



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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

Hearing Date: November 18, 2021

To: Humboldt County Zoning Administrator

From: Cliff Johnson, Supervising Planner

Subject: **Bar 7 K Farms, LLC Special Permit**
Record Number PLN-2019-16116
Assessor's Parcel Number 216-154-024 and a portion of 216-141-001
Alderpoint Area

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Please contact Steven A. Santos, Senior Planner, at 707-268-3749 or by email at sasanots@co.humboldt.ca.us, if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date November 18, 2021	Subject Special Permit	Contact Steven A. Santos
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Project Description: A Special Permit for 20,000 square feet of new outdoor commercial cannabis cultivation with up to two harvest cycles using light deprivation. Solar panels provide electricity and an existing well provides irrigation. The annual water usage is 150,000 gallons with 50,000 gallons of storage. Within two years, rainwater catchment tanks totaling 100,000 gallons will be constructed to increase storage and reduce reliance on the well. There will be at least one employee with a maximum of two employees at peak operation. An ancillary nursery of 1,000 square feet is also proposed. Drying will occur onsite and all other processing will occur offsite.

Project Location: This project is in Humboldt County, in the Alderpoint area, on the southwest side of Lower Lakeview Road, approximately 4,000 feet west and 2,300 feet south as the crow flies from the intersection of Lower Lakeview Road and Northview Road, on the property known to be in the southwest quarter of the northwest quarter and the northwest quarter of the southwest quarter of Section 7 of Township 04 South, Range 05 East, Humboldt Base & Meridian.

Present Plan Land Use Designations: Agricultural Grazing (AG), Density: Range is 20 to 160 acres per unit; Timberland (T), Density: Range is 40 to 160 acres per unit; 2017 General Plan, Slope Stability: High Instability (3).

Present Zoning: Agricultural Exclusive (AE), Timberland Production (TPZ)

Record Number: PLN-2019-16116

Assessor's Parcel Number: 216-154-024 and a portion of 216-141-001

Applicant

Bar 7 K Farms, LLC
Joseph Kercher
14010 Alderpoint Road
Alderpoint, CA 95511

Owner

Joseph and Sterling Kercher
14010 Alderpoint Road
Alderpoint, CA 95511

Agents

Clearwater Ag Services
446 Maple Lane
Garberville, CA 95542

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

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

Major Issues: None

Recommended Zoning Administrator 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 Zoning Administrator has considered the Addendum to the adopted Environmental Impact Report for the Commercial Cannabis Land Use Ordinance (CCLUO) as described by Section 15164 of the State CEQA Guidelines, make all required findings for approval of the Special Permit and adopt the Resolution approving the Bar 7 K Farms, LLC Special Permit as recommended by staff subject to the recommended conditions.

Executive Summary: A Special Permit for 20,000 square feet of new outdoor commercial cannabis cultivation with up to two harvest cycles using light deprivation. Solar panels provide electricity and an existing, permitted well provides irrigation. The annual water usage is 150,000 gallons with 50,000 gallons of storage. Within two years, rainwater catchment tanks totaling 100,000 gallons will be constructed to increase storage and reduce reliance on the well. There will be at least one employee with a maximum of two employees at peak operation. An ancillary nursery of 1,000 square feet is also proposed. Drying will occur onsite and all other processing will occur offsite. The legal parcel consists of APN 216-154-024 and a portion of 216-141-001. The cannabis operation will occur exclusively on APN 216-154-024 which is split zoned between Timber Production Zone (TPZ) and Agricultural Exclusive (AE). The existing permitted well is located within the TPZ and the cultivation operation is located within the AE zoned portion of parcel. A Biologist concluded that no sensitive natural communities or plant species of special concern are at risk from the project proposal. No prime soils are present, and an engineer has certified that cultivation sites are located on slopes less than 15%. The 1.5-mile access road from Alderpoint Road is equivalent to a road category 4 standard. While archeological sites are present on the legal parcel, a cultural resource survey and tribal consultation concluded they will not be impacted by the project.

Water Source

The 150,000-gallon annual water budget will be initially sourced from an existing, permitted, and hydrologically disconnected well. The water budget, including ancillary nursery, translates to 7.14 gallons per square foot per year. Within two years of permit approval, two, 50,000-gallon rainwater catchment tanks totaling 100,000 gallons will be constructed to increase storage and reduce reliance on the well. Once the catchment tanks are constructed, the applicant is required to provide an updated water budget and operations plan addendum (Condition of Approval A1). Water storage consists of ten, 5,000-gallons tanks for a total of 50,000 gallons. Total storage will increase to 150,000 once the rainwater catchment tanks are constructed. Per the project operations plan, a metered automatic drip irrigation system will be used. Additionally, the project operations plan commits to voluntary forbearance of the well between August 1st and October 31st. (Condition of Approval B6).

The project was referred to the Division of Environmental Health which recommended approval with conditions. Applicant must obtain a permit for and install an approved onsite wastewater treatment system associated with a permitted structure or provide portable toilet(s) for cultivation workers (Condition of Approval A2).

Natural Resources

The applicant provided a Biological Assessment dated May 18, 2020, prepared by Jack Henry from Timberland Resource Consultants. The assessment concluded that no sensitive natural communities or plant species of special concern are at risk from the project proposal. The assessment also notes that Northern Spotted Owl surveys have been conducted on and around the project parcels since 2015 as part of the timber harvest plan for the property. Mr. Henry concludes that the project as proposed will

not impact Northern Spotted Owls. The assessment recommends implementing an invasive species management plan and using only manual rodent traps which have been incorporated in the conditions of approval (Conditions of Approval C3 and C9). Artificial light will only be used in the ancillary propagation area. No artificial light will be used for the outdoor cultivation.

Humboldt County's WebGIS and the project plot plan show several streamside management areas (SMA) in the vicinity of project areas. Review by staff indicates that all cannabis related activities are outside the designated SMA setbacks.

Timberland Resource Consultants submitted a notification to the California Department of Fish and Wildlife in May of 2020 for the cannabis project. That notification stated no work was proposed. As described in the May 2020 notification as well as in the July 3, 2020, Site Management Plan, there is an existing Lake or Streambed Alteration Agreement (LSAA) (1600-2015-0106-R1) in place for the property. Of note from the Site Management Plan, is the recommendation that a culvert be extended in the area described as Unique Point #8. The project conditions of approval include implementation of the Site Management Plan recommendations and conformance with the issued LSAA (Conditions of Approval A3 and C18).

The main cultivation area in the southwest portion of the parcel is in an area that was graded without the benefit of county review. The applicant has submitted an after the fact grading permit application and issuance of the grading permit is a project condition of approval (Condition of Approval A7. The project parcel is known to contain slopes over 15% in most places. An evaluation, summarized in a September 28, 2021, letter was conducted by Whitchurch Engineering to certify that all proposed cultivation sites will be in areas of current or historic grades less than 15%. Additionally, no trees are to be removed to implement the project nor does the project area contain prime soils.

Energy

Electricity is provided by a solar system to support low wattage lights for propagation, water pump, and a small dehumidifier. No generator will be used in association with this project (Condition of Approval C5).

Noise

A noise assessment conducted by Clearwater Ag Services in June of 2021 establishes an average baseline of 40 decibels which has been incorporated into the noise standards described in the conditions of approval (Condition of Approval C1).

Access

Access to the site is via a 1.5-mile dirt road which connects to Alderpoint Road. A December 2019 road evaluation conducted by Clearwater Ag Services certified the entire 1.5 mile road segment is developed to the equivalent of a road category 4 standard. Additionally, a March 2020 road assessment conducted by Timberland Resource Consultants identified several points in the road segment that would benefit from improved drainage and recommended specific measures. The recommendations of the March 2020 road assessment are incorporated in the project conditions of approval (Condition of Approval A5).

The project was referred to the Department of Public Works which recommended approval with conditions which have been incorporated into the conditions of approval (Condition of Approval A4). The project was also referred to the Alderpoint Voluntary Fire Company and CalFire. CalFire responded and recommended approval. The project proposal includes a 2,500-gallon tank for fire suppression which is depicted on the project plot plan. The location of the State Responsibility emergency vehicle turnaround on the plot plan does not conform with the standards of the Fire Safe Regulations so a condition of approval has been added to revise the plot plan to include vehicle turnaround(s) that comply with applicable standards (Condition of Approval A6).

Tribal Consultation

The project is in the Bear River Band of Rohnerville Rancheria aboriginal territory. The project was referred to the tribe and the Northwest Information Center. A January 2020 Cultural Resources Investigation Report prepared by Nick Angeloff and Brianna King was provided by the applicant. The survey located two previously recorded sites and concluded this project will not affect significant prehistoric resources as long as mitigation measures are followed, and the sites are not disturbed. The report was reviewed by the Bear River Tribal Historic Preservation Officer who recommended an inadvertent discovery protocol which is included as a condition of approval (Condition of Approval C2).

Resolution 18-43 Consistency

Approval of this project is consistent with Humboldt County Board of Supervisors Resolution No. 18-43, which established a limit on the number of permits and acres which may be approved in each of the County's Planning Watersheds. The project site is in the Middle Main Eel Planning Watershed, which under Resolution 18-43 is limited to 360 permits and 125 acres of cultivation. With the approval of this project the total approved permits in this Planning Watershed would be 76 permits and the total approved acres would be 33.86 acres of cultivation.

Environmental Review and Staff Recommendation

Environmental review for this project was conducted and based on the results of that analysis, staff concludes that all aspects of the project have been considered in a previously adopted Environmental Impact Report adopted for the Commercial Cannabis Land Use Ordinance. An addendum to the Environmental Impact Report has been prepared for consideration by the Zoning Administrator (Attachment 2).

Staff recommends that the Zoning Administrator make all the required findings based on the evidence in the record and approve the application subject to the recommend conditions.

Alternatives: Several alternatives may be considered: 1) The Zoning Administrator could elect not to hear this item and put the decision making in front of the Planning Commission. Any decision to place this matter before the Planning Commission must be done before opening the public hearing on this project; 2) The Zoning Administrator could elect to add or delete conditions of approval; 3) The Zoning Administrator could deny approval of the requested permits if it is unable to make all the required findings. Planning Division staff is confident that the required findings can be made based on the submitted evidence and subject to the recommended conditions of approval. Consequently, staff does not recommend further consideration of these alternatives.

**RESOLUTION OF THE ZONING ADMINISTRATOR
OF THE COUNTY OF HUMBOLDT
Resolution Number 21-**

Record Number PLN-2019-16116

Assessor's Parcel Numbers: 216-154-024 and 216-141-001

Resolution by the Zoning Administrator of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approving the Bar 7 K Farms, LLC, Special Permits.

WHEREAS, Bar 7 K Farms, LLC, submitted an application and evidence in support of approving a Special Permit for 20,000 square feet of new outdoor commercial cultivation including appurtenant propagation of 1,000 square feet.

WHEREAS, the County Planning Division, the lead agency, prepared an Addendum to the Final Environmental Impact Report 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 Environmental Impact Report. No new information of substantial importance that was not known and could not be known at the time was presented as described by §15162(c) of CEQA Guidelines; and

WHEREAS, the Humboldt County Zoning Administrator held a duly noticed public hearing on November 18, 2021, and reviewed, considered, and discussed the application for a Special Permit and reviewed and considered all evidence and testimony presented at the hearing.

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

- 1. FINDING:** **Project Description:** A Special Permit for 20,000 square feet of new outdoor commercial cannabis cultivation with up to two harvest cycles using light deprivation. Solar panels provide electricity and an existing well provides irrigation. The annual water usage is 150,000 gallons with 50,000 gallons of storage. Within two years, rainwater catchment tanks totaling 100,000 gallons will be constructed to increase storage and reduce reliance on the well. There will be at least one employee with a maximum of two employees at peak operation. An ancillary nursery of 1,000 square feet is also proposed. Drying will occur onsite and all other processing will occur offsite.

EVIDENCE: a) Project File: PLN-2019-16116

CEQA

- 2. FINDING:** The requirements of the California Environmental Quality Act have been complied with. The Humboldt County Zoning Administrator has considered the Addendum to and Environmental Impact Report prepared for the Commercial Cannabis Land Use Ordinance (CCLUO) adopted by the Humboldt County Board of Supervisors on May 8, 2018.

- EVIDENCE:** a) Addendum Prepared for the proposed project.
- b) The proposed project does not present substantial changes that would require major revisions to the previous 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
- c) A biological Assessment dated May 18, 2020 was provided. The assessment concluded that no sensitive natural communities or plant species of special

concern are at risk from the project proposal. The assessment recommends implementing an invasive species management plan and using only manual rodent traps which have been incorporated in the conditions of approval.

- d) A January 2020 Cultural Resources Investigation was provided. The survey located two previously recorded sites and concluded this project will not affect significant prehistoric resources if mitigation measures are followed. The Bear River Tribal Historic Preservation Officer recommended standard inadvertent discovery protocol which is included as a condition of approval.
- e) A road evaluation was conducted in December 2019 and a road assessment performed in March 2020. The evaluation concluded that the 1.5 access road segment is developed to the equivalent of a road category 4 standard. The road assessment made recommendations to improve drainage which are included in the conditions of approval.
- f) The applicant provided a Noise Assessment conducted in June of 2021. The project is conditioned so noise sources associated with the cannabis operation do not exceed three decibels of continuous noise above existing ambient noise levels.

FINDINGS FOR SPECIAL PERMIT

3. FINDING

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

EVIDENCE

- a) The parcel has split designations of Agricultural General (AG) and Timberland (T). But for the existing irrigation well, the proposed cultivation site will be located within the AG designation. General agriculture is a use type permitted in the AG land use designation. The proposed cannabis cultivation, an agricultural product, is within land planned and zoned for agricultural purposes, consistent with the use of Open Space land for managed production of resources. The use of an agricultural parcel for commercial agriculture is consistent with the Open Space Plan and Open Space Action Program. Therefore, the project is consistent with and complimentary to the Open Space Plan and its Open Space Action Program.

4. FINDING

The proposed development is consistent with the purposes of the existing Agricultural Exclusive (AE) zone in which the site is located.

EVIDENCE

- a) The parcel is split zoned with Timber Production Zone (TPZ) and Agricultural Exclusive (AE). the proposed cultivation site will be located within the AE zone. The AE Zone is intended to be applied to areas of the County in which general agriculture uses are the desirable predominant uses.
- b) All general agricultural uses are principally permitted in the AE zone.

5. FINDING

The proposed development is consistent with the requirements of the CCLUO Provisions of the Zoning Ordinance.

EVIDENCE

- a) The CCLUO (HCC 314-55.4.6) allows new cannabis cultivation to be permitted in areas zoned Agricultural Exclusive (AE).
- b) The parcel was created in compliance with all applicable state and local subdivision regulations because it qualifies for a Certificate of Compliance pursuant to section 66499.35 of the Subdivision Map Act because 216-154-

024 and a portion of 216-141-001 comprise Patent 1010 issued on October 7, 1893.

- c) The project will obtain water from a non-diversionary water source.
- d) A road evaluation provided evidence that the road segments evaluated were found to be functionally appropriate for the expected traffic. A road assessment provided recommendations to improve drainage of the road which are included in the project conditions of approval.
- e) The slope of the land where cannabis will be cultivated is less than 15%
- f) The cultivation of cannabis will not result in the net conversion of timberland.
- g) The location of the cultivation complies with all setbacks required in Section 314-55.4.6.4.4. (a.-f.). It is more than 30 from any property line, more than 300 feet from any off-site residence, more than 270 feet from any adjacent undeveloped separately owned parcel, and more than 600 feet from any school, church, public park, or Tribal Cultural Resource.
- h) The project will not emit light pollution through the implementation of measures described in the operations plan.
- i) Power will be provided by solar panels.

6. FINDING

The cultivation and appurtenant uses 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.

