

ATTACHMENT 1A

CONDITIONS OF APPROVAL

APPROVAL OF THE SPECIAL PERMIT MODIFICATION IS CONDITIONED ON THE FOLLOWING TERMS AND REQUIREMENTS WHICH MUST BE SATISFIED BEFORE INITIATING NEW CULTIVATION AND WHOLESALE NURSERY OPERATIONS.

A. General Conditions

1. The applicant shall comply with all terms of the approved projects under Record No. PLN-2020-16866-MOD01.
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. 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. The applicant shall adhere to the initial conditions of approval outlined in the approved Special Permit (PLN-2020-16866).
5. The applicant shall obtain from the Building Division any Building or other required permits prior to commencing construction activities or the approved use (i.e. grading building plumbing electrical, mechanical, etc.).
6. No grading is permitted in areas that exceed 15% in grade. The grading plan submitted for approval of a grading permit shall show both existing and proposed contours at no less than 2-foot contour intervals, and all proposed ground disturbance must be limited to the areas of 15% grade or less.
7. The applicant shall adhere to the recommendations of the Timber Conversion Evaluation Report, conducted June 16, 2021 and the Oak Woodland Restoration Plan conducted by Timber Resource Consultants conducted November 23, 2021.

8. The applicant shall adhere to the recommendations of the Kyle S. Wear, Biological Consultant, April 4, 2022.
9. The applicant shall obtain raptor surveys during the breeding season prior to any construction activities on-site. If nesting raptors are found, the applicant shall follow all recommendations from the project biologist subject to amendment by CDFW staff.
10. The applicant shall adhere to the recommendations of the Botanical Survey Report conducted July 5, 2022 and a Botanical Survey conducted July 5, 2022 prepared by Kyle S. Wear, Biological Consultant.
11. Generators are only permitted for the existing 8,640 square foot mixed-light cannabis operation. All use of generators except for backup purposes shall be phased out by January 1, 2026. The applicant shall submit and implement a plan for PG&E renewable energy or other on-site renewable energy to support the project. This plan shall be implemented no later than January 1, 2026.
12. An engineer or licensed geologist shall assess the slopes in the phase 1 area and in the oak conversion area and submit a slope stability evaluation. In areas where slope failure from grading has occurred, banks shall be laid back to slopes that are stable. The graded area shall be fully removed from the SMA. A qualified professional geologist shall assess the graded site and provide specific mitigation measures to fix the failures associated with the grading on parcel 216-082-006-000 in both the Phase 1 area.
13. The unauthorized Oak Woodland conversion 2.24 acres area on parcel 216-082-006-000 shall be fully contoured and restocked back to pre-conversion natural conditions.
14. Prior to approval of the grading plans for Phase 2, the applicant shall submit drainage and erosion control plans which demonstrate that implement stormwater management that ensures runoff is routed into settling basins or bioswales, and would not cause substantial increases in peak flows to headwater streams.
15. The applicant shall upgrade all 15 stream crossings in the Lake and Streambed Alteration Agreement (LSA) as memorialized in the November 2020 LSA agreement signed by the applicant with CDFW. The upgrades to the stream crossing shall be completed no later than October 15, 2024.
16. Prior to the issuance of building permits or initiation of any actives requiring the use of electricity, the applicant shall provide documentation demonstrating adequate electricity is available to the project site, to the satisfaction of the Planning Director. Generator use for cultivation other than that being utilized for the previously approved mixed light cultivation on APN 216-082-006-000 is prohibited.

17. The applicant shall adhere to the recommendations of the Storm Water Management Plan created for PLN-2020-16866 and update the with the California State Water Resources Control Board and the Planning Department. Seasonal/outdoor cultivation sites may be supported by portable toilets and a receipt for rental of the sanitation facilities must be provided to the Planning Department annually.
18. The applicant shall obtain a permit for, and install, an approved onsite wastewater treatment system to support the processing/nursery locations and either install approved septic systems or provide portable toilets to cultivation areas.
19. The Owner shall either provide evidence of permits, destroy the wells, legalize the wells through installation of new sanitary surface seals, or provide compelling evidence that the wells were installed prior to February, 1973.
20. The wholesale nursery notwithstanding, no more than 4,356 square feet of immature plant area (propagation) is permitted as ancillary to the 43,560 square feet of cultivation. Within 60 days of the effective date of project approval the applicant shall submit a revised site plan showing the immature plant areas to not exceed 4,356 square feet.
21. The applicant is to submit evidence of enrollment into the State Cannabis Cultivation Discharge program by submitting copies of all documents filed with the State Water Resources Control Board, including, but not limited to, a Notice of Applicability and 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 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.
22. 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.

