COUNTY OF HUMBOLDT

PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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Hearing Date: January 21, 2021

To: Humboldt County Planning Commission

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

Subject: **Organic Medicinals, Inc., Special Permit and Zoning Clearance Certificates**
Record Numbers: PLN-2019-15602; PLN-11660-ZCC; PLN-12945-ZCC; PLN-11567-ZCC; PLN-11333-ZCC; PLN-12560-ZCC
Assessor's Parcel Number: 209-191-018
125 Shively Flat Road, Shively area

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Please contact Stephen Luther, Planner II, at 707-268-3737, or by email at sluther@co.humboldt.ca.us, if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
January 21, 2021	Special Permit and Zoning Clearance Certificates	Stephen Luther

Project Description: A Special Permit for 33,560 square feet of new outdoor cannabis cultivation. A previous permit (APPS #12134) authorized 10,000 square feet on the parcel. This application brings the total permitted cultivation area up to one (1) acre. The site will also be the host site for a total of 92,000 square feet of cultivation from the following five (5) Retirement, Restoration and Relocation (RRR) projects: PLN-11660-ZCC, PLN-12945-ZCC, PLN-11333-ZCC, PLN-11567-ZCC, and PLN-12560-ZCC. The action includes approval of these Zoning Clearance Certificates. In sum, the total cultivation will be 135,560 square feet (3.1 acres). All commercial cultivation is full-sun outdoor and dry farmed in native soil. No irrigation water is used in cultivation. Ancillary propagation will occur in 7,400 square feet of temporary hoop houses. The applicant is also seeking a Zoning Clearance Certificate for a 10,000 square foot commercial nursery that will conduct genetic research and development, and produce seed stock and starts for use on-site and for sale at a licensed off-site location. Water use for the combined nursery is approximately 20,000 gallons (0.87 gal/sf). The water source is rainwater catchment and a permitted groundwater well. Water storage totals 8,000 gallons. Drying will occur in the propagation hoop houses and storage of harvested cannabis will occur in shipping containers. Processing will occur offsite. Power to the site is 100% renewable energy from RePower+ and existing solar panels for well pump. There will be a maximum of forty (40) workers onsite at peak harvest.

Project Location: The project is located in the Shively area, on the north side of Shively Flat Road, approximately 1,600 feet north from the intersection of Ewan Lane and Shively Flat Road, on the property known as 125 Shively Flat Road.

Present Plan Land Use Designation: Agricultural Exclusive (AE), Density: Range is 20 to 60 acres per unit, AVES Community Planning Area: Stafford-Redcrest, 2017 General Plan, Slope Stability: Low Instability (1).

Present Zoning: Agricultural Exclusive (AE), Flood Hazard Area (F)

Record Numbers: Special Permit and Commercial Nursery ZCC: PLN-2019-15602,
RRR Zoning Clearances: PLN-11660-ZCC, PLN-12945-ZCC, PLN-11567-ZCC, PLN-11333-ZCC, PLN-12560-ZCC

Assessor's Parcel Numbers: 209-191-018

Applicant	Owner	Agent
Organic Medicinals, Inc Jill Vanderlinden 125 Shively Flat Road Scotia, CA 95565	Jill Vanderlinden and John Francisco 125 Shively Flat Road Scotia, CA 95565	Same as Applicant

Environmental Review: An Addendum to a previously adopted Environmental Impact Report has been prepared for consideration per §15164 of the State CEQA Guidelines.

Major Issue: None.

State Appeal Status: Project is located outside the Coastal Zone and is therefore NOT appealable to the California Coastal Commission.

Organic Medicinals, Inc.
Record Numbers: PLN-2019-15602, PLN-11660-ZCC, PLN-12945-ZCC,
PLN-11567-ZCC, PLN-11333-ZCC, PLN-12560-ZCC
Assessor's Parcel Number: 209-191-018

Recommended Commission Action:

1. Describe the application as part of the Consent Agenda.
2. Survey the audience for any person who would like to discuss the application.
3. If no one requests discussion, make the following motion to approve the application as a part of the consent agenda:

Find that the Commission has considered the Addendum to the Environmental Impact Report for the Commercial Cannabis Land Use Ordinance (CCLUO) pursuant to Section 15164 of the State CEQA Guidelines, make all of the required findings for approval of the Special Permit and Zoning Clearance Certificates based on evidence in the staff report, and adopt the Resolution approving the proposed Organic Medicinals, Inc., project subject to the recommended conditions.

Executive Summary

The project is for a Special Permit for 33,560 square feet of new outdoor cannabis cultivation and a Zoning Clearance Certificate for a 10,000 square foot commercial nursery. A previous permit approved 10,000 square feet (Apps #12134) on the parcel. This application would bring the total cultivation area up to one acre. The site is also proposing to host five (5) Retirement, Restoration and Relocation (RRR) cultivation entitlements totaling 92,000 square feet through the County RRR program. These five (5) Zoning Clearance Certificates are owned and operated by Daniel Egan of Happy Dreams Farm, LLC (Apps 12560 and 11567) and Jill Vanderlinden of Dry Farmed Organic Medicinals, LLC (Apps 12945 and 11333). This staff report package contains separate resolutions for the Special Permit for an acre, the ZCC for the nursery, and each of the 5 RRR Zoning Clearances. The combined total cultivation area on the site would be 135,560 square feet (3.1 acres). The project previously proposed placeholders for an additional four (4) RRR cultivation entitlements totaling about 2 acres more cultivation area. This proposal has been removed.

Approximately 40 acres of the 45-acre site is mapped as Prime Agricultural Soils. The cumulative area of the proposed cannabis cultivation site is approximately 135,560 square feet (3.1 acres), which is less than 20% of the Prime Ag area on the parcel (i.e. less than 348,480 square feet / 8 acres). Cultivation occurs in the native soil. The applicant proposes to use traditional crop rotation methods to improve soil health. A condition of approval requires a Site Plan be submitted annually showing the proposed location of permitted cultivation. Only rotation of crop type across the existing agricultural fields, in compliance with all applicable setbacks, can be accommodated. Any other changes to location of cultivation or infrastructure must seek a permit modification.

The site is accessed by the County-maintained Shively Road and Ewan Road, and then by 0.61 miles of Shively Flat Road. Approximately .02 miles of Shively Flat Road is privately maintained after the intersection with Croco Lane up to the deeded access. A 0.25-mile deeded easement is used to access the parcel. Road Evaluation Reports for each road segment were provided by the applicant self-certifying the access meets the functional equivalency for a Category 4 road standard. Comments have been received from the adjacent landowner whose land the easement crosses. Pictures were provided by Hilary Scwhartz dated December 2019 showing the easement in muddy condition with significant rutting and poor drainage. Staff drove the easement in September 2020 and noted significant improvements such as a layer of crushed gravel down the length of the easement to the subject property. In response to community concern (see discussion in Issue #3 below), a condition is included that the easement will be maintained in good working order, such that a reasonable person would

conclude the driving condition is good. Measures to achieve this goal include application of crushed rock to prevent mud and dust, managing drainage to prevent sediment delivery to the adjacent riparian buffer, and maintaining visibility by pruning vegetation. The Department of Public Works commented on the project referral. A condition of approval requires the end of Shively Flat Road be paved where the County portion ends up to the easement driveway.

All cultivation is full-sun outdoor and dry farmed directly in the native soil. No irrigation water is used. Ancillary propagation for the cultivation operation will occur in ten (10) proposed hoop houses totaling 8,000 square feet. The applicant is also seeking a Zoning Clearance Certificates for a 10,000 square foot commercial nursery in ten (10) hoops that will provide starts for use on the farm. No supplemental lighting will be used. The commercial nursery will also produce seeds, clones, plants starts, and genetic material. Nursery products will be picked up by an outside party for sale off-site, with a maximum of two pickups per day. Water use for the whole nursery area is approximately 20,000 gallons. Because the seed production has the potential to result in pollen drift, a condition of approval (COA #15) requires a pollen containment plan be submitted to the satisfaction of the Planning Director prior to the production of seeds for commercial purposes. The pollen prevention plan shall include the requirement for the nursery to be enclosed in a manner which can be demonstrated to prevent the release of pollen from the nursery. The applicant has provided two versions of pollen containment plans that combined may meet these standards, however neighboring landowners continue to object to the seed production proposal. See additional discussion (Issue #2) related to seed production below.

The nursery sources water from rainwater catchment and supplements with a permitted groundwater well. The well is drilled through a clay layer and is not hydrologically connected to surface water. Water storage totals 8,000 gallons in (2) 2,500-gallon storage tank and (2) 1,500-gallon storage tank. Drying will occur in the propagation area. Processing will occur offsite. The applicant will obtain renewable energy from RCEA RePower+ and the operator also plans to install solar panels in the future. An ongoing operation condition requires the applicant to demonstrate the use of 100% renewable energy.

Up to twenty (20) employees are needed for the operation, totaling 40 trips for entering and leaving the site once daily. Additional seasonal workers are hired by employment agencies as needed during peak planting and harvest. No more than 40 people total would be onsite. Car and vanpooling will be used for seasonal labor to minimize trips such that additional laborers will generate no more than 10 additional trips (ingress and egress equal one trip each). The owner/operator will have up to 4 additional trips for product delivery and general farm activity. During peak seasonal activities, total maximum daily trips will therefore be 54. In response to public comments about increase in traffic, the applicant provided a Traffic Plan with instructions provided to all visitors to drive safely and slowly, stay on site for meals, and carpool to the site (see Attachment 4). In addition, the applicant contributes to the cost for installing the Shively summer bridge which provides an alternate route to the site, minimizing traffic through town on Shively Flat Road. By adhering to the maintenance of the easement access included as a condition of approval, the project's easement access is found to be adequate for the proposed use.

Background and Special Community Meeting

The project was scheduled for the June 18, 2020 Zoning Administrator hearing however due to a mailing error, the project was not legally noticed. The project was rescheduled and duly noticed for the October 1, 2020 Zoning Administrator hearing. Due to the number of Zoning Clearance Certificates associated with the project, the Zoning Administrator did not open the hearing and referred the project to the Planning Commission. In addition, the Zoning Administrator required that a community meeting be held to discuss the project design. Staff scheduled the project for the December 17th Planning Commission hearing but did not provide enough advance notice for interested community members to attend the required community meeting. The project was continued to the January 21, 2021 hearing to allow the community meeting to take place.

On January 6, 2021 staff facilitated a Community Meeting held via Zoom. In attendance were the applicant Jill Vanderlinden of Organic Medicinals, Hilary Schwartz of Eel River Dry Farms and Tyler Johnson of Eel River Family Farms (hereinafter referred to as ERDF), the attorney for ERDF Neal Latt, and two other licensed cannabis farmers in the Shively/Holmes area. ERDF holds permits for 30,000 square feet of commercial cannabis cultivation on APN 209-171-004 directly south of the proposed project. After introductions and confirmation of project description, the following was discussed:

Issue 1: Mr. Latt had some questions about the requirement to remove temporary structures from the Flood Plain between October 16th and April 14th. Staff explained there is a process to obtain building permits for greenhouse structures in the Flood Plain, requiring a flood elevation certificate and other minimum standards for use and construction materials. If building permits are obtained, greenhouse structures can remain as permanent structures in the Flood Plain. The applicant indicated they would be seeking to obtain flood elevation certificates for the ancillary and nursery greenhouses. Mr. Latt requested that a condition of approval be included stipulating a timeline for the County to enforce the removal of temporary structures. A condition is included requiring the applicant to submit time-certain photographic evidence documenting the removal of temporary structures within 14 days of the required date of removal. In addition, conditions state that no new structures shall be built in the Flood Plain, and no existing permanent structures over 120 square feet, may be used in the cannabis operation, unless a Building Permit is obtained.

Issue 2: Eel River Dry Farms is opposed to the commercial nursery until they are satisfied by protections to prevent pollen from the Organic Medicinals seed operation from trespassing on to their property. ERDF filed an agricultural trespass cease and desist order (see Attachment 5a) on Organic Medicinals and Happy Dreams Farms in 2019 claiming pollen drift attributable to the seed operation on APN 209-191-018 resulted in a reduction of the ERDF crop value from seeded cannabis plants. (Note: Organic Medicinals rejects the allegation and has provided affidavits from commercial processors attesting that no seeds were found in their crop- see Attachment 5). ERDF strongly maintains a pollen containment plan demonstrating complete containment of pollen within the nursery greenhouses must be provided prior to the approval of the commercial nursery. Else, ERDF feels there is no guarantee a pollen trespass will not occur again. A comment letter from adjacent landowner Anthony Micheli (not present at the meeting) had also raised concerns about the potential impact that pollen could have on his property value if he were to seek a commercial cannabis permit. Mr. Latt commented that his clients believe it is not appropriate to allow any commercial seed production on Shively Flat due to the risk for contamination. Chrystal Ortiz, a licensed grower in Holmes Flat, raised the question of whether ERDF conducted seed production for their farm, and commented that genetic research and development is vital to the success of the Shively/Holmes appellation, where the soil and geography lends itself to particular phenotypes. While the focus of the meeting was brought back to the Organic Medicinals project, it must be noted that Application 10292 on APN 209-121-009 operated by Eel River Family Farms (Tyler Johnson) proposes a 4,000 square foot commercial nursery in which seeds would be produced to serve the operation. In addition, the approval for Application 10834 on APN 209-131-070 operated by Eel River Dry Farms included a 2,000 square foot nursery for seed production. These parcels are further south on the parcel approximately 0.5 mile from the subject property boundary. However, pollen can travel on shifting winds. The pollen containment practices for these other commercial seed operations is unclear at this time. In the chat during the Zoom meeting, Director Ford indicated that an ordinance would likely be brought forward to establish standards for pollen containment for commercial nurseries in areas with dense cannabis cultivation. Rosalie Reynolds, a cultivator in Shively, spoke at this point in the meeting to highlight the organic farming expertise and high standards of Ms. Vanderlinden's agricultural operation, which also grows produce as New Moon Organics.

Issue 3: The last issue discussed at the community meeting was access and traffic. ERDF questioned whether the road system, specifically the easement access, had been adequately studied to determine

suitable commercial access for the proposed use. Staff communicated that the easement is not subject to the road standards of the CCLUO. In follow-up email exchanges (see Attachment 6), Mr. Latt requested conditions be applied to the project requiring "robust road improvement requirements" for the easement access, as well as capping the maximum daily trips. To address the ongoing maintenance of the easement access, a condition is included that the easement access will be maintained in good working order, such that a reasonable person would conclude the driving condition is good. This includes application of crushed rock to prevent mud and dust, managing drainage to prevent sediment delivery to the adjacent riparian buffer, and maintaining visibility by pruning vegetation. In regard to traffic, by complying with the condition above, the maximum use of approximately 54 trips can be accommodated by the access route.

Biological Resources

The cultivation site is located approximately 400 feet east of the South Fork Eel River. Humboldt County WebGIS shows Shively Creek running through the center of the parcel on the south side of a rail corridor that runs east-west through the parcel. The Biological Report prepared by NRM states that the US Army Corps of Engineers rerouted Shively Creek to flow into Panther Creek, which runs across the northern boundary of the parcel. Proposed outdoor cultivation areas are outside the Streamside Management Area (SMA) setbacks. Project activities would not impact riparian area associated with the SMA of Panther Creek and Bear Creek to the south. 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 project is in the Shively area, on a 45-acre parcel the east side of the Eel River. Humboldt Redwoods State Park is located across the river. The land to the north is private timberland. The westernmost 10 acres of the parcel are occupied by riparian forest and scrub, with species such as black cottonwood, red alder and coast redwood. The proposed project will occur in fields that have been in active agricultural operation for 15 years. A Biological Survey Report was prepared for the site by Natural Resources Management Corporation on May 22, 2019. The biologist evaluated the site for the presence of sensitive plant species. There are four (4) Northern Spotted Owl (NSO) activity centers within 1.3 miles of the project site. The nearest Northern Spotted Owl activity center is approximately 0.73 miles northwest of the cultivation area. Marbled Murrelet mapped final critical habitat is located approximately 0.5 mile southwest of the site. There is no suitable habitat on the site for NSO or Marbled Murrelet. There is the potential for willow flycatcher in the riparian area along the Eel River. Project activities are proposed within cultivated fields and there will be no impact on riparian habitat. California Department of Fish and Wildlife (CDFW) commented on the project on June 5, 2020 and staff responded in an email showing how the proposed project address concerns on flood plain development, light, and noise (Attachment 5).

Environmental review for the proposed project was conducted, and based on the results of that analysis, staff determined the existing cultivation and other aspects of the project were previously analyzed in the Final Environmental Impact Report (EIR) prepared for the Commercial Cannabis Land Use Ordinance (CCLUO) adopted by the Humboldt County Board of Supervisors on May 8, 2018. The proposed project meets the CCLUO standards for new cultivation and RRR relocation intended to mitigate environmental impacts. Permitting the new cultivation areas in compliance with County and State regulations would not present substantial changes that would require major revisions to the previous mitigated negative declaration. An addendum to the Final EIR has been prepared for consideration per §15164 of the State CEQA Guidelines.

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 Special Permit and Zoning Clearance Certificates.

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.

The Commission could also decide that the project may have environmental impacts that would require further environmental review pursuant to CEQA. Staff did not identify any potentially significant impacts. As Lead Agency, the Department has determined that the Project is consistent with the Final Environmental Impact Report (EIR) prepared for the Commercial Cannabis Land Use Ordinance (CCLUO) adopted by the Humboldt County Board of Supervisors on May 8, 2018. However, the Commission may reach a different conclusion. In that case, the Commission should continue the item to a future date at least two months later to give staff the time to complete further environmental review.

RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT

Resolution Number 21-

Record Number: PLN-2019-15602
Assessor's Parcel Number: 209-191-018

Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the Organic Medicinals, Inc., Special Permit request.

WHEREAS, Organic Medicinals, Inc., submitted an application and evidence in support of approving the Special Permit for a 33,560 square foot outdoor cannabis operation utilizing dry farming with an 8,000 square foot ancillary nursery supplied by rainwater and a groundwater well. Power is provided by P.G.&E.; and

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

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

WHEREAS, Attachment 2 in the Planning Division staff report includes substantial evidence in support of making all of the required findings for approving the proposed Special Permit (Record Number PLN-2019-15602); and

WHEREAS, a duly-noticed public hearing was held on the matter before the Humboldt County Zoning Administrator on October 1, 2020; and

WHEREAS, the Zoning Administrator referred the hearing to the Planning Commission due to the number of Retirement, Restoration, and Relocation (RRR) sites; and

WHEREAS, a public hearing was held on the matter before the Humboldt County Planning Commission on January 21, 2021; and

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

1. The Planning Commission considered the Addendum to the Environmental Impact Report adopted for the Commercial Cannabis Land Use Ordinance; and
2. The Planning Commission makes the required findings for approval in Attachment 2 of the Planning Division staff report based on the submitted substantial evidence; and
3. Special Permit Record Number PLN-2019-15602 is approved as recommended and conditioned in Attachment 1.

Adopted after review and consideration of all the evidence on January 21, 2021.

The motion was made by Commissioner ____ and seconded by Commissioner ___.

AYES: Commissioners:
NOES: Commissioners:

ABSTAIN: Commissioners:

ABSENT: Commissioners:

DECISION:

I, John H. 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 H. Ford, Director
Planning and Building Department

RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT

Resolution Number 21-

Record Number: PLN-2019-15602
Assessor's Parcel Number: 209-191-018

Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the Organic Medicinals, Inc., Special Permit request.

WHEREAS, Organic Medicinals, Inc., submitted an application and evidence in support of approving the Zoning Clearance Certificate for a 10,000 square foot commercial nursery with water provided by rainwater catchment and a groundwater well; and

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

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

WHEREAS, Attachment 2 in the Planning Division staff report includes substantial evidence in support of making all of the required findings for approving the proposed Special Permit (Record Number PLN-2019-15602); and

WHEREAS, a duly-noticed public hearing was held on the matter before the Humboldt County Zoning Administrator on October 1, 2020; and

WHEREAS, the Zoning Administrator referred the hearing to the Planning Commission due to the number of Zoning Clearance Certificates proposed through the Retirement, Restoration, and Relocation (RRR) program; and

WHEREAS, a public hearing was held on the matter before the Humboldt County Planning Commission on January 21, 2020; and

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

1. The Planning Commission considered the Addendum to the Environmental Impact Report adopted for the Commercial Cannabis Land Use Ordinance; and
2. The Planning Commission makes the required findings for approval in Attachment 2 of the Planning Division staff report based on the submitted substantial evidence; and
3. Zoning Clearance Certificate Record Number PLN-2019-15602 is approved as recommended and conditioned in Attachment 1.

Adopted after review and consideration of all the evidence on October 15, 2020.

The motion was made by Commissioner ____ and seconded by Commissioner ___.

AYES: Commissioners:
NOES: Commissioners:

ABSTAIN: Commissioners:

ABSENT: Commissioners:

DECISION:

I, John H. 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 H. Ford, Director
Planning and Building Department

RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT

Resolution Number 21-

Record Number: PLN-11660-ZCC
Assessor's Parcel Number: 209-191-018

Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the Organic Medicinals, Inc., Special Permit request.

WHEREAS, Happy Dreams Farm, LLC and Dry Farmed Organic Medicinals, LLC submitted an application and evidence in support of approving the Zoning Clearance Certificate to permit 12,000 square feet of relocated outdoor cannabis cultivation to APN 209-191-018 through the Retirement, Remediation and Relocation program with a 1,000 square foot ancillary nursery with water provided by rainwater catchment and a groundwater well; and

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

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

WHEREAS, Attachment 2 in the Planning Division staff report includes substantial evidence in support of making all of the required findings for approving the proposed Zoning Clearance Certificate (Record Number PLN-11660-ZCC); and

WHEREAS, a duly-noticed public hearing was held on the matter before the Humboldt County Zoning Administrator on October 1, 2020; and

WHEREAS, the Zoning Administrator referred the hearing to the Planning Commission due to the number of Zoning Clearance Certificates proposed through the Retirement, Restoration, and Relocation (RRR); and

WHEREAS, a public hearing was held on the matter before the Humboldt County Planning Commission on January 21, 2021; and

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

1. The Planning Commission considered the Addendum to the Environmental Impact Report adopted for the Commercial Cannabis Land Use Ordinance; and
2. The Planning Commission makes the required findings for approval in Attachment 2 of the Planning Division staff report based on the submitted substantial evidence; and
3. Zoning Clearance Certificate Record Number PLN-11660-ZCC is approved as recommended and conditioned in Attachment 1.

Adopted after review and consideration of all the evidence on January 21, 2020.

The motion was made by Commissioner ____ and seconded by Commissioner ___.

AYES: Commissioners:
NOES: Commissioners:
ABSTAIN: Commissioners:
ABSENT: Commissioners:
DECISION:

I, John H. 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 H. Ford, Director
Planning and Building Department

RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT

Resolution Number 21-

Record Number: PLN-12945-ZCC
Assessor's Parcel Number: 209-191-018

Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the Organic Medicinals, Inc., Special Permit request.

WHEREAS, Dry Farmed Organic Medicinals, LLC submitted an application and evidence in support of approving the Zoning Clearance Certificate to permit 20,000 square feet of relocated outdoor cannabis cultivation to APN 209-191-018 through the Retirement, Remediation and Relocation program with a 1,000 square foot ancillary nursery with water provided by rainwater catchment and a groundwater well;; and

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

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

WHEREAS, Attachment 2 in the Planning Division staff report includes substantial evidence in support of making all of the required findings for approving the proposed Zoning Clearance Certificate (Record Number PLN-12945-ZCC); and

WHEREAS, a duly-noticed public hearing was held on the matter before the Humboldt County Zoning Administrator on October 1, 2020; and

WHEREAS, the Zoning Administrator referred the hearing to the Planning Commission due to the number of Zoning Clearance Certificates proposed through the Retirement, Restoration, and Relocation (RRR); and

WHEREAS, a public hearing was held on the matter before the Humboldt County Planning Commission on January 21, 2021; and

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

1. The Planning Commission considered the Addendum to the Environmental Impact Report adopted for the Commercial Cannabis Land Use Ordinance; and
2. The Planning Commission makes the required findings for approval in Attachment 2 of the Planning Division staff report based on the submitted substantial evidence; and
3. Zoning Clearance Certificate Record Number PLN-12945-ZCC is approved as recommended and conditioned in Attachment 1.

Adopted after review and consideration of all the evidence on January 21, 2021.

The motion was made by Commissioner ____ and seconded by Commissioner ___.

AYES: Commissioners:
NOES: Commissioners:
ABSTAIN: Commissioners:
ABSENT: Commissioners:
DECISION:

I, John H. 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 H. Ford, Director
Planning and Building Department

RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT

Resolution Number 21-

Record Number: PLN-11333-ZCC
Assessor's Parcel Number: 209-191-018

Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the Organic Medicinals, Inc., Special Permit request.

WHEREAS, Dry Farmed Organic Medicinals, LLC submitted an application and evidence in support of approving the Zoning Clearance Certificate to permit 20,000 square feet of relocated outdoor cannabis cultivation to APN 209-191-018 through the Retirement, Remediation and Relocation program with a 1,000 square foot ancillary nursery with water provided by rainwater catchment and a groundwater well;; and

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

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

WHEREAS, Attachment 2 in the Planning Division staff report includes substantial evidence in support of making all of the required findings for approving the proposed Zoning Clearance Certificate (Record Number PLN-11333-ZCC); and

WHEREAS, a duly-noticed public hearing was held on the matter before the Humboldt County Zoning Administrator on October 1, 2020; and

WHEREAS, the Zoning Administrator referred the hearing to the Planning Commission due to the number of Zoning Clearance Certificates proposed through the Retirement, Restoration, and Relocation (RRR); and

WHEREAS, a public hearing was held on the matter before the Humboldt County Planning Commission on January 21, 2021; and

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

1. The Planning Commission considered the Addendum to the Environmental Impact Report adopted for the Commercial Cannabis Land Use Ordinance; and
2. The Planning Commission makes the required findings for approval in Attachment 2 of the Planning Division staff report based on the submitted substantial evidence; and
3. Zoning Clearance Certificate Record Number PLN-11333-ZCC is approved as recommended and conditioned in Attachment 1.

Adopted after review and consideration of all the evidence on January 21, 2021.

The motion was made by Commissioner ____ and seconded by Commissioner ___.

AYES: Commissioners:
NOES: Commissioners:
ABSTAIN: Commissioners:
ABSENT: Commissioners:
DECISION:

I, John H. 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 H. Ford, Director
Planning and Building Department

RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT

Resolution Number 21-

Record Number: PLN-11567-ZCC
Assessor's Parcel Number: 209-191-018

Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the Organic Medicinals, Inc., Special Permit request.

WHEREAS, Happy Dreams Farm, LLC submitted an application and evidence in support of approving the Zoning Clearance Certificate to permit 20,000 square feet of relocated outdoor cannabis cultivation to APN 209-191-018 through the Retirement, Remediation and Relocation program with a 1,000 square foot ancillary nursery with water provided by rainwater catchment and a groundwater well; and

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

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

WHEREAS, Attachment 2 in the Planning Division staff report includes substantial evidence in support of making all of the required findings for approving the proposed Zoning Clearance Certificate (Record Number PLN-11567-ZCC); and

WHEREAS, a duly-noticed public hearing was held on the matter before the Humboldt County Zoning Administrator on October 1, 2020; and

WHEREAS, the Zoning Administrator referred the hearing to the Planning Commission due to the number of Zoning Clearance Certificates proposed through the Retirement, Restoration, and Relocation (RRR); and

WHEREAS, a public hearing was held on the matter before the Humboldt County Planning Commission on January 21, 2021; and

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

1. The Planning Commission considered the Addendum to the Environmental Impact Report adopted for the Commercial Cannabis Land Use Ordinance; and
2. The Planning Commission makes the required findings for approval in Attachment 2 of the Planning Division staff report based on the submitted substantial evidence; and
3. Zoning Clearance Certificate Record Number PLN-11567-ZCC is approved as recommended and conditioned in Attachment 1.

Adopted after review and consideration of all the evidence on January 21, 2021

The motion was made by Commissioner ____ and seconded by Commissioner ___.

AYES: Commissioners:
NOES: Commissioners:
ABSTAIN: Commissioners:
ABSENT: Commissioners:
DECISION:

I, John H. 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 H. Ford, Director
Planning and Building Department

RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT

Resolution Number 21-

Record Number: PLN-12560-ZCC
Assessor's Parcel Number: 209-191-018

Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the Organic Medicinals, Inc., Special Permit request.

WHEREAS, Organic Medicinals, Inc submitted an application and evidence in support of approving the Zoning Clearance Certificate to permit 20,000 square feet of relocated outdoor cannabis cultivation to APN 209-191-018 through the Retirement, Remediation and Relocation program with a 1,000 square foot ancillary nursery with water provided by rainwater catchment and a groundwater well; and

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

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

WHEREAS, Attachment 2 in the Planning Division staff report includes substantial evidence in support of making all of the required findings for approving the proposed Zoning Clearance Certificate (Record Number PLN-12560-ZCC); and

WHEREAS, a duly-noticed public hearing was held on the matter before the Humboldt County Zoning Administrator on October 1, 2020; and

WHEREAS, the Zoning Administrator referred the hearing to the Planning Commission due to the number of Zoning Clearance Certificates proposed through the Retirement, Restoration, and Relocation (RRR); and

WHEREAS, a public hearing was held on the matter before the Humboldt County Planning Commission on January 21, 2021; and

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

1. The Planning Commission considered the Addendum to the Environmental Impact Report adopted for the Commercial Cannabis Land Use Ordinance; and
2. The Planning Commission makes the required findings for approval in Attachment 2 of the Planning Division staff report based on the submitted substantial evidence; and
3. Zoning Clearance Certificate Record Number PLN-12560-ZCC is approved as recommended and conditioned in Attachment 1.

