

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

Resolution Number: 23-097

Record Number: PLN-12848-SP

Assessor's Parcel Number: 522-033-010

Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approving the 4 Ponds, LLC, Special Permits.

WHEREAS, 4 Ponds, LLC, submitted an application and evidence in support of approving a Special Permit for the continued operation of an existing 10,000-square-foot (SF) outdoor cannabis cultivation operation with appurtenant propagation and drying activities, and a Special Permit for work within the Streamside Management Area (SMA) for the remove two water tanks, tank infrastructure, and to allow associated remediation activities within the SMA.

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

WHEREAS, the Humboldt County Planning Commission held a duly-noticed public hearing on October 19, 2023, and reviewed, considered, and discussed the application for the Special Permits 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 Special Permit for 10,000 square feet of existing outdoor cannabis cultivation and a 275 square-foot nursery. Water for irrigation is sourced from an existing onsite well. Water for irrigation is stored in seven tanks, totaling 18,200 gallons, and one 2,800-gallon tank reserved for fire protection. An additional 60,000 gallons of tank storage is proposed to support irrigation needs. An estimated 116,800 gallons of water is used per growing season for irrigation. Processing, including drying and bucking, occurs onsite in an existing outbuilding, and trimming will take place off site at a licensed processing facility. Electricity is sourced from solar and generator power and the project is recommended to be conditioned to require transition to on-site renewable energy by January 1, 2026. No employees are proposed. A Special Permit is also requested for work within the Streamside Management Area (SMA) to remove two water

tanks, associated tank infrastructure, and to allow for associated remediation activities within the SMA.

EVIDENCE: a) Project File: PLN-12848-SP

2. FINDING: **CEQA.** The requirements of the California Environmental Quality Act have been complied with. The 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 adopted by the Humboldt County Board of Supervisors on January 26, 2016.

EVIDENCE: a) Addendum prepared for the proposed project.

- b) The proposed project does not present substantial changes that would require major revisions to the previous MND. No new information of substantial importance that was not known and could not be known at the time was presented as described by §15162(c) of CEQA Guidelines.
- c) The Site Management Plan (SMP) prepared by Mother Earth Engineering identifies three watercourses running through the site: an intermittent Class II stream, an ephemeral Class III stream, and an intermittent Class III stream. All four cultivation areas are outside of the Streamside Management Area (SMA) buffers, but two HDPE hard tanks are shown within the Class II 100-foot SMA buffer. The SMP (Attachment 3) includes corrective actions to remediate the streambank per the CDFW LSAA, remove all unused cultivation area materials, and reestablish vegetation on the disturbed areas and relocate the two HDPE tanks outside the riparian area. As a result, the project is conditioned that these tanks and associated infrastructure be removed, and that the area be restored to its natural state. The additional Special Permit that is being requested will allow for this work within the SMA to be completed.
- d) A Lake or Streambed Alteration Agreement (LSAA) was submitted to the California Department of Fish and Wildlife (CDFW) in July 2020. CDFW issued Notification No. 1600-2020-0350-R1 on April 6, 2021, for a crossing upgrade, onstream reservoir remediation, and streambank alteration remediation. An accompanying Hydrologic Analysis prepared by Mother Earth Engineering evaluated the existing stream crossing peak flow in order to properly size the crossing for a 100-year flood event. As a condition of approval, the applicant shall execute the LSAA issued by CDFW in compliance with the agreement or any amendment to the agreement.
- e) There are no mapped sensitive species onsite; however, the nearest Northern Spotted Owl (NSO) habitat located within the Six Rivers

National Forest is within 1 mile of the site. A Biological Assessment was not prepared for the project and while there is the potential for some sensitive and protected species to be present onsite, the proposed project is to continue use of existing developed sites and the potential indirect impacts are mitigated through implementation of best management practices, the SMP required by the State Water Resources Control Board, and LSAA with CDFW. According to the specifications, the Honda generator has a sound level of 62 dB and the WhisperWatt has a sound level of 65 dB(A) at 23 feet. A generator shed is being planned to house the WhisperWatt generator to minimize noise. Therefore, expected daily activities will not produce noise levels great enough to affect NSO. Per the applicant, the generators are used in the evenings between May and November. The project is conditioned to ensure that generator or other operational equipment created noise meets the noise level threshold. Conformance will be evaluated using current auditory disturbance guidance prepared by the United States Fish and Wildlife Service. Conditions of approval require the applicant to submit a revised energy use plan that describes the power demand for the project that includes a description of what power is required for (e.g., propagation, cultivation, and processing), how the size of the generators are reasonable based on the power demand, and how the operation will transition to use of 100% renewable energy (e.g., solar, wind, and/or hydropower) sources by January 1, 2026, with a generator to be used for emergencies only. The project is conditioned to adhere to Dark Sky Association standards for greenhouse lighting and security lighting, refrain from using synthetic netting, ensure refuse is contained in wildlife proof storage and refrain from using anticoagulant rodenticides to further protect wildlife. As proposed and conditioned, the project is consistent with CMMLUO performance standards and CDFW guidance and will not negatively affect NSO or other sensitive species.

