COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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

Hearing Date: October 17, 2019

To: Humboldt County Zoning Administrator

From: Cliff Johnson, Supervising Planner Department

Subject: **Green Leaf Nurseries LLC, Special Permit**
Record Number PLN-12776-SP
Assessor's Parcel Number (APN) 208-341-023
2170 Cobb Road, Dinsmore Area, CA 95526

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

AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
October 17, 2019	Special Permit	Elizabeth Moreno

Project Description: A Special Permit for 7,959 square feet of existing outdoor cannabis cultivation. Water for irrigation is sourced from an existing well on a nearby parcel APN: 208-341-020. Water would be stored in five tanks totaling 8,350 gallons. An estimated 85,000 gallons are required annually for irrigation (10.68 gallons per square foot per year). The applicant states that no employees, other than the owners of Green Leaf Nurseries LLC, are required for operations. All processing operations occur at a licensed off-site facility. Power would be supplied from PG&E.

Project Location: The project is located in the Dinsmore area, on the East side of State Highway 36, approximately 200 feet East from the intersection of State Highway 36 and Cobb Road, on the property known as 2170 Cobb Road, Dinsmore Area, CA 95526.

Present Plan Land Use Designations: Residential Agriculture, Density: 20 acres per dwelling unit (RA20).

Present Zoning: Unclassified (U).

Application Number: 12776 **Case Number:** SP-16-644

Assessor Parcel Number: 210-231-021

Applicant	Owner	Agent
Green Leaf Nurseries, LLC	Travis & Cydnee Bowen	AgDynamix
PO Box 242	PO BOX 354	732 5th St. Suite I
Mad River, CA 95552	Cave Junction, OR 97523	Eureka, CA 95501

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

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

Major Issues: None.

GREEN LEAF NURSERIES, LLC
Case Number: SP16-644
Assessor's Parcel Number: 208-341-023

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 adopted Mitigated Negative Declaration for the Commercial Medical Land Use Ordinance (CCMLUO) as described by 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 adopt the Resolution approving the proposed Green Leaf Nurseries, LLC project subject to the recommended conditions.

Executive Summary: Green Leaf Nurseries, LLC seeks approval of a Special Permit for 7,959 square feet of existing outdoor cannabis cultivation. Water for irrigation is sourced from an existing well on a nearby parcel APN: 208-341-020. Water would be stored in five tanks totaling 8,350 gallons. An estimated 85,000 gallons are required annually for irrigation (10.68 gallons per square foot per year). The applicant states that no employees, other than the owners of Green Leaf Nurseries LLC, are required for operations. All processing operations occur at a licensed off-site facility. Power would be supplied from PG&E under the RCEA "REPower+" program to supply 100% renewable energy. The applicant has previously been approved for a Zoning Clearance Certificate for a Distribution and Nursery use (PLN-2018-15154-ZCC) on the property. A Special Permit (Record Number PLN-2018-15154-SP) was also approved by the Humboldt County Zoning Administrator on May 2, 2018 to allow a relaxation of the setback from a Public Park (land managed by Six Rivers National Forest on APN 208-071-033) from 600 feet to 150 feet. This project was considered as part of that setback reduction Special Permit.

The existing well used for irrigation is located on a separate property (APN 208-341-020) also owned by the applicant. The applicant is required to record a contingent easement on the property with the well.

The project is considered a "Tier 1 outdoor commercial cultivation" activity by the State Water Resources Control Board (SWRCB) and is subject to the State Cannabis Cultivation General Order which requires preparation of a Site Management Plan (SMP). The applicant had previously submitted a Water Resources Protection Plan (WRPP) pursuant to the North Coast Regional Water Quality Control Board's (NCRWQCB) Order No. 2015-0023 (Order) before the state law changed, indicating that the site was "Tier 2". The applicant utilizes drip irrigation and hand-watering methods to minimize the potential impact to surface and groundwater flows. There are no blue-line streams mapped by the USGS on the property. According to the WRPP, the property has a Class 2 drainage near the eastern edge of the parcel, approximately 120 feet away from the main access road. As shown on the Site Plan, all cannabis activity would occur well outside of the Streamside Management Area (SMA) setback of any watercourses.

The California Natural Diversity Database indicates that no mapped sensitive species exist on, or in the immediate vicinity of, the subject property. Records indicate that mapped activity centers for Northern Spotted Owl (NSO) exist in the vicinity of the project site, including within approximately 1.04, 1.12, and 1.33 miles of the cultivation area, respectively. The applicant has submitted a Biological Resource Survey (BRS) that covers the entire parcel. The results of the BRS indicate that there are possible direct impacts to wildlife associated with this project that may be mitigated to non-significant levels. The report contains recommended mitigation measures such as prohibiting construction operations during the Northern Spotted Owl breeding season (February 1 – July 31) and ensuring all external lights are downward pointing and shielded. These measures are required of the applicant as conditions of project approval.

Timber conversion has occurred on the parcel in areas now being used for cannabis cultivation without an approved exemption permit from Cal-FIRE. A Timber Conversion Mitigation Report containing recommendations from a Registered Professional Forester (RPF) as to remedial actions necessary to bring an area of timber conversion into compliance with provisions of the Forest Practice Act completed by Natural Resources Management was completed for the property in February of 2019. As a condition of project approval, the applicant is required to implement the two treatments recommended by the report – installation of a rolling dip to assist drainage on a particular road and treating slash pile(s) created by the timberland conversion. Originally, Cal-FIRE indicated that they could not support the project due to apparent timberland conversion activities that have occurred on the project site. The RPF report was sent to Cal-FIRE for review, after which the agency indicated that they had no additional comments and the project can move ahead.

The California Department of Fish and Wildlife provided comments on the project as a whole, including the cultivation, distribution, and nursery uses approved under PLN-2018-15154-ZCC. The agency recommended conditions of approval such as an annual well drawdown test, fully containing artificial light, prohibiting synthetic netting, and utilizing proper waste disposal methods. These have been added to the conditions of approval for the project.

On August 12, 2019 the Bear River Band Tribal Historic Preservation Officer indicated that they have no objection to the project and requested that standard inadvertent archaeological discovery language be added to the conditions of project approval. The project has been conditioned as such.

Environmental review for the proposed project as proposed was conducted, and based on the results of that analysis, staff determined the existing cultivation and processing aspects of the project were previously analyzed in 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. Permitting the existing cultivation areas and bringing them into compliance with County and State regulations would not present substantial changes that would require major revisions to the previous mitigated negative declaration. An addendum to the MND has been prepared for this staff recommendation of permitting the existing cultivation areas. The addendum is included as Attachment 3.

Recommendation:
Based on a review of Planning Division reference sources and comments from all involved referral agencies, planning staff believes that the Applicant has submitted evidence in support of making all of the required findings for approving the Special Permit.

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 Number: SP16-644
Assessor Parcel Number: 208-341-023

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

WHEREAS, Green Leaf Nurseries, LLC submitted an application and evidence in support of approving the Special Permit to permit an existing 7,959 square feet outdoor commercial cannabis cultivation site; and

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

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

WHEREAS, Attachment 2 in the Planning Division staff report includes substantial evidence in support of making all of the required findings for approving the proposed Special Permit (Case Number SP 16-644); and

WHEREAS, a public hearing was held on the matter before the Humboldt County Zoning Administrator on October 17, 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

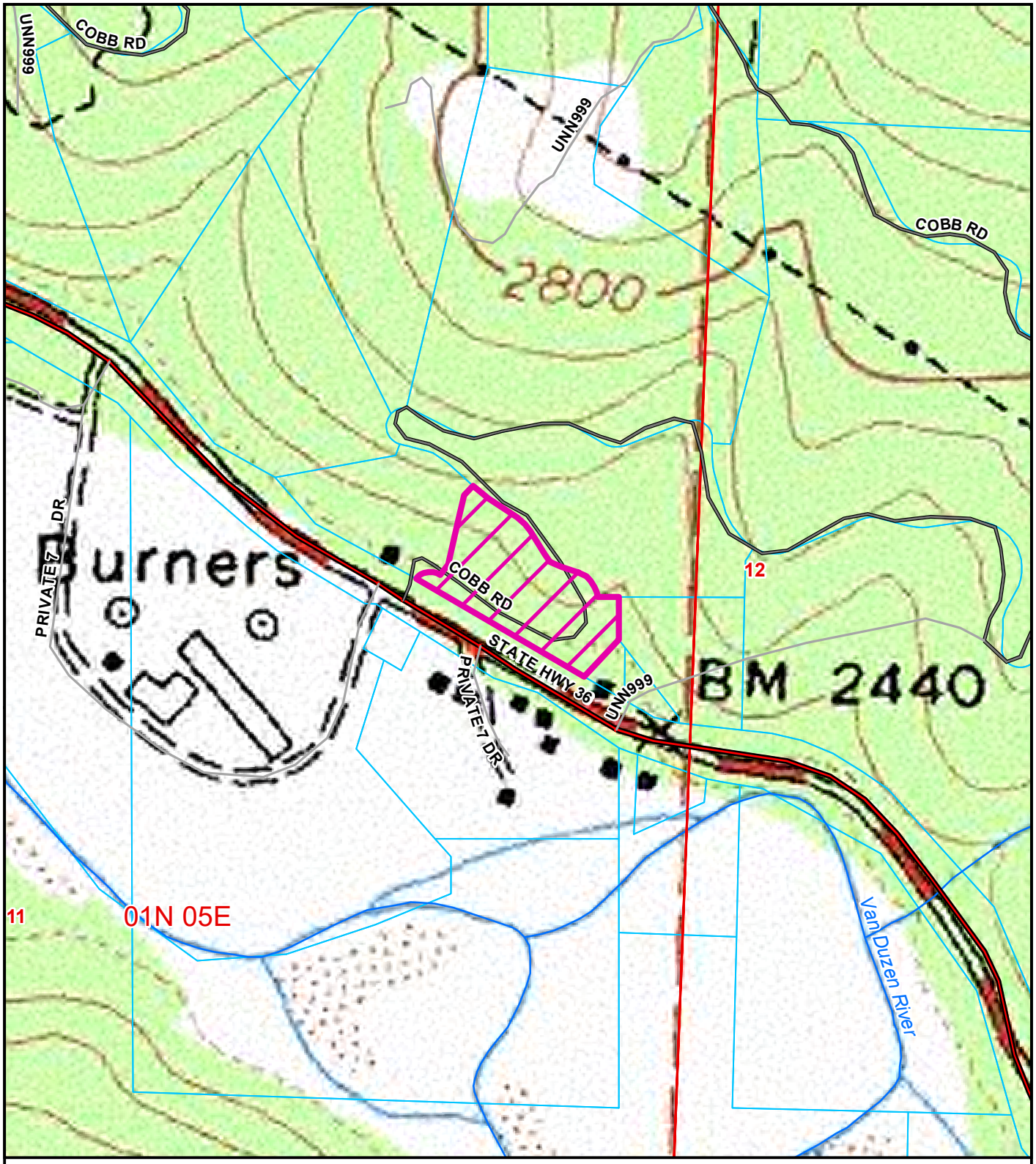
2. The Zoning Administrator makes the findings in Attachment 2 of the Planning Division staff report for approval of Case Number SP16-644 based on the submitted substantial evidence; and

3. Special Permit SP16-644 is approved as recommended and conditioned in Attachment 1.

Adopted after review and consideration of all the evidence on October 17, 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
County of Humboldt



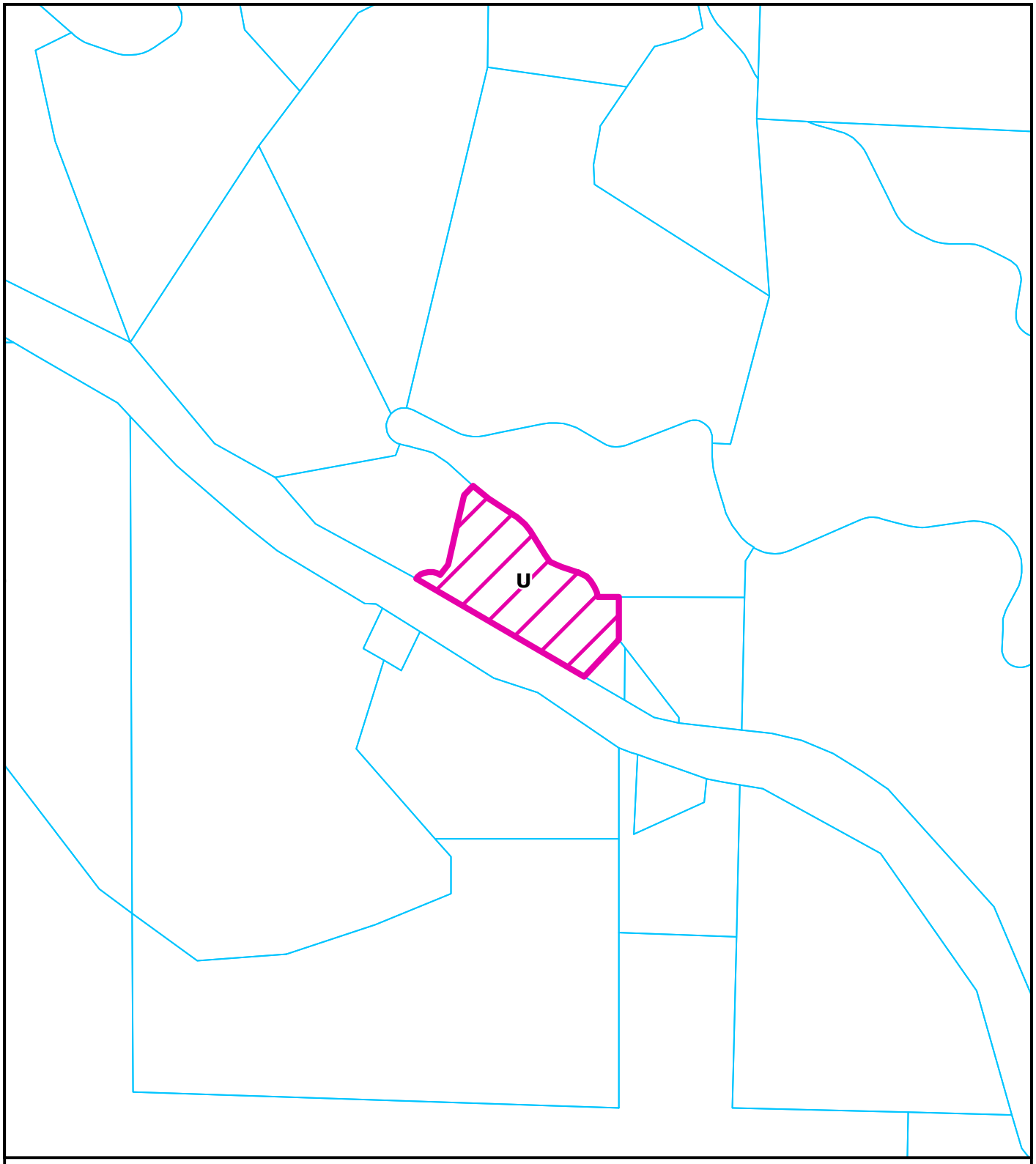
TOPO MAP
PROPOSED GREEN LEAF NURSERIES LLC
Dinsmore AREA
SP-16-644
APN: 208-341-023-000
T01N R05E S11 HB&M (DINSMORE)

Project Area =

N

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.

