

## SUPPLEMENTAL INFORMATION #1

For Zoning Administrator Agenda of:  
November 18, 2021

<input checked="" type="checkbox"/>	Consent Agenda Item	<b>No. C-3</b>
<input type="checkbox"/>	Continued Hearing Item	
<input type="checkbox"/>	Public Hearing Item	
<input type="checkbox"/>	Department Report	
<input type="checkbox"/>	Old Business	

### Re: Full Cup Farmstead, LLC, Special Permits

Record Number: PLN-13043-CUP  
Assessor Parcel Number: 316-064-011  
34500 State Highway 299, Willow Creek area

Attached for the Zoning Administrator's record and review are revised conditions of approval, additional documentation from the California Department of Transportation (CAL TRANS) amending their requested improvements, and an updated site plan that were not included in the staff report for the hearing:

1. Revised conditions of approval to include the following: 1) removal of Condition of Approval #6, which requires removal of all mixed-light infrastructure from the subject property, as this condition is no longer applicable, based on confirmation by the applicant and submittal of the updated site plan (described further below); 2) removal of Condition of Approval #11, which requires improving sight distance to the west, based on the April 2021 CAL TRANS comments (described further below). Based on updated comments received from CAL TRANS, dated November 17, 2021, sight distance improvements are no longer requested; and 3) revising Condition of Approval #6 to update the numbering of the conditions to be included in the Compliance Agreement, based on removal of the two conditions, previously described. These revisions do not change any recommendations or findings by staff.
2. Updated comments were submitted by CAL TRANS on November 17, 2021. Original comments, dated April 13, 2021, required improving sight distance to the west, in addition conducting floristic surveys and a wetland delineation. Based on the updated comments, the project site was found to meet CAL TRANS standards for a commercial road approach. CAL TRANS comments related to right in-right out turning movements are included as Informational Note #4 in the Recommended Conditions of Approval. This revision does not change any recommendations or findings by staff.
3. An updated site plan was submitted by the applicant on November 15, 2021, which corrected an error related to the cultivation type listed for Item #12 in the site plan legend. The site plan previously inadvertently listed the cultivation type for the 1,600 SF hoop house as mixed-light, which, per the applicant, was based on the State's definition, instead of the County's. The label in the site plan legend has been updated to state outdoor cultivation, consistent with the other materials submitted by the application. The existing

cultivation is outdoor only and no mixed light cultivation is utilized onsite. This revision does not change any recommendations or findings by staff.

## ATTACHMENT 1

### \*REVISED RECOMMENDED CONDITIONS OF APPROVAL

**APPROVAL OF THE SPECIAL PERMITS IS CONDITIONED ON THE FOLLOWING TERMS AND REQUIREMENTS WHICH MUST BE SATISFIED BEFORE THE PROVISIONAL CANNABIS CULTIVATION PERMIT CAN BE FINALIZED.**

#### **A. General Conditions**

1. The applicant is responsible for obtaining all necessary County and State permits and licenses, and for meeting all requirements set forth by other regulatory agencies.
2. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Planning and Building Department will provide a bill to the applicant after the decision. Any and all outstanding planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
3. The applicant is responsible for costs for post-approval review for determining project conformance with conditions. A deposit is collected to cover this staff review. Permit conformance with conditions must be demonstrated prior to release of building permit or initiation of use and at time of annual inspection. A conformance review deposit as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750) shall be paid within sixty (60) days of the effective date of the permit or upon filing of the Compliance Agreement (where applicable), whichever occurs first. Payment shall be made to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
4. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. **Within three days of the effective date of permit approval**, it is requested that the applicant submit a check or money order for the required filing fee in the amount of \$50 payable to the Humboldt County Clerk/Recorder. If this payment is not received within this time period, the Department will file the NOD and will charge this cost to the project.
5. Within 60 days of the effective date of permit approval, the applicant shall submit a revised plot plan and a revised Cultivation and Operations Plan detailing and describing the following, in addition to what is currently shown and described:
  - a. Revise the square footage of the ancillary propagation areas to be a maximum of 1,000 square feet total, which equates to 10% of the cultivation area.
- ~~6. No mixed light cultivation is authorized under this permit. Within 30 days of the effective date of permit approval, the applicant shall remove all mixed light infrastructure from the subject property, including artificial lighting, dehumidifiers, and/or fans. The applicant shall provide evidence (e.g. photographs with newspaper showing date) that all mixed light infrastructure is removed. Alternatively, the applicant may schedule a site inspection with the Humboldt County Planning Department to verify the mixed light infrastructure is removed. A sign-off from the Planning Department will satisfy this condition.~~
- ~~6.7. Within 60 days of the effective date of permit approval, the applicant shall execute a Compliance Agreement with the Humboldt County Planning and Building Department~~

detailing all necessary permits and infrastructure improvements described under Conditions of Approval #7 - ~~11#8~~ #13. The agreement shall provide a timeline for completing all outstanding items. All activities detailed under the agreement must be completed to the satisfaction of the Planning and Building Department before the permit may be finalized and no longer considered provisional.

