

ATTACHMENT 5

Planning Commission Resolutions, Staff Report and Supplemental Information

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT
Resolution Number 17-83**

**Case Number SP 16-014
Assessor's Parcel Number: 522-491-017**

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 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 Mitigated Negative Declaration (MND) for the Mercer Fraser Company's Conditional Use Permit, Surface Mining Permit, Special Permit, and Reclamation Plan, State Clearinghouse Number 2016082006, adopted by the Planning Commission on March 2, 2016 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; 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 Special Permit (Case Number SP-16-014); and

WHEREAS, a public hearing was held on the matter before the Humboldt County Planning Commission on December 14, 2017.

NOW, THEREFORE, be it resolved that the Humboldt County Planning Commission:

2. Has considered the previously adopted Mitigate Negative Declaration in Attachment 4 and finds that there are no new circumstances associated with the proposed project that would change the conclusions of the negative declaration.
3. Adopts the findings in Attachment 2 of the Planning Division staff report for Case Number SP-16-014 support approval of the project based on the submitted evidence; and
4. Approves the Special Permit Case Number SP-16-014 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 Highway Service Commercial (CH) zone with the Heavy Industrial with the Qualified combining (MH-Q) zone.

Adopted after review and consideration of all the evidence on December 14, 2017.

The motion was made by Commissioner Shepherd and second by Commissioner McKenny to approve as modified in the Addendum.

AYES: Commissioners Mitchell, Levy, McKenny, Morris, Shepherd and Bongio

NOES: Commissioner Edmonds

DECISION: Motion carries by roll call vote 6/1.

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 17-84

Case Number ZR 17-002

Assessor's Parcel Number: 522-491-017

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 Mitigated Negative Declaration (MND) for the Mercer Fraser Company's Conditional Use Permit, Surface Mining Permit, Special Permit, and Reclamation Plan, State Clearinghouse Number 2016082006, adopted by the Planning Commission on March 2, 2016 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; 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 December 14, 2017.

NOW, THEREFORE, be it resolved by the Humboldt County Planning Commission:

1. Adopts the findings in Attachment 1 of the Planning Division staff report for Case Nos.: ZR 17-002 based on the submitted evidence; and
2. 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 Highway Service Commercial (CH) 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 December 14, 2017.

The motion was made by Commissioner Shepherd and second by Commissioner McKenny to approve as modified in the Addendum.

AYES: Commissioners Mitchell, Levy, McKenny, Morris, Shepherd and Bongio

NOES: Commissioner Edmonds

DECISION: Motion carries by roll call vote 6/1.

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

SUPPLEMENTAL INFORMATION #2

For Planning Commission Agenda of: December 14, 2017

- Consent Agenda Item }
- Continued Hearing Item }
- Public Hearing Item } #3
- Department Report }
- Old Business }

Re: **MCMP, LLC, Zone Reclassification and Special Permit**
Application Number 10243
Case Numbers ZR-16-002 and SP-16-014
Assessor's Parcel Number (APN) 522-491-017
533 State Highway 96, Willow Creek area

- Revised Planning Commission Resolution #1

**RESOLUTION OF THE PLANNING COMMISSION #1
OF THE COUNTY OF HUMBOLDT
Resolution Number 17-**

**Case Number SP 16-014
Assessor's Parcel Number: 522-491-017**

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 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 Mitigated Negative Declaration (MND) for the Mercer Fraser Company's Conditional Use Permit, Surface Mining Permit, Special Permit, and Reclamation Plan, State Clearinghouse Number 2016082006, adopted by the Planning Commission on March 2, 2016 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; 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 Special Permit (Case Number SP-16-014); and

WHEREAS, a public hearing was held on the matter before the Humboldt County Planning Commission on December 14, 2017.

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 approved Mitigate Negative Declaration in Attachment 4 as required by Section 15074(b) of the CEQA Guidelines, and finds that there is no substantial evidence that he proposed project will have a significant effect on the environment; and
2. The findings in Attachment 2 of the Planning Division staff report for Case Number SP-16-014 support approval of the project based on the submitted evidence; and
3. Approves the Special Permit Case Number SP-16-014 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 Highway Service Commercial (CH) zone with the Heavy Industrial with the Qualified combining (MH-Q) zone.

Adopted after review and consideration of all the evidence on December 14, 2017.

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

SUPPLEMENTAL INFORMATION #1

For Planning Commission Agenda of: December 14, 2017

- Consent Agenda Item }
- Continued Hearing Item }
- Public Hearing Item } #3
- Department Report }
- Old Business }

Re: **MCMP, LLC, Zone Reclassification and Special Permit**
Application Number 10243
Case Numbers ZR-16-002 and SP-16-014
Assessor's Parcel Number (APN) 522-491-017
533 State Highway 96, Willow Creek area

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

1. Public comments received in opposition to the project:
 - A letter from E.B. Duggan, received 12/14/2017.
 - An email from Lynn Hartley, received 12/13/2017
2. A letter from Mark Harrison, attorney for MCMP, LLC, received on 12/12/2017, requesting the following:
 - A. Modification to the Ongoing Requirements/Development Restrictions No. 3 (page 18 of the staff report) to allow the use of volatile solvents provided a closed loop system is employed and meets other regulatory requirements whereas staff report recommends that the use volatile solvents be prohibited.

Staff Analysis of request: the referenced letter clarifies that "no solvents will be discharged into the leachfield as part of the waste water stream in any or at any time". The report's recommendation to prohibit the use of volatile solvents was made based on the applicant's available information at the time the report was drafted. The letter references two other approved Special Permits that allow for the use of volatile solvents for manufacturing when using a closed-loop system.

Staff can recommend that the use of volatiles is permissible based on the supplemental information provided in the Mr. Harrison's letter, incorporation of the revised condition of approval, and an additional condition stipulating that all volatiles shall be disposed at a facility licensed accept such materials and in accordance with State and County regulations. Revised Attachment 1 Recommended Conditions of Approval reflect the additional conditions of approval. Also Resolution #1 has been accordingly revised.

- B. "The prior MND does not require stockpiles or berms as mitigation"; therefore, it is requested that Condition of Approval #8 be removed (page 17 of the staff report).

Staff Analysis of request: the above statement that the prior MND does not require stockpiles or berms mitigation is factually incorrect.

Excerpted below for the Commission's convenience are pages from the MND documenting that the stockpiles are project mitigation.

- 3. In addition to the revisions to the Attachment 1 Recommended Conditions of Approval outline above under item 2, staff recommends that Condition of Approval #10 be amended to include language that the landscaping plan, including a maintenance plan, be subject to the review and approval of the Planning Director. Also, staff recommends the addition of Condition of Approval #15 that states the cannabis manufacturing facility be developed and maintained such that it is distinct and avoids conflicts with the existing mining extraction and processing operation.

December 14, 2017

MCMP, LLC Willow Creek Application # 10243 Case # ZR 16-002 & SP 16-014
APN 522-419-017

Change; Highway Service Commercial (CH)
To; Heavy Industrial with a Qualified Combining Zone (MH-Q)

Mercer Fraser Company's Gravel Yard and Concrete Batch Plant (Willow Creek)



There was NO CEQA filed for this Zone Change. (CEQA of no significance)

The area (APN 522-419-017), this request is in a FEMA Flood Zone and should have had a full CEQA Applied as it is adjacent to the Trinity River. The property in question constantly leaches and drains water into the Trinity River during the winter months. If this Zoning change from a Highway Service Commercial (CH) to a Heavy Commercial (MH-Q) is allowed and a 100 year flood comes along what will happen to the river if a full CEQA is not applied for mitigating circumstances? The river will be inundated with heavy metals and/or chemicals of whatever is being produced from the Heavy Industrial Business that is built there after the zoning change. The present business is more compatible with the river even though it has contaminating materials on site than some Heavy Industry.

The Federal Government is presently spending about \$12 to \$15 million per year to restore the upper 40 miles of the Trinity River to try and bring back the fisheries to "Before the Dam" fish runs. This effort would be totally destroyed if a major flood was to occur and the Heavy Industry on the property in question was to be flooded and washed into the river. All the work being done in the Upper Trinity River, on the South Fork of the Trinity and on the down river tributaries for the last 15 years would be for not. What would happen to the Hoopa Indian Reservation if the river was completely contaminated? These are questions that need to be answered by a full CEQA. It is bad enough that the river has to suffer and contend with all the "water draws" and leaching of chemicals from illegal cannabis grows along the river now you are going to allow a Heavy Industry to be built in a FEMA Flood Zone along the river to add more problems with manufacturing plant along its banks. I request full CEQA be conducted before any zone change is allowed.

Respectfully Submitted by,

A handwritten signature in blue ink that reads "E.B. Duggan".

E.B. Duggan,
Ex Charter Member of TAMWG

Note: Secretary of Interior infantry suspended the Trinity Adaptive Management Working Group

Nielsen, Michelle

From: Lynn Hartley <lynn@velotech.net>
Sent: Wednesday, December 13, 2017 1:39 PM
To: Nielsen, Michelle
Subject: re: public hearing

To: Members of Humboldt Co Planning Commission

From: Lynn Hartley, owner of Forest Service facility on Hwy 96 across from the proposed cannabis plant

I am unable to attend the hearing scheduled for December 14 regarding rezoning to allow for cannabis products production.

I have two concerns:

The use of volatile solvents poses a potential risk to my property

How can Mercer Fraser receive federal government road contracts and be in a manufacturing business that is illegal from a federal standpoint?

Thank you!

Lynn Hartley

PO Box 186 Trinity Center 96091

lynn@velotech.net

(530) 266-3980

December 12, 2017

John Ford
Director of Planning and Building Department
County of Humboldt
3015 H Street
Eureka, CA 95501

Re: MCMP, LLC, Zone Reclassification & Special Permit; Application No. 10243

Dear Mr. Ford:

On behalf of MCMP, LLC (“MCMP”), we write to address two issues that need to be addressed within the Staff Report and conditions of approval prepared for Application No. 10243 (the “Project”). The matter is set for hearing before the Planning Commission on December 14, 2017.

By way of background, MCMP applied for a zone reclassification from Highway Service Commercial (CH) to Heavy Industrial (MH). This rezone would provide consistency with the property’s recently approved General Plan amendment to Industrial, Resource Related (IR) and to better reflect the existing industrial use of the property. MCMP also applied for Special Permit to develop and operate an approximately 5,000 square foot, Type-7 medical cannabis products manufacturing facility. MCMP’s manufacturing operation would use both volatile and nonvolatile solvents.

With this background in mind, we turn to the specific issues needing correction.

1. Volatile solvents will not enter the Project’s waste water stream.

The Staff Report recommends the Project be subject to a condition prohibiting volatile-based manufacturing processes because “the waste water stream of the manufacturing processes will discharge into the leachfield.” (Staff Report, p. 5.) Specifically, the Staff Report proposes a condition of approval requiring that “[o]perations utilize only manufacturing processes that do not involve the use of volatile compounds such as butane. (Alcohol may be used as a solvent).” (Staff Report, p. 18.)

Staff’s recommendation appears to be the result of a simple misunderstanding of the applicant’s proposal. As discussed in MCMP’s Operations Plan & Manual, the facility will use a professional-grade, closed-loop extraction system to produce solvent-based medical marijuana concentrate. (Staff Report, p. 65.) Any waste solvents or other chemicals will be handled and disposed of properly by a qualified and licensed contractor. (Staff Report, p. 57.) No solvents will be discharged into the leachfield as part of the waste water stream in any way or at any time.

Accordingly, MCMP requests that the condition at issue be revised as follows, as shown in redline:

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) Utilize 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) Utilize 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).
 - a.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.
- A.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.

This condition is consistent with conditions for at least two other medical cannabis manufacturing facilities the County has approved. (SP 16-012; SP 16-013.) More importantly, this language is directly in line with the Department of Public Health's Regulations. (17 Cal. Code Regs., § 40225.) MCMP also requests the text of the Staff Report and the findings be revised to reflect this change.

2. The prior MND does not require stockpiles or berms as mitigation.

The Staff Report notes that the proposed manufacturing facility overlaps with the location of stockpiles from the property’s existing aggregates operation. According to staff, these stockpiles “are project mitigation for aesthetic and noise impacts associated with mining and process operations” pursuant to a Mitigated Negative Declaration approved for the aggregates operation in 2017 (“MND”). (Staff Report, p. 4.) Accordingly, the Staff Report recommends the following condition of approval:

All displaced or relocated stockpiles or berms, either in their entirety or partially, shall be replaced in-kind with similar earthworks that provide the same level of aesthetic and noise mitigation as the berm or stockpile that is to be displaced or relocated. 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 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 standard WR-S13. The approved earthworks shall be developed prior to occupancy of the manufacturing facility.

(Staff Report, p. 17.)

Staff’s recommendation mischaracterizes the prior MND for the aggregates operation, and the condition of approval improperly handcuffs the operator’s operation. The prior MND does not require the placement of berms or stockpiles as mitigation for aesthetic or noise impacts. Rather, the MND simply notes that stockpiles are strategically placed to shield surrounding properties to help attenuate noise and block views into the facility.

Staff’s recommended condition, moreover, fails to account for the nature of the aggregates operation’s stockpiles. As noted in the prior MND, the stockpiles are temporary in nature, consisting of materials waiting to be loaded onto trucks or off-road haulers. A stockpile’s dimensions are constantly changing as material is either added to or taken from the stockpile. Requiring engineered drawings for stockpiles is simply not feasible given the constantly changing nature of the stockpiles as a result of the mining and processing operations.


Accordingly, MCMP requests that staff remove the above-referenced condition from its recommendation to the Planning Commission. MCMP also requests that the text of the Staff Report and the findings be revised to reflect this change. Notwithstanding, the mining operator will continue to strategically place stockpiles in a manner that shields the facility and attenuates noise, consistent with normal mining operations.

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John Ford
MCMP, LLC, Zone Reclassification & Special Permit; Application No. 10243
December 12, 2017

Should you have any questions concerning the matters discussed herein, please do not hesitate to contact me by telephone at (916) 228-4221, or by e-mail at aguernsey@hthjlaw.com.

Very truly yours,
HARRISON, TEMBLADOR, HUNGERFORD & JOHNSON

By 
Mark D. Harrison, Esq.

cc: Honorable Robert Morris and the Members of the County of Humboldt Planning Commission
Adam K. Guernsey, Esq., Harrison, Temblador, Hungerford & Johnson LLP

REVISED 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 Application No. 10345. 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 (NDCAQMD) 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 prior to the issuance of the building permit. A letter from those agencies indicating approval has been issued will satisfy this condition.
7. The applicant shall secure all needed permits and approval from the Department of Transportation.

A letter or similar communication from Caltrans indicating approval has been issued will satisfy this condition.

8. 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 in accordance with the adopted Mitigated Negative Declaration. 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.
9. 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 load space.
 - d) Compliance with emergency vehicle access requirements as per the Humboldt County Code Section 3111 et seq. (Fire Safe Regulations).
10. 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. The applicant shall be submit the landscaping plan and maintenance plan for the review and approval of the Planning Director.
11. The applicant shall post notices on the project site regarding potential of flooding from the failure of Trinity 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.
12. 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.
13. 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.
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.

15. The manufacturing facility, including access, parking areas, and leachfield areas, shall be developed and maintained such that it is clearly delineated and avoids conflicts with the processing and stockpiling areas of the mining operation

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 MCRSA, 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 an 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. **Permit renewals to comply with updated laws and regulations.** Permit renewal per COA #9 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.
12. **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.

13. **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.
14. **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.
15. The operation shall participate in the Medical Cannabis Track and Trace Program administered by the Humboldt County Agricultural Commissioner, when available.
16. 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.
17. 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.

**EXCERPTS FROM THE MITIGATED NEGATIVE DECLARATION
MERCER FRASER WILLOW CREEK MINING OPERATION:
RENEWAL OF A CONDITIONAL USE PERMIT AND MINING PLAN/RECLAMATION PLAN
AND AMENDMENT PROJECT**

**HUMBOLT COUNTY
PLANNING AND BUILDING DEPARTMENT**



**Mercer Fraser Willow Creek Mining Operation:
Renewal of a Conditional Use Permit and Mining
Plan/Reclamation Plan and Amendment Project**

**RECIRCULATED SUBSEQUENT NEGATIVE DECLARATION
SCH#: 2016082006**



January 2017

DISCUSSION OF CHECKLIST RESPONSES:

1. AESTHETICS.

Findings:

- a) The project will not have a substantial adverse effect on a scenic vista: Less than significant impact.
- b) The project will not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway: Less than significant impact.
- c) The project will not substantially degrade the existing visual character or quality of the site and its surroundings: Less than significant impact.
- d) The project will not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area: No Impact.

Setting:

The project area is located along the Trinity River a ½ mile north of the town of Willow Creek and consists of a stretch of the Trinity River with bends at the upstream and downstream extents. Associated gravel deposits occur below ordinary high water (OHW) on the eastern portion of the project site and an upland plain used for stockpiling and processing occurs on the western portion of the project site adjacent to Highway 96.

Moderately steep forested hill slopes surround the project site on all sides of the river valley. Land use in the surrounding area is a mixture of private and public land. Private lands include rural residential development, agriculture, highway commercial, industrial, recreational, religious services as well as nearby retail commercial activities along Hwy 299 in Willow Creek, a 1/2 mile to the south. Public uses include Six Rivers National Forest (SRNF) offices and lands, a California Highway Patrol office, Trinity Valley Elementary School, and the Willow Creek Community Services District. Above the valley and terraces, the surrounding land use is predominantly public timberland.

