



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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Hearing Date: May 7, 2020
To: Humboldt County Planning Commission
From: John H. Ford, Director of Planning and Building Department
Subject: **Homestead Collective Weed Company, LLC Special Permits**
Record Number: PLN-12237-SP
Assessor's Parcel Number: 217-401-011
5576 Homestead Road, Blocksburg area

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Please contact Meghan Ryan, Senior Planner, at 707-445-7541 or by email at mryan2@co.humboldt.ca.us if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

| | | |
|------------------------------------|-----------------------------------|-------------------------------|
| Hearing Date May 7, 2020 | Subject Special Permits | Contact Meghan Ryan |
|------------------------------------|-----------------------------------|-------------------------------|

Project Description: A Special Permit for 9,000 square feet of existing outdoor cannabis cultivation. Cultivation activities extend from April to October. The applicant projects one cultivation cycle per year. Water for irrigation is sourced from an existing onstream pond and one point of diversion from an unnamed spring. Annual water use is 107,000 gallons. Water storage includes 287,500 gallons in a series of hard-sided tanks and the 252,500-gallon pond. Processing activities including drying, curing, and trimming would occur onsite in an existing structure. Electricity is sourced from generator power that is used to power the residence. The proposed project also includes a Special Permit to allow development within the Streamside Management Area of Basin Creek for a point of diversion and an onstream pond that is utilized for irrigation.

Project Location: The project is located in Humboldt County, in the Blocksburg area, on the North and South side of Homestead Road, approximately 1 mile west from the intersection of Browning Road Road and Homestead Road, on the property known as 5576 Homestead Road.

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

Present Zoning: Forestry Recreation (FR), Minimum building site area is 40 acres (B-5(40)).

Record Number: PLN-12237-SP.

Assessor Parcel Number: 217-401-011.

Applicant

Homestead Collective Weed
Company, LLC
Attn: Brian Roberts
PO Box 244
Blocksburg, CA 95514

Owner

Brian Roberts
PO Box 244
Blocksburg, CA 95514

Agent

Green Road Consulting, Inc.
Attn: Dante Hamm
1650 Central Ave. Suite C
McKinleyville, CA 95519

Environmental Review: The project is exempt from environmental review pursuant to Section 15270 (Projects that are Disapproved) of the California Environmental Quality Act (CEQA) Guidelines.

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

Major Issues: Cannabis Cultivation Excise Taxes

HOMESTEAD COLLECTIVE WEED COMPANY, LLC

Record Number: PLN-12237-SP

Assessor's Parcel Number: 217-401-011

Recommended Commission Action:

1. Describe the application as a public hearing;
2. Request that staff present the project;
3. Open the public hearing and receive testimony; and
4. Close the hearing and take the following action:

Find the project exempt from environmental review pursuant to State CEQA Guidelines Section 15270, make the finding that the development does not conform with all applicable standards and requirements of the Humboldt County Code and adopt the Resolution denying the proposed Homestead Collective Weed Company, LLC project.

Executive Summary: Homestead Collective Weed Company (Applicant), seeks approval of a Special Permit for an existing 9,000 square foot (sf) outdoor cultivation operation located on a on Assessor's Parcel Number (APN) 217-401-011, which is approximately 40 acres in size. The parcel is currently developed with two cabins, recreational vehicle, agriculture accessory structures and an on-stream pond. Prior to receiving a permit, the cultivation area was consolidated and relocated to approximately 100 feet west of the onstream pond in the southern portion of the parcel.

Cultivation activities extend from mid-April to October with one harvest occurring annually. Cultivation will be full-sun outdoor with no greenhouses and no artificial lighting use for operations. Cultivation activities will be performed by family and collective members; therefore, no employees are required. The applicant did not state how many people will be on-site to assist with operations. Drying and curing will be performed on-site while all other processing will occur off-site. Power is provided by a generator.

Irrigation water is currently sourced from a point of diversion and onstream pond, both unnamed tributaries to Basin Creek. Both diversions were initiated in 2016 according to the Initial Statement of Water Diversion and Use submitted to the State Water Resources Control Board (SWRCB). The pond construction appears to have occurred between 2006 and 2009 based on aerial imagery, which was after the effective date of the Streamside Management Area and Wetland Ordinance (SMAWO) and thus are subject to an after-the-fact Special Permit for their continued use. The onstream pond has a capacity of 250,000 gallons and there is 37,000 gallons of water storage in hard-sided tanks. The applicant anticipates that annual water demand would be approximately 107,000 gallons (11 gallons/sf). The applicant obtained a Right to Divert Water (Certificate Number H100077) from the State Water Resource Control Board (SWRCB) that allows for diversion and storage of water from a point of diversion and an onstream pond located in unnamed streams that are tributary to Basin Creek for irrigation, aesthetic purposes and fire protection purposes. The submitted a Lake or Streambed Alteration Notification to the Department of Fish and Wildlife (CDFW) for the point of diversion and on-stream pond. Ongoing conditions of approval require the ongoing compliance with SWRBC and CDFW regulations and require that water meter records be made available during annual inspections of the site.

Access to the parcel is provided by Homestead Road, approximately 3.6 miles from it's intersection with Alderpoint Road. The Humboldt County Department of Public Works requested a Road Evaluation Report for the privately-maintained portion of the access road (see Attachment 4). The applicant provided a self-certified Road Evaluation Reports supported by photo documentation. The reports indicate, and county analysis of aerial imagery confirms, that the roads are developed

to offer the functional capacity of a Category 4 roadway. Conditions of approval would require the applicant to improve the intersection of Homestead Road and Alderpoint Road to meet commercial standards.

Failure to Pay Measure S Taxes

The applicant/property owner has failed to pay the required cannabis excise taxes for 2018 and 2019. While the applicant/property owner has indicated his potential willingness to pay the 2019 excise taxes, they have not been paid as of the date of this staff report. The applicant/property owner has explicitly stated his refusal to pay the 2018 excise taxes.

Section 719-4 of the Humboldt County Code specifies "In addition to any requirements imposed by Title III of this Code, each property owner whose property is subject to a commercial marijuana cultivation permit shall pay an annual tax of \$1 per square foot of outdoor cultivation area, \$2 per square foot of mixed-light cultivation area or \$3 per square foot of indoor cultivation area regardless of whether or not marijuana is actually grown on such property." (Ord. 2567, § 1, 12/13/2016; Ord. 2575, § 1, 6/6/2017) Title VII Div. 1 Ch. 9 Commercial Marijuana Cultivation Tax |

On Wednesday, December 11, 2019, a staff member from Green Road Consulting contacted the assigned Planner to inquire why the interim permit was not extended through December 31, 2020. The agent was told the applicant did not pay the 2018 taxes and staff requested proof of payment to bring the project back into good standing. The applicant claims in his email dated December 12, 2019, that he only cultivated 6 cannabis plants for personal use as opposed to the 9,000 square feet allowed by the interim permit.

Staff determined that cultivation taxes for 2018 are required. First, Measure S Taxes are assessed based on the entitlement to cultivate, not whether or not a person cultivated. Homestead Collective Weed Company, LLC was issued an Interim Permit to cultivate 9,000 square feet of outdoor cultivation on August 29, 2018. Thus, the cultivation excise tax is required for the 2018 cultivation year regardless of whether cultivation occurred on-site. The Interim Permit, signed and notarized by the applicant/property owner, states that "*The Property Owner and Applicant hereby acknowledge upon the date of issuance of this Zoning Clearance Certificate for an Interim Permit allowing outdoor and/or mixed light of ECCC shall be subject to taxation pursuant Humboldt County Code Sections 719.1-719.5.*" This language is found on page 4 of the Interim Permit attached to this staff report (Attachment 3).

As stated above, County Code requires the excise taxes to be paid "regardless of whether or not marijuana is actually grown on the property." However, Humboldt County WebGIS aerial imagery shows that cultivation did in fact occur in 2018 as shown in the email dated December 12, 2019, from the supervising planner to the applicant (see Attachment 4). A review of the documentation submitted for the Cultivation Area Verification (CAV) and relocation dispute does not indicate the applicant stating cultivation did not occur in 2018. In fact, the applicant's response to the County's assessment that he had expanded his cultivation area was that he had not expanded but relocated on-site (Attachment 5). Admittance of on-site relocation is an acknowledgement of cultivation occurring.

Cultivation Area Verification

The applicant is disputing the Cultivation Area Verification (CAV) conducted by County Planning staff in March 2018 (see Attachment 2). Planning staff found 6,989 square feet of outdoor cultivation in existence prior to January 1, 2016, located in four distinct areas using TerraServer imagery from November 2015. In early August 2018, the applicant was notified an 8,021-square-foot expansion occurred at the site, including relocation of cultivation and development of an on-stream pond. The applicant submitted documentation asserting the CAV conducted by the

County was inaccurate as three of the four areas measured by Planning staff were located on the neighboring property, APN 217-401-001 (see Attachment 3) and that there was existing cultivation in three distinct areas on the subject property, including under the tree canopy totaling 41,900 square feet. The applicant used a variety of aerial imagery sources, including Humboldt County WebGIS, and supplied images with no dates, therefore, it is difficult to determine what base year the applicant is using to demonstrate the pre-existing cultivation area.

In a letter dated August 17, 2019, Green Road Consulting, on behalf of the applicant, submitted a CAV analysis stating there were two pre-existing cultivation areas in 2015 on the subject parcel, Cultivation Area 'A' totaling 460 square feet near the residence and Cultivation Area 'B' totaling 10,700 square feet under the tree canopy (see Page 5 of the letter in Attachment 1). Page 6 shows that the Cultivation Area 'A' was expanded by 380 square feet to 840 square feet and Cultivation Area 'B' was relocated to near the pond. The agent used Google Earth Pro to demonstrate the existence of the pond prior to January 1, 2016, and TerraServer 2015 to show the pre-existing cultivation areas.

A letter dated August 20, 2018, was sent to the applicant regarding potential expansion at the site (see Attachment 4). The letter states the Interim Permit amount was exceeded by 2,000 square feet, and therefore, a \$4,000 penalty was due. The evidence provided by the applicant and applicant's agent was used to dispute the claim. On August 22, 2018, Planning staff waived the fine for the expansion as Planning staff determined there was 9,000 square feet of existing cultivation area using information supplied by the applicant and that the historic cultivation area in the tree canopy appeared to be relocated prior to receiving a permit (see Attachment 3).

All Required Findings Not Made

On November 18, 2019, staff request for the following information from the agent:

- BID comments: revise and resubmit plot plan showing water storage tanks in the proper locations.
- CDFW comments – Do you have any information regarding wetlands on this site? Please review the first 2 items on the CDFW comments and provide the additional information requested. If do not have a wetland delineation, please describe why one is not necessary and I will consider the rationale.
- Please provide a copy of the Final LSAA , if applicable.
- Operations Plan page 7 states the generator is covered with... but appears to stop short of stating how it's contained. Please clarify.
- What is the maximum number of people going to be onsite for cultivation and harvest? Temp vs permanent – even if they are family or collective members?

On December 11, 2019, the agent inquired as to why the interim permit was not extended and staff indicated the tax payment from 2018 was required. Due to the refusal to pay the taxes, staff stopped working on the project. The requested information was not provided by the applicant or agent, therefore, staff was unable to make the following required findings:

- Biological Resources
- Streamside Management Area
- Parking
- Performance Standards - Water

Based on a review of Planning Division reference sources and comments from all involved referral agencies, planning staff determined that the applicant has not submitted evidence in support of making all of the required findings for approving the Special Permits. Most importantly however, is that failure to pay the annual cannabis tax is a violation of County Code which renders the development inconsistent with the applicable standards and requirements of the County regulations. As a result of this inconsistency with County regulations, the required findings for

approval cannot be made and staff recommends denial of the Special Permits.

ALTERNATIVES: The Planning Commission could elect to approve the project, or to 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. Planning Division staff has stated that the required findings in support of the proposal have not been made. Consequently, Planning staff does not recommend further consideration of either alternative.

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT
Resolution Number 20-**

**Record Number: PLN-12237-SP
Assessor Parcel Number: 217-401-011**

Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the Homestead Collective Weed Company Special Permits request.

WHEREAS, Homestead Collective Weed Company submitted an application for a Special Permit to continue 9,000 square feet (SF) of existing outdoor cannabis cultivation on APN 217-401-011. Water is provided by a point of diversion in an unnamed tributary to Basin Creek and a 250,000-gallon onstream pond. Power is provided by a generator for the residence only; and

WHEREAS, Homestead Collective Weed Company submitted an application for a Special Permit to allow for a point of diversion and 250,000-gallon onstream pond within the Streamside Management Area of Basin Creek; and

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

WHEREAS, Section 719-4 of the Humboldt County Code specifies "In addition to any requirements imposed by Title III of this Code, each property owner whose property is subject to a commercial marijuana cultivation permit shall pay an annual tax of \$1 per square foot of outdoor cultivation area, \$2 per square foot of mixed-light cultivation area or \$3 per square foot of indoor cultivation area regardless of whether or not marijuana is actually grown on such property"; and

WHEREAS, The project applicant and property owner, Brian Roberts, held an Interim Permit that was issued on August 22, 2018 and has not paid the annual excise tax pursuant to Section 719-4 of the Humboldt County Code; and

WHEREAS, when contacted regarding the failure to pay cultivation taxes for 2018, the applicant and property owner, Brian Roberts, has stated that he will not pay the taxes required pursuant to Section 719-4 of the Humboldt County Code; and

WHEREAS, In order to approve a project, the required findings for approval in Section 312-17.1 of the Humboldt County Code must be made, and

WHEREAS, a public hearing was held on the matter before the Humboldt County Planning Commission on May 7, 2020.

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

1. **California Environmental Quality Act:** The proposed project is statutorily exempt from the provisions of the California Environmental Quality Act (CEQA) per section 15270 (Projects Which Are Disapproved) of the CEQA Guidelines; and

2. The applicant and property owner was subject to a commercial marijuana cultivation permit that was issued on August 29, 2018; and
3. The applicant and property owner has refused to pay the cannabis excise tax required pursuant to Section 719-4 of the Humboldt County Code; and
4. The Planning Commission cannot make all the required findings in Section 312-17.1 of the Humboldt County Code as follows:

312-17.1.1: The proposed development must be consistent with the General Plan, Open Space Plan and Open Space Action Program.

Unable to make this finding. An analysis of the project's consistency with the General Plan, Open Space Plan and Open Space Action Program has not been completed due to the project's current inconsistency with Humboldt County Code. Further, information necessary to review the project for consistency with the Humboldt County General Plan has been requested and not submitted.

312-17.2: The proposed development is consistent with the purposes of the existing zone in which the site is located.

Consistent. The proposed development is for an existing commercial cannabis operation within a Forestry Recreation Zone with a Combining Zone specifying a minimum parcel size of 40 acres [FR-B5(40)]. General agricultural uses are allowable uses within this zone district and the proposed development is therefore consistent with the purposes of the zone in which the site is located.

312-17.1.3: The proposed development conforms with all applicable standards and requirements of these regulations.

The project is inconsistent. Section 719-4 of the Humboldt County Code (regulations) states that *"In addition to any requirements imposed by Title III of this Code, each property owner whose property is subject to a commercial marijuana cultivation permit shall pay an annual tax of \$1 per square foot of outdoor cultivation area, \$2 per square foot of mixed-light cultivation area or \$3 per square foot of indoor cultivation area regardless of whether or not marijuana is actually grown on such property."*

Homestead Collective Weed Company, LLC was issued an Interim Permit to cultivate 9,000 square feet of outdoor cultivation on August 29, 2018. Thus, the cultivation excise tax is required for the 2018 cultivation year regardless of whether cultivation occurred on-site. Homestead Collective Weed Company has not paid the 2018 cultivation excise taxes as required by Humboldt County Code, and has stated his refusal to pay these excise taxes. In addition, Homestead Collective Weed Company held an Interim Permit for 9,000 square feet throughout 2019 and has not paid the 2019 cultivation excises taxes.

While the County Code is clear that taxes are required regardless of whether cultivation of marijuana actually did occur, the applicant's argument is that he did not cultivate marijuana and should not be taxed. While somewhat irrelevant to the requirement to pay taxes, Humboldt County WebGIS aerial imagery shows that cultivation did in fact occur in 2018 as shown in the email dated December 12, 2019, from the supervising planner to the applicant (see Attachment 4). A review of the documentation submitted for the Cultivation Area Verification (CAV) and relocation dispute indicates that during the 2018 relocation discussion,

the applicant never stated cultivation was not occurring. In fact, the applicant's response to the County's assessment that he had expanded his cultivation area was that he had not expanded but relocated on-site. Admittance of on-site relocation is an acknowledgement of cultivation occurring in 2018.

Failure and refusal to pay the required excise taxes renders the development inconsistent with County regulations and the required finding cannot be made.

312-17.1.4: The proposed development will not be detrimental to the public health, safety and welfare, and will not be materially injurious to properties or improvements in the vicinity.

Unable to make this finding. There is currently not evidence that supports finding that the proposed project will not be detrimental to the public health, safety and welfare since available information does not support finding that the operation will not impact biological resources on the site or in the vicinity.

312-17.1.5: The proposed development shall not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law (the midpoint of the density range specified in the plan designation), except where: 1) the reduction is consistent with the adopted general plan including the housing element; and 2) the remaining sites identified in the housing element are adequate to accommodate the County share of the regional housing need; and 3) the property contains insurmountable physical or environmental limitations and clustering of residential units on the developable portions of the site has been maximized.

Consistent. The property was not included in the 2014 Housing Inventory. The project is in conformance with the standards in the Housing Element.

