

ATTACHMENT 3

Applicant's Evidence in Support of Required Findings



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CANNABIS SERVICES DIVISION

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

January 9, 2023

AHMC
Vicky Sleight
P.O. Box 1116
Arcata, CA 95518

RE: Permit Application No. PLN-13230-CUP, APN 522-492-016-000

Dear Applicant:

This letter provides an important update on your Conditional Use Permit application referenced above. To date, we have not received the required information to adequately review the application to determine consistency with the Humboldt County Code (specifically Section 312-3.1.2 of the Humboldt County Code, Required Findings for Approval of Conditional Use Permit).

This letter is to inform you that if you do not take one of the following actions within 30 days, your project will be processed with a recommendation of denial.

The alternative options available to you include the following:

Option 1: Withdraw your application; or

Option 2: Request a review of your application to result in a list of items required to be submitted to continue processing of the application.

If we do not receive a response within 30 days, you will be charged for the staff time required to process the denial of your application. Applicants who choose Option 2 will be responsible for any costs associated with reviewing the application.

You may submit your response to this letter via email at dsutfin1@co.humboldt.ca.us. If you have questions about this letter, please contact me via email or by phone at (707) 268-3778.

Sincerely,

Planner
Planning and Building Department



HUMBOLDT COUNTY
PLANNING AND BUILDING DEPARTMENT
3015 H STREET, EUREKA, CA 95501 ~ PHONE (707) 445-7245

APPLICATION WITHDRAWAL NOTICE

AHMC (Vicky Sleight)

PO Box 1116

Arcata, CA 95518

8/16/2017

This is a courtesy notification from the County of Humboldt Planning and Building Department for the following commercial cannabis permit application:

Application #: 13230

Application Submittal Date: 12/30/2016

Incomplete Letter Date: 2/10/2017

Application Withdrawal Effective Date: 9/16/2017

Assessor Parcel Number: 522-492-016-000

Your application for a commercial cannabis permit has remained incomplete for more than 6 months since the first incomplete letter was sent to you. Section 312-6.1.5 of the Humboldt County Code states an application which has not been made complete within 6 months of receipt of the application is deemed withdrawn.

If you do NOT submit **ALL** information required to complete your application within 30 calendar days from the date of this letter your project will be deemed withdrawn.

Due to our commitment to process complete applications received prior to June 30, 2017 and the very large number of applicants receiving this same letter, it is anticipated there will be long lines and limited staff availability at the Planning and Building Department counter. Submittals which do not result in a complete application will not be accepted. Staff will review the supplemental materials at the counter to ensure all required information is included to complete your application. If the information does not result in a complete application, the material will not be taken over the counter. Additional time extensions are not being granted as this 30 day period is the time extension.

Please make your application complete as early as possible so we can continue assisting you in achieving our common goal of permit approval and compliance. If you have any questions, please contact the Planning and Building Department between the hours of 8:30 AM and 5:00 PM at (707) 445-7245.

Sincerely,

Office of the Director
Planning and Building Department
County of Humboldt



HUMBOLDT COUNTY
PLANNING AND BUILDING DEPARTMENT
CANNABIS SERVICES DIVISION

3015 H STREET, EUREKA, CA 95501
FAX: (707) 268-3792 PHONE (707) 445-7541

2/9/2017

AHMC (Vicky Sleight)

PO Box 1116

Arcata, CA 95518

RE: Permit Application No. 13230 APN 522-492-016-000

Dear AHMC (Vicky Sleight),

Thank you for your Commercial Cannabis Permit Application. After an initial review, the submittal did not contain all of the required information and has been deemed incomplete. The items below must be provided before we can begin processing your application. For a complete version of the application checklist please visit: <http://humboldt.gov.org/DocumentCenter/View/53497>

✓ **Additional Payments**

The application deposit balance indicated on your Notice of Incomplete Payment is due.

✓ **Application Materials**

Indemnification and Hold Harmless Agreement; Commercial Medical Marijuana Land Use Ordinance Acknowledgement Form; Signed Affidavit - Commercial Cannabis Activity; Documentation of cultivation activities occurring prior to January 1, 2016 (not required for new cultivation).

