

**RESOLUTION OF THE PLANNING COMMISSION  
OF THE COUNTY OF HUMBOLDT**

**Resolution Number 23-059**

**Record Number PLN-12468-CUP**

**Assessor's Parcel Numbers: 210-072-009**

**Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approves the Cali's Finest Gardens, LLC, Conditional Use Permit.**

**WHEREAS, Cali's Finest Gardens, LLC,** submitted an application and evidence in support of approving a Conditional Use Permit for the continued operation of an existing 30,000 square feet (sf) of outdoor cultivation, and appurtenant nursery, drying & processing activities; and

**WHEREAS,** the County Planning Division, the lead agency, prepared an Addendum to the Final Mitigated Negative Declaration (MND) prepared for the Commercial Medical Land Use Ordinance (CMMLUO) adopted by the Humboldt County Board of Supervisors on January 26, 2016. The proposed project does not present substantial changes that would require major revisions to the previous Mitigated Negative Declaration. No new information of substantial importance that was not known and could not be known at the time was presented as described by §15162(c) of CEQA Guidelines; and

**WHEREAS,** the Humboldt County Planning Commission held a duly-noticed public hearing on July 6, 2023, and reviewed, considered, and discussed the application for a Conditional Use Permit and reviewed and considered all evidence and testimony presented at the hearing.

**Now, THEREFORE BE IT RESOLVED,** that the Planning Commission makes all the following findings:

- 1. FINDING:**                   **Project Description:** A Conditional Use Permit for 30,000 square feet (sf) of pre-existing outdoor cannabis cultivation, with 4,110 sf of ancillary propagation. Planning staff is recommending that only 3,000 sf of ancillary propagation be permitted. Cultivation will utilize light-deprivation techniques in greenhouses without the use of supplemental lights. Water is sourced by an existing 345,000-gallon rain catchment pond, and an additional 70,000-gallon rain catchment pond is proposed. Annual water usage is estimated at 200,000 gallons (11 gal/sf/yr). Power is sourced from an existing solar array and three 7kW Honda generators will be on-site for emergency backup purposes. A full processing facility is proposed with ADA bathroom and septic. A total of five employees are used for operations on-site. One residence will be used for on-site employee housing.

**EVIDENCE:**                   Project File: PLN-12468-CUP

- 2. FINDING:**                   **CEQA.** The requirements of the California Environmental Quality Act have been complied with. The Humboldt County Planning

Commission has considered the Mitigated Negative Declaration (MND) prepared for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) adopted by the Humboldt County Board of Supervisors on January 26, 2016 and the Addendum to that document.

- EVIDENCE:**
- a) Addendum Prepared for the proposed project.
  - b) The proposed project does not present substantial changes that would require major revisions to the previous MND. No new information of substantial importance that was not known and could not be known at the time was presented as described by §15162(c) of CEQA Guidelines.
  - c) The project sources water from an existing 345,000-gallon rain catchment pond on-site, and an additional 70,000-gallon rain catchment pond is proposed.
  - d) The site was historically enrolled in the North Coast Regional Water Quality Control Board (NCRWQCB) Order No. R-1-2015-0023, under WDID 1B171807CHUM. The site is currently enrolled in the State Water Resources Control Board's (SWRCB) General Order (No. WQ 2019-0001-DWQ) for Waste Discharge Requirements and Water Quality. The applicant has submitted a Notice of Applicability letter dated November 15, 2019, showing enrollment in the General Order as a Tier 1 Low Risk site under WDID 1\_12CC417947, and states the requirement for a Site Management Plan (SMP). The applicant has obtained an SMP prepared by Mother Earth Engineering, dated March 2020. The applicant shall adhere to the corrective actions, and the ongoing monitoring and winterization methods recommended in the SMP.
  - e) The applicant has obtained a Streambed Alteration Agreement with CDFW for the in-stream work needed to upgrade seven (7) stream crossings on-site (SAA No. 1600-2019-0662-R1). After a site visit was conducted on April 25, 2023, with the County and CDFW, it was determined that the applicant had not completed their SAA within the work of completion date. The applicant is required to submit an amendment for the SAA, and shall submit the revised CDFW signed and approved SAA to the County when available. The applicant shall adhere to the project description and work outlined within the revised SAA with CDFW.
  - f) The project is located approximately 1.9 miles to the nearest known Northern Spotted Owl (NSO) activity center. According to the California Natural Diversity Database (CNDDB) for rare and endangered species, the project site may contain potential habitat for rare plant species Bolander's catchfly. As there is a proposed processing facility located where vegetation exists on-site, the applicant is required to obtain a Botanical Survey which verifies that no special status plants or trees considered timberland exist within the footprint of the proposed processing facility, prior to the issuance of building permits. The