5. Special Permit Record No. PLN-12237-SP is denied.

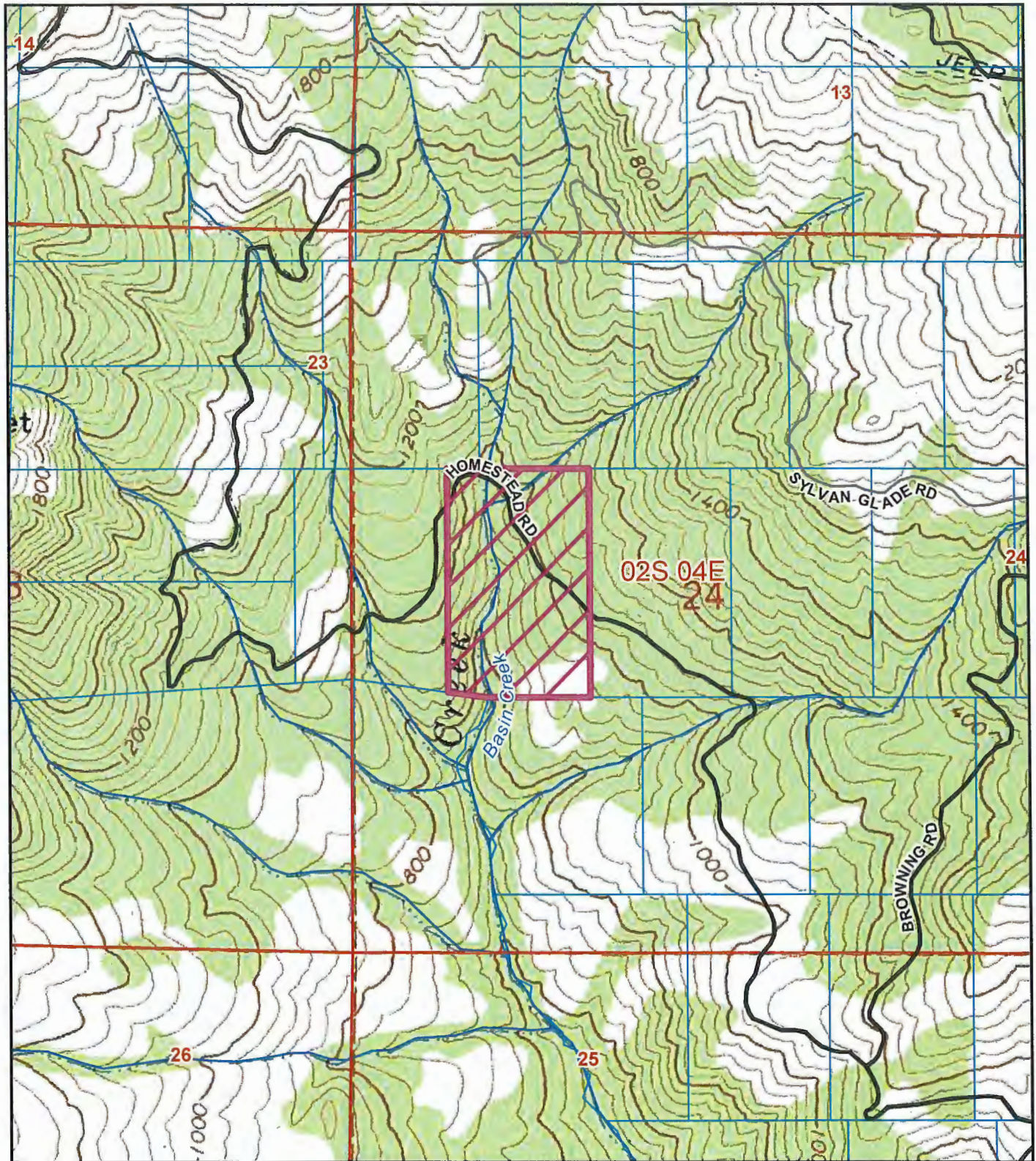
Adopted after review and consideration of all the evidence on May 7, 2020.

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

AYES: Commissioners:
NOES: Commissioners:
ABSTAIN: Commissioners:
ABSENT: 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.

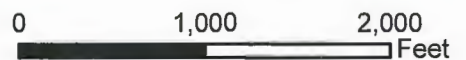
John Ford, Director
Planning and Building Department



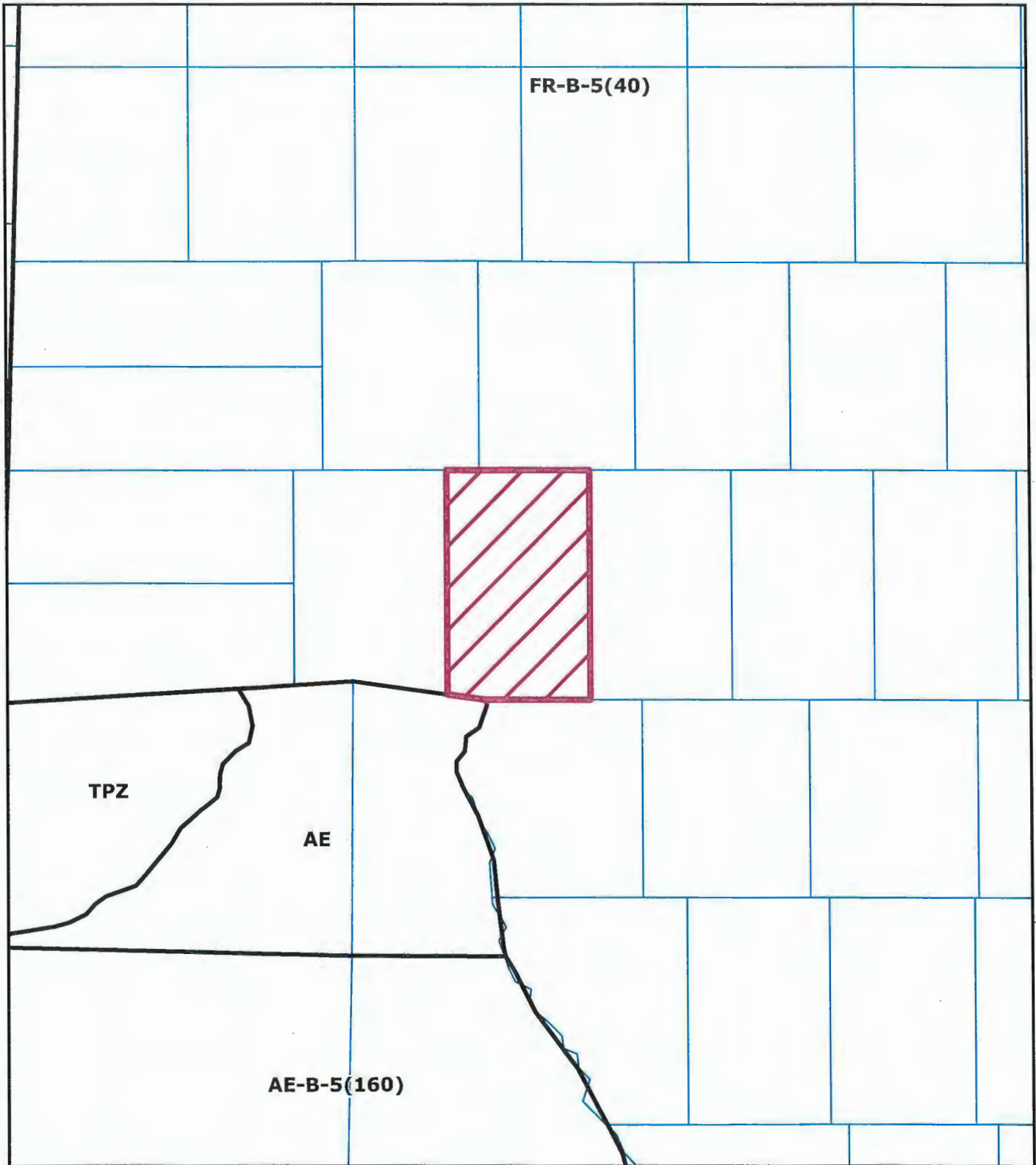
**TOPO MAP
 PROPOSED THE HOMESTEAD COLLECTIVE WEED COMPANY LLC
 BLOCKSBURG AREA**

Project Area = 

**PLN-12237-SP
 APN: 217-401-011
 T02S R04E S24 HB&M (BLOCKSBURG)**



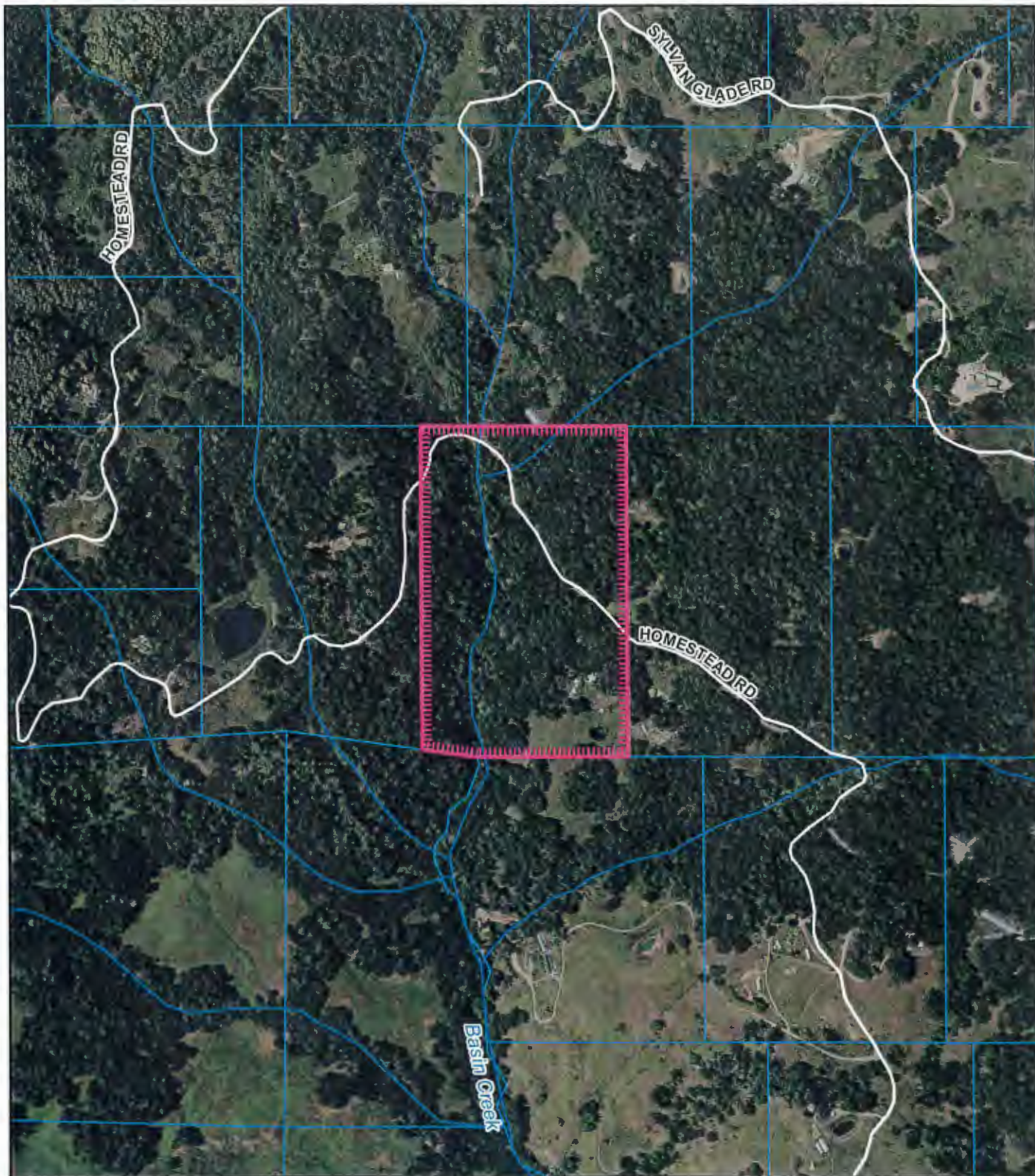
This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.



ZONING MAP
PROPOSED THE HOMESTEAD COLLECTIVE WEED COMPANY LLC
BLOCKSBURG AREA
PLN-12237-SP
APN: 217-401-011
T02S R04E S24 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.



AERIAL MAP
PROPOSED THE HOMESTEAD COLLECTIVE WEED COMPANY LLC
BLOCKSBURG AREA
PLN-12237-SP
APN: 217-401-011
T02S R04E S24 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.



THC WEED COMPANY, LLC:
 APN: 217-401-011

VICINITY MAP
 NOT TO SCALE



AERIAL MAP



PROJECT DIRECTIONS

- FROM: EUREKA, CA
- HEAD SOUTH ON THE U.S. 1015 (20 MILES)
 - TAKE EXIT 685 FOR LA-36E (0.3 MILES)
 - TURN LEFT ONTO LA-36E (24 MILES)
 - TURN RIGHT ONTO ALDER POINT ROAD (18 MILES)
 - TURN RIGHT TOWARD HOMESTEAD ROAD (0.3 MILES)
 - TURN LEFT TOWARD HOMESTEAD ROAD (3.3 MILES)

PROJECT INFORMATION

LAT/LONG: 40.2757/-123.6823
APN: 217 - 401 - 011
APPLICANT: THC WEED COMPANY, LLC
PARCEL SIZE: 43.96 ACRES
ZONING: FR
APPLICATION TYPE: TYPE 2 OUTDOOR

COASTAL ZONE: NO
100 YEAR FLOOD: NO

AGENT:

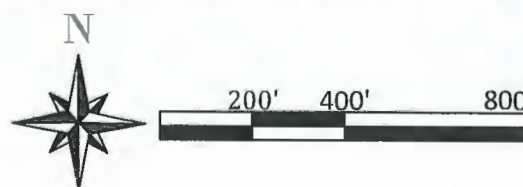
KAYLIE SAXON
 GREEN ROAD CONSULTING INC
 1650 CENTRAL AVE. SUITE C
 MCKINLEYVILLE, CA 95519
 707-630-5041

TRAVEL TIME

APPROXIMATELY: 1HR 45 MINUTES, 66 MILES

SHEET INDEX

CP-COVER PAGE
 PO-PARCEL OVERVIEW



PROPERTY LINES AND BUILDING LOCATIONS
 ARE APPROXIMATE AND BASED ON AERIAL
 MAPS AND GPS DATA TAKEN IN THE FIELD.



PROJECT INFORMATION

PROPERTY OWNER: BRIAN ROBERTS
ADDRESS: 5576 HOMESTEAD RD, BLOCKSBURG, CA
APN: 217-401-011
SHEET INFO: COUNTY COVER PAGE

REVISIONS

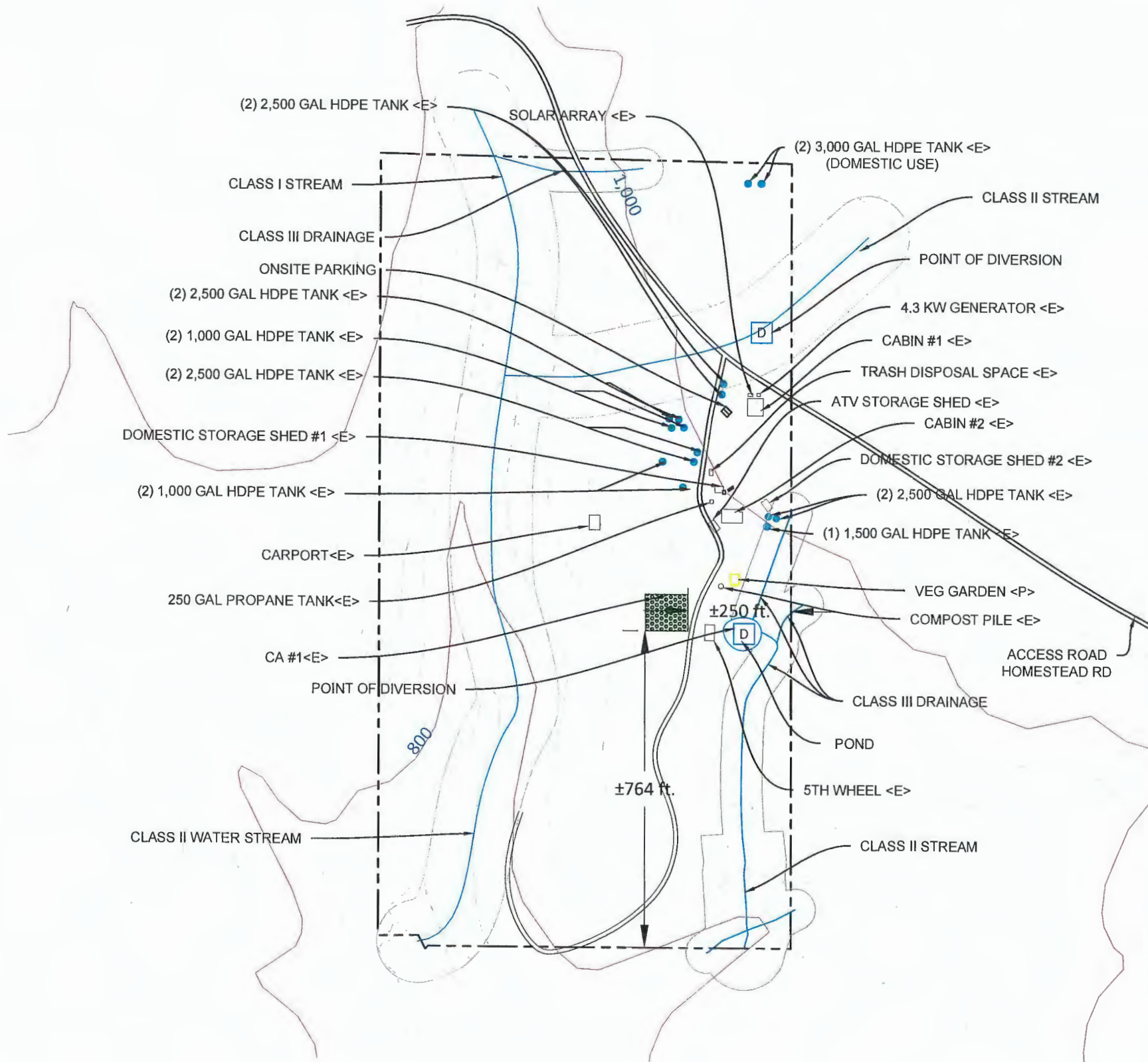
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DATE: 3/15/19
DRAFTER: X
SCALE: AS SHOWN

