

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings; Meeting on _____, 2022

Resolution No. 22-___ Resolution of the Board of Supervisors of the County of Humboldt ADOPTING FINDINGS OF FACT, CONSIDERING THE ADDENDUM TO A PREVIOUSLY ADOPTED MITIGATIVE NEGATIVE DECLARATION, APPROVING THE APPEAL FOR RECORD NO. PLN-10930-CUP AND APPROVING THE MHG LLC CONDITIONAL USE PERMIT RECORD NO. PLN-10930-CUP.

WHEREAS, Humboldt County adopted the Commercial Medical Marijuana Land Use (CMMLUO) Ordinance on September 13, 2016, after adopting a Mitigated Negative Declaration finding that all potential impacts associated with implementation of the ordinance had been reduced to a less than significant level; and

WHEREAS, MHG, LLC submitted an application for a Conditional Use Permit for 18,492 square feet of existing outdoor commercial cannabis cultivation using light deprivation supported by an 1,800 square foot ancillary nursery; and

WHEREAS, the Planning and Building Department reviewed the application and supporting evidence and referred the application materials to applicable reviewing agencies for site inspections, comments and recommendations; and

WHEREAS, on July 7, 2022, the Planning Commission adopted a Resolution which did the following:

1. Considered the Addendum to the Mitigative Negative Declaration for the Commercial Medical Marijuana Land Use Ordinance that was prepared for the MHG, LLC project; and
2. Found based on the submitted substantial evidence that the proposed project complies with the General Plan and Zoning Ordinance and made all findings for approval; and
3. Approved the Conditional Use Permit under record No. PLN-10930-CUP as recommended and conditioned by staff with an additional condition number A6 as follows:

Within one year of project approval the applicant shall provide a plan for review and approval by the Planning and Building Department to implement a rainwater catchment system capable of providing 20% of the total water required for cultivation. Within two years of project approval the rainwater catchment system must be operational, and provide at least 20% of the irrigation water.

WHEREAS, MHG, LLC (“Appellant”) on July 20, 2022, filed an appeal in accordance with the Appeal Procedures specified in Humboldt County Code Section 312-13 et seq.; and

WHEREAS, the Board of Supervisors opened a duly-noticed public hearing, *de-novo*, on August 30, 2022; and

WHEREAS, the Board of Supervisors closed the public hearing on August 30, 2022; and adopted the motion to approve the appeal, and to approve the Conditional Use Permit with the recommended conditions of approval.

Now, THEREFORE BE IT RESOLVED, that the Board of Supervisors makes all the following findings:

1. FINDING: **Project Description:** A Conditional Use Permit for 18,492 square feet of existing outdoor commercial cannabis cultivation using light deprivation supported by an 1,800 square foot ancillary nursery. Irrigation water is estimated at 223,000 gallons annually and sourced by a permitted well disconnected from surface waters. Total water storage for the project is 40,000 gallons. Power is supplied by a generator and the operation will have up to five staff at peak operation. The proposed project includes onsite processing. The cultivation is being relocated and the previous area will be restored.

EVIDENCE: a) Project File: PLN-10930-CUP.

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

EVIDENCE: a) Addendum prepared for the proposed project.
b) The proposed project does not present substantial changes that would require major revisions to the previous MND. No new information of substantial importance that was not known and could not be known at the time was presented as described by §15162(c) of CEQA Guidelines.
c) A Site Management Plan (WDID 1_12CC427907) and a Notice of Applicability was submitted by the applicant to show compliance with the State Water Resources Control Board WQ2019-0001-DWQ General Waste Discharge Requirements for Dischargers of Waste Associated with Cannabis Cultivation Activities. Conditions of approval require the applicant to adhere to and implement the recommendations of the Site Management Plan and

maintain enrollment in the State Cannabis Cultivation Policy for the life of the project.

