



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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Hearing Date: January 11, 2017

To: Humboldt County Planning Commission

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

Subject: **MCMP, LLC, Zone Reclassification and Special Permit**
Application Number 10244
Case Numbers ZR-16-001 and SP-16-015
Assessor's Parcel Number (APN) 504-161-010
90 Glendale Drive, Glendale -Essex area of Highway 299, near Blue Lake

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Please contact Michelle Nielsen, Senior Planner, at 707-445-7541 or by email at mnielsen@co.humboldt.ca.us if you have any questions about the scheduled public hearing

AGENDA ITEM TRANSMITTAL

Hearing Date January 11, 2018	Subject Zoning Reclassification and Special Permit	Contact Michelle Nielsen
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Project Description: MCMP, LLC, Glendale area; Application Number 10244 (filed February 26, 2016); Case Numbers SP16-015, ZR16-001; Assessor Parcel Number (APN) 504-161-010. A Zone Reclassification (ZR) to change the zoning of APN 504-161-010 from Agriculture General (AG) to Heavy Industrial with a Qualified combining zone (MH-Q) in order to implement the General Plan land use designation of Industrial, Resource Related (IR). The proposed zoning change will also better reflect the existing use of the property as Mercer Fraser Company’s gravel yard and concrete batch plant operations. Also a Special Permit to develop and operate a cannabis products manufacturing facility of approximately 5,000 square feet in size. The facility will produce medical cannabis products using both nonvolatile and volatile solvents. According to the applicant’s plan of operation, the facility may operate 24 hours a day during peak season, and will have a maximum of four (4) full time employees. The facility will not be open to the general public and will not accept visitors. Water is provided by an on-site well and the applicant will develop an on-site septic system to serve the new facility and appurtenant on-site parking facilities. The Zone Reclassification to change the principal zoning of the property from Agriculture General (AG) to Heavy Industrial (MH) must be approved by the Board of Supervisors before the Special Permit for cannabis manufacturing is effective because cannabis activities are allowed on properties zoned MH, but they are not allowed on properties zoned AG.

Project Location: The project is located in Humboldt County, in the Glendale area, on the south side of Glendale Drive, approximately 2,000 feet west from the intersection of Essex Lane and Glendale Drive, on the property known as 90 Glendale Drive, near the City of Blue Lake.

Present Plan Land Use Designations: Industrial, Resource Related (IR). Density: none specified. Slope Stability: Low Instability (1).

Present Zoning: Agriculture General (AG).

Application Number: 10244

Case Numbers: ZR-16001 and SP-16015

Assessor Parcel Numbers: 504-161-010

Applicant
MCMP LLC
PO Box 1006
Eureka, CA 95502

Owner
Mercer Fraser Company
PO Box 1006
Eureka, CA 95502

Agent
Lenders Construction Services LLC
Attn.: Jeff Smith
PO Box 6218
Eureka, CA 95502

Environmental Review: Adoption of an Addendum to the Environmental Impact Report (EIR) for the Humboldt County General Plan, State Clearinghouse No.: 2007012089, adopted by the Board of Supervisors on October 23, 2017, and the Program EIR on Gravel Removal from the Lower Mad River, April 1994, (State Clearinghouse No. 92083049) and subsequent Supplemental EIR adopted by the Board of Supervisors December 14, 2014, in accordance with Section 15164 of the State CEQA Guidelines.

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

Major Issues: None

MCMP, LLC
Case Numbers ZR-16-001 and SP-16-015
Assessor's Parcel Number 504161010

Recommended Commission Action

1. Describe the application as a Public Hearing;
2. Request staff to present the project;
2. Open the public hearing and receive public testimony; and
3. Close the public hearing and take the following action:

Move to adopt the Addendum to the Environmental Impact Report (EIR) for the Humboldt County General Plan, State Clearinghouse No. 2007012089, adopted by the Board of Supervisors on October 23, 2017, and the Program EIR on Gravel Removal from the Lower Mad River, April 1994, (State Clearinghouse No. 92083049) and subsequent Supplemental EIR adopted by the Board of Supervisors December 14, 2014, in accordance with Section 15164 of the State CEQA Guidelines, and finds there is no substantial evidence that the proposed project will have a significant effect on the environment, and make all of the required findings, based on evidence in the staff report and public testimony, and approve the MCMP, LLC Special Permit application subject to the approved conditions by adopting the Resolution of Approval #1; and move to make all of the required findings, based on evidence in the staff report and public testimony, and recommend the Board of Supervisors approve the MCMP, LLC Zone Reclassification by adopting the attached Resolution of Approval #2.

Executive Summary: The ultimate objective of this application is to develop and operate a 5,000 square foot commercial medical cannabis manufacturing facility on a portion of an approximately 13.5 acre parcel that hosts an active surface mining and processing operation, for which vested rights have been secured per Special Permit SP 26-88, approved by the Planning Commission November 3, 1988. To accomplish this objective, the applicant must first secure a Zone Reclassification from Agriculture General (AG) to Qualified Heavy Industrial (MH-Q). The change in zoning is consistent with the recently adopted General Plan that changed the land use designation for this property to Industrial Resource Related (IR). Water to serve the site is provided by an on-site well. Wastewater treatment for the proposed cannabis manufacturing facility will be provided by a new on-site system. The manufacturing facility is proposed to be located at the easterly portion of the parcel that maintains frontage onto Glendale Drive, a County maintained road (4L765), sloping southerly to the Mad River. Highway 299 right-of-way is northerly of Glendale Drive and is adjacent to the parcel's north property line. Access to the property is via Glendale Drive. The Mad River is contiguous with the property's southern property line. Other uses in the vicinity include an equipment yard owned and operated by the Humboldt Bay Municipal Water District (HBMWD) to the east, the HBMWD water facilities and Raney wells pumping water from the Mad River for District use and distribution to county water agencies, and HBMWD park facilities to the west. Across the Mad River and directly south of the property are residentially developed parcels.

The property is located entirely in a designated flood zone A, being subject to 100-year flood events, based on FIRM Map # 06203C0695. A Flood Elevation Certificate prepared by Pacific Affiliates has been submitted identifying the base flood elevation as 55 feet. All proposed structures will be required to have a finished floor two-feet above this elevation to be consistent with the Flood Insurance Rate program.

The HBMWD park is 229 feet from the nearest property line of the parcel, and over 1100 feet from the proposed location of the manufacturing facility, it is noted that the 600 foot setback requirement from schools, school bus stops, churches, public parks, etc. that applies to

commercial cannabis cultivation does not apply to this project because 1) it does not include cultivation; and 2) the setback requirement does not extend to commercial cannabis manufacturing.

The manufacturing facility will be approximately 5,000 square feet in size, and includes both an interior truck loading and unloading area as well as an exterior secured truck parking area for loading and unloading of material, raw materials storage, extraction room, packaging room, and space for administrative functions. While not shown on the submitted building floor plan, commercial kitchen facilities are anticipated to be incorporated into the building to produce the anticipated edible products proposed by the applicant. The applicant is proposing to produce cannabis concentrate using waterbase, food-based, and solvent-based methods. With respect to solvent-based extraction, volatile solvents would be used; the range of solvents according to the Operations Plan & Manual are butane, propane, CO₂, ethanol, isopropanol, acetone, and/or heptane, ensuring that all solvents used in the facility are food-grade or 99% pure. For solvent-based methods, the facility will ensure that a professional grade, closed loop extraction system capable of recovering the solvent is used. For ethanol and isopropanol methods, criteria for water based (nonsolvent) extraction will be used. Raw product be accepted from State licensed providers; as for the finished product, it will be sold to State license facilities on a wholesale basis. The facility will not be open to the public or accept visitors.

The operation will be staffed with a minimum of one employee with maximum of four full time employees. Hours of operation will be 7:00 am to 7:00 pm, seven days a week, with operating hours expanding to 24 hours a day during periods of seasonally high workload. During the extended hours of operations, shipping, receiving, and any other traffic or noise generating activities will be limited to normal business of 7:00 AM to 7:00 PM.

Additional project components include the development of paved on-site parking areas, including a secured truck parking area, and a sewage disposal system to serve the facility. The applicant's plot plan does not indicate if any grading will be required for siting the facility, but owing to the relatively flat topography of the parcel, it is not anticipated that greater than 10 cubic yards of grading will be required and no trees will be removed.

As stated above, the property is also host to an active surfacing mining operation including processing facilities. As part of that operation there are areas devoted to the sorting, processing and stockpiling of aggregate. Based on aerial imagery, it appears some features overlap with the proposed location of the manufacturing facility, sewage disposal area (primary and reserve leachfields) and internal circulation routes within portions of the facility. The mining operation has an approved Reclamation Plan and Vested Rights Determination. An amendment to the Reclamation Plan will be required to reflect the separation of mining and the proposed manufacturing uses and to ensure appropriate access, parking and wastewater disposal for the combined facilities. Attachment 1 recommends conditions of approval that:

1. Prior to commencing ground disturbance to initiate the development of the manufacturing facility, the applicant secure all necessary approvals to amend the Reclamation Plan.
2. Any stockpiles relocated or displaced, either partially or entirely, be replaced in-kind with similar berms or stockpiles that provide the same level of mitigation for aesthetic and noise impacts for aggregate processing. Also that the sedimentation and erosion control measures specified in the General Plan are applied to these earthworks.

The security plan includes use of lighting, alarm systems, and inventory controls to prevent diversion. The facility will not be open to the public or accept visitors (Operations Plan & Manual, Section 5). The security plan does not mention fencing aside from the secured truck

parking area fencing shown on the floor plan. The northern and eastern parcel boundaries appear fenced, but no indication of other fencing has been submitted. The Recommended Conditions of Approval include a requirement that the applicant install security fencing at locations suitable for protection of the proposed facility from trespass or vandalism.

According to records maintained by the Department, the party who is the member of MCMP, LLC, has applied for a total of 6 cannabis applications, and is allowed four. These are SP 16-014, SP 16-015, ZCC 16-194, ZCC 16-196, ZCC 16-695, and ZCC 17-044. The applicant holds one approved cannabis permit (Cose Number ZR 16-002 with SP 16-014 on APN 522-491-017). This current application is for SP 16-015. As subsequent applications become ready for a decision, the applicant will be required to identify which two permits will be assigned to another party to reduce the number of permits held to the allowed 4 to be consistent with the CMMLUO.,.

Comments from Reviewing Agencies

During the review period, the Department received comment letters from the Blue Lake Rancheria Tribal Heritage Preservation Officer (THPO), the County Department of Public Works, County Division of Environmental Health, the Building Division, and the California Department of Fish and Wildlife. All of the aforementioned communications are included in Attachment 5.

With respect to the comment letters the Blue Lake Rancheria has recommended the project be conditioned with the inadvertent Archaeological Discovery protocol to include notification of the Blue Lake, Bear River, and Wiyot THPOS. The Department of Public Works recommended approval and has commented that the road serving the subject property is adequate to accommodate the proposed use. The Division of Environmental Health also recommended approval and noted that any proposal for discharge of process waste water must be submitted to and approved by the North Coast Regional Water Quality Control Board. The Building Division requests that the site plan be updated to reflect all existing and proposed buildings, the requirement for a grading permit and flood elevation certificate, and the manufacturing facility have building plans by a licensed engineer or architect. They recommend conditional approval. Lastly, the Department of Fish and Wildlife has commented that the well may be hydrologically connected to the Mad River and requested a copy of the well log, inquired about any waste produced by the manufacturing (extraction) process, and requested that the use be evaluated as to changes necessitated by the new joint use to the approved Reclamation Plan.

To address the comments received, staff recommends the Special Permit be subject to the following conditions:

- Require all leachfield areas (primary and reserve) that support the manufacturing facility's septic system be located and developed consistent with Division of Environmental Health regulations.
- Require that any solvent-based volatile manufacturing processes utilize a closed loop system to capture solvents for proper disposal off-site, not in the on-site waste water system.
- That the applicant secures a grading permit prior to commencing ground disturbance, and that the General Plan sedimentation and erosion control measures be incorporated into the grading plans; and implementation of these measures.
- That the plans for the manufacturing facility comply with Health and Safety Code Section 11362.775 regulating operations consisting of volatile and non-volatile manufacturing processes, including meeting all certifications, approvals and documentation.
- That the applicant provide Notification of Lake or Stream Alteration to the Department of Fish and Wildlife for a determination as to whether the on-site well is hydrologically

connected to surface water (the Mad River); and secure a LSAA if determined to be jurisdictional.

The associated Zone Reclassification seeks to change the principal zoning of the property from Agriculture General (AG)) to Heavy Industrial (MH). This rezoning must be approved by the Board of Supervisors and take effect before the Special Permit for cannabis manufacturing can become effective because cannabis activities are allowed on properties zoned MH, but not allowed on properties zoned AG. Under the current zoning that applies to the parcel, surface mining and processing are conditionally permitted uses, and the proposed Q zone language does not change the permit requirements for this land use activity. The purpose of the Q zone is to ensure new development is consistent with the Industrial, Resource Related land use designation as the General Plan specifies that a qualified "Q" zone is to be applied when IR parcels are zoned. The qualification or special restrictions shall not allow all principal and conditionally permitted uses except for surface mining operations, including extraction and processing of gravel and placement of fixed or stationary on-site processing facilities or equipment and cannabis manufacturing. The performance standards are to ensure the compatibility with existing adjacent land uses including a public park and residential uses, while allowing the site to continue operations pursuant to a vested right determination made by the County Planning Commission November 3, 1988.

Environmental Review

For projects that are not mandated to prepare an EIR, an EIR is required when an Initial Study indicates that a project has the potential to "significantly" damage the environment, and the damage (commonly referred to as effects or impacts) cannot be reduced so that it no longer poses a significant effect on the environment. Attachment 3, by reference, contains the Program EIR (PEIR) on Gravel Removal from the Lower Mad River (State Clearinghouse # 92083049), April 1994, and the follow up Supplemental Final EIR (SEIR) adopted by the County Board of Supervisors December 14, 2014, on Gravel Extraction on the Lower Mad River (SCH# 1992083049). The property proposed for development at this time was included in discussions of both documents, referenced by map Figure 2-4 "Lower Mad River from Johnson Bar to Emerson Bar" which identifies this project site and the ongoing gravel operations in Appendix to Attachment 3. These on-going surface mining activities have existed on this site since the 1960s and the proposed manufacturing operation is considerably less intensive than this existing use, relative to development foot print, scale and number of structures, traffic generation and employees. The proposed 5,000 sq. ft. manufacturing facility is to be sited at the far northeast corner of the property next to Glendale Drive in a previously developed area of the property and over 400 feet from the Mad River. Although the proposed manufacturing project is subject to CEQA, staff believes the findings to support approving an Addendum to the PEIR and SEIR can be made and are documented in throughout this report.

In addition, the change in zoning from Agriculture General to Qualified Heavy Industrial implements the recently adopted Humboldt County General Plan for this property. Implementation Measure (GP-IM6) requires a county-wide rezoning effort to insure consistency with the recent changes to land use designations. The proposed zone reclassification to MH-Q zone is consistent with the Industrial Resource Related (IR) land use designation per the General Plan Zoning Consistency Matrix (Table 4-H). For Plan consistency a Qualified or Q Zone overlay is required. Furthermore, the Environmental Impact Report (EIR) for the Humboldt County General Plan (SCH# 2007012089) considered land use changes, including the designation of the subject property IR. Although the proposed Zone Reclassification is subject to CEQA, staff believes the findings to support approving an Addendum to the General Plan EIR can be made and are documented in throughout this report.

There are a series of findings that must be made to approve the project. As described in the staff report, and based on the on-site inspection, a review of Planning Division reference sources, and comments from referral agencies, staff believes the necessary findings can be made to approve the proposed project.

Alternatives: The Planning Commission could elect not to approve the project, or to require the applicant to submit further evidence supporting the required findings, or modify the project to conform to the required findings. These alternatives could be implemented if the Commission is unable to make all of the required findings. Planning Division staff believes that the required findings in support of the proposal can be made, so Planning staff does not recommend further consideration of these alternatives.

**RESOLUTION OF THE PLANNING COMMISSION #1
OF THE COUNTY OF HUMBOLDT
Resolution Number 18-**

**Case Number SP 16-015
Assessor's Parcel Number: 504-161-010**

Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the MCMP, LLC Special Permit request.

WHEREAS, MCMP, LLC submitted an application and evidence in support of approving the Special Permit for a new 5,000 square foot commercial cannabis products manufacturing establishment using non-volatile and volatile solvents; and

WHEREAS, the County Planning Division has reviewed the submitted application and supporting substantial evidence and has referred the application and evidence to involved reviewing agencies for site inspections, comments and recommendations; and

WHEREAS, the project is subject to environmental review pursuant to the California Environmental Quality Act (CEQA); and

WHEREAS, The County Planning Division, the lead agency, prepared an Addendum to The Program EIR (PEIR) on Gravel Removal from the Lower Mad River (State Clearinghouse # 92083049), April 1994, and the follow up Supplemental Final EIR (SEIR) adopted by the County Board of Supervisors December 14, 2014, on Gravel Extraction on the Lower Mad River (SCH# 1992083049), where the Board of Supervisors certified the Final SEIR as complete and adequate in that it addressed all environmental effects of the proposed project and fully complies with all the requirements of CEQA. The property proposed for development at this time was included in discussions of both documents, referenced by map Figure2-4 "Lower Mad River from Johnson Bar to Emerson Bar" which identifies this project site and the ongoing gravel operations in Attachment 3 as required by Section 15074(b) of the CEQA Guidelines, and finds there is no substantial evidence that the proposed project will have a significant effect on the environment;

WHEREAS, Attachment 2 in the Planning Division staff report includes substantial evidence in support of making all of the required findings for approving the proposed Special Permit (Case Number SP-16-015); and

WHEREAS, a public hearing was held on the matter before the Humboldt County Planning Commission on January 11, 2018.

NOW, THEREFORE, be it resolved, determined, and ordered by the Humboldt County Planning Commission that the following findings be and are hereby made:

1. Adopts the proposed Addendum to a previously certified SEIR and PEIR in Attachment 4 as required by Section 15074(b) of the CEQA Guidelines, and finds that there is no substantial evidence that the proposed project will have a significant effect on the environment; and
2. The findings in Attachment 2 of the Planning Division staff report support approval of Case Number SP-16-015 based on the submitted evidence; and
3. Special Permit Case Number SP-16-015 is approved as recommended and conditioned in Attachment 1. The Special Permit shall become effective immediately after the Board of Supervisors approves the Zone Reclassification for the property, which replaces the Agriculture General (AG) zone with the Heavy Industrial with the Qualified combining (MH-Q) zone.

Adopted after review and consideration of all the evidence on January 11, 2018.

The motion was made by COMMISSIONER _____ and second by COMMISSIONER _____:

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

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

John Ford
Director, Planning and Building Department

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT
Resolution Number 18-**

**Case Number ZR 17-001
Assessor's Parcel Number: 504-161-010**

Recommending the Humboldt County Board of Supervisors certify compliance with the California Environmental Quality Act and approve the MCMP, LLC Zone Reclassification request.

WHEREAS, MCMP, LLC submitted an application and evidence in support of approving the Zone Reclassification (ZR); and

WHEREAS, the County Planning Division has reviewed the submitted application and supporting substantial evidence and has referred the application and evidence to involved reviewing agencies for site inspections, comments and recommendations; and

WHEREAS, the project is subject to environmental review pursuant to the California Environmental Quality Act (CEQA); and

WHEREAS, The County Planning Division, the lead agency, prepared an Addendum to the Environmental Impact Report (EIR) for the Humboldt County General Plan, State Clearinghouse No. 2007012089, adopted by the Board of Supervisors on October 23, 2017, where the Board of Supervisors certified the Final EIR as complete and adequate in that it addressed all environmental effects of the proposed project and fully complies with all the requirements of CEQA. The property proposed for rezoning at this time was included among the changes to Land Use Designations approved in the General Plan. The Addendum in Attachment 3 identifies how the proposed rezoning implements the General Plan and that the project's impacts were adequately analyzed and mitigated in the General Plan EIR as required by Section 15074(b) of the CEQA Guidelines, and finds there is no substantial evidence that the proposed project will have a significant effect on the environment; and

WHEREAS, Attachment 2 in the Planning Division staff report includes substantial evidence in support of making all of the required findings for approving the proposed Zone Reclassification; and

WHEREAS, a public hearing was held on the matter before the Humboldt County Planning Commission on January 11, 2018.

NOW, THEREFORE, be it resolved, determined, and ordered by the Humboldt County Planning Commission that the following findings be and are hereby made:

1. The Planning Commission considered the Addendum to the General Plan EIR; and
2. The Planning Commission makes the findings in Attachment 2 of the Planning Division staff report for Case Nos.: ZR 17-001 based on the submitted evidence; and
3. The Planning Commission recommends that the Board of Supervisors of the County of Humboldt:
 - Hold a public hearing in the manner prescribed by law.
 - Adopt the Planning Commission's findings.
 - By ordinance, approve the Zone Reclassification from Agriculture General (AG) zone to Heavy Industrial with the Qualified combining (MH-Q) zone on the subject parcel.
 - Direct the Planning Division to prepare and file a Notice of Determination pursuant to CEQA for the project.
 - Direct the Clerk of the Board to publish a post approval summary in a newspaper of general circulation, and give notice of the decision to interested parties.

Adopted after review and consideration of all the evidence on _____, 2018.

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

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

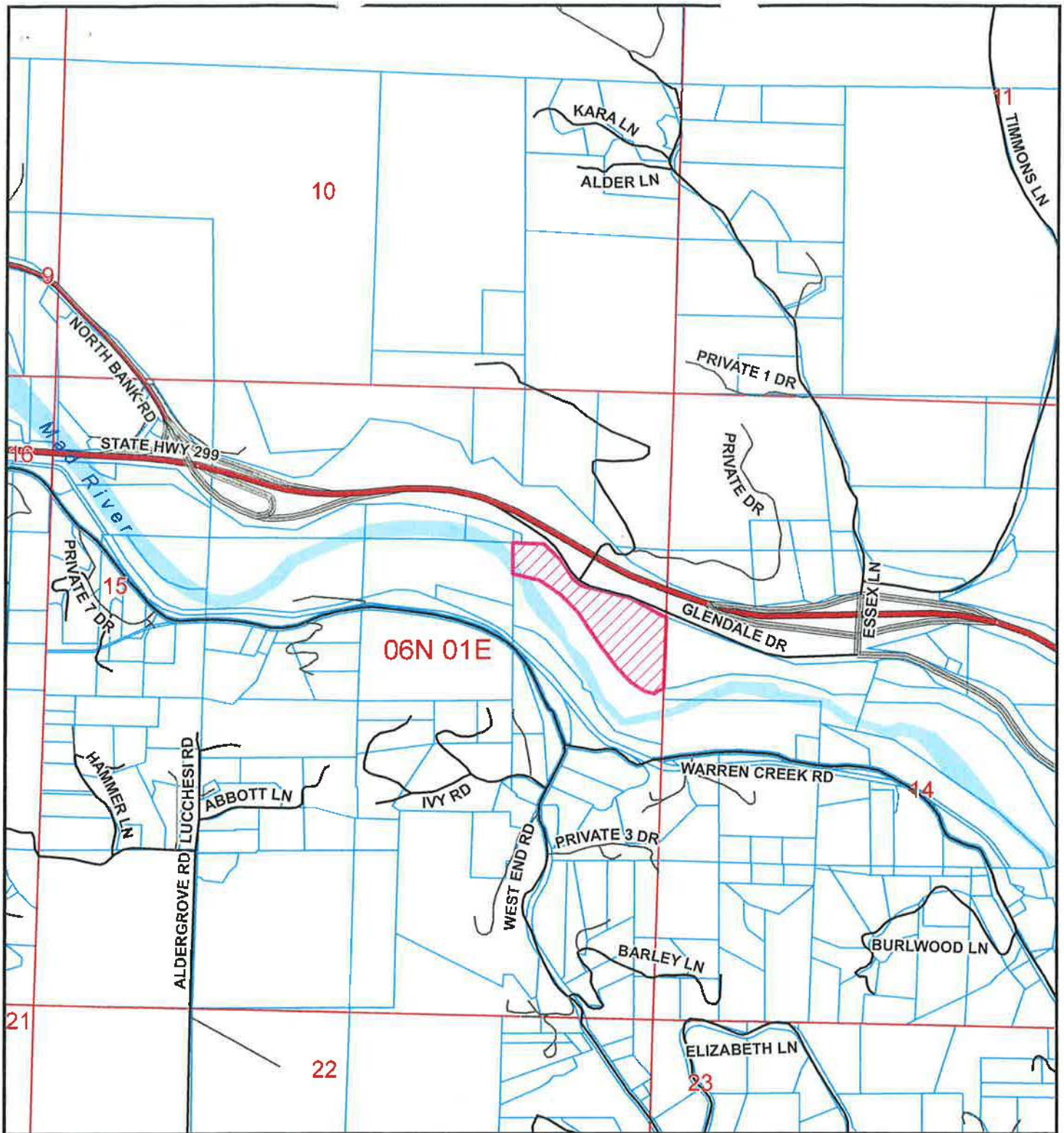
ABSENT: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

