



**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: April 4, 2019

To: Humboldt County Zoning Administrator

From: Cliff Johnson, Supervising Planner

Subject: **Hanging Gardens, Inc.**  
Application Numbers 13665, 14348  
Case Number SP-18-120  
Assessor's Parcel Number 206-411-025-000  
802 Riverside Park, Carlotta, CA 95528

<b>Table of Contents</b>	<b>Page</b>
Agenda Item Transmittal	2
Recommended Action and Executive Summary	3
Draft Resolution	6
<b>Maps</b>	
Zoning Map	7
Aerial Map	8
Topo Map	9
Site Plans	10
<b>Attachments</b>	
Attachment 1: Recommended Conditions of Approval	11
Attachment 2: Staff Analysis of the Evidence Supporting the Required Findings	19
Attachment 3: CEQA Addendum	33
Attachment 4: Applicant's Evidence in Support of the Required Findings	37
Attachment 5: Referral Agency Comments and Recommendations	55

Please contact Portia Saucedo, Planner, at 707-445-7541, or by email at [psaucedo1@co.humboldt.ca.us](mailto:psaucedo1@co.humboldt.ca.us), if you have any questions about the scheduled public hearing item.

## AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
April 4, 2019	Special Permit	Portia Saucedo

**Project Description:** Hanging Gardens, Inc. is seeking a Special Permit which includes a modification to an approved Zoning Clearance Certificate (Application Number 11197, Case Number ZCC-16-105) to comply with the Special Area Setbacks for Odor Mitigation (Section 55.4.6.7 of the CCLUO) for the 10,000 square feet (SF) of mixed-light new medical cannabis cultivation. Cultivation activities will continue to occur in 13 greenhouses without floors with a total square footage of 10,000 square feet, four (4) greenhouses without floors with a total square footage of 3,200 SF as a non-commercial nursery to be appurtenant to the proposed cultivation, and a 120 SF shed for accessory storage. Per the applicant's submitted Monitoring and Reporting Program, the greenhouses and shed will continue to be moved in October before the start of the rainy season because the project site is located in the 100-year flood plain and stored at the adjacent parcel APN 206-411-027. Irrigation water supplied by an on-site permitted well. All processing will continue to occur at an off-site, licensed medical cannabis processing facility. The total number of employees will continue to be six (6); with four (4) being seasonal and two (2) permanent. A portable toilet will continue to be provided for on-site employees and will also be removed at the beginning of the wet season (October 15<sup>th</sup> of each year). The modification includes the addition of a backup generator for use during power outages only. Primary power will continue to be provided by PGE.

**Project Location:** The project is located in the Carlotta area, on the west side of Riverside Park Road, approximately 0.81 miles south from the intersection of State Hwy 36 and Riverside Park Road, on the property known to be in Section 6 of Township 01 North, Range 02 East, Humboldt Base & Meridian.

**Present Plan Land Use Designations:** Agricultural Suburban (AS), Carlotta/Hydesville Community Plan (CHCP), Density: 5 to 2.5 acres per dwelling unit, Slope Stability: Low Instability (1), Moderate Instability (2).

**Present Zoning:** Agricultural General (AG)

**Case Number:** SP-18-120

**Application Number:** 13665, 14348

**Assessor Parcel Number:** 206-441-025-000

**Applicant**

Hanging Gardens, Inc.  
Lindsey Taylor  
728 4th Street, Suite AE  
Eureka, CA 95501

**Owner**

Christina, Anthony & Cheryl  
802 Riverside Park Rd.  
Carlotta, CA 95528

**Agent**

SL Consulting  
Steven Luu  
973 Dowler Dr.  
Eureka, CA 95501

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

**Major Issue:** None.

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

**Hanging Gardens, Inc. Special Permit**  
Case Numbers SP18-120  
Assessor's Parcel Number (APN): 206-411-025-000

**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 a part of the consent agenda:

*Find that the Zoning Administrator has considered the Addendum to the Mitigated Negative Declaration adopted for 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 Special Permit based on evidence in the staff report and any public testimony, and adopt the Resolution approving the proposed Hanging Gardens, Inc. Special Permit subject to the recommended conditions.*

**Executive Summary**

The proposed Special Permit would allow operation of previously approved mixed light 10,000 square foot commercial medical cannabis cultivation in the Hydesville-Carlotta Community Planning Area without the requirement to fully enclose the cannabis cultivation and the modification would allow the addition of an emergency backup generator in compliance with the County Commercial Medical Marijuana Land Use Ordinance (CMMLUO).

The currently approved Zoning Clearance Certificate consists of 10,000 square feet (SF) of mixed-light new medical cannabis cultivation on mapped prime agricultural soils. Cultivation activities occur in 13 greenhouses without floors with a total of 10,000 square feet. Additionally, the applicant developed four (4) greenhouses without floors with a total square footage of 3,200 SF as a non-commercial nursery appurtenant to the proposed cultivation. Per the applicant's submitted Monitoring and Reporting Program, the greenhouses and shed are moved in October before the start of the rainy season because the project site is located in the 100-year flood plain and stored at the adjacent parcel APN 206-411-027. Also an existing 120 SF shed for accessory storage is on site. The 120 SF storage shed is elevated and anchored to meet the requirements of the Humboldt County Flood Damage Prevention ordinance.

The lighting plan includes strings of lights being used in four nursery greenhouses from May 1<sup>st</sup> through August 15<sup>th</sup>. Nursery hoop houses will be covered at 6:00 PM with blackout plastic and lights will be turned on at 6:30 PM and off at 10:00 PM. The black out plastic will be removed at 10:30 PM. String lights area also utilized from May 1<sup>st</sup> to June 15<sup>th</sup> in the flowering greenhouses. The hoop houses will be covered at 6:00 PM with blackout plastic and lights will be lit at 6:30 PM to 10:00 PM. The blackout plastic will be removed at 10:30 PM.

Estimated annual water use is 131,000 gallons. Water sourced from permitted well. Irrigation water delivered via drip emitters in combination with hand watering, when needed. The applicant has enrolled in the North Coast Regional Water Quality Control Board (NCRWQCB) Cannabis Waste Discharge Regulatory Program as a Tier 2 discharger.

All processing occurs at an off-site, licensed medical cannabis processing facility. The total number of employees is six (6): four (4) seasonal and two (2) permanent. A portable toilet is provided for on-site employees and removed at the beginning of the wet season. The subject parcel is approximately 4.63 acres in size per the Record of Survey recorded in Book 68 of Surveys



Page 82, on January 4, 2011. Access is from Fir Loop Court via a 20 foot wide easement per Recorder's Document Number 2008-24811-3 Humboldt County Records. On February 22, 2017, the applicant enrolled in the RWQCB's monitoring and reporting program as a Tier 2 operation. The project is not subject to a Compliance Agreement. Documentation for the activity type has been submitted in accordance with the CMMLUO and the permittee has executed an Affidavit for Non Diversion which is on file with the Planning Division.

Product will be harvested by hand by seasonal employees a single plant at a time. Plants will be cut into approximately sixteen inch (16") long branches transported by a third-party transportation service to a licensed Processing Facility. All processing will be conducted at an offsite licensed processing facility. A 96 (8'x12') square foot on-site storage shed would be used for nutrient (approximately 30 gallons liquid; 20 pounds dry) and fuel storage (ten (10) gallons in two five (5) gallon containers and another six (6) gallons specifically for the backup generator) in water-tight, locked, labelled housing in accordance with manufactures instructions. Nutrients will be removed from the storage containers to be mixed in tanks. After the mix is made the nutrients will be returned to storage or recycled. Power is supplied to the site by PG&E. A generator will be will be utilized for emergency backup purposes only.

There will be two (2) full time employees, defined as "Agent in Charge" and Lead Cultivator," and up to four (4) "Seasonal Labors" with a maximum of six (6) employees during peak operations. The project will require a minimum of six (6) parking spaces for the employees as a condition of approval. Restroom facilities will be provided temporarily by portable toilet facilities.

The materials submitted with the application include a Security Plan that describes a locked gate on the access road to the parcel. "No trespassing" sign is proposed near the gate. Security lights will illuminate the entrance and parking areas. Cameras will be installed to monitor these key areas. Motion sensors will be installed at all cultivation sites. Further, all potential employees will be subject to a criminal background check prior to employment. Employees will be supplied a company issued identification badge and will always be required to display said badge while working at the subject property.

The Humboldt County Department of Public Works requested a Road Evaluation Report for the proposed project. The Department of Public Works submitted further comment which stated that the proposed project parcel is located past the County-maintained portion of Riverside Park Road (5F100), as the County only maintains 0.68 miles. Exhibit A: County Roads -Private Road Intersection has been added as a condition of approval for the project.

This project was approved as a Zoning Clearance Certificate under the Commercial Medical Marijuana Land Use Ordinance (CMMLUO). However, Section 55.4.6.7 of the Commercial Cannabis Land Use Ordinance (CCLUO) has specific requirements that apply to Zoning Clearance Certificates for Open Air Cultivation submitted under the prior ordinance. Where located in or within one thousand feet (1000') of any incorporated city, Sphere of Influence (SOI) of any incorporated city, Tribal Lands, or within any of the following mapped Community Planning Areas: Blue Lake, Fieldbrook-Glendale, Fortuna, Hydesville-Carlotta, McKinleyville, Rio Dell-Scotia, Shelter Cove, Trinidad-Westhaven, and Willow Creek, Zoning Clearance Certificate applications submitted prior to January 1, 2016 shall be subject to compliance with provisions designed to ensure compatibility with surrounding land uses and control of potential nuisance. Specifically, where there is no public controversy associated with an application applicant may request the pending permit application or approved permit be considered or reconsidered as a Special Permit. If following appropriate public notice, there is no opposition to the Special Permit, the permit may be approved. In situations where there is public controversy, applicants and operators must choose to comply with one of the following options. a) Demonstrate all areas of open air



cultivation activities maintain setbacks of 600 feet or greater from any residence(s) located on a separately owned parcel, and are located 600 feet or greater from any residentially zoned area or applicable Community Planning Area boundary. b) Confine all open-air cultivation activities to Enclosed structures. c) Secure a Conditional Use Permit. In considering the Use Permit request, the Planning Commission shall evaluate whether a reduced setback would result in adverse impacts to surrounding land uses, as well as whether project alternatives or opportunities for additional feasible mitigation exist. d) Request permit cancellation. Permit holders shall be eligible for relocation incentives pursuant to the provision.

In order to comply with the above provisions, the applicant has submitted this Special Permit application under their belief that there is no public controversy associated with this project. Approval of the Special Permit would allow for the cultivation to continue to be open-air.

