



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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Hearing Date: May 3, 2018

To: Humboldt County Planning Commission

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

Subject: **Dave Thomas, Conditional Use Permit**
Application Number 11832
Case Number CUP-16-402, SP-18-029
Assessor's Parcel Number (APNs) 221-201-021 and 221-171-044
545 Council Madrone Lane, Etersburg Area

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Please contact Elizabeth Moreno, Planner, at 707-4457541 or by email at emoreno@co.humboldt.ca.us if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
May 3, 2018	Conditional Use Permit and Special Permit	Elizabeth Moreno

Project Description: A Conditional Use Permit (CUP) for an existing 14,375 square foot (SF) cannabis cultivation operation on a parcel with area totaling approximately 33 acres. 5,875 SF mixed-light in six greenhouses, and 8,500 SF is outdoor in one cultivation area. One cultivation area is within a stream setback and will be relocated to an environmentally superior location. Power is provided by PGE and supplemented with a generator. The Applicant plans two harvests annually. Irrigation water is sourced from two permitted surface water diversions. Annual projected water usage is approximately 108,950 gallons. Water storage is 159,500 gallons of water storage in 36 hard-sided tanks. Cultivation materials are stored in a permitted 30 foot by 60 foot steel agricultural building or 4 foot by 4 foot shed. Cannabis plants are dried, cut, and trimmed onsite in the steel agriculture building. The Applicant proposes to construct a commercial grade processing facility and house 5-8 employees in the on-site residence. Two outbuildings on the property will be demolished.

Project Location: The project site is located in Humboldt County in the Ettersburg area, on the north and south sides of Council Madrone Lane, approximately 1.10 miles from the intersection of Wilder Ridge Toad and Council madrone Lanes, on the property known as 545 Council Madrone Lane.

Present Plan Land Use Designations: 221-201-021: Agricultural Lands (AL), Framework Plan (FRWK), Density: 160 to 20 acres per dwelling unit, Slope Stability: Low Instability (1), Moderate Instability (2)

221-171-044: Agricultural Lands (AL), Agriculture Exclusive/Prime and Non-prime Lands (AE), Framework Plan (FRWK), Density: 160 to 20 acres per dwelling unit, Slope Stability: Low Instability (1), Moderate Instability (2)

Present Zoning: 221-201-021/221-171-044: Forestry Recreation (FR) B-5

Application Number: 11832

Case Numbers: CUP-16-402, SP-18-029

Assessor Parcel Numbers: 221-201-021 and 221-171-044

Applicant

Dave Thomas
PO Box 1791
Redway, CA 95560

Owner

Thomas, David L
PO Box 1791
Redway, CA 95560

Agent

Timberland Resource Consultants
David Spinosa
165 S. Fortuna Blvd
Fortuna, CA 95540

Environmental Review: The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per Class 3, 15303 (New Construction or Conversion of Small Structures) and Class 4, 15304 (Minor Alterations to Land) of the California Environmental Quality Act (CEQA) Guidelines.

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

Major Issues: None.

DAVE THOMAS

Case Numbers: CUP-16-402, SP-18-029

Assessor's Parcel Numbers: 221-201-021 and 221-171-044

Recommended Commission Action

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

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

Executive Summary: Dave Thomas Medical Marijuana Cultivation Project (Project) seeks approval of a Conditional Use Permit in compliance with the County Commercial Medical Marijuana Land Use Ordinance (CMMLUO) and the Medical Cannabis Regulation and Safety Act (MCRSA) to cultivate existing 8,500 SF outdoor and 5,875 SF mixed-light commercial medical cannabis located on one legal parcel comprised of Assessor's Parcel Numbers (APN) 221-201-021 and 221-171-044, which total approximately 33 acres in size. The applicant also seeks approval of a Special Permit in compliance with Section 314-61.9 of the Streamside Management Area Ordinance for two surface water diversions.

Irrigation water is provided by two surface water diversions. The applicant has obtained water rights for one diversion and the second is in process with the State Water Resource Control Board Division of Water Rights. The diversions are operated according to an agreement with California Department of Fish and Wildlife (CDFW). These diversions are developed within a Streamside Management Area (SMA), and this Conditional Use Permit and Special Permit contains approval findings for this development as required by Section 314-61.4.5 of the Humboldt County Code for development within an SMA. The CDFW determinations form the basis for staff's findings pursuant to the referenced code section. Additionally, the applicant is enrolled in the North Coast Regional Water Quality Control Board (NCRWQCB) Commercial Cannabis Waste Discharge Regulatory Program as a Tier 2 Discharger. As part of that registration, a Water Resource Protection Plan was prepared and site remediation and monitoring will be conducted.

The project has three mixed light cultivation areas and one outdoor cultivation area. Cultivation Site 1 is located approximately 70' away from the head of a Class III watercourse. Cultivation Site 2 is located approximately 110' away from the head of Class III watercourse. Buffers around Cultivation Site 1 & 2 are at natural slope with native vegetation. The greenhouse at Cultivation Site 3 is located approximately 75' away from a Class II watercourse, 25' within the minimum riparian buffer. Approximately 25' of the 100' setback has been impacted by grading. The remaining 75' remains at natural slope with native vegetation. The area within the buffer that was buried in fill will be revegetated with native plants. The Discharger shall remove the greenhouse at Cultivation Site 3 and restore the area within the stream buffer. The greenhouse is proposed to be relocated to an environmentally superior location. The Discharger shall take measures, addressed under Standard Condition A.1.b., to mitigate potential sediment delivery from this cultivation site.

Water storage facilities provide adequate water resources for the 150-day forbearance period from surface water diversions at POD 1, the Class II stream, from May 15th to October 15th, or

the 61-day forbearance period from August 15th to October 15th at POD 2, as stated in the Lake and Stream Bed Alteration Agreement (LSAA) with California Department of Fish and Wildlife (CDFW) (Agreement 1600-2015-0483). The Discharger has approximately 152,000- gallons of dedicated water storage for cultivation (18 x 5,000-gallon tanks, 8 x 4,750-gallon tanks, 8 x 3,000-gallon tanks). Water conservation measures include planting in beds, top soil mulching, drip line irrigation, and hand watering.

The applicant proposes to construct a new processing building that will comply with County Building Code. Drying and cutting are currently occurring in a 30' by 60' permitted agricultural building. Cannabis is hand trimmed. The applicant intends to have 5-8 employees and will provide on-site housing in the existing residence.

Environmental review for this Project was conducted and based on the results of that analysis, staff believes the existing cultivation can be considered as "Existing Facilities" as defined by Section 15301 of the California Environmental Quality Act (CEQA) Guidelines for the existing cultivation activities that are occurring at the time the exemption is granted; the construction of the processing building can be considered "New Construction or Conversion of Small Structures" as defined by Section 15303 of the CEQA Guidelines, and the improvements described in the Water Resource Protection Plan and the relocation of a cultivation site can be considered a "Minor Alteration to Land" as defined by Section 15304 of the California Environmental Quality Act (CEQA) Guidelines because it consists of "minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees except for forestry or agricultural purposes." The restoration of the former cultivation area can be considered as a "Small Habitat Restoration Project" as defined by Section 15333 of the CEQA Guidelines.

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

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

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

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

**Case Numbers: CUP-16-402, SP-18-029
Assessor Parcel Numbers: 221-201-021 and 221-171-044**

Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the Dave Thomas LLC Conditional Use Permit and Special Permit request.

WHEREAS, Dave Thomas submitted an application and evidence in support of approving a Conditional Use Permit to cultivate cannabis located on APNs 221-201-021 and 221-171-044, to consist of 5,875 SF of mixed-light cultivation in six existing greenhouses and 8,500 SF of outdoor cultivation, and a Special Permit in compliance with the Streamside Management Area Ordinance for two surface water diversions and the relocation of a greenhouse out of the Streamside Management Area and the former site will be remediated; and

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

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

WHEREAS, Attachment 2 in the Planning Division staff report includes evidence in support of making all of the required findings for approving the proposed Conditional Use Permit (Case Numbers CUP16-402 and SP-18-029); and

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

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

1. The project is categorically exempt from environmental review pursuant to Class 3, Section 15303 (New Construction or Conversion of Small Structures), Class 4, Section 15304 (Minor Alterations to Land) and Class 33, Section 15333 (Small Habitat Restoration Projects) of the California Environmental Quality Act (CEQA) Guidelines; and
2. The findings in Attachment 2 of the Planning Commission staff report support approval of Case Numbers CUP16-402 and SP-18-029 based on the submitted substantial evidence; and
3. Conditional Use Permit CUP-16-402 and Special Permit SP-18-029 are 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 seconded by Commissioner ____.