DECISION:

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

John Ford
Director, Planning and Building Department



LOCATION MAP

**PROPOSED MCMP, LLC
SPECIAL PERMIT &
ZONE RECLASSIFICATION
GLENDALE AREA
SP-16-015/ZR-16-001**

APN: 504-161-010

T06N R01E S15 HB&M (Arcata North)

Project Area = 

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

ZR 16-001 MCMP, LLC 10244

January 11, 2018





AERIAL MAP

**PROPOSED MCMP, LLC
SPECIAL PERMIT &
ZONE RECLASSIFICATION
GLENDALE AREA
SP-16-015/ZR-16-001**

APN: 504-161-010

T06N R01E S15 HB&M (Arcata North)

Project Area = 

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

ZR 16-001 MCMP, LLC 10244

January 11, 2018

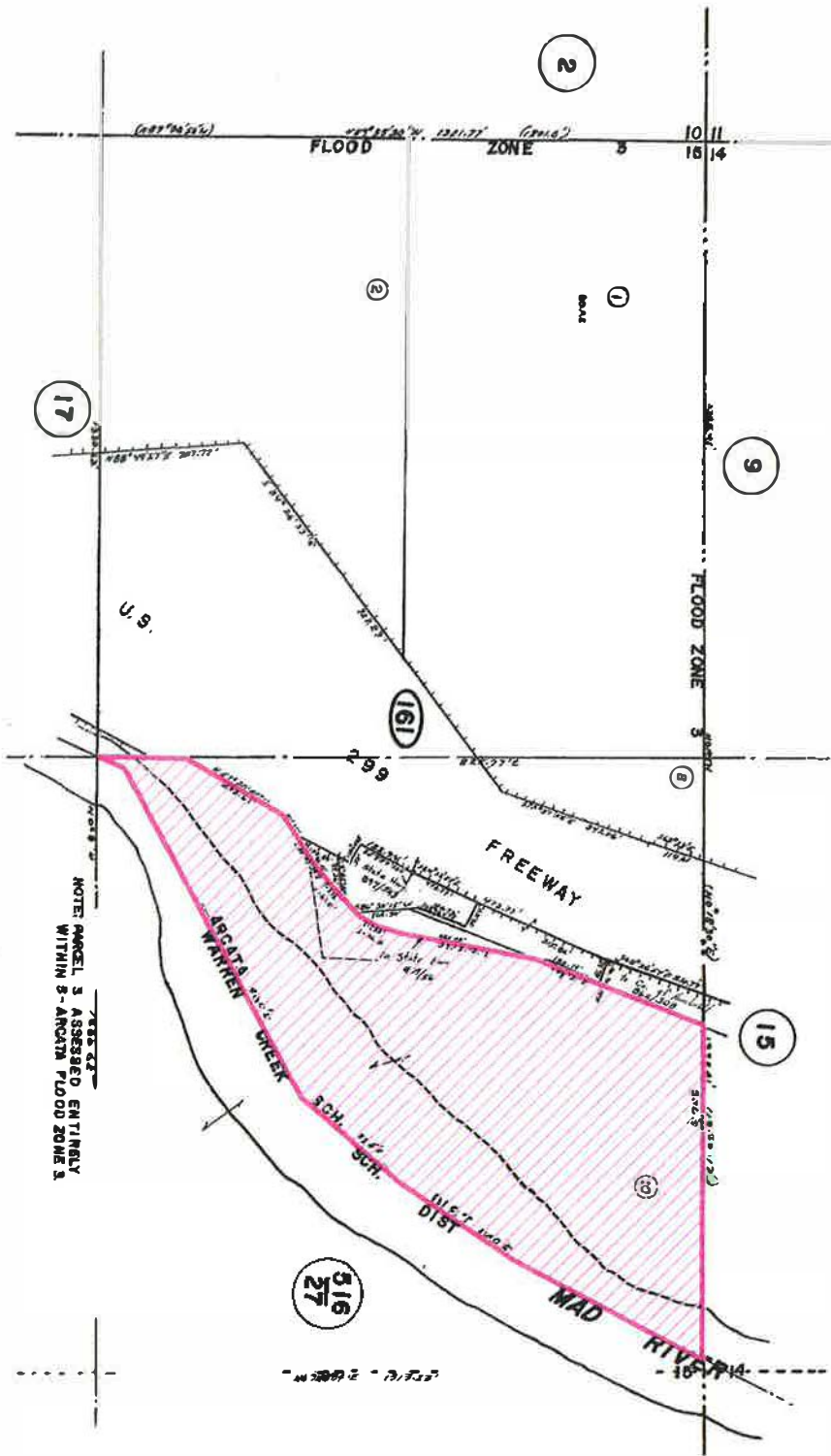


0 500 Feet


E 1/2 OF NE 1/4 SEC 15, 6N 1E

504-16
T.C.A. 53-0
1" = 800'
L.S. 11-122

L.S. 101



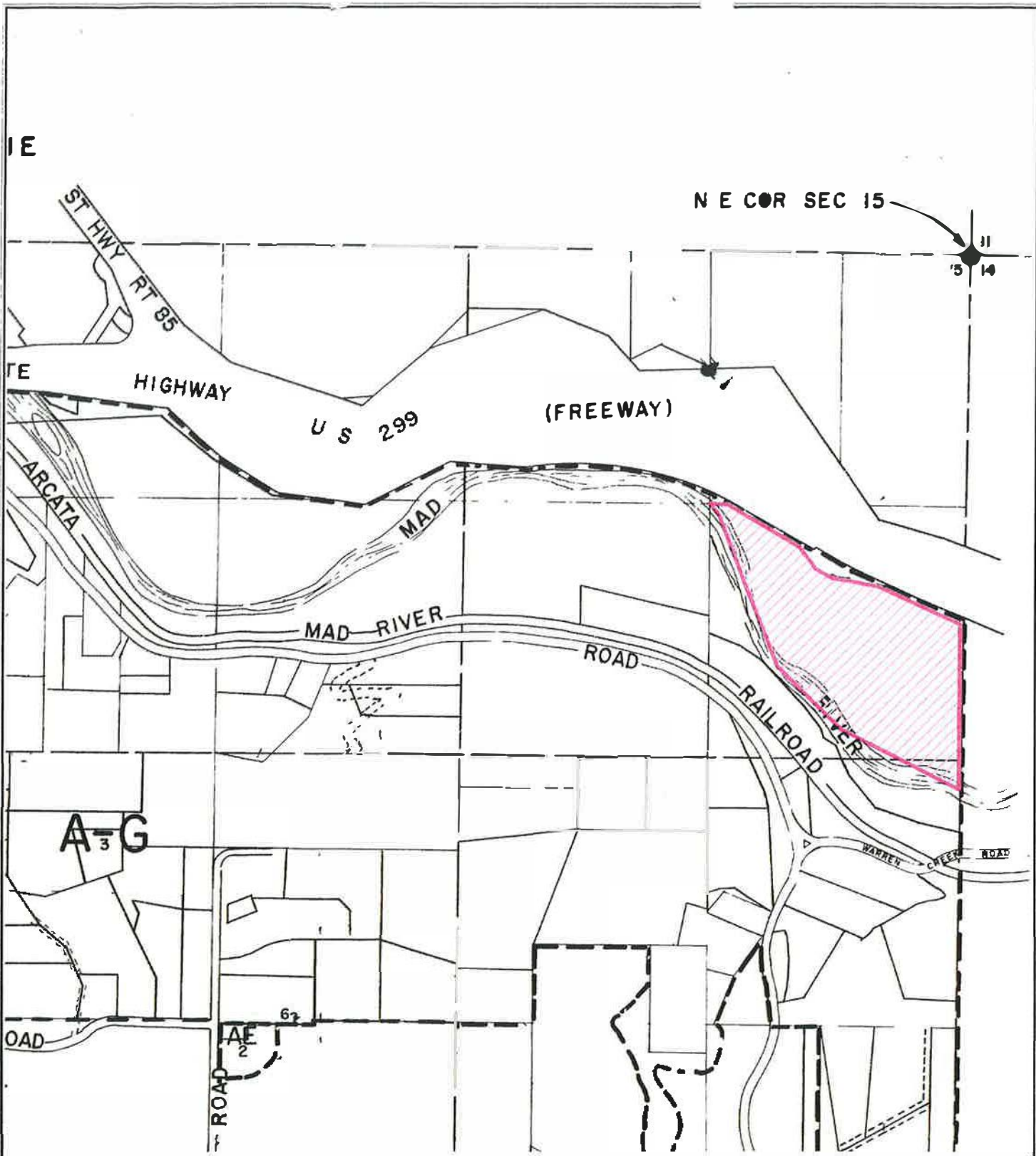
NOTE: PARCEL 3 ASSESSED ENTIRELY WITHIN 8-ARCATA FLOOD ZONE 3

ASSESSOR PARCEL MAP

**PROPOSED MCMP, LLC
SPECIAL PERMIT &
ZONE RECLASSIFICATION
GLENDALE AREA
SP-16-015/ZR-16-001
APN: 504-161-010**

T06N R01E S15 HB&M (Arcata North)

PROJECT SITE = 



ZONING MAP

**PROPOSED MCMP, LLC
SPECIAL PERMIT &
ZONE RECLASSIFICATION
GLENDALE AREA
SP-16-015/ZR-16-001
APN: 504-161-010**

T06N R01E S15 HB&M (Arcata North)

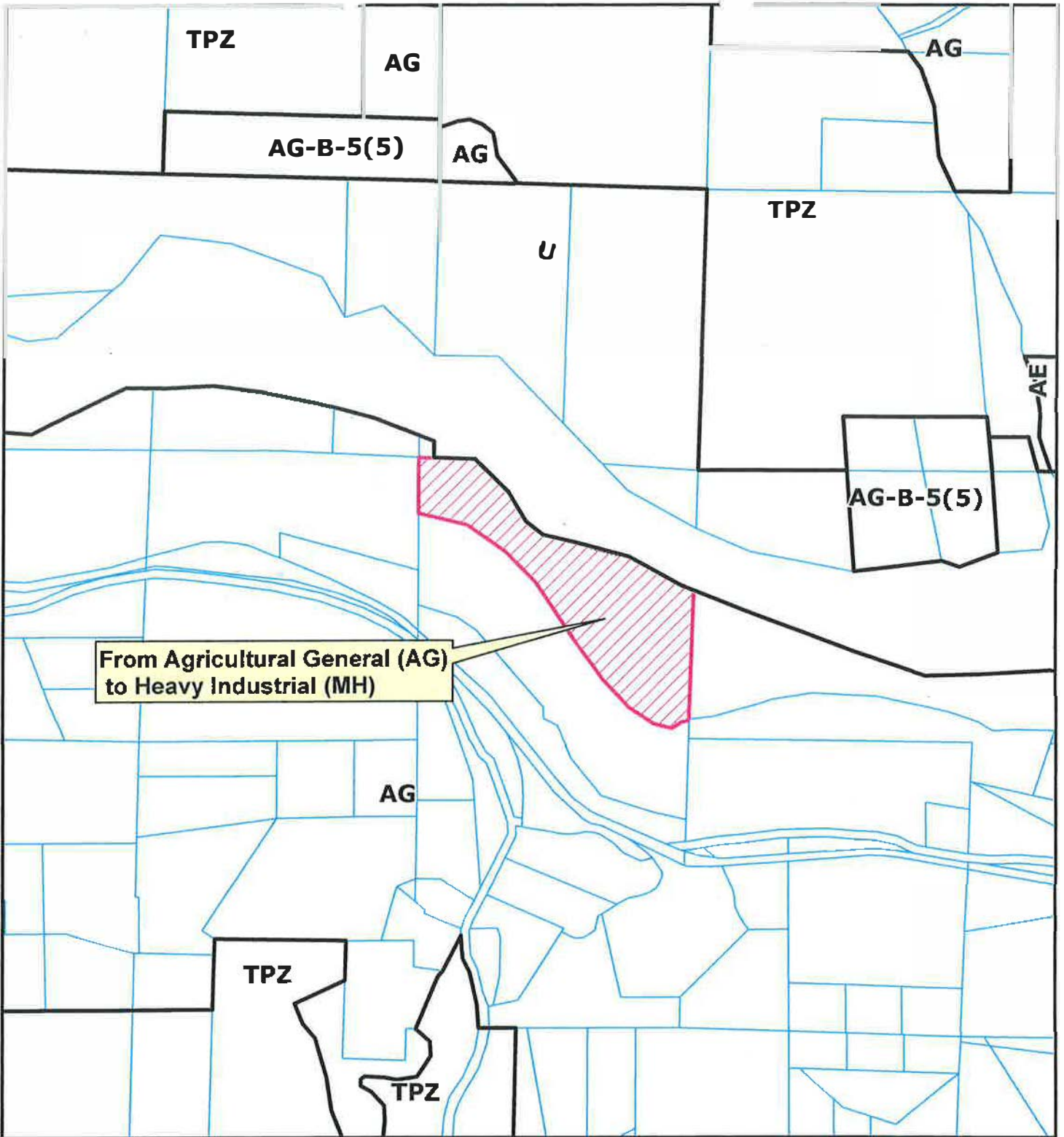
PROJECT AREA = 

MAP NOT TO SCALE

ZR 16-001 MCMP, LLC 10244

January 11, 2018





From Agricultural General (AG)
to Heavy Industrial (MH)

ZONING MAP DETAIL

**PROPOSED MCMP, LLC
SPECIAL PERMIT &
ZONE RECLASSIFICATION
GLENDALE AREA
SP-16-015/ZR-16-001
APN: 504-161-010**

T06N R01E S15 HB&M (Arcata North)

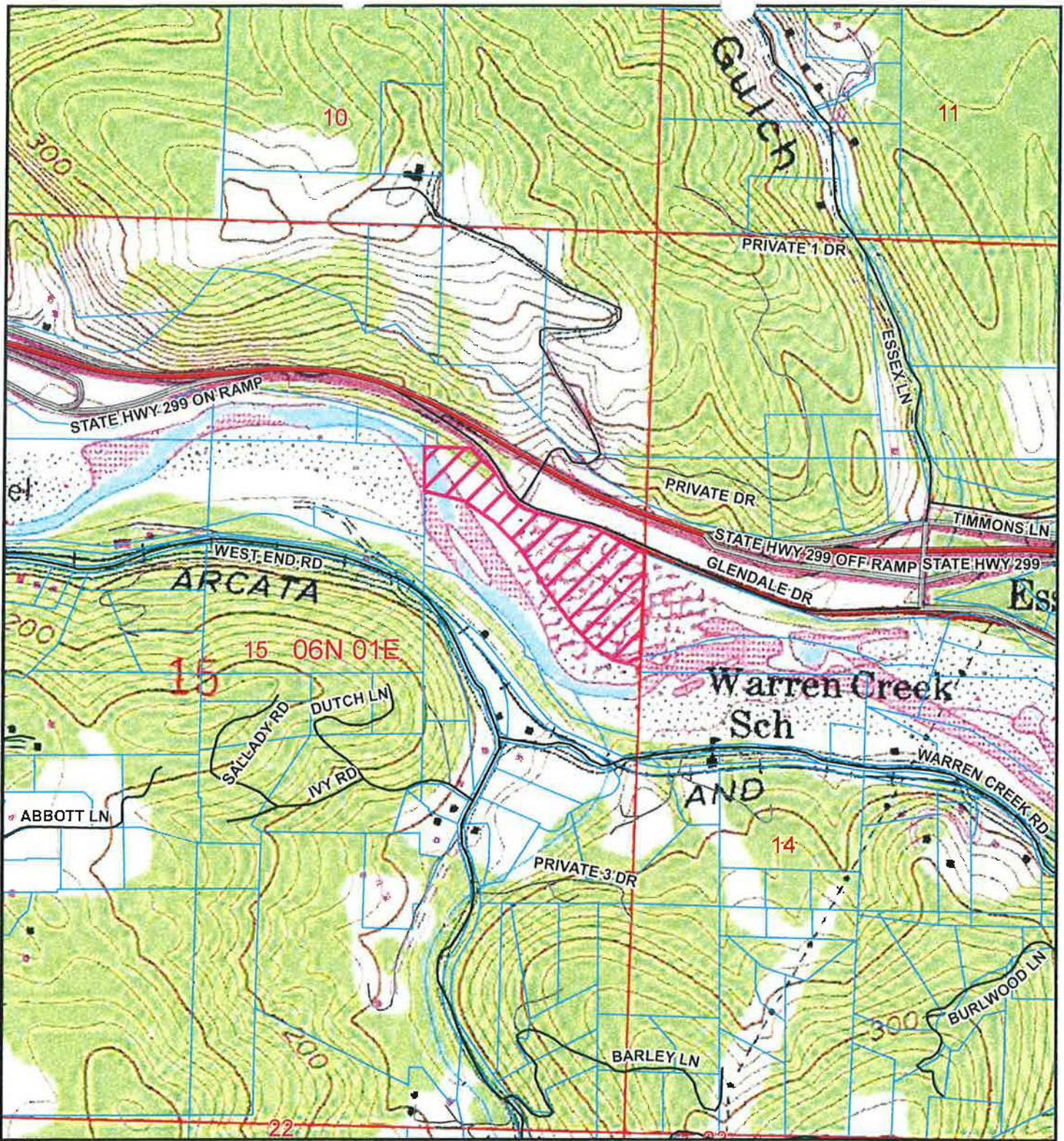
Project Area = 

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

ZR 16-001 MCMP, LLC 10244

January 11, 2018





TOPO MAP

**PROPOSED MCMP, LLC
SPECIAL PERMIT &
ZONE RECLASSIFICATION
GLENDALE AREA
SP-16-015/ZR-16-001
APN: 504-161-010**

T06N R01E S15 HB&M (Arcata North)

Project Area = 

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



LOCATIONS AND ELEVATIONS SHOWN ARE PROVIDED FOR INFORMATION ONLY, SUCH INFORMATION MAY NOT BE COMPLETE OR ACCURATE. CONTRACTOR IS RESPONSIBLE FOR CONTACTING ALL AGENCIES INVOLVED AND VERIFYING LOCATIONS OF ALL UTILITIES THAT MAY BE IMPACTED BY HIS/HER WORK.

UNAUTHORIZED CHANGES & USES, THE ENGINEER PREPARING THESE PLANS WILL NOT BE RESPONSIBLE FOR, OR LIABLE FOR, UNAUTHORIZED CHANGES TO OR USES OF THESE PLANS. ALL CHANGES TO THE PLANS MUST BE IN WRITING AND MUST BE APPROVED BY THE PREPARER OF THESE PLANS.

PARKING CALCULATIONS:
INDUSTRIAL USE
1 SPACE/1500 SQUARE FEET = 4 SPACES

ABBREVIATIONS

- <E> EXISTING
- <P> PROPOSED
- <D> DRIVEWAY
- ELEVATION
- FINISHED FLOOR

LEGEND

- EXISTING GRAVAGE DIRECTION
- EXISTING PROPERTY LINES
- SUBJECT PROPERTY LINES
- GRADING LIMITS
- PROPERTY LINES
- EASEMENT LINE
- EXISTING OVERHEAD ELECTRIC
- PROPOSED UNDERGROUND ELECTRIC
- 100 YEAR FLOOD ZONES

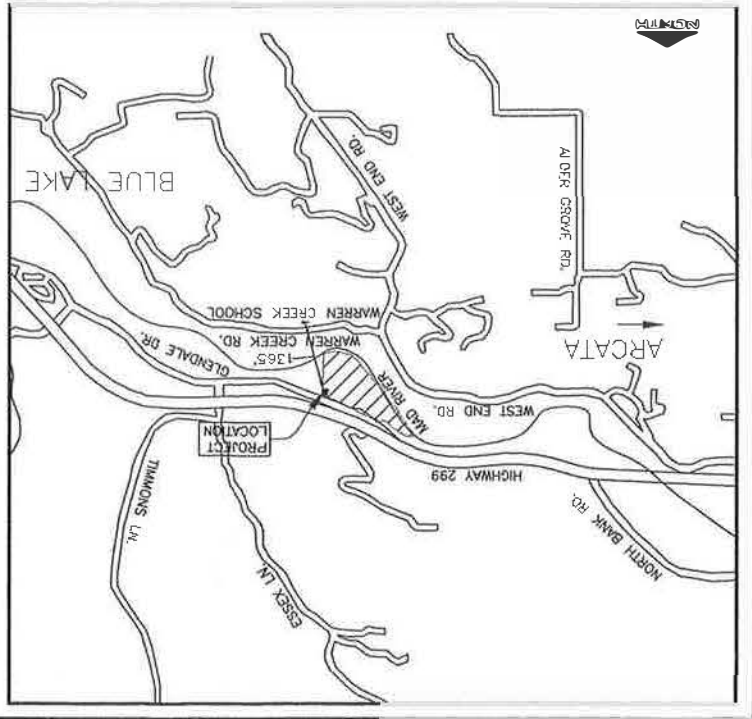
PROJECT DESCRIPTION
PROJECTED PROJECT INCLUDES THE CONSTRUCTION OF A 5,000 SQUARE FOOT MANUFACTURING FACILITY.

PROJECT INFORMATION

OWNERS: MERCER FRASER CO
OWNER ADDRESS: PO BOX 1003, EUREKA, CA 95502
ORATOR: BRIANNE REILLY
ENGINEER: PACIFIC AFFILIATES, TRAVIS SCHNEIDER
PROJECT ADDRESS: 9C GLENDALE DR., BLUE LAKE, CA 95525
ZONING: AG
APN #: 504-161-010

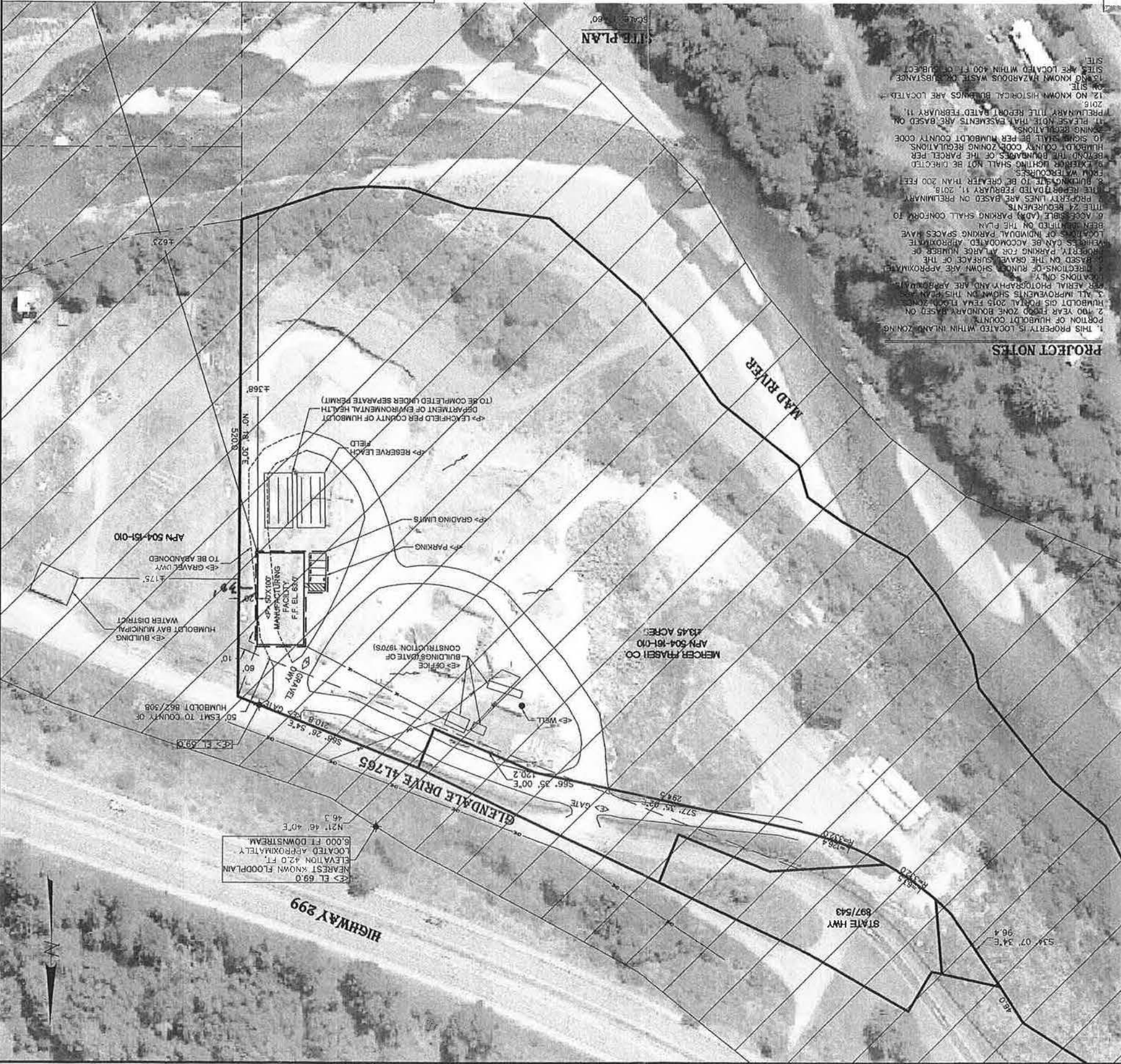
EXISTING DESIGN ON-SITE WELL
WATER EXISTING DESIGN CATEGORY:
DESIGNING DESIGN CATEGORY:
ZONING AS
TRESS TO BE REMOVED:
ELECTRICAL: POLE
CUT/FILL: NET <10 CY
CONSTRUCTION SPILLS TO REMAIN ON SITE

VICINITY MAP
SCALE: N.T.S.