Based on the evidence in the record, staff recommends that the Zoning Administrator 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 you are 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 Numbers SP 18-120  
Assessor's Parcel Number: 206-411-025**

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

**WHEREAS**, Hanging Gardens submitted an application and evidence in support of approving the Special Permit and modification to permit an existing ten thousand (10,000) square feet outdoor commercial medical cannabis cultivation site and 3,200 SF as a non-commercial nursery, within the Hydesville-Carlotta Community Planning Area and project modification to add an emergency backup generator; and

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

**WHEREAS**, the County Planning Division, as 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 and Modification (Case Number SP 18-120); and

**WHEREAS**, a public hearing was held on the matter before the Humboldt County Zoning Administrator on April 4, 2019.

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

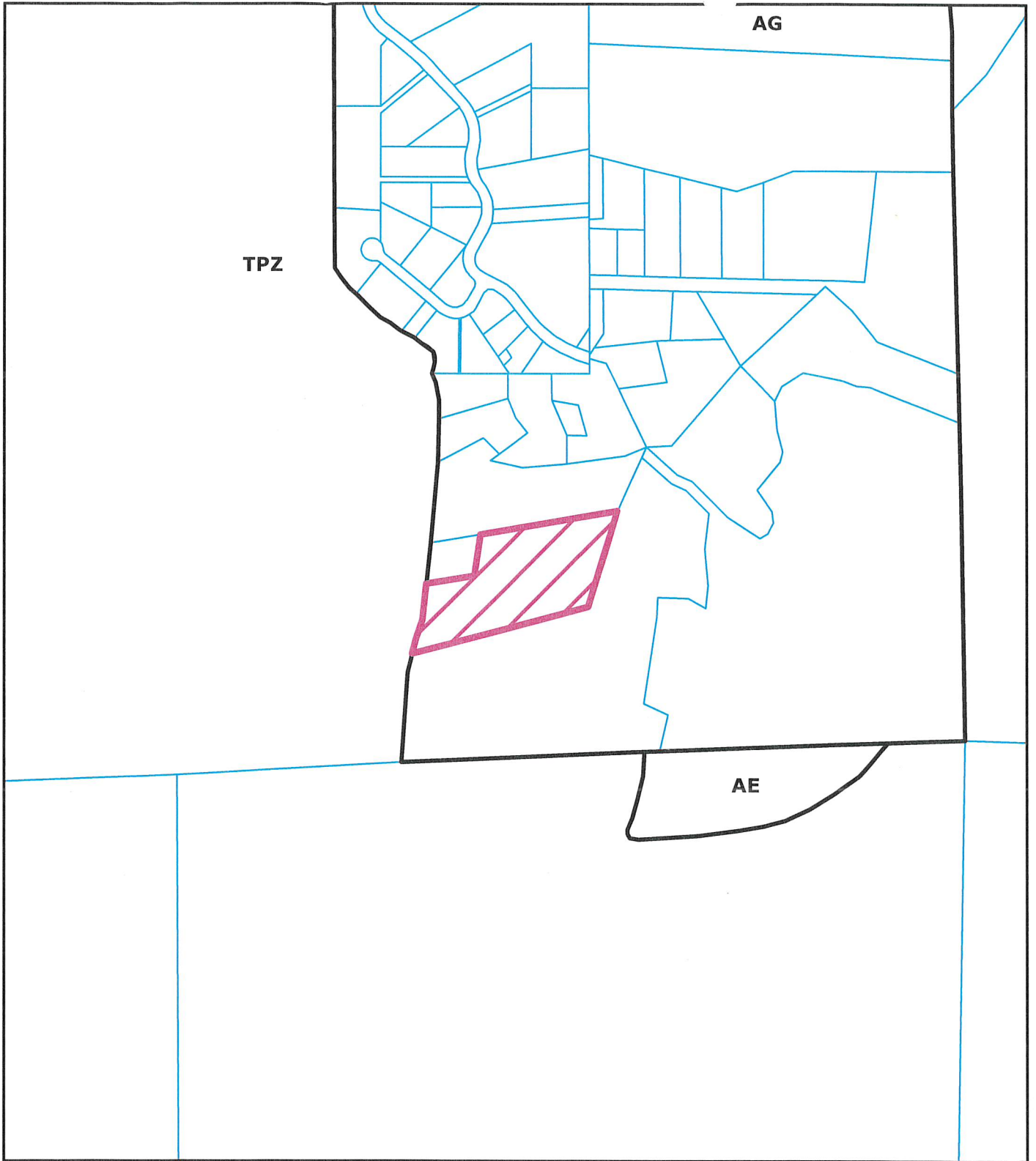
1. The Zoning Administrator considered the Addendum to the MND adopted for the Commercial Medical Marijuana Land Use Ordinance; and
2. The findings in Attachment 2 of the Planning Division staff report support approval of Case Number SP 18-120 based on the submitted substantial evidence; and
3. Special Permit Case Number SP 18-120 is approved as recommended and conditioned in Attachment 1.

Adopted after review and consideration of all the evidence on April 4, 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.

\_\_\_\_\_  
John Ford  
Zoning Administrator  
Planning and Building Department






Project Area = 

**ZONING MAP  
PROPOSED HANGING GARDENS, INC.  
CARLOTTA AREA  
ZCC-16-105M  
APN: 206-411-025  
T01N R02E S6 HB&M (REDCREST)**

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.

0 625 1,250 Feet



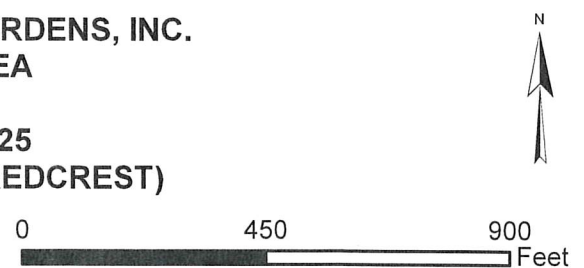




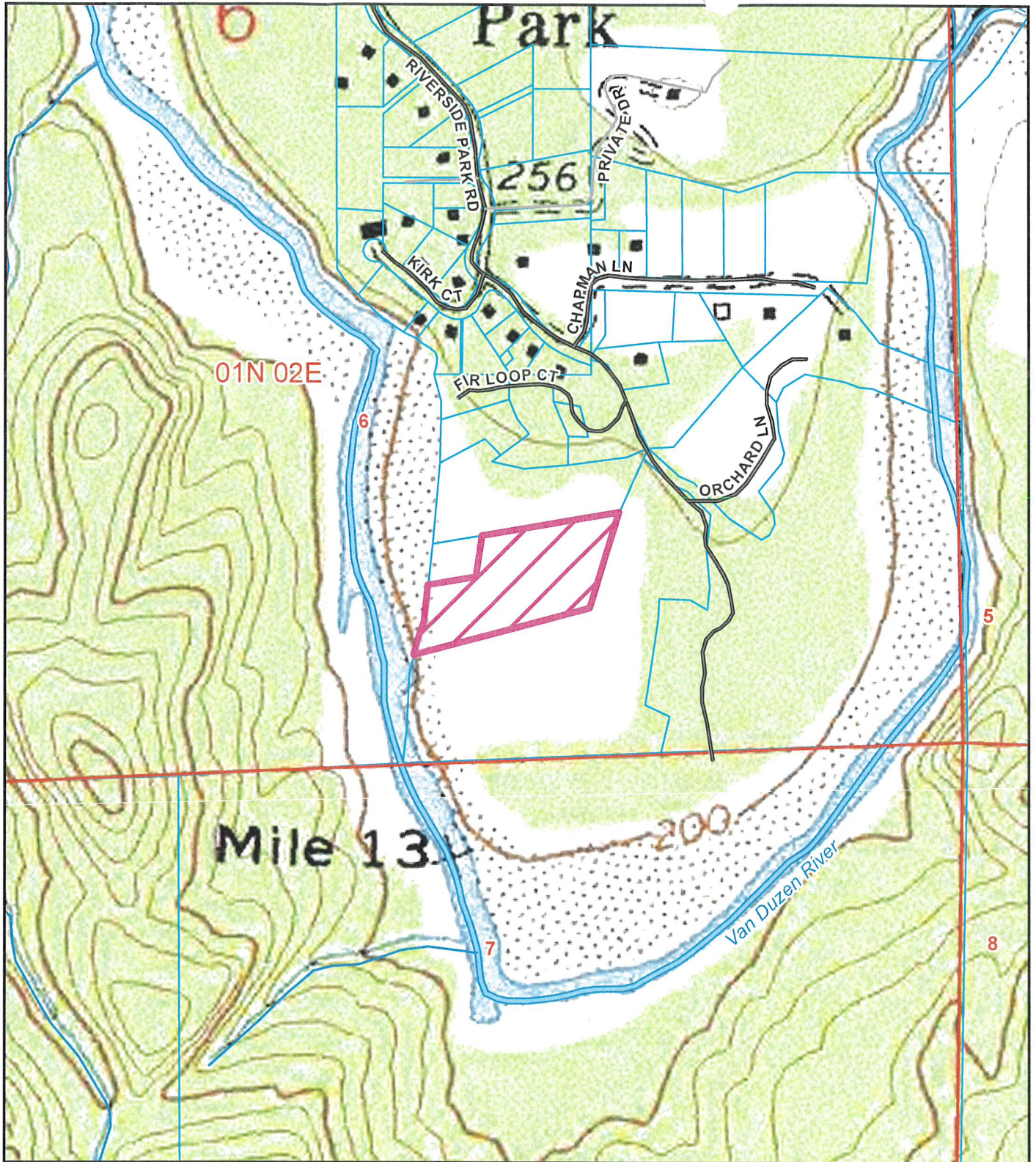
Project Area = 

**AERIAL MAP  
PROPOSED HANGING GARDENS, INC.  
CARLOTTA AREA  
ZCC-16-105M  
APN: 206-411-025  
T01N R02E S6 HB&M (REDCREST)**

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 = 

**TOPO MAP**  
**PROPOSED HANGING GARDENS, INC.**  
**CARLOTTA AREA**  
**ZCC-16-105M**  
**APN: 206-411-025**  
**T01N R02E S6 HB&M (REDCREST)**

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.

