



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

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Phone: (707)445-7541 Fax: (707) 268-3792

Hearing Date: October 17, 2019

To: Humboldt County Planning Commission

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

Subject: **Danny King, Conditional Use Permit**  
Record Number PLN-12231-CUP  
Assessor's Parcel Number 206-451-002  
467 Corbett Ranch Lane, Carlotta, CA

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

## AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
October 17, 2019	Conditional Use Permit	Portia Saucedo

**Project Description:** A Conditional Use Permit for 5,000 square feet new outdoor commercial cannabis cultivation within five (5) greenhouses. Water is sourced from an onsite permitted groundwater well. Proposed water usage for irrigation is 19,540 gallons annually. Proposed water storage is 4,500 gallons in three (3) tanks. One (1) to (2) seasonal employees proposed. Processing is proposed to occur off-site at a third-party licensed facility. The power source is PG&E.

**Project Location:** The project is located in the Carlotta area, on the south side of State Highway 36, approximately 0.25 miles south from the intersection of Corbett Ranch Lane and State Highway 36, on the property known as 467 Corbett Ranch Road.

**Present General Plan Land Use Designation:** Carlotta/Hydesville Community Plan (CHCP), Agricultural Exclusive (AE), Residential Agriculture (RA10), Density: 10 acres per dwelling unit, Slope Stability: Low Instability (1).

**Present Zoning:** AE-B-7(2.5), Agriculture Exclusive (AE), Special Building Site (B-7), 2.5 acre minimum parcel size

**Record Number:** PLN-12231-CUP

**Assessor Parcel Number:** 206-451-002-000

**Applicant**

Danny King  
PO Box 224  
Carlotta, CA 95528

**Owner**

Robert Riley  
PO Box 255  
Carlotta, CA 95528

**Agent**

Green Road Consulting, Inc.  
Attn: Kaylie Saxon  
1650 Central Ave., Suite C  
McKinleyville, CA 95519

**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.

**DANNY KING**  
Record Number PLN-12231-CUP  
Assessor's Parcel Number: 206-451-002-000

**Recommended Commission Action:**

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

*Find that the Commission has considered the Addendum to the Mitigated Negative Declaration adopted for the Commercial Medical Marijuana Land Use Ordinance pursuant to Section 15164 of the State CEQA Guidelines, make all of the required findings for approval of the Conditional Use Permit based on evidence in the staff report and adopt the Resolution approving the proposed Danny King Conditional Use Permit subject to the recommended conditions.*

**Executive Summary:** The Danny King project, a commercial cannabis cultivation project seeks approval of one Conditional Use Permit for 5,000 square feet (SF) outdoor commercial cannabis cultivation located on Assessor's Parcel Number (APN) 206-451-002-000, which is approximately 2.74 acres in size. The project site is designated as Residential Agriculture (RA10) and zoned AE-B-7(2.5), Agriculture Exclusive Special Building Site with a 2.5 acre minimum parcel size. The project parcel is located within the 100-year Flood Zone (AE).

The project proposes a 5,000 outdoor new cannabis cultivation operation. One cultivation harvest per year is anticipated. There five (5) existing buildings on the project parcel. The existing buildings include: a 1,000 SF residence (#1), a 1,000 SF residence (#2), a 1,000 SF residence (#3), a 600 SF garage (#1) which will be utilized for the storage of nutrients/fertilizers and cultivation-related tools, and a 300 SF garage (#2). There are five (5) 1,000 SF greenhouses, each 100x10 feet, proposed. The greenhouses are temporary hoop houses that will be removed October 15<sup>th</sup> through April 16<sup>th</sup> annually to conform to the Humboldt County Flood Damage Prevention Regulations Section 335-5. Greenhouse floors and footpaths will be made of native soils and meeting the standards of Humboldt County Code Section 314-43.1.3.2. Corbet Ranch Lane is the access road to the project and it in good condition and maintained by local ranch owners. A Road Evaluation was completed April 10, 2019.

Water is sourced from a permitted groundwater well on the project parcel. A well completion log has been completed that indicated the well is not hydrologically connected to the Van Duzen River (cultivation approximately 700 feet from the top of the river bank) nor Cummings Creek (cultivation approximately 290 feet from the edge of the 100-foot protective buffer). Proposed water storage consists of three hard tanks: one (1) 2,500-gallon, one (1) 1,500 gallon, and one (1) 500-gallon. According to the Cultivation and Operations Plan, 19,540 gallons of water is required for annual cannabis cultivation operations (3.91 gallons per square foot of cultivation). Average peak monthly water demand is approximately 4,650 gallons for the months of July and August. Water is applied at agronomic rates via drip irrigation.

The applicant plans to import potting soil for use in cultivation practices and will reamend spent soil following each harvest to reuse. Once the soil is deemed unusable for cultivation purposes, the applicant will take it to a local green waste disposal facility. Applicant will recycle pesticide and fertilizer containers per California pesticide regulations. All refuse and garbage are collected, contained, and disposed of at an appropriate facility, including recycling where available. Plant waste and other compostable materials will be composed on site at locations that will not carry to surface water or groundwater. The applicant is enrolled under Tier 1 of the State Water Resources Board.

Power to the site is provided by Pacific Gas and Electric (PG&E) and there is no generator use. According to the cultivation and operations plan, a permitted septic system is utilized for domestic sewage at the residence. The septic system is designed to sufficiently meet the demands of this cultivation site.

Cannabis will be processed at a licensed third-party processor until a building that meets commercial

standards can be constructed. There will be a demand for up to two (2) employees for cultivation activities on-site. Handwashing and bathroom facilities will be located inside the house.

According to the cultivation and operations plan, there is one (1) locked gate on the parcel and security cameras will be installed. The applicant and family members will be residing on-site and vigilant with regard to on-site activities.

All cultivation areas are setback 30-feet or more from property lines. Per an email dated December 21, 2017 from CALFIRE, CALFIRE recommends emergency access turnarounds, signing and building numbers, emergency water standards (designated water storage for fire), and fuel modification standards. The site plan notes and shows a large area for use as a turnaround immediately interior to the parcel via the western entrance. As a condition of approval, a 2,500-gallon water storage tanks will be required to be installed for fire suppression to meet CALFIRE specifications because the parcel is within the State Responsibility Area. In addition, proposed signage location for building numbers have been added to comply with SRA standards.

Per the requested from the Tribal Historic Preservation Officer of the Bear River Band of the Rohnerville Rancheria, dated August 6, 2019, the inadvertent discovery language is included in Attachment 1.

Environmental review for the proposed project as initially proposed was conducted, and based on the results of that analysis, staff believes the proposed cultivation activities 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. The CMMLUO provided specific locational criteria and environmental performance measures for the permitting of new cannabis cultivation. New cultivation is only allowed only when those strict locational criteria and environmental performance measures can be met. Because this new cultivation meets all of these requirements, it 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 new 5,000 square foot cultivation area.

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

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

The Commission could also decide the project may have environmental impacts that would require further environmental review pursuant to CEQA. Staff did not identify any potentially significant impacts. As Lead Agency, the Department has determined that the Project is consistent with a previously Mitigated Negative Declaration. However, the Commission may reach a different conclusion. In that case, the Commission should continue the item to a future date at least two months later to give staff the time to complete further environmental review.

**RESOLUTION OF THE PLANNING COMMISSION  
OF THE COUNTY OF HUMBOLDT  
Resolution Number 19-**

**Record Number: PLN-12231-CUP  
Assessor Parcel Numbers: 206-451-002**

**Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the Danny King, Conditional Use Permit request.**

**WHEREAS**, Danny King, submitted an application and evidence in support of approving one Conditional Use Permit for 5,000 SF new outdoor commercial cannabis cultivation and offsite processing; 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 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 evidence in support of making all of the required findings for approving the proposed Conditional Use Permit (Record Number PLN-12231-CUP); and

**WHEREAS**, a public hearing was held on the matter before the Humboldt County Planning Commission on October 17, 2019.

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

1. The Planning Commission considered the Addendum to the MND adopted for the Commercial Medical Marijuana Land Use Ordinance; and
2. The Planning Commission makes all of the required findings in Attachment 2 of the Planning Commission staff report for Record Number PLN-12231-CUP, based on the submitted substantial evidence; and
3. Conditional Use Permit Record Number PLN-12231-CUP is approved as recommended and conditioned in Attachment 1 for Record Number PLN-12231-CUP.

Adopted after review and consideration of all the evidence on October 17, 2019.

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

AYES:           Commissioners:  
NOES:           Commissioners:  
ABSTAIN:       Commissioners:  
ABSENT:        Commissioners:  
DECISION:

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

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John Ford, Director  
Planning and Building Department

02N 01E

CUMMINGS CREEK RD

Cummings Creek

STATE HWY 36

PRIVATE DR

UNN 12

36

CORBETT RANCH LN

Van Duzen River

Project Area =

**TOPO MAP  
PROPOSED DANNY KING  
CARLOTTA AREA  
CUP-16-573  
APN: 206-451-002  
T02N R01E S36 HB&M (HYDESVILLE)**

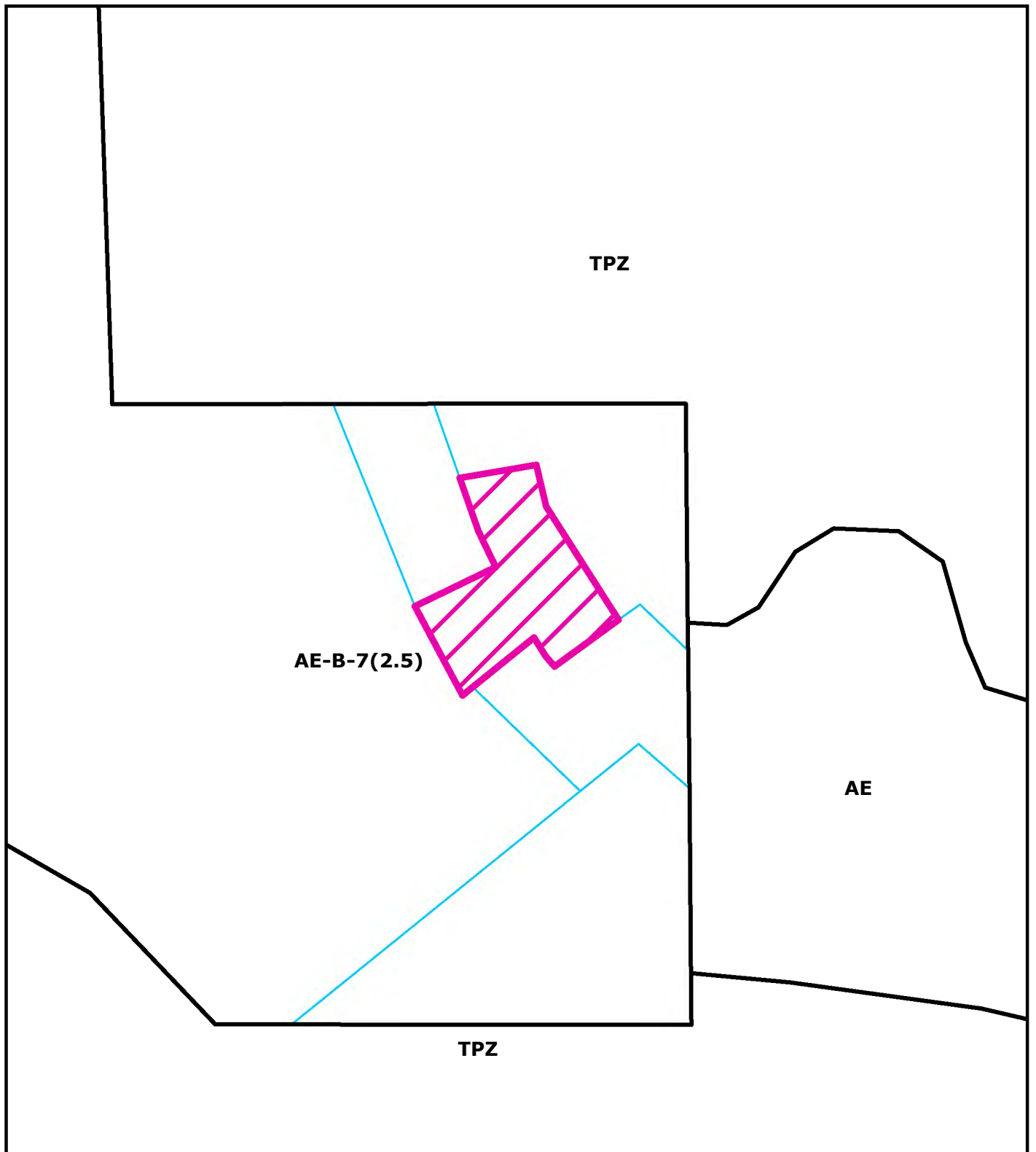
This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.

