



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

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3015 H Street Eureka CA 95501  
Phone: (707) 445-7541 Fax: (707) 268-3792

Hearing Date: March 21, 2019

To: Humboldt County Zoning Administrator

From: Cliff Johnson, Supervising Planner

Subject: **Humbee, LLC, Special Permit**  
Application Number 11796  
Case Number SP-18-059  
Assessor's Parcel Number 314-222-004 and 314-223-010  
207 Butte Creek Road, Kneeland

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

## AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
March 21, 2019	Special Permit	Elizabeth Moreno

**Project Description:** Humbee, LLC, seeks approval of a two Special Permits one for 8,000 square feet of existing outdoor cannabis cultivation and 2,000 square feet of existing mixed light cannabis cultivation. The second Special Permit is for the point of water diversion for irrigation, the diversion is subject to the County's Streamside Management Area Ordinance (SMAO). The point of diversion occurs from an unnamed tributary from Mad River and commenced after April 25, 1995. Water storage on site totals 57,500 gallons, which will allow for the 169-day forbearance from surface water diversion. The projected water usage is about 32,500 gallons. Processing will take place off-site at a licensed processing facility. The applicant will have no employees. Humbee, LLC has filed a Notice of Intent with the North Coast Water Quality Control Board as a Tier 2 operation. Power is provided by solar power.

**Project Location:** The project is located in Humboldt County, in the Kneeland area, on the north side of Butte Creek Road, approximately 1,371 feet east from the intersection of Mountain View Road and Butte Creek Road, on the property known as 207 Butte Creek Road

**Present Plan Designations:** Timberland (T) Density: 1 dwelling unit per 160 to 40, Slope Stability: High Instability (3)

**Present Zoning:** Agriculture Exclusive (AE), Timberland Production (TPZ)

**Application Number:** 11796

**Case Number:** SP-18-059

**Assessor Parcel Number(s):** 314-222-004 and 314-223-010

**Applicant**

Humbee, LLC  
Brandi Rock  
PO Box 295  
Fortuna, CA 95540

**Owner**

Rock Brandi & Stokes Thomas  
88 Bar W Ranch Rd  
Carlotta, CA 95528

**Agent**

N/A

**Environmental Review:** An Addendum to a previously adopted Mitigated Negative Declaration has been prepared for consideration per §15164 of CEQA Guidelines

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

**Major Issues:** None

**Humbee, LLC Special Permit**  
Case Number SP 18-059  
Assessor's Parcel Number (APN): 314-222-004 and 314-223-010

**Recommended Zoning Administrator Action:**

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

*Find that the Zoning Administrator has considered the Addendum to the Commercial Medical Marijuana Land Use Ordinance pursuant to Section 15164 of the State CEQA Guidelines, make all of the required findings for approval of the two Special Permits based on evidence in the staff report and any public testimony, and adopt the Resolution approving the Humbee, LLC, Special Permits as recommended by staff subject to the recommended conditions.*

**Executive Summary**

The subject a parcel is approximately 168 acres in the kneeled area. The applicant is requesting a Special Permit for 8,000 square feet of existing outdoor cannabis cultivation and 2,000 square feet of existing mixed light cannabis cultivation and a Special Permit for a stream diversion and restoration within a Streamside Management Area.

The applicant has secured a Draft Lake or Stream Alteration Agreement (LSAA) from the Department of Fish and Wildlife (CDFW) for the surface water diversion. Water storage totals 57,500 gallons, currently installed on-site, which will allow for the 169-day forbearance from surface water diversion. The projected water usage is about 32,500 gallons. Processing will take place off-site at a processing facility. The applicant will have no employees. Humbee, LLC has filed a Notice of Intent with the North Coast Water Quality Control Board as a Tier 2 operation. Power is provided by solar power.

The project includes relocation and remediation work. In the west center of the parcel a 2,000 square foot cultivation area does not meet the required 150 feet setback from a natural aesthetic pond. The relocation is proposed onsite to an environmentally superior location not located within the TPZ area. As a condition of approval the applicant is submit a remediation plan prepared by a qualified professional. The subject property is accessed from Butte Creek road, which is a private road, off Mountain View Road which is a County-maintained road. The applicant has submitted a Road Evaluation Report completed by Atlas Engineering certifying that the roadway can accommodate the cumulative increased traffic from the proposed project. The report also certifies that there is a need for three turn outs. As a condition of approval the applicant is to follow Atlas engineering recommendations from the Road Evolution dated 8/23/2018.

The point of water diversion for the project requires a Special Permit in order to be in compliance with the County's Streamside Management Area Ordinance (SMAO). The point of diversion commenced after April 25, 1995, the date of establishment of the SMAO. The applicant will be required to forebear from diverting water from May 15 to October 15. The applicant shall install a screen on the diversion intake and maintain infrastructure in accordance with the final LSAA from CDFW.

There is a Northern Spotted Owl (NSO) activity center approximately 1.3 miles from the primary cultivation. No lights, generators or fans are permitted by this permit until a scoping report for NSO and Marbled Murrelet habitat is prepared by a biologist or forester with experience in the life history of the species, and approved by the Planning Director. If habitat is present within the project vicinity, a light and noise attenuation plan shall be developed in consultation with the Planning Department and California Department of Fish and Wildlife prior to the use of any lights,

generators or fans. Conformance will be evaluated using auditory disturbance guidance prepared by the United States Fish and Wildlife Service and any other relevant published literature. Should the applicant propose to achieve noise attenuation by placing the generators inside a building(s), the applicant shall secure a building permit prior to construction.

Staff recommends that the Zoning Administrator describe the application as a part of the consent agenda, survey the audience to see if any person would like to discuss the application and, if no one requests discussion, make all the required findings based on the evidence in the record and approve the application subject to the recommended conditions.

**Alternatives:** Several alternatives may be considered: 1) The Zoning Administrator could elect not to hear this item and put the decision making in front of the Planning Commission. Any decision to place this matter before the Planning Commission must be done before opening the public hearing on this project; 2) The Zoning Administrator could elect to add or delete conditions of approval; 3) The Zoning Administrator could deny approval of the requested permits if unable to make all of the required findings. Planning Division staff is confident that the required findings can be made based on the submitted evidence and subject to the recommended conditions of approval. Consequently, Planning Division staff does not recommend further consideration of these alternatives.



**RESOLUTION OF THE ZONING ADMINISTRATOR  
OF THE COUNTY OF HUMBOLDT  
Resolution Number 19-**

**Case Number SP 18-059  
Assessor's Parcel Number: 314-222-004 and 314-223-010**

**Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the Humbee, LLC Special Permit request.**

**WHEREAS, Humbee, LLC** submitted an application and evidence in support of approving the Special Permit after the fact for the retirement and relocation of a non-permitted encroachment (i.e., cultivation and water tanks supporting commercial cannabis activities) in a Streamside Management Area and Other Wet Area (SMAO) and a stream diversion, and a Special Permit one for 8,000 square feet of existing cultivation, and 2,000 square feet of mixed light cannabis cultivation.

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

**WHEREAS,** The County Planning Division, the lead agency, prepared an Addendum to the Final Mitigated Negative Declaration prepared for the Commercial Medical Land Use Ordinance (CMMLUO) adopted by the Humboldt County Board of Supervisors on January 26, 2016. The proposed project does not present substantial changes that would require major revisions to the previous mitigated negative declaration. No new information of substantial importance that was not known and could not be known at the time was presented as described by § 15162(c) of CEQA Guidelines; and

**WHEREAS,** Attachment 2 in the Planning Division staff report includes substantial evidence in support of making all of the required findings for approving the proposed Special Permit (Case Number SP 18-087); and

**WHEREAS,** a public hearing was held on the matter before the Humboldt County Zoning Administrator on March 21, 2019.

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

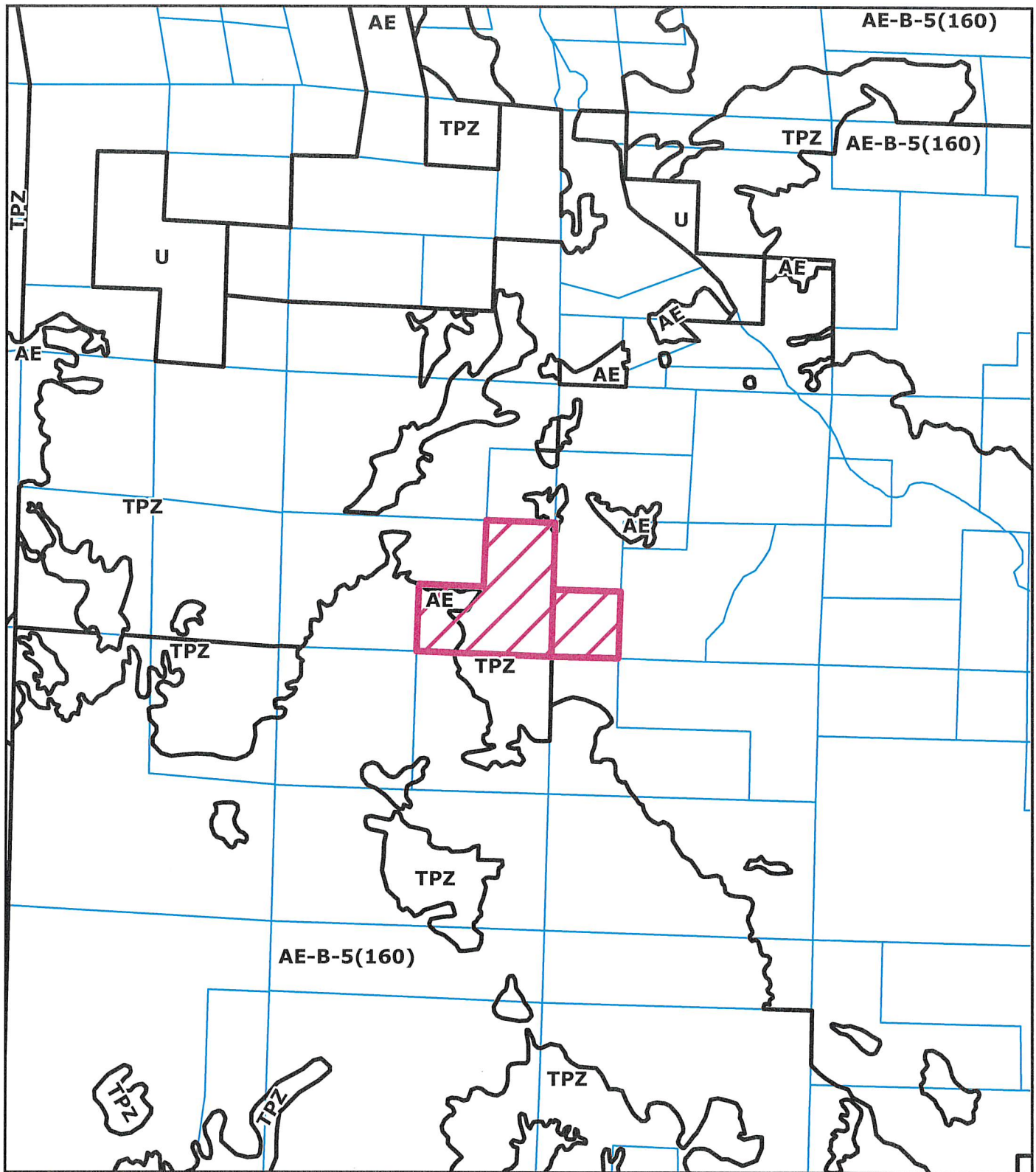
1. The Humboldt County Zoning Administrator has considered the Addendum to the MND adopted for the Commercial Medical Marijuana Land Use Ordinance; and
2. The findings in Attachment 2 of the Planning Division staff report supports approval of Case Number SP 18-087 based on the submitted substantial evidence; and
3. Special Permit Case Number SP 18-087 is approved as recommended and conditioned in Attachment 1.

Adopted after review and consideration of all the evidence on March 21, 2019.

I, John Ford, Zoning Administrator 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 Zoning Administrator at a meeting held on the date noted above.

