

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

**Resolution Number 23-060**

**Record Number PLN-2022-18049**

**Assessor's Parcel Number: 524-072-010**

**Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approving the New Earth Farms, LLC, Special Permit.**

**WHEREAS**, New Earth Farms, LLC, submitted an application and evidence in support of approving a Special Permit for 32,500 square feet (SF) of new mixed-light cannabis cultivation with appurtenant nursery and drying; and a Special Permit for a setback reduction to Public Lands; and

**WHEREAS**, the County Planning Division, the lead agency, prepared an Addendum to the Final Environmental Impact Report (EIR) prepared for the Commercial Cannabis Land Use Ordinance (CCLUO) adopted by the Humboldt County Board of Supervisors on May 8, 2018. The proposed project does not present substantial changes that would require major revisions to the previous EIR. 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 Special 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 Special Permit for 32,500 square feet (SF) of new mixed-light commercial cannabis cultivation, and a Special Permit for a setback reduction to Public Lands, the Six Rivers National Forest. There is an existing approved permit on-site for 10,000 square feet of mixed-light cultivation. The total area of mixed-light cultivation on-site is proposed to be 42,500 SF. A total 3,000 SF ancillary nursery is proposed to support cultivation activities. The applicant projects three (3) harvests annually. Water for irrigation will be supplied by an existing and proposed rainwater catchment system from roof tops with a total capture area of 52,599 square feet. Existing available water storage totals 17,500 gallons and the total water storage proposed is 600,000. Estimated annual water use for the 42,500 SF of cultivation and 3,000 SF of nursery, is approximately 595,000 gallons (13 gal/SF/yr). The applicant is proposing to conduct all trimming and packaging off-site at a licensed processing facility. Drying and curing is proposed to occur in a proposed 2,400 square foot ag-exempt structure. Energy for the

operation will be supplied by PG&E renewable sources. There will be up to 7 employees on-site during peak operations.

**EVIDENCE:** a) Project File: PLN-2022-18049

2. **FINDING:** **CEQA.** The requirements of the California Environmental Quality Act have been complied with. The Humboldt County Planning Commission has considered the Environmental Impact Report (EIR) prepared for the Commercial Cannabis Land Use Ordinance (CCLUO) adopted by the Humboldt County Board of Supervisors on May 8, 2018 and the Addendum prepared for this project.

**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 EIR. 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) Water for irrigation will come from rain catchment off of rooftops and open rain catchment tanks.
- d) A Site Management Plan was prepared by Northpoint Consulting Group Inc. to show compliance with the State Water Resource Control Board Order No. WQ 2019-0001-DWQ. The applicant shall continue to adhere to the Best Practicable Treatment or Control (BPTC) measures and annual monitoring/treatment timelines in the Site Management Plan.
- e) A Notice of Applicability for proof of enrollment in the State Water Resources Control Board General Order WQ 2019-0001-DWQ, under WDID: 1\_12CC417141.
- f) There is one (1) Class III intermittent stream and a man-made impoundment pond (not utilized for cannabis irrigation) with the associated 50-foot streamside management area buffers. A Wetland and Watercourse Evaluation was performed by J. Regan Consulting in November 2021. The evaluation concluded that the pond/wetland feature is completely man-made and does not appear to require a buffer under the County's Streamside Management Areas and Wetlands Ordinance. Existing cultivation areas and ancillary infrastructure to support commercial activities (both existing and proposed) are outside of the required streamside management area buffers. Approval of this permit does not authorize use of the pond feature to support any commercial cannabis cultivation activities.
- g) The applicant had an Initial Biological Scoping Report that was prepared by Biologist Corrina Kamoroff with Hohman & Associates Forestry

Consultants, dated June 24, 2022. The applicant is required to adhere to the recommendation in the Report.