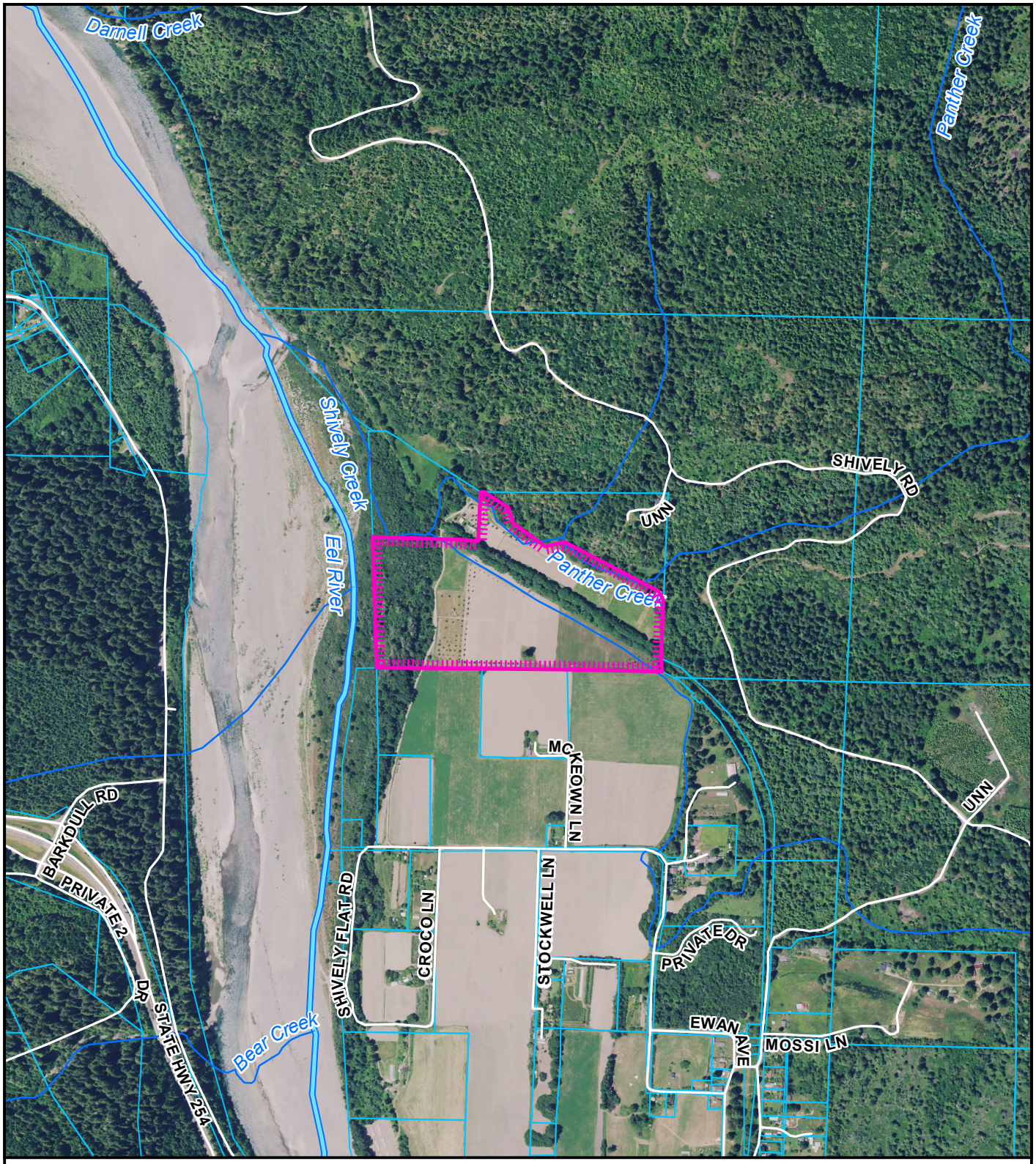
Adopted after review and consideration of all the evidence on January 21, 2021.

The motion was made by Commissioner ____ and seconded by Commissioner ___.

AYES: Commissioners:
NOES: Commissioners:
ABSTAIN: Commissioners:
ABSENT: Commissioners:
DECISION:

I, John H. 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 H. Ford, Director
Planning and Building Department



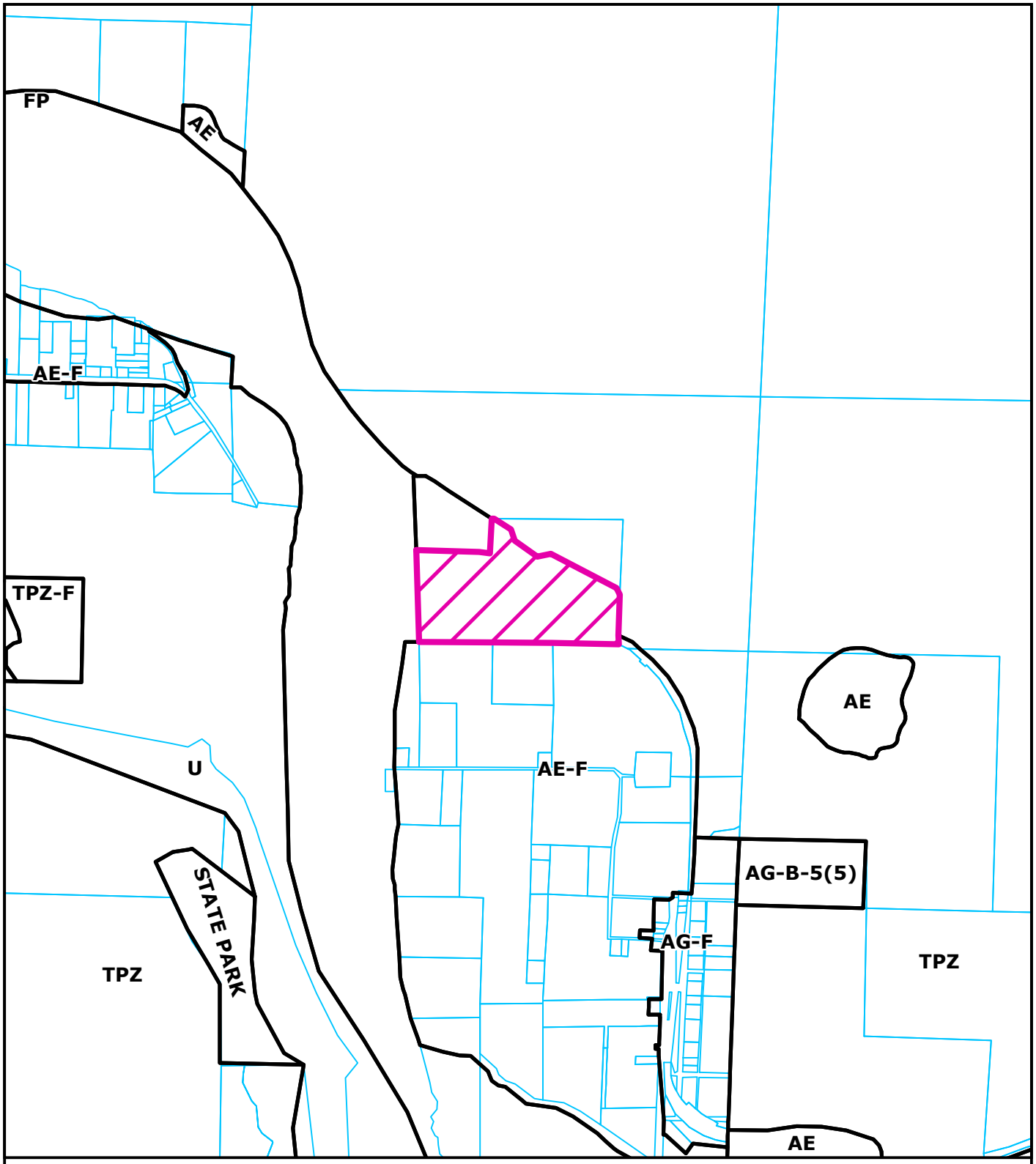
AERIAL MAP
PROPOSED ORGANIC MEDICINALS, INC.
PEPPERWOOD AREA
PLN-2019-15602
APN: 209-191-018
T01N R02E S29 HB&M (REDCREST)

Project Area =

N

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.

0 1,000 2,000 Feet



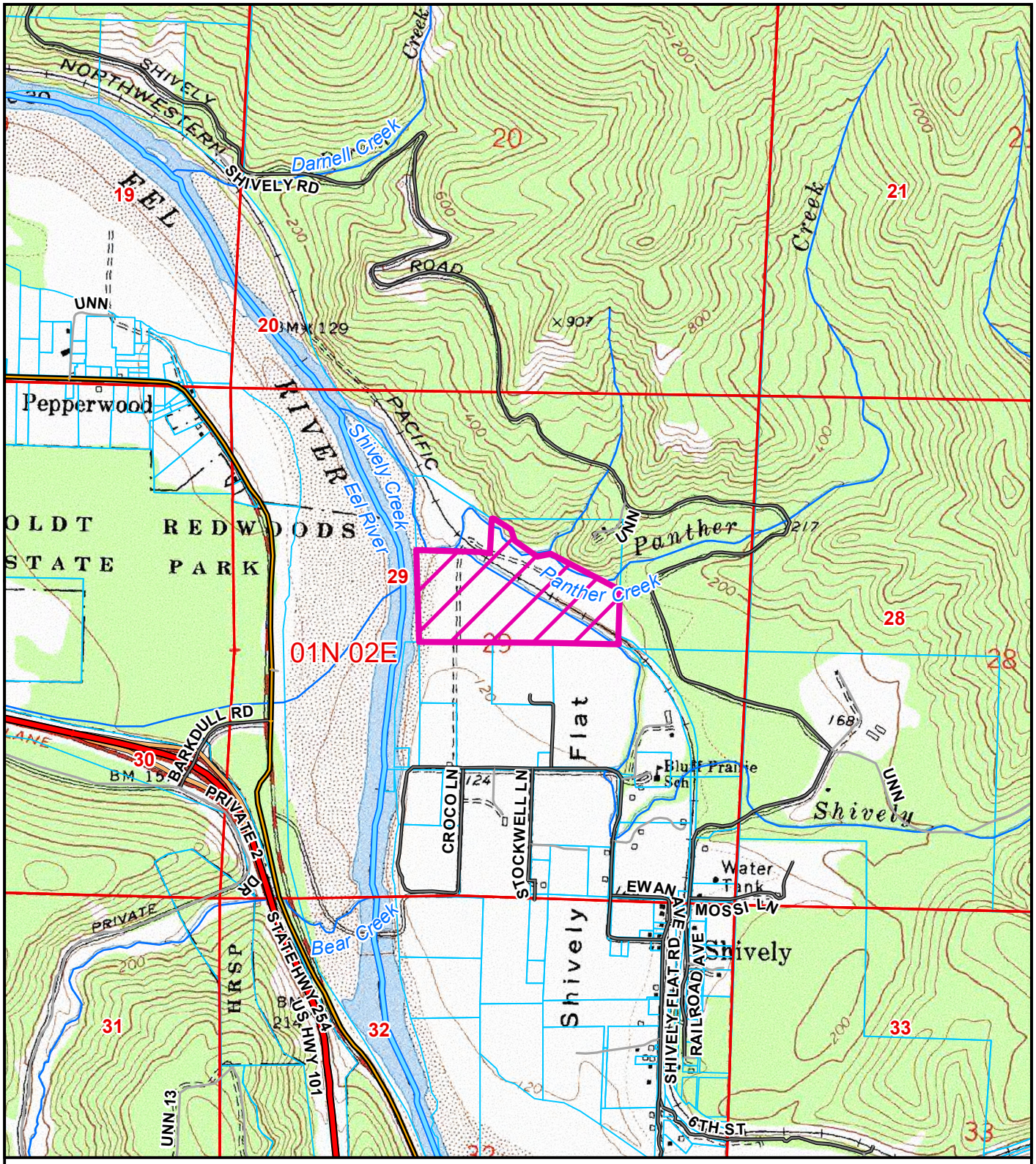
ZONING MAP
PROPOSED ORGANIC MEDICINALS, INC.
PEPPERWOOD AREA
PLN-2019-15602
APN: 209-191-018
T01N R02E S29 HB&M (REDCREST)

Project Area =

N

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.

0 1,000 2,000 Feet



TOPO MAP
PROPOSED ORGANIC MEDICINALS, INC.
PEPPERWOOD AREA
PLN-2019-15602
APN: 209-191-018
T01N R02E S29 HB&M (REDCREST)

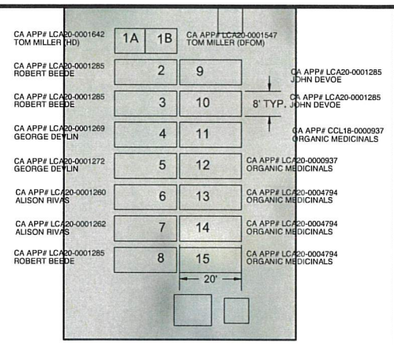
Project Area =

N

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.

0 1,000 2,000 Feet

CULTIVATION PLOT PLAN
APN: 209-191-018
TOTAL PROPERTY DIAGRAM



CONTAINER 1-15 INSET

22x34 SHEET: 1"=20'

DIRECTIONS TO SITE:

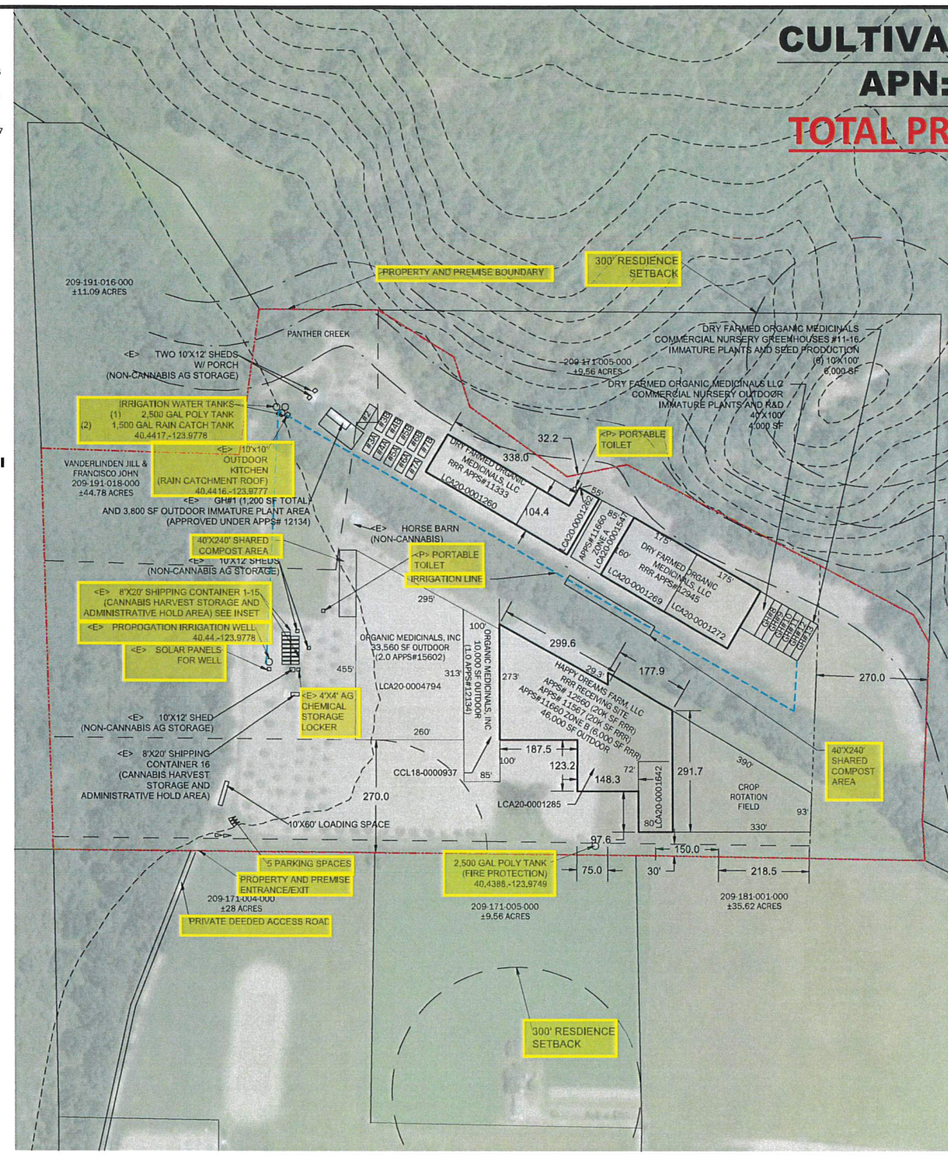
FROM EUREKA, CA
-HEAD SOUTH ON US 101 ~29 MI
-TURN LEFT ONTO SHIVELY ROAD ~10.2 MI
-TURN RIGHT AND CONTINUE ON SHIVELY ROAD ~0.2 MI
-TURN RIGHT ON TO SHIVELY FLAT ROAD ~0.6 MI TO SITE DRIVEWAY (ON RIGHT)

SHEET INDEX:

CO – ZONING PLOT PLAN, VICINITY MAP, & PROJECT NOTES
C1 – SETBACK EXHIBIT

GENERAL NOTES:

1. DRAWING SCALE AS NOTED. WRITTEN DIMENSIONS SHALL TAKE PRECEDENCE OVER SCALED DIMENSIONS.
2. THIS IS NOT A BOUNDARY SURVEY. BOUNDARY INFORMATION DEPICTED HAS BEEN OBTAINED FROM HUMBOLDT COUNTY GIS AND PERMIT RECORDS. SL CONSULTING SERVICES INC. HAS NOT VERIFIED THIS PROPERTY BOUNDARY.
3. THERE ARE NO NEARBY SCHOOLS, SCHOOL BUS STOPS, PLACES OF WORSHIP, PUBLIC PARKS OR TRIBAL RESOURCES WITHIN 600 FEET OF THE EXISTING CULTIVATION AREAS.
4. THERE ARE NO RESIDENCES ON ADJOINING PARCELS WITHIN 300 FEET OF THE PROPOSED CULTIVATION AREAS.
5. THE CANNABIS WASTE COMPOST AREA AS WELL AS THE PESTICIDE/AG CHEMICAL STORAGE AREAS ARE SHARED WITH OTHER LICENSES.
6. THE PROPERTY ALSO CONTAINS A CCOF CERTIFIED ORGANIC FARMING OPERATION
7. THE WELL IS LOCATED AT THE COORDINATES 40.4399140, –123.9775350
8. THE 6,000 SF NURSERY GREENHOUSES ARE IMMATURE PLANT AREA IN SPRING BECOMING SEED PRODUCTION AREA IN FALL.
9. THERE ARE NO WATER CROSSINGS PRESENT
10. NO PACKCKAGING OR PROCESSING IS CONDUCTED ONSITE.
11. CANNABIS HARVEST STORAGE/ADMINISTRATIVE HOLD CONTAINERS 1 ARE DIVDED INTO 2 SEPARATE AREAS EACH BY A PERMANENT INTERIOR PARTITION
12. SHARED AREAS ARE HIGHLIT IN YELLOW



APPS #11660 RRR SPLIT INTO TWO ZONES

ZONE A – 6,000 SF OUTDOOR (DRY FARMED ORGANIC MEDICINALS, INC)
ZONE B – 6,000 SF OUTDOOR (HAPPY DREAMS FARMS, LLC)

22x34 SHEET: 1"=150'
11x17 SHEET: 1"=300'
0 75 150 300

NORTH

PROJECT INFORMATION:

PROPERTY OWNER:
JILL VANDERLINDEN AND JOHN FRANCISCO
125 SHIVELY FLAT RD
SHIVELY CA 95565

OWNERS AGENT:
SL CONSULTING SERVICES INC
973 DOWLER DR
EUREKA, CA 95501
(707) 440–9033

SITE ADDRESS:
APN: 209–191–018
125 SHIVELY FLAT RD
SHIVELY, CA 95565

TREES TO BE REMOVED = NONE

PROPOSED OUTDOOR CULTIVATION AREA = 43,560 SQ. FT.
TOTAL PRIME AG SOIL AREA = 40.5 ACRES (HUMBOLDT GIS)
20% OF PRIME AG SOIL AREA = 8.10 ACRES
= 352,836 SQUARE FEET

EARTHWORK QUANTITIES = 0 CY

WATER = PRIVATE
SEWER = PRIVATE

PARCEL SIZE = ±53.78 ACRES

ZONING: = AE
GENERAL PLAN DESIGNATION = AE–F

BUILDING SETBACKS:

	AE	SRA
FRONT	30'	30'
SIDE	30'	30'
REAR	30'	30'

MAX. BLDG. HT. = NONE SPECIFIED

SRA AREA: = YES
IN COASTAL ZONE: = NO
IN 100 YR FLOOD ZONE: = YES

HOOP STRUCTURE INDEX

GH#1, 20'X60' – ACCESSORY NURSERY / IMMATURE PLANT AREA (ORGANIC MEDICINALS, INC) APPS# 121234
GH#2, 20'X60' – ACCESSORY NURSERY / IMMATURE PLANT AREA (ORGANIC MEDICINALS, INC) APPS# 15602
GH#3A/3B – 20'X50' – ACCESSORY NURSERY / IMMATURE PLANT AREA (HAPPY DREAMS FARM, LLC) APPS#12560
GH#4A/4B – 20'X50'– ACCESSORY NURSERY / IMMATURE PLANT AREA (HAPPY DREAMS FARM, LLC) APPS#11567
GH#5A/5B – 20'X50'– ACCESSORY NURSERY / IMMATURE PLANT AREA (HAPPY DREAMS FARM, LLC) APPS#11660
GH#6A/6B – 20'X50'– ACCESSORY NURSERY / IMMATURE PLANT AREA (DRY FARMED ORGANIC MEDICINALS, LLC) APPS#12945
GH#7A/7B – 20'X50'– ACCESSORY NURSERY / IMMATURE PLANT AREA (DRY FARMED ORGANIC MEDICINALS, LLC) APPS#11333

GH#8 – 10'X100' – COMMERCIAL NURSERY (DRY FARMED ORGANIC MEDICINALS, INC)
GH#9 – 10'X100' – COMMERCIAL NURSERY (DRY FARMED ORGANIC MEDICINALS, LLC)
GH#10 – 10'X100' – COMMERCIAL NURSERY (DRY FARMED ORGANIC MEDICINALS, LLC)
GH#11 – 10'X100' – COMMERCIAL NURSERY (DRY FARMED ORGANIC MEDICINALS, LLC)
GH#12 – 10'X100' – COMMERCIAL NURSERY (DRY FARMED ORGANIC MEDICINALS, LLC)
GH#13 – 10'X100' – COMMERCIAL NURSERY (DRY FARMED ORGANIC MEDICINALS, LLC)

DATE	STAFF	APPROVAL
11-18-20		PLOT PLAN UPDATE
11-19-20		PLOT PLAN UPDATE

JILL VANDERLINDEN AND JOHN FRANCISCO
125 SHIVELY FLAT RD SHIVELY CA 95565
PLOT PLAN, VICINITY MAP, AND PROJECT NOTES

PROJ. MGR: SL
PROJ. ASSOC: SL
DRAWN BY: SL
DATE: 12–14–19
SCALE: AS SHOWN

SHEET
CO

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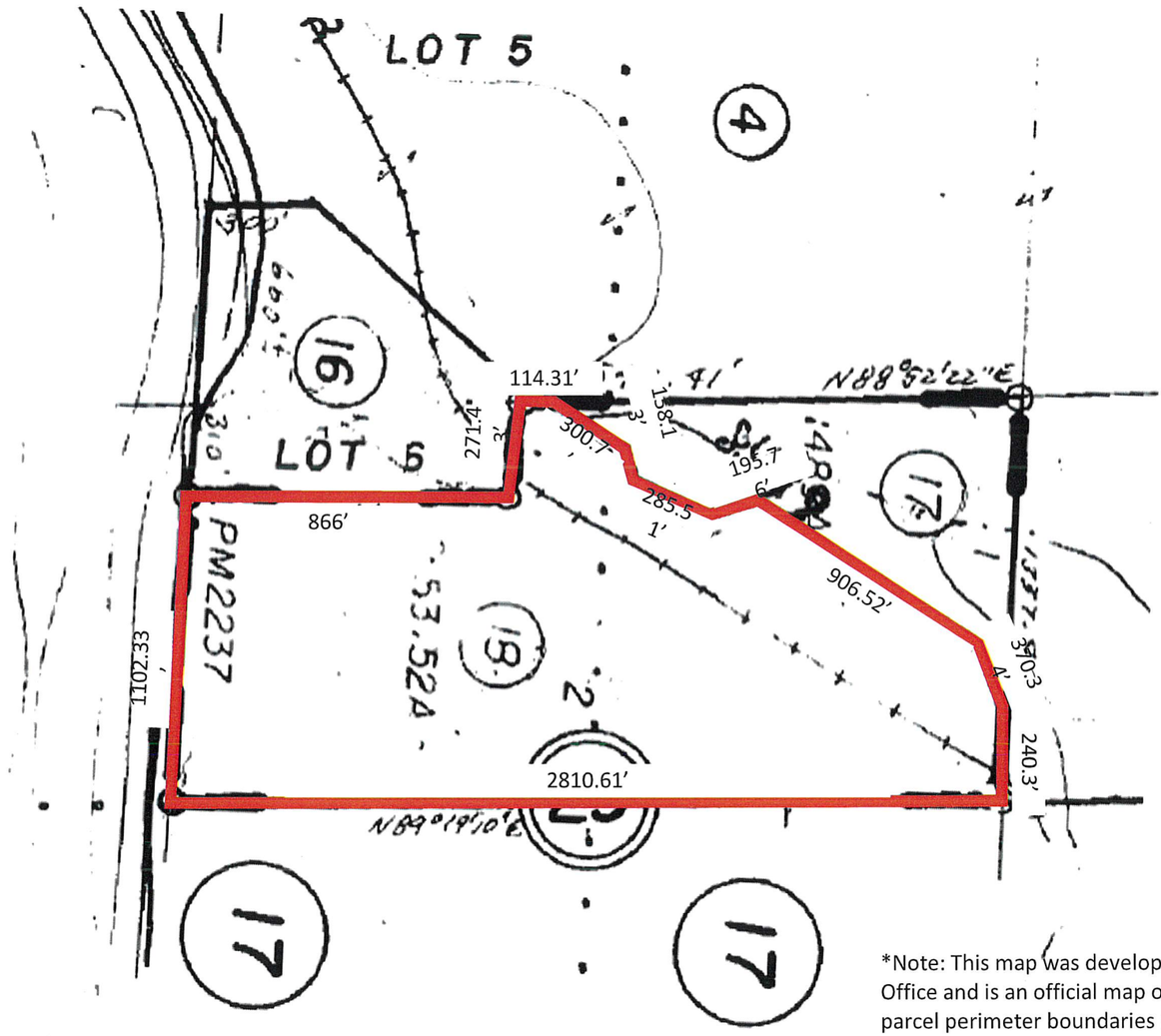


*Note: This map was developed by the Humboldt County Assessor's Office and is an official map of Parcel #209-191-018 which shows parcel perimeter boundaries as well as boundary measurements. Edited for clarity

ATTACHMENT 1
Recommended Conditions of Approval

APPROVAL OF THE SPECIAL PERMIT IS CONDITIONED ON THE FOLLOWING TERMS AND REQUIREMENTS WHICH MUST BE SATISFIED PRIOR TO INITIATION OF OPERATIONS.

1. The applicant shall provide an invoice, or equivalent documentation, to the Department of Environmental Health to confirm the use of portable toilets to serve the needs of cultivation staff prior to or at the annual inspection. Portable toilets shall be removed from the site annually to comply with the Flood Damage Prevention Ordinance.

2. 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.

3. Power is to be supplied by P.G.&E. Applicant shall demonstrate the purchase of 100% renewable energy at time of annual inspection.

4. Noise generated from the operation, including solar powered fans, shall not exceed 50db at 100 feet from the noise source or at the edge of the nearest forest habitat, whichever is closer, as required by Section 314-55.4.12.6 Humboldt County Code.

5. No supplemental light shall be used in the propagation or commercial nurseries.

6. The applicant shall sign the Temporary Structures in the Flood Zone form agreeing to remove all temporary structures such as hoop houses from the site annually between October 16 and April 15. The applicant shall submit time-certain photographic evidence documenting the removal of structures within 14 days of the required date of removal.

7. No new structures shall be built in the Flood Plain, and no existing structures over 120 square feet, may be used in the cannabis operation, unless a Building Permit is obtained.

8. 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.

9. The applicant shall obtain all necessary building permits from the Building Inspection Division (BID) for all structures related to the commercial cannabis cultivation operation, including the nursery greenhouses. Applicant shall submit floor plans including dimensions with electrical, mechanical and plumbing details for all existing Agriculture Exempt Structures and an Agriculture Exempt letter of intent for each. The applicant shall submit two complete sets of construction plans developed by a California-licensed engineer for the building permits. All building plans submitted for approval shall be consistent with those approved by the Zoning Administrator.

10. The applicant shall provide the Planning Department a copy of the Site Management Plan developed for the parcel prepared pursuant to Tier 1 enrollment under the State Water Resources Control Board (SWRCB) Cannabis Cultivation Policy, General Order. The applicant shall provide substantial evidence that all corrective actions detailed within the Site Management Plan have been completed.

11. The access road shall be paved for a minimum width of 20 feet and a length of 50 feet where it intersects with Shively Flat Road and Croco Lane. 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.

12. 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.

13. The access easement will be maintained in good working order, such that a reasonable person would conclude the driving condition is good. Measures to achieve this goal include application of crushed rock to prevent mud and dust, managing drainage to prevent sediment delivery to the adjacent riparian buffer, and maintaining visibility by pruning vegetation. Prior to spring planting, applicant will submit an annual report documenting the condition of the easement following winter repairs.

14. The applicant shall install water meters and maintain monthly water use logs available at the time of annual inspection. The production of the well must be monitored. Should the well production drop, the applicant shall install additional rainwater catchment storage tanks to meet nursery watering needs.

15. Prior to the production of seeds for commercial sale, a pollen containment plan shall be submitted to the Planning Director. The pollen containment plan shall demonstrate an acceptable plan for the nursery to be enclosed in a manner which can be demonstrated to prevent the release of pollen from the nursery.

16. In order to accommodate the plan for crop rotation, the applicant shall submit a site map showing the cultivation locations for each season by June of each year.

17. 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 HCC and available at the Planning Division.

18. 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 CCLUO and MAUCRSA, as applicable to the permit type.

3. 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 towards compliance can be shown within the two years following the issuance of the provisional clearance or permit, The Planning Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow for additional time to meet the outstanding requirements.

4. 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.

5. 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.

6. 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).

7. 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.

8. 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).

9. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.

10. 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.

11. The Master Logbooks maintained by the applicant to track production and sales shall be maintained for inspection by the County.

16. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Section 719-1 et seq.).

17. Participate in and bear costs for permittee's participation in the California Cannabis Track and Trace Program administered by the Humboldt County Agricultural Commissioner.

18. 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.

19. 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.

20. The environmental impacts of improper waste disposal are significant and well documented. All refuse shall be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.

Performance Standards for Cultivation and Processing Operations

22. 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."

23. 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).

24. 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.

25. 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.

27. Term of Commercial Cannabis Activity Special Permit. Any Commercial Cannabis Cultivation Special Permit 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 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 of the CCLUO.

28. 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.

29. 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.

30. 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 314-55.4.6.5.7 of the CCLUO, if upon inspection for the initial application, violations of any building or other health, safety, or other state of 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 of 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.

2. 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.

3. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions 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 send a bill to the Applicant for all staff costs incurred for review of the project for conformance with the conditions of approval. All Planning fees for this service shall be paid 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. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions prior to release of building permit or initiation of use and at time of annual inspection. In order to demonstrate that all conditions have been satisfied, applicant is required to pay the 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) 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.

6. 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.

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 Special Permit:

1. The proposed development is in conformance with the County General Plan 2017, the Open Space Plan, and the 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. 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, the Open Space Plan, and the Open Space Action Plan.

