CONDITIONS OF APPROVAL
PLN-11025-CUP

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 **A9**. 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 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.

3. Within 90 days from the effective date of project approval, the permittee shall provide an update to the Site Plan providing the following:
    a. Location of water storage dedicated exclusively to fire protection.
    b. Location of parking.
    c. Location of emergency vehicle turnarounds.
    d. Annotations or side table data labeling all structures and their dimensions.

4. Prior to resuming cultivation, the permittee shall install and maintain water meter(s) and monthly water usage logbooks to track water usage for cannabis irrigation. Records must be kept of monthly usage and made available during annual inspections.

5. Prior to resuming cultivation, the permittee shall provide documentation demonstrating the installation of water storage dedicated exclusively to fire suppression.

6. Within 90 days of the permit effective date, the permittee shall provide either a will serve letter from the Miranda Voluntary Fire Department OR shall 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 the Board of Supervisors will be required.

7. The permittee shall obtain permits or exemptions for all structures associated with the cannabis operation.

8. The permittee shall obtain after the fact grading permits for all historic grading.

9. Prior to resuming cultivation, per the recommendations in the Floristic Survey, a fence will be constructed to provide at least a 50-foot buffer to protect the sensitive species that were identified (See Page 23 in Attachment 4I for mapping). Permittee shall develop and implement an employee orientation system to ensure the sensitive area is avoided.

10. Prior to resuming cultivation, per the recommendations in the Floristic Survey, the Permittee shall develop an integrated pest management and invasive species management plans to the satisfaction of the Planning and Building Department. Permittee must use weed free straw or other erosion control materials that will not introduce invasive species to the site.

11. Prior to resuming cultivation, the permittee shall provide documentation to the satisfaction of the Planning and Building Department that lids have been affixed to all tanks.

12. Any ground disturbance must occur outside of the Northern Spotted Owl breeding season which is February 1 through July 9.

13. The permittee shall not cultivate in the areas marked with red on the Site Plan (Attachment 1C) that have been deemed unsuitable by CDFW:

a. Within six months after the effective date of permit approval, the permittee shall provide a restoration plan prepared by a qualified professional for review and approval by the Planning and Building Department in consultation with CDFW. The restoration plan must include the decommissioning of roads and include success criteria and monitoring.

b. Prior to relocating cultivation to Site F, the permittee must provide a Biological Assessment and seasonally appropriate protocol level Botanical Survey for review and approval by the Planning and Building Department in consultation with CDFW. If sensitive resources are identified and mitigation is not possible or feasible, the cultivation cannot be relocated and will be permanently retired.

B. General Conditions

1. The cultivation area is limited to the amounts and type as described in the staff report and site plan. Cultivation area is limited to the proportion of irrigation water available from approved sources. If available irrigation water is less than the annual water budget, then the amount of cultivation will be reduced accordingly. Domestic water or other water sources shall not be used.

2. No new grading is authorized.

3. The second well located near the processing structure shall not be used for irrigation but can used for domestic type activities such as handwashing.

4. Portable toilets may be used to support cultivation operations (but not processing in the form of trimming or packaging). Records of the provision of portable toilets must be kept and made available upon request during annual inspections. The septic system shall not be used to support cannabis operations until it is evaluated by a qualified professional and reviewed and approved by the Division of Environmental Health.

5. Trimming and packaging shall occur off site at a licensed facility until a suitable structure is appropriately permitted and is connected to a permitted septic system.

6. Generators are limited to emergencies only and cannot be used to supplement the solar system.

7. No timber conversion is authorized. If a Registered Professional Forester determines tree removal is needed to protect the cannabis related structures, then one of the following must occur:

   a. Relocate the structure to avoid tree removal; OR

   b. Remove the structure and convert to a compatible use (e.g. remove greenhouse and convert to full sun cultivation.

8. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. The Department will file the NOD and the applicant is responsible for this cost to the project.

9. 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.

10. The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency (CUPA) requirements regarding hazardous materials. A written verification of compliance shall be required before any provisional permits may be finalized. Ongoing proof of compliance with this condition shall be required at each annual inspection to keep the permit valid.

11. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Planning and Building Department will provide a bill to the applicant after the decision. All outstanding planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.

12. If monofilament netting is used, best management practices must be implemented to ensure no wildlife entrapment or release into the environment. See also Condition of Approval C5.

