



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

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Hearing Date: June 7, 2018

To: Humboldt County Planning Commission

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

Subject: **Talking Trees Farms - Conditional Use Permit and Special Permit**  
Application Number 13198  
Case Number CUP-16-1038/SP-18-066  
Assessor's Parcel Number (APN) 522-174-009  
Willow Creek area

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Please contact Michelle Nielsen, Planner, at 707-445-7541 or by email at [mnielsen@co.humboldt.ca.us](mailto:mnielsen@co.humboldt.ca.us) if you have any questions about the scheduled public hearing item.

cc.: Willow Creek CSD, Attn.: Susan O'Gorman (via email)

## AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
June 7, 2018	Conditional Use Permit and Special Permit	Michelle Nielsen

**Project Description:** A Conditional Use Permit for existing outdoor commercial cannabis cultivation. The applicant had sought recognition of 35,660 square feet of existing outdoor cultivation; however, through negotiation the applicant agrees to 25,200 square feet of existing outdoor cultivation. Processing is done off-site at a licensed processing facility. Water used for irrigation is supplied by an existing permitted well on the property. The applicant has 35,325 gallons of hard tank water storage. Approximately 155,400 gallons of water is required for irrigation annually. An average of 3 employees is needed for the operation. Off-grid power is supplied by a solar array and a generator. A Special Permit is required for a setback reduction to public lands.

**Project Location:** The project is located in Humboldt County, in the Willow Creek area, on the south side of State Hwy 299, approximately .70 miles west from the intersection of State Hwy 299 and State Hwy 96, on the property known to be in Section 32 of Township 07 North, Range 05 East, Humboldt Base & Meridian.

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

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

**Application Number:** 13198

**Case Number:** CUP-16-1038/SP-18-066

**Assessor Parcel Numbers:** 522-174-009

Applicant	Owner	Agent
Talking Trees Farms	Natures Peace LLC	None
Craig Nejedly	PO Box 121	
PO Box 121	Trinidad, CA 95570	
Trinidad, CA 95570		

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

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

**Major Issues:** None

**TALKING TREES FARM, INC.**  
Case Number CUP-16-1038/SP-18-066  
Assessor's Parcel Numbers 522-174-009

**Recommended Commission Action**

1. Describe the application at a public hearing;
2. Request that staff present the project;
3. Open the public hearing and receive testimony; and
4. Close the hearing and take the following action:

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

**Executive Summary:**

A Conditional Use Permit for existing outdoor commercial cannabis cultivation. The applicant had sought recognition of 35,660 square feet of existing outdoor cultivation; however, through negotiation the applicant agrees to 25,200 square feet of existing outdoor cultivation. Processing is done off-site at a licensed processing facility. Water used for irrigation is supplied by a permitted well on the property. The applicant has 35,325 gallons of hard tank water storage. Approximately 155,400 gallons of water is required for irrigation annually. A maximum of 3 employees is needed for the operation. Off-grid power is supplied by a solar array and a generator.

The project site is accessed via a private road that takes access directly off of Highway 299. A Road Evaluation Report was prepared by Trinity Valley Consulting Engineers in January 2018. The Road Evaluation Report included an inventory of the private roads for conformance with Category 4 standards and concluded that the access roadways are adequate for the intended use of the project property. The Road Evaluation Report also listed additional measure that the project will be required to implement to protect water quality. This included routine maintenance such as removal of ruts, surface rocking when needed, replacement of drainage structures, installation and use of checkdams and breaks. Approximately half of these measures have been implemented as part of the existing operations and the applicant will have the remaining measures completed by the end of 2018. The report concluded that with the implementation of recommendations in addition to the recommendations within the WRPP listed above, no additional actions are necessary.

In 2008 there was a grading violation associated with the subject property. The grading, which occurred under a previous owner, involved approximately 1,300 feet of roadwork resulting in approximately 13,000 cubic yards of grading. Due to slope failures sidecast materials from the grading activity was deposited within a Streamside Management Area (SMA). An Emergency Permit and Special Permit were required to rectify the situation. Pursuant to CEQA, an Initial Study was prepared and Mitigated Negative Declaration was adopted. Emergency and long term measures were initiated in 2009 in order to minimize future erosion into Katherine Creek, a tributary to Willow Creek. Regional Water Quality Control Board staff conducted site visits in 2011 and found the erosion control measures which included straw waddles, rocking and re-grading of the roadway, and revegetation of the hillside had been effective.

Subsequently, another violation was issued on the parcel for additional grading associated with

construction of unpermitted buildings. It does not appear that the graded areas and structures occurred within the SMA. After the fact grading and building permits were required for this development. The application was made in 2011 and a permit was issued in 2012. However this permit has expired without a final inspection. A recommended condition of approval is to re-apply for the grading and building permits and secure a final inspection.

An R1 Engineering and Geologic Evaluation was prepared by Oswald Geologic in February 2012. Each building site was evaluated along with several road segments that provide access to the sites. Recommendations were made for each site. These will be implemented as part of the building permit process. The general conclusion of the R1 report was that the project poses a low risk of exacerbating the existing conditions presented by geologic and natural hazards. The site is considered adequate for the intended uses as access and agricultural building sites. The areas evaluated in the R1 report include the main cultivation area and the area identified as decommissioned area #4 on the site plan, as well as road segments that serve the adjacent parcel to the south. Further improvements for all access roads are discussed in the WRPP.

As originally submitted the applicant sought recognition of 35,000 square feet of existing outdoor cannabis cultivation. The request for 35,000 square feet included the recognition of dispersed guerilla grows and to use polygons to calculate the cultivation area of these guerilla grows. This methodology yielded an estimated 20,000 square feet of additional cultivation in these guerilla grow areas. The County only accepted two 2015 guerilla grows that were not previously recognized in County's cultivation area verification review. These two gardens consisted of two gardens hosting 24 plants each, yielding an additional cultivation area of 1,700 square feet, for a total existing cultivation area of 25,200 square feet of outdoor cultivation.<sup>1</sup>

Currently, power is supplied to the project site by a 2-kw Honda generator and a solar array. A standard permitting condition requiring the generator be housed or located to reduce noise levels are included.

The project requires a setback reduction from public land because the nearest point of the cultivation area is approximately 254 feet from the western the property line which is shared with Six Rivers National Forest. CMMLUO Section 314-55.4.11d) allows for a setback of less than 600 feet where publically owned lands are managed for open space and/or wildlife habitat purposes with a Special Permit. The adjacent public lands are managed for these purposes with no picnic areas, trails or river access points or similar facilities in the vicinity. The adjacent public land is subject to the *Land and Resource Management Plan - Six Rivers National Forest 1995 (L&RMP)*. The project is consistent with the L&RMP because the cultivation activities will minimize impacts to biological resources and wildlife through measures to reduce potential light and noise impacts. Specific conditions are included to protect the northern spotted owl and west coast fisher. Further, the project will also protect fisheries and aquatic habitat on forest lands by maintaining buffers from streams and by improving the gravel roads on the site which will minimize sediment transport. No new cultivation areas are proposed, the project is limited to bringing the existing cultivation areas into compliance with the CMMLUO. Additional protection methods include monitoring the use of pesticides, rodenticides and fertilizers, and adhering to the County's Fire Safe Regulations and providing adequate road access. The L&RMP's provisions for protection of heritage resources is consistent with the proposed project as consultation with Tribal Historic Preservation Officers occurred. The cultural resources survey had negative results and the Hoopa Valley Tribe indicated they were satisfied with the report. Lastly, the project is consistent with recreational use on public lands as the proposed project is not located near

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<sup>1</sup> Canopy per plant factor used is 35 square feet per plant.



developed campgrounds and trails. For the reasons listed above staff supports the setback reduction.

An equal area Lot Line Adjustment (LLA) involving the project site and APN 522-174-005-000, (located immediately south) was recently recorded along with an associated Joint Timber Management Plan (JTMP). The submitted site plans match the new boundaries under the LLA and allow the cultivation area on APN 522-174-005-000 to meet required setbacks to property line. The JTMP ensures that the resultant parcels of the LLA have the capacity to be managed for timber production. Cannabis operations at the site will not conflict with the JTMP.

The water source is a permitted well. It is unknown at this time if the well is hydrologically connected to any surface water source. The applicant shall make formal notification to the Department of Fish and Wildlife regarding the well and obtain a determination as to whether it is hydrologically connected or not. If it is determined to be connected, forbearance will be required. This may require additional water storage. Based on the findings in the R1 report it appears that there would be suitable area for additional tanks, however each tank location would need to be evaluated for suitability. This would be done through a building permit process.

Environmental review for this project was conducted and based on the results of the project analysis, staff believes the existing cultivation can be considered an "Existing Facility" as defined by Section 15301 of the California Environmental Quality Act (CEQA) Guidelines. Therefore, as Lead Agency, the Department has determined that continued use of the existing cultivation site is Categorically Exempt from 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 CUP/SP.

**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.

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

**Case Number CUP-16-1038/SP-18-066  
Assessor Parcel Number: 522-174-009**

**Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the Talking Trees Farms Conditional Use Permit and Special Permit request.**

**WHEREAS**, Talking Trees Farms submitted an application and evidence in support of approving a Conditional Use Permit for 25,200 square feet (SF) of cannabis cultivation located on APN 522-174-009 and a Special Permit for a setback reduction to public lands; 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 the provisions of the California Environmental Quality Act (CEQA) per Class 1, 15301 (Existing Facilities), of the California Environmental Quality Act (CEQA) Guidelines.

**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 and Special Permit(Case Number CUP-16-1038 /SP-18-066); and

**WHEREAS**, a public hearing was held on the matter before the Humboldt County Planning Commission on June 7, 2018.

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

1. The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per Class 1, Section 15301 (Existing Facilities), of the California Environmental Quality Act (CEQA) Guidelines.
2. The findings in Attachment 2 of the Planning Commission staff report support approval of Case Number CUP-16-1038/SP-18-066 based on the submitted substantial evidence; and
3. Conditional Use Permit and Special Permit CUP-16-1038/SP-18-66 are approved as recommended and conditioned in Attachment 1.

Adopted after review and consideration of all the evidence on June 7, 2018.

