

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

Resolution Number 24-033

Record Number PLN-2023-18695

Assessor's Parcel Numbers: 217-391-012-000

Resolution by the Zoning Administrator of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approves Whipsawasons, LLC Special Permit

WHEREAS, Whipsawasons, LLC provided an application and evidence in support of approving A Special Permit to add 8,400 Square Feet (SF) of cannabis cultivation and associated accessory uses to an approved Conditional Use Permit (CUP) for 12,000 SF, for a total cultivation area of 20,400 SF of cultivation; and

WHEREAS, the lead agency, prepared an Addendum to the Final Environmental Impact Report (EIR) prepared for the Commercial Cannabis Land Use Ordinance adopted by the Humboldt County Board of Supervisors on May 8, 2018. The proposed project does not present substantial changes that would require major revisions to the previous EIR. No new information of substantial importance that was not known and could not be known at the time was presented as described by §15162(c) of CEQA Guidelines; and

WHEREAS, the Humboldt County Zoning Administrator held a duly-noticed public hearing on August 15, 2024 and reviewed, considered, and discussed the application for a Special Permit and reviewed and considered all evidence and testimony presented at the hearing.

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

- 1. FINDING:** Project Description: A Special Permit to add 8,400 Square Feet (SF) of cannabis cultivation to an approved Conditional Use Permit (CUP) for 12,000 SF, for a total cultivation area of 20,400 SF of cultivation. The proposed expansion would add (12) 10' x 70' light deprivation hoop houses to a preexisting graded flat on the parcel. The expansion would also include 840 SF of additional ancillary nursery space for a total of 2,000sf of nursery. Water is sourced from a preexisting 550,000-gallon rain catchment pond. Domestic water is supplied from a ground water well. Cannabis is dried on site; further processing occurs off site at a licensed facility. Power is sourced from a preexisting solar system with a backup 7000KW Honda generator.

EVIDENCE: a) Project File: PLN-2023-18695

2. FINDING: **CEQA:** The project complies with the requirements of the California Environmental Quality Act. The Humboldt County Zoning Administrator has considered the Environmental Impact Report previously adopted for the Commercial Cannabis Land Use Ordinance as well as the Addendum to the Environmental Impact Report that was prepared for the ECD Holdings Inc 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 Final Environmental Impact Report. No new information of substantial importance that was not known and could not be known at the time was presented as described by §15162(c) of CEQA Guidelines.
- c) A biological and botanical report concluded there would not be a significant impact.
- d) The parcel takes access from a private road from a county-maintained road which is equivalent to Category 4 standard.
- e) A rainwater collection analysis found that adequate water can be collected for irrigation even in low rainfall years.
- f) A noise assessment and mitigation plan will subject the project to noise performance standards.
- g) Energy will be provided through an eligible renewable energy program.
- h) A Cultural Resource Investigation concluded there are no historic resources present.

FINDINGS FOR SPECIAL PERMIT

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

EVIDENCE:

- a) General agriculture is a use type permitted in the Residential Agriculture (RA) land use designation. The proposed cannabis cultivation, an agricultural product, is within land planned and zoned for agricultural purposes, consistent with the use of Open Space land

for managed production of resources. The use of an agricultural parcel for commercial agriculture is consistent with the Open Space Plan and Open Space Action Program. Therefore, the project is consistent with and complimentary to the Open Space Plan and its Open Space Action Program.

4. FINDING: The proposed development is consistent with the purposes of the existing Forestry Recreation (FR-B-5(40)) zone in which the site is located.

EVIDENCE:

- a) General agricultural uses are principally permitted in FR zone.
- b) The location of all project elements meets the setback requirements for the FR zone.

5. FINDING: The proposed development is consistent with the requirements of the CCLUO provisions of the Zoning Ordinance.

EVIDENCE:

- a) The CCLUO allows cannabis up to 43,560 sq. ft. of cultivation to be permitted in areas zoned FR (HCC 314-55.4.6.1.1).
- b) The configuration of APNs 105-141-001 and 104-232-012 combined comprise one legal parcel as described in Notice of Lot Line Adjustment and Certificate of Subdivision Compliance 2007-13946.
- c) The project will obtain water from rainwater catchment, and eligible water source.
- d) The parcel is accessed from a county-maintained road deemed equivalent to Category 4.
- e) No timber significant conversion has or will occur.
- f) The proposed cultivation will take place in an area of slopes 15% or less.
- g) Coverage of prime soils by the proposed project is approximately 0%, which is below the 20% maximum allowed under the CCLUO.
- h) The location of the cultivation complies with the setbacks required in Section 314-55.4.6.4.4.
- i) Energy is provided by a solar panel and battery system with a gasoline

generator for backup power; generator use will be curtailed by December 31, 2025.

6. FINDING: The commercial 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 off a road with determined to be equivalent category 4 by an Engineer.
- b) The proposed project 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. Continuing cultivation on this site will not change the character of the area due to the historic and current uses in the area.
- c) The location of the proposed cannabis cultivation is more than 300 feet from the nearest off-site residence.
- d) Irrigation water is sourced from rainwater catchment.
- e) 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.
- f) The project is subject to specific limits on noise at the property line.
- g) The project is subject to Dark Sky standards for light pollution.

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 constructed 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 Middle Main Eel Watershed, which under Resolution 18-43 is limited to 360 permits and 125 acres of cultivation. With the approval of this project the total approved permits for cultivation in this Planning Watershed would be 104 permits and the total approved acres would be 86 acres of cultivation.

