

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

Resolution Number: 23-090

Record Number: PLN-10558-CUP

Assessor's Parcel Number: 522-025-006-000

Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approving the Kush Creek Organics, LLC, Conditional Use Permit and Special Permit.

WHEREAS, Kush Creek Organics, LLC submitted an application and evidence in support of approving a Conditional Use Permit for an existing 22,276 square foot (SF) mixed light (7,340 SF) and full-sun outdoor (14,936 SF) commercial cannabis cultivation operation and a Special Permit for the continued maintenance and use of a point of diversion; and

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

WHEREAS, the Humboldt County Planning Commission held a duly-noticed public hearing on October 19, 2023 and reviewed, considered, and discussed the application for a Conditional Use Permit and Special Permit and reviewed and considered all evidence and testimony presented at the hearing.

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

- 1. FINDING:** **Project Description:** Conditional Use Permit for an existing 22,276-square-foot (SF) cannabis cultivation operation consisting of 7,340 SF of mixed-light greenhouse cultivation and 14,936 SF of outdoor cultivation on the 160-acre parcel. A Special Permit is also requested for development within the Streamside Management Area (SMA) for the continued use and maintenance of the point of diversion infrastructure. Irrigation water is diverted during winter months from a hydrologically connected unnamed Class II spring. Additional sources for commercial cannabis irrigation include a proposed 300,000-gallon rainwater catchment pond. Existing available water storage includes 55,500 gallons storage. Estimated annual water usage is 46,650 gallons (1.9 gallons/SF/year), drawn entirely during the month of April. This amount is substantially less than most cannabis operations and is achieved by water-saving trench-

cultivation methods designed to only require drip irrigation from storage a few times a week during summer months. Drying is conducted in two buildings with a combined area of 1,400 SF by two permanent employees and up to three additional temporary staff. All processing and packaging will occur off-site at a third-party licensed facility. Continued use of portable toilets are conditioned until a planned onsite wastewater septic system can be constructed. Historically, solar panels provide most electricity (85 percent) and two Honda EU 3000iS generators are used to accommodate the remaining electrical demand. If approved, the project is proposed to be conditioned to transition to 100 percent on-site renewable energy by January 1, 2026.

EVIDENCE: a) Project File: PLN-10558-CUP

- 2. FINDING:** **CEQA.** The requirements of the California Environmental Quality Act have been complied with. The Planning Commission has considered the Mitigated Negative Declaration previously adopted for the Commercial Medical Marijuana Land Use Ordinance as well as the Addendum to the Mitigated Negative Declaration that was adopted by the Humboldt County Board of Supervisors on January 26, 2016.

EVIDENCE: a) Addendum prepared for the proposed project.

- b) The proposed project does not present substantial changes that would require major revisions to the previous MND. No new information of substantial importance that was not known and could not be known at the time was presented as described by §15162(c) of CEQA Guidelines.
- c) A Site Management Plan (SMP) was prepared by Natural Resource Management showing compliance with the State Water Board Cannabis General Order for Waste Discharge. Conditions of approval require the applicant to adhere to and implement the recommendations of the SMP and maintain enrollment in the State Cannabis Cultivation Policy for the life of the project.
- d) Review of the California Natural Diversity Database (CNDDB) indicates no known species on concern on the project parcel. Northern Spotted Owl (NSO) nearest Northern Spotted Owl (NSO) activity center is located approximately 1.8 miles southeast of the nearest cultivation area. Power for the project is currently provided by solar (85%) and two (2) generators. Artificial lighting may also be utilized for ancillary propagation. The project is conditioned such that combined noise generated from generators shall not exceed 50 decibels (dB) at 100 feet from the generator or at the edge of the

nearest forest habitat, whichever is closer, as required by Section 314-55.4.11(o) Humboldt County Code. Additionally, conditions of approval require the applicant to submit a revised energy use plan that describes the power demand for the project that includes a description of what power is required for (e.g., propagation, cultivation, and processing), how the size of the generator is reasonable based on the power demand, and how the operation will transition to use of 100% renewable energy (e.g., solar, wind, and/or hydropower) sources by January 1, 2026. Furthermore, the project is conditioned to adhere to International Dark Sky Standards for any supplemental lighting used for cultivation, propagation, and security, refrain from using synthetic netting, ensure refuse is contained in wildlife-proof storage, and refrain from using anticoagulant rodenticides to further protect wildlife. As proposed and conditioned, the project is consistent with CMMLUO performance and will not negatively impact NSO or other sensitive species.

- e) A Site Management Plan was prepared by Natural Resource Management in March 2020 to show compliance with the SWRCB Order WQ 2017-0023-DWQ.
- f) A Cultural Resources Investigation was prepared for the project by William Rich and Associates, which did not identify any resources on the subject site. The study did not find any archaeological resources and concluded that the project would not affect significant historic resources and recommended that no further archaeological studies be conducted for the property. Ongoing conditions of approval are incorporated regarding the Inadvertent Discoveries Protocol to protect cultural resources.
- g) Road Evaluation Reports for Old 3 Creeks Road, Supply Creek Road, and Bucks Butte Road was prepared by Supply Creek Landowners Association, dated 03/13/2020. The report includes photographs of the access road segments, which are in good condition, and do not have any evidence of a site-specific safety problem.

FINDINGS FOR CONDITIONAL USE PERMIT AND SPECIAL PERMIT

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

EVIDENCE: a) General agriculture is a use type permitted in the Timberland (T) land use designation. The proposed cannabis cultivation, an agricultural product, is within land planned and zoned for agricultural purposes, consistent with the use of Open Space land for managed production of resources. The use of an agricultural parcel for commercial agriculture is consistent with the Open Space Plan and Open Space Action

Program. Therefore, the project is consistent with and complimentary to the Open Space Plan and its Open Space Action Program.

4. FINDING: The proposed development is consistent with the purposes of the existing Timberland Production Zone (TPZ) zone in which the site is located.

