



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 5, 2017

To: Humboldt County Planning Commission

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

Subject: **Garberville Transportation Depot Special Permit**

Application Number 10569

Case Number SP 16-057

Assessor Parcel Number 032-011-009

663 Locust Street, Garberville area

Table of Contents

Page

Agenda Item Transmittal

2

Recommended Action and Executive Summary

3

Draft Resolution

5

Maps

Location Map

6

Aerial Map

7

Zoning Map

8

Assessor Parcel Map

9

Project Plans

10

Attachments

Attachment 1: Recommended Conditions of Approval

15

Attachment 2: Staff Analysis of the Evidence Supporting the Required Findings

20

Attachment 3: Applicant's Evidence in Support of the Required Findings

27

Attachment 4: Referral Agency Comments and Recommendations

33

Attachment 5: Letter from neighbors requesting the application be denied

35

Please contact Michael Richardson, Senior Planner at 268-3723, or by email at mrichardson@co.humboldt.ca.us, if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
January 5, 2017	Special Permit	Michael Richardson

Project Description: The proposed special permit will allow operation of a commercial cannabis warehouse company. The company will collect and store commercial cannabis products for transportation and delivery. The proposed facility will be used exclusively as a storage and warehouse facility; no packaging or processing is proposed. An office providing support administrative functions for the business is included in the special permit application. It is located in Redway at 3354 Redwood Drive. An exception to the loading space requirements is being requested. The standard loading space is 10 feet wide and 60 feet long, and because only small vans will be used in connection with this distribution operation, a loading space of 10 feet wide by forty (40) feet long is being proposed.

Project Location: The property is located in Humboldt County in the Garberville area on Locust Street approximately 330 feet north of the intersection of Locust Street and Conger Street on the property known as 663 Locust Street. There are three buildings on the property. The warehouse/storage facility will occur in the northernmost building.

Present Plan Land Use Designation: Commercial Services (CS)

Present Zoning: C-3-Q-D, Industrial Commercial with Qualified and Design Review Combining Zones

Case Number: SP 16-057

Application Number: 10569

Assessor Parcel Number: 032-011-009-000

Applicant

Garberville Transportation Depot
Attn: Josh Davis
300 Frank Ogawa Place #370
Oakland, CA 94612

Owner

Taggart William E Jr
300 Frank Ogawa Plaza #370
Oakland, CA 94612

Agent

Environmental Review: No. CEQA Exemption Section: 15301-Existing Facilities

Major Issues: Letter from neighbors asking the Department to deny the application.

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

Garberville Transportation Depot Special Permit

Case Number SP 16-057

Assessor Parcel Number (APN): 032-011-009

Recommended Planning Commission Action

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

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

Executive Summary

The proposed special permit will allow operation of a commercial cannabis warehouse company in compliance with the County Commercial Medical Marijuana Land Use Ordinance (CMMLUO) and the Medical Marijuana Safety and Regulation Act (MMRSA). The company will collect and store commercial cannabis products for transportation and delivery. The proposed facility will be used exclusively as a storage and warehouse facility; no packaging or processing is proposed.

The proposed warehouse and distribution activity will occur in an existing warehouse that was formerly used as a muffler shop. There are also two residences on the property. The 1,400 square foot residence will continue to be used full-time as a residence. The other smaller residence will be used part-time as a residence; otherwise it will remain vacant. The parcel is served by public water and sewer, and a paved County-maintained public road (Locust Street). An office providing support administrative functions for the business is included in the special permit application. It is located in Redway at 3354 Redwood Drive near the center of Redway.

An exception to the loading space requirements is being requested. The standard loading space is 10 feet wide and 60 feet long, and because only small vans will be used in connection with this distribution operation, a loading space of 10 feet wide by forty feet long is being proposed.

The materials submitted with the application show the hours of operation will be limited to 9 am to 5 pm Monday through Sunday and only by appointment. The Security Plan states the premises are locked and secured and have 24 hour surveillance both indoors and outdoors utilizing state of the art surveillance technology. The surveillance is accessible remotely, and is monitored 24 hours a day, 7 days a week. All medical marijuana will be maintained in a locked refrigerator inside the secure premises. There is no public access to either the building or the containers within the building. Any attempt at unauthorized access will immediately alert the security monitor. All deliveries from growers are solely by appointment to prevent unauthorized access to areas that contain medical marijuana.

The project was originally noticed to the surrounding properties as an administrative approval on November 2, 2016. In response to this Notice of Intent to Approve, the Department received a request to deny the project (Attachment 5). This notification made this permit subject to a public hearing. The letter expresses concerns over public safety (lack of on-site security guard), traffic, and traffic safety.

The safety plan measures summarized in the project description above are set forth in Attachment 3 to the staff report and remain an on-going requirement of the permit. While the site will not have an on-site security guard other measures as described provide security for operations at the facility 7 days a week, 24 hours a day. The Code does not establish an on-site security guard as a

minimum requirement. However, the Planning Commission may condition the permit on reasonable security measures. Locust Street north of the Conger Street intersection is approximately 750 feet in length and serves a mixture of commercial, public facility and residential uses. The roadway is located within a 40 foot right of way and is paved with two driving lanes that accommodate on-street parking. The proposed facility is located approximately mid-block. The proposed warehouse and distribution depot replaces an auto repair shop business at the same site. The applicant projects that the traffic generation will be the same or less than the prior use. The Department of Public Works reviewed the project and in their referral comments did not identify any concerns with traffic or traffic safety on Locust Street (Attachment 4).

