

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

Resolution Number 23-054

Record Number PLN-13107-CUP

Assessor's Parcel Numbers: 524-114-011

Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approving the Enchanted Forest, LLC, Conditional Use Permit.

WHEREAS, Enchanted Forest, LLC, submitted an application and evidence in support of approving a Conditional Use Permit for the 28,348 square feet (sq. ft.) of pre-existing outdoor cultivation, and appurtenant nursery & drying activities; 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 June 1, 2023, and reviewed, considered, and discussed the application for a Conditional Use 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:** A Conditional Use Permit for 28,348 sq. ft. of pre-existing outdoor cannabis cultivation. The applicant is requesting 4,040 sq. ft. of ancillary nursery space, and the County is only recommending approval of up to 2,834 sq. ft. of ancillary nursery space. Irrigation water will be provided from a permitted well (Permit #WP2005-007) on an adjacent parcel, which is under deeded rights. Estimated annual water usage is approximately 399,369 gallons (13 gal/sq. ft./year). The site operation will utilize up to three (3) employees for operations. Trimming will occur off-site at a licensed processing facility. A 2000 watt Honda EU low decibel gasoline generator is operated intermittently and minimally, and the site is powered by PG&E. The project will be conditioned to obtain 100% of power from PG&E or other renewable source by 2026, and shall be allowed one generator for emergency backup purposes only.

EVIDENCE: Project File: PLN-13107-CUP

2. FINDING:

CEQA. The requirements of the California Environmental Quality Act have been complied with. The Humboldt County Planning Commission has considered 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 and the Addendum prepared for the Enchanted Forest project.

EVIDENCE: a) Addendum Prepared for the proposed project.

- b) The proposed project does not present substantial changes that would require major revisions to the previous 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 project will source water from a permitted well (Permit #WP2005-007) that is located on the adjacent parcel north in Trinity County (APN 008-080-033-000). There is an existing Water & River Access Agreement between the applicant and three neighbors.

The applicant has obtained a Well Assessment Report (WAR) for the shared well TW-#3 (Permit #WP2005-007), prepared by licensed hydrogeologist Bonnie Lampley with Lawrence & Associates Engineers & Geologists, dated April 27, 2023. The WAR states that the assessment was prepared utilizing previous site-specific studies that were conducted by Lawrence & Associates. Several wells and test borings were installed at the Site as part of the studies, and all wells were completed with a 20-foot surface seal. The hydrologic setting for the Site is based on the results from six wells that were installed in 2005 to investigate groundwater occurrence and evaluate well yields. The WAR states that the subject well is not hydraulically connected to the river, and estimates an annual recharge rate of 352 acre-feet (114.7 million gallons).

- d) 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 July 28, 2020, showing enrollment in the General Order under WDID 1_12CC422700 as a Tier 1 Low Risk site. The applicant has a Site Management Plan (SMP) prepared for the project site, which states that there is one culvert maintained by the applicant and one culvert that is maintained by Trinity County on the Trinity County maintained road. The applicant shall adhere to the ongoing maintenance activities listed in the SMP.
- e) The applicant has obtained a drafted Streambed Alteration Agreement with the California Department of Fish & Wildlife (CDFW) for the in-

stream work needed to upgrade one (1) culvert on-site, and one point of diversion for domestic uses (SAA No. EPIMS-TRI-03632-R1). Through communications with CDFW, the SAA has not been signed by CDFW and is awaiting this permit approval. The applicant shall submit the final signed SAA to the Planning Division when available, and shall adhere to the project description and work outlined within the final signed agreement.