- EVIDENCE:**
- a) The Timberland Production Zone (TPZ) zone is intended to be applied to areas of the County in which primary uses include the growing and harvesting of timber and timber production facilities, including portable processing equipment. Compatible uses other than the direct growing, harvesting, and portable processing of timber include grazing and other agricultural uses.
 - b) All accessory agricultural uses are principally permitted in the TPZ zone.
 - c) Humboldt County Code section 314-55.4.8.2.2 allows cultivation of up to 43,560 SF of existing outdoor cannabis and up to 22,000 SF of existing mixed-light cannabis on a parcel over 1 acre subject to approval of a Conditional Use Permit and a determination that the cultivation was in existence prior to January 1, 2016. The approval of 22,276 of pre-existing cultivation on a 160-acre parcel is consistent with this and with the cultivation area verification conducted by the County. Humboldt County Code does not authorize any new or expanded cultivation within the TPZ zones.
 - d) All cultivation is over 300 feet from all property lines and there are no public parks, churches, school bus stops or other sensitive receptors within 600 feet of the cultivation areas.

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

- EVIDENCE:**
- a) The CMMLUO allows existing cannabis cultivation to be permitted in areas zoned TPZ (HCC 314-55.4.8.2.2).
 - b) The parcel was created in compliance with all applicable state and local subdivision regulations, as it was created through a government land patent and has not been altered.
 - c) The project currently sources its irrigation water from a point of diversion. The applicant intends to move forward and construct a 300,000-gallon rainwater catchment off-stream pond which will provide all of the irrigation needs. The applicant intends to discontinue the spring and utilize the pond for irrigation purposes once built. Secondly, a groundwater well has been proposed for an additional irrigation water source if needed. This well would only be utilized for the cultivation irrigation as a supplemental source only if

the Planning Department is able to verify that the well is unlikely to have a direct connection to any surface water features.

- d) Road Evaluation Reports for Old 3 Creeks Road, Supply Creek Road, and Bucks Butte Road was prepared by Supply Creek Landowners Association, dated 03/13/2020. The report includes photographs of the access road segments, which are in good condition, and do not have any evidence of a site-specific safety problem. All road segments evaluated were found to be functionally appropriate for the expected traffic.
- e) The slope of the land where cannabis will be cultivated is less than 15%.
- f) The cultivation of cannabis will not result in the net conversion of timberland post environmental baseline (January 1, 2016) as a less than three-acre conversion exemption was approved by Cal-Fire on March 10, 2015. No additional timber conversion has occurred or is proposed.
- g) The location of the cultivation complies with all setbacks required in Section 314-55.4.11.d. It is more than 30 feet from any property line and more than 600 feet from any school, church, public park, or Tribal Cultural Resource.

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

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

7. FINDING: The cultivation of 22,276 square feet of commercial cannabis and the conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

EVIDENCE: a) The site is located on road that has been found to safely accommodate the amount of traffic generated by the proposed cannabis cultivation.

b) The site is in a rural part of the County where the typical parcel size is over 40 acres and many of the land holdings are very large. The proposed cannabis will not be in a location where there is an established neighborhood or other sensitive receptor such as a school, church, park or other use which may be sensitive to cannabis

DECISION

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

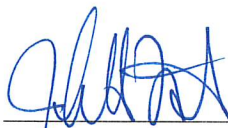
- Adopt the findings set forth in this resolution; and
- Conditionally approves the Conditional Use Permit and Special Permit for Kush Creek Organics, LLC subject to the conditions of approval attached hereto as Attachment 1.

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

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

AYES:	COMMISSIONERS:	Iver Skavdal, Thomas Mulder, Noah Levy
NOES:	COMMISSIONERS:	Brian Mitchell, Peggy O'Neill
ABSENT:	COMMISSIONERS:	Sarah West, Lonyx Landry
ABSTAIN:	COMMISSIONERS:	
DECISION:		Motion carries 3/2

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



John Ford, Director
Planning and Building Department

CONDITIONS OF APPROVAL

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

A. General Conditions

1. The applicant is responsible for obtaining all necessary County and State permits and licenses, and for meeting all requirements set forth by other regulatory agencies.
2. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Planning and Building Department will provide a bill to the applicant after the decision. Any and all outstanding planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
3. The applicant is responsible for costs for post-approval review for determining project conformance with conditions. A deposit is collected to cover this staff review. Permit conformance with conditions must be demonstrated prior to release of building permit or initiation of use and at time of annual inspection. A conformance review deposit as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750) shall be paid within sixty (60) days of the effective date of the permit or upon filing of the Compliance Agreement (where applicable), whichever occurs first. Payment shall be made to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
4. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. The Department will file the NOD and will charge this cost to the project.
5. Within 60 days of the effective date of permit approval, the applicant shall execute a Compliance Agreement with the Humboldt County Planning and Building Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #6 through #19. The agreement shall provide a timeline for completing all outstanding items. All activities detailed under the agreement must be completed to the satisfaction of the Planning and Building Department before the permit may be finalized and no longer considered provisional.
6. The applicant shall secure permits for all structures related to the cannabis cultivation and other commercial cannabis activity, including but not limited to, existing and proposed greenhouses, water tanks over 5,000 gallons, existing and proposed structures associated with drying and storage or any activity with a nexus to cannabis, and any noise containment

structures as necessary. The plans submitted for building permit approval shall be consistent with the project description and the approved project site plan. A letter or similar communication from the Building Division verifying that all structures related to the cannabis cultivation are permitted will satisfy this condition.

