

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

Resolution Number: 26-006

Record Number: PLN-12413-CUP

Assessor's Parcel Numbers: 210-062-007; 210-054-008; 210-071-001

Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approving the Jennifer Dunn Conditional Use Permit.

WHEREAS, Jennifer Dunn provided an application and evidence in support of approving a Conditional Use Permit for 43,560 square feet of existing outdoor commercial cannabis cultivation with a 4,350 square foot ancillary nursery; and

WHEREAS, a Mitigated Negative Declaration was prepared for the proposed Conditional Use Permit and circulated for public review pursuant to Section 15074 of the CEQA Guidelines; and

WHEREAS, the Humboldt County Planning Commission held a duly-noticed public hearing on January 15, 2026 and reviewed, considered, and discussed the application for a Conditional Use Permit and reviewed and considered all evidence and testimony presented at the hearing.

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

- 1. FINDING:** **Project Description:** A Conditional Use Permit for 43,560 square feet of new outdoor commercial cannabis cultivation, supported by a 4,350 square foot ancillary nursery. Estimated annual water usage is 958,320 gallons sourced by a permitted groundwater well (Well 2) and a proposed 2,000,000-gallon rainwater catchment pond (Pond 4). Well 2 is shared with application 12402. The pond is also shared with applications 12402 and 12410. Water storage consists of 75,000 gallons in proposed hard tanks and 30% of the pond (600,000 gallons). Drying is conducted on site (proposed Ag-Building 2) with additional processing such as trimming occurring off site. Proposed Ag-Building 2 is shared with application 12402. Power is provided by PGE and proposed solar reserving generators for emergencies only.

EVIDENCE: a) Project File: PLN-12413-CUP

- 2. FINDING:** **CEQA.** The Planning Commission Considered the Mitigated Negative Declaration (MND) (SCH 2025111157) and it adequately addresses the potential environmental effects of the project and the project is

within the scope of the MND.

- EVIDENCE:**
- a) The Planning Commission adopted the Mitigated Negative Declaration (SCH 2025111157) as part of consideration of the Natura Blue, Inc.; 4 Wheel Properties, LLC; Jennifer Dunn; and Cali's Finest, LLC projects on January 15, 2026.
 - b) The IS/MND included nine mitigation measures which have been incorporated into a Mitigation Monitoring and Reporting Plan which is adopted as part of the project.

3. FINDING: **CEQA Public Comments:** All public comments have been considered and none of the comments change the conclusions of the IS/MND.

- EVIDENCE:**
- a) No public comments were received on the IS/MND.

FINDINGS FOR CONDITIONAL USE PERMIT

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

- EVIDENCE:**
- a) General agriculture is a use type permitted in the Agriculture Grazing (AG) land use designation. The proposed cannabis cultivation, an agricultural product, is within land planned and zoned for agricultural 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.
 - b) The General Plan Circulation Element requires decisions to change or expand the land use of a particular area shall include an analysis of the impacts to existing and proposed transportation facilities and services so as to minimize or avoid significant operational, environmental, economic, and health-related consequences. The project does not change or expand the allowable land uses in this area, as the project site is already used for agriculture and grazing as is the surrounding area. Additionally, there are other cannabis farms operating in the immediate vicinity.
 - c) The proposed project is consistent with the Conservation and Open Space Element - Biological Resources through the following project

design elements:

All project development will meet or exceed setbacks for streamside management areas and wetlands. A review of Essential Habitat Connections identified in the California Essential Habitat Connectivity Project indicates no significant wildlife movement corridors were identified within the Project area.

A Biological Assessment and Botanical Survey consisting of literature reviews and field observations and studies to identify potential sensitive biological resources that may occur within the Project area. Biological findings are summarized below.

- Special Status Species: Several bird and mammal species were identified as having potential to be present within the study area. Therefore, a nesting bird survey will be performed two weeks before any construction if scheduled to occur during the nesting season. Additionally, sound attenuation measures are part of the mitigation and monitoring plan and conditions of approval.
- The project areas do not contain designated critical habitat for any listed species.
- No sensitive natural communities were identified within the project area.

The county referred the project to the California Department of Fish and Wildlife and the comment provided requested a Bullfrog management plan which is included in the mitigation and monitoring reporting program and the conditions of approval.