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

AYES: Commissioners:

NOES: Commissioners:

ABSTAIN: Commissioners:

ABSENT: Commissioners:

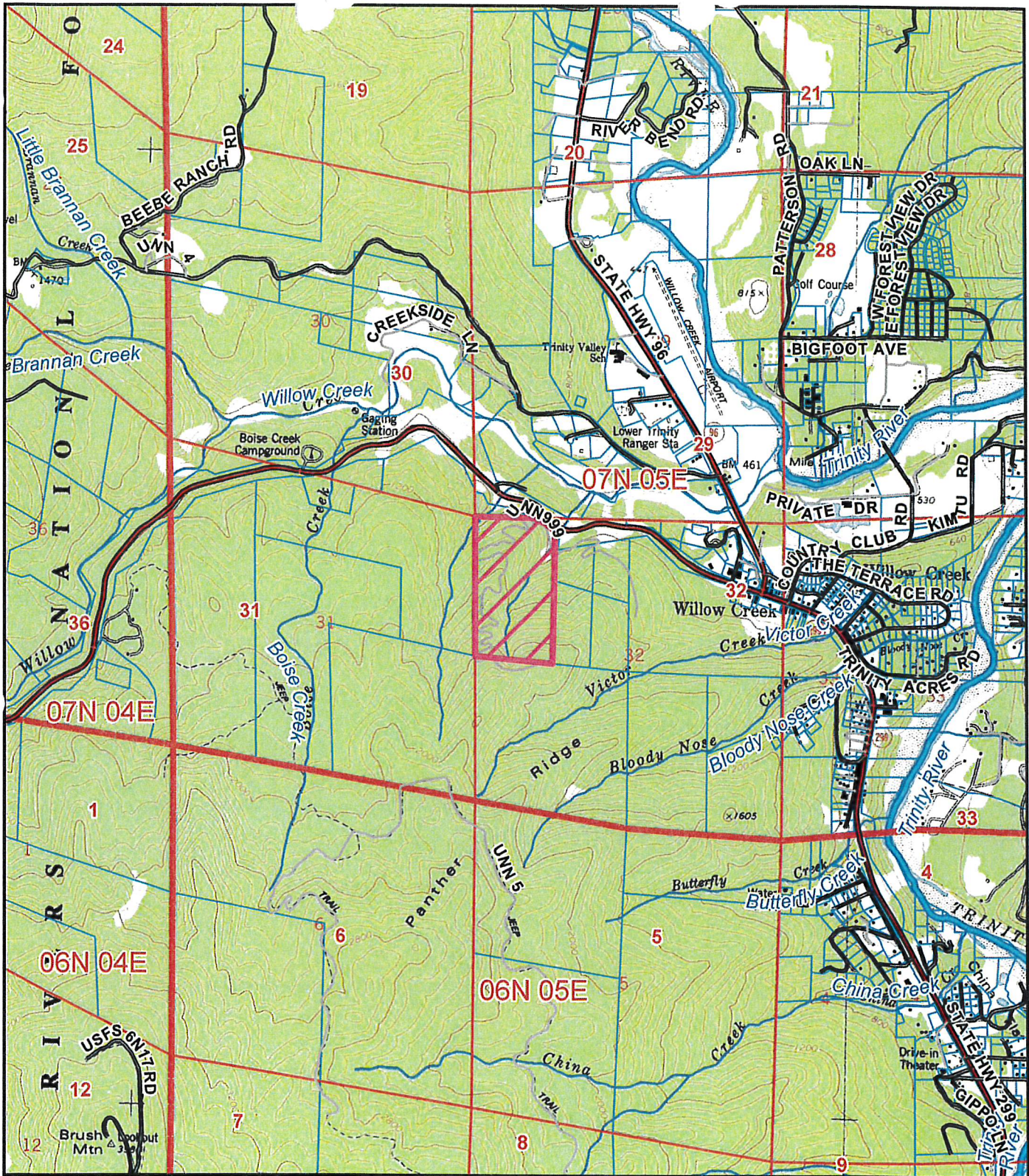
DECISION:

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

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John Ford  
Director, Planning and Building Department





**TOPO MAP  
PROPOSED ENCHANTED SPRINGS  
WILLOW CREEK AREA**

**CUP-16-1038**

**APN: 522-174-009**

**T07N R05E S32 HB&M (WILLOW CREEK)**

**Project Area =** 

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

CUP 16-1038 Talking Trees Farms 13198  
CUP 16-1038 Tall Trees Farms 13198

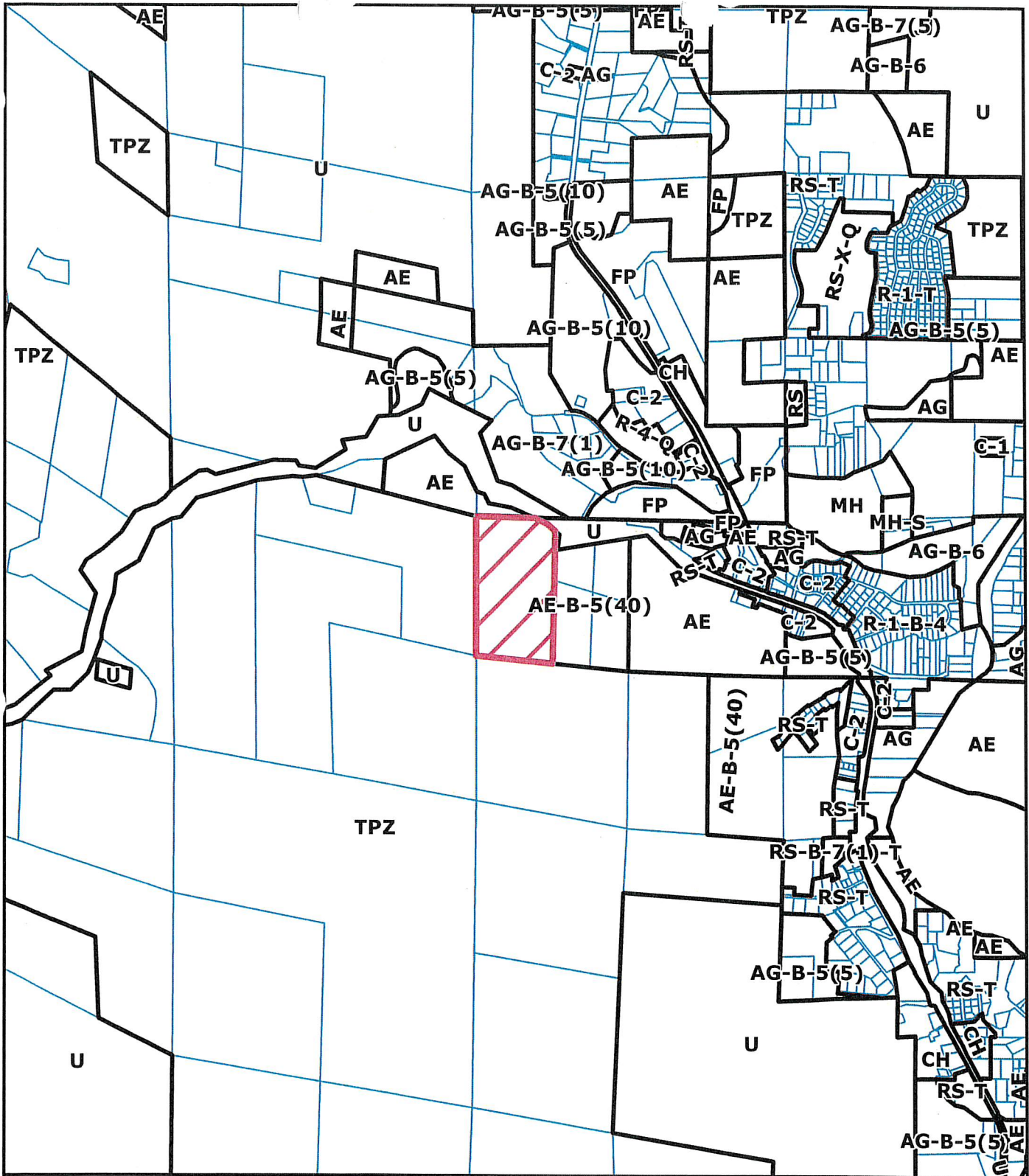
June 7, 2018  
May 17, 2018

0 0.225 0.45 0.9 Miles



Page 8  
Page 7





**ZONING MAP  
PROPOSED ENCHANTED SPRINGS  
WILLOW CREEK AREA**

**CUP-16-1038**

**APN: 522-174-009**

**T07N R05E S32 HB&M (WILLOW CREEK)**

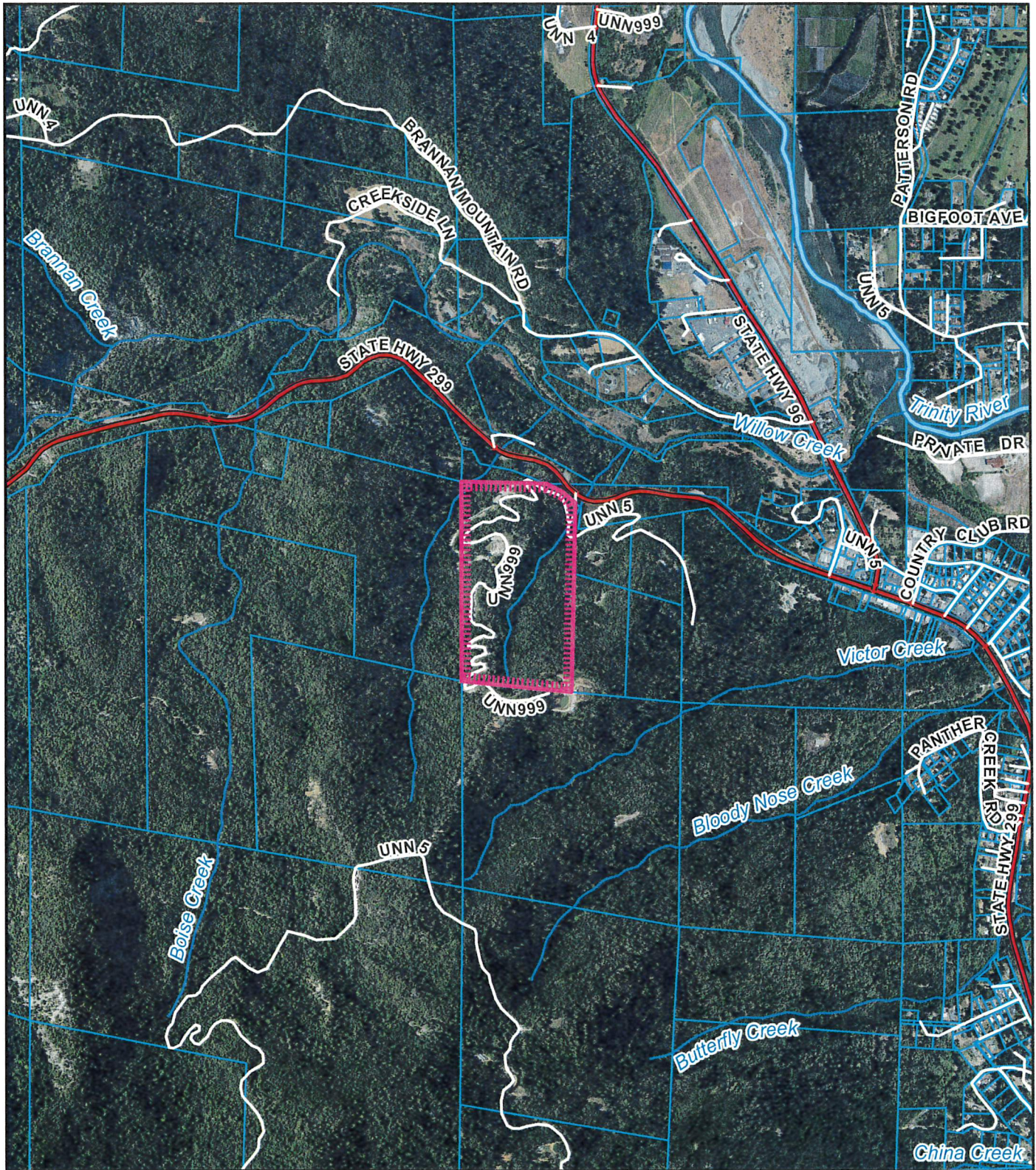
**Project Area =** 



0 0.225 0.45 0.9 Miles

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.