PROJECT NOTES

- THIS PROPERTY IS LOCATED WITHIN INLAND ZONING PORTION OF HUMBOLDT COUNTY.
- 2,000 YEAR FLOOD ZONE BOUNDARY BASED ON HUMBOLDT GIS FROM YEAR 2015.
- ALL IMPROVEMENTS SHOWN IN THIS PLAN PER AERIAL PHOTOGRAPHY AND ARE APPROXIMATE LOCATIONS ONLY.
- DIRECTIONS OF RUNS ARE APPROXIMATE, BASED ON THE GRAVEL SURFACE OF THE PROPERTY. PARKING FOR AT LEAST NUMBER OF HIGHWAYS CAN BE ACCOMMODATED. APPROXIMATE LOCATIONS OF INDIVIDUAL PARKING SPACES HAVE BEEN IDENTIFIED ON THE PLAN.
- ACCESSIBLE (ADA) PARKING SHALL CONFORM TO THE 2010 REQUIREMENTS.
- PROPERTY LINES ARE BASED ON PRELIMINARY SURVEY RECORDS.
- THE REPORT DATED FEBRUARY 11, 2018.
- BUILDING SITE TO BE GREATER THAN 200 FEET FROM WATERCOURSES.
- EXTERIOR LIGHTING SHALL NOT BE DIRECTED BEYOND THE BOUNDARIES OF THE PARCEL PER HUMBOLDT COUNTY CODE ZONING REGULATIONS.
- TO SIGN SHALL BE PER HUMBOLDT COUNTY CODE ZONING REGULATIONS.
- PRELIMINARY TITLE REPORT DATED FEBRUARY 11, 2018.
- NO KNOWN HISTORICAL BUILDINGS ARE LOCATED ON SITE.
- NO KNOWN HAZARDOUS WASTE OR SUBSTANCE SITES ARE LOCATED WITHIN 400 FT. OF SUBJECT SITE.



FOR PLAN REVIEW ONLY - NOT FOR CONSTRUCTION

PLANS CERTIFIED FOR CONSTRUCTION BY ENGINEER OF RECORD ON _____ SIGNATURE

DATE: FEBRUARY 25, 2018
SCALE: DRAWN BY: BR
SHEET NUMBER: C-1
JOB NUMBER: 15-1887

MERCER FRASER
99 GLENDALE DR.
BLUE LAKE, CA
APN 504-161-010

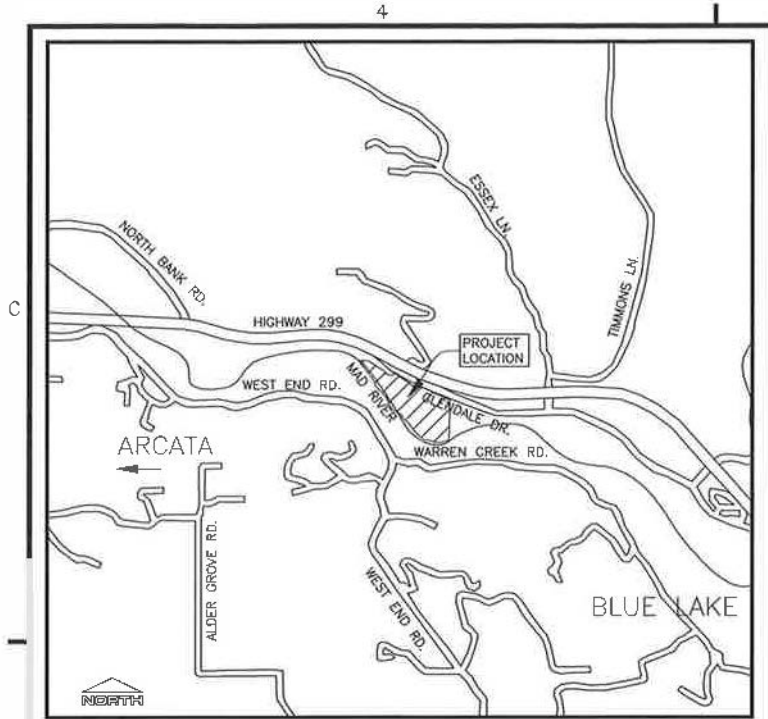
SITE PLAN

REGISTERED PROFESSIONAL ENGINEER
NO. 9233
EXPIRES 12-31-2019
STATE OF CALIFORNIA
DIVISION OF CALIFORNIA ENGINEERS & GEODETISTS



PACIFIC AFFILIATES CONSULTING ENGINEERS
350 W. WATERFRONT DRIVE, EUREKA, CA 95501
TEL: (707) 443-3801 FAX: (707) 443-3803

REVISIONS: _____



VICINITY MAP
SCALE: N.T.S

PROJECT INFORMATION

OWNERS: MERCER FRASER CO.
OWNER ADDRESS: PO BOX 1003, EUREKA, CA 95502
DRAFTSPERSON: BRIANNE REILLY
ENGINEER: PACIFIC AFFILIATES, TRAVIS SCHNEIDER
PROJECT ADDRESS: 90 GLENDALE DR., BLUE LAKE, CA 95525
APN #: 504-161-010
ZONING: AC
WATER: EXISTING ON-SITE WELL
ELECTRICAL: PG&E
TREES TO BE REMOVED: 0
CUT/FILL: NET <10 CY
CONSTRUCTION SPOILS TO REMAIN ON SITE

PROJECT DESCRIPTION

PROPOSED PROJECT INCLUDES THE CONSTRUCTION OF A 5,000 SQUARE FOOT MANUFACTURING FACILITY AND ASSOCIATED PRIVATE SEWAGE DISPOSAL SYSTEM.

LEGEND

- - - - - EXISTING DRAINAGE DIRECTION
- - - - - GRADING LIMITS
- - - - - SUBJECT PROPERTY LINES
- - - - - PROPERTY LINES
- - - - - EASEMENT LINE
- - - - - EXISTING OVERHEAD ELECTRIC
- - - - - PROPOSED UNDERGROUND ELECTRIC
- - - - - PROPOSED FENCE
- - - - - FIBER ROLL
- [Hatched Box] 100 YEAR FLOOD ZONES
- [Dotted Box] STREAM-SIDE MANAGEMENT ZONE
- [Stippled Box] <P> CONCRETE

ABBREVIATIONS

- <E> EXISTING
- <P> PROPOSED
- DWY DRIVEWAY

PARKING CALCULATIONS:

INDUSTRIAL USE:
1 SPACE/1500 SQUARE FEET = 4 SPACES

LOCATIONS AND ELEVATIONS SHOWN ARE PROVIDED FOR INFORMATION ONLY. SUCH INFORMATION MAY NOT BE COMPLETE OR ACCURATE. CONTRACTOR IS RESPONSIBLE FOR CONTACTING ALL AGENCIES INVOLVED AND VERIFYING LOCATIONS OF ALL UTILITIES THAT MAY BE IMPACTED BY HIS/HER WORK.



OVERALL SITE PLAN
SCALE: 1"=80'

UNAUTHORIZED CHANGES & USES: THE ENGINEER PREPARING THESE PLANS WILL NOT BE RESPONSIBLE FOR, OR LIABLE FOR, UNAUTHORIZED CHANGES TO OR USES OF THESE PLANS. ALL CHANGES TO THE PLANS MUST BE IN WRITING AND MUST BE APPROVED BY THE PREPARER OF THESE PLANS.

FOR PLAN REVIEW ONLY - NOT FOR CONSTRUCTION

REVISIONS	BY
12/04/17	BR

PACIFIC AFFILIATES
CONSULTING ENGINEERS
900 W. WATERFRONT DRIVE, EUREKA, CA 95501
TEL (707) 445-3001
FAX (707) 445-3003



OVERALL SITE PLAN

PROJECT: AFFILIATES, INC. VARIOUS PROJECTS. ILLUSTRATIONS: ITS OWNERS. THIS PLAN IS A PRELIMINARY DESIGN. IT IS THE RESPONSIBILITY OF THE USER TO VERIFY THE ACCURACY OF ALL INFORMATION AND TO OBTAIN ALL NECESSARY PERMITS AND APPROVALS. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS.

MERCER FRASER
90 GLENDALE DR.
BLUE LAKE, CA
APN 504-161-010

Date: June 14, 2017
Scale: AS NOTED
Drawn by: BR

SHEET NUMBER
C-1

JOB NUMBER
15-1887

ATTACHMENT 1

RECOMMENDED CONDITIONS OF APPROVAL

APPROVAL OF THE SPECIAL PERMIT IS CONDITIONED ON THE FOLLOWING TERMS AND REQUIREMENTS WHICH MUST BE SATISFIED.

1. The applicant shall submit an amendment to the approved Reclamation Plan for Special Permit Application No. SP 26-88. The applicant shall secure all necessary approvals for the Reclamation Plan amendment prior to commencing any ground disturbance necessary to initiate the development of this facility, including any associated infrastructure. The Reclamation Plan shall consider potential changes to lighting and glare, and noise levels that may occur when mining operations enter the reclamation phase.
2. The applicant shall secure a grading permit prior to commencing any ground disturbance. The grading permit shall be prepared by a qualified professional engineer. The plan shall identify the cubic yards of all proposed grading and shall incorporate the erosion control measures listed below. The applicant shall be responsible for implementing the erosion control measures.
 - A. Minimize soil exposure during the rainy season by proper timing of grading and construction;
 - B. Retain natural vegetation where feasible;
 - C. Vegetate and mulch denuded areas to protect them from winter rains;
 - D. Divert runoff from steep denuded slopes and critical areas with barriers or ditches;
 - E. Minimize length and steepness of slopes by benching, terracing, or constructing diversion structures;
 - F. Trap sediment-laden runoff in basins to allow soil particles to settle out before flows are released to receiving waters; and
 - G. Inspect sites prior to significant rain events to ensure control measures are working properly and correct problems as needed.
3. The applicant shall secure permits for all structures related to the commercial cannabis activity. The plans submitted for building permit approval shall be consistent with the project description and approved project site plan. A letter or similar communication from the Building Division verifying that all structures related to the cannabis cultivation are permitted will satisfy this condition.
4. Applications for grading and building permits shall be referred to the North Coast Air Quality Management District (NCAQMD) for review and consultation. Dust control practices during grading and construction shall achieve compliance with NCAQMD fugitive dust emission standards.
5. The approved building plans shall meet all applicable fire codes, including fire suppression infrastructure requirements deemed necessary for the project by the Building Inspection Division. Sign off on the Occupancy Permit by the Building Division shall satisfy this requirement.
6. The applicant shall secure all necessary approvals and permits from the Division of Environmental Health and the Regional Water Quality Control Board for the on-site sewage

disposal system, Hazmat, and solid waste prior to the issuance of the building permit. A letter from those agencies indicating approval has been issued will satisfy this condition.

7. All repositioned stockpiles or berms, either in their entirety or partially, shall be replaced in-kind with similar earthworks, or structures, to maintain and attenuate noise and aesthetic impacts associated with the mining and processing operation. The Building Permit application for the development of the manufacturing facility shall include plans prepared by a qualified professional engineer that demonstrate the replacement earthworks or structures provide equivalent noise attenuation and aesthetic buffering as the existing berm/stockpile that is to be relocated for the review and approval of the Planning Director. The earthwork plans shall incorporate the General Plan sedimentation and erosion control measures in specified in standard WR-S13. The approved earthworks shall be developed the prior to occupancy of the manufacturing facility.
8. The applicant shall submit a site plan drawn to scale and meeting the requirements of Building Inspection's Plot Plan Checklist for the review and approval of the Planning Director. The site plan shall show
 - a) Compliance with the setbacks of the Heavy Industrial (MH) zone.
 - b) Location of easements of record.
 - c) Adequate off-street parking, including the location of the dedicated 10 foot by 60 foot loading space.
 - d) Compliance with emergency vehicle access requirements as per the Humboldt County Code Section 3111 et seq. (Fire Safe Regulations)
 - e) Landscaping Plan if the parking facility contains 5 or more vehicles as required by the General Plan Standard Section UL-S5.
9. The applicant shall install security fencing at the perimeter of the manufacturing facility. The fencing shall be compatible with the surrounding uses and buffer the visibility of the manufacturing facility by the fence's design and/or use of landscaping. Plant materials used for landscaping shall be non-invasive and shall not be pyrophytic.
10. The applicant shall post notices on the project site regarding potential of flooding from the failure of Ruth Dam in a major seismic event. The content of the notices are to include maps showing the inundation areas and location of evacuation routes. The premises shall be equipped with radio receivers (preferably battery-operated) capable of receiving emergency broadcasts and instructions. The owners and employees of the proposed facility will monitor such information during flood warning and respond accordingly.
11. The applicant shall secure a building permit prior to installing signage for the commercial cannabis manufacturing facility. The signage plan shall be subject to the review and approval of the Planning Director. Signage shall be compatible and not distract from the surrounding uses in the area.
12. 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.
13. To document the sufficiency of the water source used for the operation, the applicant shall submit a Notification of Lake and Stream Alteration to the California Department of Fish and Wildlife (CDFW) along with well log information and other information as appropriate to

determine whether the existing well is hydrologically connected to surface water and is jurisdictional. A letter from CDFW indicating that the well is not jurisdictional or that it is jurisdictional and a Lake and Stream Alteration Agreement has been secured will satisfy this requirement. Alternatively, the applicant may obtain community water from a service provider. A will serve letter and evidence of connection shall be provided as evidence to satisfy this condition.

14. 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 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.

Ongoing Requirements/Development Restrictions Which Must be Satisfied for the Life of the Project:

1. The project shall be developed, operated and maintained in accordance with the project description, the Operating Plan, Security Plan, approved project site plan, approved Visitor Serving Operations Plan, and floor plan. Access to the rooms where commercial cannabis is present shall be restricted so that no one under the age of 21 is allowed entry. Changes to the project except for Minor Deviations to the Plot Plan as provided in Section 312- 11.1, shall require Modification of this permit.
2. All materials used for the manufacturing of commercial medical cannabis shall be stored inside the manufacturing facility.
3. Consistent with Section 11362.775 of the Health and Safety Code, until or unless amended, all manufacturing operations shall comply with the following standards:
 - A. Operations consist of either or both of the following:
 - (1) Use only manufacturing processes that do not involve the use of volatile compounds such as butane. (Alcohol may be used as a solvent.); and/or.
 - (2) Use only manufacturing processes that use solvents exclusively within a closed-loop system that meets all the following requirements:
 - a. The system is designed to recapture and contain solvents during the manufacturing process, and otherwise prevent the off-gassing of solvents into the ambient atmosphere to mitigate the risks of ignition and explosion during the manufacturing process.
 - b. A licensed engineer certifies that the system was commercially manufactured, safe for its intended use, and built to codes of recognized and generally accepted good engineering practices, including, but not limited to, the American Society of Mechanical Engineers (ASME), the American National Standards Institute (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM), or OSHA Nationally Recognized Testing Laboratories (NRTLs).
 - c. The system has a certification document that contains the signature and stamp of a professional engineer and the serial number of the extraction unit being certified.
 - d. All volatiles shall be disposed at a facility licensed accept such materials, and in accordance with State and County regulations.
 - B. The building used for cannabis activity shall meet all required fire, safety, and building code requirements in one or more of the following:

- (1) The California Fire Code.
 - (2) The National Fire Protection Association (NFPA) standards.
 - (3) International Building Code (IBC).
 - (4) The International Fire Code (IFC).
 - (5) Other applicable standards, including complying with all applicable fire, safety, and building codes in processing, handling, and storage of solvents or gasses.
4. All new and existing outdoor lighting shall be compatible with the existing setting and directed within the property boundaries.
 5. Commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the Humboldt County Commercial Medical Marijuana Land Use Ordinance (CMMLUO), as may be amended from time to time, as applicable to the permit type.
 6. Possession of a current, valid required license, or licenses, issued by any agency of the State of California in accordance with the MAUCRSA, as may be amended from time to time, and regulations promulgated thereunder, as soon as such licenses become available.
 7. Possession of a current, valid permit or license, issued by the Humboldt County Department of Health and Human Services-Environmental Health Division, as soon as such permits or licenses become available.
 8. All persons hiring employees to engage in commercial processing of medical cannabis shall comply with the following Employee Safety Practices:
 - A. Implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:
 - 1) Emergency action response planning as necessary;
 - 2) Employee accident reporting and investigation policies;
 - 3) Fire prevention;
 - 4) Hazard communication policies, including maintenance of material safety data sheets (MSDS);
 - 5) Materials handling policies;
 - 6) Job hazard analyses; and
 - 7) Personal protective equipment policies, including respiratory protection.
 - B) Visibly post and maintain an emergency contact list which includes at a minimum:
 - 1) Operation manager contacts;
 - 2) Emergency responder contacts;
 - 3) Poison control contacts.
 - C) At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations. Plumbing facilities and water source must be capable of handling increased usage without adverse consequences to neighboring properties or the environment.
 9. Odors shall be contained on the property on which the Cannabis activity is located. To implement this requirement air filtration and ventilation equipment is to be maintained in good working condition and monitored on an on-going basis to limit potential adverse odor emission impacts to employees and/or properties located in the vicinity. If the County receives any odor complaints, the permit holder shall work with the Building Official to correct odor concerns.
 10. **Permit Duration.** The Permit shall be valid for one year from the effective date of approval,

and on the anniversary date of such effective each year thereafter, unless on annual compliance inspection has been completed and the permit has been found to comply with all conditions of approval. In the event the inspection finds noncompliance, a written notification of shall be provided to the permit holder identifying the items not in compliance and the action the permit holder may take to cure the noncompliance. Failure to cure the noncompliance shall result in termination of the permit. The process of notification, re-inspection and appeal of any noncompliance determination shall be as set forth in sections 55.4.1.2.2 and 55.4.13 of the CMMLUO.

11. **Transfers.** Transfer of any leases or permits approved by this project is subject to the review and approval of the Planning Director for conformance with CMMLUO eligibility requirements, and agreement to permit terms and acknowledgments. The fee for required conformance with conditions review shall accompany the request. The request shall include the following information:
 - (1) Identifying information for the new Owner(s) and management as required in an initial permit application;
 - (2) A written acknowledgment by the new Owner in accordance as required for the initial Permit application;
 - (3) The specific date on which the transfer is to occur; and
 - (4) Acknowledgement of full responsibility for complying with the existing Permit; and
 - (5) Execution of an Affidavit of Non-diversion of Medical Cannabis.
12. **Modifications to the Facility.** Prior to making any modifications to a permitted facility, the permittee shall submit to the Planning Director a request for determination of County approvals, together with the appropriate fee. The request shall contain a description sufficiently detailed to allow the Planning Director to determine what permits and other approvals, are needed, and whether a modified Permit is required.
13. **Inspections.** The permit holder and subject property owner are to permit the County or representative(s) or designee(s) to make inspections at any reasonable time deemed necessary to assure that the activities being performed under the authority of this permit are in accordance with the terms and conditions prescribed herein.
14. The operation shall participate in the Medical Cannabis Track and Trace Program administered by the Humboldt County Agricultural Commissioner, when available.
15. The manufacturing operations shall use the following best management practices to ensure the safety of employees and the manufactured product:
 - A. Ensure that the space in which any Medical Marijuana product is to be manufactured is a fully enclosed room and clearly designated on the approved floor plan.
 - B. Ensure that all applicable sanitary rules are followed.
 - C. Ensure that the standard operating procedure includes, but need not be limited to, step-by-step instructions on how to safely and appropriately:
 - a. Conduct all necessary safety checks prior to commencing handling;
 - b. Prepare Medical Marijuana for manufacturing;
 - c. Clean all equipment, counters and surfaces thoroughly; and
 - d. Dispose of any waste produced during the manufacturing of Medical Marijuana in accordance with all applicable local, state and federal laws, rules and regulations.

- D. Establish written and documentable quality control procedures designed to maximize safety for employees and minimize potential product contamination.
 - E. Establish written emergency procedures to be followed by employees in case of a fire, chemical spill or other emergency.
 - F. Have a comprehensive training manual that provides step-by-step instructions for manufacturing medical marijuana products on its Licensed Premises. The training manual shall include, but need not be limited to, the following topics:
 - a. All standard operating procedures used at that Licensed Premises;
 - b. The quality control procedures;
 - c. The emergency procedures for the Licensed Premises;
 - d. The appropriate use of any necessary safety or sanitary equipment;
 - e. The hazards presented by all chemicals and solvents used within the Licensed Premises as described in the material safety data sheet for each chemical and solvent;
 - f. Clear instructions on the safe use of all equipment involved in each process and in accordance with manufacturer's instructions, where applicable; and
 - g. Any additional periodic cleaning required to comply with all applicable sanitary rules.
 - G. Provide adequate training to every employee prior that to that individual undertaking any step in manufacturing a Medical Marijuana product.
 - a. Adequate training shall include, but need not be limited to, providing a copy of the training manual for that Licensed Premises and live, in-person instruction detailing at least all of the topics required to be included in the training manual.
 - b. The individual training each employee shall sign and date a document attesting that all required aspects of training were conducted and that he or she is confident that the trainee can safely handle and distribute a Medical Marijuana product.
 - c. The employee that received the training shall sign and date a document attesting that he or she can safely implement all standard operating procedures, quality control procedures, and emergency procedures, operate all equipment, use all safety, sanitary and other equipment and understands all hazards presented by the chemicals and solvents to be used within the Licensed Premises and any additional period cleaning required to maintain compliance with all applicable sanitary rules.
 - H. Maintain clear and comprehensive records of the name and signature of every individual who engaged in any step related to the manufacturing of any Medical Marijuana product and the step that individual performed.
16. Persons engaging in the manufacturing of any Medical Marijuana product shall:
- A. Be over 21 years of age.
 - B. Not have been convicted of a felony for the illegal possession for sale, sale, manufacture, transportation, or cultivation of a controlled substance; a violent crime, as specified in subdivision (c) of Section 667.5 of the Penal Code; a serious crime, as specified in subdivision (c) of Section 1192.7 of the Penal Code; or a crime involving fraud, deceit, or embezzlement
 - C. Ensure that all equipment, counters and surfaces used in the manufacturing of any Medical Marijuana product is food-grade including ensuring that all counters and surface areas were constructed in such a manner that it reduces the potential for the development of microbials, molds and fungi and can be easily cleaned.
 - D. Ensure that all equipment, counters, and surfaces used in the manufacturing of any Medical Marijuana product are thoroughly cleaned after the completion of each

Production Batch.

- E. Ensure that the appropriate safety or sanitary equipment, including personal protective equipment, is provided to, and appropriately used by, each person engaged in the manufacturing of any Medical Marijuana product.

Informational Notes:

1. 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 as well as the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and 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 NAHC will then be contacted by the Coroner to determine appropriate treatment of the remains pursuant to PRC 5097.98. Violators shall be prosecuted in accordance with PRC Section 5097.99.

2. The applicant is responsible for receiving all necessary permits and/or approvals from other state and local agencies.
3. This 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 construction under a valid building permit or use in reliance on the permit has commenced prior to such anniversary date. Once initiated, the use is subject to the Permit Duration and Renewal provisions set forth in Condition of Approval #10 of the On-Going Requirements /Development Restrictions, above. The period within which construction or use must be initially commenced may be extended as provided by Section 312-11.3 of the Humboldt County Code.

ATTACHMENT 2

STAFF ANALYSIS OF THE EVIDENCE SUPPORTING THE REQUIRED FINDINGS

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

A. Required Findings for changes in the Zoning Maps

Section 312.50 of the Zoning Regulations states the following findings must be made to approve changes to the Zoning Maps:

1. The proposed zoning change is consistent with the General Plan.
2. The proposed change is in the public interest.

B. Required Findings for Special Permits

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

1. The proposed development is in conformance with the County General Plan;
2. The proposed development is consistent with the purposes of the existing zone in which the site is located;
3. The proposed development conforms with all applicable standards and requirements of these regulations;
4. The proposed development and conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare; or materially injurious to property or improvements in the vicinity;

C. Required Findings for Consistency with Housing Element Densities

1. Government Code Section 65302.81 requires specific findings supported by substantial evidence where a general plan amendment or zone reclassification is adopted that reduces the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law (the mid point of the density range specified in the plan designation).
2. In addition, the same Government Code sections also requires any proposed development to maintain the residential density for any parcel at or above that utilized by the Department of Housing and Community Development in determining compliance with housing element law (the mid point of the density range specified in the plan designation), unless the following written findings are made supported by substantial evidence: 1) the reduction is consistent with the adopted general plan including the housing element; and 2) the remaining sites identified in the housing element are adequate to accommodate the County share of the regional housing need; and 3) the property contains insurmountable physical or environmental limitations and clustering of residential units on the developable portions of the site has been maximized.