- d) A review of the California Natural Diversity Database did not indicate any known rare or endangered species on or near the project area. The project proposal is for pre-existing cultivation and the onsite relocation with restoration of the former cultivation area is environmentally superior.
- e) The continuation of cultivation of existing outdoor cannabis will not result in the net conversion of timberland once the restocking of the historic cultivation area is complete. As such, the project can be implemented with no net loss of timberland after the environmental baseline of December 31, 2015.
- f) A Cultural Resources Investigation Report was conducted by Nick Angeloff. The Report concluded that the proposed project will not result in any adverse changes to historical or archaeological resources and recommended Inadvertent Discoveries Protocol, which has been included as an ongoing condition of approval.
- g) The applicant provided a road evaluation which included recommendations for improvements. Participation in the Rancho Sequoia Road Maintenance Association is a condition of approval. Referral to Public Works resulted in recommendations to improve the intersection of the unnamed road and Island Mountain to current standards for a commercial driveway.

FINDINGS FOR CONDITIONAL USE 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) The proposed project is located within an Open Space Action Program because the project parcel contains streamside management areas. Project structures are appropriately setback in conformance with the standards in the General Plan. 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. 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 Forestry Recreation (FR) zone in which the site is located.
EVIDENCE a) All general agricultural uses are principally permitted in the FR zone.
b) The location of all project elements meets the setback requirements for the FR Zone.
- 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 FR (HCC 314-55.4.8.2.2).
 - b) The parcel known as APN 216-392-006 is one legal parcel as shown as Parcel A on Parcel Map 12 in Book 1 of Parcel Maps, Page 24. Therefore, the subject parcel was lawfully created in its current configuration and can be developed as proposed.
 - c) The project will utilize a permitted, disconnected well which produces 15 gallons per minute. A Hydrologic Isolation Analysis dated January 20, 2022, was conducted by a Certified Engineering Geologist, David N. Lindberg. The analysis concluded that the well does not appear to be hydrologically connected to, or capable of influencing surface water flows.
 - d) A road evaluation was conducted by a Professional Engineer containing several recommendations for improvements to Northview Road and Rancho Sequoia Drive. Joining and participating in the Road Maintenance Association and performing improvements is a condition of approval for this project
 - e) The onsite relocation complies with Department Policy Statement 16-002. A restoration and restocking plan for the 0.26-acre former cultivation area is incorporated as conditions of approval.
 - f) The location of the cultivation complies with the setbacks required in Section 314-55.4.6.4.4.

6. FINDING

The approval of the existing 18,492 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 identified as capable to safely accommodate the amount of traffic generated by the proposed cannabis cultivation with improvements recommended by an Engineer.
 - b) The site is in a rural part of the County where the typical parcel size is over 40 acres and many of the land holdings are large. The proposed cannabis will not be in a location where there is an established neighborhood or other sensitive receptor such as a school, church, park or other use which may be sensitive to cannabis cultivation. Approving cultivation on this site and the other sites which have been approved or are in the application process will not change the character of the area due to the large parcel sized in the area.
 - c) The location of the proposed cannabis cultivation is sufficiently setback from the nearest off-site residence or sensitive resource.
 - d) Irrigation water is sourced from a permitted disconnected well in accordance with necessary permits and standards.

- 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 one housing unit. The approval of cannabis cultivation on this parcel will not conflict with the ability for the continued use of the residence 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 in the Middle Main Eel Planning Watershed, which under Resolution 18-43 is limited to 360 permits and 125 acres of cultivation. With the approval of this project the total approved permits in this Planning Watershed would be 97 permits and the total approved acres would be 46.49 acres of cultivation.

APPEAL

Appeal Issue

The appellant requests the removal of condition of approval A6 from the Planning Commission Decision of July 7, 2022, which states:

Within one year of project approval the applicant shall provide a plan for review and approval by the Planning and Building Department to implement a rainwater catchment system capable of providing 20% of the total water required for cultivation. Within two years of project approval the rainwater catchment system must be operational and provide at least 20% of the irrigation water.

9. FINDING The appellant’s assertion that the requirement for 20% of the irrigation needs to come from rainwater catchment is new requirement and not codified by the General Plan or CMMLUO is correct.

EVIDENCE a) Prior the July 7, 2022, Planning Commission meeting the requirement for 20% of the irrigation water needing to come from rainwater catchment had not been applied to any cannabis permit.

The Planning Commission found: “It is necessary to have a combination of water sources in light of the historic drought and climate change, so a condition has been added to require rainwater catchment for at least 20% of the irrigation water to protect public health safety and welfare.”

