



**COUNTY OF HUMBOLDT**  
**PLANNING AND BUILDING DEPARTMENT**  
**CURRENT PLANNING DIVISION**

---

3015 H Street Eureka CA 95501  
Phone: (707)445-7541 Fax: (707) 268-3792

Hearing Date: July 23, 2020

To: Humboldt County Planning Commission

From: John H. Ford, Director of Planning and Building Department

Subject: **Organic Liberty CA, LLC, Conditional Use Permits, Lot Line Adjustment and Merger**  
Record Numbers: PLN-12376-CUP (Case Numbers: CUP16-656, CUP17-042, CUP17-043 and CUP17-044) & PLN-2020-16443  
Assessor's Parcel Numbers: 524-073-003, 524-074-001, 524-091-002, 524-091-003, 524-091-005, 524-091-006, 524-101-008, 524-101-009, 524-101-011, 524-101-013, 524-101-015 and 524-101-017  
229 Friday Ridge Road Willow Creek, CA

**Table of Contents**

**Page**

Agenda Item Transmittal	2
Recommended Action and Executive Summary	4
Draft Resolution for CUPs	8
Draft Resolution for LLA and NOM	9

**Maps**

Zoning Map	10
Aerial Map	11
Topo Map	12
Site Plan	13
Lot Line Adjustment & Merger Map	14

**Attachments**

Attachment 1: Recommended Conditions of Approval	15
Attachment 2: Required Findings for Approval	25
Attachment 3: Initial Study and Mitigated Negative Declaration	Separate
Attachment 4: Applicant's Evidence in Support of the Required Findings	46
Attachment 5: Referral Agency Comments and Recommendations	49

Please contact Rodney Yandell, Senior Planner, at (707) 445-7541, or by email at [ryandell@co.humboldt.ca.us](mailto:ryandell@co.humboldt.ca.us), if you have any questions about the scheduled public hearing item.

## AGENDA ITEM TRANSMITTAL

<b>Hearing Date</b> July 23, 2020	<b>Subject</b> Conditional Use Permits, Lot Line Adjustment and Merger	<b>Contact</b> Rodney Yandell
--------------------------------------	---	----------------------------------

**Project Description:** Four Conditional Use Permits for a new full-sun outdoor cannabis cultivation operation totaling 3.3 acres (143,748 square feet (sf)) in size. Water is provided from three permitted wells. There will be 15,000 gallons of tank storage on site. Approximately 3,000,000 gallons of irrigation water is the anticipated yearly demand for the project. All processing will occur off site at a licensed processing facility. Power is provided by Pacific Gas and Electric (PG&E). The applicant proposes a Lot Line Adjustment and Merger between 12 assessor parcels (6 legal parcels) known as APNs 524-073-003, 524-074-001, 524-091-002, 524-091-003, 524-091-005, 524-091-006, 524-101-008, 524-101-009, 524-101-011, 524-101-013, 524-101-015 and 524-101-017 to consolidate parcels into four logical management units and to facilitate the proposed cannabis cultivation project.

Resultant Parcel	Creation Document	Area Before LLA	Area After LLA
Parcel 1	<p>Parcel 1: Patent recorded in Book 17, Page 6 of Patents</p> <p>Parcel 2: Patent recorded in Volume 1180, Page 133 of Official Records</p> <p>Parcel 3: Portions of two patents (Book 15, Page 449 of patents, Book 17, Page 451 of Patents that were broken due to conveyances to State and Federal Governments and through deed recorded 1/2/1969.</p> <p>Parcel 4: Deed recorded 1/2/1969 in Volume 987, Page 149 of Official Records.</p>	<p>Parcel 1: 160 acres +- Parcel 2: 160 acres +- Parcel 3: 80 acres +- Parcel 4: 13 acres +-</p>	400 acres +-
Parcel 2	Same parcel as Parcel 3 above	80 acres +-	30.47 acres +-
Parcel 3	Parcel 3 above, and a portion of patent (Book 22, Page 252)	86 acres +-	26.59 acres +-
Parcel 4 (merger only)	<p>Parcel 1: Deed recorded 1/2/1969 in Volume 987, Page 149 of Official Records.</p> <p>Parcel 2: Patent recorded in Volume 1180, Page 133 of Official Records.</p>	<p>Parcel 1: 37.84 acres +- Parcel 2: 13.32 acres +-</p>	51.16 acres +-

**Project Location:** The project is located in Humboldt County, in the Willow Creek area, on the west and south sides, and adjacent to State Hwy 299, at the intersection of Friday Ridge Road and State Hwy 299, on the property known to be in Sections 15, 16, 21 and 22 of Township 06 North, Range 05 East, Humboldt Base & Meridian.

**Present Plan Land Use Designations:** Residential Agriculture (RA40 and RA5-20), Agricultural Grazing (AG), Agricultural Exclusive (AE), Commercial Services (CS), Industrial General (IG) Humboldt County General Plan (GP), Density: 40 acres per unit, 5-20 acres per unit, 20-160 acres and 60 acres per unit respectively; Slope Stability: Low to Moderate Instability (1 and 2).

**Present Zoning:** Agriculture Exclusive (AE), Agriculture General (AG) with Special Building Site B-5(5), Unclassified (U) and Heavy Industrial (MH).

**Record Numbers.:** PLN-12376-CUP (Case Numbers: CUP16-656, CUP17-042, CUP17-043 and CUP17-044) & PLN-2020-16443

**Assessor Parcel Numbers:** 524-073-003, 524-074-001, 524-091-002, 524-091-003, 524-091-005, 524-091-006, 524-101-008, 524-101-009, 524-101-011, 524-101-013, 524-101-015 and 524-101-017

**Applicant**

Organic Liberty CA, LLC  
501 West Broadway, Ste. 1750  
San Diego, CA 92101

**Owner**

Organic Liberty, LLC  
501 West Broadway, Ste. 1750  
San Diego, CA 92101

**Agent**

Compass Land Group  
Jordan Main  
3140 Peacekeeper Way #10  
McClellan Park, CA 95652

**Environmental Review:** An Initial Study/Mitigated Negative Declaration has been prepared pursuant to the California Environmental Quality Act (CEQA) Statute (Public Resources Code 21000–21189) and Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3, Sections 15000–15387).

**State Appeal Status:** Project is NOT appealable to the California Coastal Commission.

**Major Issues:** None.

**Organic Liberty CA, LLC**

Record Numbers: PLN-12376-CUP & PLN-2020-16443

Assessor's Parcel Numbers (APNs): 524-073-003, 524-074-001, 524-091-002, 524-091-003, 524-091-005, 524-091-006, 524-101-008, 524-101-009, 524-101-011, 524-101-013, 524-101-015 and 524-101-017

**Recommended Planning Commission Action:**

1. Describe the application as a Public Hearing;
2. Request staff to present the project;
3. Open the public hearing and receive public testimony; and
4. Close the public hearing and take the following action:

*Adopt the Mitigated Negative Declaration prepared for the Organic Liberty CA, LLC, project pursuant to Section 15074 of the State CEQA Guidelines, make all of the required findings for approval of the Conditional Use Permit and Special Permit based on evidence in the staff report and adopt the Resolution approving the proposed Organic Liberty, project subject to the recommended conditions.*

**Executive Summary**

The proposed Conditional Use Permits would allow a new full-sun outdoor cultivation area of approximately 3.3 acres (143,748 sf) to occur on a parcel created through Lot Line Adjustment (LLA) and Merger considered in this report (Parcel 1). The Project involves only seasonal agricultural activities (cultivation) with plant starts to be obtained from an off-site licensed nursery, all processing to occur off site at a licensed processing facility, and a maximum of 16 employees. The LLA and Merger would consolidate the parcels into more logical management units and to facilitate the proposed cannabis cultivation project.

There are 18.7 acres of prime agricultural soils mapped on the Project site. In addition, a site-specific Prime Agricultural Soil Assessment conducted by Dirty Business Soil Consulting and Analysis identified an additional five acres of prime agricultural soils bringing the total quantity of prime agricultural soils on the parcel to 23.7. The approximately 3.3-acre cultivation area will not exceed 20% of the total prime agricultural soils on the parcel, satisfying the requirement outlined within CMMLUO 55.4.8.2.1.

Water for irrigation will be supplied by three existing permitted on-site groundwater wells. As documented by the well driller (Fisch Drilling), the wells are drilled into "perched bedrock with no hydraulic connection to any surface water or any part of a larger shallow homogeneous aquifer." See Attachment 3 for Hydrologic Connectivity Letter. Long term water storage is not proposed in connection with the Project. Short term water storage will occur in three 5,000-gallon water storage tanks. Water will be pumped from the wells to the temporary holding tanks for regulating water pressure, and then piped from the tanks to the area of cultivation. At all times, water will be applied using no more than agronomic rates using an automated irrigation system. The Project's annual irrigation demand has been estimated at three million gallons (20.87 gallons/square foot/year), with a monthly maximum of approximately 509,000 gallons during the month of July. Irrigation water will be needed from April through October of each year, with no irrigation water anticipated during the months of November through March. The combined output of the three existing on-site groundwater wells is approximately 58,000 gallons per day, indicating sufficient water supply to service the irrigation demands of the Project.

Storage and use of fertilizers and pesticides will be conducted in accordance with the Best Practicable Treatment or Control (BPTC) measures of State Water Resources Control Board



(SWRCB) Order WQ 2017-0023-DWQ, which include requirements to apply fertilizers and soil amendments at only the proper agronomic rates, and to store materials in a manner that is protected from rainfall and erosion. Fertilizers, potting soils, compost, and other soils and soil amendments will be stored in seven fully enclosed, watertight, 320 sf conex-type boxes. The materials will be stored in a manner so that they cannot enter or be transported into surface waters and such that nutrients or other pollutants cannot be leached into groundwater.

The Project area will be accessed from an existing driveway entrance off Friday Ridge Road (a Category 4 roadway). At the County's request, the Applicant retained a traffic consultant (PHA Transportation Consultants) to conduct a sight distance analysis for a section of Hwy 299 near Friday Ridge Road. The purpose of the analysis was to identify the available sight distance from Hwy 299 to Friday Ridge Road in both east and west directions. The analysis reveals that sight distances along Hwy 299 in both directions would satisfy Caltrans's recommended guidelines (see Attachment 3 for Sight Distance Analysis). The Project will utilize an existing unpaved access road with an approximate 30'+ wide entrance off Friday Ridge Road (western portion of parcel) that extends through the cultivation area to the parcel boundary. The access road is an existing driveway that services only the parcel. A designated parking area with space for at least six vehicles is located on the eastern portion of the parcel; however, only approximately 2-3 ranch vehicles will park onsite on a daily basis. Significant parking space and a large turnaround is located southeast of Friday Ridge Road on APN 524-091-006 owned by the applicant. During harvest, parking will occur on the parcel located southeast of Friday Ridge Road, with shuttle service to the Project area. The project was referred to the County Public Works Department that recommended conditional approval. Conditions of approval include compliance with intersection visibility standards, improvement of the intersection of the driveway and Friday Ridge Road and compliance with gate and fence setbacks from county right of way. Conditions of approval require the recommended improvements.

The site will utilize portable toilets to be located on the eastern portion of the Project area near the designated parking area. The Division of Environmental Health (DEH) responded to Planning Division request for comment by confirming that portable toilets will be appropriate for the proposed project and conditions that prior to reissuance of annual permit provide an invoice, or equivalent documentation to DEH to confirm the continual use of portable toilets or provide an approved means of sewage disposal to serve the needs of the cultivation staff.

The security measures located on the premises will include the following:

- **Lighting:** Outdoor lighting will be controlled by photocell switching, timers, infrared motion sensors and/or other state-of-the-art control systems to provide an appropriate light level at the exterior of the facilities to ensure that personnel and the video surveillance system can effectively monitor the space in and around the Project site. Exterior lighting will be directed so as to not pose a nuisance to neighboring properties.
- **Alarm:** A security/burglar alarm system will be installed and operated at all appropriate times within the Project site. When technologically feasible, this system will be monitored by a third-party remote central control station which will have the responsibility for automatically providing notification to law enforcement of any breach in the facility's security system.
- **Access Control:** All entrances to the Project site will be restricted by an access control system. 24-hour access to the Project site by emergency responders (e.g., Fire Department) will be provided via a Knox Box.

- **Fencing:** The Project site will be fenced with chain-link fencing.
- **Transport:** All cannabis, other than lab samples, will be transported to State licensed and/or locally permitted and licensed cannabis wholesale, distribution, processing or manufacturing companies by a State licensed and/or locally permitted licensed transport company.

The security measures will protect against theft and diversion not only from intruders, but also from staff members and visitors. This will be accomplished by limiting access to the Project site and by surveillance monitoring of personnel and visitors at all times when in close proximity to the product. Strict inventory control measures will also be employed to prevent and detect diversion.

The applicant submitted a Wetland and Other Waters Delineation Report for the Organic Liberty Property prepared by SHN dated December 2017 as recommended by the Army Corps of Engineers (see Attachment 3). The report evaluated the extent of water and wetland resources on the subject parcel and delineate any water of the U.S. that are subject to the U.S. Army Corps of Engineers jurisdiction. The report found two seasonal drainages in the study area and no wetlands. All elements of the Project will be outside of the required stream buffers. Therefore, the project as proposed will not adversely impact these resources. The nearest Northern Spotted Owl activity center and observations are located 0.4 miles to the west and 0.7 miles to the south of the project location respectively. Both observations were recorded in 1980. The nearest mapped Marbled murrelet habitat is approximately 2.25 miles to the southwest. Since the project is for outdoor full-sun cultivation with no on site propagation and no processing on site, ongoing impacts to either species are not anticipated. The applicant submitted a Biological Resources Assessment for the Project prepared by SHN dated April 2020 (see Attachment 3). The report describes the special-status and/or sensitive biological resources in or with the potential to occur in the project area that may be affected by the proposed project. Starting on Page 20, the Biological Resources Assessment for the Project recommends several mitigation measures for development to lessen impacts to special-status and/or sensitive biological resources, including, but not limited to avoidance of impacts to seasonal drainages, avoidance of impacts to California oat grass prairie, avoidance of impacts to Oregon white oak woodland, and site development activities outside of the nesting season for several bird species. The recommendations of contained in the Biological Resources Assessment for the Project were included in the environmental analysis and used as mitigation measures in the Initial Study and Mitigated Negative Declaration of the Project. Conditions of approval require the applicant to adhere to and implement the mitigation measures contained in the Initial Study/Mitigated Negative Declaration.

The applicant is required to enroll in the State Cannabis Discharge program. Conditions of approval require the applicant to submit evidence of enrollment into the State Cannabis Cultivation Discharge program by submitting copies of all documents filed with the State Water Resources Control Board, including, but not limited to, a Notice of Applicability and a Site Management Plan. The applicant is required to adhere to and implement the requirements contained in the SWRCB's Cannabis Cultivation Policy, the General Order and the Notice of Applicability. A copy of the reporting form portion of the Mitigation and Reporting Program (MRP) shall be submitted annually to the Planning and Building Department concurrent with the submittal to the SWRCB. Should the site qualify for an exemption, the applicant shall provide proof of a SWRCB exemption status.

Environmental review for the proposed project included the preparation of an Initial Study/Mitigated Negative Declaration (IS/MND) pursuant to the California Environmental Quality

Act (CEQA) Statute (Public Resources Code 21000–21189) and Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3, Sections 15000–15387). The IS/MND was circulated from June 22, 2020, to July 22, 2020, at the State Clearinghouse. Based on a review of Planning Division reference sources and comments from all involved referral agencies, planning staff believes that the applicant has submitted evidence in support of making all of the required findings for approving the Conditional Use Permits and Lot Line Adjustment and Merger.

**ALTERNATIVES:** The Planning Commission could elect not to approve the project, or to require the applicant to submit further evidence, or modify the project. Modifications may cause potentially significant impacts, additional CEQA analysis and findings may be required. These alternatives could be implemented if the Commission is unable to make all of the required findings. Planning Division staff has stated that the required findings in support of the proposal have been made. Consequently, Planning staff does not recommend further consideration of either alternative.

Staff prepared a more thorough environmental analysis which included the preparation of an IS/MND pursuant to the CEQA Statute (Public Resources Code 21000–21189) and Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3, Sections 15000–15387). The Commission could also decide the project may have environmental impacts that would require further environmental review pursuant to CEQA. Staff did not identify any potentially significant unmitigable impacts.

