



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: January 23, 2020

To: Humboldt County Planning Commission

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

Subject: **Humboldt Private Reserve, Inc. Special Permit Modification**
Record Number PLN-2019-16000
Assessor Parcel Number 522-345-006-000 and 522-345-014-000
39136 ST HWY 299, Willow Creek area

Table of Contents	Page
Agenda Item Transmittal	2
Recommended Action and Executive Summary	3
Draft Resolution	4
 Maps	
Topo Map	6
Aerial Map	7
Zoning Map	8
Project Plans	9
 Attachments	
Attachment 1: Recommended Conditions of Approval	11
Attachment 2: Required Findings	17
Attachment 3: Applicant's Evidence in Support of the Required Findings	25

Please contact Devin Sutfin, Planner at 268-3778, or by email at dsutfin1@co.humboldt.ca.us, if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
January 23, 2020	Special Permit Modification	Devin Sutfin

Project Description: A Permit Modification to Application No. 10687/Case No. SP16-076 (non-volatile manufacturing facility) approved June 1, 2017 to modify Condition of Approval #3 to remove requirement to improve deeded access and parking on adjacent parcel APN 522-345-014 "with AC paving, Portland concrete surfacing, or other equivalent all-weather surface" due to property owner refusing to authorize improvements.

Project Location: The project site is in the Willow Creek area, on the south side of State Highway 299, approximately 770 feet east from the intersection of State Highway 96 and State Highway 299, on the properties known as 39124 State Highway 299 and 39136 State Highway 299. Humboldt County in the Willow Creek Area on the south side of State Highway 299 approximately 25 feet west of the intersection of State Highway 299 and Walnut Way at the property known as 39136 ST HWY 299.

Present Plan Land Use Designation: Mixed-Use (MU). Willow Creek Community Planning District (WCCPD) Slope Stability: Moderate Instability (2).

Present Zoning: Community Commercial (C-2)

Record Number: PLN-2019-16000

Assessor Parcel Number: 522-345-006-000 & 522-345-014-000

Applicant	Owners	Agent
Humboldt Private Reserve, Inc.	Seth Geddes, Benjamin Rigan	None
Barron Lutz	& Timothy Cole	
PO Box #35	26 Ole Hansen Road	
Willow Creek, CA 95573	Eureka, CA 95503	

Environmental Review: The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per Class 1, 15301 (Existing Facilities) of the California Environmental Quality Act (CEQA) Guidelines.

Major Issues: Property owner of 522-345-014 does not authorize improvements to deeded driveway access and parking used for the benefit of APN 522-345-006 as conditioned in approved permit SP16-076.

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

Humboldt Private Reserve Inc. Special Permit Modification
Record No. PLN-2019-16000
Assessor Parcel Number (APN): 522-345-006-000 and 522-345-014-000

Recommended Planning 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 exempt from environmental review pursuant to Sections 15301 of the State CEQA Guidelines, make all of the required findings for approval of the Special Permit Modification based on evidence in the staff report and any public testimony, and adopt the Resolution approving the proposed Humboldt Private Reserve Special Permit Modification subject to the recommended conditions.

Executive Summary

The Humboldt Private Reserve, Inc.'s Special Permit (SP16-076) to operate a non-volatile manufacturing operation utilizing water and ice on APN 522-345-006 was approved on June 1, 2017 subject to the Conditions of Approval. Access and off-street parking is located on APN 522-345-014 which is a non-exclusive easement for ingress, egress and parking purposes. The applicant requests a modification to Condition of Approval #3 which states "Off-street parking and access aisles located on APNs 522-345-006 and 522-345-014 shall be improved with AC paving, Portland concrete surfacing, or other equivalent all-weather surface subject to the review and approval of the Planning Director in consultation with the Department of Public Works." The proposed modification is to remove the requirement to improve the parking area on APN 522-345-014 due to the property owner not authorizing the conditioned improvements (Attachment 3). Conditioned improvements to the parking areas on APN 522-345-006 will remain. The deeded access and graveled parking area on APN 522-345-014 appears to be in working order, is not contributing erosional issues and can be considered an all-weather surface over which emergency vehicles can pass in all types of weather. The operation utilizes only three employees, and has two dedicated off-street parking spaces on the east side of the building. Additionally there are approximately 4 on-street parking spaces immediately in front of the existing building that can be utilized to provide required parking. As a result, the requirement to pave with concrete is not necessary. There is no specific code requirement that compels this parking lot to be improved with a paved surface, nor was this a specific requirement of the County Public Works Department.

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

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT
Resolution Number 20-**

**Record Number PLN-2019-16000
Assessor's Parcel Numbers: 522-345-006 and 522-345-014**

Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the Humboldt Private Reserve Special Permit Modification request.

WHEREAS, Humboldt Private Reserve, Inc. submitted an application and evidence in support of approving a Modification (Record Number PLN-2019-16000) to the approved Special Permit (SP16-076) which modifies Condition of Approval #3 by removing the requirement for improvements to deeded access and parking area APN 522-345-014 ; and

WHEREAS, the County Planning Division has reviewed the submitted modification application Record Number PLN-2019-16000 and supporting substantial evidence and considers the existing gravel access on APN 522-345-014 adequate for use by emergency personal and erosion control; and

WHEREAS, the project is exempt from environmental review per Section, 15301 (Existing Facilities) of the CEQA Guidelines; and

WHEREAS, Attachment 2 in the Planning Commission staff report includes substantial evidence in support of making all of the required findings for approving the proposed Modification (Record Number PLN-2019-16000) to previously approved Special Permit (Case Number SP 16-076); and

WHEREAS, a public hearing was held on the matter before the Humboldt County Planning Commission on January 23, 2020.