0

405

810  
Feet






Project Area = 

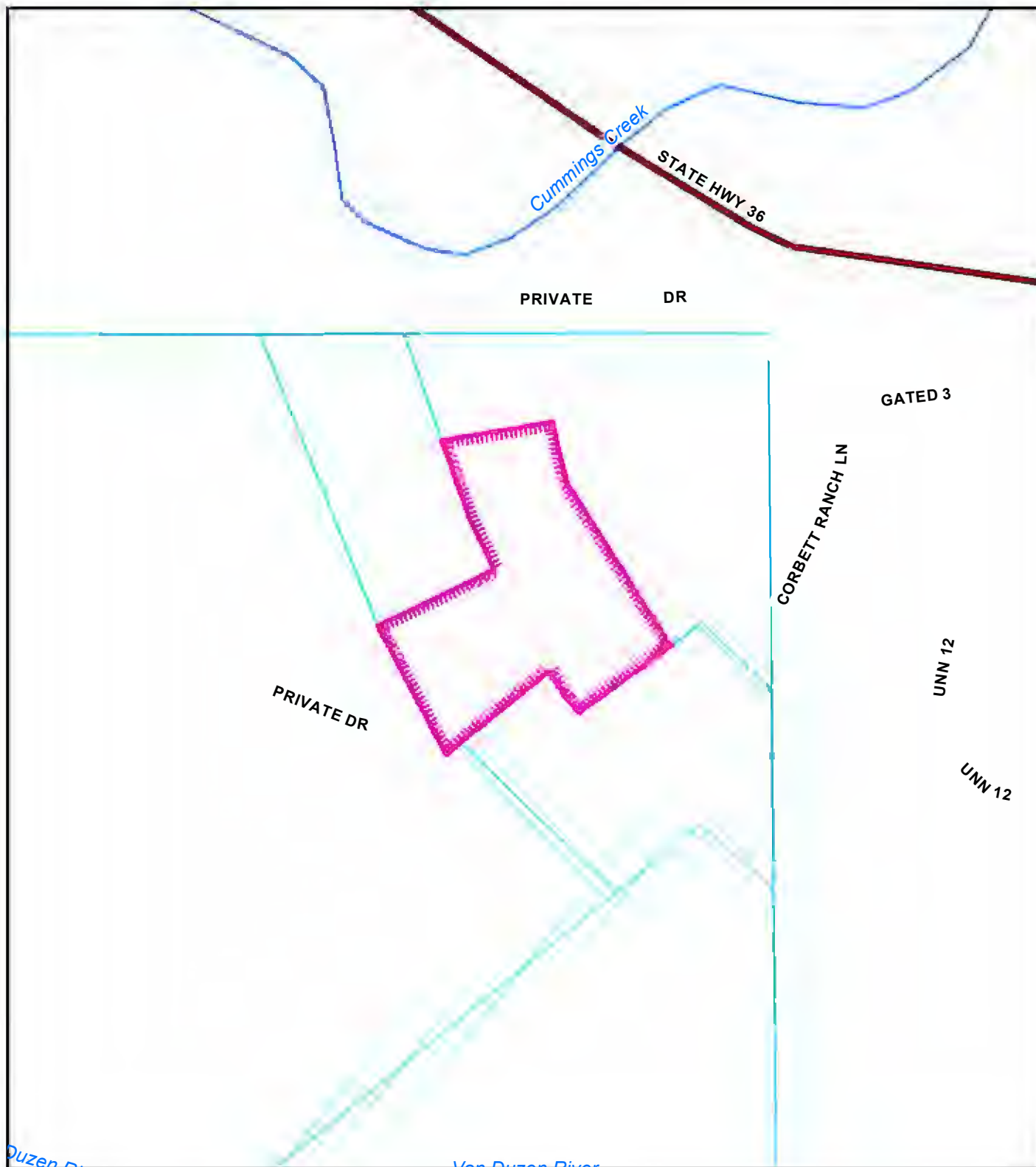
**ZONING MAP  
PROPOSED DANNY KING  
CARLOTTA AREA  
CUP-16-573  
APN: 206-451-002  
T02N R01E S36 HB&M (HYDESVILLE)**

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.

0 405 810 Feet







Project Area = 

**AERIAL MAP  
PROPOSED DANNY KING  
CARLOTTA AREA  
CUP-16-573  
APN: 206-451-002  
T02N R01E S36 HB&M (HYDESVILLE)**

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.

0 280 560 Feet

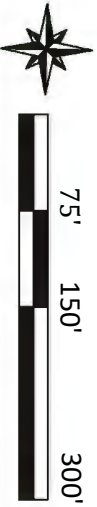
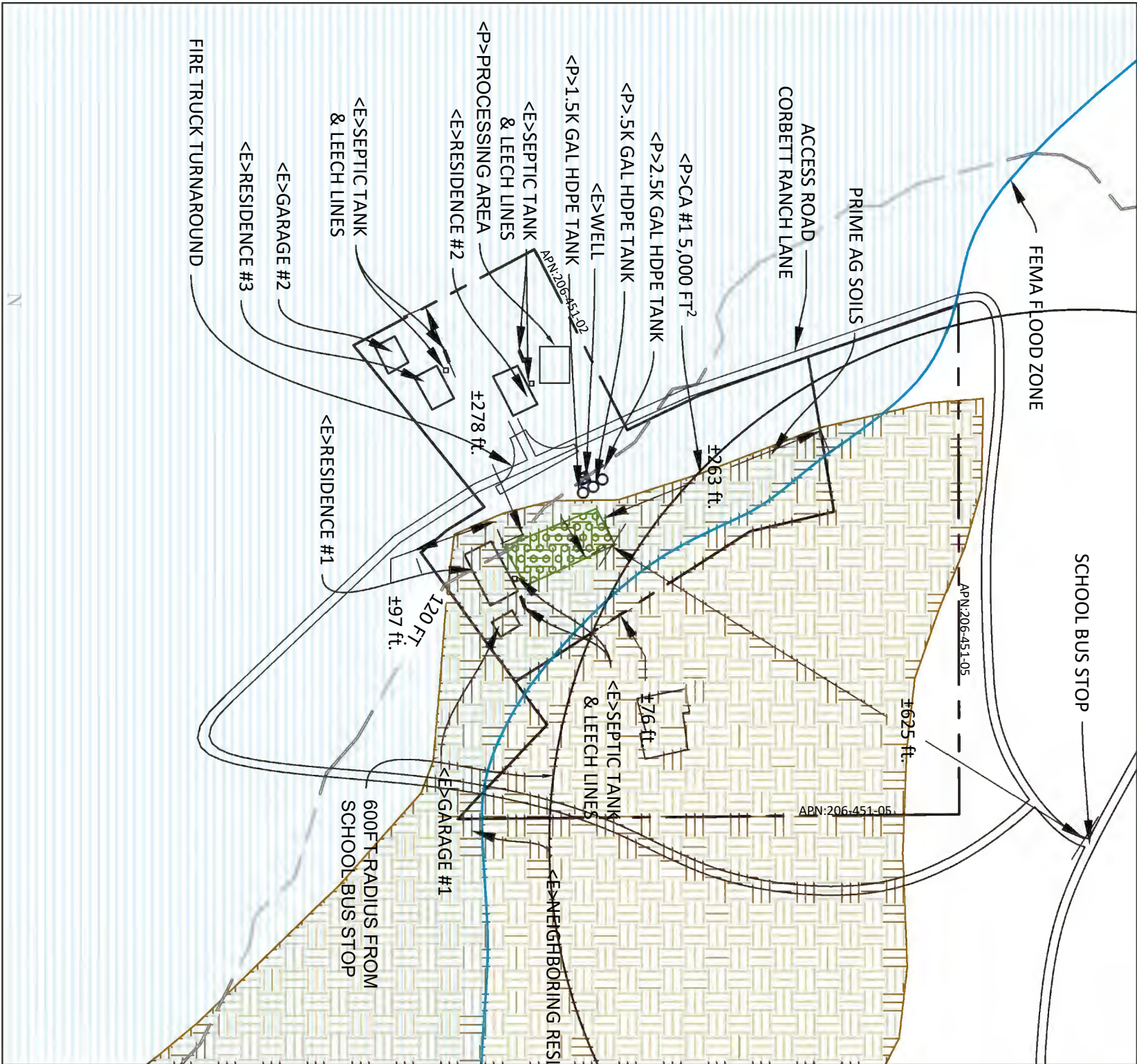






PARCEL OVERVIEW

APN:206-451-02



CULTIVATION INFORMATION

PROPOSED OUTDOOR CULTIVATION

CA#1=5,000 FT<sup>2</sup>

TOTAL PROPOSED OUTDOOR CULTIVATION =5,000 FT<sup>2</sup>

5 PROPOSED GREENHOUSES 10' X 100' EACH  
THERE IS APPROXIMATELY 50,000 FT<sup>2</sup> OF PRIME AG SOILS ON THE PARCEL  
TYPE 3 OUTDOOR USE PERMIT WILL PROPOSE USING 5'000 FT<sup>2</sup>  
OF THE PRIME AGRICULTURE

CULTIVATION BUILDINGS AND USE

BUILDINGS	USE	YEAR	SIZE
GARAGE #1	STORAGE OF NUTRIENTS	1994	20'x30'

DOMESTIC BUILDINGS AND USE

BUILDING	USE	YEAR	SIZE
RESIDENCE #1	PLACE OF LIVING	1994	20'x50'
RESIDENCE #2	PLACE OF LIVING	1960	20'x50'
RESIDENCE #3	PLACE OF LIVING	1920	20'x40'
GARAGE #2	STORAGE	1960	15'x20'

PROPOSED WATER STORAGE AND USE

TYPE	NUMBER	SIZE
HDPE TANK	1	2,500 GALLONS
HDPE TANK	1	1,500 GALLONS
HDPE TANK	1	500 GALLONS

TOTAL AMOUNT OF PROPOSED WATER STORAGE = 4,500 GALLONS

WATER SOURCE	FLOOD ZONE:
WELL	
POWER SOURCE	PRIME AG SOILS:
PG&E	

SURROUNDING BUILDINGS  
THERE ARE NO SCHOOLS, BUS STOPS, PLACES OF WORSHIP, PUBLIC PARKS OR TRIBAL CULTURAL RESOURCES WITHIN 600 FEET OF THE CULTIVATION SITE.  
APPLICANT HAS WRITTEN NOTARIZED CONSENT FROM NEIGHBORING PARCEL TO CULTIVATE WITHIN 300 FT. FROM RESIDENCE



PROJECT INFORMATION

PROPERTY OWNER	ROBERT A. RILEY
ADDRESS	APN: 206-451-02
SHEET INFO	PARCEL OVERVIEW

NO.	NOTES	DATE

DATE	4/27/18
DRAFTER	RP
SCALE	AS SHOWN
SHEET	PO

## ATTACHMENT 1

### RECOMMENDED CONDITIONS OF APPROVAL

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

1. The applicant shall secure permits for all unpermitted grading and 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.
2. The Applicant shall agree to use a water meter to demonstrate that there is sufficient water supply to meet the demands of the project without having to rely on surface water diversion during the summer months. The Applicant shall install additional water storage tanks if needed. As part of the annual inspection, the applicant shall present water use records showing water use for the year broken down by month and source (i.e., well and tanks).
3. The applicant to install a minimum of 2,500 gallons of water storage for fire suppression to meet CALFIRE specifications because the parcel is within the State Responsibility Area. In addition, proposed signage location for building numbers have been added to comply with SRA standards.
4. The applicant shall demonstrate that the driveway and emergency vehicle turn around conform with the Humboldt County Code Section 3112-12, Fire Safe Regulations. The applicant shall be responsible for implementing any necessary improvements to bring the driveway and emergency vehicle turn around into compliance. A letter from a qualified engineer shall satisfy this requirement.
5. The property owner shall execute and file with the Planning Division the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the HCC and available at the Planning Division.
6. Structures used for trimming and/or packaging must comply with the building code and its companion codes as a commercial building, complying with accessibility standards. Permits shall be secured within the time frame for a provisional permit.
7. The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency (CUPA) requirements regarding any hazardous materials. A written verification of compliance shall be required before any provisional permits may be finalized. Ongoing proof of compliance with this condition shall be required at each annual inspection in order to keep the permit valid.
8. The applicant shall implement all site specific and monitoring and reporting requirements detailed within the Notice of Applicability for Waste Discharge Requirements from the North Coast Regional Water Quality Control Board (NCRWCB) in a letter dated November 14, 2016, Site Management Plan (RWQCB WDID# 1B161500CHUM) and the Water Resource Protection Plan (WRPP) developed for the parcel (prepared by Natural Resource Management Corporation), prepared pursuant to Tier 2 enrollment under the Cannabis Waste Discharge Regulatory Program (Order WQ 2017-0023-DWQ), including those measures later determined necessary during annual and periodic site inspections in accordance with the monitoring element. A copy of the reporting form portion of the Monitoring and Reporting Program (MRP) shall be submitted annually to the Planning and Building Department concurrent with the submittal to the State Water Board. A letter or similar communication from the State Water Board verifying that all of their requirements have been met by the listed dates or the applicant has proven to their satisfaction or a Third-Party Consultant verifying that all the requirements in the MRP have been met will satisfy this condition.

9. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. **Within three days of the effective date of permit approval**, it is requested that the applicant submit a check or money order for the required filing fee in the amount of \$50 payable to the Humboldt County Clerk/Recorder. If this payment is not received within this time period, the Department will file the NOE and will charge this cost to the project.
10. A review fee for Conformance with Conditions as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750.00) shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka. This fee is a deposit, and if actual review costs exceed this amount, additional fees will be billed at the County's current burdened hourly rate.
11. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will provide a bill to the applicant after the decision. Any and all outstanding Planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.