- ~~7.8.~~ The applicant shall secure permits for all structures and grading related to the cannabis cultivation and other commercial cannabis activity, including but not limited to, existing and proposed water tanks over 5,000 gallons, existing and proposed structures associated with drying and storage or any activity with a nexus to cannabis, and any noise containment structures, as necessary. The plans submitted for building permit approval shall be consistent with the project description and the approved project site plan. A letter or similar communication from the Building Division verifying that all structures related to the cannabis cultivation are permitted will satisfy this condition.
- ~~8.9.~~ The applicant shall implement all corrective actions detailed in the Water Resource Protection Plan (WRPP) developed for the parcel, prepared by Timberland Resource Consultants in February 2017 (revised March 2017), pursuant to a Tier 2 enrollment under the North Coast Regional Water Quality Control Board (NCRWQCB). The applicant shall provide evidence (e.g. letter from a qualified professional and/or photographs) that these improvements are completed. Alternatively, the applicant may schedule a site inspection with the Humboldt County Planning A sign-off from the Planning Department will satisfy this condition.
- ~~9.10.~~ The applicant shall enroll under the State Water Resources Control Board (SWRCB) Cannabis Cultivation Policy (Cannabis Policy), in congruence with Order WQ 2017-0023-DWQ General Waste Discharge Requirements for Dischargers of Waste Associated with Cannabis Cultivation Activities (General Order). The applicant is to submit copies of all documents filed with the SWRCB, including, but not limited to, a Notice of Availability and Site Management Plan. The applicant is required to adhere to and implement the requirements contained in the SWRCB's Cannabis Cultivation Policy, the General Order, the Site Management Plan, and the Notice of Applicability. A copy of the reporting form portion of the Mitigation and Reporting Program (MRP) shall be submitted annually to the Planning and Building Department concurrent with the submittal to the SWRCB.
- ~~11.~~ ~~The applicant shall improve sight distance to the west, which may be accomplished with vegetation trimming and minor earthwork. Prior to any work to within the State right of way, the applicant shall obtain an encroachment permit from Caltrans. The applicant shall also conduct floristic surveys and wetland delineation as requested by CAL TRANS. If the access cannot be improved or modifications are required due to the outcome of the floristic surveys and/or wetland delineations, a modification of this permit will be required. A letter or similar communication from Caltrans stating the improvements were completed to their satisfaction shall be submitted by the applicant. A sign-off from the Planning Department will satisfy this condition.~~
- ~~10.12.~~ The applicant shall continue to adhere to the Final Streambed Alteration Agreement (Notification No. 1600-2015-0544-R) issued by the California Department of Fish and Wildlife (CDFW) in April 2021. Reporting requirements shall be submitted to the Planning Department and the California Department of Fish and Wildlife at 619 Second Street, Eureka, CA 95501, no later than December 31 of each year.
- ~~11.13.~~ The applicant shall maintain noise containment structures for all generators used on the parcel, if applicable. The applicant shall obtain all required building permits for such structures.

The applicant shall maintain generator, fan, and dehumidifier noise at or below 50 decibels at the edge of the clearing or 100 feet, whichever distance is closer. This will satisfy the auditory disturbance guidance prepared by the U.S. Fish and Wildlife (USFS), California Fish and Wildlife (CDFW) and Department Policy Statement No. 16-005 to minimize impacts to the Northern Spotted Owl and Marbled murrelet. All generators must be located on stable surfaces with a minimum 200-foot buffer from Class I and Class II streams, per the requirements of CDFW. No generator use is authorized by this permit until the applicant can demonstrate compliance with this standard.

