

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings; Meeting on \_\_\_\_\_, 2022

Resolution No. 22-\_\_\_ Resolution of the Board of Supervisors of the County of Humboldt ADOPTING FINDINGS OF FACT, CONSIDERING THE ADDENDUM TO A PREVIOUSLY ADOPTED ENVIRONMENTAL IMPACT REPORT PREPARED FOR THE PROJECT PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, APPROVING THE APPEAL FOR RECORD NO. PLN-2021-11786-A AND APPROVING THE HUMBOLDT'S OWN LLC SPECIAL PERMIT RECORD NO. PLN-CUP-11786.

**WHEREAS**, Humboldt County adopted the Commercial Cannabis Land Use Ordinance (CCLUO) Ordinance on May 8, 2018, after certifying an Environmental Impact Report; and

**WHEREAS**, Humboldt's Own LLC submitted an application and evidence in support of approving a Special Permit for 24,800 square feet (SF) of outdoor cannabis cultivation and 9,800 SF of new outdoor cannabis cultivation, and a Special Permit for 30,200 SF of cultivation being transferred from a Retirement, Relocation, and Remediation (RRR) site to the property. Total permitted cultivation would be 64,800 SF, with appurtenant propagation and drying activities, and

**WHEREAS**, the Planning and Building Department reviewed the application and supporting evidence and referred the application materials to applicable reviewing agencies for site inspections, comments and recommendations; and

**WHEREAS**, on October 21, 2021, the Planning Commission adopted a Resolution which did the following:

1. Considered the Addendum to the Environmental Impact Report for the Commercial Cannabis Land Use Ordinance that was prepared for the Humboldt's Own LLC project; and
2. Found based on the submitted substantial evidence that the proposed project complies with the General Plan and Zoning Ordinance and made all findings for approval; and
3. Approved the Special Permit under record No. PLN-11786-CUP as recommended and conditioned by staff with an additional condition number 28 as follows:

The applicant shall develop an alternative water source (rainwater catchment or additional storage) to accommodate water needs for 50% of new cultivation. New

cultivation shall include 9,800 SF of cultivation under the initial Special Permit and 30,200 SF of cultivation under the Special Permit for the Retirement, Relocation, and Remediation (RRR) program. Therefore, 50% of the water for 40,000 SF of outdoor cultivation shall come from an alternative water source. The applicant shall install monitoring/tracking devices onsite to show that 50% of the irrigation water is derived from an alternative water source. The applicant shall receive appropriate permits from the Humboldt County Department of Planning and Building and other relevant departments prior to construction of an alternative water source. Plans for the development of an alternative water source shall be submitted to the Department of Planning and Building within three (3) months of project approval.

**WHEREAS**, Matt Goforth, representing Humboldt’s Own LLC (“Appellant”) on November 3, 2021, filed an appeal in accordance with the Appeal Procedures specified in Humboldt County Code Section 312-13 et seq.; and

**WHEREAS**, the Board of Supervisors opened a duly-noticed public hearing, *de-novo*, on January 11, 2022 and at the meeting continued the matter to the February 1, 2022 meeting at the request of the appellant; and

**WHEREAS**, the Board of Supervisors held a continued public hearing, *de-novo*, on February 1, 2022 and reviewed, considered, and discussed the application and appeal for the Special Permit; and

**WHEREAS**, The Board of Supervisors on February 1, 2022 continued the public hearing to the February 15, 2022 meeting to allow for the applicant and applicant representatives to provide additional testimony; and

**WHEREAS**, the Board of Supervisors held a continued public hearing on February 15, 2022 and reviewed, considered, and discussed the application and appeal for the Special Permit; and reviewed and considered all public testimony on the new evidence presented at the hearing; and

**WHEREAS**, the Board of Supervisors closed the public hearing on February 15, 2022 and adopted a motion to approve the appeal and to approve the Special Permit and to bring an amended resolution for approval back to the Board of Supervisors on March 1, 2022 on the consent agenda.

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

- 1. FINDING:**                    **Project Description:** The application is a Special Permit for 24,800 square feet (SF) of outdoor cannabis cultivation and 9,800 SF of new outdoor cannabis cultivation, and a Special Permit for 30,200 SF of

cultivation being transferred from a Retirement, Relocation, and Remediation (RRR) site to the property. Total permitted cultivation would be 64,800 SF, with appurtenant propagation and drying activities.

