



COUNTY OF HUMBOLDT

For the meeting of: 12/19/2024

File #: 25-7

To: Planning Commission

From: Planning and Building Department

Agenda Section: Consent

SUBJECT:

Organic Liberty CA, LLC Conditional Use Permit Modification, Special Permit, and Zoning Clearance Certificates

Assessor Parcel Number: 524-091-009 and 524-101-025 (one separate legal parcel)

Record Number: PLN-2024-19054

Willow Creek Area

Organic Liberty CA, LLC operates a permitted outdoor cannabis cultivation operation located near the junction of Friday Ridge Road and California State Route 299, south/southeast of the community of Willow Creek. The existing project approval (PLN-12376-CUP) consists of four Conditional Use Permits (CUP16-656, CUP17-042, CUP17-043, and CUP17-044) that allow for ± 3.3 acres (143,748 square feet) of outdoor full-sun cannabis cultivation. Organic Liberty CA, LLC proposes a modification to the approved permits to adjust the cultivation boundary and expand the cultivation area by ± 0.7 acres (± 4 acres total). As a result of the Project, cultivation at the facility would now comprise ± 2.4 acres of outdoor full-sun cultivation in raised beds, ± 0.7 acres (31,500 square feet) of outdoor light deprivation cultivation in hoop houses, and ± 0.9 acres (37,900 square feet) of mixed-light cultivation in greenhouses. In addition, Organic Liberty CA, LLC requests Zoning Clearance Certificates for commercial cannabis nursery, cannabis processing, and cannabis distribution, and a Special Permit for non-flammable cannabis manufacturing, all within new steel buildings ($\pm 11,700$ square feet). Water is sourced from three wells and 12 5,000-gallon rain catchment tanks. 2,264,664 gallons of water will be required each year for irrigation.

RECOMMENDATION(S):

That the Planning Commission:

Adopt the resolution (Attachment 1), which does the following:

1. Adopts the Negative Declaration prepared for the Organic Liberty CA, LLC project modification pursuant to Section 15074 of the State CEQA Guidelines; and

2. Finds the proposed Project complies with the General Plan and Zoning Ordinance; and
3. Approves the Conditional Use Permit Modification, Special Permit, and Zoning Clearance Certificates subject to the recommended conditions of approval (Attachment 1A).

DISCUSSION:

Project Location:

The project is in the Willow Creek area, on the southwest side 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. Assessor Parcel Numbers (APNs) 524-091-009 and 524-101-025.

Present General Plan Land Use Designation:

Residential Agriculture (RA40 and RA5-20) and Agricultural Grazing (AG), Humboldt County General Plan (GP). Density: 40 acres per unit, 5-20 acres per unit, and 20-160 acres per unit respectively. Slope Stability: Low to Moderate Instability (1,2).

Present Zoning:

Agriculture Exclusive (AE) and Agriculture General with Special Building Site Combining Zone (AG-B-5 (5)).

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:

Project is not appealable to the California Coastal Commission.

Major concerns:

None.

Executive Summary:

Organic Liberty CA, LLC operates a permitted outdoor cannabis cultivation operation located near the junction of Friday Ridge Road and California State Route 299, south/southeast of the community of Willow Creek. The existing project approval (PLN-12376-CUP) consists of four Conditional Use Permits (CUP16-656, CUP17-042, CUP17-043, and CUP17-044) that allow for ±3.3 acres (143,748 square feet) of outdoor full-sun cannabis cultivation. Organic Liberty CA, LLC proposes a modification to the approved permits to adjust the cultivation boundary and expand the cultivation area by ±0.7 acres (±4 acres total). As a result of the Project, cultivation at the facility would now comprise ±2.4 acres of outdoor full-sun cultivation in raised beds, ±0.7 acres (31,500 square feet) of outdoor light deprivation

cultivation in hoop houses, and ± 0.9 acres (37,900 square feet) of mixed-light cultivation in greenhouses. In addition, Organic Liberty CA, LLC requests Zoning Clearance Certificates for commercial cannabis nursery, cannabis processing, and cannabis distribution, and a Special Permit for non-flammable cannabis manufacturing, all within new steel buildings ($\pm 11,700$ square feet). These requests are collectively referred to as the "Project". A Mitigated Negative Declaration was adopted for the original approved project (Attachment 6), and a Subsequent Negative Declaration has been prepared for the proposed Project (Attachment 2).