AYES: Commissioners:

NOES: Commissioners:

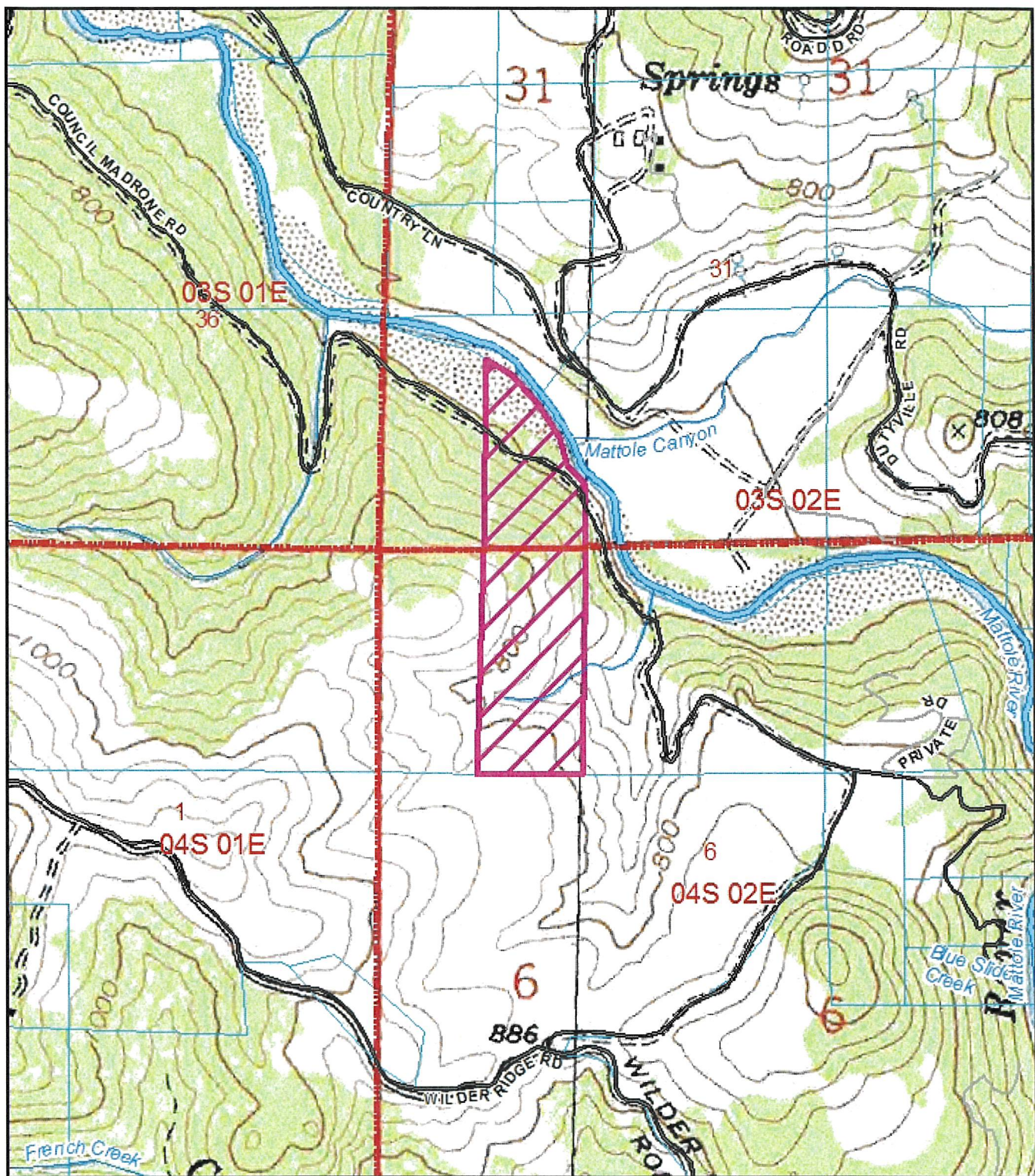
ABSTAIN: Commissioners:

ABSENT: Commissioners:

DECISION:

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

John Ford, Director
Planning and Building Department



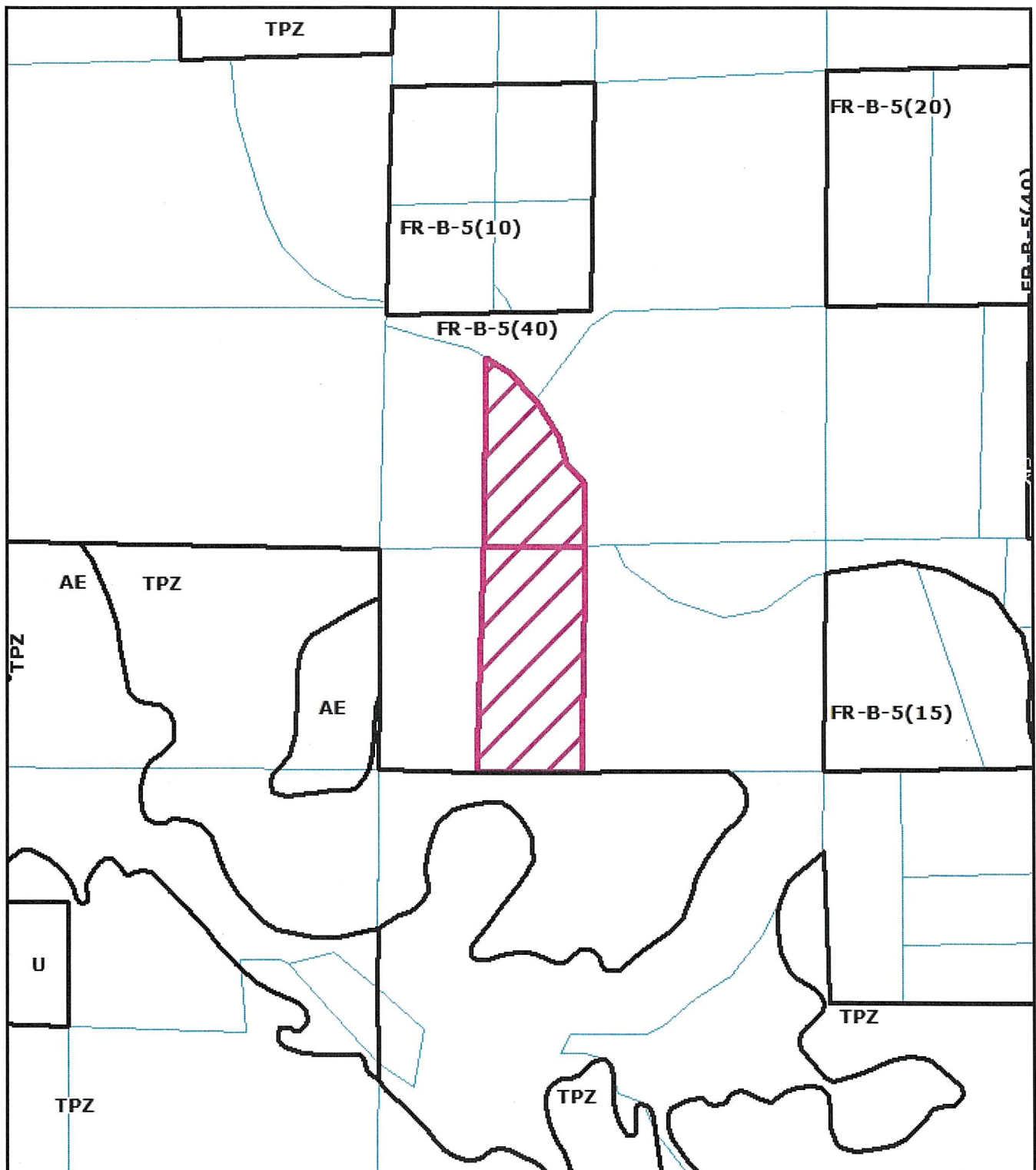
**TOPO MAP
PROPOSED DAVE THOMAS
ETTERSBURG AREA
CUP-16-402
APN: 221-201-021 & 221-171-044
T04S R02E S6 & T03S R02E S31 HB&M (HONEYDEW)**

Project Area = 


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

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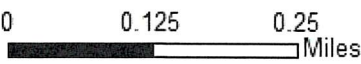
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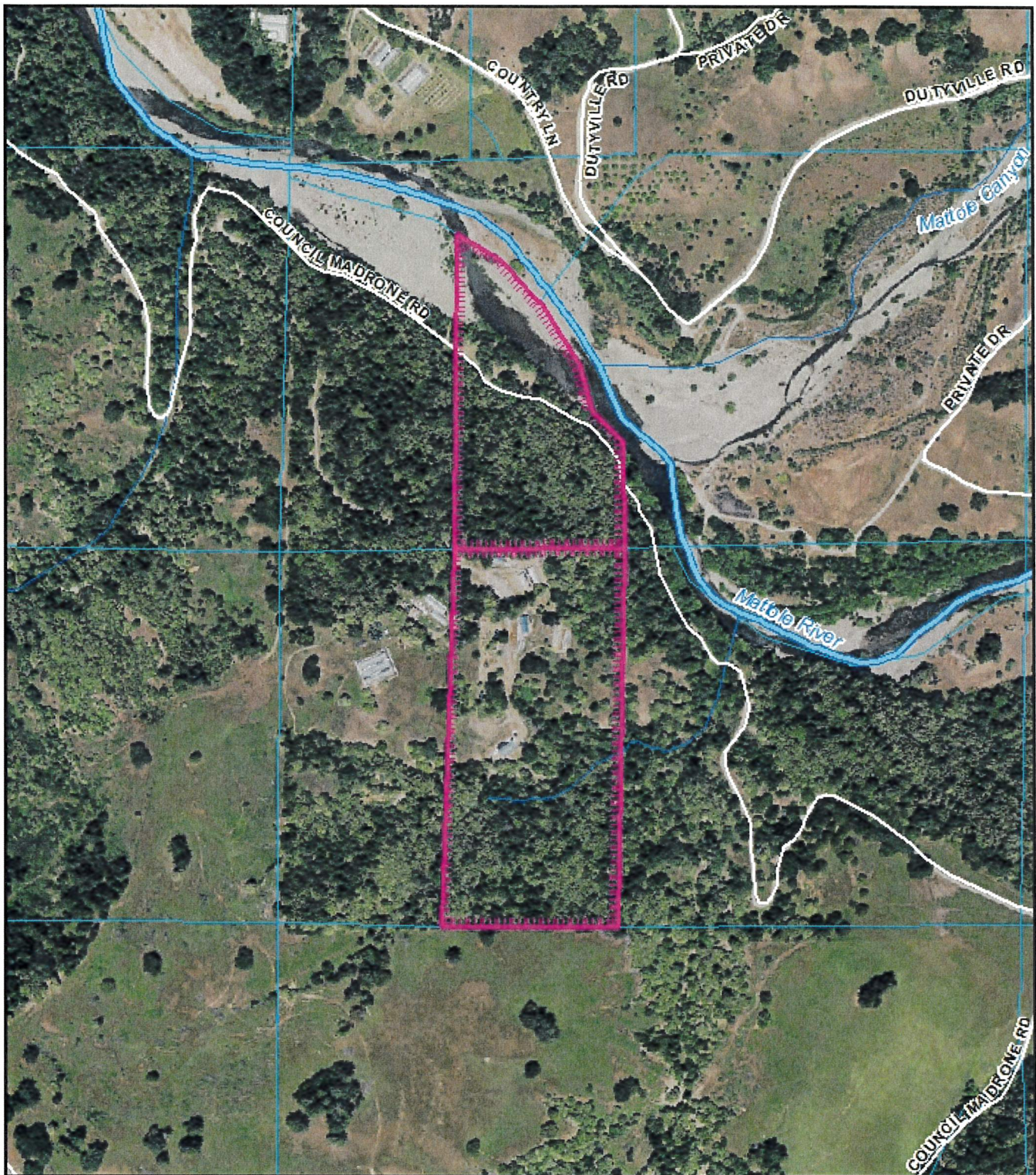



