CONDITIONS OF APPROVAL

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

A. Conditions subject to the compliance agreement must be satisfied before the provisional cannabis cultivation permit is no longer considered provisional. This section also includes conditions that must be completed within specified time frames or completed prior to commencing cultivation.

1. Within 60 days of the effective date of permit approval, the permittee shall execute a Compliance Agreement with the Humboldt County Planning and Building Department described under Conditions of Approval A8 through A16. 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. Within 60 days of the effective date of permit approval, the Permittee shall install water meters at the point of diversion and the outlet of the rainwater collection pond, and/or the rainwater collection tanks. The permittee shall keep monthly records of water usage. The water meter records shall be made available to the Planning Department at each annual inspection or as requested by planning staff.

3. Prior to December 1, 2024, the permittee shall provide documentation demonstrating that requested modifications to LSAA, EPIMS-HUM-31749-R1C have been submitted to California Department of Fish and Wildlife. Requested Modifications Include:
    a. An amendment to the LSAA to include water diversion from the "on-stream pond"
    b. An amendment for either upgrading and maintaining a stream crossing or decommissioning the stream crossing used to access Cultivation Area 7 (at coordinates 40.512383, -123.562538) as a project in the LSAA.
    c. Provide documentation that the water intake structure meets the requirements in the LSAA.

4. Within 90 days of project approval the permittee shall provide documentation demonstrating that they have initiated consultation with the State Water Resources Control Division of Water Rights to determine the need for a water right for use of the pond's water.

5. If consultation with State Water Resources Control Board's (SWRCB) Division of Water Rights determines that a water right is required for use of the pond, the permittee shall secure said water right withing two years of project approval. If the permittee is

unable to secure said water right, the permittee has an additional year to develop rainwater catchment facilities sufficient to provide 39,580 gallons of water per year or cultivation area must be reduced proportionally to the water deficit.

6. Within 60 days of the effective date of project approval, the permittee 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.

7. Within 60 days of the effective date of project approval, the permittee shall obtain a will serve letter from the Fire Protection District 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.

8. The permittee shall implement the Site Management Plan (WDID - 1 12CC419104) to deconcentrate surface flow off roads and away from streams. This would include installation and/or maintenance of ditch relief culverts and water bars as necessary to mitigate sediment delivery to streams. This work shall include erosion control measures for a hydrologically connected road (at coordinates 40.509587, -123.562521) that is used to access cultivation sites six and seven.

9. The Permittee shall secure building permits for all structures and grading associated with the cannabis cultivation project. Permits or exemptions will be required for three sheds, a pond, and any significant grading that occurred to facilitate the cultivation operation.

10. Cultivation Areas two and three as shown on the Site Plan (Attachment 1C) shall be retired and restored. All cultivation related infrastructure, including pots, grow bags, greenhouse frames, fence posts, water tanks, water lines, trellising, and cultivation debris shall be removed from the streamside management area. Disturbed areas and loose soil will be raked flat and seeded with a native grass mix. Straw and straw wattles will be applied to prevent erosion as needed. to Cultivation Areas two and three as shown on the Site Plan (Attachment 1C).

11. Five pots in cultivation area seven will be relocated out of the Streamside Management Area, disturbed areas will be seeded with native grasses and mulched to prevent erosion.

12. The applicant shall provide documentation to the Humboldt County Planning and Building Department demonstrating participation in Road Maintenance Associations for River Road and Eight Mile Ridge Road. Road Maintenance Associations for shared roads shall adhere to and implement the recommendations included in the engineered road evaluations prepared for the project's access roads. If the applicant is unable to coordinate road improvements through the Road Maintenance Association, the applicant shall pay fair-share cost for maintenance of the road to any road user engaged in maintaining the road. Evidence of such payments shall be submitted to Humboldt County Planning and Building Department.

13. The Protective Cultural Resource Conditions (CULS) established by DZC and the Bear River Indian Tribe and codified in Section 6.3 of PHASE I CULTURAL RESOURCE INVENTORY REPORT FOR APN 208-241-017, prepared by DZC Archaeology and Cultural Resource Consulting in December 2019 shall be implemented as described in the THPO Review Map included in Appendix F of the DZC report.

14. The permittee shall submit a Development Plan to the Planning Division for review and approval. Three paper copies of the development plan will be required. The map shall be drawn to scale and give detailed specifications as to the development and improvement of the site and shall include the following site development details: Culturally sensitive areas and streamside management areas with notations that ground disturbance is not permitted in these areas without further review and approval by Humboldt County.

15. The permittee shall cause to be recorded a "Notice of Development Plan" on forms 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.

16. The permittee shall develop and implement an invasive species removal and monitoring plan to remove the non-native thistle and prevent the continued spread of this species.

