

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings; Meeting on _____, 2021

Resolution No. 21-___ Resolution of the Board of Supervisors of the County of Humboldt ADOPTING FINDINGS OF FACT, CONSIDERING THE ADDENDUM TO A PREVIOUSLY ADOPTED MITIGATED NEGATIVE DECLARATION PREPARED FOR THE PROJECT PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, APPROVING THE APPEAL FOR RECORD NO. PLN-2021-17433 AND APPROVING THE LASSIK FARMS LLC CONDITIONAL USE PERMIT RECORD NO. PLN-CUP-12593.

WHEREAS, Humboldt County adopted the Commercial Medical Marijuana Land Use (CMMLUO) Ordinance on September 13, 2016, after adopting a Mitigated Negative Declaration finding that all potential impacts associated with implementation of the ordinance had been reduced to a less than significant level; and

WHEREAS, Lassik Farms LLC submitted an application and evidence in support of approving a Conditional Use Permit for an existing 24,687 square foot outdoor commercial cannabis operation, on December 27, 2016; and

WHEREAS, the Planning and Building Department reviewed the application and supporting evidence and referred the application materials to applicable reviewing agencies for site inspections, comments and recommendations; and

WHEREAS, on August 23, 2021, the Planning Commission adopted a Resolution which did the following:

1. Considered the Addendum to the Mitigated Negative Declaration for the Commercial Medical Marijuana Land Use Ordinance that was prepared for the Lassik Farms LLC project; and
2. Found based on the submitted substantial evidence that the proposed project complies with the General Plan and Zoning Ordinance and made all findings for approval; and
3. Approved the Conditional Use Permit under record No. PLN-12593-CUP as recommended and conditioned by staff with an additional condition number 17 as follows:

The applicant shall provide 50% of annual water demand (equal to 180,000 gallons) with rain catchment utilizing run-off from existing structures on-site. The applicant shall install additional water tanks in previously disturbed areas as necessary to comply with this condition. The applicant shall provide evidence (e.g. photographs) of the rain catchment system and additional water storage tanks. Alternatively, the applicant can schedule a site inspection with the Humboldt County Planning Department to verify this condition is met. A sign-off from the Planning Department will satisfy this condition.

WHEREAS, Jamie Lieder and David Hull, representing Lassik Farms LLC (“Appellant”) on September 2, 2021, filed an appeal in accordance with the Appeal Procedures specified in Humboldt County Code Section 312-13 et seq.; and

WHEREAS, the Board of Supervisors held a duly-noticed public hearing, *de-novo*, on October 19, 2021 and reviewed, considered, and discussed the application and appeal for the Conditional Use Permit; and reviewed and considered all public testimony and evidence presented at the hearing; and

WHEREAS, the Board of Supervisors closed the public hearing on October 19, 2021 and adopted a motion to approve the appeal and to approve the Conditional Use Permit.

Now, THEREFORE BE IT RESOLVED, that the Board of Supervisors makes all the following findings:

- 1. FINDING:** **Project Description:** The application is a Conditional Use Permit for an existing 24,687-square-foot outdoor cannabis cultivation operation of which 20,073 square feet (SF) is full-sun outdoor and 4,614 SF is outdoor in three (3) light deprivation greenhouses which do not utilize any artificial lighting. Ancillary propagation occurs in a 300 SF greenhouse. Irrigation water is sourced from a permitted groundwater well. Existing available water storage is 12,800 gallons stored in a series of hard-sided tanks. Estimated annual water usage is 360,000 gallons. Drying, bucking, and processing occurs onsite, and additional processing may occur offsite at a licensed processing or manufacturing facility, if necessary. Up to two (2) employees may be utilized during peak operations. Power for cultivation is sourced primarily from solar and wind power, with generators to provide ancillary power and support drying activities.

EVIDENCE: a) Project File: PLN-12593-CUP

- 2. FINDING:** **CEQA.** The requirements of the California Environmental Quality Act have been complied with. The Humboldt County Planning Commission has considered the Addendum to and the Mitigated Negative Declaration (MND) prepared for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) adopted by the Humboldt County Board of Supervisors on January 26, 2016.

