



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

---

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

Hearing Date: August 24, 2017

To: Humboldt County Planning Commission

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

Subject: **Humboldt Cannabis Tours, Special Permit**  
Application Number 11476  
Case Number SP-17-004  
Assessor's Parcel Number (APN) 000-000-000  
All unincorporated areas of Humboldt County.

<b>Table of Contents</b>	<b>Page</b>
Agenda Item Transmittal	2
Recommended Action and Executive Summary	3
Draft Resolution	5
 Attachments	
Attachment 1: Recommended Conditions of Approval	7
Attachment 2: Staff Analysis of the Evidence Supporting the Required Findings	9
Attachment 3: Applicant's Evidence in Support of the Required Findings	22
Attachment 4: Referral Agency Comments and Recommendations	26

Please contact Michelle Nielsen, Senior Planner, at 707-268-3708 or by email at [mnielsen@co.humboldt.ca.us](mailto:mnielsen@co.humboldt.ca.us) if you have any questions about the scheduled public hearing item.

## AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
August 24, 2017	Special Permit	Michelle Nielsen

**Project Description** Humboldt Cannabis Tours is applying for a Special Permit pursuant to Section 311-4 Humboldt County Code for the Planning Director's interpretation of unclear provisions to allow for an agricultural tourism operation that will tour existing and compliant cannabis businesses, as well as traditional tour destinations. Example destinations are cannabis farms, concentrate manufactures, retail outlets, breweries, the redwoods, and local beaches. Tour destinations will include those within the incorporated cities but the permit will apply only to the unincorporated areas of the county. The applicant will obtain a County business license (either a home occupation or address of convenience), and State Transportation Charter Party license from the Public Utilities Commission. Vehicles for tour transport will be stored at a location approved for commercial vehicle storage. The business's administrative functions will be run out of the applicant's home office located in his residence. Employees and customers will not visit or meet at the home office of the applicant. Tour destinations in the unincorporated areas shall meet performance standards for access, parking, ADA compliance, sanitation, and noise whereby the use could be considered an accessory and appurtenant to principal use. For unincorporated lands inside the Coastal Zone: the requested Special Permit shall not be effective until the California Coastal Commission certifies the County's Local Coastal Program amendment to allow the commercial cultivation, processing, manufacturing and distribution of cannabis for medical use.

**Project Location:** All unincorporated areas of Humboldt County.

**Present Plan Land Use Designations:** The land use designations of eligible destinations shall be the same as those specified in Humboldt County Code Section 314-55.4 et seq.

**Present Zoning:** The zoning districts of eligible destinations shall be the same as those specified in Humboldt County Code Sections 314-55.3.8.2 (Dispensaries), 314-55.3.15 (Medical Cannabis Test Laboratories, Business and Research Institutions), 314-55.3.16 (Medical Cannabis Business Offices), and 314-55.4 et seq. (Commercial Cultivation, Processing, Manufacturing and Distribution of Medical Cannabis).

**Application Number:** 11476

**Case Number:** SP-17-004

**Assessor Parcel Numbers:** 000-000-000

Applicant	Owner	Agent
Humboldt Cannabis Tours Attn.: Matt Kurth 3215 Halfway Ave, Unit A McKinleyville, CA 95519	Black Dog Travel, LLC 3215 Halfway Ave., Unit A McKinleyville, CA 95519	n/a

**Environmental Review:** The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per Section 15061(b)(3) General Rule of the California Environmental Quality Act (CEQA) Guidelines.

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

**Major Issues:** None

**HUMBOLDT CANNABIS TOURS**  
Case Number SP-17-004  
Assessor's Parcel Number 000-000-000

**Recommended Commission Action**

1. Describe the application as part of the Consent Agenda.
2. Survey the audience for any person who would like to discuss the application.
3. If no one requests discussion, make the following motion to approve the application as a part of the consent agenda:

*Find the project categorically exempt from environmental review pursuant to Section 15061(b)(3) the State CEQA Guidelines, make all of the required findings for approval of the Special Permit based on evidence in the staff report and any public testimony, and adopt the Resolution approving the proposed Humboldt Cannabis Tours project subject to the recommended conditions.*

**Executive Summary:** Humboldt Cannabis Tours seeks approval of a Special Permit pursuant to Humboldt County Code (HCC) Section 311-4 to initiate an agricultural tourism operation that will tour existing and compliant cannabis businesses as well as traditional tourism destinations. The Unclear Provisions in HCC Section 311-4.1 state: "Where the zoning regulations are unclear, a Special Permit may be submitted and processed to a decision for any proposed use or development". The provisions in the referenced section are being employed because while tours of various Humboldt County destinations are an on-going traditional activity and business endeavor (and the applicant's tour offerings will include stops at these tradition destinations as well), a critical component of the applicant's tour offering will also incorporate destinations that are a regulated and specialty activity under the Medical and Adult Use Cannabis Regulation and Safety Act (MAUCRSA). The nature of these regulated and specialty activities warrant a higher level of clearance as access is restricted by age and may require prior medical recommendation by a physician. The Planning Commission is the hearing officer for this Special Permit because its geographic extent is all of the unincorporated areas of Humboldt County. While the geographic extent is seemingly broad, potential regulated destination sites are limited to those that are permitted and compliant with their secured permits. This thereby limits tour destinations to the specified zoning districts as discussed herein, and to the Inland areas of the County as the LCP amendment has not been certified.

