

Luther, Stephen

From: Luther, Stephen
Sent: Tuesday, November 10, 2020 2:57 PM
To: Karee
Cc: Johnson, Cliff; Ryan, Meghan
Subject: RE: Follow up on 11/6 meeting for French Ranch App 12860
Attachments: Slopes less than 15%.pdf; Zoning.pdf; impacted watershed.pdf

Hi Karee,

Thanks for the follow up. Based on my additional research, I have several important comments that effect the proposed project.

1. I'm showing the key APN through WebGIS and Assessor's office is 221-271-001 for the entire ~2,200 acre parcel, and records can be updated as such. Can you clarify what you mean by "all of the permits"? According to the October 2018 letter, there are 4 acres of new cultivation under 4 CUPs that are currently consolidated under App 12860. There were also 3 ZCC applications for 10K new each under Apps 12852, 12841, and 13310. The letter suggested consolidating the 3 ZCC applications into one CUP for new. As the Lot Line Adjustment created one single parcel, only one ZCCC application could be valid, and you may wish to withdraw all 3 applications for ZCCs to proceed with only App 12860 for the 4 CUPs.
2. The location you showed me for the proposed cultivation (a flat north of the juncture between Ettersburg Road, Wilder Ridge Road and Council Madrone Road) is zoned FR (Forestry Recreation) and is **not** an eligible zone for new cultivation under Ordinance 1.0. New cultivation under the CMMLUO must be on land zoned RA, U, FP, DF, AG, or AE. This applies specifically to parcels 320 acres or larger as well. I have attached maps of the zoning designation in that general area as well as the map overlay for slopes less than 15%. Areas that are both AE zone and have slopes less than 15% could be eligible for new cultivation under 1.0.
3. It is also possible to submit a Petition for a Zone Reclassification to the Board of Supervisors. The underlying general plan designation in the specified area is AG (Agricultural Grazing) and T (Timberland), both of which are compatible with an AG or AE zone. This would require demonstrating the zone reclassification is in the public interest.
4. Supervising Planner Cliff Johnson is certain the impacted watershed moratorium does not apply retroactively to applications for new cultivation submitted under 1.0. Attached also for your reference is a map overlay of the impacted watersheds. Given the protected watershed status of the proposed location, it would be challenging to argue to the Board that the zoning change for new cultivation is in the public interest.
5. Under Ordinance 2.0 (CCLUO), the eligible zones are AE, AG, FR, and U. The existing applications could be switched over to be considered under the CCLUO with no additional application or deposit. Additional standards that would apply include:
 - a. Moratorium on new cultivation in impacted watershed areas
 - b. Energy would need to be sourced from a 100% renewable source.
 - c. A road system analysis of all private roads would need to provide substantial evidence to support a finding that the cultivation sites will not adversely affect the public health, safety, and welfare because the roads as they exist or are improved provide fire safe road access, capacity to support anticipated traffic volumes, maintain water quality objectives, and protect sensitive habitats.
 - d. Compliance with the biological mitigation measures of the Final EIR for the CCLUO.

Please let me know if you have questions about any of the above information and I will do my best to get you an answer. I think a first step at this point will be getting a viable project proposal based on the above information.

Sincerely,



Stephen Luther
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From: Karee <karee@goheadwaters.com>
Sent: Monday, November 09, 2020 2:40 PM
To: Luther, Stephen <SLuther@co.humboldt.ca.us>
Subject: Follow up on 11/6 meeting

Good afternoon Stevie,

I just wanted to follow up on a few questions from our meeting on Friday.

1. Are all of the permits aggregated under 12860 for the French Ranch Project, parcel 108-301-001?
2. Can we please get a bid from the county for an initial study?
3. Are we held to the original ordinance when it comes to the impacted watershed and road requirements?

I will begin to start on an updated Operations plan and Site Map once I hear back. Thank you and I look forward to hearing from you.

Best,



Karee Toyama
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