

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings; Meeting on \_\_\_\_\_, 2022

Resolution No. 22-\_\_ Resolution of the Board of Supervisors of the County of Humboldt  
ADOPTING FINDINGS OF FACT, CERTIFYING COMPLIANCE WITH THE  
CALIFORNIA ENVIRONMENTAL QUALITY ACT, AND REZONING LAND FROM  
UNCLASSIFIED AND AGRICULTURE EXCLUSIVE TO AGRICULTURE  
EXCLUSIVE WITH A COMBINING ZONE SPECIFYING 160 ACRES.

**WHEREAS**, Hunter Ranch LLC have applied to place approximately 14,792 acres into a Class “B” Agricultural Preserve in the Korbel area pursuant to the California Land Conservation (Williamson) Act; and

**WHEREAS**, the proposed Agricultural Preserve may be approved if it can be found that: (1) the proposed preserve is consistent with the County’s General Plan (Section 51234 Government Code); (2) the land to be included in the agricultural preserve contract is, and will continue to be, used for the purposes of producing agricultural commodities for commercial purposes, and uses compatible with agriculture; (3) the preserve area should not be less than the required minimum acres of the type of preserve unless it is proven to the satisfaction of the Planning Commission and Board of Supervisors that the proposal is a viable working preserve meeting all of the qualifications pursuant to Prime Agricultural Lands or Non-Prime Lands of Statewide significance; (4) the land must be zoned for agricultural purposes and provide for minimum parcel sizes; (5) the land shall consist of prime and/or non-prime agricultural land of statewide significance; and

**WHEREAS**, in order to comply with the requirements for establishment of an agricultural preserve the land must be zoned Agricultural Exclusive with a combining zone of 160 acres; and

**WHEREAS**, the Planning and Building Department reviewed the application and supporting evidence and referred the application materials to applicable reviewing agencies for site inspections, comments and recommendations; and

**WHEREAS**, the State of California has determined that the establishment of agricultural preserves is categorically exempted from the provisions of the California Environmental Quality Act (CEQA) per Class 17, Section 15317; and

**WHEREAS**, the Department has determined that the zone reclassification from Unclassified into the more restrictive Agriculture Exclusive with a Special Building Site combining zone specifying a minimum lot size of 160 acres (AE-B-5(160)) is statutorily exempt from the provisions of the California Environmental Quality Act (CEQA) per Section 15061 (b)(3); and

**WHEREAS**, on August 18, 2022 the Humboldt County Planning Commission recommended that the Board of Supervisors rezone the property to Agriculture Exclusive with a combining zone of 160 acres; and

**WHEREAS**, the Board of Supervisors opened a duly-noticed public hearing on December 20, 2022; and

**Now, THEREFORE BE IT RESOLVED**, that the Board of Supervisors makes all the following findings:

**1. FINDING:**                   **Project Description:** Establishment of a Class B Agricultural Preserve of approximately 14,792 acres pursuant to the California Land Conservation Act, otherwise known as the Williamson Act, and the Guidelines for Establishment of Agricultural Preserves in the County of Humboldt, Res. No. 16-144 (“Humboldt County Williamson Act Guidelines”). Additionally, a Zone Reclassification to rezone approximately 10 acres from Unclassified to Agriculture Exclusive with a Special Building Site combining zone specifying a minimum lot size of 160 acres (AE B-5(160)).

**EVIDENCE:** a) Project File: PLN-2022-17674

**2. FINDING:**                   **CEQA.** The proposed project is statutorily and categorically exempt from the provisions of the California Environmental Quality Act (CEQA).

**EVIDENCE:** a) Section 15317 of the CEQA Guidelines categorically exempts the establishment of agricultural preserves and open space contracts. Section 15061(b,3) exempts projects where it can be seen with certainty that there is no possibility of significant environmental impacts associated with the project. In this case the rezone of 10 acres from unclassified to Agricultural Exclusive to facilitate an agricultural preserve has no possibility of significant environmental impacts.