EVIDENCE: a) Addendum prepared for the proposed project.

b) The proposed project does not present substantial changes that would require major revisions to the previous MND. No new information of substantial importance that was not known and could not be known at the time was presented as described by §15162(c) of CEQA Guidelines.

c) A Site Management Plan was prepared to show compliance with the State Water Board Cannabis General Order for Waste Discharge. Conditions of approval require the applicant to adhere to and implement the recommendations of the SMP and submittal of enrollment documentation to verify enrollment under the General Order. Conditions of approval also require the applicant to obtain a Final Streambed Alteration Agreement from the California Department of Fish and Wildlife (CDFW) for the replacement of a 30-inch culvert recommended by the SMP.

- d) Review of the California Natural Diversity Database (CNDDDB) in July 2021 indicates no mapped sensitive species onsite. However, Northern Spotted Owl (NSO) habitat exists in the vicinity and the nearest activity center is within 1.2 miles of the site. The proposed project is to continue use of existing developed sites and the potential indirect impacts are mitigated through implementation of best management practices. Conditions of approval will require noise to be at below 50 decibels at 100 feet which is below the guidance established by the California Department of Fish and Wildlife for protection of the species. The project is also conditioned to avoid heavy equipment operations during NSO critical period (February 1 – July 31) or perform protocol level surveys prior to initiating that work. Furthermore, the project is conditioned to adhere to Dark Sky Standards for greenhouse lighting and security lighting, refrain from using synthetic netting, ensure refuse is contained in wildlife-proof storage, and refrain from using anticoagulant rodenticides to further protect wildlife. As proposed and conditioned, the project is consistent with CMMLUO performance standards and CDFW guidance and will not negatively impact NSO or other sensitive species.
- e) The Cultural Resources referral process carried out by staff concluded that the proposed project will not result in any adverse changes to historical or archaeological resources and recommended Inadvertent Discoveries Protocol.
- f) A Road Evaluation Report was prepared for the private onsite road network by DTN Engineering and Consulting in December 2020 which identified that the road is suitable for safe access to and from the project site.

FINDINGS FOR CONDITIONAL USE PERMIT

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

EVIDENCE a) The proposed cannabis cultivation, an agricultural product, is within land planned and zoned for agricultural purposes (Residential Agriculture [RA40] and Unclassified (U) land use designation), consistent with the use of Open Space land for managed production of resources. The use of an agricultural parcel for commercial agriculture is consistent with the Open Space Plan and Open Space Action Program. Therefore, the project is consistent with and complimentary to the Open Space Plan and its Open Space Action Program.

4. FINDING The proposed development is consistent with the purposes of the existing Unclassified (U) zone in which the site is located.

EVIDENCE a) The Unclassified (U) Zone is intended to be applied in areas of the County which have not been sufficiently studied to justify precise zoning classifications.

b) All general agricultural uses are principally permitted in the U zone.

c) Humboldt County Code section 314-55.4.8.2.2 allows cultivation of up to 43,560 square feet of existing outdoor cannabis and up to 22,000 square feet of existing mixed-light cannabis on a parcel over 1 acre subject to approval of a Conditional Use Permit and a determination that the cultivation was in existence prior to January 1, 2016. The application for 24,687 square feet of cultivation on a 40-acre parcel is consistent with this and the cultivation area verification on file.

