

SUPPLEMENTAL INFORMATION #1

For Zoning Administrator Agenda of:
July 1, 2021

<input checked="" type="checkbox"/>	Consent Agenda Item	No. C-12
<input type="checkbox"/>	Continued Hearing Item	
<input type="checkbox"/>	Public Hearing Item	
<input type="checkbox"/>	Department Report	
<input type="checkbox"/>	Old Business	

Re: Northern Realm, Inc. Special Permit

Record Number PLN-12774-SP

Assessor's Parcel Number (APN): 221-151-024

Garberville area

Attached for the Zoning Administrator's record and review is the following supplementary information item:

1. Revision to the Executive Summary, Water Resources section, paragraph 3:
Due to the small scale of the project, the applicant can meet forbearance requirements despite a limited amount of water storage. ~~However, the applicant has been directed to increase rainwater harvesting activities and increase water storage capacity through the addition of rigid storage tanks or the development of an off stream pond to further limit or eliminate water diversion during the forbearance period~~ The applicant has been directed to comply with the current version of the State Water Board's Cannabis Policy (**Condition 12**).
2. Updated resolution with Revised Conditions of Approval reflecting a changed to Condition of Approval (#12).
3. An explanatory memo following discussion at the June 17, 2021 Zoning Administrator hearing, when this project was continued due to unresolved discussion about the applicant's right to divert and use water.

Northern Realm, Inc.

Record Number: PLN-12774-SP

Assessor's Parcel Number: 221-151-024

Recommended Commission Action

1. Describe the application as part of the Consent Agenda.
2. Survey the audience for any person who would like to discuss the application.
3. If no one requests discussion, make the following motion to approve the application as a part of the consent agenda:

Adopt the Resolution to:

1. *Find that the Commission has considered the Addendum to the adopted Mitigated Negative Declaration for the Commercial Medical Land Use Ordinance (CCMLUO), as described by Section §15164 of the State CEQA Guidelines;*
2. *make the required findings for approval of the Conditional Use Permit; and*
3. *Approve the Northern Realm, Inc. Special Use Permit as recommended by staff subject to the recommended conditions.*

Executive Summary: Northern Realm, Inc., seeks a Special Use Permit (PLN-12774-SP) for a maximum of 9,800 square feet (SF) of cannabis cultivation. The cultivation area identified on the site plan is 9,780 SF of mixed-light cultivation in three (3) areas, CA 1 (2,980 SF), CA 2 (5,800 SF), and CA 3 (1,000 SF). Eight (8) former cultivation areas (OOC 1 – OOC 8) have been abandoned in favor of expanded operations near the center of the site, further removed from surface waters. Propagation would occur onsite in a 960-SF greenhouse.

The medical cannabis permit application is in accordance with Humboldt County Code Section 314-55.4 of Chapter 4 of Division I of Title III, Commercial Medical Marijuana Land Use Ordinance (CMMLUO), Zoning Clearance Certificate for Interim Permit (IP), and the Cultivation Area Verification (CAV) developed for the site. The site is zoned as Forestry Recreation (FR) as defined in the Humboldt County 2017 General Plan Update.

The parcel, APN 221-151-024, is approximately 29 acres. The property includes Class II streams that are tributaries of the Mattole River. Existing development on the site includes agricultural storage and a residence, which is occupied year round by the property owner and family. Drying and post-cultivation processing would occur onsite in a shop (3,000 SF). There would be one (1) full-time employee and an average of four (4) employees (all family members) during peak harvest.

Water Resources

Irrigation water is sourced from an unnamed spring that feeds into an unnamed stream which is a tributary to Mattole Canyon Creek. A surface water diversion has been obtained by the applicant (Registration #H505893). The Appropriate Right for water usage allows up to 73,309 gallons of water to be diverted during the diversion season (November 1 – March 31), or 489 gallons per day. Water cannot be diverted during the forbearance period (April 1 – October 31). The rate of diversion to storage is limited to 14,400 gallons per day (10 gallons per minute x 1,440 minutes/day), pursuant to State Water Board Cannabis Policy 78.

Annual water use is estimated at 76,500 gallons (8 gal/SF), with peak demand occurring from June through September requiring up to 500 gallons per day. Water storage consists of two (2) hard plastic tanks that hold a total of 5,320 gallons of water onsite. There is one (1) 2,500-gallon tank and one (1) 2,820-gallon tank.

Due to the small scale of the project, the applicant can meet forbearance requirements despite a limited amount of water storage. ~~However, the applicant has been directed to increase rainwater harvesting activities and increase water storage capacity through the addition of rigid storage tanks or the development of an off-stream pond to further limit or eliminate water diversion during the forbearance period.~~ The applicant has been directed to comply with the current version of the State Water Board's Cannabis Policy (**Condition 12**).