0 487.5 975 Feet



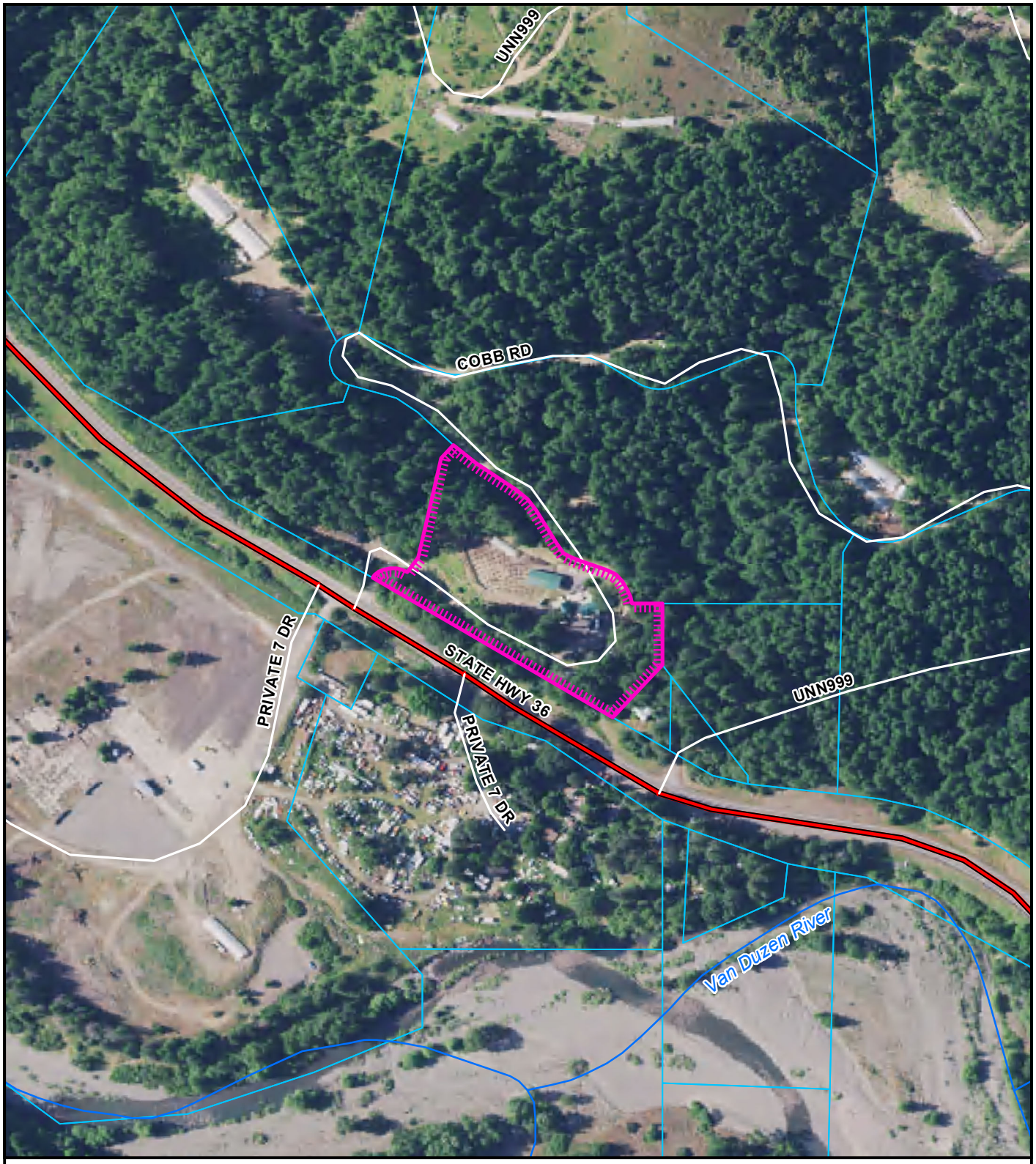
ZONING MAP
PROPOSED GREEN LEAF NURSERIES LLC
Dinsmore AREA
SP-16-644
APN: 208-341-023-000
T01N R05E S11 HB&M (DINSMORE)

Project Area =

N

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.

0 487.5 975 Feet



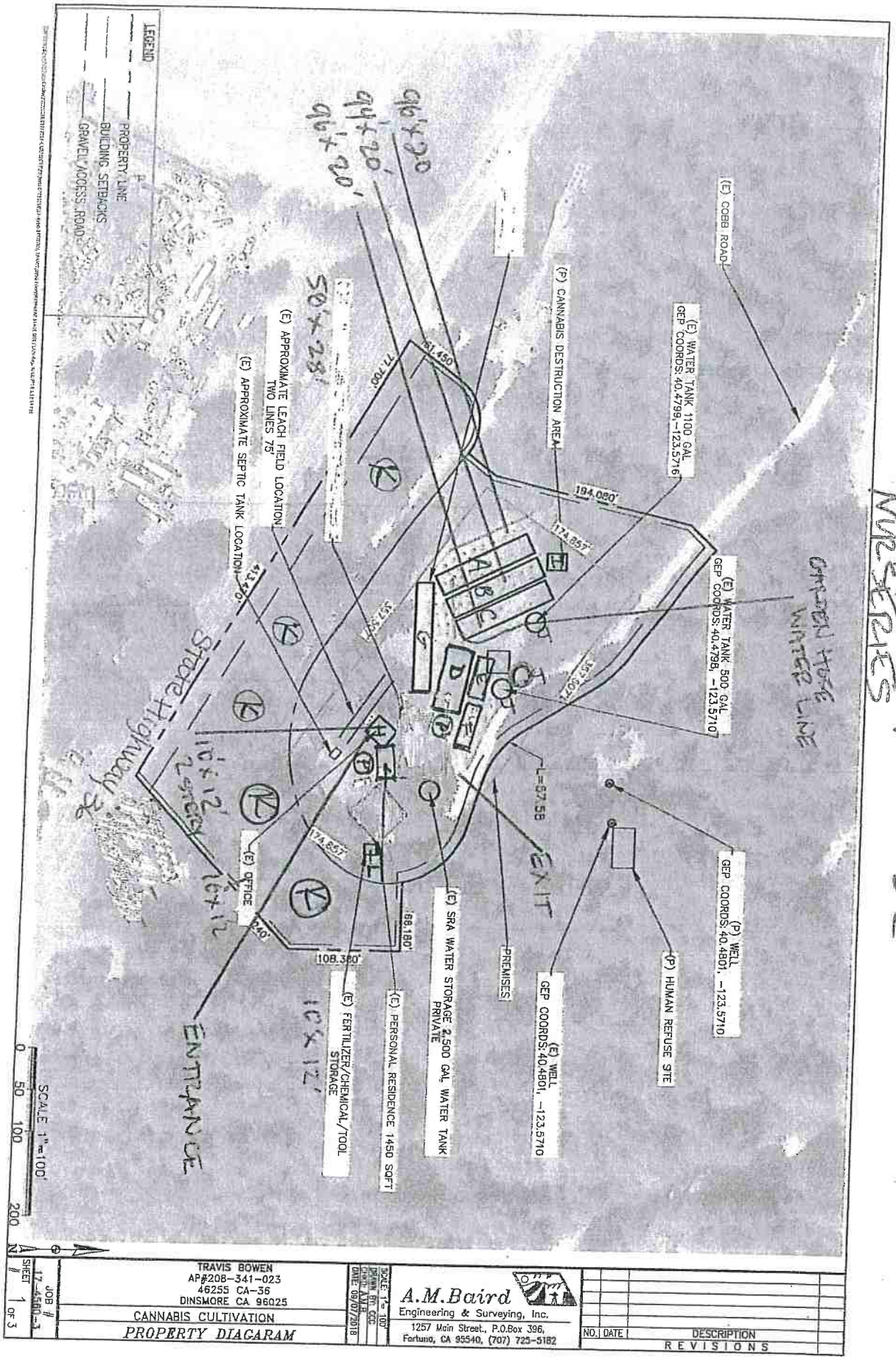
AERIAL MAP
PROPOSED GREEN LEAF NURSERIES LLC
Dinsmore AREA
SP-16-644
APN: 208-341-023-000
T01N R05E S11 HB&M (DINSMORE)

Project Area =

N

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.

0 340 680 Feet


GREEN LEAF NURSERIES LLC
(E) COBB ROAD
(P) CANNABIS DESTRUCTION AREA
(E) WATER TANK 1100 GAL GEP COORDS: 40.4798, -123.5716
(E) WATER TANK 500 GAL GEP COORDS: 40.4798, -123.5710
GREEN HOSE WATER LINE
(P) WELL GEP COORDS: 40.4801, -123.5710
(P) HUMAN REFUSE SITE
(E) WELL GEP COORDS: 40.4801, -123.5710
PREMISES
EXIT
(E) SRA WATER STORAGE 2,500 GAL WATER TANK PRIVATE
(E) PERSONAL RESIDENCE 1450 SQFT
(E) FERTILIZER/CHEMICAL/TOOL STORAGE
(E) OFFICE
(E) APPROXIMATE LEACH FIELD LOCATION TWO LINES 75'
(E) APPROXIMATE SEPTIC TANK LOCATION
Stone Highway 36
ENTRANCE
LEGEND
PROPERTY LINE
BUILDING SETBACKS
GRAVEL ACCESS ROAD
SCALE 1"=100'
TRAVIS BOWEN
AP#208-341-023
46255 CA-36
DINSMORE CA 96025
CANNABIS CULTIVATION
PROPERTY DIAGARAM
JOB # 17-4560-3
SHEET # 1 OF 3
SCALE: 1"= 100'
DRAWN BY: CCD
CHK'D BY: AJLB
DATE: 09/07/2018
A.M.Baird
Engineering & Surveying, Inc.
1257 Main Street., P.O.Box 396,
Fortuna, CA 95540, (707) 725-5182
NO. DATE DESCRIPTION
REVISIONS

Green Leaf Nurseries Site
Plan

Parcel #208-341-023

Site Plan	Description	Square Footage	Activity
A	Existing Greenhouse 96x20	1,920	Nursery
B	Existing Greenhouse 96x20	1,920	Nursery
C	New Greenhouse 96x20	1,920	Cultivation
D	Existing Shed/Warehouse	1,624	Nursery
E-F	New Nursery Buildings 25x40	2,000	Nursery
G	Designated Outdoor Space	6,039	Cultivation
H	Existing Office	120	Shared for Cultivation, Nursery, Distro for Admin and Security
I	Waste Management Area		Cultivation, Nursery & Distro
J	Water Storage Tanks		Cultivation & Nursery
K	Vegetative Buffer for storm water		
L	Enclosed storage shed for chemicals/tools	120	Cultivation & Nursery
P	6 Parking Spaces for employees		

ATTACHMENT 1

RECOMMENDED CONDITIONS OF APPROVAL

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

1. Within 60 days of project approval, the Applicant shall execute a Compliance Agreement with the Humboldt County Planning Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #3–16. The agreement shall provide a timeline for completing all outstanding items. All activities detailed under the agreement must be completed to the satisfaction of the Planning and Building Department before the permit may be finalized and no longer considered provisional.

2. The applicant shall implement all recommended treatments described by the Timber Conversion Mitigation Report prepared by NRM Corporation dated February 26, 2019 for the parcel to ensure the cleared area is remediated pursuant to the County Forest Practice Act.

3. The applicant shall cause to be recorded a contingent easement for the extraction, delivery, and use of water from the well on the property known as APN 208-341-020.

4. The applicant shall enroll in the State Water Resources Control Board Cannabis Cultivation General Order, prepare an associated Site Management Plan, and adhere to the recommendations of that plan. A letter from a qualified professional indicating all recommended improvements have been completed shall satisfy this condition.

5. The applicant shall implement and construct all improvements recommended by the Road Evaluation Report prepared by David Nicoletti PE received April 5, 2019 such as moving abandoned fuel tanks, constructing water bars and rolling dips, mowing grass to expose turnouts, and cleaning and re-establishing roadside ditches to ensure the road meets a Category 4 equivalent status.

6. The applicant must adhere to all of the recommended mitigation measures described in the Biological Resource Survey, prepared by Timberland Resource Consultants on January 15, 2019. This includes prohibiting construction operations during the Northern Spotted Owl breeding season (February 1 – July 31) and ensuring all external lights are downward pointing and shielded.

7. The applicant is required to install noise attenuation devices as necessary to ensure the noise level of the generator and any other equipment does not exceed 50 decibels at a 100 feet or edge of habitat, whichever is nearer.

8. The applicant shall designate and construct a fire turn-around and pull-out area for emergency vehicles, and maintain the 30-foot SRA setback requirement for structures.

9. The applicant shall contact the local fire service provider (Ruth Lake Community Service) and furnish written documentation from that agency of the available emergency response and fire suppression services and any recommended project mitigation measures. Mitigation measures shall be incorporated into the project, if applicable. If emergency response and fire suppression services are not provided, the applicant shall cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning Division. Document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors will be required.

10. The applicant shall secure permits for all structures related to the cannabis cultivation and other commercial cannabis activity. The plans submitted for building permit approval shall be consistent with

the project description and approved project site plan. A letter or similar communication from the Building Division verifying that all structures related to the cannabis cultivation are permitted will satisfy this condition.

11. The applicant shall submit a grading and erosion control plan for all graded areas on the parcel not previously permitted. These plans shall be developed in consultation with the Building Department.

12. The applicant shall execute and file with the Planning Division the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the HCC and available at the Planning Division.

13. Applicant must obtain an encroachment permit from the California of Department of Transportation for the driveway from State Highway 36 and provide a copy to the Planning Department.

14. The property must demonstrate that a properly functioning onsite wastewater treatment system serves the operation. This will be accomplished by either installing a new, permitted septic system; or by providing, DHHS – Environmental Health Division (DEH),with an assessment of the existing system performed by a qualified professional engineer, geologist, soil scientist, or Registered Environmental Health Specialist that certifies that the existing system complies with the State RWQCB definition of a Tier 0 system - not impairing groundwater or surface water resources. Until and unless the applicant fulfills this requirement, portable toilets must be provided to operators.

15. The groundwater well shall be inspected annually to evaluate drawdown, and the potential for the well to go dry. This evaluation should include a standard pump test to be conducted during the dry season. Evaluation of the pump test results should be conducted by a licensed professional with expertise and submitted to the Planning Department for review. The Planning Department reserves the right to require additional water storage if necessary.

16. The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency (CUPA) requirements regarding hazardous materials. A written verification of compliance shall be required before any provisional permits may be finalized. Ongoing proof of compliance with this condition shall be required at each annual inspection in order to keep the permit valid.

17. 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 sixty (60) days of the effective date of the permit or upon filing of the Compliance Agreement (where applicable), whichever occurs first. Payment shall be made to the Humboldt County Planning Division, 3015 "H" Street, Eureka.

18. A Notice of Determination (NOD) will be prepared and filed 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.

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

1. All components of the project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, 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 no more than two (2) years from the date of issuance of a provisional clearance or permit. Permittee shall provide plans for curing such violations to the Planning & Building Department within one (1) year of issuance of the provisional clearance or permit. If good faith effort towards compliance can be shown within the two years following the issuance of the provisional clearance or permit, The Planning Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow for additional time to meet the outstanding requirements.

4. Prohibition of construction operations during the Northern Spotted Owl breeding season (February 1 – July 31) and ensuring all external lights are downward pointing and shielded.

5. All artificial lighting (including exterior security lighting) must comply with International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1 and be designed to regulate light spillage onto neighboring properties resulting from backlight, uplight, or glare (BUG). International Dark Sky Association Standards exceed the requirements of Scenic Resources Standard SR-SX, Light and Glare, that lighting be fully shielded, and designed and installed to minimize off-site lighting and direct light within the property boundaries.

