



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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Phone: (707)445-7541 Fax: (707) 268-3792

Hearing Date: July 11, 2019

To: Humboldt County Planning Commission

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

Subject: **Pacific Cannabis Growers Inc. / California Cannabis Growers Network Inc.**
Application Numbers 11428 / 13884
Case Number ZCC 16-135 / ZCC 16-136
Assessor's Parcel Number 202-171-017

Table of Contents	Page
Agenda Item Transmittal	3
Recommended Action and Executive Summary	4
Draft Resolutions	8
Maps	
Zoning Map	12
Aerial Maps	13
Attachments	
Attachment 1: October 6, 2017 TerraServer Image of Full Sun Cultivation	14
Attachment 2: August 31, 2017 Inspection Summary	16
Attachment 3: September 29, 2017 Letter from Applicant	20
Attachment 4: June 8, 2018 Planet Image of Constructed Greenhouses	22
Attachment 5: June 27, 2018 Email from Neighbor 1	24
Attachment 6: August 8, 2018 Letter from Neighbor 2	27
Attachment 7: October 2, 2018 Email Chain from Neighbor 3	31
Attachment 8: October 24, 2018 Email from Neighbor 1	35
Attachment 9: October 30, 2018 Letter from Department to Applicant	37
Attachment 10: November 10, 2018 Email from Neighbor 1	39
Attachment 11: November 13, 2018 Response from Applicant to Oct 30 Letter	41
Attachment 12: November 26, 2018 Letter from Department to Applicant	43
Attachment 13: December 7, 2018 Email from Applicant	45
Attachment 14: December 7, 2018 Response from Applicant to Nov 26 Letter	47
Attachment 15: January 10, 2019 Inspection Summary Memo	49
Attachment 16: March 19, 2019 Inspection Summary Email	53
Attachment 17: March 29, 2019 Email from Neighbor 1	55
Attachment 18: March 29, 2019 Photo	57
Attachment 19: March 29, 2019 Photo	59

Attachment 20: April 23, 2019 Email to and Response from Applicant	61
Attachment 21: June 11, 2019 Email from Neighbor 1	63
Attachment 22: June 11, 2019 Photo	66
Attachment 23: June 11, 2019 Photo	68
Attachment 24: June 14, 2019 Complaint Form	70
Attachment 25: June 14, 2019 Complaint Form	72
Attachment 26: June 21, 2019 Complaint Form	74
Attachment 27: June 21, 2019 Complaint Form	76
Attachment 28: June 21, 2019 Complaint Form	78
Attachment 29: June 22, 2019 Email from Neighbor 1	80
Attachment 30: June 22, 2019 Photo	84
Attachment 31: June 22, 2019 Photo	86
Attachment 32: June 25, 2019 Email from Neighbor 3	88
Attachment 33: Notice of Public Hearing for ZCC Expiration	90
Attachment 34: June 26, 2019 Email from Applicant	93
Attachment 35: 11428 Staff Report ZCC 16-135	95
Attachment 36: 13884 Staff Report ZCC 16-136	104

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

AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
July 11, 2019	Zoning Clearance Certificates	Steven A. Santos

Project Description Two Zoning Clearance Certificates to be considered for expiration. Application 11428 is a Zoning Clearance Certificate for 10,000 square feet of new mixed light cannabis cultivation. Application 13884 is an RRR Zoning Clearance Certificate for 19,820 of new mixed light cannabis cultivation. The proposed project is located on Assessor's Parcel Number 202-171-017, which is approximately 5 acres in area.

Project Location: The project site is located in Humboldt County, in the Fortuna area, on the east and west sides of Pampas Lane, approximately 1.05 miles north from the intersection of Rohnerville Road and South Loop Road on the property known as 109 Pampas Lane, Fortuna.

Present Plan Land Use Designations: Agricultural Suburban (AS), Fortuna Area Community Plan (FACP).

Present Zoning: Agriculture General with Building Site Combining Zone (AG-B-5(5))

Application Number: 11428 / 13884

Case Number: ZCC 16-135 / ZCC 16-136

Assessor Parcel Number: 202-171-017

Applicant

Pacific Cannabis Growers Inc.
California Cannabis Growers Network Inc.
Josh Clark
42112 Roanoake Street
Temecula, CA. 92591

Owner

Terrence and Cindy Zercher
DBA Agricultural Operation
16690 Mount Hoffman Circle
Fountain Valley, CA. 92708

Environmental Review: The proposed project is statutorily exempt from the provisions of the California Environmental Quality Act (CEQA) per section 15268 (Ministerial Projects) of the CEQA Guidelines.

State Appeal Status: The proposed project is NOT appealable to the California Coastal Commission

Major Issues: Multiple complaints regarding light pollution and potential violation of the performance standards for mixed light cultivation described in HCC 314-55.4.11(v).

Pacific Cannabis Growers Inc./ California Cannabis Growers Network, Inc.
Case Numbers ZCC 16-135 / ZCC 16-136
APN 202-171-017

Recommended Commission Action

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

Determine that repeated violations of the performance standards for mixed light cultivation per HCC 314-55.4.11(v) merits expiration under HCC 312-2.5 and adopt the Resolutions expiring the Zoning Clearance Certificates for Pacific Cannabis Growers Inc. and California Cannabis Growers Network Inc.

Executive Summary: For Planning Commission consideration are two Zoning Clearance Certificates consisting of a total of 29,820 square feet of mixed light cultivation. The approved projects are located on Assessor's Parcel Number (APN) 210-231-012, which is approximately 5 acres in area. Staff is recommending the Commission determine that repeated violations of the performance standards for mixed light cultivation per HCC 314-55.4.11(v) merit expiration of the Zoning Clearance Certificates under HCC 312-2.5. The operation has been the subject of multiple light pollution complaints from three distinct time periods since greenhouse construction completed in June 2018. While there have also been other complaints regarding the operation such as strong odor, the staff recommendation is limited to the light pollution since Ordinance 2599 grants applicants within special areas a timeframe to comply with odor mitigation standards and that timeframe is still pending. The policy question before the Commission is whether HCC 314.55.4.11(w) allows repeated opportunities to correct light violations.

Analysis: Zoning Clearance Certificates are ministerial actions subject to approval by the Planning Director. The required findings that the Director must make include the finding that the proposed development conforms with all of the requirements of the Humboldt County Zoning Regulations. The Zoning Regulations include performance standards which must be met for the life of the project and per HCC 312-2.5 the Zoning Clearance Certificate will expire when the development no longer conforms with the County Zoning Regulations.

The decision of whether a Zoning Clearance Certificate is expired may occur by the Zoning Administrator without a public hearing, however these particular Zoning Clearance Certificates have been referred by the Zoning Administrator to the Planning Commission per HCC 312-1.2.5 because the nature of the lighting violations raise policy implications that should be addressed at a public hearing. Specifically, the issue is at what point do violations of performance standards render an approved and existing development no longer in conformance with the Zoning Regulations.

The performance standards in question are strictly the mixed-light standards of HCC 314-55.4.11(v) which require mixed-light lighting to not be visible from neighboring properties between sunset and sunrise. HCC 314-55.11(w) provides that when the Department receives complaints that the lighting is out of alignment or not complying with these standards, within ten (10) working days of receiving written notification the applicant shall submit written verification that the lights' shielding and alignment has been repaired, inspected and corrected as necessary. The operator of these Zoning Clearance Certificates has responded as required under this section however the lighting complaints have continued to persist. The project background chronology below includes complaints on topics such as odor that have been determined by the Planning Department to not be violations of Zoning Regulations at this time.

Background: Application 11428 is a Zoning Clearance Certificate for 10,000 square feet of new mixed light cannabis cultivation. Application 13884 is an RRR Zoning Clearance Certificate for 19,820 of new mixed light cannabis cultivation. The property is adjacent to the Fortuna city limits boundary and there are multiple residences nearby. Both Zoning Clearance Certificates 11428 and 13884 were submitted on November 10, 2016 and became effective on May 15, 2017. The two approved staff reports can be found as Attachments 35 and 36.

The first cultivation season in 2017 was full sun outdoor with no artificial light (Attachment 1). The project received its first inspection on August 31, 2017. At that time no compliance issues were observed (Attachment 2). On September 29, 2017 the Department received a letter from the applicant acknowledging neighborhood concerns about the operation and pledging to work with neighbors and the county (Attachment 3). On April 12, 2018 the county issued Agriculture Exemptions to construct nine greenhouses. Based on available aerial imagery, the greenhouses were completed by June 2018 (Attachment 4).

On June 27, 2018 the Department received an email from a neighbor (Neighbor 1) expressing multiple concerns ranging from neighborhood notification to the proper permit type to whether the installed fencing conforms to the approved proposal (Attachment 5). Unfortunately, the concerns regarding notification and Conditional Use Permits are standards described in Ordinance 2599 and do not apply to the applicant's operation since the project was approved under Ordinance 2544.

On August 8, 2018 the Department receives a complaint from a second neighbor (Neighbor 2) (Attachment 6) regarding impacts from the cultivation area. This letter describes concerns similar to the previous letter such as setback and notification requirements under Ordinance 2599 as well as odor. As noted in the paragraph above, the applicant's operation was approved under Ordinance 2544.

On October 2, 2018 the Department receives an email chain covering several months from a third neighbor (Neighbor 3) describing complaints regarding setbacks and odor (Attachment 7). As noted above, the applicant's operation was approved under Ordinance 2544 and is subject to different setback requirements. While Ordinance 2599 does implement odor mitigation requirements on previously approved projects within special areas, the Ordinance gives applicants until the end of 2019 to gain approval of plans to address odor management and until June of 2021 to construct those improvements.

On October 24, 2018, the department receives an email (Attachment 8) from Neighbor 1 regarding odor and a detailed complaint about light pollution. The Department responds with an October 30, 2018 letter to the applicant (Attachment 9). That letter gave the applicant two weeks to take corrective action.

On November 10, 2018 the Department receives another complaint of light pollution and odor from Neighbor 1 (Attachment 10). It is noted that this complaint was received within the two-week window the applicant was given to take corrective action.

On November 13, 2018, the applicant provides a response to the Department's October 30, 2018 letter (Attachment 11). The response states that only one greenhouse has lights and that an external tarp system was being used for control. The applicant also states that they will implement an internal tarp system as well as research other options. The Department follows up with a November 26, 2018 letter (Attachment 12) to the applicant stating that additional violations of light pollution performance standards will result in revocation of permit.

On December 7, 2018 the Department receives an email (Attachment 13) and separate response (Attachment 14) from applicant regarding the November 26 letter described above. The email suggests light pollution could be coming from another location. Response suggests that complaints are vexatious in nature. Response also describes additional measures taken to prevent light pollution and includes an invitation to inspect.

On January 10, 2019 the Department inspects the operation after sunset and observed no light pollution (Attachment 15). This inspection verified that the applicant installed the internal tarp system described in the applicant's November 13, 2018 correspondence. On February 4, 2019 the Department conducted a follow up inspection during daylight hours. This inspection identified a handful of minor site and operations plan conformance issues which were described in a March 19, 2019 email inspection summary from the Department (Attachment 16). The Department is currently working with the applicant to remedy these other issues and the applicant is currently waiting for a response from the Department.

On March 29, 2019 the Department received an email from Neighbor 1 complaining of light pollution (Attachment 17). The email included pictures of the greenhouses (Attachments 18 and 19). Upon review of the photos it appears there may be a single source of light on the left-hand side emanating through the two pictured greenhouses. The Department followed up on April 23, 2019 with a phone call and email to the applicant and received an email response the same day (Attachment 20). The response from the applicant notes that there are other light pollution sources in the surrounding area.

On June 12, 2019 the Department received an email (Attachment 21) from Neighbor 1 regarding light pollution including photos (Attachments 22 and 23). Review of the photos identify two greenhouses within the photograph with one of the greenhouses illuminated from what appears to be the interior.

On June 14, 2019, the Department received two complaint forms from Neighbor 3 regarding odor over two separate days (Attachments 24 and 25). On June 21, the Department received three complaint forms, two from Neighbor 3 and one from a fourth neighbor regarding odor (Attachments 26, 27, and 28). It is again noted that the applicant is still within the timeframe provided by Ordinance 2599 to install odor mitigation.

On June 22, 2019, the Department received an email (Attachment 29) from Neighbor 1 regarding light pollution along with two photos (Attachments 30 and 31). Review of the photos show very similar patterns of light as the June 14 photos described above only brighter. On June 25, 2019 the Department received an email from Neighbor 3 describing light pollution (Attachment 32).

On June 26, 2019, the Department responded to the recent light pollution complaints by notifying the applicant of the public hearing before the Planning Commission (Attachment 33). The applicant responded right away proposing additional measures that could be taken (Attachment 34).

Summary: The Department has not been able to independently verify the light pollution because it does not appear to occur on a frequent basis. Review of the photographs submitted by neighboring property owners appear to indicate that one particular greenhouse is the source of concern and the light source and intensity seems to vary. Examination of the photographs has been challenging because the precise source of the light is not entirely clear. For example, it is difficult to determine if the light is external to the greenhouses and shining through. It is noted

that whenever the applicant was notified of issues concerning the cultivation operation, the Department always received a timely response and follow up. However, the lighting complaints have continued and recently included photographs indicating that the operator has been unable to maintain 100% compliance with the performance standards.