- d) The Goals and policies of the Conservation and Open Space Cultural Resources have been complied with based on the referral to Northwest Information Center and the Bear River Band of the Rohnerville Rancheria. The applicant submitted Cultural Resource Investigations. The Cultural Resource Investigation Reports identified historical resources as defined by Section 15064.5 within the property, with some isolated areas within the project area. The Bear River THPO granted a setback reduction to 100 feet from Site P-12-001107. Isolate Areas WRA 01, 02, and 03 will be protected by a cap of six inches of base rock per the recommendation of the THPO. The Cultural Resource Investigation also recommended Inadvertent Discovery Protocol, which has been included as a recommended condition of approval. As required by AB 52, the County of Humboldt sent requests on January 28, 2021, for formal consultation to tribes in the region. No consultation was requested

in response to AB52 referral outreach.

- e) The project is consistent with the Conservation and Open Space Scenic Resources policies as the only applicable policy is related to restricting light and glare. The CCLUO and CMMLUO require that cultivation activities comply with International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1 and be designed to regulate light spillage onto neighboring properties resulting from backlight, uplight, or glare. The project is required to follow International Dark Sky Association Standards that exceed the requirements of Scenic Resources Standard SR-S4, Light and Glare, that lighting be fully shielded, and designed and installed to minimize off-site lighting and direct light within the property boundaries.
- f) The project is consistent with the Water Resources Element through the following project design elements: The project does not utilize diversion from a surface water source for irrigation, as water will come from rainwater catchment and permitted, hydrologically disconnected groundwater wells. The ponds will have overflow features constructed consistent with engineering professional standards by a qualified licensed engineer in accordance with Humboldt County Code and SWRCB regulations. Irrigation water will be applied at agronomic rates and detected leaks in the irrigation systems shall be fixed immediately to reduce runoff. All proposed structures and cultivation areas will be located outside of Streamside Management Area buffer zones.

Site drainage is addressed for the existing cultivation sites through existing enrollment in the State Water Board General Order and Site Management Plans (SMPs). The new cultivation areas are required to enroll and have SMPs as part of the permit conditions of approval. SMPs include erosion and sediment control best practicable treatment controls (BPTCs) designed to prevent, contain, and reduce sources of sediment. BPTC prescriptions may include rocking roads, maintaining rolling dips/water bars, and unplugging ditch relief culverts.

- g) The project complies with the Noise Element as there are no sensitive receptors which would be adversely affected by the project. Project parcels are next to a State Highway, and existing agriculture and timberlands. Project activities are not expected to generate significant noise levels that will exceed the Humboldt County General Plan Noise

Element standards. Project operations are subject to the ambient noise performance standards of the CCLUO and CMMLUO and Department Policy Statements. Noise from construction is managed through mitigation measure NO-1 limiting hours of operation and equipment use and establishing standards for maintenance.

- h) The project complies with the Safety Element of the General Plan as follows:

According to the Humboldt County Geographic Information System the project location is not within the 100-year floodplain of any surface water features. The proposed project site is mostly located within an area of low instability, though some areas are mapped high instability. No mapped historic landslides are present in the project area. The cultivation area in the area mapped high instability are flats with minimal slope.

There is adequate area for emergency equipment turnarounds and water sources dedicated to fire suppression. The site is located within the Bridgeville Fire Protection District.

5. FINDING:

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

EVIDENCE:

- a) The Agricultural Exclusive (AE) zone is intended to be applied in fertile areas in which agriculture is and should be the desirable predominant use and in which the protection of this use from encroachment from incompatible uses is essential to the general welfare.
- b) General agriculture is a principally permitted use in the Agricultural Exclusive (AE) zone.
- c) Humboldt County Code section 314-55.4.8.2.1 (CMMLUO) allows new cultivation on parcels five acres or larger in size on parcels zoned AE. Section 55.4.8.2.1.1 allows additional cultivation up to one acre for every 100 acres in parcel size when the parcel is over 320 acres. The legal parcel totals 812 acres in size.

The application for 43,560 square feet of new outdoor commercial cannabis cultivation is consistent with AE zone.

- d) All proposed structures meet appropriate setbacks.