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

7. All refuse is to be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.

8. That all imported soil located onsite be fully contained and setback a minimum of 150ft from watercourses and/or wet areas; and that all discarded soil and trash present onsite be removed and properly disposed of at a waste management facility.

9. 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.

10. Confinement of the area of cannabis cultivation, processing, manufacture or distribution to the locations depicted on the approved site plan. The commercial cannabis activity shall be set back at least 30 feet from any property line, and 600 feet from any School, School Bus Stop, Church or other Place of Religious Worship, or Tribal Cultural Resources, except where a reduction to this setback has been approved pursuant to Section 55.4.11(d).

11. Maintain enrollment in Tier 1, 2 or 3, certification with the North Coast Regional Water Quality Control Board (NCRWQCB) Order No. R1-2015-0023, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.

12. Comply with the terms of any applicable Streambed Alteration (1600) Permit obtained from the California Department of Fish & Wildlife.

13. 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).

14. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.

15. If any wildlife is encountered during the authorized activity, the Applicant shall not disturb the wildlife and shall allow wildlife to leave the work site unharmed.

16. Pay all applicable application and annual inspection fees.

17. The noise produced by any generator used on an emergency-only basis for cannabis drying, curing, and processing shall not be audible by humans from neighboring residences. The decibel level for generators measured at the property line shall be no more than 60 decibels. Where applicable, sound levels must also show that they will not result in the harassment of Marbled Murrelet or Spotted Owl species. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service, and further consultation where necessary. Under these guidelines, generator noise may not exceed 50dB as measured at 100 feet from the generator or at the edge of the nearest Marbled Murrelet or Spotted Owl habitat, whichever is closer

18. 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.

19. The Master Log Books maintained by the Applicant to track production and sales shall be maintained for inspection by the County.

20. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).

21. The operation shall participate in the Medical Cannabis Track and Trace Program administered by the Humboldt County Agricultural Commissioner, when available.

<u>Performance Standards for Cultivation and Processing Operations</u>

22. 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."

23. 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).

24. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:
    I. Cultivation operations and processing operations must implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:
        (a) Emergency action response planning as necessary;
        (b) Employee accident reporting and investigation policies;
        (c) Fire prevention;
        (d) Hazard communication policies, including maintenance of material safety data sheets (MSDS);
        (e) Materials handling policies;
        (f) Job hazard analyses; and
        (g) Personal protective equipment policies, including respiratory protection.

II. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
(a) Operation manager contacts;
(b) Emergency responder contacts;
(c) Poison control contacts.

III. At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations. Plumbing facilities and water source must be capable of handling increased usage without adverse consequences to neighboring properties or the environment.

IV. On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.

25. Term of Commercial Cannabis Activity Conditional Use Permit. Any Commercial Cannabis Cultivation SP issued pursuant to the CMMLUO shall expire one (1) year after date of issuance, and on the anniversary date of such issuance each year thereafter, unless an annual compliance inspection has been conducted and the permitees and the permitted site have been found to comply with all conditions of approval.

26. If the inspector or other County official determines that the permitees or site do not comply with the conditions of approval, the inspector shall serve the SP or permit holder with a written statement identifying the items not in compliance, and the action that the permit holder may take to cure the non-compliance, or file an appeal within ten (10) days of the date that the written statement is delivered to the permit holder. Personal delivery or mailing the written statement to the mailing address listed on the application by regular mail, plus three (3) days after date of mailing, shall constitute delivery. The permit holder may request a reinspection to determine whether or not the permit holder has cured all issues of non-compliance. Failure to request reinspection or to cure any items of non-compliance shall terminate the Special Permit, immediately upon the expiration of any appeal period, or final determination of the appeal if an appeal has been timely filed pursuant to section 55.4.13.

27. Permit Renewals to comply with Updated Laws and Regulations. Permit renewal per Ongoing Condition of Approval #18 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.

28. 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.

29. Permittee further acknowledges and declares that:

I. 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

II. 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

III. 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.

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

    a. Identifying information for the new Owner(s) and management as required in an initial permit application;
    b. A written acknowledgment by the new Owner in accordance as required for the initial Permit application;
    c. The specific date on which the transfer is to occur; and

    d. Acknowledgement of full responsibility for complying with the existing Permit; and

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

31. 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. 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 #19 of the On-Going Requirements /Development Restrictions, above.

2. 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.

ATTACHMENT 2

REQUIRED FINDINGS FOR APPROVAL

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

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

1. The proposed development is in conformance with the County General Plan, Open Space Plan, and Open Space Action Program;

2. The proposed development is consistent with the purposes of the existing zone in which the site is located;

3. The proposed development conforms with all applicable standards and requirements of these regulations;

4. The proposed development and conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare; or materially injurious to property or improvements in the vicinity;

5. The proposed development does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law (the midpoint of the density range specified in the plan designation) unless the following written findings are made supported by substantial evidence: 1) the reduction is consistent with the adopted general plan including the housing element; and 2) the remaining sites identified in the housing element are adequate to accommodate the County share of the regional housing need; and 3) the property contains insurmountable physical or environmental limitations and clustering of residential units on the developable portions of the site has been maximized; and

6. In addition, the California Environmental Quality Act (CEQA) states that one of the following findings must be made prior to approval of any development which is subject to the regulations of CEQA. The project either:

    a. Is categorically or statutorily exempt; or

    b. Has no substantial evidence that the project will have a significant effect on the environment and a negative declaration has been prepared; or

    c. Has had an environmental impact report (EIR) prepared and all significant environmental effects have been eliminated or substantially lessened, or the required findings in Section 15091 of the CEQA Guidelines have been made.

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, Open Space Plan, and Open Space Action Program. The following table documents 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, Open Space Plan, and Open Space Action Program.

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Land Use Chapter 4 Land Use Designations Section 4.8	**Residential Agriculture (RA20)**: This designation applies to large lot residential uses that typically rely upon on-site water and wastewater systems. Varying densities are reflective of land capabilities and/or compatibility issues. General and Intensive agriculture are allowed uses. Density range is 20 acres/unit	The project consists of 7,959 square feet (sf) of existing outdoor commercial cannabis cultivation. This activity is considered an agricultural use that is consistent with the RA land use designation. The MAUCRSA, Health and Safety Code section 11362.777(a) provides that medical cannabis is an agricultural product, subject to extensive state and local regulation. The existing cultivation is considered an agricultural use, and the processing facility and supportive infrastructure may be considered accessory to the agricultural use.
Circulation Chapter 7	Goals and policies contained in this Chapter relate to a balanced, safe, efficient, accessible and convenient circulation system that is appropriate for each type of unincorporated community (C-G1,CT-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-G5) Related policies: C-P3. Consideration of Transportation Impacts in Land Use Decision Making	Access to the site is directly off a State Highway and does not use County maintained roadways for access. The applicant has submitted a Road Evaluation Report prepared by a registered professional engineer which describes recommended actions to ensure the road meets a Category 4 equivalent status. These recommendations, which have been made conditions of approval, include removing abandoned fuel tanks, constructing waterbars and rolling dips, mowing grass to expose turnouts, and cleaning and re-establishing roadside ditches. The Department of Public Works has not required any improvements to the access route. The project was referred to the California Department of Transportation (Cal Trans) on 7/26/19, but comments have not been received. As condition of approval, the applicant must obtain an encroachment permit from the California of Department of Transportation.

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Housing Chapter 8	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. Related policies: H-P3, Development of Parcels in the Residential Land Inventory.	Although one residence exists on the property, the project does not involve residential development. The project would not preclude any future residential development if in conformance with the General Plan and Zoning designations. The project would 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.
Conservation and Open Space Chapter 10 Open Space Section 10.2	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) 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.	The project can be found consistent with the Open Space Plan and Open Space Action Program Element because the proposed project is consistent with the allowable uses of the RA Land Use Designation. The proposed cannabis cultivation, an agricultural product, is within land planned and zoned for agricultural purposes, consistent with the use of Open Space land for managed production of resources. Therefore, the project is consistent with and complimentary to the Open Space Plan and its Open Space Action Program.

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Conservation and Open Space Chapter 10 Biological Resources Section 10.3	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) Related policies: BR-P1. Compatible Land Uses, BR-P5. Streamside Management Areas.	The California Natural Diversity Database indicates that no mapped sensitive species exist on, or in the immediate vicinity of, the subject property. Records indicate that mapped activity centers for Northern Spotted Owl (NSO) exist in the vicinity of the project site, including within approximately 1.04, 1.12, and 1.33 miles of the cultivation area, respectively. The applicant has submitted a Biological Resource Survey (BRS) that covers the entire parcel, prepared by Timberland Resource Consultants on January 15, 2019. The results of the BRS indicate that there are possible direct impacts to wildlife associated with this project that may be mitigated to non-significant levels. The report contains recommended mitigation measures such as prohibiting construction operations during the Northern Spotted Owl breeding season (February 1 – July 31) and ensuring all external lights are downward pointing and shielded. These measures are required of the applicant as conditions of project approval. The California Department of Fish and Wildlife provided comments on the project as a whole (including the distribution, and nursery uses approved under PLN-2018-15154-ZCC). The agency recommended conditions of approval such as an annual well drawdown test, fully containing artificial light, prohibiting synthetic netting, and utilizing proper waste disposal methods. These have been added to the conditions of approval for the project.
Conservation and Open Space Chapter 10 Cultural Resources Section 10.6	Goals and policies contained in this Chapter relate to the protection and enhancement of significant cultural resources, providing heritage, historic, scientific, educational, social and economic values to benefit present and future generations (CU-G1, Protection and Enhancement of Significant Cultural Resources) Related policies: CU-P1. Identification and Protection, CU-P2. Native American Tribal Consultation.	The Northwest Information Center (NWIC) indicated that they have no record of any previous cultural resource studies for the project site; however, because the site has a possibility of containing unrecorded archaeological sites, the NWIC recommended that the project be referred to local Native American Tribes. On August 12, 2019 the Bear River Band Tribal Historic Preservation Officer indicated that they have no objection to the project and requested that standard inadvertent archaeological discovery language be added to the conditions of project approval. The project has been conditioned as such.

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Conservation and Open Space Chapter 10 Scenic Resources Section 10.7	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) Related policies: SR-S4. Light and Glare	The project is not visible from Highway 36 as it is naturally screened by a buffer of tall vegetation. Regarding the potential impact from artificial light being visible at night, the project involves outdoor cultivation with no artificial light used to moderate the vegetative phases of growth. Artificial light is used for Nursery operations, but these lights are fully contained within an existing structure. As a condition of project approval, all artificial lighting (including exterior security lighting) must comply with International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1, and be designed to regulate light spillage onto neighboring properties resulting from backlight, uplight, or glare (BUG). International Dark Sky Association Standards exceed the requirements of Scenic Resources Standard SR-SX, Light and Glare, that lighting be fully shielded, and designed and installed to minimize off-site lighting and direct light within the property boundaries. Should the Humboldt County Planning Division receive complaints that the lighting is out of alignment or not complying with these standards, within ten (10) working days of receiving written notification that a complaint has been filed, the applicant shall submit written verification that the lights' shielding and alignment has been repaired, inspected, and corrected as necessary.

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Water Resources Chapter 11 Stormwater Drainage	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) Related policies: WR-P10. Erosion and Sediment Discharge; WR-42 Erosion and Sediment Control Measures.	The project is considered a "Tier 1 outdoor commercial cultivation" activity by the State Water Resources Control Board (SWRCB) and is subject to the State Cannabis Cultivation General Order which requires preparation of a Site Management Plan (SMP). The applicant had previously submitted a Water Resources Protection Plan (WRPP) pursuant to the North Coast Regional Water Quality Control Board's (NCRWQCB) Order No. 2015-0023 (Order) before the state law changed, indicating that the site was "Tier 2". The WRPP detailed standard conditions required by the Order as well as site-specific recommendations, such as the creation of a water storage pond. The design of this project has changed since the creation of the WRPP - the applicant has completed drilling of a well and has temporarily halted the construction of the pond. As such, Staff does not expect the applicant to adhere to the WRPP, but instead, the project is required to adhere to all standard conditions of the 2019 State Cannabis Cultivation General Order as a condition of approval. As an additional condition of approval, the applicant is required to submit a copy of a SMP prepared for the property and implement all recommended actions of the SMP. The applicant utilizes drip irrigation and hand-watering methods to minimize the potential impact to surface and groundwater flows. These best practices along with adherence to the 2019 State Cannabis Cultivation General Order support the finding of conformance for this plan section.
Water Resources Chapter 11 Onsite Wastewater Systems	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) Related policies: WR-IM7. Basin Plan Septic Requirements; and IS-P20. On-Site Sewage Disposal Requirements.	The Site Plan shows an existing septic system on the property; however, further analysis would be required to permit the system for use as part of the commercial cannabis operation. Per a recommendation from the DHHS – Environmental Health Division (DEH), the property must demonstrate that a properly functioning onsite wastewater treatment system serves the operation. This will be accomplished by either installing a new, permitted septic system; or by providing DEH with an assessment of the existing system performed by a qualified professional engineer, geologist, soil scientist, or Registered Environmental Health Specialist that certifies that the existing system complies with the State RWQCB definition of a Tier 0 system - not impairing groundwater or surface water resources. Until and unless the applicant fulfills this requirement, portable toilets must be provided to operators as a condition of project approval.

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Noise Chapter 13	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) Related policies: N-P1, Minimize Noise from Stationary and Mobile Sources; N-P4, Protection from Excessive Noise.	Potential noise sources from cannabis operations generally come from generator use, ventilation fans, and related machinery. The applicant indicates that a generator would only be used in the event of a power outage, and that fans are only used during daylight hours (approximately 10am-6pm). The manufacturer's specifications for the generator indicate that it produces less than 60 decibels at full power load. As a condition of project approval, noise released shall be nor more than 50 decibels measured 100 feet from the source or from the edge of habitat, whichever is closer. Conformance will be evaluated using auditory disturbance guidance prepared by the United States Fish and Wildlife Service.
Safety Element Chapter 14 Geologic & Seismic	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) Related policies: S-P11. Site Suitability, S-P7. Structural Hazards.	The project site is not located in a mapped Alquist-Priolo fault zone nor is subject to liquefaction. The cannabis cultivation activity would occur in areas of the parcel on slopes of 15% or less, in an area seismically classified as low instability. Given the relatively mild slope and stability rating, the proposed uses are not expected to be affected by geologic instability.
Safety Element Chapter 14 Flooding	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) Related policies include: S-P10, Federal Flood Insurance Program; S-P11, Flood Plains; S-PX3, Construction Within Special Flood Hazard Areas	The subject site is outside any mapped flood hazard areas. The project site is not within a mapped dam or levee inundation area and, at approximately 23 miles distance from the coast and approximately 2500 feet above mean sea level, is outside the areas subject to tsunami run-up.

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Safety Element Chapter 14 Fire Hazards	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. Related policies: S-P15, Conformance with State Responsibility Areas (SRA) Fire Safe Regulations.	The subject property has a Very High Fire Hazard Severity Rating and 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 responded to a project referral indicating that the agency had no specific recommendations for improvements or changes to the project. The Humboldt County Fire Safe Ordinance (Section 3111-1 *et seq*.) establishes development standards for minimizing wildfire danger in state responsibility designated areas. The applicant is proposing to designate a fire turn-around and pull-out area for emergency vehicles and maintain the 30-foot SRA setback requirement for structures. These actions have been made conditions of project approval.
Community Infrastructure and Services Element, Chapter 5 Implementation Action Plan	IS-S5 requires new industrial, commercial and residential development located outside of fire district boundaries to obtain written acknowledgment of available emergency response and fire suppression services from the local fire agency, including any recommended mitigation.	To implement this policy, conditions of approval for the project required the applicant to contact the local fire service provider (Ruth Lake Community Services District) and furnish written documentation from that agency of the available emergency response and fire suppression services and any recommended project mitigation measures. If emergency response and fire suppression services are not provided, the applicant shall cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning Division.
Safety Element Chapter 14 Airport Safety	Land use and development in the vicinity of airports shall minimize exposure to unsafe noise and aircraft hazards.	The project site is located near the Dinsmore airport, but outside of the County's Airport Compatibility Zone and Airport Zone Building Regulation area. The project site is within the Federal Aviation Regulation Area (FAR 77); however, staff completed the Notice Criteria Tool on the Federal Aviation Administration (FAA) website. Given the location of the project and the height of the proposed structures, no waiver is required from the FAA as the project does not exceed the Notice Criteria.

