other polluting material from the spring, and fencing the spring if necessary to prevent trespass cattle from impacting it. Other sites identified in the WRPP have standard corrective actions, and all remediation actions in the WRPP are included as conditions 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 WR-G11)</p> <p>Related policies: WR-IM7, Basin Plan Septic Requirements; and IS-P17, On-Site Sewage Disposal Requirements.</p>	<p>The property has existing septic systems for the associated residences that must be permitted or installed pursuant to the requirements of the Division of Environmental Health and to the standard of the Regional Water Board's On-site Wastewater Treatment System (OWTS) policy. These septic system permits and improvements are a condition of project approval. The WRPP recommends that the applicant immediately cease use of the third septic system, given that it is not permissible. The applicant will have to demonstrate septic suitability to the Department of Environmental Health (DEH) and install an approved and permitted septic system in its place. The applicant has the option to use portable restroom facilities if they cannot obtain DEH approval. This requirement has been made a condition of project approval.</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 project includes the use of a generator for use as supplemental power for artificial lighting in greenhouses. With the proximity of a NSO activity center approximately 1 mile from the project, a condition of project approval will require the applicant to permit and build secondary containment for the generator. The project as conditioned is consistent with the General Plan's direction on noise, as well as related policies to minimize and provide protection from excessive noise.</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 subject to liquefaction. The existing cultivation areas occur on slopes of 15 percent or less seismically classified moderate instability. The existing uses, which are proposed to continue, are not expected to be affected by geologic instability. The project does not pose a threat to public safety related from exposure to natural or manmade hazards.</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 Program; S-P13, Flood Plains; S-P15, Construction Within Special Flood Hazard Areas</p>	<p>The subject site is outside any mapped flood hazard areas. The project site is not within a mapped dam or levee inundation area and is located well above and outside the areas subject to tsunami run-up.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Safety Element Chapter 14</p> <p>Fire Hazards</p>	<p>Goals and policies of this Chapter encourage development designed to reduce the risk of structural and wildland fires supported by fire protection services that minimize the potential</p> <p>Related policies: S-P19, Conformance with State Responsibility Areas (SRA) Fire Safe Regulations;</p>	<p>The subject property is located within the State Fire Responsibility Area where the State of California has the primary responsibility for the prevention and suppression of wildland fires. California Department of Forestry and Fire Protection (CAL-FIRE) comments recommended compliance with the requirements of the County's Fire Safe Regulations. 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 has developed a 687,500-gallon pond (for which building permit will be required) which can provide fire protection in addition to meeting cultivation needs.</p> <p>According to the applicant, no employees will be utilized, and all cultivation will be accomplished by three on-site residents.</p>
<p>Air Quality Chapter 15</p>	<p>Goals and policies contained in this Chapter relate to improved air quality to meet current and future state and federal standards, including attainment of particulate matter requirements (AQ-G1, AQ-G2, AQ-G3) and the successful reduction of greenhouse gas emissions to levels consistent with state and federal requirements (AQ-G4)</p> <p>Related policies: AQ-P4, Construction and Grading Dust Control; AQ-S1, Construction and Grading Dust Control; AQ-P7, Interagency Coordination.</p>	<p>No construction or grading will be part of the proposed project. If future construction related to the cultivation and processing occurs, the applicant will be required to obtain a permit from the Building Inspection Division, at which time those applications for grading and or building permits shall be referred to the North Coast Air Quality Management District (NCAQMD) for review and consultation, and dust control practices during construction and grading shall achieve compliance with NCAQMD fugitive dust emission standards.</p>

