

**SUPPLEMENTAL INFORMATION #1**

For Planning Commission of:  
October 7, 2021

<input type="checkbox"/>	Consent Agenda Item	
<input type="checkbox"/>	Continued Hearing Item	
<input checked="" type="checkbox"/>	Public Hearing Item	<b>No. H-12</b>
<input type="checkbox"/>	Department Report	
<input type="checkbox"/>	Old Business	

**Re: The Apartment, LLC. Conditional Use Permits, Special Permit, and Zoning Clearance Certificates**

Record Number: PLN-2020-16774

Assessor Parcel Number: 211-363-012

on both sides of Barnum Road, approximately 300 feet southwest from the intersection of Barnum Road and Dyerville Loop Road, on the property known as 4601 Barnum Road., Miranda area

Attached for the Planning Commission's record and review is the following supplementary information item:

1. Revised Staff Report with corrections to the agent information, changed the number of proposed full-time employees and seasonal employees. Removed the use of family members as part of the operation. Removed all references to cannabis cultivation. With the exception of the additional condition of approval, none of the revisions in the report affect the findings or analysis of the project.
2. Staff Response to Public Comment dated October 4, 2021.
3. Revised Site Plan dated October 4, 2021.



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

---

3015 H Street, Eureka CA 95501  
Phone: (707)445-7541 Fax: (707) 268-3792

Hearing Date: October 7, 2021

To: Humboldt County Planning Commission

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

Subject: **The Apartment, LLC Conditional Use Permits, Special Permit and Zoning Clearance Certificates**

Record Number: PLN-2020-16774

Assessor's Parcel Numbers (APN's): 211-363-012 & 211-362-013

4601 Barnum Road, Miranda Area

**Table of Contents**

**Page**

Agenda Item Transmittal  
Recommended Action and Executive Summary  
Draft Resolution

Maps

Topo Map  
Zoning Map  
Aerial Map  
Site Plans

Attachments

Attachment 1: Recommended Conditions of Approval  
Attachment 2: Applicant's Evidence in Support of the Required Findings  
Attachment 3: Referral Agency Comments and Recommendations

Please contact Christopher Alberts, Planner II, at 707-268-3771 or by email at [calberts@co.humboldt.ca.us](mailto:calberts@co.humboldt.ca.us), if you have any questions about the scheduled public hearing item.

**AGENDA ITEM TRANSMITTAL**

<b>Hearing Date</b> October 7, 2021	<b>Subject</b> Conditional Use Permits, Special Permit and Zoning Clearance Certificates	<b>Contact</b> Christopher Alberts
--	---	---------------------------------------

**Project Description:** A Special Permit for Non-Flammable Manufacturing, and Infusion. The Project also includes two Zoning Clearance Certificates for Distribution and Offsite Site Processing activities. The project will take place within two proposed structures totaling 14,000 square feet. The applicant is proposing to host Distribution and Offsite Processing activities within a 12,000-square-foot building. Non-flammable Manufacturing and Infusion will take place within a proposed 2,000-square-foot structure. Water for the project will be provided by a proposed one-million-gallon rainwater catchment pond and an existing well. The applicant is also proposing to construct a new well. The applicant anticipates 60,000 gallons of water will be required for cannabis activities annually. Water tank storage proposed totals 30,000 gallons, with an additional 2,500-gallon water tank for fire suppression. There will be sixteen (16) full-time employees required annually for operations and fifteen (15) seasonal employees. Power for the project will be provided by solar and wind energy. A backup generator will be onsite for emergency use only. The project also involves a Conditional Use Permit for the use of a non-paved access road without a centerline stripe per Sections 314-55.4.7.3 and 314-554.8.2.3 *Locational Criteria*, which state that Cannabis Support Facilities, and Manufacturing (respectively) shall be located on roads that are paved with a centerline stripe, or paved meeting the Category 4 standard. Exceptions may be considered with a Conditional Use Permit. An additional Conditional Use Permit is also requested for a new 5,120-square-foot boarding house (labor camp) for employee housing in the AE zone.

**Project Location:** The project is located in Humboldt County, in the Miranda area, on both sides of Barnum Road, approximately 300 feet southwest from the intersection of Barnum Road and Dyerville Loop Road, on the property known as 4601 Barnum Road.

**Present Plan Land Use Designations:** Agricultural Grazing (AG), Density: Range is 20 to 160 acres per unit; Timberland (T), Density: Range is 40 to 160 acres per unit; 2017 General Plan, Slope Stability: Moderate Instability (2).

**Present Zoning:** Agriculture Exclusive (AE); Timberland Production (TPZ)

**Record Number:** PLN-2020-16774

**Assessor's Parcel Numbers:** 211-363-012 & 211-362-013

<b>Applicant</b>	<b>Owner</b>	<b>Agent</b>
The Apartment, LLC Paul Mitchell 9200 Sunset Blvd #600 Los Angeles, CA 90069	Ats Managementgrp, LLC 9200 Sunset Blvd #600 Los Angeles, CA 90069	<del>Mother Earth Engineering</del> <del>Trillian Schroeder</del> <del>425 I Street, Arcata, CA 95521</del> <del>11835 West Olympic Blvd. East Tower, Suite 860 E. Los Angeles, CA, 90064</del> KVK, PC GianDominick Vitiello, Esq. 11835 West Olympic Blvd. East Tower, Suite 860 E. Los Angeles, CA, 90064

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

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

## The Apartment, LLC

Record Number: PLN-2020-16774

Assessor's Parcel Numbers: 211-363-012 & 211-362-013

### Recommended Planning Commission Action:

1. Describe the application as a public hearing;
2. Request that staff present the project;
3. Open the public hearing and receive testimony; and
4. Close the hearing and adopt the resolution to take the following actions:

*1) Find that the Planning Commission has considered the Addendum to the Environmental Impact Report adopted for the Commercial Cannabis Land Use Ordinance pursuant to Section 15164 of the State CEQA Guidelines, 2) make all of the required findings for approval of the Conditional Use Permit, Special Permit and Zoning Clearance Certificates based on evidence in the staff report and 3) approve The Apartment, LLC project subject to the recommended conditions.*

### Executive Summary:

The Apartment, LLC, seeks a Conditional Use Permit, Special Permit and two Zoning Clearance Certificates to allow for: a manufacturing facility using non-volatile solvents; offsite processing facility; and a distribution facility, in accordance with Humboldt County Code Section 314-55.4.7 and 314-55.4.8.2 of Chapter 4 of Division I of Title III, Commercial Cannabis Land Use Ordinance (CCLUO). The site is designated as Agricultural Grazing (AG) and Timberland (T) in the Humboldt County 2017 General Plan Update and zoned Agriculture Exclusive (AE) and Timberland Production (TPZ). A Conditional Use Permit is requested for a new 5,120-square-foot boarding house (labor camp) for employee housing in the AE zone. The project will take place within two (2) proposed structures; one 12,000-square-foot structure and one (1) 2,000-square-foot structure. Water for the project will be provided by a proposed one-million-gallon rainwater catchment pond and an existing well. The applicant is also proposing to construct a new well. There will be ~~sixteen~~ **seventeen** (17) full-time employees required annually for operations and ~~fifteen~~ **seventeen** (17) seasonal employees. Power for the project will be provided by solar and wind energy. A backup generator will be onsite for emergency use only. The project also involves a Conditional Use Permit for the use of a non-paved access road without a centerline stripe per Sections 314-55.4.7.3 and 314-55.4.8.2.3 Locational Criteria, which state that Cannabis Support Facilities, and Manufacturing (respectively) shall be located on roads that are paved with a centerline stripe, or paved meeting the Category 4 standard.

