

## ATTACHMENT 1A

### RECOMMENDED CONDITIONS OF APPROVAL

Approval of the Conditional Use Permit and Special Permit is conditioned on the following terms and requirements which must be satisfied before site development or initiation of operations.

#### A. General Conditions

1. The applicant shall submit a check to the Planning Division payable to the Humboldt County Clerk/Recorder in the amount of \$2,814.00. Pursuant to Section 711.4 of the Fish and Game Code, the amount includes the CDFW fee plus the \$50 document handling fee to the Clerk. This fee is effective through December 31, 2022, at such time the fee will be adjusted pursuant to Section 713 of the Fish and Game Code. Alternatively, the applicant may contact CDFW by phone at (916) 651-0603 or through the CDFW website at [www.wildlife.ca.gov](http://www.wildlife.ca.gov) for a determination stating the project will have no effect on fish and wildlife. If CDFW concurs, a form will be provided exempting the project from the \$2,764.00 fee payment requirement. In this instance, only a copy of the CDFW form and the \$50.00 handling fee is required.
2. The project shall be developed the Site Plan set received and dated "Revised 07/06/23" (included as Attachment 1C).
3. The applicant shall submit an updated Cultivation and Operations plan so that it meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel; and a description of cultivation activities, and schedule of activities during each month of the growing and harvesting season. The plan must be provided to the Planning & Building Department (HPB&D) for review and approval and should also detail measures to minimize daily vehicle trips, traffic safety, and other matters determined appropriate by HPB&D.
4. The project shall meet all applicable fire codes, including fire suppression infrastructure requirements deemed necessary for the project. Sign off on the Occupancy Permit by the Building Division shall satisfy this requirement.
5. Where feasible, new utilities shall be underground or sited unobtrusively if above ground.
6. The applicant shall obtain from the Building Division any Building or other required permits prior to commencing construction activities or the approved use (i.e. grading building plumbing electrical, mechanical, etc.).
7. Prior to initiating commercial cannabis cultivation or associated activities the applicant shall obtain a Business License from the Humboldt County Tax Collector.
8. Prior to initiating commercial cannabis cultivation or associated activities 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.
9. The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency (CUPA) requirements regarding any hazardous materials. A written verification of compliance shall be required before release of the Building Permit and initiation of operations.

Ongoing proof of compliance with this condition shall be required at each annual inspection in order to keep the permit valid.

10. Prior to initiating operation, the applicant shall meet all of the requirements and obtain all necessary permits from the Division of Environmental Health. The applicant shall submit written verification from that agency verifying this requirement has been met.
11. 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.
12. 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.
13. 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.
14. The applicant shall install a permitted onsite wastewater treatment system (OWTS), associated with a permitted structure, to support the needs of the project. A letter or similar documentation from DEH verifying satisfactory completion of work will satisfy this condition.
15. 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 NOE and will charge this cost to the project.
16. Monitoring of vegetation establishment and recovery shall be performed at all areas of the property where revegetation, remediation, and restoration activities are occurring. Monitoring shall occur for a period of no less than five (5) years. The start of the five-year period shall begin once all initial revegetation and replanting work has been completed. Reports shall be prepared and submitted after at appropriate intervals determined by the Biologist overseeing remediation and restoration activities. A final report shall be submitted following the end of the fifth year of monitoring and shall detail how well the revegetation efforts have performed against the established success criteria within the approved restoration plans.
17. An Emergency Response Plan shall be submitted for review and approval by the Planning & Building Department. The plan should address possible evacuation routes and other steps to be taken during a wildland fire event. Once approved, the plan shall be used for training employees and residents of the property and must be posted in conspicuous locations used by employees.
18. *Development Timing:* Grading and other site development work associated within Part 2 of the project description shall not be initiated until a Building Permit has been approved and issued for these activities. The Building Permit shall not be issued until all remediation and restoration

activities (described in Part 1 of the project description) have been completed, to the satisfaction of the Director of the Humboldt County Planning & Building Department. When determining whether the work has been satisfactorily completed, in addition to reviewing information and evidence supplied by the applicant and their agents, the Planning & Building Department will consult with relevant agencies including (but not limited to): the Regional Water Quality Control Board, the California Department of Fish and Wildlife, and the Army Corps of Engineers.

19. 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.