SHEET
CP

PARCEL OVERVIEW

APN: 217-401-011



CULTIVATION INFORMATION

EXISTING OUTDOOR CULTIVATION AREA

CA #1 = 9,000 FT²

CULTIVATION | DOMESTIC AND USE

| CULTIVATION BUILDING | USE | YEAR | SIZE |
|----------------------|----------------------------|------|---------|
| CARPORT | DRYING/ HARVEST STORAGE | 2017 | 10'X20' |

| DOMESTIC BUILDING | USE | YEAR | SIZE |
|--------------------------|------------------|------|---------|
| CABIN #1 | PERMANENT LIVING | 1995 | 36'X36' |
| CABIN #2 | TEMPORARY LIVING | 1990 | 24'X36' |
| 5TH WHEEL | OFFICE SPACE | 1996 | 10'X38' |
| ATV STORAGE SHED | ATV STORAGE | 1990 | 10'X20' |
| DOMESTIC STORAGE SHED #1 | DOMESTIC STORAGE | 1990 | 10'X20' |
| DOMESTIC STORAGE SHED #2 | DOMESTIC STORAGE | 1990 | 10'X20' |

WATER STORAGE

| TYPE | NUMBER | SIZE | DATE OF INSTALLATION |
|-----------|--------|-----------------|----------------------|
| HDPE TANK | 2 | 3,000 GALLONS | 2014 |
| HDPE TANK | 10 | 2,500 GALLONS | 2014 |
| HDPE TANK | 1 | 1,500 GALLONS | 2014 |
| HDPE TANK | 2 | 1,000 GALLONS | 2014 |
| POND | 1 | 252,500 GALLONS | - |

TOTAL AMOUNT OF WATER STORAGE = 287,500 GALLONS

WATER SOURCE

POND
CLASS II STREAM

CLASS I & II STREAMS WITH REQUIRED 100 FT. BUFFER ZONES
CLASS III DRAINAGE WITH REQUIRED 50 FT. BUFFER ZONE

POWER SOURCE

4.3KW GENERATOR
SOLAR ARRAY

SURROUNDING BUILDINGS

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

THERE ARE NO OFF SITE RESIDENCES WITHIN 300 FEET OF THE CULTIVATION SITE.



PROJECT INFORMATION

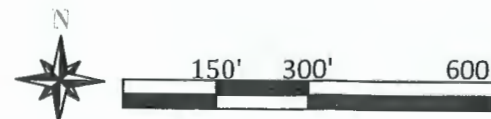
PROPERTY OWNER BRIAN ROBERTS
ADDRESS APN: 217-401-011
SHEET INFO PARCELOVERVIEW

REVISIONS

| NO. | NOTES | DATE |
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DATE 3/15/19
DRAFTER X
SCALE AS SHOWN

SHEET
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ATTACHMENT 1

Applicant's Evidence in Support of the Required Findings

Attachment 1 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 $\frac{1}{4}$ mile (1,320 ft.) of a school, school bus stop, church or other place of religious worship, public park, or Tribal Cultural Resource, the site plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 600 feet. (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; and proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel, and a description of cultivation activities (outdoor, indoor, mixed light), the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. (Attached)
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. (Right to Use and Divert Water Certificate No. H100077; On file – Initial Statements of Water Diversion and Use)
6. Description of water source, storage, irrigation plan, and projected water usage. (Attached in operations plan)
7. Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the North Coast Regional Water Quality Control Board demonstrating enrollment in Tier 1, 2 or 3, North Coast Regional Water Quality Control Board Order No. R1-2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (Attached – Water Resource Protection Plan prepared by the applicant dated August 1, 2017; On file – enrollment documents)
8. If any on-site or off-site component of the cultivation facility, including access roads, water supply, grading or terracing impacts the bed or bank of any stream or other watercourse, a copy of the Streambed Alteration Permit obtained from the Department of Fish & Wildlife. (Conditional of approval; On file – Notification of Lake or Streambed Alteration)
9. If the source of water is a well, a copy of the County well permit, if available. (N/A)

10. If the parcel is zoned FR, U or TPZ, or involves the conversion of timberland as defined under section 4526 of the Public Resources Code, a copy of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (CAL-FIRE). Alternately, for existing operations occupying sites created through prior unauthorized conversion of timberland, evidence may be provided showing that the landowner has completed a civil or criminal process and/or entered into a negotiated settlement with CAL-FIRE. (Not applicable)
11. Consent for onsite inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. (On file)
12. For indoor cultivation facilities, identify the source of electrical power and how it will meet with the energy requirements in section 55.4.8.2.3, and plan for compliance with applicable Building Codes. (N/A)
13. Acknowledge that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed will not support diversions for irrigation. (On file)
14. Acknowledge that the county reserves the right to engage with local Tribes before consenting to the issuance of any clearance or permit, if cultivation operations occur within an Area of Traditional Tribal Cultural Affiliation, as defined herein. This process will follow current departmental referral protocol, including engagement with the Tribe(s) through coordination with their Tribal Historic Preservation Officer (THPO) or other tribal representatives. This procedure shall be conducted similar to the protocols outlined under SB 18 (Burton) and AB 52 (Gatto), which describe "government to government" consultation, through tribal and local government officials and their designees. During this process, the tribe may request that operations associated with the clearance or permit be designed to avoid, minimize or mitigate impacts to Tribal Cultural Resources, as defined herein. Examples include, but are not limited to: conducting a site visit with the THPO or their designee to the existing or proposed cultivation site, requiring that a professional cultural resources survey be performed, or requiring that a tribal cultural monitor be retained during project-related ground disturbance within areas of sensitivity or concern. The county shall request that a records search be performed through the California Historical Resources Information System (CHRIS). (On file)
15. Road Evaluation Report prepared by the applicant dated March 29, 2019. (Attached)
16. DEH worksheet. (On file)
17. Cultivation Area Verification. (Attached)



Humboldt County Planning Department
3015 H Street
Eureka, CA 95501

RE: The Homestead Collective Weed Company – Humboldt County APPS 12237 – APN: 217-401-023

March 29th, 2019

To Whom It May Concern:

The following information should be added to the Cultivation and Operations Plan for The Homestead Collective Weed Company LLC, APPS #12237, APN: 217-401-023.

CA#1

CA#1 consist of approximately 9,000 square feet of outdoor cultivation.



**GREEN
ROAD
CONSULTING**

Applicant: The Homestead Collective Weed Company LLC.

Parcel: 217-401-011

Cultivation and Operations Plan

Site Plan Overview and Cultivation and Operations Plan



GREEN ROAD CONSULTING

Site Plan Overview and Cultivation and Operations Plan

Applicant/Owner

The Homestead Collective Weed Company, Inc.

5576 Homestead Rd.

Blocksburg, CA 95514

APN: 217-401-011

Agent

Dante Hamm

Green Road Consulting

1650 Central Avenue, Suite C

McKinleyville, CA 95519

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I. Site Plan Overview

1.0 Project Information

The Homestead Collective Weed Company LLC (“Applicant”), is submitting this application for a Type 2 Outdoor Special Permit for 10,000 square feet of commercial cannabis cultivation on a 43.76-acre parcel, located in Blocksburg, CA, Assessor’s Parcel Number 217-401-011.

The Applicant is diverting water from two (2) natural water courses. One unnamed Class II Instream Pond located on the parcel and one Unnamed Class II Watercourse located on the parcel. The Applicant anticipates using 107,000 gallons of water annually. The Applicant is enrolled in the North Coast Regional Water Quality Board and filed two initial statements of water diversion.

The Applicant has a total of seven (7) buildings onsite. There are two (2) Cabins; Cabin #1 was constructed in 1995 and measures approximately 36’X36’, it is used for permanent living. It is not used for cannabis cultivation purposes. Cabin #2 was constructed in 1990 and measures approximately 24’X36,’ it is used for temporary living. It is not used for cannabis cultivation purposes. There are two (2) Domestic Storage Sheds onsite. Both of which were constructed in 1990 and measure approximately 10’X20,’ they are used as storage for general domestic purposes. They are not used for cannabis cultivation purposes. There is one (1) ATV Storage Shed onsite; the ATV Storage Shed was constructed in 1990 and measures approximately 10’X20,’ it is used for ATV storage. It is used not for cannabis cultivation purposes. There is one (1) 5th wheel onsite; the 5th wheel was installed in 1996 and measures approximately 10’X38’, it is used as an office space. It is not used for cannabis cultivation purposes.

There is one Portable Carport onsite; the Portable Carport measures approximately 10’X20’ and was installed in 2017, it is used to dry and cure harvested cannabis.

The Applicant has no permanent nutrient storage, instead they bring in nutrients and amendments as needed.

The Applicant anticipates one (1) annual harvest. Cultivation activities will start in in mid-April and end sometime in October.

Harvesting will be done by family and members of the collective. The Applicant will be selling the harvested materials to a third-party processor for processing. There will be no employees.

This application is submitted through their agent, Dante Hamm of Green Road Consulting, Inc., and has been prepared in accordance with Humboldt County’s Commercial Medical Marijuana Land Use Ordinance (CMMLUO).

The Type 2 Outdoor Special Permit would achieve the following results for the Applicant:

- a. 10,000 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 43.76-acres and is identified by Assessor's Parcel Number ("APN") 217-401-011. The street address for the Parcel is 5576 Blocksburg CA, 95514.

2.1 Zoning Classification

The County's Zoning Classification of the Parcel is FR-B-5(40); general plan of AL40 (FRWK) and a Use Code Description of Improved, Rural Residential, 20+ to 40 ac. The CMMLUO permits existing commercial cannabis cultivation on land zoned as AE with cultivation sites up to 10,000 square feet with a Special Permit.

2.2 Site Topography

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

3.0 Easements

"EXHIBIT 'A'

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

PARCEL ONE

Parcel Numbered 61 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 centerline of which is as shown on that certain Record of Survey, recorded in Book 37 of Surveys, pages 41 through 48, inclusive, Official Records of Humboldt County; the easements as shown on said Record of Survey supersedes the easements as shown on Parcel Map No. 64 referred to in Parcel One above.

APN•. 217-401-011"

4.0 Natural Waterways

There is one (1) Class I Unnamed Stream, five (5) Unnamed Class II streams, one (1) Unnamed Class III Drainage, and one (1) unnamed Class II Instream Pond.

The Applicant has a Water Resource Protection Plan for the Parcel and is enrolled in the Water Board's Waiver of Waste Discharge program as a Tier II discharger.

5.0 Location and Area of Existing Cultivation

The 10,000 square feet of cannabis cultivation occurs in two (2) locations on the Parcel and can be viewed on the Site Plan, included in the Site Plan of Entire Parcel section of this application.

Cultivation Area #1

Cultivation Area #1 consist of approximately 2,000ft² of outdoor cultivation and is located in the eastern section of the parcel just south of the Residence.

Cultivation Area #2

Cultivation Area #2 consist of approximately 8,000ft² of cultivation and is located in the mid-section of the parcel just south of Cultivation Area #2.

6.0 Setbacks of Cultivation Area

Cultivation Area #1

Cultivation Area #1 is setback approximately 123 feet from the eastern parcel line and set back from the southern parcel line by over 800 feet.

Cultivation Area #2

Cultivation Area #2 is setback approximately 250 feet from the eastern parcel line and set back from the southern parcel line by approximately 764 feet.

7.0 Access Roads

The Parcel is located off of Homestead Rd. which is maintained by the Larabee Creek Road Association. There are two (2) stream crossings (culverts) exist on the property. They are in good condition and are maintained by the Larabee Creek Road Association.

8.0 Graded Flats

There are no graded flats located on the Parcel.

9.0 Existing Buildings

There are seven (7) existing buildings onsite.

Domestic Buildings

Cabin #1

Cabin #1 was constructed in 1996 and measures approximately 36'X36', it is used a place of living. It is not used for cannabis cultivation.

Cabin #2

Cabin #2 was constructed in 1990 and measures approximately 24'X36,' it is used for temporary living. It is not used for cannabis cultivation purposes

5th Wheel

The 5th wheel was installed in 1996 and measures approximately 10'X38', it is used as an office space. It is not used for cannabis cultivation purposes.

ATV Storage Shed

The ATV Storage Shed was constructed in 1990 and measures approximately 10'X20,' it is used for ATV storage. It is used not for cannabis cultivation purposes.

Domestic Storage Shed #1

The Domestic Storage Shed #1 was constructed in 1990 and measures approximately 10'X20,' it is used for general domestic storage, it is not used for cannabis cultivation.

Domestic Storage Shed #2

The Domestic Storage Shed #1 was constructed in 1990 and measures approximately 10'X20,' it is used for general domestic storage, it is not used for cannabis cultivation.

Cultivation Buildings

Carport

There is one Portable Carport onsite; the Portable Carport measures approximately 10'X20' and was installed in 2017, it is used to dry and cure harvested cannabis.

10.0 Water Storage, Water Source, Watershed Protection, and Projected Water Use

10.1 Water Storage

The Applicant has 34,500 gallons of hardwater tank storage and 252,000 gallons of pond water storage.

- (2) 3,000-gallon HDPE
- (10) 2,500-gallon HDPE
- (1) 1,500-gallon HDPE
- (2) 1,000-gallon HDPE
- (1) 252,500-gallon Instream Pond

The total water storage consists of 287,500 gallons.

10.2 Water Source

The Applicant is sourcing water from a Class II Watercourse as well as a Class II Instream Pond.

10.3 Watershed Protection

The Cultivation Areas are within the required buffer zones of all the water courses on the parcel. The Applicant meets the standard conditions.

The Applicant has a Water Resource Protection Plan for the Parcel and is enrolled in the Water Board’s Waiver of Waste Discharge program as a Tier II Discharge.

10.4 Projected 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.”

The Applicant anticipates using 107,000 gallons of water annually.

11.0 Site Drainage, Irrigation Runoff, and Erosion Control Methods

Irrigation Runoff/Site Drainage

All irrigation of cannabis is completed by hand, which allows water to be monitored and distributed at an agronomic rate which prevents any over watering or run off. The parcel meets the standard condition.

Erosion Control Methods

Upon the site visit by the engineers, the parcel appeared to have minimal erosion near the cultivation area. The parcel meets the standard conditions

12.0 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.

II. Cultivation and Operations Plan

1.0 Materials Storage

Pesticides and Herbicides

Currently, there are no pesticides or herbicides registered specifically for use directly on cannabis.

Fertilizers and Amendments

The Applicant brings in fertilizers and amendments as needed and has no permeant fertilizer storage space.

Petroleum Products

The Applicant has a 4.3KW generator used to power the residence. The generator is covered with and has the proper secondary containments. The Applicant also has 250-gallon propane tank stored onsite, used for domestic purposes.

Refuse and Human Waste

Cabin #1 has an un-permitted septic system which shows no signs of failure but requires back permitting. If the current system is found to be unsuitable than a new system will have to be permitted and installed. The Applicant keeps their refuse in a confined area with a cover. They

will be taking their cultivation and domestic refuse to Eel River Resource Recovery in Fortuna for disposal. The Applicant also has a Compost pile located adjacent to their Veg-garden.

Soils Management

The Applicant will be reamending their soil for reuse. Every five (5) years the Applicant will be taking their used soil to Wes Green in Arcata for disposal.

2.0 Cultivation Activities

Cultivation activities may vary due the climate, strain, and the Applicants personal schedule.

Cultivation activities typically begin in mid-April when the Applicant starts propagation of the plants in a designated veg space (found on site map). The Plants will veg for approximately one (1) month until they are ready to be planted in one of two (2) of the designated cultivation areas (found on sitemap) in mid-May. The plants will be harvested sometime in October one at a time by members of the collective and family.

2.0 Processing Practices

The Applicant has a temporary Carport for drying and curing when the plants are ready for harvest. The location of said Carport varies by year.

The Applicant will be harvesting plants one at a time using hand shears and will sell the cannabis plants to third parties for processing.

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.

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

4.0 Security Measures

The Applicant keeps harvested cannabis in secure locations. There are security dogs on the site at all times. The Applicant also has plans to install security cameras on the parcel.



