

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

**Resolution Number 23-037**

**Record Number: PLN-12125-CUP**

**Assessor's Parcel Number: 216-136-004, 216-135-008**

**Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approving the Humboldt Kingz, LLC., Conditional Use Permit and Special Permit request**

**WHEREAS, Humboldt Kingz, LLC,** submitted an application and evidence in support of approving a Conditional Use Permit for the continued operation of an existing 37,250 square feet of outdoor cannabis cultivation operation with appurtenant propagation and processing activities. The project also includes a Special Permit for proposed restoration work within the Streamside Management Area (SMA);

**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 April 20, 2023, and reviewed, considered, and discussed the application for a Conditional Use Permit and Special Permit and reviewed and considered all evidence and testimony presented at the hearing.

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

**1. FINDING:**

**Project Description:** The application is a Conditional Use Permit to allow 37,250 square foot outdoor cannabis cultivation operation with appurtenant propagation and drying activities. Water for irrigation will be provided by a 6-million-gallon on-stream reservoir after approval by the State Water Board and CDFW, or rainwater catchment utilizing the rooftops of the cultivation structures and 400,000 gallons of rainwater catchment tanks (15,000 gallons existing and 385,000 gallons proposed). If approved the pond will also provide water for a proposed cannabis project on a separate legal parcel (PLN-12124-CUP). The applicant anticipates 400,000 gallons of water will be required annually for irrigation. Water storage onsite totals 6,015,000 gallons whereas 6 million gallons is from a 6-million-gallon onstream pond, and 15,000 gallons is sourced from hard tanks. Proposed water storage is 400,000 gallons in hard tanks if the on-stream pond cannot be permitted. Processing such as drying and curing are proposed onsite within an existing 1,440-square-foot dry shed. Further processing such as trimming is prosed offsite at a licensed processing facility. The applicant anticipates two (2) full-time employees, and six (6) seasonal employees will be required for a total of eight (8) employees at peak operations annually. Power for the project is currently provided by solar power and a generator. The applicant has been approved for DCC water and energy grants and is proposing to install a 15kw solar

array to reduce generator and fuel use by 88%. The applicant is proposing to transition generator use to PG&E power if available within five years.

**EVIDENCE:** Project File: PLN-12125-CUP

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

- EVIDENCE:**
- a) Addendum Prepared for the proposed project.
  - b) The proposed project does not present substantial changes that would require major revisions to the previous MND. No new information of substantial importance that was not known and could not be known at the time was presented as described by §15162(c) of CEQA Guidelines.
  - c) A Water Resources Protection Plan was prepared by the applicant to show compliance with the North Coast Regional Water Quality Control Board Order No. 2015-0023. The applicant has supplied a Notice of Applicability from the State Water Resources Control Board demonstrating enrollment. Submittal of the final Site Management Plan (SMP) and continued enrollment have been included as recommended conditions of approval.
  - d) A Lake and Streambed Alteration Agreement was submitted for the ongoing use and maintenance of the onstream pond, stream crossings, and water resources on additional parcels under the same ownership.
  - e) Botanical Survey Report prepared by Hohman & Associates dated October 2019. The survey concluded no protected rare or endangered plants were identified within the proposed disturbance areas or elsewhere on the Journey Aquarian property.
  - f) A Wetland Restoration Plan prepared by James Regan dated August 2019. The restoration plan provides proposed restoration activities that will provide erosion control, bank stability, habitat structure and diversity.
  - g) Engineering Geologic Evaluation and Soils Reporting for Existing and Proposed Improvements prepared by SHN Consulting Engineers and Geologists dated June 11, 2019. The evaluation and reporting concluded the existing or proposed pond improvements are unlikely to have deleterious impact on the surrounding geologic environment.

- 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 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.

**4. FINDING**

The proposed development is consistent with the purposes of the existing Agriculture Exclusive (AE) zone and Timberland Production Zone (TPZ) in which the site is located.

