

## **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. As soon as practicable and before using the well, the permittee shall install water meters on all irrigation water sources sufficient to track both irrigation and domestic use. The water use for cultivation is limited to the use of the irrigation infrastructure described in the approved Operations Plan and Site Plan. The applicant will maintain monthly logs of water usage and make the logs available upon request.
3. 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.
4. 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 \$1000) 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.
5. 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.
6. Prior to use generators must be housed in secondary containment, generator sheds must have a concrete floor designed with containment for fuel leaks and spills, and must be located on a stable surface with a minimum 200-foot buffer from Class I and

Class II streams.

7. Within 90 days of the effective date of the permit, the designated fire suppression tank shall have the appropriate fire hose or pipe fitting to meet CalFire's SRA requirements.
8. Within 30 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.
9. Within 90 days of the effective date of permit approval, the applicant shall provide correspondence from CDFW regarding the submission of an amendment to the Lake and Streambed Alteration Agreement submitted with PLN 12468, shall submit the revised CDFW-signed-and-approved LSAA to the County Planning and Building Department when available.

=====**Compliance Agreement**=====

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 provided by three solar arrays on-site, and the applicant apply and finalize permits for the solar systems with the Building Division. A finalized permit will satisfy

this condition.

14. The applicant shall complete recommendations in the submitted Timber Conversion Evaluation Report. Confirmation from a Registered Professional Forester or similarly qualified individual will satisfy this condition.
15. The applicant shall permit the existing 514,591-gallon rain catchment pond with the Building Division. A finalized grading permit will satisfy this condition.
16. The applicant shall adhere to the corrective actions listed in Table 13 of the Site Management Plan. Confirmation of completion from the State Water Resources Control Board will satisfy this condition.
17. 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 applicant shall submit a regrading plan for this area to the County Planning Division to show how regrading will eliminate any erosion issues and may be required to get grading permits to remedy this issue.
18. 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, and these areas shall be remediated. Evidence of the applicant removing all cultivation related infrastructure and solid waste within these two (2) historic cultivation areas.
19. The applicant shall adhere to the following oak restoration recommendations within the Evaluation of Oak Restoration Report 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.

20. The applicant was 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.

21. The applicant shall install a wildlife escapement for the existing pond.
22. The applicant shall remove any additional conifers in 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).
23. 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.
24. 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.
25. 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.
26. 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.
27. 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 installs 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 514,591-gallon rain catchment pond on-site. The applicant shall adhere to the recommendations within the Plan for the existing 514,591-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 logbooks 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.