



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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

Hearing Date: January 23, 2020

To: Humboldt County Zoning Administrator

From: Cliff Johnson, Supervising Planner

Subject: **Big Fence Farms, LLC Special Permit**
Record Number: PLN-12350-SP
Assessor's Parcel Number: 105-081-018
29650 Mattole Road, Petrolia area

Table of Contents

Page

Agenda Item Transmittal	2
Recommended Action and Executive Summary	3
Draft Resolution	6

Maps

Aerial Map	7
Zoning Map	8
Topo Map	9
Site plan	10

Attachments

Attachment 1: Recommended Conditions of Approval	11
Attachment 2: Required Findings for Approval	19
Attachment 3: CEQA Addendum	32
Attachment 4: Applicant's Evidence in Support of the Required Findings	36
Attachment 5: Referral Agency Comments and Recommendations	48

Please contact Stephen Luther Planner, at 707-268-3737, or by email at sluther@co.humboldt.ca.us, if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
January 23, 2020	Special Permit	Stephen Luther

Project Description: A Special Permit for 8,000 square feet (SF) of existing mixed-light and 1,679 SF outdoor cannabis totaling 9,679 square feet of cultivation area. Proposed on-site propagation totals 2,360 square feet. Mixed light greenhouses will be harvested two times and outdoor will be harvested once annually. Irrigation water is sourced from an unpermitted well that is hydrologically connected to the Mattole River. Water storage totals 111,000 gallons. Projected annual water usage is 255,000 gallons. Upon construction of an engineered rainwater catchment pond, the operation will utilize rainwater catchment as the sole water source. Drying occurs on-site in existing buildings. Additional processing will occur in an offsite facility. Up to 10 employees are necessary for the operation. Power is provided by P. G. & E.

Project Location: The project is located in the Petrolia area, on the South side of Mattole Road, approximately 870 feet Southeast from the intersection of Mattole Road and Old Coast Wagon Road, on the property known as 29650 Mattole Road.

Present Plan Land Use Designation: Residential Estates (RE1-5)- Minimum parcel size 1 acre, Density: 1 to 5 acres per dwelling unit, Slope Stability: Low Instability (1).

Present Zoning: Unclassified (U)

Record Number: PLN-12350-SP

Assessor's Parcel Numbers: 105-081-018

Applicant

Big Fence Farms, LLC
David Brite
321 S Main Street
Sebastopol, CA 95472

Owner

David Brite
321 S Main Street
Sebastopol, CA 95472

Agent

Harrison, Temblador,
Hungerford and Johnson LLP
2801 T St.
Sacramento, CA 95816

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

Major Issue: None.

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

Big Fence Farms, LLC Special Permit
Record Number: PLN-12350-SP
Assessor's Parcel Number: 105-081-018

Recommended Zoning Administrator Action:

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

Find that the Zoning Administrator has considered the Addendum to the Mitigated Negative Declaration adopted for the Commercial Medical Marijuana Land Use Ordinance pursuant to Section 15164 of the State CEQA Guidelines, make all of the required findings for approval of the Special Permit based on evidence in the staff report, and adopt the Resolution approving the proposed Big Fence Farms, LLC, Special Permit subject to the recommended conditions.

Executive Summary

The proposed Special Permit would allow a 9,679 square foot (SF) existing cannabis cultivation operation, consisting of 8,000 SF mixed-light and 1,679 SF outdoor. Drying and curing will take place in two (2) existing 240 SF sheds. All processing will occur off-site at a licensed processing facility. There will be up to ten employees commuting to the site during peak harvesting activities. The applicant proposes to construct a new 720 square foot building to be used as a break room for employees. Portable restrooms and handwashing stations must be provided for cultivation workers. The site is accessed off Mattole Road, a paved County-maintained road. The applicant submitted a Road Evaluation Report self-certifying that the road meets the functional equivalent of a Category 4 road. A condition of approval requires the applicant improve the driveway to commercial standards.

Propagation occurs on-site in two (2) 1,000-square foot nursery greenhouses and another 360 sf propagation space for a total of 2,360 sf. This equates to 24% of the total cultivation area. Cultivation occurs in four (4) 2,000-square foot greenhouses utilizing supplemental lighting to achieve up to two (2) harvests per year. Outdoor cultivation occurs in a 1,679 square foot plot. According to the applicant, each of the four mixed-light greenhouses has 500 plants. Each plant is grown in a 5 inch x 5 inch pot in the nursery. Each 5 inch pot requires 12 inches of space plus a 2 foot aisle in the center. The annual water use for nursery propagation is approximately 15,000 gallons, which is included in the total estimated water use for the operation. The nursery greenhouses are located in between the cultivation greenhouses on ground that is previously disturbed. Supplemental lighting is shielded to prevent light spillage.

According to the California Natural Diversity Database (CNDDDB), the yellow-legged frog is mapped on the subject parcel because of previous observations taken at the Mattole River bridge. Project activities do not impact the yellow-legged frog. The nearest Northern Spotted Owl (NSO) activity center is located 1.85 miles to the southwest. CDFW commented on the project with standard comments on noise and light attenuation. Staff incorporated conditions that require supplemental lighting used for cultivation and the appurtenant nursery must meet Dark Sky Standards and light must not be visible from an hour before sunset to an hour after sunrise. Additionally, conditions of approval require noise levels to be 50 dB at 100 feet. No mixed light cultivation will be authorized by this permit until the applicant demonstrates conformance with these conditions.

The irrigation water source for the 2020 cultivation season is an unpermitted well that is presumed hydrologically connected to the Mattole River. The applicant is proposing construction of an engineered 250,000 gallon rainwater catchment pond that will serve as the primary irrigation source beginning in the 2021 cultivation season. Vegetation removal for construction of the pond will consist of removal of non-native annual grasses and less than 20 individual coyote brush plants. There is no record of a well completion report. The well is located 950 feet from the Mattole River and is 25 feet in elevation above the riverbed. The well is presumed to be hydrologically connected to surface water and therefore subject to forbearance requirements. Projected annual water usage is 255,000 gallons (26 gal/sf). During the forbearance period from April to October, the estimated water use is 220,000 gallons. Water storage capacity includes two (2) 3,000 gallon tanks for domestic use, one (1) 5,000 gal. tank for fire suppression and two (2) 50,000 gal bladders. The bladders will be discontinued in 2020.

The applicant submitted a Notification of Lake and Streambed Alteration to the California Department of Fish and Wildlife (CDFW) for use of the well. A condition of approval requires the applicant provide a Final LSA or communication that one is not needed. As a condition of approval from the Division of Environmental Health, the well must be legalized or destroyed. Legalization may be obtained by obtaining a permit to install a 20 foot deep annular seal and demonstrating the location conforms to state and local standards. As a condition of approval, the applicant shall install water metering devices and provide a report of the pump test monitoring the well for drawdown. The conditions of approval also require the applicant to contact the State Water Resources Control Board to determine if appropriative water rights are required to divert and use water stored in the pond.

The applicant is required to obtain the appropriate permits prior to construction of the proposed pond. All conditions of the California Department of Fish and Wildlife (CDFW) will be adhered to by the applicant, including the Bullfrog Management Plan. Conditions of approval require the applicant to notify the California Department of Fish and Wildlife (CDFW) to determine if improvements are required to ensure there's a spillway that can handle a 100-year storm event, minimize wildlife entrapment and draft and implement a bullfrog management plan. Conditions of approval also require the applicant to meter the water used for the operation to ensure there is sufficient water for annual irrigation. The applicant has enrolled in the North Coast Regional Water Quality Control Board (NCRWQCB) Cannabis Cultivation Waste Discharge Regulatory Program (Order No. R1-2015-0023) as a Tier 2 discharger. The applicant was required to enroll in the State Cannabis Discharge program by July 2019. Conditions of approval require the applicant to submit evidence of enrollment into the State Cannabis Cultivation Discharge program by submitting copies of all documents filed with the State Water Resources Control Board, including, but not limited to, a Notice of Applicability and a Site Management Plan.

A Cultural Resource Survey was conducted on the project site by James Roscoe and Associates in May 2019. No cultural artifacts were identified on the site. The project was referred to the Intertribal Sinkyone Wilderness Council and the Bear River Band of Rohnerville Rancheria. The Bear River Band responded and requested the inadvertent discovery protocol be included as a condition of approval. Ongoing conditions of approval are incorporated regarding the inadvertent discovery protocol to protect cultural resources.

Environmental review for the proposed project was conducted, and based on the results of that analysis, staff believes the existing cultivation, proposed ancillary propagation, and proposed rainwater catchment pond aspects of the project are consistent with the Mitigated Negative Declaration that was adopted for the Commercial Medical Marijuana Land Use Ordinance due to the fact that this is existing cultivation that is being brought into conformance with county and state requirements. No additional development other than that which was contemplated under

the previously adopted MND is proposed. An addendum to the MND has been prepared for this project.

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

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

**RESOLUTION OF THE ZONING ADMINISTRATOR
OF THE COUNTY OF HUMBOLDT**

Resolution Number 20-

**Record Number: PLN-12350-SP
Assessor's Parcel Number: 105-081-018**

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

WHEREAS, Big Fence Farms, LLC, submitted an application and evidence in support of approving the Special Permit to permit an existing 9,679 SF commercial cannabis cultivation operation with 2,360 SF of on-site nursery space and a proposed rainwater catchment pond for irrigation. Processing occurs off-site; and

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

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

WHEREAS, Attachment 2 in the Planning Division staff report includes substantial evidence in support of making all of the required findings for approving the proposed Special Permit (Record Number: PLN-12350-SP); and

WHEREAS, a public hearing was held on the matter before the Humboldt County Zoning Administrator on January 23, 2020.

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

1. The Zoning Administrator considered the Addendum to the MND adopted for the Commercial Medical Marijuana Land Use Ordinance; and
2. The Zoning Administrator makes all the required findings in Attachment 2 of the Planning Division staff report support approval of Record Number: PLN-12350-SP based on the submitted substantial evidence; and
3. The Special Permit (Record Number: PLN-12350-SP) is approved as recommended and conditioned in Attachment 1.

Adopted after review and consideration of all the evidence on January 23, 2020.

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

John Ford
Zoning Administrator
Planning and Building Department



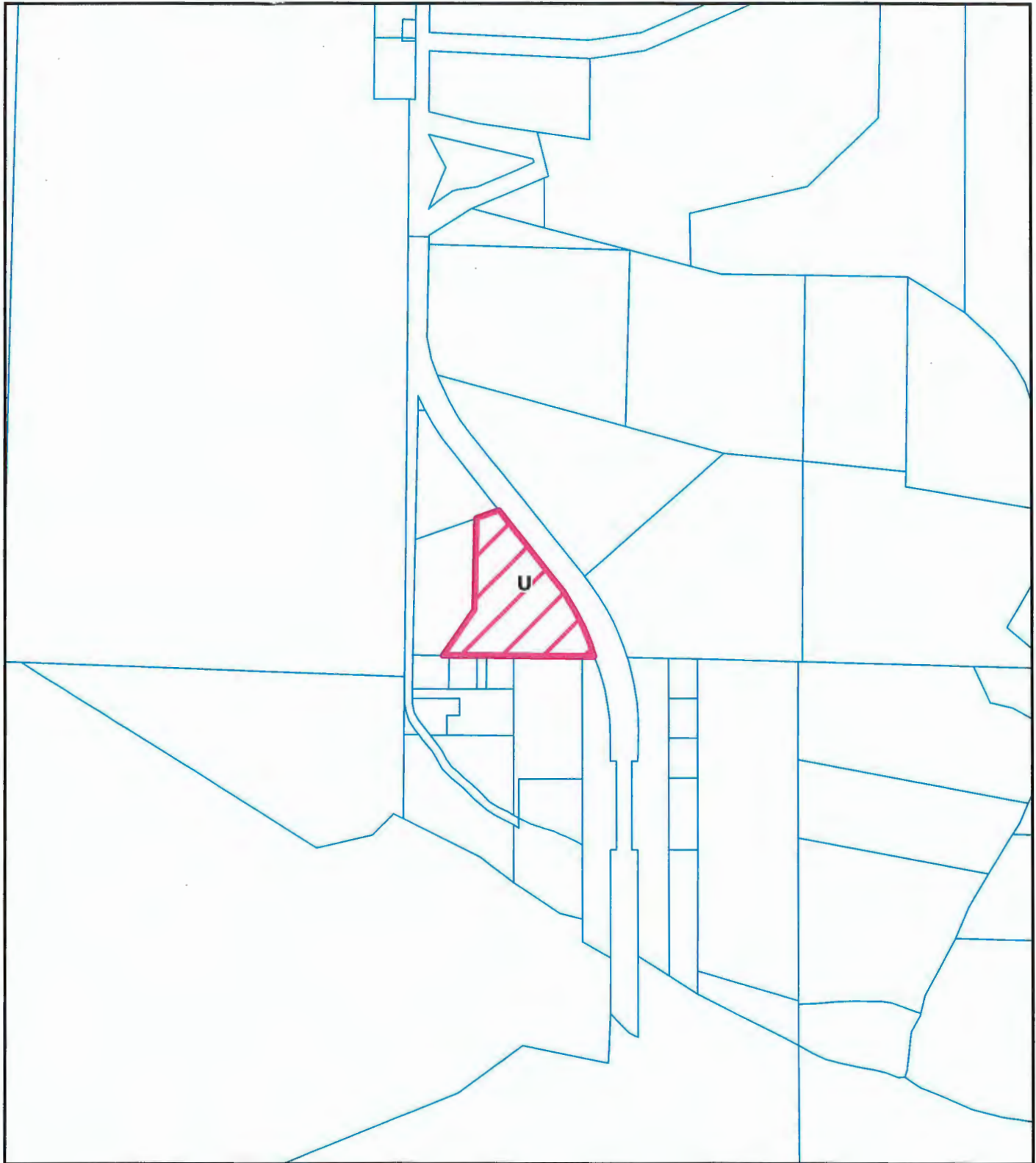
Project Area = 

**AERIAL MAP
PROPOSED BIG FENCE FARMS LLC
PETROLIA AREA
SP-16-491
APN: 105-081-018
T02S R02W S3 HB&M (PETROLIA)**



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.

