RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT

Resolution Number 23-044

Record Number PLN-12778-CUP
Assessor's Parcel Numbers: 210-101-011-000

Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approves the NorCal 420 Patient Collective, Inc. Conditional Use Permit.

WHEREAS, NorCal 420 Patient Collective, Inc., submitted an application and evidence in support of approving a Conditional Use Permit for the continued operation of an existing 32,100 square feet (sf) of existing outdoor, light deprivation, mixed light commercial cannabis cultivation, and appurtenant nursery & on-site processing activities; and

WHEREAS, the County Planning Division, the lead agency, prepared an Addendum to the Final Mitigated Negative Declaration (MND) prepared for the Commercial Medical Land Use Ordinance (CMMLUO) adopted by the Humboldt County Board of Supervisors on January 26, 2016. The proposed project does not present substantial changes that would require major revisions to the previous Mitigated Negative Declaration. No new information of substantial importance that was not known and could not be known at the time was presented as described by §15162(c) of CEQA Guidelines; and

WHEREAS, the Humboldt County Planning Commission held a duly-noticed public hearing on May 4, 2023, 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:

FINDING: **Project Description:** The application for a Conditional Use Permit for 32,100 square feet existing commercial cannabis cultivation consisting of 22,186 square feet light deprivation, 4,214 outdoor, and 5,700 mixed light. Additionally, 3,210 square feet will be allocated for ancillary nursery space and mother stock propagation. The primary irrigation water source is a diversion from an onsite pond. Current water storage capacity onsite is 74,500; approximately 70,000-gallon pond and two (2) 1,000-gallon tanks, one (1) 2,500-gallon tank, and three (3) 225-gallon tanks. Proposed water storage is 100,000-gallons: twenty 5,000-gallon hard tanks. The anticipated annual irrigation water need is 185,000 gallons (5.24 gallons per square foot) Processing would be performed onsite. Up to nine (9) employees are expected for operations. The power is sourced from two (2) generators; however this project is proposed to be conditioned upon transition to renewable energy.

EVIDENCE: Project File: PLN-12778-CUP

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

EVIDENCE:

a) Addendum Prepared for the proposed project.

b) The proposed project does not present substantial changes that would require major revisions to the previous MND. No new information of substantial importance that was not known and could not be known at the time was presented as described by §15162(c) of CEQA Guidelines.

c) The applicant has enrolled in the State Water Resources Control Board's (SWRCB) General Order for Water Quality No. WQ 2019-001-DWQ. A Notice of Applicability letter was received by the applicant, showing proof of enrollment under WDID-1_12CC436121. The applicant is required to obtain a Site Management Plan and adhere to the recommendations in the Site Management Plan (09/17/2021) prepared for the compliance with the General Order.

d) The project parcel has two (2) points of diversion (POD1 & POD2) and one (1) groundwater well. POD1 is a concrete cistern placed in a spring and POD2 which is utilized for domestic purposes only and a man-made off-stream pond that is utilized for commercial cannabis irrigation. The applicant is proposing to utilize an existing pond for commercial cannabis irrigation water sources. There is 174,500 gallons water for current and proposed storage and the project is conditioned to develop a total of 210,000 gallons. The applicant has obtained a Streambed Alteration Agreement with the California Department of Fish & Wildlife for the in-stream work needed to upgrade two (2) culverts and replace an existing dirt ford on-site (SAA No. 1600-2016-0343-R1). The applicant shall adhere to the project description and work outlined within the SAA No. 1600-2016-0343-R1.

e) A Biological Assessment was conducted on June 23, 2021, by O'Brien Biological Consulting. The project is located approximately 0.54 miles to the nearest known Northern Spotted Owl (NSO) activity center. The nearest critical habitat for NSO is approximately 2.14 miles from the nearest cultivation site. The assessment suggested a strong likelihood that no significant impacts from the commercial cannabis cultivation would result to NSO nesting habitat. The assessment suggested a strong likelihood that no significant impacts from the commercial cannabis cultivation would result to NSO nesting habitat and the project is conditioned to follow the mitigation recommendations of the

assessment. The project was referred to CDFW on January 9, 2023, and no comments were received. The applicant is required to comply with International Dark Sky Standards, and shall ensure that all noise levels do not go above 50 decibels at 100-feet or any tree line when noise generating equipment are in use.

f) A Timber Restocking Plan by Timber Resource Consultants, dated January 18, 2019, was developed for the project due to the previous removal of timber from two (2) areas, each approximately 0.30 acres in size. The Registered Professional Forester (RPF) recommends restocking with Douglas-fir with a minimum of 130 seedlings. Per the conditions of approval, the applicant shall adhere to the recommendations of the RPF. No further timber removal is proposed.

