

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

Resolution Number 23-046

Record Number PLN-11494-SP

Assessor's Parcel Numbers: 095-201-008 & 095-041-013

Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approves the Natures Jar, Inc., Special Permit.

WHEREAS, Natures Jar, Inc., submitted an application and evidence in support of approving a Special Permit for the continued operation of 7,914 square feet of outdoor cannabis cultivation, and appurtenant nursery & drying activities; and a Special Permit to reduce the setback from Public Lands; and

WHEREAS, the County Planning Division, the lead agency, prepared an Addendum to the Final Mitigated Negative Declaration (MND) prepared for the Commercial Medical Land Use Ordinance (CMMLUO) adopted by the Humboldt County Board of Supervisors on January 26, 2016. The proposed project does not present substantial changes that would require major revisions to the previous Mitigated Negative Declaration. 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 May 4, 2023, and reviewed, considered, and discussed the application for a 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:

FINDING:

Project Description: The application is a Special Permit for 7,914 square feet (sf) of outdoor commercial cannabis cultivation with 790 sf ancillary propagation. The applicant will conduct light-deprivation techniques without the use of supplemental lights, and two (2) harvests are anticipated per year. Historic cultivation areas were retired and relocated to a more environmentally suitable location on-site. The estimated annual water use is 72,750 gallons (8.4 gal/sf/yr). Water for irrigation is sourced from a permitted well, a point of diversion, and 7,000 gallons of rain catchment water tanks. Total existing water storage designated for irrigation is 19,700 gallons in hard tanks, and an additional 50,000 gallons is proposed for additional rain catchment storage tanks. Total future water storage would be 69,700 gallons. Drying and curing will take place in storage containers on-site, and trimming will occur off-site at a licensed processing facility. The applicant will utilize up to two (2) full-time employees. One (1) generator is used for the well pump, and the applicant is proposing to transition to 100% solar power. The project also includes a Special Permit to request a setback reduction from public lands due to proximity

to Humboldt Redwoods State Park.

EVIDENCE: Project File: PLN-11494-SP

- 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) The applicant is proposing to utilize an existing permitted well (Permit #16/17-1/27) for water source. The applicant has obtained a Well Assessment Report (WAR), prepared by licensed geologist David Lindberg with Lindberg Geologic Consulting, dated December 6, 2022. The WAR states that it was determined that the well has a low likelihood of being hydrologically connected to nearby surface waters in any manner that could affect adjacent wetlands or other surface waters in the vicinity.

The point of diversion from the Class III stream on-site is under a claimed water right S028521. The applicant submitted an Initial Statement of Water Diversion and Use in October of 2020, and has proof of a submitted Small Irrigation & Use Registration on December 21, 2020, to the Division of Water Resources. There is no Water Right Certificate on file for this diversion, and the applicant shall not utilize the stream diversion for irrigation until a Water Right Certificate has been obtained by the Division of Water Resources. The applicant shall adhere to the terms and conditions set forth in the Certificate.

The applicant has 7,000 gallons of rain catchment tanks, and is proposing to install an additional 50,000 gallons of rain catchment tanks. Rain catchment will be the primary water source once all rain catchment tanks have been installed.

- d) The site was historically enrolled in the North Coast Regional Water Quality Control Board (NCRWQCB) Order No. R-1-2015-0023, under WDID 1B171602CHUM. The applicant has a Water Resource Protection Plan (WRPP) that was prepared by Timberland Resource Consultants, dated April 4, 2018, to address measures needed for the site to meet the standard conditions of the Order.

The site is currently enrolled in the State Water Resources Control Board's (SWRCB) General Order (No. WQ 2019-0001-DWQ) for

Waste Discharge Requirements and Water Quality. The applicant has submitted a Notice of Applicability letter dated December 8, 2020, showing enrollment in the General Order under WDID 1_12CC428914 as a Tier 1 Moderate Risk site. The applicant is required to have a Site Management Plan (SMP) prepared for the project site to show measures required to meet compliance with the General Order, and a condition of approval for the project is to provide a copy of the final SMP report to the Planning Division, and to adhere to the corrective actions and ongoing monitoring and winterization methods recommended in the final SMP.