**AERIAL MAP  
PROPOSED ENCHANTED SPRINGS  
WILLOW CREEK AREA**

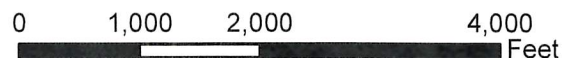
**CUP-16-1038**

**APN: 522-174-009**

**T07N R05E S32 HB&M (WILLOW CREEK)**

**Project Area =** 

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

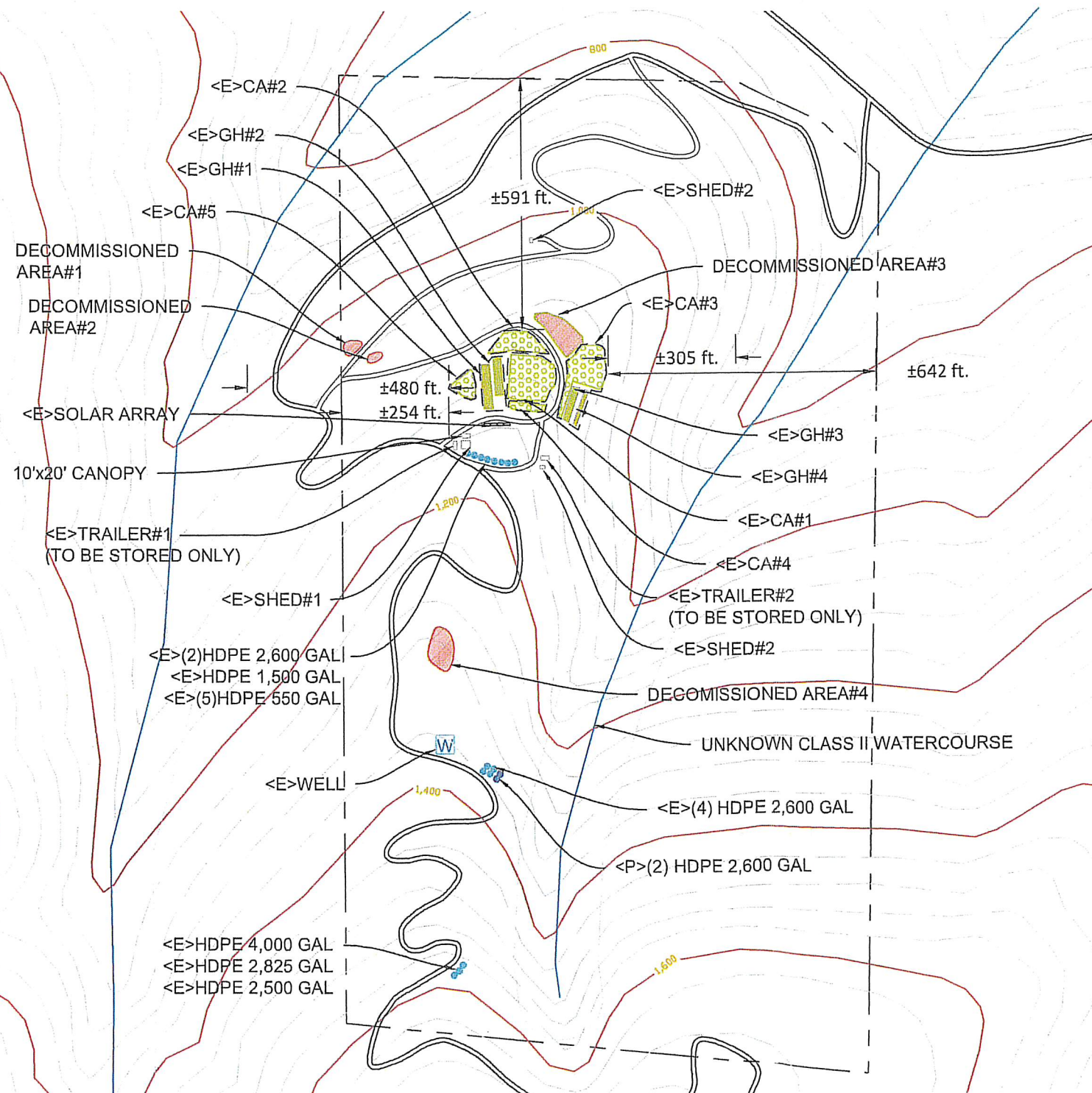






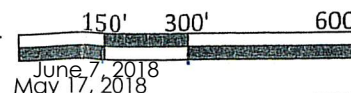
# PARCEL OVERVIEW

APN: 522-174-009



## LEGEND

--- GRADED FLATS



## CULTIVATION INFORMATION

### EXISTING OUTDOOR CULTIVATION AREA

GH #1 = 800 FT <sup>2</sup>	CA #1 = 11,850 FT <sup>2</sup>
GH #2 = 800 FT <sup>2</sup>	CA #2 = 7,830 FT <sup>2</sup>
GH #3 = 800 FT <sup>2</sup>	CA #3 = 6,400 FT <sup>2</sup>
GH #4 = 800 FT	CA #4 = 1,440 FT <sup>2</sup>
	CA #5 = 1,600 FT <sup>2</sup>

TOTAL EXISTING OUTDOOR CULTIVATION AREA = 32,320 FT<sup>2</sup>

### DECOMMISSIONED AREA TO BE MOVED TO MAIN AREA

DA #1 = 1,200 FT <sup>2</sup>	DA #2 = 800 FT <sup>2</sup>
DA #3 = 6,000± FT <sup>2</sup>	DA #4 = 5,660 FT <sup>2</sup>

TOTAL DECOMMISSIONED AREA = 13,660± FT<sup>2</sup>

## CULTIVATION|DOMESTIC AND USE

CULTIVATION BUILDING	USE	YEAR	SIZE
SHED#1	GENERATOR/FUEL/NUTRIENTS	2012	8'x12'
SHED#2	GENERAL/STORAGE	2015	10'x12'

## WATER STORAGE

TYPE	NUMBER	SIZE
HDPE TANKS	5	550 GALLONS
HDPE TANKS	1	1,500 GALLONS
HDPE TANKS	1	2,500 GALLONS
HDPE TANKS	8	2,600 GALLONS
HDPE TANKS	1	4,000 GALLONS
HDPE TANKS	1	2,825 GALLONS

TOTAL AMOUNT OF WATER STORAGE = 34,375

## WATER SOURCE

WELL

CLASS II STREAMS WITH REQUIRED 100 FT. BUFFER ZONES

## POWER SOURCE

2KW HONDA GENERATOR

SOLAR ARRAYS

## SURROUNDING BUILDINGS

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

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



## PROJECT INFORMATION

PROPERTY OWNER: CRAIG NEJEDLY  
ADDRESS: APN: 522-174-009  
SHEET INFO: PARCEL OVERVIEW

## REVISIONS

NO.	NOTES	DATE

DATE: 1/25/18  
DRAFTER: DV  
SCALE: AS SHOWN

SHEET  
PO



TTF, INC.  
APN: 522-174-009

VICINITY MAP  
NOT TO SCALE



AERIAL MAP



PROJECT DIRECTIONS

- FROM: EUREKA, CA  
-HEAD NORTH ON US-101 N (7.2 MI)  
-TAKE EXIT 716A FOR CA-299 TOWARD  
WEAVERVILLE/REDDING (0.2 MI)  
-CONTINUE ONTO CA-299 E (36.9 MI)  
-TURN RIGHT ONTO DIRT ROAD  
-FOLLOW RIGHT TO PROPERTY

TRAVEL TIME

APPROXIMATELY: 55 MIN (47 MI)

SHEET INDEX

- CP-COVER PAGE  
PO-PARCEL OVERVIEW

PROJECT INFORMATION

LAT/LONG: 40.9394, -123.6460  
APN: 522-174-009  
APPLICANT: TTF, INC.  
PARCEL SIZE: 67.5 ACRES  
ZONING: TPZ  
APPLICATION TYPE: TYP 3 SPECIAL OUTDOOR

COASTAL ZONE: N  
100 YEAR FLOOD: N

AGENT:

KAYLIE SAXON  
GREEN ROAD CONSULTING INC  
1650 CENTRAL AVE. SUITE C  
MCKINLEYVILLE, CA 95519  
707-630-5041



200' 400' 800'

PROPERTY LINES AND BUILDING LOCATIONS  
ARE APPROXIMATE AND BASED ON AERIAL  
MAPS AND GPS DATA TAKEN IN THE FIELD.