0 625 1,250 Feet







## PLOT PLAN

APN: 206-411-025

**DIRECTIONS TO SITE:**

**FROM EUREKA, CA**

- TAKE US-101 SOUTHBOUND
- TAKE EXIT 685 FOR CA-36
- TURN LEFT ON CA-36
- TURN RIGHT ONTO RIVERSIDE PARK RD
- TURN RIGHT FOR FIR LOOP CT

**PROJECT DESCRIPTION:**

HANGING GARDENS INC. IS PROPOSING TO PERMIT PROPOSED MEDICAL CANNABIS CULTIVATION ACTIVITIES IN ACCORDANCE WITH THE COUNTY OF HUMBOLDT'S (COUNTY) COMMERCIAL MEDICAL MARIJUANA LAND USE ORDINANCE (CMMLUO), ORDINANCE NO. 2554. THE OPERATION INCLUDES APPROXIMATELY 10,000 SQUARE FEET (SF) OF MEDICAL CANNABIS. THE PROJECT PROPOSAL INCLUDES THE DEVELOPMENT OF FACILITIES APPURTENANT TO THE CULTIVATION, INCLUDING GREENHOUSES.

**GENERAL NOTES:**

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. PROPOSED GREENHOUSES WILL BE PERMITTED THROUGH THE HUMBOLDT COUNTY BUILDING DEPARTMENT.

## IRRIGATION AND DOMESTIC WATER USE

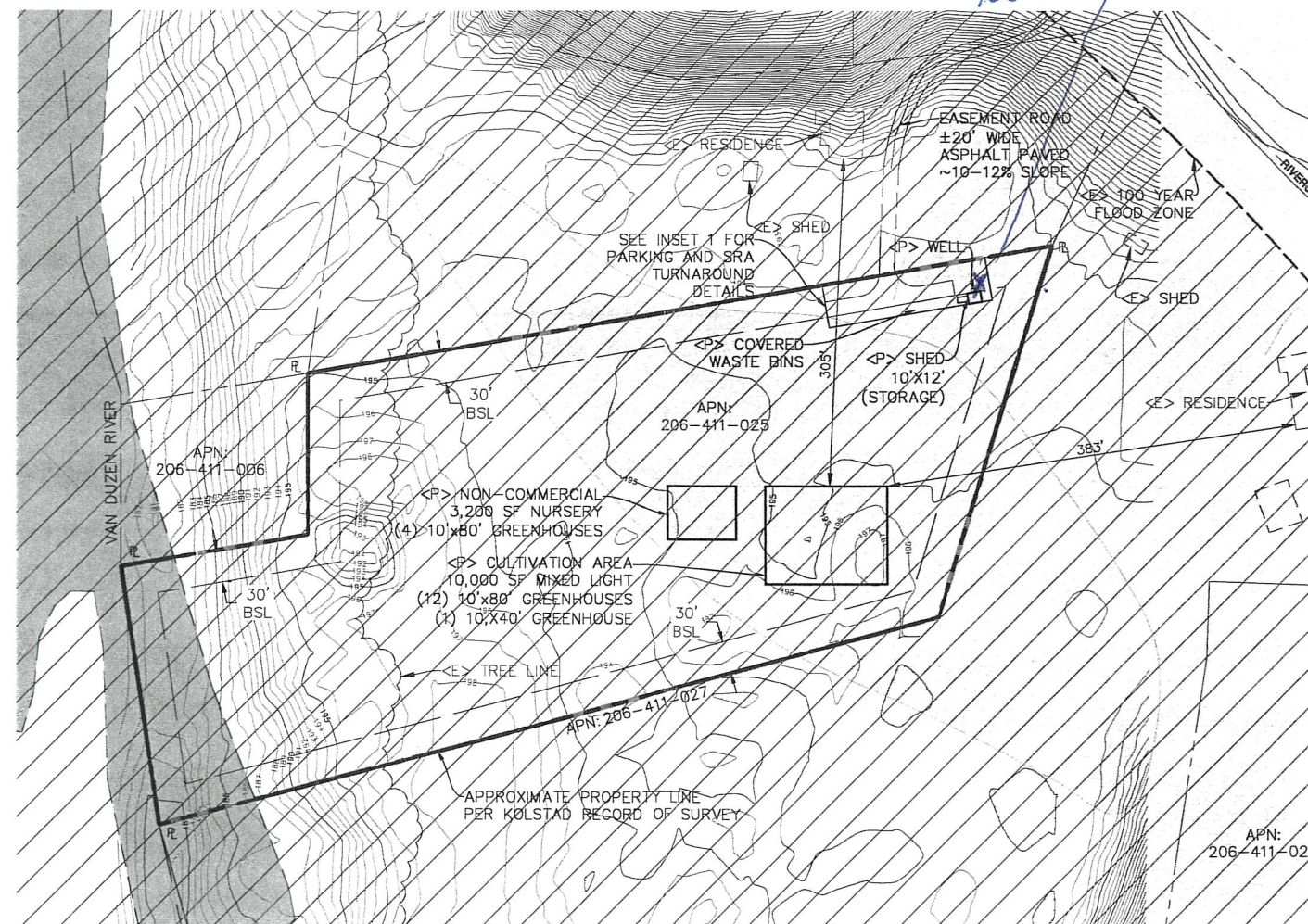
1. WATER FOR DOMESTIC USE WILL BE SUPPLIED THROUGH A PROPOSED WELL.
2. WATER FOR IRRIGATION USE WILL BE OBTAINED FROM A PROPOSED WELL.

## NCRWQCB NOTICE OF INTENT

THE SUBJECT PARCELS DO NOT HAVE ANY PRE-EXISTING CULTIVATION AND WILL BE ENROLLED IN THE NCRWQCB CANNABIS CULTIVATION WASTE DISCHARGE REGULATORY PROGRAM UPON APPROVAL OF THE PROPOSED DEVELOPMENT, PRIOR TO COMMENCEMENT OF CULTIVATION ACTIVITIES.

## DEPARTMENT OF FISH AND WILDLIFE NOTES

UPON INSPECTION OF PROPERTY, NO PROPOSED OR EXISTING  
DEVELOPMENT APPEARS SUBJECT TO FISH AND GAME CODE 1602.



Adjacent  
to shed  
North

40' from  
property line

### PROJECT INFORMATION:

APPLICANT:  
HANGING GARDENS INC.  
728 4TH STREET, SUITE AE  
EUREKA, CA 95501

PROPERTY OWNER:  
CHRISTINA, ANTHONY AND CHERYL  
802 RIVERSIDE PARK ROAD  
CARLOTTA, CA 95528

OWNERS AGENT:  
MANHARD CONSULTING  
517 3rd STREET. SUITE 6  
EUREKA, CA 95501  
(707) 444-3800

SITE ADDRESS:  
APN: 206-411-025  
800 RIVERSIDE PARK ROAD  
CARLOTTA, HUMBOLDT COUNTY, CA 95528

TREES TO BE REMOVED = 0

APN: 206-411-025  
 EXISTING PRIME AGRICULTURAL AREA = 110,139 SQ. FT  
 20% OF EXISTING PRIME AGRICULTURAL AREA = 22,028 SQ. FT  
 PROPOSED CULTIVATION AREA = 10,000 SQ. FT  
 PROPOSED NON-COMMERICAL NURSERY = 3,200 SF

EARTHWORK QUANTITIES = TBD

WATER = PRIVATE  
SEWER = PRIVATE

PARCEL SIZE = ±5.35 ACRES

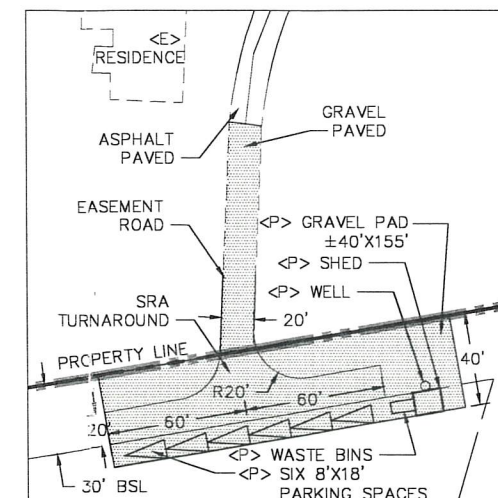
ZONING: = AG = AGRICULTURAL GENERAL

BUILDING SETBACKS:

	AG	SRA
FRONT	20'	30'
SIDE	6'	30'
REAR	20'	30'

✓ MAX. BLDG. HT. = 35'

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



**INSET 1**  
**SRA TURN AROUND**  
**AND PARKING DETAILS**

**SHEET INDEX:**

CO - PLOT PLAN, VICINITY MAP, & PROJECT NOTES  
A1 - GREENHOUSE FLOOR PLANS

[illegible][illegible]

CHANGING GARDENS, INC. ZONING CLEARANCE CERTIFICATE APPLICATION  
APN: 216-411-025 802 RIVERSIDE PARK RD., CARLOTTA, CALIFORNIA  
PLOT PLAN, VICINITY MAP. & PROJECT NOTES

PROJ. MGR.: PM  
PROJ. ASSOC.: PA  
DRAWN BY: AS  
DATE: 5/12/2011  
SCALE: AS SHOWN

SHEET  
C0  
MASCACA01

FOR REVIEW

Revised File Copy



**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. The applicant is responsible for obtaining all necessary County and State permits and licenses, and for meeting all of the requirements as set forth by other regulatory agencies.
2. Secure an Ag Exemption(s) for greenhouses from the Building Inspection Division.
3. Verify compliance of the proposed 120 sq. ft. accessory storage building with County Flood Damage Prevention Ordinance.
4. All processing will occur at an off-site, licensed medical cannabis processing facility.
5. One parking space for each of the six (6) employees will be provided.
6. A portable toilet will be provided for on-site employees and will be removed at the beginning of the wet season October 15<sup>th</sup> of each year and remain in effect through the end of the winter precipitation period.
7. Greenhouses and cultivation material will be removed and relocated outside the floodplain or contained within an elevated structure (i.e. shipping container), in compliance with the County Flood Damage Prevention Ordinance, to prevent cultivation materials from washing downriver in the event of flooding. This action shall occur by October 15<sup>th</sup> of each year and remain in effect through the end of the winter precipitation period.
8. The shed being used for storage of generator, fertilizers, nutrients, and fuel to be relocated from the project parcel to an area outside the floodplain or contained within an elevated structure, in compliance with the County Flood Damage Prevention Ordinance, to prevent such that flood waters would not enter. This action shall occur by October 15<sup>th</sup> of each year and remain in effect through the end of the winter precipitation period.
9. Comply with all recommendations of the Water resources Protection Plan to the satisfaction of the RWQCB.
10. Any cultivation related wastes (i.e. soil, vegetation matter) to be relocated from the project parcel to an area outside the floodplain or contained within an elevated structure, in compliance with the County Flood Damage Prevention Ordinance, to prevent cultivation materials from washing downriver in the event of flooding. This action shall occur by October 15<sup>th</sup> of each year and remain in effect through the end of the winter precipitation period.
11. No lights, generators or fans are permitted by this permit until a scoping report for Northern Spotted Owl 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.

