

SUPPLEMENTAL INFORMATION #1

For Planning Commission Agenda of:
December 17, 2020

<input checked="" type="checkbox"/>	Consent Agenda Item	No. E-8
<input type="checkbox"/>	Continued Hearing Item	
<input type="checkbox"/>	Public Hearing Item	
<input type="checkbox"/>	Department Report	
<input type="checkbox"/>	Old Business	

Re: Ancient Truth Inc., Conditional Use Permit

Record Number: PLN-10888-CUP
Application Number: 10888
Assessor Parcel Number: 210-042-000
Bridgeville Area

The project resolution information initially included an amount of 19,810 square feet full sun outdoor commercial cannabis cultivation. This was scrivener's error. The correct type of cultivation is 19,810 mixed light commercial cannabis cultivation. Attached for the Planning Commission's record and review is the following supplementary informational items for review and consideration:

1. Revised Resolution with the revised cultivation type (revisions underlined).
2. Notice of Pending File Closure of the submitted incomplete Notification to CDFW – Incomplete Notification of LSAA No. 1600-2018-0827-R1.
3. Revised conditions of approval to require complete LSAA Notification within 30 days of the effective date of project approval (see COA#2)

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT
Resolution Number 20
Case Number Pln-10888-CUP
Assessor Parcel Number: 210-042-003-000**

Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the Ancient Truth Inc. Conditional Use Permit request.

WHEREAS, Ancient Truth, Inc. submitted an application for a Conditional Use Permit for 22,000 square feet of existing mixed light and 43,560 sf of existing outdoor commercial cannabis cultivation; and

WHEREAS, staff determined the pre-existing cultivation (pre-January 1, 2016) on the property consisted of no more than 19,810 mixed light commercial cannabis cultivation; and

WHEREAS, the County Planning Division has reviewed the submitted application and supporting substantial evidence and has referred the application and evidence to involved reviewing agencies for site inspections, comments and recommendations; and

WHEREAS, staff determined the existing cultivation and processing aspects of the project were previously analyzed in the Final Mitigated Negative Declaration 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, Attachment 2 in the Planning Division staff report includes substantial evidence in support of making all of the required findings for approving the proposed Conditional Use Permit (Record Number PLN-10888-CUP); and

WHEREAS, a public hearing was held on the matter before the Humboldt County Planning Commission on December 17, 2020.

NOW, THEREFORE, be it resolved, determined, and ordered by the Humboldt County Planning Commission that:

1. The project is consistent with a previously adopted Mitigated Negative Declaration as described by §15162(c) of CEQA Guidelines; and
2. The findings in Attachment 2 of the Planning Commission staff report for PLN-10888-CUP support approval of the project based on the submitted substantial evidence; and
3. Conditional Use Permit PLN-10888-CUP is approved as recommended for 19,810 mixed-light commercial cannabis cultivation and conditioned in Attachment 1.

Adopted after review and consideration of all the evidence on December 17, 2020.

The motion was made by COMMISSIONER _____ and second by COMMISSIONER _____:

AYES: COMMISSIONERS:
NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:
ABSTAIN: COMMISSIONERS:
DECISION:

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

John H. Ford, Director
Planning and Building Department



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Region 1– Northern
619 2nd Street
Eureka, CA 95501
(707)445-6493
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



November 17, 2020

George Albert
110 North Wilkes-Barre Ave.
Wilkes-Barre, Pennsylvania 18702
gman99059905@gmail.com

Dear George Albert:

NOTICE OF PENDING FILE CLOSURE - Incomplete Notification of Lake or Streambed Alteration for Activities, Notification No. 1600-2018-0827-R1

On December 18, 2018, the California Department of Fish and Wildlife (CDFW) received your Notification of Lake or Streambed Alteration (Notification). On January 16, 2019, CDFW contacted you explaining that your Notification was incomplete and described the additional information CDFW needs to make your Notification complete. To date, CDFW has not received the additional information, and therefore cannot continue processing your Notification. A copy of the incomplete notice is attached for your convenience.