7. The approved building plans shall meet all applicable fire codes, including fire suppression infrastructure requirements deemed necessary for the project by the Building Inspection Division. Sign-off on the Occupancy Permit by the Building Division shall satisfy this requirement.
8. The applicant shall submit a grading, erosion and sediment control plan shall be prepared by a qualified engineer. The plan shall identify the cubic yards of all grading that has been completed, and any proposed. A letter or similar communication from the Building Division verifying that all grading related to the cannabis cultivation operation are permitted, or not needed, will satisfy this condition.
9. Prior to cultivating in 2024, the applicant shall install a water monitoring device on each source—well and surface diversion if/when utilized and storage tanks as applicable—to monitor water used for cannabis irrigation separate from any domestic use. The meters shall be installed prior to the cultivation season beginning in 2024.
10. The applicant shall implement all Best Practicable Treatment or Controls (BPTCs) corrective actions detailed in the Site Management Plan developed for the Tier 1 low-risk project. These BPTCs include sediment discharge, erosion prevention, sediment control, agricultural chemicals and petroleum products usage, storage and disposal, trash and domestic wastewater, winterization, and maintenance activities. A letter or similar communication from the State Water Resources Control Board (SWRCB) verifying that all their requirements have been met will satisfy this condition.
11. The applicant shall cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning Division. Document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors will be required.
12. The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency (CUPA) requirements regarding hazardous materials. A written verification of compliance shall be required before any provisional permits may be finalized. Ongoing proof of compliance with this condition shall be required at each annual inspection in order to keep the permit valid.
13. The applicant shall execute and file with the Planning Division the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to

Farm” ordinance) as required by the Humboldt County Code and available at the Planning Division.

14. The operation shall transition to use of 100% renewable energy (e.g., solar, wind, and/or hydropower) sources by January 1, 2026 with a generator to be used for emergencies only. The applicant shall submit a revised energy use plan that describes the power demand for the project that includes a description of what power is required for (e.g., propagation, cultivation, and processing), how the size of the generator is reasonable based on the power demand, and how the operation will transition to use of 100% renewable energy (e.g., solar, wind, and/or hydropower) sources by January 1, 2026.
15. As part of the Lake and Streambed Alteration Agreement (LSAA, EPIMS-HUM- 24385-R1), the permittee shall monitor the pond each year for bullfrogs and appropriately manage the pond for bullfrogs in accordance with the guidelines in the LSAA if present.
16. The applicant shall remain in compliance with the LSAA at all times.
17. The applicant shall fully contain all imported soil onsite and that all discarded soil is removed and properly disposed of at a waste management facility.
18. The applicant shall submit an amended Site Plan with the correct volume displayed for the proposed off-stream pond.
19. Prior to the use of the proposed groundwater well the applicant shall submit the Well Completion Report to the planning Director for review. The well shall only be permitted to be used for cannabis irrigation purposes if the Planning Director, or his or her designee, determines in writing that the well is unlikely to have any direct connection to any surface water features. The Planning director or his or her designee reserves the right to request review of the Well Completion Log by a licensed geologist or hydrogeologist.
20. The permittee shall take action to form or join a Road Maintenance Association (RMA) for the maintenance of the roads. In the event the applicant is unable to coordinate formation or join an RMA, the permittee shall pay fair-share cost for maintenance of the road to any road user engaged in maintaining the roads.

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

1. The combination of background, generator and greenhouse fan or other operational equipment created noise must not result in the harassment of Northern Spotted Owl species as required to meet the performance standards for noise set by Department Policy Statement No. 16-005 clarifying CMMLUO Section 55.4.11 (o) requirements. The combined noise levels measured at 100 feet or the edge of habitat, whichever is closer, shall be at or below 50 decibels. Conformance will be evaluated using current auditory disturbance guidance

prepared by the United State Fish and Wildlife Service, and further consultation where necessary. A building permit shall be obtained should any structures be necessary for noise attenuation.

2. All artificial lighting shall be fully contained within structures such that no light escapes (e.g., through blackout curtains). Structures shall be enclosed between 30 minutes prior to sunset and 30 minutes after sunrise to prevent disruption to crepuscular wildlife. Security lighting shall be motion activated and comply with the International Dark-Sky Association standards and Fixture Seal of Approval Program; see: <https://www.darksky.org/our-work/lighting/lighting-for-citizens/lighting-basics/>. Standards include but are not limited to the following, 1) light shall be shielded and downward facing, 2) shall consist of Low Pressure Sodium (LPS) light or low spectrum Light Emitting Diodes (LED) with a color temperature of 3000 kelvins or less and 3) only placed where needed.
3. Should the Humboldt County Planning Division receive complaints that the lighting or noise is not complying with the standards listed above in items B.1. and B.2., within ten (10) working days of receiving written notification that a complaint has been filed, the applicant shall submit written verification that the lights' shielding and alignment, and noise levels have been repaired, inspected, and corrected as necessary.
4. Ensure all generators be located on stable surfaces with a minimum 200-foot buffer from all waterways measured horizontally from the outer edge of the riparian drip zone.
5. Prohibition on use of synthetic netting. To minimize the risk of wildlife entrapment, Permittee shall not use any erosion control and/or cultivation materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.
6. All refuse shall be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
7. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and be allowed to leave the work site unharmed.
8. The use of anticoagulant rodenticide is prohibited.
9. The operator shall provide information to all employees about the potential health impacts of cannabis use on children. Information shall be provided by posting the brochures from the Department of Health and Human Services titled "Cannabis Palm Card" and "Cannabis Rack Card." This information shall also be provided to all employees as part of the employee orientation.
10. 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.

11. 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.
12. If operating pursuant to a written approved compliance agreement, permittee shall abate or cure violations at the earliest feasible date, but in no event no more than two (2) years from the date of issuance of a provisional clearance or permit. Permittee shall provide plans for curing such violations to the Planning and Building Department within one (1) year of issuance of the provisional clearance or permit. If good faith effort toward compliance can be shown within the two years following the issuance of the provisional clearance or permit, the Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow additional time to meet the outstanding requirements.
13. 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.
14. Compliance with all statutes, regulations, and requirements of the California State Water Resources Control Board and the Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration, as applicable.
15. Confinement of the area of cannabis cultivation, processing, manufacture, or distribution to the locations depicted on the approved site plan. The commercial cannabis activity shall be set back at least 30 feet from any property line, and 600 feet from any school, school bus stop, church or other place of religious worship, or tribal cultural resources, except where a reduction to this setback has been approved pursuant to Section 55.4.11(d).
16. Maintain enrollment in Tier 1, 2, or 3, certification with North Coast Regional Water Quality Control Board (RWQCB) 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.
17. Comply with the terms of any applicable Lake and Stream Alteration (1600 or 1602) Permit obtained from the California Department of Fish and Wildlife (CDFW).
18. Comply with the terms of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (Cal Fire), if applicable.

