



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

11/21/2017

**PROJECT REFERRAL TO: Mattole Unified School District**

**Project Referred To The Following Agencies:**

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, Regional Water Quality Control Board, North Coast Unified Air Quality Management District, Humboldt County District Attorney, Humboldt County Agriculture Commissioner, Intertribal Sinkyone Wilderness Council, Humboldt County Sheriff, SRWCB- Division of Water Rights, Mattole Unified School District

**Applicant Name** Scott Roberts **Key Parcel Number** 107-054-014-000

**Application (APPS#)** 11653 **Assigned Planner** Cannabis Planner (CPOD) (707) 445-7541 **Case Number(s)** CUP16-322

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

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

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

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

**Return Response No Later Than 12/6/2017**

Planning Commission Clerk  
County of Humboldt Planning and Building Department  
3015 H Street  
Eureka, CA 95501

**E-mail:** PlanningClerk@co.humboldt.ca.us **Fax:** (707) 268-3792

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

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

Other Comments: See attached

DATE: 11/30/17

PRINT NAME: Shari Lovett



## **Mattole Unified School District**

P.O. Box 211, 29289 Chambers Road

Petrolia, CA. 95558

Phone# (707) 629-3311

Fax# (707) 629-3575

**TO:** Humboldt County Planning and Building Department

**FROM:** Board of Trustees of Mattole Unified School District

**SUBJECT:** APPS#11653

**DATE:** November 30, 2017

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Mattole Unified School District desires to promote a safe, drug-free environment for our students and staff. In our attempts to ensure drug-free campuses, we have adopted board policy 4020 Alcohol-Free Workplace and board policy 5131.6 Alcohol and Other drugs (attached). These policies are maintained and strictly enforced. Mattole Unified School District does not condone any illegal activity and endeavors to promote a safe and healthy lifestyle.

With this said, upon inspection and in accord with Ordinance 2559, Section 313 of Chapter 3, Division 1 of Title III of the Humboldt County Code, at this time, the proposed project's cultivation area does not appear to be within 600 feet of a school or school bus stop. The need to add bus stops is subject to change, and it is possible the District may need to add a bus stop at some point which would violate this provision of the County Code. However, at this time, there is no conflict.



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

**PROJECT TRANSMITTAL**

**APPLICANT** Scott Roberts **KEY PARCEL** 107-054-014-000 **Honeydew DATE** 11/13/2017 **CONTACT** Cannabis Planner (CPOD) **APPS#** 11653

<b>PROJECT INFORMATION</b>	
<b>SUBJECT</b> Conditional Use Permit	<b>CASE NUMBERS</b> CUP16-322
<b>PROJECT DESCRIPTION</b> An application for a Conditional Use Permit for existing 20,736 square foot mixed light and 1,200 square foot outdoor medical cannabis cultivation. Water source is a rainwater catchment system and onsite well. Water storage capacity is 95,800 between 25 hard tanks. Processing would be performed on site in an existing residence. Power source is a mix of solar and generator use.	
<b>PROJECT LOCATION</b> The project is located in Humboldt County, in the Honeydew area, on the South side of Mattole Road, approximately .5 miles West from the intersection of Brinks Drive and Mattole Road, on the property known as 1051 Heidi Lane.	
<b>PRESENT PLAN DESIGNATIONS</b> Agricultural Lands (AL ), Framework Plan (FRWK), Density: 160 to 20 acres per dwelling unit, Slope Stability: Moderate Instability (2)	<b>PRESENT ZONING</b> Agriculture Exclusive (AE) B-6
<b>KEY PARCEL NUMBER</b> 107-054-014-000	<b>ADDITIONAL PARCEL #S</b>