**ZONING MAP
PROPOSED DAVE THOMAS
ETTERSBURG AREA
CUP-16-402
APN: 221-201-021 & 221-171-044
T04S R02E S6 & T03S R02E S31 HB&M (HONEYDEW)**

Project Area = 

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**AERIAL MAP
PROPOSED DAVE THOMAS
ETTERSBURG AREA
CUP-16-402**

APN: 221-201-021 & 221-171-044

T04S R02E S6 & T03S R02E S31 HB&M (HONEYDEW)

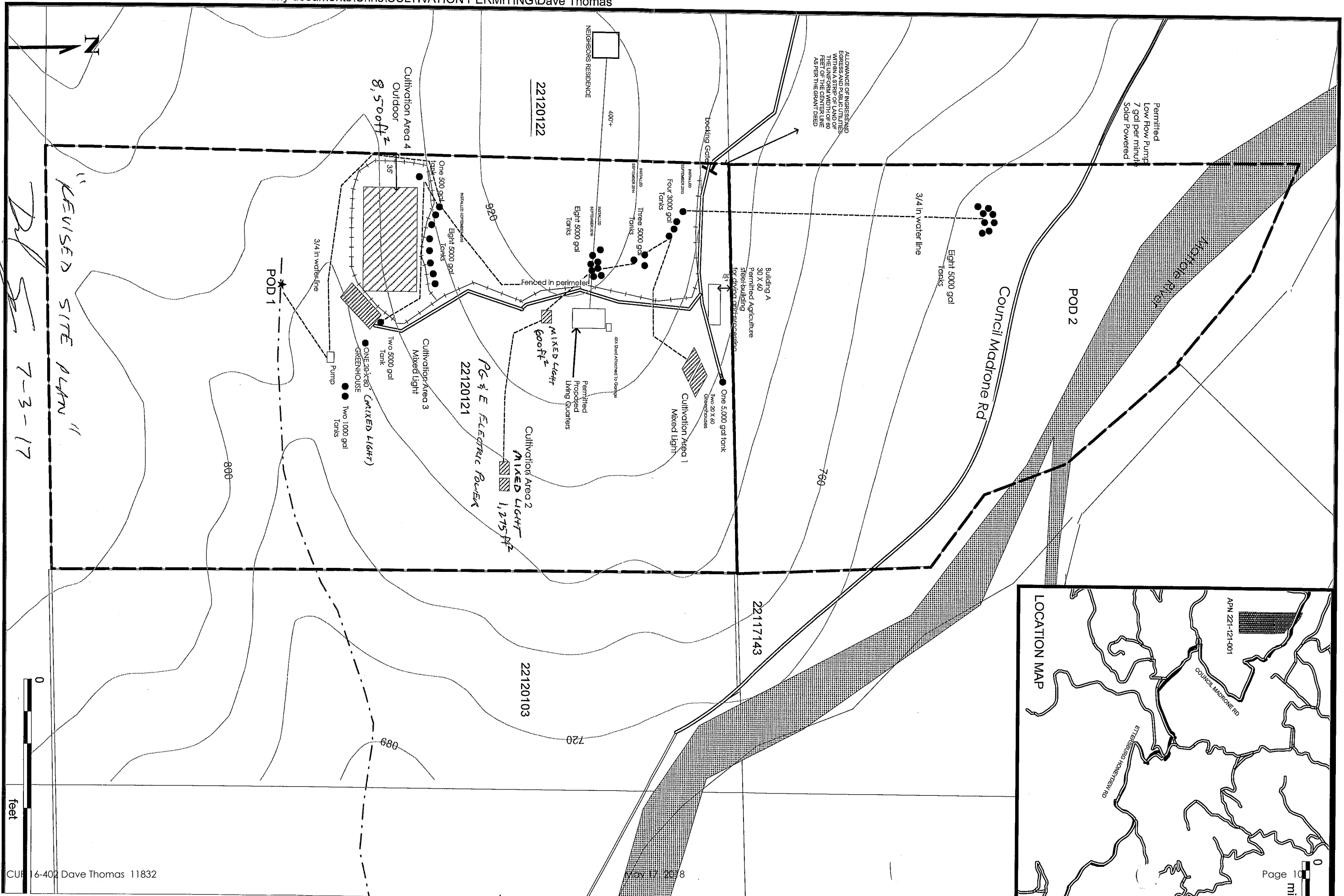
Project Area = 

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



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Feet

HEADING SOUTH ON US HWY 101



ATTACHMENT 1

RECOMMENDED CONDITIONS OF APPROVAL

APPROVAL OF THE CONDITIONAL USE PERMIT IS CONDITIONED ON THE FOLLOWING TERMS AND REQUIREMENTS WHICH MUST BE SATISFIED BEFORE THE PROVISIONAL CANNABIS CULTIVATION PERMIT CAN BE FINALIZED.

1. **Within 60 days of the effective date of permit approval**, the applicant shall execute a Compliance Agreement with the Humboldt County Planning Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #2 –18. 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 relocation of cultivation area 3 shall be to a site on slopes less than 15%, shall not require the removal of timber, shall be documented by a qualified professional to be an environmentally superior location, and shall be a minimum of 200 feet from the outer edge of the riparian border or the top of the bank whichever is greater.
3. The applicant shall install water meters to better document usage, and shall install float-valves on appropriate storage tanks to prevent overflowing and unnecessary diversion of water.
4. The Applicant shall submit a Timberland Conversion Evaluation Report for all existing cultivation areas and facilities, prepared by a Registered Professional Forester, to the County and Cal-Fire. The applicant shall consult with the County and Cal-Fire regarding remedial actions necessary to bring the conversion area(s) into compliance with provisions of the Forest Practices Rule.
5. The applicant shall secure permits for all structures related to the cannabis cultivation and other commercial cannabis activity. The plans submitted for building permit approval shall be consistent with the project description and approved project site plan. A letter or similar communication from the Building Division verifying that all structures related to the cannabis cultivation are permitted will satisfy this condition.
6. The approved building plans shall meet all applicable fire codes, including fire suppression infrastructure requirements deemed necessary for the project by the Building Inspection Division. Sign off on the Occupancy Permit by the Building Division shall satisfy this requirement.
7. The applicant shall obtain an encroachment permit from the Department of Public Works for required driveway apron improvements. The exact location and quantity of driveways shall be approved by the Department at the time the applicant applies to the Department of Public Works for an Encroachment Permit. This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit or Public Works approval for a business license.
8. The applicant shall secure the approval of the Division of Environmental Health and the Regional Water Quality Control Board for the on-site sewage disposal system prior to the issuance of the building permit. A letter from those agencies indicating approval has been

issued will satisfy this condition.

