



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: May 6, 2021

To: Humboldt County Planning Commission

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

Subject: **Blocksburg Family Farms, Conditional Use Permit**
Record Number PLN-10814-CUP
Assessor's Parcel Number (APN) 217-391-015
Blocksburg area

Table of Contents	Page
Agenda Item Transmittal	2
Recommended Action and Executive Summary	3
Draft Resolution	7
Maps	
Topographic Map	13
Zoning Map	14
Aerial Map	15
Site Plans	16
Attachments	
Attachment 1: Recommended Conditions of Approval	18
Attachment 2: CEQA Addendum	26
Attachment 3: Applicant's Evidence in Support of the Required Findings	31
Water Resource Protection Plan	Separate
Attachment 4: Referral Agency Comments and Recommendations	58

Please contact Alec Barton, Planner (Harris & Associates) at 435-851-4003 or by email at alec.barton@weareharris.com, if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
May 6, 2021	Conditional Use Permit – Type 3	Alec Barton

Project Description: Blocksburg Family Farms seeks approval of a Conditional Use Permit for a total of 11,910 square feet (SF) of existing outdoor cannabis cultivation and a 400-SF ancillary nursery. The outdoor cultivation area is comprised of two (2) full-term cultivation areas, CA 1 (6,010 SF) and CA 2 (3,900 SF), and one (1) light-deprivation greenhouse (2,000 SF).

The source of water for irrigation is an onsite permitted surface water diversion (Registration No. D032806). Total estimated annual water use is 215,700 gallons (18.1 gallons/SF). Water is stored in one (1) 50,000-gallon hard plastic tank and one (1) 590,000-gallon rainwater catchment pond. Total water storage is 640,000 gallons.

Drying would occur onsite in a 1,800-SF facility, and further processing would occur at a licensed third party facility offsite. Besides the owner/operators, there would be no additional employees for this project. Electrical power is provided by a solar array, with a Honda 3000w generator to recharge batteries as necessary.

Project Location: The project is located on the north and south sides of Sylvan Glade Road, at the intersection of Sylvan Glade Road and Browning Road, near the unincorporated community of Blocksburg in southern Humboldt County.

Present Plan Land Use Designations Residential Agriculture (RA), 2017 General Plan; Density: 40 acres per unit; Slope Stability: High Instability (3)

Present Zoning: Forestry Recreation (FR), Special Building Site (B-5(40)).

Record Number: PLN-10814-CUP

Assessor's Parcel Number: 217-391-015

Applicant

Blocksburg Family Farms, LLC
C/O Dakota J Ringo and Nancy
C Nunez
PO Box 238
Blocksburg, CA 95514

Owner

Dakota J Ringo and Nancy C
Nunez
PO Box 238
Blocksburg, CA 95514

Agents

Green Road Consulting, Inc.
C/O Kaylie Saxon
1650 Central Avenue, Suite C
McKinleyville, CA 95519

Environmental Review: An Addendum to a previously adopted Mitigated Negative Declaration 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: No major issues/concerns were identified for this project.

Blocksburg Family Farms, LLC
Record Number: PLN-10814-CUP
Assessor's Parcel Number: 217-391-015

Recommended Commission Action

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

Adopt the Resolution to:

1. *Find that the Commission has considered the Addendum to the adopted Mitigated Negative Declaration for the Commercial Medical Land Use Ordinance (CCMLUO), as described by Section §15164 of the State CEQA Guidelines;*
2. *Make the required findings for approval of the Conditional Use Permit; and*
3. *Approve the Blocksburg Family Farms, LLC Conditional Use Permit as recommended by staff subject to the recommended conditions.*

Executive Summary Blocksburg Family Farms, LLC, seeks a Conditional Use Permit for a total of 11,910 square feet (SF) of existing outdoor cannabis cultivation and a 400-SF ancillary nursery. The outdoor cultivation area is comprised of two (2) full-term cultivation areas, CA 1 (6,010 SF) and CA 2 (3,900 SF), and one (1) light-deprivation greenhouse (2,000 SF). A 400-SF ancillary nursery would be used for propagating plants. The medical cannabis permit application is in accordance with Humboldt County Code Section 314-55.4 of Chapter 4 of Division I of Title III, Commercial Medical Marijuana Land Use Ordinance (CMMLUO). The sites has been issued a Zoning Clearance Certificate for Interim Permit (IP), based upon the Cultivation Area Verification (CAV) developed for the site. The cultivation area for this Conditional Use Permit is based upon the CAV prepared for the IP.

The project area is located on mountainous slopes with high instability. The present land use designation is Residential Agriculture (RA), as defined in the Humboldt County 2017 General Plan Update, and the 40-acre parcel is zoned as Forestry Recreation (FR) and Special Building Site (B-5(40)). The parcel includes one (1) 1,200-SF residence. Drying would occur onsite in a 1,800-SF facility, and further processing would occur offsite at a licensed third party facility. Besides the owner/operators, there would be no additional employees for this project.

The primary source of electrical power is provided by a solar array, and a Honda 3000w generator is used to recharge batteries as necessary. The primary use of generator power is not allowed to occur beyond December 31, 2025. Consistent with past actions of the Planning Commission and to ensure that generator use is not the primary power source beyond this date, the project has been conditioned to either connect to a utility provider or have an alternative, renewable power source starting January 1, 2026 (**Condition 16**).

Water Resources

Irrigation water is sourced from a single point of diversion (POD) onsite, an unnamed spring which is tributary to Basin Creek (Registration No. D032806). Total estimated annual water use is 215,700 gallons (18.1 gallons/SF). Water is stored in one (1) 50,000-gallon hard plastic tank and one (1) 590,000-gallon rainwater catchment pond. Total water storage is 640,000 gallons. The project will be able to comply with full forbearance requirements during the required period (April 1 – October 31). The project area is located within the Basin Creek watershed and contains one (1) unnamed Class II stream and one (1) unnamed Class III stream.

A Water Resources Protection Plan (WRPP) was created to protect the water resources of the project area through annual site inspection, monitoring, and reporting of Tier 2 discharges to the North Coast Regional Water Quality Control Board (NCRWQCB). The project is enrolled with the State Water Board Waste Discharge Program (Water Quality Permit – WDID 1B16991CHUM). The project is within a

Streamside Management Area (SMA) and therefore is required to be consistent with the Humboldt County General Plan Policy BR-P6, which requires development within an SMA to comply with erosion control and required mitigation measures.

The WRPP identified several features that require improvement. A storage shed built in a wetland area must be relocated, and the disturbed area must be revegetated. The outlet of an old pond in the Class III stream channel must be lined and armored with clean rock. The 50,000-gallon water storage tank requires a County permit (**Condition 10**). Additional project features requiring attention are addressed in the Lake and Streambed Alteration Agreement (LSAA), discussed below.

A site assessment of the property conducted by Natural Resources Management Corporation determined that three (3) active cultivation areas and associated facilities are located within the SMA buffer zone, which is the area within 100 feet of a Class I or II watercourse and 50 feet of a Class III watercourse. The applicant has been conditioned to remove and relocate all cultivation activities to outside of the SMA, which is reflected on the current Site Plan (**Condition 10**).

An LSAA has been filed with the California Department of Fish and Wildlife (CDFW) to address all work to be done within the waterways (No. 1600-2016-0298-R1). Work includes the removal of trash and soil from an unnamed Class III stream, rock armoring of an on-stream pond outlet to minimize erosion, and removing and replacing undersized culverts at four (4) stream crossings. Stream crossing two (STX2) requires a minimum 18-inch diameter culvert; stream crossings three and four (STX3 and STX4) require a minimum 36-inch diameter culvert; and stream crossing five (STX5) requires a minimum 24-inch diameter culvert. The LSAA also addresses water diversion for irrigation and domestic purposes from a single POD onsite (**Condition 11**).

The LSAA establishes specific mitigation measures that the applicant must apply to offset potential impacts to waterways within the area. The mitigation measures are summarized as follows: 1) Document all activities that occur within waterways at the project site; 2) All work (excluding the water diversion) shall be confined to the dry weather period, from May 15 through October 1 of each year; 3) Water diversion structures shall be constructed and maintained to not inhibit the movement of aquatic life; 4) Erosion and runoff protection measures shall be placed and maintained along streambanks prior to any construction activities; and 5) The completed project shall be inspected by Natural Resource Management Corporation or a licensed engineer to ensure the stream crossings were installed as designed, and a copy of the inspection report shall be submitted to CDFW within 90 days of project completion (**Condition 11**).

Biological Resources

A Botanical Survey Report was prepared by Claire Brown and Jenell Jackson of the Natural Resources Management Corporation (August 17, 2019). The report identified no special status plant species within the project area. Potential habitat for several plant species exists within the project area, including Pacific gilia, Humboldt County milk-vetch, Rattan's mil-vetch, maple leaved checkerbloom, Siskiyou checkerbloom, beaked tracyina, and Humboldt County wyethia. Separate field surveys on June 13, 2019 and July 22, 2019 were seasonally appropriate to detect these species, but no populations were observed.

A population of Rattan's milk vetch was found outside the project area and is unlikely to be directly impacted by the project. However, the population abuts an area planned for stream restoration, including hand removal of the invasive plant periwinkle. Therefore, the report identifies the following mitigation measures to protect the population of Rattan's milk vetch: 1) Flag the area to be protected, and 2) Ensure all personnel participating in the removal of periwinkle are made aware of populations of Rattan's milk vetch and instructed to avoid trampling, vegetation removal, or otherwise altering the habitat of these areas (**Condition 12**).

Tribal Cultural Resource Coordination

An archaeological survey report was prepared by Alex DeGeorgey of Alta Archaeological Consulting (February 15, 2018). Mr. DeGeorgey conducted a field survey on August 9, 2017, found no significant historic resources within the project area, and concluded that the project is not anticipated to have an adverse effect on significant cultural resources. Consultation letters were sent to Native American groups associated with the project area. Rachel Sundberg, Tribal Historic Preservation Officer for the Cher-Ae Heights Indian Community of the Trinidad Rancheria, responded that the project is situated outside the tribe's area of cultural concern. Janet Eidsness, Tribal Historic Preservation Officer for the Blue Lake Rancheria of the Wiyot, Yurok, and Hupa Indians, also indicated that the project is situated outside the tribe's area of cultural concern.

The report recommends establishing protocols to protect cultural resources and/or human remains which may be discovered inadvertently during project work. The Bear River Band of the Rohnerville Rancheria requested a heightened Inadvertent Discovery Protocol be established since artifacts were identified in close proximity to the property. Therefore, the applicant has been conditioned to follow Inadvertent Discovery Protocol if they find suspected cultural resources, and to provide a new archaeological survey report if any new proposed development is outside of the area that was surveyed (**Condition 13**).

Access

The project area is located at Sylvan Grade Road, near the unincorporated community of Blocksburg in southern Humboldt County. Sylvan Glade Road is accessed via Homestead Road, which extends from Alderpoint Road, a County-maintained road. The County Department of Public Works (DPW) evaluated Homestead Road and determined it is developed to the equivalent of a road category 4 standard. The intersection of Homestead Road and Alderpoint Road does not meet County standards. Prior to commencing operations, DPW will require the applicant to improve the access road encroachment to meet County visibility ordinance and encroachment permit standards, which entails paving the access road for a minimum width of 20 feet and length of 50 feet (**Condition 14**).

The applicant proposes constructing a new road to access relocated cultivation areas. Road construction shall be consistent with specifications outlined in the Grading, Drainage and Erosion Control Plan prepared by Omsberg and Preston on June 7, 2019 (**Condition 21**).

Generator Use

The primary source of electrical power for outdoor cultivation is a solar array, with a Honda 3000w generator used to recharge batteries as necessary. Consistent with past actions of the Planning Commission and to ensure that the primary power source of all cannabis related activities is not a generator, the project has been conditioned to either connect to a utility provider or have an alternative renewable power source starting January 1, 2026 (**Condition 16**).

California Environmental Quality Act (CEQA)

Environmental review for this project was conducted in April 2021 by the County. Based on the results of that analysis, staff finds that all aspects of the project have been considered in the Mitigated Negative Declaration (MND) adopted for the Commercial Medical Marijuana Land Use Ordinance on January 26, 2016. Accordingly, staff has prepared an addendum to this document for consideration by the Planning Commission. See **Attachment 2** for more information.

RECOMMENDATION: Based on a review of Planning and Building Department reference sources and comments from all involved referral agencies, Planning staff believes that the applicant has submitted evidence in support of making all of the required findings for approval of the Conditional Use Permit (CUP).

ALTERNATIVES: The Planning Commission could elect to 1) not approve the project, or 2) require the applicant to submit further evidence or modify the project. If modifications may cause potentially significant impacts, additional CEQA analysis and findings may be required. These alternatives could be implemented if the Commission is unable to make all of the required findings. Planning staff has stated

that the required findings in support of the proposal have been made. Consequently, Planning staff does not recommend further consideration of any alternative.

The Planning Commission could also decide the project may have environmental impacts that would require further environmental review pursuant to CEQA. Staff did not identify any potential impacts. As the lead agency, the Department has determined that the project is consistent with the MND for the CMMLUO as stated above. However, the Commission may reach a different conclusion, In which case, the Commission should continue the item to a future date at least two months later to provide staff adequate time to complete further environmental review.

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

Resolution Number 21-

Record Number PLN-10814-CUP

Assessor's Parcel Number: 217-391-015

Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approving the Blocksburg Family Farms Conditional Use Permit.

WHEREAS, Blocksburg Family Farms applied for Conditional Use Permit PLN-10814-CUP for the continued operation of 11,910 square feet (SF) of existing outdoor cannabis cultivation, with appurtenant propagation and drying activities;

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

WHEREAS, the Humboldt County Planning Commission held a duly-noticed public hearing on **May 6, 2021**, and reviewed, considered, and discussed the application for the requested Conditional Use Permit and reviewed and considered all evidence and testimony presented at the hearing.

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

- 1. FINDING:** **Project Description:** The application is a Conditional Use Permit (CUP-16-814) for the continued operation of an existing 11,910-SF cannabis cultivation operation and associated 400-SF nursery, with appurtenant propagation and drying activities. Electrical power is provided by a solar array, with a Honda 3000w generator to recharge batteries as necessary. Irrigation water is sourced from a single point of diversion (POD) onsite (Registration No. D032806).

EVIDENCE: a) Project File: PLN-10814-CUP

- 2. FINDING:** **CEQA.** The requirements of the California Environmental Quality Act have been met. The Humboldt County Planning Commission has considered the Addendum to and the Mitigated Negative Declaration (MND) prepared for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) adopted by the Humboldt County Board of Supervisors on January 26, 2016.

EVIDENCE: a) Addendum to the MND prepared for the proposed project in compliance with CEQA.

- b) The proposed project does not present substantial changes that would require major revisions to the previous MND. No new information of substantial importance that was not known and could not be known at the time was presented as described by §15162(c) of CEQA Guidelines.
- c) A Botanical Survey Report was prepared by Claire Brown and Jenell Jackson of the Natural Resources Management Corporation (August 17, 2019). The report identified no special status plant species within the project area. Potential habitat for several plant species exists within the project area, including Pacific gilia, Humboldt County milk-vetch, Rattan's mil-vetch, maple leaved checkerbloom, Siskiyou checkerbloom, beaked tracyina, and Humboldt County wyethia. Separate field surveys on June 13, 2019 and July 22, 2019 were seasonally appropriate to detect these species, but no populations were observed. A population of Rattan's milk vetch was found outside the project area and is unlikely to be directly impacted by the project. However, the population abuts an area planned for stream restoration, including hand removal of the invasive plant periwinkle. Therefore, the report identifies the following mitigation measures to protect the population of Rattan's milk vetch: 1) Flag the area to be protected, and 2) Ensure all personnel participating in the removal of periwinkle are made aware of populations of Rattan's milk vetch and instructed to avoid trampling, vegetation removal, or otherwise altering the habitat of these areas (**Condition 12**).
- d) A Water Resources Protection Plan (WRPP) was created to protect the water resources of the project area through annual site inspection, monitoring, and reporting of Tier 2 discharges to the North Coast Regional Water Quality Control Board (NCRWQCB.) The project is enrolled with the State Water Board Waste Discharge Program (Water Quality Permit – WDID 1B16991CHUM). The project is within a Streamside Management Area (SMA) and therefore is required to be consistent with the Humboldt County General Plan Policy BR-P6, which requires development within an SMA to comply with erosion control and required mitigation measures.
- e) An archaeological survey report was prepared by Alex DeGeorgey of Alta Archaeological Consulting (February 15, 2018). Mr. DeGeorgey conducted a field survey on August 9, 2017, found no significant historic resources within the project area, and concluded that the project is not anticipated to have an adverse effect on significant cultural resources. Consultation letters were sent to Native American groups associated with the project area. Rachel Sundberg, Tribal Historic Preservation Officer for the Cher-Ae Heights Indian Community of the Trinidad Rancheria, responded that the project is situated outside the tribe's area of cultural concern. Janet Eidsness, Tribal Historic Preservation Officer for the Blue Lake Rancheria of the Wiyot, Yurok, and Hupa Indians, also indicated that the project is situated outside the tribe's area of cultural concern. The report recommends establishing protocols to protect cultural resources

and/or human remains which may be discovered inadvertently during project work. The Bear River Band of the Rohnerville Rancheria requested a heightened Inadvertent Discovery Protocol be established since artifacts were identified in close proximity to the property. Therefore, the applicant has been conditioned to follow Inadvertent Discovery Protocol if they find suspected cultural resources, and to provide a new archaeological survey report if any new proposed development is outside of the area that was surveyed (**Condition 13**).

