



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

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Phone: (707)445-7541 Fax: (707) 268-3792

Hearing Date: March 15, 2018

To: Humboldt County Planning Commission

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

Subject: **Hummingbird Healing Center Conditional Use Permit**  
Application Number 11071  
Case Number CUP 16-140  
Assessor's Parcel Number (APN) 508-242-042  
1580 Nursery Way, Suite B-E, McKinleyville, CA 95519

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Please contact Michelle Nielsen, Planner, at (707) 445-7541 or by email at [mnielsen@co.humboldt.ca.us](mailto:mnielsen@co.humboldt.ca.us), if you have any questions about the scheduled public hearing item.

## AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
March 15, 2018	Conditional Use Permit	Michelle Nielsen

**Project Description:** A Conditional Use Permit pursuant to Section 314-55.3 et seq. of the Humboldt County Code for the operation of a medical cannabis dispensary and adult use cannabis retail dispensary. The proposed dispensary (project) would be located within 2,235 square feet of an existing commercial building. The proposed project would have three full-time employees and the hours of operation would be 10:00 a.m. to 7:00 p.m., seven days a week. The subject parcel is served community water and sewer by McKinleyville Community Services District.

**Project Location:** The project site is located in Humboldt County, in the McKinleyville area, on the south side of Nursery Way Avenue, approximately 363 feet north of the intersection of Central Avenue and Nursery Way, on the property known as 15800 Nursery Way, Suite B-E.

**Present Plan Land Use Designations:** Commercial Services (CS), McKinleyville Community Plan (MCCP), Slope Stability: Relatively Stable (0)

**Present Zoning:** Community Commercial (C-2) with Noise Impact combining zone (N)

**Application Number:** 11071

**Case Number:** CUP 16-140

**Assessor's Parcel Number:** 508-242-042

**Applicant**

Hummingbird Healing Center  
Attn.: Jonathan Lasser or Ken Hamik  
1580 Nursery Way, Suite D  
McKinleyville, CA 95519

**Owner**

D & R Miller Family LLC  
400 G Street  
Arcata, CA 95521

**Agent**

Same as applicant

**Environmental Review:** CEQA Exemption Section 15301 – Existing Facilities

**State Appeal Status:** The project is NOT appealable to the California Coastal Commission.

**Major Issues:** None

**HUMMINGBIRD HEALING CENTER**  
Case Number CUP 16-140  
Assessor's Parcel Number 508-242-042

**Recommended Commission Action**

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

*Find the project exempt from environmental review pursuant to Section 15301 of the State CEQA Guidelines, make all the required findings for approval of the Conditional Use Permit based on evidence in the staff report and any public testimony, and adopt the Resolution approving the proposed Hummingbird Healing Center project subject to the recommended conditions.*

**Executive Summary:** The Hummingbird Healing Center (HHC) has requested a Conditional Use Permit to authorize operation of a medical cannabis dispensary and an adult use retail dispensary in the McKinleyville area. The facility would be operating out of an existing commercial building, occupying a 2,235-square-foot space within the building. HHC sees a need for three paid employees, a general manager, an inventory manager, and a controller. Future plans may include adding additional positions for two full-time and five part-time employees.

HHC would provide medical cannabis as well as other retail products, including other natural and herbal medicines. In addition to the currently proposed retail sales, HHC is planning on having a massage therapist and yoga instructor in the future. The long-term goal of HHC is to create a full-service wellness center for the whole community.

As background it should be noted that the project is a relocation of a previously permitted medical cannabis dispensary. Originally located adjacent to the Myrtle town Shopping Center in Eureka, the HHC operation closed when their landlord received a warning letter from the Department of Justice and terminated the lease. Relocation at that time was frustrated by litigation that challenged a local agency's authority to regulate dispensaries (*Pack v City of Long Beach* 10-4-11), which caused the County to suspend permitting for an extended period, and was lifted only after the case was reversed by the California Supreme Court and the County enacted its own Medical Cannabis Dispensary Ordinance.

The project site has a land use classification of Commercial Services (CS) per the Humboldt County General Plan and is zoned Community Commercial (C-2) with a Noise Impact (N) overlay. The project site is a developed commercial shopping center, with a paved parking lot that includes 160 parking spaces.

The property is served by the McKinleyville Community Services District. Access to the project site is via Nursery Way, a paved county roadway. The County Public Works Department has determined that Nursery Way and the property's existing driveway are adequate to accommodate the proposed use. Parking facilities are shared with other businesses on-site. The surrounding parcels to the north and east are zoned C-2, while land to the east and west of the project site is zoned Residential One-Family (R-1).

The proposed project site is located within 600 feet a residential community that includes several existing homes to the west and south of the project site. The project site is separated from the residential community by an existing fence and there is no direct vehicular access from the homes to the project site. A pathway does connect Chanterelle Drive and Nursery Way. In addition, all



activities associated with the proposed project will occur inside the existing commercial building which will have a secured, controlled entrance point.

Within the area of the project site, there is one currently permitted cannabis dispensary (Satori Wellness located at 1551 Nursery Way) and one application for a cannabis dispensary (Calyx Mountain proposed to be located at 1715 Central Avenue) being review by the County. Both dispensaries are located more than 600 feet from the proposed project site.

The McKinleyville School District (District) provided comment to the County recommending that the project be denied due to conflicts between California state cannabis laws and Federal cannabis laws. The District comment also affirmed that the proposed project site is not located within 600 feet of a school bus stop.

The proposal is within 600 feet of a residential area, and Section 314-55.3.9.2 details that the Planning Commission shall specifically regulate the location of medical cannabis dispensaries by considering the potential impacts and cumulative impacts of proposed medical cannabis Dispensaries as a whole and specifically on residential uses located within a 600 foot radius of a Dispensary. Staff has prepared findings with respect to this Section in the Zoning Section of this report, under 313-55.4 et seq. HHC, see "Location" discussion.

Section 313-55.3.9.1 HCC, indicates that a Hazardous materials storage, handling, and disposal plan is to be developed for medical cannabis Dispensaries, approved by the Division of Environmental Health (DEH). This project has been referred to that Division, and they have recommended approval. A Condition of Approval has been included requiring the applicant to contact the DEH and provide a statement from that Division as to the need for preparation of this Report.

#### *Operating Standards*

Dispensary medical cannabis sales and distribution would be limited to members of the Hummingbird Healing Center. Sale and distribution of medical cannabis would be prohibited to nonmembers, except for registered, designated primary caregivers of members. The center's hours of operation would be seven days a week, 10:00 a.m. to 7:00 p.m. No person under the age of 18 would be allowed in the storage area or retail area of the facility. Consumption, inhalation, ingestion, or topical application of usable marijuana would be strictly prohibited for members and employees. Additionally, no smoking or alcohol use would be allowed within 1,000 yards of the dispensary.

Each member of the cooperative would be required to present a valid recommendation for cannabis from a licensed medical doctor in good standing with the licensing board, as well as proof of identification. All patient/member recommendations are verified during registration and prior to permitting access to the dispensing facility. The application includes a Dispensary Operations Manual (Attachment 3) that addresses issues of authorization of County verification of information, staff screening, hours of operation, security measures, patient screening, patient records, cannabis inventory tracking, chemical use, cannabis quality procedure, and patient dosage documentation. No on-site cultivation of medical cannabis is being requested as part of this application.

#### *Registration/Verification/Recordkeeping*

All patients would fill out a membership form for Hummingbird Healing Center. During registration, a registrant's physician's recommendation (for the use of medical cannabis) would be reviewed, along with the registrant's identification. According to the Dispensary Operations Manual, staff would verify recommendations with the office of the physician who wrote the recommendation before the patient is permitted to acquire medical cannabis. Upon verification of the physician's recommendation, a patient profile would be created and the recommendation, as well as a signed Membership Agreement, will be retained to be kept on file.



## Security

Security for the proposed facility would include a high definition camera security system with full display and remote access, contracted by Superior Alarm Services for a motion detector system, including a remote "panic button." There will also be a large, digital safe physically secured to the building foundation. All products will be stored overnight in the safe and will be located behind a locked solid core door, as well as protected by the motion sensor system.

A third-party on-site security officer will be employed to patrol the site full time. A second security officer will check ID cards and valid doctors' recommendations at the door.

Cooperative members will only have access to the reception area, a patient area (where IDs will be checked for access), and a public restroom compliant with the Americans with Disabilities Act (ADA). The other spaces within Hummingbird Healing Center will be for staff access only.

The annual monitoring and reporting requirement allows for adaptive management of the facility and annual evaluation of operational performance by the Planning Commission and Planning staff. The report permits County staff and the applicant to review the adequacy of the operational restrictions and, if appropriate, to develop ways to better address any neighborhood impacts that may arise.

## Adult Use Retail Cannabis Dispensary

On November 14, 2017, in response to the California voter's enactment of Proposition 64, and the legislative approval of the Medicinal and Adult Use Cannabis Regulation and Safety Act ("MAUCRSA") (SB 94), the Board of Supervisors adopted Ordinance No. 2588. This ordinance among other things amended Section 314-55.3 et seq., Medical Cannabis Dispensaries regulations, to add the following provision:

*55.3.3.8: Adult Use Retail Sales facilities are a conditionally permitted use, subject to the same permit requirements that apply pursuant to Humboldt County Code Sections 314-55.3, et seq. applicable to Medical Cannabis Dispensaries. All regulations applicable to permitting of Medical Cannabis Dispensaries shall be applicable to Adult Use Retail Sales facilities, except those limiting sales exclusively to medical cannabis.*

The Hummingbird Healing Center is seeking approval of a medical cannabis dispensary and adult use cannabis retail dispensary within the same business location. Pursuant to Business and Professions Code §26140 operation of an adult use retail dispensary shall restrict sales of cannabis or cannabis products to persons 21 years or older, and shall employ only persons 21 years of age or older. The dispensary will require the person seeking to obtain non-medicinal cannabis to present a valid government-issued identification card showing that the person is 21 years of age or older. As noted above, all regulations applicable to permitting of Medical Cannabis Dispensaries shall be applicable to Adult Use Retail Sales facilities, except those limiting sales exclusively to medical cannabis.

## Staff Recommendation

Based on the on-site inspection, application materials submitted, and a review of Planning Division reference sources and comments from all involved referral agencies, Planning staff believes that the applicant has submitted evidence in support of making all of the required findings for approving the Conditional Use Permit.

The proposed project would be exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Existing Facilities) of the CEQA Guidelines.

**ALTERNATIVES:** The Planning Commission could elect not to approve the project, or to require the applicant to submit further evidence, or modify the project. If modifications may cause potentially significant impacts, additional CEQA analysis and findings may be required. These alternatives could be implemented if the Commission is unable to make all of the required findings. Planning Division staff has stated that the required findings in support of the proposal have been made. Consequently, Planning staff does not recommend further consideration of either alternative.

The Commission could also decide the project may have environmental impacts that would require further environmental review pursuant to CEQA. Staff did not identify any potential impacts. As the lead agency, the Department has determined that the project is categorically exempt under the exemption stated above. However, the Commission may reach a different conclusion. In that case, the Commission should continue the item to a future date at least two months later to give staff the time to complete further environmental review.

**RESOLUTION OF THE PLANNING COMMISSION  
OF THE COUNTY OF HUMBOLDT  
Resolution Number 18-**

**Case Number CUP 16-140  
Assessor's Parcel Number: 508-242-042**

**Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the Hummingbird Healing Center Conditional Use Permit request.**

**WHEREAS**, Hummingbird Healing Center submitted an application and evidence in support of approving a Conditional Use Permit for the development and operation of a new medical cannabis dispensary and adult use retail dispensary of approximately 2,235 square feet within an existing commercial building located on APN 508-242-042; and

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

**WHEREAS**, the project is categorically exempt from environmental review pursuant to Class 1, 15301 (Existing Facilities) (a) of the California Environmental Quality Act (CEQA) Guidelines; and

**WHEREAS**, Attachment 2 in the Planning Division staff report includes evidence in support of making all of the required findings for approving the proposed Conditional Use Permit (Case Number CUP 16-140), including findings specifically related to Section 314-55.9.2 HCC ; and

**WHEREAS**, a public hearing was held on the matter before the Humboldt County Planning Commission on March 15, 2018.

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

1. The proposed project is exempt from environmental review; and
2. The findings in Attachment 2 of the Planning Division staff report support approval of Case Number CUP 16-140 based on the submitted evidence; and
3. Conditional Use Permit CUP 16-140 is approved as recommended and conditioned in Attachment 1 for Case Number CUP 16-140.