0 410 820 Feet

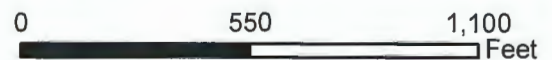


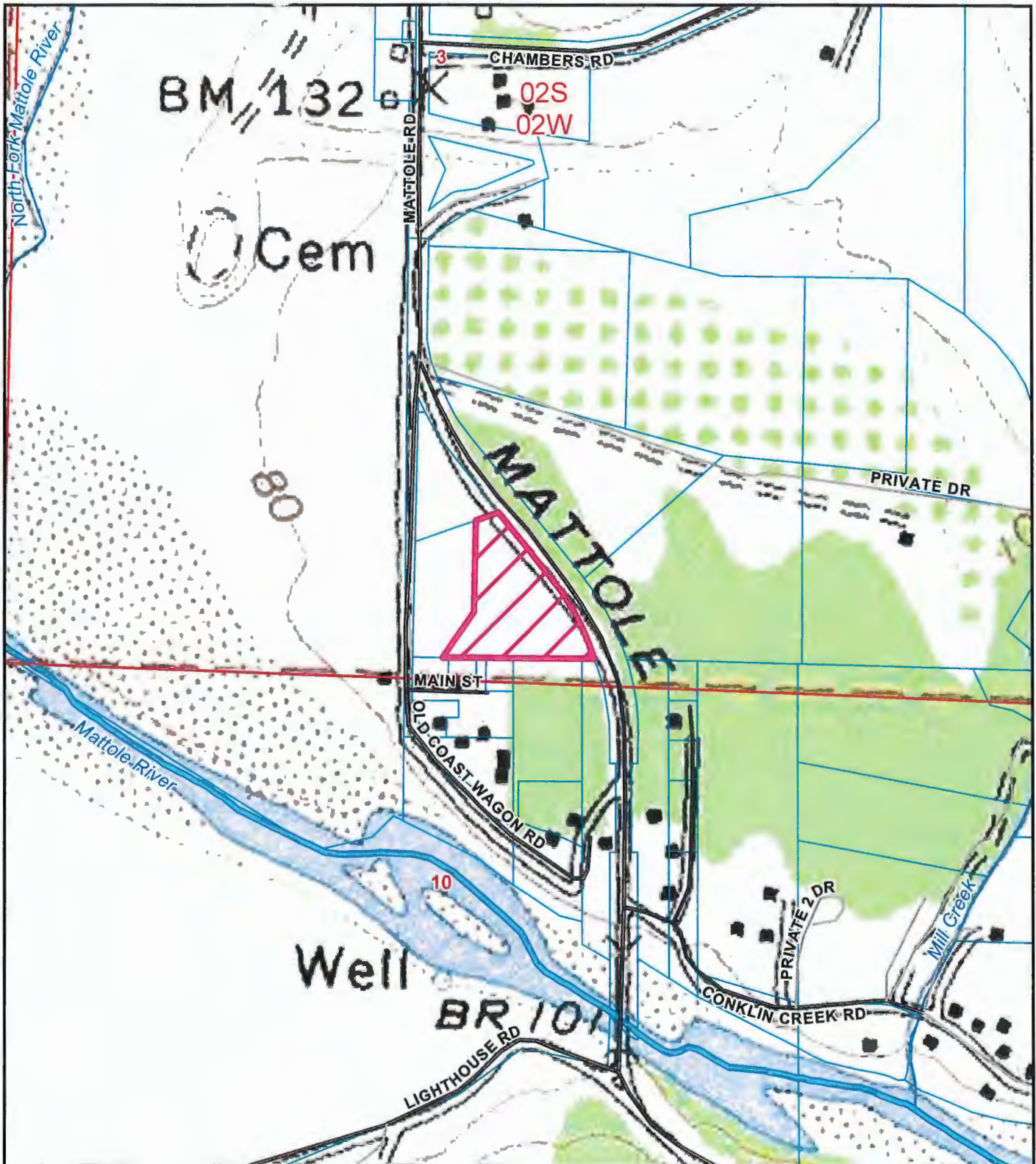
Project Area = 

**ZONING MAP
PROPOSED BIG FENCE FARMS LLC
PETROLIA AREA
SP-16-491
APN: 105-081-018
T02S R02W S3 HB&M (PETROLIA)**



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





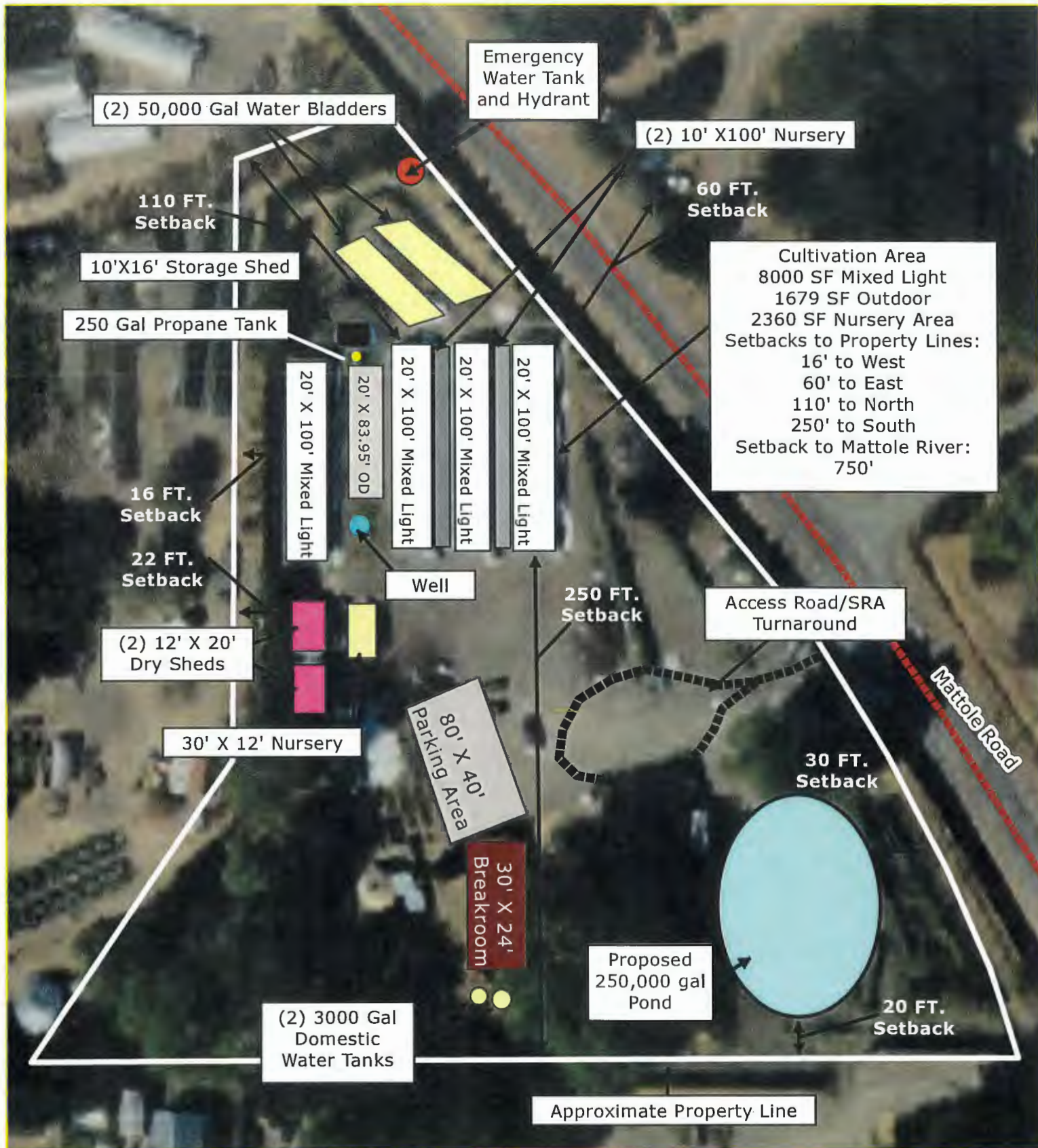
Project Area = 

TOPO MAP
PROPOSED BIG FENCE FARMS LLC
PETROLIA AREA
SP-16-491
APN: 105-081-018
T02S R02W S3 HB&M (PETROLIA)



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.

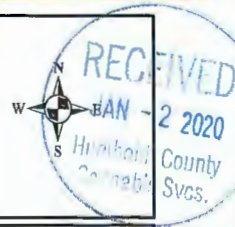
0 550 1,100 Feet



Native Ecosystems, Inc
457 Conklin Creek Road
Petrolia CA, 95558-0114
707.629.3617 office
406.546.2053 cell
hugh@nat-eco.net



Big Fence LLC Site Plan -December, 2019
Project: CMMLUO Application Number 12350
8,000 SF Mixed Light 1679 SF OD
Client: Big Fence LLC
Address: 29650 Mattole Rd. Petrolia, CA 95558
APN# 108-081-018



Imagery: 2018 NAIP
PLN-12350-SP Big Fence Farms, LLC

0 45 90 180 Feet 1 in = 63 feet
January 23, 2020 Page 10

ATTACHMENT 1

Recommended Conditions of Approval

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

1. The applicant shall execute a Compliance Agreement with the Humboldt County Planning Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #5 – 22. The agreement shall provide a timeline for completing all outstanding items. All activities detailed under the agreement must be completed to the satisfaction of the Planning and Building Department before the permit may be finalized and no longer considered provisional.
2. The applicant shall provide receipts of the use of portable toilets and handwashing stations for cultivation staff. If processing, including trimming and packaging of cannabis, is proposed on-site at a later time, the applicant will apply for a permit modification and must demonstrate on-site waste water disposal system (OWTS) has been permitted for a commercial processing facility.
3. All mixed light cultivation including the appurtenant nursery shall comply with International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1 and be designed to regulate light spillage onto neighboring properties resulting from backlight, up light, or glare (BUG). International Dark Sky Association standards exceed the requirements of Scenic Resources Standard SR-S4, Light and Glare, that lighting be fully shielded, and designed and installed to minimize off-site lighting and direct light within the property boundaries. Should the Humboldt County Planning Division receive complaints that the lighting is out of alignment or not complying with these standards, within ten (10) working days of receiving written notification that a complaint has been filed, the applicant shall submit written verification that the lights' shielding and alignment has been repaired, inspected, and corrected as necessary. No mixed-light in the cultivation and appurtenant nursery is authorized by this permit until the structures and greenhouses can be demonstrated to comply with these standards.
4. 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.
5. The applicant shall obtain all necessary building permits and grading permits from the Building Inspection Division (BID) for all structures related to the commercial cannabis cultivation operation, including all greenhouses, agricultural buildings, sheds, barns, and the rainwater catchment pond used in cultivation. The applicant shall submit floor plans including dimensions with electrical, mechanical and plumbing details for all existing Agriculture Exempt Structures and an Agriculture Exempt letter of intent for each. The applicant shall submit two complete sets of construction plans developed by a California-licensed engineer for the building permits. All building plans submitted for approval shall be consistent with those approved by the Zoning Administrator.
6. The applicant is required to construct the pond according to the engineered grading plans and specifications for pond design recommended by the California Department of Fish and

Wildlife (CDFW). The design is to include a spillway that can handle a 100-year storm event, minimize wildlife entrapment by installing several exit ramps, comply with the Bullfrog Management Plan. The applicant shall adhere to all terms and conditions of the Final Streambed Alteration Agreement if CDFW determines the pond is jurisdictional to that agency. A copy of the Final Streambed Alteration Agreement or letter from CDFW stating an agreement is not required will satisfy this condition.