- f) A Less Than Three Acre Conversion Exemption (1-15EX-133HUM) was issued by CAL FIRE in 2015. A Timber Operations Work Completion and/or Stocking Report was prepared by the California Department of Forestry and Fire Protection (Cal Fire) and concluded that on April 28, 2016 “all work on this Less-Than-3- Acre Conversion Exemption was completed. No Stocking Report is required.” Cal Fire provided a Final Completion Inspection Report for the project on November 28, 2016, and concluded that all timber operations including slash treatment appear to have been completed. No violations were observed in the logging area.
- g) Road evaluation reports were prepared for Old 3 Creeks Road and the unnamed access road by the applicant, which indicate that both are

maintained by a road association and that both roads are developed to the equivalent of a road Category 4 standard.

- h) The project is in the Hoopa Aboriginal Ancestral Territories. The project was referred to the Northwest Information Center and Hoopa Valley Tribe in January 2018. A Cultural Resources Investigation was not required for the project. Ongoing conditions of approval are incorporated regarding the Inadvertent Discoveries Protocol to protect cultural resources.

FINDINGS FOR SPECIAL PERMITS

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

EVIDENCE: a) General agriculture is a use type permitted in the Residential Agriculture (RA) land use designation. The proposed cannabis cultivation, an agricultural product, is within land planned and zoned for agricultural purposes, consistent with the use of Open Space land for managed production of resources. The use of an agricultural parcel for commercial agriculture is consistent with the Open Space Plan and Open Space Action Program. Therefore, the project is consistent with and complimentary to the Open Space Plan and its Open Space Action Program.

- 4. FINDING:** The proposed development is consistent with the purposes of the existing Unclassified (U) in which the site is located.

EVIDENCE: a) The U zone is applied to areas of the County in which general agriculture residential uses are the desirable predominant uses.

b) All general agricultural uses are principally permitted in the U zone.

c) Humboldt County Code Section 314-55.4.8.2.2 allows cultivation of up to 10,000 SF of existing cannabis cultivation on a parcel over 1 acre subject to approval of a Special Permit and a determination that the cultivation was in existence prior to January 1, 2016. The application for 10,000 SF outdoor cultivation on a 60-acre parcel is consistent with this and with the cultivation area verification prepared by the County.

- 5. FINDING:** The proposed development is consistent with the requirements of the CMMLUO Provisions of the Zoning Ordinance.

EVIDENCE: a) The CMMLUO allows existing cannabis cultivation to be permitted in areas zoned U (HCC 314-55.4.8.2.2).

b) The parcel has been determined to be a legal parcel per Certificate of Subdivision Compliance, Instrument Number 2020-007877, Recorded on May 15, 2020.

- c) The project will obtain water from a permitted groundwater well.
- d) Road evaluation reports were completed by the applicant in July 2020. The Evaluations addressed Old 3 Creeks Road and the unnamed access road, which indicate that both are maintained by a road association and that both roads are developed to the equivalent of a road Category 4 standard and were found to be functionally appropriate for the expected traffic.
- e) The slope of the land where cannabis will be cultivated is less than 15%.
- f) The cultivation of cannabis will not result in the net conversion of timberland. A Timber Operations Work Completion and/or Stocking Report was prepared by Cal Fire and concluded that on April 28, 2016 "all work on this Less Than Three Acre Conversion Exemption was completed. No Stocking Report is required."
- 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 cultivation of 10,000 SF of outdoor cannabis 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 a road that has been determined by the applicant to safely accommodate the amount of traffic generated by the proposed cannabis cultivation.
- b) The site is in a rural part of the County where the typical parcel size is over 40 acres and many of the land holdings are very large. The proposed cannabis will not be in a location where there is an established neighborhood or other sensitive receptor such as a school, church, park or other use which may be sensitive to cannabis cultivation. Approving cultivation on this site and the other sites which have been approved or are in the application process will not change the character of the area due to the large parcel sizes in the area.
- c) Irrigation water will come from a groundwater well that has been permitted by the Division of Environmental Health. Use of portable toilets until a permitted onsite wastewater treatment system can be installed is made a condition in accordance with the Division of Environmental Health's approval.
- d) Provisions have been made in the applicant's proposal to protect water

quality and thus runoff to adjacent property and infiltration of water to groundwater resources will not be affected.

7. FINDING:

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 located in the Lower Trinity Planning Watershed, which under Resolution 18-43 is limited to 169 permits and 58 acres of cultivation. With the approval of this project the total approved permits in this Planning Watershed would be 62 permits and the total approved acres would be approximately 26.9 acres of cultivation. If all of the Supply Creek projects on the October 19, 2023 Planning Commission agenda are approved there would be a total of 73 permits and 34 acres approved within the Lower Trinity Planning Watershed.

