



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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Hearing Date: June 18, 2020

To: Humboldt County Planning Commission

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

Subject: **Brannan Mountain Farms, LLC. Conditional Use Permit and Special Permit**
Application Number: 11050
Record Number: PLN-11050-CUP
Assessor's Parcel Number: 522-211-051-000
Willow Creek area, 741 Brannan Mountain Road

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

ADMINISTRATIVE ITEM TRANSMITTAL

Hearing Date	Subject	Contact
June 18, 2020	Conditional Use Permit and Special Permit	Portia Saucedo

Project Description: A Conditional Use Permit for an existing 11,149 square-foot (sf) commercial medical cannabis cultivation operation consisting of an 8,890-square-foot (sf) outdoor cultivation area and a 2,259 sf mixed-light cultivation area. Outdoor cultivation is divided into four separate areas and one existing greenhouse that was demolished for replacement. The mixed light cultivation area is contained within 2 existing greenhouses and the Applicant proposes to reconfigure into five greenhouses total. Also a Special Permit to allow a cultivation area setback of less than 600-feet from public lands used and managed for open space/wildlife habitat for the adjacent National Forest lands north of the property. Portions of Cultivation Areas 2, 3 and 4 encroach into the 30-foot setback from the eastern property line; consequently, the Applicant proposes to grow a non-cannabis crop within the setback. The applicant will relocate an existing cultivation area, existing greenhouse, and a proposed greenhouse that encroach into the 30-foot setback from the northern property boundary. The Applicant proposes one (1) 1,000 sf ancillary propagation area. In addition to the indoor propagation area, the proposed processing building will house a drying room, a trimming room, and an ADA-compliant restroom. Annual projected water use is 172,052 gallons (15.54 gallons per sf) and is sourced from the Willow Creek Community Service District. Water storage capacity on the property is 5,000 gallons in two 2,500-gallon hard-sided tanks, one of which is available for fire protection use only. Power for the cultivation operations is provided by four generators: 2 for supplemental lighting in greenhouses, 1 for water pumps, and 1 for backup. Fertilizers, soil amendments, and pesticides are secured on-site in a metal shipping container. Site security includes a locked gate at the entrance to the property, and surveillance cameras at cultivation areas and interior roads. Cameras would also be installed at the proposed processing facility.

Project Location: The project is located in Humboldt County, in the Willow Creek area, on the north side of Brannan Mountain Road, approximately 0.54 miles west from the intersection of SR 96 and Brannan Mountain Road, on the property known as 741 Brannan Mountain Road.

Present Plan Land Use Designations: Agricultural General (AG), Willow Creek Community Plan (WCCP), Density: 20 to 5 acres per dwelling unit, Slope Stability: Moderate Instability (2).

Present Zoning: AG-B-7(1) Agriculture General, Special Building Site-minimum lot specified by B-7(x) on the zoning maps (x=minimum lot size), and where the subdivision of any parcel results in density consistent with the General Plan.

Application Number: 11050

Record Number: PLN-11050-CUP

Assessor Parcel Number: 522-211-051

Applicant

Brannan Mountain Farms, LLC
Nathan Harveston
54 Forest View Dr.
Willow Creek, CA 95573
com

Owner

Nathan Harveston
54 Forest View Dr., or
P.O. Box 671
Willow Creek, CA 95573

Agent

N/A

Environmental Review: An Addendum to a previously adopted Mitigated Negative Declaration has been prepared for consideration per Section 15164 of the State California Environmental Quality Act (CEQA) Guidelines.

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

Major Issues: Special Permit needed for setback reduction to adjacent national forest lands to the north.

BRANNAN MOUNTAIN FARMS, LLC
Record Number: PLN-11050-CUP
Assessor's Parcel Number: 522-211-051

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 part of the consent agenda:

Find that the Planning Commission has considered the Addendum to the adopted Mitigated Negative Declaration for the Commercial Medical Land Use Ordinance (CCMLUO) as described by Section 15164 of the State CEQA Guidelines, make all of the required findings for approval of the Conditional Use Permit based on evidence in the staff report and adopt the Resolution approving the proposed Brannan Mountain Farms, LLC, Conditional Use Permit and Special Permit are subject to the recommended conditions.

Executive Summary

Brannan Mountain Farms, LLC, is seeking a Conditional Use Permit for an existing 11,149-square-foot (sf) outdoor and mixed-light commercial medical cannabis cultivation operation with on-site processing. The subject parcel (APN 522-211-051) is bordered to the north by Six Rivers National Forest, and the entire cultivation operation is within 600 feet of the northern property boundary. The Applicant is seeking a Special Permit for a reduction of the 600-foot setback requirement from public lands, as the adjacent forest land has no improvements for recreational access, timber harvest, or any other use, and is not used by the public.

Existing outdoor cultivation consists of 7,988 sf in four (4) outdoor areas and 800 sf greenhouse for a total of 8,890 sf. Small portions of outdoor cultivation Areas 2 and 3 and approximately half of Cultivation Area 4 (see attached site plan), currently encroach into the 30-foot setback from the eastern property boundary; the Applicant proposes to grow a non-cannabis crop, such as blueberries, within the 30-foot setback. Mixed-light cultivation totals 2,259 sf in two (2) existing 840 sf greenhouses and three (3) proposed greenhouses (two 480 sf and one 840 sf). One (1) of the existing greenhouses partially encroaches into the 30-foot setback from the northern property line, and two (2) 2,500-gallon water storage tanks, an existing generator shed, and one proposed 480 sf greenhouse entirely encroaches into the same setback. The conditions of approval of this CUP include a requirement that these project features be relocated outside of the 30-foot setback.

The Applicant proposes a 1,000-sf outdoor ancillary nursery area. In addition to the ancillary nursery, a proposed processing building would house a drying room, a trimming room, and an ADA-compliant bathroom. The proposed buildings would replace previously existing structures that the applicant removed in an effort to bring the property into conformance in order to obtain a building/grading permit for the cultivation prior to passage of the CCMLUO.

A Timberland Conversion Evaluation Report prepared by Timberland Resource Consultant has been submitted for prior unauthorized conversion of timberland associated with the cultivation operation that occurred prior to 2016. The report concluded that approximately 1 acre of unauthorized timber conversion occurred between 2012 and 2014. Remediation measures recommended by Timberland Resource Consultants to comply with the Forest Practice Act are required as conditions of approval to this permit.

Operations

The cultivation operation is maintained by two (2) permanent officers of Brannan Mountain Farms, LLC, between April and November; no seasonal employees are utilized. No housing is provided on-site; a trailer is used as an office/break room. No cultivation activities take place December through February; off-season site activities are confined to maintaining mother plants in the indoor nursery. Clones from

mother plants are started in March-April and staged in the propagating area in early May. Plants are transferred to outdoor/mixed light cultivation areas in late May through early June and the next cycle of clones is started in the propagating area. The first harvest is in late July, and the next cycle of plants are planted in the cultivation areas from the end of July through mid-August following harvest of the first cycle. Plants harvested in July are dried (7 days), cured (7 – 30 days), machine-trimmed, and stored for shipment. Nursery and propagation activities cease in August and activities focus on trimming and packing the first harvest. The second cycle of plants is harvested, dried, cured, and machine-trimmed in October – November. The site is cleaned and secured for winter by late November. Activities in December through February are restricted to maintaining mother plants in the indoor nursery.

The Applicant grows CBD strains of cannabis, which require minimal cleaning and can be rapidly machine-trimmed. Machine-trimming is currently performed outdoors, but will take place in the proposed processing facility once that is constructed.

Fertilizers, soil amendments, and pesticides are brought to the site for immediate use. Any such materials that are not used immediately are secured on-site in a metal shipping container. Soil is amended and reused each year, and is expected to serve for a minimum of 2-3 years. Spent soil will be removed from the site as solid waste.

Access and Parking

The project site is accessed from State Route 96 via Brannan Mountain Road and a private driveway. Cultivation activities are performed by 2 officers of Brannan Mountain Farms LLC., who drive to the site. No other people are employed at the site, and there are no public activities such as retail sales or tours. Sufficient off-street parking for 2 vehicles is available adjacent to the existing propagation area.

Water Sources and Wastewater System

Water is sourced from the Willow Creek Community Service District (WCCSD). Annually, the project utilizes approximately 172,052 gallons (23,000 cubic-feet), as is reflected in the will serve letter provided by WCCD (Attachment 4). The Water storage capacity on the property is 5,000 gallons in two 2,500-gallon hard tanks, one of which is available for fire use only. The cultivation is enrolled with the North Coast Regional Water Quality Control Board as a Tier 2 discharger(WDID #1B161193CHUM).; a Water Resources Protection Plan is included in the project file. The applicant is seeking confirmation from WCCSD that it can supply the needed amount of water and the project is conditioned on receiving this approval.

Wastewater facilities on the property include a permitted septic system in an existing residence and portable toilets provided by a portable toilet contractor. Following approval of the CUP, the applicant plans to permit and install a processing building which will include an ADA-compliant bathroom.

Lighting & Electrical Service

The project site does not receive electrical service; electricity for the cultivation operations is provided by generators: two for supplemental lighting in greenhouses, one for water pumps, and one for backup. Supplemental lighting in mixed-light greenhouses is from fluorescent T-5 bulbs, 10 each in 480 sf greenhouses and 14 each in 840 sf greenhouses. Mixed-light greenhouses are covered with blackout tarps at dusk to prevent light spillover, in accordance with International Dark Sky Standards. Outdoor cultivation areas are natural light only. In the future, the Applicant intends to convert to grid-sourced electrical service from Pacific Gas and Electric, with solar backup. This has been included as a recommended condition of approval for the project, to be completed within the 2 year timeframe of the Compliance Agreement. Lighting will be moved from the northern cultivation flat near the boundary of the Six Rivers National Forest to the southern cultivation flat to minimize any negative impacts the lighting may pose.

Site Security

The site is secured by a locked gate at the entrance, and surveillance cameras at cultivation areas and interior roads. Cameras would also be installed at the proposed processing facility.

Public Comment

This project was initially scheduled for a public hearing in January 2018. In response the public notice for this project, the Planning Department received two (2) public comment letters; both in opposition to the proposed project. One of the opposition letters expresses concern regarding public rights, the project not meeting performance standards, water use, power use, telecommunications, road access, fire protection, alleged subpar site conditions, surrounding community uses, potential environmental impacts, setbacks, and generator pollution and noise. The second opposition letter cited concern about being exposed to the odor of the cultivation, concerns about water use, and setback concerns. These letters are included in this staff report as Attachment 6. Staff believes that the concerns regarding noise are adequately addressed given the Conditions of Approval include a requirement that the project convert to 100% grid or solar power, or demonstrate that generator noise complies with County standards. The project parcel is zoned for commercial cannabis cultivation. The project is conditioned such that the setback requirements are met from the property lines and the Special Permit addresses the setback reduction to public lands. The Willow Creek Community Service District has provided a will serve letter documenting that they can provide the necessary amount of water for irrigation purposes.

Environmental review for the proposed project was conducted, and based on the results of that analysis, staff believes the existing cultivation and processing aspects of the project are consistent with the Mitigated Negative Declaration that was adopted for the Commercial Medical Marijuana Land Use Ordinance due to the fact that this is existing cultivation that is being brought into conformance with County and State requirements. No additional development other than that which was contemplated under the previously adopted MND is proposed. An addendum to the MND has been prepared for this project.

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

ALTERNATIVES: 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 the adopted Mitigated Negative Declaration prepared for the Commercial Medical Marijuana Lane Use Ordinance. 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-11050-CUP
Assessor Parcel Number: 522-211-051-000**

Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the Brannan Mountain Farms, LLC Conditional Use Permit and Special Permit.

WHEREAS, Brannan Mountain Farms, LLC, submitted an application and evidence in support of approving a Conditional Use Permit for 11,149 square feet of existing cannabis cultivation consisting of an 8,890-square-foot (sf) outdoor cultivation area and a 2,259 sf mixed-light cultivation area; and

WHEREAS, Brannan Mountain Farms, LLC has applied for a Special Permit to allow a reduction to the 600-foot setback from adjacent public lands; and
Where

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 CEQA 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, and no new information of substantial importance that was not known and could not be known at the time was presented as described by Section 15162 (c) of the State CEQA Guideline; and

WHEREAS, Attachment 2 in the Planning Division staff report includes substantial evidence in support of making all of the required findings for approving the proposed Conditional Use Permit and Special Permit (Record Number PLN-11050-CUP); and

WHEREAS, a public hearing was held on the matter before the Humboldt County Planning Commission on June 18, 2020.

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

1. The Planning Commission considered the Addendum to the Mitigated Negative Declaration adopted for the Commercial Medical Marijuana Land Use Ordinance; and
2. The Planning Commission makes all the required findings in Attachment 2 of the Planning Division staff report support approval of Record Number PLN-11050-CUP based on the submitted substantial evidence; and
3. The Conditional Use Permit and Special Permit (Record Number PLN-11050-CUP) are approved as recommended and conditioned in Attachment 1.

Adopted after review and consideration of all the evidence on June 18, 2020.

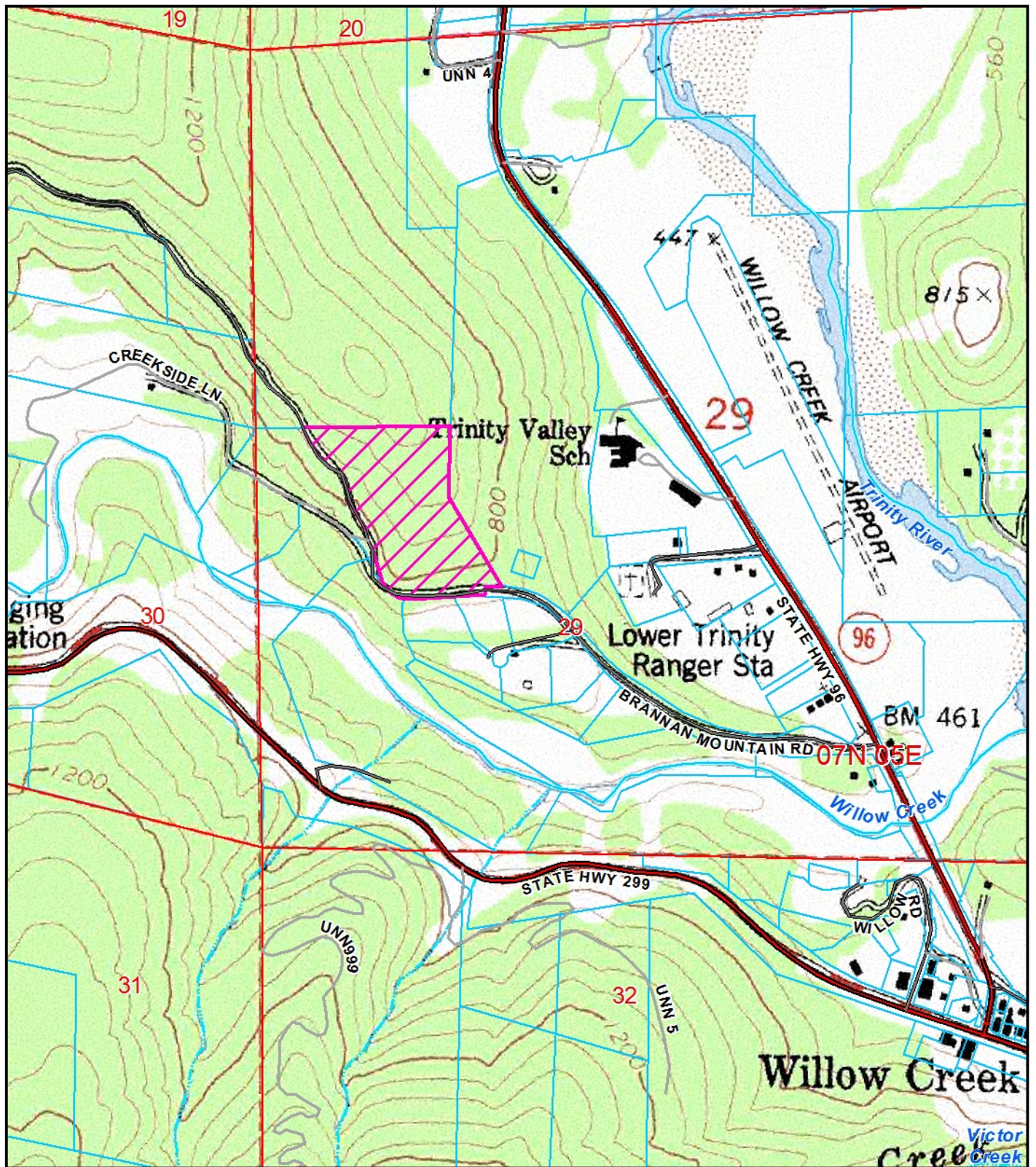
The motion was made by COMMISSIONER _____ and seconded by COMMISSIONER _____ :

AYES: COMMISSIONERS:
NOES: COMMISSIONERS:
ABSTAIN: COMMISSIONERS:
ABSENT: COMMISSIONERS:
DECISION:

Alan Bongio, Chair

I, John H. 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.