**EVIDENCE:** a) Project File: PLN-11786-A

**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 the Environmental Impact Report (EIR) prepared for the Commercial Cannabis Land Use Ordinance (CCLUO) certified by the Humboldt County Board of Supervisors on May 8, 2018.

**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 EIR. No new information of substantial importance that was not known and could not be known at the time was presented as described by §15162(c) of CEQA Guidelines.

c) A Biological Resources Report was prepared by Natural Resources Management Corporation (NRMC) in November 2020. The report addressed potential impacts to biological resources in new cultivation areas. NRMC concluded that the project area has potential to serve as habitat for several sensitive species, including Howell's montia, maple leaved checkerbloom, nodding semaphore grass, Siskiyou checkerbloom, Sierra gooseberry, and Pacific gilia. However, none of these species and no sensitive communities were observed during NRMC's survey of the project area. The project is unlikely to have impacts on wildlife species occurring within the vicinity of the parcel, but the project area does have potential to serve as habitat for the foothill yellow-legged frog, a state-listed species of special concern. NRMC recommended several measures to reduce potential impacts to sensitive species within the project vicinity, including: comply with requirements of relocation plan, adhere to all stream setback requirements, refrain from use of rodenticides and plastic support netting, and avoid sediment runoff by not overwatering plants and properly storing materials. Additionally, if early season lighting is used in hoop houses, these must be covered with blackout tarps from at least one hour prior to sunset to one hour past sunrise.

d) A records search for known cultural resources was requested from the Northwest Information Center (NWIC) by Bryan Much (February

2018). The search indicated two previous studies (Brunmeier and Roscoe 1994, Roscoe and Rich 2006) included or may have included portions of the project area. The Brunmeier and Roscoe study (1994) was unclear as to whether researchers surveyed the northwestern portion of the project area. The Roscoe and Rich study (2006) covered the southeastern portion of the project area and identified no cultural resources in this area. Neither study covered, and no records exist for the southwestern portion of the project area. The NWIC recommended contacting local Native American Tribes to ensure project activities will not disturb Tribal Cultural Resources. The Bear River Band of the Rohnerville Rancheria was contacted and responded that the Inadvertent Discovery Protocol should be implemented in case there is accidental discovery of previously unidentified historical artifacts or human remains.

### **FINDINGS FOR 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 Exclusive (AE) zoning district. The proposed cannabis cultivation, an agricultural product, is within land planned and zoned for agricultural purposes and is 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 complementary to the Open Space Plan and its Open Space Action Program.

#### **4. FINDING**

The proposed development is consistent with the purposes of the existing Agricultural Exclusive (AE) zone in which the site is located.

**EVIDENCE** a) General agriculture is a use type permitted in the Agriculture Exclusive (AE) zoning district. The proposed cannabis cultivation, an agricultural product, is within land planned and zoned for agricultural purposes and is 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 complementary to the Open Space Plan and its Open Space Action Program.

- b) Humboldt County Code (HCC) section 314-55.4.6-6.5 allows cultivation of up to 43,560 SF with a Special Permit on a parcel over five (5) acres. The Retirement, Relocation, and Remediation (RRR) Program allows additional cultivation to occur onsite. The application for 64,800 SF of outdoor cannabis cultivation is consistent with Humboldt County Code and the provisions of the RRR Program.

## **5. FINDING**

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

### **EVIDENCE**

- a) The CCLUO allows cannabis cultivation to be permitted in areas zoned Agriculture Exclusive (AE) and Special Building Sites (B-5(160)), (HCC 314-55.4.8.2.2).
- b) This parcel qualifies for a certificate of subdivision compliance per Section 66499.35 of the Subdivision Map Act per issuance of Building Permit for Single Family House, permit issued February 28th, 2011, BP#11-178-AOB-4.
- c) The project will obtain water from a permitted groundwater well (No. 16/17-0721) that has been found to be disconnected from surface waters by a Certified Engineering Geologist. The total estimated water usage is 540,000 gallons (8.3 gal/SF) per year. The well is completed in fractured sandstone of the Franciscan Complex which is well below the base of the Qal alluvial deposits as recorded by the well driller. According to the Certified Engineering geologist this fractured sandstone is not hydraulically connected to any adjacent surface waters or nearby shallow wells, and is not connected to the alluvial deposits that constitute the underflow of the Mattole River.
- d) The slope of the land where cannabis will be cultivated is less than 15%.
- e) The cultivation of cannabis will not result in the net conversion of timberland. The proposed cultivation area(s) are located within a historical cultivation area in an Agriculture Exclusive (AE) zone.
- f) The location of the cultivation complies with all setbacks required in Section 314-55.4.11.d. It is more than 30 feet from any property line, more than 300 feet from any offsite residence, and more than 600 feet from any school, church, public park, or Tribal Cultural Resource.

