

707-825-1014(phone)
707-825-1769 (fax)
Federal ID #68-0364776
DUNS #960456275
CAGE Code #3BEMO



8(a), HubZone, and DBE Certified
Heavy Civil Engineering
Contractor (715577) since 1987
DIR# 1000002994
DBE# 12769
SBE#18976

57 Alder Grove Road
Arcata, CA 95521

www.mcculloughconstructioninc.com

February 8, 2016

County of Humboldt Planning Division
John Ford, Planning Director
3015 H Street
Eureka, CA 95501



RE: Humboldt Gardens Collective- Application 10232,
APN 509-011-004-000
Case No. SP16-009
Property Owners: Kerry and Susan Rasmussen

Dear Mr. Ford,

My husband (Hugh "Macky" McCullough Jr.) and I currently own a home located at 2220 Hewitt Road in McKinleyville. We have lived in McKinleyville for 18 years and at our current residence for the last 12 years. We are within close proximity of the proposed above referenced parcel. We opposed the approval of this project to grant a Special Permit in order to cultivate marijuana.

As close residents to the subject property we should have been notified when the Planning Department was considering this special permit as it directly affects us. Please consider this letter a formal request to receive notification for any change in land use for this and any property in McKinleyville. As indicated in the Grand Jury report findings in 2011, the Planning Department was in violation of not informing agencies as well as responding to requests. I have found this to be true in 2017 as well. I left messages and emails requesting information from the Planning Department and did not receive a response. In addition, I believe the Planning Department, in particular the Zoning Administrator, is leaving out important agencies, such as the Coastal Commission, Regional Water Board and the Department of Fish and Game in the review of this application for a Special Permit on this parcel as it is presently zoned Wetland and Streamside Management and their input is critical. I am attaching the Humboldt County Performance Standards for all CMMLUO Cultivation and Processing Operations for your review. There are many standards that have not been followed. One example is in section (d), as the required information has not been verified by the outside agencies and reliance is only on what is submitted by the applicant.

There is a direct environmental and socio economic impact to the property owners adjacent to this proposed marijuana cultivation operation and therefore I am requesting that there is an Environmental Impact Report (EIR) completed before approving the special permit for cultivation.

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As you are aware, the purpose of CEQA is to:

- Disclose to the public the significant environmental effects of a proposed discretionary project, through the preparation of an Initial Study (IS), Negative Declaration (ND), or Environmental Impact Report (EIR).
- Prevent or minimize damage to the environment through development of project alternatives, mitigation measures, and mitigation monitoring.
- Disclose to the public the agency decision making process utilized to approve discretionary projects through findings and statements of overriding consideration.
- Enhance public participation in the environmental review process through scoping meetings, public notice, public review, hearings, and the judicial process.
- Improve interagency coordination through early consultations, scoping meetings, notices of preparation, and State Clearinghouse review.

Completing an EIR would provide you and the public with the information needed before approving such a permit on land that has a direct impact to the waters that flow into the Mad River.

While speaking to several agencies, who were sent the information on this project, it was evident that many were not aware of the project because they had not received the information. Some agencies were not provided with the applicant's hand-drawn map as well as not aware that the timeline was so short in order to respond. In fact, the Department of Human Services is making a site visit on the same day their recommendation is due back to the Planning Department. Several agencies weren't sure whom in their agency received the notification and therefore the Planning Department may not receive feed back from these agencies as they themselves don't know who is responsible for responding to the new "special permits" for marijuana cultivation.

This property is currently zoned as a Streamside Management Area and Wetland. The Regional Water Board should have been notified and not excluded as their input, as well as the Department of Fish and Game, would be relevant since the applicant and owner has already been operating an illegal grow on site. It has been noted by the adjacent property owners that the stream was once abundant with water and now does not flow well. It bears investigating and should be done so before such a commercial production is approved.

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Environmental impact reports (EIRs) are to be used to provide full public disclosure of the environmental impacts of a proposed project. This project is not a "minor zoning change" in which it would be exempt from an EIR as the project involves growing marijuana, which has the potential to harm the wetland and Class I stream on the property. The Zoning Administrator indicated that this project is "CEQA exempt." A project is exempt if it includes, "Minor modifications to existing structures including addition of a second story to single or multi-family residences." This commercial marijuana growing operation does not meet that criteria.