Attachment 1 includes performance standards that must be met by the regulated destination sites.<sup>1</sup> The performance standards are incorporated into the Special Permit to ensure tour activities are accessory and appurtenant to the permitted cannabis activity and to maintain capability with the surrounding land uses. In other words, the performance standards address the rural location of many of these operations and are not traditional visitor serving destinations.

This Special Permit is written to be the first part of a two part permitting process enabling the conduct of tours that include regulated destination sites. The second part is for eligible destination sites to obtain a modification to their existing clearance or permit to include the tour activity. As part of this modification, applicants would demonstrate that the performance standards specified in Attachment 1 are met. For parties who have yet to obtain a clearance or permit, they may elect to modify their project at this time to include this activity. Again, it will be

---

<sup>1</sup> Regulated destination sites used herein shall mean land use, development and activities subject to the provisions of Humboldt County Code Sections 314-55.3.8.2 (Dispensaries), 314-55.3.15 (Medical Cannabis Test Laboratories, Business and Research Institutions), 314-55.3.16 (Medical Cannabis Business Offices), and 314-55.4 et seq. (Commercial Cultivation, Processing, Manufacturing and Distribution of Medical Cannabis).

incumbent on applicants to demonstrate the performance standards can be met.

The applicant will obtain the necessary County business license and a State Transportation Charter Party license from the Public Utilities Commission. The business' administrative functions will be run from his home office located inside his residence, a permissible activity as either a home occupation or address of convenience pursuant to HCC Sections 313-50.1 and 314-50.1 et seq. Vehicles for tours will be stored off-site at an approved location, this location is may be within boundaries of an incorporated city. Neither employees nor customers will visit the home office of the applicant. Tour guests will be picked up from their accommodations or at another area with public parking. At the end of the tour, guests will be returned to the pickup location. The tour group size will be limited by the size of the tour vehicle. The tour vehicle will be a van that is able to accommodate up to 20 guests.

Potential regulated destination sites are limited to those that are permitted and compliant with their secured permits. The zoning districts of eligible destinations shall be the same as those enumerated in Humboldt County Code (HCC) Sections 314-55.3.8.2 (Dispensaries), 314-55.3.15 (Medical Cannabis Test Laboratories, Business and Research Institutions), 314-55.3.16 (Medical Cannabis Business Offices), and 314-55.4 et seq. (Commercial Cultivation, Processing, Manufacturing and Distribution of Medical Cannabis).

Based on a review of Planning Division reference sources and comments from all involved referral agencies, planning staff believes that the applicant has submitted evidence in support of making all of the required findings for approving the Special Permit subject to the conditions of approval in Attachment 1 and incorporation of the performance standards for regulated destination sites.

**ALTERNATIVES:** The Planning Commission could elect not to approve the project, or to require the applicant to submit further evidence, or modify the project or conditions of approval. If modifications may cause potentially significant impacts, additional CEQA analysis and findings may be required. These alternatives could be implemented if the Commission is unable to make all of the required findings. Planning 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 these alternatives.

The Commission could also decide the project may have environmental impacts that would require further environmental review pursuant to CEQA. Staff did not identify any potential impacts. As Lead Agency, the Department has determined that the Project is Categorically Exempt under the State CEQA Guidelines General Rule exemption (15061(b)(3)) stated above. However, the Commission may reach a different conclusion. In that case, the Commission should continue the item to a future date at least two months later to give staff the time to complete further environmental review.

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

**Case Number SP-17-004  
Assessor Parcel Numbers: 000-000-000**

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

**WHEREAS**, Humboldt Cannabis Tours submitted an application and evidence in support of approving a Special Permit for an agricultural tourism operation that will tour existing and compliant commercial medical cannabis businesses, as well as traditional tour destinations, and

**WHEREAS**, commercial cannabis tour destinations in the unincorporated areas shall meet performance standards for access, parking, ADA compliance, sanitation, and noise whereby the use can be considered an accessory and appurtenant to principal use; and

**WHEREAS**, the County Planning and Building Department reviewed the submitted application and evidence and referred the application and evidence to involved reviewing agencies for site inspections, comments and recommendations; and

**WHEREAS**, the project is categorically exempt from environmental review pursuant to Section 15061(b)(3) General Rule of the California Environmental Quality Act (CEQA) Guidelines; and

**WHEREAS**, Attachment 2 in the Planning Division staff report includes evidence in support of making all of the required findings for approving the proposed Special Permit (Case Number SP-17-004); and

**WHEREAS**, a public hearing was held on the matter before the Humboldt County Planning Commission on August 24, 2017.

**NOW, THEREFORE**, be it resolved, determined, and ordered by the Planning Commission that

1. The proposed project is categorically exempt from environmental review pursuant to Section 15061(b)(3) General Rule of the California Environmental Quality Act (CEQA) Guidelines; and
2. The findings in Attachment 2 of the Planning Division staff report for Case Number SP-17-020 support approval of the project based on the submitted evidence; and
3. Approves the Special Permit applied for as recommended and conditioned in Attachment 1 for Case Number SP-17-004.

Adopted after review and consideration of all the evidence on August 24, 2017.

The motion was made by Commissioner \_\_\_\_ and seconded by Commissioner \_\_\_\_.