- 12.14.** The applicant shall install and utilize a water meter to demonstrate that there is sufficient water supply to meet the demands of the project. The water use for cultivation is limited to rainwater catchment and amount of water available in storage tanks and shall be provided annually prior to or during the annual inspection.
- 13.15.** The applicant shall not use any erosion control measures that contain synthetic (e.g., plastic or nylon) monofilament netting, including photo- or biodegradable plastic netting, on a regular and on-going basis. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without weaves.
- 14.16.** All refuse shall be contained in wildlife proof containers, at all times, and relocated to an authorized waste management facility, in compliance with State and local laws, on a regular and on-going basis.
- 15.17.** The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will provide a bill to the applicant after the decision. Any and all outstanding Planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
- 16.18.** Any additional water storage tanks to be added on the subject property shall be located on previously disturbed land. No additional tree removal is authorized under this permit.
- 17.19.** The shall cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning Division. Document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors will be required.
- 18.20.** The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency (CUPA) requirements regarding any hazardous materials. A written verification of compliance shall be required before any provisional permits may be finalized. Ongoing proof of compliance with this condition shall be required at each annual inspection in order to keep the permit valid.
- 19.21.** The applicant shall execute and file with the Planning Division the statement titled, "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the HCC and available at the Planning Division.

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

1. The combination of background, generator and greenhouse fan or other operational equipment created noise must not result in the harassment of Northern Spotted Owl species as required to meet the performance standards for noise set by Department Policy Statement No. 16-005 clarifying CMMLUO Section 55.4.11 (o) requirements. The combined noise levels measured at 100 feet or the edge of habitat, whichever is closer, shall be at or below 50 decibels. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service, and further consultation where necessary. A building permit shall be obtained should any structures be necessary for noise attenuation.
2. All artificial lighting shall be fully contained within structures such that no light escapes (e.g., through blackout curtains). Structures shall be enclosed between 30 minutes prior to sunset and 30 minutes after sunrise to prevent disruption to crepuscular wildlife. Security lighting shall be motion activated and comply with the International Dark-Sky Association standards and Fixture Seal of Approval Program; see: <https://www.darksky.org/our-work/lighting/lighting-for-citizens/lighting-basics/>. Standards include but are not limited to the following, 1) light shall be shielded and downward facing, 2) shall consist of Low-Pressure Sodium (LPS) light or low spectrum Light Emitting Diodes (LED) with a color temperature of 3000 kelvins or less and 3) only placed where needed.
3. Should the Humboldt County Planning Division receive complaints that the lighting or noise is not complying with the standards listed above in items B.1. and B.2., within ten (10) working days of receiving written notification that a complaint has been filed, the applicant shall submit written verification that the lights' shielding and alignment, and noise levels have been repaired, inspected, and corrected, as necessary.
4. Ensure all generators be located on stable surfaces with a minimum 200 feet buffer from all waterways measured horizontally from the outer edge of the riparian drip zone, per CDFW referral comments received January 4, 2018.
5. Prohibition on use of synthetic netting. To minimize the risk of wildlife entrapment, Permittee shall not use any erosion control and/or cultivation materials that contain synthetic (e.g., plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.
6. All refuse shall be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
7. Should any wildlife be encountered during work activities, the wildlife shall not be disturbed and be allowed to leave the work site unharmed.
8. The use of anticoagulant rodenticide is prohibited.
9. The operator shall provide information to all employees about the potential health impacts of cannabis use on children. Information shall be provided by posting the brochures from the Department of Health and Human Services titled "Cannabis Palm Card" and "Cannabis Rack Card." This information shall also be provided to all employees as part of the employee orientation.

10. All components of project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, and these conditions of approval. Changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan. If offsite processing is chosen to be the preferred method of processing, this permit shall be modified to identify the offsite licensed facility.
11. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CMMLUO and MAUCRSA, as applicable to the permit type.
12. If operating pursuant to a written approved compliance agreement, permittee shall abate or cure violations at the earliest feasible date, but in no event no more than two (2) years from the date of issuance of a provisional clearance or permit. Permittee shall provide plans for curing such violations to the Planning and Building Department within one (1) year of issuance of the provisional clearance or permit. If good faith effort toward compliance can be shown within the two years following the issuance of the provisional clearance or permit, the Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow additional time to meet the outstanding requirements.
13. Possession of a current, valid required license, or licenses, issued by any agency of the State of California in accordance with the MAUCRSA, and regulations promulgated thereunder, as soon as such licenses become available.
14. Compliance with all statutes, regulations, and requirements of the California State Water Resources Control Board and the Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration, as applicable.
15. Confinement of the area of cannabis cultivation, processing, manufacture, or distribution to the locations depicted on the approved site plan. The commercial cannabis activity shall be set back at least 30 feet from any property line, and 600 feet from any school, school bus stop, church or other place of religious worship, or tribal cultural resources, except where a reduction to this setback has been approved pursuant to Section 55.4.11(d).
16. Maintain enrollment in Tier 1, 2, or 3, certification with North Coast Regional Water Quality Control Board (RWQCB) Order No. R1-2015-0023, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
17. Comply with the terms of any applicable Lake and Stream Alteration (1600 or 1602) Permit obtained from the California Department of Fish and Wildlife (CDFW).
18. Comply with the terms of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (Cal Fire), if applicable.
19. The applicant shall follow all of CalFire's general recommendations for fire safety, resource management, and cannabis, including providing emergency access turnarounds, signing

