

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

Resolution Number 22-054

Record Number PLN-2021-17162

Assessor's Parcel Number: 107-106-006

Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approves the Nava Ranch, LLC Special Permit.

WHEREAS, Nava Ranch, LLC, submitted an application and evidence in support of approving a Special Permit for 24,300 square feet of mixed light cannabis cultivation;

WHEREAS, the County as lead agency, prepared an Addendum to the Environmental Impact Report (EIR) prepared for the Commercial Cannabis Land Use Ordinance (CCLUO) adopted by the Humboldt County Board of Supervisors on May 8, 2018. The proposed project does not present substantial changes that would require major revisions to the Environmental Impact Report. No new information of substantial importance that was not known and could not be known at the time was presented as described by §15162(c) of CEQA Guidelines; and

WHEREAS, the Humboldt County Planning Commission held a duly-noticed public hearing on **May 5, 2022**, and reviewed, considered, and discussed the application for 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:** A Special Permit for expansion of approved project PLN-12657-SP. The project will consist of 24,300 square feet (SF) of mixed light cultivation in up to twelve (12) greenhouses and 2,500 SF of indoor cultivation in a converted barn. The original project consisted of 6,600 square feet of mixed light cultivation, 2,700 square feet of outdoor cultivation, and 2,500 square feet of indoor cultivation. The outdoor cultivation will be converted to mixed light and the total mixed light cultivation area will be expanded to one acre. This represents a total increase of 15,000 SF of mixed light cultivation area. The applicant hopes to achieve up to three (3) harvests annually. All water will be sourced by rainwater catchment from an existing pond, a proposed pond, and an existing rooftop rainwater catchment system. The estimated water needed annually for irrigation is approximately 550,000 gallons (20.5 gal/sq.ft./yr). The ponds will total approximately 1,050,000 gallons of storage, and twelve (12) 5,000 gallon tanks are proposed, for a total of 1,110,000 gallons of water storage. There is also one separate 5,000 gallon tank designated for fire suppression. Drying, trimming, and processing will occur onsite in the existing 900 SF storing, processing, and packaging building. Operations will utilize one (1) full-time employee, up to three (3) additional seasonal employees, and up to four (4) family members, totaling eight (8) laborers. There is a portable restroom facility on site for employees, and a cannabis support building is proposed with

an additional septic system. Power is sourced from PG&E via a green energy program and there is an existing solar array onsite featuring six (6) panels with outputs of 235 watts each. There is a 25 kilowatt (kW) Whisperwatt generator kept onsite for emergency use only.

EVIDENCE: a) Project File: PLN-2021-17162

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 Environmental Impact Report (EIR) prepared for the Commercial Cannabis Land Use Ordinance (CCLUO) adopted by the Humboldt County Board of Supervisors on May 8, 2018.

- 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 EIR. No new information of substantial importance that was not known and could not be known at the time was presented as described by § 15162(c) of CEQA Guidelines.
 - c) The project is conditioned to enroll in the State Water Resource Control Board Order No. WQ 2019-0001-DWQ, and to have a Site Management Plan prepared to show measures required to meet compliance with the standard conditions of the Order.
 - d) The applicant is required to adhere to inadvertent discovery protocols for archaeological resources.
 - e) An Invasive Species Control Plan was prepared for the project, and the applicant is conditioned to adhere to the recommendations within the Plan.
 - f) A Biological Reconnaissance Survey Report was prepared by Naiad Biological Consulting dated April 7th, 2021, and a Botanical Survey Report was prepared by Michael Weldon dated July 8th, 2021. Recommended mitigation measures for the project have been included in the conditions of approval prior to commencing activities onsite.
 - g) The Cultivation and Operation Plan states that the only water sources are via rainwater catchment, so no instream work is required for the project.