### Water Resources

Water for ~~irrigation~~ **the proposed project** will be provided by a proposed one-million-gallon rainwater catchment pond and a proposed well. An existing unpermitted well is located on the property and will be required to be permitted or decommissioned. Prior to operations, the applicant shall have a licensed geologist or engineer determine the hydro-connectivity of the proposed and existing well. If the wells are determined to be hydrologically connected to any surface waters, then the applicant shall only use the rainwater catchment as the water source and modify the project to eliminate the proposed use of the wells. The applicant anticipates approximately 60,000 gallons of water will be required annually for manufacturing and infusion activities. The applicant is proposing 30,000 gallons of hard storage with an additional 2,500-gallon tank for fire suppression. The applicant will also be utilizing the proposed one-million-gallon rainwater catchment pond as source of water storage, for a total of 1,032,500 gallons of proposed water storage onsite. The Department of Environmental Health (DEH) commented DEH has no record of the existing unpermitted well proposed as a source of water. The applicant shall either provide evidence of permit, destroy the well, legalize the well through installation of a new sanitary

surface seal, or provide compelling evidence that the well was installed prior to February 1973. Processing activities must be supported by an approved onsite wastewater treatment system. Seasonal/outdoor cultivation sites may be supported by portable toilets. Applicant must obtain a permit for, and install, an approved onsite wastewater treatment system to support the processing location and either install approved septic systems or ~~provide portable toilets to cultivation areas~~. Industrial tailings from manufacturing activities cannot be discharged to OWTS. Applicant shall contact North Coast Regional Water Quality Control Board regarding industrial wastewater disposal requirements.

### **Biological Resources**

The California Natural Diversity Database (CNDDDB) indicates there are no mapped rare or endangered species located on the parcel. The nearest Northern Spotted Owl (NSO) activity center (HUM0803) is approximately 0.38 miles east from the project site and the nearest NSO observation is mapped approximately 0.02 miles east from the project site. Marbled murrelet habitat is mapped approximately 2.47 miles west from the project site. All manufacturing, processing and distribution activities will occur within enclosed structures; therefore, it is unlikely the project will have an impact on NSO's or the Marbled murrelets. The applicant submitted a Biological Reconnaissance Assessment prepared by Mother Earth Engineering dated June 2020. According to the assessment, no rare, sensitive or special status species were observed on the property and none are likely to occur on the site due to the prevalence of non-native species and historical site disturbance. The surrounding forest contains no dense or mature stands of trees that would be suitable for Northern Spotted Owl and no nesting habitat will be impacted. A Golden Eagle occurrence has been documented within 1 mile of the project site (in 2007) however the assessment concludes that no nesting habitat is on or adjacent to the project site. The property is located immediately adjacent to a major county road which would make the site less attractive to the species for foraging.

. The assessment states the proposed project will have a low-impact to the special-status wildlife species if the applicant implements best management practices including but limited to no use rodenticides, keep project-related noise at a minimum, and ensure that all fuel, fertilizer, pesticide, fungicide or other toxic substances are securely stored in an enclosed structure or device.

### **Non-Volatile Manufacturing**

The applicant is proposing non-volatile manufacturing activities to occur in a proposed 2,000-square-foot structure equipped with an ADA restroom. The applicant anticipates ~~three~~ **two (2)** full-time employees and **two (2) seasonal employees** will be required for manufacturing activities. The hours of operation will be from 9am-5pm. The Department of Environmental Health (DEH) commented industrial tailings from manufacturing activities cannot be discharged to OWTS. Applicant shall contact North Coast Regional Water Quality Control Board regarding industrial wastewater disposal requirements.

### **Distribution**

Distribution activities will occur in a 6,000-square-foot area within a proposed 12,000-square-foot structure. There will be ~~ten~~ **five (5)** employees and **fifteen (15) seasonal employees** required for distribution activities. The hours of operation will be from 5am to 5pm.

### **Processing**

Processing activities will occur in a 6,000-square-foot area within a proposed 12,000-square-foot structure. There will be **three (3)** full time employees and **fifteen (15)** seasonal employees required for processing activities. The hours of operation will be from 9am to 9pm. Shipping and receiving activities will be limited to 10am to 4pm.

## Employees/ On-Site Housing-Boarding

The applicant is proposing thirty-four (34) employees including three members from the family who will be operating the business. There will be two (2) full time employees staffed for non-volatile manufacturing activities, ~~ten~~ ~~five~~ (10) full time employees staffed for distribution activities, and ~~five~~ (5) full time employees staffed for processing activities. The applicant is also proposing fifteen (15) seasonal employees to assist with processing and two (2) seasonal employees to assist with non-flammable manufacturing activities and infusion during peak of operations. ~~There will also be three (3) family members who will assist with all activities of the proposed operation.~~ The applicant is proposing to develop one (1) 5,120-square-foot boarding house (labor camp) for employee housing and one 1,280-square-foot employee break room. The applicant is also proposing to utilize one (1) existing 1,120-square-foot boarding house. The employee housing will allow for less road use and provide additional parking areas for the full-time employees. The new boarding house is an allowable use under Section 317-7.1 of the Humboldt County Code with a Conditional Use Permit. The Department of Environmental Health commented Processing activities must be supported by an approved onsite wastewater treatment system. Applicant must obtain a permit for, and install, an approved onsite wastewater treatment system to support the proposed facilities.

## Access/Parking

The property is accessed via Barnum Road from Dyerville Loop Road. The project involves a Conditional Use Permit for the use of a non-paved access road without a centerline stripe per Sections 314-55.4.7.3 and 314-55.4.8.2.3 *Locational Criteria*, which state that Cannabis Support Facilities, and Manufacturing (respectively) shall be located on roads that are paved with a centerline stripe, or paved meeting the Category 4 standard. Exceptions may be considered with a Conditional Use Permit. Where an exception is sought, the Use Permit application shall include an evaluation of the local road network and relevant segments prepared by a licensed engineer. The engineers report shall include substantial evidence to support a finding that standards for the protection of public health and safety, including fire safe road access, capacity to support anticipated traffic volumes, water quality objectives, and protection of habitat can be met. The applicant submitted a *Road Evaluation Report* prepared by Omsberg & Preston dated September 21, 2021. The report concludes Dyerville Loop Road, a County maintained road, is maintained along the gravel section, is of adequate width to support the proposed development, and meets the intent of the County's Category 4 Road Standards. The road was found to have an 18 to 25-foot travel way throughout, with adequate turnout placement and distribution, The one (1) neck-down point observed was found to have intervisible site distance on approach from either direction. The report also concluded no threat to biological resources and water quality along the unpaved portion of Dyerville Loop Road was observed, therefor, no improvements are being recommended.