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 4.8	**Agricultural Exclusive (AE):** This designation applies to bottomland farms and lands that can be irrigated. Typical uses include dairy, row crops, orchards, specialty agriculture, and horticulture. **Avenue of the Giants Community Plan Area (AVES)**: This plan area is in southern Humboldt County and includes policies to protect resource production land, increase rural densities, provide economic development, and identification of areas of special concern.	The proposed project includes 33,560 square feet outdoor light deprivation cannabis cultivation on lands designated as Agricultural Exclusive. General and intensive agriculture are allowable use types for this designation. The proposed project is in the Shively area within the Stafford-Redcrest community in the AVES CPA. The proposed project will support the major policies of the AVES and Humboldt County General Plan which work in unison. The proposed project will consist of the production of an agricultural crop within an area designated as prime farmland. This is consistent with the history of agricultural production in the AVES CPA and Shively community. The proposed project will not degrade other environmental resources, nor will it preclude future use of any on-site or off-site agricultural land. In addition, it will preserve the existing rural nature of the project site and surrounding land uses. Pollen produced in the commercial nursery must be contained, as stipulated in the plan required by Condition of Approval #14, in order to reduce the potential of a pollen release deleterious to the agricultural crop of surrounding properties. As such, the proposed project would be consistent with both the General Plan and AVES CPA.
Circulation Chapter 7	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	The site is accessed by Shively Road, to Ewan Road, to Shively Flat Road, which continues 0.1 miles past the end of the County-maintained portion of Shively Flat Road to the easement access for the subject parcel. A Road Evaluation Report was provided by the applicant self-certifying the access route meets the functional equivalent of Category 4 equivalent road standards. The easement access is not subject to meeting road standards of the CCLUO. Pictures from December 2019 show the easement in poor condition. Staff drove the easement in September 2020 and noted significant improvements such as a layer of crushed gravel

	types with improved opportunities to move goods within, into and out of Humboldt County. (C-G4, C-G5) Related policies: C-P3. Consideration of Transportation Impacts in Land Use Decision Making.	down the length of the easement to the subject property. In response to comments from the adjacent landowner whose land the easement crosses, a condition of approval (COA# 15) requires the applicant improve the easement to good condition. The Department of Public Works commented on the project referral. A condition of approval requires the end of Shively Flat Road be paved where the County portion ends up to the easement driveway.
Housing Chapter 8	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. Related policies: H-P3, Development of Parcels in the Residential Land Inventory.	The project does not involve residential development, nor is the project site part of the Housing Element Residential Land Inventory. However, the project will not preclude any future residential development. The 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.
Conservation and Open Space Chapter 10 Open Space Section 10.2	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) Related policies: CO-P1, Conservation and Open Space Program; CO-P12, Development Review, CO-S1. Identification of Local Open Space Plan, and CO-S2. Identification of the Open Space Action Program.	The proposed project is located within Open Space Land Plan because the project site is planned Agriculture Exclusive, zoned Agriculture Exclusive, and in the Flood Hazard Combining Zone. The project can be found consistent with the Open Space Plan because the proposed project is consistent with the allowable uses of the Land Use Designation.
Conservation and Open Space Chapter 10 Biological Resources Section 10.3	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-	The project is in the Shively area, on a 45-acre parcel the east side of the Eel River. Humboldt Redwoods State Park is located across the river. The land to the north is private timberland. The westernmost 10 acres of the parcel are occupied by riparian forest and scrub, with species such as black cottonwood, red alder and coast redwood. The cultivation site is located approximately 400 feet east of the South Fork Eel River. Humboldt County WebGIS

	G2, Sensitive and Critical Habitat, BR-G3, Benefits of Biological Resources) Related policies: BR-P1. Compatible Land Uses, BR-P5. Streamside Management Areas.	shows Shively Creek running through the center of the parcel on the south side of a rail corridor that runs east-west through the parcel. The Biological Report prepared by NRM states that the US Army Corps of Engineers rerouted Shively Creek to flow into Panther Creek, which runs across the northern boundary of the parcel (see Attachment 4). Proposed cultivation areas are outside the Streamside Management Area (SMA) setbacks. Project activities would not impact riparian area associated with the SMA of Panther Creek and Eel River. The proposed project will occur in fields that have been in active agricultural operation for 15 years. No irrigation water is necessary because the operation is dry farmed. A review of the California Natural Diversity Database (CNDDB) shows the obscure bumble bee mapped in the southeast corner of the parcel which is outside the project area. A Biological Survey Report was prepared for the site by Natural Resources Management Corporation on May 22, 2019 (see Attachment 4). The biologist evaluated the site for the presence of sensitive plant and wildlife species. Potential habitat exists for maple-leafed checkerbloom. None were detected during the seasonally appropriate survey. There are four (4) Northern Spotted Owl (NSO) activity centers within 1.3 miles of the project site. The nearest Northern Spotted Owl activity center is approximately 0.73 miles northwest of the cultivation area. Marbled Murrelet mapped habitat is located approximately 0.5 mile southwest of the site. There is no suitable habitat on the site for NSO or Marbled Murrelet. The optimal habitat is located in the Humboldt Redwood State Park across the river. There is the potential for willow flycatcher in the riparian area along the Eel River. Project activities are proposed solely within cultivated fields and will therefore have no impact. The project as conditioned to limit noise and light will have a less than significant impact. The project was referred to California Department of Fish and Wildlife on June 18, 2019. A request for comments was sent again on April 21, 2020. Comments were received on June 5, 2020. Staff responded to CDFW concerns regarding development in the flood plain, light, and generators in an email dated

		June 8, 2020.
Conservation and Open Space Chapter 10 Cultural Resources Section 10.6	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) Related policies: CU-P1. Identification and Protection, CU-P2. Native American Tribal Consultation.	The project was referred to the Northwest Information Center (NWIC), the Bear River Band of the Rohnerville Rancheria and Intertribal Sinkyone Wilderness Council. NWIC responded indicating a Cultural Resource Survey may be needed. The Bear River Band responded indicating an archaeologic survey is not required at this time. A Cultural Resource Survey was completed by Archaeological Research and Supply Company in December 2019. The report found no cultural resources. The Bear River Band THPO recommendation to incorporate inadvertent discovery protocols is included as an ongoing condition of approval.
Conservation and Open Space Chapter 10 Scenic Resources Section 10.7	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) Related policies: SR-S4. Light and Glare	The proposed cannabis cultivation will be full-sun outdoor, with no supplemental lighting used in cultivation. The ancillary commercial nursery activities will also be all outdoor with no supplemental lighting. The CCLUO requires that lighting used for cultivation activity comply with International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1 and be designed to regulate light spillage onto neighboring properties resulting from backlight, upplight, or glare (BUG). International Dark Sky Association Standards exceed the requirements of Scenic Resources Standard SR-4, Light and Glare, that lighting be fully shielded, and designed and installed to minimize off-site lighting and direct light within the property boundaries.
Water Resources Chapter 11 Stormwater Drainage	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-dG2, WR-G7, WR-G8, WR-G9	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

	Related policies: WR-P10. Erosion and Sediment Discharge; WR-42 Erosion and Sediment Control Measures.	Department concurrent with the submittal to the SWRCB.
Water Resources Chapter 11 Onsite Wastewater Systems	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) Related policies: WR-IM7. Basin Plan Septic Requirements; and IS-P20. On-Site Sewage Disposal Requirements.	The operation will utilize portable toilets for cultivation staff. The project was referred to the County Division of Environmental Health which has recommended approval of the project. As an ongoing operational condition, the applicant must continue to furnish receipts showing the continual use of portable bathroom facilities.
Noise Chapter 13	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) Related policies: N-P1, Minimize Noise from Stationary and Mobile Sources; N-P4, Protection from Excessive Noise.	Power is provided by P.G.&E. No generator is used on site. The nearest Northern Spotted Owl activity center is approximately 0.73 miles northwest of the cultivation area. Marbled Murrelet mapped habitat is located approximately 0.5 mile southwest of the site. There is no suitable habitat on the site for NSO or Marbled Murrelet. The project will not create a substantial new noise source, as the proposed use is consistent with existing agricultural activities. Ongoing operational conditions require the applicant to maintain noise levels no more than 50 decibels as measured 100 feet from the source.
Safety Element Chapter 14 Geologic & Seismic	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	The parcel is mapped as having low geologic instability. The project site is not located in a mapped Alquist-Priolo fault zone or subject to liquefaction. The slopes where cultivation would occur are less than 5%. No grading would occur. The applicant is required to obtain Ag Exempt permits for greenhouses. The proposed agricultural use is not expected to be affected by geologic instability. The project does not pose a threat to public safety related from exposure to natural or manmade hazards.

	prevent unnecessary exposure of people and property to risks of damage or injury. (S-G1, S-G2) Related policies: S-P11. Site Suitability, S-P7. Structural Hazards.	
Safety Element Chapter 14 Flooding	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) Related policies include: S-P10, Federal Flood Insurance Program; S-P11, Flood Plains; S-P15, Construction Within Special Flood Hazard Areas.	The project site is located in the *F - Flood Hazard Area Combining Zone* and is mapped within the 100-year flood zone (FIRM Panel 1465). The project proposes to construct temporary hoop houses in the flood zone for ancillary and commercial nursery related to cannabis cultivation. The temporary hoop houses will be deconstructed, and construction materials removed annually between October 16th and April 14th as stipulated in the Removal of Temporary Hoop House Agreement included as a Condition of Approval. Further, applicant shall provide evidence of the removal of temporary structures within 14 days of the required removal ate. Five (5) existing agricultural storage sheds cannot be used for cultivation unless a Building Permit is obtained. No new structures are proposed. Flood elevation certificates must be obtained for any greenhouse structures proposed to remain on site permanently. The project will not impede the drainage of flood waters and does not pose a risk to the loss of public or private property from flood damage. The project site is not within a mapped dam or levee inundation area and is outside the areas subject to tsunami run-up. The project therefore complies with this section.
Safety Element Chapter 14 Fire Hazards .	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. Related policies: S-P15, Conformance with State Responsibility Areas (SRA) Fire Safe Regulations.	The subject parcel is located within an area with a mild to high fire hazard severity. The subject property is located within the Redcrest Volunteer Fire Department response area and within the State Fire Responsibility Area for fire protection (CAL-FIRE). California Department of Forestry and Fire Protection 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. There will be a maximum of 20 employees on-site during peak operations. With respect to the

		Fire Safe Ordinance (Section 3111-1 *et seq.*), all existing and proposed improvements are setback at least 30 feet from all property lines. Applicant has a designated fire turn-around and pullout area for emergency vehicles and 2,500 gallons of water storage dedicated for fire suppression.
Community Infrastructure and Services Element Chapter 5 Implementation Action Plan	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.	To implement this policy, conditions of approval for the proposed project required the applicant to contact the local fire service provider [Redcrest Volunteer Fire Company] and furnish written documentation from that agency of the available emergency response and fire suppression services and any recommended project mitigation measures. If emergency response and fire suppression services are not provided, 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.
Air Quality Chapter 15	Goals and policies contained in this Chapter relate 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-G3) Related policies: AQ-P4, Construction and Grading Dust Control, AQ-S1. Construction and Grading Dust Control, AQ-P7. Interagency Coordination.	Applications for 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.

2. Zoning Compliance and 3. 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.

Zoning Section	Summary of Applicable Requirements	Evidence That Supports the Zoning Finding
§312-1.1.2 Legal Lot Requirement	Development permits shall be issued only for a lot that was created in compliance with all applicable state and local subdivision regulations.	The subject parcel has been determined to be one legal parcel described as Parcel 2 of PM 2247, Book 19 PM 147.
314-7.1 Agriculture Exclusive 314-21 Flood Hazard Areas	**AE:** This zone is intended to be applied in fertile areas in which agriculture is and should be the desirable predominant use **F:** Combining zone intended to minimize public and private losses due to flood and tsunami conditions.	The proposed project is a Special Permit for 33,560 square feet of new cannabis cultivation on a parcel zoned AE/F. The parcel will also receive five (5) retirement sites totaling 92,000 square feet (3.1 acres). The proposed use is an agricultural use that is specifically allowed with a Special Permit in this zoning district under Section 314-55.4.5.1.3 of the Humboldt County Code.
Min. Lot Size	20 acres	44.78 acres
Min. Lot Width	100 feet	1,368 feet
Max. Ground Coverage	35%	20%
Minimum Yard Setbacks: (Through the SRA requirements)	Front: 30 feet Rear: 20 feet Side: 10% of the lot width on each side but not more than 20 feet SRA: 30 feet, all sides	>30 feet all sides
Max. Building Height	None specified	<35 feet
§314-61.1 Streamside Management Area (SMA)	Purpose: To provide minimum standards pertaining to the use and development of land located within Streamside Management Areas (SMAs) and other wet areas (OWA) to implement the County's Open Space Element of the General Plan.	The cultivation site is located approximately 400 feet east of the South Fork Eel River. Humboldt County WebGIS shows Shively Creek running through the center of the parcel on the south side of a rail corridor that runs east-west through the parcel. The Biological Report prepared by NRM states that the US Army Corps of Engineers rerouted Shively Creek to flow into Panther Creek, which runs across the northern boundary of the parcel. Proposed outdoor cultivation areas are outside the SMA setbacks. Project activities would not impact riparian area associated with the SMA of Panther Creek and Bear Creek to the south. No irrigation water is necessary

		because the operation is dry farmed. Water for nursery will use a groundwater well and rainwater catchment. The project will not impact any SMAs and therefore no Special Permit is required.
Off-Street Parking §314-109.1	Off Street Parking: Multiple Use and Joint Use: whenever more than one use is proposed for a development site, the total off-street parking spaces required shall be the sum of the spaces required for each use. Agricultural use*: Parking space per employee at peak shift. A minimum of three parking spaces are required. **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.*	20 spaces

314-55.4 Commercial Cultivation, Processing, Manufacturing and Distribution of Commercial Cannabis Inland Land Use Regulation (CCLUO)		
§314-55.4.5.4 Permit Limits and Permit Counting	No more than eight acres of Commercial Cannabis permits may be issued to a single Person. No more than ten (10) Persons shall be granted permits authorizing three (3) or acres of cultivation pursuant to the provisions of 55.4.6.1.2(c).	According to records maintained by the Planning Department, Organic Medicinals, Inc. submitted two other applications for cultivation. The combined cultivation area is less than eight acres. This application is one Special Permit for a 33,560-square-foot cultivation operation. The parcel will also receive five (5) retirement sites totaling 92,000 square feet (3.1 acres). The RRR entitlements will be operated by distinct entities such that no entity is authorized more than 3 acres.
§314-55.4.6.0 Conversion of Timberland	Cultivation sites may only be located within a Non-Forested area that was in existence prior to January 1, 2016.	No timber conversion is proposed as part of the project. The project will occur in a field in agricultural use.
§314-55.4.6.4.3 Limitation on Use of Prime Soils	The cumulative area of any Cannabis Cultivation Site(s) located in areas identified as having Prime Agricultural Soil shall not exceed 20 percent of the area of Prime Agricultural Soil on the Parcel. Where occurring in areas with Prime Agricultural Soil, Cultivation shall only occur within the native soil. Removal of native soil and replacement with manufactured soil is prohibited. Exceptions to the in native soil planting requirement may be considered with a Use Permit.	Approximately 40 acres of the 45-acre site is mapped as Prime Agricultural Soils. The cumulative area of the proposed cannabis cultivation site is approximately 135,560 square feet (3.1 acres). This is less than 8 acres, the 20% threshold of the Prime Ag area on the parcel. The applicant is planting directly in the native soil. The project meets the referenced standard.
§314-55.4.6.4.4 Standard Setbacks	The area of cannabis cultivation and on-site processing shall be setback at least 30 feet from any property line, 300 feet from any residence on an adjacent parcel or 270 feet from any undeveloped adjacent parcel, 600 feet from any school, school bus stop, church or other place of religious worship, public park, or tribal cultural resources (TCRs) and 1,000 feet from all Tribal Ceremonial Sites.	The applicant's site plan shows that the cultivation area conforms to the 600-foot setback for schools, school bus stops, parks, or places of religious worship. There are no residences within 300 feet of the cultivation area, and the cultivation area is setback 270 feet from adjacent undeveloped parcels. There are not any nearby Tribal Cultural Resources or Tribal Ceremonial Sites.

§314-55.4.11 Application Requirements	Identifies the Information Required for All Applications	Attachment 4 identifies the information submitted with the application and shows all the required information was received.
§314-55.4.12 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.
§314-55.4.12.0.73 Performance Standards– Road Systems	Roads providing access to any parcel(s) or premises on which commercial cannabis activities occur must comply with standards regarding dead-end road length, functional capacity and private road systems.	The site is accessed by the County-maintained Shively Road and Ewan Road, and then by 0.61 miles of Shively Flat Road. Approximately .02 miles of Shively Flat Road is privately maintained after the intersection with Croco Lane up to the deeded access. A 0.25-mile deeded easement is used to access the parcel. The easement itself is not subject to the referenced road standards of the CCLUO. Comments have been received from the adjacent landowner whose land the easement crosses (APN 209-171-004). Pictures were provided by Hilary Scwhartz dated December 2019 showing the easement in poor, muddy condition with significant rutting and poor drainage. Staff drove the easement in September 2020 and noted significant improvements such as a layer of crushed gravel down the length of the easement to the subject property. To address

§314-55.4.12.1.10 Performance Standards– Biological Resource Protection	Projects proposing new development activities shall provide the necessary information to implement Mitigation Measures 3.4-1a – 3.4-1l, 3.4-3a, 3.4-4, 3.4-5 and 3.4-6 from the Final Environmental Impact Report.	The project is in the Shively area, on a 45-acre parcel the east side of the Eel River. Humboldt Redwoods State Park is located across the river. The land to the north is private timberland. The westernmost 10 acres of the parcel are occupied by riparian forest and scrub, with species such as black cottonwood, red alder and coast redwood. The proposed project will occur in fields that have been in active agricultural operation for 15 years. A Biological Survey Report was prepared for the site by Natural Resources Management Corporation on May 22, 2019. The biologist evaluated the site for the presence of sensitive plant and wildlife species. Potential habitat exists for maple-leafed checkerbloom. None were detected during the seasonally appropriate survey. There are four (4) Northern Spotted Owl (NSO) activity centers within 1.3 miles of the project site. The nearest Northern Spotted Owl activity center is approximately 0.73 miles northwest of the cultivation area. Marbled Murrelet mapped final critical habitat is located approximately 0.5 mile southwest of the site. There is no suitable habitat on the site for NSO or Marbled Murrelet. The optimal habitat is located in the Humboldt Redwood State Park across the river. There is the potential for willow flycatcher in the riparian area along the Eel River. Project activities are proposed solely within cultivated fields and will therefore have no impact. The project as conditioned to limit noise and light will have a less than significant impact.
§314-55.4.12.2 Performance Standards– Commercial Cannabis Cultivation	Identifies the Performance Standards for Cannabis Cultivation Activities.	The project as proposed and conditioned meets all of the requirements stipulated in the cited section. In Attachment 1, these performance standards have been incorporated into the On-going Conditions of Approval that must be satisfied for the life of the project.

§314-55.4.12.4 Performance Standards– Light Pollution Control	a) Structures used for Mixed Light Cultivation and Nurseries shall be shielded so that no light escapes between sunset and sunrise. b) Where located on a Parcel abutting a residential Zoning District or proposed within Resource Production or Rural Residential areas, any Security Lighting for Commercial Cannabis Activities shall be shielded and angled in such a way as to prevent light from spilling outside of the boundaries of the Parcel(s) or Premises or directly focusing on any surrounding uses.	The proposed project is for 33,560 square feet of new outdoor cultivation. The parcel will also receive five (5) retirement sites totaling 92,000 square feet (3.1 acres). Clones are produced on-site, and seeds started in the on-site propagation and commercial nursery greenhouses. No supplemental light will be used in the nursery.
§314-55.4.12.5 Performance Standards– Energy Use	All electricity utilized by Commercial Cannabis Cultivation, Manufacturing or Processing activities shall conform to one or more of the following standards: • Grid power supplied from 100% renewable source; and • On-site renewable energy system with twenty percent net non-renewable energy use Grid power supplied by partial or wholly non-renewable source with purchase of carbon offset credits.	The power source for the project is Pacific Gas and Electric (P. G. & E.) grid. No generators will be used. Conditions of approval require the applicant will demonstrate electricity is purchased through a 100% renewable energy source.

§314-55.4.12.6 Performance Standards– Noise	Noise from cultivation and related activities shall not result in an increase of more than three decibels of continuous noise above existing ambient noise levels at any property line of the site. Existing ambient noise levels shall be determined by take twenty-four measurements on three or more property lines when all cannabis related activities are not in operation.	Power is provided by P. G. & E. No generator is used on site. The nearest Northern Spotted Owl activity center is approximately 0.73 miles northwest of the cultivation area. Marbled Murrelet activity is located approximately 0.5 mile southwest of the site. There is no suitable habitat on the site for NSO or Murrelet. The project is setback 270 feet from neighboring land uses. The proposed activity will not substantially increase the noise sources on the site. The site is currently approved for 10,000 square feet of outdoor cultivation. The project will result in temporary noise sources from the assembly and disassembly of temporary hoop houses for nursery activities. Noise sources include well pump, use of agricultural equipment, small snap fans, and dehumidifiers for drying. Ongoing operational conditions require the applicant to maintain noise levels no more than 50 decibels as measured 100 feet from the source.
§314-55.4.12.7 Performance Standards – Cannabis Irrigation	A Special Permit shall be required where Irrigation of Commercial Cannabis Cultivation Activities occurs wholly or in part using one or more Diversionary sources of water. All Cannabis Irrigation, regardless of cultivation area, shall be subject to documentation of water use, forbearance periods and storage requirements, metering and recordkeeping.	The project will use approximately 20,000 gallons of water for on-site nursery activities. No irrigation water is necessary for the cultivation area because the operation utilizes dry farming cultivation practices. The applicant is proposing to utilize rainwater catchment supplemented by a non-diversionary well to use in ancillary and commercial nursery activities. The permitted well (Permit 17/18-1346) has been determined to be a groundwater well that is not hydrologically connected to surface water. The well drills through a clay layer before drawing water. An Operation of Law letter for the Notification of Lake and Streambed Alteration for the irrigation well (1600-2018-0522-R1) was received August 21, 2019. The use of the well water shall be metered, and a well-drawdown test completed annually.

314-55.4.12.10 Performance Standards – Soils Management	A soils management plan shall be provided detailing the use of imported and native soil on the Parcel(s) or Premises. The plan shall provide accounting for the annual and seasonal volume of soil that is imported and exported and documentation of the approved location of any Parcel(s) used for off-site disposal of spent soil if this occurs or is proposed.	The project starts seeds in the onsite nursery and plants directly in the native soil. The land is planted with a cover crop over winter that is tilled in for soil fertility. Crops will be rotated to manage soil health. Plant material is composted on site. Any left-over soil from the cannabis nursery will be reused in a native tree nursery area onsite.
314-55.4.12.13 Performance Standards – Remediation Activities	All remediation activities shall be conducted in accordance with the requirements for Mitigation and Monitoring Plans described within 314-61.1 of the Humboldt County Code, including the standards for documentation, reporting, and adaptive management.	All proposed cultivation will occur on existing agricultural land that was previously use for agricultural purposes. The site is hosting cultivation that is being retired on other parcels as part of the County Retirement, Relocation, and Restoration (RRR) program. The remediation for retired cannabis activities is documented in the Zoning Clearance Certificates for the respective retirement sites. Cultivation at the subject parcel is contingent on satisfactory completion of the restoration agreement for the retiring sites.
314-55.4.12.16 Performance Standards – Invasive Species Control	It is the responsibility of a certificate or permit holder to provide a plan to control the spread of invasive species.	The applicant shall remove any invasive species found on the parcel.

4. 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 will 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. All commenting agencies have recommended approval or conditional approval of the project. While the commercial seed production has the potential to be materially injurious to properties or improvements in the vicinity, the requirement to enclose the nursery and develop a pollen containment plan will ensure no adverse impacts occur.

5. 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.	The parcel was not included in the 2014 Housing Inventory.

6. Environmental Impact: The following table documents the evidence which supports finding that the proposed development will not adversely impact the environment.

As lead agency, the Department prepared an Addendum to the previously adopted Environmental Impact Report (EIR) (State Clearinghouse # 2017042022) prepared for the Commercial Cannabis Land Use Ordinance (CCLUO) and adopted by the County Board of Supervisors May 8, 2018. The EIR prepared for the CCLUO established that the environmental effects of existing cultivation operations would be reduced from the baseline impacts through the regulations applied by the CCLUO. The EIR prepared for the CCLUO also established local land use regulations to allow for continued commercial cannabis operations in the unincorporated area of the County that ensure the health and safety of residents, employees, County visitors, neighboring property owners and end users of cannabis. The proposed project is consistent with all regulations within the CCLUO and all mitigation measures of the EIR. The project is for the approval of new outdoor cultivation utilizing dry farm methods, and a commercial

nursery. The project site will host relocated cultivation from retired sites under the County's RRR program. Drying will occur in temporary structures, and additional processing will be off-site. The environmental document on file include detailed discussions of all the relevant environmental issues.

ATTACHMENT 3

CEQA ADDENDUM TO THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE COMMERCIAL CANNABIS LAND USE ORDINANCE

Commercial Cannabis Land Use Ordinance Final Environmental Impact Report (EIR) (State Clearinghouse # 2017042022), January 2018

APN 209-191-018, 125 Shively Flat Road, Shively, County of Humboldt

Prepared By
Humboldt County Planning and Building Department
3015 H Street, Eureka, CA 95501

January 2021

Background

Project Description and Project History – The Commercial Cannabis Land Use Ordinance (CCLUO) updated the County's existing Commercial Medical Marijuana Land Use Ordinance (Section 313-55.4 and 314-55.4 of Chapter 3 of Division 1 of Title III of the County Code) as well as repeal of the Medical Cannabis Testing and Research Laboratories provisions and on-site consumption prohibition found in Sections 313-55.3.15, 314-55.3.15, 313-55.3.11.7, and 314-55.3.11.7 of Division 1 of Title III of the County Code, respectively. These regulations establish land use regulations for the commercial cultivation, processing, manufacturing, distribution, testing, and sale of cannabis within the County. These regulations were developed in concert with the Final Environmental Impact Report (EIR) that was adopted for the ordinance in order to implement the mitigation measures of the EIR. The EIR addressed the broad environmental impacts that could be expected to occur from the adoption and implementation of the ordinance. The EIR specified that the regulations established in the CCLUO would mitigate the impacts of new cannabis operations by establishing specific regulations for location and conditions under which the development of new commercial cannabis could occur. The EIR prepared for the CCLUO also established local land use regulations for new commercial cannabis operations in the unincorporated area of the County that ensure the health and safety of residents, employees, County visitors, neighboring property owners and end users of cannabis. The proposed project is consistent with all regulations within the CCLUO and all mitigation measures of the EIR. current project was contemplated by the EIR and compliance with the provisions of the CCLUO will fully mitigate all environmental impacts of the project to a less than significant level.

The modified project involves a Special Permit for 43,560 square feet (1 acre) of new outdoor cannabis cultivation. The site will also receive five (5) Retirement, Restoration and Relocation (RRR) entitlements totaling 92,000 square feet. The combined total cultivation area on the site would be 135,560 square feet (3.1 acres). The cultivation area is capped at 20% of the Prime Agricultural Soil. The entire 45-acre parcel is mapped as Prime Ag soil, such that a maximum of 8 acres is allowed. The proposed project of 3.1 acres of cultivation is less than 20% of the Prime Ag soil.

All cultivation is full-sun outdoor. The operator uses dry farming cultivation methods. Dry farming is a traditional agricultural practice that utilizes natural moisture in the flood plain soil. No irrigation water is needed outside of minimal needs to support growth of juvenile plants. Ancillary propagation for the cultivation operation will occur in ten (10) proposed hoop houses totaling 8,000 square feet. The applicant is also seeking a Zoning Clearance Certificates for a 10,000 square foot commercial nursery in ten (10) hoops that will provide starts for use on the farm. No supplemental light will be used in the nursery. The commercial nursery will also produce seeds, clones, plants starts, and genetic material. Water use for the whole nursery area is approximately 20,000 gallons. The nursery sources water from rainwater catchment and supplements with a permitted groundwater well. The well is drilled through a clay layer and is not hydrologically connected to surface water. Water storage totals 8,000 gallons in (2) 2,500-gallon storage tank and (2) 1,500-gallon storage tank. Drying will occur in the propagation area. Processing will occur offsite. Up to forty (40) seasonal workers are needed and carpooling will be utilized to minimize trips. The site purchases 100% renewable energy from RePower+ and the operator plans to install solar panels in the future.

The modified project is consistent with the adopted EIR for the CCLUO because it complies with all standards of the CCLUO which were intended to mitigate for impacts of new cannabis operations. These include complying with County Fire Safe regulations, noise and light attenuation measures to limit disturbance to wildlife, limiting activities to daylight hours (8 am to 5 pm), supplying non-diversionary water and electricity from PG&E, and maintaining easement access in good condition.

Purpose - Section 15164 of the California Environmental Quality Act (CEQA) provides that the lead agency shall prepare an addendum to a previously certified Final Environmental Impact Report (EIR) if some changes or additions are necessary but none of the conditions described in Section 15162 calling

for a subsequent EIR or Negative Declaration have occurred. Section 15162 states that when an EIR has been certified for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

1. Substantial changes are proposed in the project which require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the Final EIR was certified as complete, shows any of the following: A) the project will have one or more significant effects not discussed in the previous Final EIR; B) significant effect previously examined will be substantially more severe than shown in the Final EIR; C) mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or D) mitigation measures or alternatives which are considerably different from those analyzed in the Final EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Summary of Significant Project Effects and Mitigation Recommended

No changes are proposed for the Final EIR recommended mitigations. The proposal to authorize a total of 135,560 square feet (3.1 acres) of outdoor cannabis cultivation on a 45-acre parcel zoned Agriculture Exclusive (AE) is fully consistent with the impacts identified and adequately mitigated in the Final EIR. The project will replace an existing agricultural farm with a similar agricultural activity. The project as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the Final EIR.

In reviewing the application for consistency with the adopted EIR, the County considered the following information and studies, among other documents:

- Cultivation and Operation Plan received November 30, 2020
- Site Plan received December 11, 2020
- Biological Survey Report prepared by Natural Resources Management in May 2019.
- Road Evaluation Report received June 2, 2020
- Cultural Resource Survey completed by Archaeological Research and Supply Company in December 2019.

Other CEQA Considerations

Staff suggests no changes for the revised project.

EXPLANATION OF DECISION NOT TO PREPARE A SUPPLEMENTAL MITIGATED NEGATIVE DECLARATION OR ENVIRONMENTAL IMPACT REPORT

See **Purpose** statement above.

The environmental analysis for the proposed project finds there are no new impacts not previously analyzed in the EIR. The project impact analysis below follows the Final Environmental Impact Report Mitigation Monitoring and Reporting Program. The discussion below each impact category summarizes the analysis of why the proposed project does not create any additional impacts that have not been analyzed in the EIR. In the areas where the EIR found significant impacts requiring mitigation, the analysis shows the project does not have impacts that would be substantially more severe. The areas of Mineral Resources, Population and Housing, and Recreation are not further discussed as no impact was identified for these categories in the EIR. Impact categories are listed

Aesthetics

Impact 3.1-1: Have a substantial adverse effect on a scenic vista or scenic resources (Less than Significant).

Impact 3.1-2: Substantially degrade the existing visual character or quality of the project area (Less than Significant).

Impact 3.1-3: Create a new source of substantial light or glare that would adversely affect views (Less than Significant).