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

1. All components of project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, and these conditions of approval. Changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan.
2. Consent to an annual onsite 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).

3. Pay all applicable application, review for conformance with conditions and annual inspection fees.
4. Term of Commercial Cannabis Activity Conditional Use Permit and Special Permit. Any Commercial Cannabis Conditional Use Permit and Special Permit issued pursuant to the 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.
5. 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.
6. 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.
7. 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 CCLUO 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 Commercial Cannabis.
8. 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.
9. The Master Logbooks maintained by the applicant to track production and sales shall be maintained for inspection by the County.

10. The use of monofilament netting for all uses, including but not limited to 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.
11. Leave wildlife unharmed. If any wildlife is encountered during the Authorized Activity, Permittee shall not disturb the wildlife and shall allow wildlife to leave the work site unharmed.
12. The environmental impacts of improper waste disposal are significant and well documented. All refuse shall be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
13. Cultivators shall comply with all applicable federal, state, and local laws and regulations governing California Agricultural Employers, which may include: federal and state wage and hour laws, CAL/OSHA, OSHA, California Agricultural Labor Relations Act, and the Humboldt County Code (including the Building Code).
14. Power is to be supplied by a generator. The noise from the generator or fans shall not be audible by humans from neighboring residences. The decibel level for generators measured at the property line shall be no more than 60 decibels. Where applicable, sound levels must also show that they will not result in the harassment of Marbled Murrelet or Spotted Owl species. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service, and further consultation where necessary. Under these guidelines, generator noise may not exceed 50 decibels as measured at 100 feet from the generator or at the edge of the nearest Marbled Murrelet or Spotted Owl habitat, whichever is closer.
15. Fuel shall be stored and handled in compliance with applicable state and local laws and regulations, including the County of Humboldt's CUPA program, and in such a way that no spillage occurs.
16. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
17. Maintain enrollment in Tier 1, 2 or 3, certification with the NCRWQCB Order No. R 1-2015-0023, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
18. For cultivation area(s) for which no enrollment pursuant to RWQB Order No. R 1-2015-0023 is required by that Order, comply with the standard conditions applicable to all Tier 1 dischargers.
19. If cultural resources are encountered during construction activities, the contractor on site shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist as well as the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and lead agency,

develop a treatment plan in any instance where significant impacts cannot be avoided. Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, ground stone artifacts, shellfish or faunal remains, and human burials. If human remains are found, California Health and Safety Code Section 7050.5 requires that the County Coroner be contacted immediately at 707-445-7242. If the Coroner determines the remains to be Native American, the Native American Heritage Commission will then be contacted by the Coroner to determine appropriate treatment of the remains pursuant to Public Resources Code Section 5097.98. Violators shall be prosecuted in accordance with Public Resources Code Section 5097.99.

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

- i. Cultivation operations and processing operations must implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:
 - 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.
- ii. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
 - 8) Operation manager contacts;
 - 9) Emergency responder contacts;
 - 10) Poison control contacts.
- iii. At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations. Plumbing facilities and water source must be capable of handling increased usage without adverse.

21. All cultivators shall comply with the approved Processing Plan as to the following:

- 1) Processing Practices.
- 2) Location where processing will occur.
- 3) Number of employees, if any.
- 4) Employee Safety Practices.
- 5) Toilet and handwashing facilities.
- 6) Plumbing and/or septic system and whether or not the system is capable of handling increased usage.

- 7) Drinking water for employees.
- 8) Plan to minimize impact from increased road use resulting from processing.
- 9) On-site housing, if any.

22. 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.

Permittee further acknowledges and declares that:

(1) All commercial cannabis activity that I, my agents, or employees conduct pursuant to a permit from the County of Humboldt for commercial cultivation, processing, manufacturing, and distribution of cannabis for adult use or medicinal use within the inland area of the County of Humboldt, shall at all times be conducted consistent with the provisions of the approved County permit; and

(2) All cannabis or cannabis products under my control, or the control of my agents or employees, and cultivated or manufactured pursuant to local Ordinance and the State of California Medicinal and Adult Use Cannabis Regulation and Safety Act ("MAUCRSA") (SB 94), will be distributed within the State of California; and

(3) All commercial cannabis activity conducted by me, or my agents or employees pursuant to a permit from the County of Humboldt will be conducted in compliance with the State of California MAUCRSA.

Informational Notes:

1. This permit approval shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"), the use is subject to the Permit Duration and Renewal provisions set forth in Humboldt County Code.