Adopted after review and consideration of all the evidence on March 15, 2018.

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

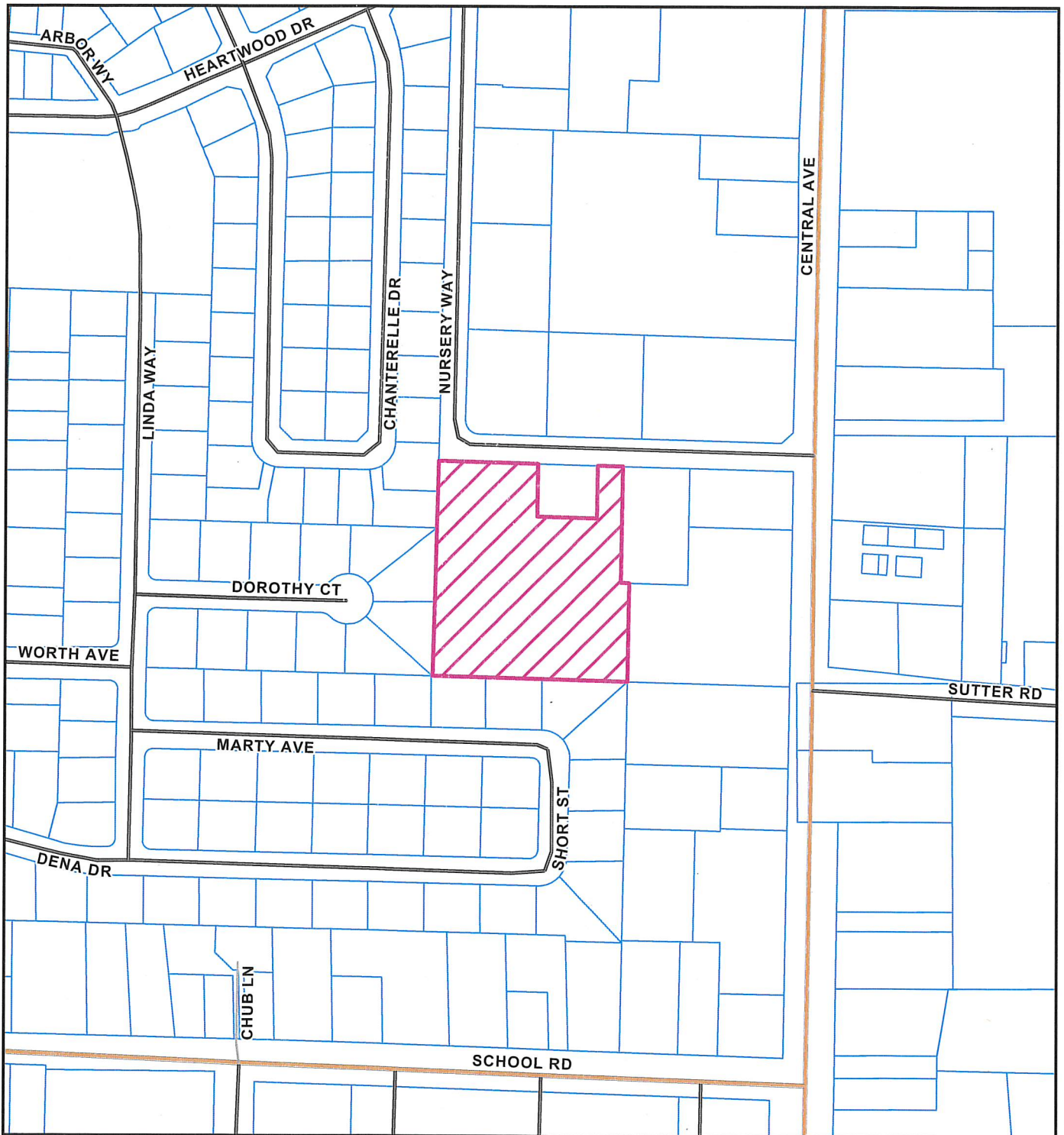
AYES: Commissioners:  
NOES: Commissioners:  
ABSTAIN: Commissioners:  
ABSENT: Commissioners:  
DECISION: Motion carries

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

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John Ford, Director  
Planning and Building Department





# LOCATION MAP

## PROPOSED HUMMINGBIRD HEALING CENTER CONDITIONAL USE PERMIT MCKINLEYVILLE AREA

CUP-16-140

APN: 508-242-042

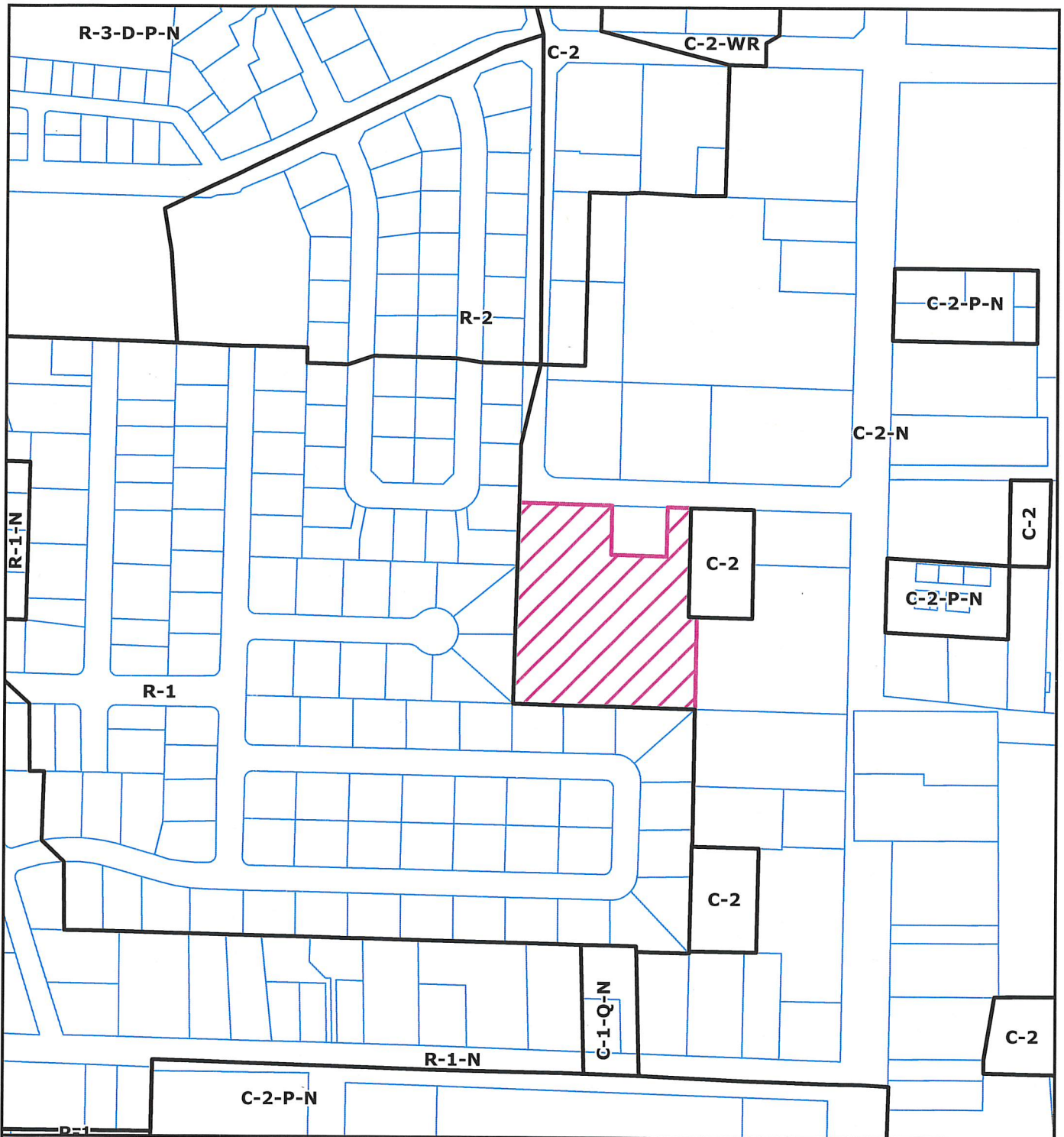
T06N R01E S06 HB&M (Arcata North)

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.



0 100 200  
Feet



# **ZONING MAP**

## **PROPOSED HUMMINGBIRD HEALING CENTER CONDITIONAL USE PERMIT MCKINLEYVILLE AREA**

**CUP-16-140**

**APN: 508-242-042**

**T06N R01E S06 HB&M (Arcata North)**

**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.



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Feet











## AERIAL MAP

### PROPOSED HUMMINGBIRD HEALING CENTER CONDITIONAL USE PERMIT MCKINLEYVILLE AREA

CUP-16-140

APN: 508-242-042

T06N R01E S06 HB&M (Arcata North)

Project Area = 

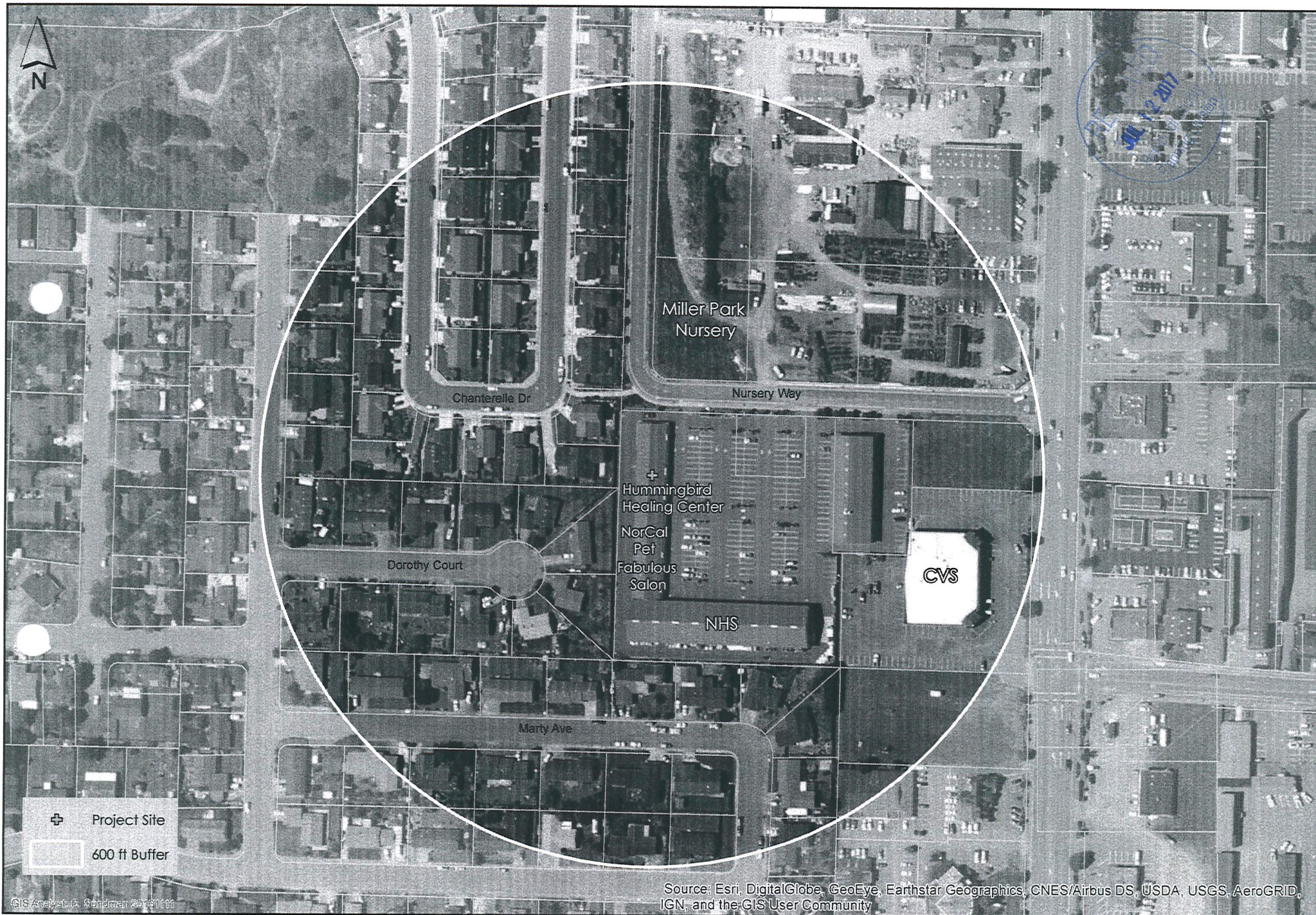
This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.



