



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

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

Hearing Date: February 7, 2019

To: Humboldt County Planning Commission

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

Subject: **The Bluff Creek Company, Inc. Special Permit**  
Application Number 12834  
Case Number SP-16-667  
Assessor's Parcel Number (APNs) 530-102-004, 530-101-010 & 530-101-009

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Please contact Caitlin Castellano, Planner, at 707-268-3731 or by email at [ccastellano1@co.humboldt.ca.us](mailto:ccastellano1@co.humboldt.ca.us) if you have any questions about the scheduled public hearing item.

**AGENDA ITEM TRANSMITTAL**

<b>Hearing Date</b>	<b>Subject</b>	<b>Contact</b>
February 7, 2019	Special Permit	Caitlin Castellano

**Project Description** A Special Permit request for an existing 9,200 square foot (sf) outdoor commercial medical cannabis cultivation operation and to allow the cultivation area to be setback less than 600 feet cultivation from publicly owned lands pursuant to the Commercial Medical Marijuana Land Use Ordinance (CMMULO) 55.4.11 (d). The proposed project is located on approximately 14 acres, adjacent to the Klamath River and Six Rivers National Forest, and within the Yurok and Karuk Area of Traditional Tribal Cultural Affiliation.

**Project Location:** The project is located in the Weitchpec area, on the east and west sides of State Hwy 96, approximately 3.06 miles North from the intersection of State Hwy 169 and State Hwy 96, on the property known to be in Section 36 of Township 10 North, Range 04 East, Humboldt Base & Meridian.

**Present Plan Land Use Designations:** Residential Agriculture (RA40), Humboldt County General Plan, Density: One dwelling unit per 40 acres, Slope Stability: Moderate Instability (2)

**Present Zoning:** Unclassified (U)

**Application Number:** 12834

**Case Number:** SP-16-542

**Assessor Parcel Numbers:** 530-102-004, 530-101-010 & 530-101-009

<b>Applicant</b>	<b>Owner</b>	<b>Agent</b>
The Bluff Creek Company, Inc. Box 620 HC 67 Hoopa, CA 95546	Saunders Lucien E Trust Box 620 HC 67 Hoopa, CA 95546	None.

**Environmental Review:** The proposed project is statutorily exempt from the provisions of the California Environmental Quality Act (CEQA) per section 15270 (Projects Which Are Disapproved) of the CEQA Guidelines.

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

**Major Issues:** Cultivation Area does not meet 600-foot setback to a Tribal Cultural Resource as required by Section 55.4.11 (d) of the Commercial Medical Marijuana Land Use Ordinance (CMMULO).

**THE BLUFF CREEK COMPLANAY, INC.**

Case Number SP-16-667

Assessor's Parcel Numbers 530-102-004, 530-101-010 and 530-101-009

**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:

Find the project exempt from environmental review pursuant to State CEQA Guidelines Section 15270, make the finding that the applicant cannot meet the required setback to a Tribal Cultural Resource as required by Humboldt County Code §314-55.4.11(d), and adopt the Resolution denying The Bluff Creek Company, Inc. project.

**Executive Summary:** For Planning Commission consideration is an application under the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) for a Special Permit for The Bluff Creek Company, Inc. (Applicant) consisting of approximately 9,200 square feet of existing outdoor cannabis cultivation with appurtenant onsite propagation and processing. The proposed project is located on Assessor's Parcel Number (APN) 530-102-004 which is a portion of a legal parcel comprising of 530-102-004, 530-101-010 and 530-101-009 for a total of approximately 14 acres. Staff is recommending denial of the project because the project does not meet the 600-foot setback from a Tribal Cultural Resource (TCR) per CMMULO Section 55.4.11(d).

**Analysis:**

The Bluff Creek Company, Inc. application was referred on June 8, 2017 to affected reviewing agencies. The Northwestern Information Center replied on June 8, 2017 stating the "proposed project area has the possibility of containing unrecorded archeological site(s) and recommended a study as well as contacting the local tribes regarding traditional, cultural, and religious values."

On July 10, 2017, a Karuk Tribe referral response indicated they were still in the process of initial review. On April 16, 2018, a second Karuk referral response requested the permit be denied unless the Applicant enters into an agreement with the Tribe in order to perform a cultural resource inspection and assess potential impacts. On October 5, 2018, the Department informed a Karuk Tribe representative that the CMMLUO does not require applicants to enter into agreements and that additional evidence would be needed to support a recommendation for denial. On October 31, 2018, a third Karuk referral response stated that the cultivation area was within 600 feet of a Karuk Cultural Resource.

On February 7, 2018, a Yurok Tribe referral response stated they were denying the permit due to the Applicant's refusal to consult with the Tribe. As a result, the Department requested a Cultural Resource Survey (CRS) in a February 22, 2018 incomplete letter (Attachment 3). On June 18, 2018, the Applicant submitted a CRS report prepared by William Rich and Associates which concluded "no artifacts, features, or archeological sites which would be considered an historical resource for the purposes of CEQA (15064.5(a)) were identified... [however, the] general vicinity has several recognized [TCR] areas, including sites, districts, and ethnographic landscapes".

On July 2, 2018, the CRS report was forwarded to the Yurok and Karuk Tribes. On July 30, 2018, a Yurok Tribe referral response recommended denial with an attached letter stating that they had completed their review of the application and determined that the impacts of the cannabis operation on cultural resources would be substantial and could not be mitigated.



On August 10, 2018, the Department met with the Yurok Tribe on their reservation in Weitchpec to improve coordination for review of cannabis applications within their Area of Traditional Tribal Cultural Affiliation (ancestral territory). At that time the Tribe presented a specific region of concern as a TCR with geographically defined boundaries. This area also overlapped with a portion of the Karuk Tribe ancestral territory. Subsequent to this meeting, the Yurok Tribe provided the County information identifying all cannabis applications affecting the Yurok TCR in this region in late September 2018. Specifically, the Yurok Tribe provided the County with a Tribal Council Resolution and previous Major Action documentation designating the Ke'wet Ceremonial District (Attachment 2). This designation establishes that the entirety of the subject property is within the Ke'Wet Ceremonial District and therefore a defined Tribal Cultural Resource (TCR) according to the Commercial Medical Marijuana Land Use Ordinance (CMMLUO). As a result, the proposed project cannot comply with the provisions of the CMMULO Section 55.4.11 (d) that requires a 600 foot setback to any TCR.

On October 16, 2018, the Department sent a letter to all applicants and associated property owners informing them their properties were identified by the Yurok Tribe as being within a Cultural Landscape (Attachment 3) and that therefore the Department could not recommend approval of the project. The Department offered the option to modify the application to a Retirement, Remediation and Restoration (RRR) project. In response to this letter, the Applicant, Bluff Creek, submitted a request for a hearing on December 18, 2018 (Attachment 3).