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

12. The project shall be redesigned to keep permanent structures and associated equipment and materials (e.g. water storage tank, generators, fuel, fans, imported soil, etc.) out of the 100-year floodplain (i.e. structurally elevated or relocated). Applicant shall submit confirmation photographs of the removed cultivation materials with a current newspaper in each photograph by October 15th annually. Cultivation materials shall be relocated to an elevated structure (i.e. elevated shipping container), in compliance with the County Flood Damage Prevention Ordinance, to prevent cultivation materials from washing downriver in the event of flooding. This action shall occur by October 15th and remain in effect through the end of the winter precipitation period, April 16th of each year. Non-permanent buildings and sheds being used for storage of fertilizers, nutrients, etc. shall be elevated and or anchored, in compliance with the County Flood Damage Prevention Ordinance to prevent cultivation materials from washing downriver in the event of flooding. This action shall occur by October 15th following the issuance of the final permit and remain in effect in perpetuity.
13. To avoid disturbance of NSO and other sensitive species, construction of noise containment structures for all generators and fans on parcel; noise released shall be no more than 50 decibels measured from 100ft or edge of habitat whichever is closer.
14. Artificial light used for cannabis cultivation operations (including ancillary nurseries) be fully contained within structures such that no light escapes (e.g., through automated blackout curtains) between 30 minutes prior to sunset and 30 minutes after sunrise to prevent disruption to crepuscular and nocturnal wildlife. Security lighting to 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. Artificial light shall be shielded and downward facing
  2. Artificial light 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.
15. All on-site lighting used in mixed-light greenhouses and nursery propagation facilities that is existing or installed in the future shall be fully shielded, designed, and installed to eliminate light leakage that could lead be visible from all property boundaries between sunset and sunrise. The light source should comply with the International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1, and be designed to regulate light spillage onto neighboring properties resulting from backlight, uplight, or glare (BUG). Should the Humboldt County Planning Division receive complaints that the lighting is out of alignment or not complying with these standards, within ten (10) working days of receiving written

notification that a complaint has been filed, the applicant shall submit written verification that the lights' shielding and alignment has been repaired, inspected, and corrected as necessary.

16. This permit does not authorize the use of Anticoagulant rodenticides on the subject parcel. Anticoagulant rodenticides are prohibited.
17. 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.
18. 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.
19. All refuse be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
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 MAUCRSA, as applicable to the permit type.
3. If operating pursuant to a written approved compliance agreement, permittee shall abate or cure violations at the earliest feasible date, but in no event no more than two (2) years from the date of issuance of a provisional clearance or permit. Permittee shall provide plans for curing such violations to the Planning & Building Department within one (1) year of issuance of the provisional clearance or permit. If good faith effort towards compliance can be shown within the two years following the issuance of the provisional clearance or permit, The Planning Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow for additional time to meet the outstanding requirements.
4. Possession of a current, valid required license, or licenses, issued by any agency of the State of California in accordance with the MAUCRSA, and regulations promulgated thereunder, as soon as such licenses become available.
5. Compliance with all statutes, regulations and requirements of the California State Water Resources Control Board and the Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration, as applicable.
6. Confinement of the area of cannabis cultivation, processing, manufacture or distribution to the locations depicted on the approved site plan. The commercial cannabis activity shall be set back at least 30 feet from any property line, and 600 feet from any School, School Bus Stop, Church or other Place of Religious Worship, or Tribal Cultural Resources, except where a reduction to this setback has been approved pursuant to Section 55.4.11 (d).
7. Maintain enrollment in Tier 1, 2 or 3, certification with the North Coast Regional Water Quality Control Board (NCRWQCB) Order No. R1-2015-0023, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
8. Comply with the terms of any applicable Streambed Alteration (1600) Permit obtained from the California Department of Fish & Wildlife, if applicable.

9. Consent to an annual on-site compliance inspection, with at least 24 hours prior notice, to be conducted by appropriate County officials during regular business hours (Monday – Friday, 9:00 am – 5:00 pm, excluding holidays).
10. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
11. Pay all applicable application and annual inspection fees.
12. Storage of Fuel - Fuel shall be stored and handled in compliance with applicable state and local laws and regulations, including the County of Humboldt's CUPA program, and in such a way that no spillage occurs.
13. The Master Log Books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
14. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).
15. The operation shall participate in the Medical Cannabis Track and Trace Program administered by the Humboldt County Agricultural Commissioner, when available.

Performance Standards for Cultivation and Processing Operations

16. Pursuant to the MAUCRSA, Health and Safety Code section 19322(a)(9), an applicant seeking a cultivation license shall "provide a statement declaring the applicant is an 'agricultural employer,' as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 commencing with Section 1140) of Division 2 of the Labor Code), to the extent not prohibited by law."
17. 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).
18. Cultivators engaged in processing shall comply with the following Processing Practices:
  - i. Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.
  - ii. Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
  - iii. Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.
  - iv. Employees must wash hands sufficiently when handling cannabis or use gloves.
19. 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.

20. All cultivators shall comply with the approved Processing Plan as to the following:

- i. Processing Practices.
- ii. Location where processing will occur.
- iii. Number of employees, if any.
- iv. Employee Safety Practices.
- v. Toilet and handwashing facilities.
- vi. Plumbing and/or septic system and whether or not the system is capable of handling increased usage.
- vii. Drinking water for employees.
- viii. Plan to minimize impact from increased road use resulting from processing.
- ix. On-site housing, if any.

21. Term of Commercial Cannabis Activity Conditional Use Permit. Any Commercial Cannabis Cultivation CUP 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 permittee(s) and the permitted site have been found to comply with all conditions of approval.

22. If the inspector or other County official determines that the permittees or site do not comply with the conditions of approval, the inspector shall serve the CUP 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 CUP, 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.

23. Permit Renewals to comply with Updated Laws and Regulations. Permit renewal per Ongoing Condition of Approval #22 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.

24. 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.



25. 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.

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

- a. Identifying information for the new Owner(s) and management as required in an initial permit application;
- b. A written acknowledgment by the new Owner in accordance as required for the initial Permit application;
- c. The specific date on which the transfer is to occur;
- d. Acknowledgement of full responsibility for complying with the existing Permit; and
- e. Execution of an Affidavit of Non-diversion of Medical Cannabis.

27. Inspections. The permit holder and subject property owner are to permit the County or representative(s) or designee(s) to make inspections at any reasonable time deemed necessary to assure that the activities being performed under the authority of this permit are in accordance with the terms and conditions prescribed herein.

#### **Informational Notes:**

1. Pursuant to Section 314-55.4.11(a) of the CMMLUO, if upon inspection for the initial application, violations of any building or other health, safety, or other state or county statute, ordinance, or regulation are discovered, the Planning and Building Department may issue a provisional clearance or permit with a written approved Compliance Agreement. By signing the agreement, the permittee agrees to abate or cure the violation(s) at the earliest opportunity but in no event more than two (2) years of the date of issuance of the provisional clearance or permit. Plans for curing the violation(s) shall be submitted to the Planning and Building Department by the Permittee within one (1) year of the issuance of the provisional certificate or permit. The terms of the compliance agreement may be appealed pursuant to section 314-55.4.13 of the CMMLUO.
3. If cultural resources are encountered during construction activities, the contractor on site shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist as well as the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

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

treatment of the remains pursuant to Public Resources Code Section 5097.98. Violators shall be prosecuted in accordance with Public Resources Code Section 5097.99.

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

## 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:

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 identifies the substantial evidence which supports finding that the proposed development is in conformance with all applicable policies and standards of the Humboldt County General Plan, 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
<p>Land Use Chapter 4</p> <p>Land Use Designations Section 4.8</p>	<p><b>Residential Agriculture (RA10):</b> Large lot residential uses that typically rely upon on-site water and wastewater systems. RA10 are rural residential designations for lands with slopes generally less than 30% and served by individual water and wastewater systems and good road access. Allowable uses include single family residential, second residential unit, guest house, planned developments, and residential accessory uses. Density range is 10 acres/unit.</p>	<p>The Applicant is proposing to permit a new commercial cannabis cultivation operation consisting of 5,000 SF outdoor on lands designated as Residential Agriculture. General and intensive agriculture and similar compatible uses are allowable use types for this designation.</p>
<p>Circulation Chapter 7</p>	<p>Goals and policies contained in this Chapter relate to a balanced, safe, efficient, accessible and convenient circulation system that is appropriate for each type of unincorporated community (C-G1,C-G2); coordinated planning design, development, operations, and maintenance between the County and other transportation system service providers (C-G3); and access for all transportation mode types with improved opportunities to move goods within, into and out of Humboldt County (C-G5).</p> <p>Related policies: C-P3, Consideration of Transportation Impacts in Land Use Decision Making.</p>	<p>Access to the subject parcel is on the south side of State Highway 36, which is State-maintained to Corbett Ranch Lane to a private driveway. Public Works requested the applicant submit a road evaluation report. A road evaluation report was prepared which indicated that the private road segment is developed to an equivalent of a Road Category 4. Caltrans did not provide comment, however the project is conditioned to make improvements to meet Caltrans standards and to obtain an encroachment permit prior to any work on the State highway system.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Housing Chapter 8	<p>Goals and policies contained in this Element seek to identify existing and projected housing needs and establish goals, policies, standards and measures for the preservation, improvement, and development of housing.</p> <p>Related policies: H-P3, Development of Parcels in the Residential Land Inventory.</p>	<p>The project does not involve residential development, nor is the project site part of the Housing Element Residential Land Inventory. The site currently contains three (3) single family residences which will remain. The project will not preclude any future residential development if in conformance with the General Plan and Zoning designations. The project will not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.</p>
<p>Conservation and Open Space Chapter 10</p> <p>Open Space Section 10.2</p>	<p>Goals and policies contained in this Chapter relate to an Open Space and Conservation Program that is complimentary to other agencies' plans and that preserves the county's unique open spaces. (CO-G1, CO-G3).</p> <p>Related policies: CO-P1, Conservation and Open Space Program; CO-P12, Development Review; CO-S1, Identification of Local Open Space Plan; and CO-S2, Identification of the Open Space Action Program.</p>	<p>The project is located within an Open Space Action Program because the project site is planned Residential Agriculture (RA). The project can be found consistent with the Open Space Plan and Open Space Action Program because the proposed project is consistent with the allowable uses of the Land Use Designations. General agriculture is a use type permitted in the Residential Agriculture land use designations. General agriculture is also a principal permitted use in the Unclassified zoning district. 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.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Conservation and Open Space Chapter 10</p> <p>Biological Resources Section 10.3</p>	<p>Goals and policies contained in this Chapter relate to mapped sensitive habitat areas where policies are applied to protect fish and wildlife and facilitate the recovery of endangered species (BR-G1, Threatened and Endangered Species, BR-G2, Sensitive and Critical Habitat, BR-G3, Benefits of Biological Resources).</p> <p>Related policies: BR-P1, Compatible Land Uses; BR-P5, Streamside Management Areas.</p>	<p>The subject parcel is located approximately 1/3 mile from the nearest northern spotted owl activity center. There are two (2) NSO Activity Centers in the vicinity of the project area. One is northwest of the proposed cultivation area and the other is across of the Van Duzen River to the south. The site is served by PG&amp;E. A Biological Report was prepared by Leopardo Wildlife Associates on March 27, 2019. Leopardo Wildlife Associates prepared the Biological Report and determined that project and operations are unlikely to affect NSOs if they are present in the project vicinity. In particular, there are no generators proposed and the cultivation will not use mixed-light methods. Accordingly, impacts to NSO are less than significant.</p> <p>The subject parcel is also within potential habitat known for special-status species according to the biological report. However, no impacts are expected given there is more optimal habitat available in the general area.</p> <p>There are no watercourses on the property. The closest watercourse is Cummings Creek. This proposed project is approximately 290 feet from the Cummings Creek Streamside Management Area. The Van Duzen River bank is approximately 700 feet from the proposed project.</p>
<p>Conservation and Open Space Chapter 10</p> <p>Cultural Resources Section 10.6</p>	<p>Goals and policies contained in this Chapter relate to the protection and enhancement of significant cultural resources, providing heritage, historic, scientific, educational, social and economic values to benefit present and future generations (CU-G1, Protection and Enhancement of Significant Cultural Resources).</p> <p>Related policies: CU-P1, Identification and Protection; CU-P2, Native American Tribal Consultation.</p>	<p>No known significant archaeological or historic period cultural resources are located in the project area. The project was referred to the Bear River Band of the Rohnerville Rancheria. The Tribal Historic Preservation Officer recommended inadvertent discovery protocol. Ongoing conditions of approval are incorporated regarding the inadvertent discovery protocol to protect cultural resources.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Conservation and Open Space Chapter 10</p> <p>Scenic Resources Section 10.7</p>	<p>Goals and policies contained in this Chapter relate to the protection of scenic areas that contribute to the enjoyment of Humboldt County's beauty and abundant natural resources (SR-G1); and a system of scenic highways roadways that increase the enjoyment of, and opportunities for, recreational and cultural pursuits and tourism in the County (SR-G2).</p> <p>Related standards: SR-S4, Light and Glare.</p>	<p>The project involves outdoor cultivation and will not include any artificial lighting. The project has been conditioned accordingly.</p>
<p>Water Resources Chapter 11</p> <p>Stormwater Drainage</p>	<p>Goals and policies contained in this Chapter relate to coordinated watershed planning and land use decision making to advance management priorities (WR-G3, WR-G4, WR-G5); watershed conservation and restoration efforts aimed at de-listing water bodies and watersheds which are restored to meet all beneficial uses, including water use, salmon and steelhead recovery plans, recreational activities, and the economy (WR-G1, WR-G2, WR-G7, WR-G8, WR-G9).</p> <p>Related policies: WR-P10, Erosion and Sediment Discharge; WR-42, Erosion and Sediment Control Measures.</p>	<p>The Project site falls within Tier 1 discharger for the State Water Resources Control Board and a Water Resourced Protection Plan is not a requirement. There are no watercourses on the property. The closest watercourse is Cummings Creek. This proposed project is approximately 290 feet from the Cummings Creek 100 foot buffer region. The Van Duzen River bank is approximately 700 feet from the proposed project.</p>
<p>Water Resources Chapter 11</p> <p>Onsite Wastewater Systems</p>	<p>Goals and policies contained in this Chapter relate to adequate public water supply as well as onsite wastewater systems and natural and developed storm drainage systems that minimize interference with surface and groundwater flows and storm water pollution (WR-G6, WR-G9, WR-G11).</p> <p>Related policies: WR-IM7, Basin Plan Septic Requirements; and IS-P17, On-Site Sewage Disposal Requirements.</p>	<p>APN 206-451-002 contains a permitted septic system and leachfield that accommodates the residence and includes a toilet and handwashing facilities inside.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Noise Chapter 13	<p>Goals and policies contained in this Chapter discourage incompatible uses within communities and reduce excessive noise through the application of standards (N-G1, N-G2).</p> <p>Related policies: N-P1, Minimize Noise from Stationary and Mobile Sources; N-P4, Protection from Excessive Noise.</p>	<p>The subject parcel is not located in an area that requires special noise attenuation measures. The proposed cultivation area is outdoor, and will not use generators, so there will be minimal noise generated by the project. Noise generated from any future generator use shall comply with the standards set forth in Section 55.4.11 (o) of the CMMLUO which limits the combined decibel level for all noise sources to 60 decibels at the property line. Power to the site is provided by PG&amp;E.</p>
Safety Element Chapter 14  Geologic & Seismic	<p>Goals and policies contained in this Chapter relate to communities that are designed and built to minimize the potential for loss of life and property resulting from natural and manmade hazards; and to prevent unnecessary exposure to areas of geologic instability, floodplains, tsunami run-up areas, high risk wildland fire areas, and airport areas planned and conditioned to prevent unnecessary exposure of people and property to risks of damage or injury (S-G1, S-G2).</p> <p>Related policies: S-P7, Structural Hazards; and S-P11, Site Suitability.</p>	<p>The project site is not located in a mapped Alquist-Priolo fault zone nor is it subject to liquefaction. The project does not include any proposed structures for human occupation. The cultivation areas occur on a flat area with an approximate 0% slope. The project area is seismically classified as low instability; therefore, the project does not pose a threat to public safety from exposure to natural or manmade hazards.</p>
Safety Element Chapter 14  Flooding	<p>Goals and policies contained in this Chapter relate to the use of natural drainage channels and watersheds that are managed to minimize peak flows in order to reduce the severity and frequency of flooding (S-G3).</p> <p>Related policies include: S-P12, Federal Flood Insurance Program; S-P13, Flood Plains; and S-P15, Construction Within Special Flood Hazard Areas.</p>	<p>The project site is within the 100-year flood zone. The project has been conditioned to require removal of all greenhouses and non-permanent structures <u>or</u> be contained in an elevated structure prior to October 15<sup>th</sup> of each year through the end of the winter wet period. The project site is not within a mapped dam or levee inundation area and, at over 20 miles distance from the coast and over 1,700 feet above mean sea level, is outside the areas subject to tsunami run-up.</p>



Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Safety Element Chapter 14</p> <p>Fire Hazards</p>	<p>Goals and policies of this Chapter encourage development designed to reduce the risk of structural and wildland fires supported by fire protection services that minimize the potential for loss of life, property, and natural resources (S-G4).</p> <p>Related policies: S-P19, Conformance with State Responsibility Areas (SRA) Fire Safe Regulations.</p>	<p>The subject parcel is located within an area with a moderate fire hazard severity rating. The project site is located within the Carlotta Volunteer Fire District and State Fire Responsibility Area where the State of California has the primary financial responsibility for the prevention and suppression of wildland fires. CALFIRE comments recommended compliance with the requirements of the County's Fire Safe, Resource Management, and Cannabis Regulations. The Humboldt County Fire Safe Ordinance (Section 3111-1 et seq.) establishes development standards for minimizing wildfire danger in state responsibility designated areas. The project has been conditioned to add one (1) dedicated 2,500-gallon water storage tank located on site. Conditions of approval for the project require the applicant to demonstrate the driveway and emergency vehicle turn around conform with the Humboldt County Code Section 3112-12, the Fire Safe Regulations.</p>
<p>Community Infrastructure and Services Element, Chapter 5</p> <p>Implementation Action Plan</p>	<p>IS-S5 requires new industrial, commercial and residential development located outside of fire district boundaries to obtain written acknowledgment of available emergency response and fire suppression services from the local fire agency, including any recommended mitigation.</p>	<p>The project is located in the Carlotta Volunteer Fire District jurisdiction. To implement this policy, the local fire service provider [Carlotta Volunteer Fire Protection District] has been contacted to furnish written documentation from of the available emergency response and fire suppression services and any recommended project mitigation measures. If emergency response and fire suppression services are not provided, the applicant shall cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning Division.</p>
<p>Air Quality Chapter 15</p>	<p>Goals and policies contained in this Chapter relate to improved air quality to meet current and future state and federal standards, including attainment of particulate matter requirements (AQ-G1, AQ-G2, AQ-G3) and the successful reduction of greenhouse gas emissions to levels consistent with state and federal requirements (AQ-G4).</p> <p>Related policies: AQ-P4, Construction and Grading Dust Control; and AQ-P7, Interagency Coordination.</p>	<p>As a condition of approval, applications for grading and/or building permits shall be referred to the North Coast Air Quality Management District (NCAQMD) for review and consultation. Dust control practices during any construction and grading shall achieve compliance with NCAQMD fugitive dust emission standards.</p>

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

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.	This parcel was created as Parcel 2 of Parcel Map No. 2593 recorded in Book 23 of Parcel Maps at pages 69 and 70 on July 12, 1988. 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  Agricultural Exclusive(AE) Special Building Site (B-7)	<b><u>Agricultural Exclusive (AE):</u></b> The Agriculture Exclusive zone is intended to be applied in fertile areas in which agriculture is the desirable predominant use. All general agricultural uses are principally permitted.  Special Building Site (B-7) Minimum lot size as shown.	The applicant is seeking one Conditional Use Permit for a new 5,000 SF outdoor cannabis cultivation operation on property zoned AE-B-7(2.5). The proposed use is allowed in the AE zone, and is specifically allowed with a Conditional Use Permit in this zoning district and under Section 314-55.4.8.2.1 of the CMMLUO.  The B-7(2.5) zone requires a 2.5-acre minimum parcel size. The current parcel is approximately 2.74 acres in area.
Minimum Lot Area:	2.5 acres	2.74 acres
Maximum Ground Coverage:	35%	Approximately 9%
Minimum Lot Width:	100 feet	Approximately 185 feet
Maximum Lot Depth:	Not specified	Approximately 430 feet
Minimum Yard Setbacks:	Front: 20 feet Rear: 30 feet Side: 30 feet  SRA: lot 1 acre or larger: 30 feet	Front (south): >30 feet Rear (north): >30 feet Side (east): >30 feet  < 30 feet
Max. Building Height:	None specified	Approximately 18 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 cultivation is operated by two seasonal staff and at peak of four staff, who drive to the site daily. The site plan does indicate designated parking areas, sufficient space is available for four vehicles.
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<b>314-55.4 et seq. HCC: Commercial Cultivation, Processing, Manufacturing and Distribution of Cannabis for Medical Use Inland Land Use Regulation (CMMLUO)</b>		
§314-55.4.8.2.1.3	On AE parcels (on parcels between 1 and 5 acres in size) up to 5,000 square feet of new outdoor cultivation may be permitted with a Use Permit.	In accordance with the referenced section, the applicant has applied for the necessary CUP due to the cannabis cultivation of new 5,000 SF outdoor on 2.74 acres.
§314-55.4.8.2.1 New Outdoor and Mixed-Light Cultivation Areas	Commercial cannabis cultivation that was not previously in existence as of January 1, 2016 on parcels with Prime Agricultural Soils, in zoning districts RA, U, FP, DF, AG, or AE, on slopes of 15% or less with documented current water right or other non-diversionary source of irrigation water may be permitted. The cultivation area shall be located on the Prime Agricultural Soils and no more than 20% of the Prime Agriculture soils on the parcel shall be used for commercial cannabis cultivation.	The proposed project is a Conditional Use Permit for new 5,000 SF outdoor cannabis cultivation operation on property zoned AE-B-7(2.5). The project site slope is less than 1%, and the water source is a groundwater well. According to The County's GIS layer, approximately 50,000 square feet of the subject parcel is prime agricultural soils. The cannabis cultivation is located within this area and is 5,000 square feet which is approximately 10% of the prime agricultural soil located on the site.  The cultivation area, type, status, and zoning of the parcel are consistent with the requirements for a Conditional Use Permit. 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, is not applying for any other cannabis activity permits. The applicant is entitled to four permits. This application is for one Conditional Use Permit.
§314-55.4.9.1 Accessory Processing	Processing for cultivation requiring a Special Permit or Use Permit will be considered in the Use Permit application.	All cultivated cannabis will be sent out for processing to a third-party licensed processor.
§314-55.4.9.4 Pre-Application Registration	Existing cultivation sites shall register with the County within 180 days of the effective date of this ordinance.	The applicant submitted the required Commercial Cannabis Registration Form with the Planning Division on December 20, 2016 and within the specified window.

§314-55.4.10 Application Requirements	Identifies the Information Required for All Applications	Attachment 4 identifies the information submitted with the application, and shows all the required information was received.
§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.	Water is currently sourced from a permitted groundwater well on the project parcel. A well completion log has been completed that indicated the well is not hydrologically connected to the Van Duzen River (cultivation approximately 700 feet from the top of the river bank) nor Cummings Creek (cultivation approximately 290 feet from the edge of the 100-foot protective buffer). Proposed water storage consists of three hard tanks: one (1) 2,500-gallon, one (1) 1,500 gallon, and one (1) 500-gallon. According to the Cultivation and Operations Plan, 19,540 gallons of water is required for annual cannabis cultivation operations (3.91 gallons per square foot of cultivation). Average peak monthly water demand is approximately 4,650 gallons for the months of July and August. Water is applied at agronomic rates via drip irrigation. Based on the submitted evidence and conditions of approval, the project complies with the referenced section.
§314-55.4.11.d Performance Standards-Setbacks	The area of cannabis cultivation and on-site processing shall be setback at least 30 feet from any property line, and 600 feet from any school, school bus stop, church or other place of religious worship, public park, or tribal cultural resources (TCRs).	There are no schools within 600 feet of the cultivation operation. There are no parks as defined in HCC Section 314-55.4.7 within 600 feet of the cultivation site based on a review of aerial imagery. Nor is there a place of religious worship within 600 feet. There are no known TCRs present on the site. Both the Fortuna Union High School District and Cuddeback Union School District recommended denial of the project due to proximity to a bus stop off Highway 36 and Corbet Ranch Lane. Analysis of the proximity to the bus stop indicates that it is beyond 600 feet from the proposed cultivation area. This evidence is included in Attachment 4.

<p>§314-55.4.11.o Performance Standards- Generator Noise</p>	<p>The noise produced by a generator used for cannabis cultivation shall not be audible by humans from neighboring residences. The combined decibel level for all noise sources, including generators, at the property line shall be no more than 60 decibels. Where applicable, sound levels must also show that they will not result in the harassment of Marbled Murrelet or Spotted Owl species, when generator use is to occur in the vicinity of potential habitat. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service.</p>	<p>The project does not include any generators or back-up generators. No fans are proposed.</p>
<p>§314-55.4.17 Sunset Date</p>	<p>No application for any Use Permit pursuant to the CMMLUO shall be processed for issuance or approval that is received after December 31, 2016.</p>	<p>The applicant filed the application on December 20, 2016.</p>

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

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

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

Code Section	Summary of Applicable Requirement	Evidence that Supports the Required Finding
17.1.5 Housing Element Densities	The proposed development shall not reduce the residential density for any parcel below that is utilized by the Department of Housing and Community Development in determining compliance with housing element law (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 project does not involve housing and does not limit the ability of the parcel to be developed for residential uses. It is developed with three (3) single-family residence which will remain. The project is in conformance with the standards in the Housing Element.