g) The project site is located within the Bear River Band of Rohnerville Rancheria Aboriginal Ancestral Territories. The applicant has submitted a Cultural Resource Investigation prepared by Archaeological Research and Supply Co., dated April 2019. A comprehensive field survey was conducted in February of 2019. The project was referred to the Bear River Band of Rohnerville Rancheria and the Northwest Information Center (NWIC). The project is not anticipated to impact any tribal cultural resources; however, the applicant will be required to adhere to the inadvertent discovery protocol.

h) Access to the project site is from State highway 36 Road, by way of a non-County maintained Road. project was referred to the Department of Public Works on January 9, 2023, and comments were received by the agency on January 12, 2023. Comments from Public Works stated that any recommendations in the Road Evaluation Report(s) for non-County maintained road(s) and shall be constructed/implemented to the satisfaction of CalTrans and the Planning & Building Department prior to commencing operations, final sign-off for a building permit, or approval for a business license. The operations are pre-existing, and no increase in traffic is anticipated.

FINDINGS FOR CONDITIONAL USE 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) The proposed project is not planned or zoned as open space, does not have a combining zone that would be considered open space.

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

EVIDENCE

a) The Unclassified or U Zone is intended to be applied to areas of the County in which general agriculture uses is a desirable use.

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

c) Humboldt County Code section 314-55.4.8.2.2 allows cultivation of up to 43,560 square feet of existing outdoor cannabis and up to 22,000 sq. ft. of existing mixed-light cannabis on a parcel zoned U over 1 acres subject to approval of a Conditional Use Permit and a determination that the cultivation was in existence prior to January 1, 2016. The application for 32,100 sq. ft. of outdoor cultivation on a 52-acre parcel is consistent with this and with the cultivation area verification prepared by the County.

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

EVIDENCE

a) The CMMLUO allows existing cannabis cultivation to be permitted in areas zoned U (HCC 314-55.4.8.2.2).

b) The subject parcel has been determined to be a legal parcel created by deed recorded September 30, 1944, Book 269, Page 233 of Deeds Records of Humboldt County, California.

c) The project will obtain water from a man-made off-stream pond that is utilized for commercial cannabis irrigation. The applicant has obtained a final Streambed Alteration Agreement with the California Department of Fish & Wildlife for the in-stream work needed to upgrade two (2) culverts and replace an existing dirt ford on-site (SAA No. 1600-2016-0343-R1). The applicant shall adhere to the project description and work outlined within the SAA.

d) Access to the project site is from State highway 36 Road, by way of a non-County maintained Road. project was referred to the Department of Public Works on January 9, 2023, and comments were received by the agency on January 12, 2023. Comments from Public Works stated that any recommendations in the Road Evaluation Report(s) for non-County maintained road(s) and shall be constructed/implemented to the satisfaction of the Planning & Building Department prior to commencing operations, final sign-off for a building permit, or approval for a business license. The operations are pre-existing, and no increase in traffic is anticipated.

e) A Timber Restocking Plan by Timber Resource Consultants, dated January 18, 2019, was developed for the project due to the previous removal of timber from two (2) areas, each approximately 0.30 acres in

size. The logged areas were not for cannabis cultivation. The Registered Professional Forester (RPF) recommends restocking with Douglas-fir with a minimum of 130 seedlings. Per the conditions of approval, the applicant shall adhere to the recommendations of the RPF. No further timber removal is proposed.

f) The location of the cultivation complies with all setbacks required in Section 314-55.4.11.d. It is more than 30 from any property line, and more than 600 feet from any school, school bus stop, church or other place of religious worship, Public Park or Tribal Cultural Resource.

6. FINDING The cultivation of 32,100 square feet of cannabis cultivation and the conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

EVIDENCE

a) The site is in a rural part of the County where the typical parcel size is over 40 acres and many of the land holdings are very large. The proposed cannabis will not be in a location where there is an established neighborhood or other sensitive receptor such as a school, church, park or other use which may be sensitive to cannabis cultivation. Approving cultivation on this site and the other sites which have been approved or are in the application process will not change the character of the area due to the large parcel sized in the area.

b) The project will obtain water from a man-made off-stream pond that is utilized for commercial cannabis irrigation. The applicant has obtained a final Streambed Alteration Agreement with the California Department of Fish & Wildlife for the in-stream work needed to upgrade two (2) culverts and replace an existing dirt ford on-site (SAA No. 1600-2016-0343-R1). The applicant shall adhere to the project description and work outlined within the SAA.

