

EXHIBIT A
Conditions of Approval
Northwestern Flower Company Cultivation Application
Conditional Use Permit & Design Review
File No. 205-111-075; Case No's. CUP-DR-01-2024; CCLUO 01-2024

Conditions of Approval

1. The applicant shall pay their fair share contribution to the City's water system. The fair share cost is based on estimated water use and the current cost of access to the water system, which is \$0.05 a gallon. Based on the 2023 water usage, it is estimated that the operation will utilize an additional 289,750 gallons. Based on actual consumption, the fair share cost is \$14,487.50 for the proposed expansion. Subtracting the credit (\$3,877.00) for the initial overpayment, the estimated fair share is \$10,610.50. The fair share costs shall be paid at the time the Building Permit is issued.

2. 100% of the energy used for cultivation activities shall be supplied from a renewable source, in this case the Redwood Coast Energy Authority's RePower+ program. Written verification from the Redwood Coast Energy Authority is required before the Certificate of Occupancy is issued

3. The applicant shall provide parking, accessible parking, bicycle parking, motorcycle parking, and loading spaces as shown below:

Proposed Parking	
Parking Type	Number of Spaces
Standard Parking	36
ADA-Accessible Parking	2
Bicycle Parking	3
Motorcycle Parking	1
Loading Spaces	4

The applicant shall submit Improvement Plans identifying the required parking, loading spaces and curbing.

4. All parking spaces, access drives, and maneuvering areas to be improved with and permanently maintained with an all-weather durable asphalt, concrete of comparable surface as required by the Director of Public Works. The structural section of all new asphalt shall include a minimum of 0.2 foot of Caltrans Type B hot mix (asphalt) over 0.67 foot of Caltrans Class 2 aggregate base. If required by the City Engineer, the structural section of all new roads

shall be determined by the Caltrans R-Value method using a Traffic Index (T.I.) approved by the City Engineer. Based on soil conditions, the City Engineer may also require a geotextile fabric to be placed on top of the subgrade. The applicant shall submit Improvement Plans identifying the required curbing.

5. The parking spaces and loading space shall be clearly delineated with white 4-inch-wide lines and the stripping be continuously maintained in a clear and visible manner.

6. Concrete curbing at least 6 inches in height and 6 inches wide shall be installed around the perimeter of the parking and landscaped areas, including curbing identified in **Figure 2**. The curbing shall have breaks in it to allow stormwater to pass and infiltrate the landscaped areas. The curbs shall be a PCC Caltrans Type A1-6. The applicant shall submit Improvement Plans identifying the required curbing.

7. Landscaping:

- Crepe Myrtle trees or other trees approved by the City shall be planted adjacent to the access road and driveway at 40'+/- intervals.
- The applicant shall install a 12' x 16' gazebo over the concrete picnic table between Buildings B2 and B4,
- The applicant shall install solid screening (i.e. wood fence, concrete block, etc.) around each of the air conditioners/recyclers.

8. All exterior lighting shall be LED fixtures and be directed downward and away from adjoining properties and public rights-of-way and so that no on-site light fixture directly illuminates adjacent properties.

9. The applicant shall submit Improvement Plans identifying the following. The plans shall be reviewed approved by the City Engineer. The applicant shall be responsible for the costs of the review and approval.

10. Any signs must comply with Section 17.30.300 of the RDMC.

11. Community Relations: The applicant shall provide the City Manager or designee with the name, phone number, facsimile number, and email address of an on-site community relations or staff person or other representative to whom the City can provide notice if there are operating problems associated with the medical cannabis facility or refer members of the public who may have any concerns or complaints regarding the operation of the cannabis facility. Each medical cannabis facility shall also provide the above information to its business neighbors located within 300 feet of the cannabis facility.

12. Inspections: Consent to a minimum of at least one quarterly on-site compliance inspection, to be conducted by appropriate City officials during regular business hours (Monday – Friday,

9:00 am – 5:00 pm, excluding holidays). The applicant shall be required to pay the Inspection Fee in effect at that time.

Operational Conditions

1. Emergency generators are subject to the following conditions:

- Noise levels shall not exceed 60 decibels at any property line.
- The generator(s) shall be Tier 4.
- The applicant shall enroll in the County Hazardous Waste program which includes the storage of fuel (diesel). Hazardous materials and wastes from agricultural businesses are regulated by the Humboldt County Environmental Health Division, which administers the Hazardous Materials program as one of the Certified Unified Program Agencies (CUPA). This includes the application, inspection, enforcement, and reporting under the program requirements and standards set by the California Environmental Protection Agency (CalEPA). The applicant shall provide evidence of enrollment.

