



**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 17, 2022

To: Humboldt County Planning Commission

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

Subject: **The Emerald Kid Inc., Conditional Use Permit Modification**  
Application Number: PLN-2021-17458  
Assessor's Parcel Number's: 522-211-053 & 522-211-055  
50 Stagecoach Lane, Willow Creek, CA  
100 Stagecoach Lane, Willow Creek, CA

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Please contact Megan Acevedo, Planner I, at 707-441-2634 or by email at [macevedo@co.humboldt.ca.us](mailto:macevedo@co.humboldt.ca.us), if you have any questions about the scheduled public hearing item.

**AGENDA ITEM TRANSMITTAL**

<b>Hearing Date</b> February 17, 2022	<b>Subject</b> Conditional Use Permit Modification	<b>Contact</b> Megan Acevedo
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**Project Description:** The Emerald Kid Inc. seeks a Modification to two already approved Conditional Use Permits (PLN-12251-CUP & PLN-12011-CUP) and one already approved Modification to those Conditional Use Permits (PLN-2020-16323) to allow for farm-based retail sales to tourists already on-site, and retail sales off-site through delivery or off-site pickup. No increased traffic is anticipated as part of this project. The already approved projects on-site include a microbusiness consisting of up to 10,000 square feet (SF) of commercial cannabis cultivation, non-volatile manufacturing, distribution, and is permitted for on-site tours. Water is sourced from the Willow Creek Community Services District and power is provided by PG&E.

**Project Location:** The project is located in Humboldt County, in the Willow Creek area, on the South side of Stagecoach Lane, approximately 300 feet West from the intersection of Stagecoach Lane and Brannan Mountain Road, on the property known as 50 Stagecoach Lane and 100 Stagecoach Lane.

**Present Plan Land Use Designations** Residential Estates (RE2.5-5), Density: (Cluster) Range is 2.5 to 5 acres per unit, Willow Creek Community Plan (WCCP), 2017 General Plan, Slope Stability: Moderate Instability (2)

**Present Zoning:** Agriculture General (AG)

**Record Number:** PLN-2021-17458

**Assessor's Parcel Number's:** 522-211-053 & 522-211-055

**Applicant**

The Emerald Kid Inc.  
Lucas Sanders  
PO Box 237  
Willow Creek, CA 95573

**Owner**

Lucas Sander  
PO Box 237  
Willow Creek, CA 95573

**Agent**

N/A

**Environmental Review:** An Addendum to a previously adopted Environmental Impact Report has been prepared for consideration per §15164 of the State CEQA Guidelines.

**State Appeal Status:** Project is NOT appealable to the California Coastal Commission

**Major Issues:** None

**Recommended Commission Action**

1. Describe the application as part of a public hearing.
2. Request staff to present the application and staff report;
3. Open the public hearing and receive testimony;
4. Close the public hearing and adopt the Resolutions to take the following actions:

*1) Find that the Commission has considered the Addendum to the adopted Environmental Impact Report for the Commercial Cannabis Land Use Ordinance (CCLUO) as described by Section §15164 of the State CEQA Guidelines, 2) make all of the required findings for approval of the Conditional Use Permit Modification and 3) approve the The Emerald Kid Inc. Conditional Use Permit Modification as recommended by staff subject to the recommended conditions.*

**Executive Summary:** The Emerald Kid Inc. seeks a Modification to an already approved Conditional Use Permit Modification (PLN-2020-16323) of two already approved Conditional Use Permits (PLN-12251-CUP & PLN-12011-CUP), to allow for farm-based retail sales to tourists already on-site, and retail sales off-site through delivery or off-site pickup. No increased traffic is anticipated as part of this project. The already approved projects on-site include a microbusiness consisting of up to 10,000 SF of commercial cannabis cultivation, non-volatile manufacturing, distribution, and is permitted for on-site tours. Water is sourced from the Willow Creek Community Services District and power is provided by PG&E.

The applicant would continue to conduct a commercial cannabis microbusiness consisting of 10,000 SF of cultivation (including nursery cultivation for wholesale), non-volatile manufacturing (making bubble hash and live rosin using ice water extraction), and distribution of on-site products. Other already permitted activities include processing (drying, curing, and trimming), and tours on-site. The applicant would like to add farm-based retail on-site and off-site delivery. Farm-based on-site retail activities would only include the sale of products made by the applicant to tourists already visiting the site, and off-site retail delivery would utilize two already permitted delivery vans. No increased traffic to and from the site is anticipated. The applicant shall obtain the appropriate license from the State of California Department of Cannabis Control (DCC), or shall obtain other written documentation from the DCC stating that a license is not required for the proposed retail activities (**Condition A.2**).

**Water Resources**

The approved project obtains water from the Willow Creek Community Services District under a Will-Serve letter allowing up 790,000 gallons used annually on-site, and 10,000 gallons of rain catchment tanks exist on-site. No increase in water is anticipated as a result of the proposed project. There are no streams or stream crossings located on the property and water is sourced from the WCCSD, therefore no Lake or Streambed Alteration Agreement with Fish & Wildlife is required for the project.

**Noise, Lighting & Energy**

No significant increase in noise, lighting or energy usage is anticipated as part of the proposed project.

**Public Accommodations**

The site is served by an ADA restroom with a permitted on-site wastewater treatment system. The access road is Stagecoach Lane from Brannan Mountain Road, which are paved. Performance standards for public accommodations specify criteria for driveway and turnaround areas. The driveway meets Category 1 standards and safety standards for provision of overhead clearance, fire turn-arounds, and parking.

**Access/Parking**

The project site is accessed from Stagecoach Lane, a private drive which is accessed from Brannan Mountain Road, a paved County-maintained road that is classified by Public Works Land Use Division as

the functional equivalent of a Category 4 road. The intersection of Stagecoach Lane and Brannan Mountain Road is paved and meets County standards. An approximately 130-foot-long driveway serves the property. A turnaround provides emergency vehicle access. The Site Plan shows adequate parking available on-site. The project was approved for having up to 15 employees, up to two distribution vans with up to two trips per day, and up to five tours per day limited to 12 vehicles. The maximum vehicle trips anticipated per day by the approved project was 62 vehicle trips per day.

The proposed project would not increase vehicle traffic to the site as the applicant only plans to sell product to tourists that would already exist at the site under the approved activities. The applicant also plans to utilize two already permitted vans for the off-site retail delivery activities, and would alternate retail delivery days from wholesale delivery days, and no more than 62 vehicle trips are anticipated to and from the site per day. The project was referred to the Department of Public Works and the agency replied with the recommendation of conditional approval that all fences and gates shall be relocated out of the County right of way and all gates shall be setback sufficiently from the County road so that vehicles will not block traffic when staging to open/close the gate, and no materials shall be stored or placed in the County right of way (**Condition A.2 & Ongoing Condition B.2**).

#### **Consistency with Humboldt County Board of Supervisors Resolution No. 18-43**

Planning staff determined approval of this project is consistent with Humboldt County Board of Supervisors Resolution No. 18-43, which established a limit on the number of permits and acres which may be approved in each of the County's Planning Watersheds. The project is located in the Lower Trinity Planning Watershed, which under Resolution 18-43 is limited to 169 permits and 58 acres of cultivation. With the approval of this project the total approved permits in this Planning Watershed would be 59 permits and the total approved acres would be 25.4 acres of cultivation.

#### **Willow Creek Community Planning Area**

The CCLUO requires a Conditional Use Permit for all commercial cannabis activities in certain community planning areas, including the Willow Creek Community Plan. In accordance with the procedures of the CCLUO a Notice of Application was sent to surrounding property owners within 1,000 feet of the site activities, on January 13, 2022. No comments were received in response to the Early Notice of Application.

Environmental review for this project was conducted and based on the results of that analysis, staff finds that all aspects of the project have been considered in a previously adopted Environmental Impact Report that was adopted for the Commercial Cannabis Land Use Ordinance and has prepared an addendum to this document for consideration by the Planning Commission (See Attachment 2 for more information).

Environmental review for this project was conducted and based on the results of that analysis, staff finds that all aspects of the project have been considered in a previously adopted Environmental Impact Report that was adopted for the Commercial Cannabis Land Use Ordinance and has prepared an addendum to this document for consideration by the Planning Commission (See Attachment 2 for more information).

**RECOMMENDATION:** Based on a review of Planning Division reference sources and comments from all involved referral agencies, Planning staff believes that the applicant has submitted evidence in support of making all of the required findings for approval of the Conditional Use Permit (CUP) Modification.

**ALTERNATIVES:** The Planning Commission could elect not to approve the project, or to require the applicant to submit further evidence, or modify the project. If modifications may cause potentially significant impacts, additional CEQA analysis and findings may be required. These alternatives could be implemented if the Commission is unable to make all of the required findings. Planning staff has stated that the required findings in support of the proposal have been made. Consequently, Planning staff does not recommend further consideration of any alternative.

The Planning Commission could also decide the project may have environmental impacts that would require further environmental review pursuant to CEQA. Staff did not identify any potential impacts. As the lead agency, the Department has determined that the project is consistent with the EIR for the CCLUO as stated above. However, the Commission may reach a different conclusion. In that case, the Commission should continue the item to a future date at least two months later to give staff the time to complete further environmental review.

**RESOLUTION OF THE PLANNING COMMISSION  
OF THE COUNTY OF HUMBOLDT**

**Resolution Number 22-**

**Record Number PLN-2021-17458**

**Assessor's Parcel Number: 522-211-053 & 522-211-055**

**Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approving the The Emerald Kid Inc. Conditional Use Permits Modification**

**WHEREAS, The Emerald Kid Inc.**, submitted an application and evidence in support of approving a Modification to a Conditional Use Permit for Record No. PLN-2020-16323, to add farm-based retail sales on-site and off-site delivery; and

**WHEREAS**, the County as the lead agency, prepared an Addendum to the Environmental Impact Report (EIR) prepared for the Commercial Cannabis Land Use Ordinance (CCLUO) adopted by the Humboldt County Board of Supervisors on May 8, 2018. The proposed project does not present substantial changes that would require major revisions to the EIR. No new information of substantial importance that was not known and could not be known at the time was presented as described by §15162(c) of CEQA Guidelines; and

**WHEREAS**, the Humboldt County Planning Commission held a duly-noticed public hearing on February 17, 2022, and reviewed, considered, and discussed the application for a Conditional Use Permit Modification and reviewed and considered all evidence and testimony presented at the hearing.

**Now, THEREFORE BE IT RESOLVED**, that the Planning Commission makes all the following findings:

- 1. FINDING:** **Project Description:** a Modification to an already approved Conditional Use Permit Modification (PLN-2020-16323) of two already approved Conditional Use Permits (PLN-12251-CUP & PLN-12011-CUP), to allow for farm-based retail sales to tourists already on-site, and retail sales off-site through delivery or off-site pickup. No increased traffic is anticipated as part of this project. The already approved projects on-site include a microbusiness consisting of up to 10,000 SF of commercial cannabis cultivation, non-volatile manufacturing, distribution, and is permitted for on-site tours. Water is sourced from the Willow Creek Community Services District and power is provided by PG&E

**EVIDENCE:** a) Project File: PLN-2021-17458

- 2. FINDING:** The requirements of the California Environmental Quality Act have been complied with. The Humboldt County Planning Commission has considered the Addendum to and Environmental Impact Report prepared for the Commercial Cannabis Land Use Ordinance (CCLUO) adopted by the Humboldt County Board of Supervisors on May 8, 2018.

**EVIDENCE:** a) Addendum prepared for the proposed project.  
b) The proposed project does not present substantial changes that would require major revisions to the previous EIR. No new information of substantial importance that was not known and could not be known at the time was presented as described by §15162(c) of CEQA Guidelines.

