

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

Resolution Number 23-109

Record Number: PLN-11929-CUP

Assessor's Parcel Number: 212-311-002

Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approves the Georgi Stoyanov Special Permit request.

WHEREAS, Georgi Stoyanov submitted an application and evidence in support of approving a Special Permit for the continued operation of an existing 9,975 square foot (SF) outdoor cultivation utilizing light deprivation techniques and 980 SF of ancillary propagation. Irrigation water is sourced from a permitted groundwater well, and the applicant proposes to install rainwater catchment infrastructure as a supplemental water source. A hydrogeological report concludes the well is not hydrologically connected to surface waters or other significant groundwater sources. Existing available water storage is 6,300 gallons in four (4) hard-sided tanks, and the applicant proposes to obtain an additional 20,000 gallons of water storage. Estimated annual water usage is 132,000 gallons. Drying and processing occurs onsite in an existing residential accessory structure. No employees are required for project operations. Power is provided by Pacific Gas and Electric Company (PG&E); and

WHEREAS, the County Planning Division, the lead agency, prepared an Addendum to the Final 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. 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 November 30, 2023, and reviewed, considered, and discussed the application for a 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 Special Permit to allow an existing 9,975 square foot (SF) outdoor cultivation utilizing light deprivation techniques and 980 SF of ancillary propagation. Irrigation water is sourced from a permitted groundwater well, and the applicant proposes to install rainwater catchment infrastructure as a supplemental water source. A hydrogeological report concludes the well is not hydrologically connected to surface waters or other significant groundwater sources. Existing available water storage is 6,300 gallons in four (6) hard-sided tanks, with an additional 20,000 gallons of hard tank water storage proposed. Estimated annual water usage is 132,000 gallons. Drying and processing occurs onsite in an existing residential accessory structure. No

employees are required for project operations. Power is provided by Pacific Gas and Electric Company (PG&E).

EVIDENCE: a) Project File: PLN-11929-CUP

- 2. FINDING:** **CEQA.** The requirements of the California Environmental Quality Act have been complied with. The Humboldt County Planning Commission has considered 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, and the project specific Addendum to the MND.

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 Resource Protection Plan (WRPP; WDID 1B171720CHUM) was prepared by Timberland Resource Consultants for the subject site in April 2018 and revised in October 2018 in compliance with the North Coast Regional Water Quality Control Board (NCRWQCB) Order No. R1-2015-0023, and a Notice of Applicability (WDID 1_12CC417449; issued 9/6/19) was submitted by the applicant to show compliance with the State Water Board Cannabis General Order for Waste Discharge. Conditions of approval require the applicant to comply with the State Water Resources Control Board Cannabis Cultivation Policy, which includes development and implementation of a Site Management Plan, and maintain enrollment in the Cannabis General Order for the life of the project.
- d) Per review of CDFW's California Natural Diversity Database (CNDDB) in March 2022, the site is mapped within potential habitat area for two (2) special status species, including the American peregrine falcon (*Falco peregrinus anatum*) and the western bumble bee (*Bombus occidentalis*). The nearest Northern Spotted Owl (NSO) positive sighting is located approximately 0.22 miles from the cultivation area, with the nearest NSO activity center located approximately 1.03 miles away. Power at the site is provided by Pacific Gas and Electric Company (PG&E).

A Biological Reconnaissance Report (Biological Report) was prepared by Jessica R. Stauffer and Sean McAllister, wildlife biologists, in March 2019 (on file and confidential) to assess the suitability of the site to support special-status plant and animal species and evaluate potential impacts on sensitive biological resources associated with commercial cannabis cultivation. As noted in the Report, the project area lacks habitat for most special status plants on the scoping list and does not include special-status riparian habitat, waterways, or wetlands. Eighteen (18) wildlife species have a moderate or high potential for occurrence. Since the project proposes no new grading, disturbance to natural vegetation, or activities outside of the existing footprint, it is concluded the project would have no effect on

special status plants and natural communities, as well as no effect on riparian habitat or Waters of the United States, since there are no such features onsite. Additionally, significant impacts on special-status wildlife species are not anticipated, since the project is outside of their known ranges, suitable habitat is lacking, and the project does not involve habitat modification, significant noise disturbance, or unnatural lighting. If the project is modified or expanded in the future, it is recommended that seasonally appropriate surveys be conducted prior to any new construction, ground-disturbance, or vegetation removal, which has been included as an ongoing condition of approval.