The Project will include the removal of ± 1.6 acres of existing raised cultivation beds to allow for reconfigured raised beds for outdoor light deprivation within new hoop houses and rolling bench tops with pots for mixed-light cultivation within new greenhouse structures. Renewable power for the Project will be supplied via an existing PG&E connection and heat will be provided to greenhouse structure by two new 1,000-gallon propane tanks. Up to three 150 kW backup generators will be located onsite in case of power failure to key operational facilities. The Project's soil needs will be serviced by two new contained soil storage areas comprising $\pm 3,400$ square feet. The soil storage area north of the access road will be contained using wood from removed cultivation raised beds, while the soil storage south of the access road will occur on a new 3,000 square foot concrete pad to prevent sediment transport.

Incidental grading to prepare a level surface for the new metal building foundations, the concrete soils storage area south of the access road, and the concrete foundation for emergency generator and propane tank facilities is anticipated. To better accommodate new uses at the site, the Project's fence line will require realignment along its western portion and will align more closely with the greater approved project boundary. Further, the existing access road will be extended by ± 650 linear feet to reach the newly proposed facilities.

The Project proposes four additional full-time equivalent employees and 20 seasonal employees. No change to the typical hours of operation is requested; however, extended hours may be required for select employees during peak production seasons to manage greenhouse and nursery facilities. The facility is not open to the public and will not accept visitors without a specific business purpose. Hours of operation will typically be from 7:00 AM to 7:00 PM; however, during periods of seasonally high workload, the hours of operations within the facility may increase to sixteen (16) hours per day (5:00 AM to 9:00 PM). In addition, further extended hours may be required for select employees during peak production seasons to manage greenhouse and nursery facilities.

Bathrooms will be provided for facility workers within the new distribution and processing buildings. These facilities will be equipped with a septic system sized by a professional engineer for the number of employees operating within these structures. A licensed engineer was retained to perform a soils suitability study and prepare an Onsite Wastewater Treatment System Design (Attachment 2 - Appendix G). The Operator will continue to contract with a professional temporary sanitation facilities services provider to provide and maintain toilet and hand washing facilities for the remaining

cultivation employees. Security measures at the site will include video surveillance and lighting, an alarm system, an access control system, and chain link fencing.

Water Resources:

Consistent with existing conditions, water for irrigation and fire suppression will primarily be supplied by three existing permitted on-site groundwater wells. Water is pumped from the wells to temporary holding tanks for regulating water pressure, and then piped from the tanks to the area of cultivation. At all times, water is applied using no more than the agronomic rates using an automated irrigation system. Well water usage will be supplemented with newly proposed rain catchment from 12 new 5,000-gallon tanks (60,000 gallons). These tanks will be filled during the wet season and their usage will be prioritized over well supplies, when possible, to minimize pressures from groundwater extraction.

The existing approved project was analyzed assuming annual irrigation demand of 9.2 acre-feet (3 million gallons), with a monthly maximum of approximately 1.6 acre-feet (509,000 gallons). An updated assessment of the Project's water demand, integrating actual historical irrigation data and more accurate irrigation assumptions, found that the Project's annual water demand is estimated to be approximately 7 acre-feet (2.3 million gallons), with a monthly maximum of approximately 1.34 acre-feet (437,000 gallons). The combined output of the three existing on-site groundwater wells is approximately 0.18 acre-feet (58,000 gallons) per day, indicating sufficient water supply to service the irrigation demands of the Project.

As depicted on the Site Plan, there are two naturally occurring seasonal drainages that occur just east of the Project site. All cultivation activities and respective infrastructure would be located outside of the required Streamside Management Area (SMA) buffers for these drainages.