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

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

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

**Case Number SP 16-057
Assessor's Parcel Number: 032-011-009**

Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the Garberville Transportation Depot Special Permit request.

WHEREAS, Garberville Transportation Depot submitted an application and evidence in support of approving the Special Permit for a new commercial cannabis warehouse establishment; and

WHEREAS, the County Planning Division has reviewed the submitted application and supporting substantial evidence and has referred the application and evidence to involved reviewing agencies for site inspections, comments and recommendations; and

WHEREAS, the project is exempt from environmental review per Section 15061 (b)(3) (General Rule), 15301 (Existing Facilities) of the CEQA Guidelines; and

WHEREAS, Attachment 2 in the Planning Division staff report includes substantial evidence in support of making all of the required findings for approving the proposed Special Permit (Case Number SP 16-057); and

WHEREAS, a public hearing was held on the matter before the Humboldt County Planning Commission on January 5, 2017.

NOW, THEREFORE, be it resolved, determined, and ordered by the Humboldt County Planning Commission that the following findings be and are hereby made:

1. The Planning Commission finds the proposed project is exempt from environmental review; and
2. The Planning Commission further makes the findings in Attachment 2 of the Planning Division staff report for Case Number SP 16-057 based on the submitted substantial evidence; and
3. The Planning Commission approves the Special Permit Case Number SP 16-057 as recommended and conditioned in Attachment 1.

Adopted after review and consideration of all the evidence on January 5, 2017.

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

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

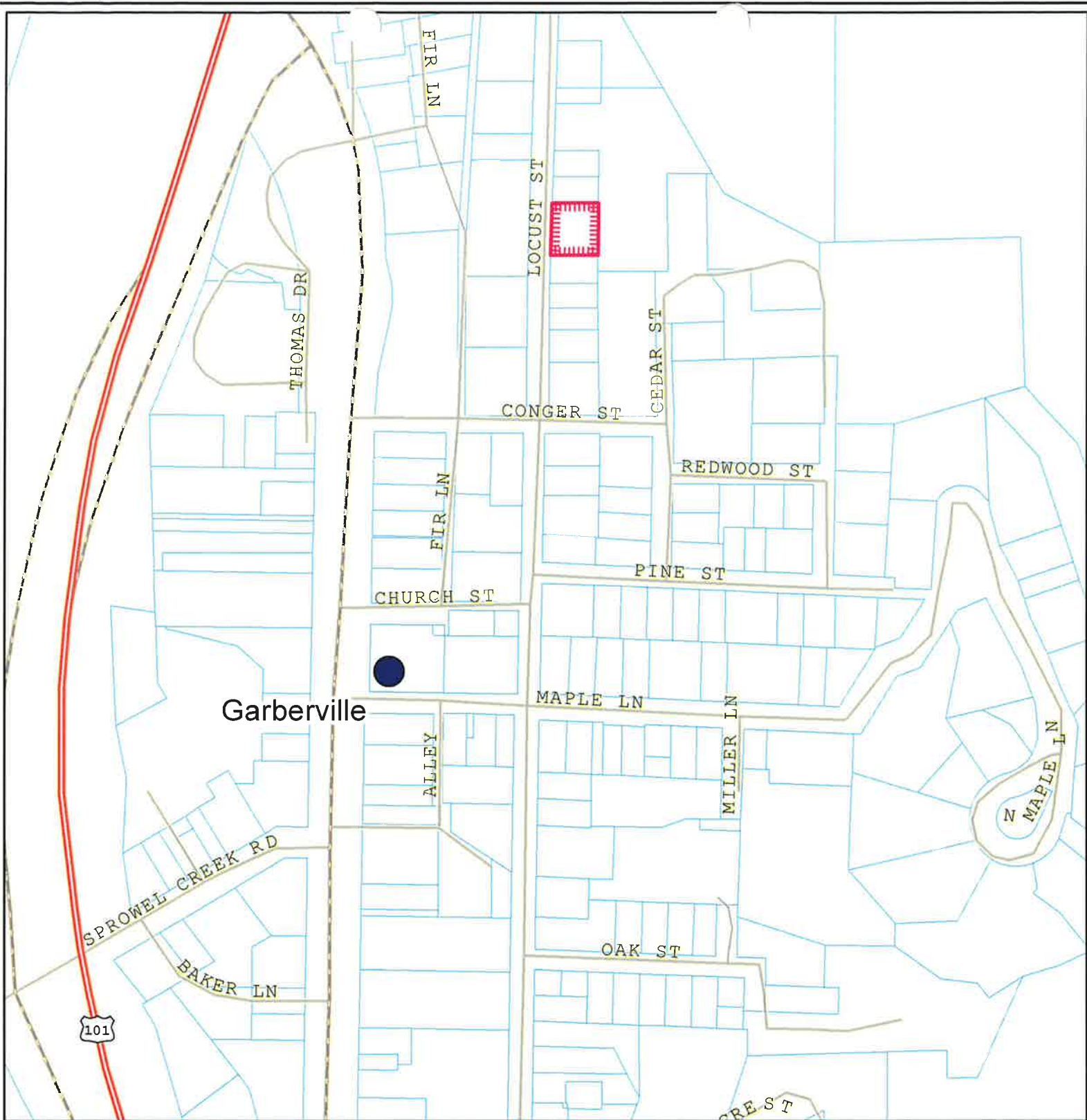
ABSTAIN: COMMISSIONERS:

DECISION:

Robert Morris, Chair

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

Suzanne Lippre, Clerk



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.