EVIDENCE

- a) The site is located on road that has been evaluated to safely accommodate the amount of traffic generated by the proposed cannabis cultivation.
- b) The site is in a rural part of the County where the typical parcel size varies. The proposed cannabis will not be in a location where there is an established neighborhood or other sensitive receptor such as a school, church, park, or other use which may be sensitive to cannabis cultivation. Approving cultivation on this site and the other sites which have been approved or are in the application process will not change the character of the area due to the large parcel sized in the area.
- c) The location of the proposed cannabis cultivation sites are more than 300 feet from the nearest off-site residence and 270 feet from any adjacent undeveloped separately owned parcel.
- d) Irrigation water will come from a permitted groundwater well and rain catchment in accordance with necessary permits and standards.
- e) Provisions have been made in the applicant's proposal to protect water quality and thus runoff to adjacent property and infiltration of water to groundwater resources will not be affected.

7. FINDING

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

EVIDENCE

The parcel was not included in the housing inventory of Humboldt County's 2019 Housing Element and does not currently have an existing residence. The approval of cannabis cultivation on this parcel will not conflict with the

ability to construct a residence if one is proposed in the future..

8. FINDING

Approval of this project is consistent with Humboldt County Board of Supervisors Resolution No. 18-43 which established a limit on the number of permits and acres which may be approved in each of the County's Planning Watersheds

EVIDENCE

The project site is located in the Middle Main Eel Planning Watershed, which under Resolution 18-43 is limited to 360 permits and 125 acres of cultivation. With the approval of this project the total approved permits in this Planning Watershed would be 76 permits and the total approved acres would be 33.86 acres of cultivation.

DECISION

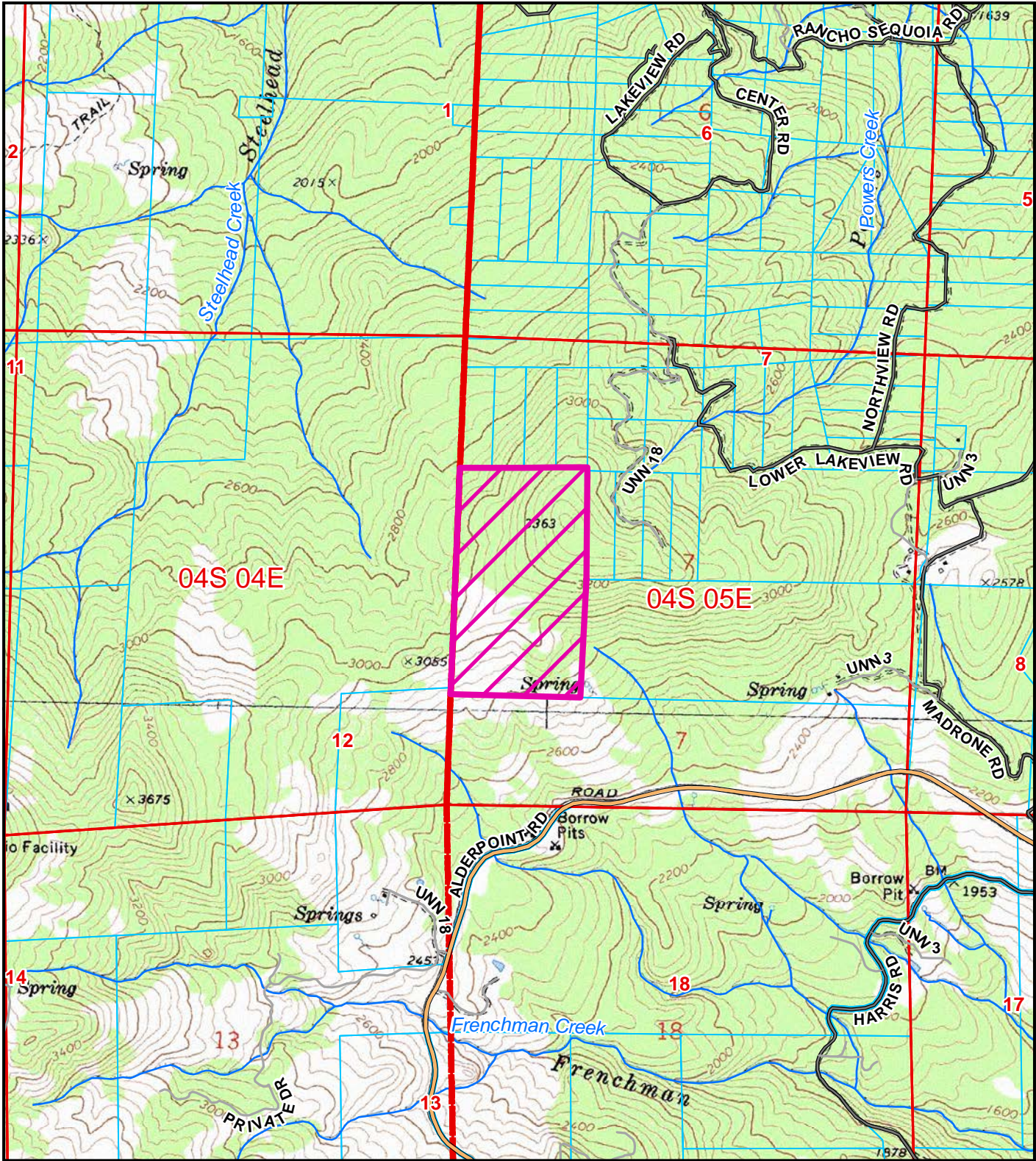
NOW, THEREFORE, based on the above findings and evidence, the Humboldt County Zoning Administrator does hereby:

- Adopt the findings set forth in this resolution; and
- Conditionally approves the Special for Bar 7 K Farms, LLC, based upon the Findings and Evidence and subject to the conditions of approval attached hereto as Attachment 1 and incorporated herein by reference; and

Adopted after review and consideration of all the evidence on **November 18, 2021**.

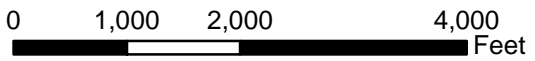
I, John Ford, Zoning Administrator of the County of Humboldt, do hereby certify the foregoing to be a true and correct record of the action taken on the above entitled matter by said Zoning Administrator at a meeting held on the date noted above.

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

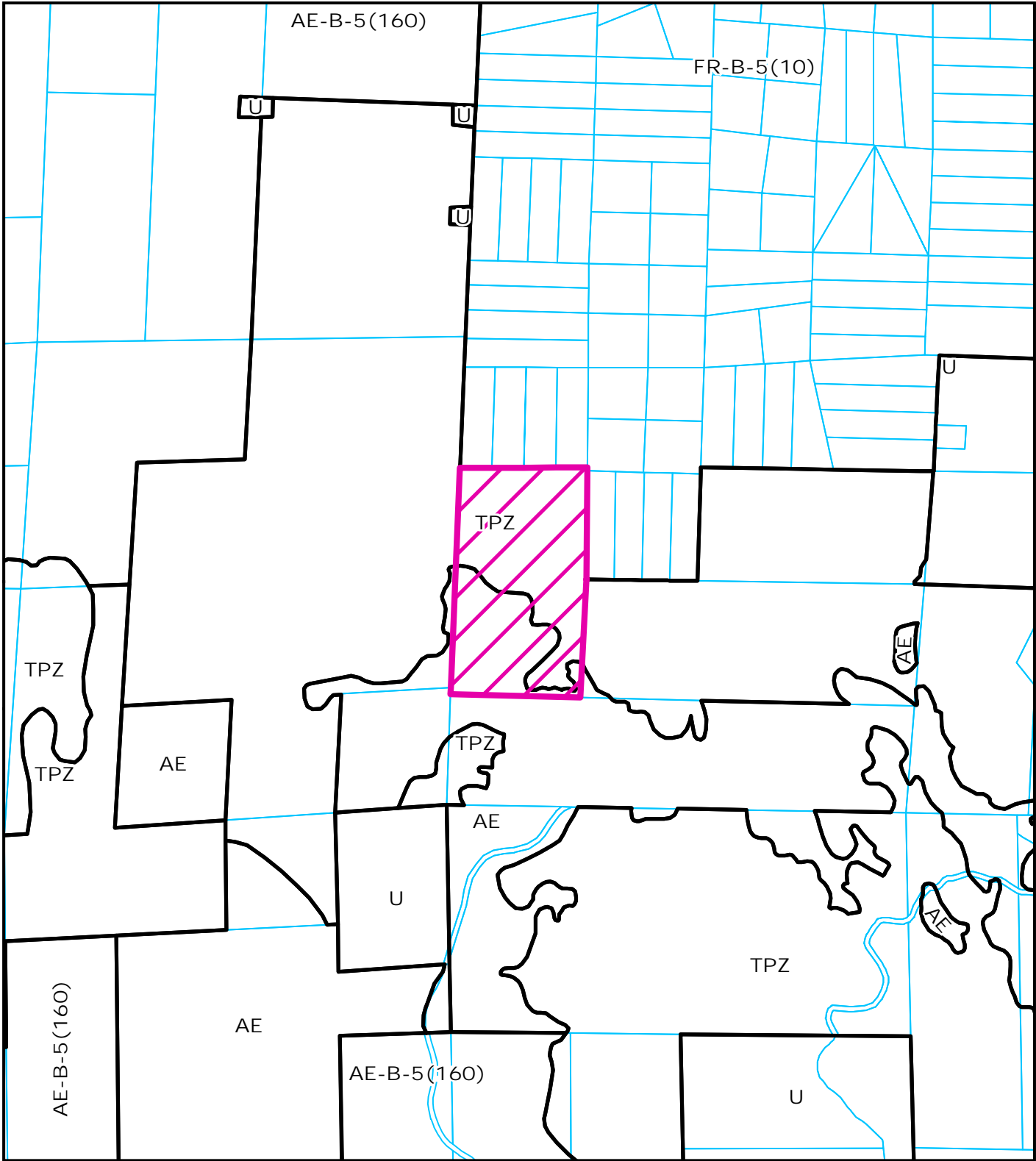


TOPO MAP
PROPOSED BAR 7 K FARMS
ALDERPOINT AREA
PLN--2019-16116
APN: 216-154-024-000
T04S R05E S7 HB&M (FORT SEWARD)


Project Area =





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



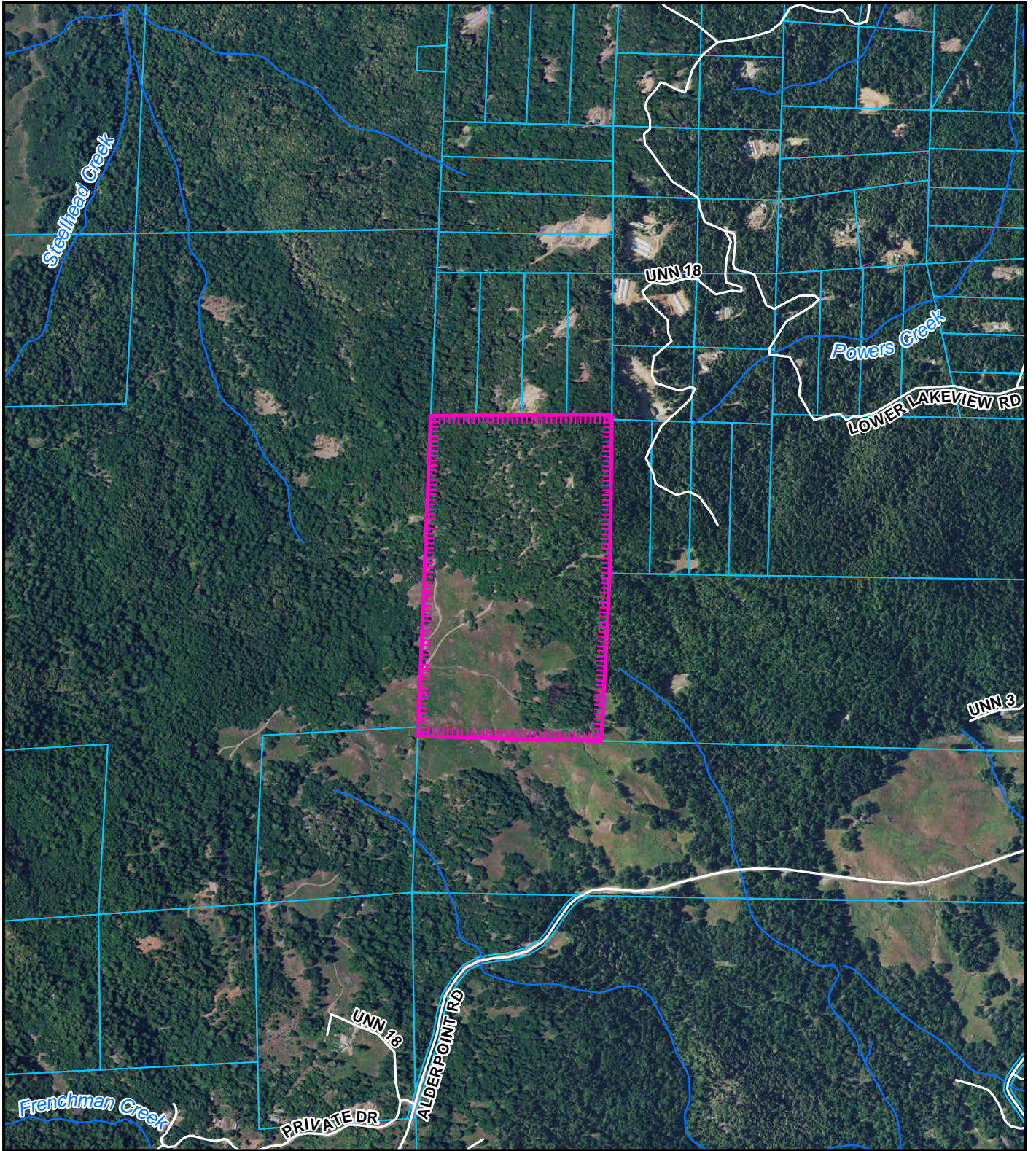
ZONING MAP
PROPOSED BAR 7 K FARMS
ALDERPOINT AREA
PLN--2019-16116
APN: 216-154-024-000
T04S R05E S7 HB&M (FORT SEWARD)

Project Area = 


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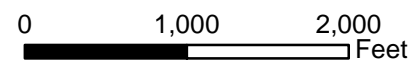
0 1,000 2,000 4,000
 Feet

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



AERIAL MAP
PROPOSED BAR 7 K FARMS
ALDERPOINT AREA
PLN--2019-16116
APN: 216-154-024-000
T04S R05E S7 HB&M (FORT SEWARD)

Project Area = 



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

SITE PLAN

PROJECT INFORMATION:

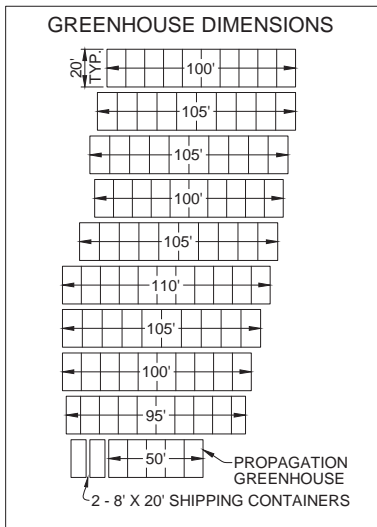
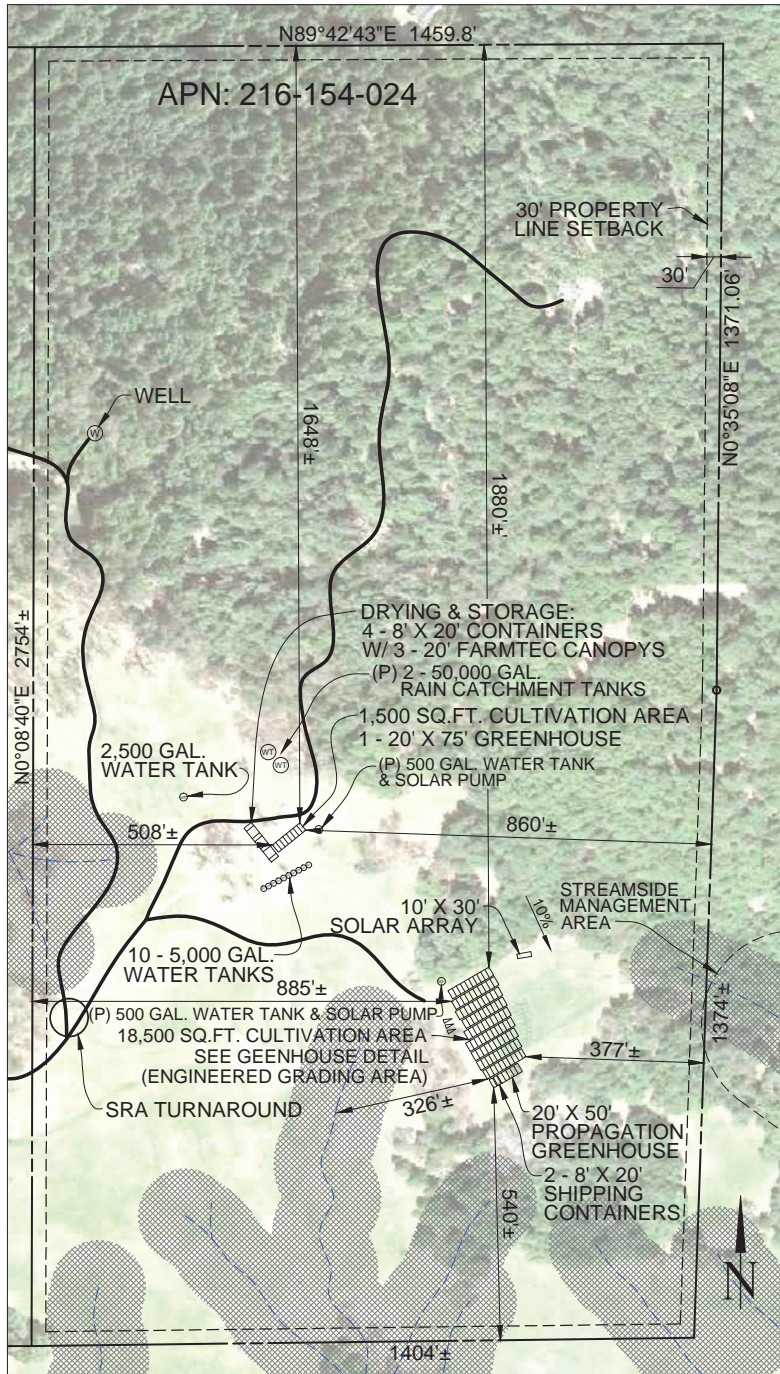
Applicant: Bar 7 K Farms, LLC

Site Address: none assigned
 Alderpoint Road
 Alderpoint, CA 95511
 APN: 216-154-024-000

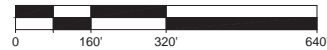
Land Owner:
 Joseph Kercher
 14010 Alderpoint Road
 Alderpoint, CA 95511

Agent:
 Clearwater Ag Services
 446 Maple Lane
 Garberville, CA 95542

Trees to be Removed: None
 Outdoor Cultivation Area: 20,000 sq ft
 Earthwork Quantities: See Grading Permit
 Water Supply: Well
 Sewer: Portable Toilet
 Power: Solar
 Parcel Size: 80
 Zoning: AE; TPZ
 General Plan Designation: AG, T
 No water crossings
 No known easements



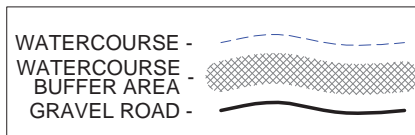
SCALE: 1" = 320'



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 2015 GIS DATA. APPLICANT 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 CULTIVATION AREA.
4. THERE ARE NO RESIDENCES ON ADJOINING PARCELS WITHIN 300 FEET OF THE CULTIVATION AREAS.
5. ANY EXISTING DEVELOPMENT CONSTRUCTED WITHOUT THE BENEFIT OF COUNTY REVIEW WILL BE SUBJECT TO THE HUMBOLDT COUNTY BUILDING DEPARTMENT UPON APPROVAL OF THE ZONING CLEARANCE CERTIFICATE.

Directions from Garberville.
 From Redwood Drive turn right on to Alderpoint Rd.
 Head East for 9.9 miles staying on Alderpoint Rd.
 Turn Left at 10373 Alderpoint Rd.
 From Paved Road Drive Approximately 1.5 miles on
 Private dirt road to cultivation site.



This map is provided without warranty on any kind. Spatial data is approximate. Parcel positions are estimates only. Reasonable effort has been made to ensure the accuracy of the map and data provided, however errors and omissions may still exist. The positional accuracy of the data is approximate and is not intended to represent surveyed information. Do not use this map to determine property boundaries.

ATTACHMENT 1

RECOMMENDED CONDITIONS OF APPROVAL

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

A. Conditions which must be satisfied before the cannabis operations may be initiated (unless otherwise indicated).

1. Within two years of permit approval, the applicant shall obtain building permits as needed for, and install 100,000 gallons total rainwater catchment tanks. Once constructed, the applicant shall provide an addendum to the operations plan that includes an update water budget.
2. Prior to initiating cultivation operations, applicant must install an approved septic system or provide portable toilets to cultivation areas.
3. Prior to initiating cultivation operations, applicant must implement the recommending action of lengthening the culvert for Unique Point #8 as described in the site management plan.
4. Per Exhibit A of the recommendations from Public Works these conditions 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.
 - a. Applicant must apply for and obtain an encroachment permit from 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 minimum width of 18 feet and a length of 50 feet (or to break in slope) where it intersects the County road.
 - b. All driveways and private road intersections onto the County Road shall be maintained in accordance with County Code Section 341-1 (Sight Visibility Ordinance).
5. Prior to initiating cultivation operations, the applicant must implement the nine recommendations on pages 3 and 4 of the March 13, 2020 road assessment conducted by Timberland Resource Consultants.
6. Prior to initiating cultivation operations, the applicant must provide a revised plot plan depicting emergency vehicle turnaround(s) in location(s) that conform to section 1273.05 (Turnarounds) of the fire safe regulations.
7. Prior to initiating cultivation operations, the applicant must obtain an after the fact grading permit for the grading that occurred in the southeast location containing the main cultivation area.

B. General Conditions

1. Applicant is responsible for obtaining all necessary County and State permits and licenses and for meeting all requirements set forth by other regulatory agencies.
2. The applicant is responsible for costs for post-approval review for determining project conformance with conditions. A deposit is collected to cover this staff review. Permit conformance with conditions must be demonstrated prior to release of building permit or initiation of use and at time of annual inspection. A conformance review deposit as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750) shall be paid within sixty (60) days of the effective date of the permit or upon filing of the Compliance Agreement

(where applicable), whichever occurs first. Payment shall be made to the Humboldt County Planning Division, 3015 "H" Street, Eureka.

3. A Notice of Determination will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. Within three days of the effective date of permit approval, the Department will file the Notice of Determination and will charge this cost to the project.
4. The applicant shall install monitoring device(s) on each source (well, rainwater catchment, and dehumidifier recapture tanks). Applicant shall maintain water usage logs from each source for the life of the project and make logs available for inspection upon request.
5. The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency (CUPA) requirements regarding hazardous materials. Ongoing proof of compliance with this condition shall be required at each annual inspection to keep the permit valid.
6. Per the project operations plan, the applicant will voluntarily forbear use of the well between August 1st and October 31st.

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

1. The combination of background or other operational equipment created noise must not exceed more than three decibels above ambient noise as measured in the June 2021 noise assessment. Specifically, noise may not exceed 43 decibels at any property line.
2. Cultivation sites must be at least 600 feet from the recorded sites referenced in the January 2020 Cultural Resources Investigation and must not be disturbed. If cultural resources are encountered during construction activities, the contractor on-site shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist and the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and the lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

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

3. The applicant shall adhere to the Invasive Species and Soils Management Plan for the life of the project.
4. Artificial light is limited to the ancillary propagation greenhouse. No artificial light may be used in association with the outdoor cultivation. All artificial lighting shall be fully contained within structures such that no light escapes (i.e., through the use of blackout curtains). Structures shall be enclosed between 30 minutes prior to sunset and 30 minutes after sunrise to prevent disruption to crepuscular wildlife. Security lighting shall be motion activated and comply with the International Dark-Sky Association standards and Fixture Seal of Approval Program (refer to <https://www.darksky.org/our-work/lighting/lighting-for-citizens/lighting-basics/>). Standards include but are not limited to: Light shall 1) be shielded and downward facing, 2) 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.

5. Should the Humboldt County Planning Division receive complaints that the lighting or noise is not complying with the standards listed above within ten (10) working days of receiving written notification that a complaint has been filed, the applicant shall submit written verification that the lights' shielding and alignment, and noise levels have been repaired, inspected, and corrected as necessary.
6. Per the operations plan, no generator will be used for any purpose associated with the cannabis operation.
7. 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.
8. All refuse shall be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
9. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and be allowed to leave the work site unharmed.
10. The use of anticoagulant rodenticide is prohibited. Per the recommendation in the biological assessment, only manual traps may be used.
11. 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.
12. 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. If offsite processing is chosen to be the preferred method of processing, this permit shall be modified to identify the offsite licensed facility.
13. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CCLUO as applicable to the permit type.
14. If operating pursuant to a written approved compliance agreement, permittee shall abate or cure violations at the earliest feasible date, but in no event no more than two (2) years from the date of issuance of a provisional clearance or permit. Permittee shall provide plans for curing such violations to the Planning and Building Department within one (1) year of issuance of the provisional clearance or permit. If good faith effort toward compliance can be shown within the two years following the issuance of the provisional clearance or permit, the Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow additional time to meet the outstanding requirements.
15. 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.
16. Confinement of the area of cannabis cultivation, processing, manufacture, or distribution to the locations depicted on the approved site plan. The commercial cannabis activity shall be set back at least 30 feet from any property line, and 600 feet from any school, school bus stop, church or other

place of religious worship, or tribal cultural resources, except where a reduction to this setback has been approved pursuant to Section 55.4.11 (d).

17. Maintain enrollment in Tier 1 or 2 certification with State Water Resources Control Board Order WQ 2019-0001-DWQ, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
18. Comply with the terms of any applicable Lake and Stream Alteration (1600 or 1602) Permit obtained from the California Department of Fish and Wildlife (CDFW).
19. Comply with the terms of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (Cal Fire), if applicable.
20. Consent to an annual on-site compliance inspection, with at least 24 hours prior notice, to be conducted by appropriate County officials during regular business hours (Monday through Friday, 9:00 a.m. to 5:00 p.m., excluding holidays).
21. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
22. Pay all applicable application, review for conformance with conditions and annual inspection fees.
23. Fuel shall be stored and handled in compliance with applicable state and local laws and regulations, including the County of Humboldt's Certified Unified Program Agency (CUPA) program, and in such a way that no spillage occurs.
24. The master logbooks maintained by the applicant to track production and sales shall be maintained for inspection by the County.
25. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).

Performance Standards for Cultivation and Processing Operations

26. Pursuant to Business and Professions Code section 26051.5(a)(8), an applicant seeking a cultivation license shall "provide a statement declaring the applicant is an 'agricultural employer,' as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 commencing with Section 1140) of Division 2 of the Labor Code), to the extent not prohibited by law."
27. Cultivators shall comply with all applicable federal, state, and local laws and regulations governing California Agricultural Employers, which may include federal and state wage and hour laws, Cal/OSHA, OSHA, the California Agricultural Labor Relations Act, and the Humboldt County Code (including the Building Code).
28. Cultivators engaged in processing shall comply with the following Processing Practices:
 - a. Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.
 - b. Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
 - c. Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.
 - d. Employees must wash hands sufficiently when handling cannabis or use gloves.

29. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:
- a. Cultivation operations and processing operations must implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:
 - (1) Emergency action response planning as necessary;
 - (2) Employee accident reporting and investigation policies;
 - (3) Fire prevention;
 - (4) Hazard communication policies, including maintenance of material safety data sheets (MSDS);
 - (5) Materials handling policies;
 - (6) Job hazard analyses; and
 - (7) Personal protective equipment policies, including respiratory protection.
 - b. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
 - (1) Operation manager contacts;
 - (2) Emergency responder contacts; and
 - (3) Poison control contacts.
 - c. At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations. Plumbing facilities and water source must be capable of handling increased usage without adverse consequences to neighboring properties or the environment.
 - d. On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.
30. All cultivators shall comply with the approved processing plan as to the following:
- a. Processing practices
 - b. Location where processing will occur
 - c. Number of employees, if any
 - d. Employee Safety Practices
 - e. Toilet and handwashing facilities
 - f. Plumbing and/or septic system and whether or not the system is capable of handling increased usage
 - g. Drinking water for employees
 - h. Plan to minimize impact from increased road use resulting from processing
 - i. On-site housing, if any
31. Term of Commercial Cannabis Activity Permit. Any Commercial Cannabis Cultivation permit issued pursuant to the CMMLUO or CCLUO shall expire one (1) year after date of issuance, and on the anniversary date of such issuance each year thereafter, unless an annual compliance inspection has been conducted and the permittees and the permitted site have been found to comply with all conditions of approval.
32. Inspections. If the inspector or other County official determines that the permittees or site do not comply with the conditions of approval, the inspector shall serve the permit holder with a written statement identifying the items not in compliance, and the action that the permit holder may take to cure the noncompliance or file an appeal within ten (10) days of the date that the written statement is delivered to the permit holder. Personal delivery or mailing the written statement to the mailing address listed on the application by regular mail, plus three (3) days after date of mailing, shall constitute delivery. The permit holder may request a reinspection to determine whether or not the permit holder has cured all issues of noncompliance. Failure to request reinspection or to cure any items of noncompliance shall terminate the Permit, immediately upon the expiration of any appeal period, or final determination of the appeal if an appeal has been timely filed.

33. Permit Renewals to Comply with Updated Laws and Regulations. Permit renewal is subject to the laws and regulations effective at the time of renewal, which may be substantially different than the regulations currently in place and may require the submittal of additional information to ensure that new standards are met.
34. 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.
35. Transfers. Transfer of any leases or permits approved by this project is subject to the review and approval of the Planning Director for conformance with CMMLUO eligibility requirements and agreement to permit terms and acknowledgments. The fee for required permit transfer review shall accompany the request. The request shall include the following information:
 - a. Identifying information for the new owner(s) and management as required in an initial permit application;
 - b. A written acknowledgment by the new owner in accordance as required for the initial permit application;
 - c. The specific date on which the transfer is to occur;
 - d. Acknowledgement of full responsibility for complying with the existing permit; and
 - e. Execution of an Affidavit of Non-diversion of Medical Cannabis.
36. 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:

None

ATTACHMENT 2

**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 216-154-024 and a portion of 216-141-001; Alderpoint area, County of Humboldt

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

November 2021

Background

Modified 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 Humboldt 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 existing and new cannabis operations by establishing regulations for an unregulated land use to help prevent and reduce environmental impacts that are known to result from cultivation operations. The EIR prepared for the CCLUO also established local land use regulations to allow for 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 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.

A Special Permit for 20,000 square feet of new outdoor commercial cannabis cultivation with up to two harvest cycles using light deprivation. Solar panels provide electricity and an existing well provides irrigation. The annual water usage is 150,000 gallons with 50,000 gallons of storage. Within two years, rainwater catchment tanks totaling 100,000 gallons will be constructed to increase storage and reduce reliance on the well. There will be at least one employee with a maximum of two employees at peak operation. An ancillary nursery of 1,000 square feet is also proposed. Drying will occur onsite and all other processing will occur offsite.

A Biological Assessment (Assessment) dated May 18, 2020, was prepared by Timberland Resource Consultants. The assessment concluded that no sensitive natural communities or plant species of special concern are at risk from the project proposal. A Cultural Resources Investigation dated January 2020 was prepared by Nick Angeloff and Brianna King and concluded that the project will not affect significant prehistoric resources. The Bear River Band Tribal Historic Preservation Officer recommended standard inadvertent archaeological discovery protocol.

The modified project will comply with provision of the CCLUO intended to eliminate impacts to sensitive species from noise and from light. Compliance with these and other measures of the CCLUO ensure consistency with the EIR.