- h) The Botanical Survey Report (BSR) was prepared by Botanist Caitlyn Allchin with Hohman and Associates Forestry Consultants, dated June 24, 2022. The BSR states that the botanical surveys were conducted on May 18, 2020, and July 15, 2020. No protected rare or endangered plants were detected at the project's cultivation site. The applicant is required to adhere to the recommendations in the Report.
- i) The Raptor Survey Report (RSR) was prepared by Biologist Grace Sanderson with Hohman and Associates Forestry Consulting, dated June 24, 2022. The RSR states that two (2) raptor surveys were conducted on April 1, 2021, and May 20, 2021. No sensitive species were observed during both surveys, no nesting behavior was observed on or near the property, and the proposed operations are not expected to impact any nesting raptors. Additional raptor surveys are recommended if construction is planned for 2022 or later. The applicant shall obtain additional raptor surveys during the breeding season prior to any construction activities on-site.
- j) The project is located approximately 0.74 miles to the nearest known Northern Spotted Owl (NSO) activity center, and is approximately 0.43 feet to the nearest positive NSO observation site. The applicant has obtained an NSO Survey Report (NSOSR) that was prepared by Biologist Corrina Kamoroff with Hohman and Associates Forestry Consultants, dated May 25, 2022. The NSOSR discusses the effects of the Knob fire that occurred in 2021, which burned approximately 2,421 acres surrounding the project area. There were three (3) known activity center within 1.3 miles of the project area, two (2) of which were located on the edge of the fire perimeter and may no longer be considered NSO habitat. There was an on-going Willow Creek Northern Spotted Owl Demographic study which has been surveying from the early 1990's through 2022, with five (5) site being monitored. At the end of the 2021 NSO survey season, only one of the sites (HUM1059) has been documented to be occupied by NSO since 2017, and there have been no additional NSO detections outside of the historic sites since 2021. The NSOSR states that no additional NSO surveys are recommended at this time
- k) No timber conversion has occurred on the site, and approval of this project does not authorize any future timber conversion.
- l) The site is accessed from private road Staton Drive, from county-maintained Friday Ridge Road, from State Hwy 299. The applicant had a Road Evaluation Report (RER) prepared by Northpoint Consulting Group, dated January 2021, which assesses the 0.6 miles of the private access road Staton Drive. The RER shows that the entire road segment

is on average 18-20 feet in width with adequate shoulders and turnouts at all pinch points. The RER concludes that the road system used to access the project has been determined to be within conformance of Section 55.4.12.1.8 of the CCLUO, with the recommended improvements listed in Table 1 of the RER. The applicant shall complete the road improvements listed in Table 1 of the RER prior to commencing the additional cultivation activities on-site. The project was referred to the Department of Public Works on April 12, 2023, and comments were received by the agency on April 20, 2023. Comments from Public Works included the same recommended conditions on the project as the approved project (PLN-12260-SP). As the access also connects to State Hwy 299, the project was referred to CalTrans, and no comments were received. There are several approved cannabis projects that are accessed from Staton Drive (Applications 12270, 12099, 12213, 12098, and 12101), and all permit holders shall enter into a Road Maintenance Association in order to establish rules and mechanisms for road maintenance.

- m) The project is located within the Hoopa Tribe and Tsnungwe Tribes ancestral aboriginal territories. The applicant has submitted a Cultural Resource Investigation Report (CRIR) that was prepared for the approved project 12260, and included an investigation of the proposed cultivation site. The CRIR was prepared by William Rich, M.A., RPA, with William Rich and Associates, dated May 2021, and was submitted to the Tsnungwe Council for review on May 15, 2023. The Tsnungwe Council responded on May 16, 2023, stating that they are okay with the project proposal and the findings of the CRIR. The CRIR found no significant archaeological or historical-period cultural resources within the limits of the project area. The applicant shall adhere to Inadvertent Discover Protocols.

## **FINDINGS FOR SPECIAL 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) The proposed project is not planned or zoned as open space, does not have a combining zone that would be considered open space.
- 4. **FINDING** The proposed development is consistent with the purposes of the existing U zone in which the site is located.  
**EVIDENCE** a) The Unclassified or U 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 U zone.



- c) Humboldt County Code section 55.4.6.1.2 (b) allows cultivation of up to 43,560 square feet of new cannabis cultivation on a parcel zoned U over 10 acres subject to approval of a Special Permit. The application to allow a total of 32,500 square feet of new mixed-light cannabis cultivation on a 30-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 CCLUO Provisions of the Zoning Ordinance.