DECISION

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

- Adopt the findings set forth in this resolution; and
- Conditionally approves the Special Permit for Whipsawasons, LLC subject to the conditions of approval.

Adopted after review and consideration of all the evidence on **August 15, 2024**.

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



John H. Ford, Zoning Administrator,
Planning and Building Department

CONDITIONS OF APPROVAL

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

A. Conditions that must be completed within specified time frames or completed prior to commencing cultivation.

1. Prior to commencing the expanded cultivation entitled by this Special Permit, the permittee shall provide documentation demonstrating enrollment State Water Board General Order No. WQ 2019-0001-DWQ by providing a copy of the Notice of Applicability and a Site Management Plan.
2. Prior to commencing the expanded cultivation entitled by this Special Permit, the permittee shall install metering devices to track water usage from all irrigation sources and the outlet of the water storage tank farm. See also Condition of Approval B8.
3. Prior to commencing the expanded cultivation entitled by this Special Permit, the permittee shall:
 - a. Implement a stormwater plan (site management plan) to direct surface flow away from streams to mitigate the existing threats of sediment delivery. Submit site management plan to Humboldt County Planning and Building Department and California Department of Fish and Wildlife.
 - b. Remove debris, at coordinates 40.286209, -123.671384, located in the stream channel and Streamside Management Area (SMA) of a Class II drainage.
 - c. Remove compost piles from the SMA.
 - d. Remove irrigation poly pipe from the stream channel.
4. Prior to commencing the expanded cultivation entitled by this Special Permit, the permittee shall secure permits and receive a final inspection for all grading associated with (PLN-12216-CUP) and for the expanded cultivation area proposed with this special permit.
5. Prior to commencing the expanded cultivation entitled by this Special Permit, the permittee shall secure permits or exemptions for all structures associated with (PLN-12216-CUP) and for the structures associated with rain catchment. Structures used for rain catchment include the 2,000 square foot metal Building, and 20,400 square feet of greenhouses. The permittee shall provide documentation showing the connection of the structures to the rainwater catchment storage.

6. Prior to commencing the expanded cultivation entitled by this Special Permit, the permittee shall submit an updated Invasive Species Management Plan that specifically addresses the invasion of the Himalayan Blackberry (*Rosaceae rubus*) and the American bullfrog (*Lithobates catesbeianus*).
7. Prior to commencing the expanded cultivation entitled by this Special Permit, the permittee shall apply erosion control measures to Stream Crossing 1 to minimize surface erosion and ensure drainage structures, streambed, and banks remain sufficiently armored and stable.
8. Prior to commencing the expanded cultivation entitled by this Special Permit, the permittee shall submit to the Humboldt County Planning Department for review and approval, an analysis prepared by a qualified professional that adequately documents the volume of the pond used for rainwater catchment and water storage.
9. Prior to commencing the expanded cultivation entitled by this Special Permit, the subject property shall be evaluated by a Professional Registered Forester (RPF) to determine the amount of timber conversion that occurred onsite before and after the CMMLUO baseline date of January 1, 2016. Any measures determined to be necessary by the RPF to mitigate unauthorized timber conversion shall be implemented prior to the expansion of the cannabis cultivation area. The report shall contain a restocking plan with recommendations for restocking of any timber conversion that occurred after January 1, 2016, at a rate of 3:1. The Restocking Plan shall include details on the locations and total areas to be restocked, the type, number, and spacing of the plantings, and a monitoring plan for a minimum of three (3) years with an 85% success rate. A monitoring report prepared by a licensed professional forester shall be submitted annually to the Planning and Building Department until the restocking is complete as indicated by the monitoring report. The timber conversion evaluation and restocking plan shall be submitted to the Planning Department for review and approval.
10. Prior to commencing the expanded cultivation entitled by this Special Permit, the permittee shall provide evidence of good standing membership in the Larabee Creek Association for the subject parcel, 217-391-012, for the purpose of maintaining Sunset Ridge Road.
11. Per the Biological Survey: Vegetation removal, construction, or other on-site work is prohibited during the migratory bird breeding season of March 1 to August 16 unless the applicant conducts a nesting bird survey. If the survey finds nesting birds, a report

by a qualified Biologist must be provided recommending appropriate protection measures if needed. Construction may not proceed without review and approval by the Planning and Building Department.

12. 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.
13. Within 60 days of the effective date of project approval, the permittee shall pay 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. The permittee is responsible for costs for post-approval review for determining project conformance with conditions. Payment shall be made to the Humboldt County Planning Division, 3015 H Street, Eureka. Permit conformance with conditions must be demonstrated prior to release of building permit or initiation of use and at time of annual inspection.
14. Prior to commencing the expanded cultivation entitled by this Special Permit, the permittee shall achieve compliance with Lake and Streambed Alteration Agreement (LSAA, 1600-2018-0038-0000-R1) issued by the California Department of Fish and Wildlife on April 22, 2020.
15. The permittee shall transition to 100% on-site renewable energy or grid power by January 1, 2026.

B. General Conditions

1. The Permittee shall adhere to all previously adopted conditions of approval for cannabis entitlements on the property unless superseded by conditions in this Special Permit.
2. Use of the well is limited to domestic purposes operations. There shall be no interconnectivity between the well and irrigation infrastructure. The well may not be used to supplement cultivation until documentation demonstrating the well is permitted and is not connected to surface waters and not likely to impact nearby water resources or wells. Such documentation must be provided to the satisfaction of the Planning and Building Department and include an updated operation plan.

