



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

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

Hearing Date: February 6, 2020

To: Humboldt County Planning Commission

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

Subject: **Born & Raised, LLC, Conditional Use Permits**  
Record Number PLN-13161-CUP  
Assessor's Parcel Number 512-171-023-000  
136 Wilson Lane, McKinleyville, CA 95519

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

## AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
February 6, 2020	Conditional Use Permit	Portia Saucedo

**Project Description:** A Conditional Use Permit for 10,000 square foot (SF) new outdoor cannabis cultivation operation and a Conditional Use Permit for a 2,000 SF wholesale nursery that is proposed to utilize supplemental lighting. Irrigation and domestic water is sourced from the Fieldbrook Community Service District and administered via drip irrigation. Water storage consists of two (2) 3,000-gallon water tanks. Estimated annual water usage is 66,000 gallons (5.5 gal/SF) for two (2) cultivation cycles per annum. Drying and all other processing will occur off site at a licensed third-party processing facility. Power is provided by PG&E.

**Project Location:** The project is located in Humboldt County, in the Fieldbrook area, on the west side of Fieldbrook Drive, approximately 500 feet west from the intersection of Wilson and Fieldbrook Drive, on the property known as 136 Wilson Lane.

**Present General Plan Land Use Designation:** Fieldbrook/Glendale Community Planning Area (FGCP), Residential Estates (RE-1-5, Density: 1-5 acres per dwelling unit, Slope Stability: Relatively Stable (0).

**Present Zoning:** AG-B-5(5), Agricultural General (AG), Special Building Site (B-5), 5-acre minimum parcel size.

**Record Number:** PLN-13161-CUP

**Assessor Parcel Number:** 512-171-023-000

**Applicant**

Born & Raised, LLC  
Jesse Linder  
PO Box 910  
Arcata, CA 95518

**Owner**

Anthony Sanchez  
178 Wilson Lane  
McKinleyville, CA 95519

**Agent**

AgDynamix  
Attn: Teisha Machetti  
732 5<sup>th</sup> Street., Suite I  
Eureka, CA 95501

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

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

**Major Issues:** None.

**BORN & RAISED, LLC**  
Record Number PLN-13161-CUP  
Assessor's Parcel Number: 512-171-023-000

**Recommended Commission Action:**

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

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

**Executive Summary:** The Born & Raised, LLC project, a commercial cannabis cultivation project seeks approval of a Conditional Use Permit for 10,000 square feet (SF) outdoor commercial cannabis cultivation and a Conditional Use Permit for a 2,000 SF wholesale nursery that is proposed to utilize supplemental lighting located on Assessor's Parcel Number (APN) 512-171-023-000, which is approximately 8.0 acres in size and within the Fieldbrook/Glendale Community Planning Area (FGCP).

The project proposes a 10,000 SF new outdoor cannabis cultivation operation within ten (10) existing greenhouses and 2,000 SF wholesale nursery within two (2) existing greenhouses. Two (2) cultivation harvests per year are anticipated. There five (5) existing buildings on the project parcel. The existing buildings include: a 2,520 SF residence, an agricultural building, a 120 SF storage shed with a nexus to cannabis, and a private agricultural stable, and a 60 SF chemical storage shed with a nexus to cannabis. There are twelve (12) 975 SF SF greenhouses, each 15x65 feet. Greenhouse floors and footpaths will be made of native soils and meeting the standards of Humboldt County Code Section 314-43.1.3.2. Wilson Lane is the access road to the project and it in good condition and maintained by local owners. A Road Evaluation was completed June 14, 2019.

Water is sourced from the Fieldbrook Community Service District (FCSD). A Will Serve request was made by the applicant in November of 2019 and accepted by the FCSD in December 2019. Proposed water storage consists of two (2) hard tanks; 3,000-gallons each. According to the Cultivation and Operations Plan, 66,000 gallons of water is required for annual cannabis cultivation operations (5.5 gallons per square foot of cultivation) for two (2) cultivation cycles. Water is applied at agronomic rates via drip irrigation.

According to the Water Resource Protection Plan prepared for the project, all standard conditions are being met except #7(a), #9(a). Winterization will consist of native green cover crop and green manures. All refuse and garbage are collected, contained, and disposed of at an appropriate facility, including recycling where available. Plant waste and other compostable materials will be composed on site at locations that will not carry to surface water or groundwater. The applicant is enrolled under Tier 2 of the State Water Resources Board.

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

Cannabis will be processed at a licensed third-party processor until a building that meets commercial standards can be constructed. There will be two (2) employees for cultivation activities on-site. Handwashing and bathroom facilities will be located inside the house.

According to the cultivation and operations plan, there are two (2) locked gates on the parcel and security cameras will be installed. There will be security lighting, alarms, cameras, video capture, and the hardening

of doors, windows, and fencing.

All cultivation areas are setback 30-feet or more from property lines. As a condition of approval, a 2,500-gallon water storage tanks will be required to be installed for fire suppression to meet CALFIRE specifications because the parcel is within the State Responsibility Area. In addition, proposed signage location for building numbers have been added to comply with SRA standards.

There are no schools within 600 feet of the cultivation operation. There are no parks as defined in HCC Section 314-55.4.7 within 600 feet of the cultivation site based on a review of aerial imagery. Nor is there a place of religious worship within 600 feet. There are no known Tribal Cultural Resources present on the site. The Fieldbrook Elementary School District and Northern Humboldt High School District recommended denial of the project due to proximity to school district property. While the subject parcel is located within 600 feet, analysis of the proximity to the school property line indicates that it is beyond 600 feet from the proposed cultivation area. This evidence is included in Attachment 5.

Per the requested from the Tribal Historic Preservation Officer of the Blue Lake Rancheria dated June 25, 2019 as well as from Bear River Band of the Rohnerville Rancheria, dated September 17, 2019, the inadvertent discovery language is included in Attachment 1.

Environmental review for the proposed project as initially proposed was conducted, and based on the results of that analysis, staff believes the proposed cultivation activities of the project were previously analyzed in the Final Mitigated Negative Declaration prepared for the Commercial Medical Land Use Ordinance (CMMLUO) adopted by the Humboldt County Board of Supervisors on January 26, 2016. The CMMLUO provided specific locational criteria and environmental performance measures for the permitting of new cannabis cultivation. New cultivation is only allowed only when those strict locational criteria and environmental performance measures can be met. Because this new cultivation meets all of these requirements, it would not present substantial changes that would require major revisions to the previous mitigated negative declaration. An addendum to the MND has been prepared for this staff recommendation of permitting the new 10,000 square foot new outdoor cultivation area and 2,000 SF wholesale nursery space.

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

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

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



**RESOLUTION OF THE PLANNING COMMISSION  
OF THE COUNTY OF HUMBOLDT  
Resolution Number 20-**

**Record Number: PLN-13161-CUP  
Assessor Parcel Numbers: 512-171-023-000**

**Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the Born & Raised, LLC, Conditional Use Permit request.**

**WHEREAS**, Born & Raised LLC, submitted an application and evidence in support of approving a Conditional Use Permit for 10,000 SF new outdoor commercial cannabis cultivation and for a 2,000 SF wholesale nursery; and

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

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

**WHEREAS**, Attachment 2 in the Planning Division staff report includes evidence in support of making all of the required findings for approving the proposed Conditional Use Permits (Record Number PLN-13161-CUP); and

**WHEREAS**, a public hearing was held on the matter before the Humboldt County Planning Commission on February 6, 2020.

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

1. The Planning Commission considered the Addendum to the MND adopted for the Commercial Medical Marijuana Land Use Ordinance; and
2. The Planning Commission makes all of the required findings in Attachment 2 of the Planning Commission staff report for Record Number PLN-13161-CUP, based on the submitted substantial evidence; and
3. Conditional Use Permits Record Number PLN-13161-CUP is approved as recommended and conditioned in Attachment 1 for Record Number PLN-13161-CUP.

Adopted after review and consideration of all the evidence on February 6, 2020.

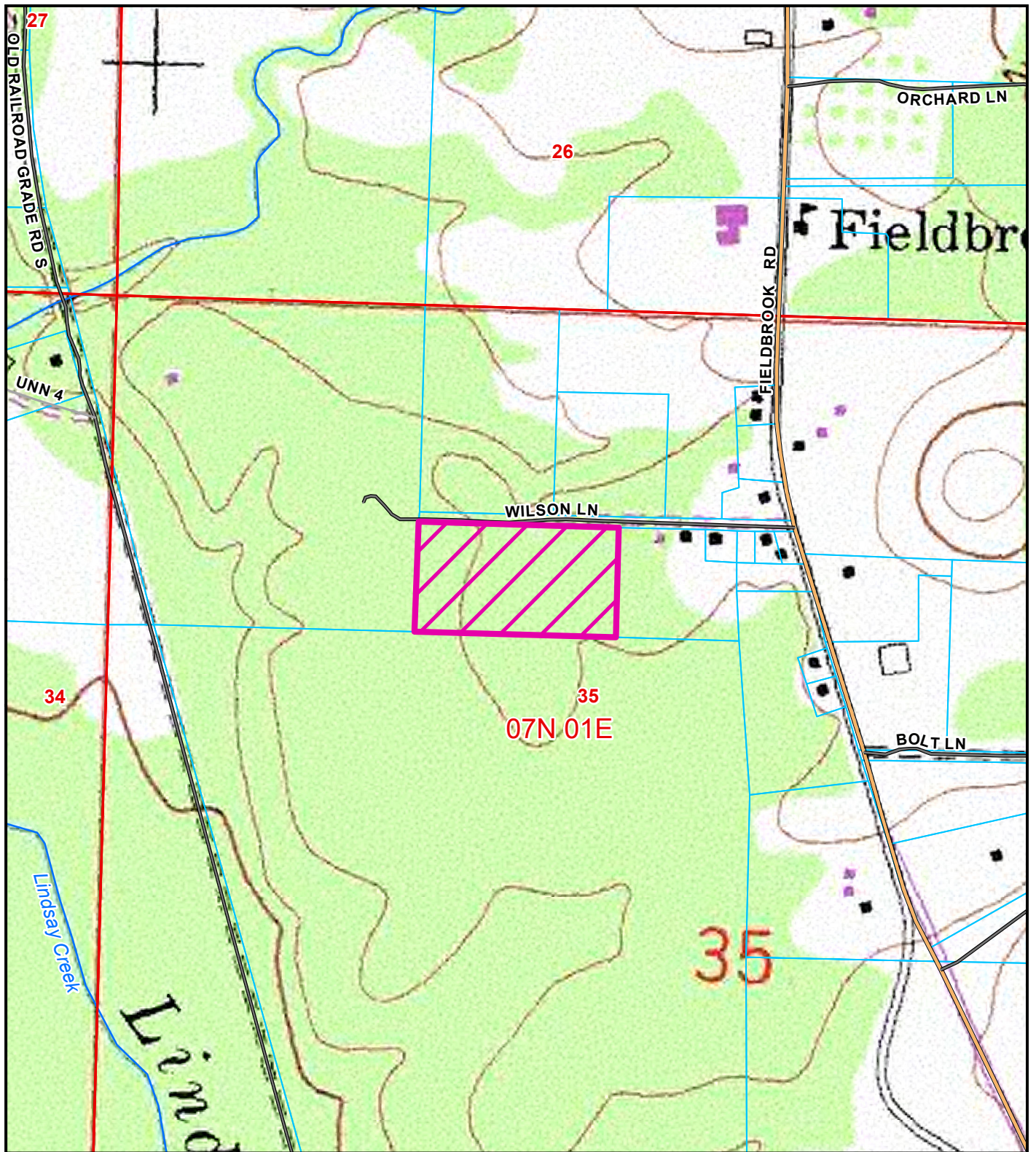
The motion was made by Commissioner \_\_\_\_ and seconded by Commissioner \_\_\_\_.