This section of the Trinity River has been designated as Recreational under the 1968 Wild and Scenic Rivers Act since 1981. The Act recognizes that development, such as what is currently at the site and which pre-existed the designation, would remain. Recreational river segments are those segments of Wild and Scenic Rivers that are readily accessible, that may have some development along their shorelines, and that may have undergone some impoundment or diversion in the past. The Big Rock Recreation Area on Six Rivers National Forest Service property is within the project area. The recreation area includes a boat launch, picnic tables, and areas for swimming and fishing along the river.

Analysis:

- a) *The project will not have a substantial adverse effect on a scenic vista.*

There are views of the project site from Hwy 96, the River, and surrounding uplands. Stockpiles and vegetation have been strategically placed and/or maintained surrounding the processing site to minimize views of processing activity for recreationists using the Big Rock Recreation Area. The concrete batch plant will be in an area that is mostly shielded by stockpiles and vegetation. The stockpiles and vegetation are proposed to generally remain in their present location. Present views of the process area along Highway 96 are similar to what has been occurring since 1969. Extraction activities occur between June 1st and October 15th each year within the area below ordinary high water (OHW). At the end of each season, the gravel bars are reclaimed to a smooth condition. No complaints have been received regarding aesthetic conflicts during the 49 years the project has been in operation.

- b) *The project will not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway.*

Highway 96 is not a state scenic highway. The processing areas are visible along Highway 96, designated as a "Scenic Byway" by the U.S.F.S. However these remain the same as has occurred since 1969. Stockpiles and vegetation that has been placed and/or maintained surrounding the processing site serves to minimize extended

views of processing activity for drivers on Hwy 96. Extraction activities occur between June 1st and October 15th each year within the area below ordinary high water (OHW), which is not readily visible from Hwy 96. No scenic resources such as trees or rock outcroppings within the project area will be removed or impacted by the project. No historic structures occur within the project area.

c) *The project will not substantially degrade the existing visual character or quality of the site and its surroundings.*

Views by river recreationalists of the processing site are, for the most part, screened by the stockpiles and vegetation along the outer edge of the processing site. Due to the curvature of the river and trees growing on the banks upstream from the processing sites, views are limited to viewers until opposite the processing site. The equipment is the same type that has been present since 1969 and has remained screened from the river by the prevalence of the existing aggregate stockpiles and vegetation surrounding the site. Since the appearance from the river is of the stockpiles and willows, it would make no difference in views if the equipment were there or not.

The extraction areas are readily visible by river recreationists utilizing the Big Rock Recreation Area. Project operations generally occur between June 1st and October 15th each year, and operations typically do not take place on the weekends when recreationists are most likely to be using the Big Rock Recreation Area. These views are limited in extent and distance and those utilizing this area during the past 34 years would be accustomed to the project site.

In 1996, the Army Corps of Engineers (ACOE) determined, "*Continued gravel mining operations on the Willow Creek Bar... are not expected to adversely alter the characteristics, or degrade the values, which caused the river to be designated as such (Wild, Scenic, and Recreational) in 1981*" (ACOE, 96).

The proposed project site has been in operation as a sand and gravel mining and processing facility since 1969, and is located along State Highway 96 and the Trinity River. Approval of the proposed project would not modify the current production levels, materials to be mined, mining method, and the overall geographic area covered by the existing use permit and Reclamation Plan. The overall production and processing activities on the project site would be consistent with existing conditions, with the exception of introducing a concrete batch plant and ancillary equipment. The concrete batch plant would be placed within the currently permitted boundaries of the facility alongside other existing processing equipment. As such, the proposed additional processing equipment would be consistent with the visual character and quality of what already occurs on the project site. Existing stockpiles and vegetation on the site have been strategically placed to shield sights of the processing areas from nearby views. In addition, the border of the site along State Highway 96 includes fencing and landscaping to help block views from travelers along the highway, as well as from any nearby uses opposite the highway. As such, the existing views of the proposed project site or in the vicinity of the project site would not be modified with implementation of the proposed project. The proposed concrete batch plant would be built next to the existing asphalt plant at the existing processing area. A typical batch plant is shown on both Figure 4 and Figure 5. Given the proposed concrete batch plant's location next to the existing asphalt plant, the project will not substantially degrade the existing visual character or quality of the site. (See, Figure 5.) Furthermore, because views would not be modified, the project would not affect any views from a scenic vista, would not damage any scenic resources, and would not affect any State scenic highways. Therefore, **no impact** associated with scenic vistas, scenic resources within a State scenic highway, or degradation of the existing visual character or quality of the site and surrounding area would occur.



d) *The project will not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.*

Project operations do not take place at night and require little equipment and no construction. Only the equipment could cause any glare, but this would be minimal. The project will not result in new sources or light or glare which would affect day or nighttime views in the area.

The concrete batch plant would be built next to the existing asphalt plant at the existing processing area. In addition, operations would not take place at night and the nearest residence to the site is located approximately 1,200 feet from the processing area, on the opposite side of the Trinity River. Therefore, the proposed project would have **no impact** related to the creation of a new source of substantial light or glare that would adversely affect day or nighttime views in the area.

Cumulative Impact: The Mercer, Fraser Co. Willow Creek site is a land use that may be considered by some to cause impacts to the aesthetic value of the section of the Trinity River Valley surrounding the project site. However, aesthetic impacts are really a matter of opinion or values and not something that can be quantified. Land use in the surrounding area is a mixture of private and public land. This section of the Trinity River has been designated as Recreational under the 1968 Wild and Scenic Rivers Act since 1981. In 1996, the Army Corps of Engineers (ACOE) determined, "Continued gravel mining operations on the Willow Creek Bar... are not expected to adversely alter the characteristics, or degrade the values, which caused the river to be designated as such (Wild, Scenic, and Recreational) in 1981" (ACOE, 96). The Willow Creek site was not determined in the past to cause a cumulatively considerable impact to the aesthetic value of the surrounding area, and as proposed, consistent with past operations, would not result in a cumulatively considerable impact.

Existing Project Mitigation:

1) Stockpiles and vegetation have been placed and/or maintained around the processing site to screen views of the processing area for the public using the Big Rock Recreation Area.

Mitigation: None required.

2. AGRICULTURE AND FOREST RESOURCES.

Findings:

- a) The project will not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use: No impact.
- b) The project will not conflict with existing zoning for agricultural use, or a Williamson Act contract: Less than significant impact.
- c) The project will not conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production.
- d) The project will not result in the loss of forest land or conversion of forest land to non-forest use.
- e) The project will not involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use: No impact.

Setting:

Humboldt County has not been mapped by the Farmland Mapping and Monitoring Program (www.consrv.gov). There are no prime agricultural soils within the project area or vicinity. The project area has been mapped in Soils of Western Humboldt County (1965). No prime agricultural soils were identified. Soil-vegetation mapping units of the area rate the soils as medium to low potential for agriculture and low to high for timber production. Humboldt County (NR&H Report) has identified some of the project area as potential agricultural soils based on the fact that there are alluvial soils on less than 15% slope and that the area is not urban. A more recent mapping of prime agricultural soils from the County 2014 web GIS shows a portion of the project site having prime soils, however, this area is already heavily developed as a processing area and is the area where the concrete batch plant would be located. The Six Rivers National Forest lands included within the project area (117 of total 218 acres) are zoned Agriculture Exclusive (AE).

The geologic formation at the project site is the Franciscan Formation consisting of a mixture of Quaternary non-marine terrace deposits and recent alluvium consisting of unconsolidated gravel, sand and silt (SWHC, 1965). Analysis of site stratigraphy shows interbedded layers of sand to sandy gravel. These moderately consolidated materials result in high percolation rates as well as a low summer groundwater table. Surrounding agricultural lands, outside of the project site, are similarly situated with a gravelly (river run) substrate; though uncompacted, when irrigated it produces a minimal cover with little or no topsoil horizon development.

Analysis:

a) *The project will not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use.*

Humboldt County has not been mapped by the Farmland Mapping and Monitoring Program (www.consrv.gov). A more recent mapping of prime agricultural soils from the County 2014 web GIS shows a portion of the project site having prime soils, however, this area is already heavily developed as a processing area and is the area where the concrete batch plant would be located.

b) *The project will not conflict with existing zoning for agricultural use, or a Williamson Act contract.*

Parcels 522-142-10, 522-145-04, 06, and 522-491-04, managed by the Forest Service, are zoned Agriculture Exclusive (20 acre minimum parcel size). These parcels consist of river, riverside gravel bar, river terrace, sloping forested hillsides, and a 5.8 acre portion of the Mercer, Fraser processing site developed for industrial purposes,

The Humboldt County General Plan recognizes the importance of these river gravel mining operations. See discussion above in section 9 – Land Use and Planning.

Cumulative Impact: The mean annual recruitment for the Trinity River has been estimated in the Hoopa Valley Gravel Resource Evaluation to lie in the range of 250,000 cy/yr. – 400,000 cy/yr. There are three sites along the main stem Trinity River that are permitted by the County to extract a total of 70,000 c.y. The Willow Creek site (40,000 cy/yr.), the McKnight Bar (10,000 cy/yr.), and the Rowland Bar (20,000 cy/yr.). There are 2 sites along the main stem Trinity River that are permitted by the Hoopa Reservation to extract a total of 38,000 c.y. All five sites are permitted to extract a total of 108,000 cy/yr. If each site extracted the maximum permitted amount, then approximately 142,000 cy/yr. – 292,000 cy/yr. (56.8% to 73%) would still be left in the system, depending on whether it was a wet or dry winter. Mean annual recruitment substantially exceeds the maximum permitted amount and aggradation of the riverbed has occurred over time. Therefore, the amount of material extracted at the Willow Creek site is not a cumulatively considerable impact.

Existing Project Mitigation:

- 1) Limiting the annual extraction amount to less than the mean annual recruitment rate.

Mitigation: None proposed.

11. NOISE.

Findings:

- a) The project will not expose persons to or generate noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies: Less than significant impact.
- b) The project will not expose persons to or generate excessive groundborne vibration or groundborne noise levels: Less than significant impact.
- c) The project will not result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project: Less than significant impact.
- d) The project will not result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project: Less than significant impact with mitigation.
- e) The project will not, for a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, expose people residing or working in the project area to excessive noise levels: Less than significant impact.
- f) The project will not, for a project within the vicinity of a private airstrip, expose people residing or working in the project area to excessive noise levels: Less than significant impact.

Setting:

Noise generated by the extension of this project would be similar to noise levels from past extraction/processing at this site (since 1969). No new noise sources are proposed. The project is located between Highway 96 and the Trinity River. Sources of noise in the project area and surrounding areas is generated by traffic on Highway 96 & 299, the Trinity River, heavy equipment use during extraction and processing activities at the Willow Creek site, the airport strip, and equipment use during agricultural operations on adjacent lands. This operation is the primary noise source as measured adjacent to the processing site and extraction areas at times of operation. Noise sources that result from this project will include front-end loader, bulldozer, excavator, conveyors, screen, crusher, asphalt plant, and dump trucks.

Ambient noise levels in the project area and surrounding areas are relatively elevated due to the close proximity of Highway 96, 299, and the Trinity River.

An old County airport strip (closed) is located on parcel 522-491-020 which is part of the 38.5 acre processing site. The airport strip is owned by both Mercer, Fraser Company and Six Rivers National Forest and is primarily used for emergency services. The airport strip is used by the Forest Service and the California Department of Forestry and Fire Protection (CDF) for fire fighting activities, and for emergency transport of patients to medical facilities in

Eureka or Redding. Noise levels may be periodically increased by use of the airport strip within the project area.

Sensitive receptors in the project area and surrounding areas include rural residences, agency offices, highway commercial businesses, and the Trinity Valley Elementary School.

Eight rural residences exist within 500 feet of the extraction areas. Noise levels of 60 dBA would be reached at approximately 400 feet distance. The closest residence is approximately 250 feet away and may get to levels of up to 68 dBA. Five rural residences exist within 1,000 feet of the asphalt plant and crusher located at the processing site and would be subject to noise levels of 63 dBA. Adjacent land uses are affected by increased noise levels only during the limited time when extraction/processing operations are occurring.

Analysis:

a) The project will not expose persons to or generate noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.

The project consists of the continuation of a 34 year old operation and noise levels generated by the project would not increase as a result of the extension. The operation of heavy equipment and processing machinery has increased noise levels in the area since 1969. County file information indicates that the most recent noise measurements of Highway 96 show that in 1974, noise levels from the Highway reach 70 dBA at 47' from the centerline of the highway, and 65 dBA at 91 feet from the centerline of the highway. Extrapolating from this data, it appears that the 60 dBA noise contour from Highway 96 would extend approximately 200' from the centerline of the highway. Noise generation has and will occur only during the active periods of extraction (June 1st – October 15th) and processing (as needed basis). Project-related sounds will be limited to daytime operations, generally Monday through Friday from 7:00 a.m. to 6:00 p.m. It is anticipated that extended periods of time will continue to occur when no sounds will be generated.

Although the project parcels are zoned for agriculture, highway commercial, and flood plain which have higher allowable noise levels, rural residences and other uses have been built nearby in spite of the ongoing activity. In general, noise levels decrease by 6 dBA for each doubling of the distance from the source. Ranges of noise levels have been estimated for extraction, processing, and hauling activities at the nearest residences, located within a 1000 feet of the project area (see Table 1). The nearest home to extraction activity is approximately 250 feet and can be expected to experience noise levels between 57 - 68 dBA for the majority of time extraction activity is occurring. The nearest five residential uses to processing activity are approximately 800' – 1000' and can be expected to experience noise levels between 63 – 66 dBA when processing activity is occurring. Noise from Highway 96 would be louder, at 65 – 70 dBA for one of the residences. The noise levels in the following table represent the approximate noise levels the nearest residences would encounter during peak operations.

Table 1: Distance/dBA for Nearest Residences to Project Site

	50'	200'	300'	500'	1,000'
Extraction	72 - 82	60 - 70	57 - 67	52 - 62	<56
Processing	85 - 89	73 - 77	70 - 74	65 - 69	59 - 63
Hauling	86	74	71	66	60

Note: These noise level reductions are relevant to distance from the site only and do not take the noise reduction factor such as change in topography, vegetative cover, and stockpile buffers which would cause the noise levels to be reduced.

Table 2: Sound Levels of Various Aggregate Processing Plants and Associated Activities

Sound Source	Receptor	Receptor	Measured Level (dBA)	Calculated Levels			
	(ft)	(m)		100m	200m	300m	400m
Extraction	50	15	80	63.5	57.5	54	51.5
Loader Idling	50	15	72	55.5	49.5	46	43.5
Loader Operating	50	15	76	59.5	53.5	50	47.5
Bulldozer Operating	50	15	82	65.5	59.5	56	53.5
Dump Truck	50	15	86	69.5	63.5	60	57.5
Truck Traffic	50	15	76	59.5	53.5	50	47.5
Ready Mix Plant	50	15	80	63.5	57.5	54	51.5
Screen Plant	50	15	85	68.5	62.5	59	56.5
Asphalt Plant	50	15	89	72.5	66.5	63	60.5
Asphalt Plant (Attenuated)	50	15	85	68.5	62.5	59	56.5

Noise level ranges are used for extraction and processing equipment noise because levels vary depending on the equipment being used. A front-end loader idling can be as low as 72 dBA at 50 feet away, and a bulldozer operating can be up to 82 dBA at 50 feet away (See Table 2). Extraction equipment noise will decrease to less than 70 dBA at 200 feet away and to below 62 dBA at 500 feet away. Processing equipment noise will decrease to less than 77 dBA at 200 feet away and to below 69 dBA at 500 feet away (See Table 1).

Recreational users of Big Rock Recreation area are approximately 400' – 1000' away from the nearest crusher but tall stockpiles exist that effectively reduce noise levels. Those who are next to the river will primarily hear the river as it cascades down an adjacent riffle.

The noise standards in the Humboldt County General Plan: Framework Plan are based on EPA recommendations. Section 3240 of the General Plan states: *"The Environmental Protection Agency identifies 45 Ldn indoors and 55 Ldn outdoors as the maximum level below which no effects on public health and welfare occur. Ldn is the Day-Night Noise Level. Ldn is the average sound level in decibels, excluding frequencies beyond the range of the human ear, during a 24-hour period with a 10dB weighting applied to nighttime sound levels. A standard construction wood frame house reduces noise transmission by 15dB (20dB with double pane windows). Since interior noise levels for residences are not to exceed 45dB, the maximum acceptable exterior noise level for residences is 60dB (65dB with double pane windows) without any additional insulation being required. Of course, this would vary depending on the land use designation, adjacent uses, distance to noise source, and intervening topography, vegetation, and other buffers."* Since Ldn is a daily average, allowable noise levels can increase in relation to shorter periods of time.

Figure 3-2 of the Humboldt County General Plan shows that noise levels up to 60 dBA are normally acceptable for single-family residential uses. Figure 3-2 also shows that noise levels below 75 dBA in areas utilized for agriculture (except livestock), mining, and fishing are clearly acceptable and that noise levels between 75 and 95 dBA are normally acceptable (Humboldt County General Plan, Chapter 3, Page 9, Figure 3-2). For comparative purposes, noise levels while using a clothes dryer range from about 50 to 70 dBA, a vacuum cleaner from 60 to 85 dBA, a lawnmower from 80 to 105 dBA and motor craft can be as loud as 120 dBA.