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

Zoning Section	Summary of Applicable Requirement	Evidence
§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 108-065-007 and 108-064-005 is considered a single lawful parcel by virtue of a patent recorded January 10, 1925 Both of these parcel numbers are owned by the applicant, and a condition of approval requires the submittal of a revised map which will be required to show the entire legal parcel which contains approximately 160 acres. There is no evidence indicating there have been any subsequent acts to merge or divide this parcel; therefore, the subject parcel was lawfully created in its current configuration and can be developed as proposed.
§314-7.4 Timberland Production (TPZ)	The Timberland Production Zone is intended to provide standards and restrictions for the preservation of timberlands for growing and harvesting timber.	Grazing and other agricultural use is enumerated as a principally permitted use in the TPZ zoning district as long as it does not significantly detract from the use of the property for, or inhibit, growing and harvesting of timber. Commercial medical cannabis cultivation is recognized under state law as an agricultural product. The applicant has applied for the requisite permit under Humboldt County Code Section 314-55.4.3.7. Based on the referenced principally permitted use and the above, a finding of consistency with the TPZ zoning district can be made for the projects.
Minimum Lot Area:	160 acres; or 40 acres if the provisions of Government Code Section 51119.5 are met.	The subject parcel is approximately 160 acres. Pursuant to Humboldt County Code (HCC) Section 314-107.2.1, a substandard lot may be developed or sold if it was legally created. As discussed above, the subject parcel is a separate legal parcel.
Minimum Lot Width:	None specified	N/A

Zoning Section	Summary of Applicable Requirement	Evidence
Maximum Lot Depth:	None specified	N/A
Max. Lot Coverage:	None specified	N/A
Min. Yard Setbacks (Fire Safe setbacks supersede TPZ zone):	Front: 30 feet Rear: 30 feet Side: 30 feet	Front: Greater than 500 feet to the north boundary of the property Rear: approximately 490 feet from cultivation site to south boundary of parcel Side: Greater than 500 feet from cultivation area to property boundary
Max. Building Height:	None specified	N/A

Zoning Section	Summary of Applicable Requirement	Evidence
Restrictions regarding Residences	<p>314-7.4.1.6 The total residential density shall not exceed one (1) dwelling unit per twenty (20) acres.</p> <p>314-7.4.1.6.3 Residences and the associated accessory structures and uses shall not exceed two (2) acres per parcel.</p>	<p>There are three residential structures on the parcel, which exceeds the allowable density restrictions for parcels zoned as TPZ. A condition of approval has been incorporated requiring the applicant to apply for building permits for these structures involved in the cultivation of cannabis on-site, including permit for approved septic systems.</p>
§314-61.1 Streamside Management Area (SMA)	<p>Placement of soil within SMAs shall be prohibited, except where specifically authorized by the SMA ordinance.</p> <p>Development within SMAs may include wildlife enhancement and restoration projects.</p> <p>The SMA of perennial streams outside of urban development and expansion areas is defined as 100 feet from the stream transition line.</p>	<p>The project includes one surface diversion from a spring located in the Bear Creek watershed. The diversion is regulated by CDFW Lake and Streambed Alteration Agreement (LSAA) 1600-2016-0049-R1, which establishes a forbearance period of May 15 to October 15 for all irrigation water. The applicant has adequate pond storage and associated rainwater catchment to meet forbearance requirements, in addition to a hydrologically disconnected well.</p> <p>Cultivation areas are at least 200 feet from any watercourses, and a WRPP has been completed for the property with an assessment of 12 standard conditions, recommendations for remediation, and a monitoring plan. The WRPP's recommendations for remediation, including the removal of plastic and other polluting material from a spring, are included as conditions of approval. The project as described and conditioned is in compliance with §314-61.1.</p>
§314-109.1 Off-Street Parking	<p>Off Street Parking for Agricultural use*: Parking space per employee at peak shift. A minimum of three parking spaces are required.</p> <p><i>*Use for this activity is not specified. Per Section 314-109.1.2.9, the Director may fix the required number of parking spaces based on standards for most comparable use.</i></p>	<p>There are no off-site employees associated with the requested permit. All work is completed by up to four on-site operators. The project has been conditioned to provide 4 parking spaces on the revised plot plan.</p> <p>No designated parking spaces are noted on the plans; however, there is sufficient space on the property for the cars used by the operators to park. A condition has been applied to require a revised Site Plan that will include 4 available parking spaces to ensure no</p>