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

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

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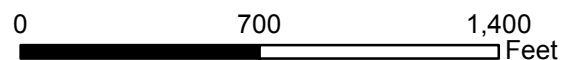
John Ford, Director  
Planning and Building Department

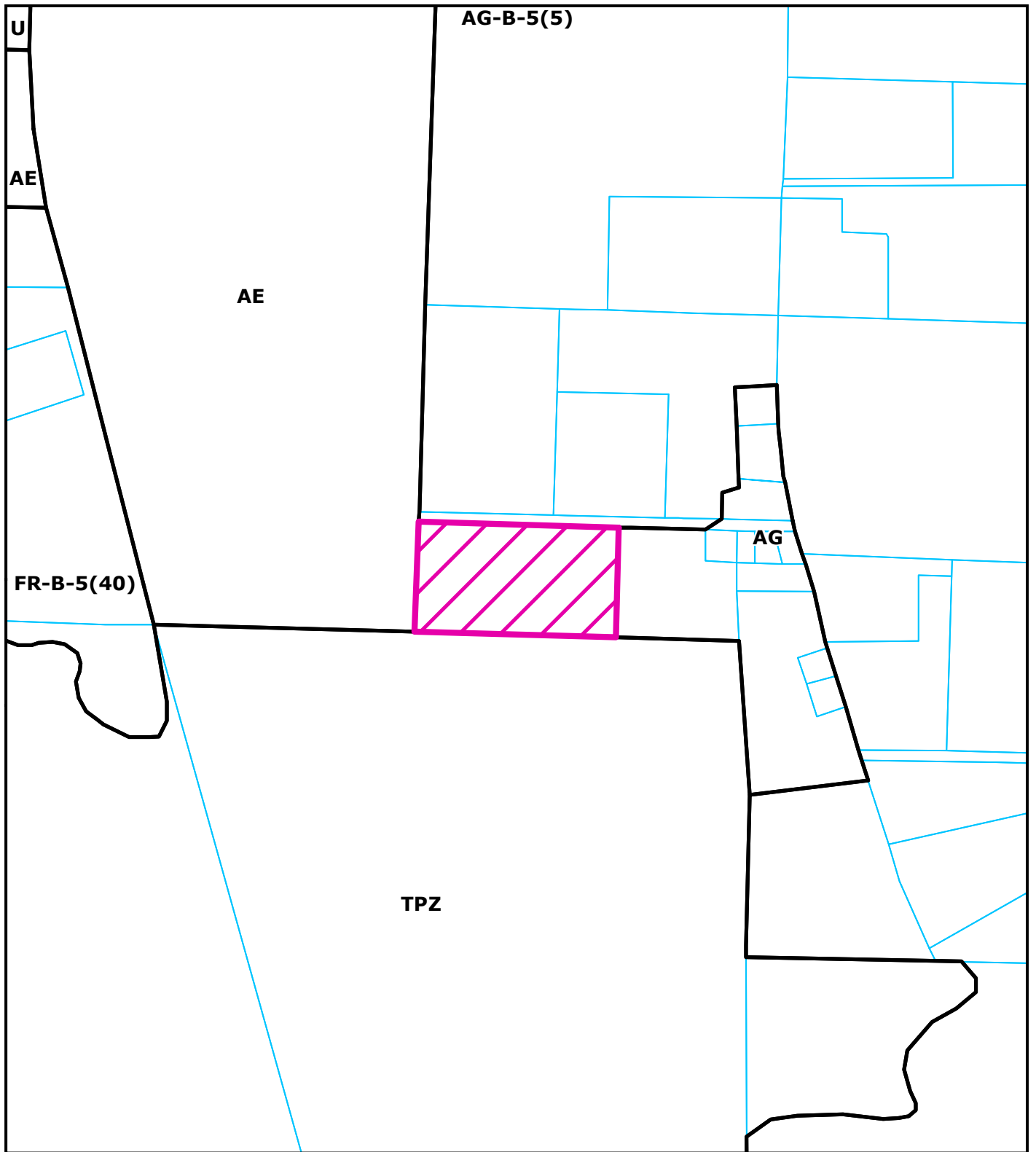


Project Area = 

**TOPO MAP**  
**PROPOSED BORN & RAISED LLC**  
**FLDDBROOK AREA**  
**ZCC-16-719**  
**APN: 512-171-023-000**  
**T07N R01E S35 HB&M (ARCATA NORTH)**

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.

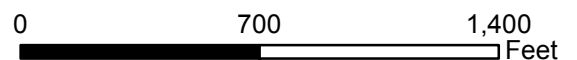




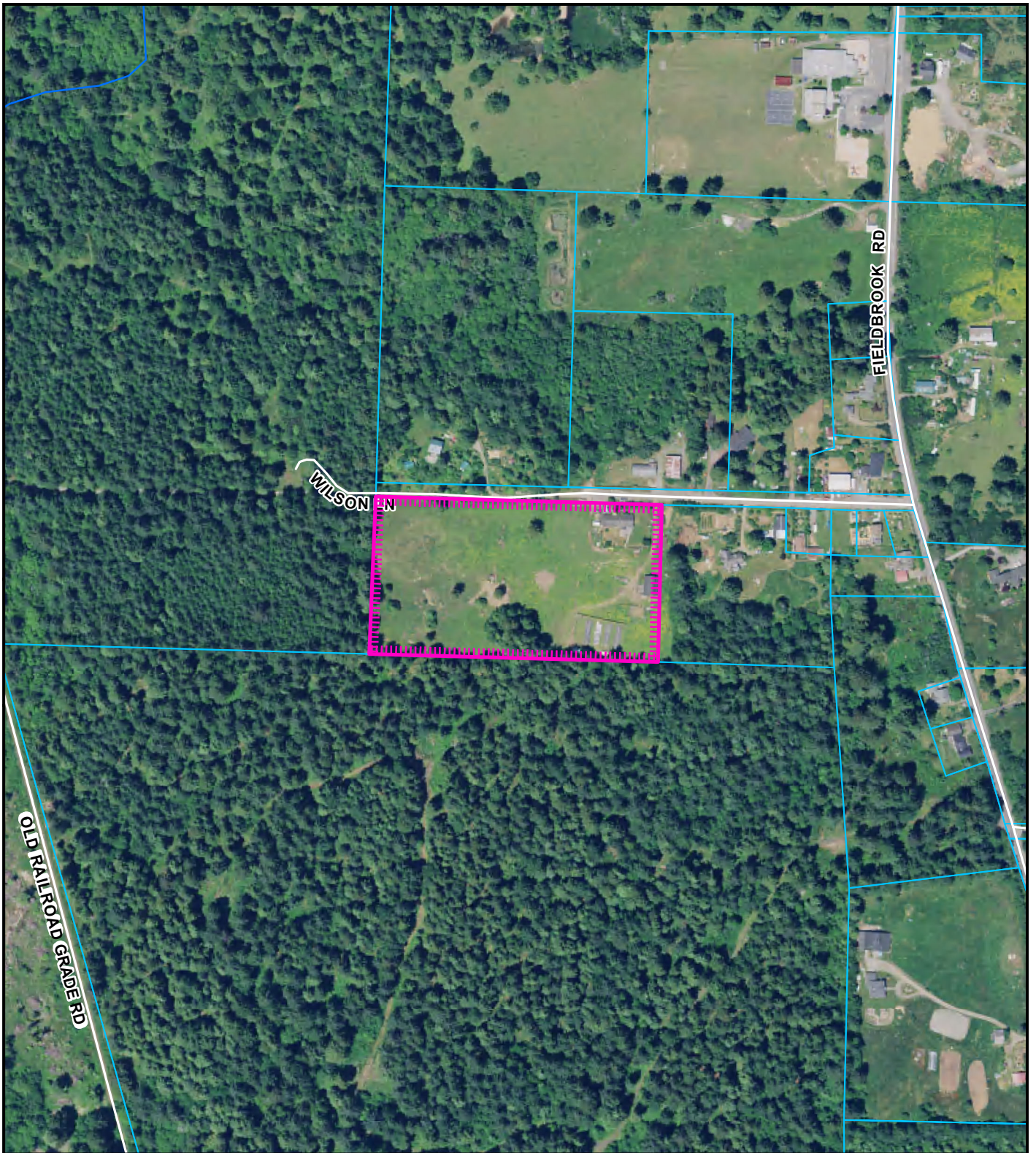
Project Area = 

**ZONING MAP  
 PROPOSED BORN & RAISED LLC  
 FIELDBROOK AREA  
 ZCC-16-719  
 APN: 512-171-023-000  
 T07N R01E S35 HB&M (ARCATA NORTH)**

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







Project Area = 

**AERIAL MAP**  
**PROPOSED BORN & RAISED LLC**  
**FIELDBROOK AREA**  
**ZCC-16-719**  
**APN: 512-171-023-000**  
**T07N R01E S35 HB&M (ARCATA NORTH)**

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.

0 500 1,000 Feet







## ATTACHMENT 1

### RECOMMENDED CONDITIONS OF APPROVAL

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

1. The applicant shall secure permits for all unpermitted grading and structures related to the cannabis cultivation and other commercial cannabis activity. The plans submitted for building permit approval shall be consistent with the project description and approved project site plan. A letter or similar communication from the Building Division verifying that all structures related to the cannabis cultivation are permitted will satisfy this condition.
2. The Applicant shall agree to use a water meter to demonstrate that there is sufficient water supply to meet the demands of the project without having to rely on surface water diversion during the summer months. The Applicant shall install additional water storage tanks if needed. As part of the annual inspection, the applicant shall present water use records showing water use for the year broken down by month and source.
3. The applicant to install a minimum of 2,500 gallons of water storage for fire suppression to meet CALFIRE specifications because the parcel is within the State Responsibility Area. In addition, proposed signage location for building numbers have been added to comply with SRA standards.
4. 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. 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.
5. The applicant shall demonstrate that the driveway and emergency vehicle turn around conform with the Humboldt County Code Section 3112-12, Fire Safe Regulations. The applicant shall be responsible for implementing any necessary improvements to bring the driveway and emergency vehicle turn around into compliance. A letter from a qualified engineer shall satisfy this requirement.
6. The property owner shall execute and file with the Planning Division the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the HCC and available at the Planning Division.
7. The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency (CUPA) requirements regarding any hazardous materials. A written verification of compliance shall be required before any provisional permits may be finalized. Ongoing proof of compliance with this condition shall be required at each annual inspection in order to keep the permit valid.
8. The applicant shall implement all site specific and monitoring and reporting requirements detailed within the Notice of Applicability for Waste Discharge Requirements from the North Coast Regional Water Quality Control Board (NCRWCB) in a letter dated September 2018, Site Management Plan (RWQCB WDID# 1B171566CHUM) and the Water Resource Protection Plan (WRPP) developed for the parcel (prepared by Pacific Watershed Associates), prepared pursuant to Tier 2 enrollment under the Cannabis Waste Discharge Regulatory Program (Order R1-2015-0023), including those measures later determined necessary during annual and periodic site inspections in accordance with the monitoring element. A copy of the reporting form portion of the Monitoring and Reporting Program (MRP) shall be submitted annually to the Planning and Building Department concurrent with the submittal to the State Water Board. A letter or similar communication from the State Water Board verifying that all of their requirements have been met by the listed dates or the applicant has proven to their satisfaction or a Third-Party Consultant verifying that all the requirements in the MRP have been met will satisfy this

condition.