Community noise is commonly described in terms of the ambient noise level, which is the all-encompassing noise level associated with a given environment. A wide variation in individual thresholds of annoyance exists and different tolerances to noise tend to develop based on an individual's past experiences with noise. An important way of predicting a human reaction to a new noise environment is the way the new noise environment compares to the existing environment (i.e., the ambient noise level). In general, the more a new noise exceeds the previously existing ambient noise level, the less acceptable the new noise would be judged by those hearing the noise. Certain land uses are more sensitive to noise levels than others due to the amount of noise exposure (in terms of both exposure time and shielding from noise sources) and the type of activities typically involved. Residences, schools, li-

braries, churches, hospitals, nursing homes, auditoriums, parks, and outdoor recreation areas are generally more sensitive to noise than are commercial and industrial land uses. Accordingly, such land uses are referred to as sensitive receptors.

The nearest sensitive receptor to the site would be the Trinity Valley Elementary School located approximately 570 feet from the proposed concrete batch plant. Trinity Valley Elementary School is separated from the existing project site by State Highway 96, landscaping on either side of the highway, a fence line along the project site, and stockpiles on the project site between the fence line and the processing area. The dominant noise source currently affecting the school site is traffic associated with State Highway 96. The nearest existing residence to the project site is located opposite the Trinity River and over 1,200 feet from the proposed concrete batch plant. The dominant noise source currently affecting the nearest residence is water flow along the Trinity River. The existing operations at the project site also contribute to the ambient noise levels at the school site and nearest residence, but, due to the proximity of the project site in comparison to the currently dominant noise sources to either receptor, the contribution is not substantial.

Humboldt County's General Plan considers 45 decibels (dB) as the maximum allowable level of indoor noise. According to Table 13-D, Land Use/Noise Compatibility Standards, of the County's General Plan, the normally acceptable exterior noise level or Community Noise Equivalent Level (CNEL) for a single-family residence is up to 60 dB Ldn, where Ldn is a day-night 24-hour average noise level. For a school, the normally acceptable exterior CNEL is up to 65 dB Ldn.

The renewal of the CUP/SP and Reclamation Plan will not result in any modifications to the current production levels, hours of operation, materials to be mined, mining method, and the overall geographic area covered by the existing use permit. The operator would continue to use the existing equipment and fuel systems currently in place that serve the existing mining operations. Existing processing activities are limited to the permitted hours of operation (8:00 am to 5:00 pm Monday through Friday). Existing extraction activities are limited to the permitted hours of operation (7:00 am to 5:00 pm Monday through Saturday). Existing asphalt batch plant activities are limited to the permitted hours of operation (7:00 am to 5:00 pm Monday through Friday as well as 10 Saturdays during the year). In addition, existing extraction and processing activities operate on an as-needed basis during active periods (e.g., summer months). As such, the current activities on the project site result in the generation of noise only during such times. According to the Initial Study and Checklist prepared in 2003 for the current CUP/SP, the ambient noise levels in the project area are relatively elevated due to the close proximity to State Highway 96 and the Trinity River. In addition, the Initial Study and Checklist states that the noise generated by project operations are similar to noise levels from mining and processing at the site that has been ongoing since 1969. For informational purposes, the maximum noise level currently resulting from the existing on-site operations would be associated with operation of the existing asphalt plant, which results in an 89 dB noise level at a distance of 50 feet. Because the noise environment is dominated by State Highway 96 and the Trinity River noise, and noise generated by project operations is similar to the noise levels that have been ongoing since 1969, the Initial Study and Checklist concluded that the noise generated by existing operations at the project site would have a less-than-significant contribution to the overall ambient noise levels.

The only modification to the existing operations would be the addition of a concrete batch plant and ancillary equipment, which would be the only potential for changes to the existing noise levels. According to the U.S. Department of Transportation Federal Highway Administration Construction Noise Handbook, a typical concrete batch plant generates a maximum noise level of 83 dB at 50 feet.¹ Noise naturally attenuates with distance. For every doubling of distance from a noise source, noise levels decrease by 6 dB. At a distance of 550 feet (the nearest sensitive receptor is located 570 feet from the proposed concrete batch plant), the noise level increase from the addition of the concrete batch plant from ambient levels would be less than 14.6 dB noise level, which is comparable to whispering or rustling leaves. It should be noted that the 14.6 dB is an instantaneous noise level and does not represent a CNEL value. Even if the 14.6 dB increase in noise levels was directly added to the current maximum noise level associated with the existing on-site operations (i.e., 23 dB at 550 feet), the anticipated total maximum noise level at a distance of 550 feet would be 37.6, which is comparable to background noise in a

¹ U.S. Department of Transportation Federal Highway Administration. Construction Noise Handbook [Table 9.1, RCNM Default Noise Emission Reference Levels and Usage Factors]. July 5, 2011. Available at: http://www.fhwa.dot.gov/environment/noise/construction_noise/handbook/handbook09.cfm. Accessed February 26, 2015.

large conference room or library. As all existing permit requirements would continue to be applicable for the proposed project, the concrete batch plant would be limited to the same hours of operation, period of extraction and processing, and as-needed basis as currently occurs on the project site. Thus, the increase in noise associated with operation of the concrete batch plant, similar to existing on-site operations, would be periodic, would predominantly take place during normal daytime working hours, would not contribute nighttime noise, and would blend in with the existing noise environment.

Trinity Valley Elementary School would continue to experience elevated noise levels associated with the proximity to State Highway 96. Because the noise environment at the school is currently dominated by State Highway 96 traffic, and the school is located over 550 feet from the proposed concrete batch plant, a noticeable change in the ambient noise level due to the proposed concrete batch plant would not occur. It should be noted that the existing fence line, vegetation, and stockpiles between the school and the project site would help to attenuate any noise generated on the project site. Similarly, due to the dominance of noise associated with the Trinity River, as well as the proximity to the proposed concrete batch plant, the nearest residence would not be expected to experience any noticeable increase in ambient noise levels due to the proposed project.

Overall, exposure of persons or generation of noise levels in excess of standards, nor a substantial temporary, periodic, or permanent increase in ambient noise levels in the project vicinity above existing levels would occur as a result of the proposed project. Therefore, impacts related to noise would be considered **less than significant**.

b) The project will not expose persons to or generate excessive groundborne vibration or groundborne noise levels.

Increases in groundborne noise and vibrations from the project will be insignificant at the distance of the nearest residence, especially when compared to vibrations occurring as a result of traffic levels on Hwy 96 and considering the limited amount of time extraction activities will actually occur.

Mining operations on the proposed project site under the existing CUP/SP have been ongoing since originally approved in 1969. Renewal of the existing CUP/SP and Reclamation Plan would not modify the current production levels, hours of operation, materials to be mined, mining method, and the overall geographic area covered by the existing use permit. The only modifications to the existing operations would be the addition of a concrete batch plant.

The concrete batch plant would be limited to the same active periods of operation as currently occurs for existing on-site processing, which coincides with the permitted hours of operation and primarily during the summer months. All existing permit requirements would continue to be applicable for the proposed project. Periodic temporary increases in vibration levels may occur related to the on-site operations; however, the levels would be consistent with historical and existing conditions. In addition, the nearest sensitive receptor is separated from the project site by State Highway 96, and any vibration felt at the receptor site would predominantly be from the highway traffic. Therefore, the proposed concrete batch plant would not expose persons to or generate any groundborne vibration that would be considered excessive, and associated impacts would be considered **less than significant**.

c) The project will not result in a substantial permanent increase in ambient noise levels in the project vicinity above the levels existing without the project.

Due to the limited times of extraction activities, the project will not result in a permanent increase in ambient noise levels.

d) The project will not result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project.

Temporary or periodic increases in ambient noise levels in the immediate vicinity of the project area will occur. However, they are consistent with past noise levels.

Mitigation M-5. Operations shall be conducted in conformance with the following provisions to mitigate noise impacts: a) aggregate processing shall be intermittent and shall be conducted in accordance with the hours and days of operations specified in the Plan of Operations; also aggregate processing shall be shielded by stock piling of aggregates or other means to reduce noise levels at the nearest residence to 60 dB_{Ldn}.

e) The project will not, for a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, expose people residing or working in the project area to excessive noise levels.

Use of the airstrip for emergency purposes by CDF, Forest Service, and emergency medical transport will cause periodic increases in noise levels. Use of the airstrip occurs rarely for emergency purposes and would occur whether this project existed or not.

f) The project will not, for a project within the vicinity of a private airstrip, expose people residing or working in the project area to excessive noise levels.

Discussion for finding e) applies to both finding e) & f).

Cumulative Impact: Noise in the project area and surrounding areas is generated by traffic on Highway 96 & 299, the Trinity River, heavy equipment use during extraction and processing activities at the Willow Creek site, the airport strip, and equipment use during agricultural operations on adjacent lands. Ambient noise levels in the project area and surrounding areas are relatively elevated due to the close proximity of Highway 96, 299, and the Trinity River. Noise generated by the extension of this project would be similar to noise levels from past extraction/processing at this site. No new noise sources are proposed. The noise generated by the project has been in existence since 1969. This renewal does not result in a cumulatively considerable addition to the existing noise levels in the surrounding area.

Existing Project Mitigation:

1) Gravel berms/stockpiles have been placed between the processing site and the Trinity River to mitigate for noise generated by equipment at the processing site.

Mitigation: None proposed.

12. POPULATION AND HOUSING.

Findings:

- a) The project will not induce substantial population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure): No impact.
- b) The project will not displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere: No impact.
- c) The project will not displace substantial numbers of people, necessitating the construction of replacement housing elsewhere: No impact.

Setting:

Land use in the surrounding area is a mixture of private and public land. Private lands include rural residential development, agriculture, highway commercial, industrial, recreational, a church as well as nearby retail commercial activities along Hwy 299 in Willow Creek, one-half mile to the south. Public uses include Six Rivers National Forest (SRNF) offices and lands, a California Highway Patrol office, Trinity Valley Elementary School, and the Willow Creek Community Services District. The Hoopa Indian Reservation is to the north and the town of Hoopa 13 miles away. Above the valley and terraces, the surrounding land use is predominantly timberland.

Analysis:

**HUMBOLDT COUNTY
PLANNING & BUILDING DEPARTMENT**

MITIGATION MONITORING REPORT FOR THE

Mercer Fraser Co. APN 522-142-10 et al. (Willow Creek area)
SMP-16-002, CUP-16-013, RP-16-002, SP-16-024

PROJECT:

Project Description: Renewal of a Conditional Use Permit, Special Permit, Reclamation Plan, and review of financial assurance cost estimates for an existing surface mining and processing operation, and modification of the Conditional Use Permit to allow for the siting and operation of a concrete batch plant. A 15-year permit term renewal is requested. The project involves the extraction of 40,000 cubic yards of sand and gravel from Trinity River gravel bars. Aggregate materials are temporarily stockpiled and loaded on to trucks or off-road haulers and then transported to the existing adjacent processing site or to off-site locations. Processing operations involve material crushing and/or sorting, on-site storage of materials, production of asphalt, and weighing and hauling by truck. Site improvements existing at the southern portion of the processing area include a hot mix asphalt plant, rock crusher, screen, settling basin, gate, office, and scales. A new concrete batch plant is proposed. Under the current permit, hours of operation are restricted to daylight hours Monday through Saturday, generally 7:00 am to 6:00 pm.

PROJECT LOCATION: The project site is located in Humboldt County, in the Willow Creek area, on the east side of State Highway 96, just east from the intersection of State Highway 96 with Brannan Mountain Road, on the properties known as 533 and 775 State Highway 96.

ASSESSOR'S PARCEL NUMBER: 522-142-010-000, 522-145-004-000, 522-145-006-000, 522-491-004-000, 522-491-015-000, 522-491-016-000, 522-491-017-000, 522-491-020-000, 522-491-021-000, 522-491-023-000

Mitigation measures were incorporated into conditions of project approval for the above referenced project. The following is a list of these measures and a verification form that the conditions have been met. For conditions that require on-going monitoring, attach the Monitoring Form for Continuing Requirements for subsequent verifications.

ON-GOING MITIGATION MEASURES

M-1: Air Quality. The on-site haul road shall be watered to reduce dust emissions and potential wind erosion of the soils; Apply water to disturbed land surfaces at a frequency high enough to maintain soil cohesion and to reduce blowing dust to the extent practicable. The operator shall maintain a log identifying the day and time and the amount of water applied to maintain dust control. The log shall be kept on the project site and shall be presented for review by county or other agency personnel upon request.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance Yes No	Comments / Action Taken
Project Operations	Continuous		NCUAQMD		

M-2: Biological Resources. Applicant shall continue to abide by the County's annual review process (as well as other state/federal agencies) and based on submittal of annual monitoring information, annual adaptive management strategies are incorporated to address the concerns of the Endangered Species Act.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance Yes No	Comments / Action Taken
Project Operations	Continuous		CHERT		

M-3 Hazardous Materials: The proposed concrete batch plant shall utilize Best Available Control Technology for emissions from stationary sources and shall include dust control systems to minimize or avoid dust production associated with the proposed process.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance Yes No	Comments / Action Taken

Project Operations	Continuous		NCUAQAMD	
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M-4: Water Quality. Prior to any mining activity the applicant shall submit to the Regional Water Quality Control Board a "Stormwater Pollution Prevention Plan" to address the potential for runoff water from the site impacting adjacent streams. Any grading element of the plan shall conform with the provisions of the Uniform Building Code (UBC) and the recommendations and mitigation measures of the Geologic Report or Reclamation Plan geological section. The erosion control element of the plan shall incorporate Best Management Practices (BMP's) for Erosion and Sediment Control (ESC) as identified in the California Storm Water Best Management Practice Handbook for Construction Activity.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance Yes No	Comments / Action Taken
Project Operations	First Winter and as necessary		RWQCB		

M-5: Noise. Operations shall be conducted in conformance with the following provisions to mitigate noise impacts: aggregate processing shall be intermittent and shall be conducted in accordance with the hours and days of operations specified in the Plan of Operations; also aggregate processing shall be shielded by stock piling of aggregates or other means to reduce noise levels at the nearest residence to 60 dB_{Ldn}.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance Yes No	Comments / Action Taken
Project Operations	Continuous		HCP&BD		

**

HCP&BD = Humboldt County Planning and Building Department
CDF&W = California Department of Fish and Wildlife
NCUAQMD = North Coast Unified Air Quality Management District
RWQCB = Regional Water Quality Control Board
CHERT = County of Humboldt Extraction Review Team



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: December 14, 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 10243
Case Numbers ZR-16-002 and SP-16-014
Assessor's Parcel Number (APN) 522-491-017
533 State Highway 96, Willow Creek area

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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 item.

AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
December 14, 2017	Zoning Reclassification and Special Permit	Michelle Nielsen

Project Description: A Zone Reclassification (ZR) to change the zoning of APN 522-142-017 from Highway Service Commercial (CH) 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. The Willow Creek Community Services District provides community water to the subject property, and the applicant will to 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 Highway Service Commercial (CH) 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 CH.

Project Location: The project is located in Humboldt County, in the Willow Creek area, on the east side of State Highway 96, approximately 0.53 mile north from the intersection of State Highway 299 and State Highway 96, on the property known as 533 State Highway 96.

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

Present Zoning: Highway Service Commercial (CH).

Application Number: 10243

Case Numbers: ZR-16-002 and SP-16-014

Assessor Parcel Numbers: 522-491-017

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 Mitigated Negative Declaration (MND) for the Mercer Fraser Company's Conditional Use Permit, Surface Mining Permit, Special Permit, and Reclamation Plan, State Clearinghouse Number 2016082006, adopted by the Planning Commission on March 2, 2016, 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-16-002 and SP-16-014
Assessor's Parcel Number 522-491-017

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 Mitigated Negative Declaration (MND) for the Mercer Fraser Company's Conditional Use Permit, Surface Mining Permit, Special Permit, and Reclamation Plan, State Clearinghouse Number 2016082006, adopted by the Planning Commission on March 2, 2016, 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 commercial medical cannabis manufacturing facility on a portion of parcel that hosts an active surface mining and processing operation including a concrete batch plant. Only community water service is available, and is provided by the Willow Creek Community Services District. Waste water treatment will be provided by a new on-site system. The manufacturing facility is proposed to be located at the southerly end of the parcel that is approximately 14.89 acres in size, and is long and narrow in shape. Highway 96 parallels the parcel's western property line, and provides access to the property. The Trinity River is located eastward. Between the property's property line and the Trinity River is a private airstrip. Other nearby uses include Trinity Valley Elementary, Six Rivers National Forest Big Rock Day Use Area and River Access, the Willow Creek Community Church, Six Rivers Medical Clinic, and the Willow Creek Motel. A portion of the Big Rock recreation area's access road traverses through the subject parcel via an easement (recorded in Book 1785 Official Records Page 368) granted to the County of Humboldt in 1985 by a previous property owner. The parking lot of the recreation area is approximately 300 feet from the proposed location. The motel is approximately 540 feet, Willow Creek Community Church's building is approximately 600 feet, and Trinity Valley Elementary School's property is approximately 1,270 feet from the proposed location. The 600 foot setback requirement from schools, school bus stops, churches, 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 will include an interior loading/unloading area, raw materials storage, extraction room, packaging room, and space for administrative functions. The applicant is proposing to produce cannabis concentrate using water-based, 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. 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 an on-site parking area, including a secured truck parking area, and a sewage disposal system to serve the facility. According to the applicant's plot plan, development of the facility will entail less than 10 cubic yards of grading and no trees will be removed. As stated above, the property is also host to an active permitted surfacing mining operation including processing facilities. As part of that operation there are stockpiles and designated stockpile areas throughout the property for stockpiling aggregate. According to the approved plot plan (Exhibit A of Attachment 2) for the renewal the Conditional Use Permit, Special Permit, and Reclamation, the location of these stockpiles overlaps with the proposed location of the manufacturing facility and the route from the property entrance at Highway 96 to the facility. Also, pursuant to the approved Mitigate Negative Declaration these stockpiles are also project mitigation for aesthetic and noise impacts associated with mining and process operations. Because there is an approved Reclamation Plan which does not account for this use and that the stockpiles are project mitigation, the Attachment 1 recommends conditions of approval that:

1. That 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. That 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 southerly end of the property is already partially fenced; however, a review of aerial imagery indicates the existing fence line does not extend to this portion of the property. The Recommended Conditions of Approval include a requirement that the applicant install security fencing. Additionally, as visitors to the Big Rock recreation area will pass by the facility, the condition of approval also includes a requirement that the fencing be compatible with the surrounding uses and buffer the visibility of the facility both of which could be achieved by the fence's design and/or use of landscaping.