Zoning Section	Summary of Applicable Requirement	Evidence
		conflict with safety and fire access to the site.
314-55.4 Commercial Cultivation, Processing, Manufacturing and Distribution of Cannabis for Medical Use Inland Land Use Regulation (CMMLUO)		
§314-55.4.8.2	Commercial cannabis cultivation is allowed on parcels zoned TPZ, on parcels 1 acre or larger. 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.	The subject property is approximately 160 acres, is zoned TPZ, and is forested. The applicant has contracted with a registered professional forester (RPF) to evaluate site conditions and conversion history for the subject property. The RPF has provided a written timberland conversion report documenting that a review of aerial imagery demonstrates the 0.5-acre-opening area where cultivation is sited occupies a natural grassland opening in existence since 1968. The graded flat occupied by the cultivation site was constructed between 2009 and 2010 and the greenhouses were constructed between 2010 and 2012. Based upon review of aerial imagery and physical reconnaissance of the site no conversion of timberland has occurred in association with the cultivation activities. The timberland conversion report makes a remediation recommendation for treatment of all slash piles on the property, and these prescribed treatments are a condition of approval. Staff has provided CAL-FIRE written Notice of Availability of the RPF's report.

Zoning Section	Summary of Applicable Requirement	Evidence
§314-55.4.8.2.2 Existing Outdoor and Mixed-Light Cultivation Areas	A Zoning Clearance Certificate, Special Permit (SP) or Use Permit may be issued for outdoor or mixed-light commercial cannabis cultivation for some or all of the cultivation area in existence prior to January 1, 2016, in zoning district... TPZ (on parcels one acre or larger), but only when possible to bring the cultivation into compliance with all applicable standards set forth in this section and to eliminate existing violations as specified in this ordinance. The total cultivation area allowed on a single parcel shall not exceed one acre for outdoor cultivation or 22,000 square feet for mixed-light cultivation. No expansion of the existing cultivation area shall be permitted.	The applicant has provided date stamped aerial imagery and maps showing cultivated areas in existence prior to January 1, 2016 encompassing an area totaling 14,400 square feet, including the outdoor cultivation area and greenhouses shown on the revised site plan received dated March 29, 2018.s.
§314-55.4.8.10 Permit Limit	No more than four commercial cannabis activity permits may be issued to a single person.	According to records maintained by the Department, the applicant has applied for one other cannabis activity permit, which is analyzed in the staff report for CUP18-009, and he is entitled to four. This current application and project as analyzed is for a single permit for outdoor cultivation.
§314-55.4.9.1 Accessory Processing	Processing for cultivation requiring a SP or Use Permit will be considered in the Use Permit application.	There is no processing on the subject parcel. All cannabis is harvested and immediately transferred to the neighboring parcel described and pending permit in CUP18-009, under the same ownership.
§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.	The applicant submitted the required registration form on July 28, 2016.
§314-55.4.10 Application Requirements	Identifies the Information Required for All Applications	Attachment 3 identifies the information submitted with the application. Contents of the application are on file. All outstanding items are included as conditions of approval.

Zoning Section	Summary of Applicable Requirement	Evidence
§314-55.4.11 Performance Standards	Identifies the Performance Standards for Cannabis Cultivation Activities	All the applicable performance standards are included in the cultivation and operations plan and 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.	An Initial Statement of Water Diversion and Use has been filed with the State Water Resources Control Board (SWRCB), and a LSAA has also been filed with CDFW for the existing diversion (LSAA 1600-2016-0049-R1). This LSAA permit establishes a forbearance period of May 15 to October 15, during which time no water will be diverted for irrigation. A hydrologically disconnected well is part of the strategy to meet water demands and forbearance requirements, and there is also a 687,500-gallon rainwater catchment pond on the property. 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 and a review of aerial imagery shows that the cultivation area conforms to the 600-foot setback from schools, school bus stop, churches and other places of religious worship, and Tribal cultural resources, and is setback 300 feet from any neighboring residences and more than 30 feet from any property line. A parcel to the east and south-southwest of the subject property is part of the King Range NCA. Two cultivation areas are located within the 600 foot setback (#1 - 490 feet and #2- 125 feet) from the King Range NCA; however, no developed or designated recreational facilities are within 600 feet of any cultivation or processing area. The allowance for a setback reduction of 600 feet from a public park will need to be approved as part of this project.

