

## CONDITIONS OF APPROVAL

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

#### **A. Conditions that must be completed within specified time frames or completed prior to commencing cultivation.**

1. Prior to commencing cultivation entitled by this Conditional Use Permit, the permittee shall:
  - a. Install metering devices to track water usage from all irrigation sources (e.g. reclaimed water, rainwater catchment, and the groundwater well). See also Condition of Approval B3.
  - b. Provide documentation to the satisfaction of the Planning and Building Department, that the recommendations contained in the Road Evaluation dated 10/4/2016 prepared by ATLAS Engineering have been implemented.
  - c. Install speed limit signs of five miles per hour at appropriate locations along Hooven Road and include speed limit restrictions as part of mandatory employee training. The permittee shall provide documentation to the satisfaction of the Planning and Building Department demonstrating the installation of the signs and the method of employee training.
  - d. Increase water storage to at least 116,000 gallons for the anticipated rainwater catchment. The 116,000 gallons of storage must be in addition to any other tanks or storage used for fire protection, fertigation, or water reclamation.
  - e. Provided a Water Storage and Use Plan for review and approval to the satisfaction of the Planning and Building department. At a minimum, the plan shall include:
    - i. A water use and collection schedule that details when and how much reclaimed water will be used for irrigation.
    - ii. The amount of water storage required for the proposed project, separated by water source type, i.e., reclaimed water, rainwater catchment and well. Water storage should include, but is not limited to, at least 116,000 gallons of water storage exclusively dedicated to rainwater catchment.
    - iii. The location(s) of water storage on site.
    - iv. A timeline outlining when water storage installation will be complete.
2. Within 60 days of the effective date of project approval, the permittee shall provide documentation demonstrating enrollment State Water Board General Order No. WQ 2019-0001-DWQ by providing a copy of the Notice of Applicability and a Site Management Plan.
3. 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.

4. Within 60 days of the effective date of project approval, the permittee shall pay 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. The permittee is responsible for costs for post-approval review for determining project conformance with conditions. Payment shall be made to the Humboldt County Planning Division, 3015 H Street, Eureka. Permit conformance with conditions must be demonstrated prior to release of building permit or initiation of use and at time of annual inspection.
5. Within 90 days of the effective date of project approval, or a mutually agreed upon time frame with the Planning and Building Department, the permittee shall provide an updated site plan. In addition to all required site plan elements, the revised site plan must correctly depict and label the intermittent stream identified on page 40 of the Botanical Report and Wetlands and Waters Determination and Delineation dated 9/30/2021 prepared by J. Regan Consulting. The updated site plan shall depict a streamside management area consistent with the County of Humboldt Streamside Management Area Ordinance using the riparian drip line as the origin of the setback. The revised site plan must also show the location and label all water storage tanks (see also Condition of Approval A.1.d to A.1.e).
6. Prior to any new construction, including building permits associated with the cannabis operations already approved but not yet constructed, the permittee shall follow the recommendations of the revised Biological Scoping Report dated June 20, 2022, prepared by Slauson Wildlife. Per recommendation seven on page six, the permittee shall conduct pre-construction diurnal raptor surveys on the proposed project parcel during the early nesting season (March-April-May) to determine if there are any active raptors nests within 300 ft of the proposed project if any proposed construction activities are to occur during the nesting season (15 March to 15 August). This includes actively searching for nesting structures within 300 ft of all proposed construction activity locations. If any active raptor nests are found within 300 ft of any proposed project activities, those activities will have to be conducted outside the nesting season (15 March to 15 August) or until the nest(s) can be confirmed to have successfully fledged the young or failed.
7. Prior to occupancy and use in the operation, adequate and appropriate odor mitigation equipment shall be installed in all structures used in the entire operation for cultivation, drying, or trimming.
8. Within one year of the effective date of project approval, the permittee shall develop and maintain areas of native plant species providing nectar resources, nesting and over wintering sites for bumblebees. Recommendation three on page five of the revised Biological Scoping Report dated June 20, 2022, prepared by Slauson Wildlife,

is incorporated herein by reference. The location shall be along the edges of the proposed project to provide habitat connectivity across the proposed project site for bumblebees. The area shall be equivalent to 10% of the proposed project footprint and be designed to provide habitat that allows bumblebees to move around or through the proposed project area. Plant species should include a mix of native perennial (e.g., rhododendron) and annual (e.g., sweat pea) species known to be important nectar plants.

9. Prior to increasing the number of employees at peak operation from 10 to 14, the permittee shall provide documentation from an Engineer demonstrating that Hooven Road can support the increase in traffic. Alternatively, the permittee may provide a plan for review and approval to the satisfaction of the Planning and Building Department that implements measures limiting the number of trips per day evaluated in the Road Evaluation dated 10/4/2016 prepared by ATLAS Engineering.

## **B. General Conditions**

1. The Permittee shall adhere to all previously adopted conditions of approval for cannabis entitlements on the property unless superseded by conditions in this Conditional Use Permit.
2. There shall be no interconnectivity between cannabis irrigation infrastructure and domestic water systems, nor shall there be connections to ineligible or unapproved water sources (e.g. point of diversion).
3. The water use for cultivation is limited to the use of the irrigation infrastructure described in the approved Operations Plan and Site Plan. The applicant will maintain monthly logs of water usage and make the logs available upon request. Monthly logs include photographing the meter reading monthly.
4. Upon request, the permittee shall provide documentation that electricity for the cannabis operations is sourced through an eligible renewable energy program. The generator is reserved for emergency use only.
5. In the absence of a Road Maintenance Association, the permittee shall pay a fair and proportional share of the cost of necessary road improvements and maintenance for Hooven Road. Additionally, the permittee shall implement the width and visibility maintenance recommendations described on page three of the Road System Assessment Report dated April 2020 prepared by NorthPoint Consulting Group. The permittee shall also maintain all driveway and private road intersections (e.g. the intersection of Hooven Road and Dows Prairie Road) in accordance with County Code Section 341-1 (Sight Visibility Ordinance).

