



# COUNTY OF HUMBOLDT

## Legislation Details (With Text)

**File #:** 22-1591      **Version:** 1      **Name:**  
**Type:** Zoning Item      **Status:** Consent Agenda  
**File created:** 11/23/2022      **In control:** Planning Commission  
**On agenda:** 12/1/2022      **Final action:**  
**Title:** The Apartment, LLC Permit Extension  
 Assessor Parcel Numbers (APN) 211-363-012 & 211-362-013  
 Record No.: PLN-2022-17971  
 Miranda area

A two-year extension for an approved permit (PLN-2020-16774). Original permit includes a Special Permit for Non-Flammable Manufacturing, and Infusion, two Zoning Clearance Certificates for Distribution and Offsite Site Processing activities. The project also involved a Conditional Use Permit for the use of a non-paved access road without a centerline stripe per Sections 314-55.4.7.3 and 314-554.8.2.3 Locational Criteria, and an additional Conditional Use Permit for a new 5,120-square-foot boarding house (labor camp) for employee housing in the AG zone. No changes to the approved project are proposed. If approved, the extension will expire November 5th, 2024.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. 17971 The Apartment Staff Report 12.01.22, 2. Attachment 1 - Draft Resolution, 3. Attachment 1A - Original Conditions of Approval, 4. Attachment 1B - Cultivation Operations Plan, 5. Attachment 1C - Site Plan, 6. Attachment 2 - Location Map

Date	Ver.	Action By	Action	Result
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**To:** Planning Commission  
**From:** Planning and Building Department  
**Agenda Section:** Consent

**SUBJECT:**

The Apartment, LLC Permit Extension  
 Assessor Parcel Numbers (APN) 211-363-012 & 211-362-013  
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**RECOMMENDATION(S):**

That the Planning Commission:

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 part of the Consent Agenda; and
4. Adopt the resolution (Resolution 22-\_\_). (Attachment 1) which does the following:
  - a. Finds that the Planning Commission has made all of the required findings for approval of the Extension based on the evidence in the staff report and approves the Apartment LLC Special Permit, Zoning Clearance Certificates, and Conditional Use Permit extensions subject to the original conditions.
  - b. Finds that per §15164 of the State CEQA Guidelines, the Planning Commission previously approved an Addendum to the Environmental Impact Report prepared for the Commercial Cannabis Land Use Ordinance (CCLUO / SCH# 2017042022) during prior consideration and approval of the project (PLN-2020-16774) and further environmental review is unnecessary as no changes to the project are proposed.

**DISCUSSION:**

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

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

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

**Environmental Review:** An Addendum to a previously adopted Environmental Impact Report was prepared and adopted for the original project per §15164 of CEQA Guidelines.

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

**Major concerns:** None

**Executive Summary:** The current project is a two-year extension for an approved permit (PLN-2020-16774). Original permit includes a Special Permit for Non-Flammable Manufacturing, and Infusion, two Zoning Clearance Certificates for Distribution and Offsite Site Processing activities. The project also involved a Conditional Use Permit for the use of a non-paved access road without a centerline stripe per Sections 314-55.4.7.3 and 314-554.8.2.3 Locational Criteria, and an additional Conditional Use Permit for a new 5,120-square-foot boarding house (labor camp) for employee housing in the AG zone. No changes to the approved project are proposed. If approved, the extension will expire November 5th, 2024.

**Conditional Use Permits:** The property is accessed via Barnum Road from Dyerville Loop Road. The originally approved project involved a Conditional Use Permit for the use of a non-paved access road without a centerline stripe per Sections 314-55.4.7.3 and 314-554.8.2.3 Locational Criteria, which state that Cannabis Support Facilities, and Manufacturing (respectively) shall be located on roads that are paved with a centerline stripe, or paved meeting the Category 4 standard. Exceptions may be considered with a Conditional Use Permit. Where an exception is sought, the Use Permit application shall include an evaluation of the local road network and

relevant segments prepared by a licensed engineer. The engineers report shall include substantial evidence to support a finding that standards for the protection of public health and safety, including fire safe road access, capacity to support anticipated traffic volumes, water quality objectives, and protection of habitat can be met. The applicant submitted a Road Evaluation Report prepared by Omsberg & Preston dated September 21, 2021. The report concluded Dyerville Loop Road, a County maintained road, is maintained along the gravel section, is of adequate width to support the proposed development, and meets the intent of the County's Category 4 Road Standards. The road was found to have an 18 to 25-foot travel way throughout, with adequate turnout placement and distribution. The one (1) neck-down point observed was found to have intervisible site distance on approach from either direction. The report also concluded no threat to biological resources and water quality along the unpaved portion of Dyerville Loop Road was observed, therefore, no improvements were recommended.

The applicant proposed to develop one (1) 5,120-square-foot boarding house (labor camp) for employee housing and one 1,280-square-foot employee break room. The applicant also proposed to utilize one (1) existing 1,120-square-foot boarding house. The employee housing is intended to allow for less road use and provide additional parking areas for the full-time employees. The originally proposed boarding house is an allowable use under Section 317-7.1 of the Humboldt County Code with a Conditional Use Permit. The Department of Environmental Health commented Processing activities must be supported by an approved onsite wastewater treatment system. The applicant was conditioned to obtain a permit for, and install, an approved onsite wastewater treatment system to support the proposed facilities.

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

Zoning Clearance Certificates: Two Zoning Clearance Certificates for Distribution and Offsite Site Processing activities were also approved under the original project. Distribution activities will occur in a 6,000-square-foot area within a proposed 12,000-square-foot structure. There will be ten (10) employees required for distribution activities. The hours of operation will be from 5am to 5pm.

Processing activities will occur in a 6,000-square-foot area within a proposed 12,000-square-foot structure. There will be five (5) full time employees and fifteen (15) seasonal employees required for processing activities. The hours of operation will be from 9am to 9pm. Shipping and receiving activities will be limited to 10am to 4pm.

Original Project Approval: The two Conditional Use Permits, Special Permit, and two Zoning Clearance Certificates under the original project were found to comply with the required findings for all permits. All project components are in conformance with the County General Plan, Open Space Plan, and Open Space Action Program. All project components are consistent with the purposes of the existing zone in which the site is located. All project components are in conformance with applicable standards and requirements of the Humboldt County Code. Proposed development and conditions under which it will be operated will not be detrimental to public health, safety, welfare, or materially injurious to properties or improvements in the vicinity. The proposed development does not reduce residential density for the parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.

Required Findings for Extension: The project meets the required findings pursuant to HCC §312-11.3.1-2. The development has not changed from that for which the original permit was granted; and the findings made when the permit was granted can still be made.

ALTERNATIVES TO STAFF RECOMMENDATIONS:

1. The Planning Commission could elect not to approve the extension however circumstances and conditions have not changed substantially since the original approval of the project. Consequently, Planning staff does not recommend further consideration of any alternative.

ATTACHMENTS:

1. Draft Resolution
  - A. Original Conditions of Approval
  - B. Cultivation Operations Plan
  - C. Site Plan
2. Location Map

Owner

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