**RESOLUTION OF THE PLANNING COMISSION  
OF THE COUNTY OF HUMBOLDT  
Resolution Number 20-**

**Record No.: PLN-12376-CUP (Case Numbers: CUP16-656, CUP17-042, CUP17-043 and CUP17-044)**

**Assessor's Parcel Numbers: 524-073-003, 524-074-001, 524-091-002, 524-091-005, 524-091-006, 524-101-008, and 524-101-015**

**Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the Organic Liberty CA, LLC, Conditional Use Permits.**

**WHEREAS**, Organic Liberty CA, LLC submitted an application and evidence in support of approving the Conditional Use Permits for 3.3 acres of new full-sun outdoor commercial cannabis cultivation; and

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

**WHEREAS**, a Mitigated Negative Declaration was prepared for the proposed Conditional Use Permits and circulated for public review pursuant to Section 15074 of the CEQA Guidelines; and

**WHEREAS**, Attachment 2 in the Planning Division staff report includes substantial evidence in support of making all of the required findings for approving the proposed Conditional Use Permits (Record No.: PLN-12376-CUP (Case Numbers: CUP16-656, CUP17-042, CUP17-043 and CUP17-044); and

**WHEREAS**, a public hearing was held on the matter before the Humboldt County Planning Commission on July 23, 2020.

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

1. The Planning Commission adopts the Mitigated Negative Declaration for the Organic Liberty CA, LLC, project; and
2. The Planning Commission makes all the required findings for approval in Attachment 2 of the Planning Division staff report for Record No.: PLN-12376-CUP (Case Numbers: CUP16-656, CUP17-042, CUP17-043 and CUP17-044) based on the submitted substantial evidence; and
3. Conditional Use Permits: PLN-12376-CUP (Case Numbers: CUP16-656, CUP17-042, CUP17-043 and CUP17-044) are approved as recommended and conditioned in Attachment 1.

The motion was made by Commissioner \_\_\_\_ and seconded by Commissioner \_\_\_\_.

AYES: Commissioners:

NOES: Commissioners:

ABSTAIN: Commissioners:

ABSENT: Commissioners:

DECISION:

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

**RESOLUTION OF THE PLANNING COMISSION**  
**OF THE COUNTY OF HUMBOLDT**  
**Resolution Number 20-**  
**Record No.: PLN-2020-16443**

**Assessor's Parcel Numbers: 524-073-003, 524-074-001, 524-091-002, 524-091-003, 524-091-005, 524-091-006, 524-101-008, 524-101-009, 524-101-011, 524-101-013, 524-101-015 and 524-101-017**

**Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the Organic Liberty CA, LLC, Lot Line Adjustment and Merger request.**

**WHEREAS**, Organic Liberty CA, LLC submitted an application and evidence in support of approving the Lot Line Adjustment to consolidate parcels into more logical management units; and

**WHEREAS**, Organic Liberty CA, LLC submitted an application and evidence in support of approving the Notice of Merger; and

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

**WHEREAS**, a Mitigated Negative Declaration was prepared for the proposed Lot Line Adjustment and Merger and circulated for public review pursuant to Section 15074 of the CEQA Guidelines; and; and

**WHEREAS**, Attachment 2 in the Planning Division staff report includes substantial evidence in support of making all of the required findings for approving the proposed Lot Line Adjustment and Merger (PLN-2020-16443); and

**WHEREAS**, a public hearing was held on the matter before the Humboldt County Planning Commission on July 23, 2020.

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

1. The Planning Commission adopts the Mitigated Negative Declaration for the Organic Liberty CA, LLC, project; and
2. The Planning Commission makes all the required findings for approval in Attachment 2 of the Planning Division staff report for Record No.: PLN-2020-16443 based on the submitted substantial evidence; and
3. Lot Line Adjustment and Notice of Merger Record No.: PLN-2020-16443 is approved as recommended and conditioned in Attachment 1.

The motion was made by Commissioner \_\_\_\_ and seconded by Commissioner \_\_\_\_.

AYES: Commissioners:

NOES: Commissioners:

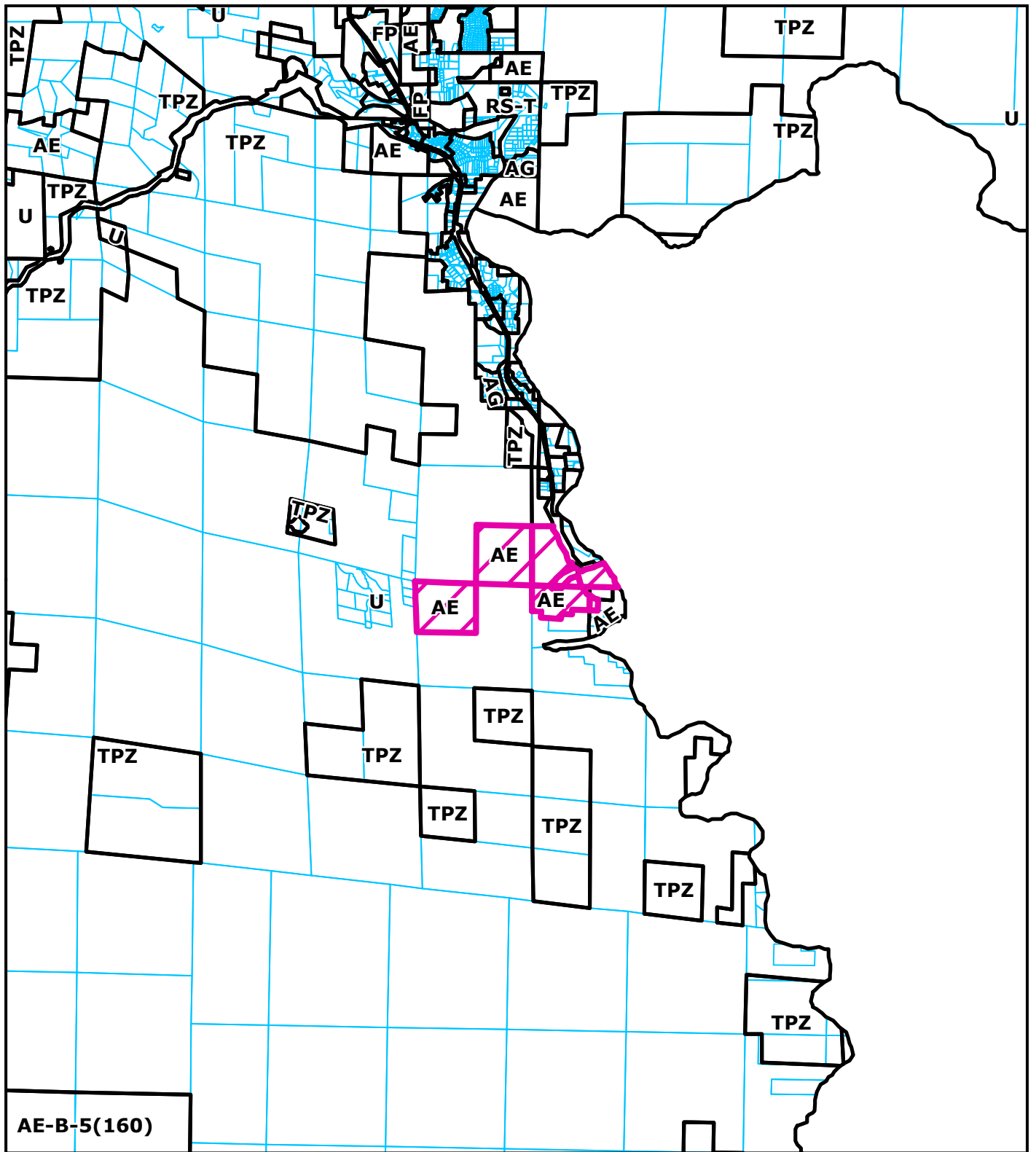
ABSTAIN: Commissioners:

ABSENT: Commissioners:

DECISION:

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



AE-B-5(160)

**ZONING MAP  
 PROPOSED ORGANIC LIBERTY CA, LLC  
 WILLOW CREEK AREA  
 CUP-16-656**

**APN: 524-073-003; ET AL.**

**T06N R05E S16; S15; S21; S22 HB&M (SALYER)**

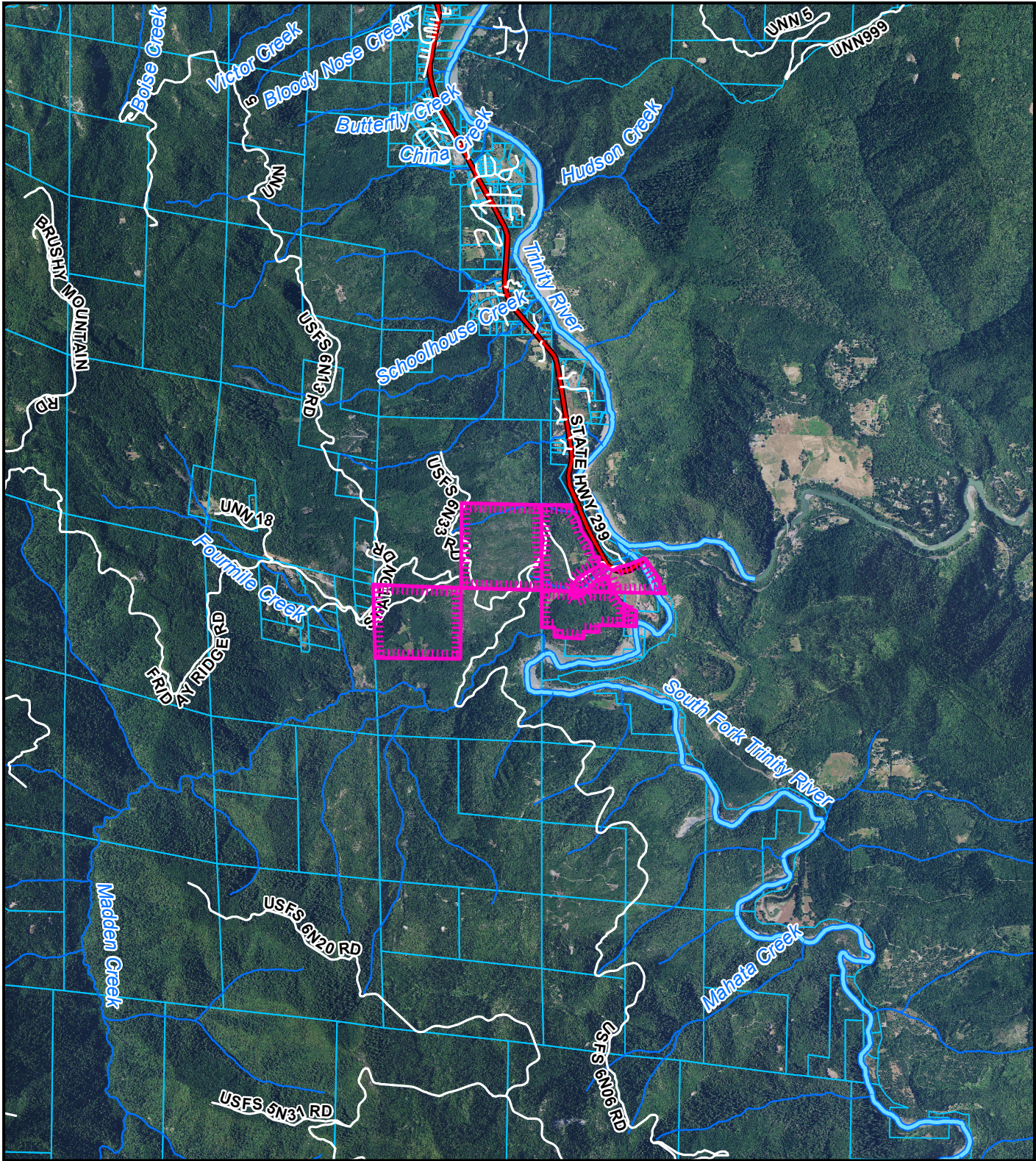
Project Area = 



This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.





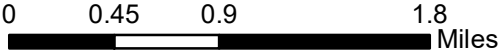


**AERIAL MAP  
 PROPOSED ORGANIC LIBERTY CA, LLC  
 WILLOW CREEK AREA  
 CUP-16-656**

**Project Area =** 

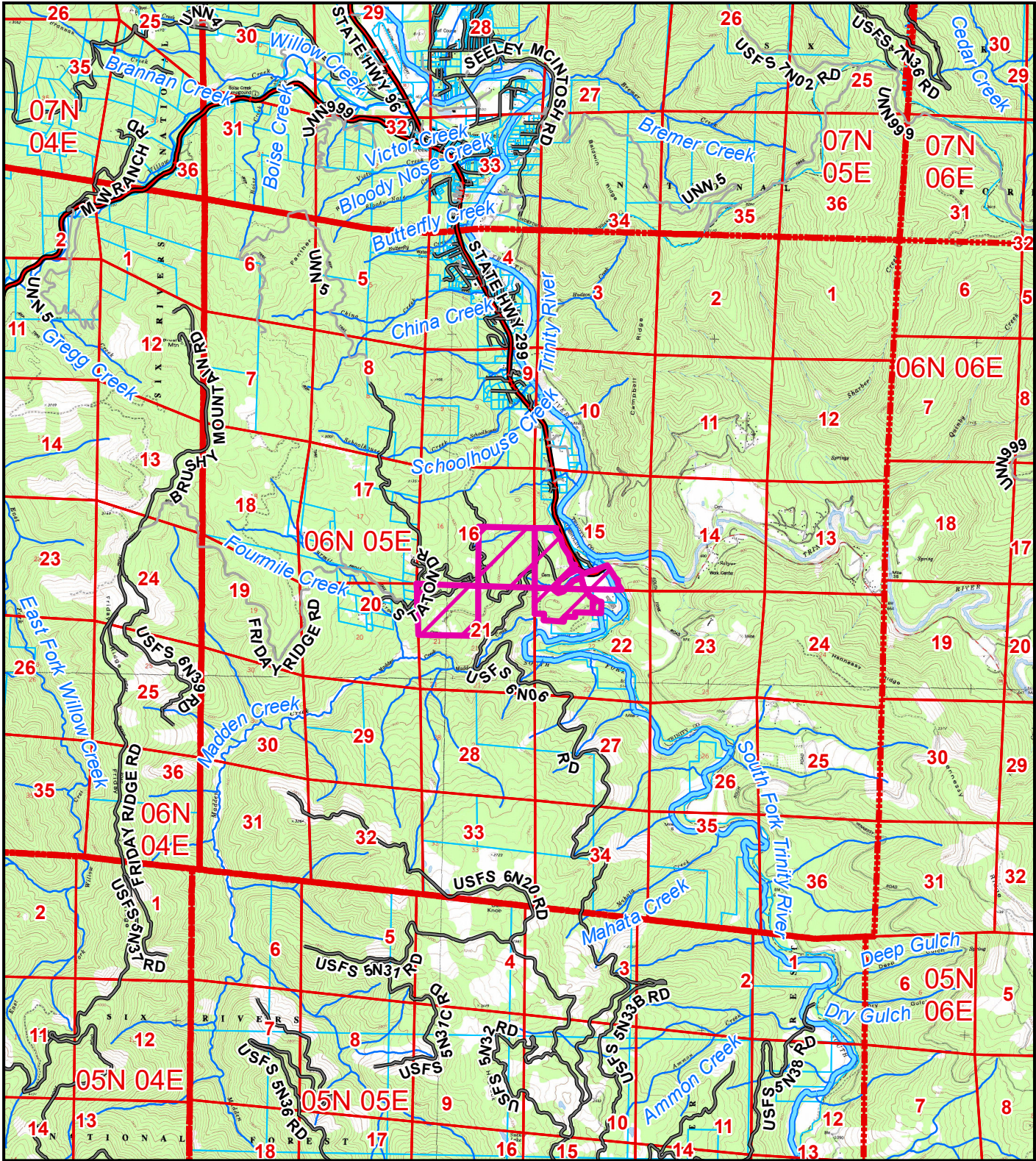
**APN: 524-073-003; ET AL.**

**T06N R05E S16; S15; S21; S22 HB&M (SALYER)**



This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.





