

**SUPPLEMENTAL INFORMATION #1**

For Planning Commission Agenda of:  
August 19, 2021

- |                                     |                        |                |
|-------------------------------------|------------------------|----------------|
| <input checked="" type="checkbox"/> | Consent Agenda Item    |                |
| <input type="checkbox"/>            | Continued Hearing Item |                |
| <input type="checkbox"/>            | Public Hearing Item    | <b>No. F-9</b> |
| <input type="checkbox"/>            | Department Report      |                |
| <input type="checkbox"/>            | Old Business           |                |

**Re: Walker Ridge Family Farm, LLC, Conditional Use Permit and Special Permit**

Record Number: PLN-13029-CUP  
Assessor Parcel Number: 216-073-006  
2705 Bell Springs Road, Harris area

Attached for the Planning Commission's record and review is a revised resolution and recommended conditions of approval that were not included in the staff report for the hearing:

1. Revised Resolution and Recommended Conditions of Approval for the proposed project revising the square footages of the total cannabis cultivation area. Specifically, the outdoor canopy size, as well as revisions to Conditions #5 and #6, relating to reducing the propagation area to 10% of the cultivation size.

Staff response: The resolution was revised to update the square footages of the total cannabis cultivation (from 12,896 square feet (SF) to 12,500 SF) and outdoor canopy size (from 10,396 SF to 10,000 SF), at the request of the applicant and their agent. In addition, Conditions of Approval #5 and #6 were revised to amend the square footage of the propagation area to reflect 10% of the revised cultivation amount. The project was noticed for the larger cultivation amount (12,896 SF), so does not require re-noticing. The revisions to the resolution does not change the findings or recommendations by staff.

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

**Resolution Number 21-  
Record Number: PLN-13029-CUP  
Assessor's Parcel Number: 216-073-006**

**Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approves the Walker Ridge Family Farm, LLC, Conditional Use Permit and Special Permit request.**

**WHEREAS, Walker Ridge Family Farm, LLC**, submitted an application and evidence in support of approving a Conditional Use Permit for the continued operation of an existing ~~12,500~~<sup>12,896</sup> square foot (SF) cannabis cultivation of which ~~10,000~~<sup>10,396</sup> SF is outdoor and 2,500 SF is mixed-light with appurtenant propagation and drying activities. Annual water use is 248,000 gallons and there will be a total of 122,300 gallons of water storage on-site. A Special Permit is also being requested for development within the Streamside Management Area (SMA) for culvert replacement and crossing upgrades, as recommended by the Site Management Plan, and for relocation of existing cultivation and a greenhouse from within the SMA; and

**WHEREAS**, the County Planning Division, the lead agency, prepared an Addendum to the Final Mitigated Negative Declaration (MND) prepared for the Commercial Medical Land Use Ordinance (CMMLUO) adopted by the Humboldt County Board of Supervisors on January 26, 2016. The proposed project does not present substantial changes that would require major revisions to the previous Mitigated Negative Declaration. No new information of substantial importance that was not known and could not be known at the time was presented as described by §15162(c) of CEQA Guidelines; and

**WHEREAS**, the Humboldt County Planning Commission held a duly-noticed public hearing on August 19, 2021, and reviewed, considered, and discussed the application for a Conditional Use Permit and Special Permit, and reviewed and considered all evidence and testimony presented at the hearing.