**6. FINDING**

The cultivation of 64,800 SF of cannabis 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 project area is in a rural part of the County where the typical parcel size is over 20 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.
- b) Irrigation water will come from a permitted groundwater well (No. 16/17-0721).
- c) Provisions have been made in the applicant's proposal to protect water quality through yearly site inspection, monitoring, and reporting to the North Coast Regional Water Quality Control Board (NCRWQCB), in accordance with the Water Resources Protection Plan prepared for the project area. The site shall be inspected and monitoring reports prepared for the following activities: 1) before and after any alteration or upgrade to a given stream crossing, road segment, or other controllable sediment discharge site; 2) prior to the start of the water year (October 15) to evaluate site preparedness for storm events and associated storm water runoff; 3) site inspection no later than December 15 of each year; and 4) following any rainfall event with an intensity of 3 inches of precipitation within any 24 hour period. Annual reporting shall be submitted to the NCRWQCB by March 31 of each year. Therefore, runoff to adjacent property and infiltration of water to groundwater resources will not be adversely 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 residence on the parcel. The approval of cannabis cultivation on this parcel will not conflict with the ability for this residence to be used.

## **APPEAL**

### **Appeal Issue**

*The appellant requests the removal of condition of approval #28 from the planning Commission Decision of October 21, 2021.*

Condition of Approval Number 28, added by the Planning Commission at the October 21, 2021 meeting reads as follows:

The applicant shall develop an alternative water source (rainwater catchment or additional storage) to accommodate water needs for 50% of new cultivation. New cultivation shall include 9,800 SF of cultivation under the initial Special Permit and 30,200 SF of cultivation under the Special Permit for the Retirement, Relocation, and Remediation (RRR) program. Therefore, 50% of the water for 40,000 SF of outdoor cultivation shall come from an alternative water source. The applicant shall install monitoring/tracking devices onsite to show that 50% of the irrigation water is derived from an alternative water source. The applicant shall receive appropriate permits from the Humboldt County Department of Planning and Building and other relevant departments prior to construction of an alternative water source. Plans for the development of an alternative water source shall be submitted to the Department of Planning and Building within three (3) months of project approval.

## **8. FINDING**

The grounds for appeal are adequate to warrant granting the appeal to remove the condition for additional water storage.

### **EVIDENCE b)**

The Appellant states that no water storage or forbearance is required under the Humboldt County Code as the well is documented to be a groundwater well that is hydrologically isolated by an engineering geologist and the estimated well yield is sufficient for the annual irrigation needs of the project.

The CCLUO does not have any specific ordinance language requiring water storage for non-diversionary sources. However, it is not outside of the authority of the Planning Commission to require water storage for projects that are utilizing groundwater wells. In order to approve a discretionary permit the decision-maker must find that the project will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity. Overdraft of groundwater resources

could be detrimental to the public welfare and/or injurious to properties or improvements in the vicinity.

In this case, the pump test associated with the well log indicates that it has an estimated yield of 20 gallons per minute which is sufficient for supplying all of the irrigation needs for the project. A letter was submitted by David Lindberg, an Engineering Geologist, stating that the subject well is unlikely to be hydrologically connected to a nearby wells, wetlands and surface waters in any manner that would affect adjacent waters or wells. The well is completed in fractured sandstone of the Franciscan Complex which is well below the base of the Qal alluvial deposits as recorded by the well driller. According to the Certified Engineering geologist this fractured sandstone is not hydraulically connected to any adjacent surface waters or nearby shallow wells, and is not connected to the alluvial deposits that constitute the underflow of the Mattole River. Nonetheless, substantial on-site water storage is standard practice for the industry and the installation of additional water storage on this site is in the public interest. Requiring additional water storage over the long term will ensure that there are no detrimental impacts to the public welfare from the project.