13. The burning of plant material associated with the cultivation and processing of commercial cannabis is prohibited.

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

1. If cultural resources are encountered during construction activities, the contractor on site shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist and the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and the lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided. Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, ground-stone artifacts, shellfish or faunal remains, and human burials. If human remains are found, California Health and Safety Code 7050.5 requires that the County Coroner be contacted immediately at 707-445-7242. If the Coroner determines the remains to be Native American, the Native American Heritage Commission will then be contacted by the Coroner to determine appropriate treatment of the remains pursuant to Public Resources Code (PRC) Section 5097.98. Violators shall be prosecuted in accordance with PRC Section 5097.99.

2. The combination of background, generator and greenhouse fan or other operational equipment created noise must not result in the harassment of Northern Spotted Owl species as required to meet the performance standards for noise set by Department Policy Statement No. 16-005. The combined noise levels measured at 100 feet or the edge of habitat, whichever is closer, shall be at or below 50 decibels. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service, and further consultation where necessary. A building permit shall be obtained should any structures be necessary for noise attenuation.

3. All artificial lighting shall be fully contained within structures such that no light escapes (e.g., through blackout curtains). Structures shall be shielded between 30 minutes prior to sunset and 30 minutes after sunrise to prevent disruption to crepuscular wildlife. Security lighting shall be motion activated and comply with the International Dark-Sky Association standards and Fixture Seal of Approval Program. Standards include but are not limited to the following, 1) light shall be shielded and downward facing, 2) shall consist of low-pressure sodium light or low spectrum light emitting diodes with a color temperature of 3000 kelvins or less and 3) only placed where needed.

4. Should the Humboldt County Planning Division receive complaints that lighting or noise is not complying with the standards listed above in this permit, within ten (10) working days of receiving written notification that a complaint has been filed, the applicant shall submit written verification that the light shielding and

alignment, and noise levels have been repaired, inspected, and corrected as necessary.

5. The use of monofilament netting for erosion control shall be prohibited. Geotextiles, fiber rolls, and other erosion control measure materials shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves to minimize the risk of ensnaring and strangling wildlife.

6. All refuse shall be contained in wildlife proof containers, always, and relocated to an authorized waste management facility, in compliance with State and local laws, on a regular and on-going basis.

7. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and be allowed to leave the work site unharmed.

8. The use of anticoagulant rodenticide is prohibited.

9. The operator shall provide information to all employees about the potential health impacts of cannabis use on children. Information shall be provided by posting the brochures from the Department of Health and Human Services titled "Cannabis Palm Card" and "Cannabis Rack Card." This information shall also be provided to all employees as part of the employee orientation.

10. All components of the project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, the CMMLUO, and these conditions of approval.

11. If operating pursuant to a written approved compliance agreement, permittee shall abate or cure violations at the earliest feasible date, but in no event no more than two (2) years from the date of issuance of a provisional clearance or permit. Permittee shall provide plans for curing such violations to the Planning and Building Department within one (1) year of issuance of the provisional clearance or permit. If good faith effort toward compliance can be shown within the two years following the issuance of the provisional clearance or permit, the Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow additional time to meet the outstanding requirements.

12. Compliance with all statutes, regulations, and requirements of the California State Water Resources Control Board and the Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration, as applicable.

13. Confinement of the area of cannabis cultivation, processing, manufacture, or distribution to the locations depicted on the approved site plan. The commercial cannabis activity shall be set back at least 30 feet from any property line, and 600 feet from any school, school bus stop, church or other place of religious worship, or tribal cultural resources, except where a reduction to this setback has been approved pursuant to Section 55.4.11(d).

14. Applicant must adhere to and implement the Site Management Plan. A copy of the reporting form portion of the Mitigation and Reporting Program (MRP) shall be submitted to the Planning and Building Department upon request.

15. Applicant must demonstrate and maintain enrollment in Tier 1 or 2 in accordance with State Water Resources Control Board Order No. WQ 2019-0001-DWQ, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.

16. Comply with the terms of any applicable Lake and Stream Alteration (1600 or 1602) Agreement obtained from the California Department of Fish and Wildlife (CDFW).

17. Comply with the terms of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (Cal Fire), if applicable.

18. Consent to an annual on-site compliance inspection, with at least 24 hours prior notice, to be conducted by appropriate County officials during regular business hours (Monday through Friday, 9:00 a.m. to 5:00 p.m., excluding holidays).

