

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

Resolution Number: 25-051

Record Number: PLN-12050-CUP

Assessor's Parcel Number: 223-034-003

Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approving the Fenario LLC Conditional Use Permit.

WHEREAS, Fenario LLC provided an application and evidence in support of approving a Conditional Use Permit for an existing 34,924 square foot outdoor commercial cannabis cultivation operation and a Special Permit for remediation efforts proposed to be conducted within the Streamside Management Area; and

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

WHEREAS, the Humboldt County Planning Commission held a duly-noticed public hearing on September 18, 2025, and reviewed, considered, and discussed the application for a Conditional Use Permit and reviewed and considered all evidence and testimony presented at the hearing.

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

1. FINDING:

Project Description: A Conditional Use Permit for up to 34,925 square feet of existing outdoor cannabis cultivation with 1,440 square feet of appurtenant nursery space. Water for irrigation is sourced from two permitted diversions and rainwater catchment. Water storage consists of 38,750-gallons of existing hard tanks and 300,000 gallons of proposed rainwater catchment tanks that will replace an onstream pond that will be retired and restored. Annual cultivation water use is 239,600 gallons. Processing activities including trimming and packaging will occur offsite. Power provided by a solar panel and battery system with a generator for emergencies. The project includes a Special Permit for the removal and restoration of a pond in a streamside management area.

EVIDENCE: a) Project File: PLN-12050-CUP

2. FINDING: **CEQA.** The project complies with the requirements of the California Environmental Quality Act. The Humboldt County Planning Commission has considered the Mitigated Negative Declaration previously adopted for the Commercial Medical Marijuana Land Use Ordinance as well as the Addendum to the Mitigated Negative Declaration that was prepared for the project pursuant to Section 15164 of the CEQA guidelines.

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) The project is conditioned to demonstrate compliance with the State Water Board Cannabis General Order for Waste Discharge. Conditions of approval require the applicant to adhere to and implement the recommendations of the SMP and maintain enrollment in the State Cannabis Cultivation Policy for the life of the project.
- d) The project is for pre-existing cultivation. The nearest mapped Northern Spotted Owl activity center is approximately 1.4 miles to the southeast (HUM0992). The project utilizes pre-existing open areas, and cultivation does not use artificial light except for the ancillary nursery. Use of the generator is subject to the standard condition limiting noise to 50dB at 100 feet from the backup generator or at the edge of the nearest forest habitat, whichever is closer. As proposed and conditioned, the project is consistent with CMMLUO performance standards and CDFW guidance and will not negatively affect the northern spotted owl or other sensitive species.
- e) Staff review of the CNDDDB concluded that continuing the operation will not impact species of concern.
- f) A Road Evaluation Report concludes the route leading to the subject parcel is developed to the equivalent of a category 4 road standard, is in good condition, and does not have any evidence of a site-specific safety problem.

- g) The continued cultivation of commercial cannabis will not result in a net timber conversion. There is no evidence of timber conversion associated with the proposed cultivation, nor is any tree cutting proposed
- h) Consultation with the Sinkyone Wilderness Council and the Northwest Information Center (NWIC) resulted in the standard inadvertent discovery protocol as a condition of approval after a cultural resources survey was conducted.

FINDINGS FOR CONDITIONAL USE PERMIT

3. FINDING: The proposed development is in conformance with the County General Plan, Open Space Plan, and the Open Space Action Program.

EVIDENCE: a) General agriculture is a use type permitted in the Agricultural Grazing (AG) 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 Agriculture Exclusive (AE); Agriculture Exclusive (AE) Special Building Site (B-5(160)); and Timber Production Zone (TPZ). Cannabis cultivation, an agricultural product is a principally permitted use in the AE zone.

EVIDENCE: a) The Agriculture Exclusive or AE Zone is intended to be applied in fertile areas in which agriculture is and should be the desirable predominant use and in which the protection of this use from encroachment from incompatible uses is essential to general welfare. The Timberland Production Zone or TPZ zone is intended to be applied to areas of the County in which primary uses include the growing and harvesting of timber and timber production facilities, including portable processing equipment. Compatible uses other than the direct growing, harvesting, and portable processing of timber include grazing and other agricultural uses.

- b) All general agricultural uses, including accessory agricultural uses and structures listed are permitted in the AE zone. Agricultural uses are considered compatible with the TPZ zone.
- c) Humboldt County Code section 314-55.4.8.2.2 allows cultivation of up to 43,560 square feet of existing outdoor cannabis cultivation and up to 22,000 square feet of existing mixed-light commercial cannabis on a parcel over 1 acre subject to approval of a Conditional Use Permit and a determination that the cultivation was in existence prior to January 1, 2016. The application for 34,924 square feet of existing cultivation on a 160-acre parcel is consistent with this and with the historic cultivation area verification conducted by staff.
- d) All cultivation is at least 30 feet from all property lines and there are no public parks, churches, school bus stops or other sensitive receptors within 600 feet of the cultivation areas.

