

**ATTACHMENT 3**

**Correspondence Chronology**



COUNTY OF HUMBOLDT  
PLANNING AND BUILDING DEPARTMENT

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

January 24, 2020

Elevated Farms LLC  
Paul Dubiel  
971 Knights Lane  
Garberville, CA 95542

RE: Notification of Incomplete Application, PLN-2019-16130 -ZCC Assessor  
Parcel Number: 220-011-018-000

Dear Mr. Dubiel,

We have received your application for a Zoning Clearance Certificate for 9,130 square feet of outdoor commercial cannabis submitted December 31, 2019. As you are aware, the property currently has code violations that are the subject of an active code enforcement case. Section 314-55.4.5.3 of the Humboldt County Code (H.C.C.) provides for the Planning Director to have the discretion to disqualify the pending applications, or to resolve the violation and proceed with processing of the application. At your request, the Director determined that we would not disqualify the pending application and instead allow for the application to be submitted and held suspended for processing pending resolution of the violations. Under Section 314-4.5.3.3 of the H.C.C., the violation must be resolved before the County can proceed with processing of the application. Accordingly, please be advised that your application will be held incomplete until the code enforcement case has been resolved, at which point a more thorough review for application completeness will be conducted. Please be advised that applications which are deemed incomplete for more than 6 months are deemed withdrawn pursuant to Section 312-6.1.5 of the H.C.C.

Sincerely,

Cliff Johnson, Supervising Planner  
Planning and Building Department



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

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

June 30, 2021

Sent Via Email  
Elevated Farms, LLC  
Paul Dubiel  
971 Knights Lane  
Garberville CA 95542

RE: Applications 16129 and 16130 on APNs 220-011-002 and 220-011-018

Dear Mr. Dubiel:

The above referenced applications were recently reviewed for further processing. The review identified several items needing attention before processing can continue. Please see the items described below for details.

Legal Parcel and Project Description

Assessor Parcel Numbers (APN) 220-011-002 and 220-011-019 are separate tax parcels but comprise a single legal parcel. Therefore, the two proposals described in applications 16129 and 16130 need to be combined into a single project. Application 16129 proposes 6,238 square feet of existing outdoor cultivation and 16130 proposes 9,130 square feet of existing outdoor cultivation for a combined total of 15,368 square feet. If these were separate projects on two legal parcels, we could process the proposals individually as Zoning Clearance Certificates. As a single project, it will require a Special Permit. One of the differences is a Zoning Clearance Certificate is administratively approved while a Special Permit is approved by the Zoning Administrator at a public hearing. You may choose to revise the project amount to be 10,000 square feet or less to remain as a Zoning Clearance Certificate and move forward with the combined total of 15,368 square feet as a Special Permit. Please let me know how you would like to proceed.

Timber Conversion

Review of aerial imagery and the submitted report from a Registered Professional Forester (RPF) indicates that historic cultivation occurred in areas converted from timber production and proposed cultivation areas will continue in or be relocated to some of these areas. Additional information regarding the timber conversions is needed. For example, on APN 220-011-002, there is a fourth clearing labeled as Site A on the plot plan for 16129 that was not analyzed and included in the report. Site 2 per the RPF report (also labeled as Site D on the plot plan for 16129) is noted as having been converted after 2015. Additionally, on APN 220-011-019 Site 5 per the RPF Report (also labeled as Site B on the respective plot plan for 16130) appears to have experienced conversion at different points in time with some occurring after 2015. The RPF report does not provide details regarding how much conversion on Site 5 occurred after 2015. Except under very limited circumstances, cultivation should be in converted areas in existence prior to 2016. You are encouraged to explore alternative locations for cultivation that avoid areas of timber conversion that occurred after 2015.

