

SUPPLEMENTAL INFORMATION #1

For Planning Commission Agenda of:
December 16, 2021

<input type="checkbox"/>	Consent Agenda Item	
<input checked="" type="checkbox"/>	Continued Hearing Item	No. I-4
<input type="checkbox"/>	Public Hearing Item	
<input type="checkbox"/>	Department Report	
<input type="checkbox"/>	Old Business	

Re: Green Management Group of Humboldt, LLC, Conditional Use Permit and Special Permit

Record Number: PLN-11713-CUP

Assessor Parcel Number: 223-032-001

Section 21 of Township 05 South, Range 04 East, H.B.&M., Garberville area

Attached for the Planning Commission's record and review are a revised resolution, revised conditions of approval, and a Revised Road Evaluation Report that were not included in the staff report for the hearing:

1. Revised resolution to include the following: 1) updating the power sources to include renewable energy. The applicant has agreed to switch to solar power with battery system by the end of 2025 and 2) updating the date of the hearing to December 16, 2021. These revisions to not change any recommendations or findings by staff.
2. Revised conditions of approval to include the following: 1) adding new Condition of Approval #27 to require the cessation of generator use by December 31, 2025; and 2) clarification of location of required road improvements included under Condition of Approval #12, based on the Revised Road Evaluation Report received on December 15, 2021 (discussed further below). These revisions do not change any recommendations or findings by staff.
3. A Revised Road Evaluation Report was submitted by the applicant's agent on December 15, 2021, clarifying the road name provided on the original Road Evaluation Report (dated 12/5/2019) for the 5-mile road segment assessed from Benbow Drive to the subject property. While originally referred to as a "private driveway", this road segment is known as Ranch Road, as confirmed by the Public Works Department on December 14, 2021, and the County WebGIS portal. The Revised Road Evaluation Report does not change any recommendations or findings by staff.
4. Email correspondence dated December 15, 2021, between Steven Luu, Agent, and Megan Marruffo, Assigned Planner, the describes the applicant's agreement to switch to solar power, provides additional information on water use and summarizes the improvements to the project from baseline conditions.

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

**Resolution Number 21-
Record Number: PLN-11713-CUP
Assessor's Parcel Number: 223-032-001**

Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approves the Green Management Group of Humboldt, LLC, Conditional Use Permit and Special Permit request.

WHEREAS, Green Management Group of Humboldt, LLC, submitted an application and evidence in support of approving a Conditional Use Permit for the continued operation of an existing 17,740 square foot (SF) mixed light cannabis cultivation that is cultivated within six (6) greenhouses with appurtenant propagation (1,774 SF) and drying activities. Annual water use is 222,000 gallons and there will be a total of 222,825 gallons of water storage on-site. Drying and bucking occurs onsite in the existing metal building. All other processing will occur off-site at a licensed processing or manufacturing facility. A maximum of six (6) people may be onsite during peak operations. Power is provided by gasoline and diesel generators, which are proposed to be converted to propane generators. **Generators are used for the dry barn only. The applicant will discontinue use of the generators that support cultivation operations and switch to solar with batteries by December 31, 2025.** A Special Permit is also being requested for development within the Streamside Management Area for use and maintenance of the two (2) points of diversion (POD), decommissioning of two additional PODs, culvert replacement and maintenance, and decommissioning of four (4) existing stream crossings and associated restoration; 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 December 21, 2021, and reviewed, considered, and discussed the application for a Conditional Use Permit and Special Permit, and reviewed and considered all evidence and testimony presented at the hearing.

Now, THEREFORE BE IT RESOLVED, that the Planning Commission makes all the following findings:

- 1. FINDING:** **Project Description:** The application is a Conditional Use Permit to allow an existing 17,740 square foot (SF) mixed light cannabis cultivation that is cultivated within six (6) greenhouses with appurtenant propagation (1,774 SF) and drying activities. Water for irrigation is provided by a 150,000-gallon rainwater catchment pond and two (2) spring diversions. Annual water use is 222,000 gallons and there will be 222,825 gallons of water storage on-site. Drying and bucking occurs onsite in the existing metal building. All other processing will occur off-site at a licensed processing or manufacturing facility. A maximum of six (6) people may be onsite during peak operations. Power is provided by gasoline and diesel generators, which are proposed

to be converted to propane generators. **Generators are used for the dry barn only. The applicant will discontinue use of the generators that support cultivation operations and switch to solar with batteries by December 31, 2025.** A Special Permit is also being requested for development within the Streamside Management Area for use and maintenance of the two (2) points of diversion (POD), decommissioning of two additional PODs, culvert replacement and maintenance, and decommissioning of four (4) existing stream crossings and associated restoration.

EVIDENCE: a) Project File: PLN-11713-CUP

2. **FINDING:** **CEQA.** The requirements of the California Environmental Quality Act have been complied with. The Humboldt County Planning Commission has considered the Addendum to and the Mitigated Negative Declaration (MND) prepared for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) adopted by the Humboldt County Board of Supervisors on January 26, 2016.