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

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

1. To avoid disturbance of NSO and other sensitive species, construction of noise containment structures for all generators and fans on parcel; noise released shall be no more than 50 decibels measured from 100ft or edge of habitat whichever is closer. To avoid disturbance of NSO and other sensitive species, CDFW recommends that the proposed Project be limited to full-sun outdoor cultivation methods, with noise/light attenuation as applicable. Noise released shall be no more than 50 decibels measured from 100ft or edge of habitat whichever is closer. On-site lighting (e.g. security lighting, etc.) shall comply with attenuation shall follow 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. CDFW further requests, a light attenuation monitoring and management plan for this activity within thirty-days, following execution of the final permit.
2. This permit does not authorize the use of Anticoagulant rodenticides on the subject parcel. Anticoagulant rodenticides are prohibited.
3. 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.
4. 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.
5. All refuse be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
6. All components of the project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, and these conditions of approval. Changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan.



7. 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.
8. If operating pursuant to a written approved compliance agreement, permittee shall abate or cure violations at the earliest feasible date, but in no event no more than two (2) years from the date of issuance of a provisional clearance or permit. Permittee shall provide plans for curing such violations to the Planning & Building Department within one (1) year of issuance of the provisional clearance or permit. If good faith effort towards compliance can be shown within the two years following the issuance of the provisional clearance or permit, The Planning Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow for additional time to meet the outstanding requirements.
9. 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.
10. 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.
11. Confinement of the area of cannabis cultivation, processing, manufacture or distribution to the locations depicted on the approved site plan. The commercial cannabis activity shall be set back at least 30 feet from any property line, and 600 feet from any School, School Bus Stop, Church or other Place of Religious Worship, or Tribal Cultural Resources, except where a reduction to this setback has been approved pursuant to Section 55.4.11(d).
12. Maintain enrollment in Tier 1, 2 or 3, certification with the North Coast Regional Water Quality Control Board (NCRWQCB) Order No. R1-2015-0023, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
13. Comply with the terms of any applicable Streambed Alteration (1600) Permit obtained from the California Department of Fish & Wildlife, if applicable.
14. Consent to an annual on-site compliance inspection, with at least 24 hours prior notice, to be conducted by appropriate County officials during regular business hours (Monday – Friday, 9:00 am – 5:00 pm, excluding holidays).
15. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, or herbicide.
16. Pay all applicable application and annual inspection fees.
17. 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.
18. The Master Log Books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
19. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).
20. The operation shall participate in the Medical Cannabis Track and Trace Program administered by the Humboldt County Agricultural Commissioner, when available.

#### Performance Standards for Cultivation and Processing Operations

21. 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."
22. 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).
23. Cultivators engaged in processing shall comply with the following Processing Practices:
  - i. Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.
  - ii. Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
  - iii. Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.
  - iv. Employees must wash hands sufficiently when handling cannabis or use gloves.
24. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:
  - i. Cultivation operations and processing operations must implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:
    - (a) Emergency action response planning as necessary;
    - (b) Employee accident reporting and investigation policies;
    - (c) Fire prevention;
    - (d) Hazard communication policies, including maintenance of material safety data sheets (MSDS);
    - (e) Materials handling policies;
    - (f) Job hazard analyses; and
    - (g) Personal protective equipment policies, including respiratory protection.
  - ii. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
    - (a) Operation manager contacts;
    - (b) Emergency responder contacts;
    - (c) Poison control contacts.
  - iii. At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations. Plumbing facilities and water source must be capable of handling increased usage without adverse consequences to neighboring properties or the environment.
  - iv. On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.
25. All cultivators shall comply with the approved Processing Plan as to the following:
  - i. Processing Practices.
  - ii. Location where processing will occur.
  - iii. Number of employees, if any.
  - iv. Employee Safety Practices.
  - v. Toilet and handwashing facilities.
  - vi. Plumbing and/or septic system and whether or not the system is capable of handling increased usage.

- vii. Drinking water for employees.
- viii. Plan to minimize impact from increased road use resulting from processing.
- ix. On-site housing, if any.

26. Term of Commercial Cannabis Activity Conditional Use Permit. Any Commercial Cannabis Cultivation CUP issued pursuant to the CMMLUO shall expire one (1) year after date of issuance, and on the anniversary date of such issuance each year thereafter, unless an annual compliance inspection has been conducted and the permittee(s) and the permitted site have been found to comply with all conditions of approval.
27. If the inspector or other County official determines that the permittees or site do not comply with the conditions of approval, the inspector shall serve the CUP or permit holder with a written statement identifying the items not in compliance, and the action that the permit holder may take to cure the non-compliance, or file an appeal within ten (10) days of the date that the written statement is delivered to the permit holder. Personal delivery or mailing the written statement to the mailing address listed on the application by regular mail, plus three (3) days after date of mailing, shall constitute delivery. The permit holder may request a reinspection to determine whether or not the permit holder has cured all issues of non-compliance. Failure to request reinspection or to cure any items of non-compliance shall terminate the CUP, immediately upon the expiration of any appeal period, or final determination of the appeal if an appeal has been timely filed pursuant to section 55.4.13.
28. Permit Renewals to comply with Updated Laws and Regulations. Permit renewal per Ongoing Condition of Approval #22 above is subject to the laws and regulations effective at the time of renewal, which may be substantially different than the regulations currently in place and may require the submittal of additional information to ensure that new standards are met.
29. 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.
30. Permittee further acknowledges and declares that:
- a. All commercial cannabis activity that I, my agents, or employees conduct pursuant to a permit from the County of Humboldt shall be solely for medical purposes and all commercial cannabis products produced by me, my agents, or employees are intended to be consumed solely by qualified patients entitled to the protections of the Compassionate Use Act of 1996 (codified at Health and Safety Code section 11362.5); and
  - b. All cannabis or cannabis products under my control, or the control of my agents or employees, and cultivated or manufactured pursuant to local Ordinance and the California Medical Marijuana Regulation and Safety Act will be distributed within the State of California; and
  - c. All commercial cannabis activity conducted by me, or my agents or employees pursuant to a permit from the County of Humboldt will be conducted in compliance with the California Medical Marijuana Regulation and Safety Act.
31. Transfers. Transfer of any leases or permits approved by this project is subject to the review and approval of the Planning Director for conformance with CMMLUO eligibility requirements, and agreement to permit terms and acknowledgments. The fee for required permit transfer review shall accompany the request. The request shall include the following information:
- a. Identifying information for the new Owner(s) and management as required in an initial permit application;
  - b. A written acknowledgment by the new Owner in accordance as required for the initial Permit application;

- c. The specific date on which the transfer is to occur;
- d. Acknowledgement of full responsibility for complying with the existing Permit; and
- e. Execution of an Affidavit of Non-diversion of Medical Cannabis.

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

#### **Informational Notes:**

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

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

4. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will provide a bill to the applicant after the decision. Any and all outstanding Planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
5. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will send a bill to the Applicant for all staff costs incurred for review of the project for conformance with the conditions of approval. All Planning fees for this service shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
6. If any wildlife is encountered during the authorized activity, the applicant shall not disturb the wildlife and shall allow wildlife to leave the work site unharmed.

## ATTACHMENT 2

### REQUIRED FINDINGS FOR APPROVAL

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

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

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

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

**1. The proposed development must be consistent with the General Plan, Open Space Plan, and Open Space Action Program.** The following table documents that the proposed development is in conformance with all applicable policies and standards of the Humboldt County General Plan, Open Space Plan, and Open Space Action Program.

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Land Use Chapter 4</p> <p>Land Use Designations Section 4.8</p>	<p><b>Residential Estates (RE1-5):</b> Lands adjacent to urban areas or rural communities with limited public services but suitable for single-family residential use. Also, intended as a transition from urban development to rural lands. Clustering policies are suggested to assist in buffering adjacent resource production or open space uses and to retain contiguous open space. This designation is commonly used in water-only service areas. Allowable uses, but are not limited to, single family residential, second residential unit, guest house, planned developments, and residential accessory uses. Density range is 1-5 acres/unit.</p>	<p>The Applicant is proposing to permit a new commercial cannabis cultivation operation consisting of 10,000 SF outdoor and 2,000 SF wholesale nursery space on lands designated as Residential Estates. General and intensive agriculture and similar compatible uses are allowable use types for this designation. The proposed project is therefore consistent with the RE land use designation.</p>
<p>Circulation Chapter 7</p>	<p>Goals and policies contained in this Chapter relate to a balanced, safe, efficient, accessible and convenient circulation system that is appropriate for each type of unincorporated community (C-G1, C-G2); coordinated planning design, development, operations, and maintenance between the County and other transportation system service providers (C-G3); and access for all transportation mode types with improved opportunities to move goods within, into and out of Humboldt County (C-G5).</p> <p>Related policies: C-P3, Consideration of Transportation Impacts in Land Use Decision Making.</p>	<p>Access to the subject parcel is on the south side of Fieldbrook Road, which is County-maintained to Wilson Lane to a private driveway. Public Works requested the applicant submit a road evaluation report. A road evaluation report was prepared which indicated that the private road segment is developed to an equivalent of a Road Category 4. Public Works provided comment to make improvements to meet County standards to require that the private access road be paved at the location where it intersects the County-maintained road. The project has been conditioned to incorporate these requirements. As conditioned, the project is consistent with the circulation element.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Housing Chapter 8	<p>Goals and policies contained in this Element seek to identify existing and projected housing needs and establish goals, policies, standards and measures for the preservation, improvement, and development of housing.</p> <p>Related policies: H-P3, Development of Parcels in the Residential Land Inventory.</p>	The project does not involve residential development, nor is the project site part of the Housing Element Residential Land Inventory. The site currently contains one (1) single family residences which will remain. The project will not preclude any future residential development if in conformance with the General Plan and Zoning designations. The project will not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law. The project is therefore consistent with the housing element.
Conservation and Open Space Chapter 10  Open Space Section 10.2	<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>	The project is located within an Open Space Action Program because the project site is planned Residential Estates (RE). The project can be found consistent with the Open Space Plan and Open Space Action Program because the proposed project is consistent with the allowable uses of the Land Use Designations. General agriculture is a use type permitted in the Residential Estates land use designations. The proposed cannabis cultivation, an agricultural product, is within land planned and zoned for agricultural purposes, consistent with the use of Open Space land for managed production of resources. Therefore, the project is consistent with and complimentary to the Open Space Plan and its Open Space Action Program.
Conservation and Open Space Chapter 10  Biological Resources Section 10.3	<p>Goals and policies contained in this Chapter relate to mapped sensitive habitat areas where policies are applied to protect fish and wildlife and facilitate the recovery of endangered species (BR-G1, Threatened and Endangered Species, BR-G2, Sensitive and Critical Habitat, BR-G3, Benefits of Biological Resources).</p> <p>Related policies: BR-P1, Compatible Land Uses; BR-P5, Streamside Management Areas.</p>	<p>The project is consistent with the biological resources policies of the General Plan. The subject parcel is located approximately 1.65 mile from the nearest northern spotted owl activity center. The project site is served by PG&amp;E and will use ancillary lighting within the 2,000 SF wholesale nursery greenhouses. There are no generators proposed and the cultivation will not use mixed-light methods other than for the nursery, and will be required to comply with dark sky standards. Accordingly, impacts to NSO are less than significant.</p> <p>There are no watercourses on the property. The closest watercourse is Lindsay Creek. This proposed project is approximately 0.3 miles from the Lindsay Creek buffer region.</p>
Conservation and Open Space Chapter 10  Cultural Resources Section 10.6	Goals and policies contained in this Chapter relate to the protection and enhancement of significant cultural resources, providing heritage, historic, scientific, educational, social and economic values to benefit present and future generations	No known significant archaeological or historic period cultural resources are located in the project area. The project was referred to the Bear River Band of the Rohnerville Rancheria. The Tribal Historic Preservation Officer recommended inadvertent discovery protocol. Ongoing conditions of approval are incorporated regarding the inadvertent discovery protocol to protect