c) The parcel is located in an area known to have a Very High Fire Hazard Severity, and is within the Bridgeville Fire Protection District for local fire response. The parcel is also located within the State Responsibility Area (SRA) where Cal Fire is the primary emergency response agency responsible for fire suppression and prevention. The project was referred to Cal Fire on April 6, 2023. CalFire responded to the referral on April 6, 2023, and stated that they had no comments regarding the project at that time. The Site Plan shows an emergency vehicle turnaround, and the applicant is required to have a minimum of 2,500 gallons of water storage specifically designated for fire suppression. The designated fire suppression tank shall also have the appropriate fire hose that meets CalFire SRA requirements.

d) Access to the project site is from State highway 36 Road, by way of a

non-County maintained Road. project was referred to the Department of Public Works on January 9, 2023, and comments were received by the agency on January 12, 2023. Comments from Public Works stated that any recommendations in the Road Evaluation Report(s) for non-County maintained road(s) and shall be constructed/implemented to the satisfaction of the Planning & Building Department prior to commencing operations, final sign-off for a building permit, or approval for a business license. The operations are pre-existing, and no increase in traffic is anticipated.

7. FINDING The proposed development does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.

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

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

EVIDENCE a) The project site is located in the Van Duzen Planning Watershed, which under Resolution 18-43 is limited to 425 permits and 146 acres of cultivation. With the approval of this project the total approved permits in this Planning Watershed would be 158 cultivation permits and the total approved acres would be 42.3 acres of cultivation.

DECISION

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

- Adopt the findings set forth in this resolution; and
- Conditionally approves the Conditional Use Permit for NorCal 420 Patient Collective Inc., based upon the Findings and Evidence and subject to the conditions of approval attached hereto as Attachment 1 and incorporated herein by reference; and

Adopted after review and consideration of all the evidence on **May 4, 2023**

The motion was made by COMMISSIONER Thomas Mulder and second by COMMISSIONER Iver Scavdal and the following ROLL CALL vote:

AYES:	COMMISSIONERS:	Iver Skavdal, Thomas Mulder, Noah Levy, Lonyx Landry, Peggy O'Neill, Brian Mitchell, Sarah West
NOES:	COMMISSIONERS:	
ABSENT:	COMMISSIONERS:	
ABSTAIN:	COMMISSIONERS:	
DECISION:	Motion carries 7/0	

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

John Ford, Director
Planning and Building Department

ATTACHMENT 1A

CONDITIONS OF APPROVAL

APPROVAL OF THE CONDITIONAL USE PERMIT AND SPECIAL PERMIT ARE CONDITIONED ON THE FOLLOWING TERMS AND REQUIREMENTS WHICH MUST BE SATISFIED BEFORE THE PROVISIONAL CANNABIS CULTIVATION PERMIT CAN BE FINALIZED.

A. General Conditions

1. The applicant is responsible for obtaining all necessary County and State permits and licenses, and for meeting all requirements set forth by other regulatory agencies.

2. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Planning and Building Department will provide a bill to the applicant after the decision. Any and all outstanding planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.

3. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions. A deposit is collected to cover this staff review. Permit conformance with conditions must be demonstrated prior to release of building permit or initiation of use and at time of annual inspection. A conformance review deposit as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently $750) shall be paid within sixty (60) days of the effective date of the permit or upon filing of the Compliance Agreement (where applicable), whichever occurs first. Payment shall be made to the Humboldt County Planning Division, 3015 "H" Street, Eureka.

4. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. 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 #16. The agreement shall provide a timeline for completing all outstanding items. All activities detailed under the agreement must be completed to the satisfaction of the Planning and Building Department before the permit may be finalized and no longer considered provisional.

6. Prior to initiating operation the applicant shall meet all of the requirements and obtain all necessary permits from the Division of Environmental Health. The applicant shall submit written verification from that agency verifying this requirement has been met.

7. The Applicant shall complete the order to abate the violations on the property including the junk vehicles and the solid waste as specified in the Code Enforcement Violation 18CEU-422 issued March 16, 2020, and pay any associated penalties prior to initiating any commercial cannabis cultivation operations.

8. The applicant shall secure building permits for all structures related to the cannabis cultivation and other commercial cannabis activity.