- e) The applicant has obtained a Streambed Alteration Agreement with the California Department of Fish & Wildlife (CDFW) for the in-stream work needed to upgrade three (3) culverts on-site, and for the use and continued maintenance of a surface diversion for domestic and irrigation purposes (SAA No. EPIMS-HUM-13784-R1). The applicant shall adhere to the project description and work outlined within the SAA No. EPIMS-HUM-13784-R1.
- f) The project is located approximately 0.7 miles to the nearest known Northern Spotted Owl (NSO) activity center. According to the California Natural Diversity Database (CNDDB) for rare and endangered species, the project site does not contain potential habitat areas for any rare or endangered species. As the project is for pre-existing activities, and no new ground disturbance is proposed, no Biological Assessment was required. The project was referred to CDFW on September 9, 2017, and no comments were received. The applicant is required to comply with International Dark Sky Standards for lighting within the mother propagation area, and shall ensure that all noise levels do not go above 50 decibels at 100-feet or any tree line when noise generating equipment are in use.
- g) The previous applicant obtained an approved less-than-3-acre conversion exemption permit (1-16EX-110-HUM) which was approved on April 20th of 2016 for a road and home site in the northern section of the parcel. The less-than-3-acre conversion was for approximately 2.9 acres, and the site was converted to its current size between April and August of 2016. A Notice of Inspection Letter dated August 11, 2016, from CalFire states that during an inspection conducted on August 8, 2016, no violations were observed within the conversion area, that erosion control structures and drainage facilities were installed and functioning properly, and that no stocking report is required. The project was referred to CalFire on April 25, 2019, and comments were received on May 2, 2019, stating that the Department had no comments at that time.
- h) The project includes the relocation of historic cultivation areas and the associated activities that occurred within streamside management areas (SMA's) on-site. The pre-existing cultivation areas existed as guerrilla grows scattered around the residence on both subject parcels, and

associated drying and propagation activities occurred within the residence which is located within the SMA. A Less-Than-3-Acre Conversion Exemption Permit was approved for a home-site on APN 095-201-005 in April of 2016, which was after the adoption of the CMMLUO in January of 2016, under the approved Less-Than-3-Acre Conversion Exemption Permit (1-16EX-110-HUM). All relocated cannabis activities are proposed to be relocated within the conversion area, though the conversion occurred after the date of adoption of the CMMLUO, it is an approved conversion area that is the most environmentally suitable area on the property for the pre-existing cultivation to be located in. As the timber clearing was in line with a conversion permit that was approved by Cal-Fire and pre-existing cultivation activities occurred as guerrilla grows within an SMA, it has been determined that the relocation site within the less-than-3-acre conversion area is environmentally superior to the pre-existing cultivation areas.

As the site had historic guerrilla grows around the residence and within the SMA on-site, the applicant is required to restore those areas to pre-cannabis conditions. A Guerrilla Grow Report was submitted for evidence of pre-existing cultivation areas with map and photo documentation. The photo documentation shows evidence of water lines, soil, cages, grow bags, pots, and cultivation related refuse scattered around the property. The applicant submitted a Restoration Plan that states many truckloads of trash have been hauled to the Eel River Disposal in Fortuna. The applicant shall submit evidence to the Planning Division that all water lines, soil, cages, grow bags, pots, and all cultivation related refuse associated to the historic guerrilla grow areas on APN's 095-201-005 & 095-041-013 have been removed from the site and taken to an appropriate disposal facility, and to show the restoration of the historic cultivation areas.

- i) The project is located within the Bear River Band and Sinkyone Tribes ancestral aboriginal territories. The project was referred to the Bear River Band of Rohnerville Rancheria, Intertribal Sinkyone Wilderness Council, and the Northwest Information Center (NWIC) on September 5, 2017. A response was received from the Bear River Band on January 3, 2018, requesting that Inadvertent Discovery Protocols be a condition of approval for the project. The applicant shall adhere to Inadvertent Discover Protocols.
- j) Access to the project site is from Sunny Lane, from Sewell Drive, from Newton Road, from State Highway 101. The project was referred to the Department of Public Works on September 5, 2017. Comments from Public Works were received on March 2, 2018, stating that Road Evaluation Reports are required for the non-county maintained access roads. The applicant has submitted a Road Evaluation Report form for all three private access roads (Sunny Lane, Sewell Drive, and Newton Road) designating them as being developed to the equivalent of a road category 4 standard. As the site is located from private roads off of a

State Highway, the project was referred to CalTrans on April 18, 2023. No comments were received from CalTrans. The site will be operated by the applicant and up to two (2) employees. Up to six vehicle trips are anticipated per day, the operations are pre-existing, and no increase in traffic is anticipated.