Conditions of approval will require noise to be at below 50 decibels at 100 feet which is below the guidance established by the California Department of Fish and Wildlife for protection of the species. Additional conditions of approval require the applicant to implement light attenuation measures, refrain from using synthetic netting, ensure refuse is contained in wildlife proof storage, and refrain from using anticoagulant rodenticides to further protect wildlife. As proposed and conditioned, the project is consistent with CMMLUO performance standards and CDFW guidance and will not negatively impact NSO or other sensitive species.

- e) The cultivation of cannabis will not result in the net conversion of timberland. Review of aerial imagery dating back to 2004 indicates the site contained existing open areas along the northern and southeastern portions of the property; however, it appears that timber was removed from the site between 2014 and 2016 to accommodate two (2) greenhouses within the northern portion of the site. A third greenhouse appears to have been added to the northeastern corner of the site between 2016 and 2018.

A Timber Conversion Evaluation with Restocking Plan was prepared by Timberland Resource Consultants (TRC) in November 2018 to assess the amount of timberland conversion that has occurred on the subject property and associated impacts. The Report notes that 0.35 acres of unauthorized timberland conversion occurred onsite within the western cultivation area, which is under the three-acre conversion exemption maximum. In 2014, it is noted that a natural grassy opening was 0.20 acres, but in 2016, the total area was approximately 0.55 acres. Restocking at a ratio of 3:1 was recommended. Based on the 0.35-acre conversion, a minimum of 1.05 acres of restocking with conifers is required, which equates to a minimum of 500 redwood and/or Douglas-fir trees. A follow-up letter was prepared by TRC in April 2019 to confirm the required restocking occurred on February 5, 2019, in which 500 redwood seedlings were interplanted at a ratio of 3:1 on the areas shown on the maps in the Report. It is further noted in the letter that two (2) years of monitoring of the existing stocking and replanted redwood seedlings shall occur to ensure the area meets the stocking standards of 14CCR 912.7. A recommended condition of approval has been included to require confirmation from a Registered Professional Forester (RFP) that all recommendations from the Timber Conversion Evaluation, Restocking Plan, and follow-up letter have been completed and meets the stocking standards of 14CCR 912.7, including the required two (2) years of

monitoring. If restocking standards are found to not be met, a follow up report shall be prepared, which includes specific recommendations and requirements the applicant must follow to bring the site into compliance.

No additional tree removal is proposed or authorized by this permit.

- f) A Cultural Resources Investigation was prepared by Archaeological Research and Supply Company in February 2020 (on file and confidential), which concluded that the proposed project will not result in any adverse changes to historical or archaeological resources. The Report recommended Inadvertent Discoveries Protocol, as well as the Bear River Band of the Rohnerville Rancheria in March 2022, which has been included as an ongoing condition of approval.
- g) A Road Evaluation Report for the privately maintained road, from State Highway 254 to the subject property, was prepared in October 2019, which indicates that the roadway meets a Category 4 road equivalent standard and is suitable for safe access to and from the project site. Comments were received from the Department of Public Works, Land Use Divisions, dated December 2019, which provided a summary of the Road Evaluation Report and noted the project takes access from a non-county-maintained road that connects directly to a State Highway (State Highway 254). The project was referred to Caltrans District #1 in November 2019; however, no comments have been received to date. A condition of approval requires the applicant to ensure the driveway meets Caltrans' commercial driveway standards and sight distance. Any work to improve the driveway or sight distance within the State right-of-way will require an encroachment permit from Caltrans.

FINDINGS FOR SPECIAL PERMIT

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

EVIDENCE: a) General agriculture is a use type permitted in the Residential Agriculture (RA) 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 the 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 in which the site is located.

EVIDENCE: a) The Agriculture Exclusive or AE Zone is intended to be applied in fertile areas in which agriculture is and should be the desirable predominant use and in which the protection of this use from encroachment from incompatible uses is essential to the general welfare.

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

- c) Humboldt County Code section 314-55.4.8.2.2 allows cultivation of up to 10,000 square feet of existing outdoor cannabis and up to 10,000 square feet of existing mixed-light cannabis on a parcel over 1 acre subject to approval of a Special Permit and a determination that the cultivation was in existence prior to January 1, 2016. The application for 9,975 square feet of cultivation on a 14.5-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 AE (HCC 314-55.4.8.2.2).
 - b) The parcel was created in compliance with all applicable state and local subdivision regulations, as identified under a prior permit (Building Permit 91-0840-0B-3), approved June 6, 1991, by the Humboldt County Zoning Administrator.
 - c) Water for irrigation is provided by a permitted onsite groundwater well (18/19-1053). The onsite well is also registered with the California Department of Water Resources (WCR2019-010978). The well is located in the southern portion of the subject site. According to the Well Completion Report, the well is 200 feet deep. A blank is installed for the first 100 feet of the well, with a screen installed for the next 20 feet, and an additional blank installed for the last 80 feet in depth. The depth to first water was recorded at 105 feet below ground surface (bgs), with depth to static water level reported at 101 feet bgs.

