



**COUNTY OF HUMBOLDT**  
**PLANNING AND BUILDING DEPARTMENT**  
**CURRENT PLANNING DIVISION**

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Hearing Date: June 6, 2019

To: Humboldt County Planning Commission

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

Subject: PLN-11999-CUP Matt Cook; PLN-11867-CUP EarthMed, LLC;  
PLN-12625-CUP Humboldt Native Grown; PLN-12668-CUP Fox Creek  
Caregivers; PLN-12000-CUP Golden Hill Enterprises; PLN-13203-CUP  
Humboldt Magic Life Collective; PLN-13205-CUP Humboldt Magic Life  
Collective; 13207-CUP Humboldt Magic Life Collective; 13208-CUP  
Humboldt Magic Life Collective

Assessor's Parcel Numbers 211-301-021; 221-111-023; 529-351-010; 529-351-009; 529-351-008; 529-351-007; 529-351-006; 529-351-005; 206-151-039; 530-151-001; 215-141-002; 215-142-003; 220-092-008; 220-061-015

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Please contact Steven Santos, Senior Planner, at 707-268-3749 or by email at [sasantos@co.humboldt.ca.us](mailto:sasantos@co.humboldt.ca.us) if you have any questions about the scheduled public hearing item.

**AGENDA ITEM TRANSMITTAL**

<b>Hearing Date</b>	<b>Subject</b>	<b>Contact</b>
June 6, 2019	Nine Conditional Use Permits	Steven Santos

**Project Description** Nine applications recommended for denial as follows:

**A) PLN-11999-CUP Matt Cook**

A Conditional Use Permit for 4,200 square feet of existing outdoor cultivation and 11,720 square feet of existing mixed light cultivation on APN 211-301-021.

**B) PLN-11867-CUP EarthMed, LLC**

A Conditional Use Permit for 10,000 square feet of existing mixed light cultivation on APN 221-111-023.

**C) PLN-12625-CUP Humboldt Native Grown**

A Conditional Use Permit for 20,300 square feet of existing mixed light cannabis cultivation, and 10,000 square feet of new mixed light cultivation across six legal parcels of varying ownership including 529-351-010; 529-351-009; 529-351-008; 529-351-007; 529-351-006; and 529-351-005.

**D) PLN-12668-CUP Fox Creek Caregivers**

A Conditional Use Permit for 4,800 square feet existing mixed light and 8,360 square feet of existing outdoor cultivation on APN 206-151-039.

**E) PLN-12000-CUP Golden Hill Enterprises**

A Conditional Use Permit for 43,560 square feet of existing outdoor cultivation on APN 530-151-001.

**F) PLN-13203-CUP Humboldt Magic Life Collective**

A Conditional Use Permit for 43,560 square feet of existing outdoor cultivation on APN 215-141-002.

**G) PLN-13205-CUP Humboldt Magic Life Collective**

A Conditional Use Permit for 43,560 square feet of existing outdoor cultivation on APN 215-142-003.

**H) PLN-13207-CUP Humboldt Magic Life Collective**

A Conditional Use Permit for 43,560 square feet of existing outdoor cultivation on APN 220-092-008.

**I) PLN-13208-CUP Humboldt Magic Life Collective**

A Conditional Use Permit for 43,560 square feet of existing outdoor cultivation on APN 220-061-015.

**Project Locations:** As follows:

**A) PLN-11999-CUP Matt Cook**

The project is located in the Myers Flat area, on the West side of Frost Lane, approximately .5 miles South from the intersection of Elk Creek Road and Frost Lane, on the property known as 560 Frost Lane.

**B) PLN-11867-CUP EarthMed, LLC**

The project is located in the Ettersburg area, on the east and west sides of Dutyville Road, approximately .30 miles south from the intersection of Doody Ridge Road and Dutyville Road, on the property known as 5959 Dutyville Road.

**C) PLN-12625-CUP Humboldt Native Grown**

The project is located in the Orleans area, on the South side of State Highway 96, approximately .2 miles West from the intersection of Gold Dredge Road and State Highway 96, on the property identified as 37695 State Hwy 96.

**D) PLN-12668-CUP Fox Creek Caregivers**

The project is located in the Carlotta area, on the North side of Fox Creek Road, approximately 1.24 miles from the intersection of Fox Creek Road and State Highway 36, then approximately 0.28 miles North East on a private drive, on the property known as 1277 Fox Creek Road, Carlotta.

**E) PLN-12000-CUP Golden Hill Enterprises**

The project is located in the Weitchpec area, on the East side of Cappell Road, approximately 568 feet North from the intersection of Ridenour Road and Cappell Road, and approximately 3.4 miles Northeast from the intersection of Cappell Road and a Private Drive on the property known to be in Section 32 of Township 11 North, Range 04 East, Section 4 of Township 10 North, Range 04 East, Section 9 of Township 10 North, Range 04 East Humboldt Base & Meridian.

**F) PLN-13203-CUP Humboldt Magic Life Collective**

The project is located in the Briceland area, on the south side of Briceland-Thorne Road, approximately 1.28 miles west from the intersection of China Creek Road and Briceland-Thorne Road, then southeast on a private road for approximately 0.5 miles, on the property known to be in Section 26, Township 04 South, Range 02 East.

**G) PLN-13205-CUP Humboldt Magic Life Collective**

The project is located in the Briceland area, on the south side of Briceland-Thorne Road, approximately 1.3 miles south from the intersection of Schrodgers Mill Road and Briceland-Thorne Road, on the property known to be in Section 25, Township 04 South, Range 02 East.

**H) PLN-13207-CUP Humboldt Magic Life Collective**

The project is located in the Briceland area, on the south side of Briceland Thorne Rd down a private drive, approximately 1.29 miles west from the intersection of Blue Slide Creek Rd and Briceland Thorne Rd, on the property known to be in Section 23 of Township 04 South, Range 02 East, Humboldt Base & Meridian.

**I) PLN-13208-CUP Humboldt Magic Life Collective**

The project is located in the Whitehorn area, on the South side of Briceland Thorne Road, approximately .7 miles South from the intersection of Briceland Thorne Road and Schroder's Mill Road, and approximately .25 miles South from the intersection of Schroder's Mill Road and a Private Drive on the property known to be in Section 24 of Township 04 South, Range 02 East, Humboldt Base & Meridian.

**Applicants:** As follows:

**A) PLN-11999-CUP Matt Cook**

Matt Cook, PO Box 1621, Redway, CA 95560

**B) PLN-11867-CUP EarthMed, LLC**

EarthMed LLC, Yordan Dimitrov, PO Box 922, Redway, CA 95560

- C) **PLN-12625-CUP Humboldt Native Grown**  
Humboldt Native Grown LLC, PO Box 127, Orleans, CA 95556
- D) **PLN-12668-CUP Fox Creek Caregivers**  
Fox Creek Caregivers Inc., 449 Capistrano Drive, Palm Beach Gardens, FL 33410
- E) **PLN-12000-CUP Golden Hill Enterprises**  
Golden Hill Enterprises, Michael Hinojosa, 2336 Stanwell Ct., Concord, CA 94520
- F) **PLN-13203-CUP Humboldt Magic Life Collective**  
Humboldt Magic Life Collective, PO Box 2577, Redway, CA 95560
- G) **PLN-13205-CUP Humboldt Magic Life Collective**  
Humboldt Magic Life Collective, PO Box 2577, Redway, CA 95560
- H) **PLN-13207-CUP Humboldt Magic Life Collective**  
Humboldt Magic Life Collective, PO Box 2577, Redway, CA 95560
- I) **PLN-13208-CUP Humboldt Magic Life Collective**  
Humboldt Magic Life Collective, PO Box 2577, Redway, CA 95560

**Environmental Review:** The proposed projects are statutorily exempt from the provisions of the California Environmental Quality Act (CEQA) per section 15270 (Projects Which Are Disapproved) of the CEQA Guidelines.

**State Appeal Status:** The proposed projects are NOT appealable to the California Coastal Commission

**Major Issues:** Inconsistency with Humboldt County Code, lack of adequate information to support making required findings for approval, and uncooperative applicants.

**MATT COOK, EARTHMED LLC, HUMBOLDT NATIVE GROWN, FOX CREEK CAREGIVERS, GOLDEN HILL ENTERPRISES, AND HUMBOLDT MAGIC LIFE COLLECTIVE**

Record No. PLN-11999-CUP, PLN-11867-CUP, PLN-12625-CUP, PLN-12668-CUP, PLN-12000-CUP, PLN-13203-CUP, PLN-13205-CUP, PLN-13207-CUP, PLN-13208-CUP

Assessor's Parcel Numbers 211-301-021, 221-111-023, 529-351-010, 529-351-009, 529-351-008, 529-351-007, 529-351-006, 529-351-005, 206-151-039, 530-151-001, 215-141-002, 215-142-003, 220-092-008, 220-061-015

**Recommended Commission Action**

1. Describe the applications as on the consent agenda;
2. Survey the audience for any person who would like to discuss the applications;
3. If no one requests discussion, make the following motion to deny the applications as part of the consent agenda:

Find that the projects are exempt from environmental review pursuant to Section 15270 (Projects Which Are Disapproved) of the CEQA Guidelines, find that the project sites have violations initiated after submittal of the application, and the applicant has not taken steps to resolve the violation and thus the application cannot be found in compliance with the CMMLUO, and adopt the Resolutions denying the proposed projects

**Executive Summary:** For Planning Commission consideration are nine applications under the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) for Conditional Use Permits that are being recommended by staff for denial.

All of the applications presented in this report have violated County ordinance requirements after applications were submitted and have been unresponsive to multiple County requests for information and efforts to resolve the violations. The sites continue to be in violation of County code with no sign of abating the violation. Additionally, the submitted applications do not include evidence to support making the required findings under Section 312-17.1 of the Humboldt County Code (required findings for all permits) and the applicants have been unresponsive to repeated requests for this information.

All of these applications are not in compliance with Section 314-55.4.8.2.2 which states that existing cultivation may be permitted only when possible to bring them into compliance with all applicable development standards and to eliminate existing violations. This section also states that no expansion of the existing cultivation area shall be permitted. All of these sites have expanded the cultivation area after January 1, 2016.

Additionally, all of these cases are not consistent with section 314-55.4.8.1, which states that all commercial cannabis cultivation, processing, manufacture, or distribution of cannabis for medical use shall operate in compliance with this Section, as well as all applicable state and local laws. By expanding without approval they have violated the Humboldt County Code, and many of these applications have also violated various provisions of state law as described below.

Further, some of these applications have violated the terms of the compliance agreement for the Zoning Clearance Certificate for Interim Permit which are grounds for cancellation of the interim permit and staff recommendation of denial per HCC §314-55.4.8.11.

Each of these applications are described below:

**A) PLN-11999-CUP Matt Cook**

The permit application is for a Conditional Use Permit for 4,200 square feet of existing outdoor cultivation and 11,720 square feet of existing mixed light cultivation on APN 211-301-021. The project was removed from processing status on October 30, 2018 because of an apparent cultivation expansion. Analysis of application materials and aerial imagery concluded that the cultivation area expanded by approximately 4,200 square feet of outdoor cultivation.

The applicant was notified by written letter on October 12, 2018 and given 30 days to provide a substantial response to address the violation and submit additional materials required to complete the application for processing (Exhibit **A-2**). The letter was subsequently emailed on December 11, 2018 (Exhibit **A-3**). Another letter was sent on March 12, 2019 requesting a response by April 10, 2019 (Exhibit **A-4**). In addition, multiple attempts to reach the applicant by phone were unsuccessful. As of the date of this staff report, the Department has not received a response.

The application does not include the information necessary to make a determination of consistency with county code, and the cultivation operation is currently in violation of county code and the applicant has not provided any information on how they intend to resolve the violation. Despite multiple attempts to contact the applicant for this information, the applicant has been completely unresponsive. Without the requested information the County cannot find the application to be consistent with the Commercial Medical Marijuana Land Use Ordinance (CMMLUO). As a result, the findings for approval of the project cannot be made and the project should be denied.

**B) PLN-11867-CUP EarthMed, LLC**

The permit application is for a Conditional Use Permit for 10,000 square feet of existing mixed light cultivation on APN 221-111-023. Applicant was issued an Interim Permit for 4,700 square feet of mixed light cultivation December 21, 2017. The Interim Permit expired on December 31, 2018. Project was removed from processing status on or around June 27, 2018 because of an apparent expansion of cultivation area. Analysis of application materials and aerial imagery concluded the cultivation area expanded after issuance of the Interim Permit by approximately 11,450 square feet of mixed light cultivation, and 0.9 acre of timber was removed for the purposes of cannabis cultivation.

The conversion of timber for cannabis cultivation is not consistent with the Mitigated Negative Declaration that was adopted for the CMMLUO, as a finding that there would be no significant impact on forestry resources was made due to the fact that no timber conversion would be permitted for cannabis cultivation.

The applicant was notified by letter April 6, 2018 of the cultivation area expansion and timber conversion violations, in addition to other application deficiencies (Exhibit **B-1**). The applicant was contacted again by letter November 1, 2018 and given 30 days to provide a substantial response (Exhibit **B-2**). This letter was sent to both the address provided by the applicant and another address staff obtained by researching Secretary of State business records. An attempt to communicate with the applicant by email was made on February 19, 2019 (Exhibit **B-3**). Finally, on April 5, 2019 the Department sent another letter requesting a substantial response within 30 days (Exhibit **B-4**). As of the date of this staff report, the Department has not received a response.

The application does not include the information necessary to make a determination of

consistency with county code, and the cultivation operation is currently in violation of county code and the applicant has not provided any information on how they intend to resolve the violation. Despite multiple attempts to contact the applicant for this information, the applicant has been completely unresponsive. Without the requested information the County cannot find the application to be consistent with the Commercial Medical Marijuana Land Use Ordinance (CMMLUO). As a result, the findings for approval of the project cannot be made and the project should be denied.

**C) PLN-12625-CUP Humboldt Native Grown**

The permit application is for a Conditional Use Permit for 20,300 square feet of existing mixed light cannabis cultivation, and 10,000 square feet of new mixed light cultivation across six legal parcels of varying ownership including 529-351-010; 529-351-009; 529-351-008; 529-351-007; 529-351-006; and 529-351-005. Project was removed from processing status on or around September 1, 2018 because of an apparent expansion violation. Analysis of application materials and aerial imagery concluded the cultivation area expanded by approximately 35,000 square feet of outdoor. Other application deficiencies include lack of owner authorization on the one parcel eligible for cannabis cultivation and parcels ineligible for commercial cannabis permits because the parcels are too small.

Staff first attempted contact by telephone September 9, 2018 but never received a response. The applicant was then notified by letter November 6, 2018 and given 30 days to provide a substantial response to the expansion allegation (Exhibit **C-1**). Another letter was sent May 2, 2019 (Exhibit **C-2**). As of the date of this staff report, the Department has not received the requested response.

The application does not include the information necessary to make a determination of consistency with county code, and the cultivation operation is currently in violation of county code and the applicant has not provided any information on how they intend to resolve the violation. Despite multiple attempts to contact the applicant for this information, the applicant has been completely unresponsive. Without the requested information the County cannot find the application to be consistent with the Commercial Medical Marijuana Land Use Ordinance (CMMLUO). As a result, the findings for approval of the project cannot be made and the project should be denied.

**D) PLN-12668-CUP Fox Creek Caregivers**

The permit application is for a Conditional Use Permit for 4,800 square feet existing mixed light and 8,360 square feet of existing outdoor cultivation on APN 206-151-039. Project was removed from processing status March 15, 2018 because of an apparent expansion. The project never received an Interim Permit or a state license, yet cultivation occurred in 2018 for the applied for amounts. In addition, analysis of application materials and aerial imagery concluded the cultivation area expanded by 11,640 square feet mixed light beyond the applied for amounts, and 0.5 acre of timber was removed for the purposes of cannabis cultivation.

The conversion of timber for cannabis cultivation is not consistent with the Mitigated Negative Declaration that was adopted for the CMMLUO, as a finding that there would be no significant impact on forestry resources was made due to the fact that no timber conversion would be permitted for cannabis cultivation.

The applicant was contacted by letter October 18, 2018 and given 30 days to provide a substantial response (Exhibit **D-1**). After receiving no response from the applicant, a second letter was sent April 18, 2019, and subsequently emailed, requesting the applicant respond to the October 18, 2018 correspondence (exhibit **D-2**). An email from the applicant was received April 22, 2019 asking what information was needed to cancel all cannabis licensing. Planning staff responded on April 24, 2019. (exhibit **D-3**). Since staff did not receive a withdrawal letter, another email was sent by staff May 20, 2019 letting applicant know the project was scheduled for denial. Applicant responded May 20, 2019 confirming this was acceptable (Exhibit **D-4**).

The application does not include the information necessary to make a determination of consistency with the CMMLUO, and the applicant has indicated their intent to not provide this information. As a result, the findings for approval cannot be made and the application should be denied.

**E) PLN-12000-CUP Golden Hill Enterprises**

The permit application is for a Conditional Use Permit for 43,560 square feet of existing outdoor cultivation on APN 530-151-001. The project was removed from processing status on March 15, 2018 because of an apparent cultivation expansion. Analysis of application materials and aerial imagery concluded that the cultivation area expanded by approximately 31,500 square feet of outdoor cultivation. A timber conversion and grading occurred also in 2017 to accommodate the expanded cultivation.

The conversion of timber for cannabis cultivation is not consistent with the Mitigated Negative Declaration that was adopted for the CMMLUO, as a finding that there would be no significant impact on forestry resources was made due to the fact that no timber conversion would be permitted for cannabis cultivation.