✓ **Evidence of Ownership or Authorization**

Evidence of ownership is needed including, but not limited to: Copy of current deed for the property; Copy of lease or similar instrument authorizing application for permits; Copy of ownership instrument, showing all owner names (if more than one owner); Legal documentation describing the composition of the organization showing those empowered to direct the affairs and those holding an interest in the organization.

✓ **Site Plan of Entire Parcel Showing**

A site plan is needed including, but not limited to: Owner's name and assessor's parcel number; Easements; Natural waterways including streams, springs, ponds, culverts, and any other water features; Location and area of cultivation or commercial activity; Setbacks of cultivation area from property lines; Access roads; Graded flats; Buildings labeled as to type and date of construction including whether they will be used for any cultivation or processing activity; Water storage structures labeled as to type, capacity, and date of construction; Water diversions including culverts, ponds, dams, and other ground disturbance from water diversion; Dimensions showing 600 square feet around the cultivation site, including distances from nearby schools, school bus stops, places of worship, public parks, Tribal Cultural Resources, and off-site residences within 300 feet.

From: [Johnson, Cliff](#)
To: [O'Neill, Christina](#)
Subject: FW: AHMC permit status/update 13235, 13230, 13221
Date: Tuesday, November 19, 2019 1:19:29 PM

Christina, Can you upload this to accelera as a change in Agent or would we need any more info?

From: Vicky Sleight <vicky@madriverhospital.com>
Sent: Monday, November 11, 2019 12:00 PM
To: Johnson, Cliff <CJohnson@co.humboldt.ca.us>
Subject: Re: AHMC permit status/update

Cliff,

We are wanting to put Kim Preston on as our agent on application # 13235 #13230 #13221
Is this enough to do this or do you need something else.

Vicky Sleight

Mad River Community Hospital

Sent from my iPad

On Oct 22, 2019, at 9:51 AM, Johnson, Cliff <CJohnson@co.humboldt.ca.us> wrote:

Hello Vicky, These applications are all incomplete to be processed and are sitting in suspense. They may be viable, but no substantial information has been submitted that would enable us to determine that. At some point in the near future we will likely bring them forward for denial based on the incomplete submittals and lack of response to our requests for information. If you'd like to withdraw them please let us know. If you'd like to bring them back to life we can re-send you the most recent correspondences we have sent.

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

From: Vicky Sleight <vicky@madriverhospital.com>
Sent: Monday, October 21, 2019 9:14 PM
To: Johnson, Cliff <CJohnson@co.humboldt.ca.us>
Subject: AHMC permit status/update

I was told I would have to do this request. Can you please let me know the status of Apps. #13221 & 13230 (APNs 522-492-015 & -016). I am wondering if the projects are still on-going, or are even viable. If these APN's are not viable we wish to pull them. Please let me know so I can also update Kim Preston.

It also appears from Accela that Apps. # 13235 (APN 508-242-012) has been inactive for quite some time, or has already been dead filed.

Thank you,

Vicky Sleight
American Hospital Management Corp.
Mad River Community Hospital
Arcata Hospital Corporation
707-445-4221

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COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CANNABIS SERVICES DIVISION

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

May 10, 2018

AHMC
Attn: Vicky Sleight
PO Box 1116
Arcata, CA 95518

RE: Permit Application No. 13230 APN: 522-492-016 Case No.: CUP-16-1057, -1086,
SP-16-858, -859, -860

Dear Vicky Sleight:

Thank you for your submittal of the above referenced application for a commercial cannabis permit on December 29, 2016 for Distribution, Processing, Nursery, Manufacturing & Indoor Cultivation of 10,000 square feet. Prior correspondence regarding the project has included incomplete letters dated 2/9/2017 and 8/16/2017. Additional application materials were received on September 14, 2017. Unfortunately, after review the application submittal was found not to contain all of the required information and we are unable to move the permit forward at this time.