9. The applicant shall submit a grading, erosion and sediment control plan for any previous grading done in excess of 50 cubic yards. The plan shall identify the cubic yards of all grading that has been completed. A letter or similar communication from the Building Division verifying that all grading related to the cannabis cultivation operation are permitted, or not needed, will satisfy this condition.

10. The applicant shall have a fire suppression tank with a minimum of 2,500-gallon capacity. The designated fire suppression tank shall have the appropriate fire hose that meets CalFire SRA requirements.

11. The applicant is required to have a Site Management Plan (SMP) prepared for the project site to show measures required to meet compliance with the General Order No. WQ 2019-0001-DWQ, and a condition of approval for the project is to provide a copy of the final SMP report to the Planning Division, and to adhere to the corrective actions listed in the report.

12. 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.

13. 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.

14. The applicant shall transition to 100% renewable energy by May 4, 2026.

15. The applicant shall execute the Timber Restocking Plan requirements per the recommendations of the Registered Professional Forester.

16. Prior to initiating operations, the applicant shall meet all of the requirements and obtain all necessary permits from the Division of Environmental Health. The applicant shall submit a written verification from that agency verifying this requirement has been met.

17. The applicant shall install an additional 140,000 gallons of water storage on the property.

18. The applicant shall install water meters at the outflow of the pond and the outflow of the water tank farm and shall keep monthly records of water usage. The records shall be made available to the Planning Department at each annual inspection or as requested by planning staff.

19. Should the irrigation needs prove to be more than 185,000 gallons annually the cultivation area shall be reduced or the water storage shall be increased as appropriate.

20. Water sources located on APN 210-101-012-000, currently owned by Sierra Pacific Land & Timber Company, are prohibited for use for commercial cannabis purposes and specifically limited to "sufficient water for domestic and household purposes." Water sourced from APN 210-101-012-000 shall be metered separately from all other sources of water being utilized for APN 210-101-011-000 and reported annually to the Planning Department.

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

1. The applicant shall adhere to the ongoing monitoring and maintenance protocols listed in the table of the Water Resources Protection Plan.

2. The applicant shall adhere to the ongoing winterization and monitoring requirements in the final State Water Resources Control Board approved Site Management Plan.

3. The combination of background, generator and greenhouse fan or other operational equipment created noise must not result in the harassment of Northern Spotted Owl species as required to meet the performance standards for noise set by Department Policy Statement No. 16-005 clarifying CMMLUO Section 55.4.11 (o) requirements. The combined noise levels measured at 100 feet or the edge of habitat, whichever is closer, shall be at or below 50 decibels. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service, and further consultation where necessary. A building permit shall be obtained should any structures be necessary for noise attenuation.

4. All artificial lighting shall be fully contained within mixed-light and propagation structures such that no light escapes (e.g., through blackout tarps). Structures shall be enclosed between 30 minutes prior to sunset and 30 minutes after sunrise to prevent disruption to crepuscular wildlife. Security lighting shall be motion activated and comply with the International Dark-Sky Association standards and Fixture Seal of Approval Program; see: https://www.darksky.org/our-work/lighting/lighting-for-citizens/lighting-basics/. Standards include but are not limited to the following, 1) light shall be shielded and downward facing, 2) shall consist of Low-Pressure Sodium (LPS) light or low spectrum Light Emitting Diodes (LED) with a color temperature of 3,000 kelvins or less and 3) only placed where needed.

5. 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.

6. The applicant shall adhere to the project description and work outlined within the Streambed

Alteration Agreement No. 1600-2016-0343-R1 with CDFW.

7. Prohibition on use of synthetic netting. To minimize the risk of wildlife entrapment, Permittee shall not use any erosion control materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.

8. All refuse shall be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.

9. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and be allowed to leave the work site unharmed.

10. The use of anticoagulant rodenticide is prohibited.

11. All components of project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Cultivation & Operations Plan, and these conditions of approval. Changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan.

12. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CMMLUO and MAUCRSA, as applicable to the permit type.

13. 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.

14. 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.

15. 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.

16. 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).

17. Maintain enrollment in Tier 1, or 2 certification with State Water Resource Control Board (SWRCB) Order No. WQ 2019-0001-DWQ, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.

18. Comply with the terms of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (Cal Fire), if applicable.

19. Consent to an annual on-site compliance inspection, with at least 24 hours prior notice, to be conducted by appropriate County officials during regular business hours (Monday through Friday, 9:00 a.m. to 5:00 p.m., excluding holidays).

20. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.

21. Pay all applicable application, review for conformance with conditions and annual inspection fees.

22. Fuel shall be stored and handled in compliance with applicable state and local laws and regulations, including the County of Humboldt's Certified Unified Program Agency (CUPA) program, and in such a way that no spillage occurs.

