

COUNTY OF HUMBOLDT

PLANNING AND BUILDING DEPARTMENT CANNABIS SERVICES DIVISION

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

Applicant

MCMP LLC PO Box 1006 Eureka, CA 95502 Owner

Mercer Fraser Company PO Box 1006 Eureka, CA 95502 Agent

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

Date: January 23, 2018 Note by: Ethan Amezcua

NOTE TO FILE

RE: Correction to Decision Letter Permit Application No.: 10244

APN: 504-161-010 Case No.: SP16-015

The original decision letter you received had the wrong last date to appeal by and is a Scrivener's Error. Please refer to the corrected decision letter with changes marked in **RED**.



CURRENT PLANNING DIVISION PLANNING AND BUILDING DEPARTMENT COUNTY OF HUMBOLDT

3015 H Street, Eureka, CA 95501 Phone (707) 445-7541 • Fax (707) 268-3792 http://www.humboldtgov.org/156

Applicant
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Fureka, CA 95502

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Eureka, CA 95502

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

CORRECTED Notice of Planning Commission Decision

Date:

January 18, 2018

Assessor Parcel Number:

504-161-010

Apps No.

10244

Permit:

SP-16-015

Contact:

Michelle Nielsen - 268-3708

Description

MCMP, LLC, Glendale area; Application Number 10244 (filed February 26, 2016); Case Numbers SP16-015, ZR16-001; Assessor Parcel Number (APN) 504-161-010. A Zone Reclassification (ZR) to change the zoning of APN 504-161-010 from Agriculture General (AG) to Heavy Industrial with a Qualified combining zone (MH-Q) in order to implement the General Plan land use designation of Industrial, Resource Related (IR). The proposed zoning change will also better reflect the existing use of the property as Mercer Fraser Company's gravel yard and concrete batch plant operations. Also a Special Permit to develop and operate a cannabis products manufacturing facility of approximately 5,000 square feet in size. The facility will produce medical cannabis products using both nonvolatile and volatile solvents. According to the applicant's plan of operation, the facility may operate 24 hours a day during peak season, and will have a maximum of four (4) full time employees. The facility will not be open to the general public and will not accept visitors. Water is provided by an on-site well and the applicant will develop an onsite septic system to serve the new facility and appurtenant on-site parking facilities. The Zone Reclassification to change the principal zoning of the property from Agriculture General (AG) to Heavy Industrial (MH) must be approved by the Board of Supervisors before the Special Permit for cannabis manufacturing is effective because cannabis activities are allowed on properties zoned MH, but they are not allowed on properties zoned AG.

Decision

The project was approved by the Planning Commission on January 11, 2018 Resolution 18-02 and is subject to the attached Conditions of Approval.

by

Appeals

This project may be appealed by any aggrieved person within **10 working** days. The last day to appeal to the Board of Supervisors is 5:00 p.m. on **January 26, 2018**. Information regarding appeals is included with this notice.

Conditions of Approval

Please review these conditions carefully as other permits may be required before the project commences. In accordance with County Code, this approval may be revoked or rescinded, in whole or in part, if certain grounds are found to exist (See Humboldt County Code §312-14).

Effective Date

If no appeal is initiated, the day after all appeal periods end will become the effective date of the permit. If an appeal has been initiated the effective date will depend on the outcome of the appeal.

Expiration Date

You will receive an expiration letter stating the effective date and the expiration date at the end of the appeal period.

Extensions

If the conditions for your project cannot be met before the expiration date, you may apply for an extension with the Planning Division. Extension applications must be submitted with the appropriate fees before the permit expiration date. If the permit expires, a new permit application must be filed and accompanied by applicable fees. The new permit may be subject to different processing requirements and standards. Contact your assigned planner if you have any questions about extensions.

Changes or Modifications to Project

If your project needs minor changes or major modifications, review and approval of the project by the Planning Division is required. Applications for changes or modifications must be filed and accompanied by applicable fees. Contact your assigned planner if you think your project needs to be changed or modified.