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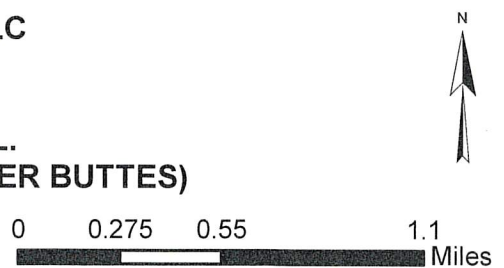
John Ford, Zoning Administrator  
Planning and Building Department  
County of Humboldt



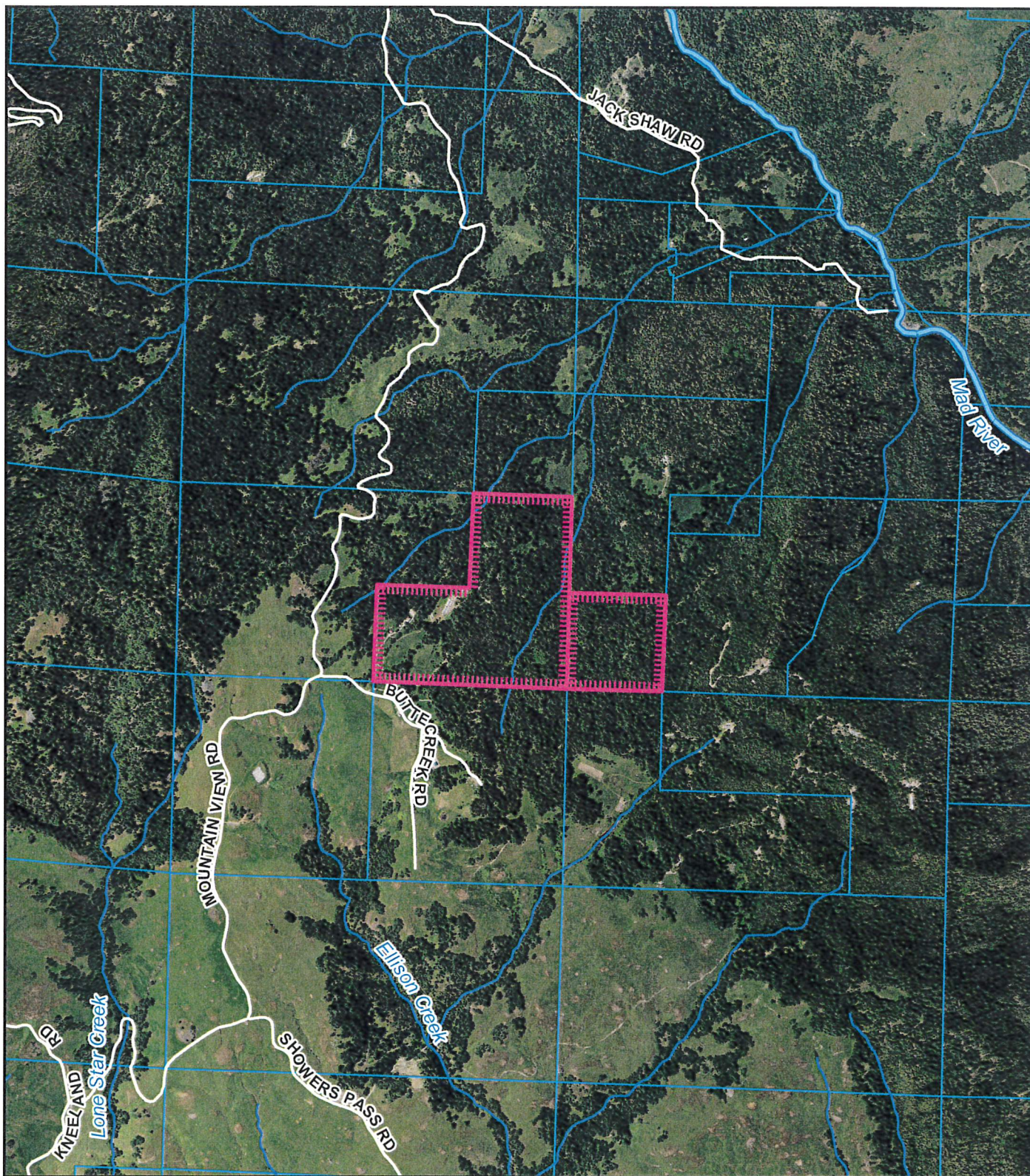
**ZONING MAP**  
**PROPOSED HUMBEE, LLC**  
**KNEELAND AREA**  
**SP-18-059**  
**APN: 314-222-004; ET AL.**  
**T03N R03E S8; S9 HB&M (MAD RIVER BUTTES)**

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.







Project Area = 

**AERIAL MAP  
PROPOSED HUMBREE, LLC  
KNEELAND AREA  
SP-18-059**

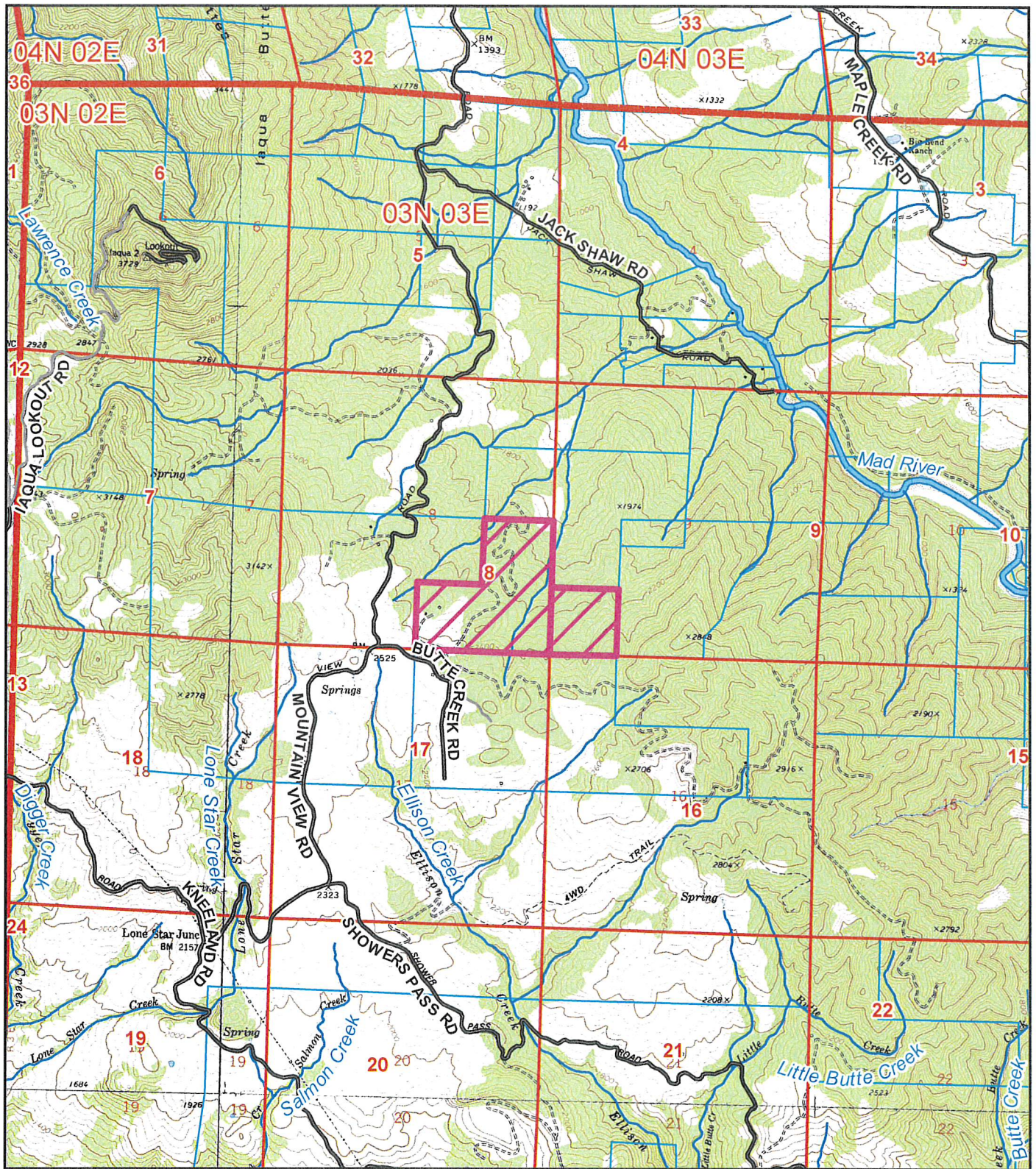
**APN: 314-222-004; ET AL.  
T03N R03E S8; S9 HB&M (MAD RIVER BUTTES)**

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0 1,000 2,000 4,000 Feet







**TOPO MAP  
PROPOSED HUMBEE, LLC  
KNEELAND AREA  
SP-18-059**

**Project Area =** 

**APN: 314-222-004; ET AL.  
T03N R03E S8; S9 HB&M (MAD RIVER BUTTES)**

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

0 0.275 0.55 1.1  
Miles



A Portion of Parcel  
314-222-004 and 314-223-010



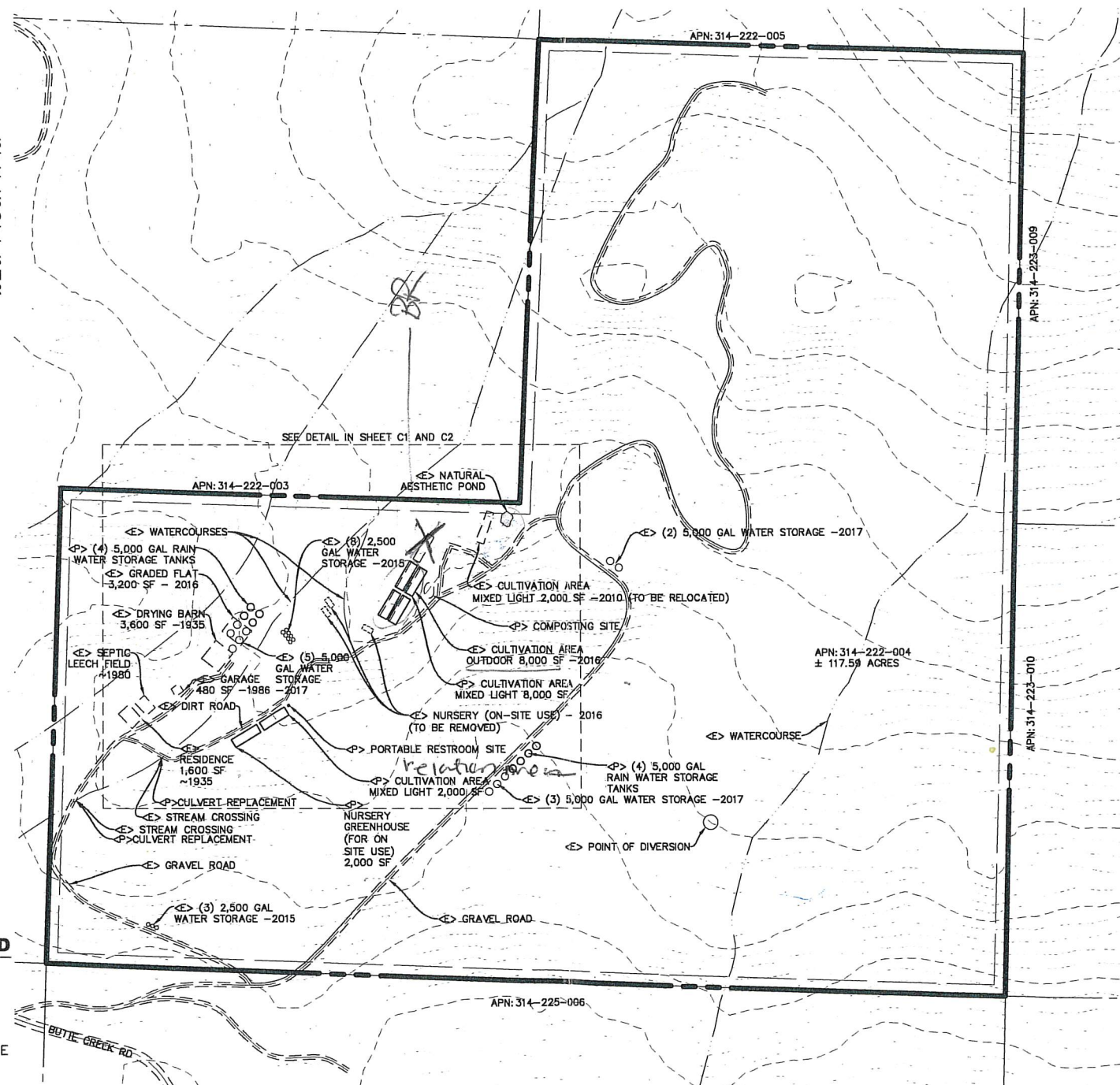
HUMBEE, LLC IS PROPOSING TO PERMIT MEDICAL CANNABIS CULTIVATION ACTIVITIES IN ACCORDANCE WITH THE COUNTY OF HUMBOLDT (COUNTY) COMMERCIAL MEDICAL MARIJUANA LAND USE ORDINANCE (CMMLUO), ORDINANCE NO. 2554. THE PROPOSAL INCLUDES APPROXIMATELY 10,000 SF OF MIXED LIGHT CANNABIS CULTIVATION LOCATED ON PRIME AGRICULTURAL SOILS. A THIRD PARTY HAS COMPLETED AN INVESTIGATION INTO THE LOCATION OF THESE SOILS (REPORT INCLUDED IN SUBMITTAL). THE PROJECT PROPOSAL INCLUDES THE DEVELOPMENT OF FACILITIES APPURTENANT TO THE CULTIVATION, INCLUDING GREENHOUSES, AN EXISTING BARN FOR DRYING AND STORAGE; EXISTING SOLAR ARRAYS; AND APPROPRIATE WATER STORAGE

1. DRAWING SCALE AS NOTED. WRITTEN DIMENSIONS SHALL TAKE PRECEDENCE OVER SCALED DIMENSIONS.
2. THIS IS NOT A BOUNDARY SURVEY. BOUNDARY INFORMATION DEPICTED HAS BEEN OBTAINED FROM HUMBOLDT COUNTY 2015 GIS DATA. MANHARD CONSULTING LTD. HAS NOT VERIFIED THIS PROPERTY BOUNDARY.
3. THERE ARE NO NEARBY SCHOOLS, SCHOOL BUS STOPS, PLACES OF WORSHIP, PUBLIC PARKS OR TRIBAL RESOURCES WITHIN 600 FEET OF THE PROPOSED CULTIVATION AREA.
4. THERE ARE NO RESIDENCES ON ADJOINING PARCELS WITHIN 300 FEET OF THE PROPOSED CULTIVATION AREAS.
5. ANY EXISTING DEVELOPMENT CONSTRUCTED WITHOUT THE BENEFIT OF COUNTY REVIEW WILL BE SUBJECT TO THE HUMBOLDT COUNTY BUILDING DEPARTMENT UPON APPROVAL OF THE ZONING CLEARANCE CERTIFICATE.