In addition, the safety risk associated with this commercial cultivation operation and lack of egress and ingress for fire personnel and equipment is a real concern. It poses a real risk to our properties and the lives of our families that are adjacent to this parcel. The applicant indicated that the fire hydrant is accessible and is 50' from their property but that is inaccurate. The fire hydrant is located in the Hewitt Ranch Subdivision, is above another parcel and the correct distance indicated on the drawing is not correct. Once again, you are relying on the applicant to provide accurate information and the agencies assigned to sign off on the permit and do not verify the information provided is accurate.

Due to the concerns stated above and the intent of the applicant to increase current production on this site, which may include outdoor growing in the future, the Class I stream flowing through the property, and the wetland designation, I am requesting that the Planning Department deny the special permit request for the cultivation of marijuana on this parcel until an EIR can be conducted to evaluate the current and proposed operational impact on the environment. Finally, the property owner should be required to ensure that the property has safe ingress and egress for the fire department (personnel and equipment), so that they can safely access the site and protect and defend our families and property.

Respectfully,

A handwritten signature in blue ink, appearing to read 'Dena McCullough', is written over a horizontal line.

Dena McCullough
Vice President
McCullough Construction Inc.

Cc: Board of Supervisors, California Department of Fish and Game, Elanah Alder, and North Coast Regional Water Board

55.4.11 Performance Standards for all CMMLUO Cultivation and Processing Operations

- a) Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws, except if upon inspection for the initial application, violations of any building or other health, safety, or other state or county statute, ordinance, or regulation are discovered, compliance with a written approved compliance agreement signed by the applicant and the relevant enforcement agency or agencies, to abate or cure violations at the earliest feasible date, but in no event no more than two (2) years of date of issuance of a provisional clearance or permit. Applicants shall provide plans for curing such violations to the Planning & Building Department within one (1) year of issuance of the provisional clearance or permit. Once the violations are cured, the permit will no longer be provisional. The violations subject to a compliance agreement pursuant to this paragraph shall be related to land conversion, on-site grading, electricity usage, water usage, agricultural discharges, and similar matters and limited to those improvements, facilities, buildings and sites that are used for commercial cannabis activity and shall not extend to personal residences or other structures that are not used for commercial cannabis activity. The terms of the compliance agreement may be appealed pursuant to section 55.4.13 below, except the Planning Commission, and not the Zoning Administrator, shall act as Hearing Officer, and shall make a determination within thirty (30) days of the conclusion of the hearing.
- b) Possession of a current, valid required license, or licenses, issued by any agency of the State of California in accordance with the MMRSA, and regulations promulgated thereunder, as soon as such licenses become available.
- c) Compliance with all statutes, regulations and requirements of the California State Water Resources Control Board, Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration.
- * d) The area of cannabis cultivation shall be located as shown on the application site plan, set back at least 30 feet from any property line, and 600 feet from any School, School Bus Stop, Church or other Place of Religious Worship, Public Park, or Tribal Cultural Resource. The minimum setback required from property lines or adjacent uses may be waived or reduced with the express consent of the adjacent property owner and occupant. Cultivation areas and associated facilities shall observe all required setbacks from watercourses, wetlands and Environmentally Sensitive Habitat Areas, as described within sections 313-33 and 313-38 of the code, as well as applicable resource protection policies and standards of the Local Coastal Plan. For purposes of this section, where enhanced, reduced, or modified watercourse or wetland setbacks have been agreed to by the operator and RWQCB under enrollment pursuant to NCRWQB Order No. 2015-0023 and/or preparation of a Water Resources Protection Plan, these may control and supersede any setback applied pursuant to 314-61.1. Verified
- e) Maintain enrollment in Tier 1, 2 or 3, certification with the North Coast Regional Water Quality Control Board Order No. 2015-0023, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
- f) For cultivation areas for which no enrollment pursuant to NCRWQB Order No. 2015-0023 is required by that Order, compliance with the standard conditions applicable to all Tier 1 dischargers. Verified