AYES: Commissioners:

NOES: Commissioners:

ABSTAIN: Commissioners:

ABSENT: Commissioners:  
DECISION: Motion carries

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

---

John Ford  
Director, Planning and Building Department

## **ATTACHMENT 1**

### **RECOMMENDED CONDITIONS OF APPROVAL**

Approval of the Special Permit is conditioned on the following terms and requirements which must be satisfied before initiation of operations:

#### **Section 1: Prior to Commencing Development Restrictions**

1. The applicant shall be responsible for obtaining all necessary County and State permits or licenses, and for meeting all of the requirements as set forth by other regulatory agencies.
2. The applicant shall obtain a Business License from the Humboldt County Tax Collector.
3. 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.
4. The project shall be developed, operated and maintained in accordance with the project description and Operations Plan. Changes to the project except for Minor Deviations to the Plot Plan as provided in Humboldt County Code Section 312-11.1 shall require Modification of this permit.
5. Retail sales of cannabis products to individuals who are twenty-one (21) years or older is prohibited under Ordinance No. 2554, adopted July 19, 2016, and Ordinance No. 2559 adopted September 13, 2016. Amendments to Ordinances 2544 and 2559 may revise or remove these restrictions. Should the cited Ordinances be amended or superseded by State law, the applicant may apply for a Minor Deviation as provided in Humboldt County Code Section 312-11.1 to allow these uses.
6. On-site consumption of cannabis products by qualified patients or individuals who are twenty-one (21) years or older is prohibited under Ordinance No. 2554, adopted July 19, 2016, and Ordinance No. 2559 adopted September 13, 2016. Amendments to Ordinances 2544 and 2559 may revise or remove these restrictions. Should the cited Ordinances be amended or superseded by State law, the applicant may apply for a Minor Deviation as provided in Humboldt County Code Section 312-11.1 to allow these uses.

#### **Section 2: Performance Standards Which Must Continue for the Life of the Project**

The applicant shall have the responsibility to verify that each regulated destination site conforms with all of the following performance standards:

1. Sites are existing and compliant commercial medical cannabis businesses under County Code and the provisions of MAUCRSA.
2. Tour hours for destination sites shall be limited to 9:00 AM to 5:00 PM.
3. The use of amplification equipment outside the tour vehicle shall be prohibited.



4. Sites shall be accessed by roads developed to a Category 4 Road or better.
5. Sites shall have a driveway meeting the requirements of HCC Section 3112-12 and an emergency vehicle turnaround meeting the requirements of the HCC Section 3112-7. Sites within the jurisdiction and service area of a local fire protection district shall meet the driveway and turnaround requirements of that agency.
6. Sites shall have on-site tour vehicle parking area that is adequately sized and independently accessible.
7. Sites accessed by a private road (easement), written notification to other parties holding a right to the access easement shall be provided prior to initiating tours.
8. Sites accessed by a road and/or driveway without a pavement or better shall have a dust management plan approved by the Planning Director prior to the initiation of tours. Should the Planning and Building Department receive two or more written complaints from other than the same individual within any 12 month period regarding fugitive dust caused by vehicle trips associated with tours, as may be verified by the Planning and Building Department, the operator shall commence implementation of the approved dust management plan for the life of the project.
9. Sites shall have existing sanitation facilities that comply with the requirements of the Division of Environmental Health and are ADA accessible.
10. Structures or buildings that host tours shall be accessible to the public or ADA compliant.
11. Should local flooding be forecasted on a designated tour route, destination operators/managers shall notify the tour operator.

**Informational Notes:**

1. This permit approval shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"); except where construction under a valid building permit or use in reliance on the permit has commenced prior to such anniversary date. 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, Sections 312-1.1.2 and 312-17.1 of the Humboldt County Code (Required Findings for All Discretionary Permits) specify the findings that are required to grant a Special Permit:

1. The proposed development is in conformance with the County General Plan;
2. The proposed development is consistent with the purposes of the existing zone in which the site is located;
3. The proposed development conforms with all applicable standards and requirements of these regulations;
4. The proposed development and conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare; or materially injurious to property or improvements in the vicinity;
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 midpoint of the density range specified in the plan designation) unless the following written findings are made supported by substantial evidence: 1) the reduction is consistent with the adopted general plan including the housing element; and 2) the remaining sites identified in the housing element are adequate to accommodate the County share of the regional housing need; and 3) the property contains insurmountable physical or environmental limitations and clustering of residential units on the developable portions of the site has been maximized; and
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.

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

**1. The proposed development must be consistent with the General Plan.** The following table identifies the evidence which supports finding that the proposed development is in conformance with all applicable policies and standards of the Framework Plan (FRWK).

<b>Plan Section, Summary of Applicable Goal, Policy or Standard, and Evidence Which Supports Making the General Plan Conformance Finding</b>
--