5. FINDING

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

EVIDENCE

- a) The CMMLUO allows existing cannabis cultivation to be permitted in areas zoned U (HCC 314-55.4.8.2.2).
- b) The parcel was created in compliance with all applicable state and local subdivision regulations, as it was created by an approved and recorded Parcel Map Subdivision (Parcel 71 of Parcel Map 64, Book 1, Pages 95 through 114).
- c) Water for irrigation is provided by a permitted onsite groundwater well (20/21-0668). The onsite well is also registered with the California Department of Water Resources (WCR2021-003886). The well is located in the northwest portion of the subject parcel. The well is 200 feet deep and drilled through topsoil, brown sandstone, shale, and blue sandstone. The well is approximately 850 feet away from the nearest Streamside Management Area. A blank is installed for the first 30 feet and final 10 feet of the well. The well yields 40 gallons per minute (GPM), therefore, the well can produce sufficient water for irrigation. Based on the distance from the nearest watercourse and use of a blank for casing of the first 30 feet and final 10 feet of well, the well is likely to be hydrologically disconnected from surface waters and does not require additional water rights from the State Water Resources Control Board and is not subject to forbearance or water storage requirements.
- d) The subject property, APN 217-381-007, is accessed off of Sunset Ridge Road, a privately-maintained road, which feeds into Alderpoint Road, a County-maintained road. A Road Evaluation Report was prepared for the private onsite road network by DTN Engineering and Consulting in December 2020 which identified that the road is suitable for safe access to and from the project site. Conditions of approval require the applicant to adhere and implement recommendations in the Road Evaluation Report.
- e) The slope of the land where cannabis will be cultivated is less than 15%.
- f) The cultivation of cannabis will not result in the net conversion of timberland. A review of aerial imagery on the Humboldt County WebGIS shows timber conversion occurred between 2010 – 2012 around the boundary of the on-stream pond in the southern area of the subject parcel. Conditions of approval require the applicant to submit a Less Than Three Acre Conversion Mitigation Plan prepared by a Registered Professional Forester (RPF) that evaluates the unpermitted conversion pursuant to the Forest Practices Rules. The report shall include monitoring and reporting requirements, including restocking at a 3:1 minimum ratio and with an 85% success rate and three years of monitoring is restocking is recommended by the RPF. The conditions of approval so require the applicant to adhere to and implement the recommendations from the RPF.
- g) The location of the cultivation complies with all setbacks required in Section 314-55.4.11.d. It is more than 30 feet from property line on two sides of the parcel, more than 300 feet from any off-site residence, more than 600 feet from any school, church, public park or Tribal Cultural Resource. Although outdoor cultivation is taking place within the 30-foot setback for APNs 217-264-001 and 217-381-008, the cultivation method is full-sun outdoor without structures, therefore, will comply

with CAL FIRE and county zoning requirements. Attachment 3 includes neighbor authorization to reduce the setbacks parcel APN 217-264-001. Conditions of approval require the applicant to submit a letter or similar communication from the property owner of APN 217-381-008 or reduce or relocate that cultivation area, including the Greenhouse 'C' outside the 30-foot setback to previously disturbed area on the subject parcel.

6. FINDING

The cultivation of 24,687 square feet of cannabis cultivation and the conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

EVIDENCE

- a) A Road Evaluation Report was prepared for the private onsite road network by DTN Engineering and Consulting in December 2020 which identified that the road is suitable for safe access to and from the project site.
- b) The site is in a rural part of the County where the typical parcel size is over 40 acres and many of the land holdings are very large. The proposed cannabis will not be in a location where there is an established neighborhood or other sensitive receptor such as a school, church, park or other use which may be sensitive to cannabis cultivation. Approving cultivation on this site and the other sites which have been approved or are in the application process will not change the character of the area due to the large parcel sized in the area.
- c) The location of the proposed cannabis cultivation is more than 300 feet from the nearest off-site residence.
- d) Water for cannabis cultivation irrigation is provided by a groundwater well. The 200-foot-deep groundwater well has been issued a Well Completion Report from the CA Dept. of Water Resources (WCR 2021-003886) and permit number 20/21-0668. (Attachment 3). The well is located in the northwest portion of the subject parcel. According to the Well Completion Report (see Attachment 3), the well is 200 feet deep and drilled through topsoil, brown sandstone, shale, and blue sandstone. The well is approximately 850 feet away from the nearest streamside management area. A blank is installed for the first 30 feet and final 10 feet of the well. The well yields 40 gallons per minute (GPM), therefore, the well can produce sufficient water for irrigation. Based on the distance from the nearest watercourses and the depth of the well, the well is likely to be hydrologically disconnected from surface waters and does not require additional water rights from the State Water Resources Control Board and is not subject to forbearance or water storage requirements.
- e) A Site Management Plan was prepared by the Applicant to show compliance with the North Coast Regional Water Quality Control Board Order No. 2015-0023 and to protect water quality and thus runoff to adjacent property and infiltration of water to groundwater resources will not be affected. Conditions of approval require the applicant to adhere to and implement the recommendations in the SMP and comply with the State Water Resources Control Board's Cannabis Cultivation Policy.

