



**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: December 3, 2020

To: Humboldt County Planning Commission

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

Subject: **The Emerald Kid, Inc Conditional Use Permit Modification**  
Record Number: PLN-2020-16323  
Assessor's Parcel Numbers (APNs): 522-211-053 and 522-211-055  
50 Stagecoach Lane and 100 Stagecoach Lane, Willow Creek

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Please contact Stephen Luther, Planner, at 707-268-3737 or by email at [sluther@co.humboldt.ca.us](mailto:sluther@co.humboldt.ca.us), if you have any questions about the scheduled public hearing item.

## AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
December 3, 2020	Conditional Use Permit Modification	Cliff Johnson

**Project Description:** A modification to approved Record Nos PLN-12251-CUP (CUP16-582) and PLN-12011-CUP (CUP16-498) on APNs 522-211-055 and 522-211-053. The modification seeks a Microbusiness permit for 10,000 square feet (SF) of cultivation, distribution, and manufacturing without the use of solvents. The applicant is seeking to modify the permitted cultivation area to measure less than 10,000 SF for the purposes of meeting the definition of a microbusiness. Up to 8,400-square-feet is mixed-light and up to 1,600-square-feet is indoor. The mixed-light cultivation occurs in three (3) greenhouse structures with exterior dimensions totaling 10,000 square feet, while the indoor cultivation building exterior dimensions measure 1,600 square feet. While the County defines cultivation by the exterior dimensions, State law allows cultivation canopy to be measured by the interior dimensions of rows. The interior cultivation area does not exceed 8,400 square feet in the greenhouses, and the maximum extent of indoor is 1,600 square feet. Because the intent of the County definition of microbusiness is to align with the State license type, by meeting the cultivation area threshold of less than 10,000 square feet by State definitions, the project therefor complies with County code. The project proposes a new 2,142 (21'x102') SF nursery addition to the north wall of the existing greenhouse on APN 522-211-055 to use for clones and genetic production for use on-site or for wholesale off-site. The operation seeks authorization for distribution use to allow for two vans to make deliveries only for products grown and/or made on-site. An existing 2,000 SF (50'x40') multi-use building is equipped with a dry room, a trimming room, office, and ADA-restroom. The modification proposes to use the 224 SF Office section of the multi-use building to make bubble hash and live rosin using ice water extraction. Water is sourced from the Willow Creek Community Services District, which has provided will-serve letters for the subject parcels and supplemented by rainwater catchment with 10,000 gallon storage capacity. Energy is sourced from P.G.&E. and carbon credits are purchased to meet the renewable standard. The applicant is proposing to locate a 150 kw generator onsite for backup in case of emergency power shutoff. The applicant is also seeking to permit two concrete soil bays to allow soil management best practices. Up to 15 employees would be utilized for the operation. The project site meets the standards for public accommodations and is requesting permission to operate as a tour site.

**Project Location:** The project is located 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:** Agricultural General (AG), Special Building Site (B-7(1))

**Record Number:** PLN-2020-16323

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

Applicant	Owners	Agent
The Emerald Kid, Inc	Lucas Sanders	Kimberly Sanders
Lucas Sanders	PO Box 237	N/A
PO Box 237	Willow Creek, CA 95573	& 914 Quarry Street
Willow Creek, CA 95573		Petaluma, CA 94954

**Environmental Review:** The project is exempt from environmental review per Sections 15301 (Existing Facilities) and 15303 (New Construction or Conversion of Small Structures) of the California Environmental Quality Act (CEQA) Guidelines.

**State Appeal Status:** Project is located outside the Coastal Zone and is therefore NOT appealable to the California Coastal Commission

**Major Issues:** None

**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 that the Commission has considered project exempt from environmental review pursuant to Sections 15301 and 15303 of the State CEQA Guidelines, make all of the required findings for approval of the Conditional Use Permit Modification and adopt the Resolution approving The Emerald Kid, Inc Conditional Use Permit Modification as recommended by staff subject to the recommended conditions*

**Executive Summary:** The Emerald Kid seeks approval of a Modification to two Conditional Use Permits and a Special Permit: PLN-12251-CUP (CUP16-582 and SP16-460) and PLN-12011-CUP (CUP16-498) on APNs 522-211-055 and 522-211-053. Application 12251 approved 5,000 square feet of new mixed-light cultivation and 1,600 square feet of indoor cultivation. Application 12011 approved 5,000 square feet of mixed-light cultivation. The applicant is seeking to modify the approvals to meet the requirements for a Microbusiness license type allowed under State law.

The microbusiness permit would be comprised of a less than 10,000-square-foot cultivation operation; distribution of products grown and produced on-site; and manufacturing without the use of solvents. The applicant is seeking to modify the permitted cultivation area to measure less than 10,000 square feet (SF), of which up to 8,400 SF is mixed-light and up to 1,600 SF is indoor. The mixed-light cultivation occurs in three (3) permitted greenhouse structures with exterior dimensions totaling 10,000 square feet. The indoor cultivation building exterior dimensions measure 1,600 square feet. While the County defines cultivation by the exterior dimensions of structures, State law allows cultivation area to be measured by the maximum extent of flowering canopy (i.e. excluding walkways). The maximum extent of canopy in the mixed-light cultivation greenhouses is no more than 4,200 SF on APN 522-211-053 and no more than 4,200 SF on APN 522-211-055, for a total of 8,400 SF mixed-light canopy. Although approximately 1,000 SF of indoor is cultivated as measured by canopy, the applicant requests to keep the entitlement at 1,600 SF in case a system is designed to utilize the entire floor area of the indoor building. Because the intent of the County definition of microbusiness is to align with the State license type, by meeting the cultivation area threshold of less than 10,000 square feet by State definitions of canopy, the project complies with County code. The applicant will continue to pay County cultivation tax on the square footage of the buildings i.e. 10,000 SF of mixed-light and 1,600 SF indoor.

The project proposes a new 2,142 (21'x102') SF nursery addition to the north wall of the existing greenhouse on APN 522-211-055 to use for clones and genetic production for use on-site or for wholesale to licensed cultivators off-site. The operation seeks authorization for distribution use to allow for two vans to make deliveries only for products grown and/or made on-site. An existing 2,000 SF (50'x40') multi-use building is equipped with a dry room, a trimming room, office, and ADA-restroom. The modification proposes to use the 224 SF section of the multi-use building to make bubble hash and live rosin using ice water extraction. A washing machine, deep freezer, bubble bags and rosin press are the only equipment needed for this solventless manufacturing process. Water is sourced from the Willow Creek Community Services District, which has provided will-serve letters for the subject parcels. Energy is sourced from 100% renewable power purchased through P.G.&E. The applicant is proposing to locate a generator onsite for backup in case of emergency power shutoff. The applicant is also seeking to add two concrete soils bays to allow soil management best practices. Up to 15 employees would be utilized for the operation.

**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, a private drive serving 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, totaling 29 parking spaces, a 25' x 8' area for parking two distribution vans, and a paved ADA parking area. There would be a peak of 15 employees onsite. Two distribution drivers would make two deliveries each per day. The maximum extent of tourist activity would be five tours per day, limited to twelve vehicles. The maximum trips per day generated by the project is 62 trips per day. The actual number would be lower as cannabis tours will employ vanpooling, and tours can be scheduled at off-peak hours when not all employees are present.

### **Public Accommodations**

The site is served by an ADA restroom with a permitted sewage disposal. The access roads Brannan Mountain Road and Stagecoach Lane are paved. The applicant plans to pave the driveway access which is currently gravel. 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. The project is located within the Willow Creek Volunteer Fire Department jurisdiction. No comment was received on the public accommodation proposal. A condition of approval requires that prior to hosting any public visitation, the applicant provide confirmation from Willow Creek VFD that the site meets the driveway and turnaround standards for that jurisdiction.

### **Water Sources**

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 applicant has two 5,000-gallon hard plastic water tanks to catch rainwater from the existing shop and guttered greenhouses. Rainwater is used to irrigate the cannabis in addition to water sourced from the Willow Creek Community Services District.

Prior water usage for the cultivation was approved at 62,100 gallons annually for the indoor and 186,300 gallons annually for the mixed-light cultivation. Estimated water usage will decrease with the additional veg space due to smaller pots being used for the 1-3 weeks they are living in the proposed veg/nursery greenhouse. Revised water use estimates are 42,000 gallons for the indoor and 180,000 gallons for the mixed-light. The estimated water use for ice water extraction will be about 20,000 gallons. Total annual estimated water use is 242,000 gallons. 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. All wastewater will be fed back into flowering cannabis plants.

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

The applicant sources grid electricity through P.G.&E. The applicant has been in compliance with the performance standards of the CMMLUO requiring the purchase of carbon credits for indoor cultivation. This modification brings the energy demand for the entire operation into the CCLUO requirement for renewable energy, including mixed-light cultivation greenhouses, nursery, and the multi-use processing building. The applicant will be purchasing additional carbon credits to meet this standard. An ongoing operational condition requires the applicant keep records of energy bills and furnish proof of carbon credit purchases sufficient to offset the non-renewable energy demand of the project. The original Conditional Use Permit included conditions of approval to meet the standards for noise and light

prevention. The project is further conditioned such that no light from the mixed-light greenhouses shall escape from sunset to sunrise.