The applicable sections of the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) are listed below.

CMMLUO Section 55.4.7 – Definitions:

"Area of Traditional Tribal Cultural Affiliation" means geographic areas of historic occupancy and traditional cultural use by local indigenous peoples (California Native American Tribes), as shown on the latest mapping prepared by the Planning & Building Department, created from geographic information supplied by the Tribes of Humboldt County.

"Tribal Cultural Resources" means sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe, including unique archaeological resources and historical resources as described under sections 21074, 21083.2(g), and 21084.1 of the Public Resources Code, respectively. Tribal Cultural Resource shall also include sites or resources identified by the tribe through an action of the Tribal Council or equivalent body.

CMMLUO Section 55.4.11(d) – Required Setback to TCR:

"The area of cannabis cultivation and on-site processing shall be located as shown on the application site plan, set back at least 30 feet from any property line, and 600 feet from any School, School Bus Stop, Church or other Place of Religious Worship, Public Park, or Tribal Cultural Resource (as these terms are defined in sections 55.2.6 and 55.4.7). The minimum setback required from property lines or adjacent uses may be waived or reduced with the express consent of the adjacent property owner and occupant. For purposes of this section, the setback requirement applicable to Public Parks, other than lands managed for open space and/or wildlife habitat, shall only be applied to designated and developed recreational facilities such as picnic areas and campgrounds, trails, river and fishing access points, and like facilities under public ownership. For publicly owned lands managed for open space and/or wildlife habitat purposes, a setback of less than 600 feet may be allowed with a Special Permit. Cultivation areas and associated facilities shall observe all required setbacks from watercourses and wetlands. For purposes of this section, where enhanced, reduced, or modified watercourse or wetland setbacks have been agreed to by the operator and RWQCB under enrollment pursuant to NCRWQB Order No. 2015-0023 and/or



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

**Case Number SP-16-667  
Assessor Parcel Numbers: 530-102-004, 530-101-009 & 530-101-010**

**Makes the required findings for certifying compliance with the California Environmental Quality Act and denies The Bluff Creek Company, Inc. Special Permit request.**

**WHEREAS**, The Bluff Creek Company, Inc. submitted an application and evidence in support of approving a Special Permit for 9,200 square feet of existing outdoor cannabis cultivation located on APN 530-102-004.

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

**WHEREAS**, The proposed project is statutorily exempt from the provisions of the California Environmental Quality Act (CEQA) per Section 15270 (Projects Which Are Disapproved) of the CEQA Guidelines; and

**WHEREAS**, Attachment 2 to the Planning Division staff report includes a resolution by the Yurok Tribal Council designating the Ke'Wet Ceremonial District in which this project is located within; and

**WHEREAS**, Section 314-55.4.7 of the Humboldt County Code defines a Tribal Cultural Resource as sites or resources identified by the tribe through an action of the Tribal Council; and

**WHEREAS**, Section 314-55.4.11(d) of the Humboldt County Code requires the area of cannabis cultivation to be set back at least 600 feet from a Tribal Cultural Resource, and

**WHEREAS**, A public hearing was held on the matter before the Humboldt County Planning Commission on February 7, 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 15270 (Projects Which Are Disapproved) of the CEQA Guidelines; and
2. The findings in Attachment 1 of this resolution cannot be made for this project, specifically that the area of cannabis cultivation is not set back at least 600-foot from a Tribal Cultural Resources per CMMULO - 55.4.11 (d); and
3. Special Permit Case Number SP-16-667 is denied as recommended.

Adopted after review and consideration of all the evidence on February 7, 2019.

The motion was made by Commissioner \_\_\_\_ and seconded by Commissioner \_\_\_\_.

AYES: Commissioners:

NOES: Commissioners:

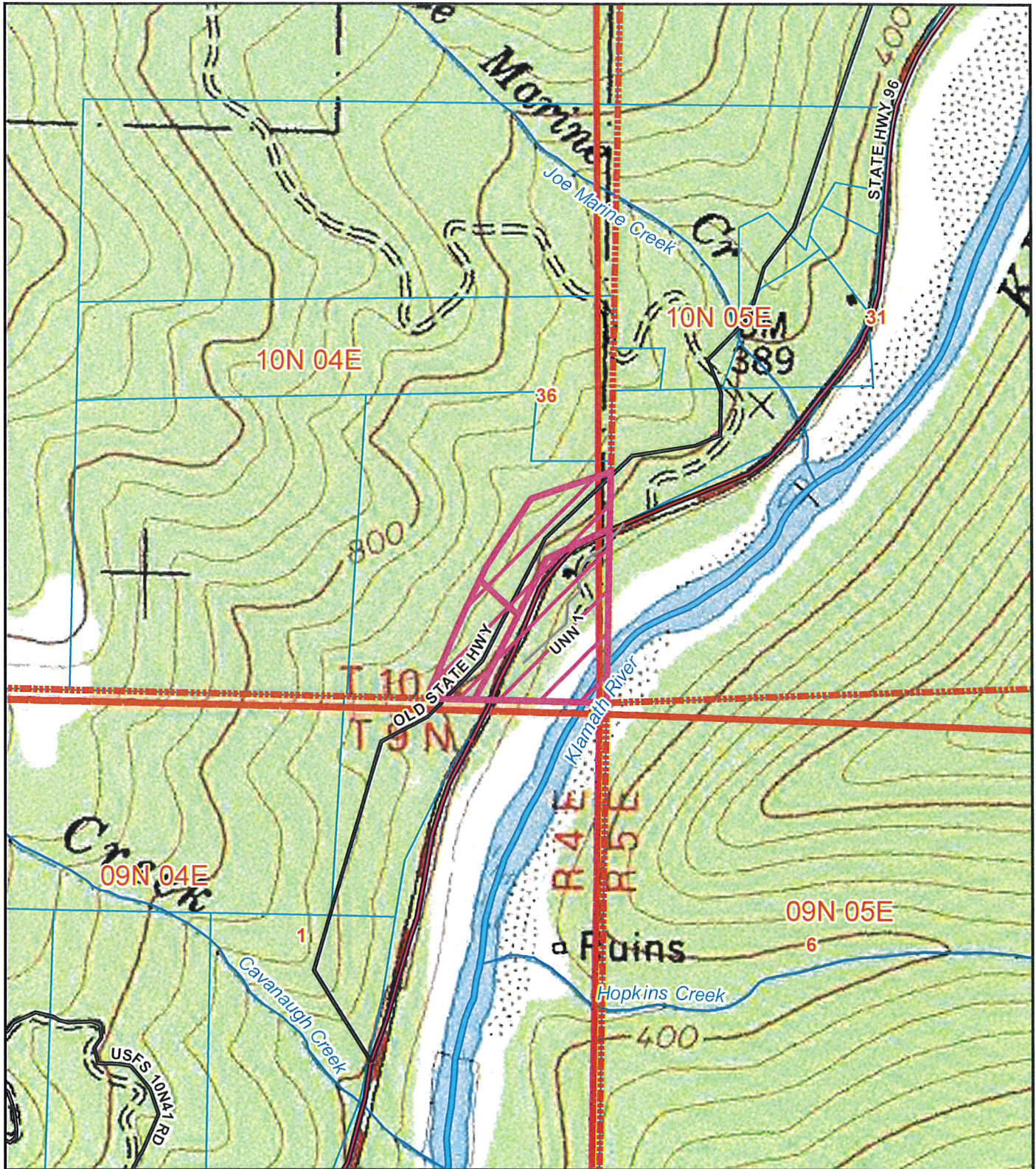
ABSTAIN: Commissioners:  
ABSENT: Commissioners:  
DECISION: Motion carries