You will need to complete the following in order for CDFW to continue processing your notification:

Step 1 – Within in the next **10 days**, reply to the contact person below that you received this notice, and whether you either intend to send in the required information to complete your Notification, or agree with closing the file.

Step 2 – Within 30 days from the date of this letter, follow the instructions in the attached and submit a complete Notification and/or fee. If you cannot submit the required information within this timeframe, contact the staff indicated below and include the reasons for delay and a date by which the information will be provided.

If the project is for Cannabis cultivation, you were also informed by the California Department of Food and Agriculture that in order to prepare for transitioning from a provisional cannabis cultivation license to an annual license, or for renewing your provisional license, you should obtain a final Lake or Streambed Alteration (LSA) Agreement or written verification that an LSA Agreement is not needed. Additionally, provisional licensees who do not have an LSA Agreement will need to have proof of progress toward meeting this requirement before their provisional license will be renewed. In order to maintain your licensing status with CDFA, you must complete the above steps.

Conserving California's Wildlife Since 1870

If you do not respond to this letter, CDFW will close your file on **December 17, 2020**. In that case, you will need to submit a new Notification and fee to CDFW if you still intend to complete your project.

CDFW reminds you that you may not proceed with your project until you submit a complete Notification to CDFW and, if required, obtain a final LSA Agreement.

If you have questions regarding this letter, please contact Andrew Orahoske who is the scientist assigned to your Notification at andrew.orahoske@wildlife.ca.gov, or Laurie Harnsberger if you have administrative questions by email at Laurie.Harnsberger@wildlife.ca.gov.

Sincerely,



Cheri Sanville
Senior Environmental Scientist Supervisor

ec: California Department of Fish and Wildlife
Andrew Orahoske
Region 1- Habitat Conservation
andrew.orahoske@wildlife.ca.gov

James Rosauer, Senior Environmental Scientist (Supervisor)
Habitat Conservation Planning Branch
Cannabis Environmental Compliance Program
James.Rosauer@wildlife.ca.gov



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
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619 2nd Street
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GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



January 16, 2019

George Albert
110 North Wilkes-Barre Ave.
Wilkes-Barre, Pennsylvania 18702
gman99059905@gmail.com

Subject: Incomplete Notification of Lake or Streambed Alteration
Notification No. 1600-2018-0827-R1_HUM

Dear George Albert:

On December 18, 2018, the California Department of Fish and Wildlife (Department) received your Notification of Lake or Streambed Alteration (Notification) for projects unnamed tributaries of Little Larabee Creek, tributary to the Eel River, in Humboldt County (Assessor's Parcel No.: 210-042-003)). According to your initial Notification, the proposed projects involve water diversion/extraction, stream crossings and cannabis cultivation.

On January 16, 2018, the Department determined that your Notification is incomplete because the information checked below is either missing or insufficient. To complete your Notification, please review the Notification instructions and provide the following Notification sections, along with a copy of this letter, to the Department.

☒ **Section 6: Fees**

Your Notification discloses multiple stream crossings that appear to have been recently installed, and/or are not covered by an existing LSAA (STX 2, 3, 4, 6, 7, 11, 13). In order to retroactively permit these stream crossings, please provide the appropriate fees or indicate which LSA agreement these were covered under. Alternatively, this LSA Agreement will not cover these crossings and any maintenance, armoring or replacement would require separate Notification prior to conducting any work. Please revise the project description section if necessary.

Please be aware that a new fee schedule is in effect for 2019, and that any revised notification submitted should follow the new fee schedule. Please refer to the instructions notifying and fee schedule available here:

<https://www.wildlife.ca.gov/Conservation/LSA/Notify-CDFW>

Conserving California's Wildlife Since 1870

☒ *Section 10A: Project Description*

Your Notification includes indication that STX6 will be replaced in the fees section, but then in the project description section it is listed as a disclosure project that will not be replaced. The pictures show recent bank erosion. Please clarify and revise the project description accordingly.

