

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings; Meeting on April 6, 2021

Resolution No. ___-___ Resolution of the Board of Supervisors of the County of Humboldt ADOPTING FINDINGS OF FACT, DETERMINING THE PROJECT IS SUBJECT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, CONSIDERING AN ADDENDUM TO A PREVIOUSLY ADOPTED ENVIRONMENTAL IMPACT REPORT, DENYING THE APPEAL FOR RECORD NO. PLN-2021-17060, APPROVING THE RISING GOAT LIMITED, SPECIAL PERMIT RECORD NO. PLN-16188-CUP, AND ADOPTING THE REVISED CONDITIONS OF APPROVAL.

WHEREAS, the Planning and Building Department reviewed the submitted application and supporting substantial evidence and has referred the application and evidence to involved reviewing agencies for site inspections, comments and recommendations; and

WHEREAS, on February 18, 2020, the Planning Commission took the following actions:

1. The Planning Commission considered the Addendum to the Environmental Impact Report adopted for the Commercial Cannabis Land Use Ordinance; and
2. The Planning Commission makes the required findings for approval in Attachment 2 of the Planning Division staff report based on the submitted substantial evidence; and
3. Special Permit Record Number PLN-2020-16188 was approved as recommended and conditioned in Attachment 1.

WHEREAS, on March 4, 2021, Water Rights Holders of the Overland Subdivision (“Appellant”) filed an appeal in accordance with the Appeal Procedures specified in Humboldt County Code Section 312-13 et seq.; and

WHEREAS, Humboldt County Code section 312-13.5 protects an applicant’s right by requiring a hearing within 30 working days; and

WHEREAS, the Board of Supervisors held a duly-noticed public hearing, *de-novo*, on April 6, 2021, and reviewed, considered, and discussed application and appeal for the Special Permit; and reviewed and considered all public testimony and evidence presented at the hearing.

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

FINDING: **Project Description:** A Special Permit for 18,000 square feet (sf) of new light-dep cannabis cultivation. The proposed project would be phased to begin outdoor at 10,000 sf and expand to a total of 18,000 sf light-dep cultivation within two years. The operator proposes a single cultivation cycle. Annual water use is estimated at 249,600 gallons. The irrigation source is a permitted well and rainwater catchment. Processing, such as trimming, will occur at an off-site licensed processing facility. The applicant anticipates a maximum of three personnel on-site. Solar power will be the main power source and generators will only be used as an emergency power source for the well pump.

EVIDENCE: Application and correspondence in Project file PLN-2020-16188.

FINDING: **CEQA.** The requirements of the California Environmental Quality Act have been complied with. The Humboldt County Board of Supervisors has considered the Addendum to and the Final Environmental Impact Report (EIR) prepared for the Commercial Cannabis Land Use Ordinance (CCLUO) adopted by the Humboldt County Board of Supervisors on May 8, 2018.

- EVIDENCE:**
- a) The proposed project does not present substantial changes that would require major revisions to the previous EIR. 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.
 - b) A Biological Survey Report was prepared by NRM Corp. Inc., dated July 2020 (see Attachment 4). The report evaluated the site for the presence or potential presence of rare and sensitive plants and wildlife. The biologist determined no sensitive plants or wildlife would be impacted by the proposed project. Recommendations include timber restocking, adherence to CCLUO noise standards, no use of plastic support netting and no use of rodenticides.
 - c) A Cultural Resources Investigation was prepared by William Rich and Associates dated July 2020 which found light-density lithic scatter in various locations throughout the property. The Bear River Band THPO recommendation included that no ground disturbance or cultivation related activity occur within the archaeological site or on the landform upon which it is located, in the eastern end of the property, southwest of the intersection of

Ross Road and Dyerville Loop Road. The Bear River Band also stated that they prefer that additional water storage tanks be placed outside of the site boundaries. However, if there is not another feasible location, and they can fit in the previously graded area without further earthmoving, that location will suffice. NO additional water tanks are currently proposed.