EVIDENCE:

- a) Addendum prepared for the proposed project.
- b) The proposed project does not present substantial changes that would require major revisions to the previous MND. No new information of substantial importance that was not known and could not be known at the time was presented as described by §15162(c) of CEQA Guidelines.
- c) A Water Resource Protection Plan (WRPP) was prepared to show compliance with the North Coast Regional Water Quality Control Board's (NCRWCQB) Order No. 2015-0023. Additionally, a Notice of Applicability has been submitted to show compliance with the State Water Board Cannabis General Order for Waste Discharge. The project is conditioned to require the applicant to furnish a Site Management Plan prepared for the subject property.
- d) California Department of Fish and Wildlife Resource Maps indicate no Special Status species are known to occur within the project area. A review of the California Natural Diversity Database (CNDDDB) Spotted Owl Observation Database in July 2021 showed that Northern Spotted Owl habitat exists in the vicinity and the nearest activity center is approximately 1.05 miles from the nearest cultivation area, with the nearest positive sighting located approximately 1.31 miles away. Conditions of approval will require noise to be at below 50 decibels at 100 feet which is below the guidance established by the California Department of Fish and Wildlife for protection of the species.
- e) The cultivation of cannabis will not result in the net conversion of timberland. Review of aerial imagery dating back to 2004 indicates the cultivation areas primarily occur within previously cleared areas; however, it appears that an approximately 0.35-acre area was cleared between 2014 and 2016. No additional tree removal is proposed or authorized by this permit. The project is conditioned to require the property be evaluated by a Registered Professional Forester (RPF) to determine the amount of timber conversion that occurred prior to and after the CMMLUO baseline date of January 1, 2016, and obtain a Timber Conversion Report from a RPF and/or a Less Than Three Acre Conversion Exemption or Timber Conversion Permit from CalFire,

as determined necessary by the RPF, to address previously unpermitted timber conversion. The applicant/owner will be responsible for mitigating the environmental impacts not analyzed in the environmental document prepared for the CMMLUO. The applicant/owner shall be required to restock an area onsite equivalent to the amount of area converted after the CMMLUO baseline date at a rate of 3:1. Additionally, the project is conditioned to require preparation of a Restocking Plan within 90 days of project approval and implement the Restocking Plan within a period of two (2) years, should any timber conversion be determined to have occurred after the CMMLUO baseline date. The Restocking Plan shall include details on the locations and total areas to be restocked, the type, number, and spacing of the plantings, and a monitoring plan for three (3) years which includes performance evaluations, performance standards, and contingency measures should performance standards not be met. The Report shall include monitoring and reporting requiring a minimum of 3 years of monitoring at an 85% success rate and submission of annual monitoring reports at the time of the annual inspection.

- f) A Cultural Resources Investigation was prepared by Archaeological Research and Supply Company in November 2020 for the subject property. Although one prehistoric isolate was located and a historic homestead was previously recorded onsite, no significant resources were identified on the property. The Report concludes the proposed project will not result in any adverse changes to historical or archaeological resources and recommended Inadvertent Discoveries Protocol, which has been included as an ongoing condition of approval.
- g) A Road Evaluation Report was prepared for an approximately 5-mile segment of the ~~private driveway~~ **Howard Ranch Road** from Benbow Drive to the property line of the subject property was prepared by the applicant's agent in December 2019 **and revised December 2021**, which identified that the roadway meets a Category 4 road equivalent standard and is suitable for safe access to and from the project site.

FINDINGS FOR CONDITIONAL USE PERMIT AND SPECIAL PERMIT

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

EVIDENCE a) General agriculture is a use type permitted in the Agriculture Grazing (AG) land use designation. The proposed cannabis cultivation, an agricultural product, is within land planned and zoned for agricultural and timber purposes (where all general agricultural uses are principally permitted), 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 AE and TPZ zones in which the site is located.

EVIDENCE a) The Agriculture Exclusive or AE Zone is intended to be applied in 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. The Timberland Production Zone or TPZ Zone is intended to be applied to areas of the County in which primary uses include the growing and harvesting of timber and timber production facilities, including portable processing equipment. Compatible uses other than the direct growing, harvesting, and portable processing of timber include grazing and other agricultural uses.

- b) All general agricultural uses are principally permitted in the AE and TPZ zones.
- 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 square feet of existing mixed-light cannabis on a parcel over 1 acre 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 17,740 square feet of cultivation with 1,774 SF of ancillary propagation on a 165.56-acre parcel is consistent with this and with the cultivation area verification prepared by the County.
- d) While Humboldt County Web GIS indicates that the greenhouse depicted as GH #6 on the Site Plan is currently located within the required SMA buffer, GH #6 and the adjacent GH #7 are planned for removal and this area will be allowed to revegetate. Conditions of approval require the applicant to adhere to and implement the projects and recommendations contained in the Final SAA and provide evidence to the Planning Department that the projects included in the Final SAA are completed to the satisfaction of CDFW. Conditions of approval also require the applicant to adhere to the terms and conditions of the Right to Use and Divert Water issued by the State Water Resources Control Board (SWRCB). By implementing permit conditions from the SWRCB and CDFW, impacts to the SMA are minimized.

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 AE and TPZ (HCC 314-55.4.8.2.2).
- b) The parcel was created in compliance with all applicable state and local subdivision regulations, as it was created in its current configuration by Patent No. 1806, dated May 20, 186, before the establishment of county and state subdivision regulations that would have applied to the creation of the parcel.
- c) Water for irrigation is provided by an existing 150,000-gallon rainwater catchment pond and two (2) spring diversions. A *Right to Divert and Use Water* (Registration ID H508261; Certificate No. H100579) has been issued for use of three (3) points of diversion (POD) for irrigation and fire protection. As noted in the Cultivation and Operations Plan, the two PODs associated with the springs (PODs #2 and 3) will be utilized under the project. The *Right to Divert and Use Water* allows for 0.57 acre-feet per year (or 185,735 gallons) of water to be diverted from the two (2) springs. The rate of diversion to storage is limited to 42,000 gallons per day. Storage capacity cannot exceed 0.69 acre-feet (or 224,837 gallons). Existing available water storage

is 222,825 gallons in the 150,000-gallon rainwater catchment pond and sixteen (16) hard-sided tanks, ranging in size between 2,500 and 5,000 gallons and totaling 72,825 gallons. This volume of storage is allowable as described in the appropriate right. Conditions of approval require the applicant to monitor water use from the pond and spring diversions annually to demonstrate there is sufficient water available to meet operational needs.