The Project site's hydrology has been historically altered by the stormwater drainage from Friday Ridge Road (to the west) being diverted onto site's existing hillslope. A portion of the Friday Ridge Road stormwater runoff is conveyed through an in-board roadside ditch diverting water east under the road through a culvert into the Project area on the south side of the main entry and east-west site access road. On the northwest side of the Project area an existing ditch conveys intercepted runoff around the project site so that it does not run onto the Project area. Existing slopes across the site range from 4 to 15 percent with runoff generally flowing from west to east.

The Project site is currently enrolled (WDID:1_12CC428884) in the State Water Resources Control Board (SWRCB) General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities (Order WQ 2019-0001-DWQ).

Incidental grading to prepare a level surface for the new metal building foundations, the concrete soils storage area south of the access road, and the concrete foundation for emergency generator and propane tank facilities is anticipated.

A licensed engineer was retained to prepare a Preliminary Hydrology Report (Attachment 2 - Appendix D) to assess of existing and proposed drainage conditions, including recommendations for stormwater control measures. Runoff from new impervious surfaces will be managed through the use of a rainfall catchment system. The required storage volumes have been sized to hold the estimated runoff volumes for each group of structures plus an additional 20% safety factor. Based on the hydrology assessment, a total of twelve 5,000-gallon tanks have been incorporated into the project design to retain site runoff.

Biological Resources:

The Initial Study/Mitigated Negative Declaration prepared for the original approved project (2020 MND) found that the existing outdoor cannabis operation would have a less than significant impact to candidate, sensitive, or special status species, sensitive natural communities, riparian habitats, federally protected wetlands, and migratory wildlife corridors with the implementation of site-specific mitigation measures. The Project is proposed within the existing permitted project boundary. The site is a fenced active cannabis operation with areas of proposed modification or expanded uses being largely disturbed. The Project will continue to observe a 50-foot setback from the top of bank or edge of riparian dripline (whichever is greater) of mapped ephemeral watercourses, consistent with the requirements of WQ 2019-0001-DWQ and the County's Streamside Management Areas and Wetland Ordinance. Further, The Project will also adhere to the water quality requirements of WQ 2019-0001-DWQ and the County's Ordinance 2.0 performance standards. This includes requiring that fertilizers and pesticides/herbicides be applied consistent with product labeling and managed to ensure that they will not enter or be released into surface or groundwater. More specifically, all fertilizers and pesticides will be applied at agronomic rates and stored within covered storage container so as to prevent their transport into surface waters. In addition, soils will be stored within designated soil storage areas designed with either concrete or wooden containment features.

The Project proposes to realign 280 linear feet of existing fencing and construct 128 linear feet of new perimeter fencing around a currently unfenced portion of the existing permitted project boundary. These fences and all Project elements will continue to observe a 50-foot setback from the top of bank or edge of riparian dripline and would not interfere with general movement corridors on the vast majority of the Project parcels which are located outside the Project area (e.g., the Project area occurs on ~1% of the larger 400-acre parcel).

In order to determine whether the proposed project could potentially result in new or different impacts than what was analyzed in the 2020 MND, an updated Biological Resources Evaluation (Attachment 2 - Appendix J) was prepared by a qualified biologist (Stringer; July 2024). The updated Biological Resources Evaluation concludes the following:

- **Special-Status Plant Species:** The project area generally lacks suitable habitat for special-status plants due to the existing level of disturbance. No special-status plant species were observed in the project area during focused botanical surveys conducted by SHN

(SHN 2020) or during the biological reconnaissance survey conducted in support of the updated report, which included a complete inventory of vascular plants that were evident and identifiable at the time of the survey. Based on the site conditions, combined with the lack of any detections of special-status plants during numerous biological surveys, it was concluded that no special-status plant species are present in the project area and no impacts to special-status plants are anticipated as a result of the proposed project.