Below is listed the information we need to continue processing this permit application:

1. An updated Operations Plan – per section 55.4.10 of the Commercial Medical Marijuana Land Use Ordinance (CMMLUO), all applications must contain an operations plan. Currently, only the indoor portion of this project is discussed in the operations plan. Please revise to include discussion on the Distribution, Processing, Nursery, and Manufacturing components. Be sure to also include:
 - o Type of products to be manufactured
 - o Type of solvents required for manufacturing and/or processing activities
 - o Any measures taken to comply with the Performance Standards for All...Processing Operations (Section 55.4.11)
 - o Source of electrical power for Indoor Cultivation – “Electrical power for indoor cultivation operations...shall be provided by on-grid power with 100% renewable source, on-site zero net energy renewable source, or with purchase of carbon offsets of any portion of power not from renewable sources.”
 - o Revision to Page 1, Paragraph 3 that currently references a “zoning clearance certificate”
2. A floor plan showing the internal dimensions of the proposed building that delineates the respective areas designated for Distribution, Processing, Nursery, Manufacturing & Indoor Cultivation, and any other amenities.
3. Consent from the Willow Creek Community Church – this feature is within 600 feet of the proposed cultivation area and would require owner’s consent pursuant to a setback reduction.
4. A Road Evaluation Report (enclosed)

Pursuant to Humboldt County Code Section 312-11.2, *“Development permits shall be issued only for a lot that was created in compliance with all applicable state and local subdivision*

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

Please keep in mind, additional information may be requested once the project is reviewed by State and local agencies during the referral stage of the process. The Department cannot make the required findings specified in Humboldt County Code Sections 312-1.1.2 and 312-17 et seq., and the California Environmental Quality Act (CEQA) based on the information submitted to date. In order for the Department to further evaluate this project for compliance, the additional requested information must be submitted.

Unless it is withdrawn, the Department must act on your application. For this reason, if you do not submit the requested materials or a request for hearing within 180 days (6 months) of the date of this letter, we will begin scheduling your project for a hearing. This could result in the denial of your application and the inability to secure a State license under the Medical and Adult Use Cannabis Regulation and Safety Act (MAUCRSA).

Please accumulate all requested material and submit as a complete package and submit these items to the contact listed below during regular business hours. When submitting these items please include the Application Number and APN found at the top of this letter.

Please remember that the filing of a permit application does not authorize the applicant to engage in any new commercial marijuana cultivation, processing, manufacture or distribution activity. No such activity shall commence until the application has been processed to decision and all requisite clearances, permits and/or licenses have been secured. If you have questions about this letter, please contact Isaac Hansen at 707-445-7541.

Sincerely,

A handwritten signature in cursive script that reads "Isaac Hansen".

Isaac Hansen
Cannabis Services Division
vendorlaco@co.humboldt.ca.us



DEPARTMENT OF PUBLIC WORKS
C O U N T Y O F H U M B O L D T

MAILING ADDRESS: 1106 SECOND STREET, EUREKA, CA 95501-0579
AREA CODE 707

ARCATA-EUREKA AIRPORT TERMINAL
McKINLEYVILLE
FAX 839-3596

PUBLIC WORKS BUILDING
SECOND & L ST., EUREKA
FAX 445-7409

CLARK COMPLEX
HARRIS & H ST., EUREKA
FAX 445-7388

AVIATION 839-5401

ADMINISTRATION 445-7491
BUSINESS 445-7652
ENGINEERING 445-7377
FACILITY MAINTENANCE 445-7493

NATURAL RESOURCES 445-7741
NATURAL RESOURCES PLANNING 267-9540
PARKS 445-7651
ROADS & EQUIPMENT MAINTENANCE 445-7421

LAND USE 445-7205

ROAD EVALUATION REPORT INSTRUCTIONS

PURPOSE: The *Road Evaluation Report* is intended as a way for an applicant to document the condition of the access road(s) serving the subject property for cannabis projects that require a Conditional Use Permit (CUP), Special Permit (SP), or Zoning Clearance Certificate (ZCC). This report is not intended to be used for any other type of Planning & Building Department permit application. This will enable Public Works staff to determine if the existing roadway network [excluding on-site driveway(s)] is suitable to accommodate the proposed use on the subject property.