**EVIDENCE**

- a) The CCLUO allows new and existing cannabis cultivation to be permitted in areas zoned U (HCC 314-55.4.6.1.1).
- b) The subject parcel has been determined to be one legal parcel created by Parcel Map 1146 (lot 4) recorded in Book 10 of Parcel Maps.
- c) The project will source water from rain catchment collected from rooftops.
- d) The site is accessed from private road Staton Drive, from county-maintained Friday Ridge Road, from State Hwy 299. The applicant had a Road Evaluation Report (RER) prepared by Northpoint Consulting Group, dated January 2021, which assesses the 0.6 miles of the private access road Staton Drive. The RER shows that the entire road segment is on average 18-20 feet in width with adequate shoulders and turnouts at all pinch points. The RER concludes that the road system used to access the project has been determined to be within conformance of Section 55.4.12.1.8 of the CCLUO, with the recommended improvements. The applicant shall complete the road improvements listed in Table 1 of the RER prior to commencing the additional cultivation activities on-site. The project was referred to the Department of Public Works on April 12, 2023, and comments were received by the agency on April 20, 2023. Comments from Public Works included the same recommended conditions on the project as the approved project (PLN-12260-SP). As the access also connects to State Hwy 299, the project was referred to CalTrans, and no comments were received. There are several approved cannabis projects that are accessed from Staton Drive (Applications 12270, 12099, 12213, 12098, and 12101), and all permit holders shall enter into a Road Maintenance Association in order to establish rules and mechanisms for road maintenance.
- e) Energy for the operation will be supplied by PG&E renewable sources. The parcel is currently tied with the PG&E grid, and the applicant is working with PG&E, a licensed electrician, and an electrical engineer to develop the sites infrastructure for additional power delivery to ensure that the available power is sufficient for the full 42,500 SF of mixed-light cannabis cultivation. Prior to the issuance of building permits or

initiation of any activities requiring the use of electricity, the applicant shall provide documentation demonstrating adequate electricity is available to the project site, to the satisfaction of the Planning Director. The applicant plans to source renewable energy by enrolling in PG&E's 100% Solar Choice program or the RCEA Power+ plan, and is required to show proof of enrollment in a 100% renewable energy plan with PG&E prior to commencement of cultivation activities.

- f) No timber conversion has occurred on the parcel, and approval of this project does not authorize any future timber conversion.
- g) The location of the cultivation complies with the setbacks required in Section 314-55.4.6.4.4. It is more than 30 feet from any property line, more than 300 feet from any off-site residence, and more than 600 feet from any school, school bus stop, church, Tribal Cultural Resource.

The previously approved project was approved for a setback reduction to Public Lands, the Six Rivers National Forest (SRNF). This project is also requesting a Special Permit to reduce the 600-foot setback to Public Lands, and will not significantly change the setback from SRNF, and will lessen the setback from 70 feet for the approved project to 30 feet for the proposed activities. The project was referred to the SRNF on April 12, 2023, and no comments were received.

The adjacent public land is subject to the Land and Resource Management Plan - Six Rivers National Forest 1995 (L&RMP). The project is consistent with the L&RMP because the cultivation activities will minimize impacts to biological resources and wildlife through measures to reduce potential light and noise impacts. The applicant will obtain 100% renewable power from PG&E, and water is collected from rain catchment. The project is consistent with recreational use on public lands as the proposed project is not located near developed campgrounds, trails, or other related facilities. The project site is more than 600 feet from any school, school bus stop, church or other place of religious worship, or Tribal Cultural Resource.

The project is less than 270 feet from an undeveloped parcel, the SRNF. As the undeveloped parcel is Public Lands, it is not anticipated that any future development will occur on the SRNF.