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 per Section 15031 (Existing Facilities) of the CEQA Guidelines; and
2. The Planning Commission further makes the findings in Attachment 2 of the Planning Commission staff report for Record Number PLN-2019-1600 based on the submitted substantial evidence; and
3. The Planning Commission approves the Modification Record Number PLN-2019-1600 as recommended and conditioned in Attachment 1.

Adopted after review and consideration of all the evidence on January 23, 2020.

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

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

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

John Ford, Director



Project Area =

TOPO MAP
PROPOSED HUMBOLDT PRIVATE RESERVE, INC
WILLOW CREEK AREA
PLN-2019-16000
APN: 522-345-006; ET AL.
T07N R05E S33 HB&M (WILLOW CREEK)

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

0

337.5

675


Feet

PLN-2019-16000 Humboldt Private Reserve


January 23, 2020

Page 6



Project Area = 

AERIAL MAP
PROPOSED HUMBOLDT PRIVATE RESERVE, INC
WILLOW CREEK AREA
PLN-2019-16000
APN: 522-345-006; ET AL.
T07N R05E S33 HB&M (WILLOW CREEK)

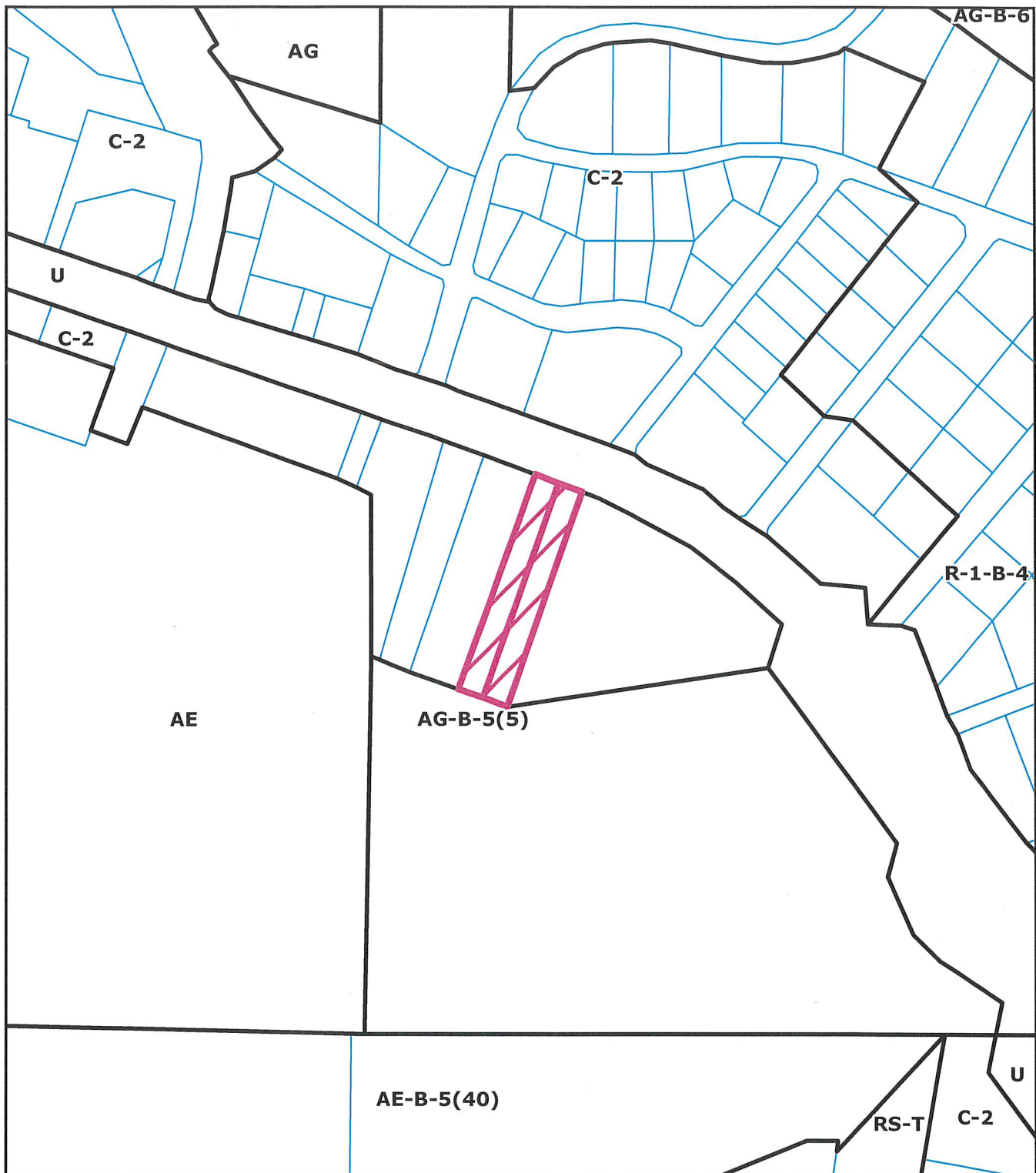


This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.