### FINDINGS FOR CONDITIONAL USE PERMIT MODIFICATION

- 3. FINDING** The proposed development is in conformance with the County General Plan, Open Space Plan, and the Open Space Action Program.
- EVIDENCE**
- a) General and intensive agriculture are use types permitted in the Residential Estates (RE) land use designation. The proposed cannabis cultivation, an agricultural product, is within land planned and zoned for agricultural purposes, consistent with the use of Open Space land for managed production of resources. The use of an agricultural parcel for commercial agriculture is consistent with the Open Space Plan and Open Space Action Program. Therefore, the project is consistent with and complimentary to the Open Space Plan and its Open Space Action Program.
- 4. FINDING** The proposed development is consistent with the purposes of the existing AG zone in which the site is located.
- EVIDENCE**
- a) Humboldt County Code section 314-55.4.10.2 allows for farm-based retail sales of cannabis products limited to those produced on the same parcel or premises where the cannabis was cultivated. Farm-based retail sales may occur with sites hosting on-site customer traffic with a Conditional Use Permit, or off-site through delivery or off-site pickup with a Zoning Clearance Certificate.
- 5. FINDING** The proposed development is consistent with the requirements of the CCLUO Provisions of the Zoning Ordinance.
- EVIDENCE**
- a) The parcels were created in compliance with all applicable state and local subdivision regulations. The parcels known as APN 522-211-053 and 522-211-055 are legal parcels described as Lot 1 and Lot 2 of Tract No. 615 as per Map recorded in Book 24 of Maps, Pages 95-97, Humboldt County Records, January 7, 2009.
  - b) The site has already been approved for a microbusiness consisting of 10,000 sq. ft. of cannabis cultivation, nursery for wholesale, non-volatile manufacturing, distribution, and as a tour site. The applicant will only sell product produced on-site to tourists already existing at the site, and off-site through delivery methods.
  - c) The project will obtain water from a non-diversionary water source.
  - d) The site meets the performance standards for public accommodations described in 55.4.12.14. The site is accessed by Brannan Mountain Road, a paved County road suitable for commercial traffic, and Stagecoach Lane, a paved private road. The project meets all road systems performance standards and the access route can accommodate the anticipated traffic to and from the site.
  - e) No timber conversion has occurred on the subject parcel and none is proposed.
  - f) The location of the cultivation complies with all setbacks and performance standards of the CCLUO.
  - g) The project is in the Willow Creek Community Planning Area and the

application was noticed on January 13, 2022 to all surround property owners within 1000 feet. No comments were received.

**6. FINDING**

**EVIDENCE** Allowance for farm-based retail sales on-site to tourists already visiting, and off-site through delivery will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

**EVIDENCE**

- a) The site is located on a county road that has been determined to be developed to the equivalent of category 4 road standards, and can safely accommodate the amount of traffic generated by the proposed cannabis cultivation.
- b) The proposed project will not be in a location where there is an established neighborhood or other sensitive receptor such as a school, church, park or other use which may be sensitive to cannabis cultivation. Approving cultivation on this site and the other sites which have been approved or are in the application process will not change the character of the area due to the presence of mutiple cannabis operations in the neighborhood.

**7. FINDING**

- c) 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.

**EVIDENCE**

The parcel was not included in the housing inventory of Humboldt County's 2019 Housing Element but does have the potential to support one housing unit. The approval of cannabis cultivation on this parcel will not conflict with the ability for a residence to be constructed on this parcel.

**8. FINDING**

Approval of this project is consistent with Humboldt County Board of Supervisors Resolution No. 18-43 which established a limit on the number of permits and acres which may be approved in each of the County's Planning Watersheds.

**FINDING**

- a) The project is located in the Lower Trinity Planning Watershed, which under Resolution 18-43 is limited to 169 permits and 58 acres of cultivation. With the approval of this project the total approved permits in this Planning Watershed would be 59 permits and the total approved acres would be 25.4 acres of cultivation.



**DECISION**

**NOW, THEREFORE,** based on the above findings and evidence, the Humboldt County Planning Commission does hereby:

- Adopt the findings set forth in this resolution; and
- Conditionally approves the Conditional Use Permit Modification for The Emerald Kid Inc. based upon the Findings and Evidence and subject to the conditions of approval attached here to as Attachment 1 and incorporated herein by reference; and

Adopted after review and consideration of all the evidence on **February 17, 2022.**

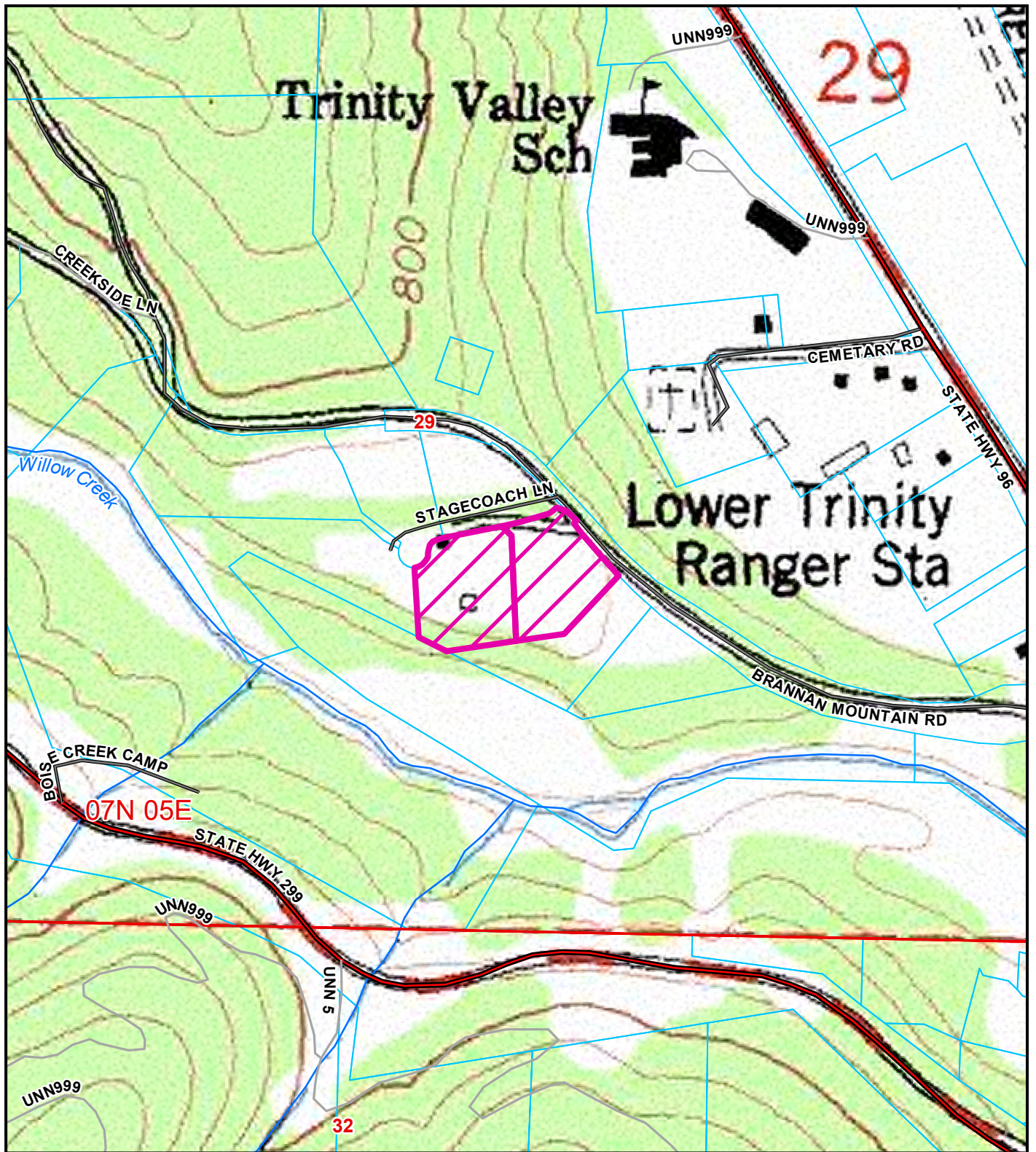
The motion was made by COMMISSIONER \_\_\_\_\_ and second by COMMISSIONER \_\_\_\_\_ and the following ROLL CALL vote:

AYES:            COMMISSIONERS:  
 NOES:            COMMISSIONERS:  
 ABSENT:        COMMISSIONERS:  
 ABSTAIN:       COMMISSIONERS:  
 DECISION:

I, John Ford, Secretary to the Planning Commission of the County of Humboldt, do hereby certify the foregoing to be a true and correct record of the action taken on the above entitled matter by said Commission at a meeting held on the date noted above.

\_\_\_\_\_

John Ford, Director  
 Planning and Building Department

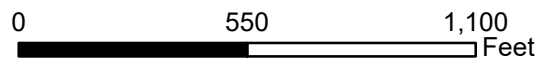


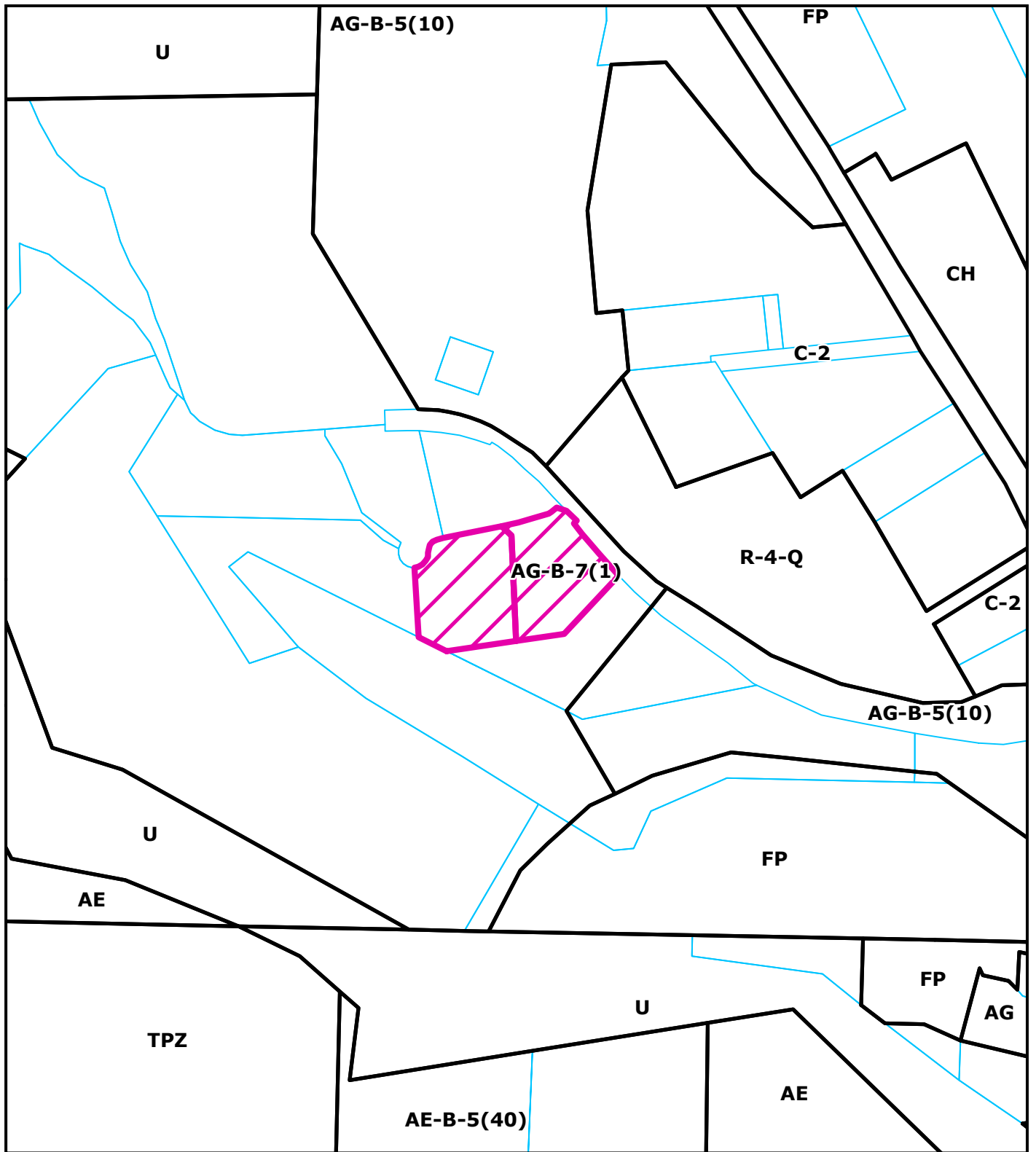
Project Area = 

**TOPO MAP**  
**PROPOSED THE EMERALD KID, INC**  
**WILLOW CREEK AREA**  
**PLN-2021-17458**  
**APN: 522-211-053; ET AL.**  
**T07N R05E S29 HB&M (WILLOW CREEK)**



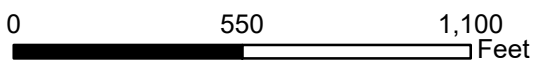
This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.





