



PLANNING APPLICATION FORM
Humboldt County Planning Department
 Current Planning Division 3015 H Street Eureka, CA 95501-4484
 Phone (707) 445-7541 Fax (707) 268-3792

17820



INSTRUCTIONS:

1. Applicant/Agent complete Sections I, II and III below.
2. It is recommended that the Applicant/Agent schedule an Application Assistance meeting with the Assigned Planner. Meeting with the Assigned Planner will answer questions regarding application submittal requirements and help avoid processing delays. A small fee is required for this meeting.
3. Applicant/Agent needs to submit **all** items marked on the reverse side of this form.

SECTION I

APPLICANT (Project will be processed under Business name, if applicable.)

AGENT (Communications from Department will be directed to agent)

Business Name: LOST COAST ELIXIRS
 Contact Person: Thomas Harwood
 Mailing Address: PO Box 610
 City, St, Zip: Redway CA 95560
 Telephone: (707) 923-4343 Alt. Tel: _____
 Email: tommyharwood@yahoo.com

Business Name: _____
 Contact Person: Jasmin Holmgren
 Mailing Address: PO Box 610
 City, St, Zip: Redway CA 95560
 Telephone: 549-9360 Alt. Tel: _____
 Email: jasmin@lostcoastelixirs.com

OWNER(S) OF RECORD (If different from applicant)

Owner's Name: Thomas Harwood
 Mailing Address: PO Box 610
 City, St, Zip: Redway CA 95560
 Telephone: 362-0156 Alt. Tel: _____

Owner's Name: _____
 Mailing Address: _____
 City, St, Zip: _____
 Telephone: _____ Alt. Tel: _____

LOCATION OF PROJECT

Site Address: 569 Eubanks Rd.
 Community Area: Eureka

Assessor's Parcel No(s): 220-081-016
 Parcel Size (acres or sq. ft.): 40 ac.

Is the proposed building or structure designed to be used for designing, producing, launching, maintaining, or storing nuclear weapons or the components of nuclear weapons?
 YES NO

SECTION II

PROJECT DESCRIPTION

Describe the proposed project (attach additional sheets as necessary):

Appeal to board of supervisors
 Permit App. 11247
 see attached.

SECTION III

OWNER'S AUTHORIZATION & ACKNOWLEDGEMENT

I hereby authorize the County of Humboldt to process this application for a development permit and further authorize the County of Humboldt and employees of the California Department of Fish and Wildlife to enter upon the property described above as reasonably necessary to evaluate the project. I also acknowledge that processing of applications that are not complete or do not contain truthful and accurate information will be delayed and may result in denial or revocation of approvals.

[Signature]
 Applicant Signature

6/23/22
 Date

If the applicant is not the owner of record: I authorize the applicant/agent to file this application for a development permit and to represent me in all matters concerning the application.