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
	<p>(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>cultural resources. Accordingly, the project is consistent with the cultural resource policies of the General Plan.</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>Related standards: SR-S4, Light and Glare.</p>	<p>The project involves outdoor cultivation which will not include artificial lighting. The wholesale nursery area will utilize artificial lighting. The project has been conditioned accordingly to ensure light does not escape from the nursery and is therefore consistent with the scenic resource policies of the General Plan.</p>
<p>Water Resources Chapter 11</p> <p>Stormwater Drainage</p>	<p>Goals and policies contained in this Chapter relate to coordinated watershed planning and land use decision making to advance management priorities (WR-G3, WR-G4, WR-G5); watershed conservation and restoration efforts aimed at de-listing water bodies and watersheds which are restored to meet all beneficial uses, including water use, salmon and steelhead recovery plans, recreational activities, and the economy (WR-G1, WR-G2, WR-G7, WR-G8, WR-G9).</p> <p>Related policies: WR-P10, Erosion and Sediment Discharge; WR-42, Erosion and Sediment Control Measures.</p>	<p>The project is consistent. The Project site falls within Tier 2 discharger for the State Water Resources Control Board and a Water Resourced Protection Plan is not a requirement. There are no watercourses on the property. The closest watercourse is Lindsay Creek. This proposed project is approximately 0.3 miles from the Lindsay Creek buffer region.</p>



Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Water Resources Chapter 11</p> <p>Onsite Wastewater Systems</p>	<p>Goals and policies contained in this Chapter relate to adequate public water supply as well as onsite wastewater systems and natural and developed storm drainage systems that minimize interference with surface and groundwater flows and storm water pollution (WR-G6, WR-G9, WR-G11).</p> <p>Related policies: WR-IM7, Basin Plan Septic Requirements; and IS-P17, On-Site Sewage Disposal Requirements.</p>	<p>The project is consistent. APN 512-171-023 contains a permitted septic system and leachfield that accommodates the residence and includes a toilet and handwashing facilities inside. Water is sourced from Fieldbrook Community Service District (FCSD). A Will Serve request was made by the applicant in November of 2019 and accepted by the FCSD in December 2019.</p>
<p>Noise Chapter 13</p>	<p>Goals and policies contained in this Chapter discourage incompatible uses within communities and reduce excessive noise through the application of standards (N-G1, N-G2).</p> <p>Related policies: N-P1, Minimize Noise from Stationary and Mobile Sources; N-P4, Protection from Excessive Noise.</p>	<p>The subject parcel is not located in an area that requires special noise attenuation measures. The proposed cultivation area is outdoor, and will not use generators, so there will be minimal noise generated by the project. Noise generated from any future generator use shall comply with the standards set forth in Section 55.4.11(o) of the CMMLUO which limits the combined decibel level for all noise sources to 60 decibels at the property line. Power to the site is provided by PG&amp;E. Accordingly, the project is consistent with the noise element.</p>
<p>Safety Element Chapter 14</p> <p>Geologic &amp; Seismic</p>	<p>Goals and policies contained in this Chapter relate to communities that are designed and built to minimize the potential for loss of life and property resulting from natural and manmade hazards; and to prevent unnecessary exposure to areas of geologic instability, floodplains, tsunami run-up areas, high risk wildland fire areas, and airport areas planned and conditioned to prevent unnecessary exposure of people and property to risks of damage or injury (S-G1, S-G2).</p> <p>Related policies: S-P7, Structural Hazards; and S-P11, Site Suitability.</p>	<p>The project is consistent. The project site is not located in a mapped Alquist-Priolo fault zone nor is it subject to liquefaction. The project does not include any proposed structures for human occupation. The cultivation areas occur on a flat area with an approximate 1% slope. The project area is seismically classified as relatively stable; therefore, the project does not pose a threat to public safety from exposure to natural or manmade hazards.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Safety Element Chapter 14</p> <p>Flooding</p>	<p>Goals and policies contained in this Chapter relate to the use of natural drainage channels and watersheds that are managed to minimize peak flows in order to reduce the severity and frequency of flooding (S-G3).</p> <p>Related policies include: S-P12, Federal Flood Insurance Program; S-P13, Flood Plains; and S-P15, Construction Within Special Flood Hazard Areas.</p>	<p>The project is consistent. The project site is not within any flood zone. The project site is not within a mapped dam or levee inundation area and, at over 4 miles distance from the coast, 160 feet above mean sea level, and is outside the areas subject to tsunami run-up.</p>
<p>Safety Element Chapter 14</p> <p>Fire Hazards</p>	<p>Goals and policies of this Chapter encourage development designed to reduce the risk of structural and wildland fires supported by fire protection services that minimize the potential for loss of life, property, and natural resources (S-G4).</p> <p>Related policies: S-P19, Conformance with State Responsibility Areas (SRA) Fire Safe Regulations.</p>	<p>The subject parcel is located within an area with a moderate fire hazard severity rating. The project site is located within the Fieldbrook Volunteer Fire District and State Fire Responsibility Area where the State of California has the primary financial responsibility for the prevention and suppression of wildland fires. CALFIRE comments recommended compliance with the requirements of the County's Fire Safe, Resource Management, and Cannabis Regulations. The Humboldt County Fire Safe Ordinance (Section 3111-1 et seq.) establishes development standards for minimizing wildfire danger in state responsibility designated areas. The project has been conditioned to add one (1) dedicated 2,500-gallon water storage tank located on site. Conditions of approval for the project require the applicant to demonstrate the driveway and emergency vehicle turn around conform with the Humboldt County Code Section 3112-12, the Fire Safe Regulations. The project is therefore consistent with the fire hazard protection policies of the General Plan.</p>
<p>Community Infrastructure and Services Element, Chapter 5</p> <p>Implementation Action Plan</p>	<p>IS-S5 requires new industrial, commercial and residential development located outside of fire district boundaries to obtain written acknowledgment of available emergency response and fire suppression services from the local fire agency, including any recommended mitigation.</p>	<p>The project is located in the Fieldbrook Volunteer Fire District jurisdiction. To implement this policy, the local fire service provider [Fieldbrook Volunteer Fire Protection District] has been contacted to furnish written documentation from of the available emergency response and fire suppression services and any recommended project mitigation measures. If emergency response and fire suppression services are not provided, the applicant shall cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning Division. The project is therefore consistent with these policies.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Air Quality Chapter 15	<p>Goals and policies contained in this Chapter relate to improved air quality to meet current and future state and federal standards, including attainment of particulate matter requirements (AQ-G1, AQ-G2, AQ-G3) and the successful reduction of greenhouse gas emissions to levels consistent with state and federal requirements (AQ-G4).</p> <p>Related policies: AQ-P4, Construction and Grading Dust Control; and AQ-P7, Interagency Coordination.</p>	As a condition of approval, applications for grading and/or building permits shall be referred to the North Coast Air Quality Management District (NCAQMD) for review and consultation. Dust control practices during any construction and grading shall achieve compliance with NCAQMD fugitive dust emission standards. Accordingly, the project is consistent with these policies.

## 2. Zoning Compliance and 3. Conforms with applicable standards and requirements of these regulations:

The following table demonstrates that the proposed development is in conformance with all applicable policies and standards in the Humboldt County Zoning Regulations.

Zoning Section	Summary of Applicable Requirement	Evidence That Supports the Zoning Finding
§312-1.1.2  Legal Lot Requirement	Development permits shall be issued only for a lot that was created in compliance with all applicable state and local subdivision regulations.	This parcel was created as Parcel 4 of Parcel Map No. 77 recorded in Book 1 of Parcel Maps at page 131 on March 20, 1972. There is no evidence indicating there have been any subsequent acts to merge or divide this parcel. Therefore, the subject parcel was lawfully created in its current configuration and can be developed as proposed.
§314-8.1  Agricultural Exclusive(AE) Special Building Site (B-7)	<p><b><u>Agricultural General (AG):</u></b> The Agriculture Exclusive zone is intended to be applied areas in which agriculture is the desirable predominant use and rural residential uses area secondary.</p> <p>Special Building Site (B-5) Minimum lot size as shown.</p>	<p>The applicant is seeking one Conditional Use Permit for a new 10,000 SF outdoor cannabis cultivation operation and 2,000 SF wholesale nursery on property zoned AG-B-5(5) The proposed use is allowed in the AG zone, and is specifically allowed with a Conditional Use Permit in this zoning district and under Section 314-55.4.8.2.1 of the CMMLUO.</p> <p>The B-5(5) zone requires a 5-acre minimum parcel size. The current parcel is approximately 8.0 acres in area.</p>
Minimum Lot Area:	2.5 acres	8.0 acres
Maximum Ground Coverage:	35%	Approximately 5%
Minimum Lot Width:	60 feet	Approximately 808 feet
Maximum Lot Depth:	Not specified	Approximately 443 feet

Minimum Yard Setbacks:	Front: 20 feet Rear: 20 feet Side: 6 feet  SRA: lot 1 acre or larger: 30 feet	Front (south): >30 feet Rear (north): >30 feet Side (east): >30 feet  < 30 feet
Max. Building Height:	Thirty-five feet (35')	Approximately 15 feet
§314-109.1.2.9 Off-Street Parking  Parking Spaces for the Uses Not Specified	Off Street Parking for Agricultural use*: One parking space per employee at peak shift. A minimum of two parking spaces are required.  *Use for this activity is not specified. Per Section 314-109.1.2.9, the Director may fix the required number of parking spaces based on standards for most comparable use.	The cultivation is operated by two (2) full time employees. The project site has adequate parking area for two vehicles.