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Air Quality Chapter 15	Goals and policies contained in this Chapter relate to improved air quality to meet current and future state and federal standards, including attainment of particulate matter requirements (AQ-G1, AQ-G2, AQ-G3) and the successful reduction of greenhouse gas emissions to levels consistent with state and federal requirements. (AQ-G3) Related policies: AQ-P4, Construction and Grading Dust Control, AQ-S1. Construction and Grading Dust Control, AQ-P7. Interagency Coordination.	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. Sources of greenhouse gas (GHG) emissions may include vehicle trips to the site and use of a generator. The applicant states that approximately six individuals are needed at peak operational periods. Carpooling would be utilized to minimize the quantity of GHG emissions from vehicle trips. The primary source of electricity is a connection to the PG&E grid, with a backup generator only used during power outage events. The applicant has enrolled int the Redwood Coast Energy Authority (RCEA) "Repower+" program to supply 100% renewable energy to the site. The quantity of greenhouse gas emissions generated from the project is expected to be less than significant.

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

Zoning Section	Summary of Applicable Requirement	Evidence That Supports the Zoning Finding
§312-1.1.2 Legal Lot Requirement	Development permits shall be issued only for a lot that was created in compliance with all applicable state and local subdivision regulations.	The parcel of land known as APN 208-341-023 is Parcel 17 of Tract 289 (Cobb Station) per Recorded Map recorded in August of 1987 in Book 19 of Maps, page 27. 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.
§314-8.1 Unclassified (U)	All of the unincorporated area of the County not otherwise zoned is designated as the Unclassified or U Zone. This area has not been sufficiently studied to justify precise zoning classifications. Residential and General Agriculture are principally permitted uses.	The project is for the cultivation of commercial outdoor cannabis. Commercial cannabis is recognized under State law as an agricultural product. Although State law specifies it as an agricultural use and general agricultural uses are permitted in the U zone, the commercial cultivation of cannabis is a regulated specialty crop (per Humboldt County Code Section 314-55.4.3.7) and is thus not a principally permitted use under the U use type classifications. Because this project would be approved by way of this Special Permit, a finding of consistency with the U zoning district can be made for the project
Minimum Lot Size:	6,000 square feet	3.57 acres
Maximum Ground Coverage:	40%	Approximately 17,500 square feet of coverage (11% of lot)

Minimum Lot Width:	50 feet	220 feet
Maximum Lot Depth:	Three times the width	580 feet = 2.6 times the width
Minimum Yard Setbacks:	Front: 30 feet Rear: 30 feet Side: 30 feet SRA setback from all property lines: 30 feet	All proposed uses are located 30 feet or more from property lines. A Special Permit (Record Number PLN-2018-15154-SP2) was approved by the Humboldt County Zoning Administrator on May 2, 2018 to allow a relaxation of the setback from a Public Park (land managed by SRNF on APN 208-071-033) from 600 feet to 150 feet.
Max. Building Height:	Not specified	Not expected to exceed 35 feet.
§314-109.1.2.9 Off-Street Parking Parking Spaces for the Uses Not Specified	Off Street Parking for Agricultural use*: One parking space per employee at peak shift. A minimum of two parking spaces are required. *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.	The applicant states that no employees will be required.
§314-61.1 Streamside Management Area (SMA)	Purpose: To provide minimum standards pertaining to the use and development of land located within Streamside Management Areas (SMAs) and other wet areas (OWA) to implement the County's Open Space Element of the General Plan.	There are no blue-line streams mapped by the USGS on the property. According to the Water Resources Protection Plan prepared by Natural Resources Management Corporation and submitted to the North Coast Regional Water Quality Control Board, the property has a Class 2 drainage near the eastern edge of the parcel, approximately 120 feet away from the main access road. As shown on the Site Plan, all cannabis activity would occur well outside of the SMA setback of any watercourses.

314-55.4 et seq. HCC: Commercial Cultivation, Processing, Manufacturing and Distribution of Cannabis for Medical Use Inland Land Use Regulation (CMMLUO)		
§314-55.4.8.2 Allowed Zones for Cannabis Activity	Commercial cannabis cultivation is allowed on parcels zoned U, with no parcel size limitation. In all zones where cultivation is allowed consisting of timberland, the commercial cultivation of cannabis for medical use shall only be permitted within a 3-acre conversion exemption area, or non-timberland open area.	Timber conversion has occurred on the parcel in areas now being used for cannabis cultivation without an approved exemption permit from Cal-FIRE. A Timber Conversion Mitigation Report containing recommendations from a Registered Professional Forester (RPF) as to remedial actions necessary to bring an area of timber conversion into compliance with provisions of the Forest Practice Act was completed by Natural Resources Management for the property in February of 2019. As a condition of project approval, the applicant is required to implement the two treatments recommended by the report – installation of a rolling dip to assist drainage on a particular road, and treating slash pile(s) created by the timberland conversion. The RPF report was sent to Cal-FIRE for review along with standard referral items. Originally, Cal-FIRE indicated that they could not support the project due to apparent timberland conversion activities that have occurred on the project site. The RPF report was sent to Cal-FIRE for review, after which the agency indicated that they had no additional comments and the project can move ahead.
§314-55.4.8.2.2 Existing Outdoor and Mixed-Light Cultivation Areas	A Zoning Clearance Certificate, Special Permit or Use Permit may be issued for outdoor or mixed-light commercial cannabis cultivation for some or all of the cultivation area in existence prior to January 1, 2016, in zoning district U on parcels one acre or larger, but only when possible to bring the cultivation into compliance with all applicable standards set forth in this section and to eliminate existing violations as specified in this ordinance. No expansion of the existing cultivation area shall be permitted	The applicant has provided evidence of the cultivation areas in existence prior to January 1, 2016, which was confirmed by staff through the Cultivation Area Verification (CAV) process for issuance of the interim permit. The proposed project includes permitting 7,959 square feet of existing mixed light cultivation on a parcel zoned U. The cultivation area is consistent with the requirements for the cultivation type, status, and zoning of the parcel. The applicant will comply with all conditions of the CMMLUO, as specified in the recommended conditions of approval.
§314-55.4.8.10 Permit Limit	No more than four commercial cannabis activity permits may be issued to a single person, as defined in the referenced section.	According to records maintained by the Department, the applicant, Green Leaf Nurseries, LLC, has applied for two cannabis activity permits, and are entitled to a total of four. This application is for a single permit for 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.	All cannabis products cultivated at the site are processed off-site at a licensed processing facility. No additional permitting is required.
§314-55.4.9.4 Pre-Application Registration	Existing cultivation sites shall register with the County within 180 days of the effective date of this ordinance.	The original applicant submitted the required registration form on July 28, 2016.
§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.
§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.	Irrigation water is sourced from a well on a nearby parcel also owned by the applicant (APN 208-341-020). The well is expected to draw from groundwater and would therefore not require diversionary water rights. The groundwater well is required to be inspected annually to evaluate drawdown and potential for the well to go dry. The project is considered a "Tier 1 outdoor commercial cultivation" activity by the State Water Resources Control Board (SWRCB) and is subject to the State Cannabis Cultivation General Order which requires preparation of a Site Management Plan (SMP). The applicant had previously submitted a Water Resources Protection Plan (WRPP) pursuant to the North Coast Regional Water Quality Control Board's (NCRWQCB) Order No. 2015-0023 (Order) before the state law changed, indicating that the site was "Tier 2".

§314-55.4.11.d Performance Standards-Setbacks	The area of cannabis cultivation and on-site processing shall be setback at least 30 feet from any property line, and 600 feet from any school, school bus stop, church or other place of religious worship, public park, or tribal cultural resources (TCRs).	The Site Plan shows the project would comply with the 30' property line setback requirement. County records indicate that there are no schools, bus stops, tribal cultural resources, or places of religious worship within 600 feet of the cultivation site, however, the cultivation area is located within the 600 feet of Six Rivers National Forest (SRNF) property, due east of the subject property. A Special Permit (Record Number PLN-2018-15154-SP2) was approved by the Humboldt County Zoning Administrator on May 2, 2018 to allow a relaxation of the setback from a Public Park (land managed by SRNF) from 600 feet to 150 feet. That Special Permit was included the setback reduction for this project. The SRNF property is not used as a developed and designated public park. Moreover, cultivation activities are visually screened from the adjacent parcel, providing a clear buffer between public resources and the project. With the proposed configuration shown on the site plan, the project would be in compliance with the referenced code section. In a referral response from SRNF, a representative recommended denial of this project, indicating that transportation of cannabis over lands owned by the US Forest Service (USFS) is illegal under federal law, however, the applicant does not take access over any lands or roads owned or maintained by the USFS. A Special Permit (Record Number PLN-2018-15154-SP2) was approved by the Humboldt County Zoning Administrator on May 2, 2018 to allow a relaxation of the setback from the nearby parcel owned by SRNF.

§314-55.4.11.0 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 electricity source for the operation is an on-site PG&E connection with an emergency back-up generator. Use of the generator is limited to power outage events, to ensure the security and safety of the site and the protection of the product. As a condition of project approval, the applicant is required to install noise attenuation devices as necessary to ensure the noise level of the generator and any other equipment does not exceed 50 decibels at a 100 feet or edge of habitat, whichever is nearer. This noise standard is also made an ongoing condition of project approval.
§314-55.4.17 Sunset Date	No application for any Use Permit pursuant to the CMMLUO shall be processed for issuance or approval that is received after December 31, 2016.	The applicant filed the application on December 28, 2016.

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

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

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

Code Section	Summary of Applicable Requirement	Evidence that Supports the Required Finding
17.1.5 Housing Element Densities	The proposed development shall not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law (the midpoint of the density range specified in the plan designation), except where: 1) the reduction is consistent with the adopted general plan including the housing element; and 2) the remaining sites identified in the housing element are adequate to accommodate the County share of the regional housing need; and 3) the property contains insurmountable physical or environmental limitations and clustering of residential units on the developable portions of the site has been maximized.	The site has one existing residence. The project does not involve housing but does not limit the ability of the parcel to be developed for residential uses if in conformance with the General Plan and Zoning designations. The project is in conformance with the standards in the Housing Element.

6. Environmental Impact: The following documents 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, 2016. The MND prepared for the CMMLUO established that the environmental effects of existing cultivation operations would be reduced from the baseline impacts through the regulations applied by the CMMLUO. The proposed project is consistent with all regulations within the CMMLUO and all mitigation measures of the MND. The project is for the approval of an existing cultivation and on-site processing. The environmental document on file include detailed discussions of all the relevant environmental issues.

ATTACHMENT 3

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

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

APN 208-341-023, 2170 Cobb Road, Dinsmore Area, County of Humboldt

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

October 2019

Background

Modified Project Description and Project History –

The original project for 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 modified project involves a Special Permit for 7,959 square feet of existing outdoor cannabis cultivation. Water for irrigation is sourced from an existing well on an adjacent parcel (APN 208-341-020). Water would be stored in five tanks totaling 8,350 gallons. An estimated 85,000 gallons are required annually for irrigation (10.68 gallons per square foot per year). The applicant states that no employees, other than the owners of Green Leaf Nurseries LLC, are required for operations. All processing operations occur at a licensed off-site facility. Power would be supplied from PG&E under the RCEA "REPower+" program to supply 100% renewable energy. The applicant has previously been approved for a Special Permit to reduce the setback from public lands (PLN-2018-15154-SP), and a Distribution and Nursery use (PLN-2018-15154-ZCC) on the property.

There are no blue-line streams mapped by the USGS on the property, however, according to the applicant's Water Resources Protection Plan, the property has a Class 2 drainage near the eastern edge of the parcel, approximately 120 feet away from the main access road. As shown on the Site Plan, all cannabis activity would occur well outside of the SMA setback of any watercourses. The California Natural Diversity Database indicates that no mapped sensitive species exist on, or in the immediate vicinity of, the subject property. Records indicate that mapped activity centers for Northern Spotted Owl (NSO) exist in the vicinity of the project site, including within approximately 1.04, 1.12, and 1.33 miles of the cultivation area, respectively. The requirements of the permit (prohibiting construction activity during the NSO breeding season, shielding of artificial light sources, adherence to noise performance standards for generators and fans, etc.) are expected to allow the project to operate below the thresholds that could cause disturbance of the species. The applicant has submitted a Biological Resource Survey (BRS) that covers the entire parcel and recommends specific mitigation measures, which are required of the applicant as conditions of project approval.

The modified project is consistent with the adopted MND for the CMMLUO because it complies with all standards of the CMMLUO which were intended to mitigate for impacts of existing cultivation. These include compliance with noise and light standards to limit disturbance to wildlife, managing stormwater runoff, improving access road conditions, and proper storage of fertilizers and soil amendments.

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 7,959 square foot outdoor commercial cannabis operation, and associated construction of improvements necessary to bring the operation into compliance with the CMMLUO is fully consistent with the impacts identified and adequately mitigated in the original MND. The project, as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the MND.

In reviewing the application for consistency with the adopted MND, the County considered the following information and studies, among other documents:

- Operations Plan for Green Leaf Nurseries LLC prepared by the applicant and associated addenda.
- Water Resources Protection Plan prepared by Natural Resources Management Corporation and submitted to the North Coast Regional Water Quality Control Board, February 2017.
- Water Well Application for Construction submitted to the Department of Health and Human Services – Division of Environmental Health and Well Completion Report prepared by Watson Well Drilling Inc.
- Timber Conversion Mitigation Report completed by Natural Resources Management, February 2019.
- Road Evaluation Report prepared by a Registered Professional Engineer – David Nicoletti, April 2019.
- Biological Assessment Report prepared by Jack Henry, Wildlife Biologist with Timberland Resource Consultants, October 2018.

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. (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. (Prepared by the applicant, received June of 2019 - Attached with project maps)

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. (Prepared by the applicant received August of 2017 - Attached)

5. Description of water source, storage, irrigation plan, and projected water usage. (Attached)

6. Water Well Application for Construction submitted to the Department of Health and Human Services – Division of Environmental Health and Well Completion Report prepared by Watson Well Drilling Inc. (On file)

7. Water Resources Protection Plan prepared by Natural Resources Management Corporation and submitted to the North Coast Regional Water Quality Control Board, February 2017. (On file)

8. Timber Conversion Mitigation Report containing recommendations from a Registered Professional Forester as to remedial actions necessary to bring an area of timber conversion into compliance with provisions of the Forest Practice Act completed by Natural Resources Management, February 2019. (On file)

9. Road Evaluation Report prepared by a Registered Professional Engineer – David Nicoletti dated April 2019. (On file)

10. Biological Assessment Report prepared by Jack Henry, Wildlife Biologist with Timberland Resource Consultants, October 2018. (On file)

11. 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)

12. Consent for onsite inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. (On file)

13. 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)

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Operations Manual

for

Green Leaf Nurseries, LLC

Cultivation Project

8/6/17

Produced By:

AgDynamix
CONSULTING • MANAGEMENT • COMPLIANCE
INCORPORATED 2015

732 5th St. Suite H & I, Eureka, CA, 95501°(707)798-6199°agdynamix.com

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Project Name	GREEN LEAF NURSERIES
Project Location	Not Available.
Project Sponsor	Green Leaf Nurseries, LLC. 46070 State Hwy 36 Bridgeville, CA, 95526
Sponsor Contact	Travis Bowen, (707) 726-2905
Permitting Agency	AgDynamix, LLC Teisha Mechetti, 707-798-6199
APN	208-341-023
Existing Zoning Designation	U AL20 (FRWK)

Prepared for Green Leaf Nurseries, LLC, LLC by AgDynamix, LLC (July 2017)

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Industry Analysis

Industry regulations have been enacted at the State, County, local and—in some instances—municipal levels. The proposed Project will adhere to all applicable regulations.

