



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

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

Hearing Date: February 2, 2017

To: Humboldt County Planning Commission

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

Subject: **HMCP Humboldt, LLC Special Permit**  
Application Number 10240  
Case Number SP-16-011  
Assessor Parcel Number 511-131-016-000  
3445 Central Avenue, McKinleyville area

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Please contact Trevor Estlow, Senior Planner at 268-3740, or by email at [testlow@co.humboldt.ca.us](mailto:testlow@co.humboldt.ca.us), if you have any questions about the scheduled public hearing item.

## AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
February 2, 2017	Special Permit	Trevor Estlow

**Project Description:** A Special Permit for Commercial Cannabis manufacturing. Manufacturing will include food-based cannabis products as well as solvent-based products including but not limited to co2 and butane extraction. The facility will utilize approximately 800 square feet within an existing approximately 3,000 square foot shop building. The site is home to Hooven and Company and contains a shop as well as office space and contractor yard. The parcel is served by public water and sewer by the McKinleyville Community Services District.

**Project Location:** The project is located in the McKinleyville area, on the east side of Central Avenue, approximately 1,500 feet north of the intersection of Central Avenue and Airport Road, on the property known as 3445 Central Avenue.

**Present Plan Land Use Designations:** Commercial Services (CS), McKinleyville Community Plan (MCCP); Density: Compatible with residential densities of adjacent lands or as determined in the Community Plans; Slope Stability: Relatively Stable.

**Present Zoning:** Industrial Commercial with combining zones or Airport Safety Review and Noise Impact (C-3-AP-N).

**Case Number:** SP-16-011

**Application Number:** 10240

**Assessor Parcel Number:** 511-131-016-000

**Applicant**

HMCP Humboldt, LLC  
Attn: Tim Hooven  
3445 Central Ave.  
McKinleyville, CA 95519

**Owner**

Hooven and Co., Inc.  
Arthur and Karen Hooven Trust  
3445 Central Ave.  
McKinleyville, CA 95519

**Agent**

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

**Environmental Review:** No. CEQA Exemption Section: 15303 - New construction of small commercial facilities and Section 15061(B)(3) CEQA General Rule.

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

**HMCP Humboldt, LLC Special Permit**  
Case Number SP-16-011  
Assessor Parcel Number (APN): 511-131-016-000

**Recommended Planning Commission Action**

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

*"Move to make all of the required findings, based on evidence in the staff report and conditionally approve the HMCP Humboldt, LLC application as described in the Agenda Item Transmittal subject to the conditions of approval"*

**Executive Summary**

The proposed Special Permit will allow operation of a commercial cannabis manufacturing facility in compliance with the County Commercial Medical Marijuana Land Use Ordinance (CMMLUO) and the Medical Marijuana Safety and Regulation Act (MMRSA). The company will manufacture cannabis products including food-based cannabis products as well as solvent-based products including but not limited to co2 and butane extraction.

The proposed manufacturing facility will occur within an existing shop building. The proposal will utilize approximately 800 square feet of the 3,000 square foot building. The site is home to Hooven and Company and contains their business office as well as shop space and a contractor yard. The parcel is served by public water and sewer by the McKinleyville Community Services District, and a paved County-maintained public road (Central Avenue). It is located in McKinleyville at 3445 Central Avenue, just east of the California Redwood Coast – Humboldt County Airport.

The materials submitted with the application indicate that the hours of operation will typically be from 7am to 7pm; however, during periods of seasonally high workload, the hours of operations within the facility may increase to 24 hours per day. During such extended hours of operations, shipping, receiving and any other traffic or noise generating activities will be limited to normal working hours. The Security Plan states the premises are locked and secured and have 24 hour surveillance both indoors and outdoors utilizing state of the art surveillance technology. The surveillance is accessible remotely, and is monitored 24 hours a day, 7 days a week. The facility will not be open to the public and will not accept visitors without a pre-authorized business purpose.

The project was originally noticed to the surrounding properties as an administrative approval on November 29, 2016. In response to this Notice of Intent to Approve, the Department received three requests for a public hearing (Attachment 5). The letters expresses concerns over public safety, proximity to residences and potential crime associated with the business.

The safety plan measures summarized in the project description above are set forth in the Operations Plan and Manual (Attachment 3) to the staff report and remain an on-going requirement of the permit. While the site will not have an on-site security guard, other measures as described provide security for operations at the facility 7 days a week, 24 hours a day. The property is zoned Industrial Commercial (C-3) and is surrounded by property zoned Airport (AV) to the south and west and property zoned Residential Suburban (RS) to the north and east. The C-3 zone allows cannabis manufacturing provided certain performance standards are met. The applicant has provided sufficient evidence to demonstrate compliance with these performance standards (see Sections 2 and 3 in the staff report).

Staff recommends that the Planning Commission conduct a public hearing and receive testimony on the project. If the Commission is able to make all the required findings based on the evidence in the record, staff recommends that the Planning Commission approve the application subject to the recommended conditions.

**Alternatives:** The Planning Commission could elect not to approve the project, or to require the applicant to submit further evidence, or modify the project. These alternatives could be implemented if the Commission is unable to make all of the required findings. Planning Division staff has stated that the required findings in support of the proposal have been made. Consequently, Planning staff does not recommend further consideration of either alternative.

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

**Case Number SP 16-011  
Assessor's Parcel Number: 511-131-016-000**

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

**WHEREAS**, HMCP Humboldt, LLC submitted an application and evidence in support of approving the Special Permit for a new commercial cannabis manufacturing establishment; 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 exempt from environmental review per Section 15061 (b)(3), 15303 of the CEQA Guidelines; 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 16-011); and

**WHEREAS**, a public hearing was held on the matter before the Humboldt County Planning Commission on February 2, 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 finds the proposed project is exempt from environmental review; and
2. The Planning Commission further makes the findings in Attachment 2 of the Planning Division staff report for Case Number SP-16-011 based on the submitted substantial evidence; and
3. The Planning Commission approves the Special Permit Case Number SP-16-011 as recommended and conditioned in Attachment 1.

Adopted after review and consideration of all the evidence on February 2, 2017.

The motion was made by COMMISSIONER \_\_\_\_\_ and second by COMMISSIONER \_\_\_\_\_:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

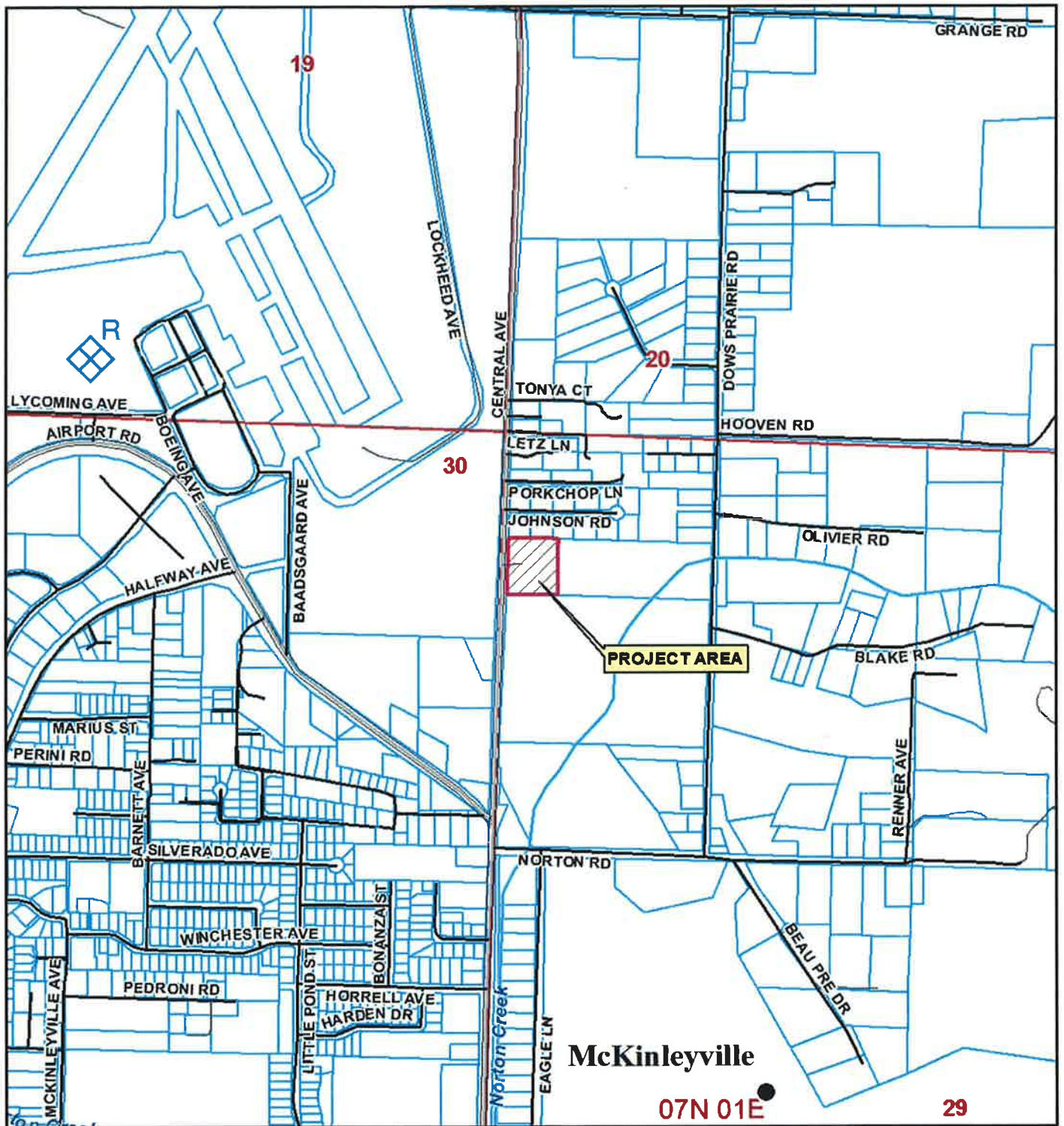
ABSTAIN: COMMISSIONERS:

DECISION:

\_\_\_\_\_  
Robert Morris, Chair

I, Suzanne Lippre, Clerk 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.