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.

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John Ford  
Director, Planning and Building Department



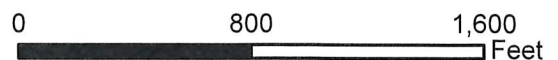


**TOPO MAP  
 PROPOSED BLUFF CREEK COMPANY, INC.  
 WEITCHPEC AREA  
 SP-16-667**

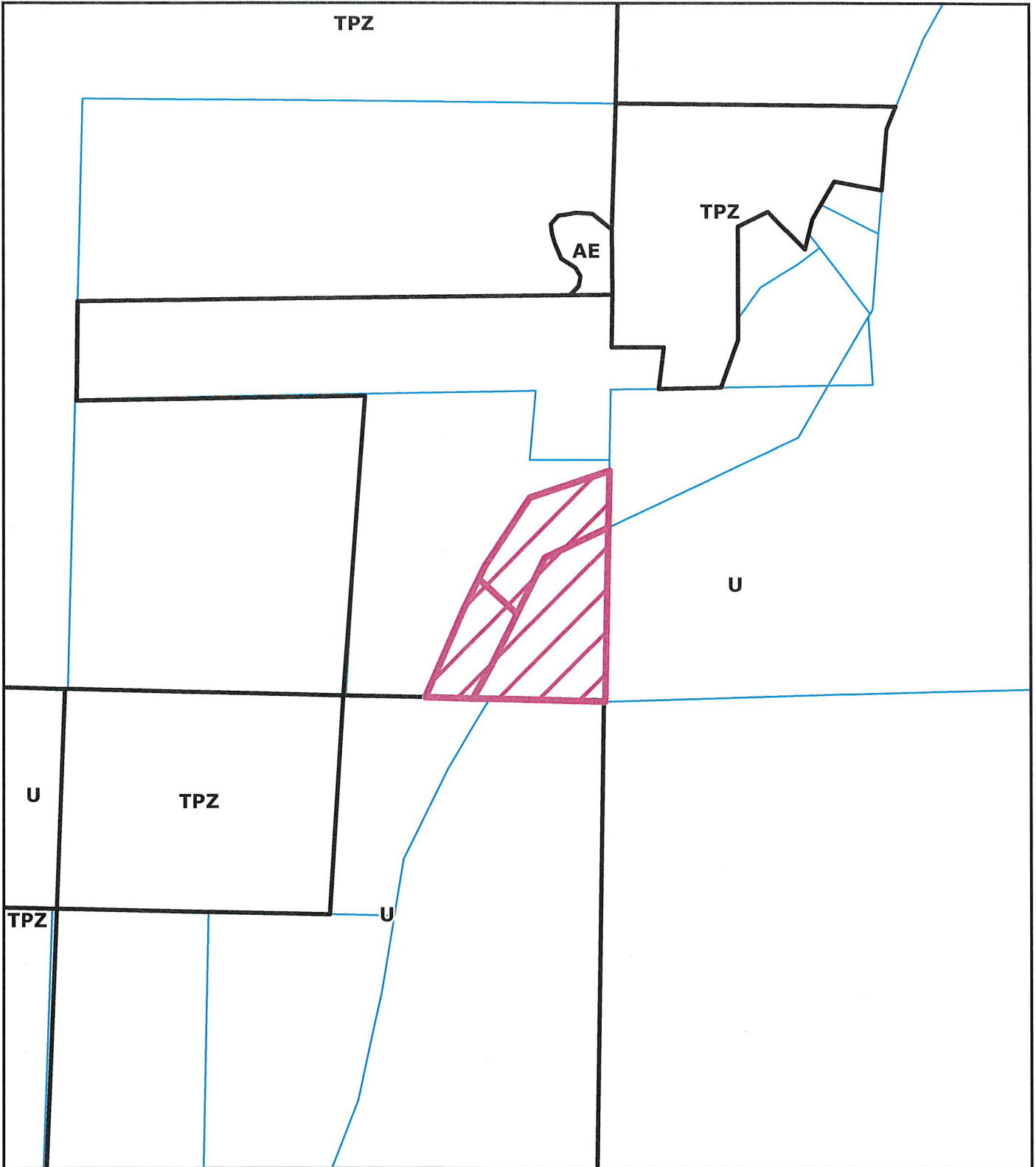
**Project Area =**

**APN: 530-102-004; ET AL.  
 T10N R04E S36; T10N R05E S31 HB&M (WEITCHPEC)**

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.