- d) A Road Evaluation Report was prepared for an approximately 5-mile segment of the ~~private driveway~~ **Howard Ranch Road** from Benbow Drive to the property line of the subject property was prepared by the applicant's agent in December 2019 **and revised December 2021**, which identified that the roadway is functionally appropriate for the expected traffic.
- e) The slope of the land where cannabis will be cultivated in areas with naturally occurring slopes measuring 15% - 30%. Cultivation areas are typically graded to less than 5% slopes. Conditions of approval require the applicant to obtain grading permits from the Humboldt County Building Division for all grading conducted without the benefit of County review.
- f) The cultivation of cannabis will not result in the net conversion of timberland. Review of aerial imagery dating back to 2004 indicates the cultivation areas primarily occur within previously cleared areas; however, it appears that an approximately 0.35-acre area was cleared between 2014 and 2016. No additional tree removal is proposed or authorized by this permit. The project is conditioned to require the property be evaluated by a Registered Professional Forester (RPF) to determine the amount of timber conversion that occurred prior to and after the CMMLUO baseline date of January 1, 2016, and obtain a Timber Conversion Report from a RPF and/or a Less Than Three Acre Conversion Exemption or Timber Conversion Permit from CalFire, as determined necessary by the RPF, to address previously unpermitted timber conversion. The applicant/owner will be responsible for mitigating the environmental impacts not analyzed in the environmental document prepared for the CMMLUO. The applicant/owner shall be required to restock an area onsite equivalent to the amount of area converted after the CMMLUO baseline date at a rate of 3:1. Additionally, the project is conditioned to require preparation of a Restocking Plan within 90 days of project approval and implement the Restocking Plan within a period of two (2) years, should any timber conversion be determined to have occurred after the CMMLUO baseline date. The Restocking Plan shall include details on the locations and total areas to be restocked, the type, number, and spacing of the plantings, and a monitoring plan for three (3) years which includes performance evaluations, performance standards, and contingency measures should performance standards not be met. The Report shall include monitoring and reporting requiring a minimum of 3 years of monitoring at an 85% success rate and submission of annual monitoring reports at the time of the annual inspection.
- g) 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, more than 300 feet from any off-site residence, more than 600 feet from any school, church, public park or Tribal Cultural Resource.

6. FINDING The cultivation of 17,740 square feet of cannabis cultivation with 1,774 SF of ancillary propagation and the conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

- EVIDENCE**
- a) The site is located on road that has been certified to safely accommodate the amount of traffic generated by the proposed cannabis cultivation.
 - b) The site is in a rural part of the County where the typical parcel size is over 40 acres and many of the land holdings are very large. The proposed cannabis will not be in a location where there is an established neighborhood or other sensitive receptor such as a school, church, park or other use which may be sensitive to cannabis cultivation. Approving cultivation on this site and the other sites which have been approved or are in the application process will not change the character of the area due to the large parcel sized in the area.
 - c) The location of the proposed cannabis cultivation is more than 300 feet from the nearest off-site residence.
 - d) Irrigation water will come from an existing 150,000-gallon rainwater catchment pond and two (2) spring diversions that have been registered with the State Water Resources Control Board and California Department of Fish and Wildlife.
 - e) Provisions have been made in the applicant's proposal to protect water quality and thus runoff to adjacent property and infiltration of water to groundwater resources will not be affected.
 - f) While Humboldt County Web GIS indicates that the greenhouse depicted as GH #6 on the Site Plan is currently located within the required SMA buffer, GH #6 and the adjacent GH #7 are planned for removal and this area will be allowed to revegetate. In addition, conditions of approval require the applicant to adhere to and implement the projects and recommendations contained in the Final SAA and provide evidence to the Planning Department that the projects included in the Final SAA are completed to the satisfaction of CDFW. Conditions of approval also require the applicant to adhere to the terms and conditions of the Right to Use and Divert Water issued by the State Water Resources Control Board (SWRCB). By implementing permit conditions from the SWRCB and CDFW, impacts to the SMA are minimized.

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 is currently developed with an existing residence, in addition to cabins to be utilized for employee housing. The approval of cannabis cultivation on this parcel will not conflict with the ability for the existing residence to continue to be utilized on this parcel.

8. FINDING Approval of this project is consistent with Humboldt County Board of Supervisors Resolution No. 18-43 which established a limit on the number of permits and acres which may be approved in each of the County's Planning

Watersheds.

EVIDENCE

- a) The project site is located in the South Fork Eel Planning Watershed, which under Resolution 18-43 is limited to 730 permits and 251 acres of cultivation. With the approval of this project the total approved permits in this Planning Watershed would be 269 permits and the total approved acres would be 75.5 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 and Special Permit for Green Management Group of Humboldt, LLC, based upon the Findings and Evidence and subject to the conditions of approval attached hereto as Attachment 1 and incorporated herein by reference; and

Adopted after review and consideration of all the evidence on December ~~16~~², 2021.