3. Cannabis activities shall be supported by an approved onsite wastewater treatment system (OWTS). Portable toilets must be provided until the permittee provides a letter or similar communication from DEH verifying that all their requirements have been met.
4. There shall be no interconnectivity between cannabis irrigation infrastructure and domestic water systems, nor shall there be connections to ineligible or unapproved water sources.
5. The Permittee shall follow the Invasive Species Management Plan. Specifically, the permittee shall manage the invasion of the Himalayan Blackberry (*Rosaceae rubus*) and American bullfrog (*Lithobates catesbeianus*).
6. The water use for cultivation is limited to the use of the irrigation infrastructure described in the approved Operations Plan and Site Plan. The applicant will maintain monthly logs of water usage and make the logs available upon request. Monthly logs include photographing the meter reading monthly.
7. Upon request, the permittee shall provide documentation that electricity for the cannabis operations is sourced through an eligible renewable energy program. The generator is reserved for emergency use only.
8. Cultivation area is limited to the proportion of irrigation water available for the growing season. If adequate water from rainwater catchment is unavailable, the cultivation area must be proportionally reduced.
9. Construction hours shall be limited to between the hours of 8:00 a.m. and 7:00 p.m. Monday through Friday, and between 9:00 and 7:00 p.m. on Saturdays. No heavy equipment or noise generating construction activities shall be allowed on Sundays or nationally recognized holidays.
10. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. The Department will file the NOD and the applicant is responsible for this cost to the project.
11. 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.
12. 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 to keep the permit valid.

13. 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. 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.

C. 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 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, 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. The following noise standards shall be followed:
 - a. 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. 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.
 - b. Noise may not exceed 47dB at all property lines.

- c. If more than one noise standard applies (e.g. generator and property line) then the more restrictive standard shall be used.
3. All artificial lighting shall be fully contained within structures such that no light escapes (e.g., through blackout curtains). Structures shall be shielded 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. 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.
4. Should the Humboldt County Planning Division receive complaints that lighting or noise is not complying with the standards listed above in this permit, within ten (10) working days of receiving written notification that a complaint has been filed, the applicant shall submit written verification that the light shielding and alignment, and noise levels have been repaired, inspected, and corrected as necessary.
5. The use of monofilament netting for all uses, including but not limited for erosion control, shall be prohibited. Geotextiles, fiber rolls, and other erosion control measure materials shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves to minimize the risk of ensnaring and strangling wildlife.
6. All refuse shall be contained in wildlife proof containers, always, and relocated to an authorized waste management facility, in compliance with State and local laws, on a regular and on-going basis.
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 permittee shall implement the invasive species control plan described in the approved Operations Plan. The operational area shall be surveyed and maintained at a minimum of twice a year.
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 the project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, the CMMLUO, and these conditions of approval.
12. If operating pursuant to a written approved compliance agreement, the 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.
13. Compliance with all statutes, regulations, and requirements of the California State Water Resources Control Board and the Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration, as applicable.
14. Confinement of the area of cannabis cultivation, processing, manufacture, or distribution to the locations depicted on the approved site plan. The commercial cannabis activity shall be set back at least 30 feet from any property line, and 600 feet from any school, school bus stop, church or other place of religious worship, or tribal cultural resources, except where a reduction to this setback has been approved pursuant to Section 55.4.11(d).
15. Applicant must adhere to and implement the Site Management Plan. A copy of the reporting form portion of the Mitigation and Reporting Program (MRP) shall be submitted to the Planning and Building Department upon request.
16. Applicant must demonstrate and maintain enrollment in Tier 1 or 2 in accordance with State Water Resources Control Board Order No. WQ 2019-0001-DWQ, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or another responsible agency.

17. Comply with the terms of any applicable Lake and Stream Alteration (1600 or 1602) Agreement obtained from the California Department of Fish and Wildlife (CDFW).
18. 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.
19. 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).
20. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
21. Pay all applicable application, review for conformance with conditions and annual inspection fees.
22. 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.
23. The master logbooks maintained by the applicant to track production and sales shall be maintained for inspection by the County.
24. 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

25. 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."
26. 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).

27. 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.
28. 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
 - (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
 - (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.

29. 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

30. Term of Commercial Cannabis Activity Permit. Any Commercial Cannabis Cultivation permit issued pursuant to the CMMLUO or CCLUO 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.

31. Inspections. 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 Permit, immediately upon the expiration of any appeal period, or final determination of the appeal if an appeal has been timely filed.

The permit holder and subject property owner are to allow 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.

32. 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.
33. 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.
34. 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
 - e. Execution of an Affidavit of Non-diversion of Medical Cannabis

Informational Notes:

1. Applicant is advised that County maintained roads may generate dust and other impacts to farm(s). Applicant shall locate their farm(s) in areas not subject to these impacts. Applicant shall be responsible for protecting their farm(s) against these impacts. Applicant shall hold the County harmless from these impacts. Applicant is advised that a paved road may not always remain paved, and Applicant shall locate their farms appropriately. Applicant is advised that the amount of traffic on a road will vary over time which may increase or decrease the impacts.