Comments from Reviewing Agencies

During the review period, the Department received comment letters from the Hoopa Valley Tribal Council (HVTC), the Tsnungwe Council (TC), and the Willow Creek Community Services District (WCCSD). All of the aforementioned communications are included in Attachment 5.

With respect to the comments letters from the Hoopa Valley Tribal Council (HVTC) and the Tsnungwe Council (TC), the overarching concern is the project's potential effects on Trinity River water and fish. Additionally, the HVTC "is concerned that the by-products of cannabis manufacturing and sewage discharge generated from the proposed operations may adversely impact the tribal membership's recreational, traditional and cultural uses of the Trinity River." The TC also express concern about the suitability of the location as the uses in vicinity include the school, church, HUD housing, CHP office, and the USFS office. The TC also request that Environmental Impact Report (EIR) be prepared for this project.

Regarding the request that the County prepare an EIR for the project. Certain types of projects are mandated by statute required to prepare an EIR: projects involving open pit mining; and projects involving the burning of municipal wastes, hazardous waste, or refuse-derived fuel, including but not limited to, tires, if the project is either of the following:

- The construction of a new facility.
- The expansion of an existing facility that burns hazardous waste that would increase its permitted capacity by more than 10 percent.

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 contains the Planning Commission adopted Mitigated Negative Declaration for the Mercer Fraser surface mining and processing operations (State Clearinghouse No. 2016082006. Although the proposed manufacturing project is subject to CEQA, staff believes the findings to support approving an Addendum to the MND can be made and are documented in throughout this report.

To protect water quality given the close proximity of the Trinity River to the project site, 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 outside the 100-year flood plain.
- Limit manufacturing to non-volatile based processes as the waste water stream of the manufacturing processes will discharge into the leachfield.
- 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.

With respect to compatibility with the adjacent uses, as discussed above, the conditions of approval include requirements that compatible fencing and landscaping be installed, that stockpiles that are displaced or relocated be replaced in-kind with berms to ensure compliance with the CUP and SP terms, including CEQA, for Application No. 10345.

A Zone Reclassification to change the principal zoning of the property from Highway Service Commercial (CH) to Heavy Industrial (MH) 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 CH. 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 Q zone is to be applied when IR parcels are zoned. The uses allowed are industrial agricultural products and timber products processing subject to performance standards. The performance are to ensure compatibility with the existing adjacent land uses, which range from a recreation area, an elementary school, a church, residential uses, etc., as discussed above.

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.

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 17-**

**Case Number ZR 17-002
Assessor's Parcel Number: 522-491-017**

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 Mitigated Negative Declaration (MND) for the Mercer Fraser Company's Conditional Use Permit, Surface Mining Permit, Special Permit, and Reclamation Plan, State Clearinghouse Number 2016082006, adopted by the Planning Commission on March 2, 2016 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; 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 December 14, 2017.

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 makes the findings in Attachment 1 of the Planning Division staff report for Case Nos.: ZR 17-002 based on the submitted evidence; and
2. 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 Highway Service Commercial (CH) 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.

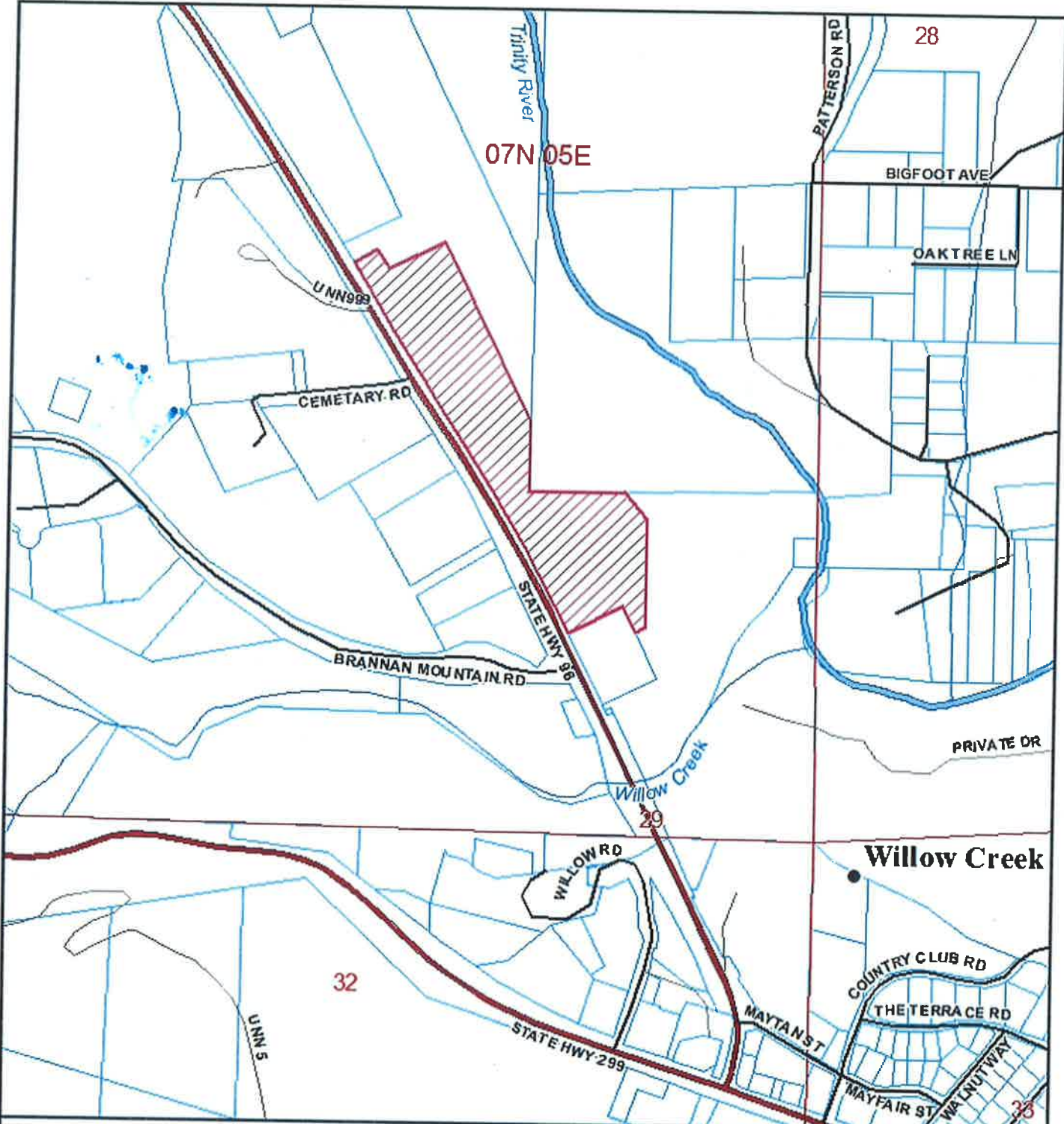
Adopted after review and consideration of all the evidence on _____, 2017.

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

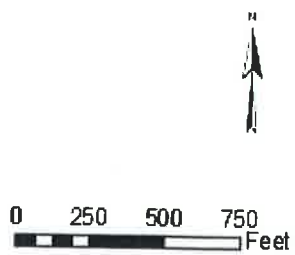


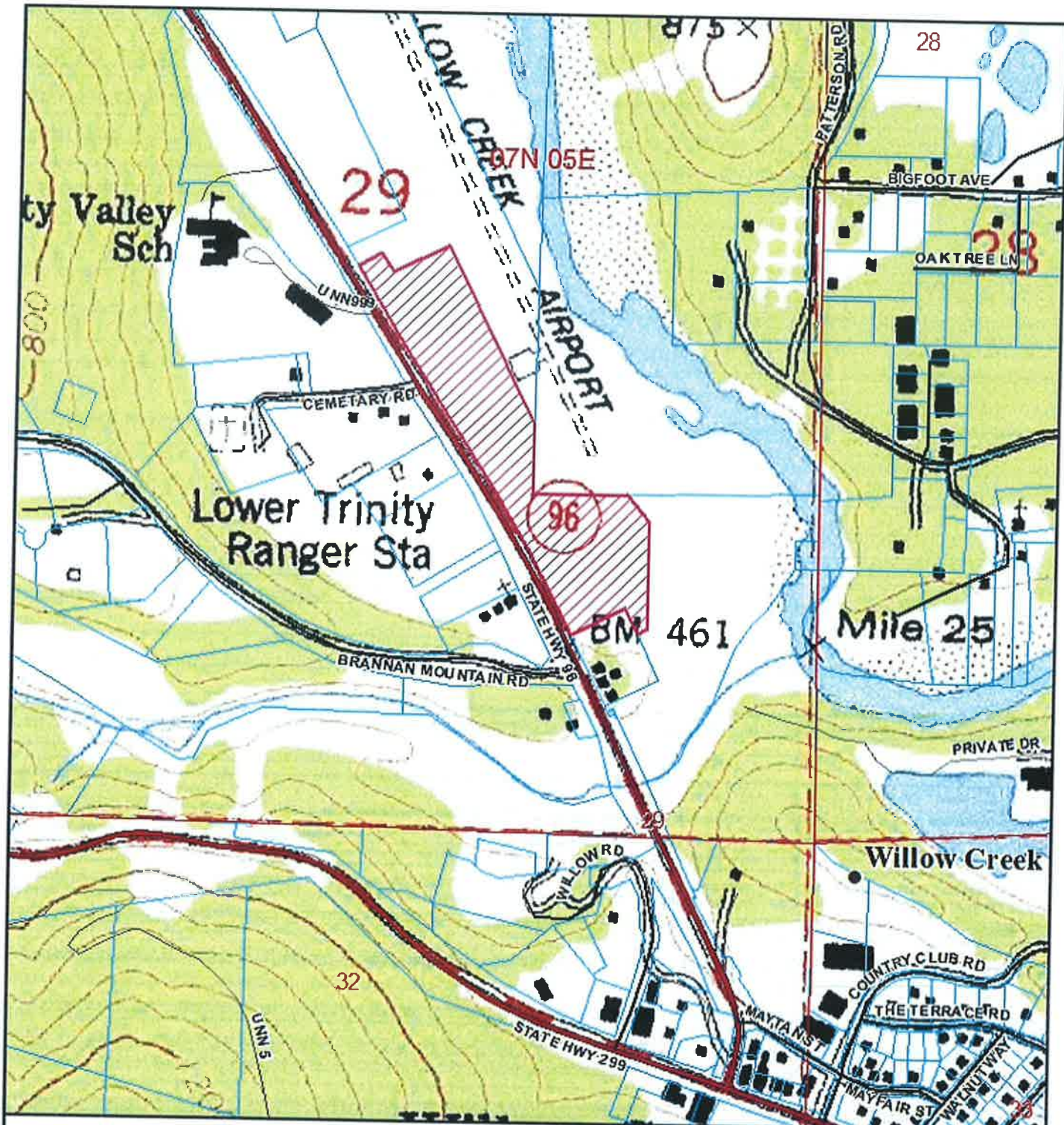
**LOCATION MAP
PROPOSED MCMP, LLC**

**ZONE RECLASSIFICATION &
SPECIAL PERMIT
WILLOW CREEK AREA
GPA-16-003/ZR-16-002/SP-16-014
APN: 522-491-017
T7N R5E S29 HB&M (Willow Creek)**

Project Area = 

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





TOPO MAP

PROPOSED MCMP, LLC

**ZONE RECLASSIFICATION &
SPECIAL PERMIT**

WILLOW CREEK AREA

GPA-16-003/ZR-16-002/SP-16-014

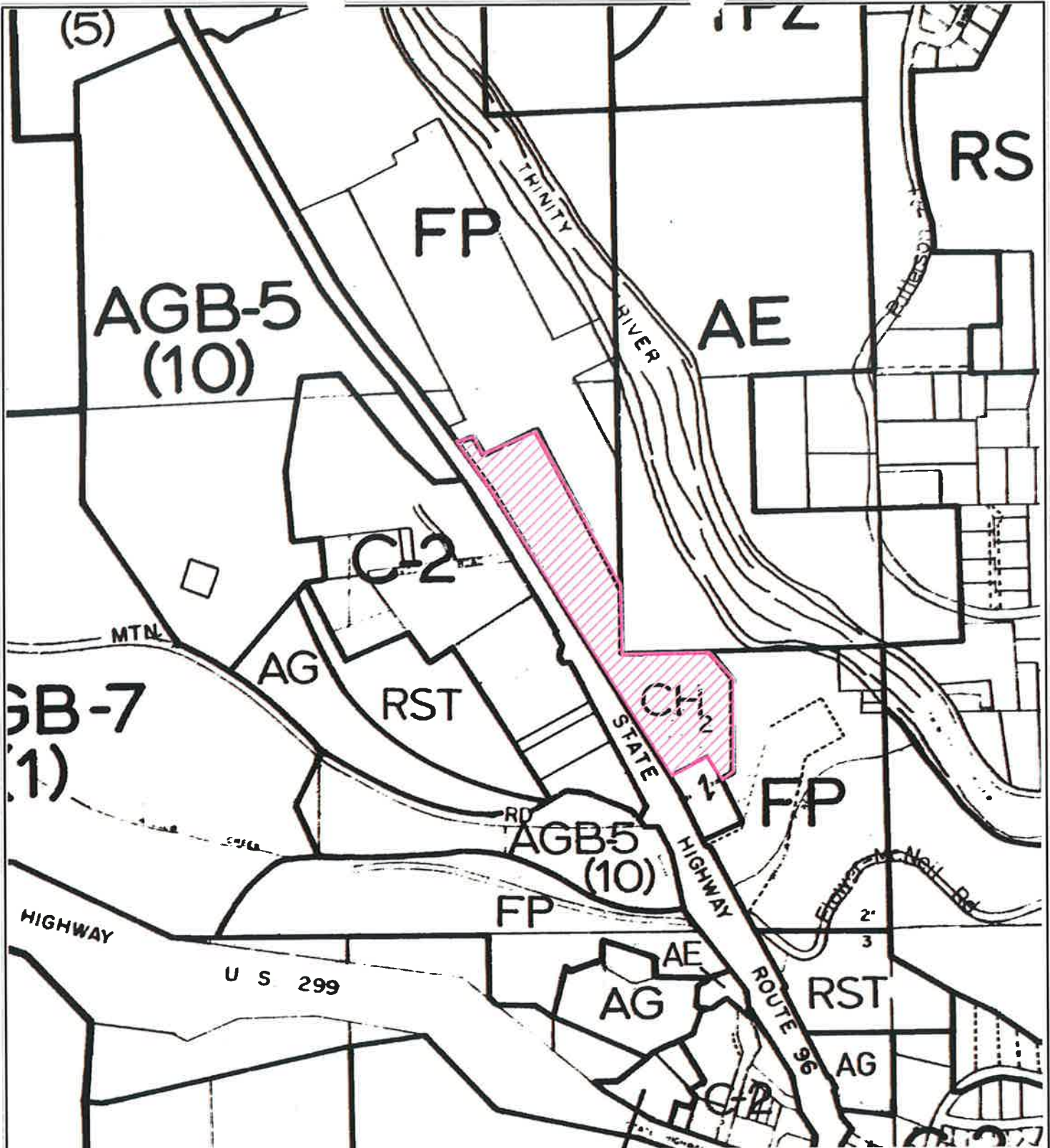
APN: 522-491-017

T7N R5E S29 HB&M (Willow Creek)