## **9. FINDING**

The project will not be detrimental to the Public, Health, Safety and Welfare in the manner conditioned. Water use is an important consideration and overuse of water can disrupt water available to the environment and water users on other properties. In order to mitigate this impact a condition was added to require water storage for the new cultivation

### **EVIDENCE**

The State of California has been experiencing a drought and climate change which has modified weather patterns and made water availability less certain.

The increase in cultivation on this site, results in the need for increased irrigation water, and providing water storage mitigates this impact.

**NOW, THEREFORE,** based on the above findings and evidence, the Humboldt County Board of Supervisors does hereby:

- a. Finds that the Board of Supervisors has considered the addendum to the Environmental Impact Report for the Commercial Cannabis Land Use Ordinance that has been prepared for the Humboldt's Own project and found the project consistent with the adopted WIR pursuant to Section 15164 of the State CEQA Guidelines.



- b. Finds that the project is consistent with the Humboldt County General Plan and the Humboldt County Zoning Ordinance.
- c. Approves the Appeal filed by Humboldt's Own LLC.
- d. Approves the Special Permit for Humboldt's Own LLC subject to the recommended conditions of approval in Attachment 1.

The foregoing Resolution is hereby passed and adopted by the Board of Supervisors on March 1, 2022, by the following vote:

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

AYES: Supervisors:

NOES: Supervisors:

ABSENT: Supervisors:

Virginia Bass  
 \_\_\_\_\_, Chair  
 Humboldt County Board of Supervisors

STATE OF CALIFORNIA)) SS. County of Humboldt

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

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

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

By: KATHY HAYES

Date: \_\_\_\_\_, 2022

By \_\_\_\_\_ Deputy



## EXHIBIT 1

### ATTACHMENT 1

#### RECOMMENDED CONDITIONS OF APPROVAL

**APPROVAL OF THE 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 the staff review. Permit conformance with conditions must be demonstrated prior to release of building permit or initiation of use, and at the 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**, the Department will file the NOD and will charge this cost to the project.
5. Within 60 days of the effective date of permit approval, the applicant shall execute a Compliance Agreement with the Humboldt County Planning and Building Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #6 through #27. The agreement shall provide a timeline for completing all outstanding items. All activities detailed under the agreement must be

completed to the satisfaction of the Planning and Building Department before the permit may be finalized and no longer considered provisional.

6. The applicant shall schedule and obtain an onsite Building Division review to ensure that permits for all structures, greenhouses, water tanks or other cannabis and/or residential structures have been obtained. This inspection shall be scheduled within thirty (30) days of permit approval and conducted within three (3) months permit approval. Any structures identified to require permits shall be permitted through the Humboldt County Building Department within two (2) years of the inspection date.
7. Prior to renewal of the permit, the owner/operator/applicant is required to submit to the Department of Environmental Health (DEH), receipts or copy of the permit of the presently unpermitted septic system, and provide written assessment from a qualified septic consultant confirming a Tier 0 status for the addition of an onsite wastewater treatment system serving the dwelling.
8. The applicant shall comply with all policies set forth by the Humboldt County General Plan Policy BR-P6, to ensure that all Streamside Management Areas within the project area are properly managed throughout cultivation related activities.
9. The applicant shall source electricity exclusively from a renewable source. This can be accomplished by either (a) Using grid power supplied from 100% renewable source; (b) Using an onsite renewable energy system with 20% net non-renewable energy use; or (c) Using grid power supplied by partial or wholly non-renewable source with purchase of carbon offset credits. Within six (6) months of project approval, the applicant shall demonstrate compliance with this condition by submitting documentation of energy source to Humboldt Department of Planning and Building.
10. The applicant comply with all corrective actions and recommendations outlined in the Site Management Plan (SMP), including:
  - a. Ensure cultivation waste/compost pile meets most current Humboldt County and SWRCB compost pile guidelines.
  - b. Cover all spent growth medium to prevent polluted runoff. Rake soil into pile and secure with weighted tarps and perimeter wattles or double tarp or integrate soil outside of riparian buffers and treat with cover crop and straw mulch.
  - c. Add gravel to all bare dirt areas on the main access road (Road A), with special emphasis on the western end of the road where bare dirt and ponding have been observed and where wet season travel for cannabis will occur. All access roads that will be used for winter or wet weather hauling/traffic shall be surfaced.
  - d. Perform annual road maintenance and surfacing as needed. Inspect roads to ensure that access roads are not allowed to develop or show evidence of significant surface rutting or gullyng.
  - e. Ensure that employees utilize only designated roads and parking areas.

