

SUPPLEMENTAL INFORMATION # 5

For Planning Commission Agenda of:
March 1, 2018

<input type="checkbox"/>	Consent Agenda Item
<input checked="" type="checkbox"/>	Continued Hearing Item
<input type="checkbox"/>	Public Hearing Item
<input type="checkbox"/>	Department Report
<input type="checkbox"/>	Old Business

No. 4

Re: The Emerald Kid Conditional Use Permit and Special Permit

Application Number: 12251

Case Number/s: CUP16-582, SP16-460

Assessor's Parcel Number: 522-211-055

Address/location or project: 100 Stagecoach Ln. Willow Creek, CA

Attached is the Tyler Holmes letter with edits and comments in red.

January 31, 2018

John H. Ford - Director
Humboldt County Planning and Building Department
3015 H Street
Eureka, California 95501

RE: The Emerald Kid Conditional Use Permit and Special Permit
Application Number 12251
Case Number CUP 16-582, SP 16-460
Assessor's Parcel Number 522-211-55
100 Stagecoach Lane, Willow Creek
Subject: Holmes To County Supplement Response

This letter is intended to be supplemental to my previous letter to you dated January 18, 2018, regarding the above mentioned application. The Agenda Item is listed as a continued public hearing at the February 1, 2018 meeting. I really regret that I will not be able to address the Commission at that time. I previously notified your staff that I would be away for the meeting but wish to have my concerns reviewed during the public hearing.

Attached you will find my Supplemental Exhibit SE-1. Exhibit SE-1 includes more accurate information material to the Emerald Kid's application. The Emerald Kid's application avoids material information, mischaracterizes information and inaccurately presents information. The information reflected on Exhibit SE-1 is readily available and accessible for verification. The County's application process assumed and expected accurate information from the Emerald Kid. The Emerald Kid elected to lie and/or mislead the public in the application. The Emerald Kid does not have a viable project as submitted and the application should be denied.

Parcel 522-211-043 is Lot #2 in the Stagecoach Subdivision Phase I. The County approved Subdivision is accordance with Title III, Land Use and Development, Division 2, Subdivision Regulations and recorded January 16, 2009. The recorded subdivision also includes the declaration of Covenants, Conditions and Restrictions (CC&R's) as part of the deeds for the Subdivision lots. The Subdivision is intentionally residential as the principally permitted use and the CC&R's are consistent with the Regulations. The final recording of the subdivision establishes a regulatory covenant between the subdivision's regulatory commitments and the County's own regulations for the same. The County has an obligation to understand, honor and abide by the subdivisions regulations as well as their own regarding building, planning and zoning without creating conflict. The current General Plan further describes how important subdivisions regulations are to our communities:

*4.3.5 Implementation Measures; UL-IM6. Review and Update the Subdivision Ordinance. Comprehensively review and update the **Subdivision Ordinance** and incorporate circulation and design standards consistent with the policies of this Plan.*

The applicant is aware of the CC&R's which are germane to, and part of, the deed. The deed is public information but the applicant elected to provide incomplete deed information as part of the application submittal. County staff did not have the benefit to review the CC&R's for their report "Item 3.0 Easements"(Staff Report page 36 & 37). Attached is Exhibit SE- 2, Recorded Declaration of Covenants, Conditions and Restrictions For The Stagecoach Subdivision Phase I, Article 3.4: Limitations on Commercial Activities:

"No Business of any kind whatsoever shall be established or conducted on the Lots..."

The Emerald Kid's application does not comply with the regulatory covenant established between the recorded Subdivision deed and the County. The application should be denied.

Supplemental Exhibit SE-3 is a parcel map as part of the recorded Stagecoach Subdivision Phase I and it represents the actual relationship of the residential lot. Exhibit SE-1 mentioned above reflects the Emerald Kid's Lot #2 in

relationship to other residential lots. The Emerald Kid failed to indicate residential information that materially changes the completeness and accuracy of his application. The Emerald Kid does not have a viable project as submitted and the application should be denied.

Supplemental Exhibit SE-4 is a partial site plan for an active building permit for Lot #3 (APN 552-211-043). The Emerald Kid's application identifies the garage as the residence. The Emerald Kid lied and does this intentionally because reflecting the actual permitted residence changes the accuracy of his application. Exhibit SE-1 mentioned above reflects the Emerald Kid's Lot #2 in relationship to the Lot #3 residence. The Emerald Kid failed to indicate residential information that materially changes the completeness and accuracy of his application. The Emerald Kid does not have a viable project as submitted and the application should be denied.

Supplemental Exhibit SE-5 the County's/Applicant's Supplemental Information #2 for Emerald Kid's application. Emerald Kid failed to indicate a 300' setback from residence APN 522-211-038. The indoor cultivation area is with the setback. Exhibit SE-1 mentioned above reflects the 300' setback from residence APN 522-211-038. Additionally the Emerald Kid's cartel fence has been "red tagged" and needs to be removed. The CC&R also delineate the allowable conditions for fences. The Emerald Kid failed to indicate residential information that materially changes the completeness and accuracy of his application. The Emerald Kid does not have a viable project as submitted and the application should be denied. I also include your Department's Supplemental #2 with my annotations as part of this review. See Exhibit SE-5.

Supplemental Exhibit SE-6 annotates to the County's staff report. Although that it is a partial review, it strongly indicates that the Emerald Kid's application contains more than a few "clerical errors". The Emerald Kid has lied, misled and failed to provide information material the public application process. The Emerald Kid does not have a viable project as submitted and the application should be denied.

The Emerald Kid and the County fail to understand the meaning and intent of Health, Safety and Welfare. The Emerald Kid basically boasts about the cartel style security fence and its necessity to help combat the potential danger related to the high-risk target proposed for this residential neighborhood. Too bad for the neighbors! The cartel fence is to protect only the Emerald Kid and his commercial marijuana business activities. The Emerald Kid and the County need to understand that they jointly are affecting our Health, Safety and Welfare of real people. The fence and the marijuana business negatively affect our sense of safety for our families. Our welfare is at risk because our property values are affected. Nobody in his right mind would choose to purchase a family residence next to a cartel-type marijuana operation.

The Emerald Kid's applicant should be denied as submitted.

Sincere regards,



Tyler Holmes
380 Brannen Mountain Road
P.O. Box 1168 (mail)
Willow Creek, California 95573

Enclosure:

- Exhibit SE-1; Neighborhood Context
- Exhibit SE-2; CC&R's For Stagecoach Subdivision Phase I
- Exhibit SE-3; Parcel Map For Stagecoach Subdivision Phase I
- Exhibit SE-4; Building Permit Partial Site For APN 552-211-043
- Exhibit SE-5; Annotated review of Planning Departments Supplemental #2
- Exhibit SE-5; Annotated partial review of Planning Department's staff report

cc: APN 522-492-012; File

Recording Requested By:

Burtchett/Frazier
818 Sixth Street
Eureka, CA 95501

Return To:

Burtchett/Frazier
818 Sixth Street
Eureka, CA 95501

(this space)
2010-9005-9
Recorded — Official Records
Humboldt County, California
Carolyn Crnich, Recorder
Recorded by HUMBOLDT LAND TITLE CO.
Rec Fee 37.00
Clerk: MM Total: 37.00
Apr 30, 2010 at 15:28

TITLE OF DOCUMENT

RE-RECORDED

**DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
FOR THE STAGECOACH SUBDIVISION PHASE 1
WILLOW CREEK, CALIFORNIA**

THIS DOCUMENT IS BEING RE-RECORDED TO CORRECT THE LEGAL
DESCRIPTION CONTAINED HEREIN

**SUPPLEMENTAL
EXHIBIT SE - 2**

Application Number 12251
6 pages

①

Recording Requested by
Burtchett/Frazier
818 Sixth Street
Eureka, CA 95501

2009-770-6
Recorded — Official Records
Humboldt County, California
Carolyn Crnich, Recorder
Recorded by HUMBOLDT LAND TITLE
Rec Fee 22.00
Clerk: MM Total: 22.00
Jan 16, 2009 at 15:14

Return To:

Burtchett/Frazier
818 Sixth Street
Eureka, CA 95501

**DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
FOR THE STAGECOACH SUBDIVISION PHASE 1
WILLOW CREEK, CALIFORNIA**

DECLARANT is the owner of property in the County of Humboldt, State of California, known as:

^{Lots 1-6}
~~AK~~ of Tract No. 615 of the STAGECOACH SUBDIVISION PHASE 1
according to the map thereof on file in the Office of the Humboldt County Recorder,
recorded in Book 24 of Maps, pages 95 and 96 & 97

DECLARANT has established a master plan, set forth in this Declaration, for the Subdivision, improvement and development of the property, and desires to achieve harmonious and uniform development of the Property in accordance with the plan;

DECLARANT declares that the Property shall be held, conveyed, hypothecated, encumbered, leased, rented, used and occupied subject to the following limitations, reservations, covenants, conditions, servitudes, and charges, all of which are declared and agreed to be for the purpose of enhancing, maintaining and protecting the value and attractiveness of the Property. These provisions are imposed upon Declarant and the Owners for the benefit of all Lots and shall bind the Owners and each Lot. These provisions shall be a burden upon and benefit to not only the original Owner and each Lot, but also to their successors and assigns. All covenants are intended as and are declared to be covenants running with the land as well as equitable servitudes upon the land and may be enforced by any Owner.