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

As lead agency, the Department prepared an Addendum to the previously adopted Mitigated Negative Declaration (MND) (State Clearinghouse # 2015102005) prepared for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) and adopted by the County Board of Supervisors January 26, 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

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

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

*APNs 206-451-002, 467 Corbet Ranch Lane, Carlotta, 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 reviewed under the Mitigated Negative Declaration (MND) for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) 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 and new cannabis operations by establishing regulations for an existing unregulated land use to help prevent and reduce environmental impacts that are known to result from cultivation operations. The MND states that "will be required to pursue and achieve compliance with existing regulations and permitting requirements which govern many attendant activities including: water diversion and well development, grading, construction of buildings, onsite sewage disposal, fire protection, and protection of biological resources, wetlands, watercourses, and associated riparian areas. Therefore, the ordinance will not physically divide a community, conflict with existing land use plans, policies, or regulations, or conflict with applicable conservation plans."

Conditional Use Permit is for a new 5,000 square foot (SF) outdoor cannabis cultivation. Water is sourced from a permitted groundwater well on the project parcel. A well completion log has been completed that indicated the well is not hydrologically connected to the Van Duzen River (cultivation approximately 700 feet from the top of the river bank) nor Cummings Creek (cultivation approximately 290 feet from the edge of the 100-foot protective buffer). Proposed water storage consists of three hard tanks: one (1) 2,500-gallon, one (1) 1,500 gallon, and one (1) 500-gallon. According to the Cultivation and Operations Plan, 19,540 gallons of water is required for annual cannabis cultivation operations (3.91 gallons per square foot of cultivation). Average peak monthly water demand is approximately 4,650 gallons for the months of July and August. Water is applied at agronomic rates via drip irrigation. As a condition of approval, a 2,500-gallon water storage tank will be required to be installed for fire suppression to meet CALFIRE specifications because the parcel is within the State Responsibility Area. In addition, proposed signage location for building numbers have been added to comply with SRA standards.

According to the processing plan, all cultivation will be processed at a licensed third-party processor. There will be up to two (2) seasonal employees in addition to the owner/applicants. Power to the site is provided by PG&E and no generators are proposed as part of the operation.

All project elements are well outside of the required setbacks for riparian habitat. Habitat for Northern Spotted Owl exists within approximately 120 feet of the project site, but as no generators are proposed the noise impacts on NSO from the project will be well below the thresholds that could cause disturbance of the species. A biological report has been prepared which documents that there will be no impacts to sensitive biological resources from the proposed cultivation. The site has been analyzed for cultural resources and determined to not have sensitive cultural or archaeological resources that could be impacted from on-going cultivation.

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 new cultivation. These include compliance with noise and light standards to limit disturbance to wildlife and increased water storage to for fire suppression.

**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;

or

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 a new 5,000 square foot outdoor commercial cannabis operation and minor improvements necessary to bring the operation into compliance with the CMMLUO is fully consistent with the impacts identified and adequately mitigated in the original MND. The project as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the MND. Compliance with the CMMLUO ensures consistency with the adopted MND and provides for mitigation of all project related impacts to a less than significant level.

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

- Biological Report prepared by Leopardo Wildlife Associates on March 27, 2019.
- Site Plan for Danny King.
- Operations Plan for Danny King.

### **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 a new cannabis operation and ensure that the operation is in compliance with county and state requirements intended to adequately mitigate environmental impacts.
2. The circumstances under which the project was approved have not changed substantially. There

are no new significant environmental effects and no substantial increases in the severity of previously identified effects.

3. For the current proposed project, there has been no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous MND was adopted as complete.

## **CONCLUSION**

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

## ATTACHMENT 4

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

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

1. The name, contact address and phone number(s) of the applicant. (Application form on file)
2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. (Not applicable)
3. Site plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including: access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within ¼ mile (1,320 ft.) of a school, school bus stop, church or other place of religious worship, public park, or Tribal Cultural Resource, the site plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 600 feet. (Attached)
4. A cultivation and operations plan that meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; and proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel, and a description of cultivation activities (outdoor, indoor, mixed light), the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. (Attached)
5. Addendum to the cultivation and operations plan. (Attached)
6. Copy of the statement of water diversion, or other permit, license or registration filed with the State Water Resources Control Board, Division of Water Rights, if applicable. (Not applicable)
7. Description of water source, storage, irrigation plan, and projected water usage. (On file)
8. Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the North Coast Regional Water Quality Control Board demonstrating enrollment in Tier 1, 2 or 3, North Coast Regional Water Quality Control Board Order No. 2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (On file)
9. If any on-site or off-site component of the cultivation facility, including access roads, water supply, grading or terracing impacts the bed or bank of any stream or other watercourse, a copy of the Streambed Alteration Permit obtained from the Department of Fish & Wildlife. (On file)
10. If the source of water is a well, a copy of the County well permit, if available. (On file)
11. If the parcel is zoned FR, U or TPZ, or involves the conversion of timberland as defined under section 4526 of the Public Resources Code, a copy of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (CALFIRE). Alternately, for existing operations occupying sites created through prior unauthorized conversion of timberland, evidence may be provided showing that the landowner has completed a civil or criminal process and/or entered into a negotiated settlement with CALFIRE. (Not applicable)



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## **Site Plan Overview and Cultivation and Operations Plan**

**Applicant/Owner**

Danny King  
PO Box 224  
Carlotta, CA 95528  
Parcel: 206-451-002

**Agent**

Kaylie Saxon & Megan Acevedo  
Green Road Consulting  
1650 Central Avenue, Suite C  
McKinleyville, CA 95519



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## I. Site Plan Overview

### 1.0 Project Information

Danny King ("Applicant") is submitting this application for a Type 3 Use Permit in order to permit a new outdoor commercial cannabis cultivation on a 2.74-acre parcel, located in Carlotta, CA ("Parcel"), Assessor's Parcel Number 206-451-002. This application is submitted through his agent's, Kaylie Saxon & Megan Acevedo of Green Road Consulting, Inc., and has been prepared in accordance with Humboldt County's ("County") Commercial Medical Marijuana Land Use Ordinance ("CMMLUO").

The Use Permit would achieve the following results for the Applicant:

- a. Permit 5,000 square feet of new commercial cannabis cultivation activities, in compliance with the County CMMLUO.
- b. Comply with applicable standards for water quality maintenance and watershed protection through the Waiver of Waste Discharge requirements of the North Coast Regional Water Quality Control Board ("Water Board") and California Department of Fish and Wildlife ("Fish and Wildlife").

### 2.0 Project Location

The Applicant's parcel is located in the inland zone of Humboldt County near Carlotta, CA. The parcel is comprised of 2.74-acres and is identified by Assessor's Parcel Number ("APN") 206-451-002. There is no street address for the parcel, but the coordinates for the property are 40.5107, -124.0164.

#### 2.1 Zoning Classification

The County's Zoning Classification of the parcel is AE-B-7(2.5) with a Current General Plan of AR12 (CHCP). The CMMLUO permits new outdoor commercial cannabis cultivation on parcels between 1-5 acres zoned as AE, with cultivation sites up to 5,000 square feet with a Use Permit, as long as it meets the prime agricultural soils and <15% slope requirements of the ordinance.

#### 2.2 Site Topography

A map of the parcel's topography is included as Attachment "A."

### 3.0 Easements

The easement outlined below is taken from Exhibit A of the Grant Deed for the parcel.

#### EXHIBIT A

#### DESCRIPTION

All that real property situated in the County of Humboldt, State of California, in Section 36, Township 2North, Range 1 East, Humboldt Base and Meridian, described as follows:

PARCEL ONE:

PARCEL 2 as shown on Parcel Map No. 2593 filed July 12, 1988 in the office of the Humboldt County Recorder in Book 23 of Parcel Maps at pages 69 and 70.

PARCEL TOW:

A NON-EXCLUSIVE easement for roadway purposes, 40 feet in width, over, upon and across those portions of the Southwest Quarter of the Northeast Quarter and the Southeast Quarter of the northwest Quarter of Section 36, Township 2 north, Range 1 East, Humboldt Base and Meridian, described in the Easement Deed from Louisiana-Pacific Timber Corporation, a California Corporation, to George B. Corbett and Jennie S. Corbett recorded November 23, 1976 in the office of the Humboldt County Recorder in Book 1379 of Official Records at page 206 and shown on Parcel Map No. 2593 for George Corbett filed July 12, 1988 in the office of the Humboldt County Recorder in Book 23 of Parcel Maps at pages 69 and 70, and more particularly described as follows:

- 1) A strip of land 40 feet in width lying 20 feet on each side of the following described centerline:

BEGINNING at the Easterly terminus of the course numbered (6) in the Deed to the State of California recorded February 14, 1955 in Book 326, page 308, Humboldt County Official Records;

Thence South 77 degrees 24 minutes 16 seconds West along said course 75.00 feet to the TRUE POINT OF BEGINNING;

Thence South 77 degrees 24 minutes 16 seconds West, 94.61 feet to the Westerly terminus thereof;

Thence North 89 degrees 20 minutes 44 seconds West, 370.00 feet;

Thence North 70 degrees 20 minutes 44 seconds West, 110.00 feet;

Thence South 05 degrees 20 minutes 44 seconds East, 95 feet, more or less, to the South line of said Southeast Quarter of the Northwest Quarter of said Section 36.

- 2) A strip of land 40 feet in width lying 20 feet on each side of the following described centerline;

BEGINNING at the Westerly terminus of the course numbered (6) in said Deed to the State of California;

Thence North 89 degrees 20 minutes 44 seconds West, 134.00 feet to the TRUE POINT OF BEGINNING;

Thence South 51 degrees 05 minutes 44 seconds East, 86 feet, more or less, to the South line of said Southeast Quarter of the northwest Quarter.

PARCEL THREE:

A NON-EXCLUSIVE easement for roadway purposes, 40 feet width, over, upon and across those portions of the Southwest Quarter of the Northeast Quarter and the Northwest Quarter of the Southeast Quarter of Section 36, Township 2 North, Range 1 East, Humboldt base and Meridian, described in the Easement Deed from The Pacific Lumber Company, a Delaware Corporation, to



George B. Corbett and Jennie S. Corbett recorded July 16, 187 in the office of the Humboldt County Recorder in Book 1843 of Official Records at page 855 and shown on Parcel Map No. 2593 for George Corbett filed July 12, 1988 in the office of the Humboldt County Recorder in Book 23 of Parcel Maps at pages 69 and 70, and more particularly described as follows:

- 1) A strip of land 40 feet in width lying 20 feet on each side of the following described centerline:

COMMENCING at the Easterly terminus of the course numbered (60 in the Deed to the State of California recorded February 14, 1955 in Book 326 of Official Records, page 308, Humboldt County Records;

Thence South 25 degrees East, 235 feet;

Thence South 10 degrees West, 85 feet;

Thence South 27 degrees West, 105 feet;

Thence South 19 degrees 30 minutes West, 155 feet;

Thence South 7 degrees West, 180 feet.

- 2) A strip of land 40 feet in width lying 20 feet on each side of the following described centerline:

COMMENCING at the Easterly terminus of the course numbered (6) in the Deed to the State of California recorded February 14, 1955 in Book 326 of Official Records, page 308, Humboldt County Records;

Thence South 77 degrees 24 minutes 16 seconds West, 87.61 feet;

Thence South 25 degrees East, 235 feet;

Thence South 10 degrees West, 85 feet;

Thence South 27 degrees West, 75 feet to the TRUE POINT OF BEGINNING;

Thence South 71 degrees 30 minutes West, 73 feet, more or less, to the West line of the Northwest Quarter of the Southeast Quarter.

#### PARCEL FOUR:

A NON-EXCLUSIVE right of way for ingress, egress, and public utility purposes, 40 feet in width, and shown as PARCEL "A" on Parcel Map No. 2593 for George Corbett filed July 12, 1988 in the office of the Humboldt County Recorder in Book 23 Parcel Maps at pages 69 and 70.

#### **4.0 Natural Waterways**

There are no natural waterways that have been identified on the parcel per the Humboldt County GIS website. The closest watercourse to the property is Cummings Creek, which has a 100-foot buffer zone. The proposed site for cannabis cultivation is approximately 290 feet from the edge of Cummings Creek's buffer zone.

The location of the parcel is just north of the Van Duzen River, and is within the 100-year Flood Zone designated by FEMA. All greenhouses on-site will be taken down by October 31<sup>st</sup> of every year in compliance with the Humboldt County Code Relating to Flood Damage Prevention Ordinance.

The Applicant is intending to enroll with the Water Board, in the Waiver of Waste Discharge Program, as a Tier 1 discharger once the Humboldt County Planning Department permits new outdoor cannabis cultivation on the site. A copy of the signed Notice of Intent and Monitoring & Reporting Forms are included in the Other Permits, Licenses and Documents section of this application.

#### **5.0 Location and Area of Proposed Cultivation**

The 5,000 square feet of new outdoor cannabis cultivation is proposed to occur in one location on the property, and consists of less than 20% of the approximate 50,000 square feet of prime agricultural soils found on the parcel per the Humboldt County GIS website. The location for the proposed cultivation has a slope of 0%.

##### Cultivation Area

It is proposed that the Cultivation Area be located in one general area.