D. Required Finding for Consistency with the California Environmental Quality Act

1. In addition, the California Environmental Quality Act (CEQA) states that one of the following findings must be made prior to approval of any development which is subject to the

regulations of CEQA. The project either:

- a. Is categorically or statutorily exempt; or
- b. Has no substantial evidence that the project will have a significant effect on the environment and a negative declaration has been prepared; or
- c. Has had an environmental impact report (EIR) prepared and all significant environmental effects have been eliminated or substantially lessened, or the required findings in Section 15091 of the CEQA Guidelines have been made.

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

Finding A: Section 312-50 of the Zoning Ordinance states the following findings must be made to approve changes in the Zoning Maps

Section(s)	Applicable Requirements
§312-50 of the Zoning Ordinance	Finding A1. That the proposed zoning change is consistent with the General Plan.
<p>Evidence Supporting Finding A1</p> <p>Table 4-H in the General Plan shows the Industrial, Resource Related (IR) land use designation that applies to the subject parcel, is compatible with the proposed Heavy Industrial (MH) zoning district with the inclusion of a Qualified combining zone to ensure zoning consistency so the proposed MH zone is consistent with the General Plan.</p> <p>The proposed Qualified (Q) combining zone limits uses in the MH zone to resource-related industrial processing such as timber, agriculture, mineral products processing, and the proposed cannabis manufacturing facility when consistent with the performance standards of the Q zone, further reinforcing the consistency between the plan and zoning. Surfacing mining operations, an existing use of the property, will still require a CUP under the proposed Q zone and pursuant to Humboldt County Code Section 314-59.1.</p>	
§312-50 of the Zoning Ordinance	Finding A2. That the proposed zoning change is in the public interest
<p>Evidence Supporting Finding A2</p> <p>It is arguably in the public interest to modify the zoning to allow certain resource-related commercial cannabis activities on properties which have been developed for industrial uses and are sited in proximity to transportation routes. The subject property has and continues to be used as a surface mining and processing site and has frontage on a County maintained road (Glendale Drive) that provide immediate access to in both directions, and is approximately a quarter mile south -Highway 299 intersection. The zoning change could provide additional resource related industrial development potential in the Glendale area with minimal impacts to county roads or other neighboring land uses (comprised mostly of lands owned by the Humboldt Bay Municipal Water District). Additionally, the facility will increase local manufacturing employment opportunities including the associated short-term construction and longer-term support service jobs.</p>	

Finding B: Required Findings for Special Permits

Finding B1: The proposed development must be consistent with the General Plan. The following table identifies the evidence which supports finding that the proposed project will be in conformance with all applicable policies and standards of the Humboldt County General Plan.

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Land Use Chapter 4</p> <p>Land Use Designations Section 4.8</p>	<p>Industrial, Resource Related (IR): This designation provides areas for resource-related industrial processing such as timber, agriculture and mineral products processing in areas not typically served by urban services and therefore not suitable for a broader range of industrial uses.</p> <p>No density range is specified.</p>	<p>The project site is actively used for mineral extraction, including stockpiling of material extracted from the river bar and processing. The property has hosted mineral extraction uses since the 1960s, and was issued a Vested Rights determination and Reclamation Plan approval by the County for such uses on November 3, 1988. The existing uses are consistent with the IR land use designation.</p> <p>The project includes a Zone Reclassification to change the principal zone district from Agriculture General (AG) to Heavy Industrial with a Qualified combining zone (MH-Q). According to Table 4-H in the adopted General Plan, the Heavy Industrial zoning district is consistent with the Industrial, Resource Related land use designation but requires a Qualified combining zone to ensure consistency. The proposed Qualified combining zone will modify the allowable uses enumerated in the MH zoning district to timber, agricultural, mineral products processing, and the proposed cannabis manufacturing facility when consistent with the performance standards of the Q zone. Surfacing mining operations will still require a CUP under the proposed Q zone.</p> <p>Commercial cannabis manufacturing is a permissible use with a Special Permit in the MH zoning district pursuant to Humboldt County Code (HCC) §314-55.4.8.5. While commercial cannabis is not a General Agricultural use type, pursuant to HCC §314-55.4.3.7, by definition commercial cannabis manufacturing facility recognizes that the manufacturing involves the transformation of a raw agricultural product: "a process whereby the raw agricultural product is transformed into a concentrate, an edible product, or a topical product, and the production, preparation, propagation, or compounding of medical cannabis or medical cannabis products, directly or indirectly, by extraction methods, independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis" [Reference HCC §314-55.4.7].</p>

		<p>A review of the information contained in the Special Permit (SP 26-88) application for the Vested Rights and Reclamation Plan approved by the PC November 3, 1988 and the submitted site plan for this project indicates there is overlap between the two uses. Therefore, the Special Permit is conditioned on prior to any ground disturbance to initiate the development of this facility including any associated infrastructure, the applicant shall secure all necessary approvals to amend to the Reclamation Plan, and financial assurance cost estimates for the existing surface mining and processing operation.</p> <p>Staff believes the evidence supports finding the proposed use consistent with the IR land use designation.</p>
Circulation Chapter 7	<p>Goals and policies contained in this Chapter relate to a balanced, safe, efficient, accessible and convenient circulation system that is appropriate for each type of unincorporated community (C-G1,-G2); coordinated planning design, development, operations, and maintenance between the County and other transportation system service providers (C-G3); and access for all transportation mode types with improved opportunities to move goods within, into and out of Humboldt County (C-G4, C-G5)</p> <p>Related policies: C-P3. Consideration of Transportation Impacts in Land Use Decision Making</p>	<p>Access to the site is directly off Glendale Drive, a county maintained road (4L765). The project site is located approximately 0.25 miles south of Glendale Drive and its intersection with the Highway 299. Glendale Drive is approximately 40 feet in width, striped, semishouldered, and in good condition. Its functional classification is 5, a major collector, with an AADT (Annual Average Daily Traffic) of approximately 2,000 vehicle trips per day, according to the County Public Works Department. Highway 299 is the major transportation route in the area carrying significant volumetric traffic counts east to Interstate 5 at Redding and west to Highway 101.</p> <p>According to the applicant's Operations Plan & Manual, there will be up to four full time employees. The submitted Operation Plan and Manual for this project does not indicate the number of raw product deliveries per week. Based on a similar project proposed by the applicant in Willow Creek, incoming deliveries of raw cannabis products are anticipated at a frequency of one to two deliveries per week, and outgoing product shipments are anticipated at a frequency of two shipments per week. The delivery of ancillary process materials is anticipated at a rate of one to two deliveries per week. Based on this information, the worst case scenario for traffic generated by operation will be 28 vehicle trips should all traffic be generated on the same day:</p>

		<p>4 employees 16 total off-site trips per day Incoming deliveries 4 off-site trips per week Outgoing shipments 4 trips per week Ancillary deliveries 4 trips per week</p> <p style="text-align: center;">Total 28</p> <p>The traffic generated by the facility would contribute a little more than .01 percent increase to the total AADT of Glendale Road.</p>
		<p>The vehicle traffic generated by mining and processing operations are considered historic uses pursuant to the approval of the vested rights permit by the County. The County Public Works Department has not indicated overcapacity problems have resulted to Glendale Road as a result of the existing mining and processing operation, which have been in use since the 1960's.</p> <p>Staff recommends that evidence supports finding the project as proposed and conditioned is consistent with the General Plan circulation policies and standards.</p>
Housing Chapter 8	<p>Goals and policies contained in this Element seek to identify existing and projected housing needs and establish goals, policies, standards and measures for the preservation, improvement, and development of housing.</p> <p>Related policies: H-P3, Development of Parcels in the Residential Land Inventory</p>	<p>The project does not involve residential development, nor is the project site part of the Housing Element Residential Land Inventory. Residential uses are not identified as allowable or compatible uses in the IR land use designation. Furthermore, as the parcel is within the 100- and 500-year flood plain of the Mad River, it is inconsistent with the General Plan to allow residential development. The project will not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.</p>
Conservation and Open Space Chapter 10 Open Space Section 10.2	<p>Goals and policies contained in this Chapter relate to an Open Space and Conservation Program that is complimentary to other agencies' plans and that preserves the county's unique open spaces (CO-G1,CO-G3)</p> <p>Related policies: CO-P1, Conservation and Open</p>	<p>The proposed project is not located within an area identified in local open space plan because the project site is planned Industrial, Resource Related (IR), and is proposed to be rezoned Heavy Industrial (MH); it is currently zoned Agriculture General (AG). Therefore, the project does not conflict with referenced sections of the General Plan.</p>

	<p>Space Program; CO-P12, Development Review, CO-S1. Identification of Local Open Space Plan, and CO-S2. Identification of the Open Space Action Program</p>	
<p>Conservation and Open Space Chapter 10</p> <p>Biological Resources Section 10.3</p>	<p>Goals and policies contained in this Chapter relate to mapped sensitive habitat areas where policies are applied to protect fish and wildlife and facilitate the recovery of endangered species (BR-G1, Threatened and Endangered Species, BR-G2, Sensitive and Critical Habitat, BR-G3, Benefits of Biological Resources)</p> <p>Related policies: BR-P1. Compatible Land Uses, BR-P5. Streamside Management Areas.</p>	<p>As discussed above, the project site has been used for surface mining since the late 1960s. The property has been issued a Vested Rights and Reclamation Plan approval by the County on November 3, 1988, and Conditional Negative Declaration of Environmental Impact was prepared for that project, finding, in part, no significant negative environmental effect on the Mad River, fish populations, or gravel deposits within the Mad River Channel. Staff believes that the proposed manufacturing operation will have a lesser impact than the ongoing mining and processing operation, as the proposed facility will be located in the northeast corner of the property in a previously disturbed area located over 350 feet from the edge of the riparian habitat along the Mad River. Current and past site use (over the past 60 years) involves operation of heavy equipment and processing equipment associated with mining activities. These ongoing actions on the property discourage most wildlife species from residing on the site. The Program EIR (PEIR) on Gravel Removal from the Lower Mad River (State Clearinghouse # 92083049), April 1994, addressed the cumulative effects of gravel removal from the Lower Mad River, and concluded that the implementation of Alternative 2 in conjunction with Alternative 6 (Extraction Below Replenishment using DTM to determine extraction amounts) will reduce significant impacts identified in the PEIR to levels which are less than significant".</p> <p>The PEIR was followed up by a Supplemental Final EIR (SEIR) adopted by the County Board of Supervisors December 14, 2014, on Gravel Extraction on the Lower Mad River (SCH# 1992083049), where the Board of Supervisors certified the Final SEIR as complete and adequate in that it addressed all environmental effects of the proposed project and fully complies with all the requirements of CEQA. The property proposed for development at this time was included in discussions of both documents, referenced by map Figure2-4 "Lower Mad River from Johnson Bar to Emmerson Bar" which clearly identifies this project site and the ongoing gravel operations (included as Appendix B to Attachment B.</p>

		<p>Staff has prepared an Addendum to the Final SEIR that addresses the impacts from the establishment and operation of a cannabis manufacturing facility on this site, and finds that the anticipated impacts (as conditioned) pose less of a significant effect than the ongoing gravel mining and processing activities historically occurring on this site.</p> <p>Based on this discussion, Staff recommends the evidence supports a finding of consistency with the General Plan Biological Resource policies.</p>
<p>Conservation and Open Space Chapter 10</p> <p>Cultural Resources Section 10.6</p>	<p>Goals and policies contained in this Chapter relate to the protection and enhancement of significant cultural resources, providing heritage, historic, scientific, educational, social and economic values to benefit present and future generations (CU-G1, Protection and Enhancement of Significant Cultural Resources)</p> <p>Related policies: CU-P1. Identification and Protection, CU-P2. Native American Tribal Consultation]</p>	<p>The process site and extraction areas associated with the surface mining operation have been used for more than 60 years and no significant finds of historic, archeological, and paleontological resources or human remains have occurred during this time period. The extraction areas are subject to high winter flows, replacing surface gravel materials on an annual basis. The project area contains no known historical, archeological, or paleontological resources, or human remains based on review of County Resource information from the Natural Resources Division of the County Public Works Department (during previous approvals for mining operations).</p> <p>Although no further investigation was recommended, an informational note has been added to the Recommended Conditions of Approval, based on the recommendation of the Blue Lake Rancheria Tribal Heritage Preservation Officer, stating that work must be halted if cultural resources are discovered during the construction process. An informational note has been included with the Conditions of Approval indicating the steps to be taken should cultural resources and/or human remains be discovered during ground disturbing activities.</p>
<p>Conservation and Open Space Chapter 10</p> <p>Scenic Resources</p>	<p>Goals and policies contained in this Chapter relate to the protection of scenic areas that contribute to the enjoyment of Humboldt County's beauty and</p>	<p>The project involves the development of a manufacturing facility approximately 5,000 square feet in size. According to the applicant's submitted site plan, no trees are to be removed to develop the facility. Per the applicant's Operations Plan & Manual dated 2016-03-10, the facility's "exterior lighting will be directed so as to not pose a nuisance</p>

<p>Section 10.6</p>	<p>abundant natural resources (SR-G1); and a system of scenic highways roadways that increase the enjoyment of, and opportunities for, recreational and cultural pursuits and tourism in the County. (SR-G2)</p> <p>Related policies: SR-S4. Light and Glare</p>	<p>to neighboring properties" (Operations Plan & Manual, Section 5). The normal hours of operation will be 7:00 AM to 7:00 PM. There will be periodic seasonal extended hours of operation, where the facility will operate 24 hours a day. Per Section 3, during these extended hours, "shipping, receiving, and any other traffic or noise generating activities will be limited to normal working hours".</p> <p>Highway 299 exists in the near vicinity of the project site and is eligible for designation as a Scenic Highway. However, not such designation have been made to Highways in Humboldt County.</p> <p>It is noted that the Highway 299 alignment near the project site is above and looking down on the site. Very little aesthetic measures can be accomplished to screen the site from the highway. The Conditions of approval include provision for the manufacturing facility to be fenced for security and to lessen the visual impact. While not specifically referenced in the operations or Reclamation plan for the mining operation, it appears that existing stockpiles on the Mad River side of the property have been placed in a manner which shield sights and views of the aggregate processing areas from residentially developed properties adjacent to the site across the Mad River. However, as discussed above, project implementation may necessitate the relocation of portions or the entirety of processing equipment and aggregate stockpiles due to the overlap of the two uses. Therefore, the Special Permit is conditioned on displaced or relocated stockpiles/berms being replaced in-kind with similar berms or stockpiles that provide the same level of mitigation for aesthetic impacts for aggregate processing.</p> <p>These stockpiles may also function to buffer exterior lighting sourced from the manufacturing facility. Once mining operations enter the reclamation phase these stockpiles may be removed. Therefore, the Reclamation Plan amendment must consider potential changes to lighting and glare that may occur when mining operations enter the reclamation phase.</p>
<p>Water Resources Chapter 11</p> <p>Stormwater Drainage Goals and policies contained in this Chapter relate to coordinated watershed planning and land use decision making to</p>		<p>The project site is in the lower Mod River watershed. To protect water quality given the close proximity of the Mad River to the project site, staff recommends the Special Permit be subject to the following conditions:</p> <ul style="list-style-type: none"> • Require all leachfield areas (primary and reserve) that support the manufacturing

<p>advance management priorities (WR-G3, WR-G4, WR-G5); watershed conservation and restoration efforts aimed at de-listing water bodies and watersheds which are restored to meet all beneficial uses, including water use, salmon and steelhead recovery plans, recreational activities, and the economy (WR-G1, WR-G2, WR-G7, WR-G8, WR-G9); and</p> <p>Related policies: WR-P10, Erosion and Sediment Discharge; WR-P42 Erosion and Sediment Control Measures; WR-P40 Commercial and Industrial Activities; WR-P41 Oil/Water Separation; WR-P45 Reduce Toxic Runoff</p>	<p>facility's septic system conform with Basin Plan standards for minimum setbacks from rivers and streams.</p> <ul style="list-style-type: none"> • Limit manufacturing to non-volatile based processes as the waste water stream of the manufacturing processes will discharge into the leachfield, or alternatively, volatile material waste are to be captured in closed loop system as proposed in the Operations Plan, to the satisfaction of DEH and meeting all standards in Section 11362.775 of the California Health and Safety Code. • That the applicant secures a grading permit prior to commencing ground disturbance, and that the General Plan sedimentation and erosion control measures be incorporated into the grading plans; and implementation of these measures. <p>The project's Recommended Conditions of Approval include a requirement that the applicant secure a grading permit that incorporates the sedimentation and erosion controls specified in General Plan standard WR-S13 prior to initiating ground disturbance.</p>	
<p>Water Resources Chapter 11</p> <p>Onsite Wastewater Systems</p>	<p>Goals and policies contained in this Chapter relate to adequate public water supply as well as onsite wastewater systems and natural and developed storm drainage systems that minimize interference with surface and groundwater flows and storm water pollution (WR-G6, WR-G9, WR-G10)</p> <p>Related policies: WR-IM7. Basin Plan Septic Requirements; and IS-P17. On-Site Sewage Disposal Requirements.</p>	<p>The project site is not located within the boundaries of a Community Services District. Therefore, the applicant must develop a system that meets the requirements of Division of Environmental Health and the Regional Water Quality Control Board and adequately treats the estimated wastewater discharge volume and strength for both domestic and manufacturing uses that will be present. Further, this system must provide adequate separation from ground water, and demonstrate how volatile material will be effectively handled and removed from the site to avoid contamination of groundwater and the Mad River. Volatile waste material will not be allowed to enter into the on-site wastewater system, and HazMat issues will be resolved through the Division of Environmental Health, as conditioned in the Approval Conditions.</p>
<p>Noise Chapter 13</p>	<p>Goals and policies contained in this Chapter discourage incompatible uses within communities and reduce excessive noise through the application of standards</p>	<p>The project entails the development of a new commercial cannabis manufacturing facility on a parcel that also hosts an aggregate processing facility. Ambient noise levels in the project area are relatively elevated due to the close proximity of Highway 299, and the Mad River. Project implementation may necessitate the relocation of portions or the entirety of aggregate stockpiles due</p>

	<p>(N-G1, N-G2)</p> <p>Related policies: N-P1, Minimize Noise from Stationary and Mobile Sources; N-P4, Protection from Excessive Noise Standards; The Land Use/Noise Compatibility Standards (Table 13-C) shall be used as a guide to ensure compatibility of land uses. Development may occur in areas identified as "normally unacceptable" if mitigation measures can reduce indoor noise levels to "Maximum Interior Noise Levels" and outdoor noise levels to the maximum "Normally Acceptable" value for the given Land Use Category.</p>	<p>to the overlap of the two uses. At the some time the applicant must continue to implement and adhere to efforts to attenuate noise associated with the surface mining operations. These may include placement of the existing aggregate stockpiles as they provide noise attenuation and shield nearby residences from noise level increases associated with aggregate processing. Moreover, the gravel berms/stockpiles placed between the processing site and the Mad River serve to mitigate noise generated by equipment at the processing site. To ensure noise associated with aggregate processing continues to be mitigated, displaced stockpiles/berms shall be replaced in kind with similar berms or stockpiles that provide the same level of noise mitigation.</p> <p>Employee and delivery traffic associated with manufacturing operation will generate noise; however, much of the manufacturing activity will occur inside an enclosed building. The facility will not be open to the public. Electrical power for operations will be provided by PG&E. The project must adhere to the noise standards specified in Table 13-C to be found consistent with the General Plan. Table 13-C specifies 60 dBA Ldn as the maximum acceptable exterior noise level for residential uses; 65 dBA Ldn for neighborhood parks, school classrooms, and churches; and 75 dBA Ldn for transient lodging. The Special Permit includes ongoing conditions of approval stipulating adherence to these standards for the life of the project. The project as conditioned, the ambient elevated noise levels, and that much of the operation will occur inside an enclosed building indicates the project is consistent with General Plan policies and standards for noise.</p> <p>Finally, as the existing stockpiles of aggregate may also function to buffer noise sourced from the facility. Should reclamation include the removal of these berms/stockpiles the required Reclamation Plan amendment must consider potential changes to noise that may occur when mining operations enter the reclamation phase.</p>
<p>Safety Element Chapter 14</p> <p>Geologic & Seismic</p>	<p>Goals and policies contained in this Chapter relate to communities that are designed and built to minimize the potential for loss of life and property resulting from natural and manmade hazards; and</p>	<p>The project site is not located in a mapped Alquist-Priolo fault zone nor is subject to liquefaction. The project site is in an area rated "low instability" and has a slope of less than 15 percent per the County's GIS. As the building will host a manufacturing use, it must be engineered to meeting Building Code standards for the proposed use. Given the relatively mild slope and 5,000 square foot footprint of the</p>

	<p>to prevent unnecessary exposure to areas of geologic instability, floodplains, tsunami run-up areas, high risk wildland fire areas, and airport areas planned and conditioned to prevent unnecessary exposure of people and property to risks of damage or injury (S-G1, S-G2)</p> <p>Related policies: S-P11, Site Suitability, S-P7, Structural Hazards,</p>	<p>facility, the proposed new use is not expected to be affected by geologic instability. The applicant must secure a grading permit and as part of the permit the applicant will, at a minimum, incorporate the standard erosion control measures enumerated in the General Plan. These measures are a condition of approval.</p>
<p>Safety Element Chapter 14 Flooding</p>	<p>Goals and policies contained in this Chapter relate to the use of natural drainage channels and watersheds that are managed to minimize peak flows in order to reduce the severity and frequency of flooding. (S-G3)</p> <p>Related policies include: S-P12, Federal Flood Insurance Program; S-P13, Flood Plains; S-P15, Construction Within Special Flood Hazard Areas</p>	<p>The majority of the project site is within the 100-year flood plain, Flood Zone A, according to the FIRM Map panel 06023C0695. A Flood Elevation Certificate has been prepared for this project indicating the base flood elevation is 55 feet. The project is conditioned on the applicant demonstrating to the satisfaction of the Building Official that the proposed building is not located within the 100-year flood plain. Should the building be within the 100-year flood, it shall be developed in accordance with the Flood Damage Prevention regulations, including being above the base flood elevation with at least two feet of freeboard. Additionally due to the floodplain hazard and to protect water quality for beneficial uses, 1) the on-site sewage disposal system to serve the facility shall not be located within the 100-year flood plain; and 2) all materials shall be stored inside the building. Non-water and food based solvents to be used are butane, propane, CO₂, ethanol, isopropanol, acetone, and/or heptane (Operations Plan & Manual, section 13). However, given the close proximity of the Mad River, to reduce the potential for these solvents to enter water ways during a flood event, and to protect water quality, staff recommends that manufacturing of commercial cannabis concentrate exclude the use of volatile solvents. Alternatively, volatile solvents can be utilized if the waste from these products is captured in a closed loop system and removed from the site as proposed in Section 9 (c) of the Operations Plan and Manual. No volatile waste products may enter the on-site waste disposal system due to proximity to the Mad River. Additionally, the project's Recommended Conditions of Approval include that all materials be stored inside the manufacturing facility.</p>

		<p>The project site is not located within a tsunami run up area, as identified on the County GIS System</p> <p>Staff believes that a finding of consistency with the General Plan flood hazard policies and standards can be made based on the discussion above and with the incorporation of the Recommended Conditions of Approval.</p>
<p>Safety Element Chapter 14</p> <p>Fire Hazards</p>	<p>Goals and policies of this Chapter encourage development designed to reduce the risk of structural and wildland fires supported by fire protection services that minimize the potential</p> <p>Related policies: S-P19, Conformance with State Responsibility Areas (SRA) Fire Safe Regulations;</p>	<p>The project site is not located in an area of "high wildfire" rating, as identified on the County GIS. Fire jurisdiction is by the California Department of Forestry and Fire Protection, and the Arcata Protection District. The structure will need to State Fire Code for manufacturing facilities, and Humboldt County Fire Safe Regulations.</p>
<p>Air Quality Chapter 15</p>	<p>Goals and policies contained in this Chapter relate to improved air quality to meet current and future state and federal standards, including attainment of particulate matter requirements (AQ-G1, AQ-G2, AQ-G3) and the successful reduction of greenhouse gas emissions to levels consistent with state and federal requirements (AQ-G4)</p> <p>Related policies: AQ-P4, Construction and Grading Dust Control, AQ-S1, Construction and Grading Dust Control, AQ-P7, Interagency Coordination.</p>	<p>As a condition of project approval, applications for grading and or building permits shall be referred to the North Coast Air Quality Management District (NCAQMD) for review and consultation. Dust control practices during construction and grading shall achieve compliance with NCAQMD fugitive dust emission standards.</p>

Safety Chapter 14	See summary of the Safety Element above	Because cannabis related manufacturing activities use materials that are considered potentially hazardous pursuant to Standard S-S16, Hazardous Materials Handling and Emergency Response, such uses are defined as hazardous industrial development. The following analysis is based on Attachment 4, Applicant's Evidence in Support of Required Findings. The proposed project is consistent with the criteria contained in S-P25, Hazardous Industrial Development because (1) the complete elimination of the use of toxic materials is not feasible because potentially toxic materials are essential to cannabis manufacturing operations; and (2) where possible the use of toxic materials is reduced, recycled, or reused. The proposed project is required to meet performance standards relating to fuel and hazardous materials storage and appropriate state and federal employee safety practices including hazardous materials handling. The proposed project is conditioned to adhere to requirements of the Humboldt County Division of Environmental Health Hazardous Materials Program. Based on the above findings, proposed project is determined to be consistent with the goals and policies of the Hazardous Waste Management Plan, which is a part of the Humboldt County General Plan.
Hazardous Industrial Development	Related policies: S-P25. Hazardous Industrial Development, S-P26. Hazardous Waste, S-S16. Hazardous Materials Handling and Emergency Response.	