According to the Humboldt County Code (Section 109.1.3.4), the applicant is required to provide 24 parking spaces. For manufacturing activities, the applicant shall provide the higher of one parking space for each 1500 square feet of gross floor area within all enclosed building areas or one (1) parking space for each employee at the peak shift. A minimum of two (2) parking spaces are required. For distribution activities the applicant shall provide the higher of one (1) parking space for every four (4) employees or one (1) parking space for each 2,500 square feet of gross floor area. The code requires the applicant to develop the following parking for the proposed distribution, manufacturing and processing activities:

- a) Distribution= 3 spaces
- b) Manufacturing= 21 spaces

The applicant is proposing seventeen (17) parking spaces. The applicant is proposing onsite housing for the sixteen (16) proposed full-time employees. The applicant is also proposing fifteen

(15) seasonal employees to assist with processing activities during peak of operations. The onsite housing will provide overflow parking for the full time and seasonal employees if needed. Staff believes there will be adequate parking onsite.

### **Tribal Consultation**

The project is located in the Bear River and Sinkyone Aboriginal Ancestral Territories. The applicant submitted a Cultural Resources Investigation prepared by Archaeological and Supply Company dated August 2021. According to the Investigation there were zero (0) historic or prehistoric era resources located during the survey. Standard Inadvertent Archaeological Discovery Protocol will be implemented during any project construction activities.

### **Security Plan**

There is an existing locked gate at the entrance of the property. The project site will be equipped with motion sensor lighting around the proposed and existing facilities. According to the Security Plan, there is an informal community watch in place in the neighborhood. The applicant proposes to implement an alarm system within the proposed processing, manufacturing, and distribution facility. All products will be stored in locked areas. Fulltime employees will be living onsite.

**RECCOMENDATION:** Based on a review of Planning Division reference sources and comments from all involved referral agencies, Planning staff believes that the applicant has submitted evidence in support of making all of the required findings for approval of the Conditional Use Permits, Special Permit, and Zoning Clearance Certificates.

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

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

**Resolution Number 21-**

**Record Number PLN-2020-16774**

**Assessor's Parcel Numbers: 211-363-012 & 211-362-013**

**Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approving The Apartment, LLC, Conditional Use Permit, Special Permit and Zoning Clearance Certificates.**

**WHEREAS, The Apartment, LLC,** submitted an application and evidence in support of approving a Special Permit, two Zoning Clearance Certificates to allow for: a manufacturing facility using non-volatile solvents; offsite processing facility; and a distribution facility, in accordance with Humboldt County Code Section 314-55.4.7 and 314-55.4.8.2 of Chapter 4 of Division I of Title III, Commercial Cannabis Land Use Ordinance (CCLUO);

**WHEREAS,** the application will also support a Conditional Use Permit for the use of a non-paved access road without a centerline stripe, and a Conditional Use Permit for a new 5,120 square foot boarding-house (labor camp) for employee housing in the AG zone;;

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

**WHEREAS,** the Humboldt County Planning Commission held a duly-noticed public hearing on October 7, 2021, and reviewed, considered, and discussed the application for a Special Permit, two Zoning Clearance Certificates, and two Conditional Use Permits, and reviewed and considered all evidence and testimony presented at the hearing.

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

**FINDING:**

**Project Description:** The application is for a Special Permit for Non-Flammable Manufacturing, and Infusion. The Project also includes two Zoning Clearance Certificates for Distribution and Offsite Site Processing activities. The project will take place within two proposed structures totaling 14,000 square feet. The applicant is proposing to host Distribution and Offsite Processing activities within a 12,000-square-foot building. Non-flammable Manufacturing and Infusion will take place within a proposed 2,000-square-foot structure. Water for the project will be provided by a proposed one-million-gallon rainwater catchment pond and an existing well. The applicant is also proposing to construct a new well. The applicant anticipates 60,000 gallons of water will be required for cannabis activities annually. Water tank storage onsite proposed totals 30,000 gallons and, with an additional 2,500-gallon water tank for fire suppression. There will be ~~sixteen~~ **seventeen** (~~16~~**17**) full-time employees required annually for operations and ~~fifteen~~ **seventeen** (~~15~~**17**) seasonal employees. Power for the project will be



provided by solar and wind energy. A backup generator will be onsite for emergency use only. The project also involves a Conditional Use Permit for the use of a non-paved access road without a centerline stripe per Sections 314-55.4.7.3 and 314-554.8.2.3 *Locational Criteria*, which states that Cannabis Support Facilities, and Manufacturing (respectively) shall be located on roads that are paved with a centerline stripe, or paved meeting the Category 4 standard. An additional Conditional Use Permit is also requested for a new 5,120-square-foot boarding house (labor camp) for employee housing in the AG zone.

**EVIDENCE:** Project File: PLN-2020-16774

**FINDING:** CEQA. The requirements of the California Environmental Quality Act have been complied with. The Humboldt County Planning Commission has considered the Addendum to the Environmental Impact Report (EIR) prepared for the Commercial Cannabis Land Use Ordinance (CCLUO) adopted by the Humboldt County Board of Supervisors on January 26, 2016.

**EVIDENCE:**

- a) Addendum Prepared for the proposed project.
- b) The proposed project does not present substantial changes that would require major revisions to the previous EIR. No new information of substantial importance that was not known and could not be known at the time was presented as described by §15162(c) of CEQA Guidelines.
- c) A Cultural Resources Investigation Report was carried out by Archaeological Research and Supply Company dated August 2021, concluded no archeological resources were identified. Standard Inadvertent Archaeological Discovery Protocol will be implemented during any project construction activities.

**FINDINGS FOR SPECIAL PERMIT, ZONING CLEARANCE CERTIFICATES, AND CONDITIONAL USE PERMITS**

**FINDING** The proposed development is in conformance with the County General Plan, Open Space Plan, and the Open Space Action Program.

**EVIDENCE**

- a) Agriculture Processing and Labor Camps are use types permitted in the Agricultural Grazing (AG) and Timberland (T) land use designations. The proposed cannabis cultivation, an agricultural product, is within land planned and zoned for agricultural purposes, consistent with the use of Open Space land for managed production of resources. The use of an agricultural parcel for commercial agriculture is consistent with the Open Space Plan and Open Space Action Program. Therefore, the project is consistent with and complimentary to the Open Space Plan and its Open Space Action Program.

**FINDING** The proposed development is consistent with the purposes of the existing Agriculture Exclusive (AE) zoning which the site is located.