<p>Land Use §2700 (FRWK)</p> <p>Remote Rural Development: 2552 To provide for orderly development of rural lands consistent with the needs to encourage sustained resource production without land degradation; reduce public exposure to safety hazards; minimize costs of providing services; conserve energy; encourage recreational development on appropriate lands; and encourage development along existing public corridors.</p> <p>Urban Land Use 2612 Goal To maximize the opportunity for local community involvement in planning, to develop an internally consistent General Plan, and to meet the specific planning needs of individual communities, while giving due consideration to individual property rights.</p>	<p><u>Tour operator</u>: the applicant will obtain the necessary County business license and a State Transportation Charter Party license from the Public Utilities Commission. The business' administrative functions will be run from his home office located inside his residence, a permissible activity as either a home occupation or address of convenience pursuant to HCC Sections 313-50.1 and 314-50.1 et seq. Vehicles for tours will be stored off-site at an approved location. Neither employees nor customers will visit the home office of the applicant. Tour guests will be picked up from their accommodations or at another area with public parking. At the end of the tour, guests will be returned at the pickup location. The tour group size will be limited by the size of the tour vehicle. The tour vehicle will be a van that is able to accommodate up to 20 guests.</p> <p><u>Destination sites</u>: potential regulated destination sites are limited to those that are permitted and compliant with their secured permits.<sup>2</sup> The land use designations of eligible destinations shall be the same as those enumerated in Humboldt County Code (HCC) Section 314-55.4 et seq. (Commercial Cultivation, Processing, Manufacturing and Distribution of Medical Cannabis). As discussed further below, this Special Permit establishes performance standards regarding access, parking, ADA compliance, sanitation, and noise to ensure tours are accessory and appurtenant to the permitted commercial medical cannabis activity, and are compatible with the surrounding land uses.</p> <p>As discussed further in the following sections, this Special Permit establishes performance standards regarding access, parking, ADA compliance, sanitation, and noise to ensure tours are accessory and appurtenant to the permitted commercial medical cannabis activity, and are compatible with the surrounding land uses. The eligibility criteria for a commercial medical cannabis operation to be tour destination are:</p> <ol style="list-style-type: none"> <li>1. The operation must have secured the requisite clearance or permit and be existing;</li> <li>2. The operation must be compliant; and</li> <li>3. The operation must secure an approved modification to their existing clearance or permit to add this activity. In order to secure the modification, the operator must demonstrate that all of the performance criteria specified in Attachment 1 have been met.</li> </ol> <p>Staff recommends that the evidence supports finding the project consistent with the Land Use policies of the Framework Plan.</p>
--	---

<sup>2</sup> Regulated destination sites used herein shall mean land use, development and activities subject to the provisions of Humboldt County Code Sections 314-55.3.8.2 (Dispensaries), 314-55.3.15 (Medical Cannabis Test Laboratories, Business and Research Institutions), 314-55.3.16 (Medical Cannabis Business Offices), and 314-55.4 et seq. (Commercial Cultivation, Processing, Manufacturing and Distribution of Medical Cannabis).

<p>Cultural Resources §3500 (FRWK/AVES)</p> <p>Protect cultural resources, including historic, archaeological, and scenic resources.</p>	<p><u>Tour Operator</u>: as indicated in herein, the applicant will secure a County business license. The business' administrative operations will be conducted from the applicant's residence. Tour vehicles will be stored at a location approved for commercial vehicle storage. This element of the business is not anticipated to result in new ground disturbance that may impact cultural resources.</p> <p><u>Destination sites</u>: potential destination sites are limited to those that are permitted and compliant with their secured permits. HCC Section 314-55.45.10(o) stipulates that prior to issuing a clearance or permit for CMMLUO activities, that local Tribes be engaged for operations occurring within Areas of Traditional Tribal Cultural Affiliation. This procedure is conducted similarly to the protocols outlined under SB 18 and AB 52, which describe "government to government" consultation, through tribal and local government officials and their designees. During this process, the tribe may request that operations associated with the clearance or permit be designed to avoid, minimize or mitigate impacts to Tribal Cultural Resources. This process must conclude before the County consents to the issuance any clearance or permit. In short the CMMLUO permitting process is protective of cultural resources.</p> <p>Staff recommends that the evidence supports finding the project consistent with the Cultural Resource policies of the Framework Plan.</p>
<p>Housing §2400 (FRWK/ AVES)</p> <p>Encourage innovative designs that facilitate optimum use of sites.</p>	<p><u>Tour Operator</u>: as indicated in herein, the business' administrative operations will be conducted from the applicant's residence, a permissible activity as either a home occupation or address of convenience pursuant to HCC Sections 313-50.1 and 314-50.1 et seq. Tour vehicles will be stored at a location approved for commercial vehicle storage. This element of the business is not anticipated to adversely impact housing or to engender the need for additional housing.</p> <p><u>Destination sites</u>: agricultural tourism occurring at permitted and compliant operations will not adversely impact housing as commercial medical cannabis cultivation is not permitted in residential zones pursuant to the CMMLUO.</p> <p>The project does not involve or impact residential development. Based on the above, staff recommends that the evidence supports finding the project consistent with the Housing policies of the Framework Plan.</p>

<p>Geologic Hazards §3210 (FRWK)</p> <p>Goals: To reduce public exposure to natural and manmade hazards. To ensure the continuity of vital services and functions. To educate the community. Policy: Regulate land use to ensure that development in potentially hazardous areas will not preclude preserving and promoting public safety. Standards: Require geologic reports according to the Geologic Hazards Land Use Matrix as denoted in the Framework Plan.</p>	<p><u>Tour Operator:</u> as discussed above, the business' administrative functions will be run out of the applicant's residence with County business license (either as home occupation or address of convenience). Neither employees nor tour guests will visit the residence. Tour vehicles will be stored at a location approved for commercial vehicle storage, and employees (drivers and guides) will meet at this location.</p> <p><u>Destination sites:</u> potential destination sites are limited to those that are permitted and compliant with their secured permits. For CMMLUO projects located in Alquist-Priolo Special Studies Zones, the CMMLUO permit terms restrict the hours of occupation in structures. These restrictions will remain in place and unaltered should such a facility become a tour destination site. Furthermore, HCC Section 314-55.4.12.1 specifies that on an annual basis all CMMLUO issued clearances or permits are to have an inspection and found to be compliance with all conditions of approval; otherwise the clearance or permit will expire. Facilities with restricted hours of occupation will have to demonstrate conformance with these restrictions on an annual basis. As part of the CMMLUO permitting process, Building Inspection reviews all complete projects. Based on a site visit and review of the project, that office will advise if an R-1 or R-2 report is required.</p> <p>Staff recommends that the evidence supports finding the project consistent with the Geologic Hazard policies of the Framework Plan.</p>
--	--

Hazards §3200 (FRWK): Flood §3220 (FRWK) and Fire Hazards §3230 (FRWK)

New development shall minimize risk to life and property in areas of high flood and fire hazards.