The photos for STX7 show fine sediment and a lack of rock on the fording surface. It appears as if this crossing requires some improvement. Please clarify and revise the project description accordingly.

Please note that you may not proceed with your project until your Notification is deemed complete, and you have obtained a final Lake or Streambed Alteration Agreement, if required. If you have any questions regarding this matter or need additional information, please consult the "Notification Instructions" and/or "Questions and Answers" that were included in the notification materials. If you have additional questions, you may contact Andrew Orahoske, Environmental Scientist: (707) 441-5827 or andrew.orahoske@wildlife.ca.gov.

Sincerely,



Cheri Sanville
Senior Environmental Scientist Supervisor

Cc:
California Department of Fish and Wildlife
Andrew Orahoske, andrew.orahoske@wildlife.ca.gov

North Coast Regional Water Quality Control Board
NorthCoast.Cannabis@Waterboards.ca.gov

Humboldt County Department of Planning and Building
Cliff Johnson, CJohnson@co.humboldt.ca.us

Green Road Consulting
Matti Nylander, matti@greenroadconsulting.com

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.

1. Within 60 days of the effective date of project approval, the applicant shall execute a Compliance Agreement with the Humboldt County Planning Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #3 –23. 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.
2. Within 30 days of the effective date of project approval, the applicant shall submit a complete Notification of Lake or Streambed Alteration Activities for the property.
3. The applicant shall be responsible for obtaining all necessary County and State permits or licenses and for meeting all the requirements as set forth by other regulatory agencies.
4. Within 30 days, applicant shall submit a revised and cohesive cultivation and operations plan and site plan to reflect the cultivation total cultivation areas of 19,810 mixed light cultivation. Further, pre-existing sites shall be granted the use type specified in the locations in Figure 1 of this staff report.
5. The applicant shall immediately engage in efforts to remove invasive species, including but not limited to, teasle (*Dipsacus lacinatus*) and yellow star thistle (*Centaurea solstitialis* L.), and conduct on-going monitoring of the site to prevent further establishment of invasive species. The use of untreated straw mulch is henceforth unauthorized.
6. Within 30 days, the applicant shall remove all cultivation waste material, including imported soil fill material be addressed immediately and properly disposed of at a designated waste management facility.
7. The applicant shall secure permits for all unpermitted grading, structures, including fire suppression infrastructure, 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. A letter or similar communication from the Building Division verifying that all structures related to the cannabis cultivation are permitted will satisfy this condition. Until then, existing structures used in the cannabis operation and proposed structures are not to be utilized until all required permits have been obtained.
8. The applicant shall file an Ag Exempt letter of intent for each structure used for cannabis cultivation activities.
9. The applicant shall secure a grading permit prior to commencing any ground disturbance. The grading permit shall be prepared by a qualified professional engineer. The plan shall identify the cubic yards of all proposed grading and shall incorporate the

erosion control measures listed below. The applicant shall be responsible for implementing the erosion control measures:

- a. If the project proposes future ground disturbing activities, include protocol level surveys, conducted by a qualified botanist, for any California Rare Plant Ranked Species that may be present within 200 feet of the proposed project site.
 - b. Minimize soil exposure during the rainy season by proper timing of grading and construction;
 - c. Retain natural vegetation where feasible;
 - d. Vegetate and mulch denuded areas to protect them from winter rains;
 - e. Divert runoff from steep denuded slopes and critical areas with barriers or ditches;
 - f. Minimize length and steepness of slopes by benching, terracing, or constructing diversion structures;
 - g. Trap sediment-laden runoff in basins to allow soil particles to settle out before flows are released to receiving waters; and
 - h. Inspect sites prior to significant rain events to ensure control measures are working properly and correct problems as needed.
2. The applicant shall secure the approval of the Division of Environmental Health and the Regional Water Quality Control Board for any on-site sewage disposal system prior to the issuance of the building permit. A letter from those agencies indicating approval has been issued will satisfy this condition. In the interim, the applicant shall provide portable toilets and hand washing stations to employees. Documentation of provisioning of these services are required by the Division of Environmental Health.
 3. Leave wildlife unharmed. If any wildlife is encountered during the Authorized Activity, Permittee shall not disturb the wildlife and shall allow wildlife to leave the work site unharmed.
 4. The project area has been determined to have potential nesting, roosting, or foraging habitat for Northern Spotted Owl (*Strix occidentalis caurina*), a State- and Federally threatened species. The following avoidance and minimization measure shall be implemented:
 - a. No lights, generators or fans are permitted by this permit until a scoping report for Northern Spotted Owl and Marbled Murrelet habitat is prepared by a biologist or forester with experience in the life history of the species, and approved by the Planning Director. If habitat is present within the project vicinity, a light and noise attenuation plan shall be developed in consultation with the Planning Department and California Department of Fish and Wildlife prior to the use of any lights, generators or fans. Conformance will be evaluated using auditory disturbance guidance prepared by the United States Fish and Wildlife Service and any other relevant published literature. Should the applicant propose to achieve noise attenuation by placing the generators inside a building(s), the applicant shall secure a building permit prior to construction.
 - b. Prior to any site development activities (i.e. tree removal, grading, construction, or road improvements), a qualified wildlife biologist with experience in Northern Spotted Owl surveys shall complete a protocol-level survey of the site to determine if there are trees that could provide habitats for this species. No tree that could provide suitable nesting, roosting, resting or denning habitat for these species shall be removed or altered and suitable mitigation measures developed by the biologist in consultation with CDFW will be implemented.
 - c. In the interim, Northern Spotted Owl shall be assumed present and no construction or road grading work will occur in the nesting or denning seasons (February 1 through August 30) unless protocol level surveys and associated biological

assessments of the property scientifically demonstrate absence and are agreed upon by the CDFW. Any measures developed by the biologist must be adhered to during the nesting or denning season.

- d. No proposed activity generating noise levels 20 or more decibels above ambient noise levels or with maximum noise levels above 90 decibels as measured from the nearest suitable habitat may occur during the nesting or denning season.
 - e. No human activities shall occur within a visual line-of-sight of 40 meters (131 feet) or less from a known nest or den location.
 - f. No use of anticoagulant rodenticide poisons are to be used on site as these are known to pose a significant threat to Fisher and Northern Spotted Owl populations in Northern California.
5. Any on-site lighting existing in any existing or proposed greenhouses shall be fully shielded, and designed and installed to minimize off-site lighting and direct light within the property boundaries. Light shall not escape at a level that is visible from neighboring properties between sunset and sunrise. The light source should comply with the International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1 and be designed to regulate light spillage onto neighboring properties resulting from backlight, uplight, or glare (BUG). Should the Humboldt County Planning Division receive complaints that the lighting is out of alignment or not complying with these standards, 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 has been repaired, inspected, and corrected as necessary. Should we add more stringent compliance condition?
6. Because generators are used the applicant shall provide a noise pollution plan that factually demonstrates all generators would not deliver noise pollution, which may affect fish and/or wildlife directly, or from a distance. Noise generated from any generators shall not exceed 50 decibels (dB) at 100 feet from the generator or at the edge of the nearest forest habitat, whichever is closer, as required by Section 314-55.4.11(o) of the Humboldt County Code. Prior to issuance of a building permit or the initiation of cultivation activities, whichever occurs first, the applicant shall provide documentation from a qualified professional demonstrating that the generator(s) conform to the specified standard. Conformance will be evaluated using auditory disturbance guidance prepared by the United States Fish and Wildlife Service. Should the applicant proposed to achieve noise attenuation by placing the generators inside a building(s), the applicant shall secure a building permit prior to construction. This condition shall be completed to the satisfaction of the Humboldt County Planning Division prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.
7. The applicant shall complete and implement all corrective actions detailed within the WRPP developed for the property by Green Road Consulting, prepared pursuant to Tier 2 enrollment under the North Coast Regional Water Quality Control Board (RWQCB) Cannabis Waste Discharge Regulatory Program, including those measures later determined necessary during annual and periodic site inspections in accordance with the monitoring element. A copy of the reporting form portion of the Mitigation and Reporting Program (MRP) shall be submitted annually to the Planning and Building Department concurrent with the submittal to the RWQCB a letter or similar communication from the RWQCB verifying that all their requirements have been met by the listed dates or the applicant has proven to the satisfaction of the RWQCB that the plan to complete the improvements by the listed dates is sufficient and will satisfy this condition. [After July 31, 2019, plans and reporting shall conform to the Cannabis Cultivation Policy and Cannabis General Order adopted October 17, 2017 by the State Water Board.]