Finding B2: The proposed development is consistent with the purposes of the existing zone in which the site is located; and Finding B3: The proposed development conforms with all applicable standards and requirements of these regulations. The following table identifies the evidence which supports finding that the proposed development is in conformance with all applicable policies and standards in the Humboldt Zoning Regulations. Humboldt County Inland Zoning Regulations offer the Zoning is amended from AG to MH-Q.

Zoning Section and Summary of Applicable Requirement	Evidence That Supports the Zoning Finding
§312-1.1.2 Legal Lot Requirement: development permits shall be issued only for a lot that was created in compliance with all applicable state and local subdivision regulations.	The parcel of land known as APN 504161-010 is a separate legal parcel and has secured approvals from the County, included a Vested Rights Determination and Reclamation Plan, and approval of an Interim Management Plan. There is no evidence indicating there have been any subsequent acts to merge or divide this parcel. Therefore, the subject parcel was lawfully created in its current configuration and can be developed as proposed.

314-3.3 Heavy Industrial (MH) and 314-32.1 Qualified (Q) combining zone

The MH zone is intended to apply to areas devoted to normal operations of industries subject only to regulations as are needed to control congestion and protect surrounding areas.

The proposed project is a Special Permit for a cannabis manufacturing facility using volatile and non-volatile extraction processes. The proposed use is an industrial use that is specifically allowed with a Special Permit in this zone district under Section 314-55 of the Humboldt County Code.

The purpose of the Q Zone is to ensure development is consistent with the Industrial, Resource Related designation. The proposed manufacturing use is allowed as it involves agricultural products processing.

Zoning Section	Summary of Applicable Requirement	Evidence That Supports the Zoning Finding
Minimum Lot Size	1 acre	Per the County GIS records, the parcel is approximately 13.5 acres in size.
Maximum Ground Coverage	None specified	N/A
Minimum Lot Width	None specified	N/A
Setbacks Front: 50 feet Rear ¹ : 50 feet Side: ten percent of lot width but not less than 25 feet. SRA Setbacks: 30 feet		<p>Front, being the north property line (Glendale Drive frontage): plot plan shows a 60 foot setback.</p> <p>Rear, being the southern property lines: the plot plan submitted with this project shows a setback of approximately 368 feet. The project is conditioned on the applicant submitting a plot plan for the review and approval of the Planning Director showing conformance with this standard that demonstrates conformance with this standard and the other development standards.</p> <p>Side, being the eastern and western property lines the submitted plot plan referenced above indicates a 20 foot setback where the MH zone requires a 30-foot setback. There is adequate room to adjust this consistent with the MH zone requirements. The project conforms with the specified setback.</p>
Max. Building Height	75 feet	The proposed facility will not exceed the 75 foot height standard.
§314-109.1.3.3: Off-Street Parking:	<p>Manufacturing: The higher of one space for 1,500 square feet of gross floor area or one parking space per employee at peak shift. A minimum of two parking spaces are required.</p> <p>One 60 foot x 10 foot loading space is required per every 20,000 square feet or portion thereof.</p>	<p>The proposal is for approximately 5,000 square feet of manufacturing with up to four employees per the Operations Plan & Manual (Section 2). A total of four parking spaces are required, and are shown on the submitted plot plan.</p> <p>While the loading space is not shown on the site plan, a review of available mapping and aerial imagery indicates there is adequate area to develop a dedicated 10-foot by 60-foot loading space in proximity to the manufacturing facility. The project's Recommended Conditions of Approval include the submittal of a plot plan clearly showing the location of the required loading space.</p>

¹ HCC Section 314-147, defines Lot Line, Rear, as the record lot line most distant from and generally opposite the front lot line.

314-55.4 et seq. HCC: Commercial Cultivation, Processing, Manufacturing and Distribution of Cannabis for Medical Use Inland Land Use Regulation (CMMLUO)

<p>§314-55.4.8.5 Manufacturing</p>	<p>Manufacturing of commercial cannabis for medical use shall be a conditionally permitted use in zone districts AG, AE, RA, (on parcels 5 acres or larger), C-2, C-3, MB, ML, U (where developed as an industrial use) and MH, subject to a Special Permit and the conditions and limitations set forth in this Section.</p>	<p>Per the applicant's Operations Plan & Manual, dated March 10, 2016, the proposed project is for a manufacturing facility, defined in HCC §314-55.4.7, and will produce water-based medical cannabis concentrate, food-based medical cannabis concentrate, and solvent-based medical cannabis concentrate. Cannabis will be received from State licensed and/or locally permitted transport and/or distribution companies. The subject property is in the process of being rezoned to MH to allow the proposed use. The Special Permit will not become effective until the zone reclassification is approved by the Board of Supervisors and becomes effective. Conditions of approval require the applicant will comply with all conditions of the CMMLUO ordinance.</p>
<p>§314-55.4.8.10 Permit Limit</p>	<p>No more than four commercial cannabis activity permits may be issued to a single person, as defined in the referenced section.</p>	<p>According to records maintained by the Department, the party who is the member of MCMP, LLC, has applied for a total of 6 cannabis applications, and is allowed four. These are SP 16-014, SP 16-015, ZCC 16-194, ZCC 16-196, ZCC 16-695, and ZCC 17-044 The applicant holds one approved cannabis permit (case number ZR 16-002 with SP 16-014 on APN 522-491-017). This current application is for SP 16-015. As subsequent applications become ready for a decision, the applicant will be required to identify which two permits will be assigned to another party to reduce his permit number held by MCMP, LLC to the allowed 4, in order to be consistent with the CMMLUO,.</p>
<p>§314-55.4.10 Application Requirements</p>	<p>Identifies the Information Required for All Applications</p>	<p>Attachment 4 identifies the information submitted with the application, and shows all the required information was received.</p>
<p>§314-55.4.11 Performance Standards</p>	<p>Identifies the Performance Standards for Cannabis Cultivation Activities</p>	<p>All the applicable performance standards are included as Conditions of project approval. They are required to be met throughout the timeframe of the permit.</p>

<p>§314-55.4.11.c Performance Standards-Water</p>	<p>Compliance with all statutes, regulations and requirements of the California State Water Resources Control Board, Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration.</p>	<p>The project site is not within the service area of any Community Services District and there is an existing well on the property proposed to serve the cannabis manufacturing use. It has not been conclusively determined whether the water source (well) draws from an underground stream making it jurisdictional and subject to a Lake and Stream Alteration Agreement (LSA) from the Department of Fish and Wildlife (DFW) and the need to secure water right from the State Water resources Control Board. The project is conditioned on the submittal of a notification for LSA to the DFW along with well log and other information as appropriate for a determination as to whether the well is hydrologically connected to surface water and jurisdictional. Alternatively, the applicant may secure a connection to community water to provide for the needs of the manufacturing operation.</p>
<p>§314-55.4.11.o Performance Standards- Generator Noise</p>	<p>The noise produced by a generator used for cannabis cultivation shall not be audible by humans from neighboring residences. The combined decibel level for all noise sources, including generators, at the property line shall be no more than 60 decibels. Where applicable, sound levels must also show that they will not result in the harassment of Marbled Murrelet or Spotted Owl species, when generator use is to occur in the vicinity of potential habitat. Conformance will be evaluated using current auditory disturbance guidance prepared by the United State Fish and Wildlife Service</p>	<p>As discussed above the primary power source for the project will be conventional grid power supplied by PG&E. Therefore, the project conforms with the referenced standard.</p>
<p>§314-55.4.17 Sunset Date</p>	<p>No application for any Use Permit pursuant to the CMMLUO shall be processed for issuance or approval that is received after December 31, 2016.</p>	<p>The applicant filed the application on February 26, 2016.</p>

Finding B4. Public Health, Safety and Welfare: The following table identifies the evidence which supports finding that the proposed project will not be detrimental to the public health, safety and welfare or materially injurious to properties or improvements in the vicinity.

Code Section	Summary of Applicable Requirements	Evidence that Supports the Required Finding
§312-17.1.4	The proposed development will not be detrimental to the public health, safety and welfare, and will not be materially injurious to properties or improvements in the vicinity.	The Department finds that the project as proposed and conditioned will not be detrimental to the public health, safety and welfare. The project as proposed and conditioned is consistent with the general plan and zoning ordinances; and the proposed project is not expected to cause significant environmental damage.

Finding C: Required for Consistency with Housing Element Densities

Section(s)	Applicable Requirements
Government Code Section 65302.81	Specific findings supported by substantial evidence are required where a general plan amendment or zone reclassification is adopted that reduces the residential density for any parcel below that utilized by the Department of Housing and Community Development (HCD) in determining compliance with housing element law (the mid point of the density range specified in the plan designation).

Evidence Supporting Finding C: The project site is planned Industrial, Resource Related and is zoned Agriculture General (AG), and is not included in the residential land inventory of the Housing Element. Further, for more than thirty years, much of the property has hosted surface mining operations including aggregate processing. Therefore, the project will be consistent with this requirement.

Finding D: Required for Consistency with the California Environmental Quality Act

As lead agency, the Department prepared an Addendum to the previously adopted Program EIR (PEIR) on Gravel Removal from the Lower Mad River (State Clearinghouse # 92083049), April 1994, and the Supplemental Final EIR (SEIR) adopted by the County Board of Supervisors December 14, 2014, on Gravel Extraction on the Lower Mad River (SCH# 1992083049). The property proposed for development at this time was included in discussions of both documents, referenced by map Figure2-4 "Lower Mad River from Johnson Bar to Emmerson Bar" which clearly identifies this project site and the ongoing gravel operations (included as Appendix B. In addition, the Department prepared an Addendum to the Environmental Impact Report (EIR) for the Humboldt County General Plan, State Clearinghouse No. 2007012089, adopted by the Board of Supervisors on October 23, 2017. The property subject to the Zone Reclassification was evaluated as part of the change in land use designation to Industrial Resource Related (IR) and the proposed rezoning implements this General Plan change. These Addenda are included as Attachments 3A and 3B of this staff report. Based on the information in the application and a review of relevant references in the Department, staff has determined that there is no evidence before the Department that the proposed project will have a potential adverse effect either individually or cumulatively, on aesthetics, biological resources, hazards and hazardous materials, noise, hydrology/water quality, air quality, land use/planning, and transportation/traffic beyond what currently exists on the site and has existed for over 60 years.. The environmental documents on file include detailed discussions of all the relevant environmental issues.

ATTACHMENT 3
CEQA Addendum
(on CD)

Attachment 3A

**CEQA ADDENDUM TO THE
PROGRAMMATIC ENVIRONMENTAL IMPACT REPORTS**

The Program EIR (PEIR) on Gravel Removal from the Lower Mad River (State Clearinghouse # 92083049), April 1994, addressed the cumulative effects of gravel removal from the Lower Mad River, and concluded that the implementation of Alternative 2 in conjunction with Alternative 6 (Extraction Below Replenishment using DTM to determine extraction amounts) will reduce significant impacts identified in the PEIR to levels which are less than significant”.

The PEIR was followed up by a Supplemental Final EIR (SEIR) adopted by the County Board of Supervisors December 14, 2014, on Gravel Extraction on the Lower Mad River (SCH# 1992083049), where the Board of Supervisors certified the Final SEIR as complete and adequate in that it addressed all environmental effects of the proposed project and fully complies with all the requirements of CEQA. The property proposed for development at this time was included in discussions of both documents, referenced by map Figure2-4 “Lower Mad River from Johnson Bar to Emmerson Bar” which identifies this project site and the ongoing gravel operations (included as Appendix B).

APN 504-161-010, Glendale Drive Area of Highway 299 near the City of Blue Lake , Humboldt County

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

December 2017

Background

Modified Project Description and Project History - The project involves a Zone Reclassification (ZR) to change the zoning of APN 504-161-010 from Agriculture General (AG) to Heavy Industrial with a Qualified combining zone (MH-Q) in order to implement the General Plan land use designation of Industrial, Resource Related (IR). The proposed zoning change will also better reflect the existing use of the property as Mercer Fraser Company's gravel mining and processing yard operations. Also a Special Permit to develop and operate a cannabis products manufacturing facility of approximately 5,000 square feet in size. The facility will produce medical cannabis products using both nonvolatile and volatile solvents. According to the applicant's plan of operation, the facility may operate 24 hours a day during peak season, and will have a maximum of four (4) full time employees. The facility will not be open to the general public and will not accept visitors. Water to the subject property is provided by an existing well, and the applicant will develop an on-site septic system to serve the new facility and develop appurtenant on-site parking facilities. The Zone Reclassification to change the principal zoning of the property from Agriculture General (AG) to Heavy Industrial (MH) must be approved by the Board of Supervisors before the Special Permit for cannabis manufacturing is effective because cannabis activities are allowed on properties zoned MH, but they are not allowed on properties zoned AG.

The original project reviewed under the referenced Program EIR (PEIR) on Gravel Removal from the Lower Mad River (State Clearinghouse # 92083049), April 1994, which addressed the cumulative effects of gravel removal from the Lower Mad River, concluded that the implementation of Alternative 2 in conjunction with Alternative 6 (Extraction Below Replenishment using DTM to determine extraction amounts) will reduce significant impacts identified in the PEIR to levels which are less than significant".

Additionally, the PEIR was followed up by a Supplemental Final EIR (SEIR) adopted by the County Board of Supervisors December 14, 2014, on Gravel Extraction on the Lower Mad River (SCH# 1992083049), where the Board of Supervisors certified the Final SEIR as complete and adequate in that it addressed all environmental effects of the proposed project and fully complies with all the requirements of CEQA. The property proposed for development at this time was included in discussions of both documents, referenced by map Figure 2-4 "Lower Mad River from Johnson Bar to Emerson Bar" which identifies this project site and the ongoing gravel operations (The project permits the extraction of 40,000 cubic yards of sand and gravel from Mad River gravel bars, as evidenced by the approval of a Special Permit (SP 26-88) by the Planning Commission on January 7, 1993, as well as a Vested Rights Determination approved by the Planning Commission November 3, 1988. The aggregate materials are temporarily stockpiled and processed on-site, and loaded onto trucks to off-site locations. Processing operations involve material crushing and/or sorting, onsite storage of materials, and weighing and hauling by truck.

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

1. Substantial changes are proposed in the project which require major revisions of the previous MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

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

Summary of Significant Project Effects and Mitigation Recommended

No changes are proposed for the original project's recommended mitigations. Further, the proposal to establish and operate a 5,000 square foot cannabis manufacturing facility on this site, as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the PEIR and Final SEIR

Other CEQA Considerations

Staff suggests no changes for the revised project.

EXPLANATION OF DECISION NOT TO PREPARE A SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT

See Purpose statement above.

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

FINDINGS

1. The proposed project will add a resource-related industrial use to a site already host to a larger and more intensive resource-related industrial use than the one proposed. That the new resource-related industrial use is proposed and conditioned to be compatible with the surrounding uses and has fewer and less substantial impacts than the existing use. These changes are minor in nature and do not require additional mitigation measures not included in the original PEIR and Final SEIR
2. The circumstances under which the project was approved have not changed substantially. There are no new significant environmental effects and no substantial increases in the severity of previously identified effects.
3. For the current proposed project, there has been no new information of substantial

importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous MND was adopted as complete.

CONCLUSION

Based on these findings it is concluded that an Addendum to the certified PEIR and Final SEIR is appropriate to address the requirements under CEQA for the current project proposal. All of the findings, mitigation requirements, and mitigation and monitoring program of the PEIR, Final SEIR, and the Interim Management Plan approved in conjunction with SP 26-88 remain in full force and effect on the original project.

APPENDICES

MCMP, LLC. ZONE RECLASSIFICATION PROJECT

APN 504-161-010

- Appendix A. Board of Supervisors adopted Final Supplemental Environmental Impact Report on Gravel Removal from the Lower Mad River, December 16, 2014
- Appendix B. Cover Sheet and map, Figure 2-4 showing the subject parcel 504-161-010
- Appendix C. Planning Commission action taken January 7, 1993, Interim Management Plan
- Appendix D. Planning Commission action taken November 3, 1988 for Vested Rights determination.



COUNTY OF HUMBOLDT

AGENDA ITEM NO.

L-3

For the meeting of: December 16, 2014

Date: November 10, 2014

To: Board of Supervisors

From: Kevin R. Hamblin, Director, Planning and Building Department *KRH*

Subject: Final Supplemental Program Environmental Impact Report on Gravel Removal from the Lower Mad River, Humboldt County, California

RECOMMENDATION(S):

That the Board of Supervisors:

1. Open the public hearing and receive the staff report.
2. Accept public comment on the Final Supplemental Program Environmental Impact Report (FSPEIR).
3. Close the public hearing.
4. Deliberate on the document as necessary, and certify the FSPEIR by adopting the attached resolution (Attachment 1).
5. Direct the Clerk of the Board to give notice of the decision to the applicant and any other interested party.

Prepared by Michael E. Wheeler
Senior Planner

CAO Approval Amy Olsen

REVIEW:	County Counsel <i>[Signature]</i>	Human Resources	Other
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TYPE OF ITEM

Consent

Departmental

Public Hearing

Other

PREVIOUS ACTION/REFERRAL:

Board Order No. _____

Meeting of: _____

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT
 Upon motion of Supervisor _____
 Seconded by Supervisor _____

Ayes _____
 Nays _____
 Absent _____
 Adjourn _____

SEE ACTION SUMMARY

and carried by those members present the Board hereby approves the recommended action contained in this Board report.

Dated: _____
 By Kathy Hayes, Clerk of the Board

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA
Certified copy of portion of proceedings. Meeting of December 16, 2014

RESOLUTION NO. 14-112

**RESOLUTION OF THE BOARD OF SUPERVISORS CERTIFYING THE COMPLETION OF
AND MAKING THE FINDINGS FOR THE FINAL SUPPLEMENTAL PROGRAM
ENVIRONMENTAL IMPACT REPORT FOR GRAVEL REMOVAL FROM THE LOWER
MAD RIVER**

WHEREAS, a Final Supplemental to the Program Environmental Impact Report (Draft SEIR), including Responses to Comments on the proposed Project was prepared pursuant to the California Environmental Quality Act (Public Resources Code Section 21000 et seq., hereinafter "CEQA") and the Guidelines for Implementation of the California Environmental Quality Act (14 California Administrative Code Section 15000 et seq., hereinafter the "State CEQA Guidelines"); and

WHEREAS, a Notice of Preparation for a Draft SEIR was filed with the State Clearinghouse in the Office of Planning and Research, and was also issued by the County for local agency and public review, with a Public Review Period starting October 24, 2007 and ending November 26, 2007; and

WHEREAS, a Notice of Completion for the Draft SEIR was filed with the State Clearinghouse on January 15, 2009, establishing a Public Review Period for the Draft SEIR beginning January 15, 2009 and ending March 2, 2009; and

WHEREAS, copies of the Draft SEIR were distributed to the State Clearinghouse and to those public agencies which have jurisdiction by law with respect to the proposed Project, and to other interested persons and agencies, and the comments of such persons and agencies were sought; and

WHEREAS, written comments on the Draft SEIR were received during the review period and the Draft SEIR was thereafter revised and supplemented to address changes suggested; and

WHEREAS, public hearings were held by the Planning Commission on July 3, 2014 and October 2, 2014, on the Draft SEIR, following notice duly and regularly given as required by law, and all interested persons expressing desire to comment thereon or object thereto having been heard, and that the Final SEIR and all comments and responses thereto having been considered; and

WHEREAS, the Final SEIR consists of the Draft SEIR, as revised, incorporating substantive comments received during the Public Review Period and the response of the Planning Commission thereto as of the date hereof; and

WHEREAS, the Board of Supervisors has reviewed all environmental documentation comprising the Final SEIR and has found that the Final SEIR considers all environmental effects of the proposed Project and is complete and adequate and fully complies with all requirements of CEQA and the Guidelines; and

WHEREAS, Section 21081 of CEQA and Section 15091 of the CEQA Guidelines require that the Board of Supervisors make one or more of the following findings for each significant effect prior to approval of a project for which an SEIR has been completed identifying one or more significant effects of the project, along with a statement of facts supporting each finding:

FINDING 1 - Changes or alterations have been required in, or incorporated into the Project which mitigate or avoid the significant environmental effects thereof as identified in the SEIR.

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings, Meeting of December 16, 2014

RESOLUTION NO. 14-112

FINDING 2 - Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding, and such findings have been adopted by such other agency or can and should be adopted by such other agency, or

FINDING 3 - Specific economic, social, or other considerations make infeasible the mitigation measures or other project alternatives identified in the SEIR; and

WHEREAS, Section 15093(a) of the Guidelines requires the Board of Supervisors to balance the benefits of a proposed project against its unavoidable environmental risks in determining whether to approve the project; and

WHEREAS, the Final Supplemental Program Environmental Impact Report determined that there are no unavoidable environmental impacts from the project; and

WHEREAS, the Board of Supervisors has reviewed and considered all of the environmental and other documentation prepared to evaluate the proposed project, including but not limited to, the Staff report and all elements of the SPEIR; and

WHEREAS, the Board of Supervisors contemplates and directs continuing compliance with CEQA and the Guidelines as necessary in the implementation of the Project.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED, AND ORDERED by the Board of Supervisors that:

1. The Board of Supervisors hereby certifies the Final SEIR for the proposed Project as complete and adequate in that it addresses all environmental effects of the proposed Project and fully complies with all requirements of the California Environmental Quality Act, the State CEQA Guidelines, and local procedures adopted by the County of Humboldt pursuant thereto, and that the Board of Supervisors has reviewed and considered the information contained in the Final SEIR. The Final SEIR is composed of the following elements:
 - a. Draft SEIR;
 - b. Appendices to the Draft SEIR;
 - c. Comments received on the Draft SEIR and responses to those comments; and
 - d. All attachments, incorporations, and references delineated in a. through c. above.
 - e. All of the above information has been and will be on file with the Humboldt County Department of Planning and Building, 3015 H Street, Eureka, California.
2. The Board of Supervisors has evaluated all comments, written and oral, received from persons who have reviewed the Draft SEIR.
3. The Board of Supervisors makes the findings contained in the Statement of Findings with respect to significant effects identified in the Final SEIR and finds that each fact in support of the findings is true and is based upon substantial evidence in the record, including the Final SEIR. The Statement of Findings is attached hereto as Exhibit A, and is incorporated herein by this reference.

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA
Certified copy of portion of proceedings, Meeting of December 16, 2014

RESOLUTION NO. 14-112

4. The Board of Supervisors finds that the Final SEIR has identified all potentially significant environmental effects of the proposed Project and that there are no known potential environmental effects not addressed in the Final SEIR.
5. The Board of Supervisors finds that all potentially significant effects of the proposed Project are set forth in the Statement of Findings and the Final SEIR.
6. The Board of Supervisors finds that the Final SEIR identifies no significant environmental effects that will result if the Project is approved.
7. The Board of Supervisors finds that the Final SEIR has described all reasonable alternatives to the Project that could feasibly obtain the basic objectives of the Project (including the "No Project" alternative), even when these alternatives might impede the attainment of Project objectives and might be more costly. Further, the Planning Commission finds that a good faith effort was made to incorporate alternatives in the preparation of the Draft SEIR, and all reasonable alternatives were considered in the review process of the Final SEIR and ultimate decision on the Project.

Dated: December 16, 2014



 REX BOHN, Chair
 Humboldt County Board of Supervisors


Adopted on motion by Supervisor Fennell, seconded by Supervisor Sundberg, and the following vote:

AYES:	Supervisors	Sundberg, Lovelace, Bohn, Fennell, Bass
NAYS:	Supervisors	--
ABSENT:	Supervisors	--
ABSTAIN:	Supervisors	--

STATE OF CALIFORNIA)
 County of Humboldt)

I, KATHY HAYES, Clerk of the Board of Supervisors, County of Humboldt, State of California, do hereby certify the foregoing to be a full, true, and correct copy of the original made in the above-entitled matter by said Board of Supervisors at a meeting held in Eureka, California as the same now appears of record in my Office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said Board of Supervisors.