Tour operator: as stated above, the applicant will obtain the necessary County business license (either a home occupation or address of convenience), and a State Transportation Charter Party license from the Public Utilities Commission. The business' administrative functions will be run from his home office located inside his residence. Vehicles for tours will be stored at off-site at an approved location. Neither employees nor customers will visit the home office of the applicant. Tour guests will be picked up from their accommodations or at another area with public parking. At the end of the tour, guests will be returned to the pickup location. The tour group size will be limited by the size of the tour vehicle. Per the applicant's submitted information, the tour vehicle will be a van that is able to accommodate up to 20 guests.

Destination sites: potential exposure to tsunami hazards is greatest in the Coastal Zone. Because the Local Coastal Program amendment to allow commercial medical cannabis cultivation and other activities has not been certified by the Coastal Commission there are no regulated destinations available to tour at this time; therefore, there will be not an exposure to tsunami hazard. For regulated destination sites located within the Trinity Dam failure inundation area there is the potential threat of inundation stemming from a failure; however as visits to regulated destinations are of a relatively short duration and are periodic (as compared to an employee's occupation at a facility) the potential exposure to this threat is relatively low. With respect to exposure to flood hazards, there are potential eligible regulated tour destinations located in areas that are subject to flooding. Historically the threat of flooding is greatest during the winter months which coincides with historically low tourism numbers. Attachment 1 includes a performance standard that operators of regulated destinations that are on a designated tour route are to notify the tour operator should local flood conditions be forecasted.

Many regulated destinations are located in areas of high fire hazard. The project incorporates performance standards to minimize the exposure of people and property to fire hazards and are discussed further below. A critical performance standard is that regulated destinations must be accessed by a Category 4 Road or better to ensure adequate emergency access for responders, inhabitants, employees, and tour guests. Moreover, regulated destinations must have a developed emergency vehicle turnaround meeting the requirements of the Fire Safe Regulations or of the local fire protection district.

Staff recommends that the evidence supports finding the project consistent with the standards for minimizing the exposure of people and property from hazards of the Framework Plan based on the project description, and with the incorporation and adherence to the performance standards included in Attachment 1.



<p>Noise §3240 (FRWK) Conform with noise standards.</p>	<p><u>Tour operator:</u> as stated above, the applicant will obtain the necessary County business license (either a home occupation or address of convenience), and a State Transportation Charter Party license from the Public Utilities Commission. The business's administrative functions will be run from his home office located inside his residence. Vehicles for tours will be stored at off-site at an approved location. Neither employees nor customers will visit the home office of the applicant. Tour guests will be picked up from their accommodations or at another area with public parking. At the end of the tour, guests will be returned to the pickup location. The tour group size will be limited by the size of the tour vehicle. Per the applicant's submitted information, the tour vehicle will be a van that is able to accommodate up to 20 guests.</p> <p><u>Destination sites:</u> Many of the eligible zoning districts for permitting commercial medical cannabis pursuant CMMLUO are rural in character. To ensure the tours are compatible with the rural setting Attachment 1 includes performance standards for hours of operation and use of amplification equipment to attenuate potential noise impacts. Attachment 1 include a requirement that tour hours for regulated destination sites be limited tours 9:00 AM to 5:00 PM. The performance standards also prohibit the use amplification equipment. The applicant will have the responsibility to verify that each destination conforms with the performance standards.</p> <p>Staff recommends that the evidence supports finding the project consistent with the Noise policies of the Framework Plan with the incorporation and adherence to the performance standards contained in Attachment 1.</p>
---	---



Sewage Disposal §4530, 4531.6, 3361.2 (FRWK)

Goal: To ensure a safe means for waste disposal and protect the County's water resources for the public's health and safety. Policy: Septic systems shall not be permitted where the slope exceeds 30% or within 50 feet from an unstable land form. Policy: Sewage disposal systems placed on an existing lot must meet all of the requirements of the Humboldt County Department of Public Health and the North Coast Regional Water Quality Control Board. Policy: Regulate development that would pollute watershed areas.

Tour operator: as stated above, the applicant will obtain the necessary County business license (either a home occupation or address of convenience), and a State Transportation Charter Party license from the Public Utilities Commission. The business' administrative functions will be run from his home office located inside his residence. Vehicles for tours will be stored at location approved for the commercial vehicle storage, and is where tour guides and drivers will pick up tour vans. Neither employees or customers will visit the home office of the applicant. Tour guests will be picked up from their accommodations and then returned the same at the end of the tour, or at another area with public parking. The tour group size will be limited to the size of the vehicle which will be a van that is able to accommodate up to 20 guests.

Destination sites: the performance standards in Attachment 1 includes a requirement that regulated destination sites have existing sanitation facilities that comply with the requirements of the Division of Environmental Health and are ADA accessible to ensure consistency with the Framework policies.

Staff recommends that the evidence supports finding the project consistent with the standards for adequate sewage disposal of the Framework Plan based on the project description, and with the incorporation and adherence to the performance standards.