19. Consent to an annual on-site compliance inspection, with at least 24 hours prior notice, to be conducted by appropriate County officials during regular business hours (Monday through Friday, 9:00 a.m. to 5:00 p.m., excluding holidays).
20. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
21. Pay all applicable application, review for conformance with conditions and annual inspection fees.
22. Fuel shall be stored and handled in compliance with applicable state and local laws and regulations, including the County of Humboldt's Certified Unified Program Agency (CUPA) program, and in such a way that no spillage occurs.
23. The master logbooks maintained by the applicant to track production and sales shall be maintained for inspection by the County.
24. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).

Performance Standards for Cultivation and Processing Operations

25. Pursuant to 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, the California Agricultural Labor Relations Act, and the Humboldt County Code (including the Building Code).
27. Cultivators engaged in processing shall comply with the following Processing Practices:
 - a. Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.
 - b. Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
 - c. Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.
 - d. Employees must wash hands sufficiently when handling cannabis or use gloves.
28. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:

- a. Cultivation operations and processing operations must implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:
 - (1) Emergency action response planning as necessary;
 - (2) Employee accident reporting and investigation policies;
 - (3) Fire prevention;
 - (4) Hazard communication policies, including maintenance of material safety data sheets (MSDS);
 - (5) Materials handling policies;
 - (6) Job hazard analyses; and
 - (7) Personal protective equipment policies, including respiratory protection.
 - b. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
 - (1) Operation manager contacts;
 - (2) Emergency responder contacts; and
 - (3) Poison control contacts.
 - c. At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations. Plumbing facilities and water source must be capable of handling increased usage without adverse consequences to neighboring properties or the environment.
 - d. On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.
29. All cultivators shall comply with the approved processing plan as to the following:
- a. Processing practices
 - b. Location where processing will occur
 - c. Number of employees, if any
 - d. Employee Safety Practices
 - e. Toilet and handwashing facilities
 - f. Plumbing and/or septic system and whether or not the system is capable of handling increased usage
 - g. Drinking water for employees
 - h. Plan to minimize impact from increased road use resulting from processing
 - i. On-site housing, if any
30. Term of Commercial Cannabis Activity Conditional Use Permit. Any Commercial Cannabis Cultivation CUP issued pursuant to the CMMLUO shall expire one (1) year after date of issuance, and on the anniversary date of such issuance each year thereafter, unless an annual compliance inspection has been conducted and the permittees and the permitted site have been found to comply with all conditions of approval.
31. If the inspector or other County official determines that the permittees or site do not comply with the conditions of approval, the inspector shall serve the permit holder with a written statement identifying the items not in compliance, and the action that the permit holder may

take to cure the noncompliance, or file an appeal within ten (10) days of the date that the written statement is delivered to the permit holder. Personal delivery or mailing the written statement to the mailing address listed on the application by regular mail, plus three (3) days after date of mailing, shall constitute delivery. The permit holder may request a reinspection to determine whether or not the permit holder has cured all issues of noncompliance. Failure to request reinspection or to cure any items of noncompliance shall terminate the Special Permit, immediately upon the expiration of any appeal period, or final determination of the appeal if an appeal has been timely filed pursuant to Section 55.4.13.

32. Permit Renewals to Comply with Updated Laws and Regulations. Permit renewal is subject to the laws and regulations effective at the time of renewal, which may be substantially different than the regulations currently in place and may require the submittal of additional information to ensure that new standards are met.
33. Acknowledgements to Remain in Full Force and Effect. Permittee acknowledges that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this section in the event that environmental conditions, such as a sustained drought or low flows in the watershed in which the cultivation area is located, will not support diversions for irrigation.
34. Transfers. Transfer of any leases or permits approved by this project is subject to the review and approval of the Planning Director for conformance with CMMLUO eligibility requirements and agreement to permit terms and acknowledgments. The fee for required permit transfer review shall accompany the request. The request shall include the following information:
 - a. Identifying information for the new owner(s) and management as required in an initial permit application;
 - b. A written acknowledgment by the new owner in accordance as required for the initial permit application;
 - c. The specific date on which the transfer is to occur;
 - d. Acknowledgement of full responsibility for complying with the existing permit; and
 - e. Execution of an Affidavit of Non-diversion of Medical Cannabis.
35. Inspections. The permit holder and subject property owner are to permit the County or representative(s) or designee(s) to make inspections at any reasonable time deemed necessary to assure that the activities being performed under the authority of this permit are in accordance with the terms and conditions prescribed herein.

Informational Notes:

1. Pursuant to Section 314-55.4.11(a) of the CMMLUO, if upon inspection for the initial application, violations of any building or other health, safety, or other state or county statute, ordinance, or regulation are discovered, the Planning and Building Department may issue a provisional clearance or permit with a written approved Compliance Agreement. By signing the agreement, the permittee agrees to abate or cure the violations at the earliest

opportunity but in no event more than two (2) years after the date of issuance of the provisional clearance or permit. Plans for curing the violations shall be submitted to the Planning and Building Department by the permittee within one (1) year of the issuance of the provisional certificate or permit. The terms of the compliance agreement may be appealed pursuant to Section 314-55.4.13 of the CMMLUO.