**RESOLUTION OF THE ZONING ADMINISTRATOR
OF THE COUNTY OF HUMBOLDT**

**Resolution Number 21-
Record Number PLN-12774-SP
Assessor's Parcel Number: 221-151-024**

Resolution by the Zoning Administrator of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approving the Northern Realm, Inc., Special Use Permit (12774).

WHEREAS, Northern Realm, Inc., submitted an application and evidence in support of approving a Special Use Permit for a maximum of 9,800 square feet (SF) of outdoor cannabis cultivation. The cultivation area is 9,780 SF, comprised entirely of mixed-light cultivation that occurs in three (3) grow areas: CA 1 (2,980 SF), CA 2 (5,800 SF), and CA 3 (1,000 SF).

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 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; and

WHEREAS, the Humboldt County Zoning Administrator held a duly-noticed public hearing on **July 1, 2021**; reviewed, considered, and discussed the application for a Special Use Permit; and reviewed and considered all evidence and testimony presented at the hearing.

Now, THEREFORE BE IT RESOLVED, that the Zoning Administrator makes all the following findings:

- 1. FINDING:** **Project Description:** The application is for a Special Use Permit for a maximum of 9,800 SF of cannabis cultivation. The cultivation area is 9,780 SF, comprised entirely of mixed-light cultivation in three (3) grow areas, CA 1 (2,980 SF), CA 2 (5,800 SF), and CA 3 (1,000 SF).

EVIDENCE: a) Project File: PLN-12774-SP

- 2. FINDING:** **CEQA.** The requirements of the California Environmental Quality Act (CEQA) have been met. The Humboldt County Planning Commission has considered the Addendum to and the MND prepared for the 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 list of potential special status species that could occur in the project area was generated in March 2021, using the following information systems: the California Department of Fish and Wildlife (CDFW) California Natural Diversity Database, Biogeographic Information and Observation system (BIOS), and Northern Spotted Owl Viewer, and the U.S. Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC)). There are no known biological resources occurring within the project area. Critical habitat for the northern spotted owl and foothill yellow-legged frog, a state-listed endangered species, are within in the vicinity, about 3,400 feet and 5,000 feet away, respectively. Project activities are not expected to produce any adverse or cumulative effects to any special status species or habitat, due to the small size of the project area and the type of proposed activities. Therefore, impacts to biological resources are considered low and unlikely.
- d) A Northwest Information Center (NWIC) database search was conducted, and no existing cultural resources were identified in the area of potential effect. Therefore, a cultural resources investigation report was not prepared for this project. However, the NWIC recommended contacting local Native American Tribes to ensure project activities are outside of Tribal Territories. The Bear River Band of the Rohnerville Rancheria was contacted and responded that the Inadvertent Discovery Protocol should be implemented in case there is any accidental discovery of historical artifacts or human remains, which is standard practice for any archaeological resources encountered (**Condition 14**).
- e) The applicant submitted a road evaluation report to Humboldt County Department of Public Works (DPW) and determined that the entire road segment is developed to the equivalent of a road category 4 standard, and thus is adequate for the proposed use without further review. DPW indicated that the limits on the evaluation report do not correlate with the road under evaluation, noting that one possibility is the evaluation report lumped multiple roads together. To correct this potential error, DPW recommended the applicant provide separate evaluations for each road to the County for clarification (**Condition 15**). DPW also recommended standard conditions pertaining to driveway and private road intersection visibility (**Condition 16**) and county-private road intersections (**Condition 17**).

FINDINGS FOR SPECIAL 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) 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 Forestry Recreation (FR) zone in which the site is located.

EVIDENCE

- a) General agriculture use is identified as the preferred secondary use in the Forestry Recreation (FR) zone. All general agricultural uses are principally permitted in the FR zone.
- b) Humboldt County Code (HCC) section 314-55.4.8.2.2 allows up to 10,000 SF of existing outdoor cannabis cultivation, and allows up to 10,000 SF of existing mixed-light cannabis cultivation on a parcel over 1 acre, subject to approval of a Special Use Permit and a determination that the cultivation was in existence prior to January 1, 2016. The application for a maximum of 9,800 SF of cannabis cultivation operation, consisting of a 9,780-SF mixed-light cultivation area on a 29-acre parcel is consistent with this and with the cultivation area verification prepared by the County.