The applicant was notified October 18, 2018 and given 30 days to provide a substantial response (Exhibit **E-1**). The letter was also emailed on December 12, 2018 (Exhibit **E-2**). Another letter was sent on March 7, 2019 requesting a response by April 19, 2019 (Exhibit **E-3**). In addition, the project was issued a Notice of Violation by the California Department of Fish and Wildlife on January 2, 2019 for nine violations of Fish and Game Code (Exhibit **E-4**). As of the date of this staff report, the Department has not received a response.

The application does not include the information necessary to make a determination of consistency with county code, and the cultivation operation is currently in violation of county code and the applicant has not provided any information on how they intend to resolve the violation. Despite multiple attempts to contact the applicant for this information, the applicant has been completely unresponsive. Without the requested information the County cannot find the application to be consistent with the Commercial Medical Marijuana Land Use Ordinance (CMMLUO). As a result, the findings for approval of the project cannot be made and the project should be denied.

**F) PLN-13203-CUP Humboldt Magic Life Collective**

The four applications are for Conditional Use Permits for 43,560 square feet of existing outdoor cultivation on each of four adjacent parcels: APN 215-141-002 (13203), APN 215-142-003 (13205), APN 220-092-008 (13207), and APN 220-061-015 (13208). The applications cannot be processed due to no owner consent on file, a lack of evidence of existing cultivation and apparent violations including cultivation expansion, unpermitted grading, and timber conversion. The four

subject parcels are zoned Timber Production Zone (TPZ) and are therefore only eligible for permitting existing cultivation per HCC 314-55.4.8.2.2. County analysis of aerial imagery concluded that the cultivation area expanded further by approximately 8,000 square feet of outdoor cultivation on APN 215-141-002 in 2018. No Interim Permits have been issued on these parcels to authorize cultivation.

The conversion of timber for cannabis cultivation is not consistent with the Mitigated Negative Declaration that was adopted for the CMMLUO, as a finding that there would be no significant impact on forestry resources was made due to the fact that no timber conversion would be permitted for cannabis cultivation.

The applicant was notified October 1, 2018 requesting owner consent as well as evidence of existing cultivation and given 30 days to provide a substantial response (Exhibit F-2). As of the date of this staff report, the Department has not received a response.

In addition, a July 6, 2017 inspection conducted by the California Department of Fish and Wildlife resulting in a Notice of Violation by the CDFW on August 8, 2017 for ten violations of Fish and Game Code on APN 215-142-003 (13205), APN 220-092-008 (13207), and APN 220-061-015 (13208) (Exhibit F-3).

The application does not include the information necessary to make a determination of consistency with county code, and the cultivation operation is currently in violation of county code and the applicant has not provided any information on how they intend to resolve the violations. Despite multiple attempts to contact the applicant for this information, the applicant has been completely unresponsive. Without the requested information the County cannot find the application to be consistent with the Commercial Medical Marijuana Land Use Ordinance (CMMLUO). As a result, the findings for approval of the project cannot be made and the project should be denied.

**G) PLN-13205-CUP Humboldt Magic Life Collective**

See item F above.

**H) PLN-13207-CUP Humboldt Magic Life Collective**

See item F above.

**I) PLN-13208-CUP Humboldt Magic Life Collective**

See item F above.

**ALTERNATIVES:** The Planning Commission could elect to direct staff to work continue to attempt to reach applicants to resolve the outstanding issues and continue processing the application in accordance with HCC §312-4.1 et seq. However, given that in all of these cases staff has made multiple attempts to contact the applicants and they have been completely unresponsive, staff does not recommend this alternative.

**RESOLUTION OF THE PLANNING COMMISSION  
OF THE COUNTY OF HUMBOLDT  
Resolution Number 19-**

**Record No. CUP16-422  
Assessor Parcel Numbers: 221-111-023**

**The Humboldt County Planning Commission makes the required findings for certifying compliance with the California Environmental Quality Act and denies the EarthMed, LLC Conditional Use Permit request.**

**WHEREAS**, EarthMed, LLC submitted an application and evidence requesting approval of a Conditional Use Permit for 10,000 square feet of existing mixed light cannabis cultivation located on APN 221-111-023.

**WHEREAS**, the County Planning and Building Department has reviewed the submitted application and evidence and determined that 4,700 square feet of existing mixed light cultivation may have existed on the property prior to January 1, 2016; and

**WHEREAS**, Section 314-55.4.8.11 of the Humboldt County Code allows for the issuance of an Interim Permit where adequate evidence has been submitted demonstrating that a cultivation site existed prior to January 1, 2016; and

**WHEREAS**, Section 314-55.4.8.11 of the Humboldt County Code specifies that approval of the Interim Permit is conditional and shall occur through issuance of a Zoning Clearance Certificate and written Compliance Agreement and that violation of the compliance agreement shall be grounds for permit cancellation and disqualification of the property from future permitting.

**WHEREAS**, December 27, 2017 the Planning and Building Department received an executed Zoning Clearance Certificate for Interim Permit for 4,700 square feet of mixed light cannabis cultivation; and

**WHEREAS**, the project was removed from processing status on or around June 27, 2018 because of an apparent expansion violation. It was determined the cultivation area expanded by approximately 11,450 square feet of mixed light, and approximately 0.9 acre of timber was removed for the purposes of cannabis cultivation; and

**WHEREAS**, applicant was notified via letter April 6, 2018 of the cultivation area expansion, timber removal, and application deficiencies. No response was received; and

**WHEREAS**, applicant was contacted again via letter November 1, 2018 and given 30 days to provide a substantial response. No response was received. This letter was sent to both the address provided by the applicant and another address staff obtained by investigating Secretary of State business records; and

**WHEREAS**, the Zoning Clearance Certificate for Interim Permit expired on December 31, 2018; and

**WHEREAS**, staff attempted to communicate with applicant via email on February 19, 2019. Applicant was reminded of previous correspondence that had not received any response; and

**WHEREAS**, applicant was contacted via letter April 5, 2019 and given another 30 days to respond. Staff has yet to receive any response from applicant; and

**WHEREAS**, 312-17.1.3 of the Humboldt County Code requires the County to make the finding that the proposed development conforms with all applicable standards and requirements of these regulations in order to approve a permit; and

**WHEREAS**, 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

**WHEREAS**, a public hearing was held on the matter before the Humboldt County Planning Commission on June 6, 2019.

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

1. 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 project is not consistent with Section 314-55.4.8.2.2 of the Humboldt County Code because expansion over the amount of cultivation existing prior to January 1, 2016 has occurred; and
3. The required findings for approval in Section 312-17.1.3 of the Humboldt County Code cannot be made because the project is inconsistent with Sections 55.4.8.2.2 of the Humboldt County Code; and
4. EarthMed, LLC has violated the terms of the executed Zoning Clearance Certificate for Interim Permit and is subject to permit cancellation per Section 314-55.4.8.11 of the Humboldt County Code; and
5. Conditional Use Permit Record No. PLN-11867-CUP is denied.

Adopted after review and consideration of all the evidence on June 6, 2019.

The motion was made by Commissioner \_\_\_\_ and seconded by Commissioner \_\_\_\_.

AYES: Commissioners:  
NOES: Commissioners:  
ABSTAIN: Commissioners:  
ABSENT: Commissioners:  
DECISION: Motion carries

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

**RESOLUTION OF THE PLANNING COMMISSION  
OF THE COUNTY OF HUMBOLDT  
Resolution Number 19-**

**Record No. PLN-11999-CUP  
Assessor Parcel Numbers: 211-301-021**

**The Humboldt County Planning Commission makes the required findings for certifying compliance with the California Environmental Quality Act and denies the Matthew Cook Conditional Use Permit request.**

**WHEREAS**, Matthew Cook submitted an application and evidence requesting approval of a Conditional Use Permit for 4,200 square feet of existing outdoor cultivation and 11,720 square feet of existing mixed light cultivation on APN 211-301-021.

**WHEREAS**, Section 314-55.4.8.2.2 of the Humboldt County Code provides that a permit may be issued for outdoor or mixed-light commercial cannabis cultivation for some or all of the cultivation area 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 districts (on parcels of one acre or larger) only when possible to bring them into compliance with all applicable standards set forth in this section and to eliminate existing violations as specified in this ordinance. No expansion of the existing cultivation area shall be permitted.

**WHEREAS**, the County Planning and Building Department has reviewed the submitted application and evidence and determined that 9,720 square feet of mixed light cultivation may have existed on the property prior to January 1, 2016; and

**WHEREAS**, in 2017 Matthew Cook expanded the cultivation area by 4,200 square feet of outdoor; and

**WHEREAS**, Matthew Cook was contacted by the Department on October 12, 2018 and given 30 days to respond to the violation; and

**WHEREAS**, the application was removed from processing status on October 30, 2018 because of the apparent cultivation expansion; and

**WHEREAS**, the Department made subsequent attempts to contact Matthew Cook on December 11, 2018 and March 12, 2019; and

**WHEREAS**, the Department has not received a response addressing the violation; and

**WHEREAS**, 312-17.1.3 of the Humboldt County Code requires the County to make the finding that the proposed development conforms with all applicable standards and requirements of these regulations in order to approve a permit; and

**WHEREAS**, 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

**WHEREAS**, a public hearing was held on the matter before the Humboldt County Planning Commission on June 6, 2019.

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

1. 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 project is not consistent with Section 314-55.4.8.2.2 of the Humboldt County Code because expansion over the amount of cultivation existing prior to January 1, 2016 has occurred; and
3. The required findings for approval in Section 312-17.1.3 of the Humboldt County Code cannot be made because the project is inconsistent with Sections 55.4.8.2.2 of the Humboldt County Code; and
4. Conditional Use Permit Record No. PLN-11999-CUP is denied.

Adopted after review and consideration of all the evidence on June 6, 2019.

The motion was made by Commissioner \_\_\_\_ and seconded by Commissioner \_\_\_\_.

AYES:           Commissioners:  
NOES:           Commissioners:  
ABSTAIN:       Commissioners:  
ABSENT:        Commissioners:  
DECISION:     Motion carries

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

**RESOLUTION OF THE PLANNING COMMISSION  
OF THE COUNTY OF HUMBOLDT  
Resolution Number 19-**

**Record No. PLN-12000-CUP  
Assessor Parcel Numbers: 530-151-001**

**The Humboldt County Planning Commission makes the required findings for certifying compliance with the California Environmental Quality Act and denies the Golden Hill Enterprises, LLC Conditional Use Permit request.**

**WHEREAS**, Golden Hill Enterprises, LLC submitted an application and evidence requesting approval of a Conditional Use Permit for 43,560 square feet of existing outdoor cannabis cultivation located on APN 530-151-001.

**WHEREAS**, Section 314-55.4.8.2.2 of the Humboldt County Code provides that a permit may be issued for outdoor or mixed-light commercial cannabis cultivation for some or all of the cultivation area 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 districts (on parcels of one acre or larger) only when possible to bring them into compliance with all applicable standards set forth in this section and to eliminate existing violations as specified in this ordinance. No expansion of the existing cultivation area shall be permitted.

**WHEREAS**, the County Planning and Building Department has reviewed the submitted application and evidence and determined that 6,300 square feet of outdoor cultivation may have existed on the property prior to January 1, 2016; and

**WHEREAS**, in 2017 Golden Hill Enterprises converted timber, graded the property and installed eleven structures totaling 37,800 square feet including ten greenhouse structures without proper permits or authorization; and

**WHEREAS**, the application was removed from processing status on March 15, 2018 because of the apparent cultivation expansion and other violations; and

**WHEREAS**, Golden Hill Enterprises was contacted by the Department on October 18, 2018 and given 30 days to respond to the violations; and

**WHEREAS**, the Department made subsequent attempts to contact Golden Hill Enterprises on December 12, 2018 and March 7, 2019; and

**WHEREAS**, the Department has not received a substantial response addressing the violations; and

**WHEREAS**, the California Department of Fish and Wildlife issued the project a Notice of Violation on January 2, 2019 for nine violations of Fish and Game Code; and

**WHEREAS**, 312-17.1.3 of the Humboldt County Code requires the County to make the finding that the proposed development conforms with all applicable standards and requirements of these regulations in order to approve a permit; and

**WHEREAS**, 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

**WHEREAS**, a public hearing was held on the matter before the Humboldt County Planning Commission on June 6, 2019.

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

1. 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 project is not consistent with Section 314-55.4.8.1 of the Humboldt County Code because Golden Hill Enterprises has not operated in compliance with state and local laws; and
3. The project is not consistent with Section 314-55.4.8.2.2 of the Humboldt County Code because expansion over the amount of cultivation existing prior to January 1, 2016 has occurred; and
4. The required findings for approval in Section 312-17.1.3 of the Humboldt County Code cannot be made because the project is inconsistent with Sections 55.4.8.2.2 of the Humboldt County Code; and
5. Conditional Use Permit Record No. PLN-12000-CUP is denied.

Adopted after review and consideration of all the evidence on June 6, 2019.

The motion was made by Commissioner \_\_\_\_ and seconded by Commissioner \_\_\_\_.

AYES: Commissioners:  
NOES: Commissioners:  
ABSTAIN: Commissioners:  
ABSENT: Commissioners:  
DECISION: Motion carries

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.

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John Ford  
Director, Planning and Building Department

**RESOLUTION OF THE PLANNING COMMISSION  
OF THE COUNTY OF HUMBOLDT  
Resolution Number 19-**

**Record No. CUP16-774  
Assessor Parcel Numbers: 529-351-010, -005, -006, -007, -008, -009**

**The Humboldt County Planning Commission makes the required findings for certifying compliance with the California Environmental Quality Act and denies the Humboldt Native Grown, LLC Conditional Use Permit request.**

**WHEREAS**, Humboldt Native Grown, LLC submitted an application and evidence requesting approval of a Conditional Use Permit for 20,300 square feet of existing outdoor cannabis cultivation located on APN(s) 529-351-010, -005, -006, -007, -008, -009.

**WHEREAS**, Section 314-55.4.8.2.2 of the Humboldt County Code provides that a permit may be issued for outdoor or mixed-light commercial cannabis cultivation for some or all of the cultivation area 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 districts (on parcels of one acre or larger) only when possible to bring them into compliance with all applicable standards set forth in this section and to eliminate existing violations as specified in this ordinance. No expansion of the existing cultivation area shall be permitted.

**WHEREAS**, project was removed from processing status on or around September 1, 2018 because of an apparent expansion violation; and

**WHEREAS**, staff analysis of application materials and aerial imagery concluded the cultivation area expanded by approximately 35,575 square feet of outdoor after January 1, 2016; and

**WHEREAS**, applicant was contacted via telephone message September 9, 2018 requesting information regarding ownership status; and

**WHEREAS**, the County Planning and Building Department received no response to the September 9, 2018 voice message; and

**WHEREAS**, applicant was informed via letter November 6, 2018 of the expansion violation and given 30 days to provide a substantive response; and

**WHEREAS**, no contact was made by the applicant so a follow up letter was sent May 2, 2019 requesting response to the November 6, 2018 correspondence; and

**WHEREAS**, 312-17.1.3 of the Humboldt County Code requires the County to make the finding that the proposed development conforms with all applicable standards and requirements of these regulations in order to approve a permit; and

**WHEREAS**, 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

**WHEREAS**, a public hearing was held on the matter before the Humboldt County Planning Commission on June 6, 2019.

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

1. 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 project is not consistent with Section 314-55.4.8.2.2 of the Humboldt County Code because expansion over the amount of cultivation existing prior to January 1, 2016 has occurred; and
3. The required findings for approval in Section 312-17.1.3 of the Humboldt County Code cannot be made because the project is inconsistent with Section 314-55.4.8.2.2 of the Humboldt County Code; and
4. Conditional Use Permit Record No. PLN-1200-CUP is denied.

Adopted after review and consideration of all the evidence on June 6, 2019.

The motion was made by Commissioner \_\_\_\_ and seconded by Commissioner \_\_\_\_.

AYES: Commissioners:  
NOES: Commissioners:  
ABSTAIN: Commissioners:  
ABSENT: Commissioners:  
DECISION: Motion carries

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

**RESOLUTION OF THE PLANNING COMMISSION  
OF THE COUNTY OF HUMBOLDT  
Resolution Number 19-**

**Record No. PLN-12668-CUP  
Assessor Parcel Numbers: 206-151-039**

**The Humboldt County Planning Commission makes the required findings for certifying compliance with the California Environmental Quality Act and denies the Fox Creek Caregivers, Inc. Conditional Use Permit request.**

**WHEREAS**, Fox Creek Caregivers, Inc. submitted an application and evidence requesting approval of a Conditional Use Permit for 4,800 square feet of existing mixed light and 10,200 square feet of existing outdoor cannabis cultivation located on APN 206-151-039; and

**WHEREAS**, Section 314-55.8.1 of the Humboldt County Code provides that all commercial cannabis cultivation shall operate in compliance with Humboldt County Code and all applicable state and local laws; and

**WHEREAS**, Section 314-55.4.8.2.2 of the Humboldt County Code provides that a permit may be issued for outdoor or mixed-light commercial cannabis cultivation for some or all of the cultivation area 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 districts (on parcels of one acre or larger) only when possible to bring them into compliance with all applicable standards set forth in this section and to eliminate existing violations as specified in this ordinance. No expansion of the existing cultivation area shall be permitted.