The Cultivation Area is proposed to consist of five (5) 10x100 foot greenhouses. All construction of the greenhouses will be in accordance with Section 335-5 (a) of the Humboldt County Code Relating to Flood Damage Prevention Ordinance, and will be taken down by October 31<sup>st</sup> every year. The proposed location of the greenhouses can be seen on sheet PO of the Site Plan, included in the Site Plan of Entire Parcel section of this application.

#### **6.0 Setbacks of Cultivation Area**

The proposed new Cultivation Area will be set back from all parcel lines by at least 30 feet. The closest neighboring residence is approximately 160 feet away from the boundary of proposed area designated for cultivation. The Applicant and his neighbor have an agreement between each other, allowing the cultivation of cannabis within 300 feet of one another's residence. A copy of the agreement is in the Other Permits, Licenses and Documents section of this application.

#### **7.0 Access Roads**

The parcel can be accessed from Corbett Ranch Lane off of Highway 36 in Carlotta. The access road is a cul-de-sac which is rocked and well maintained by the ranch owners.

#### **8.0 Graded Flats**

There are no graded flats located on the parcel.

#### **9.0 Existing and Proposed Buildings**

##### Residence #1

Residence #1 is located in the lower eastern quadrant of the parcel. Residence #1 is used as a place of living and will not be used for any cultivation related activities. Residence #1 is an existing permitted structure. There is a septic system attached to the residence that is permitted through the Department of Environmental Health.

Residence #2

Residence #2 is located in the center of the western quadrant of the parcel. Residence #2 is used as a place of living and is not used for any cultivation related activities. Residence #2 is an existing permitted structure. There is a septic system attached to the residence that is permitted through the Department of Environmental Health.

Residence #3

Residence #3 is located in the lower western quadrant of the parcel. Residence #3 is used as a place of living and is not used for any cultivation related activities. Residence #3 is an existing permitted structure. There is a septic system attached to the residence that is permitted through the Department of Environmental Health.

Garage #1

Garage #1 is a detached garage that is located next to Residence #1 on-site. Garage #1 is used for personal storage, and a room in the garage will be designated to store nutrients and tools. The nutrients will be stored in containers, and the door will be locked to prevent the contamination of waters in the event of a flood. The garage is a permitted existing structure.

Garage #2

Garage #2 is also a detached garage that is located next to Residence #3 on-site. Garage #2 is used for personal storage and will not be used for any cultivation related activities in the future. The garage is an existing permitted structure.

**10.0 Water Source & Storage, Use and Watershed Protection****10.1 Water Source & Storage**

All water used for the cultivation of cannabis is sourced from the permitted well onsite. A copy of the Well Permit and Well report is in the Other Permits, Licenses and Documents section of this application.

The Applicant is proposing the installation of three (3) hard water tanks. He is proposing to install one (1) 2,500 -gallon hard water tank, one (1) 1,500 hard water tank, and one (1) 500-gallon hard water tank. The proposed location for the three (3) hard tanks can be seen on sheet PO of the Site Plan, included in the Site Plan of Entire Parcel section of this application.

**10.2 Water Use**

The amount of water used for the cultivation of cannabis will vary throughout the year, with peak periods of water use occurring in the summer months. The Applicant's cultivation and water use is outlined in the Cultivation and Water Usage Chart, attached as Attachment "B."

All irrigation of cannabis is proposed to be completed by a drip irrigation system, which allows water to be monitored and distributed at an agronomic rate preventing any over watering or run off. The proposed irrigation system for the property is to install a one-

inch pipeline from the well to the three (3) hard tanks where they will then be piped to each of the five (5) greenhouses.

### **10.3 Watershed Protection**

The Applicant's parcel is located within the 100-year Flood Zone in Carlotta CA, as outlined by the *FEMA Flood Zones (6/21/2017)* layer of the Humboldt County GIS website. The Applicant is proposing to place five (5) new 10x100 foot greenhouses on the site. These greenhouses will be anchored to the ground to prevent the floatation, collapse, or lateral movement of the greenhouses in the event of a flood. The greenhouses will also have two (2) openings, approximately 8x10 feet each, that will allow the flow of water through the greenhouses in the case of a 100-year flood, in accordance with the Humboldt County Flood Damage Prevention Ordinance. The proposed greenhouses will be taken down by October 31<sup>st</sup> every year.

There are no natural waterways that have been identified on the parcel per the Humboldt County GIS website. The closest watercourse to the property is Cummings Creek, which has a 100-foot buffer zone. The proposed site for cannabis cultivation is approximately 290 feet from the edge of Cummings Creek's buffer zone.

The interior road that goes through the parcel is Corbett Ranch Lane, and is in good condition and well maintained by the local ranch owners. The road is rocked when needed, and no erosion is associated with the interior roads of the parcel.

The Applicant is intending to enroll in the Water Board's Waiver of Waste Discharge Program as a Tier 1 discharger, once the Humboldt County Planning Department permits new outdoor cannabis cultivation on the site. A copy of the signed Notice of Intent is included in the Other Permits, Licenses and Documents section of this application.

As a Tier 1 discharger, the Applicant is not required to obtain a Water Resource Protection Plan for this site.

### **11.0 Distances from Significant Landmarks**

There are no schools, school bus stops, places of worship, State Parks or Tribal Cultural Resources within 600 feet of the proposed cultivation site.

The closest neighboring residence is located directly east, and approximately 160 feet away from the boundary of proposed area designated for cultivation. The Applicant and his neighbor have an agreement between each other, allowing the cultivation of cannabis within 300 feet of one another's residences. A copy of the agreement is in the Other Permits, Licenses and Documents section of this application.

## **II. Cultivation and Operations Plan**

### **1.0 Water Use**

All water used for the irrigation of cannabis will be sourced from the permitted well on-site. The water collected from the well will be stored in three (3) proposed hard water tanks. The amount

of water used for the cultivation of cannabis will vary throughout the year, with peak periods of water use occurring during the summer months. The Applicant's cultivation and water use is outlined in the Cultivation and Water Usage Chart, attached as Attachment "B."

All irrigation of cannabis will be completed by a drip irrigation system, which allows water to be monitored and distributed at an agronomic rate preventing any over watering or run off.

## **2.0 Watershed Protection**

The Applicant's parcel is located within the 100-year Flood Zone in Carlotta CA, as outlined by the *FEMA Flood Zones (6/21/2017)* layer of the Humboldt County GIS website. The Applicant is proposing to place five (5) new 10x100 foot greenhouses on the site. These greenhouses will be anchored to the ground to prevent the floatation, collapse, or lateral movement of the greenhouses in the event of a 100-year flood. The greenhouses will also have two (2) openings, approximately 8x10 feet each, that will allow the flow of water through the greenhouses in the case of a 100-year flood, in accordance with the Humboldt County Flood Damage Prevention Ordinance. The proposed greenhouses will be taken down by October 31st every year.

There are no natural waterways that have been identified on the parcel per the Humboldt County GIS website. The closest watercourse to the property is Cummings Creek, which has a 100-foot buffer zone. The proposed site for cannabis cultivation is approximately 290 feet from the edge of Cummings Creek's buffer zone.

The interior road that goes through the parcel is Corbett Ranch Lane, and is in good condition and well maintained by the local ranch owners. The road is rocked when needed, and no erosion is associated with the interior roads of the parcel.

The Applicant is intending to enroll in the Water Board's Waiver of Waste Discharge Program as a Tier 1 discharger, once the Humboldt County Planning Department permits new outdoor cannabis cultivation on the site. A copy of the signed Notice of Intent is included in the Other Permits, Licenses and Documents section of this application.

As a Tier 1 discharger the Applicant is not required to obtain a Water Resource Protection Plan for this site.

## **3.0 Materials Storage**

All tools, fertilizers and amendments will be located in 55-gallon drums in a locked room in the Garage #1 on-site. This will ensure that no contamination from fertilizers or amendments will occur in the event of a flood. Currently, the applicant is using strictly organic fertilizers and amendments. The 55-gallon drums will be used for the mixing of nutrient teas in the beginning of the cultivation season.

All labels are kept and directions are followed when nutrients are applied. The storage room is in need of posted instructions for storing fertilizers and amendments, instructions for cleaning up spills and a spill kit that contains a container, gloves, towels, absorbent socks and an absorbent material (kitty litter).

All trash and recycling is collected and stored in water tight containers in the two (2) garages on-site, and is taken to the Eel River Dispose & Resource at the Fortuna main facility on a weekly basis. Any household cleaners, or chemicals are stored on shelves, in their sealed containers in the two (2) garages, and three (3) residences on the property.

All vehicles located on the property are licensed and ready for highway use in the case of a flood, in compliance with the Humboldt County Flood Damage Prevention Ordinance.

#### **4.0 Cultivation Activities**

Cultivation activities will typically begin sometime during May when cannabis plants are started from seeds and propagated in the proposed greenhouses. The Applicant expects to harvest sometime in October. The Applicant's cultivation schedule and water usage is outlined in the Cultivation and Water Usage Chart, attached as Attachment "B."

#### **5.0 Processing Practices**

Until the Applicant can design, permit and construct a building that meets the minimum commercial standard for processing, the applicant will utilize an offsite third party processor.

All work surfaces and equipment are maintained in a clean, sanitary condition. Protocols to prevent the spread of mold are strictly followed, and the final cannabis product is stored in a secure location.

All cultivation related waste is stored in water tight garbage containers located in the two (2) garages on the parcel. Any green waste will be collected and kept in a pile no larger than 100-cubic feet near the Garage #1 on-site. All green waste will be taken to the Eel River Dispose & Resource at the Fortuna main facility on a weekly basis.

The Applicant will be utilizing any Track and Trace program the County seeks to implement, abiding by all appropriate record keeping practices.

#### **6.0 Security Measures**

There is one (1) locked gate to the parcel, and security cameras on-site. The Applicant and his family live on-site and will be vigilant of any suspicious activity that may occur.



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# Attachment “A”





## ArcGIS Web Map

Humboldt County Planning and Building Department

### Lines

Override 1

### Highways and Roads

Principal Arterials

Minor Arterials

Major Collectors

Minor Collectors

Local Roads

Private or Unclassified

Major River or Stream

### Blue Line Streams

Perennial 1-3

Perennial >4

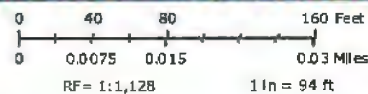
Intermittent

Subsurface

City Boundary

Counties

Parcels



Printed: July 3, 2017

Web AppBuilder 2.0 for ArcGIS

### Map Disclaimer:

While every effort has been made to assure the accuracy of this information, it should be understood that it does not have the force of law, rule, or regulation. Should any difference or error occur, the law will take precedence.

Source: NRCS, Humboldt County GIS, Esri, HERE, DeLorme, MapmyIndia, © OpenStreetMap contributors, and the GIS user community. Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, FRAP, FEMA, USGS.





GREEN  
ROAD  
CONSULTING

# Attachment “B”

# Cultivation and Water Usage

## Danny King; Parcel: 206-451-02

Month	Stage of Cultivation			Cultivation Space per Stage (Square Footage) *	Water Usage (gallons/month)
	Vegging	Flowering	Harvesting		
<b>EXAMPLE</b>	X	X		1,200 sq. ft. – Vegging 1,500 sq. ft. – Flowering	5,000 gal/month
January					
February					
March					
April					
May	X			2,000 sq. ft. – Vegging	1,240 gal/month
June		X		5,000 sq. ft. – Flowering	4,500 gal/month
July		X		5,000 sq. ft. – Flowering	4,650 gal/month
August		X		5,000 sq. ft. – Flowering	4,650 gal/month
September		X		5,000 sq. ft. – Flowering	4,500 gal/month
October			X	5,000 sq. ft. – Harvesting	
November					
December					

a plant density of 0.85

# Cultivation and Water Usage

## Danny King; Parcel: 206-451-02

Month	Stage of Cultivation			Cultivation Space per Stage (Square Footage) *	Water Usage (gallons/month)
<b>EXAMPLE</b>	Vegging X	Flowering X	Harvesting	1,200 sq. ft. – Vegging 1,500 sq. ft. – Flowering	5,000 gal/month
January					
February					
March					
April					
May	X			2,000 sq. ft. – Vegging	1,240 gal/month
June		X		5,000 sq. ft. – Flowering	4,500 gal/month
July		X		5,000 sq. ft. – Flowering	4,650 gal/month
August		X		5,000 sq. ft. – Flowering	4,650 gal/month
September		X		5,000 sq. ft. – Flowering	4,500 gal/month
October			X	5,000 sq. ft. – Harvesting	
November					
December					

h a plant density of 0.85



GREEN  
ROAD  
CONSULTING

# Attachment “2”



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. For indoor cultivation facilities, identify the source of electrical power and how it will meet with the energy requirements in section 55.4.8.2.3, and plan for compliance with applicable Building Codes. (Not applicable)
14. 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)
15. 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)
16. Biological Report prepared March 22, 2019. (On File)
17. Signed Temporary Structures in the Flood Zone (Hoop Houses Only) form. (On file)
18. Evidence of school bus stop exceeding 600 foot minimum setback requirement. (Attached)

## 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
CALFIRE	✓	Conditional Approval	Attached
Public Works Land Use Division	✓	Conditional Approval	Attached
Environmental Health Division	✓	Approval	On file with Planning
Humboldt County Sheriff	✓	Approval	On file with Planning
NWIC	✓	Confidential	On file with Planning
Bear River Band Rohnerville Rancheria	✓	Confidential	On file with Planning
Cuddeback Union School District	✓	Denial	Attached
Fortuna Union High School	✓	Denial	Attached
California Division of Water Resources		No Response	
California Department of Fish and Wildlife		No Response	
Humboldt County Agricultural Commissioner		No Response	
Humboldt County District Attorney		No Response	
North Coast Unified Air Quality Management District		No Response	
California Water Resources Control Board – Division of Water Rights		No Response	
Caltrans		No Response	
Navy		No Response	



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

12/8/2017

**PROJECT REFERRAL TO: Building Inspection Division**

**Project Referred To The Following Agencies:**

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, Regional Water Quality Control Board, North Coast Unified Air Quality Management District, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, Humboldt County Sheriff, Carlotta Community Services District, Cuddeback Union Elementary School District, Fortuna Union High School District, California Waters Resources Control Board- Division of Water Rights

**Applicant Name** Danny King **Key Parcel Number** 206-451-002-000

**Application (APPS#)** 12231 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** CUP16-573

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 12/23/2017**

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

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

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

☒ Recommend Conditional Approval. Suggested Conditions Attached.