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# Hummingbird Healing Center Buffer Zone



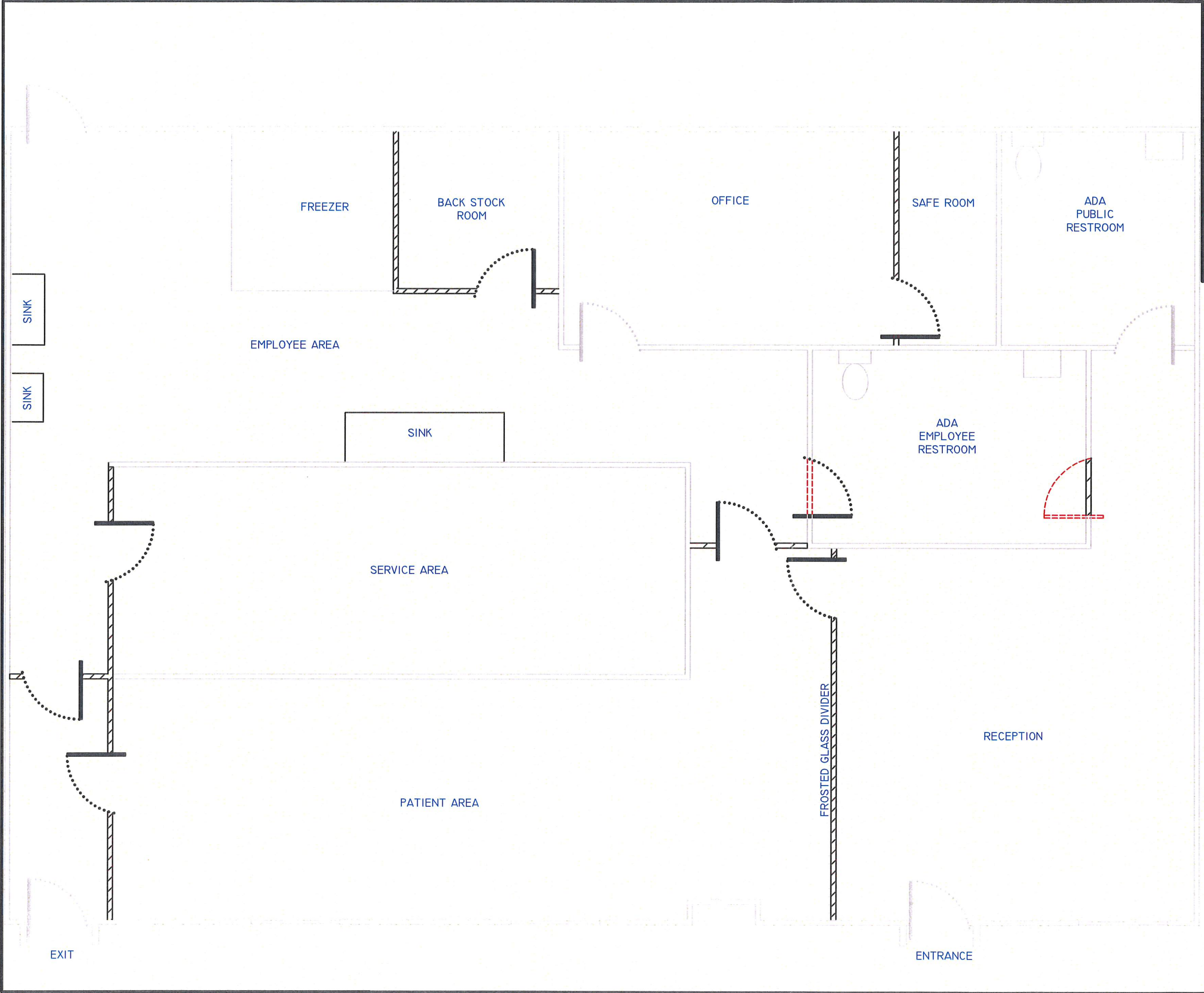
GIS Analyst: G. Sandmen 20181111











DIRECTIONS: FROM EUREKA, TAKE US 101 N. EXIT ONTO CENTRAL AVE. TAKE LEFT ONTO NURSERY WAY.

SUBJECT PARCEL  
APN: 508-242-042

UNIT B-C

MotherEarthEngineering\Project Files\2017\Hum

**VICINITY MAP**  
SCALE: NTS

ROOM	AREA (SQ FT)
EMPLOYEE AREA	475
BACK ROOM STOCK	65
OFFICE	185
SAFE ROOM	50
ADA PUBLIC RESTROOM	110
ADA EMPLOYEE RESTROOM	140
RECEPTION	400
PATIENT AREA	500
SERVICE AREA	310

**LEGEND**

EXISTING WALL TO REMAIN

PROPOSED WALL

EXISTING WALL TO BE REMOVED

EXISTING DOOR TO REMAIN

PROPOSED DOOR

EXISTING DOOR TO BE REMOVED

**FLOOR PLAN**  
SCALE: 1" = 5'

MOTHER EARTH  
**ENGINEERING**  
920 SAMOA BOULEVARD, SUITE 203  
ARCATA, CA 95521 707-633-6321

APN: 508-242-042  
ADDRESS: 1580 NURSERY WAY SUITE B-C, MCKINLEYVILLE, CA 95519

**FLOOR PLAN**

APPLICANT: HUMMINGBIRD HEALING CENTER  
ADDRESS: 1580 NURSERY WAY SUITE B-C, MCKINLEYVILLE, CA 95519

**CMMLUO PERMIT**

JOB NO: 017018  
DATE: 5/25/17  
PAPER SIZE: 11" X 17"  
DRAWN: CO CHECKED: PL  
SHEET NO:

1

OF 1

## **ATTACHMENT 1**

### **RECOMMENDED CONDITIONS OF APPROVAL**

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

#### **A. General Conditions**

1. Building permits are required for all tenant improvements. The applicant must specify on the building plans the prior use of all tenant spaces in the building. All work done shall meet current Structural, Electrical, Plumbing, and Mechanical Codes. Issuance of a building permit for the necessary tenant improvements, or written documentation from the Planning and Building Department that no building permits are required, shall satisfy this condition.
2. Prior to the issuance of the building permit, the applicant shall obtain a business license from the Humboldt County Tax Collector.
3. To ensure the safety of the collective members, the applicant shall have a qualified laboratory test samples of all medicine for pesticides, herbicides, mold, mildew, and pests.
4. Due to the collective's proximity to residential land uses and other commercial land uses, the collective shall retain a security guard or designated staff member to monitor the parking lot during hours of operation and enforce the rules of the collective, prohibiting loitering, smoking, or sharing of medicine on-site or in the vicinity. Collective members who violate the terms of this permit shall be subject to suspension and/or exclusion from membership.
5. The project shall address odor management by incorporating a ventilation/air filtration system which limits potential adverse odor emission impacts to employees and/or properties located in the vicinity. The system shall be designed, signed, and stamped by a mechanical engineer for review and approval by the building official.
6. A final Signage Plan shall be submitted subject to review and approval by the Planning Director. Signage shall be compatible and not distract from with surrounding uses in the area.
7. Section 314-55.3.9.1 HCC, indicates that a Hazardous materials storage, handling, and disposal plan is to be developed for medical cannabis Dispensaries, approved by the Division of Environmental Health (DEH). The applicant is required to contact the DEH and secure a statement from that Division as to the need for preparation of this Report.

#### **B. Operation Restrictions**

1. The hours of operation shall be daily, 10:00 a.m. to 7:00 p.m.
2. The collective will provide adequate security on the premises, including lighting, alarms, and law enforcement notification, to ensure the safety of persons and to protect the premises from theft.
3. The collective shall operate at all times in conformance with the provisions of Humboldt County Ordinance #2554 and 2588, including the Operating Standards in Section 314-55.3.11 and the requirement for annual Performance Review Reports per Section 314-55.3.12.
4. No cannabis shall be smoked, ingested, or otherwise consumed on the premises.



5. The collective shall not hold or maintain a license from the California Department of Alcoholic Beverage Control to sell alcoholic beverages, or operate a business that sells alcoholic beverages.
6. The collective shall maintain records of all patients using only the identification card number issued by the County, or its agent, pursuant to California Health and Safety Code Section 11362.7 et seq., as protection of the confidentiality of the cardholders, or a copy of the written recommendation.
7. The collective shall follow the staff screening process as detailed on pages 8–9 of the Dispensary Operations Manual that includes a criminal background check.
8. As identified under the 2008 Attorney General Guidelines (for the Security and Non-Diversion of Marijuana Grown for Medical Use), the collective shall “track and record the source of their marijuana” and keep records of its division and distribution.
9. The collective shall permit the Planning Director or his/her designee to have access to the entity’s books, records, accounts, and any and all data relevant to its permitted activities for the purpose of conducting an audit or examination to determine compliance with the conditions of the Conditional Use Permit. Books, records, accounts, and any and all relevant data will be produced no later than 24 hours after the request from the Planning Director or his/her designee.
10. All compensation to grower/members providing excess medicine to the collective shall be made by check instead of cash as soon as banking is available. The grower/member shall provide or verify his/her Social Security Number (SSN) to the collective in association with each transaction. SSNs will be kept on file with the collective and used to file 1099 forms for each grower/member at the end of each fiscal year.
11. Hummingbird Healing Center shall provide the Planning Director or his/her designee, the Sheriff, and all neighboring property owners within 300 feet of the establishment with the name and telephone number of an on-site representative of the collective to whom one can provide notice if there are operating problems associated with the facility. The collective shall make every good faith effort to encourage neighbors to call this contact person to try and solve problems, if any, before calls or complaints are made to the Sheriff or Planning Director. Should problems arise that cannot be adequately resolved in this group setting, the disgruntled party can petition the Planning Commission to initiate the process of permit revocation per Section 312-14 of the Humboldt County Code.
12. There is to be no loitering on or about the premises at any time. Further, the Sheriff shall provide to the Planning Director and/or his/her designee a list of any complaints and law enforcement–related problems associated with the collective, upon request.
13. The collective shall participate in inspections to verify that all cannabis is being distributed in compliance with all state and local regulations.
14. Patients younger than 18 will not be allowed membership.
15. Methods used to track inventories, quantities, and distribution between verified members will match “standard industry procedures,” which include the following:

- All incoming medicine will be assigned a lot number which will be retained as medicine is subsequently divided and distributed to members.
  - All medical cannabis will be tracked by the gram.
  - QuickBooks or similar software shall be used as a point of sale to record transactions, inventory, invoicing, and revenue-related recordkeeping.
17. Patients shall receive medicine in individual units no more than twice during a 24-hour period. Patients are required to take the medicine directly home and not to share it with anyone. Membership shall be immediately revoked for any patient found violating this rule.
  18. The medical marijuana cooperative, collective, or delivery service shall be inspected by the Humboldt County Sheriff or his/her designee and either members of the Code Compliance Division of the Planning and Building Department or the Code Enforcement Investigator on an annual basis, or more frequently as requested by the Planning Commission, to determine whether the cooperative, collective, or delivery service is in compliance with its Conditional Use Permit and Dispensary Operations Manual. After payment of the inspection fees as indicated in the following section, a copy of the results from this inspection shall be given to the medical marijuana collective, cooperative, or delivery service for inclusion in its Performance Review Report to the Planning Commission.
  19. Noncompliance by the medical marijuana collective, cooperative, or delivery service in allowing the inspection by the above-mentioned County personnel, or noncompliance in submitting the annual Performance Review Report per Section 314-55.3.12 for review by the Planning Commission, shall be deemed grounds for a revocation of the Conditional Use Permit and/or subject the holder of the Conditional Use Permit to the penalties outlined in the code section above. A deposit shall be collected for the County's time spent performing the inspection (based on the fees in effect at the time the request is submitted).
  20. The applicant shall complete and submit a Commercial, Industrial, and Agricultural User Addendum supplied by the Community Services District.
  21. Adult Use Retail Facility Operations - All operations shall be consistent with Humboldt County Code Section 314-55.3.3.8, the Medicinal and Adult Use Cannabis Regulatory and Safety Act (MAUCRSA) (SB 94), and other applicable state law and regulations. Cannabis product for medicinal and adult use dispensary use shall be obtained from licensed cultivators, manufacturers and/or distributors consistent with the CMMLUO and with appropriate state license(s).
  22. Permittee further acknowledges and declares that:
    - I. All commercial cannabis activity that I, my agents, or employees conduct pursuant to a permit from the County of Humboldt shall be solely for (1) medical purposes and all commercial cannabis products produced by me, my agents, or employees are intended to be consumed solely by qualified patients entitled to the protections of the Compassionate Use Act of 1996 (codified at Health and Safety Code section 11362.5) or adult use pursuant to local Ordinance and the State of California Medicinal and Adult Use Cannabis Regulation and Safety Act ("MAUCRSA") (SB 94); and
    - II. All commercial cannabis activity conducted by me, or my agents or employees pursuant to a permit from the County of Humboldt will be conducted in compliance with the State of California MAUCRSA.