and building numbers, emergency water standards (designated water storage for fire), and fuel modification standards.

20. Consent to an annual onsite compliance inspection, with at least 24 hours prior notice, to be conducted by appropriate County officials during regular business hours (Monday through Friday, 9:00 a.m. to 5:00 p.m., excluding holidays).
21. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
22. Pay all applicable application, review for conformance with conditions and annual inspection fees.
23. Fuel shall be stored and handled in compliance with applicable state and local laws and regulations, including the County of Humboldt's Certified Unified Program Agency (CUPA) program, and in such a way that no spillage occurs.
24. The master log books maintained by the applicant to track production and sales shall be maintained for inspection by the County, if applicable.
25. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).
26. All outside lighting shall be placed on timers or motion sensors to reduce light exposure to wildlife and their potential habitat.
27. For the life of the project, the applicant shall avoid heavy equipment operations during NSO critical period (February 1 – July 31) or perform protocol level surveys prior to initiating that work to ensure there are no active nests within close proximity to the work area.

#### Performance Standards for Cultivation and Processing Operations

28. Pursuant to the MCRSA, Health and Safety Code Section 19322(a)(9), an applicant seeking a cultivation license shall "provide a statement declaring the applicant is an 'agricultural employer,' as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 commencing with Section 1140) of Division 2 of the Labor Code), to the extent not prohibited by law."
29. Cultivators shall comply with all applicable federal, state, and local laws and regulations governing California Agricultural Employers, which may include federal and state wage and hour laws, Cal/OSHA, OSHA, the California Agricultural Labor Relations Act, and the Humboldt County Code (including the Building Code).
30. Cultivators engaged in processing shall comply with the following Processing Practices:
  - a. Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.
  - b. Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
  - c. Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.
  - d. Employees must wash hands sufficiently when handling cannabis or use gloves.



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

to request reinspection or to cure any items of noncompliance shall terminate the Special Permit, immediately upon the expiration of any appeal period, or final determination of the appeal if an appeal has been timely filed pursuant to Section 55.4.13.

35. Permit Renewals to Comply with Updated Laws and Regulations. Permit renewal is subject to the laws and regulations effective at the time of renewal, which may be substantially different than the regulations currently in place and may require the submittal of additional information to ensure that new standards are met.
36. Acknowledgements to Remain in Full Force and Effect. Permittee acknowledges that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this section in the event that environmental conditions, such as a sustained drought or low flows in the watershed in which the cultivation area is located, will not support diversions for irrigation.
37. Transfers. Transfer of any leases or permits approved by this project is subject to the review and approval of the Planning Director for conformance with CMMLUO eligibility requirements and agreement to permit terms and acknowledgments. The fee for required permit transfer review shall accompany the request. The request shall include the following information:
  - I. Identifying information for the new owner(s) and management as required in an initial permit application;
  - II. A written acknowledgment by the new owner in accordance as required for the initial permit application;
  - III. The specific date on which the transfer is to occur;
  - IV. Acknowledgement of full responsibility for complying with the existing permit; and
  - V. Execution of an Affidavit of Non-diversion of Medical Cannabis.
38. Inspections. The permit holder and subject property owner are to permit the County or representative(s) or designee(s) to make inspections at any reasonable time deemed necessary to assure that the activities being performed under the authority of this permit are in accordance with the terms and conditions prescribed herein.