- **Special-Status Animal Species:** No special-status animal species were observed in the project area during multiple biological surveys conducted by SHN in 2017 and 2020 (SHN 2020). Additionally, no special-status animal species were observed in the project area during the biological reconnaissance survey conducted in support of the updated report. Due to the existing habitats and level of disturbance, the project area does not provide habitat for the majority of the regionally occurring special-status species. The following special-status animal species were identified as having the potential to occur in the project area: white-headed woodpecker, red-breasted sapsucker, hoary bat, silver-haired bat, long-eared myotis, Yuma myotis, and fringed myotis. None of these species have any federal or state listing status but are tracked by the California Natural Diversity Database. In addition, the project area provides nesting habitat for a variety of migratory birds and other native birds. The updated biological resources evaluation found that impacts to animal species with the potential to occur are adequately mitigated through continued adherence to the existing conditions of approval pertinent to the protection of biological resources, including pre-operation bird surveys and special-status animal surveys.
- Impacts to the Oregon white oak woodland habitat in the project area should be avoided. Consistent with the existing project approvals, the proposed project has been designed to avoid impacts to white oak woodland areas, as no white oak trees will be removed.

Potential impacts to candidate, sensitive, or special status species, sensitive natural communities, riparian habitats, federally protected wetlands, and migratory wildlife corridors would be less than significant with continued implementation of the biological resource mitigation measures adopted in connection with the 2020 MND and Mitigation Monitoring Report (Attachment 6).

Invasive Species Control:

A professional biological consulting firm was retained to prepare an Invasive Species Control Plan for the Project (Attachment 2 - Appendix I). A field survey was conducted, and observations of any invasive species present were recorded. A total of 18 invasive species were identified primarily within the walkways of raised beds. Management and removal recommendations were provided for each of

the 18 invasives species identified and included a variety of biological (e.g. reintroduction of native species) and mechanical (e.g. mowing, tillage, grazing, and hand pulling) control methods. The Project will incorporate the recommendations of the Invasive Species Control Plan.

Materials Management Plan:

Non-cannabis solid wastes including, but not limited to, clone trays, empty soil bags, soil amendment bags, fertilizer bags and containers, empty plant pots or containers, agricultural plastic sheeting, and spent growth medium/soil will, for as long as they remain on the site, be stored at locations where they will not enter or be blown into surface waters, and in a manner that ensures that residues and pollutants within those materials do not migrate or leach into surface water or groundwaters. The site will be equipped with covered 5-yard dumpsters for the disposal of solid waste materials.

Agricultural plastic sheeting for light deprivation structures will be used for the length of the manufacturer’s lifetime rating or to the extent practicable due to environmental conditions on site. Due to dirt and other contaminants, agricultural plastics are not typically recyclable. Agricultural plastics used at this site will be disposed of via a licensed local solid waste handler.

Refuse and garbage will be stored in a location and manner that prevents its discharge to receiving waters and prevents any leachate or contact water from entering or percolating to receiving waters. Refuse will be sorted to divert recyclables such as paper, plastic, glass, and metals from the waste stream. Those recyclables will be taken to a recycling center for recycling.

The remaining solid wastes will be collected and deposited into a solid waste receptacle for temporary storage, which will be kept covered. The solid waste will be removed from the site no less frequently than weekly and disposed of at an authorized waste transfer facility.

Consistent with §17223 of the Department of Cannabis Control’s regulations, cannabis and cannabis product waste will be managed through either or a combination of the following: (1) on-site composting in designated compost area located within the fenced project boundary; (2) collection and processing of cannabis waste by a local agency, a waste hauler franchised or contracted by a local agency, or a private waste hauler permitted by a local agency in conjunction with a regular organic waste collection route; or (3) self-hauling under the facilities distribution license.

Non-compost cannabis and cannabis product waste will be stored in a secured waste receptacle or secured area located within the manufacturing/distribution building. A batch of cannabis or cannabis products that is being disposed of because the batch has failed internal quality testing, quality assurance review by a distributor, or regulatory compliance testing will be rendered unusable under video surveillance prior to disposal.