**FINDINGS FOR THE ESTABLISHMENT OF THE AGRICULTURAL PRESERVE**

**3. FINDING:**                   The proposed development is in consistent with the County’s General Plan.

**EVIDENCE:** Chapter 4.5 of the Humboldt County General Plan “Agricultural Resources” recognizes the significance of agriculture in Humboldt County. The two goals listed under 4.5.3 include “*Agricultural Production – economically viable agricultural operations contributing to the growth and stability of the economy*”

*and a strong market demand for agricultural lands dedicated to agricultural production” and also “Preservation of Agricultural Lands – agricultural land preserved to the maximum extent possible for continued agricultural use in parcel sizes that support economically feasible agricultural operations.”* A specific policy, AG-P3, is to “Support the Williamson Act Property Tax Incentive Program” by continuing, enhancing, and growing the County Williamson Act program. The primary purpose of the Williamson Act of 1965 was to preserve agricultural and open space lands by discouraging the premature and unnecessary conversion to urban areas. The Williamson Act Contracts restrict subdivision of preserve lands, rendering rights of division as subservient to the contract. Several additional policies in Chapter 4.5 of the Humboldt County General Plan prioritize the conservation of agricultural lands and soils (AG-P5, AG-P6, AG-P16). The proposed preserve land is designated Agriculture Grazing and Timber Production by the Humboldt County General Plan. The proposed preserve would protect and preserve nearly 15,000 acres of agricultural land in the County

- 4. FINDING:** The land to be included in the agricultural preserve contract is, and will continue to be, used for the purpose of producing agricultural commodities for commercial purposes, and uses compatible with agriculture.

**EVIDENCE:** The proposed preserve land has historically been used as grazing land by Hunter Ranch LLC. In addition to grazing, the forested portions of the land support timber production and are zoned as such. The proposed preserve would support and encourage continuation of commercial agricultural uses through contractual obligation. Based on information submitted, the establishment of the preserve will not conflict with any adjoining or surrounding land uses. The Humboldt County Williamson Act Advisory Committee have reviewed the proposed preserve and recommend approval.

#### **CLASS B CRITERIA – HUMBOLDT COUNTY WILLIAMSON ACT GUIDELINES**

- 5. FINDING:** The preserve area should not be less than 600 acres with no individual lot or parcel of less than 160 contiguous acres

**EVIDENCE:** The subject property totals approximately 14,792 acres. No individual lot or parcel is less than 160 acres.

- 6. FINDING:** Land not zoned Timber Production (“TPZ”) within the preserve must be placed within the Agricultural Exclusive (“AE”) zoning district with a combining zone specifying a minimum lot size of 160 acres prior to the execution of the contract. All rights of division are subservient to the enforceable restrictions secured by the

Land Conservation Contract and Section 8 of the Humboldt County Williamson Act Guidelines.

**EVIDENCE:** A vast majority of the proposed land is zoned TPZ or AE. Approximately 10 acres on APN 315-204-004-000 is zoned Unclassified (“U”). This portion is proposed as part of this application to be reclassified to AE, with a Special Building Site combining zone establishing a 160 acre minimum parcel size (AE-B-5(160)). The minimum parcel size also restricts division of this land. With the adoption of the zone reclassification, all of the proposed preserve land will be zoned for agriculture (AE or TPZ).

7. **FINDING:** The land shall consist of non-prime agricultural land of statewide or local significance.

**EVIDENCE:** Per Section 1.F(5) non-prime agricultural land means “lands, including grazing lands, which are not prime agricultural land as defined in Section 51201(c) of the Government Code, that are designated for agricultural use in the General Plan, and which are in agricultural use, have present or future potential for significant agricultural production, or provide for compatible open space uses consistent with the purposes of the Williamson Act.”

All land within the proposed preserve is non-prime agricultural land. It has an Agricultural designation in the County General Plan (AG and/or T). The land has been used for commercial agricultural production, for grazing by a ranch. The Slope Stability of the land is rated “3” as being the least stable.

### **FINDINGS FOR ZONE RECLASSIFICATION**

8. **FINDING:** The amendment is in the public interest.

**EVIDENCE:** The zone reclassification is necessary, due to program requirements, to establish the proposed lands as an agricultural preserve. Establishing such preserves is in the public best interest to protect spaces for agricultural and open space uses. The primary purpose of the Williamson Act of 1965 was to preserve agricultural and open space lands by discouraging the premature and unnecessary conversion to urban areas. The guidelines for a Class B agricultural preserve stipulate that the land must be zoned AE if it is not TPZ. The parcel on Hunter Ranch containing a small portion zoned Unclassified (APN 315-204-004) is about 175 acres total. Changing the approximately 10 acres zoned “U” to “AE” with a Special Building Site combining zone establishing a 160 acres minimum allows this parcel and thus 175 more acres to be included in the preserve. The new, more restrictive, zoning district; specified minimum parcel size; and proposed Land Contract would all prohibit future parcel division and discourage

conversion away from agricultural uses of the land. Conservation of agricultural lands and open spaces is in the public interest.