8. 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 constructed on this parcel.

DECISION

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

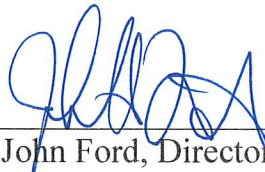
- Adopt the findings set forth in this resolution; and
- Conditionally approves the Special Permits for 4 Ponds, LLC subject to the conditions of approval attached hereto as Attachment 1A.

Adopted after review and consideration of all the evidence on **October 19, 2023**.

The motion was made by COMMISSIONER Brian Mitchell and second by COMMISSIONER Thomas Mulder and the following ROLL CALL vote:

AYES: COMMISSIONERS: Iver Skavdal, Noah Levy, Thomas Mulder, Brian Mitchell
NOES: COMMISSIONERS: Peggy O'Neill
ABSENT: COMMISSIONERS: Sarah West, Lonyx Landry
ABSTAIN: COMMISSIONERS:
DECISION: Motion carried 4/1

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



John Ford, Director
Planning and Building Department

CONDITIONS OF APPROVAL

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

A. General Conditions

1. The applicant is responsible for obtaining all necessary County and State permits and licenses, and for meeting all requirements set forth by other regulatory agencies.
2. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Planning and Building Department will provide a bill to the applicant after the decision. Any and all outstanding planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
3. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions. A deposit is collected to cover this staff review. Permit conformance with conditions must be demonstrated prior to release of building permit or initiation of use and at time of annual inspection. A conformance review deposit as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750) shall be paid within 60 days of the effective date of the permit or upon filing of the Compliance Agreement (where applicable), whichever occurs first. Payment shall be made to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
4. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. **Within three days of the effective date of permit approval**, the Department will file the NOD and will charge this cost to the project.
5. Within 60 days of the effective date of permit approval, the applicant shall submit an energy use plan that describes the power demand for the project that includes a description of what power is required for (e.g., cultivation, and drying) and how much power is required on a monthly and annual basis. The energy plan shall also include a description of the generator(s) used to meet the power demand and state how the size of the generator is reasonable based on the power demand. The plan shall also describe how the operation will transition to use of 100% renewable energy (e.g., solar, wind, and/or hydropower) sources by January 1, 2026, with a generator to be used for emergencies only.
6. Within 60 days of the effective date of permit approval, the applicant shall execute a Compliance Agreement with the Humboldt County Planning and Building Department detailing all necessary permits and infrastructure improvements described under Conditions

of Approval #7 through #15. 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.

7. The applicant shall secure permits for all structures and grading related to the cannabis cultivation and other commercial cannabis activity, including but not limited to, proposed greenhouses, water tanks over 5,000 gallons, existing structures associated with drying, processing and storage or any activity with a nexus to cannabis, and any noise containment structures as necessary. The plans submitted for building permit approval shall be consistent with the project description and the approved project site plan. A letter or similar communication from the Building Division verifying that all structures related to the cannabis cultivation are permitted will satisfy this condition.
8. The approved building plans shall meet all applicable fire codes, including fire suppression infrastructure requirements deemed necessary for the project by the Building Inspection Division. Sign-off on the Occupancy Permit by the Building Division shall satisfy this requirement.
9. Obtain a permit to operate any EPA Tier 4 diesel generator from the North Coast Unified Air Quality Management District and obtain an electric permit from the County's Building Department.
10. The applicant shall submit 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 completed, and any proposed. A letter or similar communication from the Building Division verifying that all grading related to the cannabis cultivation operation are permitted, or not needed, will satisfy this condition.
11. The applicant shall finalize the existing Onsite Wastewater Treatment System (OWTS) permit (17/18-1296) with the Division of Environmental Health (DEH) by confirming a minimum of Tier 0 status or any other reports deemed necessary by DEH. A letter or similar communication from DEH verifying that the OWTS is permitted will satisfy this condition.
12. The applicant shall implement all Best Practicable Treatment or Controls corrective actions detailed in the Site Management Plan developed for the Tier 1 low-risk project. These corrective actions include stabilizing and retiring legacy road and cultivation areas; excavation and restoration of a legacy onstream reservoir located on a Class II intermittent stream per the Final Lake and Streambed Alteration Agreement; and installing erosion control measures on roads. A letter or similar communication from the State Water Resources Control Board (SWRCB) verifying that all their requirements have been met will satisfy this condition.
13. The applicant shall remove the two water tanks and associated infrastructure from the SMA and restore the site to its pre-development condition (both slope and natural vegetative cover) once relocation efforts are completed. Re-contouring and revegetation shall be

performed under the direction of a restoration specialist. The final restoration plan shall be subject to approval of the Planning Director. The plan shall include success criteria for revegetation and follow-up monitoring. The qualified restoration specialist shall transmit the completion and annual monitoring reports to the Planning Division verifying that all requirements of the plan have been met.

