

## ATTACHMENT 1A

### CONDITIONS OF APPROVAL

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

#### **A. General Conditions:**

1. Within 60 days of the effective date of permit approval, the applicant shall execute a Compliance Agreement with the Humboldt County Planning and Building Department described under Conditions of Approval A6, A11, A12, and A21. All activities described in 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 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 Planning and Building 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.
3. The applicant is responsible for costs for post-approval review for determining project conformance with conditions. A deposit is collected to cover the staff review. Permit conformance with conditions must be demonstrated prior to release of building permit or initiation of use, and at the time of annual inspection. A conformance review deposit, as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750), shall be paid within sixty (60) days of the effective date of the permit or upon filing of the Compliance Agreement (where applicable), whichever occurs first. Payment shall be made to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
4. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. **Within three days of the effective date of permit approval**, it is requested that the applicant submit a check or money order for the required filing fee in the amount of \$50 payable to the Humboldt County Clerk/Recorder. If this payment is not received within this time period, the Department will file the NOD and will charge this cost to the project.
5. Within 60 days of the effective date of permit approval, 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 #6 through #24. 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.
6. The applicant shall secure permits for all structures related to the cannabis cultivation and other commercial cannabis activity including, but not limited to, existing and proposed greenhouses, water tanks over 5,000 gallons, existing and proposed structures associated with drying and storage or any

activity with a nexus to cannabis, and any noise containment structures as necessary. The plans submitted for building permit approval shall be consistent with the project description and the approved project site plan.

7. The approved building plans shall meet all applicable fire codes, including fire suppression infrastructure requirements deemed necessary for the project by the Building Inspection Division. Sign-off on the Occupancy Permit by the Building Division shall satisfy this requirement.
8. Within sixty (60) days of project approval, the applicant shall obtain a property site address from the Humboldt County Planning and Building Department.
9. Seasonal cultivation without processing may use portable toilets to serve the operation. The applicant shall provide portable toilets to cultivation areas, meeting appropriate setbacks per Humboldt County Code, or install a permitted onsite wastewater treatment system (OWTS) associated with a permitted structure. The applicant shall discontinue use of and decommission the pit privy shown on the site plan.
10. The applicant shall refrain from diverting water during the required forbearance period of April 1 to October 31 each year. The rate of diversion is limited to 14,400 gallons per day, pursuant to State Water Board Cannabis Policy 78.
11. The applicant shall immediately discontinue use of and remove two (2) water bladders (25,000 and 20,000 gallons) to limit the potential for erosion.
12. The applicant shall remediate ten (10) stream crossings per the specifications of the Site Management Plan (SMP) prepared by Natural Resources Management Corporation (WDID No. 1\_12CC427340):
  - a. Install a vented rock ford (Project 1).
  - b. Install upgraded culverts (Projects 2-3).
  - c. Decommission crossings (Projects 4-6).
  - d. Install rock armored fill or fords (Projects 7-8, 10-11).
13. The applicant shall comply with the following corrective actions outlined in the SMP:
  - a. Use appropriate control measures to minimize erosion of disturbed areas. If sediment builds up behind linear sediment controls, dispose the sediment in an upland area outside the watercourse buffer.
  - b. Regularly remove debris and trash from cannabis cultivation sites.
  - c. Ensure that all access roads are hydrologically disconnected from receiving waters.
  - d. Install rock surface on steep access roads and equip them with adequate drainage.
  - e. Decommission or relocate existing roads away from riparian setbacks.
  - f. Use water bars and rolling dips on access roads to minimize surface erosion.
  - g. Plant three oak trees for every one oak tree damaged or removed.
  - h. Equip culvert crossings with critical dips to prevent diversion. Properly install culverts.
  - i. Remove existing dams, as permitted.
  - j. Revegetate soil exposed by cultivation activities with native vegetation by live planting, seed casting, or hydroseeding within seven days of exposure.
  - k. Properly store fertilizers, pesticides, and petroleum products in accordance with the SMP.
  - l. Follow best practice treatment controls (BPTCs) for cannabis winterization.
  - m. Ensure CDFW-approved water intake screens are utilized at each point of diversion (POD).
  - n. Use water meters to document diversion of water, including diversion to storage.