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 effects 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 the proposed project is fully consistent with the impacts identified and adequately mitigated in the Final EIR. 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:

- Operations Plan and Plot Plan Bar 7 K Farms, LLC
- County GIS
- Noise Assessment dated June 2021, prepared by Clearwater Ag Services.
- Biological Assessment dated May 18, 2020, prepared by Timberland Resource Consultants
- A Cultural Resources Investigation dated January 2020 prepared by Nick Angeloff and Brianna King
- A Road Evaluation dated December 2019 prepared by Clearwater Ag Services and a Road Assessment dated March 2020 prepared by Timberland Resource Consultants

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.

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.

There are no new significant environmental effects and no substantial increases in the severity of previously identified effects. 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.

ATTACHMENT 3

Applicant's Evidence in Support of the Required Findings

Attachment 3 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. (On File – Application Form)
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. (On File)
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 one-quarter mile (1,320 feet) 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. (**Attached** with project Maps)
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; 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**)
5. Copy of the statement of water diversion, or other permit, license or registration filed with the State Water Resources Control Board, Division of Water Rights, if applicable. (Not Applicable)
6. Description of water source, storage, irrigation plan, and projected water usage. (**Attached** in Cultivation Operations Plan)
7. Copy of Notice of Applicability and Site Management Plan and other documents filed with the State Water Resources Control Board demonstrating enrollment in Tier 1 or 2 in accordance with State Water Resources Control Board Order WQ 2019-0001-DWQ, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (On File)
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 California Department of Fish and Wildlife. (On File – May 2020 Notification to CDFW stating no work proposed.)
9. If the source of water is a well, a copy of the County well permit, if available. (**Attached** including well completion report)
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 on-site 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. A Cultural Resource Investigation Report dated January 2020 conducted by Nick Angeloff and Brianna King. (On File and Confidential).
16. A road evaluation dated December 2019 prepared by Clearwater Ag Services and a March 2020 road assessment prepared by Timberland Resource Consultants. **(Attached)**
17. Division of Environmental Health Attachment for Commercial Medical Marijuana Clearances/ Permits (DEH Form). (On File)
18. The applicant provided a Biological Assessment dated May 18, 2020, prepared by Timberland Resource Consultants. (On File)
19. Noise Source Assessment dated June 2020 was prepared by Clearwater Ag Services. (On File)
20. A slope certification letter dated September 28, 2021, prepared by Whitchurch Engineering. **(Attached)**

5th Revision 9/22/21

Bar 7 K Farms, LLC

Project Description

Bar 7 K Farms, LLC is seeking a Special Permit under the Humboldt County CMMLUO for 20,000 sq ft of Outdoor Commercial Cannabis Cultivation. This application will be for 20,000 sq ft of New Outdoor Commercial Cannabis Cultivation. This parcel is located the Alderpoint area. The legal parcel 216-154-024 is 160 acres with zoning of AE- TPZ and a portion of 216 -141-001. Cultivation will take place on the AE zoned portion of the parcel.

The parcel is partially wooded with a mix of second growth conifers and oak woodland. Applicant proposes to have all cultivation in one area of the parcel within a natural meadow and slopes of less than 5%.

There are no Sensitive Receptors within setback requirements of the existing Cultivation. This includes being at least 600 ft. from a School Bus Stop, School, Place of Worship or Cultural Resources or Public Parks. No cultivation will take place within 300 ft. of a neighboring residence. This includes no cultivation infrastructure 30 ft. from property lines.

Water source for cultivation is from a permitted hydrologically disconnected well.

Existing engineered graded flat and no new grading is being proposed.

Solar power supplies the electrical power needs for this project.

2 part time seasonal employees are anticipated for this project in the future.

Operation Plan

Bar 7 K Farms, LLC will utilize natural sunlight for outdoor cultivation. Two growing cycles of outdoor cultivation will be done each year. **Low wattage** supplemental lighting will be used only in the propagation area.

Operations will consist of utilizing a high quality commercial soil in which organic which will be imported during the first year and natural amendments have been added for optimum plant health. The soil will be fully contained in beds and if needed amendments will be added if needed for continued use, which will eliminate the need to purchase additional commercial soil.

Cultivation irrigation water comes from a permitted well. The water is pumped using solar pump, to **10-5,000 gallon water tanks** for a total water storage of **50,000 gallons. The water storage is above the cultivation area providing sufficient gravity flow to the cultivation sites. Applicant will increase water storage within 2 years of the permitting of this project, with 2- 50,000 gallon steel rain catchment water tanks. This will provide storage of 150,000 gallons.**

Applicant proposes that **2 part time** employees will be needed for this project.

Sanitary facilities will be a porta-potti on site that is maintained by a local vendor.

Drying and storage of the cannabis will occur in a proposed temporary 4-8'x20' shipping containers with farm tec hoop structure between them for drying and storage of cannabis. If further processing of the cannabis is needed it will be done at a permitted offsite processing facility.

Applicant will not allow any light to escape the greenhouses by use of black out tarps and will adhere to the International Dark Sky Guidelines. Blackout tarps will be hand pulled when needed so artificial light cannot escape.

No noise from any cultivation activity will exceed 50 db at 50' from the noise source.

Cultivation Plan

Bar 7 K Farms, LLC will utilize natural sunlight for their commercial outdoor cannabis cultivation **as well as low wattage lighting in the propagation area when needed**. The cultivation will be in existing commercial garden soil which has been amended as needed for plant health. This soil will be recycled each growing cycle by adding appropriate amendments and nutrients if needed. These amendments and nutrients will be natural and organic and will be handled and stored as required by manufacturer.

The garden area will be fully enclosed and fenced with 6' wire fencing. A series of various sized greenhouses in Cultivation area 1 (see site plan for exact measurements). And 1-20'x75' greenhouses with wood framed garden beds will be used for cultivation area 2. This will allow two growing cycles per season of outdoor cultivation. Black out tarps will limit sunlight using light deprivation techniques. The greenhouses will have natural soil floors.

One propagation greenhouse of 20'x50' will be used strictly for propagation of the cannabis plants for this parcel. No flowering plants will be grown in the propagation greenhouse.

Bar 7 K Farms, LLC will start cultivation in April each season. By using light deprivation techniques and they will harvest a cannabis crop during June. At that time the greenhouses will be replanted and this second cultivation cycle will be harvested in October. No light deprivation will be needed for the second crop.

No synthetic netting or ties will be used on this site.

Slopes at the proposed cultivation site are less than 5% and the site is a natural meadow.

Irrigation water comes from a permitted hydrologically disconnected well. The water is pumped with solar power to 10- 5,000 gallon plastic water tanks. Water meters will be used to keep track of usage. Watering will be on timers and drip

irrigation again limiting the amount of labor involved and reducing the need for employees.

Low wattage supplemental lighting will be necessary and applicant will always adhere to the International Dark Sky Guidelines and not allow any light to escape any cultivation area during nighttime. The applicant will do this by hand pulling tarps over the propagation area to keep artificial light in.

Only natural pesticides will be used if needed for plant health. Integrated Pest Management will greatly reduce or eliminate the need for pesticides. Storage for pesticides and nutrients is in a lockable metal shipping container and kept in secondary containment. SDS are available in the storage area. No regulated pesticides or fertilizers are used on this site.

Employees

2 part time employees will be needed for this project. All federal, state and local employment laws will be followed. Proper training, bottled drinking water will be purchased at the local grocery store and kept on-site, sanitary facilities and proper ppe will be provided by Bar 7 K Farms LLC.

Security

Bar 7 K Farms, LLC has a security plan in place which consists of No Trespassing Signs and a locked gate leading to the cultivation site. Also security cameras are in place at strategic locations. Cultivation area is not visible from a public road. We use this to our advantage as well very few vendors will be needed which reduces the visibility of the cultivation site.

No public visitation is allowed as part of the operations of this site.

Processing

Bar 7 K Farms, LLC is proposing to use temporary shipping containers and farm tech sheds between them for drying and storage of cannabis. Any additional processing will be done at an off-site permitted processing facility.

Materials Management Plan

Bar 7 K Farms, LLC will not use any Hazardous Materials as part of the cannabis cultivation project. Any plastics such as tarps, waterlines, plastic pots or propagation trays or any unusable greenhouse materials will be disposed of appropriately at a licensed disposal site such as the Redway Transfer Station in Redway or the Humboldt Waste Management Facility in Eureka.

Proper storage of trash in trash cans with containment will be utilized for other trash including household type trash. This also will be transported weekly to the appropriate Facility.

No fuel or storage of any hazardous material in reportable quantities will be on site.

As shown on the Site Management Plan for this parcel, minimal fertilizers or pesticides will be used.

A contained 16'x16' compost area is shown on site plan for cannabis waste and other organic compost.

Parking and Roads

This cultivation site is located off the County maintained, Alderpoint Road, then a private gravel driveway of 1.6 miles. The gravel driveway is well maintained for erosion control by owners. Slopes of the road are up to 8%. There is access for any type emergency vehicle with ample parking up to 6 vehicles including any type of emergency vehicle such as a Type 3 fire apparatus. If employees are needed, it would be only seasonal and part time which would cause only a minimal increase in road use. This parcel is part of an active THP. The roads will be at a standard for commercial truck usage. Appropriate turnouts are available for safe passage of any traffic on the road. See Site Plan for Parking areas.

Light Pollution Control

Bar 7 K Farms, LLC will utilize natural sunlight for their cultivation, as well as low wattage supplemental lighting when needed. This supplemental lighting will be very low wattage (23 watts per light) and be used only 2 hours per day during the early spring for approx. 30 days, to give over 12 hours of light to the plants. No supplemental lighting will be needed during the rest of the growing season, and will only be used in the propagation area. No light will escape any cultivation area at night time. Applicant adheres to the International Dark Sky Guidelines. Applicant will hand pull a blackout tarp over the propagation area to control light pollution.

Soils Management

Bar 7 K Farms, LLC will utilize the existing commercial soil for cultivation in wood framed garden beds inside the greenhouses. This soil will be tested each season and will be reused each growing cycle by adding appropriate organic amendments if needed. Soil will be contained within the wood framed garden beds, eliminating the possibility of runoff or exposure to cause contamination of surrounding areas or water courses. The soil will be tilled and cannabis plants will be planted directly into the soil. By utilizing a high quality soil, the applicant will greatly reduce the irrigation water needs. Soil is expected to only be imported during the first year. After that only amendments will be imported to amend the existing soil as it's composting after the grow season. No soil is expected to be exported. If a problem arises within the soil, all soil will be exported to a green waste facility.

Hazardous Material Waste Statement

No Hazardous Waste will be used on the cultivation of cannabis or on the parcel.

Energy Plan

All electrical needs for this cultivation project are served by the use of solar power. Applicant expects to use minimal electrical power for this cultivation site. The temporary electrical equipment needed will be for water pump for irrigation needs and a small dehumidifier for drying of the cannabis. Supplemental lighting

will use 10-23 watt lights for the propagation area. The solar system will supply the necessary electrical power for these low wattage lights.

Storm Water Management Plan

Bar 7 K Farms, LLC will maintain driveways and access roads to eliminate erosion or runoff during storms. The driveway is well maintained and is shaped with rolling dips at appropriate area to eliminate erosion. At the outlet of each rolling dip is a rocked or natural vegetation dissipation area. One water crossing is on the parcel of the cultivation site. During storm events operator will monitor roads and cultivation site to ensure that runoff from cultivation site as well as access roads will be corrected for minimal impact or erosion. This will include proper ditching and vegetation buffers to prevent erosion. If needed straw, seed, wattles, jute cloth or other industry standards of erosion control will be placed to eliminate runoff. Roads and cultivation site will be shaped with rolling dips, bioswales and vegetation buffers which and help absorb potential runoff. Site Management Plan will contain additional information to ensure proper measures will be taken for appropriate storm water management.

Water Source and Water Rights

Cannabis irrigation water will be supplied by a permitted hydrologically disconnected well. The water storage has a capacity of 50,000 gallons. This water

is pumped by solar pump to storage tanks for irrigation use. Applicant proposes to install rain gutters on 2 of the 20'x100' greenhouses which will capture rain water which will gravity flow to the 2-50,000 gallon steel water tanks. The applicant voluntarily proposes to go into forbearance on pumping of the well from August 1st – October 31st . To be environmentally friendly.

Irrigation Plan

Bar 7 K Farms, LLC will utilize metered automatic drip irrigation for consistent and appropriate quantity of water for cultivation. A water use plan is enclosed to show monthly water usage as well as annual use. Several 1 1/2" fire standpipes are available for fire use on the parcel including one located near the garden site and another near the water tanks. All water lines to cultivation area are buried.

Water Storage

Applicant will store 50,000 gallons of irrigation water. A separate 2,500 gallon water tank is used for exclusively for fire. See Site Plan for location of the water storage areas. Applicant proposes to install 2- 50,000 gallon steel water tanks which will store rain catchment water. This will give a total of 152,500 gallons of storage.

Sewage Disposal

Applicant will use a porta potti which will be serviced by a local vendor. Applicant will hire 2 part time seasonal employees for this project.

Noise Source and Mitigation

This project produces no noise from cultivation activities. The electrical power source is silent solar power and no generators are used. This cultivation site produces minimal noise which is less than 50 db at 100 ft and inaudible at property lines. See attached decibel readings as a baseline.

Summary of Compliance with SWRCB

Bar 7 K Farms LLC is enrolled into the SWRCB General Order WQ-2019-0001-DWQ. Additionally, a Site Management Plan is being prepared by a qualified professional which will address current as well as legacy water quality issues.

Bar K 7 Farms LLC will follow the guidelines known as BPTC, Best Practical Treatment or Control. This will include all pesticides and fertilizers being properly stored in a secured storage area with secondary containment. Assuring proper setbacks from water courses and wetlands. Cultivation area is less than 5%. There is one stream crossing on the access to the cultivation area. Legacy discharge of old logging roads have been mitigated by using BPTC. This included erosion control, rock armor and rolling dips. These treatments reduced the possible sediment discharge and will be monitored during storms to assure effectiveness.

Applicant uses a porta potti which is maintained by a local vendor.

A winterization plan is prepared and included in the SMP for this parcel. Applicant will monitor the parcel and ensure that minimal sediment discharge will occur during winter months. Corrective actions will take place if needed. Use of industry standards such as Jute Cloth, Wattles, Straw and other sediment control materials will be used if necessary.

An active THP is in place for this parcel and applicant will adhere to all requirements of the THP and Cannabis Cultivation guidelines for minimal impact of fish, mammal, bird and other natural resources.

Table 1: Bar 7K Farms, LLC				
Month	Commercial Propagation Activities	Cultivation Schedule	Processing Activities	Water Usage from Storage
January	N/A	N/A	N/A	0 gallons
February	N/A	N/A	N/A	0 gallons
March	N/A	N/A	N/A	0 gallons
April	Plants From Licensed Nursery, Grow up in propagation area	N/A	N/A	10,000 gallons
May	N/A	Plant. Seasonally dependent. Cultivation.	N/A	25,000 gallons
June	Purchase Clones, Grow up in propagation area	Cultivation.	N/A	30,000 gallons
July	N/A	Cultivation. Harvest. Replant	Curing/ Send off for processing	30,000 gallons
August	N/A	Cultivation.	N/A	30,000 gallons
September	N/A	Cultivation.	N/A	25,000 gallons
October	N/A	Cultivation. Harvest	Curing. Send off for processing	10,000 gallons
November	N/A	N/A	N/A	0 gallons
December	N/A	N/A	N/A	0 gallons
			Total Water Use (up to)	160,000 gallons



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JUL 17 2020

HUMBOLDT CO. DIVISION
OF ENVIRONMENTAL HEALTH

19/20-0993

WATER WELL APPLICATION

CONSTRUCTION – REPAIR – DESTRUCTION

The Well Permit will be returned to the property owner when approved by Humboldt County Division of Environmental Health (DEH)

Instructions:

1. Complete both sides and submit the Water Well Application with required fee. Include Well Driller's signature and property owner's signature.
2. Work on a well shall not be started prior to approval of the Water Well Application by DEH.
3. Any changes made to the location of a new well shall be approved by DEH prior to commencement of drilling.
4. Well Driller shall notify DEH a minimum of 24 hours prior to sealing the annular space.