**GREEN
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Attachment “A”



**GREEN
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CONSULTING**

Attachment “B”

Water Use and Cultivation Form



| | |
|---------------------------------------|-----------------|
| Name: | Brian Roberts |
| APN: | 217-401-011-000 |
| WDID: | |
| Reporting Year | 2016 |
| Storage (Gallons): | 287,000 |
| Total Cultivation (ft ²): | 10,000 |

| Cultivation Information | | | | |
|-------------------------|------------------------------|------------------------------|---------------|-------------------------|
| Cultivation Area | Distance to watercourse (ft) | Watercourse Classification | Average Slope | Area (ft ²) |
| CA1 | 80 | Class III drainage/ wetlands | 6% | 8,000 |
| CA2 | 135 | Class III drainage/ wetlands | 10% | 2,000 |

| Total Water Surface Diversion (Gallons) | | | | | | | | | | | | | |
|---|---------|----------|--------|-------|-------|------|------|--------|-----------|---------|----------|----------|--------|
| Source | January | February | March | April | May | June | July | August | September | October | November | December | Total |
| Class II Stream | 10,000 | 10,000 | 10,000 | - | - | - | - | - | - | - | - | - | 30,000 |
| Class III Instream Pond | 13,800 | 12,600 | 10,400 | 5,400 | 2,700 | - | - | - | - | - | 10,000 | 22,100 | 77,000 |
| | | | | | | | | | | | | | |

| Water Input to Storage by Source (Gallons) | | | | | | | | | | | | | |
|--|---------|----------|--------|-------|-------|------|------|--------|-----------|---------|----------|----------|--------|
| Source to Storage | January | February | March | April | May | June | July | August | September | October | November | December | Total |
| Class II Stream | 7,410 | 7,690 | 7,450 | - | - | - | - | - | - | - | - | - | 22,550 |
| Class III Instream Pond | 13,800 | 12,600 | 10,400 | 5,400 | 2,700 | - | - | - | - | - | 10,000 | 22,100 | 77,000 |
| | | | | | | | | | | | | | |

| Water Use by Source (Gallons) | | | | | | | | | | | | | |
|-------------------------------|---------|----------|-------|-------|------|-------|--------|--------|-----------|---------|----------|----------|--------|
| Use from Source | January | February | March | April | May | June | July | August | September | October | November | December | Total |
| Class I Stream | 2590 | 2310 | 2550 | 2470 | 2550 | 2470 | 2550 | 2470 | 2550 | 2470 | 2550 | 2470 | 30,000 |
| Class III Instream Pond | - | - | - | - | - | 2,000 | 30,000 | 30,000 | 15,000 | - | - | - | 77,000 |
| | | | | | | | | | | | | | |

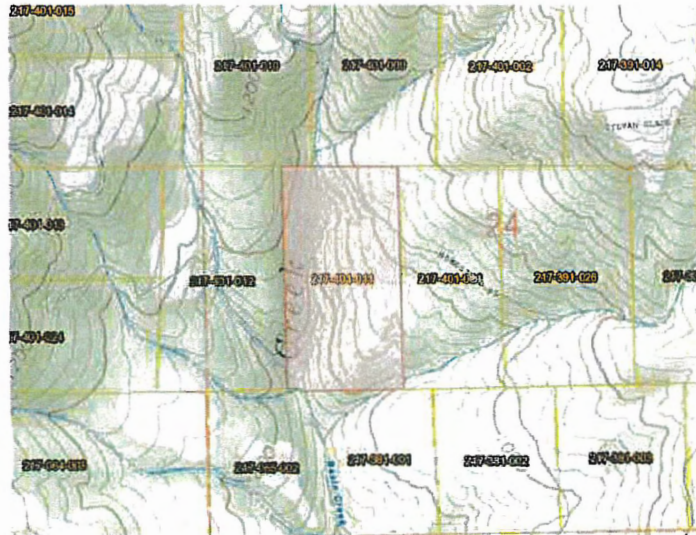
* Water use is estimated from the best information available, if water meters are not installed.



Water Resource Protection Plan (WRPP)

APN: 217-401-011

WDID: 1B171234CHUM



Prepared for:

North Coast Regional Water Quality Control Board (NCRWQCB)

Prepared by:

Kelly Hollreiser

kelly@greenroadconsulting.com

Green Road Consulting

1650 Central Ave., Suite C, McKinleyville CA, 95519

(707) 630-5041

Date of completion:

8/1/2017

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LIST OF ATTACHMENTS

- A WRPP Reporting Forms**
 - A.1** Order No. 2015-0023 Appendix C. Reporting Forms
 - A.2** Chemical Use Forms
 - A.3** Water Use and Cultivation Forms
- B WRPP Monitoring Forms**
- C NCRWQCB Order No. 2015-0023**
 - C.1** Waiver of Waste Discharge Requirements
 - C.2** Appendix B: Best Management Practices
 - C.3** Appendix E.1: Legal Pest Management Practices for Marijuana Growers in California
 - C.4** Appendix E.2: Pesticide Use on Marijuana

Client: The Homestead Collective Weed Company, LLC.

Land Owner: Brian Roberts

Assessor's Parcel Number: 217-401-011

Site Address: 5576 Homestead Rd, Blocksburg, CA

Mailing Address: PO Box 244, Blocksburg, CA 95514

Parcel Number: 217-401-011

General Plan: AL40 (FRWK)

Zone: FR

Parcel Size: 43

HUC12 Watershed: 180101050501

1 INTRODUCTION

This document constitutes a Water Resource Protection Plan (WRPP), prepared by Green Road Consulting (GRC) for The Homestead Collective Weed Company, LLC.; parcel number 217-401-011, as required by the NCRWQCB Order No. 2015-0023¹. The purpose of the order is to provide a regulatory structure for cannabis cultivation designed to prevent and address poor water quality and other adverse impacts on water resources in the North Coast Region of California. The purpose of the WRPP is to identify conditions present on a parcel that may pose a threat to water quality and resources and establish a plan to meet or surpass requirements set forth in the order.

Green Road Consulting (GRC) has made an initial assessment of this parcel through field work as well as through a variety of county, state, and private websites (e.g. USDA web soil survey, USGS stream stats program, Google Earth, Humboldt County Web GIS). The site was surveyed with a GPS unit (2 to 4-meter accuracy) to document roads, buildings, cultivation sites, and areas requiring remediation. Maps were created using the software ESRI ArcMap.

2 BACKGROUND

The site is located in Southern Humboldt County approximately 5 miles northwest of the City of Blocksburg and can be accessed from Homestead Road off of Alderpoint Road. The elevation of the site is approximately 1,000-ft above sea level. The parcel is located on a mountainous hillslope with drainages to the South that flows into Basin Creek. Basin Creek is a tributary to the Eel River which is on the Section 303(d) list for impairment or threat of impairment to water quality associated with elevated sediment and temperature levels. The Eel River Watershed is known to have Coho, Chinook, and Steelhead which are

¹ Order entitled "Waiver of Waste Discharge Requirements and General Water Quality Certification for Discharges of Waste Resulting from Cannabis Cultivation and Associated Activities or Operations with Similar Environmental Effects In the North Coast Region"

listed to be a threatened or endangered species. The hillslopes in the region are known to have high instability. The site geology is part of the Franciscan Complex which is primarily composed of Cretaceous and Jurassic sandstone with smaller amounts of shale, chert, limestone and conglomerate. Unstable areas found during site investigation are delineated on the Erosion Control and Sediment Map. The area was historically logged with legacy logging roads throughout the site (see Historical Imagery Map).

3 SITE OVERVIEW

The parcel has two (2) cabins, three (3) sheds, 5th wheel, and a carport onsite. Current cultivation consists of 10,000 square feet of outdoor cultivation. Cultivation takes place in two (2) locations near one (1) cabin and 5th wheel. Cultivation area 1 (CA1) is located by the 5th wheel and is 80 feet away from the nearest watercourse. Cultivation area 2 (CA2) is located near the cabins and is more than 100 feet away from the nearest watercourse. There is an unpermitted septic near one of the cabins and it will need to be back permitted. It shows no signs of failure but if the current system is found to be unsuitable, then a new system will have to be permitted and installed. The site is not grid tied and requires the use of a solar array and a generator with fuel storage. There were a few small gasoline containers that were left in the open and require secondary containment and storage in a covered area. Water storage consists of fifteen (15) HDPE water tanks and one (1) instream pond totaling to 287,500-gallons. The parcel also uses two (2) diversions, a Class III instream pond and Class II stream as its water source. Both diversions require a Notification of Lake and Streambed Alteration filed with California Department of Fish and Wildlife. Multiple water storage tanks are located within the streamside management area of a Class II watercourse and need to be relocated. There is a vegetable garden being operated within 50 feet of a Class III stream and should be relocated. There are two (2) stream crossings that exist on the parcel, and are in good condition. They are maintained by the Larabee Creek Road Association. Overall the site is in fair condition with moderate potential to impact stream systems. The processing and transportation of the Cannabis is specified in the Humboldt County Commercial Medical Marijuana Land Use Ordinance (CMMLUO).

4 ASSESSMENT OF STANDARD CONDITIONS

Below is an assessment of the site based on the 11 Standard Conditions laid out in the NCRWQCB Order. This includes a description and summary of the parcel's required remediation measures with respect to each condition. The required remediation is summarized with expected completion dates in Table 4. Locations of erosion and sediment delivery areas are denoted as Map Points (MP) in the Erosion Control and Sediment Delivery Map.

4.1 Site Maintenance, Erosion Control and Drainage Features

The access roads on the site were in good condition with minimal maintenance required. Homestead Road is maintained by the Larabee Creek Road Association and monitored regularly to ensure integrity. There is also a legacy skid road on the property that is not used and is stable. **No remediation is required.**

4.2 Stream Crossing Maintenance

There are two (2) stream crossings (culverts) on Homestead Road. Both culverts are in good condition and are maintained by Larabee Creek Road Association. **No remediation is required.**

4.3 Riparian and Wetland Protection and Management

The site utilizes two (2) surface water diversions: A Class II stream, and a Class III instream pond. Both diversions require a Notification of Lake and Streambed Alteration filed with the CDFW. Modifications to the diversion works may be requested upon inspection by the CDFW. Additionally, ten (10) water storage tanks

are within the streamside management zone of a Class II stream (MP2) and need to be relocated to maintain a minimum of 100-ft buffer. Finally, a vegetable garden is being operated within 50-ft of a Class III stream (MP1) and should be relocated to maintain a minimum 50-ft buffer.

Table 1. Cultivation Area summary with respect to natural slope, distance to water body, and water body classification.

| Cultivation Area (CA) | Cultivation Area (ft ²) | Natural Slope (%) | Distance to Water Body (ft) | Water Body Classification |
|-----------------------|-------------------------------------|-------------------|-----------------------------|---------------------------|
| Area 1 (CA1) | 8,000 | 6 | 80 | Class III/Wetland |
| Area 2 (CA2) | 2,000 | 10 | 135 | Class III/Wetland |

4.4 Spoils Management

No grading spoils were observed on the site. Spoils shall be located away from streams and secured with a tarp to ensure it is stabilized and contained. **No remediation is required.**

4.5 Water Storage and Use

The property has sufficient water storage including the instream pond. Since the instream pond cannot be used for cannabis cultivation, additional storage will be required. Water is stored in one (1) 250,000-gallon instream pond and several High-Density Polyethylene (HDPE) water tanks. The water tanks consisted of four (4) 3,000-gallon tanks, eight (8) 2,500-gallon tanks, two (2) 1,500-gallon tanks, and two (2) 1,000-gallon tanks (see Water Storage and Use Map). Two (2) Initial Statements of Diversion and Use have been filled for the pond as well as the point of diversion (POD) with the California State Water Resources and Control Board. State Water Resources Control Board has reviewed and processed both initial statements. Roberts POD 1 has been assigned identification number (S027308) and Roberts Pond has been assigned identification number (S027309). The instream pond will be used for domestic and fire suppression. The spring will be used for domestic and for the cultivation of cannabis. The estimated water diversion and use for 2016 is summarized in Table 2.

Table 2. Summary of Water Diversion and Use for 2016.

| Source | Use | Start Date | End Date | To Storage (gallons) | To Use (gallons) |
|----------------------------|----------|------------|----------|----------------------|------------------|
| Class III In-stream Pond 1 | Cannabis | Jan. 1 | Dec. 31 | 150,000 | |
| Class II stream | Cannabis | Jan. 1 | Mar. 31 | 22,550 | |
| Hard Tanks | Cannabis | Jul. 1 | Oct. 31 | | 22,550 |
| Class III In-stream Pond 1 | Cannabis | Apr. 1 | Oct. 31 | | 100,000 |
| Class II stream | Domestic | Jan. 1 | Dec. 31 | | 40,000 |

The site has 287,000 gallons of water storage available which is summarized in Table 3. Water meters will be installed to monitor use and create a water budget to determine the volume of water needed for cultivation during the dry season. To conserve water, a straw or mulch ground cover should be applied to reduce water evaporation. Water conservation methods such as timing will be employed to ensure water is applied at agronomic rates.

Table 3. Summary of Water Storage.

| Water Storage Type | Size (gallons) | Number | Total (gallons) |
|--------------------------|----------------|--------|-----------------|
| Class III In-stream Pond | 250,000 | 1 | 250,000 |
| HDPE Tanks | 3,000 | 4 | 12,000 |
| HDPE Tanks | 2,500 | 8 | 20,000 |
| HDPE Tanks | 1,500 | 2 | 3,000 |
| HDPE Tanks | 1,000 | 2 | 2,000 |
| Total | | | 287,000 |

4.6 Irrigation Runoff

There were no signs of irrigation runoff during the site investigation. The enrollee hand-waters all cultivation. Installation of a timer to limit water use would prevent any irrigation runoff. **No remediation is required.**

4.7 Fertilizers and Soil Amendments

All labels are kept and directions are followed when amendments and fertilizers are applied. Fertilizer shall be applied at agronomic rates. The Registrant will keep a log of their fertilizer and amendment use for annual reporting. Amendments and potting soil will be stored in a manner that prevents it from being transported to surface or groundwater. **No remediation is required.**

4.8 Pesticides/Herbicides

No pesticides or herbicides are used for cultivation. If any will be used in the future, enrollee will use only those accepted under the Legal Pest Management Practices for Marijuana Growers in California (see Chemical Use Attachment). Any future pesticides, herbicides, or fungicides will be stored in plastic storage totes in a covered building. The Registrant will keep a log of their pesticides, herbicides, or fungicides use for annual reporting. **No remediation is required.**

4.9 Petroleum Products and Other Chemicals

Small gasoline containers are left out in the open and require secondary containment and storage in a covered area. Storage tanks over 110 gallons need to be registered with the County Health Department. Spill cleanup kits must be kept in the chemical storage area. The enrollee must keep a log of their chemical use for annual reporting (see Chemical Use Form).

4.10 Cultivation-Related Wastes

Cultivation leaves are re-used by enrollee, stems are burned and all other soil and organic material is composted. Composting and soil piles must be limited to 100 cubic yards or 250 ft². They must also have perimeter controls and be covered during strong winds. Any soil to be disposed of should be brought to Wes Green in Arcata for disposal. Any compost should be stored in a location and manner to ensure pollutants and residuals do not migrate or leach in to surface waters or ground water. Vegetation waste, stems, and root balls should be burned during burn season with a valid permit or otherwise appropriately disposed of. For information contact the North Coast Unified Air Quality Management District (707-443-3093). All cultivation related wastes must be collected and stored daily in suitable water tight containers. **No remediation is required.**

4.11 Refuse and Human Waste

The non-primary residence has an un-permitted septic system which shows no signs of failure by requires back permitting. If the current system is found to be unsuitable than a new system will have to be permitted and installed.

