

**SUPPLEMENTAL INFORMATION #1**

For Zoning Administrator Agenda of:  
September 16, 2021

|                                     |                        |                |
|-------------------------------------|------------------------|----------------|
| <input checked="" type="checkbox"/> | Consent Agenda Item    | <b>No. C-6</b> |
| <input type="checkbox"/>            | Continued Hearing Item |                |
| <input type="checkbox"/>            | Public Hearing Item    |                |
| <input type="checkbox"/>            | Department Report      |                |
| <input type="checkbox"/>            | Old Business           |                |

**Re: Humboldt John, Special Permits**

Record Number: PLN-11780-CUP  
Assessor Parcel Number: 221-061-036  
3852 Thomas Road, Salmon Creek area

Attached for the Zoning Administrator's record and review is a revised resolution that were not included in the staff report for the hearing:

1. Revised Resolution for the proposed project clarifying the relocation description, specifically, two historic cultivation areas are to be utilized not just one consolidated area, and the number of structures required to relocate has reduced. A scrivener's error related to the Assessor's Parcel Number where the water source is located is corrected.

Staff response: The resolution was revised to clarify relocation proposed by this project to relocate cultivation area and chemical storage areas outside of the Streamside Management Area from 13 total structures down to 7 that are utilized in conjunction with cannabis cultivation. The 6 structures to remain are not utilized in association with this project. The described APN 211-061-008 has been corrected to 221-061-008. The revisions to the resolution does not change the findings or recommendations by staff.

**\*REVISED RESOLUTION OF THE ZONING ADMINISTRATOR  
OF THE COUNTY OF HUMBOLDT**

**Resolution Number 21-  
Record Number: PLN-11780-SP  
Assessor's Parcel Number: 221-061-036**

**Resolution by the Zoning Administrator of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approving the Humboldt John, LLC, Special Permit request.**

**WHEREAS, Humboldt John, LLC,** submitted an application and evidence in support of approving a Special Permit for an existing 7,450-square-foot outdoor cannabis cultivation that is cultivated using light deprivation techniques. Cultivation will occur in one consolidated location in the northeast portion of the parcel in three (3) proposed greenhouses, upon the relocation of two distinct historic cultivation areas that overlap the onsite Streamside Management Area (SMA) setbacks. Ancillary propagation is 750 square feet. Irrigation water is sourced from a spring diversion located on APN: 2121-061-008 and rainwater catchment pond. Existing available water storage totals 32,500 gallons in a series of hard-sided tanks, with one (1) rainwater catchment pond with an estimated 124,236-gallon capacity. Estimated annual water usage is 120,000 gallons. Drying and curing occurs onsite, with all other processing occurring off-site at a licensed facility. Operations are managed by two onsite owners; no additional hiring is proposed. Power for drying and currying is provided by solar and a Honda generator. The project requires a special permit for work within the SMA in conjunction with the removal and remediation of nine (9) greenhouses and 4 structures previously used for cultivation, drying, and chemical storage; and

**Special Permit for existing 7,450-square-foot outdoor cannabis cultivation that uses light deprivation techniques. Cultivation will occur in two distinct historic cultivation areas that are to be modified to no longer encroach on the onsite Streamside Management Area (SMA) setbacks. Ancillary propagation totals 1,385 square feet (SF). Irrigation water is sourced from a spring diversion located on APN: 221-061-008 and rainwater catchment pond. Existing available water storage totals 32,500 gallons in a series of hard-sided tanks, with one (1) rainwater catchment pond with an estimated 124,236-gallon capacity. Estimated annual water usage is 120,000 gallons. Drying and curing occurs onsite, with all other processing occurring off-site at a licensed facility. Operations are managed by two onsite owners; no additional hiring is proposed. Power for drying and currying is provided by solar and a Honda generator. The project requires a special permit for work within the SMA in conjunction with the modification and remediation of commercial materials associated with of four (4) greenhouses and 4 structures previously used for cultivation, drying, and chemical storage; 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 Zoning Administrator held a duly-noticed public hearing on September 16, 2021, and reviewed, considered, and discussed the application for a Special Permit and reviewed and considered all evidence and testimony presented at the hearing.