\_\_\_\_\_  
Suzanne Lippre, Clerk



# LOCATION MAP

PROPOSED HMCP, LLC  
SPECIAL PERMIT  
MCKINLEYVILLE AREA  
SP-16-011

APN: 511-131-016

T07N R01E S29 HB&M (Arcata North)

Project Area = 

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



0 250 500 750 1,000  
Feet





# **AERIAL MAP**

**PROPOSED HMCP, LLC  
SPECIAL PERMIT  
MCKINLEYVILLE AREA  
SP-16-011**

**APN: 511-131-016  
T07N R01E S29 HB&M (Arcata North)**

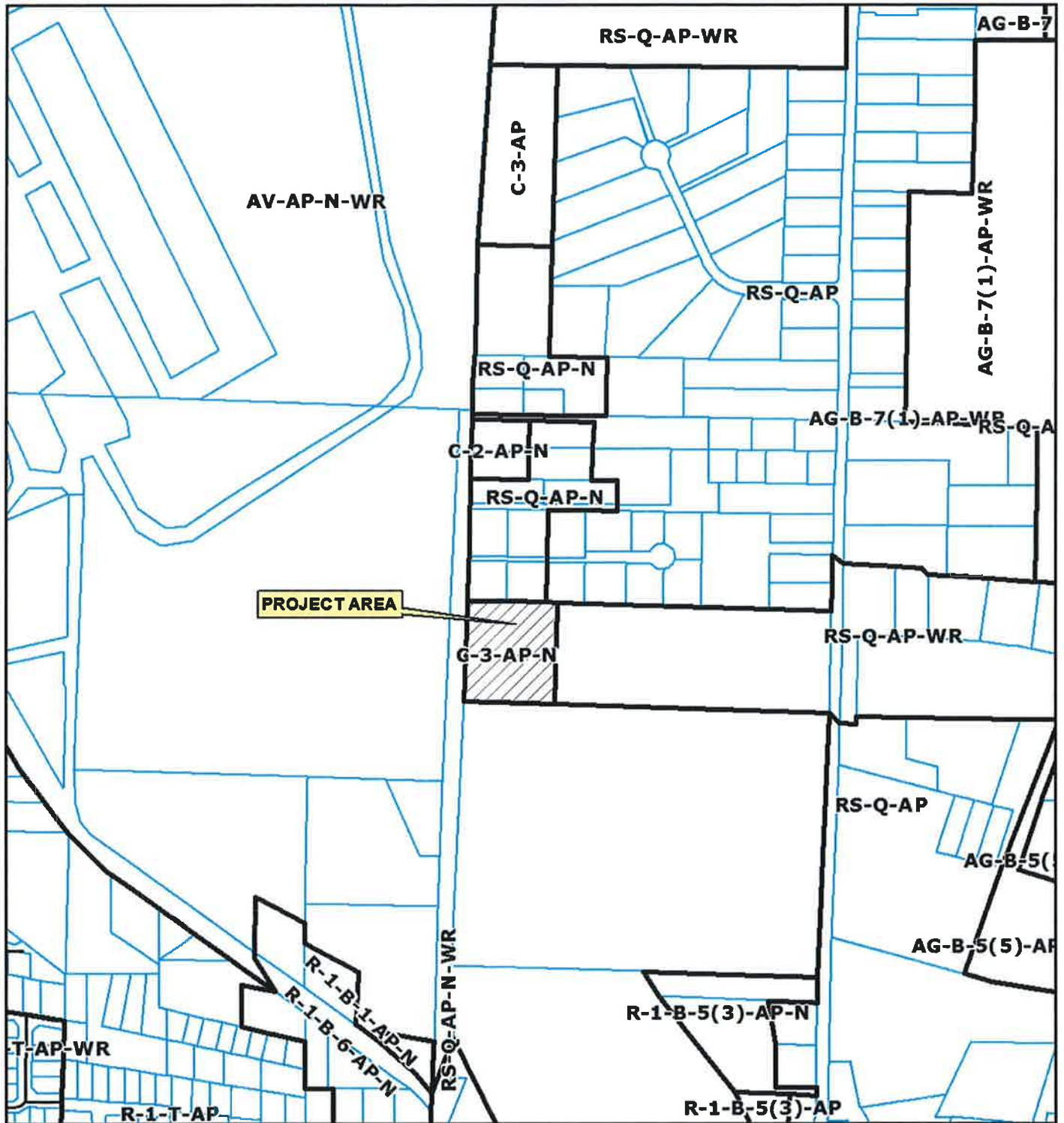
**Project Area =** 

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



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Feet





# **ZONING MAP**

**PROPOSED HMCP, LLC  
SPECIAL PERMIT  
MCKINLEYVILLE AREA  
SP-16-011**

**APN: 511-131-016**

**T07N R01E S29 HB&M (Arcata North)**

**Project Area =** 

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

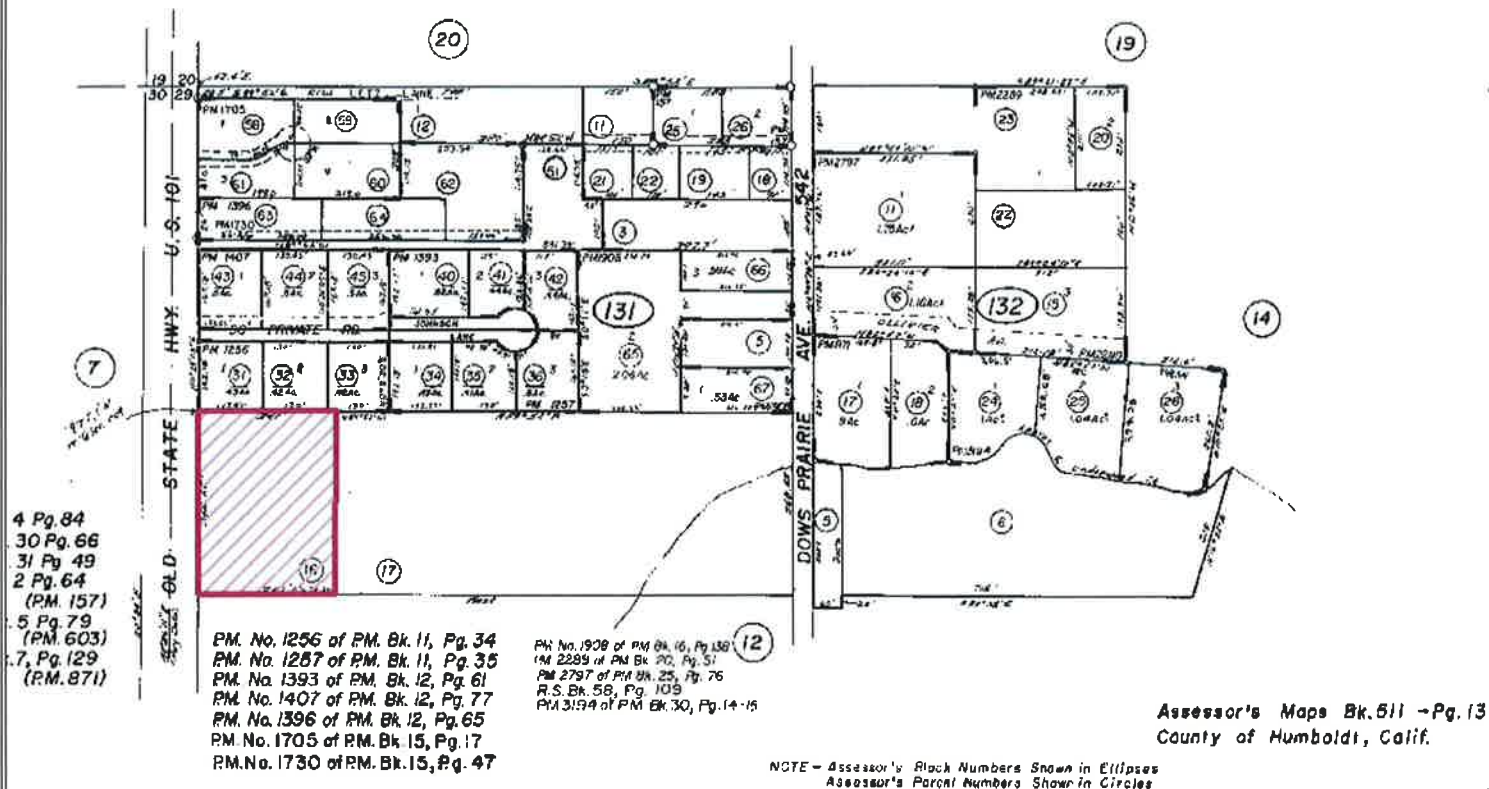
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POR. N. 1/2, OF NW. 1/4, SEC. 29, T. 7N., R. 1E.