9. The applicant shall comply with all measures of the Lake and Streambed Alteration Agreement Notification #1600-2015-0483-R1.
10. The applicant shall implement all 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 Cannabis Waste Discharge Regulatory Program. A letter or similar communication from the RWQCB verifying that all their requirements have been met will satisfy this condition.
11. Prior to issuance of any building or construction permits a revised site plan shall be prepared by the applicant and reviewed and approved by the Planning Division showing:
 - a) Adequate off-street parking,
 - b) Compliance with emergency vehicle access requirements, and
 - c) Setbacks between project activities and wetlands, surface waters and Streamside Management Areas.
 - d) Setbacks of cultivation areas to property lines.
 - e) Revised Pond or water storage.
12. Prior to issuance of any building or construction permits a grading, erosion and sediment control plan shall be prepared by a qualified engineer. The plan shall identify the cubic yards of all grading that has been done and any proposed grading.
13. Prior to any ground-disturbance or the issuance of any permits, a qualified biologist shall survey the project site and identify the locations of all wetlands, springs, seeps, and riparian areas, or plants with a State Rare Plant Rank of 1 or 2. A 150 foot buffer around all identified habitats shall be staked in the field and shown on the revised site plan. No improvements or other activities are allowed within the 150 foot setback area. This shall be reflected in the operations plan.
14. The Applicant shall obtain an appropriative water right from the State Water Resources Control Board for water storage related to irrigation uses.
15. Noise generated from generators shall not exceed 50 decibels (dB) at 100 feet from the generator or at the edge of the nearest forest habitat, whichever is closer, as required by Section 314-55.4.11(o) of the Humboldt County Code. Prior to issuance of a building permit or the initiation of cultivation activities, whichever occurs first, the applicant shall provide documentation from a qualified professional demonstrating that the generators conform to the specified standard. Should the applicant propose to achieve noise attenuation by placing the generators inside a building(s), the applicant shall secure a building permit prior to construction.
16. If applicable, the Applicant shall secure permits from the North Coast Unified Air Quality Management District. A letter or similar communication from the North Coast Air Quality Management District verifying that all their requirements have been met and/or no additional permitting is required will satisfy this condition.
17. The Property Owner shall execute and file with the Planning Division the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the HCC and available at the Planning Division.

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.

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

1. All components of project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, and these conditions of approval. Changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan. If offsite processing is chosen to be the preferred method of processing, this permit shall be modified to identify the offsite licensed facility.
2. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CMMLUO and MAUCRSA, as applicable to the permit type.
3. If operating pursuant to a written approved compliance agreement, permittee shall abate or cure violations at the earliest feasible date, but in no event no more than two (2) years from the date of issuance of a provisional clearance or permit. Permittee shall provide plans for curing such violations to the Planning & Building Department within one (1) year of issuance of the provisional clearance or permit. If good faith effort towards compliance can be shown within the two years following the issuance of the provisional clearance or permit, The Planning Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow for additional time to meet the outstanding requirements.
4. Possession of a current, valid required license, or licenses, issued by any agency of the State of California in accordance with the MAUCRSA, and regulations promulgated thereunder, as soon as such licenses become available.
5. Compliance with all statutes, regulations and requirements of the California State Water Resources Control Board and the Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration, as applicable.
6. Confinement of the area of cannabis cultivation, processing, manufacture or distribution to the locations depicted on the approved site plan. The commercial cannabis activity shall be set back at least 30 feet from any property line, and 600 feet from any School, School Bus Stop, Church or other Place of Religious Worship, or Tribal Cultural Resources, except where a reduction to this setback has been approved pursuant to Section 55.4.11(d).
7. Maintain enrollment in Tier 1, 2 or 3, certification with the North Coast Regional Water Quality Control Board (NCRWQCB) Order No. R1-2015-0023, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
8. Comply with the terms of any applicable Streambed Alteration (1600) Permit obtained from the Department of Fish & Wildlife.

9. Consent to an annual on-site compliance inspection, with at least 24 hours prior notice, to be conducted by appropriate County officials during regular business hours (Monday – Friday, 9:00 am – 5:00 pm, excluding holidays).
10. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
11. Pay all applicable application, review for conformance with conditions and annual inspection fees.
12. Storage of Fuel - Fuel shall be stored and handled in compliance with applicable state and local laws and regulations, including the County of Humboldt's CUPA program, and in such a way that no spillage occurs.
13. The Master Log Books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
14. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).
15. Participate in and bear costs for permittee's participation in the Medical Cannabis Track and Trace Program administered by the Humboldt County Agricultural Commissioner.
16. The use of monofilament netting for all uses, including but not limited for erosion control, shall be prohibited. Geotextiles, fiber rolls, and other erosion control measure materials shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves to minimize the risk of ensnaring and strangling wildlife.
17. Should any wildlife be encountered during to work activities, the wildlife shall not be disturbed and be allowed to leave the work site unharmed.
18. All refuse shall be contained in wildlife proof containers, at all times, and relocated to an authorized waste management facility, in compliance with State and local laws, on a regular and on-going basis.

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:
 - (a) Emergency action response planning as necessary;
 - (b) Employee accident reporting and investigation policies;
 - (c) Fire prevention;
 - (d) Hazard communication policies, including maintenance of material safety data sheets (MSDS);
 - (e) Materials handling policies;
 - (f) Job hazard analyses; and
 - (g) Personal protective equipment policies, including respiratory protection.
 - II. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
 - (a) Operation manager contacts;
 - (b) Emergency responder contacts;
 - (c) Poison control contacts.
 - III. At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations. Plumbing facilities and water source must be capable of handling increased usage without adverse consequences to neighboring properties or the environment.
 - IV. On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.
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.
24. Term of Commercial Cannabis Activity Special Permit. Any Commercial Cannabis Cultivation 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 Special Permit, immediately upon the expiration of any appeal period, or final determination of the appeal if an appeal has been timely filed pursuant to section 55.4.13.

25. 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. .
26. Transfers. Transfer of any leases or permits approved by this project is subject to the review and approval of the Planning Director for conformance with CMMLUO eligibility requirements, and agreement to permit terms and acknowledgments. The fee for required permit transfer review shall accompany the request. The request shall include the following information:
- a. Identifying information for the new Owner(s) and management as required in an initial permit application;
 - b. A written acknowledgment by the new Owner in accordance as required for the initial Permit application;
 - c. The specific date on which the transfer is to occur; and
 - d. Acknowledgement of full responsibility for complying with the existing Permit; and

e. Execution of an Affidavit of Non-diversion of Medical Cannabis.

27. 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 COA #1 has been executed and the corrective actions pursuant to the agreement are being undertaken. Once building permits have been secured and/or the use initiated pursuant to the terms of the agreement, the use is subject to the Permit Duration and Renewal provisions set forth in Condition of Approval #24 of the On-Going Requirements /Development Restrictions, above.
3. If cultural resources are encountered during construction activities, the contractor on site shall cease all work in the immediate area and within a 50 foot buffer of the discovery location. A qualified archaeologist as well as the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

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

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

and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will send a bill to the Applicant for all staff costs incurred for review of the project for conformance with the conditions of approval. All Planning fees for this service shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.

6. 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 EVIDENCE SUPPORTING THE REQUIRED FINDINGS

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

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

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

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

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

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Land Use Chapter 4 Land Use Designations Section 4.8	<p>Residential Agriculture (RA40): This designation applies to large lot residential uses that typically rely upon on-site water and wastewater systems. Varying densities are reflective of land capabilities and/or compatibility issues. General and Intensive agriculture are allowed uses.</p> <p>Density range is 10 -40 acres/unit.</p>	<p>The Applicant is proposing permit an existing commercial cannabis cultivation operation consisting of 5,875 SF of mixed-light in six greenhouses, and 8,500 SF of outdoor area on lands designated as Residential Agriculture. Intensive agriculture and agriculture product processing are allowable use types for this designation.</p>
Circulation Chapter 7	<p>Goals and policies contained in this Chapter relate to a balanced, safe, efficient, accessible and convenient circulation system that is appropriate for each type of unincorporated community (C-G1,C-G2); coordinated planning design, development, operations, and maintenance between the County and other transportation system service providers (C-G3); and access for all transportation mode types with improved opportunities to move goods within, into and out of Humboldt County. (C-G4, C-G5)</p> <p>Related policies: C-P3. Consideration of Transportation Impacts in Land Use Decision Making</p>	<p>Access to the site is directly off a privately maintained road (Council Madrone Road). The applicant identified the road as developed equivalent to a road category 4 standard. Department of Public Works stated that the roadway serving the subject property is adequate to accommodate the proposed use. The project is condition upon obtaining an encroachment permit from the Department of Public Works for improvements to the driveway apron.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Housing Chapter 8	<p>Goals and policies contained in this Element seek to identify existing and projected housing needs and establish goals, policies, standards and measures for the preservation, improvement, and development of housing.</p> <p>Related policies: H-P3, Development of Parcels in the Residential Land Inventory</p>	<p>The project does not involve residential development, nor is the project site part of the Housing element Residential Land Inventory. However, the project will not preclude any future residential development. The project will not reduce the residential density for any parcel below that is utilized by the Department of Housing and Community Development in determining compliance with housing element law.</p>
<p>Conservation and Open Space Chapter 10</p> <p>Open Space Section 10.2</p>	<p>Goals and policies contained in this Chapter relate to an Open Space and Conservation Program that is complimentary to other agencies' plans and that preserves the county's unique open spaces (CO-G1, CO-G3)</p> <p>Related policies: CO-P1, Conservation and Open Space Program; CO-P12, Development Review, CO-S1. Identification of Local Open Space Plan, and CO-S2. Identification of the Open Space Action Program</p>	<p>The project can be found consistent with the Open Space and Conservation Program because the proposed project is consistent with the allowable uses of the Land Use Designations and contains a Streamside Management within the parcel boundaries. The proposed cannabis cultivation - an agricultural product - is within land planned for agricultural purposes, consistent with the use of Open Space land for management production of resources. The cultivation area within the streamside management area will be relocated (see discussion in the Biological Resources Section 10.3).</p>
<p>Conservation and Open Space Chapter 10</p> <p>Biological Resources Section 10.3</p>	<p>Goals and policies contained in this Chapter relate to mapped sensitive habitat areas where policies are applied to protect fish and wildlife and facilitate the recovery of endangered species (BR-G1, Threatened and Endangered Species, BR-G2, Sensitive and Critical Habitat, BR-G3, Benefits of Biological Resources)</p> <p>Related policies: BR-P1. Compatible Land Uses, BR-P5. Streamside Management Areas.</p>	<p>The Water Resource Protection Plan prepared for the project identified one cultivation area that is within the Stream Management Area setbacks. As a Condition of Approval of this permit, the cultivation area must be removed or relocated to outside of a minimum 150 foot buffer from the edge of the riparian habitat or top of the streambank. The disturbed area within the setback will be restored. The relocation and restoration will be planned by a qualified biologist.</p>
Conservation and Open Space Chapter 10	Goals and policies contained in this Chapter relate to the protection and enhancement of significant cultural resources,	The applicant retained Arsenault and Associates to conduct a Cultural Resources Investigation for the Project site. Arsenault conducted a records search, consulted