The modification seeks approval for a 150 kW generator on-site for use as a back-up power source in case of emergency power outage. P.G.&E. grid power is subject to planned safety power shutoff (PSPS) events due to wildfire conditions in California, as well as occasional unplanned power outages. The applicant requires a backup power source for these instances of power outage. The generator is housed in a containment structure and would comply with noise standards when in use. The generator is rated at less than 50 decibels 30 feet away.

### **Public Notice**

The project is in the Willow Creek Community Planning Area. A notice was sent on August 5, 2020 to all property owners and occupants within one thousand feet of the parcel. One comment letter was received that incorrectly stated processing activities would occur 310 feet away from a school. The Trinity Valley Elementary School property boundary is over 600 feet away from the subject parcel boundary. The comment letter raises a concern about groundwater saturation and runoff to waterways. The operation utilizes precise nutrient feeding and water recycling such that no groundwater saturation occurs. A concern was raised about foot traffic creating a safety hazard on Brannan Mountain Road. Employees will commute to the site, and while automobiles will likely be the predominant trip type, pedestrians or bicycles may use the road as well.

New development from this modification consists of a nursery greenhouse and construction of two concrete soil bays. The nursery will be built on the north wall of an existing greenhouse. The new construction occurs in an existing disturbed area and does not have the potential to impact species of concern. The concrete will be poured on an area that is already a soil containment location. The foundation would allow soil to rest and be reused, while avoiding any potential surface runoff. No biological resources would be impacted by the proposed modification.

Environmental review for the proposed project was conducted, and based on the results of that analysis, staff determined the distribution and manufacturing facility aspects of the project can be considered Exempt under CEQA Guidelines Section 15301 Existing Facilities because it consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing private structures involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination; and "New Construction or Conversion of Small Structures" as defined by Section 15303 of the CEQA guidelines because it involves the construction of a small structure.

**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 Modification (CUP).

**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 CEQA exempt 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 20-  
Record Number PLN-2020-16323  
Assessor's Parcel Numbers: 522-211-053 and 522-211-055

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

**WHEREAS, The Emerald Kid, Inc,** submitted an application and evidence in support of approving a modification to a Conditional Use Permit for Record Nos PLN-12251-CUP (CUP16-582) and PLN-12011-CUP (CUP16-498). The modification seeks a microbusiness permit, based on the following modifications: define the cultivation area as less than 10,000 square feet to qualify for a microbusiness license; add distribution for products grown or made on the premises consisting of two delivery vehicles; and manufacturing without the use of solvents in an existing multi-use building. The applicant is also proposing to construct a 2,142-square-foot nursery addition to the north wall of an existing greenhouse for use on site or to be taken off-site for wholesale to licensed cultivators. The modification would also clarify there would be up to fifteen (15) employees at peak activities. Two concrete soil bays would be constructed. The applicant requests public visitation be allowed by authorized cannabis tours.

**WHEREAS,** The County Planning Division, the lead agency, prepared an Addendum to the Final Environmental Impact Report 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 previous mitigated negative declaration. 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

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

- 1. FINDING:**                   **Project Description:** The application seeks a Modification to Conditional Use Permits to seek a microbusiness permit for 10,000 square feet of cultivation; distribution for products grown or made on the premises; and manufacturing without the use of solvents in an existing multi-use building. The applicant is also proposing to construct a 2,142-square-foot nursery addition to the north wall of an existing greenhouse. The modified permit would allow up to fifteen (15) employees at peak activities. Two concrete soil bays would be constructed. The applicant requests public visitation be allowed by authorized cannabis tours.

**EVIDENCE:**   a) Project File: PLN-2020-16323

- 2. FINDING:**                   **CEQA.** The project is exempt from CEQA per Section 15301 Existing Facilities and 15303 New Construction or Conversion of Small Structures.

**EVIDENCE:** a) Environmental review was conducted for this project. Based on the results of that analysis, staff has determined that the proposed modification to a microbusiness with distribution and non-volatile manufacturing can be considered “Existing Facilities” per Section 15301 of the California Environmental Quality Act (CEQA) Guidelines, and the proposed construction of a new nursery greenhouse on the side of an existing greenhouse can be considered “New Construction or Conversion of Small Structures” as defined by Section 15303 of the 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 agriculture and Intensive Agriculture are allowable use in the Residential Estates 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- B(7) zone in which the site is located.

**EVIDENCE** a) The Agriculture General or AG Zone is intended to be applied to areas of the County in which general agriculture and residential uses are the desirable predominant uses.

b) All general agricultural uses, including agricultural uses and structures, are principally permitted in the AG zone.

c) Humboldt County Code section 314-55.4.10.3 allows microbusiness activities subject to a Special Permit in any of the zones in which authorized cannabis activities is a permitted use, including AG. The application is seeking a microbusiness consisting of 10,000 square feet of cultivation area, distribution, and non-volatile manufacturing.

**5. FINDING** The proposed development is consistent with the requirements of the CCLUO Provisions of the Zoning Ordinance.

**EVIDENCE** a) The CCLUO defines a Microbusiness as a facility host to several Commercial Cannabis Activities under a single license including cultivation on an area less than 10,000 square feet, distribution, manufacturing without use of volatile solvents, and retail sales.



- b) The intent of the microbusiness permit type is to align with the Bureau of Cannabis Control microbusiness license (Type M). The BCC defines cultivation area by the width of beds within greenhouses, while the County defines cultivation area by the exterior dimensions of greenhouses. Measured by the width of the beds per State law, the cultivation area is less than 10,000 square feet and qualifies for a microbusiness. The beds within the 10,000 square foot mixed-light cultivation area measure less than 8,400 square feet. Excluding rows, the indoor cultivation area is approximately 1,000 square feet but no more than 1,600 square feet. By adhering to BCC definitions of cultivation for the purposes of obtaining a microbusiness license, County code is satisfied. The applicant will continue to pay the County cultivation tax for the cultivation area as measured by the exterior dimensions of permitted cultivation buildings (10,000 square feet mixed-light and 1,600 square feet indoor).
- c) The site meets the eligibility requirements for a microbusiness as described in 55.4.10.3 of the CCLUO. Distribution and Non-volatile manufacturing are allowed activities per 55.4.7.1 and 55.4.8.2.2.
- d) The parcel was 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.
- e) The project will obtain water from the Willow Creek Community Services District and supplement with rainwater catchment, a non-diversionary water source.
- f) 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 proposed five tours on five days a week. The site can accommodate up to 12 personal vehicles.
- g) The location of the cultivation complies with all setbacks and performance standards of the CCLUO.
- h) The project is in the Willow Creek Community Planning Area and was noticed on August 5, 2020 to all surround property owners within 1000 feet.

## 6. FINDING

The operation of a microbusiness consisting of less than 10,000 square feet of cannabis cultivation, distribution, manufacturing without the use of solvents, and public accommodations and the conditions under which it may be operated or maintained 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 paved County-maintained road that the Public Works-Land Use Division has classified as the functional equivalent of a Category 4 road that can safely accommodate the amount of traffic.
  - b) The site has been operating in compliance with the permitted cultivation since March 2018 without complaint. The proposal to modify to a microbusiness with the addition of distribution, solventless manufacturing and employees will not change the existing land use.
  - c) The location of the operation is more than 300 feet from the nearest off-site residence and more than 600 feet from any school, school bus stop, or church.
  - d) Irrigation water will be sourced from the Willow Creek Community Services District.

**7. FINDING** 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**
- a) The parcel was not included in the housing inventory of Humboldt County's 2019 Housing Element. The approval of cannabis cultivation on this parcel will not conflict with the ability for a residence to be constructed on this parcel.

## **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 hereto as Attachment 1 and incorporated herein by reference; and