- f. Upgrade stream crossing on Road F as described in the SMP to meet 100-year flood volumes. Work shall be performed only once valid LSAA and SWRCB 401 permits have been obtained.
  - g. Remove all cultivation and cannabis related infrastructure out of riparian setbacks.
  - h. Before construction of proposed greenhouses (GH #11-27) and the new drying building, the extent of riparian buffers shall be marked or flagged by a qualified individual.
  - i. Add a spill kit to fertilizer and/or petroleum product storage areas.
  - j. Separate storage of petroleum products and fertilizers/pesticides.
  - k. Continue to service portable toilet facilities.
  - l. Contain and regularly remove all debris and trash associated with cannabis cultivation activities.
  - m. Cover the trash storage area to prevent water/animal intrusion and dispersion by wind.
11. The applicant shall comply with all corrective actions set forth in the Lake and Streambed Alternation Agreement (LSAA) from the California Department of Fish and Wildlife (CDFW) (Notification No. 1600-2018-0839-R1), including:
- a. Cease diverting water from POD-1 or other sources into the reservoir.
  - b. Obtain CDFW approval prior to filling in the reservoir.
  - c. Submit an invasive species management plan to CDFW or adopt the Bullfrog Management Plan.
  - d. At the single stream crossing on site, install an appropriately sized culvert (at least 48 inches in width) to convey 100-year storm flow and debris.
12. The applicant shall comply with all recommendations and reporting measures set forth in the LSAA (Notification No. 1600-2018-0839-R!), summarized as follows:
- a. Document all activities that occur within waterways at the project area.
  - b. All work shall be confined to the dry weather period of June 15<sup>th</sup> through October 1<sup>st</sup> of each year.
  - c. Water diversion structures shall be constructed and maintained to not inhibit the movement of aquatic life.
  - d. Erosion and runoff protection measures shall be placed and maintained along streambanks prior to any construction activities.
  - e. The proposed work on the stream crossing (described in the condition above) shall be completed by no later than October 15, 2021. Notification of completion shall include photographs of the completed work, erosion control measures, waste containment and disposal, and a summary of any California Natural Diversity Database (CNDDDB) submissions and shall be submitted to CDFW within seven (7) days of project completion.

13. The applicant shall comply with the recommendations identified in the Biological Resources Report prepared by Natural Resources Management Corporation in November 2020:
  - a. Comply with requirements of the relocation plan.
  - b. Adhere to all stream setback requirements.
  - c. Refrain from the use of rodenticides and plastic support netting.
  - d. Avoid sediment runoff by not overwatering plants and properly storing materials.
  
14. The applicant shall implement the Inadvertent Discovery Protocol. In the event of the accidental discovery of historical artifacts or human remains, a qualified professional archaeologist shall be contacted immediately, in order to inspect and clear the site for all further activities.
  