Tax Area Code

511-13



PROJECT SITE =

## ASSESSOR PARCEL MAP

**PROPOSED HMCP, LLC  
SPECIAL PERMIT  
MCKINLEYVILLE AREA  
SP-16-011  
APN: 511-131-016  
T07N R01E S29 HB&M (Arcata North)**

MAP NOT TO SCALE

[illegible]

## **ATTACHMENT 1**

### **RECOMMENDED CONDITIONS OF APPROVAL**

**APPROVAL OF THE SPECIAL PERMIT IS CONDITIONED ON THE FOLLOWING TERMS AND REQUIREMENTS WHICH MUST BE SATISFIED BEFORE RELEASE OF THE BUILDING PERMIT AND INITIATION OF OPERATIONS.**

#### **Development Restrictions**

1. The project shall be developed in accordance with the project description and approved project site plan and elevations.
2. The applicant shall:
  - a. Use dust control techniques when excavating to minimize dust problems on adjacent dwelling(s).
  - b. Reseed disturbed areas prior to winter rain.
  - c. Take all precautions necessary to avoid the encroachment of dirt or debris on adjacent properties.

The Plot Plan submitted for the Building Permit shall indicate that all ground bared during construction shall be landscaped and/or seeded and mulched prior to October 1st.

3. Where feasible, new utilities shall be underground or sited unobtrusively if above ground.
4. Applicant shall obtain from the Building Inspection Division any Building or other required permits prior to commencing construction activities or the approved use.
5. The project shall address odor management by incorporating a ventilation/air filtration system limit potential adverse odor emission impacts to employees and/or properties located in the vicinity. The system shall be designed, signed, and stamped by a mechanical engineer for review and approval by the Building Official.
6. The approved project shall meet all applicable fire codes, including fire suppression infrastructure requirements deemed necessary for the project. Written approval from the State Fire Marshall shall be provided to demonstrate compliance with this condition.
7. If operation of the business requires use of a volatile liquid the applicant shall identify the liquid, the amounts to be stored on site, and provide a Material Safety Data Sheet Report for review and approval by the Building Official.
8. Construction hours shall be limited to between the hours of 8:00 a.m. and 7:00 p.m. Monday through Friday, and between 9:00 and 7:00 p.m. on Saturdays. No heavy equipment related construction activities shall be allowed on Sundays or nationally recognized holidays.
9. The applicant shall execute an Affidavit for Non-diversion of Medical Cannabis on a form provided by the Planning Division.
10. 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. **Except as provided in Ongoing Condition of Approval #2 below**, the project shall be developed, operated and maintained in accordance with the project description, the Processing and Manufacturing Operations Plan prepared by Lenders Construction Services, LLC, in particular the **Operations Plan and Manual** (pages 3-12), (i.e., provisions for staff screening, hours and days of operation, security, customer screening, inventory control, chemical storage, quality control, emergency contact list and health and safety), **Manufacturing Plan** (pages 12-19), (i.e., medical marijuana concentrate production, solvent-based medical marijuana concentrate and water-based medical marijuana concentrate and food-based medical marijuana), and the approved project site plan, floor plan and elevations. 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. 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) Utilizes only manufacturing processes that are either solventless or that employ only nonflammable, nontoxic solvents that are generally recognized as safe pursuant to the federal Food, Drug, and Cosmetic Act (21 U.S.C. Sec. 301 et seq.).
    - (2) Utilizes only manufacturing processes that use solvents exclusively within a closed-loop system that meets all of the following requirements:
      - (a) The system uses only solvents that are generally recognized as safe pursuant to the federal Food, Drug, and Cosmetic Act (21 U.S.C. Sec. 301 et seq.).
      - (b) 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.
      - (c) 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).
      - (d) 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.
  - B. The collective or cooperative receives and maintains approval from the local fire official for the closed-loop system, other equipment, the extraction operation, and the facility.
  - C. The collective or cooperative meets 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.
3. All new and existing outdoor lighting shall be compatible with the existing setting and directed within the property boundaries.



4. Cannabis cultivation and other 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) and the Medical Cannabis Regulation and Safety Act (MCRSA), as may be amended from time to time, as applicable to the permit type.
5. 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.
6. 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.
7. 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.
8. 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 of the business in the Meadows Business Park. If the County receives any odor complaints, the permit holder shall work with the Building Official to correct odor concerns.
9. **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.

10. **Permit renewals to comply with updated laws and regulations.** Permit renewal per Ongoing Condition of Approval #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.
11. **Transfers.** Transfer of any leases or permits approved by this project is subject to the review and approval of the Planning Director for conformance with CMMLUO eligibility requirements, and agreement to permit terms and acknowledgments. The fee for required conformance with conditions review shall accompany the request. The request shall include the following information:
  - (1) Identifying information for the new Owner(s) and management as required in an initial permit application;
  - (2) A written acknowledgment by the new Owner in accordance as required for the initial Permit application;
  - (3) The specific date on which the transfer is to occur; and
  - (4) Acknowledgement of full responsibility for complying with the existing Permit; and
  - (5) Execution of an Affidavit of Non-diversion of Medical Cannabis.
12. **Modifications to the Facility.** Prior to making any modifications to a permitted facility, the permittee shall submit to the Planning Director a request for determination of County approvals, together with the appropriate fee. The request shall contain a description sufficiently detailed to allow the Planning Director to determine what permits and other approvals, are needed, and whether a modified Permit is required.
13. **Inspections.** The permit holder and subject property owner are to permit the County or representative(s) or designee(s) to make inspections at any reasonable time deemed necessary to assure that the activities being performed under the authority of this permit are in accordance with the terms and conditions prescribed herein.
14. All signage shall comply with Section 314-87.2 of the Humboldt County Code.
15. The operation shall participate in the Medical Cannabis Track and Trace Program administered by the Humboldt County Agricultural Commissioner, when available.

**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.

The Native American Heritage Commission (NAHC) can provide information regarding the appropriate Tribal point(s) of contact for a specific area; the NAHC can be reached at 916-653-4082. 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

**The applicant is ultimately responsible for ensuring compliance with this condition.**

2. The applicant is responsible for receiving all necessary permits and/or approvals from other state and local agencies.
3. This permit approval shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"); except where construction under a valid building permit or use in reliance on the permit has commenced prior to such anniversary date. Once initiated, the use is subject to the Permit Duration and Renewal provisions set forth in Condition of Approval # 9 and 10 of the On-Going Requirements /Development Restrictions, above. The period within which construction or use must be initially commenced may be extended as provided by Section 312-11.3 of the Humboldt County Code.

## ATTACHMENT 2

### Staff Analysis of the Evidence Supporting the Required Findings

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

The County Zoning Ordinance, Section 312-17.1 of the Humboldt County Code (Required Findings for All Discretionary Permits) specifies 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;
5. The proposed development does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law (the mid point of the density range specified in the plan designation).
6. In addition, the California Environmental Quality Act (CEQA) states that one of the following findings must be made prior to approval of any development which is subject to the regulations of CEQA. The project either:
  - a) is categorically or statutorily exempt; or
  - b) has no substantial evidence that the project will have a significant effect on the environment and a negative declaration has been prepared; or
  - c) has had an environmental impact report (EIR) prepared and all significant environmental effects have been eliminated or substantially lessened, or the required findings in Section 15091 of the CEQA Guidelines have been made.



**1. General Plan Consistency.** The following table identifies the evidence which supports finding that the proposed tree removal is in conformance with all applicable policies and standards in the McKinleyville Community Plan (MCCP) and the Framework General Plan (FRWK).

<b>Relevant Plan Section(s)</b>	<b>Summary of Applicable Goal, Policy or Standard</b>	<b>Evidence Which Supports Making the General Plan Conformance Finding</b>
Land Use: Commercial Services, (MCCP)	Primary and Compatible Uses include heavy retail trade, repair services, construction services, wholesale trade, research and development, medical facilities, institutional uses.	The applicant is proposing to develop a cannabis manufacturing center, and associated office space.
Urban Limits: §2600 (MCCP)	New development shall be located within existing developed areas or in areas with adequate public services.	Water and sewer service is provided by the McKinleyville Community Services District. Fire service is provided by the Arcata Fire Protection District. Access is off of Central Avenue, a public road.
Housing §2400 (MCCP)	Housing shall be developed in conformity with the goals and policies of the Humboldt County Housing Element.	No housing is proposed. The proposed use can be considered light industrial. No subdivision is proposed at this time.
Hazards §3200 (MCCP)	New development shall minimize risk to life and property in areas of high geologic, flood and fire hazards.	According to the Flood Insurance Rate Map (FIRM) Panel No. 625, the project site is located in Flood Zone C, which is defined as areas outside of the 100 year flood zone. Geologic hazard maps of the Framework Plan show the slope stability of the property to be relatively stable. The parcel is in an area of Low Fire Hazard rating. The property is located within Zone A of the Airport Land Use Compatibility Plan (ALUCP) for the California Redwood Coast – Humboldt County Airport. The proposed uses have been found compatible with the Airport Land Use Compatibility Plan (ALUCP) based on input from the Aviation Advisory Committee and consultation with Mead-Hunt (the County's Airport Consultant) (see AP combining zone discussion in section 2 below).
Biological Resources §3420 (MCCP)	Protect designated sensitive and critical resource habitats.	According to the Natural Diversity Database, the site has the potential to contain two types of checkerbloom. Given that the site has been extensively disturbed being used as a contractor's storage yard, and the fact that no new development is proposed, no impacts to sensitive species will occur onsite.