<b>APPLICANT INFORMATION</b>	<b>OWNER INFORMATION</b>	<b>AGENT INFORMATION</b>
<b>Name</b> Scott Roberts <b>Address 1</b> 2160 Panorama Dr <b>Address 2</b> <b>City</b> Arcata <b>State</b> CA <b>Zip</b> 95521 <b>Phone</b> 707-599-2855 <b>E-Mail</b>	<b>Name</b> Roberts Scott D Tr <b>Address1</b> <b>Address2</b> 2160 Panorama Dr <b>City</b> Arcata <b>State</b> CA <b>Zip</b> 95521 <b>Phone</b> <b>E-Mail</b>	<b>Name</b> Shannon Gibson <b>Address1</b> 442 Redwood Avenue <b>Address2</b> <b>City</b> Arcata <b>State</b> CA <b>Zip</b> 95521 <b>Phone</b> 707-498-7926 <b>E-Mail</b> sgibson95521@gmail.com

**ADDITIONAL PROJECT INFORMATION**

**ADDITIONAL OWNERS**  
Empty.

**DECISION MAKER** Planning Commission

**ENVIRONMENTAL REVIEW REQUIRED?** No

**CEQA EXEMPTION SECTION** Other.

**EXEMPTION DESCRIPTION** tbd

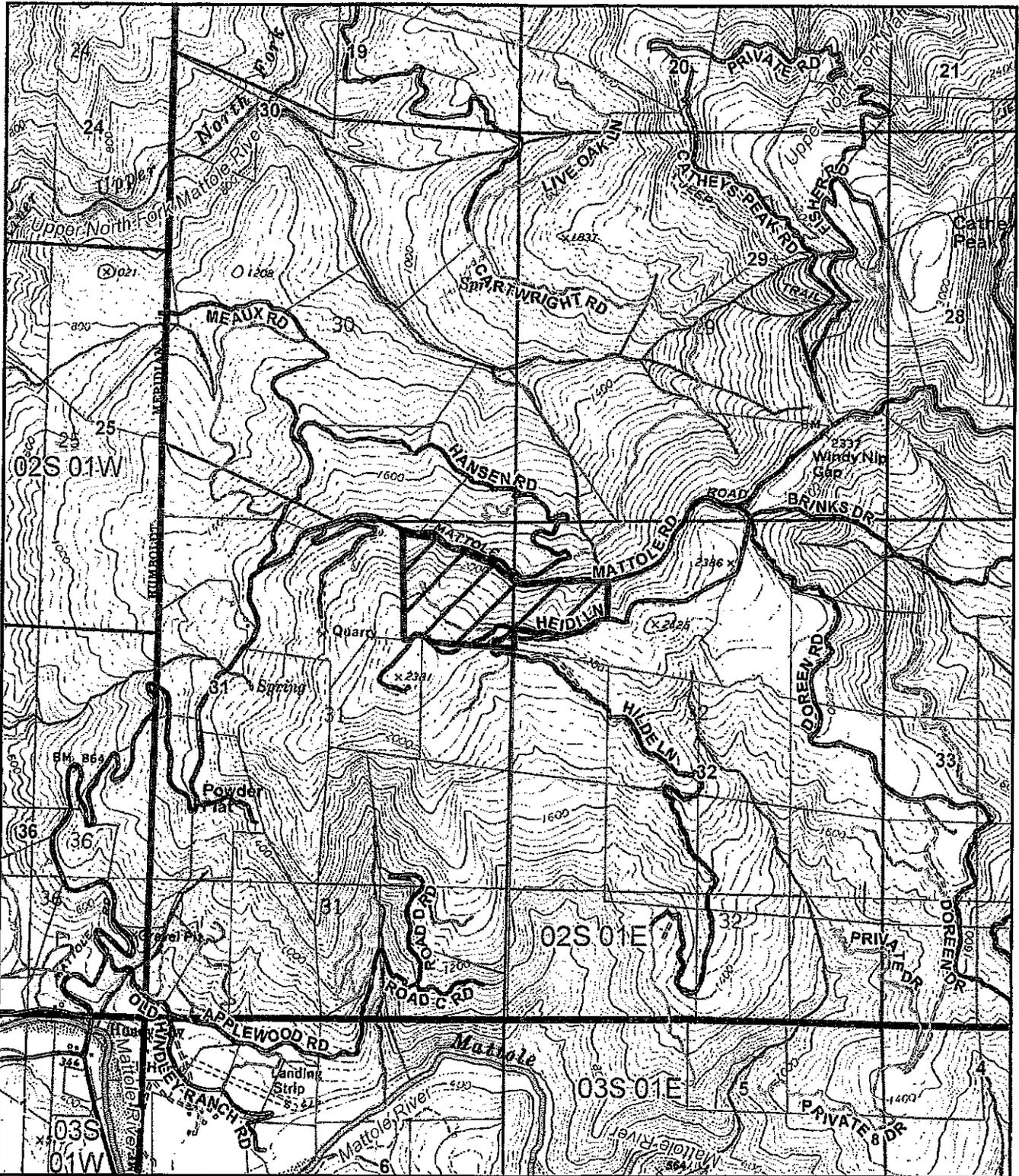
**MAJOR ISSUES** None

**STATE APPEAL STATUS** Project is NOT appealable to the California Coastal Commission

**COMMERCIAL CANNABIS ACTIVITY**

**Operator(s) Table**

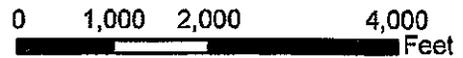
No.	First Name	Middle Name	Last Name	Case Number(s)
1	Scott		Roberts	CUP16-322



**TOPO MAP**  
**PROPOSED SCOTT ROBERTS**  
**HONEYDEW AREA**  
**CUP-16-322**  
**APN: 107-054-014**

**T02S R01E S31; S32 HB&M (BULL CREEK)**

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.



## DRUG AND ALCOHOL-FREE WORKPLACE

The Governing Board believes that the maintenance of drug and alcohol-free workplaces is essential to school and district operations.

No employee shall unlawfully manufacture, distribute, dispense, possess, use or be under the influence of any alcoholic beverage, drug or controlled substance as defined in the Controlled Substances Act and Code of Federal Regulations before, during or after school hours at school or in any other district workplace.

The Superintendent or designee shall:

1. Publish and give to each employee a notification of the above prohibitions. The notification shall specify the actions that will be taken against employees who violate these prohibitions. The notification shall also state that as a condition of employment, the employee will abide by the terms of this policy and notify the employer, within five days, of any criminal drug or alcohol statute conviction which he/she receives for a violation occurring in the workplace.