John H. Ford
Director, Planning and Building Department



TOPO MAP

**PROPOSED BRANNAN MOUNTAIN FARMS LLC
WILLOW CREEK AREA
CUP-16-332**

APN: 522-211-051

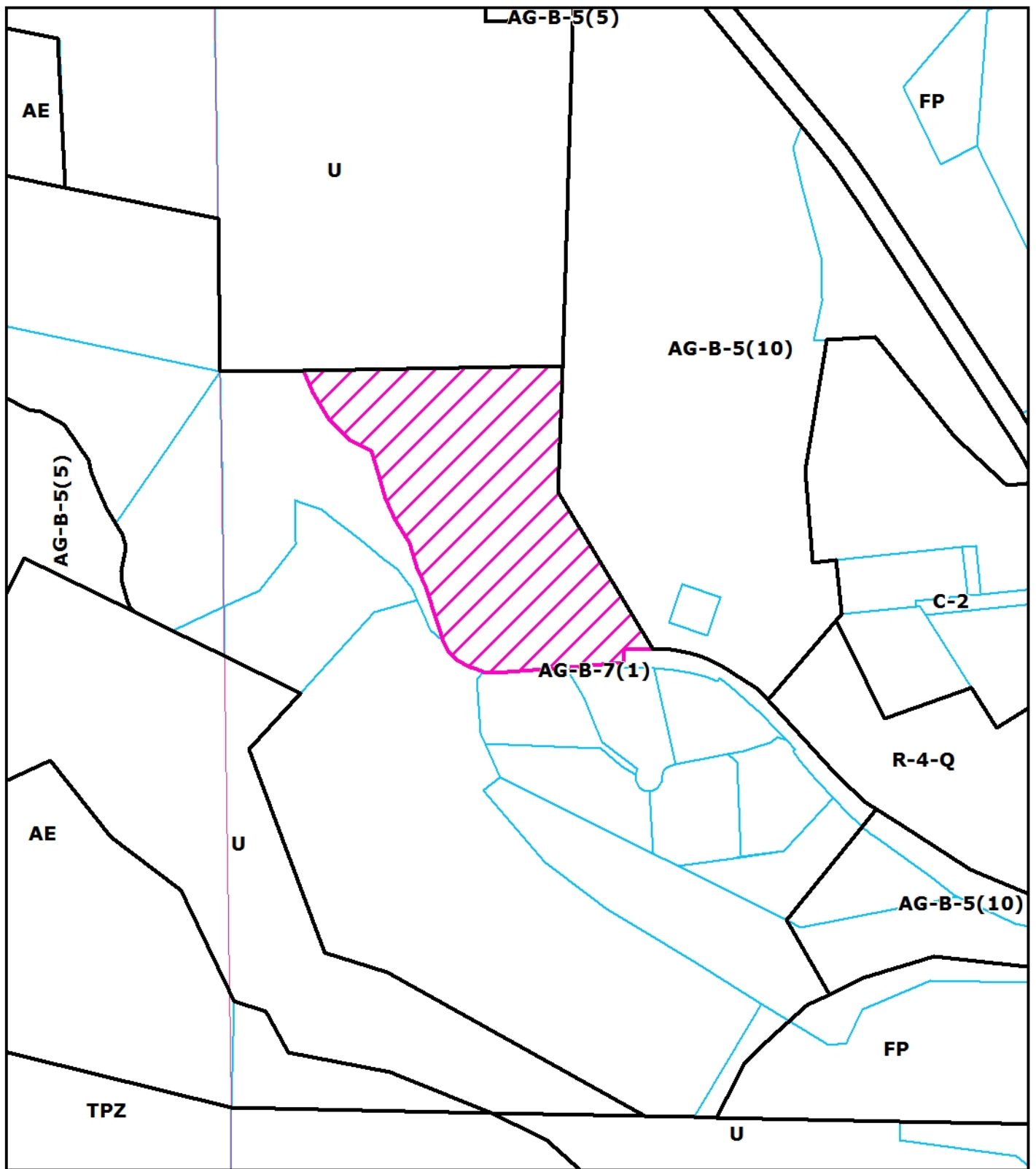
T07N R05E S29 HB&M (Willow Creek)

Project Area = 

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



0 0.1 0.2
Miles



ZONING MAP

**PROPOSED BRANNAN MOUNTAIN FARMS LLC
WILLOW CREEK AREA
CUP-16-332**

APN: 522-211-051

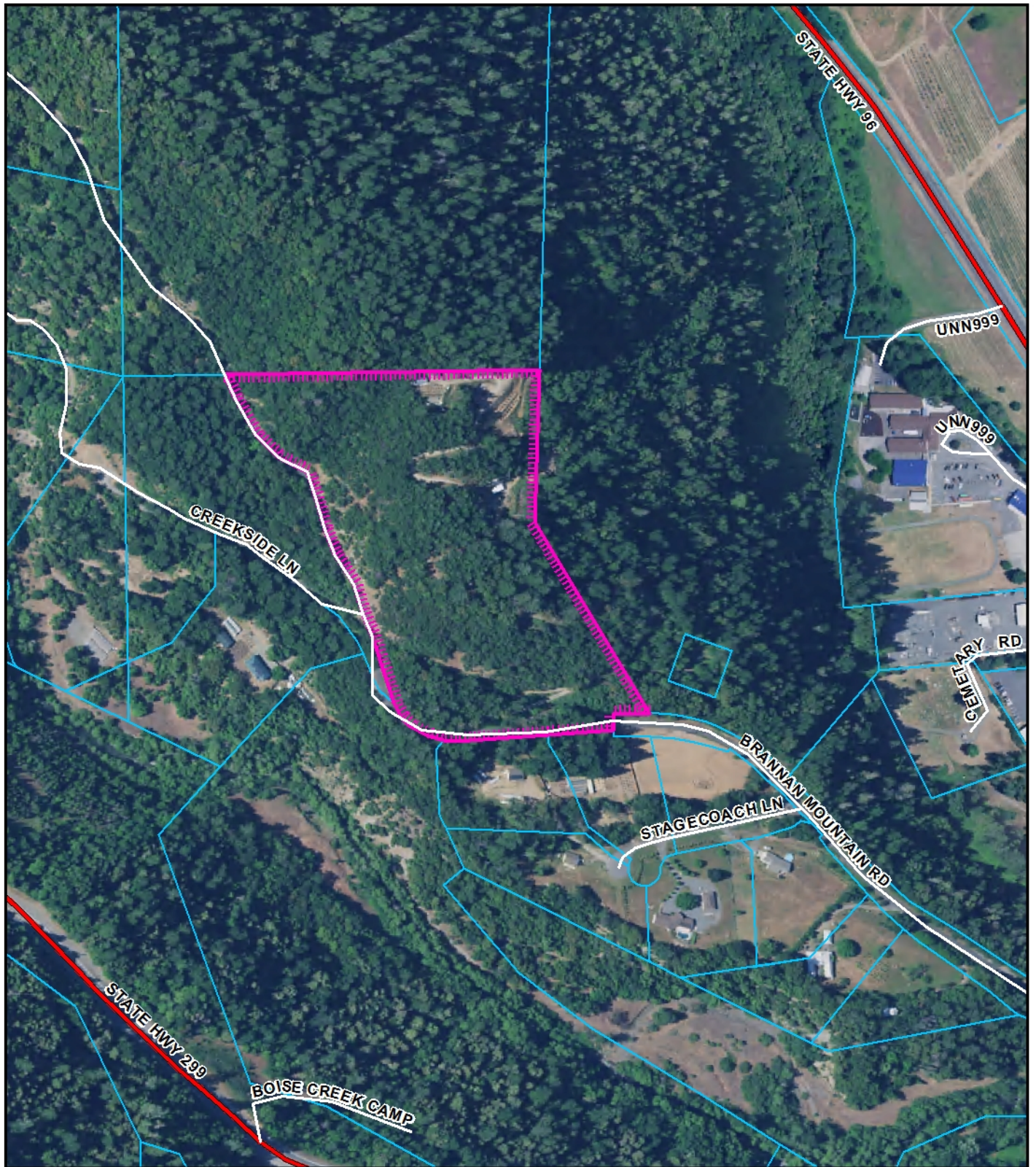
T07N R05E S29 HB&M (Willow Creek)

Project Area = 

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



0 0.1
Miles



AERIAL MAP

**PROPOSED BRANNAN MOUNTAIN FARMS LLC
WILLOW CREEK AREA
CUP-16-332**

APN: 522-211-051

T07N R05E S29 HB&M (Willow Creek)

Project Area = 

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

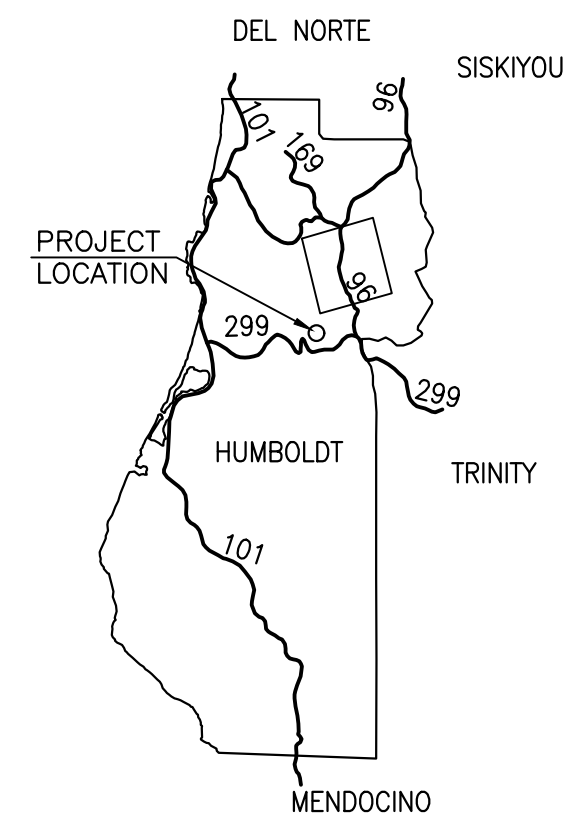


0 0.1 Miles

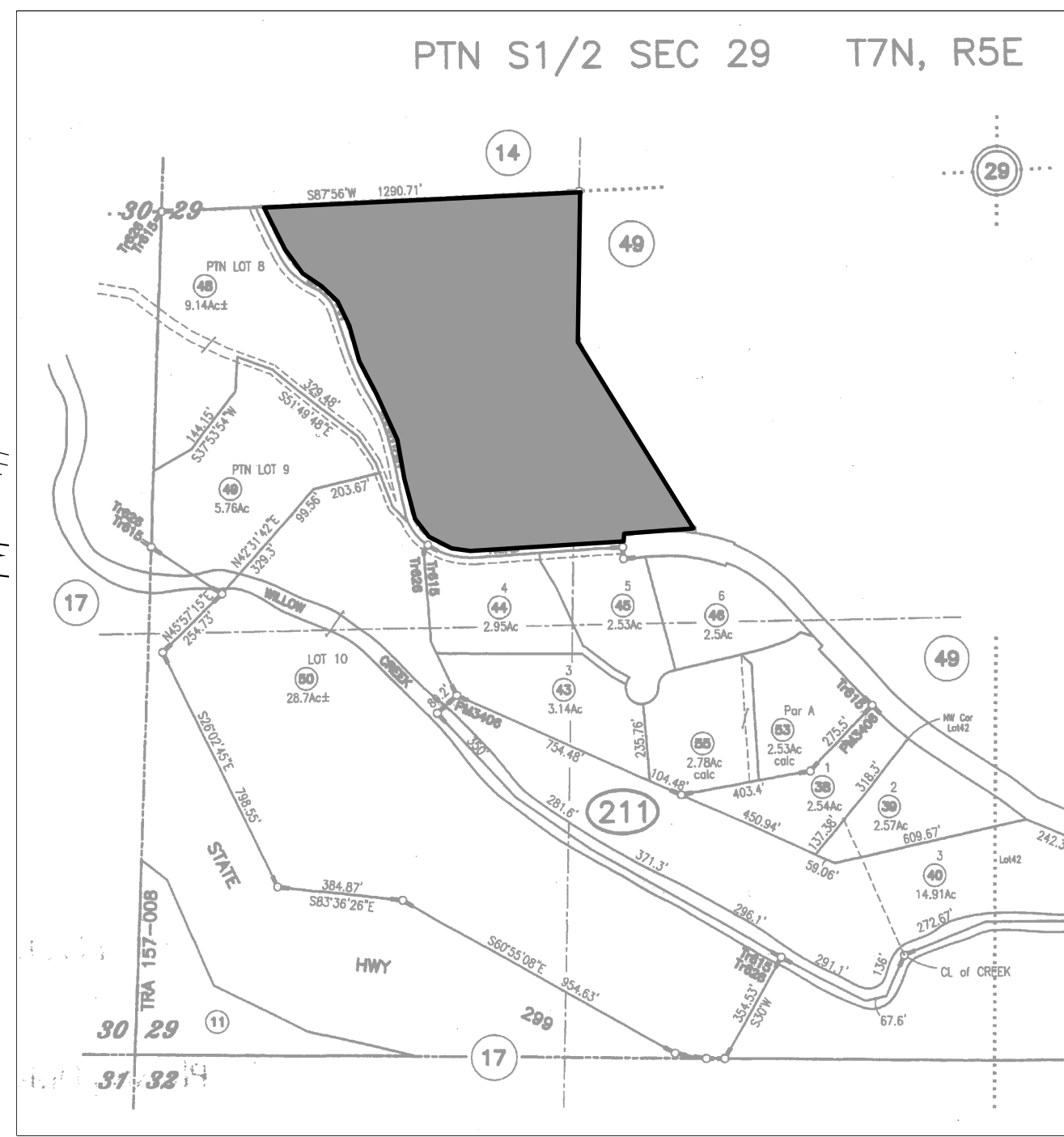
PLOT PLAN
APN: 522-211-051
FOR
BRANNAN MOUNTAIN FARMS, LLC.
PO BOX 671
WILLOW CREEK, CA 95573
(360) 581-5169



AREA MAP
NTS



VICINITY MAP
NTS



PARCEL MAP
NTS

WATER STORAGE	
WATER STORAGE TYPE	AMOUNT
WATER STORAGE TANKS	(2) 2,500 GALLONS
RAINWATER IMPOUNDMENT STRUCTURE	N/A
TOTAL:	5,000 GALLONS

OUTDOOR LCA-18-0002910		
CULTIVATION TYPE	LABEL	SQUARE FOOT
OUTDOOR	#1	505
	#2	1,575
	#3	699
	#4	580
	#5	249
	#6	4,941
	#7	341
TOTAL AGGREGATE OUTDOOR: 8,890 SF		

MIXED LIGHT LCA-A18-0002978			
CULTIVATION TYPE	SIZE	AMOUNT	SQUARE FOOT
MIXED LIGHT	12X24	(x2)	576
	12X70	(x2)	1,680
TOTAL AGGREGATE MIXED LIGHT: 2,256 SF			

TOTAL PROPAGATING AREA	1,000 sf
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EARTHWORK QUANTITIES:	
PREVIOUS CUT (CY): 1,200	PREVIOUS FILL (CY): 1,200
PROPOSED CUT (CY): 1,592	PROPOSED FILL (CY): 1,592
NOTE: CUT AND FILL QUANTITIES ONSITE TO BE PERMANENT	

GENERATOR REQUIREMENTS:	
1. THE NOISE PRODUCED BY A GENERATOR USED FOR CANNABIS CULTIVATION SHALL NOT BE AUDIBLE BY HUMANS FROM NEIGHBORING RESIDENCES. THE DECIBEL LEVEL FOR 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, AND FURTHER CONSULTATION WHERE NECESSARY.	
2. NOISE SHELTER WILL BE CONSTRUCTED FOR MOBILE GENERATORS. SHELTER WILL BE CONSTRUCTED FROM LUMBER FRAMING, PLYWOOD PROTECTION, AND FIRE RESISTANT INSULATION IF NECESSARY.	
3. STORAGE OF FUEL. FUEL SHALL BE STORED AND HANDLED IN COMPLIANCE WITH APPLICABLE STATE AND LOCAL LAWS AND REGULATIONS, AND IN SUCH A WAY THAT NO SPILLAGE OCCURS.	

IMPROVEMENT NOTES	
REFUSE SHALL BE STORED ON A CONCRETE SLAB AND UNDER ROOF COVER OR IN A PORTABLE/LOCKABLE DUMPSTER. REFUSE MUST BE HAULED TO AN APPROVED WASTE FACILITY WEEKLY.	
COMPOST SHALL BE STORED AND COMPOSTED ONSITE. CANNABIS WASTE CANNOT EXCEED 50% OF THE GENERATED ORGANIC MATERIAL.	

SRA REQUIREMENTS	
PROVIDE ADEQUATE WATER STORAGE AND DELIVERY AS OUTLINED BY SRA ORDINANCE AND CALFIRE REQUIREMENTS	
PROVIDE ADEQUATE TURN AROUND AND PULLOUTS AS OUTLINED BY SRA ORDINANCE REQUIREMENTS AND CALFIRE REQUIREMENTS	

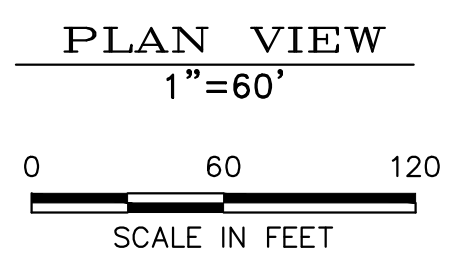
CULTIVATION NOTES	
1. THERE ARE NO SCHOOLS, SCHOOL BUS STOPS, PLACES OF WORSHIP, PUBLIC PARKS, OR TRIBAL CULTURAL RESOURCES WITHIN 600' OF CULTIVATION AREAS	
2. THERE ARE NO OFFSITE RESIDENCES WITHIN 300' OF CULTIVATION AREAS	
3. NO WATER CROSSINGS ON SITE	

GENERAL NOTES	
WATER: WILLOW CREEK COMMUNITY SERVICES DISTRICT	
WASTEWATER: ONSITE	POWER: PRIVATE
CREEKS/STREAMS: NONE	TREES TO BE REMOVED: NONE
GRADING: AS SHOWN - SEE GRADING PLAN	ZONE: AG-B-7(1)

CONTRACTOR ALERT!	
CONTRACTOR MUST CONTACT USA DIG AT 800-227-2600 AT LEAST 72 HOURS BEFORE ANY EARTHWORK OR ACTIVITIES THAT MAY IMPACT EXISTING UNDERGROUND UTILITIES.	
EXISTING UTILITY ALIGNMENTS BOTH HORIZONTALLY AND VERTICALLY MUST BE VERIFIED BY THE CONTRACTOR PRIOR TO ANY CONSTRUCTION ACTIVITIES.	

SURVEY NOTES	
A FIELD SURVEY FOR TOPOGRAPHIC PURPOSES WAS CONDUCTED BY TRINITY VALLEY CONSULTING ENGINEERS (TVCE) ON MARCH 2016. A BOUNDARY SURVEY WAS NOT CONDUCTED. ALL PROPERTY LINES DEPICTED ON THESE PLANS REFLECT APPROXIMATE LOCATIONS BASED ON COUNTY RECORDS.	

LEGEND	
	GREENHOUSE
	EXISTING STRUCTURE
	OUTDOOR CULTIVATION
	STORAGE CONTAINER
	NURSERY/IMMATURE PLANT AREA
	WATERLINE



PLAN VIEW
1"=60'

ATTACHMENT 1

RECOMMENDED CONDITIONS OF APPROVAL

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

1. The Applicant shall execute a Compliance Agreement with the Humboldt County Planning and Building Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #2 – 11. The agreement shall provide a timeline for completing all outstanding items. All activities detailed under the agreement must be completed to the satisfaction of the Planning and Building Department before the permit may be finalized and no longer considered provisional.
2. The Applicant shall secure permits for all structures related to the cannabis cultivation and other commercial cannabis activity.
3. The Applicant shall secure grading permits for all grading that has been performed in connection to existing cultivation areas and facilities.
4. The Applicant shall implement all corrective actions detailed within the Water Resource Protection Plan developed for the parcel, prepared pursuant to Tier 2 enrollment under the North Coast Regional Water Quality Control Board (NCRWQCB) Cannabis Waste Discharge Regulatory Program. A letter or similar communication from the NCRWQCB verifying that all their requirements have been met will satisfy this condition.
5. The Applicant shall execute and file with the Humboldt County Planning and Building Department the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the HCC and available at the Planning Division.
6. The Applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency (CUPA) requirements regarding hazardous materials. A written verification of compliance shall be required before any provisional permits may be finalized. Ongoing proof of compliance with this condition shall be required at each annual inspection in order to keep the permit valid.
7. The Applicant shall provide a survey of the property by a California licensed surveyor to verify that the requisite 30-foot cannabis cultivation setback and all zoning setbacks are satisfied.
8. Regarding electrical service, the applicant shall convert to grid-sourced electrical service from PG&E, 100% on-site solar generation, or a combination of grid and solar, for all cultivation-related electricity.
9. Prior to occupancy of the processing facility the on-site sewage disposal system shall be installed to the satisfaction of the Humboldt County Division of Environmental Health. Until this requirement is met, processing of cannabis shall be performed off-site at a licensed processing facility, and shall not be performed on-site.
10. Per the conditions recommended by the Department of Public Works, the applicant shall complete the following:
 - a. Any or proposed driveways that will serve as access for the proposed project that connect to a county-maintained road shall be improved to current standards for a commercial driveway. An encroachment permit shall be issued by the Department of Public Works prior to commencement of any work in the County maintained right of way. This also includes installing or replacing driveway culverts; minimum size is typically 18 inches.
 - b. The applicant shall rock the existing driveway apron for a minimum width of 20 feet and a length of 50 feet where it intersects the County road. The applicant requires an

encroachment permit prior to commencement of any work in the County maintained right of way. Confirmation from the Department of Public Works that the work has been completed shall satisfy this requirement.