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 AE and TPZ (HCC 314-55.4.8.2.2).
- b) The parcel was created in compliance with all applicable state and local subdivision regulations. The 160-acre parcel is an intact parcel, thus establishing compliance with the subdivision map act.
- c) The project will obtain water and from rainwater catchment, an eligible water source and from diversions that are authorized and regulated by a water right. A rainwater catchment analysis demonstrates that adequate water can be collected in low rainfall years and that forbearance from the diversions during the dry season can be met.
- d) A Road Evaluation Report found the access roads to be functionally appropriate for the expected traffic.
- e) The slope of the land where existing cannabis will be cultivated is 0% to 15% and 15% to 30 % on existing flats. No new grading will occur.
- f) The continued cultivation of cannabis will not result in the net conversion of timberland.

- g) 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 and more than 600 feet from any school, church, public park, or Tribal Cultural Resource.

6. FINDING:

The continued cultivation of 34,925 square feet of existing cannabis cultivation and the conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

EVIDENCE:

- a) The site is located on road that has been found to safely accommodate the amount of traffic generated by the proposed cannabis cultivation.
- b) The site is in a rural part of the County where the typical parcel size is over 80 acres and many of the land holdings are very large. The proposed cannabis will not be in a location where there is an established neighborhood or other sensitive receptor such as a school, church, park, or other use which may be sensitive to cannabis cultivation. Approving cultivation on this site and the other sites which have been approved or are in the application process will not change the character of the area due to the large parcel sizes in the area.
- c) Irrigation water will come from rainwater catchment, and water diversions secured with a water right, eligible water sources.
- d) Provisions have been made in the applicant's proposal and conditions added to the project to protect water quality and thus runoff to adjacent property and infiltration of water to groundwater resources will not be affected.

7. FINDING:

The proposed development does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.

EVIDENCE:

- a) The parcel was not included in the housing inventory of Humboldt County's 2019 Housing Element but does have the potential to support one housing unit. The approval of cannabis cultivation on this parcel will not conflict with the ability for a residence to be permitted on this parcel.

8. FINDING: Approval of this project is consistent with Humboldt County Board of Supervisors Resolution No. 18-43 which established a limit on the number of permits and acres which may be approved in each of the County's Planning Watersheds.

EVIDENCE: a) The project site is in the South Fork Eel Planning Watershed, which under Resolution 18-43 is limited to 730 permits and 251 acres of cultivation. With the approval of the project the total approved permits in this Planning Watershed would be 290 permits and the total approved acres would be approximately 89.0 acres of cultivation.

9. FINDING: The use of the well and diversion for irrigation purposes will not have any adverse impacts on any public trust resources.

EVIDENCE: a) The project is in the South Fork Eel River Watershed; the project is 1.2 miles southwest of the East Branch of the South Fork Eel River. The three diversions are from springs that feed unnamed watercourses that are tributaries to Horse Pasture Creek, which is a tributary to the East Branch of the South Fork of the Eel River. Water from diversionary sources are regulated by the State Water Resources Control Board through the project's water right water right and by the California Department of Fish and Wildlife through the approved LSAA for the project. Through this regulation, including protection of watercourses, prevention of erosion, ensuring adequate bypass flow, and limitations on time and quantity of withdrawals, downstream water quality and flow are ensured. The Eel River provides recreational opportunities for swimming, boating, and fishing. The project collects water in the rainy season from November 1st to April 31st when the river has excess water due to rainfall. Water from the tanks is used in the dry season when the public trust resource of the river is limited. The project has no impact on flows during the dry season, thus the use of the stored water for irrigation purposes will not cause any significant adverse impact to the Eel River or otherwise substantially impair the public trust uses or values related to commerce, navigation, fisheries, public access, preservation of trust lands in their natural state, or water-related-recreation and other activities.

DECISION

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

- Adopt the findings set forth in this resolution; and
- Conditionally approves the Conditional Use Permit and Special Permit for Fenario LLC, subject to the conditions of approval attached hereto as Attachment 1.

Adopted after review and consideration of all the evidence on **September 18, 2025**.

The motion was made by COMMISSIONER NOAH LEVY and second by COMMISSIONER THOMAS MULDER and the following vote:

AYES: COMMISSIONERS: Iver Skavdal, Thomas Mulder, Jerome Qiriazzi, Peggy O'Neill,
Noah Levy

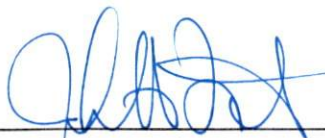
NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS: Lorna McFarlane, Sarah West

ABSTAIN: COMMISSIONERS:

DECISION: Motion carried 5/0

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

CONDITIONS OF APPROVAL

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

A. Conditions subject to the compliance agreement must be satisfied before the provisional cannabis cultivation permit is no longer considered provisional. This section also includes conditions that must be completed within specified time frames or completed prior to commencing cultivation.

