

CONDITIONS OF APPROVAL PLN-12171-CUP

APPROVAL OF THE CONDITIONAL USE PERMIT IS CONDITIONED ON THE FOLLOWING TERMS AND REQUIREMENTS.

A. Conditions subject to the compliance agreement must be satisfied before the provisional cannabis cultivation permit is no longer considered provisional. This section also includes conditions that must be completed within specified time frames or completed prior to commencing cultivation.

1. Within 60 days of the effective date of permit approval, the permittee shall execute a Compliance Agreement with the Humboldt County Planning and Building Department described under Conditions of Approval **A16** through **A18**. All activities described in the agreement must be completed to the satisfaction of the Planning and Building Department before the permit may be finalized and no longer considered provisional.
2. Within 60 days of the effective date of project approval, the permittee shall obtain a will serve letter from the Fire Protection District OR 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.
3. Within 60 days of the effective date of project approval, the permittee shall execute and file with the Planning Division the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the HCC and available at the Planning and Building Department.
4. Within 60 days of the effective date of project approval, the permittee shall pay 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. The permittee is responsible for costs for post-approval review for determining project conformance with conditions. Payment shall be made to the Humboldt County Planning Division, 3015 H Street, Eureka. Permit conformance with conditions must be demonstrated prior to release of building permit or initiation of use and at time of annual inspection.

5. Prior to October 15, 2024 the permittee shall have a licensed engineer evaluate the geologic stability of the unpermitted grading for slope failure and sinkholes to determine if there is any immediate risk to health, safety, or the environment. The engineer's report must include recommendations, if any are needed, to stabilize the site. If the report recommends immediate measures, such as, but not limited to, an erosion and sediment control plan, those recommendations must be implemented to the satisfaction of the Planning and Building Department prior to October 15, 2024.
6. Prior to October 15, 2024 the permittee shall provide documentation to the satisfaction of CDFW and the Planning and Building Department demonstrating that all trash and refuse and degraded plastic tarps have been cleaned up and disposed of at a waste management facility.
7. Prior to October 15, 2024 the permittee shall provide documentation to the satisfaction of CDFW and the Planning and Building Department demonstrating that imported soil on site has either been removed or fully contained using best management practices.
8. Within 90 days of the effective date of project approval, the permittee shall provide an update to the Site Plan that depicts:
 - a. Parking area for all anticipated employees; and
 - b. The historic cultivation/restoration area in the southwestern portion of the parcel; and
 - c. All of greenhouse #4 identified for removal
 - d. Relabel Domestic Shed 4 as a Cannabis Cultivation and Drying Structure to be removed
 - e. If condition of approval A19e is chosen, an updated site plan will need to show the location of the additional tanks.
9. Within 90 days of the effective date of project approval, the permittee shall provide documentation demonstrating they have applied for an amendment to their Lake and Streambed Alteration Agreement to address sediment delivery from a stream crossing to Waters of the State.
10. Within 180 days of the effective date of project approval, the permittee shall provide an invasive species plan for review and approval by the Planning and

Building Department and CDFW to address the Yellow starthistle (*Centaurea solsalis*) in the central cultivation area and the Himalayan blackberry (*Rosaceae rubus*) in the restoration area. The permittee shall demonstrate implementation of the invasive species management plan within one year of the effective date of project proposal and at each annual inspection.

11. Within 180 days of the effective date of project approval, the permittee shall provide a timber restocking plan from a Registered Professional Forester for review and approval by the Planning and Building Department to address the approximately 1.0-acre timber conversion that occurred in 2019 per the Timberland Conversion Evaluation provided by Blair Forestry. The restocking plan shall include monitoring and success criteria. The permittee shall demonstrate implementation of the subsequent restocking plan within one year of the effective date and provide documentation in accordance with the monitoring and reporting provisions of the restocking plan. Restocking will not be required within 30 feet of approved structures.
12. Within one year of the effective date of project approval, the permittee shall obtain demolition permits and complete the demolition and removal for Greenhouse #4 and the structure built in 2018 for cannabis cultivation and drying (labeled as Domestic Shed 4 in Attachment 1C). Demolition shall also include the awning and concrete pad attached to the 2018 cultivation structure that was used for a fuel tank.
13. Within one year of the effective date of project approval, the permittee shall implement the Timber Restocking Plan prepared by Timberland Resource Consultants for the 0.15-acre restoration area in the southwest corner of the property. The restocking plan is amended to include proportional replanting of at least three different species of either Douglas-fir, Live Oak, Tan Oak, Bay, or Madrone (instead of only Douglas-fir). Restocking will be 10 feet apart with 55% survival criteria with three years of monitoring. A point count stocking sampling survey by a Registered Professional Forester will be required each year until the monitoring period is successfully completed. If less than 55% of the planted area meets the 300-point count minimum described in the restocking plan, the replanting process will be repeated until there is 55% survival for three consecutive years.
14. Prior to resuming cultivation, the permittee shall provide documentation to the Planning and Building Department demonstrating the Notices of Violation issued