**TOPO MAP**  
**PROPOSED ORGANIC LIBERTY CA, LLC**  
**WILLOW CREEK AREA**  
**CUP-16-656**

Project Area = 

**APN: 524-073-003; ET AL.**  
**T06N R05E S16; S15; S21; S22 HB&M (SALYER)**



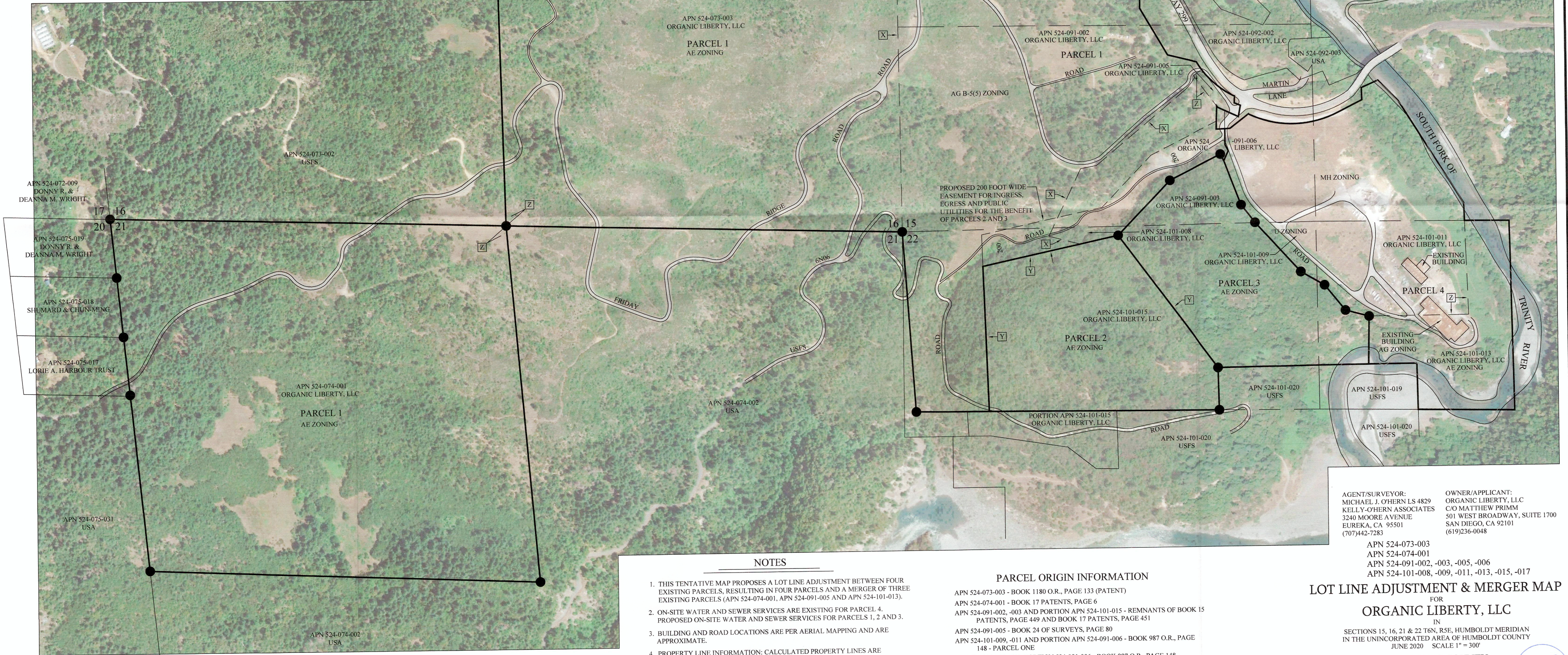
This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.



**LOT LINE ADJUSTMENT SUMMARY**

- X LINE TO BE DELETED BY LOT LINE ADJUSTMENT
- Y LINE TO BE ADDED BY LOT LINE ADJUSTMENT
- Z LINE TO BE DELETED BY MERGER

PARCEL	BEFORE LLA & MERGER AREA	AFTER LLA & MERGER AREA
APN 524-073-003	154.89 ACRES	
APN 524-074-001	132.05 ACRES	
APN 524-091-002, -003	157.68 ACRES	
PORTION APN 524-101-015	0.72 ACRES	
APN 524-091-005	36.38 ACRES	
PORTION APN 524-091-006	11.73 ACRES	
APN 524-101-009, -011	14.78 ACRES	
PORTION APN 524-091-006		400.01 ACRES
APN 524-101-008		30.47 ACRES
APN 524-101-013		26.59 ACRES
PARCEL 1		51.16 ACRES
PARCEL 2		
PARCEL 3		
PARCEL 4		



AGENT/SURVEYOR:  
MICHAEL J. O'HERN LS 4829  
KELLY-O'HERN ASSOCIATES  
3240 MOORE AVENUE  
EUREKA, CA 95501  
(707)442-7283

OWNER/APPLICANT:  
ORGANIC LIBERTY, LLC  
C/O MATTHEW PRIMM  
501 WEST BROADWAY, SUITE 1700  
SAN DIEGO, CA 92101  
(619)236-0048

**NOTES**

1. THIS TENTATIVE MAP PROPOSES A LOT LINE ADJUSTMENT BETWEEN FOUR EXISTING PARCELS, RESULTING IN FOUR PARCELS AND A MERGER OF THREE EXISTING PARCELS (APN 524-074-001, APN 524-091-005 AND APN 524-101-013).
2. ON-SITE WATER AND SEWER SERVICES ARE EXISTING FOR PARCEL 4. PROPOSED ON-SITE WATER AND SEWER SERVICES FOR PARCELS 1, 2 AND 3.
3. BUILDING AND ROAD LOCATIONS ARE PER AERIAL MAPPING AND ARE APPROXIMATE.
4. PROPERTY LINE INFORMATION: CALCULATED PROPERTY LINES ARE SHOWN.
5. PARCEL NUMBERS SHOWN HEREON ARE FOR INFORMATION PURPOSES ONLY AND ARE NOT INTENDED TO REPRESENT A SUBDIVISION OF LAND.

**PARCEL ORIGIN INFORMATION**

- APN 524-073-003 - BOOK 1180 O.R., PAGE 133 (PATENT)
- APN 524-074-001 - BOOK 17 PATENTS, PAGE 6
- APN 524-091-002, -003 AND PORTION APN 524-101-015 - REMNANTS OF BOOK 15 PATENTS, PAGE 449 AND BOOK 17 PATENTS, PAGE 451
- APN 524-091-005 - BOOK 24 OF SURVEYS, PAGE 80
- APN 524-101-009, -011 AND PORTION APN 524-091-006 - BOOK 987 O.R., PAGE 148 - PARCEL ONE
- APN 524-101-008 AND PORTION 524-091-006 - BOOK 987 O.R., PAGE 148 - PARCEL TWO
- APN 524-101-013 - BOOK 1180 O.R., PAGE 133 (PATENT)

**LOT LINE ADJUSTMENT & MERGER MAP**

FOR  
**ORGANIC LIBERTY, LLC**

IN  
SECTIONS 15, 16, 21 & 22 T6N, R5E, HUMBOLDT MERIDIAN  
IN THE UNINCORPORATED AREA OF HUMBOLDT COUNTY  
JUNE 2020 SCALE 1" = 300'

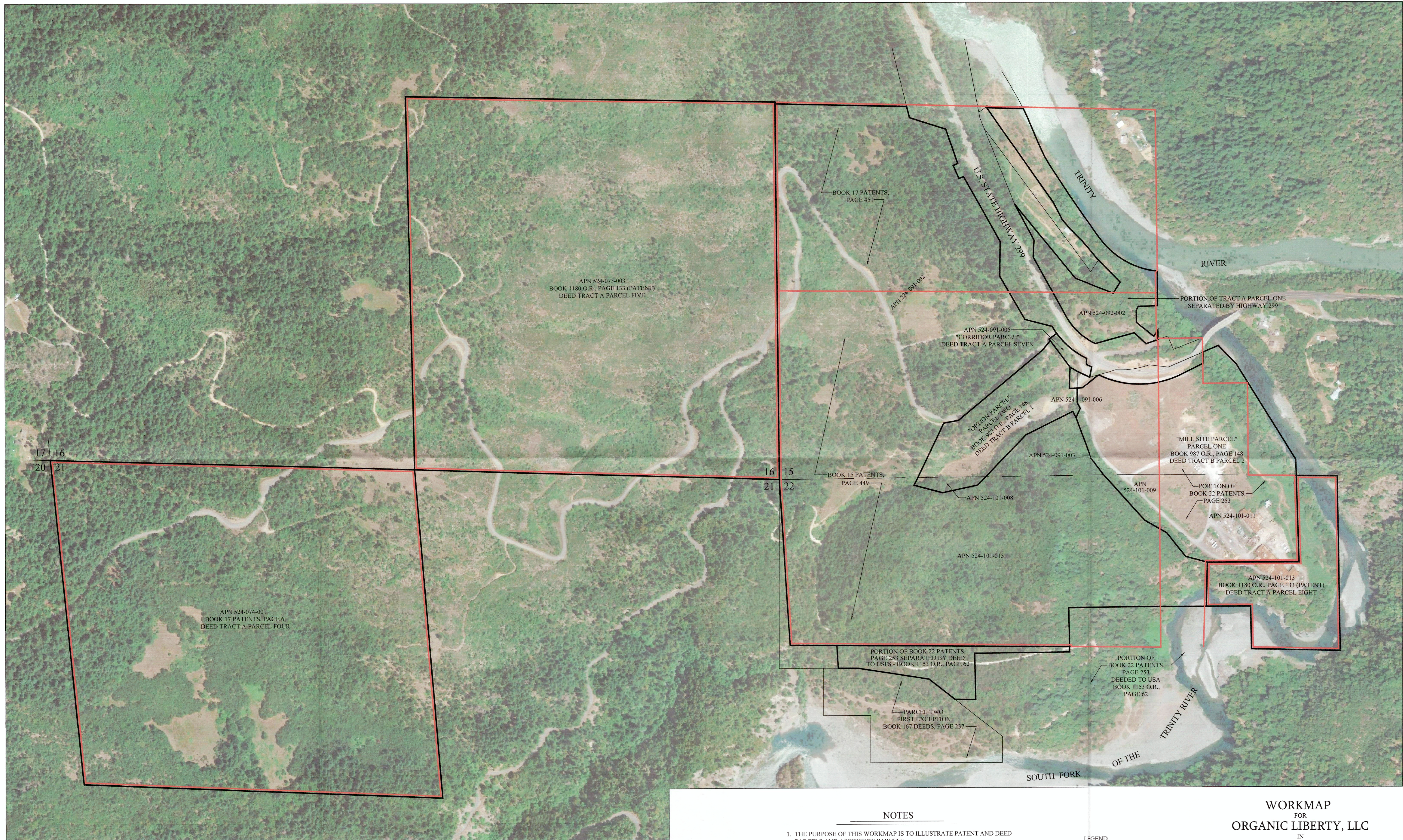
HUMBOLDT COUNTY  
STATE OF CALIFORNIA  
KELLY-O'HERN ASSOCIATES  
EUREKA, CALIFORNIA



**LEGEND**

- SURVEY MONUMENTS PER RECORDED SURVEY MAPS





**NOTES**

1. THE PURPOSE OF THIS WORKMAP IS TO ILLUSTRATE PATENT AND DEED PARCELS AND ASSESSOR'S PARCELS.
2. THIS MAP IS BASED ON RECORDS FROM PREVIOUS SURVEYS AND IS NOT BASED ON A FIELD SURVEY.
3. THE AERIAL IMAGE USED FOR THIS MAP HAS BEEN LOCATED USING LIMITED GROUND FEATURES AND IS APPROXIMATE.

**LEGEND**

- PATENT PARCEL LINE
- DEEDED PARCELS
- SEPARATE PARCEL LINE

**WORKMAP**  
 FOR  
**ORGANIC LIBERTY, LLC**  
 IN  
 SECTIONS 15, 16 & 21 T6N, R5E, HUMBOLDT MERIDIAN  
 IN THE UNINCORPORATED AREA OF HUMBOLDT COUNTY  
 MARCH 2019 SCALE 1" = 300'

**HUMBOLDT COUNTY**  
 STATE OF CALIFORNIA  
**KELLY O'HERN ASSOCIATES**  
 EUREKA, CALIFORNIA





**ATTACHMENT 1**  
**Recommended Conditions of Approval**

**APPROVAL OF THE CONDITIONAL USE PERMITS, LOT LINE ADJUSTMENT AND MERGER IS CONDITIONED ON THE FOLLOWING TERMS AND REQUIREMENTS WHICH MUST BE SATISFIED BEFORE RELEASE OF THE BUILDING PERMITS OR INITIATION OF OPERATION.**

1. The applicant shall submit a check to the Planning Division payable to the Humboldt County Clerk/Recorder in the amount of \$2,456.75. Pursuant to Section 711.4 of the Fish and Game Code, the amount includes the CDFW fee plus the \$50 document handling fee to the Clerk. This fee is effective through December 31, 2020, at such time the fee will be adjusted pursuant to Section 713 of the Fish and Game Code. Alternatively, the applicant may contact CDFW by phone at (916) 651-0603 or through the CDFW website at [www.wildlife.ca.gov](http://www.wildlife.ca.gov) for a determination stating the project will have *no effect* on fish and wildlife. If CDFW concurs, a form will be provided exempting the project from the \$2,456.75 fee payment requirement. In this instance, only a copy of the CDFW form and the \$50.00 handling fee is required.
2. The applicant shall secure permits for all proposed structures related to the cannabis cultivation and other commercial cannabis activity. A letter or similar communication from the Building Division verifying that all structures related to cannabis cultivation are permitted will satisfy this condition.
3. Water meters shall be installed at the groundwater wells and at all storage tanks. The applicant shall maintain monthly records of water usage and provide these to the Department on a yearly basis.
4. Prior to initiating commercial cannabis cultivation or associated activities 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.
5. Prior to initiating commercial cannabis cultivation or associated activities the applicant shall obtain a Business License from the Humboldt County Tax Collector.
6. The applicant shall submit a comprehensive Light Pollution Prevention Plan for the project including all measures necessary to adhere to International Dark Sky Association standards as set forth in the CCLUO, demonstrating that the proposed project would not deliver or have the potential to deliver light pollution, during the hours of sunset to sunrise, affecting fish and/or wildlife directly or from a distance. The plan shall include information about any outdoor lighting utilized and measures to down-shield this lighting. The plan shall be submitted to the satisfaction of the Planning Division within six months of the effective date of this permit, or prior to use of lighting, whichever occurs first.
7. The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency (CUPA) requirements regarding any 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.
8. In accordance with **Mitigation Measure BR-1: Preoperation Special-Status Plant Surveys**. Preoperation special-status plant surveys shall be conducted by a qualified botanist prior to the start of operation activities and within the typical blooming season or spring and early summer (generally March/April to August) for easy identification. If special-status plant species

are identified, the area shall be flagged for avoidance. If a special-status species is identified and cannot be fully avoided, a mitigation plan shall be prepared by a qualified botanist and approved by the County of Humboldt.