23. 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 permit transfer review shall accompany the request. The request shall include the following information:

- a. Identifying information for the new Owner(s) and management as required in an initial permit application;
- b. A written acknowledgment by the new Owner in accordance as required for the initial Permit application;
- c. The specific date on which the transfer is to occur; and
- d. Acknowledgement of full responsibility for complying with the existing Permit; and
- e. Execution of an Affidavit of Non-diversion of Medical Cannabis.

24. 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.

**C. Ongoing Requirements/Development Restrictions Which Must Continue to Be Satisfied for the Life of the Project**

1. Operations shall be consistent with the project description, the site plan, and the plan of operations.
2. The applicant shall submit a request for agency review for substantial conformance on any proposed changes of the operation, including but not limited to changes to operational procedure or policy. Changes in operation may be processed as a minor deviation if all the findings of Humboldt County Code Section 312-11.1 can be made.
3. All new and existing outdoor lighting shall be compatible with the existing setting and directed within the property boundaries.
4. A Signage Plan shall be submitted subject to review and approval by the Planning Director. Signage shall be compatible with surrounding uses and not distract from visitor-serving uses in the area.
5. The project operator shall possess a current, valid required license, or licenses, issued by any agency of the state of California in accordance with the MAUCRSA, and regulations promulgated thereunder, as soon as such licenses become available.

**D. Informational Notes**

1. This permit approval shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"); except where construction under a valid building permit or use in reliance on the permit has commenced prior to such anniversary date. The period within which construction or use must be commenced may be extended as provided by Section 312-11.3 of the Humboldt County Code. .



2. 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.

3. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will provide a bill to the applicant after the decision. Any and all outstanding Planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
4. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions 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 send a bill to the Applicant for all staff costs incurred for review of the project for conformance with the conditions of approval. All Planning fees for this service shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.

## ATTACHMENT 2

### STAFF ANALYSIS OF THE EVIDENCE SUPPORTING THE REQUIRED FINDINGS

The County Zoning Ordinance, Sections 312-1.1.2 and 312-17.1 of the Humboldt County Code (Required Findings for All Discretionary Permits) specify the findings that are required to grant a Conditional Use Permit:

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

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

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

Relevant Plan Section(s)	Summary of Applicable Goal, Policy, or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Land Use  Chapter 4  Land Use Designations:  Section 4.8	<p><b>Commercial Services (CS):</b> This designation is intended for heavy commercial uses and compatible light industrial uses not serving day-to-day needs. Full range of urban services required.</p> <p>Density range: N/A</p>	<p>The project proposes use of a tenant space within an existing commercial building as a medical cannabis dispensary, where cannabis is provided to members of the cooperative who are capable of providing sufficient documentation to demonstrate they have recently been recommended the medical use of cannabis by a California licensed physician. The General Plan lists retail sales as a primary use within areas designated for CS use. The proposed use of the project site for distribution of medicinal cannabis is consistent with the definition of retail sales.</p> <p>[Note: This request includes and adult use retail cannabis dispensary. Pursuant to HCC Section 314-55.3.3.8: <i>Adult Use Retail Sales facilities are a conditionally permitted use, subject to the same permit requirements that apply pursuant to Humboldt County Code Sections 314-55.3, et seq. applicable to Medical Cannabis Dispensaries. All regulations applicable to permitting of Medical Cannabis Dispensaries shall be applicable to Adult Use Retail Sales facilities, except those limiting sales exclusively to medical cannabis.</i>]</p>
Circulation  Chapter 7	Goals and policies contained in this Chapter relate to a balanced, safe, efficient, accessible and convenient circulation system that is appropriate for each type of unincorporated community (C-G1,C-G2); coordinated planning	Direct access to the site is from a paved County-maintained public road (Nursery Way). Public Works state that the roadway serving the subject property is adequate to accommodate the proposed use.



	<p>design, development, operations, and maintenance between the County and other transportation system service providers (C-G3); and access for all transportation mode types with improved opportunities to move goods within, into and out of Humboldt County (C-G4, C-G5)</p> <p>Related policies: C-P3. Consideration of Transportation Impacts in Land Use Decision Making</p>	
<p>Housing</p> <p>Chapter 8</p>	<p>Goals and policies contained in this Element seek to identify existing and projected housing needs and establish goals, policies, standards and measures for the preservation, improvement, and development of housing.</p> <p>Related policies: H-P3, Development of Parcels in the Residential Land Inventory</p>	<p>The project does not involve residential development, nor is the project site part of the Housing Element Residential Land Inventory. However, the project will not preclude any future residential development. 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.</p>
<p>Conservation and Open Space</p> <p>Chapter 10</p> <p>Open Space Section 10.2</p>	<p>Goals and policies contained in this Chapter relate to an Open Space and Conservation Program that is complimentary to other agencies' plans and that preserves the county's unique open spaces (CO-G1, CO-G3)</p> <p>Related policies: CO-P1, Conservation and Open Space Program; CO-P12, Development Review, CO-S1. Identification of Local Open Space Plan, and CO-S2. Identification of the Open Space Action Program</p>	<p>The project site is currently developed and designated for commercial use. The proposed project would not impact County open space resources.</p>
<p>Conservation and Open Space</p>	<p>Goals and policies contained in this Chapter relate to mapped sensitive habitat areas where policies are applied to protect fish</p>	<p>The project site is not located within designated sensitive or critical resource habitats. The project site is completely paved and built upon and part of a</p>

Chapter 10  Biological Resources  Section 10.3	<p>and wildlife and facilitate the recovery of endangered species (BR-G1, Threatened and Endangered Species, BR-G2, Sensitive and Critical Habitat, BR-G3, Benefits of Biological Resources)</p> <p>Related policies: BR-P1. Compatible Land Uses, BR-P5. Streamside Management Areas.</p>	<p>developed, urban area. Additionally, the project is to occupy an existing tenant space within an existing building and is not expected to generate any earth movement or alter any existing vegetation. Therefore, the project would have no impact on designated sensitive and critical resource habitats.</p>
Conservation and Open Space  Chapter 10  Cultural Resources  Section 10.6	<p>Goals and policies contained in this Chapter relate to the protection and enhancement of significant cultural resources, providing heritage, historic, scientific, educational, social and economic values to benefit present and future generations (CU-G1, Protection and Enhancement of Significant Cultural Resources)</p> <p>Related policies: CU-P1. Identification and Protection, CU-P2. Native American Tribal Consultation]</p>	<p>No new construction is proposed, so no ground disturbance will occur. Nonetheless, the project is conditioned to include an inadvertent discovery protocol should the project encounter undocumented cultural resources.</p>
Conservation and Open Space  Chapter 10  Scenic Resources  Section 10.6	<p>Goals and policies contained in this Chapter relate to the protection of scenic areas that contribute to the enjoyment of Humboldt County's beauty and abundant natural resources (SR-G1); and a system of scenic highways roadways that increase the enjoyment of, and opportunities for, recreational and cultural pursuits and tourism in the County. (SR-G2)</p> <p>Related policies: SR-S4. Light and Glare</p>	<p>The proposed project will be located within an existing building and will not include the construction of operation of any new exterior structures or lighting. No impacts to County scenic resources would occur.</p>
Water Resources	<p>Goals and policies contained in this Chapter relate to coordinated watershed planning and land use decision making to</p>	<p>The proposed project will be located within an existing commercial building and does not include any agricultural activity. In addition, the proposed project</p>



Chapter 11  Stormwater Drainage	<p>advance management priorities (WR-G3, WR-G4, WR-G5); watershed conservation and restoration efforts aimed at de-listing water bodies and watersheds which are restored to meet all beneficial uses, including water use, salmon and steelhead recovery plans, recreational activities, and the economy (WR-G1, WR-G, WR-G7, WR-G8, WR-G9); and</p> <p>Related policies: WR-P10. Erosion and Sediment Discharge; WR-P42. Erosion and Sediment Control Measures.</p>	would not contribute to, or impact current stormwater flows at the project site.
Water Resources  Chapter 11  Onsite Wastewater Systems	<p>Goals and policies contained in this Chapter relate to adequate public water supply as well as onsite wastewater systems and natural and developed storm drainage systems that minimize interference with surface and groundwater flows and storm water pollution (WR-G6, WR-G9, WR-G10)</p> <p>Related policies: WR-IM7. Basin Plan Septic Requirements; and IS-P17. On-Site Sewage Disposal Requirements.</p>	The proposed project site is an existing commercial building which receives water and wastewater service from the McKinleyville Community Services District. County water and wastewater service supplies will not be impacted.
Noise  Chapter 13	<p>Goals and policies contained in this Chapter discourage incompatible uses within communities and reduce excessive noise through the application of standards (N-G1, N-G2)</p> <p>Related policies: N-P1, Minimize Noise from Stationary and Mobile Sources; N-P4, Protection from Excessive Noise</p>	The proposed project includes the controlled dispensing of cannabis from an existing commercial building. The use of the project site for cannabis distribution is consistent with the commercial land use designation of the project site and the proposed use would not result in any significant increase of daytime noise in the community. Hours of operation of the proposed project from 10am to 7pm will ensure that the proposed project does not result in a significant increase of nighttime noise in the community.

<p>Safety Element</p> <p>Chapter 14</p> <p>Geologic &amp; Seismic</p>	<p>Goals and policies contained in this Chapter relate to communities that are designed and built to minimize the potential for loss of life and property resulting from natural and manmade hazards; and to prevent unnecessary exposure to areas of geologic instability, floodplains, tsunami run-up areas, high risk wildland fire areas, and airport areas planned and conditioned to prevent unnecessary exposure of people and property to risks of damage or injury (S-G1, S-G2)</p> <p>Related policies: S-P11. Site Suitability, S-P7. Structural Hazards,</p>	<p>The project site is currently developed and it is within an area identified as being seismically relatively stable. Slope on the project site is identified as less and 15%, and there are no known areas for potential liquefaction. People and property on the project site will not be unnecessarily exposed to geologic and seismic risks.</p>
<p>Safety Element</p> <p>Chapter 14</p> <p>Flooding</p>	<p>Goals and policies contained in this Chapter relate to the use of natural drainage channels and watersheds that are managed to minimize peak flows in order to reduce the severity and frequency of flooding. (S-G3)</p> <p>Related policies include: S-P12, Federal Flood Insurance Program; S-P13, Flood Plains; S-P15, Construction Within Special Flood Hazard Areas</p>	<p>The project site is currently developed so not impacts to natural drainage channels will occur.</p>
<p>Safety Element</p> <p>Chapter 14</p> <p>Fire Hazards</p>	<p>Goals and policies of this Chapter encourage development designed to reduce the risk of structural and wildland fires supported by fire protection services that minimize the potential</p> <p>Related policies: S-P19, Conformance with State Responsibility Areas (SRA) Fire</p>	<p>The previously developed project site and surrounding area are within Ward 2 of the Arcata Fire District. The proposed project would not increase the risk of structural or wildland fire.</p>



	Safe Regulations;	
Air Quality Chapter 15	<p>Goals and policies contained in this Chapter relate to improved air quality to meet current and future state and federal standards, including attainment of particulate matter requirements (AQ-G1, AQ-G2, AQ-G3) and the successful reduction of greenhouse gas emissions to levels consistent with state and federal requirements (AQ-G4)</p> <p>Related policies: AQ-P4, Construction and Grading Dust Control, AQ-S1. Construction and Grading Dust Control, AQ-P7. Interagency Coordination.</p>	The project site is currently developed and the proposed project will not include any activity that could result in impacts to local or regional air quality.