The motion was made by COMMISSIONER _____ and second by COMMISSIONER _____ and the following ROLL CALL vote:

AYES: COMMISSIONERS:
 NOES: COMMISSIONERS:
 ABSENT: COMMISSIONERS:
 ABSTAIN: COMMISSIONERS:
 DECISION:

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

ATTACHMENT 1

*REVISED 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 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. **Within three days of the effective date of permit approval**, it is requested that the applicant submit a check or money order for the required filing fee in the amount of \$50 payable to the Humboldt County Clerk/Recorder. If this payment is not received within this time period, the Department will file the NOD and will charge this cost to the project.
5. Within 90 days of the effective date of permit approval or issuance of a building permit, whichever comes first, the applicant shall submit a revised plot plan showing the following, in addition to what is shown:
 - a. Appropriate setback buffers from the Streamside Management Areas per the County's Streamside Management Areas and Wetlands Ordinance, as enumerated in Section 314-61 of Humboldt County Code.
 - b. Updated location of GH #8, currently located within the northeastern portion of the subject within the required 30-foot setback from the northern adjacent property (APN 223-033-003), to be a minimum of 30 feet from the property line within a previously disturbed area.
 - c. Revise the square footage of the ancillary propagation areas to be a maximum of 1,774 square feet total, which equates to 10% of the cultivation area.
6. Within 60 days of the effective date of permit, the applicant shall submit a revised cultivation and operations plan detailing the following, in addition to what is currently described:

- a. A maximum of 1,774 square feet of ancillary propagation area, which equates to 10% of the cultivation area.
 - b. Revised power source information to consistent with the correspondence from Steven Luu, Agent, dated December 15, 2021, which states that the generator will only be used for the dry barn only and generator use will be discontinued by or before December 31, 2025 for the entire operation.**
7. 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 #8 through #19. 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.
8. The applicant shall secure building permits for all structures related to the cannabis cultivation and other commercial cannabis activity, including but not limited to, existing and proposed greenhouses, water tanks over 5,000 gallons, existing and proposed structures associated with drying and storage or any activity with a nexus to cannabis, off-stream pond and any noise containment structures as necessary. The plans submitted for building permit approval shall be consistent with the project description and the approved project site plan. A letter or similar communication from the Building Division verifying that all structures related to the cannabis cultivation are permitted will satisfy this condition.
9. Applicant shall secure permits from the North Coast Unified Air Quality Management District, as applicable. A letter or similar communication from the North Coast Air Quality Management District verifying that all their requirements have been met and/or no additional permitting is required will satisfy this condition.
10. The applicant shall either relocate Greenhouse #8 (GH #8), as denoted on the Site Plan, outside of the required setback to a previously disturbed area, provide evidence to demonstrate the greenhouse is currently located outside of the required setback. The applicant shall submit evidence (e.g., statement from qualified professional and/or photographs) to demonstrate compliance with this condition. Alternatively, the applicant may request a site inspection with the Planning Department to verify this condition is met. A sign-off from the Planning Department will satisfy this condition.
11. The subject property shall be evaluated by a Professional Registered Forester (RPF) to determine the amount of timber conversion that occurred onsite after the CMMLUO baseline date of January 1, 2016. Any measures determined to be necessary by the RPF to mitigate for the unauthorized timber conversion shall be implemented. The applicant/owner is required to obtain a Timber Conversion Report from a RPF and/or or a Less-Than-Three-Acre Conversion Exemption or Timber Conversion Permit from CalFire, as determined necessary by the RPF. Additionally, the applicant/owner is required to re-stock an area onsite equivalent to the amount of area converted after the CMMLUO baseline date at a rate of 3:1. A Restocking Plan shall be prepared within 90 days of project approval and the Restocking Plan shall be implemented within a period of two (2) years, should any timber conversion be determined to have occurred after the CMMLUO baseline date. The Restocking Plan shall include details on the locations and total areas to be restocked, the type, number, and spacing of the plantings, and a monitoring plan for three (3) years which includes performance evaluations, performance standards, and contingency measures should performance standards not be met. A monitoring report prepared by a licensed professional forester shall be submitted

annually to the Planning and Building Department until the restocking is complete as indicated by the monitoring report. The Report shall include monitoring and reporting requiring a minimum of 3 years of monitoring at an 85% success rate and submission of annual monitoring reports at the time of the annual inspection. A sign-off from the Planning Department will satisfy this condition.

12. The applicant is required to pave the access road (**Howard Ranch Road**) for a minimum width of 20 feet and length of 50 feet where it intersects the County road (Benbow Drive). 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. A letter or similar communication from the Department of Public Works will satisfy this condition.
13. The applicant to submit copies of all documents filed with the State Water Resources Control Board, including, but not limited to, a 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, the Site Management Plan, 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.
14. The applicant shall adhere to all terms and conditions of the Right to Divert and Use Water Registration (Registration ID H508261; Certificate No. H100579) issued for use with the two (2) spring diversions, issued by the State Water Resources Control Board on August 4, 2019.
15. The applicant shall adhere to the Final Streambed Alteration Agreement issued by CDFW, dated November 11, 2020, and comply with all applicable terms. Reporting requirements shall be submitted to the Planning Department and the California Department of Fish and Wildlife at 619 Second Street, Eureka, CA 95501, no later than December 31 of each year.
16. Due to the onsite pond, the applicant shall coordinate with CDFW to determine if a bullfrog management plan is required for management of bullfrogs for the off-stream pond. If not already in place, the applicant shall install an overflow spillway to the off-stream pond that will withstand a 100-year flood event, and exit ramps to the off-stream pond to prevent wildlife entrapment. The overflow spillway shall be designed with a dispersal mechanism, or low-impact design, that discourages channelization and promotes dispersal and infiltration of flows to prevent surface overflow from reaching waters of the State. Exit ramps shall be installed no greater than 2:1 slope, secured at the upslope end, and made of solid material (e.g., wood). As applicable, the applicant shall obtain an addendum to the Final Streambed Alteration Agreement from CDFW for these items or obtain an additional Final Streambed Alteration Agreement from CDFW, whichever is required. Alternatively, a letter or similar communication from CDFW stating an addendum or second agreement is not required shall satisfy this condition.
17. The applicant shall implement any remaining corrective actions identified in the Water Resource Protection Plan (WRPP), prepared by Pacific Watershed Associates in August 2019, which includes the following:
 - a. Install road drainage features at the locations shown on Figure 2. In addition to the locations shown on Figure 2, install appropriate road drainage features at any location where concentrated road runoff and gullyng is observed. Typical drawings included in Appendix H will provide guidance for proper road drainage feature construction.