<b>314-55.4 et seq. HCC: Commercial Cultivation, Processing, Manufacturing and Distribution of Cannabis for Medical Use Inland Land Use Regulation (CMMLUO)</b>		
§314-55.4.8.2.1.3  §314-55.4.5.1 CCLUO	On AE parcels (on parcels greater than 5 acres in size) up to 10,000 square feet of new outdoor cultivation may be permitted with a Zoning Clearance Certificate.  Special Area Provisions: a conditional use permit shall be required for any Commercial Cannabis Activity where located within [...] the following Community Planning Areas: [...] Fieldbrook/Glendale.	In accordance with the referenced sections of the CMMLUO and CCLUO, the applicant has applied for 10,000 SF new outdoor and 2,000 wholesale nursery space on 8.0 acres with the necessary CUP due to the project being within the Fieldbrook/Glendale Community Planning Area.

§314-55.4.8.2.1 New Outdoor and Mixed-Light Cultivation Areas	Commercial cannabis cultivation that was not previously in existence as of January 1, 2016 on parcels with Prime Agricultural Soils, in zoning districts RA, U, FP, DF, AG, or AE, on slopes of 15% or less with documented current water right or other non-diversionary source of irrigation water may be permitted. The cultivation area shall be located on the Prime Agricultural Soils and no more than 20% of the Prime Agriculture soils on the parcel shall be used for commercial cannabis cultivation.	<p>The proposed project is a Conditional Use Permit for new 10,000 SF outdoor cannabis cultivation operation on property zoned AG-B-5(5). The project site slope is approximately 1%, and the water source is provided by the Community Service District. According to the Prime Agricultural Soil Assessment completed by Dirty Business Soil Consulting &amp; Analysis, LLC, , approximately 3.9 acres of the subject parcel is prime agricultural soils (Storie index ≥80%). The cannabis cultivation is located within this area and is 12,000 square feet total which is approximately 7% of the prime agricultural soil located on the site.</p> <p>The cultivation area, type, status, and zoning of the parcel are consistent with the requirements for a Conditional Use Permit. The applicant will comply with all conditions of the CMMLUO, as specified in the recommended conditions of approval.</p>
§314-55.4.8.10 Permit Limit	No more than four commercial cannabis activity permits may be issued to a single person, as defined in the referenced section.	According to records maintained by the Department, the applicant, is not applying for any other cannabis activity permits. The applicant is entitled to four permits. This application is for one Conditional Use Permit.
§314-55.4.9.1 Accessory Processing	Processing for cultivation requiring a Special Permit or Use Permit will be considered in the Use Permit application.	All cultivated cannabis will be sent out for processing to a third-party licensed processor.
§314-55.4.9.4 Pre-Application Registration	Existing cultivation sites shall register with the County within 180 days of the effective date of this ordinance.	The applicant submitted the required Commercial Cannabis Registration Form with the Planning Division on December 29, 2016 and within the specified window.
§314-55.4.10 Application Requirements	Identifies the Information Required for All Applications	Attachment 4 identifies the information submitted with the application, and shows all the required information was received.
§314-55.4.11 Performance Standards	Identifies the Performance Standards for Cannabis Cultivation Activities	All the applicable performance standards are included as Conditions of project approval. They are required to be met throughout the timeframe of the permit.
§314-55.4.11.c Performance Standards-Water	Compliance with all statutes, regulations and requirements of the California State Water Resources Control Board, Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration.	Water is sourced from Fieldbrook Community Service District (FCSD). A Will Serve request was made by the applicant in November of 2019 and accepted by the FCSD in December 2019. Proposed water storage consists of two (2) 3,000-gallon hard tanks. According to the Cultivation and Operations Plan, 84,000 gallons of water is required for annual cannabis cultivation operations (5.5 gallons per square foot of cultivation). Water is applied at agronomic rates via drip irrigation. Based on the submitted evidence and conditions of approval, the project complies with the referenced section.

§314-55.4.11.d Performance Standards- Setbacks	The area of cannabis cultivation and on-site processing shall be setback at least 30 feet from any property line, and 600 feet from any school, school bus stop, church or other place of religious worship, public park, or tribal cultural resources (TCRs).	There are no schools within 600 feet of the cultivation operation. There are no parks as defined in HCC Section 314-55.4.7 within 600 feet of the cultivation site based on a review of aerial imagery. Nor is there a place of religious worship within 600 feet. There are no known TCRs present on the site. Both the Fieldbrook Elementary School District and the Northern Humboldt High School District recommended denial of the project. Fieldbrook School District states that the project is less than 600 feet from the school property. Staff analysis of the site indicates that the proposed cultivation site is over 1,000 feet from the school's property line. This evidence is included in Attachment 4.
§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 project does not include any generators or back-up generators. No fans are proposed.
§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 29, 2016.

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

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

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

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

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

As lead agency, the Department prepared an Addendum to the previously adopted Mitigated Negative Declaration (MND) (State Clearinghouse # 2015102005) prepared for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) and adopted by the County Board of Supervisors January 26, 2016. The MND prepared for the CMMLUO established that the environmental effects of existing cultivation operations would be reduced from the baseline impacts through the regulations applied by the CMMLUO. The proposed project is consistent with all regulations within the CMMLUO and all mitigation measures of the MND. The project is for the approval of an existing cultivation and on-site processing. The environmental document on file include detailed discussions of all the relevant environmental issues.



ATTACHMENT 3  
CEQA Addendum

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

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

*APNs 512-171-023, 136 Wilson Lane, McKinleyville, 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 and new cannabis operations by establishing regulations for an existing unregulated land use to help prevent and reduce environmental impacts that are known to result from cultivation operations. The MND states that "will be required to pursue and achieve compliance with existing regulations and permitting requirements which govern many attendant activities including: water diversion and well development, grading, construction of buildings, onsite sewage disposal, fire protection, and protection of biological resources, wetlands, watercourses, and associated riparian areas. Therefore, the ordinance will not physically divide a community, conflict with existing land use plans, policies, or regulations, or conflict with applicable conservation plans."

Conditional Use Permit is for a new 10,000 square foot (SF) outdoor cannabis cultivation and 2,000 square foot (SF) wholesale nursery. Water is sourced from Fieldbrook Community Service District. Proposed water storage consists of two (2) 3,000-gallon hard tanks. Projected water use is 66,000 gallons annually for operations. Water is applied at agronomic rates via drip irrigation. All processing would occur off-site at a licensed processing facility. The applicant states that two (2) employees are needed for operations. Electricity is sourced from PGE. As a condition of approval, a 2,500-gallon water storage tank will be required to be installed for fire suppression to meet CALFIRE specifications because the parcel is within the State Responsibility Area. In addition, proposed signage location for building numbers have been added to comply with SRA standards.

According to the processing plan, all cultivation will be processed at a licensed third-party processor. There will be two (2) full time employees. Power to the site is provided by PG&E and no generators or fans are proposed as part of the operation.

All project elements are well outside of the required setbacks for riparian habitat. An activity center for Northern Spotted Owl exists within approximately 1.65 mile of the project site, but as no generators are proposed the noise impacts on NSO from the project will be well below the thresholds that could cause disturbance of the species. The site has been analyzed for cultural resources and determined to not have sensitive cultural or archaeological resources that could be impacted from on-going cultivation.

The modified project is consistent with the adopted MND for the CMMLUO because it complies with all standards of the CMMLUO which were intended to mitigate for impacts of new cultivation. These include compliance with noise and light standards to limit disturbance to wildlife and increased water storage to for fire suppression.

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

1. Substantial changes are proposed in the project which require major revisions of the previous MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;  
or
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous MND due to the involvement of new significant

environmental effects or a substantial increase in the severity of previously identified significant effects;  
or

3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous MND was certified as complete, shows any of the following: A) the project will have one or more significant effects not discussed in the previous MND; B) significant effect previously examined will be substantially more severe than shown in the previous MND; C) mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or D) mitigation measures or alternatives which are considerably different from those analyzed in the previous MND would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

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

No changes are proposed for the original MND recommended mitigations. The proposal to authorize a new 10,000 square foot outdoor commercial cannabis operation, 2,000 square foot wholesale nursery space, 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:

- Water Resources Protection Plan (WRPP) prepared for APN 512-171-023 September 2018 by Pacific Watershed Associates.
- Prime Agricultural Assessment prepared for APN 512-171-023 June 27, 2017.
- Site Plan for Born & Raised, LLC.
- Operations Plan for Born & Raised, 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 a new cannabis operation and ensure that the operation is in compliance with county and state requirements intended to adequately mitigate environmental impacts.
2. The circumstances under which the project was approved have not changed substantially. There are no new significant environmental effects and no substantial increases in the severity of

previously identified effects.

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

## **CONCLUSION**

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

## ATTACHMENT 4

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

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

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

12. Consent for onsite inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. (On file)
13. For indoor cultivation facilities, identify the source of electrical power and how it will meet with the energy requirements in section 55.4.8.2.3, and plan for compliance with applicable Building Codes. (Not applicable)
14. Acknowledge that the county reserves the right to engage with local Tribes before consenting to the issuance of any clearance or permit, if cultivation operations occur within an Area of Traditional Tribal Cultural Affiliation, as defined herein. This process will follow current departmental referral protocol, including engagement with the Tribe(s) through coordination with their Tribal Historic Preservation Officer (THPO) or other tribal representatives. This procedure shall be conducted similar to the protocols outlined under SB 18 (Burton) and AB 52 (Gatto), which describe "government to government" consultation, through tribal and local government officials and their designees. During this process, the tribe may request that operations associated with the clearance or permit be designed to avoid, minimize or mitigate impacts to Tribal Cultural Resources, as defined herein. Examples include, but are not limited to: conducting a site visit with the THPO or their designee to the existing or proposed cultivation site, requiring that a professional cultural resources survey be performed, or requiring that a tribal cultural monitor be retained during project-related ground disturbance within areas of sensitivity or concern. The county shall request that a records search be performed through the California Historical Resources Information System (CHRIS). (On file)
15. Evidence of school property exceeding 600 foot minimum setback requirement. (Attached)



*Operations Manual*  
*for*  
*Born and Raised, LLC*  
*Cultivation Project*  
*9/3/17*

**Produced By:**



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**Project Name** BORN AND RAISED

**Project Location** 178 Wilson Lane  
Mckinleyville, CA 95519

**Project Sponsor** Born and Raised, LLC  
178 Wilson Lane  
Mckinleyville, CA 95519  
Mailing: P.O. Box 910  
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**Sponsor Contact** Jesse Linder,  
415-505-0965

**Permitting Agency** AgDynamix, LLC  
Teisha Mechetti, 707-798-6199

**APN** 512-171-023

**Existing Zoning Designation** AG

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## Industry Analysis

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

### Summary

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

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

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

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

### State Regulatory Framework

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

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

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

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

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

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

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

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

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

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

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

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

### Local Regulatory Framework

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

#### Humboldt County

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

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

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

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## Executive Summary

Project Sponsor is Born and Raised, LLC, a sole member, for profit, Limited Liability Company whose purpose is to conduct agricultural activities within the State of California.