17. The permittee shall stabilize the failing toe slope associated with the graded flat used for cannabis cultivation at coordinates 40.511403, -123.564105.

18. The permittee shall restore, rock, and revegetate the excavated channel downslope from cultivation area 1 to disconnect the stormwater runoff from the Class III drainage

and to reduce sediment delivery to Waters of the State. That the cultivation area should be drained away from any streams and routed into settling basins or bioswales that discourages channelization and promotes dispersal and infiltration of flows.

19. No later than January 1, 2026, the permittee will develop and fully implement an alternative renewable energy (i.e., solar, wind, micro-hydro) plan for electricity serving the cannabis operation such that generator use may be reserved for emergency use only.

20. No later than November 1, 2024, the permittee shall implement interim mitigation measures to minimize the threat of sediment and nutrient delivery to Waters of the State from cultivation sites two and three. Interim measures shall include repairing the grade to reduce channelization, raking soil smooth, and applying native grass seed and

21. The permittee 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.

B. 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 permittee 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. If the applicant is unable to store 104,750 gallons of water due to low rainfall years,

the applicant will be required reduce the area cultivated in proportion to the deficit in stored water, at a rate of one square foot of cultivation area for each nine gallons deficit of cultivation water.

3. Permittee must demonstrate that a properly functioning onsite wastewater treatment system serves the operation. This can be accomplished by either installing a new, permitted septic system; or alternatively, permittee shall provide DEH with an assessment of the existing system performed by a qualified professional engineer, geologist, soil scientist, or REHS that certifies that the existing system complies with the State RWQCB definition of a Tier 0 system - not impairing groundwater or surface water resources. Until such time that this condition is satisfied, the permittee must use a portable toilet to support the cultivation operation.

4. The permittee shall adhere to the ongoing monitoring and maintenance protocols listed in the table of the Water Resources Protection Plan as amended.

5. The permittee shall comply with the requirements of the LSAA EPIMS-HUM-31749-R1C, as amended, specifically regarding the use and maintenance of the point of diversion.

6. Generators shall be used for emergency purposes only.

7. 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 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.

8. All artificial lighting shall be fully contained within propagation structures such that no light escapes (e.g., through blackout tarps). 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; see: https://www.darksky.org/our-work/lighting/lighting-for-citizens/lighting-basics/ 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 (LED) with a color temperature of 3,000 kelvins or less and 3) only placed where needed.

9. Should the Humboldt County Planning Division receive complaints that the lighting or noise is not complying with the standards listed above in items B.7 and B.8, within ten (10) working days of receiving written notification that a complaint has been filed, the permittee shall submit written verification that the lights' shielding and alignment, and noise levels have been repaired, inspected, and corrected as necessary.

10. Prohibition on use of synthetic netting. To minimize the risk of wildlife entrapment, Permittee shall not use any 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, always, and disposed of at an authorized waste management facility. This includes plastic irrigation lines when not in use during the growing season.

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. All components of the project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Cultivation & Operations Plan, 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.

15. 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.

16. 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.

17. 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.

18. 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.

19. 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).

20. Maintain enrollment in Tier 1, or 2 certification with State Water Resource Control Board (SWRCB) Order No. WQ 2019-0001-DWQ, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.

21. 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.

22. 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).

23. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.

24. Pay all applicable application, review for conformance with conditions and annual inspection fees.

25. 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.

26. The master logbooks maintained by the permittee to track production and sales shall be maintained for inspection by the County.

27. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).

28. The permittee is not allowed to utilize stringed lighting in the outdoor cultivation greenhouses, and this must be demonstrated through a site inspection.

29. The permittee shall have a dedicated fire suppression tank with a minimum of 2,500-gallon capacity. The designated fire suppression tank shall have the appropriate pipe size and valving requirements for such structures according to the Humboldt County Fire Safe Regulations Ordinance No. 2540 (Humboldt County, 2015) and shall meet minimum CalFire SRA requirements.

<u>Performance Standards for Cultivation and Processing Operations</u>

30. 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).

31. 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.

32. 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.

33. 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

34. Term of Commercial Cannabis Activity Conditional Use Permit & Special Permits. Any Commercial Cannabis Cultivation CUP 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.

35. 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 Conditional Use 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.

36. 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.

37. 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 if 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.

38. 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.

39. 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. Per Section 1273.03 of State Fire Safe Regulations: (a) At no point shall the grade for all roads and driveways exceed 16 percent; (b) The grade may exceed 16%, not to exceed 20%, with approval from the County of Humboldt Planning & Building Department with mitigations, such as paving, to provide for the same practical effect.

2. The permittee 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 permittee to use these roads to transport cannabis. In such case, Humboldt County will not provide relief to the permittee. Approval of this permit does not authorize transportation of cannabis across Federal lands.