Site Address	<u>Garberville, CA</u>	APN ██████████
City/State/Zip		CA <u>216-154-024</u>
Directions to Site		
Applicant	<u>Bushnell Ent</u>	Contact <u>Gregal</u>
Mailing Address	<u>Po Box 530 Miranda 95553</u>	Work Phone <u>707-993-3617</u>
City/State/Zip		Cell Phone <u>707-441-2864</u>
Property Owner	<u>14010 Alderpoint Rd</u>	Home Phone _____
Mailing Address	<u>Alderpoint CA 95511</u>	Work Phone _____
City/State/Zip		Cell Phone _____
I hereby grant 'right-of-entry' for inspection purposes	<u>[Signature]</u>	<u>7-14-2020</u>
Drilling Contractor	<u>George Bushnell</u>	C-57 <u>403708</u>
		License # ██████████
I hereby agree to comply with all laws and regulations of the County of Humboldt and the State of California Department of Water Resources Bulletin 74 pertaining to water well construction. I will contact Humboldt County Division of Environmental Health (DEH) when I commence work. Within 30 days after completion of work, I will furnish DEH a report of the work performed.		
Well Driller Signature:	<u>[Signature]</u>	
Would driller like a copy of approved application?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
<input checked="" type="checkbox"/> U.S. Mail address:		
<input checked="" type="checkbox"/> Email address:	<u>Jacob_bushnell@yahoo.com</u>	
Type of Application:	Construction:	Intended Use:
<input checked="" type="checkbox"/> Construction	Estimated Depth (ft.) <u>200'</u>	<input type="checkbox"/> Domestic - private
<input type="checkbox"/> Destruction	Diameter (in.) <u>4"</u>	<input type="checkbox"/> Community Supply
<input type="checkbox"/> Repair/Modification	Depth of Seal (ft.) <u>20'</u>	<input checked="" type="checkbox"/> Irrigation
	Sealing Material <u>Bentonite</u>	<input type="checkbox"/> Other _____

Estimated Work Dates:

Casing:

Type of Sewage System:

Start 7-30-2020

Diameter (in.) 5" pvc

Community Sewer

Completion 7-30-2020

Material _____

OWTS (Septic)

Distance from well site to OWTS none

Special Requirements/Comments:

PLOT PLAN

150 To Property line
O Proposed well site
40.13662
-123.67129

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HUMBOLDT CO. DIVISION OF ENVIRONMENTAL HEALTH

FOR OFFICE USE ONLY

Fee:	<u>373.00</u>	Check voided - see Application received	Site Approved by:	<u>J. Whitham</u>
Date:	<u>7/17/20</u>		Site Approved Date:	<u>7/23/20</u>
Receipt:	<u>618311</u>		Sealed to Depth of:	_____
Project #:	_____		Seal observed:	<input type="checkbox"/> Yes <input type="checkbox"/> No
Paid by:	<u>Jacob Bushnell</u>	Final Approved Date:	_____	

Paid 373.00 4/21/20

Date: 4/21/20

Receipt #: 618247

Project # 19/20-0993

paid by Jacob Bushnell

State of California
Well Completion Report
 Form DWR 188 Submitted 7/25/2020
 WCR2020-009477

Owner's Well Number 1 Date Work Began 07/24/2020 Date Work Ended 07/24/2020
 Local Permit Agency Humboldt County Department of Health & Human Services - Land Use Program
 Secondary Permit Agency _____ Permit Number 19/20-0993 Permit Date 07/17/2020

Well Owner (must remain confidential pursuant to Water Code 13752)	Planned Use and Activity
Name <u>joseph kercher</u>	Activity <u>New Well</u>
Mailing Address <u>14010</u>	Planned Use <u>Water Supply Irrigation - Landscape</u>
City <u>alderpoint rd.</u> State <u>ca</u> Zip <u>95511</u>	

Well Location	
Address _____	APN <u>216-154-024</u>
City _____ Zip _____ County <u>Humboldt</u>	Township _____
Latitude <u>40</u> <u>7</u> <u>50.2319</u> N Longitude <u>-123</u> <u>40</u> <u>16.6439</u> W	Range _____
Deg. Min. Sec. Deg. Min. Sec.	Section _____
Dec. Lat. <u>40.13062</u> Dec. Long. <u>-123.67129</u>	Baseline Meridian _____
Vertical Datum _____ Horizontal Datum <u>WGS84</u>	Ground Surface Elevation _____
Location Accuracy _____ Location Determination Method _____	Elevation Accuracy _____
	Elevation Determination Method _____

Borehole Information	
Orientation <u>Vertical</u> Specify _____	
Drilling Method <u>Direct Rotary</u> Drilling Fluid <u>Air</u>	
Total Depth of Boring <u>200</u> Feet	
Total Depth of Completed Well <u>200</u> Feet	

Water Level and Yield of Completed Well	
Depth to first water <u>160</u> (Feet below surface)	
Depth to Static _____	
Water Level <u>150</u> (Feet) Date Measured <u>07/24/2020</u>	
Estimated Yield* <u>15</u> (GPM) Test Type <u>Air Lift</u>	
Test Length <u>1</u> (Hours) Total Drawdown <u>10</u> (feet)	
*May not be representative of a well's long term yield.	

Geologic Log - Free Form		
Depth from Surface Feet to Feet		Description
0	40	top soil
40	100	sanfriscan shale
100	155	shale
155	200	solid blue rock with quartz

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	200	Blank	PVC	OD: 5.563 in. Thickness: 0.375 in.	0.375	5.563	Milled Slots		0-180blank pvc. 180-200perferated pipe

Annular Material					
Depth from Surface Feet to Feet		Fill	Fill Type Details	Filter Pack Size	Description
0	20	Bentonite	Non Hydrated Bentonite	3/8s	
20	200	Filter Pack	Other Gravel Pack	3/8s washed pea gravel	

Other Observations:

Borehole Specifications		
Depth from Surface Feet to Feet		Borehole Diameter (inches)
0	200	9

Certification Statement			
I, the undersigned, certify that this report is complete and accurate to the best of my knowledge and belief			
Name	BUSHNELL ENTERPRISES		
Person, Firm or Corporation			
649 BEAR CREEK ROAD	GARBERVILLE	CA	95542
Address	City	State	Zip
Signed	<i>electronic signature received</i>	07/25/2020	403708
C-57 Licensed Water Well Contractor	Date Signed	C-57 License Number	

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: Bar 7 K Farms, LLC APN: 216-154-024

Planning & Building Department Case/File No.: _____

Road Name: private (complete a separate form for each road)

From Road (Cross street): Alderpoint Road

To Road (Cross street): cultivation site

Length of road segment: 1.6 miles Date Inspected: 12/15/2019

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

Check one of the following:

- Box 1 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

12/15/2019
Date

Diana Totten
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.

PART B: Only complete Part B if Box 3 is checked in Part A. Part B is to be completed by a Civil Engineer licensed by the State of California. Complete a separate form for each road.

Road Name: _____ Date Inspected: _____ APN: _____
 From Road: _____ (Post Mile _____) Planning & Building
 To Road: _____ (Post Mile _____) Department Case/File No.:

1. What is the Average Daily Traffic (ADT) of the road (including other known cannabis projects)?

Number of other known cannabis projects included in ADT calculations: _____
 (Contact the Planning & Building Department for information on other nearby projects.)

ADT: _____ Date(s) measured: _____

Method used to measure ADT: Counters Estimated using ITE *Trip Generation Book*

Is the ADT of the road less than 400? Yes No

If **YES**, then the road is considered very low volume and shall comply with the design standards outlined in the American Association of State Highway and Transportation Officials (AASHTO) *Guidelines for Geometric Design of Very Low-Volume Local Roads (ADT ≤400)*. Complete sections 2 and 3 below.

If **NO**, then the road shall be reviewed per the applicable policies for the design of local roads and streets presented in AASHTO *A Policy on Geometric Design of Highways and Streets*, commonly known as the "Green Book". Complete section 3 below.

2. Identify site specific safety problems with the road that include, but are not limited to: (Refer to Chapter 3 in AASHTO *Guidelines for Geometric Design of Very Low-Volume Local Roads (ADT ≤400)* for guidance.)

A. Pattern of curve related crashes.

Check one: No. Yes, see attached sheet for Post Mile (PM) locations.

B. Physical evidence of curve problems such as skid marks, scarred trees, or scarred utility poles

Check one: No. Yes, see attached sheet for PM locations.

C. Substantial edge rutting or encroachment.

Check one: No. Yes, see attached sheet for PM locations.

D. History of complaints from residents or law enforcement.

Check one: No. Yes (check if written documentation is attached)

E. Measured or known speed substantially higher than the design speed of the road (20+ MPH higher)

Check one: No. Yes.

F. Need for turn-outs.

Check one: No. Yes, see attached sheet for PM locations.

3. Conclusions/Recommendations per AASHTO. Check one:

The roadway can accommodate the cumulative increased traffic from this project and all known cannabis projects identified above.

The roadway can accommodate the cumulative increased traffic from this project and all known cannabis projects identified above, if the recommendations on the attached report are done. (check if a *Neighborhood Traffic Management Plan* is also required and is attached.)

The roadway cannot accommodate increased traffic from the proposed use. It is not possible to address increased traffic.

A map showing the location and limits of the road being evaluated in PART B is attached. The statements in PART B are true and correct and have been made by me after personally evaluating the road.

Signature of Civil Engineer _____

Date _____

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.



Start of private road, at intersection of Alderpoint Road



.7 mile



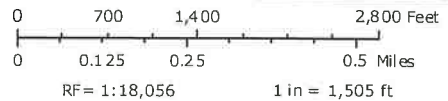
1.6 mile – cultivation site



ArcGIS Web Map

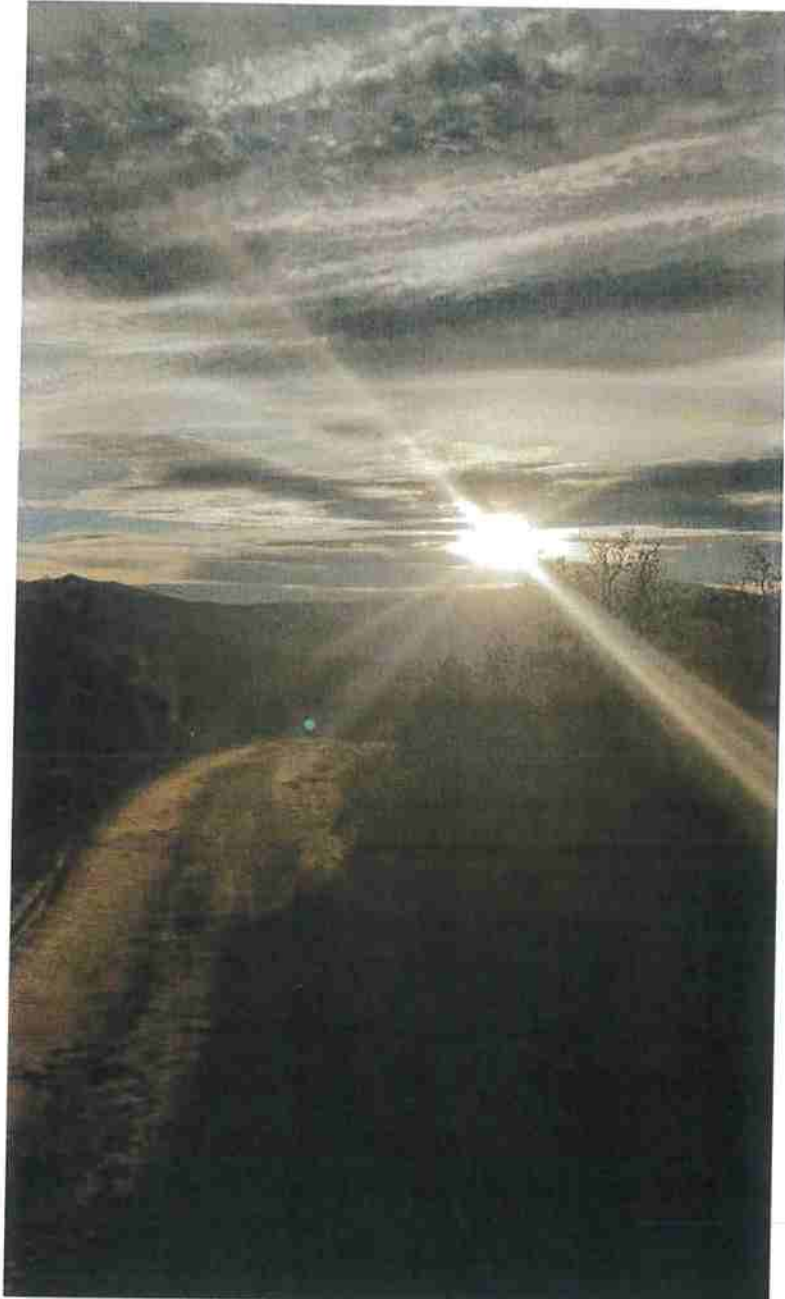
Humboldt County Planning and Building Department

- | | | |
|---------------------|-----------------------------|--------------------------|
| Highways and Roads | — Private or Unclassified | --- Intermittent |
| Principal Arterials | — Major River or Stream | --- Subsurface |
| Minor Arterials | Blue Line Streams | --- City Boundary |
| Major Collectors | — Perennial 1-3 | --- City Boundary (750K) |
| Minor Collectors | — Perennial >4 | --- Counties |
| Local Roads | --- Parcels (no APN labels) | |



Printed: December 16, 2019 Web AppBuilder 2.0 for ArcGIS
 Map Disclaimer:
 While every effort has been made to assure the accuracy of this information, it should be understood that it does not have the force & effect of law, rule, or regulation. Should any difference or error occur, the law will take precedence.
 Source: Humboldt County GIS, Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community, Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

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JUL 06 2020
Humboldt County
Cannabis Svcs.



Prepared by:

Chris Carroll

Timberland Resource Consultants

165 South Fortuna Blvd

Fortuna, CA 95540

March 13, 2020

ROAD ASSESSMENT

Purpose

This road assessment has been prepared on behalf of the Applicant, Bar 7 K Farms, LLC., for a Humboldt County Cannabis Cultivation Project, on a parcel that includes APN 216-133-002 and a portion of 216-141-001. This road assessment is required pursuant to Commercial Cannabis Land Use Ordinance (CCLUO), Section 55.4.12.1.8(c)(2) Performance Standard–Road Systems, which states:

- 2) *Where access to a site is provided in part by private roads systems, any application to permit a Commercial Cannabis Activity shall include a report evaluating the design, condition, and performance of all private road segments within the defined Roadshed.*
 - i. *The report shall be prepared by a licensed engineer or similarly licensed professional.*
 - ii. *The report shall be prepared to the satisfaction of the County and shall include or be accompanied by exhibits and stationing information of sufficient detail to enable the location, attributes, and condition of all road drainage features to be itemized and documented. The narrative portion of the report must evaluate the current design, functionality and performance of discrete drainage systems and segments and develop conclusions concerning compliance and conformance with best management practices within the defined Roadshed. The County reserves the right to ask for additional information or choose to independently investigate and verify any and all conclusions within the report.*
 - iii. *Where an evaluation has determined, to the satisfaction of the County, that all private road segments comply with relevant best management practices, as defined herein, no further work is needed.*
 - iv. *Where an evaluation has determined that improvements within the projects' Roadshed are required, the report shall identify the location and nature of each discrete improvement. Improvements shall be tied to all provisional permit approval(s) within the defined Roadshed and identified within the Conditions of Approval of all discretionary permit applications.*

Property Description

The Roadshed accesses a parcel that includes APN 216-133-002 and a portion of 216-141-001, which is approximately 160 acres located 4.7 miles southwest of Alderpoint, CA. It is located in the south ½ of Section 12 and the northwest ¼ of the northeast ¼ of Section 13, T4S-R4E, H.B.M.