14. The applicant shall execute the Lake or Stream Bed Alteration Agreement issued by the California Department of Fish and Wildlife (CDFW) in compliance with the agreement or any amendment to the agreement, Notification No. 1600-2020-0350-R1 on April 6, 2021, for a crossing upgrade, onstream reservoir remediation, and streambank alteration remediation.
15. The applicant shall cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning Division. Document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors will be required.
16. The applicant shall install water use meter(s) prior to the 2024 cultivation season to measure the amount of water used for the cultivation and annual metering reports shall be available during yearly compliance inspections.
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. 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 Humboldt County Code and available at the Planning Division.
19. Prior to cultivation in 2024 water meters shall be installed on all irrigation sources.

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

1. The combination of background, generator and greenhouse fan or other operational equipment created noise must not result in the harassment of Northern Spotted Owl species as required to meet the performance standards for noise set by Department Policy Statement No. 16-005 clarifying Commercial Medical Marijuana Land Use Ordinance (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 (dB). Conformance

will be evaluated using current auditory disturbance guidance prepared by the United States Fish and Wildlife Service, and further consultation where necessary. A building permit shall be obtained should any structures be necessary for noise attenuation.

2. All artificial light utilized in mixed-light greenhouses shall be limited to 6 watts per square foot with no wattage limit in the ancillary propagation greenhouse. All artificial lighting shall be fully contained within structures such that no light escapes (e.g., through blackout curtains). Structures shall be enclosed between 30 minutes prior to sunset and 30 minutes after sunrise to prevent disruption to crepuscular wildlife. Security lighting shall be motion activated and comply with the 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 light or low-spectrum Light Emitting Diodes with a color temperature of 3000 kelvins or less and 3) only placed where needed.
3. Should the Humboldt County Planning Division receive complaints that the lighting or noise is not complying with the standards listed above in items B.1. and B.2., within 10 working days of receiving written notification that a complaint has been filed, the applicant shall submit written verification that the lights' shielding and alignment, and noise levels have been repaired, inspected, and corrected as necessary.
4. Ensure all generators be located on stable surfaces with a minimum 200-foot buffer from all waterways measured horizontally from the outer edge of the riparian drip zone.
5. 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.
6. All refuse shall be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
7. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and be allowed to leave the work site unharmed.
8. The use of anticoagulant rodenticide is prohibited.
9. The applicant shall maintain water use meter(s) to measure the amount of water used for the cultivation and annual metering reports shall be available during yearly compliance inspections. If the metered use indicates that the yearly water demands are not being met, the applicant shall install the appropriate amount of storage/catchment storage to accommodate the yearly demand.

10. 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.
11. All components of project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Cultivation and 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. If offsite processing is chosen to be the preferred method of processing, this permit shall be modified to identify the offsite licensed facility.
12. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CMMLUO and Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA), as applicable to the permit type.
13. 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 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 1 year of issuance of the provisional clearance or permit. If good faith effort toward compliance can be shown within the 2 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.
14. 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.
15. Compliance with all statutes, regulations, and requirements of the California SWRCB 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.
16. 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).
17. Maintain enrollment in Tier 1, or 2 certifications 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.

18. Comply with the terms of any applicable Lake or Stream Alteration (1600 or 1602) Permit obtained from the California Department of Fish and Wildlife and provide the County with a copy of the Final Notification(s).
19. 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.
20. Consent to an annual onsite compliance inspection, with at least 24 hours prior notice, to be conducted by appropriate County officials during regular business hours (Monday through Friday, 9:00 a.m. to 5:00 p.m., excluding holidays).
21. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
22. Pay all applicable application, review for conformance with conditions and annual inspection fees.
23. 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.
24. The master logbooks maintained by the applicant to track production and sales shall be maintained for inspection by the County.
25. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).

Performance Standards for Cultivation and Processing Operations

26. Pursuant to Business and Professions Code section 26051.5(a)(8), 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."
27. 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).
28. 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.

29. 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;
 - (5) Materials handling policies;
 - (6) Job hazard analyses; and
 - (7) Personal protective equipment policies, including respiratory protection.
- b. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
 - (1) Operation manager contacts;
 - (2) Emergency responder contacts; and
 - (3) Poison control contacts.
- c. At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations. Plumbing facilities and water source must be capable of handling increased usage without adverse consequences to neighboring properties or the environment.
- d. Onsite housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.

30. 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. Onsite housing, if any

31. Term of Commercial Cannabis Activity Special Permit. Any Commercial Cannabis Cultivation Special Permit issued pursuant to the CMMLUO shall expire 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.