0

470
Feet

0
235



Project Area =

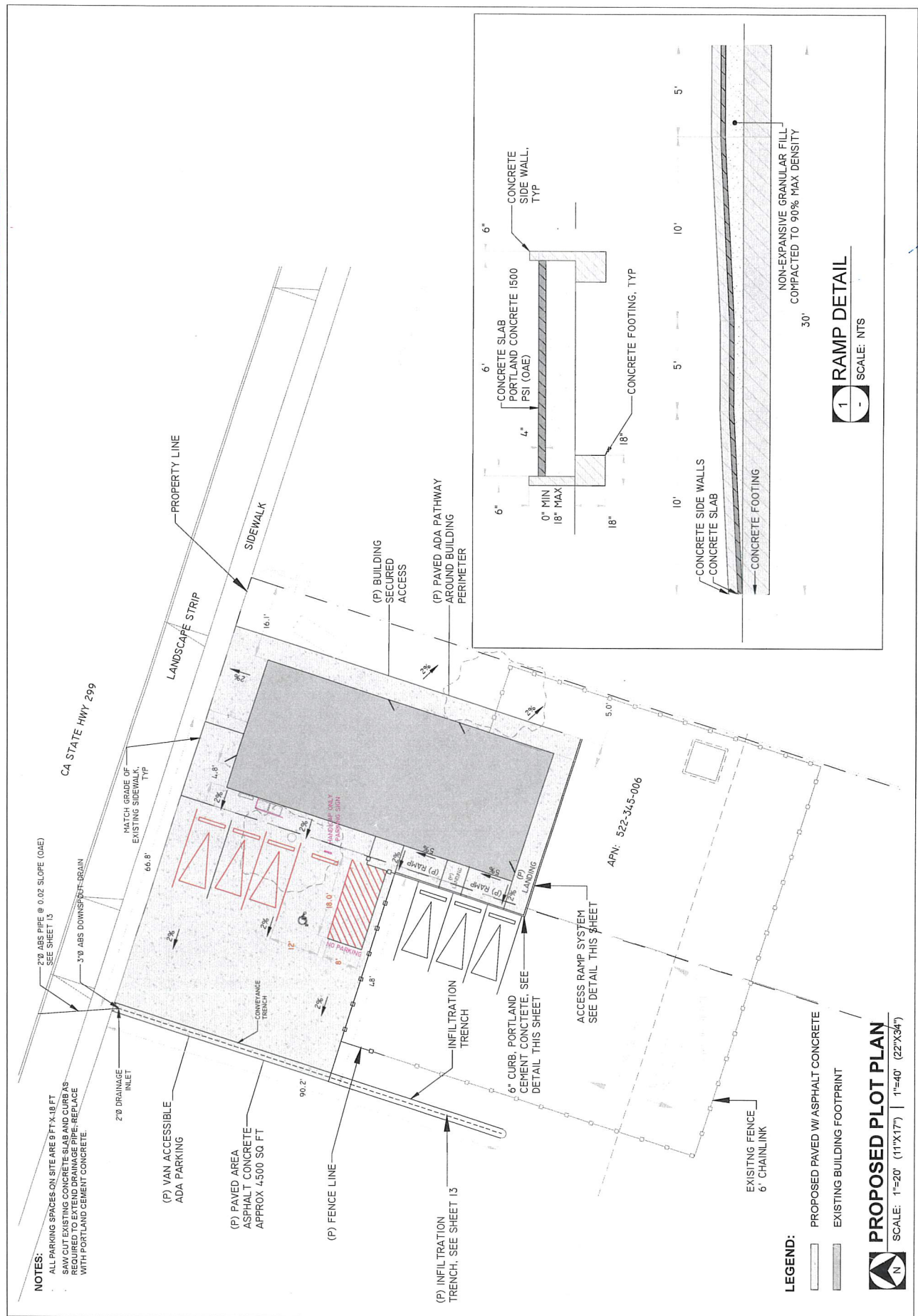
This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.

ZONING MAP
PROPOSED HUMBOLDT PRIVATE RESERVE, INC
WILLOW CREEK AREA
PLN-2019-16000
APN: 522-345-006; ET AL.
T07N R05E S33 HB&M (WILLOW CREEK)