**EVIDENCE**

- a) Processing, and Distribution are principally permitted in the Agriculture Exclusive (AE).
- b) Manufacturing involving non-flammable extraction is allowed with a Special Permit in AE Zones.
- c) The Agriculture Exclusive (AE) and Timberland Production Zone (TPZ) Zone is intended to be applied to areas of the County in which minor generation and distribution facilities are the desirable predominant uses.
- d) The project also involves a Conditional Use Permit for the use of a non-paved access road without a centerline stripe per Sections 314-55.4.7.3 and 314-55.4.8.2.3 Locational Criteria, which state that Cannabis Support Facilities, and Manufacturing (respectively) shall be located on roads that are paved with a centerline stripe, or paved meeting the Category 4 standard.
- e) A Conditional Use Permit is requested for a new 5,120-square-foot boarding house (labor camp) for employee housing in the AE zone.
- f) Humboldt County Code Sections 314-55.4.7 and 314-55.4.8.2 of Chapter 4 of Division I of Title III, Commercial Cannabis Land Use Ordinance (CCLUO), allows for Processing facilities, Manufacturing facilities, and Wholesale Distribution facilities on a parcel developed as Agricultural use. The application is for a Special Permit and two Zoning Clearance Certificates to allow for: a manufacturing facility using non-volatile solvents; offsite processing facility; and a distribution facility on parcel zoned for industrial uses. Humboldt County Code Section 313-7.1 allows for a Labor Camp on a parcel zoned AE with a Conditional Use Permit.

**FINDING**

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

**EVIDENCE**

- a) The CCLUO allows for a Special Permit and two Zoning Clearance Certificates for: a manufacturing facility using non-volatile solvents; offsite processing facility; and a distribution facility to be permitted in areas zoned Agriculture Grazing (AG) (HCC 314-55.4.7 and 314-55.4.8.2).
- b) The configuration of APNs 211-362-013 and 211-363-012 combined comprise one legal parcel as described in Notice of Lot Line Adjustment Certificate of Subdivision Compliance 1997-20712.
- c) The project will obtain water from a proposed one-million-gallon rainwater catchment pond a proposed groundwater well. In the event that the well cannot be determined to be hydrologically disconnected from surface waters by a qualified geologist or engineer, water will be provided by rainwater catchment only.
- d) The property is accessed via Barnum Road from Dyerville Loop Road. The applicant submitted a *Road Evaluation Report* prepared by Omsberg & Preston dated September 21, 2021. The report concludes Dyerville Loop Road, a County maintained road, is maintained along the gravel section, is of adequate width to support the proposed

development, and meets the intent of the County's Category 4 Road Standards. The road was found to have an 18 to 25-foot travel way throughout, with adequate turnout placement and distribution, The one (1) neck-down point observed was found to have intervisible site distance on approach from either direction. The report also concluded no threat to biological resources and water quality along the unpaved portion of Dyerville Loop Road was observed, therefore, no improvements are being recommended.

- e) The location of the processing, manufacturing and wholesale distribution activities will take place in proposed facilities which will comply with all setbacks required in Section 314-55.4.6.4.4. It is more than 30 from any property line, more than 300 feet from any off-site residence, more than 600 feet from any school, church, public park or Tribal Cultural Resource.

**FINDING**

The processing, manufacturing and wholesale distribution activities and the conditions under which they may be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

**EVIDENCE**

- a) The site is located on road that is developed to the equivalent of a road category 4 standard and will safely accommodate the amount of traffic generated by the proposed cannabis activities.
- b) The site is in a rural part of the County where the typical parcel size is over 40 acres and many of the land holdings are very large. The proposed cannabis will not be in a location where there is an established neighborhood or other sensitive receptor such as a school, church, park or other use which may be sensitive to cannabis cultivation. Approving processing, manufacturing and distribution activities on this site and the other sites which have been approved or are in the application process will not change the character of the area due to the large parcel sized in the area.
- c) The location of the proposed commercial cannabis activities is more than 300 feet from the nearest off-site residence.
- d) A proposed one-million-gallon rainwater catchment pond, a proposed well and an existing unpermitted well.
- e) The project also involves a Conditional Use Permit for the use of a non-paved access road without a centerline stripe.

**FINDING**

The proposed development does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.

**EVIDENCE**

- a) The parcel was not included in the housing inventory of Humboldt County's 2019 Housing Element and is zoned heavy industrial.

**DECISION**

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

- Adopt the findings set forth in this resolution; and
- Approve the Apartment, LLC, Conditional Use Permits, Special Permit, and Zoning Clearance Certificates, Record No. PLN-2020-16774 subject to the conditions in Attachment 1.

Adopted after review and consideration of all the evidence on October 7, 2021.

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 H. 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 H. Ford, Director,  
Planning and Building Department

## ATTACHMENT 1

### RECOMMENDED CONDITIONS OF APPROVAL

Approval of the Conditional Use Permit, Special Permit and Zoning Clearance Certificates is conditioned on the following terms and requirements which must be satisfied before site development or initiation of operations.

#### Section 1: Development Restrictions

1. The project shall be developed and operated in accordance with the Operations Plan dated ~~January~~ **September 3, 2020**~~1~~ prepared by ~~Northpoint Consulting Group~~ **The Apartment, LLC** and ~~received November 6, 2020~~, and project site development plans.
2. The project shall meet all applicable fire codes, including fire suppression infrastructure requirements deemed necessary for the project. Sign off on the Occupancy Permit by the Building Division shall satisfy this requirement.
3. Where feasible, new utilities shall be underground or sited unobtrusively if above ground.
4. The applicant shall obtain from the Building Inspection Division any Building or other required permits prior to commencing construction activities or the approved use.
5. Prior to initiating commercial cannabis processing, manufacturing, and distribution activities or associated activities the applicant shall obtain a Business License from the Humboldt County Tax Collector.
6. The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency (CUPA) requirements regarding any hazardous materials. A written verification of compliance shall be required before release of the Building Permit and initiation of operations. Ongoing proof of compliance with this condition shall be required at each annual inspection in order to keep the permit valid.
7. Prior to initiating operation the applicant shall meet all of the requirements and obtain all necessary permits from the Division of Environmental Health. The applicant shall submit written verification from that agency verifying this requirement has been met.
8. All signage shall comply with Section 314-87.2 of the Humboldt County Code and shall be subject to review and approval by the Planning Director. Signage shall be compatible with surrounding uses and not distract from visitor serving uses in the area.
10. Prior to operations, the applicant shall have a licensed geologist or engineer evaluate the existing and proposed well in order to determine if the wells are hydrologically connected to any surface waters. If the wells are found to be hydrologically connected the operation shall utilize rainwater catchment only for all of the water needs.
11. The applicant shall either provide evidence of a permit, destroy the well, legalize the well through installation of a new sanitary surface seal, or provide compelling evidence that the existing well was installed prior to February 1973.
12. The applicant shall ensure all fences and gates shall be relocated out of the County right of way. All gates shall be setback sufficiently from the County road so that vehicles will not block traffic when staging to open/close the gate. In addition, no materials shall be stored or placed in the County right of way.

13. The applicant shall gravel the surface at the location of Dyerville Loop Road where it meets Barnum Road for a minimum width of 20 feet and a length of 50 feet where it intersects the County Road. An encroachment permit shall be issued by the Department of Public Works prior to commencement of any work in the County maintained right of way. This also includes installing or replacing driveway culverts; minimum size is typically 18 inches. Confirmation from the Department of Public Works that the work has been done will satisfy this requirement.