LOCATION MAP
PROPOSED GARBERVILLE TRANSPORTATION DEPOT
SPECIAL PERMIT
GARBERVILLE AREA
CASE NUMBERS SP 16-057
APN: 033-011-009
T4S R3E S24 HB&M Garberville)





AERIAL MAP

**PROPOSED GARBERVILLE TRANSPORTATION DEPOT
SPECIAL PERMIT
GARBERVILLE AREA
CASE NUMBERS SP 16-057
APN: 033-011-009
T4S R3E S24 HB&M Garberville)**

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 GARBERVILLE TRANSPORTATION DEPOT

SPECIAL PERMIT

GARBERVILLE AREA

CASE NUMBERS SP 16-057

APN: 033-011-009

T4S R3E S24 HB&M Garberville)

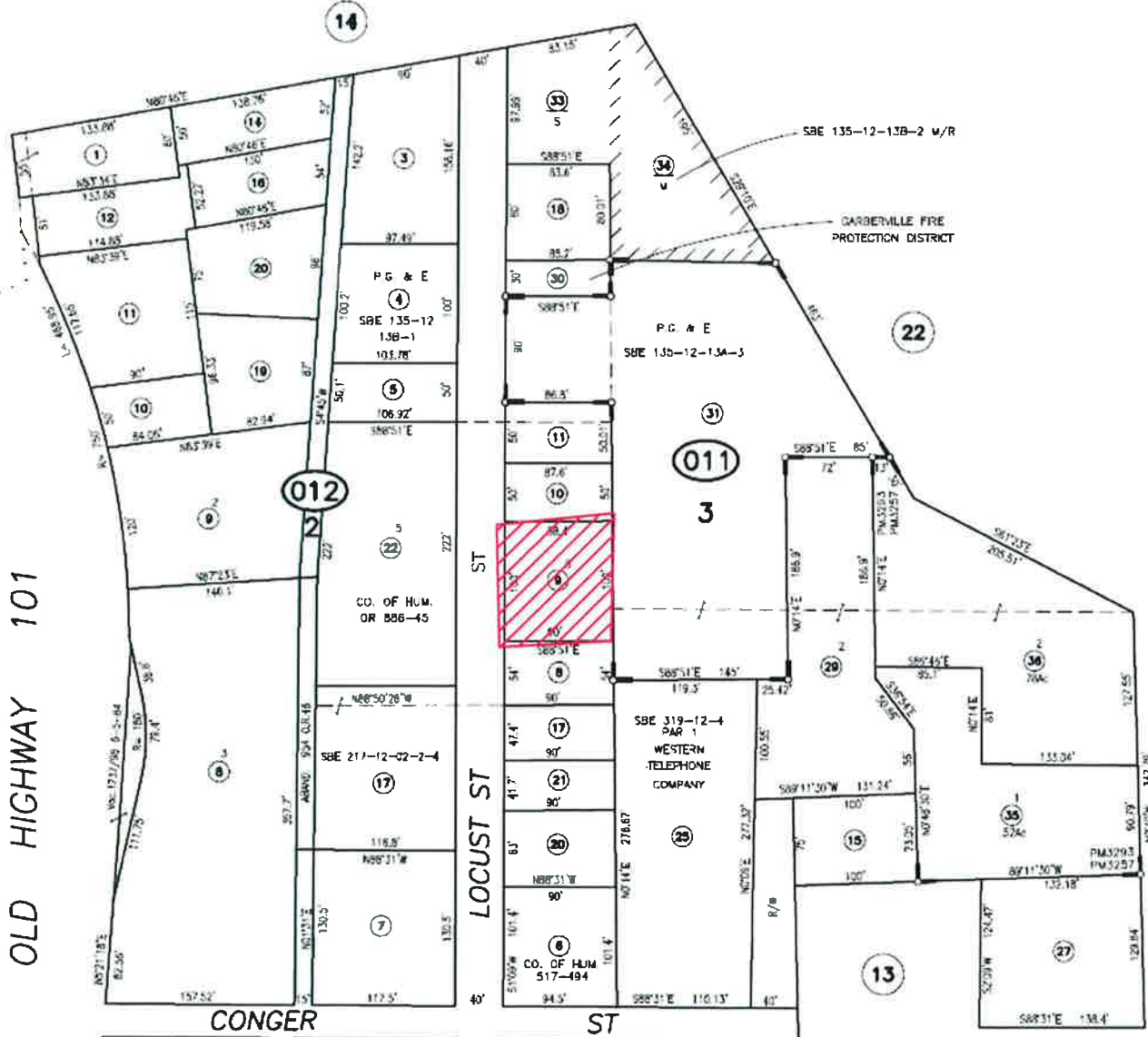
Project Area = 

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.