- * g) Comply with the terms of any applicable Streambed Alteration Permit obtained from the Department of Fish & Wildlife.
- h) Comply with the terms of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (CAL-FIRE).
- i) Consent to an annual on-site compliance inspection, with at least 24 hours prior notice, to be conducted by appropriate County officials during regular business hours (Monday – Friday, 9:00 am – 5:00 pm, excluding holidays). *After or prior to?*
- j) Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide. Hazardous materials and wastes from agricultural businesses are regulated by the Humboldt County Environmental Health Division, that administers the Hazardous Materials program as one of the Certified Unified Program Agencies (CUPA). This includes the application, inspection, enforcement, and reporting under the program requirements and standards set by the California Environmental Protection Agency (CalEPA). Any uses of pesticide products shall be in compliance with the State pesticide laws and regulations enforced by the County Agricultural Commissioner's Office and the California Department of Pesticide Regulation. *Not Verified prior to Approval of SP.*
- k) Pay all applicable application and annual inspection fees.
- l) Where surface water diversion provides any part of the water supply for irrigation of cannabis cultivation, the applicant shall either: 1) consent to forebear from any such diversion during the period from May 15th to October 31st of each year and establish on-site water storage for retention of wet season flows sufficient to provide adequate irrigation water for the size of the area to be cultivated, or 2) submit a water management plan prepared by a qualified person such as a licensed engineer, hydrologist, or similar qualified professional, that establishes minimum water storage and forbearance period, if required, based upon local site conditions, or 3) obtain approval from the RWQCB through enrollment pursuant to NCRWQB Order No. 2015-0023 and/or preparation of a Water Resources Protection Plan.
- m) Water is to be sourced locally (on-site) and trucked water shall not be allowed, except for emergencies. For purposes of this provision, "emergency" is defined as: "a sudden, unexpected occurrence demanding immediate action."
- n) Comply with any special conditions applicable to that permit or parcel which may be imposed as a condition of any Special Permit or Use Permit. *What are the Special Conditions?*
- o) The noise produced by a generator used for cannabis cultivation shall not be audible by humans from neighboring residences. The decibel level for generators at the property line shall be no more than 60 decibels. Where applicable, sound levels must also show that they will not result in the harassment of Marbled Murrelet or Spotted Owl species, when generator use is to occur in the vicinity of potential habitat. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service, and further consultation where necessary.
- p) Storage of Fuel. Fuel shall be stored and handled in compliance with applicable state and local laws and regulations, and in such a way that no spillage occurs. *- Verified?*

Performance Standards for Cultivation and Processing Activities:

- q) Pursuant to the MMRSA, Health and Safety Code section 19322(a)(9), an applicant seeking a cultivation license shall “provide a statement declaring the applicant is an ‘agricultural employer,’ as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 commencing with Section 1140) of Division 2 of the Labor Code), to the extent not prohibited by law.” *Evidence of a license?*
- r) Cultivators shall comply with all applicable federal, state, and local laws and regulations governing California Agricultural Employers, which may include: federal and state wage and hour laws, CAL/OSHA, OSHA, California Agricultural Labor Relations Act, and the Humboldt County Code (including the Building Code). *Verification that buildings are compliant.*
- s) Cultivators engaged in processing shall comply with the following Processing Practices:
- Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.
 - Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
 - Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.
 - Employees must wash hands sufficiently when handling cannabis or use gloves.
- t) All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:
- Cultivation operations and processing operations must implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:
 - Emergency action response planning as necessary;
 - Employee accident reporting and investigation policies;
 - Fire prevention;
 - Hazard communication policies, including maintenance of material safety data sheets (MSDS);
 - Materials handling policies;
 - Job hazard analyses; and
 - Personal protective equipment policies, including respiratory protection.
 - Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
 - Operation manager contacts;
 - Emergency responder contacts;
 - Poison control contacts.
 - At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations. Plumbing facilities and water source must be capable of handling increased usage without adverse consequences to neighboring properties or the environment.
 - On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.

- u) All cultivators shall, at the time of the application for a cultivation permit, include a Processing Plan with all of the following:

- where is this information?*
- i. Summary of Processing Practices.
 - ii. Description of location where processing will occur.
 - iii. Estimated number of employees, if any.
 - iv. Summary of Employee Safety Practices.
 - v. Description of toilet and handwashing facilities.
 - vi. Description of plumbing and/or septic system and whether or not the system is capable of handling increased usage.
 - vii. Description of source of drinking water for employees.
 - viii. Description of increased road use resulting from processing and a plan to minimize that impact.
 - ix. Description of on-site housing, if any.