Zoning Section	Summary of Applicable Requirement	Evidence
§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	The project as proposed included the use of a generator as supplemental power for artificial lighting in greenhouses. With the proximity of a NSO activity center 1.0 mile from the project, a condition of project approval will require the applicant to construct secondary containment for the generator. At the property line, the decibel level is already in compliance with the referenced code. The project as conditioned complies with all portions of the referenced code.
§314-55.4.17 Sunset Date	No application for any Use Permit pursuant to the CMMLUO shall be processed for issuance or approval that is received after December 31, 2016.	The applicant filed the application on August 26, 2016.

4. Public Health, Safety and Welfare. The following table identifies the evidence which supports finding that the proposed location of the use 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 properties or improvements in the vicinity.

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 any environmental damage.

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

Code Section	Summary of Applicable Requirement	Evidence that Supports the Required Finding
§312-17.1.5 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 parcel was not included in the 2014 Housing Inventory.

6. Environmental Impact: The following table identifies the evidence which supports finding that the proposed development will not adversely impact the environment.

Code Section	Summary of Applicable Requirement	Evidence that Supports the Required Finding
§15301 and §15305 of the CEQA Guidelines	Categorically exempt from State environmental review.	The project has been determined to be exempt from CEQA pursuant to Sections 15301 (Existing Facilities) and Section 15305 (Minor Alterations to land Use Limitations) of the Guidelines for the Implementation of CEQA. 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.

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. (Not Applicable)
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 – revised site plan of October 11, 2017)
4. Engineering drawings for pond that was installed in 2015, including cut and fill amounts, grading information, etc. (On File)
5. A cultivation and operations plan that meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; and proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel, and a description of cultivation activities (outdoor, indoor, mixed-light), the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. (On file - Cultivation and Operations Plan updated version 10/11/17))
6. 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)
7. Description of water source, storage, irrigation plan, and projected water usage. (On file)
8. Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the NCRWQCB demonstrating enrollment in Tier 1, 2 or 3, NCRWQCB Order No. 2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (On file – NOI and Water Resource Protection Plan, WDID# 1816439CHUM)

9. 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, LSAA 1600-2016-0049-R1)
10. If the source of water is a well, a copy of the County well permit, if available. (On file)
11. 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. (Timberland Conversion Report completed, noticed, and On file)
12. 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)
13. 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)
14. 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)
15. 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)



Cultivation and Operations Overview – APPS# 11036

CUP 16-135 (change to Special Permit)

APN:108-065-007

King Range Farms, Inc. is seeking a Conditional Use Permit under the CMMLUO to permit existing **outdoor cultivation up to 10,000 ft²** and **mixed light cultivation up to 4,400 ft²**; ancillary processing activities, appurtenant infrastructure/facilities and a property line setback reduction. Date stamped air photo/maps are on file with the Planning Division showing cultivated areas in existence prior to January 1, 2016 encompassing an area totaling 14,537 square feet.

The applicant acknowledges that the commercial cannabis activity approval being sought under the aforementioned conditional use permit, pursuant to CMMLUO, is subject to compliance with all other applicable Humboldt County zoning and land use regulations, as well as other applicable provisions of the Humboldt County Code and applicable state laws; this will require multi-agency review of proposed activity/development described in the aforementioned conditional use permit and, may also require site inspections by personnel from various governmental agencies.

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

The subject parcel (APN: 108-065-007) is approximately 122 acres and zoned TPZ. It is located at the end Jewett Ridge south of Honeydew and is accessed off of Wilder Ridge Road. The parcel is forested with mixed grassland foothill terrain. Past site development is primarily limited to clearings along the ridge on gently sloped terrain.

There are seven Class III watercourses on the subject parcel; five of which are tributaries to Bear Creek, a tributary to the Mattole River, and two which are tributaries to Jewett Creek. Stream crossings and road conditions were assessed in a Water Resources Protection Plan prepared by Timberland Resource Consultants (WDID# 1B16439CHUM, 09/02/2016) and necessary improvements prescribed in the plan are being implemented.

Electrical Power is supplied to the subject parcel by solar panels; a portable 2000W Honda generator provides auxiliary power. Conventional septic systems serve residences on the subject parcel

Agricultural Water is primarily obtained from an off-stream, lined rain catchment pond and a well (permit copy included). Surface water diversion from a Class II watercourse is also authorized under CDFW Agreement 1600-2016-0049-R1, included with this submission. An Initial Statement of Water Diversion and Use is also included.