Summary

A complex framework of regulatory laws influences cannabis cultivation regulations pertaining to the proposed Project, including Proposition 215, the Compassionate Use Act, Senate Bill 420, and the Medical Cannabis Regulation and Safety Act (MCRSA), and Proposition 65 (Prop 64) or the Adult Use Marijuana Act (AUMA), and most recently the Medical Adult Use Cannabis Regulation Safety Act (MAUCRSA).

Local permitting must be obtained before seeking licensure at the State level (which becomes effective January 2018). Some local jurisdictions in California, to date, have established and implemented regulations to per miss, permit, and/or license cannabis business operations.

In November 2016, the AUMA legalized "recreational" cannabis possession, consumption, and personal indoor cultivation, but had no effect on medical marijuana permitting or licensing.

On June 27th, Senate Bill 94, otherwise known as, the Medical Adult Use Cannabis Regulation and Safety Act (MAUCRSA) by Governor Jerry Brown in efforts to consolidate the two legislative pieces put in effect to govern commercial medical and recreational cannabis activities, otherwise known as the consolidation of the MCRSA and AUMA. The merge of these two legislative pieces features changes to the licensing scheme that we were working within prior to its effect.

State Regulatory Framework

With the passage of the Compassionate Use Act (Proposition 215) in 1996 and the Medical Marijuana Program Act (MMPA) in 2003 (Senate Bill 420), California created a system of possession and cultivation limits, a voluntary identification program, and assurance of a non-diversionary system of medical cannabis cultivation and dispensation. The intent of these legislative efforts was to clarify the scope of application, prevent arrest and prosecution, promote uniform application, increase accessibility of product, and address issues within the act to promote fair and orderly implementation.

In September 2015, the California State legislature enacted three bills under the MCRSA, consisting of AB-243, AB-266, and SB-643. Each bill addresses various issues pertaining to licensing and regulatory requirements involving medical cannabis cultivation, manufacturing, transportation, distribution, sales, and testing. These bills became effectual January 1, 2016, with State licensing to open on January 1, 2018.

The MCRSA establishes a multiagency framework to regulate commercial cannabis. The foundation of MCRSA is: "No person shall engage in commercial cannabis activity without possessing both a State license and a local permit, license, or other authorization." This legislation provides for the licensure of commercial cannabis activity in California, strengthens environmental protections, and creates licensing opportunities for small and specialty cultivators.

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Assembly Bill 243 (AB-243) requires the CDFA, CDFW, and State Water Resources Control Board (SWRCB) to promulgate regulations and standards pertaining to medical cannabis cultivation efforts, mitigate impacts on environments, and coordinate enforcement efforts with State agencies.

Assembly Bill 266 (AB-266) addresses the licensure and regulation of medical marijuana for which the framework is primarily the responsibility of the Bureau of Cannabis Control (BCC) to enforce under the Department of Consumer Affairs' (DCA) and the Bureau of Medical Cannabis Regulation. Collaboratively, the Board of Equalization (BOE) and the CDFA are responsible for tracking and reporting the movement of cannabis goods throughout the State.

Senate Bill 643 (SB-643) addresses the setting of standards on behalf of physicians and surgeons prescribing medical cannabis and requires the Medical Board of California (MBC) to implement investigations of physicians who repeatedly or excessively prescribe medical cannabis to patients without good faith exemption. This bill requires the BMCR to gather fingerprints to conduct criminal history background checks.

This Act also grants the DCA sole authority to implement and govern the system for creation, issuance, renewal, discipline, suspension, or revocation of such licensure under the Bureau of Cannabis Control program. Additionally, the CDFA is responsible for administering provisions of the act related to or associated with cultivation and transportation of medical cannabis. This bill also authorizes counties and municipalities to propose and implement taxation on medical cannabis activity.

In addition to the initial framework developed to support local regulations and State licensing, there has been a broad legislative effort to institute clean-up bills to further clarify the scope and definitions under the MCRSA.

The Adult Use of Marijuana Act (AUMA), which passed in November 2016, has legalized adult use ("recreational") cannabis possession, consumption, and limited personal indoor cultivation. Because the AUMA legislation addresses only recreational cannabis issues, it currently has no effect on medical marijuana permitting or licensing.

On June 27th, Senate Bill 94, also known as, the Medical Adult Use Cannabis Regulation and Safety Act (MAUCRSA) signed by, Governor Jerry Brown, in efforts to develop a single regulatory structure that governs commercial medical and recreational cannabis activities, collectively known as MCRSA and AUMA. The merge of these two legislative pieces features changes to the licensing scheme that were in effect prior to the implementation of MAUCRSA.

The creation of MAUCRSA prompted 23 license type activities varying from Cultivation, Processing, Manufacturing, Packaging, Infusion, Testing, Retail, Distribution, and Microbusiness licenses. License types 5-5B will not be available until 2023. Across the license types they will be assigned either an "A" for Adult Use or "M" for Medical operations. The introduction of new license types Type 5-5B Cultivation, Processing, Manufacturer I and II, Packaging, Infusion, and Microbusinesses was an introduction of license types carried from the AUMA. The MAUCRSA also now excludes transportation as a license type. Furthermore, clarification of the fact, points concerning that event licenses are not prohibited under this framework were also clarified. The local authority could issue event permits for "onsite cannabis sales to, and consumption by, persons 21 years of age or older at a County Fair or District Agricultural Association Event".

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According to this legislation, an applicant may now pursue a State license without local approval, however, may not conduct activities until local approval is met, otherwise could prompt a violation that would make the State license applicant ineligible to hold the license.

Local Regulatory Framework

Under State legislation, MCRSA, municipalities possess the authority to set their own regulations pertaining to land use and commercial cannabis business activities. Local permitting must be obtained before seeking licensure at the State level (which becomes effective January 2018).

Humboldt County

In October 2015, Humboldt County began its review process of the Commercial Medical Cannabis Land Use Ordinance (CMCLUO). This legislation governs commercial medical cannabis activities within the authority of the County of Humboldt and establishes zoning regulations, performance standards, and environmental compliance—as well as requiring proof of documentation. The ordinance went into effect February 26, 2016. The deadline for applicants was December 31, 2016.

On September 13, 2016 Humboldt County issued a correcting and clarifying document to address the elements of the CMCLUO that were not clear under the initial Ordinance No. 2544 and the implementation of the program.

An Environmental Impact Report is underway to assess the overall impacts of this program which could significantly affect the Commercial Cannabis Land Use Ordinance for the better, or worse, once the results of the study have been considered.

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Executive Summary

Green Leaf Nurseries, LLC is a sole member, family owned and operated for profit entity designed to conduct agricultural activities within the State of California.

The Project Sponsor is proposing 10,000-sq. ft. outdoor cultivation project based on historical activities in the form of five (5) greenhouse cultivation areas located on Parcel No. 208-341-023, zoned U, totaling 3.57 acres. Existing structures located onsite include a personal residence, five (5) greenhouse structures, and water tank infrastructure. Additional proposed onsite structures include a storage disposal area and a human refuse area. No on-site processing/drying activities are currently proposed. All drying and processing activities are to occur on adjacent Parcel No. 208-341-020.

Project site will be primarily supported by two (2) water storage tanks sourced from a permitted well located on an adjacent Parcel No. 208-341-021. Project site is enrolled with the Waste Waiver Discharge program under the North Coast Regional Water Quality Control Board (NCRWQCB). An Initial Statement of Water Diversion and Use (ISWDU) and a Lake and Streambed Agreement LSA-1600 has been submitted for an additional diversion option from a permitted well located on Parcel No. 208-071-032 which is considered a diversion from Van Duzen River.

Project Timeline

Phase 1 (2017)

- Obtain Land Use Approval.
- Design Additional Greenhouse Infrastructure to Support Activities.
- Submit for Permits.

Phase 1 (2018)

- Build in Legal Easements to Adjacent Wells and Barn Access.
- Erect Additional Greenhouses.

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Project Overview

The Project concerns Parcel No. 208-341-023 in Dinsmore, California that is seeking provisional permitting for outdoor medical cannabis cultivation with consideration of the phased approach to development. The Project currently features five (5) greenhouse cultivation areas totaling 10,000 sq. ft. Cultivation and processing activities would occur within the central portion of the Parcel.

Summary

The Project parcel is zoned U, which falls within the allowable zoning specified by the local authority. The Sponsor seeks permit approval for 10,000 sq. ft. of outdoor cultivation that is pre-existing, is supported by evidence, and involves natural light.

Location Description

The proposed Project would occur on legal Parcel No. 208-341-023, in the southeast quarter of the northeast quarter of Section 11, Township 1 North, Range 5 East, Humboldt Meridian.

The Project features five (5) greenhouse cultivation areas comprised of one (1) 1,880 sq. ft. greenhouse cultivation area, four (1) 1,920 sq. ft. greenhouse cultivation areas, and one (1) outdoor area of 400 sq. ft.

Zoning

The property features zoning U and the following characteristics:

- GIS acres: 3.57.
- Coastal Zone: Outside.
- 100 Year Flood Zone: Outside.
- Alquist-Priolo Fault Hazard Zone: Outside.
- FEMA FIRM Flood Rating & Panel Number: Not Applicable.
- Slope: <15% in most cultivation areas.
- Relative Slope Stability (Per General Plan Geologic maps): Low Instability.

Soil Ratings

As per Humboldt County's Ordinance No. 2544, because the project is pre-existing, no prime agricultural soil rating requirement pertains.

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Project-Specific Factors

The following table details any potential effects to environmental elements related to the Project:

☐	Aesthetics	☒	Agriculture and Forestry	☐	Air Quality
☒	Biological Resources	☒	Cultural Resources	☒	Geology/Soils
☐	Greenhouse Gas Emissions	☒	Hazards and Hazardous Materials	☒	Hydrology/Water Quality
☒	Land Use/Planning	☐	Mineral Resources	☐	Noise
☒	Population/Housing	☒	Public Services	☐	Recreation
☐	Transportation/Traffic	☒	Utilities/Service Systems	☐	Mandatory Findings of Significance

Mandatory Compliance Factors

In accordance with the State of California, it is a requirement that agricultural operations obtain the appropriate environmental filings to support land alterations, diversions, and discharges of affluent.

Water Sources

Applicant proposes to source water for cultivation from a permitted well on an adjacent property, Parcel No. 208-341-021 and proposes to build easement to permitted well located on Parcel No. 208-071-032.

Initial Statement of Water Diversion & Use (ISWDU)

ISWDU has been submitted under property owner's name to secure right to divert from a well located on Parcel No. 208-071-032.

Small Domestic Use Registration (SDU)

Not Available.

Small Irrigation Use (SIU)

Not Available.

Lake and Streambed Alteration Agreements (LSAA-1600/1602)

It was determined that a LSAA-1600/1602 is required for this Project because water diversion was secured as an option. Periodic inspections may be conducted by a third-party agent, Natural Resources Management (NRM), on behalf of CDFW.

Water Board Order: Waste Waiver Discharge (WWD)

Initial inspections by NRM regarding water usage and discharges have been conducted. The initial notice of intent and monitoring/reporting forms, under the WWD, have been filed with the SWRCB under the

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North Coast Regional Water Quality Control Board (NCRWQCB). A reporting/recording system would be developed, monitored, and reported to comply with annual renewal requirements under this order.

Additional inspections (post enrollment) would be conducted by the NRM, with no current confirmation of when this inspection would occur. The proposed Project falls into Tier 2 due to the pre-existing cultivation site, canopy size, and water uses. The Project does not pose a notable threat to the environment due to several conditions that are documented in the WRPP.

Water Resource Protection Plan (WRPP)

A WRPP has been generated by the designated agency, NRM. This document is held by the third-party agent and applicant which maintained onsite to satisfy any request by the NCRWQCB. This ensures protection of nearby habitats via management of spoils, management of runoff/discharges, use of DPR-approved inputs, correct use of fertilizer, and proper storage of fungicides, pesticides, and fuels.

Department of Pesticide Regulation Requirements (DPR)

The Project would adhere to DPR requirements and limitations regarding pesticide, fungicide, and rodenticide inputs for cannabis cultivation and management of pests and/or disease. Quality and consumer-safe production requires medical cannabis cultivation inputs that are approved as environmentally sound and deemed safe for medical consumption.

Archaeological Inspections & Survey

There is no current archaeological inspection on file of which the permitting agent is aware. However, records may be accessible through Sonoma State University's Northwest Information Center (NWIC) and the local THPO.

Additional Compliance Factors

Bureau of Cannabis Control (BCC)

In 2015, the Legislature passed and the Governor signed into law three bills (Assembly Bills 243 and 266, and Senate Bill 643) that create a licensing and regulatory framework for medical cannabis through the Medical Cannabis Regulation and Safety Act. Later this was updated through the MAUCRSA, Senate Bill 94. This legislation created the Bureau Cannabis Control within the Department of Consumer Affairs. It also divided the responsibility for state licensing between three state entities – the CA Department of Food and Agriculture, the CA Department of Public Health, and the Bureau of Medical Cannabis Regulation, with the Bureau designated as the lead agency in regulating the cannabis industry in California. This agency is responsible for licensing concerning testing, retail, distribution, and microbusinesses.

CalCannabis Cultivation Licensing

As directed by the Medical Cannabis Regulation and Safety Act and the Adult Use of Marijuana Act, the California Department of Food and Agriculture (CDFA) has written the proposed regulations to establish **cannabis cultivation and processing licensing** and a **track-and-trace system,** collectively referred to as **CalCannabis Cultivation Licensing.**

Office of Manufactured Cannabis Safety

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OMCS was established in the Center for Environmental Health of the California Department of Public Health (CDPH) after the Governor signed into law the Medical Cannabis Regulation and Safety Act in 2015. The Act established a licensing and regulatory framework for the manufacturing, packaging, and infusion of medical cannabis in California.

The Medical Cannabis Regulation and Safety Act created the Bureau of Medical Cannabis Regulation in the Department of Consumer Affairs, and tasked the following Departments to establish regulations for the medical cannabis industry:

CA Department of Consumer Affairs (Bureau of Cannabis Control): to license transporters, distributors, dispensaries, and testing laboratories.

CA Department of Food and Agriculture (Cal-Cannabis Cultivation Licensing): to license cultivators and will also be responsible for implementing the Track-and-Trace System for plants from cultivation to sale.

CA Department of Public Health (Office of Manufactured Cannabis Safety: to license manufacturers of cannabis.

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Performance Standards

Performance standards include nuisance mitigation (for noise, odors, light, and other potential hazards of the Project), setback requirements, and a consent to inspect.