2. This provisional permit approval shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"), except where the Compliance Agreement per Condition of Approval #5 has been executed and the corrective actions pursuant to the agreement are being undertaken. Once building permits have been secured and/or the use initiated pursuant to the terms of the agreement, the use is subject to the Permit Duration and Renewal provisions set forth in the Ongoing Requirements/Development Restrictions, above.
3. If cultural resources are encountered during construction activities, the contractor on-site shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist and the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and the lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

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

Kush Creek Organics LLC

Updated June 2023
7824 Old Three Creeks Road
Blue Lake, CA 95525



Kush Creek Organics is excited to be a part of this growing industry and plans to produce some of the finest premium quality organic cannabis on the market. We are committed as a farm to comply with all the safety standards and regulations and will maintain practices that ensure the environmental health of our home Humboldt County far into the future. We are working with local engineers, forest service consultants, legal professionals, contractors, and other qualified licensed professionals to ensure our farm is operating with highest standards in mind. Thank you for processing our application.

Evidence of Ownership and Authorization:

- The current deed is included in the application packet
- A copy of ownership is also included
- My consent and a copy of the ownership instrument is included.
- Legal documentation describing the composition of the organization Kush Creek Organics LLC is included along with information from attorneys Rain and Zepp Law.

Site Plan of Parcel:

I hired Trinity Valley Engineering to prepare a map for you including natural waterways and water features required for the application process. You will also find:

- Owner name and parcel number
- Easements
- Natural waterways and water features.
- Location and area of cultivation activity

- Access roads
- Graded flats
- Existing water storage
- Water diversions
- We are not nearby any schools, public parks, or Tribal Resources
- There are no off-site residences within 300 feet of cultivation site

I also included an updated plot plan that includes the requirements.

- All easements and access roads (exhibit B1 and B2)
- Assessors map
- Existing water storage and capacity and date of construction
- Set back of cultivation area from property line
- Cal Fire approved 3-acre Conversion: a copy is enclosed

All graded flats were performed by a licensed contractor designed to ensure proper drainage and proper culverts were installed and upgraded as needed . I worked together with Chris Carroll a Timberland Resource Consultant to file the 3-acre Conversion and to create a sustainable plan for the farm to meet all compliance regulations both state and local. This information has been updated over the years to stay consistent with the evolving regulations and requirement. I recently had my LSA agreement updated as the 5 years was up on my first LSA agreement. A copy is on file with the county and TRC. I have had a CDFW inspection and have met all the requirements onsite.

I have also hired Natural Resource Management and TRC throughout this process to facilitate an updated the site management plan to updated some information and to address the new requirements. Many of the tasks have been completed and evidence has been provided to my county planner.

Cultivations and Operations Plan:

The farm starts its operations as soon as the snow clears usually April or May, and runs until about the middle of December. Each green house is amended and tested to monitor soil conditions at the beginning of each season. While the amendments

settle and we wait for soil analysis, the greenhouses get covered and the supplies are organized. Each greenhouse takes a few days to properly set up after winterization procedures. Once the farm is ready, we begin to propagate seeds and plant starts in the nursery or immature plant area. Each young plant is transplanted when it has proper root development into larger and larger pots until they are ready to transplant into the greenhouses. Each plant with a tag is then transplanted once the conditions are favorable into the cultivation areas.

The greenhouses get drip irrigation 2 to 3 times a week and feed by hand once a week with our organic micronized nutrients. Once the plants mature in the fall each greenhouse is harvested at the peak of ripeness and dried on site. Some of the plant material gets broken down by machines some by hand. Once the material is dried it gets put into a bin with its METRC tag and labeled and stored appropriately. This process is repeated throughout the farm depending on location and strain. Some of our greenhouses we use the force flower method to finish early depending on the climate, drying space and demand. A black cover is pulled over the greenhouse to encourage the flowers to develop faster each evening around 6pm and removed again at 10pm. The power on the farm comes mostly from solar panels and occasional generator use. I plan to add an additional solar power storage system as part of the future plans to stay a green farm. I have applied for grants to help with solar and water storage and hope to be approved on the next round of funding. Sustainability is very important to me as is making sure the site meets all state and local regulations. At the end of the season once all material has been processed, we breakdown the greenhouse structures and store all the equipment properly for the winter. We also shut down all water features and storage and winterize the buildings on site storing all supplies and clean the premises.

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

Our water source currently is a class 2 spring developed in 2015 and onsite storage with the addition of a well, pond or rain catchment system soon to be developed. The farm has a water use permit filed through Timberland Resources during the construction of our farm and continues to report to all three agencies required. The farm has also installed water storage tanks that are gravity fed to the cultivation site by well-maintained irrigation lines. For the current cultivation site, water

usage is not expected to exceed 300 gallons a day. The well is set to go at the top of the property and should be easy to tie into our existing water system.

Implementation of rain catchments system that we hope to install in the future and is also part of our water management future plans in addition to a storage pond as the rules develop and change, we are ready to meet the requirements. Once the county has made a clear path to determining which water system will best fit this project, I am ready to move forward. The bladder can be removed once the water system has been implemented and more storage can easily be added.

We have low water usage because of our rich organic beds of soil coupled with covered canopy and drip system. We have also been growing less due to the markets and unfavorable weather patterns. Currently we have close to 100,000 gallons of storage on site and we hope to add more after approval. We also hope to regain some of the previously used square footage associated with this pond area that was put on hold so this area could be used for water storage.

Water Storage:

- 10 2,500-gallon water storage containers
- 1 5,000 gallon water storage tank on the top conversion
- One 25,000-gallon water bladder on level flat ground with sand, animal fence, retention wall and shade cloth rated for 80% sun block
- One temporary bladder 25,000 gallons next to original bladder
- Well permit filed thru Rich's Well Drilling in 2021 just waiting for counties approval to move forward.
- Proposed Pond 300,000 gallons
- Rain catchment available on cabin if desired

The farm was in contract with Trinity Valley Engineering in 2016 to put in a 300,000 gallon pond rated to store the amount water needed for our farm and the type of permit we were requesting during the month required and then some. We are still on hold on this project but hope to move forward once approved. The pond area has also been evaluated by an archeologist and has passed and is ready to dig if the pond project moves forward.