The Department has struggled with enforcement of the lighting standards dealing with projects on a complaint-driven basis, particularly as they occur during non-working hours. The CMMLUO specifies that operators shall have ten working days from being notified of non-compliance to make corrections, however it is silent to repeated occurrences of said non-compliance. The reason for the performance standard is because there are social and environmental impacts to light pollution from cannabis operations and allowing unlimited opportunities for corrections of chronic violations defeats the purpose of the performance standard and could send the wrong message to permit holders. Therefore, the policy question before the Commission is whether HCC 314.55.4.11(w) allows repeated opportunities to correct light violations.

ALTERNATIVES: The Planning Commission could elect to direct staff to work with the applicant to resolve the complaints and implement additional mitigation measures. The Planning Commission could also determine that the noted lighting violations are not egregious enough to merit expiration and direct staff as to the appropriate threshold for expiration.

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

**Case Numbers ZCC 16-135
Assessor Parcel Numbers: 202-171-017**

Makes the required findings for certifying compliance with the California Environmental Quality Act and expire the Pacific Cannabis Growers Inc. Zoning Clearance Certificate.

WHEREAS, A Zoning Clearance Certificate was effective May 15, 2017 for 10,000 square feet of new mixed light cultivation; and

WHEREAS, HCC 312-2.5 states a Zoning Clearance Certificate shall expire when the proposed development no longer conforms with the County Zoning Regulations; and

WHEREAS, HCC 314-55.4.11(v) states that 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; and

WHEREAS, The County Planning and Building Department has received six complaints of light pollution; and

WHEREAS, The County Planning and Building Department has reviewed the submitted complaints and evidence; and

WHEREAS, The proposed project is statutorily exempt from the provisions of the California Environmental Quality Act (CEQA) per section 15268 (Ministerial Projects) of the CEQA Guidelines; and

WHEREAS, A public hearing was held on the matter before the Humboldt County Planning Commission on July 11, 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 15268 (Ministerial Projects) of the CEQA Guidelines; and
2. Multiple violations of the artificial lighting performance standards in HCC 315-55.4.11(v) for mixed light cultivation has occurred; and
3. The development is no longer be in conformance with County Zoning Regulations; and
4. Zoning Clearance Certificate ZCC 16-135 is expired per HCC 312-2.5.

Adopted after review and consideration of all the evidence on July 11, 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-**

**Case Numbers ZCC 16-136
Assessor Parcel Numbers: 202-171-017**

Makes the required findings for certifying compliance with the California Environmental Quality Act and expire the California Cannabis Growers Network Inc. Zoning Clearance Certificate.

WHEREAS, An RRR Zoning Clearance Certificate was effective May 15, 2017 for a total of 19,820 square feet of mixed light cultivation; and

WHEREAS, HCC 312-2.5 states a Zoning Clearance Certificate shall expire when the proposed development no longer conforms with the County Zoning Regulations; and

WHEREAS, HCC 314-55.4.11(v) states that 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; and

WHEREAS, The County Planning and Building Department has received six complaints of light pollution; and

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1. The proposed project is statutorily exempt from the provisions of the California Environmental Quality Act (CEQA) per section 15268 (Ministerial Projects) of the CEQA Guidelines; and
2. Multiple violations of the artificial lighting performance standards in HCC 315-55.4.11(v) for mixed light cultivation has occurred; and
3. The development is no longer in conformance with County Zoning Regulations; and
4. Zoning Clearance Certificate ZCC 16-136 is expired per HCC 312-2.5.

Adopted after review and consideration of all the evidence on July 11, 2019.

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

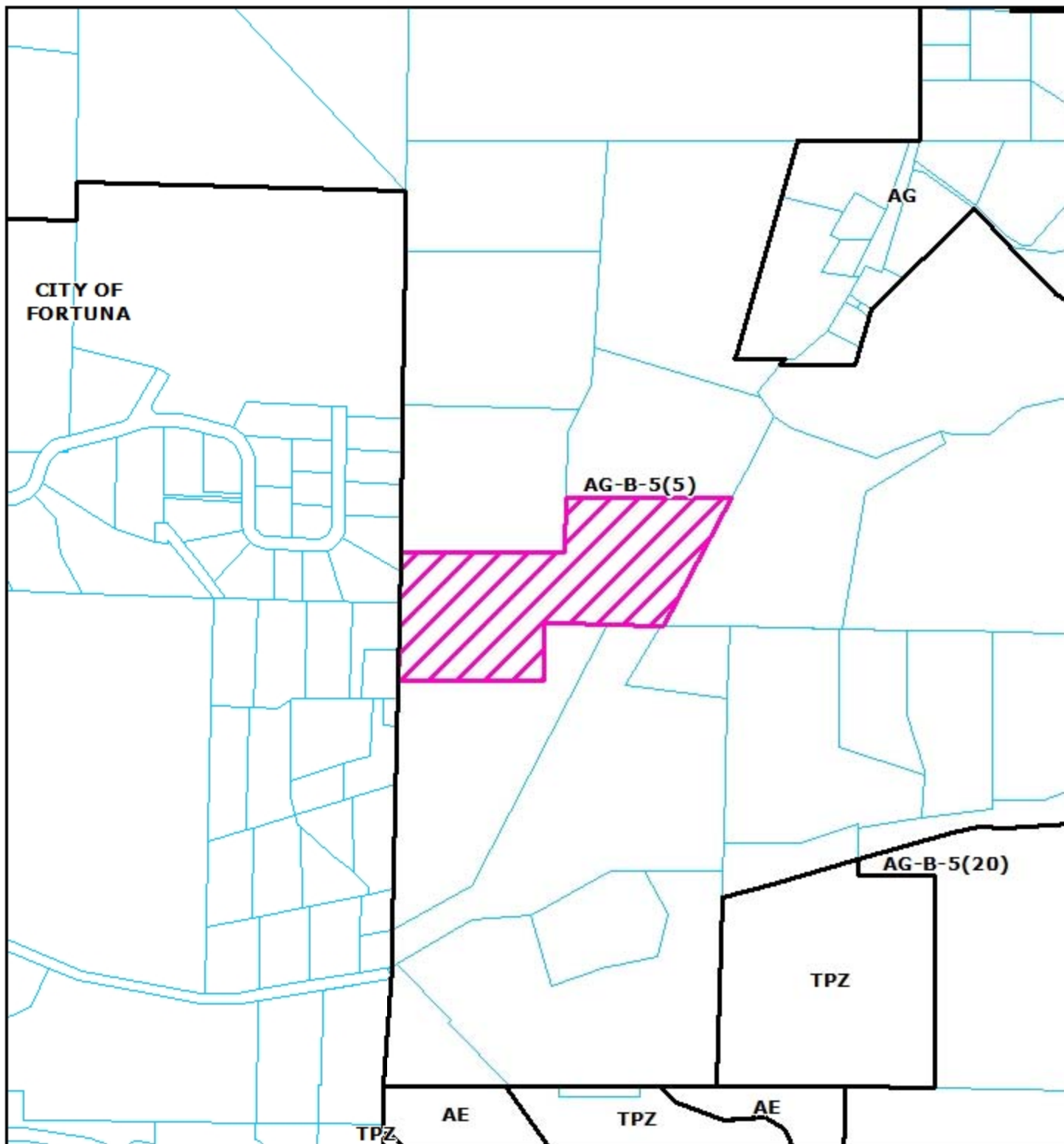
AYES: Commissioners:

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



ZONING MAP

**PROPOSED PACIFIC CANNABIS GROWERS, INC. &
CALIFORNIA CANNABIS GROWERS, INC.**

FORTUNA AREA

ZCC-16-135

APN: 202-171-017-000

T02N R01E S34 HB&M (HYDESVILLE)

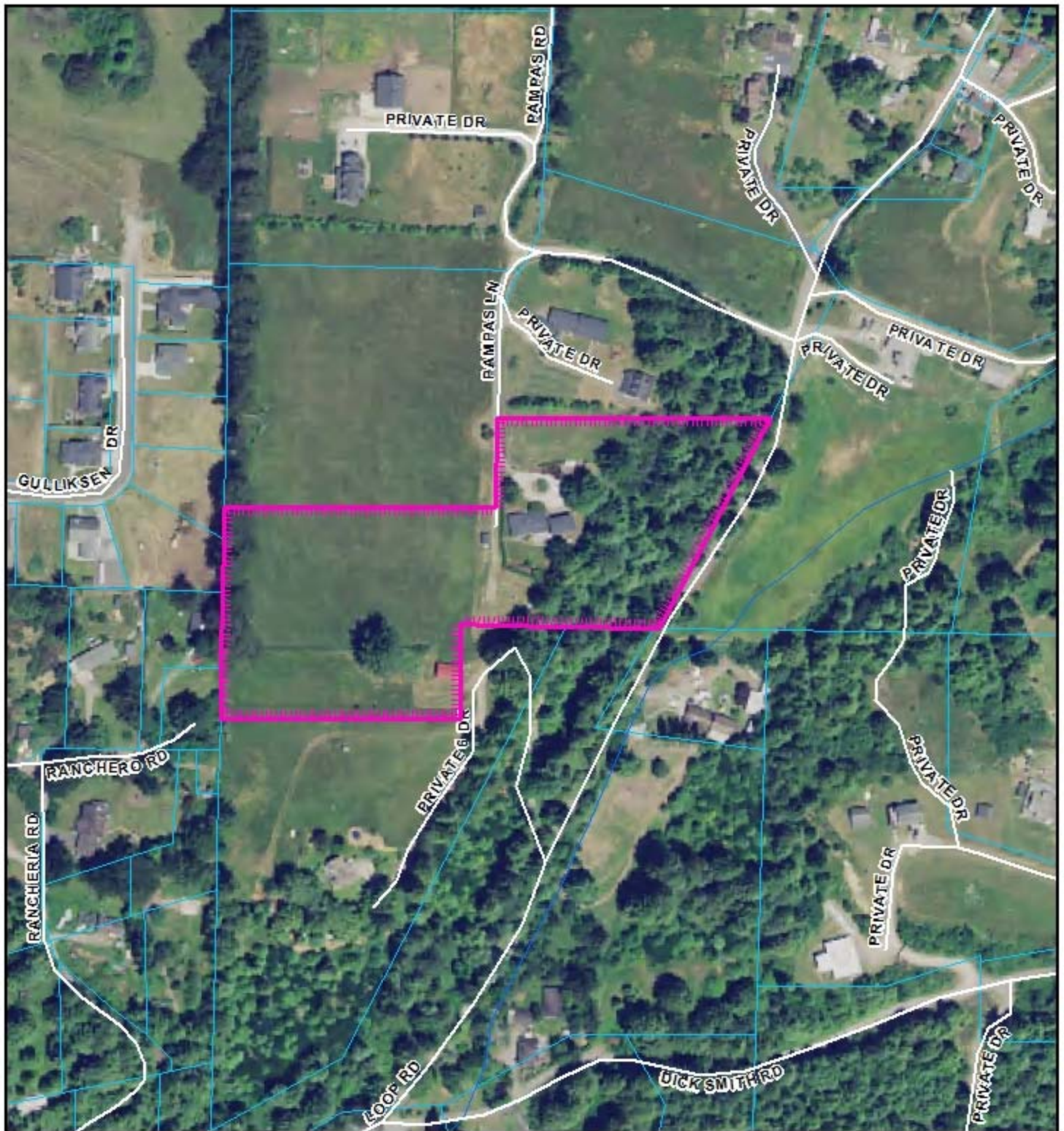
Project Area =



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



0 250 500 Feet



AERIAL MAP


**PROPOSED PACIFIC CANNABIS GROWERS, INC. &
CALIFORNIA CANNABIS GROWERS, INC.**

FORTUNA AREA

ZCC-16-135

APN: 202-171-017-000

T02N R01E S34 HB&M (HYDESVILLE)

Project Area = 

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



0 250
Feet

ATTACHMENT 1

October 6, 2017 TerraServer Image of Full Sun Cultivation

Attachment 1
Case Numbers ZCC 16-135 / ZCC 16-136
APN 202-171-017
October 6, 2017 TerraServer Image
Full Sun Cultivation – No Artificial Light



ATTACHMENT 2

August 21, 2017 Inspection Summary

Santos, Steven A

To: Moreno, Elizabeth
Subject: RE: Pampas Lane

From: Moreno, Elizabeth
Sent: Friday, September 1, 2017 3:39:43 PM
To: jourique@ci.fortuna.ca.us
Cc: Ford, John
Subject: Pampas Lane

Hi Jennifer,

Thank you for your concern regarding the commercial cannabis cultivation permit (ZCC-16-135) located on parcel 202-171-017 on Pampas Lane. In response to the many inquiries and questions about whether this site is in compliance, the Planning and Building Department inspected the site on August 31, 2017. The cultivation site is in compliance with the Humboldt County Commercial Medical Marijuana Land Use Ordinance. Mixed light operations can use natural light.