PROJECT INFORMATION

PROPERTY OWNER: CRAIG NEJEDLY  
ADDRESS: APN: 522-174-009  
SHEET INFO: COUNTY COVER PAGE

REVISIONS

NO.	NOTES	DATE

DATE: 1/25/18  
DRAFTER: DV  
SCALE: AS SHOWN

SHEET  
CP



## ATTACHMENT 1

### RECOMMENDED CONDITIONS OF APPROVAL

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

1. Within 60 days of the effective date of project approval, the applicant shall execute a Compliance Agreement with the Humboldt County Planning Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #2 through #22. The agreement shall provide a timeline for completing all outstanding items. All activities detailed under the agreement must be completed to the satisfaction of the Planning and Building Department before the permit may be finalized and no longer considered provisional.
2. The applicant shall secure permits for all structures related to the cannabis cultivation and other commercial cannabis activity. The plans submitted for building permit approval 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.
3. The approved building plans shall meet all applicable fire codes, including fire suppression infrastructure requirements deemed necessary for the project by the Building Inspection Division. Sign off on the Occupancy Permit by the Building Division shall satisfy this requirement.
4. The applicant shall complete and implement all corrective actions detailed in the Water Resource Protection Plan developed for the parcel, prepared pursuant to Tier 2 enrollment under the North Coast Regional Water Quality Control Board's (RWQCB) Cannabis Waste Discharge Regulatory Program, including those measures later determined necessary during annual and periodic site inspections in accordance with the monitoring element. A copy of the reporting form portion of the Mitigation and Reporting Program (MRP) shall be submitted annually to the Planning and Building Department concurrent with the submittal to the RWQCB. A letter or similar communication from the RWQCB verifying that all their requirements have been met by the listed dates or the applicant has proven to the satisfaction of RWQCB or the Third Party Consultant verifying that all the requirements in the MRP have been met will satisfy this condition. Note that after July 31, 2019, plans and reporting shall conform to the Cannabis Cultivation Policy and Cannabis General Order adopted October 17, 2017 by the State Water Board.
5. The applicant shall contact the Willow Creek Volunteer Fire Department and furnish written documentation from that agency of the available emergency response and fire suppression services and any recommended project mitigation measures. Mitigation measures shall be incorporated into the project, if applicable. If emergency response and fire suppression services are not provided, the applicant shall cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning Division. Document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors will be required.
6. The project area has been determined to have potential nesting, roosting, or foraging

habitat for Northern Spotted Owl (*Strix occidentalis caurina*), and resting, denning or foraging habitat for West Coast Fisher (*Pekania pennanti*). The following avoidance and minimization measure shall be implemented:

- (a) Prior to tree removal activities, a qualified wildlife biologist with experience in Northern Spotted Owl and/or West Coast Fisher protocol surveys shall complete a survey of the site to determine if there are trees that could provide nesting, roosting, resting or denning habitat for the Northern Spotted Owl and the West Coast Fisher. No tree that could provide suitable nesting, roosting, resting or denning habitat for these species shall be removed or altered.
  - (b) No work will occur in the Northern Spotted Owl nesting season (February 1st- July 31st) or West Coast Fisher (March 1st- July 15<sup>th</sup>) nesting and denning seasons unless a wildlife biologist with experience in Northern Spotted Owl and West Coast Fisher protocol surveys completes a biological assessment of the property to determine whether the area has Northern Spotted Owl or West Coast Fisher presence and whether site specific avoidance measures are necessary to avoid any impact to the species. Any measures developed by the biologist must be adhered to during the nesting or denning season.
  - (c) No proposed activity generating noise levels 20 or more decibels above ambient noise levels or with maximum noise levels above 90 decibels may occur during the Northern Spotted Owl nesting season or West Coast Fisher denning season.
  - (d) No human activities shall occur within a visual line-of-sight of 40 meters (131 feet) or less from a known nest or den location.
  - (e) For the life of the project, the applicant shall submit annual monitoring reports prepared by a qualified wildlife biologist with experience in Northern Spotted Owl and West Coast Fisher protocol surveys for the review and approval of the Planning Director.
7. Where generators are used the applicant shall provide a noise pollution plan demonstrating that the proposed generator would not deliver noise pollution, which may affect fish and/or wildlife directly, or from a distance such that noise released from all generators and fans on the parcel shall be no more than 50 decibels measure from 100 feet.. To show conformance with Section 314-55.4.11.o), where generator use occurs in the vicinity of Spotted Owl or West Coast Fisher species, the plan shall be evaluated in consultation with the Department of Fish and Wildlife. Conformance will be evaluated using auditory disturbance guidance prepared by the United States Fish and Wildlife Service. Should the applicant proposed to achieve noise attenuation by placing the generators inside a building(s), the applicant shall secure a building permit prior to construction. For the life of the project, the applicant shall submit annual monitoring reports prepared by a qualified wildlife biologist with experience in Northern Spotted Owl protocol surveys for the review and approval of the Planning Director.
  8. The applicant shall implement the recommendations in the Road Evaluation Report prepared by Trinity Valley Consulting Engineers (January 2018) and maintain the road for the life project.
  9. 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.
  10. The owner shall apply for and receive an encroachment permit from Caltrans and complete improvements to bring the existing driveway encroachment on Highway 299 up to current Caltrans Standards.

11. The applicant shall address the use of rodenticides by identifying application protocol for use of rodenticides in this project, with particular attention to methods for reduction of the potential to contaminate the food chain or identify a range of non-rodenticide treatments to discourage animal destruction of cannabis plants. No rodenticides designated as California Restricted Materials (3 CCR Section 6400) shall be used. This report is to be submitted to the Planning and Building Department for review in consultation with affected agencies, with identified protocols to be reviewed in the annual review for the project.
12. The applicant shall obtain approval of the composting toilet from DEH or discontinue the use of the composting toilet. To discontinue the use, disposal of the end product must be in accordance with HCC Section 615-6: bury remaining night soil below 18" of compacted soil, above ground water, no closer than 50' to ephemeral streams and no closer than 100' of perennial streams.
13. The applicant shall secure the approval of the Division of Environmental Health for an on-site sewage disposal system in support of all aspects of the proposed development, and this may include the review by the Regional Water Quality Control Board. If portable toilets are brought to the project site for use by cultivation staff, the applicant shall provide the Humboldt County Division of Environmental Health with an invoice, or equivalent documentation, confirming the continual use of portable toilets to serve the needs of cultivation staff prior to the issuance or re-issuance of any annual permit. See also COA #12.wi
14. The areas identified in the Site Plan Overview Cultivation and Operation Plan as areas decommissioned shall be restored to a natural state. This includes removal of trash, debris and irrigation infrastructure and replanting with native vegetation. The restoration plan shall be submitted by a qualified person to the satisfaction of the Planning Director, including success criteria and follow on monitoring for a minimum 2-year period.
15. 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.
16. A revised site plan shall be submitted to the Planning and Building Department showing the following additional detail:
  - a. Proposed greenhouse and open field configuration for the 25,200 square feet of outdoor cannabis cultivation authorized by this permit,
  - b. Adequate off-street parking,
  - c. Location of the generator building, and
  - d. Compliance with emergency vehicle access requirements.
17. The applicant shall complete the after the fact grading and building permit (Permit No: 14-482-B-6) requirements. The issued permit has expired. This will require that the applicant re-apply for the permits, secure and issued permit and receive a final inspection.
18. Prior to issuance of grading permits the applicant shall submit a Stormwater Pollution Prevention Plan (SWPPP) prepared by a qualified professional. The SWPPP shall address both the short and long term erosion and sedimentation impacts associated with the project. The plan shall employ best management practices to minimize the transport of sediment, pesticide, fertilizers to Katherine Creek, tributary of the Willow Creek and domestic water

sources of the Willow Creek Community Services District. The Applicant shall provide annual reporting to the Willow Creek Community Services District.

19. The owner shall cause to be recorded a Notice of Geologic Report on forms provided by the Department.
20. The driveway and turnaround area(s) shall meet the Fire Safe standards, Humboldt County Code Section 3111-12, for adequate emergency access. The applicant shall be responsible for implementing any necessary improvements to bring the driveway and emergency vehicle turn around into compliance. The Applicant shall provide a stamped letter from California licensed engineer documenting that the driveway and turnaround areas on the parcel meet the referenced standards.
21. If the well that supplies irrigation water is hydrologically connected to surface water, the applicant shall secure a Streambed Alteration Agreement from the Department of Fish and Wildlife, and shall agree to and implement forbearance in accordance with Humboldt County Code Section 314-55.4.11(l). A formal notification to the Department of Fish and Wildlife is required to make the determination as to whether the well is connected.
22. The Mitigation Monitoring and Reporting Program adopted with the Initial Study and Mitigated Negative Declaration associated with SP-08-109 (State Clearinghouse Number 2012052041) shall remain in full force and effect, attached as Exhibit A of Attachment 1.

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

1. All components of the project shall be developed, operated, and maintained in conformance with the project description, the approved Site Plan, or revised 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 Medicinal and Adult Use Cannabis Regulation and Safety Act (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 and Building Department within one (1) year of issuance of the provisional clearance or permit. If good faith effort towards compliance can be shown within the two years following the issuance of the provisional clearance or permit, the Planning Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow for additional time to meet the outstanding requirements.
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 applicant shall ensure that the commercial cannabis activity shall be set back at least 30 feet from any property line, and 600 feet from any School, School Bus Stop, Church or other Place of Religious Worship, or Tribal Cultural Resources, except where a reduction to this setback has been approved pursuant to Section 55.4.11(d). The allowance for a setback reduction of 600 feet from a Public Park is approved as part of this project.
7. Maintain enrollment in Tier 2, 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 Lake and Streambed Alteration Agreement (1600) Permit obtained from the Department of Fish and Wildlife, which may be required for the spring fed tank used for domestic vegetable production.
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 through Friday, 9:00 a.m. to 5:00 p.m., excluding holidays).
10. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
11. The applicant shall, to the satisfaction of the County Department of Environmental Health, maintain the portable toilet(s) on-site to accommodate for worker waste until such time a permitted septic system, or other such permanent human waste facility can be designed and installed.
12. Pay all applicable application, review for conformance with conditions, and annual inspection fees.
13. The decibel level for any generators used onsite as measured at the property line shall be no more than 60 decibels (dB). Where applicable, sound levels must also show that they will not result in the harassment of Spotted Owl or West Coast Fisher species. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service (USFWS), and further consultation where necessary. Under these guidelines, generator noise may not exceed 50 dB as measured at 100 feet from the generator or at the edge of the nearest Spotted Owl habitat, whichever is closer.
14. Storage and handling of fuel shall be in compliance with applicable state and local laws and regulations, including the County of Humboldt's Certified Unified Protection Agency CUPA program, and in such a way that no spillage occurs.
15. The applicant shall maintain the Master Log Books to track production and sales shall be maintained for inspection by the County.

16. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).
17. Participate in and bear costs for permittee's participation in the Track and Trace Program administered by the Humboldt County Agricultural Commissioner.
18. 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.

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, California Occupational Health and Safety (CAL/OSHA), Occupational Health and Safety (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 Conditional Use and Special Permit. Any Commercial Cannabis Cultivation Conditional Use Permit (CUP) and Special Permit (SP) issued pursuant to the CMMLUO shall expire after one (1) year after date of issuance, and on the anniversary date of such issuance each year thereafter, unless an annual compliance inspection has been conducted and the permittees and the permitted site have been found to comply with all conditions of approval.
- If the inspector or other County official determines that the permittees or site do not comply with the conditions of approval, the inspector shall serve the SP or permit holder with a written statement identifying the items not in compliance, and the action that the permit holder may take to cure the non-compliance, or file an appeal within ten (10) days of the date that the written statement is delivered to the permit holder. Personal delivery or mailing the written statement to the mailing address listed on the application by regular mail, plus three (3) days after date of mailing, shall constitute delivery. The permit holder may request a reinspection to determine whether or not the permit holder has cured all issues of non-compliance. Failure to request reinspection or to cure any items of non-compliance shall terminate the 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 Condition of Approval#1 has been executed and the corrective actions pursuant to the agreement are being undertaken. Once building permits have been secured and/or the use initiated pursuant to the terms of the agreement, the use



is subject to the Permit Duration and Renewal provisions set forth in Condition of Approval #24 of the On-Going Requirements /Development Restrictions, above.