8. The applicant shall secure a final Lake and Streambed Alteration Agreement approved by the California Department of Fish and Wildlife for any culvert maintenance and installation needs and comply with all applicable terms.
9. Water for this Project is sourced from groundwater wells. CDFW requests that the groundwater wells be inspected annually to evaluate drawdown, and the potential for the well to go dry. This evaluation should include a standard pump test to be conducted during the dry season. Evaluation of the pump test results should be conducted by a licensed professional with expertise. Since the County is the lead agency on land use and associated groundwater well use and management, planning staff should evaluate the location and water use of other proximal wells to this Project and require storage as necessary to avoid excessive aquifer drawdown. CDFW recommends additional water storage at this site in the event that the well does not produce in perpetuity.
10. Any new structures will be required to meet the required 30-foot Humboldt County Fire Safe setbacks and receive appropriate Building Permits.
11. Prior to issuance of any building or construction permits a revised site plan shall be prepared by the applicant and reviewed and approved by the Planning Division showing:
 - a) Adequate off-street parking,
 - b) Compliance with emergency vehicle access requirements,
 - c) Location and purpose of all existing and proposed facilities; and
 - d) Setbacks between project activities and wetlands, surface waters and Streamside Management Areas.
12. Prior to issuance of any building or construction permits a grading, erosion and sediment control plan shall be prepared by a qualified engineer. The plan shall identify the cubic yards of all grading that has been done and any proposed grading. Dust control practices during construction and grading shall achieve compliance with North Coast Air Quality Management District (NCAQMD) fugitive dust emission standards.
13. The Mitigation measures detailed in the Registered Professional Forester report dated October 20, 2017 are made a condition of approval. These include treating the slash and woody debris around Conversion Areas A and B by reducing them to the degree that treatment would not cause soil disturbance issues. The slash piles and logs that are not heavily intermixed with soil and reasonably accessible should be lopped and scattered by hand (to specifications described in 14 California Code of Regulations (CCR) 1104.1(a)(2)(D)(1)), cut and used for wood heat (to specifications described in 14 CCR 1104.1(a)(2)(D)(7)) or piled on the clearings and burned during the wet winter period (under permit from the appropriate fire protection agency).
14. It is assumed, until factually demonstrated by a professional geologist, hydrologist, or engineer, that the well on the property is hydrologically connected to surface waters. As such, the applicant shall obtain an appropriative water right for the potentially jurisdictional well from the State Water Resources Control Board for water diverted for irrigation uses as diversion for cannabis cultivation has the potential to substantially affect instream flows. Until either a letter from a professional geologist, hydrologist, or engineer, or a letter of agreement from the State Water Board regarding the non-diversionary status of the well is provided to the Humboldt County Planning Division, the applicant shall agree to forebear from diverting water from for cultivation activities during the forbearance period of May 15 to October 31 of 2018, consistent with Section 55.4.11(l).