N

0 337.5 675
Feet

REVISED



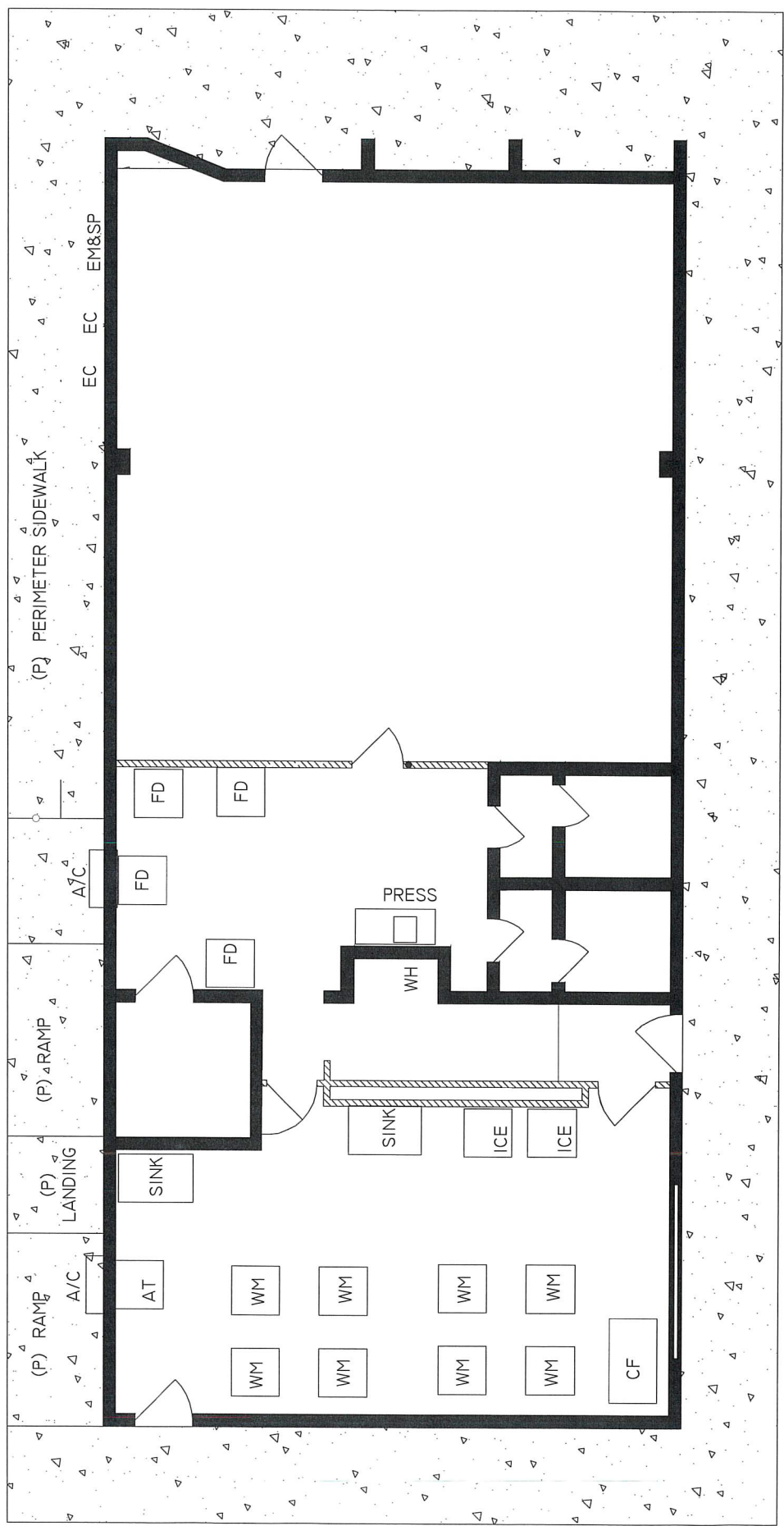
REVISED

Dec 0 7/20/19
DSS

FIRST FLOOR
(E) MANUFACTURING PREMISE

ATTACHMENT A
EQUIPMENT LAYOUT & SPECS

- EQUIPMENT SPECS:
- WM = WASHING MACHINE
FD = FREEZE DRYER
ICE = ICE MACHINE
AT = AGITATION TANK
CF = CHEST FREEZER
A/C = WINDOW UNITS
WH = WATER HEATER
EM&SP = ELECTRICAL METER & SERVICE PANEL
EC = ELECTRICAL CABINETS
- EQUIPMENT SPECS:
- ~ 2 HOSHIZAKI ICE MACHINES MODEL: HOSHIZAKI-515MWJ HOSHIZAKI (110V-120V)
 - ~ 8 GE WASHING MACHINES (110V-120V)
 - ~ 1 SHARPE MIXER IHP MODEL: SM62465 (110V-120V)
 - ~ 2 FLEXIBLE IMPELLER PUMP, "T-40" (110V-120V)
 - ~ 4 HARVEST RIGHT FREEZE DRYERS (110V-120V)
 - ~ T-SHIRT PRESS 14 X 16
 - ~ 4 AND/ OHAUS SCALES
 - ~ 18,000 BTU A/C
 - ~ 10,000 BTU A/C
 - ~ 7.0 CU. FT. CHEST FREEZER (115V)



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.

1. Building permits are required for all tenant improvements. The applicant must specify on the building plans the prior use of all tenant spaces in the building. All work done shall meet current Structural, Electrical, Plumbing and Mechanical Codes. Issuance of a building permit for the necessary tenant improvements, or written documentation from the Building Department that no building permits are required shall satisfy this condition.
2. The applicant shall secure approval from the Division of Environmental Health to discharge process waste to onsite wastewater treatment systems.
3. ~~Off-street parking and access aisles located on APNs 522-345-006 and 522-345-014 shall be improved with AC paving, Portland concrete surfacing, or other equivalent all-weather surface subject to the review and approval of the Planning Director in consultation with the Department of Public Works.~~

Development Restrictions

1. All components of project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, and these conditions of approval. Changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan.
2. Where feasible, new utilities shall be underground or sited unobtrusively if above ground.
3. The project shall address odor management by incorporating a ventilation/air filtration system which limits 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.
4. The approved project shall meet all applicable fire codes, including fire suppression infrastructure requirements deemed necessary for the project by the Building Inspection Division. Sign off on the Occupancy Permit by the Building Division shall satisfy this requirement.
5. 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.
6. 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.
7. The applicant shall execute an Affidavit for Non-diversion of Medical Cannabis on a form provided by the Planning Division.