3. If cultural resources are encountered during any construction activities, the contractor or applicant 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 Native American Heritage Commission (NAHC) will then be contacted by the Coroner to determine appropriate treatment of the remains pursuant to Public Resources Code (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.
7. Should any wildlife be encountered during to work activities, the wildlife shall not be disturbed and be allowed to leave the work site unharmed.

## ATTACHMENT 2

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

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

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

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

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

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

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Land Use Chapter 4</p> <p>Land Use Designations Section 4.8</p>	<p><b>Timberland (T):</b> Lands primarily suitable for the growing, harvesting and production of timber. Prairie and grazing lands may be intermixed. Allowable use types include timber production and general agriculture.</p> <p>Density range is 40 -160 acres/unit.</p>	<p>The MMRSA, Health and Safety Code section 11362.777(a) provides that medical cannabis is an agricultural product, subject to extensive state and local regulation. The CMMLUO provides for the cultivation and processing of medical cannabis within the zoning districts where agriculture is a principally permitted use, with limits and in compliance with performance standards that will preserve space for more traditional agricultural activities that supply food and fiber contributing to a diverse economic base. The existing cultivation and proposed relocation of the existing cultivation areas is considered an agricultural use.</p> <p>The proposed project includes the permitting approximately 25,200 square feet of existing outdoor cannabis cultivation which is considered an agricultural project and which is an allowed use in the T land use designation.</p> <p>The proposed project does not include the harvesting or removal of any timber associated with the proposed project so the site would be preserved for that use in the future.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Circulation Chapter 7	<p>Goals and policies contained in this Chapter relate to a balanced, safe, efficient, accessible and convenient circulation system that is appropriate for each type of unincorporated community (C-G1, C-G2); coordinated planning design, development, operations, and maintenance between the County and other transportation system service providers (C-G3); and access for all transportation mode types with improved opportunities to move goods within, into and out of Humboldt County (C-G4, C-G5).</p> <p>Related policies: C-P3. Consideration of Transportation Impacts in Land Use Decision Making</p>	<p>Access to the project site is via a private drive and roadway accessed directly from Highway 299. A Road Evaluation Report was prepared for the private drive by Trinity Valley Consulting Engineers (TVCE) in January 2018. TVCE concluded the road was sufficient to meet the demand of the proposed use.</p> <p>Conditions of approval requiring the roadway to be maintained have been added to the project.</p> <p>A condition of approval has been added to require a Caltrans Encroachment permit and to bring the encroachment up to Caltrans standards.</p>
Housing Chapter 8	<p>Goals and policies contained in this Element seek to identify existing and projected housing needs and establish goals, policies, standards and measures for the preservation, improvement, and development of housing.</p> <p>Related policies: H-P3, Development of Parcels in the Residential Land Inventory</p>	<p>The proposed project does not involve residential development, nor is the project site part of the Housing Element Residential Land Inventory. The project will not reduce the residential density for any parcel below utilized by the Department of Housing and Community Development in determining compliance with housing element law.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Conservation and Open Space Chapter 10</p> <p>Open Space Section 10.2</p>	<p>Goals and policies contained in this Chapter relate to an Open Space and Conservation Program that is complimentary to other agencies' plans and that preserves the county's unique open spaces (CO-G1,CO-G3).</p> <p>Related policies: CO-P1, Conservation and Open Space Program; CO-P8, Development Review; CO-S1, Identification of Local Open Space Plan; and CO-S2, Identification of the Open Space Action Program.</p>	<p>The proposed project is located within Open Space Land Plan because the project site is planned Timberland and is zoned Timberland Production Zone (TPZ). The project can be found consistent with the Open Space Plan Open Space Action because the proposed project is consistent with the allowable uses of the Land Use Designations. The proposed cannabis cultivation, which is an agricultural land use, is within land planned for agricultural purposes, consistent with the use of Open Space land for management production of resources.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Conservation and Open Space Chapter 10</p> <p>Biological Resources Section 10.3</p>	<p>Goals and policies contained in this Chapter relate to mapped sensitive habitat areas where policies are applied to protect fish and wildlife and facilitate the recovery of endangered species (BR-G1, Threatened and Endangered Species, BR-G2, Sensitive and Critical Habitat, BR-G3, Benefits of Biological Resources).</p> <p>Related policies: BR-P1, Compatible Land Uses; BR-P5, Streamside Management Areas.</p>	<p>There is a single watercourse that transitions from a Class III to a Class II stream on the project site. It is an unnamed tributary to Willow Creek. A Water Resources Protection Plan (WRPP) was prepared by Timberland Resource Consultants (TRC) to remediate the degraded conditions associated with roadway runoff. The remediation efforts were completed, and not only protect stream habitat and water quality, but sensitive species that may use the streams or be downstream of the project site. In addition, BMP's detailed in the Road Evaluation Report are approximately 50 percent complete and the applicant expects to have the remaining completed by the end of the 2018. All cultivation areas are outside the associated streamside management area (SMA) of the unnamed tributary.</p> <p>There has been a recorded Spotted owl observation according the California Department of Fish and Wildlife Map, on the project site. The project site also may provide habitat for the West Coast Fisher.</p> <p>In addition, to the requirements for erosion control to protection of aquatic resources, other conditions of approval have been added regarding measures needed to protect the Spotted owl, west coast fisher, and any other sensitive species. These conditions, as well as other standard permitting conditions, would be sufficient to protect natural resources on this parcel.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Conservation and Open Space Chapter 10</p> <p>Public Lands Chapter 4.7</p>	<p>Public lands policy PL-P6 requires that discretionary review of permit applications adjacent to public lands shall consider impacts to public lands and consistency with applicable management plans</p>	<p>The project requires a setback reduction from public land because CA#4 is approximately 254 feet from the western the property line which is shared with Six Rivers National Forest. CMMLUO Section 314-55.4.11d) allows for a setback of less than 600 feet where publically owned lands are managed for open space and/or wildlife habitat purposes with a Special Permit. The adjacent public lands are managed for these purposes with no picnic areas, trails or river access points or similar facilities in the vicinity.</p> <p>The adjacent public land is subject to the <i>Land and Resource Management Plan - Six Rivers National Forest 1995 (L&amp;RMP)</i>. The project is consistent with the L&amp;RMP because the cultivation activities will minimize impacts to biological resources and wildlife through measures to reduce potential light and noise impacts. Specific conditions are included to protect the northern spotted owl and west coast fisher. Further, the project will also protect fisheries and aquatic habitat on forest lands by maintaining buffers from streams and by improving the gravel roads on the site which will minimize sediment transport. No new cultivation areas are proposed, the project is limited to bringing the existing cultivation areas into compliance with the CMMLUO. Additional protection methods include monitoring the use of pesticides, rodenticides and fertilizers, and adhering to the County's Fire Safe Regulations and providing adequate road access. The L&amp;RMP's provisions for protection of heritage resources is consistent with the proposed project as consultation with Tribal Historic Preservation Officers occurred. The cultural resources survey had negative results and the Hoopa Valley Tribe indicated they were satisfied with the report. Lastly, the project is consistent with recreational use on public lands as the proposed project is not located near developed campgrounds and trails. For the reasons listed above staff supports the setback reduction.</p>
<p>Conservation and Open Space Chapter 10</p>	<p>Goals and policies contained in this Chapter relate to the protection and enhancement of significant cultural resources,</p>	<p><i>Cultural Resources Investigation for Talking Tree Farms-Natures Peace, LLL</i> dated February 2018 was conducted by William Rich and Associates. The report includes a review</p>