- c. All driveways and private road intersections onto the County Road shall be maintained in accordance with County Code Section 341-1 (Sight Visibility Ordinance). This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.
- d. All fences and gates shall be relocated out of the County right of way. All gates shall be setback sufficiently from the County road so that vehicles will not block traffic when staging to open/close the gate. In addition, no materials shall be stored or placed in the County right of way.

- 11. The applicant shall treat all slash and woody debris by one of the following methods: burying, chipping and spreading, piling and burning, or removal from site.
- 12. 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.
- 13. A single cultural artifact was discovered during a cultural resources survey of the property (a cultural resources survey report date May 2017 is on-file with the Planning Department). No ground or vegetation disturbance shall occur within the formally recorded site boundary.

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

- 1. All components of project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, and these conditions of approval. Changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan.
- 2. If offsite processing is chosen to be the preferred method of processing, this permit shall be modified to identify the offsite licensed facility.
- 3. 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.
- 4. 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.
- 5. 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.
- 6. 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.

7. 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, Public Park, or Tribal Cultural Resources, except where a reduction to this setback has been approved pursuant to Section 55.4.11(d).
8. Maintain enrollment in Tier 1, 2 or 3, certification with the North Coast Regional Water Quality Control Board (NCRWQCB) Order No. 2015-0023, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
9. For cultivation area(s) for which no enrollment pursuant to NCRWQB Order No. 2015-0023 is required by that Order, comply with the standard conditions applicable to all Tier 1 dischargers.
10. Comply with the terms of any applicable Streambed Alteration (1600) Permit obtained from the California Department of Fish & Wildlife.
11. Comply with the terms of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (CAL-FIRE), if applicable.
12. 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).
13. Applicant shall adhere to the recommendations of the Biological Assessment completed January 9, 2019 for the project parcel by O'Brien Biological Consultants.
14. All refuse shall be contained in wildlife proof containers, at all times, and relocated to an authorized waste management facility, in compliance with State and local laws, on a regular and on-going basis.
15. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
16. This permit does not authorize the use of Anticoagulant rodenticides on the subject parcel. Anticoagulant rodenticides are prohibited.
17. Pay all applicable application and annual inspection fees.
18. Where surface water diversion provides any part of the water supply for irrigation of cannabis cultivation, permittee shall either: 1) forebear from any such diversion during the period from May 15th to October 31st of each year and establish on-site water storage for retention of wet season flows sufficient to provide adequate irrigation water for the size of the area to be cultivated, or 2) comply with the approved water management plan prepared by a qualified person such as a licensed engineer, hydrologist, or similar qualified professional, that establishes minimum water storage and forbearance period, if required, based upon local site conditions, or 3) adhere to the RWQCB approved Water Resources Protection Plan or other clearance issued by the agency. If the method of compliance changes during the term of the Conditional Use Permits, permittee shall notify the Planning and Building Department and furnish appropriate documentation of compliance with this standard.
19. At least one water meter shall be installed on the water line providing irrigation flow to the cultivation site. The water meter shall have the capacity to measure at least 100,000 gallons of flow before resetting. The water meter shall be used to measure the amount of water provided to the cultivation area during the forbearance period. The meter shall be installed at a point on the water line that provides an accurate measurement of the water used for irrigation. Household water use at the caretaker's residence shall be separately metered if required.
20. The noise produced by a generator used for cannabis drying, curing, and processing shall not be audible by humans at neighboring residences. The decibel level for generators measured at the property line shall be no more than 60 decibels. Where applicable, sound levels must also show that they will not result in the harassment of Marbled Murrelet or Spotted Owl species. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service, and further consultation where necessary. Under these guidelines, generator noise may not

exceed 50dB as measured at 100 feet from the generator or at the edge of the nearest Marbled Murrelet or Spotted Owl habitat, whichever is closer.

21. 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.

Performance Standards for Cultivation and Processing Operations

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."

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).

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.

All persons hiring employees to engage in commercial processing of medical cannabis shall comply with the following Employee Safety Practices:

- A. Implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:
 - 1) Emergency action response planning as necessary;
 - 2) Employee accident reporting and investigation policies;
 - 3) Fire prevention;
 - 4) Hazard communication policies, including maintenance of material safety data sheets (MSDS);
 - 5) Materials handling policies;
 - 6) Job hazard analyses; and
 - 7) Personal protective equipment policies, including respiratory protection.
- B. Visibly post and maintain an emergency contact list which includes at a minimum:
 - 1) Operation manager contacts;
 - 2) Emergency responder contacts;
 - 3) Poison control contacts.
- C. 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.
- D. On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.

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.
- 22. Permit Duration.** The Permit shall be valid for one year from the effective date of approval, and on the anniversary date of such effective each year thereafter, unless an annual compliance inspection has been completed and the permit has been found to comply with all conditions of approval. In the event the inspection finds noncompliance, a written notification of shall be provided to the permit holder identifying the items not in compliance and the action the permit holder may take to cure the noncompliance. Failure to cure the noncompliance shall result in termination of the permit. The process of notification, re-inspection and appeal of any noncompliance determination shall be as set forth in sections 55.4.1.2.2 and 55.4.13 of the CMMLUO.
- 23. Permit renewals to comply with updated laws and regulations.** Permit renewal per ongoing requirement #19, above, is subject to the laws and regulations effective at the time of renewal, which may be substantially different than the regulations currently in place and may require the submittal of additional information to ensure that new standards are met.
- 24. 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 conformance with conditions review shall accompany the request. The request shall include the following information:
- (1) Identifying information for the new Owner(s) and management as required in an initial permit application;
 - (2) A written acknowledgment by the new Owner in accordance as required for the initial Permit application;
 - (3) The specific date on which the transfer is to occur; and
 - (4) Acknowledgement of full responsibility for complying with the existing Permit; and
 - (5) Execution of an Affidavit of Non-diversion of Medical Cannabis.
- 25. Modifications to the Facility.** Prior to making any modifications to a permitted facility, the permittee shall submit to the Planning Director a request for determination of County approvals, together with the appropriate fee. The request shall contain a description sufficiently detailed to allow the Planning Director to determine what permits and other approvals, are needed, and whether a modified Permit is required.
- 26. 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.
- 27.** All signage shall comply with Section 314-87.2 of the Humboldt County Code.
- 28.** The operation shall participate in the Medical Cannabis Track and Trace Program administered by the Humboldt County Agricultural Commissioner, when available.

Informational Notes:

- 1. If cultural resources are encountered during ground disturbing 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.

The Native American Heritage Commission (NAHC) can provide information regarding the appropriate Tribal point(s) of contact for a specific area; the NAHC can be reached at 916-653-4082. 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 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 NAHC will then be contacted by the Coroner to determine appropriate treatment of the remains pursuant to PRC 5097.98. Violators shall be prosecuted in accordance with PRC Section 5097.99

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

2. The applicant is responsible for receiving all necessary permits and/or approvals from other state and local agencies.
3. This permit approval shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"); except where construction under a valid building permit or use in reliance on the permit has commenced prior to such anniversary date. Once initiated, the use is subject to the Permit Duration and Renewal provisions set forth in the On-Going Requirements /Development Restrictions, above. The period within which construction or use must be initially commenced may be extended as provided by Section 312-11.3 of the Humboldt County Code.

ATTACHMENT 2

Required Findings for Approval

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

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

1. The proposed development is in conformance with the County General Plan, Open Space Plan and Open Space Action Program;
2. The proposed development is consistent with the purposes of the existing zone in which the site is located;
3. The proposed development conforms with all applicable standards and requirements of these regulations;
4. The proposed development and conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare; or materially injurious to property or improvements in the vicinity, and;
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).
6. In addition, the California Environmental Quality Act (CEQA) states that one of the following findings must be made prior to approval of any development which is subject to the regulations of CEQA. The project either:
 - a. Is categorically or statutorily exempt; or
 - b. Has no substantial evidence that the project will have a significant effect on the environment and a negative declaration has been prepared; or
 - c. Has had an environmental impact report (EIR) prepared and all significant environmental effects have been eliminated or substantially lessened, or the required findings in Section 15091 of the CEQA Guidelines have been made.

1. General Plan Consistency. The following table documents the substantial evidence which supports finding that the proposed action is in conformance with all applicable policies and standards in 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>Agricultural General (AG): This designation applies to dry-land grazing areas in relatively small land holdings that support cattle ranching or other grazing supplemented by timber harvest activities that are part of the ranching operation, and other non-prime agricultural lands. Residential uses must support agricultural operation. Density range is 20 -160 acres/unit.</p>	<p>The proposed action would permit an existing outdoor and mixed-light cannabis cultivation. The MAUCRSA, Health and Safety Code Section 11362.777(a) provides that medical cannabis is an agricultural product, subject to extensive state and local regulation. The subject parcel is approximately 17 acres and contains no existing dwelling units. Cultivation of an agricultural product is consistent with the intent of the AG designation.</p>
<p>Circulation Chapter 7</p>	<p>Goals and policies contained in this Chapter relate to a balanced, safe, efficient, accessible and convenient circulation system that is appropriate for each type of unincorporated community (C-G1,C-G2); coordinated planning design, development, operations, and maintenance between the County and other transportation system service providers (C-G3); and access for all transportation mode types with improved opportunities to move goods within, into and out of Humboldt County. (C-G4, C-G5)</p> <p>Related policies: C-P3. Consideration of Transportation Impacts in Land Use Decision Making</p>	<p>Access to the site is from a private driveway, via Brannan Mountain Road, which is a publicly maintained road meeting Category 4 road standards and therefore providing suitable access for the proposed commercial traffic. As a condition of approval, the driveway will be paved for a minimum width of 20 feet and a length of 50 feet where it intersects with the county road to meet commercial driveway standards. This has been incorporated as a condition of project approval.</p>
<p>Housing Chapter 8</p>	<p>Goals and policies contained in this Element seek to identify existing and projected housing needs and establish goals, policies, standards and measures for the preservation, improvement, and development of housing.</p> <p>Related policies: H-P3,</p>	<p>The project does not involve residential development, nor is the project site part of the Housing Element Residential Land Inventory. However, the project will not preclude any future residential development. The project will not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
	Development of Parcels in the Residential Land Inventory.	determining compliance with housing element law.
Conservation and Open Space Chapter 10 Open Space Section 10.2	Goals and policies contained in this Chapter relate to an Open Space and Conservation Program that is complimentary to other agencies' plans and that preserves the county's unique open spaces. (CO-G1, CO-G3) Related policies: CO-P1, Conservation and Open Space Program; CO-P12, Development Review, CO-S1. Identification of Local Open Space Plan, and CO-S2. Identification of the Open Space Action Program.	The proposed project is located within an Open Space Action Program because the project site designated Agriculture General, which implements the Open Space Action Program by reserving land for agricultural activities. The proposed cannabis cultivation, an agricultural operation, 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	Goals and policies contained in this Chapter relate to mapped sensitive habitat areas where policies are applied to protect fish and wildlife and facilitate the recovery of endangered species. (BR-G1, Threatened and Endangered Species, BR-G2, Sensitive and Critical Habitat, BR-G3, Benefits of Biological Resources) Related policies: BR-P1. Compatible Land Uses, BR-P5. Streamside Management Areas.	The Biological Resource maps of the California National Diversity Database do not identify any sensitive or critical habitat areas on the project site. The subject parcel is forested and adjacent to extensive forested lands administered by the U.S. Forest Service. Northern Spotted Owl (NSO) locations are mapped within 0.5-mile of the parcel to the south and 1.3 miles to the northwest. According to the Biological Assessment, no suitable habitat exists on site. The subject parcel is within 0.25-mile of a mapped location of wayside aster (<i>Eucephalus vialis</i>), a CRPR 1B.2 species. The Conditions of Approval include a requirement for a focused survey and habitat assessment for wayside aster by a qualified biologist. CDFW expressed concerns that the project could affect sensitive species and recommended a biological survey. The Biological Assessment was completed for the project parcel January 9, 2019 by O'Brien Biological Consultants. The project has been conditioned to adhere to the recommendations of the assessment. With implementation of the recommended conditions, the project is consistent with the biological resource protection policies of the General Plan.

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Conservation and Open Space Chapter 10</p> <p>Cultural Resources Section 10.6</p>	<p>Goals and policies contained in this Chapter relate to the protection and enhancement of significant cultural resources, providing heritage, historic, scientific, educational, social and economic values to benefit present and future generations. (CU-G1, Protection and Enhancement of Significant Cultural Resources)</p> <p>Related policies: CU-P1. Identification and Protection, CU-P2. Native American Tribal Consultation.</p>	<p>A cultural resources survey was performed in April 2017 by DZC Archaeological and Cultural Resource Management (DZC; report on file with the Planning Department). The survey discovered a single cultural artifact on the parcel. The discovery was referred to the Hoopa Valley Tribe for a determination of its status as a Tribal Cultural Resource of concern who recommended approval of the project. Based on the nature of the discovery, DZC recommended a 15-foot avoidance buffer around the artifact as appropriate to prevent disturbance. The Conditions of Approval include this requirement for the life of the project.</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 policies: SR-S4. Light and Glare.</p>	<p>The CMMLUO requires that mixed light cultivation comply with International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1 and be designed to regulate light spillage onto neighboring properties resulting from backlight, uplight, or glare (BUG). International Dark Sky Association Standards exceed the requirements of Scenic Resources Standard SR-S4, Light and Glare, that lighting be fully shielded, and designed and installed to minimize off-site lighting and direct light within the property boundaries. As conditioned, the project is consistent with the scenic resources requirements 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); and</p>	<p>The applicant was required to enroll in the State Cannabis Discharge program. The applicant submitted a Site Management Plan (SMP) prepared by Timberland Resource Consultants. Conditions of approval require the applicant to submit evidence of enrollment into the State Cannabis Cultivation Discharge program by submitting copies of all documents filed with the State Water Resources Control Board, including, but not limited to, a Notice of Applicability. The applicant is required to adhere to and implement the requirements contained in the SWRCB's Cannabis Cultivation Policy, the General Order and the Notice of Applicability. A copy of the reporting</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
	Related policies: WR-P10. Erosion and Sediment Discharge; WR-P42. Erosion and Sediment Control Measures.	form portion of the Mitigation and Reporting Program (MRP) shall be submitted annually to the Planning and Building Department concurrent with the submittal to the SWRCB. The project is consistent with the Water Resource policies of the General Plan.
Water Resources Chapter 11 Onsite Wastewater Systems	Goals and policies contained in this Chapter relate to adequate public water supply as well as onsite wastewater systems and natural and developed storm drainage systems that minimize interference with surface and groundwater flows and storm water pollution. (WR-G6, WR-G9, WR G10) Related policies: WR-IM7. Basin Plan Septic Requirements; and IS-P17. On-Site Sewage Disposal Requirements.	The project was referred to the County Department of Environmental Health (DEH). DEH responded to the referral by stating that no processing can be approved until an acceptable site suitability report can establish potential for onsite waste treatment system (OWTS) adequate to support staffing. Until the on-site system is permitted the applicant will be required to submit an invoice or equivalent documentation to confirm the continual use of portable toilets that will be used for cultivation staff. The applicant plans to permit and construct a processing facility that will include an ADA-compliant bathroom.
Noise Chapter 13	Goals and policies contained in this Chapter discourage incompatible uses within communities and reduce excessive noise through the application of standards. (N-G1, N-G2) Related policies: N-P1, Minimize Noise from Stationary and Mobile Sources; N-P4, Protection from Excessive Noise.	Artificial lighting is proposed for use within the mixed light and propagation greenhouses. While the project is currently served by generators, a condition of approval requires that PG&E power be developed along with solar backup. Transitioning to PG&E and solar will result in a substantial decrease in potential noise from the project site. While the site is transitioning to grid power, ongoing conditions of approval require the maximum allowable generator noise exposure level is 50 dB when measured from the generator at a distance of 100 feet or at the edge of habitat, whichever is closer. Conditions of approval require the applicant to provide evidence that generator and fan noise exposure levels are 50 dB when measured at 100 feet or edge of habitat.
Safety Element Chapter 14 Geologic & Seismic	Goals and policies contained in this Chapter relate to communities that are designed and built to minimize the potential for loss of life and property resulting from natural and manmade hazards; and to prevent unnecessary	The project site is not located in a mapped Alquist-Priolo fault zone nor is subject to liquefaction. Also, it is not in an area where historic landslides have taken place. The cultivation operations take place on slopes that range from less than 15% to 50%, and on ground that is seismically classified as high instability.

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
	<p>exposure to areas of geologic instability, floodplains, tsunami run-up areas, high risk wildland fire areas, and airport areas planned and conditioned to prevent unnecessary exposure of people and property to risks of damage or injury. (S-G1, S-G2)</p> <p>Related policies: S-P11. Site Suitability, S-P7. Structural Hazards.</p>	<p>According to the <i>Site Management Plan</i> (SMP) prepared by Timberland Resource Consultants dated May 1, 2019, there is a slump located in a cut slope above Cultivation Area A (see Attachment 4). The SMP recommends a rock basket stair step terrace with a grass surface be developed to stabilize the hillside. Conditions of approval require the applicant to adhere to the recommendations contained within the SMP, including providing copies of annual monitoring reports submitted to the State Water Resources Control Board. This development is proposed for areas of the property with more moderate slopes and are subject to building permit requirements as a condition of project approval. The project does not pose a threat to public safety related from exposure to natural or manmade hazards.</p>
<p>Safety Element Chapter 14</p> <p>Flooding</p>	<p>Goals and policies contained in this Chapter relate to the use of natural drainage channels and watersheds that are managed to minimize peak flows in order to reduce the severity and frequency of flooding. (S-G3)</p> <p>Related policies include: S-P12, Federal Flood Insurance Program; S-P13, Flood Plains; S-P15, Construction Within Special Flood Hazard Areas.</p>	<p>The project site is outside any mapped flood hazard areas. The project site is not within a mapped dam or levee inundation area and, at over 10 miles distance from the coast and over 1,700 feet above mean sea level, is outside the areas subject to tsunami run-up. The project is consistent with the flood policies of the General Plan.</p>
<p>Safety Element Chapter 14</p> <p>Fire Hazards</p>	<p>Goals and policies of this Chapter encourage development designed to reduce the risk of structural and wildland fires supported by fire protection services that minimize the potential.</p> <p>Related policies: S-P19, Conformance with State Responsibility Areas (SRA) Fire Safe Regulations.</p>	<p>The subject parcel is not within a 100-year flood zone. The subject parcel is within an area mapped as High Fire Rating and Very High Fire Hazard Severity. The property is within the Willow Creek Volunteer Fire District and is located approximately half a mile from Highway 96 and less than one mile from the fire department station. Fire response is likely to be very quick, which combined with the water service provided by Willow Creek Community Services District will substantially reduce the risk of structural and wildland fires.</p> <p>The subject parcel is mapped as having moderate slope instability (2). All existing</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
		cultivation areas and facilities are on graded terraces.
Community Infrastructure and Services Element, Chapter 5 Implementation Action Plan	IS-S5 requires new industrial, commercial and residential development located outside of fire district boundaries to obtain written acknowledgment of available emergency response and fire suppression services from the local fire agency, including any recommended mitigation.	The site is located within the boundaries of the Willow Creek Volunteer Fire District.
Air Quality Chapter 15	Goals and policies contained in this Chapter relate to improved air quality to meet current and future state and federal standards, including attainment of particulate matter requirements (AQ-G1, AQ-G2, AQ-G3) and the successful reduction of greenhouse gas emissions to levels consistent with State and federal requirements. (AQ-G4) Related policies: AQ-P4, Construction and Grading Dust Control, AQ-S1, Construction and Grading Dust Control, AQ-P7, Interagency Coordination.	If grading is required for any of the projects described in this document, the applicant will be required to obtain a permit from the Building Inspection Division and the North Coast Air Quality Management District (NCAQMD) as a condition of project approval. Dust control practices during construction and grading shall achieve compliance with NCAQMD fugitive dust emission standards. This requirement is included in as a condition of project approval.