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Cultural Resources Section 10.6	<p>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>with the Native American Heritage Commission, local Native American tribal representatives, and other interested parties; and an intensive pedestrian field survey of the entire Project area. The report concludes that no significant archaeological or historic period cultural resources, that for the purposes of CEQA would be considered an historic resource, exist in the limits of the project area. This report was provided to the Tribal Historic Preservation Officer (THPO) of the Bear River Band of the Rohnerville Rancheria. Ongoing conditions of approval are incorporated regarding the inadvertent discovery protocol to protect cultural resources.</p>
Conservation and Open Space Chapter 10 Scenic Resources Section 10.6	<p>Goals and policies contained in this Chapter relate to the protection of scenic areas that contribute to the enjoyment of Humboldt County's beauty and abundant natural resources (SR-G1); and a system of scenic highways roadways that increase the enjoyment of, and opportunities for, recreational and cultural pursuits and tourism in the County. (SR-G2)</p> <p>Related policies: SR-S4. Light and Glare</p>	<p>The project involves mixed-light cultivation in six greenhouses and an outdoor plot. 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-SX, Light and Glare, that lighting be fully shielded, and designed and installed to minimize off-site lighting and direct light within the property boundaries</p>

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)</p> <p>Related policies: WR-P10. Erosion and Sediment Discharge; WR-42 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 Timber 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. Sites identified in the WRPP have corrective actions 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)</p> <p>Related policies: WR-IM7. Basin Plan Septic Requirements; and IS-P17. On-Site Sewage Disposal Requirements.</p>	<p>The Department of Environmental Health requires that the existing Onsite Wastewater Treatment System (OWTS) be verified by a qualified professional to meet permitting standards for the level of proposed use. An appropriately designed and sized OWTS will need to be verified installed once pending application is approved by Humboldt County Planning and Building Department. These requirements have been incorporated as conditions of approval.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Noise Chapter 13</p>	<p>Goals and policies contained in this Chapter discourage incompatible uses within communities and reduce excessive noise through the application of standards (N-G1, N-G2)</p> <p>Related policies: N-P1, Minimize Noise from Stationary and Mobile Sources; N-P4, Protection from Excessive Noise</p>	<p>A generator is only used during processing in August, running for approximately 168 hours. It is approximately 400 feet from the neighbor's residence. A gas powered pump is used to convey water from the creek diversion to storage tanks. The pump is not near any residences. Electric power is supplied by Pacific Gas and Electric Company. A second pump is powered by solar energy.</p> <p>To meet noise standards, the project is conditioned on ensuring noise generated from generators shall not exceed 50 decibels (dB) at 100 feet from the generator or at the edge of the nearest forest habitat, whichever is closer, as required by Section 314-55.4.11(o) of the Humboldt County Code. Prior to issuance of a building permit or the initiation of cultivation activities, whichever occurs first, the applicant shall provide documentation from a qualified professional demonstrating that the generator conforms to the specified standard. Should the applicant propose to achieve noise attenuation by placing the generators inside a building(s), the applicant shall secure a building permit prior to construction.</p>
<p>Safety Element Chapter 14</p> <p>Geologic & Seismic</p>	<p>Goals and policies contained in this Chapter relate to communities that are designed and built to minimize the potential for loss of life and property resulting from natural and manmade hazards; and to prevent unnecessary exposure to areas of geologic instability, floodplains, tsunami run-up areas, high risk wildland fire areas, and airport areas planned and conditioned to prevent unnecessary exposure of people and property to risks of damage or injury (S-G1, S-G2)</p> <p>Related policies: S-P11. Site Suitability, S-P7. Structural Hazards.</p>	<p>The project site is not located in a mapped Alquist-Priolo fault zone nor is subject to liquefaction. The project site is not located in a mapped Geologic hazard maps of the General Plan show the slope instability of the property to be moderate and the proposed relocated cultivation area occurs on slopes of 15% or less. As a condition of approval, the applicant must secure a grading permit and as part of the permit the applicant will, at a minimum, incorporate the standard erosion control measures enumerated in the General Plan. The project also does not pose a threat to public safety from exposure to geologic hazards.</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>Flooding</p>	<p>Goals and policies contained in this Chapter relate to the use of natural drainage channels and watersheds that are managed to minimize peak flows in order to reduce the severity and frequency of flooding. (S-G3)</p> <p>Related policies include: S-P12, Federal Flood Insurance Program; S-P13, Flood Plains; S-P15, Construction Within Special Flood Hazard Areas</p>	<p>The project property is adjacent to the Mattole River. A small portion in the northeastern corner of the project area falls within the 100-year flood zone. With the exception of Point of Diversion #2, the majority of the development related to the proposed project is located outside of the flood zone. The project site is not within a mapped dam or levee inundation area and, at approximately several miles distance from the coast, is outside the areas subject to tsunami run-up.</p>
<p>Safety Element Chapter 14</p> <p>Fire Hazards</p>	<p>Goals and policies of this Chapter encourage development designed to reduce the risk of structural and wildland fires supported by fire protection services that minimize the potential.</p> <p>Related policies: S-P19, Conformance with State Responsibility Areas (SRA) Fire Safe Regulations.</p>	<p>The parcel is in an area of High Fire rating and within the State Fire Responsibility Area where the State of California has the primary financial responsibility for the prevention and suppression of wildland fires. The project site is located within the boundaries of the Telegraph Ridge Volunteer Fire District. The applicant has 159,500 gallons of water storage and will reserve 2,500 gallons for fire protection. The operation will employ up to eight employees that will live onsite. All applicable referral agencies were referred and did not identify any issues relating to fire hazards. 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 project must meet these requirements as a Condition of Approval of this permit.</p>

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

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

Zoning Section	Summary of Applicable Requirement	Evidence That Supports the Zoning Finding
§312-1.1.2 Legal Lot Requirement	Development permits shall be issued only for a lot that was created in compliance with all applicable state and local subdivision regulations.	The two Assessor Parcels known as APN 221-201-021 and APN 221-171-044 are considered one legal parcel pursuant to Subdivision Map Act Section 66499.35(c) as the site plan for Building Permit #11-284-AOB-3 showed the parcels as one parcel. 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.

§314-7.3 Forestry Recreation (FR) §314-17.1 "B" Combining Zone	<p>Forestry Recreation (FR-B-5(40)): Intended to be applied to forested areas of the County in which timber production and recreation are the desirable predominant uses and agriculture is the secondary use, and in which protection of the timber and recreational lands is essential to the general welfare.</p> <p>B - Special Building Site: Intended to be combined with any principal zone in which lot area and yard requirements should be modified. In B-5 zones, minimum parcel size is determined as specified on zoning maps designating in any such zone.</p>	The applicant is seeking a Conditional Use Permit for an existing 14,375 square foot (SF) cannabis cultivation medical cannabis cultivation operation on a property zoned FR-B-5(40). The proposed use is specifically allowed with Conditional Use Permit in this zoning district and under Section 314-55.4.8.2.2 of the CMMLUO.
Minimum Lot Size:	One acre	Approximately 32 acres
Maximum Ground Coverage:	None specified	N/A
Minimum Lot Width:	200 feet	200 feet
Maximum Lot Depth:	None specified	N/A
Minimum Yard Setbacks:	Front: 20 feet Rear: 20 feet Side: 10 feet SRA: lot 1 acre or larger: 30 feet	Front: >30 feet Rear: >30 feet Side: >30 feet
Max. Building Height	35 feet	27 feet

§314-61.1 Streamside Management Area (SMA)	Purpose: to provide minimum standards pertaining to the use and development of land located within Streamside Management Areas (SMAs) and other wet areas (OWA) to implement the County's Open Space Element of the General Plan.	Water is diverted from an unnamed Class II tributary to the Mattole River and the Mattole River. An LSAA has been issued by CDFW to protect the SMA from being negatively impacted by the diversions. Diversions commenced after April 25, 1995 and require a Special Permit (SP) to be secured under Section 314-61.9 of the SMAO, and the approval findings of this permit are based on compliance with the conditions of the LSAA. Additionally, a greenhouse is located within the 100 foot SMA buffer and will be relocated and this area restored to predevelopment conditions.
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314-55.4 et seq. HCC: Commercial Cultivation, Processing, Manufacturing and Distribution of Cannabis for Medical Use Inland Land Use Regulation (CMMLUO)

§ 314-55.4.8.2.2	In...FR zoning districts on parcels one acre or larger, outdoor and mixed-light cultivation may be permitted.	In accordance with the referenced section the applicant has applied for the necessary CUP due to the parcel being greater than one acre in size and the cultivation area being greater than 10,000 SF combined mixed-light and outdoor.
§314-55.4.8.2.2 Criteria for approval of existing outdoor and mixed-light cultivation areas:		
§314-55.4.8.2	In all zones where cultivation is allowed consisting of timberland, the commercial cultivation of cannabis for medical use shall only be permitted within a 3-acre conversion exemption area, or non-timberland open area, subject to the conditions and limitations set forth in this Section.	A review of Google Earth imagery shows that trees were removed during the development of cultivation areas. Restoration of these areas to support timber production is a Condition of Approval of this project. The Applicant shall submit a Timberland Conversion Evaluation Report for all existing cultivation areas and facilities, prepared by a Registered Professional Forester, to the County and Cal-Fire. The applicant shall consult with the County and Cal-Fire regarding remedial actions necessary to bring the conversion area(s) into compliance with provisions of the Forest Practices Rule.
§314-55.4.8.10 Permit Limit	No more than four commercial cannabis activity permits may be issued to a single person, as defined in the referenced section.	According to records maintained by the Department, Dave Thomas, applicant, holds no other cannabis activity permits, and is entitled to four. This application is for one permit.