ARTICLE 1. DEFINITIONS

1.1 County shall mean the County of Humboldt, California, the county, in which the Property is located.

1.2 Declarant shall mean and refer to Mark W. & Cammy A. Burtchett, Robert J. & Debra J. Frazier and their successors and assigns if such Successors or assigns shall acquire more than one (1) undeveloped Lot from the Declarant for the purpose of development, and Declarant has expressly transferred or assigned to such successors or assigns its rights and duties as Declarant to a portion or all of the Project.

2010-9005-9

- 1.3 Declaration shall mean this Declaration of Covenants, Conditions and Restrictions, together, with any amendments or additions.
- 1.4 Dwelling shall mean any permanent improvement suitable for human occupancy constructed on the Property.
- 1.5 Lot shall mean and refer to any parcel shown upon the recorded subdivision map Property.
- 1.6 Mortgage shall mean any security device encumbering all or a portion of the Lot and shall include a deed of trust and a mortgage in the conventional usage.
- 1.7 Mortgagee shall mean and include a beneficiary or holder of a deed of trust as well as of a mortgage.
- 1.8 Owner shall mean the record owner(s) of a fee simple title to any Lot.
- 1.9 Subdivision Map shall mean the recorded final subdivision map for the Property.

ARTICLE II. ARCHITECTURAL RESTRICTIONS

- 2.1 General Principles and Requirements. Sections 2.2 et seq. and 2.3 et seq. set forth minimum standards for the Stagecoach Subdivision Phase 1.
- 2.2 On-Site Construction.
- 2.2.1 Location on Lots. The landscaping and location of the structures on Lots shall be situated so as to create an aesthetically pleasing overall appearance with respect to the adjacent properties and from Stagecoach Lane.
- 2.2.2 Fences. The existing decorative cedar rail fence, installed by developer, bordering Stagecoach Lane shall be maintained as built. Security and/or deer fencing" using hog wire, barbed wire, etc. shall be set back a minimum of 10 feet from the property line along Stagecoach Lane on Lots 1,2 and 3. This 10 foot "buffer" area fronting Stagecoach Lane between the decorative cedar rail fence and Stagecoach Lane is intended as a planting area for landscaping, shrubs and trees. On Lots 5 and 6 the fence can be on the property line. Decorative or privacy fences shall be limited to within 100 feet of any residence or any out buildings.
- 2.2.3 Landscaping. Landscaping shall be maintained in a neat and orderly condition at all times after installation so as to present a pleasing appearance to other Owners and occupants of Lots, and from Stagecoach Lane. All driveways shall be surfaced with rock, concrete or asphalt.
- 2.3 Basic Structural Requirements.
- 2.3.1 Type and Character of Design. All residences on lots shall be single-family structures. No Mobile Homes or Manufactured Homes are allowed. All buildings on a lot shall maintain a common exterior design theme to present an overall harmonious appearance. All homes to be completed within eighteen (18) months of commencement of construction.
- 2.3.2 Colors. All exterior colors, textures and materials, including roofs must be compatible with the rural nature and aesthetics' of the Stagecoach Subdivision Phase 1.
- 2.3.3 Residence Size Requirements. No residence shall be erected on any of the Lots unless the total floor area of the main structure, exclusive of open porches, garages, patios, exterior stairways and landings, is more than one thousand six hundred (1600) square feet, nor shall any residence on any Lot have more than two and one half stories.

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Roofing materials shall be tile, composite tile, metal or a minimum 30 year structural laminated composition shingle roof.

2.3.4 New Materials and New Structures Only. No secondhand materials shall be used in construction of any improvements, and all improvements shall be painted or stained with the exception of improvements constructed of brick or masonry. The exterior of all dwellings shall be constructed of brick, wood, simulated wood (such as cement fiber board) or masonry materials.

2.3.5 Garages. Each Dwelling shall have at least a two (2)-car garage of not less than 480 square feet..

2.3.6 Temporary Structures. No construction shack, material storage shed, or other structure of a temporary or moveable nature shall remain on the property after the notice of completion is filed.

ARTICLE III USES PROHIBITED AND PERMITTED

3.1 Use of Lots. Lots shall not be used for any purpose other than one (1) single-family residence unless approval is obtained from the County of Humboldt for (1) one secondary dwelling unit per County of Humboldt standards.

3.2 Animals. No animals of any kind shall be raised, bred, or kept for commercial purposes on any Lot.

3.3 Garages and Vehicles. Boats, trailers or recreational vehicles must be kept and stored inside the garage or in back yards, so long as a fence or other enclosure reasonably screens them from view from adjacent streets and Lots.

Except for loading and unloading, no vehicle shall be continually parked or stored on the street for periods in excess of thirty (30) days. No vehicle over two (2) tons shall be parked in the street or on a driveway except for unloading. Vehicles being used in the construction or repair of any of the improvements on the Property, however, may be parked in streets or driveways for periods reasonably necessary to complete the construction or repair.

3.4 Limitations on Commercial Activities. No business of any kind whatsoever shall be established or conducted on the Lots, except for the business of Declarant or any licensed contractor, in completing the construction of residences on the Property and of disposing of the same by sale, lease or otherwise. No person shall rent any room or portion of any residence, but the foregoing shall not prohibit rental of an entire residence or a secondary dwelling unit approved by the County of Humboldt.

3.5 Offensive Activities. No noxious or offensive activity shall be carried on, nor shall anything be done which may be or become a nuisance, or cause embarrassment, disturbance or annoyance to the other Owners in the enjoyment of their Lots. Without limiting the above, no Owner shall permit noise, including but not limited to the excessive barking of dogs, which comes from his Lot and which would disturb another Owner's quiet enjoyment of his Lot.

3.6 Trash. All garbage and trash shall be kept in covered containers. Such container shall be located so as not to be visible from neighboring property or street. No portion of any Lot shall be used for the storage of building materials or other materials other than in connection with approved construction.

3.7 Clotheslines. Outside clothes drying facilities shall not be installed unless kept unseen from the street.

3.8 Signs. No sign of any kind shall be displayed to the public view on or from any Lot, except (1) such signs as may be used by Declarant in connection with the development of the Project and sale of Lots; (2) name and street address signs not larger than twenty four (24) inches by twelve (12) inches; and (3) one sign per Lot of customary and reasonable dimensions indicating that a Dwelling is for sale or lease.

3.9 No Lots shall be further subdivided.

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3.10 Other Structures. Any barn or outbuilding shall be constructed to be of similar design, style and color of the primary residence of the property. Barns and outbuildings shall be located as far from property lines and roads as practical and no closer than 50 feet to Stagecoach Lane.

3.11 Maintenance of Lots. It shall be the duty of each owner, at its sole cost and expense, to maintain and repair all improvements located on the owner's lot. Improvements shall be deemed to include, but without limitation, the owner's dwelling, landscaping, fences and yard areas on that owner's lot. Owners Lot shall also be maintained as not to be a fire hazard to neighbors. Brush and grass must be controlled for this purpose. No pasture or Lot area shall be over grazed to the point of being an eyesore or erosion hazard.

3.12 Fees and Costs. In any action or proceeding to enforce the provisions of this Declaration, or to collect any sum due, or in an action seeking damages for breach of its provisions, the prevailing party shall be entitled to recover the fees of its attorney.

3.13 No trailer, motor home, tent, shack, garage, barn or other outbuilding shall be used at anytime as a residence except during the 18 month construction period referred to in 2.3.1, page two.

3.14 No parcel shall be used for, or as a junk yard, and there shall be no storage of second hand dismantled goods or un-licensed or un-operative automobiles or machinery of any kind unless they are stored in a garage or barn out of sight from neighboring parcels or roadways.

ARTICLE IV. MORTGAGE PROTECTION

4.1 Mortgages Permitted. Any Owner may encumber his Lot with Mortgages.

4.2 Priority of Mortgage. Notwithstanding any other provision of this Declaration, it is hereby provided

that a breach of any of the provisions contained in this Declaration by any Owner or of any re-entry by reason of such breach shall not defeat or render invalid the lien of any Mortgage or deed of trust made in good faith and for value as to any Lot or any part thereof.

4.3 Effect of Breach. No breach of any provision of this Declaration shall invalidate the lien of any Mortgage made in good faith and for value, but all of the covenants conditions, restrictions, declarations, easements and limitations of this Declaration shall be binding upon and effective against any Owner whose title is derived through foreclosure sale, trustee's sale, or otherwise.

ARTICLE V. LIMITATION ON RESTRICTIONS AS TO DECLARANT

5.1 **Limitation on Restrictions as to Declarant. Nothing in this Declaration shall:**

5.1.1 Completion of Work. Prevent Declarant or its representatives from erecting, constructing improvements and maintaining the Property, for sale or otherwise, any improvements to which the architectural controls herein shall not apply. Declarant shall have complete architectural control and may erect the improvements that may be reasonably necessary for the conduct of its business of completing said work and establishing said property as a residential community and by disposing of the Lots by sale, lease or otherwise.

5.1.2 Signs of Declarant. Prevent Declarant from maintaining such sign or signs on any of the Property as may be necessary for the sale, lease or disposition of the Lots.

5.2 Creating of Easement. Declarant shall have the right at any time prior to entering into a purchase contract for sale of a Lot to establish additional easements, reservations and rights of way to itself, its successors and assigns. Declarant

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shall have the right at any time to cut and remove any trees or branches or any unauthorized object from such easements, reservations and rights of way.

5.3 Title Rights. The rights of Declarant under this Declaration to all or part of Declarant's interest in the Property may be assigned by any express assignment incorporated in a recorded deed, option or lease. This Declaration shall not limit the right of Declarant, at any time prior to transfer of title by Declarant, to establish such rights-of-way itself, to utility companies or to others as may be reasonably necessary to the proper development and sale of the Lots.

