



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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

Hearing Date: August 16, 2018

To: Humboldt County Planning Commission

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

Subject: **Star Parking Services Special Permit**
Application Number 12172
Case Number SP-16-427
Assessor's Parcel Number (APNs) 210-131-007

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Please contact Steven A. Santos, Senior Planner, at 707-268-3749 or by email at sasantos@co.humboldt.ca.us if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
August 16, 2018	Special Permit	Steven A. Santos

Project Description A Special Permit for Star Parking Services LLC consisting of approximately 8,160 square feet of existing mixed light cannabis cultivation. The proposed project is located on Assessor's Parcel Number (APN) 210-131-007, which is approximately 40 acres in area.

Project Location: The project is located in Humboldt County, in the Dinsmore area, on the west side of USFS Route 01N08, approximately 2.13 miles south from the intersection of Elderberry Lane and USFS Route 01N08, on the property known to be in the northeast quarter of the northeast quarter of Section 34, Township 01 North, Range 05 East.

Present Plan Land Use Designations: Residential Agriculture (RA20-160), Density: 20 to 160 acres per dwelling unit, Humboldt County General Plan, Slope Stability: High Instability (3)

Present Zoning: Forestry Recreation (FR), Minimum building site area 40 acres (B-5(40))

Application Number: 12172

Case Number: SP-16-427

Assessor Parcel Numbers: 210-131-007

Applicant	Owner	Agent
Star Parking Services, LLC	Star Parking Services, LLC	None
2710 Spring Oak Ln.	2710 Spring Oak Ln.	
Apt. 2710	Apt. 2710	
Atlanta GA 30350	Atlanta GA 30350	

Environmental Review: The proposed project is statutorily exempt from the provisions of the California Environmental Quality Act (CEQA) per section 15270 (Projects Which Are Disapproved) of the CEQA Guidelines.

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

Major Issues: Submitted documentation is not sufficient to verify cultivation prior to January 1, 2016 as required by HCC Section 314-4.8.2.2 and 314-4.9.4

STAR PARKING SERVICES LLC
Case Number SP-16-427
Assessor's Parcel Numbers 210-231-012

Recommended Commission Action

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

Find the project exempt from environmental review pursuant to State CEQA Guidelines Section 15270, make the finding that the applicant has not provided sufficient documentation of cultivation prior to January 1, 2016 as required by Humboldt County Code 314-55.4.8.2.2 and 314-55.4.9.4, and adopt the Resolution denying the proposed Star Parking Services, LLC project.

Executive Summary: For Planning Commission consideration is an application under the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) for a Special Permit for Star Parking Services, LLC consisting of approximately 8,160 square feet of existing mixed light cannabis cultivation. The proposed project is located on Assessor's Parcel Number (APN) 210-131-007, which is approximately 40 acres in area. Staff is recommending denial of the project because Humboldt County Code (HCC) 314-55.4.8.2.2 requires that the cultivation area be in existence prior to January 1, 2016. The applicant has not provided sufficient documentation of prior cultivation per HCC 314-55.4.9.4. In addition, the subject parcel does not qualify for new cultivation per HCC 314-55.4.8.2.1 because the parcel is zoned Forestry Recreation (FR-B-5(40)).

Analysis: APN 210-131-007 has been determined to be a separate legal parcel per the Deerfield Unit 5, Lot 59, subdivision map exemption filed with the State of California in 1966. No other APNs are associated with this application.

Staff evaluated application documents submitted to the Planning and Building Department. The applicant did NOT submit a Commercial Cannabis Activity Registration Form.

The applicant was sent two separate notification letters on June 25 and July 27, 2018 (Attachment 2) informing them of the requirement to submit sufficient documentation of prior cultivation. The applicant did NOT respond to the notices.

Even though the burden is on the applicant to provide sufficient evidence, staff also conducted its own aerial analysis (Attachment 1) consisting of a series of numbered images and annotations. Image 1 of this analysis shows no greenhouses at the subject site in 2013. Images 2 and 3 also show no greenhouses or other ground disturbance at the subject site in 2014 and 2015 respectively. Image 4 shows that the graded flat and greenhouses do not appear at the site until after January 1, 2016.