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) General agriculture is a use type permitted in the Timberland (T) land use designation. The proposed cannabis cultivation, an agricultural product, is within land planned and zoned for agricultural purposes, 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.
- b) The project is located within 600 feet of Public Lands, the Humboldt Redwood State Park, and the applicant is requesting a Special Permit to approve a setback reduction to Public Lands. The project was referred to the California State Parks on April 2, 2021, and no response was received. The nearest cultivation area is approximately 135 feet to the shared parcel boundary with the Humboldt Redwood State Park. The project is consistent with recreational uses on public lands as it 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.

4. FINDING

The proposed development is consistent with the purposes of the existing TPZ zone in which the site is located.

EVIDENCE

- a) The Timberland Production Zone or TPZ 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 TPZ zone.
- c) Humboldt County Code section 314-55.4.8.2.2 allows for cultivation of up to 10,000 sf of outdoor or mixed-light commercial cannabis cultivation for some or all of the cultivation area in existence prior to January 1, 2016, in TPZ zones with a Special Permit. The application for 7,914 sf of outdoor cannabis cultivation on a 35-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

CMMLUO Provisions of the Zoning Ordinance.

- EVIDENCE**
- a) The CMMLUO allows existing cannabis cultivation to be permitted in areas zoned TPZ (HCC 314-55.4.8.2.2).
 - b) The subject parcel APN's 095-201-005 & 095-041-013 have been determined to be eligible for an unconditioned certificate of subdivision compliance per Section 66499.35 (c) of the Subdivision Map Act due to issuance of a building permit (permit #09-773PH3).
 - c) The applicant is proposing to utilize an existing permitted well (Permit #16/17-1/27) for water source. The applicant has obtained a Well Assessment Report (WAR), prepared by licensed geologist David Lindberg with Lindberg Geologic Consulting, dated December 6, 2022. The WAR states that it was determined that the well has a low likelihood of being hydrologically connected to nearby surface waters in any manner that could affect adjacent wetlands or other surface waters in the vicinity.

The point of diversion from the Class III stream on-site is under a claimed water right S028521. The applicant submitted an Initial Statement of Water Diversion and Use in October of 2020, and has proof of a submitted Small Irrigation & Use Registration on December 21, 2020, to the Division of Water Resources. There is no Water Right Certificate on file for this diversion, and the applicant shall not utilize the stream diversion for irrigation until a Water Right Certificate has been obtained by the Division of Water Resources. The applicant shall adhere to the terms and conditions set forth in the Certificate.

The applicant has 7,000 gallons of rain catchment tanks, and is proposing to install an additional 50,000 gallons of rain catchment tanks. Rain catchment will be the primary water source once all rain catchment tanks have been installed.

- d) Access to the project site is from Sunny Lane, from Sewell Drive, from Newton Road, from State Highway 101. The project was referred to the Department of Public Works on September 5, 2017. Comments from Public Works were received on March 2, 2018, stating that Road Evaluation Reports are required for the non-county maintained access roads. The applicant has submitted a Road Evaluation Report form for all three private access roads (Sunny Lane, Sewell Drive, and Newton Road) designating them as being developed to the equivalent of a road category 4 standard. As the site is located from private roads off of a State Highway, the project was referred to CalTrans on April 18, 2023. No comments were received from CalTrans. The site will be operated by the applicant and up to two (2) employees. Up to six vehicle trips are anticipated per day, the operations are pre-existing, and no increase in traffic is anticipated.
- e) The previous applicant obtained an approved less-than-3-acre conversion exemption permit (1-16EX-110-HUM) which was approved on April 20th of 2016 for a road and home site in the northern

section of the parcel. The less-than-3-acre conversion was for approximately 2.9 acres, and the site was converted to its current size between April and August of 2016. A Notice of Inspection Letter dated August 11, 2016, from CalFire states that during an inspection conducted on August 8, 2016, no violations were observed within the conversion area, that erosion control structures and drainage facilities were installed and functioning properly, and that no stocking report is required. The project was referred to CalFire on April 25, 2019, and comments were received on May 2, 2019, stating that the Department had no comments at that time.

- f) The location of the cultivation complies with most setbacks required in Section 314-55.4.11.d. It is more than 30 feet from any property line, and more than 600 feet from any school, school bus stop, church or other place of religious worship, or Tribal Cultural Resource.