applicant has obtained a Biological Reconnaissance Assessment and Onsite Relocation Plan (BRA) prepared by Mother Earth Engineering, dated June 2019. A site assessment was conducted on May 15, 2019, and found no special status plant species or special status wildlife species within the study area. One sensitive natural community was identified in the project area, the Oregon white oak. Recommendations within the BRA included: implementation of best management practices, no use of rodenticides, mitigation of generator noise, light prevention from greenhouses at night, and proper storage of fuel, fertilizers, pesticides, fungicides or other toxic substances. All recommendations are included in the ongoing conditions for the project, and the applicant is required to comply with International Dark Sky Standards for lighting within the propagation greenhouse, and shall ensure that all noise levels do not go above 50 decibels at 100-foot or any tree line when noise generating equipment are in use.

- g) It appeared that potential unauthorized timber conversion occurred on the site between 2010 and 2020, in association to the unpermitted residence and cannabis cultivation activities. The applicant had a Timber Conversion Evaluation Report (TCER) prepared by RPF Chris Carroll with Timberland Resource Consultants, dated January 16, 2020. The project and the TCER was referred to CalFire for review on January 26, 2022, and no comments were received by the agency. The TCER states that a site visit was conducted on December 20, 2019, and concludes that a total of 1.82 acres of timber harvesting occurred in two locations on the site which did not result in timberland conversion. No timber conversion has occurred on the site and none is proposed. The approval of this project does not approve any future timber conversion associated to the cannabis cultivation activities.
- h) An email was received by CDFW on February 27, 2020, which addresses concerns regarding the removal of oaks near the project area. A violation letter was sent by the County to the applicant on March 9, 2020, requesting a timber conversion evaluation from an RPF. The applicant submitted a Timber Conversion Evaluation with Restocking Plan and an Evaluation of Oak Restoration Report (EORR) on April 27, 2020, which were prepared by Timberland Resource Consultants. The EORR states that the true oak woodlands within the subject property are currently healthy and stable enough that restoration activities to remove the conifers would yield successful results and should occur. The applicant shall adhere to the oak restoration recommendations within the EORR for no less than 6.4 acres of oak woodlands with the potential to restore and additional 10.6 acres of habitat.
- i) The project is located within the Bear River Band Rancheria Aboriginal Ancestral Territory. The project was referred to the Bear River Band of Rohnerville Rancheria, and the Northwest Information Center (NWIC) on January 26, 2022. A response was received from the Bear River Band tribe on February 8, 2022, stating that the project did not appear

to represent a source of significant impacts on cultural resources, and requested that the applicant adhere to Inadvertent Discovery Protocols.