FINDINGS FOR CONDITIONAL USE 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) Forestry Recreation (FR) is a use type permitted in the Residential Agriculture (RA) 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.
- b) The proposed project is within a Streamside Management Area (SMA) and therefore is required to be consistent with Humboldt County General Plan Policy BR-P6, which requires development within an SMA to comply with Standards BR-S8 (Required Mitigation Measures) and BR-S9 (Erosion Control). The proposed project was designed with the following mitigating features: 1) Cultivation is sited to avoid activity within the stream channel; 2) All cultivation areas are proposed to be located off of slopes and will not involve vegetation removal or land clearing; and 3) Prior disturbed areas have been addressed with revegetation using native species. Therefore the project is not considered 'High Risk' and is consistent with Policy BR-P6, and Standards BR-S8 and BR-S9.

4. FINDING

The proposed development is consistent with the purposes of the existing Forestry Recreation (FR) and Special Building Site (B-5(40)) designations in which the site is located.

EVIDENCE

- a) Forestry Recreation (FR) areas are intended to be applied to areas of the County in which forestry recreation is the desirable predominant use and agriculture is the secondary use. Special Building Site (B-5(40)) areas are subzones that are intended to be combined with any principal zone, consistent with cultivation activities within the project area.

- b) Humboldt County Code section 313-106.6 allows cultivation of up to 43,560 SF of existing outdoor cannabis and up to 22,000 SF of existing mixed-light cannabis on a parcel over 1 acre, subject to approval of a Conditional Use Permit and a determination that the cultivation was in existence prior to January 1, 2016. The application for a total of 11,910 SF of outdoor cultivation and a 400-SF ancillary nursery on a 40-acre parcel is consistent with the Humboldt County Code and with the Cultivation Area Verification prepared by the County.

5. FINDING

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

EVIDENCE

- a) The CMMLUO allows existing cannabis cultivation to be permitted in areas zoned Forestry Recreation (FR) and Special Building Sites (B-5(40)), (HCC 314-55.4.8.2.2).
- b) The parcel was created in compliance with all applicable state and local subdivision regulations, as it was created via Parcel Map No. 64, recorded in Book of Parcel Maps 1, pages 95-114 inclusive.
- c) The project will obtain water from a permitted onsite surface water diversion (Registration No. D032806). Total annual water usage is 215,700 gallons.
- d) The slope of the land where cannabis will be cultivated is less than 15%.
- e) The cultivation of cannabis will not result in the net conversion of timberland. The proposed cultivation area(s) are located within a historical cultivation area.
- f) The location of the cultivation complies with all setbacks required in Section 314-55.4.11.d. It is more than 30 feet from any property line, more than 300 feet from any offsite residence, and more than 600 feet from any school, church, public park, or Tribal Cultural Resource.

6. FINDING

The outdoor cultivation of 11,910 SF of cannabis and the conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

EVIDENCE

- a) All access roads on the property shall be maintained in compliance with the State Water Resources Control Board Order WQ 2019-0001-DWQ, which states that all access roads are to be hydrologically disconnected to receiving waters. To ensure that roads meet this condition, the applicant shall implement the erosion control measures outlined in the WRPP that address the adverse effects of degraded road quality on adjacent water features. Erosion control measures include the replacement of undersized culverts (**Condition 10**).

- b) The site is in a rural part of the County where the typical parcel size is over 40 acres, and many of the land holdings are very large. The proposed cannabis will not be in a location where there is an established neighborhood or other sensitive receptor such as a school, church, park or other use which may be sensitive to cannabis 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 is more than 300 feet from the nearest off-site residence.
- d) Irrigation water will come from a permitted onsite surface water diversion.
- e) Provisions have been made in the applicant's proposal to protect water quality through yearly site inspection, monitoring, and reporting to the NCRWQCB. The site shall be inspected and monitoring reports prepared for the following activities: 1) before and after any alteration or upgrade to a given stream crossing, road segment, or other controllable sediment discharge site; 2) prior to the start of the water year (October 15) to evaluate site preparedness for storm events and associated storm water runoff; 3) site inspection no later than December 15 of each year; and 4) following any rainfall event with an intensity of 3 inches of precipitation within any 24 hour period. Annual reporting shall be submitted to the NCRWQCB by March 31 of each year. Therefore, runoff to adjacent property and infiltration of water to groundwater resources will not be adversely 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 currently contains a single existing residential unit. The approval of cannabis cultivation on this parcel will not conflict with the operation or use of the existing residential unit on site.

DECISION

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

- Adopt the findings set forth in this resolution; and
- Conditionally approve the Conditional Use Permit (CUP-16-814) for Blocksburg Family Farms, 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 May 6, 2020.

The motion was made by COMMISSIONER _____ and second by COMMISSIONER _____ and the following ROLL CALL vote:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

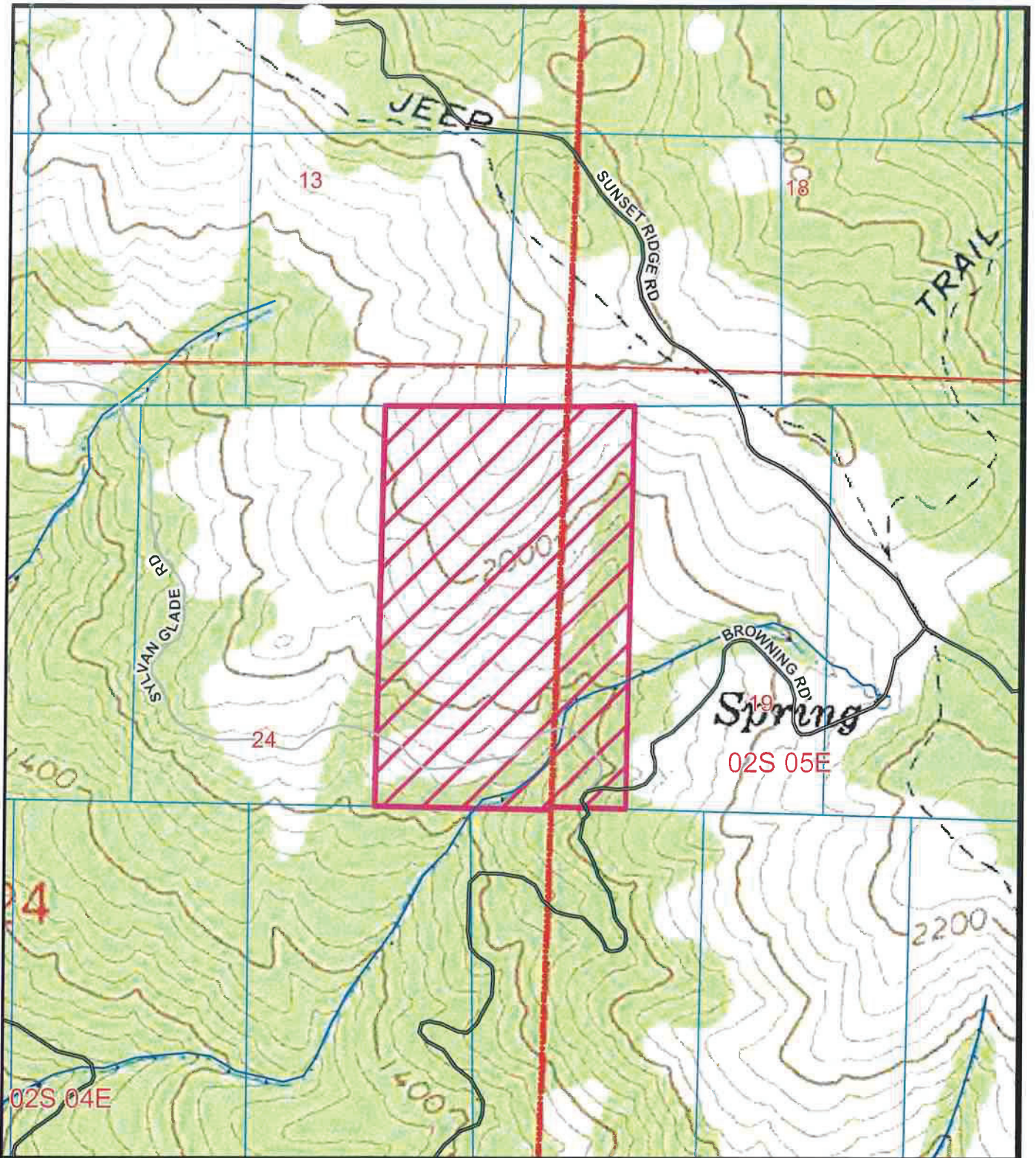
ABSENT: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

DECISION:

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

John Ford, Director
Planning and Building Department



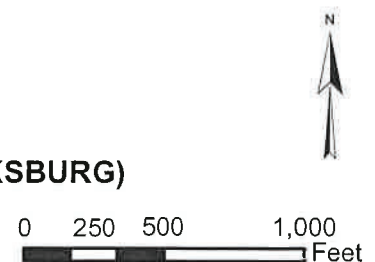
**TOPO MAP
PROPOSED NEXT GEN FARMS, INC.
BLOCKSBURG AREA
CUP-16-071**

APN: 217-391-015

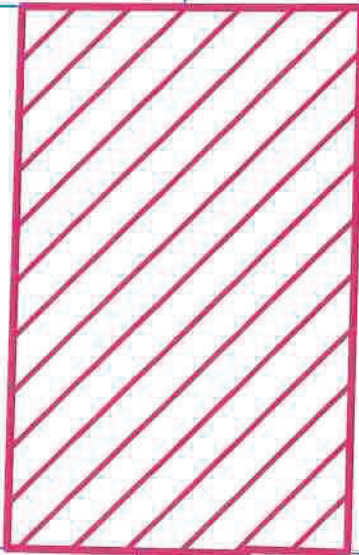
T02S R04E S24 & T02S R05E S19 HB&M (BLOCKSBURG)

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.



FR-B-5(40)



Project Area = 

**ZONING MAP
PROPOSED NEXT GEN FARMS, INC.
BLOCKSBURG AREA
CUP-16-071**

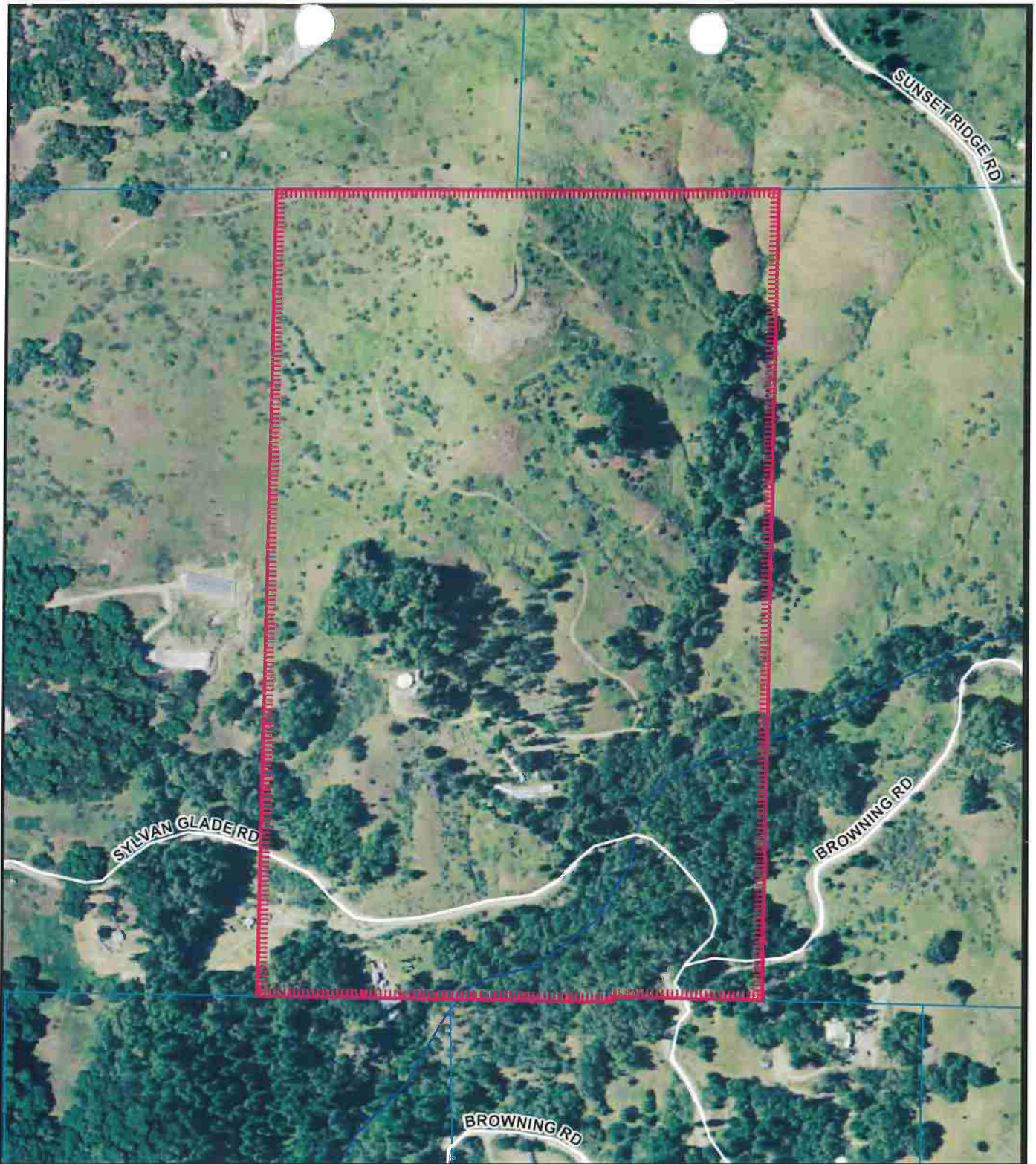
APN: 217-391-015

T02S R04E S24 & T02S R05E S19 HB&M (BLOCKSBURG)

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



0 250 500 1,000
Feet



Project Area =



**AERIAL MAP
PROPOSED NEXT GEN FARMS, INC.
BLOCKSBURG AREA
CUP-16-071**

APN: 217-391-015

T02S R04E S24 & T02S R05E S19 HB&M (BLOCKSBURG)