In rural areas, a category 4 road is usually adequate for most uses. If the road is paved and has a centerline stripe it is considered by the Department to be a category 4 road. In urban and suburban areas, the road may also need to accommodate other road users (pedestrians, bicycles, equestrians, etc.). When roads meet or exceed this standard, the roadways can typically accommodate increased traffic. This evaluation is accomplished by the applicant completing Part A of the *Road Evaluation Report*.

When the roadways do not meet a category 4 standard, there is a question that road may not be able to accommodate traffic from the proposed use. The goal is to evaluate roads that do not meet road category 4 standards in order to determine if the roads can accommodate increased traffic. This evaluation is accomplished by the applicants engineer completing Part B of the *Road Evaluation Report*.

In lieu of constructing road improvements to meet a category 4 road standard, the Department may approve a *Neighborhood Traffic Management Plan*. A neighborhood traffic management plan may include (but is not limited) the following elements: restricting the times that project traffic will use the road to off-peak hours; combining trips to reduce the volume of project traffic; carpooling to reduce the volume of project traffic; the use of signs and CB radios to coordinate traffic using the road(s); etc. The Department's criteria for approving a *Neighborhood Traffic Management Plan* is based upon site specific conditions; sound engineering judgment; the proposed ADT and DHV of the roads; the need to accommodate other road users (pedestrians, bicycles, equestrians, and other cannabis projects using the road, etc.); and the frequency and quantity of traffic associated with the proposed use. The applicant's Civil Engineer can address this in Part B of the *Road Evaluation Report*.

There may be other cannabis projects that use the same access road(s) as your project. Part B of the *Road Evaluation Report* needs to address the cumulative impacts from your project and all other cannabis projects that will also use the same road(s). There may be benefits of applicants collectively working together with one engineer to complete the *Road Evaluation Reports* for all of the projects.

(continued on next page)

REFERENCES:

- Humboldt County *Road Design Manual*, Chapter 7, Design Standards for Roadway Categories.
- American Association of State Highway and Transportation Officials (AASHTO) *Guidelines for Geometric Design of Very Low-Volume Local Roads (ADT ≤400)*.
- American Association of State Highway and Transportation Officials (AASHTO) *A Policy on Geometric Design of Highways and Streets* (AKA "Green Book")
- Institute of Transportation Engineers (ITE) *Trip Generation*

INSTRUCTIONS: The *Road Evaluation Report* consists of two parts. The first part (Part A) *may* be completed by the applicant. If the second part (Part B) is needed, it *must* be completed by a Civil Engineer licensed by the State of California. The .pdf version of this document provides fields that can be filled in.

A separate *Road Evaluation Report* is required for each road. **Save Time: before completing these forms consult with the Land Use Division at 707.445.7205 to make sure you are evaluating all of the necessary roads for your project; that other cannabis projects in the vicinity have been included; and to make sure that you understand what is needed.**

Special instructions to the applicant's Civil Engineer in completing Part B:

- Engineer will need to contact the Department for a list of other cannabis projects that may be using all or some of the same roads in the roadway network.
- Engineer will need to determine which of these projects utilize the roads within the same roadway network by personally reviewing the cannabis project applications at the Planning & Building Department. Many of the cannabis project applications are incomplete; therefore the engineer may need to directly contact other applicants to determine how these other cannabis projects will utilize the roads in question.
- Engineer may propose a master plan in which any required roadway improvements are incrementally divided among several cannabis projects. However, the master plan must be designed so that improvements to the road(s) will be adequate when constructed incrementally.

// END //

HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS
ROAD EVALUATION REPORT

PART A: Part A may be completed by the applicant

Applicant Name: _____ APN: _____

Planning & Building Department Case/File No.: _____

Road Name: _____ (complete a separate form for each road)

From Road (Cross street): _____

To Road (Cross street): _____

Length of road segment: _____ miles Date Inspected: _____

Road is maintained by: County Other _____
(State, Forest Service, National Park, State Park, BLM, Private, Tribal, etc)

Check one of the following:

Box 1 The entire road segment is developed to Category 4 road standards (20 feet wide) or better. If checked, then the road is adequate for the proposed use without further review by the applicant.