**Cultivation and Operations Plan
For
Whipsawasons, LLC
APN# 217-391-012**



Proposed Cannabis Cultivation Facilities

Lead Agency:

Humboldt County Planning Department
3015 H Street
Eureka, CA 95501

March 2024

Project Description:

Whipsawasons, LLC is proposing a Special Permit to expand the existing Cannabis Conditional Use Permit (app # 12216) of 12,000 square-feet (SF) consisting of (13) outdoor light-deprivation hoop houses to an additional 8,400 SF for a total cultivation area of 20,400 square-feet (SF). The proposed expansion would add an additional (12) 10'x70' (8400 SF) light deprivation hoops to a pre-existing graded flat on the parcel. The proposed expansion would include adding an additional 800 SF to the ancillary nursery space for a total of 2,000 SF. Water is sourced from the pre-existing 550,000-gallon rain catchment pond. There is an additional 30,000-gallons in hard water storage tanks for irrigation use. Domestic water is supplied from a ground water well. Power is sourced from a pre-existing solar system with a backup 7000 KW Honda generator used for backup to charge the batteries. The generator is located within a shed and is directly connected to the solar system. There is an additional solar panel used to operate the well pump. Three seasonal employees will be required to manage the cultivation operation. Processing will occur offsite.

Site Description:

The project site is located approximately 59 miles southwest of Eureka CA. To reach the site from Eureka take US-101 South for 17 miles to exit 685 to HWY 36 east. Continue on HWY 36 for 24 miles then take a right onto Alderpoint Road. Stay on Alderpoint Road for 18 miles and take a right onto Sunset Ridge Road for 3.4 mile and the driveway is located on the left at 2555 Sunset Ridge Road Blocksburg CA. Approximate drive time from Eureka Ca is 1 hour and 40 minutes with a distance of 85 miles. The site is located at Latitude 40.2874 and Longitude -123.6701. The subject parcel is approximately 40 acres in size (per Humboldt County WEBGIS).

Land Use:

The subject property has a General Plan designation of Dispersed Housing as identified by the Northern Humboldt General Plan (NHGP) and is zoned RA40; FR-B-5(40) Forest Recreational: The Surrounding parcels are zoned Agricultural Exclusive (AE), Timber Production Zone (TPZ).

California Department of Fish and Wildlife:

An LSAA (1600-2018-0038-R1) was issued by CDFW on May 20, 2020. There is a total of 4 ephemeral Class III watercourses that exists on this property which are outside of County and Agency setback. All CDFW upgrades have been completed.

Invasive Species:

Whipsawasons, LLC adheres to the recommendation from CDFW to monitor, report and control Invasive Species. Please see the Bull Frog Management Recommendation provided in the Appendix.

Invasive plant species were not discovered to any impact on the property during the botanical early and mid-season evaluations. Monitoring will continue and any sign of invasive species evaluated by a qualified botanist to further advise on control and remove of said species.

State Water Resources Control Board:

A total of (4) ephemeral class III watercourses exist on this property. All road crossing culverts have been upgraded to Corrugated Metal Pipes (CMP) and sized according to LSA issued by CDFW. Water for irrigation is sourced from a 550,000-gallon rain catchment pond. Domestic water is provided by a groundwater well. Groundwater well is located at 40.2874, -123.6701. The water registration number is WDID# 1_12CC403573.

North Coast Regional Water Quality Control Board:

Whipsawsons, LLC has enrolled with the North Coast Regional Water Quality Control Board (NCRWQCB) for coverage under Tier 1 low risk of Order No. 2015-0023 *Waiver of Waste Discharge Requirements and General Water Quality Certification for Discharges of Waste Resulting from Cannabis Cultivation and Associated Activities or Operations with Similar Environmental Effects in the*. A Water Resources Protection Plan was developed for the project by Natural Resources Management Corporation and has been implemented for activities associated with onsite cultivation since August 2017 and all corrective measures per the WRPP have been completed. The Site Management Plan has been developed by Elevated Solutions and will encompass new corrective measures installing rolling dips and be implemented in the 2021 season.

Water Source and Projected Water Use:

Agriculture irrigation water is sourced by a 550,000-gallon rain catchment pond. Domestic water is sourced from a groundwater well. The location of the groundwater wells is over 200'+ away from any water course (Latitude 40.2874, -123.6704). There is an additional 30,000-gallons of hard water storage used for irrigation use located next to the well. Water is pumped from the pond into the tanks during the winter months for additional irrigation use.

The table below outlines the estimated irrigation water usage for cultivation during a typical year. Variables such as weather conditions and specific cannabis strains will have a slight effect on water use.

Table 3.1: Estimated Annual Irrigation Water Usage (Gallons)											
Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec
0	0	0	0	15,000	35,000	48,000	35,000	48,000	20,000	0	0

Rainwater Irrigation and Storage:

Water used for Cannabis irrigation is sourced from rain catchment. Rainwater is captured from the surface area of the 550,000-gallon pond (4,800 SF) and the roof of the 40'x50' Metal Building (2000 SF), 12,000 SF of existing greenhouses and an expansion of 8,400 SF. For a total of 27,200 of surface area.

The applicant was awarded a DCC water storage grant under the second distribution of funding. With those funds the applicant will line the existing pond and add additional water storage tanks.

Rain Catchment Volume Sources:

27,200 SF of catchment surface area

650,541.58-gallons annual - Average Rainfall Drought Year (38.39")

1,366,832-gallons annual – 50yr Average Rainfall (80.66")

1,112,817-gallons annual – 2023 Rainfall Totals (65.67")

(27,200 x .623 x inches in rain = Total Catchment available.)