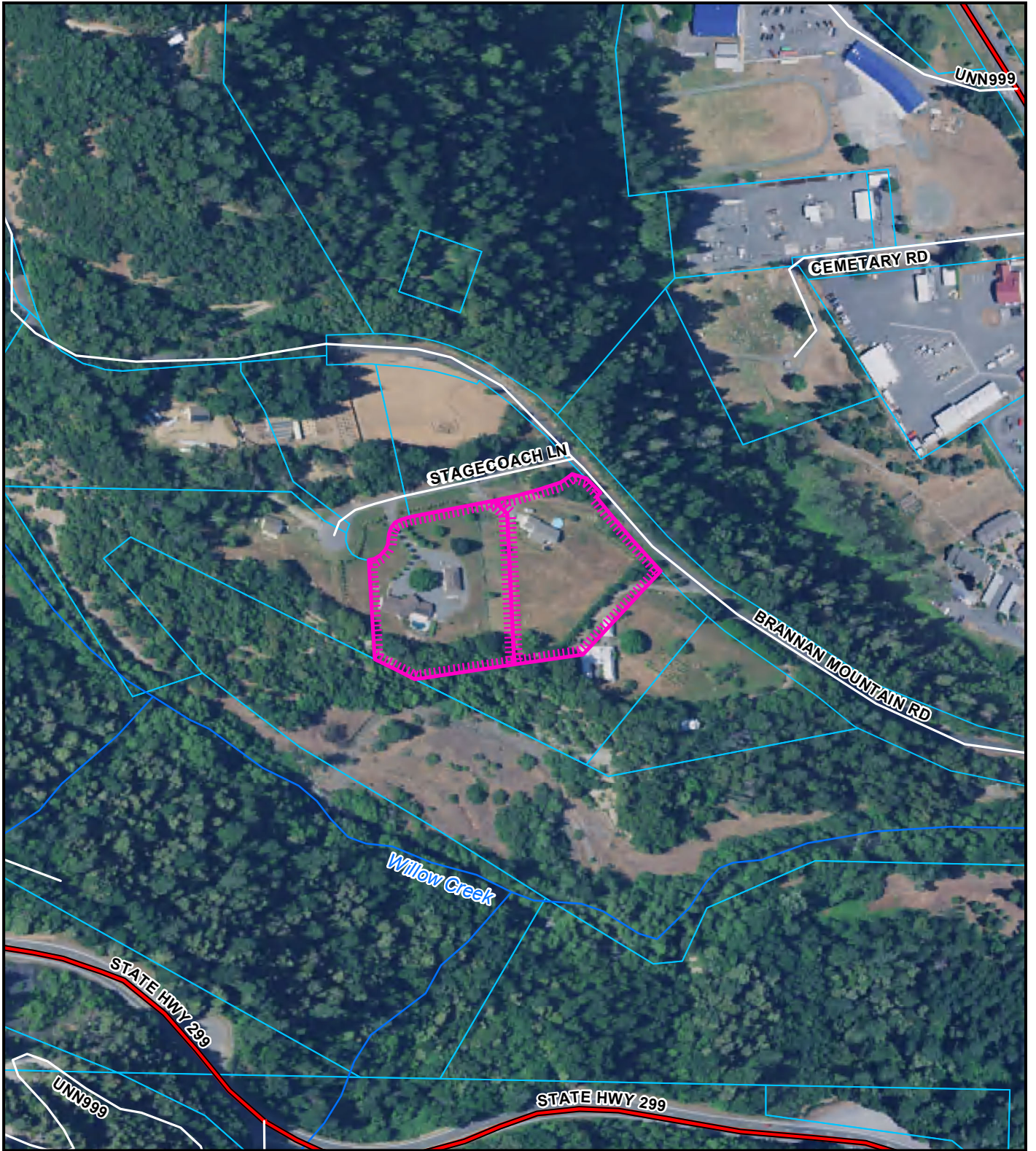
**ZONING MAP**  
**PROPOSED THE EMERALD KID, INC**  
**WILLOW CREEK AREA**  
**PLN-2021-17458**  
**APN: 522-211-053; ET AL.**  
**T07N R05E S29 HB&M (WILLOW CREEK)**

Project Area = 



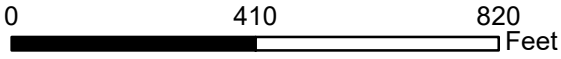
This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.





**AERIAL MAP**  
**PROPOSED THE EMERALD KID, INC**  
**WILLOW CREEK AREA**  
**PLN-2021-17458**  
**APN: 522-211-053; ET AL.**  
**T07N R05E S29 HB&M (WILLOW 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.



**THE EMERALD KID**  
**APN:522-211-55**

**VICINITY MAP**  
 NOT TO SCALE



**PROJECT DIRECTIONS**  
 FROM: WILLOW CREEK, CA  
 -HEAD NORTH ON CA-36  
 -TAKE THE FIRST LEFT ONTO BRANNAN MOUNTAIN ROAD  
 -LEFT ONTO STAGECOACH LANE

**TRAVEL TIME**  
 APPROXIMATELY: 1 MILES (3 MINUTES)  
 FROM WILLOW CREEK

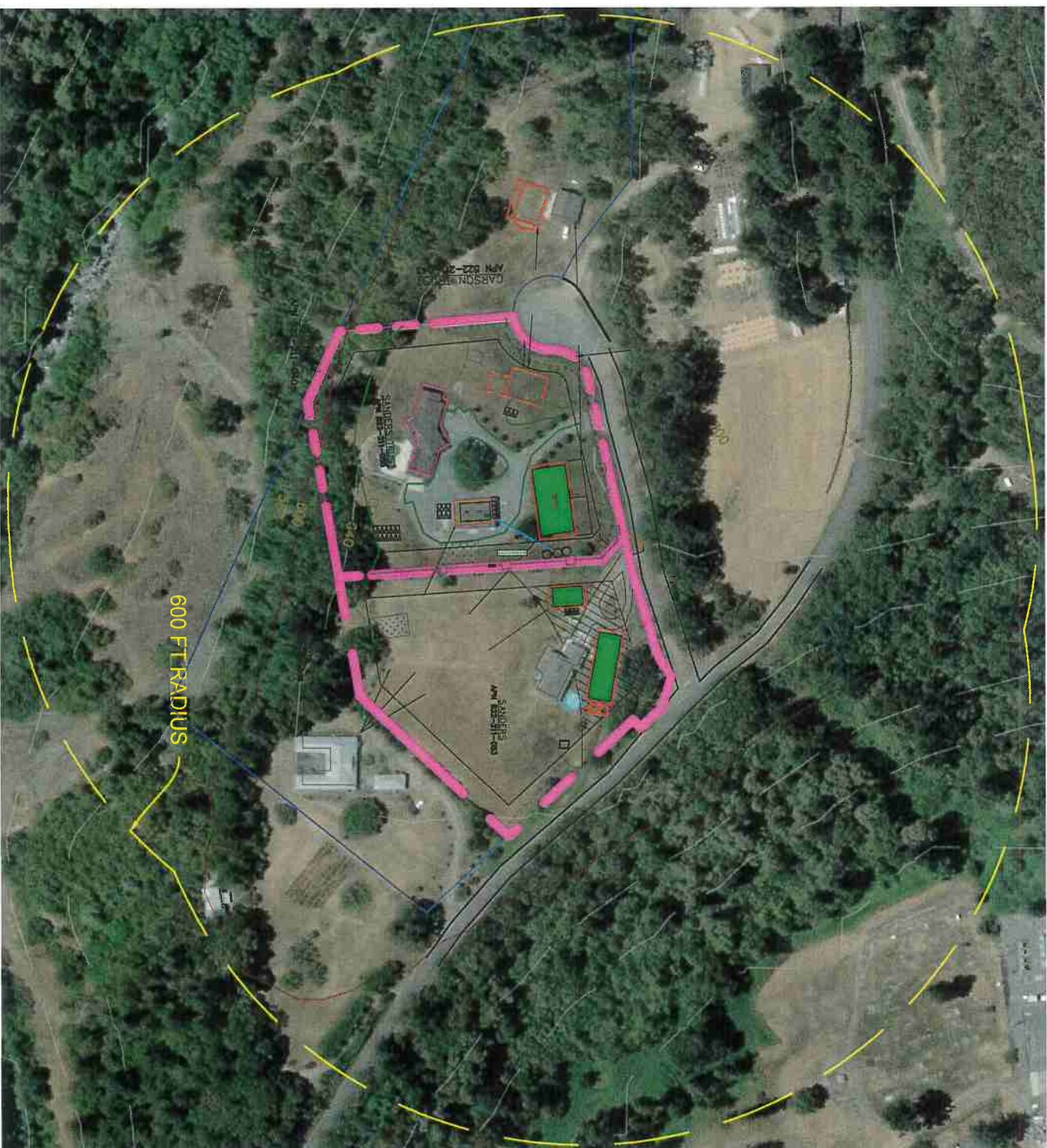
**SHEET INDEX**  
 CP-COVER PAGE  
 C1-PARCEL OVERVIEW  
 C3-PREMISES

**PROJECT INFORMATION**

LAT/LONG: 40.9455, -123.6422  
 APN: 522-211-55  
 APPLICANT: THE EMERALD KID  
 PARCEL SIZE: ±3 ACRES  
 ZONING: AG  
 APPLICATION TYPE: TYPE 1A, TYPE 1B  
 COASTAL ZONE: NO  
 100 YEAR FLOOD: NO

**AGENT:**  
 KAYLIE SAXON  
 GREEN ROAD CONSULTING INC  
 1650 CENTRAL AVE. SUITE C  
 MCKINLEVILLE, CA 95519  
 707-630-5041

**AERIAL MAP**



**PROJECT INFORMATION**

PROPERTY OWNER: **KIMBERLY SANDERS & LUCAS SANDERS**  
 ADDRESS: **100 STAGECOACH LANE & 50 STAGECOACH LANE WILLOW CREEK, CA 95573**  
 SHEET INFO: **COVER PAGE**



NO.	NOTES	DATE

DATE	DRAFTER	SCALE
10/30/20	DOV	AS SHOWN

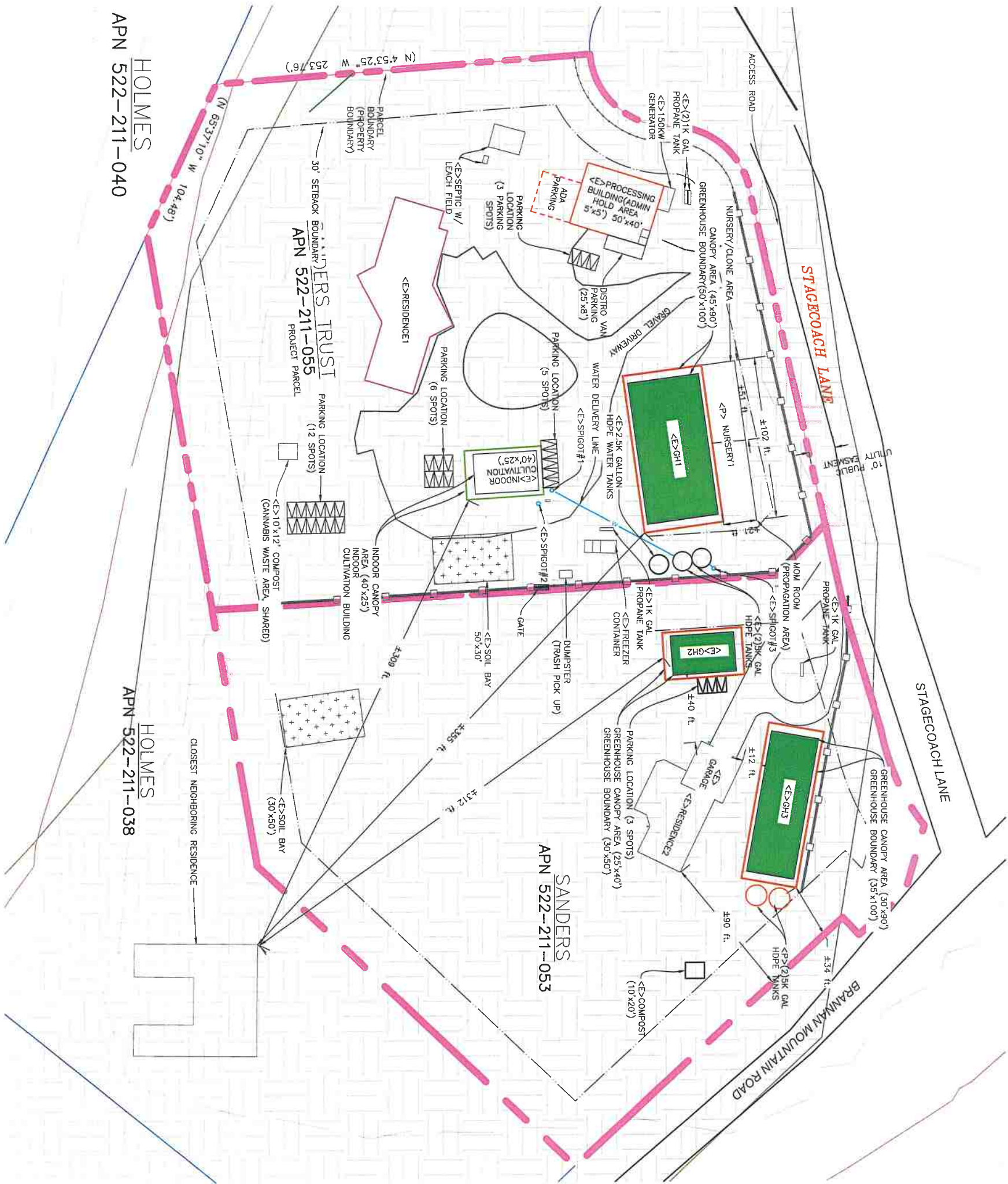
**CP**  
 SHEET

**NOTE**  
 BOUNDARY AS SHOWN ON THIS EXHIBIT, BY DYLAN L. KOLSTAD, LS 8152, ON FILE AT KOLSTAT LAND SURVEYORS.



# PARCEL OVERVIEW

APN: 522-211-55



## CULTIVATION INFORMATION

MIXED LIGHT CULTIVATION AREA			
GH	LENGTH	WIDTH	SQ FT
1	30	X	4,050
2	40	X	1,000
3	90	X	2,700
TOTAL MIXED LIGHT CULTIVATION AREA =			7,750 SQ FT