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

1. The project shall be developed, operated and maintained in accordance with the project description, the Operating Plan, Security Plan, approved project site plan, and floor plan, including the supplemental information provided by the applicant on 10-20-2016 in Attachment 3. Hours of operation are limited to 9 am - 5 pm. Access to the rooms where commercial cannabis is present shall be restricted so that no one under the age of 18 is allowed entry. No on-site manufacturing, processing or packaging of medical cannabis is authorized by this permit. 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 utilize only manufacturing processes that are solventless, and do not involve the use of pressurized CO2.
 - B. The building used for cannabis activity shall meet all required fire, safety, and building code requirements in one or more of the following:
 - (1) The California Fire Code.
 - (2) The National Fire Protection Association (NFPA) standards.
 - (3) International Building Code (IBC).
 - (4) The International Fire Code (IFC).
 - (5) Other applicable standards, including complying with all applicable fire, safety, and building codes in processing, handling, and storage of solvents or gasses.
3. All new and existing outdoor lighting shall be compatible with the existing setting and directed within the property boundaries.
4. 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. 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 COA #9 above is subject to the laws and regulations effective at the time of renewal, which may be substantially different than the regulations currently in place and may require the submittal of additional information to ensure that new standards are met.
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.
16. The manufacturing operations shall use the following best management practices to ensure the safety of employees and the manufactured product:
 - A. Ensure that the space in which any Medical Marijuana product is to be manufactured is a fully enclosed room and clearly designated on the approved floor plan.
 - B. Ensure that all applicable sanitary rules are followed.
 - C. Ensure that the standard operating procedure includes, but need not be limited to, step-by-step instructions on how to safely and appropriately:
 - a. Conduct all necessary safety checks prior to commencing handling;
 - b. Prepare Medical Marijuana for manufacturing;
 - c. Clean all equipment, counters and surfaces thoroughly; and
 - d. Dispose of any waste produced during the manufacturing of Medical Marijuana in accordance with all applicable local, state and federal laws, rules and regulations.
 - D. Establish written and documentable quality control procedures designed to maximize safety for employees and minimize potential product contamination.
 - E. Establish written emergency procedures to be followed by employees in case of a fire, chemical spill or other emergency.
 - F. Have a comprehensive training manual that provides step-by-step instructions for manufacturing medical marijuana products on its Licensed Premises. The training manual shall include, but need not be limited to, the following topics:
 - a. All standard operating procedures used at that Licensed Premises;
 - b. The quality control procedures;
 - c. The emergency procedures for the Licensed Premises;
 - d. The appropriate use of any necessary safety or sanitary equipment;
 - e. The hazards presented by all chemicals and solvents used within the Licensed Premises as described in the material safety data sheet for each chemical and solvent;
 - f. Clear instructions on the safe use of all equipment involved in each process and in accordance with manufacturer's instructions, where applicable; and
 - g. Any additional periodic cleaning required to comply with all applicable sanitary rules.
 - G. Provide adequate training to every employee prior to that individual undertaking any step in manufacturing a Medical Marijuana product.
 - a. Adequate training shall include, but need not be limited to, providing a copy of the training manual for that Licensed Premises and live, in-person instruction detailing at least all of the topics required to be included in the training manual.
 - b. The individual training each employee shall sign and date a document attesting that all required aspects of training were conducted and that he or she is confident that the trainee can safely handle and distribute a Medical Marijuana product.
 - c. The employee that received the training shall sign and date a document attesting that he or she can safely implement all standard operating procedures, quality control procedures, and emergency procedures, operate all equipment, use all safety, sanitary and other equipment and understands all hazards presented by the chemicals and solvents to be used within the Licensed Premises and any additional period cleaning required to maintain compliance with all applicable sanitary rules.

- H. Maintain clear and comprehensive records of the name and signature of every individual who engaged in any step related to the manufacturing of any Medical Marijuana product and the step that individual performed.
17. Persons engaging in the manufacturing of any Medical Marijuana product shall:
- A. Be over 18 years of age.
 - B. Not have been convicted of a felony for the illegal possession for sale, sale, manufacture, transportation, or cultivation of a controlled substance; a violent crime, as specified in subdivision (c) of Section 667.5 of the Penal Code; a serious crime, as specified in subdivision (c) of Section 1192.7 of the Penal Code; or a crime involving fraud, deceit, or embezzlement
 - C. Ensure that all equipment, counters and surfaces used in the manufacturing of any Medical Marijuana product is food-grade including ensuring that all counters and surface areas were constructed in such a manner that it reduces the potential for the development of microbials, molds and fungi and can be easily cleaned.
 - D. Ensure that all equipment, counters, and surfaces used in the manufacturing of any Medical Marijuana product are thoroughly cleaned after the completion of each Production Batch.
 - E. Ensure that the appropriate safety or sanitary equipment, including personal protective equipment, is provided to, and appropriately used by, each person engaged in the manufacturing of any Medical Marijuana product.