For the purpose of this policy, "conviction" shall mean a finding of guilt, including a plea of nolo contendere, or imposition of sentence, or both, by any judicial body charged to determine violations of federal or state criminal drug or alcohol statutes.

2. Establish a drug and alcohol-free awareness program to inform employees about:
  - a. The dangers of drug and alcohol abuse in the workplace
  - b. The district policy of maintaining drug and alcohol-free workplaces
  - c. Any available drug and alcohol counseling, rehabilitation, and employee assistance programs and
  - d. The penalties that may be imposed on employees for drug and alcohol abuse violations
3. Notify the appropriate federal granting or contracting agencies within 10 days after receiving notification, from an employee or otherwise, of any conviction for a violation occurring in the workplace.
4. Initiate disciplinary action within 30 days after receiving notice of a conviction for a violation in the workplace from an employee or otherwise. Such action shall be consistent with state and federal law, the appropriate employment contract, the applicable collective bargaining agreement and district policy and practices.

**DRUG AND ALCOHOL-FREE WORKPLACE (continued)**

5. Make a good faith effort to continue maintaining a drug and alcohol-free workplace through implementation of Board policy.

In taking disciplinary action, the Board shall require termination when termination is required by law. When termination is not required by law, the Board shall either take disciplinary action, up to and including termination, or shall require the employee to satisfactorily participate in and complete a drug assistance or rehabilitation program approved by a federal, state or local health, law enforcement or other appropriate agency. The Board's decision shall be made in accordance with relevant state and federal laws, employment contracts, collective bargaining agreements and district policies and practices.