**Now, THEREFORE BE IT RESOLVED**, that the Planning Commission makes all the following findings:

- 1. FINDING:**                    **Project Description:** The application is a Conditional Use Permit to allow an existing ~~12,500~~<sup>12,896</sup> square foot (SF) cannabis cultivation of which ~~10,000~~<sup>10,396</sup> SF is outdoor and 2,500 SF is mixed-light with appurtenant propagation and drying activities. Power is provided by Pacific Gas and Electric Company (PG&E). Water for irrigation is provided by two onsite groundwater wells. Annual water use is 248,000 gallons and there will be 122,300 gallons of water storage on-site. A Special Permit is also being requested for development within the Streamside Management Area (SMA) for culvert replacement and crossing upgrades, as recommended by the Site Management Plan, and for relocation of existing cultivation and a greenhouse from within the SMA.
- EVIDENCE:**                a) Project File: PLN-13029-CUP
- 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 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 and Notice of Applicability was prepared by the applicant to show compliance with the State Water Board Cannabis General Order for Waste Discharge.
- d) California Department of Fish and Wildlife Resource Maps indicate no Special Status species are known to occur within the project area. A review of the California Natural Diversity Database (CNDDDB) Spotted Owl Observation Database in May 2021 showed that Northern Spotted Owl habitat exists in the vicinity and the nearest positive sighting is 0.77 miles from the project area; however, the nearest activity center is 1.99 miles from the nearest cultivation area. Conditions of approval will require noise to be at below 50 decibels at 100 feet which is below the guidance established by the California Department of Fish and Wildlife for protection of the species.
- e) No timber conversion occurred in relation to the project. Per review of historical aerial imagery dating back to 2004, the existing cultivation occurs within existing cleared areas onsite and no conversion of timberland after the environmental baseline date of December 31, 2015, was observed.
- f) A Cultural Resources Investigation was prepared in January 2019 by Nick Angeloff, MA, and Brianna King, BA, of Archaeological Research and Supply Company, Rio Dell, CA, and covered three properties, including the subject parcel. Per the Report, there are no previously recorded resources on the subject properties and no historic sites were identified on the properties during the survey; however, one (1) prehistoric flake was found and recorded onsite. Although an isolate was located on the subject property, the archaeologists mitigated "any potential effects to ensure the property owner will not affect it." No further archaeological work is recommended for the projects. As there is always the potential for inadvertent discovery of buried archaeological resources during ground disturbing activities associated with project implementation, the Report recommends inclusion of the Inadvertent Discoveries Protocol in the event of inadvertent discovery, which has been included as a condition of approval.
- g) A Road Evaluation Report for a 4.8-mile segment of Bell Springs Road and 1-mile segment of Bellus Road were prepared by the applicant (not dated), which indicate the roadways meet a Category 4 road equivalent standard and are suitable for safe access to and from the project site. Sufficient photographic evidence to verify the roadway condition as described, including roadway width and line of sight. In response to comments received from the Department of Public Works, Land Use Division in October

2018, the project is conditioned to improve the access road (Bellus Road) to current standards for a commercial driveway.

**FINDINGS FOR CONDITIONAL USE PERMIT AND SPECIAL PERMIT**

- 3. FINDING** The proposed development is in conformance with the County General Plan, Open Space Plan, and the Open Space Action Program.
- EVIDENCE**
- a) General agriculture is a use type permitted in the Residential Agriculture (RA) land use designation. The proposed cannabis cultivation, an agricultural product, is within land planned and zoned for agricultural purposes, consistent with the use of Open Space land for managed production of resources. The use of 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.
- 4. FINDING** The proposed development is consistent with the purposes of the existing U zone in which the site is located.
- EVIDENCE**
- a) The Unclassified or U Zone is intended to be applied to areas of the County in which general agriculture residential uses are the desirable predominant uses.
  - b) All general agricultural uses are principally permitted in the U zone.
  - c) Humboldt County Code section 314-55.4.8.2.2 allows cultivation of up to 43,560 square feet of existing outdoor cannabis and up to 22,000 square feet of existing mixed-light cannabis on a parcel over 1 acre subject to approval of a Conditional Use Permit and a determination that the cultivation was in existence prior to January 1, 2016. The application for ~~12,500~~ 12,896 square feet of cultivation on an 82.65-acre parcel is consistent with this and with the cultivation area verification prepared by the County.
  - d) Conditions of approval require the applicant to provide evidence of an existing SAA or obtain from CDFW and adhere to and implement the projects and recommendations contained in the SAA and provide evidence to the Planning Department that the projects included in the SAA are completed to the satisfaction of CDFW. By implementing permit conditions from CDFW, impacts to the SMA are minimized.
- 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 U (HCC 314-55.4.8.2.2).
  - b) The parcel was created in compliance with all applicable state and local subdivision regulations, as it was created by an approved and recorded Parcel Map Subdivision (Parcel 1 of Parcel Map No. 1593 of Parcel Map Book 14, Pages 6 and 7).
  - c) Water for irrigation is provided by two (2) onsite wells [20/21-0080 (southern well, established in 2020; Well #1) and a historic well (northern well, established in 1957; Well #2)]. Well #1 is also registered with the California

Department of Water Resources (WCR2020-06145). Well #1 is located between the three cultivation areas, approximately 50 feet west of the nearest Streamside Management Area and 10 feet lower in elevation. According to the Well Completion Report for Well #1 (see Attachment 3), the well is 200 feet deep and drilled through topsoil, clay, and solid blue rock with quartz. A blank is installed for the entire depth of the well. Based on the use of a blank for casing of the entire well, Planning staff determined the well is likely to be hydrologically disconnected from surface waters and does not require additional water rights from the State Water Resources Control Board and is not subject to forbearance or water storage requirements. No information was provided on Well #2. Conditions of approval require the applicant to provide the well log for the existing on-site well (Well #2). If the well log shows the existing well is hydrologically connected to surface waters, additional water storage equal to the amount of water utilized during the forbearance period of May 15 – October 31 (approximately 248,000 gallons) will be required to meet forbearance requirements. In addition, conditions of approval require the applicant to monitor water use from the wells annually to demonstrate there is sufficient water available to meet operational needs.