- d) All power will be provided by a solar system. Generators will only be used as an emergency power source. Greenhouses will be equipped with fans and dehumidifiers. The nearest mapped Marbled murrelet and Northern Spotted Owl (NSO) habitats are located more than 2 miles from the subject parcel.
- e) The applicant submitted a Timber Conversion Evaluation Report prepared by NRM Corp., Inc., dated November 30, 2020. The report found that approximately 1.85 acres of timber conversion occurred prior to 2016 in two distinct areas with an additional small amount of white oak species cleared by an adjacent property owner that may have occurred on the property. Conditions of approval require the applicant to adhere to the recommendations contained within the Timber Conversion Evaluation Report prepared by NRM Corp., Inc., dated November 30, 2020 that require that any white oak species that were removed are restocked per the specifications of the project biologist.
- f) The subject parcel is accessed via a private driveway approximately 0.2 miles on Ross Road, a privately maintained road. Ross Road intersects with Dyerville Loop Road, which is County-maintained. The applicant submitted a Road Evaluation Report that states Ross Road is functionally sufficient for the proposed project.

FINDINGS FOR SPECIAL PERMIT

FINDING

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

EVIDENCE

- a) The proposed project includes 18,000 square feet of outdoor cannabis cultivation on a 19.98-acre parcel which is principally designated Residential Agriculture (RA40). 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.

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

EVIDENCE a) The AE zone is intended to apply to fertile areas in which agriculture is and should be the desirable predominant use and in which the protection of this use from encroachment from incompatible uses is essential to the general welfare.

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

4. FINDING The proposed development is consistent with the requirements of the Commercial Cannabis Land Use Ordinance Provisions of the Zoning Ordinance, and the County’s Streamside Management Area and Wetland Ordinance.

EVIDENCE a) The CCLUO allows for proposed cannabis cultivation to be permitted in areas zoned AE.

b) The CCLUO allows 18,000 square feet of outdoor cannabis cultivation and associated infrastructure and improvements subject to approval of a Special Permit.

3. FINDING The proposed development and 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 an existing 19.98-acre parcel currently utilized for cannabis cultivation.

b) No processing of cannabis will occur on-site.

c) The proposed project is required to adhere to the State Water Resources Control Board Cannabis Cultivation Policy that sets standards for stormwater management, water use and storage, fertilizer and amendment storage.

- d) Greenhouses and other facilities would be constructed to meet California Building Code standards, which include requirements for earthquake and wildlife safety.
- e) Power will be provided by solar and a backup generator that would be used only as a backup emergency power source for the well pump.
- f) No artificial lighting is proposed.

4. 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) This project will not affect any housing units and will not reduce the number of housing units identified in the Housing Element.

FINDINGS FOR APPEAL

5. FINDING

The grounds for appeal are not adequate to warrant granting the appeal.

EVIDENCE

- a) The Appellant claims that the project does not comply with the State Water Resources Control Board Cannabis Cultivation Policy, dated October 17, 2017 for which the ascertaining of the project’s aquatic base flow is required under the Policy’s Groundwater Requirements and “the Humboldt County Code and other applicable laws”.
 - i. The applicant will not be able to cultivate cannabis until the permitted well can be determined not to be hydrologically connected to any surface waters. The project has been approved with the condition that operation may not begin until either 1) a certified hydrogeologist demonstrates that the existing well is not hydrologically connected to any surface waters, 2) a new well is installed which is demonstrated by a certified hydrogeologist to not be hydrologically connected to any surface waters, or 3) the applicant applies for and receives approval from the Planning Commission for a modification to the permit to require rainwater catchment as the source of water for cannabis activities. With this condition, the project complies with the State Water Resource Control Board

Cannabis Policy and County ordinance.

- b) The appellant argues that the project is potentially inconsistent with Humboldt County Regulations related to Energy Use.
 - i. Section 314-55.4.6.3.1 of the H.C.C. requires that *“electricity must be exclusively provided by a Renewable Energy Source, meeting the Performance Standard for Energy Use.”*
 - ii. Section 314-55.4.12.5 Performance Standards for Energy Use. All electricity sources utilized for commercial cannabis Cultivation, manufacturing, r Processing activities shall conform to one of more of the following standards:
 - 1. Grid power supplied from 100% renewable source
 - 2. On-site renewable energy system with twenty percent net non-renewable energy use
 - 3. Grid power supplied by partial or wholly non-renewable source with purchase of carbon offset credits
 - iii. The proposed power source for the project is 100 percent solar power with a backup generator that will used to pump water from the well in emergency situations only.