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



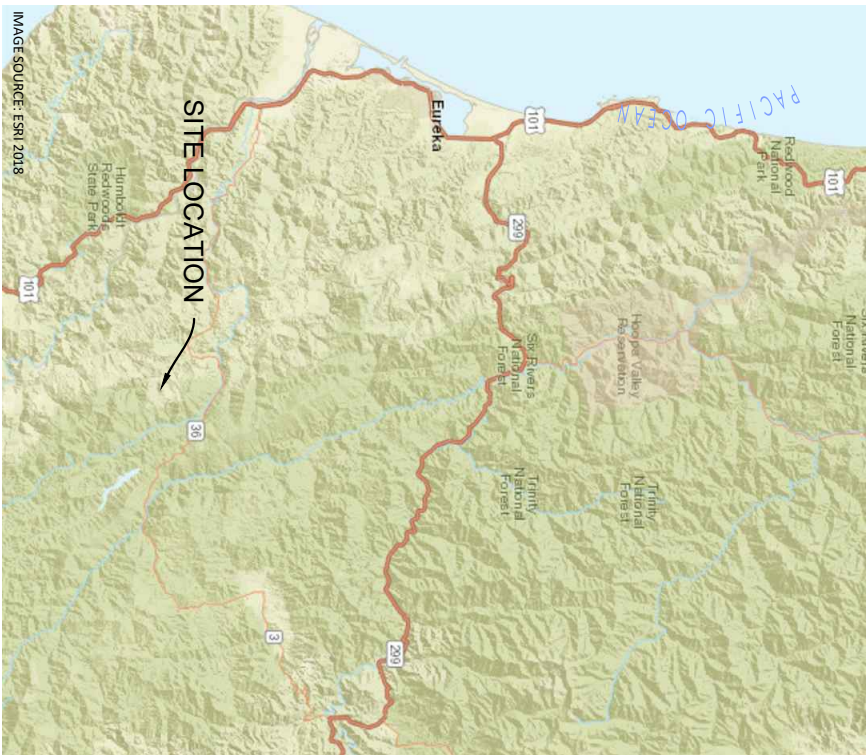
0 125 250 500
Feet

BLOCKSBURG FAMILY FARM

APN: 217-391-015

VICINITY MAP

NOT TO SCALE



PROJECT DIRECTIONS

FROM: BLOCKSBURG, CA

TAKE ALDERPOINT ROAD NORTH (3.8 MI)

TAKE UNKNOWN ROAD ON THE RIGHT (3 MI)

LOCATION ON THE RIGHT

TRAVEL TIME

APPROXIMATELY: 15 MIN (7.1 MI)

SHEET INDEX

CP-COVER PAGE

C1-PARCEL OVERVIEW

PROJECT INFORMATION

LAT/LONG: 40.3347, -123.6267

APN: 217-391-015

APPLICANT: BLOCKSBURG FAMILY FARMS

PARCEL SIZE: ±175

ZONING: AE

APPLICATION TYPE:

TYPE 3 OUTDOOR

TYPE 3B MIXED LIGHT

COASTAL ZONE: NO

100 YEAR FLOOD: NO

AGENT:

KAYLE SAXON

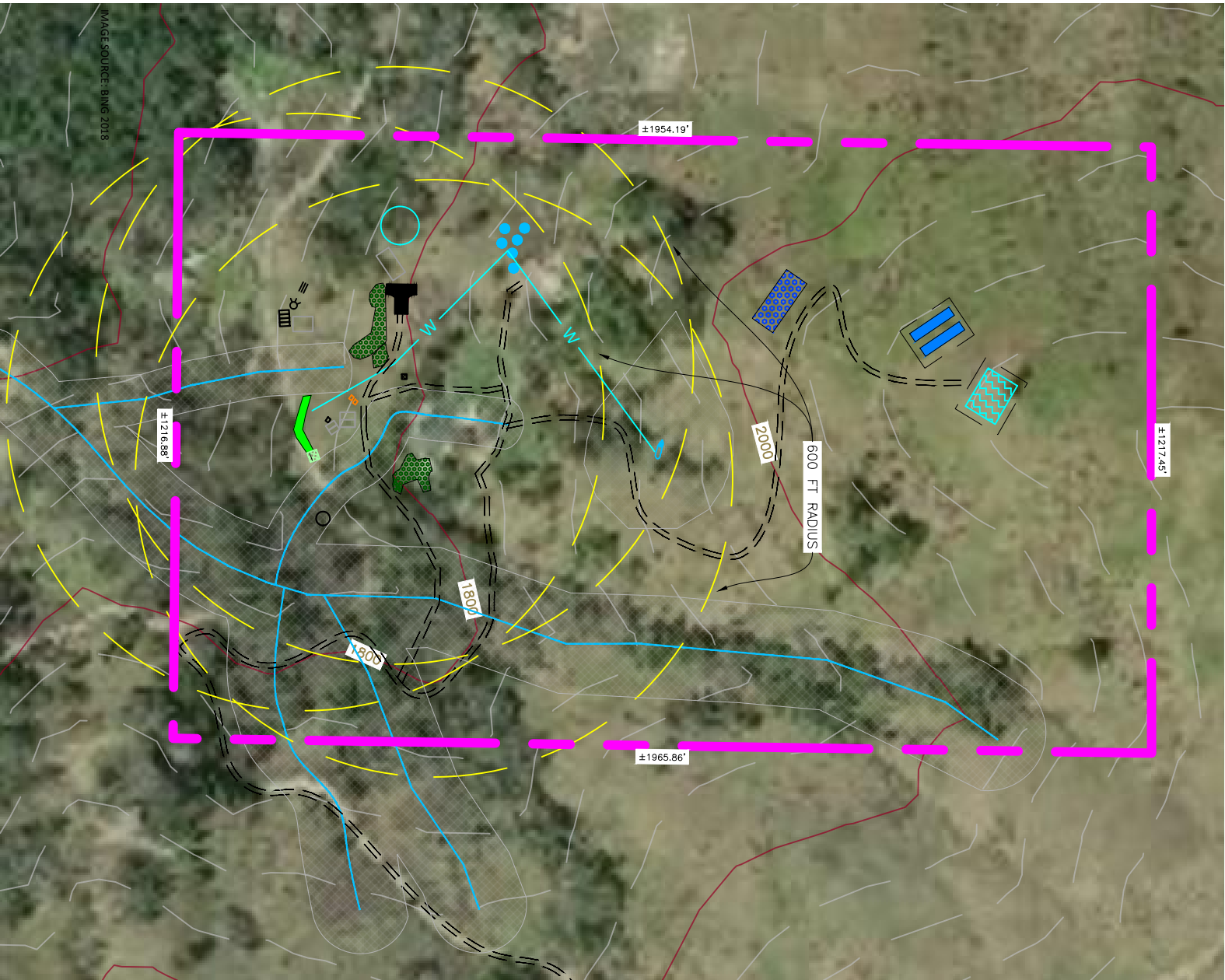
GREEN ROAD CONSULTING INC

1650 CENTRAL AVE. SUITE C

MCKINLEVILLE, CA 95519

707-630-5041

AERIAL MAP



PROJECT INFORMATION

PROPERTY OWNER	BLOCKSBURG FAMILY FARM
ADDRESS	APN: 217-391-015
SHEET INFO	COVER PAGE

REVISIONS

NO.	NOTES	DATE



GREEN
ROAD
CONSULTING

DATE	9/18/20
DRAFTER	DDV
SCALE	AS SHOWN
SHEET	CP

CULTIVATION INFORMATION

<u>FULL TERM CULTIVATION AREA (OUTDOOR)</u>		
	<u>CA</u>	<u>SQ FT</u>
	1	6010
	2	3900
TOTAL FULL TERM CULTIVATION AREA =		9,910 SQ FT
<u>LIGHT DEPTH CULTIVATION AREA (OUTDOOR)</u>		
	<u>GH</u>	<u>SQ FT</u>
	1	2000
TOTAL LIGHT DEPTH CULTIVATION AREA =		2,000 SQ FT
<u>TOTAL OUTDOOR CULTIVATION AREA=</u>		
		11,910FT ²

CULTIVATION BUILDINGS AND USE

	USE	SIZE	YEAR
BUILDINGS			
SHEEDS	GENERATOR/FUEL STORAGE	10'x10'	2006
VEG ROOM	IMMATURE PLANT AREA/DRY ROOM	20'x20'	2016
(SEE SPECIFICATIONS)			
MULTI-USE BUILDING	HARVEST STORAGE/DRYING	30'x30'	2000
(SEE SPECIFICATIONS)			
CARPORT#1	HARVEST STORAGE	20'x10'	-
CARPORT#2	AGRICULTURAL CHEMICAL STORAGE	20'x10'	-

PROPOSED BUILDINGS AND USE

	USE	SIZE	YEAR
BUILDINGS			
RESIDENCE	SEASONAL LIVING	1200FT ²	TBD
DRY BUILDING	DRYING/HARVEST STORAGE	30'x60'	TBD

WATER STORAGE AND USE

TYPE	LAT/LONG	QUANTITY	GALLONS	TOTAL GALLONS
LARGE WATER TANK	40.4387, -123.7123	1	50,000	50,000
HDPE TANK	40.4387, -123.7123	2	5,000	10,000
HDPE TANK	40.4387, -123.7123	4	2,500	10,000
TOTAL AMOUNT OF WATER STORAGE=				70,000 GALLONS

WATER SOURCE

<u>TYPE</u>	<u>LAT/LONG</u>
SPRING #1	40.281, -123.7669

UNNAMED CLASS II STREAM WITH REQUIRED 100 FT BUFFER
UNNAMED CLASS III STREAM WITH REQUIRED 50 FT BUFFER

UNNAMED CLASS III STREAM WITH REQUIRED 50 FT BUFFER

SURROUNDING BUILDINGS

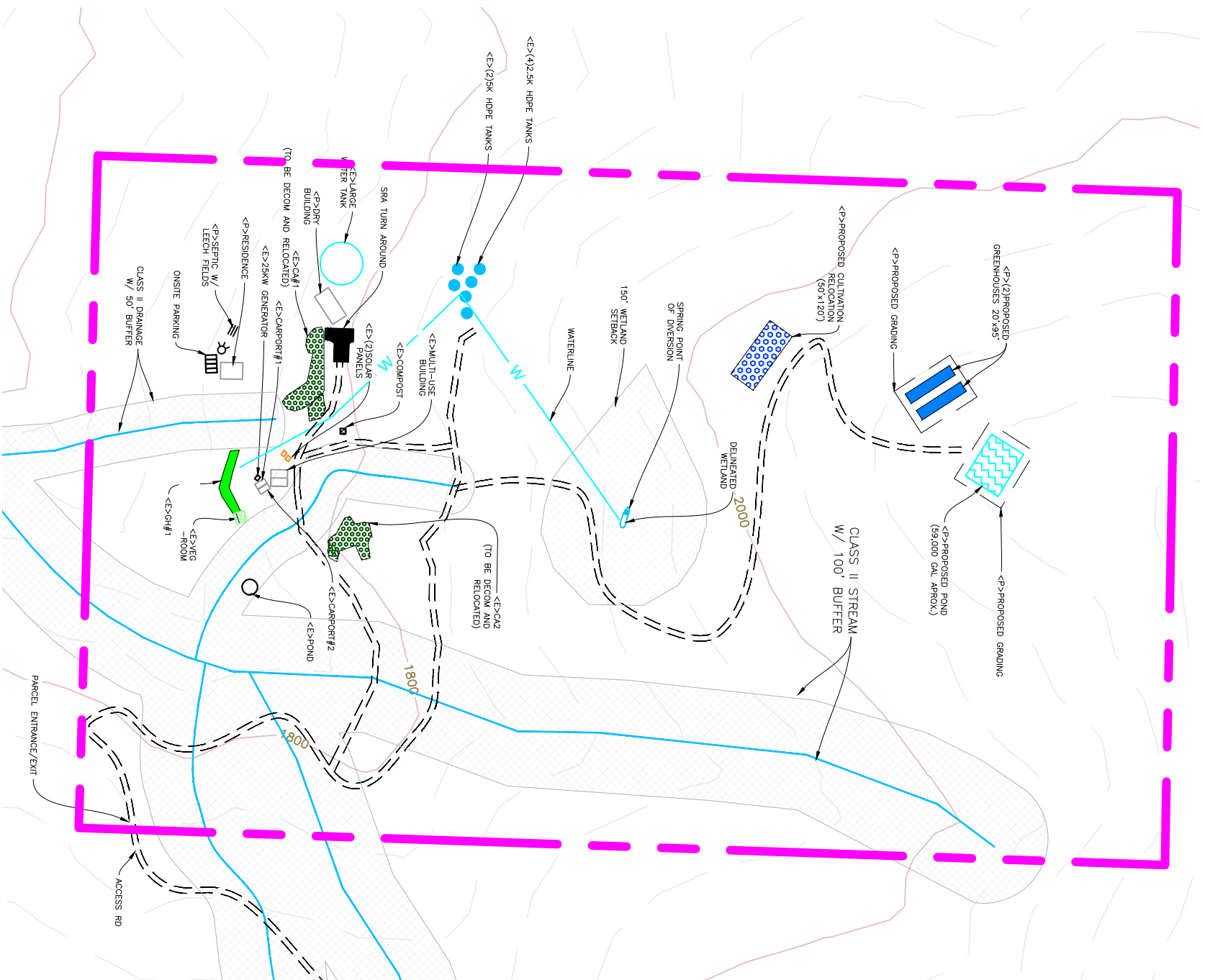
THERE ARE NO SCHOOLS, BUS STOPS, PLACES OF WORSHIP, PUBLIC PARKS OR TRIBAL CULTURAL RESOURCES WITHIN 600 FEET OF THE CULTIVATION SITE.

CULTIVATION SITE:

POWER SOURCE

25KW GENERATOR/2KW GENERATOR(BACKUP)/SOLAR PANELS

COMPOST AREA

$$10' \times 10' = 100 \text{ FT}^2$$


PROJECT INFORMATION

PROPERTY OWNER	DAKOTA J. RINGO & NANCY C NUNEZ
ADDRESS	APN: 217-391-015
SHEET INFO	PARCEL OVERVIEW

REVISIONS	
NO.	NOTES

DATE	9/18/20
DRAFTER	BDV
SCALE	AS SHOWN

SHEET
PO



ATTACHMENT 1

RECOMMENDED CONDITIONS OF APPROVAL

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

A. General Conditions:

1. The applicant is responsible for obtaining all necessary County and State permits and licenses, and for meeting all requirements set forth by other regulatory agencies.
2. The applicant is required to pay for permit processing on a time and material basis, as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Planning and Building Department will provide a bill to the applicant after the decision. Any and all outstanding planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
3. The applicant is responsible for costs for post-approval review for determining project conformance with conditions. A deposit is collected to cover the staff review. Permit conformance with conditions must be demonstrated prior to release of building permit or initiation of use, and at the time of annual inspection. A conformance review deposit, as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750), shall be paid within sixty (60) days of the effective date of the permit or upon filing of the Compliance Agreement (where applicable), whichever occurs first. Payment shall be made to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
4. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. **Within three days of the effective date of permit approval**, it is requested that the applicant submit a check or money order for the required filing fee in the amount of \$50 payable to the Humboldt County Clerk/Recorder. If this payment is not received within this time period, the Department will file the NOD and will charge this cost to the project.
5. Within 60 days of the effective date of permit approval, the applicant shall execute a Compliance Agreement with the Humboldt County Planning and Building Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval #6 through #20. The agreement shall provide a timeline for completing all outstanding items. All activities detailed under the agreement must be completed to the satisfaction of the Planning and Building Department before the permit may be finalized and no longer considered provisional.
6. The applicant shall secure permits for all structures related to the cannabis cultivation and other commercial cannabis activity including, but not limited to, existing and proposed greenhouses, water tanks over 5,000 gallons, existing and proposed structures associated with drying and storage or any activity with a nexus to cannabis, and any noise containment structures as necessary. The plans submitted for building permit approval shall be consistent with the project description and the approved project site plan.
7. The approved building plans shall meet all applicable fire codes, including fire suppression infrastructure requirements deemed necessary for the project by the Building Inspection Division. Sign-off on the Occupancy Permit by the Building Division shall satisfy this requirement.
8. The applicant shall obtain a permit for the septic system for the existing dwelling within 12 months from the Department of Health and Human Services Environmental Health Division (DEH). Prior to

renewal of this permit the operator is required to submit receipts or a copy of a contract confirming sufficient use of portables toilets to serve three (3) cultivation sites for the duration of the first year.