Biological Resources §3400 (FRWK)  
Goal: To maximize where feasible, the long-term public and economic benefits from the biological resources within the County by maintaining and restoring fish and wildlife habitats. Policies: Maintain values of significantly important habitat areas by assuring compatible adjacent land uses, where feasible.

Tour operator: as stated above, the applicant will obtain the necessary County business license (either a home occupation or address of convenience), and a State Transportation Charter Party license from the Public Utilities Commission. The business' administrative functions will be run from his home office located inside his residence. Vehicles for tours will be stored at off-site at an approved location. Neither employees nor customers will visit the home office of the applicant. Tour guests will be picked up from their accommodations and then returned the same at the end of the tour. The tour group size will be limited to the size of the vehicle which will be a van that is able to accommodate up to 20 guests. The operation is not anticipated to result in development or other associated activities that may impact biological resources.

Destination sites: potential destination sites are limited to those that are permitted and compliant with their secured permits. As part of the CMMLUO permitting process complete applications are evaluated for conformance with Streamside Management Area ordinance (SMAO), and concurrently, the California Department of Fish and Wildlife (DFW) is consulted. As part of this evaluation process operations are designed to avoid, minimize or mitigate impacts to biological resources. This process must conclude before the County consents to the issuance any clearance or permit.

Staff recommends that the evidence supports finding the project consistent with the standards for minimizing impacts to biological resources based on the project description, and with the incorporation and adherence to the performance standards.

<p>4220, 4237.7 (FRWK): Access Develop, operate, and maintain a well-coordinated, balanced, circulation system that is safe, efficient and provides good access to all cities, communities, neighborhoods, recreational facilities and adjoining areas. Policy: New Development shall only be approved which will not significantly create or aggravate safety, capacity or parking problems on County roads.</p>	<p><u>Tour operator:</u> as discussed above, the applicant will secure a County business license, and day-to-day administration will be conducted in the applicant's residence. The tour vehicles will be stored at an approved off-site location. Tour guests will be picked up and returned to either at their accommodations or an area of public parking. Employees and guests will not visit the residence. The project was circulated to all of the incorporated cities in Humboldt County for comment, and no comments were received.</p> <p><u>Destination sites:</u> The performance standards in Attachment 1 include the following minimum requirements for destination sites:</p> <ol style="list-style-type: none"> <li>1. That the access road to the regulated destination site be developed to a Category 4 Road or better;</li> <li>2. That regulated destination sites are accessed by a driveway meeting the requirement of HCC Section 3112-12 and have an emergency vehicle turnaround meeting the requirements of the Fire Safe Regulations, HCC Section 3112-7, or the requirements of the local fire protection district;</li> <li>3. That regulated destination sites have an adequately size and independently accessible tour vehicle parking on-site;</li> <li>4. For regulated destination sites accessed via private road that written notification to other parties holding a right to the access easement be provided prior to initiating tours;</li> <li>5. In place dust management plans and implementation for regulated destination sites without a paved or better access roads and/or driveways.</li> </ol> <p>The applicant will be responsible for verifying that regulated destination sites meet all of the performance standards. The Public Works commented that it can "only support this project provided the roads, excluding the driveways, used by the tour meet a Category 4 or better". Caltrans did not comment on the project. The project was also circulated to all of the incorporated cities in Humboldt, and no city provided comments.</p> <p>Staff recommends that the evidence supports finding the project consistent with the standards for adequate access standards of the Framework Plan based on the project description, and with the incorporation and adherence to the performance standards.</p>
---	--

2. **Zoning Compliance and 3. Conforms with 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.

#### **Zoning Section and Summary of Applicable Requirement**

The proposed development is consistent with the purposes of the existing zone in which the site is located.

### **Evidence That Supports the Zoning Finding**

Mobile business licenses, also referred to as address of convenience are defined as nonresidential activities associated with any profession, occupation, or hobby, having no employees, receiving no deliveries at the address, and utilizing a private residence only for received mail, phone calls, or related record keeping, HCC Section 314-136. A home occupation has similar characteristics: any use which...is customarily carried on within a dwelling by the inhabitants thereof, HCC Section 314-143. The address of convenience is generally associated with activities that are allowed to occur in a variety of different settings. Furthermore, tours of Humboldt County's beaches, redwoods, small towns, etc. are an on-going and traditional visitor serving activity and business.

While the applicant's tour offerings will include stops at tradition destinations, the applicant's tour will also incorporate destinations that are regulated; hence the application of the Unclear Provisions in HCC Section 311-4.1: "Where the zoning regulations are unclear, a Special Permit may be submitted and processed to a decision for any proposed use or development". The Planning Commission is the hearing officer for this Special Permit because its geographic extent is all of the unincorporated areas of Humboldt County. While the geographic extent is seemingly broad, potential regulated destination sites are limited to those that are permitted and compliant with their secured permits. This thereby limits tour destinations to the specified zoning districts as discussed herein, and to the Inland areas of the County as the LCP amendment has not been certified.

Tour operator: the applicant will obtain the necessary County business license and a State Transportation Charter Party license from the Public Utilities Commission. The business' administrative functions will be run from his home office located inside his residence, a permissible activity as either a home occupation or address of convenience pursuant to HCC Sections 313-50.1 and 314-50.1 et seq. Vehicles for tours will be stored off-site at an approved location, this location is may be within boundaries of an incorporated city. Neither employees nor customers will visit the home office of the applicant. Tour guests will be picked up from their accommodations or at another area with public parking. At the end of the tour, guests will be returned at the pickup location. The tour group size will be limited by the size of the tour vehicle. The tour vehicle will be a van that is able to accommodate up to 20 guests.