- d) A Road Evaluation Report for a 4.8-mile segment of Bell Springs Road and 1-mile segment of Bellus Road were prepared by the applicant (not dated), which indicate the roadways meet a Category 4 road equivalent standard and are functionally appropriate for the expected traffic. Sufficient photographic evidence to verify the roadway condition as described, including roadway width and line of sight. The project is conditioned to improve the access road (Bellus Road) to current standards for a commercial driveway in response to Department of Public Works comments, dated October 2018.
- e) The slope of the land where cannabis will be cultivated is less than 50%.
- f) The cultivation of cannabis will not result in the net conversion of timberland, as no timber conversion occurred in relation to the project. Per review of historical aerial imagery dating back to 2004, the existing cultivation occurs within existing cleared areas onsite and no conversion of timberland after the environmental baseline date of December 31, 2015, was observed.
- g) The location of the cultivation complies with most setbacks required in Section 314-55.4.11.d. It is more than 30 from property lines (except for the eastern and southern property boundaries), more than 300 feet from any off-site residence, more than 600 feet from any school, church, public park or Tribal Cultural Resource.

**6. FINDING**

The cultivation of ~~12,500~~<sup>12,896</sup> square feet of cannabis cultivation and the conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

**EVIDENCE**

- a) The site is located on road that has been certified to safely accommodate the amount of traffic generated by the proposed cannabis cultivation.
- 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 very 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 more than 300 feet from the nearest off-site residence.
- d) Irrigation water will come from two groundwater wells that have been permitted by the Environmental Health Department.
- 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 three housing units. The approval of cannabis cultivation on this parcel will not conflict with the ability for the existing residences to be utilized on this parcel.

**DECISION**

**NOW, THEREFORE**, based on the above findings and evidence, the Humboldt County Planning Commission does hereby:

- Adopt the findings set forth in this resolution; and
- Conditionally approves the Conditional Use Permit and Special Permit for Walker Ridge Family Farm, LLC, based upon the Findings and Evidence and subject to the conditions of approval attached hereto as Attachment 1 and incorporated herein by reference; and

Adopted after review and consideration of all the evidence on August 19, 2021.

The motion was made by COMMISSIONER \_\_\_\_\_ and second by COMMISSIONER \_\_\_\_\_ and the following ROLL CALL vote:

AYES: COMMISSIONERS:  
NOES: COMMISSIONERS:  
ABSENT: COMMISSIONERS:  
ABSTAIN: COMMISSIONERS:  
DECISION:

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.

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John Ford, Director  
Planning and Building Department

**\*REVISED ATTACHMENT 1**

**RECOMMENDED CONDITIONS OF APPROVAL**

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

**A. General Conditions**

1. The applicant is responsible for obtaining all necessary County and State permits and licenses, and for meeting all requirements set forth by other regulatory agencies.
2. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Planning and Building Department will provide a bill to the applicant after the decision. Any and all outstanding planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
3. The applicant is responsible for costs for post-approval review for determining project conformance with conditions. A deposit is collected to cover this staff review. Permit conformance with conditions must be demonstrated prior to release of building permit or initiation of use and at time of annual inspection. A conformance review deposit as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750) shall be paid within sixty (60) days of the effective date of the permit or upon filing of the Compliance Agreement (where applicable), whichever occurs first. Payment shall be made to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
4. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. **Within three days of the effective date of permit approval**, it is requested that the applicant submit a check or money order for the required filing fee in the amount of \$50 payable to the Humboldt County Clerk/Recorder. If this payment is not received within this time period, the Department will file the NOD and will charge this cost to the project.
5. Within 60 days of the effective date, the applicant shall submit a revised plot plan showing the following, in addition to what is shown,
  - a. Exact use and dimensions of each structure onsite.
  - b. Perimeter dimensions of each outdoor cultivation area.
  - c. Setback distances from each cultivation area to each property boundary.
  - d. Water bladders to be decommissioned and location and size of hard tanks to replace the existing water bladders, equitable to the volume of the existing water bladders (60,000 gallons).
  - e. Revise the square footage of the ancillary propagation areas to be a maximum of **1,2501,290** square feet total, which equates to 10% of the cultivation area.
6. Within 60 days of the effective date, the applicant shall submit a revised cultivation and operations plan detailing the following, in addition to what is currently described:
  - a. Estimated average monthly water usage.
  - b. Revise the square footage of the ancillary propagation areas to be a maximum of **1,2501,290** square feet total, which equates to 10% of the cultivation area.