- j) Access to the project site is from privately maintained China Mine Road, from State Hwy 36. The applicant submitted a Road Evaluation Report (RER) form for State Hwy 36, dated April 16, 2020. The project was referred to the Department of Public Works on January 26, 2022, and comments were received by the agency on January 27, 2022. Comments from Public Works stated that the applicant submitted an incomplete RER which did not include the main access road China Mine Road, and mentions that multiple road evaluation reports have been submitted for China Mine Road. Public Works recommends that the various road evaluation reports be combined into one action plan. The applicant is required to enter into a Road Maintenance Association for China Mine Road, and the RMA will be required to construct the improvements in the final action plan. Additional comments from Public Works includes that the project is accessed off of a State Hwy, and the project should be referred to CalTrans. The project was referred to CalTrans on January 26, 2022, and comments were received on February 15, 2022. Comments from CalTrans included the recommended condition that the applicant improve the driveway to meet current CalTrans standard for a commercial road approach (driveway) with a minimum throat width of 20 feet. The site will be operated by the applicant and up to five (5) employees. A maximum of ten (10) vehicle trips are anticipated per day. The operations are pre-existing, and no increase in traffic is anticipated.

### **FINDINGS FOR CONDITIONAL USE PERMIT**

**3. FINDING** The proposed development is in conformance with the County General Plan, Open Space Plan, and the Open Space Action Program.

**EVIDENCE** a) General agriculture is a use type permitted in the Timberland (T) and Agriculture General (AG) land use designation. The proposed cannabis cultivation, an agricultural product, is within land planned and zoned for agricultural purposes, consistent with the use of Open Space land for managed production of resources. The use of an agricultural parcel for commercial agriculture is consistent with the Open Space Plan and Open Space Action Program. Therefore, the project is consistent with and complimentary to the Open Space Plan and its Open Space Action Program.

**4. FINDING** The proposed development is consistent with the purposes of the existing TPZ and AE zone in which the site is located.

**EVIDENCE** a) The Timberland Production Zone (TPZ) and Agriculture Exclusive (AE) Zone is intended to be applied to areas of the County in which

general agriculture uses is a desirable use.

- b) All general agricultural uses are principally permitted in the TPZ and AE zone.
- c) Humboldt County Code section 314-55.4.8.2.2 allows cultivation of up to 43,560 square feet of existing outdoor cannabis and up to 22,000 sq. ft. of existing mixed-light cannabis on a parcel zoned TPZ or AE over 1 acre subject to approval of a Conditional Use Permit and a determination that the cultivation was in existence prior to January 1, 2016. The application for 30,000 sq. ft. of outdoor cultivation on a 270-acre parcel is consistent with this and with the cultivation area verification prepared by the County.

**5. FINDING**

The proposed development is consistent with the requirements of the CMMLUO Provisions of the Zoning Ordinance.

**EVIDENCE**

- a) The CMMLUO allows existing cannabis cultivation to be permitted in areas zoned TPZ and AE (HCC 314-55.4.8.2.2).
- b) The subject parcel has been determined to be a legal parcel per Notice of Merger processed as a Lot Line Adjustment in 1980, NOM Volume 1615 recorded records page 158.
- c) The project sources water from an existing 345,000-gallon rain catchment pond on-site, and an additional 70,000-gallon rain catchment pond is proposed.
- d) Access to the project site is from privately maintained China Mine Road, from State Hwy 36. The applicant submitted a Road Evaluation Report (RER) form for State Hwy 36, dated April 16, 2020. The project was referred to the Department of Public Works on January 26, 2022, and comments were received by the agency on January 27, 2022. Comments from Public Works stated that the applicant submitted an incomplete RER which did not include the main access road China Mine Road, and mentions that multiple road evaluation reports have been submitted for China Mine Road. Public Works recommends that the various road evaluation reports be combined into one action plan. The applicant is required to enter into a Road Maintenance Association for China Mine Road, and the RMA will be required to construct the improvements in the final action plan. Additional comments from Public Works includes that the project is accessed off of a State Hwy, and the project should be referred to CalTrans. The project was referred to CalTrans on January 26, 2022, and comments were received on February 15, 2022. Comments from CalTrans included the recommended condition that the applicant improve the driveway to meet current CalTrans standard for a commercial road approach (driveway) with a minimum throat width of 20 feet. The site will be operated by the applicant and up to five (5) employees. A maximum of ten (10) vehicle trips are anticipated per day. The operations are pre-

existing, and no increase in traffic is anticipated.