 By ANA HARTWELL
 Deputy Clerk of the Board of Supervisors of the
 County of Humboldt, State of California

Exhibit A - Statement of Findings

WHEREAS, Department of Planning and Building initiated a review of the effectiveness of the Adaptive Management Strategy adopted as a part of the enforceable in-stream mining regulatory program in the Programmatic Environmental Impact Report on Gravel Removal from the Lower Mad River (PEIR);

WHEREAS, this review is in the form of a Supplemental Environmental Impact Report to the PEIR pursuant to of the California Environmental Quality Act (CEQA); and

WHEREAS, the County Planning Division caused the preparation of a Supplemental Environmental Impact Report, which indicates that the project meets all requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15090; and

WHEREAS, the California Environmental Quality Act (CEQA) section 15091 (b)(3) requires specific findings for significant effects; and

NOW, THEREFORE, be it resolved, determined, and ordered that the County of Humboldt adopts the following findings for the review of the effectiveness of the Adaptive Management Strategy adopted as a part of the enforceable in-stream mining regulatory program for the Mad River:

1. IMPACTS AVOIDED

The County makes the findings listed below regarding the review of the effectiveness of the Adaptive Management Strategy adopted as a part of the enforceable in-stream mining regulatory program for the Mad River identified in the Supplemental Program Environmental Impact Report (SPEIR) for the project. The Draft Supplemental Program Environmental Impact Report for the project is herein referred to as the Draft SPEIR, and the Final Supplemental Program Environmental Impact Report is referred to as the Final SPEIR. The County finds that the Final SEIR identifies a program which avoids potential impacts and that no significant environmental effects will result if the Project is approved.

2. OTHER IMPACTS ARE NOT SIGNIFICANT

Other potential impact subject areas are addressed in the SPEIR. The County finds that other potential impacts, including those discussed in the SPEIR, do not have significant effects on the environment. No mitigation measures are required for these other considerations.

3. ALTERNATIVES

The Final SPEIR evaluates the potential environmental consequences of a range of alternatives, including re-institution of the Surface Mining Advisory Committee and replacing the County of Humboldt Extraction Review Team (CHERT) with staff in the Department of Planning and Building

Under the "no project" alternative, which is also the proposed project, the adaptive management program under CHERT would be continued in its current form.

Because the No Project alternative (which is also the proposed project) assumes that no change would occur to the current adaptive management program, this alternative is the least environmentally damaging. Furthermore, the alternatives identified in the SPEIR would not result in significantly lesser environmental impacts than the proposed project. Therefore, the proposed project is considered to be the environmentally superior alternative.

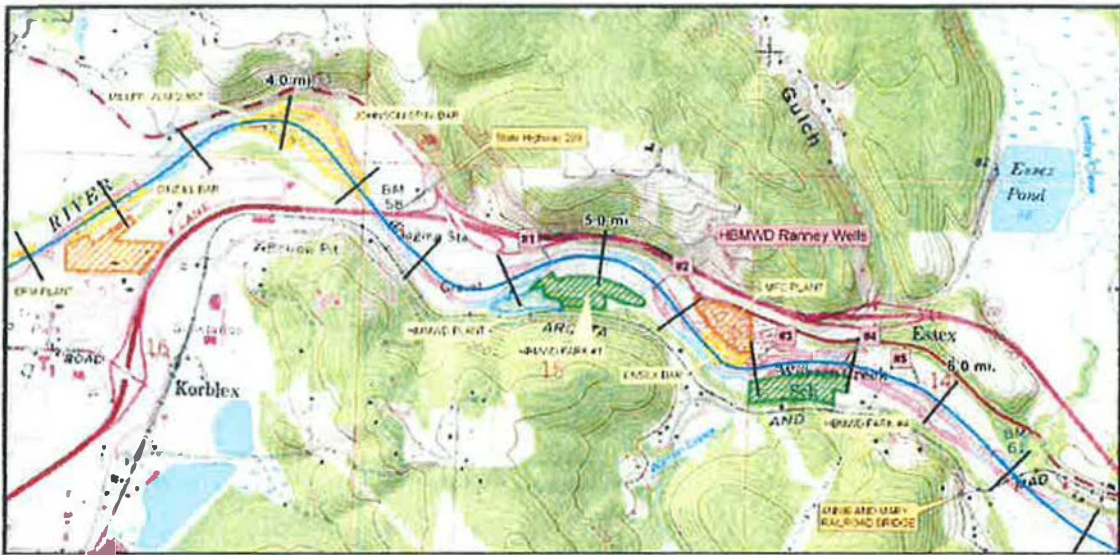
4. STATEMENT OF OVERRIDING CONSIDERATIONS NOT NEEDED

The County finds the project proposed as analyzed in the Final SPEIR does not result in project impacts that cannot be avoided completely or mitigated to a level that is demonstrably less-than-significant and that a Statement of Overriding Considerations, pursuant to section 15093 of the CEQA Guidelines, is not required for this project.

Draft Supplemental Programmatic Environmental Impact Report for Gravel Extraction on the Lower Mad River

State Clearinghouse No. 1992083049

Humboldt County Apps No. 7077



April 2014

Prepared For:

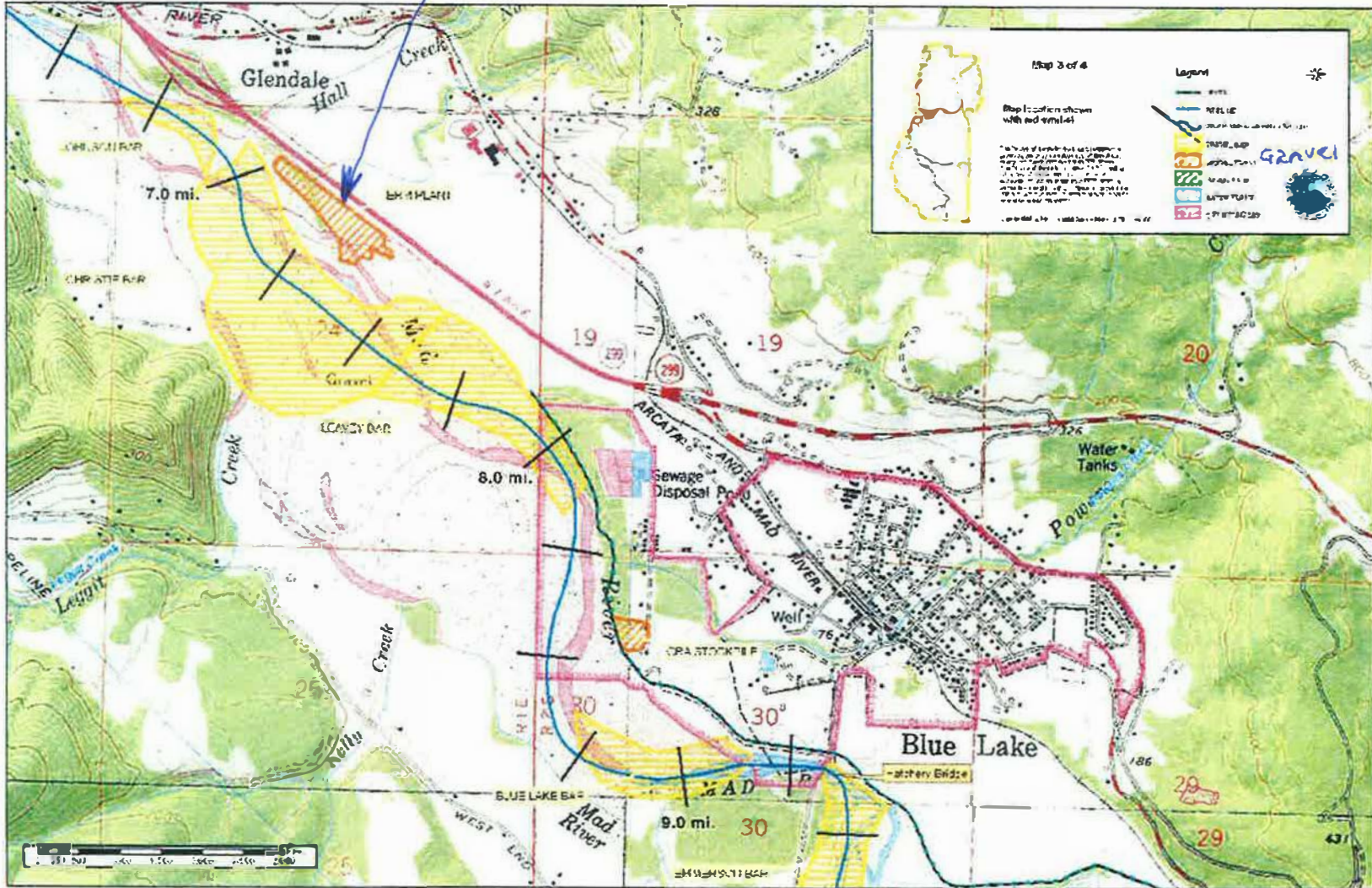
Humboldt County Planning & Building Department
3015 H Street
Eureka, CA 95501-4484

Prepared By:

H. T. Harvey & Associates
1125 16th Street, Suite 209
Arcata, CA 95521-5585

Mexer, Fraser
PROJECT SITE
504-161-010

Figure 2-4. Lower Mad River from Johnson Bar to Emmerson Bar.



PROPOSED FINAL



Program Environmental Impact Report

on

**Gravel Removal from the
Lower Mad River**



OFFICE COPY

SCH 92083049

OFFICE COPY

September, 1993



Prepared by:

**Humboldt County Planning and Building Department
Planning Division**

3015 H Street • Eureka, CA • 95501-4484
Phone (707) 445-7541 • FAX (707) 445-7446



Thomas D. Conlon, Director
Sidnie L. Olson, Senior Planner

AGENDA ITEM TRANSMITTAL

TO: HUMBOLDT COUNTY PLANNING COMMISSION
FROM: *Jonathan C. Schnal*
Thomas D. Conlon, Director of Planning and Building

MEETING DATE: January 7, 1993	SUBJECT: <input type="checkbox"/> Public Hearing Item <input checked="" type="checkbox"/> Consent Item Approval of an Interim Management Plan	CONTACT: Jonathan C. Schnal
----------------------------------	--	--------------------------------

Before you is the following:

PROJECT: Approval of an Interim Management Plan for a permitted gravel extraction operation which annually extracts 40,000 cubic yards of river run material from the bed and bars of the Mad River.

PROJECT LOCATION: The project site is located in the Essex area on the south side of State Highway 299 approximately at the intersection of Glendale with State Highway 299, on property known as 90 Glendale Drive.

Present Plan Designation(s): Timber Thick Underbrush

Present Zoning: Agriculture General (AG)

ASSESSOR PARCEL NUMBER(S): 504-161-10

APPLICANT:
Mercer, Fraser Company
P.O. Box 1006
Eureka, CA 95502
(707) 443-6371

OWNER
Same

AGENT
William O. Davis
P.O. Box 1266
Eureka, CA 95502-1266

ENVIRONMENTAL REVIEW:

Not subject to the State CEQA Guidelines, per P.R.C. Section 2770(h).

MAJOR ISSUES:

None

RECOMMENDATION:

Approval based on findings in the staff report.
 Approval based on findings in the staff report and as conditioned in Exhibit A.
 Denial based on findings in the staff report.

RECORD OF ACTION:

Action as recommended by the Planning Division.
 Approved with the attached revisions.
 Denial without prejudice pending preparation of an EIR.

Adopted after review and consideration of all the evidence on JANUARY 7, 1993.
The Motion was made by SOERENSEN and seconded by BISH.

AYES: Commissioners: BISH, BROWN, FITZEN, FEENEY, KIRBY, SOERENSEN
NOES: Commissioners: NONE
ABSTAIN: Commissioners: NONE
ABSENT: Commissioners: REINHOLTSEN

I, Thomas D. Conlon, 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.

THOMAS D. CONLON, Humboldt County Director of Planning and Building

By: *Lydia Frick*
Lydia Frick

APPENDIX C

EFFECTIVE DATE: ~~10~~ January 25, 1993 January 11, 2018

Thomas D. Conlon

FROM: Thomas D. Conlon, Director of Planning and Building

MEETING DATE: NOVEMBER 3, 1988	SUBJECT: Public Hearing Item <input checked="" type="checkbox"/> Consent Agenda SPECIAL PERMIT	CONTACT: SIDNIE OLSON
-----------------------------------	---	--------------------------

Before you is the following:

PROJECT: An application for determination of vested rights and for approval of a reclamation plan for the annual extraction of up to 40,000 cubic yards of river run gravel from the Mad River.

PROJECT LOCATION: The project site is located in the Essex area on the south side of Highway 299, approximately at the intersection of Glendale with Highway 299, on property known as 90 Glendale Drive.

Present Plan Designations: Timber Thick Underbrush

Present Zoning: Agriculture General (AG)

<u>APPLICANT</u>	<u>OWNER(S)</u>	<u>AGENT</u>
Mercer Fraser P.O. Box 1006 Eureka, CA 95501	Same	Rising Sun Enterprises 1864 Myrtle Avenue Eureka, CA 95501

ENVIRONMENTAL REVIEW:

- Review required per the State CEQA Guidelines.
- Categorically exempt per Class ____, Section ____ of the State CEQA Guidelines.

MAJOR ISSUES

- None _____
- _____
- _____

RECOMMENDATION:

- Approval based on findings in the staff report.
- Approval based on findings in the staff report and conditioned in Exhibit A.
- Denial based on findings in the staff report.

RECORD OF ACTION:

- Approved as recommended by the Planning Division.
- Approved with the attached revisions.

Adopted after review and consideration of all the evidence on November 3, 1988

AYES: Commissioners Longshore, Odom,
Reinholtsen, Roberts,
Samuelson, Sorensen

NOES: Commissioners None

ABSTAIN: Commissioners None

ABSENT: Commissioners None

I, THOMAS D. CONLON, 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.

THOMAS D. CONLON
Humboldt County Director of Planning and Building
By: *Yvette Tucker*
Yvette Tucker

EFFECTIVE DATE: November 18, 1988, 5:00 p.m.

REV. 3-30-88

cc: Applicant Owner Agent

APPENDIX D

ATTACHMENT 3B

**CEQA ADDENDUM TO THE
PROGRAMMATIC ENVIRONMENTAL IMPACT REPORT**

**CEQA ADDENDUM TO THE
GENERAL PLAN UPDATE PROGRAM ENVIRONMENTAL IMPACT REPORT**

***The General Plan Update Program Environmental Impact Report (EIR)
(State Clearinghouse # 2007012089), October 23, 2017***

***APN 504-161-010, Glendale Drive Area of Highway 299 near the City of Blue Lake, Humboldt
County***

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

January 2018

Background

Modified Project Description and Project History - The project involves a Zone Reclassification (ZR) to change the zoning of APN 504161-010 from Agriculture General (AG) to Heavy Industrial with a Qualified combining zone (MH-Q) in order to implement the General Plan land use designation of Industrial, Resource Related (IR). The proposed zoning change will also better reflect the existing use of the property as Mercer Fraser Company's gravel mining and processing yard operations. Also a Special Permit to develop and operate a cannabis products manufacturing facility of approximately 5,000 square feet in size is requested.

The General Plan Environmental Impact Report (EIR) addressed the broad environmental impacts that could be expected to occur from the adoption and implementation of the General Plan update which included adoption of land use designations. The project site (APN 504-161-010) was analyzed for impacts that would be associated with uses consistent with the IR land use designation.

Within the EIR it is noted that:

"Foreseeable future development actions that may tier off of this EIR include amendment of the zoning ordinance, applications for approval of subdivisions, coastal development permits, conditional use permits, and special permit requests that are consistent with the updated General Plan and within the scope of this RDEIR."

Furthermore, CEQA statute (§21083.3(b)) allows that if a development project is consistent with the general plan of a local agency and an environmental impact report was certified with respect to that general plan, the approval of that development project shall be limited to effects on the environment which are peculiar to the parcel or to the project and which were not addressed as significant effects in the prior environmental impact report.

The modified project description involves a zone reclassification from Agriculture General to Heavy Industrial with a Qualified combining zone (MH-Q). The Zoning Consistency Matrix contained in Table 4-H of the adopted EIR shows that the proposed zoning is consistent with the compatible zones within the IG land use designation. Conversely, the existing zoning of AG is not listed as a compatible zoning district.

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

1. Substantial changes are proposed in the project which require major revisions of the previous EIR or MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR or MND was certified as complete, shows any of the following: A) the project will have one or more significant effects not discussed in the previous EIR or MND; B) significant effect previously examined will be substantially more severe than shown in the previous EIR or MND; C) mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or D) mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR or MND would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Summary of Significant Project Effects and Mitigation Recommended

No changes are proposed for the original EIR recommended mitigations. Further, the proposal to establish and operate a 5,000 square foot cannabis manufacturing facility on this site, as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the PEIR.

Other CEQA Considerations

Staff suggests no changes for the revised project.

EXPLANATION OF DECISION NOT TO PREPARE A SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT

See Purpose statement above.

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

FINDINGS

1. The proposed project will change the zoning at the site from AG to MH-Q which is consistent and compatible with the land use designation of IR. The land use designation of IR for this site was evaluated within the adopted EIR. The requested zone reclassification implements the General Plan land use designation and does not constitute a substantial change, is minor in nature, and does not require additional mitigation measures not included in the original EIR.
2. The circumstances under which the project was approved have not changed substantially. There are no new significant environmental effects and no substantial increases in the severity of previously identified effects.
3. For the current proposed project, there has been no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was adopted as complete.

CONCLUSION

Based on these findings it is concluded that an Addendum to the certified EIR is appropriate to address the requirements under CEQA for the current project proposal. All of the findings,

mitigation requirements, and mitigation and monitoring program of the EIR, remain in full force and effect on the original project.

APPENDICES

MCMP, LLC. ZONE RECLASSIFICATION PROJECT

APN 504-161-010

Appendix A. Board of Supervisors adopted Humboldt County General Plan Environmental Impact Report, October 23, 2017

ATTACHMENT 4

APPLICANT'S EVIDENCE IN SUPPORT OF THE REQUIRED FINDINGS

Attachment 4 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:

- Application Form [on file]
- Organizational Documents [on file]
- Grant Deed [on file]
- Indemnification Agreement [on file]
- Acknowledgement Form [on file]
- Site Plan [attached]
- Floor Plan [attached]
- Plan of Operation and Security Plan [attached]

MCMP, LLC

Medical Cannabis Manufacturing Facility

90 Glendale Drive, McKinleyville, CA

Operations Plan & Manual

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MCMP, LLC

OPERATIONS MANUAL

1) County's Access to the Facility:

- a) All facility personnel will cooperate fully with all conditions in the Use Permit and Use Permit Application requiring that the County, its agents, and employees, be granted access to the facility to seek verification of the information contained within the conditional use permit, permit applications, the Operations Manual, and the Operating Standards at any time before or after the conditional use permit is issued.
- b) The Humboldt County Sheriff's Department will be authorized to have 24 hour access to the facility's security surveillance video.

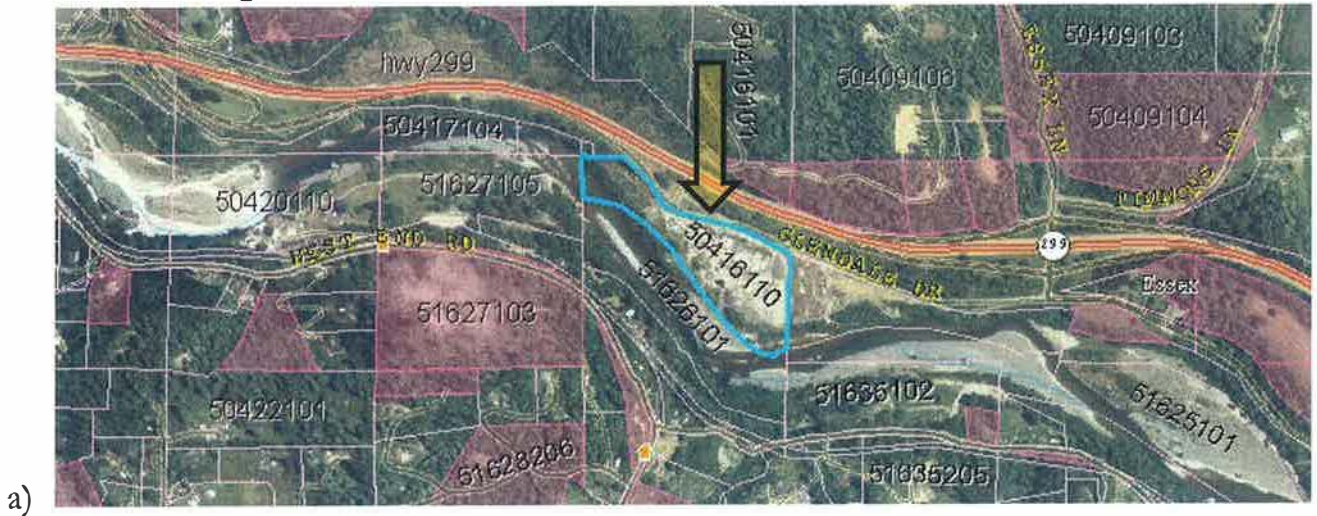
2) Staffing & Staff Screening Processes

- a) All candidates for staff positions will undergo criminal background checks as part of the standard screening process. To the maximum effect allowed by California and federal employment law, candidates with a criminal history or a history of drug abuse will be screened from employment.
- b) The facility will require 1 to 4 FTE employees depending on workload.

3) Days and Hours of Operation

- a) The facility is not open to the public and will not accept visitors without a specific business purpose.
- b) Hours of operation will typically be from 7 AM to 7 PM; however, during periods of seasonally high workload, the hours of operations within the facility may increase to 24 hours per day. During such extend hours of operations, shipping, receiving, and any other traffic or noise generating activities will be limited to normal working hours.

4) Location Map



5) Security Measures –

- a) The security measures located on the premises will include the following:
- i) Lighting:
 - (1) indoor and outdoor lighting will be controlled by photocell switching, timers, infrared motion sensors and/or other state-of-the-art control systems to maintain an adequate light level at the interior and exterior of the facilities to ensure that personnel and the video surveillance system can effectively monitor the space in and around the facility at all times. Exterior lighting will be directed so as to not pose a nuisance to neighboring properties.
 - ii) Alarm:
 - (1) A security/burglar alarm system will be installed and operated at all appropriate times within the facility. This system will be monitored by a third-party remote central control station which will have the responsibility for automatically providing notification to law enforcement of any breach in the facility's security system.

Communications between the facilities alarm system and the central control station will be uninterruptible by power outage and/or disability of the telephone system. Communications will be powered by an uninterruptible power supply, and transmission will either be by cellular or radio.

iii) Access Control:

- (1) All entrances to the occupied building space of the facility will be restricted by an access control system capable of identifying authorized personnel. The system will also be capable of limiting personnel access to the appropriate locations within the facility depending on the person's job and responsibilities, and also limit facility access to certain times and days as appropriate. 24 hour access to the facility by emergency responders (Fire Dept.) will be provided via a Knox Box.

iv) The Safety of Staff:

- (1) working in concert together, the access control system, lighting, and alarm system, will provide a secure and protected facility for the staff to occupy.

v) Diversion:

- (1) The security measures will secure the medical marijuana against diversion for non-medical purposes by protecting against theft not only from intruders, but also from staff members and visitors. This is done by limiting access both into and within different areas of the facility as necessary and by surveillance monitoring of personnel and visitors at all times when in close proximity to the product. Strict inventory control measures will also be engaged to prevent and detect diversion.

vi) Transport:

- (1) All medical marijuana deliveries will be received at the facility from a State licensed and/or locally permitted licensed transport company; and all Medical Marijuana-Infused Products will be transported to State licensed and/or locally permitted licensed Wholesale/Distribution companies by a State licensed and/or locally permitted licensed transport company.

6) Customer Screening, Registration, and Validation Process and Procedures.

- a) The facility is for the purpose of manufacturing and all products will be sold to State licensed facilities on a wholesale basis. As this is the case, the facility will not be open to the public and will not accept visitors without a specific pre-authorized business purpose. Only authorized representatives of state licensed wholesale customer facilities and appropriately licensed vendors will be allowed to enter the facility and be in close proximity to products and raw materials, but in all cases supervised at all times. Any other vendors or maintenance workers allowed in the facility will be at all times escorted and sequestered from the finished products and raw materials.

7) Inventory control processes and procedures

- a) The facilities inventory control process includes tracking of all incoming raw and processed materials, including the name and state license number of the cultivator, the testing lab data (as applicable), the strain, the supplier's product tracking identification data, and bill of lading from the transport company.
- b) All incoming raw materials will be assigned a batch number that can be cross-referenced to the above referenced data and stays with the product through the manufacturing process and to final sale to distributors and/or retailers.
- c) All outgoing product will be tracked by SKU, batch number, invoice, and shipping documents; unless the product is not for sale and will be destroyed. The process for documenting product to be destroyed is described separately in this manual.
- d) The methodologies for tracking and Inventory Control of Medical Marijuana and Medical Marijuana-Infused Product may be subject to requirements imposed by the State Licensing Authority and will be adjusted accordingly as required.

8) Measures taken to minimize carbon footprint.

- a) We believe that everyone has a responsibility to reduce their individual carbon footprint. We will do our part by doing the following activities and more . . .

- i) **Switch it Off:** Turn off the lights when natural light is sufficient and when we leave the room. It's that simple!
- ii) **Climate Control:** Keep our temperature system on a moderate setting while we're in the room.
- iii) **Wasteful Windows:** Use our windows wisely! If our climate control system is on, shut them...if we need a little fresh air, turn off the heat or AC.
- iv) **Minimize Plug Load:** Cut down the number of appliances we are running and we will save big on energy. For example, minimize the number of printers in our office.
- v) **Phantom Power:** Use power strips to easily unplug electronics when not in use.
- vi) **Give it a Rest:** Power our computers down when we're away. A computer turned off uses at least 65% less energy than a computer left on or idle on a screen saver.
- vii) **Switch to CFLs:** Compact fluorescent light bulbs (CFLs) use 75% less energy than incandescent and last up to 10 times longer.