### Onsite Relocation

The project materials do a good job of establishing prior cultivation areas and the amounts present using a base year of 2015. The plot plans provided for the applications indicate that future cultivation will be moved from historic locations to elsewhere on the legal parcel. As noted in the Timber Conversion section above, some of these relocation areas have been identified in the RPF report as containing timber conversion that occurred after 2015 making them generally ineligible for cannabis cultivation. Additionally, proposals for onsite relocation must include an analysis describing why the relocation is environmentally superior. Specific analysis of the retired areas and the relocated areas is required to justify the relocation. The application materials do not currently contain an analysis proving the relocation is environmentally superior. Typically, the relocation analysis also includes restoration plans for the retired areas.

### Biological Report

The application materials contain a Biological Report prepared by NRM dated July 26, 2019. While the report provides an analysis of potential impacts to wildlife and associated habitat it appears to be missing a seasonally appropriate floristic survey.

### Plot Plan(s)

Overall, the plot plans provide some good information but will need revising, especially if cultivation locations change. Additionally, annotations are also needed to indicate which structures or features will be used in the cannabis operation and which will not. Knowing which structures and features will be used in the operation is very important. A multiple page plot plan is acceptable given the large area the project covers. Please be mindful of labeling consistency so discrete areas can be analyzed and described accurately. For example, in their current form the two plot plans reuse designations such as Site A, Site B etc. Such designations should be sequential to avoid confusion. The plot plan also needs to be consistent with the Operations Plan. Any feature, use, or structure described in the Operations Plan needs to appear on the plot plan. For example, the Operations Plan(s) describe a 1,500 square foot building for processing, but this building could not be located on the plot plans. Another example is the Operations Plan(s) describe rainwater catchment as a source of irrigation water, but the plot plan does not show the location(s).

### Operations Plan

A revised Operations Plan is needed that describes the combined project for the legal parcel. The Operations Plan also needs to contain sufficient details of the content required by the cannabis ordinance. Enclosed with this letter is a checklist outline to use as a guide for creating an Operations Plan. Examples of essential information include a monthly and annual water budget and monthly schedule of cultivation activities. The activities described in the plan need to comply with Commercial Cannabis Land Use Ordinance (CCLUO). For example, the current plan describes using a generator as an energy source, however, the CCLUO prohibits using a generator in areas zoned TPZ. In areas where generators are allowed, power usage is limited to 20% of overall energy demand and the Operations Plan needs to provide a breakdown of energy usage and identify the other energy source(s).

The issues described in this letter represent the analysis performed so far in the process. Additional information or clarification may be needed as the project is processed further.

Please let me know if you have questions about this letter. We could also set up a conference call if needed to go over this information. I am available at 707-268-3749 or [sasantos@co.humboldt.ca.us](mailto:sasantos@co.humboldt.ca.us)

Sincerely,

A handwritten signature in black ink that reads "Steven A. Santos". The signature is written in a cursive, slightly stylized font.

Steven A. Santos  
Senior Planner

Enc: Operations Plan Checklist Outline  
Ec: Nicholas Lewis



COUNTY OF HUMBOLDT  
PLANNING AND BUILDING DEPARTMENT

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## Commercial Cannabis Land Use Ordinance (CCLUO) Cultivation Application Checklist

(excerpt)