9. The applicant shall install a water monitoring device on each surface diversion to monitor water diverted to storage and a separate meter shall be installed for all irrigation water used. The water use shall be recorded monthly for both diversion and water use and shall be submitted as part of the annual inspection.
10. The applicant shall comply with all policies set forth by the Humboldt County General Plan Policy BR-P6, to ensure that all Streamside Management Areas within the project area are properly managed throughout cultivation related activities. Per the requirements of the Water Resources Protection Plan (WRPP), the applicant shall remove and relocate all cultivation activities within the SMA to outside of the SMA, remove trash soil and rock from the Class III watercourse and revegetate the disturbed area outside the channel, line the outlet of the old pond and ditch with clean rock, remove a shed from the wetland and revegetate the disturbed area, and obtain a permit for the 50,000-gallon water storage tank onsite. The applicant shall complete the above measures within 6 months of permit approval.
11. The applicant shall comply with all mitigation measures set forth in the Lake and Streambed Alteration Agreement (LSAA) from the California Department of Fish and Wildlife (CDFW), and shall implement all corrective actions detailed/required within the LSAA. Upon completion of the proposed construction activities that are to take place within the waterways (STX2, STX3, STX4 and STX5) of the project area, a letter or similar communication from CDFW verifying that all their requirements have been met will satisfy this condition.
12. The population of Rattan's milk vetch located near areas slated for riparian restoration shall be flagged, and all personnel participating in the hand removal of invasive periwinkle in this area shall be made aware of the populations and instructed to avoid trampling, vegetation removal, or otherwise altering the habitat of these areas.
13. The applicant shall implement the Inadvertent Discovery Protocol. In the event of the accidental discovery of historical artifacts or human remains, a qualified professional archaeologist shall be contacted immediately, in order to inspect and clear the site for all further activities. If the applicant proposes new development outside of the area that was surveyed by a certified archaeologist, a new archaeological survey covering the proposed development area will be required.
14. The intersection of Homestead Road (access road) and Alderpoint Road (County road) does not meet County standards. Prior to commencing operations, the access road encroachment shall be improved to meet the County visibility ordinance and encroachment permit ordinance standards. This requires that the access road encroachment be paved for a minimum width of 20 feet and a length of 50 feet. The applicant shall apply for and obtain an encroachment permit from the County Department of Public Works (DPW) prior to initiating this work.
15. The applicant shall contact the Alderpoint Volunteer Fire Department and furnish written documentation from that agency of the available emergency response and fire suppression services and any recommended project mitigation measures. Mitigation measures shall be incorporated into the project, if applicable. If emergency response and fire suppression services are not provided, the applicant shall cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning and Building Department. Document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors will be required.
16. The use of generators as a primary power source for cannabis related activities shall cease by December 31, 2025. The applicant shall either connect to a utility or have an alternative source of power starting January 1, 2026.

17. The applicant shall obtain a permit to operate the single onsite generator (Honda 3000w) from the North Coast Unified Air Quality Management District (NCUAQMD) and obtain an electric permit from the County's Building Department.
18. The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency (CUPA) requirements regarding hazardous materials. A written verification of compliance shall be required before any provisional permits may be finalized. Ongoing proof of compliance with this condition shall be required at each annual inspection in order to keep the permit valid.
19. The applicant shall execute and file with the Planning Division the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the HCC and available at the Planning Division.
20. The applicant shall schedule and obtain an onsite Building Division review to ensure that permits for all structures, greenhouses, water tanks or other cannabis and/or residential structures have been obtained. This inspection shall be scheduled within thirty (30) days of permit approval and conducted within three (3) months permit approval. Any structures identified to require permits shall be permitted through the Humboldt County Building Department within two (2) years of the inspection date.
21. Construction of the new road onsite shall be consistent with the Grading, Drainage and Erosion Control Plan prepared by Omsberg and Preston on June 7, 2019.

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

1. The combined noise from background, generator, greenhouse fan, or other operational activities and equipment must not result in the harassment of Northern Spotted Owl (NSO) species, as required to meet the performance standards for noise set by Department Policy Statement No. 16-005 clarifying CMMLUO Section 55.4.11 (o) requirements. The combined noise levels measured at 100 feet or the edge of NSO habitat, whichever is closer, shall be at or below 50 decibels. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service, and further consultation where necessary. A building permit shall be obtained should any structures be necessary for noise attenuation.
2. All artificial light utilized in mixed-light greenhouses shall be limited to 6 watts per square foot, with no wattage limit in the ancillary propagation greenhouse. 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 be placed where needed.
3. Should the Humboldt County Planning Division receive complaints that the lighting or noise is not complying with the standards listed above in items B.1. and B.2., within ten (10) working days of receiving written notification that a complaint has been filed, the applicant shall submit written verification that the lights' shielding and alignment and noise levels have been repaired, inspected, and corrected as necessary.
4. Prohibition on use of synthetic netting. To minimize the risk of wildlife entrapment, the permittee shall not use any erosion control and/or cultivation materials that contain synthetic (e.g., plastic or nylon)

netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.

5. All refuse shall be contained in wildlife proof storage containers at all times, and disposed at an authorized waste management facility.
6. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and shall be allowed to leave the work site unharmed.
7. The use of anticoagulant rodenticide is prohibited.
8. 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.
9. All components of the 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. Any changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan. When offsite processing is chosen to be the preferred method of processing, this permit shall be modified to identify the offsite licensed facility.
10. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CMMLUO and Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA), as applicable to the permit type.
11. 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.
12. The permittee shall have possession of a current, valid required license, or licenses, issued by any agency of the State of California in accordance with the MAUCRSA, and regulations promulgated thereunder, as soon as such licenses become available.
13. The permittee shall be in 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.
14. The permittee shall ensure 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).
15. The permittee shall maintain enrollment in Tier 1, 2, or 3, certification with North Coast Regional Water Quality Control Board (NCRWQCB) Order No. R1-2015-0023, if applicable, or any substantially

equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.

16. The permittee shall 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).
17. The permittee shall 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.
18. The permittee shall 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).
19. The permittee shall pay all applicable fees for application review to ensure conformance with conditions and annual inspection fees.
20. 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.
21. Fertilizer, pesticide, fungicide, rodenticide, or herbicide shall be properly stored, handled and used in accordance with applicable regulations.
22. The master log books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
23. The permittee shall 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

24. Pursuant to the MAUCRSA, Health and Safety Code Section 19322(a)(9), an applicant seeking a cultivation license shall "provide a statement declaring the applicant is an 'agricultural employer,' as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 commencing with Section 1140) of Division 2 of the Labor Code), to the extent not prohibited by law."
25. 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).
26. 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.
27. 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. Onsite housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.

28. 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. Onsite housing, if any

29. Term of Commercial Cannabis Activity Special Permit. Any Commercial Cannabis Activity Permit issued pursuant to the CMMLUO shall expire one (1) year after date of issuance, and on the anniversary date of such issuance each year thereafter, unless an annual compliance inspection has been conducted and the permittees and the permitted site have been found to comply with all conditions of approval.

30. 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 re-inspection to determine whether or not the permit holder has cured all issues of noncompliance. Failure to request re-inspection or to cure any items of noncompliance shall terminate the Special Permit, immediately upon the expiration of any appeal period, or final determination of the appeal if an appeal has been timely filed pursuant to Section 55.4.13.

31. 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.
32. Acknowledgements to Remain in Full Force and Effect. Permittee acknowledges that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this section in the event that environmental conditions, such as a sustained drought or low flows in the watershed in which the cultivation area is located, will not support diversions for irrigation.
33. Transfers. Transfer of any leases or permits approved by this project is subject to the review and approval of the Planning Director for conformance with 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.
34. Inspections. The permit holder and subject property owner are to permit the County or representative(s) or designee(s) to make inspections at any reasonable time deemed necessary to assure that the activities being performed under the authority of this permit are in accordance with the terms and conditions prescribed herein.

Informational Notes:

1. Pursuant to Section 314-55.4.11(a) of the CMMLUO, if upon inspection for the initial application, violations of any building or other health, safety, or other state or county statute, ordinance, or regulation are discovered, the Planning and Building Department may issue a provisional clearance or permit with a written approved Compliance Agreement. By signing the agreement, the permittee agrees to abate or cure the violations at the earliest opportunity but in no event more than two (2) years after the date of issuance of the provisional clearance or permit. Plans for curing the violations shall be submitted to the Planning and Building Department by the permittee within one (1) year of the issuance of the provisional certificate or permit. The terms of the compliance agreement may be appealed pursuant to Section 314-55.4.13 of the CMMLUO.
2. This provisional permit approval shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"), except where the Compliance Agreement per Condition of Approval #B.11 has been executed and the corrective actions pursuant to the agreement are being undertaken. Once building permits have been secured and/or the use initiated pursuant to the terms of the agreement, the use is subject to the Permit Duration and Renewal provisions set forth in Conditions of Approval #B.29 and B.30 of the Ongoing Requirements/Development Restrictions, above.
3. If cultural resources are encountered during construction activities, the contractor onsite 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.

4. The applicant shall be aware that the Federal Government considers the cultivation of cannabis to be an illegal activity. This project is accessed by using roads that pass-through lands owned by the Federal Government. The Federal Government may not allow the applicant to use these roads to transport cannabis. In such case, Humboldt County will not provide relief to the applicant. Approval of this permit does not authorize transportation of cannabis across Federal lands.

ATTACHMENT 2

**CEQA ADDENDUM TO THE
MITIGATED NEGATIVE DECLARATION FOR THE COMMERCIAL MEDICINAL MARIJUANA LAND USE
ORDINANCE**

**Commercial Medical Marijuana Land Use Ordinance Mitigated Negative Declaration (MND)
(State Clearinghouse # 2015102005), January 2016**

**APN 217-391-015; Sylvan Glade Road, Blocksburg, CA 95514
County of Humboldt**

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

April 2021

BACKGROUND

Purpose of Addendum

Section 15164 of the California Environmental Quality Act (CEQA) provides that the lead agency shall prepare an addendum to a previously certified Mitigated Negative Declaration (MND) 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 MND 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 MND 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 previous MND was certified as complete, shows any of the following: A) the project will have one or more significant effects not discussed in the previous MND; B) significant effect previously examined will be substantially more severe than shown in the previous MND; 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 previous MND would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Project History

The Commercial Medical Marijuana Land Use Ordinance (CMMLUO) established specific regulations for commercial cannabis operations in Humboldt County. The CMMLUO was considered a "project" under CEQA and thus required analysis for potential environmental impacts. Therefore, the CMMLUO regulations were developed and adopted in concert with the environmental analysis and MND that was adopted for the ordinance in 2016.

The MND addressed the broad environmental impacts that could be expected to occur from the adoption and implementation of the ordinance. The MND specified that the regulations established in the CMMLUO would mitigate the impacts of existing cannabis operations and unregulated land use to help prevent and reduce environmental impacts that are known to result from unpermitted baseline cultivation operations. Commercial cannabis cultivation in existence as of December 31, 2015, was included in the environmental baseline for the MND. The MND states that "Bringing existing operations into compliance will help to attenuate potential environmental effects from existing cultivation activities, including aesthetic impacts resulting from improper operation or poor siting." As applications are filed for new or differing cultivation activities, the "modification" to the CMMLUO is evaluated for consistency and compliance with the CMMLUO MND.

Modified Project Description

The modified project involves a Conditional Use Permit (CUP-16-814) for a total of 11,910 square feet (SF) of existing outdoor cannabis cultivation and a 400-SF ancillary nursery. The outdoor cultivation area is comprised of two (2) full-term cultivation areas, CA 1 (6,010 SF) and CA 2 (3,900 SF), and one (1) light-deprivation greenhouse (2,000 SF). Drying would occur onsite in a 1,800-SF facility, and further processing would occur offsite at a licensed third party facility. Besides the owner/operators, there would be no additional employees for this project. Electrical power is provided by a solar array, with a Honda 3000w generator to recharge batteries as necessary.

Irrigation water is sourced from a single point of diversion (POD) onsite, an unnamed spring which is tributary to Basin Creek (Registration No. D032806). Total estimated annual water use is 215,700 gallons (18.1 gallons/SF). Water is stored in one (1) 50,000-gallon hard plastic tank and one (1) 590,000-gallon rainwater catchment pond. Total water storage is 640,000 gallons. The project will be able to comply with full forbearance requirements during the required period (April 1 – October 31). The project area is located within the Basin Creek watershed and contains one (1) unnamed Class II stream and one (1) unnamed Class III stream.

A Water Resources Protection Plan (WRPP) prepared for the site identified several features that require improvement. A storage shed built in a wetland area must be relocated, and the disturbed area must be revegetated. The outlet of an old pond in the Class III stream channel must be lined and armored with clean rock. The 50,000-gallon water storage tank requires a County permit (**Condition 10**). Additional project features requiring attention are addressed in the Lake and Streambed Alteration Agreement (LSAA), discussed below.

A site assessment of the property conducted by Natural Resources Management Corporation determined that three (3) active cultivation areas and associated facilities are located within the SMA buffer zone, which is the area within 100 feet of a Class I or II watercourse and 50 feet of a Class III watercourse. The applicant has been conditioned to remove and relocate all cultivation activities to outside of the SMA, which is reflected on the current Site Plan (**Condition 10**).

An LSAA has been filed with the California Department of Fish and Wildlife (CDFW) to address all work to be done within the waterways (No. 1600-2016-0298-R1). Work includes the removal of trash and soil from an unnamed Class III stream, rock armoring of an on-stream pond outlet to minimize erosion, and removing and replacing undersized culverts at four (4) stream crossings. Stream crossing two (STX2) requires a minimum 18-inch diameter culvert; stream crossings three and four (STX3 and STX4) require a minimum 36-inch diameter culvert; and stream crossing five (STX5) requires a minimum 24-inch diameter culvert. The LSAA also addresses water diversion for irrigation and domestic purposes from a single POD onsite (**Condition 11**).

The LSAA establishes specific mitigation measures that the applicant must apply to offset potential impacts to waterways within the area. The mitigation measures are summarized as follows: 1) Document all activities that occur within waterways at the project site; 2) All work (excluding the water diversion) shall be confined to the dry weather period, from May 15 through October 1 of each year; 3) Water diversion structures shall be constructed and maintained to not inhibit the movement of aquatic life; 4) Erosion and runoff protection measures shall be placed and maintained along streambanks prior to any construction activities; and 5) The completed project shall be inspected by Natural Resource Management Corporation or a licensed engineer to ensure the stream crossings were installed as designed, and a copy of the inspection report shall be submitted to CDFW within 90 days of project completion (**Condition 11**).

A Botanical Survey Report was prepared by Claire Brown and Jenell Jackson of the Natural Resources Management Corporation (August 17, 2019). The report identified no special status plant species within the project area. Potential habitat for several plant species exists within the project area, including Pacific gilia, Humboldt County milk-vetch, Rattan's mil-vetch, maple leaved checkerbloom, Siskiyou

checkerbloom, beaked tracyina, and Humboldt County wyethia. Separate field surveys on June 13, 2019 and July 22, 2019 were seasonally appropriate to detect these species, but no populations were observed.

A population of Rattan's milk vetch was found outside the project area and is unlikely to be directly impacted by the project. However, the population abuts an area planned for stream restoration, including hand removal of the invasive plant periwinkle). Therefore, the report identifies the following mitigation measures to protect the population of Rattan's milk vetch: 1) Flag the area to be protected, and 1) Ensure all personnel participating in the removal of periwinkle are made aware of populations of Rattan's milk vetch and instructed to avoid trampling, vegetation removal, or otherwise altering the habitat of these areas (**Condition 12**).

An archaeological survey report was prepared by Alex DeGeorgey of Alta Archaeological Consulting (February 15, 2018). Mr. DeGeorgey conducted a field survey on August 9, 2017, found no significant historic resources within the project area, and concluded that the project is not anticipated to have an adverse effect on significant cultural resources. Consultation letters were sent to Native American groups associated with the project area. Rachel Sundberg, Tribal Historic Preservation Officer for the Cher-Ae Heights Indian Community of the Trinidad Rancheria, responded that the project is situated outside the tribe's area of cultural concern. Janet Eidsness, Tribal Historic Preservation Officer for the Blue Lake Rancheria of the Wiyot, Yurok, and Hupa Indians, also indicated that the project is situated outside the tribe's area of cultural concern.