MAP NOT TO SCALE

GARBERVILLE

32-01



ASSESSOR PARCEL MAP

PROPOSED GARBERVILLE TRANSPORTATION DEPOT

SPECIAL PERMIT

GARBERVILLE AREA

CASE NUMBERS SP 16-057

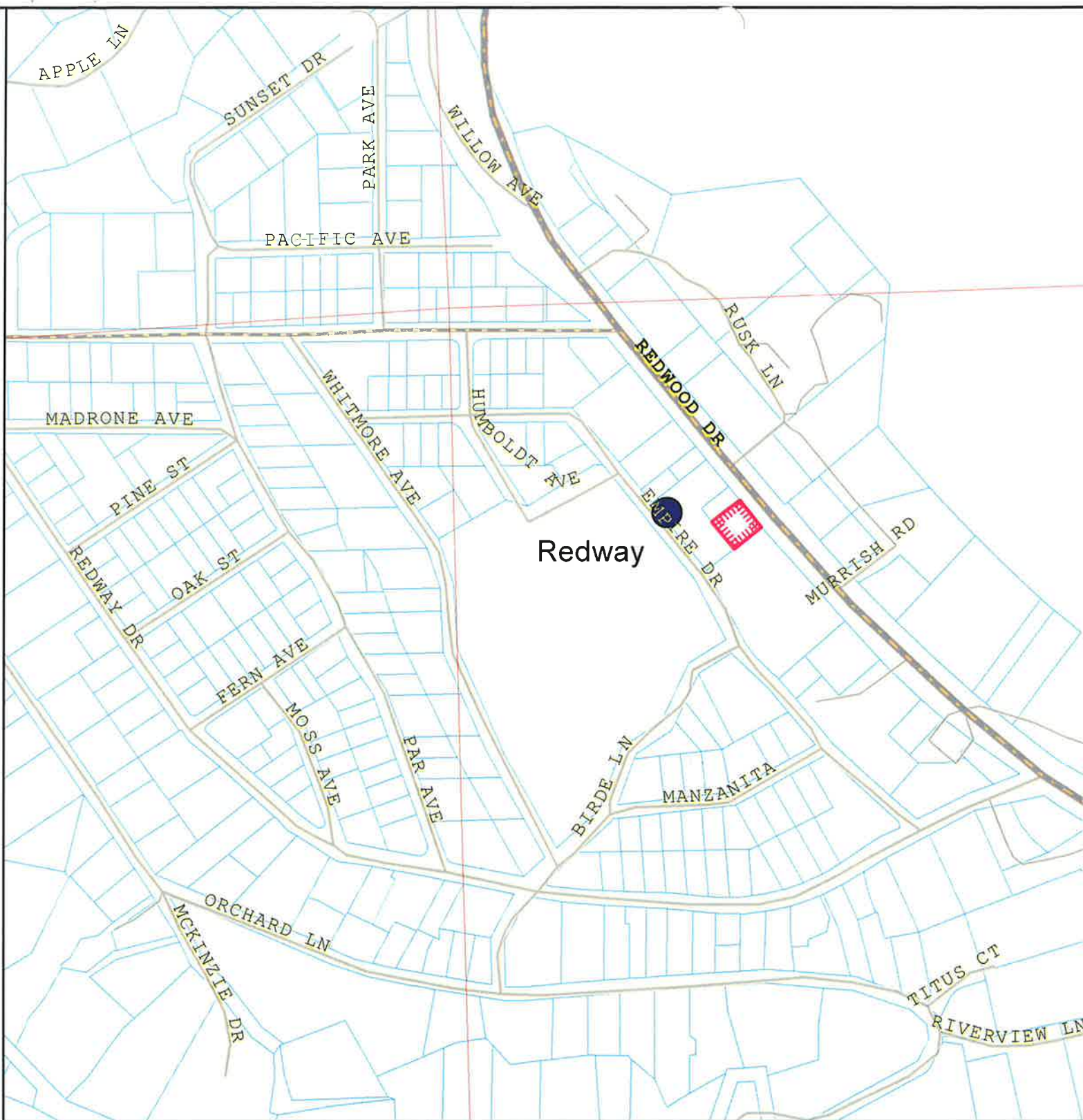
APN: 033-011-009

T4S R3E S24 HB&M Garberville)

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.

MAP NOT TO SCALE



PROPOSED OFFICE LOCATION MAP
PROPOSED HUMBOLDT MANUFACTURING LLC,
SOUTHERN HUMBOLDT DISTRIBUTION CO. LLC
GARBERVILLE TRANSPORTATION DEPOT LLC
SPECIAL PERMITS
REDWAY AREA
CASE NUMBERS SP 16-055, 16-056
APN: 077-185-035
T4S R3E S14 HB&M (Garberville)

Project Area = 

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

0 250 500 Feet





PROPOSED OFFICE LOCATION AERIAL MAP
PROPOSED HUMBOLDT MANUFACTURING LLC,
SOUTHERN HUMBOLDT DISTRIBUTION CO. LLC
GARBERVILLE TRANSPORTATION DEPOT LLC
SPECIAL PERMITS
REDWAY AREA

CASE NUMBERS SP 16-055, 16-056

APN: 077-185-035

T4S R3E S14 HB&M (Garberville)

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.





PROPOSED OFFICE LOCATION ZONING MAP
 PROPOSED HUMBOLDT MANUFACTURING LLC,
 SOUTHERN HUMBOLDT DISTRIBUTION CO. LLC
 GARBERVILLE TRANSPORTATION DEPOT LLC
 SPECIAL PERMITS
 REDWAY AREA
 CASE NUMBERS SP 16-055, 16-056
 APN: 077-185-035
 T4S R3E S14 HB&M (Garberville)

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.