Discussion: The project is for outdoor cannabis cultivation in an existing agricultural field. The project will not impact scenic vistas or public views. The project is consistent with the visual character of the area. The project will not create a source of light or glare.

Agriculture and Forest Resources

Impact 3.2-1: Conversion of farmland to nonagricultural use or conflict with existing zoning for agricultural use or a Williamson Act contract (Less than Significant).

Impact 3.2-2: Convert substantial forest land, conflict with or cause rezoning of forest land or Timberland Production Zone, or involve other changes in the existing environment which, because of their location or nature, could result in substantial conversion of forest land to a non-forest use (No Impact).

Discussion: The project will utilize agricultural land for agricultural purposes. The prime agricultural land is utilized for cannabis cultivation.

Air Quality and Greenhouse Gas Emissions

Impact 3.3-1: Construction-generated emissions of criteria air pollutants (Less than Significant).

Impact 3.3-2: Long-term operational emissions of criteria pollutants and precursors (Less than Significant).
Impact 3.3-3: Generation of greenhouse gas emissions (Less than Significant).

Impact 3.3-4: Exposure of people to objectionable odors (Less than Significant with Mitigation).

> **Mitigation Measure 3.3-4:** Prohibit burning of cannabis and other vegetative material is a condition of project approval.

Impact 3.3-5: Impacts of climate change on the project (Less than Significant).

Discussion: No construction activities are associated with the project. The project will not expose sensitive receptors to pollutants or create objectionable odors affecting a substantial number of people. The project would not result in significant sources of greenhouse gas emissions. The site uses Pacific Gas and Electric grid electricity and is required to show the purchase of 100% renewable power. Less than significant impact. Project is conditioned on not burning cannabis or other vegetative material.

Biological Resources

Impact 3.4-1: Disturbance to or loss of special-status wildlife species and habitat (Less than Significant after Mitigation).

Mitigation Measure 3.4-1a: *Pre-approval biological reconnaissance surveys.*

Mitigation Measure3.4-1b: *Special-status amphibian preconstruction surveys.*

Mitigation Measure3.4-1c: *Western pond turtle preconstruction surveys and relocation.*

Mitigation Measure3.4-1d: *Nesting raptor preconstruction survey and establishment of protective buffers.*

Mitigation Measure3.4-1e: *Northern spotted owl preconstruction habitat suitability surveys and determination of presence or absence.*

Mitigation Measure3.4-1f: *Special-status nesting bird surveys and establishment of protective buffers.*

Mitigation Measure3.4-1g: *Marbled Murrelet preconstruction habitat suitability surveys and establishment of protective buffers.*

Mitigation Measure3.4-1h: *Generator noise reduction.*

Mitigation Measure 3.4-1i: *American badger preconstruction survey and establishment of protective buffers.*

Mitigation Measure 3.4-1j: *Fisher and Humboldt marten preconstruction survey and preservation of active den sites.*

Mitigation Measure 3.4-1k: *Preconstruction bat survey and exclusion*

Mitigation Measure 3.4-1l: *Preconstruction vole survey and relocation.*

Impact 3.4-2: Disturbance to or loss of special-status fisheries

Mitigation Measure: *Implement water diversion restrictions and monitoring and reporting requirements.*

Impact 3.4-3: Disturbance to or loss of special-status plant species and habitat.

Mitigation Measure 3.4-3a: *Special-status plants.*

Mitigation Measure 3.4-3b: *Invasive plant species.*

Impact 3.4-4: Disturbance to or loss of riparian habitat, old growth habitat, or other sensitive natural communities.

> **Mitigation Measure 3.4-4**: *Sensitive natural communities, riparian habitat, and wetland vegetation.*

Impact 3.4-5: Disturbance to or loss of waters of the United States.

> **Mitigation Measure 3.4-5**: *Waters of the United States.*

Impact 3.4-6: Interference with resident or migratory wildlife corridors or native wildlife nursery sites.

> **Mitigation Measure 3.4-6a**: *Implement Mitigation Measure 3.4-5: Waters of the United States.*

> **Mitigation Measure 3.4-6b**: *Retention of fisher and Humboldt marten habitat features.*

Discussion: The project is in the Shively area, on a 45 acre parcel the east side of the South Fork Eel River. Humboldt Redwoods State Park is located across the river to the west. The land to the north is private timberland. The westernmost 10 acres of the parcel are occupied by riparian forest and scrub, with species such as black cottonwood, red alder and coast redwood. The proposed project will occur in fields that have been in active agricultural operation for 15 years. The cultivation site is located approximately 400 feet east of the South Fork Eel River.

A Biological Survey Report was prepared for the site by Natural Resources Management Corporation on May 22, 2019. Humboldt County WebGIS shows Shively Creek running through the center of the parcel on the south side of a rail corridor that runs east-west through the parcel. The Biological Report states that the US Army Corps of Engineers rerouted Shively Creek to flow into Panther Creek, which runs across the northern boundary of the parcel. Proposed cultivation areas are outside Streamside Management Area (SMA) setbacks. Project activities would not impact riparian area associated with the SMA of Panther Creek and the South Fork Eel River. There are no wetlands identified on the site, and no impacts to wetlands are anticipated. Habitat for foothill yellow-legged frog may exist in Bear Creek located 2,300 feet to the southwest. Nesting habitat for the Western pond turtle is likely in the Eel river corridor. However, the project would have no impact on riparian areas.

Habitat for Cooper's hawk and sharp shinned hawk was identified in the vicinity of the project. Nesting habitat for sharp shinned hawk is located in riparian habitat on the western portion of the parcel. There is potential habitat for willow flycatcher in the riparian area along the Eel River. There are four (4) Northern Spotted Owl (NSO) activity centers within 1.3 miles of the project site. The nearest Northern Spotted Owl activity center is approximately 0.73 miles northwest of the cultivation area. The nearest Northern Spotted Owl activity center is approximately 0.73 miles northwest of the cultivation area. Marbled Murrelet mapped habitat is located approximately 0.5 mile southwest of the site. There is no suitable habitat on the site for NSO or Marbled Murrelet. The optimal habitat is located in the Humboldt Redwood State Park across the river outside the project area. Likewise, habitat for the Humboldt marten and fisher exists in the State Park located 2,000 feet across the river, and project activities would have no impact on this habitat. In addition, the project is conditioned to limit noise generated from the project to 50db at 100' or at the nearest tree line, whichever is closer. There will be no generators or supplemental light used by the project.

The biologist evaluated the site for the presence of sensitive plant and wildlife species. Potential habitat exists for maple-leafed checkerbloom. None were detected during the seasonally appropriate survey. No special sensitive natural communities were found within the project area. There is no development

proposed within the streamside buffers or wetland buffers and no impacts to sensitive natural communities, riparian habitat or wetland vegetation are anticipated.
No habitat for Sonoma tree vole or American badger was identified in the vicinity of the project. No special status plant species or sensitive natural communities were found within the project area. It has been determined that there will be no impacts to special status plant species or sensitive natural communities. The Operations Manual (Attachment 4) for the project includes an Invasive Species Control Plan that satisfies the requirements of this mitigation measure.

Cultural Resources

Impact 3.5-1: Change in the significance of a historic resource (Less than Significant).

Mitigation Measure 3.5-1: *Protection of historic resources.*

Impact 3.5-2: Disturb unique archaeological resources (Less than Significant with Mitigation)

Mitigation Measure 3.5-2: *Avoid potential effects on unique archaeological resources.*

Impact 3.5-3: Discovery of human remains (Less than Significant).

Impact 3.5-4: Change in the significance of a tribal cultural issue (Less than Significant).

Discussion: No cultural resources were identified on the site according to a Cultural Resource Investigation prepared by Archaeological Research and Supply Company in January 2018. The project will adhere to the Inadvertent Discovery Protocol.

Geology and Soils

Impact 3.6.1: Exposure of people or structures to risk of loss, injury or death resulting from rupture of a known earthquake fault or strong seismic shaking (Less than Significant).

Impact 3.6-2: Potential to result in off-site landslide, lateral spreading, subsidence, liquefaction, or collapse due to unstable soil conditions or risk of life due to siting on expansive soil (Less than Significant).

Impact 3.6-3: Potential of substantial soil erosion or loss of topsoil (Less than Significant).

Impact 3.6-4: Create adverse soil conditions resulting from use of septic tanks or alternative wastewater disposal systems (Less than Significant).

Impact 3.6-5: Damage to or destruction of undiscovered paleontological resources (Less than Significant with Mitigation).

Mitigation Measure 3.6-5 *Protection of discovered paleontological resources.*
See Mitigation Measure 3.5-2 above.

Discussion: No new structures are proposed that would expose people to risk of life from earthquakes. The project occurs on flat land that has historically been used for agriculture. No grading will occur, and topsoil is preserved through the use of annual rotation and cover cropping.

Hazards and Hazardous Materials

Impact 3.7-1: Create a significant hazard through transport, use, or disposal of hazardous materials (Less

than Significant).

Impact 3.7-2: Create potential human hazards from exposure to existing on-site hazardous materials (Less than Significant).

> **Mitigation Measure 3.7-2a:** *Prepare Environmental Site Assessments.*
>
> **Mitigation Measure 3.7-2b**: *Prepare a Hazardous Materials Contingency Plan for Construction Activities.*

Impact 3.7-3: Create a significant hazard to the public or environment due to upset and accident conditions (Less than Significant).

Impact 3.7-4: Emit hazardous emissions or handle hazardous materials within 0.25 mile of a school (No impact).

Impact 3.7-5: Result in a safety hazard for people residing or working in a project area that is located within 2 miles of a public airport or private use airport (No impact).

Impact 3.7-6: Impair emergency response or evacuation plans (Less than Significant).

Impact 3.7-7: Create a significant risk from wildfires (Less than Significant).

Discussion: The project will store fertilizers, herbicides and fuel for use in farm equipment in an existing agricultural shed. All hazardous materials are stored in a locked area with secondary containment in accordance with applicable regulations. The project does not expose the public to hazards. The project is in a rural area rated as a moderate fire risk area. The project would not impair emergency response or create a significant risk from wildfire. Project does not propose development of commercial cannabis facilities on existing commercial, business park, or industrial sites.

Hydrology and Water Quality

Impact 3.8-1: Construction water quality impacts (Less than Significant).

Impact 3.8-2: Operational water quality impacts (Less than Significant).

> **Mitigation Measure 3.8-2:** *Minimum Size of Commercial Cultivation Activities.*

Impact 3.8-3: Groundwater supply impacts (Less than Significant).

> **Mitigation Measure 3.8-3:** *Annual groundwater monitoring and adaptive management.*
> *The subject parcel exceeds 10 acres in size and is not subject to the requirements of Section 55.4.12.9 of the CCLUO regarding well drawdown testing.*

Impact 3.8-4: Surface drainage impacts on on-site and offsite flooding.

> **Mitigation Measure 3.8-4:** *Provision of drainage facilities to attenuate increases in drainage flows.*

Impact 3.8-5: Effects of diversion of surface water (No impact).

> **Mitigation Measure 3.8-5:** *Implement water diversion restrictions and monitoring and reporting requirements.*

Discussion: The project is for outdoor cannabis cultivation in a flat agricultural field with well-draining soil. The project will not degrade any water sources or contribute to sedimentation. No construction is proposed. The project area is within the 100-year flood zone. No new permanent structures are proposed. All hoop houses and portable toilets will be temporary and removed from the site annually in order to comply with the County Flood Damage Prevention Ordinance. The project will utilize dry-farming methods such that no irrigation water is needed for the cultivation. An estimated 20,000 gallons of water will be used for propagation and a commercial nursery. Water is supplied via a permitted groundwater well that is drilled through a clay layer and has been determined to be hydrologically disconnected from surface water flows. A condition of approval requires the well be monitored for drawdown. Should the well become unproductive, the project must be modified to identify a new non-diversionary water source such as rainwater catchment.

Land Use and Planning

Impact 3.9-1: Potential for physical division of an established community (No impact).

Impact 3.9-2: Conflict with relevant plans, policies, and zoning adopted for the purpose of avoiding or mitigating an environmental effect (No impact).

Noise

Impact 3.10-1: Short-term, construction-related noise (Less than Significant).

Mitigation Measure 3.10-1: *Implement construction-noise reduction measures.*

Impact 3.10-2: Long-term non-transportation operational noise (Less than Significant).

Mitigation Measure 3.12-2: *Proper design of highway access points.*

Impact 3.10-3: Long-term traffic noise levels (No impact).

Discussion: The project is located in actively managed agricultural land. The area has been in agricultural production for more than 10 years. Noise sources from the operation will include typical farm equipment such as tractors and well pumps. Fans and dehumidifiers will be used in the greenhouses for propagation and drying. The construction and dismantling of temporary hoop houses would create short-term noise that is less than significant. The temporary noise impacts from these activities would not create a substantial increase in noise levels.

Public Services

Impact 3.11-1: Result in substantial adverse physical impacts associated with the need for new or physically altered fire protection facilities (Less than Significant).

Impact 3.11-2: Result in substantial adverse physical impacts associated with the need for new or physically altered law enforcement facilities (Less than Significant).

Discussion: The project is for 5 acres of cannabis cultivation on a site where seasonal agriculture is the dominant use. The project will not increase the need for fire or law enforcement services.

Transportation and Circulation

Impact 3.12-1: Construction-related increase in traffic (Less than Significant).

Impact 3.12-2: Long-term increase in traffic (Less than Significant).

Impact 3.9-3: Potential for inadequate emergency access (Less than Significant).

Discussion: Up to twenty (20) employees are needed for the operation, totaling 40 trips for entering and leaving the site once daily. Additional seasonal workers are hired by employment agencies as needed during peak planting and harvest. No more than 40 people total would be onsite. Car and vanpooling will be used for seasonal labor to minimize trips such that additional laborers will generate no more than 10 additional trips (ingress and egress equal one trip each). The owner/operator will have up to 4 additional trips for product delivery and general farm activity. During peak seasonal activities, total maximum daily trips will therefore be 54. In response to public comments about increase in traffic, the applicant provided a Traffic Plan detailing instructions provided to all visitors to drive safely and slowly, stay on site for meals, and carpool to the site. In addition, the applicant contributes to the cost for installing the Shively summer bridge which provides an alternate route to the site, minimizing traffic through town on Shively Flat Road. By adhering to the maintenance of the easement access included as a condition of approval, the project's easement access is found to be adequate for the proposed use. The access easement will be maintained in good working order. Measures to achieve this goal include application of crushed rock to prevent mud and dust, managing drainage to prevent sediment delivery to the adjacent riparian buffer, and maintaining visibility by pruning vegetation. Prior to spring planting, applicant will submit an annual report documenting the condition of the easement following winter repairs.

Utilities and Service Systems

Impact 3.13-1: Exceed wastewater treatment requirements or wastewater treatment capacity and related infrastructure (No impact).

> **Mitigation Measure 3.13-1a**: *Prepare a treatment program for all new indoor cultivation and non-cultivation activities.*
>
> **Mitigation Measure 3.13-1b**: *Verification of adequate wastewater service and necessary improvements for public wastewater systems.*

Impact 3.13-2: Provision of sufficient water supplies and infrastructure needs (No impact).

> **Mitigation Measure 3.13-2:** *Verification of adequate water supply and service for municipal water service.*

Impact 3.13-3: Potential to be served by a landfill with insufficient capacity or violate existing statutes related to solid waste (Less than Significant).

Discussion: The project will provide portable toilets and handwashing stations for cultivation staff. Water for propagation is sourced from an onsite groundwater well. Solid waste is taken to the Eel River Transfer Station in an amount the service station is capable of handling. The proposed project is not for new commercial indoor cultivation or a non-cultivation cannabis operation. The property is not serviced by a public wastewater system. The property is not serviced by a municipal water service.

Energy

Impact 3.14-1: Wasteful, inefficient, and unnecessary consumption of energy (No impact).

Impact 3.14-2: Demand for energy services and facilities (Less than Significant).

Discussion: The project is for outdoor cannabis cultivation with a commercial nursery, on-site drying and off-site processing, with minimal energy needs. As an ongoing operational condition, the project is required annually to furnish proof of the purchase of 100% renewable electricity through a program such as the Redwood Coast Energy Authority RePower+ program. There will be a less than significant increase in demand for renewable energy.

Wildfire

The project will not interfere with any evacuation plan. There will be no new structures that will increase the risk of wildfire.

In every impact category analyzed in this review, the projected consequences of the current project proposal are either the same or less than significantly increased than the initial project for which the EIR was adopted. Based upon this review, the following findings are supported:

FINDINGS

1. The proposed project will permit a new cannabis operation and bring the operation into compliance with county and state requirements intended to adequately mitigate environmental impacts.

2. The circumstances under which the project was approved have not changed substantially. There are no new significant environmental effects and no substantial increases in the severity of previously identified effects.

3. For the current proposed project, there has been no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was adopted as complete.

CONCLUSION

Based on these findings it is concluded that an Addendum to the previous Final EIR is appropriate to address the requirements under CEQA for the current project proposal. All of the findings, mitigation requirements, and mitigation and monitoring program of the EIR, remain in full force and effect on the original project.

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 acknowledgement. (Not applicable)

3. 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. (Site Plan dated December 10, 2020 - Attached in Map Section)

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 - Cultivation and Operation Plan dated November 30, 2020).

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 – see operations plan)

7. Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the North Coast Regional Water Quality Control Board demonstrating enrollment in Tier 1, 2 or 3, North Coast Regional Water Quality Control Board Order No. 2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (Attached – Notice of Applicability; Condition of Approval – provide copy of Site Management Plan and annual reporting documents)

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. (Attached - Operation of Law letter for the Notification of Lake and Streambed Alteration for irrigation well (1600-2018-0522-R1) received August 21, 2019)

9. If the source of water is a well, a copy of the County well permit, if available. (Attached - Permit 17/18-1346)

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. Road Evaluation Report for Ewan Road and Shively Flat Road received June 2, 2020. (Attached)

16. Division of Environmental Health Worksheet. (Attached)

17. Biological Survey Report prepared by Natural Resources Management May 22, 2019 (Attachment 4A – Attached separately and on file)

18. Traffic Plan prepared by Organic Medicinals (Attached).

19. Pollen Pollution Prevention Plans prepared by Organic Medicinals received on September 30, 2020 and January 4, 2021 (Attached).

20. Affidavits from processing and distribution partners of Organic Medicinals attesting to no seeds within cannabis in 2019/2020 (Attached).

Cultivation and Operation Plan
Organic Medicinals, LLC
125 Shively Flat Rd. Shively, CA 95565
APN#209-191-018
Amended 11/27/2020

RECEIVED
NOV 30 2020
Humboldt County
Cannabis Svcs

Meets performance standards for all CMMLUO and MAUCRSA cultivation and processing operations.

Parcel is enrolled in Tier 2 Classification with the North Coast Regional Water Quality Control Board. WDID No. 1B16036CHUM. The WDID for the General Order is 1_12CC402544.

Cultivation site is located on a 0% slope, 30 ft. from any property line, 300 ft. from any residence, 600 ft. from any church or other place of religious worship, public park, tribal cultural resource, school, or school bus stop. Cultivation area and associated facilities observe all the required setbacks from watercourses, wetlands, and environmentally sensitive habitats. Riparian buffer zones are present and maintained.

An existing permitted water well is on site. Well is not connected to the hydrological flow of the Eel River watershed per CDFW decision.

Two (2) 2,500-gallon potable water storage tanks are present. Tank A for livestock watering and fire suppression. Tank B for propagation area water, livestock watering and fire suppression.

Two (2) 1500-gallon portable water storage tanks are present for rainwater catchment. Used for propagation area water.

PG&E power on site. Projected solar installation planned. Signed up for renewable energy with the Redwood Coast Energy Authority.

Permitted outdoor cultivation area will be 43,560 ft^2 plus 5 Removal, Relocation and Remediation plots totaling 92,000 ft^2. Total cultivation area will be 135,560 ft^2. There will be no indoor or mixed light cultivation area.

Cultivation area will be outdoor, sun grown, and dry farmed, i.e. no water, irrigation, or runoff. Plants will be planted into the native soil. Cultivation area will be farmed without the use of fertilizers, pesticides, herbicides, fungicides, or any other applicants and or materials… Cultivation area is farmed using organic practices. Cultivation site is located on prime agricultural soil. Property surrounding the cultivation area is an certified organic commercial farming operation. There is no surface water runoff.

Ancillary propagation area will be 16,200 ft^2. Area includes (2) 20'x60' and (10) 20'x50' non-permanent structures and an outside area for hardening off starts, sexing, selection and research and development. Solar string lights and solar fans will be used as needed. Nursery start annual projected water use is approximately 5,000 gallons. Nursery/propagation area will be watered from a 2,500-gallon water tank as well as (2) 1500-gallon rainwater catchment tanks. (See attached Commercial Nursery Plan)

Full term seed stock will be planted in the spring. Nursery clones may be used to fill out cultivation area. Plants will be planted in the native soil when conditions are appropriate. Cultivating, weeding, and general plant upkeep will be performed by hand. Rototilling will be done between plant rows for aeration and weed prevention. Plants will be harvested, fresh frozen or dried and cured, from late September through November. Fresh frozen is harvested and sent to a 3rd party processor. Drying and curing will be done using electric fans and wood, electric, and/or gas heat. Dehumidifiers will be used as needed. Plants are cut to hang, dry, and cure in the propagation area and stored in safe secure storage. There will be no processing on site. Cover crop will be planted at the end of the season for the next years fertility and storm water management. Cannabis cultivation sites will be rotated annually implementing sustainable organic best practice methods to prevent disease, pest infestation, mold and mildew, and to allow for regeneration of fertility for the next season's crop.

All compostable plant material will be composted in designated composting area. There are no soil spoils. In the event that there is soil left over from propagation/nursery, it will be incorporated into the native tree propagation/nursery area to be used for riparian habitat regeneration. All pots or containers used for propagation and cultivation will be reused for the following seasons.

Waste management includes self-hauling to a fully permitted solid-waste landfill or transformation facility on weekly or as needed basis.

All State Water Board Winterization protocols will be adhered to.

If sighted, invasive species will be removed and controlled by hand or mechanical cultivation.

Two portable toilets as well as a hand washing stations are on site and serviced regularly.

There will be seasonal labor as needed, generally around 20 laborers. An employment agency/agricultural labor contractor is used. Workers carpool to site for a limited duration and there may occasionally be a higher number of workers as necessary. There is no on-site housing or increased road usage. There is a deeded access road from Shively Flat Road to the operations site (parcel# 209-191-018). Road is 20' wide and well maintained. Meets road standards.

Security: 6ft. tall deer and orchard (steel wire) fencing with a galvanized steel top wire. Applicants on site daily, including nights and weekends. Primary residence of applicant ½ mile from operation site. Area will be monitored by security cameras where required.

Commercial Nursery
Cultivation and Operations Plan
Zoning Clearance Certificate: 10,000 ft^2
APN: 209-191-018
Amended: 05/25/2020

The commercial nursery will be used for on-site production of cultivation site stock and research and development. The commercial nursery will also produce seeds, clones, plant starts, and genetic material. Seeds, clones, plant starts and genetic material for sale will be picked in the Loading and Pickup Zone up by an outside party, for sale off-site, with a maximum of two (2) pickups per day, and will be entered into the Metrc System as required by the State of California. No supplemental lighting is used in the outdoor nurseries. Water use for the commercial nursery is approximately 10,000 gallons, and will be sourced from a groundwater well. The site also proposes nursery areas in Greenhouses #1-10 that are ancillary to the proposed cultivation areas.

Included in the commercial nursery site are:

Outdoor Area: 4,000 ft^2

Commercial Greenhouse #11: 10’ x 100’, Dry Farmed Organic Medicinals, LLC

Commercial Greenhouse #12: 10’ x 100’, Dry Farmed Organic Medicinals, LLC

Commercial Greenhouse #13: 10’ x 100’, Dry Farmed Organic Medicinals, LLC

Commercial Greenhouse #14: 10’ x 100’, Happy Dreams Farm, LLC

Commercial Greenhouse #15: 10’ x 100’, Happy Dreams Farm, LLC

Commercial Greenhouse #16: 10’ x 100’, Dry Farmed Organic Medicinals, LLC

Commercial Greenhouse #17: 10’ x 35’, Happy Dreams Farm, LLC

June 8, 2018

WDID:1_12CC402544

RECEIVED
AUG 21 2019
Humboldt County
Cannabis Svcs.

JILL VANDERLINDEN
125 SHIVELY FLAT ROAD
SHIVELY, CA 95565

Subject: Notice of Applicability - Waste Discharge Requirements Water Quality Order WQ-2017-0023-DWQ

The attached Notice of Applicability provides notice that the requirements of the State Water Board *Cannabis Cultivation Policy- Principles and Guidelines for Cannabis Cultivation* (Policy), and the *General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities*, Order No. WQ-2017-0023-DWQ (General Order) are applicable to the site as described below. Based on the information provided, the Discharger self-certifies the cannabis cultivation activities are consistent with the requirements of the State Water Board Policy and General Order.

Please direct all submittals, discharge notifications, and questions regarding compliance and enforcement to the North Coast Regional Water Quality Control Board Cannabis Program at (707) 576-2676 or northcoast.cannabis@waterboards.ca.gov.

Sincerely,

Kason Grady
On Behalf Of

Digitally signed by
Kason Grady
Date: 2018.06.08
14:05:21 -07'00'

Water Boards

Matthias St. John
Executive Officer
North Coast Regional Water Quality Control Board

180605_2L-_1_12CC402544_organic medicinals_1B16036CHUM_NOA_TW

NOTICE OF APPLICABILITY – WASTE DISCHARGE REQUIREMENTS, WATER QUALITY ORDER WQ-2017-0023-DWQ, ORGANIC MEDICINALS, HUMBOLDT COUNTY APN(s) 209-191-018; WDID: 1_12CC402544

Jill VanderLinden (hereafter "Discharger") submitted information through the State Water Resources Control Board's (State Water Board's) online portal on May 25, 2018, for discharges of waste associated with cannabis cultivation related activities. Based on the information provided, the Discharger self-certifies the cannabis cultivation activities are consistent with the requirements of the State Water Board *Cannabis Cultivation Policy-Principles and Guidelines for Cannabis Cultivation* (Policy), and the *General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities*, Order No. WQ-2017-0023-DWQ (General Order). This letter provides notice that the Policy and General Order are applicable to the site as described below. You are hereby assigned waste discharge identification (WDID) number **1_12CC402544**. The original WDID assigned by the North Coast Regional Water Quality Control Board was 1B16036CHUM.

The Discharger is responsible for all the applicable requirements in the Policy, General Order, and this Notice of Applicability (NOA).

1. FACILITY AND DISCHARGE DESCRIPTION

All dischargers enrolled under the North Coast Regional Water Board's Order (R1-2015-0023) or the Central Valley Regional Water Board's Order (R5-2015-0113) as of October 17, 2017, (the adoption date of the General Order) may retain the reduced setbacks applicable under the appropriate Regional Water Board order unless the Executive Officer for the appropriate Regional Board determines that the reduced setbacks applicable under their regional order are not protective of water quality. However, sites that expand their cannabis cultivation area or other cannabis related activities must comply with the riparian setbacks in the General Order.

The information submitted by the Discharger states the disturbed area is , no portion of the disturbed area is within the setback requirements, no portion of the disturbed area is located on a slope greater than 30 percent, and the cannabis cultivation area is less than or equal to 1 acre.

Based on the information submitted by the Discharger, the cannabis cultivation activities are classified as Tier 2 Low Risk.

2. SITE-SPECIFIC REQUIREMENTS

The Policy and General Order are available on the Internet at <*http://www.waterboards.ca.gov/cannabis*>. The Discharger shall ensure that all site operating personnel know, understand, and comply with the requirements contained in the Policy, General Order, this NOA, and the Monitoring and Reporting Program (MRP,

Attachment B of the General Order). Note that the General Order contains standard provisions, general requirements, and prohibitions that apply to all cannabis cultivation activities.

The application requires the Discharger to self-certify that all applicable Best Practicable Treatment or Control (BPTC) measures are being implemented, or will be implemented by the onset of the winter period (November 15 - April 1), following the enrollment date. Landowners of the cultivation site in the North Coast Region are required to submit and implement *Site Management Plans* that describes how BPTC measures are implemented property-wide, including BPTC measures implemented to address discharges from legacy activities (e.g. former timber harvest, road building, mining, etc.) at the site per Provision C.1.a. of the General Order. Dischargers that cannot implement all applicable BPTC measures by the onset of the winter period, following their enrollment date, shall submit to the appropriate Regional Water Board a *Site Management Plan* that includes a time schedule and scope of work for use by the Regional Water Board in developing a compliance schedule as described in Attachment A of the General Order.

During reasonable hours, the Discharger shall allow the State Water Board or Regional Water Quality Control Board (collectively Water Boards), California Department of Fish and Wildlife, CAL FIRE, and any other authorized representatives of the Water Boards upon presentation of a badge, employee identification card, or similar credentials, to:

i. Enter premises and facilities where cannabis is cultivated; where water is diverted, stored, or used; where wastes are treated, stored, or disposed; or in which any records are kept;

ii. Access and copy, any records required to be kept under the terms and conditions of the Policy and General Order;

iii. Inspect, photograph, and record audio and video, any cannabis cultivation sites, and associated premises, facilities, monitoring equipment or device, practices, or operations regulated or required by the Policy and General Order; and

iv. Sample, monitor, photograph, and record audio and video of site conditions, any discharge, waste material substances, or water quality parameters at any location for the purpose of assuring compliance with the Policy and General Order.

3. TECHNICAL REPORT REQUIREMENTS

The following technical report(s) shall be submitted by the Discharger as described below:

A Site Management Plan, by August 22, 2018, consistent with the requirements of General Order Provision C.1.a., and Attachment A, Section 5. Attachment D of the General Order provides guidance on the contents of the Site Management Plan.

A Site Closure Report must be submitted 90 days prior to permanently ending cannabis cultivation activities and seeking to rescind coverage under the General Order. The *Site Closure Report* must be consistent with the requirements of General Order Provision C.1.e., and Attachment A, Section 5. Attachment D of the General Order provides guidance on the contents of the *Site Closure Report.*

4. MONITORING AND REPORTING PROGRAM

The Discharger shall comply with the Monitoring and Reporting Program (MRP). Attachment B of the General Order provides guidance on the contents for the annual reporting requirement. Annual reports shall be submitted to the Regional Water Board by March 1 following the year being monitored. The Discharger shall not implement any changes to this MRP unless and until a revised MRP is issued by the Regional Water Board Executive Officer or the State Water Board Division of Water Quality Deputy Director, or the State Water Board Chief Deputy Director.

5. ANNUAL FEE

According to the information submitted, the discharge is classified as Tier 2 Low Risk with the current annual fee assessed at $1,000. The fee is due and payable on an annual basis until coverage under this General Order is formally rescinded. To rescind coverage, the Discharger must submit a Notice of Termination, including a Site Closure Report at least 90 days prior to termination of activities and include a final MRP report.