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.

APPEAL

Appeal Issue

Lassik LLC/Lassik Farms respectfully requests the reversal of item 17 in the August 23, 2021 Notice of Planning Commission Decision Attachment 1, general conditions item 17.

Condition of Approval Number 17, added by the Planning Commission at the August 23, 2021, meeting reads as follows:

The applicant shall provide 50% of annual water demand (equal to 180,000 gallons) with rain catchment utilizing run-off from existing structures on-site. The applicant shall install additional water tanks in previously disturbed areas as necessary to comply with this condition. The applicant shall provide evidence (e.g photographs) of the rain catchment system and additional water storage tanks. Alternatively, the applicant can schedule a site inspection with the Humboldt County Planning Department to verify this condition is met. A sign-off from the Planning Department will satisfy this condition.

Lassik Farms LLC states that during the meeting, two concerned citizens called in to complain about the drought and the plight of the earth, environment and rivers. That the first caller’s statement was that all the cannabis farms are taking all of the water and that the second caller talked about the hydrology and geologic water features of the project site without any reference to any local expertise or knowledge of the hydrologic cycle/system of the project site. Lassik Farms states that the second caller made incorrect assertions with no relevance to anything specific to the project site. Lassik states that after the public comment the Commission asked whether Lassik Farms would agree to adding water storage of half of the yearly water usage and that they were caught off guard and initially agreed due to fear of losing their permit however the requirement is excessive and not justified.

8. FINDING

The grounds for appeal are adequate to warrant granting the appeal to remove the condition for additional water storage.

EVIDENCE

- b) The Appellant states:

Lassik Farms is not required to maintain any forbearance of water for the project because there is no surface water diversion which occurs for cultivation.

The county finds that this is correct. The requirement of the CMMLUO for forbearance is found in Section 314-55.4.11 of the Humboldt County Code which is prefaced with the following text:

Where surface water diversion provides any part of the water supply for irrigation of cannabis cultivation.

The water source for Lassik Farms is a perched aquifer groundwater well which is located along a ridgeline, away from surface water features.

c) The Appellant states:

The decision to place a water forbearance condition on the Lassik Farms project or any other farm that is not diverting water or irrigating with surface water is beyond the scope and duty of the Planning Commissioners. As well it is an unlawful condition not supported or required in the CMMLUO.

It is not beyond the scope of duty of the Planning Commission to require water storage for projects that are utilizing groundwater wells. In order to approve a Conditional Use Permit the decision-maker must find that the project will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity. Presumably overdraft of groundwater resources could be detrimental to the public welfare and/or injurious to properties or improvements in the vicinity. However, the use of the groundwater well for the proposed Lassik Farms LLC project will not result in overdraft of groundwater resources and the imposition of a condition for additional water storage is not justified.

In this case, the pump test associated with the well log indicates that it has an estimated yield of 40 gallons per minute which is more than sufficient for supplying all of the irrigation needs for the project. At 40 gallons per minute, the well would produce the entire annual irrigation needs of 320,000 gallons in less than 6 days if it were to be pumped continuously. The maximum irrigation needs are in August at up to 2,469 gallons per day, which is 1.7 gallons per minute if drawn from the well continuously over a 24-hour period. Thus, the drawdown pressure on the well is minimal compared to its maximum capacity.