Evaporation Rate:

28.79" or 2.39' of evaporation during drought year or about 86,816-gallons

(38.39 x .75 = 28.79"/12 = 2.39')

Evaporation Area: 4,800 SF

(4800SF) x (2.39') = 11,472 ft³ Water Conversion: (x 7.48052) = 86,816-gallons

Water demand estimate: 201,000 Irrigation + 86,816 Evaporation = 287,816-gallons.

Total Current Water Storage: 580,000-gallons

Historical data was collected via <https://prism.oregonstate.edu/explorer/> based on the time period of 1968-2023. The data provided shows that the lowest rainfall totals were recorded in 2013 22.79" and the highest recorded year being 1983 115.74". The average annual rainfall during this period is 80.66". Taking into account for drought years the data from the 10 lowest rainfall years medium of 38.39" was used to calculation drought year collection possibilities

****Data Source****

Annual Estimated Water Use after expansion: 201,000-gallons/10-gallon per SF. Estimate based off of current water use per sf of current cultivation. Evaporation loss location was used as Willow Creek which is the closest similar monitoring location provided.

Evaporation Loss:

CALIFORNIA													
MONTHLY AVERAGE PAN EVAPORATION (INCHES)													
PERIOD	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	YEAR
OF RECORD													
WILSON CREEK 1 NW	1968-2005	0.58	1.35	1.81	2.74	4.73	6.50	7.53	6.05	3.79	1.94	0.75	0.92
													39.69

*multiply by 0.75 correction factor to offset heat exchange
Source: https://wrcc.dri.edu/Climate/comp_table_show.php?stype=pan_evap_avg

PRISM Time Series Data

Location: Lat: 40.2824 Lon: -123.6666 Elev: 1775ft

Climate variable: ppt

Spatial resolution: 4km

Period: 1973 - 2023

Dataset: AN91m

PRISM day definition: 24 hours ending at 1200 UTC on the day shown

Grid Cell Interpolation: Off

Time series generated: 2024-Apr-01

Details: http://www.prism.oregonstate.edu/documents/PRISM_datasets.pdf

Date,ppt (inches)

1973	84.32
1974	64.08
1975	72.47
1976	29.10
1977	48.79
1978	56.37
1979	61.44
1980	53.77
1981	76.01
1982	83.93
1983	115.74
1984	59.37
1985	34.07
1986	72.99
1987	58.25
1988	49.31
1989	44.41
1990	44.20
1991	38.62
1992	57.35
1993	63.22
1994	47.95
1995	93.73
1996	90.12
1997	57.59
1998	93.92
1999	61.61
2000	53.72
2001	59.72
2002	64.06
2003	66.64
2004	55.29
2005	77.89
2006	72.19
2007	50.27
2008	50.64
2009	51.23
2010	85.87
2011	56.88
2012	87.65
2013	22.79
2014	60.89
2015	50.78
2016	87.00
2017	77.17
2018	50.51
2019	69.37
2020	34.30
2021	50.32
2022	39.20
2023	65.79

Site Drainage, Runoff, and Erosion Control:

Whipsawsons, LLC is enrolled with the North Coast Regional Water Quality Control Board (NCRWQCB) for Tier 1 low risk coverage, and a Water Resources Protection Plan (WRPP) has been developed utilizing best management practices (BMP's) in accordance with the NCRWQCB's recommendations. The drainage and erosion control measures described below are referenced from the WRPP in Appendix E. A transition was made into the State Water Resource Control Board Order (SWRCB) as a tier 1 risk (WDID# 1_12CC403573.) and a Site Management Plan (SMP) was developed to replace the WRPP.

Site investigation for the development of the Site Management Plan showed no evidence of surface runoff associated with the cultivation, nor was there evidence that it had occurred in the past. This area has good vegetation ground cover consisting of native grasses with no evidence of leaching from cultivation related activities.

Erosion Control:

The Water Resource Protection Plan (WRPP) includes erosion and sediment control BMP's designed to prevent, contain, and reduce sources of sediment. The WRPP was developed by Natural Resources Management Corporation in 2017 and the corrective measures have been completed. The SMP done by Elevated Solutions also includes corrective actions to reduce sediment delivery, including stream crossing culvert maintenance and replacement and access road maintenance. Additionally, the WRPP and SMP requires mulch piles and spoils from any grading to be stored in a designated location away from watercourse. See the WRPP section titled *Best Management Practices for Discharges of Waste Resulting from Cannabis Cultivation and Associated Activities* in Appendix E for complete BMP recommendations and specifications. The Site management plan was developed and has the current erosion control plans defined. Please refer to the Site Management Plan (SMP) for additional information regarding site specific plan and the updated corrective measures for the 2021 season.

Watershed and Habitat Protection:

Adherence to the SMP ensures that the watershed and surrounding habitat are protected. The cultivation activities and associated structures are >100+ feet from the nearest watercourse, providing a suitable buffer between the cultivation operation and habitat. Additionally, site development and maintenance activities utilize BMP's in accordance with the SWRCB & NCRWQCB's recommendations. Any grading and earthwork activities will be conducted by a licensed contractor in accordance with approved grading permits and the SMP.

Annual inspections are completed to identify any the presents of invasive species. If identified action is taken to eliminate the risk of infestation or spread.

Please see that attached Bull Frog Management Plan as advised by the California Department of Fish and Wildlife.