7. Within 60 days of the effective date of permit approval, the applicant shall execute a Compliance Agreement with the Humboldt County Planning and Building Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #9 through #16. The agreement shall provide a timeline for completing all outstanding items. All activities detailed under the agreement must be completed to the satisfaction of the Planning and Building Department before the permit may be finalized and no longer considered provisional.
8. The applicant shall secure building permits for all structures and grading related to the cannabis cultivation and other commercial cannabis activity, including but not limited to, existing and proposed greenhouses, water tanks over 5,000 gallons existing and proposed structures associated with drying and storage or any activity with a nexus to cannabis, graded flats and any noise containment structures as necessary. The plans submitted for building permit approval shall be consistent with the project description and the approved project site plan. A letter or similar communication from the Building Division verifying that all structures related to the cannabis cultivation are permitted will satisfy this condition.
9. Any existing or proposed non-county-maintained access roads that will serve as access for the proposed project that connect to a County maintained road shall be improved to current standards for a commercial driveway. The applicant shall improve the access road (Bellus Road) to the subject parcel where it intersects the County Road (Bell Springs Road), and shall pave the access road for a minimum width of 20 feet and a length of 50 feet 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. 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. A letter or similar communication from the Department of Public Works will satisfy this condition.
10. Within 1 year from the effective date, the applicant shall take steps to form a Road Maintenance Association for the maintenance of Bellus Road. The necessary steps include sending notices to all road users of the requirement to form a Road Maintenance Association and conducting a meeting with the users of the road, especially those engaged in commercial cannabis activities to discuss formation of the Road Maintenance Association. The applicant shall provide evidence, including notice, meeting minutes, and the decision as to whether a Road Maintenance Association is being formed to show this effort. In the event the applicant is unable to coordinate formation a Road Maintenance Association, the applicant shall pay fair-share cost for maintenance of the road to any road user engaged in maintaining the road. A sign-off from the Planning Department will satisfy this condition.
11. The applicant shall secure a Final Streambed Alteration Agreement (Final SAA) from the California Department of Fish and Wildlife (CDFW), provide evidence of an issued Final SAA, and implement all terms and conditions of the Final SAA for all work required within the SMA, as necessary, including the prescribed administrative, avoidance and minimization, and reporting measures. The applicant shall submit a copy of the Final Streambed Alteration Agreement to the Planning Department. The applicant shall provide evidence of compliance by submitting the Final Streambed Alteration Agreement and annual reports or a letter or similar communication from CDFW stating a Lake or Streambed Alteration Agreement is not required. A sign-off from the Planning Department will satisfy this condition.
12. The applicant shall implement all remaining corrective actions detailed in the Site Management Plan (SMP; WDID 1\_12CC417921) developed for the parcel by Margro Advisors,

dated April 8, 2019, and revised April 30, 2021, prepared pursuant to the State Water Resources Control Board (SWRCB) Order 2017-0023-DWQ. Such improvements include the following at the specific locations as detailed in the SMP:

- a. Install permanent road drainage structures which shape the road surface, where feasible, to hydrologically disconnect road segments from surface erosion.
  - b. Clean and unplug ditch relief culvert (DRC) #1 annually.
  - c. Upgrade stream crossings (SC) #1, 2, 3, and 8 to a 24-inch culvert, upgrade SC #6 to a 30-inch culvert, and upgrade SC #7 to a 42-inch culvert.
  - d. All cultivation areas and associated facilities shall be removed from watercourse buffer areas.
  - e. Setback the planted boxes and greenhouse at least 50 feet from point of diversion (POD) #1.
  - f. Remove the existing outhouse and water tank.
  - g. Implement a water monitoring plan to document timing and volume of the water diversion, storage, and use.
  - h. Water diversion and water storage requires valid water rights documentation. Water rights renewal shall be maintained annually.
  - i. File a Lake or Streambed Alteration Agreement with CDFW for the two spring diversions.
  - j. Permit and register the existing well and submit annual water diversions.
  - k. Unused soil shall be covered properly to prevent nutrient leaching or delivery of surface waters every season.
  - l. Chemicals shall be stored within enclosed buildings in such a way they cannot enter or be released into surface groundwater.
  - m. Place all fuel cans, generators, diesel tanks, gasoline powered gardening equipment, and any other items in adequate secondary containment basins.
  - n. Maintain spill prevention clean-up kits onsite and ensure they are easily accessible at all times to help clean up small spills when needed.
  - o. During the wet season, cover all stockpiles of any material to prevent nutrient runoff or leaching groundwater. Provide photos to confirm that during the winter all piles are properly maintained.
  - p. Close outhouses and decommission them unless they are approved by the County. Bring in one or more portable toilets that are regularly serviced. Keep records for inspections.
  - q. Obtain two or more retroactive permitted OWTS (septic system).
  - r. Ensure refuse and garbage are both secured properly and periodically hauled off-site to be disposed of at a waste disposal facility so it does not accumulate.
13. The applicant shall provide the well log for the existing historic on-site well (notated as established in 1957 on the site plan). If the well log shows the existing well is hydrologically connected to surface waters, additional water storage equal to the amount of water utilized during the forbearance period of May 15 – October 31 will be required to meet forbearance requirements. This amount is 63,000 gallons. A sign-off from the Planning Department will satisfy this condition.
14. The applicant shall provide the Department of Environmental Health (DEH) evidence of permit for the existing historic on-site well (notated as established in 1957 on the site plan), destroy the well, legalize the well through installation of a new sanitary surface seal, or provide compelling evidence the well was installed prior to February 1973. A letter or similar communication from DEH will satisfy this condition.
15. The use of portable toilets may be utilized on-site to support the existing cultivation operation. The applicant shall furnish receipts or other documentation to the Department of

Environmental Health (DEH) for the continual use of portable toilets for employees until a permanent septic system is installed to their satisfaction. Any existing outhouses located on-site shall be destroyed. A letter or similar communication from DEH verifying that all their requirements have been met will satisfy this condition.

16. The applicant to submit copies of all documents filed with the State Water Resources Control Board. The applicant is required to adhere to and implement the requirements contained in the SWRCB's Cannabis Cultivation Policy, the General Order, the Site Management Plan, and the Notice of Applicability. A copy of the first reporting form portion of the Mitigation and Reporting Program (MRP) shall be submitted to the Planning and Building Department concurrent with the submittal to the SWRCB.
17. 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 two on-site wells and amount of water available in storage tanks and shall be provided annually prior to or during the annual inspection.
18. The applicant shall not use any erosion control measures that contain synthetic (e.g. plastic or nylon) monofilament netting, including photo- or biodegradable plastic netting, on a regular and on-going basis. 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 weaves.
19. All refuse shall be contained in wildlife proof containers, at all times, and relocated to an authorized waste management facility, in compliance with State and local laws, on a regular and on-going basis.
20. The applicant shall cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning Division. Document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors will be required.
21. 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.
22. The applicant shall execute and file with the Planning Division the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the HCC and available at the Planning Division.

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

1. The combination of background, generator and greenhouse fan or other operational equipment created noise must not result in the harassment of Northern Spotted Owl species as required to meet the performance standards for noise set by Department Policy Statement No. 16-005 clarifying CMMLUO Section 55.4.11 (o) requirements. The combined noise levels measured at 100 feet or the edge of habitat, whichever is closer, shall be at or below 50 decibels. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service, and further consultation where

necessary. A building permit shall be obtained should any structures be necessary for noise attenuation.