INDOOR CULTIVATION AREA			
ID	LENGTH	WIDTH	SQ FT
1	40	25	1,000
TOTAL INDOOR CULTIVATION AREA =			1,000 SQ FT

PROPOSED IMMATURE PLANT AREA			
ROOM	LENGTH	WIDTH	SQ FT
NURSERY	51	X	1,071
MOM ROOM (PROPAGATION AREA)	51	X	21
CLONE ROOM (NURSERY AREA)	51	X	21
TOTAL AREA =			2,142 SQ FT

## CULTIVATION BUILDINGS AND USE

BUILDINGS	USE	SIZE	YEAR
INDOOR CULTIVATION BUILDING	INDOOR CULTIVATION	50'x32'	2005
FREEZER CONTAINER	HARVEST STORAGE	20'x8'	2018
PROCESSING BUILDING	PROCESSING / CHEMICAL AG STORAGE	50'x40'	2020
GARAGE	TOOL/CHEMICAL AG STORAGE	30'x29'	2009
GH1 EXTERIOR	CANNABIS CULTIVATION	100'x50'	2019
GH2 EXTERIOR	CANNABIS CULTIVATION	30'x50'	2020
GH3 EXTERIOR	CANNABIS CULTIVATION	35'x100'	2020

## DOMESTIC BUILDINGS AND USE

BUILDINGS	USE	SIZE	YEAR
RESIDENCE1	DOMESTIC DWELLING	4,000 FT <sup>2</sup>	2009
RESIDENCE2	DOMESTIC DWELLING	2,000 FT <sup>2</sup>	2009

## WATER STORAGE AND USE

TYPE	LAT/LONG	QUANTITY	GALLONS	TOTAL GALLONS
H2O TANK	40 9460, -123 6420	2	5,000	10,000
H2O TANK	40 9458, -123 6420	1	2,500	2,500
TOTAL AMOUNT OF WATER STORAGE =				12,500 GALLONS

## WATER SOURCE

TYPE	LAT/LONG
WILLOW CREEK COMMUNITY SERVICES	
SPIGOT #1	40 9457, -123 6422
SPIGOT #2	40 9457, -123 6421
SPIGOT #3	40 9461, -123 6220

## POWER SOURCE

PG&E/150KW PROPANE GENERATOR (BACK UP POWER SOURCE)

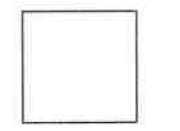
## SURROUNDING BUILDINGS

THERE ARE NO SCHOOLS, BUS STOPS, PLACES OF WORSHIP, PUBLIC PARKS OR TRIBAL CULTURAL RESOURCES WITHIN 600 FEET OF THE CULTIVATION SITE. THERE ARE NO OFF-SITE RESIDENCES WITHIN 300 FEET OF THE CULTIVATION SITE.

## NOTE

BOUNDARY AS SHOWN ON THIS EXHIBIT, BY DWYAN L. KOLSTAD, LS 8152, ON FILE AT KOLSTAD LAND SURVEYORS.

## LEGEND



## PROJECT INFORMATION

PROPERTY OWNER	KIMBERLY SANDERS & LUCAS SANDERS
ADDRESS	100 STAGECOACH LANE & 50 STAGECOACH LANE WILLOW CREEK, CA 95573
SHEET INFO	PARCEL OVERVIEW



NO.	NOTES	DATE

DATE	10/30/20
DRAFTER	DDV
SCALE	AS SHOWN
SHEET	PO

## ATTACHMENT 1

### RECOMMENDED CONDITIONS OF APPROVAL

#### **APPROVAL OF THE CONDITIONAL USE PERMIT MODIFICATION IS CONDITIONED ON THE FOLLOWING TERMS AND REQUIREMENTS WHICH MUST BE SATISFIED BEFORE INITIATING RETAIL SALES OPERATIONS.**

##### **A. General Conditions**

1. The applicant shall comply with all terms of the approved projects under Records PLN-12251-CUP, PLN-12011-CUP and PLN-2020-16323.
2. The applicant shall obtain the appropriate license from the State of California Department of Cannabis Control (DCC), or shall obtain other written documentation from the DCC stating that a license is not required for the proposed retail activities.
3. Per the Department of Public Works comments, all fences and gates shall be relocated out of the County right of way and all gates shall be setback sufficiently from the County road so that vehicles will not block traffic when staging to open/close the gate.
4. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions. A deposit is collected to cover this staff review. Permit conformance with conditions must be demonstrated prior to release of building permit or initiation of use and at time of annual inspection. A conformance review deposit as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750) shall be paid within sixty (60) days of the effective date of the permit or upon filing of the Compliance Agreement (where applicable), whichever occurs first. Payment shall be made to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
5. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. The Department will file the NOD and will charge this cost to the project.

##### **B. Ongoing Requirements/Development Restrictions Which Must be Satisfied for the Life of the Project:**

1. Sales of any cannabis products not cultivated on the same parcel is prohibited.
2. Per the Department of Public Works comments, no materials shall be stored or placed in the County right of way.

**ATTACHMENT 2**

**CEQA ADDENDUM TO THE  
FINAL ENVIRONMENTAL IMPACT REPORT FOR THE COMMERCIAL CANNABIS LAND USE ORDINANCE**

**Commercial Cannabis Land Use Ordinance Final Environmental Impact Report (EIR)  
(State Clearinghouse # 2017042022), January 2018**

**APN 522-211-055, 50 & 100 Stagecoach Lane, Willow Creek  
County of Humboldt**

**Prepared By  
Humboldt County Planning and Building Department  
3015 H Street, Eureka, CA 95501**

**January 2022**



## Background

### **Modified Project Description and Project History –**

The Commercial Cannabis Land Use Ordinance (CCLUO) updated the County's existing Commercial Medical Marijuana Land Use Ordinance (Section 313-55.4 and 314-55.4 of Chapter 3 of Division 1 of Title III of the County Code) as well as repeal of the Medical Cannabis Testing and Research Laboratories provisions and on-site consumption prohibition found in Sections 313-55.3.15, 314-55.3.15, 313-55.3.11.7, and 314-55.3.11.7 of Division 1 of Title III of the County Code, respectively. These regulations establish land use regulations for the commercial cultivation, processing, manufacturing, distribution, testing, and sale of cannabis within the County. These regulations were developed in concert with the Final Environmental Impact Report (EIR) that was adopted for the ordinance in order to implement the mitigation measures of the EIR. The EIR addressed the broad environmental impacts that could be expected to occur from the adoption and implementation of the ordinance. The EIR specified that the regulations established in the CCLUO would mitigate the impacts of new and existing cannabis operations by establishing specific regulations for location and conditions under which the development of new commercial cannabis could occur. The EIR prepared for the CCLUO also established local land use regulations for new and pre-existing commercial cannabis operations in the unincorporated area of the County that ensure the health and safety of residents, employees, County visitors, neighboring property owners and end users of cannabis. The proposed project is consistent with all regulations within the CCLUO and all mitigation measures of the EIR. Current project was contemplated by the EIR and compliance with the provisions of the CCLUO will fully mitigate all environmental impacts of the project to a less than significant level.

### **Project Description:**

The modified project involves a Modification to an already approved Conditional Use Permit Modification (PLN-2020-16323) of two already approved Conditional Use Permits (PLN-12251-CUP & PLN-12011-CUP), to allow for farm-based retail sales to tourists already on-site, and retail sales off-site through delivery or off-site pickup. No increased traffic is anticipated as part of this project. The already approved projects on-site include a microbusiness consisting of up to 10,000 SF of commercial cannabis cultivation, non-volatile manufacturing, distribution, and is permitted for on-site tours. Water is sourced from the Willow Creek Community Services District and power is provided by PG&E.

### **Operations**

The applicant would continue to conduct a commercial cannabis microbusiness consisting of 10,000 SF of cultivation (including nursery cultivation for wholesale), non-volatile manufacturing (making bubble hash and live rosin using ice water extraction), and distribution of on-site products. Other already permitted activities include processing (drying, curing, and trimming), and tours on-site. The applicant would like to add farm-based retail on-site and off-site delivery. Farm-based on-site retail activities would only include the sale of products made by the applicant to tourists already visiting the site, and off-site retail delivery would utilize two already permitted delivery vans. No increased traffic to and from the site is anticipated. The applicant shall obtain the appropriate license from the State of California Department of Cannabis Control (DCC), or shall obtain other written documentation from the DCC stating that a license is not required for the proposed retail activities.

### **Water Resources**

The approved project obtains water from the Willow Creek Community Services District under a Will-Serve letter allowing up 790,000 gallons used annually on-site, and 10,000 gallons of rain catchment tanks exist on-site. No increase in water is anticipated as a result of the proposed project.

There are no streams or stream crossings located on the property and water is sourced from the WCCSD, therefore no Lake or Streambed Alteration Agreement with Fish & Wildlife is required for the project.

### **Noise, Lighting & Energy**

No significant increase in noise, lighting or energy usage is anticipated as part of the proposed project.

### **Public Accommodations**

The site is served by an ADA restroom with a permitted on-site wastewater treatment system. The access road is Stagecoach Lane from Brannan Mountain Road, which are paved. Performance standards for public accommodations specify criteria for driveway and turnaround areas. The driveway meets Category 1 standards and safety standards for provision of overhead clearance, fire turn-arounds, and parking.

### **Access/Parking**

The project site is accessed from Stagecoach Lane, a private drive which is accessed from Brannan Mountain Road, a paved County-maintained road that is classified by Public Works Land Use Division as the functional equivalent of a Category 4 road. The intersection of Stagecoach Lane and Brannan Mountain Road is paved and meets County standards. An approximately 130-foot-long driveway serves the property. A turnaround provides emergency vehicle access. The Site Plan shows adequate parking available on-site. The project was approved for having up to 15 employees, up to two distribution vans with up to two trips per day, and up to five tours per day limited to 12 vehicles. The maximum vehicle trips anticipated per day by the approved project was 62 vehicle trips per day.

The proposed project would not increase vehicle traffic to the site as the applicant only plans to sell product to tourists that would already exist at the site under the approved activities. The applicant also plans to utilize two already permitted vans for the off-site retail delivery activities, and would alternate retail delivery days from wholesale delivery days, and no more than 62 vehicle trips are anticipated to and from the site per day.

### **Willow Creek Community Planning Area**

The CCLUO requires a Conditional Use Permit for all commercial cannabis activities in certain community planning areas, including the Willow Creek Community Plan. In accordance with the procedures of the CCLUO a Notice of Application was sent to surrounding property owners within 1,000 feet of the site activities, on January 13, 2022. No comments were received in response to the Early Notice of Application.

**Purpose** - Section 15164 of the California Environmental Quality Act (CEQA) provides that the lead agency shall prepare an addendum to a previously certified Final Environmental Impact Report (EIR) if some changes or additions are necessary but none of the conditions described in Section 15162 calling for a subsequent EIR or Negative Declaration have occurred. Section 15162 states that when an EIR has been certified for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

1. Substantial changes are proposed in the project which require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the Final EIR was certified as complete, shows any of the following: A) the project will have one or more significant effects not discussed in the previous Final EIR; B) significant effects previously examined will be substantially more severe than shown in the Final EIR; C) mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or D) mitigation measures or alternatives which are considerably different from those analyzed in the Final

EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

### **Summary of Significant Project Effects and Mitigation Recommended**

No changes are proposed for the Final EIR recommended mitigations. The proposal to authorize on-site and off-site farm-based retail sales and the conditions to bring the operation into compliance with the CCLUO is fully consistent with the impacts identified and adequately mitigated in the Final EIR. The project as conditioned to implement responsible agency recommendations, and results in no significantly adverse environmental effects beyond those identified in the Final EIR.