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Agent
Lenders Construction Services LLC
Attn.: Jeff Smith
PO Box 6218

Eureka, CA 95502

Notice of Planning Commission Recommendation

Date:	January 18, 2018 .		
Assessor Parcel Number:	504-161-010	Apps No.	10244
Permit:	ZR-16-001 and SP-16-015		
Contact:	Michelle Nielsen - 268-3708		

Description

MCMP, LLC, Glendale area; Application Number 10244 (filed February 26, 2016); Case Numbers SP16-015, ZR16-001; Assessor Parcel Number (APN) 504-161-010. A Zone Reclassification (ZR) to change the zoning of APN 504-161-010 from Agriculture General (AG) to Heavy Industrial with a Qualified combining zone (MH-Q) in order to implement the General Plan land use designation of Industrial, Resource Related (IR). The proposed zoning change will also better reflect the existing use of the property as Mercer Fraser Company's gravel yard and concrete batch plant operations. Also a Special Permit to develop and operate a cannabis products manufacturing facility of approximately 5,000 square feet in size. The facility will produce medical cannabis products using both nonvolatile and volatile solvents. According to the applicant's plan of operation, the facility may operate 24 hours a day during peak season, and will have a maximum of four (4) full time employees. The facility will not be open to the general public and will not accept visitors. Water is provided by an on-site well and the applicant will develop an onsite septic system to serve the new facility and appurtenant on-site parking facilities. The Zone Reclassification to change the principal zoning of the property from Agriculture General (AG) to Heavy Industrial (MH) must be approved by the Board of Supervisors before the Special Permit for cannabis manufacturing is effective because cannabis activities are allowed on properties zoned MH, but they are not allowed on properties zoned AG.

Decision

The Planning Commission recommended the approval of the project on January 11, 2018 by Resolution 18-03 and is subject to the attached **REVISED** Conditions of Approval.

Conditions of Approval

Please review these conditions carefully as some, or all, of the **REVISED** Conditions of Approval must be completed prior to scheduling a date for the project to be heard by the Board of Supervisors. Other permits may be required before the project commences. <u>In accordance with County Code, this approval may be revoked or rescinded, in whole or in part, if certain grounds are found to exist (See Humboldt County Code §312-14).</u>

Date of hearing before the Board of Supervisors

Upon completion of the required conditions in the **REVISED** Conditions of Approval, a date will be set for this item to be heard before the Board of Supervisors.



CURRENT PLANNING D SION PLANNING AND BUILDING DEPARTMENT COUNTY OF HUMBOLDT

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Notice of Planning Commission Decision

Date:

January 18, 2018

Assessor Parcel Number:

504-161-010

Apps No.

10244

Permit:

SP-16-015

Contact:

Michelle Nielsen - 268-3708

Description

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Decision

The project was approved by the Planning Commission on January 11, 2018 Resolution 18-02 and is subject to the attached Conditions of Approval.

by

Appeals

This project may be appealed by any aggrieved person within 10 working days. The last day to appeal to the Board of Supervisors is 5:00 p.m. on January 25, 2018. Information regarding appeals is included with this notice.

Conditions of Approval

Please review these conditions carefully as other permits may be required before the project commences. In accordance with County Code, this approval may be revoked or rescinded, in whole or in part, if certain grounds are found to exist (See Humboldt County Code §312-14).

Effective Date

If no appeal is initiated, the day after all appeal periods end will become the effective date of the permit. If an appeal has been initiated the effective date will depend on the outcome of the appeal.

Expiration Date

You will receive an expiration letter stating the effective date and the expiration date at the end of the appeal period.

Extensions

If the conditions for your project cannot be met before the expiration date, you may apply for an extension with the Planning Division. Extension applications must be submitted with the appropriate fees before the permit expiration date. If the permit expires, a new permit application must be filed and accompanied by applicable fees. The new permit may be subject to different processing requirements and standards. Contact your assigned planner if you have any questions about extensions.