15. The applicant shall comply with all corrective actions identified in the Remediation Plan prepared by DTN Engineering & Consulting on December 31, 2020:
  - a. At Site 1-A, dismantle a 6,500-SF greenhouse and remove from the site. Remove all cultivation-related structures and equipment, including garbage and irrigation lines, from the site. Cover exposed soils with straw and seed for stabilization. Replant the flat with native vegetation akin to the existing forest composition in the area (Douglas fir, tanoak, Pacific madrone).
  - b. At Site 1-B, dismantle a 7,600-SF greenhouse and remove from the site. Remove two (2) 3,000-gallon water tanks from the site and clean up the area below the flat of existing junk (recreational vehicle, garbage, dilapidated building materials). Remove all cultivation-related structures and equipment, including garbage and irrigation lines, from the site. Cover exposed soils with straw and seed for stabilization. Replant the flat with native vegetation akin to the existing forest composition in the area (Douglas fir, tanoak, Pacific madrone).
  - c. At Site 2-A, dismantle seven (7) greenhouses and remove from the site. Obtain permits for the residence from the Humboldt County Department of Planning and Building and the Department of Health and Human Services. Remove cultivation waste and transport to offsite soil recycling facility. Discontinue unpermitted water diversion.
  - d. At Site 2-B, dismantle a 2,200-SF greenhouse, outdoor cultivation area, sheds, and nurseries and remove from the site. Obtain permits for two (2) residences from the Departments of Planning and Building and Health and Human Services. Discontinue unpermitted water diversion.
  - e. At Parcel 1, decommission the access road once remediation work at Sites 1-A and 1-B has been completed. Remove both stream crossings and restore stream channels to their original contours. Perform necessary road work, including ripping and out-sloping of the road surface, installing waterbars and rolling dips, covering the surface with straw and seed to promote revegetation, and

- blocking the entrance of the road to motor vehicles. Work at both stream crossings requires a Lake and Streambed Alteration Agreement (LSAA) from the California Department of Fish and Wildlife (CDFW).
- f. At Parcel 2, perform necessary road work, including installing waterbars, reconfiguring a stream crossing (SC-2), and fortifying a culvert at another stream crossing (SC-5) with rock armoring. Work at both stream crossings requires an LSAA from CDFW.
  - g. The applicant shall execute an agreement to complete the work specified in the Remediation Plan within twelve (12) months and shall post a bond in an amount determined by the Director of Planning to allow the County to contract to complete the work specified in the plan in the event that the applicant fails to do so.
16. COUNTY ROAD – DRIVEWAY (PART 2): Any existing or proposed driveways 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. 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 also includes installing or replacing driveway culverts; minimum size is typically 18 inches. If the County road has a paved surface at the location of the driveway, the driveway apron shall be paved for a minimum width of 18 feet and a length of 50 feet.
17. COUNTY ROADS – PROXIMITY OF FARMS: Applicant is advised that County maintained roads may generate dust and other impacts for farm(s). Applicant shall locate their farm(s) in areas not subject to these impacts. Applicant shall be responsible for protecting their farm(s) against these impacts. Applicant shall hold the County harmless from these impacts. Applicant is advised that a paved road may not always remain paved and Applicant shall locate their farms appropriately. Applicant is advised that the amount of traffic on a road will vary over time which may increase or decrease the impacts.
18. COUNTY ROADS – FENCES & ENCROACHMENTS: All fences and gates shall be relocated out of the County right of way. All gates shall be setback sufficiently from the County road so that vehicles will not block traffic when staging to open/close the gate. In addition, no materials shall be stored or placed in the County 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.
19. COUNTY ROADS – DRIVEWAY & PRIVATE ROAD INTERSECTION VISIBILITY: All driveways and private road intersections onto the County road shall be maintained in accordance with County Code Section 341-1 (Sight Visibility Ordinance). This condition shall be completed to the satisfaction of the Department of

Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approve for a business license.

20. The applicant shall contact the Petrolia Fire Protection District and furnish written documentation from that agency of the available emergency response and fire suppression services and any recommended project mitigation measures. Mitigation measures shall be incorporated into the project, if applicable. If emergency response and fire suppression services are not provided, 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 and Building Department. 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.
23. The owner/operator/applicant shall complete a jurisdictional survey (delineation) for the property and provide the survey and an illustrated and scaled topographic map or site plan to the US Army Corps of Engineers for verification that the project area is outside of the jurisdiction of the Department of the Army.
24. The applicant shall comply with the recommendations of the Soils Report prepared by TVCE in October 7020, including:
  - a. Site preparation. Notify Underground Service Alert prior to any ground-disturbing activities. Perform all earthwork during dry weather conditions. Strip and remove all topsoil and vegetation from within the project area and at least three (3) feet outside the project area. Remove undocumented fill soils and fine-grained residual soils and debris at locations receiving fills.
  - b. Footings. Ensure foundation for all structures is rigid and designed to provide additional bearing area for application of structure loadings. Embed a minimum of twelve (12) inches into dense, undisturbed native bearing soils. Comply with requirements of California Building Code (CBC) Section 1809.
  - c. Floor slab design. Comply with specifications of the Soils Report and as specified by the project engineer.