7. Applicant shall legalize or destroy the well. Legalization may be obtained by obtaining a permit to install a 20-foot deep annular seal and demonstrating the location conforms to state and local standards. Applicant shall submit a copy of well permit and well log to the Planning Department. A letter or similar communication from the Division of Environmental Health indicating the well has been legalized will satisfy this condition.
8. Applicant shall submit a Final LSA for the well or a communication from CDFW that one is not required.
9. Applicant shall contact the State Water Resources Control Board to determine if appropriate water rights are required to divert and use water stored in the pond. A copy of correspondence from the SWRCB shall satisfy this condition.
10. The use of water bladders shall be discontinued by 2021.
11. The applicant shall complete and implement all corrective actions detailed within the WRPP developed for the parcel (attached) prepared pursuant to Tier 2 enrollment under the North Coast Regional Water Quality Control Board (RWQCB) Cannabis Waste Discharge Regulatory Program, including those measures later determined necessary during annual and periodic site inspections in accordance with the monitoring element. A copy of the reporting form portion of the Mitigation and Reporting Program (MRP) shall be submitted annually to the Planning and Building Department concurrent with the submittal to the RWQCB a letter or similar communication from the RWQCB verifying that all their requirements have been met by the listed dates or the applicant has proven to the satisfaction of RWQCB that the plan to complete the improvements by the listed dates is sufficient, will satisfy this condition.
12. Within two weeks prior to ground disturbing activities, project contractors shall be trained by a qualified biologist in the identification of the Foothill yellow-legged frog. Construction crews shall begin each day with a visual search around all stacked or stored materials, as well as along any silt fences, to detect the presence of frogs. If a Foothill yellow-legged frog is detected, construction activities shall be halted. Construction crews shall contact the U.S. Fish and Wildlife Service (USFWS) or a qualified biologist and gain clearance prior to re-initiating work.
13. If a rain event occurs during the construction period, all construction-related activities shall cease for a period of 48-hours after the rain stops. Prior to resuming construction activities, trained construction crew member(s) shall examine the site for the presence of frogs. If no special-status frogs are found, construction activities may resume.
14. The applicant shall provide a copy of the Notice of Applicability from the SWRCB.
15. The applicant shall provide the Planning Department of copy of the Site Management Plan developed for the parcel prepared pursuant to Tier 1 enrollment under the State Water Resources Control Board (SWRCB) Cannabis Cultivation Policy, General Order. The applicant shall provide substantial evidence that all corrective actions detailed within the Site

Management Plan have been completed.

16. Water meters shall be installed to measure water usage for irrigation. Logs of monthly water use shall be kept on site and made available during the annual inspection. Annually, the applicant shall provide evidence of a standard pump test during the dry season to evaluate well drawdown. In the event that the well does not produce enough water for irrigation needs, the applicant shall either reduce the cultivation area or develop an alternative water source.
17. All fences and gates shall be relocated out of the County right of way. All gates shall be setback sufficiently from the County road so that vehicles will not block traffic when staging to open/close the gate. In addition, no materials shall be stored or placed in the County right of way. This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.
18. The driveway apron shall be paved for a minimum width of 18 feet and a length of 50 feet where it intersects Mattole Road. An encroachment permit shall be issued by the Department of Public Works prior to commencement of any work in the County maintained right of way.
19. All private road intersections onto the County Road shall be maintained in accordance with County Code Section 341-1 (Sight Visibility Ordinance). This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.
20. Applicant shall meet all State Responsibility Area (SRA) requirements, including installation of a turnaround for emergency vehicles, maintenance of defensible space, and installation of a 2,500-gallon water tank near the residence. The applicant shall cause to be recorded an open space easement over the adjoining property APN 105-081-015 for the benefit of the subject parcel in order to meet SRA structure defensible space requirements.
21. The applicant will replant nine (9) trees on the parcel to replace the three trees removed in 2015. A monitoring report demonstrating the successful replanting shall satisfy this condition.
22. The applicant shall execute and file with the Planning Division the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the HCC and available at the Planning Division.
23. 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:

1. All components of project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, and these conditions of approval. Changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan.
2. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CMMLUO and MAUCRSA, as applicable to the permit type.
3. If operating pursuant to a written approved compliance agreement, permittee shall abate or cure violations at the earliest feasible date, but in no event no more than two (2) years from the date of issuance of a provisional clearance or permit. Permittee shall provide plans for curing such violations to the Planning and Building Department within one (1) year of issuance of the provisional clearance or permit. If good faith effort towards compliance can be shown within the two years following the issuance of the provisional clearance or permit, The Planning Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow for additional time to meet the outstanding requirements.
4. Possession of a current, valid required license, or licenses, issued by any agency of the State of California in accordance with the MAUCRSA, and regulations promulgated thereunder, as soon as such licenses become available.
5. Compliance with all statutes, regulations and requirements of the California State Water Resources Control Board and the Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration, as applicable.
6. The applicant is required to maintain enrollment in and adhere to and implement the requirements contained in the SWRCB's Cannabis Cultivation Policy, the General Order and the Notice of Applicability. A copy of the reporting form portion of the Mitigation and Reporting Program (MRP) shall be submitted annually to the Planning and Building Department concurrent with the submittal to the SWRCB.
7. Power is to be supplied by PG&E.
8. 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.
9. The Master Log Books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
10. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Section 719-1 et seq.).
11. The use of monofilament netting for all uses, including but not limited for erosion control, shall be prohibited. Geotextiles, fiber rolls, and other erosion control measure materials shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves to minimize the risk of ensnaring and strangling wildlife.

12. Leave wildlife unharmed. If any wildlife is encountered during the Authorized Activity, Permittee shall not disturb the wildlife and shall allow wildlife to leave the work site unharmed.
13. The environmental impacts of improper waste disposal are significant and well documented. All refuse shall be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
14. 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."
15. 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).
16. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:
 - i. Cultivation operations and processing operations must implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:
 - 1) Emergency action response planning as necessary;
 - 2) Employee accident reporting and investigation policies;
 - 3) Fire prevention;
 - 4) Hazard communication policies, including maintenance of material safety data sheets (MSDS);
 - 5) Materials handling policies;
 - 6) Job hazard analyses; and
 - 7) Personal protective equipment policies, including respiratory protection.
 - ii. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
 - 8) Operation manager contacts;
 - 9) Emergency responder contacts;
 - 10) Poison control contacts.
 - iii. At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations. Plumbing facilities and water source must be capable of handling increased usage without adverse consequences to neighboring properties or the environment.
 - iv. On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.
17. Term of Commercial Cannabis Activity Special Permit. Any Commercial Cannabis Cultivation Special Permit issued pursuant to the CMMLUO shall expire after one (1) year after date of issuance, and on the anniversary date of such issuance each year thereafter, unless an annual compliance inspection has been conducted and the permittees and the permitted site have been found to comply with all conditions of approval.

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

18. Acknowledgements to Remain in Full Force and Effect. Permittee acknowledges that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed in which the cultivation area is located will not support diversions for irrigation.

Permittee further acknowledges and declares that:

- (1) All commercial cannabis activity that I, my agents, or employees conduct pursuant to a permit from the County of Humboldt for commercial cultivation, processing, manufacturing, and distribution of cannabis for adult use or medicinal use within the inland area of the County of Humboldt, shall at all times be conducted consistent with the provisions of the approved County permit; and
 - (2) All cannabis or cannabis products under my control, or the control of my agents or employees, and cultivated or manufactured pursuant to local Ordinance and the State of California Medicinal and Adult Use Cannabis Regulation and Safety Act ("MAUCRSA") (SB 94), will be distributed within the State of California; and
 - (3) All commercial cannabis activity conducted by me, or my agents or employees pursuant to a permit from the County of Humboldt will be conducted in compliance with the State of California MAUCRSA.
19. Transfers. Transfer of any leases or permits approved by this project is subject to the review and approval of the Planning Director for conformance with CMMLUO eligibility requirements, and agreement to permit terms and acknowledgments. The fee for required permit transfer review shall accompany the request. The request shall include the following information:
- (1) Identifying information for the new Owner(s) and management as required in an initial permit application;
 - (2) A written acknowledgment by the new Owner in accordance as required for the initial Permit application;
 - (3) The specific date on which the transfer is to occur; and
 - (4) Acknowledgement of full responsibility for complying with the existing permit; and
 - (5) Execution of an Affidavit of Non-diversion of Commercial Cannabis.
20. Inspections. The permit holder and subject property owner are to permit the County or representative(s) or designee(s) to make inspections at any reasonable time deemed necessary to assure that the activities being performed under the authority of this permit are in accordance with the terms and conditions prescribed herein.

Informational Notes:

1. Pursuant to Section 314-55.4.11 (a) of the CMMLUO, if upon inspection for the initial application, violations of any building or other health, safety, or other state of county statute, ordinance, or regulation are discovered, the Planning and Building Department may issue a provisional clearance or permit with a written approved Compliance Agreement. By signing the agreement, the permittee agrees to abate or cure the violations at the earliest opportunity but in no event more than two (2) years of the date of issuance of the provisional clearance or permit. Plans for curing the violations shall be submitted to the Planning and Building Department by the Permittee within one (1) year of the issuance of the provisional certificate or permit. The terms of the compliance agreement may be appealed pursuant to section 314-55.4.13 of the CMMLUO.

2. This provisional permit approval shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"); except where the Compliance Agreement per Condition of Approval #1 has been executed and the corrective actions pursuant to the agreement are being undertaken. Once building permits have been secured and/or the use initiated pursuant to the terms of the agreement, the use is subject to the Permit Duration and Renewal provisions set forth in Conditions of Approval #17 of the On-Going Requirements /Development Restrictions, above.

3. If cultural resources are encountered during construction activities, the contractor on site shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist as well as the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

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

4. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will provide a bill to the applicant after the decision. Any and all outstanding Planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.

5. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will send a bill to the Applicant for all staff costs incurred for review of the project for conformance with the conditions of approval. All Planning fees for this service shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.

6. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. Within three days of the effective date of permit approval, it is requested that the applicant submit a check or money order for the required filing fee in the amount of \$50 payable to the Humboldt County Clerk/Recorder. If this payment is not received within this time period, the Department will file the NOD and will charge this cost to the project.

7. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions prior to release of building permit or initiation of use and at time of

annual inspection. In order to demonstrate that all conditions have been satisfied, applicant is required to pay the conformance review deposit as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750) within sixty (60) days of the effective date of the permit or upon filing of the Compliance Agreement (where applicable), whichever occurs first. Payment shall be made to the Humboldt County Planning Division, 3015 "H" Street, Eureka.

8. The operator shall provide information to all employees about the potential health impacts of cannabis use on children. Information shall be provided by posting the brochures from the Department of Health and Human Services titled *Cannabis Palm Card* and *Cannabis Rack Card*. This information shall also be provided to all employees as part of the employee orientation.