**WHEREAS**, on March 15, 2018 the County Planning Department removed the project from processing status because an expansion of the cultivation area was observed; and

**WHEREAS**, analysis of aerial imagery and application materials concluded the cultivation area expanded by approximately 11,640 square feet of mixed light, beyond cultivation area verified by staff as existing prior to January 1, 2016; and

**WHEREAS**, the project was not issued an Interim Permit yet cultivated in 2018 approximately 8,630 square feet of outdoor and 4,800 square feet of mixed light; and

**WHEREAS**, cultivation without an approved Interim Permit and State cannabis license is a violation of Humboldt County Code and the California Code of Regulations; and

**WHEREAS**, the applicant was contacted via letter October 18, 2018 and given 30 days to provide a substantial response; and

**WHEREAS**, a second letter was sent April 18, 2019, and subsequently emailed, requesting the applicant's response to the October 18, 2018 correspondence; and

**WHEREAS**, the applicant responded via email April 22, 2019 inquiring about how they could withdraw their application for cannabis cultivation; and

**WHEREAS**, the applicant was reminded via email May 20, 2019 the project was scheduled for June 6, 2019 Planning Commission meeting and County staff would recommend denial; and

**WHEREAS**, applicant confirmed via email May 20, 2019 moving forward with the decision to deny the application was an acceptable option; and

**WHEREAS**, 312-17.1.3 of the Humboldt County Code requires the County to make the finding that the proposed development conforms with all applicable standards and requirements of these regulations in order to approve a permit; and

**WHEREAS**, 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

**WHEREAS**, a public hearing was held on the matter before the Humboldt County Planning Commission on June 6, 2019.

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

1. 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 project is not consistent with Section 314-55.4.8.1 of the Humboldt County Code because Humboldt Magic Life Collective has not operated in compliance with state and local laws; and
3. The project is not consistent with Section 314-55.4.8.2.2 of the Humboldt County Code because expansion over the amount of cultivation existing prior to January 1, 2016 has occurred; and
4. The required findings for approval in Section 312-17.1.3 of the Humboldt County Code cannot be made because the project is inconsistent with Sections 314-55.4.8.1 and 314-55.4.8.2.2 of the Humboldt County Code; and
5. Conditional Use Permit Record No. PLN-12668-CUP is denied.

Adopted after review and consideration of all the evidence on June 6, 2019.

The motion was made by Commissioner \_\_\_\_ and seconded by Commissioner \_\_\_\_.

AYES: Commissioners:  
 NOES: Commissioners:  
 ABSTAIN: Commissioners:  
 ABSENT: Commissioners:  
 DECISION: Motion carries

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.

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John Ford  
Director, Planning and Building Department

**RESOLUTION OF THE PLANNING COMMISSION  
OF THE COUNTY OF HUMBOLDT  
Resolution Number 19-**

**Record No. PLN-13203-CUP  
Assessor Parcel Numbers: 215-141-002**

**The Humboldt County Planning Commission makes the required findings for certifying compliance with the California Environmental Quality Act and denies the Humboldt Magic Life Collective Conditional Use Permit request.**

**WHEREAS**, Humboldt Magic Life Collective submitted an application and evidence requesting approval of a Conditional Use Permit for 43,560 square feet of existing outdoor cannabis cultivation located on APN 215-141-002.

**WHEREAS**, Section 314-55.4.8.2.2 of the Humboldt County Code provides that a permit may be issued for outdoor or mixed-light commercial cannabis cultivation for some or all of the cultivation area 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 districts (on parcels of one acre or larger) only when possible to bring them into compliance with all applicable standards set forth in this section and to eliminate existing violations as specified in this ordinance. No expansion of the existing cultivation area shall be permitted.

**WHEREAS**, the County Planning and Building Department has reviewed the submitted application and evidence and was unable to determine if any outdoor cultivation may have existed on the property prior to January 1, 2016; and

**WHEREAS**, Humboldt Magic Life Collective did not provide owner consent for the commercial cannabis activity; and

**WHEREAS**, Humboldt Magic Life Collective was contacted by the Department on October 18, 2018 and given 30 days to provide evidence of existing cultivation and owner consent; and

**WHEREAS**, the Department has not received a substantial response addressing the application deficiencies; and

**WHEREAS**, in 2018 Humboldt Magic Life Collective cultivated 8,000 square feet of outdoor cannabis without proper permits or authorization; and

**WHEREAS**, cultivation without an approved Interim Permit and State cannabis license is a violation of Humboldt County Code and the California Code of Regulations; and

**WHEREAS**, 312-17.1.3 of the Humboldt County Code requires the County to make the finding that the proposed development conforms with all applicable standards and requirements of these regulations in order to approve a permit; and

**WHEREAS**, 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

**WHEREAS**, a public hearing was held on the matter before the Humboldt County Planning Commission on June 6, 2019.

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

1. 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 project is not consistent with Section 314-55.4.8.1 of the Humboldt County Code because Humboldt Magic Life Collective has not operated in compliance with state and local laws; and
3. The project is not consistent with Section 314-55.4.8.2.2 of the Humboldt County Code because expansion over the amount of cultivation existing prior to January 1, 2016 has occurred; and
4. The required findings for approval in Section 312-17.1.3 of the Humboldt County Code cannot be made because the project is inconsistent with Sections 314-55.4.8.1 and 314-55.4.8.2.2 of the Humboldt County Code; and
5. Conditional Use Permit Record No. PLN-13203-CUP is denied.

Adopted after review and consideration of all the evidence on June 6, 2019.

The motion was made by Commissioner \_\_\_\_ and seconded by Commissioner \_\_\_\_.

AYES: Commissioners:  
NOES: Commissioners:  
ABSTAIN: Commissioners:  
ABSENT: Commissioners:  
DECISION: Motion carries

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

**RESOLUTION OF THE PLANNING COMMISSION  
OF THE COUNTY OF HUMBOLDT  
Resolution Number 19-**

**Record No. PLN-13205-CUP  
Assessor Parcel Numbers: 215-142-003**

**The Humboldt County Planning Commission makes the required findings for certifying compliance with the California Environmental Quality Act and denies the Humboldt Magic Life Collective Conditional Use Permit request.**

**WHEREAS**, Humboldt Magic Life Collective submitted an application and evidence requesting approval of a Conditional Use Permit for 43,560 square feet of existing outdoor cannabis cultivation located on APN 215-142-003.

**WHEREAS**, Section 314-55.4.8.2.2 of the Humboldt County Code provides that a permit may be issued for outdoor or mixed-light commercial cannabis cultivation for some or all of the cultivation area 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 districts (on parcels of one acre or larger) only when possible to bring them into compliance with all applicable standards set forth in this section and to eliminate existing violations as specified in this ordinance. No expansion of the existing cultivation area shall be permitted.

**WHEREAS**, the County Planning and Building Department has reviewed the submitted application and evidence and was unable to determine if any outdoor cultivation may have existed on the property prior to January 1, 2016; and

**WHEREAS**, Humboldt Magic Life Collective did not provide owner consent for the commercial cannabis activity; and

**WHEREAS**, Humboldt Magic Life Collective was contacted by the Department on October 18, 2018 and given 30 days to provide evidence of existing cultivation and owner consent; and

**WHEREAS**, the Department has not received a substantial response addressing the application deficiencies; and

**WHEREAS**, in 2017 Humboldt Magic Life Collective converted timber, graded the property and installed greenhouses for cannabis cultivation without proper permits or authorization; and

**WHEREAS**, the California Department of Fish and Wildlife issued the project a Notice of Violation on August 8, 2017 for violations of Fish and Game Code; and

**WHEREAS**, 312-17.1.3 of the Humboldt County Code requires the County to make the finding that the proposed development conforms with all applicable standards and requirements of these regulations in order to approve a permit; and

**WHEREAS**, 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

**WHEREAS**, a public hearing was held on the matter before the Humboldt County Planning Commission on June 6, 2019.

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

1. 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 project is not consistent with Section 314-55.4.8.1 of the Humboldt County Code because Humboldt Magic Life Collective has not operated in compliance with state and local laws; and
3. The project is not consistent with Section 314-55.4.8.2.2 of the Humboldt County Code because expansion over the amount of cultivation existing prior to January 1, 2016 has occurred; and
4. The required findings for approval in Section 312-17.1.3 of the Humboldt County Code cannot be made because the project is inconsistent with Sections 314-55.4.8.1 and 314-55.4.8.2.2 of the Humboldt County Code; and
5. Conditional Use Permit Record No. PLN-13205-CUP is denied.

Adopted after review and consideration of all the evidence on June 6, 2019.

The motion was made by Commissioner \_\_\_\_ and seconded by Commissioner \_\_\_\_.

AYES: Commissioners:  
NOES: Commissioners:  
ABSTAIN: Commissioners:  
ABSENT: Commissioners:  
DECISION: Motion carries

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.

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John Ford  
Director, Planning and Building Department

**RESOLUTION OF THE PLANNING COMMISSION  
OF THE COUNTY OF HUMBOLDT  
Resolution Number 19-**

**Record No. PLN-13207-CUP  
Assessor Parcel Numbers: 220-092-008**

**The Humboldt County Planning Commission makes the required findings for certifying compliance with the California Environmental Quality Act and denies the Humboldt Magic Life Collective Conditional Use Permit request.**

**WHEREAS**, Humboldt Magic Life Collective submitted an application and evidence requesting approval of a Conditional Use Permit for 43,560 square feet of existing outdoor cannabis cultivation located on APN 220-092-008.

**WHEREAS**, Section 314-55.4.8.2.2 of the Humboldt County Code provides that a permit may be issued for outdoor or mixed-light commercial cannabis cultivation for some or all of the cultivation area 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 districts (on parcels of one acre or larger) only when possible to bring them into compliance with all applicable standards set forth in this section and to eliminate existing violations as specified in this ordinance. No expansion of the existing cultivation area shall be permitted.

**WHEREAS**, the County Planning and Building Department has reviewed the submitted application and evidence and was unable to determine if any outdoor cultivation may have existed on the property prior to January 1, 2016; and

**WHEREAS**, in 2017 Humboldt Magic Life Collective converted timber, graded the property and installed greenhouses for cannabis cultivation without proper permits or authorization; and

**WHEREAS**, Humboldt Magic Life Collective did not provide owner consent for the commercial cannabis activity; and

**WHEREAS**, Humboldt Magic Life Collective was contacted by the Department on October 18, 2018 and given 30 days to provide evidence of existing cultivation and owner consent; and

**WHEREAS**, the Department has not received a substantial response addressing the application deficiencies; and

**WHEREAS**, the California Department of Fish and Wildlife issued the project a Notice of Violation on August 8, 2017 for a violation of Fish and Game Code; and

**WHEREAS**, 312-17.1.3 of the Humboldt County Code requires the County to make the finding that the proposed development conforms with all applicable standards and requirements of these regulations in order to approve a permit; and

**WHEREAS**, 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

**WHEREAS**, a public hearing was held on the matter before the Humboldt County Planning Commission on June 6, 2019.

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

1. 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 project is not consistent with Section 314-55.4.8.1 of the Humboldt County Code because Humboldt Magic Life Collective has not operated in compliance with state and local laws; and
3. The project is not consistent with Section 314-55.4.8.2.2 of the Humboldt County Code because expansion over the amount of cultivation existing prior to January 1, 2016 has occurred; and
4. The required findings for approval in Section 312-17.1.3 of the Humboldt County Code cannot be made because the project is inconsistent with Sections 314-55.4.8.1 and 314-55.4.8.2.2 of the Humboldt County Code; and
5. Conditional Use Permit Record No. PLN-13207-CUP is denied.

Adopted after review and consideration of all the evidence on June 6, 2019.

The motion was made by Commissioner \_\_\_\_ and seconded by Commissioner \_\_\_\_.

AYES: Commissioners:  
NOES: Commissioners:  
ABSTAIN: Commissioners:  
ABSENT: Commissioners:  
DECISION: Motion carries

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

**RESOLUTION OF THE PLANNING COMMISSION  
OF THE COUNTY OF HUMBOLDT  
Resolution Number 19-**

**Record No. PLN-13208-CUP  
Assessor Parcel Numbers: 220-061-015**

**The Humboldt County Planning Commission makes the required findings for certifying compliance with the California Environmental Quality Act and denies the Humboldt Magic Life Collective Conditional Use Permit request.**

**WHEREAS**, Humboldt Magic Life Collective submitted an application and evidence requesting approval of a Conditional Use Permit for 43,560 square feet of existing outdoor cannabis cultivation located on APN 220-061-015.

**WHEREAS**, Section 314-55.4.8.2.2 of the Humboldt County Code provides that a permit may be issued for outdoor or mixed-light commercial cannabis cultivation for some or all of the cultivation area 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 districts (on parcels of one acre or larger) only when possible to bring them into compliance with all applicable standards set forth in this section and to eliminate existing violations as specified in this ordinance. No expansion of the existing cultivation area shall be permitted.

**WHEREAS**, the County Planning and Building Department has reviewed the submitted application and evidence and was unable to determine if any outdoor cultivation may have existed on the property prior to January 1, 2016; and

**WHEREAS**, Humboldt Magic Life Collective did not provide owner consent for the commercial cannabis activity; and

**WHEREAS**, Humboldt Magic Life Collective was contacted by the Department on October 18, 2018 and given 30 days to provide evidence of existing cultivation and owner consent; and

**WHEREAS**, the Department has not received a substantial response addressing the application deficiencies; and

**WHEREAS**, the California Department of Fish and Wildlife issued the project a Notice of Violation on August 8, 2017 for multiple violations of Fish and Game Code; and

**WHEREAS**, 312-17.1.3 of the Humboldt County Code requires the County to make the finding that the proposed development conforms with all applicable standards and requirements of these regulations in order to approve a permit; and

**WHEREAS**, 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

**WHEREAS**, a public hearing was held on the matter before the Humboldt County Planning Commission on June 6, 2019.

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

1. 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 project is not consistent with Section 314-55.4.8.1 of the Humboldt County Code because Humboldt Magic Life Collective has not operated in compliance with state and local laws; and
3. The project is not consistent with Section 314-55.4.8.2.2 of the Humboldt County Code because expansion over the amount of cultivation existing prior to January 1, 2016 has occurred; and
4. The required findings for approval in Section 312-17.1.3 of the Humboldt County Code cannot be made because the project is inconsistent with Sections 314-55.4.8.1 and 314-55.4.8.2.2 of the Humboldt County Code; and
5. Conditional Use Permit Record No. PLN-13208-CUP is denied.

Adopted after review and consideration of all the evidence on June 6, 2019.

The motion was made by Commissioner \_\_\_\_ and seconded by Commissioner \_\_\_\_.

AYES: Commissioners:  
NOES: Commissioners:  
ABSTAIN: Commissioners:  
ABSENT: Commissioners:  
DECISION: Motion carries

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

**ATTACHMENT A-1**

**Aerial Imagery of APN 211-301-021**

TerraServer 10/26/2015





TerraServer 12/21/2017

**ATTACHMENT A-2**

**October 12, 2018 Application Deficiency and Violation Letter**



COUNTY OF HUMBOLDT  
PLANNING AND BUILDING DEPARTMENT  
CANNABIS SERVICES DIVISION

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

October 12, 2018

Matt Cook  
PO Box 1621  
Redway, CA 95560

RE: Permit Application No. 11999

APN: 211-301-021

Dear: Matt

The Planning and Building Department is working to move your application forward. There are several items which require attention prior to being able to complete this process. In addition, It has been determined by the County that an expansion of the cultivation area occurred post-2015, which is a violation of the CCMLUO.

An interim permit was issued on July 7, 2018 for 9,720 square feet of existing mixed light cultivation. The County issued the interim permit for this amount based on analysis of available imagery at the time of verification. It has been determined through analysis of historic aerial imagery that the area on the site plan called out as CA# 1 (4,200 sf of existing outdoor) was not in existence prior to 2016. Imagery from 2017 shows CA# 1 as being present. As noted above, expansion is a violation of the CCMLUO. As a result, the fine for the violation is \$8,400.00 (two-times the County Measure S excise tax). **This amount is due immediately.** If not received within 10 days of this letter, the County will revoke the Interim Permit and notify the State of the applicant's non-compliance with the CCMLUO. The applicant must also submit evidence to the Planning and Building Department exhibiting the removal of the cannabis from the area noted above.

The following information is needed in order to continue processing your permit application. **We request that these items be submitted within 30 days** to ensure we are able to process your permit to decision and for your Interim Permit to remain in good standing.

1. A revised site plan to the County excluding CA# 1 and GH# 8, which were not existing prior to 2016. 9,720 sf of GH cultivation will be the maximum amount of cultivation area than can be permitted.
2. A Road Evaluation Report per the County's Public Works Department Exhibit D – Road Evaluation Reports covering each separate access road leading to the property from the nearest County maintained road. Please note that photographic evidence of the road conditions can be used to demonstrate road width.
3. Please fix the inconsistencies with regard to annual water use. The WRPP says 186,000 gallons annually and the Cultivation and Operations Plan say both 106,000 and 156,000 gallons annually. Please confirm the most accurate estimates.
4. The project is located within potential Northern Spotted owl habitat. There are two potential methods of addressing this.

- Modify the application to remove the mixed-light component and back-up generator; or
  - Submit a biological resources assessment prepared by a qualified professional that determines the presence or absence of Northern Spotted Owl.
5. Per the Northwest Information Center (NWIC) letter dated February 9, 2018, a cultural resource study is required for the proposed project by a qualified professional archaeologist. The Bear River Band of the Rhonerville Rancheria has not yet responded to the project referral. It may be in your interest to reach out to their Tribal Historic Preservation Officer to request a referral response as it may differ than that provided by the NWIC.
  6. Lastly, a pre-site inspection is still needed. Please contact the Building Division to schedule at 707-445-7245.

Without this requested information the Department is unable to evaluate this project for compliance with the findings specified in Humboldt County Code Sections 312-1.1.2 and 312-17 et seq., and the California Environmental Quality Act (CEQA). Until this additional information is received we must suspend further evaluation of your project application.

Per Humboldt County Code Section 312-6.1.4 where the Department has determined that an application lacks the information necessary to demonstrate its conformance with the required findings and requests supplemental information, the applicant may disagree and may request, in writing, that the application be processed to the designated Hearing Officer as submitted. In these cases, upon receipt of the written request, the Department will schedule the application before the Hearing Officer within 30 working days. However, be aware that in the absence of this evidence it would be extremely difficult for the Department to make a recommendation other than denial of the project.