by the California Department of Fish and Wildlife and the Regional Water Quality Control Board have been resolved to their satisfaction.

15. Prior to resuming cultivation, the permittee shall install water meters and monthly water usage logbooks to track water usage for cannabis irrigation. Records must be kept of monthly usage and made available during annual inspections.
16. The permittee shall obtain grading permits for all existing, unpermitted grading associated with the existing cannabis operation. No new grading is authorized.
17. The permittee shall obtain permits or exemptions for all structures associated with the cannabis operation.
18. The permittee shall provide documentation demonstrating that an encroachment permit has been obtained and the intersection of the private road and Alderpoint Road has been improved to the satisfaction of Public Works.
19. Prior to utilizing the onstream pond for irrigation storage the permittee must:
 - a. Provide a report to the Planning and Building Department prepared by a qualified professional that determines the total maximum volume of the pond; and
 - b. Install a measuring device that displays the volume of the pond at all times; and
 - c. Provide documentation to the Planning and Building Department demonstrating review and approval by the California Department of Fish and Wildlife and Water Board of the design and installation of a 100% bypass system during the transfer season of April 1 to October 31 (unless documentation is obtained from these agencies that specifically waives the requirement for bypass); and
 - d. Provide documentation to the Planning and Building Department Demonstrating that the Water Board approves of transferring pond irrigation water to tanks for use outside the transfer season and year-over-year. If Water Board approval is not provided or available, the permittee shall either 1) provide an update to the Operations Plan irrigation season schedule restricting water use to the transfer season of April 1 to October 31 and that irrigation water cannot be stored in tanks season to season, year-over year, or 2) add a minimum of 20,000 gallons of rainwater catchment and storage, to be separately metered from the pond storage.

- e. The conditions above (COA A19a through COA A19d) are not required if the permittee chooses to use the pond as a point of diversion only subject to forbearance and not use the pond as onstream storage. Exercising this option would require the installation of at least an additional 111,000 gallons of tanks for a total of 141,000 gallons.
20. In the event that the adjoining landowner exercises their deeded rights to the pond in a manner that prevents the permit holder from meeting the obligations of the LSAA, all cultivation must cease and the permit holder shall apply for a permit modification.

B. General Conditions

1. During operation, portable toilets must be used. The septic system in the southwestern corner of the property in the streamside management area next to the residence may not be used for wastewater services for the cannabis project.
2. Cultivation area is limited to the proportion of irrigation water available from approved sources. If irrigation water less than the annual water budget is available, then the amount of cultivation will be reduced accordingly. Domestic water or other water sources shall not be used. The unpermitted well shall not be used for cannabis irrigation. Approval of the Conditional Use Permit does not authorize the permittee to utilize water for cannabis irrigation beyond what is entitled under the property deed, water right, and Lake and Streambed Alteration Agreement.
3. No generator use will occur on the property per the Operations Plan.
4. Processing in the form of trimming and/or final packaging will occur offsite at a licensed facility.
5. For the life of the project, the intersection of the private access road and Alderpoint Road shall be maintained for visibility consistent with HCC 341-1. Compliance with this condition shall be demonstrated to the satisfaction of Public Works.
6. The permittee may cultivate cannabis within the approved greenhouses (depicted as Greenhouses one through three on the site plan in Attachment 1C) as light deprivation with no artificial light until PGE power is connected through a renewable energy program.