- f) The project is located approximately 0.9 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 contains potential habitat areas near the Trinity River for any rare or endangered species, the western pond turtle and the foothill yellow-legged frog. As the potential habitat is located away from any proposed project activities, 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 August 25, 2017, and no comments were received. The County reached out to CDFW again on May 10, 2023, to request any comments, and no final comments on the project have been received. The applicant is required to comply with International Dark Sky Standards for lighting within the propagation greenhouse, 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) A 2000 watt Honda EU low decibel gasoline generator will be operated intermittently to power lights within the ancillary nursery greenhouses, and fans for drying. The applicant is proposing an Ag drop with PG&E through the existing power poles on the property. The project is conditioned to obtain 100% of power from PG&E or other renewable source by 2026, and shall be allowed one generator for emergency backup purposes only. In the event that the applicant cannot receive an Ag power drop from PG&E by 2026, the applicant shall submit an Energy Plan to the Planning Division to describe how they will achieve 100% renewable energy on-site, and will be required to obtain any necessary permits.
- h) There was vegetation removal of brush and trees after 2016, and it appears that approximately 1.09 acres of unauthorized timber conversion took place for cannabis cultivation post-2016. A Restocking Plan was prepared by RPF Thomas Blair with Blair Forestry Consulting, dated December 13, 2021, which recommends the replanting of 2.4 acres of area on-site, and shows one (1) site recommended for restocking. A timber conversion evaluation report was never prepared for the site, and where the 2.4 acres of restocking area came from in the Restocking Plan is unknown. From measurements utilizing aerial imagery, approximately 1.09 acres of timber conversion occurred on the site post-2016, and the applicant

shall restock 1.09 acres in total on the site. The applicant shall adhere to the restocking recommendations within the Restocking Plan for 1.09 acres.

- i) The project is located within the Hoopa Tribe and Tsnungwe Tribes ancestral aboriginal territories. The applicant has submitted a Cultural Resource Investigation Report (CRIR) prepared by James Roscoe, M.A., with Roscoe and Associates, dated July 2017. An investigation of the subject parcel was conducted during the spring and summer of 2017. Tsnungwe Council-member Bob Benson was present for the field survey on May 9, 2017. The field survey found artifacts located on the site, but outside of the project area, and a recommendation was made that no new substantial ground-disturbance or heavy equipment-use occur within the boundaries where artifacts were found. From review of aerial imagery it appeared that the area with artifacts may have been disturbed, and a site visit was conducted with Tsnungwe Council-member Bob Benson on May 15, 2023, which confirmed that the artifacts had not been disturbed. The applicant shall adhere to the recommendation in the CRIR that no new substantial ground-disturbance or heavy equipment-use occur within the boundaries where artifacts were found, and should future ground-disturbing work be proposed within the boundaries of the Site found to have artifacts, a professional archaeologist shall review the proposed actions and, in cooperation with the Tsnungwe Tribe, develop mitigation measures that would avoid a substantial adverse change to the Site. The applicant shall also adhere to Inadvertent Discover Protocols.
- j) The site is accessed from Forest Route 5N03/S. Fork Road, from S. Fork Road, from Hwy 299. The project was referred to the Department of Public Works on August 25, 2017, and comments were received by the agency on February 7, 2018. Comments from Public Works stated that the access to the site is from Trinity County, and requests a road evaluation report for the access road. The applicant has submitted a Road Evaluation Report form for the access road S. Fork Road, showing that it is maintained by Trinity County, and designating the road as being developed to the equivalent of a road category 4 standard. As the site is accessed from a US Forest Service road that goes through Trinity County, the project was referred to the Trinity County Planning Department and the US Forest Service on February 13, 2019. No comments were received by either agency. The site will be operated by the applicant and up to three (3) employees, and a maximum of ten (10) vehicle trips are anticipated per day. As the site is for pre-existing operations, no increase in traffic is anticipated.

FINDINGS FOR CONDITIONAL USE PERMIT

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

EVIDENCE a) 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.

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

EVIDENCE a) The Unclassified or U Zone is intended to be applied to areas of the County in which general agriculture uses is a desirable use.
b) All general agricultural uses are principally permitted in the U zone.
c) Humboldt County Code section 314-55.4.8.2.2 allows cultivation of up to 43,560 square feet of existing outdoor cannabis and up to 22,000 sq. ft. of existing mixed-light cannabis on a parcel zoned U over 1 acres subject to approval of a Conditional Use Permit and a determination that the cultivation was in existence prior to January 1, 2016. The application for 28,348 sq. ft. of outdoor cultivation on a 21-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 U (HCC 314-55.4.8.2.2).
b) The subject parcel has been determined to be a legal parcel per Parcel Map#3573 BK35 PG95, Parcel 3.
c) The project will source water from a permitted well (Permit #WP2005-007) that is located on the adjacent parcel north in Trinity County (APN 008-080-033-000). There is an existing Water & River Access Agreement between the applicant and three neighbors.