**A. General Conditions**

1. The applicant is responsible for obtaining all necessary County and State permits and licenses, and for meeting all requirements set forth by other regulatory agencies.
2. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Planning and Building Department will provide a bill to the applicant after the decision. Any and all outstanding planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
3. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions. A deposit is collected to cover this staff review. Permit conformance with conditions must be demonstrated prior to release of building permit or initiation of use and at time of annual inspection. A conformance review deposit as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750) shall be paid within sixty (60) days of the effective date of the permit or upon filing of the Compliance Agreement (where applicable), whichever occurs first. Payment shall be made to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
4. A Notice of Exemption (NOE) will be prepared and filed for this project in accordance with the State CEQA Guidelines. The Department will file the NOD and will charge this cost to the project.

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

1. All components of project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, and these conditions of approval. Changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan.
2. Commercial cannabis activities shall be conducted in compliance with all laws and regulations as set forth in the CCLUO and MAUCRSA, as applicable to the permit type.
3. Possession of a current, valid required license, or licenses, issued by any agency of the State of California in accordance with the MAUCRSA, and regulations promulgated thereunder, as soon as such licenses become available.
4. Confinement of the area of ~~cannabis cultivation~~, processing, manufacture, or distribution to the locations depicted on the approved site plan. The commercial cannabis activity shall be set back at least 30 feet from any property line, and 600 feet from any School, School Bus Stop, Church or other Place of Religious Worship, or Tribal Cultural Resources, except where a reduction to this setback has been approved pursuant to County Code Section 55.4.6.4.4(c).

5. Maintain enrollment in Tier 1 or 2 certification with the NCRWQCB Order No. R1-2019-0023, if applicable, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.
6. Consent to an annual on-site compliance inspection, with at least 24 hours prior notice, to be conducted by appropriate County officials during regular business hours (Monday – Friday, 9:00 am – 5:00 pm, excluding holidays).
7. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
8. Pay all applicable application, review for conformance with conditions and annual inspection fees.
9. The use of monofilament netting for all uses for erosion control, shall be prohibited. Geotextiles, fiber rolls, and other erosion control measure materials shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves to minimize the risk of ensnaring and strangling wildlife.
10. Leave wildlife unharmed. If any wildlife is encountered during the Authorized Activity, Permittee shall not disturb the wildlife and shall allow wildlife to leave the work site unharmed.
11. All refuse shall be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
12. The burning of excess plant material associated with the processing of commercial cannabis is prohibited.
13. Storage of Fuel - Fuel shall be stored and handled in compliance with applicable state and local laws and regulations, including the County of Humboldt's CUPA program, and in such a way that no spillage occurs.
14. Any outdoor construction activity and use of heavy equipment outdoors shall take place between 7:00 a.m. and 6:00 p.m., Monday through Friday, and between 9:00 a.m. and 6:00 p.m. on Saturday and Sunday.
15. The Master Log-Books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
24. Participate in and bear costs for permittee's participation in the State sanctioned tracking program (METRC).

#### Performance Standards for Cultivation and Processing Operations

25. Pursuant to the MAUCRSA, Health and Safety Code Section 19322(a)(9), an applicant seeking a cultivation license shall "provide a statement declaring the applicant is an 'agricultural employer,' as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 commencing with Section 1140) of Division 2 of the Labor Code), to the extent not prohibited by law."
26. Cultivators shall comply with all applicable federal, state, and local laws and regulations

governing California Agricultural Employers, which may include: federal and state wage and hour laws, CAL/OSHA, OSHA, California Agricultural Labor Relations Act, and the Humboldt County Code (including the Building Code).

27. Processing shall comply with the following Processing Practices:
  - I. Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.
  - II. Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
  - III. Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.
  - IV. Employees must wash hands sufficiently when handling cannabis or use gloves.
  
28. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:
  - I. Cultivation operations and processing operations must 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.
  - II. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
    - 8) Operation manager contacts;
    - 9) Emergency responder contacts;
    - 10) Poison control contacts.
  - III. 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.
  
29. All cultivators shall comply with the approved Processing Plan as to the following:
  - I. Processing Practices.
  - II. Location where processing will occur.
  - III. Number of employees, if any.
  - IV. Employee Safety Practices.
  - V. Toilet and handwashing facilities.
  - VI. Plumbing and/or septic system and whether or not the system is capable of handling increased usage.
  - VII. Drinking water for employees.
  
30. Term of Commercial Cannabis Activity Permit. Any Commercial Cannabis Permit issued pursuant to the CCLUO shall expire after one (1) year after date of issuance, and on the



anniversary date of such issuance each year thereafter, unless an annual compliance inspection has been conducted and the permittees and the permitted site have been found to comply with all conditions of approval.

If the inspector or other County official determines that the permittees or site do not comply with the conditions of approval, the inspector shall serve the permit holder with a written statement identifying the items not in compliance, and the action that the permit holder may take to cure the non-compliance, or file an appeal within ten (10) days of the date that the written statement is delivered to the permit holder. Personal delivery or mailing the written statement to the mailing address listed on the application by regular mail, plus three (3) days after date of mailing, shall constitute delivery. The permit holder may request a reinspection to determine whether or not the permit holder has cured all issues of non-compliance. Failure to request reinspection or to cure any items of non-compliance shall terminate the Permits, immediately upon the expiration of any appeal period, or final determination of the appeal if an appeal has been timely filed pursuant to Section 55.4.5.8 of the CCLUO.

31. Permit Renewals to comply with Updated Laws and Regulations. Permit renewal per Ongoing Condition of Approval #30, above, is subject to the laws and regulations effective at the time of renewal, which may be substantially different than the regulations currently in place and may require the submittal of additional information to ensure that new standards are met.
32. Acknowledgements to Remain in Full Force and Effect. Permittee acknowledges that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed in which the cultivation area is located will not support diversions for irrigation.

Permittee further acknowledges and declares that:

- (1) All commercial cannabis activity that I, my agents, or employees conduct pursuant to a permit from the County of Humboldt for commercial cultivation, processing, manufacturing, and distribution of cannabis for adult use or medicinal use within the inland area of the County of Humboldt, shall at all times be conducted consistent with the provisions of the approved County permit; and
  - (2) All cannabis or cannabis products under my control, or the control of my agents or employees, and cultivated or manufactured pursuant to local Ordinance and the State of California Medicinal and Adult Use Cannabis Regulation and Safety Act ("MAUCRSA") (SB 94), will be distributed within the State of California; and
  - (3) All commercial cannabis activity conducted by me, or my agents or employees pursuant to a permit from the County of Humboldt will be conducted in compliance with the State of California MAUCRSA.
33. 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 CCLUO eligibility requirements, and agreement to permit terms and acknowledgments. The fee for required permit transfer 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 Commercial Cannabis.

34. 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.