Cultural Resource Protection §3500 (MCCP)	New development shall protect cultural, archeological and paleontological resources.	The project was referred to the Northwest Information Center (NWIC), the Wiyot Tribe, the Blue Lake Rancheria and the Bear River Band of the Rohnerville Rancheria. All agencies recommended approval due to the lack of ground disturbing activities. Nonetheless, the standard inadvertent discovery condition will be included in the Informational Notes of this permit.
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**2. The proposed development is consistent with the purposes of the existing zone in which the site is located; and 3. 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 County Zoning Regulations.

<b>Zoning Section</b>	<b>Summary of Applicable Requirement</b>	<b>Evidence</b>
§314-2.3 Industrial Commercial (C-3) §314-55.4.8.4 §314-55.4.8.5	Office and professional services, warehousing, storage and distribution and research/light industrial are principally allowed. Cannabis processing and manufacturing is allowed in the C-3 zone district with a Special Permit.	The proposed project is a Special Permit for a cannabis manufacturing facility. 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.
<b>Development Standards</b>		
Minimum Lot Area:	5,000 square feet	The subject parcel is approximately 2.9 acres
Max. Lot Coverage:	None specified	Approximately 5%
Min. Yard Setbacks	Front: 5 feet Rear: 5 feet Side: 5 feet or 10 feet on one side	Front: approximately 47 feet  Side: approximately 80 feet  Rear: approximately 244 feet
Max. Building Height:	75 feet	25 feet
§314-109.1.3.3: Off-Street Parking:	Office: One parking space for every 300 square feet of gross floor area plus one parking space per employee. Manufacturing: The higher of one space for 1500 square feet of gross floor area or one parking space per employee at peak shift. A minimum of two parking spaces are required.  One loading space is required per every 20,000 square feet or portion	The site is developed with ample parking as it currently used as a contractors yard. The site is improved with 17 employee/customer spaces with over an acre of improved parking area for additional vehicles, well above the cumulative parking spaces required.

	thereof.	
<b>Zoning Section</b>	<b>Summary of Applicable Requirement</b>	<b>Evidence that Supports the Required Finding</b>
314-16.1 <b>AP:</b> Airport Safety Review	The purpose of these provisions is to establish regulations to maintain compatibility between proposed land uses and development and Humboldt County airports.	The subject property is located entirely within Zone A of the ALUCP. Initially, the Department of Public Works indicated that the proposed use did not appear compatible within Zone A (see attached memo dated April 13, 2016). However, based on input from the Aviation Advisory Committee and consultation with Mead-Hunt (the County's Airport Consultant), the proposed project has been found compatible with the ALUCP (see attached memo dated September 22, 2016). Zone A further limits the number of people on site to ten people per acre. The property is approximately 2.9 acres (assessed lot size), therefore, the site could accommodate 29 people at any given time. Currently, Hooven and Co. have a maximum of seven (7) people on site at any given time. The proposed manufacturing business would have a maximum of nine (9) people at any given time. With maximum of 16 people on site, this is well below the maximum of 29 allowed in Zone A.
314-29.1 <b>N –</b> NOISE IMPACT	The purpose of these provisions is to establish regulations to maintain, within single family and multi-family structures and within structures designed for transient habitation, low exposure levels to noise associated with airports and major roads.	The project site is home to a contractor yard, shop and associated office space. No residential uses are proposed. The proposed manufacturing will be conducted entirely within an enclosed building.

**314-55.4 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.	The business will: 1. Receive deliveries from regional cannabis farmers; 2. Grade, trim, and package cannabis; (see above) 3. Manufacture extracts using solvent based and/or water based extraction methods; 4. Manufacturing cannabis infused products; and 5. Make available medical cannabis products to dispensaries throughout the state. The subject property is correctly zoned, Industrial Commercial (C-3), and the applicant will comply with all conditions of the MMLUO ordinance, as specified in the recommended conditions of approval.
§314-55.4.8.10 Permit Limit	No more than four commercial cannabis activity permits may be issued to a single person.	According to records maintained by the Department, the applicant holds no other cannabis activity permits, and is entitled to four.
§314-55.4.10 Application Requirements	Identifies the Information Required for All Applications	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.
§314-55.4.17 Sunset Date	No application for any Use Permit pursuant to the CMMLUO shall be processed for issuance or approval that is received after December 31, 2016.	The applicant submitted the Special Permit Application on February 26, 2016.



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

Code Section	Summary of Applicable Requirement	Evidence that Supports the Required Finding
§312-17.1.4 Special Permit Findings	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.	All responding referral agencies have either provided no comment or recommended approval of the proposed use. The proposed light industrial use is consistent with the type of development in the area. There is no evidence that the project will be materially injurious to properties or improvements in the vicinity.
§15303 of CEQA Guidelines  §15061(b)(3), CEQA General Rule Exception	Categorically exempt from State environmental review.	The project has been determined to be exempt from CEQA pursuant to Section 15303 of the Guidelines for the Implementation of CEQA. Section 15303 exempts from environmental review the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. One example includes but is not limited to development within urban areas, up to four commercial structures not exceeding 10,000 sq. ft. in size where not involving the use of significant amounts of hazardous substances. The proposed development would result in the conversion of up to 800 square feet of an existing approximately 3,000 square foot shop building. The project site is home to Hooven and Co., and used as a contractor's yard, repair shop and associated office space. While the property is located outside the Urban Development Boundary, the project can be considered infill with no new services required. The proposed conversion of the building will not result in any significant adverse impact on the environment as the lot is almost three acres in size and ground coverage will be approximately 5% of the lot area. On this basis, the project may also be found exempt under the General Rule of CEQA which provides that where it can be seen with certainty that there is no possibility that the activity will have a significant effect on the environment the project is not subject to CEQA.

**5. Residential Density Target:** The following table identifies the evidence which supports finding that the proposed project will not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.

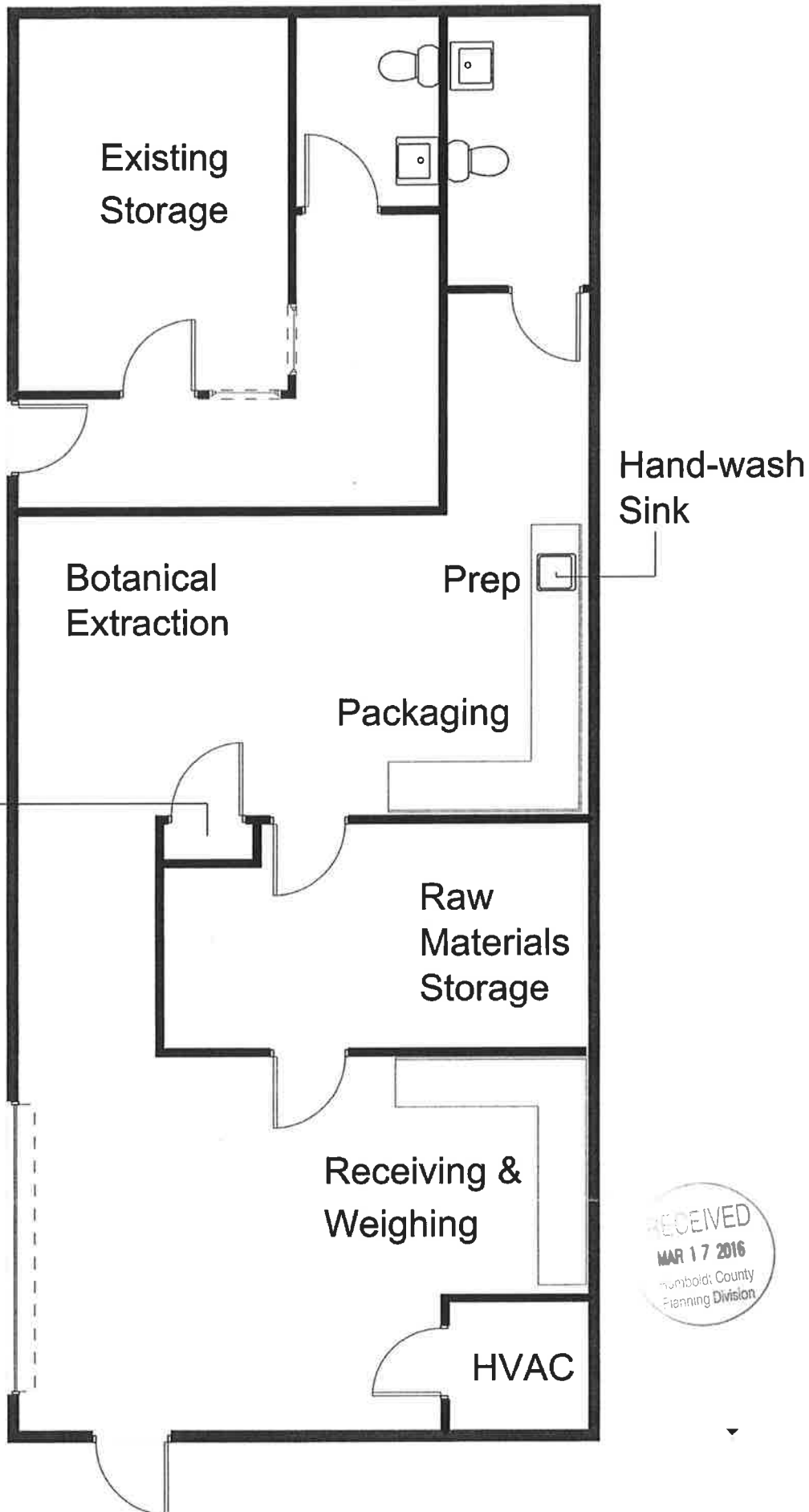
Code Section	Summary of Applicable Requirement	Evidence that Supports the Required Finding
312-17.1.5 Housing Element Densities	The proposed development does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law (the midpoint of the density range specified in the plan designation), except where: 1) the reduction is consistent with the adopted general plan including the housing element; and 2) the remaining sites identified in the housing element are adequate to accommodate the County share of the regional housing need; and 3) the property contains insurmountable physical or environmental limitations and clustering of residential units on the developable portions of the site has been maximized.	The proposed project involves construction and operation of a manufacturing facility on lands designated "Commercial Services" (CS) and zoned Industrial Commercial (C-3). The parcel was not inventoried as source of potential residential housing. Therefore, 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.