The trenches on the farm are filled with premium organic soil that is amended with rich compost and other organic material annually to ensure good water retention, minimum fertilization and healthy soil biology. Our trenches were designed to hold moisture and only require drip irrigation a few times a week from our off-stream gravity fed water storage. We make it a point to regularly maintain

and repair any leaks and hand water every 3-4 days organic nutrients and compost teas to ensure responsible water use and no water run-off.

Measures to ensure protection of watershed and nearby habitat:

We worked closely with local engineers to develop our site plan to ensure it meets all requirements and standards with little or no disruption to our local ecosystem.

Our roads are well maintained and have been properly designed and located to ensure adequate drainage. Local licensed engineers and contractors have installed proper culverts and drainage as needed. Our cultivation site has also been developed with proper drainage channels to ensure there is no compromise to our watershed and the watershed can travel where it needs to go. We inspect all culverts and water features weekly as part of our SMP and LSA and will always treasure this resource.

The site is abundant in water features and should be sustainable and low impact into the future. All of the water features on site meet the state and local requirements. In addition, a well is set to be drilled after county approval and the purposed pond soon to follow if approved. The pond will be closed loop with a trapezoidal run off, culverts and water protection plan developed by Trinity Valley engineers to ensure no damage will be done to our ecosystem or nearby streams. The plans have been submitted for your review and are on file with the Humboldt County.

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

We only use organic micronized nutrients, compost teas and fungal flats for our cannabis cultivation. Our main line of nutrients is formulated by a local HSU student and comes in a 5-gallon bucket with a spill proof lid and contains only local powdered organic ingredients. I have purchased a 6X20 storage container properly engineered to properly store the nutrients and other supplies. The storage container is made of steel and has a wooden raised floor to ensure that no animals can get into the products and that they cannot be damaged by sunlight or moisture. There is proper shelving and we follow all the state mandated protocol for proper

storage and do not use pesticides on site. We also keep a spill kit on site with proper supplies and guidelines.

Description of cultivation activities:

Our farm is mixed lighting and full sun cultivation that does not go year round due to climate limitations. Our power comes mostly from solar panels and occasional generator use. I plan to add an additional solar power storage system as part of our future plans to stay a green farm, as sustainability is very important to our organic farm. We are also in the process of making sure the site meets all regulations set forth by the state and local waterboards. Our LSA agreements has been met and we will continue to report as required. We also plan to add more solar and water storage to our site to help keep the project sustainable into the future.

Processing Plan:

We always strive to provide a safe, organized, and comfortable space for our processing helpers. We choose qualified and experienced help at all times to ensure our system is followed and executed properly.

We are using a simple seasonal schedule for our cultivation cycle. We plan to use our site from May until the end of November. We will only be doing one round of cultivation this season due to the weather. We will be using 2 small 3000 I Honda generator to run ventilation from 6pm to 11 pm daily from June 1st thru late August. The rest of our farm will be traditional full season cultivation with no generator use needed because we have solar panels for all our other needs. We plan to be as eco conscious as possible.

We have very high standards and follow strict protocol for harvesting and processing our organic cannabis. We harvest at the peak of ripeness to ensure the properties of our medicine are at their highest potential. We dry the cannabis on site in a cool dark space to ensure it cures and dry's properly. Extra time is taken to remove fan leaves and we follow strict standards for cleanliness and quality control. Cultivation waste is collected, weighted, contained, recycled and disposed of in an appropriate facility off the mountain. All processed cannabis is taken off

site once it is manicured or bucked down to be transferred to a secure licensed facility and is safely transported with proper legal paperwork.

Security Plan:

- There are three metal security gates at each entry point of the property. These gates can only be accessed by key and are secured and looked at all times. Each entrance has a solar light, security signs, and camera installed.
- There is also a neighborhood group gate that can only be accessed by secure key and is changed annually.
- This property is part of a Neighborhood Watch Association and I attend all neighborhood security meetings. Our neighborhood also participates in private security during necessary times.
- Monitoring devices have been installed throughout the property and at each entrance and exit to premises.
- Security cameras have been installed at each cultivation site as part of our updated security plan.
- Deadbolts are installed on our storage container to ensure security and the container is checked frequently.
- Game cameras have also been installed at each gate and throughout the cultivation site.
- In the event of any theft or loss of medical cannabis material, Kush Creek will notify the County Sheriff ASAP.

Other Permits:

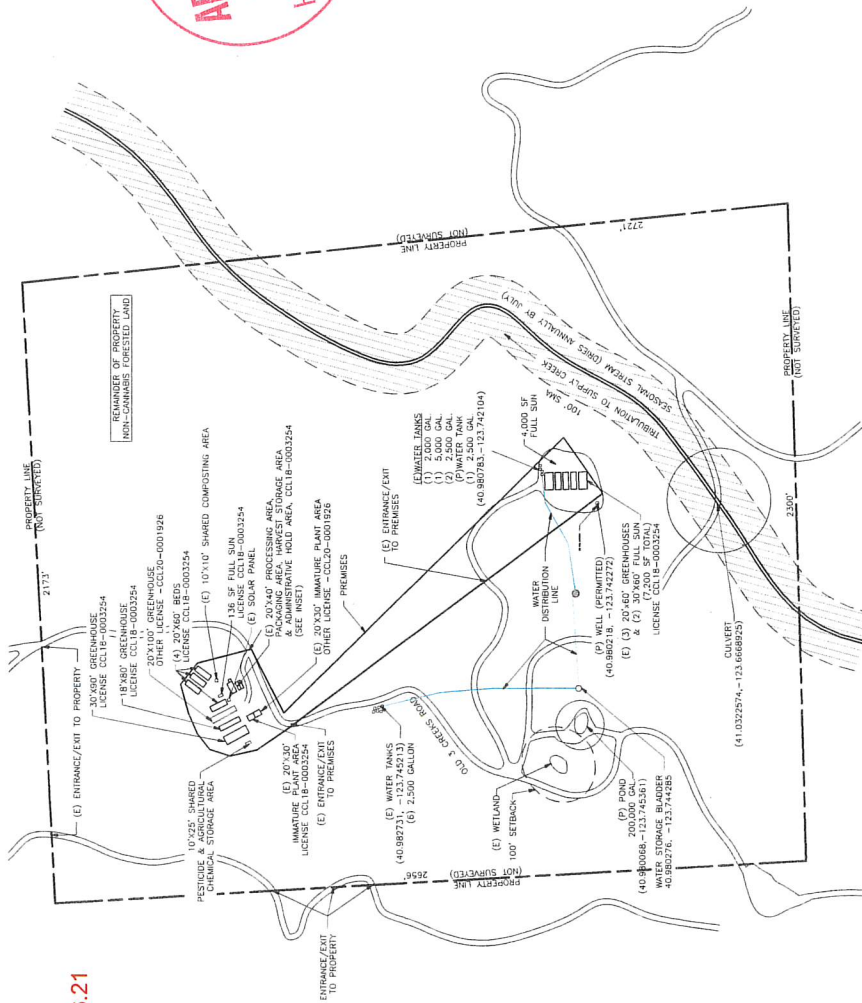
- Copy of our statement of Water Diversion is included