The findings are as follows:

- Site was clean, bed parameters were well defined, organized, and do not exceed the permitted cultivation area of 10,000 square feet.
- All setbacks from cultivation area to the property boundary lines are met or exceeded – 34 feet from Northern property line and 72 feet from his Western property line. This was verified with tape measurements taken on site. Photos of measurements are included as figures 1-3.
- Though the ordinance does not establish any standards for odor, we noted that no cannabis odor was detected until we entered the property.
- There was no trash or other environmental impacts observed.



Figure 1. 34' feet setback on the North Side of the cultivation.



Figure 2. Looking North, 34 feet setback.



Figure 3. Westside 72 feet setback.

I hope this information dispels any other concerns from the City of Fortuna,

Best,



Elizabeth Moreno

Planner

Cannabis Services Division

[Planning and Building Department](#)

707.268.3713

ATTACHMENT 3

September 29, 2017 Letter from Applicant

To Whom It May Concern,

My name is Joshua Clark, and I am the owner/operator of Pacific Cannabis Growers Inc. It has come to my attention that my cannabis farm has had an impact on my neighbors. First of I would like to apologize for any negative impacts my operation has had. It has not been our intention to do so.

Pacific Cannabis Growers has tried hard to help minimize any impact the farm may have. We have offered to place a automatic gate to secure my immediate neighborhood from anybody that may be wrongly attracted to the farm. We have implemented the use of automatic trimming machines to reduce the impact on my neighbors that a large trim crew would bring to the neighborhood. Also we have set up numerous cameras, motion sensors and motion triggered floodlights, to help better secure the property. We are open to suggestions and do care about any negative impacts the farm may have on others.

It has also been brought to my attention that the odor of my crop is affecting the immediate area. This immediate problem will be gone shortly, We would like to apologize for this. We would also like to state that this is the last year the crop will be outside and not contained. We do believe the smell will be less invasive when the crop is contained in a greenhouse. As well to help further reduce the impact on the community around us, we will be researching into and installing a air filtration system to help reduce the odor. Also we would like to point out that these actions are not required actions. But Pacific Cannabis Growers is doing this voluntarily to help improve neighbor relations and reduce any negative impacts we may have on our community. We are always open to constructive advice from the public. Have a good day and God bless.-Joshua Clark



ATTACHMENT 4

June 8, 2018 Planet Image of Constructed Greenhouses

Attachment 2
Case Numbers ZCC 16-135 / ZCC 16-136
APN 202-171-017
June 8, 2018 Planet Imagery
Greenhouse Construction Complete



ATTACHMENT 5

June 27, 2018 Email from Neighbor 1

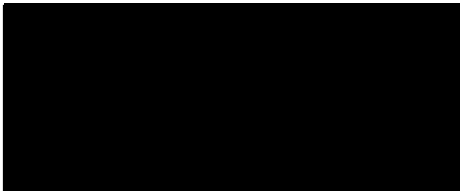
Moreno, Elizabeth

From: Santos, Steven A
Sent: Wednesday, June 27, 2018 3:11 PM
To: Moreno, Elizabeth
Subject: FW: Pampas Grow

FYI – If you still have project file can you print this and place it inside?

From: [REDACTED]
Sent: Wednesday, June 27, 2018 1:50 PM
To: Ford, John
Cc: Santos, Steven A; Fennell, Estelle; slong@ci.fortuna.ca.us
Subject: Pampas Grow

Wednesday, June 27, 2018



Dear Mr. Ford:

I am writing again to voice opposition to the cannabis grow on Pampas Lane because of its close proximity to [REDACTED] Fortuna City limits. The current grow is less than 400 feet [REDACTED] resides against Fortuna city boundary, within the sphere of influence and is in violation of the recent Cannabis 2.0 regulations. Under the current regulation a conditional use permit is required in the case of the Pampas grow. Who provided this and why were local residents never notified? (55.4.5.1.4 (b)).

55.4.5.1.4 City Spheres of Influence, Community Planning Areas, Tribal Lands

a) A Conditional Use Permit shall be required for any Commercial Cannabis Activity where located within the Sphere of Influence (SOI) of any incorporated city or within any of the following mapped Community Planning Areas (CPAs): McKinleyville, Shelter Cove, and Trinidad-Westhaven.

A Conditional Use Permit shall also be required for any Commercial Cannabis Activity where located within one thousand feet (1000') of any incorporated city, Tribal Lands, or any of the identified Community Planning Areas (CPAs). For purposes of determining the Trinidad Planning Area, the Trinidad General Plan shall be utilized.

Early Notification to Surrounding Areas, nearby Cities, and Tribes

b) Whenever a permit application for a Commercial Cannabis Activity is located within any of the areas specified in Sections 55.4.5.1.4(a) and has been determined complete for processing in accordance with Section 312-6.1, notice of the proposed project shall be provided to all property owners and occupants by first class mail to the address(es) shown on the latest Assessment Roll within one thousand feet (1,000') of the perimeter of the parcel on which a permit is being requested. The notice shall include the location of the project and a description of the size and type of activity proposed.

What is being done to enforce the new regulations? I am unaware of anybody on the hill who has received any notifications at any time during this whole process. I told you before that if someone down on Loop Road applied to have their property line moved 10 feet, I receive a notification that allows me to provide input. Somebody in your office must have known the pot grows placed in rural residential areas and alongside

city limits would be controversial. How come nobody was alerted and notified so we could provide input? Why are we not kept apprised of things related to his conditional permit or changes in his grow size?

Josh Clark's original permit stated that the processing barn would be enclosed with a fence. It still is not enclosed and appears to be a violation of his original permit. Can anything be done to remedy this?

I am not sure it matters to you but no one I speak with up here, other than Joshua Clark feels you are interested in our concerns. Time after time you and your office have seemed to come down on the side of growers who have no real emotional attachment to our county. As far as I can see you and your office have never done a thing to help the homeowners who voice a concern about how a grow will affect their livelihood and their lifestyle. Our concerns have never been validated. Growers are nothing more than cannabis carpetbaggers who will take what they want and then leave. They may bring in some financial benefit (as you define it) but will destroy residential and rural residential areas you have forced to coexist with the growers. Your associates have said that it would be unfair to "nuke" the growers who are trying to go legal. What about all the homeowners who have been nuked by your decisions and the actions of the supervisors? As I told Estelle Fennell, you appear to prefer a person who probably never voted in a Humboldt County election. Mr. Ford, what are you doing to address our concerns?

I am still waiting for a bureaucrat who will speak for the homeowners affected by county decisions. There are thousands of sites more appropriate to place a grow in Humboldt County. Why allow it next to a residential community and rural residential area? Makes no sense to me.

Best regards,



ATTACHMENT 6

August 8, 2018 Letter from Neighbor 2

202-171-617

1 August 2018

Humboldt County Planning Department
Attention: John Ford, Director
3015 H Street
Eureka, CA 95501

11428



[REDACTED]
Fortuna, CA 95540

RE: 109 Pampas Lane, Fortuna CA grow opposition.

Dear Mr. Ford,

I am writing to voice my strong opposition to the cannabis grow at 109 Pampas Lane in Fortuna, operated by Joshua Clark. Although you maintain that it is located in the proper zoning, in reality it is located next to a residential neighborhood and very close proximity to [REDACTED] homes in the City of Fortuna's sphere of influence. It is our hope that "Cannabis 2.0" will prevent future injustice in other areas of the county but we would like to see it address many of the issues [REDACTED] on Pampas Lane

Last year was horrible. Mr. Clark was allowed to grow outside and was limited to 10,000 ft². This "mixed light" grow had a significant effect [REDACTED] The smell was overwhelming and the increased traffic on [REDACTED] small one lane city, county and private road has taken its toll on maintenance of all these roads. I'm assuming the county will be working on Loop Road with the taxes received from the permit as well as reimbursing the City of Fortuna for the maintenance on its section of Loop Road. I respectfully request the county assess the needed maintenance and fix Loop Road which is currently questionably a category 4 road.

We also question where the cannabis produced last year was shipped. Will this year's production be track and traced as promised?

This year Mr. Clark appears to have expanded significantly past 10,000 ft² with multiple green houses that are and have been in various stages of completion. If the permit was amended to allow for an increased footprint, wouldn't the 55.4.5.1.4 (a) of "Cannabis 2.0" have required some sort of notification [REDACTED]? Currently the hoop houses look very out of place and shabby in a neighborhood setting and it is our opinion that they represent a significant negative impact on our property values. Blight is quickly becoming a term we use.

How does this permit continue with the inability to maintain setbacks as dictated in 55.4.5.1.4 (b)? This grow is next door to families homes with small children [REDACTED] [REDACTED] is still very alarming. [REDACTED] not been notified by anyone of this grow, its setback or size. Who will be enforcing the ordinance and providing notification [REDACTED]

The pollution this grow emits creates a very difficult facility to live near. The smell was very strong last year and the lighting as well as the smell remain a significant problem. To date, the green houses appear empty and in a significant state of disrepair, some would call it blight. [REDACTED] still smell cannabis and although not as strong or persistent as last year, [REDACTED] still have significant cannabis odor. This is a violation of the County Cannabis Ordinance. The site has security lights that stay on all night [REDACTED] [REDACTED] This is a serious violation of the night sky we all value so much and

a direct violation of the County Cannabis Ordinance. It is the one of the reasons we live where we do, for quiet and dark skies. [REDACTED] also seen a significant increase in traffic on [REDACTED] small one lane road. I'm not sure how you justified permitting this grow on a sub-par road that questionably meets Category 4 standards, none the less, the added traffic is significant and the wear and tear on our road is terrible. Still, this has significant impacts to property values of adjacent neighbors.

Overall, I cannot stress enough how much this Pampas Lane grow has negatively affected our entire neighborhood [REDACTED] I strongly urge you to cancel the permit or request that they transfer to a more appropriate location. Rural neighborhoods like ours are the backbone of Fortuna's best community values, and to maintain these values we must keep commercial grows out of neighborhoods and in farming areas like all other commercial agricultural operations.

Please accept this letter as strong opposition and a source of public controversy as well as the noted violations of the Cannabis ordinance regarding the grow permitted at 109 Pampas Lane.

Sincerely,

[REDACTED]

Cc. Sue Long, Mayor of Fortuna
Estelle Fennell, Humboldt County Supervisor, 2nd Division
Steve Finch, Road Maintenance Superintendent
Steve Santos, Humboldt County Planning
Jeff Dolf, Humboldt County Agricultural Commissioner

ATTACHMENT 7

October 2, 2018 Email Chain from Neighbor 3

Moreno, Elizabeth

From: Ford, John
Sent: Wednesday, October 03, 2018 9:45 AM
To: Moreno, Elizabeth
Cc: Schatz, Elizabeth; Johnson, Cliff
Subject: FW: pot setbacks -- Pampus Lane

Another Complaint.... FYI and for the file.

John



John H. Ford
Director
[Planning and Building Department](#)
707.268.3738

From: Fennell, Estelle
Sent: Tuesday, October 02, 2018 7:10 PM
To: Ford, John
Cc: [REDACTED]
Subject: Fwd: pot setbacks

Hi John,

Here is some updated information about the current state of the Pampus Lane cultivation site and its impact on the neighborhood. Since they will have to come into compliance with standards spelled out in 2.0. I believe it would be beneficial for the department to inspect it at this stage of the cultivation cycle.

Thanks,

Estelle

Estelle Fennell
2nd District Supervisor
County of Humboldt
(707)476-2392

From: [REDACTED]

Sent: Monday, October 1, 2018 4:24 PM

To: Fennell, Estelle

Subject: Re: pot setbacks

Hi Estelle,

This is a formal complaint to you that the pot grow on Pampas lane STINKS and we cannot open our windows at night.

Best regards'

From: Fennell, Estelle <EFennell@co.humboldt.ca.us>

Sent: Wednesday, June 13, 2018 8:56 PM

To: [REDACTED]

Cc: Ford, John

Subject: Re: pot setbacks

Hi John,

I talked with Director Ford about this both yesterday and last week. I believe he is following up on the information you provided. I know that just putting plastic over the plants does not qualify as "enclosed" for purposes of our ordinance. I expect you will be hearing from Director Ford soon.

Thanks again,

Estelle

--Estelle Fennell

2nd District Supervisor

County of Humboldt

(707) 476 2392

efennell@co.humboldt.ca.us

From: [REDACTED]

Sent: Monday, June 4, 2018 4:32 PM

To: Bohn, Rex <RBohn@co.humboldt.ca.us>; Fennell, Estelle <EFennell@co.humboldt.ca.us>; [REDACTED]
[REDACTED]

Subject: pot setbacks

Rex, Estelle,

I was under the impression that Grows had to be 600 feet away from the property line or 600 feet from a home. I have a home [REDACTED] in Fortuna and there is a grow right [REDACTED] my home. They have recently covered 3-4 hothouses with thin plastic to make indoor grows these hot houses are not 600 feet away from [REDACTED] the city limit line. So what gives, are we going to have to put up with the smell again this year? My neighbors could not open their windows last summer due to the stink. How about some help here Rex. Who is in charge of this issue. Who in their right mind OKed this grow next to a residential area. What can we citizens do to stop this kind of activity. Property values dropping? We need some help here.