Performance Standards for Mixed-Light Cultivation:

- Verified?*
- a) Those cultivators using artificial lighting for mixed-light cultivation shall shield greenhouses so that little to no light escapes. Light shall not escape at a level that is visible from neighboring properties between sunset and sunrise.
 - b) The light source should comply with the International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1, and be designed to regulate light spillage onto neighboring properties resulting from backlight, uplight, or glare (BUG). Should the Humboldt County Planning Division receive complaints that the lighting is out of alignment or not complying with these standards, within ten (10) working days of receiving written notification that a complaint has been filed, the applicant shall submit written verification that the lights' shielding and alignment has been repaired, inspected and corrected as necessary.



**HUMBOLDT COUNTY
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION
3015 H STREET, EUREKA, CA 95501 ~ PHONE (707) 445-7541**

1/25/2017

PROJECT REFERRAL TO: McKinleyville School District

Project Referred To The Following Agencies:

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, County Counsel, CalFire, Northwest Information Center, McKinleyville Services District Community Services District, McKinleyville School District, District Attorney, Ag Commissioner, Arcata Fire Department Fire Protection District, Sheriff's Department

Applicant Name Humboldt Gardens Collective **Key Parcel Number** 509-011-004-000

Application (APPS#) 10232 **Assigned Planner** Elanah Adler (707) 268-3736 **Case Number(s)** SP16-009

Please review the above project and provide comments with any recommended conditions of approval. To help us log your response accurately, please include a copy of this form with your correspondence.

Questions concerning this project may be directed to the assigned planner for this project between 8:30am and 5:30pm Monday through Friday.

County Zoning Ordinance allows up to 15 calendar days for a response. If no response or extension request is received by the response date, processing will proceed as proposed.

☐ If this box is checked, please return large format maps with your response.

Return Response No Later Than 2/9/2017 Planning Commission Clerk
County of Humboldt Planning and Building Department
3015 H Street
Eureka, CA 95501
E-mail: PlanningClerk@co.humboldt.ca.us **Fax:** (707) 268-3792

We have reviewed the above application and recommend the following (please check one):

- ☐ Recommend Approval. The Department has no comment at this time.
- ☐ Recommend Conditional Approval. Suggested Conditions Attached.
- ☐ Applicant needs to submit additional information. List of items attached.
- ☐ Recommend Denial. Attach reasons for recommended denial.
- ☐ Other Comments: _____
-

DATE: _____

PRINT NAME: _____



HUMBOLDT COUNTY
PLANNING AND BUILDING DEPARTMENT - PLANNING DIVISION
3015 H STREET, EUREKA, CA 95501 - PHONE (707) 445-7541

PROJECT TRANSMITTAL

APPLICANT Humboldt Gardens Collective **KEY PARCEL** 509-011-004-000 **McKinleyville Area** **DATE** 1/23/2017 **CONTACT** Elanah Adler **APPS#** 10232

PROJECT INFORMATION

SUBJECT Special Permit

CASE NUMBERS SP16-009

PROJECT DESCRIPTION

A Special Permit for an indoor cultivation operation, consisting of approximately 1,920 sq ft. The project applicant currently leases the buildings used for cultivation from the property owner, which include a 1,200 sq ft storage building "Suite B", a 160 sq ft shed, and a 560 sq ft barn "Suite C". Additionally, the applicant leases 1 acre for access and parking as well as for potential future development of greenhouses and outbuildings (to be proposed under a separate permit, if future permitting allows). The McKinleyville Community Services District provides the source of water for the cultivation site. Pacific Gas and Electric provides electrical service, which the applicant has enrolled in the Solar Choice for Business, to purchase 100% of the power from solar developers. Electrical service is currently served by an existing PGE 200 amp service to the property, with underground cables providing a 125 amp subpanel to the barn and a 40 amp subpanel to the shed. The applicant is currently working with PG&E to permit and upgrade the electrical service which will provide a dedicated 200 amp service to the barn and shed. It is estimated that the cultivation facility will use 10,000 KWH per month.

PROJECT LOCATION

The project is located in Humboldt County, in the McKinleyville area, at the terminus of Jensen Drive, approximately 0.28 miles northeast from the intersection of North Bank Road and Jensen Drive, on the property known as 835 Jensen Drive.