6. TERMINATION OF COVERAGE UNDER THE GENERAL ORDER & REGIONAL WATER BOARD CONTACT INFORMATION

Cannabis cultivators that propose to terminate coverage under the Conditional Waiver or General Order must submit a Notice of Termination (NOT). The NOT must include a *Site Closure Report* (see Technical Report Requirements above), and Dischargers enrolled under the General Order must also submit a final monitoring report. The Regional Water Board reserves the right to inspect the site before approving a NOT. Attachment C of the General Order includes the NOT form and Attachment D of the General Order provides guidance on the contents of the *Site Closure Report.*

If the Discharger cannot comply with the General Order, or will be unable to implement an applicable BPTC measure contained in Attachment A by the onset of the winter period each year, the Discharger shall notify the Regional Water Board staff by telephone at (707) 576-2676 or email at northcoast.cannabis@waterboards.ca.gov so that a site-specific compliance schedule can be developed.

cc: Kevin Porzio, State Water Resources Control Board, dwq.cannabis@waterboards.ca.gov
Michael Vella, California Department of Food and Agriculture, michael.vella@cdfa.ca.gov
Cheri Sanville, California Department of Fish and Wildlife, cheri.sanville@wildlife.ca.gov
Steve Werner, Humboldt County Planning Division, swerner@co.humboldt.ca.us
Jill VanderLinden 121 Ewan Avenue Shively, CA 95565
John Francisco 121 Ewan Avenue Shively, CA 95565

California Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
REGION 1 – NORTHERN REGION
619 Second Street
Eureka, CA 95501
www.wildlife.ca.gov

GAVIN C. NEWSOM, Governor
CHARLTON H. BONHAM, Director

RECEIVED
AUG 21 2019
Humboldt County
Cannabis Svcs.

February 22, 2019

Jill Vanderlinden
Organic Medicinals Inc.
125 Shively Flat Road, Scotia, CA 95565
organicmedicanalsinc@gmail.com

Subject: **Notification of Lake or Streambed Alteration No. 1600-2018-0522-R1**
Om Cannabis
Humboldt County Assessor's Parcel Number 209-191-018

Dear Jill Vanderlinden:

On August 31, 2018 the California Department of Fish and Wildlife (CDFW) received your Notification of Lake or Streambed Alteration (Notification). CDFW had 30 days (until September 30, 2018) to determine if your notification was complete.

The Department is required to submit a draft Lake or Streambed Alteration Agreement (Agreement) to you within 60 calendar days from the date the Notification is complete. Therefore, the Department had until October 30, 2018 to issue you a draft Agreement or inform you that an Agreement is not required. Due to current staffing limitations, the Department did not meet that date. As a result, by law, you may now complete the **project described in your notification** without an Agreement.

Please note that pursuant to Fish and Game Code (FGC) section 1602, subdivision (a)(4)(D), if you proceed with this project, **it must be the same as described and conducted in the same manner as specified in the notification and any modifications to that Notification received by CDFW in writing prior to the date of this letter.** This includes completing the project within the proposed term and seasonal work period and implementing all avoidance and mitigation measures to protect fish and wildlife resources specified in the notification. If the term proposed in your notification has expired, you will need to re-notify CDFW before you may begin your project. **Beginning or completing a project that differs in any way from the one described in the notification may constitute a violation of FGC section 1602.**

Your notification includes, but is not limited to, the following information: The usage of a private well to irrigate an existing specialty outdoor cannabis cultivation operation of 10,000 square feet.

Also note that while you are entitled to complete the project without an Agreement, you are still responsible for complying with other applicable local, state, and federal laws. These include FGC sections 5650 and 5652 which make it unlawful to pollute waters of the state. FGC section 5650 makes it unlawful to deposit in, permit to pass into, or place

Conserving California's Wildlife Since 1870

where it can pass into waters of the state any substance or material deleterious to fish, plant life, mammals, or bird life, including, but not limited to gasoline and oil, as well as sediment. FGC section 5652 makes it unlawful to deposit in, permit to pass into, or place where it can pass into waters of the state, or to abandon, dispose of, or throw away, within 150 feet of the high water mark of the waters of the state, any garbage, refuse, or waste, among other materials. A person who violates FGC sections 1602, 5650, and 5652 in conjunction with the cultivation or production of cannabis is subject to significant penalties or fines. Specifically, CDFW may impose civil penalties administratively against any person found by CDFW to have violated these FGC sections in connection with the production or cultivation of cannabis following a complaint and, if requested, a hearing.

Other statutes in the FGC that might apply to your activity, include, but not limited to the following sections: 2080 et seq. (species listed as threatened or endangered, or a candidate for listing under the California Endangered Species Act); 1908 (rare native plants); 3511, 4700, 5050, and 5515 (fully protected species); 3503 (bird nests and eggs); 3503.5 (birds of prey); 5901 (fish passage); 5937 (sufficient water for fish); and 5948 (obstruction of stream), and the requirements set forth in the Forest Practice Act (Pub. Resources Code, § 4511 et seq.) for projects on private timberlands.

Finally, if you decide to proceed with your project without an Agreement, you must have a copy of this letter and your notification with all attachments available at all times at the work site. As indicated in your Notification, the Applicant requests the Department to first contact Jill Vanderlinden to schedule a date and time to enter the property where the project described in this notification will take place, in the event the Department determines that a site inspection is nececary. This condition does not apply to CDFW enforcement personnel. Please note this letter is only valid until October 30, 2023, which is 5 years from the date the Department was required to provide a Draft Agreement.

If you have any questions regarding this letter, please contact Greg O'Connell, Environmental Scientist at gregory.oconnell@wildlife.ca.gov.

Sincerely,

Cheri Sanville
Senior Environmental Scientist Supervisor

ec:

Greg O'Connell, gregory.oconnell@wildlife.ca.gov

NorthCoast.Cannabis@Waterboards.ca.gov

County of Humboldt, Department of Planning and Building, Cliff Johnson
CJohnson@co.humboldt.ca.us

State of California

Well Completion Report

Form DWR 188 Submitted 6/14/2018
WCR2018-004563

Owner's Well Number: | Date Work Began: 05/30/2018 | Date Work Ended: 06/13/2018

Local Permit Agency: Humboldt County Department of Health & Human Services - Land Use Program

Secondary Permit Agency: | Permit Number: 17/18-1346 | Permit Date: 02/14/2018

Well Owner (must remain confidential pursuant to Water Code 13752)

Name: Jill Vanderlineden

Mailing Address: 125 Shively Flat Road

City: Scotia | State: CA | Zip: 95565

Planned Use and Activity

Activity: New Well

Planned Use: Water Supply Domestic

Well Location

Address: 125 Shively Flat RD

City: Scotia | Zip: 95565 | County: Humboldt

Latitude: N | Deg. | Min. | Sec.

Longitude: W | Deg. | Min. | Sec.

Dec. Lat.: 40.4399140 | Dec. Long.: -123.9778350

Vertical Datum: | Horizontal Datum: WGS84

Location Accuracy: | Location Determination Method:

APN: 209-191-018

Township: 01 N

Range: 02 E

Section: 29

Baseline Meridian: Humboldt

Ground Surface Elevation:

Elevation Accuracy:

Elevation Determination Method:

Borehole Information

Orientation: Vertical | Specify:

Drilling Method: Other - Under-Ream Down-Hole Hammer | Drilling Fluid: Air

Total Depth of Boring: 200 Feet

Total Depth of Completed Well: 200 Feet

Water Level and Yield of Completed Well

Depth to first water: 52 (Feet below surface)

Depth to Static Water Level: 63 (Feet) | Date Measured: 06/13/2018

Estimated Yield*: 30 (GPM) | Test Type: Air Lift

Test Length: 4 (Hours) | Total Drawdown: 137 (feet)

*May not be representative of a well's long term yield.

Geologic Log - Free Form

Depth from Surface Feet to Feet		Description
0	18	brown top soil
18	32	brown silty sand
32	38	course brown sand
38	82	brown rounded gravel
82	101	blue clay & sandstone mix
101	106	shale
106	126	blue sand stone
126	137	shale
137	161	sandstone, shale mix
161	200	shale mulache franciscan

Casings

Casing #	Depth from Surface Feet to Feet		Casing Type	Material	Casings Specificatons	Wall Thickness (inches)	Outside Diameter (inches)	Screen Type	Slot Size if any (inches)	Description
1	0	120	Blank	Low Carbon Steel	Grade: ASTM A53	0.188	6			
2	0	100	Blank	PVC	OD: 4.500 in. | SDR: 21 | Thickness: 0.214 in.	0.214	4.5			
2	100	200	Screen	PVC	OD: 4.500 in. | SDR: 21 | Thickness: 0.214 in.	0.214	4.5	Milled Slots	0.032	

Annular Material

Depth from Surface Feet to Feet		Fill	Fill Type Details	Filter Pack Size	Description
0	20	Bentonite	Other Bentonite		Sanitary Seal
20	200	Filter Pack	Other Gravel Pack	3/8 Inch	Pea Gravel

Other Observations:

Borehole Specifications

Depth from Surface Feet to Feet		Borehole Diameter (inches)
0	200	10

Certification Statement

I, the undersigned, certify that this report is complete and accurate to the best of my knowledge and belie'

Name: FISCH DRILLING
Person, Firm or Corporation

3150 JOHNSON ROAD | HYDESVILLE | CA | 95547
Address | City | State | Zip

Signed: *electronic signature received* | 06/14/2018 | 683865
C-57 Licensed Water Well Contractor | Date Signed | C-57 License Number

Attachments

scan.pdf - Location Map

DWR Use Only

CSG #	State Well Number	Site Code	Local Well Number

				N						W

Latitude Deg/Min/Sec | Longitude Deg/Min/Sec

TRS:

APN:

HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS
ROAD EVALUATION REPORT

PART A: *Part A may be completed by the applicant*

Applicant Name: Jill VanderLinden APN: 209-191-018

Planning & Building Department Case/File No.:

Road Name: Swan Ave. *(complete a separate form for each road)*

RECEIVED JUN 2 - 2020 Humboldt County Cannabis Svcs

From Road (Cross street): Shively Rd.

To Road (Cross street): Shively Flat Rd.

Length of road segment: 0.15 mi. miles Date Inspected: 05/25/2020

Road is maintained by: [X] County [ ] Other
(State, Forest Service, National Park, State Park, BLM, Private, Tribal, etc)

Check one of the following:

Box 1 [X] The entire road segment is developed to Category 4 road standards (20 feet wide) or better. If checked, then the road is adequate for the proposed use without further review by the applicant.

Box 2 [ ] The entire road segment is developed to the equivalent of a road category 4 standard. If checked, then the road is adequate for the proposed use without further review by the applicant.

An equivalent road category 4 standard is defined as a roadway that is generally 20 feet in width, but has pinch points which narrow the road. Pinch points include, but are not limited to, one-lane bridges, trees, large rock outcroppings, culverts, etc. Pinch points must provide visibility where a driver can see oncoming vehicles through the pinch point which allows the oncoming vehicle to stop and wait in a 20 foot wide section of the road for the other vehicle to pass.

Box 3 [ ] The entire road segment is not developed to the equivalent of road category 4 or better. The road may or may not be able to accommodate the proposed use and further evaluation is necessary. Part B is to be completed by a Civil Engineer licensed by the State of California.

The statements in PART A are true and correct and have been made by me after personally inspecting and measuring the road.

Signature 05/25/2020
Date

Jill VanderLinden
Name Printed

Important: Read the instructions before using this form. If you have questions, please call the Dept. of Public Works Land Use Division at 707.445.7205.

u:\pwrk_landdevprojects\referrals\forms\road evaluation report form (09-27-2017).docx

HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS
ROAD EVALUATION REPORT

PART A: *Part A may be completed by the applicant*

Applicant Name: Jill VanderLinden APN: 209-191-018

Planning & Building Department Case/File No.:

Road Name: Shively Flat Rd. *(complete a separate form for each road)*

RECEIVED JUN 2 - 2020 Humboldt County Cannabis Svcs

From Road (Cross street): Ewan Ave.

To Road (Cross street): Deeded AccessRd.

Length of road segment: 0.61 mi. miles Date Inspected: 05/25/2020

Road is maintained by: [X] County [ ] Other
(State, Forest Service, National Park, State Park, BLM, Private, Tribal, etc)

Check one of the following:

Box 1 [X] The entire road segment is developed to Category 4 road standards (20 feet wide) or better. If checked, then the road is adequate for the proposed use without further review by the applicant.

Box 2 [ ] The entire road segment is developed to the equivalent of a road category 4 standard. If checked, then the road is adequate for the proposed use without further review by the applicant.

An equivalent road category 4 standard is defined as a roadway that is generally 20 feet in width, but has pinch points which narrow the road. Pinch points include, but are not limited to, one-lane bridges, trees, large rock outcroppings, culverts, etc. Pinch points must provide visibility where a driver can see oncoming vehicles through the pinch point which allows the oncoming vehicle to stop and wait in a 20 foot wide section of the road for the other vehicle to pass.

Box 3 [ ] The entire road segment is not developed to the equivalent of road category 4 or better. The road may or may not be able to accommodate the proposed use and further evaluation is necessary. Part B is to be completed by a Civil Engineer licensed by the State of California.

The statements in PART A are true and correct and have been made by me after personally inspecting and measuring the road.

Signature

05/25/2020
Date

Jill VanderLinden
Name Printed

Important: Read the instructions before using this form. If you have questions, please call the Dept. of Public Works Land Use Division at 707.445.7205.

u:\pwrk_landdevprojects\referrals\forms\road evaluation report form (09-27-2017).docx

Humboldt County Department of Health & Human Services

Division of Environmental Health
100 H Street - Suite 100 - Eureka, CA 95501
Phone: 707-445-6215 - Toll Free: 800-963-9241
Fax: 707-441-5699
envhealth@co.humboldt.ca.us

Attachment for Commercial Medical Marijuana (CMM) Clearances/Permits

Applications for CMM Clearances and/or Permits are reviewed by the Division of Environmental Health (DEH) for compliance with regulations intended to protect public health and the environment. Individuals preparing a CMM Permit Application are encouraged to provide information addressing the items listed below, as applicable, to assist DEH with a timely review. If the requested information is already provided in a complete operations manual submitted to the Planning Division, provide the page and section numbers where it is located.

Name of Business: Organic Medicinals Primary Contact Person: Jill VanderLinden
Site Address: 125 Shively Flat Rd. Phone: 707-599-1058
APN: 209-191-018 Email: organicmedicinalsinc@gmail.com

General Project Description (cultivation, processing, manufacturing; seasonal vs year round etc.)
Cultivation - Seasonal dry farmed - outdoor - planted in ground - grown organically; no applicants

Wastewater (page____section____)

- Connected to public sewer No Onsite waste water system No
- Number of Employees: average 0 peak operations:_____
- Hours of Operation/shifts per day: average_____peak operations:_____
- Additional flow from processing: 0 GPD. Description of effluent N/A
- Describe the proposed and existing wastewater generating structures and method(s) of effluent disposal.
  None N/A *grey water from handwashing station discharged outside of production area

Portable toilet and handwashing station

Water Source (page____section____)

- Describe and show the water source(s) available on the property and what they serve.
  - ☐ Public Water System
  - ☑ Well Permit Number(s): 17/18-1346
  - ☐ Unpermitted Well
  - ☐ No Existing Water Source
  - ☐ Spring
  - ☐ Approved Surface Water/Description_____
  - ☐ Unapproved Surface Water/Description_____
  - ☐ Other:_____
- Describe the approximate daily water demand for the current and projected uses on the property and method used to calculate demand: Dry farmed - no daily water use - meters on hoses - water as needed only for propagation area.

Consumer Protection (page____section____)

- List/Describe any food production or service: None
- Describe and show on site plan, any existing or proposed kitchen infrastructure: None

RECEIVED MAY 24 2019 Humboldt County Planning Division

APPROVED MAY 28 2019 Humboldt County PLANNING

\\all.co.humboldt.ca.us\dhhs-files\ENVH\EH Resources\Forms and Hand Outs Public\Commercial Medical Marijuana Handouts\Attachment for CMM Clearances.docx

Note: DEH does not currently regulate edible cannabis products. Any other food production may require a Plan Check and permitting.

Hazardous Materials (page____section____)

- List/describe production/cultivation machinery (e.g. generator, tractor, OHV, trimmer, heaters etc.): tractor, implements, Dehum,
- Equipment Maintenance/Service (e.g., changing oil, antifreeze, etc.): Onsite or Offsite
- List/describe fuel/oil(s) used or produced onsite (e.g. gasoline, diesel, propane, other?); Provide amounts and storage method(s): Propane - Hot water-on-demand handwashing + cleaning
- List/describe all compressed gases, cleaners, solvents and sanitizers (including, but not limited to, household chemicals, bleach and alcohol). Provide amounts and storage method(s): ~~propane~~, vinegar, alcohol, Dr. Bronners soap, eco dishwashing fluid, 1 bottle each, not compressed
- List/describe fertilizers, soil amendments and biocides (including organic ones). Provide amounts and storage method/area(s): 0 *Attach Safety Data Sheets (SDS)

Solid Waste/Recycling (page____section____)

- List/describe the different anticipated solid waste/recycling, composting products and anticipated amounts: less than 500lbs. "pack it in pack it out policy"
- Describe, and show on the site plan, the designated area for storage of recycling and solid waste (containers stored outside must be covered): behind 10x10 shed on S.W. side of back field and garbage can covered, located @ hand washing station
- Describe waste removal plan including frequency and destination
  - ✓ Garbage (1x/week) 1x week
  - ✓ Recycling(x/month) 4x month (avoid nuisances including odors and vermin.)
  - o Hauling via Garbage/Recycling Service:_____or Self Haul ✓
- Preferred permitted solid waste/recycling facility: Eel River Recovery

Note: Spent growth medium with no further agricultural use is considered solid waste. It must be stored under cover until it can be hauled to a waste facility.

ARCHAEOLOGICAL RESEARCH AND SUPPLY COMPANY

COVER PAGE

A. SHIVELY, HUMBOLDT COUNTY, CA, APN 209-191-018

B. HUMBOLDT COUNTY COMMERCIAL MEDICAL MARIJUANA LAND USE ORDINANCE (CMMLUO) PERMIT NUMBER: 12134

C. JILL VANDERLINDEN

D. PROJECT DESCRIPTION

1. Archaeological Inventory
2. 53-acres, 35-acres surveyed
3. Cannabis permit, potential impacts include cultivation in one area, associated roads and infrastructure.
4. Unfettered access to property, visibility approximately 80-100%.

E. HUMBOLDT COUNTY MEDICAL CANNABIS ORDINANCE PERMIT.

F. THIS REPORT IDENTIFIES AND INVENTORIES HISTORIC RESOURCES WITHIN THE PROJECT AREA AND PROVIDES RECOMMENDATIONS FOR MITIGATION OR THE NEED FOR FURTHER ARCHAEOLOGICAL WORK.

G. RESULTS

1. RESOURCES IN AND OUT OF APE: NONE
2. RESOURCES AFFECTED OR NOT BY PROJECT: NONE
3. SPECIAL CIRCUMSTANCES: 80-100% VISIBILITY, SURVEYED THE ENTIRE 53-ACRE PARCEL.
4. REQUESTED ACTION BY SPECIFIC LAW: NO FURTHER ARCHAEOLOGICAL WORK PER CEQA VIA HUMBOLDT COUNTY ORDINANCES.
5. CONTACT: NICK ANGELOFF 707-402-6203, nangeloff.sso@gmail.com

JAN 2 2018

RECEIVED MAY 24 2019 Humboldt County Planning Division

APPROVED MAY 29 2019 Humboldt County PLANNING

Organic Medicinals, Inc.
Traffic Plan
Humboldt County Special Permit Record #PLN-2019-15602

Organic Medicinals, Inc. advises and recommends all visitors to:

1) Drive safely and slowly
2) Drive to prevent the spread of dust
3) Drive in consideration of our farming community.
4) Use the summer seasonal bridge entrance into Shively to prevent excess travel through town.
5) Drive with respect and safety for children, elderly, animals, bicyclists, pedestrians, and others.
6) Walk, bicycle, or carpool whenever possible.
7) Remain on-site for lunch and dinner breaks if possible to reduce traffic.

Organic Medicinals donates annually to the Shively Community Bridge Fund to put in and remove the summer bridge and encourage its use.

Organic Medicinals keeps the farm road rocked to prevent dust and sediment transferral.

Organic Medicinals' members assist the community in putting in and taking out the Shively summer bridge and provide California State Park maintenance help by spreading redwood needles to cover exposed ground and prevent dust and sediment. In addition, Organic Medicinals helps repair the structural integrity of the bridge as needed.

Organic Medicinals works with neighbors to collectively repair and develop roadways to county standards and ensures emergency vehicle access.

RECEIVED
SEP 30 2020
Humboldt County
Cannabis Svcs.

Organic Medicinals, Inc.
Commercial Nursery Pollen Prevention Plan
CA State Permit #CCL20-0001307

All of Dry Farmed Organic Medicinals' non-permanent greenhouse structures to house the seed breeding are set in place seasonally. The greenhouses are covered in a double layer of *Agribon* brand non-woven spun-bonded polypropylene barrier fabric to create a micron-level barrier that prevents the escape of pollen.

The greenhouses are then sealed completely and never opened again until rainfall. At this time, the greenhouses are thoroughly wet-down with water, inside and outside, to ensure that all pollen is rendered unviable.

Pollen prevention control monitors are placed outside of all greenhouses to ensure that no pollen is released. Greenhouses are checked daily to ensure sealed enclosure and the lack of any pollen release.

Pollen Control Best Practices Plan for Dry Farmed Organic Medicinals

Received 1/4/2021- SL, Planner

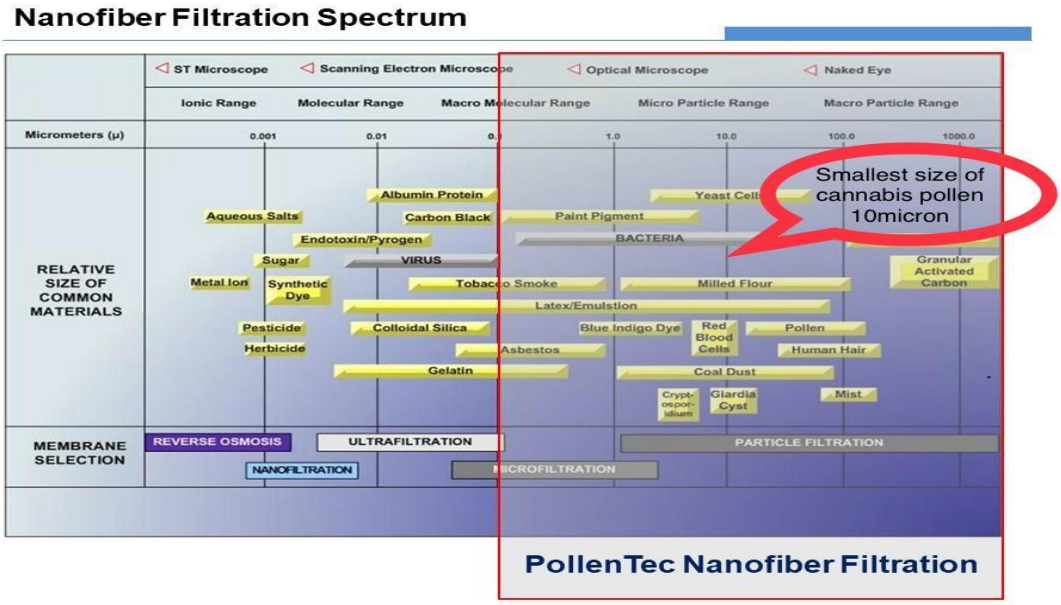
About cannabis pollen

Cannabis pollen grains vary from 10 to 40 microns (10 being the smallest). They are nearly spherical in shape and vary in color from yellow to yellow-white. Cannabis transmits its DNA sexually through the act of pollination. Males develop loose flower clusters that begin as pods. The pods swell and fill with pollen. When the male is mature, and the pods are ready, they burst open, releasing pollen from its anthers. That pollen carries on the air seeking to fulfill its genetic mandate of fertilizing. Pollination occurs when pollen reaches the female, triggering female plants to produce seeds.

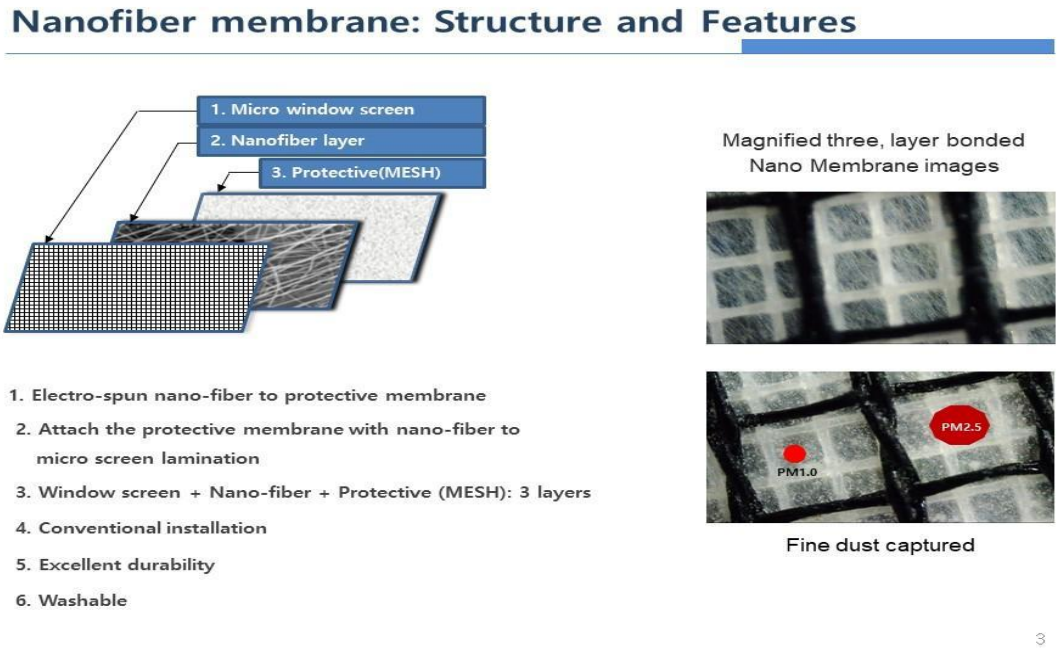
Solutions for pollen containment

The ability to isolate growing fields is an effective strategy used to mitigate undesired pollination. Beyond isolation, engineered fabric greenhouses to contain pollen provides a solution that can be accounted for. We plan on building freestanding greenhouses with a double layer of Pollentec fabric which is capable of containing 2.5 micron airborne particles which is four times smaller than a small grain of cannabis pollen.

Size of Particulates The Pollentec Fabric Filters

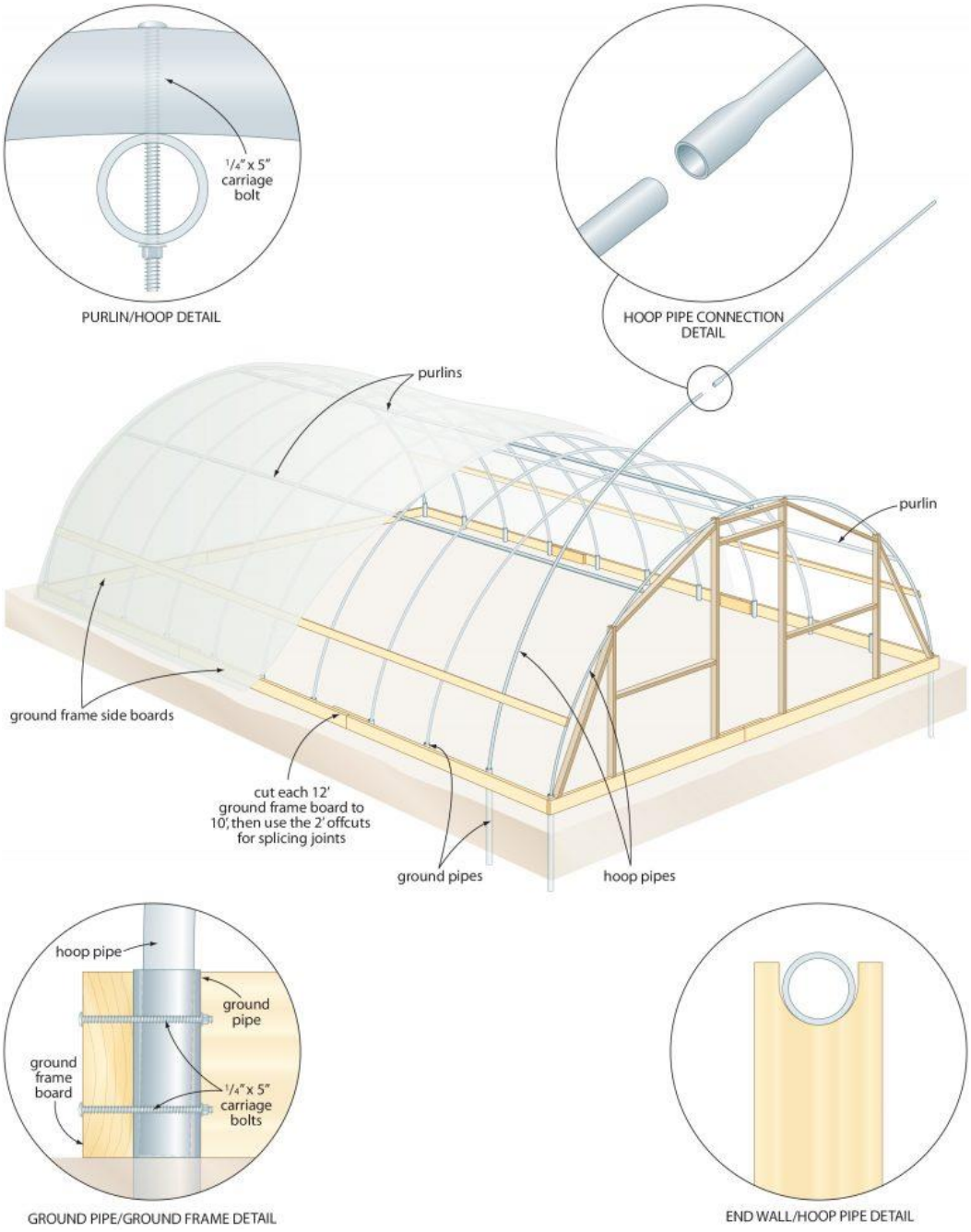


The Pollentec Fabric will be attached to the hoop house along with a spacer to allow a second layer of fabric for redundancy and to ensure that no pollen escapes. There will be no greenhouse plastic in the exterior of the greenhouse.



Hoop House general design

The intended greenhouses will follow a simple design using Pollentec material to cover the hoops. Each of the layers of Pollentec will also be secured to the structure and into the surrounding soil.



Dry Farmed Organic Medicinals has the full technical support of Pollentec and its engineering department throughout the design and build process starting with the 2021 growing season and years to come. We hope the design created can become a countywide standard which will allow us and other farms the opportunity to continue regenerative farming seed production.

RECEIVED
JAN - 5 2021
Humb... County
Cann... Svcs

Affidavit

I, Sean Casement hereby certify that there were no seeds found in any of the plant material presented to and processed by Myself from Organic Medicinals, Inc during the 2019-2020 growing season.

Signed, Sean Casement Date: 12/28/20

Title Ag. Support

Company Organic Medicinals, Inc.