Further, the location of the well is such that any substantial impact of drawdown even at its maximum rate of 40 gallons per minute would be unlikely to affect adjacent improvements and resources. The well is 200 feet in depth and is at an elevation of approximately 2,120 feet above sea level. The total drawdown during the four hour pump test was 174 feet, however the top of the ridge in this area is at 2,200 feet above sea level, and the land slopes in all directions such that the bottom of the well elevation of 1,920 feet above sea level is the ground surface level as close as 600 feet to the direct north and the west from the well location, and approximately 2,000 feet to the east from the well location and 3,000 feet to the south from the well location. The ridge heads in a northwesterly direction along Sunset Ridge Road such that the 1,920 foot elevation does not daylight for approximately 2 miles, however this is following the top of the ridgeline. Accordingly, the cone of depression from pumping this well at its maximum yield would be unlikely to substantially impact any adjacent properties water sources. Further, at this distance, the cone of depression during maximum pumping of the well would daylight to ground level in most directions before reaching any adjacent mapped surface water features. The nearest

mapped surface water feature is approximately 850 feet to the north, at an elevation of 2,000 feet.

There is no reason for maximum pumping of the well to occur given the high production amount and relative low water needs for the project. The use of this well for 320,000 gallons a year will result in a very low pumping rate that is unlikely to overdraft the resource. Accordingly, there is no substantial public welfare or detriment to properties or improvements in the vicinity that would justify the requirement to forbear 50% of the water needs for the project.

NOW, THEREFORE, based on the above findings and evidence, the Humboldt County Board of Supervisors does hereby:

- a. Finds that the Board of Supervisors has considered the addendum to the Mitigated Negative Declaration for the Commercial Medical Marijuana Land Use Ordinance that has been prepared for the Lassik Farms project and found the project consistent with the adopted MND pursuant to Section 15164 of the State CEQA Guidelines.
- b. Finds that the project is consistent with the Humboldt County General Plan and the Humboldt County Zoning Ordinance.
- c. Approves the Appeal filed by Lassik Farms LLC.
- d. Approves the Conditional Use Permit for Lassik Farms LLC subject to the recommended conditions of approval in Attachment 1.

The foregoing Resolution is hereby passed and adopted by the Board of Supervisors on October 19, 2021, by the following vote:

Adopted on motion by Supervisor _____, seconded by Supervisor _____ and the following vote:

AYES: Supervisors:

NOES: Supervisors:

ABSENT: Supervisors:

Virginia Bass
_____, Chair
Humboldt County Board of Supervisors

STATE OF CALIFORNIA)) SS. County of Humboldt

I, Kathy Hayes, Clerk of the Board of Supervisors of the County of Humboldt, State of California do hereby certify the foregoing to be a full, true, and correct copy of the original made in the above-titled matter by said Board of Supervisors at a meeting held in Eureka, California as the same now appears of record in my office.

In Witness Whereof, I have hereunto set my hand and affixed the Seal of said Board of Supervisors.

KATHY HAYES Clerk of the Board of Supervisors of the County of Humboldt, State of California

By: KATHY HAYES

Date: _____, 2021

By _____ Deputy

EXHIBIT 1

RECOMMENDED CONDITIONS OF APPROVAL

APPROVAL OF THE CONDITIONAL USE PERMIT IS CONDITIONED ON THE FOLLOWING TERMS AND REQUIREMENTS WHICH MUST BE SATISFIED BEFORE THE PROVISIONAL CANNABIS CULTIVATION PERMIT CAN BE FINALIZED.

A. General Conditions

1. The applicant is responsible for obtaining all necessary County and State permits and licenses, and for meeting all requirements set forth by other regulatory agencies.
2. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Planning and Building Department will provide a bill to the applicant after the decision. Any and all outstanding planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
3. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions. A deposit is collected to cover this staff review. Permit conformance with conditions must be demonstrated prior to release of building permit or initiation of use and at time of annual inspection. A conformance review deposit as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750) shall be paid within sixty (60) days of the effective date of the permit or upon filing of the Compliance Agreement (where applicable), whichever occurs first. Payment shall be made to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
4. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. **Within three days of the effective date of permit approval**, the Department will file the NOD and will charge this cost to the project.
5. Within 60 days of the effective date of permit approval, the applicant shall submit a revised site plan which reflects the current conditions of the project site including structure size and use, setbacks from the above stated to property lines, and all cultivation areas.
6. Within 60 days of the effective date of permit approval, the applicant shall execute a Compliance Agreement with the Humboldt County Planning and Building Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #7 through #~~16~~ **17**. 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.
7. The applicant shall submit a letter or similar communication from the property owner of APN 217-381-008 to continue cultivation within the 30-foot setback from APN 217-381-008. Alternatively, the applicant can reduce or relocate that cultivation area, including the Greenhouse 'C' outside the 30-foot setback to previously disturbed area on the subject parcel.