**ZONING MAP  
 PROPOSED BLUFF CREEK COMPANY, INC.  
 WEITCHPEC AREA  
 SP-16-667**

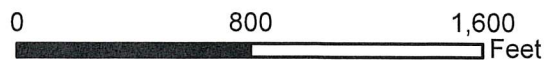
**Project Area =** 

**APN: 530-102-004; ET AL.**

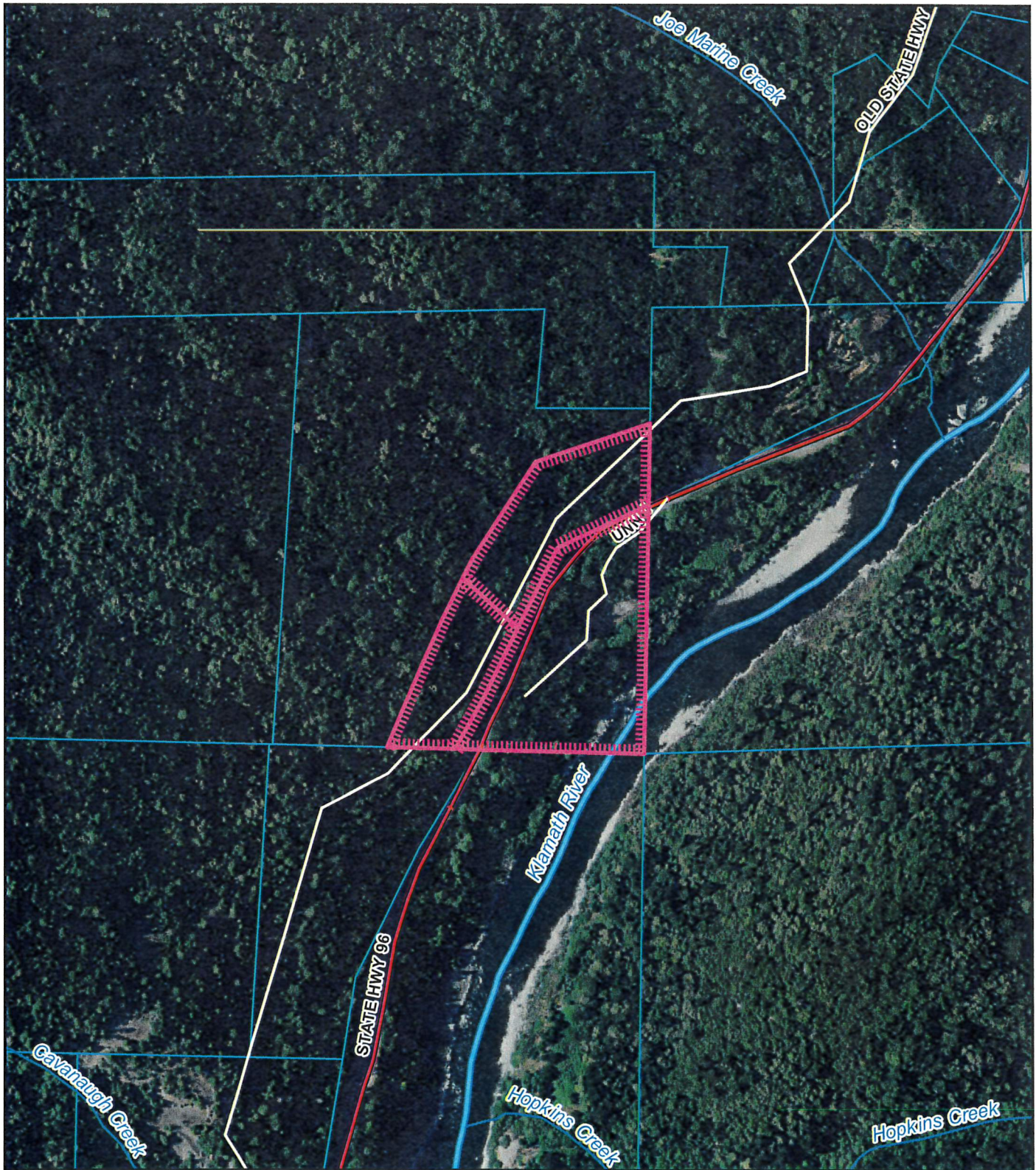
**T10N R04E S36; T10N R05E S31 HB&M (WEITCHPEC)**



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.







**AERIAL MAP**  
**PROPOSED BLUFF CREEK COMPANY, INC.**  
**WEITCHPEC AREA**  
**SP-16-667**

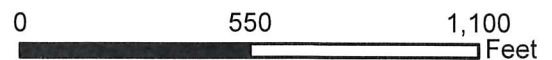
**APN: 530-102-004; ET AL.**

**T10N R04E S36; T10N R05E S31 HB&M (WEITCHPEC)**

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.





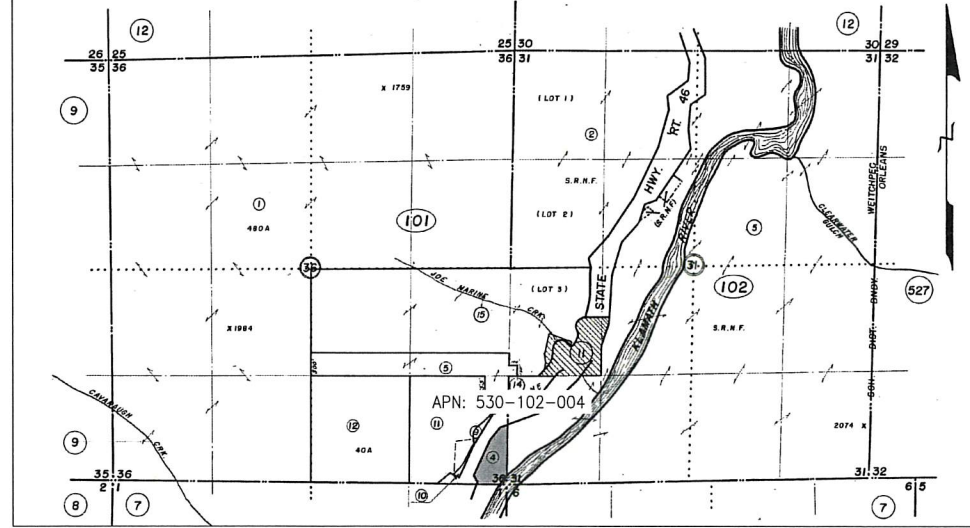
SEC 36 10N 4E & SEC 31 10N 5E

530-10

NOTES:  
SEE NEXT PAGE FOR DETAIL OF SHADED AREA.  
530-101-07 & 08 & 530-102-02 & 03 ARE CABIN SITES  
LEASED BY USFS. DEFINITE BOUNDARIES ARE NOT KNOWN.  
LOTS 1 & 2 SEC 31 CONVD D&A BY OR 228 P 44.

PARCEL MAP  
NTS

L.S. 9 P 7  
18 P 29



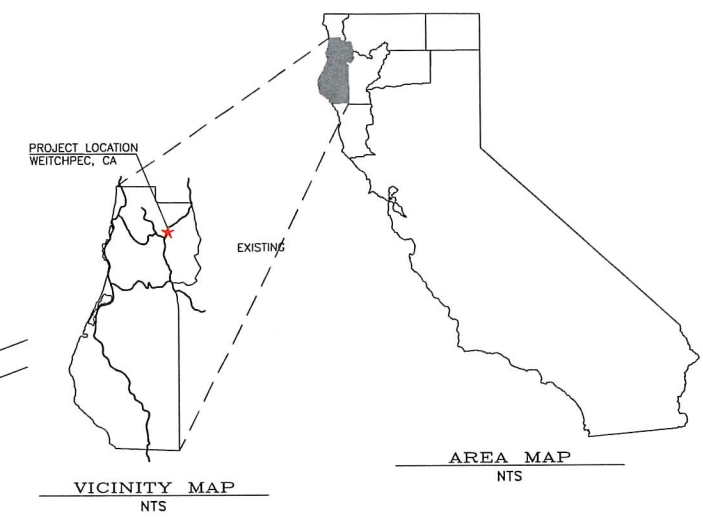
# SITE PLAN

APNS: 530-102-004, 530-101-010,  
& 530-101-009

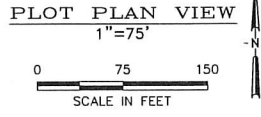
FOR  
BLUFF CREEK COMPANY LLC  
HC67 BOX 620, HOOPA, CA 95546