Project Area = 

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





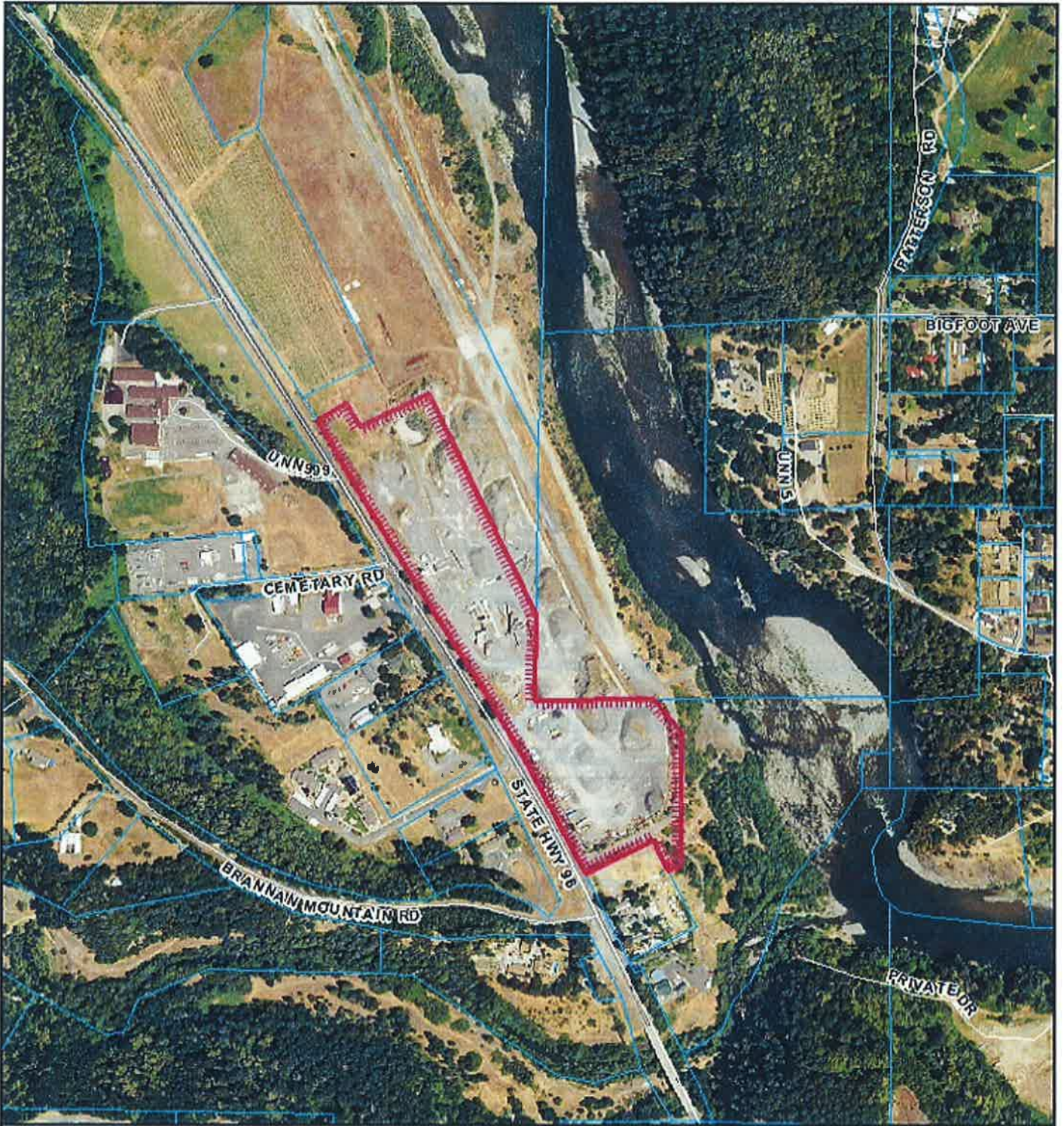
ZONING MAP

**PROPOSED MCMP, LLC
 GENERAL PLAN AMENDMENT,
 ZONE RECLASSIFICATION &
 SPECIAL PERMIT
 WILLOW CREEK AREA
 GPA-16-003/ZR-16-002/SP-16-014
 APN: 522-491-017
 T7N R5E S29 HB&M (Willow Creek)**

PROJECT AREA = 

MAP NOT TO SCALE



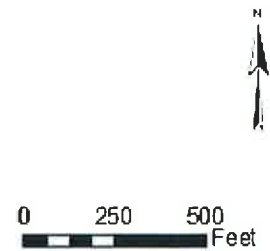


**AERIAL MAP
PROPOSED MCMP, LLC**

Project Area = 

**ZONE RECLASSIFICATION &
SPECIAL PERMIT
WILLOW CREEK AREA
GPA-16-003/ZR-16-002/SP-16-014
APN: 522-491-017
T7N R5E S29 HB&M (Willow Creek)**

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



Assessor's Map Bk.522, Pg.49
 County of Humboldt, CA.

PTN SEC 29

T7N R5E

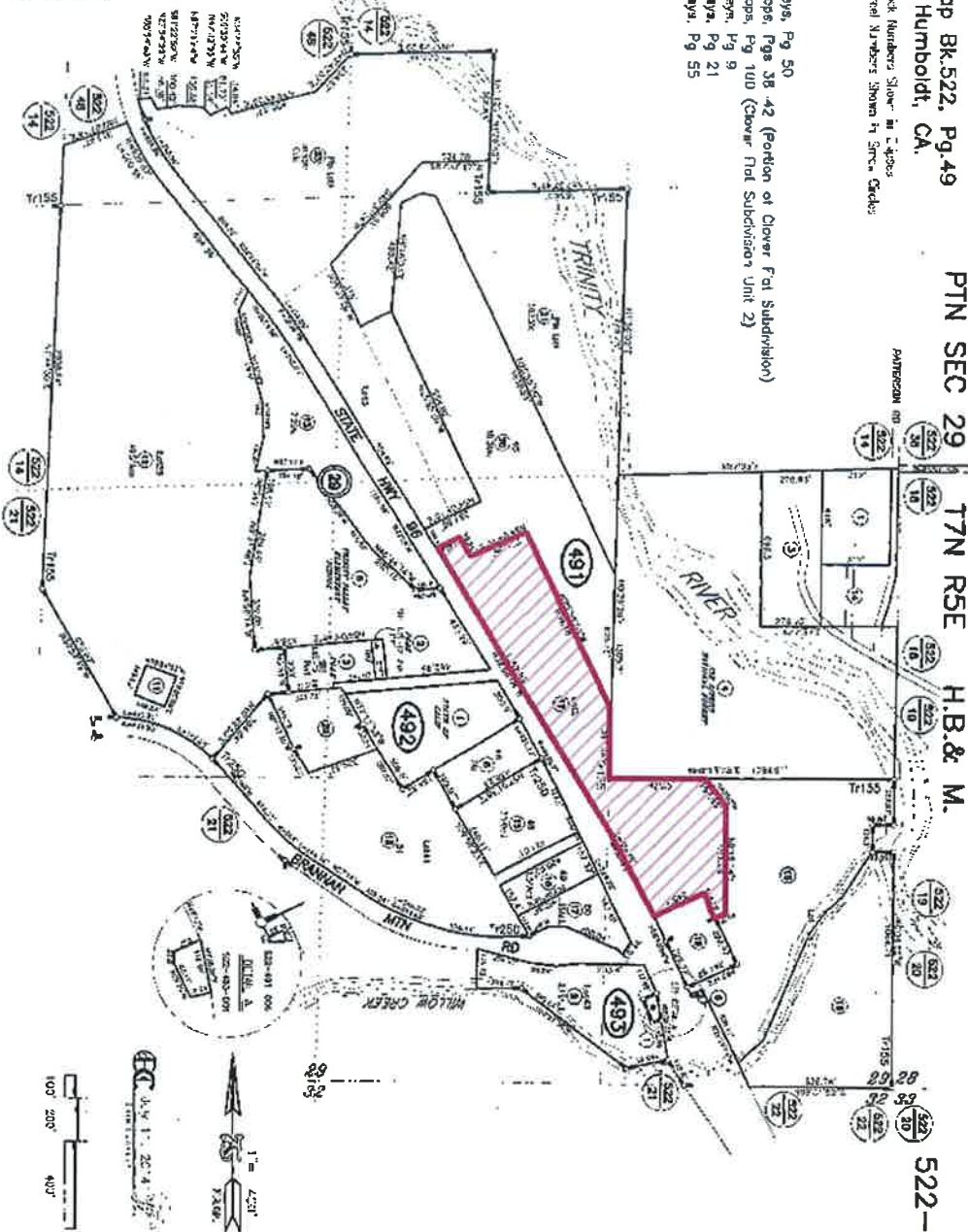
H.B.& M.

522-49

NOTE - Assessor's Book Numbers Shown in Circles
 Assessor's Parcel Numbers Shown in Square Circles

RS, Bl. 25 of Survey, Pg 50
 Tr135, Bl 17 of Maps, Pgs 38-42 (Portion of Clover Flat Subdivision)
 Tr250, Bl 18 of Maps, Pg 100 (Clover Flat Subdivision Unit 2)
 RS, Bl 50 of Survey, Pg 9
 RA, Bl 53 of Survey, Pg 21
 RS, Bl 70 of Survey, Pg 55

ASSESSOR'S PARCEL MAP
 1. THIS MAP WAS PREPARED BY THE COUNTY OF HUMBOLDT, CALIFORNIA, AND IS A PUBLIC RECORD.
 2. THIS MAP IS A REPRODUCTION OF THE ORIGINAL MAP ON FILE IN THE COUNTY CLERK'S OFFICE.
 3. THIS MAP IS A REPRODUCTION OF THE ORIGINAL MAP ON FILE IN THE COUNTY CLERK'S OFFICE.



ASSESSOR PARCEL MAP

PROPOSED MCMP, LLC

**ZONE RECLASSIFICATION &
 SPECIAL PERMIT
 WILLOW CREEK AREA
 GPA-16-003/ZR-16-002/SP-16-014
 APN: 522-491-017**

PROJECT SITE = 

ZR 16-002, SP 16-014 MCMP LLC T7N R5E S29 H&M (Willow Creek)

PROJECT INFORMATION

OWNERS: MERCER FRASER CO.
 OWNER ADDRESS: PO BOX 1003, EUREKA, CA 95502
 DRAFTSPERSON: BRIANNE REILLY
 ENGINEER: PACIFIC AFFILIATES, TRAVIS SCHNEIDER
 PROJECT ADDRESS: 533 STATE HWY 96
 WILLOW CREEK, CA 95573
 APN #: 522-491-017
 ZONING: CH
 SEISMIC DESIGN CATEGORY:
 WATER: WCCSD
 ELECTRICAL: PG&E
 TREES TO BE REMOVED: 0
 CUT/FILL: NET <10 CY
 CONSTRUCTION SPOILS TO REMAIN ON SITE

LEGEND

- - - - - EXISTING DRAINAGE DIRECTION
- - - - - GRADING LIMITS
- - - - - SUBJECT PROPERTY LINES
- - - - - PROPERTY LINES
- - - - - EXISTING FENCE
- - - - - EXISTING WATER
- - - - - EXISTING OVERHEAD ELECTRIC
- - - - - PROPOSED UNDERGROUND ELECTRIC
- - - - - BUILDING SETBACK
- - - - - EASEMENT LINE
- [Hatched Box] 100 YEAR FLOOD ZONE
- [Stippled Box] EXISTING LANDSCAPING

ABBREVIATIONS

- <E> EXISTING
- <P> PROPOSED
- DWY DRIVEWAY
- EL ELEVATION
- ESMT EASEMENT
- F.F. FINISHED FLOOR

PROJECT DESCRIPTION

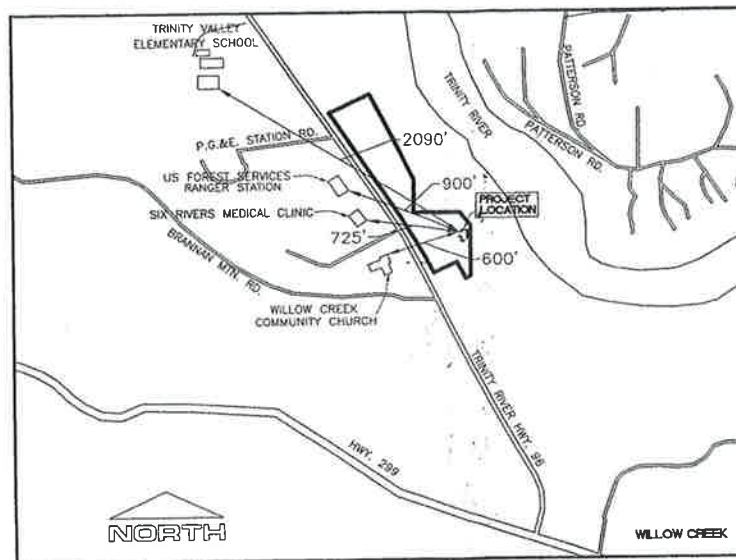
PROPOSED PROJECT INCLUDES THE CONSTRUCTION OF A 5,000 SQUARE FOOT MANUFACTURING FACILITY.

PARKING CALCULATIONS:

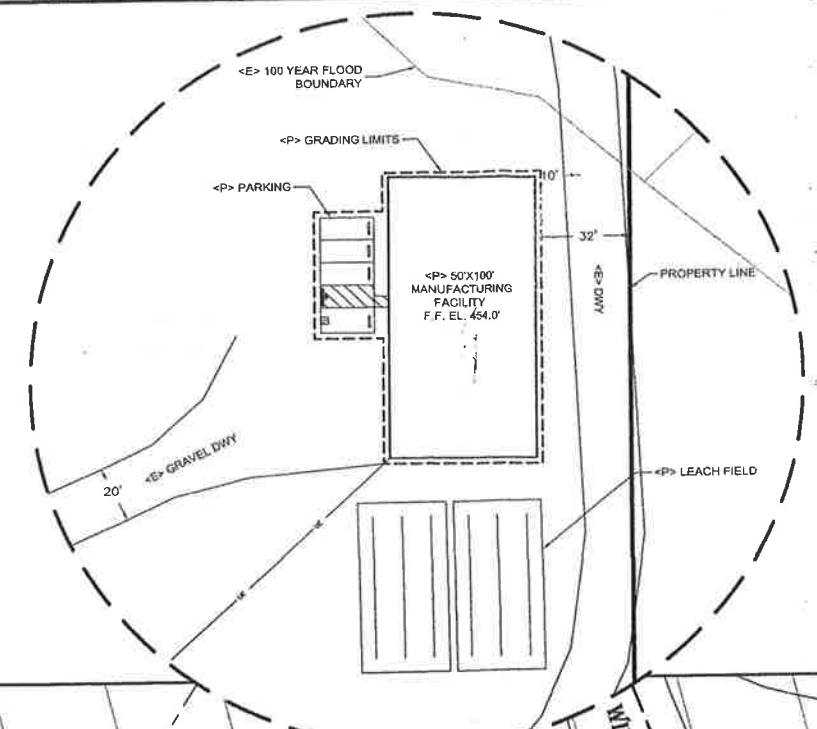
INDUSTRIAL USE-MANUFACTURING:
 1 SPACE/1,500 SQUARE FEET = 4 SPACES

PROJECT NOTES

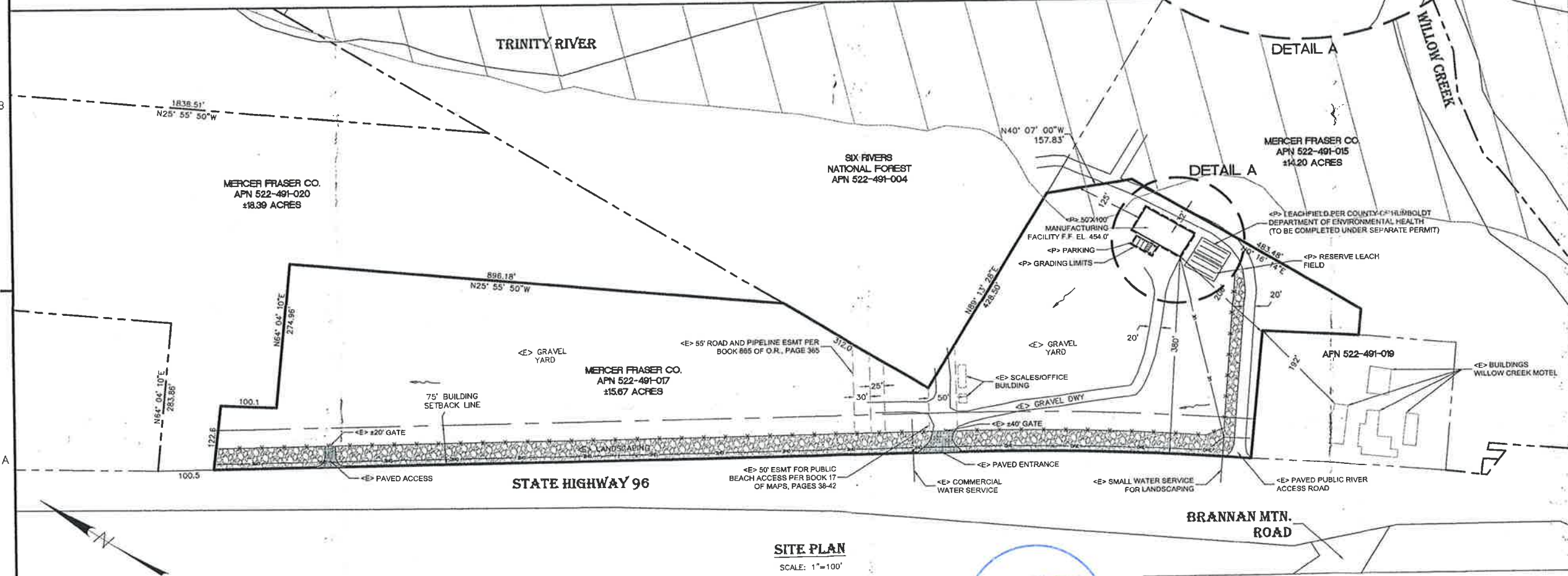
1. THIS PROPERTY IS LOCATED WITHIN INLAND ZONING PORTION OF HUMBOLDT COUNTY.
2. 100 YEAR FLOOD ZONE BOUNDARY BASED ON HUMBOLDT GIS PORTAL 2015 FEMA FLOOD ZONES.
3. ALL IMPROVEMENTS SHOWN ON THIS PLAN ARE PER AERIAL PHOTOGRAPHY AND ARE APPROXIMATE LOCATIONS ONLY.
4. DIRECTIONS OF RUNOFF SHOWN ARE APPROXIMATE.
5. BASED ON THE GRAVEL SURFACE OF THE PROPERTY, PARKING FOR A LARGE NUMBER OF VEHICLES CAN BE ACCOMMODATED. APPROXIMATE LOCATIONS OF INDIVIDUAL PARKING SPACES HAVE BEEN IDENTIFIED ON THE PLAN.
6. ACCESSIBLE (ADA) PARKING SHALL CONFORM TO TITLE 24 REQUIREMENTS.
7. PROPERTY LINES ARE BASED ON BOOK 17 OF MAPS, PAGES 38-42.
8. BUILDING SITE TO BE GREATER THAN 200 FEET FROM WATERCOURSES.
9. EXTERIOR LIGHTING SHALL NOT BE DIRECTED BEYOND THE BOUNDARIES OF THE PARCEL PER HUMBOLDT COUNTY CODE ZONING REGULATIONS.
10. SIGNS, APPURTENANT TO A PERMITTED USE AND NOT LIMITED AS TO SIZE OR NUMBER SHALL BE PERMITTED IN CH ZONE (HUMBOLDT COUNTY CODE ZONING REGULATIONS SECTION 314-87.2.2.7).
11. PLEASE NOTE THAT EASEMENTS ARE BASED ON PRELIMINARY TITLE REPORT DATED FEBRUARY 11, 2016.
12. NO KNOWN HISTORICAL BUILDINGS ARE LOCATED ON SITE.
13. NO KNOWN HAZARDOUS WASTE OR SUBSTANCE SITES ARE LOCATED WITHIN 400 FT. OF SUBJECT SITE.