A Hydrogeological Report was prepared by Pacific Watershed Associates (PWA) in May 2020. Per the Report, there is a Class III ephemeral stream located approximately 170 southwest and 34 feet downslope of the well head, and the South Fork Eel River is located approximately 900 feet to the southwest and approximately 300 feet in vertical relief from the well head location. The Report notes that, based on large scale geologic mapping of the area, the well is drilled within a thin (<0.5 km) mapped sliver of central belt Franciscan broken formation (cb1) bedrock. Based on the well screening between 100 and 120 feet bgs, this allows for groundwater to flow into the well casing from the blue fractured sandstone and be stored within the remaining well casing for use. For the approximate 80-100 feet of the well casing below the screened interval, it was calculated that approximately 470 to 580 gallons of water can be stored within the well. It is concluded that the onsite well is pulling water from fractured bedrock and not from surface water or near surface waters. It is further noted that "PWA believes that this well is not hydrologically connected to surface waters or other significant groundwater sources."

As the well is hydrologically disconnected from surface waters, it does not require additional water rights from the State Water Resources Control Board and is not subject to forbearance or water storage requirements. Conditions of approval require the applicant to monitor water use from the

well and water storage tanks annually to demonstrate there is sufficient water available to meet operational needs.

- d) A Road Evaluation Report for the privately maintained road, from State Highway 254 to the subject property, was prepared in October 2019, which indicates that the roadway meets a Category 4 road equivalent standard and is functionally appropriate for the expected traffic. Comments were received from the Department of Public Works, Land Use Divisions, dated December 2019, which provided a summary of the Road Evaluation Report and noted the project takes access from a non-county-maintained road that connects directly to a State Highway (State Highway 254). The project was referred to Caltrans District #1 in November 2019; however, no comments have been received to date. A condition of approval requires the applicant to ensure the driveway meets Caltrans' commercial driveway standards and sight distance. Any work to improve the driveway or sight distance within the State right-of-way will require an encroachment permit from Caltrans.
- e) The slope of the land where cannabis will be cultivated is 1-5%, as indicated by the Water Resource Protection Plan prepared for the site by Timberland Resource Consultants in April 2018 and revised in October 2018.
- f) The cultivation of cannabis will not result in the net conversion of timberland. Review of aerial imagery dating back to 2004 indicates the site contained existing open areas along the northern and southeastern portions of the property; however, it appears that timber was removed from the site between 2014 and 2016 to accommodate two (2) greenhouses within the northern portion of the site. A third greenhouse appears to have been added to the northeastern corner of the site between 2016 and 2018.

A Timber Conversion Evaluation with Restocking Plan was prepared by Timberland Resource Consultants (TRC) in November 2018 to assess the amount of timberland conversion that has occurred on the subject property and associated impacts. The Report notes that 0.35 acres of unauthorized timberland conversion occurred onsite within the western cultivation area, which is under the three-acre conversion exemption maximum. In 2014, it is noted that a natural grassy opening was 0.20 acres, but in 2016, the total area was approximately 0.55 acres. Restocking at a ratio of 3:1 was recommended. Based on the 0.35-acre conversion, a minimum of 1.05 acres of restocking with conifers is required, which equates to a minimum of 500 redwood and/or Douglas-fir trees. A follow-up letter was prepared by TRC in April 2019 to confirm the required restocking occurred on February 5, 2019, in which 500 redwood seedlings were interplanted at a ratio of 3:1 on the areas shown on the maps in the Report. It is further noted in the letter that two (2) years of monitoring of the existing stocking and replanted redwood seedlings shall occur to ensure the area meets the stocking standards of 14CCR 912.7. A recommended condition of approval has been included to require confirmation from a Registered Professional Forester (RFP) that all recommendations from the Timber Conversion Evaluation, Restocking Plan, and follow-up letter have been completed and meets the stocking standards of 14CCR 912.7, including the required two (2) years of

monitoring. If restocking standards are found to not be met, a follow up report shall be prepared, which includes specific recommendations and requirements the applicant must follow to bring the site into compliance.

No additional tree removal is proposed or authorized by this permit.

- g) The location of the cultivation complies with all setbacks required in Section 314-55.4.11.d. It is more than 30 feet from any property line, more than 300 feet from any off-site residence, more than 600 feet from any school, church, public park or Tribal Cultural Resource.