Adopted after review and consideration of all the evidence on December 3, 2020

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

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

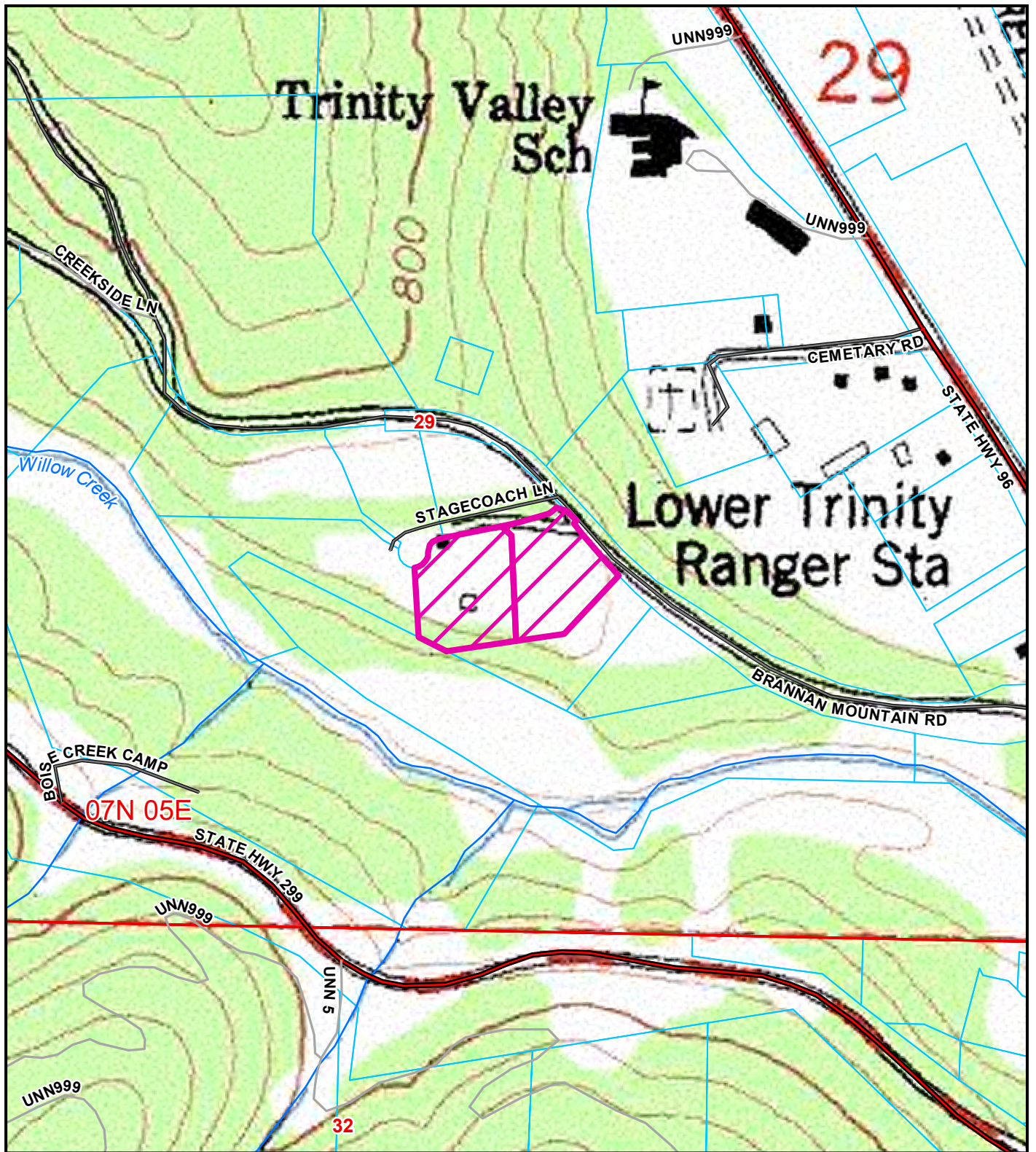
ABSTAIN: COMMISSIONERS:

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.

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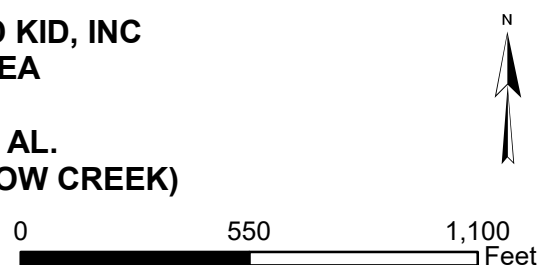
John Ford, Director  
Planning and Building Department



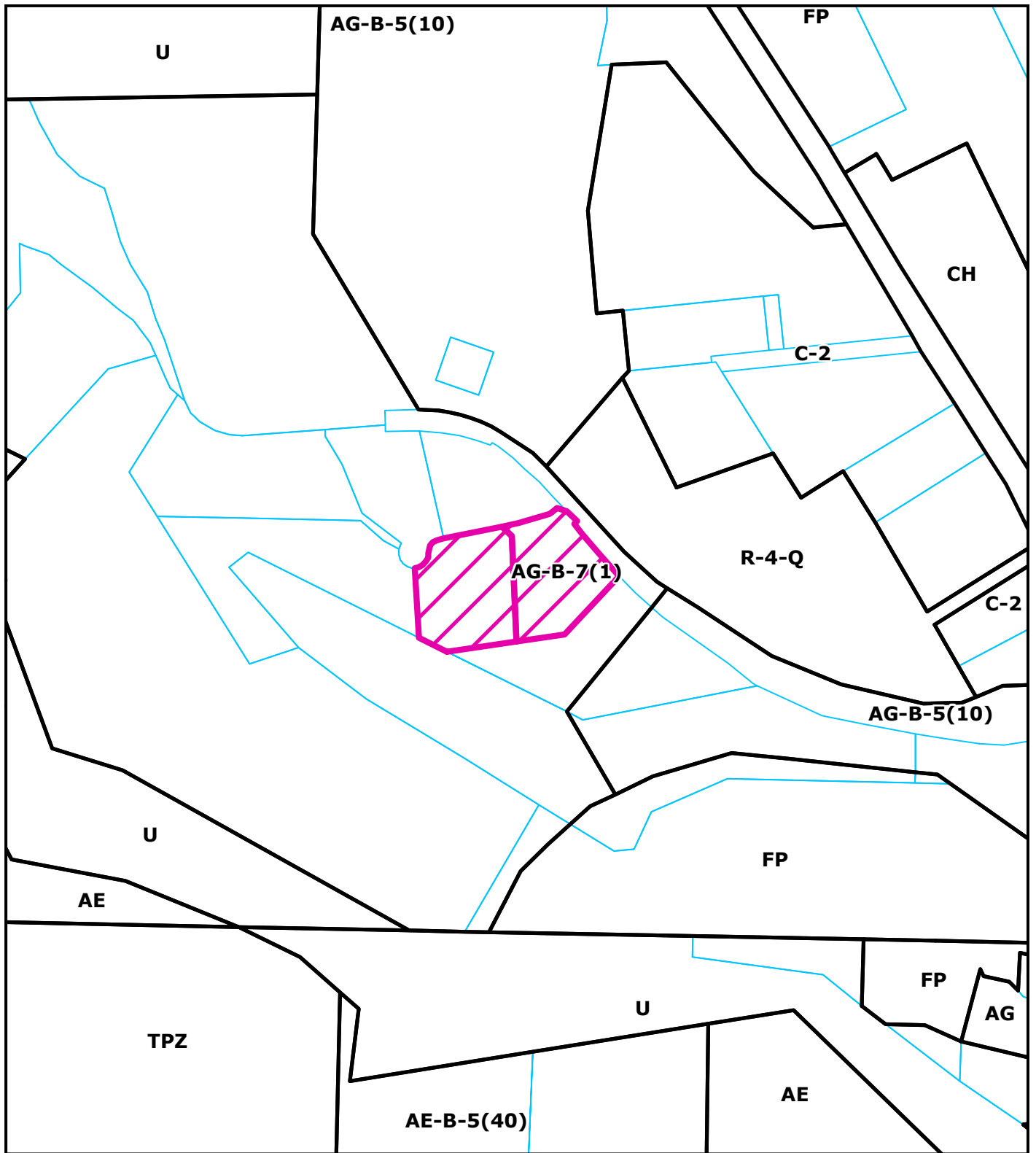
Project Area = 

**TOPO MAP**  
**PROPOSED THE EMERALD KID, INC**  
**WILLOW CREEK AREA**  
**PLN-2020-16323**  
**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.







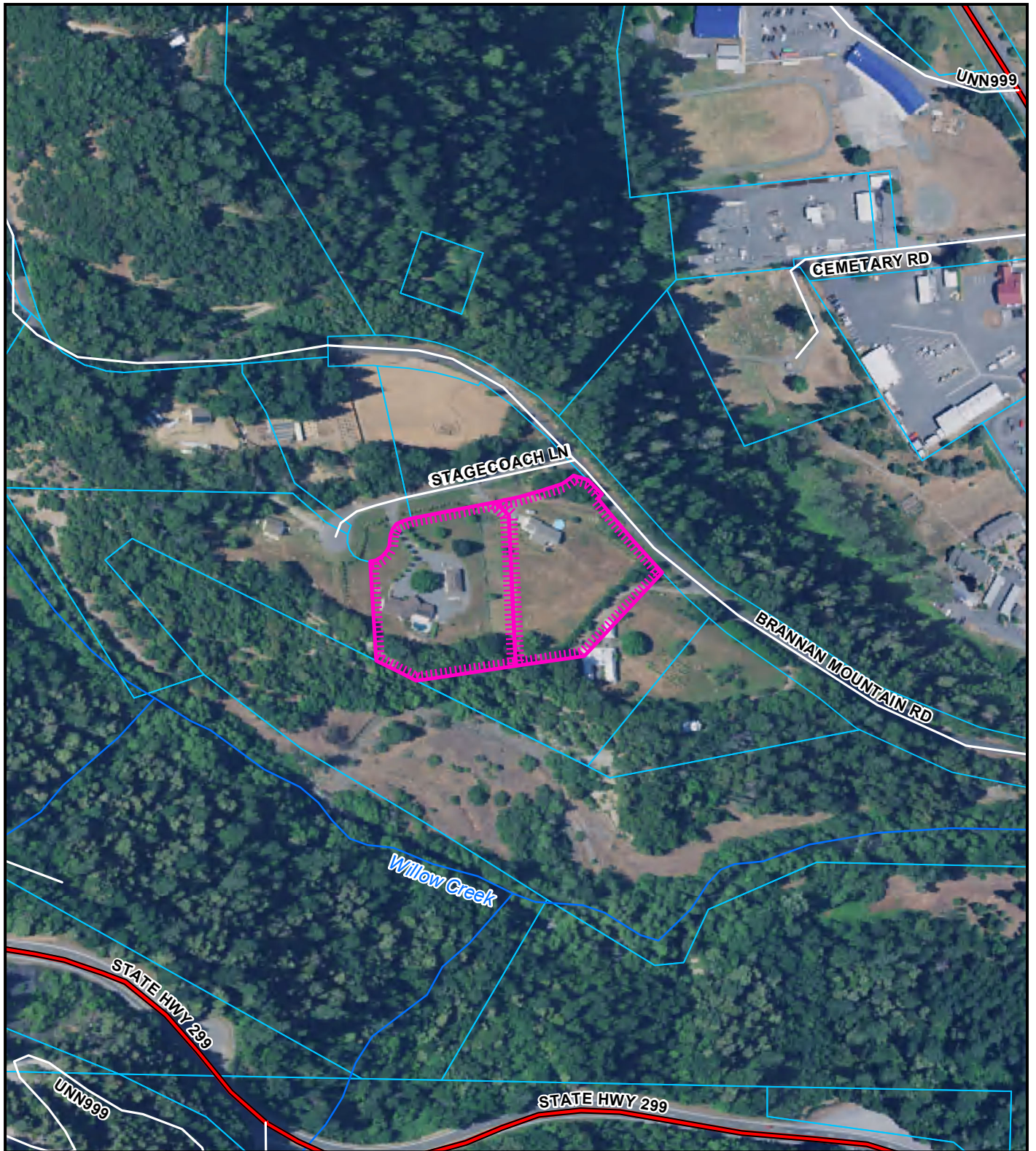
Project Area = 

**ZONING MAP**  
**PROPOSED THE EMERALD KID, INC**  
**WILLOW CREEK AREA**  
**PLN-2020-16323**  
**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.