**Informational Notes:**

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

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

**ATTACHMENT 2  
CEQA Addendum**

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

*Commercial Cannabis Land Use Ordinance Environmental Impact Report (EIR)  
(State Clearinghouse # 2015102005), January 2016*

**APN's 211-363-012 & 211-362-013, on both sides of Barnum Road, approximately 300 feet southwest from the intersection of Barnum Road and Dyerville Loop Road, on the property known as 4601 Barnum Road, Miranda, California, County of Humboldt**

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

**October 2021**

## Background

**Modified Project Description and Project History** - The original project reviewed under the Environmental Impact Report (EIR) for the Commercial Cannabis Land Use Ordinance (CCLUO) addressed the broad environmental impacts that could be expected to occur from the adoption and implementation of the ordinance. The EIR specified that the regulations established in the CCLUO would mitigate the impacts of new cannabis operations by establishing regulations for an existing unregulated land use to help prevent and reduce environmental impacts for new cultivation operations. The current project was contemplated by the EIR and compliance with the provisions of the CCLUO will fully mitigate all environmental impacts of the project to a less than significant level.

The modification is for an operation which involves a Conditional Use Permit, Special Permit and two Zoning Clearance Certificates to allow for: a manufacturing facility using non-volatile solvents; offsite processing facility; and a distribution facility. An additional Conditional Use Permit is also requested for a new 5,120-square-foot boarding house (labor camp) for employee housing in the AE zone. The project will take place within two (2) proposed structures; one 12,000-square-foot structure and one (1) 2,000-square-foot structure. There will be ~~sixteen~~ **seventeen** (17) full-time employees required annually for operations and ~~fifteen~~ **seventeen** (17) seasonal employees. Power for the project will be provided by solar and wind energy. A backup generator will be onsite for emergency use only. The activities are proposed consistent with the CCLUO and the environmental analysis that was completed for the CCLUO.

Water for irrigation will be provided by a proposed one-million-gallon rainwater catchment pond a proposed well, an existing unpermitted well, and a proposed well. The applicant anticipates approximately 60,000 gallons of water will be required annually for manufacturing and infusion activities. The applicant is proposing 30,000 gallons of hard storage with an additional 2,500-gallon tank for fire suppression. The applicant will also be utilizing the proposed one-million-gallon rainwater catchment pond as source of water storage, for a total of 1,032,500 gallons of proposed water storage onsite.

The applicant is proposing thirty-four (34) employees ~~including three members from the family who will be operating the business~~. There will be two (2) full time employees staffed for non-volatile manufacturing activities, ~~ten~~ **five** (5) full time employees staffed for distribution activities, and ~~five~~ **three** (3) full time employees staffed for processing activities. The applicant is also proposing ~~fifteen~~ **seventeen** (17) seasonal employees to assist with processing and two (2) seasonal employees to assist with non-flammable manufacturing activities and infusion during peak of operations. ~~There will also be three (3) family members who will assist with all activities of the proposed operation~~. The applicant is proposing to develop one (1) 5,120-square-foot boarding house (labor camp) for employee housing and one 1,280-square-foot employee break room. The applicant is also proposing to utilize one (1) existing 1,120-square-foot boarding house. The employee housing will allow for less road use and provide additional parking areas for the full-time employees.

The project is located in the Bear River and Sinkyoune Aboriginal Ancestral Territories. The applicant submitted a Cultural Resources Investigation prepared by Archaeological and Supply Company dated August 2021. According to the Investigation there were zero (0) historic or prehistoric era resources located during the survey. Standard Inadvertent Archaeological Discovery Protocol will be implemented during any project construction activities.

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

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

No changes are proposed for the original EIR recommended mitigations. The proposal to authorize the project is fully consistent with the impacts identified and adequately mitigated in the original EIR. The project as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the EIR. Compliance with the CCLUO ensures consistency with the adopted EIR and provides for mitigation of all project related impacts to a less than significant level.

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

- o Operations Plan for The Apartment, LLC; APN's 211-363-012 & 211-362-013 prepared by the applicant, September 2021.
- o Site Plan for The Apartment, LLC; APN's 211-363-012 & 211-362-013 prepared by ~~Mother Earth Engineering~~ **ATS Management Group, LLC**, September 2021.
- o Energy Budget for The Apartment, LLC; APN's 211-363-012 & 211-362-013 prepared by Morroni Energy Consulting, September 2021.
- o Cultural Resources Investigation for The Apartment, LLC; APN's 211-363-012 & 211-362-013 prepared by Archaeological and Supply Company, August 2021.
- o Biological Reconnaissance Assessment for The Apartment, LLC; APN's 211-363-012 & 211-362-013 prepared by Mother Earth Engineering, June 2020.
- o Road Evaluation Report and Addendum for The Apartment, LLC; APN's 211-363-012 & 211-362-013, September 2021; prepared by Omsberg & Preston.

### **Other CEQA Considerations**

Staff suggest no changes to the revised project

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

See **Purpose** statement above.

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

### **FINDINGS**

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

### **CONCLUSION**

Based on these findings it is concluded that an Addendum to the 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.

## ATTACHMENT 3

### APPLICANT'S EVIDENCE IN SUPPORT OF THE REQUIRED FINDINGS

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

1. The name, contact address, and phone number(s) of the applicant. (Application form on file)
2. If the applicant is not the record title owner of parcel, written consent of the owner for the application with original signature and notary acknowledgement. (On file)
3. Site plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location and area for commercial cannabis activities on the parcel with dimensions of the area for cultivation and setbacks from property lines. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, including access roads, water diversions, culverts, ponds, dams, graded flats, and other related features. If the area for commercial cannabis activities is within one-quarter mile (1,320 feet) of a school, school bus stop, church or other place of religious worship, public park, or tribal cultural resource, the site plan shall include dimensions showing that the distance from the location of such features to the nearest point of the cultivation area is at least 600 feet. (Attached in Maps Section)
4. A cultivation and operations plan that meets or exceeds minimum legal standards for water storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection; proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel; and a description of commercial cannabis activities (processing; manufacturing using non-volatile solvents; and a distribution), the approximate date(s) cannabis cultivation activities have been conducted on the parcel prior to the effective date of this ordinance, if applicable, and schedule of activities during each month of the growing and harvesting season. (Attached)
5. Copy of the statement of water diversion, or other permit, license or registration filed with the State Water Resources Control Board, Division of Water Rights, if applicable. (Not applicable)
6. Description of water source, storage, irrigation plan, and projected water usage. (Included in Cultivation Operations Plan (item 4. above)
7. Copy of Notice of Intent and Monitoring Self-Certification and other documents filed with the North Coast Regional Water Quality Control Board demonstrating enrollment in Tier 1, 2 or 3, North Coast Regional Water Quality Control Board Order No. 2019-0023, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency. (Not applicable)
8. If any on-site or off-site component of the cultivation facility, including access roads, water supply, grading or terracing, impacts the bed or bank of any stream or other watercourse, a copy of the Streambed Alteration Permit obtained from the California Department of Fish and Wildlife (Condition of Approval).