6. FINDING: The cultivation of 9,975 SF 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 located on road that has been certified to safely accommodate the amount of traffic generated by the proposed cannabis cultivation. The project is conditioned to require the applicant to ensure the driveway meets Caltrans' commercial driveway standards and sight distance. Any work to improve the driveway or sight distance within the State right-of-way will require an encroachment permit from Caltrans.
 - b) 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 a permitted groundwater well (18/19-1053). A Hydrogeological Report was prepared by Pacific Watershed Associates (PWA) in May 2020, which concludes the well is not hydrologically connected to surface waters or other significant groundwater sources.
 - e) Provisions have been made in the applicant's proposal to protect water quality and thus runoff to adjacent property and infiltration of water to groundwater resources will not be affected.

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 is currently developed with an existing residence. The approval of cannabis cultivation on this parcel will not conflict with the ability for the existing residence to continue to be utilized 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 South Fork Eel Planning Watershed, which under Resolution 18-43 is limited to 730 permits and 251 acres of cultivation. With the approval of this project the total approved permits in this Planning Watershed would be 306 permits and the total approved acres would be 84.6-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 Special Permit for Georgi Stoyanov subject to the conditions of approval attached hereto as Attachment 1A and the Cultivation Operations Plan attached hereto as Attachment 1B and Site Plan attached hereto as Attachment 1C.

Adopted after review and consideration of all the evidence on November 30, 2023.

The motion was made by COMMISSIONER Sarah West and second by COMMISSIONER Peggy O'Neill and the following ROLL CALL vote:

AYES: COMMISSIONERS: Thomas Mulder, Peggy O'Neill, Noah Levy
Sarah West, Lonyx Landry

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS: Brian Mitchell

ABSTAIN: COMMISSIONERS: Iver Skavdal

DECISION: Motion Carries 5/0/1/1

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



John H. Ford, Director
Planning and Building Department

CONDITIONS OF APPROVAL

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

A. General Conditions

1. The applicant is responsible for obtaining all necessary County and State permits and licenses, and for meeting all requirements set forth by other regulatory agencies.
2. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Planning and Building Department will provide a bill to the applicant after the decision. Any and all outstanding planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
3. The applicant is responsible for costs for post-approval review for determining project conformance with conditions. A deposit is collected to cover 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 #17 #18. 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. Within 60 days of the effective date of permit approval the applicant shall submit evidence demonstrating a reduction the size of the ancillary nursery space to 980 SF. Verification from Planning Division staff will satisfy this condition.
7. The applicant shall secure building 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, 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.

8. The applicant shall remove all historic cultivation materials as described in the Historic Cultivation Report from Nick Angeloff, MA, and provide photographic evidence via an implementation report for review and approval by Planning Division staff.
9. The applicant shall submit written and stamped confirmation from a Registered Professional Forester (RFP) that all recommendations from the Timber Conversion Evaluation and Restocking Plan (prepared by Timberland Resource Consultants (TRC) in November 2018), and follow-up letter (prepared by TRC in April 2019) have been completed and meets the stocking standards of 14CCR 912.7, including the required two (2) years of monitoring. If restocking standards are found to not be met, a follow up report shall be prepared, which includes specific recommendations and requirements the applicant must follow to bring the site into compliance. A sign-off from the Planning Division will satisfy this condition.
10. The applicant shall improve the driveway to California Department of Transportation (Caltrans) commercial driveway standards and sight distance, as required. The applicant shall obtain an encroachment permit from Caltrans prior to commencing any work. A letter or similar communication from Caltrans verifying work has been completed to Caltrans satisfaction, or alternatively verification that work is not needed, will satisfy this condition.
11. The applicant shall finalize the Notification of Lake or Streambed Alteration submitted to the California Department of Fish and Wildlife (CDFW), date stamped received by the County on 10/31/19, and adhere to the Final Streambed Alteration Agreement issued by CDFW and comply with all applicable terms. Reporting requirements shall be submitted to the Planning Division and the California Department of Fish and Wildlife at 619 Second Street, Eureka, CA 95501, no later than December 31 of each year.
12. Within 60 days of project approval, the applicant shall submit documentation demonstrating the removal of invasive Yellow starthistle near cultivation sites. Final signoff from the Planning Department staff will satisfy this item.
13. Within 60 days of project approval, the applicant shall submit evidence demonstrating all imported soils are contained in a manner intended to prevent erosion, sedimentation, nutrient runoff, or spread of invasive plant species. Final signoff from the Planning Department will satisfy this condition.
14. All trash and infrastructure supporting an old drying/processing site shall be removed and disposed of properly at a waste transfer station. Final signoff from the Planning Department staff will satisfy this item.
15. The applicant shall implement any remaining corrective actions identified in the Water Resource Protection Plan (WRPP; WDID 1B171720CHUM) prepared by Timberland Resource Consultants for the subject site in April 2018 and revised in October 2018). The applicant shall submit a letter or similar communication (Implementation Report with photographs) from a qualified professional stating the recommendations are completed as described by the WRPP. Final sign-off from the Planning Division will satisfy this condition.