MAP NOT TO SCALE



POR. SEC'S 10, 11, 14, & 15, T. 4 S, R. 3 E, H.B. & M.
TOWNSHIP OF REDWAY

77-18



PROPOSED OFFICE LOCATION ASSESSORS PARCEL MAP

**PROPOSED HUMBOLDT MANUFACTURING LLC,
SOUTHERN HUMBOLDT DISTRIBUTION CO. LLC
GARBERVILLE TRANSPORTATION DEPOT LLC**

SPECIAL PERMITS

REDWAY AREA

CASE NUMBERS SP 16-055, 16-056

APN: 077-185-035

T4S R3E S14 HB&M (Garberville)

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.

MAP NOT TO SCALE



North



Agent:
Josh Davis
300 Frank H. Ogawa Plaza #370
Oakland, CA 94612
510-893-9999
Owner:
--
William E. Taggart, Jr.
P.O. Box 2394
Redway, CA 95560
APN: 032-011-009
--
*Parcel contains 3 addresses, 663, 665
and 669 Locust St.
*Medical Marijuana is stored only at
663 Locust St.
*No Grading
*Private Water and Sewer
*No Schools, school bus stops, places of
worship, public parks, Tribal Cultural
resources Dimensions within 600 feet
--
Security Plan: SP #
Scale: 1" = 24'

**ATTACHMENT 1
RECOMMENDED CONDITIONS OF APPROVAL**

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

Development Restrictions

1. The project shall be developed in accordance with the project description and approved project site plan and elevations.
2. Where feasible, new utilities shall be underground or sited unobtrusively if above ground.
3. Applicant shall obtain from the Building Inspection Division any Building or other required permits prior to commencing construction activities or the approved use.
4. The project shall address odor management by incorporating a ventilation/air filtration system limit potential adverse odor emission impacts to employees and/or properties located in the vicinity. The system shall be designed, signed, and stamped by a mechanical engineer for review and approval by the Building Official.
5. The approved project shall meet all applicable fire codes, including fire suppression infrastructure requirements deemed necessary for the project. Sign off on the Occupancy Permit by the Building Division shall satisfy this requirement.
6. 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.
7. 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.
8. The applicant shall execute an Affidavit for Non-diversion of Medical Cannabis on a form provided by the Planning Division.
9. This project 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. Any and all outstanding Planning fees to cover the processing of the subdivision shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka. The Department will provide a bill to the applicant upon file close out.

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. All new and existing outdoor lighting shall be compatible with the existing setting and directed within the property boundaries.
3. 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.
4. 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.
5. 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.
6. The operation shall participate in the Medical Cannabis Track and Trace Program administered by the Humboldt County Agricultural Commissioner, when available.
7. Odors shall be contained on the property on which the Cannabis activity is located. To implement this requirement air filtration and ventilation equipment is to be maintained in good working condition and monitored on an on-going basis to limit potential adverse odor emission impacts to employees and/or properties located in the vicinity of the business in the Meadows Business Park. If the County receives any odor complaints, the permit holder shall work with the Building Official to correct odor concerns.
8. **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.
9. **Permit renewals to comply with updated laws and regulations.** Permit renewal per COA #8 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.
10. **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.
11. **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.
12. **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.
13. Only business office functions for the medical cannabis processing and distribution operation shall be conducted from the off-site administrative building located on APN 077-185-035, 3354 Redwood Drive, Redway, California.
14. All signage shall comply with Section 314-87.2 of the Humboldt County Code.
15. The warehouse and storage operations shall use the following best management practices to ensure the safety of employees and the Medical Marijuana product:
- A. Ensure that the space in which any Medical Marijuana product is to be warehoused and stored 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 storage;
 - c. Clean all equipment, counters and surfaces thoroughly; and
 - d. Dispose of any waste produced during the storage 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 storage of 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 storage of 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 store 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 storage of any Medical Marijuana product and the step that individual performed.
16. Persons engaging in the storage 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 storage 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 storage 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 storage 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 # 8 and 9 of the On-Going Requirements /Development Restrictions, above. The period within which construction or use must be initially commenced may be extended as provided by Section 312-11.3 of the Humboldt County Code.

ATTACHMENT 2

Required Findings: To approve this project¹, the Hearing Officer must determine that the applicant has submitted evidence in support of making **all** of the following required findings. The County Zoning Ordinance, Section 312-17.1 of the Humboldt County Code (Required Findings for All Discretionary Permits) specifies the findings that are required to grant a Special Permit:

1. The proposed development is in conformance with the County General Plan;
2. The proposed development is consistent with the purposes of the existing zone in which the site is located;
3. The proposed development conforms with all applicable standards and requirements of these regulations;
4. The proposed development and conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare; or materially injurious to property or improvements in the vicinity;
5. The proposed development does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law (the mid point of the density range specified in the plan designation).
6. In addition, the California Environmental Quality Act (CEQA) states that one of the following findings must be made prior to approval of any development which is subject to the regulations of CEQA. The project either:
 - a) is categorically or statutorily exempt; or
 - b) has no substantial evidence that the project will have a significant effect on the environment and a negative declaration has been prepared; or
 - c) has had an environmental impact report (EIR) prepared and all significant environmental effects have been eliminated or substantially lessened, or the required findings in Section 15091 of the CEQA Guidelines have been made.