9) Description of chemicals stored or discharged:

- a) The facility does not currently intend to handle any hazardous materials in amounts requiring a Hazardous Material Business Plan (HMBP); however, if the facility handles any non-exempt hazardous materials, it will register its hazardous materials with the local agency using the Hazardous Materials/Waste Registration Form so that the local agency can evaluate the storage or use and give notice of any permits or storage/use fees that may apply.
- b) If the facility begins to handle any individual hazardous material or mixture containing a hazardous material which has a quantity at any time during the reporting year equal to or greater than those listed below, it will complete a Hazardous Material Business Plan (HMBP) and submit a copy to the local agency (Humboldt County DPHS Division of Environmental Health):
 - i) 500 pounds for solid hazardous materials. [H&SC §25503.5(a)]
 - ii) The following amounts for liquid hazardous materials:
 - (a) Lubricating oil as defined by H&SC §25503.5(b)(2)(B): 55 gallons of any type or 275 gallons aggregate quantity on site. H&SC §25503.5(b)(2)(A)]

- (b) All others, including waste oil: 55 gallons. [H&SC §25503.5(a)]
- iii) The following amounts of hazardous material gases:
 - (a) Oxygen, Nitrogen, or Nitrous Oxide stored/handled at a physician, dentist, podiatrist, veterinarian, or pharmacist's place of business: 1,000 cubic feet of each material on site. [H&SC §25503.5(b)(1)]
 - (b) All others: 200 cubic feet. [H&SC §25503.5(a)]
- iv) Amounts of radioactive materials requiring an emergency plan under Parts 30, 40, or 70 of Title 10 Code of Federal Regulations or equal to or greater than applicable amounts specified in items 1, 2, or 3, above, whichever amount is smaller. [H&SC §25503.5(a)]
- v) Applicable federal threshold planning quantities for extremely hazardous substances listed in 40 CFR Part 355, Appendix A.

c) Disposal of any chemical, dangerous, or hazardous waste will be conducted in a manner consistent with federal, state and local laws, regulations, rules or other requirements. This may include, but is not limited to, the disposal of all solvents or other chemicals used in the production of Medical Marijuana Concentrate or any Medical Marijuana soaked in a Flammable Solvent for purposes of producing a Medical Marijuana Concentrate. Any waste solvents or other chemicals will be handled and disposed of properly by *Safety-Kleen* or another highly qualified and properly licensed contractor.

10) Quality/consumer safety control processes, procedures, and documentation.

- a) Product Quality Control:
 - i) In addition to meeting all State and local requirements for product quality control, the standard procedures for operation will include the following:
 - (1) Samples of all raw materials will be screened and tested by an independent State licensed and/or locally permitted licensed laboratory for pesticides, mold, and other undesirable qualities prior to incorporation into the manufacturing process.
 - (2) Samples from each batch of finished products will be screened and tested by a State licensed and/or locally permitted licensed independent laboratory for pesticides, mold, and other undesirable qualities prior to release for sale to wholesalers and retailers.

(3) Documentation of all lab test results will be kept on file.

b) Packaging:

- i) All packaging will meet State requirements for packaging. In advance of State requirements being issued, the facility will follow the following guidelines:
 - (1) Labeling will include a warning if nuts or other known allergens are used, and will include the total weight in grams of cannabis or milligrams of THC in the package.
 - (2) A warning that the item is a medication and not a food will be distinctly and clearly legible on the front of the package.
 - (3) The package label will have a warning that's clearly legible and emphasizes that the product is to be kept away from children.
 - (4) The label will also state that the product contains medical cannabis, and will specify the date of manufacture and batch number.
 - (5) Packaging that makes the product attractive to children will not be used.
 - (6) Any edible cannabis product that is made to resemble a typical food product (e.g., brownie, cake) will be in a properly labeled opaque (non see-through) package.

11) Health and Safety:

a) Training.

- i) Prior to engaging in the manufacture of any Edible Medical Marijuana-Infused Product, the Licensee will have an owner or employee who has successfully passed an approved and accredited food safety certification examination as specified in Sections 113947.2 and 113947.3 of the California Retail Food Code. Food safety certification will be achieved by successfully passing an examination from an accredited food protection manager certification organization. The certification organization will be accredited by the American National Standards Institute as meeting the requirements of the Conference for Food Protection's "Standards for Accreditation of Food Protection Manager Certification Programs."

ii) Employee Knowledge:

- (1) All food (Edible Medical Marijuana-Infused Product) employees will have adequate knowledge of, and will be properly trained in, food safety as it relates to their assigned duties.
- (2) There will be at least one food safety certified owner or employee at the facility responsible for setting policy and providing training to employees. The certified owner or employee need not be present at the food facility during all hours of operation.
- (3) The certified owner or employee will be responsible for ensuring that all employees who handle, or have responsibility for handling, non-prepackaged foods of any kind, have sufficient knowledge to ensure the safe preparation of the food. The nature and extent of the knowledge that each employee is required to have may be tailored, as appropriate, to the employee's duties related to food safety issues.

b) Physical Plant Inspection:

- i) The Facility will welcome inspection of the Medical Marijuana Center by the local fire department, building inspector, or code enforcement officer to confirm that no health or safety concerns are present. It is understood that the inspections may result in additional specific standards to meet local jurisdiction restrictions related to Medical Marijuana. An annual fire safety inspection may result in the required installation of fire suppression devices, or other means necessary for adequate fire safety.

c) Sanitary Conditions: The Facility will take all reasonable measures and precautions to ensure the following:

- i) That any person who, by medical examination or supervisory observation, is shown to have, or appears to have, an illness, open lesion, including boils, sores, or infected wounds, or any other abnormal source of microbial contamination for whom there is a reasonable possibility of contact with Medical Marijuana and Medical Marijuana-Infused Product will be excluded from any operations which may be expected to result in contamination until the condition is corrected;
- ii) Hand-washing facilities will be adequate and convenient and be furnished with running water at a suitable temperature. Hand-washing facilities will be located in the Facility and where good sanitary practices require employees

- to wash or sanitize their hands, and provide effective hand-cleaning and sanitizing preparations and sanitary towel service or suitable drying devices;
- iii) That all persons working in direct contact with Medical Marijuana and Medical Marijuana-Infused Product will conform to hygienic practices while on duty, including but not limited to:
 - (1) Maintaining adequate personal cleanliness;
 - (2) Washing hands thoroughly in an adequate handwashing area(s) before starting work and at any other time when the hands may have become soiled or contaminated; and
 - (3) Refraining from having direct contact with Medical Marijuana and Medical Marijuana Infused Product if the person has or may have an illness, open lesion, including boils, sores, or infected wounds, or any other abnormal source of microbial contamination, until such condition is corrected.
 - iv) That litter and waste are properly removed and the operating systems for waste disposal are maintained in an adequate manner so that they do not constitute a source of contamination in areas where Medical Marijuana and Medical Marijuana-Infused Product are exposed;
 - v) That floors, walls, and ceilings are constructed in such a manner that they may be adequately cleaned and each is kept clean and in good repair;
 - vi) That there is adequate lighting in all areas where Medical Marijuana and Medical Marijuana Infused Product are stored or sold, and where equipment or utensils are cleaned;
 - vii) That there is adequate screening or other protection against the entry of pests. Rubbish will be disposed of so as to minimize the development of odor and minimize the potential for the waste becoming an attractant, harborage, or breeding place for pests;
 - viii) That fixtures and other facilities are maintained in a sanitary condition;
 - ix) That toxic cleaning compounds, sanitizing agents, and other chemicals will be identified, held, stored and disposed of in a manner that protects against contamination of Medical Marijuana or Medical Marijuana-Infused Product and in a manner that is in accordance with any applicable local, state or federal law, rule, regulation or ordinance;
 - x) That all operations in the receiving, inspecting, transporting, segregating, preparing, manufacturing, packaging, and storing of Medical Marijuana or

Medical Marijuana-Infused Product will be conducted in accordance with adequate sanitation principles;

- xi) That employees are provided with adequate and readily accessible toilet facilities that are maintained in a sanitary condition and good repair; and
- xii) That Medical Marijuana and Medical Marijuana-Infused Product that can support the rapid growth of undesirable microorganisms are held in a manner that prevents the growth of these microorganisms.

12) Disposal of Waste and Destroyed Product:

- a) Medical Marijuana and Medical Marijuana-Infused Product waste will be made unusable and Unrecognizable prior to leaving the Facility.
 - i) Methods to make waste unusable and unrecognizable. Medical Marijuana and Medical Marijuana-Infused Product waste will be rendered unusable and unrecognizable through one of the following methods unless another method is prescribed by the County of Humboldt or the State of California:
 - (1) Grinding and incorporating the marijuana waste with non-consumable, solid wastes listed below such that the resulting mixture is at least 50 percent non-marijuana waste:
 - (a) Paper waste;
 - (b) Plastic waste;
 - (c) Cardboard waste;
 - (d) Food waste;
 - (e) Grease or other compostable oil waste;
 - (f) Bokashi, or other compost activators;
 - (g) Other wastes approved by the State Licensing Authority that will render the Medical Marijuana and Medical Marijuana-Infused Product waste unusable and Unrecognizable as marijuana; and
 - (h) Soil.
 - ii) The methodology for destroying and disposing of Medical Marijuana and Medical Marijuana-Infused Product may be subject to requirements imposed by the State Licensing Authority and will be adjusted accordingly as required.

- b) Records of destroyed product:

- i) Records of destroyed raw materials and product will be kept and cross-referenced by batch number and SKU. The weight or volume, as appropriate, will be recorded along with the method of disposal.
- ii) The methodology for recording destroyed Medical Marijuana and Medical Marijuana-Infused Product may be subject to requirements imposed by the State Licensing Authority and will be adjusted accordingly as required.

13) Medical Marijuana Concentrate Production.

- a) The facility may produce Water-Based Medical Marijuana Concentrate and Food-Based Medical Marijuana Concentrate, and may also produce Solvent-Based Medical Marijuana Concentrate using only the following solvents: butane, propane, CO₂, ethanol, isopropanol, acetone, and/or heptane.
- b) The Facility will, regardless of the method of extraction or category of concentrate being produced, do the following:
 - i) Ensure that the space in which any Medical Marijuana Concentrate is to be produced is a fully enclosed room and clearly designated on the current diagram of the Facility.
 - ii) Ensure that all applicable sanitary rules are followed.
 - iii) Ensure that the standard operating procedure for each method used to produce a Medical Marijuana Concentrate on its Licensed/Permitted Premise includes, but need not be limited to, step-by-step instructions on how to safely and appropriately:
 - (1) Extract cannabinoids and other essential components of Medical Marijuana;
 - (2) Purge any solvent or other unwanted components from a Medical Marijuana Concentrate,
 - (3) Clean all equipment, counters and surfaces thoroughly; and
 - (4) Dispose of any waste produced during the processing of Medical Marijuana in accordance with all applicable local, state and federal laws, rules and regulations. See – “Disposal of Waste and Destroyed Product.”
 - iv) Establish written and documentable quality control procedures designed to maximize safety for employees and minimize potential product contamination.

- v) Establish written emergency procedures to be followed by employees in case of a fire, chemical spill or other emergency.
- vi) Have a comprehensive training manual that provides step-by-step instructions for each method used to produce a Medical Marijuana Concentrate on its Facility. The training manual will include, but need not be limited to, the following topics:
 - (1) All standard operating procedures for each method of concentrate production used at that Facility;
 - (2) The Medical Marijuana-Infused Products Manufacturer's quality control procedures;
 - (3) The emergency procedures for the licensed/permitted premises;
 - (4) The appropriate use of any necessary safety or sanitary equipment;
 - (5) The hazards presented by all solvents used within the Facility as described in the material safety data sheet for each solvent;
 - (6) Clear instructions on the safe use of all equipment involved in each process and in accordance with manufacturer's instructions, where applicable; and
 - (7) Any additional periodic cleaning required to comply with all applicable sanitary rules.
- vii) Provide adequate training to every employee prior to that individual undertaking any step in the process of producing a Medical Marijuana Concentrate.
 - (1) Adequate training will include, but need not be limited to, providing a copy of the training manual and live, in-person instruction detailing at least all of the topics required to be included in the training manual.
 - (2) The individual providing training will sign and date a document attesting that all required aspects of training were conducted and that he or she is confident that the trainee can safely produce a Medical Marijuana Concentrate.
- viii) Maintain clear and comprehensive records of the name and signature of every individual who engaged in any step related to the creation of a Production Batch of Medical Marijuana Concentrate and the step that individual performed.
- ix) Business Records Required.

14) Production of Solvent-Based Medical Marijuana Concentrate:

- a) Subsequent to obtaining Land-Use Entitlement (i.e. Use Permit) and prior to operation, the facility will have obtained a Certificate of Occupancy, permit final inspection, or other appropriate evidence acceptable to the County of Humboldt that the facility meets or exceeds California Title 24 Codes as applicable to the project. The following considerations will be incorporated into the building permit application submittal:
 - i) Flammable Solvent Determinations. If a Flammable Solvent is to be used in the processing of Medical Marijuana into a Medical Marijuana Concentrate, then a Licensed Architect, Certified Industrial Hygienist, or Professional Engineer, as appropriate will:
 - (a) Establish a maximum amount of Flammable Solvents and other flammable materials that should be stored within that Facility in accordance with applicable laws, rules and regulations.
 - (b) Determine what type of electrical equipment, which may include but need not be limited to outlets, lights, junction boxes, will be installed within the room in which Medical Marijuana Concentrate are to be produced or Flammable Solvents are to be stored in accordance with applicable laws, rules and regulations.
 - (c) Determine whether a gas monitoring system will be installed within the room in which Medical Marijuana Concentrate are to be produced or Flammable Solvents are to be stored, and if required the system's specifications, in accordance with applicable laws, rules and regulations.
 - (d) Determine whether fire suppression system must be installed within the room in which Medical Marijuana Concentrate are to be produced or Flammable Solvents are to be stored, and if required the system's specifications, in accordance with applicable laws, rules and regulations.
 - ii) CO₂ Solvent Determination. If CO₂ is used as solvent at the Facility, then the a Licensed Architect, Certified Industrial Hygienist, or Professional Engineer will determine whether a CO₂ gas monitoring system must be installed within the room in which Medical Marijuana Concentrate are to be produced or CO₂ is stored, and if required the system's specifications, in accordance with applicable laws, rules and regulations.

- iii) Exhaust System Determination. A Licensed Architect, Certified Industrial Hygienist, or Professional Engineer will determine whether a fume vent hood or exhaust system will be installed within the room in which Medical Marijuana Concentrate are to be produced, and if required the system's specifications, in accordance with applicable laws, rules and regulations.
 - iv) Material Change. If a Material Change is made to the equipment or a concentrate production procedure, in addition to all other requirements, a report will be obtained from a Licensed Architect, Certified Industrial Hygienist, or Professional Engineer re-certifying its standard operating procedures and, if changed, its Facility and equipment as well.
 - v) Manufacturer's Instructions. The Licensed Architect, Certified Industrial Hygienist, or Professional Engineer will review and consider any information provided to the Medical Marijuana-Infused Products Manufacturer by the designer or manufacturer of any equipment used in the processing of Medical Marijuana into a Medical Marijuana Concentrate.
 - vi) Records Retention. The facility will maintain copies of all reports received from a Licensed Architect, Certified Industrial Hygienist, or Professional Engineer on its Facility. Such reports will be maintained on the Premises until the facility ceases production of Medical Marijuana Concentrate.

- b) The facility will ensure that all equipment, counters and surfaces used in the production of a Solvent-Based Medical Marijuana Concentrate will be food-grade and will not react adversely with any of the solvents to be used in the Facility. Additionally, all counters and surface areas will be constructed in a manner that reduces the potential development of microbials, molds and fungi and can be easily cleaned.

- c) The facility will ensure that the room in which Solvent-Based Medical Marijuana Concentrate shall be produced will contain an emergency eye-wash station.

- d) The facility will ensure that a professional grade, closed-loop extraction system capable of recovering the solvent is used to produce Solvent-Based Medical Marijuana Concentrate (unless using water, ethanol, or isopropanol methods);
 - i) UL or ETL Listing.

- (1) If the system is UL or ETL listed, then a Medical Marijuana-Infused Products Manufacturer will use the system in accordance with the manufacturer's instructions.
 - ii) If the system is UL or ETL listed but the facility intends to use a solvent in the system that is not listed in the manufacturer's instructions for use in the system, then, prior to using the unlisted solvent within the system, the Medical Marijuana-Infused Products Manufacturer will obtain written approval for use of the non-listed solvent in the system from either the system's manufacturer or a Professional Engineer after the Professional Engineer has conducted a peer review of the system. In reviewing the system, the Professional Engineer shall review and consider any information provided by the system's designer or manufacturer.
 - iii) If the system is not UL or ETL listed, then there will be a designer of record. If the designer of record is not a Professional Engineer, then the system will be peer reviewed by a Professional Engineer. In reviewing the system, the Professional Engineer may review and consider any information provided by the system's designer or manufacturer.
- c) Ethanol or Isopropanol. The Facility need not use a professional grade, closed-loop system extraction system capable of recovering the solvent for the production of a Solvent-Based Medical Marijuana Concentrate if ethanol or isopropanol are the only solvents being used in the production process.
- f) The facility will ensure that all solvents used in the extraction process are food grade or at least 99% pure;
- i) A material safety data sheet for each solvent used or stored on the Facility will be obtained and made readily available. Receipts of purchase for all solvents used or to be used in an extraction process will be maintained.
 - ii) Denatured alcohol will not be used to produce a Medical Marijuana Concentrate.
 - iii) All Flammable Solvents or other flammable materials, chemicals and waste will be stored in accordance with all applicable laws, rules and regulations. At no time will the facility store more Flammable Solvent on its Facility than the maximum amount established for the Facility by the a Licensed Architect, Certified Industrial Hygienist, or Professional Engineer.

- iv) The facility will ensure that the appropriate safety and sanitary equipment, including personal protective equipment, will be provided to, and appropriately used by, each employee engaged in the production of a Solvent-Based Medical Marijuana Concentrate; and a properly trained employee will be present at all times during the production of a Solvent-Based Medical Marijuana Concentrate whenever an extraction process requires the use of pressurized equipment.
- v) Ethanol and Isopropanol: If the Facility only produces Solvent Based Medical Marijuana Concentrate using ethanol or isopropanol at its Facility and no other solvent, then it shall be relieved from the criteria above in this section titled "Production of SolventBased Medical Marijuana Concentrate." Instead the facility will follow the criteria for water based (non-solvent) extraction. Regardless of which rule is followed, the ethanol or isopropanol will be food grade or at least 99% pure and denatured alcohol will not be used.

15) Water-Based Medical Marijuana Concentrate and Food-Based Medical Marijuana Concentrate.

- a) When engaging in the production of a Water-Based Medical Marijuana Concentrate or a Food-Based Medical Marijuana Concentrate the facility will:
 - i) The facility will ensure that all equipment, counters and surfaces used in the production of a Concentrate is food-grade including ensuring that all counters and surface areas were constructed in such a manner that it reduces the potential for the development of microbials, molds and fungi and can be easily cleaned.
 - ii) The facility will ensure that all equipment, counters, and surfaces used in the production of a Concentrate are thoroughly cleaned after the completion of each Production Batch.
 - iii) The facility will ensure that any room in which dry ice is stored or used in the processing Medical Marijuana into a Medical Marijuana Concentrate is well ventilated to prevent against the accumulation of dangerous levels of CO2.
 - iv) The facility will ensure that the appropriate safety or sanitary equipment, including personal protective equipment, is provided to, and appropriately used by each employee engaged in the production of a Concentrate.

- v) The facility will ensure that only finished drinking water and ice made from finished drinking water is used in the production of a Water-Based Medical Marijuana Concentrate.
- vi) The facility will ensure that if propylene glycol or glycerin is used in the production of a Food-Based Medical Marijuana Concentrate, then the propylene glycol or glycerin to be used is food-grade.
- vii) The facility will ensure it follows all of the process criteria related to the production of a Solvent-Based Medical Marijuana Concentrate if a pressurized system is used in the production of a Water-Based Medical Marijuana Concentrate or a Food-Based Medical Marijuana Concentrate.

ATTACHMENT 5

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	✓	Conditional Approval: in flood zone Extraction Guidance	On file with Planning
Public Works, Land Use Division	✓	Approval	Attached
Division Environmental Health	✓	Comments	Attached
Humboldt County Office of Emergency Services		No response	
Calfire	✓	Conditional Approval	On file with Planning
Department of Fish & Wildlife		Comments	
Caltrans	✓	No Response	
NWIC	✓	No Response	
Blue Lake Rancheria	✓	Inadvertent Discovery Protocol applies	On File with Planning
Wiyot		No Response	
Bear River Band		No Response	
RWQCB		No Response	
Humboldt County District Attorney		No response	
Arcata Fire Protection District		No response	



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



6/13/2016

PROJECT REFERRAL TO: Public Works Land Use Division

Project Referred To The Following Agencies:

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, Supervising Planner, Current Planning Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, Blue Lake Rancheria, Wiyot Tribe, Regional Water Quality Control Board, Arcata Fire Protection District, District Attorney

Applicant Name MCMP LLC **Key Parcel Number** 504-161-010-000

Application (APPS#) 10244 **Assigned Planner** Cliff Johnson (707) 268-3721 **Case Number(s)** SP16-015
ZR16-001

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 6/28/2016 Planning Commission Clerk
County of Humboldt Planning and Building Department
3015 H Street
Eureka, CA 95501
E-mail: PlanningClerk@co.humboldt.ca.us **Fax:** (707) 268-3792

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

Recommend Approval. The Department has no comment at this time.

~~Recommend Conditional Approval.~~ Suggested Conditions Attached.

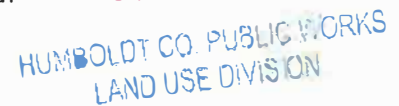
Applicant needs to submit additional information. List of items attached.

Recommend Denial. Attach reasons for recommended denial.

Other Comments: SEE ATTACHED



JUN 14 2016



DATE: 7/1/16

PRINT NAME: KEN FREED



DEPARTMENT OF PUBLIC WORKS
C O U N T Y O F H U M B O L D T

MAILING ADDRESS: 1106 SECOND STREET, EUREKA, CA 95501-0579
AREA CODE 707

ARCATA-EUREKA AIRPORT TERMINAL
McKINLEYVILLE
FAX 839-3596

PUBLIC WORKS BUILDING
SECOND & L ST., EUREKA
FAX 445-7409

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

AVIATION 839-5401

ADMINISTRATION 445-7491
BUSINESS 445-7652
ENGINEERING 445-7377
FACILITY MAINTENANCE 445-7493

NATURAL RESOURCES 445-7741
NATURAL RESOURCES PLANNING 267-9540
PARKS 445-7651
ROADS & EQUIPMENT MAINTENANCE 445-7421

LAND USE 445-7205

LAND USE DIVISION INTEROFFICE MEMORANDUM

TO: Cliff Johnson, Senior Planner, Planning & Building Department

FROM: Robert W. Bronkall, Deputy Director 

DATE: 06/30/2016

RE: MCMP LLC, APN 504-161-010, SP16-015, ZR16-001

The Department of Public Works reviews projects for issues relating to the adequacy of the roadway network to accommodate the proposed use; issues relating to encroachments (such as driveways and private roads) onto County maintained roads; ensuring that any outstanding violations relating to County Encroachment Permit Ordinance and Visibility Ordinance have been addressed; identifying any necessary frontage improvements that are required along County maintained roads; impacts of projects on nearby airports; ensuring that deferred subdivision improvements, if any, are completed; and identifying impacts of the proposed project to adjacent County owned properties or facilities.

The Department's review of this project is limited to what is shown on the submitted plot plan and accompanying materials. The plot plan states that the easterly driveway entrance is gravel, at this time both commercial entrances and some interior roads are appropriately paved for commercial use.

ROADS: The County roadway serving the subject property is adequate to accommodate the proposed use.

The subject property is located within the State Responsibility Area.

DRIVEWAYS: The existing driveway aprons (encroachments) that connect to the County road meet County standards and no improvements to the encroachment are necessary. The driveway within the subject property has not been reviewed by the Department for conformance with Fire Safe Regulations (County Code Section 3112-12). This is an on-site issue that is to be reviewed by the Building Division or the Planning and Building Department.

AIRPORT: The subject property is not located near a public airport.

DEFERRED SUBDIVISION IMPROVEMENTS: The subject property does not have any deferred subdivision improvements that have not been fulfilled.

ADJACENT COUNTY OWNED PROPERTY OR FACILITIES: The proposed project does not have any impact on any adjacent county owned property or facilities.