16. The applicant shall submit copies of all documents filed with the State Water Resources Control Board, including, but not limited to, a Site Management Plan. The applicant is required to adhere to and implement the requirements contained in the SWRCB's Cannabis Cultivation Policy, the General Order, the Site Management Plan, and the Notice of Applicability. A copy of the reporting form portion of the Mitigation and Reporting Program (MRP) shall be submitted annually to the Planning and Building Department concurrent with the submittal to the SWRCB.
17. The applicant shall install and utilize a water meter to track irrigation water use, separate from domestic use of the well. The water use for cultivation is limited to the use of the well and amount of water available in storage tanks and water use logs shall be provided annually prior to or during the annual inspection.
18. The applicant shall install the proposed 20,000 gallons of hard tank water storage as identified in the Cultivation Operations Plan and Site Plan within two years of project approval (November 30, 2025). The applicant shall install additional hard tank water storage for a total 50,000 gallons within five years of project approval (November 30, 2028).
19. 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.
20. 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.
21. 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.

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 (e.g., through 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; 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 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 construct noise containment structures for all generators used on the parcel. The applicant shall obtain all required building permits for such structures. The applicant shall maintain generator, fan, and dehumidifier noise at or below 50 decibels at the edge of the clearing or 100 feet, whichever distance is closer. This will satisfy the auditory disturbance guidance prepared by the U.S. Fish and Wildlife (USFS), California Fish and Wildlife (CDFW) and Department Policy Statement No. 16-005 to minimize impacts to the Northern Spotted Owl and Marbled murrelet. All generators must be located on stable surfaces with a minimum 200-foot buffer from Class I and Class II streams, per the requirements of CDFW. No generator use is authorized by this permit until the applicant can demonstrate to compliance with this standard.
5. In compliance with the recommendations included in the Biological Reconnaissance Report, by Jessica R. Stauffer and Sean McAllister, wildlife biologists, in March 2019, if the project is modified or expanded in the future, seasonally appropriate surveys shall be conducted prior to any new construction, ground-disturbance, or vegetation removal.
6. Prohibition on use of synthetic netting. To minimize the risk of wildlife entrapment, Permittee shall not use any erosion control and/or cultivation 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.
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. Any spent soils containing inorganic materials that cannot be amended or reused shall be removed from the property and disposed of properly at an authorized waste management facility. The applicant shall retain records demonstrating proper disposal of soils to be furnished during annual inspections upon request.
11. The applicant shall engage in ongoing monitoring and removal of invasive plant species, including Yellow starthistle, in proximity to the cultivation areas and other cannabis related infrastructure.

12. 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.
13. 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.
14. 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.
15. 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.
16. 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.
17. 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.
18. 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).
19. Maintain enrollment in Tier 1, 2, or 3, certification with North Coast Regional Water Quality Control Board (RWQCB) Order No. R1-2015-0023, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
20. Comply with the terms of the Final Lake and Streambed Alteration Agreement (EPIMS-HUM-09230-R1), as well as any subsequent amendments, obtained from the California Department of Fish and Wildlife (CDFW).

21. 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.
22. 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).
23. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
24. Pay all applicable application, review for conformance with conditions and annual inspection fees.
25. 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.
26. The master log books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
27. 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

28. Pursuant to the MCRSA, Health and Safety Code Section 19322(a)(9), an applicant seeking a cultivation license shall "provide a statement declaring the applicant is an 'agricultural employer,' as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 commencing with Section 1140) of Division 2 of the Labor Code), to the extent not prohibited by law."
29. 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).
30. 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.
31. 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.
32. 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
33. Term of Commercial Cannabis Activity Special Permit. Any Commercial Cannabis Cultivation Permit 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.

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 Special Permit, immediately upon the expiration of any appeal period, or final determination of the appeal if an appeal has been timely filed pursuant to Section 55.4.13.

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 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.
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:
 - 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.
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:

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 #6 has been executed and the corrective actions are being undertaken. Once building permits have been secured and/or the use initiated

pursuant to the terms of the agreement, the use is subject to the Permit Duration and Renewal provisions set forth in Conditions of Approval #30 and 31 of 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.