§314-55.4.9.1 Accessory Processing	Processing for cultivation requiring a Special Permit or Use Permit will be considered in the Use Permit application.	All commercial medical cannabis cultivated will be processed on-site in a proposed dedicated processing building. The project will employ 5-8 people who will operate according to the Processing Plan and Employee Safety Protocols. Cannabis cultivated off-site shall not be processed at the project facilities.
§314-55.4.9.4 Pre-Application Registration	Existing cultivation sites shall register with the County within 180 days of the effective date of this ordinance.	A Commercial Cannabis Registration Form for the project was filed with the Planning Division on August 2, 2016.
§314-55.4.10 Application Requirements	Identifies the Information Required for All Applications	Attachment 3 identifies the information submitted with the application, and shows all the required information was received.
§314-55.4.11 Performance Standards	Identifies the Performance Standards for Cannabis Cultivation Activities	All the applicable performance standards are included as Conditions of project approval. They are required to be met throughout the timeframe of the permit.
§314-55.4.11.c Performance Standards-Water	Compliance with all statutes, regulations and requirements of the California State Water Resources Control Board, Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration.	The applicant agrees to not divert water during the forbearance period. All water necessary for irrigation and domestic use will be put into storage while diversions are allowed. The applicant has registered the diversion with the Division of Water Rights and will apply for an appropriate permit. The applicant's total storage capacity is 159,500 gallons. Estimated annual water usage for cannabis irrigation is 109,000 gallons. The applicant is enrolled in the NCRWQB Tier 2 monitoring and reporting program. Based on the submitted evidence and the conditions of approval, the project complies with the referenced section.
§314-55.4.11.d Performance Standards- Setbacks	The area of cannabis cultivation and on-site processing shall be setback at least 30 feet from any property line, and 600 feet from any school, school bus stop, church or other place of religious worship, public park, or tribal cultural resources (TCRs).	The applicant's site plan shows that the cultivation area conforms to the 600-foot school bus stop. The site plan shows the project complies with property line setback. There are no parks as defined HCC Section 314- 55.4.7 within 600 feet of the cultivation site based on a review of aerial imagery. Nor is there a place of religious worship within 600 feet. According to the cultural resources study, there are no TCRs present on the site.

§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	<p>The primary power source for the project will be conventional grid power supplied by PG&E. A generator is used for 168 hours during the month of August to support operations.</p> <p>The cultivation area is located slightly over two miles from an activity center for the Northern Spotted Owl and is in an area that contains habitat for this species. To meet noise standards, the project is conditioned on ensuring noise generated from generators shall not exceed 50 decibels (dB) at 100 feet from the generator or at the edge of the nearest forest habitat, whichever is closer, as required by Section 314-55.4.11(o) of the Humboldt County Code. Prior to issuance of a building permit or the initiation of cultivation activities, whichever occurs first, the applicant shall provide documentation from a qualified professional demonstrating that the generators conform to the specified standard. Should the applicant propose to achieve noise attenuation by placing the generators inside a building(s), the applicant shall secure a building permit prior to construction.</p>
§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 December 14, 2016.

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

Code Section	Summary of Applicable Requirements	Evidence that Supports the Required Finding
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§312-17.1.4	The proposed development will not be detrimental to the public health, safety and welfare, and will not be materially injurious to properties or improvements in the vicinity.	The Department finds that the proposed project will not be detrimental to the public health, safety and welfare since all reviewing referral agencies have approved the proposed project design. The project as proposed and conditioned is consistent with the general plan and zoning ordinances; and the proposed project is not expected to cause significant environmental damage.
§§15301, 15303, 15304, and 15333 of CEQA	Categorically exempt from State environmental review.	CEQA Exemption Sections Class 1, 15301 (Existing Facilities), Class 3, 15303 (New Construction or Conversion of Small Structures), Class 4, 15304 (Minor Alterations to Land) and Class 33, 15333 (Small Habitat Restoration Projects), of the State CEQA Guidelines. The existing cultivation can be considered as "Existing Facilities" as defined by Section 15301 of the California Environmental Quality Act (CEQA) Guidelines for the existing cultivation activities that are occurring at the time the exemption is granted; the construction of the processing building can be considered "New Construction or Conversion of Small Structures" as defined by Section 15303 of the CEQA Guidelines, and the improvements described in the Water Resource Protection Plan and the relocation of a cultivation site can be considered a "Minor Alteration to Land" as defined by Section 15304 of the California Environmental Quality Act (CEQA) Guidelines because it consists of "minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees except for forestry or agricultural purposes." The restoration of the former cultivation area can be considered as a "Small Habitat Restoration Project" as defined by Section 15333 of the CEQA Guidelines.

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
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<p>17.1.5 Housing Element Densities</p>	<p>The proposed development shall not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law (the midpoint of the density range specified in the plan designation), except where: 1) the reduction is consistent with the adopted general plan including the housing element; and 2) the remaining sites identified in the housing element are adequate to accommodate the County share of the regional housing need; and 3) the property contains insurmountable physical or environmental limitations and clustering of residential units on the developable portions of the site has been maximized.</p>	<p>As discussed above the property was not included in the 2014 Housing Inventory because of the land use designation and zoning. It is developed with a single family residence which will remain. The project is in conformance with the standards in the Housing Element.</p>
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ATTACHMENT 3

Applicant's Evidence in Support of the Required Findings

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

1. The name, contact address and phone number(s) of the applicant. (Application form on file)
2. If the applicant is not the record title owner of parcel, written consent of 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)
4. A cultivation and operations plan that meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; and proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel, and a description of cultivation activities (outdoor, indoor, mixed light), the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. (Attached)
5. Copy of the statement of water diversion, or other permit, license or registration filed with the State Water Resources Control Board, Division of Water Rights, if applicable. (On File)
6. Description of water source, storage, irrigation plan, and projected water usage. (On file)
7. Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the North Coast Regional Water Quality Control Board demonstrating enrollment in Tier 1, 2 or 3, North Coast Regional Water Quality Control Board Order No. 2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (On file)
8. If any on-site or off-site component of the cultivation facility, including access roads, water supply, grading or terracing impacts the bed or bank of any stream or other watercourse, a copy of the Streambed Alteration Permit obtained from the Department of Fish & Wildlife. (On file)
9. If the source of water is a well, a copy of the County well permit, if available. (Not applicable)

10. If the parcel is zoned FR, U or TPZ, or involves the conversion of timberland as defined under section 4526 of the Public Resources Code, a copy of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (CAL-FIRE). Alternately, for existing operations occupying sites created through prior unauthorized conversion of timberland, evidence may be provided showing that the landowner has completed a civil or criminal process and/or entered into a negotiated settlement with CAL-FIRE. (Required as Condition of Approval)
11. Consent for onsite inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. (On file)
12. For indoor cultivation facilities, identify the source of electrical power and how it will meet with the energy requirements in section 55.4.8.2.3, and plan for compliance with applicable Building Codes. (Not Applicable)
13. Acknowledge that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed will not support diversions for irrigation. (On file)
14. Acknowledge that the county reserves the right to engage with local Tribes before consenting to the issuance of any clearance or permit, if cultivation operations occur within an Area of Traditional Tribal Cultural Affiliation, as defined herein. This process will follow current departmental referral protocol, including engagement with the Tribe(s) through coordination with their Tribal Historic Preservation Officer (THPO) or other tribal representatives. This procedure shall be conducted similar to the protocols outlined under SB 18 (Burton) and AB 52 (Gatto), which describe "government to government" consultation, through tribal and local government officials and their designees. During this process, the tribe may request that operations associated with the clearance or permit be designed to avoid, minimize or mitigate impacts to Tribal Cultural Resources, as defined herein. Examples include, but are not limited to: conducting a site visit with the THPO or their designee to the existing or proposed cultivation site, requiring that a professional cultural resources survey be performed, or requiring that a tribal cultural monitor be retained during project-related ground disturbance within areas of sensitivity or concern. The county shall request that a records search be performed through the California Historical Resources Information System (CHRIS). (On file)
15. Cultural Resources Study, Arsenault and Associates. (On File and Confidential)
16. Road Evaluation Report, August 10, 2017. (On file)
17. Dave Thomas Water Resource Protection Plan. (On file)
18. Designated Parking Site Map. (Attached)

Cultivation and Operations Plan

David Thomas
APN: 221-201-021
(with revisions 07/06/2017)



Section 1. Description of Cultivation Activities

Cultivation Practices

The Applicant cultivates cannabis in both an outdoor and mixed light setting and will pursue a combination permit covering 8,500 square feet of Outdoor cultivation area and 5,800 square feet of mixed light greenhouses (2 – 20' x 60', 1 – 20' x 80', 1 - 20' x 30' and 2 – 15' x 40'). The Applicant cultivates outdoors from May through October and concurrently cultivates in mixed light greenhouses from April to October.