- b. Upgrade the stream crossings listed in Standard Condition 4.2: Table 1, with properly sized culverted crossings to ensure conveyance of flow and debris, and to prevent plugging associated with the expected 100-year peak stream flow.
- c. Regular inspections and maintenance of stream crossings shall be conducted to ensure conveyance of flow and debris, to prevent plugging and to monitor the potential for erosion before, during, and after treatment of these stream crossings.
- d. Perform adequate maintenance on all stream crossings to prevent or minimize erosion following appropriate BMPs listed in Appendix A.
- e. The upgraded stream crossings mentioned above shall be properly installed with culverts that are horizontally aligned with the natural stream channel and vertically aligned with the natural channel grade.
- f. When upgrading the stream crossings, dip the road or construct a critical dip on the downslope hinge line of the stream crossing to prevent stream diversion in case of a plugged culvert or exceptionally high flood flow.
- g. Obtain all necessary agreements and permits prior to commencing any work in any watercourse or at any stream crossing. These may include, but not be limited to: California Department of Fish and Wildlife (CDFW) Lake and Streambed Alteration Agreement 1602, State Water Resources Control Board 401 permit, and, if required, Army Corps of Engineers (ACOE) 404 permit.
- h. Under the Order, all cultivation areas and associated facilities that are located within 50 feet of a Class III watercourse or wetland, or within 100 feet of a Class I or II watercourse, are required to be removed from the buffer area, and the site is to be restored.
- i. Relocate the items mentioned in Standard Condition Section 4.3a observations and comments to a suitable location outside of the 50-foot riparian setback required for a Class III stream (Figure 2).
- j. Pull back all unstable fill along the outboard edge of roadway and improve road drainage so that water does not drain onto unstable slope.
- k. Refine the preliminary Water Budget for the project site to more accurately determine annual water needs and, if necessary, required storage volumes needed for forbearance from April 1st – October 31st.
- l. Under the Order, the applicant is required to measure, document, and report the water diverted, stored, and used throughout the year. Develop and implement a Water Monitoring Plan using the simple log sheet provided in Appendix D. The water data for the project site is required to be reported to the Water Board for the calendar year.
- m. Install flow meters on the surface water diversions, and on water tanks/distribution lines, to accurately document the timing and volume of the water diversion and use.
- n. Refine the water budget using water monitoring data as it is collected during the year.
- o. Install a shut off float valve on the overflowing 3,000-gallon water tank near SC #5 and on all water tanks where needed to eliminate overflow and improve water conservation.
- p. Investigate and implement additional water conservation measures to minimize surface water diversion and use. These include volume-limited or timed and programmable drip irrigation systems, incorporating water holding amendments and native soil during the initial soil preparation at the start of the season, surface mulching or planting beds to minimize evaporation, and planting plants in the ground instead of above ground pots. Additional rainwater harvesting during the wet season shall be evaluated and employed to limit or completely eliminate surface water diversions during the dry season.

- q. Develop and refine a Water Budget for the project site to determine if sufficient off-stream water storage volumes exist for all the water needs during the dry season. A preliminary analysis suggests additional off-stream water storage may not be needed. Increase water storage may be recommended depending upon the results of the Water Budget to limit diversion of surface flow to the winter months and completely eliminate diversions needed for irrigation activities during the dry season from April 1st through October 31. Investigate and decide if multiple rigid tanks and/or one more additional off-stream ponds will be added and begin the process of siting and design of additional water storage.
- r. To verify conformance with Standard Condition #5D, start measuring and recording the water usage using flow meters on a per plant basis, based on type and size of plant pot, full term versus short season (light deprivation) plant, and type of irrigation. Observe and monitor soil moisture so watering, fertilizer, and chemical applications are made only when necessary and overwatering and excess infiltration is avoided.
- s. As opposed to employing one or more surface water diversions and securing various water rights, consider and develop a plan to obtain irrigation water by developing rainwater capture systems to fill rigid water tanks and/or one or more off-stream, rainwater-fed ponds.
- t. For all surface water diversions, obtain a Small Irrigation Use Registration (SIUR) for the agricultural water needs.
- u. Submit annual water use volumes to the State Water Resources Control Board, Division of Water Rights (SWRCB-DWR) by June 30 of each year.
- v. Submit water diversion and water use data to the NCRWQCB annually by March 31 for the previous calendar year.
- w. Have the pond inspected by a certified engineer to determine stability and provide treatment recommendations if necessary. The pond may need to be assessed by CDFW.
- x. When not being used on the planting beds or in greenhouses, all fertilizers, soil amendments, potting soils, and compost shall be stored within a water tight building or covered area not exposed to the elements or, if stored outdoors, fully tarped in a stable location with no change of nutrient leaching or delivery to surface waters. Cover crops or native grasses shall be planted at these areas to utilize any remaining nutrients. Install straw wattles or implement other appropriate containment BMPs where necessary to contain any mobilized nutrients at the locations listed above and elsewhere on the project site.
- y. To confirm compliance with Standard Condition #7b, the applicant must keep detailed records of the type, timing, and amount of fertilizers and/or other soil amendments used in the operation. They can be recoded on log sheets such as those provided in Appendix E.
- z. Observe and monitor soil moisture so watering, fertilizer and chemical applications are made only when necessary and overwatering and excess infiltration is avoided.
- aa. To verify conformance with Standards Condition #8, the applicant shall keep track of the type, timing, and volume of pesticides, herbicides, and related chemicals that are applied in the operation. This can be done using a simple log form, such as the one included in Appendix F.
- bb. All pesticides, herbicides, and related materials (e.g., fungicides) must be used and applied consistent with product labeling.
- cc. When present, the chemicals shall be stored within enclosed buildings in such a way they cannot enter or be released into surface or ground waters.