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

314-55.4 Commercial Cultivation, Processing, Manufacturing and Distribution of Cannabis for Medical Use Inland Land Use Regulation (CMMLUO)		
§314-55.4.8.2 Timber Conversion	In all zones where cultivation is allowed consisting of timberland, the commercial cultivation of cannabis for medical use shall only be permitted within a 3-acre conversion exemption area, or non-timberland open area, subject to the conditions and limitations set forth in this Section.	The project site is a forested site zoned AG-B-7(1), and there is evidence of approximately 1 acre of unauthorized timber conversions for cannabis cultivation prior to 2016. A Registered Professional Forester has prepared a Timberland Conversion Evaluation Report and the Conditions of Approval include a requirement to implement the recommendations necessary to bring the conversion into compliance with the Forest Practices Act
§314-55.4.8.2.2 Existing Outdoor and Mixed-Light Cultivation Areas	On parcels 5 acres or larger in size, a Zoning Clearance Certificate, Special Permit or Conditional Use Permit may be issued for existing outdoor and mixed light cultivation for some or all of the cultivation area in existence prior to January 1, 2016. The total cultivation area allowed on a single parcel shall not exceed one acre for outdoor cultivation or 22,000 square feet for mixed-light cultivation.	The application is for an existing 11,149 square-foot (sf) commercial medical cannabis cultivation operation consisting of an 8,890-square-foot (sf) outdoor cultivation area and a 2,259 sf mixed-light cultivation area. This area has been verified through satellite imagery to have been in existence prior to January 1, 2016.
§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.	Currently, processing takes place outdoors on-site. The applicant will construct a separately-permitted processing building upon issuance of the CUP. The Conditions of Approval include a requirement that no processing take place on-site until construction of a permitted, secure facility.
§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. Contents of the application are on file. All outstanding items are included as conditions of approval.
§314-55.4.11 Performance Standards	Identifies the Performance Standards for Cannabis Cultivation Activities	All the applicable performance standards are included as conditions of project approval. They are required to be met throughout the timeframe of the permit.
§314-55.4.11.c	Compliance with all statutes,	Water is provided by the Willow Creek

Performance Standards-Water	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.	Community Services District and the applicant has obtained a will serve letter indicating that the necessary amount of water for irrigation purposes is available.
§314-55.4.11.d Performance Standards-Setbacks	The area of cannabis cultivation and on-site processing shall be setback at least 30 feet from any property line, and 600 feet from any school, school bus stop, church or other place of religious worship, public park, or tribal cultural resources (TCRs).	The site plan submitted by the applicant, which was verified by staff, shows that all cultivation facilities are set back more than 30 feet from property lines and more than 600 feet from any school, school bus stop, church or other place of religious worship, or tribal cultural resources (TCRs). The proposed project includes a Special Permit to allow for relaxation of the required 600-foot setback from adjacent public lands.
§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.	Artificial lighting is proposed for use within the mixed light and propagation greenhouses. A condition of approval requires compliance with noise standards for the existing generators and requires that the project transition to grid power with solar backup within the 2 year term of the provisional permit and compliance agreement.
§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 application for the project site was filed prior to December 31, 2016.

4. Public Health, Safety and Welfare. The following table identifies the evidence which supports finding that the proposed location of the use and conditions under which it may be operated or maintained will

not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.

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

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

Code Section	Summary of Applicable Requirement	Evidence that Supports the Required Finding
§312-17.1.5 Housing Element Densities	The proposed development shall not reduce the residential density for any parcel below that 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.	As discussed above the property was not included in the 2014 Housing Inventory because of the land use designation and zoning. The project is in conformance with the standards in the Housing Element.

6. Environmental Impact: As the CEQA 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, on-site processing

(drying), development within a Streamside Management Area and setback reduction from adjacent public lands. The environmental document on file includes detailed discussions of all the relevant environmental issues.

ATTACHMENT 3

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

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

APNs 522-211-051-000, on the north side of Brannan Mountain Road, approximately 0.54 miles west from the intersection of SR 96 and Brannan Mountain Road, on the property known as 741 Brannan Mountain Road, Humboldt County

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

June 2020

Background

Modified Project Description and Project History- The original project reviewed under the Mitigated Negative Declaration (MND) for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) addressed the broad environmental impacts that could be expected to occur from the adoption and implementation of the ordinance. The MND specified that the regulations established in the CMMLUO would mitigate the impacts of existing cannabis operations by establishing regulations for an existing unregulated land use to help prevent and reduce environmental impacts that are known to result from unpermitted baseline cultivation operations. The MND states that "Bringing existing operations into compliance will help to attenuate potential environmental effects from existing cultivation activities, including aesthetic impacts resulting from improper operation or poor siting."

The modified project involves a Conditional Use Permit to allow an existing 11,149 square-foot (sf) commercial medical cannabis cultivation operation consisting of an 8,890-square-foot (sf) outdoor cultivation area and a 2,259 sf mixed-light cultivation area. Outdoor cultivation is divided into four separate areas and one existing greenhouse that was demolished for replacement. The mixed light cultivation area is contained within 2 existing greenhouses and the Applicant proposes to reconfigure into five greenhouses total. Also a Special Permit to allow a cultivation area setback of less than 600-feet from public lands used and managed for open space/wildlife habitat for the adjacent National Forest lands north of the property. Portions of Cultivation Areas 2, 3 and 4 encroach into the 30-foot setback from the eastern property line; consequently, the Applicant proposes to grow a non-cannabis crop within the setback. The applicant will relocate an existing cultivation area, existing greenhouse, and a proposed greenhouse that encroach into the 30-foot setback from the northern property boundary. The Applicant proposes one (1) 1,000 sf ancillary propagation area. In addition to the indoor propagation area, the proposed processing building will house a drying room, a trimming room, and an ADA-compliant restroom. Annual projected water use is 172,052 gallons (15.54 gallons per sf) and is sourced from the Willow Creek Community Service District. Water storage capacity on the property is 5,000 gallons in two 2,500-gallon hard-sided tanks, one of which is available for fire protection use only. Power for the cultivation operations is provided by four generators: 2 for supplemental lighting in greenhouses, 1 for water pumps, and 1 for backup. Fertilizers, soil amendments, and pesticides are secured on-site in a metal shipping container. Site security includes a locked gate at the entrance to the property, and surveillance cameras at cultivation areas and interior roads. Cameras would also be installed at the proposed processing facility

The subject parcel is forested and adjacent to extensive forested lands administered by the U.S. Forest Service. Northern Spotted Owl (NSO) locations are mapped within 0.5-mile of the parcel to the south and 1.3 miles to the northwest. According to the Biological Assessment, no suitable habitat exists on site.

The Biological Assessment was completed for the project parcel January 9, 2019 by O'Brien Biological Consultants. The project has been conditioned to adhere to the recommendations of the assessment. With implementation of the recommended conditions, the project is consistent with the biological resource protection mitigation measures of the MND.

The modified project is consistent with the adopted MND for the CMMLUO because it complies with all standards of the CMMLUO which were intended to mitigate for impacts of existing cultivation. These include compliance with noise and light standards to limit disturbance to wildlife, relocation of cultivation located with Streamside Management Areas (SMAs), water metering and proper storage of fertilizers and soil amendments.

Purpose-Section 15164 of the California Environmental Quality Act (CEQA) Guidelines 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 new significant impacts have been identified and no changes are proposed to the original MND recommended mitigations in conjunction with proposal to authorize an existing cultivation operation. The project as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the MND.

In reviewing the application for consistency with the adopted MND, the County considered the following information and studies, among other documents (see Attachment 4 for a complete listing of technical documents):

- Operations Plan;
- Site Plan;
- Site Management Plan prepared by Timberland Resource Consultants dated May 1, 2019;
- Road Evaluation Report prepared by Stillwater Sciences dated October 12, 2017; and
- Biological Assessment dated January 9, 2019 prepared by O'Brien Biological Consultants
- Timberland Conversion Evaluation prepared by Timberland Resource Consultants
- Cultural Resources Assessment prepared by DMZ Archeology May 2017

Other CEQA Considerations

Staff suggests no changes to the revised project.

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

See Purpose statement above.

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

FINDINGS

1. The proposed project will permit an existing cannabis operation and bring the operation into compliance with County and State requirements intended to adequately mitigate environmental impacts.
2. The circumstances under which the project was approved have not changed substantially. There are no new significant environmental effects and no substantial increases in the severity of previously identified effects.
3. For the current proposed project, there has been no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous MND was adopted as complete.

CONCLUSION

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

ATTACHMENT 4

Applicant's Evidence In Support of the Required Findings

Attachment 3 includes a listing of all written evidence which has been submitted by the applicant in support of making the required findings. The following materials are on file with the Planning Division:

1. The name, contact address and phone number(s) of the applicant. (Application form on file)
2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. (On file)
3. Site plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including: access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within ¼ mile (1,320 ft.) of a school, school bus stop, church or other place of religious worship, public park, or Tribal Cultural Resource, the site plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 600 feet. (Attached)
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. 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)
6. Description of water source, storage, irrigation plan, and projected water usage. (Included in Cultivation and Operations Plan)
7. Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the North Coast Regional Water Quality Control Board demonstrating enrollment in Tier 1, 2 or 3, North Coast Regional Water Quality Control Board Order No. 2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (On file)
8. Copy of the Water Resources Protection Plan filed with the North Coast Regional Water Quality Control Board to accompany the Notice of Intent described in Item 7 above. (On-file and attached separately - see Attachment 4.A)
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. (Attached)
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 (CAL-FIRE). Alternately, for existing operations occupying sites created through prior unauthorized conversion of timberland, evidence may be provided showing that the landowner has

completed a civil or criminal process and/or entered into a negotiated settlement with CAL-FIRE. (Parcel is zoned AG; however, there is evidence of unauthorized timberland conversions. The applicant has contracted with a Registered Professional Forester for a survey, and complying with the remediation is a condition of approval)

12. Consent for onsite inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. (On file)
13. For indoor cultivation facilities, identify the source of electrical power and how it will meet with the energy requirements in section 55.4.8.2.3, and plan for compliance with applicable Building Codes. (Not applicable)
14. Acknowledge that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed will not support diversions for irrigation. (On file)
15. Acknowledge that the County reserves the right to engage with local Tribes before consenting to the issuance of any clearance or permit, if cultivation operations occur within an Area of Traditional Tribal Cultural Affiliation, as defined herein. This process will follow current departmental referral protocol, including engagement with the Tribe(s) through coordination with their Tribal Historic Preservation Officer (THPO) or other tribal representatives. This procedure shall be conducted similar to the protocols outlined under SB 18 (Burton) and AB 52 (Gatto), which describe "government to government" consultation, through tribal and local government officials and their designees. During this process, the tribe may request that operations associated with the clearance or permit be designed to avoid, minimize or mitigate impacts to Tribal Cultural Resources, as defined herein. Examples include, but are not limited to: conducting a site visit with the THPO or their designee to the existing or proposed cultivation site, requiring that a professional cultural resources survey be performed, or requiring that a tribal cultural monitor be retained during project-related ground disturbance within areas of sensitivity or concern. The county shall request that a records search be performed through the California Historical Resources Information System (CHRIS). (On-file)
16. Cultural Resources Study. (On file)
17. Biological Assessment (on file)
18. Copy of a Road Evaluation Report for Brannan Mountain Road between the property entrance and Stage Coach Lane, documenting that Brannan Mountain Road is developed to Category 4 standards. (On-file and attached separately - see attachment 4.A)
19. A copy of a will-serve letter from the Willow Creek Community Service District confirming that the district can supply the project's anticipated water needs for the life of the project. (On-file and attached separately - see Attachment 4.A)
20. Site Management Plan prepared by Timberland Resource Consultants (On-file and attached separately - see Attachment 4.B)
21. Grading Plan prepared by TVCE dated 01.07.2020, (On-file and attached separately - see Attachment 4.C)
22. Timber Conversion Evaluation Report prepared by Timberland Resource Consultants. (On-file and attached separately - see Attachment 4.D)

**BRANNAN MOUNTAIN FARMS,
A Limited Liability Company**

**CULTIVATION/OPERATIONS
MANUAL**

REVISED

**Brannan Mountain Farms, LLC
Cultivation and Operations Plan**

Site Location: APN 522-211-051
Brannan Mountain Road
Willow Creek, CA 95573
(Mixed-Light & Outdoor 12,268 sq ft canopy
& non-retail/non-wholesale Nursery)

Introductory Statement:

Brannan Mountain Farms, LLC is very excited to have the opportunity to apply for commercial cannabis cultivation in Humboldt County. We are committed to working with the county to

produce premium quality cannabis according to all requirements and regulations, with safety and environmental health being our highest priority. We aim to represent the best of Humboldt in all our practices, and produce a product that will make our region proud. Thank you for considering our application.

Description of Water Source, Storage, Irrigation Plan, and Projected Water Usage:

100% of our water currently comes from the city of Willow Creek via their Community Services District.

We utilize a conscientious water usage plan designed to conserve as much water as possible. A plants' water needs heavily depends on the weather; the warmer the temperatures, the more water that is needed. Generally speaking, during each watering cycle, we deliver approximately 3 gallons for a small plant, and approximately 5.5 gallons for a big plant. Watering can occur once every 3-4 days, once every 2-3 days, or daily, depending on the plant size and need. We employ a hand-fed and drip irrigation system with the use of heavy straw mulch, in order to retain as much moisture as possible. Using this method, we retain anywhere from 30-50% of our irrigation water.

During the months of June through November, peak water usage is not expected to exceed 15,000 gallons per week. Water usage reduces during the months of December through May, with a projected use of 0 - 1,500 gallons per week, on average.

Description of Site Drainage, Including Runoff and Erosion Control Measures:

Our irrigation is both a hand-fed and drip system; we use heavy straw mulch to retain moisture. Each watering cycle produces approximately 3% runoff, which we capture with the use of water bars, to protect the watershed and to slow the absorption rate into the soil. Erosion is not a problem and the watershed is not compromised, as all residual water stays in the cultivation site with the surrounding soil acting as a natural absorption buffer. We will also follow all state and federal guidelines when disposing of IPM (Integrated Pest Management) waste products, if used.

Detail of Measures Taken to Ensure Protection of Watershed and Nearby Habitat:

As explained above, our irrigation is both a hand-fed and drip system. The watershed and any nearby habitats will be unaffected by our cultivation activities. Please see answer above.

Protocols for Proper Storage and Use of Fertilizers, Pesticides, and Other Regulated Products Utilized:

We strictly follow all protocols for proper storage and use of grow materials at our cultivation site. Brannan Mountain Farms is proud to use ZERO chemical fertilizers, pesticides, or fungicides. When organic fertilizers, pesticides, or fungicides are purchased, they are used almost immediately, however, if they need to be stored for a short period of time, they are kept in a dry storage shipping container onsite, located adjacent to the Processing Facility. A proprietary blend of the following fertilizer/pesticides/fungicides are used, at different times, during the cultivation process:

	Oyster Shells	Fishmeal
	Kelpmeal	Alfalfa meal
	Dr. Earths 4-4-4	C h i c k e n
	manure	
	Earthworm Casting	Humic Acid
	Plus C	Dr. Earth Bud
	& Bloom	
Tappin Roots	Seabird Guano	
	Bat Guano	Liquid Shrimp
	Rainbow Mix Bloom	S e a k e l p
	Powder	
	Molasses	Green Mite
	Spray Cleaner	
	Nuke M (Citric Acid+Yeast)	OG Bio War
	Pack	
	OG Bio Foliar Pack	B a c i l l u s
	Subtillis (beneficial bacteria)	

Description of Cultivation Activities (E.g. Outdoor, Indoor, Mixed Light):

This site has mixed-light greenhouses, outdoor cultivation, as well as an indoor nursery.

For the indoor nursery (which keeps our plants alive during the inclement winter months) and the mixed-light cultivation sites, our power comes from the use of gasoline generators. We currently use four generators: two-3,000 watt to run supplemental lighting (one generator being used for the top flat - 2-12'x70' and 1-12'x40' greenhouses; and the other generator being used at the middle flat for 1- 12'x70" and 1- 12'x40' greenhouses), one-6500 watt to run the water pump which fills our two-2,500 gallon water holding tanks, and one-2,000 watt generator as a back-up (which is safely stored in one of the dry storage containers).

The supplemental lighting equipment used is as follows and only used in 5 greenhouses equaling to 3480 sq ft total of mixed lighting:

Top Flat: 2 (12'x 70' greenhouses) - use 14 fluorescent T-5 bulbs, 1 (12' x 40' greenhouse) - use 10 fluorescent T-5 bulbs

Middle Flat: 1 (12'x 70' greenhouse) - use 14 fluorescent T-5 bulbs, 1 (12' x 40' greenhouse) - use 10 fluorescent T-5 bulbs

Florescent light bulbs generate very little heat, can be positioned closer to the plants thereby reducing the space used, and use less energy overall. We implement "dark sky standards" on Brannan Mountain Farms, meaning we pull efficient black out tarps at dusk to ensure zero light pollution.

Once the indoor nursery (located within the processing building) is built we intend to use 10 Gavita double-ended lights as the equipment for mothering our selected genetics during the winter months of February through April. There will be no flowering of cannabis indoors, only vegetative growth. We employ organic protocols for cultivation of mother plants and clones, thus

promoting vigorous vegetative growth. We also use an environmentally friendly IPM (Integrated Pest Management) plan that solves pest problems with minimal environmental impact. Energy usage per plant is carefully applied and monitored.

Outdoor Cultivation: We have 4 areas in which outdoor full sun cultivation is performed (see areas #1-#4 on our attached plot plan), including one 20' x 40' greenhouse on the lower flat

Processing Plan:

We maintain a safe and monitored environment for processing our own cannabis using a machine. We also have strict and precise guidelines for processing our cannabis.

Plants are harvested at peak ripeness and immediately transferred to a sanitized, climate controlled drying and curing facility (see cultivation plot plan for location of our proposed 40'x 30' processing facility). During the 7-day drying period, temperature, humidity, and air circulation are carefully monitored. The drying room is well insulated and equipped with fans for circulation to maintain ideal temperature, exhaust fans to further aid in the circulation of fresh air, and dehumidifiers are also used to pull moisture from the drying environment, if necessary.

After drying, our cannabis is placed into heavy duty and thoroughly sanitized cure totes anywhere from 1-week to 1- month, depending on the needs of the specific plant.

After curing, the product is processed onsite by the owners using a trimming machine. We are fully aware of the anatomy of the cannabis plant, rules for preparing and techniques, a list of quality control issues, grading and sorting criteria, and standards for cleanliness and discretion.

After trimming, the product is assessed for quality. Grading procedures include analysis of smell quality and strength, a pass/fail humidity and cure test, quality trim job, size, density, color, frost, medical effect (smoke & taste), and any imperfections. Then a certified lab will perform pesticide, contamination, mold, and mycotoxin testing on all products. A moisture meter is used to determine correct timing for tamper-proof packaging, and batches are packaged and distributed to dispensaries, according to our vending process.

If Application Includes Mixed Light Cultivation, Identify the Number of Annual Cultivation Cycles:

We expect there to be two cultivation cycles annually.