**9. FINDING:** The amendment is consistent with the County General Plan.

**EVIDENCE:** The Humboldt County General Plan has numerous goals and policies related to protecting and preserving its agricultural assets and economy. Chapter 4.5 of the Humboldt County General Plan “Agricultural Resources” recognizes the significance of agriculture in Humboldt County. The two goals listed under 4.5.3 include “*Agricultural Production – economically viable agricultural operations contributing to the growth and stability of the economy and a strong market demand for agricultural lands dedicated to agricultural production*” and also “*Preservation of Agricultural Lands – agricultural land preserved to the maximum extent possible for continued agricultural use in parcel sizes that support economically feasible agricultural operations.*”

The land proposed for this preserve is designated in the General Plan as Agriculture Grazing and Timber Production, or just Timber Production. The portion of the parcel proposed for a zone reclassification (~10 acres) is currently zoned Unclassified (“U”). The rest of the parcel, and proposed preserve land is zoned AG; TPZ, or TPZ. Reclassifying from Unclassified to the more restrictive Agriculture Exclusive helps ensure the land is used for agricultural purposes and not prematurely subdivided for competing urban land uses. Entering into Land Conservation Contracts such as when creating an agricultural preserve also helps ensure the land is protected for agricultural uses. Therefore staff believes the zoning reclassification enabling an agricultural preserve land contract to be entered is consistent with the goals and policies of the General Plan.

**10. FINDING:** The zone reclassification 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.

**EVIDENCE** The parcels are zoned and planned for resource production and were not utilized for determining compliance with housing element law.

**NOW, THEREFORE,** based on the above findings and evidence, the Humboldt County Board of Supervisors does hereby:

- Adopt the findings set forth in this resolution; and
- Approves the Hunter Ranch LLC Zone Reclassification, Agricultural Preserve and enter into a Land Conservation Contract with Hunter Ranch LLC.

The foregoing Resolution is hereby passed and adopted by the Board of Supervisors on December 20, 2022, by the following vote:

Adopted on motion by Supervisor \_\_\_\_\_, seconded by Supervisor \_\_\_\_\_ and the following vote:

AYES: Supervisors:

NOES: Supervisors:

ABSENT: Supervisors:

Virginia Bass  
\_\_\_\_\_, Chair  
Humboldt County Board of Supervisors

STATE OF CALIFORNIA)) SS. County of Humboldt

I, Kathy Hayes, Clerk of the Board of Supervisors of the County of Humboldt, State of California do hereby certify the foregoing to be a full, true, and correct copy of the original made in the above-titled matter by said Board of Supervisors at a meeting held in Eureka, California as the same now appears of record in my office.

In Witness Whereof, I have hereunto set my hand and affixed the Seal of said Board of Supervisors.

KATHY HAYES Clerk of the Board of Supervisors of the County of Humboldt, State of California

By: KATHY HAYES

Date: \_\_\_\_\_, 2022

By \_\_\_\_\_ Deputy



## **EXHIBIT 1**

### **ATTACHMENT 1**

#### **RECOMMENDED CONDITIONS OF APPROVAL**

#### **APPROVAL OF THE CONDITIONAL USE PERMIT IS CONDITIONED ON THE FOLLOWING TERMS AND REQUIREMENTS.**

#### **A. Conditions which must be satisfied before the provisional cannabis cultivation permit can be finalized and no longer considered provisional**

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 A2 through A3. 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 shall improve the intersection of Rancho Sequoia Road and Alderpoint Road to current standards for a commercial driveway. Specifically, Rancho Sequoia Road shall be paved for a minimum width of 20 feet and a length of 50 feet. A letter from Public Works stating this improvement is completed or no longer needed will satisfy this requirement.
3. The former cultivation site labeled as “Remediation Area” on the plot plans shall be restored according to the Site Management Plan, project Operations Plan, and Restocking Plan dated September 30, 2021, by Timberland Resource Consultants.
  - a. Per the Site Management Plan, removal and disposal of the cultivation waste is required as well as the application of seed and straw to bare soils during cleanup.
  - b. Per the project Operation Plan:
    - i. Cultivation soils that cannot be reused at the relocation site shall be removed and disposed at an appropriate facility; and
    - ii. Debris, camp site, RV, and solid waste shall be removed and properly disposed; and
    - iii. Native vegetation shall be replanted; and
    - iv. The misaligned and undersized culvert shall be removed and streambed restored; and
    - v. The former point of diversion shall be removed; and
    - vi. The old access road to the site shall be blocked with boulders; and
    - vii. The restoration shall be conducted under the guidance of qualified professional(s) in association with the necessary permits, approvals, and agreements from relevant agencies; and
    - viii. Instream work will occur between April 15 and October 31 when the streams are dry.