Best regards,
[REDACTED]

ATTACHMENT 8

October 24, 2018 Email from Neighbor 1

Santos, Steven A

From: [REDACTED]
Sent: Wednesday, October 24, 2018 7:33 AM
To: Ford, John; Santos, Steven A
Cc: Sue Long; Fennell, Estelle
Subject: Lights and odor

Mr. Ford.

Josh Clark has had lights on all night long at his grow in one of his hoop houses at Pampas Lane. It was my understanding that lights would be off approximately 1 hour after sunset and return on no earlier than 1 hour before sunrise. This has not been the case and it seems he is testing his abilities at violating the law (if that indeed is the law). I have some questions and would appreciate some answers. The last question I asked via email went unanswered and if you cannot help please direct me to someone who can answer my questions.

- 1 Is Josh permitted to leave lights on all night long?
- 2 Has Josh been notified of his current non-compliance and if yes, when did that occur?
- 3 Has Josh submitted a plan to become compliant as the law requires?

Additionally, my son and his grandchildren commented on a smell from the growth [REDACTED]. [REDACTED]

[REDACTED] I asked her to tell me when she smells it and she told me it would be easier to tell me when she doesn't smell anything versus telling me when she does. Please consider this a smell complaint.

Again, if you cannot or will not answer, would you please direct me to someone who will help me?

[REDACTED]

ATTACHMENT 9

October 30, 2018 Letter from Department to 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

October 30, 2018

Pacific Cannabis Growers, Inc
Josh Clark
42112 Roanoake Street
Temecula, CA 92591

RE: Permit Application No. 11428, APN 202-171-017

Dear Josh,

A complaint has been received by the Planning and Building Department about light pollution emanating from your commercial cannabis operation. The permit ZCC16-135 is for 10,000 square feet of mixed light cultivation. The Performance Standards of your permit stipulate that light shall not escape at a level that is visible from neighboring properties and that operators will comply with International Dark Sky Standards (H.C.C. 55.4.11). Action must be taken immediately to cure the violation. Please submit written verification that the lights' shielding and alignment has been repaired, inspected and corrected as necessary by November 14th, 2018.

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

Sincerely,

Stevie Luther
Planner

ATTACHMENT 10

November 10, 2018 Email from Neighbor 1

Santos, Steven A

From: [REDACTED]
Sent: Saturday, November 10, 2018 8:20 AM
To: Johnson, Cliff; Santos, Steven A; Ford, John
Subject: Hoop House lighting

Last night the Pampas lane growers began overnight lighting again in the 4 western hoop houses. I must assume they started over this long weekend because they know there is nobody in enforcement available to check things out. I noticed it and walked out to observe around 2AM last night. The lighting, while not as intense as the last time is still on, nonetheless. [REDACTED] If they are permitted to use lighting overnight, then so be it. If not and they have been warned then they are again violating the rules. I said some time ago that most of these growers began as outlaws and while they claim they are trying to now be legal, they will forever be outlaws. Are they allowed to use any lights overnight from sunset to sundown other than necessary security?

The smell has been a little nasty around some areas of my property.

Best regards,

[REDACTED]

ATTACHMENT 11

November 13, 2018 Response from Applicant to October 30 Letter

To whom it may concern,

In regards to the light complaints about 109 Pampas Ln, Fortuna Ca 95540
We currently only have lights in one greenhouse and have had a tarp that was used to cover the outside of the greenhouse and block the light. We are not sure if this blew ajar or something like that one night. We have always found it on over the structure, and are not sure where the light leak came from. But nonetheless we have now move the blackout system inside the structure to prevent any unaccidental uncoverings during the night. As well we are currently looking into automated systems as well.-Joshua

ATTACHMENT 12

November 26, 2018 Letter from Department to 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

November 26, 2018

NOTICE

Pacific Cannabis Growers, Inc
Josh Clark
42112 Roanoake Street
Temecula, CA 92591

RE: Permit Application No. 11428, APN 202-171-017

Dear Mr. Clark,

A letter was sent on October 30, 2018 alerting you to the second complaint received by the Planning and Building Department about light pollution emanating from your commercial cannabis operation. This notice is to inform you that a third complaint of light pollution was received on November 10, 2018. This is the final notice to bring your operation into compliance with the performance standards described in your Zoning Clearance Certificate. **Failure to bring your operation into immediate compliance will result in revocation of your cultivation permit.**

You must provide substantial evidence no later than December 7, 2018 that demonstrates that your operation is not only in compliance but also that you have taken adequate steps to ensure that no light pollution will occur in the future.

Please understand that your operation is located in proximity to a residential area and it is your responsibility to be a good neighbor at all times.

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

Sincerely,

Stephen Luther
Planner I

ATTACHMENT 13

December 7, 2018 Email from Applicant

From: [J ?](#)
To: [Batten, Blake](#)
Subject: Fwd: 109 Pampas Ln Light Complaint
Date: Monday, December 31, 2018 11:09:50 AM
Attachments: [letter2county.pdf](#)

----- Forwarded message -----

From: **J ?** <jcog323@gmail.com>
Date: Fri, Dec 7, 2018 at 11:25 AM
Subject: 109 Pampas Ln Light Complaint
To: <sluther@co.humboldt.ca.us>

Hey Stevie,

Attached is our response to the alleged violation. As well I think my neighbors are the source of this issue. They have a cultivation permit as well but there greenhouses are lit up every night. I don't know if they are getting complaints as well, or if the neighbors are confusing the 2 properties, or just blanket complaining at this point. I have photographic evidence but I really do not want to be the source of a complaint. I would suggest you guys come and visit the site when it is dark.

ATTACHMENT 14

December 7, 2018 Response from Applicant to November 26 Letter

Pacific Cannabis Grower's Light Complaint Response

To whom it may concern,

Pacific Cannabis Growers official response is that there is no light leaks coming from our greenhouses. These are unfounded complaints from a group of people that freely told John Ford & Elizabeth Moreno that they wouldn't stop making complaints against our operation even if there was nothing to complain about. There is one of two scenario's playing out here, they are making completely false claims against us. Or they are mistaking the lights from our neighbor who does not adhere to the light standards set forth in the CMMLUO for our own greenhouses, but I doubt they are confusing the two properties. So they are still making false complaints against our operation, knowingly. How long will they be allowed to abuse the complaint system like this? I would ask two things from the county at this point. Please request photographic evidence from the people making these complaints. And secondly please come down and visit the site after dark. At least that way you guys will figure out that their complaints are unfounded and they have no problem burdening the county or myself with false complaints.

Regardless of the false complaints and harrassement at this point. Pacific Cannabis Growers has taken additional steps and measures to prevent any light leaks from our greenhouse with lights. We have removed the lights from timers and now turn them on only after we have pulled the tarps. This insures that the lights will not be on unless the light coverings are in place. As well as stated before we are planning on investing in automated systems in the near future.

ATTACHMENT 15

January 10, 2019 Inspection Summary Memo

1/11/2019

MEMO RE: Permit Application No. 11428 & 13884

Key APN 202-171-017

Pacific Cannabis Growers Inc.

On the evening of January 10, 2019 at 18:00 PACT staff members Devin Sutfin and Blake Batten conducted an inspection of APN 202-171-017 in response to complaints received by the Planning Department. The inspection concluded the following:

- Only two hoopouses were utilizing supplemental light for vegetative growth. These hoopouses deployed shielding (Figure 1) that prevented light escaping at a level that would violate International Dark Sky Association (IDA) standards and County Code.
- The applicant stated that the remaining hoopouses and greenhouses were not utilizing supplemental light due to ongoing difficulty of supplying power to all structures. Supplemental lighting was not observed in other cultivation areas.
- The applicant stated that the outdoor security lighting (Figure 2) is motion-activated. The security lighting appeared to have shielding to regulate light spillage. Staff advised the applicant to ensure that fixtures are oriented to prevent light spillage on neighboring properties and provided him a handout on IDA approved light fixtures.
- Staff did not notice any cannabis odor prior to entering the property
- Staff also observed water storage tanks (Figure 3) that were not included on the site plan or other application materials. An additional daytime inspection will be required to ensure that all aspects of the operation conform to the terms of issued County permits prior to approval of an Annual State License.

Figure 1 – Light Shielding



Figure 2 – Security Lighting



Figure 3 – Water Storage Tanks



ATTACHMENT 16

March 19, 2019 Inspection Summary Email

Santos, Steven A

From: Santos, Steven A
Sent: Tuesday, March 19, 2019 12:24 PM
To: 'jcog323@yahoo.com'
Cc: Moreno, Elizabeth (EMoreno@co.humboldt.ca.us)
Subject: Cannabis Permit for 202-171-017

Josh – This email follows up on the site inspection performed last month for ZCC 16-135 / 11428 and ZCC 16-136 / 13884. From that inspection we concluded that the following items were not in conformance with the approved permits.

1. The position of three greenhouses appeared to be in a location inconsistent with the approved land use permits.
2. The fencing and security measures appeared to be inconsistent with the approved permits.
3. Water tanks were placed on site without the necessary approvals.

While onsite, we discussed other aspects of your operation that have evolved over time such as the nursery and the desire to have a composting area.

The best way for you to remedy these issues is to apply for a permit modification so the approved project matches the configuration and implementation of your project. To modify your permit, you will need to submit an application form with fees and a revised site and operations plan. For more information regarding the permit modification, please contact Elizabeth Moreno.

In addition, the department is in receive of a notification of reduced cannabis cultivation. The form appears to indicate a request to change cultivation type from mixed light to outdoor cultivation. Unfortunately this cannot be done through this form. Change in cultivation type must be done through a permit modification.



Steven A. Santos
Senior Planner
[Planning and Building Department](#)
707.268.3749

ATTACHMENT 17

March 29, 2019 Email from Neighbor 1

Santos, Steven A

From: [REDACTED]
Sent: Friday, March 29, 2019 5:42 AM
To: Ford, John; cjonson@co.humboldt.ca.us; Santos, Steven A
Cc: Fennell, Estelle; Sue Long
Subject: Re: Hoop house lighting.
Attachments: GrowLights (1 of 2).jpg; GrowLights (2 of 2).jpg

On Monday, November 12, 2018 9:29 AM, "Ford, John" <JFord@co.humboldt.ca.us> wrote:

Hi [REDACTED]

We have received the light complaint. This is a violation of the permit as they are required to comply with dark sky standards and are not allowed to have light to spill over onto adjacent property. In enforcing this, the next step will be to provide written notification that continued violation will result in loss of the privilege to cultivate.

To that end, could you provide me with pictures if they continue to light up the night sky.

Thank you

John



John H. Ford
Director
[Planning and Building Department](#)
707.268.3738

Here are pictures of the grow lights last night. I think they might try to sneak them on weekends. What are your thoughts? What is being done to bring the grow into compliance and does J. Clark have a plan?

ATTACHMENT 18

March 29, 2019 Photo



ATTACHMENT 19

March 29, 2019 Photo



ATTACHMENT 20

April 23, 2019 Email to and Response from Applicant

Santos, Steven A

From: Joshua Clark <jcog323@yahoo.com>
Sent: Tuesday, April 23, 2019 10:44 AM
To: Santos, Steven A
Subject: Re: Follow Up on Light Complaint

Hello Steven,

This letter is intended to address the current light violation allegation. As stated we had one really windy night that blew open some flaps. That is where the complaint may have come from, but we are not sure. We operate in a responsible manner to the best of our abilities. We have since added sandbags to help prevent the situation from occurring again. As well we have shut down 1 of the 3 lighted areas. And will be shutting down the other lighted areas in the next 3 weeks. We will continue to do our best to minimize our impact on our neighbors.

I find it ironic that my neighbors can have all sorts of lights on their properties, from Christmas lights up year round, too a 1000w metal halide mounted on top of a barn pointed directly at my property, and various other lights. But any light on my field is complained about, the light on my driveway was complained about. I apologize that my neighbors utilize your department as a tool to try settle personal issues they have with my myself and my cultivation activities.

Sent from my iPhone

On Apr 23, 2019, at 9:24 AM, Santos, Steven A <sasantos@co.humboldt.ca.us> wrote:

Josh – Per our phone conversation this morning, please provide me an update on steps taken to correct the complaint we received on 3/29/19.

<image001.png> Steven A. Santos
Senior Planner
[Planning and Building Department](#)
707.268.3749

ATTACHMENT 21

June 11, 2019 Email from Neighbor 1

Santos, Steven A

From: [REDACTED]
Sent: Wednesday, June 12, 2019 6:31 AM
To: Ford, John; Fennell, Estelle
Cc: Johnson, Cliff; [REDACTED]; Santos, Steven A; Saucedo, Portia
Subject: Re: County of Humboldt LCP Amendment Application No. LCP-1-HUM-16-0075-2 Part C
Attachments: LoopGrow (1 of 2).jpg; LoopGrow (2 of 2).jpg; 11428 light pollution violation Final Notice.docx

Mr. Ford:

The grow on Loop road [REDACTED] appears to still be leaving their lights on in spite of being notified by your office. It seems as though they really don't care as there is no enforcement nor any consequences for them breaking the rules. They are apparently able to do as they wish. Has the hearing you promised been scheduled? I have received no notification of any.