VICINITY MAP
SCALE: N.T.S.



DETAIL A



SITE PLAN
SCALE: 1"=100'

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.

FOR PLAN REVIEW ONLY - NOT FOR CONSTRUCTION

REVISIONS	BY

PLANS CERTIFIED FOR CONSTRUCTION BY ENGINEER OF RECORD ON _____ SIGNATURE

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

SITE PLAN

MERCER FRASER CO.
 APN 522-491-015
 14.20 ACRES

MERCER FRASER CO.
 APN 522-491-017
 15.67 ACRES

MERCER FRASER CO.
 APN 522-491-019

MERCER FRASER
 533 STATE HWY 96
 WILLOW CREEK, CA 95573
 APN 522-491-017

Date: FEBRUARY 25, 2016
 Scale: AS NOTED
 Drawn by: BR

SHEET NUMBER
C-1
 JOB NUMBER
 15-1888



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 Application No. 10345. 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 (NDCAQMD) 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 prior to the issuance of the building permit. A letter from those agencies indicating approval has been issued will satisfy this condition.
7. The applicant shall secure all needed permits and approval from the Department of Transportation. A letter or similar communication from Caltrans indicating approval has been issued will satisfy this condition.

8. All displaced or relocated stockpiles or berms, either in their entirety or partially, shall be replaced in-kind with similar earthworks that provide the same level of aesthetic and noise mitigation as the berm or stockpile that is to be displaced or relocated. 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 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.
9. 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 load space.
 - d) Compliance with emergency vehicle access requirements as per the Humboldt County Code Section 3111 et seq. (Fire Safe Regulations).
10. 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.
11. The applicant shall post notices on the project site regarding potential of flooding from the failure of Trinity 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.
12. 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.
13. 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.
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 utilize only manufacturing processes that do not involve the use of volatile compounds such as butane. (Alcohol may be used as a solvent.)
 - 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 MCRSA, 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 an 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. **Permit renewals to comply with updated laws and regulations.** Permit renewal per COA #9 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.
12. **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.
13. **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.
14. **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.

15. The operation shall participate in the Medical Cannabis Track and Trace Program administered by the Humboldt County Agricultural Commissioner, when available.
16. 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.

17. 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.

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 Heavy Industrial (MH) zoning district is consistent with the application 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 and mineral products processing, 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 commercial cannabis activities on the subject property because it has frontage on State Highway 96 that provide immediate access to in both directions, and is approximately half a mile north of the Highway 96-Highway 299 intersection. The zoning change could provide additional resource related industrial development potential in the Willow Creek area with minimal impacts to county roads or other neighboring land uses because the access would lead directly from the property to the highway.</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.

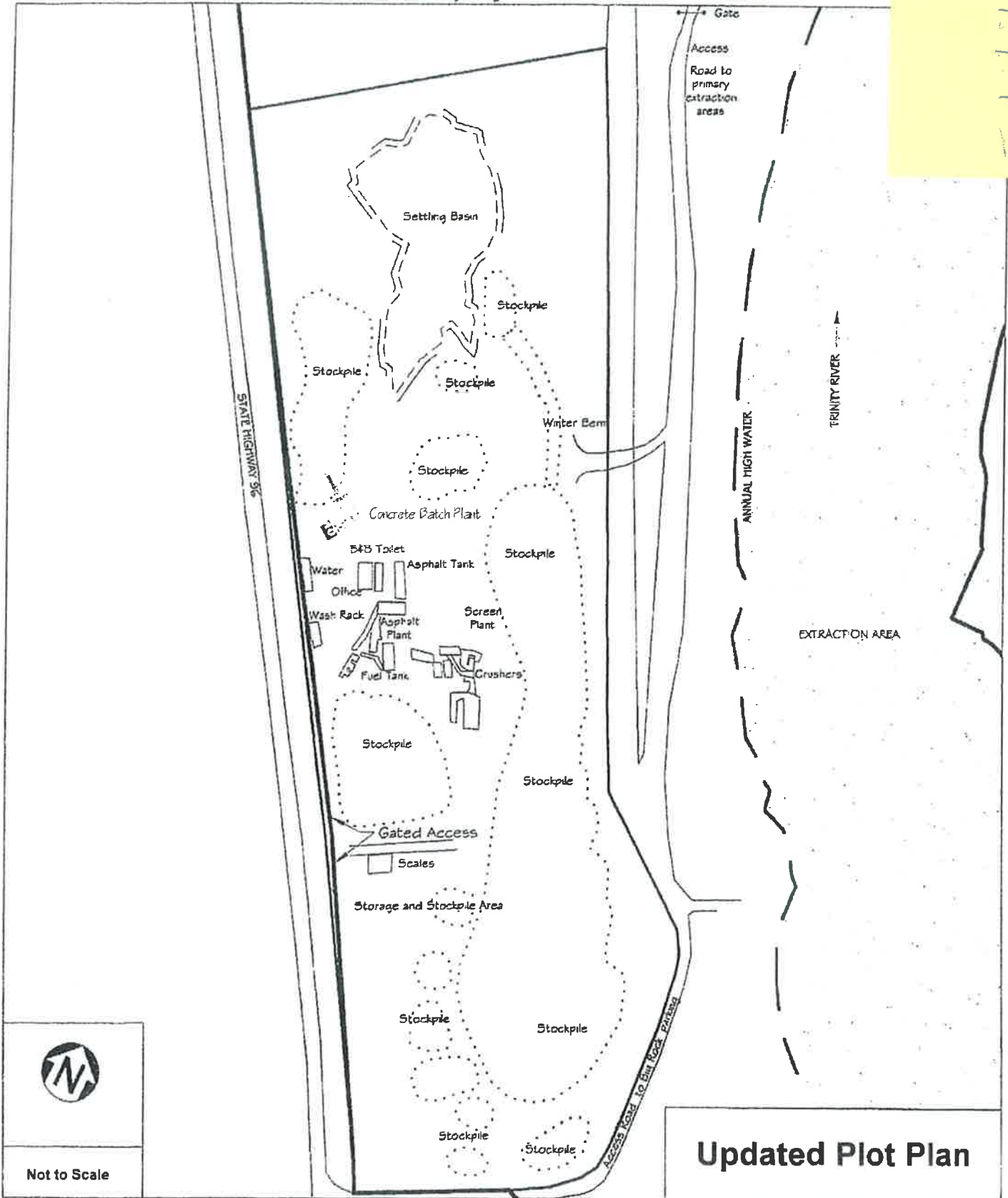
Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
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<p>Land Use Chapter 4</p> <p>Land Use Designations Section 4.8</p>	<p>Industrial, Resource Related (IR): This designation 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, including the operation of a concrete batch plant. The property has hosted mineral extraction uses since the 1960s. The existing uses are consistent with the IR land use designation. On March 2, 2017, the Planning Commission approved a 15-year renewal of a Conditional Use Permit (CUP), Special Permit (SP), Reclamation Plan, and review of financial assurance cost estimates for the existing surface mining and processing operation, along with a modification of the CUP to allow the operation of a concrete batch plant (see Application No. 10345).</p> <p>The project includes a Zone Reclassification to change the principal zone district from Highway Service Commercial (CH) 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 and mineral products processing. 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 PC-approved site plan for Application No. 10345 (attached as Exhibit A of Attachment 2) 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</p>
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		<p>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>
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Mercer, Fraser Company - Willow Creek Gravel Bar

Exhibit A
of Attach 2



Not to Scale

Updated Plot Plan

Circulation Chapter 7
 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,CT-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-GX, C-GXXX)

Related policies: C-P3.
 Consideration of Transportation Impacts in Land Use Decision Making

Access to the site is directly off Highway 96. The project site is located approximately 0.50 miles north of the Highway 96/Highway 299 intersection. Highway 96 is 40 feet in width, striped, semi-shouldered, and in good condition (Minor Arterial) (MND, page 154). The 2016 Caltrans average annual daily traffic volume (AADT) was 3100 back/2000 ahead vehicles on Highway 96 (mile 0.1 – north of Hwy 299)¹. Hwy 96 provides access to the Hoopa Valley Reservation and High School, Trinity Valley Elementary School, Six Rivers National Forest Lands, Trinity River recreation areas, the Mercer-Fraser Willow Creek project site, rural residences, agricultural operations, and state and federal agency offices.

According to the applicant's Operations Plan & Manual, there will be up to four full time employees. Per the applicant's submitted Initial Study, 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 (page 34). 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:

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

Total 28

The traffic generated by the facility would contribute a 1.5 percent increase to the ahead vehicle AADT, and a 0.95 percent AADT increase to the back vehicle AADT.

The vehicle traffic generated by mining and processing operations was analyzed as part of the MND (pages 153-156). There is a season nature to the mining and processing, and the operation of batch plant. Normal operations are the active periods of extraction and processing, which coincide with the construction season (summer months). During normal operation levels the surface mining and processing operations generates approximately 100 off-site truck trips per day. There are times when specific job contract fulfillment increases off-site traffic generation to a maximum of 200 truckloads per day. The addition of the concrete batch plant was also analyzed: operating at maximum capacity the plant would generate approximately 1,000 trips per year, or approximately 3 truck trips per day. Even when the total annual average of 1,000 truck trips are assumed to occur only during the peak construction period, the average daily increase in truck trips from existing levels during the summer months would be approximately six truck trips per day. It should be noted that based on the maximum production and processing capacity of the concrete batch plant, a maximum

	<p>increase of 12 peak hour truck trips over existing levels could result from implementation of the proposed concrete batch plant during the peak construction season. The approved MND found that a finding of either no impact or less than significant with respect to transportation/circulation could be made.</p> <p>At the time that Caltrans commented on the project they did not have the benefit of traffic generation estimates for the operation of the proposed manufacturing facility. Nonetheless, the project is conditioned on the applicant securing all needed approvals from Caltrans.</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>	
<p>Housing Chapter 8</p>	<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 Trinity 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>

¹ At the time the MND was adopted the available Caltrans AADT was from 2001. The 2001 reported AADT were 2950 back/1900 ahead vehicles on Highway 96 (mile 0.1 north of Highway 299).

<p>Conservation and Open Space Chapter 10</p> <p>Open Space Section 10.2</p>	<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 Space Program; CO-P8, Development Review, CO-S1. Identification of Local Open Space Plan, and CO-S2. Identification of the Open Space Action Program</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 Highway Service Commercial (CH). Therefore, the project does not conflict with referenced sections of the General Plan.</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 MND analyzed potential flora and fauna impacts related the mining and processing operations. The report finds that the ongoing use of heavy equipment and mining activities discourage most wildlife species from residing on the site. "The portions of the project site not fully disturbed by mining activities are made up of primarily ruderal vegetation and existing sand and gravel dredger tailings" (MND, page 123). The proposed manufacturing facility is proposed to be located on this disturbed ground. Additionally, the according to the applicant's May 26, 2016 site plan, note 8, "the building site will be setback greater than 200 feet from watercourses". Finally, consultation with trustee agencies (CDFW, CDF) as part of the MND review process identified no sensitive or critical habitats located on or near the project site.</p> <p>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</p>	<p>The process site and extraction areas associated with the surface mining operation have been used for more than 30 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. Prior to this use the site was used as a County airport. The project area contains no known historical, archeological, or paleontological resources, or human remains based on review of</p>

	<p>Enhancement of Significant Cultural Resources)</p> <p>Related policies: CU-P1. Identification and Protection, CU-P2. Native American Tribal Consultation]</p>	<p>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 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>
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<p>Conservation and Open Space Chapter 10</p> <p>Scenic Resources Section 10.6</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 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-Gx)</p> <p>Related policies: SR-SX. Light and Glare</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 March 3, 2016, the facility's "exterior lighting will be directed so as to not pose a nuisance 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>According to the Aesthetics analysis in the MND, "existing stockpiles [of aggregate] and vegetation on the site have been strategically placed to shield sights of the aggregate processing areas from nearby views", and are identified as existing project mitigation for potential aesthetic impacts (pages 107-109). However, as discussed above, project implementation may necessitate the relocation of portions or the entirety of aggregate stockpiles due to the overlap of the two uses. At the same time the applicant must continue to implement and adhere to the mitigation of the adopted MND for Application No. 10345. 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>
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<p>Water Resources Chapter 11</p> <p>Stormwater Drainage</p> <p>Goals and policies contained in this Chapter relate to coordinated watershed planning and land use decision making to 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-G, WR-G7, WR-G8, WR-G8x); and</p> <p>Related policies: WR-P8. Erosion and Sediment Discharge; WR-P36. Erosion and Sediment Control Measures; WR-P40 Commercial and Industrial Activities; WR-P41 Oil/Water Separation; WR-P45 Reduce Toxic Runoff</p>	<p>The project site is in the lower Trinity watershed. To protect water quality given the close proximity of the Trinity 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 facility's septic system be located outside the 100-year flood plain. • Limit manufacturing to non-volatile based processes as the waste water stream of the manufacturing processes will discharge into the leachfield. • 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 GX)</p> <p>Related policies: WR-IM7. Basin Plan Septic Requirements; and IS-P20. On-Site Sewage Disposal Requirements.</p>	<p>The project site is located within the service area of the Willow Creek Community Services District (WCCSD) which does not have a wastewater treatment system. 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.</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 (N-G1, N-G2)</p> <p>Related policies: N-P1, Minimize Noise from Stationary and Mobile Sources; N-P4, Protection from Excessive Noise</p> <p>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>The project entails the development of a new commercial cannabis manufacturing facility on a parcel that also hosts an aggregate processing facility and concrete batch plant, both of which are associated with the surface mining operation. According to the MND, ambient noise levels in the project area are relatively elevated due to the close proximity of Highways 96 and 299, and the Trinity River (page 144). Project implementation may necessitate the relocation of portions or the entirety of aggregate stockpiles due to the overlap of the two uses. At the same time the applicant must continue to implement and adhere to the mitigation of the adopted MND for Application No. 10345. The adopted MND evaluated noise associated with the surface mining operations. It specifies that the existing aggregate stockpiles provide noise attenuation and shield nearby sensitive users--residential and users at Big Rock Recreation area--from noise level increases associated with aggregate processing. Moreover, the gravel berms/stockpiles placed between the processing site and the Trinity River mitigate noise generated by equipment at the processing site; the stockpiles are identified in the MND as existing mitigation for noise level increases associated with the processing operation. 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. A mix of these uses are present in the vicinity of the project. 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>
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		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.
Safety Element Chapter 14 Geologic & Seismic	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 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) Related policies: S-PX1, Site Suitability, S-P6, Structural Hazards,	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 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.
Safety Element Chapter 14 Flooding	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) Related policies include: S-P10, Federal Flood Insurance Program; S-P11, Flood Plains; S-PX3, Construction Within Special Flood Hazard Areas	Portions of the subject parcel are within 100- and 500-year flood plain of the Trinity River per the June 21, 2017 FEMA flood zone mapping (FIRM Panel 06023C0760F). Although the May 26, 2016 site plan indicates the project site is not within a mapped floodway, on August 23, 2016 the building inspector commented that the building is in the flood zone. 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.