Setback Requirements

The proposed Project area meets all setbacks required by the local authority and adheres to all other setbacks from neighboring parcels and property boundaries. Nearby parcel residences are within 300' from the proposed cultivation space (applicable only to parcels of five (5) acres or less). Sponsor will seek a setback waiver from adjacent landowner, if required. There are no known schools, school bus stops, public parks, places of religious worship, or Tribal cultural resources that are known within 600' to 1,320' of the cultivation area. Additionally, a 30' setback from the PG&E pole and 12' of overhead lines and property borders is satisfied.

Setbacks from nearby waterways adhere to the SWRCB and the CDFW's setback requirements. It is deemed that Environmentally Sensitive Habitat areas will not be impacted by the proposed Project.

Nuisance Mitigation

The Project would mitigate the potential for or existing nuisances, including through odors, lights, sounds, and other nuisances that extend beyond the boundaries of an adjacent property, with adherence to State and local (County and/or municipality) regulations pertinent to this Project.

Best mitigation efforts:

- Odor: Scrubbers.
- Light: Escape shielding.
- Sound: Buffering.

Generator Use

No generators will be used to support the site.

Consent to Inspect

This section hereby grants to the relevant authority an authorization to conduct an annual compliance inspection with a minimum notice of 24 hours. The inspection would be conducted by officials during regular business hours (Monday-Friday, 9:00 am-5:00 pm), excluding holidays.

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Cultivation Plan

The Cultivation Plan adheres to robust standards promulgated under the DPR and regulated under the CDFA, and in accordance with DCA's consumer standards maintained by the Department of Public Health (DPH).

In preparation for future certification related to organically produced product, the Cultivation Plan also follows National Organic Program (NOP) standards. The input guidelines established by the DPR are in accordance with certification regarding organically produced product requirements and follow a whole-farm BMP plan for management of land, crops, and end products.

Summary

The Project proposes 10,000 sq. ft. of M-Type 2 pre-existing outdoor cultivation in the form of five (5) greenhouse cultivation areas and one (1) outdoor area of 400 sq. ft. on 3.57 acres of U zoning that would be serviced entirely by natural light.

Water for the Project would be sourced from two (2) onsite tanks that are supplied by permitted wells located on adjacent property Parcel No.'s 208-341-021, and 208-071-032. A WRPP will be available for further information regarding site-specific conditions, mitigation measures, and remediation efforts.

Cultivation Schedule

The following table details the annual cultivation schedule, comprised of two (2) harvests per year, with breakdown by area. Water figures are indicated in gallons.

Area	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
GH 1	Cover	Cover	Cover	Cover	Veg/Blm	Blm	Blm	Veg/Blm	Blm	Blm	Cover	Cover
GH 2	Cover	Cover	Cover	Cover	Veg/Blm	Blm	Blm	Veg/Blm	Blm	Blm	Cover	Cover
GH 3	Cover	Cover	Cover	Cover	Veg/Blm	Blm	Blm	Veg/Blm	Blm	Blm	Cover	Cover
GH 4	Cover	Cover	Cover	Cover	Veg/Blm	Blm	Blm	Veg/Blm	Blm	Blm	Cover	Cover
GH 5	Cover	Cover	Cover	Cover	Veg/Blm	Blm	Blm	Veg/Blm	Blm	Blm	Cover	Cover
GH 6	Cover	Cover	Cover	Cover	Veg/Blm	Blm	Blm	Veg/Blm	Blm	Blm	Cover	Cover
Water	0	0	0	0	5200	10,400	10,400	10,400	5200	5200	0	0

*Water use as reported in the self-reporting attachment Appendix C or Monitoring & Reporting Form (MRP) of the WWD Enrollment.

Winterization Plan

During the fallow months, exposed ground would be cropped with green cover and native vegetation seed to protect against erosion and denitrification of the soil. Green manures would be incorporated into the native soils to enhance productivity during the forthcoming planting season.

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To mitigate runoff from cultivation activities, high-retention soil mediums and special irrigation techniques would be employed.

Irrigation Plan

For most of the season, crop production would be directly irrigated from two (2) onsite tanks. If approved, the Project has plans for water reduction irrigation systems.

Irrigation System

Applicant is using a direct feed system and would consider design and implementation of a water conservation irrigation methodology.

Emergency Water Plan

In the event of a water emergency, the proposed Project currently features adequate water storage to support emergencies from two (2) onsite water storage tanks. Existing storage is noted on the site plan (see *Site Plan/WRPP Map*).

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Operational Plan

The Operational Plan covers many aspects of the business, including location, organization, and a description of the Project's business sponsor that includes its mission, vision, and values. It also includes a description of what is produced by the Project, including sales and marketing efforts.

Summary

The Operational Plan details use of the organization's resources in pursuit of the strategic plan. It prescribes specific activities and events to be undertaken to implement strategies. It is a plan for the day-to-day management of the organization (encompassing a one-year period). An operational plan should not be formulated without reference to a strategic plan. Operational plans may evolve from year to year with business growth. The chief executive, lead staff, and third parties of or for the organization often produce the Operational Plan.

The products produced by the Project would have the primary designated use of the treatment of patients with varying ailments. Medical cannabis products would be distributed to qualified medical cannabis consumers via wholesale outlets and retail dispensary locations.

Business Organization

Green Leaf Nurseries, LLC is a sole member Limited Liability Company (LLC) operating under entity number 201625910384 that features one member-manager. The member-manager is responsible for delegating primary activities pertinent to the organization's daily and future management.

Management Team

Travis Bowen, Chief Executive Officer.

Business Description

The primary goal of Green Leaf Nurseries, LLC is, within the State of California, to conduct agricultural activities and produce specialty agricultural products.

Mission

Green Leaf Nurseries products to support the medical cannabis supply chain for California-based retail dispensary outlets.

Vision

Green Leaf Nurseries adheres to a sustainable and homestead-driven, integrative farming model that includes standards related to organically produced crops and onsite agricultural resource sustenance. The company's model integrates sustainable living and production principles with cannabis cultivation.

Values

Green Leaf Nurseries values the need for prudent land management strategy, social equity, and the quality production of cannabis to supply medical consumers and the treatment of their conditions. The company is committed to operating within full compliance of local, County, and State regulations.

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Products

Green Leaf Nurseries, LLC would produce specialty agricultural cannabis and nursery stock to support the onsite cultivation of high-grade organically produced cannabis flower products that are tested and assured for quality. Cultivation byproducts of additional value would be sold to permitted manufacturers (for the processing of extracts, concentrates, and topical products).

The primary designated use of the raw medical cannabis (flower) produced would be the treatment of patients with varying ailments. Premium-grade medical cannabis can be consumed via multiple methods, including inhalation, ingestion, and dermal (topical) applications. Cannabis has proven to deliver positive efficacy for myriad ailments, conditions, and symptoms. Research is underway regarding additional benefits of medical cannabis.

Sales & Marketing

Green Leaf Nurseries, LLC's product would be distributed to medical cannabis consumers via wholesale outlets and retail dispensary locations and ancillary marketplaces. The quality, testing thresholds, and branding would target consumers who lead a Lifestyle of Health and Sustainability (LOHAS) and who prefer premium organically produced medicine.

Chain of Custody

Green Leaf Nurseries, LLC adheres to a robust system of chain of custody for recordkeeping and sourcing potential contamination of seed/nursery product, flower product, trim, or value-added byproducts. This system would serve to verify responsibility for and liability of products during cultivation, processing, distribution, and wholesale/retail sales.

Packaging

After testing and processing, products would be packaged per quality control standards and in tamper-proof packaging that does not appeal to minors. Products packaged in larger volumes would be distributed directly to consumers and retail outlets. Individual consumer labelling may be applied at the distributor or retailer level, after transfer of ownership in the chain of custody. If the business chooses to protect its branding through the Agricultural Commissioner, products would be individually packaged and labelled within the County of origin.

Distribution

Green Leaf Nurseries, LLC will secure trading outlets for its products through existing local distribution networks. These distribution networks service retail dispensary outlets that seek licensure within their respective jurisdictions, as well as the State licensing platform under the CDFA. The established patient base has created a demand and fulfills the need for many medical cannabis products from multiple licensed suppliers within the State of California.

Track and Trace Standards

As per the Track and Trace provisions as of June 27th, 2017 under the Medical Adult Use Cannabis Regulation and Safety Act (MAUCRSA), Senate Bill 94.

Chapter 6.5. Unique Identifiers and Track and Trace

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26067. (a) The department, in consultation with the bureau, shall establish a track and trace program for reporting the movement of cannabis and cannabis products throughout the distribution chain that utilizes a unique identifier pursuant to Section 26069, secure packaging, and can provide information that captures, at a minimum, all the following:

(1) The licensee receiving the product.

(2) The transaction dates.

(3) The cultivator from which the product originates, including the associated unique identifier pursuant to Section 26069.

(b) (1) The department, in consultation with the State Board of Equalization, shall create an electronic database containing the electronic shipping manifests to facilitate the administration of the track and trace program, which shall include, but not be limited to, the following information:

(A) The variety and quantity or weight of products shipped.

(B) The estimated times of departure and arrival.

(C) The variety and quantity or weight of products received.

(D) The actual time of departure and arrival.

(E) A categorization of the product.

(F) The license number and the unique identifier pursuant to Section 26069 issued by the licensing authority for all licensees involved in the shipping process, including, but not limited to, cultivators, manufacturers, distributors, and dispensaries.

Transportation

All products would be transported through either the permitted cultivator to processing or distribution and/or via a licensed transporter to trading partners that are authorized to distribute cannabis products to end consumers (when applicable). These transporters would be responsible for adhering to guidelines that involve (but are not limited to) permitting, weights and measures, packaging/packing/labeling, verification of packing and freight volumes, and liability insurance that covers product loss resulting from unintentional diversion or emergency.

Transporters would be responsible for fulfilling contractual deadlines and ensuring delivery of products in a timely fashion to maintain positive standing with trading partners and protect the quality of a product that features a limited shelf life.

SB-643, Chapter 719, § 19302.1 (d): "The DCA shall have the sole authority to create, issue, renew, discipline, suspend, or revoke licenses for the transportation, storage unrelated to manufacturing activities, distribution, and sale of medical marijuana within the State and to collect fees regarding

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activities the BMCR regulates. The bureau may create licenses in addition to those identified in this chapter that the bureau deems necessary to effectuate its duties under this chapter."

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Processing Plan

The Processing Plan covers many aspects of the end stage cultivation workflow employed by the business to harvest, dry, trim, cure, package, and assure the quality of medical cannabis products. Quality assurance efforts include sanitation, dust control, and environmental standards necessary for optimal processing.

Background

As promulgated under various regulatory agencies, including but not limited to the Labor Commissioner (LC) and Wage and Hour Division (WHD), Employment Development Department (EDD), the Agricultural Labor Relations Board (ALRB), United States Department of Agriculture (USDA), the Food and Drug Administration (FDA), California Department of Food and Agriculture (CDFA), and are responsible for varying aspects of government labor laws, quality control, minimum wage and hours laws, administrative responsibilities, and health and safety regulations that govern processing and day labor activities related to Agricultural industries.

Summary

Sponsor proposes to process product off-site and/or wholesale direct to manufacturer. Project will be owner operated solely, if this plan changes, then sponsor will adhere to the following standards.

Cultivation activities undergo a common process flow that involves cultivation, to harvest, drying, to testing, grading/sorting, curing, to testing, packaging, to testing again (distributor level), and end sales. This is in efforts to ensure robust quality control; the business would employ stringent grading and sorting of medical cannabis product during harvest to eliminate any contaminated product from end supply.

Administrative

Administrative elements of the Project include payroll, recording and reporting, chain of custody, safety procedures and protocols, product safety materials, labor and subcontractor issues, and quality assurance/control of product.

Labor Management

The primary organization that would be responsible for the recordkeeping of employees (both seasonal and permanent) would be Green Leaf Nurseries, LLC. All records maintained by Green Leaf Nurseries, LLC would be made available upon request.

The organization has considered payroll options for peak times of the season during which employment periods would be up to several months in duration (particularly during the harvesting, processing, and packaging stages of cultivation). An outside entity may be responsible for soliciting, recruiting, and hiring employees.

The designated entity is responsible for ensuring property, business, and workplace compliance under the guidelines of the following departments:

- Bureau of Medical Marijuana Regulation (BMCR).
- California Department of Food & Agriculture (CDFA).
- County Agriculture Commissioner (CAC).

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- County Planning Department (CPD)/Community Planning (CP)/Development Department (DD).
- Department of Industrial Relations (DIR).
- Department of Labor, Wage, and Hour Division (DL-WHD).
- Department of Pesticide Regulation (DPR).
- National & California Agricultural Labor Relations Board (NALRB/CALRB).
- Occupational Safety and Health Administration (OSHA).
- U.S. Department of Labor (US-DOL).

Recording & Reporting

All employee records for hours worked and reported would be kept onsite or via a payroll recordkeeping center and submitted to the managing payroll department to ensure timely reporting. Requests for review of payroll records would be the sole responsibility of the managing human resources agent (upon request and under certain lawful circumstances).

Quality Assurance & Control of Product

Quality assurance efforts encompass sanitation, climate control, dust control, and a variety of environmental standards. Quality control measures include monitoring, testing, harvesting, drying, curing, grading, sorting, packaging, secure storage, and distribution procedures.

In 2011, the Food and Drug Administration tasked the U.S. Department of Agriculture (USDA) to co-create with the U.S. Department of Health and Human Services (USDHHS) and the Center for Food Safety and Applied Nutrition (CFSAN) a program to implement Good Agricultural Practices (GAPs) and Good Handling Practices (GHPs). The goal was to mitigate food safety hazards and set standards and management regulations for processing facilities to ensure quality and consumer safety of agricultural products when handled in processing environments.

Found in the April 2011 *Guide to Minimize Microbial Food and Safety Hazards for Fresh Fruit and Vegetables* (authored by the USDA, USDHHS, and CFSAN) is discussion about the fundamental procedures that should be developed and implemented. This document features a list of principles applied to the workplace in efforts to meet these standards and is as follows:

- Accountability for product quality.
- Controls for workplace sanitation.
- Employee hygiene.
- Minimization of microbial exposures.
- Operating procedures.
- Packaging procedures and protocols.

Chain of Custody

Agricultural businesses must adhere to a rigorous chain of custody system for product management and the identification of contamination in all raw and finished products.]

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Monitoring

Pre/post-harvest workflow would be monitored on a predetermined schedule and involve documentation of the condition of the product during its active stage of monitoring.

Harvesting

During harvest, a labor crew would be required to assist with light physical labor, including walking, crouching, lifting, and some climbing.

Testing Procedure

All product testing would be conducted by an approved (certified) third-party laboratory. This would encompass testing for potency and purity, including the presence of pesticides, fungicides, and harmful micro biologics.

Drying/Curing

Product would be harvested at maturity and dried and cured in a climate-controlled environment. The primary equipment used would include dehumidifiers, fans, and heaters.

Grading/Sorting

Products would be graded based on testing results, maturity, and specific intended use (flower, manufacturing of extracts, concentrates, topical products, etc.)

Processing

Product would be harvested, trimmed, dried, and cured in a manner best suited to the specific environmental factors of the crop. This would include both visual inspections by master cultivators and data collection and analysis (via automated sensors).

Packaging

Packaging would adhere to the guidelines for package type, quantity/weights, warning labels, and stamping procedures.

Health & Safety

The first response emergency contact phone number is 9-1-1. Hospitals are Redwood Memorial Hospital at 707-726-1001 (Fortuna) and St. Joseph Hospital at 707-445-8121 (Eureka). The American Association of Poison Control Centers (AAPCC) can be reached at 800-222-1222.