In reviewing the application for consistency with the adopted EIR the County considered the following information and studies, among other documents:

- Operations Plan received September 24, 2021.
- Site Plan approved December 3, 2020.

### **Other CEQA Considerations**

Staff suggests no changes for the revised project.

### **EXPLANATION OF DECISION NOT TO PREPARE A SUPPLEMENTAL MITIGATED NEGATIVE DECLARATION OR ENVIRONMENTAL IMPACT REPORT**

See **Purpose** statement above.

In every impact category analyzed in this review, the projected consequences of the current project proposal are either the same or less than significantly increased than the initial project for which the EIR was adopted. Based upon this review, the following findings are supported:

### **FINDINGS**

1. The proposed project will permit a new cannabis operation and bring the operation into compliance with county and state requirements intended to adequately mitigate environmental impacts.
2. The circumstances under which the project was approved have not changed substantially. There are no new significant environmental effects and no substantial increases in the severity of previously identified effects.
3. For the current proposed project, there has been no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was adopted as complete.

### **CONCLUSION**

Based on these findings it is concluded that an Addendum to the previous Final EIR is appropriate to address the requirements under CEQA for the current project proposal. All of the findings, mitigation requirements, and mitigation and monitoring program of the EIR, remain in full force and effect on the original project.

### ATTACHMENT 3

#### Applicant's Evidence in Support of the Required Findings

Attachment 3 includes a listing of all written evidence which has been submitted by the applicant in support of making the required findings. The following materials are on file with the Planning Division:

1. The name, contact address, and phone number(s) of the applicant. (Application form On-file)
2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. (On-file)
3. Site plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for cultivation is within one-quarter mile (1,320 feet) of a school, school bus stop, church or other place of religious worship, public park, or tribal cultural resource, the site plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 600 feet. (**Attached** with maps)
4. A cultivation and operations plan that meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel; and a description of cultivation activities (outdoor, indoor, mixed light), the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. (**Attached**)
5. Copy of the statement of water diversion, or other permit, license or registration filed with the State Water Resources Control Board, Division of Water Rights, if applicable. (Not applicable)
6. Description of water source, storage, irrigation plan, and projected water usage. (Included in Cultivation Operations Plan (item 4. above))
7. Copy of Notice of Applicability and other documents filed with the State Water Resources Control Board demonstrating enrollment in Tier 1, or 2 under Order No. WQ 2019-0001-DWQ, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (Not applicable)
8. If any on-site or off-site component of the cultivation facility, including access roads, water supply, grading or terracing, impacts the bed or bank of any stream or other watercourse, a copy of the Streambed Alteration Permit obtained from the California Department of Fish and Wildlife. (Not applicable)
9. If the source of water is a well, a copy of the County well permit, if available. (Not applicable)
10. If the parcel is zoned FR, U or TPZ, or involves the conversion of timberland as defined under Section 4526 of the Public Resources Code, a copy of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (Cal Fire). Alternately, for existing operations occupying sites created through prior unauthorized conversion of timberland, evidence may be provided showing that the landowner has completed a civil or criminal process and/or entered into a negotiated settlement with Cal Fire. (Not applicable)

11. Consent for on-site inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. (On-file)
12. For indoor cultivation facilities, identify the source of electrical power and how it will meet with the energy requirements in Section 55.4.8.2.3, and plan for compliance with applicable building codes. (Not applicable)
13. Acknowledge that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed, will not support diversions for irrigation. (On-file)
14. Acknowledge that the County reserves the right to engage with local tribes before consenting to the issuance of any clearance or permit, if cultivation operations occur within an Area of Traditional Tribal Cultural Affiliation, as defined herein. This process will follow current departmental referral protocol, including engagement with the tribe(s) through coordination with their Tribal Historic Preservation Officer (THPO) or other tribal representatives. This procedure shall be conducted similar to the protocols outlined under SB 18 (Burton) and AB 52 (Gatto), which describe "government to government" consultation, through tribal and local government officials and their designees. During this process, the tribe may request that operations associated with the clearance or permit be designed to avoid, minimize, or mitigate impacts to tribal cultural resources, as defined herein. Examples include, but are not limited to, conducting a site visit with the THPO or their designee to the existing or proposed cultivation site, requiring that a professional cultural resources survey be performed, or requiring that a tribal cultural monitor be retained during project-related ground disturbance within areas of sensitivity or concern. The County shall request that a records search be performed through the California Historical Resources Information System (CHRIS). (On-file)
15. Willow Creek Community Services District Will-Serve letter dated December 15, 2021. (On-file)



**Farm Based Retail Addition to Microbusiness**

**Modification to APPS 16323**

**Applicant/Owner**

The Emerald Kid

100 Stagecoach Lane

Willow Creek, CA 95573

50 Stagecoach Lane

Willow Creek, CA 95573

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## Project Overview:

The Emerald Kid (“Applicant”) is submitting this application for a Retail License on a 2.64-acre parcel and a 2.80-acre parcel located in Willow Creek, CA, Assessor’s Parcel Number 522-211-055 and 522-211-053. This application has been prepared in accordance with Humboldt County’s (“County”) Commercial Medical Marijuana Land Use Ordinance (“CMMLUO”), specifically **Ordinance 2.0 Code section 55.4.10.2 -Farm Based Sales**, and also the BCC regulations for retail sales.

This Modification would achieve the following results for the Applicant:

1. Permit the Microbusiness for off-site retail.
2. Allow for on-site sales to tourists already visiting.

### Project Location

The Applicant’s Parcels are located in the inland zone of Humboldt County near Willow Creek, CA. The first Parcel is comprised of 2.64-acres and is identified by Assessor’s Parcel Number (“APN”) 522-211-055. The address for this parcel is 100 Stagecoach Lane Willow Creek, CA 95573. The second Parcel is comprised of 2.80-acres and is identified by Assessor’s Parcel Number (“APN”) 522-211-053. The address for this parcel is 50 Stagecoach Lane Willow Creek, CA 95573.

#### 2.1 Zoning Classification

The County’s Zoning Classification of the Parcels are AG [GenUse: AS(WCCP)] with a General Plan Description of AG:B7. The Parcels are zoned AG and meets all of the zoning requirements for a cannabis off-site retail license and the Applicant is using less than 20% of the prime soils available.

#### 2.2 Site Topography

A map of the Parcel’s topography is included as Attachment “A.”

### Easements

The following is taken from Exhibit “A” of the Grant Deed, a copy of which is included in the Evidence of Ownership and Authorization section of this Application.

“That real property situates in the County of Humboldt, State of California, described as follows:

PARCEL ONE:

That portion of Section 29, Township 7 North, Range 5 East, Humboldt Meridian, described as follows:



Lot 2 of Tract No. 615 as per Map recorded in Book 24 of Maps, Pages 95 – 97, Humboldt County Records.

That portion of Lot 1 of said Tract No. 615 described as follows:

BEGINNING at the Northwest corner of Lot 1 of said Tract No. 615;  
Thence South 47 degrees 21 minutes 10 seconds East 44.02 feet;  
Thence South 3 degrees 48 minutes 52 seconds East 150.30 feet;  
Thence South 3 degrees 22 minutes 04 seconds East 205.70 feet, more or less, to the Southerly line of said Lot 1;  
Thence South 79 degrees 59 minutes 30 seconds West along said Southerly line 29.97 feet, more or less, to the Southwest corner of said Lot 1;  
Thence North 3 degrees 39 minutes 25 seconds West along the West line of said Lot 1, 391.15 feet, more or less, to the point of beginning.

PARCEL TWO:

A non-exclusive easement for ingress, egress and utilities over, under and across Stagecoach Lane as the same is shown on the Map of said Tract No. 615.”

There are no other easements on this cul-de-sac.

### **Natural Waterways**

There currently are not any natural waterways identified on the Parcels. Green Road Consulting, Inc. has enrolled the parcels with the State Water Resources Control Board, General Order, and completed a Site Management Plan for the initial Microbusiness permits.

### **Setbacks of Proposed Areas**

The Parcels were surveyed by a licensed surveyor who confirmed every structure is setback from any parcel line by more than 30 feet. No activities will take place within 30 ft of the parcel lines. There are no additions to the site map with the addition of offsite retail.

### **Site Plan**

There are no modifications to the applicants site maps or other operations for these modifications. There will be no additional on-site customer traffic, and customers will be provided all goods through delivery/off-site pickup, or similar means authorized by law.

### **Access Roads**

The Parcels are located off Stagecoach Lane, which is a paved according to category 4 standards. The interior driveways are in good condition and any erosion control measures necessary has been addressed in the Applicant’s Site Management Plan for the original permits.

## **Retail Distribution Vans**

Distribution vans are already permitted to the Microbusiness in APPS 16323, approved by the board of supervisor to the applicant December 3, 2021. These vans will be utilized for the sale of retail cannabis direct to consumers as well, with different routes (wholesale vs retail) planned on different days.

## **Future Distribution**

Laws are changing rapidly, before we know it Amazon, Fedex, and UPS will be shipping cannabis products. Therefore it is important to note that when shipping of cannabis becomes legal, the farm-based retail model will remain the same, with the exception of the distribution methods becoming streamline which will eliminate a lot of the van to consumer deliveries.

## **Security**

Vans have the secured storage required by the Bureau of Cannabis Control. Sales will be pre purchased product for delivery at a designated time. Drivers will be trained and be required to adhere to state and county delivery laws. All sales will take place during legal business hours.

## **Graded Flats**

There are no graded flats located on the Parcel that require permitting.

## **Existing and Permitted Buildings**

Residence Both Parcels APN:522-211-053 and APN:522-211-055

Nursery/Mom Area APN:522-211-055

Drying/Processing Building/Secure Storage APN:522-211-055

Generator APN:522-211-055

Soil Bays APN:522-211-053 and APN:522-211-055

Shop/Indoor APN:522-211-055

Freezer Container APN:522-211-055

Greenhouse 5000ft<sup>2</sup> APN:522-211-055

Greenhouses 3500ft<sup>2</sup> and 1500ft<sup>2</sup> APN:522-211-053

## **Water Storage, Use and Watershed Protection**

### **Water Storage**

The Applicant has installed two (2) 5000-gallon hard water tanks to catch rainwater off of the existing greenhouse on APN:522-211-055. The applicant plans to acquire four to six more and also dedicate two of them to an entire property fire suppression system.

### **Water Use**

Water is provided for free to all guests and staff. Water comes in to both properties from the Willow Creek Community Service District. Drivers will be supplied with water.

### **Watershed Protection**

These locations are considered Tier 1, low risk sites. There currently are not any natural waterways identified on the Parcels. Green Road Consulting, Inc. has enrolled the parcel with the State Water Resources Control Board, General Order, and will be completing a Site Management Plan.

All irrigation of cannabis is completed at an agronomic rate by a metered drip irrigation system in order to prevent any over watering and runoff. The slope of the Parcels averages between 0% and 2%, reducing erosion and drainage. The Applicant's intent to store rainwater he captures off of the greenhouses and other structures on site will also reduce/eliminate site drainage.

### **Distances from Significant Landmarks**

There are no schools, school bus stops, places of worship, State Parks or Tribal Cultural Resources within 600 feet of the cultivation site. There are off-site residences within 300 feet of the proposed Cultivation Areas. The Applicant has received written authorization to cultivate on his land from the neighboring parcel owner in question (only was required for the 522-211-055 parcel) who also has permits to cultivate. A copy of this authorization is included in the Other Permits, Licenses and Documents section of this Application.

## ATTACHMENT 4

### REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

The project was referred to the following referral agencies for review and comment. Those agencies that provided written comments are checked off.

<b>Referral Agency</b>	<b>Response</b>	<b>Recommendation</b>	<b>Location</b>
Division of Environmental Health	✓	Approved	<b>Attached</b>
Department of Public Works	✓	Approved with Conditions	<b>Attached</b>
Cal Trans District 1	✓	Comments	<b>Attached</b>
Klamath-Trinity Joint Unified School District	✓	Approved	<b>Attached</b>
Willow Creek Fire Protection District		No Comments	
Building Inspection Division		No Comments	
California Department of Fish & Wildlife		No Comments	
Cal FIRE		No Comments	
Regional Water Quality Control Board		No Comments	
NCUAQMD		No Comments	
Division of Water Resources		No Comments	
CA Division of Water Rights		No Comments	
Willow Creek Community Services District		No Comments	
Sheriff		No Comments	
District Attorney		No Comments	
County Counsel		No Comments	
Agricultural Commissioner		No Comments	

PLN-2021-17... ○    **STATUS**    **LOCATION**    **CONTACT**    **WORKFLOW**  
 MOD to 16323 E...    > Referrals    > 100 Stagecoac...    > Lucas Sanders    > 18 total Task  
 A second modific...    12/20/2021 by...    WILLOW CREE...    ●...