The applicant has obtained a Well Assessment Report (WAR) for the shared well TW-#3 (Permit #WP2005-007), prepared by licensed hydrogeologist Bonnie Lampley with Lawrence & Associates Engineers & Geologists, dated April 27, 2023. The WAR states that the assessment was prepared utilizing previous site-specific studies that

were conducted by Lawrence & Associates. Several wells and test borings were installed at the Site as part of the studies, and all wells were completed with a 20-foot surface seal. The hydrologic setting for the Site is based on the results from six wells that were installed in 2005 to investigate groundwater occurrence and evaluate well yields. The WAR states that the subject well is not hydraulically connected to the river, and estimates an annual recharge rate of 352 acre-feet (114.7 million gallons).

- d) The site is accessed from Forest Route 5N03/S. Fork Road, from S. Fork Road, from Hwy 299. The project was referred to the Department of Public Works on August 25, 2017, and comments were received by the agency on February 7, 2018. Comments from Public Works stated that the access to the site is from Trinity County, and requests a road evaluation report for the access road. The applicant has submitted a Road Evaluation Report form for the access road S. Fork Road, showing that it is maintained by Trinity County, and designating the road as being developed to the equivalent of a road category 4 standard. As the site is accessed from a US Forest Service road that goes through Trinity County, the project was referred to the Trinity County Planning Department and the US Forest Service on February 13, 2019. No comments were received by either agency. The site will be operated by the applicant and up to three (3) employees, and a maximum of ten (10) vehicle trips are anticipated per day. As the site is for pre-existing operations, no increase in traffic is anticipated.
- e) There was vegetation removal of brush and trees after 2016, and it appears that approximately 1.09 acres of unauthorized timber conversion took place for cannabis cultivation post-2016. A Restocking Plan was prepared by RPF Thomas Blair with Blair Forestry Consulting, dated December 13, 2021, which recommends the replanting of 2.4 acres of area on-site, and shows one (1) site recommended for restocking. A timber conversion evaluation report was never prepared for the site, and where the 2.4 acres of restocking area came from in the Restocking Plan is unknown. From measurements utilizing aerial imagery, approximately 1.09 acres of timber conversion occurred on the site post-2016, and the applicant shall restock 1.09 acres in total on the site. The applicant shall adhere to the restocking recommendations within the Restocking Plan for 1.09 acres.
- f) The location of the cultivation complies with all 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, Public Park or Tribal Cultural Resource.

the Humboldt County Planning Division. The project is located within the State Responsibility Area (SRA) for CalFire. The Site Plan shows a firetruck turnaround, and one (1) 2,500 gallon water storage tank designated for fire suppression needs only. The designated fire suppression tank shall also have the appropriate fire hose that meets CalFire SRA requirements.

- e) The site is accessed from Forest Route 5N03/S. Fork Road, from S. Fork Road, from Hwy 299. The project was referred to the Department of Public Works on August 25, 2017, and comments were received by the agency on February 7, 2018. Comments from Public Works stated that the access to the site is from Trinity County, and requests a road evaluation report for the access road. The applicant has submitted a Road Evaluation Report form for the access road S. Fork Road, showing that it is maintained by Trinity County, and designating the road as being developed to the equivalent of a road category 4 standard. As the site is accessed from a US Forest Service road that goes through Trinity County, the project was referred to the Trinity County Planning Department and the US Forest Service on February 13, 2019. No comments were received by either agency. The site will be operated by the applicant and up to three (3) employees, and a maximum of ten (10) vehicle trips are anticipated per day. As the site is for pre-existing operations, 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 Trinity Planning Watershed, which under Resolution 18-43 is limited to 86 permits and 29 acres of cultivation. With the approval of this project the total approved permits in this Planning Watershed would be 26 cultivation permits and the total approved acres would be 12 acres of cultivation.