**EVIDENCE**

- a) The Agriculture Exclusive (AE) zone and Timberland Production Zone (TPZ) is intended to be applied to areas of the County in which general agriculture is an allowable use for AE and TPZ zones.
- b) All general agricultural uses are principally permitted in the AE and TPZ zone.
- c) Humboldt County Code section 314-55.4.8.2.2 allows up to 43,560 square feet of existing cannabis cultivation on parcels zoned AE and TPZ over five acres in size 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 37,250 square feet of existing cannabis cultivation on an 88-acre parcel zoned AE and TPZ is consistent with this and with the cultivation area verification prepared by the County.
- d) The applicant is requesting a Special Permit for the proposed work within the Streamside Management Area per Section 314-61.1.5 HCC.

**5. FINDING**

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

**EVIDENCE**

- a) The CMMLUO allows existing cannabis cultivation to be permitted in areas zoned AE and TPZ (HCC 314-55.4.8.2.2).
- b) APNs 216-135-008 and 216-136-004 comprise one legal parcel as demonstrated by Certificate of Subdivision Compliance 2019-008914, recorded May 23, 2019.
- c) The applicant has proposed to utilize the existing pond as an onstream reservoir. The applicant shall bypass all inflow to the pond during the dry season as required by State Water Board requirements. If the pond cannot be approved, the applicant has proposed to install additional hard sided tanks to store rainwater for cannabis activities.
- d) The location of the cultivation complies with all setbacks required in Section 314-55.4.11.d. It is more than 30 feet from any property line, more than 300 feet from any off-site residence, more than 600 feet from any school, church, or Tribal Cultural Resource.

**6. FINDING**

The cultivation of 37,250 square foot outdoor 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 evaluated by North Point Consulting, who prepared a Road Evaluation Report which indicates the road can safely accommodate the amount of traffic generated by the proposed cannabis cultivation.
- b) The site is in a rural part of the County where the typical parcel size is over 80 acres and many of the land holdings are very large. The proposed cannabis will not be in a location where there is an established neighborhood or other sensitive receptor such as a school, church, park or other use which may be sensitive to cannabis cultivation. Approving cultivation on this site and the other sites which have been approved or are in the application process will not change the character of the area due to the large parcel sized in the area.
- c) The location of the proposed cannabis cultivation is more than 300 feet from the nearest off-site residence.
- d) Irrigation water will come from an onstream reservoir. The applicant will bypass all inflow to the pond annually from April 1 to October 31. If the use of the pond is not approved by CDFW and the State Water Board the applicant has proposed additional water storage to meet projected demands.

**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. 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 the 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**

This project site is located in the Middle Main Eel planning watershed which is limited to 360 permits and 125 acres of cultivation. If approved, the Middle Main Eel planning watershed would have 102 approved permits for a total of 41.13 acres.

## DECISION

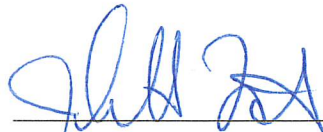
**NOW, THEREFORE,** based on the above findings and evidence, the Humboldt County Planning Commission does hereby:

- Adopt the findings set forth in this resolution; and
- Conditionally approve the Conditional Use Permit (PLN-12125-CUP) for Humboldt Kingz, LLC subject to the conditions of approval attached hereto as Attachment 1A.