- dd. Place all generators, fuel cans, and other petroleum containers, gasoline powered water pumps, and any other items containing petroleum products or liquid chemicals under cover and off the ground and in a secondary containment basis (tote, tub, impermeable basin/floor, etc.) capable of containing the entire stored volume.
 - ee. Do not store petroleum products and/or chemicals with fertilizers, soil amendments, and/or pesticides/herbicides. See guidelines for hazardous material storage in Appendix G.
 - ff. Obtain spill prevention cleanup kits as necessary and keep readily available to clean up small spills. Spill kits shall be located where fuel is stored and refueling occurs.
 - gg. Develop a Hazardous Material Business Plan (HMBP) for the site.
 - hh. Immediately remove the spent potting soil pile at the outboard edge of the graded pad.
 - ii. Remove any used potting soil, used pots, and other cultivation-related waste materials located near streams or surface waters and store the material in a stable and appropriate spoil location outside of riparian buffer zones.
 - jj. Install straw wattles or other effective BMP to control delivery if leaching and runoff potential exists until such time as these items can be relocated.
 - kk. Ensure that any spoil locations have no potential for sediment delivery and implement appropriate BMPs as necessary.
 - ll. Either 1) fully tarp or otherwise cover spent plant stalks, root balls, soil piles and potted spent soils during the wet season to prevent soil from being transported to surface waters or leaching nutrients into the native soil and groundwater, or 2) removal all spent soils at the end of the growing season and store the materials indoors or undercover during the off-season.
 - mm. Due to the lack of permitted and approved OWTS, work with a professional to design and install a permitted septic system for the project site. The system must be designed to serve the number of residents and workers that will be present on the site when the cultivation-related operations are at their peak. Previously installed investigations include: soil sampling and percolation testing.
18. The applicant must demonstrate that a properly functioning onsite wastewater treatment system serves the operation prior to processing on-site. This can be accomplished by either installing a new, permitted septic system; or by providing the Department of Environmental Health (DEH) with an assessment of the existing system performed by a qualified professional engineer, geologist, soil scientist, or registered environmental health specialist (REHS) that certifies that the existing system complies with the State RWQCB definition of a Tier 0 system - not impairing groundwater or surface water resources. Portable toilet and handwashing facilities may be utilized during the construction of these improvements to support cultivation staff only. The applicant shall furnish receipts or other documentation to the DEH for the continual use of portable toilets for employees until a permanent septic system is installed to their satisfaction. A letter or similar communication from DEH verifying that all their requirements have been met will satisfy this condition.
19. The applicant shall construct noise containment structures for all generators used on the parcel. The applicant shall obtain all required building permits for such structures. The applicant shall maintain generator, fan, and dehumidifier noise at or below 50 decibels at the edge of the clearing or 100 feet, whichever distance is closer. This will satisfy the auditory disturbance guidance prepared by the U.S. Fish and Wildlife (USFS), California Fish and Wildlife (CDFW) and Department Policy Statement No. 16-005 to minimize impacts to the Northern Spotted Owl and Marbled murrelet. All generators must be located on stable surfaces with a

minimum 200-foot buffer from Class I and Class II streams, per the requirements of CDFW. No generator use is authorized by this permit until the applicant can demonstrate to compliance with this standard.

20. All artificial lighting including greenhouse, security, and propagation area lighting shall comply with International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1, and be designed to regulate light spillage onto neighboring properties resulting from backlight, up light, or glare (BUG). International Dark Sky Association standards exceed the requirements of Scenic Resources Standard SR-S4, Light and Glare, that lighting be fully shielded, and designed and installed to minimize off-site lighting and direct light within the property boundaries. Within 30 days of the effective date of this permit, the applicant shall schedule a site inspection with the Humboldt County Planning Department to demonstrate the structures and greenhouses can be comply with this standard.
21. The applicant shall not use any erosion control measures that contain synthetic (e.g. plastic or nylon) monofilament netting, including photo- or biodegradable plastic netting, on a regular and on-going basis. 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 weaves.
22. All refuse shall be contained in wildlife proof containers, at all times, and relocated to an authorized waste management facility, in compliance with State and local laws, on a regular and on-going basis.
23. The applicant shall install and utilize a water meter to demonstrate that there is sufficient water supply to meet the demands of the project. The water use for cultivation is limited to the use of the 150,000-gallon rainwater catchment pond, two (2) spring diversions, and amount of water available in storage tanks and shall be provided annually prior to or during the annual inspection.
24. 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.
25. 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.
26. 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.
27. **The applicant shall cease use of the existing propane and diesel generators as the project's primary power supply by December 31, 2025. The applicant intends on switching to solar power with a battery back-up. The applicant shall submit evidence (e.g. photographs) that the solar power system is installed and the generators are no longer in use. Alternatively, the applicant may request a site visit with the Planning Department to verify this condition is satisfied. A sign-off from the Planning Department will satisfy this condition.**