The pictures attached were taken last night June 11, 2019 between 10:06 and 11:18 PM. They were on all night long.

[REDACTED]

From: "Ford, John" <JFord@co.humboldt.ca.us>
To: "Fennell, Estelle" <EFennell@co.humboldt.ca.us>; [REDACTED]
Cc: "Johnson, Cliff" <CJohnson@co.humboldt.ca.us>
Sent: Tuesday, May 28, 2019 8:02 AM
Subject: RE: County of Humboldt LCP Amendment Application No. LCP-1-HUM-16-0075-2 Part C

Hi [REDACTED]

The last inspection we performed on the site was on January 10, 2019. At that time it was determined that the site was in compliance. On November 26, 2018 we sent him the attached letter putting Mr. Clark on notice that additional violations will result in the loss of the ability to cultivate. Based on the photos you submitted, in March of 2019, of the unshielded greenhouses we will schedule the Zoning Clearance Certificate for a hearing to determine if there are grounds to revoke the ZCC. You will be notified of the hearing.

John



John H. Ford
Director
[Planning and Building Department](#)
707.268.3738

From: Ford, John

Sent: Monday, April 22, 2019 8:04 AM

To: Fennell, Estelle <EFennell@co.humboldt.ca.us>; [REDACTED]

Subject: Re: County of Humboldt LCP Amendment Application No. LCP-1-HUM-16-0075-2 Part C

Hi [REDACTED]

The version of the ordinance being considered by the Coastal Commission only applies to the Coastal Zone. It will have no bearing on inland areas.

I do not know whether we have formally notified Josh Clark yet, but I will get an answer to that.

John

From: [REDACTED]

Sent: Sunday, April 21, 2019 8:48 AM

To: Ford, John; Fennell, Estelle

Subject: County of Humboldt LCP Amendment Application No. LCP-1-HUM-16-0075-2 Part C

Dear Mr. Ford and Supervisor Fennell:

5 questions total.

Is there anything in the new, updated or amended ordinance: **County of Humboldt LCP Amendment Application No. LCP-1-HUM-16-0075-2 Part C** ([California Coastal Commission](#)) which in any way predominantly affects any of the residents in rural residential zones or sphere of influence zones in Humboldt County? Are there changes which undermine any of the current zoning or setback requirements? Is it just for the coastal zone? I saw none but would appreciate your comments. A hearing and a vote are scheduled on May 9, 2019 and needs public comment fairly quickly. It seemed to me that none of the changes were material from my standpoint but I understand that you are the ones responsible for knowing what is in the document and answering any questions.

Mr. Ford, I am still awaiting comment from my email sent to you on April 10, 2019. Additionally, I would like to know if Josh Clark has received a letter of non-compliance and what date. Also, has he submitted a plan to become compliant and what date?

California Coastal Commission

Sincere regards,

[REDACTED]

ATTACHMENT 22

June 11, 2019 Photo



ATTACHMENT 23

June 11, 2019 Photo



ATTACHMENT 24

June 14, 2019 Complaint Form



**COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
DEVELOPMENT ASSISTANCE**

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



COMPLAINT OF POSSIBLE CODE VIOLATION FORM

Please complete the form with as much detail as possible and return to the address above.
Photos or a site drawing are helpful in determining the exact location and nature of the complaint.

1. Date Complaint First Observed:

June 10, 2019

2. Location (attach location map if necessary):

109 Pampas Lane, Fortuna Ca 95540

3. Assessor Parcel Number (if known):

202-171-017

4. Name, Address, Phone Number of Property Owner (if known):

Pacific Cannabis Growers / Josh Clark
109 Pampas Lane
Fortuna, Ca 95540

5. Description of Complaint (use additional sheets if necessary):

Strong, gaging odor of marijuana

Cannot open windows At night to Cool
House because of Smell

Complainant

The information below must be provided in order to process the complaint.
This information will remain confidential and will not be disclosed unless directed by court order.

Name of Complainant

Address, City, State, Zip

Telephone

Email

ATTACHMENT 25

June 14, 2019 Complaint Form



**COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
DEVELOPMENT ASSISTANCE**

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



COMPLAINT OF POSSIBLE CODE VIOLATION FORM

Please complete the form with as much detail as possible and return to the address above.
Photos or a site drawing are helpful in determining the exact location and nature of the complaint.

1. Date Complaint First Observed:

2 June 11, 2019

2. Location (attach location map if necessary):

109 Pampas Lane, Fortuna Ca 95540

3. Assessor Parcel Number (if known):

202-171-017

4. Name, Address, Phone Number of Property Owner (if known):

Pacific Cannabis Growers / Josh Clark
109 Pampas Lane
Fortuna, Ca. 95540

5. Description of Complaint (use additional sheets if necessary):

Strong, gaging odor of marijuana

Cannot open windows At night to Cool
House because of Smell

Complainant

The information below must be provided in order to process the complaint.
This information will remain confidential and will not be disclosed unless directed by court order.

Name of Complainant

Address, City, State, Zip

Telephone

Email

ATTACHMENT 26

June 21, 2019 Complaint Form



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
DEVELOPMENT ASSISTANCE

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



COMPLAINT OF POSSIBLE CODE VIOLATION FORM

Please complete the form with as much detail as possible and return to the address above.
Photos or a site drawing are helpful in determining the exact location and nature of the complaint.

1. Date Complaint First Observed:

Late evening 6-19-19 into 6-20-19 morning

2. Location (attach location map if necessary):

109 Pampas Lane, Fortuna, CA 95540

3. Assessor Parcel Number (if known):

202-171-017

4. Name, Address, Phone Number of Property Owner (if known):

Pacific Cannabis Growers/Josh Clark
109 Pampas Lane
Fortuna, CA 95540

5. Description of Complaint (use additional sheets if necessary):

Strong skunk smell, extreme odor of marijuana,
lingers forever

Sinks up house, can't open windows to have
fresh air because it smells so bad don't want
to go outside, gives headaches, [REDACTED] hate it!

Complainant

The information below must be provided in order to process the complaint.
This information will remain confidential and will not be disclosed unless directed by court order.

Name of Complainant

Address, City, State, Zip

Telephone

Email

ATTACHMENT 27

June 21, 2019 Complaint Form



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
DEVELOPMENT ASSISTANCE

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



COMPLAINT OF POSSIBLE CODE VIOLATION FORM

Please complete the form with as much detail as possible and return to the address above.
Photos or a site drawing are helpful in determining the exact location and nature of the complaint.

1. Date Complaint First Observed:

June 19 & 20th 2019

2. Location (attach location map if necessary):

109 Pampas Lane, Fortuna Ca 95540

3. Assessor Parcel Number (if known):

202-171-017

4. Name, Address, Phone Number of Property Owner (if known):

Pacific Cannabis Growers / Josh Clark
109 Pampas Lane
Fortuna, Ca. 95540

5. Description of Complaint (use additional sheets if necessary):

Strong, gaging odor of marijuana

Cannot open windows At night to Cool
House because of Smell

Smell was so bad [redacted] woke up and had
to close our window.

Complainant

The information below must be provided in order to process the complaint.
This information will remain confidential and will not be disclosed unless directed by court order.

Name of Complainant

Address, City, State, Zip

Telephone

Email

ATTACHMENT 28

June 21, 2019 Complaint Form



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
DEVELOPMENT ASSISTANCE

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



COMPLAINT OF POSSIBLE CODE VIOLATION FORM

Please complete the form with as much detail as possible and return to the address above.
Photos or a site drawing are helpful in determining the exact location and nature of the complaint.

1. Date Complaint First Observed:

06-17-2019

2. Location (attach location map if necessary):

109 Pampas Lane, Fortuna Ca 95540

3. Assessor Parcel Number (if known):

202-171-017

4. Name, Address, Phone Number of Property Owner (if known):

Pacific Cannabis Growers / Josh Clark
109 Pampas Lane
Fortuna, Ca. 95540

5. Description of Complaint (use additional sheets if necessary):

Strong, gaging odor of marijuana

Cannot open windows At night to Cool
House because of Smell

want on the record because there is no consideration
for the home owners in this area Very poor planning

Complainant

The Information below must be provided in order to process the complaint.
This information will remain confidential and will not be disclosed unless directed by court order.

Name of Complainant

Address, City, State, Zip

Telephone

Email

ATTACHMENT 29

June 22, 2019 Email from Neighbor 1

Santos, Steven A

From: [REDACTED]
Sent: Saturday, June 22, 2019 7:44 AM
To: Johnson, Cliff; Ford, John; Fennell, Estelle
Cc: Sue Long; Santos, Steven A; Saucedo, Portia
Subject: Re: County of Humboldt LCP Amendment Application No. LCP-1-HUM-16-0075-2 Part C
Attachments: OLY20004.JPG; OLY20003copy.jpg

I have attached another picture taken last night(hi-res and lo-res). I am not sure why you need to have a hearing to decide about the revocation of the permit. If your agency or another has advised Mr. Clark then he is clearly demonstrating insubordination regarding these warnings. I rarely have ever received three warnings on a moving violation by the police. Usually one and done, no warning. Your process clearly shows preference to the grower over the residents who must endure the light, noise, and smell of the grow. There is a remediation process in place to move Mr. Clark to another area. Why schedule a meeting just to slap him on the wrist and let him continue to defy permit regulations?

I will have to take time off work to come to the meeting on June 11 if is scheduled at an inconvenient time (inconvenient for me, not for you). Please tell me what time you will convene the hearing/meeting on June 11.

Sincerely [REDACTED]

From: "Johnson, Cliff" <CJohnson@co.humboldt.ca.us>
To: [REDACTED]; "Ford, John" <JFord@co.humboldt.ca.us>; "Fennell, Estelle" <EFennell@co.humboldt.ca.us>
Cc: Sue Long <slong@ci.fortuna.ca.us>; "Santos, Steven A" <sasantos@co.humboldt.ca.us>; "Saucedo, Portia" <psaucedo1@co.humboldt.ca.us>
Sent: Wednesday, June 12, 2019 9:23 AM
Subject: RE: County of Humboldt LCP Amendment Application No. LCP-1-HUM-16-0075-2 Part C

[REDACTED]

Thank you for submitting these pictures. We are planning on having this cultivation permit heard on the July 11th Planning Commission agenda to seek a recommendation to the Board for revocation of the permit. Please continue to inform us of lighting and other issues as they happen, as we will include this information in the report to the Planning Commission.

Cliff Johnson, Supervising Planner
County of Humboldt Planning and Building Department
3015 H Street
Eureka, CA 95501
(707) 268-3721

From: [REDACTED]
Sent: Wednesday, June 12, 2019 6:31 AM

To: Ford, John <JFord@co.humboldt.ca.us>; Fennell, Estelle <EFennell@co.humboldt.ca.us>
Cc: Johnson, Cliff <CJohnson@co.humboldt.ca.us>; Sue Long <slong@ci.fortuna.ca.us>; Santos, Steven A <sasantos@co.humboldt.ca.us>; Saucedo, Portia <psaucedo1@co.humboldt.ca.us>
Subject: Re: County of Humboldt LCP Amendment Application No. LCP-1-HUM-16-0075-2 Part C

Mr. Ford:

The grow on Loop road [REDACTED] appears to still be leaving their lights on in spite of being notified by your office. It seems as though they really don't care as there is no enforcement nor any consequences for them breaking the rules. They are apparently able to do as they wish. Has the hearing you promised been scheduled? I have received no notification of any.

The pictures attached were taken last night June 11, 2019 between 10:06 and 11:18 PM. They were on all night long.

[REDACTED]

From: "Ford, John" <JFord@co.humboldt.ca.us>
To: "Fennell, Estelle" <EFennell@co.humboldt.ca.us>; [REDACTED]
Cc: "Johnson, Cliff" <CJohnson@co.humboldt.ca.us>
Sent: Tuesday, May 28, 2019 8:02 AM
Subject: RE: County of Humboldt LCP Amendment Application No. LCP-1-HUM-16-0075-2 Part C

Hi [REDACTED]

The last inspection we performed on the site was on January 10, 2019. At that time it was determined that the site was in compliance. On November 26, 2018 we sent him the attached letter putting Mr. Clark on notice that additional violations will result in the loss of the ability to cultivate. Based on the photos you submitted, in March of 2019, of the unshielded greenhouses we will schedule the Zoning Clearance Certificate for a hearing to determine if there are grounds to revoke the ZCC. You will be notified of the hearing.

John



John H. Ford
Director
[Planning and Building Department](#)
707.268.3738

From: Ford, John
Sent: Monday, April 22, 2019 8:04 AM
To: Fennell, Estelle <EFennell@co.humboldt.ca.us>; [REDACTED]
Subject: Re: County of Humboldt LCP Amendment Application No. LCP-1-HUM-16-0075-2 Part C

Hi [REDACTED]

The version of the ordinance being considered by the Coastal Commission only applies to the Coastal Zone. It will have no bearing on inland areas.

I do not know whether we have formally notified Josh Clark yet, but I will get an answer to that.