Schedule of Activities During Each Month of the Growing and Harvesting Season, Including Projected Generator Use:

Below are general guidelines of our yearly growing and harvesting activities, broken down by month:

January-February: Aside from keeping mother plants alive during this time, no other cultivation activities occur. (Indoor Nursery Facility)

March-April: Creation and nurturing of numerous clones taken from the above mentioned mother plants. We also germinate cannabis seeds during this time. (Indoor Nursery Facility)

End of May-June: Plants (both seed and clone) are carefully staged and selected in our propagating site during the beginning of May. Afterwards, we determine the sex of our seedlings and transport/transplant seedlings and clones into our designated cultivation sites. We keep a close eye on the plants at this stage and administer any necessary organic fertilizers, pesticides, or fungicides from the list provided above. We also continue with the sexing/propagation of seedlings and creation of clones in the month of June, in preparation of our second anticipated planting of the season.

July: Approximately 3 weeks into July, we conduct our first harvest cycle. As stated above, when the plants reach their optimum level of ripeness, we harvest and dry them for 7-days (more if necessary), then place the plants into sanitized cure totes for anywhere from 1-week to 1-month (depending on the strain), and then machine trim and clean up the plants in our onsite Processing Facility. The last week is spent planting new clones into the cultivation sites that have just been harvested and cleared out.

August: For the first 2-weeks of this month, we continue to plant new seedlings and clones into the open cultivation areas and proceed forward with the processing of plants harvested from last month. At this stage, we also nurture the plants by watering and administering organic fertilizers, pesticides, or fungicides, when necessary. Once all clones for the second cycle are planted, we disengage the use of our indoor nursery altogether and focus solely on nurturing our full season plants.

September: During this month, we continue to nurture our second cycle of plants, and proceed with the processing of plants if there still remains unprocessed plants.

October/November: During these months, we conduct our second and final harvest of the growing season. As previously mentioned, when the plants reach their optimum level of ripeness, we harvest and dry them for 7-days (more if necessary), then place the plants into cure bags for anywhere from 1-week to 1-month (depending on the strain), and then machine trim and clean up in our onsite Processing Facility.

December: Aside from keeping mother plants alive, no cannabis activities are performed from December through February of the next year.

Security Plan:

Currently, the property can only be accessed through a locked gate located at Brannan Mountain Road. At this gate, we strategically place stealth surveillance equipment to monitor the comings and goings of all personnel. Surveillance cameras are also used at different points along the roads contained within the property lines, at each of the different cultivation sites, and at the Processing/Storage Facility. These cameras are designed to activate and capture video imagery only when nearby movement is detected, thereby reducing the need to search through hours of

video feed, should it be necessary. The video captured on these cameras will be available to all government personnel, under the proper circumstances and if necessary.

We take fire safety very seriously at Brannan Mountain Farms. The only potential fire-hazard would be where we employ artificial, supplemental lighting. Surrounding this location, we place hand-discharging fire extinguishers and two emergency fire hoses. We feel these protective measures more than adequately serve our potential needs.

Processing Facility/Storage Office:

Our future processing facility/storage office will be conveniently located adjacent to our cultivation sites. Currently, the proposed processing facility is a 40' x 30' shop. The processing facility is located adjacent to rented portable toilets and handwashing stations (that are only used by the owners when they are working onsite during the day). Protective masks and rubber gloves are on site and used during work hours to ensure proper ventilation, timely breaks, and work productivity.

We also have two 8' x 20' metal storage containers located near our proposed processing facility that are temperature and humidity regulated and used only for storage purposes; one being used for the storage of equipment (fans, generator, lights, tools, etc), the other being used for storing organic fertilizers.

Closing Statement:

In accordance with all requirements for obtaining a commercial medical marijuana use permit through the County of Humboldt, we will supplement and supply any other information needed to process this request. Thank you.

**Brannan Mountain Farms, LLC
Cultivation and Operations Plan**

Site Location: APN 522-211-051

Brannan Mountain Road

Willow Creek, CA 95573

(Mixed-Light & Outdoor 12,268 sq. ft canopy
& non-retail/non-wholesale Nursery)

(2259 SF MIXED LIGHT
8890 SF OUTDOOR)

Introductory Statement:

Brannan Mountain Farms, LLC is very excited to have the opportunity to apply for commercial cannabis cultivation in Humboldt County. We are committed to working with the county to

As Shown on updated plot plan, mixed lighting will be moved from upper sights near the Forest Service boundary to the lower flat so that any negative impacts of the Supplemental lighting will be minimized.

	Oyster Shells	Fishmeal
	Kelpmeal	Alfalfa meal
	Dr. Earths 4-4-4	C h i c k e n
	manure	
	Earthworm Casting	Humic Acid
	Plus C	Dr. Earth Bud
	& Bloom	
Tappin Roots	Seabird Guano	
	Bat Guano	Liquid Shrimp
	Rainbow Mix Bloom	S e a k e l p
	Powder	
	Molasses	Green Mite
	Spray Cleaner	
	Nuke M (Citric Acid+Yeast)	OG Bio War
	Pack	
	OG Bio Foliar Pack	B a c i l l u s
	Subtillis (beneficial bacteria)	

Description of Cultivation Activities (E.g. Outdoor, Indoor, Mixed Light):

This site has mixed-light greenhouses, outdoor cultivation, as well as an indoor nursery.

For the indoor nursery (which keeps our plants alive during the inclement winter months) and the mixed-light cultivation sites, our power comes from the use of gasoline generators. We currently use four generators: two-3,000 watt to run supplemental lighting (one generator being used for the top flat - 2-12'x70' and 1-12'x40' greenhouses; and the other generator being used at the middle flat for 1- 12'x70" and 1- 12'x40' greenhouses), one-6500 watt to run the water pump which fills our two-2,500 gallon water holding tanks, and one-2,000 watt generator as a back-up (which is safely stored in one of the dry storage containers).

The supplemental lighting equipment used is as follows and only used in 5 greenhouses equaling to 3480 sq ft total of mixed lighting:

Top Flat: 2 (12'x 70' greenhouses) - use 14 fluorescent T-5 bulbs, 1 (12' x 40' greenhouse) - use 10 fluorescent T-5 bulbs

Middle Flat: 1 (12'x 70' greenhouse) - use 14 fluorescent T-5 bulbs, 1 (12' x 40' greenhouse) - use 10 fluorescent T-5 bulbs.

[Insert new text]

Florescent light bulbs generate very little heat, can be positioned closer to the plants thereby reducing the space used, and use less energy overall. We implement "dark sky standards" on Brannan Mountain Farms, meaning we pull efficient black out tarps at dusk to ensure zero light pollution.

Once the indoor nursery (located within the processing building) is built we intend to use 10 Gavita double-ended lights as the equipment for mothering our selected genetics during the winter months of February through April. There will be no flowering of cannabis indoors, only vegetative growth. We employ organic protocols for cultivation of mother plants and clones, thus

Water usage is tracked monthly by WCCSD. Annually, the farm uses approx 23000 CF or 172,052 gallons of water to operate Cannibis cultivation which is reflected by the will serve letter provided by WCCSD.

* WCCSD : Willow Creek Community Services District

produce premium quality cannabis according to all requirements and regulations, with safety and environmental health being our highest priority. We aim to represent the best of Humboldt in all our practices, and produce a product that will make our region proud. Thank you for considering our application.

Description of Water Source, Storage, Irrigation Plan, and Projected Water Usage:

100% of our water currently comes from the city of Willow Creek via their Community Services District.

We utilize a conscientious water usage plan designed to conserve as much water as possible. A plants' water needs heavily depends on the weather; the warmer the temperatures, the more water that is needed. Generally speaking, during each watering cycle, we deliver approximately 3 gallons for a small plant, and approximately 5.5 gallons for a big plant. Watering can occur once every 3-4 days, once every 2-3 days, or daily, depending on the plant size and need. We employ a hand-fed and drip irrigation system with the use of heavy straw mulch, in order to retain as much moisture as possible. Using this method, we retain anywhere from 30-50% of our irrigation water.

During the months of June through November, peak water usage is not expected to exceed 15,000 gallons per week. Water usage reduces during the months of December through May, with a projected use of 0 - 1,500 gallons per week, on average. [Insert text]

Description of Site Drainage, Including Runoff and Erosion Control Measures:

Our irrigation is both a hand-fed and drip system; we use heavy straw mulch to retain moisture. Each watering cycle produces approximately 3% runoff, which we capture with the use of water bars, to protect the watershed and to slow the absorption rate into the soil. Erosion is not a problem and the watershed is not compromised, as all residual water stays in the cultivation site with the surrounding soil acting as a natural absorption buffer. We will also follow all state and federal guidelines when disposing of IPM (Integrated Pest Management) waste products, if used.

Detail of Measures Taken to Ensure Protection of Watershed and Nearby Habitat:

As explained above, our irrigation is both a hand-fed and drip system. The watershed and any nearby habitats will be unaffected by our cultivation activities. Please see answer above.

Protocols for Proper Storage and Use of Fertilizers, Pesticides, and Other Regulated Products Utilized:

We strictly follow all protocols for proper storage and use of grow materials at our cultivation site. Brannan Mountain Farms is proud to use ZERO chemical fertilizers, pesticides, or fungicides. When organic fertilizers, pesticides, or fungicides are purchased, they are used almost immediately, however, if they need to be stored for a short period of time, they are kept in a dry storage shipping container onsite, located adjacent to the Processing Facility. A proprietary blend of the following fertilizer/pesticides/fungicides are used, at different times, during the cultivation process:



Application

00055 - Cannabis Cultivation LSA Notification - Region 1 - Pre-Application

02062 - Nathan Harveston 522-211-051

Region 1

Status: Submitted

Submitted Date: 07/26/2018 10:48 AM

Applicant Information

Applicant Proposing Project:

First Name* Chris Victor Carroll
First Name Middle Name Last Name
Title: Registered Professional Forester #2628
Email*: carroll@timberlandresource.com
Address*: 165 South Fortuna

* Fortuna California 95540
City State/Province Postal Code/Zip
Phone*: 707-725-1897
Phone Ext.

Identify the CDFW Region where most of your activities will take place.

Region of interest*: Region 1

You may include additional contact information, i.e., consultant/business associate/translator.

Contact Name: First Name Last Name
Email:
Phone:

Organization Information

Organization Name*: Timberland Resource Consultants
Organization Type: Business
Organization Website: http://timberlandresource.com

Address*

165 South Fortuna Blvd

*

Fortuna
CityCalifornia
State/Province95540
Postal Code/Zip

Phone*

707-725-1897

Ext.

Fax:

707-725-0972

E-mail Address*

trc@timberlandresource.com

**APPLICANT PROPOSING PROJECT**

Name*

Nathan

Harveston

First Name

Middle Initial

Last Name

Business/Agency

Mailing Address*

PO Box 671

City*

Willow Creek

California
State*95573
Zip*

Email*

carroll@timberlandresource.com

CONTACT PERSON

Same as 'Applicant
Proposing Project'*

No

Name*

Chris

Victor

Carroll

First Name

Middle Initial

Last Name

Business/Agency

Timberland Resource Consultants

Mailing Address*

165 S. Fortuna Blvd.

City*

Fortuna

California
State*95540
Zip*

Email*

carroll@timberlandresource.com

PROPERTY OWNER

Same as 'Applicant
Proposing Project'*

Yes

Name*

First Name

Middle Initial

Last Name

City*

State*

Zip*



SITE DESCRIPTION

Address or description of Project location	Name of river, stream, or lake affected by the project	What water body is the river, stream, or lake tributary to?	Describe Other:	Is the river or stream segment affected by the project listed in the state or federal Wild and Scenic Rivers Acts?	Identify the river or stream affected by the project.	County
See 1600 Addendum.	Willow Creek	Trinity River		No		Humboldt County

ASSESSOR'S PARCEL NUMBER

Project Name	APN
Nathan Harveston 522-211-051	522-211-051

PROJECT GPS COORDINATES (DECIMAL DEGREES)

Project Name	Latitude	Longitude
Cannabis Project Nathan Harveston	40.948726	-123.645244

MAPS

Description of Map Attachment	Attach Maps
This attachment contains four maps: General Location Map, USGS Map, Topo Map, and a DOQ Map. Additionally there are four aerial images attached.	1600_Maps.pdf

PROJECT DETAILS

- Include any structures (e.g., rip-rap, culverts) that will be placed or modified in or near the stream, river, or lake, and any channel clearing.
- Specify volume, and dimensions of all materials and features (e.g., rip-rap fields) that will be used or installed.
- If water will be diverted or extracted, specify the purpose or use.

- Describe both permanent and temporary impacts to the channel and/or riparian habitat.



Describe the project in detail* See 1600 Addendum.

This field is limited to 5,000 characters.

List all equipment and machinery used to complete the project. List any lubricants, solvents, chemicals, or other materials not normally found on construction sites that will be present in the project area in addition to the equipment and machinery used to complete the project.

Describe equipment and machinery to be used* No equipment or machinery will be required for this project.

This field is limited to 5,000 characters.

ADDITIONAL PROJECT DETAILS

Indicate if water is to be present during the proposed work period in the stream, river, or lake.

Water present?* No

If water is being diverted, a plan to divert water around the project site and dewater the work site must be included with the notification, and should specify the method, volume, rate, and timing of the diversion of the water around the work site.

Will the project require work in the wetted portion of the channel?* No

ATTACHMENTS

Attachment Description	Attachment
This attachment contains the 1600 Addendum, photos, maps, and aerial imagery.	1600 Addendum-complete.pdf
This attachment contains the Water Resource Protection Plan prepared by TRC.	WRPP-Final_Harveston.pdf

SELF CERTIFICATION SURVEY

Does or will your project result in diversion or obstruction of water from any river, stream, or lake; or withdraw or use water from any river, stream, or lake?

This includes, but is not limited to, redirection of stream flow, on-stream reservoirs or other water impoundments, withdrawal of water by pump or gravity flow, and withdrawal or use of water from private well(s) adjacent to a stream or lake.

Result in diversion or obstruction?* No

Does or will your project result in disturbance to land or vegetation in or adjacent to, any river, stream or lake, including those that are periodically dry?

This includes, but is not limited to, stream crossing construction, bank stabilization, gravel removal, and vegetation removal or trimming.

Result in disturbance to land or vegetation? ☒ No

Does or will your project result in deposition of any material in or adjacent to any river stream or lake, including those that are periodically dry?

This includes, but is not limited to, stream crossing construction, bank stabilization, and on-stream reservoirs or other water impoundments.

Result in deposition of any material? ☒ No

SELF-CERTIFICATION ACKNOWLEDGMENT

I hereby acknowledge that:

1. The project as described in this self-certification will/may substantially divert or obstruct the natural flow of, or substantially change or use any material from the bed, channel, or bank of, any river, stream, or lake, or deposit or dispose of debris, waste, or other material containing crumbled, flaked, or ground pavement where it may pass into any river, stream, or lake.
2. Notification will be submitted.

The information contained in this certification is, to the best of my knowledge and belief, true, accurate, and complete.

Notification is Required

Signature*

First and Last Name

Date

I hereby certify under penalty of law that:

1. Implementation of the project as described in this self-certification will not substantially divert or obstruct the natural flow of, or substantially change or use any material from the bed, channel, or bank of, any river, stream, or lake, or deposit or dispose of debris, waste, or other material containing crumbled, flaked, or ground pavement where it may pass into any river, stream, or lake.
2. I have the authority to make the aforesaid certification on behalf of the applicant.

The information contained in this certification is, to the best of my knowledge and belief, true, accurate, and complete.

Self-Certification that Notification is Not Required ☒ Yes

Signature*

Chris Carroll

07/26/2018

First and Last Name

Date



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	Recommendation	Location
Building Inspection Division	Conditional Approval	Attached and on file in Accela
Public Works Land Use Division	Conditional Approval	Attached and on file in Accela
Division of Environmental Health	Conditional Approval	Attached and on file in Accela
Supervising Planner	No Response	
Current Planning Division	No Response	
CAL FIRE	Conditional Approval	Attached and on file in Accela
California Department of Fish and Wildlife	Conditional Approval	Attached and on file in Accela
NWIC	Confidential	On file with Planning and in Accela
CAL TRANS	No Response	
District Attorney	No Response	
Agriculture Commissioner	No Response	
Hoop Valley Tribe	Confidential	On file with Planning and in Accela
Tsnungwe Council	No Response	
Klamath-Trinity Joint Unified School District	No Response	
Willow Creek Community Services District	No Response	
Willow Creek Fire Protection District	No Response	
NCRWQCB	No Response	
Sheriff	No Response	
County Counsel	Response filed	On file with Planning and in Accela



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



6/27/2017

PROJECT REFERRAL TO: Building Inspection Division

Project Referred To The Following Agencies:

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, Supervising Planner, Current Planning Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, California Department of Transportation District #1, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, Hupa, Tsungwe, Klamath-Trinity Joint Unified School District, Willow Creek Community Services District, Willow Creek Fire Protection District, NCRWQCB, Sheriff

Applicant Name Brannan Mountain Farms, LLC **Key Parcel Number** 522-211-051-000

Application (APPS#) 11050 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** AA16-417
CUP16-332

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 7/12/2017

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

E-mail: PlanningClerk@co.humboldt.ca.us **Fax:** (707) 268-3792

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

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

☐ Recommend Conditional Approval. Suggested Conditions Attached.

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

☐ Recommend Denial. Attach reasons for recommended denial.

☒ Other Comments: See Attached

DATE: 7-20-17

PRINT NAME: Gustin Dumlak



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
BUILDING DIVISION

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

Building Division's Referral Comments for Cannabis Operations:

Application No.: 11050 APN 522-211-051
Case Number CUP-16-332

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

☒ Site/plot plan appears to be accurate.

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

☐ Existing operation appears to have expanded, see comments: _____

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

☐ Proposed new operation has already started.

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

☐ Other Comments: See photos @ J. Current Planning Projects -
CUP 16-332 - folders 522-211-051, 522-211-051 c

Name: Gustin Dumlac

Date: 7-20-17

Note: Remember to take photographs and then save them to the Planning's application number.