32. 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 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 3 days after date of mailing, shall constitute delivery. The permit holder may request a reinspection to determine whether or not the permit holder has cured all issues of noncompliance. Failure to request reinspection or to cure any items of noncompliance shall terminate the Special Permit, immediately upon the expiration of any appeal period, or final determination of the appeal if an appeal has been timely filed pursuant to Section 55.4.13.
33. 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.
34. 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.
35. Transfers. Transfer of any leases or permits approved by this project is subject to the review and approval of the Planning Director for conformance with CMMLUO eligibility requirements and agreement to permit terms and acknowledgments. The fee for required permit transfer review shall accompany the request. The request shall include the following information:
 - a. Identifying information for the new owner(s) and management as required in an initial permit application;
 - b. A written acknowledgment by the new owner in accordance as required for the initial permit application;
 - c. The specific date on which the transfer is to occur;
 - d. Acknowledgement of full responsibility for complying with the existing permit; and
 - e. Execution of an Affidavit of Non-diversion of Medical Cannabis.
36. Inspections. The permit holder and subject property owner are to permit the County or representative(s) or designee(s) to make inspections at any reasonable time deemed necessary to assure that the activities being performed under the authority of this permit are in accordance with the terms and conditions prescribed herein.

Informational Notes:

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

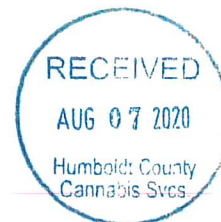
Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, shellfish or faunal remains, and human burials. If human remains are found, California Health and Safety Code Section 7050.5 requires that the County Coroner be contacted immediately 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 (PRC) Section 5097.98. Violators shall be prosecuted in accordance with PRC Section 5097.99.

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

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APN: 522-033-010
Applicant Name: 4 Ponds, LLC



Cultivation and Operations Plan

PROJECT OVERVIEW

This existing permit application was initiated by Sha-Boom LLC in 2016.

4 Ponds LLC purchased the property from Sha-Boom and took possession of the parcel in August 2017.

1 WATER

Water source + Storage:

The irrigation water source is from an existing permitted well and onsite storage. [Well permit #11/12 – 1154]. Existing onsite water storage consists of six HDPE tanks with a total capacity of 15,900 gallons. A 2,800-gallon tank near the north-west of the property has been reserved for fire suppression and is labeled on the County Site Map as such. A water meter has been installed near the well to track amounts pumped. Water meters will be installed at the outflow of all tanks arrays to track daily irrigation rates.

Irrigation Plan:

Drip irrigation with supplemental hand watering, mulching, time of day watering, and moisture retentive soils for water conservation. Water is applied at no more than agronomic rates.

Projected Water Usage:

An estimated 164,000 gallons of water is used per growing season for irrigation. Water usage to be recorded monthly and reported annually to the Water Board pursuant to Cannabis General Order No. WQ 2019-0001-DWQ.

Month	Estimated Irrigation Water Use (gal)
January	0
February	0
March	0
April	0
May	28,000
June	28,000
July	33,000
August	33,000
September	33,000
October	9,000
November	0

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December	0
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2 SITE CHARACTERISTICS

Drainage, Runoff, and Erosion Control Measures:

The site has well-draining soils and buffers of natural vegetation are maintained around all cultivation areas, as well as the majority of the parcel.

Site is maintained to be in compliance with California State Water Resource Control Board General Order for site maintenance, erosion control, and drainage features.

All runoff sources are maintained so that they are hydrologically disconnected, as feasible.

Periodic inspections are conducted and recorded during wet and dry weather for drainage, runoff and evidence of erosion. Corrective measures and/or improvements are implemented as necessary.

Cultivation is located within enclosed greenhouses or well-defined areas surrounded by mulch and vegetation buffers which prevents soil erosion, discharge, and provides an additional buffer between the cultivation activities and wild areas.

3 WATERSHED + HABITAT PROTECTION

Applicant is enrolled in the State Water Board's Cannabis Discharge Waiver Program. Pursuant to the program, a Site Management Plan has been implemented to ensure riparian watershed and habitat protection.

Applicants conduct wet-weather road inspections periodically during the rainy season to minimize sediment discharge.

Property was a previous site to timber harvest operations and applicants are committed to land stewardship which includes mitigating the legacy impacts of previous logging.

Applicants will remove trash and debris accumulated on the property from previous owners as well as equipment and debris associated with timber harvest operations that occurred on the property. The goal is to have the legacy trash clean-up effort completed by the Fall of 2020.

All trash, recycling, amendments, fertilizers, and other cultivation related materials stored such that they are secured from wildlife and cannot be released into the natural environment.

Buffers of natural vegetation and habitat maintained around all areas of human activity. The majority of parcel is undeveloped and conserved in a wild state.

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Cultivation areas will be maintained to prevent nutrients from leaving the site at all times: during the growing season and post-harvest.

4 STORAGE + HAZARDOUS MATERIALS

Storage for fertilizers, pesticides, and dry amendments is in the 1,500 square foot barn onsite.