1. Within 60 days of the effective date of permit approval, the permittee shall execute a Compliance Agreement with the Humboldt County Planning and Building Department described under **Condition of Approval A6**. All activities described in the agreement must be completed to the satisfaction of the Planning and Building Department before the permit may be finalized and no longer considered provisional.
2. Within 60 days of the effective date of permit approval, the Permittee shall install water meters at the three points of diversion. Water meters shall be installed at the point of use for cannabis irrigation water and domestic use. The permittee shall maintain separate records for domestic and cannabis irrigation use. The permittee shall keep monthly records of water usage. The water meter and usage records shall be made available to the Planning Department at each annual inspection or as requested by planning staff.
3. Within 60 days of the effective date of project approval, the permittee shall execute and file with the Planning Division the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the HCC and available at the Planning and Building Department.
4. Within 60 days of the effective date of project approval, the permittee shall obtain a will-serve letter from the Fire Protection District OR cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning Division. Document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors will be required.
5. Prior to cultivating in 2027, the permittee shall develop an additional 300,000 gallons of approved water storage that shall be capable of capturing 127,000 gallons of water

in a drought year (average of the three lowest rainfall years in the past 20 years). If the permittee is unable to develop the 300,000 gallons of rainwater collection and storage tanks, the cultivation area shall be reduced proportionally to the deficit of stored water. For every 6.9 gallons deficit of stored water below 240,000 gallons, the cultivation area shall be reduced by one square foot.

6. Prior to December 31, 2025, the permittee shall submit a completed stream restoration plan, for the pond retirement, to the California Department of Fish and Wildlife and shall achieve compliance with the Lake or Streambed Alteration Agreement, 1600-2019-0183-R1.
7. The permittee shall complete the retirement and restoration of the onstream pond as described in Lake or Streambed Alteration Agreement, Notification No. 1600-2019-0183-R 1 as amended.
8. The permittee shall secure permits or exemptions for all structures and grading used to support the cannabis cultivation from the Humboldt County Building Department.
9. The permittee shall have a dedicated fire suppression tank with a minimum of 2,500-gallon capacity. The designated fire suppression tank shall have the appropriate pipe size and valving requirements for such structures according to the Humboldt County Fire Safe Regulations Ordinance No. 2540 (Humboldt County, 2015) and shall meet minimum CalFire SRA requirements. The location of the tanks shall be noted on the site plan.
10. Within 60 days of project approval, the permittee shall ensure that screens are installed on all water diversion intakes in accordance with the LSAA Notification No. 1600-2019-0183-R 1
11. The permittee shall be compliant with the County of Humboldt's Certified Unified Program Agency (CUPA) requirements regarding hazardous materials. A written verification of compliance shall be required before any provisional permits may be finalized. Ongoing proof of compliance with this condition shall be required at each annual inspection to keep the permit valid.
12. No later than January 1, 2026, the permittee will develop and fully implement an alternative renewable energy (i.e., solar, wind, micro-hydro) plan for electricity

serving the cannabis operation such that generator use may be reserved for emergency use only.

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

1. If cultural resources are encountered during construction activities, the contractor on site shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist and the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the permittee and the lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided. Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, ground-stone artifacts, shellfish or faunal remains, and human burials. If human remains are found, California Health and Safety Code 7050.5 requires that the County Coroner be contacted immediately at 707-445-7242. If the Coroner determines the remains to be Native American, the Native American Heritage Commission will then be contacted by the Coroner to determine appropriate treatment of the remains pursuant to Public Resources Code (PRC) Section 5097.98. Violators shall be prosecuted in accordance with PRC Section 5097.99
2. If the permittee is unable to store 240,000 gallons of water due to low rainfall or lack of storage, the permittee will be required reduce the area cultivated in proportion to the deficit in stored water, at a rate of one square foot of cultivation area for each 6.9 gallon deficit of cultivation water.
3. The permittee is limited to utilizing the diversionary water source for 171,354 gallons of cultivation water.
4. Permittee must demonstrate that a properly functioning onsite wastewater treatment system serves the operation. This can be accomplished by either installing a new, permitted septic system; or alternatively, permittee shall provide DEH with an assessment of the existing system performed by a qualified professional engineer, geologist, soil scientist, or REHS that certifies that the existing system complies with the State RWQCB definition of a Tier 0 system - not impairing groundwater or surface water resources. Until such time that this condition is satisfied, the permittee must use a portable toilet to support the cultivation operation.