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) specifies the findings that are required to grant a Special Permit:

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

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

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 4.8</p>	<p>Residential Estates (RE): is used for lands adjacent to urban areas or rural communities with limited public services but suitable for single-family residential use. It is also intended as a transition from urban development to rural lands.</p> <p>Density range is 1 -5 acres/unit.</p>	<p>The proposed project includes 8,000 square feet of existing mixed-light, and 1,679 square feet of existing outdoor on lands designated as Residential Estates. General agriculture is allowable use type 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-G4, C-G5)</p> <p>Related policies: C-P3. Consideration of Transportation Impacts in Land Use Decision Making.</p>	<p>The subject parcel is accessed via Mattole Road, a paved County-maintained road.</p> <p>Public Works commented on the project. The intersection of the driveway and the County Road shall be paved for a width of 18 feet and length of 50 feet to meet commercial standards and sight visibility standards. In addition, all fences and gates shall be located outside of the County right-of-way. These have been included as conditions of approval.</p>
<p>Housing Chapter 8</p>	<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,</p>	<p>The project does not involve residential development, nor is the project site part of the Housing element Residential Land Inventory. However, the project will not preclude any future residential development. The project will not reduce the residential density for any parcel below that utilized by the Department of Housing</p>

	<p>and development of housing.</p> <p>Related policies: H-P3, Development of Parcels in the Residential Land Inventory.</p>	<p>and Community Development in determining compliance with housing element law.</p>
<p>Conservation and Open Space Chapter 10</p> <p>Open Space Section 10.2</p>	<p>Goals and policies contained in this Chapter relate to an Open Space and Conservation Program that is complimentary to other agencies' plans and that preserves the county's unique open spaces. (CO-G1, CO-G3)</p> <p>Related policies: CO-P1, Conservation and Open Space Program; CO-P12, Development Review, CO-S1. Identification of Local Open Space Plan, and CO-S2. Identification of the Open Space Action Program.</p>	<p>The proposed project is located on a parcel planned Residential Estates and is zoned Unclassified. The land is adjacent to the rural community of Petrolia and is in an area intended as a transition from urban development to rural lands. The proposed cannabis cultivation, an agricultural product, occurs on land planned and zoned for agricultural purposes, consistent with the use of Open Space land for managed production of resources. The proposed project can therefore be found to be consistent with the Open Space Plan.</p>
<p>Conservation and Open Space Chapter 10</p> <p>Biological Resources Section 10.3</p>	<p>Goals and policies contained in this Chapter relate to mapped sensitive habitat areas where policies are applied to protect fish and wildlife and facilitate the recovery of endangered species (BR-G1, Threatened and Endangered Species, BR-G2, Sensitive and Critical Habitat, BR-G3, Benefits of Biological Resources)</p> <p>Related policies: BR-P1. Compatible Land Uses, BR-P5. Streamside Management Areas.</p>	<p>There are no USGS mapped blue line streams or Streamside Management Areas on the parcel. According to the California Natural Diversity Database (CNDDDB), the yellow-legged frog is mapped on the subject parcel because of previous observations taken at the Mattole River bridge. Project activities do not impact the yellow-legged frog. The nearest Northern Spotted Owl (NSO) activity center is located 1.85 miles to the southwest. The applicant submitted a Notification of Lake and Streambed Alteration to the California Department of Fish and Wildlife (CDFW) for use of the well. CDFW commented on the project. Comments related to the shielding of greenhouses such that no light escapes, noise attenuation, prohibition on use of synthetic netting, and construction of the pond. Comments from CDFW have been included as recommended conditions of approval.</p> <p>The irrigation water source for the 2020 cultivation season is an unpermitted well that is presumed hydrologically connected to the Mattole River. The applicant is proposing construction of an engineered</p>

		<p>250,000 gallon rainwater catchment pond that will serve as the primary irrigation source for the 2021 cultivation season. Vegetation removal for construction of the pond will consist of removal of non-native annual grasses and less than 20 individual coyote brush plants.</p> <p>The conditions of approval require the applicant to contact the State Water Resources Control Board to determine if appropriate water rights are required to divert and use water stored in the pond. Conditions of approval also require the applicant to meter the water used for the operation to ensure there is sufficient water for annual irrigation. The water bladders require replacement.</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>The project is located within the historic boundary of the Intertribal Sinkyone Wilderness Council and the Bear River Band of Rohnerville Rancheria. The project was referred to the Northwest Information Center (NWIC), the Intertribal Sinkyone Wilderness Council, and Bear River Band. The NWIC requested a cultural resources survey. A Cultural Resource Survey was conducted on the project site by Roscoe and Associates in May 2019. No cultural artifacts were identified on the site. The Bear River Band responded and recommended the inadvertent discovery protocol. Ongoing conditions of approval are incorporated regarding the inadvertent discovery protocol to protect cultural resources.</p>
<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>The cultivation and ancillary nursery will utilize artificial lighting. The CMMLUO requires that mixed-light cultivation comply with International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1, and be designed to regulate light spillage onto neighboring properties resulting from backlight, uplight, or glare (BUG). International Dark Sky Association Standards exceed the requirements of Scenic Resources Standard SR-4, Light and Glare, that lighting be fully shielded, and designed and installed to minimize off-site lighting and direct light within the property boundaries. The project complies with International Dark Skies Association</p>

	Related policies: SR-S4. Light and Glare	standards by covering greenhouses with lightproof covers during hours when supplemental lighting is applied. Staff incorporated conditions that requires supplemental lighting used for cultivation or in the appurtenant nursery must meet Dark Sky Standards and light must not be visible from 30 minutes prior to sunset and 30 minutes after sunrise.
Water Resources Chapter 11 Stormwater Drainage	Goals and policies contained in this Chapter relate to coordinated watershed planning and land use decision making to advance management priorities (WR-G3, WR-G4, WR-G5); watershed conservation and restoration efforts aimed at de-listing water bodies and watersheds which are restored to meet all beneficial uses, including water use, salmon and steelhead recovery plans, recreational activities, and the economy. (WR-G1, WR-G2, WR-G7, WR-G8, WR-G9) Related policies: WR-P10. Erosion and Sediment Discharge; WR-P42 Erosion and Sediment Control Measures.	The project site falls within Tier 2 of the North Coast Regional Water Quality Control Board's (NCRWQCB) Order No. R1-2015-0023. Enrollment documents submitted by the applicant to the NCRWQCB are in the file. The applicant was required to enroll in the State Cannabis Discharge program by July 2019. Conditions of approval require the applicant to submit evidence of enrollment into the State Cannabis Cultivation Discharge program by submitting copies of all documents filed with the State Water Resources Control Board, including, but not limited to, a Notice of Applicability and a Site Management Plan. The applicant is required to adhere to and implement the requirements contained in the SWRCB's Cannabis Cultivation Policy, the General Order and the Notice of Applicability. A copy of the reporting form portion of the Mitigation and Reporting Program (MRP) shall be submitted annually to the Planning and Building Department concurrent with the submittal to the SWRCB.
Water Resources Chapter 11 Onsite Wastewater Systems	Goals and policies contained in this Chapter relate to adequate public water supply as well as onsite wastewater systems and natural and developed storm drainage systems that minimize interference with surface and groundwater flows and storm water pollution. (WR-G6, WR-G9, WR G10) Related policies: WR-IM7. Basin Plan Septic Requirements; and IS-P17. On-	There is no permanent residence on-site and no Onsite Wastewater Treatment System (OWTS). The project was referred to the County Division of Environmental Health which recommended conditional approval of the project. DEH requires the unpermitted well be legalized or destroyed. A condition of approval has been included with this requirement. In addition, as an ongoing condition of approval the applicant shall provide receipts for the use of portable toilets and handwashing facilities for cultivation staff. The applicant has proposed an existing barn be converted to an employee

	Site Sewage Disposal Requirements.	breakroom. No processing will take place on-site.
Noise Chapter 13	Goals and policies contained in this Chapter discourage incompatible uses within communities and reduce excessive noise through the application of standards. (N-G1, N-G2) Related policies: N-P1, Minimize Noise from Stationary and Mobile Sources; N-P4, Protection from Excessive Noise.	The proposed project is not located in an area that requires noise attenuation measures. Electric power is supplied by PG&E grid power. The nearest Northern Spotted Owl (NSO) activity center is located 1.85 miles to the southwest. Ongoing operational conditions require noise levels to be 60 dB at the property lines.
Safety Element Chapter 14 Geologic & Seismic	Goals and policies contained in this Chapter relate to communities that are designed and built to minimize the potential for loss of life and property resulting from natural and manmade hazards; and to prevent unnecessary exposure to areas of geologic instability, floodplains, tsunami run-up areas, high risk wildland fire areas, and airport areas planned and conditioned to prevent unnecessary exposure of people and property to risks of damage or injury. (S-G1, S-G2) Related policies: S-P11. Site Suitability, S-P7. Structural Hazards.	The parcel is mapped as having low geologic instability. The project site is not located in a mapped Alquist-Priolo fault zone or subject to liquefaction. There are no mapped historic landslides on the parcel. The slopes where cultivation occur are less than 15%. The project does not pose a threat to public safety related from exposure to natural or manmade hazards.
Safety Element Chapter 14 Flooding	Goals and policies contained in this Chapter relate to the use of natural drainage channels and watersheds that are managed to minimize peak flows in order to reduce the severity and frequency of flooding. (S-G3) Related policies include: S-P12, Federal Flood Insurance Program; S-P13, Flood Plains; S-P15, Construction Within Special Flood Hazard Areas.	The subject site is outside any mapped flood hazard areas. The project site is not within a mapped dam or levee inundation area and, at approximately 15 miles distance from the coast, is outside the areas subject to tsunami run-up.

<p>Safety Element Chapter 14</p> <p>Fire Hazards</p>	<p>Goals and policies of this Chapter encourage development designed to reduce the risk of structural and wildland fires supported by fire protection services that minimize the potential.</p> <p>Related policies: S-P19, Conformance with State Responsibility Areas (SRA) Fire Safe Regulations.</p>	<p>The subject parcel is located within an area with a moderate fire severity. The subject property is located within the Petrolia Fire Protection District. The subject property is located within the State Fire Responsibility Area for fire protection (CALFIRE). CALFIRE's comments recommended compliance with the requirements of the County's Fire Safe Regulations. With respect to the Fire Safe Ordinance, the eastern mixed-light greenhouse is 16 feet from the property line and does not meet the setback requirement for structure defensible space. Per Section 3115-2 (1), the applicant is required to cause to be recorded an open space easement with the adjoining property owner of APN 105-081-015 to provide an easement of 44 feet to meet SRA setback requirements. Petrolia FPD responded and recommended approval. They requested water supply and fire truck access. Applicant has proposed a designated fire turn-around and pullout area for emergency vehicles, management of trees and vegetation to maintain the 100-foot defensible space, and has a water tank dedicated to fire suppression.</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>To implement this policy, conditions of approval for the proposed project required the applicant to contact the local fire service provider [Petrolia Fire Protection District] and furnish written documentation from that agency of the available emergency response and fire suppression services and any recommended project mitigation measures. If emergency response and fire suppression services are not provided, the applicant shall cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning Division.</p>
<p>Air Quality Chapter 15</p>	<p>Goals and policies contained in this Chapter relate to improved air quality to meet current and future state and federal standards, including attainment of particulate matter requirements (AQ-G1,</p>	<p>Applications for grading and/or building permits shall be referred to the North Coast Unified Air Quality Management District (NCUAQMD) for review and consultation. Dust control practices during construction and grading shall achieve compliance with NCAQMD fugitive dust emission</p>

	<p>AQ-G2, AQ-G3) and the successful reduction of greenhouse gas emissions to levels consistent with state and federal requirements. (AQ-G4)</p> <p>Related policies: AQ-P4, Construction and Grading Dust Control, AQ-S1. Construction and Grading Dust Control, AQ-P7. Interagency Coordination.</p>	<p>standards. Per the 2009 Housing Element H-IM3 to reduce and avoid air quality impacts from naturally occurring asbestos the County shall refer all building permits on parcels which appear to be underlain by ultramafic rock to the NCUAQMD for appropriate standards and recommendations.</p>
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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 is Assessor's Parcel Number 105-081-018, and is a legal parcel described as parcel 1 on parcel map 1668 as recorded in book 14 of parcel maps, page 106. There is no evidence indicating there have been any subsequent acts to merge or divide this parcel. Therefore, the subject parcel was lawfully created in its current configuration and can be developed as proposed.
§314-8.1 Unclassified (U)	Unclassified (U): The Unclassified zone is applied to areas that have not been sufficiently studied to justify precise zoning classifications.	The applicant is seeking a Special Permit for 9,679 square feet of existing cannabis cultivation on a property zoned U. The proposed use is specifically allowed with Special Permit in this zoning district and under Section 314-55.4.8.2.2 of the Zoning Code.
Minimum Lot Area:	6,000 square feet	3.1 acres
Minimum Lot Width:	50 feet	474 feet
Maximum Lot Depth:	Three times the width	482 feet
Max. Lot Coverage:	Forty percent	25%
Min. Yard Setbacks (through the SRA requirements):	Front: 20 feet Rear: 10 feet Side: 5 feet SRA: 30 feet	Front: 21 feet Rear: 16 feet Side: 20 feet SRA: 16 feet, plus recording of an open space easement for the benefit of the subject parcel of not less than 44 feet over the adjoining lot
Max. Building Height:	None specified	< 35 feet