The pond has an estimated storage capacity of 687,500 gallons. It is filled with natural rainwater and also connected to a rainwater catchment system connected to rain gutters. It provides water for agricultural purposes.

It is unlikely that use of collected **rainwater from this pond** would diminish seasonal surface water flow occurring in the drainage courses identified on this parcel. The pond is greater than 300 feet from the head of any watercourse as shown on the site plan.

The aforementioned **well** is situated along a saddle ridgetop greater than 200 feet from any seasonal watercourse emergence. The well casing is slotted at 230 feet below the ground surface. **The source water for the seasonal watercourses** depicted on the site plan is most likely rain water which has percolated through upper soil layers and moved laterally along an aquitard (low permeability strata) to a point (at a lower elevation) where the formation interfaces with the ground surface and emerges. **It is unlikely that the sphere of influence from use of the well (which is slotted at 230 feet below the ground surface) would reach the upper soil strata which sources rainwater to downslope seasonal drainage courses.**

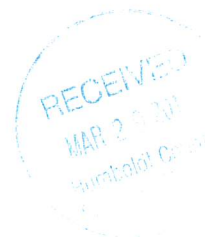
Water is stored in nine (9) poly-plastic tanks; five (5) tanks with a 5,000 gallon capacity and four (4) tanks with a 2,500 gallon capacity totaling 35,000 gallons storage in addition to the pond.

Development on the subject parcel is listed below and shown on the site plan included.

<i>Map Quad</i>	<i>Structure/Feature</i>	<i>Square Footage or Gallons</i>	<i>Year Built</i>	<i>Permit # or Status</i>
	Residence 1	1,600	1992	
	Residence 2	750	1991	
	Residence 3	850	1992	
	Rain Catchment Pond	9,900	2012	
	Greenhouses (2)	30' x 50'	2007/2010	
	Greenhouses (2)	10' x 70'	2015	
	Water Storage Tanks 5/5,000 gal & 3/2,500 gal		2014-16	

Currently Cultivation will primarily be centralized at a ridge top location and comprised of 2 greenhouses (1500 ft²) totaling 3,000 ft² mixed light; **the greenhouse shall be set on ground which has not been deemed as prime agricultural soil and the ground surface therein shall remain permeable with no floor/footpath improvements.** An additional 9,650 ft² of outdoor cultivation will occur to the NW and SE of the greenhouses. An additional cultivation area consisting of 1400 ft² of mixed light greenhouse and 350 ft² of outdoor cultivation near the eastern property line.

Proposed cultivation areas are greater than 200 feet from any surface water source. The Humboldt County GIS did not show any SMA areas on the subject parcel; a copy of the related GIS SMA layer is included. The 600 foot buffer encircling the cultivation area passes through a small section of the NE corner of the neighboring parcel owned by BLM (see site plan); a reduction to the 600 foot setback requirement to public lands is requested under this application. The small portion of BLM land within the 600 foot buffer is not used by the public.



The **peak water demand** projected to maintain cultivation throughout the warmest summer months (July – September) is 40,000 gallons per month. The “Monthly Water Use” table below shows water use by month throughout the growing season. Water use is being monitored and recorded in accordance with applicable regulations by use of inline totalizing flow meters.



There is no agricultural water use during the months not shown.

	<i>Cult: 4,400 ft² Greenhouses</i>	<i>Cult: 10,000 ft² Outdoor</i>	<i>Plant Stage</i>	<i>“Pond” Total Gallons</i>
<i>February</i>	<i>1,500 gal</i>		<i>Seedling</i>	<i>3,000</i>
<i>March</i>	<i>1,500 gal</i>		<i>Seedling</i>	<i>3,000</i>
<i>April</i>	<i>4,500 gal</i>		<i>Seedling/Veg</i>	<i>5,500</i>
<i>May</i>	<i>15,000 gal</i>		<i>Vegetative</i>	<i>5,500</i>
<i>June</i>	<i>15,000 gal</i>	<i>9,000 gal</i>	<i>Veg/Flower</i>	<i>24,000</i>
<i>July</i>	<i>20,000 gal</i>	<i>26,000 gal</i>	<i>Veg/Flower</i>	<i>46,000</i>
<i>August</i>	<i>20,000 gal</i>	<i>38,000 gal</i>	<i>Veg/Flower</i>	<i>58,000</i>
<i>September</i>	<i>15,000 gal</i>	<i>38,000 gal</i>	<i>Flower</i>	<i>58,000</i>
<i>October</i>	<i>5,000 gal</i>	<i>17,000 gal</i>	<i>Flower</i>	<i>22,000</i>

