

ATTACHMENT 3
Deficiency Letter



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CANNABIS SERVICES DIVISION

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

January 9, 2023

Forever Loving Humboldt Cooperative
Denis Chase
510 Browns Road
Myers Flat, CA 95554

RE: Permit Application No. PLN-13077-SP

APN: 211-341-037-000

Dear Applicant:

This letter provides an important update on your Special Permit application referenced above. To date, we have not received the required information to adequately review the application to determine consistency with the Humboldt County Code (specifically Section 312-2.4 of the Humboldt County Code, Required Findings for Approval of Zoning Clearance Certificates).

This letter is to inform you that if you do not take one of the following actions within 30 days, your project will be processed with a recommendation of denial.

The alternative options available to you include the following:

Option 1: Withdraw your application; or

Option 2: Request a review of your application to result in a list of items required to be submitted to continue processing of the application.

If we do not receive a response within 30 days, you will be charged for the staff time required to process the denial of your application. Applicants who choose Option 2 will be responsible for any costs associated with reviewing the application.

You may submit your response to this letter via email at psaucedo1@co.humboldt.ca.us. If you have questions about this letter, please contact me via email or by phone at (707) 268-3745.

Sincerely,

Planner II

Enclosure: Incomplete Letter 10/16/2018



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CANNABIS SERVICES DIVISION

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

October 16, 2018

Forever Loving Humboldt Cooperative
Attn: Dennis Chase
510 Browns Road
Myers Flat, CA 95554

RE: Permit Application No. 13077

APN: 211-341-037

Dear: Dennis Chase,

Thank you for your continued efforts to obtain approval of a commercial cannabis permit for 10,000 square feet new mixed light cultivation. Prior correspondence regarding the project has included two incomplete letters dated 2/9/17 and 8/21/17. Additional application materials have been received, including a Soils Report on 6/12/18 and the project. Unfortunately, after review the application submittal was found not to contain all of the required information and we are unable to move the permit forward at this time.

Listed below are the actions you must take for staff to continue processing this permit application:

1. Provide a copy of Forever Loving Humboldt Cooperatives' business documents including Secretary of State documents and a list of all members with voting privileges
2. Provide a copy of the permit for the well associated with cannabis irrigation
3. Submit a revised Operations Plan that includes the following additions/edits:
 - o Elaboration on the processing plan including:
 - Description of location where processing will occur. (Where on site?)
 - o Schedule of activities during each month of the growing and harvesting season, including projected generator use. (this information was described as being included in Appendix C however there is no Appendix C on file)
 - o Include measures taken to comply with International Dark Sky Association Standards
4. Submit a revised Site Plan that includes the following additions/edits:
 - o Owner's Name (Dennis Chase)
 - o Natural waterways including streams, springs, ponds, culvers, and any other water features (wetlands). Also the buffers/setback distances for each. (WebGIS depicts wetlands onsite that are not depicted on the site plan.)
 - o Buildings labeled as to type and date of construction including whether they will be used for any cultivation or processing activity. (Please detail when the existing barn was constructed. Additionally include the proposed locations of the drying and trimming locations onsite.)
 - o Well location
5. Submit a completed Road Evaluation Report (enclosed). If selecting "Box 2", include evidence, such as photos or other documentation, justifying that determination.

6. Submit a Biological Resource Assessment drafted by a qualified professional biologist, demonstrating that the site would not impact any sensitive habitat areas. Our records indicate that the proposed cultivation area overlaps with habitat for one or more rare and/or endangered species.

Be advised, if your source of water for cultivation and associated activities is a well, forbearance will be required pursuant to Humboldt County Code Section 314-55.4.11(l) unless it can be demonstrated that the well is not hydrologically connected to surface water. As a condition of project approval you will be required to provide confirmation from CDFW that the well is not hydrologically connected to surface water, or ensure water storage capacity to comply with a mandatory forbearance period.

Pursuant to Humboldt County Code (HCC) Section 312-11.2, "*Development permits shall be issued only for a lot that was created in compliance with all applicable state and local subdivision regulations.*" While our office is in the process of completing this review for your parcel, it may be necessary for you to submit additional information in order to determine how the property was created in its current configuration. If additional information is needed our office will contact you.