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>of records, reports, and published literature of the Northwest Information Center (NWIC) and correspondence with tribal representatives.</p> <p>The cultural resources survey had negative results and no additional archeological studies are recommended for permit approval. A condition regarding inadvertent archaeological discovery be including prior to project approval.</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 outdoor cultivation in an existing clearing. No supplemental lighting is proposed. The project site is not located near any designated scenic highway but is adjacent to Highway 299 which is listed as an Eligible State Scenic Highway but is not officially designated. The cultivation area is not visible from the Highway.</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 de-listing water bodies and watersheds which are restored to meet all beneficial uses, including water use, salmon and steelhead recovery plans, recreational activities, and the economy (WR-G1, WR-G2, WR-G7, WR-G8, WR-G9).</p> <p>Related policies: WR-P10, Erosion and Sediment Discharge; WR-P42, Erosion and Sediment Control Measures.</p>	<p>The project site falls within Tier 2 of the North Coast Regional Water Quality Control Board's (NCRWQCB) Order No. 2015-0023 (Order), which requires preparation of a Water Resources Protection Plan (WRPP) to protect water quality from cannabis cultivation and related activities. The WRPP was prepared to describe and address the required elements and compliance with the 12 Standard Conditions established by the Order. The WRPP identified areas where the Project site does not meet all 12 Standard Conditions and set a preliminary schedule prioritizing corrective actions to reach full compliance with the Order. The WRPP identifies remediation efforts and corrective actions based on a site evaluation and previous studies including the Engineering Geologic Soils Exploration Report conducted by Lindberg Engineering to bring the site into compliance, as well as a monitoring and reporting plan following remediation activities. Implementation of the WRPP is included in the recommended 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 project site does not have an Onsite Wastewater Treatment System (OWTS). No processing is proposed on site. A condition of approval has been included and requires the applicant to provide portable toilets to accommodate worker waste. There is a composting toilet on site. This toilet must be approved by DEH or use of the toilet must be discontinued in an approved manner. This has been made a condition of approval.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Noise Chapter 13	<p>Goals and policies contained in this Chapter discourage incompatible uses within communities and reduce excessive noise through the application of standards (N-G1, N-G2)</p> <p>Related policies: N-P1, Minimize Noise from Stationary and Mobile Sources; N-P4, Protection from Excessive Noise.</p>	<p>The project site is approximately 68 acres in size. No residences are located on adjacent parcels within 300 feet. The applicant uses a 2-kw Honda generator which would be cited to minimize noise. Spotted Owls have been observed within the project site. Therefore, permitting conditions and compliance with the standards set forth in Section 55.4.11(o) of the CMMLUO and Department Policy Statement #DPS-16-005 are required. Implementation of these conditions also would avoid impacts to the West Coast Fisher, should it be present.</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>Geologic &amp; Seismic</p>	<p>Goals and policies contained in this Chapter relate to communities that are designed and built to minimize the potential for loss of life and property resulting from natural and manmade hazards; and to prevent unnecessary exposure to areas of geologic instability, floodplains, tsunami run-up areas, high risk wildland fire areas, and airport areas planned and conditioned to prevent unnecessary exposure of people and property to risks of damage or injury (S-G1, S-G2).</p> <p>Related policies: S-P11, Site Suitability; S-P7, Structural Hazards.</p>	<p>The project site is not located in a mapped Alquist-Priolo fault zone nor is subject to liquefaction. According to the Humboldt County Web GIS, the site is shown as being in an area of moderate instability in relation to seismic safety. The application does not propose any new structures and it is not anticipated that grading would be required on the site. Therefore, the project does not pose a threat to public safety related from exposure to natural or manmade hazards.</p> <p>As part of previous permits and violations an R1 Engineering and Geologic Evaluation was prepared by Oswald Geologic in February 2012. Each building site was evaluated along with several road segments that provide access to the sites. Recommendations were made for each site. These will be implemented as part of the building permit process. The general conclusion of the R-1 report was that the project poses a low risk of exacerbating the existing conditions presented by geologic and natural hazards. The site is considered adequate for the intended uses as access and agricultural building sites. The areas evaluated in the R1 report include the main cultivation area and the area identified as decommissioned area #4 on the site plan, as well as road segments that serve the adjacent parcel to the south.</p> <p>Further improvements for all access roads are discussed in the WRPP.</p>
<p>Safety Element Chapter 14</p> <p>Flooding</p>	<p>Goals and policies contained in this Chapter relate to the use of natural drainage channels and watersheds that are managed to minimize peak flows in order to reduce the severity and frequency of flooding (S-G3).</p> <p>Related policies include: S-P12, Federal Flood Insurance Program; S-P13, Flood Plains;</p>	<p>The subject site is outside any mapped flood hazard areas. The project site is not within a mapped dam or levee inundation area. At approximately 26 miles distance from the coast and between approximately 800 to 1,600 feet above mean sea level, is outside the areas subject to tsunami run-up.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
	S-P15, Construction Within Special Flood Hazard Areas.	
<p>Safety Element Chapter 14</p> <p>Fire Hazards</p>	<p>Goals and policies of this Chapter encourage development designed to reduce the risk of structural and wildland fires supported by fire protection services that minimize the potential</p> <p>Related policies: S-P19, Conformance with State Responsibility Areas (SRA) Fire Safe Regulations.</p>	<p>The subject property is located within the State Responsibility Area for fire protection where the State of California has the primary financial responsibility for the prevention and suppression of wildland fires. County GIS shows the site within a very high fire hazard severity zone. The project, however, does not propose any habitable structures and water stored in existing tanks would be available for fire suppression efforts.</p> <p>CAL FIRE comments recommended compliance with the requirements of the County's Fire Safe Regulations, Resource Management policies, and for cannabis cultivation in SRA lands. The project would comply with the requirements of the County's Fire Safe Regulations and the Humboldt County Fire Safe Ordinance (Section 3111-1 et seq.), which establishes development standards for minimizing wildfire danger in state responsibility designated areas.</p>
<p>Air Quality Chapter 15</p>	<p>Goals and policies contained in this Chapter relate to improved air quality to meet current and future state and federal standards, including attainment of particulate matter requirements (AQ-G1, AQ-G2, AQ-G3) and the successful reduction of greenhouse gas emissions to levels consistent with state and federal requirements (AQ-G4).</p> <p>Related policies: AQ-P4, Construction and Grading Dust Control; AQ-S1, Construction and Grading Dust Control; AQ-P7, Interagency Coordination.</p>	<p>As a condition of project approval, applications for grading and or building permits shall be referred to the North Coast Air Quality Management District (NCAQMD) for review and consultation. Dust control practices will be required during all work on the project site to include BMP installation. All work shall achieve compliance with NCAQMD fugitive dust emission standards.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Safety Element Chapter 14</p> <p>Fire Hazards</p> <p>Implementation Action Plan</p>	<p>IS-S5 requires new industrial, commercial and residential development located outside of fire district boundaries to obtain written acknowledgment of available emergency response and fire suppression services from the local fire agency, including any recommended mitigation.</p>	<p>The project is located outside of the Willow Creek Volunteer Fire Department Fire Response Area per the 2016 County Fire Plan. The applicant will contact the local fire agency for a written acknowledgment of available emergency response and fire suppression services and recommended mitigations.</p> <p>The project is conditioned to require that the project incorporate any recommended mitigations into the project, and, if service is not available to the site, to record an acknowledgement consistent with this standard.</p>

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

<b>Zoning Section</b>	<b>Summary of Applicable Requirement</b>	<b>Evidence That Supports the Zoning Finding</b>
§312-1.1.2 Legal Lot Requirement	Development permits shall be issued only for a lot that was created in compliance with all applicable state and local subdivision regulations.	The parcel was created by a recent Lot Line Adjustment.
§314-7.4 Timberland Production (TPZ)	Timberland Production (TPZ) is intended to provide standards and restrictions for the preservation of timberlands for growing and harvesting timber.	Principal permitted uses in the Timberland Production (TPZ) zoning district includes, "accessory agricultural uses and structures as listed at Section 314-43.1.3 (Permitted Agricultural Accessory Uses) and 314-69.1-1 (Permitted Agricultural Accessory Structures." The TPZ also includes grazing and other agricultural uses under Principle Permitted Uses Compatible with Timber Production. Pursuant to Humboldt County Code Section 43.1.3 – Permitted Agricultural Accessory Uses includes greenhouses, tank houses, and drainage facilities and structures. While the project applicant is not proposing to utilize the land for timber production, the proposed uses are consistent with those allowed in the TPZ, and a finding of consistency can be made for the project. In addition, the California Department of Forestry and Fire Protection (CALFIRE) did not indicate a request for a less than three-acre conversion exemption. CALFIRE indicated a request for standard conditions related to Fire Safe, Resource Management, and Cannabis. Appropriate conditions have been added to the project.
Minimum Lot Size	160 acres	Approximately 68 acres
Maximum Ground Coverage	N/A	Not applicable
Residential Density	No greater than 1 dwelling per 20 acres	The applicant is not proposing, nor is a residential dwelling located on site.

Setbacks	<p>Front: 20 feet</p> <p>Rear: 30 feet</p> <p>Side: 30 feet</p> <p>Fire Safe Standards require a 30' setback from all property lines.</p>	The only structures on the site are two existing sheds which are more than 300' from all property lines.
Max. Building Height	None specified	The applicant does not propose to build any new buildings.
§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.	There is a single watercourse that transitions from a Class III to a Class II stream on the project site. It is an unnamed tributary to Willow Creek. A Water Resources Protection Plan (WRPP) was prepared by Timberland Resource Consultants (TRC) to remediate the degraded conditions associated with roadway runoff. The remediation efforts were completed, and not only protect stream habitat and water quality, but sensitive species that may use the streams or be downstream of the project site. In addition, BMP's detailed in the Road Evaluation Report are approximately 50 percent complete and the applicant expects to have the remaining completed by the end of the 2018. All cultivation areas are outside the associated streamside management area (SMA) of the unnamed tributary.
§314-109.1 Off-Street Parking	<p>Off Street Parking for Agricultural use*: Parking space per employee at peak shift. A minimum of three parking spaces are required.</p> <p><i>*Use for this activity is not specified. Per Section 314-109.1.2.9, the Director may fix the required number of parking spaces based on standards for most comparable use.</i></p>	<p>There may be 3 employees associated with the requested permit. The most comparable standard for employees in this situation is one space for each employee at peak shift (per Section 314-109.1.3.4.2 - Manufacturing).</p> <p>No designated parking spaces are noted on the plans; however, there is sufficient space on the property for the parking of cars used by the employees.</p>

<b>314-55.4 et seq. HCC: Commercial Cultivation, Processing, Manufacturing and Distribution of Cannabis for Medical Use Inland Land Use Regulation (CMMLUO)</b>		
§ 314-55.4.8.2.2	On AE parcels (no parcel size limitation), existing outdoor and mix-light cultivation may be permitted with a Zoning Clearance Certificate, Special Permit or Use Permit.	In accordance with the referenced section the applicant has applied for the necessary CUP.
§ 314-55.4.8.2.2	On TPZ parcels (on parcels of one acre or larger), only when possible to bring them into compliance...	In accordance with the referenced section the applicant has applied for the necessary CUP on an approximately 68 acre parcel. Approval of the CUP for the project as proposed and conditioned would bring it into compliance with all applicable standards.
§314-55.4.8.2.2 Criterial for approval for existing outdoor and mix-light cultivation areas:		
No expansion of the existing cultivation area shall be permitted. The total cultivation area allowed on a single parcel shall not exceed one acre for outdoor cultivation of 43,560 square feet for outdoor cultivation.		The applicant had sought recognition of 35,660 square feet of existing outdoor cultivation; however, through negotiation the applicant agrees to 25,200 square feet of existing outdoor cultivation.
With documented current water right or other non-diversionary source of irrigation water.		To support the cannabis operation the applicant's operation uses a permitted well. There are several existing water tanks and they total 34,375 gallons of water storage. It is unknown at this time if the well is hydrologically connected to any surface water source. The applicant shall make formal notification to the Department of Fish and Wildlife regarding the well and obtain a determination as to whether it is hydrologically connected or not. If it is determined to be connected, forbearance will be required. This may require additional water storage. Based on the findings in the R1 report it appears that there would be suitable area for additional tanks, however each tank location would need to be evaluated for suitability. This would be done through a building permit process.



§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.	Portions of the project site that are currently used for cannabis cultivation would have previously required conversion from timberland to cleared areas. The area of cannabis cultivation is located in a clearing that has been visible since at least 1988 (Google images). CALFIRE was contacted but did not indicate a request for a less than three acre conversion exemption. The applicant does not propose to expand the area under cultivation and existing operations, as proposed, would not require removal of any trees. There is a Joint Timber Management Plan recorded for this parcel.
§314-55.4.8.10 Permit Limit	No more than four commercial cannabis activity permits may be issued to a single person, as defined in the referenced section.	According to records maintained by the Department, the applicant who is a member of Natures Peace LLC. holds three 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.	Cannabis will be fully processed at an offsite facility by a third-party processor.
§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 site, APN 522-174-009, was filed with the Planning Division on December 30, 2015, and within the specified window.
§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 operation will use well water from a permitted well located more than 300 feet from the Class II stream on site, which is the nearest surface water on the site.