9. In accordance with **Mitigation Measure BR-2: Special Status Animal Surveys**. Preoperation special-status wildlife surveys shall be conducted by a qualified biologist. The preoperation surveys shall be conducted no more than 30 days prior to the start of operation activities. If special-status wildlife species are identified, the area shall be flagged for avoidance. If a special-status species is identified and cannot be fully avoided, a mitigation plan shall be prepared by a qualified biologist and approved by the County of Humboldt.
10. In accordance with **Mitigation Measure BR-3: Preoperation Bird Surveys**. Project-related vegetation management should occur outside the bird nesting season, (February 15 through September 1). If project-related brush clearing or infrastructure work must occur during the breeding season, a preoperation nesting-bird survey for migratory birds, raptors, and northern spotted owls shall be conducted by a qualified biologist no more than two weeks prior to Project initiation within the Project area and a 500-foot buffer. The timing of surveys shall be determined in consultation with the California Department of Fish and Wildlife. If active nests are found, a no-disturbance buffer zone shall be established, the size of which, the biologist shall determine. Within this buffer zone, no operations shall take place until August 31 or until the biologist determines that the nest is no longer active.
11. In accordance with **Mitigation Measure BR-4: California Oat Grass Prairie Avoidance**. The California oat grass prairie should be flagged and delineated prior to any project-related activity by a qualified botanist. Project activities should occur outside of the perimeter of the delineated California oat grass prairie. If project-related impacts are expected to occur within the California oat grass prairie, a mitigation and monitoring plan should be prepared by a qualified biologist for County approval prior to impacts.
12. A Notice of Lot Line Adjustment shall be recorded for each resultant parcel. The following information must be submitted to the Planning Department for review prior to recordation:
  - a. A copy of the existing deeds and the deeds to be recorded for the adjusted parcels. If the property is not changing ownership, only the existing deeds are required.
  - b. A Preliminary Title Report regarding ownership of parcels involved. The title report documents must be current at time of submittal. Depending on the date of the report preparation, updating may be necessary.
  - c. A completed "Notice of Lot Line Adjustment and Certificate of Compliance" form for each parcel.
  - d. Document review fees and assessor map revision fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$499.00 per parcel).
13. The applicant shall provide documentation from the County of Humboldt Tax Collector that all property taxes for the parcels involved in the Lot Line Adjustment have been paid in full if payable, or secured if not yet payable, to the satisfaction of the County Tax Collector's Office, and all special assessments on the property must be paid or reapportioned to the satisfaction of the affected assessment district. Please contact the Tax Collector's Office approximately three to four weeks prior to filing the parcel or final map to satisfy this condition. *Note: The purpose of this condition is to avoid possible title consequences in the event of a tax default and sale affecting the owner's real property interest. If property is acquired as a result of a Lot Line Adjustment and said property has delinquent taxes, the property cannot be combined*

*for tax purposes. This means, that the owner will receive two or more tax bills, and penalties and interest will continue to accrue against the land which has delinquent taxes. If five or more years have elapsed since the taxes on the subject property were declared in default, such property will be sold by the County Tax Collector for non-payment of delinquent taxes unless the amount required to redeem the property is paid before sale. Property combined by lot line adjustment but "divided" by tax sale will require separate demonstration of subdivision compliance of all resultant parcels prior to the County's issuance of a building permit or other grant of authority to develop the subject properties.*

14. The applicant shall comply with the provisions of Section 321-14 of the Humboldt County Code concerning reapportionment or payment of special assessments.
15. The applicant shall submit a completed Notice of Merger and Certificate of Subdivision Compliance document along with legal review fees, notary fees and recording fees, as applicable.
16. The applicant shall provide documentation from the County of Humboldt Tax Collector that all property taxes for the parcels involved in the Merger have been paid in full if payable, or secured if not yet payable, to the satisfaction of the County Tax Collector's Office. Please contact the Tax Collector's Office approximately three to four weeks prior to filing the Notice of Merger to satisfy this condition.

Note: The purpose of this condition is to avoid possible title consequences in the event of a tax default and sale affecting the owner's real property interest. If property has delinquent taxes, the property cannot be combined for tax purposes. This means that the owner will receive two or more tax bills, and penalties and interest will continue to accrue against the land which has delinquent taxes. If five or more years have elapsed since the taxes on the subject property were declared in default, such property will be sold by the County Tax Collector for non-payment of delinquent taxes unless the amount required to redeem the property is paid before sale. Property combined by merger but "divided" by tax sale will require separate demonstration of subdivision compliance of all resultant parcels prior to the County's issuance of a building permit or other grant of authority to develop the subject properties.

17. The applicant shall pay a map revision fee of \$300 as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$75.00 per parcel) as required by the County Assessor to the County Planning Division, 3015 "H" Street, Eureka. The check shall be made payable to the "Humboldt County Planning Division". The fee is required to cover the Assessor's cost in updating the parcel boundaries.
18. The applicant shall provide a copy of the Notice of Applicability from the SWRCB.
19. The applicant shall pave the existing driveway apron where the driveway for a minimum width of 20 feet and a length of 50 feet where it intersects Friday Ridge Road. The applicant shall apply for and obtain an encroachment permit prior to commencement of any work in the County maintained right of way. Confirmation from the Department of Public Works that the work has been completed shall satisfy this requirement.
20. The driveway that intersects Friday Ridge Road shall be maintained in accordance with County Code Section 341-1 (Sight Visibility Ordinance). This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.

21. All fences and gates shall be located out of the County right of way. All gates shall be setback sufficiently from the County road so that vehicles will not block traffic when staging to open/close the gate. In addition, no materials shall be stored or placed in the County right of way. This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.
22. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will provide a bill to the applicant after the decision. Any and all outstanding Planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.

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

1. All components of project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, and these conditions of approval. Changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan.
2. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CMMLUO and MAUCRSA, as applicable to the permit type.
3. Provide an invoice, or equivalent documentation to DEH annually to confirm the continual use of portable toilets.
4. In accordance with **Mitigation Measure AQ-1: Speed Limits**. All vehicle speeds on unpaved areas shall be limited to 15 miles per hour.
5. In accordance with **Mitigation Measure BR-5: Riparian Habitat Avoidance**. All project-related activities should remain at least 50 feet away from the top of bank or edge of riparian dripline (whichever is greater) of the mapped seasonal drainages, and no vegetation removal should occur within these setback areas.
6. In accordance with **Mitigation Measures CR-1: Inadvertent Discovery Protocol and TCR-1: Inadvertent Discovery Protocol**. If cultural resources, such as lithic materials or ground stone, historic debris, building foundations, or bone are discovered during Project activities, work shall be stopped within 100 feet of the discovery. Contact will be made to the County, a professional archaeologist and representatives from the Tsunungwe Tribe. The professional historic resource consultant, Tribes and County officials will coordinate provide an assessment of the find and determine the significance and recommend next steps.

If human remains are discovered during Project activities, work will stop at the discovery location, within 100 feet, and any nearby area reasonably suspected to overlie adjacent to human remains (Public Resources Code, Section 7050.5). The Humboldt County coroner will be contacted to determine if the cause of death must be investigated. If the coroner determines that the remains are of Native American origin, it is necessary to comply with state laws relating to the disposition of Native American burials, which fall within the jurisdiction of the NAHC (Public Resources Code, Section 5097). The coroner will contact the NAHC. The descendants or most likely descendants of the deceased will be contacted, and work will not

resume until they have made a recommendation to the landowner or the person responsible for the excavation work for means of treatment and disposition, with appropriate dignity, of the human remains and any associated grave goods, as provided in Public Resources Code, Section 5097.98.

7. In accordance with **Mitigation Measure GEO-1: Inadvertent Discovery Protocol**. In the event that paleontological resources are discovered, work shall be stopped within 100 feet of the discovery and a qualified paleontologist shall be notified. The paleontologist shall document the discovery as needed, evaluate the potential resource, and assess the significance of the find under the criteria set forth in State CEQA Guidelines Section 15064.5. If fossilized materials are discovered during construction, excavations within 100 feet of the find shall be temporarily halted or diverted until the discovery is examined by a qualified paleontologist. The paleontologist shall notify the appropriate agency to determine procedures that would be followed before construction is allowed to resume at the location of the find.
8. 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.
9. 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 County Code Section 55.4.11(d).
10. Maintain enrollment in Tier 1, 2 or 3, certification with the NCRWQCB Order No. R1-2015-0023, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
11. Consent to an annual on-site compliance inspection, with at least 24 hours prior notice, to be conducted by appropriate County officials during regular business hours (Monday – Friday, 9:00 am – 5:00 pm, excluding holidays).
12. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
13. Pay all applicable application, review for conformance with conditions and annual inspection fees.
14. Power is to be supplied by PG&E. If the project is modified to use a generator for cannabis operations the noise from the generator or fans shall not be audible by humans from neighboring residences. The decibel level for generators measured at the property line shall be no more than 60 decibels. Where applicable, sound levels must also show that they will not result in the harassment of Marbled Murrelet or Spotted Owl species. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service, and further consultation where necessary. Under these guidelines, generator noise may not exceed 50 decibels as measured at 100 feet from the generator or at the edge of the nearest Marbled Murrelet or Spotted Owl habitat, whichever is closer.
15. 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.

16. Leave wildlife unharmed. If any wildlife is encountered during the Authorized Activity, Permittee shall not disturb the wildlife and shall allow wildlife to leave the work site unharmed.
17. All refuse shall be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
18. Any project related noise shall be contained to the extent feasible (e.g. containment of fans, dehumidifiers etc.) and shall be no more than 50 decibels measured from 100ft or to the nearest tree line, whichever is closer.
19. The burning of excess plant material associated with the cultivation and processing of commercial cannabis is prohibited.
20. Storage of Fuel - Fuel shall be stored and handled in compliance with applicable state and local laws and regulations, including the County of Humboldt's CUPA program, and in such a way that no spillage occurs.
21. Any outdoor construction activity and use of heavy equipment outdoors shall take place between 7:00 a.m. and 6:00 p.m., Monday through Friday, and between 9:00 a.m. and 6:00 p.m. on Saturday and Sunday.
22. The Master Log-Books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
23. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Section 719-1 et seq.).
24. Participate in and bear costs for permittee's participation in the State sanctioned tracking program (METRC).

#### Performance Standards for Cultivation and Processing Operations

25. Pursuant to the MAUCRSA, Health and Safety Code Section 19322(a)(9), an applicant seeking a cultivation license shall "provide a statement declaring the applicant is an 'agricultural employer,' as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 commencing with Section 1140) of Division 2 of the Labor Code), to the extent not prohibited by law."
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, 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:
  - I. Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.
  - II. Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
  - III. Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.



- IV. Employees must wash hands sufficiently when handling cannabis or use gloves.
28. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:
- I. Cultivation operations and processing operations must implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:
    - 1) Emergency action response planning as necessary;
    - 2) Employee accident reporting and investigation policies;
    - 3) Fire prevention;
    - 4) Hazard communication policies, including maintenance of material safety data sheets (MSDS);
    - 5) Materials handling policies;
    - 6) Job hazard analyses; and
    - 7) Personal protective equipment policies, including respiratory protection.
  - II. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
    - 8) Operation manager contacts;
    - 9) Emergency responder contacts;
    - 10) Poison control contacts.
  - III. At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations. Plumbing facilities and water source must be capable of handling increased usage without adverse consequences to neighboring properties or the environment.
  - IV. On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.
29. All cultivators shall comply with the approved Processing Plan as to the following:
- I. Processing Practices.
  - II. Location where processing will occur.
  - III. Number of employees, if any.
  - IV. Employee Safety Practices.
  - V. Toilet and handwashing facilities.
  - VI. Plumbing and/or septic system and whether or not the system is capable of handling increased usage.
  - VII. Drinking water for employees.
  - VIII. Plan to minimize impact from increased road use resulting from processing.
  - IX. On-site housing, if any.
30. Term of Commercial Cannabis Activity Permit. Any Commercial Cannabis Cultivation Special issued pursuant to the CCLUO shall expire after 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.

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 Special Permit or permit holder with a written statement identifying the items not in compliance, and the action that the

permit holder may take to cure the non-compliance, or file an appeal within ten (10) days of the date that the written statement is delivered to the permit holder. Personal delivery or mailing the written statement to the mailing address listed on the application by regular mail, plus three (3) days after date of mailing, shall constitute delivery. The permit holder may request a reinspection to determine whether or not the permit holder has cured all issues of non-compliance. Failure to request reinspection or to cure any items of non-compliance shall terminate the Special Permits, 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 of the CCLUO.

31. Permit Renewals to comply with Updated Laws and Regulations. Permit renewal per Ongoing Condition of Approval #31, above, is subject to the laws and regulations effective at the time of renewal, which may be substantially different than the regulations currently in place and may require the submittal of additional information to ensure that new standards are met.
  
32. Acknowledgements to Remain in Full Force and Effect. Permittee acknowledges that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed in which the cultivation area is located will not support diversions for irrigation.

Permittee further acknowledges and declares that:

- (1) All commercial cannabis activity that I, my agents, or employees conduct pursuant to a permit from the County of Humboldt for commercial cultivation, processing, manufacturing, and distribution of cannabis for adult use or medicinal use within the inland area of the County of Humboldt, shall at all times be conducted consistent with the provisions of the approved County permit; and
  - (2) All cannabis or cannabis products under my control, or the control of my agents or employees, and cultivated or manufactured pursuant to local Ordinance and the State of California Medicinal and Adult Use Cannabis Regulation and Safety Act ("MAUCRSA") (SB 94), will be distributed within the State of California; and
  - (3) All commercial cannabis activity conducted by me, or my agents or employees pursuant to a permit from the County of Humboldt will be conducted in compliance with the State of California MAUCRSA.
33. 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 CCLUO 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:
    - (1) Identifying information for the new Owner(s) and management as required in an initial permit application;
    - (2) A written acknowledgment by the new Owner in accordance as required for the initial Permit application;
    - (3) The specific date on which the transfer is to occur; and
    - (4) Acknowledgement of full responsibility for complying with the existing permit; and
    - (5) Execution of an Affidavit of Non-diversion of Commercial Cannabis.
  
  34. 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 55.4.6.5.7 of the CCLUO, if upon inspection for the initial application, violations and areas of non-compliance subject to a compliance agreement shall be related to land conversion, on-site grading, electricity usage, water usage, agricultural discharges, and similar matters and limited to those improvements, facilities, buildings, and sites that are used for the Commercial Cannabis Activity and shall not extend to personal residences or other structures that are not used for Commercial Cannabis Activities. Applicants shall provide plans for curing such violations to the Planning & Building Department within one (1) year of issuance of the provisional clearance or permit. All violations and areas of non-compliance shall be cured or abated at the earliest feasible date, but in no event no more than two (2) years after the date of issuance of a provisional clearance or permit, unless otherwise stipulated under the terms of the individual agreement. The terms of the compliance agreement may be appealed to the Planning Commission, who shall then act as Hearing Officer.
2. This provisional permit approval shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"); except where the Compliance Agreement per Condition of Approval #1 has been executed and the corrective actions pursuant to the agreement are being undertaken. Once building permits have been secured and/or the use initiated pursuant to the terms of the agreement, the use is subject to the Permit Duration and Renewal provisions set forth in Conditions of Approval #25 of the On-Going Requirements /Development Restrictions, above.
3. If cultural resources are encountered during construction activities, the contractor on site shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist as well as the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, shellfish or faunal remains, and human burials. If human remains are found, California Health and Safety Code Section 7050.5 requires that the County Coroner be contacted immediately at 707-445-7242. If the Coroner determines the remains to be Native American, the Native American Heritage Commission will then be contacted by the Coroner to determine appropriate treatment of the remains pursuant to Public Resources Code Section 5097.98. Violators shall be prosecuted in accordance with Public Resources Code Section 5097.99.

4. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will provide a bill to the applicant after the decision. Any and all outstanding Planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
5. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions. 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 12 months of the effective date of the permit, whichever occurs first. Payment shall be made to the Humboldt County Planning Division, 3015 "H" Street, Eureka.

## ATTACHMENT 2

### Required Findings for Approval

**Required Findings:** To approve this project, the Hearing Officer must determine that the applicant has submitted evidence in support of making **all** of the following required findings.

The County Zoning Ordinance, Sections 312-1.1.2 and 312-17.1 of the Humboldt County Code (Required Findings for All Discretionary Permits) specifies the findings that are required to grant a Conditional Use Permit, Lot Line Adjustment and Merger:

1. The proposed development is in conformance with the County General Plan, Open Space Plan, and Open Space Action Program;
2. The proposed development is consistent with the purposes of the existing zone in which the site is located;
3. The proposed development conforms with all applicable standards and requirements of these regulations; and
4. The proposed development and conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare; or materially injurious to property or improvements in the vicinity.
5. 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 (the midpoint of the density range specified in the plan designation) unless the following written findings are made supported by substantial evidence: 1) the reduction is consistent with the adopted general plan including the housing element; and 2) the remaining sites identified in the housing element are adequate to accommodate the County share of the regional housing need; and 3) the property contains insurmountable physical or environmental limitations and clustering of residential units on the developable portions of the site has been maximized.
6. In addition, the California Environmental Quality Act (CEQA) states that one of the following findings must be made prior to approval of any development which is subject to the regulations of CEQA. The project either:
  - a. Is categorically or statutorily exempt; or
  - b. Has no substantial evidence that the project will have a significant effect on the environment and a negative declaration has been prepared; or
  - c. Has had an environmental impact report (EIR) prepared and all significant environmental effects have been eliminated or substantially lessened, or the required findings in Section 15091 of the CEQA Guidelines have been made.