500-211-051
7/7/17

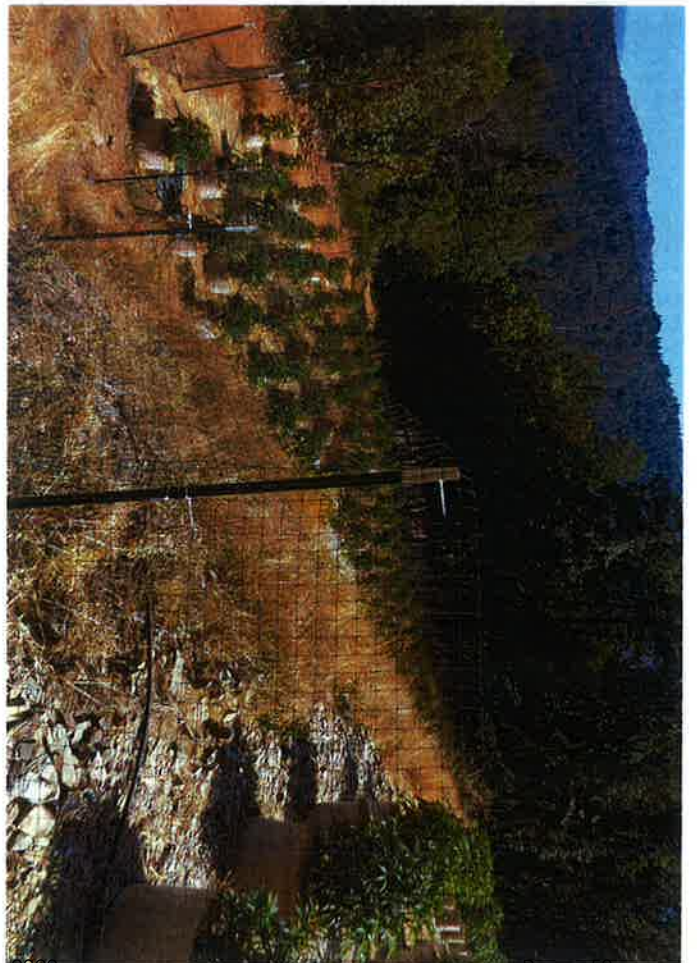
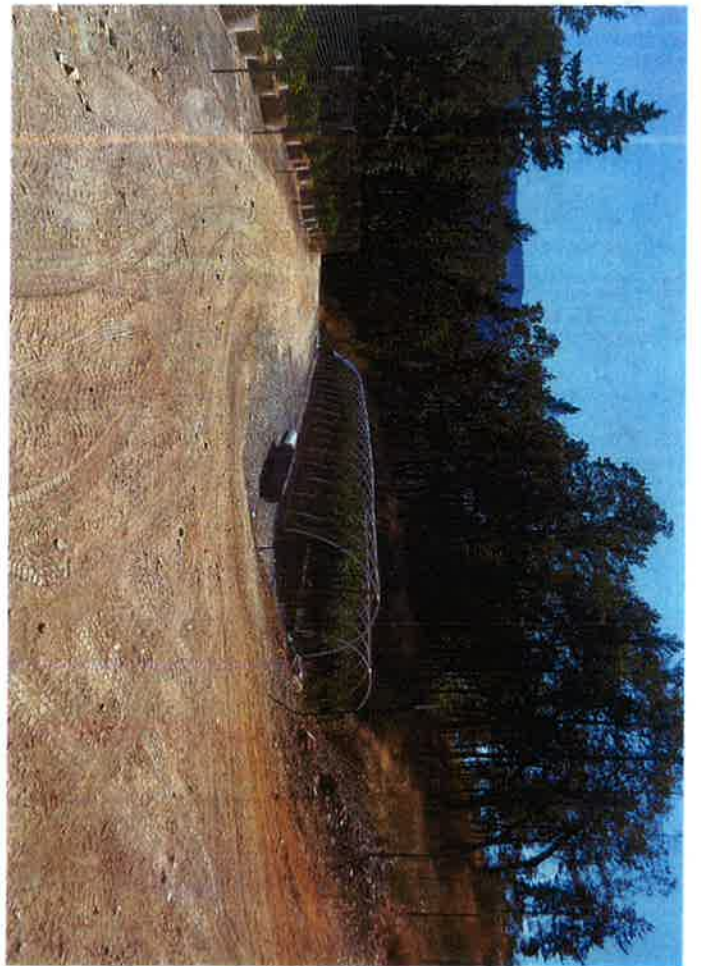




7/17/17

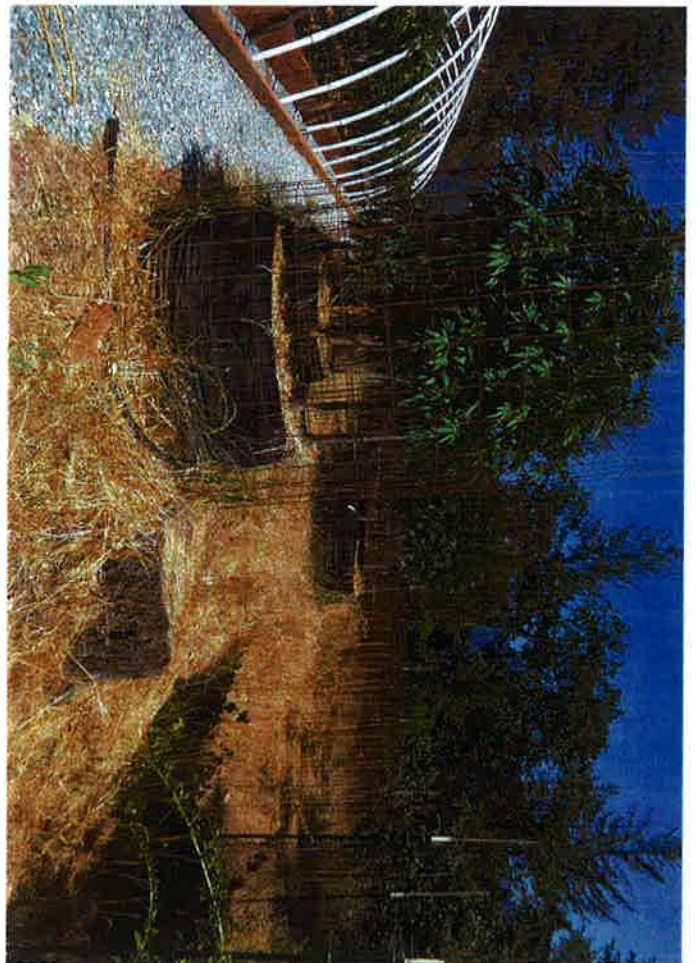
500-211-051





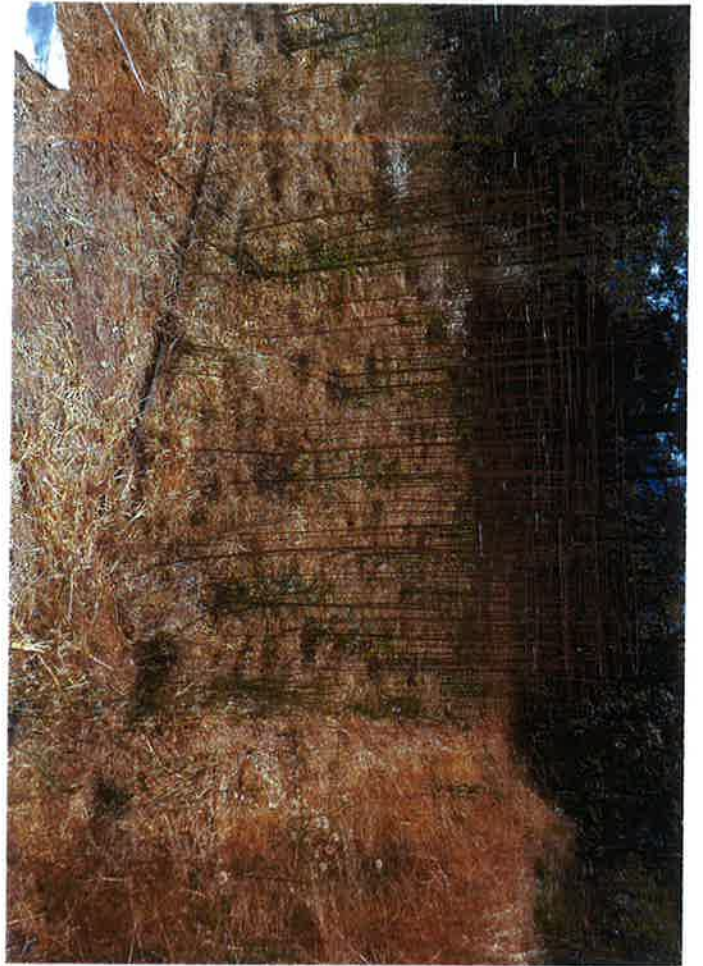
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522-211-051





7/17/17
500-211-051







150-11E-205





150-112-005



150-11e-005



PLN-11050-CUP Brannan Mountain Farms

June 18, 2020





DEPARTMENT OF PUBLIC WORKS
COUNTY OF HUMBOLDT
MAILING ADDRESS: 1106 SECOND STREET, EUREKA, CA 95501-0579
AREA CODE 707

ARCATA-EUREKA AIRPORT TERMINAL
McKINLEYVILLE
FAX 839-3596
AVIATION 839-5401

PUBLIC WORKS BUILDING
SECOND & L ST., EUREKA
FAX 445-7409
ADMINISTRATION 445-7491
BUSINESS 445-7652
ENGINEERING 445-7377
FACILITY MAINTENANCE 445-7493
NATURAL RESOURCES 445-7741
NATURAL RESOURCES PLANNING 267-9540
PARKS 445-7651
ROADS & EQUIPMENT MAINTENANCE 445-7421

CLARK COMPLEX
HARRIS & H ST., EUREKA
FAX 445-7388
LAND USE 445-7205

LAND USE DIVISION INTEROFFICE MEMORANDUM

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

FROM: Kenneth M. Freed, Assistant Engineer

DATE: 4-24-2018

RE:

Applicant Name	Brannon Mountain Farms, LLC.
APN	522-211-051
APPS#	11050
CASE#	CUP16-332

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

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

*Note: Exhibits are attached as necessary.

Additional comments/notes:

BRANNAN MTN RD AT THIS LOCATION IS EQUIVALENT TO A
ROADS CAT 4.

// END //

Exhibit "A"

Public Works Recommended Conditions of Approval

(All checked boxes apply)

APPS # 11050



COUNTY ROADS- FENCES & ENCROACHMENTS:

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

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

☐ COUNTY ROADS- DRIVEWAY (PART 1):

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



COUNTY ROADS- DRIVEWAY (PART 2):

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



If the County road has a paved surface at the location of the driveway, the driveway apron shall be paved for a minimum width of 18 feet and a length of 50 feet.

If the County road has a gravel surface at the location of the driveway, the driveway apron shall be rocked for a minimum width of 18 feet and a length of 50 feet.

If the County road is an urban road, frontage improvements (curb, gutter, and sidewalk) shall also be constructed to the satisfaction of the Department. Any existing curb, gutter or sidewalk that is damaged shall be replaced.

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

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

☐ COUNTY ROADS- DRIVEWAY (PART 3):

The existing driveway will require substantial modification in order to comply with County Code. The applicant may wish to consider relocating the driveway apron if a more suitable location is available.

☐ COUNTY ROADS-PARKING LOT- STORM WATER RUNOFF:

Surfaced parking lots shall have an oil-water filtration system prior to discharge into any County maintained facility.

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



COUNTY ROADS- DRIVEWAY & PRIVATE ROAD INTERSECTION VISIBILITY:

All driveways and private road intersections onto the County Road shall be maintained in accordance with County Code Section 341-1 (Sight Visibility Ordinance).

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

☐ COUNTY ROADS- PRIVATE ROAD INTERSECTION:

Any existing or proposed non-county maintained access roads that will serve as access for the proposed project that connect to a county maintained road shall be improved to current standards for a commercial driveway. An encroachment permit shall be issued by the Department of Public Works prior to commencement of any work in the County maintained right of way.

If the County road has a paved surface at the location of the access road, the access road shall be paved for a minimum width of 20 feet and a length of 50 feet where it intersects the County road.

If the County road has a gravel surface at the location of the access road, the access road shall be rocked for a minimum width of 20 feet and a length of 50 feet where it intersects the County road.

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

☐ COUNTY ROADS- ROAD EVALUATION REPORT(S):

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

// END //



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



DEH received
7-3-17

PROJECT REFERRAL TO: Health and Human Services Environmental Health Division

Project Referred To The Following Agencies:

17/18-0001

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, Supervising Planner, Current Planning Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, California Department of Transportation District #1, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, Hupa, Tsnungwe, Klamath-Trinity Joint Unified School District, Willow Creek Community Services District, Willow Creek Fire Protection District, NCRWQCB, Sheriff, Public Works - Road Eval

Applicant Name Brannan Mountain Farms, LLC **Key Parcel Number** 522-211-051-000

Application (APPS#) 11050 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** AA16-417
CUP16-332
SP17-140

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

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

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

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

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

We have reviewed the above application and recommend the following:

Conditional Approval

DISTRIBUTED

10-27-17

Comments:

DEH recommends approval with the following conditions:

(1) **No processing can be approved** until an acceptable site suitability report can establish potential for onsite waste treatment system.

(2) **An invoice, or equivalent documentation, is provided to DEH** to confirm the continual use of portable toilets to serve the needs of cultivation staff prior to reissuance of annual permit.

*This review and recommendation is for the Land Use aspects of the planning project and does not include or imply compliance with all DEH programs. Although DEH recommends the approval of the Planning project, Solid Waste and HazMat Program requirements need to be addressed directly with staff from those programs.

DEPARTMENT OF FORESTRY AND FIRE PROTECTION

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



Ref: 7100 Planning
Date: July 6, 2017

John Ford, Director
Humboldt County Planning Department
3015 H Street
Eureka, CA 95501

Attention: Cannabis Planner (CPOD)
Applicant: Brannan Mountain Farms, LLC

APN: 522-211-051-000
Area: Willow Creek
Case Numbers: AA16-417
CUP16-332

Humboldt County Application #: 11050
Type of Application: Conditional Use Permit, Application Assistance
Date Received: 7/3/2017
Due Date: 7/12/2017

Project Description: Brannan Mountain Farms seeks a Conditional Use Permit for an existing commercial cannabis cultivation totaling approximately 12,268 square feet (SF), 8,788 SF is outdoor in four (4) existing cultivation areas and one (1) pre-existing greenhouse that has been demolished for replacement; and, 3,480 SF is mixed-light in five (5) greenhouses, two (2) of which were destroyed in last season's winter storms, but have been replaced and the other three (3) are proposed. A Special Permit for a setback reduction to less than 600 feet from the adjacent Six Rivers National Forest Lands and less than 30 feet setback from the northern property line. Additionally, the applicant's pre-existing cultivation area near the western property line does not meet the minimum 30 foot setback requirement; as a result, applicant intends to grow blueberries or another crop instead of cannabis within the 30 foot setback. The applicant will have an outdoor propagation area of approximately 4,300 SF for sexing seed plants and an indoor propagation area within the proposed Processing Facility to house mother plants and clones. Water is sourced from the Willow Creek Community Services District (WCCSD) and annual projected water usage is 396,000 gallons. The property has two (2) 2,500 gallon hard tanks, one being available for fire use only, for a total of 5,000 gallons of water storage. Irrigation is done by hand or a drip system. The applicant is enrolled in Tier 2 of the Waste Discharge Program Order No. 2015-0023 with the North Coast Regional Water Quality Control Board and is preparing a Water Resources Protection Plan. Four (4) generators provide power to the cannabis cultivation operation: two (2) for supplemental lighting using florescent T-5 blubs in five (5) greenhouses, one (1) for the water pumps and one (1) for back-up. Applicant implements "Dark Sky Standards" to ensure zero light pollution from greenhouses. Organic fertilizers, amendments and fungicides are used immediately after purchase or stored short term in a dry storage shipping container adjacent to the Processing Facility. Applicant anticipates two (2) cultivation cycles annually and the owner will process product in the proposed 40 foot x 30 foot Processing Facility by utilizing a trimming machine. The Processing Facility will house a drying room, secured trimming room, an ADA compliant bathroom and the indoor propagation area. Security measures include a locked gate at the property's entrance and surveillance cameras at various points near interior roads, at each cultivation site and at the proposed Processing Facility.

Mr. Ford,

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

- Fire Safe
- Resource Management
- Cannabis

The following pages address these concerns directly.

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

By: Planning Battalion
CALFIRE Humboldt – Del Norte Unit

For **Hugh Scanlon**, Unit Chief

FIRE SAFE

General:

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

Local Responsibility Areas:

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

State Responsibility Areas:

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

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

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

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

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

Subdivisions increase fire risks from additional people and increase probable dollar losses in the event of fire due to added structures and improvements.
5. If the project expects to produce densities consistent with a major subdivision, the impacts on all infrastructures should be mitigated. Local government more appropriately provides the responsibility for

high-density area protection and services. Annexation or inclusion into Local Responsibility Area should be studied as well.

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

RESOURCE MANAGEMENT

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

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

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

Cannabis

General:

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

Local Responsibility Areas:

Should this project include Local Responsibility Area (LRA) lands, CALFIRE has no direct fire safe input on those parcels. However, in those areas with LRA parcels adjacent to State Responsibility Area (SRA) land, CALFIRE recommends that local standards be applied that are consistent with those CALFIRE makes for SRA lands. Also CAL FIRE is the primary command and control dispatch, for most local agency fire districts and departments.

State Responsibility Areas:

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

1. Agricultural cannabis growing operations medicinal or commercial shall have an easily accessible material safety data sheet (MSDS) or safety data sheet (SDS) for all chemicals and hazardous materials on site. Posted (NFPA 704) Placard clearly visible to emergency responders
2. California code of regulations Health and Safety (CCR 11362.769.) Indoor and outdoor medical marijuana cultivation shall be conducted in accordance with state and local laws related to land conversion, grading, electricity usage, water usage, water quality, woodland and riparian habitat protection, agricultural discharges, and similar matters. State agencies, including, but not limited to, the State Board of Forestry and Fire Protection, the Department of fish and Wildlife, the State Water Resources Control Board, the California regional water quality control boards, and traditional state law enforcement agencies shall address environmental impacts of medical marijuana cultivation and shall coordinate, when appropriate, with cities and counties and their law enforcement agencies in enforcement efforts.
3. International Fire Code (N101.1 Scope) Marijuana growing and extraction shall be in accordance with this chapter, of the International Building Code, and the International Mechanical Code. Cryogenic fluids shall comply with Chapter 55. Compressed gases shall comply with Chapter 53. Flammable and combustible liquids shall comply with Chapter 57. Hazardous materials shall comply with Chapter 50. LP-gas shall comply with Chapter 61 and the International Fuel Gas Code. All applicable California State Fire Marshal standards and regulations for the designated occupancy must be met.
4. Growing marijuana and the extracting of oils
Extraction of marijuana oils; All materials hazardous and non-hazardous associated with the extraction process shall be utilized in conformance of the law and fire safe codes.

From: Bocast, Kalyn@Wildlife <Kalyn.Bocast@Wildlife.ca.gov>
Sent: Thursday, August 24, 2017 3:19 PM
To: Planning Clerk
Cc: Bauer, Scott@Wildlife
Subject: Brannon Mountain Farms Conditional Use Permit Application-APPS 11050

To Whom It May Concern,

Thank you for referring the Brannon Mountain Farms Conditional Use Permit application (APPS 11050, Project) to the California Department of Fish and Wildlife (CDFW) for review and comment. The project consists of a CUP for 12,268SF of existing cannabis cultivation (8,788SF outdoor and 3,480SF mixed-light) on APN: 522-211-051. Water is sourced from the Willow Creek Community Services District.

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

- The referral materials state that the Willow Creek Community Services District (WCCSD) is the primary water source for the project. The project should provide confirmation from the WCCSD that they can provide this amount of water for the life of the project. A diversion from surface waters of the State for commercial cannabis would require a CDFW Lake or Streambed Alteration Agreement. The County must ensure, as a condition of permit approval, that the Project has a permitted water source that can supply the substantial amount of water likely needed for the project. If the WCCSD is unable to provide all the water the project needs, the project should pursue permitting for another suitable water source. Surface water diversions, or wells, if hydrologically connected to a stream, likely require a Lake or Streambed Alteration Agreement from CDFW.
- CDFW requests further information on the power source for this project. Human induced noise pollution, such as noise from generators, may adversely affect wildlife species in several ways including: abandonment of territory, loss of reproduction, interference to predation, auditory masking (inability to hear important cues and signals in the environment), hindrance to navigation, and physiological impacts such as stress, increased blood pressure, and respiration. Noise pollution has the potential to impact sensitive species such as the Townsend Big-eared Bat (*Corynorhinus townsendi*), that hunt for food through echolocation.
- The project referral did not indicate whether a biological survey had been conducted on the property to determine whether rare species or sensitive natural communities are present. In order to identify and prevent impacts to rare species and sensitive natural communities, a qualified biologist should conduct appropriate surveys in all areas that would potentially be impacted by the project, and submit a report of the findings for County and CDFW staff review. After review of the report, CDFW will be able to provide site-specific recommendations to avoid minimize or mitigate project impacts.
- Aerial imagery and referral materials suggest that significant grading took place on the parcel after 2014. CDFW recommends, as a condition of project approval, that the applicant provide evidence of one of the following: a valid grading permit or a less-than-3-acre conversion exemption or timberland conversion permit, approved by CAL-FIRE.
- The parcel contains habitat for rare plants (primarily wayside aster, *Eucephalus vialis*). The project referral did not indicate whether a biological survey had been conducted on the property, specifically a botanical survey to determine whether this plant or any other rare species or sensitive natural communities are present. In order to identify and prevent impacts to rare species and sensitive natural communities, a qualified biologist should conduct appropriate surveys in all areas that would potentially be impacted by the project, and submit a report of the findings for County and CDFW staff review. After review of the report, CDFW will be able to provide site-specific recommendations to avoid, minimize or mitigate project impacts.