2. All artificial light utilized in mixed-light greenhouses shall be limited to 6 watts per square foot with no wattage limit in the ancillary propagation greenhouse. All artificial lighting shall be fully contained within structures such that no light escapes (e.g., through blackout curtains). Structures shall be enclosed between 30 minutes prior to sunset and 30 minutes after sunrise to prevent disruption to crepuscular wildlife. Security lighting shall be motion activated and comply with the and Fixture Seal of Approval Program; see: <https://www.darksky.org/our-work/lighting/lighting-for-citizens/lighting-basics/>. Standards include but are not limited to the following, 1) light shall be shielded and downward facing, 2) shall consist of Low Pressure Sodium (LPS) light or low spectrum Light Emitting Diodes (LED) with a color temperature of 3000 kelvins or less and 3) only placed where needed.
3. Should the Humboldt County Planning Division receive complaints that the lighting or noise is not complying with the standards listed above in items B.1. and B.2., within ten (10) working days of receiving written notification that a complaint has been filed, the applicant shall submit written verification that the lights' shielding and alignment, and noise levels have been repaired, inspected, and corrected as necessary.
4. Prohibition on use of synthetic netting. To minimize the risk of wildlife entrapment, Permittee shall not use any erosion control materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.
5. All refuse shall be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
6. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and be allowed to leave the work site unharmed.
7. The use of anticoagulant rodenticide is prohibited.
8. 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.
9. All components of project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, and these conditions of approval. Changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan. If offsite processing is chosen to be the preferred method of processing, this permit shall be modified to identify the offsite licensed facility.
10. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CMMLUO and MAUCRSA, as applicable to the permit type.
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. Possession of a current, valid required license, or licenses, issued by any agency of the State of California in accordance with the MAUCRSA, and regulations promulgated thereunder, as soon as such licenses become available.
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. Maintain enrollment in Tier 1, 2, or 3, certification with North Coast Regional Water Quality Control Board (RWQCB) Order No. R1-2015-0023, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
16. Comply with the terms of the Final Lake and Streambed Alteration Agreement (EPIMS-HUM-09230-R1), as well as any subsequent amendments, obtained from the California Department of Fish and Wildlife (CDFW).
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 the MCRSA, Health and Safety Code Section 19322(a)(9), an applicant seeking a cultivation license shall "provide a statement declaring the applicant is an 'agricultural employer,' as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 commencing with Section 1140) of Division 2 of the Labor Code), to the extent not prohibited by law."
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 Conditional Use Permit. Any Commercial Cannabis Cultivation CUP issued pursuant to the CMMLUO shall expire one (1) year after date of issuance, and on the anniversary date of such issuance each year thereafter, unless an annual compliance inspection has been conducted and the permittees and the permitted site have been found to comply with all conditions of approval.
  
30. If the inspector or other County official determines that the permittees or site do not comply with the conditions of approval, the inspector shall serve the permit holder with a written statement identifying the items not in compliance, and the action that the permit holder may take to cure the noncompliance, or file an appeal within ten (10) days of the date that the written statement is delivered to the permit holder. Personal delivery or mailing the written statement to the mailing address listed on the application by regular mail, plus three (3) days after date of mailing, shall constitute delivery. The permit holder may request a reinspection to determine whether or not the permit holder has cured all issues of noncompliance. Failure to request reinspection or to cure any items of noncompliance shall terminate the Special Permit, immediately upon the expiration of any appeal period, or final determination of the appeal if an appeal has been timely filed pursuant to Section 55.4.13.
  
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.

34. Inspections. The permit holder and subject property owner are to permit the County or representative(s) or designee(s) to make inspections at any reasonable time deemed necessary to assure that the activities being performed under the authority of this permit are in accordance with the terms and conditions prescribed herein.

**Informational Notes:**

1. Pursuant to Section 314-55.4.11 (a) of the CMMLUO, if upon inspection for the initial application, violations of any building or other health, safety, or other state or county statute, ordinance, or regulation are discovered, the Planning and Building Department may issue a provisional clearance or permit with a written approved Compliance Agreement. By signing the agreement, the permittee agrees to abate or cure the violations at the earliest opportunity but in no event more than two (2) years after the date of issuance of the provisional clearance or permit. Plans for curing the violations shall be submitted to the Planning and Building Department by the permittee within one (1) year of the issuance of the provisional certificate or permit. The terms of the compliance agreement may be appealed pursuant to Section 314-55.4.13 of the CMMLUO.
2. This provisional permit approval shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"), except where the Compliance Agreement per Condition of Approval #6 has been executed and the corrective actions pursuant to the agreement are being undertaken. Once building permits have been secured and/or the use initiated pursuant to the terms of the agreement, the use is subject to the Permit Duration and Renewal provisions set forth in Conditions of Approval #26 and 27 of the Ongoing Requirements/Development Restrictions, above.
3. If cultural resources are encountered during construction activities, the contractor on-site shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist and the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and the lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, shellfish or faunal remains, and human burials. If human remains are found, California Health and Safety Code 7050.5 requires that the County Coroner be contacted immediately at 707-445-7242. If the Coroner determines the remains to be Native American, the Native American Heritage Commission will then be contacted by the Coroner to determine appropriate treatment of the remains pursuant to Public Resources Code (PRC) Section 5097.98. Violators shall be prosecuted in accordance with PRC Section 5097.99.