- Notice of Intent and Self-Monitoring Certification has been filled with North Coast Regional Water Quality Board. I have enrolled into the new order of regulations and have filled all necessary monitoring reports for all the agencies annually and copies of these reports are provided or are available through the agencies.
- Have obtained a SUIR through TRC in 2019 a copy is included and has been updated in 2021
- The Streambed Alteration Agreement is up to date and all records are included and managed by TRC.
- LSA agreement has been updated in 2022
- The farm has no well on site currently but Rich's Well Drilling a local well company has already performed an onsite visit and has chosen a location. They filed a permit through the county and got approved a copy of this permit is in the documents provided. My farm had to put the well project on hold due to the uncertain rules around using well water for cultivation but is ready to move forward as needed once a plan has been made by the county with clear direction on which water source they would like to be developed.
- A septic system is also in the plans for the farm to complete in 2023. Steve's Septic performed an onsite visit in 2019 and provided an estimate for the septic system to match the need of the farm. Plans and permits will be filled as soon as I have my final approval from the county.
- A copy of the Approved less-than-3-acre conversion is on file with Timberland Resources along with supporting documents and updates are included.
- 2 California State Provisional Cannabis Cultivation License have been issued for the premises and copies are onsite and included in this application packet.
- A local Humboldt County Interim Permit for the 2023 year has also been approved
- A road evaluation has been submitted and passed




TYCE
67 WALNUT WAY
P.O. BOX 1567
WILLOW CREEK, CA 95577
PHONE (530) 629-1000
FAX (530) 629-3011

FOR
NEVA PETERSON
3 CREEKS ROAD
WILLOW CREEK, CA 95573



PLAN VIEW
 $1"=200'$



200 400

THE ABOVE PROPOSED SHEDS, GENERATORS AND SHUTTERS WILL BE CONSTRUCTED FROM STEEL FRAMING, FIBERGLASS INSULATION AND FIRE RESISTANT INSULATION IF NECESSARY.

1. THERE ARE NO SCHOOLS, SCHOOL BUS STOPS, PLACES OF WORSHIP, PUBLIC PARKS, OR TRIBAL CULTURAL RESOURCES WITHIN 500' OF CULIVATION AREAS.
2. THERE ARE NO OFFSHORE RESOURCES WITHIN 300' OF CULIVATION AREAS.
3. POINT OF WATER DIVERSION LOCATED AT 680343.3716, 2245202.25H
4. PROPOSED POND LOCATED AT 604800689 - 1233145316.
5. THERE IS NO NON-CANNABIS ACTIVITY OCCURRING ANYWHERE ONSITE
6. THERE IS NO SECURE WASTE STORAGE AREA NECESSARY FOR THIS PROPERTY.

REFUSE SHALL BE STORED ON 10'X16' CONCRETE SLAB AND UNDER ROOF COVER. REFUSE MUST BE HAULED TO AN APPROVED WASTE FACILITY WEEKLY.

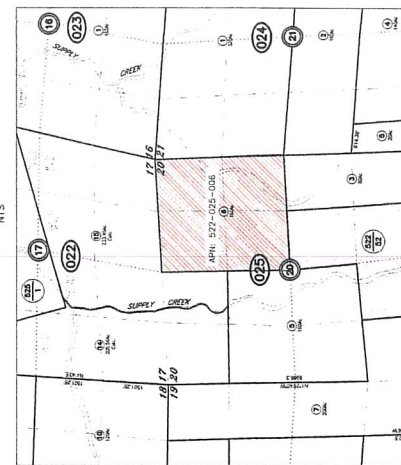
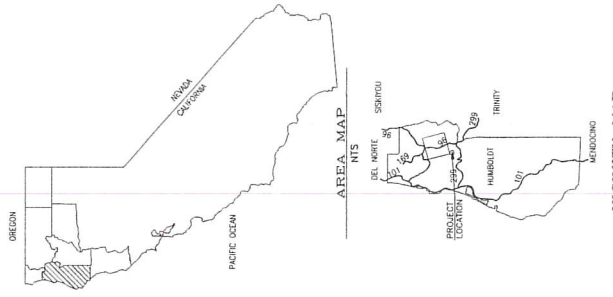
COMPOST SHALL BE STORED ON EXISTING 30'X100' CONCRETE SLAB. CANNIBAS WASTE CANNOT EXCEED 50% OF THE GENERATED ORGANIC MATERIAL.

WATER: RAINWATER / ONSITE
SEWER: NONE
POWER: PG&E
FIRE: NONE
FRONTIER
TREES/STREAMS: TRIBUTARY TO SUPPLY CREEK
NEEDS TO BE REMOVED: 3-ACRE CON.
GRADING: SEE GRADING PLAN

A FIELD SURVEY FOR TOPOGRAPHIC PURPOSES WAS CONDUCTED BY TVCE ON MARCH 2016. A BOUNDARY SURVEY WAS NOT CONDUCTED. ALL PROPERTY LINES DEPICTED ON THESE PLANS REFLECT APPROXIMATE LACTATIONS BASED ON COUNTY RECORDS.