ARTICLE VI. MISCELLANEOUS

6.1 Severability of Declarant Provisions. If any provisions of the Declaration are held to be invalid or unlawful by final judgment of a court of competent jurisdiction, such invalidity or illegality shall not affect the validity of any other provisions.

6.2 Singular Includes Plural. The singular shall include the Plural, and the masculine includes the feminine whenever the context so requires.

ARTICLE VII AMENDMENT OF DECLARATION

7.1 Term of CC&Rs. These restrictions, covenants and conditions have a term of thirty (30) Years from the date this document is recorded. After thirty (30) years the term shall be automatically extended for successive periods of ten (10) years, unless an instrument signed by sixty six percent (66%) of the then owner of the lots has been recorded, agreeing to change said term. Such modification shall be effective upon its recordation in the office of the Humboldt County Recorder.

7.2 This Declaration may be amended only by the vote or written assent of at least sixty six percent (66%) of the Owners of Lots. Any amendment to this Declaration must be recorded and becomes effective when recorded in the office of the County Recorder

ARTICLE VIII TERMINATION OF ANY RESPONSIBILITY OF DECLARANT


If Declarant conveys all of its right, title and interest in the Property to any other person or entity, Declarant shall be relieved of the performance of any further duty or obligation to perform all Such duties and obligations of the Declarant.

IN WITNESS WHEREOF, the undersigned, being the Declarant herein, has hereunto set
its hand and seal 16th day of January, 2009

Declarant:


Mark W. Burchett


Cammy A. Burchett


Robert J. Frazier


Debra J. Frazier

2010-9005-9

2009-770-6

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(6) (5)

BASIS OF BEARINGS: BOOK 17 MAPS, PAGES 38 - 42

NOTE THAT BOOK 17 MAPS, PAGES 38 - 42 IS ON A GRID BEARING BASIS. TO OBTAIN GEODETIC (TRUE) BEARINGS, ROTATE BEARINGS SHOWN HEREON COUNTER-CLOCKWISE 01°04'17" DISTANCES SHOWN HEREON ARE "GROUND" DISTANCES.

SURVEY NOTES

- THIS MAP ILLUSTRATES THE SUBDIVISION OF THAT PARCEL OF LAND DESCRIBED IN INSTRUMENT NO. 2007-113-4 INTO SIX LOTS AND A REMAINDER. REMAINDER HAS NOT BEEN SURVEYED, BUT SHOWN VIA RECORD DATA.
- THE EXISTING RIGHT OF WAY FOR BRANNON MOUNTAIN ROAD IS BASED ON BOOK 17 MAPS, PAGES 38 - 42, USING MONUMENTS FOUND AT CORNER NOTES NUMBER 1 ON THIS MAP.
- THE SOUTHERLY LINES OF LOTS 1, 2 AND 3 OF THIS MAP ARE DESCRIBED IN A NOTICE OF LOT LINE ADJUSTMENT AND CERTIFICATE OF SUBDIVISION COMPLIANCE RECORDED AS INSTRUMENT NO. 2004-34211-4. ALTHOUGH THESE COURSES ARE DESCRIBED SUBSEQUENT TO COURSES "ALONG SAID CENTERLINE (OF WILLOW CREEK)", THE LOCATION OF WILLOW CREEK IS BASED ON THE DEED COURSES RATHER THAN THE PHYSICAL CENTERLINE OF WILLOW CREEK.

CORNER NOTES

- FOUND REBAR WITH 1 1/2" ALUMINUM CAP, STAMPED "GRIFFITH & ASSOC. RE 26124", TIED CENTER. SEE BOOK 17 MAPS, PAGES 38 - 42.
- FOUND REBAR WITH 1 1/2" ALUMINUM CAP, STAMPED "GSI LS 7541", WITH PUNCH MARK. SEE BOOK 33 PARCEL MAPS, PAGE 5. BEARS N39°17'15"E 1.14 FT. FROM CALCULATED POSITION SHOWN HEREON.
- FOUND REBAR WITH 1 1/2" ALUMINUM CAP, STAMPED "GSI LS 7541", WITH PUNCH MARK. SEE BOOK 33 PARCEL MAPS, PAGE 5. BEARS N18°12'19"E 1.30 FT. FROM CALCULATED POSITION SHOWN HEREON.
- FOUND REBAR WITH 1 1/2" ALUMINUM CAP, STAMPED "GSI LS 7541", WITH PUNCH MARK. SEE BOOK 33 PARCEL MAPS, PAGE 5. BEARS N15°08'12"E 1.47 FT. FROM CALCULATED POSITION SHOWN HEREON.

EASEMENTS

STAGECOACH LANE IS A NON-EXCLUSIVE EASEMENT FOR INGRESS, EGRESS AND UTILITY PURPOSES FOR THE BENEFIT OF LOTS 1 THROUGH 6 OF THIS MAP.

PARCEL D IS A 20 FOOT WIDE NON-EXCLUSIVE EASEMENT FOR INGRESS, EGRESS AND UTILITIES OVER LOT 4 FOR THE BENEFIT OF LOT 5.

DEDICATIONS

BRANNON MOUNTAIN ROAD AS SHOWN HEREON LYING WITHIN THE LIMITS OF THIS SUBDIVISION IS AN EASEMENT HEREBY DEDICATED TO THE COUNTY OF HUMBOLDT FOR PUBLIC ROAD PURPOSES AND ALL PURPOSES INCIDENTAL THERETO, TOGETHER WITH AN EASEMENT FOR SLOPE MAINTENANCE AND DRAINAGE PIPES EXTENDING 10 FEET BEYOND THE TOP OF ALL ROAD CUTS AND 10 FEET BEYOND THE TOE OF ALL ROAD FILL.

STAGECOACH LANE IS HEREBY IRREVOCABLY OFFERED FOR DEDICATION AS AN EASEMENT TO THE COUNTY OF HUMBOLDT FOR PUBLIC ROAD AND PUBLIC UTILITY PURPOSES, FOR PUBLIC USE.

PARCEL A IS A 10 FOOT WIDE PUBLIC UTILITY EASEMENT ALONG THE FRONTAGE OF ALL LOTS AND AS SHOWN OVER LOTS 4, 5 AND 6 DEDICATED AS A PUBLIC UTILITY EASEMENT TO THE COUNTY OF HUMBOLDT, FOR PUBLIC USE.

PARCEL B IS A 1 FOOT WIDE NON-VEHICULAR ACCESS EASEMENT ALONG BRANNON MOUNTAIN ROAD, EXCEPT AT THE ENTRANCE TO STAGECOACH LANE, DEDICATED TO THE COUNTY OF HUMBOLDT.

PARCEL C IS A 10 FOOT WIDE PUBLIC UTILITY EASEMENT OVER LOTS 4 AND 5 DEDICATED TO THE COUNTY OF HUMBOLDT FOR PUBLIC USE.

LEGEND

- FOUND MONUMENT, AS NOTED IN CORNER NOTES
- SET 1/2" GALVANIZED IRON PIPE +- 31" LONG WITH PLASTIC PLUG LS 4829
- SET 2" ALUMINUM CAP, STAMPED "KELLY-O'HERN ASSOCIATES LS 4829", WITH PUNCH MARK, IN CONCRETE, IN MONUMENT WELL WITH COVER
- CORNER NOTE NUMBER
- () RECORD DIMENSION
 - R1 BOOK 17 MAPS, PAGES 38 - 42
 - R2 BOOK 33 PARCEL MAPS, PAGE 5
 - R3 INSTRUMENT NO. 2007-113-4
- R&M RECORD, BOOK 17 MAPS, PAGES 38 - 42, AND MEASURED
- AREAS SHOWN ARE GROSS AREAS THAT INCLUDE EASEMENTS

TRACT NO. 615 STAGECOACH SUBDIVISION PHASE 1

FOR
FRAZIER & BURTCHETT
IN

SECTIONS 29 & 30 T7N, R5E, H.M.
IN THE UNINCORPORATED AREA OF HUMBOLDT COUNTY
OCTOBER, 2008 SCALE 1" = 100'

KELLY-O'HERN ASSOCIATES
EUREKA, CA

SHEET 3 OF 3 SHEETS

LINE TABLE

BEARING	DISTANCE
L1 S 3°30'37"E	40.00
L2 S 3°30'37"E	35.00
L3 N21°50'08"E	10.00
L4 S42°49'07"E	67.09
L5 S47°10'53"W	22.93
L6 S73°00'00"W	79.38
L7 S30°52'10"E	30.00
L8 N30°52'10"W	20.00
L9 S59°07'50"W	68.53
L10 N59°07'50"E	71.71
L11 N73°00'00"E	78.65
L12 N47°10'53"E	22.93
L13 S42°49'07"E	20.00
L14 S42°49'07"E	57.89
L15 N74°00'00"W	44.29
L16 N73°00'00"E	80.12
L17 S42°49'07"E	39.40
L18 S47°10'53"W	15.00
L19 S 3°30'37"E	25.00
L20 S32°18'05"W(RADIAL)	25.00
L21 S61°18'51"E	54.28
L22 N61°18'51"W	53.27
L23 N62°09'12"W	11.10
L24 N58°05'02"W	50.00
L25 N56°13'37"W	87.46
L26 N51°10'09"W	49.32
L27 N47°05'53"W	37.66
L28 N64°04'00"W	51.44
L29 S89°12'32"W	58.02
L30 N22°27'35"E	38.86
L31 N18°38'06"W	55.37
L32 S36°25'00"W	133.60
L33 S35°29'15"W	74.81