Scope

This road assessment is limited to the appurtenant road accessing the subject parcel from the nearest public road as it was observed on 3-4-2020. The "Roadshed" is defined as the segment of permanent rock road beginning from Alderpoint County Road, and extending to the subject property, APN 216-133-002 and portion of 216-141-001. The Roadshed is shown on the attached maps. It includes approximately 0.6 miles of unnamed private access road to the subject parcel. The road assessment, which focuses specifically on the condition and functionality of road drainage features, was conducted using standards and procedures found in the *Handbook for Forest, Ranch and Rural Roads: A Guide for Planning, Designing, Constructing, Reconstructing, Upgrading, Maintaining and Closing Wildland Roads, Mendocino County Resource Conservation District*. The road assessment will evaluate whether the Roadshed is designed and maintained in accordance with *A Water Quality and Stream Habitat Protection Manual for County Road Maintenance in*

Northwestern California Watersheds. Where the assessment has determined that improvements within the projects' Roadshed are required, the report will recommend upgrades consistent with best management practices contained in the report.

Methods

The methods used to develop this road assessment include both field, and office components. The office component consisted of aerial photography review and interpretation, existing USGS quad map review, GIS mapping of field reconnaissance data, review of on-site photography points, streamflow calculations, and general planning. The field component included identifying and accurately mapping stream crossings, watercourses, wet areas, and wetlands near and downslope of the road system, which could be impacted by road drainage/runoff. An accurate location of the Waters of the State is necessary to make an assessment of whether existing erosion sites have the potential to discharge waste to an area that could affect Waters of the State. Watersheds associated with streamflow calculations, when necessary, are delineated using available USGS DEM derived topography, and rainfall data for 100-year storm events is attained from NOAA's Hydrometeorological Design Studies Center Precipitation Frequency Data Server https://hdsc.nws.noaa.gov/hdsc/pfds/pfds_map_cont.html?bkmrk=ca.

The initial assessment was conducted under dry conditions on 3-4-2020, following a period of dry weather. Most of the road surface was approximately 12 to 14 feet wide with numerous wider turnouts to allow for parking or passing of oncoming vehicles. The Roadshed identified is located on 2 separate, private parcels. The road receives light to moderate traffic use and it appears that landowners keep up on road maintenance in the form of surface rocking and grading. The surface contains enough rock to allow for winter time vehicle use. The Roadshed has a mostly crowned drainage pattern with ditch relief culverts, and short sections that are mostly outsloped that allow water to sheet off the surface. Very minor ruts have formed along short sections of the road surface. Minor ruts tend to be in line with tire wear depressions, and a slight build-up of material along the outboard edge, preventing efficient surface drainage. These sections should be graded to eliminate the ruts and to re-establish an outsloped or crowned road surface. Road rocking may accompany grading where added material is needed to shape the road surface. Some surface lead-outs are in need of maintenance or reconstruction.

Where the assessment has determined that improvements within the Roadshed are required, the report will recommend upgrades consistent with best management practices contained in the report. Descriptions and/or recommendations given at individual road points or road segments are stated below. Road point recommendations are based on the conditions observed on the date of the assessment, and may require modifications due to changes in the condition of the road in the future. Recommendations did not take into account private property landowners along the Roadshed, or any required permits that must be obtained prior to road work. No controllable sediment discharge sites were identified along the Roadshed.

Road Points

Map Point 1: The road at its intersection with Alderpoint Road lacks a defined surface drainage pattern and has minor surface ruts from runoff. At Map Point 1, grade the surface and add rock as necessary to establish a crowned drainage pattern and to keep runoff contained to the road side edges and off of the running surface. A lead-out ditch could be installed on the north side of the road to direct runoff originating from the neighboring driveway into the grassy area on the north side of the road. There is a ditch relief culvert along the county road approximately 120 feet to the north that drains runoff and a road side wet area.

Map Point 2: At Map Point 2, install a lead-out ditch to drain as much of the road surface and inside ditch as possible. This will reduce the amount of runoff that eventually leads to the minor ruts that have formed at Map Point 1.

Map Point 3: Existing 18-inch diameter, ditch relief culvert (DRC) that is partially plugged at the inlet and outlet. Upslope, runoff flows down a slight tire wear depression and there is a minor build-up of material with grass and vegetation along the outboard shoulder causing a minor rut. At Map Point 3 clean out both ends of the culvert. Above the culvert, grade the outer half of the road surface and outboard shoulder to allow for surface drainage.

Map Point 4: Existing 24-inch diameter culvert crossing of a Class II watercourse. This culvert is open and appeared to be functioning and is calculated as being undersized. It is situated above the grade of the natural watercourse and has a shotgunned outlet. A 60-foot by 30-foot "waterhole" is located at the inlet. The "waterhole" is disclosed and permitted as a water drafting site for dust control for timber operations conducted under THP 1-15-024 HUM that is located on this parcel. At Map Point 4, a properly sized culvert should be installed per the attached BMPs. This requires installation of the new culvert set to the grade and alignment with the watercourse and rock armor at the inlet and outlet. The new culvert size as calculated for the 100 year peak streamflow requires a minimum 54-inch diameter culvert. Prior to crossing replacement, permits from the State of California such as a signed CDFW LSAA must be obtained. This process includes environmental review in which projects are subject to revisions. The final culvert diameter will be stated in approved state permits prior to crossing replacement work.

Map Point 5: Upslope of the watercourse crossing to the west, road runoff flows down a slight tire wear depression and there is a minor build-up of material with grass and vegetation along the outboard shoulder causing a minor rut to form. At Map Point 5, install a lead-out ditch to drain as much of the road surface and inside ditch as possible. Grade the outer half of the road surface and outboard shoulder to allow for surface drainage.

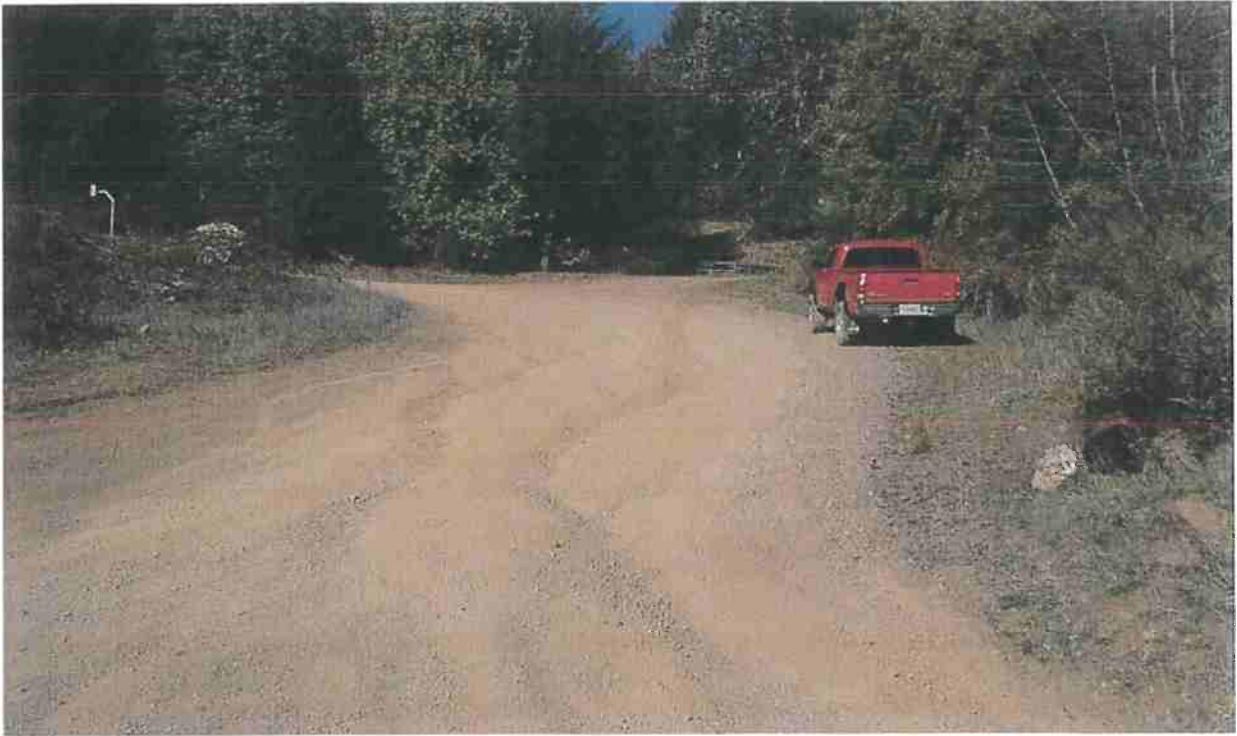
Map Point 6: Existing 18-inch diameter, ditch relief culvert (DRC). The culvert also drains a road side wet area. At Map Point 6 clean out debris and vegetation from the ends of the culvert and keep it open and maintained.

Map Point 7: Existing lead-out ditch location. Runoff flows down slight tire wear depressions and there is a minor build-up of material with grass and vegetation along the outboard shoulder causing minor rutting. At Map Point 7, maintain the lead-out ditch to drain as much of the road surface width as possible, to drain towards the outboard edge. Grade the road surface and the outboard shoulder to maintain its crowned surface and to allow for proper surface drainage.

Map Point 8: Existing 18-inch diameter, ditch relief culvert (DRC) that has a buried outlet. At Map Point 8 clean out the vegetation growing around the inlet and uncover the outlet. Above the culvert, minor grading of the road surface and the outboard shoulder should take place to allow for proper surface drainage.

Map Point 9: Existing lead-out ditch location. At Map Point 9, maintain the existing lead-out ditch to drain as much of the road surface width as possible, to drain towards the outboard edge. Grade the road surface and the outboard shoulder to maintain its crowned surface and to allow for proper surface drainage.

Photographs



Map Point 1: At Map Point 1, grade the surface and add rock as necessary to establish a crowned drainage pattern and to contain runoff to the road side edges and off of the running surface. A lead-out ditch could be installed on the north side of the road (in front of the pickup) to direct runoff originating from the neighboring driveway into the grassy area on the north side of the road. Photo date 3-4-2020.

Photographs



Map Point 2: At Map Point 2, install a lead-out ditch to drain as much of the road surface and inside ditch as possible. It could be located in the vicinity of the tractor in the picture. This will reduce the amount of runoff that eventually leads to the minor ruts that have formed at Map Point 1 near the intersection with Alderpoint Road. Photo date 3-4-2020.

Photographs



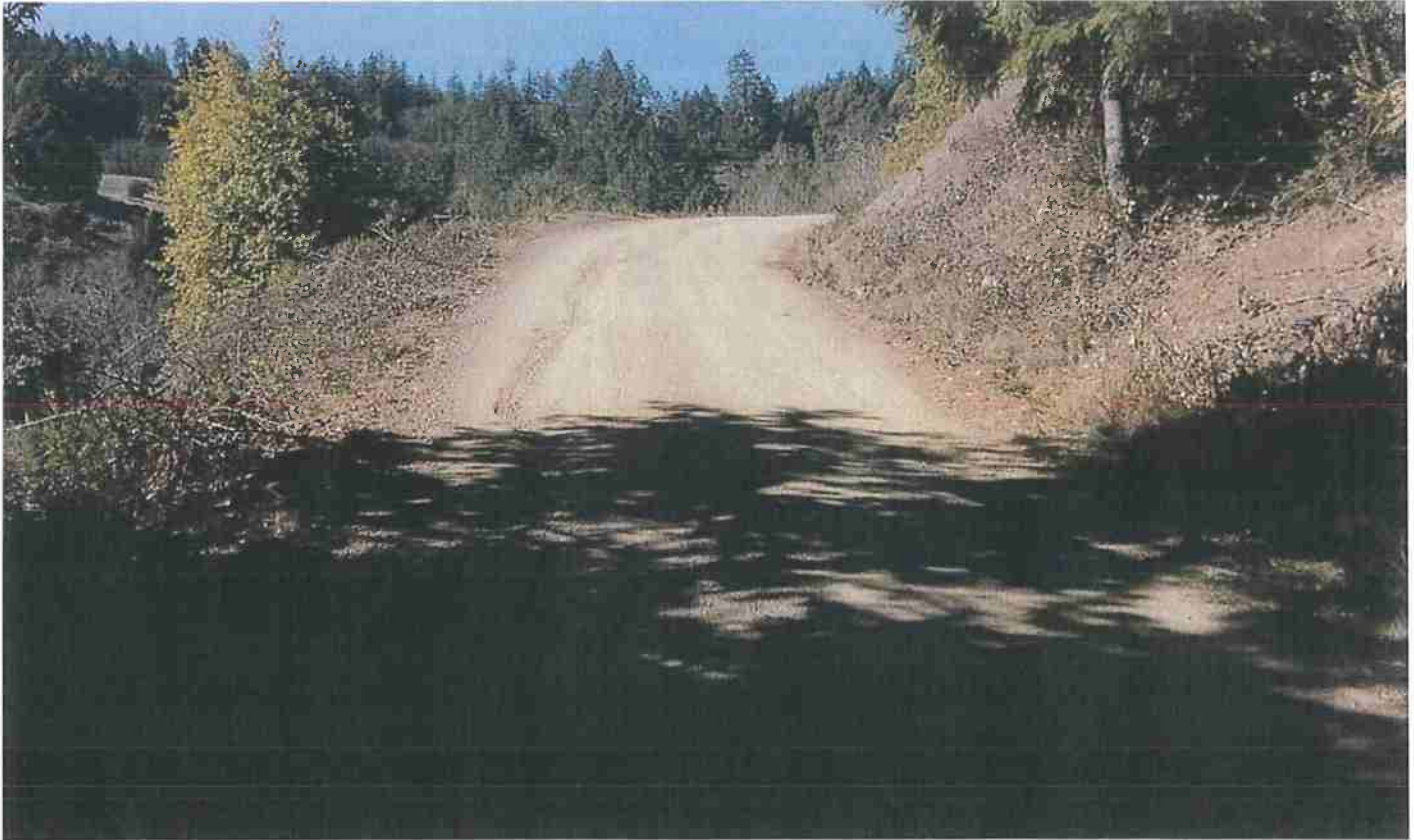
Map Point 3: The upper left shows the outlet, the upper right shows the inlet, and the bottom picture shows the road surface upslope of the culvert. Clean out both ends of the culvert. Above the culvert, grade the outer half of the road surface and outboard shoulder to allow for surface drainage. Photo date 3-4-2020.

Photographs



Map Point 4: These pictures show the inlet and the outlet of the existing 24-inch diameter culvert, Class II watercourse crossing at Map Point 4. This culvert is not set to grade of the watercourse and is undersized. This culvert should be replaced with a new 54-inch diameter culvert installed per the attached BMPs. Photo date 3-4-2020.