County staff will conduct a review of previous land use actions that have been approved on the subject parcel(s) to ensure that, "The proposed development complies with the terms and conditions of any applicable permit and/or subdivision map that was previously approved for such development" (HCC §312-2.4.1.2). If a relevant project is found and additional information is needed, our office will contact you.

Please keep in mind, additional information may be requested once the project is reviewed by State and local agencies during the referral stage of the process. The Department cannot make the required findings specified in Humboldt County Code Sections 312-1.1.2 and 312-17 et seq., and the California Environmental Quality Act (CEQA) based on the information submitted to date. In order for the Department to further evaluate this project for compliance, the additional requested information must be submitted.

Unless it is withdrawn, the Department must act on your application. For this reason, if you do not submit the requested materials or a request for hearing within 180 days (6 months) of the date of this letter, we will begin scheduling your project for a hearing. This could result in the denial of your application and the inability to secure a State license under the Medical and Adult Use Cannabis Regulation and Safety Act (MAUCRSA).

Please accumulate all requested material and submit as a complete package to the contact listed below during regular business hours. When submitting these items please include the Application Number and APN found at the top of this letter. For most efficient processing, please include a copy of this letter with your submittals.

Unless operating subject to a valid Interim Permit issued by the County, please remember that the filing of a permit application does not authorize the applicant to engage in any new commercial marijuana cultivation, processing, manufacture or distribution activity. No such activity shall commence until the application has been processed to decision and all requisite clearances, permits and/or licenses have been secured. If you have questions about this letter, please contact Max Hilken at 707-445-7541.

Sincerely,

Max Hilken

Max Hilken
Cannabis Services Division
Vendorlaco2@co.humboldt.ca.us

Attachments:

- o Road Evaluation Form



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CANNABIS SERVICES DIVISION

3015 H Street Eureka CA 95501
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October 16, 2018

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Attn: Dennis Chase
510 Browns Road
Myers Flat, CA 95554

RE: Permit Application No. 13077

APN: 211-341-037

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Sincerely,

Max Hilken

Max Hilken
Cannabis Services Division
Vendorlaco2@co.humboldt.ca.us

Attachments:

- o Road Evaluation Form



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CANNABIS SERVICES DIVISION

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

August 21, 2017

Manhard Consulting
Attn: Steven Luu
517 3rd Street, Ste 6
Eureka, CA 95501

RE: Permit Application No. 13077, APN: 211-341-037

Dear Mr. Luu,

Thank you for the additional information regarding Forever Loving Humboldt Cooperative application for a commercial cannabis permit on June 12, 2017. After an additional review, the submittal did not contain all of the required information and these items must be provided before we can begin processing your application.

Specifically, the following information that is required:

- ✓ Soils mapping demonstrating prime agricultural soils prepared by a qualified individual or Humboldt County GIS mapping document prime agricultural soils
- ✓ Well Permit
- ✓ Less than or equal to 20% of prime agricultural area covered by cultivation operations
- ✓ Slopes less than 15%
- ✓ Amend the Site Plan to include:
 - Water storage Structures labeled as to type and date of construction
 - Well Location
 - Water Diversions including culverts, ponds, dams, and other ground disturbance from water diversion
 - Graded Flats
- ✓ Amend the Cultivation and Operations Plan to include:
 - Description of cultivation activities
 - Schedule of activities during each month of the growing and harvesting season, including projected generator use

If you have questions about this letter, please contact the Cannabis Planner on Duty (CPOD) 707-445-7541. Please accumulate all requested material and submit as a complete package and submit these items to the CPOD during regular business hours. When submitting these items please include the Application Number and APN found at the top of this letter.

Once the required information is submitted we will be able to refer it to the appropriate agencies for comment. **The filing of this application does not authorize the applicant to engage in any new commercial medical marijuana cultivation, processing, manufacture or distribution activity.** No such activity shall commence until the application has been processed to decision and all requisite clearances, permits and/or licenses have been secured.



HUMBOLDT COUNTY
PLANNING AND BUILDING DEPARTMENT
CANNABIS SERVICES DIVISION

3015 H STREET, EUREKA, CA 95501
FAX: (707) 268-3792 PHONE (707) 445-7541

2/9/2017

Manhard Consulting

Steve Luu

611 I St. Suite A

Eureka, CA 95501

RE: Permit Application No. 13077 APN 211-341-037-000

Dear Manhard Consulting,

Thank you for your Commercial Cannabis Permit Application. After an initial review, the submittal did not contain all of the required information and has been deemed incomplete. The items below must be provided before we can begin processing your application. For a complete version of the application checklist please visit: <http://humboldt.gov.org/DocumentCenter/View/53497>

✓ **Additional Payments**

Check(s) in the amount of \$30.00 payable to the Tribal Historic Preservation Office (THPO) for each of the following tribes: \$30 to Bear River Band THPO.