### **ATTACHMENT 3**

#### **Applicant's Evidence in Support of the Required Findings**

Attachment 3 includes a listing of all written evidence which has been submitted by the applicant in support of making the required findings.

- Application Form [on file]
- Operating Agreement [on file]
- Grant Deed [on file]
- Indemnification Agreement [on file]
- Acknowledgement Form [on file]
- Site Plan [attached]
- Floor Plan [attached]
- Operations Plan and Manual [attached]
- Response to comments regarding Building Inspection Division [attached]
- Response to comments regarding Department of Public Works [attached]





HMCP, LLC

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Medical Cannabis Manufacturing Facility

3445 Central Avenue, McKinleyville, CA



# Operations Plan & Manual

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# **HMCP, 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.

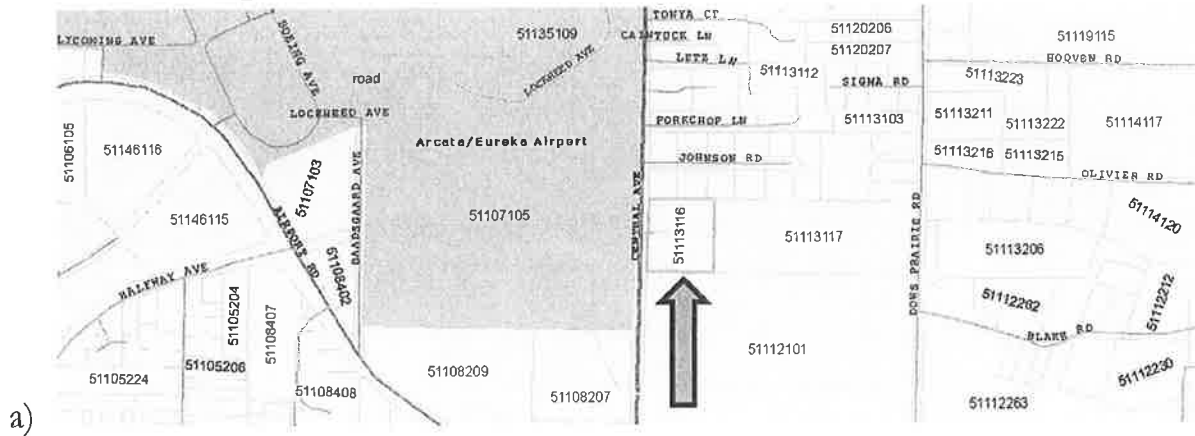
### **2) Staff & Staff Screening Processes**

- 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) It is anticipated that the operation will employ 1 to 3 FTE employees.

### **3) Days and Hours of Operation**

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

#### 4) Location Map



#### 5) Security Measures –

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

iii) Access Control:

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

iv) The Safety of Staff:

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

v) Diversion Prevention:

- (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, CO<sub>2</sub>, 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 CO<sub>2</sub>.
  - 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.





May 03, 2016

Trevor Estlow  
County of Humboldt, Planning Division  
3015 H Street  
Eureka, CA 95501  
Email: testlow@co.humboldt.ca.us

Sent Via E-mail

Application No: 10240 / APN: 511-131-016

Subject: Referral Comments – Building Inspection Division

Dear Mr. Estlow:

Thank you for forwarding the referral comments to us from the following agencies:

- Building Inspection Division
- Dept. of Public Works – Land Use
- Arcata Fire Protection District
- McKinleyville CSD
- NWIC
- Bear River Band of the Rohnerville Rancheria

Having read through the comments, there appear to be two primary issues to be resolved. The first issue pertains to the design and permitting of any improvements that will be made to the property subsequent to the granting of the Special Permit. This issue was addressed in the referral comments from both the County Building Inspection Division and the Arcata Fire Protection District. The specific referral comments are listed below:

- Building Inspection Division: applicant needs to submit additional information.  
List of items attached:
  - "Submit full floor plan of adjoining buildings show the doors and windows locations and note all spaces labeled for review."
  - "Recommend Fire Marshall review and sign off."
- Arcata Fire Protection District:
  - "Depending on the type of extraction process applicant will be required to meet the most stringent requirements for the specific processing."

**PH: (707) 440-9098 - [JEFF@LENDERSCONSTRUCTIONSERVICES.COM](mailto:JEFF@LENDERSCONSTRUCTIONSERVICES.COM)**  
**P.O. Box 6218, EUREKA, CA 95502**

In response to the referral comments above, the applicant is in general agreement with the agencies' comments and is willing to agree to a Special Permit Condition of Approval that would require the applicant to obtain a building permit from the Building Inspection Division prior to commencing operations of any of the CMMLUO activities allowed under the Special Permit. The applicant is further agreeable that this condition of approval would place the extent to which the Fire Marshall will be involved in review and approval of the building permit and subsequent construction at the discretion of the Building Inspection Division.

I met with the Chief Building Official, Todd Sobolik, yesterday and the above stated proposed agreement is the result of that discussion. This condition of approval would be in lieu of providing further design and drawings of the existing structures at this time. I believe that Mr. Sobolik is in agreement with this proposal; however, I certainly do not want to misinterpret or misrepresent his views, so I ask that you seek his confirmation and then let me know if this is agreeable.

The other issue that came out of the referral comments was from Humboldt County Public Works, Land Use Division, pertaining to the project's consistency with the Airport Land Use Compatibility Plan. I have sent you a request for your assistance with supplying the applicant with the referenced ALUCP documents and records from the prior development on the site vis-à-vis consistency findings with the ALUCP. At this point I will reserve further comment on this subject until I have had an opportunity to review the records and documents.

Thank you, Trevor, for your diligent work in processing this application. I look forward to hearing back from you regarding the issues described above.

Sincerely,



Jeff Smith  
Lenders Construction Services, LLC

**PH: (707) 440-9098 - [JEFF@LENDERSCONSTRUCTIONSERVICES.COM](mailto:JEFF@LENDERSCONSTRUCTIONSERVICES.COM)  
P.O. Box 6218, EUREKA, CA 95502**



June 3, 2016

Bob Bronkall  
County of Humboldt, DPW  
3033 H Street; Room 17  
Eureka, CA 95501  
Email: BBronkall@co.humboldt.ca.us

Sent Via E-mail

Application No: 10240 / APN: 511-131-016

Subject: Referral Comments – Public Works, Land Use Division

Dear Mr. Bronkall:

Thank you for your referral response regarding the above referenced application, which included the following excerpt:

"The subject property is located entirely within Zone A of the ALUCP for ACV as adopted by the Board of Supervisors on 01127/1998. Appendix C, "Compatibility Guidelines for Specific Land Uses", sets forth the land uses that are compatible, potentially compatible with restrictions, or incompatible in a particular zone. Zone A is the most restrictive land use compatibility zone with most uses being prohibited. The proposed use does not appear to be compatible within Zone A.

The applicant may wish to request a hearing before the Airport Land Use Commission (ALUC) for a consistency determination. In Humboldt County, the Board of Supervisors acts as the ALUC. If the ALUC finds that the proposed use is consistent with the ALUCP, then the project can be approved. This determination needs to be made prior to the project being presented to the Planning Commission for approval."