 Owner of Record Signature

 Date

 Owner of Record Signature

 Date

This side completed by Planning Staff

Checklist Completed by: _____ Date: _____

THE FOLLOWING ITEMS MUST BE SUBMITTED WITH THIS APPLICATION

Item	Received	Item	Received
<input type="checkbox"/> Filing Fee of \$ _____	<input type="checkbox"/>	<input type="checkbox"/> Architectural Elevations	<input type="checkbox"/>
<input type="checkbox"/> Fee Schedule (see attached, please return completed fee schedule with application)	<input type="checkbox"/>	<input type="checkbox"/> Design Review Committee Approval	<input type="checkbox"/>
<input type="checkbox"/> Plot Plan 12 copies (folded if > 8½" x 14")	<input type="checkbox"/>	<input type="checkbox"/> CEQA Initial Study	<input type="checkbox"/>
<input type="checkbox"/> Tentative Map 12 folded copies (Minor Subd)	<input type="checkbox"/>	<input type="checkbox"/> Exception Request Justification	<input type="checkbox"/>
<input type="checkbox"/> Tentative Map 18 folded copies (Major Subd) [Note: Additional plot plans/maps may be required]	<input type="checkbox"/>	<input type="checkbox"/> Joint Timber Management Plan	<input type="checkbox"/>
<input type="checkbox"/> Tentative Map/Plot Plan Checklist (complete & return with application)	<input type="checkbox"/>	<input type="checkbox"/> Lot Size Modification Request Justification	<input type="checkbox"/>
<input type="checkbox"/> Floor Plan	<input type="checkbox"/>	<input type="checkbox"/> Military Training Route (see County GIS)	<input type="checkbox"/>
<input type="checkbox"/> Division of Environmental Health Questionnaire	<input type="checkbox"/>	<input type="checkbox"/> Parking Plan	<input type="checkbox"/>
<input type="checkbox"/> On-site sewage testing (if applicable)	<input type="checkbox"/>	<input type="checkbox"/> Plan of Operation	<input type="checkbox"/>
<input type="checkbox"/> On-site water information (if applicable)	<input type="checkbox"/>	<input type="checkbox"/> Preliminary Hydraulic & Drainage Plan	<input type="checkbox"/>
<input type="checkbox"/> Solar design information	<input type="checkbox"/>	<input type="checkbox"/> R1 / R2 Report (Geologic/Soils Report, 3 copies with original signatures)	<input type="checkbox"/>
<input type="checkbox"/> Chain of Title	<input type="checkbox"/>	<input type="checkbox"/> Reclamation Plan, including engineered cost estimate for completing reclamation	<input type="checkbox"/>
<input type="checkbox"/> Grant Deed <input type="checkbox"/> Current <input type="checkbox"/> Creation	<input type="checkbox"/>	<input type="checkbox"/> Accessory Dwelling Unit Fact Sheet	<input type="checkbox"/>
<input type="checkbox"/> Preliminary Title Report (two copies, prepared within the last six months prior to application)	<input type="checkbox"/>	<input type="checkbox"/> Variance Request Justification	<input type="checkbox"/>
		<input type="checkbox"/> Vested Right Documentation/Evidence	<input type="checkbox"/>
		<input type="checkbox"/> Other _____	<input type="checkbox"/>
		<input type="checkbox"/> Other _____	<input type="checkbox"/>
		<input type="checkbox"/> Other _____	<input type="checkbox"/>

FOR INTERNAL USE

<input type="checkbox"/> Ag. Preserve Contract	<input type="checkbox"/> General Plan Amendment	<input type="checkbox"/> Reclamation Plan
<input type="checkbox"/> Certificate of Compliance	<input type="checkbox"/> General Plan Petition	<input type="checkbox"/> Surface Mining Permit
<input type="checkbox"/> Coastal Development Permit <input type="checkbox"/> Administrative <input type="checkbox"/> Planning Commission	<input type="checkbox"/> Information Request	<input type="checkbox"/> Surface Mining Vested Right Determination
<input type="checkbox"/> Design Review <input type="checkbox"/> Inland <input type="checkbox"/> Coastal	<input type="checkbox"/> Modification to _____	<input type="checkbox"/> Timber Harvest Plan Information Request
<input type="checkbox"/> Determination of Legal Status	<input type="checkbox"/> Lot Line Adjustment	<input type="checkbox"/> Use Permit H.C.C. § _____
<input type="checkbox"/> Determination of Substantial Conformance	<input type="checkbox"/> Preliminary Project Review	<input type="checkbox"/> Variance H.C.C. § _____
<input type="checkbox"/> Extension of _____	<input type="checkbox"/> Special Permit <input type="checkbox"/> Administrative <input type="checkbox"/> Planning Commission H.C.C. § _____	<input type="checkbox"/> Zone Reclassification
<input type="checkbox"/> Fire Safe Exception Request	<input type="checkbox"/> Subdivision <input type="checkbox"/> Parcel Map <input type="checkbox"/> Final Map	<input type="checkbox"/> Other _____
	<input type="checkbox"/> Exception to the Subdivision Requirements	<input type="checkbox"/> Other _____

Application Received By: _____ Date: _____ Receipt Number: _____

General Plan Designation: _____

Plan Document: _____

Land Use Density: _____

Zone Designation: _____

Coastal Jurisdiction Appeal Status: Appealable Not Appealable

Preliminary CEQA Status:

Environmental Review Required

Categorically Exempt From Environmental Review: Class _____ Section _____

Statutory Exemption: Class _____ Section _____

Not a Project

Other _____

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



June 23, 2022

Re: Lost Coast Elixirs, LLC – App 11247 – Appeal to the Board of Supervisors

Dear Director John Ford:

On behalf of Lost Coast Elixirs, LLC I would like to request an appeal of the decision by the Planning Commission to deny Conditional Use Permit application PLN-11247-CUP.

The grounds for appeal are that the decision was not in accord with the Commercial Medical Marijuana Land Use Ordinance (CMMLUO, 1.0 Ordinance) and there was an abuse of discretion by the planning commission.