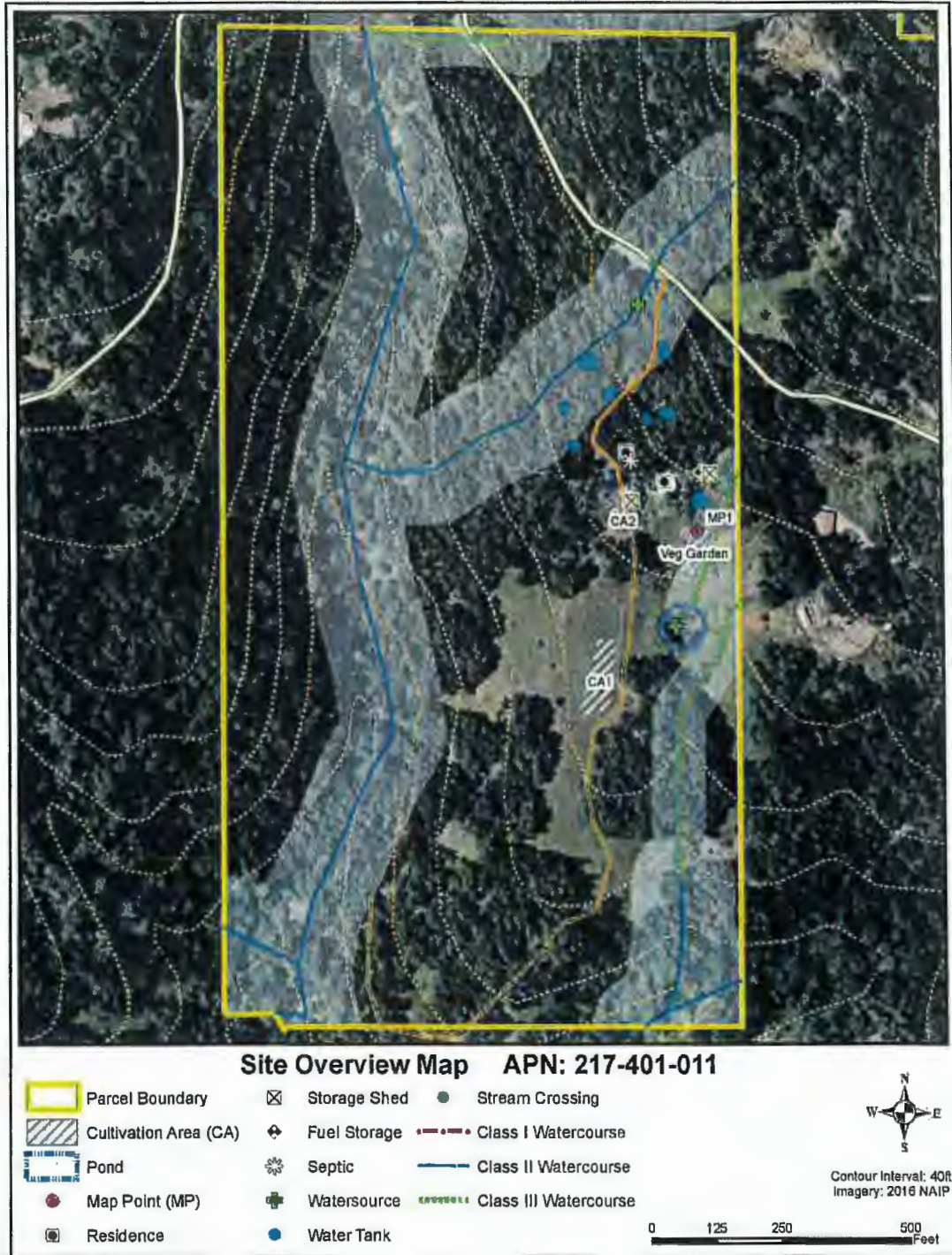
5. SUMMARY OF REQUIRED REMEDIATION

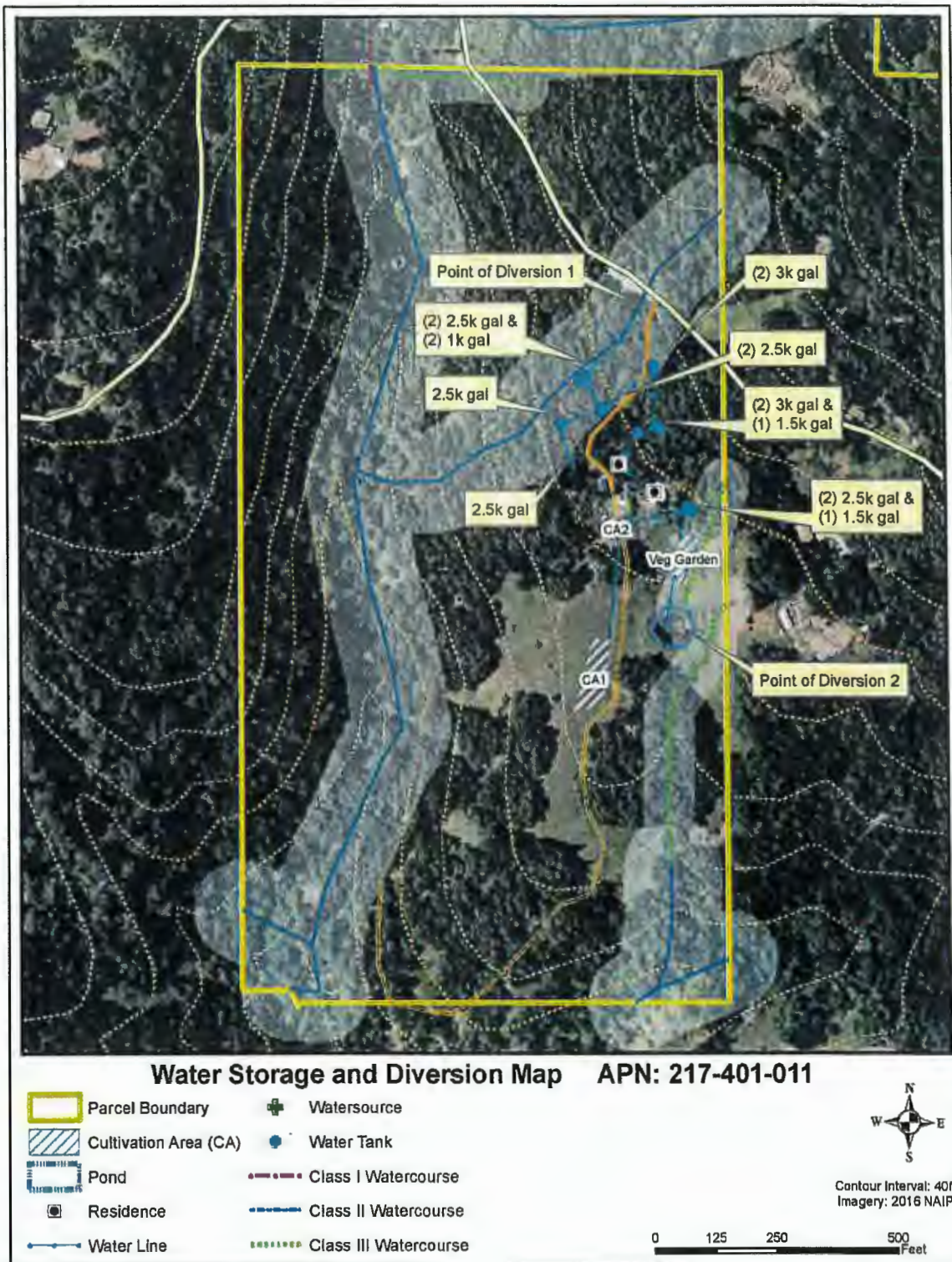
The following is a summary of the remediation measures required to become fully compliant with the Standard Conditions. A more detailed description of the issues and remediation measures is included in the previous section.

Table 4: Required Remediation Summary and Schedule.

| Map Point (MP) | Standard Condition | Issue | Remediation Measure | Treatment Priority | Expected Completion Date | Actual Completion Date |
|----------------|--|---|--|--------------------|---|------------------------|
| MP1 | Riparian and Wetland Protection and Management | A vegetable garden is being operated within 50-ft of a Class III stream. | Vegetable garden will be relocated to maintain a minimum 50-ft buffer. | Moderate | June 2019 | |
| MP2 | Riparian and Wetland Protection and Management | Ten water storage tanks are within the streamside management zone of a Class II stream. | Tanks will be relocated to maintain a minimum of 100-ft buffer. | Low | June 2019 | |
| NA | Water Storage and Use | Water diversion not permitted with CDFW. | Permit diversion with CDFW. | Moderate | October 2019 Dependent on permitting from CDFW | |
| NA | Water Storage and Use | Water storage without pond is insufficient to meet forbearance period. | Stop diverting from pond for cannabis and increase storage to meet requirements of the forbearance period. | Moderate | October 2018 | |
| NA | Petroleum Products and other chemicals | Small gasoline containers are left out in the open. | Secondary containment and storage in a covered area is required. | High | April 2018 | |
| NA | Refuse and Human Waste | Non-primary residence has an un-permitted septic system. | Septic requires back permitting. | Moderate | October 2019 | |

8. Maps







STATE OF CALIFORNIA
 CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
 STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

RIGHT TO DIVERT AND USE WATER

REGISTRATION H500615

CERTIFICATE H100077

Right Holder: *Brian Roberts*
 5576 Homestead Road
 Blocksburg, CA 95514

The State Water Resources Control Board (State Water Board) authorizes the diversion and use of water by the right holder in accordance with the limitations and conditions herein SUBJECT TO PRIOR RIGHTS. The priority of this right dates from 04/19/2018. This right is issued in accordance with the State Water Board delegation of authority to the Deputy Director for Water Rights (Resolution 2012-0029) and the Deputy Director for Water Rights redelegation of authority dated October 19, 2017.

The Deputy Director for Water Rights finds that this registration meets the requirements for registration of small irrigation use appropriation. (Wat. Code, § 1228 et seq.)

Right holder is hereby granted a right to divert and use water as follows:

1. Location of point(s) of diversion (**Coordinates in WGS 84**)

| Name of Diversion | Source | Tributary To: | Thence | Latitude | Longitude | County | Assessor's Parcel Numbers (APN) |
|-------------------|----------------|---------------|-------------|----------|-----------|----------|---------------------------------|
| SO27309 Pond | Unnamed Stream | Basin Creek | Basin Creek | 40.2752 | -123.6808 | Humboldt | 217401011000 |
| SO27308 Stream | Unnamed Stream | Basin Creek | Basin Creek | 40.2768 | -123.6823 | Humboldt | 217401011000 |

2. Purpose of Use and 3. Place of Use

| 2. Purpose of Use | 3. Place of Use | | |
|--|-----------------|---------------------------------|---------|
| | County | Assessor's Parcel Numbers (APN) | Acres |
| Irrigation, Aesthetic, Fire Protection | Humboldt | 217401011000 | 0.22957 |

Note: Assessor's Parcel Numbers provided are based on the user's entries in this portal on 06/01/2018.

The place of use is shown on the map filed on 06/01/2018 with the State Water Board.

4. Quantity and Season:

The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed **0.33 acre-feet per year** to be collected from 01/01 to 12/31 and as permitted in the diversion season specified in the current version of the State Water Board's Cannabis Policy, whichever is more restrictive. The total storage capacity shall not exceed 0.306889 acre-feet. The rate of diversion to storage shall not exceed **42,000 gallons per day (gpd) or the diversion rate specified in the current version of the State Water Board's Cannabis Policy, whichever is more restrictive.**

5. No water shall be diverted or used under this right unless the water right holder is in compliance with all applicable

conditions, including the numeric and narrative instream flow requirements, of the current version of the State Water Board's Cannabis Policy, except as follows:

Right holders enrolled under Regional Water Quality Control Board Order R1-2015-0023 or Order R5-2015-0113 shall comply at all times with requirements related to flow, diversion, storage, and similar requirements of Attachment A of the Cannabis Policy identified by the Division of Water Rights below in this condition. This condition remains in effect until July 1, 2019, or when the right holder enrolls under the statewide Cannabis General Order, whichever comes first, at which time right holders shall comply with all applicable conditions and requirements of Attachment A of the Cannabis Policy.

- Section 1 – Term Numbers 4, 15, 17, 24, 26, and 36.
- Section 2 – Term Numbers 23, 63, 64, 66, 69 – 78, 82 – 94, 96, and 98 – 103.
- Section 3 – All Instream Flow Requirements for Surface Water Diversions (Requirements 1 – 7) and the Gage Installation, Maintenance, and Operation Requirements.
- Section 4 – All requirements and conditions.

The current version of the State Water Board's *Cannabis Policy* is available online at:
https://www.waterboards.ca.gov/water_issues/programs/cannabis/docs/policy.pdf.

6. No water shall be diverted or used under this right, and no construction related to such diversion shall commence, unless right holder has obtained and is in compliance with all necessary permits or other approvals required by other agencies.
7. Diversion works shall be constructed and water applied to beneficial use with due diligence.
8. No water shall be diverted under this right unless right holder complies with all lawful conditions required by the California Department of Fish and Wildlife. (Wat. Code, § 1228.6, subd. (a)(2).)
9. No water shall be diverted under this right unless it is diverted in accordance with the information set forth in the completed registration form as to source, location of point of diversion, purpose of use, place of use, quantity, and season of diversion. This information is reproduced as conditions 1 through 4 of this certificate.
10. No water shall be diverted under this right unless right holder complies with all applicable state, city, county, and local laws, regulations, ordinances, permits, and license requirements including, but not limited to those for cannabis cultivation, grading, construction, and building.
11. Pursuant to Water Code sections 100 and 275 and the common law public trust doctrine, all rights and privileges under this right, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.
12. The State Water Board reserves jurisdiction over this registration to change the season of diversion and rate of diversion based on later findings of the State Water Board concerning availability of water and the protection of beneficial uses. Any action to change the authorized season of diversion and rate of diversion will be taken only after notice to interested parties and opportunity for hearing.
13. Right holder shall grant, or secure authorization through right holder's right of access to property owned by another party, the staff of the State Water Board, and any other authorized representatives of the State Water Board the following:
 - a. Entry upon property where water is being diverted, stored, or used under a right issued by the State Water Board or where monitoring, samples and/or records must be collected under the conditions of this right;
 - b. Access to copy any records at reasonable times that are kept under the terms and conditions of a right or other order issued by the State Water Board;
 - c. Access to inspect at reasonable times any project covered by a right issued by the State Water Board, equipment (including monitoring and control equipment), practices, or operations regulated by or required under this right; and,
 - d. Access to photograph, sample, measure, and monitor at reasonable times for the purpose of ensuring compliance with a right or other order issued by the State Water Board, or as otherwise authorized by the Water Code.
14. Diversion of water under this right is subject to prior rights. Right holder may be required to curtail diversion or release water stored during the most recent collection season should diversion under this right result in injury to holders of legal downstream senior rights. If a reservoir is involved, right holder may be required to bypass or release water through, over, or around the dam. If release of stored water would not effectively satisfy downstream prior storage rights, right holder may be required to otherwise compensate the holders of such rights for injury caused.

15. This right shall not be construed as conferring right of access to any lands or facilities not owned by right holder.
16. All rights are issued subject to available flows. Inasmuch as the source contains treated wastewater, imported water from another stream system, or return flow from other projects, there is no guarantee that such supply will continue.
17. If storage or diversion of water under this right is by means of a dam, right holder shall allow sufficient water at all times to pass through a fishway or, in the absence of a fishway, allow sufficient water to pass over, around, or through the dam to keep in good condition any fish that may be planted or exist below the dam; provided that, during a period of low flow in the stream, upon approval of the California Department of Fish and Wildlife, this requirement will be satisfied if sufficient water is passed through a culvert, waste gate, or over or around the dam to keep in good condition any fish that may be planted or exist below the dam if it is impracticable or detrimental to pass the water through a fishway. In the case of a reservoir, this provision shall not require the passage or release of water at a greater rate than the unimpaired natural inflow into the reservoir. (Fish & G. Code, § 5937.)
18. The facilities for diversion under this right shall include satisfactory means of measuring and bypassing sufficient water to satisfy downstream prior rights and any requirements of the California Department of Fish and Wildlife and the State Water Board's Cannabis Policy.
19. This right does not authorize any act which results in the taking of a threatened, endangered, or candidate species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code section 2050 et seq.) or the federal Endangered Species Act (16 U.S.C.A. section 1531 et seq.). If a "take" will result from any act authorized under this water right, the right holder shall obtain authorization for an incidental take prior to construction or operation of the project. Right holder shall be responsible for meeting all requirements of the state and Federal Endangered Species Acts for the project authorized under this right.
20. This right is subject to the submittal of an annual report of water use and satisfactory renewal, on forms to be furnished by the State Water Board, including payment of the then-current annual renewal fees. (Wat. Code, § 1228.5.)
21. This right shall be totally or partially forfeited for nonuse if the diversion is abandoned or if all or any part of the diversion is not beneficially used for a continuous period of five years.
22. This right is subject to enforcement, including but not limited to revocation, by the State Water Board if 1) the State Water Board finds that the right holder knowingly made any false statement, or knowingly concealed any material fact, in the right; 2) the right is not renewed as required by the conditions of this certificate; or 3) the State Water Board finds that the right holder is in violation of the conditions of this right. (Wat. Code, § 1228.4 et seq.)
23. The State Water Board intends to develop and implement a basin-wide program for real-time electronic monitoring and reporting of diversions, withdrawals, releases, and streamflow in a standardized format if and when resources become available. Such real-time reporting will be required upon a showing by the State Water Board that the program and the infrastructure are in place to accept real-time electronic reports. Implementation of the reporting requirements shall not necessitate amendment to this right.

STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

This certificate was issued automatically as a result of the registrant self-certifying submittal of a water right registration filing in substantial compliance with Water Code §1228.3.

Dated: 06/01/2018 16:15:08

© 2018 - State Water Resources Control Board

APN:217-401-011
APPS No:12237



Road Evaluation Photos

APPS No: 12237

APN: 217-401-011



APN:217-401-011
APPS No:12237



APN:217-401-011
APPS No:12237



ATTACHMENT 2
Cultivation Area Verification

Luther, Stephen

From: Luther, Stephen
Sent: Wednesday, August 22, 2018 4:41 PM
To: 'Dante Hamm'
Subject: RE: Apps no. 12237
Attachments: Agent.InterimPermitAndComplianceAgreement.12237.pdf

I reviewed your submission, and concluded that the evidence supports 9,000 square feet of existing when considering the area found by the County and the additional evidence of shaded grow in Area B (which was conservatively estimated at 50 plants based on the pictures provided). There is no expansion and no penalty fine. The cultivation was relocated to a previously undisturbed area, which should not have occurred until a permit had been issued.

The evidence for the environmental superiority of the relocation site will need to be further developed in an additional report for the annual permit. A remediation report for the abandoned grow under the trees will also be required.

Attached is the Interim Permit for 9,000 sf outdoor.



Stephen Luther
Planner, Cannabis Division
[Planning and Building Department](#)
707.268.3737

From: Dante Hamm [mailto:dante@greenroadconsulting.com]
Sent: Tuesday, August 21, 2018 11:49 AM
To: Luther, Stephen <SLuther@co.humboldt.ca.us>
Subject: RE: Apps no. 12237

Hi Stephen,

Please find our preliminary report for apps no. 12237. Please let us know what the next action to take is as soon as possible.

Best,

Dante Hamm
Environmental Planner
(707) 630-5041 – Office
1650 Central Avenue, Suite C
McKinleyville, CA 95519

- Civil Engineering
- Environmental Science
- Construction Management
- Rural Land Development

Cultivation Area Verification (CAV)¹

Apps# 12237 | APN: 217-401-011

1) Amount and type applied for:

Application Outdoor Square Footage: 10,000
Application Mixed Light Square Footage: _____

2) Enter amount of verified cultivation area:

Existing Outdoor Square Footage: 6,989 + 50 plants area B = ~9,000

Existing Mixed Light Square Footage: _____

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: 2015/11/04 TerraServer
(LW Greenhouse Measurements)

4) Enter person performing verification:

Verified By: JNS

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

Date Verified: 2018/03/12

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: * PARCEL MAY BE OFF BY MORE THAN 200 FT.

* EXPANSION 2018/02/09 OF 8,021 FT²

* POND ADDED BETWEEN 2006 & 2009

OK'd for existing - no expansion

Remediation of guerilla grow and better documentation of envi. superiority will be required, as well as after the fact grading permit

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.

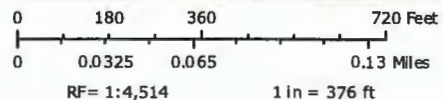


ArcGIS Web Map

Humboldt County Planning and Building Department

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

PLN-12237-SF Homestead Collective Weed Company, LLC



Printed: March 12, 2018

Web AppBuilder 2.4 for ArcGIS

Map Disclaimer:

While every effort has been made to assure the accuracy of this information, it should be understood that it does not have the force & effect of law, rule, or regulation. Should any difference or error occur, the law will take precedence.