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

The use of carefully regulated drip irrigation minimizes the chance of any overwatering or residual discharge of irrigation solutions outside of the “targeted” zone. In the unlikely event that residual discharge did occur it would contact permeable soil on a nearly level ground surface and be rapidly absorbed with **no lateral movement/runoff** of any irrigation solutions away from the point of ground contact. This site was assessed by Timberland Resource Consultants in preparation of a Water Resources Protection Plan (09/02/2016 WDID# 1B16439CHUM); no signs of irrigation runoff were noted during the assessment. The applicant will implement BMP’s (prescribed in the Water Resources Protection Plan) in and around cultivation areas to prevent any unwanted migration of entrained constituents such as fine sediment, fertilizer or other organic particles.

The Cultivation Areas on the subject parcel meet applicable setback requirements to watercourses, riparian zones or wetlands (see site plan). Natural vegetative buffers surrounding the cultivation area remain undisturbed; transport of any cultivation byproducts beyond the limits of the cultivation areas is

The Cultivation Areas on the subject parcel meet applicable setback requirements to watercourses, riparian zones or wetlands (see site plan). Natural vegetative buffers surrounding the cultivation area remain undisturbed; transport of any cultivation byproducts beyond the limits of the cultivation areas is unlikely. **Watershed Protection** is accomplished through implementation of BMP's prescribed in a site-specific Water Resources Protection Plan (WDID-1B16613CHUM as required by RWQCB WDR Order R1-2015-0023) developed by Timberland Resource Consultants, RWQCB approved Third Party Program Administrator. Once enrolled under R1-2015-0023, participants are required to engage in ongoing monitoring, reporting and maintenance including periodic site inspections and reviews of operational practices to ensure regulatory requirements related to the following listed items are being met:

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

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

Generator use on the subject parcel is very limited. The site/location of generator usage is no closer than 490 feet to any neighboring property line. The Honda 2000 portable generator has a noise rating of 59Db(A) at rated load. The expected noise level at the nearest property line calculated using http://www.engineeringtoolbox.com/inverse-square-law-d_890.html is 8 Db.

Operators ensure that spillage from any light usage occurring between sundown and sunrise is prevented by placement of "black-out" tarps in accordance with Dark Sky Standards.

Two complete cultivation cycles are carried out over an 8 month period with the 1st harvest occurring in July and the 2nd harvest beginning in September; all cultivation completed in October. Young plants are set in a transition greenhouse in early spring for 10-14 days and provided supplemental light in the evenings. The transition greenhouse is covered at night preventing any light spillage. Following a brief stay in the transition greenhouse plants are placed into regular greenhouses, one of which is provided a few hours of supplemental lighting, coverage is implemented preventing any light spill. Following this, 2nd round young plants are set into the transition greenhouse, some plants going into full term outdoor garden space in June, and others remaining in light dep greenhouses. By July, the 1st round plants are harvested and 2nd round plants are going into regular greenhouses until October at which time they will be harvested along with full term outdoor plants.