5. FINDING

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

EVIDENCE

- a) The CMMLUO allows existing cannabis cultivation to be permitted in areas zoned FR (HCC 314-55.4.6.5).
- b) The parcel was created in compliance with all applicable state and local subdivision regulations, as it was created via Parcel Map recorded in Book of Parcel Maps 221, page 15.
- c) Irrigation water is sourced from an unnamed spring that feeds into an unnamed stream which is a tributary to the Mattole River (POD-Spring). Water storage consists of two (2) hard plastic tanks that hold a total of 5,320 gallons of water onsite. There is one (1) 2,500-gallon tank and one (1) 2,820-gallon tank.
- d) The applicant submitted a road evaluation report to Humboldt County Department of Public Works (DPW) and determined that the entire road segment is developed to the equivalent of a road category 4 standard, and thus is adequate for the proposed use without further review. DPW indicated that the limits on the evaluation report do not correlate with the road under evaluation, noting that one possibility is the evaluation report lumped multiple roads together. To correct this potential error, DPW recommended the applicant provide separate evaluations for each road to the County for clarification (**Condition 15**).

- e) The slope of the land where cannabis will be cultivated is less than 15%.
- f) The location of the cultivation complies with all setbacks required in Section 314-55.4.11.d. It is more than 30 feet from any property line, more than 300 feet from any off-site residence, and more than 600 feet from any school, church, public park or Tribal Cultural Resource.

6. FINDING

The cultivation of a maximum of 9,800 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 applicant submitted a road evaluation report to DPW and determined that the entire road segment is developed to the equivalent of a road category 4 standard, and thus is adequate for the proposed use without further review. DPW indicated that the limits on the evaluation report do not correlate with the road under evaluation, noting that one possibility is the evaluation report lumped multiple roads together. To correct this potential error, DPW recommended the applicant provide separate evaluations for each road to the County for clarification (**Condition 15**).
- 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 cultivation 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, as well as 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 sizes in the area.
- c) The location of the proposed cannabis cultivation is more than 300 feet from the nearest offsite residence.
- d) The primary water source for irrigation consists of a diversion from an unnamed spring onsite. Existing water storage is approximately 5,320 gallons within two hard plastic tanks. Estimated annual water usage is 76,500 gallons (8 gal/SF).
- e) Provisions have been made in the conditions to the applicant's permit 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 currently contains one existing residential unit. The approval of cannabis cultivation on this parcel will not conflict with the operation or use of the existing residential unit on site.

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Humboldt County Zoning Administrator does hereby:

- Adopt the findings set forth in this resolution; and
- Conditionally approves the Special Use Permit for Northern Realm Inc. (12774), 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 **July 1, 2021**

I, John Ford, Zoning Administrator 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 Zoning Administrator at a meeting held on the date noted above.

John H. Ford
Zoning Administrator, Planning and Building Department

ATTACHMENT 1

Revised - RECOMMENDED CONDITIONS OF APPROVAL

APPROVAL OF THE SPECIAL 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 Humboldt County 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 the 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 of permit approval, the applicant shall execute a Compliance Agreement with the Planning and Building Department, detailing all necessary permits and infrastructure improvements described under Conditions of Approval #6 through #21-22. The agreement shall provide a timeline for completing all outstanding items. All activities detailed under the agreement must be completed to the satisfaction of the Planning and Building Department before the permit may be finalized and no longer considered provisional.
6. The applicant shall secure permits for all structures related to the cannabis cultivation and other commercial cannabis activity including, but not limited to, existing and proposed greenhouses, water tanks over 5,000 gallons, existing and proposed structures associated with drying and storage or any activity with a nexus to cannabis, and any noise containment structures as necessary. The plans submitted for building permit approval shall be consistent with the project description and the approved project site plan. A letter or similar communication from the Building Division verifying that all structures related to the cannabis cultivation are permitted will satisfy this condition.
7. The approved building plans shall meet all applicable fire codes, including fire suppression infrastructure requirements deemed necessary for the project by the Building Inspection Division. Sign-off on the Occupancy Permit by the Building Division shall satisfy this requirement.
8. The applicant shall contact the local fire service provider (Briceland Volunteer Fire Department) and furnish written documentation from that agency of the available emergency response, fire

suppression services, and any recommended project mitigation measures. Mitigation measures shall be incorporated into the project, if applicable. If emergency response and fire suppression services are not provided, 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.