DATE	REV	DESCRIPTION	CHK BY	APP BY



FOUND 3" BLM TABLE S 1/16  
GROUP NO. 997, OCTOBER 29, 1992  
EXCEPTED BOOK 41 OF SURVEYS, PAGE 4



WATER STORAGE		
WATER TANK	USED FOR RESIDENCE	150 GAL
WATER TANK	USED FOR CULTIVATION	3,000 GAL
<b>TOTAL:</b>		<b>3,150 GAL</b>

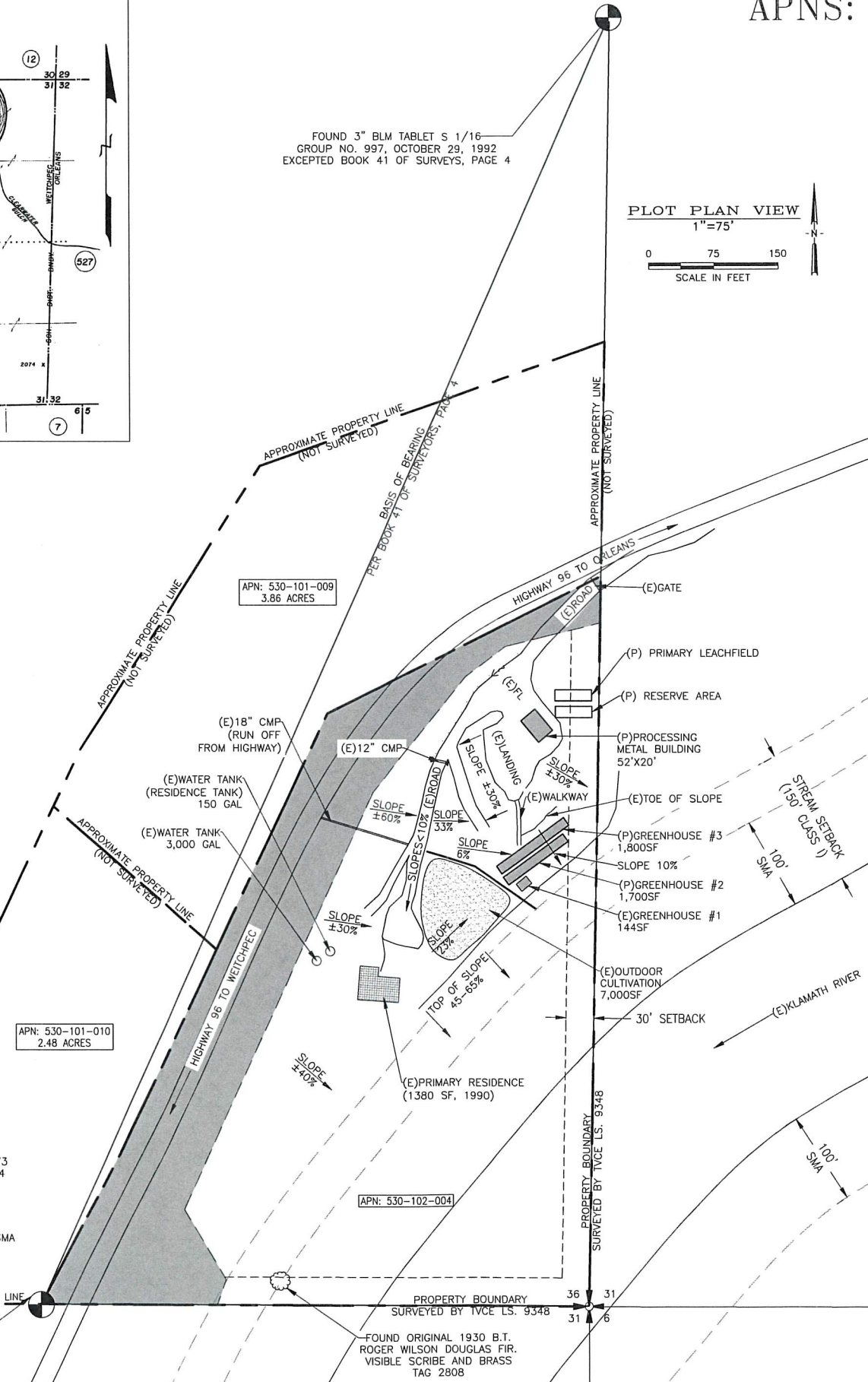
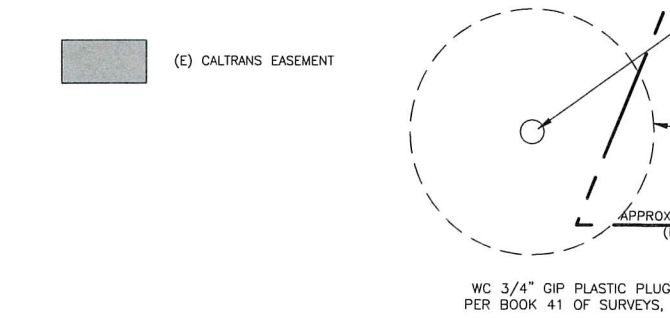
- CULTIVATION NOTES**
- THERE ARE NO SCHOOLS, SCHOOL BUS STOPS, PLACES OF WORSHIP, PUBLIC PARKS, OR TRIBAL CULTURAL RESOURCES WITHIN 600' OF CULTIVATION AREAS
  - THERE ARE NO OFFSITE RESIDENCES WITHIN 300' OF CULTIVATION AREAS.
  - THERE ARE PUBLIC OWNED LANDS WITHIN 600 FEET OF CULTIVATION AREAS.

CULTIVATION TOTALS		
(E) OUTDOOR CULTIVATION	(7,000 SF)	±7,000 SF
(E) GREENHOUSE #1	(12'X12' MIXED-LIGHT)	±144 SF
(E) GREENHOUSE #2	(20'X80' MIXED-LIGHT)	±1,700 SF
(E) GREENHOUSE #3	(20'X90' MIXED-LIGHT)	±1,800 SF
<b>TOTAL CULTIVATION AREA:</b>		<b>±10,500</b>

**DIRECTIONS**

FROM JUNCTION OF STATE HIGHWAY 96 & STATE HIGHWAY 169, HEAD EAST 3.2 MILES (MPM 26.22) & DRIVEWAY IS ON THE RIGHT.