CURVE TABLE

	RADIUS	DELTA	LENGTH
C1	465.00	25°20'45"	205.70
C2	475.00	25°20'45"	210.12
C3	125.00	25°49'06"	56.33
C4	50.00	78°19'54"	68.36
C5	50.00	86°14'32"	75.26
C6	50.00	113°39'17"	99.18
C7	50.00	23°05'00"	20.14
C8	50.00	17°16'55"	15.08
C9	50.00	240°15'44"	209.67
C10	105.00	25°49'06"	47.32
C11	145.00	25°49'06"	65.34
C12	1040.00	0°22'18"	6.75
C13	255.00	35°48'42"	159.38

INSTRUMENT NO.
2004-27019-4
PARCEL 3
BOOK 33 PARCEL MAPS,
PAGE 5

INSTRUMENT NO.
2008-8263-2
PARCEL 1
BOOK 33 PARCEL MAPS,
PAGE 5

INSTRUMENT NO.
2006-9263-3

LOT 41
BOOK 17 MAPS,
PAGES 38 - 42

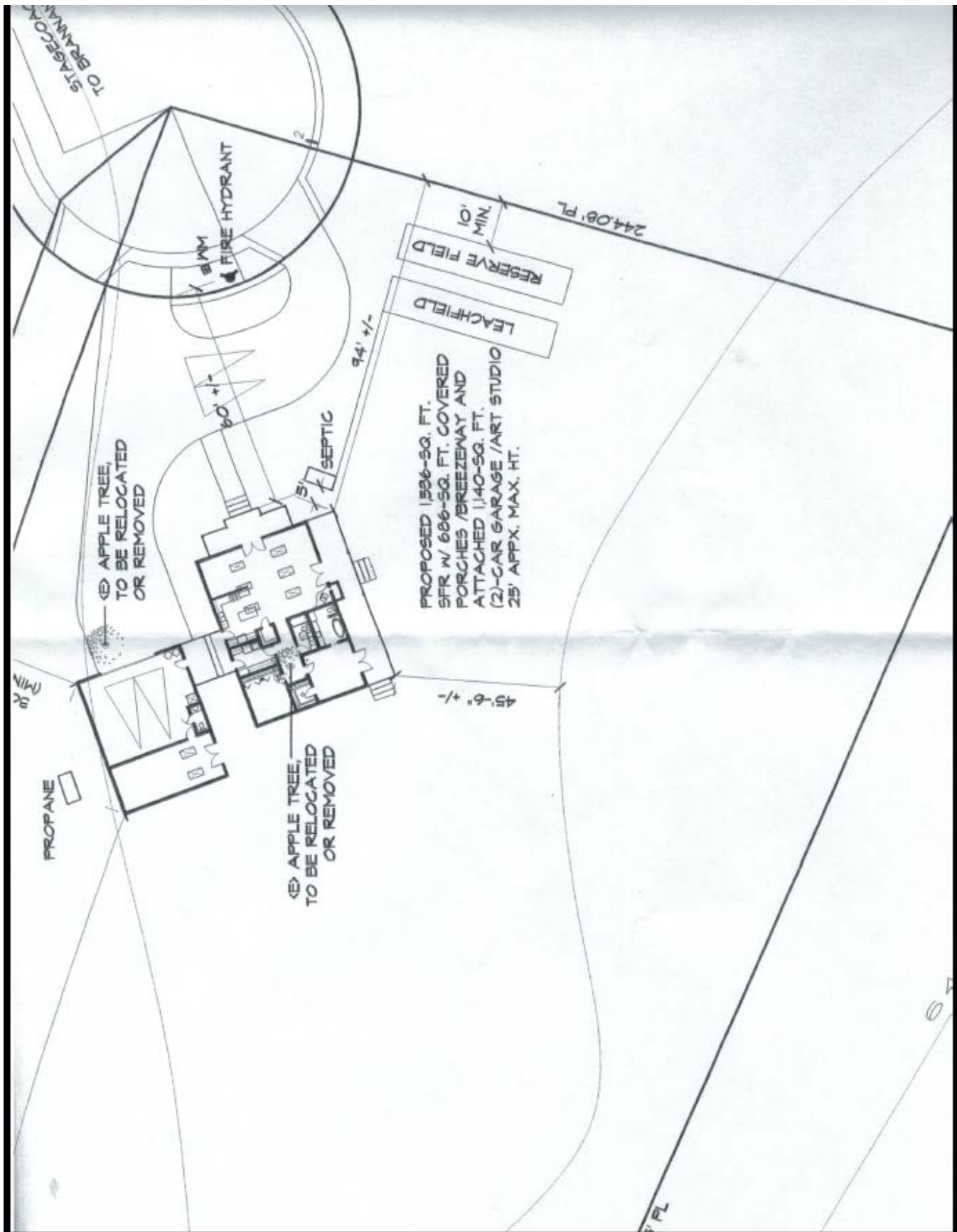
INSTRUMENT NO.
2000-27736-5

LOT 39
BOOK 17 MAPS,
PAGES 38 - 42

INSTRUMENT NO.
2006-9263-3
LOT 41
BOOK 17 MAPS,
PAGES 38 - 42

INSTRUMENT NO.
2008-8263-2

PARCEL 1
BOOK 33 PARCEL MAPS,
PAGE 5



Approved Partial Site Plan for active Building Permit
 APN 552-211- 043
 Stagecoach Subdivision Lot 3

SUPPLEMENTAL
EXHIBIT SE - 4
 Application Number 12251

SUPPLEMENTAL INFORMATION # 2

For Planning Commission Agenda of:
February 1, 2018

<input type="checkbox"/>	Consent Agenda Item	}	
<input checked="" type="checkbox"/>	Continued Hearing Item	}	
<input type="checkbox"/>	Public Hearing Item	}	No. 1
<input type="checkbox"/>	Department Report	}	
<input type="checkbox"/>	Old Business	}	

Re: The Emerald Kid Conditional Use Permit and Special Permit

Application Number: 12251

Case Number/s: CUP16-582, SP16-460

Assessor's Parcel Number: 522-211-055

Address/location or project: 100 Stagecoach Ln, Willow Creek, CA

Attached is an errata sheet displaying additions and corrections for the staff report.

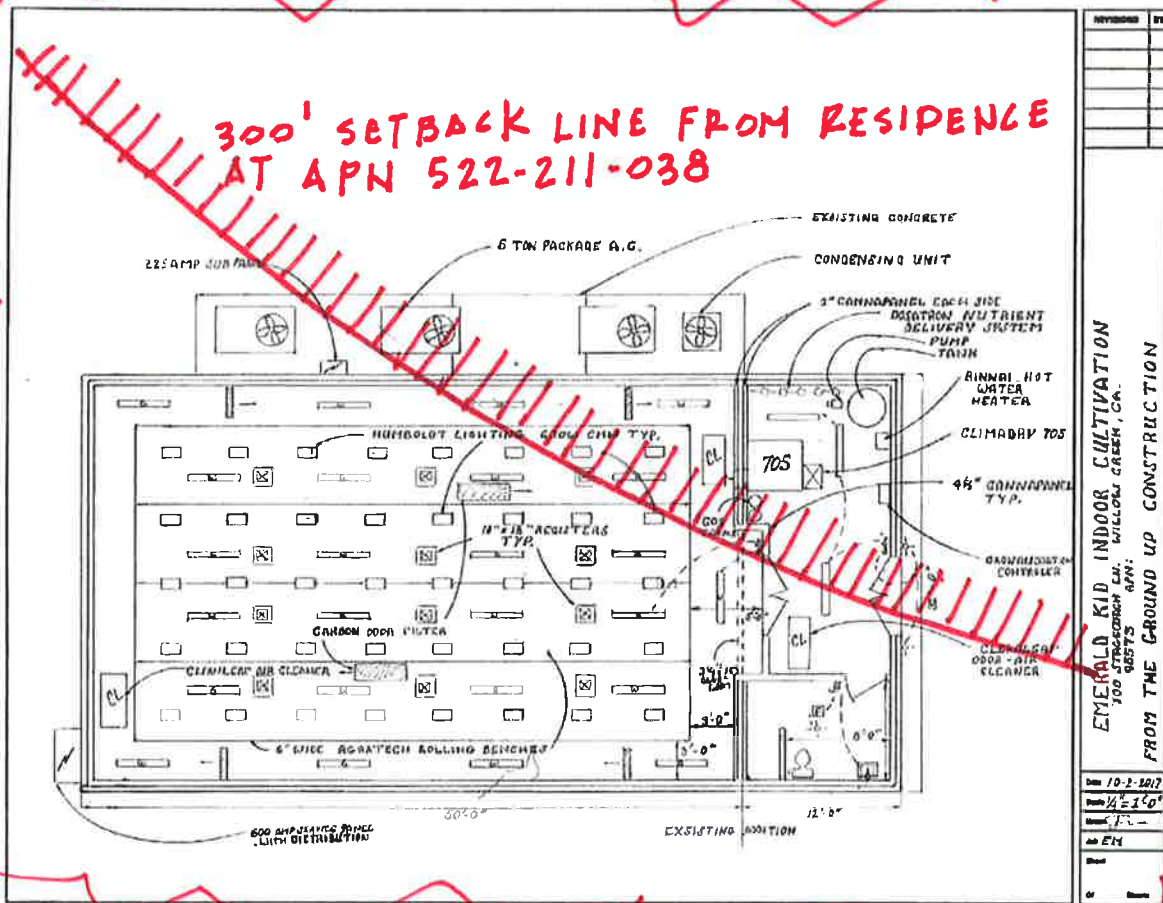
SUPPLEMENTAL
EXHIBIT SE-5

SA-2
1/3

**The Emerald Kid
Staff Report Errata Sheet
February 1, 2018**

The following is a list of items correcting and adding items in The Emerald Kid staff report provided for the Planning Commission for the February 1, 2018, hearing:

1. Page 11, Site Plans:
 - a. Indoor cultivation floor plan.



2. Page 14: Condition of approval #9.

9. The existing unpermitted fence estimated at eight and a half feet in height located in the yard setback must be removed, reduced to no more than six feet in height, or relocated to meet the setback requirements of the AG-B-7(1) zone. Relocating the fence to keep it at its existing height will require a permit from the Building Division.