2. All disposal of cannabis waste is subject to Section 40290 of the California Code of Regulations (CCR). Section 40290(e) of the CCR's requires that the cannabis waste be rendered to make it unusable and unrecognizable before removing the waste from the premises. This requires that the cannabis waste be ground and incorporated with other ground material so that the resulting mixture is at least 50% non-cannabis material by volume. All hazardous waste as defined in Section 40141 of the Public Resources Code (PRC) must be managed with all applicable hazardous waste statutes and regulations.

3. In addition to any and all State regulations to cannabis cultivation, all cultivation activities are subject to the Performance Standards in Section 17.30.195(10) of the Rio Dell Municipal Code.

4. The building, parking lot, stripping and landscaping shall be maintained in good condition. The stripping shall be permanently maintained in a clear and visible manner.

5. The storm drain system, including on-site drainage ditches and detention basin shall be maintained to ensure they work properly.

6. Exterior light fixtures shall be directed downward and away from adjoining properties and public rights-of-way and so that no on-site light fixture directly illuminates adjacent properties.

7. The operations shall comply with all local and State regulations at all times.

8. Comply with all federal, state, and local laws and regulations applicable to California Agricultural Employers, including those governing cultivation activities, the storage and handling of materials, including fertilizers, pesticides and fungicides.

9. Record Retention. The term record includes: all records, applications, reports or other supporting documents required by the City and the State.

- ◆ Each permittee shall keep and maintain the records listed in subsection (e) for at least 7 years from the date the document was created.
- ◆ Records shall be kept in a manner that allows the records to be immediately produced for the City at the permitted premises.
- ◆ All records related to commercial cannabis activity are subject to inspection by the City.
- ◆ A permittee may contract with a third party to provide custodial or management services of the records. Such a contract shall not relieve the licensee of its responsibilities under this condition.
- ◆ Each permittee shall maintain all of the following records on the licensed premises or at a different location identified by the licensee and approved by the City, including but not limited to:
 - City and State issued permits and license(s);
 - Plan of Operations;
 - All records evidencing compliance with the environmental protection measures required in Sections 8313, 8314, and 8315 of the California Code of Regulations;
 - Any supporting documentation for data or information input into the track-and-trace system;
 - Financial records, including but not limited to, bank statements, tax records, invoices, and sales receipts;
 - Personnel records, including each employee's full name, social security, or individual tax payer identification number, date of beginning employment, and date of termination of employment if applicable;
 - Training records, including but not limited to the content of the training provided and the names of the employees that received the training;
 - Contracts with other state licensed medical cannabis businesses;

- Permits, licenses, and other local authorizations to conduct the licensee's commercial cannabis activity;
 - Security records; and
 - Records associated with the composting or disposal of waste.
- ◆ All required records shall be prepared and retained in accordance with the following conditions:
 - ◆ Records shall be legible; and
 - ◆ Records shall be stored in a secured area where the records are protected from debris, moisture, contamination, hazardous waste, fire and theft.

10. The applicant shall pay all fees and taxes as required by the City of Rio Dell.

Informational Notes

1. If potential archaeological resources, paleontological resources or human remains are unearthed during grading activities, all work ground disturbing activities shall be stopped and a qualified archaeologist funded by the applicant and approved by the City of Rio Dell and the Wiyot Tribe, shall be contracted to evaluate the find, determine its significance, and identify any required mitigation (e.g., data recovery, resource recovery, in-situ preservation/capping, etc.). Any such mitigation shall be implemented by the developer prior to resumption of any ground disturbing activities.

2. In accordance with California Health and Safety Code §7050.5 and California Public Resources Code §5097.94 and 5097.98, if human remains are uncovered during project subsurface construction activities, all work shall be suspended immediately and the City of Rio Dell, Humboldt County Coroner and the Bear River Band of the Wiyot Nation shall be immediately notified. If the remains are determined by the Coroner to be Native American in origin, the Native American Heritage Commission (NAHC) shall be notified within 24 hours of the determination, and the guidelines of the NAHC shall be adhered to in the treatment and disposition of the remains.