**\*PROPERTY LINE NOTES**  
-ONLY THE SOUTH AND EAST PROPERTY LINES OF PARCEL 530-102-004 WERE SURVEYED BY TVCE, ALL OTHER PROPERTY LINES ARE AN APPROXIMATION BASED OFF OF THE HUMBOLDT COUNTY GIS WEBSITE.



**GENERAL NOTES**

WATER: PRIVATE  
WASTEWATER: ONSITE  
POWER: PG&E  
PHONE: VERIZON  
CREEKS/STREAMS: JOE MARINE CREEK/KLAMATH RIVER  
TREES TO BE REMOVED: NONE  
GRADING: SEE GRADING PLAN

WATER BOARD WQID # 2B1632CHUM  
ZONING: AG  
ACRES: 7.34

**SRA REQUIREMENTS**

PROVIDE ADEQUATE WATER STORAGE AND DELIVERY AS OUTLINED BY SRA ORDINANCE AND CALFIRE REQUIREMENTS

PROVIDE ADEQUATE TURN AROUND AND PULLOUTS AS OUTLINED BY SRA ORDINANCE REQUIREMENTS AND CALFIRE REQUIREMENTS

**SURVEY NOTES**

A FIELD SURVEY FOR TOPOGRAPHIC PURPOSES WAS CONDUCTED BY TRINITY VALLEY CONSULTING ENGINEERS (TVCE). A BOUNDARY SURVEY WAS CONDUCTED BY TVCE & ALL PROPERTY LINES DEPICTED ON THESE PLANS REFLECT A BOUNDARY SURVEY CONDUCTED BY TVCE IN AUGUST OF 2017.

**IMPROVEMENT NOTES**

REFUSE SHALL BE STORED ON A CONCRETE SLAB AND UNDER ROOF COVER OR IN A PORTABLE/LOCKABLE DUMPSTER. REFUSE MUST BE HAULED TO AN APPROVED WASTE FACILITY WEEKLY.

COMPOST SHALL BE STORED AND COMPOSTED ONSITE. CANNABIS WASTE CANNOT EXCEED 50% OF THE GENERATED ORGANIC MATERIAL.

**CONTRACTOR ALERT!**

CONTRACTOR MUST CONTACT USA DIG AT 800-227-2600 AT LEAST 72 HOURS BEFORE ANY EARTHWORK OR ACTIVITIES THAT MAY IMPACT EXISTING UNDERGROUND UTILITIES.

EXISTING UTILITY ALIGNMENTS BOTH HORIZONTALLY AND VERTICALLY MUST BE VERIFIED BY THE CONTRACTOR PRIOR TO ANY CONSTRUCTION ACTIVITIES.

**GENERATOR REQUIREMENTS:**

- THE NOISE PRODUCED BY A GENERATOR USED FOR CANNABIS CULTIVATION SHALL NOT BE AUDIBLE BY HUMANS FROM NEIGHBORING RESIDENCES. THE DECIBEL LEVEL FOR GENERATORS AT THE PROPERTY LINE SHALL BE NO MORE THAN 60 DECIBELS. WHERE APPLICABLE, SOUND LEVELS MUST ALSO SHOW THAT THEY WILL NOT RESULT IN THE HARASSMENT OF MARBLED MURRELET OR SPOTTED OWL SPECIES. WHEN GENERATOR USE IS TO OCCUR IN THE VICINITY OF POTENTIAL HABITAT, CONFORMANCE WILL BE EVALUATED USING CURRENT AUDITORY DISTURBANCE GUIDANCE PREPARED BY THE UNITED STATE FISH AND WILDLIFE SERVICE, AND FURTHER CONSULTATION WHERE NECESSARY.
- NOISE SHELTER WILL BE CONSTRUCTED FOR MOBILE GENERATORS. SHELTER WILL BE CONSTRUCTED FROM LUMBER FRAMING, PLYWOOD PROTECTION, AND FIRE RESISTANT INSULATION IF NECESSARY.
- STORAGE OF FUEL. FUEL SHALL BE STORED AND HANDLED IN COMPLIANCE WITH APPLICABLE STATE AND LOCAL LAWS AND REGULATIONS, AND IN SUCH A WAY THAT NO SPILLAGE OCCURS.

LUCIAN E. SANDERS TRUST  
HC67 BX 620, HOOPA, CA 95546

**PLOT PLAN**

APN: 530-102-004

DRAWN BY:	A. DOMINICK	DATE OF ISSUE:	DECEMBER 2017
DESIGNED BY:	JTM	SCALE:	AS SHOWN
CHECKED BY:	J. MCKNIGHT	PROJECT NO.:	1174.02
APPROVED BY:	TVCE	DRAWING NO.:	C01



## ATTACHMENT 1

### REQUIRED FINDINGS FOR PERMIT APPROVAL AND STAFF ANALYSIS

**Required Findings:** To approve this project, the Hearing Officer must determine that the applicant has submitted evidence in support of making **all** of the following required findings.

The County Zoning Ordinance, Sections 312-1.1.2 (Legal Lot Requirement) and 312-17.1 of the Humboldt County Code (Required Findings for All Discretionary Permits) specify the findings that are required to grant a Special Permit:

1. The proposed development is in conformance with the County General Plan;
2. The proposed development is consistent with the purposes of the existing zone in which the site is located;
3. The proposed development conforms with all applicable standards and requirements of these regulations;
4. The proposed development and conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare; or materially injurious to property or improvements in the vicinity;
5. The proposed development does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law (the midpoint of the density range specified in the plan designation) unless the following written findings are made supported by substantial evidence: 1) the reduction is consistent with the adopted general plan including the housing element; and 2) the remaining sites identified in the housing element are adequate to accommodate the County share of the regional housing need; and 3) the property contains insurmountable physical or environmental limitations and clustering of residential units on the developable portions of the site has been maximized; and
6. In addition, CEQA states that one of the following findings must be made prior to approval of any development which is subject to the regulations of CEQA. The proposed project either:
  - a. Is categorically or statutorily exempt; or
  - b. Has no substantial evidence that the proposed project will have a significant effect on the environment and a negative declaration has been prepared; or
  - c. Has had an environmental impact report (EIR) prepared and all significant environmental effects have been eliminated or substantially lessened, or the required findings in Section 15091 of the CEQA Guidelines have been made.

**Evidence Supporting the Required Findings:** To approve this proposed project, the Hearing Officer must determine that the applicant has submitted evidence in support of making **all** of the following required findings.