John

From: [REDACTED]
Sent: Sunday, April 21, 2019 8:48 AM
To: Ford, John; Fennell, Estelle
Subject: County of Humboldt LCP Amendment Application No. LCP-1-HUM-16-0075-2 Part C

Dear Mr. Ford and Supervisor Fennell:

5 questions total.

Is there anything in the new, updated or amended ordinance: **County of Humboldt LCP Amendment Application No. LCP-1-HUM-16-0075-2 Part C** ([California Coastal Commission](#)) which in any way predominantly affects any of the residents in rural residential zones or sphere of influence zones in Humboldt County? Are there changes which undermine any of the current zoning or setback requirements? Is it just for the coastal zone? I saw none but would appreciate your comments. A hearing and a vote are scheduled on May 9, 2019 and needs public comment fairly quickly. It seemed to me that none of the changes were material from my standpoint but I understand that you are the ones responsible for knowing what is in the document and answering any questions.

Mr. Ford, I am still awaiting comment from my email sent to you on April 10, 2019. Additionally, I would like to know if Josh Clark has received a letter of non-compliance and what date. Also, has he submitted a plan to become compliant and what date?

California Coastal Commission

Sincere regards,

[REDACTED]

ATTACHMENT 30

June 22, 2019 Photo



ATTACHMENT 31

June 22, 2019 Photo



ATTACHMENT 32

June 25, 2019 Email from Neighbor 3

Santos, Steven A

From: Johnson, Cliff
Sent: Tuesday, June 25, 2019 4:34 PM
To: Santos, Steven A
Subject: FW: Pampas lane Cannabis grow

From: [REDACTED]
Sent: Tuesday, June 25, 2019 3:24 PM
To: Johnson, Cliff <CJohnson@co.humboldt.ca.us>
Cc: [REDACTED]
Subject: Pampas lane Cannabis grow

Mr. Johnson,
Please read into the public record that I Observed lighting on after 10pm on 6/21/2019 at the Pampas Lane Cannabis grow site. Parcel number 202-171-017
Growers address is 109 Pampas lane, Fortuna ca. 95540 [REDACTED] noted that the lights were on all night.
It should be noted that I also observed this same lighting issue this spring lights on well after sunset, but did not know at that time that it was a code violation.
Thank you,

[REDACTED]
[REDACTED]
[REDACTED]

ATTACHMENT 33

Notice of Public Hearing for ZCC Expiration



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT

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

NOTICE OF ZONING CLEARANCE CERTIFICATE EXPIRATION

Sent via Certified Mail and Email
June 26, 2019

Pacific Cannabis Growers Inc.
42112 Roanoake street
Temecula CA 92591

RE: Cannabis Zoning Clearance Certificates 11428 and 13884 on APN 202-171-017

Dear Josh:

The letter serves as formal notice under HCC 312-2.5 that the department will hold a public hearing to consider if the above referenced Zoning Clearance Certificates are expired. Application 11428 is a Zoning Clearance Certificate for 10,000 square feet of new mixed light cannabis cultivation. Application 13884 is an RRR Zoning Clearance Certificate for 19,820 of new mixed light cannabis cultivation. Both Zoning Clearance Certificates 11428 and 13884 were submitted on November 10, 2016 and became effective on May 15, 2017.

This matter is scheduled for a public hearing before the Planning Commission on July 11, 2019 at 6 PM in the Board of Supervisors' Chamber, Humboldt County Courthouse, 825 Fifth Street, Eureka, California.

Per HCC 312-2.5, a Zoning Clearance Certificate shall expire when the proposed development no longer conforms with the County Zoning Regulations.

In particular, the cannabis permits are not in conformance with the performance standards for mixed light cultivation. HCC 314-55.4.11(v) states:

"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." (emphasis added)

The Zoning Clearance Certificates in operation at this location have been the subject of numerous light pollution complaints since the greenhouses were constructed last year. By letter sent November 26, 2018 you were notified that unless steps were taken by December 7, 2018 to ensure no light pollution occurs in the future, revocation of your cultivation permit would result. Subsequent to December 7, 2018 the Planning Department has received additional complaints that light from your greenhouses were visible from neighboring residences between sunset and sunrise.

The Zoning Administrator has referred the applications subject to this notice to the Planning Commission for decision per HCC 312-1.2.5. An appeal from the decision of the Planning Commission may be made to the Board of Supervisors.

With regard to this notice, be advised that any person may appear and present testimony in regard to this matter at the hearing. If you challenge the nature of the proposed action in court, you may be limited to raising only those issues you or someone else raised at the public hearing

described in this notice, or in written correspondence delivered to the Planning Commission at, or prior to, the public hearing. The Planning Commission needs one original and 14 copies of any materials submitted either prior to or at the meeting. The Planning Commission's decision will become effective if an appeal is not filed within the appropriate filing period. An appeal may be filed by any aggrieved person who has testified in person or in writing on the project and must be submitted in writing with the required fees to the Planning Division of the Humboldt County Planning and Building Department before the end of the appeal period. If appealed, the decision will not become effective until the appeal is resolved. If you challenge the nature of the proposed action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission at, or prior, to the public hearing. The staff report for this project will be available on our web site <http://humboldt.legistar.com> on the Friday before the Planning Commission meeting.

If you have any questions regarding the content of this notice, I can be reached at 707-268-3749 or sasantos@co.humboldt.ca.us.

Sincerely,

A handwritten signature in blue ink that reads "St A.S." followed by a stylized flourish.

Steven A. Santos
Senior Planner

ATTACHMENT 34

June 26, 2019 Email from Applicant

Santos, Steven A

From: Joshua Clark <jcog323@yahoo.com>
Sent: Wednesday, June 26, 2019 1:46 PM
To: Santos, Steven A
Subject: Re: Notice of ZCC Expiration for 11428 and 13885

Hey Steven,

I wish I was hearing from you under better circumstances. Thank you for being patient and understanding with me on the phone. It's not what I was expecting, and is stressful. I wish to request all the related project documents , please.

Also I know you said you have to default to you superiors choice on the staff report. So my question is this, considering how much this potentially could negatively impact me and my family's life. Could I at least present my side of this situatuon before a decision will be made on what to say in the county report?

As well here was a thought on a way to address the neighbors concerns via conditions on my ZCC, which honestly I will implement regardless if I can still operate.

1. Only utilize professionally manufactured light depo units. No homemade systems or pulling tarps.
2. plant a tree line along the property line to reduce visibility
3. Having a fully functioning cctv surveillance system instead of ring cameras which only record when there is movement. Allow the county access to the videos to confirm or refute any future complaints....

Do these make sense to you? -Joshua L Clark
Sent from my iPhone

On Jun 26, 2019, at 12:15 PM, Santos, Steven A <sasantos@co.humboldt.ca.us> wrote:

Josh – Following up on our phone conversation moments ago regarding the above Zoning Clearance Certificates. Attached is the Notice of Expiration that was placed in the mail today. As discussed on the phone you may reply to this email if you wish to request project documents. With regard to the staff report, once it is written and finalized by management, it will be available to you and the public.

I know this is tough news to digest. Please contact me any time if you have questions.

<image001.png>	Steven A. Santos Senior Planner Planning and Building Department 707.268.3749
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<PCG ZCC 11428 13885 Expiration Notice.pdf>

ATTACHMENT 35

11428 Staff Report ZCC 16-135



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

3015 H Street • Eureka CA 95501
Phone: (707) 445-7541 • Fax: (707) 268-3792
<http://www.humboldt.gov/156>

ZONING CLEARANCE CERTIFICATE EVALUATION

Project: Pursuant to the Humboldt County Commercial Medical Marijuana Land Use Ordinance (CMMLUO), Section 314-55.4.1 et seq., a Zoning Clearance Certificate, for 10,000 square feet of new mixed light cultivation, with no improved floors. The water source is a pre-1972 unpermitted well. The cultivation activities include three mixed light cycles, using approximately 52,445 gallons a year. Cultivation will be irrigated using poly-drip lines and accessing water directly from the well. The applicant intends to process onsite, cannabis will be dried and machine trimmed in an existing barn and garage. The applicant will file a Notice of Intent with the North Coast Water Quality Control Board under Tier 2 prior to initiation of cannabis cultivation activities. The applicant will have no employees, as it will be run by the family. A Cultural Resources Investigation was conducted by Alex DeGeorgey from Alta Archeological Consulting on April 26, 2017. The report concludes that no significant archaeological or historic period cultural resources, that for the purposes of CEQA would be considered an historical resource, exist in the subject parcel proposed for cannabis cultivation. However, Alta Archeological Consulting incorporated recommendations in Exhibit B for inadvertent discovery in the event that undocumented resources are identified during the conduct of the project.

Project Location: The project is located in Humboldt County, in the Fortuna area, on the east and west sides of Pampas Lane, approximately 1.05 miles north from the intersection of Rohnerville Road and South Loop Road on the property known as 109 Pampas Lane, Fortuna.

Present Plan Designations: Agricultural Suburban (AS), Fortuna Area Community Plan (FACP).

Present Zoning: Agriculture General with Building Site Combining Zone (AG-B-5(5))

Application Number: 11428

Case Number: ZCC16-135

Assessor Parcel Number(s): 202-171-017.

Applicant

Pacific Cannabis Growers Inc./
California Cannabis Growers, Inc.
Josh Clark
42112 Roanoke Street
Temecula, CA. 92591

Owner

Terrence and Cindy Zercher
109 Pampas Lane
Fortuna, CA. 95540

Pursuant to Humboldt County Code Section 312-1.1 and 312-2.4, a Zoning Clearance Certificate shall be approved and issued by the Planning Director if, based on the submitted information provided by the applicant, it is found that:

1. The proposed development conforms with all requirements of the Humboldt County Zoning Regulations; and
2. The proposed development complies with the terms and conditions of any applicable

Zoning Clearance Certificate Permittee Terms and Requirements

Zoning Clearance Certificate is specific to the project as described

Performance Standards for Cannabis Cultivation Operations

Maintain enrollment in Tier 1, 2 or 3, certification with the North Coast Regional Water Quality Control Board (NCRWQCB) 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.

Performance Standards for Cultivation and Processing Operations

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."

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).

Cultivators engaged in processing shall comply with the following Processing Practices:

- I. Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.
- II. Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
- III. Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.
- IV. Employees must wash hands sufficiently when handling cannabis or use gloves.

All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:

- i. 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:
 - 1) Emergency action response planning as necessary;
 - 2) Employee accident reporting and investigation policies;
 - 3) Fire prevention;
 - 4) Hazard communication policies, including maintenance of material safety data sheets (MSDS);
 - 5) Materials handling policies;
 - 6) Job hazard analyses; and
 - 7) Personal protective equipment policies, including respiratory protection.
- ii. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
 - 8) Operation manager contacts;
 - 9) Emergency responder contacts;
 - 10) Poison control contacts.
- iii. 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.
- iv. On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.

All cultivators shall comply with the approved Processing Plan as to the following:

- i. Processing Practices.
- ii. Location where processing will occur.
- iii. Number of employees, if any.

- iv. Employee Safety Practices.
- v. Toilet and handwashing facilities.
- vi. Plumbing and/or septic system and whether or not the system is capable of handling increased usage.
- vii. Drinking water for employees.
- viii. Plan to minimize impact from increased road use resulting from processing.
- ix. On-site housing, if any.

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.

Performance Standards for Indoor Cultivation

Term of Commercial Cannabis Activity Zoning Clearance Certificate

If the inspector or other County official determines that the site does not comply with the conditions of approval, the inspector shall serve the clearance certificate or permit holder with a written statement identifying the items not in compliance, and the action that the permit holder may take to cure the non-compliance, or file an appeal within ten (10) days of the date that the written statement is delivered to the permit holder. Personal delivery or mailing the written statement to the mailing address listed on the application by regular mail, plus three (3) days after date of mailing, shall constitute delivery. The permit holder may request a reinspection to determine whether or not the permit holder has cured all issues of non-compliance. Failure to request reinspection or to cure any items of non-compliance shall terminate the Zoning Clearance Certificate, Special Permit, or Use Permit, immediately upon the expiration of any appeal period, or final determination of the appeal if an appeal has been timely filed pursuant to section 55.4.13.

Acknowledgements to Remain in Full Force and Effect

Permittee Acknowledges that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed in which the cultivation area is located will not support diversions for irrigation.

CMMLUO Zoning Clearances and Use Permits Are Non-Transferable

Zoning Clearance Certificates and Use Permits for medical marijuana activities (cultivation, processing, distribution or manufacturing) under the Humboldt County Commercial Medical Marijuana Land Use Ordinance are non-transferable. The clearances or permits have a one-year term. The number of clearances or permits that one person (or related business entity) may hold is limited to four. There are a number of declarations and commitments imposed as conditions of application and approval that are personal in nature. The rights and privileges to conduct medical marijuana activities on a specific parcel do not attach to title to the property and are not conveyed with the lease or sale of the property. Accordingly, Zoning Clearance Certificates or Use Permits may not be sold, assigned, leased or otherwise conveyed or transferred by the person or entity holding the Zoning Clearance Certificate or Use Permit to any third party not named on the application without a modification of the clearance or permit as described below.