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

☐ Recommend Denial. Attach reasons for recommended denial.

☐ Other Comments: obtain wet Flood proofing certificate

DATE: 1/30/18

PRINT NAME: Ian Mion

206-451-002





COUNTY OF HUMBOLDT  
PLANNING AND BUILDING DEPARTMENT  
BUILDING DIVISION

3015 H STREET EUREKA CA 95501  
PHONE: (707) 445-7245 FAX: (707) 445-7446

Building Division's Referral Comments for Cannabis Operations:

Application No.: 45656 apps # 12231  
Parcel No.: 206 451 0021  
Case No.: CUP16-579

The following comments apply to the proposed project, (check all that apply).

☒ Site/plot plan appears to be accurate.

☐ Submit revised site/plot plan showing all of the following items: all grading including ponds and roads, location of any water course including springs, all structure including size and use and all setbacks from the above stated to each other and property lines.

☐ Existing operation appears to have expanded, see comments: \_\_\_\_\_

☒ Existing structures used in the cannabis operation shall not to be used/occupied until all required permits have been obtained.

☐ Proposed new operation has already started.

☒ Recommend approval based on the condition that all required grading, building, plumbing electrical and mechanical permits and or Agricultural Exemption are obtained.

☒ Other Comments: obtain Wet Flood Proofing Certificate

Name: Ian Miod

Date: 1/30/18

Note: Remember to take photographs and then save them to the Planning's case number. File location J, Current Planning, Projects, (CUP, SP, ZCC) Case number.

**From:** [Lee, Bo@CALFIRE](mailto:Lee, Bo@CALFIRE)  
**To:** [Planning Clerk; HUU CEQA@CALFIRE](mailto:Planning Clerk; HUU CEQA@CALFIRE)  
**Subject:** 206-451-002-000, Danny King, application #12231  
**Date:** Thursday, December 21, 2017 8:03:11 PM

---

Reviewed by B1213.

Recommend:

- Emergency Access
  - Turnarounds
- Signing and building numbers
- Emergency water standards
  - Designated water storage for fire
- Fuel modification standards

Bo Lee  
Battalion Chief  
CAL FIRE  
Humboldt-Del Norte Unit  
707-499-2244



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



12/8/2017

**PROJECT REFERRAL TO: Cuddeback Union Elementary School District**

**Project Referred To The Following Agencies:**

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, Regional Water Quality Control Board, North Coast Unified Air Quality Management District, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, Humboldt County Sheriff, Carlotta Community Services District, Cuddeback Union Elementary School District, Fortuna Union High School District, California Waters Resources Control Board- Division of Water Rights

**Applicant Name** Danny King **Key Parcel Number** 206-451-002-000

**Application (APPS#)** 12231 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** CUP16-573

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 12/23/2017** Planning Commission Clerk  
County of Humboldt Planning and Building Department  
3015 H Street  
Eureka, CA 95501  
**E-mail:** PlanningClerk@co.humboldt.ca.us **Fax:** (707) 268-3792

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

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

☐ Recommend Conditional Approval. Suggested Conditions Attached.

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

☒ Recommend Denial. Attach reasons for recommended denial.

☐ Other Comments: \_\_\_\_\_

DATE:

12/11/17  
PLN-12231-CUP Danny King

PRINT NAME:

BLAINE SIBLER

October 17, 2019

Page 59



# Cuddeback

**"National Blue Ribbon Award Winner 1994"  
"California Distinguished School Award Winner 1993"**

## UNION SCHOOL DISTRICT

P.O. Box 7 • 300 Wilder Road • Carlotta, California 95528 • (707) 768-3372 • FAX 768-3211

*Blaine Sigler, Superintendent / Principal*

### Board of Trustees

Harry Dibble, *Chairperson*  
Jeana McClendon, *Clerk*  
Todd Calvo, *Member*  
Randy MacMillan, *Member*  
Jacob Moras, *Member*



TO: Humboldt County Planning and Building Department

FROM: Blaine Sigler, Superintendent/Principal Cuddeback USD

SUBJECT: APPS# 12231

DATE: December 11, 2017

This letter is in response to an application for a Conditional Use permit received at the Cuddeback Union School District office for review and input. Humboldt County Ordinance 2544, Section 313 of Chapter 3, Division 1 of Title 3 requires a 600 ft. setback from any school or school bus stop. The location of this project as described would violate that requirement, as the school district has a well-established bus stop at the intersection of Highway 36 and Corbett Ranch. The description of the project states that it is 120 ft. from the intersection and bus stop.

Due to the close proximity of the proposed cultivation site to the school bus stop, I represent the District's position to oppose this permit application. Our position is based on safety concerns for the District's students and staff, in addition to the noted conflict with Humboldt County Code.

Thank you for your consideration on this matter. Please feel free to contact me for any additional information that may be needed, or if the working logistics of this proposal are significantly amended.

## **MORNING BUS SCHEDULE**

<b>7:25</b>	<b>LEAVE SCHOOL</b>	
<b>7:28</b>	<b>7136 Hwy 36</b>	<b>Red Light Stop</b>
<b>7:29</b>	<b>7268 Hwy 36</b>	<b>Red Light Stop</b>
<b>7:30</b>	<b>7848 Hwy 36</b>	<b>Red Light Stop</b>
<b>7:32</b>	<b>Corbett Ranch</b>	
<b>7:37</b>	<b>Marie Rd.</b>	
<b>7:39</b>	<b>Church Ln.</b>	
<b>7:40</b>	<b>Johnson Ln.</b>	
<b>7:42</b>	<b>Riverside Turn Around</b>	<b>Red Light Stop</b>
<b>7:45</b>	<b>10411 Hwy 36</b>	
<b>7:47</b>	<b>Fox Creek Rd.</b>	
<b>7:48</b>	<b>Cummings Creek Rd.</b>	
<b>7:52</b>	<b>7603 Hwy 36</b>	<b>Red Light Stop</b>
<b>7:53</b>	<b>Love Lee Ln.</b>	<b>Red Light Stop</b>
<b>7:54</b>	<b>Pine Ln.</b>	<b>Red Light Stop</b>
<b>7:55</b>	<b>Barbershop Ln.</b>	<b>Red Light Stop</b>
<b>7:56</b>	<b>Sunny Slope Ln.</b>	<b>Red Light Stop</b>
<b>7:58</b>	<b>Post Office</b>	
<b>7:59</b>	<b>205 Creekside Ln.</b>	<b>Red Light Stop</b>
<b>7:59</b>	<b>86 Creekside Ln.</b>	<b>Red Light Stop</b>
<b>8:02</b>	<b>Bess Farm Turnout</b>	<b>Red Light Stop</b>
<b>8:03</b>	<b>6482 Hwy 36</b>	<b>Red Light Stop</b>
<b>8:03</b>	<b>6598 Hwy 36</b>	<b>Red Light Stop</b>
<b>8:05</b>	<b>ARRIVE AT SCHOOL</b>	





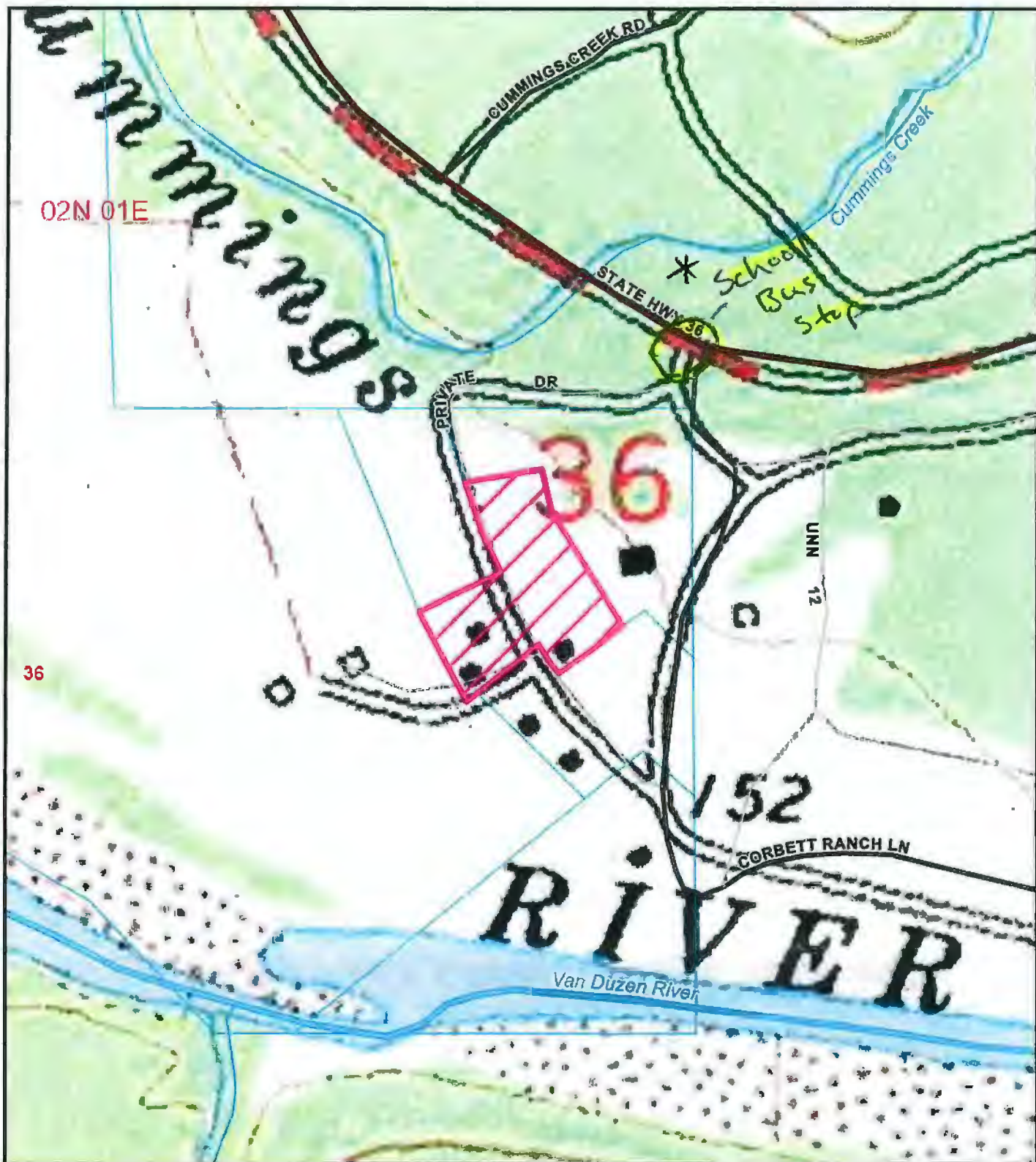
**AERIAL MAP  
PROPOSED DANNY KING  
CARLOTTA AREA  
CUP-16-573  
APN: 206-451-002  
T02N R01E S36 HB&M (HYDESVILLE)**

Project Area = 

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

0 280 560 Feet





Project Area =



**TOPO MAP**  
**PROPOSED DANNY KING**  
**CARLOTTA AREA**  
**CUP-16-573**  
**APN: 206-451-002**  
**T02N R01E S36 HB&M (HYDEVILLE)**

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.  
 PLN-12231-CUP Danny King

October 17, 2019

0 405 810 Feet

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

**10/4/2018**

**PROJECT REFERRAL TO: Fortuna Union High School District**

**Project Referred To The Following Agencies:**

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, Regional Water Quality Control Board, North Coast Unified Air Quality Management District, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, Humboldt County Sheriff, Carlotta Community Services District, Cuddeback Union Elementary School District, Fortuna Union High School District, California Waters Resources Control Board- Division of Water Rights

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**Applicant Name** Danny King **Key Parcel Number** 206-451-002-000

**Application (APPS#)** 12231 **Assigned Planner** Zsafia Odry (707) 268-3727 **Case Number(s)** CUP16-573

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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 10/19/2018** Planning Commission Clerk  
County of Humboldt Planning and Building Department  
3015 H Street  
Eureka, CA 95501  
**E-mail:** PlanningClerk@co.humboldt.ca.us **Fax:** (707) 268-3792

---

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

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

☐ Recommend Conditional Approval. Suggested Conditions Attached.