RECEIVED
JAN - 5 2021
Humboldt County
Cannabis Svcs

Affidavit

I, Samuel Barton, hereby certify that there were no seeds found in any of the plant material presented to and processed by Humboldt Sun Growers Guild from Organic Medicinals, Inc during the 2019 growing season.

Signed, Sam Barton. Date: 11/05/2019

Title Procurement Supervisor

Company Humboldt Sun Growers Guild

RECEIVED
JAN - 5 2021
Humboldt County
Cannabis Svcs

Affidavit

I, Samuel Barton, hereby certify that there were no seeds found in any of the plant material presented to and processed by Red Woods Management, LLC from Organic Medicinals, Inc during the 2020 growing season.

Signed, Sam Barton Date: 12/10/2020

Title Owner

Company Red Woods Management, LLC

RECEIVED
JAN - 5 2021
Humboldt County
Cannabis Svcs

Affidavit

I, Kimberly Haile, hereby certify that there were no seeds found in any of the plant material presented to and processed by Arcata Processing Co from Organic Medicinals, Inc during the 2019 growing season.

Signed, _____. Date: 12/15/20

Title OPERATIONS Manager

Company Arcata Processing Co

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JAN - 5 2021
Humboldt County
Cannabis Svcs

Affidavit

I, Kimberly Haile, hereby certify that there were no seeds found in any of the plant material presented to and processed by Arcata Processing Co from Organic Medicinals, Inc during the 2020 growing season.

Signed, _____. Date: 12/15/20

Title Operations Manager

Company Arcata Processing Co

RECEIVED
JAN - 5 2021
Humboldt County
Cannabis Svcs

Affidavit

I, Suzanne Colby, hereby certify that there were no seeds found in any of the plant material presented to and processed by California Harvest House from Organic Medicinals, Inc during the 2020 growing season.

Signed, Suzanne Colby. Date: 12/15/20

Title Director of Operations

Company CA Harvest House

Scanned with CamScanner

RECEIVED
JAN - 5 2021
Humboldt County
Cannabis Svcs

Affidavit

I, Patrick Green, hereby certify that there were no seeds found in any of the plant material presented to and processed by Peak Industries from Organic Medicinals, Inc during the 2019 growing season.

Signed, _____ Date: 12/18/20

Title President + CEO

Company Peak Industries Inc.

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JAN - 5 202
Humboldt County
Cannabis Svcs

Affidavit

I, Patrick Green, hereby certify that there were no seeds found in any of the plant material presented to and processed by Peak Industries from Organic Medicinals, Inc during the 2020 growing season.

Signed, _____ Date: 12/18/20

Title President & CEO

Company Peak Industries Inc.

RECEIVED
JAN - 5 2021

Affidavit

I, Billy Elyson, hereby certify that there were no seeds found in any of the plant material presented to and processed by Humboldt Sun Growers Guild from Organic Medicinals, Inc during the 2019 growing season.

Signed, Billy Elyson Date: 1/4/21

Title Chief Botanist

Company The CESC Clinical Endocannabinoid System Consortium

ATTACHMENT 5

Referral Agency Comments and Recommendations

The project was referred to the following referral agencies for review and comment. Those agencies that provided written comments are checked off.

Referral Agency	Response	Recommendation	Location
Building Inspection Division	✓	Conditional Approval	Attached
Public Works Land Use Division	✓	Conditional Approval	Attached
Division of Environmental Health	✓	Approval	On file with Planning
State Water Resources Control Board- Department of Water Rights	✓	Approval	Attached
California Department of Fish & Wildlife	✓	Comments	Attached
CAL FIRE	✓	No comments	Attached
NWIC	✓	Comments	On file with Planning
Bear River Band	✓	Inadvertent discovery protocol	On file with Planning
Intertribal Sinkyone Wilderness Council		No response	
Humboldt County Agricultural Commissioner		No response	
RWQCB		No response	
NCUAQMD		No response	
Redcrest Volunteer Fire Company		No response	
Scotia Union School District	✓	No comments	
Fortuna Union School District		No response	
District Attorney		No response	
Humboldt County Sheriff	✓	Approval	On file with Planning

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

PRE-SITE INVESTIGATION FORM

THIS IS NOT A PERMIT DOCUMENT

APPLICATION INFORMATION

Name

Address 1 Jill VanderLinden **Address 2** 125 Shively Flat Rd

City Scotia **State** CA **Zip** 95565

OWNERS NAME AND MAILING ADDRESS

Name Vanderlinden Jill & Francisco John E **Email**

Address 1 **Address 2**

City Shively **State** CA **Zip** 95565

SITE INFORMATION

Parcel Number 209-191-018-000 **Application Number** PLN-2019-15602

Street Address 125 Shivley Flat Rd **City** Shivley **State** CA **Zip** 95565

PRESITE INVESTIGATION

Project is already started Yes

Soil report is required due to

Project is in flood zone A per Yes

Flood elevation certificate required No

Plans stamped by a licensed person required No

SRA water storage requirements apply No

Appr.SRA req. need to be shown on plot plan No

Driveway slope appears to be Under 16%

Grading permit required No

Incomplete submittal Construction Plan No

Erosion and sediment control measures req. Small Projects

AOB Inspection No

Project appears to be within wet area None

FIRM panel number 1455F

Is 2nd Flood Certificate Required? No

SRA requirements apply No

Lot created prior to 1992 Yes

Plot plan incomplete, must be revised Yes

Submit engineered foundation for None

Applicant must locate property lines No

Other concerns exist Yes

Inspector Notes
7/2/19
Planning Referral Comments: See presite photos in documents.
1. Submit revised site / plot plan show all structures including size and use and all setbacks from the above stated to each other and property lines.
2. Existing structures used in the cannabis operation shall not be used until all required permits have been obtained.
3. Recommend approval based on the condition that all required building and Ag Exempt permits are obtained.
Building Division Comments
1. Non-exempt 10x12 storage structures have been built prior to this presite in violation of County Flood Ordinance. See presite photos in documents.
2. Project is in flood zone AE-F.
3. Aerial Map submitted shows improvements out of property boundaries.
4. Complete and submit Ag Exemption letter of intent for all proposed greenhouses and Ag structures.

QUESTIONS? Please contact the County of Humboldt Building Division

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

6/18/2019

Project Referred To The Following Agencies:

AG Commissioner, County Counsel, District Attorney, Environmental Health, Sheriff, PW Land Use, Building Inspections, Redcrest VFC:FPD, RWQCB, NCUAQMD, Scotia USD:School District, Cal Fish & Wildlife, CalFire, CA Division of Water Rights, Bear River Band, Intertribal Sinkyone Wilderness Council, NWIC

Applicant Name Organic Medicinals, Inc. **Key Parcel Number** 209-191-018-000

Application (APPS#) PLN-2019-15602 Planning Application **Assigned Planner** Chris Alberts 268-3771

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: 7/3/2019

Planning Commision 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: SEE ALL COMMENTS IS PRESITE INSPECTION.

DATE: 7/5/19 PRINT NAME: MARC PHIPPEN

AREA 1 SHED #3

10X12 - 2 STORY SHED w/ ELECT. SUBPANEL

7/1/19

PLN-2019-15602

AP# 209-191-018

(FLOOD ZONE AE-F) 1455F MAP 143' BFE

10X12 - 2 STORY w/ ELECT ↓ SAME AS ABOVE

AREA 1 2-STORY SHED #2

AREA #2

OUTDOOR KITCHEN H2° HEATER + STOVE

AREA 1 SHED #1

10X12 SHED W/ 2 FLOORS + ELECT.

PROPAGATION AREA PREMISES 2

2 -(E) PROPAGATION GREENHOUSES AREA 2

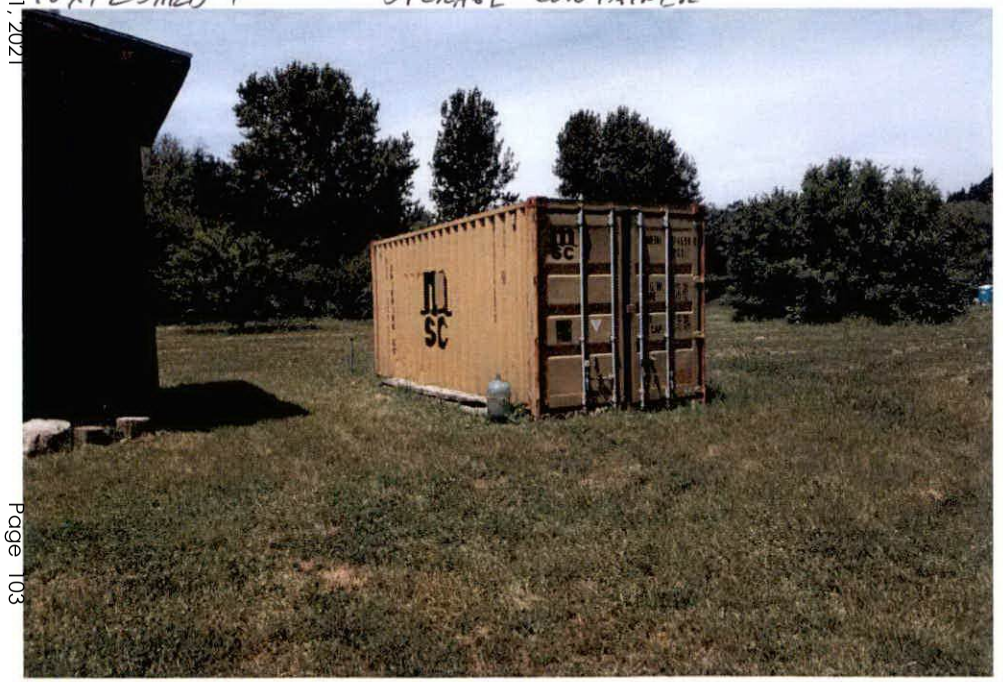
7/1/19 PLN-2019-15602

2-10X12 SHEDS W/ELECT. + PLUMB/WOODSTOVE

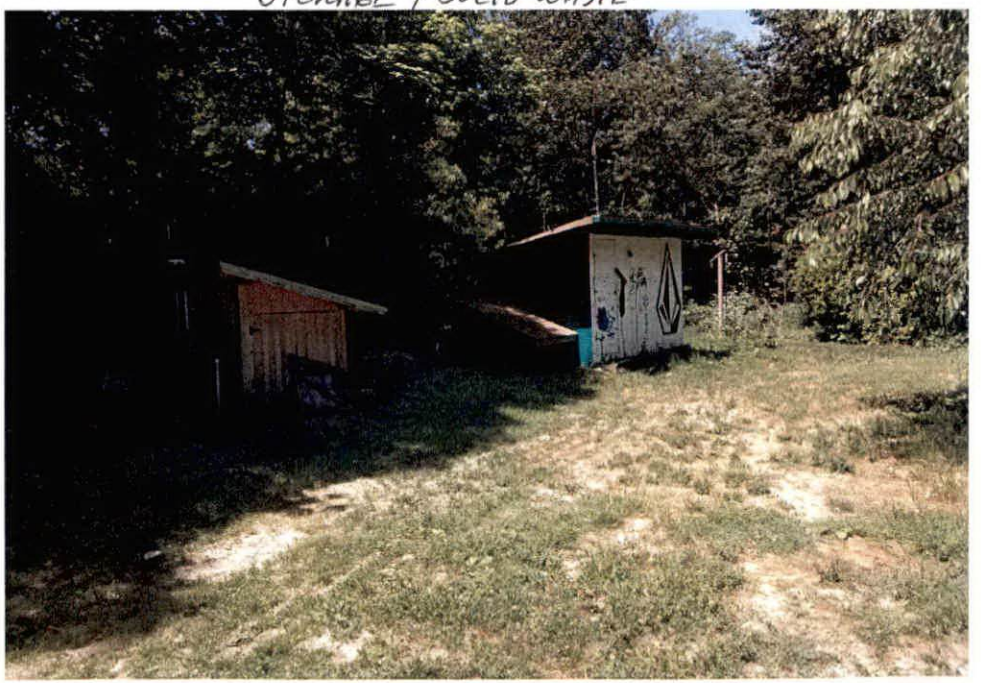
WATER STORAGE TANKS

10X12 SHED #1

STORAGE CONTAINER

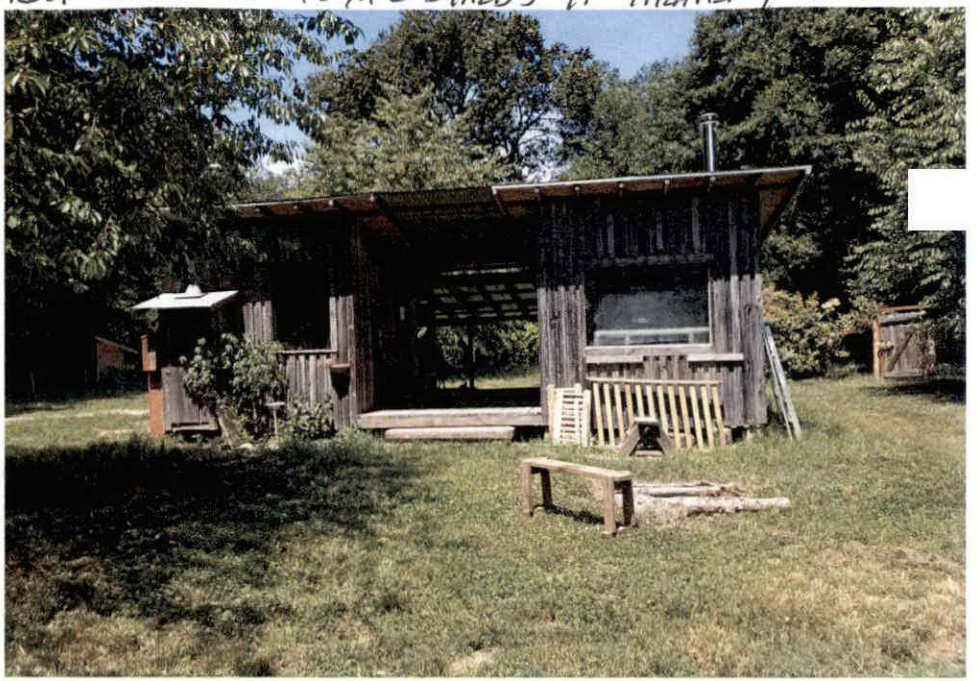


STORAGE / SOLID WASTE

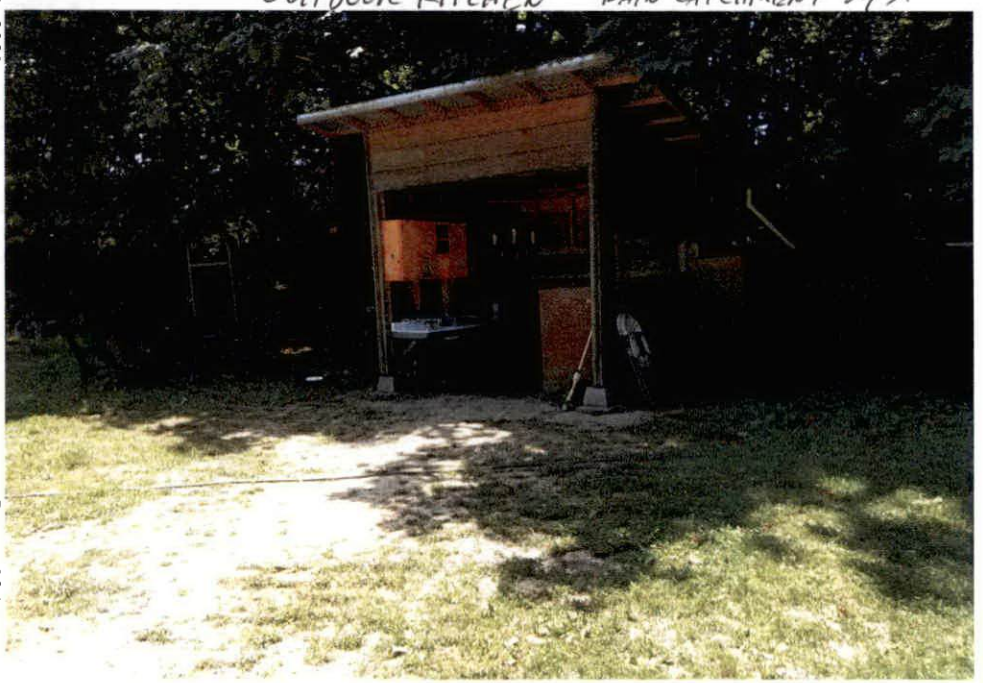


OUTDOOR KITCHEN RAIN CATCHMENT SYS.

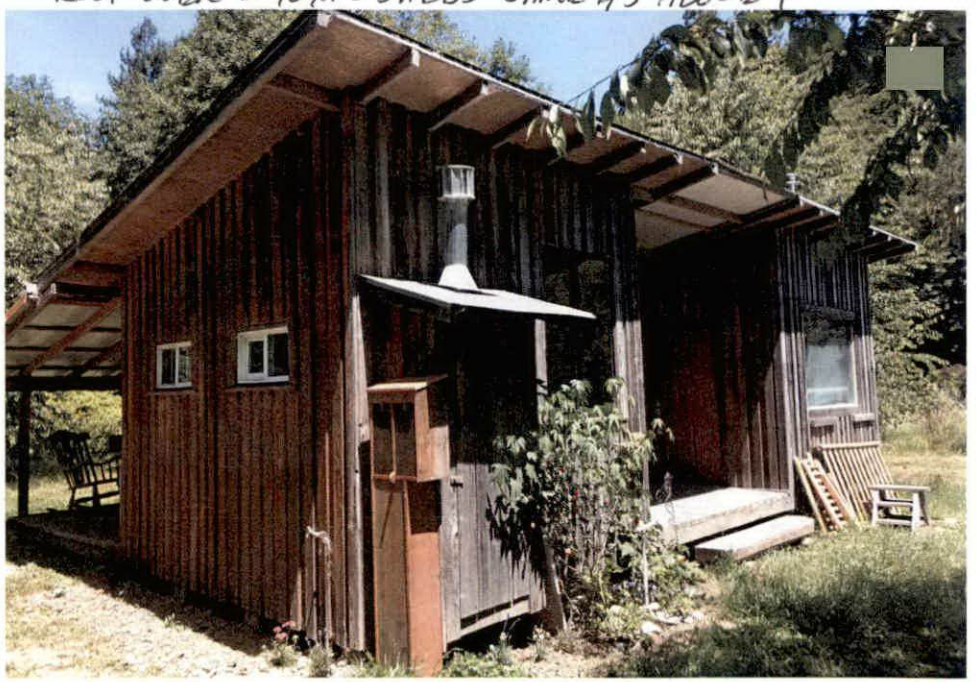
ROOF COVER OVER 2 - 10X12 SHEDS H2O HEATER/WOODSTOVE



OUTDOOR KITCHEN RAIN CATCHMENT SYS.



ROOF OVER 2-10X12 SHEDS SAME AS ABOVE ↑



DEPARTMENT OF PUBLIC WORKS
COUNTY OF HUMBOLDT
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

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

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

LAND USE DIVISION INTEROFFICE MEMORANDUM

TO: Chris Alberts, Planner, Planning & Building Department

FROM: Kenneth M. Freed, Assistant Engineer

DATE: 07/03/2019

RE:

Applicant Name	**ORGANIC MEDICINALS INC**
APN	**209-191-018**
APPS#	**PLN-2019-15602**

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"**

Note: Prior to requesting an applicant to submit a road evaluation report, verify if the project is exempt from meeting road system performance standards under CCLUO v2.0 sections 313-55.4.6.5.1 and 314-55.4.6.5.1, even if this box is checked.

No re-refer is required.

*Note: Exhibits are attached as necessary.

Additional comments/notes:

Applicant has submitted inaccurate road evaluation report, dated November 28, 2017, with Part A-Box 2 checked, certifying that the road is equivalent to a road Category 4 standard.

The report does not accurately state the route to the subject parcel. There are multiple roads used (not one) to get to the subject parcel. The road evaluation report does not provide a separate road evaluation for each road segment. One route starts from State Highway 101 then proceeds to County maintained roads Shively Road (C4F012) to Ewan Avenue (5F060) to Shively Flat Road (5F010), then proceeds approximately 0.02 miles on the non-County maintained portion of Shively Flat Road until the driveway to the subject parcel is located.

Applicant should provide updated road evaluation report (and appropriate forms) that reflects the route taken to the subject parcel.

// END //

Exhibit "A"

Public Works Recommended Conditions of Approval

(All checked boxes apply) APPS # 15602

☐ **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:

_____

_____

☐ **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: (AT INTERSECTION WITH COUNTY MAINTAINED RD)**
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 //

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

- [x] The Department has no comment at this time.
- [ ] Suggested conditions attached.
- [ ] Applicant needs to submit additional information. List of Items attached.
- [ ] Recommend denial.
- [ ] Other comments.

Forester Comments: Date: 6/24/19 Name: Lucas Titus

CAL FIRE RM has no comment on APPS#15602.

Battalion Chief Comments: Date: Name:

Summary:

From: Luther, Stephen
To: Bauer, Scott@Wildlife
Cc: Johnson, Cliff; Phillips, Erin@Wildlife; Bocast, Kalyn@Wildlife
Subject: RE: CEQA Referral_APPS-15602_CEQA-2019-0318_CDFW
Date: Monday, June 8, 2020 1:27:00 PM
Attachments: image001.png

Thank you Scott. I'd like to provide the County's response as outlined in the staff report.

No new buildings are proposed in the flood plain. Development will consist of temporary hoop houses for nursery activities and portable toilets that will be removed from the site annually between October 16th and April 15th. No supplemental light will be used in the nurseries, and all cultivation is full-sun outdoor in native soil (no soil imported). All setbacks to watercourses are met. No generators are used in this project. The solar array will be inspected.

Thank you,

Stephen Luther
Planner, Cannabis Division
Planning and Building Department
707.268.3737

From: Bauer, Scott@Wildlife <Scott.Bauer@wildlife.ca.gov>
Sent: Friday, June 05, 2020 4:53 PM
To: Luther, Stephen <SLuther@co.humboldt.ca.us>
Cc: Johnson, Cliff <CJohnson@co.humboldt.ca.us>; Phillips, Erin@Wildlife <Erin.Phillips@Wildlife.ca.gov>; Bocast, Kalyn@Wildlife <Kalyn.Bocast@Wildlife.ca.gov>
Subject: CEQA Referral_APPS-15602_CEQA-2019-0318_CDFW

Gentlemen,

Please see attached. Have a good weekend!

Sincerely,

Scott Bauer
Senior Environmental Scientist Supervisor
Watershed Enforcement Team
California Department of Fish and Wildlife
619 2nd Street, Eureka, CA 95501
(707) 441-2011

California Department of Fish and Wildlife
CEQA: Project Referral Comments

Applicant: Organic Medicinals Inc.		Date: 6/05/20
APPS No.: PLN-2019-15602	APN: 209-191-018-000	DFW CEQA No.: CEQA-2019-0318-R1
☒ New	Proposed: ☒ Outdoor (SF): 43,000 ☒ Nursery (SF): 5,000	

Thank you for referring this application to the California Department of Fish and Wildlife (CDFW) for review and comment.

CDFW offers the following comments on the Project in our role as a Trustee and Responsible Agency pursuant to the California Environmental Quality Act (CEQA; California Public Resource Code Section 21000 *et seq*.). These comments are intended to assist the Lead Agency in making informed decisions early in the planning process.

Please note the following information and/or requested conditions of Project approval:

☒ Floodplains are an important physical and biological part of riverine ecosystems. All rivers flood, and flooding is a natural and recurring event in river systems. Development in floodplains often eliminates benefits of natural flooding regimes such as deposition of river silts on valley floor soils and recharging of wetlands. Allowing non-essential development and habitat conversion in floodplains will result in degradation of riverine and riparian habitats and negatively impact the fish and wildlife species that depend upon them. To best protect California's riverine and riparian habitats, CDFW believes it is wise public policy to maintain and restore floodplain functions and to prevent, whenever practicable, the development of residential and commercial structures in areas that are not already protected by existing levee systems. CDFW recommends the project be redesigned (as applicable) to keep permanent structures and associated equipment and materials (e.g. generators, portable toilet facilities, fuel, fans, imported soil, etc.) out of the 100-year floodplain (i.e. structurally elevated or relocated from October 15 through April 16 of each year).

☒ Artificial light pollution may adversely affect fish and wildlife species in the Project vicinity in several ways including but not limited to disruption of circadian rhythms, suppressed immune response, changes in foraging behavior, altered navigation, altered predator-prey relationships, impacts on reproduction, and phototaxis. Adhering to International Dark-Sky Standards, will minimize impacts to sensitive species, potentially affected by this Project. CDFW requests, a Light Attenuation Plan be submitted, approved, and implemented prior to the use of lights as applicable to the Project. International Dark-Sky 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. See: https://www.darksky.org/our-work/lighting/lighting-for-citizens/lighting-basics/

☒ To minimize the risk of wildlife entrapment, prohibit the use of synthetic netting (e.g., plastic or nylon) including photo or biodegradable plastic netting for the purpose of erosion control and/or cultivation operations. CDFW recommends that alternatives such as geotextiles, fiber rolls, and other erosion control measures be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.

☒ The environmental impacts of improper waste disposal are significant and well documented. CDFW requests, as a condition of Project approval, that all refuse be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.

☒ Fully contain all imported soil located onsite (as applicable to the project) and setback a minimum of 150ft from watercourses and/or wet areas; and that all discarded soil and trash present onsite be removed and properly disposed of at a waste management facility.

☒ Relocate all generators (if applicable) and associated fluids to stable surfaces, setback a minimum of 150ft from streams (measured horizontally from the outer edge of the riparian or top of bank, whichever is greater).

☒ This Project proposes a solar power array. CDFW recommends the inspection of solar arrays for proper installation to prevent or reduce fire risk. Incorporate fire-safe measures into Project plans, such as placement of fire extinguishers at a nearby location, to prevent or reduce potential impacts to wildlife habitat caused by fire.

☒ A Final Lake or Streambed Alteration Agreement (1600-2018-0522-R1) has been issued to the applicant.

☒ This project has the potential to affect sensitive fish and wildlife resources such as Chinook Salmon (*Oncorhynchus tshawytscha*), Coho Salmon (*O. kisutch*), Steelhead Trout (*O. mykiss*), Pacific Lamprey (*Entosphenus tridentatus*), Inland Threespine Stickleback (*Gasterosteus aculeatus microcephalus*), Prickly Sculpin (*Cottus asper ssp. 1*), Foothill Yellow-legged Frog (*Rana boylii*), Pacific Giant Salamander (*Dicamptodon tenebrosus*), and amphibians, reptiles, aquatic invertebrates, mammals, birds, and other aquatic and riparian species.

Thank you for the opportunity to comment on this Project.

Sincerely,

Scott Bauer
Senior Environmental Scientist Supervisor
California Department of Fish and Wildlife
619 2nd Street
Eureka, CA 95501

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

6/18/2019

Project Referred To The Following Agencies:

AG Commissioner, County Counsel, District Attorney, Environmental Health, Sheriff, PW Land Use, Building Inspections, Redcrest VFC:FPD, RWQCB, NCUAQMD, Scotia USD:School District, Cal Fish & Wildlife, CalFire, CA Division of Water Rights, Bear River Band, Intertribal Sinkyone Wilderness Council, NWIC

Applicant Name Organic Medicinals, Inc. **Key Parcel Number** 209-191-018-000

Application (APPS#) PLN-2019-15602 Planning Application **Assigned Planner** Chris Alberts 268-3771

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: 7/3/2019

Planning Commision 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: Utilizes dry farming techniques and supplements with groundwater well when needed. Does not need a Water Right.

DATE: 6/21/19 PRINT NAME: Cheyene Keniston

ATTACHMENT 6

Public Comments

1. Letter of opposition from Anthony Micheli objecting to commercial nursery.

2. Comment letter from John Robey.

3. Comment letter from Linda Vonah with concerns about traffic resulting from project.

4. Letter of support from Diane Welch.

5. Letter of opposition from Hillary Schwartz. The following exhibits were included:

a. Exhibit 1: Cease and Desist Order
b. Exhibit 2: Chain of Title to Easement
c. Exhibit 3: Access Road Pictures

6. Letter of support from Rosie Reynolds.

7. Letter of support from Elizabeth Dunlap.

8. Letter of support from Eliza Barrett.

9. Letter of support from Billy Ellyson.

10. Email from Neal Latt

11. Email of support from Noah Beck and Chrystal Ortiz

Original Letter

RECEIVED
SEP 11 2020
Humboldt County
Building Division

Cliff Johnson and Steven Santos and Stephen Luther

I brought my first parcel in Shively in 1972 ap#209-171-005. A ten acre parcel that is 660ft by 660ft according to the county recorders office.

Last week the county busted an illegal grow for the second time in 3 years. ap#209-171-04. The county busted this illegal grow 3 years ago and since then it has been a blight. Plastic blowing off the greenhouses, garbage and a haven for rats. In fact last year they came in and grew and then got out before the county knew. This parcel is one removed from my parcel. My question is: How long does this go on for? Is the owner fined or see you again next year?

Along my back fence line is ap# 209-191-18. I use to own this parcel up about 20 years ago. So I know the parcel well. These growers have built 3 two story living structures in the flood zone. I have seen people go in out of these structures all day and night. They need to be torn down. The county made the owner of ap#209-121-04 on Stockel Lane tear down that house that was in the flood zone some years ago. If you do not deal with this problem please direct me to the proper agency. About illegal cannabis now. Up to 3 years ago this growers grew on the other side of the railroad tracts that divide this property. Last year they grew very little away from my property line. This year they have expanded to a least 5 times what they grew last year all along my fence line. I am enclosing a cultivation plan that was submitted to the county on June 2, 2020 PLN-2019-15602 Organic Medicinals, Inc. How is it legal to submit a plan and then plant according to that plan before it is approved? What is the set back from my property the plants have to be?The legal grower on my opposite fence line told me, his plants have to be 270ft. Because he asked I signed a letter stating he could plant closer to my fence line. My biggest concern is they are a nursery growing seeds, at least they did that last year. That means there is pollen in the air. A legal cannabis grower on the other side of me complained last year that pollen from their property ruined his flower crop. I should tell you that I have a degree in range management with majors in botany and soils from Humboldt State. I am enclosing the letter that was sent last year by my neighbors attorney to these property owners. Were you aware of this when you gave approval for this project? This is what happens when you try to slip something through with out notifying the neighbors of potential financial impact Last year I was offered 2 million dollars for my property. I turned it down. Instead I opt to lease my property for the next 2 years for over $20,000 a year. The grower tells me it will take 2 years to get a permit.

Now this grower ~~my~~ MAY void our contract because of seed production at this property. Now is the county going to compensate me thousands of dollars because if you allow this nursery to go in you are devaluing my property? No cannabis grower is going to want to lease my property. I should tell you that one of the owners of this property John Francisco threatened me last year, so I have been reluctant to say anything. But when you devaluate my property that is where it stops. Now i understand there is a 77 page report for this project. I am working on getting a copy. Then I will tell you where there are problems with the report that was submitted to the county. Thank you Anthony Micheli mailing address PO box 693 Scotia Ca. 95565
7/23/20

CC Rex Bohn county supervisor

Dear Mr. Luther,

My name is John Robey and I have property located at 875 Shively Flat Rd. I received notification regarding Organic Medicinals, Inc. and their request for a special permit for a new outdoor cannabis cultivation. I assume this permit is required because this request does not currently meet existing county cannabis regulations.