	Cultivation Practices	Generator Hours/day	Lights On Hours/day
January	No cultivation activities, site maintenance/improvements		
February	Continue site maintenance, prepare greenhouses		
March	Young plants are set in "Transition" greenhouse for 2 weeks; supplemental light provided using ten 100 watt bulbs – complete coverage at night prevents all light spill	8	8
April	Transplant 1 st round plants into greenhouses, supplemental light used in 1 greenhouse for 10 days, ten - 100 watt bulbs Continue prep work,	4	4
May	Establish plants in greenhouses/initiate light dep. forbear spring water withdraw, continue propagation		
June	Transplant full term plants outdoors, maintain Dep plants in greenhouse etc., continue propagation		
July	Harvest 1 st round Dep. from greenhouse, transplant 2 nd round Dep into greenhouse, maintain light dep. Dry and trim 1 st round. Ongoing maintenance of full term outdoor plants and site.		
August	Continue garden care/site maintenance, stake and trellis plants as needed. Ongoing processing 1 st harvest.		
September	Start 2 nd Harvest – Dry, Ongoing processing; Continue garden care and site maintenance		
October	Complete 2 nd Harvest plants – Dry, trim/process activities		
November	Clean up cultivation sites, winterize roads etc.		

Fertilizers/Amendments/Regulated Products:

List and describe machinery and equipment used for cultivation and associated activities.

A single portable Honda Generator 2000w is used occasionally. Two portable Honda water pumps are used occasionally.

Describe equipment service and maintenance; including where it is done.

If any service or maintenance of equipment is required it is done inside of a metal storage container.

List and describe petroleum products and automotive fluids used onsite.

Regular gasoline is stored in conventional 5 gallon gas cans; maximum amount stored not to exceed 20 gallons. Gas cans are kept inside metal storage container.

List and describe compressed gases, cleaners, solvents and sanitizers used (including, but not limited to household chemicals, bleach, alcohol); indicate amounts normally stored and how/where they are stored. Propane is stored in canisters within a small fenced area next to the storage container.

List and describe fertilizers, soil amendments, pesticides, herbicides and rodenticides used.

Indicate the amount normally stored and how/where they are stored

Pesticides and/or herbicides are not used. The following fertilizers and amendments are used at the beginning of the season to recondition soil:

50 lb. *Spare Time* Mocha Guano

50 lb. *Archipelago*

25 lb. Trace Minerals

50 lb. Alph alpha

20 lb. Worm Castings

25 lb. Stutzman Farms Composted Chicken Manure (20 bags)

55 gallon Age Old Grow

55 gallon Age Old Bloom

25 lb. Black Gold Soil (30 bags)

40 lb. Pacific Pearl Oyster She

If any product is leftover it is stored inside weatherproof metal shipping containers located within close proximity to cultivation areas. The containers have impermeable floors and locking doors. All materials are kept in original packaging with labeling intact and used in accordance with labeling instructions.

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

Normal day to day operations shall be carried out by individuals residing on the subject parcel. **Restrooms** within dwelling units are within close proximity to all cultivation areas and are easily accessed by the individuals residing on the property. **Conventional septic systems serve each residence** and each system shall be brought into compliance with Humboldt County Division of Environmental Health requirements under allowances established in a *provisional permit* applicable to the activity/operations proposed under the aforementioned permit application.

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

If it becomes necessary, exhausted soil will be removed from cultivation beds and carefully mixed and spread over native soils on level ground at select locations to initiate microbial reconditioning and prevent unwanted constituent migration. Spent growth medium containing inorganic substances such as perlite, will be stored in weatherproof containers and hauled to an approved waste facility as needed.

Processing

See Revised Section 10-16, 17

Plants are harvested at peak ripeness and immediately transferred to the **AG building on a neighboring parcel (APN: 108-025-008) under the same ownership**, where they are hung to dry and undergo processing. Natural air flow may be supplemented with household fans to facilitate drying.

All **processing/trimming** is completed by individuals residing on the subject parcel. There are no transient/temporary employees involved with this operation.

All equipment, surfaces and tools used in the harvesting/drying/trimming of cultivated product are washed and sanitized throughout the day in a manner consistent with The National Organic Program's (NOP) Organic Standards (USDA organic regulations 7 CFR 205.272). These standards require that an organic handling operation take measures to prevent the commingling of organic and nonorganic products and protect organic products from contact with prohibited substances and list acceptable and prohibited compounds.

Operations are conducted in a safe manner with an ongoing awareness of any potential operational hazards related to processing/trimming. Individuals involved with processing/trimming utilize PPE including disposable face masks, hair nets and latex gloves.