PRESENT PLAN DESIGNATIONS

Agricultural Suburban (AS), McKinleyville Community Plan (MCCP),
Density: 5 to 2.5 acres per dwelling unit, Slope Stability: Low
Instability (1)

PRESENT ZONING

(AG-WR) Agriculture General (AG), Streamside Management Areas
and Wetlands (WR)

KEY PARCEL NUMBER 509-011-004-000

ADDITIONAL PARCEL #S

APPLICANT INFORMATION		OWNER INFORMATION		AGENT INFORMATION	
Name	Humboldt Gardens Collective	Name	Rasmussen Kerry & Susan S	Name	
Address 1	Julian Montoya	Address1	835 Jensen Dr	Address1	
Address 2	1862 Fickle Hill Rd.	Address2		Address2	
City	Arcata State CA Zip 95521	City	McKinleyville State CA Zip 95519	City	State Zip
Phone	707-407-7228 E-Mail julz@humboldtgardens.com	Phone	E-Mail	Phone	E-Mail

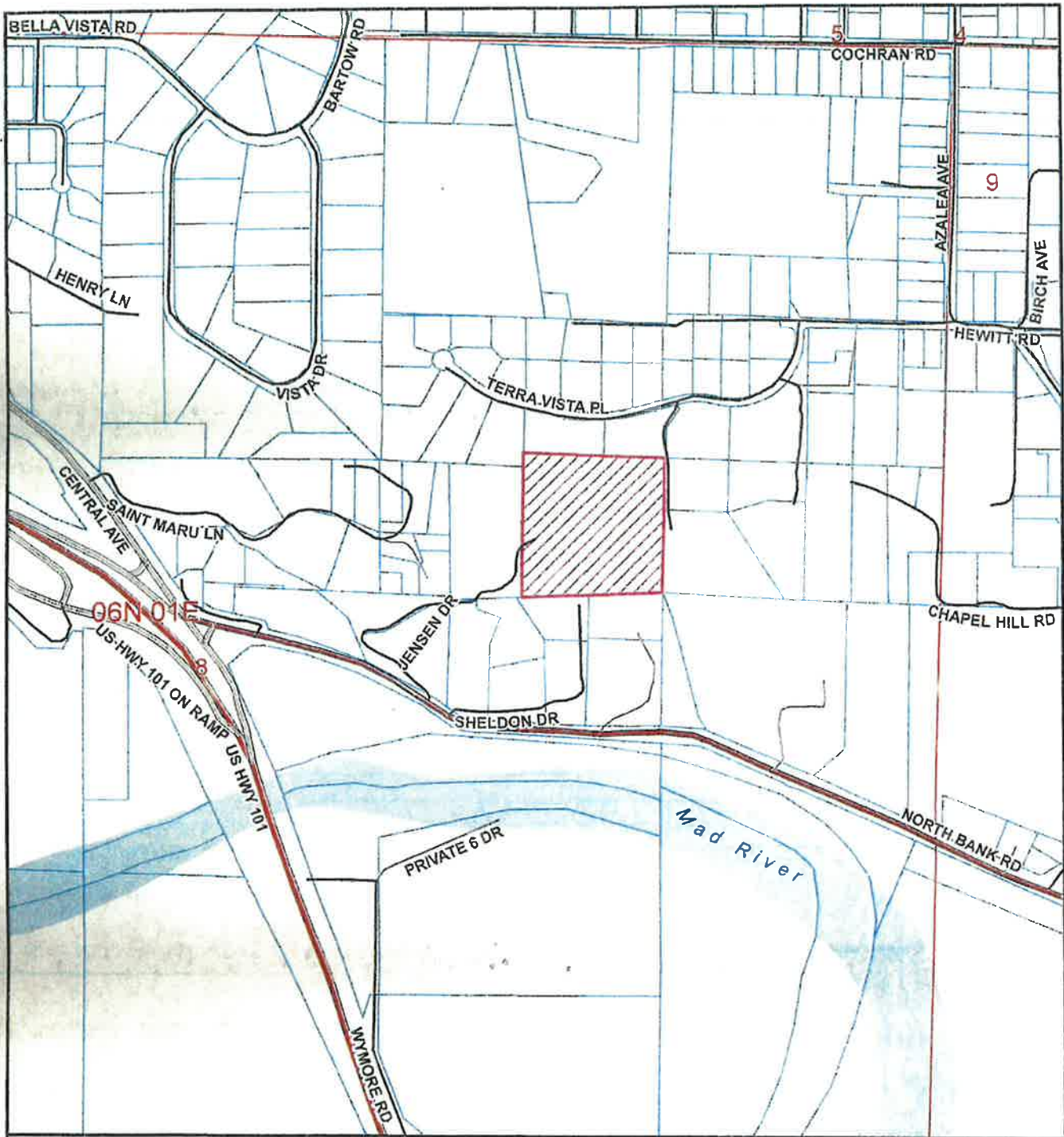
ADDITIONAL PROJECT INFORMATION

ADDITIONAL OWNERS

Empty.

[Empty](#) [Add New Owner](#) [Print](#) [Previous](#) [Next](#) [List](#) [All](#) [Search Table](#)

DECISION MAKER	Zoning Administrator
ENVIRONMENTAL REVIEW REQUIRED?	No
CEQA EXEMPTION SECTION	15301-Existing Facilities
MAJOR ISSUES	None
STATE APPEAL STATUS	Project is NOT appealable to the California Coastal Commission



Project Area = 


LOCATION MAP
PROPOSED MONTOKA
SPECIAL PERMIT
MCKINLEYVILLE AREA