I have a few issues with this large new grow and the impact might have on the community of Shively.

First is the access to Shively. The year round county road, is a narrow winding ten mile road. The Shively road has slide areas that are now down to one lane and I am concerned what additional traffic will do to its already fragile state. It has been my experience that non Shively residents tend to drive the road at unsafe speeds and with little regard to any other traffic on the road.

During the summers months their is a seasonal bridge over the Eel River that is used by residents and non residents alike. Historically the bridge has been put in place by the local residents. Over the years as regulations regarding the yearly placement and removal of the bridge have changed, the community of Shively has had to pay for permitting, insurance and assistance in placement and removal of the bridge. The money has been raised by residents on a volunteer basis. In addition the residents have relied on donated heavy equipment and labor from a local lumber company for removal of the bridge. Do to a management decision by the lumber company the burden on the cost of bridge removal could fall upon the residents. If this is the case there is a strong possibility that the placement of the summer bridge will end. Should this happen it would mean that during the peak harvest season for cannabis, all traffic will be on the Shively Road.

Another concern I have was partially addressed in the proposal. This is the placement and use of hoop style green houses. I see the hoop houses and not to be permanent structures and only to be in place from April 16 to October 15. I question who will be monitoring this and what if any consequences there are for failure to follow this requirement? I have seen too many of these structures throughout the county left to deteriorate in the elements. These plastic covered structures can be environmentally harmful when in the "flood zone" and are inundated by the waters of the Eel River.

In the report I read where there spotted owl, marbled murrelet and other wildlife where addressed. This summer I have seen a bald eagle flying over Shively and other residents have confirmed my sightings of this majestic bird. I did not see the bald eagle and it habitat addressed in the report. I would request the the bald eagle habitat be addressed before this plan is approved.

These are a few of my concerns that I hope will be looked at the zoning meeting.

Thank you for taking the time to look at my concerns.

Sincerely, John Robey

phone 707 499-9034

September 28th, 2020

Planning Department, Zoning Adm., Humboldt County
Stephen Luther, Planner, Humboldt County

Re: File # 20-1285
Organic Medicinals, Inc.

My home is on parcel # 209-151-012-000. My great grandparents were among original settlers in Shively. On September 20th, I received the first and only notice requesting public comments on a Special Permit allowing applicant an additional 33,560 sq. ft of land use for cannabis cultivation bring the total growing area to 1 acre. At full "build out" the site will host 5.13 acres of cannabis cultivation.
In addition to the Special Permit for added growth, the applicant is seeking a Zoning Clearance Certificate for a 10,000 sq foot commercial nursery. I thought Pepperwood and Shively Flat where agriculture exclusive per the Humboldt County General Plan? Explain the use of word commercial.

Twenty employees on site at peak harvest time. That is a significant number of cars on the community roads (unless a van could be used to bring workers in an out of Shively.
During the summer and into fall, little kids often in groups are seen peddling their bicycles at any speed, older youth and grown-ups are seen walking or running the roads many with their pets. Shively roads are an extension of their back yards all the way to the Eel River.
The number of additional cars is my concern. Will all employees be coached on cautious driving?

The amount of traffic through Shively has increased, not from residents and not from those enjoying a county ride remembering the past. I believe from workers already employed in Shively and "looky-loos" curious about "pot farms", or the recent busts, and maybe purely informational.
The 10-mile Shively Road is hilly, winding, and in need of repairs. Many places are only one lane and posted as so. The Shively Road also hosts traffic from Larabee when the bridge crossing is removed in October. There is no school bus service to Shively or Larabee. Parents drive the road 2 and 4 times a day to and from schools. The future of the seasonal Shively summer bridge crossing remains uncertain with increasing installation and now removal costs added. This bridge is funded by most, of those who live in the community and see the bridge as a viable asset. Typically, the summer bridge is installed June 15-October 15th subject to change at any time by CDFW or NOAA. The summer crossing allows quicker, easier access to Shively for residents, workers, delivery drivers, first responders and utilities services. This crossing eliminates the number of cars on Shively Road during the summer months.

Concerns: safety first with the additional traffic on the Shively roads from the above stated then adding additional workers, sanitation trucks, and future trucks for a commercial nursery.

Shively is a reasonably quiet, wholesome, eclectic unincorporated community that remains rich in history and memories. The absence of constant outside influence helps give Shively these qualities and its character. Continued approval of legitimate grows will bring more competition, friendly? What will be the limit of approved permits for Shively Flat? With climate change, how long will dry farming last? The Eel River now is hardly visible in some areas. Will competition or availability bring more crime or unwanted characters to the community with a need for more law enforcement?

In closing more fires have erupted tonight throughout the state. A dark smokey cloud hangs over Shively currently. I would like to know that the applicants are fully prepared and ready to at least attack any wildfire. Shively winds can blow heavy in the afternoon. First response time to their area would not be quick and a dry forest sits behind them. Only questions, comments and concerns since this was open for public comments.

Thank you,
Linda Vonah

Hello,

My name is Diane Welch. We have lived and farmed at 497 Shively Flat Road, in Shively, since 1978 when we bought our 9 acres. I am writing in strong support of Organic Medicinals, Inc,:Shively area; Record number PLN-2019 15602(filed 05/28/2019) Parcell Number 209-191-018.
Meeting ID 968 5000 6509

Organic Medicinals are trying set up a legitimate business and produce a clean, healthy, medicinal product. Their organic, sustainable farming is a model farm of sustainable agriculture. With their careful planing and strong work ethic, and the ability to work with the land, the farm only improves.

The proposed hooped green houses will be professionally built not to allow any pollen to escape. The outdoor plants they grow are not allowed to be pollinated as seeds are not desirable for their products.

Recently Organic Medicinals have graveled the road into the farm, trying to lessen the dust. Drivers will be advised to drive slowly, and MPH signs will be placed to remind employees not to speed.

Jane, and family, are supportive community members. We feel that they enhance our community and set a remarkable example of environmentally conscious, sustainable farming. With their organic beliefs, no harm will come to our little valley.

The proposed extension of their allotment of cannabis cultivation will not increase the traffic. The increase In traffic in Shively is caused by population growth of the whole little village. More and more people have moved here, CR Farm is thriving (a great thing), along with other marijuana farms. Shively has historically been busy in the summer when the vegetable stands were in full swing.

It might be time for some MPH road signs placed in our “town” and on the “old road.”

Please approve Organic Medicinals. Let them continue to create a world-class farm.

Sincerely,
Diane Welch

PUBLIC COMMENT ON PLN-2019-15602 ORGANIC MEDICINALS
SP/ZCC HEARING DATE OCTOBER 1, 2020 at 10:00 AM via Zoom

1) **There should never be commercial seed or pollen production on the Shively Flat**. On information and belief, in 2019, the applicant, Organic Medicinals, Inc. ["OMI" or the "Applicant"] by and through its operator, Jill Vanderlinden, and a related party, Happy Dreams Farm/Happy Dreams Genetics [operated by Daniel Egan], committed agricultural trespass when massive amounts of pollen from their commercial seed operation on the windward side of Shively Flat significantly contaminated my family's cannabis crop on APN 209-171-004, adjacent to the parcel proposed for the SP/ZCC entitlement at this hearing [APN 209-191-018 or the "subject parcel"]. See attached **Exhibit One** - September 27, 2019 Cease and Desist letter from Mathews, Kluck, Walsh, Wykle & Latt, LLP to OMI and Happy Dreams Farm. This devastating loss eroded our financial stability and impacted our professional reputation. The subject parcel sits at the north end of a flat that is home to nearly a dozen other permitted cannabis farmers, where there is a prevailing southerly wind that makes pollen containment extremely challenging, if not impossible, and promotes drift and contamination. It is not sufficient to request a pollen containment plan. On information and belief, a recent OMI site inspection at the subject parcel by the County resulted in the initiation of an early start penalty against the Applicant. The massive 2019 Shively Flat pollen contamination event addressed in the Cease and Desist letter, coupled with the demonstrated recent record of OMI noncompliance, undermines any prospective argument that commercial seed production by it should be permitted by the County. **The analysis of permitting commercial seed production on Shively Flat by ANY operator, if such an entitlement is to be even considered for granting by the County, must be subject to an Environmental Impact Report (EIR) to properly assess the catastrophic risks it represents**. Simply put, the documented losses arising from last season's catastrophic failure of cannabis pollen containment on this windward parcel, and its effect on nearly a dozen neighboring compliant commercial cannabis cultivators, is simply too great, especially when compared to the relatively small prospective benefit to be conferred on the Applicant by approval of this proposed entitlement. Should the County proceed to approve a commercial seed production component to the Applicant's proposed SP/ZCC, the approval will be appealed and, if necessary, litigation will be initiated to compel a full EIR as to the permitting of commercial cannabis seed production on Shively Flat.

2) **The easement and road conditions of this project are misrepresented and insufficient for the activity as described in the OMI operations plan**. Vanderlinden/Francisco [subject parcel owners] and the Applicant access the subject parcel via a deeded easement that crosses our parcel, APN 209-171-004. As described in the 1911 title history (See attached **Exhibit Two** – historic chain of title to easement at issue), **the easement is one rod wide (16.5 feet), as shown on page 5 of Exhibit Two, rather than 20 feet wide, as the Applicant has erroneously self-certified**. This easement is not sufficient, nor sufficiently maintained, to support the proposed massive increase in commercial vehicular traffic associated with this proposed project without incurring significant environmental damage and impacts upon the adjacent parcels through which the Applicant's access roads pass (see attached photo of the ingress/egress impacts

from EXISTING USE of the road which the Applicant has allegedly self-certified as "Category 4"). Traffic associated with this project creates significant soil erosion and will harm valuable farm land and fragile riparian slopes in a sensitive transitional wetland. The county should require the applicant to reduce traffic from the current level proposed in the staff report to a maximum of two commercial trips (ingress/egress) per day. The county should **strictly prohibit commercial vehicular traffic** proposed by the Applicant for this SP/ZCC **during the wet season (Oct 16 to April 15)** because it unreasonably burdens adjacent properties (including that belonging to my family) by proposing to route (or better described as "bottleneck") all of the Applicant's commercial traffic via an unimproved NON-Category 4 road that traverses our field (see **Exhibit Three** - attached photo of easement in question during a past winter). The county should require the following road maintenance as a condition of approval: The applicant must apply gravel rock to the easement - in its current location and at its existing width - each time precipitation in the amount of ¾ inch or more is forecast. The applicant must water the road twice a day from April 1st until November 1st each year to reduce dust. If this project is approved as proposed, the county can expect to hear from community members who have been impacted by increased traffic and associated environmental damages.

3) **This project proposes 17 greenhouses to cover 18,000 square feet of prime ag soil**. In addition to gravel and concrete, these greenhouses will require over thousands square feet of plastic every year, as well as the trucks, fuel, and labor needed to deliver and install them. Is the county going verify that these structures are being timely dismantled and maintained as required by the Flood Damage Prevention ordinance, even when they are being used to dry cannabis in October? It is hard to understand why the county would permit the Applicant to build (and annually dismantle and re-build) 17 additional structures in the floodplain, after the parcel owner already built multiple unpermitted structures on her property in violation of building code. On information and belief, this project is currently utilizing a tow-behind generator to power its operations, but the staff report proposes to require them to install solar panels in compliance with flood zone building codes. Will the applicant be allowed to install the solar panels on top of the unpermitted structures, thus gaining an unfair advantage from their past violations? The county should protect the floodplain by reducing the number of greenhouses permitted in this project to 10% of the current approved outdoor cultivation square footage. The community expects the county to require a separate building permit, flood zone electrical/building code compliance, and use of a licensed contractor for the solar panel installation.

4) **The amount of water used by this project has been grossly underestimated**. The Applicant's operations plan states that it will use 10,000 gallons of water per year for its own seedlings, and another 10,000 gallons for the commercial nursery and seed

operation (total use 20,000 gallons). Will the county verify that the Applicant has installed a water meter? The exemptions received by the Applicant from CDFW regarding water rights and forebearance on its well are all based on these inaccurate estimates. I know of at least two domestic wells in Shively that are dry this summer. If this project is approved as proposed, the county and CDFW can expect to hear from community members who have been impacted by low water conditions. The county should require the Applicant to install a water meter with remote monitoring and CDFW should require the Applicant to apply for a LSAA 1600 permit when actual water use exceeds the 20,000 gallon estimate.

5) If approved as proposed, this project will harm my business and property, and create conflict in my small community. I hope the county will insert as a condition of any prospective approval strict compliance as to the project's proposed one-acre outdoor grow before the entitlement is considered for any prospective expansion (i.e., RRR approval) . There should be no commercial seed or pollen production allowed on the Shively Flat. There should be more careful consideration of this project's impacts on road and water resources, and efforts made to reduce those impacts. The county should consider the myriad compliance issues stemming from this project in conjunction with the Applicant's history of non-compliance and lack of community support. The Applicant's proposed 180,000 square foot RRR expansion should be considered a Conditional Use Permit with full community advance notice and input, prior to its consideration for approval.

Respectfully,
Hilary Schwartz
PO Box 248
Scotia CA 95565
(707) 764-3670

MATHEWS, KLUCK, WALSH, WYKLE & LATT, LLP

ATTORNEYS AT LAW
100 M STREET
EUREKA, CALIFORNIA 95501
TELEPHONE: (707) 442-3758
FACSIMILE: (707) 442-0813

FRANCIS B. MATHEWS (1923-2000)
LAURENCE A. KLUCK
KELLY M. WALSH
TIMOTHY J. WYKLE
NEAL G. LATT

LEGAL ASSISTANTS:
LINDA SHAW
SUSAN MAY
AMBER KLUCK
STEPHANIE DECKARD

September 27, 2019

Humboldt Organic Medicinals, Inc.
Jill Vanderlinden and John Francisco
125 Shively Flat Road
Scotia CA 95565

Happy Dreams Farm
Daniel Egan
326 I Street #109
Eureka CA 95501

Re: ***Agricultural Trespass and Public/Private Nuisance on Shively Flat –*** **CEASE AND DESIST**

Dear Ms. Vanderlinden, Mr. Francisco and Mr. Egan,

I am an attorney who represents Eel River Dry Farms, Inc. [APN 209-171-004] and Eel River Family Farm [Tyler K. Johnson], who cultivate commercial cannabis under permit/license on the aforementioned Shively Flat parcel south of and adjacent to yours [APN 209-191-018].

Organic Medicinals' operation includes commercial seed production that is promoted online by Daniel Egan, doing business as Happy Dreams Farm and Happy Dreams Genetics. Mr. Egan is also associated with cannabis cultivation on APN 209-121-008, located at 56 Shively Flat Road.

Over the course of season 2019, significant amounts of pollen from your commercial cannabis seed operation located on APN 209-191-018 has been allowed to drift onto my clients' parcel. This constitutes an agricultural trespass and is both a public and private nuisance, as those terms are legally defined.

As a result of Organic Medicinals' and Happy Dreams Farm's failure to contain the pollen generated by their seed production operation, Eel River Dry Farms' crop was exposed to massive pollen contamination and became heavily seeded, substantially reducing its value. The market value of the cannabis produced on its permit for a typical, unseeded harvest would be worth $3,900,000 to Eel River Dry Farms in bulk flower and trim, but the pollen contamination and resulting seeds have reduced the value of the crop to less than $1,500,000, a loss of over 60% in value. **These losses are directly attributable to your activity.**

Eel River Family Farm has long-term cultivation rights on the Eel River Dry Farms' parcel. Starting next year, Eel River Family Farm also be cultivating cannabis on APN 209-171-005, located east of and adjacent to the Organic Medicinals property. Eel River Family Farm also cultivates cannabis on APN 209-121-009, located south of and adjacent to APN 209-121-008, the parcel associated with Mr. Egan. As you know, Shively Flat is a small, densely cultivated agricultural area with strong, daily winds. Based on my clients' observations this season, the current pollen containment practices of your two agricultural operations do not prevent substantial pollen trespass onto my clients' nearby parcels. Until your seed cultivation operations are removed, it is a substantial likelihood – if not a virtual certainty – that the aforementioned pollen contamination will continue to recur and cause substantial and ongoing catastrophic financial losses for my clients.

Please consider this formal notice to immediately <u>cease and desist</u> from allowing pollen from your aforementioned seed operations to trespass onto my clients' aforementioned parcels, causing continued contamination of my clients' commercial cannabis crops and corresponding substantial losses to their crop values.

My clients are considering initiating legal action at this time against you and your farms to recover damages, as discussed above. Please be aware that in addition to the $2.4M in estimated damages at this time, attorney fees would also be awarded under such litigation for agricultural trespass, as provided under Cal. Code. Civ. Proc. § 1021.9.

Should you wish to discuss the matter further, please have your attorney contact me at 707-442-3758.

Respectfully,

MATHEWS, KLUCK, WALSH, WYKLE & LATT, LLP

Neal G. Latt

cc: client

of E. N. Percy of same County and State, free of all mortgages, liens and incumbrances, all that real property situated in said County of Humboldt, State of California described as follows:

The North East quarter of Section Thirty Five (35) in Township Five (5) South, Range Two (2) East of Humboldt Base and Meridian and containing 160 acres of land more or less.

It is intended to convey to each of said grantees an equal undivided one half interest in said land and that the interest vested in said Nellie C. Percy is her sole and separate property.

Witness my hand this 10th day of December 1892.

Witness J. M. Melendy } Jones Miller

State of California
County of Humboldt } ss

On this 10th day of December 1892 personally appeared before me J. M. Melendy a Notary Public in and for said County Jones Miller to me personally known to be the individual described and who executed the foregoing instrument and he acknowledged to me that he executed the same.

In Witness Whereof, I have hereunto set my hand and official seal this 10th day of December 1892.

Seal

J. M. Melendy
Notary Public

Recorded at the request of M. Bullock Dec 12th 1892 at 20 minutes past 10 A. M.

T. J. Campton - Recorder
By Geo. S. Belcher Deputy

44/521

H. B. Shively
—To—
Henry B. Harris

This Indenture, Made this Eighteenth day of November in the year of our Lord one thousand eight hundred and ninety two, Between H. B. Shively of the County of Humboldt, State of California, the party of the first part and Henry B. Harris of the same County and State the party of the second part, Witnesseth: That the said party of the first part, for and in consideration of the sum of Five Dollars legal coin of the United States of America to him in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged does by these presents grant, bargain, sell, convey and confirm unto the said party of the second part and to his heirs and assigns forever all that certain lot and parcel of land situate, lying and being in the said County of Humboldt, State of California and bounded and particularly described as follows to wit:

Parcel Two only. Description wrong See 53/229

Commencing at the North West corner of the North East quarter of the South East quarter of Section Twenty-nine (29) in Township One (1) North of Range Two (2) East, Humboldt Base and Meridian, thence West Forty (40) rods: thence South Forty (40) rods: thence East Forty (40) rods thence North Forty (40) rods to the place of beginning. Being Ten (10) acres in the North East corner of Lot Seven (7) in said Section Twenty nine (29)

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining and

the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

To have and to hold all and singular the said premises, together with the appurtenances, unto the said party of the second part his heirs and assigns forever.

In Witness Whereof the said party of the first part has hereunto set his hand and seal the day and year first above written.

Signed, sealed and delivered in the presence of Henry L Ford — W. B. Shively (Seal)

State of California
County of Humboldt } ss

On this 18th day of November A.D. 1892, before me Henry L Ford, a Notary Public in and for said County, personally appeared W. B. Shively known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

Witness my hand and Official Seal.

(Seal)

Henry L Ford
Notary Public

Filed for record at the request of H. B. Harris Dec 12th A.D. 1892 at 50 min past 10 o'clock A.M.

T. J. Campton Recorder
By Geo. A. Belcher Deputy Recorder

Martin Frederick Helmke —To— John H. Canty	This Indenture made the 3rd day of October A.D. 1892

between Martin Frederick Helmke of Blocksburg County of Humboldt and State of California the party of the first part and John H. Canty of the County of Glenn same State the party

of the second part, witnesseth:

That the party of the first part, for and in consideration of the sum of one hundred Dollars to him in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged has granted, bargained and sold, conveyed and confirmed and by these presents does grant, bargain and sell, convey and confirm unto the said party of the second part and to his heirs and assigns forever that certain undivided one half of all those certain lots, pieces or parcels of land situate, lying and being in Blocksburg, County of Humboldt and State of California, the deed for which was made by James S. Marble to Martin Frederick Helmke on the 21st day of July A.D. 1892 and which said deed stands recorded on the Records of the County of Humboldt in Book No. 43 of Deeds on page 212.

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining and the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

Provided however and this conveyance is made and accepted upon the express condition that the said party of the second part shall keep open and in repair that certain Road known as the Hoglen Private Road on and through the premises conveyed hereby of sufficient width and of equally as good grade as the present road now running through said premises.

To have and to hold all and singular

to the City of Eureka, as described in a certain deed from Laura M. Huntoon to William Felt, and according to the map or plat thereof now on file in the office of the Recorder of Humboldt County, Cal. and running thence south fifty <50> feet, to the south east corner of said Lot No 45, thence westerly along the southern boundary of said Lot No 45, a distance of 140 feet; thence at right angles northerly 50 ft; thence easterly 140 ft to place of beginning.

Together with all and singular the tenements hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

To have and to hold all and singular the said premises, together with the appurtenances unto the said party of the second part, and to his heirs and assigns forever.

In Witness Whereof, the said party of the first part has hereunto set his hand and seal the day and year first above written.

Signed Sealed & Delivered in the presence of — William Felt <Seal>

State of California } ss
County of Humboldt } On this 14th day of February A.D. 1895, before me J. H. G. Weaver, a Notary Public in and for said County, personally appeared William Felt known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same. Witness my hand & Official seal

Seal — J. H. G. Weaver, Notary Public

Filed for record at the request of H. G. Bonner, Feb 14th A.D. 1895 a 30 min past 1 o'clock P.M.

J. H. Hampton Recorder
By Fred Robinson Deputy

In the Superior Court of the County of Humboldt, State of California

Henry B. Harris
Plaintiff
vs.
Daniel Shively & William Shively as administrators of the estate of H. B. Shively deceased
Defendants.

The said action coming on to trial this 24th day of January, 1895, before said Court without a jury, J. N. Gillett, Esq., appearing for the plaintiff and Ford & Burnell appearing for the defendants, and said cause having been substituted upon stipulated facts filed herein, and both parties having waived findings.

Therefore, by reason of the law, it is ordered, adjudged and decreed that the deed given by H. B. Shively to the plaintiff on the 18th day of November 1892, and the description of the land therein as set forth in plaintiff's complaint described, be and the same is hereby corrected so that the description of said land shall read as follows, to wit:

The north east quarter of the north east quarter of the South west quarter of section Twenty-nine <29> — Township One <1> North, range two <2> east H. M. and said deed shall so stand corrected.

It is further ordered adjudged and decreed that plaintiff shall have and recover from defendants his costs herein expended, amounting to $15.00. Done in open court this 26th day of January 1895.

G. H. Hunter
Judge.

Endorsed: Judgment. Filed Jany 26th 1895
O. D. Stern, Clerk

Parcel Two only

Judgment entered this 26th day of January 1895 in Book No 5 of Judgments page 399.

O D Stern. Clerk

By Geo H. Kimball. Deputy Clerk.

State of California } ss.
County of Humboldt }

I O.D. Stern. County Clerk of the County of Humboldt State of California, and ex-officio Clerk of the Superior Court in and for said Humboldt County, (which is a court of record) do hereby certify that the foregoing is a full, true and correct copy of the original Judgment in the case of Henry T. Harris vs. Daniel Shively and William Shively, as administrators of the estate of H. D. Shively, deceased, with the endorsement thereto, as the same now appears on file and of record in my office.

In witness whereof, I have hereunto set my hand and affixed the seal of the Superior Court of Humboldt County, this 26th day of January A.D. 1895.

O. D. Stern.

(Seal Superior Court)

County Clerk and ex-officio Clerk of the Superior Court of Humboldt County

By. Deputy.

Recorded at the request of J. N. Gillett Feb 14. 1895 at 30 minutes past 4 P.M.

H Hampton Recorder

By Fred Robinson Deputy.

John Foster To Eltha J Elkins	This indenture, made this Seventeenth day of March A.D. 1894.

Between John E Foster of the Town of Ferndale County of Humboldt State of California, the party of the first part and Eltha J. Elkins

of the same place the party of the second part.

Witnesseth: That the said party of the first part for and in consideration of the sum of Four Hundred Dollars this day paid by the said party of the second part, the receipt whereof is hereby acknowledged; does grant bargain and sell unto the said party of the second part and to her heirs and assigns forever, the hereinafter described lots of land situate in Foster and Bulmer Addition to the Town of Ferndale in Humboldt County, State of California, to wit:

Lots number Six and Seven in Block number Three.

This grant is made to the grantee upon the condition that the grantee is to construct a good fence around the exterior boundaries of said lots at her own costs and expense.

Together with all and singular the tenements, hereditaments and appurtenances thereto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

To have and to hold all and singular the said premises, together with the appurtenances, unto the said party of the second part and to her heirs and assigns forever.

In witness whereof the said party of the first part has hereunto set his hand and seal the day and year first above written.

Signed, Sealed & Delivered in the presence of P. F. Hart } John E Foster.

State of California } ss.
County of Humboldt }

On this seventeenth day of March in the year one thousand eight hundred and

PLN-2019-15602 Organic Medicinals January 21, 2021 Page 127

129/352

This Indenture, Made this 21st day of May in the year of our Lord one thousand nine hundred and fifteen

Between John Skinner and Albina E. Skinner, his wife, of the County of Humboldt, State of California, the part ies of the first part, and J. W. Kennedy, of the same place, the part y of the second part,

Witnesseth: That the said part ies of the first part, for and in consideration of the sum of ten DOLLARS Gold Coin of the United States of America, to them in hand paid by the said part y of the second part, the receipt whereof is hereby acknowledged, do by these presents grant, bargain, sell, convey and confirm, unto the said part y of the second part and to his heirs and assigns forever, all th at certain lot, piece or parcel of land situate, lying and being in the County of Humboldt, State of California, and bounded and particularly described as follows, to-wit:

Beginning at the center of section twenty-nine in township one north of range two east of Humboldt Meridian, and running thence westterly on the line running easterly and westerly thru the center of said section twenty-nine, forty rods, thence at right angles southerly forty rods, thence at right angles easterly twenty rods, thence at right angles southerly 40 rods to the Shively public road, thence at right angles easterly, sixty and one-half rods to the east boundary line of a private road, thence at right angles northerly, forty rods, thence at right angles westerly, forty and one-half rods, and thence at right angles northerly to the place of beginning: Excepting and reserving therefrom and thereout: (1) A right of way for a private road over a strip of land one rod wide running north and south thru the center of the south half of the northwest quarter of the southeast quarter of said section twenty-nine; and (2) A lot described as beginning eight feet and three inches west from the intersection of the center of the right of way over a strip of land deeded to Sarah McKeown and Frank Winemiller by John Skinner and A. E. Skinner, his wife, by deed dated December 28, 1903, and recorded in book 87, page 67, with the Shively county road near the south line of the northwest quarter of the southeast quarter of said section twenty-nine, and running thence west along the north side of said county road, one hundred and four feet, thence north two hundred and eight feet, thence east one hundred and four feet, and thence south two hundred and eight feet to the place of beginning.

J H G Weaver NP

all of parcels one, two & three described as one

U.S. INT. REVENUE 10.00 CANCELLED

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

To Have and to Hold, all and singular the said premises, together with the appurtenances, unto the said part y of the second part and to heirs and assigns forever

In Witness Whereof, the said part ies of the first part ha ve hereunto set their hand s and seal s the day and year first above written.

Signed, Sealed and Delivered in the Presence of J.H.G.Weaver

John Skinner [SEAL]
Albina E. Skinner [SEAL]
[SEAL]

State of California, County of Humboldt. } ss

On this 21st day of May in the year A. D. 1915, before me, J. H. G. Weaver, a Notary Public in and for said County, personally appeared John Skinner and Albina E. Skinner, his wife, known to me to be the persons whose name are subscribed to the within instrument, and acknowledged to me that they executed the same.

WITNESS my hand and Official Seal,

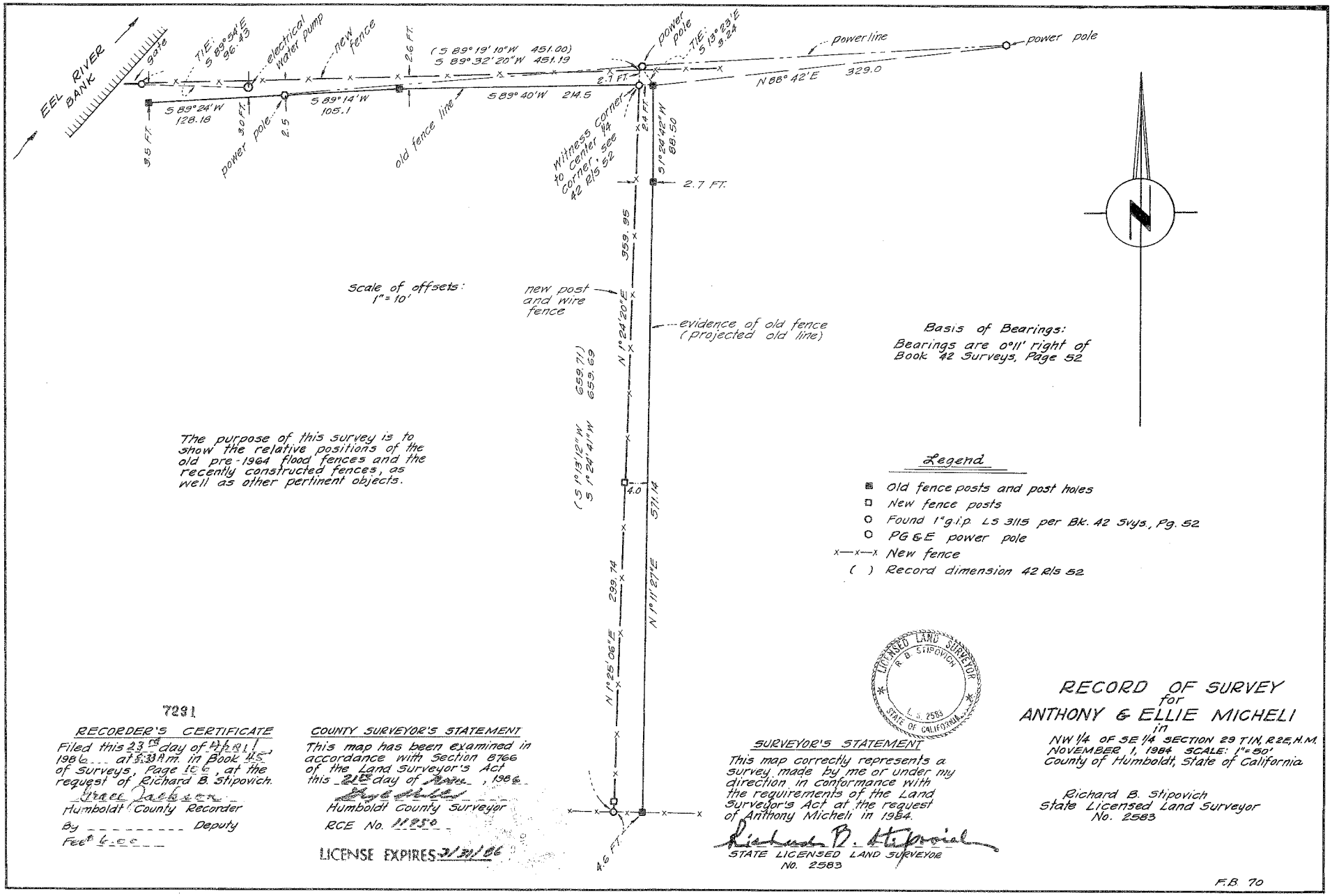
(SEAL) J. H. G. Weaver,
Notary Public in and for the County of Humboldt,
State of California.