The project includes a Special Permit to request a setback reduction from public lands due to proximity to Humboldt Redwoods State Park.

6. FINDING

The cultivation of 7,914 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) 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 will not change the character of the area due to the large parcel size in the area.
- b) Irrigation water will come from a permitted groundwater well (Permit #16/17-1/27), a point of diversion, and rain catchment. The applicant has 7,000 gallons of rain catchment tanks, and is proposing to install an additional 50,000 gallons of rain catchment tanks. Rain catchment will be the primary water source once all rain catchment tanks have been installed.
- c) The parcel is located in an area designated to have a High Fire Hazard Severity, and is located outside of any local fire response area. The project is located within the State Responsibility Area (SRA) for CalFire, and was referred to the agency on April 25, 2019. Comments were received by CalFire on December 17, 2020, and the agency stated that they had no comments regarding the project at that time. The Site Plan shows a firetruck turnaround, and the applicant has designated a 3,000-gallon water tank for fire suppression needs only. The designated fire suppression tank shall have the appropriate fire hose that meets CalFire SRA requirements.

- d) Access to the project site is from Sunny Lane, from Sewell Drive, from Newton Road, from State Highway 101. The project was referred to the Department of Public Works on September 5, 2017. Comments from Public Works were received on March 2, 2018, stating that Road Evaluation Reports are required for the non-county maintained access roads. The applicant has submitted a Road Evaluation Report form for all three private access roads (Sunny Lane, Sewell Drive, and Newton Road) designating them as being developed to the equivalent of a road category 4 standard. As the site is located from private roads off of a State Highway, the project was referred to CalTrans on April 18, 2023. No comments were received from CalTrans. The site will be operated by the applicant and up to two (2) employees. Up to six vehicle trips are anticipated per day, the operations are pre-existing, and no increase in traffic is anticipated.

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 South Fork Eel Planning Watershed, which under Resolution 18-43 is limited to 730 permits and 251 acres of cultivation. With the approval of this project the total approved permits in this Planning Watershed would be 302 cultivation permits and the total approved acres would be 91.8 acres of cultivation.

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Humboldt County Planning Commission does hereby:

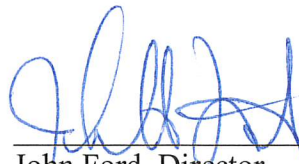
- Adopt the findings set forth in this resolution; and
- Conditionally approves the Special Permit for Natures Jar, Inc., based upon the Findings and Evidence and subject to the conditions of approval attached hereto as Attachment 1 and incorporated herein by reference; and

Adopted after review and consideration of all the evidence on **May 4, 2023**.

The motion was made by COMMISSIONER Thomas Mulder and second by COMMISSIONER Lonyx Landry and the following ROLL CALL vote:

AYES:	COMMISSIONERS:	Iver Skavdal, Thomas Mulder, Noah Levy, Lonyx Landry, Peggy O'Neill, Sarah West
NOES:	COMMISSIONERS:	Brian Mitchell
ABSENT:	COMMISSIONERS:	
ABSTAIN:	COMMISSIONERS:	
DECISION:		Motion carries 6/1

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.



John Ford, Director
Planning and Building Department

CONDITIONS OF APPROVAL

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

A. General Conditions

1. The applicant is responsible for obtaining all necessary County and State permits and licenses, and for meeting all requirements set forth by other regulatory agencies.
2. 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. 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 #6 through #16. 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.
6. The applicant shall secure permits for all structures related to the cannabis cultivation and other commercial cannabis activity, including but not limited to: six (6) light-deprivation hoop houses, two (2) nursery hoop houses, and three (3) storage containers.
7. The designated fire suppression tank shall have the appropriate fire hose that meets CalFire

SRA requirements.