8. The applicant shall secure permits for all structures and grading related to the cannabis cultivation and other commercial cannabis activity, including but not limited to, existing and proposed greenhouses, water tanks over 5,000 gallons existing and proposed structures associated with drying and storage, graded flats, and any noise containment structures, as necessary. The plans submitted for building permit approval shall be consistent with the project description and the approved project site plan. A letter or similar communication from the Building Division verifying that all structures related to the cannabis cultivation are permitted will satisfy this condition.
9. The applicant shall improve the intersection of Alderpoint Road Loop Road and the private driveway as follows:
 - a. If the County road has a paved surface at the location of the access road, the access road shall be paved for a minimum width of 20 feet and a length of 50 feet where it intersects the County road; OR
 - b. If the County road has a gravel surface at the location of the access road, the access road shall be rocked for a minimum width of 20 feet and a length of 50 feet where it intersects the County road. The applicant shall obtain an encroachment permit from the Department of Public Works prior to commencing any work. This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license. A letter or similar communication from the Department of Public Works will satisfy this condition.
10. The applicant to submit copies of all documents filed with the State Water Resources Control Board, including, but not limited to, a Notice of Availability. The applicant is required to adhere to and implement the requirements contained in the SWRCB's Cannabis Cultivation Policy, the General Order, the Site Management Plan and the Notice of Applicability. A copy of the reporting form portion of the Mitigation and Reporting Program (MRP) shall be submitted annually to the Planning and Building Department concurrent with the submittal to the SWRCB.
11. The applicant shall adhere to and implement the Final Streambed Alteration Agreement issued by CDFW. Reporting requirements shall be submitted to the Planning Department and the California Department of Fish and Wildlife at 619 Second Street, Eureka, CA 95501, no later than December 31 of each year.
12. The applicant shall construct noise containment structures for all generators used on the parcel. The applicant shall obtain all required building permits for such structures. The applicant shall maintain generator, fan, and dehumidifier noise at or below 50 decibels at the edge of the clearing or 100 feet, whichever distance is closer. This will satisfy the auditory disturbance guidance prepared by the U.S. Fish and Wildlife (USFS), California Fish and Wildlife (CDFW) and Department Policy Statement No. 16-005 to minimize impacts to the Northern Spotted Owl and Marbled murrelet. All generators must be located on stable surfaces with a minimum 200-foot buffer from Class I and Class II streams, per the requirements of CDFW. No generator use is authorized by this permit until the applicant can demonstrate to compliance with this standard.
13. All mixed light cultivation shall comply with International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1 and be designed to regulate light spillage onto neighboring properties resulting from backlight, up light, or glare (BUG). International Dark Sky Association standards exceed the requirements of Scenic Resources Standard SR-S4, Light and

Glare, that lighting be fully shielded, and designed and installed to minimize off-site lighting and direct light within the property boundaries. Within 30 days of the effective date of this permit, the applicant shall schedule a site inspection with the Humboldt County Planning Department to demonstrate the structures and greenhouses can be comply with this standard.