Soils Management Plan:

Soils used for cultivation will be refortified after harvest by means of regenerative farming practices so

that it may be used again for future cultivation, and the cycle repeated as many times as feasible to minimize the amount of imported soil necessary. In the event that soil cannot be reused, it will be disposed of appropriately as solid waste in compliance with state and local law.

Light Pollution Control:

New outdoor security lighting for the Project will be shielded to prevent light from going outside of the Project boundary. In addition, lighting for mixed-light cultivation will not be turned on until greenhouse blackout curtains have been drawn to prevent light from escaping between sunset and sunrise.

Energy Use:

Power for the new greenhouse, processing, distribution/manufacturing, and nursery buildings will be provided by an existing PG&E connection. The Project will obtain renewable energy through the Redwood Coast Energy Authority or a suitable equivalent source. Lighting used within the new structures and for security purpose will utilize energy efficient light bulbs and motion sensors to help minimize energy demand. Further, lighting used for mixed-light cultivation within the greenhouses will utilize energy efficient light bulbs, such as LED, and operated to the minimum extent practicable. Heaters for the new greenhouses will be operated using propane and will be supplied via two 1,000-gallon liquid propane tanks. In case of emergency, the Operator will use up to three emergency backup generators for key facility operations with risk of lost product in the event of a power failure.

Access:

The Project area is accessed from an existing driveway entrance off Friday Ridge Road (a Category 4 roadway). The facility will provide 44 standard (8' x 20') onsite gravel parking spaces. In addition, two ADA compliant parking spots will be provided to service the new processing and distribution/manufacturing buildings. The combination of employee trips, deliveries, and other traffic is anticipated to result in up to forty-five (45) round trips per day depending upon the season and stage of development.

Noise:

A Noise Impact Study (Attachment 2 - Appendix H) was prepared by a licensed engineer analyzing existing conditions at the facility in comparison to proposed project activities. The noise study determined that the proposed structures and existing topography, vegetation, and contours are anticipated to attenuate project sound to below the 3 dB increase required in the Commercial Cannabis Land Use Ordinance (CCLUO) and that the proposed sound levels do not exceed the maximum allowable within the Humboldt County General Plan for an AG zoned parcel. Accordingly, no further mitigation is required.

Cultural Resources:

In 2018, a Cultural Resources Investigation was prepared for the Existing Operation by Archaeological Research and Supply Company (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 Tsnungwe tribe conducted a field visit with Archaeological Research and Supply Company in May 2018.

No historic or prehistoric resources were identified during the investigation. There is one ethnographic village site (Tsnungwe 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; no artifacts or associated cultural resources were identified as a result of the investigation. The site has been subjected to past activities that may have disturbed evidence of prehistoric use.

The cultural resources study concluded that the site development will not impact significant historic or prehistoric archaeological resources as a result of ground disturbances if a heightened inadvertent discovery protocol is implemented, which is a current condition of approval. This conclusion is still applicable as the Project and all of its elements are proposed within the existing approved permit boundary.

Public Trust Resources:

The Project sources water from three permitted wells on the parcel. The wells will be used for combined maximum of approximately 2,264,664 gallons per year. The locations of the wells are at 40.8883 latitude, -123.6087 longitude (Well 1), 40.8902 latitude, -123.6205 longitude (Well 2), and 40.8897 latitude, -123.6201 longitude (Well 3), and approximately 730-, 1,375-, and 1,380-foot elevation above sea level, respectively. Well 1 has a depth of 220 feet, is screened from 40 to 220 feet and yields approximately 5 gallons per minute. Well 2 has a depth of 220 feet, is screened from 120 to 220 feet and yields approximately 15 gallons per minute. Well 3 has a depth of 200 feet, is screened from 80 to 200 feet and yields approximately 20 gallons per minute.

The nearest surface water features to Well 1 are approximately 680 feet to the southeast and approximately 1,400 feet to the east. The watercourse 680 feet to the southeast appears to be an intermittent watercourse based on a review of County GIS and CDFW stream mapping data. This watercourse is located at approximately 90 feet below the elevation of the well head of Well 1. The further watercourse to the east is the Trinity River. The Trinity River is approximately 270 feet below the elevation of the well head of Well 1. The intermittent watercourse to the southeast would therefore be within the screening interval of Well 1 and the Trinity River would be 50 feet in elevation below the screening interval of Well 1.