**Informational Notes:**

1. Pursuant to Section 314-55.4.11(a) of the CMMLUO, if upon inspection for the initial application, violations of any building or other health, safety, or other state or county statute, ordinance, or regulation are discovered, the Planning and Building Department may issue a provisional clearance or permit with a written approved Compliance Agreement. By signing the agreement, the permittee agrees to abate or cure the violations at the earliest opportunity but in no event more than two (2) years after the date of issuance of the provisional clearance or permit. Plans for curing the violations shall be submitted to the Planning and Building Department by the permittee within one (1) year of the issuance of the provisional certificate or permit. The terms of the compliance agreement may be appealed pursuant to Section 314-55.4.13 of the CMMLUO.
2. This provisional permit approval shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"), except where the Compliance Agreement per Condition of Approval #6 has been executed and the corrective actions pursuant to the agreement are being undertaken. Once building permits have been secured and/or the use initiated pursuant to the terms of the agreement, the use is subject to the Permit Duration and Renewal provisions set forth in Conditions of Approval #31 and #33 of the Ongoing Requirements/Development Restrictions, above.

3. If cultural resources are encountered during construction activities, the contractor onsite shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist and the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and the lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

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

4. Per comments received from Caltrans in April 2021, only right turn-in and right turn-out movements to and from the project site are legal. Vehicles turning left from either driveway on the subject parcel may be cited by law enforcement.

## Megan Marruffo

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**From:** Dorsch, Aaron M@DOT <aaron.m.dorsch@dot.ca.gov>  
**Sent:** Wednesday, November 17, 2021 9:18 AM  
**To:** ROBERTSON, JESSE GRAHAM@DOT; Meghan Ryan; Quintrell, Heidi L@DOT  
**Cc:** Megan Marruffo; Johnson, Cliff; Rightnar, Jacob@DOT; fcfhumboldt@gmail.com  
**Subject:** RE: APPS #13043 - Full Cup Farmstead, LLC - APN: 316-064-011- Humboldt County

Jesse,

It was my finding during the onsite review, that Full Cup Farms LLC, located on hwy 299 at PM 33.5 (APN: 316-064-011- Humboldt County) currently meets Caltrans standards for a commercial road approach, including site distance. It should be noted that the location will be limited to right in, right out turning movements, as the highway in this location is striped with a double, double yellow line which prohibits ingress or egress to and from the parcel from the westbound lanes.

Please feel free to contact me with any further questions.

Aaron Dorsch  
CT D1 Encroachment Permits  
707-498-4008

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**From:** ROBERTSON, JESSE GRAHAM@DOT <jesse.robertson@dot.ca.gov>  
**Sent:** Monday, November 15, 2021 10:18 AM  
**To:** Meghan Ryan <ryanm@lacoassociates.com>  
**Cc:** Megan Marruffo <marruffom@lacoassociates.com>; Johnson, Cliff <CJohnson@co.humboldt.ca.us>; Rightnar, Jacob@DOT <Jacob.Rightnar@dot.ca.gov>  
**Subject:** RE: APPS #13043 - Full Cup Farmstead, LLC - APN: 316-064-011- Humboldt County

Hi Meghan,

I received an email from the applicant yesterday saying that our comments used for the County's staff report didn't match the last input received from Caltrans. As I recall, we had a permit inspector meet with the applicants several months ago, a record of the outcome I don't have in my files. I have sent an email to our Permits unit asking for a confirmation of the applicant's claim that no permit is needed.

FYI - The name you provided is incorrect: both are first names. Perhaps we had both Traffic Safety and Permits staff on-site to measure sight-distance.

As soon as I receive confirmation, I will follow-up. Is the hearing date scheduled for this Thursday?

Thanks.

Jesse Robertson  
Transportation Planning  
Caltrans District 1  
(707) 684-6879 (mobile)

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**From:** Meghan Ryan <[ryanm@lacoassociates.com](mailto:ryanm@lacoassociates.com)>  
**Sent:** Monday, November 15, 2021 9:28 AM  
**To:** ROBERTSON, JESSE GRAHAM@DOT <[jesse.robertson@dot.ca.gov](mailto:jesse.robertson@dot.ca.gov)>  
**Cc:** Megan Marruffo <[marruffom@lacoassociates.com](mailto:marruffom@lacoassociates.com)>; Johnson, Cliff <[CJohnson@co.humboldt.ca.us](mailto:CJohnson@co.humboldt.ca.us)>; Rightnar, Jacob@DOT <[Jacob.Rightnar@dot.ca.gov](mailto:Jacob.Rightnar@dot.ca.gov)>  
**Subject:** RE: APPS #13043 - Full Cup Farmstead, LLC - APN: 316-064-011- Humboldt County  
**Importance:** High

**EXTERNAL EMAIL.** Links/attachments may not be safe.

Good morning, Jesse – I hope you had a great weekend! We are getting feedback from this applicant that site distance improvements are no longer required based their conversations with CAL TRANS. They state they had an in-person meeting with Eric Aaron with Public Safety and are requesting the condition be removed. Can you confirm this is your understanding? The hearing is on Thursday and we need to a supplemental ready by noon Wednesday, so I'm hoping you can get back to me today or tomorrow.