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

☒ Recommend Denial. Attach reasons for recommended denial.

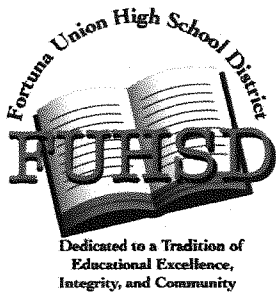
☐ Other Comments: \_\_\_\_\_

---

DATE: 10/9/18

PRINT NAME: Glen Senestraro





# FORTUNA UNION HIGH SCHOOL DISTRICT

379 TWELFTH STREET  
FORTUNA, CA 95540

PHONE: 707.725.4462  
FAX: 707.725.6085  
WWW.FUHSDISTRICT.ORG

GLEN SENESTRARO, SUPERINTENDENT

9 October 2018

Planning Commission Clerk  
County of Humboldt  
Planning and Building Department  
3015 H Street  
Eureka, CA 95501

Re: Cannabis Permit Rejection

To Whom It May Concern:

The Fortuna Union High School District received the following permit application:

Key Parcel Number:	206-451-002-000
Application (APPS#):	12231
Case Number:	CUP16-573

This proposed cannabis grow is within 600 feet of a school bus stop. We have a bus stop at Corbett Ranch Lane and Highway 36.

If you have any questions or require more information, please do not hesitate to contact our office.

Cordially,

Glen Senestraro  
Superintendent

## ACADEMY OF THE REDWOODS

7351 TOMPKINS HILL ROAD  
EUREKA, CA 95501  
707.476.4203

AR 12231 CUP Danny King

## EAST HIGH SCHOOL

392 SIXTEENTH STREET  
FORTUNA, CA 95540  
PHONE: 707.725.4463 FAX: 707.725.1628  
EASTHIGHFORTUNA.ORG

## FORTUNA HIGH SCHOOL

379 TWELFTH STREET  
FORTUNA, CA 95540  
PHONE: 707.725.4461 FAX: 707.725.5511  
FORTUNAHIGH.ORG



DEPARTMENT OF PUBLIC WORKS  
**COUNTY OF HUMBOLDT**

MAILING ADDRESS: 1106 SECOND STREET, EUREKA, CA 95501-0579  
AREA CODE 707

ARCATA-EUREKA AIRPORT TERMINAL  
MCKINLEYVILLE  
FAX 839-3596

PUBLIC WORKS BUILDING  
SECOND & L ST., EUREKA  
FAX 445-7409

CLARK COMPLEX  
HARRIS & H ST., EUREKA  
FAX 445-7388

AVIATION 839-5401

ADMINISTRATION 445-7491  
BUSINESS 445-7652  
ENGINEERING 445-7377  
FACILITY MAINTENANCE 445-7493

NATURAL RESOURCES 445-7741  
NATURAL RESOURCES PLANNING 267-9540  
PARKS 445-7651  
ROADS & EQUIPMENT MAINTENANCE 445-7421

LAND USE 445-7205

**LAND USE DIVISION INTEROFFICE MEMORANDUM**

TO: Michelle Nielsen, Senior Planner, Planning & Building Department

FROM: Kenneth M. Freed, Assistant Engineer *KMF*

DATE: 7-31-2018

RE:

Applicant Name	Danny King
APN	206-451-002
APPS#	12231
CASE#	CUP16-573

The Department has reviewed the above project and has the following comments:

- ☐ The Department's recommended conditions of approval are attached as **Exhibit "A"**.
- ☐ Additional information identified on **Exhibit "B"** is required before the Department can review the project. **Please re-refer the project to the Department when all of the requested information has been provided.**
- ☐ Additional review is required by Planning & Building staff for the items on **Exhibit "C"**. **No re-refer is required.**
- ☒ **Road Evaluation Reports(s)** are required; See **Exhibit "D"**. **No re-refer is required.**

\*Note: Exhibits are attached as necessary.

Additional comments/notes:

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// END //

## Exhibit "D"

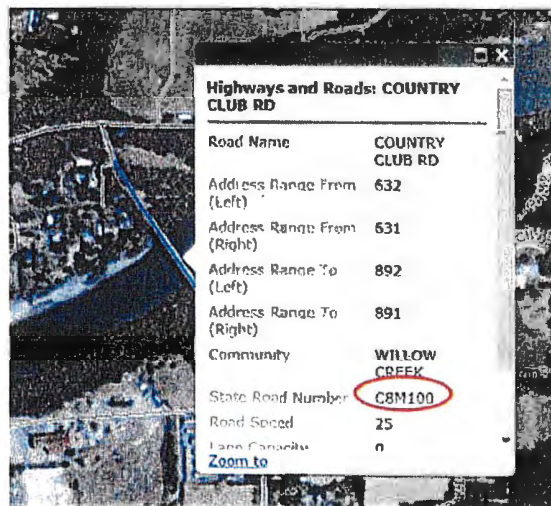
### Road Evaluation Reports

1. **ROADS – Road Evaluation Reports.** Planning and Building Department staff shall request that the applicant provide Road Evaluation Reports for the project. The particular roads that require a Road Evaluation Report is to be determined by following the guidance shown below.

The Department has developed a *Road Evaluation Report* form so that an applicant can address the adequacy of the various roads used by their project. Most projects will require that a *Road Evaluation Report* form be completed.

When viewing the project site on google earth, if the County maintained road (or other publicly maintained road) has a centerline stripe, the road is adequate. If there is no centerline stripe, then the roads leading from the nearest publicly maintained road with a paved centerline stripe (or a known category 4 road) must be evaluated. A separate Road Evaluation Report form is needed for each road. This applies to all roads regardless if they are publicly or privately maintained. The Department has prepared a "approved list" of known County maintained roads that are category 4 (or are equivalent to category 4) standards for cannabis projects. The Department has also prepared a list of roads that are known to not meet road category 4 of equivalent. Both of these lists will be updated as the County information regarding the County maintained roads becomes available.

The *Road Evaluation Report* form needs to be provided to applicants to complete. It is important that Planning and Building Department staff provide the applicant with a map that has the roads to be evaluated highlighted. This will most likely include a combination of County maintained roads and non-County maintained roads. This will give the applicant clear direction on which roads need to be evaluated.



Above: screenshot from the WebGIS showing County Road Number circled in **RED**.

A County maintained road will have a 5 or 6 character identifier. The general format is ABCDDD where:

- A** is an optional identifier for the functionality of the road (A=Arterial, C=Collector, F=Federal Aid)
- B** is a grid identifier number for the X-axis of a "battleship" style grid that was drawn on a county map to divide the county into a series of squares.
- C** is a grid identifier letter for the Y-axis for the grid.
- DDD** is a three digit road identification number within a particular grid. Each grid can have up to 999 roads in them

Examples:

**ABCDDD**

**A3M020** Murray Road

**F6B165** Alderpoint Road

**6C040** Thomas Road

## Exhibit "D"

### Road Evaluation Reports

The Department is working towards identifying which County maintained roads meet (or are equivalent to) Road Category 4 standards for cannabis projects. Two lists are being prepared: the first list with the green heading shows which roads (or portions thereof) meet or are equivalent to Road Category 4 standard (AKA "Approved List"); and the second list with the red heading shows which roads (or portions thereof) that do not meet or are not equivalent to Road Category 4 standards. These lists will be updated as information becomes available. **This list will be updated frequently. Make sure you are using the most up to date list.**

On occasion there may be more than one road that has the same name; in these instances check the road number to ensure that you are referencing the correct road. Until such time as the GIS roads layer has been proofed by the Department, the GIS is not to be used for this task. Use the paper road maps to check road numbers.

If the subject property takes direct access from a road on the "approved list", no further road evaluation needs to be done.

**Note: As stated above, County maintained roads with a painted centerline strip are roads considered meeting or exceeding Road Category 4 standards, and are not necessarily listed below.**

<b>"APPROVED LIST"</b>		
<b>List of County Maintained Roads that meet (or are equivalent to) Road Category 4 standards for Cannabis Projects</b>		
<b>Road Name</b>	<b>Road Number</b>	<b>Range meeting (or equivalent to) Road Category 4 standard</b>
Alderpoint Road	F6B165	All
Bair Road	C6L300	All
Bair Road	6L300	All
Bald Hills Road	F4R300	All
Benbow Drive	6B180	Oakcrest Drive to State Hwy 101
Blue Slide Road	F2G100	All [Grizzley Bluff Rd to City limits of Rio Dell]
Brannon Mountain Road	7M100	State Hwy 96 to Creekside Lane
Briceland Thorne Road	F5A010	All
Burrell Road	3D030	From Mattole Rod to P.M. 067
Cathey Road	6D050	State Park to P.M. 0.87 [End of County maintained]
Chemise Mountain Road	C4A030	Shelter Cove Road to P.M. 3.0
Dean Creek Road	6B198	State Hwy 101 to P.M. 0.48 [End of County maintained]
Eel Rock Road	7D010	All
Eighth Avenue	4N080	All
Ettersburg- Honeydew Road	F5A010	All
Fickle Hill Road	C5J040	PM 1.55 [end of centerline stripe] to P.M. 8.00
Fieldbrook Road	C4L760	All
Freshwater Road	F6F060	All
Friday Ridge Road	8L100	State Hwy 299 to PM 3.37[End of County maintained] then becomes USFS Road
Greenwood Heights Drive	C4K160	All
Grizzley Bluff Road	F2G100	All [City limits of Ferndale to Blue Slide Rd]
Jacoby Creek Road	C4K230	Old Arcata Road to P.M. 2.50
Jacoby Creek Road	4K230	From P.M. 2.5 to P.M. 2.69
Johnson Road	4G060	State Hwy 36 to P.M. 1.69 [End County maintained]
Kneeland Road	F6F060	Freshwater Road to Mountain View Road
Lighthouse Road	1D010	Mattole Road to State Park boundary
Maple Creek Road	5L100	All
Mattole Road	F3D010	All
Mattole Road	F3C010	All
McCann Road	6D090	Dyerville Loop Road to P.M. 1.0
McCellan Mtn Road	7F010	State Hwy 36 to P.M. 3.57[End of County maintained]
Mountain View Road	6H010	All
Murray Road	C3M020	All
Old Three Creeks Road	6L250	State Hwy 299 to P.M. 2.8 [End of County maintained]
Panther Gap Road	4D010	Mattole Road to P.M. 1.83[End of County maintained] continues as a non- County maintained road
Patterson Road	C3M130	All
Salmon Creek Road	6C030	Hwy 101 to P.M. 5.39 [Gate]
Shelter Cove Road	C4A010	All



**Exhibit "D"****Road Evaluation Reports**

<b>"APPROVED LIST"</b>		
<b>List of County Maintained Roads that meet (or are equivalent to) Road Category 4 standards for Cannabis Projects</b>		
<b>Road Name</b>	<b>Road Number</b>	<b>Range meeting (or equivalent to) Road Category 4 standard</b>
Sprowel Creek Road	C6B095	PM 0.0 to PM 2.11
Sprowel Creek Road	6B095	PM 2.11 to PM 4.00
Thomas Road	6C040	Salmon Creek Road to P.M. 4.03 [End of County maintained] continues as a non- County maintained rd
Titlow Hill Road	7K100	Hwy 299 to PM 4.7[End of County maintained] then becomes USFS Road
West End Road	5L010	PM 0.0 at Arcata City Limits to Warren Creek Road
Wilder Ridge Road	C5B010	All

<b>List of County Maintained Roads that do not meet (or are not equivalent to) Road Category 4 standards for Cannabis Projects</b>		
<b>Road Name</b>	<b>Road Number</b>	<b>Range not meeting (or not equivalent to) Road Category 4 standard</b>
Bark Shanty Road	9R105	All
Benbow Drive	6B180	Oakcrest Dr to end of County maintained
Brannon Mountain Road	7M100	Creekside Lane to PM 5.0 [End of County maintained] then becomes USFS Road
Burrell Road	3D030	P.M. 067 to P.M. 2.22 [End of County maintained]
Butte Creek Road	6H020	All
Chemise Mountain Road	C4A030	P.M. 3.0 to P.M. 4.09 [Mendocino County Line]
Essex Lane	C4L780	P.M. 0.2 to P.M. 0.9 [End of County maintained]
Fickle Hill Road	C5J040	P.M. 8.0 to P.M. 11.72
Kings Peak Road	C4A020	P.M. 1.0 to P.M 12.20
McCann Road	6D090	P.M.1.0 to P.M.2.6 [End of County maintained]
Mill Street	3G305	Country Club Estates to P.M. 0.49[End]
Old Eel Rock Road	7D025	All
River Bar Road	4G010	Hwy 36 to P.M. 1.76 [End of County maintained]
Salmon Creek Road	6C030	P.M. 5.39 to P.M. 5.88[End of County maintained]
Sprowel Creek Road	6B095	P.M 4.00 to PM 7.22 [End of County maintained]
Stapp Road	7H010	P.M 0.00 to 3.25[End of County maintained]
Warren Creek Road	5L740	P.M 0.0 to PM 0.95 [End of County maintained]
Williams Creek Road	2G045	All

// END //