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

- EVIDENCE:**
- a) The CMMLUO allows new cannabis cultivation to be permitted in areas zoned Agricultural Exclusive (AE) (HCC 314-55.4.8.2.1).
 - b) The parcel was created in compliance with all applicable state and local subdivision regulations as the configuration of APNs 210-054-008, 210-062-007 and 210-071-001 combined comprise one legal parcel as described in Notice of Merger 1916-015158.
 - c) The project will obtain water from rainwater catchment and permitted groundwater well(s) which are eligible water sources. The applicant has provided a rainwater catchment analysis demonstrating sufficient irrigation water can be collected in a low rainfall year.

The applicant has provided analyses conducted by a Geologist demonstrating that the groundwater wells are hydrologically disconnected for surface waters.

- d) The access road is publicly maintained and can accommodate the expected traffic.
- e) The slope of the land where existing cannabis will be cultivated is 0% to 15%. Grading is proposed for the rainwater catchment pond.
- f) The cultivation of new cannabis will not result in the net conversion of timberland.
- g) The location of the cultivation complies with all setbacks required in Section 314-55.4.11.d. It is more than 30 feet from any property line and more than 600 feet from any school, church, public park, or Tribal Cultural Resource. With exception to the setback reduction to 100 feet granted by the Bear River THPO.
- h) Energy is provided by PGE, solar panels with generator use for emergencies only.
- i) Cultivation is proposed to occur on prime soils per 55.4.8.2.1 of the CMMLUO. Coverage of prime soils by the proposed project is approximately 5%, which is below the 20% maximum allowed under the CMMLUO.

7. FINDING: The proposed new 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) The site is located on road that has been found to safely accommodate the amount of traffic generated by the proposed cannabis cultivation.
 - b) The site is in a rural part of the County where the typical parcel size is 40 acres or more 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 sizes in the area.
 - c) Irrigation water will come from a rainwater catchment and groundwater well(s) which are eligible water sources.
 - d) 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.

8. 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.

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

EVIDENCE: a) The project site is in the Van Duzen Planning Watershed, which under Resolution 18-43 is limited to 425 permits and 146 acres of cultivation. With the approval of the Conditional Use Permit, the total approved permits in this planning watershed would be 139 permits and the total approved acres would be approximately 48.27 acres of cultivation.

10. FINDING: Use of the groundwater well will not impact public trust resources.

EVIDENCE: a) The distance to public trust resources and the hydrologic disconnection to surface waters per the geologic analysis indicate there will be no impact to public trust resources.

DECISION

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

- Approves the Conditional Use Permit for Jennifer Dunn subject to the conditions of approval attached hereto as Attachment 1B2.

Adopted after review and consideration of all the evidence on **January 15, 2026**.

The motion was made by COMMISSIONER LORNA MCFARLANE and second by COMMISSIONER PEGGY O'NEILL and the following vote:

AYES: COMMISSIONERS: Iver Skavdal, Todd Fulton, Noah Levy, Jerome Qiriazzi, Peggy O'Neill, Sarah West, Lorna McFarlane
NOES: COMMISSIONERS:
ABSENT: COMMISSIONERS:
ABSTAIN: COMMISSIONERS:
DECISION: Motion passes 7/0

I, John H. Ford, Secretary to the Planning Commission of the County of Humboldt, do hereby certify the foregoing to be a true and correct record of the action taken on the above-entitled matter by said Commission at a meeting held on the date noted above.



John H. Ford, Director
Planning and Building Department

**CONDITIONS OF APPROVAL
PLN-12413-CUP**

APPROVAL OF THE CONDITIONAL USE PERMIT RMIT IS CONDITIONED ON THE FOLLOWING TERMS AND REQUIREMENTS.

A. Conditions that must be completed within specified time frames or completed prior to commencing cultivation.

1. Within 60 days of the effective date of project approval, the permittee 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 and Building Department.
2. Within 60 days of the effective date of project approval, the permittee shall pay 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. The permittee is responsible for costs for post-approval review for determining project conformance with conditions. Payment shall be made to the Humboldt County Planning Division, 3015 H Street, Eureka. Permit conformance with conditions must be demonstrated prior to release of building permit or initiation of use and at time of annual inspection.
3. Prior to any construction or development, the permittee shall:
 - a. Provide an update to the Site Plan to indicate the location of an adequate water source dedicated to fire suppression and location of emergency turnarounds.
 - b. Correctly list Well numbers and locations on the Site Plan and in the Operations Plan consistent with the well numbers assigned in the Geologist Reports.
 - c. Show parking and internal roads supporting greenhouses.
4. In accordance with Mitigation Measure AQ-1 during construction activities, the following dust control measures shall be implemented to reduce fugitive dust generation:
 - a. All active construction areas (e.g., staging areas, soil stockpiles, graded areas, etc.) shall be watered a minimum of two times per day during the dry season.