Monitoring and Reporting:

Monitoring will be conducted to confirm the effectiveness of corrected measures listed in the SMP and determine if the site meets all Standard Conditions. Inspections will include photographic documentation of any controllable sediment discharge sites as identified on the site map. Visual inspection will occur at those locations on the site where pollutants or wastes, if uncontained, could be transported into receiving waters, and those locations where runoff from roads or developed areas drains into or towards surface water. The inspection will also document the progress of any plan element subject to a time schedule, or in the process of being implemented. A monitoring plan is included in the SMP with photo points identified on the SMP map.

Onsite monitoring shall occur:

Before and after any significant alteration or upgrade to a given stream crossing, road segment, or controllable sediment discharge site. Inspection should include photographic documentation, with photo records to be kept on site.

Prior to October 15 and December 15 to evaluate site preparedness for storm events and storm water runoff.

Following any rainfall event with an intensity of 3" precipitation in 24 hours. Precipitation data can be obtained from the National Weather Service by entering the site zip code at <http://www.srh.noaa.gov/forecast>.

Water Meters are installed on all water sources to monitor water use. Water use logs are updated monthly and are available on-site upon request.

AI Storage Tanks are inspected on a regular basis for leaks or faulty float valve.

A Monitoring and Reporting will be submitted on an annual. Monitoring reports will be sent to SWRCB, CDFW and Humboldt County Planning.

Best Management Practices:

Best Management Practices (BMP's) are employed when storing, handling, mixing, application and disposal of all fertilizers, pesticides, and fungicides. All nutrients, pesticides and fungicides are storage in an 8'x20' SF storage container with secondary containment. Application rates will be tracked and reported with the end of the year monitoring report required in the Water Resources Protection Plan (WRPP) and Site Management Plan (SMP). Employees responsible for application are trained to handle, mix, apply or dispose of pesticides/fungicides with proper hand, eye body and respiratory protection in accordance with the manufacturer's recommendations. See the SMP for complete BMP specifications for the use and storage of regulated products.

California Department of Cannabis Control:

Whipsawasons, LLC currently has an Annual State License # CCL21-0002955.

Cal Fire:

The subject property is located within a State Responsibility Area (SRA) for fire protection. Several improvements are proposed in order to meet SRA requirements, including designating a fire turn-around and pull-out area for emergency vehicles, and management of trees and vegetation around existing structures to maintain the required 100-foot defensible space. All structures on the property meet the 30-foot SRA setback requirement from property lines. There is a 3000-gallon water storage tank designated for fire use marked with a blue reflector located by the well at the upper cultivation area. There is an existing on-site pond that can be used for additional fire repression in case of an energy.

PESTICIDE AND NUTRIENT MANAGEMENT

Fertilizers and pesticides are currently stored in an 8'x20' conex box with secondary that meets all requirements for secondary containment. Winterization and Erosion control measure are applied to prevent run off.

Signage is posted on the exterior of all structures after pesticides are applied with pesticide used and allowable reentry times.

Pesticide use logs are stored onsite and all personnel are trained on proper recording and management technics. The MSDS for all products is stored in the Pesticide use log and is available for all personnel. The Humboldt County Agriculture Department will be provided and updated of all Pesticide and Nutrient being used by Whipsawasons, LLC. Below is a list of all current products on site.

Pesticides:

Green Cleaner

Dr Zyme

Plant Therapy

Nutrients:

Organic Compost Tea

MaxSea

Fuels and Oils

Fuels and oils stored on-site will be storage in a secured storage shed near the residence. The applicant will register and follow all necessary requirements for CUPA.

Solid Waste Management:

Trash and recycling containers are located near the processing building in safe enclosed location. Solid waste and recycling are hauled off-site to the nearest transfer station at least once per week.

Cultivation Waste and Soil Management:

Cultivation Waste is chipped and composted onsite. Spent potting soil is stored in a contained area with environmental measures in place. Spent soil is cover during winter months and then amended in pots before the further use. All packaging from soil amendments and fertilizers will be collected and disposed at Redway Transfer Facility in Redway CA. All green cultivation waste is either composted to off hauled to Eel River Salvage and Disposal a license cannabis disposal company located in Fortuna California.

Wastewater Management:

There is a working septic system on-site located by the residence. The applicant will obtain a permit for the septic system upon approval. The septic is maintained as recommended every 2-5 years by Steve's Septic Service. There is also a portable toilet onsite that is serviced by Six Rivers Portable Toilet.

Soil Management Plan:

Cultivation occurs in a mixture of native soil and amenities. Soil is reused and amended as need in accordance with soil test results. Cover crops are planted after the cultivation season to assist in balancing to soil and to prevent runoff.

Cultivation Plan & Schedule:

Clones are purchased from a licensed nursery or propagated on site from 'mother plants' in the ancillary nursery area. Purchased clones are delivered by a licensed nursery and are placed in the ancillary nursery to harden off and grow until they reach the appropriate size and weather permits to plant in the flowering light deprivation hoop houses. Clones propagated on site from Mother plants. Mother plants remain in the vegetative stage under lights solely for propagation. Cuttings are taken from the mother plants and are rooted into a growing medium, typically oasis cubes, to produce 'clones.' The clones remain in the nursery until they are planted in their flowering greenhouses. The juvenile plants are irrigated using hand watering methods. The ancillary nursery uses deprivation tarps to prevent light pullulation.

Cultivation Cycle:

April-May: Clones grow in a vegetative state in the ancillary nursery until they are ready to be transplanted into flower greenhouses.