SP-16-009

APN: 509-011-004
T06N R01E S08 HB&M (Arcata North)

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

0 250 500 750
 Feet



Project Area = 

AERIAL MAP

PROPOSED MONTOYA
SPECIAL PERMIT
MCKINLEYVILLE AREA
SP-16-009

APN: 509-011-004

T06N R01E S08 HB&M (Arcata North)

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



0 250 Feet



509-01

PTN NE1/4, SEC.8, T6N, R1E, H.B. & M.

ASSESSOR'S PARCEL MAP
1. THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSES ONLY.
2. NO WARRANTY IS MADE FOR
THE ACCURACY OF THE DATA SHOWN
HEREON.
3. OWNERS ARE ADVISED THAT THE
COUNTY WILL NOT BE RESPONSIBLE
FOR ANY LOSS OF DATA OR
DAMAGE TO THE MAP.

PM 140 of PM Bk. 2, Pg. 47
PM 1388 of PM Bk. 12, Pg. 87
RS Bk. 4, Pg. 88
RS Bk. 12, Pg. 105
RS Bk. 13, Pg. 88
RS Bk. 21, Pg. 95-100
RS Bk. 22, Pg. 121-124
Tr. 509 Bk. 25 of Maps, Pg. 117-113
Humboldt Sub. A, Unit 1

Tr. 473 Bk. 21 of Maps, Pg. 144-145
Humboldt Sub. A, Unit 3
Tr. 529 Bk. 22 of Maps, Pg. 145-148
Humboldt Sub. A, Unit 2
RS Bk. 31 of surveys, Pg. 18
RS Bk. 32 of surveys, Pg. 82-83
RS Bk. 33 of surveys, Pg. 102



NOTE - Assessor's Block Numbers Shown in Ellipses
Assessor's Parcel Numbers Shown in Circles.

Assessor's Map Bk. 509, Pg. 01
County of Humboldt, CA.