NOW, THEREFORE, be it resolved that the Board of Supervisors hereby:

- 1 Has considered the Addendum to a previously adopted Environmental Impact Report; and
- 2 Adopts the Findings set forth in this Resolution Denies the Appeal submitted by Water Rights Holders of the Overland Subdivision; and
- 3 Approves the Special Permit for a total of 18,000 square feet of new outdoor cannabis subject to conditions of approval contained in Attachment 1 of this Resolution; and

The foregoing Resolution is hereby passed and adopted by the Board of Supervisors on April 6, 2021, by the following vote:

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

AYES: Supervisors:

NOES: Supervisors:

ABSENT: Supervisors:

Chair

Humboldt County Board of
Supervisors

STATE OF CALIFORNIA)) SS. County of Humboldt

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

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

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

By: KATHY HAYES

Date: _____, 2020

By _____ Deputy

ATTACHMENT 1

REVISED CONDITIONS OF APPROVAL

APPROVAL OF THE SPECIAL PERMIT IS CONDITIONED ON THE FOLLOWING TERMS AND REQUIREMENTS WHICH MUST BE SATISFIED BEFORE THE CANNABIS CULTIVATION USE MAY BE INITIATED.

1. No ground disturbances or cultivation related activity occur within the archaeological site or on the landform upon which it is located, in the eastern end of the property, southwest of the intersection of Ross Road and Dyerville Loop Road. Additional water storage tanks shall be placed outside of the site boundaries. However, if there is not another feasible location, and they can fit in the previously graded area without further earthmoving, that location will suffice.
2. Within 30 days of the effective date of this permit, the applicant shall submit a revised site plan showing the location of proposed water storage tanks consistent with the recommendations of the Bear River Band of Rohnerville Rancheria (see COA #1).
3. The applicant shall submit an energy plan that shows the total energy use projected for the project as designed in the final stage ~~where all cultivation is mixed light cultivation~~ and a plan identifying the amount of solar or other renewable power sources to provide the entirety of the energy needs. The report shall be submitted to the Planning Department for review and approval. A sign-off from the Planning Department will satisfy this condition. During development of the renewable energy system the applicant may operate as outdoor cultivation provided that no generators or other non-renewable sources are utilized except for emergency backup needs.
4. Prior to operation of any cannabis activity the applicant shall complete one of the following:
 - a) Present a report from a qualified hydrogeologist that has been selected and approved by Humboldt County that determines the well and its current screening intervals are not connected to any surface water features, including local springs; or
 - b) Cap the existing well and dig a new well which has been demonstrated by a qualified hydrogeologist that has been selected and approved by Humboldt County to not be hydrologically connected to any surface water; or
 - c) Receive approval from the Planning Commission of a modification to the permit to require rainwater collection as the source of water.
5. The applicant shall submit an Invasive Species Control Plan that includes the requirements of invasive species removal as required by the CCLUO. The plan shall be submitted to the Humboldt County Planning Department for review and approval.

A sign-off from the Planning Department will satisfy this condition.

6. Prior to commencing operations, the applicant will provide a noise survey to establish ambient noise conditions, and the project activities will not create a noise source above the existing agricultural activities. An on-going condition of approval requires noise from the operation not to exceed 3 decibels above ambient noise levels.
7. The applicant shall to adhere to the recommendations contained within the *Biological Survey Report* was prepared by NRM Corp. Inc., dated July 2020.
8. The applicant shall comply with the *Timber Conversion Evaluation Report* prepared by NRM Corp., Inc., dated November 30, 2020, including white oak species to be restocked as indicated.
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 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.
10. The applicant shall provide receipts or other documentation to the DEH for the continual use of portable toilets for employees. A letter or similar communication from DEH verifying that all their requirements have been met will satisfy this condition.
11. Prior to commencing operations, the applicant shall obtain all necessary building permits and grading permits from the Building Inspection Division (BID) for all structures related to the commercial cannabis cultivation operation, including, but not limited to, greenhouses and graded flats developed for the cultivation areas. The applicant shall submit floor plans including dimensions with electrical, mechanical and plumbing details for all existing Agriculture Exempt Structures and an Agriculture Exempt letter of intent for each. The applicant shall submit two complete sets of construction plans developed by a California-licensed engineer for the building permits. All building plans submitted for approval shall be consistent with those approved by the Planning Commission.
12. The applicant to submit copies of all documents filed and/or obtained from the State Water Resources Control Board, including, but not limited to, a Notice of Applicability and Site Management Plan. The applicant is required to adhere to and implement the requirements contained in the SWRCB's Cannabis Cultivation Policy, the General Order and the Notice of Applicability. A copy of the reporting form

portion of the Mitigation and Reporting Program (MRP) shall be submitted annually to the Planning and Building Department concurrent with the submittal to the SWRCB.