The report recommends establishing protocols to protect cultural resources and/or human remains which may be discovered inadvertently during project work. The Bear River Band of the Rohnerville Rancheria requested a heightened Inadvertent Discovery Protocol be established since artifacts were identified in close proximity to the property. Therefore, the applicant has been conditioned to follow Inadvertent Discovery Protocol if they find suspected cultural resources, and to provide a new archaeology survey report if any new proposed development is proposed outside of the area that was surveyed (**Condition 13**).

The project area is located at Sylvan Grade Road, near the unincorporated community of Blocksburg in southern Humboldt County. Sylvan Glade Road is accessed via Homestead Road, which extends from Alderpoint Road, a County-maintained road. The County Department of Public Works (DPW) evaluated Homestead Road and determined it is developed to the equivalent of a road category 4 standard. The intersection of Homestead Road and Alderpoint Road does not meet County standards. Prior to commencing operations, DPW will require the applicant to improve the access road encroachment to meet County visibility ordinance and encroachment permit standards, which entails paving the access road for a minimum width of 20 feet and length of 50 feet (**Condition 14**).

The applicant proposes constructing a new road to access relocated cultivation areas. Road construction shall be consistent with specifications outlined in the Grading, Drainage and Erosion Control Plan prepared by Omsberg and Preston on June 7, 2019 (**Condition 21**).

The modified project is consistent with the adopted MND for the CMMLUO because it complies with all standards of the CMMLUO, which were intended to mitigate impacts of existing cultivation.

Summary of Significant Project Effects and Required Mitigation

No changes are proposed for the mitigation measures identified in the original MND. The proposal to authorize the continued operation of an existing cannabis cultivation site, consisting of 11,910 SF of existing outdoor cultivation within two (2) full-term cultivation areas and one (1) light deprivation greenhouse, along with a 400-SF ancillary nursery, is fully consistent with the impacts identified and adequately mitigated in the original MND. The project, as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the MND. Compliance with the CMMLUO ensures consistency with the adopted MND and provides for

mitigation of all project related impacts to a less than significant level.

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

- Site Plan prepared by Green Road Consulting, dated 9/18/2020
- Cultivation and Operations Plan prepared by Green Road Consulting, received 9/23/2019
- Lake and Streambed Alteration Application for California Department of Fish and Wildlife, (Notification # 1600-2016-0298-R1), received 10/3/2016
- Northwest Information Center (NWIC) records search conducted by Bryan Much on 6/22/2017
- County Department of Public Works Road Evaluation Report, dated and received 9/28/2019
- CAL FIRE application communication with Del Norte Unit, dated 6/5/2017

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.

For every environmental topic analyzed in this review, the potential environmental impacts of the current project proposal, Blocksburg Family Farms, would be the same or similar. There would be no new significant environmental impacts or a substantial increase in the severity of previously identified significant impact, than the initial CMMLUO project for which the MND was adopted. Based upon this review, the following findings are supported.

FINDINGS

1. The proposed project will permit an existing 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 MND was adopted as complete.

CONCLUSION

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

Attachment 3 Application Report of 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)**
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. (Site Plan prepared by Green Road Consulting dated 9/18/2020, **Attached**)
4. A cultivation and operations plan that meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; 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. (Cultivation and Operations Plan prepared by Green Road Consulting, received 9/23/2019 – **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. **(On file)**
6. Description of water source, storage, irrigation plan, and projected water usage. (Included in Cultivation Operations Plan, item 4 above - **Attached**)
7. Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the North Coast Regional Water Quality Control Board demonstrating enrollment in Tier 1, 2 or 3, North Coast Regional Water Quality Control Board Order No. 2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. **(On file)**
8. If any onsite or offsite 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 June 22, 2020 (LSAA# 1600-2016-0298-R1). **(On file)**
9. If the source of water is a well, a copy of the County well permit, if available. **(Not applicable)**
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. (Project is in compliance with CAL FIRE)

11. Consent for onsite inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. **(On file)**
12. Acknowledgment 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)**
13. Acknowledgment 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)**
14. Division of Environmental Health Attachment for Commercial Medical Marijuana (CMM) Clearances/ Permits (DEH Form). **(On file)**



Site Plan Overview and Cultivation and Operations Plan

Applicant/Owner

Next Gen Farms, Inc.

PO Box 238

Blocksburg, CA 95514

Parcel: 217-391-15

Agent

Kaylie Saxon

Green Road Consulting

1650 Central Avenue, Suite C

McKinleyville, CA 95519



Table of Contents

I.	Site Plan Overview	
	1.0 – Project Information.....	3
	2.0 – Project Location.....	3
	2.1 – Zoning Classification.....	3
	2.2 – Site Topography.....	3
	3.0 – Easements.....	3
	4.0 – Natural Waterways.....	4
	5.0 – Location and Area of Existing Cultivation.....	4
	6.0 – Setbacks of Cultivation Area.....	5
	7.0 – Access Roads.....	5
	8.0 – Graded Flats.....	5
	9.0 – Existing and Proposed Buildings.....	5
	10.0 – Water Storage, Use and Watershed Protection.....	6
	10.1 – Water Storage.....	6
	10.2 – Water Use.....	6
	10.3 – Watershed Protection.....	6
	11.0 – Distances from Significant Landmarks.....	6
II.	Cultivation and Operations Plan.....	6
	1.0 – Water Use.....	6
	2.0 – Watershed Protection.....	7
	3.0 – Materials Storage.....	7
	4.0 – Cultivation Activities.....	7
	5.0 – Processing Practices.....	7
	6.0 – Security Measures.....	8

I. Site Plan Overview

1.0 Project Information

Next Gen Farms ("Applicant") is submitting this application for a Type III Use Permit for an outdoor commercial cannabis cultivation on a 54.77-acre parcel, located in Blocksburg, CA ("Parcel"), Assessor's Parcel Number 217-391-015. This application is submitted through their agent, Kaylie Saxon of Green Road Consulting, Inc., and has been prepared in accordance with Humboldt County's ("County") Commercial Medical Marijuana Land Use Ordinance ("CMMLUO").

The Use Permit would achieve the following results for the Applicant:

- a. Permit 20,800 square feet of outdoor commercial cannabis cultivation activities that were in existence prior to January 1, 2016, in compliance with the County CMMLUO.
- b. Comply with applicable standards for water quality maintenance and watershed protection through the Waiver of Waste Discharge requirements of the North Coast Regional Water Quality Control Board ("Water Board") and California Department of Fish and Wildlife ("Fish and Wildlife").

2.0 Project Location

The Applicant's Parcel is located in the inland zone of Humboldt County near Blocksburg, CA. The Parcel is comprised of 54.77-acres and is identified by Assessor's Parcel Number ("APN") 217-391-015. There is no street address listed for this parcel.

2.1 Zoning Classification

The County's Zoning Classification of the Parcel is FR-B-5 (40) with a Current General Plan AL40 (FRWRK). The CMMLUO permits existing outdoor commercial cannabis cultivation on land zoned as FR with cultivation sites between 10,001 and 43,560 square feet with a Use Permit.

2.2 Site Topography

A map of the Parcel's topography is included as Attachment "A."

3.0 Easements

The following is from the Legal Description "Exhibit A" of the Grant Deed, a copy of which is included in the Evidence of Ownership and Authorization section of this application.

"THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE UNINCORPORATED AREA IN COUNTY OF HUMBOLDT, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

PARCEL ONE

Parcel numbered 48 as shown on that certain Parcel Map No.64, recorded in the Humboldt County Recorder's Office, Book 1 of Parcel Maps, pages 95 through 114, inclusive.

Reference to said Parcel Map No.64 does not constitute a recognition or creation of any rights or easements in the roads as shown on said parcel map, said roads having been relocated and superseded by the roads shown on the Record of Survey shown in Parcel Two below.

PARCEL TWO

A non-exclusive easement for ingress, egress and public utility purposes, fifty (50) feet in width, the center line of which is as shown on that certain Record of Survey recorded in Book 37 of Surveys, pages 41 through 48, inclusive, Official Records, Humboldt County Records; the easement as shown on said record of survey supersedes the easements as shown on Parcel Map No.64 referred to in Parcel One above.

4.0 Natural Waterways

The Parcel has three (3) unnamed Class II watercourses, two (2) unnamed Class III watercourse and two (2) springs. See Sheet PO of the Site Plan, included in the Site Plan of Entire Parcel section of this application.

The Applicant has a Water Resource Protection Plan ("WRPP") for the Parcel and is enrolled in the Water Board's Waiver of Waste Discharge program as a Tier II discharger. A copy of the WRPP is included in the Other Permits, Licenses and Documents section of this application.

5.0 Location and Area of Existing Cultivation

The 20,800 square feet of cannabis cultivation is proposed to occur in three (3) locations on the Parcel and can be viewed on sheet PO of the Site Plan, included in the Site Plan of Entire Parcel section of this application.

Cultivation Area #1

Cultivation Area #1 is located in the southern section of the Parcel. It consists of approximately 10,700 square feet of outdoor cultivation and meets all buffer zone and setback requirements of the Water Board and County.

Cultivation Area #2

Cultivation Area #2 is located in the southern section of the Parcel to the east of Cultivation Area #1. It consists of approximately 6,900 square feet of outdoor cultivation and meets all buffer zone and setback requirements of the Water Board and County.

Cultivation Area #3

Cultivation Area #3 is located in the southern section of the Parcel to the south of Cultivation Areas #1 and #2. It consists of approximately 3,200 square feet of outdoor cultivation and meets all buffer zone and setback requirements of the Water Board and County.

6.0 Setbacks of Cultivation Area

Cultivation Area #1

Cultivation Area #1 is setback from the western parcel line by 368 feet and the northern parcel line by 1,445 feet.

Cultivation Area #2

Cultivation Area #2 is setback from the eastern parcel line by 573 feet and the northern parcel line by at least 1,445 feet.

Cultivation Area #3

Cultivation Area #3 is setback from the eastern parcel line by 582 feet and the southern parcel line by 273 feet.

7.0 Access Roads

The Parcel is located off Sylvan Glade Road. All interior roads are in good condition and any erosion control or remediation measures are addressed in the applicant's WRPP.

8.0 Graded Flats

There are engineered, graded flats proposed on the Parcel. The Grading Plan has been submitted to the County and is included in the Other Permits, Licenses and Documents section of this application.

9.0 Existing and Proposed Buildings

Residence

The Residence is located near Cultivation Area #2. It is not used for any cultivation related activities.

Veg Room

The Veg Room is located near Cultivation Area #3. It holds minimal fluorescent lighting in order to keep plants in a vegetative state so they may reach a level of viability to begin flowering outdoors.

Once the vegetation cycle has been completed, the building will then be used to dry and cure harvested cannabis.

Shed #1

Shed #1 is located between Cultivation Area #1 and the large Water Tank. It holds basic farm tools and is used for storing nutrients and fertilizers.

9.0 Water Storage, Use and Watershed Protection

10.1 Water Storage

There is one (1) 50,000-gallon water storage tank on the site as shown on sheet PO of the Site Plan. The Applicant is also proposing a 590,000-gallon rainwater catchment pond, the engineered plans for which are included in the Other Permits, Licenses and Documents section of this application.

10.2 Water Use

The amount of water used for the cultivation of cannabis will vary throughout the year, with peak periods of water use occurring during the summer months. The Applicant's cultivation and water use is outlined in the Cultivation and Water Usage Chart, attached as Attachment "B."

All irrigation will be completed by a timed, drip irrigation system and is agronomically supplemented by hand with a low flow watering head as necessary during the summer months.

10.3 Watershed Protection

The Parcel has three (3) unnamed Class II watercourses, two (2) unnamed Class III watercourse and two (2) springs. See Sheet PO of the Site Plan, included in the Site Plan of Entire Parcel section of this application.

The Applicant's WRPP covers all watershed protection drainage and any erosion control or remediation measures necessary.

10.0 Distances from Significant Landmarks

There are no schools, school bus stops, state parks, places of worship or Tribal Cultural Resources within 600 feet of the cultivation site. There also are not any off-site residences within 300 feet of the cultivation site

II. Cultivation and Operations Plan

1.0 Water Use

The amount of water used for the cultivation of cannabis will vary throughout the year, with peak periods of water use occurring during the summer months. The Applicant's cultivation and water use is outlined in the Cultivation and Water Usage Chart, attached as Attachment "B."

All irrigation will be completed by a timed, drip irrigation system and is agronomically supplemented by hand with a low flow watering head as necessary during the summer months.

2.0 Watershed Protection

The Parcel has three (3) unnamed Class II watercourses, two (2) unnamed Class III watercourse and two (2) springs. See Sheet PO of the Site Plan, included in the Site Plan of Entire Parcel section of this application.

The Applicant's WRPP covers all watershed protection drainage and any erosion control or remediation measures necessary.

3.0 Site Drainage, Runoff and Erosion Control Measures

All Site Drainage, Runoff and Erosion Control Measures are outlined in the Applicant's Included WRPP.

4.0 Materials Storage

Currently, there are no pesticides or herbicides registered specifically for use directly on cannabis. The applicant only uses products accepted under legal pest management practices for cannabis growers in California.

All fertilizers and amendments are located in Shed #1 on the Parcel. Fertilizers and amendments are placed on the shelves and floor where any spill will be contained. Currently, the applicant is using approved fertilizers and amendments. If any foliar sprays are used, they are discontinued at least one (1) month prior to harvest.

All labels are kept and directions are followed when nutrients are applied. The storage area is in need of posted instructions for storing fertilizers and amendments, instructions for cleaning up spills and a spill kit that contains a container, gloves, towels, absorbent socks and an absorbent material (kitty litter). This is outlined in the Applicant's WRPP.

5.0 Cultivation Activities

Cultivation activities may vary based on climate, strain and applicants personal schedule and will be occurring year-round with two (2) harvest's performed in July and October. While the Applicant maintains an outdoor cultivation space, minimal T-5 artificial lighting will be necessary to supplement plants during their vegetative state prior to moving to the outdoors for flowering.

Approved fertilizer and nutrients will be used with minimal foliar sprays that are discontinued at least one (1) month prior to harvest. The applicant will be pulling tarps over the greenhouses to have two (2) harvests via light deprivation. Tarps will be pulled by hand and will not have any negative effects to the surrounding area.

6.0 Processing Practices

Plants will be harvested one at a time using hand shears and may be taken into the Veg Room where it will be dried, machine trimmed outdoors and stored. The applicant is looking into the viability of building a new structure for employees for onsite hand trimming or a viable 3rd party permitted processing company.

All work surfaces and equipment are maintained in a clean, sanitary condition. Protocols to prevent the spread of mold are strictly followed. The final cannabis product is stored in a secure location.

All cultivation related waste will be stored in the proper water tight receptacles and removed weekly. Any green waste will be piled and kept well away from any watercourse. Green waste is composted on site.

The Applicant will be utilizing any Track and Trace program the County seeks to implement, abiding by all appropriate record keeping practices.

6.0 Security Measures

The Parcel is fenced and the one access road to the property is gate. The cultivation area is under video security with a closed loop camera system.

217-391-015
K. 3/20/20
10814
Cup 16-071

Paul, Gayle

From: Hilton, Keenan
Sent: Friday, June 5, 2020 1:09 PM
To: Paul, Gayle
Subject: FW: Project 10814 Requested information



Please update all records with the email below:

"10814 Addendum to Cult Ops 6.5.20"

From: dakota ringo <djringo89@gmail.com>
Sent: jueves, 4 de junio de 2020 10:12 p. m.
To: Hilton, Keenan <KHilton@co.humboldt.ca.us>
Subject: Project 10814 Requested information

For 10814 I believe there are several outstanding items from my 5-7-20 email that have not yet been addressed, including:

- You assessment of lower impact cult methods at relocation site
- photos of relocation site and clear communication of how the proposal has changed

1. We plan on seeding any open soil with grass seed, potentially planting native plants as well.
2. Limiting the amount of grading. The lay of the land is pretty flat. There will be grading needed but overall it will be minimal to make a semi level area. The photos I am sending can reflect that.
3. We have also had our engineers re route the road to take shorter route up to the proposed site. Eliminating a large portion of the grading that was originally proposed.
4. We will be planting in the ground and using drip irrigation.
5. In the off season we will be covering all garden areas with cover crop. Usually we use a sweet pea mix it creates a nice green layer and provides nutrients for the soil.
6. Pathways and the road will be rocked eliminating dust or sediment. Wattles will be used as well for any areas needed.