9. 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.
10. 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.
11. The applicant shall contract a professional hydrologist (or a person of equivalent expertise) to implement annual site inspection, monitoring, and reporting of any Tier 2 discharges to the North Coast Regional Water Quality Control Board (NCRWQCB). Reporting shall be submitted to the NCRWQCB by March 31st of each year, to ensure that all waterways within the project area are in accordance with the water quality measures set forth in the Cannabis Cultivation General Order. The Applicant shall develop a water budget and install flow meters on all surface water diversions, water tanks, and distribution lines consistent with the Water Resources Protection Plan (WRPP).
- ~~12. The applicant shall develop and implement a non-diversionary rainwater catchment system, which may include the installation of a catchment pond and/or storage tanks, to allow complete forbearance during the forbearance season within two (2) years of project approval. The catchment system shall be submitted to the Director of Humboldt County Planning and Building Department for review and approval prior to submittal for construction (building, grading, plumbing, electrical, etc.) permits and prior to commencement of installation of the system. The applicant shall divert and use water from POD 1 (Primary POD) according to the regulations in the State Water Board's Cannabis Policy. The applicant is subject to limitations on the rate of diversion to storage and shall be compliant with all applicable conditions, including the numeric and narrative instream flow requirements of the current version of the State Water Board's Cannabis Policy.~~
13. The applicant shall comply with mitigation measures identified in the Water Resources Protection Plan (WRPP), including relocating petroleum products and a water storage tank outside of the Streamside Management Area (SMA), then revegetating those areas to minimize surface erosion; storing all fertilizers and soils within a watertight building or covered area; and installing float valves on all storage tanks to eliminate overfilling.
14. The applicant shall implement the Inadvertent Discovery Protocol. In the event of the accidental discovery of historical artifacts or human remains, a qualified professional archaeologist shall be contacted immediately, in order to inspect and clear the site for all further activities.
15. Within six (6) months of project approval, the applicant shall submit separate road evaluation reports for each road impacted by the project (including Ettersburg-Honeydew Road, Dutyville Road, and Crooked Prairie Road) to the Department of Public Works (DPW).
16. COUNTY ROADS – DRIVEWAY & PRIVATE ROAD INTERSECTION VISIBILITY: All driveways and private road intersections onto the County road shall be maintained in accordance with County Code Section 341-1 (Sight Visibility Ordinance). This condition shall be completed to the satisfaction of DPW prior to commencing operations, final sign-off for a building permit, or DPW approval for a business license.

17. COUNTY ROADS – PRIVATE ROAD INTERSECTION: 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. An encroachment permit shall be issued by DPW prior to commencement of any work in the County maintained right of way. If the County road has a paved surface at the location of the access road, the access road shall be paved for a minimum width of 20 feet and a length of 50 feet where it intersects the County road. This condition shall be completed to the satisfaction of DPW prior to commencing operations, final sign-off for a building permit, or DPW approval for a business license.
18. The use of generators as a primary power source for cannabis related activities shall cease by December 31, 2025. The applicant shall either connect to a utility or have an alternative source of power starting January 1, 2026.
19. An employee must be present onsite during all times in which a generator is used for cultivation operations.
20. The applicant shall secure permits for all unpermitted structures related to the cannabis cultivation and other commercial cannabis activity. The plans submitted for building permit approval shall be consistent with the project description and approved project site plan. The approved building plans shall meet all applicable fire codes, including fire suppression infrastructure requirements deemed necessary for the project by the Building Inspection Division. A letter or similar communication from the Building Division verifying that all structures related to the cannabis cultivation are permitted will satisfy this condition.
21. Within 60 days of project approval, the owner/applicant/operator shall submit a lighting plan for all mixed light cultivation/light deprivation cultivation areas. The lighting plan shall be reviewed and approved by the Director of the Humboldt County Planning and Building Department.
22. Within 60 days of project approval, the owner/applicant/operator shall submit project documents to the Humboldt County Division of Environmental Health (DEH) for confirmation that the project is compliant with DEH programs and policies. A letter or similar communication from DEH verifying that the project is in compliance will satisfy this condition. Any conditions of approval attached to said letter shall be implemented by the owner/applicant/operator within a timeframe deemed acceptable by DEH, not to exceed two (2) years.