ALTERNATIVES: The Planning Commission could elect to 1) continue the hearing to provide additional opportunity to the applicant to submit evidence of prior cultivation; or 2) find, based on submitted evidence and public testimony, that sufficient evidence exists of prior cultivation under Sections 314-55.4.8.2.2 and 314-5.4.9.4, and direct Planning Division staff to continue application processing in accordance with HCC Section 312-4.1 et seq.

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

**Case Number SP-16-427
Assessor Parcel Numbers: 210-131-007**

Makes the required findings for certifying compliance with the California Environmental Quality Act and denies the Burr Valley Farms LLC Special Permit request.

WHEREAS, Star Parking Services LLC submitted an application in support of approving a Special Permit for 8,160 square feet of existing mixed light cannabis cultivation located on APN 210-131-007.

WHEREAS, The County Planning and Building Department has reviewed the submitted application and evidence; and

WHEREAS, The proposed project is statutorily exempt from the provisions of the California Environmental Quality Act (CEQA) per section 15270 (Projects Which Are Disapproved) of the CEQA Guidelines; and

WHEREAS, Attachment 1 to the Planning Division staff report includes a staff aerial imagery analysis that demonstrates that the threshold requirement of prior cultivation has not been met; and

WHEREAS, A public hearing was held on the matter before the Humboldt County Planning Commission on August 16, 2018.

NOW, THEREFORE, be it resolved, determined, and ordered by the Humboldt County Planning Commission that:

1. The proposed project is statutorily exempt from the provisions of the California Environmental Quality Act (CEQA) per section 15270 (Projects Which Are Disapproved) of the CEQA Guidelines; and
2. The findings in Attachment 3 of this resolution cannot be made for this project, specifically insufficient evidence has been submitted to demonstrate the threshold requirement of prior cultivation per HCC Section 314-55.4.8.2.2 and HCC Section 314-55.4.9.4; and
3. Special Permit Case Number SP-16-427 is denied as recommended.

Adopted after review and consideration of all the evidence on August 16, 2018.

The motion was made by Commissioner ____ and seconded by Commissioner ____.

AYES: Commissioners:

NOES: Commissioners:

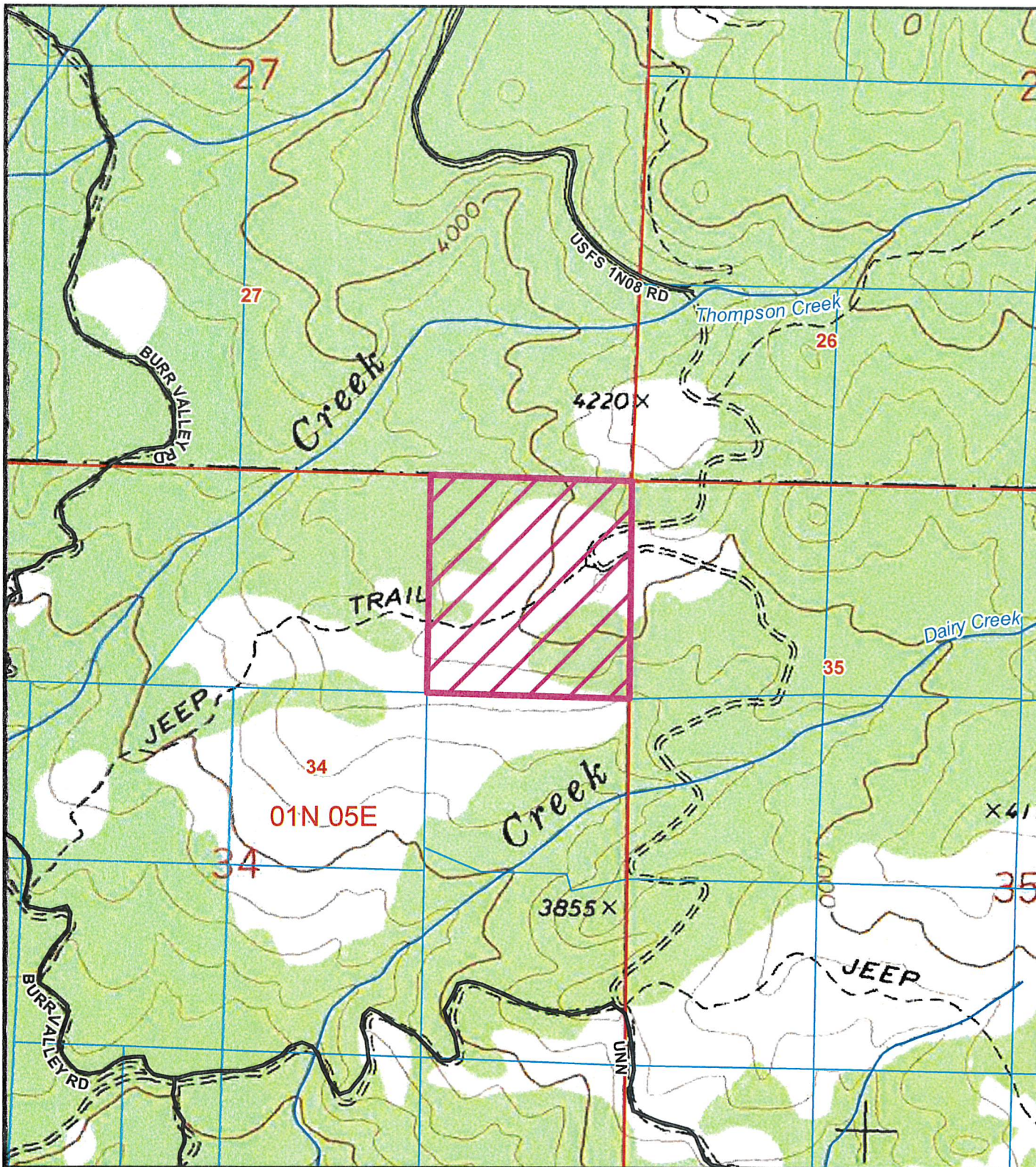
ABSTAIN: Commissioners:

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.

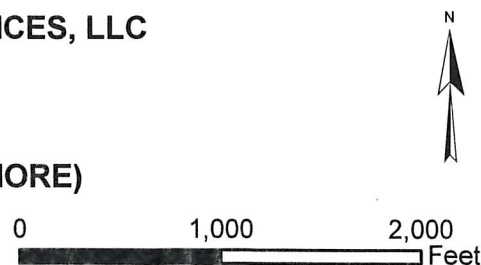
John Ford
Director, Planning and Building Department

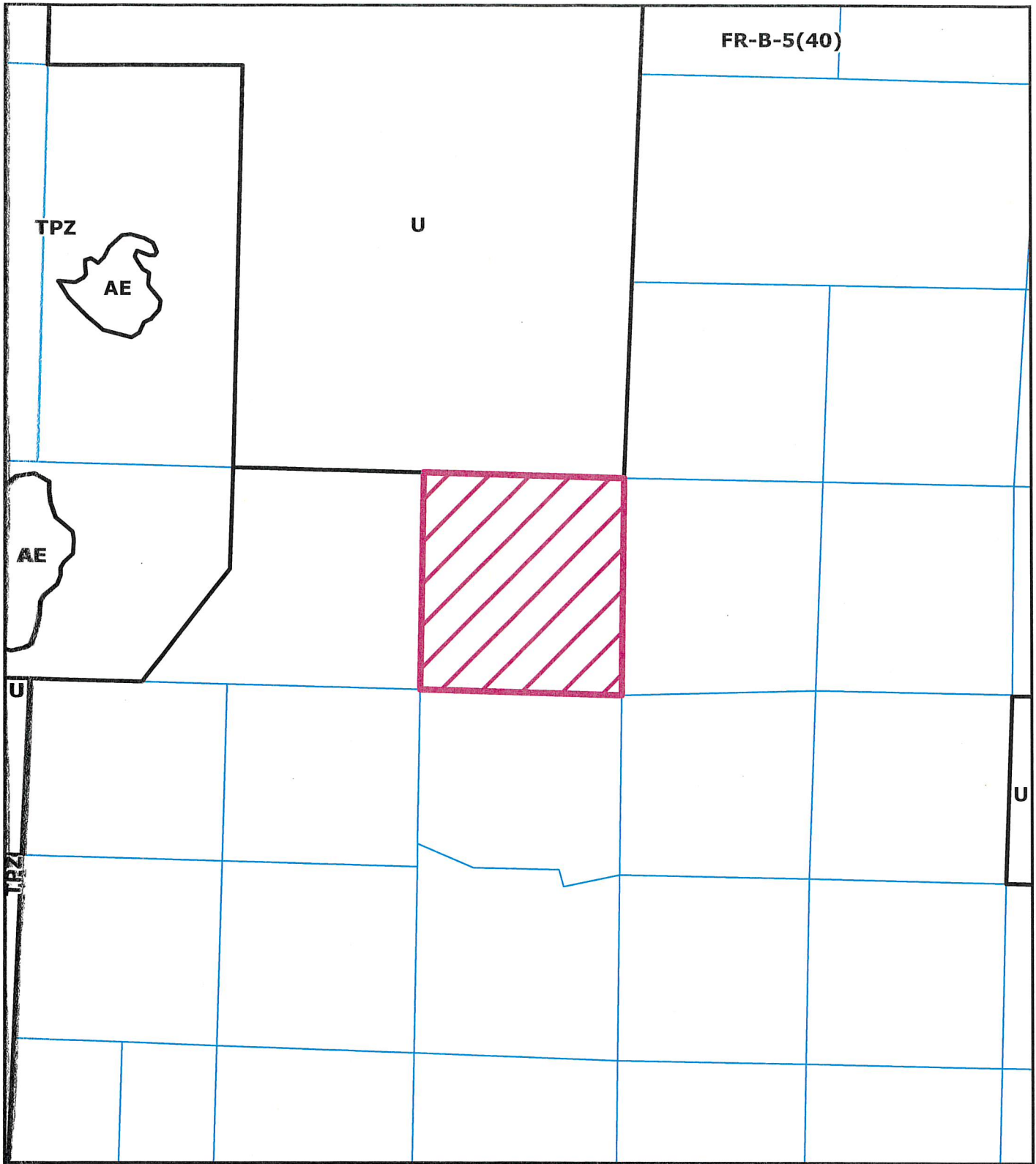


TOPO MAP
PROPOSED STAR PARKING SERVICES, LLC
DINSMORE AREA
SP-16-427
APN: 210-131-007
T01N R05E S34 HB&M (DINSMORE)

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.