7. The 4,050 square feet of approved full sun commercial cannabis cultivation may not be placed in structures (e.g. greenhouses or hoopouses).
8. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. The Department will file the NOD and the applicant is responsible for this cost to the project.
9. The applicant is responsible for obtaining all necessary County and State permits and licenses, and for meeting all requirements set forth by other regulatory agencies.
10. The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency (CUPA) requirements regarding hazardous materials. A written verification of compliance shall be required before any provisional permits may be finalized. Ongoing proof of compliance with this condition shall be required at each annual inspection to keep the permit valid.
11. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Planning and Building Department will provide a bill to the applicant after the decision. All outstanding planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.

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

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

Heritage Commission will then be contacted by the Coroner to determine appropriate treatment of the remains pursuant to Public Resources Code (PRC) Section 5097.98. Violators shall be prosecuted in accordance with PRC Section 5097.99.

2. The combination of background, generator and greenhouse fan or other operational equipment created noise must not result in the harassment of Northern Spotted Owl species as required to meet the performance standards for noise set by Department Policy Statement No. 16-005. The combined noise levels measured at 100 feet or the edge of habitat, whichever is closer, shall be at or below 50 decibels. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service, and further consultation where necessary. A building permit shall be obtained should any structures be necessary for noise attenuation.
3. All artificial lighting shall be fully contained within structures such that no light escapes (e.g., through blackout curtains). Structures shall be shielded between 30 minutes prior to sunset and 30 minutes after sunrise to prevent disruption to crepuscular wildlife. Security lighting shall be motion activated and comply with the International Dark-Sky Association standards and Fixture Seal of Approval Program. Standards include but are not limited to the following, 1) light shall be shielded and downward facing, 2) shall consist of low-pressure sodium light or low spectrum light emitting diodes with a color temperature of 3000 kelvins or less and 3) only placed where needed.
4. Should the Humboldt County Planning Division receive complaints that lighting or noise is not complying with the standards listed above in this permit, within ten (10) working days of receiving written notification that a complaint has been filed, the applicant shall submit written verification that the light shielding and alignment, and noise levels have been repaired, inspected, and corrected as necessary.
5. The use of monofilament netting for all uses, including but not limited for erosion control, shall be prohibited. Geotextiles, fiber rolls, and other erosion control measure materials shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves to minimize the risk of ensnaring and strangling wildlife.

6. All refuse shall be contained in wildlife proof containers, always, and relocated to an authorized waste management facility, in compliance with State and local laws, on a regular and on-going basis.
7. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and be allowed to leave the work site unharmed.
8. The use of anticoagulant rodenticide is prohibited.
9. The operator shall provide information to all employees about the potential health impacts of cannabis use on children. Information shall be provided by posting the brochures from the Department of Health and Human Services titled "Cannabis Palm Card" and "Cannabis Rack Card." This information shall also be provided to all employees as part of the employee orientation.
10. All components of the project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, the CMMLUO, and these conditions of approval.
11. If operating pursuant to a written approved compliance agreement, permittee shall abate or cure violations at the earliest feasible date, but in no event no more than two (2) years from the date of issuance of a provisional clearance or permit. Permittee shall provide plans for curing such violations to the Planning and Building Department within one (1) year of issuance of the provisional clearance or permit. If good faith effort toward compliance can be shown within the two years following the issuance of the provisional clearance or permit, the Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow additional time to meet the outstanding requirements.
12. Compliance with all statutes, regulations, and requirements of the California State Water Resources Control Board and the Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration, as applicable.
13. Confinement of the area of cannabis cultivation, processing, manufacture, or distribution to the locations depicted on the approved site plan. The commercial cannabis activity shall be set back at least 30 feet from any property line, and 600 feet from any school, school bus stop, church or other place of religious worship,

or tribal cultural resources, except where a reduction to this setback has been approved pursuant to Section 55.4.11(d).

14. Applicant must adhere to and implement the Site Management Plan. A copy of the reporting form portion of the Mitigation and Reporting Program (MRP) shall be submitted to the Planning and Building Department upon request.
15. Applicant must demonstrate and maintain enrollment in Tier 1 or 2 in accordance with State Water Resources Control Board Order No. WQ 2019-0001-DWQ, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
16. Comply with the terms of any applicable Lake and Stream Alteration (1600 or 1602) Agreement obtained from the California Department of Fish and Wildlife (CDFW).
17. Comply with the terms of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (Cal Fire), if applicable.
18. Consent to an annual on-site compliance inspection, with at least 24 hours prior notice, to be conducted by appropriate County officials during regular business hours (Monday through Friday, 9:00 a.m. to 5:00 p.m., excluding holidays).
19. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
20. Pay all applicable application, review for conformance with conditions and annual inspection fees.
21. Fuel shall be stored and handled in compliance with applicable state and local laws and regulations, including the County of Humboldt's Certified Unified Program Agency (CUPA) program, and in such a way that no spillage occurs.
22. The master logbooks maintained by the applicant to track production and sales shall be maintained for inspection by the County.
23. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).