		<p>While there is discrepancy whether or not the facility will be located within the 100-year flood plain, the manufacturing facility is within the the 500-year floodplain. Per the applicant's Operations Plan & Manual dated March 3, 2016, the operation will produce water-based and solvent-based medical marijuana concentrate. 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 Trinity, 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. Additionally, the project's Recommended Conditions of Approval include that all materials be stored inside the manufacturing facility.</p> <p>The project site is located within the Trinity Dam dam failure inundation area according to the Humboldt County Web GIS system. The County Hazard Mitigation Plan (Tetra Tech, 2014) suggests establishing early warning capability downstream of dams to increase response capability. To reduce potential exposure of people to this hazard, the project's conditions of approval include requirements that notices be posted on the project site regarding potential of flooding from the failure of Trinity Dam in a major seismic event. The content of the notices are to include maps showing the inundation areas and location of evacuation routes. Additionally, the project's conditions of approval include an ongoing requirement that the premises 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.</p> <p>As the project site is approximately 50 miles from the coast and approximately 600 feet above mean sea level, it is outside the areas subject to tsunami run-up.</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>
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<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-P15, Conformance with State Responsibility Areas (SRA) Fire Safe Regulations;</p>	<p>The project site is in an area of "high wildfire" rating. Fire jurisdiction is by the California Department of Forestry and Fire Protection, and the Willow Creek Volunteer Fire 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-G2X) and the successful reduction of greenhouse gas emissions to levels consistent with state and federal requirements (AQ-G3)</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 3, 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 after the Zoning is amended from CH 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 522-142-017 is a separate legal parcel pursuant to the Notice of Lot Line Adjustment and Certificate of Subdivision Compliance recorded in Book 1994 Official Records Page 8540, on March 24, 1994. 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 a non-volatile CO₂ extraction process. The proposed use is a light 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 Record of Survey recorded in Book 55 of Surveys Page 21 on April 19, 1994, the subject parcel is approximately 14.89 acres in size.
Maximum Ground Coverage	None specified	N/A
Minimum Lot Width	None specified	N/A
Setbacks Front: 50 feet Rear ² : 50 feet Side: ten percent of lot width but not less than 25 feet.		Front, being the west property line (Highway 96 frontage): plot plan shows a 50 foot setback. Rear, being the eastern property lines: although the plot plan received May 26, 2016 shows a setback of less than 50 feet, there is adequate area to meet the minimum setback. 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. Side, being the northmost and southerly property lines: the submitted plot plan referenced above indicates the project conforms with the specified setback.
Max. Building Height	75 feet	The proposed facility will not exceed the 75 foot height standard.
§314-109.1.3.3: Off-Street Parking:	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. One 60 foot x 10 foot loading space is required per every 20,000 square feet or portion thereof.	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 plot plan of May 26, d2016. 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.

² 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)		
§314-55.4.8.5 Manufacturing	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.	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.
§314-55.4.8.10 Permit Limit	No more than four commercial cannabis activity permits may be issued to a single person, as defined in the referenced section.	According to records maintained by the Department, the party who is the member of MCMP, LLC, applicant, does not hold any other cannabis activity permits, and is entitled to four. However, Department records indicate that the applicant has another four cannabis activity applications for permits have been filed. This application is for one permit.
§314-55.4.10 Application Requirements	Identifies the Information Required for All Applications	Attachment 3 identifies the information submitted with the application, and shows all the required information was received.
§314-55.4.11 Performance Standards	Identifies the Performance Standards for Cannabis Cultivation Activities	All the applicable performance standards are included as Conditions of project approval. They are required to be met throughout the timeframe of the permit.
§314-55.4.11.c Performance Standards-Water	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.	The project site is within the service area of the Willow Creek Community Services District and there is an existing commercial water connection per the applicant's site plan of May 26, 2016.

<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 community park 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).
<p>Evidence Supporting Finding C: The project site is planned Industrial, Resource Related and is zoned Highway Service Commercial (CH), 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.</p>	

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

As lead agency, the Department prepared an Addendum to the previously adopted Mitigated Negative Declaration (MND) for the renewal of the Mercer Fraser Willow Creek Mining Operation Conditional Use Permit, Special Permit, and Reclamation Plan (State Clearinghouse No. 2016082006). The MND evaluated the project for potential impacts on aesthetics, biological resources, hazards and hazardous materials, noise, hydrology/water quality, air quality, land use/planning, and transportation/traffic. 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 project will have a potential adverse effect either individually or cumulatively, aesthetics, biological resources, hazards and hazardous materials, noise, hydrology/water quality, air quality, land use/planning, and transportation/traffic. The environmental document on file includes a detailed discussion of the all relevant environmental issues.

ATTACHMENT 3

**CEQA ADDENDUM TO THE
MITIGATED NEGATIVE DECLARATION**

**MERCER FRASER WILLOW CREEK MINING OPERATION: CONDITIONAL USE PERMIT, SPECIAL PERMIT,
RECLAMATION PROJECT**

SCH NO. 2016082006

APNs 522-491-017, Willow Creek area, 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 522-142-017 from Highway Service Commercial (CH) 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. The Willow Creek Community Services District provides community water to the subject property, and the applicant will to 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 Highway Service Commercial (CH) 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 CH.

The original project reviewed under the Mitigated Negative Declaration (MND) was a Renewal of a Conditional Use Permit, Special Permit, Reclamation Plan, and review of financial assurance cost estimates for an existing surface mining and processing operation and modification of the Conditional Use Permit to allow for the siting and operation of a concrete batch plant. The project permits the extraction of 40,000 cubic yards of sand and gravel from Trinity River gravel bars. The aggregate materials are temporarily stockpiled and loaded onto trucks or off-road haulers and then transported to the existing adjacent processing site or to off-site locations. Processing operations involve material crushing and/or sorting, onsite storage of materials, production of asphalt, and weighing and hauling by truck. Site improvements existing at the southern portion of the processing area include a hot mix asphalt plant, rock crusher, screen, settling basin, gate, office and scales. A new concrete batch plant is proposed. A 15-year permit term was granted. The MND reviewed the proposal and required specific mitigation measures due to the proximity of an elementary school, public recreation area residential uses. The impacts associated with the current proposal will be less than were associated with the surface mining and processing operation facility.

Purpose - Section 15164 of the California Environmental Quality Act (CEQA) provides that the lead agency shall prepare an addendum to a previously adopted Mitigated Negative Declaration (MND) if some changes or additions are necessary but none of the conditions described in Section 15162 calling for a subsequent MND have occurred. Section 15162 states that when an MND has been adopted for a project, no subsequent MND 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.

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 MND 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 MND.
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 adopted MND 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 MND remain in full force and effect on the original project.

APPENDICES

MCMP, LLC. ZONE RECLASSIFICATION PROJECT

- Appendix A. Planning Commission adopted Mitigated Negative Declaration, Application No. 10345
- Appendix B. Planning Commission Resolution No. 17-08
- Appendix C. Notice of Determination

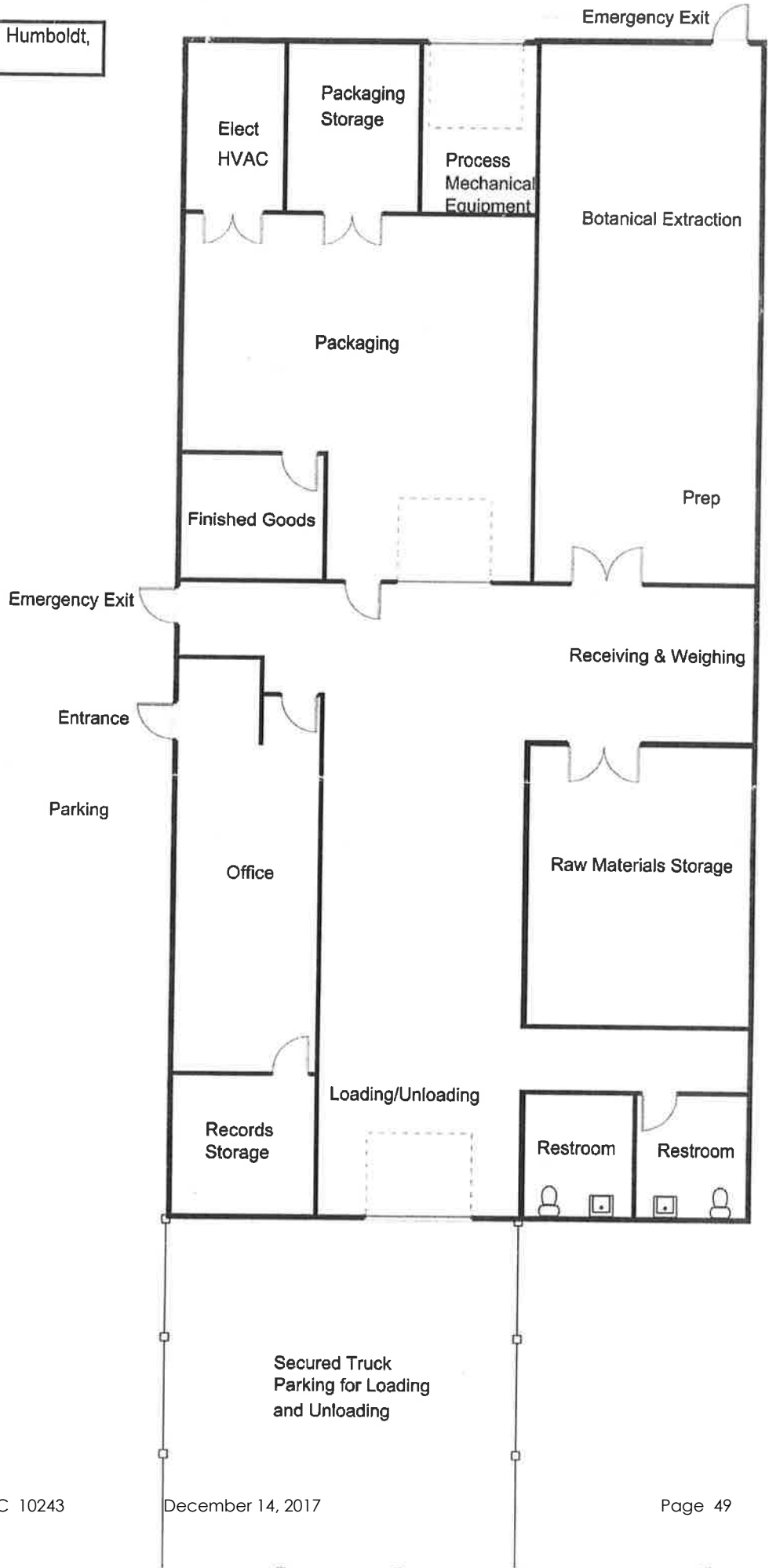
*All Appendices are on CD.

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 and preliminary title report[on file]
- Indemnification Agreement [on file]
- Acknowledgement Form [on file]
- Applicant prepared Initial Study [on file]
- Site Plan [attached]
- Floor Plan [attached]
- Plan of Operation and Security Plan [attached]

MCMP Humboldt,
LLC



File

MCMP, LLC

Medical Cannabis Manufacturing Facility

Willow Creek, 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 Sherriff's Department will be authorized to have 24 hour access to the facility's security surveillance video.

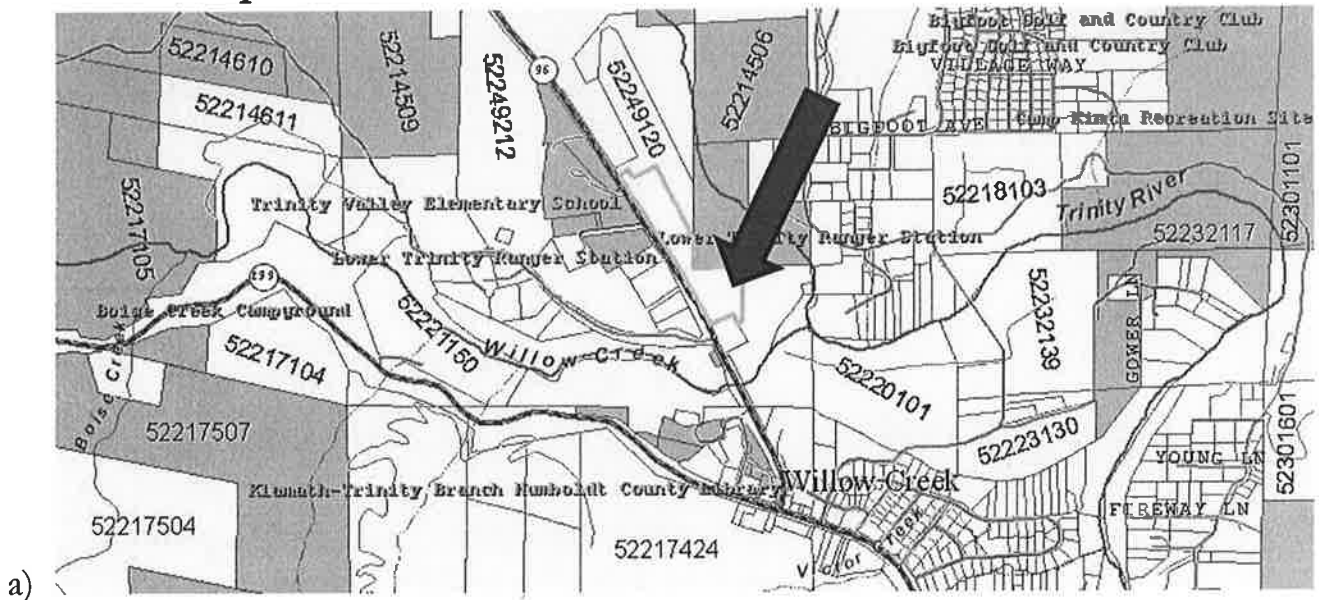
2) Staffing & Staff Screening Processes

- 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



a)

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 uninterrupted 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 DHHS 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 hand-washing 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.
- e) 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 Solvent-Based 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	On file with Planning
Public Works, Land Use Division	✓	Comments	Attached
Division Environmental Health	✓	Comments	Attached
Humboldt County Office of Emergency Services		No response	
US Forest Service		No response	
Calfire	✓	Conditional Approval	On file with Planning
Department of Fish & Wildlife		No response	
Caltrans	✓	Conditional Approval	Attached
NWIC	✓	Further Study	On file with Planning
Yurok		No response	
Hoopa	✓	Comments	Attached
Tsungwe Council	✓	Comments	Attached
RWQCB		No Response	
Humboldt County District Attorney		No response	
Humboldt County Agricultural Commissioner		No response	
Klamath-Trinity Joint Unified School District		No response	
Willow Creek Fire Protection District		No response	
Willow Creek Fire Protection District	✓	Denial: incompatible with recreational use of Big Rock Day Use Area and River Access	Attached



DEPARTMENT OF PUBLIC WORKS
COUNTY OF HUMBOLDT



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 NATURAL RESOURCES 445-7741
BUSINESS 445-7652 NATURAL RESOURCES PLANNING 267-9540
ENGINEERING 445-7377 PARKS 445-7651
FACILITY MAINTENANCE 445-7493 ROADS & EQUIPMENT MAINTENANCE 445-7421

LAND USE 445-7205

LAND USE DIVISION INTEROFFICE MEMORANDUM

TO: Michelle Nielsen, Planner II, Planning & Building Department
FROM: Robert W. Bronkall, Deputy Director
FROM: Kenneth M. Freed, Senior Engineering Technician
DATE: 08/12/2016
RE: MCMP LLC, APN 522-491-017, SP16-014, GPA16-003, ZR16-002

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.

ROADS: The subject property fronts a publicly maintained road that is not maintained by the County. The Department recommends that the project be referred to Caltrans for comment.

The subject property is located within the State Responsibility Area.

DRIVEWAYS: 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 located near a Airport not maintained by County.

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 //

From: Kalson, Mario
Sent: Friday, April 14, 2017 10:58 AM
To: Nielsen, Michelle
Subject: APPS 10243, 16/17-0133, 522-491-017



DEH needs an approved septic permit to approve this referral. I would like to respond via CPD
Referrals: Pending more info.
Please resend the referral.

Mario Kalson, REHS
Senior Environmental Health Specialist
[DHHS Public Health, Division of Environmental Health](#)
100 H St., Ste 100
Eureka CA 95501
707-268-2209 phone
707-441-5699 fax





From: ROBERTSON, JESSE GRAHAM@DOT
To: [Planning Clerk](#)
Subject: MCMP LLC, App# 10243, Case Numbers: SP16-014, GPA16-003, ZR16-002
Date: Friday, August 26, 2016 5:18:06 PM

Michelle Nielson,

Thank you for giving Caltrans the opportunity to comment on the proposed General Plan Amendment, Zone Reclassification and Special Permit for MCMP, LLC. The project is located in Willow Creek, adjacent to State Route 96, less than one-half mile north of from the intersection of State routes 96 and 299. We request that the applicant submit additional information before recommending in favor of or against project approval. We request the following information in order to make a determination:

The applicant did not adequately identify the number of trips to and from the site or a description of travel demand. Based on the number and the timing of the trips, in relation to the existing usage on State Route 96, Caltrans may request improvements to the applicant's driveway or other improvements to the State highway as a condition of project approval. Please provide a description of the number of trips that the project will generate on an average day, the types of vehicles that can be reasonably expected to visit the site (truck, automobile, bicycle, etc.), and any information available about the timing and character of the project-generated trips. Based on this preliminary information, we may request a more detailed traffic impact study if we determine that there is a potential for the project to result in a significant impact to transportation/the State Highway System.

Feel free to contact me with questions or for further assistance with this request.