The Planning Commission did not cite to any specific project related facts to support the application of this condition regarding rainwater catchment. The concerns described in finding 6(f) for the Conditional Use Permit were already addressed in the mitigation and monitoring program associated with the Mitigated Negative Declaration and the adoption of the Commercial Medical Marijuana Land Use Ordinance (CMMLUO). Specifically, resolution 16-14 adopted by the Board of Supervisors on January 26, 2016, finding that the CMMLUO is consistent with the General Plan and adopting the mitigated negative declaration with substitute mitigation measures and a mitigation monitoring program included a provision to restrict cultivation activities as a contemporaneous response to any changing environmental condition.

The proposed water source was a well, which produced sufficient water to support the well. The well was analyzed by geologist who found that the well was not connected to surface water and there were no other wells in the vicinity that would be affected by this well. The well was deemed fully adequate to provide irrigation water for the cannabis use without having a detrimental effect upon the environment.

No new information was presented to the Planning Commission or to the Board of Supervisors which contracts the ability of the well to provide a sustainable water supply without harming the environment. There is no environmental concern or policy objective to require an additional water supply.

- b) The CMMLUO does not require applicants to use a particular water source or combination of water sources.
- c) Existing cannabis regulations provide various performance standards for water, including forbearance and storage for surface water diversions. For example, the Commercial Cannabis Land Use Ordinance (CCLUO) prohibits water diversions or new cultivation in impacted watersheds. However, the cannabis regulations do not dictate that an operation use a specific source or combination of sources for irrigation water

NOW, THEREFORE, based on the above findings and evidence, the Humboldt County Board of Supervisors does hereby:

- a. Finds that the Board of Supervisors has considered the addendum to the Mitigative Negative Declaration for the Commercial Medical Marijuana Land Use Ordinance that has been prepared for the MHG, LLC and found the project consistent with the adopted MND pursuant to Section 15164 of the State CEQA Guidelines.
- b. Finds that the project is consistent with the Humboldt County General Plan and the Humboldt County Zoning Ordinance.
- c. Approves the Appeal filed by MHG, LLC.
- d. Approves the Conditional Use Permit for MHG, LLC subject to the recommended conditions of approval in Attachment 1.

The foregoing Resolution is hereby passed and adopted by the Board of Supervisors on August 30, 2022, by the following vote:

Adopted on motion by Supervisor _____, seconded by Supervisor _____ and the following vote:

AYES: Supervisors:

NOES: Supervisors:

ABSENT: Supervisors:

Virginia Bass
_____, Chair
Humboldt County Board of Supervisors

STATE OF CALIFORNIA)) SS. County of Humboldt

I, Kathy Hayes, Clerk of the Board of Supervisors of the County of Humboldt, State of California do hereby certify the foregoing to be a full, true, and correct copy of the original made in the above-titled matter by said Board of Supervisors at a meeting held in Eureka, California as the same now appears of record in my office.

In Witness Whereof, I have hereunto set my hand and affixed the Seal of said Board of Supervisors.

KATHY HAYES Clerk of the Board of Supervisors of the County of Humboldt, State of California

By: KATHY HAYES

Date: _____, 2022

By _____ Deputy

EXHIBIT 1

ATTACHMENT 1

RECOMMENDED CONDITIONS OF APPROVAL

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

A. Conditions which must be satisfied before the provisional cannabis cultivation permit can be finalized and no longer considered provisional