¹ The office supporting this project, located at 3354 Redwood Drive (APN 077-185-035), is planned CG - Commercial General and zoned C-2 Community Commercial, which allows office uses as a principally permitted use. No new development is proposed at that site, so this staff report does not further analyze that aspect of the project.

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

Relevant Plan Section(s)	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Land Use: Commercial Services, §2742 (GRBAP)	Primary and Compatible Uses include retail and automobile sales and service, including storage.	The applicant is proposing to develop a cannabis storage and warehouse facility in an existing building, and associated office space in an existing building on a separate parcel.
Urban Limits: §2600 (FP)	New development shall be located within existing developed areas or in areas with adequate public services.	Fire and water/sewer services are provided by the Garberville F.P.D. and C.S.D. Access is off of Locust Street, a public road.
Housing §2400 (FRWK)	Housing shall be developed in conformity with the goals and policies of the Humboldt County Housing Element.	No new housing is proposed, although there are two single family residences on the site that will continue to be used for housing. The proposed use can be considered light industrial. No subdivision is proposed at this time.
Hazards §3200 (FRWK)	New development shall minimize risk to life and property in areas of high geologic, flood and fire hazards.	According to the Flood Insurance Rate Map (FIRM) Panel No. 1830, the project site is located in Flood Zone C, which is defined as "areas of minimal flooding". The project site is outside of the 100- and 500-year flood boundary as it is considerably elevated above the Eel River. Geologic hazard maps of the Framework Plan show the slope instability of the property to be moderate, so the proposed development is not likely to subject to geologic hazards. The parcel is in an area of High Fire Hazard rating. All applicable referral agencies that have provided comments have recommended approval of the project and have not identified any issues relating to hazards.
Biological Resources §3420 (FRWK)	Protect designated sensitive and critical resource habitats.	The Biological Resource maps of the Framework Plan do not identify any sensitive or critical habitat areas on the project site.

Relevant Plan Section(s)	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Cultural Resource Protection §3500 (FRWK)	New development shall protect cultural, archeological and paleontological resources.	The Northwest Information Center was referred, and requested an archaeological study be completed. A referral was sent to the Bear River Band of the Wiyot Tribe but not response has been received at the time this staff report was written. The proposed project does not involve any ground-disturbing activities, and the site was previously used as a car repair (muffler/body shop), so there are not likely to be any cultural resources affected by the proposed project. Nonetheless, a condition of approval regarding legal protection requirements has been added to the conditions of approval to this permit.

2. The proposed development is consistent with the purposes of the existing zone in which the site is located; and 3. The proposed development conforms with all applicable standards and requirements of these regulations. The following table identifies the evidence which supports finding that the proposed development is in conformance with all applicable policies and standards in the Humboldt County Zoning Regulations.

Zoning Section	Summary of Applicable Requirement	Evidence
§314-2.3 C-3 Industrial Commercial Zone §314-55.4.8.4 §314-55.4.8.5	Warehouse and distribution uses are principally allowed. Cannabis processing and manufacturing is allowed in the C-3 zone district with a Special Permit.	The proposed project is a Special Permit for a cannabis distribution facility. The proposed use is a commercial use that 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:	5,000 sq. ft.	The subject parcel is approximately 8,700 square feet.
Max. Lot Coverage:	n/a	Less than 25%
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 for new construction.	The proposed facility occurs within an existing permitted structure that was permitted within one foot and four inches of the north property line. No new construction is proposed.
Max. Building Height:	45 feet	30 feet

Zoning Section	Summary of Applicable Requirement	Evidence
§314-109.1.3.3: Off-Street Parking:	Warehousing and Distribution: The higher of one space for 2,500 square feet of gross floor area or one parking space per four employees at peak shift. One 60' x 10' loading space is required per every 20,000 square feet or portion thereof.	The proposal is for approximately 1,400 square feet of warehousing and distribution with up to 4 employees proposed. A total of 1 parking space is required for the new business. With the existing residences, five parking spaces are required. Six parking spaces are provided on-site. One loading space is proposed on the property. A Special Permit for an exception to the standard 60' x 10' loading space is requested based on the type of delivery vehicles used (small van). There is a 10' x 40' space in the front of the property that will be used for loading.
§314-19.1 Design Control	The reviewing authority shall take the following items under consideration in approving plans within a D zone: The height, bulk and area of buildings. All setbacks from property lines. The color, textures and materials of exterior walls. The type, pitch and material of roofs. The type, size and location of signs. Landscaping, and parking lot layout. Relationship to other buildings and/or uses in the area. Architectural treatment of any historical buildings or structures. Location and treatment of the site as related to its natural setting.	The existing buildings were constructed prior to 1987 when the design review ordinance became effective. Landscaping was planted on the site to visually buffer the buildings in the front. There are no historic buildings in the vicinity and the existing building is located on a relatively flat surface. No new construction is proposed except for interior modifications and security lighting and cameras on the exterior of the building.