**1. Findings for Voluntary Mergers:**

Title III, Division 2, Section 327.5-18 of the Humboldt County Code (HCC) specifies the findings that must be made to approve the merger of contiguous parcels upon proper application by the legal owner(s) of such parcels. Basically, the advisory agency (i.e., the Planning Director) may approve the merger, if on the basis of the application, investigation, and submitted evidence, the following findings are made:

1. The parcel resulting from the merger meets applicable health, building and zoning requirements, and
2. Approving the merger would not create health or safety problems.

Findings for Voluntary Mergers: The following table identifies the evidence which supports finding that the proposed development is in conformance with all applicable policies and standards in the Humboldt County Subdivision Regulations.

Code Section	Summary of Applicable Requirement	Evidence that Supports the Required Finding
§327.5-18	Legal, Contiguous Parcels	The proposed merged parcel would involve two legal, contiguous parcels. Parcel one of the merger was created legally through grant deed from Walter Gleason to Carolina California Plywood Inc. on 1/2/1969 recorded in Volume 987, Page 149 of Official Records. This conveyance was in compliance with Humboldt County Ordinance #490, the County Subdivision ordinance in effect at the time. Parcel two is an intact patent parcel issued to Walter Gleason on 11/10/1972, recorded in Volume 1180 Page 133 of Official Records.
§327.5-18	Parcels meet health, building, and zoning requirements.	The resultant parcel will be zoned both Agricultural Exclusive and Heavy Industrial, and the parcel is compliant with the building and zoning requirements.
§327.5-18	Merged parcel will not create health or safety problems.	There is no evidence that the merger will create any health or safety problems. An Initial Study and Mitigated Negative Declaration has been prepared for the project which has found no health or safety problems from this merger.

**2. Consistency with the Subdivision Map Act.** The following table identifies the evidence which supports the finding that the parcels to be adjusted are found to be in compliance with the Subdivision Map Act which is required by Section 325.5-6(b) of the Humboldt County Code (See also Sections 4 and 5, General Plan Conformance per SB 497).

Assessor Numbers	Parcel	Creation	Result
524-074-001		Patent for 160 acres issued to Saxey Kidd on 1/12/1898, recorded in Book 17 of Patents, Page 6	One legal parcel

524-073-003	Patent for 160 acres issued to Walter Gleason on 11/10/1972, recorded in Volume 1180 Page 133 of Official Records	One legal parcel
524-091-002, 524-091-003, 524-091-005, and a portion of 524-101-015	Patent for 160 acres issued to Frank Martin 1/28/1897 and recorded in Book 15, Page 449 of Patents Patent for 80 acres issued to Joseph Martin on 11/9/1908 and recorded in Book 17, Page 451 of Patents  These patents were separated by conveyances to the State of California for Highway purposes and to the US Forest Service for forest purposes, and then further divided by the creation of two parcels by deed from Walter Gleason to Carolina California Plywood Inc. on 1/2/1969 recorded in Volume 987, Page 149 of Official Records	One legal parcel
524-101-013	Patent for issued to Walter Gleason on 11/10/1972, recorded in Volume 1180 Page 133 of Official Records	One legal parcel
524-101-008 and a portion of 524-901-006	Deed from Walter Gleason to Carolina California Plywood Inc. on 1/2/1969 recorded in Volume 987, Page 149 of Official Records	One legal parcel

Based upon requirements of the County Lot Line Adjustment Ordinance, and due to requirements in the Subdivision Map Act, a Notice of Lot Line Adjustment must be recorded for each resultant parcel.

**3. The proposed development must be consistent with the General Plan.** The following table identifies the substantial evidence which supports finding that the proposed development is in conformance with all applicable policies and standards of the Humboldt County General Plan 2017 Open Space Plan, and Open Space Action Program.

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Land Use Chapter 4  Land Use Designations Section 4.8	<b>Residential Agriculture (RA5-20)</b> This designation applies to large lot residential uses that typically rely upon on-site water and wastewater systems. Varying densities are reflective of land capabilities and/or compatibility issues. RA40, RA60, and RA160 designations are applied to more remote, steep and high hazard areas or where appropriate to ensure compatibility with adjacent resource production and open space uses.	The applicant is proposing to develop outdoor cannabis cultivation. This activity falls under general agriculture and similar compatible uses. Table 4-B of the Humboldt County general Plan includes general and intensive agriculture as allowable uses within the RA designation. Therefore, the project conforms with this section.

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Circulation Chapter 7	<p>Goals and policies contained in this Chapter relate to a balanced, safe, efficient, accessible and convenient circulation system that is appropriate for each type of unincorporated community (C-G1,CT-G2); coordinated planning design, development, operations, and maintenance between the County and other transportation system service providers (C-G3); and access for all transportation mode types with improved opportunities to move goods within, into and out of Humboldt County. (C-G2 through C-G5).</p> <p>Related policies: C-P3. Consideration of Transportation Impacts in Land Use Decision Making.</p>	<p>The Project area will be accessed from an existing driveway entrance off Friday Ridge Road (a Category 4 roadway). At the County's request, the Applicant retained a traffic consultant (PHA Transportation Consultants) to conduct a sight distance analysis for a section of Hwy 299 near Friday Ridge Road. The purpose of the analysis was to identify the available sight distance from Hwy 299 to Friday Ridge Road in both east and west directions. The analysis reveals that sight distances along Hwy 299 in both directions would satisfy Caltrans's recommended guidelines (see Attachment 3 for Sight Distance Analysis). The Project will utilize an existing unpaved access road with an approximate 30'+ wide entrance off Friday Ridge Road (western portion of parcel) that extends through the cultivation area to the parcel boundary. The access road is an existing driveway that services only the parcel. A designated parking area with space for at least six vehicles is located on the eastern portion of the parcel; however, only approximately 2-3 ranch vehicles will park onsite on a daily basis. Significant parking space and a large turnaround is located southeast of Friday Ridge Road on APN 524-091-006 owned by the applicant. During harvest, parking will occur on the parcel located southeast of Friday Ridge Road, with shuttle service to the Project area.</p> <p>The project was referred to the County Public Works Department that recommended conditional approval. Conditions of approval include compliance with intersection visibility standards, improvement of the intersection of the driveway and Friday Ridge Road and compliance with gate and fence setbacks from county right of way. Conditions of approval require the recommended improvements.</p>



Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Housing Chapter 8	<p>Goals and policies contained in this Element seek to identify existing and projected housing needs and establish goals, policies, standards and measures for the preservation, improvement, and development of housing.</p> <p>Related policies: H-P3, Development of Parcels in the Residential Land Inventory.</p>	<p>APN's 524-091-103, 524-091-103 and 524-101-017 were included in the housing inventory of Humboldt County's 2019 Housing Element. Each has the potential to support one housing unit each, and all three of the parcels are in the zoning group Rural residential (RR) and part of the Above Moderate-Income Housing Inventory. Approval of the Lot Line Adjustment and Merger would result in the reconfiguration of APN 524-091-006, and APN's 524-091-003 and 524-101-017 becoming part of a larger parcel. This would result in the removal of one of the three parcels inventoried in the 2019 Housing Element. The 2019 Housing Element identifies the County's Regional Housing Needs Assessment (RHNA) targets for the 6th cycle. For the 6th cycle, Humboldt County's above moderate-income housing unit production target is 583 units (unmet need). The 2019 Housing Element also summarizes the 2019 residential land inventory: how many parcels and their respective development potential are available. Parcels in the RR, RA, and RE groups are in the Above Moderate-Income Housing Inventory. When summed, there are 1,116 parcels with a realistic capacity of 1,214 dwelling units in these three zoning groups. As a result of the project, one of 1,116 parcels would be removed from the inventory. As the housing unit production target is 583 units and the project would reduce the inventory to 1,115 available parcels, the project will not affect the ability to meet the target need.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Conservation and Open Space Chapter 10</p> <p>Open Space Section 10.2</p>	<p>Goals and policies contained in this Chapter relate to an Open Space and Conservation Program that is complimentary to other agencies' plans and that preserves the county's unique open spaces. (CO-G1, CO-G3)</p> <p>Related policies: CO-P1, Conservation and Open Space Program; CO-P8, Development Review, CO-S1. Identification of Local Open Space Plan, and CO-S2. Identification of the Open Space Action Program.</p>	<p>The proposed project is located within an Open Space Action Program because the project site has a very high fire hazard severity General Plan overlay. See Fire Hazard section below.</p> <p>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. Therefore, the project is consistent with and complimentary to the Open Space Plan and its Open Space Action Program.</p>

<p>Conservation and Open Space Chapter 10</p> <p>Biological Resources Section 10.3</p>	<p>Goals and policies contained in this Chapter relate to mapped sensitive habitat areas where policies are applied to protect fish and wildlife and facilitate the recovery of endangered species (BR-G1, Threatened and Endangered Species, BR-G2, Sensitive and Critical Habitat, BR-G3, Benefits of Biological Resources)</p> <p>Related policies: BR-P1. Compatible Land Uses, BR-P5. Streamside Management Areas (SMAs).</p>	<p>The applicant submitted a Wetland and Other Waters Delineation Report for the Honeydew Ranch Property prepared by SHN dated December 2017 (see Attachment 3). The report evaluated the extent of water and wetland resources on the subject parcel and delineate any water of the U.S. that are subject to the U.S. Army Corps of Engineers jurisdiction. The report found two seasonal drainages in the study area and no wetlands. All elements of the Project will be outside of the required stream buffers. Therefore, the project as proposed will not adversely impact these resources.</p> <p>The nearest Northern Spotted Owl activity center and observations are located 0.4 miles to the west and 0.7 miles to the south of the project location respectively. Both observations were recorded in 1980. The nearest mapped Marbeled murrelet habitat is approximately 2.25 miles to the southwest. Since the project is for outdoor full-sun cultivation with no on site propagation and no processing on site, ongoing impacts to either species are not anticipated.</p> <p>The applicant submitted a Biological Resources Assessment for the Project prepared by SHN dated April 2020 (see Attachment 3). The report describes the special-status and/or sensitive biological resources in or with the potential to occur in the project area that may be affected by the proposed project. Starting on Page 20, the Biological Resources Assessment for the Project recommends several mitigation measures for development to lessen impacts to special-status and/or sensitive biological resources, including, but not limited to avoidance of impacts to seasonal drainages, avoidance of impacts to California oat grass prairie, avoidance of impacts to Oregon white oak woodland, and site development activities outside of the nesting season for several bird species. The recommendations of contained in the Biological Resources Assessment for the Project were included in the environmental analysis and used as</p>
--	--	---

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
		mitigation measures in the Initial Study and Mitigated Negative Declaration of the Project. Conditions of approval require the applicant to adhere to and implement the mitigation measures contained in the Initial Study/Mitigated Negative Declaration.
<p>Conservation and Open Space Chapter 10</p> <p>Cultural Resources Section 10.6</p>	<p>Goals and policies contained in this Chapter relate to the protection and enhancement of significant cultural resources, providing heritage, historic, scientific, educational, social and economic values to benefit present and future generations. (CU-G1, Protection and Enhancement of Significant Cultural Resources)</p> <p>Related policies: CU-P1. Identification and Protection, CU-P2. Native American Tribal Consultation]</p>	<p>A Cultural Resources Investigation was prepared for the Project by Archaeological Research and Supply Company in 2018 (updated April 2020). The investigation included a records search through the California Historical Resources Information System's regional Northwest Center (NWIC), Native American Heritage Commission (NAHC) inquiry, coordination with local tribes, and pedestrian survey of the site. In addition, Bob Benson of the Tsungwe tribe conducted a field visit with Archaeological Research and Supply Company in May 2018.</p> <p>No historic or prehistoric resources were identified during the investigation. There is one ethnographic village site (Tsunungwe village site) that is eligible for the California Registry of Historic Places on the adjacent parcel to the south of the current Project area, however; zero artifacts or associated cultural resources were identified as a result of the investigation. It is unquestionable that Tsunungwe people utilized the landscape adjacent to their main village, and the Hleldin area is of cultural and spiritual significance to the Tsunungwe people. The current Project area has been subjected to past activities that may have disturbed evidence of prehistoric use.</p> <p>The cultural resources study concludes that the Project will not impact significant historic or prehistoric archaeological resources if the proposed mitigation measures (consisting of a heightened inadvertent discovery protocol) are implemented.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Conservation and Open Space Chapter 10</p> <p>Scenic Resources Section 10.7</p>	<p>Goals and policies contained in this Chapter relate to the protection of scenic areas that contribute to the enjoyment of Humboldt County's beauty and abundant natural resources (SR-G1); and a system of scenic highways roadways that increase the enjoyment of, and opportunities for, recreational and cultural pursuits and tourism in the County. (SR-G2)</p> <p>Related policies: SR-S4. Light and Glare.</p>	<p>The project involves the cultivation of approximately 3.3 acres of full-term, full-sun outdoor cultivation on an approximately 400-acre parcel. The outdoor cultivation does not include the use of artificial light. Lighting proposed for security purposes shall meet the requirements of Scenic Resources Standard SR-S4, Light and Glare, that lighting be fully shielded, and designed and installed to minimize off-site lighting and direct light within the property boundaries.</p>
<p>Water Resources Chapter 11</p> <p>Stormwater Drainage</p>	<p>Goals and policies contained in this Chapter relate to coordinated watershed planning and land use decision making to advance management priorities (WR-G3, WR-G4, WR-G5); watershed conservation and restoration efforts aimed at de-listing water bodies and watersheds which are restored to meet all beneficial uses, including water use, salmon and steelhead recovery plans, recreational activities, and the economy (WR-G1, WR-G2, WR-G7, WR-G8, WR-G10 and WR-G11); and</p> <p>Related policies: WR-P10, Erosion and Sediment Discharge; WR-P36, Erosion and Sediment Control Measures; WR-P40, Commercial and Industrial Activities; WR-P41, Oil/Water Separation; WR-P45, Reduce Toxic Runoff.</p>	<p>The applicant is required to enroll in the State Cannabis Discharge program. Conditions of approval require the applicant to submit evidence of enrollment into the State Cannabis Cultivation Discharge program by submitting copies of all documents filed with the State Water Resources Control Board, including, but not limited to, a Notice of Applicability and a Site Management Plan. The applicant is required to adhere to and implement the requirements contained in the SWRCB's Cannabis Cultivation Policy, the General Order and the Notice of Applicability. A copy of the reporting form portion of the Mitigation and Reporting Program (MRP) shall be submitted annually to the Planning and Building Department concurrent with the submittal to the SWRCB. Should the site qualify for an exemption, the applicant shall provide proof of a SWRCB exemption status.</p> <p>The LLA and Merger results in the creation of more logical management units and results in no risk of increased stormwater drainage.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Water Resources Chapter 11</p> <p>Onsite Wastewater Systems</p>	<p>Goals and policies contained in this Chapter relate to adequate public water supply as well as onsite wastewater systems and natural and developed storm drainage systems that minimize interference with surface and groundwater flows and storm water pollution. (WR-G6, WR-G9, WR-G10, and WR-G11)</p> <p>Related policies: WR-IM7, Basin Plan Septic Requirements; and IS-P17, On-Site Sewage Disposal Requirements.</p>	<p>The Division of Environmental Health (DEH) responded to Planning Division request for comment by confirming that portable toilets will be appropriate for the proposed project and conditions that prior to reissuance of annual permit provide an invoice, or equivalent documentation to DEH to confirm the continual use of portable toilets or provide an approved means of sewage disposal to serve the needs of the cultivation staff.</p>
<p>Noise Chapter 13</p>	<p>Goals and policies contained in this Chapter discourage incompatible uses within communities and reduce excessive noise through the application of standards (N-G1, N-G2)</p> <p>Related policies: N-P1, Minimize Noise from Stationary and Mobile Sources; N-P4, Protection from Excessive Noise.</p>	<p>The subject parcel is not located in an area that requires special noise attenuation measures due to proximity to known noise sources. Power is provided by the Pacific Gas and Electric (PG&amp;E) and an emergency backup generator. The closest Northern Spotted Owl (NSO) activity center is 1.75 miles to the northwest of the subject parcel. Marbled murrelet habitat is approximately 2.5 miles to the west of the subject parcel. The project is conditioned that any noise from the back generator be no more than 60 dB at the property line.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Safety Element Chapter 14</p> <p>Geologic &amp; Seismic</p>	<p>Goals and policies contained in this Chapter relate to communities that are designed and built to minimize the potential for loss of life and property resulting from natural and manmade hazards; and to prevent unnecessary exposure to areas of geologic instability, floodplains, tsunami run-up areas, high risk wildland fire areas, and airport areas planned and conditioned to prevent unnecessary exposure of people and property to risks of damage or injury. (S-G1, S-G2)</p> <p>Related policies: S-P11. Site Suitability, S-P6. Structural Hazards.</p>	<p>The project site is not located in a mapped Alquist-Priolo fault zone nor is it subject to liquefaction. There are no mapped historic landslides on the subject parcel. The project does not include any proposed structures for human occupation. The cultivation areas occur on slopes of 15% or less. The project area is seismically classified as moderate instability; however, the project does not pose a threat to public safety from exposure to natural or manmade hazards.</p>
<p>Safety Element Chapter 14</p> <p>Flooding</p>	<p>Goals and policies contained in this Chapter relate to the use of natural drainage channels and watersheds that are managed to minimize peak flows in order to reduce the severity and frequency of flooding. (S-G3)</p> <p>Related policies include: S-P10, Federal Flood Insurance Program; S-P11, Flood Plains; S-P15, Construction Within Special Flood Hazard Areas.</p>	<p>The project site is outside any mapped flood hazard areas. at over 27 miles distance from the coast and over 730 feet above mean sea level, is outside the areas subject to tsunami run-up. A portion of the project site is located within a mapped Dam Failure Inundation Area due to being located downstream from the Lewiston and Trinity dams in Trinity County. A Dam Failure Contingency Plan has been developed and was added to the County of Humboldt's Emergency Operations Plan in June 2016.</p>
<p>Safety Element Chapter 14</p> <p>Fire Hazards</p>	<p>Goals and policies of this Chapter encourage development designed to reduce the risk of structural and wildland fires supported by fire protection services that minimize the potential.</p> <p>Related policies: S-P15, Conformance with State Responsibility Areas (SRA) Fire Safe Regulations.</p>	<p>The subject property is located within the State Fire Responsibility Area where the State of California has the primary financial responsibility for the prevention and suppression of wildland fires. CAL-FIRE comments recommended compliance with the requirements of the County's Fire Safe Regulations. The Humboldt County Fire Safe Ordinance (Section 3111-1 et seq.) establishes development standards for minimizing wildfire danger in state responsibility designated areas.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
		<p>The subject property is also within the Willow Creek Volunteer Fire District.</p> <p>There is 15,000 gallons of tank water tank storage proposed which would provide fire protection in addition to supporting cultivation needs.</p>
<p>Community Infrastructure and Services Element, Chapter 5</p> <p>Implementation Action Plan</p>	<p>IS-S5 requires new industrial, commercial and residential development located outside of fire district boundaries to obtain written acknowledgment of available emergency response and fire suppression services from the local fire agency, including any recommended mitigation.</p>	<p>The subject property is within the Willow Creek Volunteer Fire District.</p>
<p>Air Quality Chapter 15</p>	<p>This Chapter relates to improved air quality to meet current and future state and federal standards, including attainment of particulate matter requirements (AQ-G1, AQ-G2, AQ-G3) and the successful reduction of greenhouse gas emissions to levels consistent with state and federal requirements (AQ-G4)</p> <p>Related policies: AQ-P4, Construction and Grading Dust Control, AQ-S1. Construction and Grading Dust Control, AQ-P7. Interagency Coordination.</p>	<p>Applications for any additional grading and or building permits shall be referred to the North Coast Unified Air Quality Management District (NCUAQMD) for review and consultation. Dust control practices during construction and grading shall achieve compliance with NCUAQMD fugitive dust emission standards.</p> <p>Mitigation Measure AQ-1: Speed Limits, of the Final Mitigated Negative declaration prepared for the project, requires that all vehicle speeds on unpaved areas shall be limited to 15 miles per hour. This is a condition of project approval.</p>



