

## **CONDITIONS OF APPROVAL**

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

**A. Conditions subject to the compliance agreement must be satisfied before the provisional cannabis cultivation permit is no longer considered provisional. This section also includes conditions that must be completed within specified time frames or completed prior to commencing cultivation.**

1. Within 60 days of the effective date of permit approval, the permittee shall execute a Compliance Agreement with the Humboldt County Planning and Building Department described under Conditions of Approval A11, A12, A13, A19 and A20. All activities described in 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.
2. Within 60 days of the effective date of permit approval, the Permittee shall install water meters at two well heads, the point of diversion, the outlet of the rainwater collection pond, and/or the rainwater collection tanks. The permittee shall keep monthly records of water usage. The water meter records shall be made available to the Planning Department at each annual inspection or as requested by planning staff.
3. Prior to Cultivating in 2025, The permittee shall:
  - a. Ensure that the piping used to transport water from the Point of Diversion is removed from the channel of the tributary to Little Larabee Creek.
  - b. All unused waterline is properly secured, stored, or disposed of outside of the streamside management area.
  - c. Properly store all fertilizers, pesticides, and chemicals on site.
  - d. Fully contain all imported soil located onsite and remove and properly dispose of all discarded soil and trash at a waste management facility.
4. 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.
5. Within 60 days of the effective date of project approval, the permittee shall obtain a will serve letter from the Fire Protection District OR 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.

6. Within 60 days of the effective date of permit, the applicant shall submit a revised cultivation and operations plan detailing the following, in addition to what is currently described:
  - a. A maximum of 28,625 SF of cannabis onsite at any given time, limited to a maximum of 11,500 SF of mixed light cultivation and 10% nursery space, or 2,863 SF.
  - b. An analysis of the potential rainfall collection for the proposed rainwater catchment pond, and any collection from structures into storage, based on the average rainfall for the area and capacity/size of the proposed rain catchment pond.
7. Within 60 days of the effective date of permit approval or before initiating cultivation in 2025, whichever comes first, the applicant shall submit a revised plot plan detailing and showing the following, in addition to what is shown:
  - a. Revise the square footage of onsite cultivation and ancillary propagation areas to reflect a maximum of 28,625 SF of cannabis onsite at any given time, limited to a maximum of 11,500 SF of mixed light cultivation and 10% nursery space, or 2,863 SF, consistent with the County's cultivation area verification. The current Site Plan shows 28,625 SF of cultivation but labels for Mixed Light and Outdoor do not precisely align with the proposal.
  - b. Location of the point of diversion utilized for cannabis irrigation.
  - c. Location of adequate parking for up to 15 employees.
  - d. All areas of ground disturbance, including grading.
  - e. Respective buffers for all Streamside Management Areas (SMA) within the project vicinity, including the two watercourses shown to traverse the subject site.
8. Permittee must 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 alternatively, permittee shall provide 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. Until such time that this condition is satisfied, the permittee must use a portable toilet to support the cultivation operation.

9. The applicant shall implement any remaining corrective actions and measures detailed in the Water Resource Protection Plan (WRPP; WDID 1\_1B170161CHUM) prepared for the subject site by Natural Resources Management Corporation in October 2017 in compliance with the North Coast Regional Water Quality Control Board (NCRWQCB) Order No. R1-2015-0023. The applicant shall submit a letter or similar communication from a qualified professional (e.g., civil engineer or Registered Professional Forester) that the improvements were completed as recommended in the WRPP. A sign-off from the Planning Department will satisfy this condition.
10. The permittee shall have a dedicated fire suppression tank with a minimum of 2,500-gallon capacity. The designated fire suppression tank shall have the appropriate pipe size and valving requirements for such structures according to the Humboldt County Fire Safe Regulations Ordinance No. 2540 (Humboldt County, 2015) and shall meet minimum CalFire SRA requirements.
11. The Permittee shall secure building permits for all structures and grading associated with the cannabis cultivation project.
12. Little Larabee Creek Road shall be improved to commercial driveway standards. For driveway apron improvements, the applicant shall obtain an encroachment permit from Caltrans prior to commencing any work. This condition shall be completed to the satisfaction of Caltrans prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license. A letter or similar communication from Caltrans will satisfy this condition.
13. The applicant shall implement the recommendations contained in the Road Evaluation Report for Little Larabee Creek Road, prepared by DTN Engineering and Consulting in May 2018. Alternatively, the applicant may pay fair-share cost associated with the recommended improvements. The applicant shall obtain an encroachment permit from Caltrans prior to commencing any work. This condition shall be completed to the satisfaction of Caltrans prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license. A letter or similar communication from Caltrans will satisfy this condition.
14. Within one year of project approval, the applicant shall take steps to form a Road Maintenance Association for the maintenance of Little Larabee Creek Road. The necessary steps include sending notices to all road users of the requirement to form a Road Maintenance Association and conducting a meeting with the users of the road, especially those engaged in commercial cannabis activities to discuss formation of the

Road Maintenance Association. The applicant shall provide evidence, including notice, meeting minutes, and the decision as to whether a Road Maintenance Association is being formed to show this effort. In the event the applicant is unable to coordinate formation a Road Maintenance Association, the applicant shall pay fair-share cost for maintenance of the road to any road user engaged in maintaining the road. A sign-off from the Planning Department will satisfy this condition.