*(cf. 4117.4 - Dismissal)*

*(cf. 4118 - Suspension/Disciplinary Action)*

*(cf. 4159/4258/4359 - Employee Assistance Programs)*

*(cf. 4218 - Dismissal/Suspension/Disciplinary Action)*

*Legal Reference:*

EDUCATION CODE

44011 *Controlled substance offense*

44065 *Issuance of credentials*

44425 *Conviction of controlled substance offenses as grounds for revocation of credential*

44836 *Employment of certificated persons convicted of controlled substance offenses*

44940 *Compulsory leave of absence for certificated persons*

44940.5 *Procedures when employees are placed on compulsory leave of absence*

45123 *Employment after conviction of controlled substance offense*

45304 *Compulsory leave of absence for classified persons*

GOVERNMENT CODE

8350-8357 *Drug-free workplace*

THE DRUG-FREE WORKPLACE ACT OF 1988

*Public Law 100-690, 5151-5160*

DRUG-FREE SCHOOLS AND COMMUNITIES ACT AMENDMENT OF 1989

*H.R. 3614*

UNITED STATES CODE, TITLE 21

*202 schedules I-V*

*812 Controlled Substances Act*

CODE OF FEDERAL REGULATIONS, TITLE 21

*1300.1-1300.15 Definitions relating to controlled substances*

**DRUG AND ALCOHOL-FREE WORKPLACE  
NOTICE TO EMPLOYEES**

YOU ARE HEREBY NOTIFIED that it is a violation of Board policy for any employee at a school district workplace to unlawfully manufacture, distribute, dispense, possess, use or be under the influence of any alcoholic beverage, drug or controlled substance as defined in the Controlled Substances Act and Code of Federal Regulations.

"School district workplace" is defined as any place where school district work is performed, including a school building or other school premises; any school-owned or school-approved vehicle used to transport students to and from school or school activities; any off-school sites when accommodating a school-sponsored or school-approved activity or function, such as a field trip or athletic event, where students are under district jurisdiction; or during any period of time when an employee is supervising students on behalf of the district or otherwise engaged in district business.

As a condition of your continued employment with the district, you will comply with the district's policy on Drug and Alcohol-Free Workplace and will, any time you are convicted of any criminal drug or alcohol statute violation occurring in the workplace, notify your supervisor of this conviction no later than five days after such conviction.

Pursuant to the federal Omnibus Transportation Employee Testing Act of 1991, school bus drivers shall be subject to a drug and alcohol testing program that fulfills the requirements of the Code of Federal Regulations, Title 49, Part 382.

*(cf. 4112.42/4212.42/4312.42 - Drug and Alcohol Testing for School Bus Drivers)*

Pursuant to California Education Code 44836 and 45123, the Board may not employ or retain in employment persons convicted of a controlled substance offense as defined in Education Code 44011. If any such conviction is reversed and the person acquitted in a new trial or the charges dismissed, his/her employment is no longer prohibited.

Pursuant to Education Code 45123, the district may employ for classified service a person who has been convicted of a controlled substance offense only if it determines, from evidence presented, that the person has been rehabilitated for at least five years. The Board shall determine the type and manner of presentation of the evidence, and the Board's determination as to whether or not the person has been rehabilitated is final.

Pursuant to Education Code 44425, whenever the holder of any credential issued by the State Board of Education or the Commission for Teacher Preparation and Licensing has been convicted of a controlled substance offense as defined in Education Code 44011, the commission shall forthwith suspend the credential. When the conviction becomes final or when imposition of sentence is suspended, the commission shall revoke the credential. (Education Code 44425)

**DRUG AND ALCOHOL-FREE WORKPLACE NOTICE TO EMPLOYEES**  
(continued)

Pursuant to Education Code 44940, the district must immediately place on compulsory leave of absence any certificated employee charged with involvement in the sale, use or exchange to minors of certain controlled substances.

Pursuant to Education Code 44940, the district may immediately place on compulsory leave of absence any certificated employee charged with certain controlled substance offenses.