Regarding the referral response above, I would like to take this opportunity to address a few of the issues that have been brought forth therein, as follows:

The referral response above states in part,

*"... "Compatibility Guidelines for Specific Land Uses", sets forth the land uses that are compatible, potentially compatible with restrictions, or incompatible in a particular zone. Zone A is the most restrictive land use compatibility zone with most uses being prohibited. The proposed use does not appear to be compatible within Zone A."* [emphasis added]

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P.O. BOX 6218, EUREKA, CA 95502**

As a clarification and correction to the statement above, the compatibility evaluations found in Appendix C referenced above only provide general guidelines to aid in assessing land use compatibility. In fact, it specifically does not set *"forth the land uses that are compatible, potentially compatible with restrictions, or incompatible in a particular zone."* To this point, please consider the following excerpt from Appendix C:

"These evaluations are not regarded as adopted policies or criteria of the Imperial [Humboldt] County Airport Land Use Commission. In case of any conflicts between these evaluations of specific land uses and the policies and criteria in Chapter 2 of this document, the contents of Chapter 2 shall prevail."

Given that the compatibility evaluations found in Appendix C by its own definition are not regarded as adopted policies or criteria of the ~~Imperial~~ [Humboldt] County Airport Land Use Commission, I would ask that the referral-response conclusion which reads, *"The proposed use does not appear to be compatible within Zone A,"* be reconsidered because it is based on an analysis of Appendix C. As Appendix C states that, "In case of any conflicts between these evaluations of specific land uses and the policies and criteria in Chapter 2 of this document, the contents of Chapter 2 shall prevail." it seems clear that one should look to the contents of Chapter 2 for the specific criteria for making a compatibility assessment.

Chapter 2, Paragraph 2.12, states in part that *"The compatibility of land uses in the vicinity of the airports covered by this plan shall primarily be evaluated in terms of: (1) the Compatibility Criteria table (Table 2A) and accompanying notes."* When one looks to Table 2A as instructed, one finds that the criteria for evaluating compatibility for non-residential uses in Zone A is a maximum concentration of 10 people per acre. In other words, uses that result in concentrations of less than or equal to 10 people per acre in Zone A are compatible with the policies of the ALUP. The methods for determining concentrations of people are found in "Appendix B - Methods for Determining Concentrations of People."

One method for determining concentrations of people relative to the maximum criteria is what Appendix B describes as the "Parking Ordinance". Under this approach an example calculation is provided on page B-3 for commercial space that takes the number of parking spaces and makes the assumption that there will be one person per vehicle. Therefore the number of people divided by the number of acres yields the concentration of people/acre. Using this formula applied to the subject property of this referral response, there are 16 parking spaces shown on the Plot Plan. Using the same assumptions as provided in the example provided for commercial space in Appendix B, one would use a maximum population of 16 people on the site at one time. Continuing the calculation and taking into account the total acreage of the parcel at 2.885 acres, this produces a concentration of approximately 5.6 persons per acre (16 people/2.885 acres=5.55). This is well below the allowable concentration of 10 persons per acre in Zone A.

PH: (707) 440-9098 - [JEFF@LENDERSCONSTRUCTIONSERVICES.COM](mailto:JEFF@LENDERSCONSTRUCTIONSERVICES.COM)  
P.O. Box 6218, EUREKA, CA 95502

As a reality check, I surveyed the occupant of the site, Tim Hooven – Hooven & Co, to determine the actual concentrations of people at the site. He said that during their busy seasons (Spring, Summer, Fall) there are five (5) persons employed full time at the site. This includes four persons in the office and one mechanic in the shop. During their slow season (Winter), two field-work supervisors (Dave Hooven and Pat Hooven) will spend most of their time in the office which increases the regular occupancy during those periods to seven (7) persons located on the premises for an actual concentration of approximately 2.4 persons per acre (16 people/2.885 acres=2.43).

As the Plan of Operations for the new Special Permit for manufacturing that is being sought anticipates two (2) persons being employed in that operation, that would increase the normal daily concentration of occupants from seven (7) to nine (9) which results in a people/acre concentration of 3.1. Well below the maximum concentration of 10 people/acre allowed by ALUCP Table 2A, and significantly below the calculated concentration of 5.6 based on the parking space model. Of course it must be acknowledged that these concentration calculations based on the current normal operations do not reflect the potential increase that could exist with visitors to the site; however, it does provide a good reality check regarding the reasonableness of using the 16 parking spaces to determine the maximum concentration as prescribed within Appendix B.

The second compatibility criteria identified in the Compatibility Criteria table (Table 2A) and accompanying notes is the requirement to maintain open land. This requirement addresses the concern that, *"In the event that an aircraft is forced to land away from an airport, the risks to the people on board can best be minimized by providing as much open land area as possible within the airport vicinity."*

This project proposes no new structures to be built within the Airport Land Use Compatibility Plan area. The entirety of the proposed use will be housed within an existing light industrial structure; as such, this project will create no impact to the availability of "Open Land."

Not only is the proposed use being applied for under the Special Permit to be contained within the existing structures on the site, the proposed use is substantially similar in nature to the existing uses on the site. The adjacent use within the building is a truck and equipment maintenance and repair facility operated by a General Engineering contracting firm, Hooven & Company. Volatile solvents are commonly used in such facilities in a variety of types and uses, such as cleaners containing acetone, liqueur thinner, and other liquid solvents, along with compressed gases such as propane, butane, acetylene, and oxygen. All of these volatile solvents are very safe when properly handled and stored, as their track record proves. A prior use on the site was a pottery business that manufactured and sold its products. The land use described in the Special Permit application is for manufacturing of products, using volatile and/or non-volatile solvents, that will be

sold only to state licensed distributors – no retail sales. Given the existing and historic land uses on the parcel, the land use of this Special Permit is essentially a continuation of the existing land use and does not constitute a significant change.

Finally, the plan states that “[t]he zone boundaries reflect a composite of the four basic compatibility concerns - noise, safety, overflight, and airspace.” The concerns for safety were embodied in the compatibility criteria table (Table 2A) performance criteria relating to standards for concentrations of people, open land, and specific land use as addressed above. The plan’s other identified concerns for noise, overflight, and airspace were permanently addressed during the previous development on this parcel, as follows:

On February 19, 1985, as required pursuant to the development of the existing structures on the site, the property owners granted an Avigation Easement to the County. This avigation agreement, amongst other things, granted to the County the right to cause *“noise as may be inherent in the operation of the aircraft . . . used for navigation of or flight in the air, using said airspace or landing at, taking off from or operating on Arcata-Eureka airport.”*

Furthermore, within the avigation agreement the property owners agreed that they *“shall not erect, or permit the erection or growth of any structure, tree, or other object underlying the said airport traffic area to a height above the approach surface, transitional surface, horizontal surface or conical surface being hereinafter described.”*

The avigation agreement completely addressed the County’s concerns for noise, overflight, and airspace.

Given the additional information provided by the applicant and the applicant’s agent incorporated into this letter, and the analysis provided pursuant to Chapter 2 of the ALUCP, it is respectfully requested that the Department of Public Works Land Use Division reconsider the ALUCP compatibility conclusions presented in its 4/13/2016 referral response and issue an updated response recommending approval of the permit application based on the above demonstrated compatibility with the ALUCP.

Thank you for your consideration of this very important matter.

Sincerely,



Jeff Smith  
Lenders Construction Services, LLC

PH: (707) 440-9098 - [JEFF@LENDERSCONSTRUCTIONSERVICES.COM](mailto:JEFF@LENDERSCONSTRUCTIONSERVICES.COM)  
P.O. BOX 6218, EUREKA, CA 95502

**ATTACHMENT 4**  
**Referral Agency Comments and Recommendation**

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

<b>Referral Agency</b>	<b>Response</b>	<b>Recommendation</b>	<b>On File</b>
County Building Inspection Division	✓	Conditional Approval	Attached
County Public Works, Land Use Division	✓	Approval	Attached
County Division of Environmental Health	✓	Approval	✓
Calfire	✓	Standard input letter	✓
California Department of Fish and Wildlife			
Northwest Information Center	✓	Conditional approval	Attached
Bear River Band of the Rohnerville Rancheria	✓	Conditional approval	Attached
Blue Lake Rancheria	✓	Conditional approval	Attached
Wiyot Tribe	✓	Conditional approval	Attached
PG&E			
McKinleyville Community Services District	✓	Approval	✓
Arcata Fire Protection District	✓	Comments	Attached
McKinleyville Union School District	✓	Recommend denial	Attached





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

**3/29/2016**

**PROJECT REFERRAL TO: Building Inspection Division**



**Project Referred To The Following Agencies:**

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, Supervising Planner, Current Planning Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, Blue Lake Rancheria, Wiyot Tribe, Pacific Gas and Electric, McKinleyville Community Services District, Arcata Fire Protection District, Humboldt County Sheriff, Humboldt County District Attorney, McKinleyville Union School District

**Applicant Name** HMCP, LLC **Key Parcel Number** 511-131-016-000

**Application (APPS#)** 10240 **Assigned Planner** Trevor Estlow (707) 268-3740 **Case Number(s)** AA16-017  
 SP16-011

Please review the above project and provide comments with any recommended conditions of approval. To help us log your response accurately, please include a copy of this form with your correspondence.

Questions concerning this project may be directed to the assigned planner for this project between 8:30am and 5:30pm Monday through Friday.

County Zoning Ordinance allows up to 15 calendar days for a response. If no response or extension request is received by the response date, processing will proceed as proposed.

☐ If this box is checked, please return large format maps with your response.