FINDINGS FOR THE 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 Agriculture Exclusive (AE) land use designation. The proposed cannabis cultivation, an agricultural product, is within land planned and zoned for agricultural purposes, consistent with the use of Open Space land for managed production of resources. The use of an agricultural parcel for commercial agriculture is consistent with the Open Space Plan and Open Space Action Program. Therefore, the project is consistent with and complimentary to the Open Space Plan and its Open Space Action Program.
- b) The site has been determined to be in an area of Moderate Instability for seismic safety, and the applicant has obtained an R-2 Soils Report (RSR) for the proposed development. The RSR was prepared by Allan Baird of A.M. Baird Engineering and Surveying, Inc. The RSR states that the entire property appears stable and should continue to be stable, provided that the report's recommendations are followed.

There is a Grading and Erosion Control Plan which proposes grading of slopes which are greater than 15%, however the as-built grading plan within that plan shows that these slopes are likely a result of previous grading activities associated with the existing cultivation from PLN-12657-SP, so those slopes have been considered pre-disturbed area.

- c) The subject parcel contains one (1) Class II watercourse and one (1) Class III watercourse which were identified in the Biological Reconnaissance Survey Report (BRSR) prepared for the site. No hydric soils were found in the two (2) test pits dug into the most probable areas with proximity to the project site, so it is unlikely that any wetland habitats have potential to be impacted by the proposed project. Because of this, a protocol-level wetland determination was not performed and is not recommended by the BRSR. A 150 ft buffer from the edge of the Class II watercourse and a 50 ft buffer from the edge of the Class III watercourse are recommended by the BRSR, and the project area is well outside of each of these buffers. Map 3 in the BRSR shows the location of these watercourses and their buffers in relation to the project area.

4. FINDING

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

EVIDENCE

- a) The Agriculture Exclusive or AE zone is intended to be applied to areas of the County 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 55.4.6.1.2 (b) allows cultivation of up to 43,560 square feet of new outdoor and mixed light cannabis cultivation on a parcel over 10 acres, subject to approval of a Special Permit, in AE, AG, FR, and U zones, provided that the U zone is accompanied by a Resource Production General Plan land use designation. The application for new operation of 24,300 square feet of mixed light cultivation on a 37-acre parcel is consistent with this.

5. FINDING

The proposed development is consistent with the purposes of the existing B-5(160) combining zone in which the site is located.

EVIDENCE

- a) The Special Building Site Combining of B Zones are intended to be combined with any principal zone in which sound and orderly planning indicate that lot area and yard requirements be modified. Zones with a minimum lot size of 2.5 acres or greater have their setbacks modified to 20 feet from the front yard and rear yard lot lines, and 30 feet from the interior side yard lot lines. The subject parcel does not have exterior side yard lot lines, and the project is within all of these setbacks.
- b) The B-5(160) zone sets a minimum building site area of 160 acres. The size of the parcel is not proposed to change as a part of this Special Permit.

6. FINDING

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

EVIDENCE

- a) The CCLUO allows up to 1-acre of new commercial cannabis cultivation to be permitted in areas zoned AE (HCC 314-55.4.6.1.2 (b)) with a Special Permit.
- b) The subject parcel has been determined to be one legal parcel as shown on the Parcel Map recorded in Book 107 of Parcel Maps page 10 and created by creation deed in 1934 in Book 215 of Deeds, page 141.
- c) The project will obtain water from a non-diversionary water source.
- d) Access to the site is from Landergen Road, a paved County-maintained road, and from Smith-Etter Road, a dirt road maintained by the Bureau of Land Management. The applicant for PLN-12657-SP submitted a road evaluation report for Landergen Road and Smith-Etter Road self-certifying that both are developed to the equivalent of a Category 4 road standard. It has been determined that the access roads meet the functional capacity required for the project.
- e) Some of the slope of the land where cannabis will be cultivated and development is proposed is presently greater than 15% due to grading associated with the historic cultivation. The pre-disturbed area will be graded to slopes of less than 15% prior to further development and

cultivation.