Each spring the Applicant takes cuttings or clones from mother plants and rears them in outdoor and mixed light greenhouses (Cultivation Areas 1, 2 and 3) till plants are approximately 14 inches tall. Plants are grown up to 14 inches in raised beds 12 inches high by 4 feet wide. No cover crops are planted. The immature plants are then planted outdoors in pots in Cultivation Area 4 and in greenhouses in Cultivation Areas 1 and 3. Plants are raised outdoors from May through October harvested from October to November.

The Applicant uses a system of bamboo and netting to trellis plants while plants are young along with green ribbon to tie up branches to the bamboo as plants grow and heavier and risk breakage. The bamboo is stored in Building A to be reused every year, the green ribbon and netting get disposed of every winter.

The Applicant uses supplemental light to start plants flowering the first three weeks of April and then again in the first three weeks of July. Once the plants have been forced into flowering the Applicant discontinues supplemental lighting inside the greenhouse. The Applicant uses a manual lever to drape a black-out tarp over the greenhouse, at regular intervals.

Power poles and a power distribution line run through the property providing PG&E on-grid power to Cultivation Areas 1 and 3.

Section 2. Schedule of Activities During Each Month, Including Projected Generator Use (hours)

January: Cleaning/maintenance. Nursery and rearing Area 3 - 252 hours PG&E.

February: Planting and rearing in greenhouses, Areas 1,2 and 3 - 378 hours PG&E.

March: Planting and rearing in greenhouses, Areas 1,2 and 3 - 378 hours PG&E.

April: Planting and rearing in greenhouses, Areas 1,2 and 3 - 1008 hours PG&E.

May: Planting and rearing in greenhouses, Areas 1,2 and 3 - 1008 hours PG&E.

No generator use; all power from PG&E.

Outdoor cultivation begins Cultivation Area 4.

June: Continue cultivation all areas. No lights or fans.

July: First harvest Continue cultivation all areas. No lights or fans.

August: Planting with existing cuttings, Areas 1 and 3. Planting and rearing cultivation area 2. 1st week, 168 hours of generator. Outdoor cultivation Area 4.

September: Continue cultivation, Processing begins. Rotating and exhaust fans. 112 hours of PG&E.

October: Continue cultivation all areas, Processing begins. Rotating and exhaust fans. 112 hours of PG&E.

November: Processing, complete work November 15th. Rotating and exhaust fans. 112 hours of PG&E.

December: No activity.

Section 3. Mixed Light Cultivation Cycles

Greenhouses

The Applicant has two mixed light cultivation cycles while running a greenhouse in Cultivation Area 3 almost year-round. The Applicant utilizes 6 Mixed Light Greenhouses, two (2) - 20' x 60', one (1) 20' x 80', (2) -15' x 40' and (1) – 20' x 30'. The first cycle is from April to July, the second cycle is from roughly August to October.

The first cycle the Applicant uses supplemental light to start plants flowering the first three weeks of April and then greenhouses in black-out till July 15th and harvest in July 25th. The second cycle starting August 1st the Applicant raises 24 inch cuttings with one week of light, greenhouses are in black-out till September 15th.

The greenhouses shall be shielded so that little to no light escapes at a level that is visible from neighboring properties between sunset and sunrise .A black out tarp and or other suitable measures will be designed to regulate light spillage onto neighboring properties resulting from backlight, uplight, or glare minimize from the greenhouse and reduce light pollution to be in compliance with the International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1.

Equipment

Cultivation Area 1: Two 54-inch exhaust fans, 6 rotator fans, 25 T5-CFL lights in each greenhouse, 54 watts each.

Cultivation Area 2: 10 lights 54 watts each 10 lights in each greenhouse 1st week.

Cultivation Area 3: 10 lights 54 watts each 10 lights as well as twelve (12) Gavita 600 watt lights, hung on 2x4s with eye hooks, are used for raising the mother plants in the Mixed Light Greenhouse in Cultivation Area 3.

Section 4. Description of Water Source, Storage, Irrigation Plan, and Projected Water Usage

Water Source

Under an agreement with the California Department of Fish and Wildlife (CDFW), the Applicant sources water from two water diversions. Point of Diversion One (POD-1) on APN 221-201-021, is fed from an unnamed class II stream and tributary to the Mattole River. Point of Diversion Two (POD-2), is located on the APN 221-171-044 and fed from the Mattole River. Water will be diverted at no more than a maximum rate of 5 gallons per minute.

Water Storage

Water for cultivation is stored in a series of Norwesco brand, above ground, vertical water storage containers. The containers are located on flat level ground in the western portion of the parcel. Water is stored in the following volumes and quantities: Twenty-nine (29) 5000-gallon water tanks, four (4) 3000-gallon water tanks, two (2) 1000-gallon water tanks, and one (1) 500-gallon water tank for a total of 159,500 gallons of water storage. All storage tanks are equipped with a float valve to shut off diversion when tanks are full to prevent overflow from being diverted when not needed.

Irrigation Plan

The Applicant uses gravity flow drip irrigation with flow regulated by timers. Water is applied at agronomic rates and carefully monitored. Drip irrigation may be supplemented by hand watering if needed. Implementing water conservation measures, irrigating at agronomic rates, applying fertilizers at agronomic rates and applying chemicals according to the label specifications, and maintaining stable soil and growth media should serve to minimize the amount of runoff and the concentration of chemicals in that water.

Water for irrigation is connected through a series of planned water lines and water storage containers. Storage containers are filled through pumping or gravity fed diversion. To fill water storage containers, water from POD-1 is diverted through a ¾ inch poly-flex water line to two (2) 1000-gallon water storage tanks. From this location it

is pumped up to eight (8) 5000-gallon water tanks. Water for the eight 5000-gallon water tanks is regulated and released through the float valve system. From these eight water tanks a ¾ inch water line drops to fill a 500-gallon tank and provide water for irrigating Cultivation Area 4. From the same eight 5000-gallon tanks, water drops through a ¾ water line to fill two 5000-gallon tanks and provide water for Cultivation Area 3.

From the first eight 5000-gallon water storage tanks, water then travels along a ¾ inch poly-flex water line up to eight more 5000-gallon water storage tanks which provide water for Cultivation Area 2, and then to three (3) 5000-gallon and four (4) 3000-gallon water tanks to provide water for Cultivation Area 1.

In the event that irrigation runoff occurs, measures shall be in place to treat, control, and contain the runoff to minimize the pollutant loads in the discharge. Irrigation runoff shall be managed so that any entrained constituents, such as fertilizers, fine sediment and suspended organic particles, and other oxygen consuming materials are not discharged to nearby watercourses.

Per the agreement with CDFW, the Applicant has installed sufficient water storage for diversion from POD-2. Water is diverted from POD-2, on APN 221-171-044, and through a ¾ inch poly-flex line gravity fed to four (4) 3000-gallon water storage tanks for irrigation on the Cultivation Areas.

Water Usage

The Applicant has an efficient water usage plan designed to conserve as much water as possible. Watering can occur once every 3 days, or once every 4 days, depending on plant size and need.

Water usage for cultivation activities varies by month with minimal usage during the early part of the year, increasing in May through October, and dropping back down in November and December (*see Table 1 – Cultivation and Water Usage*). Estimated usage is as follows: January to April approximately - 450 gallons a month, May 10,625 – gallons a month, June through September – 21,250 gallons a month, October – 10,625 gallons a month, November and December – 450 gallons a month.

Table 1 - Cultivation and Water Usage

Month	Stage of Cultivation				Cultivation Space per Stage	Water Usage
	Flowering	Cloning	Vegging	Harvesting		
January		X			From Cultivation Area 3 2 Greenhouses (16x60)–1920 sq. ft.	450 gallons/month
February		X			From Cultivation Area 3 2 Greenhouses (16x60)–1920 sq. ft.	450 gallons/month
March		X			From Cultivation Area 3 1 Greenhouses (20x80)–1600 sq. ft.	450 gallons/month
April	X[*ML]	X	X		From Cultivation Area 3 1 Greenhouses (20x80)–1,600 sq. ft.	450 gallons/month
May	X[*ML]		X		Cultivation Area 1- 2,400 sq. ft. Cultivation Area 2 - 768 sq. ft. Cultivation Area 3 – 1,600 sq. ft. Cultivation Area 4 – 16,000 sq. ft.	10,625 gallons/month
June	X[*ML]		X		Cultivation Area 1- 2,400 sq. ft. Cultivation Area 2 - 768 sq. ft. Cultivation Area 3 – 1,600 sq. ft. Cultivation Area 4 – 16,000 sq. ft.	21,250 gallons/month
July	X[*ML]		X	X	Cultivation Area 1- 2,400 sq. ft. Cultivation Area 2 - 768 sq. ft. Cultivation Area 3 – 1,600 sq. ft. Cultivation Area 4 – 16,000 sq. ft.	21,250 gallons/month
August	X[*ML]		X		Cultivation Area 1- 2,400 sq. ft. Cultivation Area 2 - 768 sq. ft. Cultivation Area 3 – 1,600 sq. ft. Cultivation Area 4 – 16,000 sq. ft.	21,250 gallons/month
September	X[*ML]		X		Cultivation Area 1- 2,400 sq. ft. Cultivation Area 2 - 768 sq. ft. Cultivation Area 3 – 1,600 sq. ft. Cultivation Area 4 – 16,000 sq. ft.	21,250 gallons/month
October				X	Cultivation Area 1- 2,400 sq. ft. Cultivation Area 2 - 768 sq. ft. Cultivation Area 3 – 1,600 sq. ft. Cultivation Area 4 – 16,000 sq. ft.	10,625 gallons/month
November		X[*ML]		X	From Cultivation Area 3 1 Greenhouses (20x80)–1,600 sq. ft.	450 gallons/month
December		X[*ML]		X	From Cultivation Area 3 1 Greenhouses (20x80)–1,600 sq. ft.	450 gallons/month