Please let me know if there are any further requested items you need for this project? I was under the impression you were speaking with NRM and Omsberg about the other items needed. Thank you

Hilton, Keenan

From: Nancy Nunez <nancynunez90@yahoo.com>
Sent: Friday, September 27, 2019 10:27 AM
To: Hilton, Keenan
Subject: Re: Question Regarding my meeting with Kim

I wanted to let you know so the operation plan was updated. At APN 218391015 we are putting up a temporary drying tent/honing for drying our harvest it is located right next to the large steel water tank. It will be taken down once drying is finished.

Sent from my iPhone

On Sep 26, 2019, at 11:29 AM, Hilton, Keenan <KHilton@co.humboldt.ca.us> wrote:

Tuesday, October 1 at 2pm works. I will see you then.

<image001.png> | Keenan Hilton
Planner, Cannabis Services Division
[Planning and Building Department](#)
707.268.3722

Redway Office Hours

Monday and Wednesday, 9:30 am to 3:30 pm

3156 Redwood Dr, Redway (707) 383-4100

Mondays – Building, Current Planning and Code Enforcement

Wednesdays – Building, Cannabis Planning and Long Range Planning

From: Nancy Nunez <nancynunez90@yahoo.com>
Sent: Thursday, September 26, 2019 11:16 AM
To: Hilton, Keenan <KHilton@co.humboldt.ca.us>
Subject: Re: Question Regarding my meeting with Kim

Okay how does Tuesday at 2 work?

Sent from my iPhone

On Sep 26, 2019, at 10:15 AM, Hilton, Keenan <KHilton@co.humboldt.ca.us> wrote:

Hi Nancy,

I could meet either on Tuesday or Thursday. My schedule is pretty open those days, so whatever time after 9:30 should work for me.

<image001.png> | Keenan Hilton
Planner, Cannabis Services Division

10814
Hilton, Keenan

From: Nancy Nunez <nancynunez90@yahoo.com>
Sent: Wednesday, September 18, 2019 2:00 PM
To: Hilton, Keenan
Subject: APN 217391015 updated information for the cultivation operations plan.

1. The primary water source is a spring. We estimated to catch water in some of our water tanks around October 1.
2. We run everything on drip systems now so it's been varying on water usage. Now I estimate we use 1500 to 2000 gallons per water and we water about twice a week.
3. We keep about 20 gallons of fuel on site 4. We have 3 employees one lives there and the other two car pool in a Toyota down the driveway but we usually only need one person there since everything is automated.
5. We currently are not using any supplemental lighting.

Sent from my iPhone

Cultivation Area Verification (CAV)¹

Apps# 10814 / APN: 217-391-015

1) Amount and type applied for:

Application Outdoor Square Footage: 20,800 sq ft
Application Mixed Light Square Footage: 1

2) Enter amount of verified cultivation area:

Existing Outdoor Square Footage: 10,100 sq ft 12,500 *etc*

Existing Mixed Light Square Footage: 980 sq ft

3) Enter base year date and source (e.g. 10/27/15 - TerraServer or May 28, 2014 - Google Earth etc)

Base Year Date and Source: TS 2015-08-29 = 11,080 sq ft

4) Enter person performing verification:

Verified By: Laco T.H.

5) Enter date of verification (e.g. current date)

Date Verified: 4.9.18

6) Attach Evidence of Verification (e.g. TerraServer photos w/ polygons etc.)

7) Write "CAV" on the outside of the project file.

8) Please note any observed expansions, relocations, timber conversions, or ground disturbances:

Notes: Redid CAV with imagery earlier in the

year, potentially during the growing season

Counting by pots with new protocol shows no less

CAV
4/9/18 New CAV found add'l cultivation, still expansion

11/5/18 Accept GRC CAV @ 12,500 sq ft outdoor

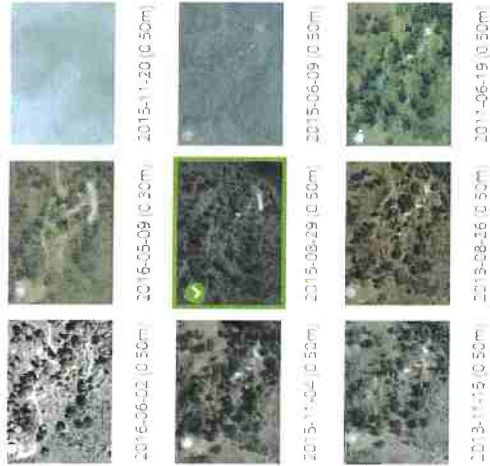
¹ (55.4.7 Definitions) "Cultivation Area" means the sum of the area(s) of cannabis cultivation as measured around the perimeter of each discrete area of cannabis cultivation on a single premises, as defined herein. Area of cannabis cultivation is the physical space where cannabis is grown and includes, but is not limited to, garden beds or plots, the exterior dimensions of hoop houses or green houses, and the total area of each of the pots and bags containing cannabis plants on the premises. The cultivation area shall include the maximum anticipated extent of all vegetative growth of cannabis plants to be grown on the premises.

Latitude: 40.281 Longitude: -123.6...



Image Drawer

Date Range All Images



Approximately

- A: 3,500
- B: 950
- C: 4,400
- D: 1,250
- E: 980

= 11,080 square feet of
existing cultivation measured
from 2015



2015

2/3



Cultivation Area Verification (CAV)

1) Enter amount of verified cultivation area:

Existing Outdoor Square Footage: 6,928

Existing Mixed Light Square Footage: 0

2) Enter base year date and source (e.g. 2014 – GIS or 10/27/15 – TerraServer or May 28, 2014 – Google Earth etc)

Base Year Date and Source: 2015 Terraserver

3) Enter person performing verification:

Verified By: KH

4) Enter date of verification (e.g. current date)

Date Verified: 11/28

5) Attach Evidence of Verification (e.g. TerraServer photos w/ polygons etc.)

6) Write "CAV" on the outside of the project file to indicate that cultivation area verification is completed for project.

* Expanded

Verified 12/28/17 w/ Kylee



Image Drawer

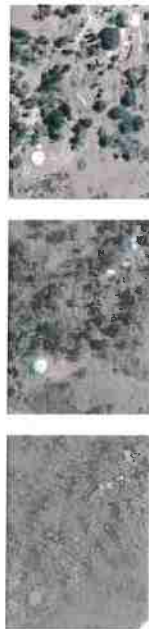
Date Range All Images



2017-03-14 (0.50m) 2016-06-08 (0.30m)



2017-03-12 (0.50m) 2016-05-09 (0.30m)



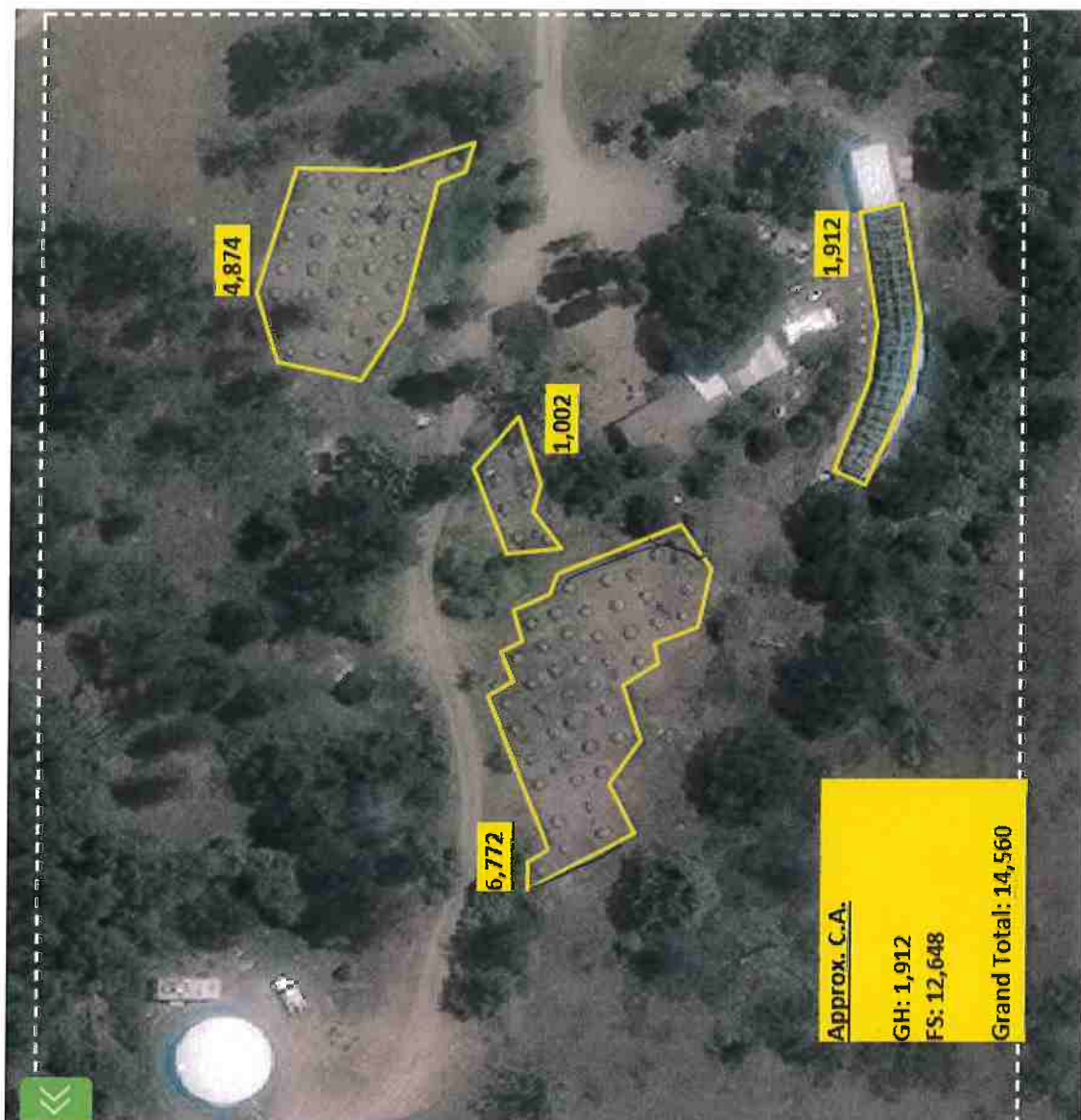
2016-06-02 (0.50m) 2010-06-16 (0.30m)



2016-06-02 (0.50m) 2015-11-04 (0.50m)



2016-06-02 (0.50m) 2015-11-04 (0.50m)



2016



Project Area = 

**AERIAL MAP
PROPOSED NEXT GEN FARMS, INC.
BLOCKSBURG AREA
CUP-16-071**

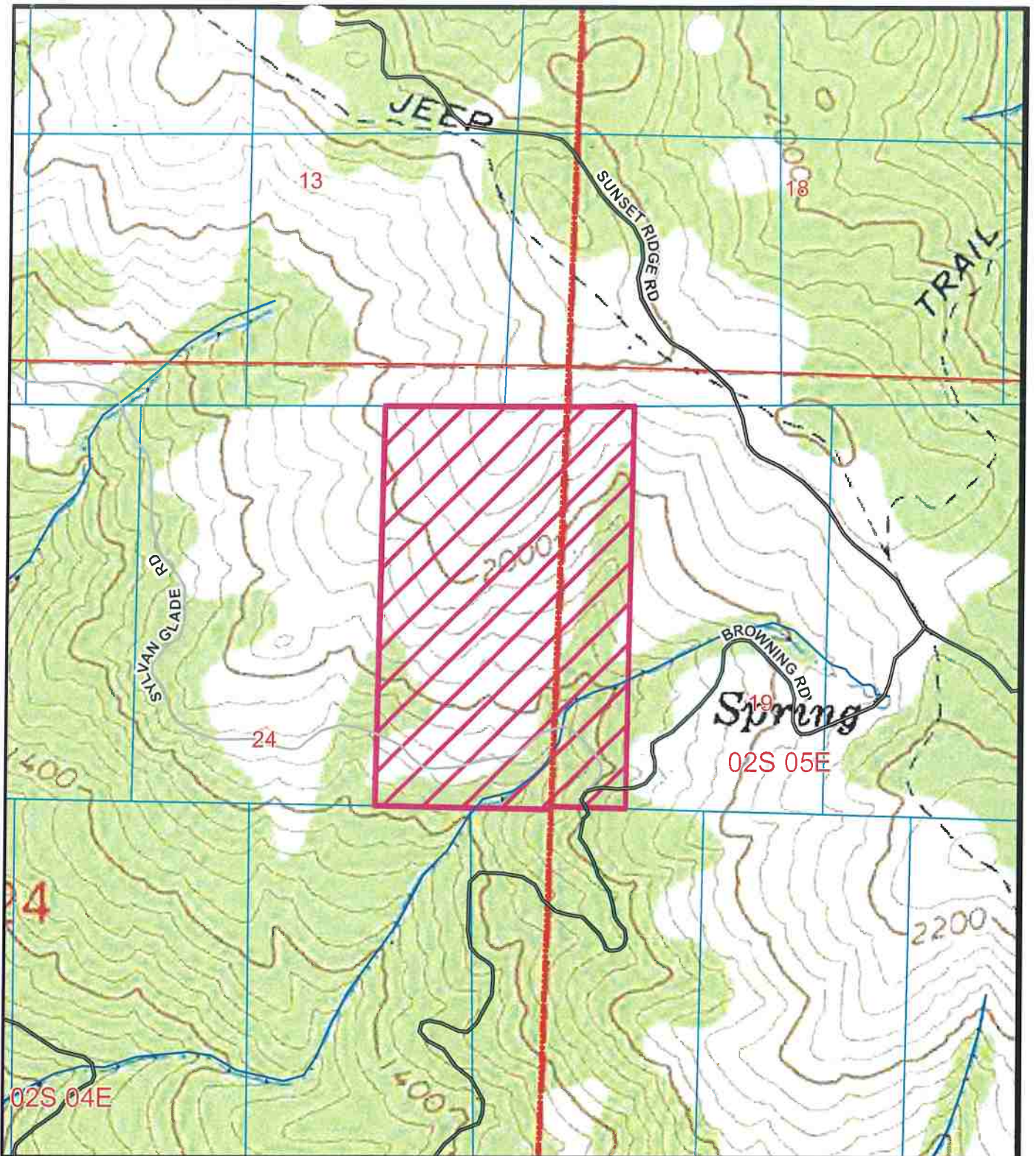
APN: 217-391-015

T02S R04E S24 & T02S R05E S19 HB&M (BLOCKSBURG)

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



0 125 250 500
Feet



**TOPO MAP
PROPOSED NEXT GEN FARMS, INC.
BLOCKSBURG AREA
CUP-16-071**

APN: 217-391-015

T02S R04E S24 & T02S R05E S19 HB&M (BLOCKSBURG)

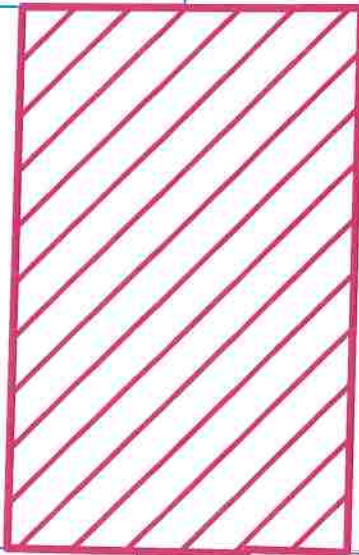
Project Area = 

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.