A. FENCE IS "RED TAGGED"

B. FENCE MUST BE RELOCATED TO COMPLY WITH
SUBDIVISION CC & P's

C. FENCE IS A RECENT INSTALLATION AFTER APPLICATION
SUBMITTAL

SA-2 2/3

3. Page 27, Zoning Compliance.

**CORRECT - PUBLIC INFORMATION
SEE STAGECOACH SUBDIVISION
PHASE I & DEED RESTRICTIONS**

Zoning Section		Summary of Applicable Requirement	Evidence That Supports the Zoning Finding
Minimum Lot Size		2.50 acres	Per Tract Map 615, the subject parcel is 2.78 acres in size.
Maximum Ground Coverage		35 percent	The proposed ground coverage is less than 10%.
Minimum Lot Width	Lot	60 feet	Approximately 240 feet
Maximum Lot Depth	Lot	None specified	N/A
Setbacks			<p><i>Cultivation Areas:</i></p> <p>Front: 2030 feet</p> <p>Rear: 20 feet</p> <p>Side: 30 feet ten percent of lot width but not more than 20 feet. Subject parcel has a lot width 330 feet, so the side yard setback is 20 feet.</p> <p>SRA: 30 feet</p> <p>Front: 33 feet</p> <p>Rear: 67 feet</p> <p>Sides: 31 feet and 68 feet</p> <p>Existing security fence estimated at 8.5 feet in height:</p> <p>Front: 10 feet</p> <p>Rear: 0 feet</p> <p>Sides: 0 feet and 0 feet</p> <p>Project will be conditioned to bring the fence into compliance with the zoning code.</p>
Max. Building Height	Building	Thirty-five percent (35')	The applicant will use conventional single story greenhouses for mixed-light cultivation. The height of these structures will not exceed the height standard.

**SA-2
3/3**

THE EMERALD KID
Case Number CUP-16-582 and SP-16-460
Assessor Parcel Number 522-211-055

Recommended Commission Action

1. Describe the application as part of the Consent Agenda.
2. Survey the audience for any person who would like to discuss the application.
3. If no one requests discussion, make the following motion to approve the application as a part of the consent agenda:

Find the project exempt from environmental review pursuant to Sections 15301, 15303, and 15304 of the State CEQA Guidelines, make all of the required findings for approval of the Conditional Use Permit and Special Permit based on evidence in the staff report and any public testimony, and adopt the Resolutions approving the proposed The Emerald Kid project subject to the recommended conditions.

Executive Summary: The Emerald Kid seeks approval of a Conditional Use Permit (CUP-16-582) for 5,000 square feet of new mixed-light cannabis cultivation and a Special Permit (SP-16-460) for 1,600 square feet for indoor cultivation in an existing nonresidential structure. The project site is located on one legal parcel identified as APN 522-211-055 (100 Stagecoach Lane, Willow Creek). **LOT #2 STAGECOACH SUBDIVISION PHASE I**

The 2.78-acre property is zoned Agriculture General (AG) B-7(1). The Commercial Medical Marijuana Land Use Ordinance (CCMLUO) identifies AG-zoned parcels between 1 and 5 acres as sites where new mixed-light cannabis cultivation activities could be allowed. Additionally, indoor cannabis cultivation activities can occur within the footprint of existing nonresidential structures on AG-zoned parcels. Mixed-light cultivation of up to 5,000 square feet is subject to the issuance of a CUP. Indoor cultivation of up to 5,000 square feet is subject to the issuance of a SP. A CUP and a SP are discretionary permits, meaning that the Planning Commission must consider whether the findings required for permit approval can be met for the described project.

The project site would consist of three cultivation areas. The first cultivation area would be a 2,000-square-foot mixed-light area in the rear yard area of the property, behind the residence. Two 2,500-gallon hard plastic water tanks would be stored adjacent to the first cultivation area (to the west). The second cultivation area would be a 3,000-square-foot mixed-light area in the front yard area of the property. The third cultivation area would be a 1,600-square-foot indoor cultivation area within an existing shop building. An existing 250-gallon propane tank and 10 kw generator are located adjacent to the existing shop building.

In review of this project, considerable documentation submitted by the applicant was analyzed. The following discussion summarizes these project details.

Operations

The Emerald Kid would operate cultivation in a continuous rotation year-round both in mixed-light greenhouses and indoors. Cultivation is anticipated to occur in four runs per year, both for mixed-light and indoor cultivation. Soil would be amended with organic amendments and plants would be supplied with both dry and liquid organic fertilizers through a water dilution system. Plants would be harvested one at a time using hand shears and taken into a section of the on-site shop where it would be dried, cured, and stored. Processing would occur off-site.

Access/Parking

The project site is accessed from Stagecoach Lane, which is accessed from County-maintained Brannan Mountain Road. The Humboldt County Department of Public Works has determined that the County roadway serving the property is adequate to accommodate the proposed use. Additionally, the intersection of the existing access road, Stagecoach Lane, and the County road, Brannan Mountain Road, meets County standards.

The project site is fenced and vehicle access is through a locked automatic gate. Gates are of heavy steel construction and an electronic lock has been installed. The project site is secured by Advanced Security, including motion sensors, cameras, and alarms. **APPLICANT LIED. FENCE INSTALLED AFTER APPLICATION, CURRENTLY "RED TAGGED". CARTEL STYLE FENCE**
An approximately 130-foot-long driveway with parking areas serves the property. The Emerald Kid will have no employees.

Water Sources & On-site Wastewater System

The applicant received a "Will Serve Letter" letter from the Willow Creek Community Services District on December 18, 2017, to use up to 790,000 gallons annually from the District for irrigation. The project's estimated annual water usage is 276,000 gallons. The applicant will install two 2,500-gallon hard plastic water tanks to catch rainwater from the existing shop and residence. Rainwater will be used to irrigate the cannabis in addition to water sourced from the Willow Creek Community Services District.

Indoor cultivation would reside in soil beds and will utilize a timed drip irrigation system and best management practices. The indoor cultivation will not produce any water runoff. The Emerald Kid has filed a Notice of Intent Form for Enrollment Under Waiver of Waste Discharge Requirements with the North Coast Regional Water Quality Control Board (RWQCB) under Tier 2.

Lighting & Electrical Service

The applicant would use Gavita lighting in the greenhouses and the indoor cultivation areas. Greenhouses would be tarped during the sunset hours to prevent any light pollution. The cultivation areas would run on grid power with a small propane generator on-site in the event of a power outage.

The applicant will utilize energy from PGE, which will service the indoor cultivation. To meet the County's indoor cultivation requirement for 100% renewable energy source for indoor cultivation illumination, heating, cooling, ventilation, and other cultivation-related energy, the applicant will purchase carbon offsets. According to the Oregon Department of Energy Indoor Cannabis Cultivator Energy Use Estimator calculator (<http://energy.odoe.state.or.us/cannabis.html>), a 1,600-square-foot indoor cultivation area with a plant density of 0.85 (approximately 1,360 plants) using high wattage fixtures at low fixture density (Energy Use Description 2) would use approximately 128,000 kilowatt hours (kWh) of energy per year. According to the United States Environmental Protection Agency Greenhouse Gas Equivalencies Calculator (<https://www.epa.gov/energy/greenhouse-gas-equivalencies-calculator>), 128,000 kWh of energy is the equivalent of 95.3 metric tons of carbon dioxide. Thus, an annual carbon offset of 95.3 metric tons would be required to meet the County's indoor cultivation requirement for a 100% renewable energy source for indoor cultivation operations. Preemptively, the applicant has purchased 20.00 metric tons of carbon offsets from Terrapass. A condition of approval for this project requires the applicant to purchase the remaining carbon offsets. Through annual monitoring of energy usage, the Applicant may be able to reduce the required carbon offsets in consultation with the Planning Department.

Environmental review for this Project was conducted and based on the results of that analysis, staff believes the proposed indoor cultivation and processing aspects of the Project can be considered an "Existing Facility" as defined by Section 15301 of the California Environmental Quality Act (CEQA) Guidelines because the indoor cultivation would consist of interior alterations involving such things as plumbing and electrical conveyances. Additionally, the construction of greenhouses on the site may be considered "New Construction or Conversion of Small Structures" as defined by Section 15303 of the CEQA Guidelines because they would be accessory structures to the legal agricultural use. Finally, as the Lead Agency, the Department has determined that the proposed outdoor cultivation would be considered a "Minor Alteration to Land" as defined by Section 15304 of the CEQA Guidelines because it consists of minor trenching and backfilling where the surface is restored.