Policy  
adopted: January 10, 2004  
Students

MATTOLE UNIFIED SCHOOL DISTRICT  
Petrolia, California  
BP 5131.6(a)

## ALCOHOL AND OTHER DRUGS

The Governing Board believes that the use of alcohol or other drugs adversely affects a student's ability to achieve academic success, is physically and emotionally harmful, and has serious social and legal consequences. The Board desires to keep district schools free of alcohol and other drugs and desires that every effort be made to reduce student use of these substances. The Board perceives this effort as an important step towards preventing violence, promoting school safety and creating a disciplined environment conducive to learning.

The Superintendent or designee shall develop a comprehensive prevention and intervention program that includes instruction, referral to a rehabilitation program, enforcement/ discipline, activities that promote the involvement of parents/guardians and coordination with appropriate community agencies and organizations.

*(cf. 0450 - Comprehensive Safety Plan)*  
*(cf. 1020 - Youth Services)*  
*(cf. 4020 - Drug and Alcohol-Free Workplace)*  
*(cf. 6020 - Parent Involvement)*

The Superintendent or designee shall clearly communicate to all students, staff and parents/guardians the district's policies, regulations and school rules related to the use of alcohol and other drugs on school campuses or at school activities. Information about program needs and goals shall be widely distributed in the community.

*(cf. 1100 - Communication with the Public)*  
*(cf. 5131.61 - Drug Testing)*  
*(cf. 5131.62 - Tobacco)*  
*(cf. 5144.1 - Suspension and Expulsion/Due Process)*

The Board expects staff to conduct themselves in accordance with the district's philosophy related to alcohol and other drugs. Staff should help students see themselves as responsible partners in efforts to maintain a safe, constructive school climate.

*(cf. 5137 - Positive School Climate)*

The Board also encourages the establishment of site-level advisory groups to assist in promoting alcohol- and drug-free schools.

*(cf. 1220 - Citizen Advisory Committees)*

### Instruction

The district shall provide preventative instruction which helps students avoid the use of alcohol and other drugs. Comprehensive, age-appropriate K-12 instruction shall address the legal, social, personal and health consequences of drug and alcohol use, promote a sense of individual responsibility, and inform students about effective techniques for resisting peer pressure to use alcohol and other drugs.

BP 5131.6(b)

ALCOHOL AND OTHER DRUGS (continued)

All instruction and related materials shall consistently state that unlawful use of alcohol or other drugs is wrong and harmful. Instruction shall not include the concept of responsible use when such use is illegal.

Teachers shall be trained to answer students' questions related to alcohol and drugs and to help students obtain and use current and accurate information, develop and maintain a positive self-concept, take positive actions to cope with stress, and use appropriate social and personal skills to resist involvement with alcohol and other drugs.

*(cf. 4131 - Staff Development)*  
*(cf. 6142.2 - AIDS Prevention Instruction)*  
*(cf. 6142.8 - Comprehensive Health Education)*  
*(cf. 6143 - Courses of Study)*

#### **Intervention, Referral and Recovering Student Support**

The Board believes that effective interventions should be available to assist students who use alcohol or other drugs. School staff, students and parents/guardians shall be informed about signs and symptoms which may indicate alcohol and other drug use and about appropriate agencies offering intervention programs, counseling and rehabilitation for students and their family members. The district shall help recovering students to avoid reinvolvement with alcohol and other drugs by providing school and/or community service activities designed to increase students' sense of community.

*(cf. 6142.4 - Learning Through Community Service)*

The Board strongly encourages any student who is using alcohol or drugs to discuss the matter with his/her parent/guardian or with any staff member. Students who disclose their use of alcohol or other drugs when seeking help from an intervention or recovery program shall not be disciplined for such use.

#### **Enforcement/Discipline**

The Superintendent or designee shall take appropriate action to eliminate possession, use or sale of alcohol and other drugs and related paraphernalia on school grounds, at school events, or in any situation in which the school is responsible for the conduct and well-being of students. School authorities may search students and school properties for the possession of alcohol and other drugs in accordance with law, Board policy and administrative regulations.