**1. The proposed development must be consistent with the General Plan; 2. Zoning Compliance; 4. Public Health, Safety and Welfare; and 5. Residential Density:**

An analysis of the proposed development regarding these findings was not completed because the applicant did not meet the threshold criteria required in finding #3.

**3. Conforms with applicable standards and requirements of these regulations:**

The proposed project does not conform to the applicable standards and requirements of the regulations. Specifically, Commercial Medical Marijuana Land Use Ordinance (CMMLUO) Section 55.4.11 (d) requires that the cultivation area be setback at least 600 feet from a Tribal Cultural Resource.

"The area of cannabis cultivation and on-site processing shall be located as shown on the application site plan, set back at least 30 feet from any property line, and 600 feet from any School, School Bus Stop, Church or other Place of Religious Worship, Public Park, or Tribal Cultural Resource (as these terms are defined in sections 55.2.6 and 55.4.7). The minimum setback required from property lines or adjacent uses may be waived or reduced with the express consent of the adjacent property owner and occupant. For purposes of this section, the setback requirement applicable to Public Parks, other than lands managed for open space and/or wildlife habitat, shall only be applied to designated and developed recreational facilities such as picnic areas and campgrounds, trails, river and fishing access points, and like facilities under public ownership. For publicly owned lands managed for open space and/or wildlife habitat purposes, a setback of less than 600 feet may be allowed with a Special Permit. Cultivation areas and associated facilities shall observe all required setbacks from watercourses and wetlands. For purposes of this section, where enhanced, reduced, or modified watercourse or wetland setbacks have been agreed to by the operator and RWQCB under enrollment pursuant to NCRWQB Order No. 2015-0023 and/or preparation of a Water Resources Protection Plan, these may control and supersede any setback applied pursuant to 314-61.1." (Emphasis added)

The ordinance states that the 600 setback may be reduced with the express written consent of the property owner and occupant, which for the purposes of the cultural tribal resource setback must be considered to be the applicable tribe for whom this setback is intended to protect. The Yurok Tribe has not granted consent for a reduced setback and instead has recommended denial due to their express written concerns.

**6. Environmental Impact:**

The recommended denial will not adversely impact the environment because it is statutorily exempt from State environmental review per section 15270 (Projects Which Are Disapproved) of the CEQA Guidelines.



# YUROK TRIBE

190 Klamath Boulevard • Post Office Box 1027 • Klamath, CA 95548



## Resolution

with

### YUROK TRIBAL COUNCIL

**RESOLUTION:** 18-87

**DATE APPROVED:** November 9, 2018

**SUBJECT:** Ke'wet Ceremonial District

- WHEREAS:** The Yurok Tribe is a federally recognized Tribe; and
- WHEREAS:** The Yurok Tribal Council is the governing body of the Yurok Tribe under the authority of the Yurok Constitution of 1993; and
- WHEREAS:** The Yurok Tribe is eligible for all rights and privileges afforded to federally recognized Tribes; and
- WHEREAS:** The Yurok Constitution Article IV, Section 1(g), with certain conditions, authorizes the Tribal Chairperson to take such actions as are necessary to safeguard the health or safety of the Tribe from imminent danger pending action by the Tribal Council; and
- WHEREAS:** The Yurok Tribe has lived along the Klamath River, since the Spirit People, Wo-ge' made things ready for us and the Creator, Ko-won-no-ekc-on Ne-ka-nup-ceo, placed us here; and
- WHEREAS:** The Yurok Tribe has followed all the laws of the Creator from the beginning, which became the whole fabric of our tribal sovereignty; and
- WHEREAS:** In times past and now Yurok people bless the deep river, the tall redwood trees, the rocks, the mounds, and the trails. We pray for the health of all the animals, and prudently harvest and manage the great salmon runs and herds of deer and elk. we never waste and use every bit of the salmon, deer, elk, sturgeon, eels, seaweed, mussels, candlefish, otters, sea lions, seals, whales, and other ocean and river animals; and
- WHEREAS:** Yurok Tribal Council, by action March 22, 2018, designated the Ke'wet Ceremonial District, a Tribal Cultural Resource to be included to the Yurok Tribal Register and State Historic Register because of the features,



places, cultural landscapes, sacred places, and objects with cultural value to the Yurok Tribe; and

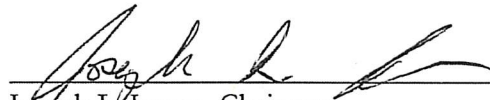
**BE IT RESOLVED:** That the Ke'wet Ceremonial District is a Tribal Cultural Resource; and

**BE IT FURTHER RESOLVED:** That the Ke'wet Ceremonial District be added Tribal Register and State Historic Register.

**C\*E\*R\*T\*I\*F\*I\*C\*A\*T\*I\*O\*N**

This is to certify that this Resolution was approved at a duly called meeting of the Yurok Tribal Council on November 9, 2018, at which a quorum was present and that this Resolution was adopted by at which a quorum was present and that this Resolution Number 18-87 was adopted by a vote of 5 for and 0 opposed and 0 abstentions<sup>SNP</sup> in accordance with Article IV, Section 5 and Article IV, Section 1(g) of the Constitution of the Yurok Tribe. This Resolution Number 18- has not been rescinded or amended in any way.

**DATED THIS** 9 **DAY OF** November, 2018

  
\_\_\_\_\_  
Joseph L. James., Chairman  
Yurok Tribal Council

**ATTEST:**

  
\_\_\_\_\_  
Mindy Natt, Secretary  
Yurok Tribal Council

YUROK TRIBAL COUNCIL AGENDA INFORMATION SHEET

ExDir18-009

Date: March 22, 2018

Submitted By: Frankie Myers

Directors Approval: \_\_\_\_\_

Please attach all relevant documentation

SUBJECT: Kewet Ceremonial District  
FUNDING TO COME FROM:

Reviewed by:	Initials
1. Chairperson	_____
2. Executive Director	_____
3. Finance Department	_____
4. Personnel Office	_____
5. Legal Department	_____
6. Grants Compliance	_____
7. _____ Committee	_____

Recommendation
Approve for Agenda
Approve      Deny
Approve      Deny
Approve      Deny
Approve      Deny
Approve      Deny
Approve      Deny

Executive Use Only
Consent Agenda Item Yes___No___
Finance___ Planning___ Action___

No Recommendation  
No Recommendation  
No Recommendation  
No Recommendation  
No Recommendation  
No Recommendation

Is Coordination required with other Departments? If so who? When were they contacted and what was the response:

REQUESTED ACTION: (Describe request in the form of a motion) to approve the Kewet Ceremonial District to be eligible for the Yurok Tribal Historical Register and any other register as necessary. Contingent upon OTA and Cultural Committee approval.