Job Hazard Analysis

Labor duties would vary throughout the harvesting, drying, processing, and packaging stages of the operation. With each task, an analysis would be conducted to identify potential hazards associated with a task, including weather conditions, the physical aptitude of employees, tools utilized, and potential exposure to chemicals and other substances. Identification of these hazards is intended to mitigate potential job hazards and help ensure employee adherence to safety practices.

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Injury Illness Prevention Plan

It is required by the DIR that every employer shall establish, implement, and maintain an effective Injury and Illness Prevention Plan (IIPP).

Components of an IIPP include:

- Employee compliance with safe and healthy work practices.
- Investigation of injuries and/or illnesses.
- Procedures for correction of unsafe/unhealthy conditions, work practices, and/or procedures.
- Procedures to identify and evaluate workplace hazards.
- Responsible person(s) and contact information.
- Safety training.
- System for communication with employees.
- Thorough safety program recordkeeping and document retention practices.

Heat Illness Prevention Plan

Written protocols regarding heat illness prevention would be available to employers, managers, supervisors, and employees regarding how to prevent and handle heat illness incidents.

To prevent heat illness to employees in the field, several factors must be considered:

- Ambient temperature (measured via thermometer or weather report).
- Crew size.
- Excessive clothing.
- Other relevant exposures.
- Presence of personal protective equipment or additional sources of heat.
- Work shift duration.

The following heat illness factors would be considered:

- Accessibility of drinking water.
- Accessibility of shade (via protective structures).
- Periodic rest breaks.
- Reminders to employees to remain hydrated.

Hazard Communication Policies

Hazard communication is important to ensure the safety of all onsite employees, contractors, and subcontractors. Potential and known hazards would be made clear prior to conducting tasks and activities. Implementing this procedure is important to ensure that employees, contractors, and subcontractors are informed about the relevant risks associated with certain onsite tasks and the reduction of liabilities against the employer for improper use of equipment, machinery, and tools.

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Emergency Procedures

Emergency procedures include the availability of eye washing stations and detailed procedures for dealing with chemical spills. In the event of an emergency, certain protocols would be developed and followed regarding fire evacuation plans, earthquake safety, and other emergency scenarios.

Chemical Handling

Any input products used onsite would be accompanied by MSDS and Chemical Inventory Lists that would be available to inspectors and employees and maintained onsite.

In the event of emergency spills, call 9-1-1 and then report to the Office of Environmental Safety (OES) and California State Warning Center (CSWC) at 800-852-7550 or 916-845-8911 and identify proper steps to isolate the incident and cleanup.

Eye Washing Station

Often, chemicals used onsite provide MSDS sheets that indicate the need for applicators to utilize an eye washing station after exposure. The eye washing station must be positioned within 200' of the cultivation area and any areas where chemicals, fertilizers, or pesticides would be used or administered for various applications.

Employee Accident Policies

An investigation would be conducted to determine next steps.

The company adheres to protocols for employee accident reporting. The manager is responsible for documenting any onsite incidents using *Form 5020*, including:

- Address of accident/event site.
- Description of accident/event and if the accident scene/instrumentation has been altered.
- Employer's name, address, and telephone number.
- Law enforcement agencies present at the accident/event site.
- Location of medical treatment.
- Name and address of injured employee(s).
- Name and job title of reporting party.
- Name of contact person at accident/event site.
- Nature of injuries.
- Time and date of accident/event.

Accidents need to be reported immediately to Cal/OSHA in Redding at 530-224-4743.

Contact the business' medical provider, the employee's designated medical provider, or 9-1-1, depending on the severity of the incident. Follow up with contact to the California Division of Workers' Compensation (CDWC).

Personal Protective Equipment Policies

Application of pesticides and fungicides requires personal protective equipment, including respirators, Tyvek suits, and gloves. It is the applicator's responsibility to ensure safety in the field. The farm manager

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is responsible for furnishing, applying, and informing of the appropriate uses associated with such products.

Applicators are required to acquire an Operator ID through the Agriculture Commissioner via the Pesticide Handling Training Program (PHTP). This would involve training applicators about labels, cautions, and recommended Personal Protective Equipment (PPE). Pesticide PPE would be stored onsite and separately from fertilizers, pesticides, and fungicides. Restricted Entry Intervals (REI) would be imposed and posted after application of chemicals to prevent exposures.

Additional PPE provided onsite for any processing labor would include access to gloves and dust masks by employees during drying, processing, and packaging.

It is the responsibility of managers/supervisors to ensure that PPE policies are followed during appropriate working conditions. In the event of product application by an employee, the applicator must be designated an operator ID and is required to employ the proper PPE during application, as well as abide by label warnings in the event of exposure, poisoning, or a spill.

Processors may be required by State law to employ PPE equipment for the duration of their shifts to ensure no exposure to and/or contamination from a product.

All laborers must be made aware of REI and tangible notification of the recommended REI after the application of pesticides, fungicides, and other chemical applications.

Occupancy & Structural Guidelines

The general environments in which laborers would work include the field and within the proposed processing building. The environments in which any agricultural activity would occur would follow all guidelines (per agricultural and labor oversight agencies). The facility would need to meet commercial building standards in accordance with California Building Codes and would be made compliant with the American with Disabilities Act (ADA) and Architectural Barriers Act (ABA).

Any housings, buildings, and structures would be subject to California Building Code (CBC), including possible permitting requirements, inspections, and certificate(s) of occupancy. Additionally, specific exemptions exist that pertain to agricultural standards under the Occupational Safety and Health Administration (OSHA) and in conformance with the Occupational Safety and Health Guidelines (OSHG) (unless the Project meets certain exemptions, such as being a family-owned and operated business, does not offer temporary labor housing, or employs fewer than 10 employees at any given time). In other such cases, the site would need to comply with OSHA Guidelines pertaining to agricultural employment.

Project Processing Environment

No processing activities will occur on site. Sponsor proposes to build legal easement to access barn on adjacent Parcel No. 208-341-020 for drying and processing activities.

The Plot Plan includes a personal residence. It is expected that structures for this project would support a maximum of (four) 4 people during peak activities. Applicant may propose additional structural development to accommodate enhanced operational needs.

Housing

A personal residence supports the site and is not extended to employees.

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Any housing provided to employees for this Project will be subject to CCR regulations found in the *Source Guide for Federal & State Requirement for Employees and Migrant Housing*.

Notification of Occupancy & Terms

As per the DIR and the US-DOL, all notices and labor postings would be provided and visible to all onsite employees. Any notification of occupancy status and terms of employee occupancy would be posted in compliance with all local, State, and Federal laws governing agricultural employers under the following regulatory bodies and regulations:

- California Agricultural Labor Relations Act (CALRA).
- California Occupational Safety & Health Administration (Cal/OSHA).
- Department of Industrial Relations (DIR).
- State and National Agricultural Labor Relations Board (CLRB & NLRB).
- U.S. Department of Labor (US-DOL).

Maintenance of Sanitary Facility

To help ensure the quality of finished product, a clean working environment would be maintained during the drying, curing, processing, and packaging stages of cultivation. Among other benefits, this would prevent potential contamination between crop batches. All product would be batch tested prior to processing. In the event of a recall, it would be assured that each batch or variety has not become contaminated during these stages within the processing facility.

Dust Control Measures

In the event of high dust levels, all processing environments would maintain clean working areas to prevent potential dust exposure to employees.

To ensure product quality and to prevent potential contamination of processing environments, certain dust control measures would be implemented. These measures would include maintenance of sanitary working environments and possible implementation of air filtration systems.

Water Access & Facilities

The Project site would provide employees with access to the following facilities/resources within reasonable proximity to work areas:

- Handwashing facilities (residence).
- Onsite potable water (residence).
- Restroom facilities (residence).

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Contingency Plan

In accordance with specifications provided by the DEH and the California Unified Program Act (CUPA)—to meet the business plan criteria required to ensure compliance with regulations that are intended to protect public health and the environment—this section addresses water production (including well construction) and the handling of onsite wastewater, solid waste, and hazardous materials.

Summary

The Contingency Plan addresses onsite wastewater and hazardous wastes, solid waste removal and recycling, water production and well construction, hazardous materials handling, agricultural product storage, and chemical spill procedures and handling guidelines.

Material Safety Data Sheets (MSDS) for all fertilizers, soil amendments, and pesticides would be made available onsite. If requested, all equipment maintenance performed onsite would be listed/described. Per California Department of Food and Agriculture (CDFA) regulations, chemicals would be stored separately from fuels, oils, and similar products. Fertilizers and pesticides, specifically, would be stored in locked containment within an outdoor structure.

Chemical spills would be handled and reported per directions in the Project's Chemical Spill Procedure.

Common waste products that would be used or generated onsite include:

- Fertilizers.
- Fuels.
- Household chemicals.
- Human refuse.
- Human waste.
- Pesticides/herbicides/fungicides.

To ensure mitigation of potential pollution of grounds, nearby waterways, and ecological habitats, the proper treatment, storage, removal, and overall security of potentially polluting products would be ensured via use of dedicated areas and containers that are covered and watertight.

Project Waste Management

The sections below address the Project-specific details, impacts, and procedures for handling waste products.

Project Specific Details

A primary residence supports the site. Site activities will be supported by PG&E power.

Onsite Wastewater/Hazardous Wastes

The proposed Project location is equipped with a septic system that is plumbed to the main residential structure. Persons would utilize the primary septic system for regular uses. Now, no record of permit or data is available to agent exists regarding age or specifications of the system. Further inspections may be required to identify the septic system's ability to support increased use during peak seasonal work times and whether it requires an upgrade to meet commercial standards.

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The Sponsor has identified that the operation requires zero (0) employees and one (1) operator to perform seasonal work activities. It is estimated that activities would occur throughout the active working parts of the season.

Waste Management Standards

As per the CCR, Title 8, § 3457, which addresses field sanitation standards, the cultivation site is required to provide access to waste facilities within one-quarter (1/4) mile or a five (5) minute walk, whichever is shorter.

If the primary septic system is not within this accessibility threshold, a portable facility or pit privy may be provided in lieu of septic to support waste activities. The standards for portable waste facilities are as follow:

- Toilet facilities: Shall be always operational, maintained in a clean and sanitary condition, and kept in good repair. Records of service and maintenance shall be retained for two years.
- Chemical toilet wastewater tank: Shall be constructed of durable, easily cleanable material and have a minimum tank capacity of forty (40) gallons. Construction shall prevent splashing on the occupant, field, or road.
- Chemical tanks: Contents shall be disposed of by draining or pumping into a sanitary sewer, an approved septic tank of sufficient capacity, a suitably sized and constructed holding tank approved by the local health department, or any other method approved by the local health department.
- Privies: Shall be moved to a new site or taken out of service when the pit is filled within two (2) feet of the adjacent ground surface. When the privy is moved, the pit contents will be covered with at least two (2) feet of well-compacted dirt.

Solid Waste Removal/Recycling

All garbage will be contained within a holding structure and is to be removed no less than once per week. All waste and/or recycling materials will be processed by a permitted solid waste/recycling facility. The facility designated to receive waste products for this project is Eel River Resource Recovery.

Water Production/Well Construction

The Project is supported by two (2) water storage tanks (see plot plan for location). The two (2) water storage tanks currently support all domestic and cultivation uses.

Approximated water use for activities are denoted within the *Cultivation Schedule* under the Cultivation Plan below. Monthly monitoring and annual reporting must be implemented to identify actual total uses for domestic and cultivation activities.

Hazardous Materials Handling

The Project is supported by PG&E utilities and does not require fuels to supply the domestic energy needs of the structures or cultivation activities. Other fuels may be used for small equipment and machinery and may include gasoline, oils, and diesel. All fuels used for equipment would be stored per the (CUPA) fuel and chemical storage guidelines.

To meet environmental health standards, applicants must maintain a list of and describe all compressed gases, cleaners, and sanitizers (including, but not limited to, household chemicals, bleach, and alcohol) and

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document quantities stored onsite. Fuels, pesticides, and other agricultural/household chemicals are required to be stored in locked containment, separate from other input products. Any substance in use shall be accompanied by a posted notification that clearly identifies its nature. To prevent spills onto ground surfaces, any motors, fuel containers, etc. would be stored in drop pans and within an enclosed area.

Hazardous Material Standards

Quantities that trigger disclosure are based on the maximum amount onsite at any one time, as follows:

- 55 gallons, 500 pounds, or 200 cubic feet (for 30 days or more at any time during a year).
- Any amount of hazardous waste.
- Category I or II pesticides.
- Explosives.
- Extremely hazardous substances (above the planning threshold).

MSDS for all fertilizers, soil amendments, and pesticides (including organically produced examples) would be furnished and made available onsite. Compressed gases, cleaners, and sanitizers are stored on the premises in the quantities outlined in the *Gases and Cleaners* inventory list that is maintained onsite.

Applicants are required under CUPA guidelines to list/describe all equipment maintenance performed onsite (including changing oil, antifreeze, etc.). Upon request, applicant will furnish information regarding ongoing maintenance of small machinery and equipment that is necessary to support cultivation activities.

Project Equipment Inventory

- One (1) John Deer Skid Steer

Maintenance

Offsite

Project Product Inventory

Household Chemicals (Residence)

- 1-Gallon Bleach
- 1-Gallon Isopropyl Alcohol

Fuels/Oils (Proposed Storage Shed)

- Two Stroke Oil
- One (1) 40-gallon Truck Mounted Fuel Tank
- One (1) 1-Gallon Gas Can

Fertilizers/Pesticides/Fungicides/Rodenticides (Proposed Storage Shed)

- Two (2) 55-gallon Big Bang Bloom Drums
- Organabliss

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Agricultural Product Storage

As per the DPR (enforced by CDFA or the local Agriculture Commissioner), Projects that utilize pesticides and fertilizers must meet guidelines pursuant to CCR, § 6670, Title 3, Division 6, *Pesticide, and Pesticide Control Operations*. General guidelines dictate that chemicals are to be stored separately from fuels, oils, and similar products. Fertilizers and pesticides would be stored in locked containment within an enclosed outdoor structure.

Chemical Spill Procedure/Handling

In the event of emergency spills, the incident would be reported to the Cal OES State Warning Center at 800-852-7550 or 916-845-8911. The California Highway Patrol must be notified via 9-1-1 of spills occurring on highways in the State. The *Chemical Spill Procedure* would be followed and emergency services also contacted via 9-1-1. The procedure would follow the California Office of Emergency Services (Cal OES) *California Hazardous Materials Spill/Release Notification Guidance* (February 2014) and the (EPA) (Pacific Southwest, Region 9) *Chemical Spills Prevention and Preparedness* webpage.

In the State of California, many statutes require emergency notification of a hazardous chemical release, including:

- California Labor Code § 6409.1 (b).
- Government Code § 51018, 8670.25.5 (a).
- Health and Safety Code § 25270.8, § 25510.
- Public Utilities Code § 7673 (General Orders #22-B, 161).
- Title 42, U.S. Code § 9603, 11004.
- Vehicle Code § 23112.5.
- Water Code § 13271, § 13272.

In addition to statutes, several agencies have notification or reporting regulations:

- Title 8, CCR, § 342.
- Title 13, CCR, § 1166.
- Title 14, CCR, § 1722 (h).
- Title 17, CCR, § 30295.
- Title 19, CCR, § 2703, 2705.
- Title 22, CCR, § 66265.56 (j), § 66265.196 (e).
- Title 23, CCR, § 2230, 2250, 2251, 2260.
- Title 40, CFR, § 263 esp. § 263.30.
- Title 49, CFR, § 171.16.