### Site Plan of Entire Parcel Showing (as applicable):

- Assessor's parcel number, applicant's and owner's name.
- Detailed written directions or a vicinity map from the nearest public road to the parcel (on or attached to the plot plan).
- Show the entire parcel with dimensions and the location of survey monuments.
- Date, north arrow and scale (or state "Not to Scale")
- Name, County road numbers, and width of all existing and proposed access roadways adjacent to or within the subject parcel (indicate width of traveled way, percent of gradient, and type of roadway surface).
- Location, width, and type of all existing and proposed easements of record (if applicable; if not, include a note as such).
- Direction of surface runoff and percent of gradient for all slopes.
- Existing and proposed improvements (label as "existing" and/or "proposed" with dimensions and setback distance from property lines):
  - a. Location, type, and area of cultivation or commercial activity.
  - b. Setbacks of cultivation area from property lines.
  - c. All perennial & intermittent water courses (rivers, creeks, etc.), engineered or natural ponds, and/or wetland areas. Include setback distances from structures and property lines.
  - d. Structures and buildings (including floor area, height, proposed use, and year constructed). Label if buildings would or would not be used for cannabis cultivation or commercial activity, and if the structures are currently permitted or unpermitted.
  - e. Driveway, turnouts, and turnaround areas (indicate width, steepness, and type of roadway surface, include any required SRA turnouts; label as existing or proposed).
  - f. Utility lines (electric, gas, telephone, sewer, water, and cable TV).
  - g. Location of water source(s) (on-site and off-site) serving the site (label public or private).
    - 1. Well(s).
    - 2. Water diversions including springs, ponds, dams, and other ground disturbance from water diversion.
    - 3. Rainwater catchment pond(s) labeled with storage capacity in gallons.
  - h. Water storage structures, such as water tanks and ponds including type, capacity, date of construction, and if used for any cannabis cultivation activity.
  - i. Water infrastructure dedicated to fire suppression per CalFIRE requirements (e.g. tanks, hydrants, etc).
  - j. Parking and loading areas (show individual parking spaces, including handicapped parking and ramps).
  - k. Storm drains, culverts, curbs, and gutters.
  - l. Septic tanks and leachfields (label primary and reserve areas, show distance to structures and property lines).
  - m. Restroom facilities.
  - n. Landscaped areas (include proposed exterior lighting).
  - o. Major vegetation (identify mature trees twelve inches (12") in diameter or larger to be removed).
  - p. Diked areas.
  - q. Delineation of proposed or existing grading, graded flats, and fill in estimated cubic yards of volume (if applicable; if not, include a note as such).
  - r. Location of signs for address, road names, and building numbers per Chapter 3 of the County Fire Safe Ordinance (indicate size, illuminated, and design);
  - s. Existing and proposed timberland conversion areas, labeled as to area and, if existing, the date conversion exemption was approved.
  - t. Location of all noise sources, nearby forested areas, and sensitive receptors.

## Cultivation Application Checklist Page 2

- Hazardous areas (indicate on map if the project site has the following, or is located within four hundred feet (400') of the following):
  - a. Areas subject to inundation or flooding.
  - b. Steep or unstable slopes.
  - c. Expansive (clay) soils.
  - d. Earthquake faults.
  - e. Hazardous waste or other substance sites (per Government Code §65962.5(f)).
  - f. Hazardous materials storage.
    - 1. Propane or kerosene storage tanks.
    - 2. Generator and fuel storage location.
    - 3. Regulated substances (fertilizers, pesticides, and herbicides) storage location.
- Sensitive habitat areas (indicate on map if the project site has the following, or is located within four hundred feet (400') of the following):
  - a. Rivers, creeks, sloughs, and other drainage courses (identify perennial & intermittent streams).
  - b. Lakes, ponds, marshes, or "wet" meadows (identify whether engineered or natural feature).
  - c. Beaches.
  - d. Sand dunes.
- Historical buildings or known archaeological or paleontological resources within six hundred feet (600').
- Land use and buildings on adjacent parcels, and approximate distances to closest property line.
  - a. Identify schools, school bus stops, places of worship, and public parks within six hundred feet (600') of the cultivation site and processing area.
  - b. Identify off-site residences within three hundred feet (300') of the cultivation site.