9. If the source of water is a well, a copy of the County well permit, if available. (Conditioned)
10. If the parcel is zoned FR, U or TPZ, or involves the conversion of timberland as defined under Section 4526 of the Public Resources Code, a copy of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (Cal Fire). Alternately, for existing operations occupying sites created through prior unauthorized conversion of timberland, evidence may be provided showing that the landowner has completed a civil or criminal process and/or entered into a negotiated settlement with Cal Fire. (Not applicable)
11. Consent for on-site inspection of the parcel by County officials at prearranged date and time in consultation with the applicant prior to issuance of any clearance or permit, and once annually thereafter. (On file)
12. For indoor cultivation facilities, identify the source of electrical power and how it will meet with the energy requirements in Section 55.4.8.3 (Not applicable)
13. Acknowledge that the County reserves the right to reduce the size of the area allowed for cultivation under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed, will not support diversions for irrigation. (Not applicable)
14. Acknowledge that the County reserves the right to engage with local tribes before consenting to the issuance of any clearance or permit, if cultivation operations occur within an Area of Traditional Tribal Cultural Affiliation, as defined herein. This process will follow current departmental referral protocol, including engagement with the tribe(s) through coordination with their Tribal Historic Preservation Officer (THPO) or other tribal representatives. This procedure shall be conducted similar to the protocols outlined under SB 18 (Burton) and AB 52 (Gatto), which describe "government to government" consultation, through tribal and local government officials and their designees. During this process, the tribe may request that operations associated with the clearance or permit be designed to avoid, minimize, or mitigate impacts to tribal cultural resources, as defined herein. Examples include, but are not limited to, conducting a site visit with the THPO or their designee to the existing or proposed cultivation site, requiring that a professional cultural resources survey be performed, or requiring that a tribal cultural monitor be retained during project-related ground disturbance within areas of sensitivity or concern. The County shall request that a records search be performed through the California Historical Resources Information System (CHRIS). (On file)
15. Energy Budget prepared by Morroni Energy Consulting (MEC) dated September 3, 2021. (Attached)
16. Biological Reconnaissance Assessment prepared by Mother Earth Engineering dated June 2020. (Attached)
17. Road Evaluation Report and Addendum prepared by Omsberg & Preston dated September 21, 2021. (Attached)



## ATTACHMENT 4

### REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

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

<b>Referral Agency</b>	<b>Response</b>	<b>Recommendation</b>	<b>Location</b>
Building Inspection Division	✓	Approved with Conditions	Attached
Division Environmental Health	✓	Approved with Conditions	Attached
Public Works, Land Use Division	✓	Approved with Conditions	On file
CalFire	✓	Note	Attached
Sheriff	✓	Approved	On file
NWIC	✓	Note	On file
California Department of Fish & Wildlife		No response	
Southern Humboldt JT		No response	
Bear River Band	✓	Approved with Conditions	On file
North Coast Regional Water Quality Control Board		No response	
Intertribal Sinkyone Wilderness Council		No response	
District Attorney		No response	
AG Commissioner		No response	

## Alberts, Chris

---

**From:** Alberts, Chris  
**Sent:** Wednesday, October 06, 2021 9:18 AM  
**To:** N Leveille  
**Subject:** Re: The Apartment, LLC, Miranda area; Case Number PLN-2020-1677; Hearing on October 7, 2021

Good Morning,

The proposed project will not add additional fencing or gates that will block access from any of the neighboring properties. There are currently fences and gates in place at the entrance of Barnum Road where it meets Dyerville Loop Road and to my knowledge the property owners who live on Barnum have access to the gate. According to the applicant, the Fire department has access through the gate. If any improvements are made by the applicant or if any gate lock codes are changed, the applicant will share that information with the neighbors prior to making the changes.

The applicant will be responsible for funding his own improvements; however, the applicant obtains the right to ask for donations from neighboring properties. According to the applicant, he has been part of paying and maintaining Barnum Road. Please let me know if you have any further questions or concerns.

Best,



Christopher Alberts  
Planner II  
[Planning and Building Department](#)  
County of Humboldt  
(707) 268-3771



Please consider your environmental responsibility before printing this e-mail

---

**From:** N Leveille <nleveille@comcast.net>  
**Sent:** Monday, October 4, 2021 4:23 PM  
**To:** Alberts, Chris <calberts@co.humboldt.ca.us>; Planning Clerk <planningclerk@co.humboldt.ca.us>  
**Cc:** N A LEVEILLE <nleveille@comcast.net>  
**Subject:** The Apartment, LLC, Miranda area; Case Number PLN-2020-1677; Hearing on October 7, 2021

The Leveille Family Partnership, Ltd. owns the property, APN 211 363 015 purchased in 2008 but now for sale, that is located to the south and west of the southern portion of the property where The Apartment, LLC seeks a Special Permit. We applaud our neighbor for bringing jobs to the area and the Humboldt County Planning Commission for their documented due diligence. However, we have additional concerns as owners of neighboring property. We ask that you add further conditions to the Permit to address:

a) Our property deed states that we have ingress and egress through Barnum Road. How will our rights, and those of other neighbors with property along Barnum Road, be preserved?

The submitted proposal includes a security gate between Dyerville Loop Road and Barnum Road. The only way to access our property to the west of the waters that course over boulders down the hillside into Fish Creek is through Barnum Road. In addition, such a gate presents a fire safety concern in that anyone, ourselves and other neighbors, to the west of the gate would be trapped and unable to exit to safety. Is The Apartment, LLC comfortable with everyone with