Now, **THEREFORE BE IT RESOLVED**, that the Zoning Administrator makes all the following findings:

**1. FINDING:**

~~**Project Description:** The application is A Special Permit for an existing 7,450-square-foot outdoor cannabis cultivation that is cultivated using light deprivation techniques. Cultivation will occur in one consolidated location in the northeast portion of the parcel in three (3) proposed greenhouses, upon the relocation of two distinct historic cultivation areas that overlap the onsite Streamside Management Area (SMA) setbacks. Ancillary propagation is 750 square feet. Irrigation water is sourced from a spring diversion located on APN: 211-061-008 and rainwater catchment pond. Existing available water storage totals 32,500 gallons in a series of hard-sided tanks, with one (1) rainwater catchment pond with an estimated 124,236-gallon capacity. Estimated annual water usage is 120,000 gallons. Drying and curing occurs onsite, with all other processing occurring off site at a licensed facility. Operations are managed by two onsite owners; no additional hiring is proposed. Power for drying and currying is provided by solar and a Honda generator. The project requires a special permit for work within the SMA in conjunction with the removal and remediation of nine (9) greenhouses and 4 structures previously used for cultivation, drying, and chemical storage.~~

**a Special Permit for existing 7,450-square-foot outdoor cannabis cultivation that uses light deprivation techniques. Cultivation will occur in two distinct historic cultivation areas that are to be modified to no longer encroach on the onsite Streamside Management Area (SMA) setbacks. Ancillary propagation totals 1,385 square feet (SF). Irrigation water is sourced from a spring diversion located on APN: 221-061-008 and rainwater catchment pond. Existing available water storage totals 32,500 gallons in a series of hard-sided tanks, with one (1) rainwater catchment pond with an estimated 124,236-gallon capacity. Estimated annual water usage is 120,000 gallons. Drying and curing occurs onsite, with all other processing occurring off-site at a licensed facility. Operations are managed by two onsite owners; no additional hiring is proposed. Power for drying and currying is provided by solar and a Honda generator. The project requires a special permit for work within the SMA in conjunction with the modification and remediation of commercial materials associated with of four (4) greenhouses and 4 structures previously used for cultivation, drying, and chemical storage.**

**EVIDENCE:** a) Project File: PLN-11780-SP

**2. FINDING:**

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

**EVIDENCE:** a) Addendum prepared for the proposed project.  
b) The proposed project does not present substantial changes that would require major revisions to the previous MND. No new information of

substantial importance that was not known and could not be known at the time was presented as described by §15162(c) of CEQA Guidelines.

- c) A Water Resources Protection Plan was prepared by the applicant in February 2017 to show compliance with the North Coast Regional Water Quality Control Board Order No. 2015-0023. As a condition of approval, the applicant will be required to prepare and submit a Site Management Plan for the project.
- 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 (CNDDB) Spotted Owl Observation Database in July 2021 showed that Northern Spotted Owl habitat exists in the vicinity and the nearest positive sighting is 1.3 miles from the project area, however, the nearest activity center is 1.9 miles from the site. 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) Review of aerial imagery dating back to 2004 indicates the proposed project will occur on previously disturbed areas and no timber conversion has occurred onsite after the CMMLUO environmental baseline of December 31, 2015.
- f) A Cultural Resources Investigation Report was carried out by William Rich and Associates in June 2019. The Report concluded that the site contains two locations of prehistoric resources. An additional addendum was received on 8/17/2021 prepared by the author of the original June 2019 CRS. The Report with addendum, includes several recommendations to protect the known cultural resource sites and any future sites if discovered. Conditions of approval include avoidance of one location all together, the prohibition of heavy equipment or earthwork at the second location and adhere to heightened inadvertent discovery protocols to ensure no further disturbance of any additional buried archaeological resources that may exist onsite.
- g) Access to the site is via a private access road off Thomas Road, which has been evaluated by a professional engineer as recorded in the Road Evaluation Report (Attachment 3) which concludes the road is of sufficient condition to handle the proposed and cumulative expected traffic for this project and 92 others that gain access from these roads. The project is conditioned to require the implementation of the recommendations included in the Road Evaluation Report, additionally within 1 year from the effective date, the Applicant shall take steps to form a Road Maintenance Association for the maintenance of Thomas Road. The necessary steps include sending notices to all road users of the requirement to form a Road Maintenance Association and conducting a meeting with the users of the road, especially those engaged in commercial cannabis activities to discuss formation of the Road Maintenance Association. The applicant shall provide evidence, including notice, meeting minutes, and the decision as to whether a Road Maintenance Association is being formed to show this effort. In the event the applicant is unable to coordinate formation a Road Maintenance Association, the applicant shall pay fair-share cost for

maintenance of the road to any road user engaged in maintaining the road.