5. The permittee shall adhere to the ongoing monitoring and maintenance protocols listed in the table of the Water Resources Protection Plan as amended.
6. The permittee shall comply with the requirements of the **LSAA, 1600-2019-0183-R1C**, as amended, regarding the use and maintenance of the points of diversion and maintenance of stream crossing.
7. After December 31, 2025, generators shall be used for emergency purposes only.
8. The combination of background, generator and greenhouse fan or other operational equipment created noise must not result in the harassment of Northern Spotted Owl species as required to meet the performance standards for noise set by Department Policy Statement No. 16-005 clarifying CMMLUO Section 55.4.11 (o) requirements. The combined noise levels measured at 100 feet or the edge of habitat, whichever is closer, shall be at or below 50 decibels. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service, and further consultation where necessary. A building permit shall be obtained should any structures be necessary for noise attenuation.
9. All artificial lighting shall be fully contained within propagation structures such that no light escapes (e.g., through blackout tarps). 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; 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 3,000 kelvins or less and 3) only placed where needed.
10. Should the Humboldt County Planning Division receive complaints that the lighting or noise is not complying with the standards listed above in items B.7 and B.8, within ten (10) working days of receiving written notification that a complaint has been filed, the permittee shall submit written verification that the lights' shielding and alignment, and noise levels have been repaired, inspected, and corrected as necessary.
11. Prohibition on use of synthetic netting. To minimize the risk of wildlife entrapment, Permittee shall not use any erosion control materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without

welded weaves.

12. All refuse shall be contained in wildlife proof storage containers, always, and disposed of at an authorized waste management facility. This includes plastic irrigation lines when not in use during the growing season.
13. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and be allowed to leave the work site unharmed.
14. The use of anticoagulant rodenticide is prohibited.
15. All components of the project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Cultivation & Operations Plan, 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.
16. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CMMLUO and MAUCRSA, as applicable to the permit type.
17. 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.
18. 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.
19. 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.

20. 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).
21. Maintain enrollment in Tier 1, or 2 certification with State Water Resource Control Board (SWRCB) Order No. WQ 2019-0001-DWQ, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
22. 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.
23. Consent to an annual on-site compliance inspection, with at least 24 hours prior notice, to be conducted by appropriate County officials during regular business hours (Monday through Friday, 9:00 a.m. to 5:00 p.m., excluding holidays).
24. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, plastic trellis netting, or herbicide.
25. Pay all applicable application, review for conformance with conditions and annual inspection fees.
26. 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.
27. The master logbooks maintained by the permittee to track production and sales shall be maintained for inspection by the County.
28. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).
29. The permittee is not allowed to utilize stringed lighting in the outdoor cultivation greenhouses, and this must be demonstrated through a site inspection.

Performance Standards for Cultivation and Processing Operations

30. 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).
31. 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.
32. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:
- a. Cultivation operations and processing operations must implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:
 - (1) Emergency action response planning as necessary;
 - (2) Employee accident reporting and investigation policies;
 - (3) Fire prevention;
 - (4) Hazard communication policies, including maintenance of material safety data sheets (MSDS);
 - (5) Materials handling policies;
 - (6) Job hazard analyses; and
 - (7) Personal protective equipment policies, including respiratory protection.
 - b. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
 - (1) Operation manager contacts;
 - (2) Emergency responder contacts; and
 - (3) Poison control contacts.
 - c. At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations. Plumbing facilities and water source must be capable of handling

increased usage without adverse consequences to neighboring properties or the environment.

- d. On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.

33. All cultivators shall comply with the approved processing plan as to the following:

- a. Processing practices
- b. Location where processing will occur
- c. Number of employees, if any
- d. Employee Safety Practices
- e. Toilet and handwashing facilities
- f. Plumbing and/or septic system and whether or not the system is capable of handling increased usage
- g. Drinking water for employees
- h. Plan to minimize impact from increased road use resulting from processing
- i. On-site housing, if any

34. Term of Commercial Cannabis Activity Conditional Use Permit & Special Permits. 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.

35. If the inspector or other County official determines that the permittees or site do not comply with the conditions of approval, the inspector shall serve the permit holder with a written statement identifying the items not in compliance, and the action that the permit holder may take to cure the noncompliance, or file an appeal within ten (10) days of the date that the written statement is delivered to the permit holder. Personal delivery or mailing the written statement to the mailing address listed on the application by regular mail, plus three (3) days after date of mailing, shall constitute delivery. The permit holder may request a reinspection to determine whether or not the permit holder has cured all issues of noncompliance. Failure to request reinspection or to cure any items of noncompliance shall terminate the Conditional Use 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.

36. 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.
37. 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 if 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.
38. 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:
- Identifying information for the new owner(s) and management as required in an initial permit application;
 - A written acknowledgment by the new owner in accordance as required for the initial permit application;
 - The specific date on which the transfer is to occur;
 - Acknowledgement of full responsibility for complying with the existing permit; and
 - Execution of an Affidavit of Non-diversion of Medical Cannabis.
39. 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:

- Per Section 1273.03 of State Fire Safe Regulations: (a) At no point shall the grade for all roads and driveways exceed 16 percent; (b) The grade may exceed 16%, not to exceed 20%, with approval from the County of Humboldt Planning & Building Department with mitigations, such as paving, to provide for the same practical effect.
- The permittee 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 permittee to use these roads to transport cannabis. In such case, Humboldt County will not provide relief to the permittee. Approval of this permit does not authorize transportation of cannabis across Federal lands.