12. 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.
13. 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, the construction of noise containment structures for all generators and fans on the subject parcel; noise released shall be no more than 50 decibels measured from 100ft.
14. To minimize the risk of wildlife entrapment, the Permittee shall not use any erosion control and/or cultivation materials that contain synthetic (i.e. plastic or nylon) netting, including phot- 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.
15. 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.
16. Per the recommended condition of approval from Public works, the applicant shall complete paving to non-county-maintained portion of the access Road, Riverside Park Road, for a minimum width of 20 feet and a length of 50 feet where it intersects the County road.
17. A minimum of six (6) available parking spaces are required to ensure no conflict with safety and fire access to the site. No parking on Riverside Park Road is authorized.
18. Applicant to contact the local fire service provider [Carlotta Community Services District] and furnish written documentation from that agency of 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.
19. The applicant shall secure permits for all existing and proposed grading and structures 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.
20. Applications for grading and or building permits shall be referred to the North Coast Air Quality Management District (NCAQMD) for review and consultation. Dust control practices during construction and grading shall achieve compliance with NCAQMD fugitive dust emission



standards.

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

1. All components of project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, and these Conditions of Approval. Changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan.
2. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CMMLUO and MCRSA, as applicable to the permit type.
3. If operating pursuant to a written approved compliance agreement, permittee shall abate or cure violations at the earliest feasible date, but in no event more than two (2) years from the date of issuance of a provisional clearance or permit. Permittee shall provide plans for curing such violations to the Planning and Building Department within one (1) year of issuance of the provisional clearance or permit. If good faith effort towards compliance can be shown within the two years following the issuance of the provisional clearance or permit, The Planning Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow for additional time to meet the outstanding requirements.
4. Possession of a current, valid required license, or licenses, issued by any agency of the State of California in accordance with the MCRSA, and regulations promulgated thereunder, as soon as such licenses become available.
5. Compliance with all statutes, regulations and requirements of the California State Water Resources Control Board and the Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration, as applicable.
6. Confinement of the area of cannabis cultivation, processing, manufacture or distribution to the locations depicted on the approved site plan. The commercial cannabis activity shall be set back at least 30 feet from any property line, and 600 feet from any School, School Bus Stop, Church or other Place of Religious Worship, or Tribal Cultural Resources, except where a reduction to this setback has been approved pursuant to County Code Section 55.4.11(d).
7. Maintain enrollment in Tier 1, 2 or 3, certification with the NCRWQCB Order No. R1-2015-0023, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
8. For cultivation area(s) for which no enrollment pursuant to RWQB Order No. R1-2015-0023 is required by that Order, comply with the standard conditions applicable to all Tier 1 dischargers.
9. Consent to an annual on-site compliance inspection, with at least 24 hours prior notice, to be conducted by appropriate County officials during regular business hours (Monday – Friday, 9:00 am – 5:00 pm, excluding holidays).
10. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.

11. Pay all applicable application and annual inspection fees.
12. The noise produced by a generator used for cannabis drying and other operations shall not be audible by humans from neighboring residences. The decibel level for generators measured at the property line shall be no more than 60 decibels. Where applicable, sound levels must also show that they will not result in the harassment of Marbled Murrelet or Spotted Owl species. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service, and further consultation where necessary. Under these guidelines, generator noise may not exceed 50 decibels as measured at 100 feet from the generator or at the edge of the nearest Marbled Murrelet or Spotted Owl habitat, whichever is closer.
13. 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.
14. The Master Log Books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
16. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Section 719-1 et seq.).
17. 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

19. Pursuant to the MCRSA, Health and Safety Code Section 19322(a)(9), an applicant seeking a cultivation license shall "provide a statement declaring the applicant is an 'agricultural employer,' as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 commencing with Section 1140) of Division 2 of the Labor Code), to the extent not prohibited by law."
20. Cultivators shall comply with all applicable federal, state, and local laws and regulations governing California Agricultural Employers, which may include: federal and state wage and hour laws, CAL/OSHA, OSHA, California Agricultural Labor Relations Act, and the Humboldt County Code (including the Building Code).
21. Cultivators engaged in processing shall comply with the following Processing Practices:
  - I. Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.
  - II. Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
  - III. Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.
  - IV. Employees must wash hands sufficiently when handling cannabis or use gloves.
22. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:

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

25. Permit Renewals to comply with Updated Laws and Regulations. Permit renewal per Ongoing Condition of Approval #24 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.
26. 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.
27. 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.
28. Inspections. The permit holder and subject property owner are to permit the County or representative(s) or designee(s) to make inspections at any reasonable time deemed necessary to assure that the activities being performed under the authority of this permit are in accordance with the terms and conditions prescribed herein.

**Informational Notes:**

1. Pursuant to Section 314-55.4.11(a) of the CMMLUO, if upon inspection for the initial application,

violations of any building or other health, safety, or other state or county statute, ordinance, or regulation are discovered, the Planning and Building Department may issue a provisional clearance or permit with a written approved Compliance Agreement. By signing the agreement, the permittee agrees to abate or cure the violations at the earliest opportunity but in no event more than two (2) years of the date of issuance of the provisional clearance or permit. Plans for curing the violations shall be submitted to the Planning and Building Department by the Permittee within one (1) year of the issuance of the provisional certificate or permit. The terms of the compliance agreement may be appealed pursuant to section 314-55.4.13 of the CMMLUO.

2. This provisional permit approval shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"); except where the Compliance Agreement per Condition of Approval #1 has been executed and the corrective actions pursuant to the agreement are being undertaken. Once building permits have been secured and/or the use initiated pursuant to the terms of the agreement, the use is subject to the Permit Duration and Renewal provisions set forth in Conditions of Approval #24 and 25 of the On-Going Requirements /Development Restrictions, above.
3. If cultural resources are encountered during construction activities, the contractor on site shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist as well as the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

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

**The applicant is ultimately responsible for ensuring compliance with this condition.**

1. The applicant is responsible for obtaining all necessary permits and/or approvals from other state and local agencies.
2. This 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 construction under a valid building permit or use in reliance on the permit has commenced prior to such anniversary date. Once initiated, the use is subject to the Permit Duration and Renewal provisions set forth in Condition of Approval # 8 of the On-Going Requirements /Development Restrictions, above. The period within which construction or use must be initially commenced may be extended as provided by Section 312-11.3 of the Humboldt County Code.
3. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions. A deposit is collected to cover this staff review. Permit conformance with conditions must be demonstrated prior to release of building permit or initiation of use and at time of annual inspection. A 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) shall be paid within 12 months of the effective date of the permit,



whichever occurs first. Payment shall be made to the Humboldt County Planning Division, 3015 "H" Street, Eureka.

4. 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.
5. The applicant shall be aware that the Federal Government considers the cultivation of cannabis to be an illegal activity. This project is accessed by using roads that pass through lands owned by the Federal Government. The Federal Government may not allow the applicant to use these roads to transport cannabis. In such case, Humboldt County will not provide relief to the applicant. Approval of this permit does not authorize transportation of cannabis across Federal lands.

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



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

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

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Land Use Chapter 4</p> <p>Land Use Designations Section 4.8</p>	<p><b>Residential Estates (RE):</b> Lands adjacent to urban areas or rural communities with limited public services but suitable for single family residential use. Also intended as a transition from urban development to rural lands. General agriculture is a permitted use.</p> <p>Density range is 2.5 to 5 acres/unit</p>	<p>The proposed project entails the continued cultivation of previously approved 10,000-sf of mixed light cannabis in 13 greenhouses and 3,200 square feet non-commercial nursery in four (4) greenhouses in one (1) cultivation area on an approximately 4.63-acre parcel. General agriculture is allowable use type of this designation.</p>
<p>Circulation Chapter 7</p>	<p>Goals and policies contained in this Chapter relate to a balanced, safe, efficient, accessible and convenient circulation system that is appropriate for each type of unincorporated community (C-G1, C-G2); coordinated planning design, development, operations, and maintenance between the County and other transportation system service providers (C-G3); and access for all transportation mode types with improved opportunities to move goods within, into and out of Humboldt County (C-G4, C-G5)</p> <p>Related policies: C-P3. Consideration of Transportation Impacts in Land Use Decision Making</p>	<p>Access is from Fir Loop Court off of Riverside Road via a 20 foot wide easement per Recorder's Document No. 2008-24811-3.</p> <p>The applicant will need to comply with the conditions of Exhibit A of the public works recommendations. These recommendations have been included in the Conditions of Approval.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Housing Chapter 8	<p>Goals and policies contained in this Element seek to identify existing and projected housing needs and establish goals, policies, standards and measures for the preservation, improvement, and development of housing.</p> <p>Related policies: H-P3, Development of Parcels in the Residential Land Inventory</p>	<p>The project does not involve residential development, nor is the project site part of the Housing element Residential Land Inventory. However, the project will not preclude any future residential development. The project will not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.</p>
<p>Conservation and Open Space Chapter 10</p> <p>Open Space Section 10.2</p>	<p>Goals and policies contained in this Chapter relate to an Open Space and Conservation Program that is complimentary to other agencies' plans and that preserves the county's unique open spaces (CO-G1, CO-G3)</p> <p>Related policies: CO-P1, Conservation and Open Space Program; CO-P12, Development Review, CO-S1. Identification of Local Open Space Plan, and CO-S2. Identification of the Open Space Action Program</p>	<p>The proposed project site is not located within planned Open Space. The proposed project is consistent with the allowable uses of the site's land use designation of Residential Estates which allows general agriculture.</p>
<p>Conservation and Open Space Chapter 10</p> <p>Biological Resources Section 10.3</p>	<p>Goals and policies contained in this Chapter relate to mapped sensitive habitat areas where policies are applied to protect fish and wildlife and facilitate the recovery of endangered species (BR-G1, Threatened and Endangered Species, BR-G2, Sensitive and Critical Habitat, BR-G3, Benefits of Biological Resources)</p> <p>Related policies: BR-P1. Compatible Land Uses, BR-P5. Streamside Management Areas.</p>	<p>According to a CDFW resource map, the parcel is located within habitat of threatened and endangered species. Additionally, Northern Spotted Owl Activity Centers are located within ½ mile of the project site. The proposed project includes continuation of mixed light cultivation activities. The project has been conditioned to develop a lighting plan demonstrating the proposed cultivation area would not deliver or have the potential to deliver light pollution, during the hours of sunrise to sunset.</p>
Conservation and Open Space Chapter 10	Goals and policies contained in this Chapter relate to the protection and enhancement of significant cultural resources,	The applicant retained William Rich and Associates (WRA) for the preparation of a Cultural Resources Investigation for the Project site. WRA conducted a records



Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Cultural Resources Section 10.6	<p>providing heritage, historic, scientific, educational, social and economic values to benefit present and future generations (CU-G1, Protection and Enhancement of Significant Cultural Resources)</p> <p>Related policies: CU-P1. Identification and Protection, CU-P2. Native American Tribal Consultation]</p>	<p>search at the Northwest Information Center (NWIC). WRA also consulted with the Bear River Band of the Rohnerville Rancheria, the Wiyot Tribe, the Native American Heritage Commission, and the current landowner. WRA conducted an archaeological field survey of the Project area. The report concludes that no significant archaeological or historic period cultural resources, that for the purposes of CEQA would be considered an historic resource, exist in the limits of the project area. This report was provided to the Tribal Historic Preservation Officer (THPO) of the Bear River Band of the Rohnerville Rancheria and the Wiyot Tribe. Both tribes approved the report. Ongoing Conditions of Approval are incorporated regarding the inadvertent discovery protocol to protect cultural resources.</p>
Conservation and Open Space Chapter 10  Scenic Resources Section 10.7	<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 proposed project entails the continued cultivation of 10,000-sf of new mixed light cannabis in 13 greenhouses and 3,200 square feet non-commercial nursery in four (4) greenhouses in one (1) cultivation area on an approximately 4.63-acre parcel. The project site is not located in an area of scenic value and will not create new sources of light and/or glare. Nor is it visible from a public roadway or vista.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Water Resources Chapter 11</p> <p>Stormwater Drainage</p>	<p>Goals and policies contained in this Chapter relate to coordinated watershed planning and land use decision making to advance management priorities (WR-G3, WR-G4, WR-G5); watershed conservation and restoration efforts aimed at de-listing water bodies and watersheds which are restored to meet all beneficial uses, including water use, salmon and steelhead recovery plans, recreational activities, and the economy (WR-G1, WR-G2, WR-G7, WR-G8, WR-G9); and</p> <p>Related policies: WR-P10. Erosion and Sediment Discharge; WR-P42. Erosion and Sediment Control Measures.</p>	<p>The Project site falls within Tier 2 of the North Coast Regional Water Quality Control Board's (NCRWQCB) Order No. 2015-0023 (Order), which requires preparation of a Water Resources Protection Plan (WRPP) to protect water quality from cannabis cultivation and related activities. The WRPP has been prepared to describe and address the required elements and compliance with the 12 Standard Conditions established by the Order. The WRPP identified areas where the Project site does not meet all 12 Standard Conditions and set a preliminary schedule prioritizing corrective actions to reach full compliance with the Order.</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 Water Resources Protection Plan (WRPP) states that the site will be outfitted with a portable toilet regularly serviced by a licensed company. The toilet will be moved off site at the beginning of the wet season (October 15<sup>th</sup> of each year).</p> <p>Any cultivation related wastes (i.e. soil, vegetation matter) to be relocated from the project parcel to an area outside the floodplain <u>or</u> contained within an elevated structure included in Conditions of Approval.</p>



Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Noise Chapter 13</p>	<p>Goals and policies contained in this Chapter discourage incompatible uses within communities and reduce excessive noise through the application of standards (N-G1, N-G2)</p> <p>Related policies: N-P1, Minimize Noise from Stationary and Mobile Sources; N-P4, Protection from Excessive Noise</p>	<p>The cultivation areas are mixed light, and do not use electrical generators except for emergency backup power, so there will be minimal noise generated by the project. Noise generated from the emergency backup generator shall comply with the standards set forth in Section 55.4.11(o) of the CMMLUO and Department Policy Statement #DPS-16-005. Power to the site is provided by PG&amp;E. To adhere to the noise threshold level of 50 dB at 100 feet, construction of noise containment structures, if noise level threshold is exceeded, for all ongoing cultivation equipment such as the back-up generator and greenhouse fans are included in the Conditions of Approval.</p>
<p>Safety Element Chapter 14</p> <p>Geologic &amp; Seismic</p>	<p>Goals and policies contained in this Chapter relate to communities that are designed and built to minimize the potential for loss of life and property resulting from natural and manmade hazards; and to prevent unnecessary exposure to areas of geologic instability, floodplains, tsunami run-up areas, high risk wildland fire areas, and airport areas planned and conditioned to prevent unnecessary exposure of people and property to risks of damage or injury (S-G1, S-G2)</p> <p>Related policies: S-P11. Site Suitability, S-P7. Structural Hazards,</p>	<p>The project site is not located in a mapped Alquist-Priolo fault zone nor is subject to liquefaction. The cultivation area occurs on slopes of less than 15% and is seismically classified moderate instability. Given the relatively mild slope where it is located, the cultivation area is not expected to be affected by geologic instability. The project also does not pose a threat to public safety related from exposure to natural or manmade hazards. As a condition of approval, applications for grading and or building permits shall be referred to the North Coast Air Quality Management District (NCAQMD) for review and consultation. Dust control practices during construction and grading shall achieve compliance with NCAQMD fugitive dust emission standards.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Safety Element Chapter 14</p> <p>Flooding</p>	<p>Goals and policies contained in this Chapter relate to the use of natural drainage channels and watersheds that are managed to minimize peak flows in order to reduce the severity and frequency of flooding. (S-G3)</p> <p>Related policies include: S-P12, Federal Flood Insurance Program; S-P13, Flood Plains; S-P15, Construction Within Special Flood Hazard Areas</p>	<p>The subject parcel is located entirely within Flood Zone A on FIRM Panel 06023C1455F. This is within the area of the 100-year flood where base flood elevations have not been determined. The project has been conditioned to require removal of all greenhouses and movable sheds <u>or</u> be contained in an elevated structure prior to October 15<sup>th</sup> of each year through the end of the winter wet period. The project site is not within a mapped dam or levee inundation area and, at approximately 22 miles distance from the coast and approximately 2,500 feet above mean sea level, is outside the areas subject to tsunami run-up.</p>
<p>Safety Element Chapter 14</p> <p>Fire Hazards</p>	<p>Goals and policies of this Chapter encourage development designed to reduce the risk of structural and wildland fires supported by fire protection services that minimize the potential</p> <p>Related policies: S-P19, Conformance with State Responsibility Areas (SRA) Fire Safe Regulations;</p>	<p>The subject property is located within the State Fire Responsibility Area where the State of California has the primary financial responsibility for the prevention and suppression of wildland fires. CAL FIRE comments recommended compliance with the requirements of the County's Fire Safe Regulations. The Humboldt County Fire Safe Ordinance (Section 3111-1 et seq.) establishes development standards for minimizing wildfire danger in state responsibility designated areas. According to the applicant, during the peak season, the operation will employ up to six (6) employees who will live offsite.</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 fire district boundaries to obtain written acknowledgement of available emergency response and fire suppression services from the local fire agency, including any recommended mitigation</p>	<p>The project is located outside a Fire District and within the response area for the Carlotta Community Services District per the 2016 County Fire Plan. To implement this policy, Conditions of Approval for the proposed project requires the applicant to contact the local fire service provider [Carlotta Community Services District] and furnish written documentation from that agency of 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>As a condition of project approval, applications for grading and or building permits shall be referred to the North Coast Air Quality Management District (NCAQMD) for review and consultation. Dust control practices during construction and grading shall achieve compliance with NCAQMD fugitive dust emission standards.</p>

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

<b>Zoning Section</b>	<b>Summary of Applicable Requirement</b>	<b>Evidence</b>
§312-1.1.2  Legal Lot Requirement	Development permits shall be issued only for a lot that was created in compliance with all applicable state and local subdivision regulations.	The parcel known as APN 206-411-025 was created in its current configuration by Lot Line Adjustment, Case Number LLA-07-28, shown on a Record of Survey recorded on January 14, 2011 in Book 68 of Surveys, page 82. There is no evidence indicating there have been any subsequent acts to merge or divide this parcel. Therefore, the subject parcel was lawfully created in its current configuration and can be developed as proposed.
§314-7.2 Agriculture General (AG)	The Agriculture General Zone is intended to be applied in areas where agriculture is the desirable predominant use and rural residential uses are secondary.	The property is zoned AG. Mixed light cannabis cultivation is specifically allowed this zoning district and under Section 55.4.8.2 of the CMMLUO. The project is required to be processed as a Special Permit to meet the requirements of Section 55.4.6.7 of the CCLUO.
Minimum Lot Area:	2.5 acres	4.63 acres
Minimum Lot Width:	60 feet	223
Maximum Lot Depth:	None specified	N/A
Max. Lot Coverage:	35%	8.64%
Min. Yard Setbacks (through the SRA requirements):	Front: 20 feet Rear: 20 feet Side: 6 feet	Minimum setbacks for all cultivation areas is 30 feet as indicated on the plot plan.
Max. Building Height:	35 feet	< 35 feet



Zoning Section	Summary of Applicable Requirement	Evidence
§314-61.1 Streamside Management Area (SMA)	<p>Placement of soil within SMAs shall be prohibited, except where specifically authorized by the SMA ordinance.</p> <p>Development within SMAs may include wildlife enhancement and restoration projects.</p> <p>The SMA of perennial streams outside of urban development and expansion areas is defined as 100 feet from the stream transition line.</p>	<p>The Water Resources Protection Plan (WRPP) states the cultivation area is at a minimum 150 feet the SMA. No development is proposed within the SMA. Any cultivation related wastes (i.e. soil, vegetation matter) to be relocated from the project parcel to an area outside the floodplain <u>or</u> contained within an elevated structure, as is included in Conditions of Approval.</p>
§314-109.1 Off-Street Parking	<p>Off Street Parking for Agricultural use*: Parking space per employee at peak shift. A minimum of three parking spaces are required.</p> <p><i>*Use for this activity is not specified. Per Section 314-109.1.2.9, the Director may fix the required number of parking spaces based on standards for most comparable use.</i></p>	<p>There are two fulltime employees associated with the requested permit. There are up to four seasonal employees. The maximum number of people working on the site would be six. The land use plan for the site is Agricultural General, and the Code is silent as to the requirement for agricultural employees. The most comparable standard for employees in this situation is one space for each employee at peak shift (per Section 314-109.1.3.4.2 - Manufacturing).</p> <p>No designated parking spaces are noted on the site plans. A condition has been applied to require a minimum of six (6) available parking spaces to ensure no conflict with safety and fire access to the site. No parking on Riverside Park Road is authorized.</p>
<b>314-55.4 Commercial Cultivation, Processing, Manufacturing and Distribution of Cannabis for Medical Use Inland Land Use Regulation (CMMLUO)</b>		