8. The applicant is required to transition to 100% renewable energy source by 2026, and after transition shall only be allowed to keep one (1) generator on-site for emergency backup purposes only.
9. The applicant shall provide an Energy Plan to the Planning Division to show how all power required by the project will be powered by the proposed solar array.
10. The applicant shall permit the proposed solar array with the Building Division.
11. The applicant shall meter water used for irrigation from the well separately from the point of diversion.
12. The applicant shall adhere to the remedial actions listed in the table on page 6 of the Water Resource Protection Plan.
13. The applicant is required to have a Site Management Plan (SMP) prepared for the project site to show measures required to meet compliance with the General Order No. WQ 2019-0001-DWQ, and a condition of approval for the project is to provide a copy of the final SMP report to the Planning Division, and to adhere to the corrective actions listed in the report.
14. There is no Water Right Certificate on file for this diversion, and the applicant shall not utilize the stream diversion for irrigation until a Water Right Certificate has been obtained by the Division of Water Resources.
15. The applicant shall submit the final Water Right Certificate received by the Division of Water Resources to the Planning Division once available and shall adhere to the conditions set forth in the Water Right Certificate.
16. The applicant shall submit evidence to the Planning Division that all water lines, soil, cages, grow bags, pots, and all cultivation related refuse associated to the historic guerrilla grow areas on APN's 095-201-005 & 095-041-013 have been removed from the site and taken to an appropriate disposal facility, and to show the restoration of the historic cultivation areas at the satisfaction of the Planning Division.
17. 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 the Board of Supervisors will be required.
18. 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.

19. 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. The applicant shall provide receipts, or other equivalent documentation, annually to the Planning Division for proof of portable toilet service, unless a permitted onsite wastewater treatment system has been obtained.
3. The applicant shall adhere to the ongoing monitoring and maintenance protocols listed in the table on page 6 of the Water Resources Protection Plan.
4. The applicant shall adhere to the ongoing winterization and monitoring requirements in the final State Water Resources Control Board approved Site Management Plan.
5. In the event that the applicant receives a Water Right Certificate from the Division of Water Resources, the applicant shall adhere to the terms and conditions set forth in the Certificate.
6. The applicant shall complete and adhere to the project description and work outlined within the Streambed Alteration Agreement No. EPIMS-HUM-13784-R1 with CDFW.
7. 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.
8. 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.
9. 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.

10. Prohibition on use of synthetic netting. To minimize the risk of wildlife entrapment, Permittee shall not use any erosion control materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.
11. All refuse shall be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
12. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and be allowed to leave the work site unharmed.
13. The use of anticoagulant rodenticide is prohibited.
14. All components of project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Cultivation & Operations Plan, and these conditions of approval. Changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan.
15. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CMMLUO and MAUCRSA, as applicable to the permit type.
16. If operating pursuant to a written approved compliance agreement, permittee shall abate or cure violations at the earliest feasible date, but in no event no more than two (2) years from the date of issuance of a provisional clearance or permit. Permittee shall provide plans for curing such violations to the Planning and Building Department within one (1) year of issuance of the provisional clearance or permit. If good faith effort toward compliance can be shown within the two years following the issuance of the provisional clearance or permit, the Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow additional time to meet the outstanding requirements.
17. Possession of a current, valid required license, or licenses, issued by any agency of the State of California in accordance with the MAUCRSA, and regulations promulgated thereunder, as soon as such licenses become available.
18. Compliance with all statutes, regulations, and requirements of the California State Water Resources Control Board and the Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration, as applicable.

19. Confinement of the area of cannabis cultivation, processing, manufacture, or distribution to the locations depicted on the approved site plan. The commercial cannabis activity shall be set back at least 30 feet from any property line, and 600 feet from any school, school bus stop, church or other place of religious worship, or tribal cultural resources, except where a reduction to this setback has been approved pursuant to Section 55.4.11(d).
20. Maintain enrollment in Tier 1, or 2 certification with State Water Resource Control Board (SWRCB) Order No. WQ 2019-0001-DWQ, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
21. Comply with the terms of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (Cal Fire), if applicable.
22. Consent to an annual on-site compliance inspection, with at least 24 hours prior notice, to be conducted by appropriate County officials during regular business hours (Monday through Friday, 9:00 a.m. to 5:00 p.m., excluding holidays).
23. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
24. Pay all applicable application, review for conformance with conditions and annual inspection fees.
25. Fuel shall be stored and handled in compliance with applicable state and local laws and regulations, including the County of Humboldt's Certified Unified Program Agency (CUPA) program, and in such a way that no spillage occurs.
26. The master log books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
27. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).

Performance Standards for Cultivation and Processing Operations

28. Cultivators shall comply with all applicable federal, state, and local laws and regulations governing California Agricultural Employers, which may include federal and state wage and hour laws, Cal/OSHA, OSHA, the California Agricultural Labor Relations Act, and the Humboldt County Code (including the Building Code).
29. Cultivators engaged in processing shall comply with the following Processing Practices:
 - a. Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.
 - b. Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.