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

1. 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.
2. All artificial light utilized in mixed-light greenhouses shall be limited to 6 watts per square foot with no wattage limit in the ancillary propagation greenhouse. 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.
3. The applicant shall abide by recommendations of the Timber Conversion Report prepared by Timberland Resource Consultants (TRC) July 4, 2019, and received November 8, 2019 which include but are not limited to, floristic surveys to ensure no potentially special status plant species or communities are present should additional ground disturbance or habitat conversion be proposed in the future; ensuing supplemental lighting associated with mixed-light cultivation is fully contained with black out tarps and have all outside lighting on timers or motion sensors to reduce light exposure to wildlife and their potential habitat; and, avoid heavy equipment operations during NSO critical period (February 1 – July 31) or perform protocol level surveys prior to initiating that work.
4. 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.
5. Prohibition on use of synthetic netting. To minimize the risk of wildlife entrapment, Permittee shall not use any erosion control and/or cultivation 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.
6. All refuse shall be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
7. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and be allowed to leave the work site unharmed.

8. The use of anticoagulant rodenticide is prohibited.
9. The operator shall provide information to all employees about the potential health impacts of cannabis use on children. Information shall be provided by posting the brochures from the Department of Health and Human Services titled "Cannabis Palm Card" and "Cannabis Rack Card." This information shall also be provided to all employees as part of the employee orientation.
10. All components of 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. If offsite processing is chosen to be the preferred method of processing, this permit shall be modified to identify the offsite licensed facility.
11. 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.
12. 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.
13. 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.
14. 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.
15. 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).
16. Maintain enrollment in Tier 1, 2, or 3, certification with North Coast Regional Water Quality Control Board (RWQCB) 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.
17. Comply with the terms of the Final Lake and Streambed Alteration Agreement (EPIMS-HUM-09230-R1), as well as any subsequent amendments, obtained from the California Department of Fish and Wildlife (CDFW).

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

25. Pursuant to the MCRSA, 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."
26. 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).
27. 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.
28. 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:
 - (a) Emergency action response planning as necessary;
 - (b) Employee accident reporting and investigation policies;
 - (c) Fire prevention;
 - (d) Hazard communication policies, including maintenance of material safety data sheets (MSDS);
 - (e) Materials handling policies;
 - (f) Job hazard analyses; and
 - (g) 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.

29. 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

30. Term of Commercial Cannabis Activity Conditional Use Permit. 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.

31. 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 Special

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.

32. 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.
33. 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.
34. 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:
 - I. Identifying information for the new owner(s) and management as required in an initial permit application;
 - II. A written acknowledgment by the new owner in accordance as required for the initial permit application;
 - III. The specific date on which the transfer is to occur;
 - IV. Acknowledgement of full responsibility for complying with the existing permit; and
 - V. Execution of an Affidavit of Non-diversion of Medical Cannabis.
35. 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 #6 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 Conditions of Approval #26 and 27 of 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.

HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS
ROAD EVALUATION REPORT

PART A: *Part A may be completed by the applicant*

Applicant Name: Emerald Holdings, LLC APN: 223-032-001

Planning & Building Department Case/File No.: 11713

Road Name: Ranch Road/Howard Ranch Road *(complete a separate form for each road)*

From Road (Cross street): Benbow Drive

To Road (Cross street): PROPERTY LINE

Length of road segment: ~5 miles Date Inspected: 12-05-19

Road is maintained by: County Other Private
(State, Forest Service, National Park, State Park, BLM, Private, Tribal, etc)

Check one of the following:

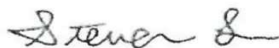
Box 1 The entire road segment is developed to Category 4 road standards (20 feet wide) or better. If checked, then the road is adequate for the proposed use without further review by the applicant.

Box 2 The entire road segment is developed to the equivalent of a road category 4 standard. If checked, then the road is adequate for the proposed use without further review by the applicant.

An equivalent road category 4 standard is defined as a roadway that is generally 20 feet in width, but has pinch points which narrow the road. Pinch points include, but are not limited to, one-lane bridges, trees, large rock outcroppings, culverts, etc. Pinch points must provide visibility where a driver can see oncoming vehicles through the pinch point which allows the oncoming vehicle to stop and wait in a 20 foot wide section of the road for the other vehicle to pass.

Box 3 The entire road segment is not developed to the equivalent of road category 4 or better. The road may or may not be able to accommodate the proposed use and further evaluation is necessary. Part B is to be completed by a Civil Engineer licensed by the State of California.

The statements in PART A are true and correct and have been made by me after personally inspecting and measuring the road.



12-5-19

Signature

Date

STEVE LUU

Name Printed

Important: Read the instructions before using this form. If you have questions, please call the Dept. of Public Works Land Use Division at 707.445.7205.