Summary

Project Description

Workflow

1 Referral Assignments

2 Planning Information

3 GP / Zoning Information

4 CEQA

5 Cannabis

Project Tracking

6 Referral Task Log (2)

Fee (6)

Payment

Workflow History (7)

Comments (1)

Documents (8)

Conditions of Approval (0)



A notice was added to this record on 2019-06-12.  
 Condition: Parcel Status : 522-211-055 LP 1:1 Severity: Notice  
 Total conditions: 1 (Notice: 1)

[View notice](#)

[Cancel](#)

[Help](#)

Task	Due Date	Assigned Date
Environmental Health	01/07/2022	12/22/2021
Assigned to Department	Assigned to	Status
Environmental Health Inspector LU	Adam Molofsky	Approved
Action by Department	Action By	Status Date
Environmental Health Inspector LU	Adam Molofsky	12/28/2021
Start Time	End Time	Hours Spent
		0.0
Billable	Overtime	Comments
No	No	
Time Tracking Start Date	Est. Completion Date	In Possession Time (hrs)
Display E-mail Address in ACA	<input checked="" type="checkbox"/> Display Comment in ACA	Comment Display in ACA
No		<input checked="" type="checkbox"/> All ACA Users
		<input checked="" type="checkbox"/> Record Creator
		<input checked="" type="checkbox"/> Licensed Professional
		<input checked="" type="checkbox"/> Contact
		<input checked="" type="checkbox"/> Owner
Estimated Hours	Action	Workflow Calendar
0.0	Updated	Workflow Blockout



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


ON-LINE  
WEB: CO.HUMBOLDT.CA.US

	PUBLIC WORKS BUILDING SECOND & L ST., EUREKA FAX 445-7409	
ADMINISTRATION	445-7491	NATURAL RESOURCES
BUSINESS	445-7652	NATURAL RESOURCES PLANNING
ENGINEERING	445-7377	PARKS
FACILITY MANAGEMENT	445-7493	ROADS
		445-7741
		267-9540
		445-7651
		445-7421

CLARK COMPLEX  
HARRIS & H ST., EUREKA  
FAX 445-7388  
LAND USE 445-7205

**LAND USE DIVISION INTEROFFICE MEMORANDUM**

TO: Megan Acevedo, Planner, Planning & Building Department

FROM: Kenneth M. Freed, Assistant Engineer 

DATE: 12/21/2021

RE:	<b>Applicant Name</b>	<b>LUCAS SANDERS</b>
	<b>APN</b>	<b>522-211-055</b>
	<b>APPS#</b>	<b>PLN-2021-17458</b>

The Department has reviewed the above project and has the following comments:

- The Department's recommended conditions of approval are attached as **Exhibit "A"**.
- Additional information identified on **Exhibit "B"** is required before the Department can review the project. **Please re-refer the project to the Department when all of the requested information has been provided.**
- Additional review is required by Planning & Building staff for the items on **Exhibit "C"**. **No re-refer is required.**
- Road Evaluation Reports(s)* are required; See **Exhibit "D"**

**Note:** Prior to requesting an applicant to submit a road evaluation report, verify if the project is exempt from meeting road system performance standards under CCLUO v2.0 sections 313-55.4.6.5.1 and 314-55.4.6.5.1, even if this box is checked.

**No re-refer is required.**

\*Note: Exhibits are attached as necessary.

Additional comments/notes:

1. The project is located on a non-County maintained road. No site plan was provided for this review. Previous project site plans show unrealistic parking areas compared to site location and topography.
2. Brannon Mountain Road (a paved County maintained road) is not constructed to allow on-street parking. All parking must be developed on-site. All parking required by Code must be constructed prior to occupancy of building or "final" issued for building permit. [reference: County Code section 314-109.1 et seq.]
3. No new entrances onto the County Maintained Road are permitted.

// END //



Public Works Recommended Conditions of Approval

(All checked boxes apply)

COUNTY ROADS- PROXIMITY OF FARMS:

Applicant is advised that County maintained roads may generate dust and other impacts to farm(s). Applicant shall locate their farm(s) in areas not subject to these impacts. Applicant shall be responsible for protecting their farm(s) against these impacts. Applicant shall hold the County harmless from these impacts. Applicant is advised that a paved road may not always remain paved and Applicant shall locate their farms appropriately. Applicant is advised that the amount of traffic on a road will vary over time which may increase or decrease the impacts.

COUNTY ROADS- FENCES & ENCROACHMENTS:

All fences and gates shall be relocated out of the County right of way. All gates shall be setback sufficiently from the County road so that vehicles will not block traffic when staging to open/close the gate. In addition, no materials shall be stored or placed in the County right of way.

This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.

COUNTY ROADS- DRIVEWAY (PART 1):

The submitted site plan is unclear and/or shows improvements that are inconsistent with County Code and/or Department of Public Works policies. The applicant is advised that these discrepancies will be addressed at the time that the applicant applies to the Department of Public Works for an Encroachment Permit. If the applicant wishes to resolve these issues prior to approval of the Planning & Building permit for this project, the applicant should contact the Department to discuss how to modify the site plan for conformance with County Code and or Department of Public Works policies. Notes:

COUNTY ROADS- DRIVEWAY (PART 2):

Any existing or proposed driveways that will serve as access for the proposed project that connect to a county maintained road shall be improved to current standards for a commercial driveway. Applicant must apply for and obtain an encroachment permit from the Department of Public Works prior to commencement of any work in the County maintained right of way. This also includes installing or replacing driveway culverts; minimum size is typically 18 inches.

- If the County road has a paved surface at the location of the driveway, the driveway apron shall be paved for a minimum width of 18 feet and a length of 50 feet (or to break in slope) where it intersects the County road.
- If the County road has a gravel surface at the location of the driveway, the driveway apron shall be rocked for a minimum width of 18 feet and a length of 50 feet where it intersects the County road.
- If the County road is an urban road, frontage improvements (curb, gutter, and sidewalk) shall also be constructed to the satisfaction of the Department. Any existing curb, gutter or sidewalk that is damaged shall be replaced.

The exact location and quantity of driveways shall be approved by the Department at the time the applicant applies to the Department of Public Works for an Encroachment Permit.

This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.

COUNTY ROADS- DRIVEWAY (PART 3):

The existing driveway will require substantial modification in order to comply with County Code. The applicant may wish to consider relocating the driveway apron if a more suitable location is available.

COUNTY ROADS-PARKING LOT- STORM WATER RUNOFF:

Surfaced parking lots shall have an oil-water filtration system prior to discharge into any County maintained facility.

This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.

COUNTY ROADS- DRIVEWAY & PRIVATE ROAD INTERSECTION VISIBILITY:

All driveways and private road intersections onto the County Road shall be maintained in accordance with County Code Section 341-1 (Sight Visibility Ordinance).

This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.

COUNTY ROADS- PRIVATE ROAD INTERSECTION: (AT COUNTY MAINTAINED RD)

Any existing or proposed non-county maintained access roads that will serve as access for the proposed project that connect to a county maintained road shall be improved to current standards for a commercial driveway. Applicant must apply for and obtain an encroachment permit from the Department of Public Works prior to commencement of any work in the County maintained right of way. This also includes installing or replacing intersection culverts; minimum size is typically 18 inches.

- If the County road has a paved surface at the location of the access road, the access road shall be paved for a minimum width of 20 feet and a length of 50 feet (or break in slope) where it intersects the County road.
- If the County road has a gravel surface at the location of the access road, the access road shall be rocked for a minimum width of 20 feet and a length of 50 feet where it intersects the County road.

This condition shall be completed to the satisfaction of the Department of Public Works prior to commencing operations, final sign-off for a building permit, or Public Works approval for a business license.

COUNTY ROADS- ROAD EVALUATION REPORT(S):

All recommendations in the Road Evaluation Report(s) for County maintained road(s) shall be constructed/implemented to the satisfaction of the Public Works Department prior to commencing operations, final sign-off for a building permit, or approval for a business license. An encroachment permit shall be issued by the Department of Public Works prior to commencement of any work in the County maintained right of way.

// END //



## California Department of Transportation

DISTRICT 1  
P.O. BOX 3700 | EUREKA, CA 95502-3700  
(707) 445-6600 | FAX (707) 441-6314 TTY 711  
[www.dot.ca.gov](http://www.dot.ca.gov)



January 4, 2022

1-HUM-96-0.397  
Morgan Cannabis  
PLN-2021-17458

Megan Acevedo, Planner  
Planning and Building Department  
Humboldt County  
3015 H Street  
Eureka, CA 95501

Dear Ms. Acevedo:

Thank you for the opportunity to comment on the proposed second modification to the Emerald Kid Inc Cannabis Cultivation Project, located at 100 Stagecoach Lane, Willow Creek (APN(s): 522-211-055 & 522-211-053). This modification will allow for off-site retail as well as on-site retail. The previous modification permitted a Microbusiness permit for 10,000 square feet (SF) of cultivation, distribution (only of products grown on site), and manufacturing without the use of solvents. We have the following comments:

The application documents do not provide sufficient detail for District 1 to determine project impacts in relation to CEQA and the safety of the transportation system. We recommend that the county request information from the applicant relating to the changes to the project due to this modification, including the number of employees (average & peak), the estimated number of customers per day (average & peak), business hours of the project, and retail square footage. This information will be used to determine the number of trips this project is expected to induce and therefore the overall impact on the transportation system.

Please be advised that private advertising is not permitted within Caltrans right of way, including signs directing the public to the project site. In addition, all outdoor advertising visible from any State highway is regulated by the Caltrans Outdoor Advertising (ODA) office based in Sacramento. For more information on ODA, please either visit their website at: <https://dot.ca.gov/programs/traffic-operations/oda> or call (916)654-6473.

### Informational Comments:

"Provide a safe and reliable transportation network that serves all people and respects the environment"



Ms. Megan Acevedo, Planner  
1/4/22  
Page 2

Please note that access to/from State Route (SR) 96 is via the public road intersection of Brannan Mountain Road at Post Mile 0.395. SR 96 is access controlled on the west side of SR-96 with 70 feet of Caltrans right of way west of centerline. The opening in the controlled access for Brannan Mountain Road is 60 feet total width. There is no left turn channelization provided at this intersection.

A recent check of the most recent 5-year collision data shows no collisions reported at this intersection.

Please contact me by email with questions or for further assistance with this letter at: <Jacob.rightnar@dot.ca.gov>.

Sincerely,



Jacob Rightnar  
Transportation Planning  
Caltrans District 1

Enclosures: Attachment A: RoW\_map.pdf



**COUNTY OF HUMBOLDT  
PLANNING AND BUILDING DEPARTMENT  
CURRENT PLANNING  
3015 H STREET, EUREKA, CA 95601 ~ PHONE (707) 445-7245**

1/5/2022

**Project Referred To The Following Agencies:**

AG Commissioner, Code Enforcement, County Counsel, District Attorney, Environmental Health, Sheriff, PW Land Use, Building Inspections, US Forest Service: Six Rivers, FPD: Orleans VFC, RWQCB, NCUAQMD, School District: Klamath-Trinity, Cal Fish & Wildlife, Division of Water Resources, CalFire, CA Division of Water Rights, Karuk Tribe, NWIC, PGE

**Applicant Name** Black Mt. Construction **Key Parcel Number** 529-046-016-000

**Application (APPS#)** PLN-13305-CUP **Assigned Planner** Megan Acevedo

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: 1/20/2022**

Planning Clerk  
County of Humboldt Planning and Building Department  
3015 H Street  
Eureka, CA 95601  
Email: PlanningClerk@co.humboldt.ca.us Fax: (707) 268 - 3792

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

- ~~NO~~ 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: NO Bus stop near this location

DATE: 1/27/22

PRINT NAME: Dana Miquelena  
for Missie Ammon

18305



**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

Dear School District:

Attached to this letter, please find a project referral for a proposed cannabis operations.

In accordance with Ordinance 2544, Section 313 of Chapter 3, Division I of Title III of the Humboldt County Code, (otherwise known as the Commercial Medical Marijuana Land Use Ordinance) cannabis cultivation projects are required to meet a 600' setback from school(s) or school bus stop(s).

**Is the proposed cannabis project location within 600 feet of a school or school bus stop?**

**If the answer is yes, please include information in your response that clearly indicates the location of the school and/or bus stop and the distance to the proposed project. If we do not receive a response from you we will assume that the project conforms to the setback standard.**

Thank you for your time and attention in this matter. If you have any questions regarding this letter please call (707) 445-7541 and ask to speak to the cannabis planner on duty.