Unless it is withdrawn, the Department must act on your application. For this reason, if you do not submit the requested materials or a request for hearing within 30 days of the date of this letter, we will begin scheduling your project for a hearing. This could result in the denial of your application and the inability to secure a State license under the Medical and Adult Use Cannabis Regulation and Safety Act (MAUCRSA).

**Please Note:** The project has been issued an interim permit for existing cultivation and is therefore a priority to process to decision before the interim permit expires. Please respond as soon as possible to continue the permit process. The Interim Permit authorizes the applicant to seek State licensure and continue operations until completion of the local permit review process. Please accumulate all requested material and submit as **one complete package** and submit these items to the Planning Department during regular business hours. When submitting these items please include the Application Number, Assessor's Parcel Number (APN) and Attn: Rodney Yandell to ensure an expeditious review.

**Unless operating subject to a valid Interim Permit issued by the County, the filing of this application does not authorize the applicant to engage in any new commercial cannabis cultivation, processing, manufacture or distribution activity.** No such activity shall commence until the application has been processed to decision and all requisite clearances, permits and/or licenses have been secured. If you have questions about this letter, please contact Rodney Yandell at 707-445-7541 or via email at [ryandell@co.humboldt.ca.us](mailto:ryandell@co.humboldt.ca.us).

Sincerely,

A handwritten signature in blue ink, appearing to read "Rodney Yandell".

Rodney Yandell, Planner II

Cc: Agent

**ATTACHMENT A-3**

**December 11, 2018 Email to Unresponsive Applicant**

## Santos, Steven A

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**From:** Batten, Blake  
**Sent:** Tuesday, December 11, 2018 10:11 AM  
**To:** 'matt.cook2017@gmail.com'  
**Subject:** ACTION REQUIRED: Apps #11999 / APN 211-301-021-000  
**Attachments:** 11999 Hold-Incomplete letter.pdf

Dear Mr. Cook,

I am writing to inform you that your Interim Permit is in jeopardy of being revoked due to a lack of response regarding the attached letter sent on 10/12/2018. The expansion penalty fine is due immediately in order to continue processing your application for commercial cannabis cultivation. Please contact me with any questions.

Sincerely,



Blake Batten  
Planner, Cannabis Division  
[Planning and Building Department](#)  
707.268.3739

**ATTACHMENT A-4**

**March 12, 2019 Letter to Unresponsive Applicant**



COUNTY OF HUMBOLDT  
PLANNING AND BUILDING DEPARTMENT  
CANNABIS SERVICES DIVISION

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

March 12, 2019

Matt Cook  
PO Box 1621  
Redway, CA 95560

**RE: Permit Application No. 11999, APN 211-301-021**

The Planning and Building Department has received no response regarding the commercial cannabis violation and application deficiencies detailed in the letter dated October 12, 2018. The letter was subsequently emailed on December 11, 2018.

A substantial response addressing the outstanding violation and application deficiencies must be received by April 10, 2019. **If no substantial response is received, the application will be subject to cancelation and the project referred to code enforcement.**

If you have questions about this letter, please contact me at 707-268-3739 or [bbatten1@co.humboldt.ca.us](mailto:bbatten1@co.humboldt.ca.us).

Sincerely,

Blake Batten  
Planner, Cannabis Services Division  
Planning and Building Department

Cc: Green Road Consulting

**ATTACHMENT B-1**

**April 6, 2018 Application Deficiency Letter**



**COUNTY OF HUMBOLDT**  
**PLANNING AND BUILDING DEPARTMENT**  
**CANNABIS SERVICES DIVISION**

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

April 6, 2018

EarthMed LLC  
Yordan Dimitrov  
2230 W Chapman Ave., Ste 200  
Orange, CA 92868

RE: Permit Application No. 11867 APN: 221-111-023

Dear Yordan Dimitrov:

Thank you for your submittal of the above referenced application for a commercial cannabis permit on December 14, 2016. Additional application materials were received on July 5, 2017, and the project was sent out for referral on September 28, 2017. To date, the Planning Division has received referral comments from the following agencies: Department of Environmental Health, Bear River Band of Rohnerville Rancheria Tribe, the Northwest Information Center (NWIC) and CAL FIRE. The comments from CAL-FIRE dated October 03, 2017, additional information is requested to make a proper evaluation. The agent of record for this project has been updated to the Humble Servants of the Mattole per your request received December 12, 2017. On December 17, 2017, you were issued an interim permit for 4,700 square feet of existing mixed light cultivation area.

Based on the Humboldt County WebGIS, the existing cultivation area evaluated for the interim permit appears to be in the southern portion of an adjacent parcel (APN 221-111-014). Please confirm the cultivation area is on the subject parcel. The site plan does not show this existing cultivation area and shows the cultivation area near a central portion of the subject parcel. A review of aerial imagery shows that the cultivation area in the central portion of the parcel was expanded after January 1, 2016. It appears there is a total of 19,200 square feet of mixed light cultivation in two cultivation areas, which constitutes an expansion of 14,500 square feet. The estimate includes the 4,700 square feet of existing cultivation area in the southern portion of the adjacent parcel. You will be invited to participate in a meeting to resolve the apparent expansion. The County issued the interim permit for this amount based on analysis of available imagery at the time of verification. Now that the final review of the project is here, staff may revise the square footage amount for the full permit. If you have additional evidence of pre-2016 cultivation that you wish the County to assess, please include it as part of your submittal.

After review and referral, the application submittal and supplemental materials did not contain all of the required information. The following information is required in order to continue processing your permit application. We request that these items be submitted within 30 days to ensure we are able to process your permit to decision before your Interim Permit expires on July 1, 2018:

1. Any needed information or documentation to demonstrate that the project complies with the terms and conditions of any applicable permit and/or subdivision map that was previously approved, and any associated mitigation measures [Reference HCC §312-2.4.1.2].
2. Pursuant to Humboldt County Code Section 312-11.2, "*Development permits shall be issued only for a lot that was created in compliance with all applicable state and local*

Page 1 of 3

*subdivision regulations.*" While our office is in the process of completing this review for your parcel, it may be necessary for you to submit additional information in order to determine how the property was created in its current configuration. If additional information is needed our office will contact you.

3. After review of the legal status of your parcel it has been determined that your Assessor's Parcel Number is a portion of a larger legal parcel. Your application materials must reflect all the legal parcel, including all Assessor Parcel Numbers that comprise the legal parcel. Please submit a revised site plan that shows the entire legal parcel.
4. If conversion of timberland occurred post-2014 provide one of the following a 1) Less-Than- 3-Acre Conversion exemption or timberland conversion permit approved by CAL-FIRE; 2) a copy of completed civil or criminal process and/or a negotiated settlement with CAL-FIRE; or 3) a Timberland Conversion Report prepared by a Registered Forest Professional (RFP) to ensure compliance with the Forest Practices Act per Humboldt County Code Section 314-55.4.10 (j).
5. If on-site relocation of existing cultivation occurred post-January 1, 2016, provide a remediation plan report prepared by a licensed professional (e.g. biologist, hydrologist, engineer etc.) demonstrating the new site is environmentally superior, steps necessary to abate existing environmental harm, and that the relocation will not result in more environmental harm (i.e. unpermitted timber harvesting or land grading) in accordance with Department Policy Statement 16-002 – Relocation of Existing Commercial Cannabis Cultivation Sites.
6. Ensure consistency between supporting documentation, including site plan and operations plan. For example, the site plan shows five (5) 2,500-gallon water storage tanks (totaling 12,500 gallons) while the operations plan discusses four (4) 5,000-gallon, one (1) 2,500-gallon and three (3) 350-gallon water storage tanks (totaling 23,550 gallons). An existing pond is shown on the site plan while the pond is not described in the operations plan. The site plan does not show a processing facility, while the operations plan discusses on-site processing in a facility near the single family residence.
7. Submit a revised site plan that contain the following (in addition to what is currently shown):
  - o Buffers/setback distances for natural waterways, including streams, springs and ponds;
  - o Water storage structures labeled as to capacity and date of construction;
  - o Setbacks of cultivation area from property lines;
  - o Size of both cultivation areas and make clear what was in existence prior to January 1, 2016 and which cultivation areas were expanded after January 1, 2016;
  - o All graded flats;
  - o Buildings labeled by date of construction;
  - o Location of proposed processing facility;
  - o Water diversion(s); and
  - o Septic location.
8. Submit a revised operations plan that contains the following (in addition to what is currently provided):
  - o Describe the location and size of the existing cultivation areas;
  - o Water source for irrigation uses;
  - o Type, location and capacity of existing and proposed water storage;
  - o Method of irrigation;
  - o Describe how water storage is sufficient for annual irrigation needs or describe how the capacity will be increased to meet water storage needs;
  - o Greenhouses and other agricultural accessory structures and compliance with HCC 314-43.1.3.2 for floors and/or footpaths;

- o Decibel noise measurements for the use of the backup generator to ensure they do not exceed thresholds; and
- o Artificial lighting and measures to comply with International Dark Sky Association standards.

Per Humboldt County Code Section 312-6.1.4 where the Department has determined that an application lacks the information necessary to demonstrate its conformance with the required findings and requests supplemental information, the applicant may disagree and may request, in writing, that the application be processed to the designated Hearing Officer as submitted. In these cases, upon receipt of the written request, the Department will schedule the application before the Hearing Officer within 30 working days. However, be aware that in the absent this evidence it would be extremely difficult for the Department to make a recommendation other than for denial of the project.

Unless it is withdrawn, the Department must act on your application. For this reason, if you do not submit the requested materials or a request for hearing within 30 days of the date of this letter, we will begin scheduling your project for a hearing. This could result in the denial of your application and the inability to secure a State license under the Medical and Adult Use Cannabis Regulation and Safety Act (MAUCRSA).

**Please Note:** The project has been issued an interim permit for existing cultivation and is therefore a priority to process to decision before the interim expires. Please respond as soon as possible to continue the permit process. The Interim Permit authorizes the applicant to seek State licensure and continue operations until completion of the local permit review process.

Please accumulate all requested material and submit as **one complete package** and submit these items to the contact listed below during regular business hours. When submitting these items please include the Application Number, Assessor's Parcel Number (APN) and Attn: [insert planner name] to ensure an expeditious review.

**The filing of this application does not authorize the applicant to engage in any new commercial cannabis cultivation, processing, manufacture or distribution activity.** No such activity shall commence until the application has been processed to decision and all requisite clearances, permits and/or licenses have been secured. If you have questions about this letter, please contact me via email (preferred) [MNielsen@co.humboldt.ca.us](mailto:MNielsen@co.humboldt.ca.us) or at 707-445-7541.

Sincerely,

Michelle Nielsen  
Senior Planner

Attn: Yordan Dimitrov, cc: Leslie Doyle, Agent

Enclosures: Road Evaluation Report, OnTrack Customer Portal Form

**ATTACHMENT B-2**

**November 1, 2018 Violation Letter**



**COUNTY OF HUMBOLDT**  
**PLANNING AND BUILDING DEPARTMENT**  
**CANNABIS SERVICES DIVISION**

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

November 1, 2018

EarthMed, LLC  
Attn: Oline Limansky  
2230 West Chapman Ave., Suite 200  
Orange, CA 92868

RE: Permit Application No. 11867, APN 221-111-023

Dear Oline,

Thank you for continuing to work with the Planning and Building Department on this application to permit commercial cannabis cultivation. As you may be aware, cannabis cultivation in 2018 requires a local permit and a state license to be deemed legal. An Interim Permit was issued on December 27, 2017 for 4,700 square feet of mixed light cultivation. However, a problem has been identified on this parcel that prevents the forward progress of this permit. 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, mixed light cultivation area in 2018 expanded by 11,450 square feet (see attached imagery, Exhibit A). 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 11,450 square feet mixed light area is therefore \$45,800. The area of expansion must be removed.

Additionally, it appears there was a timber conversion of 0.9 acre for the purposes of cannabis cultivation without the proper permits (see attached imagery, Exhibit A). A Registered Professional Forester will need to assess the conversion, and the converted area must be restored and revegetated.

**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, removing the expanded cultivation area, and revegetating the area of timber conversion. Restoration of the expansion area and revegetation of the converted area will be a condition of provisional permit approval; 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, and why the timber conversion did not occur.

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: Humble Servants of the Mattole, agent

**Exhibit A:**

Figure 1: Evidence of existing on 09/18/2015. Greenhouse cultivation visible totals 4,700 square feet. Note area of timber clearing at CA#2; approximately 7,500 square feet.

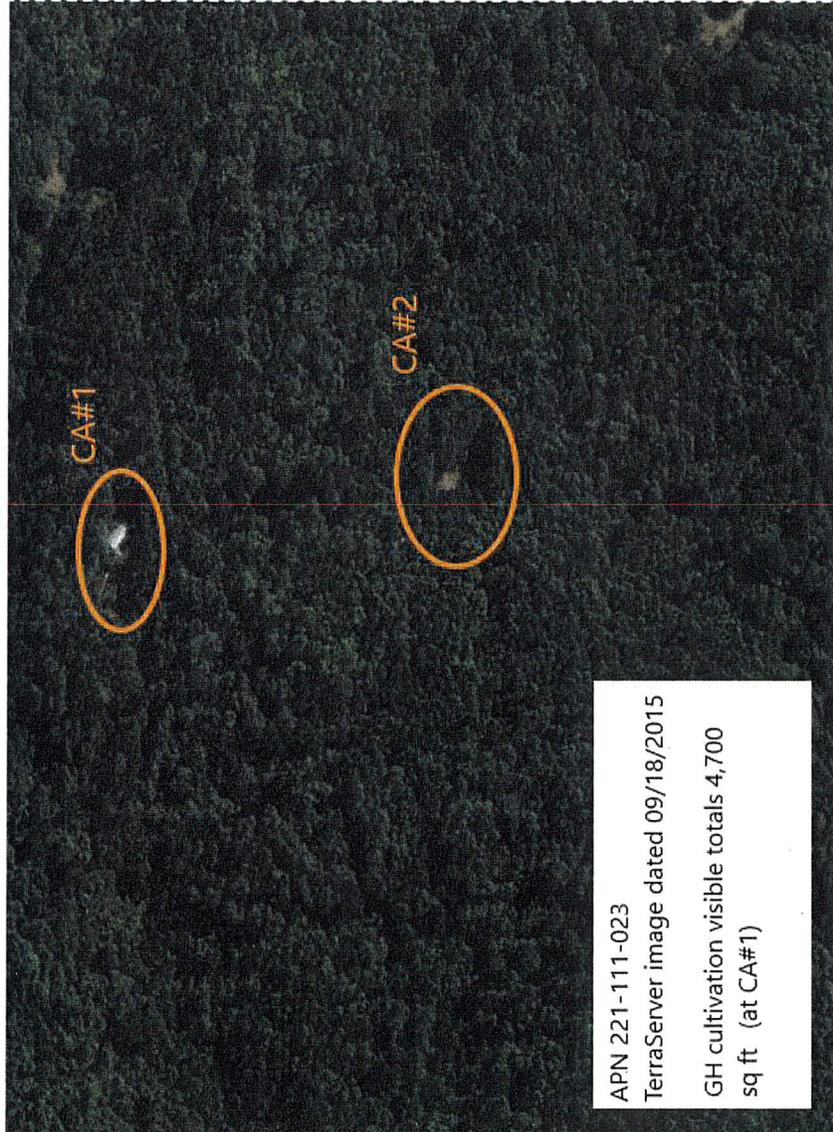


Figure 2: Evidence of new cannabis cultivation and timber conversion after Jan. 1, 2016, in violation of County Code. Approximate mixed light cultivation area 16,150 square feet (an expansion of 11,450 square feet mixed light); timber conversion of 0.9 acre.



**ATTACHMENT B-3**

**February 19, 2018 Email to Unresponsive Applicant**

**From:** [Sutfin, Devin](#)  
**To:** "[ydimitrov85@yahoo.com](mailto:ydimitrov85@yahoo.com)"  
**Subject:** Earth med, LLC, APN 221-111-023, Apps 11867  
**Date:** Tuesday, February 19, 2019 2:08:30 PM  
**Attachments:** [image001.png](#)

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Hello Yordan Dimitrov,

I am reaching out to determine your most up to date contact information, as we have tried sending mail to P.O. Box 922 in Redway, only to have it returned as undeliverable. Your project is currently on hold until a resolution is agreed upon. Please contact me as soon as possible to relay your updated contact information, so we can work to get your project back on track.

Thanks,



**Devin Sutfin**  
Planner, Cannabis Division  
[Planning and Building Department](#)  
707.268.3778

**ATTACHMENT B-4**

**April 5, 2019 Letter to Unresponsive Applicant**



COUNTY OF HUMBOLDT  
PLANNING AND BUILDING DEPARTMENT  
CANNABIS SERVICES DIVISION

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

April 5, 2019

EARTHMED, LLC  
Attn: Plamen Yordanov  
4455 NE 12<sup>th</sup> Street, Apt. 25-05  
Renton, WA 98509

RE: Permit Application No. 11867, APN 221-111-023

Dear Mr. Plamen,

The Planning and Building Department has received no response regarding the commercial cannabis violation detailed in the letter mailed on November 1, 2018. A follow up email was sent February 9, 2019 to the email address on file, [ydimitrov85@yahoo.com](mailto:ydimitrov85@yahoo.com), also no response.

A substantial response addressing the outstanding violation must be received by May 5, 2019. **If no substantial response is received, the application will be subject to cancelation and the project referred to code enforcement.**

If you have questions about this letter or wish to schedule a settlement meeting, please contact me at 707-268-3778 or [dsuffin1@co.humboldt.ca.us](mailto:dsuffin1@co.humboldt.ca.us).