Photographs



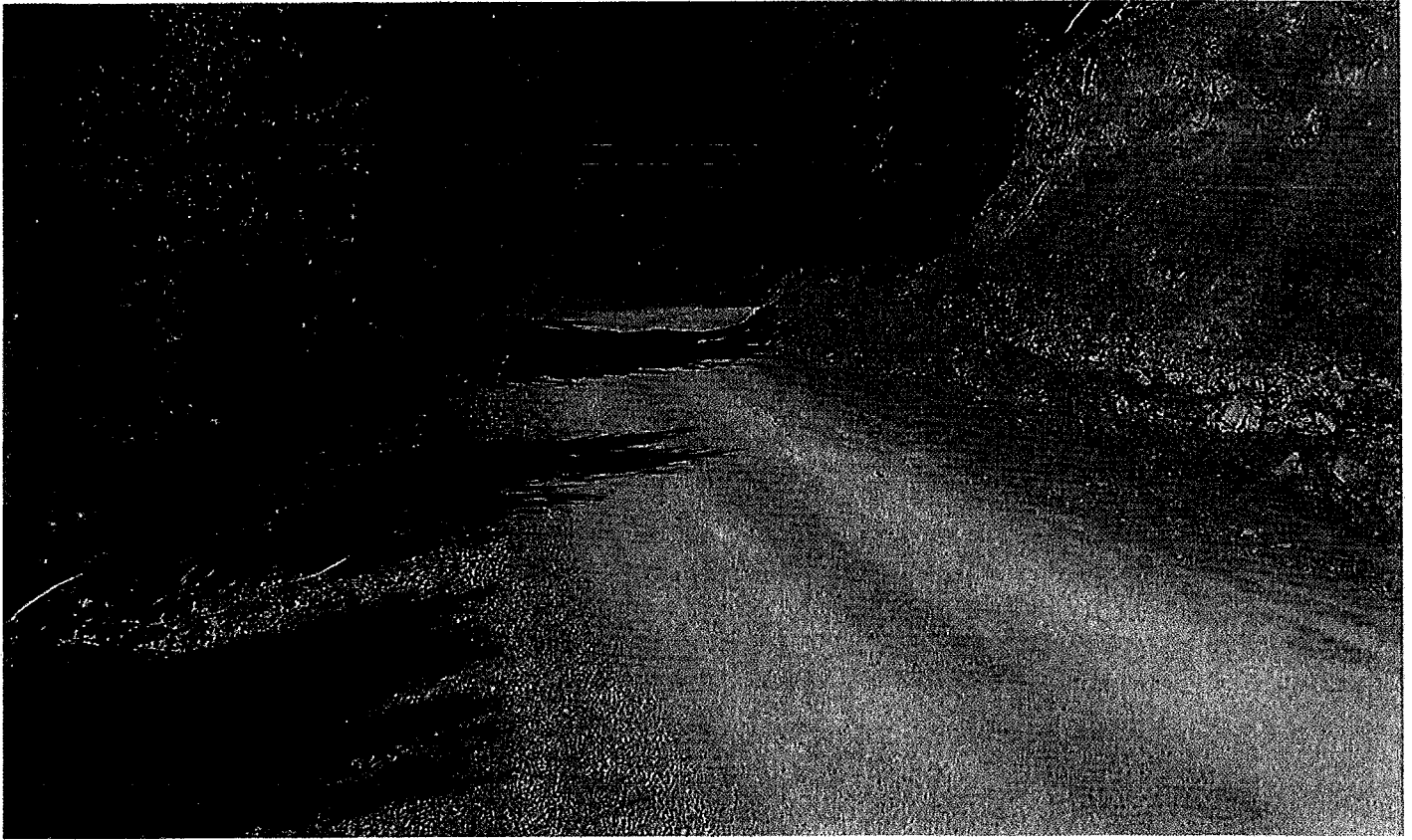
Map Point 5: Road runoff flows down a slight tire wear depression and there is a minor build-up of material with grass and vegetation along the outboard shoulder causing a minor rut to form. At Map Point 5, install a lead-out ditch to drain as much of the road surface and inside ditch as possible. Grade the outer half of the road surface and outboard shoulder to allow for surface drainage. Photo date 3-4-2020.

Photographs



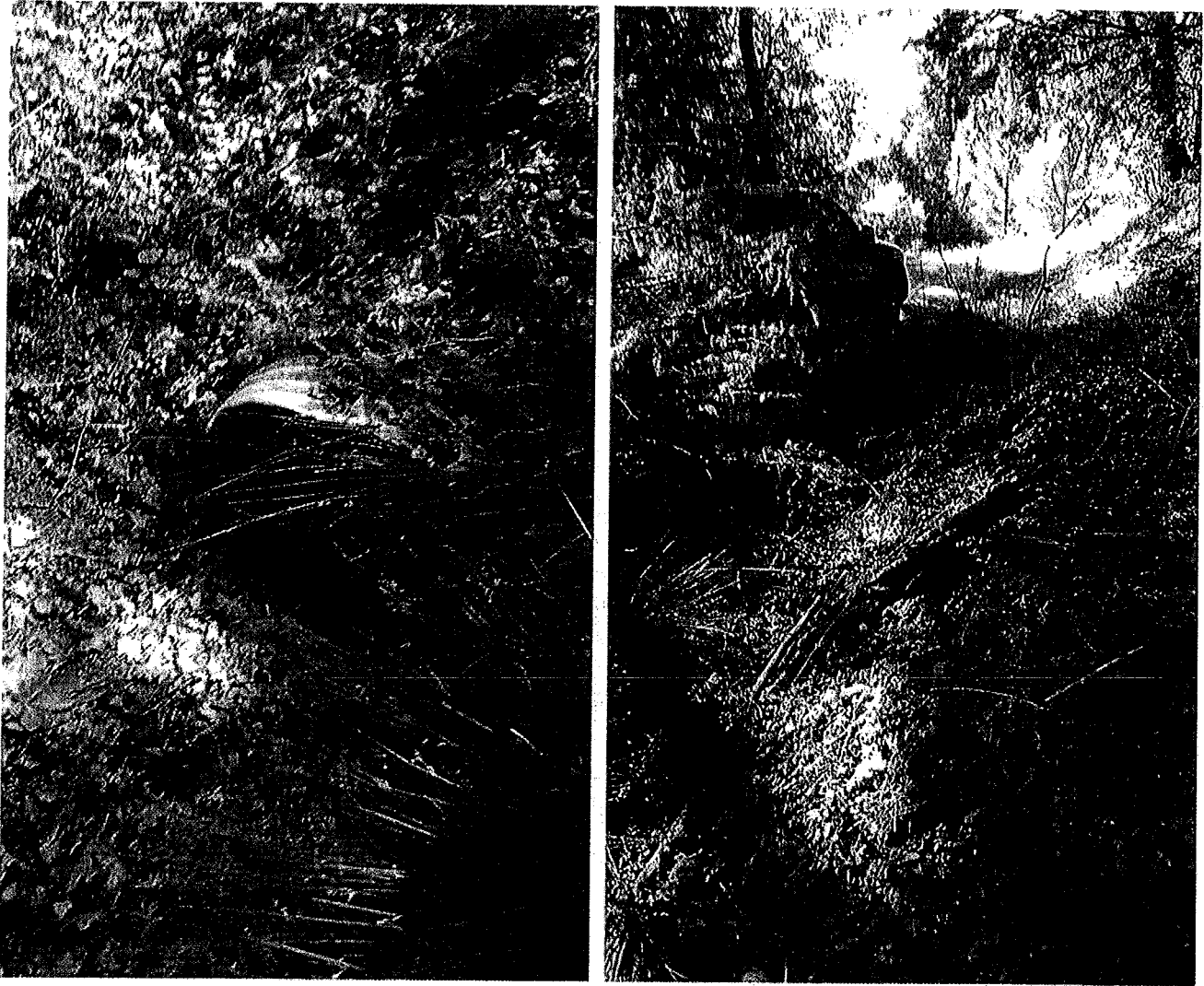
Map Point 6: Existing 18-inch diameter, ditch relief culvert (DRC). The culvert also drains a road side wet area. At Map Point 6 clean out debris and vegetation from the ends of the culvert and keep it open and maintained. The photos show the road surface in both directions is well maintained. Photo date 3-4-2020.

Photographs



Map Point 7: The existing lead-out ditch location is shown in the lower left corner of the photo. The lead-out ditch should be maintained to drain as much of the road surface width as possible, and the road surface and outboard shoulder graded to maintain its crowned surface. Photo date 3-4-2020.

Photographs



Map Point 8: The photo shows the inlet and the incoming ditch at the existing 18-inch diameter, ditch relief culvert (DRC). The outlet was buried. At Map Point 8 clean out the vegetation growing around the inlet and uncover the buried outlet. The road surface in both directions was well maintained. Photo date 3-4-2020.

Watercourse Crossing Culvert Sizing

The watercourse crossings were evaluated utilizing methods recommended in "Designing Watercourse Crossings for Passage of 100-year Flood Flows, Wood, and Sediment (Updated 2017)". Peter Cafferata, Thomas Spittler, Michael Wopat, Greg Bundros, and Sam Flanagan. This report recommends that the rational method be limited to watersheds less than 100 acres. The upslope drainage area above the crossing is approximately 45 acres. Calculations to determine the 100 year peak streamflow at the watercourse crossing at Map Point 4 is shown below. The watercourse crossing was determined to be undersized for the estimated 100 year peak streamflow. The culvert size was determined using a headwall to depth ratio (HW/D) of 0.67, from the Culvert Capacity Chart below.

The 100-year Return-Period precipitation data is from:
http://hdsc.nws.noaa.gov/hdsc/pfds/pfds_map_cont.html?bkmrk=ca

Rational Method for 100-year flood flow (A < 100 acres)					Bar 7 K Farm, LLC - Road Assessment				
	$T_c = 60((11.9 \times L^3)/H)^{0.385}$				$Q_{100} = CIA$				
No.	Crossing	Channel length (to top of basin) (m) L	Elevation difference (ft) H	Concentration time (min) T _c	Runoff coefficient C	100-year Return-Period Precipitation (in/hr) I*	Area (acres) A	100-yr flood flow (cfs) Q ₁₀₀	Magnitude & Frequency
###	4			#DIV/0!	0.35	3.15	45	49.6	NC (1) Q ₁₀₀ = 9

Culvert Capacity Chart

HW/D	CU18	CU24	CU30	CU36	CU42	CU48	CU54	CU60	CU72
0.67	3	6	11	17	25	35	49	60	93
1.0	5.6	11.6	20	32	47	66	89	115	180

BMPS

BMP: Rolling Dip Design and Placement

- Rolling dips are drainage structures designed to force surface water to be drained from the road surface.
- The road shall dip into, and rise out of, the rolling dip to eliminate the potential of road surface runoff to run further down road way.
- The rolling dip shall be constructed with clean native materials or rock surfaced where specified.
- The rolling dips outlet may be armored to resist down-cutting and erosion of the outboard road fill.
- Do not discharge rolling dips into any areas that show signs of instability or active landsliding.
- If the rolling dip is designed to divert both road surface and ditch runoff, block the down-road ditch with compacted fill in order to force all ditch flows through the trough (low point) of the rolling dip.

BMP: Rocked Rolling Dip Design and Placement

- Rocked rolling dips are drainage structures designed to carry known sources of surface water across road ways or from known persistently wet segments of road such as swales without defined watercourses or road segments with heavy bank/road seepage.
- The road shall dip into, and rise out of, the rocked rolling dip to minimize diversion potential.
- The rocked rolling dip shall be constructed with clean rock that is large enough to remain in place during peak flows. Rock size shall vary relative to the anticipated flow through the dip with larger rock used in location where greater flow is anticipated.
- The rocked rolling dips inlet and outlet shall be armored to resist down-cutting and erosion.
- The entire width of the rocked rolling dip shall be rock armored to a minimum of 5-feet from the centerline of the dipped portion of the rolling dip.
- If a keyway is necessary, the rocked rolling dip keyway at the base of the dip shall be of sufficient size, depth and length to support materials used in the rocked rolling dip construction back up to the road crossing interface.
- Do not discharge rolling dips into any areas that show signs of instability or active landsliding.
- If the rolling dip is designed to divert both road surface and ditch runoff, block the down-road ditch with compacted fill.
- The rolling dip should be designed as a broad feature ranging from 10-100 feet long so that it is drivable by most types of vehicular traffic and not significantly inhibit traffic and road use.

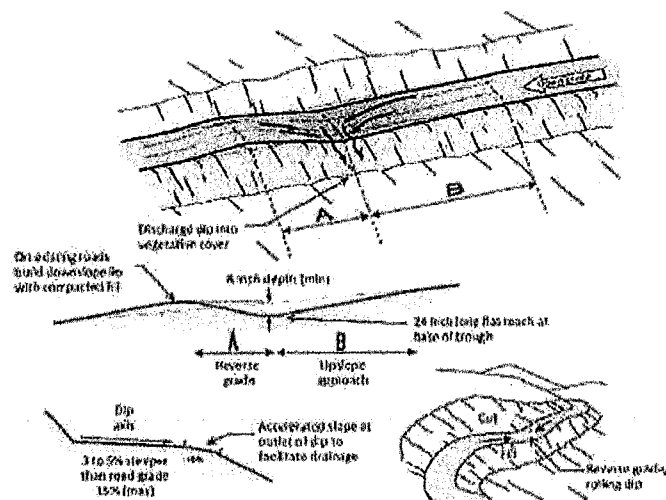


FIGURE 34. A classic Type I rolling dip, where the excavated up-road approach (B) to the rolling dip is several percent steeper than the approaching road and extends for 50 to 80 feet to the dip axis. The lower side of the structure reverses grade (A) over approximately 16 feet or more, and then falls down to rejoin the original road grade. The dip must be deep enough that it is not obliterated by normal grading, but not so deep that it is difficult to negotiate or a hazard to normal traffic. The outward cross-slope of the dip axis should be 3% to 5% greater than the up-road grade (B) so it will drain properly. The dip axis should be out-sloped sufficiently to be self-cleaning, without triggering excessive downcutting or sediment deposition in the dip axis (McClure & Iron: Best, 2013).

HANDBOOK FOR FOREST, RANCH AND RURAL ROADS

BMP: Permanent Culvert Crossing Design (Culvert Orientation)