<b>Zoning Section</b>	<b>Summary of Applicable Requirement</b>	<b>Evidence</b>
§314-55.4.8.2	Commercial cannabis cultivation is allowed on parcels zoned AG, on parcels one acre or larger.	The project is located on an AG zoned property of 4.63 acres; and is therefore in conformance with this requirement.
§314-55.4.8.2.1 New Outdoor and Mixed-Light Cultivation Areas	On parcels 5 acres or larger in size, a permit may be issued for new outdoor or mixed-light commercial cannabis cultivation for an area up to 10,000 square feet that was not previously in existence as of January 1, 2016 on parcel with Prime Agricultural Soils in zoning districts RA, U, FP, DF, AG, or AE on slopes of 15% or less, with documented current water right or other non-diversionary source of irrigation water. The cultivation area shall be located on the Prime Agricultural soils on the parcel and no more than 20% of the area of the Prime Agricultural soils may be permitted for cultivation.	The proposed project includes permitting up to 10,000 square feet of a new mixed light cultivation operation on a parcel zoned AG. The site is less than 15% slope, 4.63 acres of prime agricultural soils, which results in approximately 13% of the prime soils being used for cultivation. 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.	According to records maintained by the Department, the applicant has applied for no other cannabis activity permits, and he is entitled to four. This application is for a single permit for cannabis 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.	The harvested product will product will be shipped to a licensed processing or manufacturing facility.
§314-55.4.9.4 Pre-Application Registration	Existing cultivation sites shall register with the County within 180 days of the effective date of this ordinance.	Not applicable.
§314-55.4.10 Application Requirements	Identifies the Information Required for All Applications	Attachment 4 identifies the information submitted with the application. Contents of the application are on file. All outstanding items are included as Conditions of Approval.



Zoning Section	Summary of Applicable Requirement	Evidence
§314-55.4.11 Performance Standards	Identifies the Performance Standards for Cannabis Cultivation Activities	All the applicable performance standards are included 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.	This Special Permit is to allow a previously approved Zoning Clearance Certificate to operate within the Community Planning Area. This project source water was determined to be from a groundwater permitted well. Initial Statement of Water Diversion filed. Water Resource Protection Plan on file. Estimated annual water use is 131,000 gallons.
§314-55.4.11.d Performance Standards-Setbacks	The area of cannabis cultivation and on-site processing shall be setback at least 30 feet from any property line, and 600 feet from any school, school bus stop, church or other place of religious worship, public park, or tribal cultural resources (TCRs).	The applicant's site plan shows that the cultivation area conforms to the 600-foot school bus stop. The site plan shows the project complies with the 30-foot property line setback. There are no parks or public lands as defined in HCC Section 314-55.4.7 within 600 feet of the cultivation site based on a review of aerial imagery, nor is there a place of religious worship within 600 feet.
§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 primary source of power is PG&E. As a modification to the previously approved Zoning Clearance Certificate, the applicant has requested that a back-up generator be allowed for emergencies.  Additionally, the project has been conditioned to require the construction of noise containment structures for all ongoing cultivation equipment and to conform to current auditory disturbance guidance prepared by the United State Fish and Wildlife Service.

<b>Zoning Section</b>	<b>Summary of Applicable Requirement</b>	<b>Evidence</b>
§314-55.4.17 Sunset Date	No application for any Use Permit pursuant to the CMMLUO shall be processed for issuance or approval that is received after December 31, 2016.	The applicant filed the original application on August 14, 2016.
§55.4.6.7 CCLUO	For previously approved Zoning Clearance Certificates within specific mapped community planning areas, where there is no public controversy associated with an application applicant may request the pending permit application or approved permit be considered or reconsidered as a Special Permit. If following appropriate public notice, there is no opposition to the Special Permit, the permit may be approved	The applicant has applied for a Special Permit and there has been no opposition submitted.

**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.

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



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

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

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

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, including relocating the cultivation areas to an environmentally superior location that would reduce the impacts of the proposed development. The environmental document on file include detailed discussions of all the relevant environmental issues.

**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 210-041-011-000, McClellan Mountain Road,  
Carlotta, County of Humboldt*

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

**March 2019**



## Background

### **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 Conditional Use Permit would allow operation of an existing outdoor (in greenhouses) medical cannabis cultivation of approximately ten-thousand (10,000) square feet (sf) on a 160-acre parcel in compliance with the County Commercial Medical Marijuana Land Use Ordinance (CMMLUO)

The cultivation currently includes six (6) existing greenhouses totaling 10,000-sf in two (2) separate cultivation areas, as well as an additional 3,200 sf of nursery and propagation facilities. Two (2) cultivation cycles per year are proposed; plants will be dried on-site and processed off-site at a licensed third-part facility. Cultivation activities take place between March and November.

Estimated annual water use is 131,000 gallons. Water sourced from permitted well. Irrigation water delivered via drip emitters in combination with hand watering, when needed. The applicant has enrolled in the North Coast Regional Water Quality Control Board (NCRWQCB) Cannabis Waste Discharge Regulatory Program as a Tier 2 discharger. Power is supplied to the site by PG&E. A generator will be utilized for emergency backup purposes only.

**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 commercial cannabis operation 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. Specifically, construction of noise containment structures for all ongoing cultivation equipment (e.g. generators, fans, dehumidifiers etc.) will decrease impacts to sensitive species as a result of noise.

### **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. (On-file)
3. Site plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including: access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within ¼ mile (1,320 ft.) of a school, school bus stop, church or other place of religious worship, public park, or Tribal Cultural Resource, the site plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 600 feet. (Attached - site plan prepared by Manhard Consulting, dated May 12, 2017)
4. A cultivation and operations plan that meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; and proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel, and a description of cultivation activities (outdoor, indoor, mixed light), the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. (Attached - Cultivation and Operations Plan dated May 12, 2017)
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 - in Cultivation and Operations Plan dated May 12, 2017)
7. Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the NCRWQCB demonstrating enrollment in Tier 1, 2 or 3, NCRWQCB Order No. 2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (On file - NOI; Watershed Resource Protection Plan; Reporting Form February 17, 2016)
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. (Notification of LSAA on-file and full compliance In process; condition of approval)



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

File

**HANGING GARDENS INC  
OPERATIONS MANUAL  
HUMBOLDT COUNTY, CA**

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**PROPOSED MEDICAL CANNABIS  
CULTIVATION FACILITIES**

Revised



**PREPARED FOR:**



**MAY 2017**



**Cultivation and Operations Manual  
For  
Hanging Gardens Inc**

**Proposed Medical Cannabis Cultivation Facilities**

Lead Agency:

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

Prepared By:  
***Manhard Consulting***  
611 I Street, Suite A  
Eureka, California 95501

In Consultation with:

**Hanging Gardens Inc**  
724 4<sup>th</sup> Street  
Eureka, CA 95501

May 2017

OPERATIONS MANUAL  
HANGING GARDENS INC

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**TABLE OF CONTENTS**

1. PROJECT SUMMARY .....	1-1
1.1. Project Narrative .....	1-1
1.2. State and Local Compliance.....	1-1
1.3. Authorization for County Of Humboldt Staff.....	1-2
2. OPERATIONS PLAN .....	2-1
2.1. Water Supply and Water Use .....	2-1
2.2. Site Drainage, Runoff and Erosion Control .....	2-1
2.3. Watershed and Habitat Protection .....	2-1
2.4. Use and Storage of Regulated Products .....	2-1
2.5. Waste Management Plan .....	2-2
2.6. Employment Plan.....	2-2
2.7. Cultivation Plan.....	2-3
2.8. Product Inventory And Tracking .....	2-6
2.9. Harvesting Plan .....	2-7
2.10. Processing Plan .....	2-7
2.11. Security Plan .....	2-7
2.12. Transportation and Distribution Plan .....	2-7
3. RESOURCES.....	3-1

**ATTACHMENTS**

Appendix A: Personnel Acknowledgement Form  
Appendix B: Site Plan, Floor Plans and Elevations  
Appendix C: Pesticide Storage, Handling and Application Plan  
Appendix D: Emergency Procedures and Contact Information  
Appendix E: Material Data Safety Sheets

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## 1. PROJECT SUMMARY

### 1.1. PROJECT NARRATIVE

The Hanging Gardens Inc (HGI) is applying for land use approval for proposed medical cannabis cultivation facilities, located on Assessor Parcel Number (APN) 206-411-025, near the community of Carlotta. The proposed HGI cultivation facilities are within the County of Humboldt's (County) Agricultural General (AG) zone with an Agricultural Suburban land use designation (AS). The subject parcel is approximately 5.6 acres in size (per Record of Survey prepared by Barry L. Kolstad, Book 68 of Surveys, Page 82). Land uses surrounding the parcel are comprised of residential, timber and agriculture. The majority of the surrounding parcels are zoned Agriculture General (AG). The parcel to the west is zoned Timber Production Zone (TPZ).

The existing site consists of an undeveloped agricultural field. Twelve (12) 10'x80' and one (1) 10'x40' greenhouses totaling 10,000 square feet of cultivation and an 8'x12' shed will be constructed for the proposed cultivation activity. Four (4) 10'x80' greenhouses will also be constructed for an on-site non-commercial nursery. All activity will meet the required setbacks.

Permits will be obtained from all jurisdictional government entities for the proposed cultivation activity.

### 1.2. STATE AND LOCAL COMPLIANCE

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

HGI will obtain a Commercial Cannabis Activity license from the State of California as soon as such license becomes available.

#### 1.2.2. STATE WATER RESOURCES CONTROL BOARD

A well has been constructed to supply water for irrigation use. No diversion from surface waters is proposed.

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

HGI will be enrolled with the North Coast Regional Water Quality Control Board (NCRWQCB) Order No. 2015-0023 upon approval of the zoning clearance certificate, prior to commencement of cultivation activities.

#### 1.2.4. HUMBOLDT COUNTY BUILDING DEPARTMENT

Building permits will be obtained from the Humboldt County Building Department for all proposed structures and grading activity upon approval of the zoning clearance certificate.

#### 1.2.5. CAL FIRE

The development will occur within an existing agricultural field. No tree removal is proposed for the proposed development.

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

No impacts to bed, bank, or channel are proposed as part of this development.