- e) It appeared that potential unauthorized timber conversion occurred on the site between 2010 and 2020, in association to the unpermitted residence and cannabis cultivation activities. The applicant had a Timber Conversion Evaluation Report (TCER) prepared by RPF Chris Carroll with Timberland Resource Consultants, dated January 16, 2020. The project and the TCER was referred to CalFire for review on January 26, 2022, and no comments were received by the agency. The TCER states that a site visit was conducted on December 20, 2019, and concludes that a total of 1.82 acres of timber harvesting occurred in two locations on the site which did not result in timberland conversion. No timber conversion has occurred on the site and none is proposed. The approval of this project does not approve any future timber conversion associated to the cannabis cultivation activities.
- f) The location of the cultivation complies with all setbacks required in Section 314-55.4.11.d. It is more than 30 from any property line, and more than 600 feet from any school, school bus stop, church or other place of religious worship, Public Park or Tribal Cultural Resource.

## 6. FINDING

The cultivation of 30,000 square feet of cannabis cultivation and the conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

### EVIDENCE

- a) The site is in a rural part of the County where the typical parcel size is over 40 acres or more and many of the land holdings are very large. The proposed cannabis will not be in a location where there is an established neighborhood or other sensitive receptor such as a school, church, park or other use which may be sensitive to cannabis cultivation. Approving cultivation on this site and the other sites which have been approved or are in the application process will not change the character of the area due to the large parcel sized in the area.
- b) The project sources water from an existing 345,000-gallon rain catchment pond on-site, and an additional 70,000-gallon rain catchment pond is proposed.
- c) The parcel is located in an area known to have a Very High Fire Hazard Severity, and is within the Bridgeville Fire Protection District (BFPD) for local fire response. The project was referred to the BFPD on January 26, 2022, and no comments were received. The project is also located within the State Responsibility Area (SRA) for CalFire, and was referred to the agency on January 26, 2022. The Site Plan shows a firetruck turnaround, and a 2,500-gallon water tank designated for fire suppression needs only. The designated fire suppression tank shall have the appropriate fire hose that meets CalFire SRA requirements.

- d) Access to the project site is from privately maintained China Mine Road, from State Hwy 36. The applicant submitted a Road Evaluation Report (RER) form for State Hwy 36, dated April 16, 2020. The project was referred to the Department of Public Works on January 26, 2022, and comments were received by the agency on January 27, 2022. Comments from Public Works stated that the applicant submitted an incomplete RER which did not include the main access road China Mine Road, and mentions that multiple road evaluation reports have been submitted for China Mine Road. Public Works recommends that the various road evaluation reports be combined into one action plan. The applicant is required to enter into a Road Maintenance Association for China Mine Road, and the RMA will be required to construct the improvements in the final action plan. Additional comments from Public Works includes that the project is accessed off of a State Hwy, and the project should be referred to CalTrans. The project was referred to CalTrans on January 26, 2022, and comments were received on February 15, 2022. Comments from CalTrans included the recommended condition that the applicant improve the driveway to meet current CalTrans standard for a commercial road approach (driveway) with a minimum throat width of 20 feet. The site will be operated by the applicant and up to five (5) employees. A maximum of ten (10) vehicle trips are anticipated per day. The operations are pre-existing, and no increase in traffic is anticipated.

**7. FINDING**

The proposed development 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**

- a) The parcel was not included in the housing inventory of Humboldt County's 2019 Housing Element but does have the potential to support one housing unit. The approval of cannabis cultivation on this parcel will not conflict with the ability for a residence to be constructed on this parcel.