*(cf. 5145.11 - Questioning and Apprehension)*  
*(cf. 5145.12 - Search and Seizure)*

BP 5131.6(c)

#### **ALCOHOL AND OTHER DRUGS (continued)**

Students possessing, using or selling alcohol or other drugs or related paraphernalia at school or at a school event shall be subject to disciplinary procedures including suspension or expulsion in accordance with law, Board policy and administrative regulations. Such students also may be referred to an appropriate rehabilitation program.

*(cf. 5144.1 - Suspension and Expulsion/Due Process)*

*Legal Reference:*

EDUCATION CODE

- 44049 *Known or suspected alcohol or drug abuse by student*
- 48900 *Suspension or expulsion (grounds)*
- 48900.5 *Suspension, limitation on imposition; exception*
- 48901 *Smoking or use of tobacco prohibited*
- 48901.5 *Prohibition of electronic signaling devices*
- 48902 *Notification of law enforcement authorities; civil or criminal immunity*
- 48909 *Narcotics or other hallucinogenic drugs*
- 48915 *Expulsion; particular circumstances*
- 49423 *Administration of prescribed medication*
- 49480 *Notice to school by parent or guardian; consultation with physician*
- 49602 *Confidentiality of pupil information*
- 51202 *Instruction in personal and public health and safety*
- 51203 *Instruction on alcohol, narcotics and restricted dangerous drugs*
- 51210 *Areas of study*
- 51220 *Areas of study, grades 7 to 12*
- 51260 *Elementary and secondary school instruction in drug education by appropriately trained instructors*
- 51262 *Use of anabolic steroids; legislative finding and declaration*
- 51264 *CDE assistance for inservice training*
- 51265 *Gang violence and drug and alcohol abuse prevention inservice*
- 51268 *Collaboration to avoid duplication of effort*

BUSINESS AND PROFESSIONS CODE

- 25608 *Alcohol on school property; use in connection with instruction*

HEALTH AND SAFETY CODE

- 11032 *Narcotics, restricted dangerous drugs and marijuana; construction of terms used in other divisions*
- 11053-11058 *Standards and schedules*
- 11353.6 *Juvenile Drug Trafficking and Schoolyard Act*
- 11357 *Unauthorized possession of marijuana; punishment; prior conviction; possession in school or on school grounds*
- 11361.5 *Destruction of arrest or conviction records*
- 11372.7 *Drug program fund; uses*
- 11802 *Joint school-community alcohol abuse primary education and prevention program*

*Legal Reference continued: (see next page)*

BP 5131.6(d)

**ALCOHOL AND OTHER DRUGS (continued)**

*Legal Reference: (continued)*

- 11965-11969 *The School-Community Primary Prevention Program*
- 11998-11998.3 *Drug and Alcohol Abuse Master Plans*
- 11999-11999.3 *Alcohol and drug program funding; no unlawful use*
- 124175-124200 *Adolescent family life program (Department of Health Services)*

PENAL CODE

- 13864 *Comprehensive alcohol and drug prevention education*

VEHICLE CODE

- 13202.5 *Drug and alcohol related offenses by person under age of 21, but aged 13 or over; suspension, delay, or restriction of driving privileges*

WELFARE AND INSTITUTIONS CODE

828 Disclosure of information re minors

828.1 Disclosure of criminal records; protection of vulnerable staff & students

UNITED STATES CODE, TITLE 20

5812 National education goals

7101-7143 Safe and Drug-Free Schools and Communities Act of 1994

Policy  
adopted: January 10, 2004  
Students

MATTOLE UNIFIED SCHOOL DISTRICT  
Petrolia, California  
AR 5131.6(a)

## ALCOHOL AND OTHER DRUGS

### Instruction

Students shall receive instruction by appropriately trained instructors about the nature and effects of alcohol and other drugs, including dangerous drugs defined by Health and Safety Code 11032. (Education Code 51260)