THE APPLICANT HAS APPLIED FOR A LAKE AND STREAMBED ALTERNATION AGREEMENT (LSAA) WITH CDFW THAT COVERS THE WATER DIVERSION AND STREAM CROSSING REPAIRS. THE LSAA IS CURRENTLY IN PROCESS WITH CDFW.

EFFECTIVE AUGUST 16, 2016, HUMBEE, LLC, ENROLLED WITH THE NORTH COAST REGIONAL WATER QUALITY CONTROL BOARD (NCRWQCB) FOR COVERAGE UNDER TIER 2 OF ORDER NO. 2015-00023 (WQID NUMBER: 1B161252 CHUM). A WATER RESOURCES PROTECTION PLAN IS BEING DEVELOPED FOR THE PROJECT BY PACIFIC WATERSHED ASSOCIATES AND WILL BE IMPLEMENTED FOR ACTIVITIES ASSOCIATED WITH ONSITE CULTIVATION

THE POINT OF DIVERSION (POD) HAS BEEN REGISTERED AS A RIPARIAN RIGHT WITH THE STATE WATER RESOURCES CONTROL BOARD (SWRCB) THROUGH THE FILING OF AN INITIAL STATEMENT OF DIVERSION AND USE. HUMBEE LLC, WILL APPLY FOR A SMALL IRRIGATION USE REGISTRATION FOR CULTIVATION ONCE THE PROGRAM BECOMES AVAILABLE FROM THE STATE WATER RESOURCE CONTROL BOARD.



APPLICANT:  
HUMBEE, LLC  
P.O. BOX 295  
FORTUNA, CA 95540

BRANDI ROCK  
- P.O. BOX 295  
- FORTUNA, CA 95540

MANHARD CONSULTING  
517 3RD STREET, SUITE 6  
EUREKA, CA 95501  
(707) 444-3800

APN: 314-222-004  
206 BUTTE CREEK ROAD  
KNEELAND, CA 95549

TREES TO BE REMOVED = NONE

EARTHWORK QUANTITIES = TBD

WATER = PRIVATE  
SEWER = PRIVATE

PARCEL SIZE = ±117.59 ACRES

ZONING: = TPZ (TIMBER PRODUCTION ZONE)  
= AE (AGRICULTURE GENERAL)

GENERAL PLAN DESIGNATION = T (FRWK)

	AE	TPZ	SRA
FRONT	30'	20'	30'
SIDE	20'	30'	30'
REAR	10'	30'	30'

MAX. BLDG. HT. = 35'

SRA AREA: = YES  
IN COASTAL ZONE: = NO  
IN 100 YR FLOOD ZONE: = NO

NOTE: ALL DATES NOTED INDICATE THE YEAR OF CONSTRUCTION.

C0 - ZONING PLOT PLAN, VICINITY MAP, &  
PROJECT NOTES  
C1 - EXISTING PLOT PLAN  
C2 - PROPOSED PLOT PLAN  
C3 - 300' AND 600' PROXIMITY BUFFERS

22x34 SHEET: 1"=200'  
11x17 SHEET: 1"=400'



0 100 200 400



**ATTACHMENT 1**  
**Recommended Conditions of Approval**

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

1. Within 60 days of the effective date of project approval the applicant shall execute a Compliance Agreement with the Humboldt County Planning Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #2 – 17. 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 and grading related to the cannabis cultivation and other commercial cannabis activity. A letter or similar communication from the Building Division verifying that all structures related to cannabis cultivation are permitted will satisfy this condition. No impervious floor shall be allowed for greenhouses. No shipping containers may be used for commercial application.
3. The applicant shall demonstrate the driveway and emergency vehicle turn around conform to the Humboldt County Code Section 3112-12, the Fire Safe Regulations. The applicant shall be responsible for implementing any necessary improvements to bring the driveway and emergency vehicle turn around into compliance. A letter from a qualified engineer shall satisfy this requirement.
4. The applicant is to implement Atlas Engineering recommendations from the Road Evolution dated 8/23/2018 and implement three turn outs on Butte Creek Road.
5. The applicant is to submit a remediation plan prepare by a qualified professional for the 2,000 square feet of mixed light cultivation that is being relocated.
6. The applicant shall submit one copy of the final Water Resource Protection Plan (WRPP) to the Planning and Building Department. The applicant shall implement all corrective actions detailed within the Water Resource Protection Plan (WRPP) developed for the parcel, prepared pursuant to Tier 2 enrollment under the North Coast Regional Water Quality Control Board Cannabis Cultivation Waste Discharge Regulatory Program, including those measures determined necessary during annual and periodic site inspections in accordance with the monitoring element. A copy of the report form portion of the Mitigation and Reporting Program (MRP) shall be submitted annually to the Planning and Building Department concurrent with the submittal to the NCRWQCB. A letter or similar communication from the NCRWQCB or the Third Party Consultant verifying that all their requirements have been met will satisfy this condition. [After July 31, 2019, plans and reporting shall conform to the Cannabis Cultivation Policy and Cannabis General Order adopted October 17, 2017 by the State Water Board.]
7. A copy of a Final Streambed Alteration Agreement and/or letter from CDFW stating a Final Streambed Alteration Agreement is required to be submitted by the applicant.
8. The applicant to contact the local fire service provider [Bridgeville Volunteer Fire Protection District] and furnish written documentation from that agency of the available emergency response and fire suppression services and any recommended project mitigation measures. 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.

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 applicant shall obtain the appropriate surface water diversion rights from the California State Water Resources Control Board, the Division of Water Rights. A copy of the water right registration or license or letter or similar communication from the State Water Resources Control Board verifying that this requirement has been met will satisfy this condition.
11. The Applicant shall agree to use a water meter to demonstrate that there is sufficient water supply to meet the demands of the project that corresponds to the amount of water available in the water storage tanks.
12. The applicant shall not use any erosion control measures that contain synthetic (e.g. plastic or nylon) monofilament 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 weaves.
13. If any wildlife is encountered during the authorized activity, the applicant shall not disturb the wildlife and shall allow wildlife to leave the work site unharmed.
14. No lights, generators or fans are permitted by this permit until a scoping report for NSO and Marbled Murrelet habitat is prepared by a biologist or forester with experience in the life history of the species, and approved by the Planning Director. If habitat is present within the project vicinity, a light and noise attenuation plan shall be developed in consultation with the Planning Department and California Department of Fish and Wildlife prior to the use of any lights, generators or fans. Conformance will be evaluated using auditory disturbance guidance prepared by the United States Fish and Wildlife Service and any other relevant published literature. Should the applicant propose to achieve noise attenuation by placing the generators inside a building(s), the applicant shall secure a building permit prior to construction.
15. Prior to renewal of permit the applicant is required to submit to DEH receipts, or copy of contract confirming sufficient use of portable toilets to serve staff for duration of first year or provide written assessment from a qualified septic consultant (REHS, PG or PE) confirming a Tier 0 status for the existing onsite waste treatment system serving the dwelling.
16. All refuse shall be contained in wildlife proof containers, at all times, and relocated to an authorized waste management facility, in compliance with State and local laws, on a regular and on-going basis.
17. The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency (CUPA) requirements regarding any hazardous materials. A written verification of compliance shall be required before any provisional permits may be finalized. Ongoing proof of compliance with this condition shall be required at each annual inspection in order to keep the permit valid.
18. The applicant shall be responsible for obtaining all necessary State permits or licenses, and for meeting all of the requirements as set forth by other regulatory agencies.



19. Prior to initiating commercial medical cannabis cultivation or associated activities the applicant shall execute and file with the Planning Division the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the HCC and available at the Planning Division.
20. The applicant is required to pay for permit processing on a time and materials basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will provide a bill to the applicant after the decision. Any and all outstanding Planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.

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

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

equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.

9. For cultivation area(s) for which no enrollment pursuant to NCRWQB Order No. R1-2015-0023 is required by that Order, comply with the standard conditions applicable to all Tier 1 dischargers.
10. Consent to an annual on-site compliance inspection, with at least 24 hours prior notice, to be conducted by appropriate County officials during regular business hours (Monday – Friday, 9:00 am – 5:00 pm, excluding holidays).
11. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
12. Pay all applicable application and annual inspection fees.
13. The noise produced by a generator used on an emergency-only basis shall not be audible by humans from neighboring residences. The decibel level for generators measured at the property line shall be no more than 60 decibels. Where applicable, sound levels must also show that they will not result in the harassment of Marbled Murrelet or Spotted Owl species. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service, and further consultation where necessary. Under these guidelines, generator noise may not exceed 50dB as measured at 100 feet from the generator or at the edge of the nearest Marbled Murrelet or Spotted Owl habitat, whichever is closer.
14. Storage of Fuel - Fuel shall be stored and handled in compliance with applicable state and local laws and regulations, including the County of Humboldt's CUPA program, and in such a way that no spillage occurs.
15. The Master Log Books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
16. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).
17. The operation shall participate in the Medical Cannabis Track and Trace Program administered by the Humboldt County Agricultural Commissioner, when available.

#### Performance Standards for Cultivation and Processing Operations

18. Pursuant to the MAUCRSA, Health and Safety Code section 19322(a)(9), an applicant seeking a cultivation license shall "provide a statement declaring the applicant is an 'agricultural employer,' as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 commencing with Section 1140) of Division 2 of the Labor Code), to the extent not prohibited by law."
19. Cultivators shall comply with all applicable federal, state, and local laws and regulations governing California Agricultural Employers, which may include: federal and state wage and hour laws, CAL/OSHA, OSHA, California Agricultural Labor Relations Act, and the Humboldt County Code (including the Building Code).
20. Cultivators engaged in processing shall comply with the following Processing Practices:
  - I. Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.



- II. Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
  - III. Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.
  - IV. Employees must wash hands sufficiently when handling cannabis or use gloves.
21. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:
- i. Cultivation operations and processing operations must implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:
    - 1) Emergency action response planning as necessary;
    - 2) Employee accident reporting and investigation policies;
    - 3) Fire prevention;
    - 4) Hazard communication policies, including maintenance of material safety data sheets (MSDS);
    - 5) Materials handling policies;
    - 6) Job hazard analyses; and
    - 7) Personal protective equipment policies, including respiratory protection.
  - ii. Cultivation and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
    - 8) Operation manager contacts;
    - 9) Emergency responder contacts;
    - 10) Poison control contacts.
  - iii. At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations. Plumbing facilities and water source must be capable of handling increased usage without adverse consequences to neighboring properties or the environment.
  - iv. On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.
22. All cultivators shall comply with the approved Processing Plan as to the following:
- i. Processing Practices.
  - ii. Location where processing will occur.
  - iii. Number of employees, if any.
  - iv. Employee Safety Practices.
  - v. Toilet and handwashing facilities.
  - vi. Plumbing and/or septic system and whether or not the system is capable of handling increased usage.
  - vii. Drinking water for employees.
  - viii. Plan to minimize impact from increased road use resulting from processing.
  - ix. On-site housing, if any.
23. Term of Commercial Cannabis Activity Special Permit. Any Commercial Cannabis Cultivation SP issued pursuant to the CMMLUO shall expire 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.