Zoning Section	Summary of Applicable Requirement	Evidence
Q - Qualified Zone (§314-32.1)	Principal permitted uses in the C-3 zone are restricted to only allow changes in occupancy which would not result in increased occupancy load, increased parking need, increased traffic, increased noise levels, or increased risk or hazard to health, safety and welfare	According to records maintained by the Planning Division, the former use of the property was for a muffler shop and body shop. The proposed warehousing, storage and distribution use will use the existing structures, and are not proposing to increase the occupancy load of those structures. Since no cars will be repaired at the site, the proposed use will reduce the parking, traffic and noise compared to the previous auto repair use. And since no chemicals will be used in the proposed operation, the use will reduce the risk of hazard to health, safety and welfare compared to the previous auto repair use. Based on this evidence, the proposed use is consistent with the Q-Qualified Zone that applies to the property.

314-55.4 Commercial Cultivation, Processing, Manufacturing and Distribution of Cannabis for Medical Use Inland Land Use Regulation (CMMLUO)

§314-55.4.8.6 Distribution	Wholesale distribution facilities for commercial cannabis for medical use shall be a conditionally permitted use in zone districts C-2, C-3, MB, ML, U (where developed as an industrial use) and MH, subject to a Special Permit and the conditions and limitations set forth in this Section.	The business will: 1. Receive deliveries from regional cannabis farmers for storage; and 2. Provide stored cannabis products to transportation service companies for delivery. The facility will not engage in manufacturing, processing or packaging of medical cannabis products. The subject property is correctly zoned, C-3 (Commercial Industrial), 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 applied for two other cannabis activity permits, and is entitled to four.
§314-55.4.10 Application Requirements	Identifies the Information Required for All Applications	The project file contains all the information submitted with the application, and shows all the required information was received.

314-55.4 Commercial Cultivation, Processing, Manufacturing and Distribution of Cannabis for Medical Use Inland Land Use Regulation (CMMLUO)

§314-55.4.11 Performance Standards	Identifies the Performance Standards for Cannabis Cultivation Activities	All the applicable performance standards are included as conditions of project approval. They are required to be met throughout the timeframe of the permit.
§314-55.4.17 Sunset Date	No application for any Use Permit pursuant to the CMMLUO shall be processed for issuance or approval that is received after December 31, 2016.	The applicant submitted the Special Permit Application in May, 2016.

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

Code Section	Summary of Applicable Requirement	Evidence that Supports the Required Finding
§312-17.1.4 Special Permit Findings	The proposed development will not be detrimental to the public health, safety and welfare, and will not be materially injurious to properties or improvements in the vicinity.	All responding referral agencies have either provided no comment or recommended approval of the proposed use. The proposed warehouse/storage/distribution use is consistent with the type of development in the area. There is no evidence that the project will be materially injurious to properties or improvements in the vicinity.
§15303 of CEQA Guidelines	Categorically exempt from State environmental review.	The project has been determined to be exempt from CEQA pursuant to Sections 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 1,400 sq. ft. for a warehousing use. The project site is a commercial area served by community water and sewer meeting the County's definition of an "urban development area". The proposed use will not result in any significant adverse impact on the environment as the use will only involve storage of cannabis products and no new construction is proposed.

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 warehouse storage/distribution facility on lands designated "Commercial Services" (CS) and zoned Commercial Industrial (C-3). The parcel was not inventoried as source of potential residential housing. Therefore, the project will not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.

ATTACHMENT 3

Applicant's Evidence in Support of the Required Findings

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

- Application Form [on file]
- Organizational Documents [on file]
- Grant Deed [on file]
- Indemnification Agreement [on file]
- Acknowledgement Form [on file]
- Plot Plan [attached]
- Plan of Operation [attached]
- Security Plan [attached]
- Supplemental Information Dated 10-20-16 [attached]
- Photo of Site [attached]

Security Plan

Garberville Transport Depot, LLC

The premises and business have the following features enabling the secure distribution of medical marijuana:

1. Garberville Transport Depot, LLC is organized and operated in complete compliance with all published federal guidelines, state, and local laws.
2. The premises are locked and secured and have 24 hour surveillance both indoors and outdoors utilizing state of the art surveillance technology. The surveillance is accessible remotely. The security system is a high performance, industrial grade, and is monitored 24 hours a day, 7 days a week. (*See Site Plan 1 – “SP 2”*).
3. All medical marijuana will be maintained in a locked refrigerator inside the secure premises. (*See Site Plan 1 – “SP 3”*).
4. All pertinent public works, environmental health, planning, building, and fire codes will be met and maintained in accordance with state and local laws as such codes may be modified from time to time. (*See Site Plan 1 – “SP 4”*).
5. The business premises has three layers of security. The business premises is alarmed and monitored to prevent unauthorized access. (*See Site Plan 1 – “SP 5”*).
 - a. Only four employees have keys to the building. Within the building all medical marijuana is stored in a second locked steel container.
 - b. Only employees have access to the steel container.
 - c. There is no public access to either the building or the containers within the building. Any attempt at unauthorized access will immediately alert the security monitor.
6. All deliveries from growers are solely by appointment to prevent unauthorized access to areas that contain medical marijuana. (*See Site Plan 1 – “SP 6”*).
7. The location of Garberville Transport Depot, LLC is offset from Locust St. The operation of Garberville Transport Depot, LLC will not impact adjoining properties. (*See Site Plan 1 – “SP 8”*).

Supplemental Information provided by the applicant 10/20/16
Garberville Transportation Depot, LLC

- A loading space exception is required – distance in front of building to street is less than 60 feet (if semitrailer not used then this could be handled with exception). Clarify that this is a part of the application.

Nothing longer than a small van will be take or receive deliveries from the facility.