- f) No timber conversion has occurred or is proposed on the project site.
- g) The location of the cultivation complies with all setbacks required in Section 314-55.4.6.4.4 (a-f). It is more than 30 feet from any property line, more than 300 feet from any off-site residence, more than 270 feet from any adjacent undeveloped parcel, more than 600 feet from any school, church or other place of religious worship, Tribal Cultural Resource, or school bus stop, and more than 1,000 feet from any known Tribal Ceremonial Sites. The proposed cultivation is roughly 100 feet from Kings Range National Conservation Area on the adjacent property and the proposed rainwater catchment pond is roughly 30 feet from the Kings Range National Conservation Area. PLN-12657-SP included a setback reduction permit allowing cultivation nearer to the Kings Range National Conservation Area, while this proposed expansion will be further back from what was approved, given that it is an expansion staff believes this requires an additional setback reduction to be approved for the expanded cultivation.

7. FINDING

The cultivation of 24,300 square feet of new mixed light commercial cannabis 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) Landerger Road and Smith-Etter Road have been self-certified by the applicant to be developed to the equivalent of a Category 4 road standard and are County-maintained and Bureau of Land Management-maintained respectively.
- b) The location of the proposed cannabis cultivation is more than 300 feet from the nearest off-site residence and more than 270 feet from any adjacent undeveloped parcel.
- c) All irrigation water will come from rainwater catchment.
- d) The slope where portions of the project will occur are presently greater than 15% due to grading associated with the historic cultivation. The pre-disturbed area will be graded to slopes of less than 15% prior to further development.

8. FINDING

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

EVIDENCE

- a) The parcel was not included in the housing inventory of Humboldt County's 2019 Housing Element but does have two housing units. The

approval of cannabis cultivation on this parcel will not remove these residences.

- b) The parcel's land use is Agricultural Grazing, which has a density range of 20 to 160 acres per unit. The parcel has two residential units and is assessed at 37 acres, so the onsite density of 18.5 acres per unit, below the acceptable range, so additional residences could not be approved in the future.

9. FINDING

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

EVIDENCE

The project site is located in the Cape Mendocino 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 214 permits and the total approved acres would be 77.19 acres of cultivation.

DECISION

NOW, THEREFORE, the Humboldt County Planning Commission does hereby:

- Adopts the findings set forth in this resolution; and
- Approves the Special Permit for Nava Ranch, LLC, subject to the conditions of approval attached hereto as Attachment 1

Adopted after review and consideration of all the evidence on **May 5, 2022**.

The motion was made by COMMISSIONER Melanie McCavour and seconded by COMMISSIONER Noah Levy and the following ROLL CALL vote:

AYES: COMMISSIONERS: Melanie McCavour, Noah Levy, Mike Newman, Thomas Mulder
NOES: COMMISSIONERS: Brian Mitchell, Alan Bongio
ABSENT: COMMISSIONERS: Peggy O'Neill
ABSTAIN: COMMISSIONERS:
DECISION: Motion Carries 4/2/1

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



John Ford, Director,
Planning and Building Department

ATTACHMENT 1

CONDITIONS OF APPROVAL

APPROVAL OF THE SPECIAL PERMIT IS CONDITIONED ON THE FOLLOWING TERMS AND REQUIREMENTS WHICH MUST BE SATISFIED BEFORE THE PROJECT MAY BEGIN OPERATING

A. General Conditions

1. Effectuation of this permit expires the original permit, PLN-12657-SP. Once effective, the only approved permit is PLN-2021-17162.
2. 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.
3. 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.
4. 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.
5. 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.
6. Prior to expansion of the cultivation area, the applicant shall demonstrate with documentation from a qualified professional that there is sufficient power on the site to serve the cultivation activities and the residences on site. The power may come from PG&E or from a renewable source of power. Generator use is not allowed as a primary power source and may only be used as backup power.
7. All power shall be sourced from PG&E's RePower Plus or other renewable energy program and/or on-site solar energy or other on-site renewable energy. The applicant shall submit evidence of enrollment in the renewable energy program at each annual inspection or as otherwise requested by Planning staff.
8. The applicant shall secure permits for all structures related to the cannabis cultivation and other commercial cannabis activity, including but not limited to up to thirteen (13) greenhouses, one (1) indoor cultivation building, one (1) drying and processing building, one (1) chemical storage building, the new rainwater catchment pond, and any other structures with a nexus to cannabis. 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.