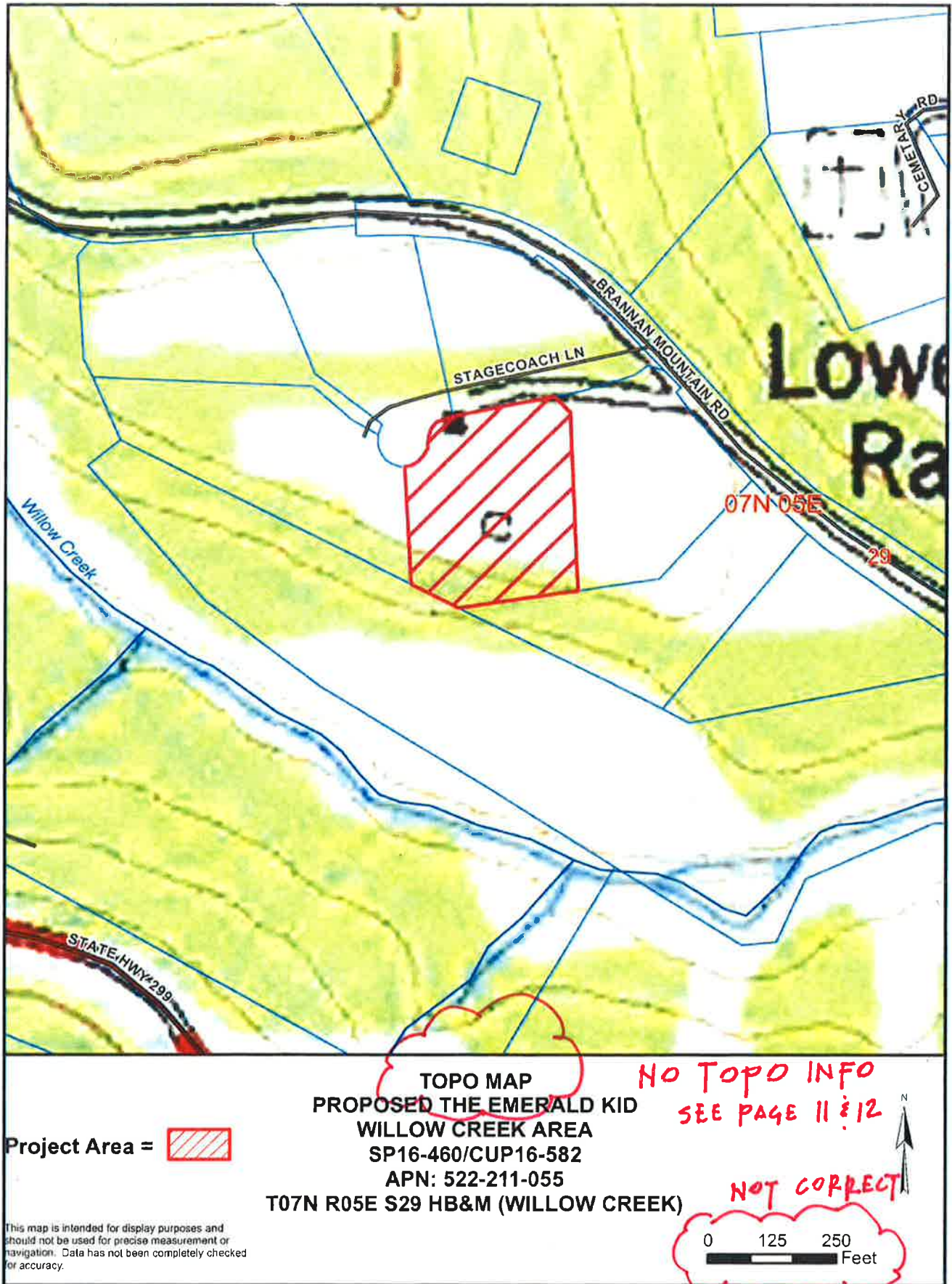
There is no substantial evidence of potentially significant adverse environmental effects resulting from the permitting of a recognized legal agricultural use (cultivation of medical marijuana) on property zoned AG, with prime soils, with slopes less than 15%, and a source of irrigation with documented appropriative water right, or other permitted non-diversionary source.

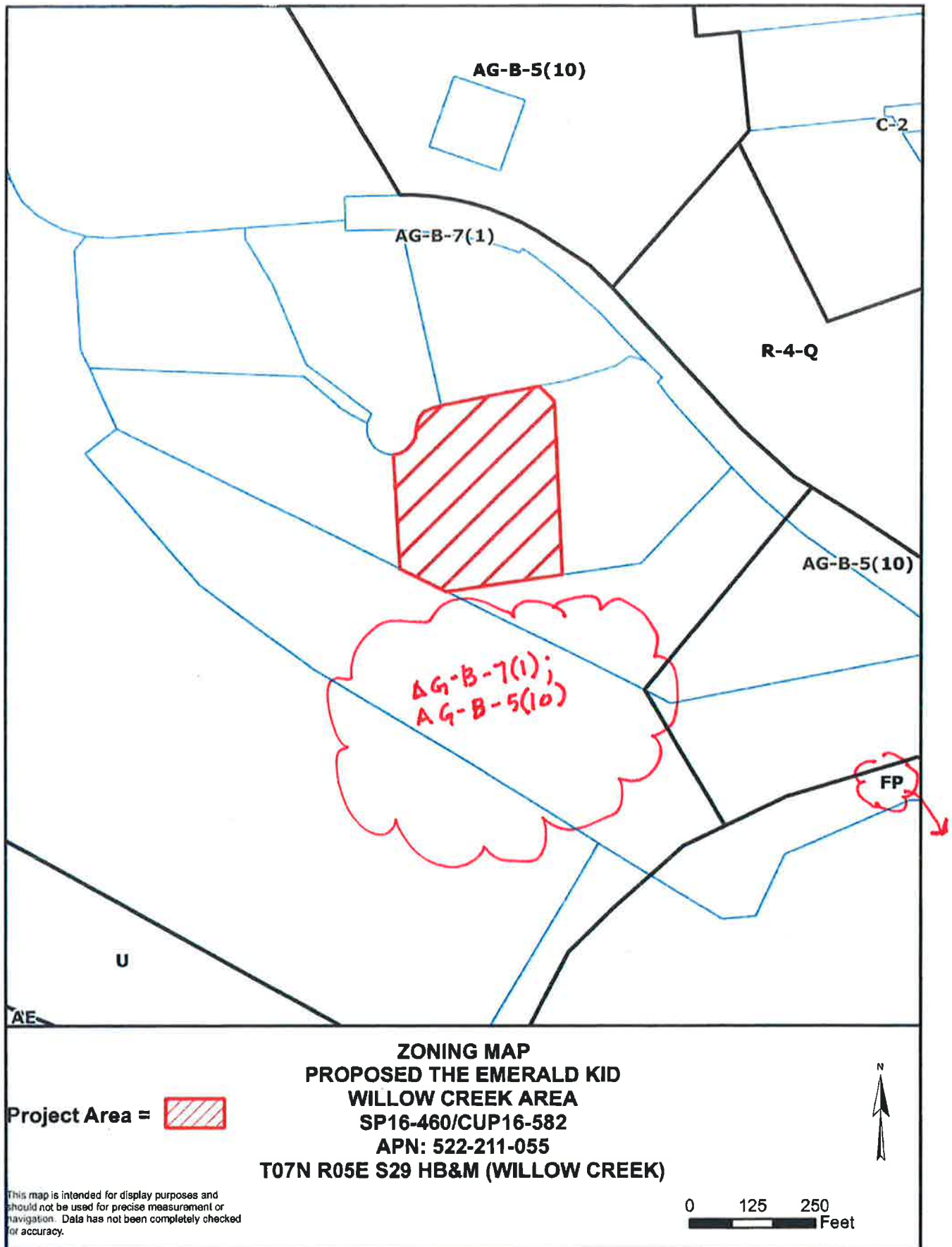
BASED ON ACTUAL & TRUE EVIDENCE

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 approving the conditional use permit and special permit.

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 Division staff has stated that the required findings in support of the proposal have been made. Consequently, Planning staff does not recommend further consideration of either alternative.

The 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 Lead Agency, the Department has determined that the Project is Categorically Exempt under the three Exemption Classes 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.





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
PO-PARCEL OVERVIEW

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
MCKINLEYVILLE, CA 95519
707-630-5041

AERIAL MAP



CREEK CHANNEL



January 18, 2018

PROPERTY LINES AND BUILDING LOCATIONS
ARE APPROXIMATE AND BASED ON AERIAL
MAPS AND GPS DATA TAKEN IN THE FIELD.