**Danny Ballard
FENARIO, LLC
Cultivation and Operations Plan
APN: 223-034-003
Revised – March 2025**



Description of water source, storage, irrigation plan and projected water usage:

Over the years the water source for cultivation on this property has been an approximate 243,000-gallon rainwater catchment pond. During the rainy season, water was caught in the pond, then pumped to a series of hard walled water storage tanks. Currently onsite there is a total of 38,750-gallons in water storage tanks which are used for cultivation.

Cultivation sites are hand-watered, and flow meters are used to measure how much water is applied. Projected water use is 298,800-gallons annually.

However, after several meetings with the California Department of Fish and Wildlife (CDFW) and the State Water Resource Control Board (SWRCB), it has been determined that the pond will need to be decommissioned due to its proximity to stream channels. Additionally, regulatory agencies are requiring that streams within the vicinity of the pond, which have been modified as part of the pond construction, be remediated and restored to their natural alignment, to the extent feasible.

In January 2025 the applicants project team had a pre-proposal consultation with members of the Cannabis Restoration Grant Program (CRGP) for CDFW. The meeting resulted in very encouraging discussions and the applicant was encouraged to apply for a planning, design and permit development grant to remediate the natural stream courses to their original alignment, decommission the pond, and develop additional water storage through a combination of added rainwater catchment/hard walled water storage tanks and/or by locating another off-stream pond locations that meet all stream setback requirements. The applicant also proposes including wildlife habitat restoration components to the design project.

Therefore, to further this project the applicant will be submitting a proposal to CDFW during the spring of 2025 to design restoration of the streams, remove the pond and develop additional water storage. The applicant will be working with Social Equity Economic Development Services (SEEDS) as the nonprofit organization, who has already been successful at securing CRGP grant opportunities.

The design process will dictate the final water storage configuration. However, the applicant and his professional team have identified at least three areas where large volume (+100,000-gallon), hard walled, water storage tanks can be installed based on current site conditions. These areas are relatively flat and will not infringe upon any stream-side setbacks. Additionally, these areas could potentially support pond reconfiguring and/or multiple hard walled, water storage tanks to meet the annual water use budget.

Water stored in these newly located hard walled, water storage tanks sites will store water collected from one of the three (3) points of diversion (PODs) and/or rainwater catchment. For a proposed timeline of these projects, see below.

Final Stream Restoration and Water Storage Design Implementation Estimated Timeline:

- Grant application process and grant agreement procurement
April 2025 – August 2025
- Engineered design work for stream restoration, pond decommissioning, water storage location and permit acquisition
August 2025 – May 2026
- Implementation – stream restoration, pond decommissioning, hard tank water storage construction as needed, final stabilization and erosion/sediment control prior to rainy season.
May 2026 – October 2026

**Danny Ballard
FENARIO, LLC
Cultivation and Operations Plan
APN: 223-034-003
Revised - 2021**

Description of water source, storage, irrigation plan and projected water usage:

The water source for cultivation is an on-stream 243,000-gallon rainwater catchment pond. During the rainy season, water is caught in the pond, then water from the pond is used to fill (11) 2,500-gallon tanks, (1) 1,500-gallon water tanks. There is a total of 29,000 gallons in tank storage for cultivation. There is a 750 gallon fire suppression tank near the pond for fire suppression.

Cultivation sites are hand-watered, and flow meters are used to control exactly how much water is applied. Projected water use is 298,800 gallons for the year.

Description of site drainage, including runoff and erosion control measures:

The cultivation sites are flat and far removed from any watercourses. The greenhouses have raised beds and the full sun plants are in 300-gallon pots. Everything is hand-watered, and flow meters are used to control exactly how much water is applied. Great attention to detail is paid in terms of water usage, preventing runoff altogether. In Addition, A Water Resource Protection Plan for the property has been developed by Pacific Watershed Associates (January, 2017). Please refer to the entire document (which has been submitted as part of the County Permit application package) for project details regarding site drainage, runoff and erosion control measures. A summary of recommended mitigation measures are included below:

Standard Condition Requiring Action		Treatment Priority	Schedule	Corrective Action/Recommendation
4.1 – Site Maintenance, Erosion Control and Drainage Features	1b, c	Low	October 31, 2020	1) Install road drainage improvements (DRC#2) at designated location on the site map.
4.2 – Stream Crossing Maintenance	2a, b, c	Moderate	October 31, 2020	1) Upgrade undersized stream crossings with culverts designed to convey the 100-year discharge and debris in transport. Stream crossings should be designed and installed according to the standards set forth in <i>The Handbook for Forest, Ranch and Rural Roads</i> (PWA 2015). 2) Install critical dips at stream crossing with diversion potential. * All stream crossing work must be designed and implemented with all required permits which may include but may not necessarily be limited to: CDFW 1602 LSAA, ACOE 404, SWRCB 401, Humboldt County Building/Grading Permit, etc.