Performance Standards for Cultivation and Processing Operations

24. Pursuant to Business and Professions Code section 26051.5(a)(8), an applicant seeking a cultivation license shall “provide a statement declaring the applicant is an ‘agricultural employer,’ as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 commencing with Section 1140) of Division 2 of the Labor Code), to the extent not prohibited by law.”
25. Cultivators shall comply with all applicable federal, state, and local laws and regulations governing California Agricultural Employers, which may include federal and state wage and hour laws, Cal/OSHA, OSHA, the California Agricultural Labor Relations Act, and the Humboldt County Code (including the Building Code).
26. Cultivators engaged in processing shall comply with the following Processing Practices:
 - a. Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.
 - b. Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
 - c. Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.
 - d. Employees must wash hands sufficiently when handling cannabis or use gloves.
27. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:
 - a. Cultivation operations and processing operations must implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:
 - (1) Emergency action response planning as necessary;
 - (2) Employee accident reporting and investigation policies;
 - (3) Fire prevention;
 - (4) Hazard communication policies, including maintenance of material safety data sheets (MSDS);
 - (5) Materials handling policies;

- (6) Job hazard analyses; and
 - (7) Personal protective equipment policies, including respiratory protection.
 - b. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
 - (1) Operation manager contacts;
 - (2) Emergency responder contacts; and
 - (3) Poison control contacts.
 - c. At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations. Plumbing facilities and water source must be capable of handling increased usage without adverse consequences to neighboring properties or the environment.
 - d. On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.
- 28. All cultivators shall comply with the approved processing plan as to the following:
 - a. Processing practices
 - b. Location where processing will occur
 - c. Number of employees, if any
 - d. Employee Safety Practices
 - e. Toilet and handwashing facilities
 - f. Plumbing and/or septic system and whether or not the system is capable of handling increased usage
 - g. Drinking water for employees
 - h. Plan to minimize impact from increased road use resulting from processing
 - i. On-site housing, if any
- 29. Term of Commercial Cannabis Activity Permit. Any Commercial Cannabis Cultivation permit issued pursuant to the CMMLUO or CCLUO shall expire one (1) year after date of issuance, and on the anniversary date of such issuance each year thereafter, unless an annual compliance inspection has been conducted and the permittees and the permitted site have been found to comply with all conditions of approval.

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

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

31. Permit Renewals to Comply with Updated Laws and Regulations. Permit renewal is subject to the laws and regulations effective at the time of renewal, which may be substantially different than the regulations currently in place and may require the submittal of additional information to ensure that new standards are met.
32. Acknowledgements to Remain in Full Force and Effect. Permittee acknowledges that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this section in the event that environmental conditions, such as a sustained drought or low flows in the watershed in which the cultivation area is located, will not support diversions for irrigation.
33. Transfers. Transfer of any leases or permits approved by this project is subject to the review and approval of the Planning Director for conformance with CMMLUO eligibility requirements and agreement to permit terms and acknowledgments. The fee for required permit transfer review shall accompany the request. The request shall include the following information:
- a. Identifying information for the new owner(s) and management as required in an initial permit application;

- b. A written acknowledgment by the new owner in accordance as required for the initial permit application;
- c. The specific date on which the transfer is to occur;
- d. Acknowledgement of full responsibility for complying with the existing permit; and
- e. Execution of an Affidavit of Non-diversion of Medical Cannabis.

Informational Notes:

1. Per Section 1273.03 of State Fire Safe Regulations: (a) At no point shall the grade for all roads and driveways exceed 16 percent; (b) The grade may exceed 16%, not to exceed 20%, with approval from the County of Humboldt Planning & Building Department with mitigations, such as paving, to provide for the same practical effect.
2. The project site contains an unpermitted well that the Division of Environmental Health has requested to be legalized or destroyed.