0 550 1,100 Feet





Project Area = 

**AERIAL MAP  
PROPOSED THE EMERALD KID, INC  
WILLOW CREEK AREA  
PLN-2020-16323  
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.

0 410 820 Feet





THE EMERALD KID  
APN:522-211-55



VICINITY MAP  
NOT TO SCALE



IMAGE SOURCE: ESRI 2018

AERIAL MAP



IMAGE SOURCE: BING 2018

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  
MCKINLEYVILLE, CA 95519  
707-630-5041

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

PROJECT INFORMATION

PROPERTY OWNER KIMBERLY SANDERS & LUCAS SANDERS

ADDRESS 100 STAGECOACH LANE & 50 STAGECOACH LANE WILLOW CREEK, CA 95573

SHEET INFO

COVER PAGE

REVISIONS		
NO.	NOTES	DATE

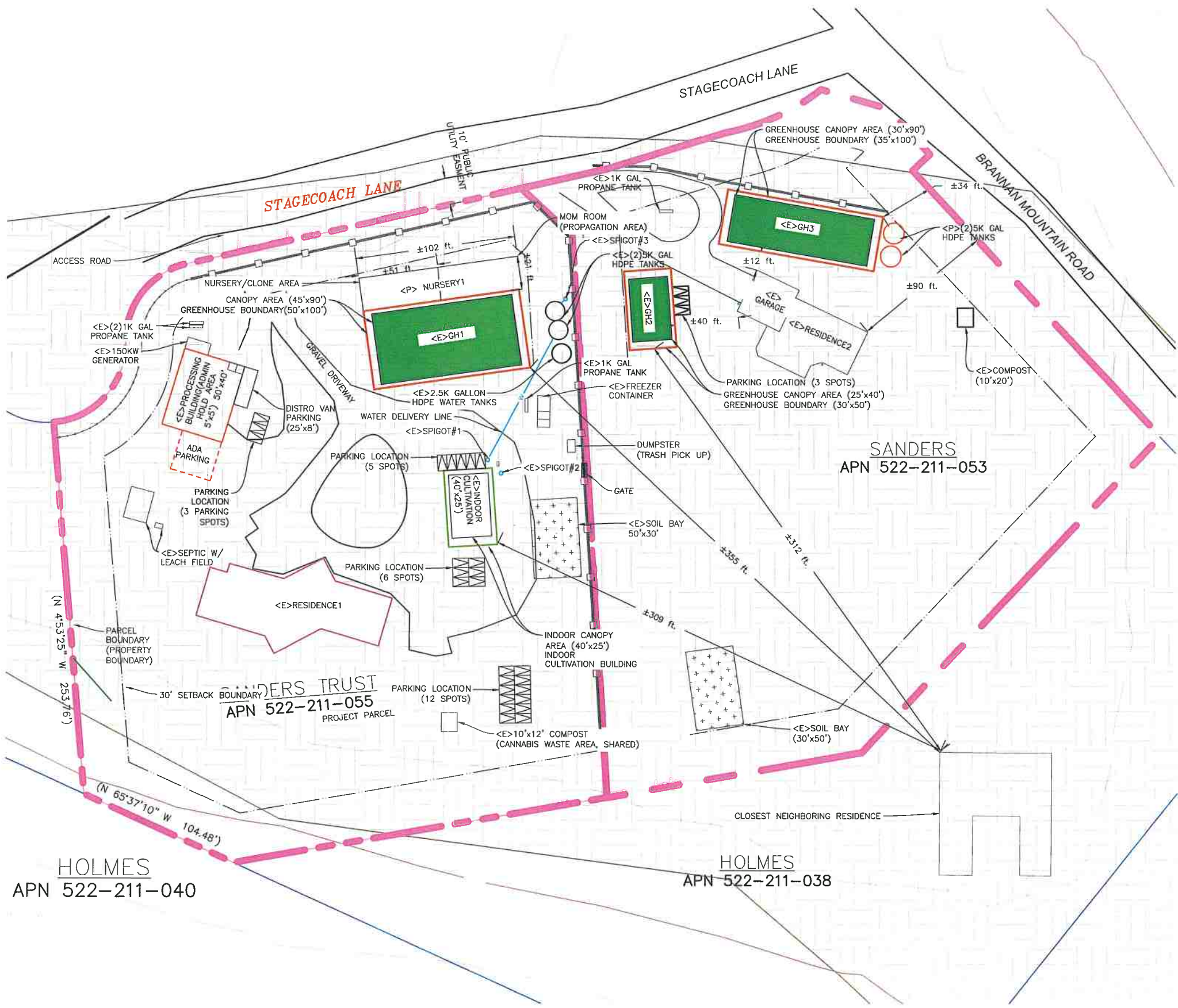
DATE 10/30/20  
DRAFTER DDV  
SCALE AS SHOWN

SHEET  
CP



PARCEL OVERVIEW

APN: 522-211-55



CULTIVATION INFORMATION

MIXED LIGHT CULTIVATION AREA

GH	LENGTH	WIDTH	SQ. FT
1	90	45	4,050
2	40	25	1,000
3	90	30	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

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

CULTIVATION BUILDINGS AND USE

BUILDINGS	USE	SIZE	YEAR
INDOOR CULTIVATION BUILDING	INDOOR CULTIVATION	50'x32'	2009
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
HDPE TANK	40.9460, -123.6420	2	5,000	10,000
HDPE 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 DYLAN L. KOLSTAD, LS 8152, ON FILE AT KOLSTAT LAND SURVEYORS.

LEGEND

- PRIME AG SOIL
- PROPERTY SETBACK BOUNDARY
- PROPERTY SETBACK VARIANCE BOUNDARY
- FENCE LINE

PROJECT INFORMATION

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

REVISIONS

NO.	NOTES	DATE

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

10/30/2020 - K:\Projects\New Hu\10111 Emerald Kid\CAD\CULTIVATION\MAPS\SEW-CUL-211-055.dwg - 10:24 AM - GRC



## ATTACHMENT 1

### RECOMMENDED CONDITIONS OF APPROVAL

Approval of the Modification to the Conditional Use Permits is conditioned on the following terms and requirements which must be satisfied before release of the building permit or initiation of operations, whichever occurs first.

#### Section 1: Development Restrictions

1. The applicant shall comply with all terms of the initial approval of Records PLN-12251-CUP and PLN-12011-CUP excepting those modified herein.
2. Structures used for Mixed Light Cultivation and Nurseries shall be shielded such that no light escapes between sunset and sunrise.
3. Grid power shall be supplied by renewable energy purchased through P.G.&E. energy grid mix, and the applicant will purchase carbon offset credits for the remainder of the non-renewable energy mix.
4. This permit does not authorize the sale of cannabis products on-site.
5. Prior to hosting any public visitation, the applicant will provide confirmation from Willow Creek VFD that the site meets the driveway and turnaround standards for that jurisdiction.
6. Hours of operation for public access other than employees shall be limited to between 9:00 am to 6:00 pm. Restroom facilities shall be provided for visitors to the site.
7. All facilities open to the public shall be designed and managed in compliance with relevant provisions for accessibility. Agriculturally Exempt buildings are not open to the public.

#### A. General Conditions

1. The applicant is responsible for obtaining all necessary County and State permits and licenses, and for meeting all requirements set forth by other regulatory agencies.
2. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Planning and Building Department will provide a bill to the applicant after the decision. Any and all outstanding planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
3. 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.
4. A Notice of Exemption (NOE) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. **Within three days of the effective date of permit approval**, it is requested that the applicant submit a check or money order for the required filing fee

in the amount of \$50 payable to the Humboldt County Clerk/Recorder. If this payment is not received within this time period, the Department will file the NOE and will charge this cost to the project.

5. The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency (CUPA) 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.