Sponsor proposes to operate an agricultural business that supports cultivation activities. The company has assumed that two (2) persons will support site activities during peak harvest. This model would set a healthy precedent for the McKinleyville community by setting a sound agricultural standard for this emerging industry.

The Sponsor has applied with the county for a Zoning Clearance Certificate that will allow up to 10,000-sq. ft. of new outdoor cultivation and a Special Permit to support wholesale nursery activities. Applicant also wishes to pursue a M-Type 2 and M-Type 4 licenses from the State.

The project is located on Parcel No. 512-171-023 on approximately 8.19 acres of AG zone. Project site will not include drying or processing activities because applicant is proposing wholesale goods be sold directly to a manufacturer in the form of wet weight. Natural light supports Project cultivation activities, with an exception for supplemental lighting used to support Nursery activities. PG&E will support the Project site's energy requirements.

Water is sourced from the Community Services District and additional storage is available onsite in the form of two (2) 3,000-gallon water tanks. All watering systems support domestic and commercial uses.

The Sponsor has initiated the Waste Water Discharge enrollments to facilitate compliance with the State Water Resources Control Board upon implementation of the project. No other environmental filings are required at this time.

## Project Timeline

### Phase 1 (2017)

- Obtain Land Use Approval.
- Submit Building Plans.
- Obtain Building Permits.

### Phase 2 (2018)

- Develop New Proposed Cultivation Area.

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## Project Overview

The Project concerns Parcel No. 512-171-023 in McKinleyville, California that is seeking conditional permitting for outdoor medical commercial cannabis cultivation with consideration of the phased approach to development. The proposed Project features ten (10) cultivation areas totaling just under 10,000 sq. ft. Cultivation and processing activities would occur on the central portion of the Parcel.

### Summary

The Project parcel is zoned AG, which falls within the allowable zoning specified by the local authority. The Sponsor seeks permit approval for 10,000 sq. ft. of outdoor cultivation that is new, is supported by evidence, and involves natural light with the exception for supplemental lighting that will support nursery activities.

The Project features ten (10) cultivation areas comprised of ten (10) 975-sq. ft. hoop house structures designated for cultivation operations. Applicant proposes two (2) greenhouse nursery areas and one (1) nursery shed that will support cultivation.

### Location Description

The proposed Project would occur on legal Parcel No. 512-171-023 at 178 Wilson Lane, McKinleyville, CA, in the northeast quarter of the northwest quarter of Section 35, Township 7 North, Range 1 East, Humboldt Meridian.

### Zoning

The property features zoning AG and the following characteristics:

- GIS acres: 8.19.
- Coastal Zone: Outside.
- 100 Year Flood Zone: Outside.
- Alquist-Priolo Fault Hazard Zone: Outside.
- FEMA FIRM Flood Rating & Panel Number: Not applicable.
- Slope: <15% of total parcel.
- Relative Slope Stability (Per General Plan Geologic maps): Relatively Stable.

### Soil Ratings

As per Humboldt County's Ordinance No. 2544, because the project is new, the prime agricultural soil rating requirement pertains to this project.

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## Project-Specific Factors

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

<input type="checkbox"/>	Aesthetics	<input checked="" type="checkbox"/>	Agriculture and Forestry	<input type="checkbox"/>	Air Quality
<input checked="" type="checkbox"/>	Biological Resources	<input checked="" type="checkbox"/>	Cultural Resources	<input checked="" type="checkbox"/>	Geology/Soils
<input type="checkbox"/>	Greenhouse Gas Emissions	<input checked="" type="checkbox"/>	Hazards and Hazardous Materials	<input checked="" type="checkbox"/>	Hydrology/Water Quality
<input checked="" type="checkbox"/>	Land Use/Planning	<input type="checkbox"/>	Mineral Resources	<input type="checkbox"/>	Noise
<input type="checkbox"/>	Population/Housing	<input checked="" type="checkbox"/>	Public Services	<input type="checkbox"/>	Recreation
<input type="checkbox"/>	Transportation/Traffic	<input checked="" type="checkbox"/>	Utilities/Service Systems	<input type="checkbox"/>	Mandatory Findings of Significance

## Mandatory Compliance Factors

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

### Water Sources

The Project site is supported by McKinleyville Community Services District (MCSD) for domestic and commercial water needs.

### Initial Statement of Water Diversion & Use (ISWDU)

Not applicable.

### Small Domestic Use Registration (SDU)

Not applicable.

### Small Irrigation Use (SIU)

Not applicable.

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

It was determined that a LSAA-1600/1602 is not be required for this Project because water diversion is not necessary, nor any other projects related to biological impacts of the project.

### Water Board Order: Waste Waiver Discharge (WWD)

Initial inspections by Pacific Watershed Associates (PWA) regarding water usage and discharges have been conducted. The initial notice of intent and monitoring/reporting forms, under the WWD, have been filed with the North Coast Regional Water Quality Control Board (NCRWQCB). A reporting/recording system would be developed, monitored, and reported to comply with annual renewal requirements under this order.

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

#### Water Resource Protection Plan (WRPP)

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

#### Department of Pesticide Regulation Requirements (DPR)

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

#### Archaeological Inspections & Survey

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

#### Additional Compliance Factors

##### Bureau of Cannabis Control (BCC)

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

##### CalCannabis Cultivation Licensing

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

##### Office of Manufactured Cannabis Safety

OMCS was established in the Center for Environmental Health of the California Department of Public Health (CDPH) after the Governor signed into law the Medical Cannabis Regulation and Safety Act in 2015.

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The Act established a licensing and regulatory framework for the manufacturing, packaging, and infusion of medical cannabis in California.

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

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

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

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

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## Performance Standards

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

### Setback Requirements

The proposed Project area meets all setbacks required by the local authority and adheres to all other setbacks from neighboring parcels and property boundaries.

Nearby parcel residences are more than 300' from the proposed cultivation space (applicable only to parcels of five (5) acres or less). There are no known schools, school bus stops, public parks, places of religious worship, or Tribal cultural resources that are known within 600' to 1,320' of the cultivation area. Additionally, a 30' setback from the PG&E pole and 12' of overhead lines and property borders is satisfied.

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

### Nuisance Mitigation

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

Best mitigation efforts:

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

### Generator Use

PG&E supports the project sites energy needs. The proposed Project will not employ the use of generator power to support the site.

### Consent to Inspect

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

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## Cultivation Plan

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

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

### Summary

The Project proposes a new 10,000 sq. ft. area of M-Type 2 outdoor cultivation in the form of ten (10) hoop house cultivation sites and an M-Type 4 for wholesale Nursery application on 8.19 acres of AG zoning that would be serviced entirely by natural light with exception for supplemental lighting used in nursery activities.

Water for the Project would be sourced from two (2) 3,000-gallon onsite tanks that are supplied by the MCSD during seasonal activities.

### Cultivation Schedule

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

Area	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec
HH 1-10	Cover	Cover	Cover	Cover	Veg/Blm	Blm	Blm	Veg/Blm	Blm	Blm	Cover	Cover
Nursery	Cover	Cover	Veg	Veg	Veg	Veg	Veg	Cover	Cover	Cover	Cover	Cover
Water	0	0	2000	3000	6000	8000	10000	12000	15000	10000	0	0

\*Water use as estimated.

### Winterization Plan

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

### Water Resources

Water for the proposed cultivation Project would be sourced from two (2) 3,000-gallon onsite tanks supplied by the MCSD will support onsite water storage and will support the cultivation site activities.

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

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### Irrigation Plan

For most of the season, crop production would be directly irrigated from two (2) onsite tanks using a dripline irrigation system.

### Irrigation System

Applicant is using a dripline system as a water reduction application methodology.

#### Dripline Specifications:

- 1" Polyline
- 3" Polyline
- ¼" Spaghetti to ¼" emitters
- 6" Spacing
- 4/Plant
- ½ Gal/Hr

### Emergency Water Plan

In the event of a water emergency, the proposed Project currently features adequate water sources to support the project site from onsite water storage and the MCSD. Existing water tank storage is noted on the site plan (see *Site Plan*).

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## Operational Plan

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

### Summary

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

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

### Business Organization

Born and Raised is a sole member Limited Liability Company (LLC) operating under entity number 201620010232 that features one member-manager. The member-manager is responsible for delegating primary activities pertinent to the organization's daily and future management.

### Management Team

Jesse Linder, Chief Executive Officer.

### Business Description

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

### Mission

Born and Raised is a for-profit entity with the mission of producing high-grade specialty cannabis agricultural products to support the medical cannabis supply chain for California-based retail dispensary outlets.

### Vision

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

### Values

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

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## Products

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

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

## Sales & Marketing

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

## Chain of Custody

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

## Packaging

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

## Distribution

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

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### Track and Trace Standards

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

#### Chapter 6.5. Unique Identifiers and Track and Trace

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

(1) The licensee receiving the product.

(2) The transaction dates.

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

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

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

(B) The estimated times of departure and arrival.

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

(D) The actual time of departure and arrival.

(E) A categorization of the product.

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

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### Transportation

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

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

SB-643, Chapter 719, § 19302.1 (d): "The DCA shall have the sole authority to create, issue, renew, discipline, suspend, or revoke licenses for the transportation, storage unrelated to manufacturing activities, distribution, and sale of medical marijuana within the State and to collect fees regarding activities the BMCR regulates. The bureau may create licenses in addition to those identified in this chapter that the bureau deems necessary to effectuate its duties under this chapter."

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## Processing Plan

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

### Background

#### Summary

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

#### Project Details

The Project site will not employ processing activities onsite, rather wet weight product will be distributed wholesale to manufacturers to be processed. All operations will be managed by owner operator and one additional temporary employee.

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

#### Project Processing Environment

Processing and drying functions will not be supported by onsite. An agricultural structure is proposed to support nursery propagation activities. Two existing Agricultural buildings onsite are not extended to the operation under the current lease.

It is expected that structures for this project will not support employees during peak processing activities. Applicant may propose additional structural development to accommodate enhanced operational needs.

#### Housing

The Project site includes a personal residence that will not be extended to employees and is not included in the lease.