✓ **Application Materials**

Indemnification and Hold Harmless Agreement; Commercial Medical Marijuana Land Use Ordinance Acknowledgement Form; Signed Affidavit - Commercial Cannabis Activity; Documentation of cultivation activities occurring prior to January 1, 2016 (not required for new cultivation).

✓ **Evidence of Ownership or Authorization**

Evidence of ownership is needed including, but not limited to: Copy of current deed for the property; Copy of lease or similar instrument authorizing application for permits; Copy of ownership instrument, showing all owner names (if more than one owner); Legal documentation describing the composition of the organization showing those empowered to direct the affairs and those holding an interest in the organization.

✓ **Site Plan of Entire Parcel Showing**

A site plan is needed including, but not limited to: Owner's name and assessor's parcel number; Easements; Natural waterways including streams, springs, ponds, culverts, and any other water features; Location and area of cultivation or commercial activity; Setbacks of cultivation area from property lines; Access roads; Graded flats; Buildings labeled as to type and date of construction including whether they will be used for any cultivation or processing activity; Water storage structures labeled as to type, capacity, and date of construction; Water diversions including culverts, ponds, dams, and other ground disturbance from water diversion; Dimensions showing 600 square feet around the cultivation site, including distances from nearby schools, school bus stops, places of worship, public parks, Tribal Cultural Resources, and off-site residences within 300 feet.

✓ **Cultivation and Operation Plan**

An operation plan is needed including, but not limited to: Description of water source, storage, irrigation plan, and projected water usage; Description of site drainage, including runoff and erosion control measures; Detail of measures taken to ensure protection of watershed and nearby habitat; Protocols for proper storage and use of fertilizers, pesticides, and other regulated products utilized; Description of cultivation activities (e.g. outdoor, indoor, mixed light); Processing Plan; If mixed light cultivation proposed, identify number of cultivation cycles; Schedule of activities during each month of the growing and harvesting season, including projected generator use; Security Plan.

✓ **Indoor Cultivation Facilities**

Information on indoor facilities is needed including, but not limited to: Identify source of electrical power; Include description of how it will meet energy requirements described in section 314-55.4.8.3 of the Zoning Code.

✓ **Retirement, Remediation, and Relocation (if applicable)**

If your project includes a Retirement, Remediation, and Relocation please consult the application checklist found at: <http://humboldt.gov/DocumentCenter/View/53497>

✓ **Other Permits, Licenses, and Documents (if applicable)**

If applicable, please include: A 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; Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the North Coast Regional Water Quality Board; Streambed Alteration Permit obtained from the Department of Fish and Wildlife; Copy of County of Humboldt well permit; If parcel is zoned FR, U or TPZ, or involves conversion of timberland, a copy of less-than-3-acre conversion exemption or timberland conversion permit, approved by CAL-FIRE. For existing operations occupying sites created through prior unauthorized conversion of timberland, evidence may be provided showing the landowner has completed a civil or criminal process and/or entered into a negotiated settlement with CAL-FIRE.

Please assemble all requested material and submit as a complete package. Once the items above are submitted and the application is determined to be complete, we will refer it to the appropriate agencies for comment. Additional issues or concerns may be identified through the referral and/or environmental review process. To help in this effort, the Division of Environmental Health has provided a checklist which has been enclosed.

The filing of an application does not authorize the applicant to engage in any new commercial medical marijuana cultivation, processing, manufacture or distribution activity. No such activity shall commence until the application has been processed to decision and all requisite clearances, permits and/or licenses have been secured.

If you submitted an update to your application that is not reflected in this letter, it may be because that additional information has not yet been added to your project file. Rest assured, if we received something, it will be added to your project file. Again please bring all the items indicated in this letter to make your application complete. If you have any questions regarding this letter please call the Planning and Building Department at (707)445-7245.

Sincerely,



Rodney Yandell, Planner
Cannabis Services