### **FINDINGS FOR SPECIAL PERMITS**

**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 Residential Agriculture (RA) land use designation. The proposed cannabis cultivation, an agricultural product, is within land planned and zoned for agricultural purposes, consistent with the use of Open Space land for managed production of resources. The use of an agricultural parcel for commercial agriculture is consistent with the Open Space Plan and Open Space Action Program. Therefore, the project is consistent with and complimentary to the Open Space Plan and its Open Space Action Program.

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

**EVIDENCE** a) The Unclassified or U Zone is intended to be applied to areas of the County in which general agriculture residential uses are the desirable predominant uses.

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

c) Humboldt County Code section 314-55.4.8.2.2 allows cultivation of up to 10,000 square feet of existing outdoor cannabis and up to 10,000 square feet of existing mixed-light cannabis on a parcel over 1 acre subject to approval of a Special Permit and a determination that the cultivation was in existence prior to January 1, 2016. The application for 7,450 SF of outdoor cultivation on a 39.9-acre parcel is consistent with this and with the cultivation area verification prepared by the County.

d) The proposed project includes a Special Permit for development in the Streamside Management Area (SMA) in conjunction with the modification and remediation of commercial materials associated with of four (4) greenhouses and 4 structures previously used for cultivation, drying, and chemical storage. The land will be reseeded with native grasses and straw waddles will be utilized for erosion control while the grasses revegetate the area back to historic conditions prior to cannabis cultivation uses. The proposed location is adjacent to the existing location in relatively low degree slopes, away from seasonal drainage or onsite surface water channels. Staff are in support of this relocation as it relocates commercial cannabis activities out of and away from streamside management areas, consolidates the footprint of cultivation, and reduces potential of sediment erosion or transportation to surface waters located on the eastern and southern portions of the property, thus reducing the impacts of the project on the SMA from baseline conditions.

**5. FINDING** The proposed development is consistent with the requirements of the CMMLUO Provisions of the Zoning Ordinance.

**EVIDENCE** a) The CMMLUO allows existing cannabis cultivation to be permitted in areas

zoned U (HCC 314-55.4.8.2.2).

- b) The parcel was created by patent, Certificate No. 9056 dated July 22, 1903.
- c) Water for irrigation is provided by a spring diversion (Registration No. H503707) located on the adjacent property to the south identified as APN: 2121-061-008 and a rainwater catchment pond (Pond 1) with a 124,236-gallon storage capacity onsite located immediately south of the proposed relocation site. The point of diversion is registered with the SWRCB. A Notification of Lake or Streambed Alteration Agreement (LSAA) (Notification No. 1600-2018-0520-R1) has been received for the site under operation of law for two points of diversion located on neighboring properties, a point of diversion (pond) located onsite for domestic use, and five stream crossings. Conditions of approval require the applicant to monitor water use from the point of diversion and rainwater catchment pond annually to demonstrate there is sufficient water available to continue to meet operational needs.
- d) Access to the site is via a private access road off Thomas Road, which has been evaluated by a professional engineer as recorded in the Road Evaluation Report (Attachment 3) which concludes the road is of sufficient condition to handle the proposed and cumulative expected traffic for this project and 92 others that gain access from these roads. The project is conditioned to require the implementation of the recommendations included in the Road Evaluation Report, additionally within 1 year from the effective date, the Applicant shall take steps to form a Road Maintenance Association for the maintenance of Thomas Road. The necessary steps include sending notices to all road users of the requirement to form a Road Maintenance Association and conducting a meeting with the users of the road, especially those engaged in commercial cannabis activities to discuss formation of the Road Maintenance Association. The applicant shall provide evidence, including notice, meeting minutes, and the decision as to whether a Road Maintenance Association is being formed to show this effort. In the event the applicant is unable to coordinate formation a Road Maintenance Association, the applicant shall pay fair-share cost for maintenance of the road to any road user engaged in maintaining the road.
- e) The slope of the land where cannabis will be cultivated is less than 30% per review of the Humboldt County WebGIS online mapping tool.
- f) The cultivation of cannabis will not result in the net conversion of timberland. Based on review of aerial imagery dating back to 2004, the proposed project will occur on previously disturbed areas and no timber conversion appears to have occurred onsite after the CMMLUO environmental baseline of December 31, 2015.
- g) The location of the cultivation complies with all setbacks required in Section 314-55.4.11.d. It is more than 30 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 7,450 square feet of cannabis cultivation and the conditions under which it may be operated or maintained will not be

detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

**EVIDENCE**

- a) Access to the site is via a private access road off Thomas Road, which has been evaluated by a professional engineer as recorded in the Road Evaluation Report (Attachment 3) which concludes the road is of sufficient condition to handle the proposed and cumulative expected traffic for this project and 92 others that gain access from these roads. The project is conditioned to require the implementation of the recommendations included in the Road Evaluation Report, additionally within 1 year from the effective date, the Applicant shall take steps to form a Road Maintenance Association for the maintenance of Thomas Road. The necessary steps include sending notices to all road users of the requirement to form a Road Maintenance Association and conducting a meeting with the users of the road, especially those engaged in commercial cannabis activities to discuss formation of the Road Maintenance Association. The applicant shall provide evidence, including notice, meeting minutes, and the decision as to whether a Road Maintenance Association is being formed to show this effort. In the event the applicant is unable to coordinate formation a Road Maintenance Association, the applicant shall pay fair-share cost for maintenance of the road to any road user engaged in maintaining the road.
- 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) Water for irrigation is provided by a spring diversion (Registration No. H503707) located on the adjacent property to the south identified as APN: 21-061-008 and a rainwater catchment pond (Pond 1) with a 124,236-gallon storage capacity onsite located immediately south of the proposed relocation site. The point of diversion is registered with the SWRCB. A Notification of Lake or Streambed Alteration Agreement (LSAA) (Notification No. 1600-2018-0520-R1) has been received for the site under operation of law for two points of diversion located on neighboring properties, a point of diversion (pond) located onsite for domestic use, and five stream crossings. Conditions of approval require the applicant to monitor water use from the point of diversion and rainwater catchment pond annually to demonstrate there is sufficient water available to continue to meet operational needs.
- 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.

**7. FINDING**

The proposed development does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community

Development in determining compliance with housing element law.

**EVIDENCE**

- a) The parcel was not included in the housing inventory of Humboldt County's 2019 Housing Element but does have the potential to support one housing unit. The approval of cannabis cultivation on this parcel will not conflict with the ability for a residence to be constructed on this parcel.

**DECISION**

**NOW, THEREFORE**, based on the above findings and evidence, the Humboldt County Zoning Administrator does hereby:

- Adopt the findings set forth in this resolution; and
- Conditionally approves the Special Permit for Humboldt John, 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 September 16, 2021.

I, John Ford, Zoning Administrator 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 Zoning Administrator at a meeting held on the date noted above.

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John H. Ford  
Zoning Administrator, Planning and Building Department



**\*REVISED ATTACHMENT 1**

**RECOMMENDED CONDITIONS OF APPROVAL**

**APPROVAL OF THE CONDITIONAL USE 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 60 days of the effective date, the applicant shall submit a revised plot plan showing the following, in addition to what is shown,
  - a. Exact use and dimensions of each structure onsite.
  - b. Perimeter dimensions of each outdoor cultivation area.
  - c. Setback distances from each cultivation area to each property boundary.
  - d. Water bladders to be decommissioned and location and size of hard tanks to replace the existing water bladders, equitable to the volume of the existing water bladders (60,000 gallons).
  - e. Revise the square footage of the ancillary propagation areas to be a maximum of **1,2501,290** square feet total, which equates to 10% of the cultivation area.
6. Within 60 days of the effective date, the applicant shall submit a revised cultivation and operations plan detailing the following, in addition to what is currently described:
  - a. Estimated average monthly water usage.
  - b. Revise the square footage of the ancillary propagation areas to be a maximum of **1,2501,290** square feet total, which equates to 10% of the cultivation area.