24. Permit Renewals to comply with Updated Laws and Regulations. Permit renewal per Ongoing Condition of Approval #23, above, is subject to the laws and regulations effective at the time of renewal, which may be substantially different than the regulations currently in place and may require the submittal of additional information to ensure that new standards are met.
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 shall be solely for medical purposes and all commercial cannabis products produced by me, my agents, or employees are intended to be consumed solely by qualified patients entitled to the protections of the Compassionate Use Act of 1996 (codified at Health and Safety Code section 11362.5); 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 California Medical Marijuana Regulation and Safety Act 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 California Medical Marijuana Regulation and Safety Act.
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:
- (1) Identifying information for the new Owner(s) and management as required in an initial permit application;
  - (2) A written acknowledgment by the new Owner in accordance as required for the initial Permit application;
  - (3) The specific date on which the transfer is to occur; and
  - (4) Acknowledgement of full responsibility for complying with the existing Permit; and
  - (5) Execution of an Affidavit of Non-diversion of Medical Cannabis.

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 of county statute, ordinance, or regulation are discovered, the Planning and Building Department may issue a provisional clearance or permit with a written approved Compliance Agreement. By signing the agreement, the permittee agrees to abate or cure the violations at the earliest opportunity but in no event more than two (2) years of the date of issuance of the provisional clearance or permit. Plans for curing the violations shall be submitted to the Planning and Building Department by the Permittee within one (1) year of the issuance of the provisional certificate or permit. The terms of the compliance agreement may be appealed pursuant to Section 314-55.4.13 of the CMMLUO.
2. This provisional permit approval shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"); except where the Compliance Agreement per COA #1 has been executed and the corrective actions pursuant to the agreement are being undertaken. Once building permits have been secured and/or the use initiated pursuant to the terms of the agreement, the use is subject to the Permit Duration and Renewal provisions set forth in Condition of Approval #23 and 24 of the On-Going Requirements /Development Restrictions, above.
3. If cultural resources are encountered during construction activities, the contractor on site shall cease all work in the immediate area and within a 50 foot buffer of the discovery location. A qualified archaeologist as well as the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

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

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

7. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions prior to release of building permit or initiation of use and at time of annual inspection. In order to demonstrate that all conditions have been satisfied, applicant is required to pay the conformance review deposit as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750) within sixty (60) days of the effective date of the permit or upon filing of the Compliance Agreement (where applicable), whichever occurs first. Payment shall be made to the Humboldt County Planning Division, 3015 "H" Street, Eureka.



## ATTACHMENT 2

### Staff Analysis of the Substantial Evidence Supporting the Required Findings

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

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

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

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

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

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Land Use Chapter 4  Land Use Designations Section 4.8	<b>Timberland (T):</b> Lands primarily suitable for the growing, harvesting and production of timber. Allowable uses include timber production, general agriculture, timber/agricultural products processing, natural resources uses, other uses  Density range is 40 -160 acres/unit	The project includes a point of water diversion for irrigation, restoration within a Streamside Management Area and for 8,000 square feet of existing outdoor cannabis cultivation and 2,000 square feet of existing mixed light cannabis cultivation. General and intensive agriculture such as the proposed project are allowable use types for the Tdesignation.
Circulation Chapter 7	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)  Related policies: C-P3, Consideration of Transportation Impacts in Land Use Decision Making.	Access to the property is via Butte Creek Road, 1.16 miles of private road from Mountain View road, a County Maintained road. The applicant has submitted a Road Evaluation Report completed by Atlas Engineering certifying that the roadway can accommodate the cumulative increased traffic from the project. The report also certifies that there is a need for three additional turn outs. As a condition of approval the applicant is to follow Atlas engineering recommendations from the Road Evolution dated 8/23/2018.



Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Housing Chapter 8	<p>Goals and policies contained in this Element seek to identify existing and projected housing needs and establish goals, policies, standards and measures for the preservation, improvement, and development of housing.</p> <p>Related policies: H-P3, Development of Parcels in the Residential Land Inventory.</p>	<p>The project does not involve residential development, nor is the project site part of the Housing Element Residential Land Inventory.</p>
<p>Conservation and Open Space Chapter 10</p> <p>Open Space Section 10.2</p>	<p>Goals and policies contained in this Chapter relate to an Open Space and Conservation Program that is complimentary to other agencies' plans and that preserves the county's unique open spaces. (CO-G1, CO-G3)</p> <p>Related policies: CO-P1, Conservation and Open Space Program; CO-P12, Development Review, CO-S1, Identification of Local Open Space Plan, and CO-S2, Identification of the Open Space Action Program.</p>	<p>The proposed project is located within the County's local open space plan because the project site is planned Timberland and is zoned Agriculture Exclusive (AE) and Timberland Production (TPZ). The project can be found to be consistent with the Open Space Action Program because the proposed project is an allowable use within the Land Use Designations. The existing cannabis cultivation - an agricultural product - is within land planned for agricultural purposes, consistent with the use of Open Space land for managed production of resources. There are two unnamed Class III watercourses that are tributaries to the Mad River (see Section 10.3 Biological Resources for additional information).</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Conservation and Open Space Chapter 10</p> <p>Biological Resources Section 10.3</p>	<p>Goals and policies contained in this Chapter relate to mapped sensitive habitat areas where policies are applied to protect fish and wildlife and facilitate the recovery of endangered species (BR-G1, Threatened and Endangered Species, BR-G2, Sensitive and Critical Habitat, BR-G3, Benefits of Biological Resources)</p> <p>Related policies: BR-P1. Compatible Land Uses, BR-P5. Streamside Management Areas.</p>	<p>The Biological Resource maps of the General Plan do not show any special status species on the subject parcel. The Marbled murrelet is not mapped in the project vicinity, however, a Northern Spotted Owl (NSO) activity center is located within 1.3 miles. No lights, generators or fans are permitted by this permit until a scoping report for Northern Spotted Owl habitat is prepared by a biologist or forester with experience in the life history of the species, and approved by the Planning Director. If habitat is present within the project vicinity, a light and noise attenuation plan shall be developed in consultation with the Planning Department and California Department of Fish and Wildlife prior to the use of any lights, generators or fans. Conformance will be evaluated using auditory disturbance guidance prepared by the United States Fish and Wildlife Service and any other relevant published literature. Should the applicant propose to achieve noise attenuation by placing the generators inside a building(s), the applicant shall secure a building permit prior to construction.</p> <p>Additionally, two unnamed tributaries to Mad River run through the Northwest corner and the southeast portion of the property. Water for cultivation purposes is provided by a point of diversion and by rainwater catchment and stored in water tanks.</p> <p>Recommended conditions of approval require the applicant to submit a final Lake or Stream Alteration Agreement issued the California Department of Fish and Wildlife. The notification shall also include any recommendations for improvements to the subject parcel recommend by the Water Resources Protection Plan that are jurisdiction to CDFW, such as culvert replacements. Other conditions of approval include habitat protection measures, such as leaving wildlife unharmed and prohibiting synthetic netting.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Conservation and Open Space Chapter 10</p> <p>Cultural Resources Section 10.6</p>	<p>Goals and policies contained in this Chapter relate to the protection and enhancement of significant cultural resources, providing heritage, historic, scientific, educational, social and economic values to benefit present and future generations. (CU-G1, Protection and Enhancement of Significant Cultural Resources)</p> <p>Related policies: CU-P1, Identification and Protection; CU-P2, Native American Tribal Consultation.</p>	<p>The Northwest Information Center (NWIC) recommended a cultural resources survey of the property. NWIC deferred to the THPO of the Bear River Band Rancheria and they did not recommend a cultural resources survey for the project. Standard inadvertent discovery protocols for cultural resources are included as conditions of approval of the special permit for cultivation.</p>
<p>Conservation and Open Space Chapter 10</p> <p>Scenic Resources Section 10.6</p>	<p>Goals and policies contained in this Chapter relate to the protection of scenic areas that contribute to the enjoyment of Humboldt County's beauty and abundant natural resources (SR-G1); and a system of scenic highways roadways that increase the enjoyment of, and opportunities for, recreational and cultural pursuits and tourism in the County. (SR-G2)</p> <p>Related policies: SR-S4. Light and Glare</p>	<p>The property is wooded and the gardens are not visible from a public road or any other public vantage point.</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-G, 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 cultivation is enrolled with the North Coast RWQCB as a Tier 2 discharger. As a condition of approval a Water Resources Protection Plan (WRPP) is to be submitted to the Planning Department and the applicant is to adhere to the WRPP and implement the corrective measures. The applicant shall enroll in the State Cannabis Discharge program by July 2019.</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 applicant uses existing septic systems for wastewater processing. DEH has commented that prior to renewal of permit the applicant is required to submit to DEH receipts, or copy of contract confirming sufficient use of portable toilets to serve staff for duration of first year or provide written assessment from a qualified septic consultant (REHS, PG or PE) confirming a Tier 0 status for the existing onsite waste treatment system serving the dwelling. This is part of the conditions of approval.</p>
<p>Noise Chapter 13</p>	<p>Goals and policies contained in this Chapter discourage incompatible uses within communities and reduce excessive noise through the application of standards. (N-G1, N-G2)</p> <p>Related policies: N-P1, Minimize Noise from Stationary and Mobile Sources; and N-P4, Protection from Excessive Noise.</p>	<p>Electrical power for the cultivation is supplied by the solar system; only backup generators are to be used. The backup generator must meet CMMLUO performance 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>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; and S-P7, Structural Hazards.</p>	<p>The project site is not located in a mapped Alquist-Priolo fault zone nor is it subject to liquefaction. The cultivation is located in an area designated as high Instability (3) in the County's GIS mapping. Conditions of approval require the applicant to obtain grading permits for any grading on the subject parcel required for the cannabis operation. Based on the project and evidence before staff, the project does not pose any threat to public safety related from exposure to natural or manmade hazards.</p>
<p>Safety Element Chapter 14</p> <p>Flooding</p>	<p>Goals and policies contained in this Chapter relate to the use of natural drainage channels and watersheds that are managed to minimize peak flows in order to reduce the severity and frequency of flooding. (S-G3)</p> <p>Related policies include: S-P12, Federal Flood Insurance Program; S-P13, Flood Plains; S-P15, Construction Within Special Flood Hazard Areas.</p>	<p>The subject parcel is outside any mapped flood hazard areas. The property is at 500-1,000 feet above sea level, and is not subject to inundation from an upstream dam failure or tsunami.</p>
<p>Safety Element Chapter 14</p> <p>Fire Hazards</p>	<p>Goals and policies of this Chapter encourage development designed to reduce the risk of structural and wildland fires supported by fire protection services that minimize the potential.</p> <p>Related policies: S-P19, Conformance with State Responsibility Areas (SRA) Fire Safe Regulations.</p>	<p>The subject parcel in an area with a high fire hazard rating and high fire hazard severity. The property is served by the State Responsibility Area where the State of California has the primary financial responsibility for the prevention and suppression of wildland fires. As a condition of approval the applicant must be in compliance with the requirements of the County's Fire Safe Regulations. The Humboldt County Fire Safe Ordinance (Section 3111-1 et seq.) establishes development standards for minimizing wildfire danger in State Responsibility Areas. Compliance with these requirements has been incorporated as a condition of approval.</p>



Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Community Infrastructure and Services Element, Chapter 5</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 parcel is located outside Fire Protection District. As a condition of approval the applicant is to contact the local fire service provider [Bridgeville Volunteer Fire Protection District] and furnish written documentation from that agency of the available emergency response and fire suppression services and any recommended project mitigation measures. 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.</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>Dust control practices during construction and grading shall achieve compliance with NCAQMD fugitive dust emission standards.</p>

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

<b>Zoning Section</b>	<b>Summary of Applicable Requirements</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.	APNs 314-222-004 and 314-223-010 as created as one patent parcel, and issued a Certificate of Subdivision Compliance Document # 2007-31049.
§314-7.3  Agriculture Exclusive and Timberland Production  §314-17.1 Special Building Site	The Agriculture Exclusive (AE) and Timberland Production (TPZ) is applied to a combined forested areas in timber production uses and agriculture uses.	The applicant is seeking a Special Permit for an existing and new cannabis cultivation operation on the portion of the parcel that is zoned AE. The proposed use is specifically allowed with Special Permit in this zoning district and under Section 314-55.4.8.2.2 of the CMMLUO.
Min. Lot Size:	20 acre	168 acres
Min. Lot Width:	None specified	2,682 feet
Max. Lot Depth:	None specified	2,648 feet
Max. Ground Coverage:	None specified	<1%
Minimum Yard Setbacks:  (Through the SRA requirements)	Front: 20 feet Rear: 10 feet Side: 5 feet  SRA: 30 feet, all sides	Front: >30 feet Rear: >30 feet Side: >30 feet
Max. Building Height:	None specified	Meets requirement

Zoning Section	Summary of Applicable Requirements	Evidence That Supports the Zoning Finding
§314-61.1 Streamside Management Area (SMA)	<p>Placement of soil within SMAs shall be prohibited, except where specifically authorized by the SMA ordinance.</p> <p>Development within SMAs may include wildlife enhancement and restoration projects.</p> <p>The SMA of intermittent streams outside of urban development and expansion areas is defined as 50 feet from the stream transition line.</p>	<p>All cultivation areas are located more than 50 feet from the Class 3 stream on the property, outside the 50-foot SMA for the stream.</p> <p>After-the-fact permitting of the construction of diversion infrastructure within the SMA associated with cannabis cultivation. Encroachments commenced after April 25, 1995 and require a Special Permit to be secured under Section 314-61.9 of the SMAO.</p> <p>This project was referred to CDFW. The applicant has filed a Notification of Lake or Streambed Alteration and is required to finalize the agreement.</p> <p>Use of the diverted water would be subject to forbearance from May 15 to October 31. The infrastructure of the water pump used to divert water must be maintained as directed the terms of the finalized LSAA.</p>
Off-Street Parking §314-109.1	<p>Off Street Parking: Agricultural use*: Parking space per employee at peak shift.</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>	2 spaces, no employers.