- Loading space is not allowed to block off-street parking – Describe how delivery times will be scheduled to avoid blocking access?

No off-street parking will be blocked because the unloading and unloading will not obstruct any of the off-street parking

- Building has no ADA restroom. Clarify how this ADA requirement will be met.

Restroom in the southeast corner (there is only one restroom) will be ADA compliant and is not publically accessible.

- Describe inventory and tracking controls in a Supplemental Operations Plan

HM, LLC retained a financial management and account company to develop and install a comprehensive tracking system to meet the requirements of MCRSA.

- Describe days and hours of operation in a Supplemental Operations Plan, including hours when deliveries will be made

9 a.m. to 5 p.m. and only by appointment.

- If any signage is proposed, provide a signage plan

No signage.

- Provide signed Incorporation documents

Attached.

Garberville Transport Depot, LLC

Operating Plan

Garberville Transport Depot, LLC ("GT Depot") is a California limited liability company. GT Depot was organized as a real property investment vehicle for the establishment of a depot for the collection and storage of products, including medical marijuana products for future transportation between businesses. GT Depot will solely act as a secure storage facility for transportation and delivery service businesses. GT Depot facilitates the shipment of products, including, but not limited to medical marijuana, from one business to another such business.

GT Depot is solely a warehouse facility to which medical marijuana growers will deliver product for storage to the secure facility pending transportation by a transportation delivery service. (*See Security Plan*). GT Depot will also act as a storage facility where drivers for a transportation company will be able to store products, including, but not limited to medical marijuana products, pending transportation by a transportation company to another location.

GT Depot is solely a warehouse facility. The collection and storage of medical marijuana is a sub-function of growing, processing, packaging, extraction and manufacturing. GT Depot does not distribute or transport medical marijuana.



ATTACHMENT 4
Referral Agency Comments and Recommendation

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

Referral Agency	Response	Recommendation	On File
Garberville Fire Protection District			
County Building Inspection Division	✓	Approval	✓
County Public Works, Land Use Division	✓	"No comment"	
County Division of Environmental Health	✓	Approval	✓
Garberville Sanitary District			
County Counsel			
NWIC	✓	Requested archaeological study	✓
Bear River Band			
CALFIRE	✓	Standard input letter	✓



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



7/12/2016

PROJECT REFERRAL TO: Public Works Land Use Division

Project Referred To The Following Agencies:

Building Inspection Division, Public Works Land Use Division, Health and Human Services Environmental Health Division, Supervising Planner, Current Planning Division, County Counsel, CalFire, Northwest Information Center, Garberville Fire Protection District, Garberville Community Services District

Applicant Name Josh Davis **Key Parcel Number** 032-011-009-000

Application (APPS#) 10569 **Assigned Planner** Michael Richardson (707) 268-3723 **Case Number(s)** AA16-202
SP16-057

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

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

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

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

Return Response No Later Than 7/27/2016 Planning Commission Clerk
County of Humboldt Planning and Building Department
3015 H Street
Eureka, CA 95501
E-mail: PlanningClerk@co.humboldt.ca.us **Fax:** (707) 268-3792

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

☒ ~~Recommend Approval.~~ The Department has no comment at this time.

☐ Recommend Conditional Approval. Suggested Conditions Attached.

☐ Applicant needs to submit additional information. List of items attached.

☐ Recommend Denial. Attach reasons for recommended denial.

☐ Other Comments: _____

RECEIVED

JUL 13 2016

HUMBOLDT CO. PUBLIC WORKS
LAND USE DIVISION

DATE: 7/29/2016

PRINT NAME: Ken Freed

ATTACHMENT 5

Letter from neighbors requesting the application be denied

Attention: Planning and Building Department

Planning Division

Attention: Michael Richardson

We have lived on the corner of Locust and Conger streets for 20 years. Over the years, we have witnessed a substantial increase in traffic. We are asking that you not grant a permit at the location described in your notice, for the following reasons:

1. Our hope and great concern is security, because it is a cannabis warehouse, we firmly believe the owners should provide human security 24 hours a day 7 days a week.
2. The Garberville transportation depot will add more traffic congestion to an already overburdened Locust St and its residents.
3. Ambulance, hospital personnel, fire department personnel, law enforcement personnel, semi-tractor trucks, oversized motorhomes, vehicle traffic, and other trucks converge at this four way stop when responding to an emergency or otherwise. All other vehicles must give the right away to emergency personnel by either pulling over (if there is a spot available) or backup Conger or Locust (if it is clear behind them) to let the emergency vehicles have the right away. Such events, we frequently witness, which add to an already congested four way stop and can be considered a safety issue for the public.

In closing, we the residents of Locust and Conger street respectfully request that you, the Planning and Building Commission, not to issue a permit to Garberville Transportation Depot at this time.

Sincerely,

Michael and Juanice Whiteley

Tel: 707-923-9153

735 Locust St.

Garberville, Ca

95542

Not a CASPER WAREHOUSE
693 Locust St

Corning Shonsted
Shonsted
745 Locust St
P.O. Box 410
Garberville

BILL BREEN
763 LOCUST ST
GARBERVILLE, CA
J. RUSCONI
732 LOCUST

STACEY REUTER
622 FIR LN
GARBERVILLE
95542

Richard BARNICK
445 CONGER - G.V. CA 95542
Locust