The nearest surface water features to Well 2 and Well 3 (which are within 200 feet of each other) are approximately 480 feet to the north and approximately 2,000 feet to the southeast. Both watercourses appear to be intermittent watercourses based on a review of County GIS and CDFW stream mapping data. The watercourse to the north is located at approximately 75 feet below the elevation of the well head of Well 1. The further watercourse to the southeast is approximately 440

feet below the elevation of the well head of Well 2. Therefore, the watercourse to the north would be 45 feet above the screening interval of Well 1 and the watercourse to the southeast would be 240 feet below the screening interval of Well 3.

The intermittent watercourses may contain salmonid habitat, and the watercourses feed into Trinity River which contains salmonid habitat and important public trust resources like fishing, navigation, and recreational opportunities. The elevation difference between the water bearing units and/or the distance to these watercourses is great enough to likely preclude any direct connection between the wells and the stream flows, and therefore the use of the wells is unlikely to have any substantial adverse impact on flow rates.

Based on the facts outlined above, the groundwater wells will not interfere with the Public Trust or substantially impair the public rights to navigation, fisheries, or water related activities or access.

Consistency with Humboldt County Board of Supervisors Resolution No. 18-43:

Approval of this project is consistent with Humboldt County Board of Supervisors Resolution No. 18-43 which established a limit on the number of permits and acres which may be approved in each of the County's Planning Watersheds. The project site is in the Lower Trinity Planning Watershed, which under Resolution 18-43 is limited to 169 permits and 58 acres of cultivation. With the approval of this project the total approved permits for cultivation in this Planning Watershed would be 74 and the total approved acres of cultivation would be 38.5.

Environmental Review:

Environmental review for the proposed project included the preparation of an Initial Study/ Negative Declaration (IS/ND) 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/ND was circulated from October 15, 2024, to November 13, 2024, at the State Clearinghouse. There was one comment received during the circulation period from the California Department of Cannabis Control that states that "The IS/ND would be more informative if it provided a Source List for the references. For referenced documents, the author, title, and date of each document could be provided. For personal communications, the agency or organization, person contacted, date of contact, and method of contact should be provided. For websites, the URL and date visited should be provided." This comment has been considered by staff and does not change the conclusions of the IS/ND. Based on a review of Planning Division reference sources and comments from all involved referral agencies, planning staff is confident that the applicant has submitted evidence in support of making all the required findings for approving the Project.

OTHER AGENCY INVOLVEMENT:

The project was referred to responsible agencies and all responding agencies have either responded recommending approval or conditional approval (Attachment 7).

ALTERNATIVES TO STAFF RECOMMENDATIONS:

1. The Planning Commission could elect to add or delete conditions of approval. The Planning Commission could deny approval if unable to make all the required findings. Staff is confident that the required findings in support of the proposal can be made. Consequently, staff does not recommend further consideration of these alternatives.

ATTACHMENTS:

1. Draft Resolution
 - A. Conditions of Approval
 - B. Operations Plan
 - C. Site Plans
2. Draft Initial Study and Negative Declaration
3. Applicant's Evidence in Support of the Required Findings
4. Planning Commission Staff Report July 23, 2020
5. Planning Commission Resolution 20-43
6. Final Initial Study and Mitigated Negative Declaration 2020
7. Referral Agency Comments and Recommendations
8. Department of Cannabis Control Comments
9. Watershed Map

APPLICANT, OWNER, AGENT AND PLANNER INFORMATION:

Applicant

Organic Liberty CA, LLC
PO Box 94825
Las Vegas, NV 89193

Owner

Same as applicant

Agent

Compass Land Group
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McClellan Park, CA 95652

File #: 25-7

Please contact Rodney Yandell, Senior Planner at ryandell@co.humboldt.ca.us or 707-268-3732 if you have any questions about the scheduled item.