§314-61.1 Streamside Management Area (SMA)	<p>Placement of soil within SMAs shall be prohibited, except where specifically authorized by the SMA ordinance.</p> <p>Development within SMAs may include wildlife enhancement and restoration projects.</p> <p>The SMA of perennial streams outside of urban development and expansion areas is defined as 100 feet from the stream transition line.</p>	<p>There are no Streamside Management Areas (SMAs) mapped on the parcel according to USGS data on the Humboldt County WebGIS. The irrigation water source for 2020 is an unpermitted well. Upon completion of an engineered rainwater catchment pond with a 250,000 gallon capacity, the applicant will utilize the pond as the irrigation water source.</p>
§314-109.1 Off-Street Parking	<p>Off Street Parking for Agricultural use*: Parking space per employee at peak shift. A minimum of two parking spaces are required.</p> <p><i>*Use for this activity is not specified. Per Section 314-109.1.2.9, the Director may fix the required number of parking spaces based on standards for most comparable use.</i></p>	8 spaces
314-55.4 Commercial Cultivation, Processing, Manufacturing and Distribution of Cannabis for Medical Use Inland Land Use Regulation (CMMLUO)		
§314-55.4.8.2 Timber Conversion	<p>In all zones where cultivation is allowed consisting of timberland, the commercial cultivation of cannabis for medical use shall only be permitted within a 3-acre conversion exemption area, or non-timberland open area.</p>	<p>The cultivation and cultivation related infrastructure occurs in open areas of the parcel. A review of aerial imagery shows three California bay trees were removed in 2015. As a condition of approval, the applicant will replant trees on the parcel at a ratio of 3:1.</p>
§314-55.4.8.2.2 Existing Outdoor and Mixed-Light Cultivation Areas	<p>Zoning Clearance Certificate, Special Permit or Use Permit may be issued for outdoor or mixed-light commercial cannabis cultivation for some or all of the cultivation area in existence prior to January 1, 2016, in zoning districts AE (no parcel size limitation), RA (on parcels of five acres or larger), and AG, FP, DF, FR, U, and TPZ districts (on parcels of one acre or larger) only when possible to bring them into compliance with all applicable standards set forth in this section and to eliminate existing violations as specified in this ordinance. No expansion of the</p>	<p>Based on review of historic imagery on GoogleEarth®, the site was used for 9,679 square feet of cannabis cultivation prior to January 1, 2016.</p> <p>The project includes permitting 8,000 square feet of existing mixed-light and 1,679 square feet outdoor cultivation on a parcel zoned Unclassified (U). The parcel size is 3.1 acres. The cultivation area is consistent with the requirements for the cultivation type, status, and zoning of the parcel. The applicant will comply with all conditions of the CMMLUO, as specified in the recommended conditions of approval.</p>

	existing cultivation area shall be permitted. The total cultivation area allowed on a single parcel shall not exceed one acre for outdoor cultivation or 22,000 square feet for mixed-light cultivation.	
§314-55.4.8.10 Permit Limit	No more than four commercial cannabis activity permits may be issued to a single person.	According to records maintained by the Department, the applicant Big Fence Farms, LLC, has no other cannabis activity permits, and is entitled to four. This application is for a single permit for outdoor cultivation.
§314-55.4.9.1 Accessory Processing	Processing for cultivation requiring a Special Permit or Use Permit will be considered in the Use Permit application.	Processing will be conducted off-site at a licensed third-party processing facility.
§314-55.4.10 Application Requirements	Identifies the Information Required for All Applications	Attachment 4 identifies the information submitted with the application. Contents of the application are on file. All outstanding items are included as conditions of approval.
§314-55.4.11 Performance Standards	Identifies the Performance Standards for Cannabis Cultivation Activities	All the applicable performance standards are included as conditions of approval. They are required to be met throughout the timeframe of the permit.
§314-55.4.11.c Performance Standards-Water	Compliance with all statutes, regulations and requirements of the California State Water Resources Control Board, Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration.	The irrigation water source is an unpermitted well that is presumed to be hydrologically connected to the Mattole River. The applicant has submitted a Notification of Lake and Streambed Alteration for the well. Filing water rights documentation with the State Water Resources Control Board is required. Conditions of approval require the applicant to meter the water used for the operation to ensure there is sufficient water for annual irrigation.
§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 is no school, school bus stop, church or other place of religious worship, or public park within 600 feet. The cultural resources investigation did not reveal any record of or encounter any, tribal cultural resources (TCRs). The cultivation area is within 300 feet of residences. The applicant has submitted signed acknowledgements from neighboring property owners consenting

		to the cannabis cultivation. The cultivation area is located 16 feet from the property line. This complies with zoning setbacks. The site is within the State Responsibility Area which requires 30 feet from structures to property lines. The applicant has provided an acknowledgement from the adjoining property owner that an open space easement will be recorded to meet the SRA structure defensible space. This has been included as a condition of approval.
§314-55.4.11.o Performance Standards- Generator Noise	The noise produced by a generator used for cannabis cultivation shall not be audible by humans from neighboring residences. The combined decibel level for all noise sources, including generators, at the property line shall be no more than 60 decibels. Where applicable, sound levels must also show that they will not result in the harassment of Marbled Murrelet or Spotted Owl species, when generator use is to occur in the vicinity of potential habitat. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service	The proposed project is not located in an area that requires noise attenuation measures. Electric power for the mixed-light operation is supplied by PG&E. No generators are used, so there will be minimal noise generated by the project. The nearest Northern Spotted Owl (NSO) activity center is located 1.85 miles to the southwest. Operational conditions require noise levels from the operation be 60 decibels or less as measured at the property line.
§314-55.4.17 Sunset Date	No application for any Use Permit pursuant to the CMMLUO shall be processed for issuance or approval that is received after December 31, 2016.	The applicant filed the application on December 22, 2016.

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

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

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

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

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

As lead agency, the Department prepared an Addendum to the previously adopted Mitigated Negative Declaration (MND) (State Clearinghouse # 2015102005) prepared for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) and adopted by the County Board of Supervisors January 26, 2015. The MND prepared for the CMMLUO established that the environmental effects of existing cultivation operations would be reduced from the baseline impacts through the regulations applied by the CMMLUO. The proposed project is consistent with all regulations within the CMMLUO and all mitigation measures of the MND. The project is for the approval of an existing cultivation, proposed on-site propagation, and rainwater catchment pond. 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*

APN 105-081-018, 29650 Mattole Road, Petrolia, County of Humboldt

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

January 2020

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 cannabis operations by establishing regulations for an existing unregulated land use to help prevent and reduce environmental impacts that are known to result from unpermitted baseline cultivation operations. The MND states that "Bringing existing operations into compliance will help to attenuate potential environmental effects from existing cultivation activities, including aesthetic impacts resulting from improper operation or poor siting."

The modified project involves a Special Permit for 8,000 square feet (sf) of existing mixed-light and 1,679 sf outdoor cultivation occurring in a single cultivation area. The setting is a 3.1-acre parcel with slopes less than 15%. The irrigation water source is a well presumed to be hydrologically connected to the Mattole River which is approximately 950 feet to the west of the site. The applicant will forebear from drawing the well water by constructing an off-stream rainwater catchment and storage pond for use in the 2020 cultivation season. Estimated annual water use for irrigation is 255,000 gallons. Propagation occurs on-site in an existing 2,000-square-foot nursery space. The primary power source is grid power provided by PG&E, with a solar array providing additional power. Drying and curing occur on-site in two existing sheds. All processing is done off-site at a licensed facility. There will be up to ten employees on-site during peak operations.

The site has been analyzed for cultural resources. The results of the archaeological survey were negative. The project site falls within the area mapped by the California Natural Diversity Database for the foothill yellow-legged frog. However, there are no watercourses or waterbodies on the site. Noise from project activities will be minimized by the lack of generator noise and the requirement that all exhaust fan noise be less than 60 decibels at the property line.

The modified project is consistent with the adopted MND for the CMMLUO because it complies with all standards of the CMMLUO which were intended to mitigate for impacts of existing cultivation. These include compliance with noise and light standards to limit disturbance to wildlife, increased water storage to allow for complete forbearance from water diversion during the dry season, and proper storage of fertilizers and soil amendments.

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

1. Substantial changes are proposed in the project which require major revisions of the previous MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; 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 9,679 square foot cultivation operation, of which 8,000 is mixed-light and 1,679 is outdoor, 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:

- A Cultural Resources Investigation Report dated May 2019
- Cultivation Plan for Big Fence Farms, LLC

Other CEQA Considerations

Staff suggests no changes for the revised project.

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

See Purpose statement above.

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

FINDINGS

1. The proposed project will permit an existing cannabis operation totaling 5,000 sf and bring the operation into compliance with county and state requirements intended to adequately mitigate environmental impacts.
2. The circumstances under which the project was approved have not changed substantially. There are no new significant environmental effects and no substantial increases in the severity of previously identified effects.

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

CONCLUSION

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

ATTACHMENT 4

Applicant's Evidence in Support of the Required Findings

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

1. The name, contact address and phone number(s) of the applicant. (Application form on file)
2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. (Not Applicable)
3. Site plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including: access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within ¼ mile (1,320 ft.) of a school, school bus stop, church or other place of religious worship, public park, or Tribal Cultural Resource, the site plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 600 feet. (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 (mixed light, indoor, mixed light), the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. (Attached)
5. Copy of the statement of water diversion, or other permit, license or registration filed with the State Water Resources Control Board, Division of Water Rights, if applicable. (Condition of Approval)
6. Description of water source, storage, irrigation plan, and projected water usage. (Attached- in operations plan)
7. Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the North Coast Regional Water Quality Control Board demonstrating enrollment in Tier 1, 2 or 3, North Coast Regional Water Quality Control Board Order No. 2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (On file – enrollment documents)
8. If any on-site or off-site component of the cultivation facility, including access roads, water supply, grading or terracing impacts the bed or bank of any stream or other watercourse, a copy of the Streambed Alteration Permit obtained from the Department of Fish & Wildlife. (On file - Lake or Streambed Alteration Notification)

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

Cultivation and Operations Plan

Big Fence Farms, LLC

CMMLUO Application No. 12350

Original Submittal Date: December 2016

Revised June 2017

Revised July 2019

Revised December 2019



Submitted to:

County of Humboldt
Planning and Building Department
3015 H Street
Eureka, California 95501-4484
Tel: (707) 445-7541

Prepared by:

Harrison, Temblador, Hungerford & Johnson LLP
980 9th Street, Suite 1400
Sacramento, California 95814-2720
Tel: (916) 382-4377
www.hthjlaw.com

July 2019 Revisions

Native Ecosystems, Inc.
457 Conklin Creek Road
Petroia, CA 95558-0114
Tel: 406-546-2053
hugh@nat-eco.net

Cultivation and Operations Plan

1.0 Purpose of the Cultivation and Operations Plan

This Cultivation and Operations Plan addresses the following Project components: (1) Cultivation. All processing will be completed offsite.

Subsection (d) of Section 314-55.4.10 of the County Code sets forth the required elements of acultivation and operations plan. These required elements are addressed below and include: Water Use, including water storage, irrigation and conservation; Water Quality, including drainage, runoff and erosion control; Watershed Protection, including protection of the watershed and habitat; and Materials Storage, including proper storage of fertilizers, pesticides, and other products used in cultivation.

Additionally, this Cultivation and Operations Plan addresses certain Performance Standards for Cultivation and Processing Activities specified in Subsections (s), (t) and (u) of Section 314-55.4.10 of the County Code. These Standards include: Processing Practices, including sanitation, quality control, and employee protections; and Employee Safety Practices, including emergency response and hazard prevention measures.

The Cultivation and Operations Plan also addresses security measures and protocols for safety and to prevent the diversion of cannabis for non-medical purposes.

2.0 Project Description

Big Fence Farms, LLC, a California limited liability company ("Applicant") submits this application requesting approval of a Special Permit for existing commercial medical cannabis cultivation in the County of Humboldt ("County"). This application has been prepared in accordance with the County's Commercial Medical Marijuana Land Use Ordinance ("CMMLUO") and the state Medical Cannabis Regulation and Safety Act ("MCRSA") (Business and Professions Code § 19300 et seq.).