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

1. *Irrigation source:* all irrigation shall first utilize stored water from the two on-site ponds identified for all irrigation demands and only rely upon well water when stored water is depleted or otherwise unavailable. The applicant shall install metering devices at both ponds at the point of withdrawal and on the well and maintain records of use. In the case of the well, separate metering shall be provided where plumbed to areas of domestic (non-cannabis) use. These records of water withdrawal shall be made available to the county during inspections and upon request.
2. *Wood Ranch Road:* At a minimum, 15mph speed limit signage shall be installed and maintained within segments of the Wood Ranch Road right-of-way near the Cherney property (APN's 214-231-004, 214-232-005 & 214-142-003).
3. *Wood Ranch Road:* On an annual basis, the operator shall pay road maintenance dues to the private landowner group currently maintaining Wood Ranch Road. The amount contributed annually by the operator shall be at least twice the annual minimum contribution amount established by the group and may be a greater amount established by the road maintenance group. Written proof of payment shall be furnished to the County upon request.
4. *Wood Ranch Road:* The operator shall implement various measures to minimize daily vehicle traffic on Wood Ranch Road during regular operations. These measures shall include (but are not limited to): requiring that workers take their lunch breaks on-site unless coupled with a shared trip for needed supplies and offering on-site lodging for employees to use during the workweek, using off-site parking areas and shuttling of employees to and from the property.

Daily vehicles trips to and from the property shall not exceed the following limits:

- o During regular operations (12 trips per day)
- o During harvest (20 trips per day)

For purposes of compliance with this condition, a journey to and from the cultivation site over the course of one day shall be counted as two (2) "trips". "Regular operations" shall not include periods trips associated with completing necessary remediation and restoration work (Part 1 of the project description).

5. *Wood Ranch Road:* During all periods of operation, the owner/operator shall designate a point of contact and provide their contact information for this person to all neighbors and users of

Wood Ranch Road. This contact person shall be responsible for fielding complaints about employee driving behavior and impacts to the road observed by other road users and occupants of neighboring properties in the Wood Ranch area. Where receiving information on employees observed speeding or driving dangerously, the owner/operator shall notify employees that future instances will be grounds for termination from employment. The owner/operator shall maintain a log of all complaints received noting the date and nature of the complaint and contact person, and shall make this log book available to county staff during inspection or upon request. Ongoing and regular instances of complaints concerning excessive speed or dangerous driving shall be grounds for permit revocation.

6. *Tribal Cultural Resources (Monitoring of New Ground Disturbance)*: Native American monitoring should be provided by the Bear River Band of the Rohnerville Rancheria (BRB) or their designee. The monitor(s) shall have the authority to halt and redirect work should any archaeological resources be identified during monitoring. If archaeological resources are encountered during ground-disturbing activities, work in the immediate area shall halt and the find shall be evaluated for listing in the CRHR and National Register of Historical Places. The Tribe may request that archaeological monitoring be performed under the direction of an archaeologist meeting the Secretary of the Interior's Professional Qualification Standards for archaeology (National Park Service 1983).

The monitoring schedule shall be established by the Bear River Band of the Rohnerville Rancheria and may be adjusted based on the scale of disturbance and sensitivity of the location where ground disturbance will occur. Monitoring may be decreased to spot-checking at the discretion of the monitors, as warranted by conditions such as encountering bedrock. If monitoring is decreased to spot-checking, spot-checking should occur when ground-disturbance moves to a new location in the project site and when ground disturbance extends to depths not previously reached (unless those depths are within bedrock).

7. *Tribal Cultural Resources (Inadvertent Discovery)*: 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 as well as the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

The Native American Heritage Commission (NAHC) can provide information regarding the appropriate Tribal point(s) of contact for a specific area; the NAHC can be reached at 916-653-4082. 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 NAHC will then be contacted by the Coroner to determine appropriate treatment of the remains pursuant to PRC 5097.98. Violators shall be prosecuted in accordance with PRC Section 5097.99

8. Noise from cultivation and related activities shall not result in an increase of more than three decibels of continuous noise above existing ambient noise levels at any property line of the site.
9. All artificial lighting shall be fully contained within structures such that no light escapes (e.g., through blackout curtains). 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.