9. The applicant shall secure all required grading permits from the Building Inspection Division for all earthwork performed (i.e. unpermitted grading) and proposed related to the cannabis operation.
10. The applicant shall adhere to the implementation measures within the Grading, Drainage & Erosion Control Plan and the R-2 Soils Report. A letter or similar communication from the project engineer or architect stating that all work has been completed in the Grading, Drainage & Erosion Control Plan shall satisfy this requirement.
11. The project shall enroll in the SWRCB's General Order (WQ 2019-0001-DWQ) prior to commencing cultivation activities onsite, and shall submit a Notice of Applicability letter or Notice of Receipt as proof of enrollment before cultivation activities can occur.
12. Prior to construction activities, the applicant shall complete the following pre-construction surveys and the results shall be submitted to the Planning Division showing no presence of any rare, threatened, or special-status species within the proposed development area.
 - a. If loud construction or any vegetation removal will occur between February 1st and August 31st, the completion of bird surveys by a biologist a couple of weeks prior to construction activities to address the presence of any migratory or nonmigratory birds which may have constructed nests in any of the trees within a proximity to the project and may be impacted by noise disturbance.
 - b. The completion of ground surveys for potential American badger burrows no more than 30 days prior to the start of construction. If burrows are observed, pre-construction surveys should be completed by a qualified biologist before site development occurs to determine if the site contains active dens and if avoidance of these dens can occur. A pre-construction survey is not required if above-ground pots are utilized for cultivation and no ground disturbance will occur.

In the event that rare, threatened, or special-status species are found onsite, the biologist shall notify the Planning Director in consultation with CDFW. The Planning Director shall determine in consultation with CDFW, if modifications to the project design are possible to avoid removal of occupied habitat while still achieving project objectives or if avoidance is not feasible. If avoidance is not feasible, a qualified biologist shall monitor the site and no construction activities shall commence until the nest and/or den is no longer active and has been cleared.

13. The applicant shall install at least two (2) exit ramps to the proposed pond to prevent wildlife entrapment. Exit ramps shall meet the following requirements: installed at no greater than 2:1 slope, securely fixed at the upslope end, and be made of solid material (e.g. wood).
14. During construction activities, the applicant shall adhere to the following best management practices recommended within the Biological Reconnaissance Survey Report prepared by Mason London on April 7th, 2021:
 - a. The installation of waddles, silt fences, and berms to combat and prevent erosion and to eliminate contaminants and sediment movement towards Bear Trap Creek, Honeydew Creek, and other watercourses, if major ground disturbance is proposed.
 - b. Construction equipment fueling and greasing should occur within one location at the project site, at least 200 feet away from any river, watercourse, or wetland habitat. This location should be clear of brush, flat, and contain fuel mats in case of accidental spillage.
 - c. Every morning, and throughout the day during construction, the equipment should be

- inspected for hydraulic fluid, oil, or fuel leaks. If leaks are detected, they should be repaired immediately and before any further work is completed in order to prevent excess spillage entering the watercourse.
15. During the time of the project's site development, the applicant shall follow procedures for eradicating any invasive species identified in the project's associated Invasive Species Control Plan.
 16. Water cannot be brought to the site for employees or for irrigation. This condition modifies the Operations Plan. Employee drinking water and handwashing water will be sourced by rainwater catchment which has been filtered to the satisfaction of the Department of Health and Human Services.
 17. Per the comments received from the Department of Public Works, conditions of approval for the roadway include:
 - a. 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 or close the gate. In addition, no materials shall be stored or placed on the County right-of-way. This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.
 - b. Driveways that will serve as access for the proposed project and connect to a County-maintained road shall be improved to current standards for a commercial driveway. The driveway shall be paved for a minimum width of 18 feet and a length of 50 feet (or to break in slope) where it intersects the County road. An encroachment permit shall be issued by the Department of Public Works prior to commencement of any work in the County-maintained right-of-way.
 - c. All driveways and private road intersections onto the County Road shall be maintained in accordance with County Code Section 341-1 (Sight Visibility). This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.
 18. 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.
 19. 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.
 20. If cultural resources are encountered during construction activities, the contractor onsite 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.