PROVIDE ADEQUATE WATER STORAGE AND DELIVERY AS OUTLINED BY SRA ORDINANCE AND CALFIRE REQUIREMENTS

PROVIDE ADEQUATE TURN AROUND AND PULLOUTS AS OUTLINED BY SRA ORDINANCE REQUIREMENTS AND CALFIRE REQUIREMENTS

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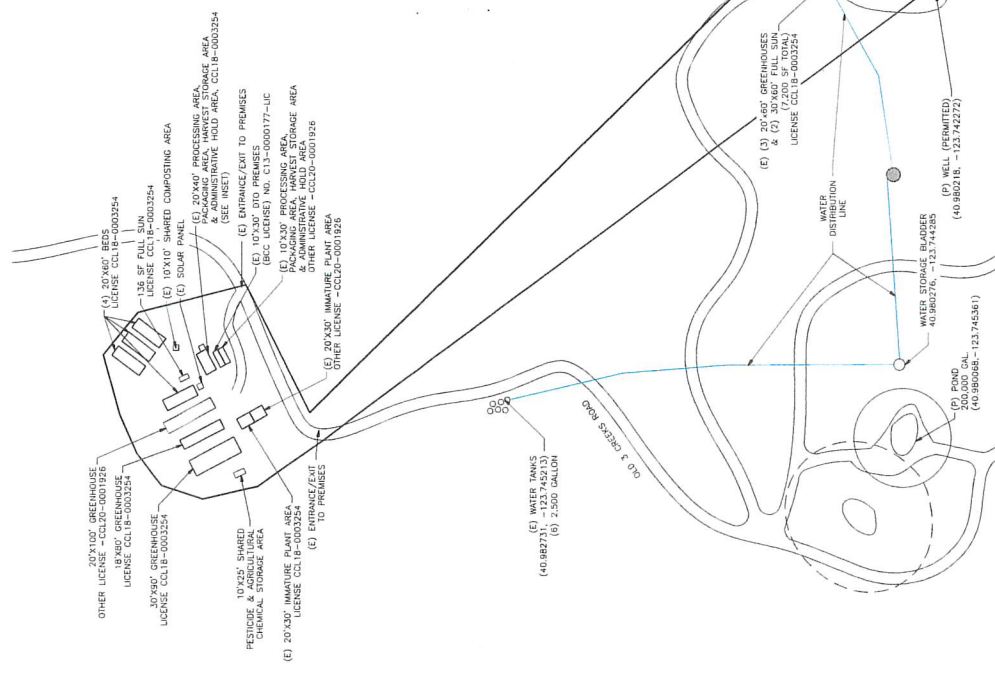
NEVA PETERSON
APN: 522-025-006
J CREEKS ROAD
PLOT PLAN
WILLOW CREEK, HUMBOLDT COUNTY, CALIFORNIA

DATE OF ISSUE:	OCTOBER 2021
SCALE:	AS SHOWN
PROJECT NO.	986
DRAWING NO.	C01
DRAWN BY:	A. DOMINICK
CHECKED BY:	JTM
DESIGNED BY:	J. MCKNIGHT
APPROVED BY:	TYCE

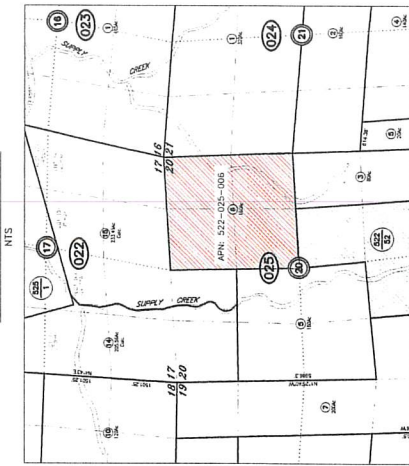
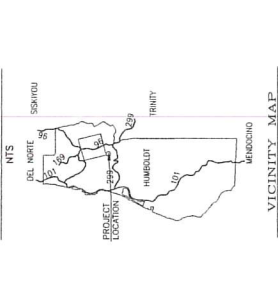
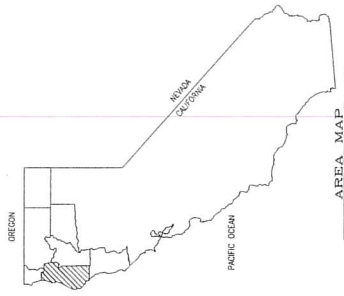
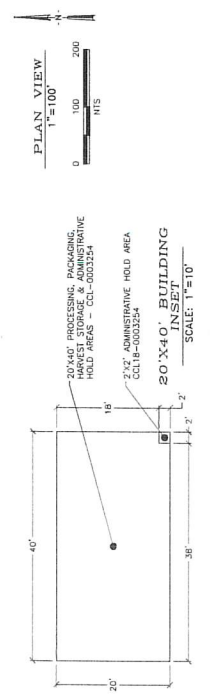
SMALL MIXED-LIGHT TIER 1 PREMISES DIAGRAM APN: 522-025-006

FOR
KUSH CREEK ORGANICS, LLC.
7824 OLD THREE CREEKS ROAD
WILLOW CREEK, CA 95573

APPROVED
OCT 19 2023
Humboldt County
PLANNING



NO.	DESCRIPTION	AREA (SQ. FT.)	AREA (AC.)
1	30'X50' GREENHOUSE	1,500	0.034
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PREMISES DIAGRAM
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WILLOW CREEK, CA 95573
APN: 522-025-006

DATE: 10/19/2023	SCALE: AS SHOWN	PROJECT NO: 985	DRAWING NO: C02
DESIGNED BY: J. DOWNING	CHECKED BY: J. DOWNING	APPROVED BY: J. DOWNING	DATE: 10/19/2023