Source: Humboldt County GIS, California Coastal Commission GIS/Mapping Unit, 2014, Esri, HERE, Garmin, © OpenStreetMap contributors, and the GIS user community, Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, FRAP, FEMA, USGS



Latitude: 40.2756 Longitude: -123....



Area Measurement

Start Draw Edit Draw Delete Draw

Border Color Fill Color

Border Width
2

Unit of Measurement:
Feet (ft)

Information

| | |
|------------------|------------------------|
| Number of Points | 4 |
| This Line | 18.70 ft |
| Total Lines | 73.75 ft |
| This Area | 690.07 ft ² |
| Total Area | 690.07 ft ² |



Latitude: 40.2756 Longitude: -123.0000



Area Measurement

- Start Draw
- Edit Draw
- Delete Draw

Border Color: ■ Fill Color: ■

Border Width: 2

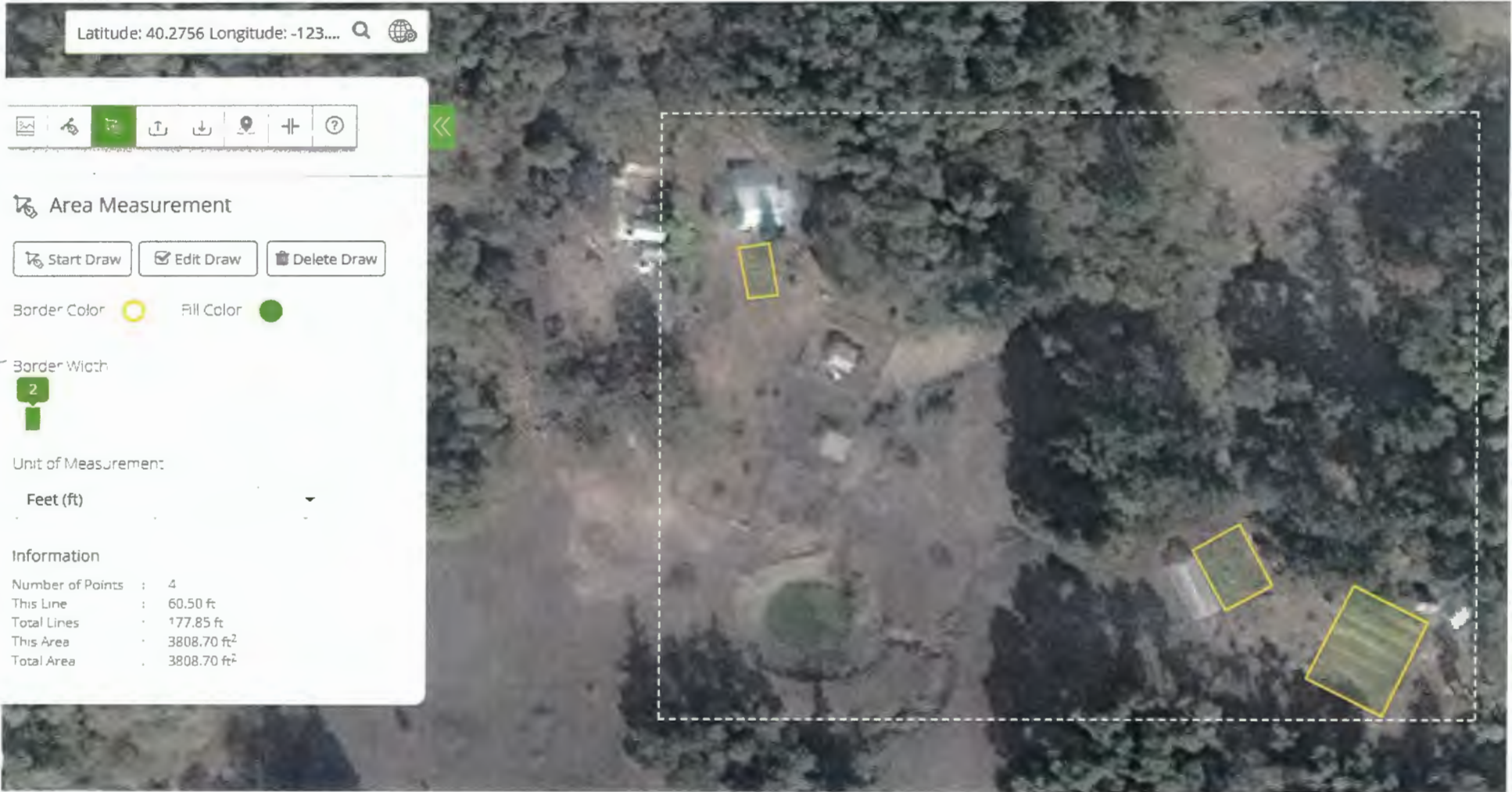
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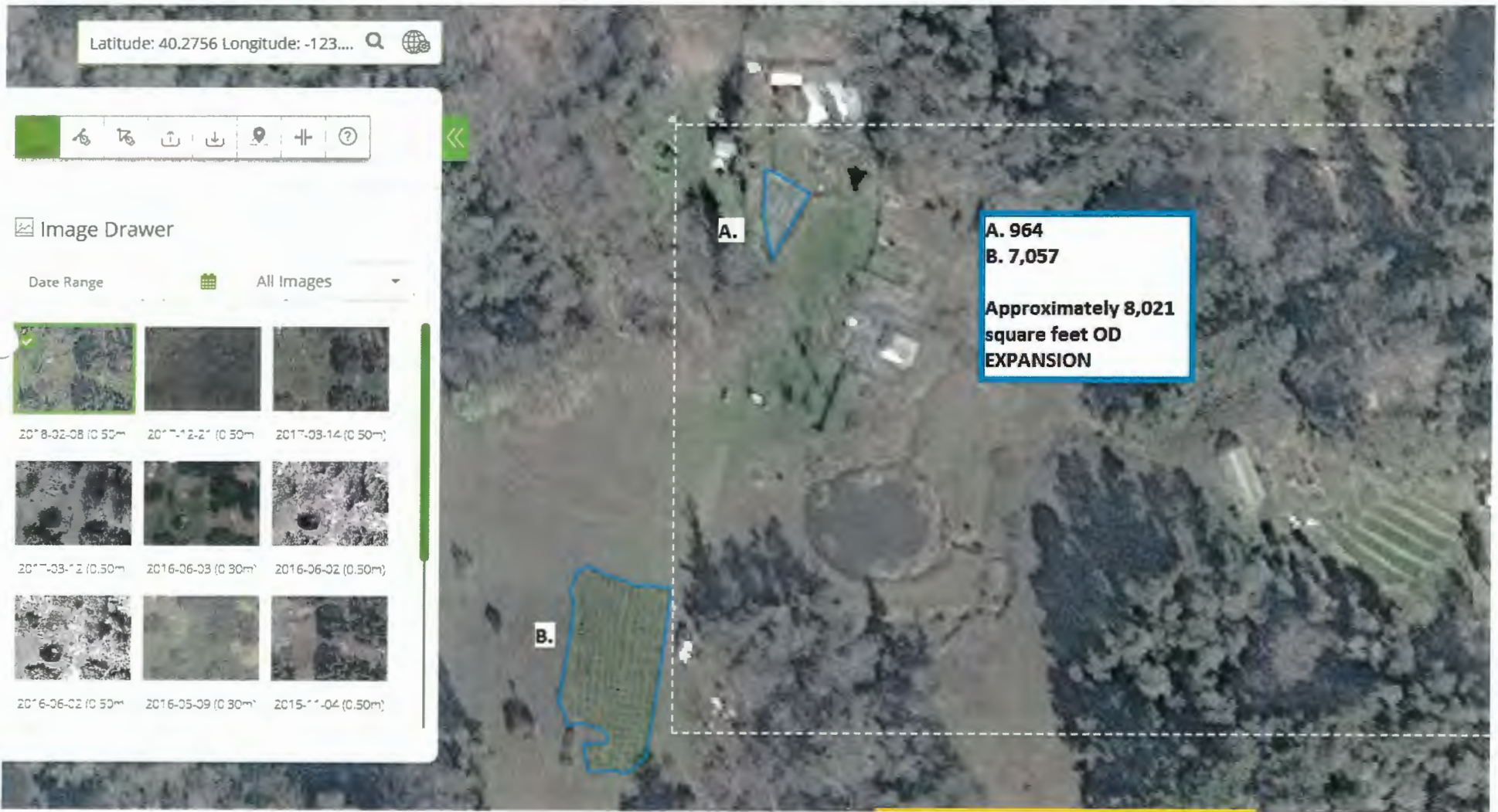
Feet (ft)

Information

| Number of Points | A |
|------------------|-------------------------|
| This Line | 35.14 ft |
| Total Lines | 119.59 ft |
| This Area | 589.72 ft ² |
| Total Area | 1589.72 ft ² |








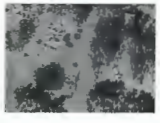

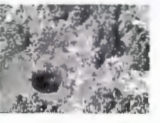
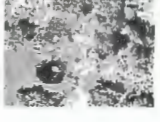




Latitude: 40.2756 Longitude: -123... 🔍 🌐



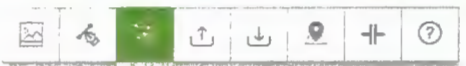
Image Drawer

Date Range  All Images

-   
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-   
2017-03-12 (0.50m) 2016-06-03 (0.30m) 2016-06-02 (0.50m)
-   
2016-06-02 (0.50m) 2016-05-09 (0.30m) 2015-11-04 (0.50m)

EXPANSION

Latitude: 40.2756 Longitude: -123....



Area Measurement

Start Draw Edit Draw Delete Draw

Border Color Fill Color

Border Width:

2

Unit of Measurement:

Feet (ft)

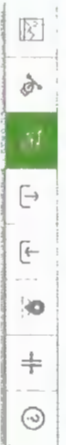
Information

| | |
|------------------|-------------------------------|
| Number of Points | 27 |
| This Line | 7.61 ft |
| Total Lines | 303.18 ft |
| This Area | 7056.92 ft ² |
| Total Area | <u>7056.92 ft²</u> |



Expansion

Latitude: 40.2756 Longitude: -123.0000



Area Measurement

- Start Draw
- Edit Draw
- Delete Draw

Border Color ○ Fill Color ●

Border Width 2

Unit of Measurement:

Feet (ft)

Information

| | | |
|------------------|---|------------------------|
| Number of Points | : | 31,40 ft |
| This Line | : | 137,96 ft |
| Total Lines | : | 963,80 ft ² |
| This Area | : | 963,80 ft ² |
| Total Area | : | 963,80 ft ² |

© 2018 TerraServer, DigitalGlobe

No Purchase Options



EXPANSION

Cultivation Area Verification (CAV)

APPS#12237

APN#217-401-011-000

**This is a response to a Cav letter received 8/03/2018 by green Road Consulting
I can have this emailed as well if that method is preferred.**

The Homestead Collective Weed Company LLC
5576 Homestead Rd
Blocksburg, Ca 95514

Brian Roberts
707-502-7713

Lifeisawesome2018@gmail.com

- Pg 1 Intro
- Pg 2 CAV LETTER
- Pg 3 CAV Response
- Pg 4 Property Line image regarding 200 ft off.
- Pg 5 Medical cards for property residents (Judy Roberts lives off site)
- Pg 6 Humboldt GIS image of Old grow Sites
- Pg 7 Grow zone A next to Cabin
- Pg 8 Grow zone B under the tree canopy. It was with in 50ft of class 3 stream
- Pg 9 Grow zone C above the pond. It was with in 50 ft of a class 3 stream

Grow zone A = 1,800 sg ft grown directly in ground

Grow zone B = 35,000 sg ft grown in bags

Grow zone C = 5,100 sg ft grown directly in ground

- Pg 10 Humboldt GIS image where class 3 streams are next to old grow sites
- Pg 11 State Water resource Control Board - water rights #H100077
- Pg 12 Water Board Right to Divert
- Pg 13 Plot plan used via Water Board website
- Pg 14 2014 Google image. I used this b/c it is clear to see where my old growth was.
We clean and till our land after each harvest, restoring it back to its original state
- Pg 15 Old growth image of cultivation area outside the tree canopy

Cultivation Area Verification (CAV)

APPS#12237

APN#217-401-011-000

1) Amount Applied For

Application is for 10,000 sg feet Outdoors

6) Attach Evidence of prior grow

A) four copies of our medical recommendations for the year 2015

B) photos of past grow areas

C) Arial photo from Google maps

D) Arial photo from Humboldt GIS

8) Observed expansions, relocation or ground disturbance

*** parcel may be off 200 ft. = YES**

The area in the photos is my neighbors grow site APPS#11820

***Expansion of 8,021 ft = NO**

Relocation of the previous grow site due to proximity of a class 3 stream

The grow sites prior to 2015 are located within 50ft of a class 3 stream.

California North Coast Water Board wanted the grow site moved 150 ft from all streams

***Pond added between 2006 and 2009**

I purchased the property in 2014 and wasn't aware when the pond was built



Neighbor on the right. His grow is APPS# 11820

Property Line

Google

Map data ©2018 Imagery ©2018 3D Earth view is not available Terms Speed Feedback 7/31/18

Humboldt County Web GIS

5576 Homestead Rd. Block X

Parcel: 217-401-011-000

| Parcel ID | Area (Acres) | Block |
|-----------------|--------------|---------------------|
| 217-401-011-000 | 43.77 | Block 22240, Page 1 |
| 217-401-011-000 | 40.00 | |
| 217-401-011-000 | 43.77 | |
| 217-401-011-000 | 156.00 | |
| 217-401-011-000 | RAAU | |

5576 HOMESTEAD RD
BLOCKS BURG

Planning & Building Department
WebGIS Portal
Comments
Help
Legend Key

Grow A



Grass B





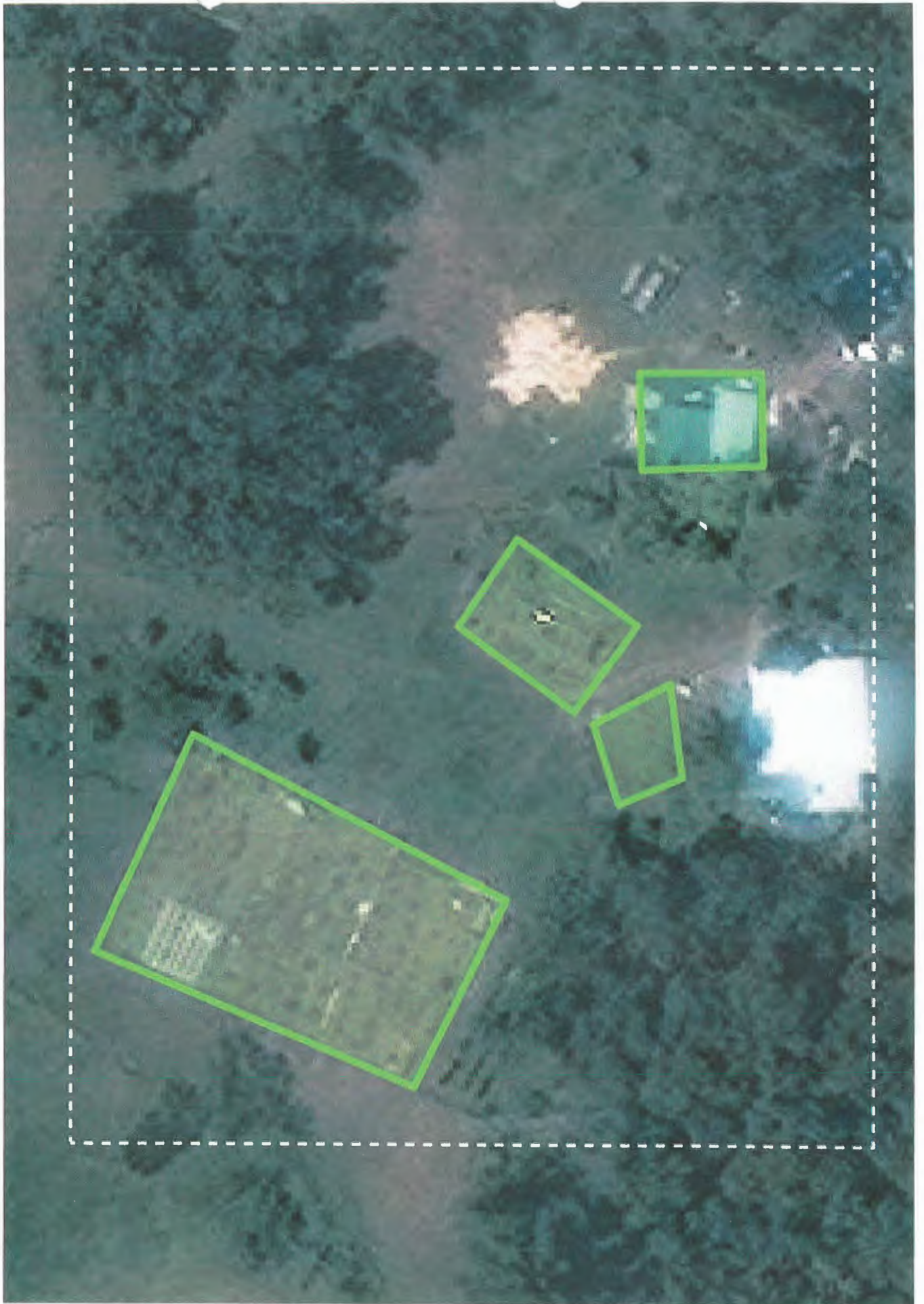
Gen C



Red = CLASS III STREAM ↑ PROPERTY LINE

Blue = OLD GROW sites 35,000 + sq. ft.