4.5 – Water Use	5a	Moderate	October 31, 2019	Develop a Water Budget for the property
	5a	Moderate	2017 and then annually	Develop a Water Monitoring Plan - Install float valves; water monitoring meters and log (record) your water diversions, storage and use using the log sheets provided in Appendix B. Refine water use plan briefly developed in this WRPP.
	5b	Moderate	2017 and then annually	Increase the use of your current water saving strategies, such as planting plants in the ground instead of pots and watering in the late afternoon or evening. Begin testing drip emitters, apply straw mulch cover on top of the soil surface, and incorporate water holding amendments or native soil to the growing media during the initial soil preparation at the start of the season.
	5d	High	2017 and then annually	Start measuring and recording your average water usage on a per plant basis, based on type and size of plant pot, full term versus short season (light deprivation) plant, and type of irrigation, in order to develop a Water Budget for your operation.
	5e	High	October 31, 2017	Based on existing stream diversions on the subject property, the landowner is required to file Initial Statement of Diversion and Use and application with SWRCB Division of Water Rights. In addition, the landowner is required to file an LSA application with CDFW.
	5f	Moderate	December 31, 2020	Complete engineered design for the on-site pond. Implement improvements if required by the design engineer.
4.7 - Fertilizer and Amendment Use	7b	Moderate	2017 and then annually	Document fertilizer and amendment use on log sheets provided in Appendix E.
	7c	Moderate	2017 and then annually	Plant cover crops in beds, planting pots or holes at the end of the season to help build soil health and prevent leaching of nutrients out of the cultivation area. If plant stalks are disposed of by burning, mix the ash into the pots prior to planting the cover crop to enrich the spent soil with minerals.
4.8 – Pesticides and Herbicides	8a	Moderate	2017 and then annually	Document pesticide, herbicide, and fungicide use on log sheets provided in Appendix F.
4.9 – Petroleum Products and Other Chemicals	9a	High	May 31, 2017	1) Remove and properly dispose of spent oil in generator shed. 2) Clean drippage on concrete floor in generator shed and properly dispose of waste. 3) Store all petroleum products under cover and in a secondary containment basin (tote, tub, etc.).
	9d	Moderate	May 31, 2017	Acquire spill prevention supplies and place where easily accessible in case of accidental spill. Develop SPCC for site.
4.11 – Refuse and Human Waste	11a	Moderate	December 31, 2020	If current OWTS is not permitted by the County, design and construct a County approved OWTS. In the interim, regularly service portable toilets as necessary.

Detail of measures taken to ensure protection of watershed and nearby habitat:

The cultivation sites are flat and far removed from any watercourses, and, as mentioned in the previous section, there is no cultivation runoff. All fertilizers and amendments are stored in containment vessels, thereby preventing any leaching onto the ground. The generator is in a shed with a containment vessel for the fuel, and all fuel cans are stored in the fuel catchment behind the generator shed where the diesel catchment is. The greenhouse fans run off solar power. Waste is kept in trash-cans with lids, which are stored within a fully fenced dog kennel.

Protocols for proper storage and use of fertilizers, pesticides and other regulated products utilized:

All fertilizers and amendments are stored in industrial plastic barrels, which are stored inside a storage room located under our yurt with a . All fertilizers and amendments are applied minimally, at or below the manufacturer recommended rates.

Description of cultivation activities:

Cultivation is outdoors and light-dep greenhouses. The aggregate square footage for the outdoor cultivation is approximately 34,200 sq. ft. in 6 cultivation areas on the parcel. These areas are planted and harvested only one time per year. We usually plant in May and harvest in October. The aggregate square footage of the Outdoor/light-deprivation hoop-houses is 9,360 sq. ft. in 12 locations on the parcel. these areas of the cultivation site are harvested two times a year weather permitting .during a perfect year we can plant in april and harvest end of june,then replanet and harvest again end of september. We have an Interim Permit for 43,560 sq ft of outdoor cultivation permit [which we only use 33,000 sq ft of],and we have a 10,000 sq ft mix light license for our greenhouses [per request of the state of ca] .The total square footage of cultivation is 43,560 square feet. There is an immature plant hold/nursery greenhouse that is 24x60= 1,440 sq. ft. all our mother plants and immature plants are kept here until moved to the garden area where we will be using them.

Processing plan:

Plants are harvested and hung dried in the drying shed , Everything is tagged and organized so that nothing touches the floor and so the drying material can be accessed via ladders. The drying process is assisted with dehumidifiers, and efforts are made to minimize dust and contaminants. Plant material is checked 4-5 times per day, and once it is sufficiently dry, it is bucked down and placed in new contractor bags. The bags are then taken to the processing room one at a time to be processed. In the processing room there are tables with chairs, the

tables are covered everyday with fresh panda plastic and everything in the room is cleaned twice per day. We then buck everything down to size because we machine process everything and it is more efficient to have everything in trays according to size.