Informational Notes:

1. If cultural resources are encountered during construction activities, the contractor on site shall cease all work in the immediate area and within a 50 foot buffer of the discovery location. A qualified archaeologist as well as the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

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.
4. 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.

ATTACHMENT 2

REQUIRED FINDINGS FOR APPROVAL

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 (Legal Lot Requirement) and 312-17.1 of the Humboldt County Code (Required Findings for All Discretionary Permits) specify the findings that are required to grant Special Permits:

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

1. The original Staff Report is attached and made findings of consistency with the previous Humboldt County General Plan Framework Plan (FWRK). However, the proposed development must be consistent with the new General Plan, Open Space Plan, and Open Space Action Program adopted October 17, 2017. The following table documents the substantial evidence which supports finding that the proposed development is in conformance with all applicable policies and standards of the 2017 Humboldt County General Plan, Open Space Plan, and Open Space Action Program.

Relevant Plan Section(s)	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Land Use Chapter 4 Land use Designations Section 4.8	Mixed-Use (MU): designation is intended for lands in central areas of urban communities where the presence of public utilities and a sufficient population base allows the development of pedestrian-oriented, mixed-use (commercial, office and residential) development. Primary and compatible uses include neighborhood commercial, retail sales and services, office and professional uses, and residential uses.	The applicant is proposing to modify the approved Special Permit's Condition of Approval #3 to remove requirement to deeded access and parking area on APN 522-345-014. The existing cannabis manufacturing facility was approved June 1, 2017 (Case NO. SP16-076/Application No 10687) and is located in an existing building. The approved use involves the use of water, ice and agitators, which can be considered a light manufacturing use. Only the rear portion of the existing building is used for this activity leaving the business frontage portion of the building available for pedestrian-oriented retail or professional uses. The existing use and proposed modification is consistent with the primary and compatible uses allowed within the MU designated areas. In addition, the parcel's C-2 zoning is intended to implement the MU designation, and the CMLUO and CCLUO specifies that C-2 is an appropriate zone district for manufacturing facilities.
Community Infrastructure and Services Chapter 5	Capacity of and sizing of road and drainage facilities in coordination with water and wastewater service providers shall be evaluated to determine adequacy for proposed land uses and discretionary development. (IS-P7)	Fire and water/sewer services are provided by the Willow Creek F.P.D. and C.S.D. Access is off of Highway 299, a public road. Access is provided by easement over the property to the west APN 522-345-014. The access is paved to the back of the sidewalk. The parking lot is gravel. The entire frontage of both parcels has curbs and sidewalks. The deeded access and graveled parking area on APN 522-345-014 is in working order, is not contributing erosional issues and can be considered an all-weather surface over which emergency vehicles can pass in all types of weather. As a result, the requirement to pave with concrete is not necessary.

Relevant Plan Section(s)	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Circulation Chapter 7	<p>Goals and policies contained in this Chapter relate to a balanced, safe, efficient, accessible and convenient circulation system that is appropriate for each type of unincorporated community (C-G1, C-G2); coordinated planning design, development, operations, and maintenance between the County and other transportation system service providers (C-G3); and access for all transportation mode types with improved opportunities to move goods within, into and out of Humboldt County. (C-G4, C-G5)</p> <p>Related policies: C-P3, Consideration of Transportation Impacts in Land Use Decision Making.</p>	The proposed modification does not affect transportation system providers.
Housing Chapter 8	<p>Goals and policies contained in this Element seek to identify existing and projected housing needs and establish goals, policies, standards and measures for the preservation, improvement, and development of housing.</p> <p>Related policies: H-P3, Development of Parcels in the Residential Land Inventory</p>	The existing building already houses a two-bedroom apartment on the second story. The site is not located in a Housing Opportunity Zone nor is it located in the 2014 Regional Housing Needs Assessment inventory. However, the project will not preclude any future residential development if in conformance with the general plan and zoning designations.