Zoning Section	Summary of Applicable Requirements	Evidence That Supports the Zoning Finding
<b>314-55.4 Commercial Cultivation, Processing, Manufacturing and Distribution of Cannabis for Medical Use Inland Land Use Regulation (CMMLUO)</b>		
§314-55.4.8.2	Commercial cannabis cultivation is allowed on parcels zoned AE, with no parcel size limitation. In all zones where cultivation is allowed consisting of timberland, the commercial cultivation of cannabis for medical use shall only be permitted within a 3-acre conversion exemption area, or non-timberland open area.	The subject parcel is approximately 168 acres in size, respectively. Aerial imagery indicates cultivation occurs in the open space portion zoned AE. No evidence of timber conversion on the property has been found.
§314-55.4.8.2.2 Existing Outdoor and Mixed-Light Cultivation Areas	A Zoning Clearance Certificate, Special Permit or Use Permit may be issued for outdoor or mixed-light commercial cannabis cultivation for some or all of the cultivation area in existence prior to January 1, 2016, in zoning district U (on parcels one acre or larger), where the General Plan designated the area for agricultural development, but only when possible to bring the cultivation into compliance with all applicable standards set forth in this section and to eliminate existing violations as specified in this ordinance. The total cultivation area allowed on a single parcel shall not exceed one acre for outdoor cultivation or 22,000 square feet for mixed light cultivation. No expansion of the existing cultivation area shall be permitted.	Based on review of historic imagery on TerraServer®, the site was used for cannabis cultivation prior to January 1, 2016.  The proposed project includes permitting for 8,000 square feet of existing outdoor cannabis cultivation and 2,000 square feet of existing mixed light cannabis cultivation on a parcel zoned AE. The cultivation area is consistent with the requirements for the cultivation type, status, and zoning of the parcel. The applicant will comply with all conditions of the CMMLUO, as specified in the recommended conditions of approval.
§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 holds 1 other cannabis activity permit, and is entitled to four. This application is for a single permit for outdoor and mixed-light cultivation.
§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.	Processing is performed offsite.
§314-55.4.9.4 Pre-Application Registration	Existing cultivation sites shall register with the County within 180 days of the effective date of this ordinance.	The applicant submitted the required registration form on August 16, 2016.

<b>Zoning Section</b>	<b>Summary of Applicable Requirements</b>	<b>Evidence That Supports the Zoning Finding</b>
§314-55.4.10 Application Requirements	Identifies the Information Required for All Applications	Attachment 4 identifies the information submitted with the application, and shows all the required information was received. Contents of the application are on file. All outstanding items are included as conditions of approval.
§314-55.4.11 Performance Standards	Identifies the Performance Standards for Cannabis Cultivation Activities	All the applicable performance standards are included as conditions of project approval. They are required to be met throughout the timeframe of the permit.
§314-55.4.11.c Performance Standards-Water	Compliance with all statutes, regulations and requirements of the California State Water Resources Control Board, Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration.	The applicant has filed an Initial Statement of Water Diversion and Use for the point of diversion used for domestic use. Conditions of approval require the applicant to obtain appropriative rights from the State Water Resources Control Board for the point of diversion.
§314-55.4.11.d Performance Standards-Setbacks	The area of cannabis cultivation and on-site processing shall be setback at least 30 feet from any property line, and 600 feet from any school, school bus stop, church or other place of religious worship, public park, or tribal cultural resources (TCRs).	The site plan submitted by the applicant shows all cultivation facilities are more than 30 feet from property lines and more than 600 feet from any school, school bus stop, church, or public park. The THPO of the Bear River Band did not request a cultural resources survey for the project.
§314-55.4.11.o Performance Standards-Generator Noise	The noise produced by a generator used for cannabis cultivation shall not be audible by humans from neighboring residences. The combined decibel level for all noise sources, including generators, at the property line shall be no more than 60 decibels. Where applicable, sound levels must also show that they will not result in the harassment of Marbled Murrelet or Spotted Owl species, when generator use is to occur in the vicinity of potential habitat. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service.	The cultivation uses electricity supplied by a solar array and if necessary a backup generator will be used.

Zoning Section	Summary of Applicable Requirements	Evidence That Supports the Zoning Finding
§314-55.4.17 Sunset Date	No application for any Use Permit pursuant to the CMMLUO shall be processed for issuance or approval that is received after December 31, 2016.	The applicant submitted the application on December 13, 2016.



**4. Public Health, Safety and Welfare.** The following table identifies the evidence which supports finding that the proposed location of the use and conditions under which it may be operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.

Code Section	Summary of Applicable Requirements	Evidence that Supports the Required Finding
§312-17.1.4	The proposed development will not be detrimental to the public health, safety and welfare, and will not be materially injurious to properties or improvements in the vicinity.	The Department finds that the proposed project will not be detrimental to the public health, safety and welfare. The project as proposed and conditioned is consistent with the general plan and zoning ordinances; and the proposed project is not expected to cause any environmental damage.

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

Code Section	Summary of Applicable Requirement	Evidence that Supports the Required Finding
§312-17.1.5 Housing Element Densities	The proposed development shall not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.	The parcel was not included in the 2014 Housing Inventory.

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

Code Section	Summary of Applicable Requirement	Evidence that Supports the Required Finding
§15164	Addendum to an EIR or Negative Declaration.	As lead agency, the Department prepared an Addendum to the previously adopted Mitigated Negative Declaration (MND) (State Clearinghouse # 2015102005) prepared for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) and adopted by the County Board of Supervisors January 26, 2015. The MND prepared for the CMMLUO established that the environmental effects of existing cultivation operations would be reduced from the baseline impacts through the regulations applied by the CMMLUO. The proposed project is consistent with all regulations within the CMMLUO and all mitigation measures of the MND. The project is for the approval of an existing cultivation and on-site

		processing. The environmental document on file include detailed discussions of all the relevant environmental issues.
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**ATTACHMENT 3**

**CEQA ADDENDUM TO THE  
MITIGATED NEGATIVE DECLARATION FOR THE COMMERCIAL MEDICINAL MARIJUANA LAND USE  
ORDINANCE**

*Commercial Medical Marijuana Land Use Ordinance Mitigated Negative Declaration (MND)  
(State Clearinghouse # 2015102005), January 2016*

*APN 314-222-004 and 314-223-010, 207 Butte Creek Road, Kneeland, County of Humboldt*

**Prepared By  
Humboldt County Planning and Building Department  
3015 H Street, Eureka, CA 95501**

**March 2019**



## Background

### **Modified Project Description and Project History –**

The Commercial Medical Marijuana Land Use Ordinance (CMMLUO) established specific regulations for commercial cannabis operations in Humboldt County. These regulations were developed in concert with the Mitigated Negative Declaration (MND) that was adopted for the ordinance in order to implement the mitigation measures of the MND. The MND addressed the broad environmental impacts that could be expected to occur from the adoption and implementation of the ordinance. The MND specified that the regulations established in the CMMLUO would mitigate the impacts of existing cannabis operations by establishing regulations for an existing unregulated land use to help prevent and reduce environmental impacts that are known to result from unpermitted baseline cultivation operations. Commercial cannabis cultivation in existence as of December 31, 2015 was included in the environmental baseline for the MND and the MND states that "Bringing existing operations into compliance will help to attenuate potential environmental effects from existing cultivation activities, including aesthetic impacts resulting from improper operation or poor siting." The current project was contemplated by the MND and compliance with the provisions of the CMMLUO will fully mitigate all environmental impacts of the project to a less than significant level.

The two Special Permits is for the approval of 8,000 square feet of existing outdoor cannabis cultivation and 2,000 square feet of existing mixed light cannabis cultivation. The second Special Permit is for the approval of use of a point of water diversion for irrigation, the diversion is subject to the County's Streamside Management Area Ordinance (SMAO). The point of diversion occurs from unnamed tributary from Mad River and commenced after April 25, 1995 which is considered a development. Water storage on site totals 57,500 gallons, which will allow for the 169-day forbearance from surface water diversion. The projected water usage is about 32,500 gallons. Processing will take place off-site at a processing facility. The applicant will have no employees. Humbee, LLC has filed a Notice of Intent with the North Coast Water Quality Control Board as a Tier 2 operation. Power is provided by solar power. The operation is existing and is being brought into compliance with the provisions of the CMMLUO and the MND adopted for the CMMLUO, and as a result will be consistent with the adopted MND.

**Purpose** - Section 15164 of the California Environmental Quality Act (CEQA) provides that the lead agency shall prepare an addendum to a previously certified Mitigated Negative Declaration (MND) if some changes or additions are necessary but none of the conditions described in Section 15162 calling for a subsequent EIR or Negative Declaration have occurred. Section 15162 states that when an EIR has been certified for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

1. Substantial changes are proposed in the project which require major revisions of the previous MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous MND was certified as complete, shows any of the following: A) the project will have one or more significant

effects not discussed in the previous MND; B) significant effect previously examined will be substantially more severe than shown in the previous MND; C) mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or D) mitigation measures or alternatives which are considerably different from those analyzed in the previous MND would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

### **Summary of Significant Project Effects and Mitigation Recommended**

No changes are proposed for the original MND recommended mitigations. The proposal to authorize an existing 10,000 square foot of existing commercial cannabis operation, and authorize the use of a point of diversion and to construct minor improvements necessary to bring the operation into compliance with the CMMLUO is fully consistent with the impacts identified and adequately mitigated in the original MND. The project as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the MND.

### **Other CEQA Considerations**

Staff suggests no changes for the revised project.

### **EXPLANATION OF DECISION NOT TO PREPARE A SUPPLEMENTAL MITIGATED NEGATIVE DECLARATION OR ENVIRONMENTAL IMPACT REPORT**

See Purpose statement above.

In every impact category analyzed in this review, the projected consequences of the current project proposal are either the same or less than significantly increased than the initial project for which the MND was adopted. Based upon this review, the following findings are supported:

### **FINDINGS**

1. The proposed project will permit an existing cannabis operation and bring the operation into compliance with county and state requirements intended to adequately mitigate environmental impacts.
2. The circumstances under which the project was approved have not changed substantially. There are no new significant environmental effects and no substantial increases in the severity of previously identified effects.
3. For the current proposed project, there has been no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous MND was adopted as complete.

### **CONCLUSION**

Based on these findings it is concluded that an Addendum to the certified MND is appropriate to address the requirements under CEQA for the current project proposal. All of the findings, mitigation requirements, and mitigation and monitoring program of the MND, remain in full force and effect on the original project.



## ATTACHMENT 4

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

Attachment 4 includes a listing of all written evidence which has been submitted by the applicant in support of making the required findings. The following materials are on file with the Planning Division:

1. The name, contact address and phone number(s) of the applicant. (Application form on file)
2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. (Not Applicable)
3. Site plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including: access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within ¼ mile (1,320 ft.) of a school, school bus stop, church or other place of religious worship, public park, or Tribal Cultural Resource, the site plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 600 feet.
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. (On file with Planning; Applicant is required to provide an addendum with additional information, as a condition of approval)
5. Copy of the statement of water diversion, or other permit, license or registration filed with the State Water Resources Control Board, Division of Water Rights, if applicable. (On file)
6. Description of water source, storage, irrigation plan, and projected water usage. (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. (Condition of Approval)

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



## Moreno, Elizabeth

---

**From:** bran ro <brankaye@yahoo.com>  
**Sent:** Friday, June 22, 2018 2:03 PM  
**To:** Moreno, Elizabeth  
**Subject:** Final Amendment for App 11796

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hi Elizabeth-

Here is the Amendment to application 11796 that we spoke about in our meeting this past Wednesday.