Changes or Modifications to Project

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ATTACHMENT 1

REVISED CONDITIONS OF APPROVAL

APPROVAL OF THE SPECIAL PERMIT IS CONDITIONED ON THE FOLLOWING TERMS AND REQUIREMENTS WHICH MUST BE SATISFIED.

- 1. The applicant shall submit an amendment to the approved Reclamation Plan for Special Permit Application No. SP 26-88. The applicant shall secure all necessary approvals for the Reclamation Plan amendment prior to commencing any ground disturbance necessary to initiate the development of this facility, including any associated infrastructure. The Reclamation Plan shall consider potential changes to lighting and glare, and noise levels that may occur when mining operations enter the reclamation phase.
- 2. The applicant shall secure a grading permit prior to commencing any ground disturbance. The grading permit shall be prepared by a qualified professional engineer. The plan shall identify the cubic yards of all proposed grading and shall incorporate the erosion control measures listed below. The applicant shall be responsible for implementing the erosion control measures.
 - A. Minimize soil exposure during the rainy season by proper timing of grading and construction;
 - B. Retain natural vegetation where feasible;
 - C. Vegetate and mulch denuded areas to protect them from winter rains;
 - D. Divert runoff from steep denuded slopes and critical areas with barriers or ditches;
 - E. Minimize length and steepness of slopes by benching, terracing, or constructing diversion structures:
 - F. Trap sediment-ladened runoff in basins to allow soil particles to settle out before flows are released to receiving waters; and
 - G. Inspect sites prior to significant rain events to ensure control measures are working properly and correct problems as needed.
- 3. The applicant shall secure permits for all structures related to the commercial cannabis activity. The plans submitted for building permit approval shall be consistent with the project description and approved project site plan. A letter or similar communication from the Building Division verifying that all structures related to the cannabis cultivation are permitted will satisfy this condition.
- 4. Applications for grading and building permits shall be referred to the North Coast Air Quality Management District (NDCAQMD) for review and consultation. Dust control practices during grading and construction shall achieve compliance with NCAQMD fugitive dust emission standards.
- 5. The approved building plans shall meet all applicable fire codes, including fire suppression infrastructure requirements deemed necessary for the project by the Building Inspection Division. Sign off on the Occupancy Permit by the Building Division shall satisfy this requirement.
- 6. The applicant shall secure all necessary approvals and permits from the Division of Environmental Health and the Regional Water Quality Control Board for the on-site sewage disposal system, Hazmat, and solid waste prior to the issuance of the building permit. A letter

from those agencies indicating approval has been issued will satisfy this condition.

- 7. All repositioned stockpiles or berms, either in their entirety or partially, shall be replaced in-kind with similar earthworks, or structures, to maintain and attenuate noise and aesthetic impacts associated with the mining and processing operation. The Building Permit application for the development of the manufacturing facility shall include plans prepared by a qualified professional engineer that demonstrate the replacement earthworks or structures provide equivalent noise attenuation and aesthetic buffering as the existing berm/stockpile that is to be relocated for the review and approval of the Planning Director. The earthwork plans shall incorporate the General Plan sedimentation and erosion control measures in specified in standard WR-S13. The approved earthworks shall be developed the prior to occupancy of the manufacturing facility.
- 8. The applicant shall submit a site plan drawn to scale and meeting the requirements of Building Inspection's Plot Plan Checklist for the review and approval of the Planning Director. The site plan shall show
 - a) Compliance with the setbacks of the Heavy Industrial (MH) zone.
 - b) Location of easements of record.
 - c) Adequate off-street parking, including the location of the dedicated 10 foot by 60 foot loading space.
 - d) Compliance with emergency vehicle access requirements as per the Humboldt County Code Section 3111 et seq. (Fire Safe Regulations)
 - e) Landscaping Plan if the parking facility contains 5 or more vehicles as required by the General Plan Standard Section UL-S5.
- 9. The applicant shall install security fencing at the perimeter of the manufacturing facility. The fencing shall be compatible with the surrounding uses and buffer the visibility of the manufacturing facility by the fence's design and/or use of landscaping. Plant materials used for landscaping shall be non-invasive and shall not be pyrophytic.
- 10. The applicant shall post notices on the project site regarding potential of flooding from the failure of Ruth Dam in a major seismic event. The content of the notices are to include maps showing the inundation areas and location of evacuation routes. The premises shall be equipped with radio receivers (preferably battery-operated) capable of receiving emergency broadcasts and instructions. The owners and employees of the proposed facility will monitor such information during flood warning and respond accordingly.
- 11. The applicant shall secure a building permit prior to installing signage for the commercial cannabis manufacturing facility. The signage plan shall be subject to the review and approval of the Planning Director. Signage shall be compatible and not distract from the surrounding uses in the area.
- 12. The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency (CUPA) requirements regarding hazardous materials. A written verification of compliance shall be required before any provisional permits may be finalized. Ongoing proof of compliance with this condition shall be required at each annual inspection in order to keep the permit valid.
- 13. The applicant is responsible for receiving all necessary permits and/or approvals from other state and local agencies.

14. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will provide a bill to the applicant after the decision. Any and all outstanding Planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.

*15.The applicant shall install a double check value system to the existing well to prevent backflow.

*16. Alcohol stored on the project site shall not exceed fifty (50) gallons.

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

- The project shall be developed, operated and maintained in accordance with the project description, the Operating Plan, Security Plan, approved project site plan, approved Visitor Serving Operations Plan, and floor plan. Access to the rooms where commercial cannabis is present shall be restricted so that no one under the age of 21 is allowed entry. Changes to the project except for Minor Deviations to the Plot Plan as provided in Section 312-11.1, shall require Modification of this permit.
- 2. All materials used for the manufacturing of commercial medical cannabis shall be stored inside the manufacturing facility.
- 3. Consistent with Section 11362.775 of the Health and Safety Code, until or unless amended, all manufacturing operations shall comply with the following standards:
 - A. Operations consist of either or both of the following:
 - (1) Use only manufacturing processes that do not involve the use of volatile compounds such as butane. (Alcohol may be used as a solvent.); and/or.
 - (2) Use only manufacturing processes that use solvents exclusively within a closed-loop system that meets all the following requirements:
 - a. The system is designed to recapture and contain solvents during the manufacturing process, and otherwise prevent the off-gassing of solvents into the ambient atmosphere to mitigate the risks of ignition and explosion during the manufacturing process.
 - b. A licensed engineer certifies that the system was commercially manufactured, safe for its intended use, and built to codes of recognized and generally accepted good engineering practices, including, but not limited to, the American Society of Mechanical Engineers (ASME), the American National Standards Institute (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM), or OHSA Nationally Recognized Testing Laboratories (NRTLs).
 - c. The system has a certification document that contains the signature and stamp of a professional engineer and the serial number of the extraction unit being certified.
 - d. All volatiles shall be disposed at a facility licensed accept such materials, and in accordance with State and County regulations.
 - B. The building used for cannabis activity shall meet all required fire, safety, and building code requirements in one or more of the following:
 - (1) The California Fire Code.
 - (2) The National Fire Protection Association (NFPA) standards.
 - (3) International Building Code (IBC).
 - (4) The International Fire Code (IFC).