Storage of fertilizers, pesticides, and other regulated products is in accordance with best practices, including storage within an enclosed space to prevent surface water contamination. The

Fertilizers, potting soils, compost, soils, soil amendments, fuels, and all cultivation related items and wastes are stored in locations and in a manner in which they cannot enter or be transported into surface waters and such that nutrients or other pollutants cannot be leached into groundwater, and cannot enter the environment.

Amendments and Nutrients:

All materials stored in a locked storage enclosure on shelves.

Liquid nutrients are stored with secondary containment.

Compost teas to be brewed onsite and all dry materials will be stored in enclosed outbuilding (barn) on shelves.

All dry amendments and garden supplies are palletized and stored in an enclosed space.

Pesticides and Herbicides: Only organic and approved products are utilized and employed per package directions.

Fuel:

A 500-gal diesel storage tank with secondary containments is located next to the barn. Five-gallon jerry cans of gasoline are stored in the barn. Five-gallon propane tanks in the manufacturers containers are stored near the barn. All fuel storage is with secondary containment and in compliance with the California Water Resource Control Board pursuant to Cannabis General Order No. WQ 2019-0001-DWQ.

5 SOLID WASTE/RECYCLING

Refuse and garbage are stored in a location and manner that prevents discharge to receiving water and prevents any leachate or contact water from entering or percolating to receiving waters.

Storage Area: Trash and recycling are stored in contractor bags in an outbuilding prior to removal.

Disposal Facility: Eureka transfer station.

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Waste Soil/ Growth Media/Soil Management Plan: All soil is amended and reused. Unused soil is contained and covered onsite. The following guidelines from the Waterboard will be followed:

- a. Spoils shall not be stored or placed in or where they can enter any surface water.
- b. Spoils shall be adequately contained or stabilized to prevent sediment delivery to surface waters.
- c. Spoils generated through development or maintenance of roads, driveways, earthen fill pads, or other cleared or filled areas shall not be side cast in any location where they can enter or be transported to surface waters.

The main soil stockpile area is near the center of the property and is indicated on the Site Plan.

6 DESCRIPTION OF CULTIVATION ACTIVITIES

Outdoor: Existing total outdoor cultivation area is approximately 10,000 sq ft. There are four separate cultivation areas identified on the Site Plan. Cultivation Areas 1-3 are located near the north west corner of the property and Cultivation Area 4 is located on the south east corner. The dimensions of each area is shown on the Site Plan and listed below.

Cultivation Area #	Canopy Dimensions (FT x FT)	Canopy Area (SQ FT)
1	44 x 104 & 65 x 4	4,836
2	18 x 100	1,800
3	20 x 68	1,360
4	20 x 100	2,000
Total Cultivation Square Footage (SQ FT)		9,996

Propagation Area: Clones are purchased from a licensed source and are initially held in a 11' x 25' hoop-house near the north west corner of the property. This area is called out on the Site Plan and is the only nursery area on the property. Supplemental lighting is used in this area only from approximately May 1-June 15 between 8 pm-12 am. Eight (8) 11-watt bulbs are used in this process to support immature plants. Dark Sky Association standards will be met by monitoring and ensuring that little to no light escapes from nursery area. Blackout tarps coverings will be used from dusk until dawn and inspected during nighttime hours for light leakages.

Light Deprivation: No light deprivation techniques are used, harvest of plants occurs between September and November.

7 SCHEDULE OF ACTIVITIES

Month	Activities
January	No cultivation activity.
February	No cultivation activity.

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March	Site preparation.
April	Site preparation.
May	Clones purchased from licensed nursery and propagated in the designated immature plant area. Lights are used for nursery plants, as needed, from 8pm-12am. Lights are 130v, 10.6w x 8 bulbs. Solar power/generator use, evening/early night.
June	Clones propagated in designated immature plant area. Lights are used for nursery plants, as needed, from 8pm-12am. Lights are 130v, 10.6w x 8 bulbs. Planting begins. Plants moved to full term area for vegetation. Water use begins. Solar power/generator use, evening/early night.
July	Farm operation and maintenance. Solar power/generator use, evening/early night.
August	Farm operation and maintenance. Solar power/generator use, evening/early night.
September	Harvest/drying. Solar power/generator use, evening/early night.
October	Harvest/drying.
November	Drying. Winterize property.
December	No cultivation activity.

Generator use: A solar power system has been installed near Cultivation Area 1. This system is primarily used for pumping water and lighting in the designated nursery area. One MQ 25 WhisperWatt generator, with secondary containment, is located near the center of the property. The generator usage is limited to evening and early night from May-November.

A Honda EU2200i generator is located onsite for backup, if needed. The Honda EU2200i emits 62 dB at the maximum rated load and 53 dB at the ¼ rated load. It is expected that the generator will never be used at the maximum rate load. Generator noise is expected to be less than 50 dB at the property line, located over 50 feet away.

The WhisperWatt generator emits 65 dB at the maximum rated load at 23 feet. It is expected that the generator will never be used at the maximum rate load. The sound level at 100 feet is estimated to be less than 50 dB using the Inverse Square Law Calculator and a starting sound generation of 60 dB (https://www.engineeringtoolbox.com/inverse-square-law-d_890.html).