15. Within 60 days of project approval the applicant shall submit a revised site plan that shows the amount of cultivation as approved by the Planning Commission.
16. 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.
17. 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.
18. A review fee for Conformance with Conditions as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$125.00) shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka. This fee is a deposit, and if actual review costs exceed this amount, additional fees will be billed at the County's current burdened hourly rate.
19. The applicant shall agree to use a water meter to demonstrate that there is sufficient water supply to meet the demands of the project. As part of the annual inspection, the applicant shall present water use records showing water use for the year broken down by month. If the well doesn't produce sufficient water to support annual operations, additional water storage will need to be added to the subject parcel. Alternatively, the Planning Department may reduce the cultivation area.
20. Prior to the beginning of cultivation activities in 2021, and in no case later than March 1, 2021, the applicant shall remove all of the greenhouses in the center flat area that is approved for 13,000 square feet of full-sun outdoor only. A revised site plan showing these areas consistent with the approval shall be submitted to the Planning Department no later than March 1, 2021.
21. The property owner 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.
22. 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 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.

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

1. 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.
2. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CMMLUO and MCRSA, as applicable to the permit type.

3. 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 & Building Department within one (1) year of issuance of the provisional clearance or permit. If good faith effort towards compliance can be shown within the two years following the issuance of the provisional clearance or permit, The Planning Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow for additional time to meet the outstanding requirements.
4. Possession of a current, valid required license, or licenses, issued by any agency of the State of California in accordance with the MCRSA, and regulations promulgated thereunder, as soon as such licenses become available.
5. 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.
6. 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).
7. Maintain enrollment in Tier 1, 2 or 3, certification with the 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.
8. Comply with the terms of any applicable Streambed Alteration (1600) Permit obtained from the California Department of Fish & Wildlife, if applicable.
9. 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 – Friday, 9:00 am – 5:00 pm, excluding holidays).
10. To avoid disturbance of NSO and other sensitive species, construction of noise containment structures for all generators and fans on parcel; noise released shall be no more than 50 decibels measured from 100ft or edge of habitat whichever is closer. To avoid disturbance of NSO and other sensitive species, CDFW recommends that the proposed Project be limited to full-sun outdoor cultivation methods, with noise/light attenuation as applicable. Noise released shall be no more than 50 decibels measured from 100ft or edge of habitat whichever is closer. On-site lighting (e.g. security lighting, etc.) shall comply with attenuation shall follow International Dark-Sky Association standards and Fixture Seal of Approval Program; see: <https://www.darksky.org/our-work/lighting/lighting-for-citizens/lighting-basics/>. Standards include but are not limited to the following, 1) light shall be shielded and downward facing, 2) shall consist of Low-pressure Sodium (LPS) light or low spectrum Light Emitting Diodes (LED) with a color temperature of 3000 kelvins or less and 3) only placed where needed. CDFW further requests, a light attenuation monitoring and management plan for this activity within thirty-days, following execution of the final permit.

11. This permit does not authorize the use of Anticoagulant rodenticides on the subject parcel. Anticoagulant rodenticides are prohibited.
12. Prohibition on use of synthetic netting. To minimize the risk of wildlife entrapment, 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.
13. If any wildlife is encountered during the authorized activity, Permittee shall not disturb the wildlife and shall allow wildlife to leave the work site unharmed.
14. All refuse be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
15. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
16. Pay all applicable application and annual inspection fees.
17. The noise produced by a generator used on an emergency-only basis for cannabis drying, curing, and processing shall not be audible by humans from neighboring parcels. The decibel level for generators measured at the property line shall be no more than 60 decibels. Where applicable, sound levels must also show that they will not result in the harassment of Marbled Murrelet or Spotted Owl species. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service, and further consultation where necessary. Under these guidelines, generator noise may not exceed 50dB as measured at 100 feet from the generator or at the edge of the nearest Marbled Murrelet or Spotted Owl habitat, whichever is closer.
18. Storage of Fuel - Fuel shall be stored and handled in compliance with applicable state and local laws and regulations, including the County of Humboldt's CUPA program, and in such a way that no spillage occurs.
19. The Master Logbooks maintained by the applicant to track production and sales shall be maintained for inspection by the County.
20. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).
21. The operation shall participate in the Medical Cannabis Track and Trace Program administered by the Humboldt County Agricultural Commissioner, when available.