DECISION

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

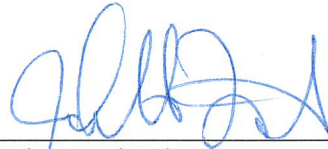
- Adopt the findings set forth in this resolution; and
- Conditionally approves the Conditional Use Permit for Enchanted Forest, LLC, subject to the conditions of approval attached hereto as Attachment 1 and incorporated herein by reference; and

Adopted after review and consideration of all the evidence on **June 1, 2023**

The motion was made by COMMISSIONER Iver Skavdal and second by COMMISSIONER Sarah West and the following ROLL CALL vote:

AYES:	COMMISSIONERS:	Iver Skavdal, Lonyx Landry, Thomas Mulder, Brian Mitchell, Sarah West
NOES:	COMMISSIONERS:	Peggy O'Neill
ABSENT:	COMMISSIONERS:	Noah Levy
ABSTAIN:	COMMISSIONERS:	
DECISION:		Motion carries 5/1

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 #15. 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: eleven (11) light-deprivation greenhouses, two (2) ancillary propagation greenhouse, one (1) storage container for drying, one (1) metal drying building, and one (1) generator shed.
7. The project is conditioned to obtain 100% of power from PG&E or other renewable source by January 1, 2026, and shall be allowed one generator for emergency backup purposes only.
8. In the event that the applicant cannot receive an Ag power drop from PG&E by 2026, the

applicant shall submit an Energy Plan to the Planning Division to describe how they will achieve 100% renewable energy on-site, and will be required to obtain any necessary permits.

9. The designated fire suppression tank shall have the appropriate fire hose that meets CalFire SRA requirements.
10. The applicant shall adhere to the restocking recommendations within the Restocking Plan as follows, for 1.09 acres:
 - a. Employ mechanical ripping or tilling of the planting surface as necessary if soils are compacted and could potentially limit root growth or tree survival. Mechanical site preparation involving soil disturbance should occur during rainless periods of the year and should be conducted to minimize delivery of sediment to waters of the State. In the case that rain causes overland flow across or along the disturbed surface that could deliver sediment into a watercourse or lake in quantities deleterious to the beneficial uses of water, soil stabilization measures should be employed and may include straw waddles and/or drift fencing. Retain all existing conifer stocking, snags and residual hardwood trees with basal cavities, hollows, and other complex crown iterations valuable to wildlife during mechanical site preparation activities.
 - b. The landowner shall plant Douglas-fir (best suited for Seed Zone 303 at 660-foot elevation) at a uniform spacing no less than 16-feet by 16-feet, or 170 trees per acre. Given the conditions of the site and the higher survival rate associated with containerized stock, use containerized seedlings if available.
 - c. For long-term storage (more than 3 days), store seedlings at 33 to 36 degrees Fahrenheit. For short-term storage (several hours to less than 3 days), store below 42 degrees Fahrenheit. At the planting site, do not allow the roots to dry out and store trees in the shade to avoid exposure to the sun or warmer temperatures.
 - d. Planting Instructions: When planting seedlings, the landowner or tree planter shall operate under the following guidelines:
 - e. Tree planting shall only occur in winter or early spring. Tree planting should not occur if the ground is frozen or during unusually warm periods.
 - f. Using a Hodad or Dibble, dig a hole at least one inch deeper and wider than the seedling roots. If planting from a container, dig the hole an inch deeper and wider than the container.
 - g. Place the seedling into the hole taking care not to bend the taproot, or main vertical root, and cover with soil.
 - h. Pack the soil down firmly around the seedling to remove any air pockets.
 - i. See Appendices A-D for illustrations for correct planting techniques.
 - j. The RPF recommends acquiring conifer seedlings from either Jessica Huang at CalFire, or inquire with Trent Jonsteen Company in McKinleyville. It is recommended that seedlings acquired be of the appropriate stock based on geographic area and site conditions.
 - k. Monitor the growth and success of planted trees one year after planting. Conduct a point count stocking sampling survey (protocol described in CFPRs 14CCR 1072). If less than 55% of the planted area meets the 125-point count minimum stocking level, repeat the planting process the following winter.
 - l. Within 5 years of planting, but no sooner than 3 years, a report of stocking shall be submitted to the County by an RPF, that certifies that the area of 1.09 acres meets the minimum stocking standards of 14CCR 912.7.