8 PROCESSING PLAN

Processing Practices: Crop harvested then dried in outbuilding. Machine trimming with supplemental hand trimming by landowner or will occur offsite at licensed 3rd party facility.

Any and all processing methods utilized will comply with all industry, county, and state rules and guidelines.

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Location: Onsite processing may occur in barn outbuilding by landowner, or processing may occur offsite at a third-party facility. Barn height is estimated at 15 feet.

Staffing

The facilities are operated by applicant (LLC members). There is only one LLC member. There are no employees. Applicant travels to site via car about once a day during the growing season. The length of the trip is approximately 35 miles from Arcata.

Days and Hours of Operation

The facility is not open to the public and will not accept visitors without a specific business purpose.

Safety Practices:

Farm is applicant-operated. There are no employees.

Cultivation and processing operations implement best practices to the highest degree feasible. The operation will follow all safety protocols and safety training pursuant to County and State regulations and guidance. Furthermore, all safety practices will be in compliance with standards set forth by the County and State.

Domestic/ Drinking Water: Domestic and drinking water provided from onsite well.

Toilet, Handwashing, and Onsite Wastewater Facilities: Toilet, handwashing, and shower hot water facilities are located inside of the bathhouse structure. Wastewater is treated onsite with a septic system. The septic system is not yet permitted. In the interim the applicant purposes to use a regularly serviced portable toilet and hand washing unit.

Increased Road Use: No significant noise or traffic impacts are anticipated on access roads or impacts to neighboring properties.

Onsite Housing: None. No employees at this time.

9 SECURITY PLAN

The cultivation and operations area is located behind a locked gate. Large portion of property is fenced. All cultivation sites are fenced for wildlife exclusion. One or more persons reside onsite 24hrs a day, 7 days a week. All cannabis and cannabis associated materials are secured in locked locations.

From: [Paula Pavlich](#)
To: [Yandell, Rodney](#)
Subject: FW: 4 Ponds - Water Storage Amendment
Date: Thursday, September 28, 2023 3:18:32 PM

Caution: This email was sent from an EXTERNAL source. Please take care when clicking links or opening attachments.

FYI UPDATE BELOW!

From: Paula Pavlich <ppavlich@prproservices.com>
Date: Wednesday, September 20, 2023 at 4:31 PM
To: Yandell, Rodney <RYandell@co.humboldt.ca.us>
Subject: Re: 4 Ponds - Water Storage Amendment



Rodney – REVISED Water Storage Below

Per our recent conversation regarding 4 Ponds project. Amendments to the Operations Plan as follows:

WATER USAGE/STORAGE:

Existing: 18,200 gallons HDPE Tanks, Irrigation

Existing: 2800 gallons HDPE tanks, fire suppression

Proposed Increased Storage: 60,000 additional HDPE tanks

TOTAL Storage: 78,200 gallons HDPE and 2800 Fire Suppression.

Total annual water usage for this farm is currently 116,800 gallons.

PROCESSING

Drying/Bucking is conducted onsite in the dry barn. Trimming and additional processing is conducting offsite at a licensed processing facility.

I will provide the updated site plan in the next day or two!

Thanks Rodney for all of your assistance

Let me know if this will suffice for now.

Paula

Paula R. Pavlich, Consultant
PR PROFESSIONAL SERVICES

(707) 496-1455

From: Yandell, Rodney <RYandell@co.humboldt.ca.us>

Date: Wednesday, September 20, 2023 at 3:06 PM

To: Paula Pavlich <ppavlich@prproservices.com>

Subject: RE: 4 Ponds - Water Storage Amendment

I just noticed that the extra 50k gal of storage only gets them to 41.6 % of the annual use. Do they really require 164,000 gallons of water per growing season for irrigation?

From: Paula Pavlich <ppavlich@prproservices.com>

Sent: Wednesday, September 20, 2023 2:57 PM

To: Yandell, Rodney <RYandell@co.humboldt.ca.us>

Subject: 4 Ponds - Water Storage Amendment

Caution: This email was sent from an EXTERNAL source. Please take care when clicking links or opening attachments.

Rodney –

Per our recent conversation regarding 4 Ponds project. The applicant intends to increase his water storage as follows:

Existing: 18,2000 gallons HDPE Tanks, Irrigation

Existing: 2500 gallons HDPE tanks, fire suppression

Proposed Increased Storage: 50,000 additional HDPE tanks

TOTAL Storage: 68,200 gallons HDPE and 2500 Fire Suppression.

I will provide a more detailed amendment early next week along with an updated site plan.

Let me know if this will suffice for now.