<p>§314-55.4.11.d Performance Standards- Setbacks</p>	<p>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).</p>	<p>The applicant's site plan also shows that the cultivation and processing area conforms to required 600-foot setback from any school, school bus stop, church or other place of public worship.</p> <p>The project requires a setback reduction from public land because the nearest point of the cultivation area is approximately 254 feet from the western the property line which is shared with Six Rivers National Forest. CMMLUO Section 314-55.4.11d) allows for a setback of less than 600 feet where publically owned lands are managed for open space and/or wildlife habitat purposes with a Special Permit. The adjacent public lands are managed for these purposes with no picnic areas, trails or river access points or similar facilities in the vicinity. The cultivation area is located on the north end of the northeasterly trending ridgeline and is surrounded by forest canopy on all sides making the area of low potential for being viewed from the adjacent public, the lands.</p> <p>Further project is consistent with the <i>Land and Resource Management Plan - Six Rivers National Forest 1995 (L&amp;RMP)</i> because the cultivation activities will minimize impacts to biological resources and wildlife through measures to reduce potential light and noise impacts. Specific conditions are included to protect the northern spotted owl and west coast fisher. Further, the project will also protect fisheries and aquatic habitat on forest lands by maintaining buffers from streams and by improving the gravel roads on the site which will minimize sediment transport. No new cultivation areas are proposed, the project is limited to bringing the existing cultivation areas into compliance with the CMMLUO. Additional protection methods include monitoring the use of pesticides, rodenticides and fertilizers, and adhering to the County's Fire Safe Regulations and providing adequate road access. The L&amp;RMP's provisions for protection of heritage resources is consistent with the proposed project as consultation with Tribal Historic Preservation Officers occurred. The cultural resources survey had negative results and the Hoopa Valley Tribe indicated they were satisfied with the report. Lastly, the project is consistent with recreational use on public lands as the proposed project is not located near developed campgrounds and trails. For the reasons listed above staff supports the setback reduction.</p>
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<p>§314-55.4.11.o Performance Standards- Generator Noise</p>	<p>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>	<p>The outdoor operation uses minimal power. The primary source of power is an existing solar array. There is a 2-kw generator used as backup. Although noise is limited there has been an observation of Spotted Owl within the project site. Therefore, conditions of approval regarding ensuring and/or reducing the decibel levels from the project have been incorporated. These conditions will reduce harassment of the Spotted Owl and West Coast Fisher if present and, therefore, the project conforms with the referenced standard.</p>
<p>§314-55.4.17 Sunset Date</p>	<p>No application for any Use Permit pursuant to the CMMLUO shall be processed for issuance or approval that is received after December 31, 2016.</p>	<p>The applicant filed the application on December 29, 2016.</p>

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

Code Section	Summary of Applicable Requirements	Evidence that Supports the Required Finding
§312-17.1.4	The proposed development will not be detrimental to the public health, safety and welfare, and will not be materially injurious to properties or improvements in the vicinity.	The Department finds that the proposed project, as conditioned will not be detrimental to the public health, safety and welfare. All reviewing referral agencies have recommended approval or conditional of the proposed project. 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.
§§15304 (a) and 15311 of CEQA	Categorically exempt from State environmental review.	The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per Class 1, Section 15301 (Existing Facilities), of the California Environmental Quality Act (CEQA) Guidelines are applicable to the proposed project.

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

Code Section	Summary of Applicable Requirement	Evidence that Supports the Required Finding
17.1.5 Housing Element Densities	The proposed development shall not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law (the midpoint of the density range specified in the plan designation), except where: 1) the reduction is consistent with the adopted general plan including the housing element; and 2) the remaining sites identified in the housing element are adequate to accommodate the County share of the regional housing need; and 3) the property contains insurmountable physical or environmental limitations and clustering of residential units on the developable portions of the site has been maximized.	As discussed above the property was not included in the 2014 Housing Inventory because of the land use designation and zoning. The proposed project does not contain any residential unit and there is no proposal to construct a residential unit on the project site. The project is in conformance with the standards in the Housing Element.

### **ATTACHMENT 3**

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

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

1. The name, contact address and phone number(s) of the applicant. (Application form on file)
2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. (On File)
3. Site plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including: access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within ¼ mile (1,320 feet) of a school, school bus stop, church or other place of religious worship, public park, or Tribal Cultural Resource, the site plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 600 feet. (Attached)
4. A cultivation and operations plan that meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; and proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel, and a description of cultivation activities (outdoor, indoor, mixed light), the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. (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. (Not applicable)
6. Description of water source, storage, irrigation plan, and projected water usage. (Attached)
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. (Not applicable)

9. If the source of water is a well, a copy of the County well permit, if available. (On file)
10. If the parcel is zoned FR, U or TPZ, or involves the conversion of timberland as defined under section 4526 of the Public Resources Code, a copy of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (CAL-FIRE). Alternately, for existing operations occupying sites created through prior unauthorized conversion of timberland, evidence may be provided showing that the landowner has completed a civil or criminal process and/or entered into a negotiated settlement with CAL-FIRE. (Not applicable)
11. Consent for onsite inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. (On file)
12. For indoor cultivation facilities, identify the source of electrical power and how it will meet with the energy requirements in section 55.4.8.2.3, and plan for compliance with applicable Building Codes. (Not applicable)
13. Acknowledge that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed will not support diversions for irrigation. (On file)
14. Acknowledge that the county reserves the right to engage with local Tribes before consenting to the issuance of any clearance or permit, if cultivation operations occur within an Area of Traditional Tribal Cultural Affiliation, as defined herein. This process will follow current departmental referral protocol, including engagement with the Tribe(s) through coordination with their Tribal Historic Preservation Officer (THPO) or other tribal representatives. This procedure shall be conducted similar to the protocols outlined under SB 18 (Burton) and AB 52 (Gatto), which describe "government to government" consultation, through tribal and local government officials and their designees. During this process, the tribe may request that operations associated with the clearance or permit be designed to avoid, minimize or mitigate impacts to Tribal Cultural Resources, as defined herein. Examples include, but are not limited to: conducting a site visit with the THPO or their designee to the existing or proposed cultivation site, requiring that a professional cultural resources survey be performed, or requiring that a tribal cultural monitor be retained during project-related ground disturbance within areas of sensitivity or concern. The county shall request that a records search be performed through the California Historical Resources Information System (CHRIS). (On-file)
15. Talking Trees Farms. Site Plan Overview and Cultivation and Operations Plan, received April 16, 2018 (Attached)
16. Timberland Resource Consultants, Water Resource Protection Plan for WDID#1b16302CHUM (on file)
17. DEH Worksheet and Road Evaluation Report (on file)

## 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.

<b>Referral Agency</b>	<b>Response</b>	<b>Recommendation</b>	<b>Location</b>
Building Inspection Division	✓	Conditional Approval	On file with Planning
Public Works Land Use Division	✓	Conditional Approval	Road Evaluation Exhibit A of Attachment 1
Health and Human Services Environmental Health Division	✓	Conditional Approval	On file with Planning, with recommendations incorporated into Attachment 1
CALFIRE	✓	Conditional Approval	On file with Planning
NWIC	✓	Conditional Approval	On file with Planning
Hoopla Valley Tribe	✓	Approval	
Department of Fish & Wildlife	✓	Conditional Approval	Attached
Humboldt County Agricultural Commissioner		No response	
Humboldt County District Attorney		No response	
Regional Water Quality Control Board		No Response	
Humboldt County Sheriff		No response	
Klamath-Trinity Joint Unified School District		No Response	
Tsnungwe Tribe		No Response	
Willow Creek Response Area Fire Protection District		No Response	
Six Rivers National Forest Service			
Caltrans	✓	Conditional Approval	Attached



California Department of Fish and Wildlife  
CEQA Referral Checklist

Applicant: Talking Trees Farms		Date: 5-16-18	
APPS No.: 13198	APN: 522-174-009	CDFW CEQA: 2017-0632	Case No.:
<input type="checkbox"/> New	<input checked="" type="checkbox"/> Existing	<input type="checkbox"/> Mixed-light (SF): <input checked="" type="checkbox"/> Outdoor (SF): 43,560	<input type="checkbox"/> Indoor <input type="checkbox"/> RRR

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

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

Recommend Conditional Approval.

CDFW is concerned with the permitting of commercial cannabis cultivation so close to a known Northern Spotted Owl (NSO) Activity Center and within the buffer and home range. CDFW does not believe that the applicant had the existing cultivation area of 43,560 square feet prior to January 1, 2016. CDFW was only able to validate approximately 23,000 square feet of cultivation for this project that existed prior to the baseline CEQA baseline of January 1, 2016. CDFW requests that the applicant be awarded no more than 23,000 square feet of existing outdoor cultivation.

Human induced noise pollution may adversely affect wildlife species in several ways including abandonment of territory, loss of reproduction, auditory masking (inability to hear important cues and signals in the environment), hindrance to navigation, and physiological impacts such as stress, increased blood pressure, and respiration. To avoid disturbance, CDFW requests, as a condition of project approval, the construction of noise containment structures for all generators and fans on the parcel; noise released shall be no more than 50 decibels measured from 100ft.

The project is located in/near Northern Spotted Owl (*Strix occidentalis caurina*), a State- and Federally-Threatened species) potential habitat. CDFW requests, prior to Project approval, protocol level surveys (two-year) by an experienced wildlife biologist, to determine whether the area has NSO presence; OR **assume presence** and avoid disturbance of habitat as determined by a qualified biologist, in consultation with CDFW and the US Fish and Wildlife Service.

Prohibition on use of synthetic netting. To minimize the risk of wildlife entrapment, Permittee shall not use any erosion control materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.

Leave wildlife unharmed. If any wildlife is encountered during the Authorized Activity, Permittee shall not disturb the wildlife and shall allow wildlife to leave the work site unharmed.



The environmental impacts of improper waste disposal are significant and well documented. CDFW requests, as a condition of Project approval, that all refuse be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.

This project has the potential to affect sensitive fish and wildlife resources such as Chinook Salmon (*Oncorhynchus tshawytscha*), Coho Salmon (*O. kisutch*), Steelhead Trout (*O. mykiss*), Foothill Yellow-legged Frog (*Rana boylei*), Pacific Giant Salamander (*Dicamptodon tenebrosus*), Southern Torrent Salamander (*Rhyacotriton variegatus*), Northern Red-legged Frog (*Rana aurora*), Tailed Frog (*Ascaphus truei*), Western Pond Turtle (*Actinemys marmorata marmorata*), and amphibians, reptiles, aquatic invertebrates, mammals, birds, and other aquatic and riparian species.