2. **Zoning Compliance and 3. Conforms with applicable standards and requirements of these regulations:** The following table identifies the evidence which supports finding that the proposed development is in conformance with all applicable policies and standards in the Humboldt County Zoning Regulations.

Zoning Section and Summary of Applicable Requirement	Evidence That Supports the Zoning Finding
§312-1.1.2 Legal Lot Requirement: development permits shall be issued only for a lot that was created in compliance with all applicable state and local subdivision regulations.	The parcel of land known as APN 508-242-042 was created in its current configuration by an approved lot line adjustment (file number LLA-03-16), and is referred to as Parcel B in the Notice of Lot Line Adjustment and Certificate of Subdivision Compliance recorded in Book 2005 Official Records page 34383 on October 11, 2005. There is no evidence indicating there have be any subsequent acts to merge or divide this parcel. Therefore the subject parcel was lawfully created in its current configuration and can be developed as proposed.
<p>§314-2.2 Community Commercial Zone (C-2): Intended to be apply to areas where more complete facilities are necessary for community convenience.</p> <p>§314-29.1 Noise Impact (N) combining zone: Establish regulations to maintain within single family and multi-family structures and within structures designed for transient habitation, low exposure to levels of noise associated within airports and major roads.</p>	<p>The proposed project includes the controlled dispensing of medicinal cannabis which is a use closely related to the following principal permitted uses within the C-2 zone: drug stores and food markets. The use of the project site for the proposed project would be consistent the existing C-2 zone of the project site.</p> <p>[Note: This request includes and adult use retail cannabis dispensary. Pursuant to HCC Section 314-55.3.3.8: <i>Adult Use Retail Sales facilities are</i></p>

	<p><i>a conditionally permitted use, subject to the same permit requirements that apply pursuant to Humboldt County Code Sections 314-55.3, et seq. applicable to Medical Cannabis Dispensaries. All regulations applicable to permitting of Medical Cannabis Dispensaries shall be applicable to Adult Use Retail Sales facilities, except those limiting sales exclusively to medical cannabis.]</i></p> <p>The proposed project will be limited to indoor activities and will not therefore significantly contribute to ambient noise levels. In addition, the daily hours of operation of proposed project of 10am to 7pm will further ensure that any potential noise impacts would be limited to daytime.</p>
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<b>Zoning Section</b>	<b>Summary of Applicable Requirement</b>	<b>Evidence</b>
§314-2.3 Minimum Lot Size	2,000 Square feet	The subject parcel is 2.74 acres in size.
§314-2.3 Maximum Ground Coverage	None specified	N/A
§314-2.3 Minimum Lot Width	25 feet	The subject parcel is 344.53 feet wide.
§314-2.3 Minimum Lot Depth	None specified	N/A
§314-2.3 Setbacks  Front: None, except that where frontage is in a block which is partially in a Residential Zone (RS, R-1, R-2, R-3, R-4) the front yard shall be the same as that required in such Residential Zone.  Rear: Fifteen feet (15') except that where a rear		<p>Front: There are no residential zones on the block of the project site so no front yard setback required.</p> <p>Rear: 28 feet</p> <p>Side: 35 feet</p>



yard abuts on an alley, such rear yard may not be less than five feet (5').		
Side: None, except that a side yard of an interior lot abutting on a Residential Zone (RS, R-1, R-2, R-3, R-4) or Agricultural Zone (AE, AG) shall be not less than the front yard required in such Residential Zone or Agricultural Zone.		
§314-2.3  Maximum Building Height:	75 feet	Single story, less than 20 feet
§314-109.1.3.3: Commercial Uses Off-Street Parking	<u>Retail Uses</u> : One space for 300 square feet of gross floor area and one parking space per employee. A minimum of two parking spaces are required.	The proposed medical cannabis dispensary would occupy a 2,235-square-foot tenant space within an existing commercial building. The dispensary would require 8 parking spaces, as there would be a maximum of 13 employees and patients per hour. Based on the parking analysis provided, the parking lot contains 160 parking spaces, and the applicant has indicated that 13 parking spaces have been allocated to the dispensary. Therefore, adequate parking exists to accommodate the dispensary.
§314-109.1.4: Loading Spaces Required	<u>Loading Spaces</u> : One space for each 20,000 square feet of gross floor area or portion thereof.	
314-55.3 et seq. HCC: Medical Cannabis Dispensaries		
§ 314-55.3.8.2	Medical Cannabis Dispensaries shall only be allowed in specifically enumerated zones with a valid business license, and a conditional use permit issued pursuant to Section 312-3.1 of the code. Zoning districts where a Dispensary may be located are C-1, C2, C-3, MB, ML, MH.	The proposed project site is zoned C-2.  [Note: This request includes and adult use retail cannabis dispensary. Pursuant to HCC Section 314-55.3.3.8: <i>Adult Use Retail Sales facilities are a conditionally permitted use, <b>subject to the same permit requirements that apply pursuant to Humboldt County Code Sections 314-55.3, et seq. applicable to Medical Cannabis Dispensaries.</b> All regulations applicable to permitting of Medical Cannabis Dispensaries shall be applicable to Adult Use Retail Sales facilities, except those limiting sales exclusively to medical cannabis.</i> ] Complies.

§ 55.3.9	Medical Cannabis Dispensary Requirements	
§ 55.3.9.1 Hazardous Materials	Preparation of a hazardous materials storage, handling, and disposal plan by the Division of Environmental Health, if applicable.	The proposed project will not process cannabis on site and therefore it will not require the use, storage or disposal of a significant amount of hazardous material.
§ 55.3.9.2 Location	<p>Is the proposed project located within 600 feet of a:</p> <ul style="list-style-type: none"> <li>a) Residential neighborhood and its inhabitants</li> <li>b) Church</li> <li>c) Playground, public park, library, licensed day care facility, or place where children congregate</li> <li>d) Defined residential treatment facility; or</li> <li>e) Another cannabis dispensary, delivery service, or other transfer facility.</li> </ul>	<ul style="list-style-type: none"> <li>a) The proposed project site is located within 600 feet of a residential neighborhood. However, the project site is separated from the adjacent residences by a permanent fence and there is no direct vehicular access from the residences to the project site. A pedestrian path does extend from Chanterelle Drive to Nursery Way. In addition, the proposed project will operate solely indoors with public access to the dispensary being limited to the front door (the door furthest from the adjacent residences) storefront.</li> <li>b) The closest church, The Church of Jesus Christ of Latter-day Saints, to the proposed project is located approximately 1,300 feet to the north at the intersection of Central Avenue and Heartwood Drive.</li> <li>c) The closest playground and public park, Pierson Park, to the project site is located approximately 3,000 feet to the north of the project site while the closest library to the project site, McKinleyville Library, is located 3,000 feet to the north of the project site. The closest school the project site, Morris Elementary, is located one mile north of the project site, while the closest known day care center, Bellas Backyard Family Day Care is located approximately 2,300 feet northeast of the project site on Cypress Court.</li> <li>d) There are no identified treatment facilities located within 600 feet of the proposed projects.</li> <li>e) The closest currently permitted cannabis dispensary, Satori Wellness at 1551 Nursery Way, is located approximately 700 feet north of the project site. In addition, the County is currently processing an application for the Calyx Mountain cannabis</li> </ul>



		<p>dispensary which will be located approximately 720 feet east of the project site at 1715 Central Avenue. There is no existing or proposed cannabis dispensary located within 600 feet of the proposed project.</p>
<p>§314-55.3.10 Operations Manual</p>	<p>Dispensaries shall submit an Operations Manual that includes all the following:</p> <p>Authorization for the County, its agents, and employees to seek verification of the information contained within the Conditional Use Permit application.</p> <p>A description of the staff screening processes, including a requirement for criminal background checks.</p> <p>The hours and days of the week when the dispensary will be open.</p> <p>Text and graphic materials showing the site, floor plan, and facilities. The material shall also show structures and land uses within a 600-foot radius.</p> <p>A description of the security measures located on the premises, including but not limited to, lighting, alarms, and automatic law enforcement notification, and how these will ensure the safety of staff and clients and secure the medical cannabis against diversion for nonmedical purposes.</p> <p>A description of the screening, registration, and validation process, and procedures for qualified patients and primary caregivers.</p> <p>A description of qualified patient records acquisition and retention procedures and policies.</p> <p>A description of the processes, procedures, and inventory controls for tracking the</p>	<p>A detailed Dispensary Operations Manual that contains all of the required elements is included in Attachment 3. Additionally, the operations will remain subject to annual monitoring and reporting requirements. Furthermore, the collective will be regulated by numerous state and local regulations, including Article 2.5 of the Health and Safety Code (Senate Bill 420). The retail dispensary is also regulated by the MAUCRSA and will be subject to state licensing in 2018 once available.</p> <p>[Note: This request includes and adult use retail cannabis dispensary. Pursuant to HCC Section 314-55.3.3.8: <i>Adult Use Retail Sales facilities are a conditionally permitted use, <b>subject to the same permit requirements that apply pursuant to Humboldt County Code Sections 314-55.3, et seq. applicable to Medical Cannabis Dispensaries.</b> All regulations applicable to permitting of Medical Cannabis Dispensaries shall be applicable to Adult Use Retail Sales facilities, except those limiting sales exclusively to medical cannabis.</i>]</p>

	<p>disparate strains, the source of supply, and amounts of medical cannabis that come in and go out of the dispensary.</p> <p>Description of measures taken to minimize or offset the carbon footprint from operational activities.</p> <p>Description of chemicals stored, used, and any effluent discharged as a result of operational activities.</p> <p>The procedure, documentation, and notice process for assuring the quality and safety of all medical cannabis distributed. The procedure and documentation process for determining patient dosage, including any testing for the major active agents in medical cannabis offered to qualified patients, such as cannabinoids tetrahydrocannabinol (THC), cannabidiol (CBD), and cannabitol (CBN).</p>	
§314-55.3.11 Operating Standards	Dispensaries that function as medical cannabis delivery services shall not operate from an address of convenience located in a residential zone.	The proposed site is zoned Community Commercial (C-2).
§314-55.3.11 Operating Standards	<p>Medical cannabis dispensaries may not be operated by any persons who have been convicted of a felony in the last five years.</p> <p>No dispensing of medical cannabis to an individual qualified patient shall be permitted more than twice a day.</p> <p>The hours of operation of medical cannabis dispensaries shall be no earlier than 10 a.m. and no later than 7 p.m.</p> <p>Dispensaries shall only provide medical cannabis to an individual qualified patient who</p>	<p>All operating standards have been made conditions of approval. All signage shall demonstrate conformance with Humboldt County Code Section 314-87.2 et seq. The final signage plan shall submit to review and approval of the Planning Director, and shall be compatible and not distract from surrounding uses in the area. This is a Condition of Approval in Attachment 1.</p> <p>[Note: This request includes and adult use retail cannabis dispensary. Pursuant to HCC Section 314-55.3.3.8: <i>Adult Use Retail Sales facilities are a conditionally permitted use, <b>subject to the same permit requirements that apply pursuant to Humboldt County Code Sections 314-55.3,</b></i></p>



	<p>has a valid, verified physician's recommendation issued in the state of California. Dispensaries shall verify on an annual basis, or more frequently if required by the State of California, that the physician's recommendations of their clients are current and valid. Dispensaries shall display their client rules and/or regulations in a conspicuous place that is readily seen by all persons entering the dispensary. A copy of the client rules and/or regulations shall be provided to the qualified patient by a medical cannabis delivery service.</p> <p>Smoking, ingesting, or otherwise consuming medical cannabis products on the premises of a medical cannabis dispensary is prohibited. Each building entrance to a medical cannabis dispensary shall be clearly and legibly posted with a notice indicating that smoking, ingesting, or consuming medical cannabis or medical cannabis edibles on the premises or in the vicinity of the dispensary is prohibited.</p> <p>Each building entrance to a medical cannabis dispensary shall be clearly and legibly posted with a notice indicating that persons under the age of 18 are precluded from entering the premises unless they are qualified patients and they are accompanied by their parent or legal guardian.</p> <p>No medical cannabis dispensary or delivery service shall provide medical cannabis to any qualified patient or holder of a medical cannabis recommendation who is under 18 unless their parent or</p>	<p><b><i>et seq. applicable to Medical Cannabis Dispensaries.</i></b> All regulations applicable to permitting of Medical Cannabis Dispensaries shall be applicable to Adult Use Retail Sales facilities, except those limiting sales exclusively to medical cannabis.]</p>
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	<p>guardian has previously given written permission that is on file with the delivery service and that same parent or guardian is present to accept the delivery of medical cannabis.</p> <p>All medical cannabis dispensaries shall display a copy of the inspection receipt issued by the Humboldt County Sealer of Weights and Measures for all weighing and measuring devices.</p> <p>All medical cannabis dispensed by dispensaries must be obtained in accordance with the MAUCRSA and other applicable state and local laws.</p> <p>All signs for medical cannabis dispensaries must comply with Sections 313-87.3 and 314-87.2 of the County Zoning Regulations.</p> <p>An up-to-date inventory of all hazardous materials stored and used on-site shall be maintained on the premises of the dispensary with a copy of this inventory provided to the Humboldt County Division of Environmental Health.</p> <p>Dispensaries shall maintain all necessary permits, and pay all required taxes and fees. Dispensaries shall also provide invoices to vendors to ensure vendor's tax liability responsibility.</p> <p>Dispensaries shall implement their policies and procedures as outlined in their Operations Manual.</p> <p>Medical cannabis dispensaries shall comply with any and all conditions of their conditional use permit.</p>	
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**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.