## **6. FINDING**

The cultivation of 32,500 SF of new mixed-light 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 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 site is accessed from private road Staton Drive, from county-maintained Friday Ridge Road, from State Hwy 299. The applicant had a Road Evaluation Report (RER) prepared by Northpoint Consulting Group, dated January 2021, which assesses the 0.6 miles of the private access road Staton Drive. The RER shows that the entire road segment is on average 18-20 feet in width with adequate shoulders and turnouts at all pinch points. The RER concludes that the road system used to access the project has been determined to be within conformance of Section 55.4.12.1.8 of the CCLUO, with the recommended improvements. The applicant shall complete the road improvements listed in Table 1 of the RER prior to commencing the additional cultivation activities on-site. The project was referred to the Department of Public Works on April 12, 2023, and comments were received by the agency on April 20, 2023. Comments from Public Works included the same recommended conditions on the project as the approved project (PLN-12260-SP). As the access also connects to State Hwy 299, the project was referred to CalTrans, and no comments were received. There are several approved cannabis projects that are accessed from Staton Drive (Applications 12270, 12099, 12213, 12098, and 12101), and all permit holders shall enter into a Road Maintenance Association in order to establish rules and mechanisms for road maintenance.
- c) Energy for the operation will be supplied by PG&E renewable sources. The parcel is currently tied with the PG&E grid, and the applicant is working with PG&E, a licensed electrician, and an electrical engineer to develop the sites infrastructure for additional power delivery to ensure that the available power is sufficient for the full 42,500 SF of mixed-light cannabis cultivation. Prior to the issuance of building permits or initiation of any activities requiring the use of electricity, the applicant shall provide documentation demonstrating adequate electricity is available to the project site, to the satisfaction of the Planning Director. The applicant plans to source renewable energy by enrolling in PG&E's 100% Solar Choice program or the RCEA Power+ plan, and is required to show proof of enrollment in a 100% renewable energy plan with PG&E prior to commencement of cultivation activities

- d) The project is located in an area designated to have a Very High Fire Hazard Severity, and is located within the Willow Creek Volunteer Fire District (WCVFD) for local fire response area. The project was referred to the WCVFD on April 12, 2023, and no comments have been received. The project is also located within the State Responsibility Area (SRA) for CalFire. The Site Plan shows a firetruck turnaround, and the applicant has one (1) 2,500 gallon water storage tank designated for fire suppression needs only. The designated fire suppression tank shall have the appropriate fire hose that meets CalFire SRA requirements. The project proposes to include the management of trees and vegetation around the existing structures to maintain a 100-foot defensible space from structures.
- e) All water will be sourced by rain catchment collected from rooftops.

**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 Lower Trinity Planning Watershed, which under Resolution 18-43 is limited to 169 permits and 58 acres of cultivation. With the approval of this project the total approved permits in this Planning Watershed would be 61 cultivation permits and the total approved acres would be 26.6 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 Special Permit for New Earth Farms, LLC, 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 Brian Mitchell and second by COMMISSIONER Lonyx Landry and the following ROLL CALL vote:

AYES: COMMISSIONERS: Noah Loah, Lonyx Landry, Brian Mitchell, Sarah West

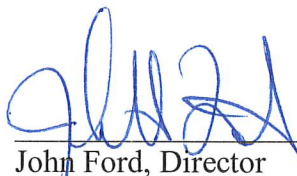
NOES: COMMISSIONERS: Iver Skavdal, Peggy O'Neill

ABSENT: COMMISSIONERS: Thomas Mulder

ABSTAIN: COMMISSIONERS:

DECISION: Motion Carries 4/2/1

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 SPECIAL PERMIT IS CONDITIONED ON THE FOLLOWING TERMS AND REQUIREMENTS WHICH MUST BE SATISFIED BEFORE THE PROJECT MAY BEGIN OPERATING.**

### **A. General Conditions Required Prior to Operations**

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. Prior to expansion of the site the applicant shall show that they have met the conditions of approval for the approved project PLN-12260-SP (Conditions 6 – 14 in Attachment 1 of the approved project 12260 Staff Report), and shall meet the general conditions set forth for this application PLN-18049-SP.
6. The applicant shall secure permits for all structures related to the cannabis cultivation and other commercial cannabis activity, including but not limited to: one (1) residence, one (1) drying structure, one (1) 100,000-gallon rain catchment tank, and one (1) 500,000-gallon rain catchment tank. The applicant is conditioned to obtain building permits for all existing and proposed structures with a nexus to cannabis, including but not limited to: eighteen (18) mixed-light greenhouses, one (1) nursery greenhouse, one (1) residence, one (1) drying structure, one (1) 100,000-gallon rain catchment tank, and one (1) 500,000-gallon rain catchment tank.
7. Prior to the issuance of building permits or initiation of any activities requiring the use of electricity, the applicant shall provide documentation demonstrating adequate electricity is



available to the project site, to the satisfaction of the Planning Director.