Jesse G. Robertson
D01 Caltrans – Transportation Planning
(707) 441-4693



HOOPA VALLEY TRIBAL COUNCIL

Hoopa Valley Tribe

Post Office Box 1348 Hoopa, California 95546

PH (530) 625-4211 · FX (530) 625-4594

www.hoopa-nsn.gov



Chairman Ryan Jackson



October 18, 2016

Michelle Nielsen
County of Humboldt
Planning and Building Department
3015 H Street
Eureka, CA 95501

Dear Ms. Nielsen:

The Hoopa Valley Tribe (HVT) is requesting, under the provisions of Assembly Bill No. 52, formal consultation on Case No.: GPA -16-003, ZR- 16-002, and SP-16-014; APN: 522-491-017; Willow Creek Area.

The HVT is concerned the Zone Reclassification and Special Permit to operate a cannabis products manufacturing facility within the riparian zone of the Trinity River, will have a significant negative impact to the Tribe's downstream federally recognized water quality standards and designated uses as identified in the HVT's Water Quality Control Plan (WQCP). The Tribe's water quality standards have been federally recognized and enforced since 2002.

The Tribe is concerned that the by-products of cannabis manufacturing and sewage discharge generating from the proposed operations may adversely impact the tribal membership's recreational, traditional, and cultural uses of the Trinity River.

Please respond to this request in a timely manner to Ken Norton, Environmental Director, Hoopa Valley Tribe at (530) 625 -5515, or kenpnorton@gmail.com.

Sincerely,

Ryan Jackson, Chairman
Hoopa Valley Tribe

Tsnungwe Council

PO Box 373
Salyer, CA 95563
Phone (530) 629-4758



Humboldt County Planning Department
Michelle Nielson, Planner
3015 H Street
Eureka, CA 95501

January 26, 2017

RE: MCMP LLC


Dear Ms. Nielson:

The Tsnungwe Elder's Council has received and reviewed your correspondence and the enclosed documents regarding General Plan Amendment Zone Reclassification and Special Permit Application by MCMP LLC for a cannabis production project.

We have considered this request at length. This is a new type of business enterprise in our aboriginal territory. We have not finalized our input regarding this project in our homeland. Our primary concern about this project is its potential to have a negative impact on our river and fish. Native people all over this country are trying to tell others that our water and fish are life. We also cannot believe that such a permit would be advisable or approved at this location. Also it is directly across the road from a school, church, HUD housing, CHP office and the USFS office. Where would they get the water? We are in drought restrictions for all water systems in California. The more we discussed it the more questions we have. We have determined that two things need to occur for us to fully understand the magnitude of this project. They are:

1. Humboldt County should require a full "Environmental Impact Study" to understand all the possibilities of the project's adverse effects on the environment.
2. After a full "Environmental Impact Study" is completed for the project, the Tsnungwe Council requests a formal consultation meeting with Humboldt County as well as the applicant MCMP LLC to discuss the results the study.

Only after these two things are done can we make an informed decision and give our input regarding this project. There can be no other way for the project to advance with our approval.

Sincerely,

Dena Ammon Magdaleno, Elder
on behalf of the Tsnungwe Council



February 3rd, 2017

Planning Commission Clerk
County of Humboldt Planning and Building Department
3015 H Street
Eureka, CA 95501

RE: APPS# 10243 – MCMP LLC

Planning Clerk,

The Willow Creek Community Services District (WCCSD) has received a project referral for MCMP LLC (APPS# 10243). The project is planned for parcel number 522-491-017 in Willow Creek.

The WCCSD Board met on January 26th at their regular board meeting. At this meeting they first discussed the general topic of marijuana related permits being referred to the District by the County. The attached document was recommended by staff, and agreed to by the Board, as a way to determine if the Board wanted to make a comment to the planning department on a specific project. As part of this process, the Board reviewed their mission and vision statements of our departments. I have attached these items for your review.

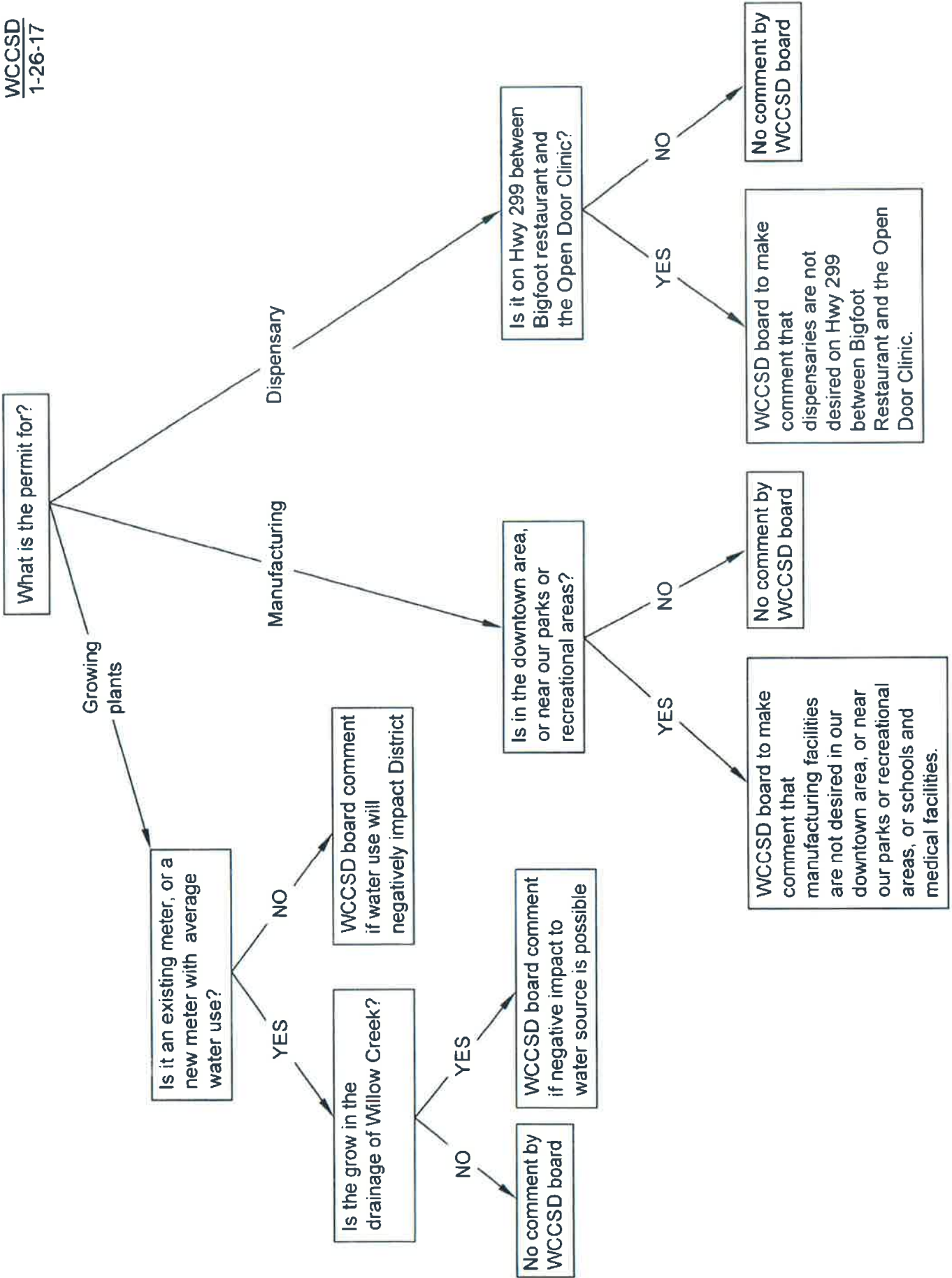
The Board then discussed the specific project referenced above. We understand the proposed project is for two items; to change the land use designation and zoning, and permit a new marijuana manufacturing facility.

Given this project is for a manufacturing facility near a recreational area in Willow Creek, Six Rivers National Forest - Big Rock Day Use Area & River Access, the Board voted and requests this permit and zoning change be denied. Although the Big Rock river spot is not a WCCSD property, it is regarded as an important recreational facility in our District. Both the zoning change to heavy industrial and the marijuana manufacturing facility are not compatible with being adjacent to such important recreational facility to our town.

If you have any questions, please feel free to contact me at anytime.

Sincerely,

Susan O'Gorman, PE
General Manager





DISTRICT MISSION

The MISSION of the Willow Creek Community Services District is to deliver efficient, environmentally sound, economical, and compliant services to the residents of Willow Creek. We are committed to providing reliable, high quality water, street lighting, wastewater services and well maintained parks and recreation facilities.

Recreation Vision & Mission Statement

Vision:

We see a prosperous, beautiful village, growing in an agrarian setting. Its inhabitants take care of and use the wilderness and nature that surrounds it. A diversity of people lives in and passes through this village. This village, Willow Creek, is a unique, integrated part of our state, our nation and our world.

Mission:

The Recreation Department of the WCCSD will be part of creating this vision by husbanding, in a fiscally responsible manner, its various holdings for the health and safety benefits they provide those living near and passing through Willow Creek. The department will offer a variety of options for all ages, from leisurely walks through our landscaped village to vigorous exercise in our summer sports programs. Our Recreation Department will cooperate with the public and private sectors to avoid unnecessary duplication of services.

Waste Water Mission and Vision Statement

Vision

We see a prosperous, beautiful village, growing in an agrarian setting. Its inhabitants take care of and use the wilderness and nature that surrounds it. A diversity of people lives in and passes through this village. This village, Willow Creek, is a unique, integrated part of our state, our nation and our world.

Mission

In order to help fulfill this vision, the WCCSD Board of Directors hopes to begin an environmentally progressive wastewater system for the heart of our community. This wastewater system will help us protect the health of our people and our river. It will help each property owner to prosper by bringing added flexibility to our land usage. It will stimulate a more vibrant, local economy by helping to create a walkable and diversified commercial center for our residents and visitors alike.

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 WILLOW CREEK AREA
[ZR-16-002 (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 WILLOW CREEK 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 Willow Creek area from Highway Service Commercial (CH) to Heavy Industrial with a Qualified combining zone (MH-Q). The area described is also shown on the Humboldt County zoning maps for the Willow Creek Community Plan and on the map 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 "CH" 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 public school 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 shall be screened from adjacent residential zones or uses, public recreation zones or uses, and public schools. 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, public schools, and Highway 96 of a vegetated corridor 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 Trinity watershed.

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

PROPERTY DESCRIPTION

All that real property situated in the County of Humboldt, State of California, described as follows:

That real property situated in the Southeast Quarter of Section 29, Township 7 North, Range 5 East, Humboldt Meridian, County of Humboldt, State of California, and more particularly described as follows:

Lot 2 as shown on Tract No. 155 of the Clover Flat Subdivision for Brizard Company, filed in Book 17 of Maps, page 42, Humboldt County Records;

EXCEPTING THEREFROM, that portion of said Lot 2 of said Tract Map described as follows:

BEGINNING at the most Westerly corner of the land deeded to Alice Pauline Tully on May 17, 1973 in Book 1192 of Official Records, page 4, Humboldt County Records, also being a point on the East line of the State Highway 96 right-of-way;

THENCE, North 27 degrees 15 minutes 00 seconds West along said East line, 123.36 feet to the Southerly line of the easement granted to the County of Humboldt by deed recorded December 23, 1985 in Book 1785 of Official Records, page 368, Humboldt County Records;

THENCE, along said Southerly line North 62 degrees 23 minutes 30 seconds East (recorded is North 63 degrees 28 minutes 26 seconds East), 245.00 feet to the Northerly extension of the Easterly line of the land deeded to Alice Pauline Tully on May 17, 1973 in Book 1192 of Official Records, page 4, Humboldt County Records;

THENCE, along said Easterly line South 27 degrees 15 minutes 00 seconds East, 124.89 feet to the most Notherly corner of said land deeded to Tully;

THENCE, along the Northerly line of said land deeded to Tully, South 62 degrees 45 minutes 00 seconds West, 245.00 feet to the Point of Beginning.

EXHIBIT B

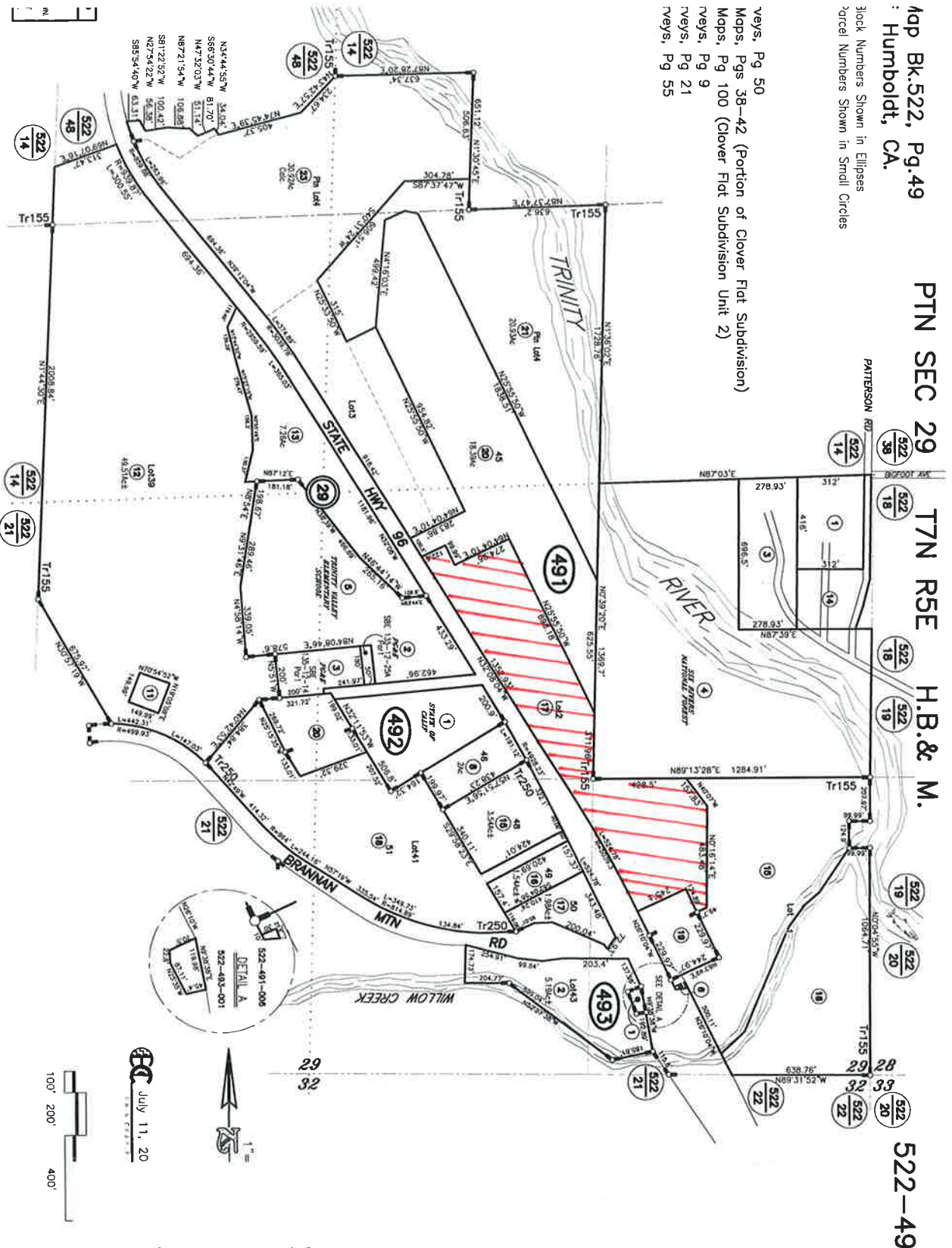
Map Bk.522, Pg.49
 Humboldt, CA.

PTN SEC 29 T7N R5E H.B.& M.

522-49

Block Numbers Shown in Ellipses
 Parcel Numbers Shown in Small Circles

veys, Pg 50
 Maps, Pgs 38-42 (Portion of Clover Flat Subdivision)
 Maps, Pg 100 (Clover Flat Subdivision Unit 2)
 veys, Pg 9
 veys, Pg 21
 veys, Pg 55



Parcel to rezoned from Highway Service Commercial (CH) to Heavy Industrial with a Qualified combining zone (MH-Q)



ATTACHMENT 7

PUBLIC COMMENTS RECEIVED

1. Two letters from Joe Ohara, received October 11, 2016 and January 9, 2017, in opposition to the project.



To whom it may concern **Michelle Nielsen**

Is anybody thinking of the school kids and the dangers that such a project could pose to them? There would be a higher concentration of traffic both foot and vehicle. Is it the right thing to do for the community? We would like an environmental report done and made public. We are worried for the river and the river life here and further down river, would this deny the fish to the Native Americans? There are already too many nomads that come through looking for work. What about the fumes that would be released so close to the school? The kids need positive role models, which can show them what the right thing is. Most people that live in the town of Willow Creek find it difficult to travel to the coast just for one meeting. It would be better if there are any meetings concerning Willow Creek that they take place in Willow Creek.

This is concerning **Application # 10243**



Joe OHara
PO Box 1073
Willow Creek, CA 95573

Save Willow Creek

The proposed use of the Mercer Fraser company gravel yard for the use of medical cannabis would be VERY bad for the habitat surrounding the river and the school. It is bad enough that the kids have to breathe in the dust from the gravel yard, but now you want to subject them to the fumes from a medical cannabis facility. The river life would suffer the runoff from this same facility that could kill the wildlife that sustains the native peoples down river, along with the recreational businesses would also suffer, there would be no swimming, fishing, or boat races. Then there would be the damage to our roads from the heavy vehicles using it. The trash along the sides of the road would be heavier as well with the amount of traffic that would be traveling through.

JOE O'HARA

WC [Signature]