Relevant Plan Section(s)	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Conservation and Open Space Chapter 10</p> <p>Open Space Section 10.2</p>	<p>Goals and policies contained in this Chapter relate to an Open Space and Conservation Program that is complimentary to other agencies' plans and that preserves the county's unique open spaces (CO-G1,CO-G3)</p> <p>Related policies: CO-P1, Conservation and Open Space Program; CO-P8, Development Review, CO-S1. Identification of Local Open Space Plan, and CO-S2. Identification of the Open Space Action Program</p>	<p>The MU land use designation is not identified as an area intended to implement the Open Space Plan. The site has no waterways subject to Streamside Management and Wetlands Ordinance (SMAWO) regulations and although there is a mapped sensitive plant species, the proposed modification affects an existing graveled parking lot which is already highly disturbed. Although the project is within a Very High Fire Severity hazard area, the existing permitted building has appropriate fire suppression infrastructure and meets applicable fire codes. However, the project can be found consistent with the Open Space Plan Element and Open Space Action Program because the majority of the parcel has steep slopes and is heavily forested thus limiting potential development and preserving it as open space.</p>
<p>Biological Resources Section 10.3</p>	<p>Protect designated sensitive and critical resource habitats.</p>	<p>There is one mapped sensitive plant encompassing the entire Willow Creek community area but there are no known threatened or endangered species specifically identified on the project site. The parcel is fully developed and does not proposed any changes to the exterior of the building and seeks to remove a previous condition to pave the parking area on APN 522-345-006.</p>
<p>Cultural Resources Section 10.6</p>	<p>Goals and policies contained in this Chapter relate to the protection and enhancement of significant cultural resources, providing heritage, historic, scientific, educational, social and economic values to benefit present and future generations (CU-G1, Protection and Enhancement of Significant Cultural Resources)</p>	<p>The proposed modification is to modify a condition of approval to not pave parking on APN 522-345-014 and leave it as gravel which does not impact cultural resources.</p>
<p>Safety Element Chapter 14</p> <p>Fire Hazards</p>	<p>Goals and policies of this Chapter encourage development designed to reduce the risk of structural and wildland fires supported by fire protection services that minimize the potential</p>	<p>The parcel is in an area of Very High Fire Hazard rating. All applicable referral agencies previously provided comments have recommended approval of the project and have not identified any issues relating to hazards.</p>

Relevant Plan Section(s)	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Safety Element Chapter 14 Flooding	Goals and policies contained in this Chapter relate to the use of natural drainage channels and watersheds that are managed to minimize peak flows in order to reduce the severity and frequency of flooding. (S-G3)	The site is located in FEMA Flood Map 06023C, Firm Panel 06023C0275F, Zone D which specifies that there are possible but undetermined flood hazards because no analysis has been conducted and flood insurance is not required. However, the northern portion of the parcel and existing building is located in a mapped Dam Failure Inundation Area due to being located downstream from the Trinity/Lewiston Dam. A Dam Failure Contingency Plan has been developed and was added to the County of Humboldt's Emergency Operations Plan in June 2016 and the applicant has been made aware for such plan.
Safety Element Chapter 14 Geologic & Seismic	Goals and policies contained in this Chapter relate to communities that are designed and built to minimize the potential for loss of life and property resulting from natural and manmade hazards; and to prevent unnecessary exposure to areas of geologic instability, floodplains, tsunami run-up areas, high risk wildland fire areas, and airport areas planned and conditioned to prevent unnecessary exposure of people and property to risks of damage or injury. (S-G1, S-G2) Related policies: S-P11, Site Suitability; and S-P7, Structural Hazards.	Geologic hazard maps show the parcels have moderate stability. The northern portion (front) of the project site where the development is located is flat with a slope of less than 1%. The southern portion of the site (back) has slopes greater than 50% and is heavily forested but no development is located in that location. Since no new exterior construction is proposed, no soils report is required. Additionally, the site is located in Geologic Unit BC per mapping from the National Earthquake Hazards Reduction Program (NEHRP). Lands in Unit BC are not expected to amplify ground shaking due to presence of rock (B) and very dense soil and soft rock (C).

2. The proposed development is consistent with the purposes of the existing zone in which the site is located. The original staff report is attached and demonstrates consistency with the Zoning Code at the time of its approval and this modification does not alter those findings or render the project inconsistent with any Zoning Code updates adopted after the original approval ; 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.

Zoning Section	Summary of Applicable Requirement	Evidence
§314-2.2 Community Commercial §314-55.4.8.4	The C-2 zone allows heavy commercial uses, such as automobile repair, but does not specifically allow light	The proposed project is a modification of an approved Special Permit for a cannabis manufacturing facility using a non-volatile, non-pressurized extraction process that

Zoning Section	Summary of Applicable Requirement	Evidence
§314-55.4.8.5	manufacturing. However, in the Cannabis Medical Marijuana Land Use Ordinance, Cannabis processing and manufacturing is allowed in the C-2 zone district with a Special Permit.	involves ice, water and agitators. The proposed cannabis manufacturing use is specifically allowed with a Special Permit in this zone district under Section 314-55 of the Humboldt County Code.
Development Standards		
Minimum Lot Area:	2,000 sq. ft.	The subject parcel is approximately 20,000 square feet.
Max. Lot Coverage:	50%	Less than 15%
Min. Yard Setbacks (through the SRA requirements):	The parcel is within the mapped State Responsibility Area and 30 foot setbacks to all property lines are required.	The existing facility occurs within an existing permitted structure that was permitted within one foot of the west and north property lines, and within five feet of the east property line. The rear yard setback is more than 30 feet.
Max. Building Height:	75 feet	30 feet
§314-109.1.3.3: Off-Street Parking:	<p>Manufacturing: The higher of one space for 1,500 square feet of gross floor area or one parking space per employee at peak shift. A minimum of two parking spaces are required.</p> <p>One 60' x 10' loading space is required per every 20,000 square feet or portion thereof.</p>	<p>The proposal is for approximately 800 square feet of manufacturing with three employees. More than 10 spaces are provided on-site, and within a recorded easement on the adjacent parcel to the west APN 522-035-014. Because the parcel is located in an urban area the surface of the parking area and access aisles shall be paved or otherwise improved to an all-weather surface.</p> <p>Area for one loading space is provided within the recorded easement on the adjacent parcel to the west APN 522-035-014.</p>