**4. Zoning Compliance and 4. Conforms with applicable standards and requirements of these regulations:** The following table identifies the evidence which supports finding that the proposed development is in conformance with all applicable policies and standards in the Humboldt County Zoning Regulations.

The proposed development is to be in the AG-B-5(5) zone on the resulting "Parcel 1" of the LLA and Merger.

Zoning Section	Summary of Applicable Requirement	Evidence
<p>§314-7.2 Agriculture General (AG)</p> <p>§314-17 "B" Combining Zone for Special Building Site B-5</p> <p>§314-7.1 Agriculture Exclusive (AE)</p>	<p>The Agriculture General or AG Zone is intended to be applied in areas in which agriculture is the desirable predominant use and rural residential uses are secondary.</p> <p>To be combined with any principal zone in which sound and orderly planning indicate that lot area and yard requirements should be modified. B-5 are specified on the zoning maps designating any such zone, except that in no case shall these requirements be less than 1 acre.</p> <p>The Agriculture Exclusive or AE Zone is intended to be applied in fertile areas in which agriculture is and should be the desirable predominant use and in which the protection of this use from encroachment from incompatible uses is essential to the general welfare.</p>	<p>The applicant is seeking a four Conditional Use Permits for a new cannabis cultivation operation consisting of 3.3 acres of outdoor cultivation on property proposed to be approximately 400 acres. The proposed use is specifically allowed with Conditional Use Permits in this zoning district and under Section 314-55.4.8.2.1.1 of the CMMLUO.</p> <p>The purpose of the LLA and Merger is to create more logical management units.</p>
Minimum Lot Area:	<p>AG B-5(5): 20 acres</p> <p>AE: 2.5 acres</p>	400 acres
Minimum Lot Width:	<p>AG B-5(5): 100 feet</p> <p>AE: 60 feet</p>	2,620 feet
Max. Lot Coverage:	<p>AG B-5(5): 35%</p> <p>AE: 35%</p>	< 35%
Min. Yard Setbacks	AG B-5(5):	

Zoning Section	Summary of Applicable Requirement	Evidence
(through the SRA requirements):  Farm Outbuildings	<p>Front: 20 feet Rear: 20 feet Side: 6 feet</p> <p>AE:</p> <p>Front: 30 feet Rear: 20 feet Side: 20 feet</p> <p>SRA: 30 feet, all sides</p> <p>Farm outbuildings shall not be less than twenty feet from any dwelling on the premises.</p>	<p>Front: &gt; 30 feet Rear: &gt; 30 feet Side: &gt; 30 feet</p> <p>Front: &gt; 30 feet Rear: &gt; 30 feet Side: &gt; 30 feet</p> <p>&gt; 30 feet</p> <p>None proposed</p>
§314-61.1 Streamside Management Area and Wetland Ordinance (SMAWO)	<p>Placement of soil within SMAs shall be prohibited, except where specifically authorized by the SMA ordinance.</p> <p>Development within SMAs may include wildlife enhancement and restoration projects.</p> <p>The SMA of perennial streams outside of urban development and expansion areas is defined as 100 feet from the stream transition line.</p>	<p>There are two intermittent drainages in the immediate area of the proposed project site. None of the elements of the proposed project will occur within the SMAs of these drainages. This is condition of project approval.</p>
§314-109.1 Off-Street Parking	<p>Off Street Parking for Agricultural use*: Parking space per employee at peak shift. A minimum of three parking spaces are required.</p> <p><i>*Use for this activity is not specified. Per Section 314-109.1.2.9, the Director may fix the required number of parking spaces based on standards for most comparable use.</i></p>	<p>6 spaces with a significant amount of additional parking space and a large turnaround located southeast of Friday Ridge Road on APN 524-091-006 owned by the applicant.</p>

<b>314-55.4 Commercial Cultivation, Processing, Manufacturing and Distribution of Cannabis for Medical Use Inland Land Use Regulation (CMMLUO)</b>		
§314-55.4.8.2	Commercial cannabis cultivation is allowed on parcels zoned AE. In all zones where cultivation is allowed consisting of timberland, the commercial cultivation of cannabis for medical use shall only be permitted within a 3-acre conversion exemption area, or non-timberland open area.	Approximately 3.3 acers of cultivation will occupy an existing open field. No timberland conversion is required for the proposed project.
§314-55.4.8.2.1.1	On parcels 320 acres or larger in size, in the eligible zoning districts described in 55.4.8.2.1, one additional cultivation area permit of up to one acre each for each one hundred acre increment, up to a maximum of 12 permits, may be issued with a Use Permit, subject to the limitations contained in section 55.4.8.10.	The proposed lot line adjustment will result in one 400 acre parcel which is proposed for 3.3 acres of cultivation. The site is located directly off Highway 299 with good access, sufficient water, and no nearby sensitive uses that would be impacted by 3.3 acres of new outdoor cultivation. Accordingly, staff believes that the site is appropriate for location of 3.3 acres of new cultivation in accordance with this provision.
§314-55.4.8.2.2 Existing Outdoor and Mixed-Light Cultivation Areas	A Zoning Clearance Certificate, Special Permit or Use Permit may be issued for outdoor or mixed-light commercial cannabis cultivation for some or all of the cultivation area in existence prior to January 1, 2016, in zoning districts AE (no parcel size limitations), RA (on parcels five acres or larger), and TC and TPZ (on parcels one acre or larger), but only when possible to bring the cultivation into compliance with all applicable standards set forth in this section and to eliminate existing violations as specified in this ordinance. The total cultivation area allowed on a single parcel shall not exceed one acre for outdoor cultivation or 22,000 square feet for mixed light cultivation. No expansion of the existing cultivation area shall be permitted.	The application is for new cultivation.
§314-55.4.8.10 Permit Limit	No more than four commercial cannabis activity permits may be issued to a single person.	This permit application is four permits. Our records indicate that that applicant hold no more cannabis permits at this time.

§314-55.4.9.1 Accessory Processing	Processing for cultivation requiring a Special Permit or Use Permit will be considered in the Use Permit application.	Once cannabis is dried it will be processed off site at a licensed processing facility.
§314-55.4.10 Application Requirements	Identifies the Information Required for All Applications	Attachment 4 identifies the information submitted with the application. Contents of the application are on file. All outstanding items are included as conditions of approval.
§314-55.4.11 Performance Standards	Identifies the Performance Standards for Cannabis Cultivation Activities	All the applicable performance standards are included as Conditions of project approval. They are required to be met throughout the timeframe of the permit.

<p>§314-55.4.11.c Performance Standards-Water</p>	<p>Compliance with all statutes, regulations and requirements of the California State Water Resources Control Board, 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.</p>	<p>Water for irrigation will be supplied by three existing permitted on-site groundwater wells:</p> <p>Well #1 (County Permit Number 17/18-1216) is located east of Friday Ridge Road within the Project area. Well #1 is completed to a depth of 220 feet and has an estimated yield of 5 gallons per minute according to the Well Completion Report.</p> <p>Well #2 (County Permit Number 17/18-1401) is located on the western edge of current APN 524-073-003. Well #2 is completed to a depth of 220 feet and has an estimated yield of 15 gallons per minute according to the Well Completion Report.</p> <p>Well #3 (County Permit Number 17/18-1636) is located on the western edge of current APN 524-073-003, south of Well #2. Well #3 is completed to a depth of 200 feet and has an estimated yield of 20 gallons per minute according to the Well Completion Report.</p> <p>As documented by the well driller (Fisch Drilling), the wells are drilled into "perched bedrock with no hydraulic connection to any surface water or any part of a larger shallow homogeneous aquifer." See Attachment 3 for Hydrologic Connectivity Letter.</p> <p>Long term water storage is not proposed in connection with the Project. Short term water storage will occur in three 5,000-gallon water storage tanks. Water will be pumped from the wells to the temporary holding tanks for regulating water pressure, and then piped from the tanks to the area of cultivation. At all times, water will be applied using no more than agronomic rates using an automated irrigation system.</p> <p>The Project's annual irrigation demand has been estimated at three million gallons (20.87 gallons/square foot/year), with a monthly maximum of approximately 509,000 gallons during the month of July. Irrigation water will be needed from April through October of each year, with no irrigation water</p>
---	--	---

		<p>anticipated during the months of November through March. The combined output of the three existing on-site groundwater wells is approximately 58,000 gallons per day, indicating sufficient water supply to service the irrigation demands of the Project.</p>
<p>§314-55.4.11.d Performance Standards-Setbacks</p>	<p>The area of cannabis cultivation and on-site processing shall be setback at least 30 feet from any property line, and 600 feet from any school, school bus stop, church or other place of religious worship, public park, or tribal cultural resources (TCRs).</p>	<p>All components of the proposed project will be outside of the required 30-foot setback from all property lines. There are no schools, bus stops, public parks, or churches or other places of religious worship within 600 feet of the cultivation site.</p>
<p>§314-55.4.11.o Performance Standards-Generator Noise</p>	<p>The noise produced by a generator used for cannabis cultivation shall not be audible by humans from neighboring residences. The combined decibel level for all noise sources, including generators, at the property line shall be no more than 60 decibels. Where applicable, sound levels must also show that they will not result in the harassment of Marbled Murrelet or Spotted Owl species, when generator use is to occur in the vicinity of potential habitat. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service.</p>	<p>The subject parcel is not located in an area that requires special noise attenuation measures due to proximity to known noise sources. Power is provided by the Pacific Gas and Electric (PG&amp;E) and an emergency backup generator. The closest Northern Spotted Owl (NSO) activity center is 1.75 miles to the northwest of the subject parcel. Marbled murrelet habitat is approximately 2.5 miles to the west of the subject parcel. The project is conditioned that any noise from the back generator be no more than 60 dB at the property line.</p>
<p>§314-55.4.17 Sunset Date</p>	<p>No application for any Use Permit pursuant to the CMMLUO shall be processed for issuance or approval that is received after December 31, 2016.</p>	<p>The applicant filed the application for the Conditional Use Permit and Special Permit on December 23, 2016.</p>

**5. Public Health, Safety and Welfare.** The following table identifies the evidence which supports finding that the proposed location of the use and 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.

Code Section	Summary of Applicable Requirements	Evidence that Supports the Required Finding
§312-17.1.4	The proposed development will not be detrimental to the public health, safety and welfare, and will not be materially injurious to properties or improvements in the vicinity.	The Department finds that the proposed project would not be detrimental to the public health, safety and welfare since all reviewing referral agencies have approved the proposed project design. The project as proposed and conditioned is consistent with the general plan and zoning ordinances; and the proposed project is not expected to cause any environmental damage.

**6. Residential Density Target:** The following table identifies the evidence which supports finding that the proposed project will 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.

Code Section	Summary of Applicable Requirement	Evidence that Supports the Required Finding
§312-17.1.5 Housing Element Densities	The proposed development shall 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.	See Housing discussion above.

**7. Environmental Impact:** As required by the California Environmental Quality Act, the project was found subject to CEQA and a Mitigated Negative Declaration was prepared by the Planning and Building Department, Planning Division (Attachment 3), which evaluated the project for any adverse effects on the environment. The CEQA document includes an analysis of the subject Conditional Use Permit and Special permit, as well as additional cultivation area that may be authorized under subsequent administrative Zoning Clearance Certificates. As a result of the circulation of the draft IS/MND, the County received one comment from the California Department of Food and Agriculture (CDFA). As a result of those comments, the draft document was revised to clarify the license types required from CDFA. These revisions are minor and do not necessitate re-circulation of the IS/MND pursuant to Section 15073.5 of the CEQA Guidelines. Based on a site inspection, information in the application, and a review of relevant references in the Department, staff has determined that there is no evidence before the Department that the project will have any potential adverse effect, either individually or cumulatively, on the environment. The environmental document on file in the Department includes a detailed discussion of all relevant environmental issues.

**Because the project was found subject to CEQA and a Mitigated Negative Declaration was prepared, the provisions of Section 711.4 of the California Fish and Game Code apply to this project. Within five (5) days of the effective date of the approval of these Conditional Use Permits and Lot Line Adjustment and Merger,** the applicant shall submit a check to the Planning Division payable to the Humboldt County Clerk/Recorder in the amount of \$2,406.75. Pursuant to Section 711.4 of the Fish and Game Code, the amount includes the CDFW fee plus the \$50 document handling fee to the Clerk. This fee is effective through December 31, 2020, at such time the fee will be adjusted pursuant to Section 713 of the Fish and Game Code. Alternatively, the applicant may contact CDFW by phone at (916) 651-0603 or through the CDFW website at [www.wildlife.ca.gov](http://www.wildlife.ca.gov) for a determination stating the project will have *no effect* on fish and wildlife. If CDFW concurs, a form will be provided exempting the project from the \$2,406.75 fee payment requirement. In this instance, only a copy of the CDFW form and the \$50.00 handling fee is required. This requirement appears as Condition #1 of Attachment 1 (Section 1).