The Planning Commission did not make a statement citing specific reasons for denial and some commissioners did not speak at all during discussion of the permit application. Due to some comments made by the commissioners the applicant is assuming denial was based on the following reasons:

- History of violations (Commissioner Mitchell – Did not participate in discussion)
- No rain catchment as a water source (Commissioner McCavour)
- Use of well as a water source (Commissioner O’Neill – Did not participate in discussion)
- Road Conditions (Commissioner Bongio – Did not participate in discussion)

History of Violations

The permit was originally submitted in 2016, and the first inspection by the planning department occurred November 30, 2021. During the inspection with Planner Abbie Strickland, I asked multiple times if she witnessed any violations or if any corrections were needed. She repeatedly said “No” and that she would be recommending the project for approval. Three weeks later Ms. Strickland sent a letter revoking the interim permit. The letter did not contain reasons for the revocation, and it was sent without consent from Director Ford. Following receipt of the letter, the applicant met with Director Ford and Ms. Strickland to discuss the inspection. She demonstrated that low watt string lights were present in a couple of the non-operational outdoor hoop houses. The applicant removed the lights later that day and submitted photographic evidence to Director Ford the following day. He considered the issue resolved and immediately reinstated the permit. Ms. Strickland was then removed from the project. Since the incident was rectified immediately, no official violation was received by the applicant or reported by the planning department. The inspection report from November 2021 was not provided to the applicant until Friday, June 17, 2022 (the day after the planning commission hearing) and it is still not included in the project’s official file. Despite the applicant not receiving the inspection report or a violation letter, the assigned planner, Megan Acevado, included the inspection information in her staff report and incorrectly cited the information as official violations (Staff Report, page 35).

Other issues presented to the applicant during the meeting were possible timber conversions and changes to the cultivation areas. The applicant obtained a timber report from Registered Professional Forrester Chris Carroll. He determined tree removal occurred mostly prior to 2015 to remedy sudden oaks disease and that the timber removal was done in compliance with the Forestry Practices Act and CAL FIRE standards. No violations were cited, but it was agreed restocking would be added to the conditions of approval. CAL FIRE had "No comment" on the project. Lastly, in exchange for adding approximately 2,000 square feet of mixed light cultivation, the applicant removed approximately 6,000 square feet of outdoor cultivation. It was demonstrated that the exchange would result in an overall reduction of resources. Due to the overall reduction this was not considered a violation. No official violation was received by the applicant or reported by the planning department, and it was considered an improvement.

Ms. Acevado cited violations from California Department of Fish and Wildlife. The LSAA was submitted and during a site inspection CDFW found items out of compliance. The items were corrected, and no additional actions have been filed since. The incident occurred in the early stages of cannabis legalization when projects were being brought into compliance. No repeated violations have occurred since the initial visit from CDFW.

The permit application does not have any current violations by the planning department, county code enforcement, the state or regional Water Board, or the Department of Fish and Wildlife. Without repeated violations, there is no grounds for denial on that basis. The purpose of the CMMLUO was to bring pre-existing projects into compliance. The applicant should have been given the information and the opportunity to remedy any such issues, if they existed.

No Rain Catchment as a Water Source

The CMMLUO does not require rain catchment as a water source and is not grounds for denial. The pre-existing water source is a well. Please note, the applicant has over 400,000 gallons of water storage on site for the purpose of water forbearance to minimize and/or cease use of the wells during the dry seasons. The applicant also stated during the planning commission hearing that he would add rain catchment, up to 200,000 gallons, if given the opportunity.

Use of Well(s) as a Water Source

The CMMLUO allows for well use as a water source and is not grounds for denial. The pre-existing water source is a well. Please note, the applicant has over 400,000 gallons of water storage on site for the purpose of water forbearance to minimize and/or cease use of the wells during the dry seasons. A licensed engineer completed a well assessment for the property and determined use of the well was sustainable and would not adversely affect the aquifer.

Road Conditions

The applicant submitted a road evaluation with photographic evidence showing the width and condition of the road to be comparable to a category 4 road. Work is done on the road annually to remedy potholes or any other issues needing improvement. There are sixteen (16) turn outs along the road. The applicant satisfied the requirements of the CMMLUO and there are no grounds for denial based on the road evaluation or the condition of the road.

Lost Coast Elixirs LLC
PO Box 610 | Redway CA 95560

The planning commission failed to consider all the facts before making their decision. They disregarded the CMMLUO and exercised an overreach of their power. Their reasons for denial are not warranted by the information they were given. Several times during the hearing the applicant and I tried to speak and explain the history of the permit and provide evidence of such, but we were not allowed to comment. Every other project during the hearing was given ample time to comment. It is for these reasons listed above an appeal is requested. Please let me know if you need anything further to process our request.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jasmin", with a long horizontal flourish extending to the right.

Jasmin Holmgren

Agent, Permit Application 11247