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 #9 through #16. The agreement shall provide a timeline for completing all outstanding items. All activities detailed under the agreement must be completed to the satisfaction of the Planning and Building Department before the permit may be finalized and no longer considered provisional.
8. The applicant shall secure building permits for all structures and grading 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, graded flats 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. Any existing or proposed non-county-maintained access roads that will serve as access for the proposed project that connect to a County maintained road shall be improved to current standards for a commercial driveway. The applicant shall improve the access road (Bellus Road) to the subject parcel where it intersects the County Road (Bell Springs Road), and shall pave the access road for a minimum width of 20 feet and a length of 50 feet where it intersects the County road. An encroachment permit shall be issued by the Department of Public Works prior to commencement of any work in the County maintained right of way. 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.
10. Within 1 year from the effective date, the applicant shall take steps to form a Road Maintenance Association for the maintenance of Bellus Road. The necessary steps include sending notices to all road users of the requirement to form a Road Maintenance Association and conducting a meeting with the users of the road, especially those engaged in commercial cannabis activities to discuss formation of the Road Maintenance Association. The applicant shall provide evidence, including notice, meeting minutes, and the decision as to whether a Road Maintenance Association is being formed to show this effort. In the event the applicant is unable to coordinate formation a Road Maintenance Association, the applicant shall pay fair-share cost for maintenance of the road to any road user engaged in maintaining the road. A sign-off from the Planning Department will satisfy this condition.
11. The applicant shall secure a Final Streambed Alteration Agreement (Final SAA) from the California Department of Fish and Wildlife (CDFW), provide evidence of an issued Final SAA, and implement all terms and conditions of the Final SAA for all work required within the SMA, as necessary, including the prescribed administrative, avoidance and minimization, and reporting measures. The applicant shall submit a copy of the Final Streambed Alteration Agreement to the Planning Department. The applicant shall provide evidence of compliance by submitting the Final Streambed Alteration Agreement and annual reports or a letter or similar communication from CDFW stating a Lake or Streambed Alteration Agreement is not required. A sign-off from the Planning Department will satisfy this condition.
12. The applicant shall implement all remaining corrective actions detailed in the Site Management Plan (SMP; WDID 1\_12CC417921) developed for the parcel by Margro Advisors,

dated April 8, 2019, and revised April 30, 2021, prepared pursuant to the State Water Resources Control Board (SWRCB) Order 2017-0023-DWQ. Such improvements include the following at the specific locations as detailed in the SMP:

- a. Install permanent road drainage structures which shape the road surface, where feasible, to hydrologically disconnect road segments from surface erosion.
  - b. Clean and unplug ditch relief culvert (DRC) #1 annually.
  - c. Upgrade stream crossings (SC) #1, 2, 3, and 8 to a 24-inch culvert, upgrade SC #6 to a 30-inch culvert, and upgrade SC #7 to a 42-inch culvert.
  - d. All cultivation areas and associated facilities shall be removed from watercourse buffer areas.
  - e. Setback the planted boxes and greenhouse at least 50 feet from point of diversion (POD) #1.
  - f. Remove the existing outhouse and water tank.
  - g. Implement a water monitoring plan to document timing and volume of the water diversion, storage, and use.
  - h. Water diversion and water storage requires valid water rights documentation. Water rights renewal shall be maintained annually.
  - i. File a Lake or Streambed Alteration Agreement with CDFW for the two spring diversions.
  - j. Permit and register the existing well and submit annual water diversions.
  - k. Unused soil shall be covered properly to prevent nutrient leaching or delivery of surface waters every season.
  - l. Chemicals shall be stored within enclosed buildings in such a way they cannot enter or be released into surface groundwater.
  - m. Place all fuel cans, generators, diesel tanks, gasoline powered gardening equipment, and any other items in adequate secondary containment basins.
  - n. Maintain spill prevention clean-up kits onsite and ensure they are easily accessible at all times to help clean up small spills when needed.
  - o. During the wet season, cover all stockpiles of any material to prevent nutrient runoff or leaching groundwater. Provide photos to confirm that during the winter all piles are properly maintained.
  - p. Close outhouses and decommission them unless they are approved by the County. Bring in one or more portable toilets that are regularly serviced. Keep records for inspections.
  - q. Obtain two or more retroactive permitted OWTS (septic system).
  - r. Ensure refuse and garbage are both secured properly and periodically hauled off-site to be disposed of at a waste disposal facility so it does not accumulate.
13. The applicant shall provide the well log for the existing historic on-site well (notated as established in 1957 on the site plan). If the well log shows the existing well is hydrologically connected to surface waters, additional water storage equal to the amount of water utilized during the forbearance period of May 15 – October 31 will be required to meet forbearance requirements. This amount is 63,000 gallons. A sign-off from the Planning Department will satisfy this condition.
14. The applicant shall provide the Department of Environmental Health (DEH) evidence of permit for the existing historic on-site well (notated as established in 1957 on the site plan), destroy the well, legalize the well through installation of a new sanitary surface seal, or provide compelling evidence the well was installed prior to February 1973. A letter or similar communication from DEH will satisfy this condition.
15. The use of portable toilets may be utilized on-site to support the existing cultivation operation. The applicant shall furnish receipts or other documentation to the Department of