*ML – Mixed Light

Section 5. Soil Management

Soil for cultivation is either in beds in greenhouses or in the full sun outdoor cultivation area. Dr. Earth, OMRI listed, All Purpose fertilizer is re-amended into the soil and fluffed. Soil is stored in existing beds and re-amended in both Mixed Light and Outdoor cultivation areas, imported soil for cultivation purposes is generally minimized. When necessary, exhausted soil shall be composted on flat level ground, outside of, and more than 150 feet from a watercourse. Soil bags and other garbage are collected, contained, and disposed of at an appropriate facility, including for recycling where available.

Fertilizers, potting soils, compost, and other soils and soil amendments are stored in locations and in a manner in which they cannot enter or be transported into surface waters and such that nutrients or other pollutants cannot be leached into groundwater.

Section 6. Description of Site Drainage, Including Runoff and Erosion Control Measures

One unnamed drainage occurs on site, with a class II watercourse. No run-off from cultivation watering flows into the ground. Timberland Resource Consultants' third party evaluation did not observe any discharge to watercourses during recent site visits. A subsequent WRPP will be prepared to bring the property into compliance. Any minor erosion will be addressed during the WRPP and evaluated further during winter months.

Cannabis cultivation occurs at least 100 feet away from the Class II watercourse, per Water Board's specifications (*see Site Plan*). All poly-flex irrigation waterlines are anchored, located up and out of drainages, and sited in a responsible way so as not to impede water flow through stream channels.

Section 7. Measures Taken to Ensure Protection of Watershed and Nearby Habitat

The applicant is enrolled in the Regional Water Quality Control Board's Waiver of Waste Discharge program. A Water Resource Protection Plan (WRPP) has not been prepared, however Timberland Resource Consultants has determined that the cultivation areas are outside of the Humboldt County Streamside Management Areas per Order R1-2015-0023. A WRPP will be prepared to bring the parcel into compliance.

Mixed Light greenhouses (located in Cultivation Areas 1, and 3) shall be shielded so that little to no light escapes at a level that is visible from neighboring properties between sunset and sunrise. A black out tarp and or other suitable measures will be designed to regulate light spillage onto neighboring properties resulting from backlight, uplight, or glare minimize from the greenhouse and reduce light pollution to be in compliance with the International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1.

Section 8. Protocols for Proper Storage and Use of Fertilizers, Pesticides, and Regulated Products

Storage

All pesticides, soil amendments, and fertilizers are stored in Building A (*see Site Plan*) in their original containers and with original product labels on storage racks or in the 4 x 4 shed connected to the garage. Bagged and boxed materials are stored on pallets and will not be allowed to accumulate on the ground.

Usage and Regulated Products

Fertilizers and soil amendments are applied and used per packaging instructions and at proper agronomic rates. Cultivation areas are maintained so as to prevent nutrients from leaving the site during the growing season and post-harvest.

The Applicant only utilizes products not illegal to use on cannabis. The main products the Applicant uses as AzaMax and Dr. Earth. AzaMax a natural pest control (*see attached MSDS*). The Applicant will protect workers from exposure to pesticides and follow appropriate State pesticide use guidelines. The pest control is mixed with water and applied using a back pack sprayer. Workers wear a full body Tyvek protective suit and air canister mask. Starting in May, pest control is applied to the Mixed Light cultivation areas every three days stopping in July and September, then dropping to twice a week.

Petroleum products and other chemicals are stored in their original container on shelves in Building A.

Section 9. Processing Plan & Employee Safety Protocols

Processing

The Applicant is currently determining the location for the correct building for processing which will be brought up to Humboldt County building code standards. Drying and cutting are currently occurring in Building A (*see attached Site Plan*). Cannabis trimming is done in house, by hand. This occurs at the end of July for first mixed light cycle and then again in the end of October and November for the second mixed light cycle and outdoor cultivation.

The Applicant intends to have 5-8 employees working on site. Processing operations will be maintained in a clean and sanitary condition including all work surfaces and equipment, this includes clean tables, chairs, and lamps.

To prevent mildew growth on cannabis, the Applicant uses dehumidifiers and fans along with spraying Azamax during cultivation. Employees handling cannabis will have access to facemasks and gloves to do their job function. Employees will wash their hands sufficiently or use gloves during processing. Fresh drinking water is provided through a water delivery service. An emergency contact list and safety training will be provided for all employees.

The Applicant will provide on-site housing for employees located in Proposed Living Quarters (*see attached Site Plan*). This building has been permitted see attached permit document from Humboldt County Planning and Building. To minimize traffic on the property roads the Applicant will have employees park towards the front of the property.

Storage sheds

Building A and 4x4 shed are the current drying area.

Bathroom

The Applicant currently has two permitted bathrooms with indoor permitted plumbing along with septic and leach fields. The bathroom is currently located in Proposed Living Quarters indicated on the Site Plan.

Safety Protocols

David Thomas wants to keep all employees working in the safest possible environment. To achieve this goal, employees must do their part by following these safety rules.

1. All persons shall follow these practices and render every possible aid to safe operations.
2. Horseplay, scuffling, fighting and other acts which tend to have an adverse influence on the safety or well-being of the employees are prohibited.

3. Work shall be well planned and supervised to prevent injuries in the handling of materials and in working together with equipment.
4. During trimming, keep hands out of the line of the trimming scissors.
5. Keep your work area clean, free of debris, electrical cords and other hazards.
6. Immediately clean up spilled liquids.
7. Always notify all other individuals in your area who might be endangered by the work you are doing.
8. Do not operate equipment that you are not familiar with. Do not attempt to use such equipment until you are fully trained and authorized.
9. Do not block exits, fire doors, aisles, fire extinguishers, first aid kits, emergency equipment, electrical panels, or traffic lanes.
10. Do not leave tools, materials, or other objects on the floor that might cause others to trip and fall.
11. Do not stretch any cords across aisles that may present a tripping hazard.
12. Always follow safe lifting procedures when lifting any object and get help for heavy loads.
 - Bend your knees, not your back.
 - Keep the load close to body.
 - Keep your back straight.
 - Lift with your legs. Do not lift and twist.

EMERGENCY PROCEDURES

In Case of a Fire

- Call 911 or nearest fire district. The responsibility for fighting fires is with professional fire fighters.
- Confine the fire by closing doors
- Do not break windows.
- Alert anyone in danger. Check all work areas to ensure that everyone has been alerted.
- Activate alarm, if there is one.
- Evacuate the building via the nearest safe exit.
- Meet at the pre-designated location after evacuating the building.
- Account for all coworkers.
- Be alert for approaching emergency vehicles. If you think they may not be able to find the farm, post someone on the road.
- Use a fire extinguisher only if you have been trained in safe use.
- Fire extinguishers are properly located for easy access in all greenhouses, the main house and storage sheds.

In Case of Earthquake

- DUCK & COVER – under a heavy table, desk or in a doorway, away from glass.
- Crouch and protect your head.
- Stay away from windows and doors.

- Stay outdoors if you are outdoors.
- *After an earthquake:*
- Weigh the risks before you do anything.
- Be prepared for aftershocks.
- Minor quakes - Stay where you are.
- Major quakes. – Exit calmly. Meet at the designated location. If evacuation if not possible, stay where you are until help arrives.
- Do not use telephone, except in an emergency.

Section 10. Security Plan

Security

Currently all sheds and structures are pad lockable. Entrance to the property is through a locked gate and the property is fenced there are multiple people on site at any given time.

ATTACHMENT 4

REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

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

Referral Agency	Response	Recommendation	Location
Building Inspection Division	✓	Conditional Approval	On file with Planning, with recommendations incorporated into Attachment 1
Public Works - Land Use Division	✓	Additional Information Requested	On file with Planning
Department of Environmental Health	✓	Conditional Approval	On file with Planning
CAL FIRE	✓	Conditional Approval	On file with Planning
Department of Fish & Wildlife	✓	Conditional Approval	On file with Planning
NWIC	✓	Further Study	On file with Planning
Bear River Band of the Rohnerville Rancheria	✓	Conditional Approval	On file with Planning
RWQCB		No Response	
CA Division of Water Rights		No Response	
Humboldt County Sheriff		No response	
Humboldt County District Attorney		No response	
Humboldt County Agricultural Commissioner		No response	
Southern Humboldt Joint Unified School District		No response	
Telegraph Ridge Fire Protection District		No response	