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

1. The applicant shall prepare an additional 24-hour Noise Study recording noise levels from at least three property lines while cannabis activities are not in operation and during mild weather conditions. Project noise shall not go over three decibels above these ambient noise levels for the life of the project.
2. All lighting utilized in the mixed-light cultivation operation shall be consistent with state requirements for Tier 1 mixed-light cultivation, and shall not exceed 6 watts per square foot of area.
3. The applicant shall provide an invoice or equivalent documentation to the Planning Department to confirm the continual use of portable toilets used to serve the needs of cultivation staff. In the event that a cannabis support building with restroom facilities is permitted and constructed, and the restroom facilities are found to meet the needs of the project, the project may choose not to utilize portable toilets for onsite wastewater treatment and shall submit proof of a septic permit to the Planning Division. Processing activities cannot begin until a septic system is permitted onsite by the Department of Health and Human Services, Environmental Health Division.
4. The applicant shall submit the final LSA application response from CDFW when available, and in the event that a Streambed Alteration Agreement is required the applicant shall adhere to the work outlined in the final Agreement.
5. The applicant shall submit to the Planning Department the final Site Management Plan, and shall adhere to the measures and recommendations within the final SMP.
6. Permittee is advised that County-maintained roads may generate dust and other impacts to farms. Permittee shall locate their farm in areas not subject to these impacts. Permittee shall be responsible for protecting their farm against these impacts. Permittee shall hold the County harmless from these impacts. Permittee is advised that a paved road may not always remain paved and Permittee shall locate their farm appropriately. Permittee is advised that the amount of traffic on a road will vary over time which may increase or decrease the impacts.
7. Lighting shall be implemented as described in the Cultivation and Operations Plan to conform to International Dark-Sky Association standards. All artificial lighting shall be fully contained within structures such that no light escapes via blackout tarp shielding. 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.

8. 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.7., 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.
9. Prohibition on use of synthetic netting for erosion control. To minimize the risk of wildlife entrapment, Permittee shall not use any 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.
10. All cultivation material outside of the project areas designated within the Biological Reconnaissance Survey Report prepared by Mason London on April 7th, 2021, as well as all trash within and outside of those project areas, shall be removed from the area in order to avoid disturbance to surrounding wildlife, habitats, and the environment.
11. The permittee shall comply with the protocols addressed in the CDFW Bullfrog Management Plan. Reporting requirements shall be submitted to the Planning Department and CDFW at 619 Second Street, Eureka, CA 95501, no later than December 31st of each year.
12. All refuse shall be contained in wildlife proof storage containers at all times, and disposed of at an authorized waste management facility.
13. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and shall be allowed to leave the work site unharmed.
14. The use of anticoagulant rodenticide is prohibited.
15. 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.
16. All components of the project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, and these conditions of approval. Changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviation from the 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.
17. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CCLUO and MAUCRSA, as applicable to the permit type.
18. 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.
19. Compliance with all statutes, regulations, and requirements of the California State Water Resources Control Board and the Division of Water Rights, as applicable.

20. 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 55.4.6.4.4 (f).
21. Maintain enrollment in Tier 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.
22. Consent to an annual onsite 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. 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.
25. Pay all applicable application fees, review for conformance with conditions fees, and annual inspection fees.
26. The master logbooks maintained by the permittee to track production and sales shall be available 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 Business and Professions Code section 26051.5(a)(8), the 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. Onsite housing, if any

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

34. 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 55.4.5.8.

35. 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.
36. 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.
37. 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 CCLUO 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.
38. 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.