Sincerely,

Devin Sutfin  
Planner, Cannabis Division  
Planning and Building Department

ENC: violation letter dated November 1, 2018

**ATTACHMENT C-1**

**November 6, 2018 Violation Letter**



**COUNTY OF HUMBOLDT**  
**PLANNING AND BUILDING DEPARTMENT**  
**CANNABIS SERVICES DIVISION**

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

November 6, 2018

Humboldt Native Grown, LLC  
 Attn: Joe Gurule  
 P.O. Box 127  
 Orleans, CA 95556

RE: Permit Application No. 12625, APNs 529-351-010, -009, -008, -007, -006, -005  
 Dear Joe,

Thank you for continuing to work with the Planning and Building Department on this application to permit commercial cannabis cultivation. As you may be aware, cannabis cultivation in 2018 requires a local permit and a state license to be deemed legal. Applicants with cultivation existing<sup>1</sup> prior to January 1, 2016 are eligible for an Interim Permit, which offers a temporary pathway to legal commercial cannabis cultivation. However, a problem has been identified on these parcels that prevents the issuance of an Interim Permit. 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.

Staff analysis of your project has identified cultivation areas spanning multiple parcels, some of which are not eligible for commercial cannabis permits because they are too small (see Table 1). While verifying existing cultivation area, review of aerial imagery indicates what appears to be a violation of County Code. Specifically, outdoor cultivation expanded by 35,575 square feet in 2018 (see Table 1 and Exhibit A). 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 35,575 square feet outdoor area is therefore \$71,150. The areas of cultivation expansion must also be removed.

Table 1.

<b>APN</b>	<b>Allowable Cultivation Prior to 2016</b>	<b>Expanded Cultivation Area 2018</b>
529-351-010	6,000 square feet (CA#1)	29,300 sq ft (CA#1, 2, 3, 4)
529-351-009	No cultivation	
592-351-008	Not eligible	3,700 sq ft (CA#5)
529-351-007	Not eligible	No cultivation
529-351-006	Not eligible	8,575 sq ft (CA#6, 7)
529-351-005	Not eligible	
<b>Totals</b>	6,000 square feet	41,575 square feet

<sup>1</sup> Existing cultivation is defined as the greatest total verifiable cultivation area in a single year existing on the subject parcel prior to January 1, 2016. County Code section 55.4.8.2.2 states that no expansion of cultivation area may be permitted. The new ordinance provides an option for existing cultivators to add cultivation area, but that expansion may not occur until a permit has been issued.

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. This violation must be resolved prior to any forward progress in the permitting process; 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 Steven Santos at 707-268-3749 or [sasantos@co.humboldt.ca.us](mailto:sasantos@co.humboldt.ca.us).

Sincerely,

Bob Russell  
Deputy Director

ENC: Aerial Imagery

**Exhibit A:**

Figure 1: Evidence of existing on 07/14/2015. Eligible outdoor (OD) cultivation totals 6,000 square feet. Cultivation areas #2, #3, and #4 are not eligible because parcels are too small.



Figure 2: Evidence of outdoor (OD) cannabis cultivation after Jan. 1, 2016 in violation of County Code.



**ATTACHMENT C-2**

**May 2, 2019 Letter to Unresponsive Applicant**



**COUNTY OF HUMBOLDT**  
**PLANNING AND BUILDING DEPARTMENT**  
**CANNABIS SERVICES DIVISION**

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

May 2, 2019

Humboldt Native Grown, LLC  
Attn: Joe Gurule  
PO Box 127  
Orleans, CA 95556

RE: Permit Application No. 12625, APN(s) 529-351-010, -009, -008, -007, -006, -005

The Planning and Building Department has received no response regarding the commercial cannabis violation and application deficiencies detailed in the letter dated November 6, 2018.

A substantial response addressing the outstanding violation and application deficiencies must be received by June 2, 2019. If no substantial response is received, the application will be subject to cancelation per HCC 312-6.1.5 and the project referred to code enforcement.

If you have questions about this letter, please contact me at 707-268-3778 or dsuffin1@co.humboldt.ca.us.

Sincerely,

Devin Sutfin  
Planner, Cannabis Services Division  
Planning and Building Department

**ATTACHMENT D-1**

**October 18, 2018 Violation Letter**



**COUNTY OF HUMBOLDT**  
**PLANNING AND BUILDING DEPARTMENT**  
**CANNABIS SERVICES DIVISION**

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

October 18, 2018

Fox Creek Caregivers, Inc.  
Attn: Brandi Botts  
128 Tulip Tree Court  
Juniper, FL 33458

RE: Permit Application No. 12668, APN 206-151-039

Dear Brandi,

As you may be aware, cannabis cultivation requires a local permit and a state license to be deemed legal. Applicants with cultivation existing<sup>1</sup> prior to January 1, 2016 are eligible for an Interim Permit, which offers a temporary pathway to legal commercial cannabis cultivation. However, problems have been identified on this parcel that prevent the issuance of an Interim Permit. 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 issues.

While verifying the existing cultivation area staff analysis of aerial imagery showed what appears to be a violation of County Code. Specifically, it appears there was a 0.50 acre timber conversion and grading for the purposes of cannabis cultivation without the proper permits. A Registered Professional Forrester will need to assess the conversion/grading and recommend remedial actions, and the converted area must be revegetated and restored. (See attached imagery, Exhibit A).

Additionally, mixed light cultivation area in 2018 expanded by 11,640 square feet (see attached imagery, Exhibit A). 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 11,640 square feet mixed light cultivation is therefore \$46,560. 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:

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<sup>1</sup> Existing cultivation is defined as the greatest total verifiable cultivation area in a single year existing on the subject parcel prior to January 1, 2016. County Code section 55.4.8.2.2 states that no expansion of cultivation area may be permitted. The new ordinance provides an option for existing cultivators to add cultivation area, but that expansion may not occur until a permit has been issued.

1. Resolve the violation by paying the penalty fee, removing the expanded cultivation area, and revegetating the area of timber removal and grading. 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, and why the timber conversion and grading did not occur.

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

**Exhibit A:**

Figure 1: Evidence of existing on 09/18/2015. Cultivation visible is approximately 2,100 sq ft in 2 discrete greenhouses (mixed light), and 2,484 sq ft of outdoor.

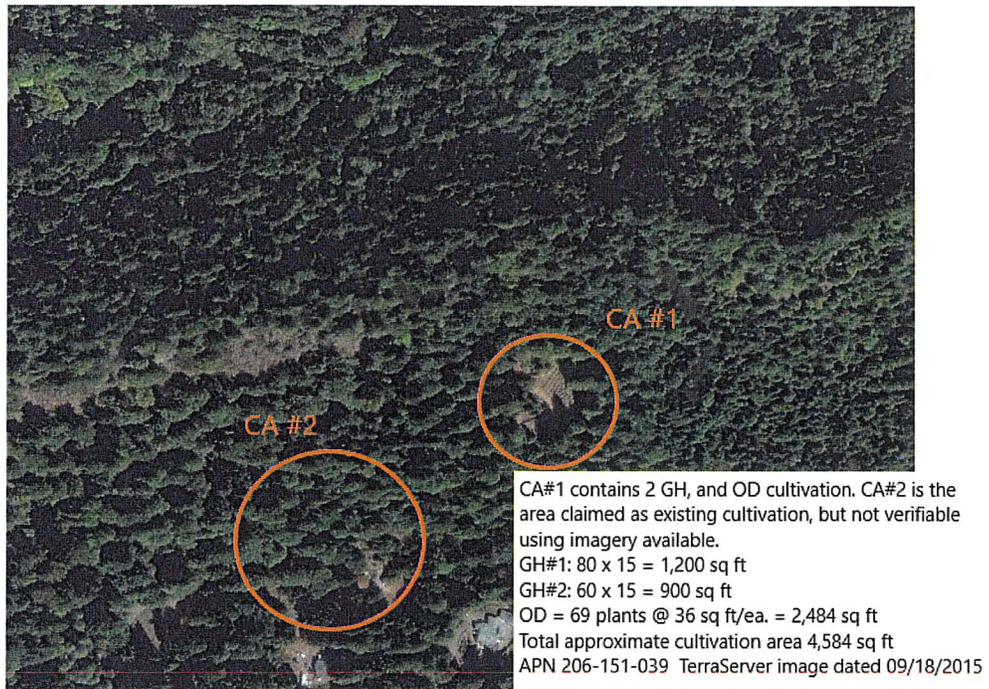


Figure 2: Evidence of new cannabis cultivation after Jan. 1, 2016 in violation of County Code. Mixed light cultivation measures approximately 16,230 sq ft.



Figure 3: Evidence of existing timber and vegetation, TerraServer image dated 08/09/2015.

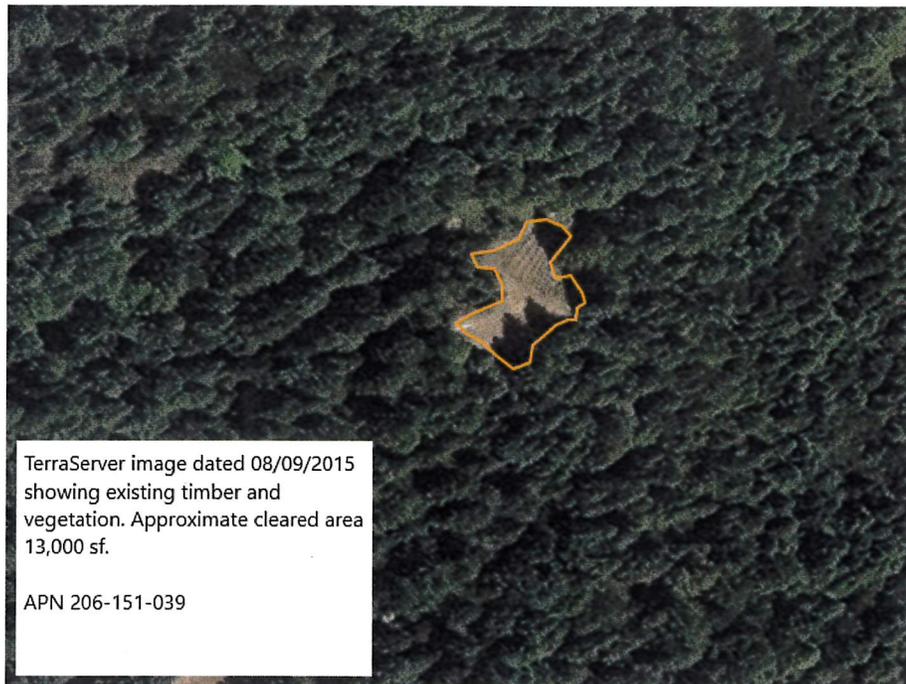


Figure 4: Evidence of timber removal and grading for the purposes of cannabis cultivation, a violation of County Code.



**ATTACHMENT D-2**

**April 18, 2019 Letter to Unresponsive Applicant**



COUNTY OF HUMBOLDT  
PLANNING AND BUILDING DEPARTMENT  
CANNABIS SERVICES DIVISION

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

April 18, 2019

Fox Creek Caregivers, Inc.  
Attn: Brandi Botts  
1277 Fox Creek Road  
Carlotta, CA 95528

**RE: Permit Application No. 12668, APN 206-151-039**

The Planning and Building Department has received no response regarding the commercial cannabis violation detailed in the letter dated October 18, 2018.

A substantial response addressing the outstanding violation must be received by May 18, 2019. **If no substantial response is received, the application will be subject to cancellation per HCC 312-6.1.5 and the project referred to code enforcement.**

If you have questions about this letter, please contact me at 707-268-3778 or dsuffin1@co.humboldt.ca.us.

Sincerely,

Devin Suffin  
Planner, Cannabis Services Division  
Planning and Building Department

Cc: Brandi Botts, owner

**ATTACHMENT D-3**

**April 24, 2019 Email Regarding Application Withdrawal**

**From:** [Sutfin, Devin](#)  
**To:** "Brandi Botts"  
**Subject:** APN 206-151-039, Apps 12668, Brandi Botts  
**Date:** Wednesday, April 24, 2019 11:56:00 AM  
**Attachments:** [image001.png](#)  
[image002.png](#)

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Hello Brandi,

I can assist in facilitating the withdrawal of the cannabis application. One of the first items to be addressed in this process is the deconstruction of the greenhouses. Removal of all cannabis related infrastructure, including before and after photographs of the decommissioned area, would be required before finalizing the withdrawal of the application. How soon are you going to be able to deconstruct the greenhouses?

Second, the County of Humboldt would like an unambiguous statement from you formally withdrawing the application for commercial cannabis cultivation. Please include your name, parcel number, and application number in the correspondence. Please direct that correspondence to me.

I have removed the email and contact information for Eric Logan from the project.

Let me know if I am able to offer any guidance or answer any questions.

Respectfully,



**Devin Sutfin**  
Planner, Cannabis Services Division  
Planning and Building Department  
[dsutfin1@co.humboldt.ca.us](mailto:dsutfin1@co.humboldt.ca.us)  
707.268.3778

**From:** Brandi Botts <brandi@sakred.com>  
**Sent:** Monday, April 22, 2019 7:29 AM  
**To:** Sutfin, Devin <dsutfin1@co.humboldt.ca.us>  
**Subject:** Urgent response

Hi devin! I have a new email address. Please also keep Eric Logan off any emails bc he is not apart of this property any more. I had him taken off months ago. Also- we no longer need licensing for this property.

It will either be sold as a regular home or it will be a non profit horse rescue farm. Met a beautiful woman that rescues horses and helps disabled children by letting them ride and interact with the horses.

What information do you need from me to cancel all licensing?

-Brandi botts  
817-247-1634

AT&T LTE 9:26 AM 53%

< 20 ^ v

**From:** "Sutfin, Devin"  
<[dsutfin1@co.humboldt.ca.us](mailto:dsutfin1@co.humboldt.ca.us)>  
**Subject:** Fox Creek Caregivers, Inc., Apps  
12668, APN [206-151-039](#)  
**Date:** April 18, 2019 at 5:52:38 PM CDT  
**To:** "[brandibottsfitt@gmail.com](mailto:brandibottsfitt@gmail.com)"  
<[brandibottsfitt@gmail.com](mailto:brandibottsfitt@gmail.com)>  
**Cc:** "[ericloganvip@gmail.com](mailto:ericloganvip@gmail.com)"  
<[ericloganvip@gmail.com](mailto:ericloganvip@gmail.com)>

Dear Ms. Botts,

Please find that attached letter requesting a timely response to the conformance issue on your parcel. If you have any questions regarding the attached letter or the previous correspondence please contact me directly.

Respectfully,



**Devin Sutfin**  
Planner, Cannabis Services Division  
Planning and Building Department  
[dsutfin1@co.humboldt.ca.us](mailto:dsutfin1@co.humboldt.ca.us)



Sent from my iPhone

**ATTACHMENT D-4**

**May 20, 2019 Email Regarding Violation Remediation**

**From:** [Brandi Botts](#)  
**To:** [Sutfin, Devin](#)  
**Subject:** Re: APN 206-151-039, Apps 12668, Brandi Botts  
**Date:** Monday, May 20, 2019 12:46:58 PM

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Hi Devin thank you! I spoke to my real estate agent and she is finding someone to remove the greenhouses for me! So that should be done soon and she said they will make sure great pictures will be taken to show this is done correctly!

My address to send anything to is

449 Capistrano drive  
Palm beach gardens Florida 33410

Thank you!

Sent from my iPhone

On May 20, 2019, at 1:02 PM, Sutfin, Devin <[dsutfin1@co.humboldt.ca.us](mailto:dsutfin1@co.humboldt.ca.us)> wrote:

Hello Brandi,

I consulted with my team lead after our conversation earlier this morning. We have slated your project for decision based on the information currently on file. Notices have already been sent to the addresses on file for the June 6, 2019 Planning Commission meeting. Based on the information we currently have, the project will be recommended for denial. This action requires no action on your behalf, but if you would like to keep the cannabis application open you have that option.

If you want to keep the application open, the penalty will need to be paid and the timber conversion addressed.

Let me know if I can offer any further insight.

Respectfully,

<[image001.png](#)>

**Devin Sutfin**  
Planner, Cannabis Services Division  
Planning and Building Department  
[dsutfin1@co.humboldt.ca.us](mailto:dsutfin1@co.humboldt.ca.us)  
707.268.3778

**From:** Brandi Botts <[brandi@sakred.com](mailto:brandi@sakred.com)>  
**Sent:** Thursday, May 9, 2019 7:44 AM  
**To:** Sutfin, Devin <[dsutfin1@co.humboldt.ca.us](mailto:dsutfin1@co.humboldt.ca.us)>  
**Subject:** Re: APN 206-151-039, Apps 12668, Brandi Botts

Hi Devin-

Can we talk on the phone today? 817-247-1634

I want to get this cleared up.

I had spoke with someone before and told them this was a property I had purchased as an investment with someone I went through a falling out with as he committed fraud- that was me Eric Logan. The previous owner "Johnny nguyen" had taken down this forestry before I purchased this property and put up the greenhouses so this was not something I did. It was the owner of the property before I purchase the property.

I'm a mother of 2 boys from Florida that made a not smart investment with a man that had to be let go because he lied. I'm a whole country away basically lol. And the property has been closed down for 8 months doing nothing.

I'm trying to get rid of the property all together.

I need a phone call to better understand how I can be done with this all.

Thank you  
Brandi Botts

Sent from my iPhone

On Apr 24, 2019, at 2:56 PM, Sutfin, Devin <[dsutfin1@co.humboldt.ca.us](mailto:dsutfin1@co.humboldt.ca.us)> wrote:

Hello Brandi,

I can assist in facilitating the withdrawal of the cannabis application. One of the first items to be addressed in this process is the deconstruction of the greenhouses. Removal of all cannabis related infrastructure, including before and after photographs of the decommissioned area, would be required before finalizing the withdrawal of the application. How soon are you going to be able to deconstruct the greenhouses?