Site administrators shall determine that drug education instructors possess: (Education Code 51260)

1. The ability to interact with students in a positive way
2. Knowledge of the properties and effects of tobacco, alcohol, narcotics, dangerous drugs, and shared drug apparatus
3. Effective teaching skills and competency in helping students to express opinions responsibly and to become aware of their values as they affect drug-use decisions

At all grade levels, instruction shall include a study of the effects of alcohol and other drugs upon the human system, as determined by science. Instruction shall be sequential in nature and suited to meet the needs of students at their respective grade level. (Education Code 51203, 51260)

In grades 1 through 6, instruction in drug education should be given in health courses required by Education Code 51210. (Education Code 51260)

In grades 7 through 12, instruction in drug education shall be conducted in health courses and in any other appropriate area of study required by Education Code 51220. (Education Code 51260)

Secondary school instruction shall include a study of the effects of alcohol and other drugs upon prenatal development. (Education Code 51203)

*(cf. 6143 - Courses of Study)*

The district drug education program shall augment county drug education services, if any. District staff shall take every opportunity to cooperate with county office of education staff in planning and implementing collaborative alcohol and drug prevention programs. (Education Code 51260, 51268)

### Intervention

The staff shall intervene whenever students use alcohol or other illegal drugs while on school property or under school jurisdiction. Staff members who believe that a student may be under the influence of alcohol or drugs shall immediately notify the principal or designee.

AR 5131.6(b)

## ALCOHOL AND OTHER DRUGS (continued)

If the principal or designee knows, observes or suspects that a student may be under the influence of alcohol or drugs, he/she may notify the parent/guardian. (Education Code 44049)

However, school staff shall not disclose confidential information provided during counseling by a student 12 years of age or older. School counselors may report such information to the principal or parent/guardian only

when they believe that disclosure is necessary to avert a clear and present danger to the health, safety or welfare of the student or other persons living in the school community. They shall not disclose such information to the parent/guardian if they believe that the disclosure would result in a clear and present danger to the student's health, safety or welfare. (Education Code 44049, 49602)

*(cf. 5145.1 - Privacy)*

In cases of medical emergency, the principal is authorized to call an ambulance to remove the student to a hospital. Parents/guardians will be notified of this action and shall be responsible for the incurred expenses.

*(cf. 5141 - Health Care and Emergencies)*

#### **Confiscation of Electronic Signaling Devices**

Because electronic signaling devices (beepers, cellular telephones, etc.) are sometimes used to facilitate illegal drug transactions, the possession or use of such devices by students is prohibited on school premises, at all school-sponsored activities, and at any time while students are under the supervision and control of district employees. An exception shall be made only when the principal or designee has determined that the device is essential for the student's health and then shall be used only for health purposes. (Education Code 48901.5)

The Superintendent or designee shall confiscate these devices from students.

*(cf. 5144 - Discipline)*

#### **Enforcement/Discipline**

Staff shall notify the principal or designee immediately upon suspecting a student is selling, providing or using alcohol or other drugs.

When any student uses, possesses or sells alcohol or illegal drugs at school or while under school jurisdiction, the following shall result:

1. Parent/guardian contact

AR 5131.6(c)

#### **ALCOHOL AND OTHER DRUGS (continued)**

2. Suspension or expulsion in accordance with law or Board policy

*(cf. 5144.1 - Suspension and Expulsion/Due Process)*

3. Contact with law enforcement authority within one school day of the suspension (Education Code 48902)

In addition, the following actions may be taken:

1. Referral to an appropriate counseling program
2. Transfer/alternative placement
3. Restriction from all extracurricular activities, including athletics, for the length of the semester

*(cf. 6145 - Extracurricular and Cocurricular Activities)*



## Reports

Upon request, the Superintendent or designee shall submit alcohol and drug prevention program information to the California Department of Education, including information on the prevalence of drug use and violence by youth in the schools and community. Such information shall also be made readily available to the public. (20 USC 7117)