Amendment to Humboldt Application 11796  
APN 314-222-004

Amendment reads:

Roads are the single greatest contributor to sediment into our watersheds. Under the advisement of local environmental consult group, Pacific Watershed Associates, the preexisting 5,500 square feet of outdoor cultivation was remediated and relocated to the more environmentally superior location. The remediated area was tended to in order to encourage vegetation back to its native state. The remediation was successful and the area has fully grown back. The maps prepared by Manhard Consulting submitted with the project show the details. The sites have been approved by California Department of Fish and Wildlife. This project would like to be considered for additional expansion of square footage in future years. It is the projects intention with only the pre approval of the Humboldt County Planning Department to expand the square footage based on qualifying cultivation areas.

## Moreno, Elizabeth

---

**From:** bran ro <brankaye@yahoo.com>  
**Sent:** Thursday, June 28, 2018 11:20 AM  
**To:** Moreno, Elizabeth  
**Subject:** Kneeland State Water Board POD  
**Attachments:** Kneeland State Waterboard POD.JPG

Elizabeth-

I attached the State Water Board POD paperwork below. The highlifter pump that is used at the point of diversion predates 1995. The pump is one of the first on the market. Ryan Bourge at CDFA could clarify this information as he was onsite for the LSAA approval. The pumps age and knowledge that past residence installed the diversion prior to 1995 should help assist the approval of the diversion. Let me know if there is anything else I can assist with.

Thank you,  
Brandi



## Moreno, Elizabeth

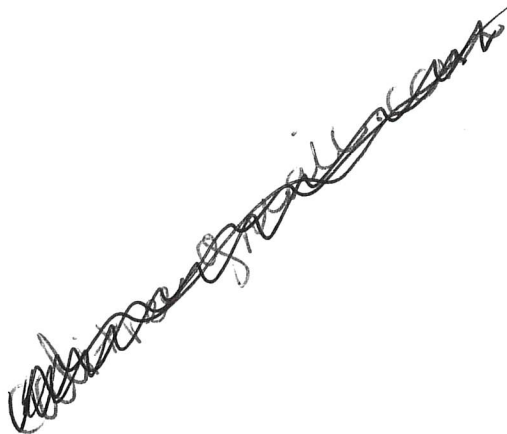
---

**From:** bran ro <brankaye@yahoo.com>  
**Sent:** Thursday, June 28, 2018 11:40 AM  
**To:** Moreno, Elizabeth  
**Subject:** Kneeland Amendment for water storage

Elizabeth-  
Here is the amendment for the Kneeland water storage.

### Amendment

Previously Manhard Consulting submitted that the water storage capacity should be 150,000 gallons for the farms project. The approval of the Lake and Streambed Alteration Agreement for the point of diversion will allow the amount of water needed for the project. Approximately 32,500 gallons of water storage will meet the needs of farm during the forbearance period. The project will expect to use an approximate 10,000 additional gallons outside of the forbearance period for agriculture. This amount is dependent on environmental factors such as weather, humidity levels, and health of the crop. The project will use approximately 42,500 gallons per season/year.

A handwritten signature in dark ink, appearing to read "Elizabeth Moreno", is written diagonally across the lower half of the page.

**Cultivation and Operations Manual  
For  
Humbee, LLC.  
APN: 314-222-004  
APPS # 11796**



**Proposed Medical Cannabis Cultivation Facilities**

Lead Agency:

***Humboldt County Planning Department***  
3015 H Street  
Eureka, CA 95501

Prepared By:  
***Manhard Consulting***  
***Project Manager: Robert Jensen***  
(707) 798-8242  
517 3<sup>rd</sup> Street, Suite 6  
Eureka, California 95501

In Consultation with:

***Humbee, LLC.***  
P.O. Box 295  
Fortuna, CA 95540

June 9, 2017

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Appendix A: Plot Plan

Appendix B: Regulated Products Resource List

Appendix C: Cultivation Activities Schedule

Appendix D: References

Appendix E: NCRWQCB Notice of Intent (NOI) and Monitoring and Reporting Program (MRP)

Appendix F: Department of Fish and Wildlife Lake and Streambed Alteration Agreement

Appendix G: Water Rights for Mad River tributary diversion

Appendix H: Affidavit, Pre-2016 Cultivation Documentation, Department of Health Attachment

Appendix I: Soils Analysis Report by DBS



## 1. PROJECT SUMMARY

### 1.1. PROJECT OBJECTIVE

Humbee, LLC is proposing to permit medical cannabis cultivation activities in accordance with the County of Humboldt's (County) *Commercial Medical Marijuana Land Use Ordinance* (CMMLUO). The proposal includes approximately 10,000 sf of mixed light cannabis cultivation located on prime agricultural soils. A third party has completed an investigation into the location of these soils and the report is included in the submittal. Because of the presence of prime agricultural soils, this project is eligible for a Zoning Clearance Certificate under the CMMLUO. The project includes the permitting of existing and proposed facilities appurtenant to the cultivation, including the greenhouses, existing barn for drying and storage, solar arrays, and grading. The applicant aims to become fully compliant with State and Local cultivation regulations.

### 1.2. SITE DESCRIPTION

The Project is located at 206 Butte Creek Rd. Kneeland, CA (APN 314-222-004) approximately 7 miles southeast of the locality of Kneeland, California. The subject parcel is approximately 117.6 acres in size (per the County of Humboldt's WebGIS). Elevations range from 1,800 to 2,400 feet with a northeastern aspect, and the property has slopes ranging from 30% to under 5% slope. The site has an existing single family residence, ag barn, solar arrays, and several plastic water tanks and greenhouses used for cultivation (see sections 2.1 and 3.2 for specifics). The property is located near the top of the ridgeline, and has several unnamed drainages that flow to the northeast and eventually drain into the Mad River. There are six stream crossings on site identified for repair or maintenance, and are included in the Lake and Streambed Alteration Agreement (LSAA) with the Department of Fish and Wildlife (CDFW).

### 1.3. LAND USE

The subject property has a Land Use designation of Timber Production (T) as described in the Humboldt County General Plan – Volume 1, Framework Plan (FWRK) and is zoned Timber Production Zone (TPZ) and Agricultural Exclusive (AE). The surrounding parcels are zoned Agricultural Exclusive (AE) and Timber Production Zone (TPZ).

### 1.4. STATE AND LOCAL COMPLIANCE

#### 1.4.1. STATE OF CALIFORNIA COMMERCIAL CANNABIS ACTIVITY LICENSE

Humbee, LLC will obtain a Commercial Cannabis Activity license from the State of California at time such a license becomes available.

#### 1.4.2. STATE WATER RESOURCES CONTROL BOARD

The primary water source on the property is a point of diversion on the parcel that directly diverts water from an unnamed tributary to the Mad River. This point of diversion (POD) has been registered as a riparian right with the State Water Resources Control Board (SWRCB) through the filing of an Initial Statement of Diversion and Use (see Appendix G). When the SWRCB issues the new regulations for appropriative rights for cannabis cultivation, the applicant will file for such rights to cover water storage facilities that meet the summer forbearance period.



#### 1.4.3. NORTH COAST REGIONAL WATER QUALITY CONTROL BOARD

Effective August 16, 2016, Humbee, LLC enrolled with the North Coast Regional Water Quality Control Board (NCRWQCB) for coverage under Tier 2 of Order No. 2015-0023 *Waiver of Waste Discharge Requirements and General Water Quality Certification for Discharges of Waste Resulting from Cannabis Cultivation and Associated Activities or Operations with Similar Environmental Effects in the North Coast Region* (WDID Number 1B161252 CHUM). A Water Resources Protection Plan is being developed for the project by Pacific Watershed Associates and will be implemented for activities associated with onsite cultivation.

#### 1.4.4. HUMBOLDT COUNTY BUILDING DEPARTMENT

All necessary building permits will be obtained from the Humboldt County Building Department for all existing and proposed structures and supporting infrastructure upon approval of the Zoning Clearance Certificate.

#### 1.4.5. CAL FIRE

The subject property is located within a State Responsibility Area (SRA) for fire protection. Several improvements are proposed to meet SRA requirements, including designating a fire turn-around and pull-out area for emergency vehicles, and management of trees and vegetation around existing structures to maintain the required 100-foot defensible space, and installation of a 2,500-gallon water tank with a riser to SRA specifications. All structures on the property meet the 30-foot SRA setback requirement from property lines.

#### 1.4.6. CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

A Lake and Streambed Alteration Agreement (LSAA) from the California Department of Fish and Wildlife (CDFW) has been applied for the existing stream crossings and water diversion. The LSAA is currently in process with CDFW, and a signed LSAA/1600 agreement will be provided to the County once it has been completed.

#### 1.4.7. CULTURAL RESOURCES

If buried archaeological or historical resources are encountered during construction or cultivation activities, the applicant or contractor shall call all work in the immediate area to halt temporarily, and a qualified archaeologist is to be contacted to evaluate the materials. Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, dietary bone, and human burials. If human burial is found during construction, state law requires that the County Coroner be contacted immediately. If the remains are found to be those of a Native American, the California Native American Heritage Commission will then be contacted by the Coroner to determine appropriate treatment of the remains. The applicant is ultimately responsible for ensuring compliance with this condition.

## 2. CULTIVATION AND PROCESSING

### 2.1. LEGACY CULTIVATION AND RELOCATION

#### 2.1.1. PAST RELOCATION

In 2010, the property had approximately 5,500 square foot outdoor cultivation located near the center of the property, and approximately 2,000 square feet of mixed light cultivation in the existing

greenhouse located adjacent to the pond (see pre-2016 cultivation attachment). When the current property owner acquired the property in 2015, the outdoor cultivation was relocated and consolidated onto a grassy field adjacent to the existing 2,000 square foot mixed light greenhouse. This move was made in an effort to locate the cultivation on prime agriculture soils, and to reduce vehicle travel on roads accessing the historic cultivation site. The relocation and construction of the current configuration required minor grading within the grassland area. An effort was made to maintain 50 foot setbacks from the adjacent class III watercourse when the new graded flats and greenhouses were installed.

### **2.1.2. PROPOSED RELOCATION**

Currently, the north most pre-existing 2,000 square foot greenhouse is located in a potential wetland area adjacent to the pond, and will be relocated approximately 800 feet south-west to an area outside of riparian setbacks, and on prime agriculture soil. Additionally, the three (3) existing nursery greenhouses are located within riparian setbacks, and will be relocated adjacent to the above-mentioned cultivation area. See *Proposed Plot Plan Sheet C2* for details.

## **2.2. NURSERY PROPAGATION AND INITIAL TRANSPLANT**

The applicant will primarily utilize juvenile plants propagated onsite, however, some plants will be brought in from an offsite licensed nursery. Juvenile plants are propagated from both seed and from clones. Clones are propagated on site from mother plants that demonstrate the desired genetics for the specific cannabis strain. Mother plants remain in the vegetative stage solely for propagation. Cuttings are sampled from the mother plants and are rooted into a growing medium, typically oasis cubes, to produce the clones. The mother plants are kept in a 12'x20' indoor room, and the newly rooted clones are kept in an 8'x20' indoor room until they are moved to the proposed 2,000 square foot nursery greenhouse. Both indoor rooms are located within the existing barn, and will use T5 artificial lighting powered by solar panels and battery banks.

Once fully rooted, the clones are placed into the nursery where they are transplanted multiple times into increasingly larger pots. First into 4"-6" pots for 10-14 days, then into half gallon pots for 10-14 days, then into 1-3 gallon pots for 10-14 days, and finally into the raised beds in the mixed-light greenhouses for the flowering cycle. The juvenile plants are irrigated using a combination of hand watering, hydroponic, and drip irrigation methods.

## **2.3. MIXED LIGHT CULTIVATION PLAN AND SCHEDULE**

The mixed light cultivation will occur in five (5) 20'x100' greenhouses for a combined area of approximately 10,000 square feet. The greenhouses consist of heavy gauge metal frame tubing, T-posts, and dimensional lumber and are covered with a woven poly translucent opaque tarp and black out tarp for light deprivation phases. Each greenhouse will be ventilated by intake and exhaust fans. The greenhouses utilize a combination of artificial light and light deprivation to produce up to three to four flowering cycles per year. The monthly Cultivation Schedule in Appendix C details the cultivation activities associated with the mixed light cultivation operation for a typical year.

Humbree, LLC will follow the County's performance standards for mixed-light cultivation. When artificial lighting is in use, greenhouses will be shielded so that little to no light escapes the structure. Light will not escape at a level that is visible from neighboring properties between sunset and sunrise. In addition, the artificial light source will comply with the International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1, and be designed to regulate light spillage onto neighboring properties resulting from backlight, uplight, or glare (BUG). Should the Humboldt County Planning



Division receive complaints that the lighting is out of alignment or not complying with these standards, within ten (10) working days of receiving written notification that a complaint has been filed, the applicant shall submit written verification that the lights' shielding and alignment has been repaired, inspected and corrected as necessary.