**ATTACHMENT 3**

**Initial Study and Mitigated Negative Declaration with Attachments**  
**(See separate attachment)**

## ATTACHMENT 4

### Applicant's Evidence in Support of the Required Findings

Attachment 4 includes a listing of all written evidence which has been submitted by the applicant in support of making the required findings. The following materials are on file with the Planning Division:

1. The name, contact address and phone number(s) of the applicant. (Application form on file)
2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgment. (On-file)
3. A site plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including: access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within ¼ mile (1,320 ft.) of a school, school bus stop, church or other place of religious worship, public park, or Tribal Cultural Resource, the site plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 600 feet. The revised site plan shall show the proposed locations of the temporary hoophouse structures as well as the permanent nursery that is anticipated to be constructed in 2020. The revised site plan shall remove reference to any mixed light operations. (Attached)
4. A cultivation and operations plan that meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; and proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel, and a description of cultivation activities (outdoor, indoor, mixed light), the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. (Attached in Attachment 3)
5. Copy of the statement of water diversion, or other permit, license or registration filed with the State Water Resources Control Board, Division of Water Rights, if applicable. (Not applicable)
6. Description of water source, storage, irrigation plan, and projected water usage. (Attached – in operations plan Attachment 3)
7. Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the NCRWQCB demonstrating enrollment in Tier 1, 2 or 3, NCRWQCB Order No. 2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (Condition of approval)
8. If any on-site or off-site component of the cultivation facility, including access roads, water supply, grading or terracing impacts the bed or bank of any stream or other

watercourse, a copy of the Streambed Alteration Permit obtained from the Department of Fish & Wildlife. (Not applicable)

9. If the source of water is a well, a copy of the County well permit, if available. (Attached in Attachment 3)
10. If the parcel is zoned FR, U or TPZ, or involves the conversion of timberland as defined under section 4526 of the Public Resources Code, a copy of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (CAL-FIRE). Alternately, for existing operations occupying sites created through prior unauthorized conversion of timberland, evidence may be provided showing that the landowner has completed a civil or criminal process and/or entered into a negotiated settlement with CAL-FIRE. (Not Applicable)
11. Consent for onsite inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. (On-file)
12. For indoor cultivation facilities, identify the source of electrical power and how it will meet with the energy requirements in section 55.4.8.2.3, and plan for compliance with applicable Building Codes. (Not applicable)
13. Acknowledge 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 will not support diversions for irrigation. (On-file)
14. Acknowledge that the County reserves the right to engage with local Tribes before consenting to the issuance of any clearance or permit, if cultivation operations occur within an Area of Traditional Tribal Cultural Affiliation, as defined herein. This process will follow current departmental referral protocol, including engagement with the Tribe(s) through coordination with their Tribal Historic Preservation Officer (THPO) or other tribal representatives. This procedure shall be conducted similar to the protocols outlined under SB 18 (Burton) and AB 52 (Gatto), which describe "government to government" consultation, through tribal and local government officials and their designees. During this process, the tribe may request that operations associated with the clearance or permit be designed to avoid, minimize or mitigate impacts to Tribal Cultural Resources, as defined herein. Examples include, but are not limited to: conducting a site visit with the THPO or their designee to the existing or proposed cultivation site, requiring that a professional cultural resources survey be performed, or requiring that a tribal cultural monitor be retained during project-related ground disturbance within areas of sensitivity or concern. The county shall request that a records search be performed through the California Historical Resources Information System (CHRIS). (On file)
15. Fisch Drilling Hydrologic Connection Letter. July 5, 2018. (Attached in Attachment 3)
16. Sight Distance Analysis PHA Transportation Consultants December 26, 2020. (Attached in Attachment 3)
17. Prime Agricultural Soil Assessment prepared by Dirty Business Soil Consulting & Analysis, LLC October 13, 2017. (Attached in Attachment 3)

18. Biological Resources Assessment prepared by SHN April 2020. (Attached in Attachment 3)
19. Wetland and Other Waters Delineation Report: Alternate Site 2 prepared by SHN December 2017. (Attached in Attachment 3).

**ATTACHMENT 5**

**Referral Agency Comments and Recommendations**

The project was referred to the following referral agencies for review and comment. Recommendations received are summarized, and the locations of the recommendations are noted.

<b>Referral Agency</b>	<b>Response PLN-12376-CUP</b>	<b>Response PLN-2020-16443</b>	<b>Recommendation</b>	<b>Location</b>
Building Inspection Division		✓	Approved	Attached
Public Works Land Use Division	✓	✓	Conditional approval	Attached
Environmental Health Division	✓		Conditional approval	Attached
CAL-FIRE	✓		Conditional approval	Attached
California Department of Fish and Wildlife				
Northwest Information Center				
Hoopa Tribe				
Regional Water Quality Control Board				
CalTrans				
District Attorney				
NCUAQMD				
Agricultural Commissioner				
State Water Resource Control Board – Division of Water Rights				
Sheriff				
Willow Creek Volunteer Fire Department				
Klamath Trinity Joint Unified School District				
Tsungwe Council	✓		Conditional approval	On file
Army Corps of Engineers	✓		Conditional approval	Attached



HUMBOLDT COUNTY  
PLANNING AND BUILDING DEPARTMENT  
CURRENT PLANNING DIVISION  
3015 H STREET, EUREKA, CA 95501 ~ PHONE (707) 445-7541



DEH received  
10-13-17

17/18-0908

**PROJECT REFERRAL TO: Health and Human Services Environmental Health Division**

**Project Referred To The Following Agencies:**

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Hoopa Valley Tribe, Tsnungwe Council, California Department of Transportation District #1, Regional Water Quality Control Board, United States Army Corps of Engineers, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, NCUR Air Quality Control Board, SWRQCB, Division of Water Rights, Humboldt County Sheriff, Willow Creek Volunteer Fire Protection District, Klamath-Trinity Joint Unified School District

**Applicant Name** Organic Liberty CA, LLC **Key Parcel Number** 524-073-003-000

**Application (APPS#)** 12376 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** CUP16-656  
CUP17-042  
CUP17-043  
CUP17-044

Please review the above project and provide comments with any recommended conditions of approval. To help us log your response accurately, please include a copy of this form with your correspondence.

Questions concerning this project may be directed to the assigned planner for this project between 8:30am and 5:30pm Monday through Friday.

County Zoning Ordinance allows up to 15 calendar days for a response. If no response or extension request is received by the response date, processing will proceed as proposed.

If this box is checked, please return large format maps with your response.

**Return Response No Later Than** Planning Commission Clerk  
County of Humboldt Planning and Building Department  
3015 H Street  
Eureka, CA 95501  
**E-mail:** PlanningClerk@co.humboldt.ca.us **Fax:** (707) 268-3792

**We have reviewed the above application and recommend the following:**

Conditional Approval

**DISTRIBUTED**  
2-7-18

**Comments:**

DEH recommends approval with the following conditions:

(1) Prior to reissuance of annual permit **provide an invoice, or equivalent documentation to DEH** to confirm the continual use of portable toilets or provide an approved means of sewage disposal to serve the needs of the cultivation staff.

\*This review and recommendation is for the Land Use aspects of the planning project and does not include or imply compliance with all DEH programs. Although DEH recommends the approval of the Planning project, Solid Waste and HazMat Program requirements need to be addressed directly with staff from those programs.





**COUNTY OF HUMBOLDT**  
**PLANNING AND BUILDING DEPARTMENT**  
**CURRENT PLANNING**  
 3015 H STREET, EUREKA, CA 95501 ~ PHONE (707) 445-7245

6/19/2020

**Project Referred To The Following Agencies:**

Environmental Health, PW Land Use, Building Inspections, Tsungwe Council

**Applicant Name** Organic Liberty, LLC **Key Parcel Number** 524-073-003-000

**Application (APPS#)** PLN-2020-16443 **Assigned Planner** Rodney Yandell 707-268-3732

Please review the above project and provide comments with any recommended conditions of approval. To help us log your response accurately, please include a copy of this form with your correspondence.

Questions concerning this project may be directed to the assigned planner for this project between 8:30am and 5:30pm Monday through Friday.

County Zoning Ordinance allows up to 15 calendar days for a response. If no response or extension request is received by the response date, processing will proceed as proposed.

If this box is checked, please return large format maps with your response.

**Return Response No Later Than:** 7/4/2020

Planning Clerk  
 County of Humboldt Planning and Building Department  
 3015 H Street  
 Eureka, CA 95501  
**Email:** PlanningClerk@co.humboldt.ca.us **Fax:** (707) 268 - 3792

**We have reviewed the above application and recommend the following (please check one):**

- Recommend Approval. The department has no comment at this time.
- Recommend Conditional Approval. Suggested conditions attached.
- Applicant needs to submit additional information. List of items attached.
- Recommend Denial. Attach reasons for recommended denial.

Other Comments: Ariel imagery used to verify plot plan

DATE: 6/30/2020 PRINT NAME: Dean Beck



## DEPARTMENT OF FORESTRY AND FIRE PROTECTION

Humboldt – Del Norte Unit  
 118 Fortuna Blvd.  
 Fortuna, CA 95540  
 Website: www.fire.ca.gov  
 (707) 726-1272

Ref: 7100 Planning  
 Date: October 20, 2017

John Ford, Director  
 Humboldt County Planning and Building Department – Planning Division  
 3015 H Street  
 Eureka, CA 95501

**Attention:** Cannabis Planner (CPOD)

**Applicant:** Organic Liberty CA, LLC

**APN:** 524-073-003-000

**Area:** Willow Creek

**Case Numbers:** CUP16-656, CUP17-042

**Humboldt County Application #:** 12376

**Type of Application:** Conditional Use Permit x 4

**Date Received:** 10/16/2017

**Due Date:** 10/28/2017

CUP17-043, CUP17-044

**Project Description:** Four (4) Conditional Use Permits for a new four (4) acre mixed-light and outdoor cannabis cultivation operation. The site is approximately 420 acres, pending approval of a merger and lot line adjustment application. Irrigation water will be sourced from a 3,000,000 gallon rainwater catchment pond; in addition, Applicant may propose a water diversion during wet months to fill the pond or use a well. The pond is used for irrigation and for storage, as well. Product will be dried on-site then processed off-site at a licensed processing facility. Power for the operation is provided by PG&E with use of a generator for emergency backup only.

Mr. Ford,

The California Department of Forestry and Fire Protection (CALFIRE) provides these standard project review comments on the above noted project for the following subject matter:

- Fire Safe
- Resource Management
- Cannabis

The following pages address these concerns directly.

If CALFIRE staff develops additional comment on this project, it will be forwarded in an additional response letter.

By: Planning Battalion  
 CALFIRE Humboldt – Del Norte Unit

For **Hugh Scanlon**, Unit Chief



## FIRE SAFE

### **General:**

CALFIRE has responsibility for enforcement of Fire Safe Standards as required by Public Resources Code (PRC) 4290 and 4291. However CALFIRE is not the lead agency in planning development and project permitting. CALFIRE provides input as a contributing agency, generally limited to plan review, and is not the approving agency for these projects.

### **Local Responsibility Areas:**

Should this project include Local Responsibility Area (LRA) lands, CALFIRE has no direct fire safe input on those parcels. However, in those areas with LRA parcels adjacent to State Responsibility Area (SRA) land, CALFIRE recommends that local standards be applied that are consistent with those CALFIRE makes for SRA lands.

### **State Responsibility Areas:**

Should this project include State Responsibility Area (SRA) lands, the following are CALFIRE's Fire Safe minimum input and recommendation for any and all development.

1. In Humboldt County, developments must meet minimum fire safe standards by constructing the project in conformance with County Fire Safe Ordinance 1952, which the California Board of Forestry and Fire Protection has accepted as functionally equivalent to PRC 4290. The County Fire Safe Ordinance provides specific standards for roads providing ingress and egress, signing of streets and buildings, minimum water supply requirements, and setback distances for maintaining defensible space.
2. New buildings located in any Fire Hazard Severity Zone within State Responsibility Areas shall comply with the 2007 California Building Code (CBC) Section 701A.3.2. This requires roofing assemblies, attic and eave ventilation, exterior siding, decking and deck enclosure, windows and exterior doors, and exposed under floor areas that are approved "ignition resistive" in design.
3. All development, especially commercial or industrial development, should be designed to comply with the most current versions of the following standards:
  - a) California Fire Code (CFC) — for overall design standards
  - b) Public Utilities Commission (PUC) General Order 103 — for design of water systems
  - c) National Fire Protection Association Standards (NFPA) for fire flow minimums and other design questions not specifically covered by CFC and PUC
  - d) Housing and Community Development Codes and Standards —for mobile home parks and recreational camps
4. For Department of Real Estate reporting purposes, fire protection coverage in SRA is generally described as follows:

During the declared fire season (usually June through October) CALFIRE responds to all types of fires and emergencies in SRA.

During the remainder of the year (winter period), CALFIRE responds to emergency requests with the closest available fire engine, if a response can reasonably be expected to arrive in time to be effective. A fire engine is usually available somewhere in the Unit, but may have an extended response time.

There are many hazards confronting fire protection agencies in most subdivisions on SRA lands. Steep terrain and heavy wildland fuels contribute to fire intensity and spread. The distances from fire stations and road grades encountered usually create an excessive response time for effective structure fire suppression purposes.

Subdivisions increase fire risks from additional people and increase probable dollar losses in the event of fire due to added structures and improvements.
5. If the project expects to produce densities consistent with a major subdivision, the impacts on all infrastructures should be mitigated. Local government more appropriately provides the responsibility for high-density area protection and services. Annexation or inclusion into Local Responsibility Area should be studied as well.

6. CALFIRE does not support development in areas where there is no local agency fire service for structure fires and emergency medical response. Fire services should be extended into service gap areas as a condition of development. New development can adversely impact existing fire services. Careful consideration must be given where development may overload the local fire service's ability to respond.

## RESOURCE MANAGEMENT

CALFIRE has enforcement responsibility for requirements of the Z'berg—Nejedly Forest Practice Act of 1973. CALFIRE is also the lead agency for those parts of projects involving the scope of the Forest Practice Act. The following basic input will cover the majority of projects. Each project will be reviewed with additional input sent at a later date, if needed.

The following comments reflect the basic Resource Management policies of the Board of Forestry and Fire Protection and CALFIRE on CEQA review requests. These policies apply to both Local and State Responsibility Areas.

1. If this project reduces the amount of timberland, by policy, the Board of Forestry and CALFIRE cannot support any project that will reduce the timberland base of California. "Timberland" means land which is available for, and capable of, growing a crop of trees of any commercial species used to produce lumber and other forest products, including Christmas trees regardless of current zoning (PRC 4526). However, if the zoning and intended use are consistent with the county's general plan; and if no land other than timberland can be identified to site the project; then CALFIRE may choose not to oppose the project.
2. If **any** commercial timber operations are involved with a project, the timber operations cannot be conducted without a CAL FIRE permit. Commercial timber operations include the cutting or removal of trees offered for sale, barter, exchange, or trade or the conversion of timberlands to land uses other than the growing of timber (PRC 4527). Contact your nearest CAL FIRE Resource Management office for guidance on obtaining the necessary permits.
3. If **any** timberlands are being converted to a non-timber growing use by this project, the conversion operations cannot be conducted without a CAL FIRE permit (PRC 4621). Conversion of timberland takes place when trees are removed and the land use changes, even without the sale, barter, exchange, or trade of the trees. Contact your nearest CAL FIRE Resource Management office for guidance on obtaining the necessary permits.
4. If timberland is in the viewshed of a project, the current and future owners should be overtly notified that changes will occur to their views due to timber management activities. Further, no project should be allowed to negatively affect access to timberland for timber management purposes; neither on the project parcel(s) nor any other timberland parcels.
5. If timber harvesting has occurred and post-harvest restocking and prescribed erosion control maintenance obligations have not been met on a parcel, future owners should be overtly notified (14 CCR 1042). The current owner of a parcel is responsible for restocking requirements and maintenance of roads whether or not they were involved in the actual harvest plan.
6. If the project involves the development of parcels zoned as Timber Production Zone (TPZ), CALFIRE cannot support the project. Dividing TPZ land into parcels of less than 160 acres requires a Joint Timber Management plan prepared by a Registered Professional Forester (RPF), recorded as a deed restriction for a minimum of 10-years on all affected parcels, and approved by a four – fifths vote of the full board (Govt. Code 51119.5). TPZ may be rezoned using a "Ten Year Phase Out," which precludes the need for a Timberland Conversion Permit. CALFIRE opposes immediate rezoning of TPZ land.