### **Cultivation and Operations Plan:**

- Description of cultivation activities (e.g. outdoor, indoor, mixed light by quantity and type).
- Description of water source.
- Description of storage infrastructure (type, number, and capacity in gallons).
- Description of Irrigation method(s).
- A water budget showing monthly past or projected Irrigation demands, including periods of peak usage, broken out by each discrete Cultivation Site.
- A description of on-site water conservation measures including but not limited to: rainwater catchment systems, drip irrigation, timers, mulching, irrigation water recycling, and methods for insuring Irrigation occurs at agronomic rates.
- Schedule of activities during each month of the growing and harvesting season, including projected generator use.
- Summary Of Specific Measures For Compliance With SWRCB Order (New and Pre-Existing Unpermitted Sites)
- Stormwater Management Plan including:
  - o Location, capacity, and operation of all existing and proposed drainage facilities and features.
  - o Current drainage conditions.
  - o Analysis of any proposed alteration of on-site and off-site drainage flows.
  - o Prescribed measures to ensure that the project will retain pre-project drainage conditions and result in no net increase in the volume of stormwater runoff from the property, and
  - o Maintenance intervals for all drainage improvements.
- Invasive Species Control Plan including:
  - o An evaluation of the existence of invasive species on the project parcel, including the type(s) of invasive plant species, where they are located, and a plan to control their spread.
  - o If invasive species are found, provide a plan for removal from the cultivation site and associated infrastructure using measures appropriate to the species.
- Materials Management Plan including:
  - o Protocols for proper storage and use of fertilizers, pesticides, or other regulated products utilized, as well as a list of each product used and quantity utilized per year.
  - o Methods of disposal for project-related waste, including: solid waste such as: plant material, greenhouse framing, plastics and tarpaulin used in greenhouse sheathing and coverings, household trash, product packaging and containers, irrigation tubing, pots and similar containers used for propagation and cultivation, lighting, water bladders or tanks, pond liners, electrical lighting fixtures, wiring and related equipment, and fencing. Other forms of waste include effluent

### Cultivation Application Checklist Page 3

- and byproducts from commercial activities (eg. water or wastewater rich in plant chlorophyll or salts, spent fuels or solvents, etc.)
- Where project-related activities involve storage and use of hazardous materials at a reportable quantity, provide detail on operating procedures and processes, associated equipment and cleaning procedures, chemical requirements and reactions, waste volumes, storage areas, chemical handling procedures, and emergency equipment
- Hazardous Material Site Assessments and Contingency Plans - where commercial cannabis activities are located or proposed on a property previously developed with an industrial or heavy commercial use, please reference the CCLUO section 55.4.12.1.11 for information on requirements.
- Sewage disposal plan including existing and/or proposed septic facilities, portables, or other restroom improvements.
- Description of soil management and/or permaculture methods used, detailing the use of imported and native soil on the parcel(s) or premises. The plan shall provide accounting for the annual and seasonal volume of soil that is imported and exported and documentation of the approved location of any parcel(s) used for off-site disposal of spent soil if this occurs or is proposed.
- Processing Plan including:
  - Summary of Processing Practices.
  - Description of location where processing will occur.
  - Number of individuals required for operations, both full time and seasonally (employees and non-employees).
  - Summary of Employee Safety Practices.
  - Description of toilet and handwashing facilities.
  - Description of plumbing and/or septic system and whether or not the system is capable of handling increased usage.
  - Description of source of drinking water for employees.
  - Description of increased road use resulting from processing and a plan to minimize that impact.
  - Description of on-site housing, if any.
- Parking Plan that complies with the Humboldt County Zoning Regulations section 314-109.1.
- Energy Plan – specify which of the following three sources is used:
  - grid power supplied from 100% renewable source,
  - on-site renewable energy system with twenty percent net non-renewable energy use, or
  - grid power supplied by partial or wholly non-renewable source with purchase of carbon offset credits.
- Security Plan.
- Noise Source Assessments and Mitigation Plan that includes:
  - Detail of all noise sources.
  - Existing ambient noise levels at the property line using current noise measurements (excluding cultivation related noise).
  - Details on the design of any structure(s) or equipment used to attenuate noise.
  - Details on the location and characteristics of any landscaping, natural features, or other measures which serve to attenuate noise levels at nearby property lines or habitat.
- Light Pollution Control Plan that includes:
  - Methods of shielding mixed light cultivation and nurseries so that no light escapes between sunset and sunrise.
  - If located on a parcel abutting a residential Zoning District or proposed within Resource Production or Rural Residential areas, include methods of shielding any security lighting to prevent light from spilling outside the boundaries of the parcel(s) or premises or directly focusing on any surrounding uses.