CA WATER BOARD wanted grow site 150+ ft
From CLASS 3 STREAM





June 2014
GOOSE MANS PHOTO

5 GROW SITES

RAISED BEEDS #1

RAISED BEEDS #2

ROWS #3

GREENHOUSE #4

OPEN FIELD #5

ATTACHMENT 3

Interim Permit Issued August 29, 2018



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



ZONING CLEARANCE CERTIFICATE FOR INTERIM PERMIT

Project: Pursuant to the Humboldt County Commercial Medical Marijuana Land Use Ordinance (CMMLUO), Section 314-55.4.1 et seq., specifically Section 314-55.4.8.11, a Zoning Clearance Certificate for an Interim Permit may be issued for an Existing Cannabis Cultivation and ancillary activities. An application has been submitted for the location and cultivation area shown below.

Project Location:

The project is located in Humboldt County, in the Blocksburg area, on the North and South side of Homestead Road, approximately 1 miles West from the intersection of Browning Road Road and Homestead Road, on the property known as 5576 Homestead Road.

9,000 square feet of existing outdoor cultivation.

Present General Plan Designation: RA40 Present Zoning: FR-B-5(40)

Application Number: 12237

Key Parcel Number: 217-401-011-000

APPLICANT
The Homestead Collective Weed Company LLC
Brian Roberts
PO Box 244
Blocksburg CA 95514

OWNER
Roberts Brian
Po Bx 244
Blocksburg CA 95514

AGENT
Green Road Consulting, Inc.
Kaylie Saxon
1650 Central Ave. Suite C
McKinleyville CA 95519

Pursuant to Humboldt County Code Section 314-55.4.8.11 a Zoning Clearance Certificate shall be approved for an Interim Permit when it is demonstrated that:

1. A permit application for existing commercial cannabis cultivation and ancillary activities was submitted and determined to be complete.
2. Adequate evidence has been submitted demonstrating that a cultivation site existed on the parcel prior to January 1, 2016 and the Department independently reviewed the evidence of prior cultivation and determined the size of pre-existing cultivation area based upon aerial and satellite imagery, or other substantial evidence.
3. Approval of the Interim Permit is conditional and shall occur through issuance of the Zoning Clearance Certificate subject to a Compliance Agreement. The Compliance Agreement specifies restrictions, penalties, and commitments to complete the permit process and confines continued operations to the existing areas only.
4. Violation of the Compliance Agreement shall be grounds for permit cancellation and disqualification of the property from future permitting.
5. The interim permit authorizes the permittee to seek state licensure and continue operations until completion of the local permit review process and issuance or denial of a County permit, or December 31, 2018, whichever occurs first. The Director may extend this deadline for cause. Refusal of the Director to issue or extend an interim permit shall not entitle the applicant to a hearing or appeal of the decision. Additionally, approval of any interim permit does not obligate the County to approve a non-interim permit or extension of the interim permit. Permit cancellation and disqualification of the property from future permitting shall be decided by the Zoning Administrator or the Planning Commission at a noticed public hearing. Those decisions may be appealed to the Board of Supervisors pursuant to the appeal procedures outlined under Section 312-13 of these regulations.

Determination

It is the Determination of the Planning Director that all provisions of the ordinance allowing issuance of an Interim Permit have been satisfied and a Zoning Clearance Certificate is approved subject to the requirements contained in the attached Compliance Agreement (Exhibit A.)

Issued By:



John H. Ford
Director, Planning and Building Department

COMPLIANCE WITH APPLICABLE STATE AND LOCAL SUBDIVISION LAWS, REGULATIONS, AND REQUIREMENTS HAS NOT BEEN REVIEWED AS PART OF THIS CERTIFICATE. ISSUANCE OF THIS ZONING CLEARANCE CERTIFICATE FOR AN INTERIM PERMIT DOES NOT CONSTITUTE CONFIRMATION OF LEGAL PARCEL STATUS.

THIS INTERIM PERMIT IS ONLY VALID IF IT IS ACCOMPANIED BY A SIGNED AND NOTARIZED EXHIBIT A COMPLIANCE AGREEMENT THAT IS CONFIRMED TO BE ON FILE AT THE COUNTY OF HUMBOLDT PLANNING AND BUILDING DEPARTMENT.

EXHIBIT A

CANNABIS COMPLIANCE AGREEMENT FOR A ZONING CLEARANCE CERTIFICATE FOR INTERIM PERMIT

This Agreement is entered into by and between the County of Humboldt, through its Planning and Building Department, ("County"), and the "Applicant" and "Owner" listed in the Zoning Clearance Certificate for Interim Permit, regarding property represented by the parcel number(s) listed in the Zoning Clearance Certificate for Interim Permit.

RECITALS

WHEREAS, on November 14, 2017, the Board of Supervisors of Humboldt County amended Humboldt County Code ("HCC") Section 314-55.4.8 to add sub-section 314-55.4.8.11 to allow issuance of Zoning Clearance Certificates for Interim Permits to eligible applicants whose application was deemed complete for processing on or before July 14, 2017; and

WHEREAS, on February 27, 2018, the Board of Supervisors of Humboldt County amended HCC Section 314-55.4.8.11 to allow issuance of Zoning Clearance Certificates for Interim Permits to eligible applicants whose application was filed prior to January 1, 2017 and deemed complete for processing pursuant to HCC Sections 312-2.3.3 or 312-6.1.2, thereby removing the requirement that the application have been deemed complete for processing before July 14, 2017; and

WHEREAS, an eligible applicant is a person, pursuant to HCC 314-55.4.7, who submitted an application for existing commercial cannabis cultivation activities, provided adequate evidence demonstrating that a commercial cannabis cultivation site existed on the real property described in the attached Zoning Clearance Certificate For Interim Permit prior to January 1, 2016; and

WHEREAS, existing commercial cultivation activities pursuant to HCC Section 314-55.4.8.2.2 include outdoor or mixed-light commercial cannabis cultivation in existence prior to January 1, 2016 in zoning districts AE (no parcel size limitation), RA (on parcels of five acres or larger), and AG, FP, DF, FR, U, and TPZ (on parcels of one acre or larger); and

WHEREAS the Applicant and Owner filed an "Application" for a Zoning Clearance Certificate, Special Permit and/or a Use Permit pursuant HCC Sections 312-2.2 and 312-5.2.1 for existing commercial medical cannabis cultivation; and

WHEREAS, the County has reviewed the evidence provided with the Application, and has determined existing commercial cultivation activities on the real property represented by the parcel number(s) listed in the attached Zoning Clearance Certificate for Interim Permit consisting of outdoor and/or mixed light commercial cultivation, hereafter Existing Commercial Cannabis Cultivation ("ECCC"); and

WHEREAS, the County is utilizing this Compliance Agreement ("Agreement") to allow the Applicant and Owner to complete the remainder of the permit process in a timely manner and continue operation of the ECCC while applying for a license from the State of California to cultivate cannabis; and

WHEREAS, pursuant to the authority provided in HCC Section 314-55.4.8.11, County will issue the Zoning Clearance Certificate for an Interim Permit on the real property for the ECCC and, in exchange, Applicant and Owner will in good faith complete the Application on or before December 31, 2018; and

WHEREAS, the Zoning Clearance Certificate for an Interim Permit authorizes the Applicant to seek State licensure and continue operations of the ECCC until the completion of the process for the Zoning Clearance Certificate, Special Permit, or Use Permit, or denial of the certificate or permit, or December 31, 2018, whichever occurs first; and

NOW, THEREFORE, in consideration of the faithful performance of the terms, conditions, and promises set forth in this Agreement, the Parties agree as follows:

1. Subdivision Map Act and Humboldt County Subdivision Regulations. The Applicant and Owner acknowledge this Zoning Clearance Certificate for an Interim Permit is issued without a legal determination having been made as to the number, size, shape of, or legal status of the parcel(s) that may be encompassed within the real property represented by the parcel number(s) listed in the Zoning Clearance Certificate for Interim Permit. Furthermore, the Applicant and Owner hereby acknowledge issuance of this Zoning Clearance Certificate for an Interim Permit is not an approval for development and does not entitle the Applicant, Owner, or their Successors in Interest to a conditional or unconditional certificate of subdivision compliance pursuant to Government Code Sections 66499.34 or 66499.35(c), or any other law or regulation.
2. Development Suitability. The Property Owner and Applicant hereby acknowledge the issuance of this Zoning Clearance Certificate for an Interim Permit is for existing cannabis cultivation purposes only, and does not authorize or grant any approval for development or improvement of the property. The real property subject to this Zoning Clearance Certificate for an Interim Permit has not been evaluated for suitability for development in accordance with existing or future regulations.
3. Taxation. The Property Owner and Applicant hereby acknowledge upon the date of issuance of this Zoning Clearance Certificate for an Interim Permit allowing outdoor and/or mixed light of ECCC shall be subject to taxation pursuant Humboldt County Code Sections 719.1 – 719.15.
4. Track and Trace. The Applicant and Owner shall participate in the Medical Cannabis Track and Trace Program administered by the Humboldt County Agricultural Commissioner.

5. Violations. The Applicant and Owner hereby acknowledge that the Zoning Clearance Certificate for an Interim Permit does not allow or authorize expansion or relocation of the ECCC area, either in part or in its entirety. The Applicant and Owner hereby acknowledge and understand that, notwithstanding Interim Permit page 2, number 6, expansion or relocation of the ECCC area is in violation of this Agreement and shall result in the revocation of the Zoning Clearance Certificate for an Interim Permit by the Director. The Director's decision to revoke the Zoning Clearance Certificate for an Interim Permit is not subject to appeal. In addition to the revocation of this Zoning Clearance Certificate for an Interim Permit, the revocation action will include the denial or withdrawal of the Zoning Clearance Certificate, Special Permit or Conditional Use Permit application for the existing cultivation without a noticed public hearing.
6. Additional Information. The County reserves the right to request that the Applicant and Owner submit additional information as needed to find the Application in conformance with the Humboldt County Zoning Regulations and, if applicable, the terms and conditions of any previously approved development permit, variance, or subdivision [Reference HCC Sections 312-2.4.1, 312-17.1, and 312-17.3].
7. Issuance of Permit. The Parties agree that the County's issuance of the Zoning Clearance Certificate for an Interim Permit referenced herein is conditioned on and made in reliance of the representations made by Owner and Applicant in this Agreement. . The Parties acknowledge that the issuance of the Zoning Clearance Certificate for an Interim Permit does not assure or guarantee that a Zoning Clearance Certificate, Special Permit, or Use Permit will be subsequently approved or issued. The Parties acknowledge that the Zoning Clearance Certificate, Special Permit, or Use Permit may be subject to additional conditions and mitigations to comply with the HCC, specifically HCC Section 314-61.1, the Commercial Medical Marijuana Land Use Ordinance (as amended), the California Environmental Quality Act (CEQA), and any other applicable codes, laws, or regulations. The Parties acknowledge the issuance of the Zoning Clearance Certificate for Interim Permit is in no way intended to limit or restrict the application of these laws and regulations.
8. Consent to Inspection. Owner and Applicant consent to all inspections of the property as needed, at any time during business hours Monday through Friday, while this Agreement is in effect, by the Division of Environmental Health or Planning and Building Department, and any other agencies or departments that may need to inspect the property to determine that the terms of this Agreement are being fulfilled.
9. Time Limit to Complete the Application. The Parties agree that the Applicant will complete the Application at the earliest feasible date, but in no event later than December 31, 2018. The time to complete the Application may only be extended by the Director or Planning and Building for cause beyond the control of the applicant upon the written request by Owner/Applicant.

Waiver. The failure of the County to proceed against the Applicant and/or Property Owners in an enforcement action, whether administrative, civil or criminal, for any violation of the applicable ordinance, this Agreement and/or state or local law or regulation shall not constitute or be deemed a waiver of the County's right to proceed against Owner and/or Applicant for any subsequent violation. Nothing in this Agreement shall limit in any manner the authority of the County to apply and/or enforce any provisions of the County's code or state law or regulation to the Owner and Applicant and activities occurring on the property.

10. Notices. All notices required by this Agreement shall be sent, at a minimum, via first class United States Mail with postage prepared to the Parties as follows:

To County:
Director, Planning and Building Department
3015 H Street
Eureka, CA 95501

To Property Owners:
As listed in County of Humboldt property tax records.

To Applicant:
As listed on Zoning Clearance Certificate for Interim Permit.

Notices shall be deemed served upon deposit in the United States mail. The Owner and Applicant shall notify the County in writing of any changes in address.

11. Indemnification. Owner and Applicant shall hold harmless, defend and indemnify County and its agents, officers, officials, employees and volunteers from and against any and all claims, demands, losses, damages, liabilities, expenses and costs of any kind or nature, including, without limitation, attorney fees or other costs of litigation, arising out of, or in connection with, the issuance of a Zoning Clearance Certificate for an Interim Permit for the subject property, the terms of the Zoning Clearance Certificate for an Interim Permit, or the terms of this Agreement.

12. Binding on Successors. This Agreement is binding on the heirs, successors and assigns of the Parties. In the event of a permit transfer, a new compliance agreement must be executed. In the event of property transfer, the Seller and Applicant have an affirmative duty to inform the Buyer of this Compliance Agreement. Seller and Applicant must also provide written proof of Buyer notification to the County.

13. Amendment. This Agreement may be amended, modified or changed by the Parties provided that said amendment, modification or change is in writing and approved by all Parties.

14. Severability. If any provision of this Agreement, or any portion thereof, is found by any court of competent jurisdiction to be unenforceable or invalid for any reason, such provision shall be severable and shall not in any way impair the enforceability of any other provision of this Agreement.

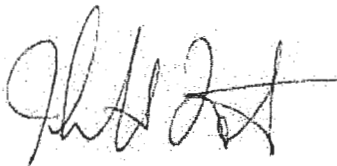
15. Jurisdiction and Venue. This Agreement shall be construed in accordance with the laws of the State of California. Any dispute arising hereunder, or relating hereto, shall be litigated in the State of California and venue shall lie in the County of Humboldt unless transferred by court order pursuant to California Code of Civil Procedure Sections 394 or 395.

This Agreement is entered into between the Parties as of the date the Compliance Agreement is stamped as received.

TWO SIGNATURES ARE REQUIRED FOR CORPORATIONS:

(1) CHAIRPERSON OF THE BOARD, PRESIDENT, OR VICE PRESIDENT; AND
(2) SECRETARY, ASSISTANT SECRETARY, CHIEF FINANCIAL OFFICER OR TREASURER.

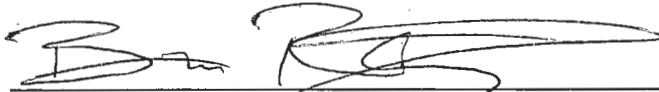
County

A handwritten signature in black ink, appearing to read "John H. Ford". The signature is stylized and somewhat cursive.

John H. Ford, Director
Planning and Building Department
County of Humboldt

IF SIGNING ON BEHALF OF A CORPORATION, PROVIDE TITLE / CAPACITY

Property Owner(s)

 BRIAN ROBERTS

Sign above. Print name here:

OWNER
Capacity / Title:

Sign above. Print name here:

Capacity / Title:

Applicant(s) (IF DIFFERENT FROM PROPERTY OWNERS)

 BRIAN ROBERTS

Sign above. Print name here:

OWNER / president THE Homestead Collective Weed
Capacity / Title: ~~Collective~~ COMPANY LLC.

Sign above. Print name here:

Capacity / Title:

Attach Separate Notary Acknowledgements

CERTIFICATE OF ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document, to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

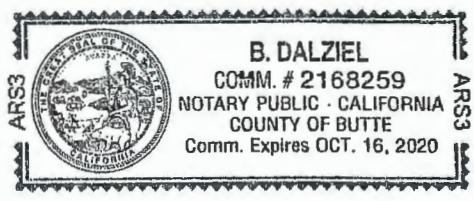
STATE OF CALIFORNIA }
COUNTY OF HUMBOLDT }

On this 29th day of August, 20 18, before me, BDalziel Notary

Public, personally appeared Brian David Roberts who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing is true and correct.

Witness my hand and official seal.
BDalziel (seal)
Signature



CERTIFICATE OF ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document, to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA }
COUNTY OF HUMBOLDT }

On this _____ day of _____, 20 ____, before me, _____ Notary

Public, personally appeared _____ who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing is true and correct.

Witness my hand and official seal.

Signature (seal)

ATTACHMENT 4

**Correspondence between Homestead Collective Weed Company, LLC and Humboldt County
regarding 2018 taxes**

Ryan, Meghan

From: Ryan, Meghan
Sent: Thursday, February 20, 2020 4:41 PM
To: Life IsAwesome
Cc: Dante Hamm; Johnson, Cliff
Subject: RE: App#12237 parcel 217-401-011-000

Good afternoon, Brian – Thank you for speaking with me yesterday morning regarding the status of your project. As we discussed, resolution regarding payment of taxes in 2018 and the cultivation area in existence are the two items that need to be resolved before moving your project forward to decision. Below, I am proposing how to move forward:

Cultivation Area Verification

The application was for 10,000 sf. The Interim Permit is for 9,000 sf, therefore, there is a difference of 1,000 square feet. A review of the file shows the County initially verified 6,989 sf and you provided additional evidence to show there was 9,000 sf of additional cultivation. Unless there is additional information to show additional cultivation, the County can support 9,000 sf of existing outdoor.

Payment of 2018 and 2019 Taxes

Because a cultivation reduction form was not submitted for 2018, taxes must be paid. The interim permit was not extended for 2020. If you pay the 2018 taxes, we can extend the interim permit for 2020 and move your project forward for hearing within a month of proof of tax payment.

Please let me know if you are in agreement with the items by the end of next week. If you agree, please provide an approximate date for payment of taxes.

I'm looking forward to hearing from you and getting your project across the finish line!