0 250 500 1,000 Feet



FR-B-5(40)



Project Area = 

**ZONING MAP
PROPOSED NEXT GEN FARMS, INC.
BLOCKSBURG AREA
CUP-16-071**

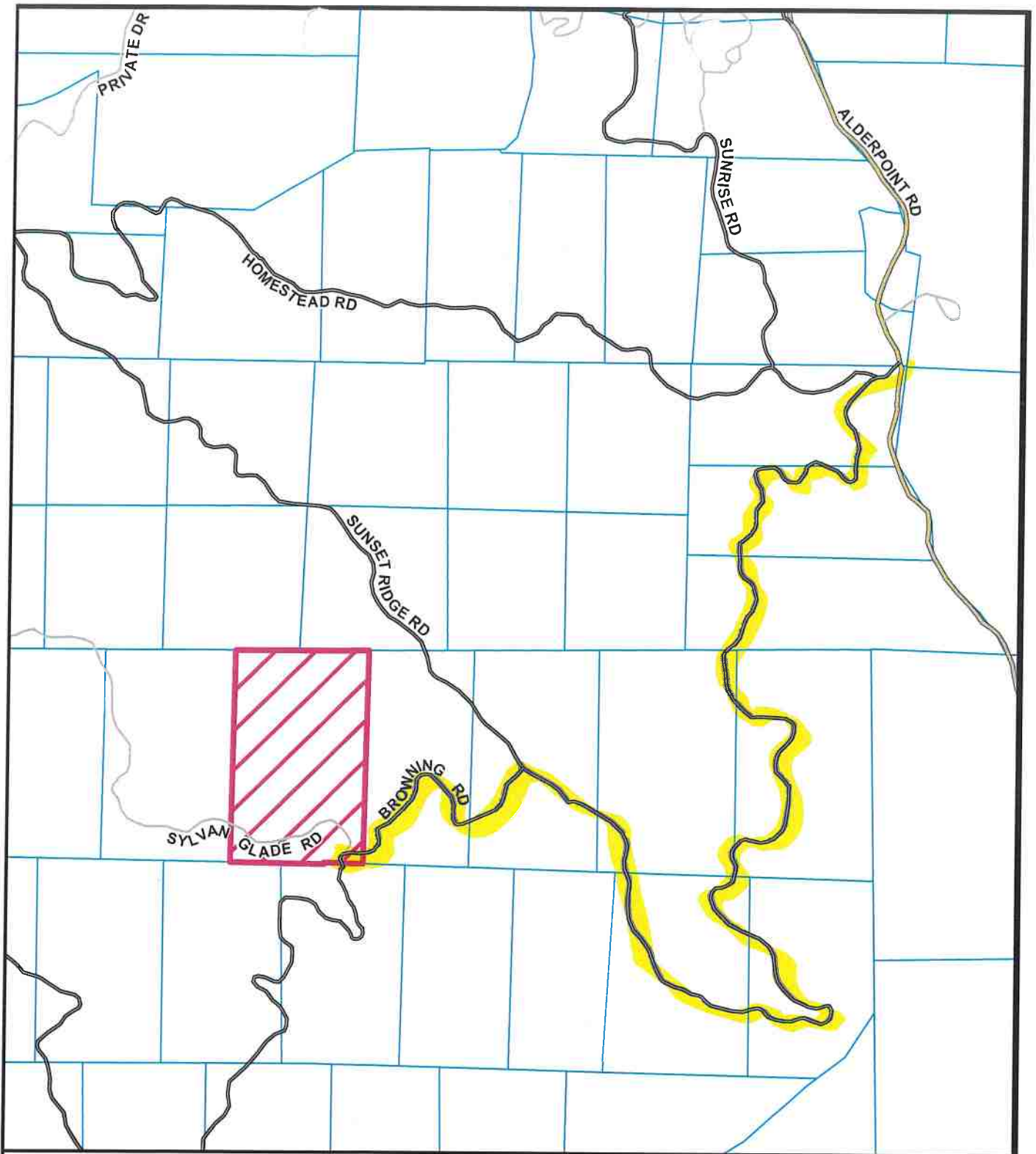
APN: 217-391-015

T02S R04E S24 & T02S R05E S19 HB&M (BLOCKSBURG)

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



0 250 500 1,000
Feet



**LOCATION MAP
PROPOSED NEXT GEN FARMS, INC.
BLOCKSBURG AREA**

CUP-16-071

APN: 217-391-015

T02S R04E S24 & T02S R05E S19 HB&M (BLOCKSBURG)

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.



0 0.125 0.25
Miles



Cultivation Area Verification (CAV)

APN: 217-391-015

July 19, 2018

Applicant: Dakota Ringo

Lat, Long: <40.2810, -123.6690>

GIS Acreage: 54.77

Our analysis consists of aerial imagery polygon measurements to estimate canopy square footage as seen from Google Earth Pro (GEP) and Terraserver satellite imagery. The parcel has a natural clearing present prior to August 1998 as seen on Google Earth Pro (GEP) satellite imagery.

Cannabis cultivation is first seen on the property with two greenhouses on August 23, 2012 from Google Earth aerial imagery. The two greenhouses remain on the property until the last seen image from Terraserver on May 23, 2018. On August 29, 2015, outdoor cultivation is seen on the property with approximately 11,100 square feet and the two greenhouses with an approximate 1,400 square feet, totaling to 12,500 square feet of cannabis cultivation. The image from August 29, 2015 was not clear and therefore only polygon measurements were taken using Terraserver's measurement tool. As of May 23, 2018, Terraserver satellite imagery clearly shows plants on the property and therefore measurements were taken using specific plant count with each plant covering 36 square feet totaling to an area of approximately 4,000 square feet for outdoor cultivation and 2,500 square feet for mixed-light cultivation. Without counting specific plants and only measuring the polygon surrounding the outdoor cultivation, the area for outdoor is approximately 11,000 square feet. Table 1 summarizes cannabis cultivation found and measured on August 29, 2015 and May 23, 2018.

Total Cultivation:

Table 1: Total Cultivation Area from August 2015 and May 2018 measured with Terraserver's polygon tool.

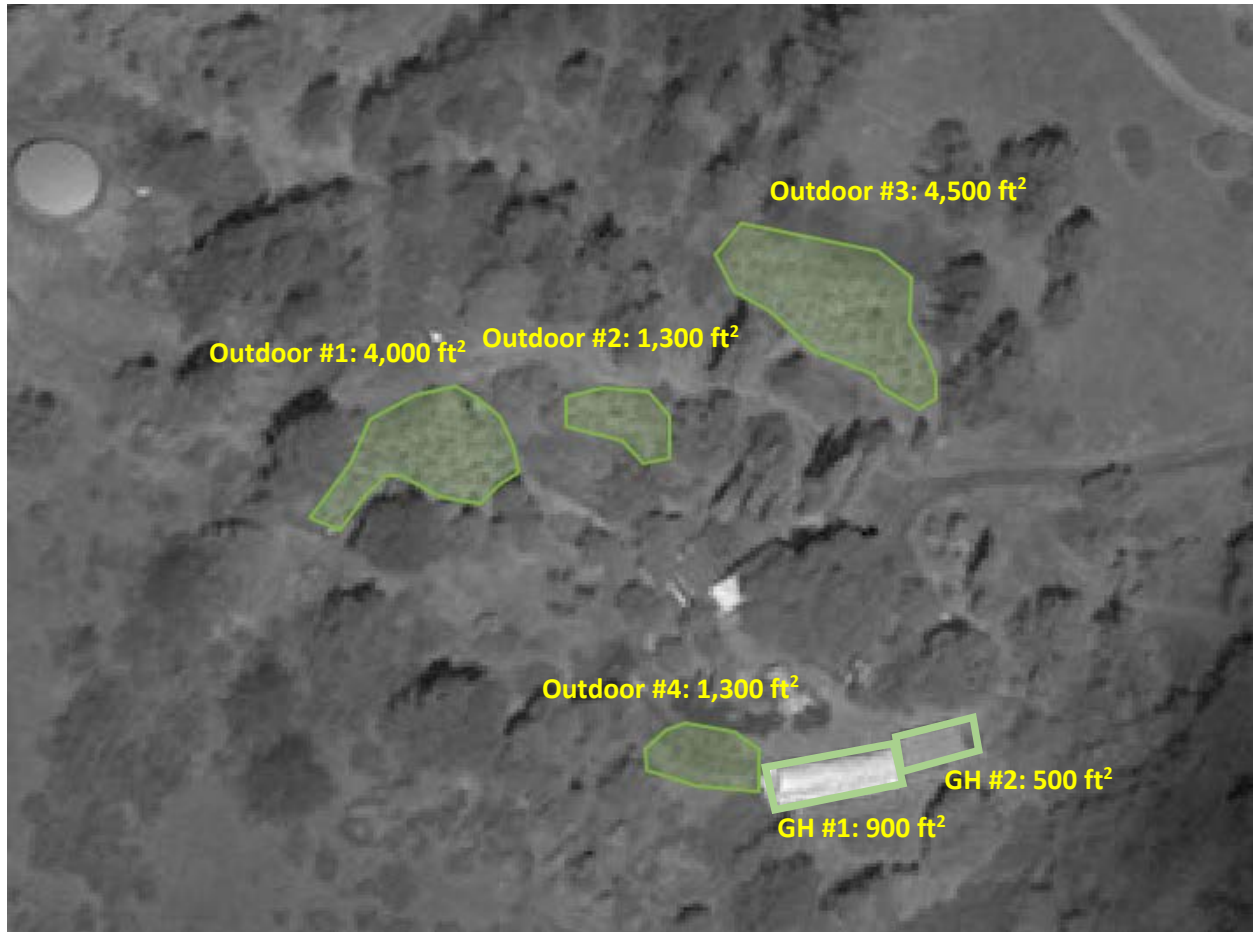
Cultivation Area			
Date	Mixed-light	Outdoor	Total Cultivation
August 2015	1,400 ft ²	11,100 ft ²	12,500 ft ²
May 2018 (specific plant count using 36 ft ² per plant)	2,500 ft ²	3,340 ft ²	5,840 ft ²
May 2018 (polygon measurements)	2,500 ft ²	11,000 ft ²	13,500 ft ²

August 23, 2012 (Google Earth Pro):



Yellow circle shows area of future outdoor cultivation and two greenhouses outlines in green.

August 29, 2015 (Terraserver):



Total Mixed-light Cultivation: 1,400 ft²

Total Outdoor Cultivation: 11,100 ft²

Total Cultivation: 1,400 ft² + 11,100 ft² = 12,500 ft²

May 23, 2018 (Terraserver):



Total Mixed-light Cultivation: 2,500 ft²

Total Outdoor Cultivation (specific plant count using 36 ft² per plant): 3,340 ft²

Total Outdoor Cultivation (without specific plant count, only using polygon measurement tool): 11,000

Total Cultivation (with specific plant count): 2,500 ft² + 3,340 ft² = 5,840 ft²

Total Cultivation (without specific plant count, only using polygon measurement tool): 2,500 ft² + 11,000 ft² = 13,500 ft²

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
Humboldt County Division of Environmental Health	✓	Conditional approval	Attached
Humboldt County Building Inspection Division		No response	
Humboldt County Public Works, Land Use Division	✓	Conditional approval	Attached
CAL FIRE	✓	Comments	Attached
Northwest Information Center (NWIC)	✓	Comments	On file and confidential
Bear River Tribal Band of the Rohnerville Rancheria	✓	Comments	On file and confidential
Humboldt County Counsel		No response	
California Department of Fish and Wildlife (CDFW)		No response	
North Coast Regional Water Quality Control Board (NCRWQCB)		No response	
Humboldt County District Attorney		No response	
Humboldt County Agriculture Commissioner		No response	
Humboldt County Sheriff		No response	
Southern Humboldt Joint Unified School District		No response	



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



DEH Received
6-5-17

PROJECT REFERRAL TO: Health and Human Services Environmental Health Division

16/17-1247

Project Referred To The Following Agencies:

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, Supervising Planner, Current Planning Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, Regional Water Quality Control Board, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, Humboldt County Sheriff, Southern Humboldt Joint Unified School District

Applicant Name Next Gen Farms, Inc. **Key Parcel Number** 217-391-015-000

Application (APPS#) 10814 **Assigned Planner** Joshua Dorris (707) 445-7541 **Case Number(s)** CUP16-071

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

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

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

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

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

We have reviewed the above application and recommend the following:

Conditional Approval

Comments:

Recommend conditional approval:

- Obtain permit for septic system within 12 months for existing dwelling.
- Prior to renewal of permit the operator is required to submit receipts, or copy of contract confirming sufficient use of portable toilets to serve (3)cultivation sites for duration of first year.

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



ARCATA-EUREKA AIRPORT TERMINAL
McKINLEYVILLE
FAX 839-3596

AVIATION 839-5401

DEPARTMENT OF PUBLIC WORKS

COUNTY OF HUMBOLDT

MAILING ADDRESS: 1106 SECOND STREET, EUREKA, CA 95501-0579
AREA CODE 707

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

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


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

LAND USE 445-7205



LAND USE DIVISION INTEROFFICE MEMORANDUM

TO: Joshua Dorris, Planner II, Planning & Building Department

FROM: Kenneth M. Freed, Assistant Engineer 

DATE: 06/23/2017

RE: NEXT GEN FARMS, INC., APN 217-391-015, CUP16-071, APPS# 10814

The Department of Public Works reviews projects for issues relating to the adequacy of the roadway network to accommodate the proposed use; issues relating to encroachments (such as driveways and private roads) onto County maintained roads; ensuring that any outstanding violations relating to County Encroachment Permit Ordinance and Visibility Ordinance have been addressed; identifying any necessary frontage improvements that are required along County maintained roads; impacts of projects on nearby airports; ensuring that deferred subdivision improvements, if any, are completed; and identifying impacts of the proposed project to adjacent County owned properties or facilities.

The Department's review of this project is limited to what is shown on the submitted plot plan and accompanying materials.

ROADS: The Department has not conducted a field investigation of the roadway(s) serving the subject property. The roadway(s) serving the subject property may or may not meet road category 4 standards. The road(s) may or may not have capacity to accommodate the proposed use. Prior to the project being presented to the Planning Commission (or Zoning Administrator) for approval, the applicant shall submit a Road Evaluation Report pursuant to County Code Section 313-55.4.11(u)(viii) "description of increased road use resulting from processing and a plan to minimize that impact". The Department has developed the attached Road Evaluation Report forms that are to be used.

See the attached diagram of the road(s) that need to be evaluated. The Department has used its best judgement to determine the offsite road(s) that would most likely be used for the project. If this is not the correct route that would be used, please contact the Department for clarification before preparing the *Road Evaluation Report*.

In general, road(s) must meet Category 4 road standards in being at least 20 feet in width when 2-way traffic is expected. In addition, a 4 foot wide shoulder is necessary when pedestrians are expected. However, 2-way traffic on a single lane road (Category 2 road) may be appropriate when a road serves only the cannabis operation and when no other parcels of land use the road for access.

Access roads not meeting the above standards must be improved to those standards, unless otherwise approved by the Department.

In lieu of constructing road improvements to meet a category 4 road standard, the Department may approve a *Neighborhood Traffic Management Plan*. The Department's criteria for approving a *Neighborhood Traffic Management Plan* is based upon site specific conditions; sound engineering judgment; the proposed ADT and DHV of the roads; the need to accommodate other road users (pedestrians, bicycles, equestrians, etc); and the frequency and quantity of traffic associated with the proposed use. The applicant's Civil Engineer can address this in Part B of the *Road Evaluation Report*.

The Department recommends that the Road Evaluation Report be submitted to the County prior to the project being presented to the Planning Commission for approval.

The subject property is located within the State Responsibility Area.

The intersection of the existing access road, Homestead Road, and the County road, Alderpoint Road, does not meet County standards. Prior to commencing operations, the access road encroachment shall be improved to meet the County visibility ordinance and encroachment permit ordinance standards. This requires that the access road encroachment be paved for a minimum width of 20 feet and a length of 50 feet. [References: County Code Sections 341-1, 411-51]

Prior to constructing improvements within a County maintained road right of way, the applicant shall apply for and obtain an encroachment permit from the Department of Public Works. [Reference: County Code 411-11(a)(b)]

Note: There may be other projects that have been conditioned to improve the road(s). Prior to constructing any improvements the Department recommends that the applicant determine what work has already been accomplished so that efforts are not duplicated.