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

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## Administrative

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

## Labor Management

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

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

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

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

## Recording & Reporting

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

## Quality Assurance & Control of Product

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

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

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regulations for processing facilities to ensure quality and consumer safety of agricultural products when handled in processing environments.

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

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

#### Chain of Custody

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

#### Monitoring

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

#### Harvesting

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

#### Testing Procedure

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

#### Drying/Curing

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

#### Grading/Sorting

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

#### Processing

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

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### Packaging

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

### Health & Safety

The first response emergency contact phone number is 9-1-1. Hospitals are Mad River Community Hospital at 707-822-3621 (Arcata) and St. Joseph Hospital at 707-445-8121 (Eureka). The American Association of Poison Control Centers (AAPCC) can be reached at 800-222-1222.

### Job Hazard Analysis

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

### Injury Illness Prevention Plan

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

Components of an IIPP include:

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

### Heat Illness Prevention Plan

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

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

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

The following heat illness factors would be considered:

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

#### Hazard Communication Policies

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

#### Emergency Procedures

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

#### Chemical Handling

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

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

#### Eye Washing Station

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

#### Employee Accident Policies

An investigation would be conducted to determine next steps.

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

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

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- Nature of injuries.
- Time and date of accident/event.

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

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

#### Personal Protective Equipment Policies

Application of pesticides and fungicides requires personal protective equipment, including respirators, Tyvek suits, and gloves. It is the applicator's responsibility to ensure safety in the field. The farm manager is responsible for furnishing, applying, and informing of the appropriate uses associated with such products.

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

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

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

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

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

#### Occupancy & Structural Guidelines

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

Any housings, buildings, and structures would be subject to California Building Code (CBC), including possible permitting requirements, inspections, and certificate(s) of occupancy. Additionally, specific exemptions exist that pertain to agricultural standards under the Occupational Safety and Health Administration (OSHA) and in conformance with the Occupational Safety and Health Guidelines (OSHG) (unless the Project meets certain exemptions, such as being a family-owned and operated business, does not offer temporary labor

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housing, or employs fewer than 10 employees at any given time). In other such cases, the site would need to comply with OSHA Guidelines pertaining to agricultural employment.

#### Notification of Occupancy & Terms

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

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

#### Maintenance of Sanitary Facility

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

#### Dust Control Measures

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

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

#### Water Access & Facilities

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

- Handwashing facilities (processing area).
- Onsite potable water (work areas).
- Restroom facilities (processing area).

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## Contingency Plan

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

### Summary

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

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

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

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

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

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

## Project Waste Management

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

### Project Specific Details

A primary residence and an existing agricultural structure currently supports the site. These structures are not extended to this operation under the current lease. The Proposed site features the proposal for ten (10) 975 sq. ft. greenhouse structures for cultivation activities, two (2) 975 sq. ft. greenhouse structures for nursery operations and one (1) 120 sq. ft. shed that will support the propagation of nursery stock. PG&E will support site activities energy requirements. The Sponsor has identified that the operation requires two (2) persons to perform seasonal work activities. It is estimated that peak harvest would occur for a duration of approximately four (4) to six (6) weeks (cumulative) throughout the active working parts of the season.

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### Onsite Wastewater/Hazardous Wastes

The proposed Project location is equipped with an existing septic system plumbed to the main residence. The project proposes one (1) portable toilet to support human waste. Persons would employ the secondary proposal for waste activities. Now, no record of permit or data exists regarding age or specifications of the current waste system. Further inspections may be required to identify the proposed system's ability to support increased use during peak seasonal work times and whether it requires an upgrade to meet commercial standards.

### Waste Management Standards

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

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

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

### Hazardous Materials Handling

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

To meet environmental health standards, applicants must maintain a list of and describe all compressed gases, cleaners, and sanitizers (including, but not limited to, household chemicals, bleach, and alcohol) and document quantities stored onsite. Fuels, pesticides, and other agricultural/household chemicals are required to be stored in locked containment, separate from other input products. Any substance in use shall be accompanied by a posted notification that clearly identifies its nature. To prevent spills onto ground surfaces, any motors, fuel containers, etc. would be stored in drop pans and within an enclosed area.

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### Hazardous Material Standards

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

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

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

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

### Project Equipment Inventory

- Stihl Weedeater
- SURV Pressure Washer
- Honda Lawn Mower
- Honda EU 2000 Generator (Backup)
- Four (4) 2800 GPH Little Giants (1/3 HSP)

### Maintenance

Offsite.

### Project Product Inventory

#### *Household Chemicals (Chemical Storage)*

- 1 Gallon Bleach

#### *Fuels/Oils (Chemical Storage)*

- 10 gallons Gasoline
- 2 gallons Mixed Fuel
- 2.6 oz. Two Stroke
- 5 Gallon Propane Tank

#### *Fertilizers/Pesticides/Fungicides/Rodenticides (Chemical Storage)*

- 10 Gallons Plant Available Nitrogen
- 10 Gallons Phosphorus + Potassium (Powder/Liquid)
- 10 Gallons Bactillus Bacillus (Trichoderma Blend)
- 10 Gallons Organic Compost Blend
- 5 Gallons Silicate

Prepared for Born and Raised, LLC by AgDynamix, LLC (Aug. 2017)



- 10 Gallons CalMag Blend
- 1 Liter True Bloom
- 1 Liter Seagreen
- 1 Gallon Regalia Organic Fungicide
- 1 Gallon Dr. Zymes

#### Agricultural Product Storage

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

#### Chemical Spill Procedure/Handling

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

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

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

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

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

#### Solid Waste Removal/Recycling

Prepared for Born and Raised, LLC by AgDynamix, LLC (Aug. 2017)





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

#### Water Production/Well Construction

The Project is supported by the MCSD and currently supports all domestic and cultivation uses.

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

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## Security Plan

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

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

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

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

### Summary

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

### Measures of Security

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

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

- Two (2) locked gates into entry of property and one (1) locked gate into entry of cultivation area (*see site plan*).
- Surveillance and monitoring systems (to be developed as per the State's requirements).

### Inventory Management

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

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

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### Prevention of Diversion

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

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

DO NOT COPY

Prepared for Born and Raised, LLC by AgDynamix, LLC (Aug. 2017)





**Born & Raised, LLC**  
APN: 512-171-023  
App. No. 13161

Evidence of Cultivation beyond 600 feet from the Fieldbrook School District property line.



## 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	✓	Approval	Attached
Public Works Land Use Division	✓	Conditional Approval	Attached
Environmental Health Division	✓	Approval	On file with Planning
Humboldt County Sheriff	✓	Approval with additional request for information	On file with Planning
NWIC	✓	Confidential	On file with Planning
Bear River Band Rohnerville Rancheria	✓	Confidential	On file with Planning
Northern Humboldt High School District	✓	Denial	Attached
Fieldbrook Elementary School District	✓	Denial	Attached
Fieldbrook Community Service District	✓	Approval	Attached
County Counsel		No Response	
CALFIRE		No Response	
California Department of Fish and Wildlife		No Response	
Humboldt County Agricultural Commissioner		No Response	
Humboldt County District Attorney		No Response	
North Coast Unified Air Quality Management District		No Response	
California Water Resources Control Board – Division of Water Rights		No Response	
Wiyot Tribe		No Response	
Regional Water Quality Control Board		No Response	



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

6/17/2019

**Project Referred To The Following Agencies:**

AG Commissioner, County Counsel, District Attorney, Environmental Health, Sheriff, PW Land Use, Building Inspections, Fieldbrook: CSD, RWQCB, NCUAQMD, Fieldbrook Elementary: School District, Cal Fish & Wildlife, CalFire, CA Division of Water Rights, Bear River Band, Blue Lake Rancheria, NWIC, Wiyot Tribe, N Humboldt High SD: School District

**Applicant Name** Key Parcel Number 512-171-023-000

**Application (APPS#)** PLN-13161-ZCC Historic Planning **Assigned Planner** Portia Saucedo

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: 7/2/2019**

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

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

- ☒ Recommend Approval. The Department has no comment at this time.
- ☐ Recommend Conditional Approval. Suggested Conditions Attached.
- ☐ Applicant needs to submit additional information. List of items attached.
- ☐ Recommend Denial. Attach reasons for recommended denial.

Other Comments: \_\_\_\_\_

DATE: 7-2-19 PRINT NAME: Ross Eskig



## Northern Humboldt Union High School District

2755 McKinleyville Avenue, McKinleyville, CA 95519-3400  
TELEPHONE: (707) 839-6470 • FAX: (707) 839-6477  
www.nohum.k12.ca.us

**ROGER MACDONALD**  
District Superintendent

**CINDY VICKERS**  
Director of Fiscal Services

**MELANIE SUSAVILLA**  
Director of Student Services

June 25, 2019

Humboldt County Planning Commissioners  
Planning Commission Clerk  
3015 H Street  
Eureka, CA 95501

RE: Case No. PLN-13161-ZCC

The proposed facility is not within 600 feet of a school or existing bus stop. However, Northern Humboldt Union High School District has concerns about this proposed facility as cannabis is still illegal under federal law and our district receives federal funds.

Additionally, the district has concerns about a grow operation in an area where current and/or future students may live in the area or near the facility, and be required to pass by it to and from school.

Should you have any further questions, please let me know.

Sincerely,

  
**ROGER MACDONALD**  
Superintendent





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

6/17/2019

**Project Referred To The Following Agencies:**

AG Commissioner, County Counsel, District Attorney, Environmental Health, Sheriff, PW Land Use, Building Inspections, Fieldbrook: CSD, RWQCB, NCUAQMD, Fieldbrook Elementary: School District, Cal Fish & Wildlife, CalFire, CA Division of Water Rights, Bear River Band, Blue Lake Rancheria, NWIC, Wiyot Tribe, N Humboldt High SD: School District

**Applicant Name** Key Parcel Number 512-171-023-000

**Application (APPS#)** PLN-13161-ZCC Historic Planning **Assigned Planner** Portia Saucedo

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

**Return Response No Later Than: 7/2/2019**

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

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

- ☐ Recommend Approval. The Department has no comment at this time.
- ☐ Recommend Conditional Approval. Suggested Conditions Attached.
- ☐ Applicant needs to submit additional information. List of items attached.

☒ Recommend Denial. Attach reasons for recommended denial.

Other Comments: \_\_\_\_\_

DATE: 6/25/19 PRINT NAME: Roger Macdonald



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



6/17/2019

**Project Referred To The Following Agencies:**

AG Commissioner, County Counsel, District Attorney, Environmental Health, Sheriff, PW Land Use, Building Inspections, Fieldbrook: CSD, RWQCB, NCUAQMD, Fieldbrook Elementary: School District, Cal Fish & Wildlife, CalFire, CA Division of Water Rights, Bear River Band, Blue Lake Rancheria, NWIC, Wiyot Tribe, N Humboldt High SD: School District

**Applicant Name** Key Parcel Number 512-171-023-000

**Application (APPS#)** PLN-13161-ZCC Historic Planning **Assigned Planner** Portia Saucedo

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.