Please let me know if you have any additional questions.

Thanks!  
Meghan



Meghan Ryan  
Planning Director  
LACO Associates  
Eureka | Ukiah | Santa Rosa | Chico  
*Advancing the quality of life for generations to come*  
707 443-5054  
<http://www.lacoassociates.com>

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---

**From:** Meghan Ryan  
**Sent:** Wednesday, September 15, 2021 1:42 PM  
**To:** 'jacob\_rightnar@dot.ca.gov' <[jacob\\_rightnar@dot.ca.gov](mailto:jacob_rightnar@dot.ca.gov)>  
**Cc:** Megan Marruffo <[marruffom@lacoassociates.com](mailto:marruffom@lacoassociates.com)>; 'Johnson, Cliff' <[CJohnson@co.humboldt.ca.us](mailto:CJohnson@co.humboldt.ca.us)>; 'ROBERTSON, JESSE GRAHAM@DOT' <[jesse.robertson@dot.ca.gov](mailto:jesse.robertson@dot.ca.gov)>  
**Subject:** FW: APPS #13043 - Full Cup Farmstead, LLC - APN: 316-064-011- Humboldt County

Hi Jacob – I hope your'e doing well! I saw Jesse's out of office reply, so I thought I would forward you the email below.

Please let me know if you have any questions.

Thanks!  
Meghan



Meghan Ryan  
Planning Director  
LACO Associates  
Eureka | Ukiah | Santa Rosa | Chico  
*Advancing the quality of life for generations to come*  
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**From:** Meghan Ryan  
**Sent:** Wednesday, September 15, 2021 9:53 AM  
**To:** 'ROBERTSON, JESSE GRAHAM@DOT' <[jesse.robertson@dot.ca.gov](mailto:jesse.robertson@dot.ca.gov)>  
**Cc:** Megan Marruffo <[marruffom@lacoassociates.com](mailto:marruffom@lacoassociates.com)>; 'Johnson, Cliff' <[CJohnson@co.humboldt.ca.us](mailto:CJohnson@co.humboldt.ca.us)>  
**Subject:** APPS #13043 - Full Cup Farmstead, LLC - APN: 316-064-011- Humboldt County

Good morning, Jesse – I hope you're doing well! I wanted to provide a response to CAL TRANS comments for this project as follows:

1. The project will be conditioned to improve the encroachment to CAL TRANS satisfaction and obtain an encroachment permit prior to commencing any improvements.
2. Presence of Northern Spotted Owl is assumed and there will be conditions of approval limiting noise to 50 dB at 100 feet per USFWS guidance and light attenuation to adhere to Dark Sky standards. We will also limit construction to outside the breeding season (Feb – July), which would apply to work associated with the encroachment permit.
3. Conditions of approval will require the applicant to conduct the floristic surveys and wetland delineation as requested in CAL TRANS referral comments prior to commencing any encroachment improvement. If the studies find any impacts to plant and wetland habitat, the applicant will be required to modify this permit for required changes to the existing access.
4. An informational note will be added to the staff report regarding right turn-in and right turn-out movements as stated by CAL TRANS comments.

We are hoping to move this project forward at the 10/7/2021 hearing, which means providing a notice today. Please let me know if you have any questions or comments regarding this approach. I understand you may need additional time to review.

I appreciate your assistance on this project!