GREEN
ROAD
CONSULTING



PROJECT INFORMATION
KIMBERLY SANDERS
100 STAGECOACH LANE WILLOW CREEK, CA 95573
COUNTY COVER PAGE

PROPERTY OWNER
ADDRESS
SHEET INFO

NO.	REVISIONS	DATE

DATE 1/23/18
DRAFTED
SCALE AS SHOWN
SHEET
CP
Page 11

PARCEL OVERVIEW

APN:522-211-55



100 STAGECOACH LANE WILLOW CREEK, CA 95573
KIMBERLY SANDERS
PARCEL OVERVIEW

PROJECT INFORMATION

PROPERTY OWNER
ADDRESS
SHEET INFO

REVISIONS
NO. NOTES DATE

DATE 1/2/18
DRAFTER
SCALE AS SHOWN
SHEET
PO

Page 12

CULTIVATION INFORMATION

PROPOSED MIXED LIGHT CULTIVATION AREA

CA #1=2,000 FT²

CA #2=3,000 FT²

TOTAL PROPOSED MIXED LIGHT CULTIVATION =5,000 FT²

TOTAL AMOUNT OF PRIME AG SOILS ON PROPERTY=115,039 FT²

CULTIVATION BUILDINGS AND USE

BUILDINGS
SHOP
USE
INDOOR CULTIVATION
YEAR
2009

INDOOR CULTIVATION AREA

ID #1=1,600 FT²

TOTAL AMOUNT OF PROPOSED INDOOR CULTIVATION=1,600 FT²

DOMESTIC BUILDINGS AND USE

BUILDINGS
RESIDENCE
USE
PLACE OF LIVING
YEAR
2009

WATER STORAGE AND USE

TYPE
HDPE TANKS
NUMBER
2
SIZE
5,000 GALLONS

TOTAL AMOUNT OF WATER STORAGE = 10,000 GALLONS

WATER SOURCE
WILLOW CREEK COMMUNITY SERVICES

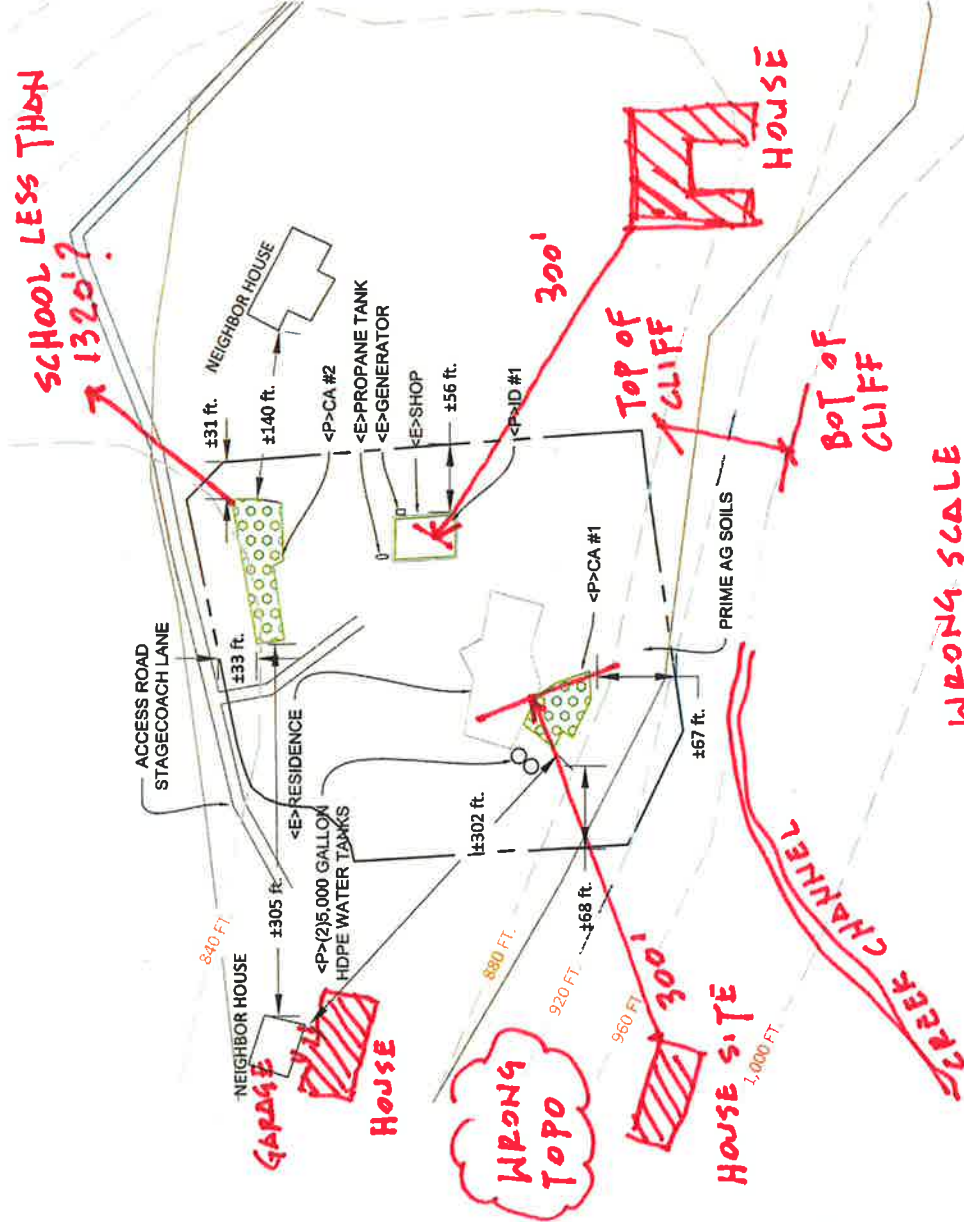
POWER SOURCE

PG&E
GENERATOR-10K (BACKUP)

SURROUNDING BUILDINGS

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

SEE
SUPPLEMENTAL
EXHIBIT SE-1



January 18, 2018

CUP 16-592 SP 16-460 Emerald Kid 12251

ATTACHMENT 1

RECOMMENDED CONDITIONS OF APPROVAL

APPROVAL OF THE CONDITIONAL USE PERMIT AND SPECIAL PERMIT IS CONDITIONED ON THE FOLLOWING TERMS AND REQUIREMENTS WHICH MUST BE SATISFIED BEFORE THE CANNABIS CULTIVATION PERMIT CAN BE INITIATED. **APPLICANT LIED, INSTALLED CARTEL STYLE SECURITY FENCE**

1. The applicant shall secure permits for all structures related to the cannabis cultivation and other commercial cannabis activity. The plans submitted for building permit approval shall be consistent with the project description and approved project site plan. A letter or similar communication from the Building Division verifying that all structures related to the cannabis cultivation are permitted will satisfy this condition.
2. The approved building plans shall meet all applicable fire codes, including fire suppression infrastructure requirements deemed necessary for the project by the Building Inspection Division. Sign off on the Occupancy Permit by the Building Division shall satisfy this requirement.
3. The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency requirements regarding hazardous materials. A written verification of compliance shall be required before any provisional permits may be finalized. Ongoing proof of compliance with this condition shall be required at each annual inspection in order to keep the permit valid.
4. The property owner shall execute and file with the Planning Division the statement titled "Notice and Acknowledgment Regarding Agricultural Activities in Humboldt County" as required by Section 314-43.2 of the Humboldt County Code. Contact the Planning Division for a copy of the required form.
5. Electrical power associated with the project's indoor cultivation shall be provided by an on-grid power with a 100% renewable source, an on-site zero net energy renewable source, or with purchase of carbon offsets of any portion of power not from renewable sources.

As detailed the executive summary section of the project staff report, the applicant shall purchase 95.3 metric tons of carbon offsets annually so long as all the electric power associated with the project's indoor cultivation does not come from on-grid power with a 100% renewable source or on-site zero net energy renewable source.

Additionally, the applicant shall submit an interior lighting and electrical plan that identifies the location, manufacturer, and model for all sources of illumination, heating, cooling, and ventilation for Current Planning Division review. The plan shall demonstrate conformance with "Medium-Low energy usage" as defined below (or a similar definition that is determined to be appropriate by the Current Planning Division).

Medium-Low energy usage: High wattage HID fixtures at low light fixture density (greater than 60 sq. ft. per light). Very minimal or no supplemental cooling or heating to grow space. Minimal mechanical ventilation and air circulation (ventilation only used minimally and not continuously to control temperature). No dehumidification, pumping, CO2 production, or additional energy usages.

The Planning and Building Department may adjust the project's carbon offset requirements if the applicant provides usage data showing the electrical power usage is less than initially estimated.

6. The applicant shall prepare a Water Resource Protection Plan to satisfy North Coast Regional Water Quality Control Board's Order No. R1-2015-0023, and the applicant shall implement all corrective actions detailed within the Water Resource Protection Plan (WRPP) developed for the parcel, prepared pursuant to Tier 2 enrollment under the North Coast Regional Water Quality Control Board Cannabis Cultivation Waste Discharge Regulatory Program (Order No. R1-2015-0023). A copy of the

ATTACHMENT 2

STAFF ANALYSIS OF THE EVIDENCE SUPPORTING THE REQUIRED FINDINGS

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

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

- NO** 1. The proposed development is in conformance with the County General Plan;
NO SEE GP 4.3.5, UL-1M12 & 4.8.1, RE
2. The proposed development is consistent with the purposes of the existing zone in which the site is located;
- NO** 3. The proposed development conforms with all applicable standards and requirements of these regulations; **NO - SEE PEED REQUIREMENTS**
- NO** 4. The proposed development and conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare; or materially injurious to property or improvements in the vicinity; **APPLICANT BOASTS ABOUT HIGH RISK WITH CARTEL FENCE; SAFETY PROBLEM. NOBODY WANTS TO LIVE NEXT TO A GROW.**
5. The proposed development does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law (the midpoint of the density range specified in the plan designation) unless the following written findings are made supported by substantial evidence: 1) the reduction is consistent with the adopted general plan including the housing element; and 2) the remaining sites identified in the housing element are adequate to accommodate the County share of the regional housing need; and 3) the property contains insurmountable physical or environmental limitations and clustering of residential units on the developable portions of the site has been maximized; and
6. In addition, the California Environmental Quality Act (CEQA) states that one of the following findings must be made prior to approval of any development which is subject to the regulations of CEQA. The project either:
- a. Is categorically or statutorily exempt; or
 - b. Has no substantial evidence that the project will have a significant effect on the environment and a negative declaration has been prepared; or
 - c. Has had an environmental impact report (EIR) prepared and all significant environmental effects have been eliminated or substantially lessened, or the required findings in Section 15091 of the CEQA Guidelines have been made.