#### **2.4. IRRIGATION PLAN AND SCHEDULE**

Irrigation and fertigation of plants occurs using drip irrigation and top-feed hand watering methods. Humbee, LLC maintains that irrigation and fertigation is more efficiently managed via the use of drip emitter for irrigation and hand watering for fertigation, allowing for daily inspection of each plant by the cultivator and tailored irrigation and nutrient application depending on the needs of each individual plant. The monthly Cultivation Schedule in Appendix C details the irrigation activities associated with all cultivation. Mature plants in outdoor and greenhouse settings will require 5 - 10 gallons per plant, on a 1 to 2-day basis. Irrigation and fertigation will conform to standard agronomic rates.

#### **2.5. HARVESTING, DRYING AND TRIMMING**

Plants that are ready for harvest will have their flowering branches removed and suspended in the drying room located in the existing barn, which is equipped with ventilation fans. The drying process takes approximately one week, at which time the dried branches will be transferred offsite to a third party licensed processor.

#### **2.6. EMPLOYEE PLAN**

Humbee, LLC 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), and complies with all applicable federal, state and local laws and regulations governing California Agricultural Employers.

##### **2.6.1. JOB DESCRIPTIONS AND EMPLOYEE SUMMARY**

- *Agent in Charge/Lead Cultivator*: Responsible for business oversight and management of Humbee, LLC and the day to day cultivation of medical cannabis. Responsibilities include, but are not limited to: inventory and tracking, personnel management; record keeping; budget; liaison with State and County inspectors as needed; plant propagation and transplant, soil management, irrigation, fertilization, pesticide management, and harvest activities. This is a full-time, seasonal position.
- *Assistant Cultivator*: Oversight and management of the day to day cultivation of medical cannabis. Responsibilities include, but are not limited to: plant propagation and transplant, soil management, irrigation, fertilization, pesticide management, and harvest activities. This is a full-time, seasonal position.
- *Seasonal Laborer*: Provides cultivation and harvesting support. This is a part-time to full-time, seasonal position.

##### **2.6.2. STAFFING REQUIREMENTS**

In addition to the *Agent in Charge and Assistant Cultivator positions*, up to two (2) full-time or part-time seasonal labor positions are employed. The number of seasonal laborers varies based on the needs of the farm during the cultivation, harvest and processing seasons. During the peak harvest and processing season, there are an estimated total of four (4) employees on site.

### **2.6.3. EMPLOYEE TRAINING AND SAFETY**

On site cultivation, harvesting, and drying is performed by employees trained on each aspect of the procedure including cultivation and harvesting techniques, use of pruning tools, and proper application and storage of pesticides and fertilizers. All cultivation and processing staff are provided with proper hand, eye, body and respiratory Personal Protective Equipment (PPE). Access to the onsite cultivation and drying facilities are limited to authorized and trained staff.

All employees are trained on proper safety procedure including fire safety; use of rubber gloves and respirators; proper hand washing guidelines; and protocol in the event of an emergency. Contact information for the local fire department, CAL FIRE, Humboldt County Sheriff and Poison Control as well as the Agent in Charge will be posted at the employee restroom. Each employee is provided with a written copy of emergency procedures and contact information. The material safety data sheets (MSDS) are kept on site and accessible to employees.

### **2.6.4. TOILET AND HANDWASHING FACILITIES**

The existing residence will be modified to include one (1) ADA-compliant restroom, including a working flush toilet as well as a sink with hot and cold running water. Additionally, the central greenhouse cultivation area will have portable toilets located nearby and will be regularly serviced. Anti-bacterial Liquid Soap and paper hand towels will be made available. Employees will work at a distance typically no greater than 400 feet from the restroom facility.

### **2.6.5. ON SITE HOUSING**

The existing single family residence located on site will be occupied by the lead cultivator, the assistant cultivator, and potentially one seasonal employee during the peak season. The residence is located adjacent but separate from the cultivation operations. The two seasonal employees, if not living in the residence, will commute to the site from the neighboring community of Kneeland.

## **2.7. SECURITY PLAN AND HOURS OF OPERATION**

### **2.7.1. FACILITY SECURITY**

The cultivation facilities, including greenhouses, outdoor cultivation areas, and drying barn, are in a remote setting behind two locked gates. The entry gates remain locked at all times and access to the cultivation area is limited exclusively to employees. Restricted access signs are posted conspicuously at the entry gates. The cultivation and processing facility area will have low intensity exterior lighting to illuminate the entrances, and will include a small number of motion activated security lights. All lighting will be designed and located so that direct rays are confined to the property. Security cameras will be installed at the main access gates and at entrances to the facilities, and cultivation areas.

### **2.7.2. HOURS OF OPERATION**

Activities associated with cultivation in the greenhouses (watering, transplanting, and harvesting) generally occur during daylight hours, and typically occur no earlier than 8am and extend no later than 7 p.m.



### 3. ENVIRONMENT

#### 3.1. WATER SOURCE AND PROJECTED WATER USE

The primary water source on the property for cultivation and domestic use is a point of diversion on the parcel that directly diverts water from an unnamed tributary to the Mad River. This point of diversion (POD) has been registered as a riparian right with the State Water Resources Control Board (SWRCB) through the filing of an Initial Statement of Diversion and Use (see Appendix G). When the SWRCB issues the new regulations for appropriative rights for cannabis cultivation, the applicant will file for such rights to cover water storage facilities that meet the summer forbearance period. Ten (10) of the 5,000 gallon tanks on the property are filled from rainwater catchment which augments the water diverted from the unnamed tributary.

The irrigation needs of the entire 10,000 sf cultivation for one year are approximately 150,000 gallons. The table below outlines the estimated irrigation water usage for cannabis cultivation during a typical year. Humbee, LLC utilizes water management strategies to conserve and reuse onsite water and fertilizers to achieve net zero discharge. Refer to section 2.4 for a summary of irrigation practices, and Appendix C for the monthly irrigation schedule.

50,000

Table 3.1: Estimated Annual Cannabis Irrigation Water Usage (Gallons)											
Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec
	5,000	11,000	15,000	16,000	18,000	21,000	21,000	18,000	16,000	9,000	

155,000

#### 3.2. WATER STORAGE

Water from the unnamed tributary is stored in plastic storage tanks for use during the summer months to meet the forbearance period. Water for domestic use is stored in the three (3) 2,500 gallon tanks located near the entry gate to the property. Water for cultivation is stored in eight (8) 2,500 gallon tanks located near the cultivation area, five (5) 5,000 gallon rainwater catchment tanks located adjacent to the eastern access road, and (5) 5,000 gallon rainwater catchment tanks located adjacent to the barn. In total, approximately 70,000 gallons of water storage are currently available for cultivation. Another 40,000 gallons of water storage will be added in 2018 to meet the standard 6-month forbearance period. If required by Cal-Fire, a 2,500-gallon water tank may be installed to comply with SRA fire protection requirements.

#### 3.3. SITE DRAINAGE, RUNOFF, AND EROSION CONTROL

Humbee, LLC is enrolled with the North Coast Regional Water Quality Control Board (NCRWQCB) for Tier 2 coverage, and a Water Resources Protection Plan (WRPP) is being developed by Pacific Watershed Associates utilizing best management practices (BMP's) in accordance with the NCRWQCB's recommendations. The drainage and erosion control measures described below will be included in the WRPP.

##### 3.3.1. SITE DRAINAGE AND RUNOFF

The site is located near the ridgeline of a mountain and has roads and ground disturbance from past logging practices that have altered some of the natural drainage patterns. The porous soils provide good drainage throughout the property. A sloping flat area with the single-family residence, garage, and drying barn is located between two small streams and has good drainage that is hydrologically disconnected.

The main driveways to the residence and cultivation areas will be rocked, and drainage from the roads will be disconnected from the stream system using rolling dips. There are six (6) stream crossings on the property, and they will all be treated with either culvert replacements or rock armoring to accommodate 100-year flood events. This work is proposed through an LSAA currently in process with the CDFW, and is included in the WRPP, all prepared by Pacific Watershed Associates.

All fertilizers and pesticides are currently stored in a secure shed with secondary containment to prevent contamination with runoff, and water conservation and containment measures will be implemented including the use of drip irrigation to prevent excessive runoff. Designated sites have been identified for storage/disposal of spoils and cultivation waste away from riparian areas (see site plan in Appendix A).

### **3.3.2. EROSION CONTROL**

The proposed greenhouses will be located away from riparian zones, providing a sufficient buffer to prevent sediment and nutrient delivery. The Water Resource Protection Plan (WRPP) being prepared by Pacific Watershed Associates includes erosion and sediment control BMP's designed to prevent, contain, and reduce sources of sediment. The WRPP also includes corrective actions, if necessary, to reduce sediment delivery. Additionally, the WRPP requires mulch piles and spoils from any grading to be stored in a designated location away from watercourse. See the WRPP for complete BMP recommendations and specifications.

### **3.4. WATERSHED AND HABITAT PROTECTION**

Adherence to the Water Resource Protection Plan (WRPP) ensures that the watershed and surrounding habitat are protected. The cultivation activities and associated structures will be >50 feet from the nearest watercourse, providing a suitable buffer between the cultivation operation and habitat. To comply with setbacks, the existing 2,000 square foot greenhouse adjacent to the pond, and the three (3) nursery greenhouses, will be relocated away from riparian zones.

Site development and maintenance activities utilize BMP's in accordance with the NCRWQCB's recommendations. Any grading and earthwork activities will be conducted by a licensed contractor in accordance with approved grading permits and the WRPP. Refer to the WRPP for detailed descriptions of watershed and habitat protection measures.

### **3.5. MONITORING AND REPORTING**

Monitoring will be conducted to confirm the effectiveness of corrected measures listed in the Water Resource Protection Plan (WRPP) and determine if the site meets all Standard Conditions. Inspections will include photographic documentation of any controllable sediment discharge sites as identified on the site map. Visual inspection will occur at those locations on the site where pollutants or wastes, if uncontained, could be transported into receiving waters, and those locations where runoff from roads or developed areas drains into or towards surface water. The inspection will also document the progress of any plan element subject to a time schedule, or in the process of being implemented. A monitoring plan is included in the WRPP with photo points identified on WRPP map.

Onsite monitoring shall occur:

- Before and after any significant alteration or upgrade to a given stream crossing, road segment, or other controllable sediment discharge site. Inspection should include photographic documentation, with photo records to be kept on site.



- Prior to October 15 and December 15 to evaluate site preparedness for storm events and stormwater runoff.
- Following any rainfall event with an intensity of 3 inches precipitation in 24 hours. Precipitation data can be obtained from the National Weather Service by entering the site zip code at <http://www.srh.noaa.gov/forecast>.

A Monitoring and Reporting Form (Order No. 2015-0023 Appendix C) was submitted upon initial enrollment in the Order (NOI). And will be submitted annually by March 31 to the Regional Water Board. The annual report will include data from the monitoring reports and will evaluate the effectiveness of the prescribed recommendations.

### **3.6. ENERGY AND GENERATOR USE**

The property is located off the central power grid, so solar power arrays with appropriate battery storage currently provide the electricity needs for the residence and cultivation needs. The existing 2,000 square foot mixed light cultivation operation is supplied by a solar array and battery system, which is proposed for expansion to accommodate the additional 8,000 square feet of mixed light cultivation. A backup propane generator (15,000-watt) will be installed near the residence for use limited to emergency outages. All generator use guidelines set up by Humboldt County and the State of California are followed, including noise levels not exceeding 60 decibels at the property line when in use.

### **3.7. USE AND STORAGE OF REGULATED PRODUCTS**

#### **3.7.1. BEST MANAGEMENT PRACTICES**

Best Management Practices (BMP's) are employed when storing, handling, mixing, application and disposal of all fertilizers, pesticides and fungicides. All nutrients, pesticides and fungicides are located in a locked storage room, and contained within water tight, locked and labeled containers in accordance with manufactures instruction. Application rates will be tracked and reported with the end of the year monitoring report required in the Water Resources Protection Plan (WRPP). Employees responsible for application are trained to handle, mix, apply or dispose of pesticides/fungicides with proper hand, eye body and respiratory protection in accordance with the manufacturer's recommendations. See the WRPP for complete BMP specifications for the use and storage of regulated products.

#### **3.7.2. FERTILIZERS**

Nutrients and biological inoculants used for cultivation include:

- NPK Industries RAW GROW
- NPK Industries RAW BLOOM
- Down To Earth Agmino Powder
- Down to Earth Alfalfa Meal
- Down to Earth All Purpose
- Down to Earth Azomite SR Powder
- OG Veganic Special Sauce

See Appendix B - *Regulated Products Resource List* for product details.

#### **3.7.3. PESTICIDES AND FUNGICIDES**

Pesticides and fungicides used for cultivation include:

- Green Cleaner
- Safer Brand Insecticidal Soap
- Dr. Zymes
- Trifecta Crop Control

See Appendix B - *Regulated Products Resource List* for product details.