Project Location. The Project is located at 29650 Mattole Road in Southern Humboldt County, in the inland zone near the community of Petrolia. The Petrolia community is located approximately ¾ of a mile north of the Project and contains a post office, elementary school and a small number of rural residences. The nearest urban developments are located approximately 30 miles north and east along Highway 101.

Access to the Property is from Mattole Road, which abuts the eastern boundary of the Property. The Property comprises approximately 2.95 acres identified by Assessor Parcel Number (APN) 105-081-018.

Current Use. Current uses on the Property include a single residence and a total of approximately 9,679 square feet ("s/f") of medical cannabis cultivation, comprised of 8,000 s/f of mixed-light cultivation occurring in greenhouses and 1,679 s/f of cultivation occurring in an outdoor garden plot. All processing will be completed offsite. The Applicant filed a "Commercial Cannabis Activity Registration Form" with the County documenting the existing use of the Property as required under the CMMLUO (§ 55.4.9.4).

Surrounding Land Uses. The Property is located in an area of rural residential and agricultural uses, including extensive medical cannabis cultivation activities. There are approximately two residences located within 300 feet from the Project. There are no schools, bus stops, parks, churches or places of worship, public parks, or Tribal Cultural Resources within 600 feet of the Project.

General Plan Designation and Zoning. The Project site is designated AG (Agricultural Grazing) in the County's General Plan. This designation applies to agricultural lands that support cattle grazing and other agricultural operations. The AG designation applies to all areas of the Project site where cannabis cultivation and supporting activities would occur.

The Project site zoning is U (Unclassified). According to the County's Zoning Regulations, the U zone applies to "all of the unincorporated area of the County not otherwise zoned". (County Code § 314-8.1) Principal permitted uses in the U zone include general agriculture; all other uses may be permitted through approval of a use permit. (County Code § 314-8.1.)

Importantly, the CMMLUO states that for permitting purposes, "the underlying General Plan land use designation will be controlling for all parcels zoned 'Unclassified'." (CMMLUO § 55.4.8.) Accordingly, the AG designation is controlling for the Project site subject to this application. The Project site is not a timberland property that is subject to special additional restrictions under the CMMLUO.

The Project site has been mapped by Humboldt County as containing Prime Agricultural soils.

3.0 Cultivation Operations

3.1 Water Use

Water is used onsite for crop irrigation and ancillary uses. Throughout their life-cycle, individual plants will be watered only by focused drip irrigation system or top-feed hand watering methods. Both methods will ensure that maximal water use efficiency and that no runoff is created.

Irrigation water will be supplied by an existing on-site well and a proposed 250,000 gallon rainwater catchment pond. The well has an outside diameter of five inches and is sealed to a depth of 20 feet. The well is not hydrologically connected to the Mattole River. The pond is currently being designed by engineers from Stillwater Sciences. Grading plans will be completed in January 2020 and construction will take place in August 2020. Vegetation removal for construction of the pond will consist of removal of non-native annual grasses and less than 20 individual coyote brush plants (*Baccharis pilularis*).

The applicant will utilize water management strategies to conserve and reuse onsite water and fertilizers to achieve net zero discharge.

The table below outlines the estimated irrigation water usage for the existing outdoor and mixed-light cultivation activity:

Estimated Annual Irrigation Water Usage (gallons)											
Jan.	Feb.	Mar.	Apr.	May	Jun.	Jul.	Aug.	Sep.	Oct.	Nov.	Dec.
5,000	5,000	15,000	15,000	30,000	30,000	50,000	50,000	30,000	15,000	5,000	5,000

3.2. Water Storage

Well water is directly applied to the cultivation areas through focused drip irrigation or hand watering during non-forbearance periods. Two 3,000 gallon of water tanks are located onsite solely for the existing residence's domestic use. One 5,000 gallon water tank will be located on-site for emergency use of fire departments and residents. Two 50,000 gallon of water bladders are located on-site temporarily for water storage during the forbearance period in 2020. In the fall of 2020, a 250,000 gallon pond will be constructed for water storage during the forbearance period.

3.3 Irrigation and Conservation

The Project will utilize focused drip irrigation systems or topfeed hand watering to provide direct-to-root irrigation with minimal or no water waste.

3.4 Water Quality and Erosion Control

The Project site consists of vegetated areas and flat agricultural areas predominated by natural grasses, access roads, existing structures, and graded parking areas. The Project will not divert water from the Mattole River, will not require significant grading work, and will utilize irrigation practices that prevent discharge of irrigation water. All marijuana cultivation will occur in the existing outdoor cultivation area or existing mixed-light greenhouses in level (unsloped) areas. The cultivation area is located approximately 800 feet from the Mattole River Streamside

Management Area (SMA). The Project will not result in discharges that could affect surface water or groundwater quality.

The Application will enroll the Project with the North Coast Regional Water Quality Control Board (NCRWQCB) for Tier 2 coverage, and a Water Resources Protection Plan (WRPP) will be developed utilizing best management practices (BMP's) in accordance with the NCRWQCB's recommendations.

The WRPP will include erosion and sediment control BMPs designed to prevent, contain, and reduce sources of sediment. The WRPP will also include corrective actions to reduce sediment delivery. All roads onsite are regularly rocked and graded and ditches are regularly cleared.

3.5 Watershed and Habitat Protection

Adherence to the WRPP will ensure that the watershed and surrounding habitat are protected. The cultivation activities and associated structures are more than 800 feet from the Mattole River SMA, providing a suitable buffer between the cultivation operation and habitat. Additionally, site development and maintenance activities utilize BMPs in accordance with the NCRWQCB's recommendations. Grading and earthwork activities, if any, will be conducted by a licensed contractor in accordance with approved grading permits and the WRPP. As discussed above, careful irrigation practices prevent any discharge of water; in conjunction with greenhouses, the Project will result in no discharge of agricultural water to any of the water features on or near the Project site.

3.6 Fertilizer and Other Regulated Projects Storage

BMPs will be employed when storing, handling, mixing, applying and disposing of all fertilizers, pesticides and fungicides. All nutrients, pesticides and fungicides will be located in a locked storage shed, and contained within water tight, locked and labeled containers in accordance with manufacturer instructions. Application rates will be tracked and reported on the year-end monitoring report required in the WRPP. Designated employees will be trained to handle, mix, apply and dispose of pesticides/fungicides with proper hand, eye body and respiratory protection in accordance with the manufacturer recommendations.

The Applicant anticipates using the following fertilizers/nutrients for the proposed cultivation operation:

- Liquid fertilizer, such as BioBizz Blood and/or BioBizz Grow
- Organic pesticide/fungicide
- Chicken manure
- Dolomite
- Azomite

3.7 Cultivation Process

Nursery

The project requires a 2360 square foot nursery for propagating juvenile plants on-site. There are 500 plants per each of the 4 mixed-light greenhouses. Each plant is grown in a 5 inch X 5 inch pot in the nursery before going into flower stage. Each 5 inch pot requires 12 inches of space plus a 2 foot aisle in the center. Once juvenile growth stage is complete, plants are moved from the nursery into the greenhouse where they are transplanted to 15 gallon pots. This requires 2360 square feet to house all of the non-flowering plants for the mixed -light greenhouses, not including walkways.

This property has been historically disturbed and used as commercial space as far back as 1964. There is no riparian habitat on the parcel. Given these circumstances, the 2360 nursery has no biological impact on the parcel and surrounding areas. Annual water use for nursery propagation is approximately 15,000 gallons.

Outdoor

The Project proposes to continue cultivating medical cannabis in the approximately 1,679 s/f outdoor cultivation area.

Cultivation activities typically commence in March. Juvenile plants are propagated at the on-site nursery, and then directly planted into the soil beds amended with organic nutrients in May. The most intense growing period is between August and October. Harvest typically occurs mid-to-late October.

As noted above, the Project will utilize focused drip irrigation systems or topfeed hand watering to provide direct-to-root irrigation with minimal or no water waste.

The table below outlines the estimated irrigation water usage for the existing outdoor cultivation activity:

Mixed-Light

The Project also proposes to continue cultivating medical cannabis in the existing mixed-light greenhouses constructed of polycarbonate tubing, and covered with a woven poly translucent-opaque tarp. Each greenhouse will be ventilated by intake and exhaust fans. The greenhouses will utilize a combination of artificial light and natural light to produce approximately two flowering cycles annually. The Project site is served by PG&E line power and will not utilize generators for electrical power.

Juvenile plants are propagated at the on-site nursery between March and May. After 3 to 4 weeks of juvenile growth, the plants will be transferred to distinct beds.

As noted above, the Project will utilize focused drip irrigation systems or topfeed hand watering to provide direct-to-root irrigation with minimal or no water waste.

Total Water Usage

The table below outlines the estimated irrigation water usage for the existing outdoor and mixed-light cultivation activity:

Estimated Annual Irrigation Water Usage (gallons)											
Jan.	Feb.	Mar.	Apr.	May	Jun.	Jul.	Aug.	Sep.	Oct.	Nov.	Dec.
5,000	5,000	15,000	15,000	30,000	30,000	50,000	50,000	30,000	15,000	5,000	5,000

3.8 Summary of Processing Practices and Location

Upon maturation, trained employees will remove and place the flowering branches in bins, which will then be sealed and closed. Bins will be taken to an offsite facility where the cannabis will be trimmed and hung to dry. The facility will be equipped with air conditioning and dehumidification for proper curing and elimination of conditions that promote mold. After drying, the cannabis will be further processed, cured and sorted. All work surfaces and equipment will be maintained in a clean and sanitary condition. Waste product will be collected and used for extraction and the remainder disposed.

3.9 Solid Waste

Trash and recycling containers will be located onsite on a concrete pad and covered to prevent storm water contamination and leachate from entering or percolating to receiving waters. Solid waste and recycling will be hauled off-site by a commercial waste hauler at least once per week.

3.10 Cultivation Waste

Cultivation vegetative matter such as root balls, branches, and leaves will be disposed and hauled off-site by a commercial waste hauler at intervals determined by harvest cycles. Spent potting soil will be re-amended and reused.

3.11 Employees

The Project, as noted, proposes to continue cultivating medical cannabis in an outdoor cultivation area and mixed-light greenhouses. The Project does not propose new or expanded cultivation or processing operations. Accordingly, the number of employees will remain the same as under existing conditions. This project has two (2) full time employees and up to ten

(10) part-time employees that work on the farm during harvesting periods. Employees will be local residents and do not require on-site housing.

3.12 Employee Safety Practices

Cultivation, harvesting, and processing will be performed by employees trained in each activity, including techniques and use of pruning tools and proper application and storage of pesticides and fertilizers. All employees will be provided with proper hand, eye, body and respiratory Personal Protective Equipment (PPE).

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

3.13 Employee Sanitation and Hydration

Restroom and hand was facilities are provided via portable units. Restrooms are serviced on a scheduled basis by a service company. Drinking water is provided from a water cooler.

3.15 On-Site Housing

The Project does not include any on-site housing. All employees will live off-site and commute daily to the Project site. No new residential structures are proposed as part of this Project.

3.16 On-Site Security

Access to the cultivation and processing facilities will be secured and restricted. The site is not visible from high-traffic public roads, and no high-density residential, commercial, school, or other uses are located near the Project site. The Property is enclosed with 8-foot tall fencing and a locked gate. All greenhouses and processing areas are securely locked to prevent unauthorized access.

3.17 Light Pollution Prevention Plan

All greenhouses used for mixed-light have plastic light covers that block 100% of supplemental light. No light will escape greenhouses at anytime. All lighting on-site meets International Dark Sky Association Standards.

3.18 Parking Plan

Parking for employees and visitors is located in an 80 ft. by 20 ft. parking area. This allows for parking of up to 8 vehicles.

3.19 Emergency Water Storage

Emergency water storage is available for use by local residents, local fire departments, and Cal Fire in the event of an emergency. This includes a 5000 gallon water tank plumbed for fire hose.