- o. Install float valves on water storage tanks.
  - p. Follow BPTCs for sediment discharge, as outlined in the SMP.
14. The applicant shall comply with the recommendations and corrective actions outlined in the Lake and Streambed Alteration Agreement (LSAA Notification No. 1600-2020-0288-R1).
- a. Replace undersized culverts with larger culverts or rocked fords at six (6) crossings.
  - b. Decommission three (3) crossings.
  - c. Construct a rock armored channel to convey a Class III stream.
  - d. Remove spoils placed within a stream buffer.
  - e. Decommission two (2) onstream ponds and restore the stream channel at each location.
15. The applicant shall comply with the following requirements outlined in the LSAA.
- a. Document all activities that occur within waterways at the project site.
  - b. All work shall be confined to the dry weather period, from June 15 through October 15 of each year.
  - c. Water diversion structures shall be constructed and maintained to not inhibit the movement of aquatic life.
  - d. Erosion and runoff protection measures shall be placed and maintained along streambanks prior to any construction activities.
  - e. Project work was to have been completed by October 15, 2022. If work has not been completed, the applicant shall formalize a new LSAA with CDFW within sixty (60) days of project approval.
16. The applicant shall comply with the requirements outlined in the Cannabis Relocation and Restoration Plan prepared by Natural Resources Management Corporation (November 2, 2022):
- a. Relocate 3,221 square feet of cultivation area outside of the streamside management area (SMA).
  - b. Clean up and revegetate pre-existing cultivation area with 504 Oregon white oak trees, equivalent to one tree for every 25 SF of the former cultivation site.
  - c. Fulfill the requirements of the five-year monitoring, reporting, and maintenance plan.
17. The applicant shall implement the Inadvertent Discovery Protocol. If cultural resources are encountered during construction activities, the contractor onsite shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist and the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and the lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided. Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, shellfish or faunal remains, and human burials. If human remains are found, California Health and Safety Code 7050.5 requires that the County Coroner be contacted immediately at 707-445-7242. If the Coroner determines the remains to be Native American, the Native American Heritage Commission will then be contacted by the Coroner to determine appropriate treatment of the remains pursuant to Public Resources Code (PRC) Section 5097.98. Violators shall be prosecuted in accordance with PRC Section 5097.99.
18. The applicant shall implement the corrective actions outlined in the Road Evaluation Report prepared by Praj White, PE (February 18, 2019). Corrective actions shall be completed within six (6) months of project approval:
- d. Install “Single Lane Bridge” signs at Road Point (RP) 4.

- e. Maintain turnouts at RPs 6, 9, 11, 12, 13, 18, 24, 25, 26, 27, 28, 30, 32, 36, 45, 47, 48, and 50.
  - f. Install “Drive Slow” signs at RP 23.
  - g. Install a turnout between RP 34 and RP 35.
19. Per recommendation of the Humboldt County Department of Public Works (DPW), combine all recommendations from various road evaluation reports for Burr Valley Road into a single action plan, with implementation responsibility falling upon the road maintenance association or divided among cultivators using Burr Valley Road to access their respective project sites. The applicant does not bear sole responsibility for implementation of this condition. However, the applicant shall participate in implementation discussions with cultivators sharing access via Burr Valley Road and shall implement the relevant portions of the combined action plan.
20. COUNTY ROADS – PROXIMITY OF FARMS: Applicant is advised that County maintained roads may generate dust and other impacts to farms. Applicant shall locate their farms in areas not subject to these impacts. Applicant shall be responsible for protecting their farms against these impacts. Applicant shall hold the County harmless from these impacts. Applicant is advised that a paved road may not always remain paved and applicant shall locate their farms appropriately. Applicant is advised that the amount of traffic on a road will vary over time which may increase or decrease the impacts.
21. The applicant shall comply with the recommendations of the Less Than Three Acre Conversion Mitigation Plan prepared by Steven Hohman, RPF, in February 2021:
- h. At Site C, remove the greenhouse hoop structure and contour slope to drain flat, where feasible.
  - i. At Site C, place an additional one to two feet of mixed rock at the outlet of the instream pond to reduce erosion potential.
  - j. At Site E, place an additional six inches to one foot of mixed rock at the outlet of the instream pond to reduce erosion potential.
  - k. At Reference Points (RP) 4-6, install a rocked ford at each stream crossing and line each ford with four to six inches of rock left and right of the hinge line for 10 feet.
  - l. At RP7, remove the greenhouse hoop structure and contour the slope to drain flat, where feasible.
  - m. At RP8, place an additional one to two feet of mixed rock at the outlet of the instream pond to reduce erosion potential.
  - n. At RP9, place an additional six inches to one foot of mixed rock at the outlet of the instream pond to reduce erosion potential.
22. The applicant shall contact the Bridgeville Volunteer Fire Department and furnish written documentation from that agency of the available emergency response and fire suppression services and any recommended project mitigation measures. Mitigation measures shall be incorporated into the project, if applicable. If emergency response and fire suppression services are not provided, the applicant shall cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning and Building Department. Document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors will be required.