### **3.8. WASTE MANAGEMENT PLAN**

#### **3.8.1. SOLID WASTE MANAGEMENT**

Trash and recycling containers will be secured inside the existing barn, which is animal proof and will be lined for secondary containment. Solid waste and recycling is hauled off-site to the Humboldt Waste Management Authority transfer station at least once per week in sealed containers, by vehicle.

#### **3.8.2. CULTIVATION WASTE AND SOIL MANAGEMENT**

Cultivation vegetative matter such as root balls, branches, and leaves are chipped and composted at a designated area (see the site plan in Appendix A). Growing soil is reused in the greenhouse beds and amended with minimal new soil. The soils are analyzed by DBS Soil Analysis, a local consulting firm providing soil testing, analysis, and management services. After consultation, the soils are amended and reused with an amendment blend from Humboldt Ag Supply or Soilscape Solutions. Used pots are collected and stored in the garage or nursery. All packaging from soil amendments and fertilizers will be collected and disposed at an appropriate facility.

#### **3.8.3. WASTEWATER MANAGEMENT**

The water management plan aims to achieve an entirely closed-cycle irrigation and nutrient system. Hand watering methods minimize over-irrigation of plants and subsequent runoff. Moreover, the greenhouse floors are designed to capture any runoff from irrigation for reuse in the fertilization holding tank.

The existing residence has a septic system that will be tested and, if needed, upgraded to accommodate the residents living on site and the proposed ADA bathroom for employees.

## **4. PRODUCT MANAGEMENT**

### **4.1. PRODUCT TESTING AND LABELING**

Samples are selected from individual harvested cannabis strains and are tested by a licensed third-party lab in accordance with State and local standards. The finished product will be handled by a licensed third party processing facility, labeled and will include tracking ID's provided by the County of Humboldt and/or Statewide tracking systems once they become available.

### **4.2. PRODUCT INVENTORY AND TRACKING**

Until such time as either a County or Statewide cannabis product and inventory tracking system becomes available, an internally-developed system of inventory and tracking is utilized. The Agent in Charge and Lead Cultivator, working with the third-party processing facility, will ensure all medical cannabis from clone to packaged product is tracked, accounted for and inventoried. Records are kept at each phase of the harvest and processing operation for reporting and compliance with State and Local regulations. The information recorded for each harvest includes:



- Cultivation canopy area
- Weight of flowers and by-product after drying and separation
- Staff identification (at each step)
- Physical location of the plant material at all times

#### **4.3. TRANSPORTATION AND DISTRIBUTION**

Transportation will be handled by a third-party, contracted, licensed transporter/distributor in accordance with State and Local regulations. All merchantable product will be distributed through licensed medical cannabis dispensaries. Prior to moving dried cannabis, a transport manifest will be created by the distributor/transporter and will include:

- Product ID numbers and product weight
- Route to be travelled
- Origin and destination addresses
- Time of departure
- Time of arrival

The *Agent in Charge* is responsible for performing a physical inventory of all packages being transported, and ensuring that the physical inventory coincides with the transport manifest.

## APPENDIX B: REGULATED PRODUCTS LIST

### **Cleaning Agents:**

Hydrogen Peroxide

Isopropyl Alcohol 91%

### **Pesticides and fungicides:**

Green Cleaner: [http://media.hydroponics.net/item-documents/old-stage/140883/green-cleaner\\_msds.pdf](http://media.hydroponics.net/item-documents/old-stage/140883/green-cleaner_msds.pdf)

Safer Brand Insecticidal Soap: <http://www.saferbrand.com/safer-brand-insect-killing-soap-concentrate-16-oz-5118-6>

Dr. Zymes: <http://www.doctorzymes.com/pesticide-free-insecticide.php>

Trifecta Crop Control: <http://www.dazeys.com/trifecta/pest-mold-prevention/pest-control/trifecta-crop-control.html>

### **Fertilizers and biological inoculants:**

NPK Industries RAW GROW (7-4-5): [http://npk-industries.com/grow\\_label\\_back.html](http://npk-industries.com/grow_label_back.html)

NPK Industries RAW BLOOM (3-12-12): [http://npk-industries.com/bloom\\_label\\_back.html](http://npk-industries.com/bloom_label_back.html)

Down To Earth Agmino Powder (14-0-0): [http://downtoearthfertilizer.com/wp-content/uploads/2015/06/MSDS\\_DTE-AGmino-14-0-0.pdf](http://downtoearthfertilizer.com/wp-content/uploads/2015/06/MSDS_DTE-AGmino-14-0-0.pdf)

Down to Earth Alfalfa Meal (2.5-0.5-2.5): [http://downtoearthfertilizer.com/wp-content/uploads/2016/04/SDS\\_DTE-Alfalfa-Meal-2.5-0.5-2.5.pdf](http://downtoearthfertilizer.com/wp-content/uploads/2016/04/SDS_DTE-Alfalfa-Meal-2.5-0.5-2.5.pdf)

Down to Earth All Purpose (4-6-2): [http://downtoearthfertilizer.com/wp-content/uploads/2016/04/SDS\\_DTE-All-Purpose-4-6-2.pdf](http://downtoearthfertilizer.com/wp-content/uploads/2016/04/SDS_DTE-All-Purpose-4-6-2.pdf)

Down to Earth Azomite SR Powder (0-0-0.2): [http://downtoearthfertilizer.com/wp-content/uploads/2016/04/SDS\\_DTE-AZOMITE-SR-Trace-Minerals.pdf](http://downtoearthfertilizer.com/wp-content/uploads/2016/04/SDS_DTE-AZOMITE-SR-Trace-Minerals.pdf)

OG Veganic Special Sauce: <https://ogtea.com/veganic-special-sauce.html>





## APPENDIX C: CULTIVATION ACTIVITIES SCHEDULE

Item	Description	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Drainage, Runoff, and Erosion Control	Winterization (storage of pots/greenhouse covers)												
	Temporary Erosion Control BMP's (straw, seeding, fiber rolls, etc)												
	Road maintenance												
	Culvert and inboard ditch maintenance/inspection												
	Cover soil beds and seed/straw with cover crop												
Irrigation Activities	Irrigation of juvenile plants /clones												
	Irrigation of flowering plants												
Pre-cultivation Activities	Propagate cuttings from 'mother plant' stock												
	Transplant cuttings into 6" pots												
	Transplant clones into beds												
	Amend soil in greenhouses												
Mixed Light/Light Dep Cultivation and Harvest Schedule	Mixed Light Cycle 1												
	Mixed Light Cycle 2												
	Mixed Light Cycle 3												
	Harvest activities												
	Vegetative Phase: 15 hrs. min. of mixed natural & artificial light												
Staffing Presence	Light deprivation: Greenhouses are covered with blackout covers												
	Agent in Charge/Lead Cultivator												
	Assistant Cultivator/ Processing Manager												
	Seasonal Laborers (2)												



## APPENDIX D: REFERENCES

Bass, Ronald E., Kenneth M. Bogdan, and Terry Rivasplata. 2013. CEQA Desktop. Point Arena, CA; Solano Book Press. Page 44.

California Code of Regulations. Health and Safety Code Section 11357-11362.9.  
<<http://www.leginfo.ca.gov/cgi-bin/displaycode?section=hsc&group=11001-12000&file=11357-11362.9>> Date accessed: July 16, 2014.

California NORML. SB 420 Establishes Prop. 215 Guidelines, Voluntary Patient Identification Card System.  
<<http://www.canorml.org/laws/sb420.html>> Date accessed: July 21, 2014.

County of Humboldt. *Medical Marijuana Land Use Ordinance (MMLUO) – Phase IV, Commercial Cultivation, Processing, Manufacturing and Distribution of Cannabis for Medical Use* (Staff Report to the Board of Supervisors). January 26, 2016. <<https://humboldt.legistar.com/Calendar.aspx>> Date accessed: March 28, 2016.

North Coast Regional Water Quality Control Board. 2016. *Cannabis Cultivation Waste Discharge Regulatory Program*. [http://www.waterboards.ca.gov/northcoast/water\\_issues/programs/cannabis/](http://www.waterboards.ca.gov/northcoast/water_issues/programs/cannabis/). Date accessed: March 28, 2016.

State Board of Equalization. Information on the Sales and Registration for Marijuana Sellers. June 2007.  
<<http://www.boe.ca.gov/news/pdf/173.pdf>>

State of California. Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use. August 2008.  
<[http://www.ag.ca.gov/cms\\_attachments/press/pdfs/n1601\\_medicalmarijuanaguidelines.pdf](http://www.ag.ca.gov/cms_attachments/press/pdfs/n1601_medicalmarijuanaguidelines.pdf)>





## ATTACHMENT 5

### Referral Agency Comments And Recommendations

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

Referral Agency	Response	Recommendation	Location
Building Inspection Division	9/12/17	Conditional approval	Attached
Land Use Division	2/18	Conditional approval	Attached
Division of Environmental Health	4/24/18	Conditional approval	Attached
Department of Fish & Wildlife	1/31/19	Conditional Approval and additional information	Attached
Northwest Information Center	10/5/17	Cultural resources study and contact local tribes	On file with Planning
Bear River Band of the Rohnerville Rancheria	12/13/17	Inadvertent discovery protocols	On file with Planning
Kneeland Elementary School District		No response	



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



**PROJECT REFERRAL TO: Health and Human Services Environmental Health Division**

DEH received  
8-17-17

**Project Referred To The Following Agencies:**

17/18-0330

Building Inspection Division, Health and Human Services Environmental Health Division, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, Kneeland Elementary School District, Eureka High School School District

**Applicant Name** Humbee, LLC **Key Parcel Number** 314-222-004-000

**Application (APPS#)** 11796 **Assigned Planner** Elizabeth Moreno (707) 268-3713 **Case Number(s)** ZCC16-258

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**

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:**

Conditional Approval

**Comments:**

Prior to renewal of permit the operator is required to submit to DEH receipts, or copy of contract confirming sufficient use of portable toilets to serve staff for duration of first year or provide written assessment from a qualified septic consultant (REHS, PG or PE) confirming a Tier 0 status for the existing onsite waste treatment system serving the dwelling.

\*This review and recommendation is for the Land Use aspects of the planning project and does not include or imply compliance with all DEH programs. Although DEH recommends the approval of the Planning project, Solid Waste and HazMat Program requirements need to be addressed directly with staff from those programs.

**Response Date:** 4/24/2018 **Recommendation By:** Joey Whittlesey

**DISTRIBUTED**  
4-24-18

\*



California Department of Fish and Wildlife  
CEQA: Project Referral Comments

Applicant: Humbee, LLC		Date: 1/31/2019	
APPS No.: 11792	APN: 207-321-010	DFW CEQA No.: 2017-0751	Case No.: ZCC16-256
<input type="checkbox"/> New	<input checked="" type="checkbox"/> Existing	Proposed: <input checked="" type="checkbox"/> Mixed-light (SF): 4,000	<input checked="" type="checkbox"/> Outdoor (SF): 1,000 <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 Approval. The Department has no comment at this time.
- ☒ Recommend Conditional Approval. Suggested conditions below.
- ☐ Applicant needs to submit additional information. Please see the list of items below.
- ☐ Recommend Denial. See comments below.

**Please note the following information and/or requested standard conditions of Project approval:**

- ☒ All artificial light used for cannabis cultivation, including indoor and mixed-light cultivation, shall be fully contained within structures such that no light escapes (e.g., through blackout curtains). Structures shall be enclosed between 30 minutes prior to sunset and 30 minutes after sunrise to prevent disruption to crepuscular wildlife. Security lighting shall be motion activated and comply with the International Dark-Sky Association standards and Fixture Seal of Approval Program; see: <https://www.darksky.org/our-work/lighting/lighting-for-citizens/lighting-basics/>. Standards include but are not limited to the following, 1) light shall be shielded and downward facing, 2) shall consist of Low Pressure Sodium (LPS) light or low spectrum Light Emitting Diodes (LED) with a color temperature of 3000 kelvins or less and 3) only placed where needed.
- ☒ Prohibition on use of synthetic netting. To minimize the risk of wildlife entrapment, Permittee shall not use any erosion control and/or cultivation 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.
- ☒ 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 parcel; noise released shall be no more than 60 decibels measured from 100ft.



- ☒ This project has the potential to affect sensitive fish and wildlife resources such as Beaked Tracyina (*Tracyina rostrate*), Golden Eagle (*Aquila chrysaetos*), Foothill Yellow-legged Frog (*Rana boylei*), Pacific Giant Salamander (*Dicamptodon tenebrosus*), Rough-skinned Newt (*Taricha granulosa*), Northern Red-legged Frog (*Rana aurora*), Boreal Toad (*Anaxyrus boreas boreas*), 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 [kalyn.bocast@wildlife.ca.gov](mailto:kalyn.bocast@wildlife.ca.gov).

Please confirm that you have received this email.

Sincerely,

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