Seasonal Water Usage

Big Fence

Site Capacities

Site	Total Square Footage	Total Plant Count	Pond Water Storage (Gal)
Farn	9,679	2,134	0

Cultivation Stages

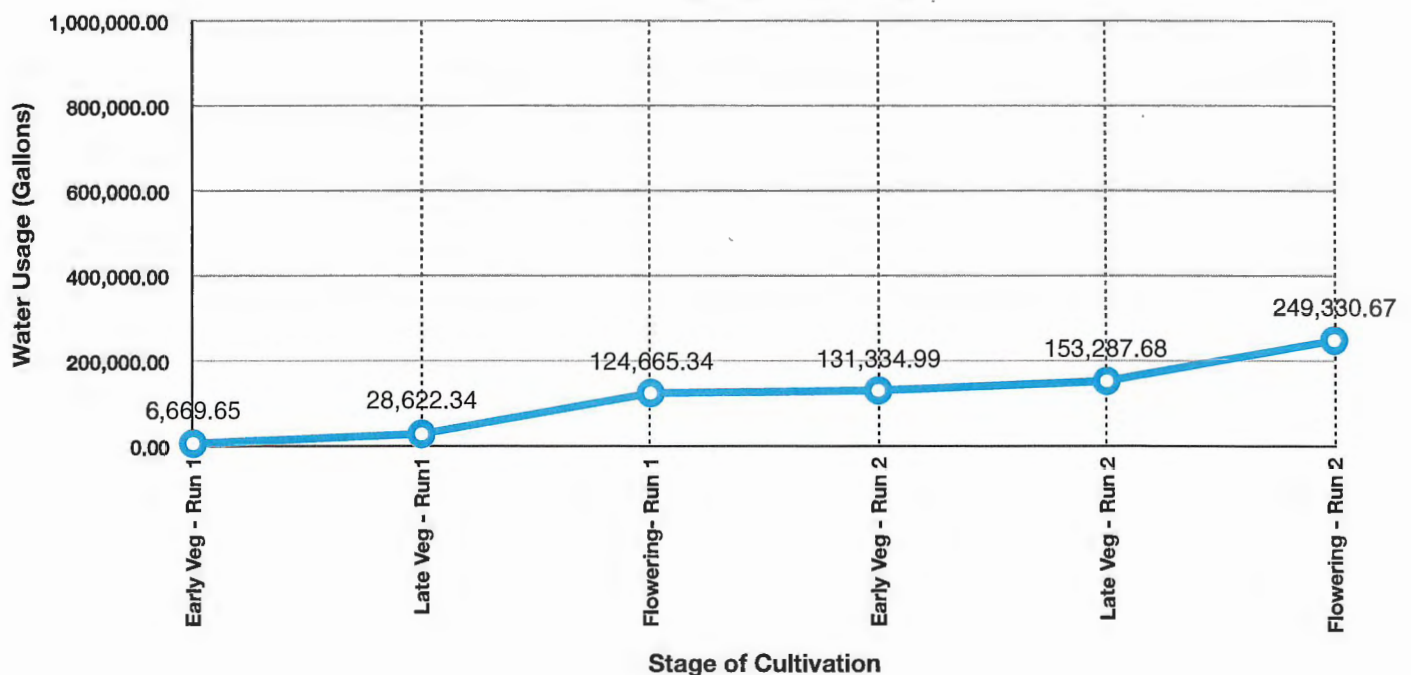
Stage	Stage Length (Days)	Pot Size	Average Daily Water Per Plant (Gal)
Early Veg	25	5 Inch	0.13
Late Veg	36	15T	0.29
Flowering	63	15T	0.71

Water Usage

Cycle	Total Plant Count	Daily Water Usage (Gal)	Total Water Usage Per Cycle (Gal)	Accumulative Water Usage (Gal)
Early Veg - Run 1	2,134	266.79	6,669.65	6,669.65
Late Veg - Run1	2,134	609.80	21,952.69	28,622.34
Flowering- Run 1	2,134	1,524.49	96,043.00	124,665.34
Early Veg - Run 2	2,134	266.79	6,669.65	131,334.99
Late Veg - Run 2	2,134	609.80	21,952.69	153,287.68
Flowering - Run 2	2,134	1,524.49	96,043.00	249,330.67

Accumulative Water Usage (Gal)

Seasonal Water Usage



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
Public Works Land Use Division	✓	Conditional Approval	Attached
Division of Environmental Health	✓	Conditional Approval	Attached
Department of Fish & Wildlife	✓	Comments	Attached
NWIC	✓	Further study requested	On file with Planning
Bear River Band of Rohnerville Rancheria	✓	Inadvertent Discovery Protocol	On file with Planning
CALFIRE	✓	Standard Comments	Attached
Petrolia Fire Protection District	✓	Approval	Attached
Intertribal Sinkyone Wilderness Council		No Response	
RWQCB		No Response	
Division of Water Resources		No Response	
Agricultural Commissioner		No Response	
District Attorney		No Response	
Humboldt County Sheriff		No Response	
Southern Humboldt Joint Unified School District		No Response	



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

9/27/2017

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, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, Intertribal Sinkyone Wilderness Council, SWRCB - Division of Water Rights, Sheriff, Petrolia FPD Fire Protection District, Mattole Union USD School District

Applicant Name Big Fence Farms LLC **Key Parcel Number** 105-081-018-000

Application (APPS#) 12350 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** SP16-491

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 10/12/2017

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: 4/13/18

PRINT NAME: Rudy Marenghi

105-081-018



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.: 46272/12350
Parcel No.: 105-081-01B
Case No.: SP16-491

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: Revise plot plan to show GH's numbered, GH's with dimensions and use, outdoor CA north of GH's with Sept, both Wells, setbacks from Mattoke, fuel tank as to be decommissioned, all structures with use and dimensions, travel trailer with use and dimensions, all grading, all water tanks, and proposed location for trailer.

Name: Rudy Marengi

Date: 4/13/18

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.



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

DEH received
9-28-17

PROJECT REFERRAL TO: Health and Human Services Environmental Health Division

Project Referred To The Following Agencies:

1718-0827

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, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, Intertribal Sinkyone Wilderness Council, SWRCB - Division of Water Rights, Sheriff, Petrolia FPD Fire Protection District, Mattole Union USD School District

Applicant Name Big Fence Farms LLC **Key Parcel Number** 105-081-018-000

Application (APPS#) 12350 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** SP16-491

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

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

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

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

Return Response No Later Than Planning Commission Clerk
County of Humboldt Planning and Building Department
3015 H Street
Eureka, CA 95501
E-mail: PlanningClerk@co.humboldt.ca.us **Fax:** (707) 268-3792

We have reviewed the above application and recommend the following:

Conditional Approval

Comments:

DEH recommends conditional approval with the following condition:

Applicant must, under DEH permit, destroy or legalize existing unpermitted well within 2 years of approval of this special permit. Legalization may be obtained by obtaining a permit to install a 20' deep annular seal and demonstrating the location conforms to state and local standards.

Response Date: 3/15/2018 **Recommendation By:** Benjamin Dolf

DISTRIBUTED

3-16-18
January 23, 2020





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 445-7368

AVIATION 839-5401

ADMINISTRATION 445-7481
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: 03-19-2018

RE:

Applicant Name	Big Fence Farms LLC
APN	105-081-018
APPS#	12350 SP16-491

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:

// END //

Exhibit "A"

Public Works Recommended Conditions of Approval

(All checked boxes apply)

APPS # 12350

- ☒ **COUNTY ROADS- FENCES & ENCROACHMENTS:**
All fences and gates shall be relocated out of the County right of way. All gates shall be setback sufficiently from the County road so that vehicles will not block traffic when staging to open/close the gate. In addition, no materials shall be stored or placed in the County right of way.

This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.

- ☐ **COUNTY ROADS- DRIVEWAY (PART 1):**
The submitted site plan is unclear and/or shows improvements that are inconsistent with County Code and/or Department of Public Works policies. The applicant is advised that these discrepancies will be addressed at the time that the applicant applies to the Department of Public Works for an Encroachment Permit. If the applicant wishes to resolve these issues prior to approval of the Planning & Building permit for this project, the applicant should contact the Department to discuss how to modify the site plan for conformance with County Code and or Department of Public Works policies. Notes:

- ☒ **COUNTY ROADS- DRIVEWAY (PART 2):**
Any existing or proposed driveways that will serve as access for the proposed project that connect to a county maintained road shall be improved to current standards for a commercial driveway. An encroachment permit shall be issued by the Department of Public Works prior to commencement of any work in the County maintained right of way. This also includes installing or replacing driveway culverts; minimum size is typically 18 inches.

- If the County road has a paved surface at the location of the driveway, the driveway apron shall be paved for a minimum width of 18 feet and a length of 50 feet.
- If the County road has a gravel surface at the location of the driveway, the driveway apron shall be rocked for a minimum width of 18 feet and a length of 50 feet.
- If the County road is an urban road, frontage improvements (curb, gutter, and sidewalk) shall also be constructed to the satisfaction of the Department. Any existing curb, gutter or sidewalk that is damaged shall be replaced.

The exact location and quantity of driveways shall be approved by the Department at the time the applicant applies to the Department of Public Works for an Encroachment Permit.

This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.

- ☐ **COUNTY ROADS- DRIVEWAY (PART 3):**
The existing driveway will require substantial modification in order to comply with County Code. The applicant may wish to consider relocating the driveway apron if a more suitable location is available.

- ☐ **COUNTY ROADS-PARKING LOT- STORM WATER RUNOFF:**
Surfaced parking lots shall have an oil-water filtration system prior to discharge into any County maintained facility.

This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.

- ☒ **COUNTY ROADS- DRIVEWAY & PRIVATE ROAD INTERSECTION VISIBILITY:**
All driveways and private road intersections onto the County Road shall be maintained in accordance with County Code Section 341-1 (Sight Visibility Ordinance).

This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.

- ☐ **COUNTY ROADS- PRIVATE ROAD INTERSECTION:**
Any existing or proposed non-county maintained access roads that will serve as access for the proposed project that connect to a county maintained road shall be improved to current standards for a commercial driveway. An encroachment permit shall be issued by the Department of Public Works prior to commencement of any work in the County maintained right of way.
- If the County road has a paved surface at the location of the access road, the access road shall be paved for a minimum width of 20 feet and a length of 50 feet where it intersects the County road.
 - If the County road has a gravel surface at the location of the access road, the access road shall be rocked for a minimum width of 20 feet and a length of 50 feet where it intersects the County road.

This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.

- ☐ **COUNTY ROADS- ROAD EVALUATION REPORT(S):**
All recommendations in the *Road Evaluation Report(s)* for County maintained road(s) shall be constructed/implemented to the satisfaction of the Public Works Department prior to commencing operations, final sign-off for a building permit, or approval for a business license. An encroachment permit shall be issued by the Department of Public Works prior to commencement of any work in the County maintained right of way.

// END //



Mattole Rd
at old coast wagon R

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



9/27/2017

PROJECT REFERRAL TO: Petrolia FPD Fire Protection 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, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, Intertribal Sinkyone Wilderness Council, SWRCB - Division of Water Rights, Sheriff, Petrolia FPD Fire Protection District, Mattole Union USD School District

Applicant Name Big Fence Farms LLC **Key Parcel Number** 105-081-018-000

Application (APPS#) 12350 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** SP16-491

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 10/12/2017

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:

Requesting water Supply
AND Fire TRUCK ACCESS

DATE: 10-9-17

PRINT NAME: Travis Howe

DEPARTMENT OF FORESTRY AND FIRE PROTECTION

Humboldt – Del Norte Unit
118 Fortuna Blvd.
Fortuna, CA 95540
Website: www.fire.ca.gov
(707) 726-1272



Ref: 7100 Planning
Date: October 5, 2017



John Ford, Director
Humboldt County Planning and Building Department – Planning Division
3015 H Street
Eureka, CA 95501

Attention: Cannabis Planner (CPOD)
Applicant: Big Fence Farms, LLC
APN: 105-081-018-000
Area: Petrolia
Case Numbers: SP16-491

Humboldt County Application #: 12350
Type of Application: Special Permit
Date Received: 9/29/2017
Due Date: 10/12/2017

Project Description: An application for a Special Permit for 8,000 square feet of existing mixed-light, and 1,679 square feet of existing outdoor, medical cannabis cultivation is requested. Water for irrigation is sourced from an existing on-site well. No water storage exists on-site. All processing is completed off-site. The Applicant estimates that ten (10) employees are needed for operations. Electricity is sourced from PG&E.

Mr. Ford,

The California Department of Forestry and Fire Protection (CALFIRE) provides these standard project review comments on the above noted project for the following subject matter:

- Fire Safe
- Resource Management
- Cannabis

The following pages address these concerns directly.

If CALFIRE staff develops additional comment on this project, it will be forwarded in an additional response letter.