Destination sites: potential regulated destination sites are limited to those that are permitted and compliant with their secured permits. The zoning districts of eligible destinations shall be the same as those enumerated in Humboldt County Code (HCC) Sections 314-55.3.8.2 (Dispensaries), 314-55.3.15 (Medical Cannabis Test Laboratories, Business and Research Institutions), 314-55.3.16 (Medical Cannabis Business Offices), and 314-55.4 et seq. (Commercial Cultivation, Processing, Manufacturing and Distribution of Medical Cannabis).

As discussed above, this Special Permit establishes performance standards regarding access, parking, ADA compliance, sanitation, and noise to ensure tours are accessory and appurtenant to the permitted commercial medical cannabis activity, and are compatible with the surrounding land uses. The eligibility criteria for a commercial medical cannabis operation to be tour destination are:

1. The operation must have secured the requisite clearance or permit and be existing;
2. The operation must be compliant with the terms of the clearance or permit; and
3. The operation must secure an approved modification to their existing clearance or permit to add this activity. In order to secure the modification, the operator must demonstrate that all of the performance criteria specified in Attachment 1 have been met.

## Recommendation

Staff recommends that the evidence supports finding the project consistent with the purposes of the existing zone in which the site is located based on the project description, and with the incorporation and adherence to the performance standards.

**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 or materially injurious to properties or improvements in the vicinity, and will not adversely impact the environment.

Code Section	Summary of Applicable Requirements	Evidence that Supports the Required Finding
§312-17.1.4	The proposed development will not be detrimental to the public health, safety and welfare, and will not be materially injurious to properties or improvements in the vicinity.	The activities proposed to be undertaken by the tour operator at his residence meet the requirements of either a home occupation or address of convenience and are permissible with an approved County business license. Regulated destinations must demonstrate that the performance standards enumerated in Attachment 1 are satisfied as part of their clearance or permit in order to become a tour participant. The performance standards address potential issues related to access, noise, sanitation, parking, dust, accessibility, and flood events. Furthermore, commercial medical cannabis activities regulated under HCC Section 314-55.4 et seq. have a requirement for annual inspections for compliance component, and Dispensaries have an annual performance review reporting requirement. Also, all commenting referral agencies have recommended approval or conditional approved of project. Staff recommends the evidence supports finding the project will not be detrimental to the public health, safety and welfare as proposed and conditioned.
§15061(b)(3) of the CEQA Guidelines	Categorically exempt from State environmental review.	The project is exempt from CEQA if the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. As discussed above, the tours are limited to those that are permitted and compliant with their secured permits, and which satisfy specified operational performance standards regarding access, parking, ADA compliance, sanitation, and noise. Conducted in the manner proposed and conditioned, the project will not cause a significant effect on the environment.

**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 Requirements	Evidence that Supports the Required Finding
<p>17.1.5 Housing Element Densities</p>	<p>Housing Element Densities: The proposed development shall 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.</p>	<p><u>Tour Operator:</u> as indicated in herein, the business' administrative operations will be conducted from the applicant's residence, a permissible activity as either a home occupation or address of convenience pursuant to HCC Sections 313-50.1 and 314-50.1 et seq. This element of the business is not anticipated to adversely impact housing or to engender the need for additional housing.</p> <p><u>Destination sites:</u> agricultural tourism occurring at permitted and compliant operations will not adversely impact housing as commercial medical cannabis cultivation is not permitted in residential zones pursuant to the CMMLUO.</p> <p>The project does not involve or impact residential development. Based on the above, staff recommends that the evidence supports finding the project consistent with the Housing Element.</p>

### **ATTACHMENT 3**

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

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

- Application Form (in file)
- Project Description (attached)
- Plan of Operation (attached)
- Sample Itinerary (attached)



## Project Description

### Humboldt Cannabis Tours



At Humboldt Cannabis Tours we wish to provide the most fun, educational and authentic cannabis experience available. We want to take people on tours of already existing and legal cannabis businesses. We are interested in visiting farms, production sites and retail outlets but tours may include anything from local breweries to concentrate manufactures to glass shops to cannabis yoga or a range of other stops. We will not sell, grow, distribute, manufacture, test, or transport cannabis. We are hands off in all ways. An already existing business that we can be compared to is winery or brewery tours. Please see our plan of operations for more details but on a typical trip we would pick the guests up at their accommodations in a van and take them to a cannabis farm. We would have lunch and go to another farm. Then the guests would be dropped off back at their accommodations. We would like to offer group and custom tours. We are not very different than any other traditional tour company, except we specialize in cannabis destinations.

# Plan of Operations

## Humboldt Cannabis Tours



### General Principals

We will not sell, grow, manufacture, transport, process or otherwise handle cannabis.

We will visit only businesses that are in compliance with State, County and City laws.

We will remain in compliance with all California State, County and City laws and regulations.

We will operate throughout Humboldt County and beyond.

### Business Plan

Once we have received all of our licenses and permits including this County Special Permit, County Business license, State Transportation Charter Party license we will begin offering tours. We plan to visit already existing and legally compliant cannabis businesses as well as traditional tour destinations. Some examples of destinations are cannabis farms, concentrate manufactures, retail outlets, breweries, redwoods, beaches, etc.

In the beginning we would like to offer custom trips that we work with guests to plan and carry out. We would also like to offer group tours on set dates that guests can join. We would like to keep the groups small so we do not expect to use a vehicle that holds more than twenty passengers.