11. The applicant shall submit the final signed SAA to the Planning Division when available.
12. The applicant shall adhere to the recommendation in the Cultural Resource Investigation Report, that no new substantial ground-disturbance or heavy equipment-use occur within the boundaries where artifacts were found, and should future ground-disturbing work be proposed within the boundaries of the Site found to have artifacts, a professional archaeologist shall review the proposed actions and, in cooperation with the Tnungwe Tribe, mitigation measures shall be developed that would avoid a substantial adverse change to the artifact Site.
13. 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.
14. 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.
15. 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 provide receipts, or other equivalent documentation, annually to the Planning Division for proof of portable toilet service.
2. The applicant shall have documentation kept on-site to show the use of a licensed processing facility, to be furnished during an annual inspection.
3. In the event that the subject parcel is conveyed to another owner not the applicant's spouse heir or legatee of grantee, the permit may not be transferred without evidence of access to the shared well TW-#3 (Permit #WP2005-007), water storage and infrastructure, or shall submit a modification to include another water source and remove the water storage and infrastructure on the adjacent parcel (APN 008-080-033-000) located in Trinity County.
4. The applicant shall adhere to the ongoing maintenance activities listed in the Site Management Plan.
5. The applicant shall adhere to the project description and work outlined within the final signed Streambed Alteration Agreement with CDFW, and submitted to the County.
6. The combination of background, generator and greenhouse fan or other operational equipment created noise must not result in the harassment of Northern Spotted Owl species as required to meet the performance standards for noise set by Department Policy Statement No. 16-005 clarifying CMMLUO Section 55.4.11 (o) requirements. The combined noise levels measured

at 100 feet or the edge of habitat, whichever is closer, shall be at or below 50 decibels. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service, and further consultation where necessary. A building permit shall be obtained should any structures be necessary for noise attenuation.

7. All artificial lighting shall be fully contained within mixed-light and propagation structures such that no light escapes (e.g., through blackout tarps). Structures shall be enclosed between 30 minutes prior to sunset and 30 minutes after sunrise to prevent disruption to crepuscular wildlife. Security lighting shall be motion activated and comply with the International Dark-Sky Association standards and Fixture Seal of Approval Program; see: <https://www.darksky.org/our-work/lighting/lighting-for-citizens/lighting-basics/>. Standards include but are not limited to the following, 1) light shall be shielded and downward facing, 2) shall consist of Low Pressure Sodium (LPS) light or low spectrum Light Emitting Diodes (LED) with a color temperature of 3000 kelvins or less and 3) only placed where needed.
8. Should the Humboldt County Planning Division receive complaints that the lighting or noise is not complying with the standards listed above in items B.1. and B.2., within ten (10) working days of receiving written notification that a complaint has been filed, the applicant shall submit written verification that the lights' shielding and alignment, and noise levels have been repaired, inspected, and corrected as necessary.
9. 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.
10. All refuse shall be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
11. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and be allowed to leave the work site unharmed.
12. The use of anticoagulant rodenticide is prohibited.
13. 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.
14. 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.
15. 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.