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

**Return Response No Later Than: 7/2/2019**

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

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

- ☐ Recommend Approval. The Department has no comment at this time.
- ☐ Recommend Conditional Approval. Suggested Conditions Attached.
- ☐ Applicant needs to submit additional information. List of items attached.

☒ Recommend Denial. Attach reasons for recommended denial.

Other Comments: Provided Plot map states that parcel is within 600'  
of school as all other agencies are in agreement.

DATE: 6/18/19 PRINT NAME: Justin Wallace  
Superintendent

From: [jesse.linder](#)  
To: [Saucedo, Portia](#)  
Date: Tuesday, December 03, 2019 1:34:08 PM

November 5, 2019

Reference No. 11125285

Jesse Linder  
Born & Raised, LLC.  
P.O. Box 910  
Arcata, CA, 95518

Dear Mr. Linder:

**Re: "Will Serve" Request for Potable Water Service to Proposed Project Located at 178 Wilson Lane**

This letter was prepared in response to your request to the Fieldbrook Glendale Community Services District (FGCSD or District) to provide a will serve letter for potable water service for an agricultural facility located at 178 Wilson Ln, McKinleyville, California, APN No. 512-171-023 to support the planning department application #12608.

According to the application materials submitted, the water demand of the proposed agricultural and manufacturing facility will be approximately 5,500 gallons per month. Based on this information, the FGCSD has sufficient capacity to serve potable water to the proposed facility located at 178 Wilson Lane.

To better plan for the District to serve water to the project, more information is requested to gain a better understanding of the nature and timing of water use during the week. To this end, please complete the attached Will Serve Request Application including Commercial Cannabis Water and Sewer Use Calculation Table (electronic copy includes MS Excel version of table). The Table requests information on average month and maximum month estimated water use and associated typical hours of operation. This information will be used to evaluate the impact of the requested water service on the District's water system. There is no sewer service available at your proposed facility location, and thus no information is being requested on your sewer flows. Please coordinate with Humboldt County for development of sewer treatment and septic disposal requirements as needed.

While this memo serves to confirm that FGCSD has the capacity to serve potable water to the facility. This memo does not provide authorization for a new connection to the system at this time. When your facility is ready to request a new connection to the system, please complete the attached Water and Sewer Service Application, including \$35 application fee. Attached for reference is the District's Water Service Application. Also attached is a copy of the District's current water rates for 2019, including fees for new connections/increased capacity, a copy of the District Resolution 2017-05 establishing water and sewer capacity fees, and excerpts from the District's Ordinance 91-1 "Establishing Rates, Rules, and Regulations for Water Services by the Fieldbrook Community Services District" (note the District has officially been renamed the Fieldbrook Glendale Community Services District). The District proportions connection and capacity charges based on water demand in relation to a single family residential dwelling equivalent (RDE). One RDE is equal to 800 cubic feet (CF). Any requests for increase in capacity greater than 3 RDEs requires a new metered connection. Please feel free to call Rebecca Crow with any questions, 707-443-8326.

**GHD**  
718 Third Street Eureka California 95501 USA  
T 707 443 8326 F 707 444 8330 W [www.ghd.com](http://www.ghd.com)

REGISTERED COMPANY FOR  
**ISO 9001**  
ENGINEERING DESIGN





Regards,

A handwritten signature in blue ink, appearing to read 'Rebecca Crow'.

Rebecca Crow, FGCSD Engineer

Encl.

- Will Serve Request Application for Water or Sewer Service
- Water and Sewer Service Application
- 2019 Water and Sewer Rates
- Resolution 2017-05 Establishing Water and Sewer Capacity Fees
- Excerpts from Ordinance 91-1

cc: Teisha Mechetti, AgDynamix (Electronic and Hard Copy)  
Anthony Sanchez Tr (Hard Copy)  
Rick Hanger, FGCSD (Electronic Copy)  
Dee Dee Simpson, HBMWD (Electronic Copy)  
Hannah Gidanian, GHD (Electronic Copy)

**From:** [Jesse Linder](#)  
**To:** [Saucedo, Portia](#)  
**Subject:** Fwd: Will Serve Request for 178 Wilson Lane  
**Date:** Thursday, December 05, 2019 8:00:42 AM  
**Attachments:** [image003.png](#)

---

----- Forwarded message -----

From: jesse linder <[jessealinder@gmail.com](mailto:jessealinder@gmail.com)>  
Date: Thu, Dec 5, 2019 at 7:59 AM  
Subject: Re: Will Serve Request for 178 Wilson Lane  
To: Rebecca Crow <[Rebecca.Crow@ghd.com](mailto:Rebecca.Crow@ghd.com)>

Ok thank you so much

On Thu, Dec 5, 2019 at 7:52 AM Rebecca Crow <[Rebecca.Crow@ghd.com](mailto:Rebecca.Crow@ghd.com)> wrote:

Jesse,

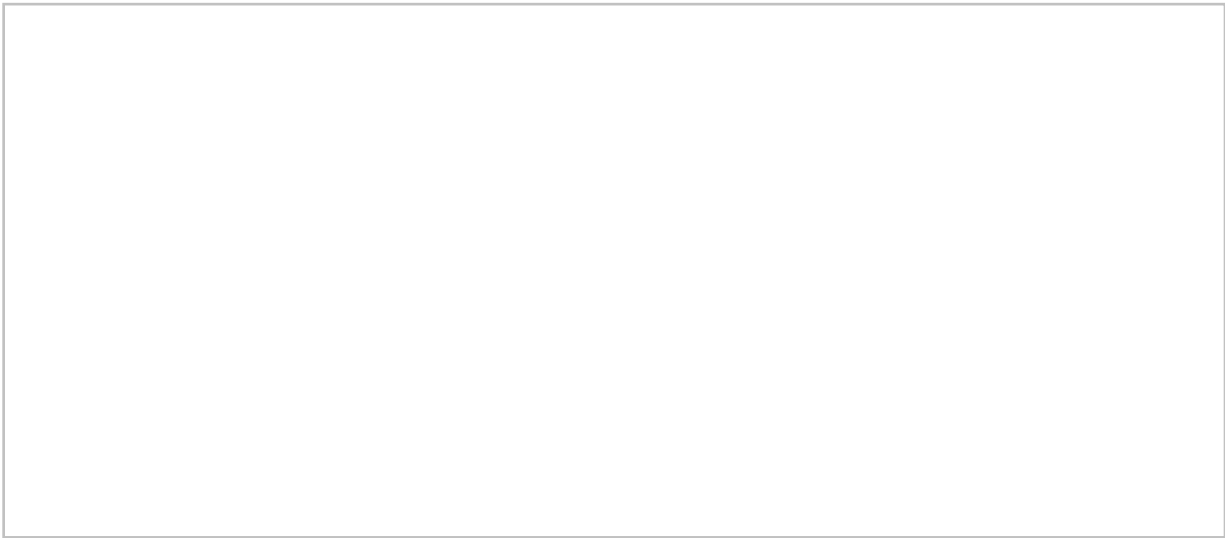
I followed up with Rick Hanger on the connection fees to the water system. We averaged the water use for the past 10 months for the existing connection at 178 Wilson Lane, which results in an average monthly

use of 175 cubic feet. Your proposed monthly use of 5,500 gallon per month is equivalent to 735 cubic 05, a capacity fee will apply to this increased feet which puts the projected average connection demand at 910, or 110 over the residential dwelling equivalent

use of 800 cubic feet per month. Per the District's Resolution 2017-05, use above 1 RDE, but less than 3, requires a capacity fee for intensified use, prorated based on the increase above 1 RDE. Below is a summary calculation of the capacity fee for your facility

based on the intensified use of 110 cubic feet, based on the 2019 Rate Schedule. The calculated capacity fee is \$1,460.16, plus the \$35 application fee is \$1,495.16. Let me know if there are any questions.





**Rebecca Crow, P.E.**

Senior Civil Engineer/Project Manager

**GHD**

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T: +1 707 443 8326 | M: +1 707 497 9294 | E: [rebecca.crow@ghd.com](mailto:rebecca.crow@ghd.com)

[718 Third Street Eureka CA 95501 USA](#) | [www.ghd.com](http://www.ghd.com)

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[& BUILDINGS](#) | [TRANSPORTATION](#)

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**From:** Rebecca Crow

**Sent:** Tuesday, December 3, 2019 11:11 AM

**To:** 'jessealinder@gmail.com' <jessealinder@gmail.com>

**Cc:** Rick Hanger (rhanger50@gmail.com) <rhanger50@gmail.com>; Dee Dee Simpson (office@hbmwd.com) <office@hbmwd.com>; Hannah Gidanian <Hannah.Gidanian@ghd.com>

**Subject:** RE: Will Serve Request for 178 Wilson Lane

Jesse,

Thanks for reaching out. Attached is a copy of your will serve request. Per our discussion, the letter serves to show the FGCSO will serve your property the requested amount of water. As discussed, there's no

sewer service I the project area, and it sounds like the project will not discharge sewer and there is an existing septic tank on site previously permitted by Humboldt County. FGCSO has no involvement with sewer at the site. So, FGCSO has no further sewer requirements.

Also direct to my office number is 707-267-2244.

I am following up with Rick Hanger, General Manager FGCSO on the connection fee for water service.

Please let us know if you have any further questions.

**Rebecca Crow, P.E.**

Senior Civil Engineer/Project Manager

**GHD**

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T: +1 707 443 8326 | M: +1 707 497 9294 | E: [rebecca.crow@ghd.com](mailto:rebecca.crow@ghd.com)

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& [BUILDINGS](#) | [TRANSPORTATION](#)

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**From:** Rebecca Crow

**Sent:** Friday, November 15, 2019 1:05 PM

**To:** '[das101674@gmail.com](mailto:das101674@gmail.com)' <[das101674@gmail.com](mailto:das101674@gmail.com)>; '[teisha@agdynamix.com](mailto:teisha@agdynamix.com)' <[teisha@agdynamix.com](mailto:teisha@agdynamix.com)>

**Cc:** Rick Hanger ([rhanger50@gmail.com](mailto:rhanger50@gmail.com)) <[rhanger50@gmail.com](mailto:rhanger50@gmail.com)>; Dee Dee Simpson ([office@hbmwd.com](mailto:office@hbmwd.com)) <[office@hbmwd.com](mailto:office@hbmwd.com)>;

Hannah Gidanian <[Hannah.Gidanian@ghd.com](mailto:Hannah.Gidanian@ghd.com)>

**Subject:** Will Serve Request for 178 Wilson Lane

Dear Mr. Linder,

Please find attached the response to your will serve request for Water Service to your proposed project located at 178 Wilson Lane from the Fieldbrook Glendale Community Services District. Additional data is also being requested to fully understand the project water demands, as described in the attached letter.

Feel free to let us know if you have any questions on the requested data.

Thank you, Rebecca

**Rebecca Crow, P.E.**

Senior Civil Engineer/Project Manager

**GHD**

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T: +1 707 443 8326 | M: +1 707 497 9294 | E: [rebecca.crow@ghd.com](mailto:rebecca.crow@ghd.com)

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