

## 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.**

### **A. General Conditions**

1. 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.
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 this staff review. Permit conformance with conditions must be demonstrated prior to release of building permit or initiation of use and at 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. 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 provide a copy of the Site Management Plan filed with the State Water Resources Control Board.
6. 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 #7 through #17 #18. 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.
7. The applicant shall secure building permits for all structures related to the cannabis cultivation and other commercial cannabis activity, including but not limited to, existing and proposed greenhouses, grading, ponds, water tanks over 5,000 gallons, existing and proposed structures

associated with drying, 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. A letter or similar communication from the Building Division verifying that all structures related to the cannabis cultivation are permitted will satisfy this condition.

8. The applicant shall remove all historic cultivation materials and restore all non-permitted areas of historical cultivation and submit documentation and allow for inspection and verification of the remediation areas by Planning Division staff. Remediation shall be performed to satisfaction of the Planning Division and in compliance with the standards outlined in 314-55.4.14.3 of the Zoning Code.
9. The applicant shall improve the surface of Church Road (for a minimum width of 20 feet and a length of 50 feet) after it stops being county-maintained (approximately 0.17 miles from its intersection with Alderpoint Road). An encroachment permit must be obtained from the Department of Public Works prior to work within the county right-of-way. Confirmation from the Department of Public Works that the work has either been waived or been inspected and done to their satisfaction will satisfy this requirement.
10. The applicant shall finalize the Notification of Lake or Streambed Alteration submitted to the California Department of Fish and Wildlife (CDFW), date stamped received by CDFW (1-9-2020), and adhere to the Final Streambed Alteration Agreement issued by CDFW and comply with all applicable terms. Reporting requirements shall be submitted to the Planning Division and the California Department of Fish and Wildlife at 619 Second Street, Eureka, CA 95501, no later than December 31 of each year.
11. A float valve or similar means to prevent overflow shall be installed on the spring being used as a water source for domestic use and livestock.
12. The applicant shall implement any remaining corrective actions identified in the Water Resource Protection Plan (WRPP; WDID 1B171059CHUM) prepared by Timberland Resource Consultants for the subject site on November 24, 2018 and revised on May 1, 2018). The applicant shall submit a letter or similar communication (Implementation Report with photographs) from a qualified professional stating the recommendations are completed as described by the WRPP. Final sign-off from the Planning Division will satisfy this condition.
13. The applicant shall submit copies of all documents filed with the State Water Resources Control Board, including, but not limited to, a Site Management Plan. The applicant is required to adhere to and implement the requirements contained in the SWRCB's Cannabis Cultivation Policy, the General Order, the Site Management Plan, and the Notice of Applicability. A copy of the reporting form portion of the Mitigation and Reporting Program (MRP) shall be submitted annually to the Planning and Building Department concurrent with the submittal to the SWRCB.
14. The applicant shall install and utilize water meters to track irrigation water use as well as domestic use of the spring. Metering devices must be capable of measuring the instantaneous

and cumulative rate of diversion/use. Water used for cultivation is limited to the water stored in the ponds and any associated storage tanks. Water use logs shall be provided annually prior to or during the annual inspection. Separate logs shall be kept for domestic and irrigation related water use. The applicant is also responsible for submitting all required water monitoring reports to CDFW.

15. The applicant shall cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning Division. 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.
16. 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.
17. 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.

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

1. The combination of background, greenhouse fan or other operational equipment created noise must not result in the harassment of Northern Spotted Owl 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 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. A 100-foot setback shall be maintained from the boundary of the recorded site identified as "BE-S01" in the report prepared by *Archaeological Research And Supply Company*, dated May 2023. No ground disturbance or development shall occur within this setback. A 600-foot setback shall be maintained from the boundary of recorded site identified as "BE-S02" in the report. New development and ground disturbance within this setback is limited to remediation and restoration of the two former cultivation sites in the vicinity. Monitoring for potential discovery or disturbance of tribal cultural resources shall occur during all ground disturbance within this buffer.
3. *Tribal Cultural Resources (Monitoring of New Ground Disturbance)*: A tribal and/or archaeological monitor must be present during all project-related ground disturbing activities, including but not limited to remediation and restoration of former cultivation sites requiring

grading or other similar ground disturbance or construction activities requiring ground disturbance at Cultivation Area #1.

Native American monitoring should be provided by the Bear River Band of the Rohnerville Rancheria (BRB) or their designee. The monitor(s) shall have the authority to halt and redirect work should any archaeological resources be identified during monitoring. If archaeological resources are encountered during ground-disturbing activities, work in the immediate area shall halt and the find shall be evaluated for listing in the CRHR and National Register of Historical Places. The Tribe may request that archaeological monitoring be performed under the direction of an archaeologist meeting the Secretary of the Interior's Professional Qualification Standards for archaeology (National Park Service 1983).