May-June: Plants are transplanted into beds of soil inside the greenhouse structures and remain in the grow stage until they reach 18"-24" in height.

July-August: Plants are forced into flower using light deprivation technics. Plants will remain in flower for 8-10 weeks.

August: Plants are harvested and replanting of the next cultivation cycles occurs. Plants for the second cultivation cycle are ready to be flowered as soon as replant occurs. Plants will be ready for harvest in 8-10 weeks from replant. Harvested flower from the first cultivation cycle is bucked down and prepared for transportation to processing.

September-October:

Harvest is completed on the second grow cycle. Once plants are removed from the greenhouses the tarps are removed from all greenhouse structures and beds are processed and planted with cover crops. Winterization of the property is completed, and cultivation operation are closed until the spring of the following year.

December-March: Monitoring occurs according to the SMP/WRPP.

Nursery Facility

The proposed 2,000 SF ancillary nursery area will be used to propagate plant stock for Whipsawasons, LLC. The ancillary nursery is equipped one intake and one exhaust fan. There are oscillating fans located on the walls to assure proper air flow and circulation. The use of artificial lighting is used to promote plant grow. The lights in the nursery are powered by the solar system to keep plants in a vegetive state when necessary. The International Dark Sky Standard is followed by pulling traps to block light pollution. Plants are grown in the ancillary nursery area until they are ready to station into the final flower greenhouse structures.

Irrigation Plan and Schedule:

Irrigation and fertigation of plants occurs using top-feed drip irrigation watering method. Whipsawasons, LLC maintains that irrigation and fertigation is more efficiently managed via drip watering that is monitored by daily inspection of each plant by the cultivator and tailored irrigation and nutrient application plan is designed for each greenhouse depending on plant need to prevent overwatering and run off. Monitoring reports reflect all watering/feeding schedules.

Processing/Distribution Plan:

Processing occurs off-site at a license processing facility. Once product has been processed it is transported back to the property and stored in the harvest storage area. Orders are manifested out to licensed distribution companies as they occur.

Noise Source assessment and Mitigation Plan:

Please see the attached 24-hour noise assessment.

Employee Plan:

Whipsawasons, LLC has three employees. Whipsawasons follows all employee labor law regulations, including worker comp insurance, liabilities insurance, training in sexual harassment and Cal-OSHA.

Employee Training and Safety:

The employees are trained on each aspect of the procedure including cultivation and harvesting techniques and use of pruning tools, proper application and storage of pesticides and fertilizers. Access to the onsite cultivation, drying and processing facilities is limited to authorized and trained staff. All employees are trained on proper safety procedure including fire safety; use of rubber gloves and respirators; proper hand washing guidelines, and protocol in the event of an emergency, Pesticide and Nutrient training is provided to each person using or exposed to these products. All employees will be required to complete a two-hour sexual harassment training course. The site manager will be trained in CPR and First Aid. Site manager and owner are required to complete the Private Applicator Certification (PAC) through the County of Humboldt Agriculture Department and a 30-hour

general industry training for Cal-Osha. A copy of these training records is available onsite upon request.

Parking Plan:

Parking is located by the non-cannabis residence.

Toilet and Handwashing Facilities:

Portable ADA compliant bathroom will be used until the on-site septic system can be permitted. Portable toilets will be located on a seasonal basis by the Metal Building and the residence.

Facility Security:

An entry gate to the property is located off Sunset Ridge Road approximately 25 yards off the road. The entry gates always remain locked and access to the cultivation area is limited exclusively to employees. Restricted access signs are posted conspicuously at the entry gates. Cameras are placed throughout the road system, at cultivation areas, the drying building, and the residence. The cultivation and drying facility areas have low intensity motion sensor lighting. All lighting is designed and located so that limited light exposure exists. The drying/cannabis storage facilities will include an alarm system.

Hours of Operation:

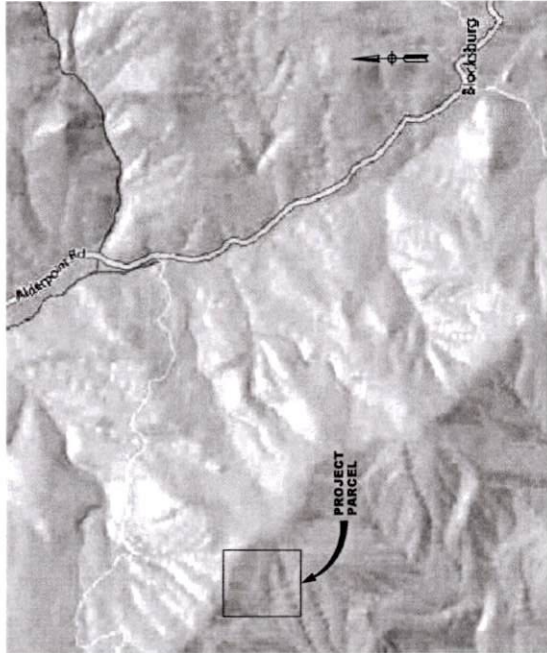
Activities associated with cultivation in the greenhouses (watering, transplanting, and harvesting) generally occur during daylight hours. All other activities such as processing typically occur no earlier than 6AM and extend no later than 8 PM.

RELEASE OF DOCUMENTS: This document and the information and design incorporated herein, as an instrument of professional service, is the property of Humboldt Drafting Services and shall not be reused in whole or part for any other project without express written authorization.