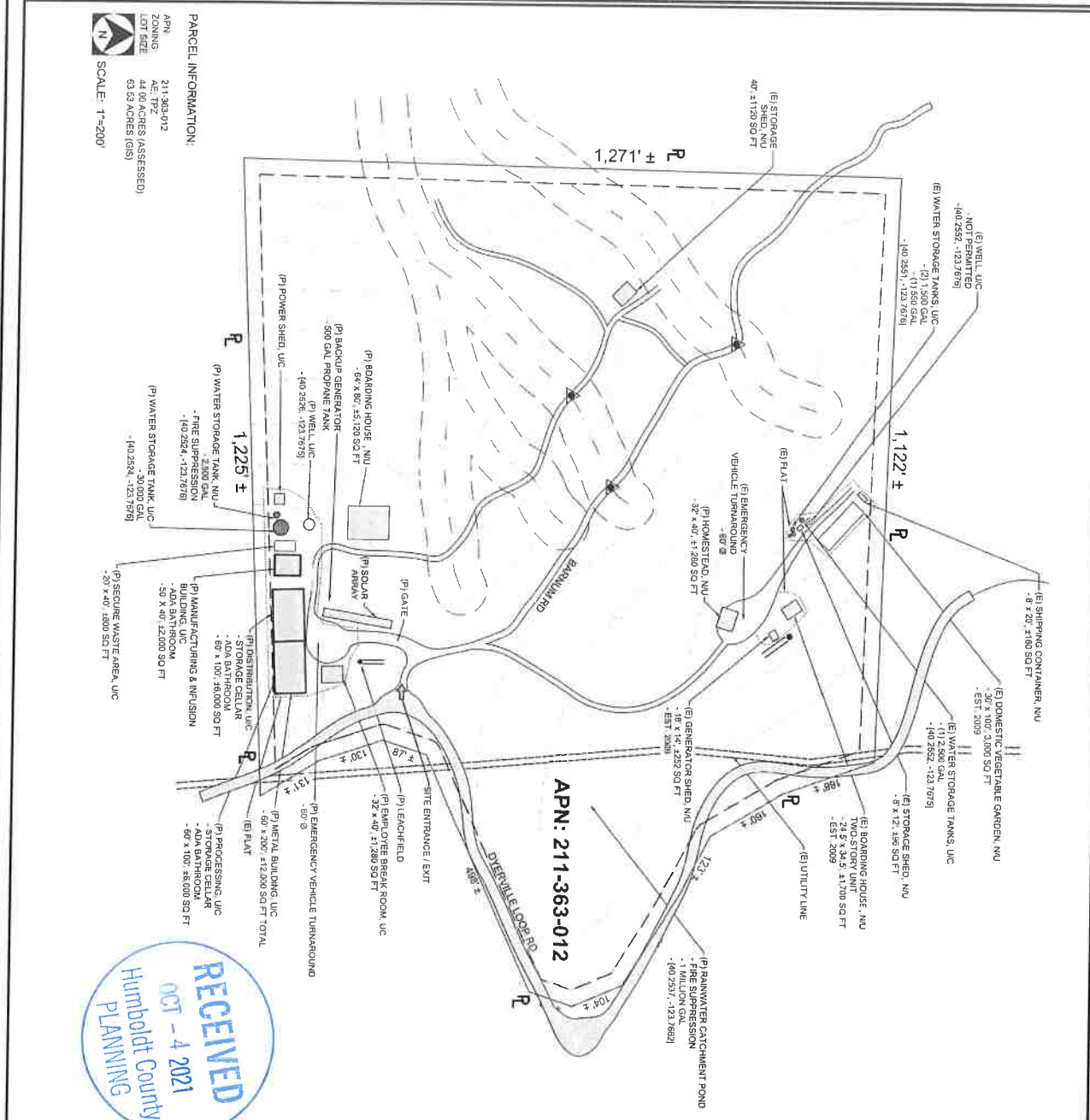
ingress/egress rights and the Fire Department getting keys? Would their security concerns be better addressed by a separate private access road(s)? They presently have fencing for their property on either side of Dyerville Loop Road and no security fence is proposed to eliminate access, could fencing of their two pieces separated by Barnum Road be a solution?

b) Currently the properties with ingress/egress are assessed to maintain Barnum Road. How would the proposal in its current form make future assessments fair so that others are not paying for improvements required only because of increased usage by The Apartment, LLC?

Thank you for your consideration. We look forward to your reply addressing our concerns.

N. Leveille, Secretary

Leveille Family Partnership, Ltd.



**RECEIVED**  
 OCT - 4 2021  
 Humboldt County  
 PLANNING

**PROPERTY USAGE KEY**

PROPERTY TYPE	AREA
DISTRIBUTION	6,000 SQ FT
PROCESSING	6,000 SQ FT
MANUFACTURING	2,000 SQ FT
BREAK ROOM	1,386 SQ FT
SECURE WASTE	800 SQ FT

**LEGEND**

- PROPERTY LINE
- LICENSED PREMISES BOUNDARY
- 30 SETBACK FROM PROPERTY LINE
- 40' COMPASSES (HUMAN)
- CLASS III WATERCOUSES WITH 30 FT STRICH SIDE W/ MANAGEMENT AREA BUFFER
- ACCESS ROAD
- STRUCTURE
- GRADED AREAS
- SEPTIC SYSTEM
- CHLORINE
- PARKING SPACE 8'x18'
- EXISTING
- PROPOSED
- NOT USED FOR CANNABIS
- USED FOR CANNABIS

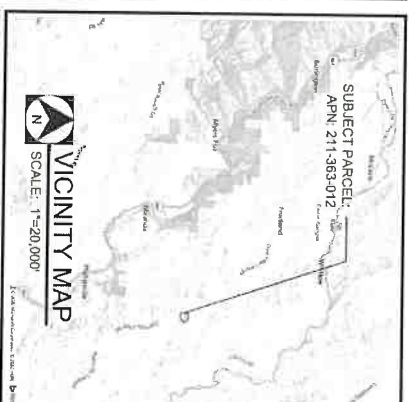
**DIRECTIONS TO SITE**

FROM INTERSTATE 5:

1. HEAD NORTHWEST ON I-5 S. AVENUE OR GRANITE 1.8 MILES
2. TURN LEFT ONTO DIA CREEK ROAD, 2.7 MILES
3. TURN LEFT ONTO DIERBLE LOOP ROAD, 5.4 MILES
4. TURN RIGHT ONTO BARNUM ROAD, ARRIVED AT PROPERTY

**GENERAL NOTES**

1. NO OUTLINATION AREAS ON PROPERTY
2. LOCATIONS OF PROPERTY LINES, ROADWAYS FEATURE LOCATIONS AND POINTS SHOWN ON THE MAP ARE APPROXIMATE UNLESS OTHERWISE NOTED
3. ALL COORDINATES SHOWN REFERENCE THE NAD83 GEODETIC DATUM



**PROPERTY USAGE KEY**

PROPERTY TYPE	AREA
DISTRIBUTION	6,000 SQ FT
PROCESSING	6,000 SQ FT
MANUFACTURING	2,000 SQ FT
BREAK ROOM	1,386 SQ FT
SECURE WASTE	800 SQ FT

**LEGEND**

- PROPERTY LINE
- LICENSED PREMISES BOUNDARY
- 30 SETBACK FROM PROPERTY LINE
- 40' COMPASSES (HUMAN)
- CLASS III WATERCOUSES WITH 30 FT STRICH SIDE W/ MANAGEMENT AREA BUFFER
- ACCESS ROAD
- STRUCTURE
- GRADED AREAS
- SEPTIC SYSTEM
- CHLORINE
- PARKING SPACE 8'x18'
- EXISTING
- PROPOSED
- NOT USED FOR CANNABIS
- USED FOR CANNABIS

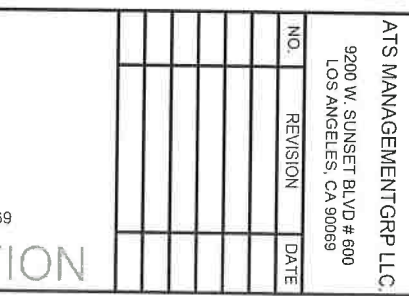
**DIRECTIONS TO SITE**

FROM INTERSTATE 5:

1. HEAD NORTHWEST ON I-5 S. AVENUE OR GRANITE 1.8 MILES
2. TURN LEFT ONTO DIA CREEK ROAD, 2.7 MILES
3. TURN LEFT ONTO DIERBLE LOOP ROAD, 5.4 MILES
4. TURN RIGHT ONTO BARNUM ROAD, ARRIVED AT PROPERTY

**GENERAL NOTES**

1. NO OUTLINATION AREAS ON PROPERTY
2. LOCATIONS OF PROPERTY LINES, ROADWAYS FEATURE LOCATIONS AND POINTS SHOWN ON THE MAP ARE APPROXIMATE UNLESS OTHERWISE NOTED
3. ALL COORDINATES SHOWN REFERENCE THE NAD83 GEODETIC DATUM



NOT FOR CONSTRUCTION