**Informational Notes:**

1. This provisional permit approval shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"), except where building permits have been secured and/or the use initiated pursuant to the terms of the agreement, the use is subject to the Permit Duration and Renewal provisions set forth in Humboldt County Code.
2. If cultural resources are encountered during construction activities, the contractor on-site shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist and the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and the lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, shellfish or faunal remains, and human burials. If human remains are found, California Health and Safety Code 7050.5 requires that the County Coroner be contacted immediately at 707-445-7242. If the Coroner determines the remains to be Native American, the Native American Heritage Commission will then be contacted by the Coroner to determine appropriate treatment of the remains pursuant to Public Resources Code (PRC) Section 5097.98. Violators shall be prosecuted in accordance with PRC Section 5097.99.

## ATTACHMENT 2

### 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. (Site Plan prepared by Green Road Consulting stamped received 10/30/2020 – Attached with project 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. (Cultivation and Operations Plan prepared by Green Road Consulting and The Emerald Kid received 11/4/2020 - 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 Intent and Monitoring Self-Certification and other documents filed with the North Coast Regional Water Quality Control Board demonstrating enrollment in Tier 1, 2 or 3, North Coast Regional Water Quality Control Board Order No. 2015-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
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.
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 55.4.12.5 (Attached- Operations Plan)
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. Division of Environmental Health Attachment for Commercial Medical Marijuana (CMM) Clearances/ Permits (DEH Form). (On-file)



## Site Plan Overview and Cultivation and Operations Plan

### Applicant/Owner

The Emerald Kid  
100 Stagecoach Lane  
Willow Creek, CA 95573  
50 Stagecoach Lane  
Willow Creek, CA 95573



### Agent

Kaylie Saxon  
Green Road Consulting  
1650 Central Avenue, Suite C  
McKinleyville, CA 95519

### **Modification to Existing Permits**

CUP 16-582  
SP 16-460  
CUP 16-498

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## I. Site Plan Overview

### 1.0 Project Information

The Emerald Kid (“Applicant”) is submitting this modification to approved Application No. 12251 on APN 522-211-055 and No. 12011 on APN:522-211-053 to allow combined activities associated with two Use Permits (CUP16-582 & CUP16-498) and one Special Permit (SP16-460) located on adjacent parcels, one a 2.64-acre parcel and the other a 2.80-acre parcel located in Willow Creek, CA, Assessor’s Parcel Number 522-211-055 and 522-211-053. This modification has been prepared in accordance with Humboldt County’s (“County”) Commercial Medical Marijuana Land Use Ordinance (“CMMLUO”) and also the CDFA regulations for a Microbusiness.

This Modification would achieve the following results for the Applicant:

- a. Acknowledge that the permitted mixed light greenhouse CUP 16-582 is 5000sq ft of structure/land use but only has a max 4200sq ft of cannabis canopy. Acknowledge that the permitted mixed light greenhouses on CUP 16-480 equals 5000sq ft of structure/land use but only has a max 4200sq ft of cannabis canopy. Keep indoor flowering cultivation canopy on SP 16-460 at 1600sq ft. (Total combined flowering canopy of 10,000sq ft)
- b. Permit a 21’x102’ addition (it will be attached via north wall) to the current permitted greenhouse on APN: 522-211-055 for a split in half clone room and mother room (1071sq ft each) to feed the combined 10,000sq ft of mixed light and indoor cultivation on the parcels. Allow for the wholesale of clones to outside farms out of this facility. (not retail)

- c. Permit a 50'x40' building on APN 522-211-055 with a slab for drying, trimming, packaging, ice water extraction and distribution, as well as an ADA bathroom for use by both operations.
- d. Permit a backup generator in-case of PG&E power outages (for site APN: 522-211-055). It is enclosed in a noise and weather resistant shell.
- e. Permit two 30x50 foot concrete soil bays, one per parcel, for the ability to rest, re-amend, and reuse soils.
- f. Combine all permits into a microbusiness permit and allow for employees.

## **2.0 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 new cannabis cultivation site and the Applicant will be 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."

## **3.0 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 situate 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.

**4.0 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 permits.

**5.0 Location and Area of Proposed Support Facilities**

Nursery/Mom Area

The Applicant is proposing to construct 2142sq ft new nursery/mother space to feed the 4200sq ft mixed light and 1600sq ft of indoor cultivation on APN:522-211-055 as well as the 4200sq ft of mixed light cultivation on the adjacent parcel APN:522-211-053. This nursery/mother house will be attached to the north side of the current steel and polycarbonate greenhouse on APN:522-211-055 and will measure 21'x102' in exterior dimension.

Drying/Processing Area

The Applicant is proposing to use the 50'x40' processing building on the north/west section of the 522-211-055 parcel as a drying room, trimming room, packaging room, and a bubble hash/rosin manufacturing room for all operation on the parcels. Each room inside the building is specifically designed to the highest standards for small scale drying, trimming, packaging, and ice water extraction for the applicant's products. The building will also include an ADA bathroom and parking for employees.

Generator

The Applicant has added a back-up 150Kw propane generator for the entire facility on APN:522-211-055 in the case of a power outage, so cultivating or harvested cannabis isn't ruined, and employees work hours are never affected. The generator will not read higher than 50dB(A) at 30 ft and will only be used in the event of a power outage. If commercial greenhouses are built out

on APN:522-211-053, a generator will also be added to that parcel for backup and all guidelines will be met.

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

The applicant would like the ability to pour one concrete slab per parcel to be used as a soil bay with the max dimensions of 30'x50' or 1500sq ft each. The applicant uses approximately 50 yards of soil per 5000sq ft of greenhouse. These soil bays will keep the soil off the ground and allow the applicant to reuse all his soil. The applicant will be allowing the soil just cultivated in to rest for 3 months while also being tested and re-amended if necessary. While this occurs, the batch that was just resting for three months will be cycled into its respective greenhouse or indoor. Keeping the soil off the ground on a slab also prevents any potential leaching of leftover nutrients within the soil into the native earth. This also prevents possible contamination of earth matter into the applicant's expensive organic soils.

### **6.0 Setbacks of Proposed Areas**

The Parcels were surveyed by a licensed surveyor who confirmed the new nursery/mom extension and processing building areas as well as the generator and parking areas are all setback from any parcel line by more than 30 feet. The adjoining parcel line has a 60-foot area between the parcels, starting at 30':30' for the first 85 feet and changing to 5':55' for the rest of the adjoining parcel line for the benefit of both parcels.

### **7.0 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. The owner/applicant plans to pave the driveway on APN:522-211-055 once construction is complete. There is a center gate between the Parcels that will be utilized to transport clones and harvested cannabis as well as tools and supplies between the properties.

### **8.0 Graded Flats**

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

### **9.0 Existing and Permitted Buildings**

#### Residence Both Parcels

There is an existing Residence located on both Parcels. They have been permitted through Humboldt County's Building Department and will not be used for any part of the cannabis cultivation activities.

#### Shop/Indoor APN:522-211-055

There is an existing Shop that was turned into Indoor cultivation located on Parcel APN:522-211-055. It has been permitted through Humboldt County (SP 16-460) as of March 20, 2018 for 1600sq

ft of cannabis cultivation and was granted its State Annual Permit (CAL18-0003534) August 5, 2019 and has since been renewed.

#### Clone/Nursery Containers APN:522-211-055

This was approved via Substantial Conformance Review on September 10, 2019 as the applicant's 10 percent nursery/veg space for APN:522-211-055. It consists of two 40x8 foot insulated shipping containers. The applicant currently has one of the 40x8 containers and it is painted to match the indoor/shop and residence on the property but will give up his rights for these containers with the approval of this application.

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

There is an existing greenhouse located on Parcel APN:522-211-055, it is currently in operation. It has been permitted through Humboldt County (CUP 16-582) as of March 20, 2018 for mixed-light cultivation and was granted its State Annual Permit (CAL18-0003533) August 13, 2019 and has since been renewed. This greenhouse does not contain improved flooring. The land use permit on this greenhouse is 5000sq ft but there is only 4200sq ft of cultivation inside.

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

This parcel is approved for one 35'x100' foot greenhouse and one 30'x50' greenhouse for a total of 5000sq ft of land use. The reason for two in front of the residence versus one behind the residence is due to a neighbor not signing off on the 300ft setback to allow a greenhouse 200-250 ft from there house instead of 300ft. If the neighbor behind this parcel eventually sells to someone that will sign or signs off themselves on a greenhouse within the 300ft setback of the residence before the commercial greenhouse construction is started, applicant will apply for a minor deviation to combine the 3500sq ft and 1500sq ft greenhouses into one large 5000sq ft commercial greenhouse structure in the back yard which also will not exceed 4200sq ft of cultivation canopy.

This property is currently not built out with anything more than Ag-exempt greenhouses. It has been permitted through Humboldt County (CUP 16-498) as of April 20, 2018. The state permit was issued on March 11, 2020 with the allowance to process on the next-door parcel already. The greenhouses do not contain improved flooring.

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

#### **10.1 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. If greenhouses are constructed on the adjacent property (APN 522-211-053), the applicant plans to do the same thing. Rainwater will be used to irrigate the cannabis in addition to water sourced from the Willow Creek Community Services District.

#### **10.2 Water Use**

The Applicant has installed two (2) 5000-gallon hard water tanks to catch rainwater off of the existing greenhouse on APN:522-211-055. If commercial greenhouses are constructed

on the adjacent property (APN 522-211-053), the applicant plans to do the same thing. Rainwater will be used to irrigate the cannabis in addition to water sourced from the Willow Creek Community Services District.