In the first one to two years of operation we plan to have about four drivers, four guides, one office person and myself as employees. Drivers and Guides will meet at the site where the vehicles are stored to begin and end their work day. Guides and Drivers will utilize public or on site parking. The office will be run out of the owners home office at 3215 Halfway Avenue Unit A in McKinleyville. There is only one employee that works from this location, the owner Matt Kurth. Matt parks in his driveway. Guests will not visit the office on Halfway Ave.

The vehicles will be stored at a site that we rent, lease or own and is permitted for storage activities. Vehicles will not be stored at my home office. We will start with one vehicle but would like to have three or more vehicles that hold between ten and 21 guests each.

Guests will be picked up at their accommodations or another public area such as a restaurant. Guests will utilize public parking near where they are picked up and will not visit or park near my home office or vehicle storage site.



## Humboldt Cannabis Tours

### Sample Itinerary - The One Day Northern Humboldt Experience

- 8:00 Guides and Drivers meet to prepare for the trip. Drive to meet guests in a large van.  
Arrive at 8:45
- 9:00 Welcome guests. Check in including wavers and gift bags. Gift bags include pipe, lighter, papers, empty bud jar, promotional items, and a water bottle. Board Bus.
- 9:30 Tour disembarks. The guests will receive an introductory talk concerning the plan for the trip, cannabis products and their responsible use, dosing, where they can and cannot partake, and safety. Refreshments such as sodas, juice, water and light snacks will be available through out the trip.
- 10:00 Arrive at first dispensary. Representative from the dispensary comes on board and talks about current offerings, discounts, product procurement. patient paperwork and doctor recommendations will be checked. Guests who finish early will be encouraged to hang out in the bus.
- 10:45 Board bus and receive a farewell thank you from dispensary representative and drive to glass shop.
- 11:00 Arrive at glass shop. Glass shop representative comes on board for introduction. Once the guests are in the shop the representative gives a short talk about types of glass and smoking implements, cutting edge technology, specials and discounts.
- 11:30 Board bus and receive a farewell thank you from glass shop representative. Drive to lunch.
- 12:00 Arrive to lunch at a restaurant.
- 1:00 Leave lunch. Drive to a cannabis production facility.
- 1:45 Arrive at cannabis production facility. A representative of the facility will come on board to welcome guests, give the plan and talk about safety concerns. The representative will give a tour of the facility explaining growth stages, varieties, growing techniques, organic and sustainable production methods.
- 4:00 Board bus and receive a farewell thank you from the cannabis facilities representative. Head back to starting point.
- 4:45 Arrive at meeting point and say good bye to guests
- 5:00 Driver and guide drive back to the terminal to complete post trip paperwork, clean and prepare the bus for the next trip.
- 6:00 Guides and Drivers finish the work day.

## ATTACHMENT 4

### REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

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

Referral Agency	Recommendation	Location
Public Works, Land Use Division	Conditional Approval	Attached
Department of Transportation, District #1	No response	
Coastal Commission	No response	
City of Arcata	No response	
City of Eureka	No Response	
City of Ferndale	No Response	
City of Fortuna	No response	
City of Blue Lake	No Response	
City of Trinidad	No Response	
City of Rio Dell	No response	
Tax Collector	Comments: business license approved by Public Works, Environmental Health, and Sheriff	Attached



ARCATA-EUREKA AIRPORT TERMINAL  
McKINLEYVILLE  
FAX 839-3596

AVIATION

839-5401

DEPARTMENT OF PUBLIC WORKS

**COUNTY OF HUMBOLDT**

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

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

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

ADMINISTRATION  
BUSINESS  
ENGINEERING  
FACILITY MAINTENANCE

445-7491  
445-7652  
445-7377  
445-7493

NATURAL RESOURCES  
NATURAL RESOURCES PLANNING  
PARKS  
ROADS & EQUIPMENT MAINTENANCE

445-7741  
267-9540  
445-7651  
445-7421

LAND USE

445-7205

**LAND USE DIVISION INTEROFFICE MEMORANDUM**

TO: Michelle Nielsen, Planner II, Planning & Building Department

VIA: Robert W. Bronkall, Deputy Director

FROM: Ken Freed, Senior Engineering Technician

DATE: 01/18/2017

RE: **HUMBOLDT CANNABIS TOURS, APN 000-000-000, SP17-004**

The Department can only support this project provided the roads (excluding driveways) used by the tour meet a Category 4 or better road standard.

// END //





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



1/18/2017

**PROJECT REFERRAL TO: Tax Collector**

**Project Referred To The Following Agencies:**

Public Works Land Use Division, Supervising Planner, Current Planning Division, County Counsel, California Coastal Commission, City of Arcata, City of Eureka, City of Ferndale, City of Fortuna, City of Blue Lake, City of Trinidad, City of Rio Dell, California Department of Transportation District #1, Tax Collector

**Applicant Name** Humboldt Cannabis Tours **Key Parcel Number** 000-000-000-000 **511-361-061**  
**Application (APPS#)** 11476 **Assigned Planner** Michelle Nielsen (707) 268-3708 **Case Number(s)** AA16-544  
SP17-004

Home  
office

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 2/2/2017**

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: business license #9742 already marked denied  
by planning 7/27/16 - Public Works approved 3/10/16  
Environmental Health approved 11/16/16 Sheriff approved 3/11/16

DATE: 1/18/17 PRINT NAME: Amy Christensen