Before anyone other than the applicant may engage in medical marijuana activities under the terms of a Zoning Clearance Certificate or Use Permit, they must submit an application to the Planning Director on the Cannabis Application/Permit Transfer Request Form available from the Planning and Building Department. The request shall be accompanied by such documentation as determined necessary by the Planning Director to show conformance with the requirements for a clearance or permit under the CMMLUO. A fee deposit shall be collected for this Transfer Request review process.

Examples of circumstances necessitating Director Review to approve a transfer include:

- The clearance or permit is obtained by the property owner, and the owner seeks to lease the marijuana cultivation area or other facility to a third party to operate.
- The clearance or permit is obtained by the property owner, and the owner sells the property. The new owner must apply for a permit modification before operating the marijuana facility.

EXHIBIT B

Per Alex DeGeorgey from Alta Archeological Consulting the project as presently designed is not expected to have an adverse effect on cultural resources. However, the following recommendations shall apply:

Unanticipated Discovery of Cultural Resources

If previously unidentified cultural resources are encountered during project implementation, avoid altering the materials and their stratigraphic context. A qualified professional archaeologist should be contacted to evaluate the situation. Project personnel should not collect cultural resources. Prehistoric resources include, but are not limited to, chert or obsidian flakes, projectile points, mortars, pestles, and dark friable soil containing shell and bone dietary debris, heat-affected rock, or human burials. Historic resources include stone or abode foundations or walls; structures and remains with square nails; and refuse deposits or bottle dumps, often located in old wells or privies.

Encountering Native American Remains

Although unlikely, if human remains are encountered, all work must stop in the immediate vicinity of the discovered remains and the County Coroner and a qualified archaeologist must be notified immediately so that an evaluation can be performed. If the remains are deemed to be Native American and prehistoric, the Native American Heritage Commission must be contacted by the Coroner so that a "Most Likely Descendant" can be designated and further recommendations regarding treatment of the remains is provided.

ATTACHMENT 36

13884 Staff Report ZCC 16-136



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

3015 H Street Eureka CA 95501 Fax: (707) 268-3792 Phone: (707) 445-7541
<http://www.co.humboldt.ca.us/planning/>

ZONING CLEARANCE CERTIFICATE EVALUATION

Project: Pursuant to the Humboldt County Commercial Medical Marijuana Land Use Ordinance (CMMLUO), Section 314-55.4.1 et seq., issuance of a Zoning Clearance Certificate as a **Relocation Site** for a Retirement, Remediation, and Relocation (RRR) of nineteen thousand, eight hundred twenty (19,820) square feet (SF) mixed-light medical cannabis cultivation area. The retirement site is APN 531-072-004, with approximately six-thousand one-hundred (6,100) SF existing mixed-light cultivation area. **[Remediation of the Retirement site is being processed concurrently as a separate application (Apps No. 13884)]**. The relocation site is located within an area of mapped prime agricultural soils, with a combining zone of Agricultural General- Special Building (AG-B-5). The slopes are less than 15%. The property is served by a non-diversionary water source (well) used for irrigation. The relocated cultivation area is permitted to increase by four times up to but not exceeding 20,000 sq. ft., the applicant has determined to increase it to nineteen thousand, eight hundred twenty (19,820) SF in size. The operation includes a phased operation. In 2018 the nineteen thousand, eight hundred twenty (19,820) SF will commence as outdoor cultivation. In 2019 the operation will commence as mixed light cultivation, in greenhouses with no improved floors. The cultivation activities include three mixed light cycles, using approximately 104,890 gallons of irrigation water a year. Cultivation will be irrigated using poly-drip lines and accessing water directly from the well. The applicant intends to process onsite, cannabis will be dried and machine trimmed in an existing barn and garage. The applicant will file a Notice of Intent with the North Coast Water Quality Control Board under Tier 2 prior to initiation of cannabis cultivation activities. The applicant will have no employees, as it will be run by the family. The applicant anticipates hiring a third party permitted processor once a licensed and permitted business opens in the local area. PG&E serves electricity to the site.

The project is subject to satisfactory remediation of the Retirement Site in accordance with the Compliance Agreement executed for ZCC-16-136RRR. Documentation for the activity type has been submitted in accordance with the CMMLUO which is on file with the Planning Division.

Project Location: The project is located in Humboldt County, in the Fortuna area, on the east and west sides of Pampas Lane, approximately 1.05 miles north from the intersection of Rohnerville Road and South Loop Road on the property known as 109 Pampas Lane, Fortuna.

Present Plan Designations: Agricultural Suburban (AS), Fortuna Area Community Plan (FACP).

Present Zoning: Agriculture General with a five acre minimum AG-B-5(5)

Application Number: 13884

Case Number: ZCC-16-136

Assessor Parcel Number(s): 202-171-017

Applicant

California Cannabis Growers, Inc.
Josh Clark
42112 Roanake Street
Temecula, CA. 92591

Owner

Terrence and Cindy Zercher
16690 Mount Hoffman Circle
Fountain Valley, CA 92708

Agent

N/A

Pursuant to Humboldt County Code Section 312-2.4, a Zoning Clearance Certificate shall be approved and issued by the Planning Director if, based on the submitted information provided by the applicant, it is found that:

1. The proposed development conforms with all requirements of the Humboldt County Zoning Regulations; and
2. The proposed development complies with the terms and conditions of any applicable permit and/or subdivision map that was previously approved for such development; and
3. The proposed development is not located on the same lot where conditions or activities are being conducted which are a part of the proposed development and in violation of the Humboldt County Code, unless the zoning clearance is necessary for the abatement of the existing violation.

Staff Analysis of the Record

An application has been submitted to the Planning Division for a Zoning Clearance Certificate as a relocation site for Retirement, Remediation, and Relocation (RRR) of 19,820 square feet mixed-light medical cannabis cultivation area. The retirement site is APN 531-072-004, with approximately six-thousand one-hundred (6,100) SF existing mixed-light cultivation area. This commercial cannabis activity is authorized by Section 314-55.4.14 et seq., of the CMMLUO. The application for relocation meets the requirements of zoning, size of cultivation area, setbacks from property lines and listed incompatible uses (e.g., schools), and is accompanied by the documentation, plans, descriptions, and agency clearances set forth in the CMMLUO. The Relocation Site is also host to 10,000 sq. ft. of new mixed-light medical cannabis cultivation (ZCC16-135).

The relocation parcel is a legal lot created in compliance with all applicable state and local subdivision requirements. The property is not subject to an approved land use permit or subdivision to which terms and conditions apply to new development.

The proposed development is not located on property where one or more violations of the Humboldt County Code exists.

Determination

It is the determination of the Planning Division that:

- ☒ A Zoning Clearance Certificate is approved. The terms and responsibilities set forth in Exhibits A and B shall be satisfied by the Permittee.
- ☐ A Provisional Zoning Clearance Certificate is approved. The unmet performance standards in Exhibit B must be completed and a Compliance Agreement executed by the Permittee. Demonstrated progress towards completing these unmet standards will be reviewed at the end of the one year term of this clearance. The terms and responsibilities set forth in Exhibit A shall also be satisfied by the Permittee.
- ☐ The Zoning Clearance Certificate application is denied. The reasons for this denial are set forth in the analysis above.

Issued By: 
John H. Ford
Director, Planning and Building Department

Date: 4/12/2018

EXHIBIT A

Zoning Clearance Certificate Permittee Terms and Requirements

PERMITTEE SHALL ADHERE TO THE FOLLOWING TERMS AND REQUIREMENTS FOR THE TERM OF THE ZONING CLEARANCE CERTIFICATE:

Zoning Clearance Certificate is specific to the project as described

The zoning clearance certificate is specific to the project as represented in the accompanying application and all documents, plans, descriptions, and agency clearances attendant thereto. Except for a provisional zoning clearance certificate subject to an executed Compliance Agreement, initiation of the use is not to commence until all County permits have been secured and the improvements described herein are completed to the satisfaction of the responsible department.

Performance Standards for Cannabis Cultivation Operations

Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CMMLUO and MAUCRSA, as applicable to the permit type.

If operating pursuant to a written approved compliance agreement, permittee shall abate or cure violations at the earliest feasible date, but in no event no more than two (2) years of date of issuance of a provisional clearance or permit. Permittee shall provide plans for curing such violations to the Planning & Building Department within one (1) year of issuance of the provisional clearance or permit.

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.

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, as applicable.

Confinement of the area of cannabis cultivation, processing, manufacture or distribution to the location depicted on the approved site plan. The commercial cannabis activity shall be set back at least 30 feet from any property line, and 600 feet from any School, School Bus Stop, Church or other Place of Religious Worship, Public Park, or Tribal Cultural Resources, except where a reduction to this setback has been approved pursuant to Section 55.4.11(d).

Maintain enrollment in Tier 1, 2 or 3, certification with the North Coast Regional Water Quality Control Board (NCRWQCB) 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.

For cultivation area(s) for which no enrollment pursuant to NCRWQB Order No. 2015-0023 is required by that Order, comply with the standard conditions applicable to all Tier 1 dischargers.

Comply with the terms of any applicable Streambed Alteration Permit obtained from the Department of Fish & Wildlife.

Comply with the terms of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (CAL-FIRE), if applicable.

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).

Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.

Pay all applicable application, review for conformance with terms and requirements and annual inspection fees.

Where surface water diversion provides any part of the water supply for irrigation of cannabis cultivation, permittee shall either: 1) 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) comply with the approved 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) adhere to the RWQCB approved Water Resources Protection Plan or other clearance issued by the agency. If the method of compliance changes during the term of the Zoning Clearance Certificate, permittee shall notify the Planning and Building Department and furnish appropriate documentation of compliance with this standard.

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." Permittee shall maintain a record of date(s), nature of the emergency, and the amount of trucked water delivered to demonstrate compliance with this standard.

The noise produced by a generator used for cannabis cultivation shall not be audible by humans from neighboring residences. The decibel level for generators measured 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. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service, and further consultation where necessary.

Storage of Fuel. Fuel shall be stored handled in compliance with applicable state and local laws and regulations, and in such a way that no spillage occurs.

Participate in and bear costs for permittee's participation in the Medical Cannabis Track and Trace Program administered by the Humboldt County Agricultural Commissioner.

Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation

Tax Ordinance (Humboldt County Code Section 719-1 et seq.).

Performance Standards for Cultivation and Processing Operations

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."

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).

Cultivators engaged in processing shall comply with the following Processing Practices:

- I. Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.
- II. Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
- III. Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.
- IV. Employees must wash hands sufficiently when handling cannabis or use gloves.

All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:

- i. 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:
 - 1) Emergency action response planning as necessary;
 - 2) Employee accident reporting and investigation policies;
 - 3) Fire prevention;
 - 4) Hazard communication policies, including maintenance of material safety data sheets (MSDS);
 - 5) Materials handling policies;
 - 6) Job hazard analyses; and
 - 7) Personal protective equipment policies, including respiratory protection.
- ii. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
 - 8) Operation manager contacts;
 - 9) Emergency responder contacts;
 - 10) Poison control contacts.
- iii. 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.
- iv. On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.

All cultivators shall comply with the approved Processing Plan as to the following:

- i. Processing Practices.
- ii. Location where processing will occur.

- iii. Number of employees, if any.
- iv. Employee Safety Practices.
- v. Toilet and handwashing facilities.
- vi. Plumbing and/or septic system and whether or not the system is capable of handling increased usage.
- vii. Drinking water for employees.
- viii. Plan to minimize impact from increased road use resulting from processing.
- ix. On-site housing, if any.

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.

Performance Standards for Indoor Cultivation

Term of Commercial Cannabis Activity Zoning Clearance Certificate

If the inspector or other County official determines that the site does not comply with the conditions of approval, the inspector shall serve the clearance certificate or permit holder with a written statement identifying the items not in compliance, and the action that the permit holder may take to cure the non-compliance, or file an appeal within ten (10) days of the date that the written statement is delivered to the permit holder. Personal delivery or mailing the written statement to the mailing address listed on the application by regular mail, plus three (3) days after date of mailing, shall constitute delivery. The permit holder may request a reinspection to determine whether or not the permit holder has cured all issues of non-compliance. Failure to request reinspection or to cure any items of non-compliance shall terminate the Zoning Clearance Certificate, Special Permit, or Use Permit, immediately upon the expiration of any appeal period, or final determination of the appeal if an appeal has been timely filed pursuant to section 55.4.13.

Acknowledgements to Remain in Full Force and Effect

Permittee Acknowledges that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed in which the cultivation area is located will not support diversions for irrigation.

Permittee further acknowledges and declares that:

- (1) All commercial cannabis activity that I, my agents, or employees conduct pursuant to a permit from the County of Humboldt for commercial cultivation, processing, manufacturing, and distribution of cannabis for adult use or medicinal use within the inland area of the County of Humboldt, shall at all times be conducted consistent with the provisions of the approved County permit; and
- (2) All cannabis or cannabis products under my control, or the control of my agents or employees, and cultivated or manufactured pursuant to local Ordinance and the State of California Medicinal and Adult Use Cannabis Regulation and Safety Act ("MAUCRSA") (SB 94), will be distributed within the State of California; and
- (3) All commercial cannabis activity conducted by me, or my agents or employees pursuant to a permit from the County of Humboldt will be conducted in compliance with the State of California MAUCRSA.