## CANNABIS PROJECTS

### **Local Responsibility Areas:**

CAL FIRE is the primary command and control dispatch center for many local agency fire districts and departments. Potential life hazard threats associated with a project must be identified and documented for the protection of the public and first responders. Projects which include timber harvesting or conversion of timberland are subject to the Forest Practices Act and Rules, regardless of wildland fire responsibility area.

### **State Responsibility Areas:**

Should this project include State Responsibility Area (SRA) lands, the following are CAL FIRE's minimum input.

Conversion of timberland to a non-timber producing use is subject to permit from CAL FIRE. Commercial timber harvesting operations to facilitate cannabis cultivation and processing are subject to permitting and regulation under the Forest Practice Act and Rules. Please refer to the RESOURCE MANAGEMENT comments.

### **General Recommendations:**

The following recommendations are made by CAL FIRE with the understanding that most areas of Humboldt County do not have a paid fire department providing fire prevention services.

1. Cannabis growing operations shall have easily accessible safety data sheets (SDS) for all chemicals and hazardous materials on site. Commercial operations must have a current Hazardous Materials Business Plan on file with Humboldt County Environmental Health, where applicable.
2. California Health and Safety Code (HSC 11362.769.) Requires that indoor and outdoor medical marijuana cultivation shall be conducted in accordance with state and local laws related to land conversion, grading, electricity usage, water usage, water quality, woodland and riparian habitat protection, agricultural discharges, and similar matters.
3. Cannabis growing and extraction shall be in accordance with Chapter N101.1 of the International Fire Code, the International Building Code, and the International Mechanical Code. Hazardous materials shall comply with Chapter 50. Compressed gases shall comply with Chapter 53. Cryogenic fluids shall comply with Chapter 55. Flammable and combustible liquids shall comply with Chapter 57. LP-gas shall comply with Chapter 61 and the International Fuel Gas Code. All applicable California State Fire Marshal standards and regulations for the designated occupancy must be met.
4. Growing and processing of cannabis is generally an agricultural operation. However, manufacture of marijuana extracts and concentrates are commercial or industrial activities, and may be subject to the county's SRA Fire Safe Ordinance. Any new residential units associated with cannabis cultivation and processing may also be subject to the SRA Fire Safe Ordinance. All materials hazardous and non-hazardous associated with the extraction process shall be utilized in conformance of the law and fire safe codes.



**From:** [Brent, Heather@CALFIRE](mailto:Brent_Heather@CALFIRE)  
**To:** [HUU\\_CEQA@CALFIRE](mailto:HUU_CEQA@CALFIRE); [Planning Clerk](#)  
**Cc:** [Poli, Chris@CALFIRE](mailto:Poli_Chris@CALFIRE)  
**Subject:** Organic Liberty CA, CUP, 524-073-003-000, Willow Creek, Cannabis Planner  
**Date:** Wednesday, October 25, 2017 12:37:29 PM

---

No additional Resource Management comments.

Heather Brent  
707-677-0761 o  
707-599-6896 c

Every Californian should conserve water. Find out how at:

[SaveOurWater.com](http://SaveOurWater.com) · [Drought.CA.gov](http://Drought.CA.gov)



DEPARTMENT OF PUBLIC WORKS  
**COUNTY OF HUMBOLDT**  
 MAILING ADDRESS: 1106 SECOND STREET, EUREKA, CA 95501-0579  
 AREA CODE 707

ARCATA-EUREKA AIRPORT TERMINAL  
 MCKINLEYVILLE  
 FAX 839-3596  
 AVIATION 839-5401

PUBLIC WORKS BUILDING  
 SECOND & L ST., EUREKA  
 FAX 445-7409  
 ADMINISTRATION 445-7491  
 BUSINESS 445-7652  
 ENGINEERING 445-7377  
 FACILITY MAINTENANCE 445-7493  
 NATURAL RESOURCES 445-7741  
 NATURAL RESOURCES PLANNING 267-9540  
 PARKS 445-7651  
 ROADS & EQUIPMENT MAINTENANCE 445-7421

CLARK COMPLEX  
 HARRIS & H ST., EUREKA  
 FAX 445-7388  
 LAND USE 445-7205

**LAND USE DIVISION INTEROFFICE MEMORANDUM**

TO: Michelle Nielsen, Senior Planner, Planning & Building Department

FROM: Kenneth M. Freed, Assistant Engineer *KF*

DATE: 05-11-2018

RE:	Applicant Name	Organic Liberty CA, LLC
	APN	524-073-003
	APPS#	12376

The Department has reviewed the above project and has the following comments:

- The Department's recommended conditions of approval are attached as **Exhibit "A"**.
- Additional information identified on **Exhibit "B"** is required before the Department can review the project. **Please re-refer the project to the Department when all of the requested information has been provided.**
- Additional review is required by Planning & Building staff for the items on **Exhibit "C"**. **No re-refer is required.**
- Road Evaluation Reports(s)* are required; See **Exhibit "D"**. **No re-refer is required.**

\*Note: Exhibits are attached as necessary.

Additional comments/notes:

*Review Item 2 on exhibit "C"*

*Plot Plan does not show access locations.*

// END //



**Exhibit "A"**

**Public Works Recommended Conditions of Approval**

APPS # 12376

(All checked boxes apply)

**COUNTY ROADS- FENCES & ENCROACHMENTS:**  
All fences and gates shall be relocated out of the County right of way. All gates shall be setback sufficiently from the County road so that vehicles will not block traffic when staging to open/close the gate. In addition, no materials shall be stored or placed in the County right of way.

This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.

**COUNTY ROADS- DRIVEWAY (PART 1):**  
The submitted site plan is unclear and/or shows improvements that are inconsistent with County Code and/or Department of Public Works policies. The applicant is advised that these discrepancies will be addressed at the time that the applicant applies to the Department of Public Works for an Encroachment Permit. If the applicant wishes to resolve these issues prior to approval of the Planning & Building permit for this project, the applicant should contact the Department to discuss how to modify the site plan for conformance with County Code and/or Department of Public Works policies. Notes:

Plot Plan does not show access points

**COUNTY ROADS- DRIVEWAY (PART 2):**  
Any existing or proposed driveways that will serve as access for the proposed project that connect to a county maintained road shall be improved to current standards for a commercial driveway. An encroachment permit shall be issued by the Department of Public Works prior to commencement of any work in the County maintained right of way. This also includes installing or replacing driveway culverts; minimum size is typically 18 inches.

- If the County road has a paved surface at the location of the driveway, the driveway apron shall be paved for a minimum width of 18 feet and a length of 50 feet.
- If the County road has a gravel surface at the location of the driveway, the driveway apron shall be rocked for a minimum width of 18 feet and a length of 50 feet.
- If the County road is an urban road, frontage improvements (curb, gutter, and sidewalk) shall also be constructed to the satisfaction of the Department. Any existing curb, gutter or sidewalk that is damaged shall be replaced.

The exact location and quantity of driveways shall be approved by the Department at the time the applicant applies to the Department of Public Works for an Encroachment Permit.

This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.

**COUNTY ROADS- DRIVEWAY (PART 3):**  
The existing driveway will require substantial modification in order to comply with County Code. The applicant may wish to consider relocating the driveway apron if a more suitable location is available.

**COUNTY ROADS-PARKING LOT- STORM WATER RUNOFF:**  
Surfaced parking lots shall have an oil-water filtration system prior to discharge into any County maintained facility.

This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.

**COUNTY ROADS- DRIVEWAY & PRIVATE ROAD INTERSECTION VISIBILITY:**  
All driveways and private road intersections onto the County Road shall be maintained in accordance with County Code Section 341-1 (Sight Visibility Ordinance).

This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.

**COUNTY ROADS- PRIVATE ROAD INTERSECTION: (IF USING USFS ROAD TO ACCESS SITE)**  
Any existing or proposed non-county maintained access roads that will serve as access for the proposed project that connect to a county maintained road shall be improved to current standards for a commercial driveway. An encroachment permit shall be issued by the Department of Public Works prior to commencement of any work in the County maintained right of way.

- If the County road has a paved surface at the location of the access road, the access road shall be paved for a minimum width of 20 feet and a length of 50 feet where it intersects the County road.
- If the County road has a gravel surface at the location of the access road, the access road shall be rocked for a minimum width of 20 feet and a length of 50 feet where it intersects the County road.

This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.

**COUNTY ROADS- ROAD EVALUATION REPORT(S):**  
All recommendations in the Road Evaluation Report(s) for County maintained road(s) shall be constructed/implemented to the satisfaction of the Public Works Department prior to commencing operations, final sign-off for a building permit, or approval for a business license. An encroachment permit shall be issued by the Department of Public Works prior to commencement of any work in the County maintained right of way.

// END //



Exhibit "C"

Additional Review is Required by Planning & Building Staff

APPS # 12376

All of the following questions are to be answered by Planning and Building Department staff. No further involvement with the Department of Public Works is required for these items; however Public Works staff is available to answer any questions that may arise.

- 1. ROADS – PART 1. Does the project takes access from a series of non-county maintained roads that connect directly to a State Highway (36, 96, 101, 255, 299, etc...)?
[ ] YES [ ] NO

If YES, the project does not need to be referred to the Department. Include the following requirement:

All recommendations in the Road Evaluation Report(s) for non-county maintained road(s) shall be constructed/implemented to the satisfaction of the Planning & Building Department prior to commencing operations, final sign-off for a building permit, or approval for a business license. A grading permit may be required; check with the Building Division of the Planning and Building Department for any permit requirements.

- 2. ROADS – PART 2. Does the project takes access from a series of non-county maintained roads that connect directly to a Caltrans State Highway, US Forest Service Road, BLM Road, or a City road?

[ ] YES [ ] NO

If YES, the Department recommends that prior to the project presented to the Planning Commission or Zoning Administrator, that the project should be referred to the affected road agency(ies).

- 3. ROADS – PART 3. Does the project take access or use a county maintained road that does not have a centerline stripe or is not on the "approved list" of known category 4 roads? [ ] YES [ ] NO

If YES, a Road Evaluation Report must be done for the County road(s) that do not have a centerline stripe or are not on the "approved" list. The project along with the road evaluation report(s) for the County maintained road(s) must be referred to Public Works for review to ensure that the Department supports the findings in the report. If the road is on the "not approved" list, then Part B of the Road Evaluation Report form must be completed.

- 4. Deferred Subdivision Improvements. Does the project have deferred subdivision improvements? [ ] YES [ ] NO

How to check: Method 1: Planning and Building Department staff review the legal description for the subject property in the deed. If the deed reads similar to "Parcel \_\_ of Parcel Map No. \_\_" then there may be deferred subdivision improvements; further research will be needed. Method 2: Planning and Building Department staff need to review the title report(s) for the subject property(ies) to see if a "Notice of Construction Requirements" document is listed. If the document is listed, then there are deferred subdivision improvements.

If YES then the subject property has deferred subdivision improvements. The project cannot be presented to the Zoning Administrator or the Planning Commission until the deferred subdivision improvements are completed. The applicant should be directed to the Department of Public Works regarding the deferred subdivision improvements.

- 5. AIRPORT- PART 1 (ALUCP). Is the project located within Airport Land Use Compatibility Plan (ALUCP) Zone A, B, B1, B2, or B3 as shown on the ALUCP GIS layer? [ ] YES [ ] NO

If YES, include the following requirement:

The applicant shall cause to be dedicated to the County of Humboldt an Avigation Easement. The avigation easement shall be on the form prescribed by the Department of Public Works. This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.





DEPARTMENT OF PUBLIC WORKS  
**C O U N T Y O F H U M B O L D T**  
MAILING ADDRESS: 1106 SECOND STREET, EUREKA, CA 95501-0579  
AREA CODE 707

ON-LINE

WEB: CO.HUMBOLDT.CA.US

PUBLIC WORKS BUILDING  
SECOND & L ST., EUREKA  
FAX 445-7409

CLARK COMPLEX  
HARRIS & H ST., EUREKA  
FAX 445-7388

ADMINISTRATION	445-7491	NATURAL RESOURCES	445-7741
BUSINESS	445-7652	NATURAL RESOURCES PLANNING	267-9540
ENGINEERING	445-7377	PARKS	445-7651
FACILITY MANAGEMENT	445-7493	ROADS	445-7421

LAND USE 445-7205

---


---

**LAND USE DIVISION INTEROFFICE MEMORANDUM**

---

---

TO: Trevor Estlow, Senior Planner, Planning & Building Department

FROM: Ken Freed, Assistant Engineer 

DATE: 07/01/2020

RE: **ORGANIC LIBERTY LLC, APN 524-073-003, APPS# 2020-16443-LLA**

*Lot Line Adjustment:* The proposed lot line adjustment does not affect any facilities maintained by the Department.

*Record of Survey:* A Record of Survey is required to be filed in conjunction with the Lot Line Adjustment. The County Surveyor may allow for an exception to filing of a Record of Survey map pursuant to County Code Section 325.5-9(c).

The applicant should ensure that the resulting parcels of the lot line adjustment will not result in any land locked parcels and that access easements are established as necessary. Pursuant to Section 4, Appendix A of the Subdivision Ordinance (County Code Section 321-1, et seq.), a 50 foot wide easement is required when a subdivision is proposed. In order to preserve subdivision potential, the Department recommends that a minimum 50 foot wide easement be established as part of the project.

Informational Notes:

1. Lot frontage improvements to the roadway (such as paved driveway aprons, sidewalk, curb & gutter, parking lanes, lane widening, shoulder widening, road paving, curb returns, curb ramps, etc.) are typically not required as part of a lot line adjustment project. Lot frontage improvements are typically required when building permits (or other development permits) are requested.
2. The subject property is located in the State Responsibility Area and is subject to the County's Fire Safe Regulations (FSR) as set forth in County Code. Development of the subject property must comply with the FSR. The Department is involved with ensuring that roads meet minimum FSR. The most common issues with roads not conforming to the FSR are: the maximum length of dead-end road is exceeded; the width of road is not wide enough; the grade of the road is too steep; and curve radii are too small. Development of the subject property may require extensive on-site and off-site road improvements in order to meet minimum standards.

The applicant should be advised that approval of the Lot Line Adjustment does not imply that the FSR have been met or can be met.

// END //

u:\pwrk\\_landdevprojects\referrals\524-073-003 organic liberty llc pln-2020-16443-lla.doc

**PLN-2020-16443**

Organic Liberty LLC - Lot Line Adjustment a...  
A Lot Line Adjustment between four parcels ...

**STATUS**

> Project Evaluation  
06/23/2020 by Rodney Yandell

**LOCATION**

> 229 Friday Ridge Rd  
Willow Creek, CA 95573

Cancel Help

Summary	Task PW Land Use	Due Date 07/11/2020	Assigned Date 06/29/2020
Project Description	Assigned to Department Public Works Department	Assigned to Ken Freed	Status Approved
Workflow	Action by Department Public Works Department	Action By Ken Freed	Status Date 07/01/2020
1 Referral Assignments	Start Time	End Time	Hours Spent 0.0
2 Planning Information	Billable No	Overtime No	Comments Please provide the Notice of Lot Line Adjustment at time of project completion.
3 GP / Zoning Information	Time Tracking Start Date	Est. Completion Date	In Possession Time (hrs)
4 CEQA	Display E-mail Address in ACA No	<input checked="" type="checkbox"/> Display Comment in ACA	Comment Display in ACA <input checked="" type="checkbox"/> All ACA Users
5 Cannabis			<input checked="" type="checkbox"/> Record Creator
Project Tracking			<input checked="" type="checkbox"/> Licensed Professional
6 Referral Task Log (2)			<input checked="" type="checkbox"/> Contact
Fee (6)			<input checked="" type="checkbox"/> Owner
Payment	Estimated Hours 0.0	Action Updated	Workflow Calendar Workflow Blockout

[Workflow History \(13\)](#)