WRONG SEE EXHIBIT SE-1

§ 314-55.4.8.2.1.4	On eligible parcels under 5 acres in size, new cultivation areas must be set back at least 300 feet from existing residences on adjoining parcels.	The proposed cultivation are on the northeastern section of the parcel is 140 feet from the existing residence on APN: 522-211-053. 522-211-038, 522-211-040, 522-211-043? The applicant and the owner of APN: 522-211-053 have executed a signed Neighborhood Cultivation Agreement that gives consent for a reduction of the 300 foot setback (on file).
§314-55.4.8.2.1 Criteria for approval of new outdoor and mix-light cultivation areas:		
Slopes less than 15 percent		The US Geological Survey (USGS) slope map from the County's GIS map shows that the front yard cultivation has a slope of less than 15% while the rear yard cultivation area has a slope of 15-30%. Photos submitted by the applicant and preserved in the project file demonstrate that the USGS slope map is slightly off and the rear yard cultivation area is on a slope of less than 15% but that is near a slope of 30-50+%.
With documented current water right or other non-diversionary source of irrigation water.		The source of water for all cultivation areas would be municipal water and rainwater from the existing shop and residence that will be stored in two 2,500-gallon hard plastic tanks.
Cultivation shall be located on the Prime Agricultural Soils on the parcel and no more than 20 percent of the area of Prime Agricultural soils may be permitted for commercial medical cannabis cultivation.		The site plan contains an overlay that demonstrates nearly the entire site would be on prime agricultural soils, which aligns with the County's prime agricultural soils GIS map. The cultivation areas would occupy less than 20% of the prime agricultural soils on the parcel.
§314-55.4.8.2	In all zones where cultivation is allowed consisting of timberland, the commercial cultivation of cannabis for medical use shall only be permitted within a 3-acre conversion exemption area, or non-timberland open area, subject to the conditions and limitations set forth in this Section.	There is no timberland on the project site.
§314-55.4.8.10 Permit Limit	No more than four commercial cannabis activity permits may be issued to a single person, as defined in the referenced section.	According to records maintained by the Department, the applicant holds no other cannabis activity permits, and is entitled to four. This application is for two permits.
§314-55.4.9.1 Accessory Processing	Processing for cultivation requiring a Special Permit or Use Permit will be considered in the Use Permit application.	All commercial medical cannabis cultivated will be processed at a licensed off-site location.
§314-55.4.9.4 Pre-Application Registration	Existing cultivation sites shall register with the County within 180 days of the effective date of this ordinance.	A Commercial Cannabis Registration Form is not required for applications for new cannabis cultivation.

4. Public Health, Safety and Welfare, and 6. Environmental Impact: The following table identifies the evidence which supports finding that the proposed development will not be detrimental to the public health, safety and welfare or materially injurious to properties or improvements in the vicinity, and will not adversely impact the environment.

1. APPLICANT'S ACTIONS INDICATE A "HIGH RISK" OPERATION TARGET THAT WILL AFFECT RESIDENCE 2. LOSS OF RESIDENTIAL PROPERTY VALUES

Code Section	Summary of Applicable Requirements	Evidence that Supports the Required Finding
§312-17.1.4	The proposed development will not be detrimental to the public health, safety and welfare, and will not be materially injurious to properties or improvements in the vicinity.	The Department finds that the proposed project would not be detrimental to the public health, safety, and welfare since no reviewing referral agencies have recommended denial of the proposed project and the commercial cannabis operation would be conducted in accordance with the properties or performance standards set forth in the CMMLUO. The project as proposed and conditioned is consistent with the general plan and zoning ordinances; and the proposed project is not expected to cause any environmental damage.
§§15301, 15303, and 15304 (a) of CEQA	Categorically exempt from State environmental review.	The project is categorically exempt from CEQA pursuant to CEQA Exemption Sections Class 1, Section 15301 (Existing Facilities), Class 3, Section 15303 (New Construction or Conversion of Small Structures), and Class 4, Section 15304 (Minor Alterations to Land). Per the submitted evidence and agency responses, none of the exceptions to the Categorical Exemption per Section 15300.2 of the State CEQA Guidelines apply to this project.

5. Residential Density Target: The following table identifies the evidence which supports finding that the proposed project will 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.

Code Section	Summary of Applicable Requirement	Evidence that Supports the Required Finding
17.1.5 Housing Element Densities	The proposed development shall not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law (the midpoint of the density range specified in the plan designation), except where: 1) the reduction is consistent with the adopted general plan including the housing element; and 2) the remaining sites identified in the housing element are adequate to accommodate the County share of the regional housing need; and 3) the property contains insurmountable physical or environmental limitations and clustering of residential units on the developable portions of the site has been maximized.	As discussed above the property was not included in the 2014 Housing Inventory because of the land use designation and zoning. It is developed with a single family residence which will remain. The project is in conformance with the standards in the Housing Element.

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. (Application form 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) **WRONG! APPLICANT EXHIBITS MADE NO REAL EFFORT TO INDICATE INFLUENCES SEE EXHIBIT SE-1**
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; and proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel; and includes 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. (Attached)
7. Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the North Coast RWQCB demonstrating enrollment in Tier 1, 2 or 3, North Coast RWQCB Order No. 2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (On file)
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)

I. Site Plan Overview

1.0 Project Information

The Emerald Kid ("Applicant") is submitting this application for a Use Permit for a Mixed Light and indoor commercial cannabis cultivation on a 2.64-acre parcel, located in Willow Creek, CA ("Parcel"), Assessor's Parcel Number 522-211-055. This application is submitted through his agent, Kaylie Saxon of Green Road Consulting, Inc., and has been prepared in accordance with Humboldt County's ("County") Commercial Medical Marijuana Land Use Ordinance ("CMMLUO").

The Use Permit would achieve the following results for the Applicant:

- a. Permit 5,000 square feet of new Mixed Light commercial cannabis cultivation activities that were not in existence prior to January 1, 2016, in compliance with the County CMMLUO.
- b. Permit 1,600 square feet of new indoor commercial cannabis cultivation activities in an existing non-residential structure that were not in existence prior to January 1, 2016, in compliance with the County CMMLUO.
- c. Comply with applicable standards for water quality maintenance and watershed protection through the Waiver of Waste Discharge requirements of the North Coast Regional Water Quality Control Board ("Water Board") and California Department of Fish and Wildlife ("Fish and Wildlife").

2.0 Project Location

The Applicant's Parcel is located in the inland zone of Humboldt County near Willow Creek, CA. The 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 95540.

2.1 Zoning Classification

The County's Zoning Classification of the Parcel is AG [GenUse: AS(WCCP)] with a General Plan Description of AG:B7. The CMMLUO permits new Mixed Light and Indoor commercial cannabis cultivation on land zoned as AG with cultivation sites up to 5,000 square feet each with a Use Permit on parcels less than five (5) acres in size providing the land contains Prime Ag soil, slopes of less than 15%, and a non-diversionary source of water. The Parcel is zoned AG and meets all of the zoning requirements for a new cannabis cultivation site and the Applicant will be using less than 20% of the prime soil available.

2.2 Site Topography

A map of the Parcel's topography is included as Attachment "A."

3.0 Easements

NEED TO GET THE BEST OF THE DEED INFORMATION
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.

SEE EXHIBIT SE-2

"That real property situate in the County of Humboldt, State of California, described as follows:

1. 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.

2. 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."



3. CCR'S TO FINISH THE STORY SEE EXHIBIT SE-2

4.0 Natural Waterways

There currently are not any natural waterways identified on the Parcel. Green Road Consulting, Inc. will be conducting a site visit to complete the applicant's Water Resource Protection Plan ("WRPP") and will identify if there are any natural waterways on the Parcel. A WRPP will be in place once the Applicant begins cultivating.

5.0 Location and Area of Proposed Cultivation

The 5,000 square feet of Mixed Light cannabis cultivation is proposed to occur in two (2) locations on the Parcel and the Indoor cannabis cultivation is proposed to occur in one (1) location, the existing Shop. The proposed cultivation areas can be viewed on the Site Plan, included in the Site Plan of Entire Parcel section of this application.

Mixed Light Cultivation Area

It is proposed that the Mixed Light Cultivation Area be located behind and in front of the residence. The cultivation will be in greenhouse structures that are situated within the Prime Ag soil available. The Mixed Light Cultivation Area will meet all set back and buffer zone requirements set by the County and the Water Board.

TOO BAD FOR THE NEIGHBOR'S
FENCE IS TO PREVENT HARM TO HIM

The Parcel is fenced is accessed through a locked automatic gate. Gates are of heavy steel construction and an electronic lock is installed. The parcel is secured by Advanced Security including motion sensors, cameras and alarms.

NOT TRUE, APPLICANT LIED
INSTALLED PRIOR TO RECEIVING SPOR CUP

7.0 Consent and Acknowledgments

The Applicant consents for onsite 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.

The Applicant acknowledges 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 section 55.4.10(k), (m), and (n) in the event that environmental conditions, such as a sustained drought or low flows in the watershed will not support diversions for irrigation.

The Applicant acknowledges 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).