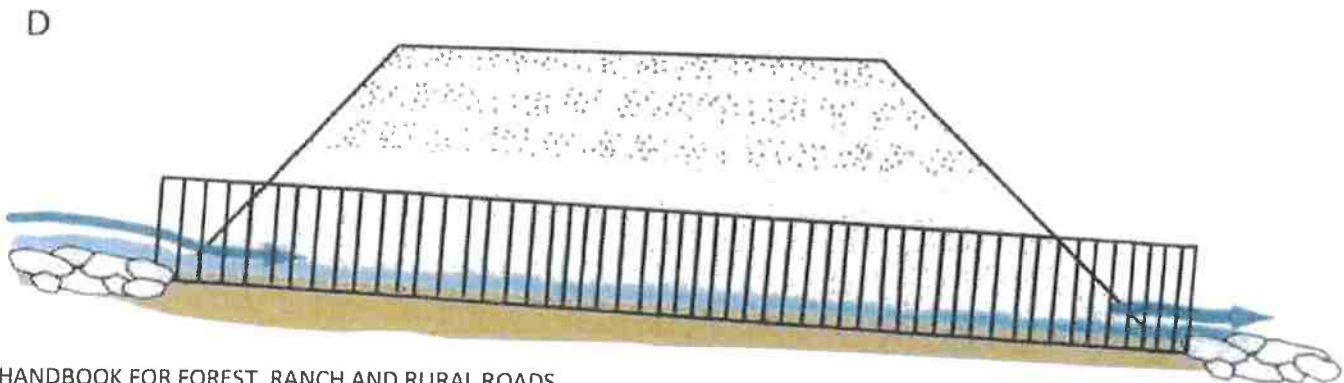
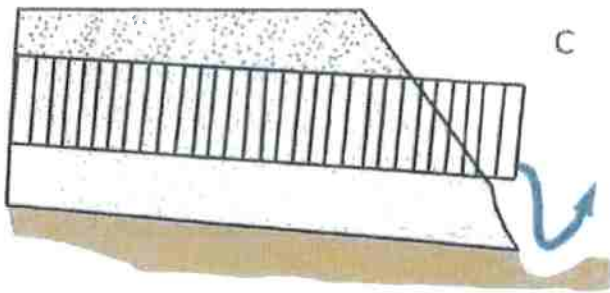
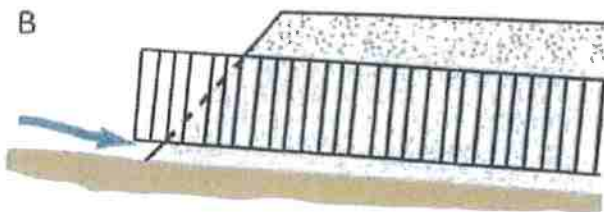
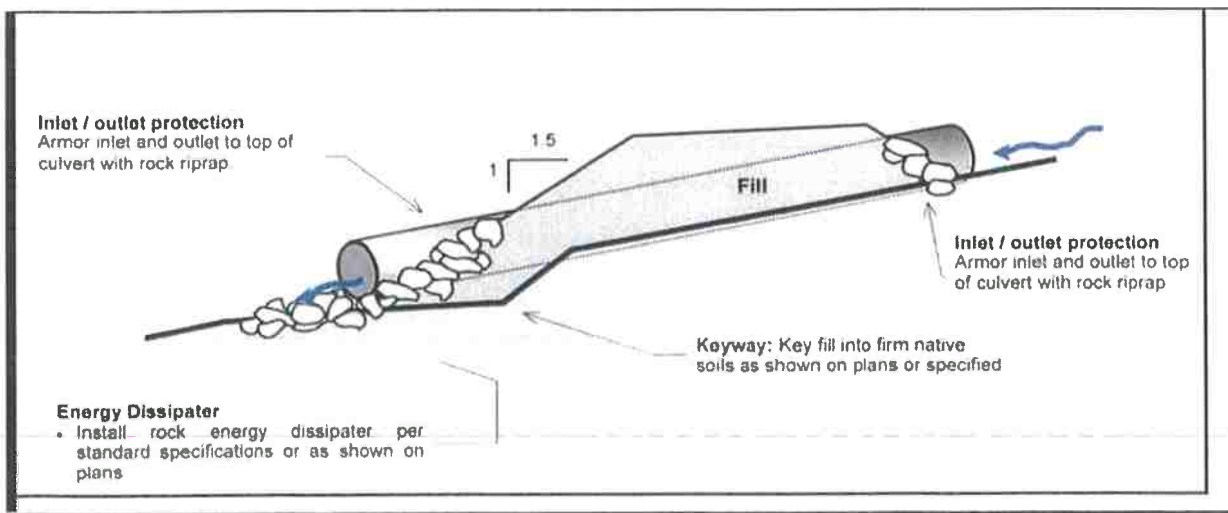
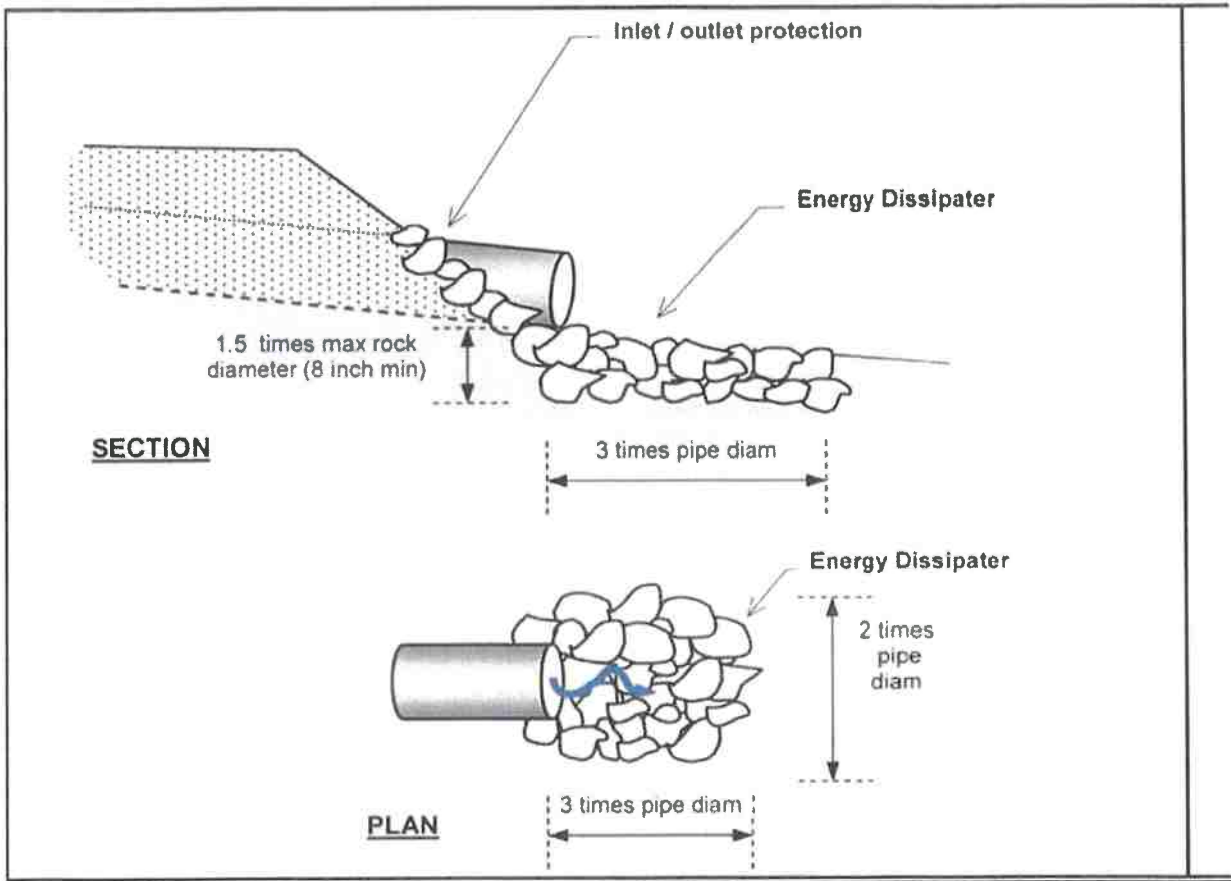


FIGURE 155. Proper culvert installation involves correct culvert orientation, setting the pipe slightly below the bed of the original stream, and backfilling and compacting the fill as it is placed over the culvert. Installing the inlet too low in the stream (A) can lead to culvert plugging, yet if set too high (B) flow can undercut the inlet. If the culvert is placed too high in the fill (C), flow at the outfall will erode the fill. Placed correctly (D), the culvert is set slightly below the original stream grade and protected with armor at the inlet and outlet. Culverts installed in fish-bearing stream channels must be inset into the streambed sufficiently (>25% embedded) to have a natural gravel bottom throughout the culvert (Modified from: MDSL, 1991).

BMP: Permanent Culvert Crossing Design (Inlet and Outlet Armoring)



Riprap installed to protect the inlet and outlet of a stream crossing culvert from erosion or for energy dissipation should be keyed into the natural channel bed and banks to an approximate depth of about 1.5x the maximum rock thickness. Riprap should be placed at least up to the top of the culvert at both the inlet and outlet to protect them from splash erosion and to trap any sediment eroded from the newly constructed fill slope above.

BMP: Permanent Culvert Crossing Design (Inlet and Outlet Armoring) Cont.

- Inlets of culverts and associate fills shall be protected with rock armoring that extends at least as high as the top of the culvert.
- Outlets of culverts shall be provided a rocked energy dissipater at the outfall of the culvert.
- Outlets of culverts and associate fills shall be protected with rock armoring that extends at least as high as the top of the culvert if road fill sloughing into channel can occur.
- Prior to inlet and outlet rocking, the inlet and outlets shall be prepared. Preparation will include removal of vegetation and stored materials from the inlet and outlet.
- Inlets may require construction of an inlet basin.
- Slopes at the outlet should be shaped to a 2:1 or natural slope prior to placing rock armor.
- Rock used at culvert inlets and outlets should be a matrix of various sized rocks and rip-rap that range from a 3" dia. to a 2' dia.
- The largest rocks should be places at the base of the culvert or fill. Incrementally smaller rocks shall be placed over the larger rocks at the armoring extend up the slope. Voids and spaces shall be back filled with smaller gravels and rocks.

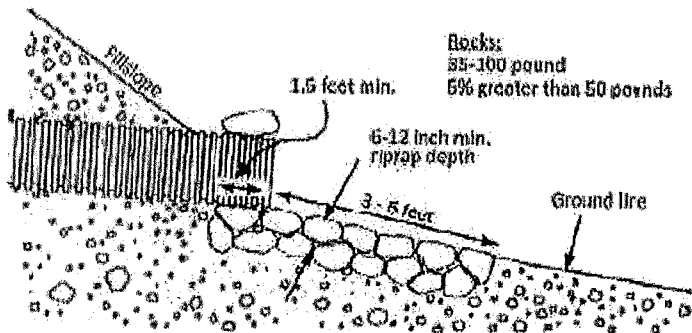


FIGURE 107A. Riprap armor at culvert outlet (Modified from: Keller et al., 2011).

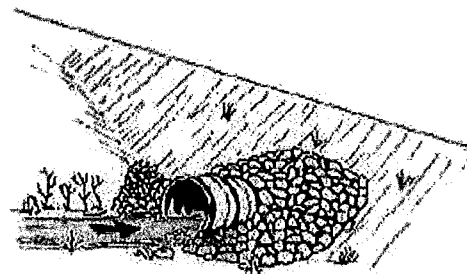
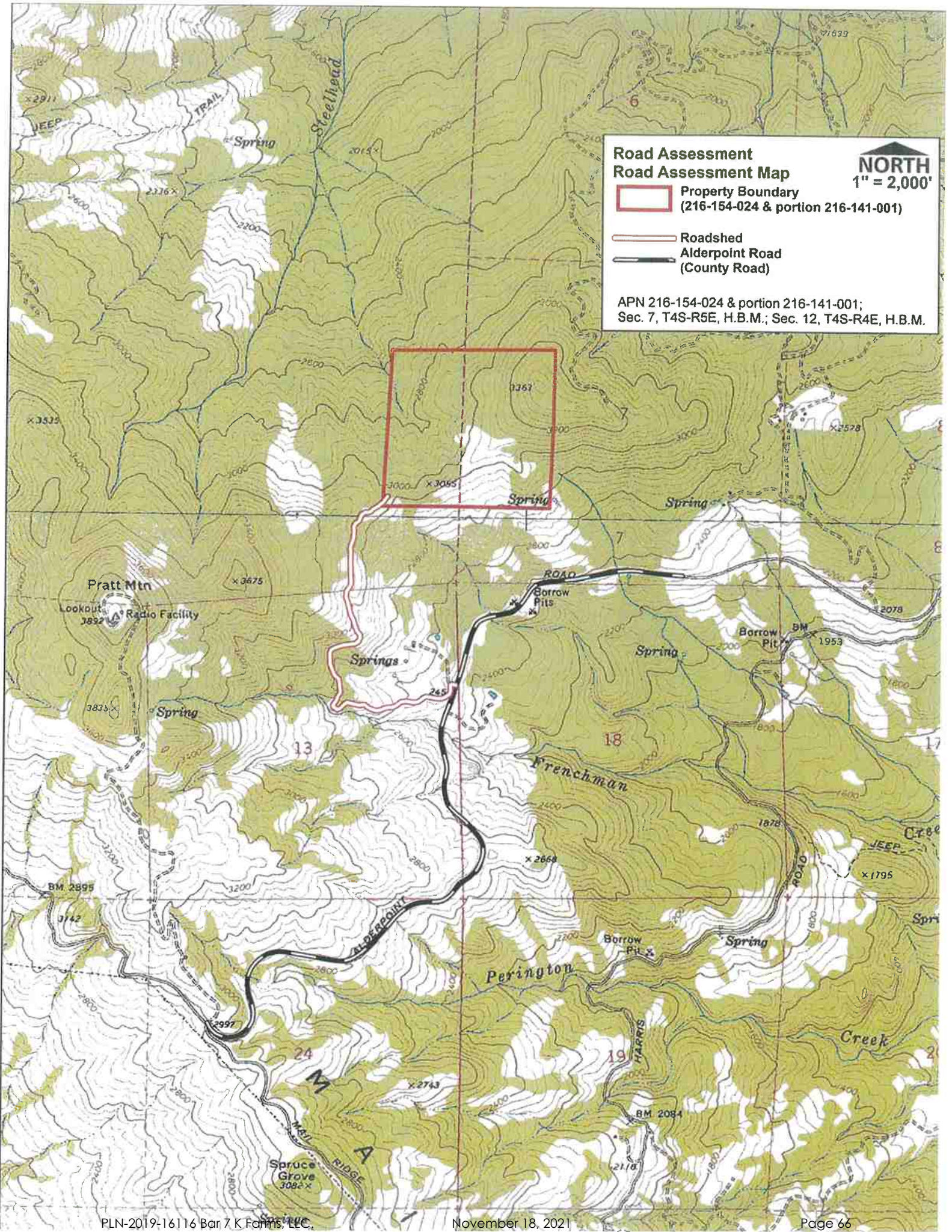


FIGURE 107B. Riprap armor at culvert inlet (Keller and Storer, 2003).

HANDBOOK FOR FOREST, RANGH AND HURAL ROADS

MAPS



Road Assessment
Road Assessment Map

NORTH
 1" = 2,000'

Property Boundary
 (216-154-024 & portion 216-141-001)

Roadshed

Alderpoint Road
 (County Road)

APN 216-154-024 & portion 216-141-001;
 Sec. 7, T4S-R5E, H.B.M.; Sec. 12, T4S-R4E, H.B.M.

216-141-001-000

216-154-024-000

3000

216-141-002-000

2800

216-133-002-000

216-133-007-000

10

11

9

7

6

5

4

216-133-009-000

2400

Road Assessment
Road Assessment Map

NORTH
 1" = 500'

- Property Boundary (216-154-024 & portion 216-141-001)
- Roadshed Assessor's Parcels
- Roadshed - Segment of Road Assessed
- Alderpoint Road (County Road)
- Non-Appurtenant Road Not Assessed
- Class II Watercourse
- Class III Watercourse
- Wet Area
- Existing Watercourse Crossing
- Existing Ditch Relief Culvert (DRC)
- Install or Reconstruct Lead-out
- Existing Rocked Rolling Dip
- Map Point (see Report)
- Existing Lead-out
- Road Side Rock Source
- Gate

APN 216-154-024 & portion 216-141-001;
 Sec. 7, T4S-R5E, H.B.M.; Sec. 12, T4S-R4E, H.B.M.

September 28th, 2021

Humboldt County Building Department
3015 G Street
Eureka, CA 95501

RE: Bar 7 K Farms, LLC
Cannabis Cultivation Building Location – Historic Surface Grade Confirmation
14010 Alderpoint Road, Alderpoint, CA 95511
APN: 216-154-024
Application #: BLD-2021-53954, BLD-2021-16116

JN: BKF2001

To whom it may concern,

The purpose of this letter is to provide information to summarize changes to the Bar 7K site plan indicating the location of proposed greenhouses at APN:216-154-024. The proposed locations of all cannabis related buildings are confirmed to be sited on areas below 15% historic surface grade and adhere to the Humboldt County Cannabis 2.0 Ordinances Requirements.

Based on feedback from Joseph Kercher and Clearwater Agricultural Services, the layout of the proposed cannabis cultivation buildings has been adjusted and reduced. (9) greenhouses with a total cultivation area of 18,500 SQFT have been proposed on an existing rocky, graded flat. This flat area will include a (1) 1,000 SQFT propagation greenhouse (allowable per standard Cannabis Ordinances). An additional (1) 1,500 SQFT greenhouse will be built on an existing upper flat to reach a summative 20,000 SQFT of cultivation allowable under the client's proposed cannabis cultivation permit. (4) Conex containers joined with Farmtek Canopies are located at this existing upper flat to be used for drying.

To reiterate, all proposed cultivation and associated buildings are located on the included grading plan (APP#:53954) and plot plan (APP#:16116) are located on areas with historic grades less than 15%.

Please do not hesitate to contact me with any questions or concerns regarding this analysis of the proposed cultivation area slope.

Sincerely,



Jeffrey Laikam, PE
RCE# 68586

JTL/ntn

ATTACHMENT 4

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
Ag Commissioner		No Response	
Building Inspection Division	✓	Approval	On File
County Counsel		No Response	
Humboldt County District Attorney		No Response	
Division Environmental Health	✓	Conditional Approval	On File
Humboldt County Sheriff	✓	Approval	On File
Public Works, Land Use Division	✓	Conditional Approval	On File
Fire Protection District		No Response	
North Coast Unified Air Quality Management District		No Response	
School District	✓	Approved	On File
State Water Resources Control Board – Division of Water Rights		No Response	
California Department of Fish & Wildlife		No Response	
CalFIRE	✓	Approved	On File
Bear River Band	✓	Conditional Approval	On File (Confidential)
Northwest Information Center	✓	Further Study	On File (Confidential)