Filed for Record at the Request of J. W. Kennedy May 21st A. D. 1915, at 11.52 o'clock A. M.

T. W. RICHMOND, Recorder

By Deputy Recorder.

12-14-500pp E. P. Co. 28464


EEL RIVER BANK
gate
T.E. S 89°54'E 96.43
electrical water pump
new fence
2.6 FT.
(S 89° 19' 10"W 451.00)
S 89° 32' 20"W 451.19
power pole
T.E. S 13°23'E 9.24
power line
power pole
N 88° 42'E 329.0
2.7 FT.
S 89°24'W 128.18
3.5 FT.
3.0 FT.
power pole
2.5
S 89°14'W 105.1
old fence line
S 89°40'W 214.5
Witness corner to center 1/4 corner, see 42 R/S 52
2.4 FT.
S 1°24'42"W 88.50
2.7 FT.
359.95
Scale of offsets: 1" = 10'
new post and wire fence
N 1°24'20"E
evidence of old fence (projected old line)
659.71
659.69
(S 1°13'12"W
S 1°24'41"W
4.0
571.14
299.74
N 1°11'27"E
N 1°26'06"E
4.6 FT.
Basis of Bearings:
Bearings are 0°11' right of Book 42 Surveys, Page 52
The purpose of this survey is to show the relative positions of the old pre-1964 flood fences and the recently constructed fences, as well as other pertinent objects.
Legend
Old fence posts and post holes
New fence posts
Found 1" g.i.p. LS 3115 per Bk. 42 Svys., Pg. 52
PG&E power pole
New fence
( ) Record dimension 42 R/S 52
LICENSED LAND SURVEYOR R B STIPOVICH L.S. 2583 STATE OF CALIFORNIA
RECORD OF SURVEY for ANTHONY & ELLIE MICHELI in NW 1/4 OF SE 1/4 SECTION 29 T1N, R2E, H.M.
NOVEMBER 1, 1984 SCALE: 1" = 50'
County of Humboldt, State of California
Richard B. Stipovich
State Licensed Land Surveyor
No. 2583
7231
RECORDER'S CERTIFICATE
Filed this 23rd day of April 1986 at 5:33 A.M. in Book 45 of Surveys, Page 106, at the request of Richard B. Stipovich.
Grace Jackson
Humboldt County Recorder
By _____ Deputy
Fee $ 6.00
COUNTY SURVEYOR'S STATEMENT
This map has been examined in accordance with Section 8766 of the Land Surveyor's Act this 21st day of June, 1986.
Humboldt County Surveyor
RCE No. 11950
LICENSE EXPIRES 3/31/86
SURVEYOR'S STATEMENT
This map correctly represents a survey made by me or under my direction in conformance with the requirements of the Land Surveyor's Act at the request of Anthony Micheli in 1984.
Richard B. Stipovich
STATE LICENSED LAND SURVEYOR
No. 2583
F.B. 70
Book 45 of Surveys, Page 106

WHEN RECORDED RETURN TO:

Wm E. Thomas
778 Tompkins Hill Rd - Fortuna, Ca. 95540

1406

RECORDED AT REQUEST OF Lois Thomas
VOL 1758 OFFICIAL RECORDS PG 154
JAN 24 11 30 AM '85
HUMBOLDT COUNTY RECORDS
GRACE M. ... RECORDER
... DEPUTY
FEE $ 6.-

BOUNDARY AGREEMENT AND CONVEYANCE

WHEREAS, MARILYN K. WEBB and THOMAS F. WEBB are the present record owners of the following described land:

That real property situate in the County of Humboldt, State of California, described as follows:

PARCEL I

COMMENCING on the North line of the County Road which runs along or near the South line of Lot 7, Section 29, in Township 1 North, of Range 2 East, Humboldt Meridian, at a point 376 feet East from the intersection of said North line with the East line of the County Road which runs Northerly along the West line of said Lot 7, said point of beginning being the Southeast corner of the parcel of land which was conveyed to Samuel Remley and wife by William Turner and wife, by Deed recorded in Book 129 of Deeds, at Page 189, Humboldt County Records;

thence running at a right angle to the North line of the County Road first above mentioned, Northerly 14 rods 8 inches;

thence North along the East line of land deeded by Turner to Remley by another Deed of record in Book 130 of Deeds, at Page 121, Humboldt County Records, a distance of 51.67 rods, more or less, to a point 13-1/3 rods South from the North line of said Lot;

thence Westerly parallel with the North line of Lot 7, 24 rods, more or less, to the United States Meander line of Eel River;

thence Southerly along said Meander line to the intersection thereof with a line running parallel with the North line of said County Road first hereinabove mentioned and distant 14 rods and 8 inches North of the North line thereof;

thence East along the last named line to the Northwest corner of the parcel of land which was conveyed to Remley and wife by William Turner and wife, by Deed recorded in Book 129 of Deeds, at Page 189, aforesaid;

thence South along the West line of that parcel of land, 14 rods 8 inches to the North line of the County Road first above mentioned;

thence East along said North line, 94 feet to the place of beginning.

PARCEL II

COMMENCING at a point on the North line of said Lot 7 of said Section 29, distant 10 chains West of the Northeast corner of said Lot 7, said point also being the Northeast corner of the tract of land conveyed by Deed from John H. French and Mary E. French to J.W. Kennedy, dated April 5, 1902, and recorded in Book 78 of Deeds, at Page 518, Humboldt County Records;

running thence Westerly on the Subdivisional line, 24 rods, more or less, to the East line of the County Road;

thence Southerly along the East line of the County Road, 13-1/3 rods;

thence Easterly parallel with said Subdivisional line, 24 rods, more or less, to the line separating lands formerly belonging to Kennedy and Skinner, respectively;

thence Northerly, 13-1/3 rods to the place of beginning.

AND WHEREAS, WILLIAM E. THOMAS and LOIS V. THOMAS are the present record owners of the following described land:

That real property situate in the County of Humboldt, State of California, described as follows:

PARCEL ONE

BEGINNING at a point on the South line of Lot 7 in Section 29, Township 1 North, Range 2 East, Humboldt Base and Meridian, at a point 330 feet West of the Southeast corner of said Lot;

thence North, 660 feet to the South line of the Northeast Quarter of the Northeast Quarter of the Southwest Quarter of said Section 29;

continued ...

thence West along said South line, 330 feet, more or less, to the East line of the parcel of land conveyed to Samuel Remley, by Deed recorded in Book 130 of Deeds, Page 121, Humboldt County Records;

thence South along said East line, 429 feet, more or less, to the Northeast corner of the parcel of land conveyed to Samuel Remley, et ux, by Deed recorded in Book 129 of Deeds, Page 189, Humboldt County Records;

thence Southerly along the East line of said parcel conveyed to Remley, et ux, last above mentioned, 429 feet and 8 inches to the South line of said Lot 7;

thence East along said South line, 330 feet, more or less, to the point of beginning.

The term "Northeast Quarter of the Northeast Quarter of the Southwest Quarter of Section 29", as used above, shall be interpreted in this description to include the Northeast Quarter of the whole tract that would be the Northeast Quarter of the Southwest Quarter of Section 29, if not made fractional by the Eel River.

PARCEL TWO

The Southwest Quarter of the Northwest Quarter of the Southeast Quarter of Section 29, in Township 1 North, of Range 2 East, of Humboldt Meridian, and a strip of land 8-1/4 feet wide off the full length of the West side of the Southeast Quarter of the Northwest Quarter of the Southeast Quarter of said Section 29.

EXCEPTING FROM said parcel the right granted to Sarah McKeown and Frank Winemiller for a private road 1 rod wide running North and South through the center of the South Half of the Northwest Quarter of the Southeast Quarter of said Section 29, as appears by Deed to them from John Skinner and wife dated December 28, 1903, and recorded in the Recorder's Office of Humboldt County, in Book 87 of Deeds, Page 67.

EXCEPTING ALSO FROM said parcel the Lot bounded as follows:
BEGINNING at a point 8 feet 3 inches West from the intersection of the center of the private road last mentioned with the County Road at or near the South line of the Northwest Quarter of the Southeast Quarter of said Section 29;

running thence West along the North side of said County Road, 104 feet;
thence North, 208 feet;
thence East, 104 feet to the line of said private road;
thence South, 208 feet along said private road to the place of beginning.

PARCEL THREE

The Northeast Quarter of the Northeast Quarter of the Southwest Quarter of Section 29, in Township 1 North, of Range 2 East, of Humboldt Meridian.

The term "Northeast Quarter of the Northeast Quarter of the Southwest Quarter of Section 29", used above, shall be interpreted in this description to include the Northeast Quarter of the whole tract that would be the Northeast Quarter of the Southwest Quarter of Section 29, if not made fractional by the Eel River.

PARCEL FOUR

COMMENCING at the Southwest corner of the South Half of the Northwest Quarter of the Southeast Quarter of Section 29, in Township 1 North, of Range 2 East, of Humboldt Meridian;

running thence West, 330 feet;
thence at right angles North, 660 feet;
thence at right angles East, 330 feet;
thence at right angles South, 660 feet to the place of beginning.

continued ...

AND WHEREAS, said record owners agree that the common boundary between that portion of said land is a line described as follows:

BEGINNING at a point on the South line of Lot 7 in Section 29, Township 1 North, Range 2 East, Humboldt Meridian, at a point which is 656.00 feet West of the Southeast corner of said Lot, as shown on the Record of Survey filed December 31, 1984, in Book 43 of Surveys, Page 96, Humboldt County Records;
thence North 0 degrees 58 minutes 37 seconds East, 428.50 feet.

NOW THEREFORE, MARILYN K. WEBB and THOMAS F. WEBB hereby quitclaim all of their right, title and interest to WILLIAM E. THOMAS and LOIS V. THOMAS, in all that portion of their land hereinabove described which lies East of the above described agreed common boundary;

AND WILLIAM E. THOMAS and LOIS V. THOMAS quitclaim all of their right, title and interest to MARILYN K. WEBB and THOMAS F. WEBB, in all that portion of their land hereinabove described which lies West of the above described agreed common boundary.

Dated: 1-16-85

Marilyn K Webb
Marilyn K. Webb

Thomas F Webb
Thomas F. Webb

William E Thomas
William E. Thomas

Lois V. Thomas
Lois V. Thomas

ADD JURATS HERE

STATE OF CALIFORNIA
COUNTY OF Humboldt } ss.

On this 16 day of January, in the year 1985, before me, the undersigned, a Notary Public in and for said State, personally appeared Marilyn K Webb and Thomas L Webb
William E Thomas and Lois V Thomas
, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name is subscribed to the within instrument, and acknowledged to me that they executed it.

WITNESS my hand and official seal.

Martha F Clark
Notary Public in and for said State.

OFFICIAL SEAL
MARTHA F CLARK
NOTARY PUBLIC CALIFORNIA
PRINCIPAL OFFICE IN
HUMBOLDT COUNTY
My Commission Exp. Oct. 31, 1986

ACKNOWLEDGMENT—General—Wolcotts Form 233CA—Rev. 5-82
©1982 WOLCOTTS, INC.

END OF DOCUMENT

Return to:

MATHEWS & MATHEWS
Attorneys at Law
P.O. Box 1325
Eureka, California 95501
Telephone: 707-442-3758

Attorneys for Plaintiffs

FILED
DONALD R. MICHAEL
Humboldt County Clerk
APR 25 1986
By CHARLES P. CONNORS
DEPUTY
FILED

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF HUMBOLDT

ANTHONY MICHELI and ELLIE MICHELI,

Plaintiffs,

-vs- No. 73843

JOE PHILLIPS, LETA PHILLIPS,
WILLIAM THOMAS, LOIS THOMAS,
and DOES I to XX,

Defendants.
_____/

JUDGMENT

This matter came on regularly for hearing at a settlement conference on February 3, 1986 and was continued to February 4, 1986 and pursuant to the offer to allow judgment submitted by plaintiff to defendant dated October 22, 1985;

IT IS ORDERED that the boundary line between the lands of the plaintiffs Anthony Micheli and Ellie Micheli, and the defendants, Joe Phillips, Leta Phillips, William Thomas and Lois Thomas is established as being the fence line that was in existence during 1983 and is delineated upon the survey of Richard B. Stipovich recorded in the Office of the County Recorder of Humboldt County in Book 45 of Maps, Page 106.

MATHEWS & MATHEWS
ATTORNEYS AT LAW
P.O. BOX 1325
732 FIFTH STREET
EUREKA, CALIFORNIA

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the plaintiffs Anthony Micheli and Ellie Micheli ahve and recover judgment against the defendants Joe Phillips, Leta Phillips, William Thomas and Lis Thomas for the sum of $5,000.00. IT IS ORDERED that each party bear their own attorneys fees and costs of court.

IT IS FURTHER ORDERED that the fence lines along the lines set forth on the Richard B. Stipovich survey designated above be re-established by the defendants Joe Phillips, Leta Phillips, William Thomas and Lis Thomas at the defendants' sole cost and expense prior to April 30, 1986, or in the event that said fence lines have not been established in their location prior to April 30, 1986 that the plaintiffs may re-establish said fence lines and submit their costs and expenses for the re-establishment thereof to be taxed by the court as further judgment to be entered by plaintiffs against defendants.

IT IS FURTHER ORDERED that the pump, well, power line and power pole are the property of the plaintiffs Anthony Micheli and Ellie Micheli.

IT IS FURTHER ORDERED that the plaintiffs Anthony Micheli and Ellie Micheli have a non-exclusive easement in and to the roadway known as McKeown Lane from its southerly commencement at the County Road to it northerly termination at the lands of the plaintiffs; IT IS FURTHER ORDERED that the defendants Joe Phillips, Leta Phillips, William Thomas and Lois Thomas not block nor obstruct said easement; IT IS FURTHER ORDERED that nothing

MATHEWS & MATHEWS
ATTORNEYS AT LAW
P. O. BOX 1333
732 FIFTH STREET
EUREKA, CALIFORNIA

herein shall prevent defendants from using the non-exclusive easement known as McKeown Lane for ingress and egress to their lands lying to the west thereof.

IT IS FURTHER ORDERED that the defendants dismiss their cross-complaint with prejudice.

Wm Thomas
Lois Thomas

Approved as to form:

Dated: 4.22.86

JOHN L. COOK
Attorney for Defendants

Dated: APR 25 1986

J. MICHAEL BROWN
Judge of the Superior Court

The within instrument is a full, true and correct copy of the original on file in this office.
ATTEST: APR 25 1986
DONALD R. MICHAEL
County Clerk and ex-officio Clerk of the Superior Court of the State of California, in and for the County of Humboldt.
By _____ Deputy Clerk

ebr

7490
RECORDED AT REQUEST OF
MATHEWS & MATHEWS
OFFICIAL
VOL. 1795 PG. 1180
APR 25 10 26 AM '86
GRANT
Deputy
FEE 9.00

MATHEWS & MATHEWS
ATTORNEYS AT LAW
P. O. BOX 1935
733 FIFTH STREET
EUREKA, CALIFORNIA

END OF DOCUMENT

Exhibit 3: Photo of access road during winter 2019

Staff site visit 9/29/20: Applicant is rocking road.

September 28, 2020

Humboldt County Zoning Administrator and Staff,

I would like to take this opportunity to publicly comment on the proposed cannabis cultivation expansion of Organic Medicinals, located at 125 Shively Flat Rd., record number PLN-2019-15602. My name is Rosalie Reynolds. My family owns a neighboring property, located at 56 Shively Flat Rd., and has lived and farmed in Shively since 1983. As owners of Eel River Produce, the longest operational CCOF certified organic farm in Humboldt County, and Sensiboldt Organics, a newly established Sun and Earth certified cannabis business, the integrity and harmony of our beloved agricultural community of Shively is of great importance to us. Those of us ethical farmers who chose to expand our crops to include legal cannabis cultivation, do so with an awareness of our duty to apply the same environmentally responsible, community-oriented farming practices to our cannabis operations.

Organic Medicinals has proven to my family and the vast majority of our agricultural community, both in Shively and the surrounding areas, that they are true models of how to operate in a standard far above basic regulatory compliance requirements. As someone who was raised in Shively, I share a deep connection to our rural town. My family, like many of our well-established neighbors, are fiercely protective of the sanctity of our valley. There is a code of conduct in Shively that is upheld by each respected member of our community. In abiding by the code, we understand that our ability to maintain our quality of existence as a whole is dependent on our individual conduct. Anyone who would oppose this cultivation expansion permit would do so without assessing the tremendous contributions the members of Organic Medicinals have historically made to our collective efforts to improve our community and our ecosystem.

Organic Medicinals continuously demonstrates a passionate devotion to regenerative, organic, sustainable farming practices. As the daughter of a well-respected organic farmer and seed breeder, environmental conservation is a primary focus of my endeavors. Since taking ownership of the land Organic Medicinals operates on thirteen years ago, they have significantly improved the quality of it's fertility and habitat. An example of their unconventional, sustainable approach to combating environmental threats was demonstrated by the incorporation of a particular livestock herd to their farm which prefers grazing on an invasive weed known to jeopardize the viability of the soil. Organic Medicinals is one of the founding pioneers of dry farming cannabis. When other, more experienced dry farmers were reluctant to attempt cannabis cultivation without irrigation, Organic Medicinals invited them to tour their farm and witness the successful trials of dry farming methods in cannabis cultivation. This created a movement amongst fellow cannabis farmers unfamiliar with the concept of dry farming to experiment with the results of growing cannabis without irrigation. By incorporating organic, regenerative methods into every component of their land management throughout their years of stewardship, the collective sustainable farming knowledge Organic Medicinal's members have acquired is impressive. Organic Medicinals imparts their knowledge and expertise to fellow farmers both in our immediate area and abroad. Individual members have been interviewed and featured on several public broadcasts. In doing so, Organic Medicinals solidified their position as a well-respected, positive influence in the cannabis industry.

In 2019, Organic Medicinals received the prestigious "Regenerative Cannabis Farm Award" at the Emerald Cup. This particular award is more coveted by farmers than most other forms of recognition. According to the Emerald Cup's website, the recipient of the Regenerative Cannabis Farm Award is

determined based on the farm's environmental principles and community focused ethics. To be chosen for this award is to be acknowledged for maintaining an operational standard most farms are not capable of achieving. If Organic Medicinals is allowed to expand the size of their cultivation area, they will be in a position to better serve the needs of the community and the cannabis industry through mentorship and positive, regenerative farming modeling.

The success and respect Organic Medicinals earns is a direct result of their hard work, attention to detail, and resolve to maintain a well-organized, professional business. They strictly abide by all county and state regulations and do not bypass procedures as some local cannabis operations do. Recently, I had a conversation with a CalCannabis staff member who visited Organic Medicinals. She was so impressed with the overall operation and the crew, that she stated her wish to feature them on a billboard and share footage she took with farmers as an example of an ideal operation. This was only one of the many times someone in a position of power in a cannabis related department shared their high opinion of Organic Medicinals with me after learning they are our farm neighbors. I have also had discussions wherein staff has expressed a need to restore the general public's trust in our local agencies' dedication to issue permits based on merit and not political affiliation. Approving Organic Medicinal's expansion application would signify our county's desire to act in accordance with the stipulations they set forth when originally defining the parameters of permit issuance. Based on my own personal experience with various members of the Planning and Building Department, I believe that the majority of the staff is determined to protect the rights of legal cannabis farmers who strive to be in total compliance. The legal cannabis industry is in its infancy stage. As such, there is much room for farmers and cannabis affiliated agencies to collaborate in the creation of a system that works for everyone.

Organic Medicinals has encouraged myself and other cannabis license holders to take a proactive approach to ensuring our values and farming heritage are properly represented in the formation of our appellation. Without the support of Organic Medicinals, I would not have pursued a Sun and Earth certification or been introduced to representatives from licensed processing and distribution companies. The importance of establishing alliances instead of creating dissention amongst our peers should be recognized by all farmers in our industry. Organic Medicinals is a beneficial resource to those of us struggling to navigate through complex, uncertain, fluctuating regulations. Without the assistance and guidance of Organic Medicinals, my comprehension of the intricacies of how to operate a cannabis business would be subpar at best. Whenever I am uncertain of how to address a need related to the logistics of my family's business, I immediately defer to the members of Organic Medicinals for advice. Despite their demanding work schedules, they always take the time to provide me with a level of competent assistance I am often unable to receive from the agencies responsible for providing timely answers to my questions.

Maintaining both a cannabis and produce business on the same site requires an immense amount of physical and clerical work. Inevitably both businesses are intertwined based on the commitment and ethics of their operators. The contributions made by the CCOF certified commercial organic produce business that shares ownership with Organic Medicinals should not go unrecognized, as they further illustrate an intention to promote the welfare of our community. I personally delivered several substantial produce donations made by the proprietors of Organic Medicinals to several local nonprofit food distribution organizations providing food to those in need. Three years ago, I mentioned to one of the members of Organic Medicinals that my son's preschool did not receive enough pumpkin donations to provide each of it's students with a pumpkin. The next day, she sent an entire truck load of pumpkins

with my father for the students. This act of generosity inspired me to plant a pumpkin patch on our farm this year solely for the purpose of donating to students at a my son's school. In addition to community donations, Organic Medicinals shares their farm equipment, vegetable seeds, and resources with their neighbors, my family included. This year, we were unable to provide full payment for the reparation of our disc. Organic Medicinals insisted that we accept a financial gift to help cover the cost. When my father's health became compromised and he was unable to farm his land, Organic Medicinals extended great kindness to him by including my father in their farming activities. He was deeply appreciative of their willingness to modify their methods to meet his needs and give him the opportunity to do what he loves most. There is no end to the anecdotal evidence I could provide to convey the reverence and gratitude I have for the incredible individuals at Organic Medicinals. They are assets to our community. Any advancements they make to their operations would be done with the same degree of impeccable, ethical standards they have demonstrated throughout the years.

Thank you for the opportunity to formally declare my full support for Organic Medicinals' permit application.

Respectfully,

Rosalie Reynolds

Attn: Humboldt County Zoning Administrator
Public Hearing- Meeting ID #968 5000 6509 Password-421159
Re: Organic Medicinals.

To whom it may concern,

My name is Elizabeth Dunlap, owner/operator of Cann-Do Attitude Old School Cultivations and Paradise Flat Farm. I have owned and lived on my farm at 78 Shively Flat Rd for 32 years. I am a neighbor of Organic Medicinals and also hold a Humboldt Co. Commercial Cannabis Permit/ Ca. State License for 10,000sqft of outdoor cultivation and produce farm. Organic Medicinals uses the county road past my property to access their farm.

I fully support the expansion of their cannabis operations, as stated in the letter to our community. Organic Medicinals has shown a sustained ethic of highly respectable stewardship to the land and community in their cannabis operation, as well as, the food production farm, New Moon.

Jane and I have had a verbal conversation over my concerns of traffic, dust and pollen contamination. I am fully satisfied with the answers of signage, gravel and pollen containment given to mitigate these concerns. I look forward to continuing our relationship in keeping our neighborhood out on the Shively flat safe, friendly and prosperous for all affected by farm activities.

Please feel free to contact me for any further input.
Thank you for your consideration,

Elizabeth Dunlap
Cann-Do Attitude
Old School Cultivations
707-599-2555
farmerbethie@yahoo.com
78 Shively Flat Rd
Scotia, Ca. 95565

To whom it may concern,

My name is Eliza Barrett and I have lived and farmed in Shively for 25 years. It has come to my attention of concern about road usage by my neighbors farm owned and operated by Jill VanderLinden and her family.

The road usage has been less this year because of Covid. Anyone who has been here for a long time understands what it takes to manage a farm of their size and output. They have been diligent in their upkeep of the road.

Her family has run the largest produce farm in the valley for at least 12 years. They have contracts with Locally Delicious, a non profit who supply grants to grow produce for the local food banks. They also supply fresh food for elementary schools in McKinleyville, Eureka, Trinidad and Arcata.

Their farm also supplies grocery stores and restaurants throughout the region all the way to the Bay Area. They have managed their place in a streamlined capacity with top concern for wildlife and the integrity of the soil and environment.

Jill and her family have received last year, a regional award and professional acknowledgments and recognition for their regenerative and sustainable farming practices. They are held in high esteem with anyone who has done business with them.

She has also lectured and taught many farmers, young and experienced, on the techniques of dry farming and has been helpful and generous to all who have shown and needed aid by donating literally tons of produce.

People have interviewed her for articles, pod casts and radio and also filmed for a documentary showcasing their top notch farm. They are the best example of farming that I have ever witnessed. Integrative management of fruit orchards, annual produce, crop rotations, livestock have been created from scratch.

In conclusion their careful and conscientious year in and year out care of their farm can and should be used as the prime example of how land should be taken care of for generations of productivity and health of our region.

Thank you, Eliza Barrett

RECEIVED
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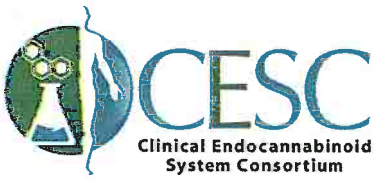
Humboldt County
Cannabis Svcs



Billy Ellyson
Chief Botanist & Director Of Agronomy
The Clinical Endocannabinoid System Consortium, Inc.
b.ellyson@thecesc.org
Arcata, CA
707-498-6210

To: Humboldt County Planning Department

RE: Organic Medicinals, Inc. APN 209-191-018

This is a letter of support for approving the application for commercial cannabis cultivation for Organic Medicinals Inc. As the Chief Science Officer and Botanist of the Humboldt Sun Growers Guild from January 2015 to 2020, I assisted over 350 farms with the process of bringing product to the legal market. I visited many of these farms and have developed a good understanding of the spectrum of cultivation sites in Humboldt County and the people that operate them. I have assisted farms with cannabis testing results and graded literally tons of cannabis for quality inspection purposes. Through these experiences I have developed a solid gauge to assess the quality of a cultivation operation.

Organic Medicinals, Inc. is one of the most outstanding farms I have visited in Humboldt County. While the vast majority of the landscape is mountainous, Shively Flat is on prime ag and has operated for decades as a farm producing vegetables for the community. While still producing organic vegetables and fruits, the dry-farming techniques utilize the natural water table of the river flat thus requiring very little irrigation. This cultivation environment sets the stage for minimum impact since the nutrient rich soil requires very little amendments. This farm is an ideal model for cannabis cultivation, period.

The site has already demonstrated to produce extremely high quality cannabis. For example, I visited the farm in the late summer of 2019 to inspect their cannabis harvest and collected samples. The lab results included very high terpene and cannabinoid results and the excellent overall quality fit for the Premium Brand True Humboldt which was packaged and in stores before the end of 2019. I can confirm that I never witnessed any seeds in any material I have ever received from Organic Medicinals and that the presence of seeds would have excluded a harvest batch from consideration in the True Humboldt Brand.

The need for developing ideal genetics for this unique site is paramount to the survival of these valuable small farms. Cultivars or strains grow very differently on various terrains and the team at Organic Medicinals has already demonstrated advanced talent in developing ideal genetics for their appellate. I cannot think of a better place or team to have a nursery.

If you have any questions or comments, please do not hesitate to contact me.

Sincereley

Billy Ellyson, 1/4/2021

From: nglatt@mkwwlaw.com <nglatt@mkwwlaw.com>
Sent: Wednesday, January 6, 2021 2:29 PM
To: Johnson, Cliff <CJohnson@co.humboldt.ca.us>
Subject: RE: open to talk before 2pm if you would like on that issue

Appreciate the follow-up discussion today, Cliff.

My review of the staff report for the June 18, 2020 ZCC hearing for this application evidenced numerous misrepresentations in regard to the deeded access road to the operations site, including but not limited to **pages 29, 44 and 49**. I note that Public Works' comments on page 71 of that staff report also asserts numerous inaccuracies regarding the applicant's representations about site access. If these have been corrected, I'd appreciate if you or Stevie can forward me a copy of the corrected and revised staff report.

It will be critical to my clients to see in the staff report's **Conditions of Approval** (not just in the summary) the following:

1. Robust road improvement requirements for all sections of access that are not County-maintained (e.g. the deeded access road from Shively Flat Road to the operations site);
2. A maximum cap of fifteen uses per day as to the deeded access road from Shively Flat Road to the operations site, with a "use" defined as one trip to OR from the operations site utilizing said access road;
3. A requirement that the applicant submit to the County dated photographic proof of timely compliance with seasonal removal requirements for temporary structures in the river flood plain areas within three business days of the required date of removal.

Thanks.

Neal

Neal G. **Latt** -BIO-
Partner
MATHEWS, KLUCK, WALSH, WYKLE & **LATT**, LLP
100 M Street
Eureka, California 95501
phone: (707) 442-3758
fax: (707) 442-0813
nglatt@mkwwlaw.com

Lippre, Suzanne

From: Organic Medicinals, Inc. <organicmedicinalsinc@gmail.com>
Sent: Wednesday, January 6, 2021 12:48 PM
To: Luther, Stephen
Subject: Fwd: To whom it may concern;

Stevie,
Here's another letter of support.

-Jill

---------- Forwarded message ---------
From: **Chrystal Ortiz** <chrystalortiz@icloud.com>
Date: Wed, Jan 6, 2021 at 11:51 AM
Subject: To whom it may concern;
To: <organicmedicinalsinc@gmail.com>

To whom it may concern;

I am writing this letter in full support of Organic Medicinals Inc. nursery permit and cannabis cultivation in Shively. Organic Medicinals grows cannabis alongside vegetables organically in a traditional dry farming style that is specific to the valley.
It is very important for the Shively and Holmes community to have a permitted nursery that can maintain the genetics that are critical for our appellation. The Shively and Holmes community have a very unique climate and soil type that are not reproducible anywhere else in the county. Jane is a model steward of the land, the culture, traditions and the values of the dry farming community. She has empowered us in our ability to understand the concepts of dry farming food and cannabis, soil nutrition and farming with the lowest impact possible. It is crucial to us that we have access to permitted nursery starts that are bred in our valley and made to dry farm.
In closing, on behalf of Solful Farms in Holmes Flat, please consider Organic Medicinals cultivation and nursery permit as a model for our community and the world at large so we can maintain the culture and values of the area while we strive to build an internationally recognized appellation for dry farmed cannabis in Humboldt County California. Thank you,
Noah Beck and Chrystal Ortiz
SolFul Farms

Sent from my iPhone

--
Organic Medicinals, Inc.