#### 1.2.7. 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.**

### **1.3. AUTHORIZATION FOR COUNTY OF HUMBOLDT STAFF**

Per the County of Humboldt's *Commercial Medical Marijuana Land Use Ordinance No. 2544* (CMMLUO) §314-55.4, the *Hanging Gardens Inc Operations Manual* contains the required information for operating medical marijuana cultivation facilities within the limits of the County of Humboldt. The operations detailed in the manual follow the operating standards described in CMMLUO §§314-55.4.10 and 314-55.4.11.

Hanging Gardens Inc is committed to maintaining all necessary permits. Staff at the HGI is required to adhere to the *Hanging Gardens Inc Cultivation and Operations Manual* to ensure compliance with state and local regulations (see Attachment A – *Personnel Acknowledgement Form*). Through this application, the applicant authorizes the County of Humboldt, its agents and employees, to seek verification of the information contained with this application, including verification of the operations as described in the *Hanging Gardens Inc Cultivation and Operations Manual*.

Hanging Gardens Inc consents for onsite inspection of the parcel by County officials at a prearranged date and time in consultation with the applicant prior to issuance of any permit and once annually thereafter. HGI acknowledges that the County reserves the right to reduce the size of the area allowed for cultivation in the event that environmental conditions, such as sustained drought or low flows in the watershed, will not support diversions for irrigation. HGI also acknowledges that the County reserves the right to engage with local Tribes before consenting to issuance of any permit, if the cultivation operations.



## 2. OPERATIONS PLAN

### 2.1. WATER SUPPLY AND WATER USE

HGI has drilled and permitted a groundwater well for irrigation use.

Refer to section 2.7.2 for a summary of irrigation practices.

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

Refer to the Water Resources Protection Plan for descriptions of the site drainage and runoff and erosion control measures.

### 2.3. WATERSHED AND HABITAT PROTECTION

Any grading and earthwork activities will be conducted by a Licensed Timber Operator (LTO) or licensed contractor in accordance with approved grading permits and the WRPP. Maintenance and repair strategies for site development and road improvements will utilize best management practices, such as out sloping of roads, installation of water bars or other appropriate measures, to maintain slope integrity. Cultivation sites will be developed in accordance with NCRWQCB's best management practices for site development to ensure erosion control measures are effective to not allow discharges to streams.

Drainage, runoff and erosion control design and implementation will follow guidelines from several agencies and documents, including the following:

- Grading and Drainage Plan – Humboldt County Building Department (pending)
- Water Resource Protection Plan – North Coast Regional Water Quality Control Board (pending)

This property was selected for cultivation since it is an existing agricultural field. The proposed medical cannabis cultivation area is smaller than the existing field. Impacts to habitat will be limited due to proper site selection.

### 2.4. USE AND STORAGE OF REGULATED PRODUCTS

The State of California Agricultural Department as well as the Humboldt County Agricultural Department recognize the need for use of pesticides and fungicides. HGI will employ best management practices when storing, handling, mixing, application and disposal of all pesticides/fungicides. HGI will also engage in the use of pesticides and fungicides that have been approved by either the state of California Agricultural Department or the Humboldt County Agricultural Department or by any Humboldt County Ordinance or State of California Initiative.

HGI will follow required regulations in the storing, handling, mixing, application and disposal of any and all pesticides. The Agent In Charge will hold a State of California Agricultural Department Private Pesticide Applicators License issued through the Humboldt County Agricultural Department. Training of employees in the storing, handling, mixing, application, disposal and emergency spill containment and clean up procedure will be sole responsibility of the Lead Cultivator as the holder of the Private Pesticide Applicators License.

All nutrients, pesticides and fungicides will be stored in water tight, locked and labeled housing in accordance with manufactures instruction. HGI will provide all employees trained to handle, mix, apply or dispose of pesticides/fungicides with proper hand, eye body and respiratory protection in

accordance with State of California Agricultural Department Private Pesticide Applicators License as well as manufacturer's recommendations. In addition, at any place where pesticide/fungicide to be stored, handled, mixed, applied or disposed, HGI will provide saline eye wash stations and emergency containment and clean up kits as prescribed in the State of California Agricultural Department Pesticide Applicators License handbook as well as manufacture labeling directions. (see Appendix D - *Pesticide Storage, Handling and Application Plan*). Approximately 30 gallons of liquid fertilizer and 20 pounds of dry fertilizer will be stored on the site. Refer to the MSDS sheets in Appendix E for a summary of nutrients, pesticides and fungicides used.

All nutrients, pesticides and fungicides will be stored in the proposed 8'x12' shed.

Two 5-gallon gas containers will be stored on the site within the proposed shed.

A copy of the Operations Plan will be kept on site by the Agent in Charge and will contain all material safety data sheets for all regulated products used on site (MSDS).

## **2.5. WASTE MANAGEMENT PLAN**

### **2.5.1. SOLID WASTE MANAGEMENT**

Covered waste and recycling bins will be located by the entrance of the site.

Waste will be removed from the property weekly and will be transported to Eel River Disposal.

Spent soil will be seeded with a cover crop over the winter.

No compost piles are proposed. Root balls, stalks and other cultivation debris will be burned or hauled off as green waste.

### **2.5.2. WASTEWATER MANAGEMENT**

A portable toilet will be kept on site and maintained by a licensed firm for employee use during the cultivation season. The toilet will be removed during the wet season.

## **2.6. EMPLOYMENT PLAN**

### **2.6.1. ALATORRE-ZENOVICH-DUNLAP-BERMAN AGRICULTURAL LABOR RELATIONS ACT STATEMENT**

Hanging Gardens Inc 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.

### **2.6.2. CALIFORNIA AGRICULTURAL EMPLOYER COMPLIANCE**

HGI will comply with all applicable federal, state and local laws and regulations governing California Agricultural Employers.

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

- *Agent in Charge:* Oversight and management of the entire facility. Responsibilities will include but not be limited to: personnel, records keeping, budget, and liaison with State and County inspectors as needed.
- *Lead Cultivator:* Oversight and management of the day to day cultivation of medical cannabis. This will include but not be limited to: irrigation, fertilization, pesticide management and harvest.
- *Seasonal Labor:* This position is temporary and employee count will vary based on the needs of the farm during the cultivation, harvest and processing seasons.



The *Agent in Charge* is a principal for the Hanging Gardens Inc. In addition to the *Agent in Charge* and *Lead Cultivator*, HGI intends to employ up to (4) Seasonal Labor positions for an estimated total of approximately six (6) employees maximum at the Project site at any given time.

All HGI employees will be required to wear an HGI-issued photo ID badge on a lanyard at all times while working at the cultivation site. They will be required to read the HGI Operating Manual along with the HGI Employee Handbook. They will also be required to sign and date a form acknowledging they have read and understand its contents (see Attachment B – *Personnel Acknowledgement Form*).

The *Agent in Charge* will meet with the *Lead Cultivator* daily to discuss any pending internal issues relating to day to day operations as well as discuss any upcoming schedule needs. Each department will give a daily synopsis related to their particular tasks. This will include a daily plant count inventory, a daily fertilizer application summary, a daily pesticide application summary a daily water use summary. The *Lead Cultivator* will maintain daily contact with the *Agent in Charge* to keep the *Agent in Charge* abreast of any issues that occur pertaining to cultivation, inventory, non-security related employee issues and facility compliance needs. It is the intention of the *Agent in Charge* to maintain a transparent communication at all times to ensure the uninterrupted flow of medical cannabis remains compliant and within the code of conduct.

#### **2.6.4. EMPLOYEE SAFETY PRACTICES**

All part time seasonal employees will be trained on proper safety procedure. This training will include but not be limited to: fire safety, proper harvesting techniques, use of harvesting equipment, use of rubber gloves and respirators, proper hand washing guidelines and an Emergency Procedures Plan in case of 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 in a conspicuous place. HGI will provide rubber gloves and respirators or dust masks to all employees. HGI will also provide each Employee with a written copy of emergency procedures and contact information (see Appendix D – Emergency Procedures and Contact Information). A copy of the Operations Plan will be kept on site by the Agent in Charge and will contain all material safety data sheets (MSDS), see Appendix E.

### **2.7. CULTIVATION PLAN**

#### **2.7.1. PLANTING METHODS AND MEDIUMS**

Final Planting will be done in beds within the proposed greenhouses. Each bed will be filled with an organic, nutrient-rich proprietary soil formula. A complete list of base soil and amendments will be recorded in the Lead Cultivators Handbook. All soil and amendments will be OMRI (or equivalent) certified and MSDS for each applicable amendment will be recorded in the Lead Cultivators Handbook. The total amount of plants per bed is dependent upon the cultivar and run length.

#### **2.7.2. IRRIGATION AND FERTILIZATION PRACTICES**

HGI will implement water resource management strategies designed to address water needs for the commercial medical cannabis cultivation described herein. This plan may include but not be limited to:

- Enrollment in the North Coast Regional Water Quality Control Board's (NCRWQCB) Cannabis Cultivation Discharge Program (Order #R1-2015-00230, which includes preparation of a Water Resources Protection Plan (WRPP)).



OPERATIONS MANUAL  
HANGING GARDENS INC

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Water for the Project will be pumped from a permitted well on the subject parcel.

The *Lead Cultivator* will be solely responsible for the implementation of the irrigation and fertilization program. The *Lead Cultivator* will also provide the necessary training of *Assistant Cultivator* and oversee all product handling.

A proprietary nutrient solution is prepared as needed by the *Lead Cultivator* and housed in a light-resistant, agricultural grade fertilization holding tank at each site. The solution is formulated by manufacturer instructions. The subsequent nutrient is then dosed with either an agricultural base or acid in order to ensure proper pH prior to feeding. MSDS and manufacturer labels will be available onsite.

Plants will be irrigated and fertilized from drip emitters specifically tailored to the application. Additional hand watering/feeding will be implemented at this stage at the direction of the *Lead Cultivator*, as needed.

**Estimated Annual Irrigation Water Usage (Gallons)**

Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec
0	0	2,000	2,000	10,000	20,000	30,000	30,000	30,000	5,000	0	0

The table above outlines the estimated irrigation water usage for HGI during a typical year. Irrigation water usage out will be dependent on weather conditions.

ANNUAL  
131,000  
GAL

**2.7.3. CULTIVATION SCHEDULE**

*March 1 - April 30: Obtaining Nursery Stock, Initial Transplant*

All plant samples used in HGI cultivation sites will be composed of clones taken from 'mother' plants. Mother plants are composed of samples that have been deemed to demonstrate superior genetics for desired outcomes. Cuttings, or *clones*, are taken from the mother plants at various intervals. Mothers for the first run of the season will be ordered from a licensed medical cannabis nursery.