RESOLUTION NO. PC 174-2024



**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIO DELL
APPROVING NORTHWESTERN FLOWER COMPANY'S
CANNABIS CULTIVATION & DESIGN REVIEW CONDITIONAL USE PERMIT
File No. 205-111-075; Case No's. CUP-DR-01-2024; CCLUO 01-2024**

WHEREAS Northwestern Flower Company (Applicant and Operator) is requesting a Conditional Use Permit (CUP) for the indoor cannabis cultivation of an additional 12,200 square feet of canopy; and

WHEREAS the site is currently developed with an existing two-story 19,200 square-foot building accommodating 9,600 square feet of cannabis cultivation; and

WHEREAS drying will occur on-site in the existing cargo containers behind Building B1; and

WHEREAS processing will occur off-site at an off-site (Humboldt 454) licensed facility; and

WHEREAS project site is located at the Humboldt Rio Dell Business Park (HRDBP); and

WHEREAS the property is designated Industrial Commercial; and

WHEREAS Section 17.30.195 the City's Commercial Cannabis Land Use Ordinance (CCLUO), allows commercial cannabis activities at the Humboldt Rio Dell Business Park (HRDBP) with a Conditional Use Permit (CUP); and

WHEREAS the project was evaluated for compliance with the City's commercial cannabis regulations; and

WHEREAS the project was evaluated for compliance with the City's Zoning Regulations, including Design Review, the General Plan and compliance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA); and

WHEREAS based on the information submitted, and recommended conditions of approval, staff recommends that the proposed uses be found to be consistent with the development standards of the Industrial Commercial zone and the Commercial Cannabis Land Use Ordinance, Section 17.30.195 and the Design Review regulations, Section 17.25.050 and the Use Permit requirements of Section 17.35.030 of the Rio Dell Municipal Code; and

WHEREAS the project was referred to a number of local agencies including the California Department of Fish and Wildlife (CDFW), the Regional Water Quality Control Board (RWQCB), the North Coast Unified Air Quality Management District (NCUAQMD), the California Department of Transportation (CALTRANS), Humboldt County Department of Environmental Health (DEH) and the Fortuna Fire Protection District (FFPD) and Rio Dell Fire Protection District (RDFPD), and local native American tribes, including the Bear River and Wiyot's; and

WHEREAS neither the Bear River or Wiyot tribes recommended a Cultural Resource Study due to the fill that created the building pad in 2013; and

WHEREAS staff has included a condition to require inadvertent discovery protocol as a precaution; and

WHEREAS the proposed project is expected to generate an average of 20 new daily vehicle trips during the peak season; and

WHEREAS the proposed project would be classified as a small project based on the Office of Planning and Research (OPR) guidance since it would result in fewer than 110 new daily trips even during peak season and can therefore be presumed to have a less-than-significant transportation impact on Vehicle Miles Traveled (VMT).

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Rio Dell finds that *as conditioned*:

- (a) The proposed use is allowed within the applicable zoning district and complies with all other applicable provisions of this title and all other City ordinances;
- (b) The proposed use is consistent with the general plan and any applicable specific plan; and
- (c) The design, location and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity; and
- (d) The site is physically suitable for the type, density and intensity of use being proposed, including access, utilities, and the absence of physical constraints;

(e) Granting the permit would not be detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zoning district in which the property is located; and

(f) The Conditional Use Permit has been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA); and

(g) Based on the location, absence of any on-site environmentally sensitive areas, and the existing operation which has not resulted in any environmental impacts, the Planning Commission finds that the project is Statutorily Exempt pursuant to Section 15061(b)(3) of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations. Pursuant to Section 15061(b)(3) of the CEQA Guidelines this exemption is covered by the general rule that CEQA applies only to projects which have the potential to cause a *significant* effect on the environment.

Based on the nature of the proposed project, including comments or lack of comments from the California Department of Fish and Wildlife (CDFW), the Regional Water Quality Control Board (RWQCB), the North Coast Unified Air Quality Management District (NCUAQMD), the California Department of Transportation (CALTRANS), Humboldt County Department of Environmental Health (DEH) and the Fortuna Fire Protection District (FFPD) and Rio Dell Fire Protection District (RDFPD), there is no evidence to suggest that the project will not result in a significant, substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance.

I HEREBY CERTIFY that the forgoing Resolution was PASSED and ADOPTED at a regular meeting of the Planning Commission of the City of Rio Dell on March 12, 2024 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Nick Angeloff, Chairperson

ATTEST:

I, Karen Dunham, City Clerk for the City of Rio Dell, State of California, hereby certify the above and foregoing to be a full, true and correct copy of Resolution No. PC 174-2024 adopted by the Planning Commission of the City of Rio Dell on March 12, 2024.

Karen Dunham, City Clerk, City of Rio Dell