- Existing fish or wildlife resources the project could substantially adversely affect include Chinook Salmon (*Oncorhynchus tshawytscha*), Coho Salmon (*O. kisutch*), Steelhead Trout (*O. mykiss*), Western Brook Lamprey (*Lampetra richardsoni*), Pacific Lamprey (*Entosphenus tridentata*), Pacific Giant Salamander (*Dicamptodon tenebrosus*), Foothill Yellow-Legged Frog (*Rana boylei*), Western Pond Turtle (*Actinemys marmorata marmorata*) amphibians, reptiles, aquatic invertebrates, mammals, birds, and other aquatic and riparian species.

Thank you for the opportunity to comment on this Project. Please contact me at kalyn.bocast@wildlife.ca.gov if you need additional information.

Please confirm that you have received this email.

Sincerely,

Kalyn Bocast
Environmental Scientist
Watershed Enforcement Team
California Department of Fish and Wildlife
619 2nd Street
Eureka, CA 95501
(707) 441-2077

ATTACHMENT 6

PUBLIC COMMENTS

CUP 16-332

December 1, 2017

John H. Ford - Director
Humboldt County Planning and Building Department
3015 H Street
Eureka, California 95501



11050

Subject: Brannan Mountain Farms Conditional Use Permit
Application Number ~~11050~~
Case Number CUP 16-332, SP 140
Assessor's Parcel Number 522-211-051
741 Brannan Mountain Road, Willow Creek Area

Introduction

The applicant is entitled to a marijuana cultivation permit if it complies with the current laws, regulations and ordinances in place. The associated property, Assessor's Parcel Number 522-211-051 (Subject Parcel), could easily meet the current lawful requirements necessary for cultivation.

This application does not conform to the basic requirements for a Conditional Use Permit and a Special Permit. Rather than meeting the prerequisite performance standards necessary for basic Marijuana Cultivation permitting, it requests the County grant exceptions beyond their basic terms.

The community of Willow Creek has a history of actively working in cooperation and coordination with the County, State and USFS to achieve a mutually beneficial living environment. To maintain this mutual balance, poor decisions are challenged when either individual or public rights are at risk. I believe the County is embarking in a few questionable directions that may end in negative and thoughtless consequences to the public interest.

Pursuant to the County's own rules, A Zoning Clearance Certificate, Special Permit or Use Permit may be issued for outdoor or mixed-light commercial cannabis cultivation "only when possible to bring the cultivation into compliance with all applicable standards" and "No expansion of the existing cultivation area shall be permitted."

Without the applicant holding to the basic performance standards of the regulations, a full analysis of the project should be considered based on impact issues influencing decisions about the Subject Parcel. This letter requests denial of the current application based analysis of the parcel influences on the following impact issues.

Subject Parcel Influences

A parcel within a permitted subdivision, 2009:

- Grid power – Pacific Gas & Electric (PG&E)
- Water – Willow Creek Community Services District (WCCSD)
- Telecommunications – Frontier
- Road Access – Humboldt County (County) category 3/4 road
- Fire Protection – Willow Creek Fire District (WCDFD)

Site characteristics:

- South-southwest orientation
- High ground advantage partially on a ridgeline
- Mixed hardwood, conifer forest
- Prevailing terrain is steep, predominately greater than 15%
- Hillside soil conditions less than prime agricultural, vulnerable to erosion

Existing Site Conditions:

- Extensive cleared areas – unpermitted
- Extensive grading – unpermitted
- Alleged existing structures or greenhouses – currently non-existing
- Non-conforming access driveways and grades – unpermitted
- Erosion problems evident
- Setbacks noncompliant - unpermitted
- Secondary unpermitted disturbances and damage to adjacent parcels; 522-145-009 and 522-492-012

Surrounding Uses Include:

- Elementary School, 522-492-005
- Electrical Power Distribution Facility, 522-492-005
- United States Forest Service (USFS) lands with trails, 522-145-009
- USFS Ranger Station, 522-492-008
- Medical Facility, 522-492-015
- Church, 522-492-017
- Multi-family, 522-492-018
- California Highway Patrol and Caltrans, 522-492-001

Reference Materials and Documents:

- Exhibit A – Current GIS Map
- Exhibit B – 2012 GIS Map, True Existing Facilities
- Exhibit C – Photographs relate to Subject Parcel
- Exhibit D- Planning Commission Agenda November 2, 2017 and continuance request
- Exhibit E – Two Notices of Public Hearing October 19 and October 20, 2017
- Exhibit F - Northern California Conservation and Recreation Act DRAFT Map, Representative Jared Huffman
- Humboldt County General Plan Revised Draft EIR 2017
- Humboldt County Resolution No. 16-14
- Humboldt County Ordinance No. 2559
- Humboldt County DRAFT Ordinance
- 2016 California Environmental Quality Act (CEQA) Statute and Guidelines
- Humboldt County General Plan
- Willow Creek Community Plan 1986

Impact Issues

Conditional Use Permits, Special Permits and CEQA:

The County's environmental assessment plan considers a set of guiding principles, "guiding principles are considered to be the Project objectives for purposes of CEQA analysis." This conditional use permit and special use permit application cites three California Environmental Quality Act (CEQA) provisions; Sections 15301 (Existing

Facilities), 15302 (Replacement or Reconstruction) and 15303 (New Construction of Small Structures)

CEQA, industry standards and best management practices contribute to a standard of care necessary to measure environmental assessment considerations. This includes any project seeking a conditional or special use permit.

A public agency may not necessarily be correct when it cites a CEQA standard. In fact, public agencies have a responsibility to the public to exercise the highest possible standard of care to protect the public interest in referencing CEQA as a basis for determinations. The Public depends on public agencies in these matters and wants to trust that such technical decisions are accurate and true. The County has a responsibility to add clarifications for interpretations of current ordinances and resolutions. County protocol states "Discretionary review required for existing grows above 5,000 square feet triggering independent site-specific CEQA analysis;" and "Existing grows of up to 5,000 square feet are permitted pursuant to a Zoning Clearance Certificate if the performance standards and all conditions in the ordinance are met."

In particular, "Existing Facility" and "Pre-Existing Cultivation Site" may not necessarily be an accurate comparison for CEQA purposes. CEQA may even challenge the use of "existing" for recent, unpermitted activity by removing or mitigating for this item if they have caused significant environmental impacts. Inaccurate use of CEQA as a basis for the environment assessment muddies the waters for both the applicant and public and prevents a proper analysis of other issues that may not meet the CEQA categorical exemption standards.

The true Existing Facility for the Subject Parcel is a natural mixed forest supporting significant natural habitat with trails and other historical/cultural resources. A historical trail crosses Subject Parcel intersecting the ridge at a rock out-cropping ascending along the north side of ridge through Section 19, Range 5 east, Township 7 north. Evidence of cultural resources is found in the northeast corner of the Subject Site near the rock out-cropping. All have been disturbed. In contrast, the County's analysis broadly attempts to equate non-existing sheets of plastic, plastic pipe and plant pots as the overriding standard unit of measurement for Existing Facility. The County's categorical exemption analysis lacks an appropriate crossover link to CEQA principles of preventing significant environmental harm. Typically, evidence of cultural resources triggers further environment assessments beyond categorical exemption status. The County recognizes that "Cultural Resources" is an "Issues to be Resolved".

Setbacks:

The USFS is very unlikely to grant any written variance on the 600' setback. The County should not preemptively give the applicant false expectations related to any conditional use or special permit regarding the USFS. Waivers or reductions can only occur "with the express written consent of qualified officials or representatives representing these protected uses." The USFS is not beholden to any implied pressure to respond to time limits established by the County or applicant.

Representative Huffman is working on a draft Bill, which in part is intended to “restores public lands affected by illegal trespass marijuana grows by establishing a partnership of federal, state, and local entities.” The draft Bill also identifies trails as recreational with intent to “explores the possibility of establishing the Bigfoot National Recreation Trail”. The Willow Creek area is in the northern portion of the project area outlined in the draft Bill, which opens an opportunity for the County to work in partnership with the USFS. This particular site may have a prescriptive trail route that may be identified.

The USFS parcel adjacent to the Subject Parcel also has adjacencies to, and near other community uses as referenced above in the introduction. USFS lands are an integral accessible asset to the public and community, more notable Big Rock and Camp Kimtu. The adjacent USFS parcel has convenient public access to a trail system, which meets the public park requirements for “...recreational facilities such as picnic areas and campgrounds, trails, river and fishing access points, and like facilities under public ownership.” Portions of the trail have been damaged by unpermitted activities on the Subject Parcel but trail evidence remains. The Cultural Resources evidence found in the northeast corner of the Subject Parcel further supports the long standing history for trails. Many animal species use the trails for circulation and migration throughout an existing cohesive habitat on both public and private lands.

4-fixed fossil fueled Generators:

The request for proposed 4-fixed fossil fueled Generators should be denied by the County. The Subject Parcel has readily easy access to grid power. The power utility easement crosses the Subject Parcel and the power utility facility can be seen from the Subject Parcel. The applicant’s request for four (4) fossil fueled generators and the County’s apparent intent to recommend the use of generators defies basic principles stated by the County to “adhere to practical strategies that can be implemented utilizing constructive cooperation and common sense”, “with a goal of reducing energy and water usage”. Generators are well-known to have “significant impacts” on “Air Quality”, “Noise” and they promote a degradation of “Utilities and Service Systems”. No generators were previously used in a pre-existing grow and “Electrical power for indoor cultivation operations including but not limited to illumination, heating, cooling, and ventilation, shall be provided by on-grid power with 100% renewable source, on-site zero net energy renewable source, or with purchase of carbon offsets of any portion of power not from renewable sources.”

Other Impact Issues:

Water: The current application states a water usage amount greater than the original amount requested for the “will serve” letter from the WCCSD.

Fire Protection: Subject Site has non-conforming access and circulation issue that should be reviewed by the WCFD.

Site Access: Currently a non-conforming, unpermitted driveway apron accessing a category 3 road.

View Sheds: Willow Creek is in the Scenic Highway Corridor and the County identifies "Aesthetics" as an "Issues to be Resolved". The methods employed during the unpermitted installations laid bare the landscape. The barren and exposed grow site is noticeable throughout central Willow Creek, along Highway 299 and Highway 96 as well as from many of the surrounding properties.

Conclusion

1. The Subject Parcel has potential to meet the performance standards without the need of questionable exemptions or waivers. The County could further guide the applicant toward achieving a rational permit goal and "provide a clear statement of land use values and policies to provide clarity in the County's permit processing system..."
2. The County should take pause and reconsider legitimate options available before holding out CEQA statutes as the basis for decisions, especially as regards what is considered as existing or having significant environmental impacts. Without clear delineation of an analysis process, the County may become accountable for problems caused by thoughtless, ignorant or naive determinations and recommendations.
3. The County should dis-allow any reduction of the stated setback requirements. The Subject Parcel has the capability to successfully adhere to the current setback requirements.
4. The County should dis-allow any use of fossil fueled generators for the proposed marijuana operation. Dis-allowing the use of generators will not materially affect the ability to cultivate marijuana on the Subject Parcel. On the other hand, allowing the generators will materially alter the values of other parcels; impose a permanent negative affect on the broader living environment that is currently void of the notorious nuisance.

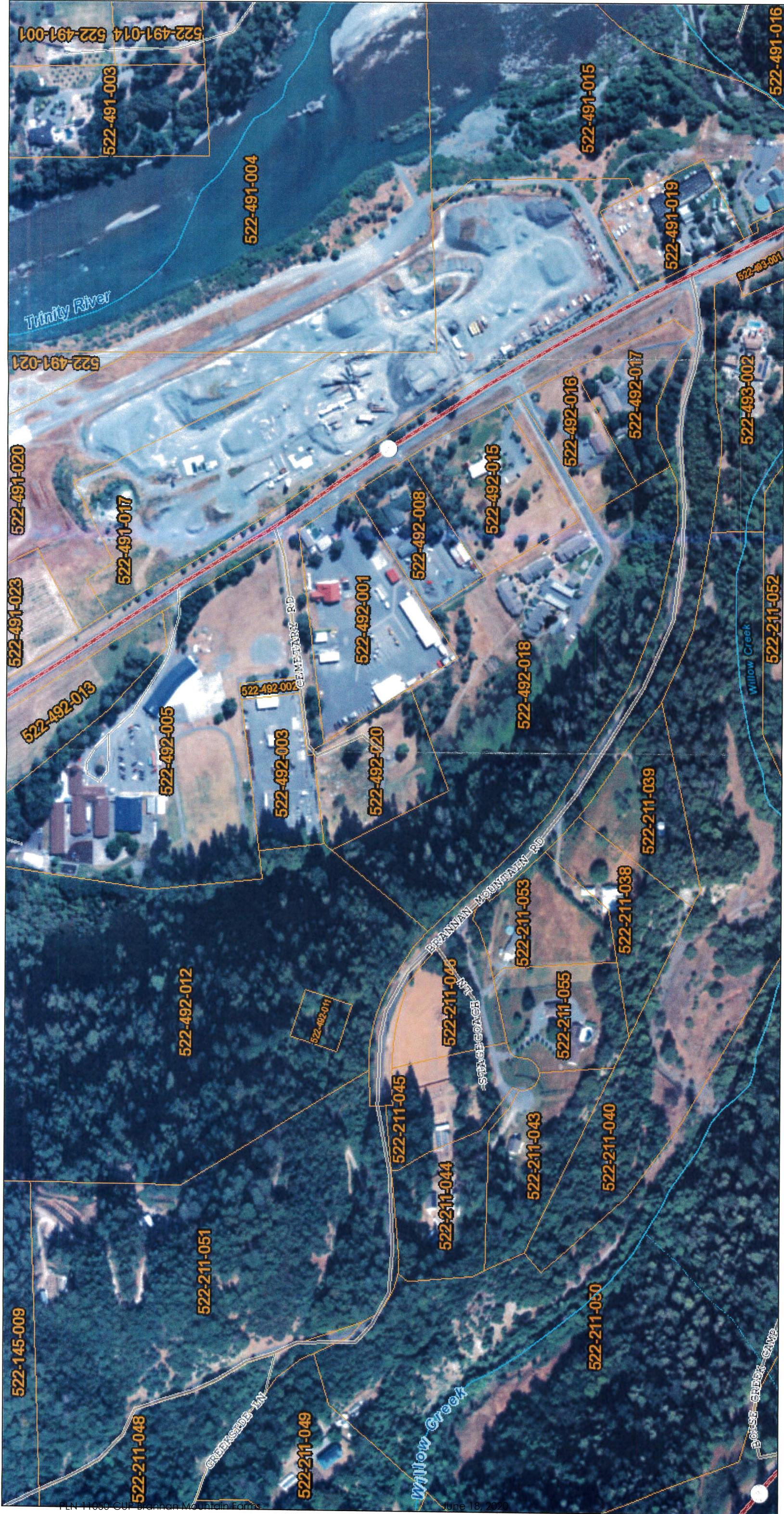
Sincere regards,



Tyler Holmes
380 Brannen Mountain Road
P.O. Box 1168 (mail)
Willow Creek, California 95573

Enclosure:

Exhibit A-Current GIS Map
Exhibit B-2012 GIS Map, True Existing Facilities
Exhibit C-Photographs relate to Subject Parcel
Exhibit D-Planning Commission Agenda November 2, 2017 and continuance request
Exhibit E-Two Notices of Public Hearing October 19 and October 20, 2017
Exhibit F-Northern California Conservation and Recreation Act DRAFT Map
cc: APN 522-492-012; File





ArcGIS Web Map

Humboldt County Planning and Building Department

Printed: November 1, 2017 Web AppBuilder 2.0 for ArcGIS

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

85

Application Number 1105

EXHIBIT A

Highways and Roads

Principal Arterials

Minor Arterials

Major Collectors

Minor Collectors

Local Roads

Private or Unclassified

Major River or Stream

Blue Line Streams

Perennial 1-3

Perennial >4

Intermittent

Subsurface

City Boundary

Counties

Parcels

0

240

480

960

Feet

0

0.0425

0.085

0.17

Miles

RF= 1:4,514

1 in = 376 ft

N

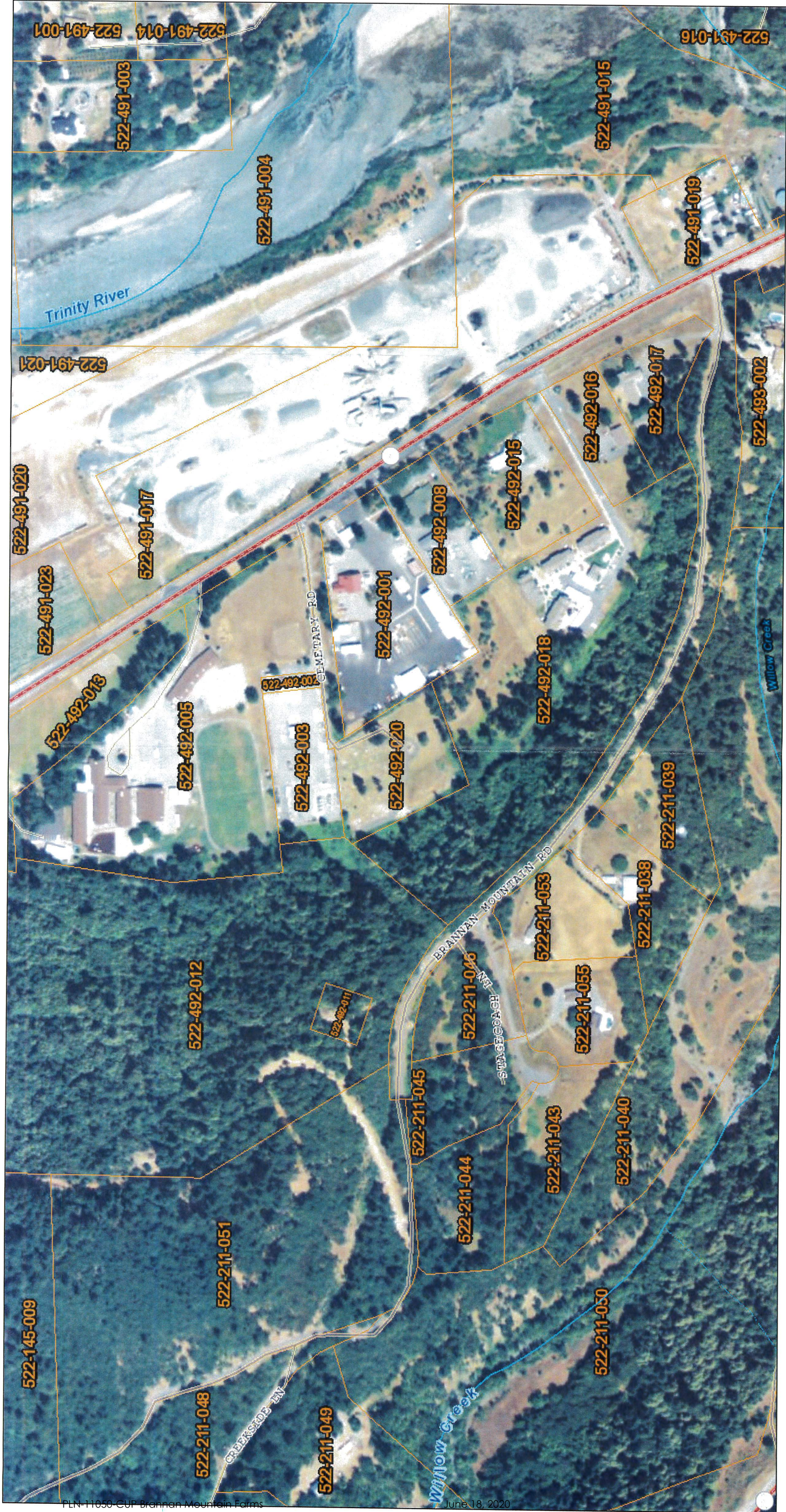
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Sources: NRCS
Humboldt County GIS
Healthy Rural Roads
Esri, HERE, DeLorme, MapmyIndia, © OpenStreetMap contributors, and the GIS user community
Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and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