23. 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.
24. The applicant shall execute and file with the Planning Division the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the HCC and available at the Planning Division.
25. The applicant is responsible for obtaining all necessary County and State permits and licenses, and for meeting all requirements set forth by other regulatory agencies.

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

1. The combined noise from background, generator, greenhouse fan, or other operational activities and equipment must not result in the harassment of Northern Spotted Owl (NSO) species, as required to meet the performance standards for noise set by Department Policy Statement No. 16-005 clarifying CMMLUO Section 55.4.11 (o) requirements. The combined noise levels measured at 100 feet or the edge of NSO habitat, whichever is closer, shall be at or below 50 decibels. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service, and further consultation where necessary. A building permit shall be obtained should any structures be necessary for noise attenuation.
2. Generator use will be for emergency backup only and not to supplement the solar system.
3. All artificial light utilized in mixed-light greenhouses shall be limited to 6 watts per square foot, with no wattage limit in the ancillary propagation greenhouse. All artificial lighting shall be fully contained within structures such that no light escapes (i.e., through the use of blackout curtains). Structures shall be enclosed between 30 minutes prior to sunset and 30 minutes after sunrise to prevent disruption to crepuscular wildlife. Security lighting shall be motion activated and comply with the International Dark-Sky Association standards and Fixture Seal of Approval Program (refer to <https://www.darksky.org/our-work/lighting/lighting-for-citizens/lighting-basics/>). Standards include, but are not limited to: Light shall 1) be shielded and downward facing, 2) consist of Low Pressure Sodium (LPS) light or low spectrum Light Emitting Diodes (LED) with a color temperature of 3000 kelvins or less, and 3) only be placed where needed.
4. Should the Humboldt County Planning Division receive complaints that the lighting or noise is not complying with the standards listed above in items B.1. and B.2., within ten (10) working days of receiving written notification that a complaint has been filed, the applicant shall submit written verification that the lights' shielding and alignment and noise levels have been repaired, inspected, and corrected as necessary.
5. The use of synthetic netting for purposes of erosion control is prohibited. To minimize the risk of wildlife entrapment, the applicant shall not use any erosion control materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.

6. All refuse shall be contained in wildlife proof storage containers at all times, and disposed at an authorized waste management facility.
7. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and shall be allowed to leave the work site unharmed.
8. The use of anticoagulant rodenticide is prohibited.
9. The operator shall provide information to all employees about the potential health impacts of cannabis use on children. Information shall be provided by posting the brochures from the Department of Health and Human Services titled “Cannabis Palm Card” and “Cannabis Rack Card.” This information shall also be provided to all employees as part of the employee orientation.
10. All components of the project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, and these conditions of approval. Any changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan. When offsite processing is chosen to be the preferred method of processing, this permit shall be modified to identify the offsite licensed facility.
11. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CMMLUO and Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA), as applicable to the permit type.
12. If operating pursuant to a written approved compliance agreement, permittee shall abate or cure violations at the earliest feasible date, but in no event no more than two (2) years from the date of issuance of a provisional clearance or permit. Permittee shall provide plans for curing such violations to the Planning and Building Department within one (1) year of issuance of the provisional clearance or permit. If good faith effort toward compliance can be shown within the two years following the issuance of the provisional clearance or permit, the Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow additional time to meet the outstanding requirements.
13. The permittee shall have 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.
14. The permittee shall be in 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.
15. The permittee shall ensure confinement of the area of cannabis cultivation, processing, manufacture, or distribution to the locations depicted on the approved site plan. The commercial cannabis activity shall be set back at least 30 feet from any property line and 600 feet from any school, school bus stop, church or other place of religious worship, or tribal cultural resources, except where a reduction to this setback has been approved pursuant to Section 55.4.11(d).