8. The applicant plans to source renewable energy by enrolling in PG&E's 100% Solar Choice program or the RCEA Power+ plan, and is required to show proof of enrollment in a 100% renewable energy plan with PG&E prior to commencement of cultivation activities.
9. 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.
10. The designated fire suppression tank shall have the appropriate fire hose that meets CalFire SRA requirements.
11. All water tanks shall be installed and filled with rainwater prior to commencement of cultivation activities at the site.
12. The Initial Scoping Biological Report includes the recommendation for pre-construction bird surveys, prior to any further construction or vegetation removal during the breeding season.
13. The applicant shall adhere to the recommendations for invasive star thistle and Himalayan Blackberry, described in page 3 and 4 of the Botanical Survey Report, prior to commencing operations on-site.
14. Additional raptor surveys are recommended if construction is planned for 2022 or later. The applicant shall obtain additional raptor surveys during the breeding season prior to any construction activities on-site.
15. The applicant shall implement storm water management around the cultivation area to include routing storm water into settling basins or bioswales where the runoff can be incorporated into groundwater and away from streams.
16. Prior to installing the 100,000-gallon rain catchment tank, the applicant shall replace the failing culvert located near the road and existing well.
17. The applicant shall complete the work outlined within the SAA 1600-2019-0376-R1 with CDFW, and submit all the required reporting, prior to conducting the proposed expansion development activities.
18. The applicant shall complete the road improvements listed in Table 1 of the Road Evaluation Report prepared by Northpoint Consulting Group, prior to commencing the additional cultivation activities on-site.
19. There are several approved cannabis projects that are accessed from Staton Drive (Applications 12270, 12099, 12213, 12098, and 12101), and all permit holders shall enter into a Road Maintenance Association in order to establish rules and mechanisms for road maintenance.

20. 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.
21. 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.

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

1. 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. Seasonal cultivation without processing may use portable toilets to serve the operation, and that the permittee shall provide portable toilets to cultivation areas meeting appropriate setbacks, or install a permitted onsite wastewater treatment system associated with a permitted structure.
3. 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.
4. The approval of this project does not authorize conversion of timberland on-site, and the applicant shall adhere to the CalFire guidelines for maintaining defensible space, which includes:
  1. Cutting or mowing annual grass down to a maximum height of four inches.
  2. Create horizontal space between shrubs and trees.
  3. Create vertical space between grass, shrubs, and trees.
  4. Remove fallen leaves, needles, twigs, bark, cones, and small branches. However, they may be permitted to a depth of three inches.
  5. Keep 10 feet of clearance around exposed wood piles, down to bare mineral soil, in all directions.
  6. Clear area around outbuildings and propane tanks. Keep 10 feet of clearance to bare mineral soil and no flammable vegetation for an additional 10 feet around their exterior.
5. The applicant has a Site Management Plan (SMP) prepared for the approved project, and the applicant shall continue to adhere to the Best Practicable Treatment or Control (BPTC) measures and annual monitoring/treatment timelines in the SMP.
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. There is a decommissioned logging road that runs to the northwest adjacent to the *Erythronium* population, and if the road needs to be accessed, a professional botanist should be consulted to identify the population to species during its blooming period between March and July. If the population is found to be a rare or threatened species of *Erythronium*, then a 100-foot buffer should be delineated with flagging around it to ensure its protection during road use.
10. The applicant shall adhere to the recommendations for invasive star thistle and Himalayan Blackberry, described in page 3 and 4 of the Botanical Survey Report, prior to commencing operations on-site, and monitoring and removal of these species shall be conducted for the life of the project.
11. The applicant is conditioned to limit any ground-disturbing or construction activities to outside the NSO breeding season (between March 1<sup>st</sup> through July 10<sup>th</sup>)
12. The applicant shall adhere to the project description and work outlined within the Streambed Alteration Agreement No. 1600-2019-0376-R1 with CDFW.
13. 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.

14. All refuse shall be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
15. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and be allowed to leave the work site unharmed.
16. The use of anticoagulant rodenticide is prohibited.
17. 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.
18. 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.
19. 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.
20. 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.
21. 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.
22. 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).
23. 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.

24. 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.
25. 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).
26. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
27. Pay all applicable application, review for conformance with conditions and annual inspection fees.
28. 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.
29. The master log books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
30. 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

31. 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).
32. 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.
33. 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.
34. 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
35. 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.
36. 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.

37. 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.
38. 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.
39. 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.
40. 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.