14. The Within 1 year from the effective date, the Applicant shall take steps to form a Road Maintenance Association for the maintenance of Sunset Ridge Road. The necessary steps include sending notices to all road users of the requirement to form a Road Maintenance Association and conducting a meeting with the users of the road, especially those engaged in commercial cannabis activities to discuss formation of the Road Maintenance Association. The applicant shall provide evidence, including notice, meeting minutes, and the decision as to whether a Road Maintenance Association is being formed to show this effort. In the event the applicant is unable to coordinate formation a Road Maintenance Association, the applicant shall pay fair-share cost for maintenance of the road to any road user engaged in maintaining the road. A sign-off from the Planning Department will satisfy this condition.
15. Within two (2) years of the effective date of permit approval or issuance of a building permit, whichever comes first, the applicant shall replace water bladders with hard sided water storage of equivalent storage amount in a previously disturbed location. An updated Site Plan and Operations Plan reflecting the new project configuration shall be submitted when available and identify the locations of new water tanks.
16. The applicant shall secure permits from the North Coast Unified Air Quality Management District, as applicable. A letter or similar communication from the North Coast Air Quality Management District verifying that all their requirements have been met and/or no additional permitting is required will satisfy this condition.
17. The applicant shall not use any erosion control measures that contain synthetic (e.g. plastic or nylon) monofilament netting, including photo- or biodegradable plastic netting, on a regular and on-going basis. 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 weaves.
18. All refuse shall be contained in wildlife proof containers, at all times, and relocated to an authorized waste management facility, in compliance with State and local laws, on a regular and on-going basis.
19. The Applicant shall install and utilize a water meter to demonstrate that there is sufficient water supply to meet the demands of the project. The water use for cultivation is limited to the use of the well and amount of water available in storage tanks and shall be provided annually prior to or during the annual inspection.
20. The applicant 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 ordinance of the Humboldt County Board of Supervisors will be required.
21. 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.

22. 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 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 CMLLUO 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.
2. The applicant shall abide by recommendations of the Site Management Plan prepared by the applicant and stamped received 12/11/2020, which include but are not limited to Sediment Discharge BPTC Measures, Sediment Erosion Prevention and Sedpiment Catpre, Fertilizer, Pesticide, Herbicide, and Rodenticide BPTC Measures, Petroleum Product BPTC Measures, Trash/Refuse, and Domestic Wastewater BPTC Measures, and Winterization BPTC Measures. Should additional ground disturbance or habitat conversion be proposed in the future; ensuing supplemental lighting associated with mixed-light cultivation is fully contained with black out tarps and have all outside lighting on timers or motion sensors to reduce light exposure to wildlife and their potential habitat; and, avoid heavy equipment operations during NSO critical period (February 1 – July 31) or perform protocol level surveys prior to initiating that work. The project will remain in compliance of 14CCR 939.9(e). In the event that sensitive species and or communities are present onsite, the applicant shall abide by all guidelines outlined in the Rapid Assessment to avoid negative impacts to the natural community.
3. Ensure all generators be located on stable surfaces with a minimum 200 feet buffer from all waterways measured horizontally from the outer edge of the riparian drip zone.
4. 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.
5. Prohibition on use of synthetic netting. To minimize the risk of wildlife entrapment, Permittee shall not use any erosion control and/or cultivation 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.
6. All refuse shall be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.

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 project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, 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. If offsite processing is chosen to be the preferred method of processing, this permit shall be modified to identify the offsite licensed facility.
11. 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.
12. 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.
13. 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.
14. 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.
15. 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).
16. Maintain enrollment in Tier 1, 2, or 3, certification with North Coast Regional Water Quality Control Board (RWQCB) Order No. R1-2015-0023, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.

17. Comply with the terms of any applicable Lake and Stream Alteration (1600 or 1602) Permit obtained from the California Department of Fish and Wildlife (CDFW).
18. 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.
19. 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).
20. Show continual use of portable bathroom facilities prior to the annual inspection of the permit.
21. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
22. Pay all applicable application, review for conformance with conditions and annual inspection fees.
23. 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.
24. The master log books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
25. 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

26. Pursuant to the MCRSA, Health and Safety Code Section 19322(a)(9), 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."
27. 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).
28. 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.

29. 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.
30. 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
31. Term of Commercial Cannabis Activity Conditional Use Permit. 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.

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 Special 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.

32. 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.
33. 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.
34. 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.
35. 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 #6 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 Conditions of Approval #32 and 33 of 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.