The monitoring schedule shall be established by the Bear River Band of the Rohnerville Rancheria and may be adjusted based on the scale of disturbance and sensitivity of the location where ground disturbance will occur. Monitoring may be decreased to spot-checking at the discretion of the monitors, as warranted by conditions such as encountering bedrock. If monitoring is decreased to spot-checking, spot-checking should occur when ground-disturbance moves to a new location in the project site and when ground disturbance extends to depths not previously reached (unless those depths are within bedrock).

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

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

5. Should the Humboldt County Planning Division receive complaints that the lighting or noise is not complying with the standards listed above in item B.1., 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.
6. No generator use is authorized for cultivation activities conducted under this permit.
7. In compliance with the recommendations included in the Botanical Survey Report, by Caitlyn Allchin in August 2023, if the project is modified or expanded in the future, seasonally

appropriate surveys for the California oatgrass – Idaho fescue herbaceous Alliance grassland Sensitive Natural Community shall be conducted prior to any new construction, ground-disturbance, or vegetation removal.

8. **Invasive Species Control Measure #1:** The tires of trucks and equipment shall be washed before entering the property and after use on the property to minimize transport of invasive non-native species into and off the property.
9. **Invasive Species Control Measure #2:** The perimeter of the project area shall be monitored during and after harvest activities take place. To minimize the spread of the invasive species on the parcel, monitoring shall occur for at least 5 years following permit approval.
10. Prohibition on use of synthetic netting. To minimize the risk of wildlife entrapment, Permittee shall not use any erosion control and/or cultivation materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.
11. All refuse shall be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
12. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and be allowed to leave the work site unharmed.
13. The use of anticoagulant rodenticide is prohibited.
14. Should pesticides be used, they must be limited to low-risk exempt substances and those that are broadly labeled by the Department of Pesticide Regulation. Insecticide use shall not occur in the presence of pollinators and shall be applied in a manner that prevents drift to flowering plants near the cultivation area.
15. Any spent soils containing inorganic materials that cannot be amended or reused shall be removed from the property and disposed of properly at an authorized waste management facility. The applicant shall retain records demonstrating proper disposal of soils to be furnished during annual inspections upon request.
16. 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.
17. 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. If offsite

processing is chosen to be the preferred method of processing, this permit shall be modified to identify the offsite licensed facility.

18. All components of the project shall be developed, operated, and maintained in conformance with the approved site plan package prepared by Clearwater Ag Services dated 12/22/23. The botanical survey and report prepared by Caitlyn Allchin for Hohman and Associates states that the property contains a small population of Tracy's tarplant (*Hemizonia congesta ssp. Tracyi*), a "limited distribution plant" (California Rare Plant Rank: 4.3), including the area labeled as "Protected Area" adjacent to Cultivation Area #1 (Relocation Area). The report notes that this plant occurs abundantly in the adjacent grasslands, and that the population will likely not be negatively impacted by cultivation activities. The location of populations of this plant are shown in Figure 4 on page 32 of the report. Development of Cultivation Area #1 shall be excluded from the "Protected Area" shown on the site plan, unless explicitly authorized by representatives of the California Department of Fish & Wildlife, following consultation. A minor deviation to the Site Plan can be approved should this occur.
19. 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.
20. 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.
21. 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.
22. 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.
23. 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).

24. Maintain enrollment in Tier 1, 2, or 3, certification with North Coast Regional Water Quality Control Board (RWQCB) 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.
25. Comply with the terms of the Final Lake and Streambed Alteration Agreement (1600-2019-0335-R1), as well as any subsequent amendments, obtained from the California Department of Fish and Wildlife (CDFW).
26. Where applicable, 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.
27. 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).
28. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
29. Pay all applicable application, review for conformance with conditions and annual inspection fees.
30. 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.
31. The master log books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
32. 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

33. Pursuant to the MCRSA, 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."
34. 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).

35. 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.
  
36. 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. On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.
  
37. 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. On-site housing, if any



38. Term of Commercial Cannabis Activity Special Permit. Any Commercial Cannabis Cultivation 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.

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 reinspection to determine whether or not the permit holder has cured all issues of noncompliance. Failure to request reinspection 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.

39. 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.
40. 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.
41. 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.
42. 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 #6 has been executed and the corrective actions 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 #30 and 31 of the Ongoing Requirements/Development Restrictions, above.