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 a industrial use) and MH, subject to a Special Permit and the conditions and limitations set forth in this Section.	The proposed project will: 1. Receive deliveries from regional cannabis farmers; 2. Manufacture extracts using solvent-less extraction methods; 3. Make available medical cannabis products to dispensaries throughout the state. The subject property is correctly zoned, C-2 Community Commercial, 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 has not applied for any other cannabis activity permits, and is entitled to four.
§314-55.4.10 Application Requirements	Identifies the Information Required for All Applications	Attachment 3 identifies the information submitted with the application, and shows all the required information was received.
§314-55.4.11 Performance Standards	Identifies the Performance Standards for Cannabis 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 in July, 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.	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.
§15301 of CEQA Guidelines	Categorically exempt from State environmental review.	The project has been determined to be exempt from CEQA pursuant to Sections

		<p>15301 – Existing Facilities of the Guidelines for the Implementation of CEQA. Section 15301 exempts from environmental review the operation, repair maintenance, permitting, licensing, or minor alteration of existing private structures or facilities where involving negligible or no expansion of use. The proposed development will occupy one existing structure of approximately 3,000 sq. ft. Only 800 square feet of the building is proposed for manufacturing use, the other parts of the building are not proposed to be used. No use of flammable solvents for manufacturing marijuana concentrate is proposed. The project site is an urbanized area served by community water and on-site sewer. The proposed use within the existing building will not result in any significant adverse impact on the environment as the lot is approximately 20,000 square feet in size and the proposed use will occupy approximately 800 square feet.</p>
--	--	---

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 operation of a manufacturing facility on lands designated "Commercial Services" (CS) and zoned C-2 Community Commercial. 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

- Application Form [on file]
- Organizational Documents [on file]
- Grant Deed [on file]
- Applicant letter Request for Modification to Condition of Approval #3 {attached}
- Plot Plans

Barron Lutz
Humboldt Private Reserve, Inc.
39136 State Highway 299
CA, 95573

APN: 522-345-006
Permit application number 10687

Exception of Parking Condition for Humboldt Private Reserve, Inc.

This letter is in regards to an exception to Condition 3 on the CUP issued to Humboldt Private Reserve approved by the Planning Commission on 6-1-2017. The condition states:

"Off-street parking and access aisles located on APNs 522-345-006 and 522-345-014 shall be improved with AC paving, Portland concrete surfacing, or other equivalent all-weather surface subject to the review and approval of the Planning Director in consultation with the Department of Public Works".

APN 522-345-014 is owned by Roger Brown. APN 522-345-006 is owned by HPR and has a "nonexclusive easement for ingress, egress and parking purposes" in our title deed over Roger's property. Roger is currently disputing our right to do the improvements set forth in Condition 3.

During our meeting on 8/26/2019, the HCBPD agreed to exempt and retract the parking conditions previously issued under the Conditional Use Permit (CUP) dated 6/1/2017. This decision has been made due to us being denied our right to develop and park on APN:522-345-014 .

HCBPD has made off site parking for this project contingent on Humboldt Private Reserve providing a Parking Survey of available offsite Parking in Downtown Willow Creek by September 15th, 2019. It is our belief that Willow Creek has ample street parking for the needs of our Project and Building.

This letter shall serve as a request for, and confirmation of, the willingness of the HCPD to remove condition #3 of the CUP contingent on a satisfactory parking survey.

The specifics of our Parking needs are 3 full time employees. We already have 2 Tandem Parking spaces on the East side of the building that are used by the Residential unit on the second floor.

Please promptly convey any comments or I will assume we are in agreement.

Sincerely,



Barron Lutz Owner, Humboldt Private Reserve

Barron Lutz
Humboldt Private Reserve, Inc.
39136 State Highway 299
CA, 95573

APN: 522-345-006
Permit application number 10687

Maintaining Humboldt Private Reserve, Inc.
State Cannabis Permit During Construction

This letter is to summarize the agreement reached between John Ford and myself on 8/26/2019.

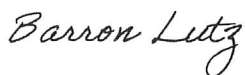
The agreement was as follows:

1. Humboldt County Building and Planning Department considers Humboldt Private Reserve's license to operate its Cold Water Hash manufacturing facility located at 39136 State Highway 299 CA, 95573 (the "Property") in good standing locally as of now and moving forward provided that the following steps are taken to complete ADA improvements on or before December 31st, 2019:
 - a) An approved Building Plan; and
 - b) Commencement of construction
 - c) All Cannabis materials and Drying Equipment are removed/disabled by September 13th
2. The HCBPD has agreed to exempt and retract the parking conditions previously issued under the Conditional Use Permit (CUP) dated 6/1/2017 for the Property. This will allow for off site parking at the Property.
3. Our Timeline is as follows:
 - Approved Building Plan by September 9th, 2019
 - Completed Construction by December 9th, 2019
 - Occupancy Certificate by December 31st, 2019

We are grateful to the HCBPD for its recognition to our successful completion of other conditions and recognition of the additional time and costs to renovate an older building into ADA compliance.

Please promptly convey any comments or I will assume we are in agreement.

Sincerely,



Barron Lutz
Owner, Humboldt Private Reserve