23. The master log books maintained by the applicant to track production and sales shall be maintained for inspection by the County.

24. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).

<u>Performance Standards for Cultivation and Processing Operations</u>

25. Cultivators shall comply with all applicable federal, state, and local laws and regulations governing California Agricultural Employers, which may include federal and state wage and hour laws, Cal/OSHA, OSHA, the California Agricultural Labor Relations Act, and the Humboldt County Code (including the Building Code).

26. Cultivators engaged in processing shall comply with the following Processing Practices:
    a. Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.
    b. Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
    c. Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.

d. Employees must wash hands sufficiently when handling cannabis or use gloves.

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

28. All cultivators shall comply with the approved processing plan as to the following:
    a. Processing practices
    b. Location where processing will occur
    c. Number of employees, if any
    d. Employee Safety Practices
    e. Toilet and handwashing facilities
    f. Plumbing and/or septic system and whether or not the system is capable of handling increased usage
    g. Drinking water for employees
    h. Plan to minimize impact from increased road use resulting from processing
    i. On-site housing, if any

29. Term of Commercial Cannabis Activity Conditional Use Permit & Special Permits. Any Commercial Cannabis Cultivation CUP issued pursuant to the CMMLUO shall expire one (1) year after date of issuance, and on the anniversary date of such issuance each year thereafter, unless an annual compliance inspection has been conducted and the permittees and the permitted site have been found to comply with all conditions of approval.

30. If the inspector or other County official determines that the permittees or site do not comply with the conditions of approval, the inspector shall serve the permit holder with a written

statement identifying the items not in compliance, and the action that the permit holder may take to cure the noncompliance, or file an appeal within ten (10) days of the date that the written statement is delivered to the permit holder. Personal delivery or mailing the written statement to the mailing address listed on the application by regular mail, plus three (3) days after date of mailing, shall constitute delivery. The permit holder may request a reinspection to determine whether or not the permit holder has cured all issues of noncompliance. Failure to request reinspection or to cure any items of noncompliance shall terminate the Conditional Use Permit, immediately upon the expiration of any appeal period, or final determination of the appeal if an appeal has been timely filed pursuant to Section 55.4.13.

31. Permit Renewals to Comply with Updated Laws and Regulations. Permit renewal is subject to the laws and regulations effective at the time of renewal, which may be substantially different than the regulations currently in place and may require the submittal of additional information to ensure that new standards are met.

32. Acknowledgements to Remain in Full Force and Effect. Permittee acknowledges that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this section in the event that environmental conditions, such as a sustained drought or low flows in the watershed in which the cultivation area is located, will not support diversions for irrigation.

33. Transfers. Transfer of any leases or permits approved by this project is subject to the review and approval of the Planning Director for conformance with CMMLUO eligibility requirements and agreement to permit terms and acknowledgments. The fee for required permit transfer review shall accompany the request. The request shall include the following information:
    a. Identifying information for the new owner(s) and management as required in an initial permit application;
    b. A written acknowledgment by the new owner in accordance as required for the initial permit application;
    c. The specific date on which the transfer is to occur;
    d. Acknowledgement of full responsibility for complying with the existing permit; and
    e. Execution of an Affidavit of Non-diversion of Medical Cannabis.

34. Inspections. The permit holder and subject property owner are to permit the County or representative(s) or designee(s) to make inspections at any reasonable time deemed necessary to assure that the activities being performed under the authority of this permit are in accordance with the terms and conditions prescribed herein.

Informational Notes:

1. Pursuant to Section 314-55.4.11(a) of the CMMLUO, if upon inspection for the initial application, violations of any building or other health, safety, or other state or county statute, ordinance, or regulation are discovered, the Planning and Building Department may issue a provisional clearance or permit with a written approved Compliance Agreement. By signing the agreement, the permittee agrees to abate or cure the violations at the earliest opportunity but in no event more than two (2) years after the date of issuance of the provisional clearance

or permit. Plans for curing the violations shall be submitted to the Planning and Building Department by the permittee within one (1) year of the issuance of the provisional certificate or permit. The terms of the compliance agreement may be appealed pursuant to Section 314-55.4.13 of the CMMLUO.

2. This provisional permit approval shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"), except where the Compliance Agreement per Condition of Approval #8 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 the Ongoing Requirements/Development Restrictions, above.

3. If cultural resources are encountered during construction activities, the contractor on-site shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist and the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and the lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

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