Performance Standards for Cultivation and Processing Operations

22. 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."
23. 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, California Agricultural Labor Relations Act, and the Humboldt County Code (including the Building Code).

24. Cultivators engaged in processing shall comply with the following Processing Practices:
 - i. Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.
 - ii. Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
 - iii. Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.
 - iv. Employees must wash hands sufficiently when handling cannabis or use gloves.
25. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:
 - I. 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:
 - (a) Emergency action response planning as necessary;
 - (b) Employee accident reporting and investigation policies;
 - (c) Fire prevention;
 - (d) Hazard communication policies, including maintenance of material safety data sheets (MSDS);
 - (e) Materials handling policies;
 - (f) Job hazard analyses; and
 - (g) Personal protective equipment policies, including respiratory protection.
 - II. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
 - (a) Operation manager contacts;
 - (b) Emergency responder contacts;
 - (c) Poison control contacts.
 - III. 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.
 - IV. On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.
26. All cultivators shall comply with the approved Processing Plan as to the following:
 - I. Processing Practices.
 - II. Location where processing will occur.
 - III. Number of employees, if any.
 - IV. Employee Safety Practices.
 - V. Toilet and handwashing facilities.
 - VI. Plumbing and/or septic system and whether or not the system is capable of handling increased usage.
 - VII. Drinking water for employees.

- VIII. Plan to minimize impact from increased road use resulting from processing.
- IX. On-site housing, if any.

- 27. 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.
- 28. 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 CUP or permit holder with a written statement identifying the items not in compliance, and the action that the permit holder may take to cure the non-compliance, 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 non-compliance. Failure to request reinspection or to cure any items of non-compliance 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.
- 29. Permit Renewals to comply with Updated Laws and Regulations. Permit renewal per Ongoing Condition of Approval #22 above 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.
- 30. 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.

Permittee further acknowledges and declares that:

- I. All commercial cannabis activity that I, my agents, or employees conduct pursuant to a permit from the County of Humboldt for commercial cultivation, processing, manufacturing, and distribution of cannabis for adult use or medicinal use within the inland area of the County of Humboldt, shall at all times be conducted consistent with the provisions of the approved County permit; and
 - II. All cannabis or cannabis products under my control, or the control of my agents or employees, and cultivated or manufactured pursuant to local Ordinance and the State of California Medicinal and Adult Use Cannabis Regulation and Safety Act ("MAUCRSA") (SB 94), will be distributed within the State of California; and
 - III. All commercial cannabis activity conducted by me, or my agents or employees pursuant to a permit from the County of Humboldt will be conducted in compliance with the State of California MAUCRSA.
- 31. 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:

- I. Identifying information for the new Owner(s) and management as required in an initial permit application;
 - II. A written acknowledgment by the new Owner in accordance as required for the initial Permit application;
 - III. The specific date on which the transfer is to occur; and
 - IV. Acknowledgement of full responsibility for complying with the existing Permit; and
 - V. Execution of an Affidavit of Non-diversion of Medical Cannabis.
32. 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 of 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 of 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 #1 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 #23 of the On-Going 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 as well as the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and 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 Section 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 Section 5097.98. Violators shall be prosecuted in accordance with Public Resources Code Section 5097.99.

4. 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 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.
5. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions 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 Department will send a bill to the Applicant for all staff costs incurred for review of the project for conformance with the conditions of approval. All Planning fees for this service shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
6. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines.
7. **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 NOE and will charge this cost to the project.
8. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions prior to release of building permit or initiation of use and at time of annual inspection. In order to demonstrate that all conditions have been satisfied, applicant is required to pay the 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) within sixty (60) days of the effective date of the permit or upon filing of the Compliance Agreement (where applicable), whichever occurs first. Payment shall be made to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
9. The 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.