**Return Response No Later Than 4/13/2016**

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

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

- ☐ Recommend Approval. The Department has no comment at this time.
- ☐ Recommend Conditional Approval. Suggested Conditions Attached.
- ☒ Applicant needs to submit additional information. List of items attached.
- ☐ Recommend Denial. Attach reasons for recommended denial.

☐ Other Comments: \*Submit FULL FLOOR PLAN OF ADJOINING buildings show DOORS & WINDOWS LOCATIONS AND NOTE ALL SPACES LABELED FOR REVIEW

DATE: 4/7/16 PRINT NAME: DAMIAN MICHAEL DAMIAN  
\*RECOMMEND FIRE MARSHALL REVIEW & SIGN OFF.



DEPARTMENT OF PUBLIC WORKS

## COUNTY OF HUMBOLDT

POSTED

MAILING ADDRESS: 1106 SECOND STREET, EUREKA, CA 95501-0579  
AREA CODE 707ARCATA-EUREKA AIRPORT TERMINAL  
MCKINLEYVILLE  
FAX 839-3596PUBLIC WORKS BUILDING  
SECOND & L ST., EUREKA  
FAX 445-7409CLARK COMPLEX  
HARRIS & H ST., EUREKA  
FAX 445-7388


AVIATION 839-5401

ADMINISTRATION  
BUSINESS  
ENGINEERING  
FACILITY MAINTENANCE445-7491  
445-7652  
445-7377  
445-7493NATURAL RESOURCES  
NATURAL RESOURCES PLANNING  
PARKS  
ROADS & EQUIPMENT MAINTENANCE445-7741  
267-9540  
445-7651  
445-7421

LAND USE 445-7205

## LAND USE DIVISION INTEROFFICE MEMORANDUM

TO: Trevor Estlow, Senior Planner, Planning & Building Department

FROM: Robert W. Bronkall, Deputy Director 

DATE: 04/13/2016

RE: HMCP, LLC, APN 511-131-016, SP16-011

**The Department has reviewed the proposed project and does not support the proposed use at this location due to the project appearing non-compatible with the Airport Land Use Compatibility Plan (ALUCP) for the California Redwood Coast – Humboldt County Airport (ACV).**

**ROADS:** The subject property takes access from Central Avenue (County Road No. A4L800), a paved, two lane, County maintained road. The subject property has three driveways connecting to the County Road. The commercial driveways are surfaced at the County road.

**AIRPORT:** The subject property is currently developed with a two story building and is used as an equipment yard for a contractor. The project description indicates that the proposed project is for a commercial cannabis manufacturing facility. The proposed use would occur within the existing building that is on the subject property; and that the proposed use would be in addition to the existing use of the subject property as an equipment yard. The Operations Plan and Manual, dated 03/10/2016 indicates that the proposed use may involve one or more of the following solvents: butane, propane, ethanol, isopropanol, acetone, and/or heptane. The quantity of the solvents to be stored on site or used on site is not known. It is not known what the risk of explosion is.

The subject property is located entirely within Zone A of the ALUCP for ACV as adopted by the Board of Supervisors on 01/27/1998. Appendix C, "Compatibility Guidelines for Specific Land Uses", sets forth the land uses that are compatible, potentially compatible with restrictions, or incompatible in a particular zone. Zone A is the most restrictive land use compatibility zone with most uses being prohibited. The proposed use does not appear to be compatible within Zone A.

The applicant may wish to request a hearing before the Airport Land Use Commission (ALUC) for a consistency determination. In Humboldt County, the Board of Supervisors acts as the ALUC. If the ALUC finds that the proposed use is consistent with the ALUCP, then the project can be approved. This determination needs to be made prior to the project being presented to the Planning Commission for approval.

**MS4:** The proposed use would occur within an existing structure. It does not appear that the proposed use would be affected by any MS4 permit regulations.



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

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

ARCATA-EUREKA AIRPORT TERMINAL  
McKINLEYVILLE  
FAX 839-3596

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

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

AVIATION 839-5401

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

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

LAND USE 445-7205

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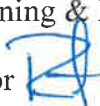
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**LAND USE DIVISION INTEROFFICE MEMORANDUM**

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TO: Trevor Estlow, Senior Planner, Planning & Building Department

FROM: Robert W. Bronkall, Deputy Director 

DATE: 09/22/2016

RE: HMCP, LLC, APN 511-131-016, SP16-011

Based upon input from the Aviation Advisory Committee and consultation with Mead-Hunt (the County's Airport Consultant), it appears that the proposed project is consistent with the Airport Land Use Compatibility Plan.

// END //

CALIFORNIA  
HISTORICAL  
RESOURCES  
INFORMATION  
SYSTEM



ALAMEDA  
COLUSA  
CONTRA COSTA  
DEL NORTE

HUMBOLDT  
LAKE  
MARIN  
MENDOCINO  
MONTEREY  
NAPA  
SAN BENITO

SAN FRANCISCO  
SAN MATEO  
SANTA CLARA  
SANTA CRUZ  
SOLANO  
SONOMA  
YOLO

**Northwest Information Center**  
Sonoma State University  
150 Professional Center Drive, Suite E  
Rohnert Park, California 94928-3609  
Tel: 707.588.8455  
nwic@sonoma.edu  
<http://www.sonoma.edu/nwic>

April 5, 2016

File No.: 15-1431

Planning Commission Clerk  
County of Humboldt  
Planning and Building Department  
3015 H Street  
Eureka, CA 95501  
\*PlanningClerk@co.humboldt.ca.us

re: APPS# 10240; Case#(s) AA16-017, SP16-011 / Key APN: 511-131-016-000 / HMCP, LLC / Trevor Estlow

Dear Mr. Estlow,

Records at this office were reviewed to determine if this project could adversely affect cultural resources. **Please note that use of the term cultural resources includes both archaeological sites and historical buildings and/or structures. The review for possible historic-era building/structures, however, was limited to references currently in our office and should not be considered comprehensive.**

**Previous Studies:**

XX Study #000132 (Fredrickson 1975), and Study #000886 (Benson 1977) covering approximately 100% of the proposed project area, identified no cultural resources (see recommendation below).

**Archaeological and Native American Resources Recommendations:**

XX Due to the passage of time since the previous survey (Fredrickson 1975; Benson 1977) and the changes in archaeological theory and method since that time, and given the moderate possibility for unknown Native American archaeological resources in the proposed project area, our usual recommendation would include archival research and a field examination. The proposed project area, however, has been highly developed and is presently covered with asphalt, buildings, or fill that obscures the visibility of original surface soils, which negates the feasibility of an adequate surface inspection. It is recommended that prior to ground disturbance, archival research be conducted to determine the appropriate locations for archaeological monitoring during removal of asphalt or concrete, fill, vegetation, or structures. Following the exposure of the original soils, it is recommended that a field inspection be conducted and a report containing "next-step" recommendations be provided.

XX We recommend you contact the local Native American tribes regarding traditional, cultural, and religious heritage values. For a complete listing of tribes in the vicinity of the project, please contact the Native American Heritage Commission at (916)373-3710.

**Built Environment Recommendations:**


XX The 1959 USGS Eureka-15' quad depicts a building in the proposed project area. Since the Office of Historic Preservation has determined that any building or structure 45 years or older may be of historical value, if these, or similarly aged buildings, are present then it is recommended that prior to commencement of project activities, a qualified professional familiar with the architecture and history of Humboldt County conduct a formal CEQA evaluation.

Due to processing delays and other factors, not all of the historical resource reports and resource records that have been submitted to the Office of Historic Preservation are available via this records search. Additional information may be available through the federal, state, and local agencies that produced or paid for historical resource management work in the search area. Additionally, Native American tribes have historical resource information not in the California Historical Resources Information System (CHRIS) Inventory, and you should contact the California Native American Heritage Commission for information on local/regional tribal contacts.

The California Office of Historic Preservation (OHP) contracts with the California Historical Resources Information System's (CHRIS) regional Information Centers (ICs) to maintain information in the CHRIS inventory and make it available to local, state, and federal agencies, cultural resource professionals, Native American tribes, researchers, and the public. Recommendations made by IC coordinators or their staff regarding the interpretation and application of this information are advisory only. Such recommendations do not necessarily represent the evaluation or opinion of the State Historic Preservation Officer in carrying out the OHP's regulatory authority under federal and state law.

For your reference, a list of qualified professionals in California that meet the Secretary of the Interior's Standards can be found at <http://www.chrisinfo.org>. If archaeological resources are encountered during the project, work in the immediate vicinity of the finds should be halted until a qualified archaeologist has evaluated the situation. If you have any questions please give us a call (707) 588-8455.

Sincerely,



Scott McGaughey  
NWIC Researcher

Inc: Humboldt County project cover letter

**From:** Erika Cooper  
**To:** Estlow, Trevor; Planning Clerk; Janet Eidsness; Tom  
**Subject:** HMCP, LLC AA & SP McKinleyville  
**Date:** Wednesday, April 13, 2016 12:46:16 PM

---



Hello Trevor,

Based on the project description, the HMCP, LLC project will not involve any ground disturbing activities. Because there will not be any ground disturbance, I do not have any concerns at this time.

Thank you.