- b. Hydroseed or apply non-toxic soil stabilizers to inactive construction areas.
 - c. Dust-generating activities shall be limited during periods of high winds (over 15 mph).
 - d. All haul trucks transporting soil, sand, or other loose material, likely to give rise to airborne dust, shall be covered.
 - e. All vehicle speeds shall be limited to 15 miles per hour within the construction area.
 - f. Promptly remove earth or other tracked out material from paved streets onto which earth, or other material has been transported by trucking or earth-moving equipment.
 - g. Access of unauthorized vehicles onto the construction site during non-working hours shall be prevented.
5. In accordance with Mitigation Measure NO-1 The following shall apply to construction noise from tools and equipment:
- a. The operation of tools or equipment used in construction, drilling, repair, alteration, or demolition shall be limited to between the hours of 8 AM and 5 PM Monday through Friday, and between 9 AM and 5 PM on Saturdays.
 - b. No heavy equipment related construction activities shall be allowed on Sundays or holidays.
 - c. All stationary and mobile construction equipment shall be maintained in good working order.
6. Prior to commencing cultivation, the permittee shall install and maintain water meter(s) and monthly water usage logbooks to track water usage for cannabis irrigation for each authorized water source (rainwater and groundwater respectively). Records must be kept of monthly usage and made available during annual inspections.
7. Prior to commencing cultivation, the permittee shall provide a detailed water distribution site plan that shows the location of water distribution lines from the various water sources and demonstrate that only authorized water sources are allocated to the respective projects
8. Prior to commencing cultivation, the permittee shall provide documentation in the form of a Notice of Applicability and a Site Management Plan to demonstrate Water Board General Order enrollment.

9. Project-related development activities requiring ground disturbance that cannot occur outside the bird (including raptors) nesting season (February 1 – August 31), the following steps shall be taken to prevent the abandonment of active nests:
 - a. A qualified biologist shall conduct surveys no more than 7 days prior to each phase of construction activity on the project parcels.
 - b. If an active nest is located during the survey, a no-disturbance buffer shall be established around the nest by the qualified biologist, in consultation with California Department of Fish and Wildlife and the U.S. Fish and Wildlife Service.
 - c. Protective buffers (no-disturbance area around the nest) will be established at a distance determined by the biologist based on the nesting species, its sensitivity to disturbance, and type of and duration of disturbance expected. Protective buffers shall remain in place until young have fledged.
 - d. Construction activities outside buffers may proceed while active nests are being monitored, at the discretion of the qualified biologist. If active nests are found to be at risk due to construction activities, construction activities shall be delayed until the qualified biologist determines that the young have fledged.
10. Prior to commencing cultivation, the permittee shall provide documentation from Caltrans demonstrating that the encroachments to Highway 36 complies with applicable standards.

B. General Conditions

1. In accordance with mitigation measure CR-2:
 - a. Updated Site P-12-001107 setback reduction is allowed. The cannabis project must occur at least 100 feet from the resource boundary.
 - b. Isolate Areas WRA 01, WRA 02, and WRA 03 can be used if there is no ground disturbance and the areas are capped. Capping means adding 6 inches of base rock.
 - c. Existing Barn Within P-12-001107 can be used for drying if there is no ground disturbance of surrounding areas. Existing parking, areas and roads are to be capped with 6 inches of base rock. Use of barn for trimming is not allowed because of ground disturbance from required ADA parking spaces and septic system.