Yurok Tribal Council Use Only

Motion: \_\_\_\_\_  
MAJOR ACTION  
**MOTION STATED AS ABOVE**

Motion Made by Natt

Second Made By Aubrey

ROLL CALL VOTE:

	Yes	No	Abs	Np		Yes	No	Abs	Np
Vice Chairperson	Yes	No	Abs	Np	Orick District	Yes	No	Abs	Np
East District	Yes	No	Abs	Np	Pecwan District	Yes	No	Abs	Np
Requa District	Yes	No	Abs	Np	North District	Yes	No	Abs	Np
Weitchpec District	Yes	No	Abs	Np	South District	Yes	No	Abs	Np

Chairperson      Aye      Nay

VOTE:      6 Yes      0 No      1 Abstaining      1 Not Present

ACTION: Approved      Denied      Tabled      No Action      Referred to: \_\_\_\_\_

Previous Action: \_\_\_\_\_

Date Approved: 3/22/18





EMERGENCY AGENDA ITEM



\*\*\*Form must be complete. If incomplete, it will not be considered.\*\*\*

Date: March 22, 2018 Submitted By Frankie Myers

SUBJECT: Approve the Yurok Tribal Heritage Preservation Officer to include the Proposed Kewet Cereminal District to the Yurok Tribal Register and State Historic Register for Cannabis Related Activities contingent on OTA and Cultural Committee Approval

FUNDING TO COME FROM (budget & justification must be attached): NA

PLEASE EXPLAIN WHY THIS ITEM IS AN EMERGENCY:

Time sensitive Due to Humboldt County Cannabis Ordinance timeline.

PLEASE EXPLAIN WHY THIS ITEM WAS NOT SUBMITTED ON TIME:

Cannabis Task Force and THPO discussion last week approval to move forward with the roposed Ceremonial District.

Council Support Use Only

Motion Made by \_\_\_\_\_

Second Made By \_\_\_\_\_

ROLL CALL VOTE:

	<u>Yes</u>	<u>No</u>	<u>Abs</u>	<u>Np</u>		<u>Yes</u>	<u>No</u>	<u>Abs</u>	<u>Np</u>
Vice Chairperson	Yes	No	Abs	Np	Orick District	Yes	No	Abs	Np
East District	Yes	No	Abs	Np	Pecwan District	Yes	No	Abs	Np
Requa District	Yes	No	Abs	Np	North District	Yes	No	Abs	Np
Weitchpec District	Yes	No	Abs	Np	South District	Yes	No	Abs	Np

Chairperson Yes No

VOTE: \_\_\_\_\_ Yes \_\_\_\_\_ No \_\_\_\_\_ Abstaining \_\_\_\_\_ Not Present

ACTION: Approved for Agenda Referred to Next Agenda on \_\_\_\_\_

Date of this Action: \_\_\_\_\_



COUNTY OF HUMBOLDT  
PLANNING AND BUILDING DEPARTMENT  
CANNABIS SERVICES DIVISION

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

Bluff Creek Company, Inc.  
Lucien J Smith  
HC 67 Box 620  
Hoopa, CA 95546

October 16, 2018

**RE: Application No. 12834, APN: 530-102-004-000, Case No. SP16-667, ZCC17-011**

Dear Bluff Creek Company, Inc.,

Your application for Commercial Cannabis Cultivation is located within the Yurok Ancestral Territory. The Yurok Tribe has identified this property as being within a Cultural Landscape consisting of a combination of archaeological and cultural resources, and religious and ceremonial sites. This Cultural Landscape constitutes a Tribal Cultural Resource under the Commercial Medical Marijuana Land Use Ordinance (CMMLUO). The CMMLUO defines a Tribal Cultural Resource as "*sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California native American Tribe, including unique archaeological resources and historical resources ...*"

The CMMLUO Section 55.4.11 (d) requires cultivation areas and on-site processing to be set back from any Tribal Cultural Resource. Since this project is within a larger region identified as a Tribal Cultural Resource, this project cannot comply with this provision and thus cannot be approved.

Given the circumstances associated with the site, it is possible to convert your applications to a Retirement, Remediation and Relocation (RRR) project under the new Commercial Cannabis Land Use Ordinance (CCLUO, or "Ordinance 2.0"). This would allow relocation of all the square footage on the site to a site which would support the cultivation. The county will convert your application to a RRR under the CCLUO if that is the direction you choose. Your other options are to withdraw the application, or request a public hearing with the Planning Commission but keep in mind the site cannot be found to be consistent with the CMMLUO. Upon your submission of a request to do so, your application will be converted to an RRR without submittal of a new application. In order to change to an RRR you will need to submit updated paperwork. Enclosed is a Guide for RRR Applications.

If you have questions about this letter or would like to set-up a meeting to discuss RRR options, please contact Caitlin Castellano at [ccastellano1@co.humboldt.ca.us](mailto:ccastellano1@co.humboldt.ca.us) or at 707-268-3731.

Sincerely,

John Ford  
Planning and Building Department



**COUNTY OF HUMBOLDT**  
**PLANNING AND BUILDING DEPARTMENT**  
**CANNABIS SERVICES DIVISION**

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

Saunders Lucien E Trust  
H.C. 67 Box 620  
Hoopa, CA 95546

October 16, 2018

**RE: Application No. 12834, APN: 530-102-004-000, Case No. SP16-667, ZCC17-011**

Dear Saunders Lucien E Trust,

Your application for Commercial Cannabis Cultivation is located within the Yurok Ancestral Territory. The Yurok Tribe has identified this property as being within a Cultural Landscape consisting of a combination of archaeological and cultural resources, and religious and ceremonial sites. This Cultural Landscape constitutes a Tribal Cultural Resource under the Commercial Medical Marijuana Land Use Ordinance (CMMLUO). The CMMLUO defines a Tribal Cultural Resource as "*sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California native American Tribe, including unique archaeological resources and historical resources ...*"

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Sincerely,

John Ford  
Planning and Building Department

Cc: Property Owner (if different from applicant)



## Castellano, Caitlin

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**From:** Lucien Smith <lucien@bluffcreekco.com>  
**Sent:** Tuesday, December 18, 2018 7:14 AM  
**To:** Ford, John  
**Cc:** Castellano, Caitlin  
**Subject:** Application 12834, Bluff Creek Company, Inc.

Good Morning Director Ford,

I respectfully request a planning commission hearing for my cannabis cultivation application 12834. I also request a meeting with you prior to the hearing date to discuss the actions the Yurok Tribe has taken against me through assumptions having never performed a site visit.

Very Respectfully,

Lucien Smith  
President, Bluff Creek Company  
lucien@bluffcreekco.com  
Direct: (443) 889.6634  
Fax:(800) 867.4689