WHIPSAWSONS, LLC

2555 SUNSET RIDGE RD. BLOCKSBURG, CA 95514

APN: 217-391-012



VICINITY MAP
NOT TO SCALE

SHEET LIST TABLE	
Sheet Number	Sheet Title
00.1	PLOT PLAN
01.1	RETROACTIVE GRADING PLAN
01.2	PROPOSED GRADING PLAN

NOTES:

- ALL LOCATIONS ARE APPROXIMATE. NO FIELD SURVEY WAS CONDUCTED FOR THIS PROJECT.
- PROPERTY LINES ARE APPROXIMATE.
- CONTOURS SHOWN HEREON ARE FROM NCEM 2018-2019 1/4" X 6" SHAPES FILES.
- HAZARD SHOWN HEREON IS FROM IRMG.
- NO TREES WILL BE REMOVED FOR THIS PROJECT.
- NO SCHOOLS, BUS STOPS, PLACES OF WORSHIP, PUBLIC PARKS WITHIN 800' OF CULTIVATION SITE. NO TREASURES, RESOURCES OR OFF-SITE RESOURCES WITHIN 800'.
- NO DEVELOPED OR PROPOSED AREAS SHOWN FOR NCEM.

OWNER INFORMATION:

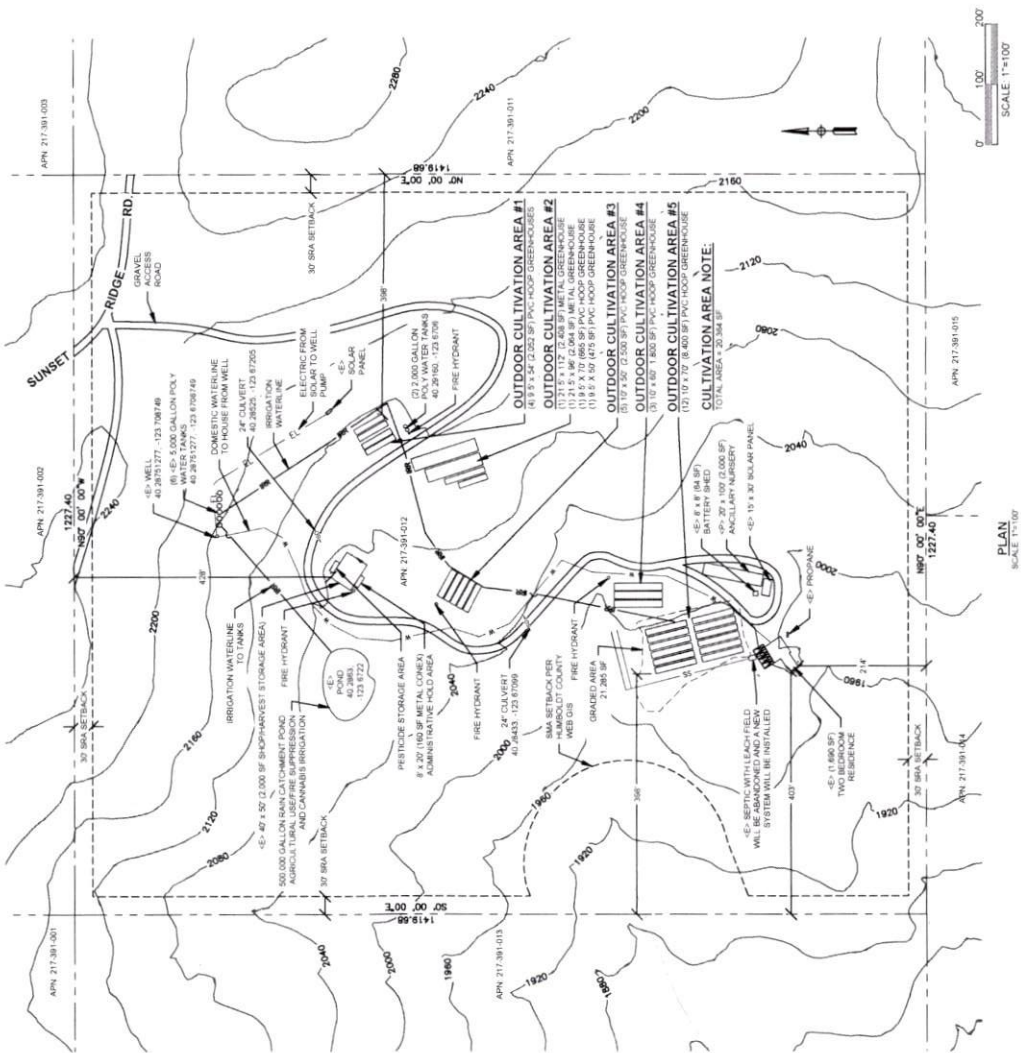
OWNER: WHIPSAWSONS, LLC

40 ACRES

SMA YES

ZONE: T18-B-4(2)

SITE INFORMATION:



PLAN
SCALE: 1"=100'



NO.	REVISION	BY	CHK.	DATE

WHIPSAWSONS CULTIVATION SITE
2555 SUNSET RIDGE RD. BLOCKSBURG CA 95514
PLOT PLAN
APN: 217-391-012

DRAWN	CHKD	ISO
DATE	APPROVED	DATE
3-6-2021	3-6-2021	3-6-2021
JOB NUMBER	SHEET	G0.1