COUNTY OF HUMBOLDT  
PLANNING AND BUILDING DEPARTMENT  
CANNABIS SERVICES DIVISION

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

October 18, 2022

Elevated Farms, LLC  
Paul Dubiel  
971 Knights Lane  
Garberville, CA 95542

RE: Permit Application No. PLN-2019-16129 and PLN-2019-16130

APN: 220-011-018

220-011-002

Dear Paul:

This letter provides an important update on your Zoning Clearance Certificate applications referenced above. On June 20, 2021, the County sent you deficiency letters stating that additional information was required in order to process these applications. Additional information is required to be submitted so that we may review your projects conformance with the criteria necessary to obtain approval. To date, we have not received the requested information and therefore continue to be unable to adequately review the application to determine consistency with the Humboldt County Code (specifically Section 312-2.4 of the Humboldt County Code, Required Findings for Approval of Zoning Clearance Certificates).

**This letter is to inform you that if the information requested in the deficiency letters is not submitted within 60 days of the date of this letter, the referenced Zoning Clearance Certificate will be denied due to lack of evidence to recommend approval of your project.**

If you wish to withdraw the application and prevent further processing of this application, please provide your request in writing within 60 days of this letter.

When you have assembled all of the requested material, submit the documents with this letter as a complete package to the Planning Department. Once the required information is received processing your application will promptly resume. If you have questions about this letter, please contact me at [astrickland@co.humboldt.ca.us](mailto:astrickland@co.humboldt.ca.us) (preferred) or by phone at (707) 441-2630

Sincerely,

Abbie Strickland  
Planner II

cc: Nicholas Lewis <nick@justice-lawgroup.com>

Enclosed: Deficiency Letter(s)

## Commercial Cannabis Application No. 16129 and 16130

Strickland, Abigail <astrickland@co.humboldt.ca.us>

Tue 10/18/2022 10:01 AM

To: balboac27@gmail.com <balboac27@gmail.com>

Cc: Nicholas J. Lewis, Esq. <nick@justice-lawgroup.com>

📎 2 attachments (681 KB)

16129 and 16130 60-day Deficiency letter 10.18.22.pdf; 16129 and 16130 Deficiency Letter w. enc 06.30.21.pdf;

Hello:

Please see the attached 60-Day Deficiency Letter and the corresponding Deficiency Letter from 2021 outlining the necessary steps required to be taken to remain in the application process. Alternatively, you may submit a formal request to withdraw these applications.

A copy of these letter will be mailed to the addresses we have on file.

Thank you,



**Abbie Strickland**

Planner II

[Planning and Building Department](#)

(707) 445-7541

3015 H Street | Eureka, CA 95501

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

## Santos, Steven A

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**From:** Paul Dubiel <pauldub2713@gmail.com>  
**Sent:** Monday, December 19, 2022 8:38 AM  
**To:** Santos, Steven A  
**Subject:** Humboldt county planning department

Caution: This email was sent from an EXTERNAL source. Please take care when clicking links or opening attachments.

Good morning Steven santos and planning department

> I have spoken to all our consultants about my project. I want to state that we need more time a extension to get everything in order to finish this application. I have done a lot on this project in sweat, tears and every penny that we have after getting enbated.. I have spent alot on this I just don't want to go to waste.. I have gotten biological report, Archaeologists report, 1600 water board , we had our pond assessment done. A few more things that we get done botanical report and the forestry survey report. I spoken to our few different consultants there willing to work with us to finish them. Our application to get the properties merging together we would like to keep the full square footage and combine it to one application and Kim Preston will do that for us. We just need more time to finish it out.. sorry for the delay I've been sick with Covid and influenza it's been very very hard times the last couple years

Thank you Paul dubiel elevated farms

Sent from my iPhone