The amount of water used for the cultivation of cannabis will vary throughout the year, with peak periods of water use occurring during the summer months. The Applicant's additional nursery/mother space will not increase the amount of water used per harvest or per year on his sites. In fact, even though the applicant will now need to water mother plants also, water usage overall will decrease due to the extra space allowed for clones to root heavily into 4-inch pots for 2-3 weeks versus putting them straight into 3-gallon pots which consume a whole lot more water. Other added benefits include energy savings by using more efficient lower output lights on early rooting plants. Rooting 4000 plants in 4-inch pots takes up approximately 400-500sq ft but rooting 4000 plants in 3-gallon pots takes 4000sq ft which requires a large amount more energy, lights, water and manpower among other things.

The applicant should however be able to harvest a quarter to three quarters more harvests per year due to the added nursery/mother space to have his cuts ready in time to cycle in and allowing the flowering spaces to only flower cannabis. Thus, the estimated water usage remains the same per year for each project.

All irrigation of cannabis is completed at a slow agronomic rate by a metered drip irrigation system in order to prevent any over watering and runoff.

### **10.3 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.

### **11.0 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). A copy of this authorization is included in the Other Permits, Licenses and Documents section of this Application.

## **II. Cultivation and Operations Plan**

### **1.0 Water Use & Storage Plan**

The amount of water used for the cultivation of cannabis will vary throughout the year, with peak periods of water use occurring during the summer months. The Applicant's additional nursery/veg space will not increase the water used per harvest and per year on his sites that he was allowed on his original permits. In fact, it will decrease water usage due to smaller pots, lower light spectrum, and a smaller space used for the clones and immature plants while they are vegging. The applicant should however be able to harvest a quarter to three quarters more harvests per year due to the added veg/nursery space and allowing the flowering spaces to only flower cannabis. Thus, the estimated water usage remains the same per year for each project as originally permitted.

The Applicant has installed two (2) 5000-gallon hard water tanks to catch rainwater off of 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.

Prior water usage was approved at 62,100 gallons annually for the indoor and 186,300 gallons annually for the greenhouse on APN:522-211-055. Estimated water usage will decrease with the additional veg space due to smaller pots being used for the 1-3 weeks they are living in the proposed veg/nursery greenhouse. Indoor water usage has been about 3500 gallons a month and is estimated to be 42,000 gallons annually on APN:522-211-055. The greenhouse water usage is estimated to be 14,000 gallons in months November-April, and 16,000 gallons in months May-October for a total annual estimate of 180,000 gallons. 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 average water usage per run of ice water extraction is 15 gallons of water and 25 pounds of ice. A gallon of ice weighs 9% less than a gallon of water so 25 pounds of ice equals 22.75 gallons of water. These averages are based on using about 10 pounds of dry material or about 40 pounds of fresh frozen. Therefore 15 gallons of water plus 22.75 gallons of ice water is 37.75 gallons of water total per extraction of 10 pounds of dry trim/smalls or 40 pounds of whole plant fresh frozen. With CUP 16-580, CUP 16-498 and SP 16-460 2650 pounds annually of trim/smalls and 10600 pounds of fresh frozen is expected. Therefore, annual estimated water usage pertaining to ice water extraction will be about 20,000 gallons. All wastewater will be fed back into flowering cannabis plants lowering our total water usage for cultivation as well as lowering our nutrient usage. Anything/everything left in the water is broken down and absorbed in the soil and by the flowering cannabis plants.

### **2.0 Watershed Protection / Irrigation Plan**

These locations are considered Tier 1, low risk sites. There currently are not any natural waterways identified on the Parcel. Green Road Consulting, Inc. has enrolled the parcel with the State Water Resources Control Board, General Order, and completed 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.

### **3.0 Stormwater Management Plan**

Any wastewater from ice water extraction process will be disposed in accordance to Willow Creek Service District standards as stated in their approval letter. The slope of the Parcel averages between 0% and 2%, reducing erosion and drainage. The Applicant's intent to store rainwater he captures from the greenhouses and other structures on site will also reduce/eliminate site drainage.

### **4.0 Invasive Species Control Plan**

The parcel is well maintained, landscaped on a regular basis and fenced from invasive species. No ecosystems will be affected due to the construction and or future removal of these projects. Biological studies have been conducted and no issues were found with the parcel.

### **5.0 Materials Management Plan**

Currently, there are no pesticides or herbicides registered specifically for use directly on cannabis. Items that were accepted under Legal Pest Management Practices for Marijuana Growers in California will be used exclusively.

All fertilizers and amendments are located in the storage containers and indoor facility located on the Parcel APN:522-211-055. Fertilizers and amendments are placed on the shelves and floor where any spill will be contained. Currently, the applicant is using strictly organic fertilizers and amendments following the Soilscape Solutions Feeding Plan.

All labels are kept, and directions are followed when nutrients are applied. The storage area has posted instructions for storing fertilizers and amendments, instructions for cleaning up spills and a spill kit that contains a container, gloves, towels, absorbent socks and an absorbent material (kitty litter). This is outlined in the Applicant's Water Resource Protection Plan.

### **6.0 Hazardous Waste Statement**

There was no hazardous waste potential found in the site assessments.

### **7.0 Sewage Disposal Plan**

Sewage from the ADA bathroom and all other parcel related sewage was installed to code standards and both parcels have their own septic systems permitted through Humboldt County in Building & Planning in 2009 alongside the residences.

### **8.0 Soils Management Plan**

Any green waste will be piled and kept well away from any watercourse. Once enough green waste has amounted it will be taken offsite to Tom's Trash (41865 State Highway 299, Willow Creek, CA 95573) and fed to their worms.

### **9.0 Cultivation Activities**

Cultivation Activities are approximate and will vary based on climate, strain and the Applicant's personal schedule.

Cultivation will be occurring year-round with the Applicant anticipating 4 to 5 full harvests per year for both the Mixed Light CUP16-582 and Indoor cultivation SP16-460 on APN:522-211-055 and the same for CUP 16-498 on APN:522-211-053 once in operation. Soil is amended with organic amendments and plants will be supplied with both dry and liquid organic fertilizers through a water dilution system. The following schedule is an approximate for the year-round cultivation activities and depends highly on strains being cultivated.

Run #1

Location	Flowering	Harvest
<b>Greenhouse CUP16-582</b>	Jan 1	Mar 12
<b>Indoor SP 16-460</b>	Sep 18	Nov 20

Run #2

Location	Flowering	Harvest
<b>Greenhouse CUP16-582</b>	Mar 15	May 24
<b>Indoor SP 16-460</b>	Nov 22	Jan 31

Run #3

Location	Flowering	Harvest
<b>Greenhouse CUP16-582</b>	May 27	Aug 5
<b>Indoor SP 16-460</b>	Feb 3	April 13

Run #4

Location	Flowering	Harvest
<b>Greenhouse CUP16-582</b>	Aug 8	Oct 18
<b>Indoor SP 16-460</b>	April 16	June 26

Run #5

Location	Flowering	Harvest
<b>Greenhouse CUP16-582</b>	Oct 21	Dec 30
<b>Indoor SP 16-460</b>	June 29	September 12

The greenhouses CUP 16-498 follow the same pattern as Cup 16-582 but will be offset a few weeks to balance workload.

The Applicant will be using 1000-watt Revolution Micro lights in the greenhouses and the Indoor cultivation areas. The greenhouses will include a 1000-watt light every 70sq ft, while the indoor will include a 1000-watt light every 45sq ft. The nursery and mother rooms will run on all high efficiency LEDs. Greenhouses will be tarped during the sunset hours to prevent any light pollution. The Applicant will be running on grid power with a backup propane generator in the event of a power outage on APN:522-211-055, with plans to add one to power the other parcel if operations commence.

Indoor cultivation and greenhouse cultivation will reside in soil pots and will utilize a slow timed drip irrigation system and best management practices. Cultivation does not produce any water runoff.

The Applicant purchases the necessary carbon offset credits monthly in order to 100% offset his Indoor power use.

#### **10.0 Operations Practices**

Clones will be bought from a local compliant nursery, or be taken off applicants already vegging plants or moms before and brought into the nursery for 1-5 weeks depending health and strain for rooting and when their final destination is ready for them.

Clones will be rooted in cubes in trays of 72-100 and either sold to outside farms or transplanted into 4-inch soil pots to root into soil in the front half of the proposed 21'x102' nursery for 1-5 weeks depending health and strain and when their final destined flower house is ready for them.

Once plants are rooted and strong enough for a flowering light spectrum (about 12-18 inches tall), they will be tagged and put into either the Greenhouse or Indoor on APN:522-211-055 or either of the Greenhouses on APN:522-211-053. The plants will then flower for an approximate of 8-11 weeks until being harvested.

#### **11.0 Processing Plan**

##### **Flower:**

Plants will be harvested one at a time using hand shears and taken into a section of the proposed processing building where it will be dried, cured, trimmed, packaged and stored. Harvested cannabis will be dried and quarantined while the product cures. The cured cannabis will be submitted for testing and all items that pass all necessary tests will be advanced into processing and packaging for sale.

Cannabis that meets company guidelines and passes all necessary regulatory tests will then be trimmed using machine trimmers and then touched up by hand if necessary. Two employees will run the machine trimmer while anywhere from 4-8 touch up the cannabis by hand. All environments/surfaces will be kept sterile and sanitized throughout the day between strains and at the end of every day. All employees will wear Tyvek suits, rubber gloves, and hair nets. Once



the product is trimmed it will then be placed into totes for curing. Once the trimmed cannabis is cured it will then be sorted into eighths, quarters, and possibly other weight increments depending on demand. Each batch is then tested again by selecting random jars per each respective batch. Once the tests are approved the product will be available for sale to licensed dispensaries and distribution wholesalers. Depending on the buyer, transportation and logistics will be planned in accordance with all laws and regulations.