Second, the County of Humboldt would like an unambiguous statement from you formally withdrawing the application for commercial cannabis cultivation. Please include your name, parcel number, and application

number in the correspondence. Please direct that correspondence to me.

I have removed the email and contact information for Eric Logan from the project.

Let me know if I am able to offer any guidance or answer any questions.

Respectfully,

[<image002.png>](#)

**Devin Sutfin**

Planner, Cannabis Services Division

Planning and Building Department

[dsutfin1@co.humboldt.ca.us](mailto:dsutfin1@co.humboldt.ca.us)

707.268.3778

**From:** Brandi Botts <[brandi@sakred.com](mailto:brandi@sakred.com)>

**Sent:** Monday, April 22, 2019 7:29 AM

**To:** Sutfin, Devin <[dsutfin1@co.humboldt.ca.us](mailto:dsutfin1@co.humboldt.ca.us)>

**Subject:** Urgent response

Hi devin! I have a new email address. Please also keep Eric Logan off any emails bc he is not apart of this property any more. I had him taken off months ago. Also- we no longer need licensing for this property.

It will either be sold as a regular home or it will be a non profit horse rescue farm. Met a beautiful woman that rescues horses and helps disabled children by letting them ride and interact with the horses.

What information do you need from me to cancel all licensing?

-Brandi botts

817-247-1634

[<image001.png>](#)

Sent from my iPhone

**ATTACHMENT E-1**

**October 18, 2018 Violation Letter**



**COUNTY OF HUMBOLDT**  
**PLANNING AND BUILDING DEPARTMENT**  
**CANNABIS SERVICES DIVISION**

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

October 18, 2018

Golden Hill Enterprises  
Christopher Wilson  
147 Briar Place  
Danville, CA 94526

RE: Permit Application No. 12000, APN 530-151-001

Dear Christopher,

Thank you for continuing to work with the Planning and Building Department on this application to permit commercial cannabis cultivation. As you may be aware, cannabis cultivation in 2018 requires a local permit and a state license to be deemed legal. Applicants with cultivation existing<sup>1</sup> prior to January 1, 2016 are eligible for an Interim Permit, which offers a temporary pathway to legal commercial cannabis cultivation. However, a problem has been identified on this parcel that prevents the issuance of an Interim Permit. 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 in 2018 expanded by 31,500 square feet outdoor (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 31,500 square feet outdoor area is therefore \$63,000. 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

---

<sup>1</sup> Existing cultivation is defined as the greatest total verifiable cultivation area in a single year existing on the subject parcel prior to January 1, 2016. County Code section 55.4.8.2.2 states that no expansion of cultivation area may be permitted. The new ordinance provides an option for existing cultivators to add cultivation area, but that expansion may not occur until a permit has been issued.

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 Steven Santos at 707-268-3749 or [sasantos@co.humboldt.ca.us](mailto:sasantos@co.humboldt.ca.us).

Sincerely,

Bob Russell  
Deputy Director

ENC: Aerial Imagery

Exhibit A:

Figure 1: Evidence of existing on 07/14/2015. Cultivation visible is approximately 6,300 sq ft outdoor.

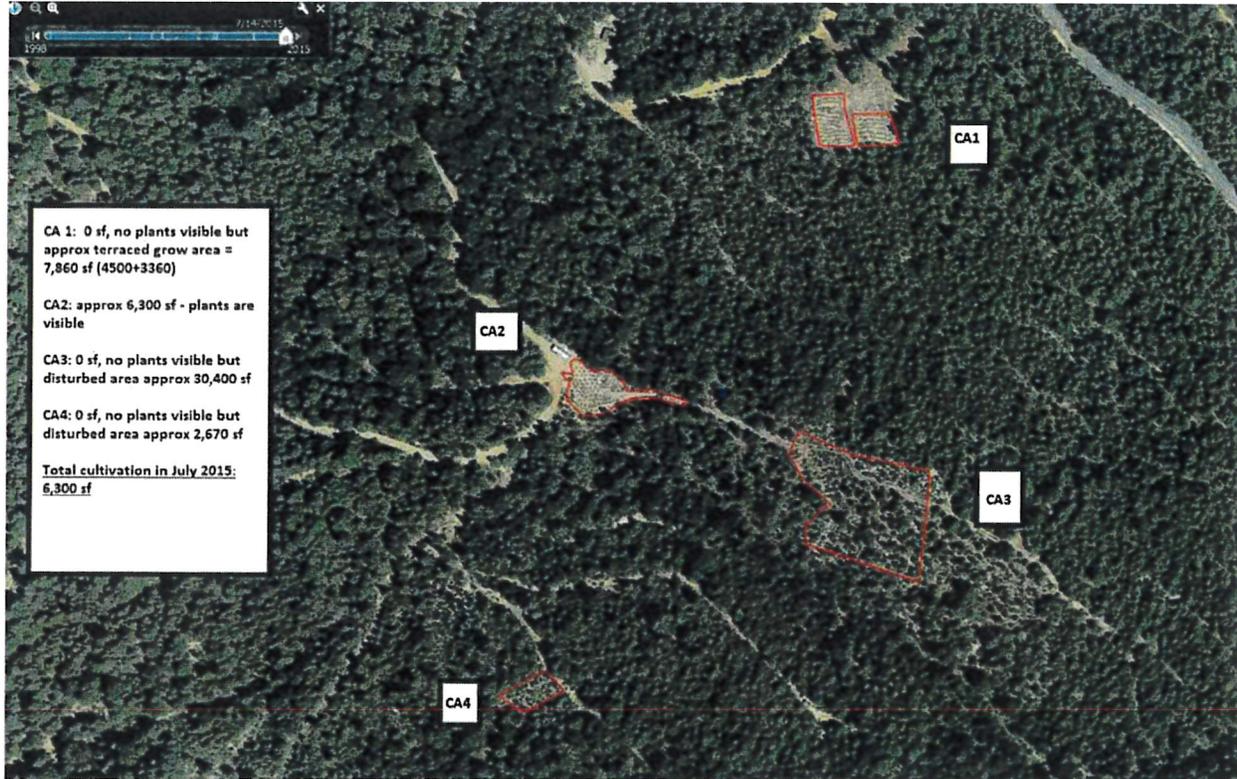


Figure 2: Evidence of new cannabis cultivation after Jan. 1, 2016 in violation of County Code. Approximate total outdoor cultivation area 37,800 sq ft.



**ATTACHMENT E-2**

**December 12, 2018 Email to Unresponsive Applicant**

## Santos, Steven A

---

**From:** Batten, Blake  
**Sent:** Wednesday, December 12, 2018 5:03 PM  
**To:** 'Chris Wilson'  
**Subject:** RE: APN 530-151-001 / Apps 12000 / Golden Hill Enterprises  
**Attachments:** 12000 Violation Letter.pdf

Hi Chris,

This project is currently in violation status which means that issue will have to be resolved prior to anything else happening with the application. I have attached a copy of the letter that was mailed on October 18, 2018. Let me know if you'd like to schedule a meeting to discuss this in person or feel free to call.

Sincerely,



Blake Batten  
Planner, Cannabis Division  
[Planning and Building Department](#)  
707.268.3739

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**From:** Chris Wilson <chswilso@comcast.net>  
**Sent:** Wednesday, December 12, 2018 1:54 PM  
**To:** Batten, Blake <bbatten1@co.humboldt.ca.us>  
**Subject:** Re: APN 530-151-001 / Apps 12000 / Golden Hill Enterprises

Blake-

The area in question is not on our property. When will your office rule on how many square feet of canopy space is allowed for cannabis production on the property? We haven't produced anything that has been sellable on the property. Between the native Americans stealing our property/supplies, the locals sabotaging our land, and all the taxes/fees we are debating pulling our application all together or switching over to hemp only. Thanks.

Chris Wilson  
(925) 984-3891  
[chswilso@comcast.net](mailto:chswilso@comcast.net)

Sent from my iPhone

On Dec 10, 2018, at 3:14 PM, Batten, Blake <[bbatten1@co.humboldt.ca.us](mailto:bbatten1@co.humboldt.ca.us)> wrote:

Greetings,

I am reviewing this project and have a question regarding ownership. The cultivation area highlighted below shows up on the neighboring parcel according to our GIS, however the lines can sometimes be off. Is this cultivation associated with your application?

<image002.jpg>

Best regards,

<image003.png> | Blake Batten  
Planner, Cannabis Division  
[Planning and Building Department](#)  
707.268.3739

**ATTACHMENT E-3**

**March 7, 2019 Letter to Unresponsive Applicant**



COUNTY OF HUMBOLDT  
PLANNING AND BUILDING DEPARTMENT  
CANNABIS SERVICES DIVISION

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

March 7, 2019

Michael Hinojosa  
3200 A Danville Blvd  
Suite 200  
Danville, CA 94507

RE: Permit Application No. 12000, APN 530-151-001

Dear Michael,

The Planning and Building Department has received no response regarding the commercial cannabis violation detailed in the letter mailed on October 18, 2018. The letter was subsequently emailed on December 12, 2018.

A substantial response addressing the outstanding violation must be received by April 19, 2019. **If no substantial response is received, the application will be subject to cancelation and the project referred to code enforcement.**

If you have questions about this letter or wish to schedule a settlement meeting, please contact me at 707-268-3739 or bbatten1@co.humboldt.ca.us.

Sincerely,

Blake Batten  
Planner, Cannabis Division  
Planning and Building Department

Cc: Christopher Wilson

**ATTACHMENT E-4**

**January 2, 2019 CDFW Notice of Violation (NOV)**



State of California – Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
Region 1 - Northern  
619 Second Street  
Eureka, California 95501  
(707) 445-6493  
[www.wildlife.ca.gov](http://www.wildlife.ca.gov)

*EDMUND G. BROWN, Jr., Governor*  
*CHARLTON H. BONHAM, Director*



January 2, 2019

**Certified Mail:**

# 7011 3500 0002 2331 4015

Michael Hinojosa  
Golden Hill Enterprises, LLC  
147 Briar Place  
Danville, CA, 94526

Subject: Notice of Violation of Fish and Game Code Sections 1602, 5650, and 5652 in  
Conjunction with Cannabis Cultivation

Dear Michael Hinojosa:

On September 20, 2017, Department of Fish and Wildlife (Department) staff visited your property at Assessor's Parcel Number (APN) 530-151-001 (Property) within the Big Foot Creek and Bee Lake watersheds, County of Humboldt, State of California. During the visit, staff observed activities that are in violation of Fish and Game Code sections 1602, 5650 and 5652. Staff also observed active cannabis cultivation in conjunction with these activities.

Fish and Game Code (FGC) Section 1602 requires a person to submit a written notification to the Department before: 1) substantially diverting or obstructing the natural flow of a river, stream, or lake; 2) substantially changing the bed, channel, or bank of a river, stream, or lake; 3) using any material from the bed, channel, or bank of a river, stream, or lake; and/or 4) depositing or disposing of debris, waste, material containing crumbled, flaked, or ground pavement where it may pass into a river, stream, or lake. Hence, any person who engages in an activity subject to FGC Section 1602 without first notifying the Department violates Section 1602.

FGC sections 5650 and 5652 make it unlawful to pollute waters of the state. FGC Section 5650 makes it unlawful to deposit in, permit to pass into, or place where it can pass into waters of the state any substance or material deleterious to fish, plant life, mammals, or bird life, including, but not limited to gasoline and oil, as well as sediment. FGC Section 5652 makes it unlawful to deposit in, permit to pass into, or place where it can pass into waters of the state, or to abandon, dispose of, or throw away, within 150 feet of the high water mark of the waters of the state, any garbage, refuse, or waste, among other materials.

*Conserving California's Wildlife Since 1870*

In the Department's view, notification under FGC Section 1602 was required for two activities that affected unnamed tributaries to Big Foot Creek. The locations and descriptions of these activities are provided below (Table 1).

Table 1. Summary of Fish and Game Code (FGC) violations documented during CDFW staff visit on September 20, 2017.

<b>Violation #</b>	<b>FGC Violation</b>	<b>Latitude/Longitude</b>	<b>Description</b>
1	1602	41.29155, -123.73364	Unpermitted water diversion resulting in; (1) substantial diversion and obstruction of natural flow of a stream and (2) substantial change to the bed and banks of a stream.
2	5650^	41.29155, -123.73364	Water pollution from placement of sediment (a material deleterious to fish and wildlife), where it can pass into waters of the state.
3	5652^	41.29155, -123.73364	Deposition of waste, trash, or refuse where it can deliver or pass into a stream.
4	1602	41.29175, -123.73337	Unpermitted stream crossing, resulting, in substantial change to bed and banks of a stream.
5	5650^	41.29175, -123.73337	Hydrologically connected road surface, resulting in water pollution from 1) discharge of sediment from road runoff and 2) placement of sediment where it can pass into waters of the State.
6	5650	41.29073, -123.73257	Water pollution from placement of sediment (a material deleterious to fish and wildlife), where it can pass into waters of the state.
7	5652^	41.29073, -123.73257	Deposition of waste, trash, or refuse where it can deliver or pass into a stream.
8	5650	41.29229, -123.73243	Water pollution from placement of sediment (a material deleterious to fish and wildlife), where it can pass into waters of the state.

9	5652	41.29229, -123.73243	Deposition of waste, trash, or refuse where it can deliver or pass into a stream.
Violation Total	1602	2	
Violation Total	5650	4	
Violation Total	5652	3	
<b>Grand Total</b>	<b>All</b>	<b>9</b>	

\* Units = decimal degrees. Datum = WGS 84. ^ = Location same as above.

The Department also observed four activities on the Property that are violations of FGC Section 5650 and three violations of FGC Section 5652 that affected unnamed tributaries to Big Foot Creek and Bee Creek. The locations and descriptions of these activities are provided above (Table 1).

A person who violates FGC sections 1602, 5650, and 5652 in conjunction with the cultivation or production of cannabis is subject to significant penalties or fines. Specifically, the Department may impose civil penalties administratively against any person found by the Department to have violated these FGC sections in connection with the production or cultivation of cannabis following a complaint and, if requested, a hearing.

The Department may request a maximum civil penalty of \$8,000 for each violation of FGC Section 1602, and \$20,000 for each violation of FGC Section 5650 or Section 5652. Each day the violation occurs or continues to occur constitutes a separate violation. (Fish & G. Code, § 12025, subds. (b)(1)(A), (2); (e)). Also, the District Attorney or the Attorney General may enforce a violation of FGC Section 1602 and FGC Section 5650 civilly. Specifically, under FGC sections 1615 and 5650.1, a person who violates FGC Section 1602 or Section 5650 is subject to a maximum civil penalty of \$25,000 for each violation. The District Attorney or the Attorney General may also enforce a violation of FGC sections 1602, 5650, or 5652 criminally. Under FGC Section 12000, each violation is a misdemeanor.

Be advised that absent provisions intended to protect patients and qualified caregivers, commercial cannabis cultivation without a state license is illegal. (Bus. & Prof. Code, § 26032.) The California Department of Food and Agriculture (CDFA) is the state licensing authority for commercial cannabis cultivation. CDFA and the Department are members of a multi-agency task force created to protect the state's resources from the adverse impact of cannabis cultivation. (Fish & G. Code, § 12029.) **Pursuant to state law, failure to address these violations may affect your ability to obtain a**

Michael Hinojosa  
January 2, 2019  
Page 4 of 4

**commercial cannabis cultivation license or license renewal from CDFA. (Bus. & Prof. Code, §§ 26057, 26060.1.)**

Although the landowner has voluntarily notified the Department for a portion of the work that was conducted without a Lake or Streambed Alteration Agreement (see Table 1), substantial progress to correct violations has not been made. The Department, District Attorney, or Attorney General may still decide to initiate an enforcement action against you if they determine these activities are in violation of FGC section 1602, 5650, or 5652. In addition, the Department may propose certain actions to protect fish and wildlife resources that have been or could be affected by the activities described above. For further questions you may contact Environmental Scientist Kalyn Bocast at [kalyn.bocast@wildlife.ca.gov](mailto:kalyn.bocast@wildlife.ca.gov).

The Department appreciates your cooperation.

Sincerely,



Warden Brendan Lynch  
Watershed Enforcement Team

cc: Brendan Lynch, Scott Bauer, Curt Babcock, Laurie Harnsberger, and Kalyn Bocast  
Department of Fish and Wildlife  
[brendan.lynch@wildlife.ca.gov](mailto:brendan.lynch@wildlife.ca.gov), [scott.bauer@wildlife.ca.gov](mailto:scott.bauer@wildlife.ca.gov),  
[curt.babcock@wildlife.ca.gov](mailto:curt.babcock@wildlife.ca.gov), [laurie.harnsberger@wildlife.ca.gov](mailto:laurie.harnsberger@wildlife.ca.gov), and  
[kalyn.bocast@wildlife.ca.gov](mailto:kalyn.bocast@wildlife.ca.gov)

Diana Henriulle  
Northcoast Regional Water Quality Control Board  
[diana.henriulle@waterboards.ca.gov](mailto:diana.henriulle@waterboards.ca.gov)

Taro Murano  
State Water Resources Control Board  
[taro.murano@waterboards.ca.gov](mailto:taro.murano@waterboards.ca.gov)

Steven Santos and Robert Russell  
Humboldt County Planning and Building Department  
[sasantos@co.humboldt.ca.us](mailto:santos@co.humboldt.ca.us) and [rrussell@co.humboldt.ca.us](mailto:rrussell@co.humboldt.ca.us)

**ATTACHMENT E-5**

**March 29, 2019 CDFW Letter to Unresponsive Applicant**



State of California – Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
Region 1 - Northern  
619 Second Street  
Eureka, California 95501  
(707) 445-6493  
[www.wildlife.ca.gov](http://www.wildlife.ca.gov)

EDMUND G. BROWN, Jr., Governor  
CHARLTON H. BONHAM, Director



March 29, 2019

**Certified Mail:**

# 7012 2920 0001 8489 6485

Michael Hinojosa  
Golden Hill Enterprises, LLC  
3200 Danville BLVD #A  
Alamo, CA 94507

Subject: Notice of Violation of Fish and Game Code Sections 1602, 5650, and 5652 in  
Conjunction with Cannabis Cultivation (Second Attempt)

Dear Michael Hinojosa:

On September 20, 2017, Department of Fish and Wildlife (Department) staff visited your property at Assessor's Parcel Number (APN) 530-151-001(Property) within the Big Foot Creek and Bee Lake watersheds, County of Humboldt, State of California. During the visit, staff observed activities that are in violation of Fish and Game Code sections 1602, 5650 and 5652. Staff also observed active cannabis cultivation in conjunction with these activities.