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Security Plan

The Project's *Security Plan* includes product security, inventory management, and diversion prevention. Pertinent regulatory language includes the following:

Assembly Bill 604 (AB-604), Article 3, Mandatory Commercial Registration, § 26040 (5): "Security requirements, including, but not limited to, procedures for limiting access to facilities and for the screening of employees. The department shall require all registrants to maintain an accurate roster of any employee's name, date of birth, and relevant identifying information, which shall be available for inspection by the department or State or local law enforcement upon demand."

AB-604, Article 3, Mandatory Commercial Registration, § 26046 (a)(3): "Operating and inventory control procedures to ensure security and prevent diversion."

AB-604, Article 3, Mandatory Commercial Registration, § 26046 (a)(4): "Detailed operating procedures for the proposed facility, which shall include, but not be limited to, provisions for facility and operational security, prevention of diversion, employee screening, storage of medical cannabis, personnel policies, and recordkeeping procedures."

Summary

The Security Plan details efforts to prevent loss and diversion of medical cannabis product at all stages of its cultivation and processing, including drying, trimming, curing, processing, and packaging. Robust recordkeeping would be implemented and maintained for quality assurance, inventory management, and prevention of diversion.

Measures of Security

Several security measures would be involved in the comprehensive protection of medical cannabis product during the cultivation and processing lifecycles. These include exterior lighting, alarms, cameras and video capture, and the hardening of doors, windows, and fencing.

Security measures for this project would encompass, at a minimum:

- Locked containment for product processing and storage (to be developed).
- Multiple locked gates at all cultivation areas and processing buildings (*see site plan*).
- Surveillance and monitoring systems (to be developed as per the State's requirements).
- Alarm System

Points of Security

- Property Wide Video Surveillance.
- Alarm System.
- Locked Gate.

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Inventory Management

A rigorous system of recordkeeping and reporting would be facilitated to adhere to the State's Track and Trace requirements of all cannabis products. This would include (but not be limited to) flower, trim, and stem to ensure zero diversion of product throughout processing.

To prevent loss and diversion, all cannabis products would be stored under locked containment during the drying, curing, and packaging phases of processing. Products would also be subject to conformance with a checks and balances system to ensure the prevention of unintentional diversion.

Prevention of Diversion

The most vulnerable stage of product security is transit to retail outlets. The best way to ensure product safety and prevention of diversion and loss is to maintain adequate chain of custody records via the Agricultural Commissioner.

This would occur under the oversight of the CDFA, in congruence with State's Track and Trace Program. Additionally, retail outlets would be informed of expected delivery quantities. This would include packing slips, tamper-evident seals, verification of credibility, liability coverage, and manifests provided by licensed transporters.

Casings

Casing #	Depth from Surface Feet to Feet		Casing Type	Material	Casings Specificatons	Wall Thickness (inches)	Outside Diameter (inches)	Screen Type	Slot Size if any (inches)	Description
	0	20	Blank	Low Carbon Steel	N/A	0.188	8.625			•
2	0	80	Blank	Low Carbon Steel	N/A	0.188	6.625			•
2	80	160	Other: KNIFE	Low Carbon Steel	N/A	0.188	6.625		0.25	•
2	160	180	Blank	Low Carbon Steel	N/A	0.25	6.625			•
2	180	200	Other: KNIFE	Low Carbon Steel	N/A	0.25	6.625		0.25	•

Annular Material

Depth from Surface Feet to Feet		Fill	Fill Type Details	Filter Pack Size	Description
0	20	Bentonite	Non Hydrated Bentonite		3/8 HOLE PLUG
20	200	Other Fill	See description.		NO ANNULAR FILL

Other Observations:

Borehole Specifications

Depth from Surface Feet to Feet		Borehole Diameter (inches)
0	20	13
20	200	7.475

Certification Statement

I, the undersigned, certify that this report is complete and accurate to the best of my knowledge and belief

Name: WATSON WELL DRILLING, INC.
Person, Firm or Corporation

500 Summer Street — Address
Eureka — City
CA — State
95501 — Zip

Signed: *electronic signature received* — C-57 Licensed Water Well Contractor
08/08/2018 — Date Signed
1014048 — C-57 License Number

DWR Use Only

CSG #	State Well Number	Site Code	Local Well Number

N — Latitude Deg/Min/Sec

W — Longitude Deg/Min/Sec

TRS:

APN:

Form DWR 188 rev. 12/19/2017

State of California

Well Completion Report

Form DWR 188 Submitted 8/8/2018

WCR2018-006592

Owner's Well Number WELL #2 Date Work Began 07/30/2018 Date Work Ended 08/01/2018

Local Permit Agency Humboldt County Department of Health & Human Services - Land Use Program

Secondary Permit Agency Permit Number 17/18-1292 Permit Date 02/15/2018

Well Owner (must remain confidential pursuant to Water Code 13752)

Name TRAVIS BOWEN

Mailing Address PO BOX 354

City CAVE JUNCTION State OR Zip 97523

Planned Use and Activity

Activity New Well

Planned Use Water Supply Domestic

Well Location

Address 46255 STATE HWY 36

City BRIDGEVILLE Zip 95526 County Humboldt

Latitude N Longitude W

Deg. Min. Sec. Deg. Min. Sec.

Dec. Lat. 40.4802341 Dec. Long. -123.5709737

Vertical Datum Horizontal Datum WGS84

Location Accuracy Location Determination Method

APN

Township 01 N

Range 05 E

Section 11

Baseline Meridian Humboldt

Ground Surface Elevation

Elevation Accuracy

Elevation Determination Method

Borehole Information

Orientation Vertical Specify

Drilling Method Other - CASING ADVANCE Drilling Fluid Air

Total Depth of Boring 200 Feet

Total Depth of Completed Well 200 Feet

Water Level and Yield of Completed Well

Depth to first water 100 (Feet below surface)

Depth to Static Water Level 77 (Feet) Date Measured 08/01/2018

Estimated Yield* 70 (GPM) Test Type Air Lift

Test Length 4 (Hours) Total Drawdown (feet)

*May not be representative of a well's long term yield.

Geologic Log - Free Form

Depth from Surface Feet to Feet		Description
0	25	BROWN SHALE WITH CLAY
25	70	BLUE SHALE WITH CLAY
70	200	GRAYISH BLUE SHALE WITH QUARTZ

Form DWR 188 rev. 12/19/2017

Green Leaf Nurseries

Cultivation Permit #12776

Addendum to Operations Manual

Changes from original operations manual:

- Green Leaf Nurseries will cultivation 7,959 square feet of cannabis.
- The adjusted cultivation area is marked on the attached Site Plan.

Water:

Water usage for the 7,959 square feet of cultivation is anticipated to use 85,000 gallons of water annually. The source of water for the cultivation and nursery is a non-hydrologically connected permitted well on an adjacent property (208-341-020) to which the property owner, Sensi Valley Inc, has legal rights. No forbearance period is applicable.

CDFW LSAA-1600 has been issued.

Estimated water usage (gallons per day) for Green Leaf Nurseries:

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec
Nursery	5000	5000	5000	5000	5000	5000	5000	5000	5000	5000	5000	5000
Cultivation	0	0	0	5000	5000	15000	15000	15000	15000	15000	0	0

ATTACHMENT 5

REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

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

Referral Agency	Response	Recommendation	Location
Building Inspection Division	✓	Conditional Approval	Attached
Division Environmental Health	✓	Conditional Approval	On file
Humboldt County Sheriff	✓	Approval	On file
Public Works, Land Use Division	✓	Conditional Approval	On file
CalFIRE	✓	Conditional Approval	On file
State Water Resources Control Board – Division of Water Rights	✓	Conditional Approval	On file
Northwest Information Center	✓	Further Study	On file and confidential
Bear River Band THPO	✓		On file and confidential
California Department of Fish & Wildlife	✓	Conditional Approval	Attached
USFS - Six Rivers National Forest	✓	Denial	Attached
Humboldt County Agricultural Commissioner		No response	
Humboldt County Counsel		No response	
Humboldt County District Attorney		No response	
Ruth Lake Community Services District		No response	
Ruth Lake Fire Protection District		No response	
North Coast Regional Water Quality Control Board		No response	
North Coast Unified Air Quality Management District		No response	
Southern Trinity Joint Unified School District		No response	

Pre-Site Inspection

Status: Yes

History

PRE-SITE

Project Started

(•) Yes ( ) No

Plans Stamped by Licensed Prof Required

( ) Yes ( ) No

AOB Inspection

( ) Yes (•) No

Soil Report Required

(•) Yes ( ) No

Soil Required Due to

Site Conditions

FIRM panel number

(Text)

Project is in flood zone A

( ) Yes (•) No

Flood elevation certificate required

( ) Yes (•) No

2nd Flood Certificate Required

( ) Yes (•) No

Project appears to be within wet area

None

SRA requirements apply

(•) Yes ( ) No

Appr.SRA req. need to be shown on plot plan

(•) Yes ( ) No

SRA water storage requirements apply

( ) Yes (•) No

Driveway slope appears to be

Under 16%

Grading permit required

( ) Yes (•) No

Submit engineered foundation for

None

Erosion and sediment control measures required

None

Applicant must locate property lines

(•) Yes ( ) No

Lot created prior to 1992

( ) Yes ( ) No

Plot plan incomplete, must be revised

(•) Yes ( ) No

Incomplete Submittal Construction Plan

(•) Yes ( ) No

Other concerns exist

( ) Yes (•) No

Standard Comment

RM
12-14-18
-Revise site map to show fire truck turnaround (<150ft driveway), proposed greenhouses, building H as not associated with cannabis, and remove proposed well.

check spelling

Attachment(s) :

COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING
3015 H STREET, EUREKA, CA 95501 ~ PHONE (707) 445-7245

RECEIVED
JUN 25 2019

6/12/2019

Project Referred To The Following Agencies:

Building Inspections, AG Commissioner, County Counsel, District Attorney, Environmental Health, Sheriff, PW Land Use, Ruth Lake :CSD, RWQCB, NCUAQMD, S. Trinity JUSD:School District, Cal Fish & Wildlife, CalFire, CA Division of Water Rights, Bear River Band, NWIC, Other, Six Rivers National Forest:US Forest Service, Ruth Lake CSD:FPD

Applicant Name Green Leaf Nurseries, LLC **Key Parcel Number** 208-341-023-000

Application (APPS#) PLN-12776-SP Historic Planning **Assigned Planner** Elizabeth Schatz

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

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

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

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

Return Response No Later Than: 6/27/2019

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

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

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

☐ Recommend Conditional Approval. Suggested Conditions Attached.

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

☒ Recommend Denial. Attach reasons for recommended denial.

Other Comments: Transportation of cannabis products over Forest Service lands is illegal (see attached letter) we therefore recommend denial of a County Conditional Use Permit.

DATE: 21 June 2019 PRINT NAME: George Frey - Lands + Minerals Specialist

PLN-12776-SP Green Leaf Nurseries, LLC October 17, 2019 Page 79

USDA United States Department of Agriculture
Forest Service
Pacific Southwest Region
Six Rivers National Forest
1330 Bayshore Way
Eureka, CA 95501
707-442-1721
TDD: 707-442-1721
Fax: 707-442-9242

File Code: 1500
Date: August 29, 2018

Michelle Nelson
Planning and Building Department
Humboldt County
3015 H Street
Eureka, CA 95501

Dear Ms. Nelson:

Thank you for providing the USDA Forest Service with the opportunity to provide input to Humboldt County's land use regulations governing cannabis cultivation on private property as they relate to National Forest System (NFS) lands.

The use, cultivation and transportation of cannabis on Forest Service lands is illegal. The Comprehensive Drug Abuse Protection and Control Act of 1970, and more specifically Title II of the act (the Controlled Substances Act), lists cannabis as a Schedule 1 drug. The Forest Service does not have discretion to permit activities on NFS lands that will violate the Controlled Substances Act or any other federal law. The Forest Service cannot authorize any activities related to cannabis operations on public land, such as the cultivation, production, transportation, or distribution of supplies or product.

We recommend that applicants for county cannabis permits who are adjacent to or near Forest Service lands have their parcels surveyed by a professional land surveyor to ensure their operations are not trespassing upon or causing impacts to federal lands. Individuals that cause resource damage, including soil erosion and contamination to Forest Service administered lands from illicit acts including the manufacture of cannabis, may be subject to federal criminal and/or civil action. Permit applicants should be aware that transporting cannabis across an existing right of way on federal lands to access a private parcel, is also illegal under federal law, and violators could face federal criminal action.

We appreciate the opportunity to comment on the county's cannabis-use regulations. If you need further information on this subject, please contact me at (707) 441-3531.

Sincerely,

MICHAEL A. GREEN
Acting Forest Supervisor

PLN-12776-SP Green Leaf Nurseries, LLC October 17, 2019 Page 80

Applicant: Emily Talentino		Date: 4/12/2019	
APPS No.: 15154/12776	APN: 208-341-023	DFW CEQA No.: 2019-0166	Case No.: ZCC
☒ New ☒Existing	Proposed: ☒ Distribution and Nursery (SF): 7,500 + 10,000 outdoor		

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

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

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

☐ Recommend Conditional Approval. Suggested conditions below.

☐ Applicant needs to submit additional information. Please see the list of items below.

☐ Recommend Denial. See comments below.

Please provide the following information <u>prior to Project Approval</u>: *(All supplemental information requested shall be provided to the Department concurrently)*

☒ Provide additional information on the water source(s) for the parcel(s) including both domestic use and irrigation.

a. If the source is a well(s), provide a copy of the well completion log.

☒ If the project proposes ground disturbing activities, include protocol level surveys, conducted by a qualified botanist, for any California Rare Plant Ranked Species that may be present within 200 feet of the proposed project site. See: https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959&inline=1

☒ If the project proposes to remove vegetation, include a description of the type of vegetation, amount (in square feet), and location.

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

☒ Water for this Project is sourced from a groundwater well. It is estimated that water use may be as high as 250,000 gallons per year. CDFW requests that the groundwater well be inspected annually to evaluate drawdown, and the potential for the well to go dry. This evaluation should include a standard pump test or other standard procedure to be conducted during the dry season. Evaluation of the pump test results should be conducted by a licensed professional with expertise. Since the County is the lead agency on land use and associated groundwater well use and management, planning staff should evaluate the location and water use of other proximal wells to this Project and require storage as necessary to avoid excessive aquifer drawdown. CDFW recommends additional water storage at this site in the event that the well does not produce in perpetuity.

☒ All artificial light used for cannabis cultivation, including indoor and mixed-light cultivation, shall be fully contained within structures such that no light escapes (e.g., through blackout curtains). Structures shall be enclosed between 30 minutes prior to sunset and 30 minutes after sunrise to prevent disruption to

crepuscular wildlife. Security lighting shall be motion activated and comply with the International Dark-Sky Association standards and Fixture Seal of Approval Program; see: https://www.darksky.org/our-work/lighting/lighting-for-citizens/lighting-basics/. Standards include but are not limited to the following, 1) light shall be shielded and downward facing, 2) shall consist of Low Pressure Sodium (LPS) light or low spectrum Light Emitting Diodes (LED) with a color temperature of 3000 kelvins or less and 3) only placed where needed.

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

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

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

☒ Human induced noise pollution may adversely affect wildlife species in several ways including abandonment of territory, loss of reproduction, auditory masking (inability to hear important cues and signals in the environment), hindrance to navigation, and physiological impacts such as stress, increased blood pressure, and respiration. To avoid disturbance, CDFW requests, as a condition of project approval, the construction of noise containment structures for all generators parcel; noise released shall be no more than 60 decibels measured from 100ft.

☒ This project has the potential to affect sensitive fish and wildlife resources such as mammals, birds, and other riparian species.

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

Sincerely,

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