From: [Steven Luu](#)
To: [Megan Marruffo](#)
Cc: [Meghan Ryan](#); [Byron E. Turner](#)
Subject: Re: 11713 (Green Management Group) - PC on 12/16
Date: Wednesday, December 15, 2021 12:39:33 PM

Hi Megan,

I received confirmation of the project changes from the applicant this morning. I am wrapping up the changes and hope to have a revised operations plan to you by 2:00 to 2:30 this afternoon.

I wanted to give you a summary of the changes so you can move forward with edits to the staff report as necessary:

Power

House and dry barn powered by 25 KW diesel generator. 25KW generator to remain as power source for those two structures only. As further mitigation, the applicant proposes installation of a battery system to limit generator usage to daylight hours only given CDFW concerns with impacts to NSO. The challenge is the area is heavily wooded and installation of a solar array to off-set the operations at that location is not feasible. One of the planning commissioners (Peggy O'Neill) believed it would cost \$3.5 million to get PGE power to the site based on \$1 million per mile through heavily wooded terrain so that is not feasible either.

Grow sites currently powered by portable gas generators. Discontinue use of generators at these sites by end of 2025 and will switch to entirely powered by solar with battery storage - (string lights, direct drive solar fans, automated tarping system powered off battery)

Given the time constraints we have not done a full power analysis so I am not sure if we will be able to meet an 80% renewables limit but it should be close. I would prefer to outline exactly what is feasible for project needs are above than to set a blanket percentage that could kill the project in a few years.

Water

Water is diverted from two springs to fill tanks for the domestic and irrigation system. POD-2 is for domestic use as it is a seep that yields water all year. Per the LSAA, CDFW allows direct diversion for irrigation use with limit to 200 gallons per day between May 15-October 31st for the domestic diversion. POD-3 is for irrigation use as it is more seasonal in nature (heavy flows in the winter). Irrigation water is diverted to fill tanks and the pond between November 1st and March 31st per the LSAA.

Gutters will be installed and plumbed from the residence and barn into the water system to further reduce diversion needs.

Baseline Improvements

Does it also make sense to show how this project is proposing to mitigate its impacts versus baseline? There's considerable restoration work being proposed as part of this project including:

Decommissioning of two pre-existing points of diversion (from four to two).

Decommissioning of four stream crossings

Decommissioning of 0.42 road miles (reduce sediment delivery, greenhouse emissions from vehicle travel, reduce noise impacts to surrounding areas from elimination of vehicular traffic)

Sincerely,

Steve Luu

On Tue, Dec 14, 2021 at 12:49 PM Megan Marruffo <marruffom@lacoassociates.com> wrote:

Thank you, Steve! Much appreciated.



Megan Marruffo

Senior Planner / Project Manager

LACO Associates

Eureka | Ukiah | Santa Rosa | Chico

Advancing the quality of life for generations to come

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<http://www.lacoassociates.com>

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From: Steven Luu <steven@slconsultinginc.com>

Sent: Tuesday, December 14, 2021 12:44 PM

To: Megan Marruffo <marruffom@lacoassociates.com>

Cc: Meghan Ryan <ryanm@lacoassociates.com>; Byron E. Turner <turnerb@lacoassociates.com>

Subject: Re: 11713 (Green Management Group) - PC on 12/16

I should be able to get you an update by tomorrow. Waiting for written confirmation from client on the water and power items.

Best regards,

Steve Luu

On Tue, Dec 14, 2021 at 10:40 AM Megan Marruffo <marruffom@lacoassociates.com> wrote:

Hello, again, Steve –

A couple of items I wanted to bring to your attention and request additional information:

1. I received a call from Ken at the County Public Works office, who pointed out the “5-mile private driveway”, as described on the Road Evaluation form and included in the staff report, is actually a roadway called “Ranch Road” (which is sometimes referred to as “Howard Ranch Road”). Is it possible to revise page 1 of the Road Evaluation to update the road name (i.e., list the road name as Ranch Road, from Benbow Drive to the private driveway)? We’d like to include this in the supplemental we are preparing for the project.

and

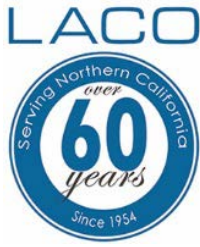
2. We please need additional information regarding the water use onsite, specifically when water is diverted and how it is used throughout the season from the different sources. The plan is to include a slide in the PowerPoint presentation addressing this.

Please provide the information at your earliest convenience, and please let us know if you have any questions.

Thank you for your help!

Sincerely,

Megan



Megan Marruffo

Senior Planner / Project Manager

LACO Associates

Eureka | Ukiah | Santa Rosa | Chico

Advancing the quality of life for generations to come

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From: Megan Marruffo

Sent: Tuesday, December 14, 2021 7:40 AM

To: 'Steven Luu' <steven@slconsultinginc.com>

Cc: Meghan Ryan <ryanm@lacoassociates.com>; Byron E. Turner <turnerb@lacoassociates.com>

Subject: 11713 (Green Management Group) - PC on 12/16

Importance: High

Good morning, Steve!

Green Management Group of Humboldt (APPS #11713) is scheduled to go back before the Planning Commission on Thursday evening (12/16). The project is Item #4 under the Continued Public Hearings section.

Will you be in attendance? Byron and Meghan will both be there from LACO.

Meghan informed me that you had said the applicant was willing to include some renewable energy. Can you please provide an addendum to the Operations Plan clarifying what changes the operator is willing to do? We will need this information ASAP so that

updates to the staff report can be made.

Please reach out with any questions.

Thanks,
Megan

LACO



Megan Marruffo

Senior Planner / Project Manager

LACO Associates

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