This is the second attempt by the Department, through the Notice of Violation process, to inform you of this matter. The first attempt was made on January 2, 2019 via certified mail, but the letter was returned and unable to be forwarded. Additional attempts to contact you were conducted through the Notification of Lake or Streambed Alteration process beginning on September 20, 2017, wherein multiple efforts were made to inform you of violations pursuant to Fish and Game Code Section 1602, 5650 and 5652.

Fish and Game Code (FGC) Section 1602 requires a person to submit a written notification to the Department before: 1) substantially diverting or obstructing the natural flow of a river, stream, or lake; 2) substantially changing the bed, channel, or bank of a river, stream, or lake; 3) using any material from the bed, channel, or bank of a river, stream, or lake; and/or 4) depositing or disposing of debris, waste, material containing crumbled, flaked, or ground pavement where it may pass into a river, stream, or lake. Hence, any person who engages in an activity subject to FGC Section 1602 without first notifying the Department violates Section 1602.

FGC sections 5650 and 5652 make it unlawful to pollute waters of the state. FGC Section 5650 makes it unlawful to deposit in, permit to pass into, or place where it can pass into waters of the state any substance or material deleterious

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to fish, plant life, mammals, or bird life, including, but not limited to gasoline and oil, as well as sediment. FGC Section 5652 makes it unlawful to deposit in, permit to pass into, or place where it can pass into waters of the state, or to abandon, dispose of, or throw away, within 150 feet of the high-water mark of the waters of the state, any garbage, refuse, or waste, among other materials.

In the Department's view, notification under FGC Section 1602 was required for two activities that affected unnamed tributaries to Big Foot Creek. The locations and descriptions of these activities are provided below (Table 1).

Table 1. Summary of Fish and Game Code (FGC) violations documented during CDFW staff visit on September 20, 2017.

Violation #	FGC Violation	Latitude/Longitude	Description
1	1602	41.29155, -123.73364	Unpermitted water diversion resulting in; (1) substantial diversion and obstruction of natural flow of a stream and (2) substantial change to the bed and banks of a stream.
2	5650^	41.29155, -123.73364	Water pollution from placement of sediment (a material deleterious to fish and wildlife), where it can pass into waters of the state.
3	5652^	41.29155, -123.73364	Deposition of waste, trash, or refuse where it can deliver or pass into a stream.
4	1602	41.29175, -123.73337	Unpermitted stream crossing, resulting, in substantial change to bed and banks of a stream.
5	5650^	41.29175, -123.73337	Hydrologically connected road surface, resulting in water pollution from 1) discharge of sediment from road runoff and 2) placement of sediment where it can pass into waters of the State.
6	5650	41.29073, -123.73257	Water pollution from placement of sediment (a material deleterious to fish and wildlife), where it can pass into waters of the state.
7	5652^	41.29073, -123.73257	Deposition of waste, trash, or refuse where it can deliver or pass into a stream.
8	5650	41.29229, -123.73243	Water pollution from placement of sediment (a material deleterious to

			fish and wildlife), where it can pass into waters of the state.
9	5652	41.29229, -123.73243	Deposition of waste, trash, or refuse where it can deliver or pass into a stream.
Violation Total	1602	2	
Violation Total	5650	4	
Violation Total	5652	3	
<b>Grand Total</b>	<b>All</b>	<b>9</b>	

\* Units = decimal degrees. Datum = WGS 84. ^ = Location same as above.

The Department also observed four activities on the Property that are violations of FGC Section 5650 and three violations of FGC Section 5652 that affected unnamed tributaries to Big Foot Creek and Bee Creek. The locations and descriptions of these activities are provided above (Table 1).

A person who violates FGC sections 1602, 5650, and 5652 in conjunction with the cultivation or production of cannabis is subject to significant penalties or fines. Specifically, the Department may impose civil penalties administratively against any person found by the Department to have violated these FGC sections in connection with the production or cultivation of cannabis following a complaint and, if requested, a hearing.

The Department may request a maximum civil penalty of \$8,000 for each violation of FGC Section 1602, and \$20,000 for each violation of FGC Section 5650 or Section 5652. Each day the violation occurs or continues to occur constitutes a separate violation. (Fish & G. Code, § 12025, subds. (b)(1)(A), (2); (e)). Also, the District Attorney or the Attorney General may enforce a violation of FGC Section 1602 and FGC Section 5650 civilly. Specifically, under FGC sections 1615 and 5650.1, a person who violates FGC Section 1602 or Section 5650 is subject to a maximum civil penalty of \$25,000 for each violation. The District Attorney or the Attorney General may also enforce a violation of FGC sections 1602, 5650, or 5652 criminally. Under FGC Section 12000, each violation is a misdemeanor.

Be advised that absent provisions intended to protect patients and qualified caregivers, commercial cannabis cultivation without a state license is illegal. (Bus. & Prof. Code, § 26032.) The California Department of Food and Agriculture (CDFA) is the state licensing authority for commercial cannabis cultivation. CDFA and the Department are members of a multi-agency task force created to protect the state's resources from the

Michael Hinojosa  
March 29, 2019  
Page 4 of 4

adverse impact of cannabis cultivation. (Fish & G. Code, § 12029.) **Pursuant to state law, failure to address these violations may affect your ability to obtain a commercial cannabis cultivation license or license renewal from CDFA. (Bus. & Prof. Code, §§ 26057, 26060.1.)**

Although the landowner has voluntarily notified the Department for a portion of the work that was conducted without a Lake or Streambed Alteration Agreement (see Table 1), substantial progress to correct violations has not been made. The Department, District Attorney, or Attorney General may still decide to initiate an enforcement action against you if they determine these activities are in violation of FGC section 1602, 5650, or 5652. In addition, the Department may propose certain actions to protect fish and wildlife resources that have been or could be affected by the activities described above. For further questions you may contact Environmental Scientist Kalyn Bocast at [kalyn.bocast@wildlife.ca.gov](mailto:kalyn.bocast@wildlife.ca.gov).

The Department appreciates your cooperation.

Sincerely,

 Recoverable Signature

X *D. Willson*

Signed by: 31ed880b-49a7-4150-942e-df2dbc6f5c00

Lieutenant Douglas Willson  
Watershed Enforcement Team

ec: Douglas Willson, Scott Bauer, Curt Babcock, and Kalyn Bocast  
Department of Fish and Wildlife  
[douglas.willson@wildlife.ca.gov](mailto:douglas.willson@wildlife.ca.gov), [scott.bauer@wildlife.ca.gov](mailto:scott.bauer@wildlife.ca.gov),  
[curt.babcock@wildlife.ca.gov](mailto:curt.babcock@wildlife.ca.gov), and [kalyn.bocast@wildlife.ca.gov](mailto:kalyn.bocast@wildlife.ca.gov)

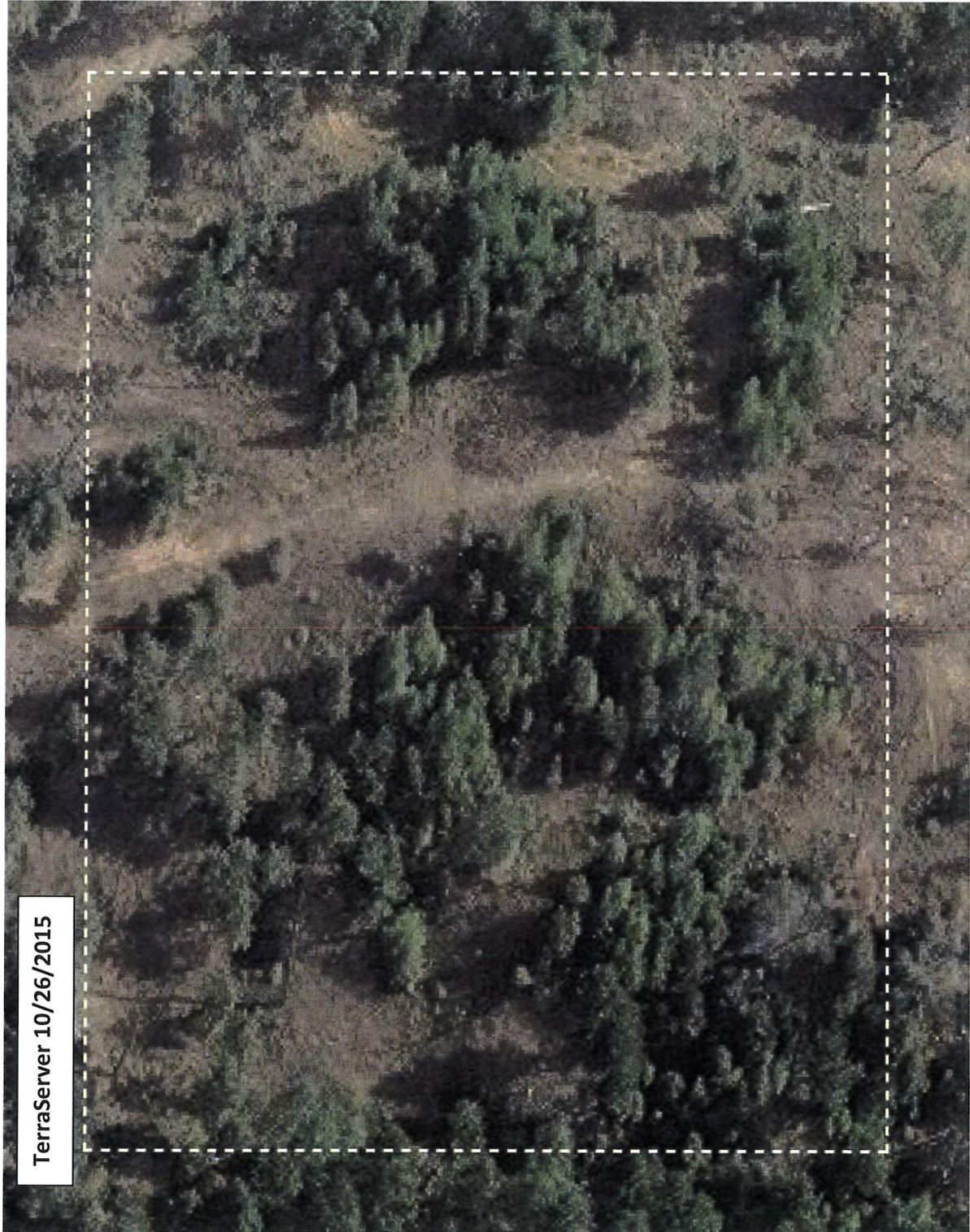
Diana Henriulle  
Northcoast Regional Water Quality Control Board  
[diana.henriulle@waterboards.ca.gov](mailto:diana.henriulle@waterboards.ca.gov)

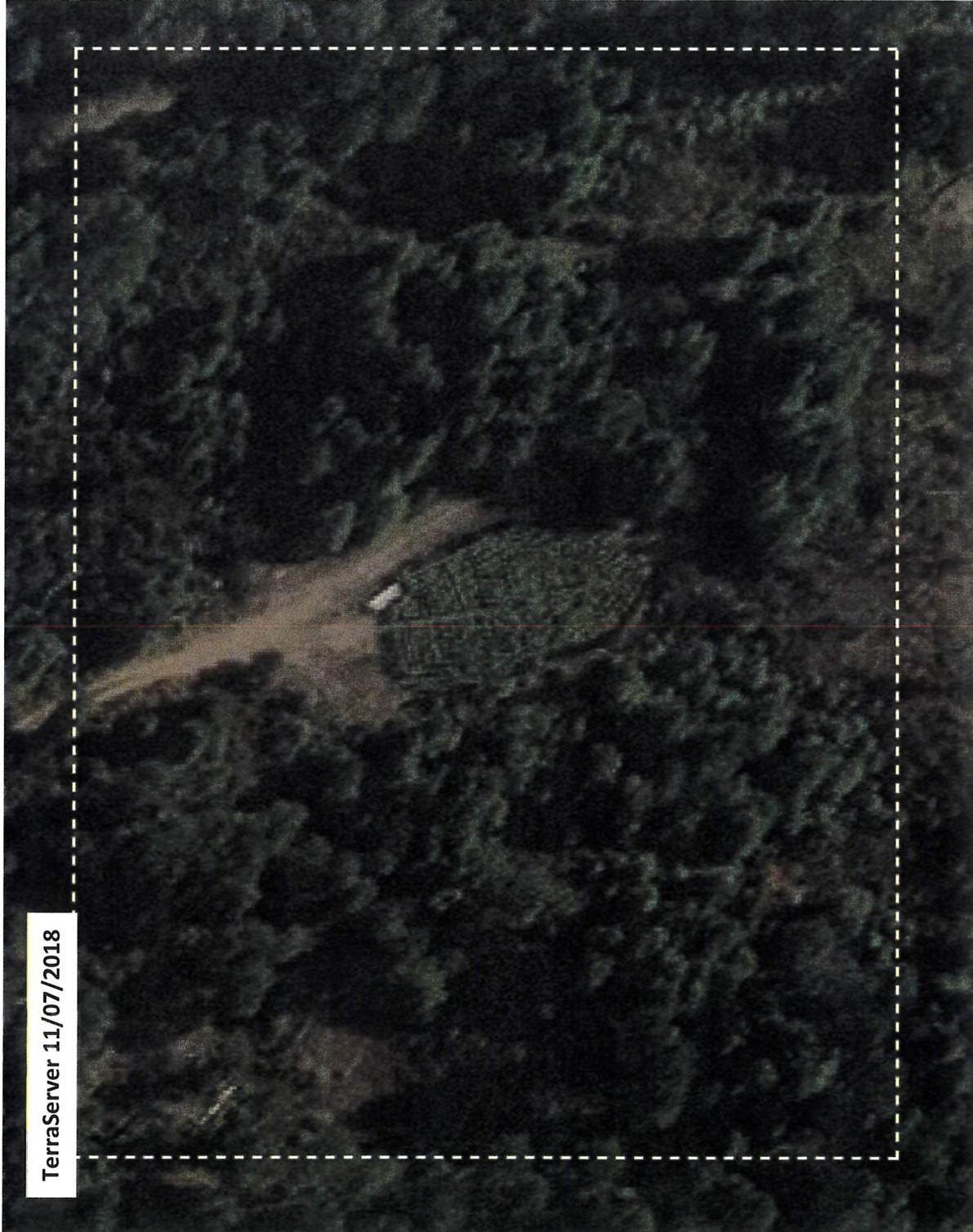
Roberto Cervantes  
State Water Resources Control Board  
[roberto.cervantes@waterboards.ca.gov](mailto:roberto.cervantes@waterboards.ca.gov)

Steven Santos and Robert Russell  
Humboldt County Planning and Building Department  
[sasantos@co.humboldt.ca.us](mailto:santos@co.humboldt.ca.us) and [rrussell@co.humboldt.ca.us](mailto:rrussell@co.humboldt.ca.us)

**ATTACHMENT F-1**

**Aerial Imagery of Humboldt Magic Life Collective Parcels**





TerraServer 11/07/2018

TerraServer 10/26/2015

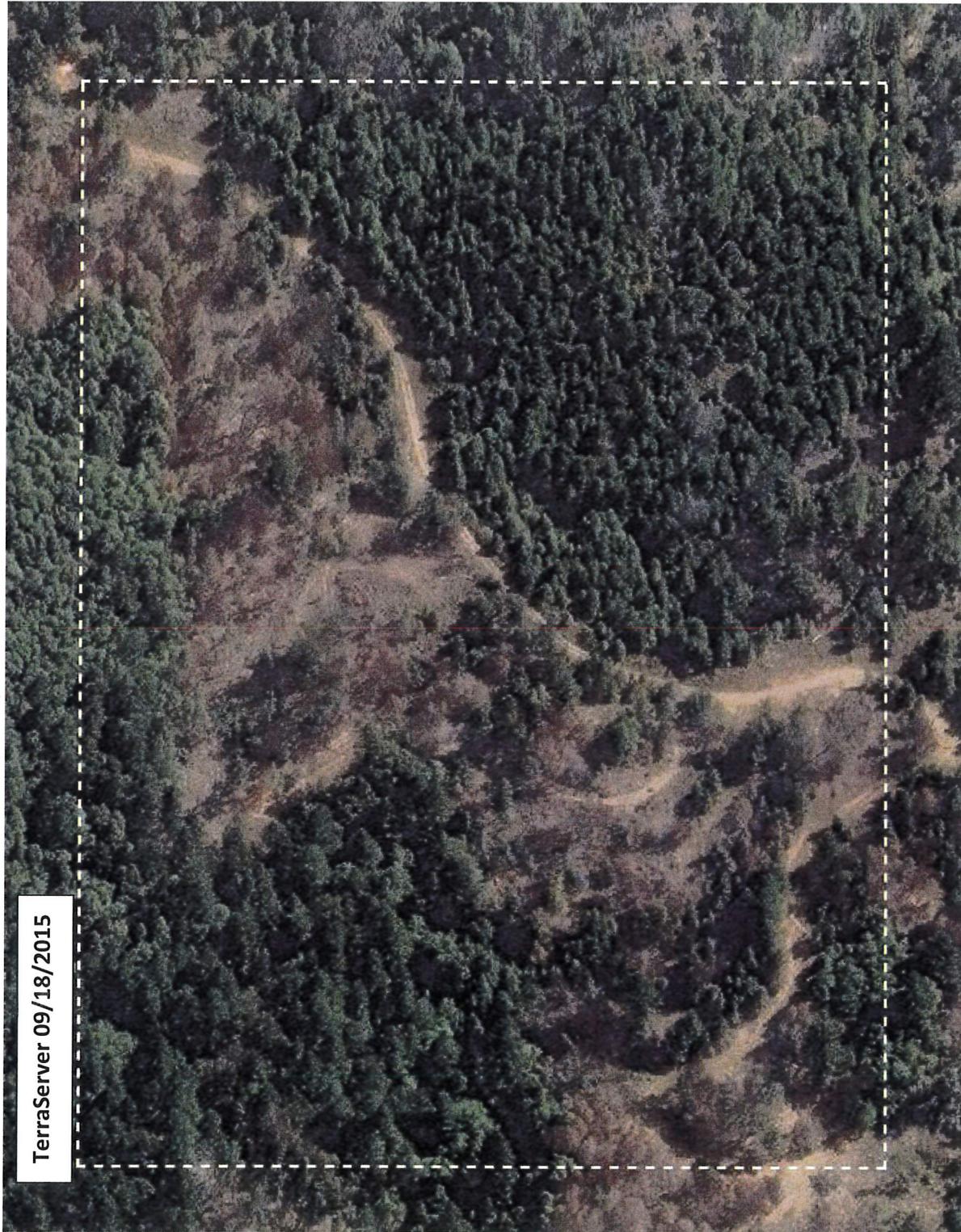


TerraServer 11/07/2018











**ATTACHMENT F-2**

**October 1, 2018 Application Deficiency and Violation Letter**



COUNTY OF HUMBOLDT  
PLANNING AND BUILDING DEPARTMENT  
CANNABIS SERVICES

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

October 1, 2018

Humboldt Magic Life Collective  
Attn.: Patrick Wilson  
PO Box 2577  
Redway, CA 95560

## NOTICE

Re:	Application Nos.	Key APN	Case Nos.	Application Nos.	Key APN	Case Nos.
	13203	215-141-002	CUP-16-1041	13207	220-092-008	CUP-16-1046
	13205	215-142-003	CUP-16-1043	13208	220-061-015	CUP-16-1049

You are receiving this Notice because you are either the applicant, land owner, or agent associated with the above referenced cannabis permit applications.