// END //



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

POSTED
 RECEIVED
 JUN 28 2017
 Humboldt County
 Planning Division
 15/16-0353

PROJECT REFERRAL TO: Health and Human Services Environmental Health Division

Project Referred To The Following Agencies:

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, Supervising Planner, Current Planning Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, Blue Lake Rancheria, Wiyot Tribe, Regional Water Quality Control Board, Arcata Fire Protection District, District Attorney

Applicant Name MCMP LLC **Key Parcel Number** 504-161-010-000
Application (APPS#) 10244 **Assigned Planner** Michelle Nielsen (707) 268-3708 **Case Number(s)** SP16-015
 ZR16-001

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

We have reviewed the above application and recommend the following:

Approval

Comments:

Note: Any proposal for discharge of process waste water must be submitted to and approved by the North Coast Regional Water Quality Control Board.

*This review and recommendation is for the Land Use aspects of the planning project and does not include or imply compliance with all DEH programs. Although DEH recommends the approval of the Planning project, Solid Waste and HazMat Program requirements need to be addressed directly with staff from those programs.

Response Date: 6/22/2017 **Recommendation By:** Marie Kelson

PE 2746

ATTACHMENT 6
QUALIFIED (Q) COMBINING ZONE

**BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT,
STATE OF CALIFORNIA**
Certified copy of portion of proceedings, Meeting on _____, 2018

ORDINANCE NO. _____

AMENDING SECTION 311-7 OF THE HUMBOLDT COUNTY CODE
BY REZONING PROPERTY IN THE GLENDALE DRIVE AREA OF HIGHWAY 299 NEAR THE CITY OF BLUE LAKE
[ZR-16-001 (MCMP, LLC)]

The Board of Supervisors of the County of Humboldt ordains as follows:

AN ORDINANCE AMENDING SECTION 311-7 OF THE HUMBOLDT COUNTY CODE TO REZONE PROPERTY IN GLENDALE DRIVE AREA

The Board of Supervisors of the County of Humboldt do ordain as follows:

SECTION 1. ZONE AMENDMENT. Section 311-7 of the Humboldt County Code is hereby amended by reclassifying lands in the Glendale Drive area from Agriculture General (AG) to Heavy Industrial with a Qualified combining zone (MH-Q). The area described is also shown on the Humboldt County zoning map J-20, adopted by Ordinance 844 on April 18, 1972 attached as Exhibit B.

SECTION 2. ZONE QUALIFICATION. The special restrictions and regulations set forth in Section 4 herein are hereby made applicable to the property reclassified from "AG" to "MH-Q" (described in Exhibit A), in accordance with Humboldt County Code Section 314.32, which authorizes restriction of the MH zone regulations by application of the "Q" (Qualified Combining Zone).

SECTION 3. PURPOSE OF QUALIFICATIONS. The purposes of the special restrictions and regulations herein imposed on the property described in Exhibit A are to identify and restrict principally and conditionally permitted uses to those that are consistent with a General Plan designation of Industrial, Resource Related (IR) and which have no impacts on adjacent recreational, open space, and residential uses that are greater than the impacts caused by uses historically located on the MH-Q zoned property.

SECTION 4. SPECIAL RESTRICTIONS. Principal permitted uses and conditionally permitted uses otherwise allowed under the MH (Heavy Industrial) Zone regulations of Humboldt County Code Section 314-6.5 shall not be allowed on the property described in Exhibit A except as provided for below:

(a) Principal Permitted Uses. Uses in paragraph (1) below subject to the industrial performance standards of paragraph (2) herein:

(1) Resource-related industrial processing such as timber products processing, agricultural products processing.

(2) Industrial Performance Standards

- Noise. All noise generating operations shall be buffered so that they do not exceed the General Plan Land Use/Noise Compatibility Matrix for existing adjacent uses anywhere off site.
- Lights. All lights shall be directed on-site and shielded to reduce glare to adjacent residential, recreation, and open space areas.

- Vibrations. No perceptible vibrations shall be permitted off the building site except for surface mining processing facilities.
- Electronic Interference. No visual or audible interference of radio or television reception by operations shall be permitted.
- Dust Control. All areas used for parking, traffic circulation and material storage shall be surfaced with asphalt concrete, treated with a dust suppressant or another method to maintain dust control.
- Enclosures. All manufacturing and fabricating areas shall be enclosed in buildings except for surface mining processing facilities.
- Storage. All equipment and materials storage areas except for surface mining processing facilities shall be screened from adjacent residential zones or uses, public recreation zones or uses, and public facility zones or uses. Equipment and materials storage areas shall be screened by walls, fences, or adequate plantings to a height of not less than six feet (6'); the fencing and plantings shall conform to all yard requirements.
- Visual buffering. Maintain or enhance views from adjacent public recreation uses, residential areas, and Highway 299 of a vegetated corridor or fencing having similar effect such that new development is screened to the extent feasible.
- Does not involve industrial activity which involves the handling of toxic, highly flammable, explosive or radioactive materials in such quantities that would, if released or ignited, constitute a significant risk to adjacent human populations or development.

(b) Uses permitted with a Use Permit:

(1) Uses in paragraph (a)(1) above but are not able to meet the performance standards of (a)(2) above.

(2) Surface removal and processing of minerals and natural materials to be used for commercial purposes.

(3) A caretaker's residence when subordinate to the principal use.

(4) Uses in paragraph (a)(1) above and where there are no ground or surface water impacts to the lower Mad River watershed.

(c) Permitted Uses. Uses in paragraph (a)(1) above, consistent with the Commercial Cultivation, Processing, Manufacturing and Distribution of Cannabis regulations, Humboldt County Code 314-55.4 et seq., and subject to the industrial performance standards of paragraph (a)(2) herein.

SECTION 5. EFFECTIVE DATE. This ordinance shall become effective thirty (30) days after the date of its passage.

PASSED, APPROVED AND ADOPTED this _____ day of _____, 20__, on the following vote, to wit:

AYES: Supervisors:

NOES: Supervisors:

ABSENT: Supervisors:

Chairperson of the Board of Supervisors of the
County of Humboldt, State of California

(SEAL)

ATTEST:
Kathy Hayes
Clerk of the Board of Supervisors of the
County of Humboldt, State of California

Deputy

EXHIBIT A

DESCRIPTION

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

Those portions of the Southeast Quarter of Northeast Quarter of Section 15 in Township 6 North, Range 1 East, Humboldt Meridian, described as follows:

PARCEL ONE:

BEGINNING at the Northeast corner of the Southeast Quarter of Northeast Quarter of Section 15 in Township 6 North, Range 1 East, Humboldt Meridian;

and running thence South to Mad River;

thence following the meanderings of Mad River, Northwesterly to the West line of said Southeast Quarter of Northeast Quarter;

thence North on said line to the Northwest corner of said subdivision;

and thence East 80 rods to the point of beginning.

Being all that portion of the Southeast Quarter of Northeast Quarter of Section 15 in Township 6 North, Range 1 East, Humboldt Meridian, lying North of Mad River.

EXCEPTING therefrom, however, a tract of land containing 6 acres, more or less, lying Northerly of the highway, as conveyed by A.F. Stevens and wife to Arthur D. Cantrell and wife, by Deed dated July 25, 1949, and recorded July 28, 1949, as Recorder's File No. 6840, Humboldt County Records.

ALSO EXCEPTING therefrom that portion thereof conveyed by Mercer Fraser Company to the State of California, by Deed dated June 6, 1963, and recorded December 24, 1963 in Book 767 of Official Records, Page 188, under Recorder's File No. 20783, Humboldt County Records.

ALSO EXCEPTING therefrom that portion thereof conveyed by Mercer Fraser Company, a California corporation, to the State of California, by Deed recorded December 9, 1966 in Book 906 of Official Records, Page 56.

PARCEL TWO:

COMMENCING at the Easterly terminus of the Course Numbered (6) in the Deed to the State of California, recorded December 24, 1963 in Book 767 of Official Records, Page 188, Humboldt County Records;

thence along said course, North 60 degrees 35 minutes 19 seconds West, 100.89 feet to the true point of beginning;

(1) thence North 34 degrees 07 minutes 34 seconds West, 46.05 feet;

(2) thence North 57 degrees 20 minutes 45 seconds West, 245.63 feet to the North line of said Southeast Quarter of the Northeast Quarter of Section 15;

(3) thence along said North line North 88 degrees 28 minutes 11 seconds West, 73.60 feet to a point that bears North 60 degrees 35 minutes 19 seconds West, from the true point of beginning;

(4) thence South 60 degrees 35 minutes 19 seconds East, 351.52 feet to the true point of beginning.

PARCEL THREE:

COMMENCING at the Northerly terminus of the Course Numbered (5) in said Deed to the State of California, recorded in Book 767 of Official Records, Page 188;

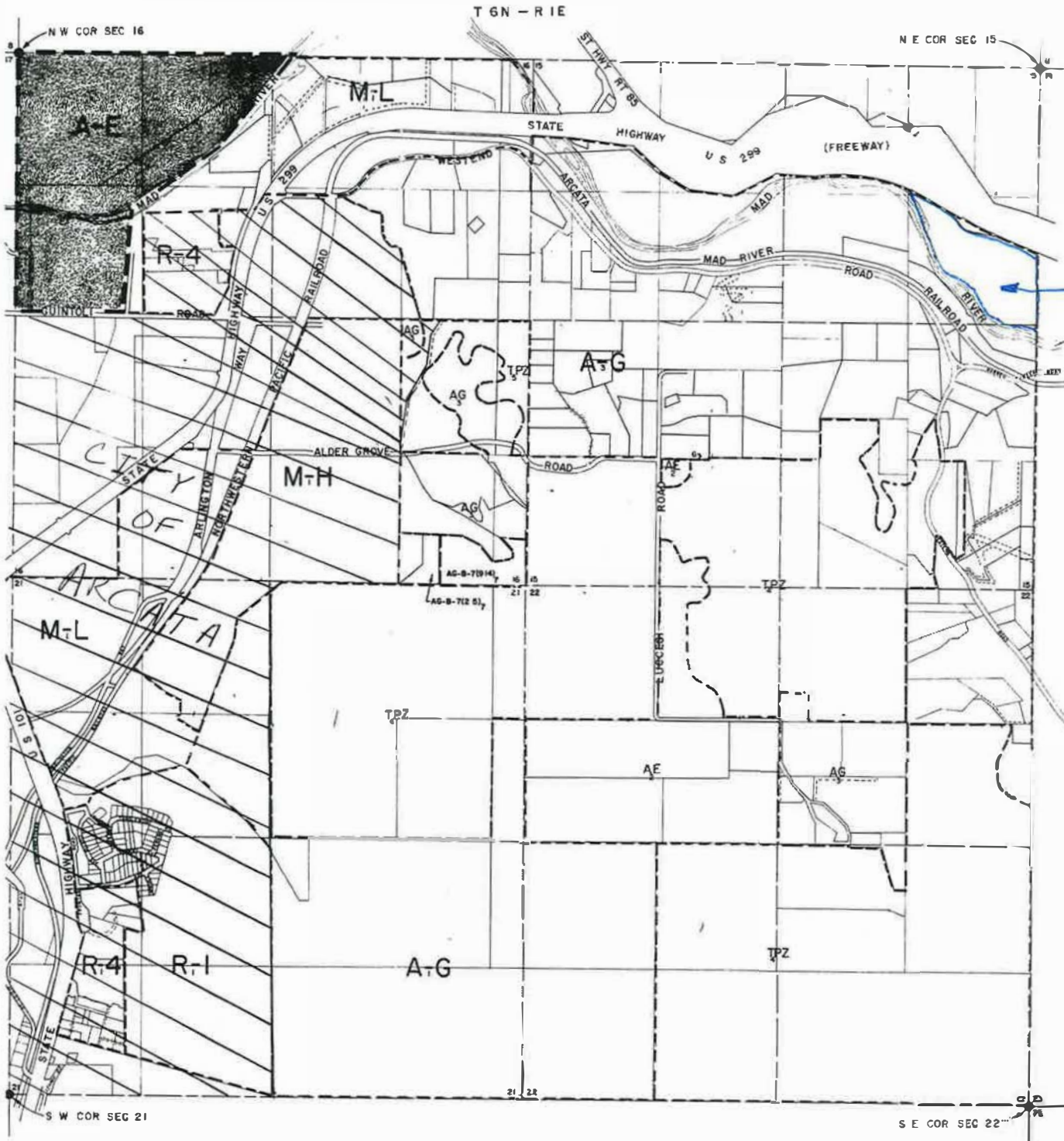
thence along said course, South 4 degrees 45 minutes 37 seconds East, 79.36 feet to the true point of beginning;

(1) thence from a tangent that bears South 45 degrees 04 minutes 29 seconds East, along a curve to the left having a radius of 332 feet, through an angle of 10 degrees 42 minutes 10 seconds, a distance of 62.02 feet to an intersection with the Course Numbered (4) in said Deed to the State of California;

(2) thence along said course, South 86 degrees 30 minutes 15 seconds West, 44.30 feet to the Southerly terminus of said Course Numbered (5) in said Deed to the State of California;

(3) thence along said course, North 4 degrees 45 minutes 37 seconds West, 42.30 feet to the true point of beginning.

EXHIBIT B



ZONING MA

SECS 15,16,21,22, T 6N, R 1E H 1E
HUMBOLDT COUNTY, Calif.

REVISED	DATE	BY	NO.	BY
2	3-23-72	DRD	10	056
3	4-18-72	DRD	10	060
4	1-23-77	DRD	10	110
5	1-28-79	DRD	10	120
6	3-27-80	DRD	10	173
7	02-28-84	DRD	10	007

PROJECT SITE
 MERCER-FRAGIER
 ZONE RECLASSIFICATION
 ZR-16-001

WE HEREBY CERTIFY THAT THIS ZONING MAP IS ADOPTED IN THIS FORM BY A FORMAL MOTION OF THE PLANNING COMMISSION OF THE COUNTY OF HUMBOLDT, STATE OF CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE 18 DAY OF MAY, 1964.

John W. Lee
 CHAIRMAN

WE HEREBY CERTIFY THAT THIS ZONING MAP ADOPTED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF HUMBOLDT, STATE OF CALIFORNIA, IS ORDNANCE NO. 425 PASSED AND ADOPTED ON THE 20 DAY OF JUNE, 1968.

John W. Lee
 CHAIRMAN



J-20

303,504 305 307,316

Attachment 7

Comments



HUMBOLDT BAY MUNICIPAL WATER DISTRICT

828 SEVENTH STREET, PO BOX 95 • EUREKA, CALIFORNIA 95502-0095

OFFICE 707-443-5018 ESSEX 707-822-2918

FAX 707-443-5731 707-822-8245

EMAIL OFFICE@HBMWD.COM

Website: www.hbmwd.com

BOARD OF DIRECTORS

SHERI WOO, PRESIDENT

NEAL LATT, VICE-PRESIDENT

J. BRUCE RUPP, SECRETARY-TREASURER

BARBARA HECATHORN, DIRECTOR

MICHELLE FULLER, DIRECTOR

GENERAL MANAGER

JOHN FRIEDENBACH

January 3, 2018

Humboldt County Planning Commission

3015 H Street

Eureka CA 95501

RE: Application Number 10244; Case Numbers ZR-16-001 and SP16-015

Dear Commissioners,

I am writing on behalf of the Humboldt Bay Municipal Water District in regards to the above referenced application. Our District respectfully submits the following information for consideration in regards to the above referenced project.

Our District is adamantly opposed to heavy industrial development adjacent to our source water intake infrastructure located in and along the Mad River for obvious health and safety reasons. Zoning changes that allow heavy industrial operations have the potential to adversely affect the domestic drinking water supply for nearly two thirds of the population of Humboldt County and should be denied. Our interest in this area involves the health and safety needs to protect and preserve the high quality water source that is the Mad River and its underlying aquifers.

As such we are concerned that a change in the zoning of Assessor's Parcel number 504-161-001 from Agricultural General to Heavy Industrial will allow for activities that could potentially adversely affect the water quality in the general vicinity of that parcel. Although the applicant may profess to install adequate control and mitigation measures for this project, they cannot guarantee that any proposed system is not subject to potential failure or human error causing irreparable damage to Humboldt County's largest public drinking water source. Therefore, any zoning change that would allow heavy industrial activities in close proximity puts the drinking water source for two thirds of the County's population in jeopardy and should not be approved.

The District supplies domestic water to seven municipal agencies on a wholesale basis. The municipalities served by the District are the Cities of Arcata, Blue Lake and Eureka, and the Fieldbrook, Humboldt, Manila and McKinleyville Community Services Districts. Via our wholesale relationship, the District serves water to an estimated population of 88,000 people (approximately 66% of the entire Humboldt County), and to numerous businesses, industries and educational institutions.

The District's diversion works and operational control center are located at Essex, just northeast of Arcata on the Mad River and immediately downstream of the Applicant's parcel.

Four Ranney collectors, "Stations", supply water to the domestic system for drinking water purposes. The Ranney collectors house multiple large electric-driven pumps and associated equipment, and are capable of pumping approximately 20 MGD. The collectors draw water from the aquifer via lateral pipes located 60 to 90 feet beneath the bed of the river. The process of bringing water up from the aquifer through the sands and gravel of the riverbed provides a natural filtration process which results in water that is very high in quality. Two of our Ranney collectors, Station 2 to the west and Station 3 to the east, are located on adjacent parcels (APN 516-27-105 and APN 504-15-110 respectively) to the Applicant's parcel. See the attached GIS aerial view of the locations of our adjacent Ranney collectors. Our Ranney Collector Station 1 is located just one thousand five hundred seventy feet downstream of Station 2. Consequently, any contamination originating from the Applicant's parcel would immediately impact up to 3 (75%) of our domestic water supply sources and our industrial surface water source.

Given the location of the project site and the geology underlying it as part of the Mad River aquifer structure, the domestic sewage septic system proposed by the Applicant, will potentially impact our drinking source water. Consequently, again in the interest of public health and safety, our District is opposed to this zoning change and project.

Lastly, the Applicant's parcel is in the 100-year flood zone for the Mad River (FEMA Flood Zones 2017). Any Heavy Industrial activities inundated by a flood have the potential to negatively impact our public drinking water source. Therefore, again in the interest of public health and safety, our District is opposed to this zoning change and project.

There is no public policy justification for this zoning change. There is an ample supply of suitable property located within Humboldt county that is currently zoned Heavy Industrial to which the Applicant may avail themselves and this project. The risks for harmful impacts to our public drinking water source for two thirds of the population of Humboldt County, is not acceptable, and far outweigh the necessity and justification for a zoning change on the Applicant's parcel.

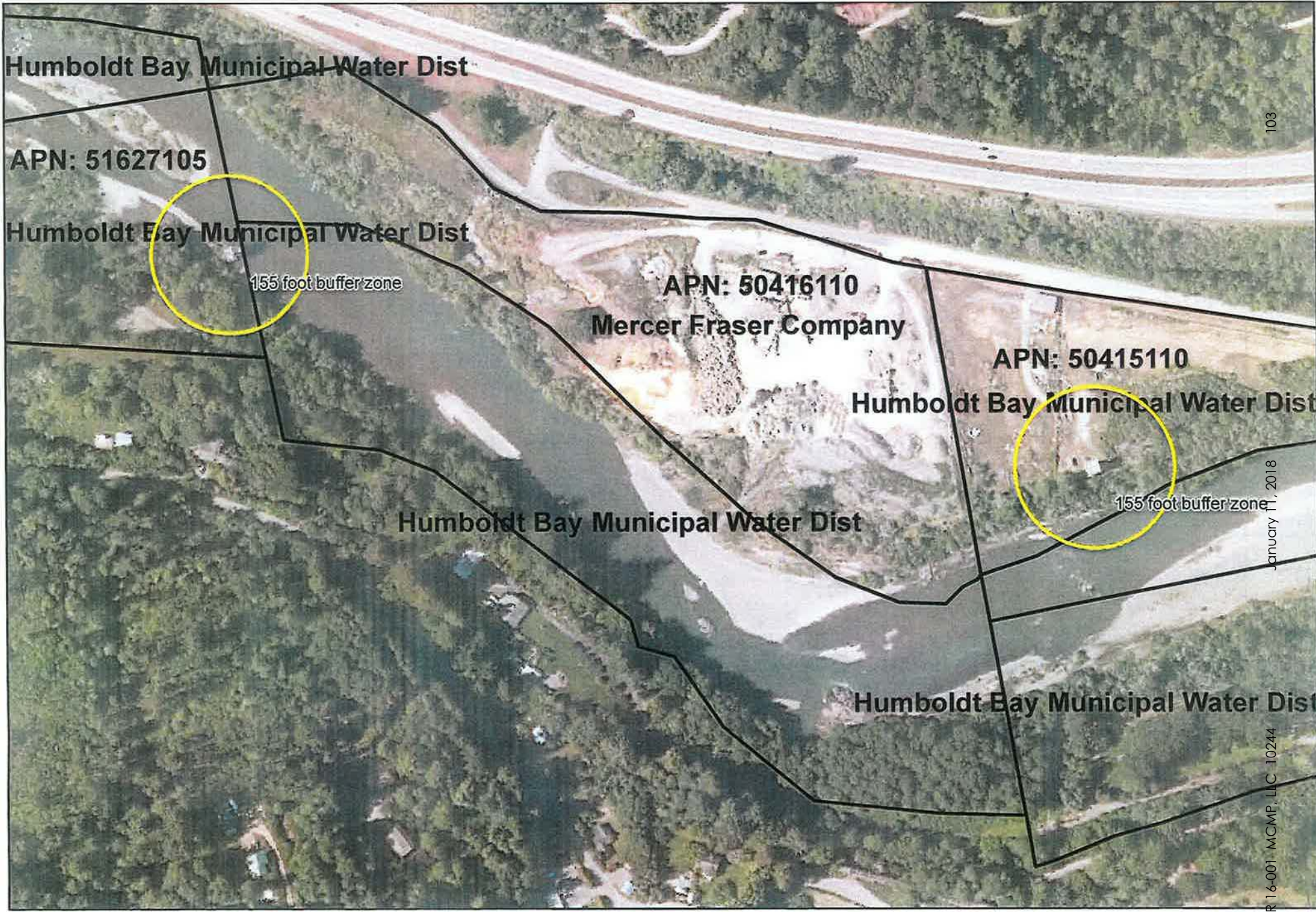
That said, our District is a firm supporter of the Mercer Fraser Company and respect the quality of their workmanship and integrity of the owner and staff. In fact, they were the successful bidder on a multi-million dollar water transmission line with our District recently. That project was completed very successfully. However, the issue before the Commission is protecting the drinking water source for the Humboldt Bay region over increasing private development opportunities

Thank you for your consideration of our submittal.

Respectfully,



John Friedenbach
General Manager



Distance from PS 2:
 PS 1: 1570'
 PS 6: 1978'

Mercer Fraser APN Map 2018



THOMAS AND MARLENE HENLEY
51 WARREN CREEK ROAD
ARCATA, CA 95521
(707) 822 - 1846



PLANNING AND BUILDING DEPARTMENT
PLANNING DIVISION
COUNTY OF HUMBOLDT
3015 H STREET
EUREKA, CA. 95501

JANUARY 2, 2018

RE: ZONE RECLASSIFICATION IN THE GLENDALE AREA
CASE NUMBERS ZR- 16-001 AND SP 16-015

DEAR SIRs;

FOR THE LAST 49 YEARS I HAVE OWNED AND RESIDED ON THE PROPERTY BORDERING ON THE MAD RIVER DIRECTLY WEST OF MERCER FRASER'S GRAVEL BUSINESS.

I WILL BE UNABLE TO ATTEND THE PUBLIC HEARING ON JANUARY 11, 2018, BUT I WANT TO SUBMIT THE FOLLOWING STATEMENTS INTO THE RECORD.

1. I HAVE NO CONCERNS REGARDING MERCER FRASERS GRAVEL OPERATIONS
2. I BELIEVE IT WOULD BE IRRESPONSIBLE FOR THE COUNTY TO ALLOW A "DOPE FACTORY" DIRECTLY ADJACENT TO THE MAIN WATER SUPPLY FOR THE AREA.
3. I BELIEVE THAT IF YOU ALLOW THIS TO HAPPEN YOU WILL BE CREATING A MAGNET FOR CRIMINALS AND A LIKELY THREAT TO CHILDREN AND OTHERS THAT VISIT THE HBMWD PARKS NEARBY.
4. I BELIEVE THIS AREA SHOULD NOT BE TAINTED BY ACTIVITIES THAT EVEN REMOTELY SUGGEST ACTIVITIES DETRIMENTAL TO A HEALTHY CIVILIZATION.
5. I DO NOT BELIEVE THAT THE COUNTY OR OTHER JURISDICTIONS HAVE THE ABILITY NOW OR IN THE FUTURE TO PROVIDE ADEQUATE OVERSIGHT TO TO CONTROL A BUSINESS THAT WAS ROOTED IN CRIMINAL ACTIVITIES.

IF THIS CHANGE IN ZONING IS APPROVED AND A "DOPE FACTORY" IS BUILT IT WILL LIKELY BE VIEWABLE FROM MY PROPERTY AND EVERY TIME I LOOK EAST ACROSSED THE MAD RIVER I WILL FEEL DISGUST AND CONTEMPT.