The motion was made by COMMISSIONER Brian Mitchell and second by COMMISSIONER Lonyx Landry and the following ROLL CALL vote:

AYES:	COMMISSIONERS:	Noah Levy, Brian Mitchell, Thomas Mulder, Iver Skavdal, Lonyx Landry, Sarah West
NOES:	COMMISSIONERS:	
ABSENT:	COMMISSIONERS:	Peggy O'Neill
ABSTAIN:	COMMISSIONERS:	
DECISION:		Motion carries 6/0

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

## **CONDITIONS OF APPROVAL**

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

### **A. General Conditions**

1. The applicant is responsible for obtaining all necessary County and State permits and licenses, and for meeting all requirements set forth by other regulatory agencies.
2. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Planning and Building Department will provide a bill to the applicant after the decision. Any and all outstanding planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
3. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions. A deposit is collected to cover this staff review. Permit conformance with conditions must be demonstrated prior to release of building permit or initiation of use and at time of annual inspection. A conformance review deposit as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750) shall be paid within sixty (60) days of the effective date of the permit or upon filing of the Compliance Agreement (where applicable), whichever occurs first. Payment shall be made to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
4. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. Within three days of the effective date of permit approval the Department will file the NOD and will charge this filing 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. The applicant shall secure permits for all structures related to the cannabis cultivation and other commercial cannabis activity, including but not limited to, existing and proposed greenhouses, water tanks over 5,000 gallons existing and proposed structures associated with drying and storage or any activity with a nexus to cannabis, and any noise containment structures as necessary. The plans submitted for building permit approval shall be consistent with the project description and the approved project site plan. A letter or similar communication from the Building Division verifying that all structures related to the cannabis cultivation are permitted will satisfy this condition.
7. The applicant shall ensure all driveways and private road intersections onto the County Road shall be maintained in accordance with County Code Section 341-1 (Sight Visibility Ordinance). Final signoff from the department of Public Works will satisfy this condition.

8. The applicant shall ensure that 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. Final signoff from the department of Public Works will satisfy this condition.
9. At Harris Road, if the County Road has a gravel surface at the location of the access road, the access road shall be rocked for a minimum width of 20 feet and a length of 50 feet where it intersects the County maintained road. Final signoff from the department of Public Works will satisfy this condition.
10. The applicant shall adhere to and implement the recommendations found within the Wetland Restoration Plan prepared by James Regan (Botanist/Wetland Delineator) dated August 2019, subject to review and approval by CDFW. The applicant shall submit a copy of the annual Monitoring Plan that evaluates at least five (5) years of successful completion of restoration activities and the achievement of restoration goals. Confirmation from a qualified Biologist that the work has been completed will satisfy this condition.
11. The applicant shall adhere and implement the recommendations found within the Restoration Plan prepared by NorthPoint Consulting Group, Inc., dated September 2018. The applicant shall submit a copy of the Monitoring Plan that evaluates at least five (5) years of successful completion of restoration activities and the achievement of restoration goals. Confirmation from a qualified Biologist that the work has been completed will satisfy this condition.
12. The applicant shall adhere to and implement the relevant recommendations found within the Engineering Geologic Evaluation and Soils Report prepared by SHN dated June, 2019. Relevant recommendations include specific recommendations for parcels 216-136-004 and 216-135-008, and generic recommendations for site preparation and earthwork. As pond construction is no longer proposed, recommendations for pond construction are not included. A letter or similar documentation from a qualified professional verifying satisfactory completion of work will fulfill this condition.
13. The applicant shall obtain an appropriative water right from the State Water Resources Control Board for the use of the onstream pond for water storage in accordance with Requirement 79, Section 2, Appendix A of the State Water Resources Control Board Cannabis Cultivation Policy adopted February 5, 2019. If a water right and approval cannot be obtained for this use, the applicant shall obtain additional water storage tanks and utilize rainwater catchment as the only water source for this project. Final signoff from the Planning Department will satisfy this condition.
14. If the applicant proceeds with rainwater catchment as the sole water source for this project, the applicant shall increase rainwater catchment infrastructure and obtain hard tank water storage sufficient to store no less than 400,000 gallons of captured rainwater. Placement of water storage tanks shall be consistent with the approved Site Plan.
15. The applicant shall transition from generator use for operations to a minimum of 80% renewable energy (e.g., solar, wind, hydropower, grid power purchased from a renewable portfolio) sources by the end of 2026.
16. The applicant shall demonstrate that a properly functioning onsite wastewater treatment system serves the operation. This can be accomplished by either installing a new, permitted septic system; or by providing DEH with an assessment of the existing system performed by a

qualified professional engineer, geologist, soil scientist, or REHS that certifies that the existing system complies with the State RWQCB definition of a Tier 0 system - not impairing groundwater or surface water resources. Confirmation from the Department of Environmental Health that the work has been done will satisfy this condition. If the applicant chooses to do seasonal cultivation without processing, the applicant may use portable toilets to serve the operation. Final signoff from the Planning Department will satisfy this condition.