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

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

21. Fuel shall be stored and handled in compliance with applicable state and local laws and regulations, including the County of Humboldt's Certified Unified Program Agency (CUPA) program, and in such a way that no spillage occurs.

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

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

Performance Standards for Cultivation and Processing Operations

24. Pursuant to Business and Professions Code section 26051.5(a)(8), an applicant seeking a cultivation license shall "provide a statement declaring the applicant is an 'agricultural employer,' as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 commencing with Section 1140) of Division 2 of the Labor Code), to the extent not prohibited by law."

25. Cultivators shall comply with all applicable federal, state, and local laws and regulations governing California Agricultural Employers, which may include federal and state wage and hour laws, Cal/OSHA, OSHA, the California Agricultural Labor Relations Act, and the Humboldt County Code (including the Building Code).

26. Cultivators engaged in processing shall comply with the following Processing Practices:

    a. Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.

    b. Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.

    c. Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.

    d. Employees must wash hands sufficiently when handling cannabis or use gloves.

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

a. Cultivation operations and processing operations must implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:
   (1) Emergency action response planning as necessary;
   (2) Employee accident reporting and investigation policies;
   (3) Fire prevention;
   (4) Hazard communication policies, including maintenance of material safety data sheets (MSDS);
   (5) Materials handling policies;
   (6) Job hazard analyses; and
   (7) Personal protective equipment policies, including respiratory protection.

b. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
   (1) Operation manager contacts;
   (2) Emergency responder contacts; and
   (3) Poison control contacts.

c. At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations. Plumbing facilities and water source must be capable of handling increased usage without adverse consequences to neighboring properties or the environment.

d. On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.

28. All cultivators shall comply with the approved processing plan as to the following:
   a. Processing practices
   b. Location where processing will occur
   c. Number of employees, if any
   d. Employee Safety Practices
   e. Toilet and handwashing facilities
   f. Plumbing and/or septic system and whether or not the system is capable of handling increased usage

g. Drinking water for employees

h. Plan to minimize impact from increased road use resulting from processing

i. On-site housing, if any

29. Term of Commercial Cannabis Activity Permit. Any Commercial Cannabis Cultivation permit issued pursuant to the CMMLUO or CCLUO shall expire one (1) year after date of issuance, and on the anniversary date of such issuance each year thereafter, unless an annual compliance inspection has been conducted and the permittees and the permitted site have been found to comply with all conditions of approval.

30. Inspections. If the inspector or other County official determines that the permittees or site do not comply with the conditions of approval, the inspector shall serve the permit holder with a written statement identifying the items not in compliance, and the action that the permit holder may take to cure the noncompliance or file an appeal within ten (10) days of the date that the written statement is delivered to the permit holder. Personal delivery or mailing the written statement to the mailing address listed on the application by regular mail, plus three (3) days after date of mailing, shall constitute delivery. The permit holder may request a reinspection to determine whether or not the permit holder has cured all issues of noncompliance. Failure to request reinspection or to cure any items of noncompliance shall terminate the Permit, immediately upon the expiration of any appeal period, or final determination of the appeal if an appeal has been timely filed.

The permit holder and subject property owner are to allow the County or representative(s) or designee(s) to make inspections at any reasonable time deemed necessary to assure that the activities being performed under the authority of this permit are in accordance with the terms and conditions prescribed herein.

31. Permit Renewals to Comply with Updated Laws and Regulations. Permit renewal is subject to the laws and regulations effective at the time of renewal, which may be substantially different than the regulations currently in place and may require the submittal of additional information to ensure that new standards are met.

32. Acknowledgements to Remain in Full Force and Effect. Permittee acknowledges that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this section in the event that environmental conditions, such as a sustained drought or low

flows in the watershed in which the cultivation area is located, will not support diversions for irrigation.

33. Transfers. Transfer of any leases or permits approved by this project is subject to the review and approval of the Planning Director for conformance with CMMLUO eligibility requirements and agreement to permit terms and acknowledgments. The fee for required permit transfer review shall accompany the request. The request shall include the following information:

    a. Identifying information for the new owner(s) and management as required in an initial permit application;

    b. A written acknowledgment by the new owner in accordance as required for the initial permit application;

    c. The specific date on which the transfer is to occur;

    d. Acknowledgement of full responsibility for complying with the existing permit; and

    e. Execution of an Affidavit of Non-diversion of Medical Cannabis.

Informational Notes:

1. None

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