Environmental Health (DEH) for the continual use of portable toilets for employees until a permanent septic system is installed to their satisfaction. Any existing outhouses located on-site shall be destroyed. A letter or similar communication from DEH verifying that all their requirements have been met will satisfy this condition.

16. The applicant to submit copies of all documents filed with the State Water Resources Control Board. 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 first reporting form portion of the Mitigation and Reporting Program (MRP) shall be submitted to the Planning and Building Department concurrent with the submittal to the SWRCB.
17. 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 two on-site wells and amount of water available in storage tanks and shall be provided annually prior to or during the annual inspection.
18. 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.
19. 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.
20. 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.
21. 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.
22. The applicant shall execute and file with the Planning Division the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the HCC and available at the Planning Division.

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

1. The 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 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. 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.
4. Prohibition on use of synthetic netting. To minimize the risk of wildlife entrapment, Permittee shall not use any erosion control materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.
5. All refuse shall be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
6. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and be allowed to leave the work site unharmed.
7. The use of anticoagulant rodenticide is prohibited.
8. 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.
9. 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.
10. 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.
11. 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.

12. 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.
13. 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.
14. 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).
15. 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.
16. 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).
17. 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.
18. 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).
19. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
20. Pay all applicable application, review for conformance with conditions and annual inspection fees.
21. 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.
22. The master log books maintained by the applicant to track production and sales shall be maintained for inspection by the County.

23. 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

24. 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."
25. 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).
26. 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.
27. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:
  - a. Cultivation operations and processing operations must implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:
    - (1) Emergency action response planning as necessary;
    - (2) Employee accident reporting and investigation policies;
    - (3) Fire prevention;
    - (4) Hazard communication policies, including maintenance of material safety data sheets (MSDS);
    - (5) Materials handling policies;
    - (6) Job hazard analyses; and
    - (7) Personal protective equipment policies, including respiratory protection.
  - b. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
    - (1) Operation manager contacts;
    - (2) Emergency responder contacts; and
    - (3) Poison control contacts.
  - c. At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations. Plumbing facilities and water source must be capable of handling increased usage without adverse consequences to neighboring properties or the environment.
  - d. On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.

28. All cultivators shall comply with the approved processing plan as to the following:
  - a. Processing practices
  - b. Location where processing will occur
  - c. Number of employees, if any
  - d. Employee Safety Practices
  - e. Toilet and handwashing facilities
  - f. Plumbing and/or septic system and whether or not the system is capable of handling increased usage
  - g. Drinking water for employees
  - h. Plan to minimize impact from increased road use resulting from processing
  - i. On-site housing, if any
  
29. 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.
  
30. 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.
  
31. 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.
  
32. 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.
  
33. Transfers. Transfer of any leases or permits approved by this project is subject to the review and approval of the Planning Director for conformance with CMMLUO eligibility requirements and agreement to permit terms and acknowledgments. The fee for required permit transfer review shall accompany the request. The request shall include the following information:
  - a. Identifying information for the new owner(s) and management as required in an initial permit application;
  - b. A written acknowledgment by the new owner in accordance as required for the initial permit application;
  - c. The specific date on which the transfer is to occur;
  - d. Acknowledgement of full responsibility for complying with the existing permit; and
  - e. Execution of an Affidavit of Non-diversion of Medical Cannabis.



34. 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.