6. Building permit and agriculture exemption applications associated with the operation must provide documentation demonstrating that structures comply with airport approach zone building height limitations.
7. Cultivation area is limited to the proportion of irrigation water available for the growing season. If adequate water from reclamation and/or rainwater catchment is unavailable, the cultivation area must be proportionally reduced. Increasing the amount of water taken from the well above what is described in the staff report may not occur without permit modification.
8. Construction hours shall be limited to between the hours of 8:00 a.m. and 7:00 p.m. Monday through Friday, and between 9:00 and 7:00 p.m. on Saturdays. No heavy equipment or noise generating construction activities shall be allowed on Sundays or nationally recognized holidays.
9. The permittee must fully contain compost piles and imported soil and/or properly dispose of at a waste management facility.
10. 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 the applicant is responsible for this cost to the project.
11. 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.
12. The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency (CUPA) requirements regarding hazardous materials. A written verification of compliance shall be required before any provisional permits may be finalized. Ongoing proof of compliance with this condition shall be required at each annual inspection to keep the permit valid.
13. 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. 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.

**C. 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 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, 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. The following noise standards shall be followed:
  - a. 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. 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.
  - b. The following noise limits are required at the property line as follows:
    - i. 36.6 dB at the eastern property line; and
    - ii. 51.8 dB at the southern property line; and
    - iii. 55.5 dB at the western property line; and
    - iv. 43.9 dB at the northern property line.
  - c. If more than one noise standard applies (e.g. generator and property line) then the more restrictive standard shall be used.
3. All artificial lighting shall be fully contained within structures such that no light escapes (e.g., through blackout curtains). Structures shall be shielded 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. Standards include but are not limited to the following, 1) light shall be shielded and downward facing, 2) shall consist of low-pressure sodium light or low spectrum light emitting diodes with a color temperature of 3000 kelvins or less and 3) only placed where needed.
4. Should the Humboldt County Planning Division receive complaints that lighting or noise is not complying with the standards listed above in this permit, within ten (10) working days of receiving written notification that a complaint has been filed, the

applicant shall submit written verification that the light shielding and alignment, and noise levels have been repaired, inspected, and corrected as necessary.

5. The use of synthetic or monofilament (e.g. plastic or nylon) netting for all uses, including but not limited to erosion control, shall be prohibited. The prohibition includes biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measure materials shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves to minimize the risk of ensnaring and strangling wildlife.
6. All refuse shall be contained in wildlife proof containers, always, and relocated to an authorized waste management facility, in compliance with State and local laws, on a regular and on-going basis.
7. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and be allowed to leave the work site unharmed.
8. The use of anticoagulant rodenticide is prohibited. Per the recommendations appearing on pages five through seven of the revised Biological Scoping Report dated June 20, 2022, prepared by Slauson Wildlife, the use of pesticides and herbicides are also prohibited.
9. The permittee shall implement the invasive species control plan described in section 3.3 of the approved Operations Plan. The operational area shall be surveyed and maintained at a minimum of twice a year.
10. The operator shall provide information to all employees about the potential health impacts of cannabis use on children. Information shall be provided by posting the brochures from the Department of Health and Human Services titled “Cannabis Palm Card” and “Cannabis Rack Card.” This information shall also be provided to all employees as part of the employee orientation.
11. All components of the project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, the CMMLUO, and these conditions of approval.
12. 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.

13. 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.
14. 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).
15. Applicant must adhere to and implement the Site Management Plan. A copy of the reporting form portion of the Mitigation and Reporting Program (MRP) shall be submitted to the Planning and Building Department upon request.
16. Applicant must demonstrate and maintain enrollment in Tier 1 or 2 in accordance with State Water Resources Control Board Order No. WQ 2019-0001-DWQ, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
17. Comply with the terms of any applicable Lake and Stream Alteration (1600 or 1602) Agreement obtained from the California Department of Fish and Wildlife (CDFW).
18. Comply with the terms of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (Cal Fire), if applicable.
19. Consent to an annual on-site compliance inspection, with at least 24 hours prior notice, to be conducted by appropriate County officials during regular business hours (Monday through Friday, 9:00 a.m. to 5:00 p.m., excluding holidays).
20. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
21. Pay all applicable application, review for conformance with conditions and annual inspection fees.

22. Fuel shall be stored and handled in compliance with applicable state and local laws and regulations, including the County of Humboldt's Certified Unified Program Agency (CUPA) program, and in such a way that no spillage occurs.
23. The master logbooks maintained by the applicant to track production and sales shall be maintained for inspection by the County.
24. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).

#### Performance Standards for Cultivation and Processing Operations

25. Pursuant to Business and Professions Code section 26051.5(a)(8), an applicant seeking a cultivation license shall "provide a statement declaring the applicant is an 'agricultural employer,' as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 commencing with Section 1140) of Division 2 of the Labor Code), to the extent not prohibited by law."
26. 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).
27. 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.
28. 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.
29. 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
30. Term of Commercial Cannabis Activity Permit. Any Commercial Cannabis Cultivation permit issued pursuant to the CMMLUO or 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.
31. Inspections. 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 Permit, immediately upon the expiration of any appeal period, or final determination of the appeal if an appeal has been timely filed.

The permit holder and subject property owner are to allow 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.

32. 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.
33. 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.
34. 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.

### **Informational Notes:**

1. None