**8. FINDING**

Approval of this project is consistent with Humboldt County Board of Supervisors Resolution No. 18-43 which established a limit on the number of permits and acres which may be approved in each of the County's Planning Watersheds.

**EVIDENCE**

- a) The project site is located in the Van Duzen Planning Watershed, which under Resolution 18-43 is limited to 425 permits and 146 acres of cultivation. With the approval of this project the total approved permits in this Planning Watershed would be 125 cultivation permits and the total approved acres would be 43.58 acres of cultivation.

## DECISION

**NOW, THEREFORE**, based on the above findings and evidence, the Humboldt County Planning Commission does hereby:

- Adopt the findings set forth in this resolution; and
- Conditionally approves the Conditional Use Permit for Cali's Finest Gardens, LLC, based upon the Findings and Evidence and subject to the conditions of approval attached hereto as Attachment 1 and incorporated herein by reference; and

Adopted after review and consideration of all the evidence on **July 6, 2023**

The motion was made by COMMISSIONER Iver Skavdal and second by COMMISSIONER Sarah West and the following ROLL CALL vote:

AYES: COMMISSIONERS: Iver Skavdal, Noah Levy, Lonyx Landry, Peggy O'Neill  
Sarah West

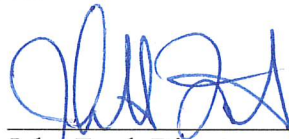
NOES: COMMISSIONERS: Brian Mitchell

ABSENT: COMMISSIONERS: Thomas Mulder

ABSTAIN: COMMISSIONERS:

DECISION: Motion Carries 5/1/1

I, John Ford, Secretary to the Planning Commission of the County of Humboldt, do hereby certify the foregoing to be a true and correct record of the action taken on the above entitled matter by said Commission at a meeting held on the date noted above.



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John Ford, Director  
Planning and Building Department



## CONDITIONS OF APPROVAL

**APPROVAL OF THE CONDITIONAL USE PERMIT AND SPECIAL PERMIT ARE 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. The applicant shall submit an updated Site Plan to show a maximum of 3,000 sf of propagation area on-site.
6. The applicant shall have a site visit conducted by the County, within 30 days of approval in order to verify that the site has been cleaned up at the satisfactory of the Planning & Building Department & CDFW, and to confirm that no additional stringed lighting exists within the outdoor cultivation greenhouses.
7. 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 #8 through #27. 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.

8. Prior to the issuance of building permits for the proposed processing facility, the applicant shall obtain a Botanical Survey from a qualified Biologist, which verifies that no special status plants or trees considered timberland exists within the footprint of the proposed processing facility.
9. The applicant shall either ensure that the location for the proposed processing facility will not require the removal of special status plants or trees considered to be timberland (with a Botanical Survey), or shall propose a new location for the processing facility and submit an updated Site Plan to the Planning Division for review and approval of the new location, or shall have processing conducted off-site at a licensed processing facility.
10. The applicant must obtain a permit for and install an approved OWTS to support the processing location, and either install an approved septic system or provide portable toilets to cultivation areas.
11. The applicant is conditioned to obtain building permits for all existing and proposed structures with a nexus to cannabis, including but not limited to: ten (10) light-deprivation greenhouses, one (1) ancillary propagation greenhouse, one (1) proposed processing facility, one (1) proposed drying/storage building, one (1) agriculture/chemical storage shed, one (1) conex box for drying and harvest storage, and one (1) residence for employee housing and storage.
12. The applicant shall submit a grading, erosion and sediment control plan for any previous grading and proposed grading in excess of 50 cubic yards. The plan shall identify the cubic yards of all grading that has been completed. A letter or similar communication from the Building Division verifying that all grading related to the cannabis cultivation operation are permitted, or not needed, will satisfy this condition.
13. Power is sourced by three solar arrays on-site, and the applicant shall permit the solar systems with the Building Division.
14. Generators must be housed in secondary containment, and generator sheds must have a concrete floor designed to incorporate containment for fuel leaks and spills which must be located on a stable surface with a minimum 200-foot buffer from Class I and Class II streams.
15. The applicant shall adhere to the following recommendation within the Timber Conversion Evaluation Report. The applicant shall eliminate fire hazard, the lower or eastern portion of the Eastern Timber Harvesting Area contains downed timber, which requires yarding of the logs and treatment of all associated logging slash.
16. The designated fire suppression tank shall have the appropriate fire hose that meets CalFire SRA requirements.
17. The applicant shall permit the existing 345,000-gallon rain catchment pond with the Building Division.
18. The applicant shall adhere to the corrective actions listed in Table 13 of the Site Management Plan.
19. The applicant is required to submit an amendment for the Streambed Alteration Agreement