<b>Code Section</b>	<b>Summary of Applicable Requirement</b>	<b>Evidence that Supports the Required Finding</b>
§312-17.1.4	The proposed development will not be detrimental to the public health, safety and welfare, and will not be materially injurious to properties or improvements in the vicinity.	The Department finds that the proposed project will not be detrimental to the public health, safety and welfare since all reviewing referral agencies have approved the proposed project design. The project as proposed and conditioned is consistent with the general plan and zoning ordinances; and the proposed project is not expected to cause significant environmental damage.
§15301 of CEQA Guidelines	Categorically exempt from state environmental review.	The project has been determined to be exempt from CEQA pursuant to Section 15301 – Existing Facilities of the CEQA Guidelines. 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 2,235 square feet of an existing structure (Suites B-C). The project site is served by public water and sewer. The proposed use within the existing building will not result in any significant adverse impact on the environment because the lot is approximately 119,354 square feet in size and the proposed use will occupy a portion of an existing building on the property.

- 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 the density that is 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 the density that is 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; (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 dispensary on lands designated Commercial Services (CS) and zoned Community Commercial (C-2). The parcel was not inventoried as a source of potential residential housing. Therefore, the project will not reduce the residential density for any parcel below the density that is 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 that has been submitted by the applicant in support of making the required findings. The following materials are attached or are on file with the Planning Division:

1. Application Form [on file]
2. Organizational Documents [on file]
3. Grant Deed [on file]
4. Indemnification Agreement [on file]
5. Acknowledgement Form [on file]
6. Consent for On-site Inspection [on file]
7. Plot Plan [attached]
8. Dispensary Operations Manual [attached]
9. Security Plan [attached]
10. Parking Lot Survey [attached]

**HUMMINGBIRD HEALING CENTER**  
**1580 Nursery Way Suite B-C, McKinleyville, CA 95519**

**Request for Permit Relocation**

**CUP 6/20/17**

**APN (508-242-042)**

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**Appendices**

Storefront-Based Medical Cannabis Dispensaries Application Checklist

Membership Application to Hummingbird Healing Center

Cultivator Contract with Hummingbird Healing Center

Parking Survey

Plot Plan, Site Map, Aerial View and Floor Plan





## **SECTION 1**

### **HUMMINGBIRD HEALING CENTER**

#### **Introduction**

The Hummingbird Healing Center (HHC) reorganized after several years of extensive planning. One of the founders recognized the need in McKinleyville for safe, affordable and professional access to medical cannabis as well as other healing herbs, and developed a business plan that met that need. The majority of California's estimated 1,125,000 medical cannabis patients obtain their medicine from a Medical Cannabis Dispensing Collective (MCDC), often referred to as a "dispensary." Dispensaries are typically storefront facilities that provide medical cannabis and other services to patients in need. HHC believes in providing more than the traditional dispensary experience. We will be an all encompassing healing center and wellness retreat by which patients from all around the state and hopefully the world someday, can come and heal themselves with cannabis and non-cannabis modalities.

Along with safe access to medical cannabis, HHC has a facility design that will provide education, information and access to a full range of healing herbs and other holistic healing services. We believe that medical cannabis is not the only healing herb, and that cannabis should be considered in addition to other holistic healing options and modalities.

HHC patients have benefited from access to a wide range of holistic services as well as information about all healing herbs in a supportive and respectful professional atmosphere at the previously opened Hummingbird Healing Center. Services provided included yoga, psychotherapy, massage therapy, oil aroma therapy and cultivation classes, which were utilized by over, which were utilized by over over 1,000 patients annually. Reopening HHC in McKinleyville will renew this point of access for the community. annually. Reopening HHC in McKinleyville will renew this point of access for the community.

HHC's location was selected to provide a centralized service for patients in hopes of reducing the additional cost and difficulty of accessing their recommended medicine. Prior to HHC locating in the McKinleyville area, patients have only been able to legally obtain their medicine in Arcata, approximately 3 miles south and at one

storefront in Eureka about 10 miles further south. It is also important to note Arcata dispensaries have been forced to refuse service to new patients in order to meet the medicinal needs of previously registered patients. Some Arcata facilities charge a registration fee, serve a limited class of patients, or have closed. All of these issues directly impact patients, by reducing access to safe and affordable medicine, as defined in State of California SB 420 and the new MMRSA (now MCRSA) regulations signed into California State law in 2015. The new Proposition 64 regulations may also direct our plans.

HHC is positioned to provide safe access, support and encouragement to those in our community with the greatest need. Community members with ongoing medical needs often experience difficulty expressing their desire for medical cannabis due to social stigma. It has been, and will continue to be the mission of HHC to address those needs with unparalleled professionalism and care while making sure that the patients' trust, confidentiality and medical needs are met.

HHC is also designed to eventually act as a social support center and a site for community focused projects, classes and support groups. Medical research has shown that patients who suffer from chronic and debilitating illnesses benefit from frequent interactions with knowledgeable and caring individuals who, in turn, can act as resources and friends. HHC's intention is to provide a space and service focused on compassion, kindness, integrity and genuine care for the health and welfare of our members and the community at large.

## **SECTION 2**

### **HUMMINGBIRD HEALING CENTER**

#### **Statement of Community Need**

##### **2.1 Statement of Need**

In 1996, the voters of the State of California recognized the medical need of California's patients, and voted in favor of Proposition 215, a constitutional amendment. Shortly thereafter, California State legislature passed SB 420 to implement the wishes of California voters. Over the next sixteen years, law enforcement, city and county officials, patients and community members have struggled to come together in a meaningful way, to provide 'safe and affordable access' to patients in the State.

One of the major challenges has been developing avenues of access for those patients without the means or ability to provide medicine for themselves. In an effort to interpret, implement and enforce the laws of California, case law & expert testimony has lead to the release of the State of California Attorney General Guidelines. These Guidelines provided for the organization of 'Cooperatives and Collectives'. In this model, patients that are able to produce medicine to meet their personal needs are allowed to 'cooperatively or collectively' provide any excess to help meet the needs of other patients of the collective, and be reimbursed for the costs of production. In order to facilitate the transfer of medicine from patient-to-patient, businesses, usually called dispensaries, have been established throughout the State of California. These dispensaries are highly regulated and are required by the State to be 'not-for-profit'. This assures the cooperatives and collectives can provide medicine to their patients at the most reasonable cost. Additionally, dispensaries provide a wide range of associated services and funds to other non-profits working to the betterment of communities.

For communities throughout the State, the challenge has become one of perception. Many question whether dispensaries are acting in accordance with laws,



what the community impacts are and whether the presence of a dispensary negatively impacts community safety. Dispensaries are, like any other businesses, required to meet or exceed all regulations that also pertain to other retail businesses. Hummingbird will meet or exceed all State and local regulations for dispensaries. There is an identified, underserved patient body in the Tri-City area, without ready access to their recommended medicine. We have shown in the past that we can provide these patients with safe, affordable and easily accessible medicine. The general consensus among past members is an appreciation of our services and willingness to travel to our front door just to obtain medicine from us. HHC, like other well-run dispensaries across the State, will offer tested medicine to verified patients in a supportive environment. During our recent participation in local community events, such as Cannafest, patients have expressed an astounding amount of interest and support for our holistic and community oriented approach to medicinal cannabis.

## **2.2 Vision**

It has been our vision to re-open our healing center in McKinleyville, CA, to provide access to a wide variety of healing herbs, with a focus on medical cannabis, while offering ancillary services and classes to our patients. Eventually, this healing center will not only utilize cannabis as a natural modality to rid people of their ailments and toxicities; we envision a means to help people with opioid addictions and mental conditions, helping change the way these issues are addressed by the medical community. We believe we can fulfill this vision.

## **2.3 Mission**

The mission of HHC is to provide a cannabis-centric holistic healing center dedicated to helping individuals find healthy and natural ways to improve their well being. Through providing services focused on compassion, kindness, integrity, and genuine care for the health and wellness of our patients, we are able to fulfill our mission to help people find alternative, natural paths to healing that are profoundly life changing and deeply empowering. We are dedicated to motivating and helping individuals become active members of our community through the open sharing of knowledge and health care alternatives.

## **2.4 Values**

HHC values and supports the health and wellness of our patients, neighborhood, community and ourselves. We recognize our patients are our, teachers, friends and neighbors. We strive to provide them with service, acceptance and respect during every encounter. We thank them and our community for this opportunity to be of service.

## **2.5 Goals**

It is our goal to educate and enlighten the community on the benefits of natural healing and to make natural health products and services readily available for our patients. We have proven in the past to be able to meet this goal through working and listening to what our patients want and need. We want to help heal this community and to be a place of refuge for any member of the community who feels they need our services. While cannabis can be effective in facilitating the needs of a patient, sometimes all they need is social interaction and compassion. We can provide a place for that to happen. It is our long-term goal to be able to help any and every patient who walks through our doors one way or another. By increasing the quality of life of those who touch our lives, we can give them the tools to touch the hearts of others and increase the quality of life of those

around them. Our network of healers and experts will also broaden Humboldt's outreach to other areas that have been inquiring about HHC's healing and wellness model.

## **SECTION 3 HUMMINGBIRD HEALING CENTER**

### **Project Description**

#### **3.1 Project Description**

Hummingbird Healing Center (HHC) is a full-service, retail, members-only, not-for-profit facility designed to meet the underserved needs of local medicinal cannabis patients. We offer consultation services regarding natural and herbal medicines and modalities beneficial to patients and we provide access to classes and training for our members and the community at large. We will have a Massage Therapist and Yoga instructor to help our patients with all of their healing needs, whatever they may be. We intend to add more practitioners with time, hoping to incorporate a full service wellness center that would be free to the whole community.

#### **3.2 Hours of Operation**

Our hours of operation would be daily between the hours of 10am–7pm with exception for special events and management discretion.

#### **3.3 Number of Employees**

HHC recognizes the immediate need for three paid positions. These positions are General Manager, Inventory Manager and Controller. Future plans have identified additional positions for two full-time and five part-time employees.

#### **3.4 Permanency**

HHC has developed a well-defined model that will provide for thoughtful and incremental growth. We anticipate HHC to remain in business successfully far into the future. We are a member of the community we serve.

#### **3.5 By-Product Description**

HHC will work closely with all local and regional authorities to ensure that any and all laws are being met at the highest standards. Hummingbird is an environmentally aware business striving to reuse, reduce and recycle all materials.

#### **3.6 Discharge Description and Carbon Footprint**

HHC will adhere to any local and regional authorities to ensure that all laws are being met at the highest local standards. We will have a high quality air filter in our product storage room to mitigate any odors from the herbs we have on hand. Hummingbird Healing Center will apply carbon footprint calculations to its business activities and meet or exceed California standards of the Air Resources Board. Upon opening, HHC's hazard waste storage, handling and disposal will be minimal (confined to bleach and detergent). As we plan to pursue other business activities, these may extend to fertilizers and other materials which we will provide notification to the County.

#### **3.7 Current Noise Level Description**

HHC is located in one of 5 commercial retail offices. There will be no increase of noise in the area, beyond expected increase due to higher traffic volume as a result of a new business in the location. The location was in use prior to this business.

#### **3.8 Use of Public Facilities, Description**



HHC has chosen a location in one of five retail spaces. There is no additional use of roads, water or sewer facilities, beyond expected increase due to higher traffic volume as a result of a new business in the location. The location was in use prior to this business.