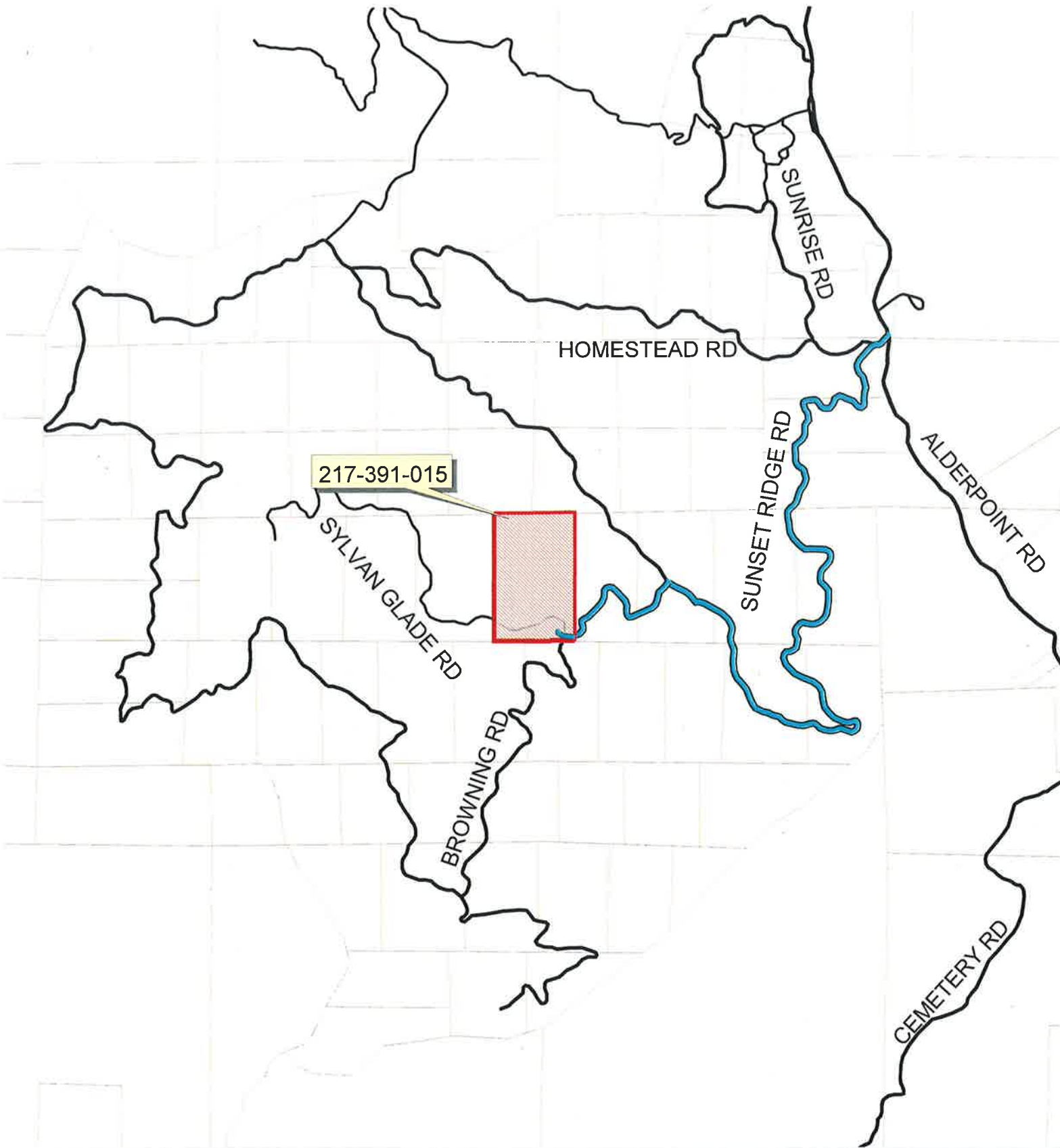
DRIVEWAYS: The driveway within the subject property has not been reviewed by the Department for conformance with Fire Safe Regulations (County Code Section 3112-12). This is an on-site issue that is to be reviewed by the Building Division or the Planning and Building Department.

AIRPORT: The subject property is not located near a public airport.

DEFERRED SUBDIVISION IMPROVEMENTS: The subject property does not have any deferred subdivision improvements that have not been fulfilled.

ADJACENT COUNTY OWNED PROPERTY OR FACILITIES: The proposed project does not have any impact on any adjacent county owned property or facilities.

// END //



Humboldt County Department of Public Works - Land Use Division Diagram of road(s) that need to be evaluated

Planning & Building Department File/Case No.: WP16-071



1000 0 1000 2000 Feet

RF -- 1:24000

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 and effect of law, rule, or regulation. Should any difference or error occur, the law will take precedence.



Indicates the project area



Indicates the access road(s) that need to be evaluated



DEPARTMENT OF PUBLIC WORKS
C O U N T Y O F H U M B O L D T

MAILING ADDRESS: 1106 SECOND STREET, EUREKA, CA 95501-0579
AREA CODE 707

ARCATA-EUREKA AIRPORT TERMINAL
McKINLEYVILLE
FAX 839-3596

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

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

AVIATION 839-5401

ADMINISTRATION 445-7491
BUSINESS 445-7652
ENGINEERING 445-7377
FACILITY MAINTENANCE 445-7493

NATURAL RESOURCES 445-7741
NATURAL RESOURCES PLANNING 267-9540
PARKS 445-7651
ROADS & EQUIPMENT MAINTENANCE 445-7421

LAND USE 445-7205

ROAD EVALUATION REPORT INSTRUCTIONS

PURPOSE: The *Road Evaluation Report* is intended as a way for an applicant to document the condition of the access road(s) serving the subject property for cannabis projects that require a Conditional Use Permit (CUP) or Special Permit (SP). This report is not intended to be used for any other type of Planning & Building Department permit application. This will enable Public Works staff to determine if the existing roadway network [excluding on-site driveway(s)] is suitable to accommodate the proposed use on the subject property.

In rural areas, a category 4 road is usually adequate for most uses. If the road is paved and has a centerline stripe it is considered by the Department to be a category 4 road. In urban and suburban areas, the road may also need to accommodate other road users (pedestrians, bicycles, equestrians, etc.). When roads meet or exceed this standard, the roadways can typically accommodate increased traffic. This evaluation is accomplished by the applicant completing Part A of the *Road Evaluation Report*.

When the roadways do not meet a category 4 standard, there is a question that road may not be able to accommodate traffic from the proposed use. The goal is to evaluate roads that do not meet road category 4 standards in order to determine if the roads can accommodate increased traffic. This evaluation is accomplished by the applicants engineer completing Part B of the *Road Evaluation Report*.

In lieu of constructing road improvements to meet a category 4 road standard, the Department may approve a *Neighborhood Traffic Management Plan*. A neighborhood traffic management plan may include (but is not limited) the following elements: restricting the times that project traffic will use the road to off-peak hours; combining trips to reduce the volume of project traffic; carpooling to reduce the volume of project traffic; the use of signs and CB radios to coordinate traffic using the road(s); etc. The Department's criteria for approving a *Neighborhood Traffic Management Plan* is based upon site specific conditions; sound engineering judgment; the proposed ADT and DHV of the roads; the need to accommodate other road users (pedestrians, bicycles, equestrians, and other cannabis projects using the road, etc.); and the frequency and quantity of traffic associated with the proposed use. The applicant's Civil Engineer can address this in Part B of the *Road Evaluation Report*.

There may be other cannabis projects that use the same access road(s) as your project. Part B of the *Road Evaluation Report* needs to address the cumulative impacts from your project and all other cannabis projects that will also use the same road(s). There may be benefits of applicants collectively working together with one engineer to complete the *Road Evaluation Reports* for all of the projects.

(continued on next page)

REFERENCES:

- Humboldt County *Road Design Manual*, Chapter 7, Design Standards for Roadway Categories.
- American Association of State Highway and Transportation Officials (AASHTO) *Guidelines for Geometric Design of Very Low-Volume Local Roads (ADT ≤400)*.
- American Association of State Highway and Transportation Officials (AASHTO) *A Policy on Geometric Design of Highways and Streets* (AKA "Green Book")
- Institute of Transportation Engineers (ITE) *Trip Generation*

INSTRUCTIONS: The *Road Evaluation Report* consists of two parts. The first part (Part A) may be completed by the applicant. If the second part (Part B) is needed, it must be completed by a Civil Engineer licensed by the State of California. The .pdf version of this document provides fields that can be filled in.

A separate *Road Evaluation Report* is required for each road. **Save Time: before completing these forms consult with the Land Use Division at 707.445.7205 to make sure you are evaluating all of the necessary roads for your project; that other cannabis projects in the vicinity have been included; and to make sure that you understand what is needed.**

Special instructions to the applicant's Civil Engineer in completing Part B:

- Engineer will need to contact the Department for a list of other cannabis projects that may be using all or some of the same roads in the roadway network.
- Engineer will need to determine which of these projects utilize the roads within the same roadway network by personally reviewing the cannabis project applications at the Planning & Building Department. Many of the cannabis project applications are incomplete; therefore the engineer may need to directly contact other applicants to determine how these other cannabis projects will utilize the roads in question.
- Engineer may propose a master plan in which any required roadway improvements are incrementally divided among several cannabis projects. However, the master plan must be designed so that improvements to the road(s) will be adequate when constructed incrementally.

// END //

**HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS
ROAD EVALUATION REPORT**

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

Applicant Name: _____ APN: _____

Planning & Building Department Case/File No.: _____

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

From Road (Cross street): _____

To Road (Cross street): _____

Length of road segment: _____ miles Date Inspected: _____

Road is maintained by: ☐ County ☐ Other _____
(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

Date

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 _____

(SEAL)

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.

From: Salazar, Kim@CALFIRE [<mailto:Kim.Salazar@fire.ca.gov>]
Sent: Monday, June 05, 2017 11:07 AM
To: Moxon, Delilah
Subject: CANNABIS, APN# 217-391-015-000

STATE OF CALIFORNIA—THE RESOURCES AGENCY

EDMUND G. BROWN, JR., Governor

DEPARTMENT OF FORESTRY AND FIRE PROTECTION

Humboldt – Del Norte Unit

118 Fortuna Blvd.
Fortuna, CA 95540

Website: www.fire.ca.gov
(707) 726-1272



Ref: 7100 Planning
Date: June 5, 2017

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

Attention: Joshua Dorris
Applicant: Next Gen Farms, Inc.
APN: 217-391-015-000
Area: Blocksburg
Case Numbers: CUP16-071

Humboldt County Application #: 10814
Type of Application: Conditional Use Permit
Date Received: 6/5/2017
Due Date: 6/17/2017

Project Description: Conditional Use Permit for an existing commercial medical cannabis cultivation project totaling approximately 20,800 square feet (SF) outdoor, occurring in three (3) areas: Area 1 consists of approximately 10,700 SF; Area 2 consists of approximately 6,900 SF; and Area 3 consists of approximately 3,200 SF. Irrigation water is provided by a spring that maintains a 50,000 gallon tank. There also is a proposed 590,000 gallon pond to provide additional water storage. There is an existing residence served by an on-site sewage disposal system.

Mr. Ford,

The California Department of Forestry and Fire Protection (CALFIRE) provides these standard project review comments on the above noted project.

FIRE SAFE

General:

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

Local Responsibility Areas:

Should this project include Local Responsibility Area (LRA) lands, CALFIRE has no direct fire safe input on those parcels. However, in those areas with LRA parcels adjacent to State Responsibility Area (SRA)

land, CALFIRE recommends that local standards be applied that are consistent with those CALFIRE makes for SRA lands.

State Responsibility Areas:

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

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

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

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

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

Subdivisions increase fire risks from additional people and increase probable dollar losses in the event of fire due to added structures and improvements.
5. If the project expects to produce densities consistent with a major subdivision, the impacts on all infrastructures should be mitigated. Local government more appropriately provides the responsibility for high-density area protection and services. Annexation or inclusion into Local Responsibility Area should be studied as well.
6. CALFIRE does not support development in areas where there is no local agency fire service for structure fires and emergency medical response. Fire services should be extended into service gap areas as a condition of development. New development can adversely impact existing fire services. Careful consideration must be given where development may overload the local fire service's ability to respond.

RESOURCE MANAGEMENT

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

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

1. If this project reduces the amount of timberland, by policy, the Board of Forestry and CALFIRE cannot support any project that will reduce the timberland base of California. "Timberland" means land which is available for, and capable of, growing a crop of trees of any commercial species used to produce lumber and other forest products, including Christmas trees regardless of current zoning (PRC 4526). However, if the zoning and intended use are consistent with the county's general plan; and if no land other than timberland can be identified to site the project; then CALFIRE may choose not to oppose the project.
2. If **any** commercial timber operations are involved with a project, the timber operations cannot be conducted without a CAL FIRE permit. Commercial timber operations include the cutting or removal of trees offered for sale, barter, exchange, or trade or the conversion of timberlands to land uses other than the growing of timber (PRC 4527). Contact your nearest CAL FIRE Resource Management office for guidance on obtaining the necessary permits.
3. If **any** timberlands are being converted to a non-timber growing use by this project, the conversion operations cannot be conducted without a CAL FIRE permit (PRC 4621). Conversion of timberland takes place when trees are removed and the land use changes, even without the sale, barter, exchange, or trade of the trees. Contact your nearest CAL FIRE Resource Management office for guidance on obtaining the necessary permits.
4. If timberland is in the viewshed of a project, the current and future owners should be overtly notified that changes will occur to their views due to timber management activities. Further, no project should be allowed to negatively affect access to timberland for timber management purposes; neither on the project parcel(s) nor any other timberland parcels.
5. If timber harvesting has occurred and post-harvest restocking and prescribed erosion control maintenance obligations have not been met on a parcel, future owners should be overtly notified (14 CCR 1042). The current owner of a parcel is responsible for restocking requirements and maintenance of roads whether or not they were involved in the actual harvest plan.
6. If the project involves the development of parcels zoned as Timber Production Zone (TPZ), CALFIRE cannot support the project. Dividing TPZ land into parcels of less than 160 acres requires a Joint Timber Management plan prepared by a Registered Professional Forester (RPF), recorded as a deed restriction for a minimum of 10-years on all affected parcels, and approved by a four – fifths vote of the full board (Govt. Code 51119.5). TPZ may be rezoned using a "Ten Year Phase Out," which precludes the need for a Timberland Conversion Permit. CALFIRE opposes immediate rezoning of TPZ land.
- 7.

Cannabis

General:

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

Local Responsibility Areas:

Should this project include Local Responsibility Area (LRA) lands, CALFIRE has no direct fire safe input on those parcels. However, in those areas with LRA parcels adjacent to State Responsibility Area (SRA) land, CALFIRE recommends that local standards be applied that are consistent with those CALFIRE makes for SRA lands. Also CAL FIRE is the primary command and control dispatch, for most local agency fire districts and departments.

State Responsibility Areas:

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

1. Agricultural cannabis growing operations medicinal or commercial shall have an easily accessible material safety data sheet (MSDS) or safety data sheet (SDS) for all chemicals and hazardous materials on site. Posted (NFPA 704) Placard clearly visible to emergency responders

2. California code of regulations Health and Safety (CCR 11362.769.) Indoor and outdoor medical marijuana cultivation shall be conducted in accordance with state and local laws related to land conversion, grading, electricity usage, water usage, water quality, woodland and riparian habitat protection, agricultural discharges, and similar matters. State agencies, including, but not limited to, the State Board of Forestry and Fire Protection, the Department of fish and Wildlife, the State Water Resources Control Board, the California regional water quality control boards, and traditional state law enforcement agencies shall address environmental impacts of medical marijuana cultivation and shall coordinate, when appropriate, with cities and counties and their law enforcement agencies in enforcement efforts.

3. International Fire Code (N101.1 Scope) Marijuana growing and extraction shall be in accordance with this chapter, of the International Building Code, and the International Mechanical Code. Cryogenic fluids shall comply with Chapter 55. Compressed gases shall comply with Chapter 53. Flammable and combustible liquids shall comply with Chapter 57. Hazardous materials shall comply with Chapter 50. LP-gas shall comply with Chapter 61 and the International Fuel Gas Code. All applicable California State Fire Marshal standards and regulations for the designated occupancy must be met.

4. Growing marijuana and the extracting of oils

Extraction of marijuana oils; All materials hazardous and non-hazardous associated with the extraction process shall be utilized in conformance of the law and fire safe codes.

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

By: Planning Battalion
CALFIRE Humboldt – Del Norte Unit

For **Hugh Scanlon**, Unit Chief