- c. Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.
 - d. Employees must wash hands sufficiently when handling cannabis or use gloves.
30. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:
- a. Cultivation operations and processing operations must implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:
 - (1) Emergency action response planning as necessary;
 - (2) Employee accident reporting and investigation policies;
 - (3) Fire prevention;
 - (4) Hazard communication policies, including maintenance of material safety data sheets (MSDS);
 - (5) Materials handling policies;
 - (6) Job hazard analyses; and
 - (7) Personal protective equipment policies, including respiratory protection.
 - b. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
 - (1) Operation manager contacts;
 - (2) Emergency responder contacts; and
 - (3) Poison control contacts.
 - c. At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations. Plumbing facilities and water source must be capable of handling increased usage without adverse consequences to neighboring properties or the environment.
 - d. On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.
31. All cultivators shall comply with the approved processing plan as to the following:
- a. Processing practices
 - b. Location where processing will occur
 - c. Number of employees, if any
 - d. Employee Safety Practices
 - e. Toilet and handwashing facilities
 - f. Plumbing and/or septic system and whether or not the system is capable of handling increased usage
 - g. Drinking water for employees
 - h. Plan to minimize impact from increased road use resulting from processing
 - i. On-site housing, if any
32. Term of Commercial Cannabis Activity Conditional Use Permit & Special Permits. Any Commercial Cannabis Cultivation SP issued pursuant to the CMMLUO shall expire one (1) year after date of issuance, and on the anniversary date of such issuance each year thereafter, unless an annual compliance inspection has been conducted and the permittees and the permitted site have been found to comply with all conditions of approval.

33. If the inspector or other County official determines that the permittees or site do not comply with the conditions of approval, the inspector shall serve the permit holder with a written statement identifying the items not in compliance, and the action that the permit holder may take to cure the noncompliance, or file an appeal within ten (10) days of the date that the written statement is delivered to the permit holder. Personal delivery or mailing the written statement to the mailing address listed on the application by regular mail, plus three (3) days after date of mailing, shall constitute delivery. The permit holder may request a reinspection to determine whether or not the permit holder has cured all issues of noncompliance. Failure to request reinspection or to cure any items of noncompliance shall terminate the Conditional Use Permit, immediately upon the expiration of any appeal period, or final determination of the appeal if an appeal has been timely filed pursuant to Section 55.4.13.
34. Permit Renewals to Comply with Updated Laws and Regulations. Permit renewal is subject to the laws and regulations effective at the time of renewal, which may be substantially different than the regulations currently in place and may require the submittal of additional information to ensure that new standards are met.
35. Acknowledgements to Remain in Full Force and Effect. Permittee acknowledges that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this section in the event that environmental conditions, such as a sustained drought or low flows in the watershed in which the cultivation area is located, will not support diversions for irrigation.
36. Transfers. Transfer of any leases or permits approved by this project is subject to the review and approval of the Planning Director for conformance with CMMLUO eligibility requirements and agreement to permit terms and acknowledgments. The fee for required permit transfer review shall accompany the request. The request shall include the following information:
- a. Identifying information for the new owner(s) and management as required in an initial permit application;
 - b. A written acknowledgment by the new owner in accordance as required for the initial permit application;
 - c. The specific date on which the transfer is to occur;
 - d. Acknowledgement of full responsibility for complying with the existing permit; and
 - e. Execution of an Affidavit of Non-diversion of Medical Cannabis.
37. Inspections. The permit holder and subject property owner are to permit the County or representative(s) or designee(s) to make inspections at any reasonable time deemed necessary to assure that the activities being performed under the authority of this permit are in accordance with the terms and conditions prescribed herein.

Informational Notes:

1. Pursuant to Section 314-55.4.11(a) of the CMMLUO, if upon inspection for the initial application, violations of any building or other health, safety, or other state or county statute, ordinance, or regulation are discovered, the Planning and Building Department may issue a provisional clearance or permit with a written approved Compliance Agreement. By signing the agreement, the permittee agrees to abate or cure the violations at the earliest opportunity but in no event more than two (2) years after the date of issuance of the provisional clearance or permit. Plans for curing the violations shall be submitted to the Planning and Building Department by the permittee within one (1) year of the issuance of the provisional certificate or permit. The terms of the compliance agreement may be appealed pursuant to Section 314-55.4.13 of the CMMLUO.
2. This provisional permit approval shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"), except where the Compliance Agreement per Condition of Approval #5 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.