## **SECTION 4**

### **HUMMINGBIRD HEALING CENTER**

#### **Facilities Descriptions**

##### **4.1 Registration Location**

Registration takes place on the same property as the dispensary. Here all patient recommendations are verified and the patient is given a patient number, information on the dispensary and a brochure detailing our services, rules and requirements. Patients are also able to register their care provider, if needed, at this location. The signed patient registration form, copies of Doctor's Recommendation and photo identification are held on site to provide appropriate security and confidentiality of patient records, as per HIPAA standards.

##### **4.2 Dispensary Location**

The Hummingbird Healing Center will be located at 1580 Nursery Way, Suite B-C, in McKinleyville, CA. The range of healing herbs available to the registered and verified patient includes, but is not limited to, medical cannabis, herbal teas, topicals, edibles, cannabis-infused cosmetics, herbal hand cleaners and information regarding peer consultation on the use of all medicinal herbs.

##### **4.3 Nearby Businesses**

Regulated dispensaries are helping revitalize neighborhoods and often go hand in hand with bringing new customers to neighboring businesses. HHC, 1580 Nursery Way, Suite B-C, in McKinleyville, CA, is located in a commercial/retail area. Our immediate neighbors are a pet store, taxidermy shop and a horticultural supply store. Other neighboring businesses in the area include thrift shop, glass foundry, auto repair shop, and a brand new pharmacy. We have already been meeting with our business neighbors and they are looking forward to our re-opening.

##### **4.4 Nearby Residents**

At HHC's previous location, we had a small senior housing complex behind us as well as apartments directly above us. On our own accord, we installed a 4 camera security system as well as 65 feet of fencing to close off the forest behind our building to people walking through.

In our new location we would hold ourselves to the same high standards in making sure all neighboring residents are comfortable with our operation and even feel safer with us there. We welcome the input for the residents located immediately near our location. Other than these residential neighbors, the site is mostly surrounded by commercial properties.

##### **4.5 Security**

Current research has shown that in areas where dispensaries are in operation, the local crime rate decreases. Dispensaries themselves have been shown to combat crime because dispensary security reduces crime in the vicinity, street sales tend to decrease, patients and operators are vigilant and any criminal activity gets reported to police, advocates argue that dispensaries actually make their neighborhoods safer.\* In a Rand

Corporation study, they concluded the impact on closing medical cannabis dispensaries: "Overall crime increased almost 60 percent in the blocks surrounding closed clinics in the ten days following their closing."\*\*

'Safe and Affordable Access' includes addressing concerns for the physical safety of our patients, staff and neighbors. We will address this issue by installing high definition camera security system with full display and remote access, contracted with Superior Alarm Service for a motion detector system, including a remote 'panic button.' We will schedule our staff and volunteers so that there is always a minimum of two responsible individuals on site.

We will also purchase a large, digital safe that will be physically secured to the foundation. All products will be secured in the safe overnight, and are behind a locked, solid core door, as well as protected by the motion sensor system. There are no windows leading into the room. The room is also secured with its own personal panic button for business hours and a motion sensor for non-business hours.

We also will be staffed full time with third-party on-site security who will patrol the area at different times each day ensure that the neighborhood is safe at all times. A second Security Officer will be checking ID cards and valid doctors recommendations at the door, to make sure that everyone walking through the door is a valid patient.

## **SECTION 5**

### **HUMMINGBIRD HEALING CENTER**

#### **Organizational Description**

##### **5.1 Hiring Policies**

HHC is an Equal Opportunity Employer, adhering to all State and Federal Employment practices, rules and regulations. All employees are subjected to a background check. To apply, one must first be a member of our collective and SB 420 compliant. We then accept a resume from the member, which is reviewed by the Board. At the Boards' discretion the member may be asked in for either a phone or in-person interview. Upon Board approval the member will be offered the job.

##### **5.2 Position Descriptions**

General Manager: This position requires at least two years experience in both retail and management. A minimum of two years college is required, and a degree in Social Work preferred. Team building and facilitation skills are a must. This position reports directly to the Board of Directors. The starting wage is \$20/hr.

Controller: This position requires experience with Excel, bookkeeping, QB Point of Sales and QB accounting programs. This person must be familiar with tax reporting, bill payment, invoicing, bank reconciliation, budgeting, and profit and loss statements. Two years of college preferred. This position reports directly to the General Manager. The starting wage for this position is \$15/hr.

Inventory Manager: This person should have general accounting training, bookkeeping skills and be detailed oriented. Inventory management, product knowledge and supervisory skills are required for this position. This position reports directly to the General Manager. The starting wage is \$15/hr.

Floor Manager: This position requires at least two years experience working in either retail or hospitality Supervisor or management experience is preferred. This position requires strong social and organizational skills, merchandising experience and good attention to detail. . Experience with inventory control and scheduling is also required. This position reports to the General Manager. The starting wage for this position is \$12/hr.



Floor staff: This position works directly with and reports to Floor Manager. This person must pay strict attention to detail, be task orientated and must be responsive to needs of all supervisors. Roles will include but not be limited to: budtender, receptionist and packaging. The starting wage for this position is \$10.50/hr.

### **5.3 Organizational Chart**

Please Note: This organizational chart anticipates positions identified for the future growth of HHC.

**Board of Directors**

**General Manager**

**Inventory Manager Floor**

**Manager Controller**

**Floor Staff**

### **5.4 Termination Procedures**

Any employee of the Hummingbird Healing Center will be issued one verbal and two written warnings from their direct supervisor for any behavior not conducive to the success of the business. If, within a six month period the behavior or situation is not corrected, the second written warning will be issued and a meeting with the direct supervisor and the General Manager will be scheduled.

HHC is an 'at will' employer, and as such, may dismiss any employee at any time. Employees understand and agree to this by the acceptance of the position and signature on the employee manual acceptance form.

The decision to hire and fire rests in the hands of the General Manager, who will rely on information from the supervisor and employee in making a fair and complete judgment. The position of General Manager reports directly to the Board of Directors and the Board of Directors may terminate the General Manager only in the case of gross negligence.

### **5.5 Employee Dispute Resolution**

In the case of disputes by dismissed employees, the General Manager will consider, at the pleasure of the Board of Director, such mediation steps as may be deemed necessary. In any case of employee dismissal, clear records shall be maintained in the employee file. The decision of the General Manager is final.

## **SECTION 6**

## **HUMMINGBIRD HEALING CENTER**

### **Operations Manual**

#### **6.1 Staff Screening Process**

All HHC staff shall be qualified patients with current, verified medical cannabis recommendations from a California physician. Staff shall be hired on a competitive basis from qualified patient applicants with a focus on hiring from within the Tri-City Area and Humboldt County. The basic hiring process will consist of the following:

- After review of qualifying resumes, applicants for employment will be invited to HHC's administrative office for an interview. At the interview they will be required to provide proof of their qualified status.

- If the applicant and HHC feel they are a good match for one another, the applicant will provide an electronic fingerprint background check, performed by our payroll company, Sure Payroll, or via LiveScan. This check searches Federal and State databases and returns the applicant's prior criminal history. Applicants who have been convicted of a prior non-cannabis related felony or crime of moral turpitude will be denied employment.
- Staff will be hired on a 90-day probationary period. New staff members will undergo a rigorous training period depending on their position. For instance, staff will be cross-trained on how to operate HHCs' point of sale system, how to determine patient dosage, security protocols, inventory tracking procedures, reception and maintenance of patient records and privacy.
- At the end of their probationary period new employees will be provided with a performance review. If they are kept on staff, applicable employee benefits will be made available at this time. Employee benefits may or may not include paid vacation and paid sick leave. Upon completion of the 90-day probationary period, full time employees will also be given the option of receiving coverage insurance, which includes Medical, Dental, and Vision.

HHC is an equal opportunity employer regardless of race, color, religion, creed, sex, marital status, national origin, disability, age, veteran status, genetic information, sexual orientation, political affiliation, or belief. Employment decisions are made without consideration of these or any other factors that employers are prohibited by law from considering. Any discriminatory action can be a cause for disciplinary action.

## **6.2 Process for Tracking Medical Cannabis Quantities, Inventory Levels & Quality Control**

HHCs' point of sale system will track the amount and type of medical cannabis procured by each individual patient. HHC can thus identify when a patient is procuring an excessive amount of medical cannabis indicating an intent to divert medical cannabis outside of the "closed loop". HHC, by and through its membership agreement, will maintain strict authority to regulate such activity, and will even deny a member access in extreme cases.

All products will be weighed, packaged and recorded by floor staff under the supervision of the Inventory Manager. These values will directly correspond to original consignment document and all inventory records will be updated to accurately reflect all weight. Upon receipt of products from patient providers, all products will immediately be entered into HHC's Point of Sale / Inventory Control System. The point of sale (POS) system allows tracking of the distribution of each product. The POS tracks each individual transaction by weight, type, and patient and automatically updates inventory after each patient transaction. This process further defines the inventory control and insures that even the smallest detail doesn't go unnoticed. Upon complete distribution of said product, records of distribution to patients will be compared to initial inventory input, reliably controlling all stages of distribution.

This process will allow us to control all access to medical cannabis internally. With our well developed and refined inventory control process, we will be able to immediately identify and implement any adjustments needed, to insure quality, consistency, satisfaction, adequate production methods, and clear lines of distribution to the patients of HHC.



HHC minimizes the amount of cash on the premises at anytime. Cash is stored in a locked automatic drawer that is integrated directly into our Point of Sale program. At the end of the day, a daily reconciliation log will be run and the drawer is counted to make sure there are no discrepancies. Bank deposits will be made to minimize the amount of cash on premise at any given time.

We require that all medicine is pre-tested with an independent and licensed lab for potency, molds and pesticides. This requirement will inform patients on potential effects and dosages. HHC will make these analysis available to patients and will routinely double verify that provided tests from regular providers are accurate.

### **6.3 Patient Verification**

Prospective members will go through a two-step process. First, they will be asked for their California physician's recommendation and their doctor's contact information. The validity of the recommending physician medical license is verified with the The Medical Board of California's Physician License Lookup tool.

The Physician is then contacted by phone or through an online service and the recommendation is verified.

If the prospective member has a valid and current State or County Medical Cannabis Card, this card constitutes prima facie evidence of verification of the patient's status as a qualified patient under the Compassionate Use Act and the Medical Marijuana Program Act.

New Members must agree to HHC's Rules and Policies, sign a Membership Agreement, and provide limited personal information regarding contact information for themselves and for their doctor.

HHC's monitoring continues through our point of sale system which tracks the amount and type of medical cannabis procured by each patient.

### **6.4 Record Retention**

Patient records hold personal information regarding each of our patients. All patient records are strictly confidential and are maintained according to HIPAA standards. Information contained on a patient registration form includes, but is not limited to:

- o Name
- o Address
- o Phone Number
- o Unique Patient ID Number
- o Sign off box indicating whether the patient has been verified or not

All records will be held onto indefinitely, or until a member decides to no longer be a part of the collective.

Patient records will be maintained on a secure, searchable database, and backed up daily to an external hard drive. When a New Member signs up, a paper copy is made and kept on file at the HHC Office in a locked filing cabinet, that is under video

surveillance 24 hours a day. Once the information is received all patient information is entered into our point of sale system that is a part of our encrypted network. From there we can track every purchase, return, and transaction every patient makes at any time through the distribution facility's point of sale system.

All records are updated daily with every transaction the patient makes. Once a patient decides upon the quantity they are going to obtain, the employee can then enter that unit of measure into the POS under the patient's unique patient number, which is provided upon registration with HHC. With that unique number, patient records can be located efficiently, to back check any abnormalities that may arise with multiple purchases in any given week. If a patient is found to be purchasing very frequently, the system will notify the employee, and they can then cross check the alert with the POS records, and then assess the situation and notify the patient if they are reaching their limit for possession.

This ability to track all product is an intricate part of our business and allows us to control all access to medical cannabis internally. With our well developed and refined inventory control process, we are able to immediately identify and implement any adjustments needed, to insure quality, consistency, satisfaction, adequate production methods, and clear lines of distribution to the patients of HHC.