16. The permittee shall maintain enrollment in Tier 1, 2, or 3, certification with North Coast Regional Water Quality Control Board (NCRWQCB) Order No. R1-2015-0023, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
17. The permittee shall comply with the terms of any applicable Lake and Stream Alteration (1600 or 1602) Permit obtained from the California Department of Fish and Wildlife (CDFW).
18. The permittee shall 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.
19. The permittee shall 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 through Friday, 9:00 a.m. to 5:00 p.m., excluding holidays).
20. The permittee shall pay all applicable fees for application review to ensure conformance with conditions and annual inspection fees.
21. Fuel shall be stored and handled in compliance with applicable state and local laws and regulations, including the County of Humboldt's Certified Unified Program Agency (CUPA) program, and in such a way that no spillage occurs.
22. Fertilizer, pesticide, fungicide, rodenticide, or herbicide shall be properly stored, handled and used in accordance with applicable regulations.
23. The master log books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
24. The permittee shall pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).

#### Performance Standards for Cultivation and Processing Operations

25. 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."
26. 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, the California Agricultural Labor Relations Act, and the Humboldt County Code (including the Building Code).
27. Cultivators engaged in processing shall comply with the following Processing Practices:
  - a. Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.

- b. Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
- c. Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.
- d. Employees must wash hands sufficiently when handling cannabis or use gloves.

28. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:

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

29. All cultivators shall comply with the approved processing plan as to the following:

- a. Processing practices
- b. Location where processing will occur
- c. Number of employees, if any
- d. Employee Safety Practices
- e. Toilet and handwashing facilities
- f. Plumbing and/or septic system and whether or not the system is capable of handling increased usage
- g. Drinking water for employees
- h. Plan to minimize impact from increased road use resulting from processing
- i. Onsite housing, if any

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



31. If the inspector or other County official determines that the permittees or site do not comply with the conditions of approval, the inspector shall serve the permit holder with a written statement identifying the items not in compliance, and the action that the permit holder may take to cure the noncompliance, or file an appeal within ten (10) days of the date that the written statement is delivered to the permit holder. Personal delivery or mailing the written statement to the mailing address listed on the application by regular mail, plus three (3) days after date of mailing, shall constitute delivery. The permit holder may request a re-inspection to determine whether or not the permit holder has cured all issues of noncompliance. Failure to request re-inspection or to cure any items of noncompliance shall terminate the Special Permit, immediately upon the expiration of any appeal period, or final determination of the appeal if an appeal has been timely filed pursuant to Section 55.4.13.
32. Permit Renewals to Comply with Updated Laws and Regulations. Permit renewal 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.
33. Acknowledgements to Remain in Full Force and Effect. Permittee acknowledges that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this section in the event that environmental conditions, such as a sustained drought or low flows in the watershed in which the cultivation area is located, will not support diversions for irrigation.
34. Transfers. Transfer of any leases or permits approved by this project is subject to the review and approval of the Planning Director for conformance with CMMLUO eligibility requirements and agreement to permit terms and acknowledgments. The fee for required permit transfer review shall accompany the request. The request shall include the following information:
  - a. Identifying information for the new owner(s) and management as required in an initial permit application;
  - b. A written acknowledgment by the new owner in accordance as required for the initial permit application;
  - c. The specific date on which the transfer is to occur;
  - d. Acknowledgement of full responsibility for complying with the existing permit; and
  - e. Execution of an Affidavit of Non-diversion of Medical Cannabis.
35. Inspections. The permit holder and subject property owner are to permit the County or representative(s) or designee(s) to make inspections at any reasonable time deemed necessary to assure that the activities being performed under the authority of this permit are in accordance with the terms and conditions prescribed herein.

**Informational Notes:**

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

the issuance of the provisional certificate or permit. The terms of the compliance agreement may be appealed pursuant to Section 314-55.4.13 of the CMMLUO.

2. This provisional permit approval shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see “Effective Date”), except where the Compliance Agreement per Condition of Approval #B.11 has been executed and the corrective actions pursuant to the agreement are being undertaken. Once building permits have been secured and/or the use initiated pursuant to the terms of the agreement, the use is subject to the Permit Duration and Renewal provisions set forth in Conditions of Approval #B.29 and B.30 of the Ongoing Requirements/Development Restrictions, above.
3. The applicant shall be aware that the Federal Government considers the cultivation of cannabis to be an illegal activity. This project is accessed by using roads that pass-through lands owned by the Federal Government. The Federal Government may not allow the applicant to use these roads to transport cannabis. In such case, Humboldt County will not provide relief to the applicant. Approval of this permit does not authorize transportation of cannabis across Federal lands.