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

1. The combined noise from background, generator, greenhouse fan, or other operational activities and equipment 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 (i.e., through the use of blackout curtains). Structures shall be enclosed between 30 minutes prior to sunset and 30 minutes after sunrise to prevent disruption to crepuscular wildlife. Security lighting shall be motion activated and comply with the International Dark-Sky Association standards and Fixture Seal of Approval Program (refer to <https://www.darksky.org/our-work/lighting/lighting-for-citizens/lighting-basics/>). Standards include,

but are not limited to: Light shall 1) be shielded and downward facing, 2) 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, the Permittee shall not use any erosion control and/or cultivation materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.
5. All refuse shall be contained in wildlife proof storage containers at all times and disposed at an authorized waste management facility.
6. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and shall 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 the project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, and these conditions of approval. Any 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 Medicinal and Adult Use Cannabis Regulation and Safety Act (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. The permittee shall have 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. The permittee shall be in 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. The permittee shall ensure 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. The permittee shall maintain enrollment in Tier 1, 2, or 3, certification with North Coast Regional Water Quality Control Board (NCRWQCB) 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. The permittee shall 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. The permittee shall 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. The permittee shall consent to an annual onsite compliance inspection, with at least 24 hours prior notice, to be conducted by appropriate County officials during regular business hours (Monday through Friday, 9:00 a.m. to 5:00 p.m., excluding holidays).
19. The permittee shall pay all applicable fees for application review to ensure conformance with conditions and annual inspection fees.
20. 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.
21. Fertilizer, pesticide, fungicide, rodenticide, or herbicide shall be properly stored, handled, and used in accordance with applicable regulations.
22. The master log books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
23. The permittee shall 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 MAUCRSA, 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. Onsite 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, and
 - i. Onsite housing, if any.
29. Term of Commercial Cannabis Activity Special Permit. Any Commercial Cannabis Activity Permit issued pursuant to the CMMLUO shall expire one (1) year after date of issuance, and on the anniversary date of such issuance each year thereafter, unless an annual compliance inspection has been conducted and the permittees and the permitted site have been found to comply with all conditions of approval.
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 re-inspection to determine whether or not the permit holder has cured all issues of noncompliance. Failure to request re-inspection 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 #A.5 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 #29 and 31 of the Ongoing Requirements/Development Restrictions, above.

3. If cultural resources are encountered during construction activities, the contractor onsite shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist and the appropriate Tribal Historic Preservation Officer(s) shall 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.

4. The applicant shall be aware that the Federal Government considers the cultivation of cannabis to be an illegal activity. This project is accessed by using roads that pass-through lands owned by the Federal Government. The Federal Government may not allow the applicant to use these roads to transport cannabis. In such case, Humboldt County will not provide relief to the applicant. Approval of this permit does not authorize transportation of cannabis across Federal lands.



MEMORANDUM

To: Humboldt County Zoning Administrator John H. Ford
From: Alec Barton, Contract Planner
RE: PLN-12774-SP – Northern Realm, Inc. – Recommended Revisions to Staff Report
Date: June 28, 2021
CC: Humboldt County Senior Planner Cliff Johnson, Humboldt County Administrative Services Manager Delilah Moxon

Dear Mr. Ford,

Northern Realm, Inc. has applied for a Special Use Permit (PLN-12774-SP) for 9,800 square feet (SF) of mixed light cannabis cultivation. The project was heard at the June 17, 2021 Zoning Administrator hearing.

The project was continued to a future meeting after discussion about Condition of Approval #12 went unresolved. The original Condition of Approval reads as follows:

The applicant shall develop and implement a non-diversionary rainwater catchment system, which may include the installation of a catchment pond and/or storage tanks, to allow complete forbearance during the forbearance season within two (2) years of project approval. The catchment system shall be submitted to the Director of Humboldt County Planning and Building Department for review and approval prior to submittal for construction (building, grading, plumbing, electrical, etc.) permits and prior to commencement of installation of the system.

This Condition of Approval was based upon a recommendation in the Water Resources Protection Plan (WRPP) that the applicant develop an off-stream rainwater catchment pond and system to provide for cultivation and irrigation needs to allow forbearance during the dry season.

Following the hearing, staff reviewed project documents and determined the small irrigation use registration (SIUR) for the project supersedes the recommendation of the WRPP. The SIUR for this project allows the applicant to divert 0.40 acre feet of water annually and as permitted in the diversion season. The applicant is subject to regulations in the State Water Board's Cannabis Policy governing the rate of diversion to storage.

Staff recommends Condition of Approval #12 be revised to reflect the applicant's right to divert and use water within the parameters established by the State Water Board's Cannabis Policy. The recommended Condition of Approval is as follows:

The applicant shall divert and use water from POD 1 (Primary POD) according to the regulations in the State Water Board's Cannabis Policy. The applicant is subject to limitations on the rate of diversion to storage and shall be compliant with all applicable conditions, including the numeric and narrative instream flow requirements of the current version of the State Water Board's Cannabis Policy.

Please contact me if you have questions about the recommended revision to this Condition of Approval or other components of the project.

Respectfully,

Alexander Barton

Alec Barton

Contract Planner

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