Thank you for the opportunity to comment on this Project. Please send all inquiries regarding these comments to [david.manthorne@wildlife.ca.gov](mailto:david.manthorne@wildlife.ca.gov).

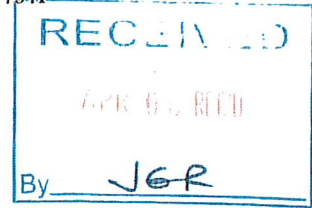
Please confirm that you have received this email.

Sincerely,  
David Manthorne

California Department of Fish and Wildlife  
619 2nd Street  
Eureka, CA 95501



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



4/4/2018

**PROJECT REFERRAL TO: California Department of Transportation  
District #1**

**Project Referred To The Following Agencies:**

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, Supervising Planner, Current Planning Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Hoopa Valley Tribe, California Department of Transportation District #1, Regional Water Quality Control Board, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, Klamath-Trinity Joint Unified School District, Willow Creek Response Area Fire Protection District, Tsnungwe Tribe, Humboldt County Sheriff, Humboldt County Sheriff's Office

**Applicant Name** TTF, Inc **Key Parcel Number** 522-174-005-000

**Application (APPS#)** 11701 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** CUP16-349

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

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

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

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

**Return Response No Later Than 4/19/2018**

Planning Commission Clerk  
County of Humboldt Planning and Building Department  
3015 H Street  
Eureka, CA 95501  
**E-mail:** PlanningClerk@co.humboldt.ca.us **Fax:** (707) 268-3792

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

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

☒ Recommend Conditional Approval. Suggested Conditions Attached.

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

☐ Recommend Denial. Attach reasons for recommended denial.

☐ Other Comments: \_\_\_\_\_

DATE: 4/25/2018  
CUP 16-1038 Talking Trees Farms 13198

PRINT NAME: Jesse Robertson  
June 7, 2018

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**DEPARTMENT OF TRANSPORTATION**

DISTRICT 1, P. O. BOX 3700  
EUREKA, CA 95502-3700  
PHONE (707) 441-4693  
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*Making Conservation  
a California Way of Life.*

April 25, 2018

1-HUM-299-38.1  
TTF CUP16-1038  
APN: 522-174-009

Michelle Nielsen, Senior Planner  
Planning & Building Department  
County of Humboldt  
3015 H Street  
Eureka, CA 95501

Dear Ms. Nielsen:

Thank you for giving Caltrans the opportunity to review and comment on the proposed Talking Trees Farm (TTF) Conditional Use Permit to bring a 24,000 square-foot cannabis cultivation into compliance. The project is located approximately  $\frac{3}{4}$  of a mile west of Willow Creek area at 39270 State Highway 96. We offer the following comments:

The subject parcel has access to State Route 299 from a private driveway. We request that the County require the applicant to provide a copy of the approved Caltrans encroachment permit that identifies the owner(s) responsible for the driveway encroachment within the state's right-of-way. Ensuring that the encroachment is currently permitted enables Caltrans or the County to notify the encroachment permit holder of maintenance issues or potential hazards in need of repair as a condition of continued use.

The existing access does not meet our current minimum driveway standards, per Appendix J of the Caltrans Encroachment Permits Manual. The existing site distance at this driveway is substandard and does not meet our current requirements. The permittee will be required to improve sight distance to meet our standards or show evidence why it can't be improved to our standards. This access will need to be upgraded to a commercial/multi-family residential driveway with a minimum throat width of 20 feet. Standard driveway geometry and paving sections apply (i.e. 50-foot tapers, 25-foot radius, 20-foot minimum width, paved with 4 inches AC over 6 inches AB).

An encroachment permit will be required to improve the driveway to existing Caltrans standards. Requests for permit applications can be sent to: Caltrans District 1 Permits Office, P.O. Box 3700, Eureka, CA 95502-3700, or requested by phone at (707) 445-6389. For additional information, the Caltrans Encroachment Permit Manual and Standard Application is available online at: <http://www.dot.ca.gov/hq/traffops/developserv/permits/>.

Ms. Michelle Nielsen  
1/25/18  
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Applications are reviewed for consistency with State standards and are subject to Department approval. To streamline the permit application and review process, we encourage the applicant to consult with our Permit staff prior to applying for the encroachment permit.

Please contact me with questions or for further assistance regarding the above comments by phone at (707) 441-4693 or by email at: <jesse.robertson@dot.ca.gov>.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Jesse Robertson', with a long horizontal flourish extending to the right.

Jesse Robertson  
Transportation Planning  
Caltrans District 1

Enclosed: Appendix J of the Caltrans Encroachment Permit Manual



## Road Connections and Driveways

## Design Guidelines for Typical Rural Driveways in State Right of Way.

### REFERENCES:

Please always refer to the latest Highway Design Manual (HDM) for most up to date guidelines. The HDM indexes referenced in the guidelines below can be accessed online from the following link:

[www.dot.ca.gov/hq/oppd/hdm/hdmtoc.htm](http://www.dot.ca.gov/hq/oppd/hdm/hdmtoc.htm)

### Initial Driveway Design Considerations:

1. **Location of the driveway shall be designed to maximize corner sight distance.** For corner sight distance, see HDM Index 405.1 (2) (c). Driveway proposals that do not meet sight distance requirements will not be permitted. The minimum corner sight distance shall be equal to the stopping sight distance as given in HDM Table 201.1. HDM Table 101.2 shows appropriate ranges of design speeds that shall be used for the various types of facilities, place types, and conditions listed. (See HDM Table 101.2 Vehicular Design Speed; Table 201.1 Sight Distance Standards; Index 205.4 Driveways on Frontage roads and in Rural Areas; Index 405.1 (2) Corner Sight Distance)
2. **Driveways connecting to State highways shall be paved a minimum of 20 feet from the edge of shoulder** or to the edge of State right of way, whichever is less to minimize or eliminate gravel from being scattered on the highway and to provide a paved surface for vehicles and bicycles to accelerate and merge. Where larger design vehicles are using the driveway (e.g., dump trucks, flatbed trucks, moving vans, etc.), extend paving so the drive wheels will be on a paved surface when accelerating onto the roadway (See HDM Index 205.4 Driveways on Frontage roads and in Rural Areas).

**Driveway Design Details:** Once considerations 1 and 2 above are met, driveway shall be designed per the following requirements:

3. Where County or City Regulations differ from the State's, it may be desirable to follow their regulations (See HDM Index 205.4 Driveways on Frontage roads and in Rural Areas).

OR

4. Design details are shown on HDM Figure 205.1. This detail, without the recess, may be used on conventional highways (See HDM Figure 205.1 Access Openings on Expressways, Note 2).
5. Approach and departure tapers should be 50 feet longitudinal and 8 feet from edge of traveled way at the end of the taper. Approach and departure tapers are not required where the existing paved shoulder is at least 8 feet wide (See HDM Figure 205.1 Access Openings on Expressways).

**Structural Section Design Details:** Driveways structural section has to meet the following requirements:

6. Approach and departure tapers should have structural sections matching the existing State highway shoulders. An alternate shoulder design is allowed. See HDM Figure 613.5B for details. For asphalt driveway the structural section should be equal to or greater than edge of shoulder or approach and departure tapers. Minimum thickness of surface course is 0.35 foot. Aggregate base depth should match State highway shoulders. Details (cross section, etc.) for concrete driveways are shown on Standard Plan A87A. Minimum thickness at driveway shall be 4 inches for residential and 6 inches for

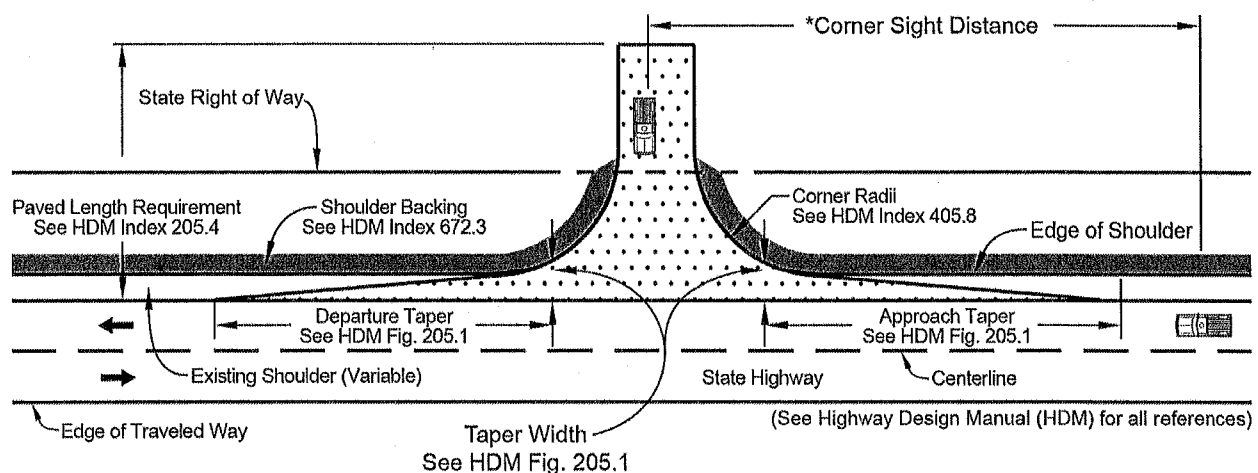
commercial. (See HDM 613.5 (2) Shoulders; Standard Plan A87A Curb and Driveways; Standard Plans are available at:

[www.dot.ca.gov/des/oe/construction-contract-standards.html](http://www.dot.ca.gov/des/oe/construction-contract-standards.html).)

7. Place shoulder backing from the edge of pavement (EP) to the hinge point (HP). Shoulder backing should be placed on a width of at least 2 feet from EP. For placement of shoulder backing thickness greater than 0.5 foot for slope repair; shoulder backing behind dikes; and where longitudinal drainage are present; see HDM for details. (see HDM Index 672 Shoulder Backing and HDM Figures 672.3 A through E)

The Figure below is provided to assist driveway design for rural areas and to clarify terminologies used in the above guidance. This figure is provided for general illustration purposes and is not be used for design details. It should not to be used as a drawing in the encroachment permit application for the driveway.

### Driveway Design Requirements for Rural Areas with Unimproved Frontage on Conventional State Highways



\*Corner Sight Distance shall be calculated from all directions of approach. See HDM Index 405.1(2) & Figure 405.7 for set back and sight distance calculations.

Purpose: The above excerpts from the Department's HDM are shown for reference. The design standards used for any project should equal or exceed the minimum given in the manual to the maximum extent feasible. They do not replace engineering knowledge, experience, and judgment in the design of driveways.

Special situations may call for variation from policies and procedures, subject to the appropriate approval. This is not intended to, nor does it establish a legal standard or any other standard of conduct or duty toward the public.