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. 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.
14. Ross Road shall be rocked for a minimum width of 20 feet and a length of 50 feet where it intersects with Dyerville Loop Road. The applicant shall apply for and obtain an encroachment permit prior to commencement of any work in the County maintained right of way. Confirmation from the Department of Public Works that the work has been completed shall satisfy this requirement.
15. All driveways and private road intersections onto the County Road shall be maintained in accordance with County Code Section 341-1 (Sight Visibility Ordinance). This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.
16. 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.
17. 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 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.
18. The applicant shall allow for and arrange for inspections as necessary for County staff to verify no more than a single run of outdoor, light deprivation cannabis.
19. The applicant shall remove all cultivation related infrastructure and waste material from the former cultivation area on the north side of Ross Road.

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

1. All components of project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, and these conditions of approval. Changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan.
2. 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.
3. 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 towards compliance can be shown within the two years following the issuance of the provisional clearance or permit, The Planning Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow for additional time to meet the outstanding requirements.
4. 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.
5. 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.
6. 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 10 feet from the side property lines and 20 feet from the front and rear property lines, 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 55.4.6.4.4. The project is located within the Myers Flat Community area and the setbacks from property lines meet those of the underlying zone (FP). The allowance for a setback reduction of 600 feet from a Public Park is approved as part of this project. The adjacent property owned by Redwood State Park is managed for open space and/or wildlife habitat purposes, and no developed or designated recreational facilities are within 600 feet of the cultivation area.

7. Maintain enrollment in Tier 1, 2 or 3, certification with the NCRWQCB Order No. R1-2015-0023, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
8. 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).
9. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
10. Pay all applicable application, review for conformance with conditions and annual inspection fees.
11. Power is to be supplied by generators, which is limited to 20% and a solar system that will provide 80% of power needs. Within two years, solar power will be the main power source and generators will only be used as an emergency power source. The noise from the generator or fans shall not be audible by humans from neighboring residences. The decibel level for generators measured at the property line shall be no more than 50 decibels.
12. 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.
13. 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.
14. All refuse shall be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
15. Any project related noise shall be contained to the extent feasible (e.g. containment of fans, dehumidifiers etc.) and shall be no more than 50 decibels measured from 100ft or to the nearest tree line, whichever is closer.
16. 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.

17. The Master Log Books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
18. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Section 719-1 et seq.).

Performance Standards for Cultivation and Processing Operations

21. 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.”
22. 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).
23. Cultivators engaged in 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.
24. 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:
- 1) Operation manager contacts;
 - 2) Emergency responder contacts;
 - 3) 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.
- IV. On-site housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.
25. 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.
 - VIII. Plan to minimize impact from increased road use resulting from processing.
 - IX. On-site housing, if any.
26. Term of Commercial Cannabis Activity Special Permit. Any Commercial Cannabis Cultivation Special 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 Special Permit or 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 Special Permits, 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 of the CCLUO.

27. Permit Renewals to comply with Updated Laws and Regulations. Permit renewal per Ongoing Condition of Approval #26, 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.
28. 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.

29. 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:

30.

- (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.

30. 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. 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 Section 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 Section 5097.98. Violators shall be prosecuted in accordance with Public Resources Code Section 5097.99.
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 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 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 Department will send a bill to the Applicant for all staff costs incurred for review of the project for conformance with the conditions of approval. All Planning fees for this service shall be paid 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. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions prior to release of building permit or initiation of use and at time of annual inspection. In order to demonstrate that all conditions have been satisfied, applicant is required to pay the 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) 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.
6. The operator shall provide information to all employees about the potential health impacts of cannabis use on children. Information shall be provided by posting the brochures from the Department of Health and Human Services titled *Cannabis Palm Card* and *Cannabis Rack Card*. This information shall also be provided to all employees as part of the employee orientation.
7. The operator shall provide information to all employees about the potential health impacts of cannabis use on children. Information shall be provided by posting the brochures from the Department of Environmental Health and Human Services titled “Cannabis Palm Card” and “Cannabis Rack Card”. This information shall also be provided to all employees as part of the employee orientation.