10. 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.
11. All components of project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site and Utility Plan, the updated 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.
12. All water sources shall be metered to show annual water use. If the water use exceeds the anticipated needs and available storage, the County reserves the right to reduce the cultivation area to a size relative to water availability until additional storage adequate to meet annual irrigation needs are in place.
13. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CCLUO and MAUCRSA, as applicable to the permit type.
14. 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.
15. Confinement of the area of cannabis cultivation to the locations depicted on the approved site plan. The commercial cannabis activity shall be set back at least 30 feet (or setback for the underlying zone) 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 County Code Section 55.4.11(d).
16. Maintain enrollment in Tier 1, 2 or 3, certification with the State Water Board Order 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.
17. 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 – Friday, 9:00 am – 5:00 pm, excluding holidays).
18. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
19. Pay all applicable application, review for conformance with conditions and annual inspection fees.

20. 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.
21. Leave wildlife unharmed. If any wildlife is encountered during the Authorized Activity, Permittee shall not disturb the wildlife and shall allow wildlife to leave the work site unharmed.
22. All refuse shall be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
23. The burning of excess plant material associated with the cultivation and processing of commercial cannabis is prohibited.
24. Storage of Fuel - Fuel shall be stored and handled in compliance with applicable state and local laws and regulations, including the County of Humboldt's CUPA program, and in such a way that no spillage occurs.
25. Any outdoor construction activity and use of heavy equipment outdoors shall take place between 7:00 a.m. and 6:00 p.m., Monday through Friday, and between 9:00 a.m. and 6:00 p.m. on Saturday and Sunday.
26. The Master Log-Books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
27. Participate in and bear costs for permittee's participation in the State sanctioned tracking program (currently METRC).

#### Performance Standards for Cultivation and Processing Operations

28. Pursuant to the MAUCRSA, 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."
29. 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, California Agricultural Labor Relations Act, and the Humboldt County Code (including the Building Code).
30. Processing shall comply with the following Processing Practices:
  - I. Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.
  - II. Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
  - III. Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.
  - IV. Employees must wash hands sufficiently when handling cannabis or use gloves.
31. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:

- I. 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.
- II. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
  - 8) Operation manager contacts;
  - 9) Emergency responder contacts;
  - 10) Poison control contacts.
- III. 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.

32. All cultivators shall comply with the approved Processing Plan as to the following:

- I. Processing Practices.
- II. Location where processing will occur.
- III. Number of employees, if any.
- IV. Employee Safety Practices.
- V. Toilet and handwashing facilities.
- VI. Plumbing and/or septic system and whether or not the system is capable of handling increased usage.
- VII. Drinking water for employees.

33. Term of Commercial Cannabis Activity Permit. Any Commercial Cannabis Permit issued pursuant to the CCLUO shall expire after 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 non-compliance, 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 non-compliance. Failure to request reinspection or to cure any items of non-compliance shall terminate the Permits, immediately upon the expiration of any appeal period, or final determination of the appeal if an appeal has been timely filed pursuant to the CCLUO.

34. Permit Renewals to comply with Updated Laws and Regulations. Permit renewal per Ongoing Condition of Approval #33, above, 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.

Permittee further acknowledges and declares that:

- (1) All commercial cannabis activity that I, my agents, or employees conduct pursuant to a permit from the County of Humboldt for commercial cultivation, processing, manufacturing, and distribution of cannabis for adult use or medicinal use within the inland area of the County of Humboldt, shall at all times be conducted consistent with the provisions of the approved County permit; and
- (2) All cannabis or cannabis products under my control, or the control of my agents or employees, and cultivated or manufactured pursuant to local Ordinance and the State of California Medicinal and Adult Use Cannabis Regulation and Safety Act ("MAUCRSA") (SB 94), will be distributed within the State of California; and
- (3) All commercial cannabis activity conducted by me, or my agents or employees pursuant to a permit from the County of Humboldt will be conducted in compliance with the State of California MAUCRSA.

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 CCLUO 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:

- (1) Identifying information for the new Owner(s) and management as required in an initial permit application;
- (2) A written acknowledgment by the new Owner in accordance as required for the initial Permit application;
- (3) The specific date on which the transfer is to occur; and
- (4) Acknowledgement of full responsibility for complying with the existing permit; and
- (5) Execution of an Affidavit of Non-diversion of Commercial 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.

### **C. Informational Notes:**

1. This 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 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 Humboldt County Code.