Box 2 The entire road segment is developed to the equivalent of a road category 4 standard. If checked, then the road is adequate for the proposed use without further review by the applicant.

An equivalent road category 4 standard is defined as a roadway that is generally 20 feet in width, but has pinch points which narrow the road. Pinch points include, but are not limited to, one-lane bridges, trees, large rock outcroppings, culverts, etc. Pinch points must provide visibility where a driver can see oncoming vehicles through the pinch point which allows the oncoming vehicle to stop and wait in a 20 foot wide section of the road for the other vehicle to pass.

Box 3 The entire road segment is not developed to the equivalent of road category 4 or better. The road may or may not be able to accommodate the proposed use and further evaluation is necessary. Part B is to be completed by a Civil Engineer licensed by the State of California.

The statements in PART A are true and correct and have been made by me after personally inspecting and measuring the road.

Signature

Date

Name Printed

Important: Read the instructions before using this form. If you have questions, please call the Dept. of Public Works Land Use Division at 707.445.7205.

PART B: Only complete Part B if Box 3 is checked in Part A. Part B is to be completed by a Civil Engineer licensed by the State of California. Complete a separate form for each road.

Road Name: _____ Date Inspected: _____ APN: _____
From Road: _____ (Post Mile _____) Planning & Building
To Road: _____ (Post Mile _____) Department Case/File No.: _____

1. What is the Average Daily Traffic (ADT) of the road (including other known cannabis projects)?

Number of other known cannabis projects included in ADT calculations:
(Contact the Planning & Building Department for information on other nearby projects.) _____

ADT: _____ Date(s) measured: _____

Method used to measure ADT: Counters Estimated using ITE *Trip Generation Book*

Is the ADT of the road less than 400? Yes No

If **YES**, then the road is considered very low volume and shall comply with the design standards outlined in the American Association of State Highway and Transportation Officials (AASHTO) *Guidelines for Geometric Design of Very Low-Volume Local Roads (ADT ≤400)*. Complete sections 2 and 3 below.

If **NO**, then the road shall be reviewed per the applicable policies for the design of local roads and streets presented in AASHTO *A Policy on Geometric Design of Highways and Streets*, commonly known as the "Green Book". Complete section 3 below.

2. Identify site specific safety problems with the road that include, but are not limited to: (Refer to Chapter 3 in AASHTO *Guidelines for Geometric Design of Very Low-Volume Local Roads (ADT ≤400)* for guidance.)

A. Pattern of curve related crashes.

Check one: No. Yes, see attached sheet for Post Mile (PM) locations.

B. Physical evidence of curve problems such as skid marks, scarred trees, or scarred utility poles

Check one: No. Yes, see attached sheet for PM locations.

C. Substantial edge rutting or encroachment.

Check one: No. Yes, see attached sheet for PM locations.

D. History of complaints from residents or law enforcement.

Check one: No. Yes (check if written documentation is attached)

E. Measured or known speed substantially higher than the design speed of the road (20+ MPH higher)

Check one: No. Yes.

F. Need for turn-outs.

Check one: No. Yes, see attached sheet for PM locations.

3. Conclusions/Recommendations per AASHTO. Check one:

The roadway can accommodate the cumulative increased traffic from this project and all known cannabis projects identified above.

The roadway can accommodate the cumulative increased traffic from this project and all known cannabis projects identified above, if the recommendations on the attached report are done. (check if a *Neighborhood Traffic Management Plan* is also required and is attached.)

The roadway cannot accommodate increased traffic from the proposed use. It is not possible to address increased traffic.

A map showing the location and limits of the road being evaluated in PART B is attached. The statements in PART B are true and correct and have been made by me after personally evaluating the road.

Signature of Civil Engineer

Date

(SEAL)

Important: Read the instructions before using this form. If you have questions, please call the Dept. of Public Works Land Use Division at 707.445.7205.