Sincerely,

Planning and Building Department



**COUNTY OF HUMBOLDT**  
**Planning and Building Department – Current Planning**  
3015 H Street, Eureka, CA 95501 ~ PHONE (707) 445-7541  
**PROJECT TRANSMITTAL**

APPLICANT KEY PARCEL 529-046-016-000 DATE 1/5/2022 CONTACT Megan Acevedo APPS# PLN-13305-CUP

**PROJECT INFORMATION**

<b>SUBJECT</b> Black Mountain Farms LLC - CUP for 6,400 SF of Existing Outdoor and 9,200 SF of ML	<b>PROJECT TYPE</b> Conditional Use Permit (CCLU01)
---------------------------------------------------------------------------------------------------	-----------------------------------------------------

**PROJECT DESCRIPTION** Applicant seeks a Conditional Use Permit for 12,500 sq. ft. of pre-existing outdoor and 4,900 sq. ft. of pre-existing mixed-light. Water will be sourced from an onsite spring diversion and an existing well. Annual water usage is estimated at 230,000 gallons (13 gal/sq. ft./year). The applicant proposes a processing facility, and plans to machine trim onsite. Up to three (3) employees will be used for operations onsite. Power is provided by PG&E, and no generators are proposed.

**PROJECT LOCATION**  
The project is located in Humboldt County, in the Orleans area, on the East and West side of Ishi Pishi Road, approximately 1.3 miles South from the Intersection of Bark Shanty Road and Ishi Pishi Road, on the property known as 3265 Ishi Pishi Road.

<b>PRESENT PLAN DESIGNATIONS</b>	<b>PRESENT ZONING</b>
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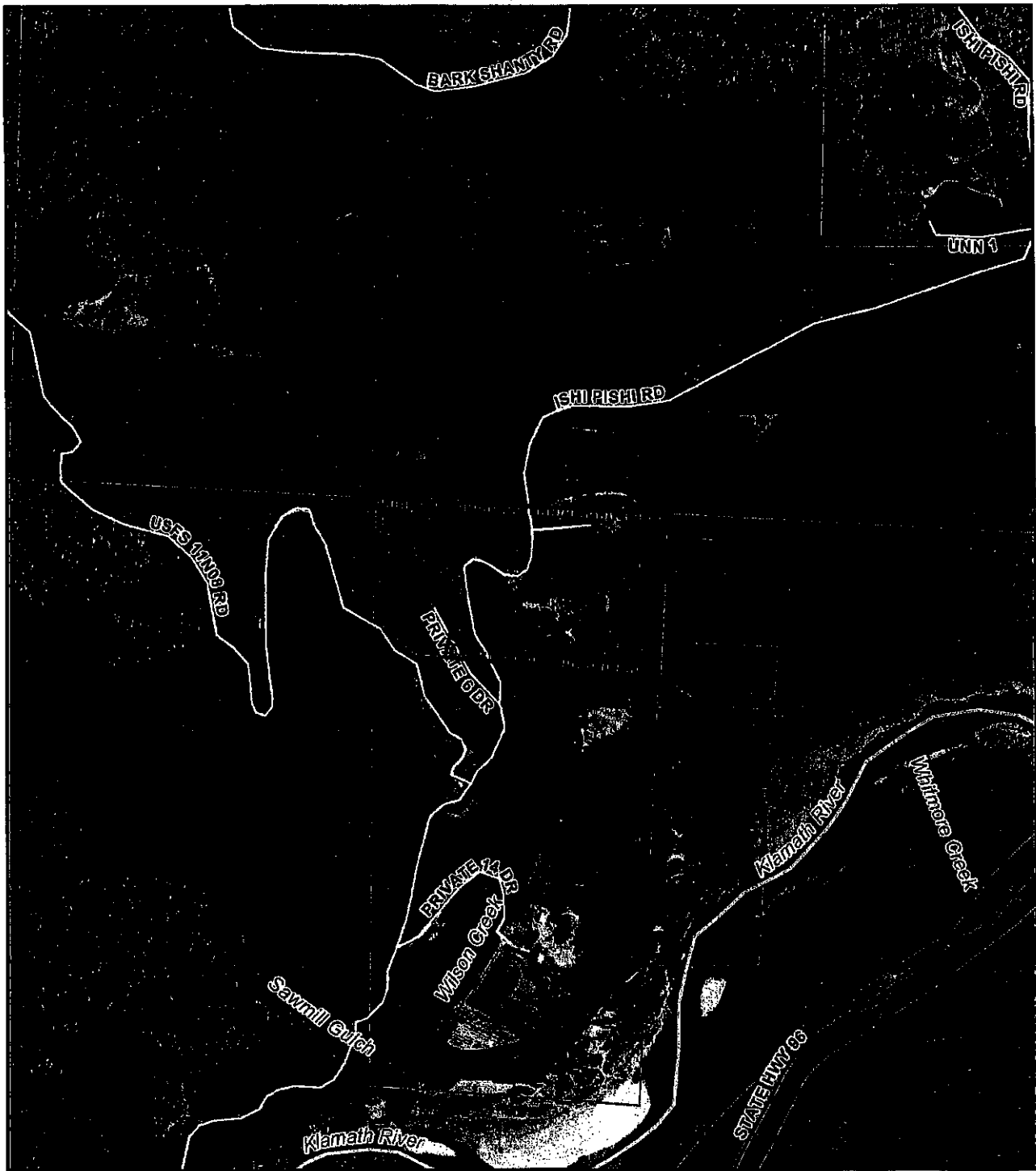
<b>KEY PARCEL NUMBER</b> 529-046-016-000	<b>ADDITIONAL PARCEL #S</b>
------------------------------------------	-----------------------------

APPLICANT INFORMATION	OWNER INFORMATION	AGENT INFORMATION
<b>Name</b> Black Mt. Construction <b>Address 1</b> Dave Varley <b>Address 2</b> PO Box 362 <b>City</b> Orleans <b>State</b> CA <b>Zip</b> 95556 <b>Phone</b> <b>E-Mail</b>	<b>Name</b> Varley David E <b>Address 1</b> <b>Address 2</b> Po Box 362 <b>City</b> Orleans <b>State</b> CA <b>Zip</b> 95556 <b>Phone</b> <b>E-Mail</b>	<b>Name</b> <b>Address 1</b> PO Box 249 <b>Address 2</b> <b>City</b> Fortuna <b>State</b> CA <b>Zip</b> 95540 <b>Phone</b> (707)726-3536 <b>E-Mail</b> verdantbridge@gmail.com

**ADDITIONAL PROJECT INFORMATION**

**ADDITIONAL OWNERS**

**DECISION MAKER**  
**ENVIRONMENTAL REVIEW REQUIRED?**  
**MAJOR ISSUES**  
**STATE APPEAL STATUS**  
**PRELIMINARY CEQA FINDINGS**  
**CEQA EXEMPTION SECTION**

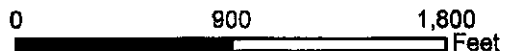


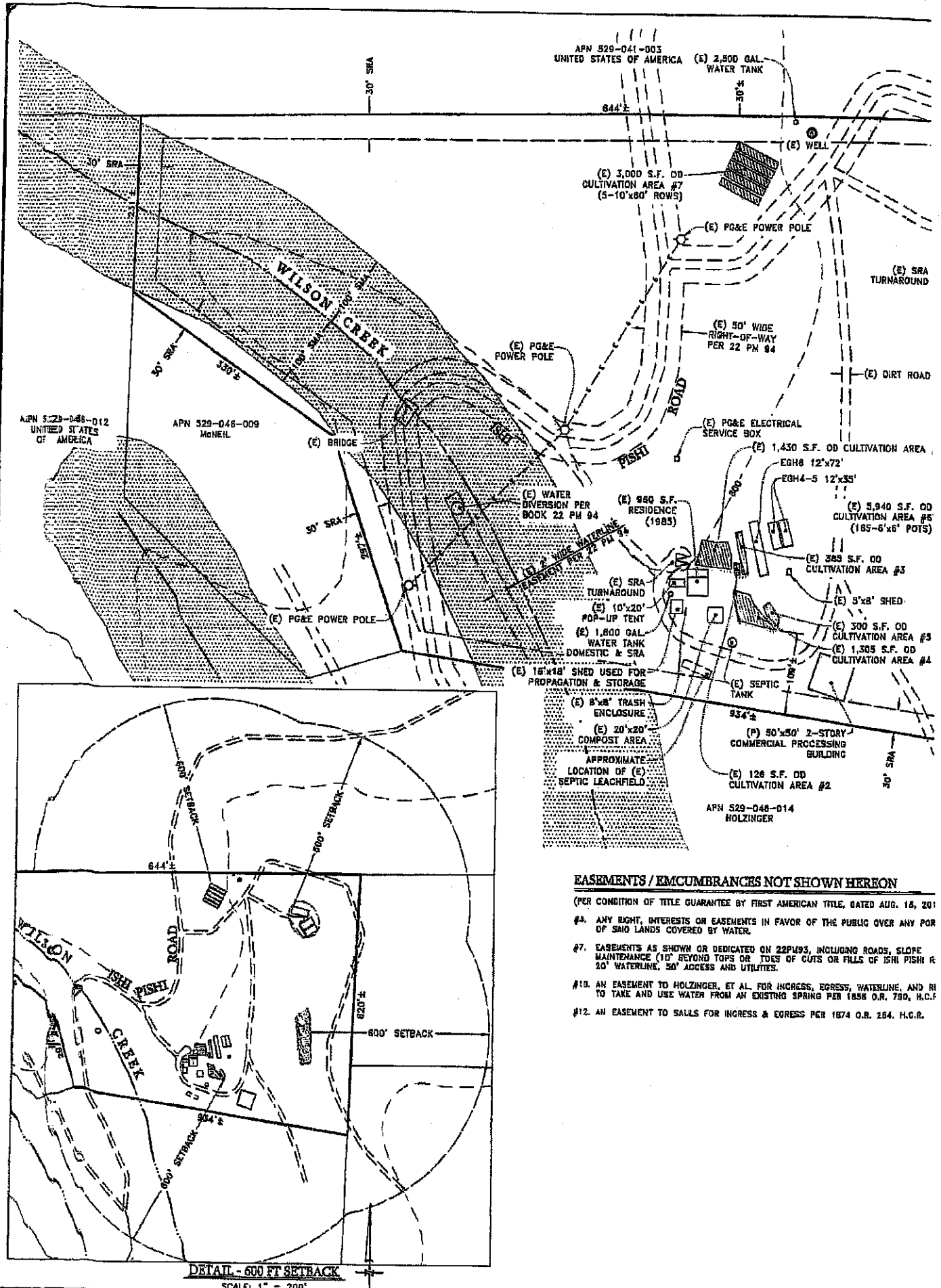
Project Area = 

**AERIAL MAP  
 PROPOSED BLACK MT. CONSTRUCTION  
 ORLEANS AREA  
 CUP-16-1093  
 APN: 529-046-016-000  
 T11N R06E S20 HB&M (ORLEANS)**



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.





**EASEMENTS / ENCUMBRANCES NOT SHOWN HEREON**

- (PER CONDITION OF TITLE GUARANTEE BY FIRST AMERICAN TITLE, DATED AUG. 16, 201)
- #4. ANY RIGHT, INTERESTS OR EASEMENTS IN FAVOR OF THE PUBLIC OVER ANY PORTION OF SAID LANDS COVERED BY WATER.
  - #7. EASEMENTS AS SHOWN OR DEDICATED ON 22PM93, INCLUDING ROADS, SLOPE MAINTENANCE (10' BEYOND TOPS OR TIDES OF CUTS OR FILLS OF I&M PISHI R 20' WATERLINE, 30' ACCESS AND UTILITIES).
  - #10. AN EASEMENT TO HOLZINGER, ET AL, FOR INGRESS, EGRESS, WATERLINE, AND RIGHT TO TAKE AND USE WATER FROM AN EXISTING SPRING PER 1858 O.R. 790, H.C.F.
  - #12. AN EASEMENT TO SAULS FOR INGRESS & EGRESS PER 1874 O.R. 264, H.C.F.