2. The cultivation area is limited to the amounts and type as described in the staff report and site plan. Cultivation area is limited to the proportion of irrigation water available from approved sources. If available irrigation water is less than the annual water budget, then the amount of cultivation will be reduced accordingly. Domestic water or other water sources shall not be used.
3. Processing such as trimming or packaging shall take place offsite at a licensed facility
4. Portable toilets may be used to support cultivation operations. Records of the provision of portable toilets must be kept and made available upon request during annual inspections.
5. There shall be no interconnectivity between the cannabis irrigation system and the any other water sources not specifically authorized by the permit.
6. Generator use is limited to emergencies only. Generators may not be used to supplement the solar system. PGE power must be provided through an eligible renewable energy program with documentation provided upon request during annual inspection.
7. No timber conversion is authorized. If a Registered Professional Forester determines tree removal is needed to protect the structures, then one of the following must occur:
 - a. Relocate the structure to avoid tree removal; OR
 - b. Remove the structure and convert to a compatible use (e.g. remove greenhouse and convert to full sun cultivation; OR
 - c. Provide additional biological assessment conducted by a qualified professional demonstrating to the satisfaction of the Planning and Building Department and CDFW that the tree removal will not have a significant impact on habitat or species or sensitive communities nor will result in timber conversion.
8. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. The Department will file the NOD and the applicant is responsible for this cost to the project.
9. 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.

10. 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 to keep the permit valid.
11. 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. 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.
12. If monofilament netting is used, best management practices must be implemented to ensure no wildlife entrapment or release into the environment. See also Condition of Approval C5.
13. The burning of plant material associated with the cultivation and processing of commercial cannabis is prohibited.
14. The permittee shall follow the Bullfrog management plan for as long as the pond is in use.
15. The permittee shall follow the Invasive Species Management plan for the life of the project.

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

1. 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, ground-stone 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.

2. 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. 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.

Additionally, noise at the property lines shall be as follows:

- 58dB at the eastern property line;
- 51 dB at the northern property line;
- 45dB at the western property line; and
- 43dB at the southern property line.

If more than one noise standard applies, the more restrictive standard shall be used.

3. All artificial lighting shall be fully contained within structures such that no light escapes (e.g., through blackout curtains). Structures shall be shielded between 30 minutes prior to sunset and 30 minutes after sunrise to prevent disruption to crepuscular wildlife. Security lighting shall be motion activated and comply with the International Dark-Sky Association standards and Fixture Seal of Approval Program. Standards include but are not limited to the following, 1) light shall be shielded and downward facing, 2) shall consist of low-pressure sodium light or low spectrum light emitting diodes with a color temperature of 3000 kelvins or less and 3) only placed where needed.
4. Should the Humboldt County Planning Division receive complaints that lighting or noise is not complying with the standards listed above in this permit, within ten (10) working days of receiving written notification that a complaint has been

filed, the applicant shall submit written verification that the light shielding and alignment, and noise levels have been repaired, inspected, and corrected as necessary.

5. The use of monofilament netting for erosion control shall be prohibited. Geotextiles, fiber rolls, and other erosion control measure materials shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves to minimize the risk of ensnaring and strangling wildlife.
6. All refuse shall be contained in wildlife proof containers, always, and relocated to an authorized waste management facility, in compliance with State and local laws, on a regular and on-going basis.
7. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and be allowed to leave the work site unharmed.
8. The use of anticoagulant rodenticide is prohibited.
9. The operator shall provide information to all employees about the potential health impacts of cannabis use on children. Information shall be provided by posting the brochures from the Department of Health and Human Services titled "Cannabis Palm Card" and "Cannabis Rack Card." This information shall also be provided to all employees as part of the employee orientation.
10. All components of the project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, the CCLUO, and these conditions of approval.
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. 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.
13. 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.
14. Applicant must adhere to and implement the Site Management Plan. A copy of the reporting form portion of the Mitigation and Reporting Program (MRP) shall be submitted to the Planning and Building Department upon request.
15. Applicant must demonstrate and maintain enrollment in Tier 1 or 2 in accordance with State Water Resources Control Board Order No. WQ 2019-0001-DWQ, 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 any applicable Lake and Stream Alteration (1600 or 1602) Agreement 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 logbooks 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 Business and Professions Code section 26051.5(a)(8), 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 Permit. Any Commercial Cannabis Cultivation permit issued pursuant to the CMMLUO or 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. Inspections. 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 Permit, immediately upon the expiration of any appeal period, or final determination of the appeal if an appeal has been timely filed.

The permit holder and subject property owner are to allow 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.

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 the CCLUO or 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.

Informational Notes:

1. None