Our office has reviewed the submitted application materials for the referenced projects, and no evidence demonstrating the existence of cannabis cultivation prior to January 1, 2016 has been submitted to our office. Moreover, the occurrence of cannabis cultivation prior to January 1, 2016 cannot be observed in available aerial imagery (enclosed). As all of the subject parcels are zoned Timber Production Zone (TPZ), only premises with existing cultivation are eligible for consideration for a Zoning Clearance Certificate, Special Permit or Use Permit [Reference Humboldt County Section 314-55.4.8.2.2]. On the other hand, a review of aerial imagery does evidence the occurrence of unpermitted grading and cannabis cultivation in 2017.

Additionally, the filed applications do not meet the requirements of Humboldt County Code Sections (HCC) 312-5.2.1.3 or 314-55.4.9.10.b: all of the referenced applications were filed on December 30, 2016. Until the execution of the Grant Deed dated January 6, 2018, recorded as Recorder's Instrument 2017-001125 on January 18, 2017, fee title was held by Boyle Forests, LP, a California limited partnership. The written consent of the fee title owner Boyle Forests, LP, pursuant to HCC 312-5.2.1.3 and 314-55.4.9.10.b, did not accompany the application materials filed December 30, 2016, nor has it been filed as of the date of this letter.

To avoid application denial, you have an opportunity to submit clear and substantial evidence to the Planning and Building Department of prior cultivation activities prior to January 1, 2016 on the subject parcel. All documentation of pre-existing cultivation must be received no later than July 6, 2018.

To avoid application denial, you have an opportunity to submit all of the documentation listed below. This documentation must be received no later than November 1, 2018:

1. Clear and substantial evidence of prior cultivation activities prior to January 1, 2016 on the subject parcels; and

2. Owner's authorization meeting the requirements of HCC Sections 312-5.2.1.3 and 314-55.4.9.10.b from Boyle Forests, LP. Written consent from all parties who comprise the Boyle Forests, LP, is required.

Alternatively, you may request (in writing) that the applications be withdrawn and enter into a compliance agreement that specifies restoration of the sites and that cannabis cultivation shall cease.

Should items 1 and 2 not be submitted, and you contest the finding that the subject parcels are not eligible for commercial cannabis cultivation pursuant to HCC 314-55.4 et seq., the referenced projects will be scheduled for hearing before the Planning Commission for the next available date. The recommendation by staff will be for denial.

If you have any questions regarding this letter, please contact Steven Santos at the above address or at (707) 268-3749.

Sincerely,



Michelle Nielsen  
Senior Planner, Long Range Planning

C: Department of Fish and Wildlife

**ATTACHMENT F-3**

**August 8, 2017 CDFW Notice of Violation**



State of California – Natural Resources Agency  
**DEPARTMENT OF FISH AND WILDLIFE**  
 Region 1 - Northern  
 619 2nd Street  
 Eureka, CA 95501  
 (707) 441-2075  
[www.wildlife.ca.gov](http://www.wildlife.ca.gov)

**EDMUND G. BROWN, Jr., Governor**  
**CHARLTON H. BONHAM, Director**



August 8, 2017

Certified Mail:  
 #7017 0660 0000 0381 6719

Mr. Patrick J. Wilson, Mr. Nava Sanchez, and Mr. David Arellano  
 P.O. Box 2577  
 Redway, CA 95560

Subject: Notice of Violation of Fish and Game Code Sections 1602, 5650, and 5652 in  
 Conjunction with Marijuana Cultivation

Dear Mr. Wilson, Mr. Sanchez, and Mr. Arellano:

On July 6, 2017, Department of Fish and Wildlife (Department) staff visited your parcels (APN: 215-142-02, 215-142-03, 220-092-08, and 220-061-15) on Unnamed Tributaries to Redwood Creek near Briceland, CA. During this visit, Department staff observed the activities described below (Table 1), which are subject to Fish and Game Code (FGC) sections 1602, 5650, and 5652. Staff also observed active marijuana cultivation in conjunction with these activities.

Table 1. Violation location and description

Violation #	FGC Violation Type	Latitude *	Longitude *	Violation Description
1	5652	40.08655	-123.9036	Water pollution from placement of garbage (e.g., irrigation line, metal screen, plastic, and metal tank [3.5' diameter]) into waters of the state.
2	1602	40.0865	-123.9033	Unpermitted water diversion resulting in substantial diversion of natural flow from waters of the state.
3	5652	40.0865	-123.9033	Water pollution from abandonment of garbage (e.g., two gas powered water pumps) within 150 feet of the high water mark of the waters of the state.
4	1602	40.08623	-123.9030	Unpermitted stream crossing resulting in; (1) substantial obstruction of natural flow of a stream and (2) substantial change to bed and banks of a stream.
5	1602	40.08716	-123.9042	Unpermitted water diversion resulting in substantial diversion of natural flow from waters of the state.
6	1602	40.09117	-123.9112	Unpermitted stream crossing resulting in; (1) substantial obstruction of natural flow of a stream and (2) substantial change to bed and banks of a stream.
7	5650	40.09117	-123.9112	Water pollution from placement of sediment (a material deleterous to fish and wildlife) where it can pass into waters of the state.

*Conserving California's Wildlife Since 1870*

8	1602	40.0915	-123.9110	Unpermitted stream crossing resulting in; (1) substantial obstruction of natural flow of a stream and (2) substantial change to bed and banks of a stream.
9	5650	40.09153	-123.9110	Water pollution from placement of sediment (a material deleterous to fish and wildlife) where it can pass into waters of the state.
10	1602	40.0913	-123.9199	Unpermitted water diversion resulting in substantial diversion of natural flow from waters of the state.
* Units = decimal degrees. Datum = WGS 84.				

Fish and Game Code (FGC) section 1602 requires a person to submit a written notification to the Department before: 1) substantially diverting or obstructing the natural flow of a river, stream, or lake; 2) substantially changing the bed, channel, or bank of a river, stream, or lake; 3) using any material from the bed, channel, or bank of a river, stream, or lake; and/or 4) depositing or disposing of debris, waste, material containing crumbled, flaked, or ground pavement where it may pass into a river, stream, or lake. Hence, any person who engages in an activity subject to FGC section 1602 without first notifying the Department violates section 1602.

FGC sections 5650 and 5652 make it unlawful to pollute waters of the state. FGC section 5650 makes it unlawful to deposit in, permit to pass into, or place where it can pass into waters of the state any substance or material deleterious to fish, plant life, mammals, or bird life, including, but not limited to gasoline and oil, as well as sediment. FGC section 5652 makes it unlawful to deposit in, permit to pass into, or place where it can pass into waters of the state, or to abandon, dispose of, or throw away, within 150 feet of the high water mark of the waters of the state, any garbage, refuse, or waste, among other materials.

In the Department's view, notification under FGC section 1602 was required because the activities substantially altered the banks and obstructed an Unnamed Tributary to the Mad River. However, the Department was unable to locate a notification for these activities. In order to address these violations, you will need to immediately stop diverting water for cannabis cultivation.

A person who violates FGC sections 1602, 5650, and 5652 in conjunction with the cultivation or production of marijuana is subject to significant penalties or fines. Specifically, the Department may impose civil penalties administratively against any person found by the Department to have violated these FGC sections in connection with the production or cultivation of marijuana following a complaint and, if requested, a hearing.

The Department may request a maximum civil penalty of \$8,000 for each violation of FGC section 1602, and \$20,000 for each violation of FGC section 5650 or 5652. Each day the violation occurs or continues to occur constitutes a separate violation. (Fish &

Mr. Patrick J. Wilson, Mr. Nava Sanchez, and Mr. David Arellano  
August 8, 2017  
Page 3 of 4

G. Code, § 12025, subds. (b)(1)(A), (2); (e).) Also, the District Attorney or the Attorney General may enforce a violation of FGC section 1602 and FGC section 5650 civilly. Specifically, under FGC sections 1615 and 5650.1, a person who violates FGC section 1602 or 5650 is subject to a maximum civil penalty of \$25,000 for each violation. The District Attorney or the Attorney General may also enforce a violation of FGC sections 1602, 5650, and 5652 criminally. Under FGC section 12000, each violation is a misdemeanor.

As a first step to address this matter, the Department requests you contact Fish and Wildlife Warden Josh Zulliger at [josh.zulliger@wildlife.ca.gov](mailto:josh.zulliger@wildlife.ca.gov) or scientific staff at 707-441-5900 within 14 days of the date of this letter. The Department may propose certain actions to protect fish and wildlife resources that have been or could be affected by the activities described above, and may ask you to submit a written notification and fee for the activities. While the Department, District Attorney, or Attorney General may still decide to initiate an enforcement action against you if they determine these activities are in violation of FGC sections 1602, 5650, or 5652, we encourage you to respond to this notice so that we may better assess the activity and limit any damage to resources.

The Department appreciates your cooperation.

Sincerely,



Lieutenant Steve White  
Watershed Enforcement Team

cc: California Department of Fish and Wildlife  
Steve White, Josh Zulliger, Shane Embry, Scott Bauer, Laurie Harnsberger, Curt Babcock, Jeremy Valverde, David Manthorne  
[stev.white@wildlife.ca.gov](mailto:stev.white@wildlife.ca.gov), [josh.zulliger@wildlife.ca.gov](mailto:josh.zulliger@wildlife.ca.gov),  
[shane.embry@wildlife.ca.gov](mailto:shane.embry@wildlife.ca.gov), [scott.bauer@wildlife.ca.gov](mailto:scott.bauer@wildlife.ca.gov),  
[laurie.harnsberger@wildlife.ca.gov](mailto:laurie.harnsberger@wildlife.ca.gov), [curt.babcock@wildlife.ca.gov](mailto:curt.babcock@wildlife.ca.gov),  
[Jeremy.valverde@wildlife.ca.gov](mailto:Jeremy.valverde@wildlife.ca.gov), [david.manthorne@wildlife.ca.gov](mailto:david.manthorne@wildlife.ca.gov)

State Water Resources Control Board  
Taro Murano  
[taro.murano@waterboards.ca.gov](mailto:taro.murano@waterboards.ca.gov)

Northcoast Regional Water Quality Control Board  
Diana Henriouille-Henry and Adona White  
[diana.henriouille@waterboards.ca.gov](mailto:diana.henriouille@waterboards.ca.gov), [adona.white@waterboards.ca.gov](mailto:adona.white@waterboards.ca.gov)

Mr. Patrick J. Wilson, Mr. Nava Sanchez, and Mr. David Arellano  
August 8, 2017  
Page 4 of 4

Humboldt County Planning and Building Department  
Steven Santos, John Ford, Steve Werner, Michelle Nielsen, Robert Russell  
[santos@co.humboldt.ca.us](mailto:santos@co.humboldt.ca.us), [jford@co.humboldt.ca.us](mailto:jford@co.humboldt.ca.us),  
[swerner@co.humboldt.ca.us](mailto:swerner@co.humboldt.ca.us), [michelle.nielsen@co.humboldt.ca.us](mailto:michelle.nielsen@co.humboldt.ca.us),  
[russell@co.humboldt.ca.us](mailto:russell@co.humboldt.ca.us)

## ATTACHMENT G

### REQUIRED FINDINGS FOR PERMIT APPROVAL AND STAFF ANALYSIS

**Required Findings:** To approve this project, the Hearing Officer must determine that the applicant has submitted evidence in support of making **all** of the following required findings.

The County Zoning Ordinance, Sections 312-1.1.2 (Legal Lot Requirement) and 312-17.1 of the Humboldt County Code (Required Findings for All Discretionary Permits) specify the findings that are required to grant a Conditional Use Permit:

1. The proposed development is in conformance with the County General Plan;
2. The proposed development is consistent with the purposes of the existing zone in which the site is located;
3. The proposed development conforms with all applicable standards and requirements of these regulations;
4. The proposed development and conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare; or materially injurious to property or improvements in the vicinity;
5. The proposed development does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law (the midpoint of the density range specified in the plan designation) unless the following written findings are made supported by substantial evidence: 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; and
6. In addition, CEQA states that one of the following findings must be made prior to approval of any development which is subject to the regulations of CEQA. The proposed project either:
  - a. Is categorically or statutorily exempt; or
  - b. Has no substantial evidence that the proposed project will have a significant effect on the environment and a negative declaration has been prepared; or
  - c. Has had an environmental impact report (EIR) prepared and all significant environmental effects have been eliminated or substantially lessened, or the required findings in Section 15091 of the CEQA Guidelines have been made.

**Evidence Supporting the Required Findings:** To approve this proposed project, the Hearing Officer must determine that the applicant has submitted evidence in support of making **all** of the following required findings.

**1. The proposed development must be consistent with the General Plan; 2. Zoning Compliance; 4. Public Health, Safety and Welfare; and 5. Residential Density:**

All of the subject applications have been unresponsive to requests for information and/or direction to resolve outstanding violations of county code, and therefore there is no documentation of evidence supporting making these findings.

**3. Conforms with applicable standards and requirements of these regulations:**

In all of the cases presented in this report the applicants have violated County ordinance requirements and therefore the required findings for approval cannot be made. Specifically, all of these applications are not in compliance with Section 314-55.4.8.2.2 which states that existing cultivation may be permitted only when possible to bring them into compliance with all applicable development standards and to eliminate existing violations. This section also states that no expansion of the existing cultivation area shall be permitted.

Additionally, all of these cases are not consistent with section 314-55.4.8.1, which states that all commercial cannabis cultivation, processing, manufacture, or distribution of cannabis for medical use shall operate in compliance with this Section, as well as all applicable state and local laws. By expanding without approval they have violated the Humboldt County Code, and many of these applications have also violated various provisions of state law as described in the executive summary.

Further, many of these applications have violated the terms of the compliance agreement for the Zoning Clearance Certificate for Interim Permit which are grounds for cancellation of the interim permit and staff recommendation of denial per HCC §314-55.4.8.11.

"Where adequate evidence has been submitted demonstrating that a cultivation site existed prior to January 1, 2016, permit applications seeking authorization of commercial cannabis cultivation and ancillary activities at these sites shall be eligible to receive an interim permit, provided the application was determined to be complete for processing on or before July 14, 2017. Prior to issuance of any interim permit, the Department shall independently review evidence of prior cultivation and specify the size of pre-existing cultivation area (if any) based upon aerial and satellite imagery, or other substantial evidence. Approval of the interim permit is conditional and shall occur through issuance of a Zoning Clearance Certificate and written Compliance Agreement on forms provided by the County. Compliance agreements will specify permit restrictions, penalties, and commitments to complete the permit process and confine continued operation to existing areas only. **Violation of the compliance agreement shall be grounds for permit cancellation and disqualification of the property from future permitting.** 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 July 1, 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 anything except what is described in the compliance agreement, including but not limited to approval of 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

312-13 of these regulations. Applicants with pending applications where only minor additional information is needed for approval shall not be issued interim permits unless in the discretion of the Director reasons exist (not within control of the applicant) that the information cannot be provided prior to December 31st, 2017." (Emphasis added)

Due to the above the finding that these applications conform to the applicable standards and requirements of the Humboldt County regulations can not be made and the applications should therefore be denied.

**6. Environmental Impact:**

The recommended action is statutorily exempt from State environmental review per section 15270 (Projects Which Are Disapproved) of the CEQA Guidelines.