By: Planning Battalion
CALFIRE Humboldt – Del Norte Unit

For **Hugh Scanlon**, Unit Chief

FIRE SAFE

General:

CALFIRE has responsibility for enforcement of Fire Safe Standards as required by Public Resources Code (PRC) 4290 and 4291. However CALFIRE is not the lead agency in planning development and project permitting. CALFIRE provides input as a contributing agency, generally limited to plan review, and is not the approving agency for these projects.

Local Responsibility Areas:

Should this project include Local Responsibility Area (LRA) lands, CALFIRE has no direct fire safe input on those parcels. However, in those areas with LRA parcels adjacent to State Responsibility Area (SRA) land, CALFIRE recommends that local standards be applied that are consistent with those CALFIRE makes for SRA lands.

State Responsibility Areas:

Should this project include State Responsibility Area (SRA) lands, the following are CALFIRE's Fire Safe minimum input and recommendation for any and all development.

1. In Humboldt County, developments must meet minimum fire safe standards by constructing the project in conformance with County Fire Safe Ordinance 1952, which the California Board of Forestry and Fire Protection has accepted as functionally equivalent to PRC 4290. The County Fire Safe Ordinance provides specific standards for roads providing ingress and egress, signing of streets and buildings, minimum water supply requirements, and setback distances for maintaining defensible space.
2. New buildings located in any Fire Hazard Severity Zone within State Responsibility Areas shall comply with the 2007 California Building Code (CBC) Section 701A.3.2. This requires roofing assemblies, attic and eave ventilation, exterior siding, decking and deck enclosure, windows and exterior doors, and exposed under floor areas that are approved "ignition resistive" in design.
3. All development, especially commercial or industrial development, should be designed to comply with the most current versions of the following standards:
 - a) California Fire Code (CFC) — for overall design standards
 - b) Public Utilities Commission (PUC) General Order 103 — for design of water systems
 - c) National Fire Protection Association Standards (NFPA) for fire flow minimums and other design questions not specifically covered by CFC and PUC
 - d) Housing and Community Development Codes and Standards —for mobile home parks and recreational camps
4. For Department of Real Estate reporting purposes, fire protection coverage in SRA is generally described as follows:

During the declared fire season (usually June through October) CALFIRE responds to all types of fires and emergencies in SRA.

During the remainder of the year (winter period), CALFIRE responds to emergency requests with the closest available fire engine, if a response can reasonably be expected to arrive in time to be effective. A fire engine is usually available somewhere in the Unit, but may have an extended response time.

There are many hazards confronting fire protection agencies in most subdivisions on SRA lands. Steep terrain and heavy wildland fuels contribute to fire intensity and spread. The distances from fire stations and road grades encountered usually create an excessive response time for effective structure fire suppression purposes.

Subdivisions increase fire risks from additional people and increase probable dollar losses in the event of fire due to added structures and improvements.
5. If the project expects to produce densities consistent with a major subdivision, the impacts on all infrastructures should be mitigated. Local government more appropriately provides the responsibility for high-density area protection and services. Annexation or inclusion into Local Responsibility Area should be studied as well.

6. CALFIRE does not support development in areas where there is no local agency fire service for structure fires and emergency medical response. Fire services should be extended into service gap areas as a condition of development. New development can adversely impact existing fire services. Careful consideration must be given where development may overload the local fire service's ability to respond.

RESOURCE MANAGEMENT

CALFIRE has enforcement responsibility for requirements of the Z'berg—Nejedly Forest Practice Act of 1973. CALFIRE is also the lead agency for those parts of projects involving the scope of the Forest Practice Act. The following basic input will cover the majority of projects. Each project will be reviewed with additional input sent at a later date, if needed.

The following comments reflect the basic Resource Management policies of the Board of Forestry and Fire Protection and CALFIRE on CEQA review requests. These policies apply to both Local and State Responsibility Areas.

1. If this project reduces the amount of timberland, by policy, the Board of Forestry and CALFIRE cannot support any project that will reduce the timberland base of California. "Timberland" means land which is available for, and capable of, growing a crop of trees of any commercial species used to produce lumber and other forest products, including Christmas trees regardless of current zoning (PRC 4526). However, if the zoning and intended use are consistent with the county's general plan; and if no land other than timberland can be identified to site the project; then CALFIRE may choose not to oppose the project.
2. If **any** commercial timber operations are involved with a project, the timber operations cannot be conducted without a CAL FIRE permit. Commercial timber operations include the cutting or removal of trees offered for sale, barter, exchange, or trade or the conversion of timberlands to land uses other than the growing of timber (PRC 4527). Contact your nearest CAL FIRE Resource Management office for guidance on obtaining the necessary permits.
3. If **any** timberlands are being converted to a non-timber growing use by this project, the conversion operations cannot be conducted without a CAL FIRE permit (PRC 4621). Conversion of timberland takes place when trees are removed and the land use changes, even without the sale, barter, exchange, or trade of the trees. Contact your nearest CAL FIRE Resource Management office for guidance on obtaining the necessary permits.
4. If timberland is in the viewshed of a project, the current and future owners should be overtly notified that changes will occur to their views due to timber management activities. Further, no project should be allowed to negatively affect access to timberland for timber management purposes; neither on the project parcel(s) nor any other timberland parcels.
5. If timber harvesting has occurred and post-harvest restocking and prescribed erosion control maintenance obligations have not been met on a parcel, future owners should be overtly notified (14 CCR 1042). The current owner of a parcel is responsible for restocking requirements and maintenance of roads whether or not they were involved in the actual harvest plan.
6. If the project involves the development of parcels zoned as Timber Production Zone (TPZ), CALFIRE cannot support the project. Dividing TPZ land into parcels of less than 160 acres requires a Joint Timber Management plan prepared by a Registered Professional Forester (RPF), recorded as a deed restriction for a minimum of 10-years on all affected parcels, and approved by a four – fifths vote of the full board (Govt. Code 51119.5). TPZ may be rezoned using a "Ten Year Phase Out," which precludes the need for a Timberland Conversion Permit. CALFIRE opposes immediate rezoning of TPZ land.

CANNABIS PROJECTS

Local Responsibility Areas:

CAL FIRE is the primary command and control dispatch center for many local agency fire districts and departments. Potential life hazard threats associated with a project must be identified and documented for the protection of the public and first responders. Projects which include timber harvesting or conversion of timberland are subject to the Forest Practices Act and Rules, regardless of wildland fire responsibility area.

State Responsibility Areas:

Should this project include State Responsibility Area (SRA) lands, the following are CAL FIRE's minimum input.

Conversion of timberland to a non-timber producing use is subject to permit from CAL FIRE. Commercial timber harvesting operations to facilitate cannabis cultivation and processing are subject to permitting and regulation under the Forest Practice Act and Rules. Please refer to the RESOURCE MANAGEMENT comments.

General Recommendations:

The following recommendations are made by CAL FIRE with the understanding that most areas of Humboldt County do not have a paid fire department providing fire prevention services.

1. Cannabis growing operations shall have easily accessible safety data sheets (SDS) for all chemicals and hazardous materials on site. Commercial operations must have a current Hazardous Materials Business Plan on file with Humboldt County Environmental Health, where applicable.
2. California Health and Safety Code (HSC 11362.769.) Requires that indoor and outdoor medical marijuana cultivation shall be conducted in accordance with state and local laws related to land conversion, grading, electricity usage, water usage, water quality, woodland and riparian habitat protection, agricultural discharges, and similar matters.
3. Cannabis growing and extraction shall be in accordance with Chapter N101.1 of the International Fire Code, the International Building Code, and the International Mechanical Code. Hazardous materials shall comply with Chapter 50. Compressed gases shall comply with Chapter 53. Cryogenic fluids shall comply with Chapter 55. Flammable and combustible liquids shall comply with Chapter 57. LP-gas shall comply with Chapter 61 and the International Fuel Gas Code. All applicable California State Fire Marshal standards and regulations for the designated occupancy must be met.
4. Growing and processing of cannabis is generally an agricultural operation. However, manufacture of marijuana extracts and concentrates are commercial or industrial activities, and may be subject to the county's SRA Fire Safe Ordinance. Any new residential units associated with cannabis cultivation and processing may also be subject to the SRA Fire Safe Ordinance. All materials hazardous and non-hazardous associated with the extraction process shall be utilized in conformance of the law and fire safe codes.



California Department of Fish and Wildlife
CEQA: Project Referral Comments

Applicant: Big Fence Farms		Date: 9/27/2019	
APPS No.: 12350	APN: 105-081-018	DFW CEQA No.: 2017-0884	
<input checked="" type="checkbox"/> Existing	Proposed: <input checked="" type="checkbox"/> Mixed-light (SF): 8,000 <input checked="" type="checkbox"/> Outdoor (SF): 1,679		

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

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

Site Specific Comments

- ☒ All artificial light used for cannabis cultivation, including indoor and mixed-light cultivation, shall be fully contained within structures such that no light escapes (e.g., through blackout curtains). Structures shall be enclosed between 30 minutes prior to sunset and 30 minutes after sunrise to prevent disruption to crepuscular wildlife. Security lighting shall be motion activated and comply with the International Dark-Sky Association standards and Fixture Seal of Approval Program; see: <https://www.darksky.org/our-work/lighting/lighting-for-citizens/lighting-basics/>. Standards include but are not limited to the following, 1) light shall be shielded and downward facing, 2) shall consist of Low Pressure Sodium (LPS) light or low spectrum Light Emitting Diodes (LED) with a color temperature of 3000 kelvins or less and 3) only placed where needed.
- ☒ Human induced noise pollution may adversely affect wildlife species in several ways including abandonment of territory, loss of reproduction, auditory masking (inability to hear important cues and signals in the environment), hindrance to navigation, and physiological impacts such as stress, increased blood pressure, and respiration. To avoid disturbance, CDFW requests, as a condition of project approval, the construction of noise containment structures for all generators and greenhouse fans on parcel; noise released shall be no more than 50 decibels measured from 100ft.
- ☒ 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.
- ☒ The referral materials state that there is a plan to construct a rainwater catchment pond(s) onsite. CDFW requests the following measures be incorporated as conditions of Project approval in order to avoid and minimize potential impacts to fish and wildlife:
 - That the pond(s) be designed by a qualified licensed engineer (in consultation with a licensed geologist where appropriate) and that construction implementation include oversight and/or sign off by a qualified licensed professional.
 - That the pond(s) be designed to hold no more than the necessary volume of water needed for the project, with consideration to evaporative loss and designed in such a way to accommodate annual pond dewatering. The volume of water contained within the pond

should be based on the square footage and method of cultivation in use prior to January 1, 2016.

- That the applicant install an overflow spillway that will withstand a 100-year flood event, designed with a dispersal mechanism, or low-impact design, that discourages channelization and promotes dispersal and infiltration of flows to prevent surface overflow from reaching waters of the State. CDFW recommends the spillways be designed and placed to allow for a minimum of two-feet of freeboard.
- That the applicant install several exit ramps to prevent wildlife entrapment. Exit ramps shall meet the following requirements: installed at no greater than 2:1 slope, securely fixed, and made of solid material (e.g. wood).
- That the applicant comply with the attached CDFW Bullfrog Management Plan (**Exhibit A**). Reporting requirements shall be submitted to CDFW at 619 2nd Street, Eureka, CA 95501, no later than December 31 of each year.
- That fish stocking be prohibited without written permission from the Department pursuant to Section 6400 of the Fish and Game Code.

- ☒ This project has the potential to affect sensitive fish and wildlife resources such as amphibians, reptiles, mammals, and birds.

Thank you for the opportunity to comment on this Project.

Sincerely,

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

Luther, Stephen

From: Luther, Stephen
Sent: Thursday, November 07, 2019 4:54 PM
To: Manthorne, David@Wildlife
Cc: Ryan, Meghan; Johnson, Cliff
Subject: Re: 12350 Big Fence Farms
Attachments: CEQA Referral _APPS-12350_CEQA-2017-0884_Big Fence Farms.pdf

Dear David,

In response to the attached comments, the staff report for the forecasted hearing on Dec. 5th will incorporate the recommendations in the comments as ongoing conditions of approval. Standard conditions to be applied include shielding of artificial light, noise less than 50 decibels 100 feet from the source, prohibition on use of synthetic netting, and compliance with permitting requirements for the proposed pond. Please let me know if CDFW has any additional concerns or comments.

Thank you,



Stephen Luther
Planner, Cannabis Division
Planning and Building Department
707.268.3737