Project Area = 

ASSESSOR PARCEL MAP

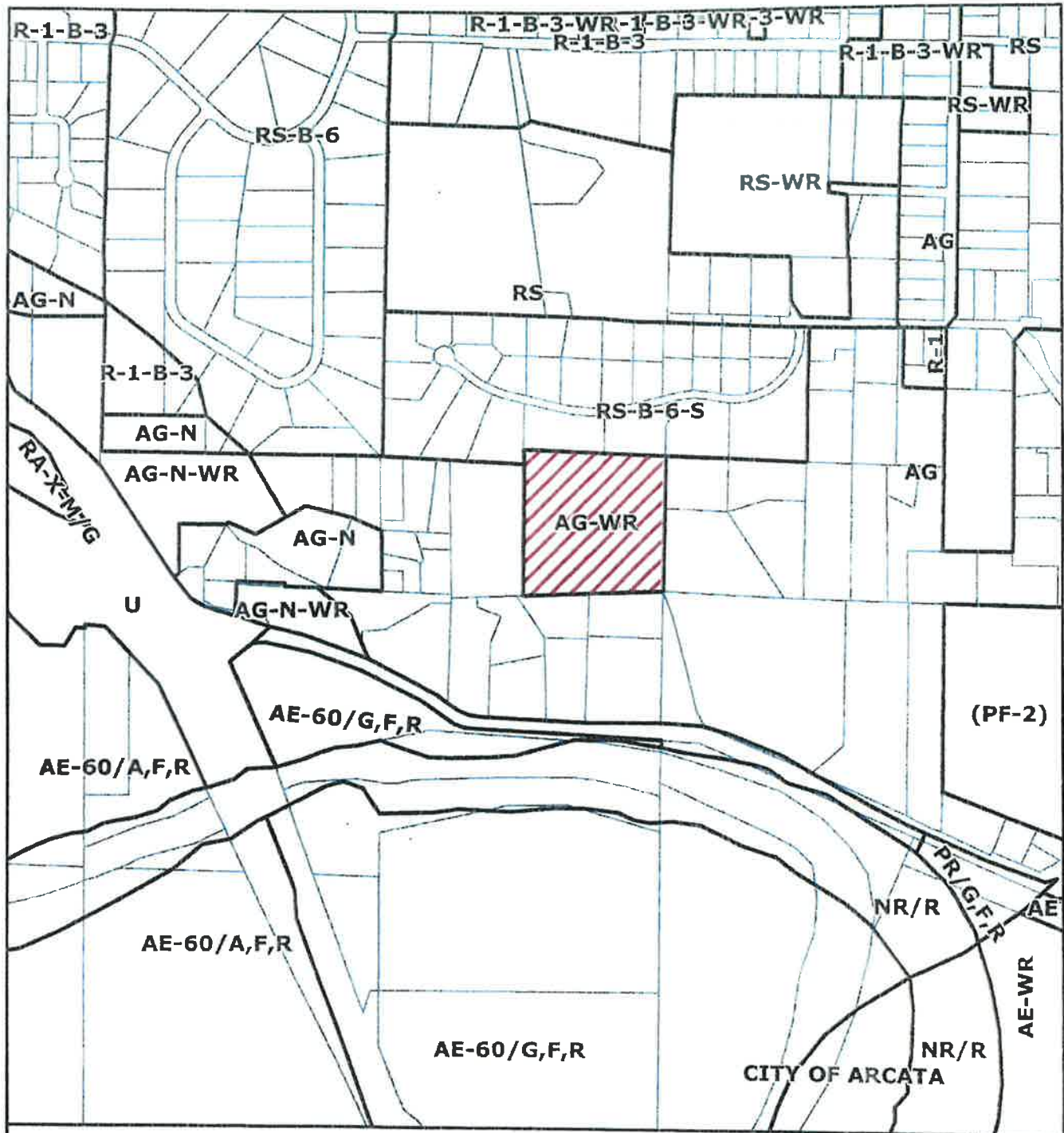
PROPOSED MONTROYA
SPECIAL PERMIT
MCKINLEYVILLE AREA
SP-16-009

APN: 509-011-004

T06N R01E S08 HB&M (Arcata North)