--

Erika Cooper, M.A.  
Tribal Historic Preservation Officer  
Bear River Band of Rohnerville Rancheria  
266 Keisner Road  
Loleta, CA 95551  
707-733-1900 x233 Office  
707-502-5233 Cell  
707-733-1727 Fax  
[erikacooper@brb-nsn.gov](mailto:erikacooper@brb-nsn.gov)

CONFIDENTIALITY STATEMENT: This message, together with any attachments is intended only for the use of the individual or entity to which it is addressed. It may contain information that is confidential and prohibited from disclosure. If you are not the intended recipient, you are hereby notified that any review, dissemination or copying of this message or any attachment is strictly prohibited. If you have received this item in error, please notify the original sender and destroy this item, along with any attachments. Thank you.

## Estlow, Trevor

---

**From:** Janet Eidsness <JEidsness@bluelakerancheria-nsn.gov>  
**Sent:** Friday, April 01, 2016 3:11 PM  
**To:** Estlow, Trevor  
**Cc:** erikacooper@brb-nsn.gov; Tom  
**Subject:** Blue lake THPO comment on HMCP, LLC commerical cannabis manufacturing facility in McKinleyville

Dear Trevor:

I received the subject project referral dated 3/29/16 with comments requested by 4/13/16.

I have no knowledge of known Wiyot Tribal Cultural Resources at the project location SE of the airport on Central Avenue.

I understand the applicant will use an existing building and no new ground disturbance is proposed for this developed commercial parcel. If future disturbance will be undertaken, I recommend the Inadvertent Archaeological Discovery be made a condition as the parcel is near Norton Creek.

Regards,

Janet P. Eidsness, M.A.  
Tribal Heritage Preservation Officer (THPO)  
Blue Lake Rancheria  
P.O. Box 428 (428 Chartin Road)  
Blue Lake, CA 95525  
Office (707) 668-5101 ext. 1037  
Fax (707) 668-4272  
[jeidsness@bluelakerancheria-nsn.gov](mailto:jeidsness@bluelakerancheria-nsn.gov)  
cell (530) 623-0663 [jpeidsness@yahoo.com](mailto:jpeidsness@yahoo.com)

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## Estlow, Trevor

---

**From:** Tom <tom@wiyot.us>  
**Sent:** Saturday, April 02, 2016 12:53 PM  
**To:** 'Janet Eidsness'; Estlow, Trevor  
**Cc:** erikacooper@brb-nsn.gov  
**Subject:** RE: Blue lake THPO comment on HMCP, LLC commerical cannabis manufacturing facility in McKinleyville

Hi Trevor,

I concur with Janet's recommendations for inadvertent discovery.

Thank you,  
Tom

---

**From:** Janet Eidsness [<mailto:JEidsness@bluelakerancheria-nsn.gov>]  
**Sent:** Friday, April 01, 2016 3:11 PM  
**To:** 'Estlow, Trevor'  
**Cc:** [erikacooper@brb-nsn.gov](mailto:erikacooper@brb-nsn.gov); Tom  
**Subject:** Blue lake THPO comment on HMCP, LLC commerical cannabis manufacturing facility in McKinleyville

Dear Trevor:

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

1405-7541

POSTED

3/29/2016

**PROJECT REFERRAL TO: Arcata Fire Protection District**

**RECEIVED**  
4/1/16

**Project Referred To The Following Agencies:**

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, Supervising Planner, Current Planning Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, Blue Lake Rancheria, Wiyot Tribe, Pacific Gas and Electric, McKinleyville Community Services District, Arcata Fire Protection District, Humboldt County Sheriff, Humboldt County District Attorney, McKinleyville Union School District

**Applicant Name** HMCP, LLC **Key Parcel Number** 511-131-016-000

**Application (APPS#)** 10240 **Assigned Planner** Trevor Estlow (707) 268-3740 **Case Number(s)** AA16-017  
SP16-011

Please review the above project and provide comments with any recommended conditions of approval. To help us log your response accurately, please include a copy of this form with your correspondence.

Questions concerning this project may be directed to the assigned planner for this project between 8:30am and 5:30pm Monday through Friday.

County Zoning Ordinance allows up to 15 calendar days for a response. If no response or extension request is received by the response date, processing will proceed as proposed.

☐ If this box is checked, please return large format maps with your response.

**Return Response No Later Than** 4/13/2016

Planning Commission Clerk

County of Humboldt Planning and Building Department

3015 H Street

Eureka, CA 95501

**E-mail:** PlanningClerk@co.humboldt.ca.us **Fax:** (707) 268-3792

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

- ☐ Recommend Approval. The Department has no comment at this time.
- ☐ Recommend Conditional Approval. Suggested Conditions Attached.
- ☐ Applicant needs to submit additional information. List of items attached.
- ☐ Recommend Denial. Attach reasons for recommended denial.

☒ Other Comments: Depending on the type of ~~extra~~ extraction process applicant will be required to meet the most stringent requirements for the specific processing.

DATE: 4/14/16

PRINT NAME: Jenny Williamson



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

APR 14 2016



3/29/2016

**PROJECT REFERRAL TO: McKinleyville Union School District**

**Project Referred To The Following Agencies:**

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, Supervising Planner, Current Planning Division, County Counsel, CalFire, California Department of Fish And Wildlife, Northwest Information Center, Bear River Band Rohnerville Rancheria, Blue Lake Rancheria, Wiyot Tribe, Pacific Gas and Electric, McKinleyville Community Services District, Arcata Fire Protection District, Humboldt County Sheriff, Humboldt County District Attorney, McKinleyville Union School District

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- ☐ Recommend Conditional Approval. Suggested Conditions Attached.
- ☐ Applicant needs to submit additional information. List of items attached.
- ☒ Recommend Denial. Attach reasons for recommended denial.

☐ Other Comments: Our reservations are based on the fact that MUSD has 3 schools in proximity to the proposed facility and there would be concern for the influence impact a marijuana manufacturing facility could have on students.

DATE: 4/11/2016 PRINT NAME: Alan W. Jorgensen

## **ATTACHMENT 5**

**Letter from neighbors requesting a public hearing**

December 5, 2016



To Mr. Estlow:

My name is Jennifer Reiske and I currently reside on 1641 Johnson Lane. This is my formal request for a public meeting regarding the proposed Cannibus production site at Hooven Inc. I have lived on Johnson Lane since I was 3 and it has always been a quiet and peaceful street where I feel comfortable allowing my small children run across the steet to their grandmother's house. This special permit for Cannibus production greatly concerns me as a parent, a neighbor and a long time resident of McKinleyville. The proposed site is directly behind my mother's property at 1640 Johnson Lane. My children play in their backyard on a daily basis and I am concerned for their safety.

I do not have any issues with the usage of the product. I am completely aware that it has been legalized in California. My main issue is the type of criminal actions and character of people that will be drawn to this site. I am worried about the welfare of my elderly parents and the impact on the safe environment that I strive to provide for my children. I am concerned that this production site will draw theft, loiterers, and cause trespassing on my property and most importantly my parents property. This may be legal in California but it is not legal according to the Federal Government. My family will fight this with everything we have. We are fighting for our future, our children's well being and the safety of our neighborhood. Please inform me of the date and location of the public meeting as soon as you become aware.

Respectfully

A handwritten signature in cursive script that reads "Jennifer Reiske".

Jennifer Reiske

Kindergarten Teacher Freshwater School

1641 Johnson Lane

McKinleyville, CA 95519

windyrose24@gmail.com

(707) 498-6819

December 5, 2016



To Mr Estlow:

I am very unhappy that this special permit is being issued for this Cannibus production site. I am requesting a public meeting. No one is affected by this decision more than me. My residence backs up against this property. We share a back fence. I own two other properties on Johnson Lane. My daughter and her husband, and my grandchildren live on Johnson Lane. This is not acceptable. Cannibus maybe legal in CA, but it is not legal as far as the federal government is concerned.

This was once an old gas station. When we bought our home, we were told that it wouldn't ever be anything, since it was a gas station across from the airport. The property was then turned into Hooven and Co. We were not happy about that, but they have been good neighbors. Now they want to turn it into a Cannibus lab? HAVE THE UNDERGROUND GAS STORAGE CONTAINERS ever been removed? Not since I have lived here for 35 years. I am highly CONCERN for my safety, and my family's safety over the criminal element this will attract. When my welfare, my families welfare or my property is violated , I will hold the county totally responsible. I will fight this with all I have left. This affects my children, grandchildren and my property values. So sad McKinleyville has stooped this low.

Respectfully

A handwritten signature in cursive script that reads "Deborah Sisk".

Deborah Sisk

1640 Johnson Lane

McKinleyville, CA 95519

(707) 839-4556

Dec. 6, 2016

Dear Humboldt County Planning and Building Department,

I request a public hearing concerning the notice of intent to approve a special permit for the project located at 3445 Central Avenue in McKinleyville in the Hooven facility.

Applicant: HMPC, LLC

Assessor Parcel: 511-131-016

Case number: SP-16-011

Date filed: Feb 26, 2015

CEQA Status: Exempt

Apps No: 10240



My contact information:

Thom Boswell

1681 Johnson Lane

McKinleyville, Ca, 95519.

707-502-4080

Sincerely,

A handwritten signature in cursive script, appearing to read "Thom Boswell".

Thom Boswell