Best,  
Meghan

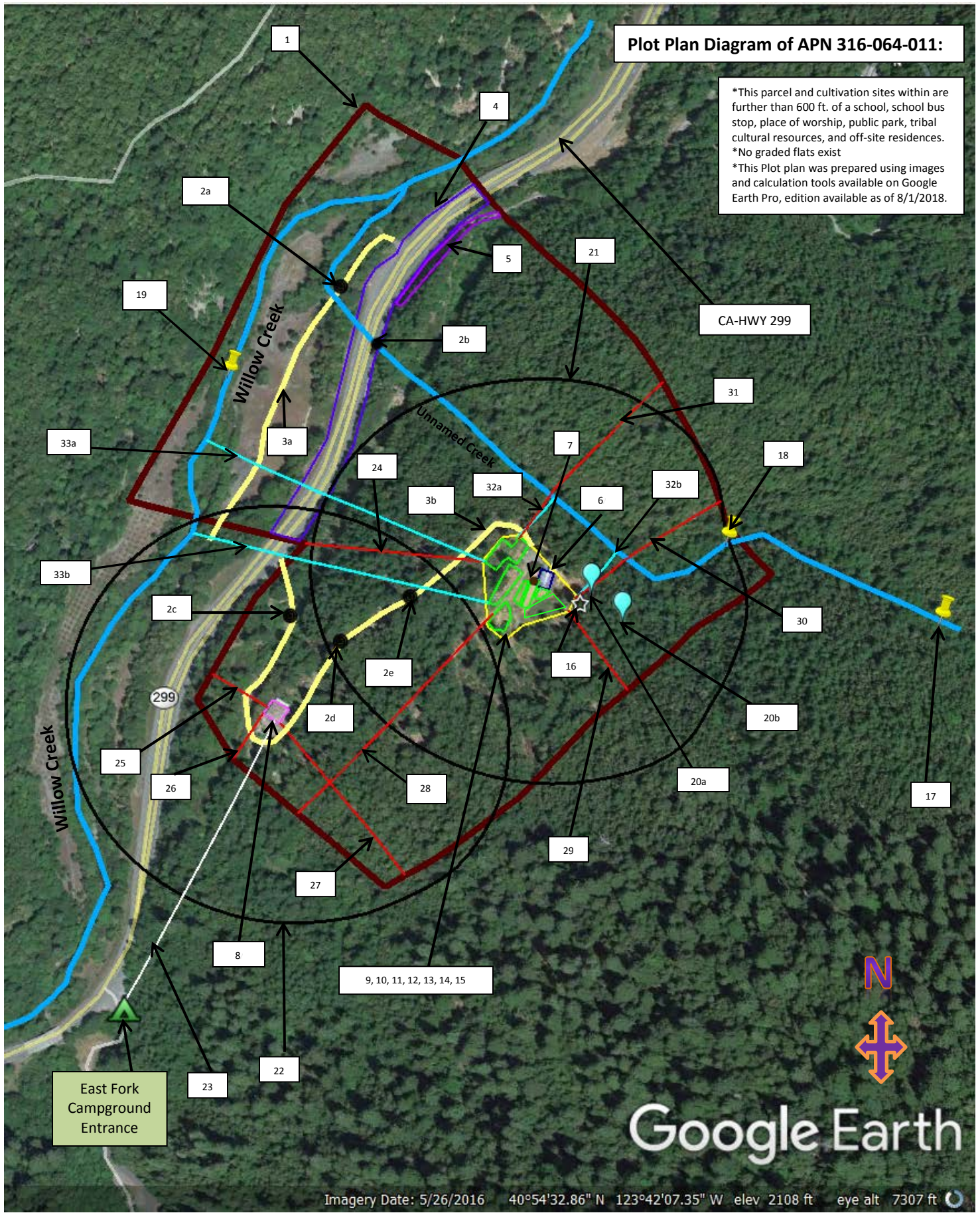


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# Plot Plan Diagram of APN 316-064-011:

\*This parcel and cultivation sites within are further than 600 ft. of a school, school bus stop, place of worship, public park, tribal cultural resources, and off-site residences.  
\*No graded flats exist  
\*This Plot plan was prepared using images and calculation tools available on Google Earth Pro, edition available as of 8/1/2018.





## Legend for Plot Plan of APN 316-064-011:

Owners Names: Tim Dower, Shannon Hughes, Steve Miskulin, Shannon Miskulin

1 (Burgundy Line).....Property Boundary  
2a, 2b, 2c, 2d, & 2e (Black Circles).....Culverts

### Driveway and Easements

3a & 3b (Light Yellow Line).....Rocked Access Roads  
-The 3a Driveway is an easement for accessing the McFadden Parcel  
4 (Purple Polygon).....Cal Trans CA HWY-299 Easement  
5 (Bright Purple Polygon).....Neighbor's Driveway Easement

### Buildings

6 (Dark Blue Square).....Multi-Use Building; Permitted Primary Dwelling; Built 1994; Appurtenant Nursery/Drying/  
Processing/Storage  
-see attached "Multi-Use Building Diagram" for details of use for locations and square footages utilized within.  
7 (Brown Circle).....Septic System; approximately 20 ft. north of northwest corner of house  
8 (Pink & Blue Square).....Quonset Hut; Ag. Exempt Barn built 2003; 2500 ft<sup>2</sup> Appurtenant Nursery/Drying/  
Processing/Storage  
- see attached "Cultivation Area and Immature Plant Area Diagram" & "Multi Use Building Diagram" for details of use for locations  
and square footages utilized within.