- c. Per the Restocking Plan:
  - i. Restocking of Douglas fir at a uniform spacing no less than 15 feet by 15 feet, or 435 trees per acre. With an area of 0.26 acres, that equals approximately 113 trees.
  - ii. Replanting shall occur in winter or early spring.
  - iii. Once restocked the area shall be monitored after two years to ensure a minimum 125-point count stocking level.
  - iv. Within five years of planting, a report of stocking shall be submitted to the county by a Registered Professional Forest certifying the area meets the minimum stocking standards.
4. Within 90 days of project approval, the applicant must provide evidence demonstrating membership within the Rancho Sequoia Road Association (RSRA). Upon request, applicant will provide copies of annual receipts demonstrating payment of required fees to the association. The applicant through the RSRA shall implement and adhere to any final or amended Lake or Streambed Alteration Agreement associated with the road improvements as recommended in the engineered road evaluation performed by DTN engineering. Applicant through the RSRA shall also adhere to the approved Road Maintenance Plan and comply with State Water Resources Control Board Order No. WQ 2019-0001-DWQ, Attachment A, Section 2, requirements #15 through #29. If the applicant is unable to maintain membership within RSRA, the applicant shall pay fair-share cost for maintenance or improvement of the road to any road user engaged in maintaining the road for the life of this project. Copies of any additional documentation, amendments, or reporting approved or required by CDFW or SWRCB shall be provided to the Humboldt County Planning Department on an annual basis or upon request by the Planning and Building Department.
5. the applicant will develop an alternative renewable (i.e., solar, wind, micro-hydro) energy plan that will be fully implemented by January 1, 2026 such that generator use may be reserved for emergency use only.

## **B. General Conditions**

1. Per the Division of Environmental Health, no processing can occur until there is an approved onsite wastewater treatment system. Cultivation activities may be supported by portable toilets. Processing will occur offsite at a licensed facility until a permitted building and adequate wastewater system is provided.
2. Within 60 days of project approval, 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 and Building Department.
3. Within 60 days of project approval, the applicant shall obtain a will serve letter from the Alderpoint Volunteer Fire Company OR 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.

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 the applicant is responsible for this cost to the project.
5. 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.
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 to keep the permit valid.
7. 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. 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.
8. 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.
9. The applicant shall install and utilize a water meter to demonstrate that there is sufficient water supply to meet the demands of the project. The water use for cultivation is limited to the use of the irrigation infrastructure described in the Operations Plan. The applicant will maintain logs of water usage and make the logs available upon request. This Permit does not authorize the use of diversionary sources for irrigation.

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

1. 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 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, ground-stone 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.

2. The combination of background, generator and 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. 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.
3. All artificial lighting shall be fully contained within structures such that no light escapes (e.g., through blackout curtains). Structures shall be shielded 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. Standards include but are not limited to the following, 1) light shall be shielded and downward facing, 2) shall consist of low-pressure sodium (LPS) light or low spectrum light emitting diodes with a color temperature of 3000 kelvins or less and 3) only placed where needed.
4. Should the Humboldt County Planning Division receive complaints that lighting or noise is not complying with the standards listed above in this permit, within ten (10) working days of receiving written notification that a complaint has been filed, the applicant shall submit written verification that the light shielding and alignment, and noise levels have been repaired, inspected, and corrected as necessary.
5. The use of monofilament netting for all uses, including but not limited for erosion control, shall be prohibited. Geotextiles, fiber rolls, and other erosion control measure materials shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves to minimize the risk of ensnaring and strangling wildlife.
6. All refuse shall be contained in wildlife proof containers, always, and relocated to an authorized waste management facility, in compliance with State and local laws, on a regular and on-going basis.
7. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and 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, the CMMLUO, and these conditions of approval.
11. 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.
12. 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.
13. 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).
14. Applicant must adhere to and implement the Site Management Plan. A copy of the reporting form portion of the Mitigation and Reporting Program (MRP) shall be submitted to the Planning and Building Department upon request.
15. Applicant must demonstrate and maintain enrollment in Tier 1 or 2 in accordance with State Water Resources Control Board Order No. WQ 2019-0001-DWQ, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
16. 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).
17. 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.

18. 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).
19. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
20. Pay all applicable application, review for 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. The master log books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
23. 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

24. Pursuant to Business and Professions Code section 26051.5(a)(8), 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."
25. 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).
26. 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.
27. 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.
28. 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
29. Term of Commercial Cannabis Activity Permit. Any Commercial Cannabis Cultivation permit issued pursuant to the CMMLUO or CCLUO 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.
30. Inspections. 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 Permit, immediately upon the expiration of any appeal period, or final determination of the appeal if an appeal has been timely filed.

The permit holder and subject property owner are to allow 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.

31. 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.
32. 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.
33. 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.

**Informational Notes:**

1. No Informational Notes