with CDFW, and shall submit the revised CDFW signed and approved SAA to the County when available.

20. The project includes the restoration of a historic cultivation areas located near the existing pond, where extensive grading was done. Most of the area has been naturally revegetated, and one area where cut was done may be resulting in erosion and sediment issues. The existing flat area is proposed for the drying/storage building, and the applicant shall submit a regrading plan for this area to show how regrading will eliminate any erosion issues, and still allow for the proposed drying/storage structure.
21. Two (2) historic cultivation areas are located in southern section of the parcel, one (1) is located within the SMA for Mule Creek, and the other area is located south of Mule Creek where guerrilla grow existed. The applicant is required to remove all cultivation related infrastructure and solid waste within these two (2) historic cultivation areas.
22. The applicant shall adhere to the following oak restoration recommendations within the EORR for no less than 6.4 acres of oak woodlands with the potential to restore and additional 10.6 acres of habitat:
  1. Phase 1:
    - a. Remove Douglas-fir regeneration via hand crew (chain saws). Cut all Douglas-fir trees up to 12" DBH. Removal target is 80% or more of Douglas-fir stems. The cut needs to be made as low as possible on the stem, below the lowest live branch. Trees that are too difficult to fell safely can be girdled.
    - b. Retain all living deciduous oaks and all snags greater than 10 inches in diameter. Avoid damage to retained trees; fall removed trees away from oaks to the extent feasible.
    - c. Girdle (or cut) all Douglas-fir trees 12" DBH and greater. Girdles must completely go around the tree and should consist of two parallel horizontal bands through the bark and cambium several inches apart. After the grooves have been made, the bark and cambium should be peeled away. Merchantable trees may be left for future commercial harvests.
    - d. Afterward, hand pile slash into manageable piles for burning. Piles must not be underneath the crowns, or directly adjacent to other trees.
  2. Phase 2:
    - a. Re-evaluate treated areas to determine if thinning oaks is appropriate. The goal of the thinning is to capture mortality and improve growing conditions. The target oak density will be site specific based on the crown size of individual trees. The objective is to not have interlocking crowns outside of multiple stem trees. This will lead to spacing on average of 40-60 stems per acre. These stands should be marked by a forester prior to thinning.
    - b. Remove remaining young encroaching Douglas-fir, and treat slash, following the criteria in Phase 1.
  3. Phase 3:
    - a. Monitor treated stands periodically for further encroachment. Encroachment is anticipated to continue, however, following Phase 1 and 2 treatments it will be minimal and easily controlled.
    - b. Identify the need for oak regeneration. California black oak and Oregon white oak are both capable of resprouting from dormant buds following disturbance,

however the conditions to promote natural regeneration are not well understood. It may be desirable to artificially plant in some areas.