- d. Grading. All cut and fill slopes shall be 2:1 or flatter. Fill material shall be placed in lifts not to exceed nine (9) inches in depth and shall be compacted to a minimum of 90% relative compaction. Finished grading shall provide a minimum slope of 2% away from buildings and foundations for a minimum of ten (10) linear feet.
  - e. Compaction standards. Fills shall be compacted in 8-inch loose lifts with clean native materials at optimum moisture content as determined and approved by the project engineer. Non-structural fills shall be compacted to a firm unyielding surface as approved by the project engineer.
  - f. Fills. Comply with specifications of the Soils Report and as specified by the project engineer.
  - g. Drainage and landscaping. The site shall be graded to provide drainage such that no water is allowed to migrate beneath proposed developments. No rainwater impoundment is permitted onsite or at the base of cuts.
  - h. Erosion control. Comply with specifications of the Soils Report and as specified by the project engineer.
25. Within sixty (60) days of the effective date of project approval, the applicant shall submit a revised site and operations plan to include no more than 6,480 SF devoted to ancillary propagation. This amount is ten (10) percent of the total cultivation area proposed on the site.
26. The applicant shall install a water meter on the groundwater well and shall maintain monthly logs of irrigation water utilized. These logs shall be made available to the Planning Department upon request and at each annual inspection.
27. Within six (6) months of the effective date of project approval, the applicant shall submit to Humboldt County Department of Planning and Building a Disturbed Area Stabilization Plan prepared by a qualified professional in accordance with SWRCB Cannabis General Order WQ 2017-0023-DWQ. The report shall be approved by the Regional Water Board Executive Officer prior to implementation.
28. At such time that the planned expansion occurs and the aggregate cultivation area is greater than one acre, the applicant shall submit to Humboldt County Department of Planning and Building a Nitrogen Management Plan prepared by a qualified professional in accordance with the SMP.
29. The applicant shall install a total of 166,000 gallons of water storage on the parcel and shall have this amount of water actively stored on the parcel by the beginning of the 2025 cultivation season and every year thereafter.

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

1. The combination of background, and greenhouse fan or other operational equipment created noise must not result in the harassment of Foraging Bat species or Northern Spotted Owl, and is required to meet the performance standards for noise set by Department Policy Statement No. 16-005 clarifying CCLUO 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. The applicant is to limit the use of heavy equipment during nesting season February 1st through August 15th.
2. 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.
3. The use of synthetic netting for purposes of erosion control is prohibited. To minimize the risk of wildlife entrapment, the applicant 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.
4. All refuse shall be contained in wildlife proof storage containers at all times, and disposed at an authorized waste management facility.
5. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and shall be allowed to leave the work site unharmed.
6. The use of anticoagulant rodenticide is prohibited.
7. Invasive plant species shall be eradicated and managed at existing and proposed cultivation areas for the duration of the project lifespan.
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 the 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. Any changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan. When 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 CCLUO 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. The permittee shall have 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. The permittee shall be in 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. The permittee shall ensure 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. The permittee shall maintain enrollment in Tier 1, 2, or 3, certification with North Coast Regional Water Quality Control Board (NCRWQCB) Order No. R1-2015-0023, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
16. The permittee shall comply with the terms of any applicable Lake and Stream Alteration (1600 or 1602) Permit obtained from the California Department of Fish and Wildlife (CDFW).
17. The permittee shall 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. The permittee shall 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. The permittee shall refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
20. The permittee shall pay all applicable fees for application review to ensure 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. The permittee shall 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 Special Permit. Any Commercial Cannabis Cultivation SP issued pursuant to the CCLUO 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 re-inspection to determine whether or not the permit holder has cured all issues of noncompliance. Failure to request re-inspection 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 CCLUO eligibility

requirements and agreement to permit terms and acknowledgments. The fee for required permit transfer review shall accompany the request. The request shall include the following information:

- 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 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 CCLUO, 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 CCLUO.
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 #B.11 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 #B.29 and B.30 of the Ongoing Requirements/Development Restrictions, above.
3. If cultural resources are encountered during construction activities, the contractor onsite shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist and the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the

applicant and the lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

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

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