C:\Projects\2021\17-1825\_TheEmeraldKid\1825\_Plot101.dwg 2/13/2022 7:50 AM

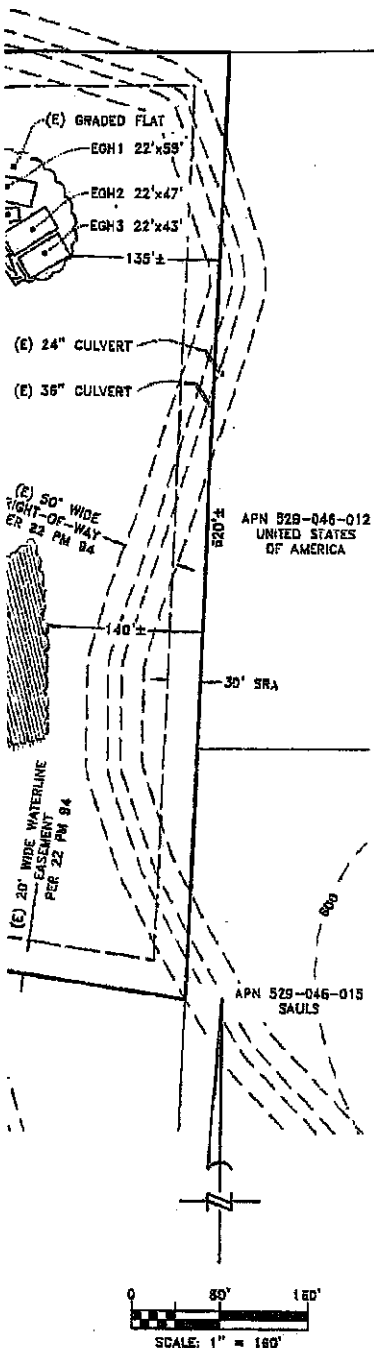
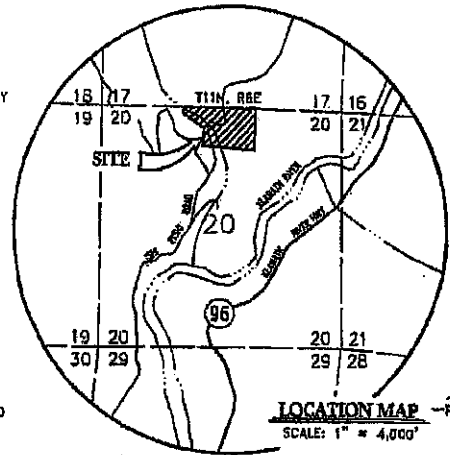
DETAIL - 600 FT SETBACK  
 SCALE: 1" = 200'

**UTILITIES**

WATER	ON-SITE WELL
SEWER	ON-SITE DISPOSAL
GAS	ON-SITE (PROPANE)
ELECTRIC	PACIFIC GAS & ELECTRIC COMPANY

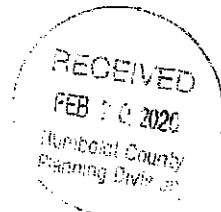
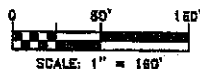
**LEGEND**

SYMBOL	INDICATES
	PARKING SPACE
	DIRECTION OF SURFACE WATER RUNOFF
(P)	PROPOSED
(E)	EXISTING
TYP.	TYPICAL
GAL	GALLON
S.F.	SQUARE FEET
(YEAR)	APPROXIMATE YEAR CONSTRUCTED/INSTALLED
EGH	EXISTING GREENHOUSE
PG&E	PACIFIC GAS & ELECTRIC COMPANY
	OVERHEAD POWER LINE
	SMA STREAMSIDE MANAGEMENT AREA
	SRA STATE RESPONSIBILITY AREA
	CONTOUR AT 40 FOOT INTERVALS
	EXISTING CREEK



**NOTES**

- THIS PLAT PLAN FOR APN(S) 529-046-016, HAS BEEN PREPARED IN ACCORDANCE WITH HUMBOLDT COUNTY'S COMMERCIAL MEDICAL MARIJUANA LAND USE ORDINANCE (CMU/LU) NO. 2559, AND FOR THE PURPOSE OF ENROLLING AND/OR CERTIFYING THE SITE'S AGRICULTURAL OPERATIONS UNDER THE NORTH COAST REGIONAL WATER QUALITY CONTROL BOARD ORDER NO. R1-2015-00213.
- THE PROPERTY IS ROUGHLY 20 ACRES IN SIZE, HAS A GENERAL PLAN DESIGNATION OF RECREATION (RHGP) AND IS CURRENTLY ZONED UNCLASSIFIED (U).
- THIS PLAT IS BASED ON RECORD DATA PER PARCEL MAP NO. 2512 (RECORDED IN BOOK 22 OF PARCEL MAPS, PAGE 94), AND SHALL NOT BE CONSIDERED A SURVEY. LOT BEARINGS/DISTANCES AND RELATIONSHIP TO SITE IMPROVEMENTS SHOULD BE CONSIDERED APPROXIMATE IN NATURE. IF REQUIRED FOR COMPLIANCE WITH STATE LAW, A FIELD SURVEY SHALL BE PERFORMED AT A LATER DATE, FOLLOWING APPROVAL OF THE PROJECT.
- THE PROPERTY IS CURRENTLY DEVELOPED WITH AN AOB PERMITTED RESIDENCE AND SEPTIC SYSTEM, SHEDS, SEVERAL GREENHOUSES AND A WATER TANK.
- THE PROPERTY IS SLOPED TO THE SOUTHEAST. CONTOURS SHOWN HEREON ARE AT 40-FOOT INTERVALS AND ARE BASED ON USGS 1/3 ARC-SECOND DIGITAL ELEVATION MODELS.
- THE APPROXIMATE LOCATION OF WILSON CREEK, TOGETHER WITH ITS 100-FOOT "UNDEVELOPABLE" STREAMSIDE MANAGEMENT AREA (SMA), IS AS SHOWN HEREON.
- THE PROJECT IS NOT LOCATED WITHIN AN AREA WHERE KNOWN CULTURAL RESOURCES HAVE BEEN LOCATED. HOWEVER, AS THERE EXISTS THE POSSIBILITY THAT UNDISCOVERED CULTURAL RESOURCES MAY BE ENCOUNTERED, MITIGATION MEASURES MAY BE REQUIRED UNDER FEDERAL AND STATE LAW.
- NO SCHOOLS, SCHOOL BUS STOPS, PLACES OF WORSHIP, PUBLIC PARKS OR TRIBAL CULTURAL RESOURCES ARE LOCATED WITH SIX HUNDRED FEET (600') OF CULTIVATION SITE.
- PAST GRADING HAS OCCURRED AT THE SITE, AND A GRADING PERMIT WILL BE APPLIED FOR AFTER PROJECT APPROVAL.
- SEWAGE DISPOSAL FOR THE SITE'S AGRICULTURAL OPERATIONS SHALL BE ON-SITE, WITH SEPTIC TESTING, DESIGN AND REPORT PREPARATION BY OMSBERG & PRESTON.
- WATER FOR THE PARCELS IS FROM A PERMITTED ON-SITE WELL. ALL EXISTING/PLANNED STORAGE WILL BE IN TANKS.
- A SOILS REPORT WILL BE PREPARED, AND WILL DETAIL THE SITE'S SPECIFIC GEOTECHNICAL RECOMMENDATIONS.
- ACCESS TO THE SITE (3265 ISH FISH ROAD, ORLEANS, CA) IS VIA ISH FISH ROAD FROM STATE HIGHWAY 96.
- THIS PROJECT IS IN A STATE RESPONSIBILITY AREA (SRA), AND CURRENT SRA FIRE SAFE STANDARDS FOR ROADWAYS, DRIVEWAYS, TURNOUTS, TURNAROUNDS, ETC. SHALL BE ADHERED TO.
- TOTAL OUTDOOR CULTIVATION (AREAS 1-7) = 12,456 S.F.  
TOTAL MIXED LIGHT CULTIVATION (EGH1-8) = 4,894 S.F.
- THIS PLAN IS NOT INTENDED TO BE USED FOR CONSTRUCTION PURPOSES.



*Kimberly D. Preston* 2/14/20  
 KIMBERLY D. PRESTON  
 P.L.S. 8185 DATE

**OWNER / APPLICANT**  
 BLACK MOUNTAIN FARMS, LLC  
 c/o DAVID VARLEY  
 P. O. BOX 362  
 ORLEANS, CA 95556  
 (530) 627-3168

REVISED: 02/13/20

**OMSBERG & PRESTON**  
 472 Street  
 Searsville, California  
 95001  
 Telephone  
 (707) 443-2851  
 SURVEYORS PLANNERS ENGINEERS

DESIGNED BY K.O.P.	DATE 01/24/17
DRAWN BY C.W.B.	DATE 01/24/17
CHECKED BY KIMBERLY D. PRESTON	DATE 02/13/20

APPS #13305  
 APN 529-046-016

**PLOT PLAN**  
 for  
**DAVID VARLEY**  
 in the unincorporated area of Humboldt County  
 1/2 of Section 20, T11N, R8E, N3/4M.

SCALE AS SHOWN	17-1952
SHEET OF	1 1



Project Area = 

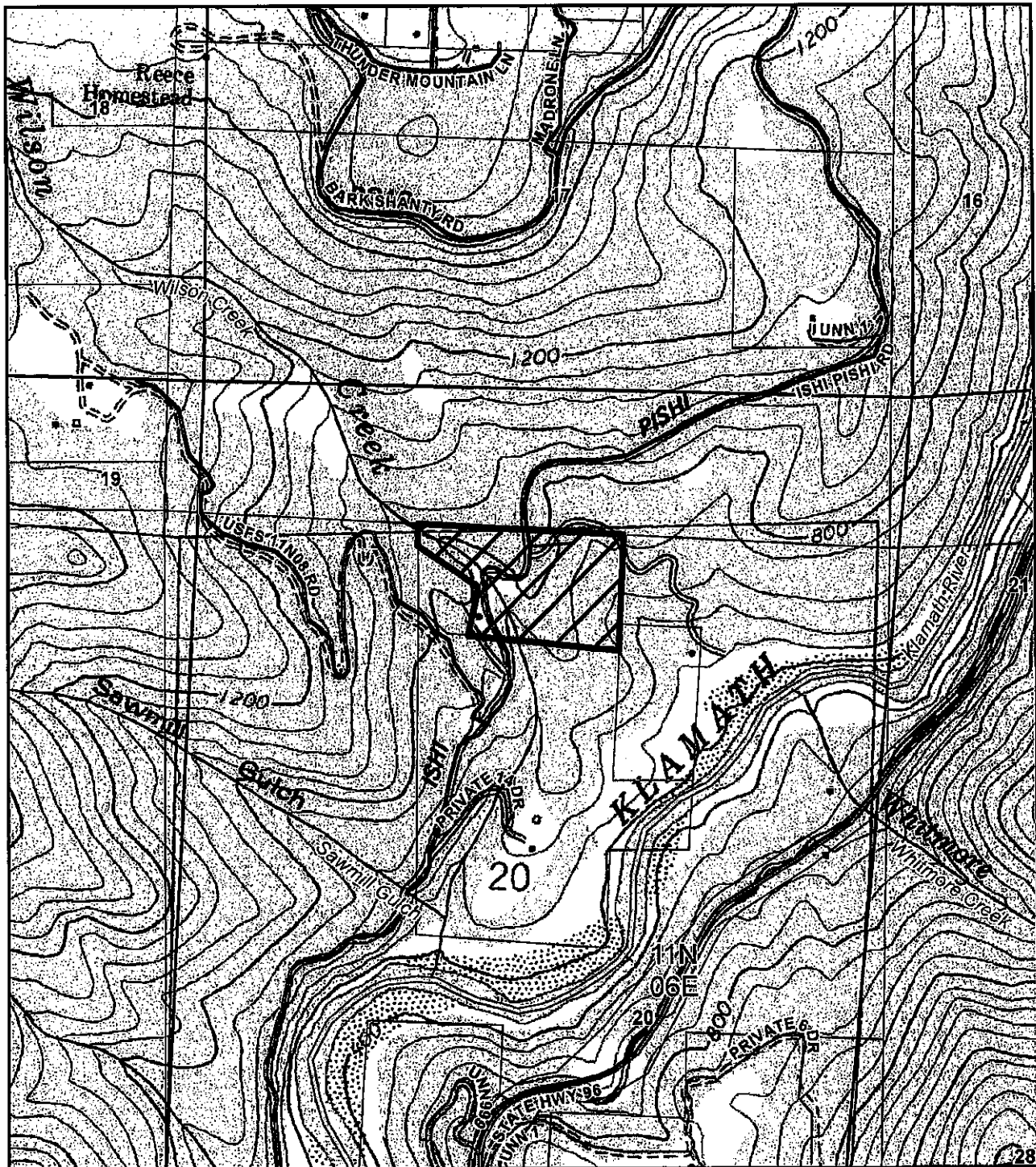
**ZONING MAP  
 PROPOSED BLACK MT. CONSTRUCTION  
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 APN: 529-046-016-000  
 T11N R06E S20 HB&M (ORLEANS)**



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Project Area = 

**TOPO MAP  
 PROPOSED BLACK MT. CONSTRUCTION  
 ORLEANS AREA  
 CUP-16-1093  
 APN: 529-046-016-000  
 T11N R06E S20 HB&M (ORLEANS)**

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