### Cultivation Areas

\*Current cultivation area not to exceed 6600 ft<sup>2</sup>. Requesting increased cultivation area not to exceed 10,000 ft<sup>2</sup>.

\*Cultivation occurs within Timber Production Zone with an opening made via "three acre conversion" in 1996.

-see "Cultivation Area and Immature Plant Area Diagram" for detail and immature plant area locations.

(9-15) are within Bright Yellow Polygon)

9 (Green Polygon).....Orchard; Outdoor Cultivation  
10 (Green Polygon).....Horse and Pony; Outdoor Cultivation  
11 (Green Polygon).....Lower Laundry; Outdoor Cultivation  
12 (Green Polygon).....Hoop House; 1600 ft<sup>2</sup> Outdoor Cultivation  
13 (Green Polygon).....Upper Laundry; Outdoor Cultivation  
14 (Green Polygon).....Upper; Outdoor Cultivation  
15 (Green Polygon).....Meadow; Outdoor Cultivation

### Water Sources

\*All water used for cannabis is collected by a rainwater catchment system attached to the dwelling and stored in tanks.

16 (White Star).....Abandoned Well Site; Unsuccessful drilling attempt on 7/7/2017  
17 (Yellow Tack).....Household Use Only Point of Diversion 1; POD on Unnamed Creek  
18 (Yellow Tack).....Household Use Only Registered Point of Diversion 2; POD on Unnamed Creek  
19 (Yellow Tack).....Household Use Only Registered Point of diversion 3; POD on Willow Creek  
20a & 20b (Aqua Balloons).....34,945 gallons Water Storage Tanks

### 600 Ft. Buffers Around Cultivation Sites

21 (Black Circle).....600 ft. Buffer House Adjacent Zone  
22 (Black Circle).....600 ft. Buffer Quonset Hut Zone  
23 (White Line).....1030 ft. from West side of Quonset Hut to SRNF East Fork Campground

### Set Backs from Cultivation to Property Line

24 (Red Line).....West corner of Orchard Space to Inner West Property Corner: .....505 ft.  
25 (Red Line).....North West Quonset Hut Wall to North West Property Line: .....187 ft.  
26 (Red Line).....South West Quonset Hut Corner to South West Property Line: .....169 ft.  
27 (Red Line).....South Corner Quonset Hut to South East Property Line: ..... 540 ft.  
28 (Red Line).....Meadow Zone to South West Property Line: .....832 ft.  
29 (Red Line).....South East Border Cultivation Zone to South East Property Line: .....268 ft.  
30 (Red Line).....East Corner Cultivation Zone to North East Property line: .....507 ft.  
31 (Red Line).....North Corner Orchard Space to North East Property Line: .....583 ft.  
32a & 32b (Aqua Line) Nearest Points of Cultivation to Unnamed Creek.....over 220 ft.  
33a & 33b (Aqua Line) Nearest Points of Cultivation to Willow Creek.....over 220 ft.

**Legend for Plot Plan of APN 316-064-011: (cont'd)**

**Immature Plant Areas and Miscellaneous Multi-Use buildings**

34 (Blue Polygon).....	Immature Orchard; 625 ft <sup>2</sup>
35 (Blue Polygon).....	Immature Road; 960 ft <sup>2</sup>
36 (Blue Polygon).....	Immature Multi-Use Building; 531 ft <sup>2</sup>
37 (Blue Polygon).....	Immature Behind Multi-Use Building; 400 ft <sup>2</sup>
38 (Blue Polygon).....	Ag Storage Shipping Container 2; 160 ft <sup>2</sup>
39 (Blue Polygon).....	Ag Storage Shipping Container 1; 160 ft <sup>2</sup>
40 (Orange Polygon).....	Portable Building; Appurtenant Nursery/Drying/ Processing/Storage; 480 ft <sup>2</sup>
41 (Purple Placemark).....	Future Location of Portable Building
42 (Green Placemark).....	Future Location of Shipping Containers 1 & 2