17. The applicant shall contact the local fire service provider [Alderpoint VFC Response Area] 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 Division. Document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors will be required.
18. 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.
19. 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.

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

1. The combination of background, generator and greenhouse fan or other operational equipment created noise must not result in the harassment of Northern Spotted Owl species as required to meet the performance standards for noise set by Department Policy Statement No. 16-005 clarifying CMMLUO Section 55.4.11 (o) requirements. The combined noise levels measured at 100 feet or the edge of habitat, whichever is closer, shall be at or below 50 decibels. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service, and further consultation where necessary. A building permit shall be obtained should any structures be necessary for noise attenuation.
2. All artificial lighting shall be fully contained within structures such that no light escapes (i.e., through the use of blackout curtains). Structures shall be enclosed between 30 minutes prior to sunset and 30 minutes after sunrise to prevent disruption to crepuscular wildlife. Security lighting shall be motion activated and comply with the International Dark-Sky Association standards and Fixture Seal of Approval Program (refer to <https://www.darksky.org/our-work/lighting/lighting-for-citizens/lighting-basics/>). Standards include, but are not limited to: Light shall 1) be shielded and downward facing, 2) consist of Low Pressure Sodium (LPS) light or low spectrum Light Emitting Diodes (LED) with a color temperature of 3000 kelvins or less, and 3) only placed where needed.
3. Should the Humboldt County Planning Division receive complaints that the lighting or noise is not complying with the standards listed above in items B.1. and B.2., within ten (10) working



days of receiving written notification that a complaint has been filed, the applicant shall submit written verification that the lights' shielding and alignment, and noise levels have been repaired, inspected, and corrected as necessary.

4. The applicant shall ensure that generators are equipped with non-resettable hour-meters. If a generator does not come equipped with a non-resettable hour-meter, an aftermarket non-resettable hour-meter shall be installed. Usage logs shall be maintained by the operator to be furnished during annual compliance inspections or as requested by the Planning Department.
5. 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.
6. If approved by CDFW and the State Water Resources Control Board to utilize the pond as an on stream reservoir, the applicant shall bypass all inflow to the reservoir during the annual surface water diversion forbearance period.
7. All refuse shall be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
8. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and be allowed to leave the work site unharmed.
9. The use of anticoagulant rodenticide is prohibited.
10. 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.
11. All components of project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, and these conditions of approval. Changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan. If offsite processing is chosen to be the preferred method of processing, this permit shall be modified to identify the offsite licensed facility.
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 North Coast Regional Water Quality Control Board (RWQCB) 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 any applicable Lake and Stream Alteration (1600 or 1602) Permit obtained from the California Department of Fish and Wildlife (CDFW).
19. 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.
20. 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).
21. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
22. Pay all applicable application, review for conformance with conditions and annual inspection fees.
23. 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.
24. The master log books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
25. 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

26. 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."
27. 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).
28. 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.
29. 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.
30. All cultivators shall comply with the approved processing plan as to the following:
  - a. Processing practices
  - b. Location where processing will occur

necessary to assure that the activities being performed under the authority of this permit are in accordance with the terms and conditions prescribed herein.

37. The applicant shall avoid the documented archaeological sites. The applicant is required to have a cultural monitor on-site full time during any ground disturbing activities to identify any evidence of tribal cultural resources.

**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 #5 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.