Paula

1x014



MOTHER EARTH
ENGINEERING
2515 STREET, TRACY, CA 95376
TEL: 925.875.1234



PROJECT: 18014

SITE PLAN - JUNE 2021

APPLICANT: 4 PONDS LLC, DREW COWAN
ADDRESS: 5995 OLD THREE CREEKS ROAD, BLUE LAKE, CA
APN: 522-033-010

SHEET NO.

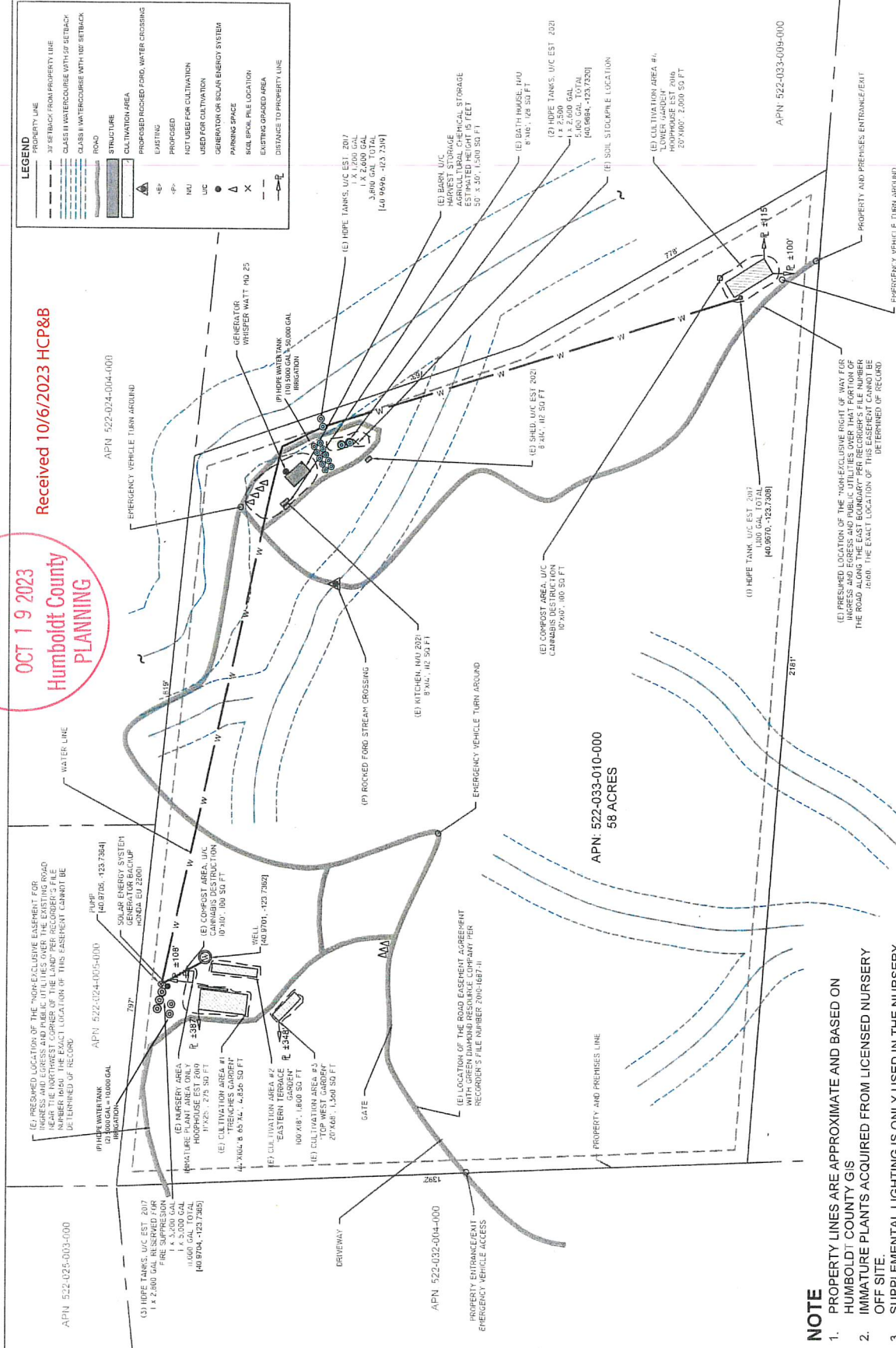
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OF 1

Received 10/6/2023 HCP&B

APPROVED

OCT 19 2023
Humboldt County
PLANNING



NOTE

1. PROPERTY LINES ARE APPROXIMATE AND BASED ON HUMBOLDT COUNTY GIS
2. IMMATURE PLANTS ACQUIRED FROM LICENSED NURSERY OFF SITE
3. SUPPLEMENTAL LIGHTING IS ONLY USED IN THE NURSERY AREA AT THE BEGINNING OF THE GROWING SEASON.
4. GENERATOR LOCATION SHOWN, SEE CULTIVATION AND OPERATIONS PLAN FOR COUNTY COMPLIANCE DETAILS.

PROPERTY DIAGRAM

SCALE: 1" = 200'