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MAP NOT TO SCALE



Project Area = 

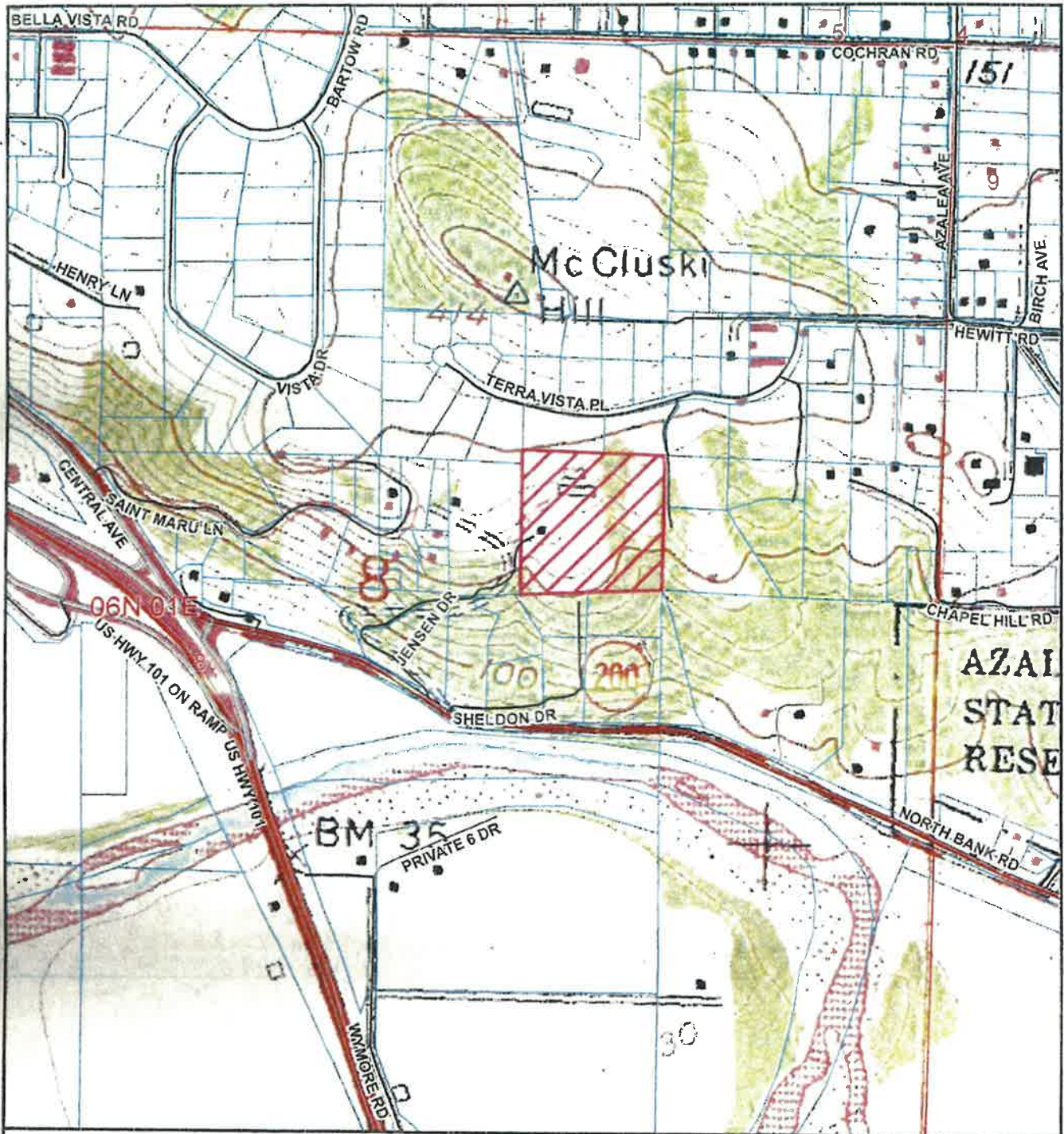
ZONING MAP
PROPOSED MONTOYA
SPECIAL PERMIT
MCKINLEYVILLE AREA
SP-16-009
APN: 509-011-004

T06N R01E S08 HB&M (Arcata North)

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



0 250 500 750
 Feet



Project Area = 

TOPO MAP

PROPOSED MONTOYA
SPECIAL PERMIT
MCKINLEYVILLE AREA
SP-16-009

APN: 509-011-004

T06N R01E S08 HB&M (Arcata North)

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

0 250 500 750
Feet

509-011-060

• Fine Hydrant 50'

656

509-011-060

509-011-003

Jensen Dr.

670'

Drive way

Leach
Field

Public Water

Existing
Septic
Tank

Existing House Suite A

Reserve Field

~~5090 17004~~

← $\frac{20015}{10\%}$

15-

350-

Proposed
Change of Use
to Commercial ribbon
cultivation
(560 s.f.)

AP# 509011004
Kerry Rasmussen
835 Jensen Dr.
McKinleyville, CA 95599
541-604-0967

Natural perennial stream

HIDDEN POND TN

509-011-064

-No Proposed Grading

648 - Not to Scale

50 gallon Potable

- No off site residence within 300 feet of cultivation site

509-011-065

-No schools, bus stops, places of worship, public parks, Tribal Cultural Resources, within 1000 feet of cultivation site.

507-281-034

LSA 7-101-005