Thanks again,
Meghan

From: Life IsAwesome <lifewisawesome2018@gmail.com>
Sent: Thursday, December 12, 2019 10:24 PM
To: Johnson, Cliff <CJohnson@co.humboldt.ca.us>
Cc: Dante Hamm <dante@greenroadconsulting.com>; Ryan, Meghan <mryan2@co.humboldt.ca.us>; Russell, Robert <RRussell@co.humboldt.ca.us>; Ford, John <JFord@co.humboldt.ca.us>; Brussell@co.humboldt.ca.us; Fennell, Estelle <EFennell@co.humboldt.ca.us>
Subject: Re: App#12237 parcel 217-401-011-000

Hello Cliff and thanks for the quick response.

I did not understand that taxes are due regardless of cultivation or not occurring during a given season.

You department sent a letter June 26, 2018 clearly stating to take our grow cultivation down or be in violation and subject to losing our license.

We complied with the building and planning request. What you see in that photo is our replacement cover crop of clover, alfalfa and arugula and a few others. These are plants that are a perfect cover crop to enhance the soil. Our cultivation site uses zero nutrients or pesticides unless they are plants.

County of Humboldt Strategic Framework 2019-2024
here is a copy of the core goals

Core Roles: Priorities for New Initiatives: • **Enforce laws and regulations to protect residents** • Provide for and maintain infrastructure • Create opportunities for improved safety and health • **Encourage new local enterprise** • **Support business, workforce development and creation of private-sector jobs** • **Protect vulnerable populations** • Strengthen climate change resiliency Provide our core services in ways that: Match service availability with residents' needs • Provide community-appropriate levels of service • Support self-reliance of citizens • **Streamline county permit processes** • **Retain existing and facilitate new living-wage private sector jobs** and housing Safeguard the public trust • Manage our resources to ensure sustainability of services • Invest in County employees • Invite civic engagement and awareness of available services Make proactive decisions to: Partner to promote quality services • Foster transparent, accessible, welcoming and user friendly services • Facilitate the establishment of local revenue sources to address local needs

Here is a brief timeline of the cultivation processing so far:

- 1) Nov 2016 I submit a completed application to the building and planning department. It was denied and not accepted by the county employee at the desk. Reason zoning was not AE
I mentioned i was still allowed to apply with my zoning and she said no I am sorry
- 2) Dec 2016 I hired Green Road consultants and pay a very substantial fee to retain their services to apply for me. No Problem
- 3) Jan 2017 I filed a NOI notice of intent with the North Coast Regional Water Board.
- 4) June 2017 I called the NCRWB to ask about my water rights and i volunteered to have someone come look at the cultivation site.
- 5) June 2017 NCRWB enrolled me into the waste discharge and said I need to obtain water rights for cannabis cultivation
5a) I needed to move all the current grow locations to meet the water boards set backs of 200ft class 3 stream 100ft class 2 and 50ft class 3
I pulled the entire grow for 2017 and relocated it to cultivation 2 giving ample space to meet the water boards stream set back rules
- 6) Jan 2017- Dec 31 2017 I continue to come into building and panning and check on the status of my application, Nothing had been done for 2017
- 7) 2017 applied for the SIUR and was granted a small irrigation use registration certificate #H100077
- 8) Jan - April 2018 I keep checking accelera weekly and coming into the Building and planning to see what advancements have taken place. Still not assigned a planner
- 9) May we plant hoping that building and planning will assign us a planner and come for an inspection
- 10) June 26 2018 letter from John Ford explaining they are coming with enforcement if you don't have both state and county permits in hand.
- 11) We have nothing from the county as of this date, our application is still without an assigned planner
- 12) I pull the harvest and plant the cover crops to enhance to soil and not have a complete loss of a season
- 13) Aug 22, 2018 the county issues a temp permit with a 30 day notice to turn it back or lose out
- 14) Aug 29, 2018 the letter was returned and a temp issued by county - still no county inspection or planner assigned
- 15) Sep 2018 I apply for the state temp license prior to that window closing on Dec 31st.
- 16) Oct 2018 applied for the LSA agreement with the CDFW
- 16) 2017- Nov 2018 I had completed all the requirements needed to meet the states criteria for a cultivation license and was granted a CA State Provisional License
- 17) Jan 2019 Had a CDFW inspector come and complete the inspection of our cultivation area
- 18) Jan 2019 still no official planner assigned to our application at Humboldt County Building and planner
- 19) April 16, 2019 I get a letter from Building and Planning thanking me for my application and that it is been accepted for processing as of the date of the letter.
I called the next day and set up an inspection which took place May 15, 2019
- 20) May 2019 the entire process has been shifted into high gear and we have been meeting all requests on a timely manner
- 21) Dec 14, 2019 Denial letter of interim permit based on unpaid taxes + oddly dated because today is Dec 12, 2019

I would like to know who in Humboldt County does address these issues about taxes?

The goal is to get Humboldt County . . . taxes and keep us small farms working legal within the system that has been created.

I have been 100% compliant in sticking with all the new rules and regulations regarding permitting cultivation.

My annual state permit has only been held up by the county process.

If there is no way to appeal a tax liability then the tax will be paid regardless of fairness.

I would only request all penalties and late fees be waived.

Brian Roberts

On Thu, Dec 12, 2019 at 4:16 PM Johnson, Cliff <CJohnson@co.humboldt.ca.us> wrote:

Hello Brian,

Bob Russell sent you to the Humboldt County Tax Collector because the taxes are required to be paid. You appear to be asking why no one can address the issue, but it appears to me the issue is simply that you are required to pay the 2018 taxes. The Interim Permit will not be extended unless those are paid. Please keep in mind, failure to pay taxes will also prohibit us from bringing forward your regular permit for anything other than denial, and further- that if your permit is approved a failure to pay taxes will result in revocation of the permit.

Measure S requires taxes to be paid based on the issuance of a permit, whether cultivation occurred or not. Nonetheless I reviewed the satellite imagery to determine whether there was cultivation occurring in 2018. As best as I can tell it appears that cultivation began in May and continued through at least August. In addition, I reviewed the project file which includes additional information suggesting that cultivation was occurring throughout 2018, in particular the information that you submitted to justify that cultivation area 2 was an unpermitted relocation rather than an unpermitted expansion as we initially believed. Cultivation area 2 being the area shown in the images below as active cultivation.

Failure to pay the 2018 taxes will result in no extension of the Interim Permit, and also a recommendation to the Zoning Administrator or Planning Commission to deny the permit based on failure to meet requirements of County ordinance.

Higher resolution close up of May 2018:



June 2018 image:



July 2018 image:



August 2018 image:



Cliff Johnson, Supervising Planner

County of Humboldt Planning and Building Department

3015 H Street

Eureka, CA 95501

(707) 268-3721

From: Life IsAwesome <lifeisaweso_2018@gmail.com>

Sent: Thursday, December 12, 2019 10:48 AM

To: Dante Hamm <dante@greenroadconsulting.com>; Ryan, Meghan <mryan2@co.humboldt.ca.us>; Johnson, Cliff <CJohnson@co.humboldt.ca.us>

Subject: App#12237 parcel 217-401-011-000

Regarding the unpaid taxes from 2018.

No they have not been paid.

I have contacted Bob Russell at the building and planning and he sent me to Amy or Whitney at the Humboldt county tax collector.

Not one of them could address the issue of whom I actually need to deal with this.

Here is the issue

I applied on Dec 16,2016

The county never started this project until 2019 please look at all work done on the county website. At the end of 2018 the state was closing it's temporary permit process.

June 26,2018 Letter from John Ford attached.

He stated if you don't have a county nor a state interim permit we were in violation of the law.

It also states "any property with unpermitted cannabis cultivation enforcement actions resulting in notices of abate or notice of violations will not be eligible.

We had planted our crop in May and pulled them the day after reviewing the letter from John Ford

We pulled our entire harvest except six personals for the 2018 year.

This letter was sent on June 26, 2018

We were granted our county interim permit Aug 22, 2018

It was returned Aug 29th , 2018 because it needed to be submitted within 30 days of receiving the interim permit

They gave me a 30 day interim permit expiring on Sept 30, 2018

The county still had not contacted us once about this project during 2018 until time was running out for us to be excluded from the state license.

Sep 21, 2018 they extend our interim permit from Sep 30, 2018 until Dec 31,2018

Sep 21, 2018 they also send the tax bill for the 2018 grow season. I called the following day and got the run around and no one would tell me who to get a hold of to appeal this.

We were granted our State temp permit on Nov 14, 2018

Just in time to be eligible for a state provisional license. If you didn't have a state provisional you were basically out of the market.

As of June 26th, 2018 the county told us not to cultivate unless you had both permits in hand.

All my state permits and requirements have been meet.

Please advise to what you think is my best approach.

If push comes to shove, i will have to file a suit against the county for demanding we not cultivate unless both the state and county permits were in place.

They told us not to violate the state law or potential lose two years and thousands of dollars getting permitted.

So I did abide by the law and not cultivate but then they still sent out tax bills to those that were not permitted for the 2018 grow season.

Thanks

Brian

707-502-7713

ATTACHMENT 5

Correspondence Regarding Potential Expansion or On-site Relocation in 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

August 20, 2018

The Homestead Collective Weed Company LLC
Brian Roberts
PO Box 244
Blocksburg, CA 95514

RE: Permit Application No. 12237, APN 217-401-011

Dear Mr. Roberts,

Thank you for continuing to work with the Planning and Building Department on this application to permit commercial cannabis cultivation. A potential violation has been identified on this parcel. The County is committed to working with all cannabis applicants to remedy violations and continue toward compliance with all local and state regulations. Your immediate action is needed to resolve the issue and return to compliance.

While verifying the existing cultivation area, staff analysis of aerial imagery showed what appears to be a violation of County Code. Specifically, cultivation area expanded by 2,000 square feet (see attached image). Planning Department policy is to levy a fee of twice the Measure S excise tax for the expanded area. The penalty fee for the expansion of 2,000 square feet outdoor area is therefore \$4,000. The area of expansion must be removed.

ACTION NEEDED

The following options are available to you, and your decision must be communicated to this Department in writing within 30 days:

1. Resolve the violation by paying the penalty fee and removing the expanded cultivation area. Restoration of the expansion area will be a condition of provisional permit issuance. An Interim Permit will be released for the verified existing cultivation area. Return the signed Interim Permit to the County and apply for a temporary state license within 30 days of the date of this letter; OR
2. Withdraw the application, remove all cannabis related fixtures and equipment from the parcel, and remediate, restore, and restock any disturbed area to their natural condition; OR
3. Respond to this letter with clear and substantial evidence to establish why the cultivation area did not expand.

Responses must be received within 30 days of the date of this letter. If no response is received within 30 days of the date of this letter, the application will be prepared for hearing with the evidence presently in the file. Staff will recommend denial and refer the project for enforcement actions.

If you have questions about this letter, please contact Stevie Luther at 707-268-3737 or sluther@co.humboldt.ca.us.

Sincerely,

Bob Russell
Deputy Director

ENC: Aerial Imagery

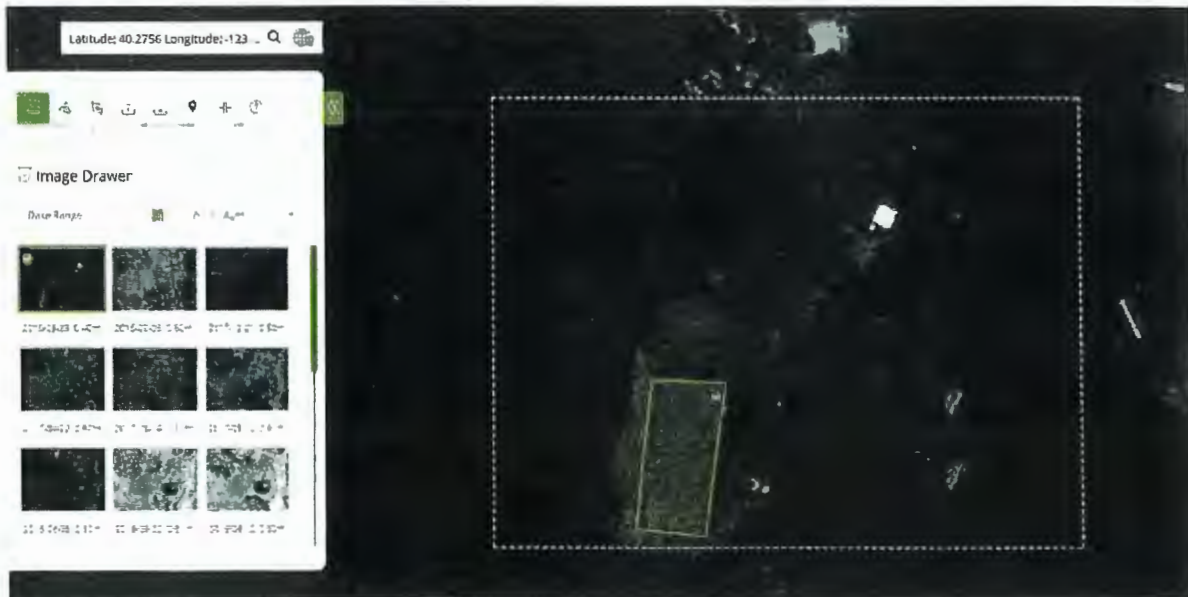
Cc: Green Road Consulting, Agent

Exhibit A:

Figure 1: Evidence of existing on 8/29/2015. Cultivation totals 7,000 square feet outdoor.



Figure 2: Evidence of new cannabis cultivation after Jan 1., 2016 in violation of County Code.





Cultivation Area Verification (CAV)

APN: 217-401-011

August 21, 2018

Applicant: Brian Roberts

Lat, Long: <40.2757, -123.6823>

GIS Acreage: 43.77

Our analysis consists of aerial imagery polygon measurements to estimate canopy square footage as seen from Google Earth Pro (GEP) and Terraserver satellite imagery. A Humboldt County third party was originally hired to conduct a cultivation area verification for the APN provided and found that there was an expansion of approximately 8,021 square feet by February 8, 2018, a pond added between 2006 and 2009, and that the parcel may be off by more than 200 feet.

From our analysis it was found that the cannabis cultivation to the right of the pond is on the neighboring parcel, APN: 217-401-001. The client has provided images with proof that cannabis cultivation existed under the trees on area B labeled on the Humboldt Web GIS map prior to January 1, 2016. The images provided indicate no expansion occurred between November 2015 and May 2018

Relocation of outdoor cultivation occurred from point B labeled on the Humboldt GIS map to CA #2 labeled on the May 23, 2018 satellite image. Reasons for relocation may include: reducing the risk of surface runoff to nearby watercourses from potting soil and fertilizers (the slope of the old location is larger than the slope of the new location), as well as decreasing the likelihood of the client having to cut down trees to maximize plant yield as compared to the relocated location which was an existing flat that required no tree clearing.

Total Cultivation:

Table 1: Total Cultivation Area from November 2015 compared to May 2018 (Expansion will decrease when client provides images supporting cultivation under trees prior to January 1, 2016).

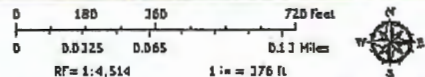
| Cultivation Area | | | |
|-----------------------------|-------------------|------------------------|------------------------|
| Date | Mixed-light | Outdoor | Total Cultivation |
| November 2015 (Terraserver) | 0 ft ² | 11,160 ft ² | 11,160 ft ² |
| May 2018 (Terraserver) | 0 ft ² | 7,860 ft ² | 7,860 ft ² |
| Expansion | | 0 ft ² | |

Humboldt GIS parcel image:



ArcGIS Web Map
 Humboldt County Planning and Building Department

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



Printed July 30, 2018 Web AppBuilder 2.0 for ArcGIS
 Map Disclaimer:
 While every effort has been made to assure the accuracy of this information, it should be understood that it does not have the force & effect of law, rule, or regulation. Should any difference or error occur, the law will take precedence.
 Sources: Humboldt County GIS, Esri, HERE, Garmin, OpenStreetMap contributors, and the GIS user community, Sources: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, FRAR, FEMA, USGS

*Note property lines provided by Humboldt County GIS are not accurate (217-401-011).

October 12, 2006 (GEP)



June 5, 2009 (GEP)



August 23, 2012 (GEP)



May 28, 2014 (GEP)



November 4, 2015 (Terraserver)

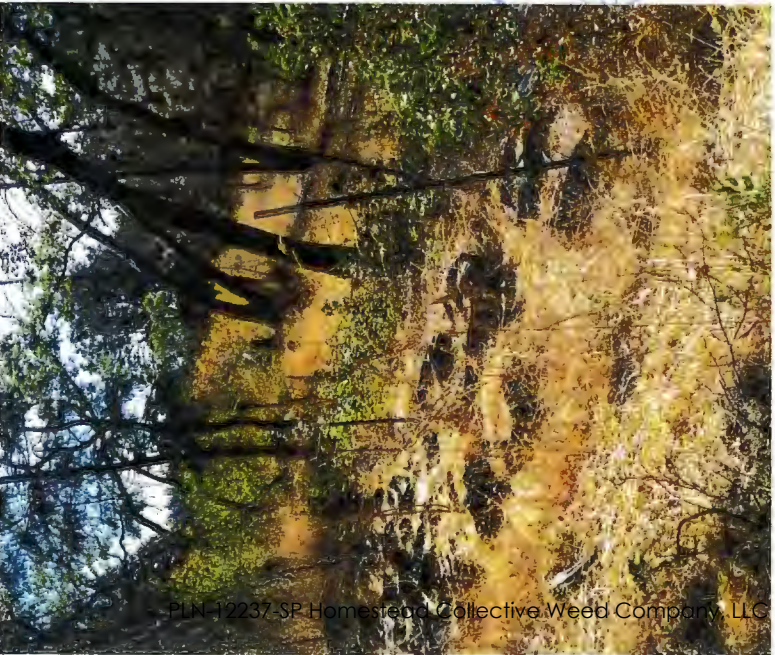


May 23, 2018 (Terraserver)





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