All work surfaces and equipment are maintained in a clean, sanitary condition. Protocols to prevent the spread of mold are strictly followed. The final cannabis product is stored in a secure vault inside the proposed processing building. All cultivation related waste is stored in proper trash receptacles and disposed of in at the proper facilities. The Applicant is currently enrolled in Metrc and will stay compliant with any other Track and Trace programs that may be implemented.

#### **Bubble Hash/Rosin:**

Trim and smalls will be separated out to be used for ice water extraction. The material is tagged and put into a deep freezer. The product will then be washed with ice and go through the extraction process via 220-micron bubble bag in the bubble washing machines. The water from the machine will then be poured through bubble bags, sifted, and collected once all the water is separated out then put onto trays to be placed in the deep freezer to dry. The freeze-dried hash is pressed using a Sasquash 2.5-ton press that utilizes heated and pressure to squeeze out the rosin. This extracted rosin is then placed into jars for curing and testing. Tested and approved products will then proceed to packaging for sale. Live rosin will be packaged into 1g jars and randomly selected 1g jars will be submitted for testing based on the batch size regulations. All environments/surfaces will be kept sterile and sanitized throughout the day between strains and at the end of every day. All employees will wear Tyvek suits, rubber gloves, and hair nets.

#### **Distribution:**

Once cannabis, bubble hash, or rosin is packaged and passes COA testing done in accordance of state law, product will be picked up by the purchaser or leave the facility in one of two transport vans to its respective dispensaries or other manufacturer/distributing companies. Everything will be sent in accordance to Metrc protocol and be accounted for before departure and among arrival. Vans will be under surveillance at all times on the properties. Applicant is only distributing his own products grown and processed on site. Clones/immature plants for sale will be sent in accordance to Metrc protocol and be accounted for before departure and among arrival to third party facilities. With personal distribution, the applicant will be reducing traffic heavily in his neighborhood area, being able to send out one-two distribution vans during business hours to dispensaries versus currently being at the mercy of five to fifteen distribution vans coming from different companies per harvest for pickups, sometimes even arriving after business hours or on weekends.

#### **12.0 Ancillary Propagation Activities**

More than 10 percent nursery space is necessary for the applicant to house enough plants to fill his flowering locations on both sites and maximize harvests per year as well as sell extra clones to neighboring cultivators in the area. The sea of green method is being utilized in all of the flowering

locations. What this means is about 1 plant per square-foot will be planted once the plant is anywhere between 12-18 inches tall and immediately flipped into flower, so the greenhouse on APN:522-211-055 alone with take-over 4000 clones to fill it. This is why 10 percent nursery/clone space is not enough space for the applicant's cultivation methods, and 21.42 percent is required (1071sq ft of 10.71 percent for clones and 1071sq ft or 10.71 percent for moms). As described above, plants will only be in the clone/nursery for a few weeks to root and grow to 12-18 inches to become ready for flowering.

Vegging clones in these smaller spaces FIRST before putting the plants in the large flowering houses will reduce the applicants power consumption tremendously while also turning him over more harvest per year. High efficiency LEDs can be used on clones and vegging plants in the smaller spaces, while the flowering plants and flowering spaces use 1000-watt HID's which consume a significant amount more power usage. Also, vegging plants need at least 18 hours of light while flowering plants only require 12. If the applicant is not allowed the 21'x102' additional nursery/mother house, he will have to spend 1-3 weeks vegging his plants in a much larger space with lights and heaters that consume much more energy, while also harvesting less harvests per year (because the permitted flowering spaces are actually vegging plants for 1-3 weeks at the beginning of every cycle before being flipped into the 12x12 cycle of flowering).

The applicant will house moms in a section of the proposed veg/nursery greenhouse with everything tagged in accordance to Metrc standards. When clones are cut from mother plants, they will be put into the clone side to root and then be sold or planted into 4-inch cubes to grow to 12-18 inches before being transferred to one of the applicants flowering locations flowering locations.

If one of the adjacent properties is to be sold and NOT the other, both properties must be made operational on their own without the other and approved by the county prior to the completion of the sale.

### **13.0 Parking Plan**

There are satisfactory parking spots available on both parcels gravel driveways. Painted parking spots will later be added within the current driveway of APN:522-211-055 when the driveway is paved. The Distro vans will be parked outside the processing building, with the ability to also be parked inside, and the ADA space will be available on the south side of the processing building with full ADA access permitted by the Humboldt County Building Department.

### **14.0 Energy Plan**

Both parcels are metered by PG&E. The estimated average daily usage on APN:522-211-055 is 1500-2500kWh in winter months, and 1000-2000kWh in spring and summer months. CUP 16-582 is estimated approximately 500-1500kWh per day with its main hours of operation during business hours, while SP-492 runs at about 500-1000kWh per day with its main hours of operation overnight. The estimated average daily usage on APN:522-211-053 for CUP 16-498 is 600-1500kWh in winter months, and 400-1200kWh in spring and summer months. CUP 16-498 main hours of energy use and operation are during business hours. These numbers vary heavily based

on the environmental conditions day-to-day. The greenhouse energy range is large because in spring and summer months a lot less energy is used while in fall and winter months there will be a substantial increase of energy used.

The proposed processing building will use no more than 200-300kWH per day and would operate during normal business hours. The proposed nursery would use no more than 300-600 kWh per day. In the event of a power outage, the backup 150kW generator will supplement power to everything listed above on APN:522-211-055 until PG&E power is restored. The backup generator will consume approximately 15-20 gallons of propane an hour depending the time of year and environmental conditions outside.

#### **15.0 Security Measures and Storage Plan**

The Parcels are fenced and accessed through locked automatic gates. Gates are of heavy steel construction and an electronic lock is installed. The parcels are secured by Advanced Security including motion sensors, cameras and alarms. Each new building/greenhouse getting constructed gets its own cameras, motion sensors, and alarms to make sure there are no blind spots on each property. All finished products will be stored in a locked building or locked containers with camera observation 24/7. Transport vans will be locked in compliance with county and state code and can be stored inside the processing building and/or under the overhang outside the building. OMNI Security & Transport stations a guard on the premises from 9pm-6am nightly.

#### **16.0 Noise Source Assessments and Mitigation Plan**

Normal operating procedures emit little to no noise. One can observe engines louder of the 299 from the parcel. Even with a backup generator operating the noise level is not concerning or louder than normal legal decibel noise levels at property lines. The backup generator will not read higher than 50dB(A) at 30 ft and will only be used in the event of a PG&E power outage. The generator is encased in weatherproof and noise reducing hardware.

#### **17.0 Light Pollution Control Plan**

International dark sky association standards are followed. The greenhouse is equipped with blackout automatic curtains which prevents light pollution when its dark outside. Lights will be left on when the curtains are closed in winter months when daylight hours are short, and no light will leak out of the greenhouses. The proposed additional nursery will have the same blackout automatic curtains, as well as the greenhouses on the next-door parcel. The indoor grow is completely sealed so no light pollution occurs. The only lights on outside at night will be motion sensor security lights to deter criminal activity.

#### **18.0 Consent and Acknowledgments**

The Applicant consents for onsite inspection of the parcels 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).

#### **19.0 Canna-Tourism/Public Access**

The applicant has been made aware by the Humboldt County Planning department that his parcels meet the criteria for Canna Tourism in the future. This was not part of the applicant business plan, but the applicant's site has the necessary parking spaces including ADA compliant spaces, an ADA bathroom, and all paved roads with only a three-minute drive to the center of Willow Creek, making it an ideal location for the Humboldt County Cannabis Planning Department to have on its map of tour-able spaces. Therefore, the applicant has been asked to add a public access piece to his operations plan. All the buildings on the parcel are permitted and built to code with all the necessary setbacks for buildings, safety, neighbors, fire, and per the county and state laws and also have all been since inspected and annually have inspections for compliance. Not only is everything built to code but this facility is strategically designed to run as environmentally sound and strategically efficient as cannabis can be grown on a small farm scale (10,000sq ft or under) with current technologies available.

There is extra defendable space between the parcels and every structure and equipment inside is insured through Farmers Insurance - Linda Sundberg in Arcata including also, product liability, workers compensation, property, and generator insurance.

If Canna-Tourism were to take place, the applicant would try and initiate his own private system, or take part in a farmer run or county/community plan to give upwards of 3-5 daily tours during 9am-6pm business hours, 5 days a week as a revenue stream for both the farms participating and our community. The site can accommodate upwards of 12 vehicles in the overflow parking that is not used by employees. The applicant graduated from Humboldt State University with a degree in Economics and a Master's Degree in Strategic Sustainability, and wants to be a part of sharing

and bringing our local culture through into the legal realm while also following much more environmentally friendly guidelines than any other agricultural crop.

The applicant is a member of HCGA (Humboldt County Growers Association) and WCCA (Willow Creek Cannabis Alliances). Both groups are pushing for some type of canna-tourism here in Humboldt County which will help to stimulate our economy and farms while also passing along our local culture, history, and individual stories that have shaped our community over the past 25-50 years.