16. 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.
17. 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.
18. 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).
19. 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.
20. 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.
21. 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).
22. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
23. Pay all applicable application, review for conformance with conditions and annual inspection fees.
24. 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.
25. The master log books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
26. 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

27. Cultivators shall comply with all applicable federal, state, and local laws and regulations governing California Agricultural Employers, which may include federal and state wage and hour laws, Cal/OSHA, OSHA, the California Agricultural Labor Relations Act, and the Humboldt County Code (including the Building Code).
28. Cultivators engaged in processing shall comply with the following Processing Practices:
 - a. Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.
 - b. Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
 - c. Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.
 - d. Employees must wash hands sufficiently when handling cannabis or use gloves.
29. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:
 - a. Cultivation operations and processing operations must implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:
 - (1) Emergency action response planning as necessary;
 - (2) Employee accident reporting and investigation policies;
 - (3) Fire prevention;
 - (4) Hazard communication policies, including maintenance of material safety data sheets (MSDS);
 - (5) Materials handling policies;
 - (6) Job hazard analyses; and
 - (7) Personal protective equipment policies, including respiratory protection.
 - b. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
 - (1) Operation manager contacts;
 - (2) Emergency responder contacts; and
 - (3) Poison control contacts.
 - c. At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations. Plumbing facilities and water source must be capable of handling increased usage without adverse consequences to neighboring properties or the environment.
 - d. On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.
30. All cultivators shall comply with the approved processing plan as to the following:
 - a. Processing practices
 - b. Location where processing will occur
 - c. Number of employees, if any
 - d. Employee Safety Practices
 - e. Toilet and handwashing facilities
 - f. Plumbing and/or septic system and whether or not the system is capable of handling

increased usage

- g. Drinking water for employees
- h. Plan to minimize impact from increased road use resulting from processing
- i. On-site housing, if any

31. Term of Commercial Cannabis Activity Conditional Use Permit & Special Permits. Any Commercial Cannabis Cultivation CUP issued pursuant to the CMMLUO shall expire one (1) year after date of issuance, and on the anniversary date of such issuance each year thereafter, unless an annual compliance inspection has been conducted and the permittees and the permitted site have been found to comply with all conditions of approval.
32. 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.
33. 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.
34. 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.
35. 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.
36. Inspections. The permit holder and subject property owner are to permit the County or representative(s) or designee(s) to make inspections at any reasonable time deemed necessary

to assure that the activities being performed under the authority of this permit are in accordance with the terms and conditions prescribed herein.

Informational Notes:

1. Pursuant to Section 314-55.4.11(a) of the CMMLUO, if upon inspection for the initial application, violations of any building or other health, safety, or other state or county statute, ordinance, or regulation are discovered, the Planning and Building Department may issue a provisional clearance or permit with a written approved Compliance Agreement. By signing the agreement, the permittee agrees to abate or cure the violations at the earliest opportunity but in no event more than two (2) years after the date of issuance of the provisional clearance or permit. Plans for curing the violations shall be submitted to the Planning and Building Department by the permittee within one (1) year of the issuance of the provisional certificate or permit. The terms of the compliance agreement may be appealed pursuant to Section 314-55.4.13 of the CMMLUO.
2. This provisional permit approval shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"), except where the Compliance Agreement per Condition of Approval #8 has been executed and the corrective actions pursuant to the agreement are being undertaken. Once building permits have been secured and/or the use initiated pursuant to the terms of the agreement, the use is subject to the Permit Duration and Renewal provisions set forth in the Ongoing Requirements/Development Restrictions, above.
3. If cultural resources are encountered during construction activities, the contractor on-site shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist and the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and the lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, shellfish or faunal remains, and human burials. If human remains are found, California Health and Safety Code 7050.5 requires that the County Coroner be contacted immediately at 707-445-7242. If the Coroner determines the remains to be Native American, the Native American Heritage Commission will then be contacted by the Coroner to determine appropriate treatment of the remains pursuant to Public Resources Code (PRC) Section 5097.98. Violators shall be prosecuted in accordance with PRC Section 5097.99.

4. The applicant shall be aware that the Federal Government considers the cultivation of cannabis to be an illegal activity. This project is accessed by using roads that pass-through lands owned by the Federal Government. The Federal Government may not allow the applicant to use these roads to transport cannabis. In such case, Humboldt County will not provide relief to the applicant. Approval of this permit does not authorize transportation of cannabis across Federal lands.