#### **6.5 Process for Documenting Chain of Custody**

HHC takes the quality and safety of our member's medical cannabis seriously, from the farm to the patient. This is evident by our chain of custody program that we will implement to ensure the utmost care is taken and that all documentation is complete. This chain of custody is for our dispensary only, assuming we are bringing in product from our Patient Providers. Any Patient Provider that would want to bring their product to our facility would have to submit their strain to a licensed testing facility first. The form asks for information regarding the quality of the medicinal cannabis brought in and includes but is not limited to the following:

- Patient Providers Unique ID number
- Strain Name
- Quality of product

Based on those results, the Inventory Manager can then decide whether or not to accept the medical cannabis. If the patient providers sample is accepted, the Inventory Manager would then meet with the patient provider to discuss reimbursement for the product. A patient provider is never reimbursed for any kind of value put on the medicine. They are only reimbursed for the patient providers costs, such as, but not limited to:

- Labor
- Materials
- Utilities
- Location Rent

This is all done per SB 420 and the Attorney General's Guidelines. When the product is brought in, the Inventory Manager, and Patient Provider then sign a consignment agreement stating the following:

- Patient Providers Name



- Patient Providers Unique ID number
- Transaction Invoice Number and Date
- Product Name
- Product Number
- Quantity of product brought in

From there the product is then re-weighed to ensure everything is packaged and labeled with a product ID tag and put into the inventory on our Point of Sale system. Once the product is put into the POS system, a receipt for that product is printed out and attached to the Consignment Agreement Form. The Consignment Agreement Form is signed by the Inventory Manager, to show that he/she received the product from the Patient Provider, and then is signed again, once the product is entered into the Point of Sale system. The Consignment Agreement Form is finally signed one last time by the bookkeeper to show that it was received from our Point of Sale system to our bookkeeping software, which is integrated into our POS system.

When the product is ready to be put out on display, the product is signed out of the safe by the Inventory Manager, or by the Office Manager, with the consent of the Inventory Manager, and is logged by its entry into our POS system.

The Patient Provider is then reimbursed once his product is fully distributed to the collective. The Patient Provider is contacted that his/her product is sold and that they can pick up their reimbursement within 30 days of notice, or longer if mutually agreed upon in writing.

HHC will source cannabis and cannabis products from licensed cultivators, manufacturers and/or distributors.

## **6.5 Procedure for Determining Patient Dosage**

A patient's dosage is directly related to what a patient needs. Doctors do not and in most cases will not make THC and CBD dosage recommendations. If doctors do make those recommendations, HHC will follow those recommendations. All corresponding information will be entered into our POS system. THC, CBD, CBN and other relevant information will be provided in the packaging of each strain in amounts per gram, and then the amount of cannabis to match the required amount is provided by the computer record. We will administer to the patient the dosage given to us by the computer record. As we are not medical professionals, we can only make recommendations to patients regarding which product may best fit their needs. In any case we will follow the county's requirements for packaging for each and every package or unit of medical cannabis, or medical cannabis product distributed to patients.

Each patient will be limited to only 2 transactions per day (Section 55.3.11.3) and we will ensure compliance through our POS procedures as HHC did when it was previously open. We will also display client rules and provide copies to members (per (Section 55.3.11.6). We will also monitor and ensure compliance with Section 55.3.11.7 (prohibiting smoking or ingesting cannabis on the property). We will post a notice restricting access to persons under 18 years of age (per 55.3.11.8). As when we previously conducted operations, we will adhere to 55.3.11.10 (weights and measures compliance).

In regards to signage, we will compliant with 55.3.11.12 in our outside signage displayed, as well as being sensitive to our role in the community. Sign design is attached (10'x3').

## **SECTION 7**

### **HUMMINGBIRD HEALING CENTER**

#### **Membership Requirements**

##### **7.1 Requirements**

All patients shall have in their possession a current, verifiable CA Doctor's recommendation for medical cannabis. Each patient must also have a current government issued ID.

##### **7.2 Verification Procedures**

The patient must have a verifiable written recommendation for medical cannabis use from a CA physician who is currently licensed to practice medicine in the state. A call is made to the recommending physician to verify the recommendation. If there is any question regarding the Doctor, The Doctor's current medical standing is verified by going on-line to [www.medbd.ca.gov/liscensee](http://www.medbd.ca.gov/liscensee). When the patient is verified, we give them a patient card that contains the patient name, patient identification number and recommendation expiration date. The patient also receives an informational brochure detailing the rules & regulations.

Our Point of Sale will allow us to guarantee that all patients have current and valid Doctor Recommendations. By entering the patient data into the system on initial visit, we are able to guarantee access to only registered patients, prior to access to medical cannabis.

##### **7.3 Rules & Regulations**

HHC requires that all patients respect the limits imposed by local jurisdiction on medical cannabis. Our Point of Sale system tracks and records a history of patient purchases by date, which in turn allows us to effectively control the amount each patients can legally access.

##### **7.4 Termination of Members**

Termination of membership will occur if the patient is threatening, abusive, rude, menacing, violent or in any other way discourteous to other patients, staff or neighbors. Termination of membership will also occur if the patient disregards any of the stated rules and regulations. The rules and regulations will be posted at the McKinleyville location and in the brochure distributed at registration. Our standards of behavior are non-negotiable and will be enforced at all times. If a member is terminated, their information will still be kept on file with a brief explanation of the cause for their termination.

## **SECTION 8**

### **HUMMINGBIRD HEALING CENTER**

#### **Processes & Procedures**

##### **8.1 Procurement**

We accept samples and products only from registered and verified patients. Flower samples are approximately 3 grams, and visually represent the quality of the product as a whole. Concentrate samples are 2 grams. There is an information form for



the provider to fill out (in Appendix) including the patient name, number, expiration date, harvest date, growing process, strain/ cross, testing results. If the product is approved by HHC, then we will schedule an appointment to view the product as a whole and go over reasonable compensation.

HHC will also provide access to laboratory testing. Test results that indicate potency, percentages of active medicinal ingredients, and cleanliness of medicine may be obtained when submitted by HHC within 1 to 5 business days of sample drop off date. HHC will carry an assortment of cannabis infused edibles. All edible vendors must be food safety certified and all products must be produced in a licensed commercial kitchen. Documentation of both is required and is to be kept in the provider's file. We will not accept samples from providers unless they supply the proper documentation. All edible products must be correctly labeled according to the State of CA (Sherman Act).

HHC will offer clones to its members. Local and state plant limits will be adhered to when fulfilling these orders. Information regarding cultivation and best practices will be available and classes will be offered.

Retail merchandise will be sold on-site as well as through our website. These items will include garments, smoking accessories, books, lifestyle brand items and other articles representing the brand.

## **8.2 Invoicing**

Once reasonable compensation for the product is negotiated, a consignment document is generated including the providers' name, date, the total weight of the product or quantity of other medicinal alternatives, negotiated remuneration, total amount due, and payment schedule. One copy of the invoice is kept by the provider; the other will be kept on file at our McKinleyville location. All provider information will be entered into our POS system. All invoices are initialed by both the provider and the General Manager.

## **8.3 Inventory Control**

HHC will utilize a Point of Sale system to track and maintain rigid controls on inventory. This system works in concert with our process of weekly inventory count and in-depth inventory tracking. All products are weighed, recorded, and compared to actual sales on our POS on a weekly basis. All discrepancies are addressed and handled by the General Manager/and Inventory Manager.

## **8.4 Stocking**

When a product is invoiced, it is then prepared for retail. The product is weighed on commercially approved scales into sealed, weighted bags. Each bag is labeled, indicating weight, strain and CA Health and Safety Code. Sample jars and Display Board are labeled indicating Strain name, Hybrid info and information regarding Indica, Sativa or CBD dominance; all to facilitate patients selection based on individual medical need. No more than ¼ lb of each strain is out of the safe at any one time.

## **8.5 Storage**

All products are secured in a safe overnight. The safe is a large digital, "stack-on-elite" and is bolted to the foundation of the building. The safe is also located behind a locked, solid core door. No other access point is available to this location.

## **SECTION 9**

### **HUMMINGBIRD HEALING CENTER**

#### **Conclusion**

HHC previously established a presence in the Myrtle town area that was focused on the patients, neighborhood and community while addressing potential concerns and issues from its inception. We are dedicated to providing 'safe and affordable access' to those members of our community for whom medical cannabis is the recommended treatment, and preserving the integrity of our new McKinleyville neighborhood. Our hopes are to strengthen our community, and to improve for the health and well being of our patients and the neighborhood we will serve. You can't have community without unity.

#### **\*Footnotes**

<http://medicalmarijuana.procon.org/sourcefiles/dispensaries.pdf>

[http://www.huffingtonpost.com/2013/04/19/medical-marijuana-crime\\_n\\_3114287.html](http://www.huffingtonpost.com/2013/04/19/medical-marijuana-crime_n_3114287.html)

[http://www.canorml.org/medical\\_marijuana/RAND\\_TR987\\_Report\\_on\\_Crime.pdf](http://www.canorml.org/medical_marijuana/RAND_TR987_Report_on_Crime.pdf)





Hummingbird Healing Center  
Parking Lot survey  
June 16 – July 9, 2015

1580 Nursery Way, McKinleyville, CA 95519

Date:	9:30am	11:30	12:30	1:30	2:30	3:30	4:30	5:30	6:00
6/16/2015	Available	144	141	139	135	132	131	136	135
	occupied	16	19	21	25	28	29	24	25
6/18/2015	Available	142	138	139	133	134	135	140	132
	occupied	18	22	21	27	26	25	20	28
6/22/2015	Available	145	142	141	137	139	138	141	135
	occupied	15	18	24	23	21	10	19	25
7/8/2015	Available	141	140	135	131	130	142	133	131
	occupied	19	20	25	29	30	28	27	29
7/9/2015	Available	145	140	139	135	136	133	141	144
	occupied	15	20	21	25	24	27	19	15

A survey was also done of the existing tenants of the commercial complex at 1580 Nursery Way, McKinleyville. CA 95519.  
See Next Page...





Tenant:

# of Employees/Avg. Day:

Northcoast Horticulture Supply  
Nor Cal Pet  
Fabulous! Salon  
Mirador Glass  
Gatton Taxidermy

12-15  
4-5  
2  
2  
1

Sub-Total:

25 (without Hummingbird Healing Center)

Hummingbird Est.:

13 (both staff and hourly avg patients)

Total:

38 (with Hummingbird Healing Center)

Assuming 1 parking stall for every 300 square foot of commercial retail space (under 25,000 sf), Hummingbird Healing Center will be well in range of this target. On average, we expect no more than 13 parking spaces occupied per hour by staff and patients.

The parking lot has 160 spaces (4 ADA spaces). So even with the addition of Hummingbird Healing Center in the Commercial Retail space, there will many available spots for all customers, including bicycles.

## ATTACHMENT 5

### REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

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

Referral Agency	Response	Recommendation	Location
Building Inspection Division	✓	Approval	On file
Department of Environmental Health	✓	Approval	On file
Public Works Land Use Division	✓	Approval	On file
Arcata Fire Protection District	✓	Approval	On file
McKinleyville Unified School District	✓	Recommended denial due to conflicts between state cannabis laws and federal cannabis laws	Attached
McKinleyville Community Services District			





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

JUL 31 2017

7/27/2017

**PROJECT REFERRAL TO: McKinleyville Union School District**

**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, Arcata Fire Protection District, McKinleyville Community Services District, McKinleyville Union School District

**Applicant Name** Hummingbird Healing Center **Key Parcel Number** 508-242-042-000

**Application (APPS#)** 11071 **Assigned Planner** Cliff Johnson (707) 268-3721 **Case Number(s)** CUP16-140

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 8/11/2017**

Planning Commission Clerk  
County of Humboldt Planning and Building Department  
3015 H Street  
Eureka, CA 95501  
**E-mail:** PlanningClerk@co.humboldt.ca.us **Fax:** (707) 268-3792

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

☐ Recommend Approval. The Department has no comment at this time.

☐ Recommend Conditional Approval. Suggested Conditions Attached.

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

☒ Recommend Denial. Attach reasons for recommended denial.

☒ Other Comments: See Attached

DATE: 8-3-17

PRINT NAME: Jan Schmidt, Superintendent

*From the Desk of Jan Schmidt, Superintendent  
McKinleyville Union School District*

**M E M O R A N D U M**

**Date:** August 3, 2017

**To:** Humboldt County Planning Commissioners

**Re:** Conditional Use Permit CUP16-140 Commercial Cannabis Dispensary

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The proposed facility is not within 600 of a school or existing bus stop. However, McKinleyville Union School District has concerns about this proposed facility as cannabis is still illegal under federal law and our district receives federal funds. Additionally, the district has concerns about a cannabis operation in an area where current and/or future students may live in the area or near the facility, and be required to pass by it to and from school.