CMMLUO Zoning Clearances and Use Permits Are Non-Transferable

Zoning Clearance Certificates and Use Permits for medical marijuana activities (cultivation, processing, distribution or manufacturing) under the Humboldt County Commercial Medical Marijuana Land Use Ordinance are non-transferable. The clearances or permits have a one-year term. The number of clearances or permits that one person (or related business entity) may hold is limited to four. There are a number of declarations and commitments imposed as conditions of application and approval that are personal in nature. The rights and privileges to conduct medical marijuana activities on a specific parcel do not attach to title to the property and are not conveyed with the lease or sale of the property. Accordingly, Zoning Clearance Certificates or Use Permits may not be sold, assigned, leased or otherwise conveyed or transferred by the person or entity holding the Zoning Clearance Certificate or Use Permit to any third party not named on the application without a modification of the clearance or permit as described below.

Before anyone other than the applicant may engage in medical marijuana activities under the terms of a Zoning Clearance Certificate or Use Permit, they must submit an application to the Planning Director on the Cannabis Application/Permit Transfer Request Form available from the Planning and Building Department. The request shall be accompanied by such documentation as determined necessary by the Planning Director to show conformance with the requirements for a clearance or permit under the CMMLUO. A fee deposit shall be collected for this Transfer Request review process.

Examples of circumstances necessitating Director Review to approve a transfer include:

- The clearance or permit is obtained by the property owner, and the owner seeks to lease the marijuana cultivation area or other facility to a third party to operate.
- The clearance or permit is obtained by the property owner, and the owner sells the property. The new owner must apply for a permit modification before operating the marijuana facility.

Inadvertent Discovery Protocol

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

The Native American Heritage Commission (NAHC) can provide information regarding the appropriate Tribal point(s) of contact for a specific area; the NAHC can be reached at 916-653-4082. Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, shellfish or faunal remains, and human burials. If human remains are found, California Health and Safety Code 7050.5 requires that the County Coroner be contacted immediately at 707-445-7242. If the Coroner determines the remains to be Native American, the NAHC will then be contacted by the Coroner to determine appropriate treatment of the remains pursuant to PRC 5097.98. Violators shall be prosecuted in accordance with PRC Section 5097.99

The applicant/permittee is ultimately responsible for ensuring compliance with this condition.

EXHIBIT B

Zoning Clearance Certificate Responsibilities and Outstanding Obligations

Permits or clearances from State Agencies to be secured, when available (not the subject of Compliance Agreement)

1. Secure state licensing under MAUCRSA (when available).

Items to be satisfied for the project per the Project Description and Operations Plan or currently demonstrated but must remain satisfied for the life of the project include, but are not limited to, the following:

2. Cannabis will be processed on-site by the family and no employees will be engaged in this activity.
3. Artificial light used in cultivation and clone/start propagation operations will adhere to shielding and International Dark Sky Association standards as set forth in the CMMLUO.
4. Maintain compliance with Regional Water Quality Control Board Order R1-2015-0023 and implement all corrective actions identified in the Water Resources Protection Plan.
5. Obtain Building Permits and/or clearances from the Building Division for all existing and proposed structures that have a nexus to the medical cannabis activity.
6. Greenhouses shall be constructed without impervious floors in accordance with Humboldt County Code section 314-43.1.3.
7. Adhere to recommendations in the Cultural Resources Investigation, including the Inadvertent Discovery Protocol.
8. Participate in and bear costs for permittee's participation in the Medical Cannabis Track and Trace Program administered by the Humboldt County Agricultural Commissioner.
9. Adhere to the Covenant to Restrict Use of Property Cannabis Cultivation Restriction and the remediation plan approved by the County of Humboldt on APN: 531-072-004.
10. Comply with the Yurok Tribe Commercial Cannabis Cultivation RRR work plan.

The following items are currently demonstrated but must remain satisfied for the life of the project per the Project Description and Operations Plan

1. Water will be sourced from the onsite well.
2. Maintain compliance with Regional Water Quality Control Board (RWQCB) Order R1-2015-0023 under Tier 2 and implement all corrective actions identified in the Water Resources Protection Plan (WRPP).
3. The effect of the provisions of the transfer from the Retirement to the Relocation Site. Violation of the RRR Covenant on the Retirement RRR site (Apps. No. 13884, APN 531-072-004, Case No. ZCC 16-136RRR) will terminate the permit for the Relocation RRR site (Apps No. 13884, APN 202-171-017, ZCC 16-136).

CANNABIS COMPLIANCE AGREEMENT
FOR RETIREMENT, REMEDIATION AND RELOCATION PROJECT



This Agreement is entered into this 9th day of April, 2018, by and between the County of Humboldt ("County"), California Cannabis Growers, Inc. Josh Clark ("Applicant"), Hapi Aquaculture Josh Clark ("Owner"), regarding property, in the Martins Ferry area, on the East side of Cappell Road, approximately 1.25 miles South from the intersection of Cappell Road and Ridenour Road, on the property known to be in Section 18,19 of Township 10 North, Range 04 East, Humboldt Base & Meridian Assessor's Parcel Number (APN) 531-072-004.

RECITALS

WHEREAS, on January 20, 2016, the Board of Supervisors of Humboldt County adopted Humboldt County Code ("HCC") Sections 313-55.4.11 and 314-55.4.11, allowing a property owner, under limited circumstances, to obtain a building permit or zoning clearance certificate to conduct commercial cannabis activity for medical use even though violations of the HCC, statute, or applicable regulation related to the commercial cannabis activity exist on the property, provided property owner and applicant execute an agreement with the County to cure the violations; and

WHEREAS, the County is utilizing this Compliance Agreement ("Agreement") to allow Applicant to secure permits to perform certain work associated with Zoning Clearance Certificate for medical cannabis cultivation, (Case No. ZCC-16-136RRR/Application No. 13884); and

WHEREAS, pursuant to the authority provided in HCC Section 312-2.4.1.3, County will issue a Zoning Clearance Certificate or a Building Permit on the subject property and, in exchange, Applicant and Owner guarantee that the existing land use and building violations on the land will be cured within a prescribed period of time, stated below; and

WHEREAS, Applicant and Owner acknowledge that there are existing violations of the HCC, statute, or applicable regulation related to the commercial cannabis activity exist on the property, to wit, diversion of surface water to support agricultural irrigation on APN 531-072-004, ancillary infrastructure including hoop greenhouses, plastic covers, grow containers, excess grow soil, wooden and metal support, refuse, water storage tanks, waterlines and pumps requiring issuance of a building permit or waiver. Owner has agreed to retire and remediate cannabis cultivation related impacts on the property and relocate the cultivation activity to an approved receiving site as provided by CMMLUO Section 314-55.4.14; and

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

- ZCC-16-136 / ZCC-16-136 Cannabis Growers Inc. / April 11, 2018 Cannabis Growers Network Inc. 11428 / 13882 Page 11
July 11, 2019 Page 115

required to submit monitoring reports for the remediation work to the Planning Director at such intervals as directed in Exhibit A.

6. Failure to Cure the Violations. The Parties agree that if the Owner and Applicant fail to cure the violations on the property within the prescribed time limit, and no extension is granted by the Director, then the code enforcement file will become active, and the County shall pursue all legal and administrative remedies against the Owner and Applicant, as allowed by local and state law, to ensure that the violations on the property are cured.
7. Termination. The Parties agree that once Owner and Applicant have cured the violations on the property and the County, after inspecting the property, agrees in writing that all violations on the property are cured, then this Agreement shall terminate.
8. Lawful Construction. All repair, construction and reconstruction on the property shall be done in accordance with all applicable County and state codes, laws, and regulations. Owner and Applicant agree that they shall obtain the necessary permits PRIOR to any repair, construction or reconstruction of the property.
9. Waiver. The failure of the County to proceed against the Property Owners in an enforcement action, whether administrative, civil or criminal, for any violation of the applicable ordinance, this Agreement or state or local law shall not constitute or be deemed a waiver of the County's right to proceed against Owner and/or Applicant for any subsequent violation. Nothing in this Agreement shall limit in any manner the authority of the County to apply and/or enforce any provisions of the County's code or state law to the Owner and Applicant and activities occurring on the property.
10. Notices. All notices required by this Agreement shall be sent, at a minimum, via first class United States Mail with postage prepared to the Parties as follows:

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

To Property Owner:
Hapi Aquaculture
Josh Clark
42112 Roanake Street
Temecula, CA. 92591

To Applicant:
California Cannabis Growers, Inc.

Josh Clark
42112 Roanake Street
Temecula, CA. 92591

Notices shall be deemed served upon deposit in the United States mail.

Indemnification. Owner and Applicant shall indemnify, defend and hold harmless the County, its officers, agents and employees from and against any and all claims or suits for damages or injury arising from the issuance of building or other permits for the property the Fortuna area, on the east and west sides of Pampas Lane, approximately 1.05 miles north from the intersection of Rohnerville Road and South Loop Road on the property known as 109 Pampas Lane, Fortuna California, compliance with or failure to abide by the building permit or the terms of this Agreement, and against and from all costs, attorney's fees, expenses and liabilities related to any claim or any action or proceeding brought within the scope of this indemnification.

11. Binding on Successors. This Agreement is binding on the heirs, successors and assigns of the Parties. In the event of a permit transfer, a new compliance agreement must be executed. In the event of property transfer, the Seller and Applicant have an affirmative duty to inform the Buyer of this Compliance Agreement. Seller and Applicant must also provide written proof of Buyer notification to the County.
12. Amendment. This Agreement may be amended, modified or changed by the Parties provided that said amendment, modification or change is in writing and approved by all Parties.
13. Entire Agreement. This Agreement contains the entire agreement between the Parties and all prior or contemporaneous agreements, understandings, representations and statements, oral or written, are superseded by this Agreement.
14. Annual Inspection and Renewal This Agreement is incorporated as a condition of approval for the provisional clearance or permit for commercial cannabis activity. Completion of the agreement shall be reviewed during the annual inspection and permit renewal process.
15. Severability. If any term, provision, promise or condition of this Agreement is held by a court with jurisdiction to decide on the matter to be invalid, void or unenforceable, the remaining provisions of this Agreement shall continue in full force and effect, unless the rights and obligations of the parties have been materially altered or abridged by such invalidation, voiding or unenforceability.
16. Jurisdiction and venue. This Agreement shall be construed in accordance with the laws of the State of California. Any dispute arising hereunder, or

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

Property Owner (s)

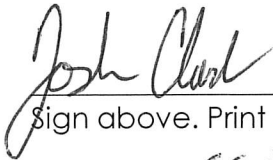
Sign above. Print name here:

Capacity / Title:

Sign above. Print name here:

Capacity / Title:

Applicant(s) (IF DIFFERENT FROM PROPERTY OWNERS)



Josh Clark

Sign above. Print name here:

CEO

Capacity / Title:

See attached Notary certificate

Sign above. Print name here:

Capacity / Title:

<Signatory Information for other
County departments if applicable>
County of Humboldt

[Name]

Attach Separate Notary Acknowledgements

CERTIFICATE OF ACKNOWLEDGMENT

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

STATE OF CALIFORNIA }
COUNTY OF HUMBOLDT }

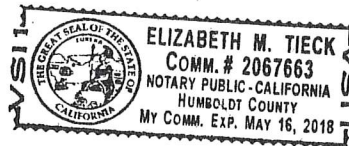
On this 9 day of April, 20 18, before me, Elizabeth M. Tieck Public Notary,
personally appeared Josh Clark

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

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

Witness my hand and official seal.

Elizabeth M. Tieck (seal)
Signature



CERTIFICATE OF ACKNOWLEDGMENT

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

STATE OF CALIFORNIA }
COUNTY OF HUMBOLDT }

On this _____ day of _____, 20____, before me, _____ Public Notary,
personally appeared _____

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

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

Witness my hand and official seal.

Signature (seal)

Exhibit A

List of Measures to Achieve Compliance

1. Removal and proper disposal of cultivation-related materials. Including pipes, frames, plastics, grow bags, fertilizer container, and fittings
2. Remove all irrigation tubing from both sites and connecting trail /path.
3. Broadcast of native seed mix if still required.
4. Remove undersized culvert from water source located by the second site in the rear of -property.
5. BMP's will be used to the satisfaction of the HCP&BD to remove any culverts and storm proof the existing road to eliminate rilling or gulying and minimize future erosion.
6. The remediation area shall be monitored for one (1) year, including at least one (1) rainy season to determine if the treatments are functioning as planned. Any signs of excessing erosion, soil rilling or gulying on slopes or roads may indicated additional treatments are needed to fulfil the remediation plan.
7. Applicant or their agent shall submit to the Planning Division a final report documenting all remediation work has been completed according to the approved Restoration Plan and the conditions noted above.
8. Execute Agreement to abide by the Covenant with the understanding that a violation will terminate the permit for the receiving RRR site (APN 206-341-019).