- c. Pursue alternative means of understory management including mowing, tilling, or prescribed fire.
4. Following completion of operations, the RPF, or supervised designee, must examine the area to evaluate compliance with the practices outlined in the EORR. The inspection shall certify that no less than 6.4 acres were successfully treated. After the inspection, a letter including pictures of the project area shall be sent to the Planning Division describing the results of the restoration activities and the project's status in conformance.
  - \*It should be noted that prior to burning slash piles created from the restoration activities applicable burn permits must be obtained from the local CalFire or Air Quality Management Districts offices.
23. The applicant was then issued a Notice of Violation with CDFW on May 23, 2023, and the applicant is required to resolve the violation with CDFW prior to commencing cultivation on-site.
24. It was also determined by CDFW that the applicant shall install a wildlife escapement for the existing pond.
25. The applicant shall remove any additional conifers existing within the understory of the oak woodlands on-site, in line with the recommendations in the Evaluation of Oak Restoration Report (1-4 in Condition 22 above).
26. The applicant is required to enter into a Road Maintenance Association for China Mine Road, the RMA will be required to construct the improvements in the final action plan, and the applicant shall actively comply with the terms and requirements of the RMA.
27. The applicant shall improve the driveway to meet current CalTrans standard for a commercial road approach (driveway) with a minimum throat width of 20 feet.
28. 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.
29. 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.
30. The site shall be subject to the regular annual inspection and a second annual random inspection with invitation to CDFW at the applicant's expense with no more than one day notice. After three successful years with no noted violations the second inspection shall be at the discretion of the Planning Director.

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

1. In the event that the applicant decides to have processing conducted off-site at a licensed processing facility, the applicant shall have documentation kept on-site to show the use of a licensed processing facility, to be furnished during an annual inspection.
2. If portable toilets are provided to the cultivation areas, the applicant shall provide receipts, or other equivalent documentation, annually to the Planning Division for proof of portable toilet service, unless a permitted onsite wastewater treatment system has been obtained.
3. In the event that the applicant plans to install the 70,000-gallon rain catchment pond in the future, they shall obtain the necessary building permits prior to installation.
4. The applicant shall also adhere to the ongoing monitoring and winterization methods recommended in Section 7 of the Site Management Plan.
5. The applicant shall adhere to the project description and work outlined within the revised Streambed Alteration Agreement with CDFW.
6. 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.
7. All artificial lighting shall be fully contained within mixed-light and 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 3000 kelvins or less and 3) only placed where needed.
8. Should the Humboldt County Planning Division receive complaints that the lighting or noise is not complying with the standards listed above in items B.1. and B.2., within ten (10) working days of receiving written notification that a complaint has been filed, the applicant shall submit written verification that the lights' shielding and alignment, and noise levels have been repaired, inspected, and corrected as necessary.
9. The applicant has also submitted an Aquatic Invasive Species Management Plan & Bullfrog Management Plan for the existing 345,000-gallon rain catchment pond on-site. The applicant

shall adhere to the recommendations within the Plan for the existing 345,000-gallon rain catchment pond, and for the 70,000-gallon proposed rain catchment pond, if constructed.

10. Prohibition on use of synthetic netting. To minimize the risk of wildlife entrapment, Permittee shall not use any erosion control materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.
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. All components of 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 log books maintained by the applicant 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.).

#### Performance Standards for Cultivation and Processing Operations

28. 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).
29. 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.
30. 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.
31. 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
32. 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.
33. 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.

34. 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.
35. 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.
36. 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.
37. 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 #8 has been executed and the corrective actions pursuant to the agreement are being undertaken. Once building permits have been secured and/or the use initiated pursuant to the terms of the agreement, the use is subject to the Permit Duration and Renewal provisions set forth in the Ongoing Requirements/Development Restrictions, above.
3. 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, groundstone artifacts, shellfish or faunal remains, and human burials. If human remains are found, California Health and Safety Code 7050.5 requires that the County Coroner be contacted immediately at 707-445-7242. If the Coroner determines the remains to be Native American, the Native American Heritage Commission will then be contacted by the Coroner to determine appropriate treatment of the remains pursuant to Public Resources Code (PRC) Section 5097.98. Violators shall be prosecuted in accordance with PRC Section 5097.99.