1. 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 described under Conditions of Approval A2 through A3. All activities described in the agreement must be completed to the satisfaction of the Planning and Building Department before the permit may be finalized and no longer considered provisional.
2. The applicant shall improve the intersection of Rancho Sequoia Road and Alderpoint Road to current standards for a commercial driveway. Specifically, Rancho Sequoia Road shall be paved for a minimum width of 20 feet and a length of 50 feet. A letter from Public Works stating this improvement is completed or no longer needed will satisfy this requirement.
3. The former cultivation site labeled as “Remediation Area” on the plot plans shall be restored according to the Site Management Plan, project Operations Plan, and Restocking Plan dated September 30, 2021, by Timberland Resource Consultants.
 - a. Per the Site Management Plan, removal and disposal of the cultivation waste is required as well as the application of seed and straw to bare soils during cleanup.
 - b. Per the project Operation Plan:
 - i. Cultivation soils that cannot be reused at the relocation site shall be removed and disposed at an appropriate facility; and
 - ii. Debris, camp site, RV, and solid waste shall be removed and properly disposed; and
 - iii. Native vegetation shall be replanted; and
 - iv. The misaligned and undersized culvert shall be removed and streambed restored; and
 - v. The former point of diversion shall be removed; and
 - vi. The old access road to the site shall be blocked with boulders; and
 - vii. The restoration shall be conducted under the guidance of qualified professional(s) in association with the necessary permits, approvals, and agreements from relevant agencies; and
 - viii. Instream work will occur between April 15 and October 31 when the streams are dry.

- c. Per the Restocking Plan:
 - i. Restocking of Douglas fir at a uniform spacing no less than 15 feet by 15 feet, or 435 trees per acre. With an area of 0.26 acres, that equals approximately 113 trees.
 - ii. Replanting shall occur in winter or early spring.
 - iii. Once restocked the area shall be monitored after two years to ensure a minimum 125-point count stocking level.
 - iv. Within five years of planting, a report of stocking shall be submitted to the county by a Registered Professional Forest certifying the area meets the minimum stocking standards.
4. Within 90 days of project approval, the applicant must provide evidence demonstrating membership within the Rancho Sequoia Road Association (RSRA). Upon request, applicant will provide copies of annual receipts demonstrating payment of required fees to the association. The applicant through the RSRA shall implement and adhere to any final or amended Lake or Streambed Alteration Agreement associated with the road improvements as recommended in the engineered road evaluation performed by DTN engineering. Applicant through the RSRA shall also adhere to the approved Road Maintenance Plan and comply with State Water Resources Control Board Order No. WQ 2019-0001-DWQ, Attachment A, Section 2, requirements #15 through #29. If the applicant is unable to maintain membership within RSRA, the applicant shall pay fair-share cost for maintenance or improvement of the road to any road user engaged in maintaining the road for the life of this project. Copies of any additional documentation, amendments, or reporting approved or required by CDFW or SWRCB shall be provided to the Humboldt County Planning Department on an annual basis or upon request by the Planning and Building Department.
5. The applicant will develop an alternative renewable (i.e., solar, wind, micro-hydro) energy plan that will be fully implemented by January 1, 2026 such that generator use may be reserved for emergency use only.

B. General Conditions

1. Per the Division of Environmental Health, no processing can occur until there is an approved onsite wastewater treatment system. Cultivation activities may be supported by portable toilets. Processing will occur offsite at a licensed facility until a permitted building and adequate wastewater system is provided.
2. Within 60 days of project approval, 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 and Building Department.
3. Within 60 days of project approval, the applicant shall obtain a will serve letter from the Alderpoint Volunteer Fire Company OR cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for

the parcel(s) on a form provided by the Humboldt County Planning Division. Document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors will be required.

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 the applicant is responsible for this cost to the project.
5. 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.
6. 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.
7. 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.
8. 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.
9. The applicant shall install and utilize a water meter to demonstrate that there is sufficient water supply to meet the demands of the project. The water use for cultivation is limited to the use of the irrigation infrastructure described in the Operations Plan. The applicant will maintain logs of water usage and make the logs available upon request. This Permit does not authorize the use of diversionary sources for irrigation.

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 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.
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 (LPS) 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 monofilament netting for all uses, including but not limited for erosion control, shall be prohibited. 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.

9. 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.
10. 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.
11. 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.
12. 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.
13. 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).
14. 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.
15. 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.
16. Comply with the terms of any applicable Lake and Stream Alteration (1600 or 1602) Permit obtained from the California Department of Fish and Wildlife (CDFW).
17. 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.

18. 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).
19. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
20. Pay all applicable application, review for conformance with conditions and annual inspection fees.
21. 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.
22. The master log books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
23. 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

24. 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."
25. 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).
26. 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.
27. 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.

28. 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

29. 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.

30. 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.

31. 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.
32. 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.
33. 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. No Informational Notes