Processing/Trimming

Plants are periodically inspected to ensure that any indication of pests, molds, mildews or disease are immediately addressed and crop quality is maintained. When ready, individual plants are hand harvested, placed inside clean transport containers and immediately transferred to the **AG building on a neighboring parcel (APN: 108-025-008) under the same ownership**, where they are hung to dry and undergo processing/trimming. The drying area is cleaned thoroughly prior to placement of any harvested plants therein to minimize potential contaminant contact. Natural air flow may be supplemented with careful use of household fans and dehumidifiers to facilitate drying and maintain product quality control.

When plants have achieved optimal dryness, they will be removed from the drying section and set out for flower removal. The removed flowers will be placed into clean bags and/or containers where they will await final manicuring. As flowers are manicured they will be weighed into one-pound bags and again checked for moisture content. Upon determination that optimum moisture content is attained, flowers will be placed into sterile bags, sealed and labeled. Individual sealed bags will be stored in plastic storage totes kept in an environmentally friendly, secure location while awaiting marketing/sales through licensed facilities.

All processing/trimming is completed by the individuals residing on the subject parcel. There are no employees utilized in the cultivation operations on the subject parcel.

All equipment, surfaces and tools used in the harvesting/drying/trimming of cultivated product are used exclusively for that purpose. Equipment, surfaces and tools are visually inspected, washed and sanitized throughout the day. A Gentle detergent (such as *Simple Green or equivalent*) is used for cleaning followed by rinsing with potable water. Isopropyl Alcohol is applied as a sanitizer.

Individuals engaged in processing/trimming are cognizant of potential mold and mildew problems associated with cultivation/processing. Handwashing with potable water and soap occurs upon entrance into the Ag building as well as use of new latex gloves, face masks and hair nets. Any suspect plant matter which appears compromised for any reason is carefully removed and disposed of avoiding cross contaminant contact with other product, equipment or utensils. A separately designated green-waste stream is implemented to recycle plant waste.

Individuals involved with processing/trimming are well versed in the use/cleaning of equipment utilized throughout the operation. Cleaning materials are stored on shelves away from working surfaces. A fire extinguisher is readily available. The working space is kept clean and orderly and used exclusively for processing/trimming; this optimizes safety and functionality.

Ample potable water for handwashing and restroom facilities are in close proximity to the Ag building where processing/trimming takes place. The restroom is equipped with first aid kits and eye-wash kits for emergency use. Wastewater from the restroom is plumbed to a permitted septic system consisting of a 1,200 gallon septic tank and 600 ft² of absorptive leach-field trench sidewall (copy of permit included). Although there is a *Commercial* connotation associated with this permit application, operations are carried out by individuals residing on the property, not transient/temporary employees. Therefore, the daily **wastewater flow** resulting from processing/trimming will not increase above normal domestic usage and can be accommodated by the septic system described.

As stated previously, the *Commercial* connotation associated with this permit application may misrepresent the scale/magnitude of this particular operation. Individuals residing on the property cultivate less than 10,000 ft² and carry out processing/trimming without external assistance. This particular operation doesn't involve any extra **vehicle trips/road use** beyond that which would normally occur for a typical rural residence in the area.

Site security is carried out by a combination of locked metal gates, security cameras, fencing and regulated access. An automated locked metal gate is located at the junction where the private road accessing the subject parcel comes off the county road. Only private property owners have access through this gate.

ATTACHMENT 4

Referral Agency Comments And Recommendations

The project was referred to the following referral agencies for review and comment. Recommendations received are summarized, and the locations of the recommendations are noted.

Referral Agency	Recommendation	Location
Public Works Building Inspection Division	Recommend conditional approval.	On file with Planning
Public Works Land Use Division	Recommend conditional approval.	On file with Planning
Health and Human Services Environmental Health Division	None on file	none on file
CAL-FIRE	Provided comments.	On file with Planning
California Department of Fish and Wildlife	Provided comments.	On file with Planning
Northwest Information Center	Provided comments.	On file with Planning
Bear River Band Rohnerville Rancheria	Conditional approval.	On file with Planning
Regional Water Quality Control Board	No Response	N/A
North Coast Unified Air Quality Management District		