### ATTACHMENT 3

#### 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.

Referral Agency	Response	Recommendation	Location
Building Inspection Division	✓	Approved	Attached
Division Environmental Health	✓	Approved	Attached
Public Works, Land Use Division	✓	Approved	Attached
Humboldt County Sheriff	✓	Approved	
CalFIRE		No response	
California Department of Fish & Wildlife		No response	
Hoopa Valley Tribe		No response	
Tsnungwe Council		No response	
Klamath-Trinity Unified School District		No response	
Willow Creek Community Services District		No response	
Willow Creek Volunteer Fire Department		No response	
Humboldt County Agricultural Commissioner		No response	
North Coast Regional Water Quality Control Board		No response	



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

8/4/2020

**Project Referred To The Following Agencies:**

AG Commissioner, Environmental Health, Sheriff, PW Land Use, Building Inspections, CSD: Willow Creek, FPD: Willow Creek, RWQCB, School District: Klamath Trinity JUSD, Cal Fish & Wildlife, CalFire, Hoopa Valley Tribe, Tsungwe Council

**Applicant Name** The Emerald Kid, Inc. **Key Parcel Number** 522-211-053-000

**Application (APPS#)** PLN-2020-16323 **Assigned Planner** Stephen Luther 707-268-3737

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: 8/19/2020**

Planning Clerk  
County of Humboldt Planning and Building Department  
3015 H Street  
Eureka, CA 95501  
**Email:** PlanningClerk@co.humboldt.ca.us **Fax:** (707) 268 - 3792

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

☒ Recommend Approval. The department has no comment at this time.

☐ Recommend Conditional Approval. Suggested conditions attached.

☐ Applicant needs to submit additional information. List of items attached.

☐ Recommend Denial. Attach reasons for recommended denial.

Other Comments:

recommend approval on the condition that all grading,  
building, plumbing, electrical & mechanical or Ag Exemptions are obtained

DATE:

8/4/2020

PRINT NAME:

Mical Mathieson





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

3015 H STREET EUREKA CA 95501  
PHONE: (707) 445-7245 FAX: (707) 445-7446

**Building Division's Referral Comments for Cannabis Operations:**

Application No.: PLN-2020-16323  
Parcel No.: 522-211-053-000  
Case No.: \_\_\_\_\_

The following comments apply to the proposed project, (check all that apply).

- ☒ Site/plot plan appears to be accurate.
- ☐ Submit revised site/plot plan showing all of the following items: all grading including ponds and roads, location of any water course including springs, all structure including size and use and all setbacks from the above stated to each other and property lines.
- ☐ Existing operation appears to have expanded, see comments: \_\_\_\_\_
- ☐ Existing structures used in the cannabis operation shall not to be used/occupied until all required permits have been obtained.
- ☐ Proposed new operation has already started.
- ☒ Is development near wet area? yes or no
- ☐ If yes, what is the distance?
- ☒ Is development near Stream side Management Area (SMA)? yes or no
- ☐ If yes, what is the distance?
- ☒ Recommend approval based on the condition that all required grading, building, plumbing, electrical, and mechanical permits and or Agricultural Exemption are obtained.

☐ Other Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Name: Micah Mathieson

Date: 8/4/2020

Note: Remember to take photographs and then save them to the Planning's case number. File location J, Current Planning, Projects, (CUP, SP, ZCC) Case number.



Task Environmental Health	Due Date 08/07/2020	Assigned Date 07/27/2020
Assigned to Department Environmental Health	Assigned to Ben Dolf	Status Approved
Action by Department Environmental Health	Action By Ben Dolf	Status Date 07/28/2020
Start Time	End Time	Hours Spent 0.0
Billable No	Overtime No	Comments
Time Tracking Start Date	Est. Completion Date	In Possession Time (hrs)
Display E-mail Address in ACA No	<input checked="" type="checkbox"/> Display Comment in ACA	Comment Display in ACA <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

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DEPARTMENT OF PUBLIC WORKS  
**COUNTY OF HUMBOLDT**  
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  
BUSINESS 445-7852  
ENGINEERING 445-7377  
FACILITY MANAGEMENT 445-7493  
NATURAL RESOURCES 445-7741  
NATURAL RESOURCES PLANNING 267-9540  
PARKS 445-7651  
ROADS 445-7421

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

**LAND USE DIVISION INTEROFFICE MEMORANDUM**

TO: Stephen Luther, Planner, Planning & Building Department

FROM: Kenneth M. Freed, Assistant Engineer

DATE: 08/13/2020

RE:

Applicant Name	THE EMERALD KID, INC
APN	522-211-053
APPS#	PLN-2020-16323

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:

// END //

## Exhibit "A"

### Public Works Recommended Conditions of Approval

(All checked boxes apply)

APPS # 16323

☒ **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. 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. 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.
- 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.
- 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. 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.

- 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 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 //

**ATTACHMENT 4**  
**PUBLIC COMMENTS**



App5 16323



8/26/2020

Humboldt County Planning and Building Department  
3015 H Street  
Eureka, CA 95501  
RE: The Emerald Kid, Inc. Application

Two whom it may concern:

In regard to the application for a marijuana plant across the street from the school with multiple buildings and open to the public, I would like to reiterate the concerns that were raised previously when an application for this same type of business at the same location was submitted and pushed through to a permit and public hearing.

I hope you will deeply consider what is written in this letter. I attended the previous public meeting regarding the first plan to open a processing plant at the same location. At the meeting a community member inquired as to how the administrator in charge received community feedback and how it effected his decision based on what community members had to say. His answer was, "It's not a counting of yes and no votes, it's whoever convinces me the best."

He had clearly already made the decision to approve it, and community member input had little effect on his decision; when it was glaringly clear that more community members opposed the idea than supported it. This sort of arbitrary decision making is appalling when considering the concerns of long term community members, and environmental and health risks that are very real.

Of the concerns previously expressed by members of the community, the largest concerns being health and environmental. Nurses at the school voiced their opinion at the meeting stating that, during processing season, many children have terrible allergies which are exacerbated by the noxious output of the fields, and with a processing plant mere 310 feet from the school, this is a great concern. As to environmental impact, I would like to state that there has not been an investigation into the ground-water saturation and run-off into the Trinity river – a concern that the Hoopa reservation sued the county to negate, which case they won. Toxicity of the chemicals (whether volatile or not) is a great concern to those living nearby as well as all those down-river, because of the pollutants to the salmon population as well as other indigenous creatures.

Furthermore, I would like to add that the project is *already* under construction – even before approval has been granted to do so – and they have already dug deep into the ground, and below the water-table, which therefore concerns not only the business district, but the water board of Humboldt County. As no environmental impact study has been shown that would okay a processing plant so close to the water table and river, this project must not proceed.

The general vicinity of the proposed processing and distribution center is a problem location considering the volume of traffic on Highway 96 throughout the year; the proposed location could very quickly become a traffic problem. To place a distribution and processing plant along the highway so near the school, the Highway Patrol office, as well as the Forestry Service, gravel plant, and PG&E stations may have severe traffic problems because of this. Therefore, a traffic impact report should be filed as well, and a study completed before snarling traffic with large truck traffic in this area. Already,

during fire season, the airport (which abuts the property in question) is used for the fire-crews for helicopters, but with this proposed building project, the question arises whether the helicopters with water-buckets will be affected.

And on top of this is the added traffic come harvesting season, as this location is not suited for heavier traffic than is already troubling the area, and does not have adequate sidewalks to and from the school, let alone the property in question. Therefore, the added foot-traffic causes an increase in the likelihood of traffic/pedestrian accidents the more this venture is open to the public (as they claim it will be) without having the infrastructure in this town for such expansion projects. We must look to the safety of the children leaving the school across the street from said location and their safety over the convenience of location for the project in question.

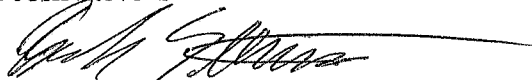
Furthermore, fumes of the processing plant and chemicals used would create a public health hazard as well as distress on residents of the nearby apartments and those living on Brannon Mountain Road (the prevailing wind-pattern leaving them all downwind from the plant). This was a concern voiced about the gravel plant as well, which was ignored by previous administrations, but has caused health problems for those in our community who live downwind from the gravel plant. Adding the fumes of a marijuana processing plant as well can only lead to greater health risks.

Also to be considered is the problem of incrementalism: a large factor to be addressed to those who live in the Willow Creek area. Today the proposed project is small enough to stay within the requirements, but they will want to expand; and in expansion, the proximity to the river, to the school, to the homes in the area will narrow; the fumes and off-scouring of the process, are all exponentially and dynamically changed, and therefore the environmental impact as well risks not merely incremental but drastic increase.

And where does it end? Already, in the Willow Creek area there are a number of grows of large scale (not even counting the illegal grows in the hills), and adding another grow and seed plant as well as processing plant is not what this city needs for growth. Instead, this makes life for those living here full-time harder to bear by the smell that already floods the city in the late summer, driving us indoors, and causing health problems for children (as reported by the school nurse at the previous public hearing on the application for a processing plant at the same location).

I am writing based on concern for public health as well as environmental impact to a beautiful spot in the river which is used for rafting, fishing, swimming, and which, were this project to continue, could greatly impact recreation in this area. I hope you will take these factors into consideration.

Sincerely,  
Pastor Josh Stevens



Willow Creek Bible Church  
39 Brannon Mtn. Rd., Willow Creek, CA 95573  
willowcreekbiblechurch@hotmail.com  
530-629-2234