The portable toilet servicing company will be scheduled to drop off the portable toilet which will occur before any employees begin work on the site.

April 1<sup>st</sup> or whenever the ground is dry enough, HGI will begin setting up the Nursery Greenhouses. This includes tilling over of the cover crop that was planted over the beds.

Upon receipt of the ordered clones and the *Lead Cultivator's* approval, the *Initial Transplant* will commence. The rooted clones will be planted directly into one (1) gallon plastic containers within the Nursery Greenhouses and set up of the flowering greenhouses will begin.

*May 1: Final Transplant*

When the *Lead Cultivator* has determined the plants have achieved desired height and plant growth density for final transplant, the plants are immediately planted into a bed within the flowering greenhouses. A drip irrigation / fertilization system will be implemented. A specifically designed one gallon per hour (1g/hr) drip emitter will deliver irrigation and fertilization to each plant. During the Final Transplant / Vegetative Phase, the plants are fertilized using our high nitrogen proprietary feeding program. All fertilizers and supplements used are in accordance with Humboldt County and State of California Department of Agriculture compliance. MSDS are recorded into the Lead Cultivators Handbook. Once this desired height and vegetative growth density has been achieved the Light Deprivation Phase begins.

## OPERATIONS MANUAL

### HANGING GARDENS INC

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String lights hung along the ceiling of the greenhouse will provide supplemental lighting to keep the plants in the vegetative growth phase. See section 2.7.5 for the lighting plan.

#### *June 1-August 1st: Light Deprivation Phase, Secondary Initial Transplant*

Taking into account factors such as height, growth density and overall health of the plant, the *Lead Cultivator* will determine the exact date for the Light Deprivation process to begin for the nine (9) primary green houses. Once that date is determined, 100% light resistant, specifically designed tarps will be manually pulled over the inside of the greenhouses. This process will reduce the day light hours from approximately fifteen (15) hours of daylight to the desired twelve (12) hours of daylight, twelve (12) hours of darkness desired to induce flowering. During the first two weeks of Light Deprivation, the plants will enter into a transitional phase. During this transitional phase plants will continue vegetative growth while transitioning into flowering. Once the plants enter the budding stage they will be fertilized using a proprietary blend of high phosphorus fertilizers as well as aerobic based supplements.

At the same time, the four (4) nursery greenhouses will be filled with clones cut from the flowering greenhouses and the initial transplant phase outlined above will be repeated.

#### *August 1-2nd: First Harvest and Re-Planting*

Once the Light Deprivation Phase has concluded and the *Lead Cultivator* has determined the plants are at their peak, harvest procedures will be initiated (see *Harvesting Plan* for harvesting and processing procedure). The beds will be turned and amended. All amendments used are in accordance with Humboldt County and State of California Department of Agriculture compliance. MSDS are recorded into the Lead Cultivators Handbook.

Upon completion of the harvest, the clones within the four (4) nursery greenhouses will be transplanted into all thirteen (13) flowering greenhouses

#### *August 2nd - October 7th: Second Final Transplant /Natural Flowering Cycle and Harvest Two Phase*

Due to the natural decline in daylight hours, approximately one (1) month after the Re-Planting Phase has begun the plants will begin to flower naturally. This natural drop in light will negate the need for Light Deprivation Techniques. As in the Light Deprivation Phase, the plants will go through the transitional phase and final bloom phase. Once the plants enter into the bloom phase they will be fertilized using our proprietary high phosphorus feeding program. All fertilizers and supplements used are in accordance with Humboldt County and State of California Department of Agriculture compliance. MSDS are recorded into the Lead Cultivators Handbook. Once the plants are through the final bloom phase and the lead Cultivator has determined they have reached peak potential, Harvest Two will be initiated (see *Harvesting Plan* for harvesting and processing procedure).

#### *October 7 - April 1: Repair, Upgrade and Recondition Phase*

As the site will not be occupied during the winter, all greenhouse infrastructure (tarps, PVC hoops) will be relocated to the adjacent parcel 206-411-027. The adjacent parcel is occupied by the Christina family who is leasing the farm to Hanging Gardens Inc. The tarps and PVC hoops will be tied down and secured outside the garage on APN 206-411-027 to ensure they are not subject to theft.

The portable toilet will be removed by the servicing company as it will not be in use or serviced during the winter.

The planting beds will be seeded with a cover crop. HGI will inspect all greenhouses and covers for wear and replace as necessary. The irrigation system will be inspected and repaired or replaced, as



appropriate. Winter road and site maintenance will begin. The *Agent in Charge* and the *Lead Cultivator* will meet weekly to determine the best action plan for the upcoming season.

#### 2.7.4. GENERATOR USE PLAN

The development site is served by Pacific Gas and Energy. Generators will not be used.

Per 10/16/17 email SFS

6 gallons stored w/ generator. The rest is stored in well shack

for backup purposes only.

#### 2.7.5. LIGHTING PLAN

There will be strings lights in the four nursery greenhouses. The conservative window lights will be utilized is from May 1st to August 15<sup>th</sup> which accounts for seasonal variability in weather that affects when cultivation activities may begin. HGI expects to start using lights two weeks earlier and stop using lights two weeks later than the dates above in a typical season. The hoops will be covered at 6 PM with black out plastic and lights will turn about 6:30 PM. The lights will turn off at 10 PM. The black out plastic will be removed at 10:30 PM.

String lights are also utilized from May 1<sup>st</sup> to June 15<sup>th</sup> in the flowering greenhouses. The hoops will be covered at 6 PM with black out plastic and lights will turn about 6:30 PM. The lights will turn off at 10 PM. The black out plastic will be removed at 10:30 PM.

### 2.8. PRODUCT INVENTORY AND TRACKING

Until such time as either a County or Statewide seed to sale tracking system can be implemented, HGI intends to follow an internally-developed tracking procedure. Inventory of all plants shall be performed by the *Agent in Charge* and *Lead Cultivator*. Batches of plants are inventoried by logging into record the individual plant tags of each plant located at the base of each plant. This takes into account any plants that have been added to inventory from a permitted medical cannabis nursery and any plants that were removed from inventory (due to disease or pest infestation) or any plants moved to another phase of its lifecycle and any plants that have been destroyed. Any discrepancy in physical plant inventory is traced to the source of the discrepancy, documented. After further investigation, any appropriate corrective measures will be taken.

#### *Tracking the Change of Plants to Bulk Inventory*

In this phase of the lifecycle, the plant batches are changed from a living plant count inventory (where the plant is the unit) to bulk inventory, which is tracked by weight. This provides accurate yield information – a key insight into the cost of cultivation for each batch and the ability to forecast accurate yields for future batches. This information is added to the records created in the previous phase. Specific details that are recorded include:

- Initial harvest (wet) weight
- Staff identification (at each step)
- Physical location of the plant material at all times

#### *Reporting*

The Master Log will contain reports on the harvest process, providing total weight harvested and trimmed at each weigh point, and compares that to final weight post-trim, including waste. Discrepancies are traced to the source, documented, and reported to the *Agent in Charge*. After



investigation, any appropriate corrective measures are taken. All cultivation and harvest records are retained for a minimum of five (5) years.

### **2.9. HARVESTING PLAN**

Harvesting will be done by hand employing seasonal help. Each harvester will be issued an agricultural grade, spring loaded, hand held anvil style pruner. Each harvester will be trained by the Lead Cultivator on the use of the pruner and the methods by which each plant is to be harvested. In addition, HGI will provide all harvest workers with proper hand, eye, body and respiratory safety equipment.

At the time of harvest, each plant will be recorded into the master log. Each plant will be harvested individually. All waterleaf around the flowers are manually pruned. The plants are then cut into branches, approximately sixteen inches (16") long. The original numbered tag will remain with the cut plant. The branches are then transported to an off-site licensed medical cannabis processing facility.

### **2.10. PROCESSING PLAN**

All processing will be performed at an off-site, licensed medical cannabis processing facility.

### **2.11. SECURITY PLAN**

A locked gate is located at the entrance to the parcel. A *No Trespassing* sign is proposed near the gate. Security lights will illuminate the entrances and parking areas and cameras will be installed to monitor these key areas. Motion sensors will be installed at all cultivation sites.

All potential employees will be subject to a criminal background check prior to employment. Employees will be issued a company issued ID badge and will be required to display the badge at all times while working at the subject property.

### **2.12. TRANSPORTATION AND DISTRIBUTION PLAN**

Transportation will be handled via a third party, contracted, licensed transporter/distributor in accordance with MMRSA. All merchantable product will only be distributed through licensed medical cannabis dispensaries. Prior to moving packages from the on-site holding facility to another physical location, a transport manifest will be created by the distributor/transporter. This distribution document is required for each movement of packages and will be recorded in the Master Log.

The *Agent in Charge* and the *Processing Manager* are responsible for performing a physical inventory of all packages being transported, ensuring that the physical inventory reconciles with the transport manifest, as well as the packaging material is intact and the labeling is secure. The distribution document records the current location and status of the packages, such as "in-transit" or "received." The licensed distributor must also create detailed transport manifests for the package distribution. The manifest contains details such as:

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

### 3. RESOURCES

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)>



**Appendix A: Personnel  
Acknowledgement Form**

**Personnel Acknowledgement Form**

It is the intention of Hanging Gardens Inc to create an enjoyable, safe and sane workplace. We feel that understanding and compliance with our Operations Manual will create just that. It is the responsibility of each employee to read and understand the procedures outlined herein. If after reading and reviewing this entire document, you have any questions please see the Agent in Charge immediately for clarification. By signing this document below, it confirms your reading, understanding and adherence to the entire ***Hanging Gardens Inc OPERATIONS MANUAL FOR MEDICAL CANNABIS CULTIVATION.***

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***Employee sign and date***

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***Agent in Charge sign and date***

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**Appendix B: Site Plan, Floor Plans  
and Elevations**

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## ATTACHMENT 5

### Referral Agency Comments And Recommendations

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

Referral Agency	Response	Recommendation	Location
Public Works Land Use Division	✓	Request for more information and Conditions of Approval	On file with Planning
Health and Human Services Environmental Health Division	✓	Approval	On file with Planning
Northwest Information Center	✓	Requests Cultural Resource Survey	On file with Planning
California Department of Fish and Wildlife	✓	Conditional Approval	On file with Planning
Bear River Band of Rohnerville Rancheria	✓	Requests Cultural Resource Survey	On file with Planning
Cuddeback Union School District		No Response	N/A
Building Inspection Division	✓	Approval	On file with Planning