- (5) Other applicable standards, including complying with all applicable fire, safety, and building codes in processing, handling, and storage of solvents or gasses.
- 4. All new and existing outdoor lighting shall be compatible with the existing setting and directed within the property boundaries.
- 5. Commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the Humboldt County Commercial Medical Marijuana Land Use Ordinance (CMMLUO), as may be amended from time to time, as applicable to the permit type.
- 6. Possession of a current, valid required license, or licenses, issued by any agency of the State of California in accordance with the MAUCRSA, as may be amended from time to time, and regulations promulgated thereunder, as soon as such licenses become available.
- 7. Possession of a current, valid permit or license, issued by the Humboldt County Department of Health and Human Services-Environmental Health Division, as soon as such permits or licenses become available.
- 8. All persons hiring employees to engage in commercial processing of medical cannabis shall comply with the following Employee Safety Practices:
 - A. Implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:
 - 1) Emergency action response planning as necessary;
 - 2) Employee accident reporting and investigation policies;
 - 3) Fire prevention;
 - 4) Hazard communication policies, including maintenance of material safety data sheets (MSDS);
 - 5) Materials handling policies;
 - 6) Job hazard analyses; and
 - 7) Personal protective equipment policies, including respiratory protection.
 - B) Visibly post and maintain an emergency contact list which includes at a minimum:
 - 1) Operation manager contacts;
 - 2) Emergency responder contacts;
 - 3) Poison control contacts.
 - C) At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations. Plumbing facilities and water source must be capable of handling increased usage without adverse consequences to neighboring properties or the environment.
- 9. Odors shall be contained on the property on which the Cannabis activity is located. To implement this requirement air filtration and ventilation equipment is to be maintained in good working condition and monitored on an on-going basis to limit potential adverse odor emission impacts to employees and/or properties located in the vicinity. If the County receives any odor complaints, the permit holder shall work with the Building Official to correct odor concerns.
- 10. Permit Duration. The Permit shall be valid for one year from the effective date of approval, and on the anniversary date of such effective each year thereafter, unless an annual compliance inspection has been completed and the permit has been found to comply with all conditions of approval. In the event the inspection finds noncompliance, a written notification of shall be provided to the permit holder identifying the items not in compliance and the action the permit holder may take to cure the noncompliance. Failure to cure the noncompliance shall

result in termination of the permit. The process of notification, re-inspection and appeal of any noncompliance determination shall be as set forth in sections 55.4.1.2.2 and 55.4.13 of the CMMLUO.

- 11. 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. The operation shall participate in the Medical Cannabis Track and Trace Program administered by the Humboldt County Agricultural Commissioner, when available.
- 15. 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. Emergency procedures shall be written and stamped by an industrial hygiene engineer.

 Establish written emergency procedures to be followed by employees in case of a fire, chemical spill or other emergency.

- F. Have a comprehensive training manual that provides step-by-step instructions for manufacturing medical marijuana products on its Licensed Premises. The training manual shall include, but need not be limited to, the following topics:
 - a. All standard operating procedures used at that Licensed Premises;
 - b. The quality control procedures;
 - c. The emergency procedures for the Licensed Premises;
 - d. The appropriate use of any necessary safety or sanitary equipment;
 - e. The hazards presented by all chemicals and solvents used within the Licensed Premises as described in the material safety data sheet for each chemical and solvent;
 - f. Clear instructions on the safe use of all equipment involved in each process and in accordance with manufacturer's instructions, where applicable; and
 - g. Any additional periodic cleaning required to comply with all applicable sanitary rules.
- G. Provide adequate training to every employee prior that to that individual undertaking any step in manufacturing a Medical Marijuana product.
 - <u>*</u>a. Adequate training shall include, but need not be limited to, <u>drills at least every quarter per year</u>, 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.
- 16. Persons engaging in the manufacturing of any Medical Marijuana product shall:
 - A. Be over 21 years of age.
 - B Not have been convicted of a felony for the illegal possession for sale, sale, manufacture, transportation, or cultivation of a controlled substance; a violent crime, as specified in subdivision © of Section 667.5 of the Penal Code; a serious crime, as specified in subdivision © 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:

- If cultural resources are encountered during construction activities, the contractor on site shall cease all work in the immediate area and within a 50 foot buffer of the discovery location. A qualified archaeologist as well as the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.
 - Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, shellfish or faunal remains, and human burials. If human remains are found, California Health and Safety Code 7050.5 requires that the County Coroner be contacted immediately at 707-445-7242. If the Coroner determines the remains to be Native American, the NAHC will then be contacted by the Coroner to determine appropriate treatment of the remains pursuant to PRC 5097.98. Violators shall be prosecuted in accordance with PRC Section 5097.99.
- 2. 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 #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.

^{*} Indicates revisions adopted by the Humboldt County Planning Commission on January 11, 2018.