ArcGIS Web Map

Humboldt County Planning and Building Department

Printed: November 29, 2017 Web AppBuilder 2.0 for ArcGIS

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

Highways and Roads

- Principal Arterials
- Minor Arterials
- Major Collectors
- Minor Collectors
- Local Roads

Blue Line Streams

- Perennial 1-3
- Perennial >4

City Boundary

Counties

Parcels

RF= 1:4,514 1 in = 376 ft

0 240 480 960 Feet

0 0.0425 0.085 0.17 Miles

0 240 480 960 Feet

0 0.0425 0.085 0.17 Miles

0 240 480 960 Feet

0 0.0425 0.085 0.17 Miles

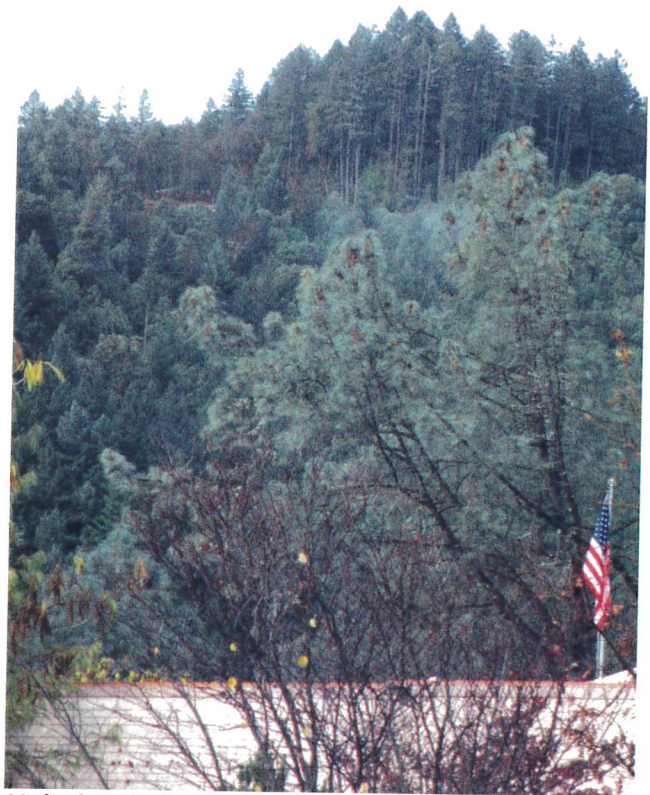
Sources: NRCS
Humboldt County GIS
Healthy Rural Roads
Esri, HERE, DeLorme, MapmyIndia, © OpenStreetMap contributors, and the GIS user community
Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community
FRAP, FEMA, USGS

EXHIBIT B

Application Number 1105



Church Site Looking West Toward Grow Site



Medical Facility Looking West Toward Grow Site



USFS Ranger Station Looking West Toward Grow Site



School Looking West Toward Grow Site



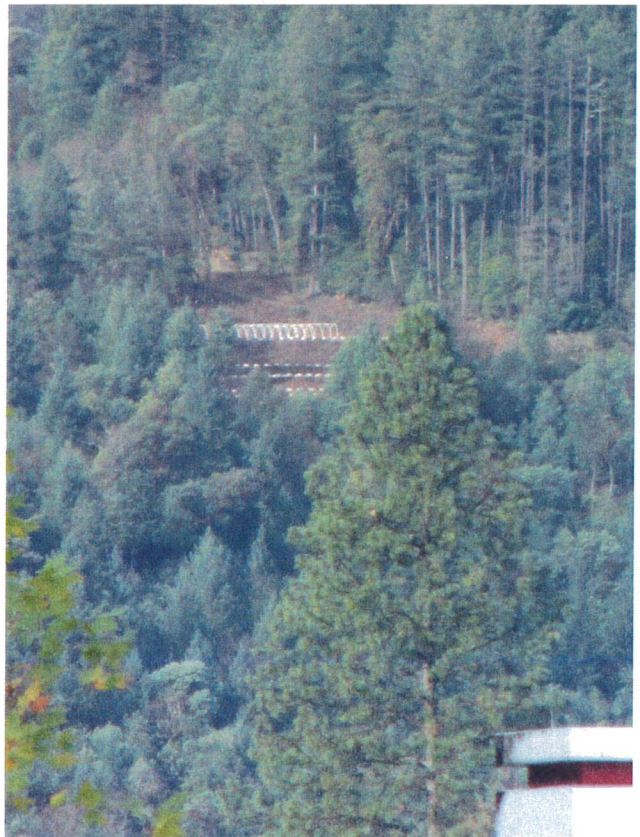
PG&E Facility Looking West Toward Grow Site



East Side Vicinity of Grow Site Looking Toward School and PG&E



Golf Course Lane Looking NW Toward Grow Site



Ace Hardware Looking NW Toward Grow Site



Grow Site/Trail Route Looking NW From 522-492-012



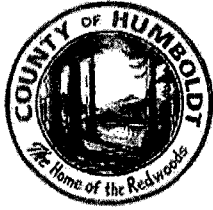
Grow Site Looking NNW From 522-492-012

- 11 Brannan Mountain Farms LLC Conditional Use Permit
Case Numbers CUP 16-332 and SP 17-140
Assessor's Parcel Number (APN) 522-211-051
741 Brannan Mountain Road, Willow Creek area

A Conditional Use Permit for an existing 12,268 square-foot (sf) commercial medical cannabis cultivation operation consisting of an 8,788-square-foot (sf) outdoor cultivation area and a 3,480 sf mixed-light cultivation area. Outdoor cultivation is divided into four separate areas and one existing greenhouse that was demolished for replacement. The mixed light cultivation area is contained within 2 existing greenhouses and the Applicant proposes to reconfigure into five greenhouses total. Also a Special Permit to allow a cultivation area setback of less than 600-feet from public lands used and managed for open space/wildlife habitat for the adjacent National Forest lands north of the property. Portions of Cultivation Areas 2, 3 and 4 encroach into the 30-foot setback from the eastern property line; consequently, the Applicant proposes to grow a non-cannabis crop within the setback. The applicant will relocate an existing cultivation area, existing greenhouse, and a proposed greenhouse that encroach into the 30-foot setback from the northern property boundary. The Applicant proposes two ancillary propagation areas: 1) a 4,300-square-foot outdoor area; and 2) an indoor propagation area to be located inside a proposed 1,200-square-foot processing building. In addition to the indoor propagation area, the proposed processing building will house a drying room, a trimming room, and an ADA-compliant bathroom. Annual projected water use is 396,000 gallons (1.22 acre-feet) and is sourced from the Willow Creek Community Service District. Water storage capacity on the property is 5,000 gallons in two 2,500-gallon hard-sided tanks, one of which is available for fire protection use only. Power for the cultivation operations is provided by four generators: 2 for supplemental lighting in greenhouses, 1 for water pumps, and 1 for backup. Fertilizers, soil amendments, and pesticides are secured on-site in a metal shipping container.

Recommendation: Find the project Categorically Exempt from environmental review pursuant to Sections 15301 (Existing Facilities), 15302 (Replacement or Reconstruction), and 15303 (New Construction of Small Structures) of the State CEQA Guidelines, make all of the required findings for approval of the Conditional Use Permit based on evidence in the staff report and any public testimony, and adopt the Resolution approving the proposed Brannan Mountain Farms LLC Conditional Use Permit subject to the recommended conditions.

Attachments: CUP 16-332 PC 11.02.17 continuance request



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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

Hearing Date: November 2, 2017

To: Humboldt County Planning Commission

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

Subject: **Brannan Mountain Farms Conditional Use Permit**
Application Number 11050
Case Numbers CUP 16-332, SP 140
Assessor's Parcel Numbers (APN) 522-211-051
741 Brannan Mountain Road, Willow Creek area

Staff requests that this item be continued to the December 7, 2017 meeting of the Planning Commission.

EXHIBIT D

Application Number 1105



Planning and Building Department
Planning Division
COUNTY OF HUMBOLDT
3015 H Street
Eureka CA 95501

RETURN SERVICE REQUESTED

Important Public Hearing Notice



HOLMES TYLER L
PO BOX BX 1168
WILLOW CREEK CA 95573

Please see reverse for Public Notice.

EXHIBIT E

Application Number 1105

PUBLIC NOTICE
HUMBOLDT COUNTY PLANNING COMMISSION
NOTICE OF PUBLIC HEARING

On **Thursday, November 2, 2017 at 6:00 p.m.**, or as soon thereafter as the matter can be heard, the Humboldt County Planning Commission will hold a public hearing in the Board of Supervisors' Chamber, Humboldt County Courthouse, 825 Fifth Street, Eureka, California, to consider the matter listed below. If you have specific questions regarding the proposed project contact Caitlin Camp, Planner, at (707) 445-7541 or ccamp@co.humboldt.ca.us.

Brannan Mountain Farms, LLC, Willow Creek area; Application Number 11050 (filed December 7, 2016); Case Numbers CUP-16-332 and SP-17-140; Assessor Parcel Numbers (APN) 522-211-051. A Conditional Use Permit for an existing 12,268 square-foot (sf) commercial medical cannabis cultivation operation consisting of an 8,788-square-foot (sf) outdoor cultivation area and a 3,480 sf mixed-light cultivation area. Outdoor cultivation is divided into four separate areas and one existing greenhouse that was demolished for replacement. The mixed light cultivation area is contained within 2 existing greenhouses and the Applicant proposes to reconfigure into five greenhouses total. Also a Special Permit to allow a cultivation area setback of less than 600-feet from public lands used and managed for open space/wildlife habitat for the adjacent National Forest lands north of the property. Portions of Cultivation Areas 2, 3 and 4 encroach into the 30-foot setback from the eastern property line; consequently, the Applicant proposes to grow a non-cannabis crop within the setback. The applicant will relocate an existing cultivation area, existing greenhouse, and a proposed greenhouse that encroach into the 30-foot setback from the northern property boundary. The Applicant proposes two ancillary propagation areas: 1) a 4,300-square-foot outdoor area; and 2) an indoor propagation area to be located inside a proposed 1,200-square-foot processing building. In addition to the indoor propagation area, the proposed processing building will house a drying room, a trimming room, and an ADA-compliant bathroom. Annual projected water use is 396,000 gallons (1.22 acre-feet) and is sourced from the Willow Creek Community Service District. Water storage capacity on the property is 5,000 gallons in two 2,500-gallon hard-sided tanks, one of which is available for fire protection use only. Power for the cultivation operations is provided by four generators: 2 for supplemental lighting in greenhouses, 1 for water pumps, and 1 for backup. Fertilizers, soil amendments, and pesticides are secured on-site in a metal shipping container. The Humboldt County Planning Commission will consider adoption of a finding that the project is exempt from environmental review pursuant to Sections 15301 (Existing Facilities), 15302 (Replacement or Reconstruction), and 15303 (New Construction of Small Structures) of the State CEQA Guidelines. The project is located in Humboldt County, in the Willow Creek area, on the north side of Brannan Mountain Road, approximately 0.54 miles west from the intersection of State Highway 96 and Brannan Mountain Road, on the property known as 741 Brannan Mountain Road.

Any person may appear and present testimony in regard to this matter at the hearing. If you challenge the nature of the proposed action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission at, or prior to, the public hearing. The Planning Commission needs **ONE ORIGINAL AND 14 COPIES** of any materials submitted either prior to or at the meeting. The Planning Commission's decision will become effective if an appeal is not filed within the appropriate filing period. An appeal may be filed by any aggrieved person who has testified in person or in writing on the project and must be submitted in writing with the required fees to the Planning Division of the Humboldt County Planning and Building Department before the end of the appeal period. If appealed, the decision will not become effective until the appeal is resolved. If you challenge the nature of the proposed action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission at or prior to the public hearing. **The staff report for this project will be available on our web site <http://humboldt.legistar.com> on the Friday before the Planning Commission meeting.**

General questions regarding the Planning Commission, the permit process, submission of materials, and other information not specific to this project may be obtained from the Planning Division of the Humboldt County Planning and Building Department, 3015 H Street, Eureka, California 95501. Telephone (707) 445-7541.

Humboldt County Planning Commission

October 19, 2017

EXHIBIT E

Application Number 1105



Planning and Building Department
Planning Division
COUNTY OF HUMBOLDT
3015 H Street
Eureka CA 95501

RETURN SERVICE REQUESTED

Important Public Hearing Notice



HOLMES TYLER L
PO BOX BX 1168
WILLOW CREEK CA 95573

PUBLIC NOTICE
HUMBOLDT COUNTY PLANNING COMMISSION
NOTICE OF PUBLIC HEARING

Meeting time Change: New start time is 5:00 p.m.

Notice is hereby given that on **Thursday, November 2, 2017 at 5:00 p.m.** instead of 6:00 p.m. as previously noticed, or soon thereafter as the matter can be heard, the Humboldt County Planning Commission will hold a public hearing in the Board of Supervisors' Chamber, Humboldt County Courthouse, 825 Fifth Street, Eureka, California, to consider the matter listed below. If you have specific questions regarding the proposed project contact Caitlin Camp, Planner, at (707) 445-7541 or ccamp@co.humboldt.ca.us.

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EXHIBIT E

Application Number 1105

(cont)

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Humboldt County Planning Commission

October 20, 2017

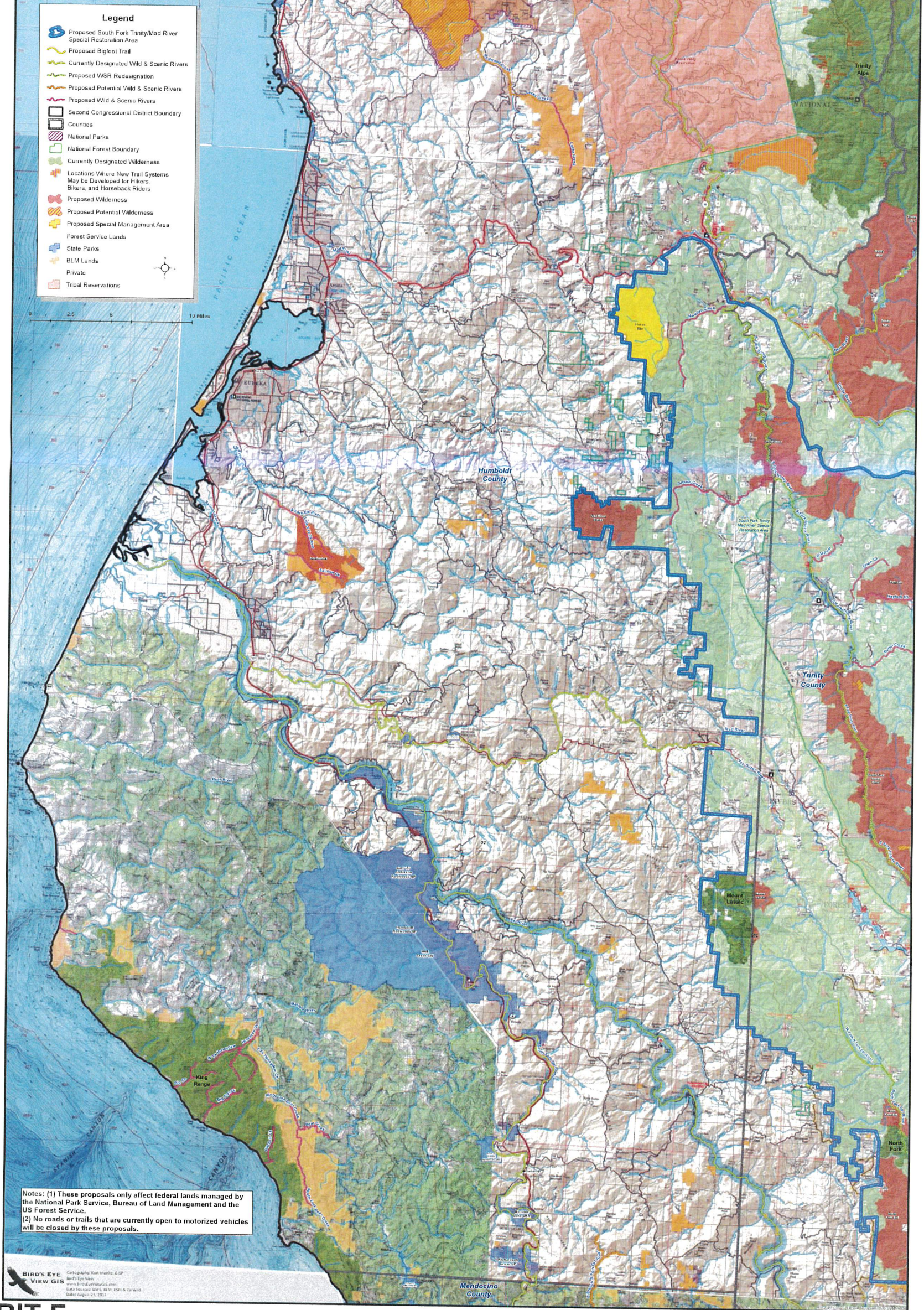
EXHIBIT E

Application Number 1105

Northern California Conservation and Recreation Act

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Draft for public review



Part of the "hot"
John H. Ford - Director
Humboldt Co. Planning Dept
Eureka, Ca. 95501

The Brannan Mountain Farms
conditional use permit

ORIGINAL

My name is Ruby Holmes
mother in law to the old -
Elaine Holmes at Brannan
Mountain Road in Willow Creek
California.

The reason I don't think the
lot is right for the season to use
it for marijuana use is

The lot is too close the edges
of the lot where it is, it was
never meant to be two lots. It
was meant to be one lot and
was meant for that to be.

Now that marijuana is
involved in the thinking it is
necessary to think of it
being something entirely
else. The lot has to be.

Water use has to be
brought in by truck. It
is too close to the edge of
the property.

Which is at a drop off at least
a 100 yd.
Where will it have the planned
place for grading as it was
a place you just looking good.
3. Where will the terrible
smell of the product go? We
live very close next door and
we will be overwhelmed by
it.

These are just 3 comments
and thank you very much for
giving me them.