Once the buckdown of several bags is complete, I then start the trim machine to start the trimming process. For the buckdown, trim preparation, and the final touch up of all cannabis we wear rubber gloves (which are changed at the beginning of each new process). We use Chikamasa scissors and when each pair is not being used they are soaking in isopropyl alcohol to keep clean and free of contamination. The trim machine is broken down at the end of every day and pressure washed, then everything is cleaned with isopropyl alcohol and reassembled for operation the next morning. All cannabis material to be processed is kept separately in the drying area to prevent contamination. At any point that mold, powdery mildew, or any other contamination is discovered it is composted immediately and gloves are changed and scissors are cleaned and sterilized.

Schedule of activities during each month of the growing and harvesting seasons:

Jan-water and maintain mother plants

Feb-water, maintain mother plants, and take clones

Mar-take clones, maintain and water all plants

Apr-turn and amend soil, start planting light deprivation, and water and maintain all plants

May-plant and fertilize all outdoor, maintain all plants, and start pulling tarps on light deprivation greenhouses

Jun-pull tarps, fertilize and maintain all plants

Jul-harvest, replant light deprivation greenhouses, maintain all plants, trimming

Aug-maintain all plants, prune for flower cycle

Sep-maintain all plants

Oct-maintain plants, prep drying area, harvest, clean property for winter

PROJECTED GENERATOR USE:

The generator is primarily used for our residence, however we do use it during the drying cycle of each harvest, also for the lights to keep our mother and clone room operating, and for two months each year for our in house nursery. The noise level of our generator is 65 db @23 feet away.

Security plan:

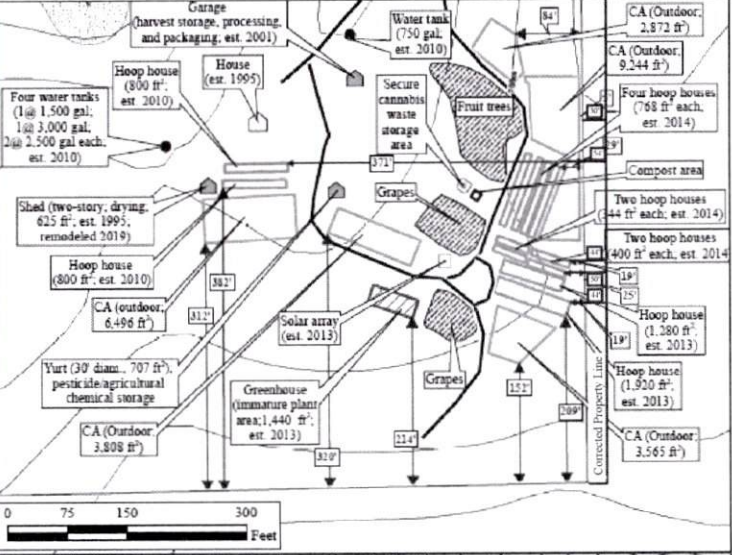
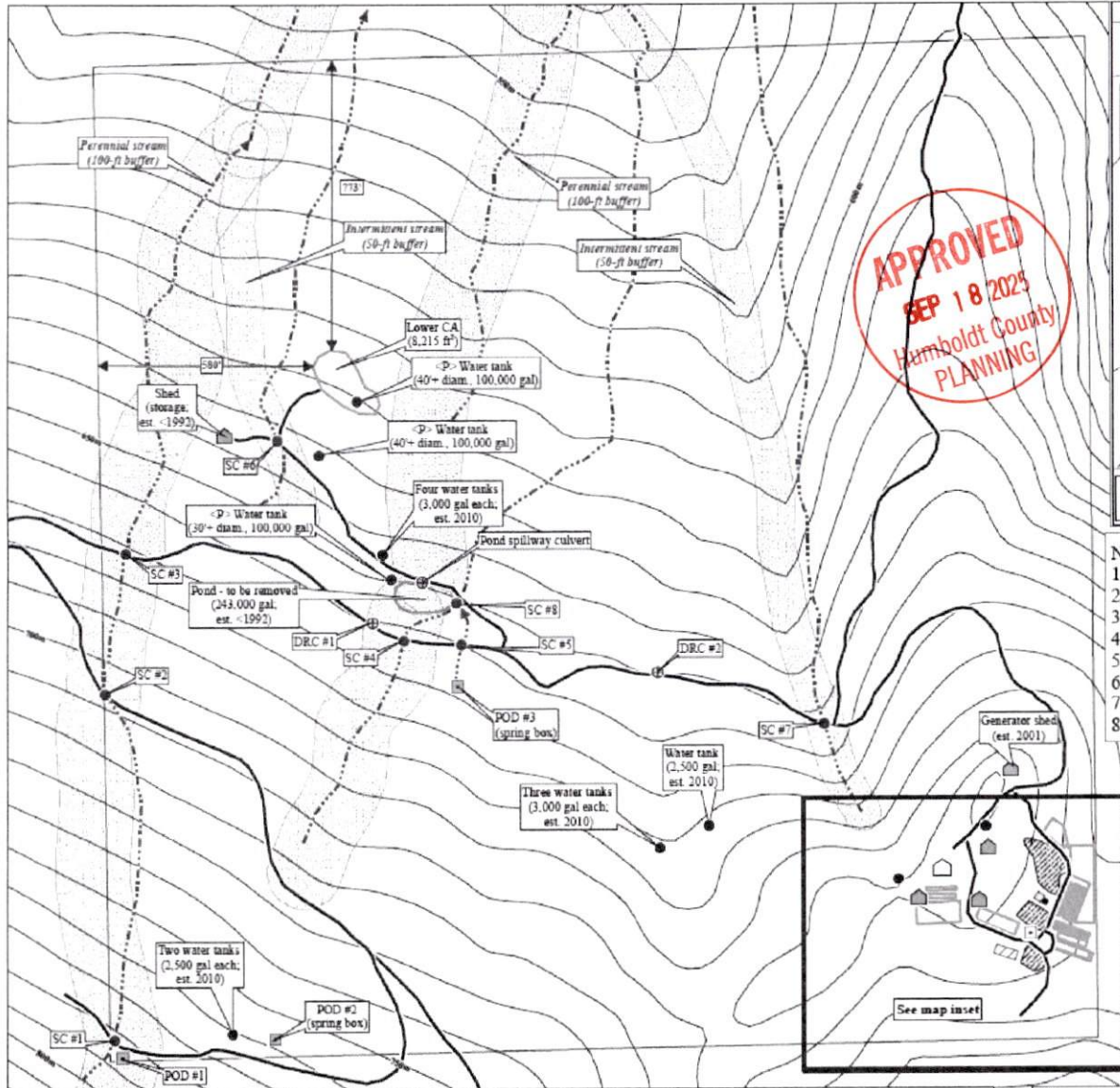
The parcel is in a remote location. Every access to the property is secured with locked gates,