15. Pond development shall comply with the recommendations of the R-2 Soils Report prepared by Trinity Valley Consulting Engineers, Inc., May 2018, with addendum prepared in December 2022. A sign-off from the Building Inspection Division will satisfy this condition.
16. If the pond is not developed as specified in the Site Plan, Prior to cultivating cannabis in 2027, the permittee shall submit a modified site plan for the development of 250,000 gallons of usable water storage and shall develop and fill that storage. Usable storage shall mean appropriately located, plumbed, filled, and metered water storage.
17. No later than January 1, 2026, the permittee will develop and fully implement an alternative renewable energy (i.e., solar, wind, micro-hydro) plan for electricity serving the cannabis operation such that generator use may be reserved for emergency use only.
18. Prior to development of the proposed 400,000-gal. rain catchment pond the applicant shall secure grading permit from the Building Inspection Division and shall not construct the pond during the nesting raptor season (Feb 1 – July 31) unless surveys have been conducted by a qualified professional with experience in bird surveys. If any nests are observed, work within a 40-meter line of sight shall be avoided.
19. The applicant shall implement any remaining treatment measures identified in the Timber Conversion Evaluation prepared by Natural Resources Management Corporation. The applicant shall submit a letter or similar communication from a qualified professional (e.g., Registered Professional Forester) that the improvements were completed as recommended in the Report. A sign-off from the Planning Department will satisfy this condition.
20. Within 90 days of project approval the subject property shall be evaluated by a Professional Registered Forester (RPF) to determine the amount of timber conversion that occurred onsite after the CMMLUO baseline date of January 1, 2016. Any measures determined to be necessary by the RPF to mitigate unauthorized timber

conversion shall be implemented. The report shall contain a restocking plan with recommendations for restocking of any timber conversion that occurred after January 1, 2016, at a rate of 3:1. The Restocking Plan shall include details on the locations and total areas to be restocked, the type, number, and spacing of the plantings, and a monitoring plan for a minimum of three (3) years with an 85% success rate. A monitoring report prepared by a registered professional forester shall be submitted annually to the Planning and Building Department until the restocking is complete as indicated by the monitoring report. The timber conversion evaluation and restocking plan shall be submitted to the Planning Department for review and approval.

21. The applicant shall comply with the State Water Resources Control Board Cannabis Cultivation Policy, WQ 2019-0001-DWQ, which includes development and implementation of a Site Management Plan. A Site Management Plan shall be submitted to the SWRCB and a copy delivered to the Humboldt County Planning and Building Department within 180 days of the date of project approval.

**B. 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 permittee 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. Permittee is limited to 270,500 gallons of water withdrawals from both wells combined for the purposes of irrigating cannabis. See Condition A-2 for metering and record keeping requirements.
3. The permittee shall adhere to the ongoing monitoring and maintenance protocols listed in the table of the Water Resources Protection Plan as amended.

4. Generators shall be used for emergency purposes only.
5. 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.
6. All artificial lighting shall be fully contained within 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.
7. Should the Humboldt County Planning Division receive complaints that the lighting or noise is not complying with the standards listed above in items B.5 and B.6, within ten (10) working days of receiving written notification that a complaint has been filed, the permittee shall submit written verification that the lights' shielding and alignment, and noise levels have been repaired, inspected, and corrected as necessary.
8. 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.
9. All refuse shall be contained in wildlife proof storage containers, always, and disposed of at an authorized waste management facility. This includes plastic irrigation lines when not in use during the growing season.
10. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and be allowed to leave the work site unharmed.

11. The use of anticoagulant rodenticide is prohibited.
12. All components of the 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.
13. 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.
14. 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.
15. 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.
16. 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.
17. 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).
18. 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.

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 logbooks maintained by the permittee 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.).
26. The permittee is not allowed to utilize stringed lighting in the outdoor cultivation greenhouses, and this must be demonstrated through a site inspection.
27. The permittee is not allowed to process or package cannabis onsite until the Humboldt County Building Department has issued a certificate of occupancy for the proposed commercial structure shown on the site plan.

#### Performance Standards for Cultivation and Processing Operations

28. 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).



29. 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.

30. 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.

31. 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

32. 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.

33. 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.

34. 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.

35. 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 if 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.
36. 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:
- Identifying information for the new owner(s) and management as required in an initial permit application;
  - A written acknowledgment by the new owner in accordance as required for the initial permit application;
  - The specific date on which the transfer is to occur;
  - Acknowledgement of full responsibility for complying with the existing permit; and
  - Execution of an Affidavit of Non-diversion of Medical Cannabis.
37. 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:**

- Per Section 1273.03 of State Fire Safe Regulations: (a) At no point shall the grade for all roads and driveways exceed 16 percent; (b) The grade may exceed 16%, not to exceed 20%, with approval from the County of Humboldt Planning & Building Department with mitigations, such as paving, to provide for the same practical effect.
- The permittee shall be aware that the Federal Government considers the cultivation of cannabis to be an illegal activity. This project is accessed by using roads that pass-through lands owned by the Federal Government. The Federal Government may not allow the permittee to use these roads to transport cannabis. In such case, Humboldt County will not provide relief to the permittee. Approval of this permit does not authorize transportation of cannabis across Federal lands.