The cultivation sites are not visible from the road. There are dogs on the property that alert wildlife and visitors, and someone is present on-site at all times. Everyone in the neighborhood is in communication with each other, and everyone keeps an eye out for suspicious activity. Visitors are accepted by appointment only. There is also a 16 camera security system in place on the premises.

The cultivation sites are fenced with t-post and field fencing and are secured with locked gates. The cultivation sites are also protected with Dakota Alert infrared laser systems. The Dakota Alert systems are set in a way that cuts the cultivation areas into three sectors, creating a perimeter around each sector. The pond is protected with the Dakota Alert system as well. If any of the laser perimeter is crossed, the system alerts at the house and to the handheld walkie-talkies. There are magnetic strips in the road that alert the house whenever anyone comes up the road. .

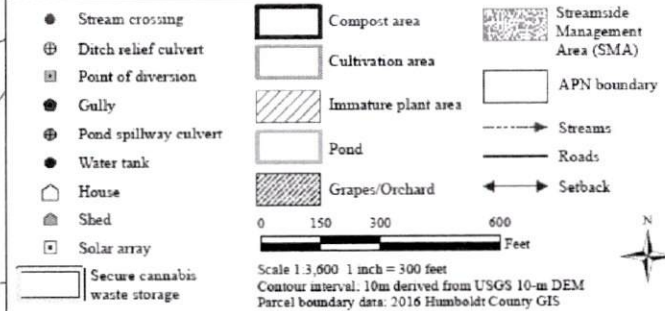
The pond is available for fire suppression, in the event of emergency. There is a 750-gallon Water-tank with quick connections and a pump set up for fire suppression. And water can be pumped from the Ag tanks for fire suppression for the house. There is enough hose to cover all structures in the event of a fire emergency.

And in the event of any sort of emergency, the appropriate authorities will be contacted.



Note:

1. Owner/Applicant Name: Danny Ballard/APN: 223-034-003
2. No road easements.
3. There are no school bus stops within 600 feet of a cultivation area.
4. There are no public parks within 600 feet of a cultivation area.
5. There are no schools within 600 feet of a cultivation area.
6. There are no places of worship within 600 feet of a cultivation area.
7. The nearest residence is approximately 2,300 feet to the northwest of the Lower CA.
8. There are no known tribal cultural resources within 600 feet of any cultivation site.



Humboldt CMLUO Site Plan for Danny Ballard, APN 223-034-003, Reed Mountain, Garberville, Humboldt County, California

Abbreviations: SC - Stream crossing, DRC - Ditch relief culvert, CA - Cultivation area, POD - Point of diversion

Revised March 2025 by:
Pacific Watershed Associates
www.pacificwatershed.com