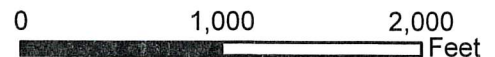


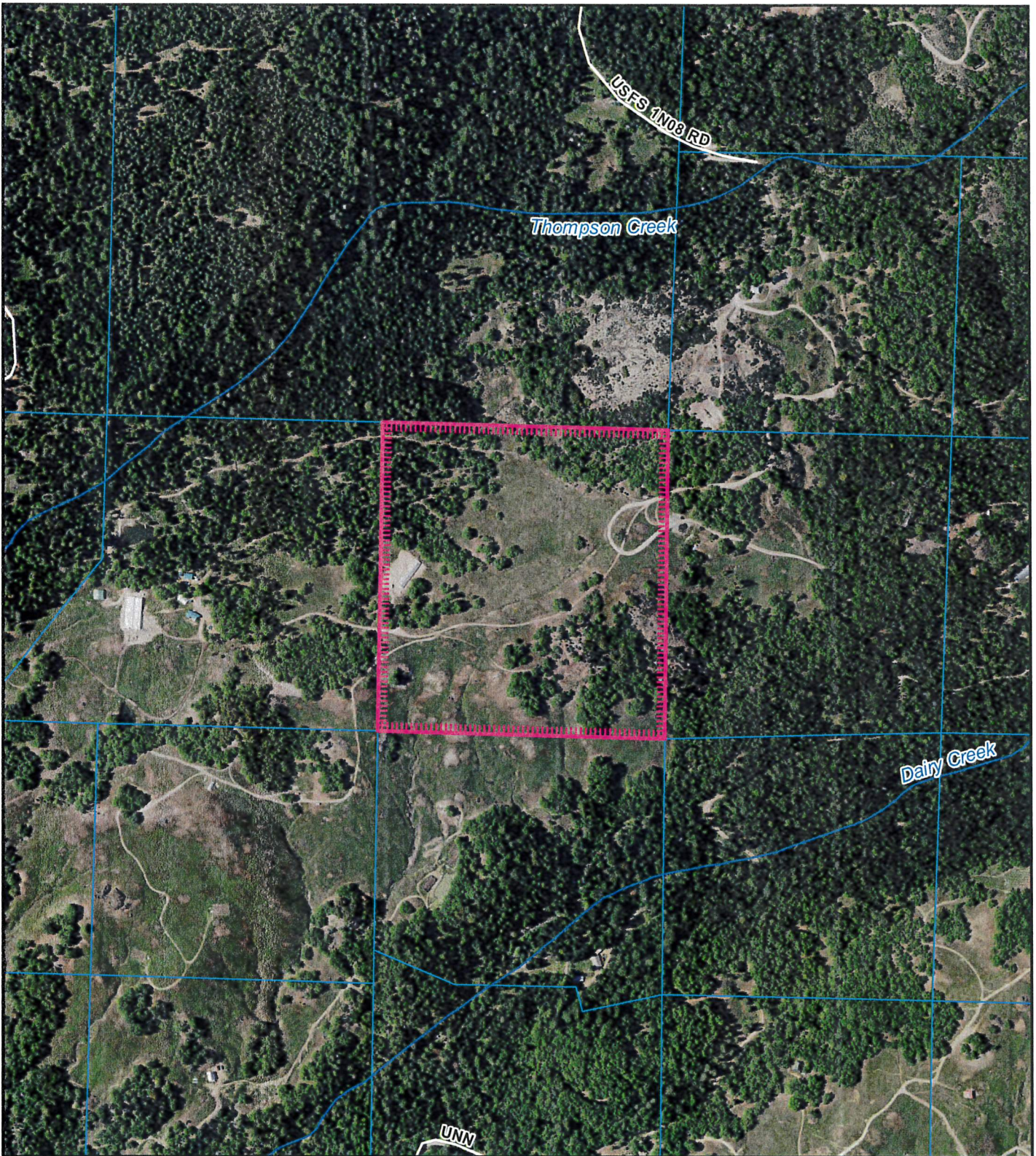


Project Area = 

ZONING MAP
PROPOSED STAR PARKING SERVICES, LLC
DINSMORE AREA
SP-16-427
APN: 210-131-007
T01N R05E S34 HB&M (DINSMORE)

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.

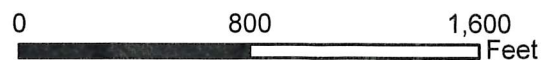




Project Area = 

**AERIAL MAP
PROPOSED STAR PARKING SERVICES, LLC
DINSMORE AREA
SP-16-427
APN: 210-131-007
T01N R05E S34 HB&M (DINSMORE)**

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.



- NOTES:
1. THE WATER SOURCE FOR THIS SITE IS PRIVATE WATER.
 2. EXISTING WATER STORAGE ON SITE IS A ±3,000-GAL WATER TANK, ±2,500-GAL WATER TANK, & ±1,300-GAL MIX-TANK
 3. SLOPES AT ALL CULTIVATION SITES ARE LESS THAN 5%.
 4. DURING WET WEATHER CULTIVATION SITES WILL BE MONITORED DAILY. AS NECESSARY, STRAW AND FIBER ROLLS SHALL BE PACED TO MITIGATE ANY SEASONAL RUN OFF.
 5. NO SCHOOLS, SCHOOL BUS STOPS, PLACES OF WORSHIP, PUBLIC PARKS, TRIBAL CULTURAL RESOURCES, W/IN 600' OR OFF-SITE RESIDENCES W/IN 300'
 6. THERE ARE NO KNOWN PRIME AG SOILS IN THE VICINITY FROM WEB GIS HUMBOLDT.
 7. NO KNOWN EASMENTS
 8. IMAGE DATE: 5/26/2016 FROM GOOGLE EARTH
 9. NO HISTORICAL BUILDINGS OR KNOWN ARCHAEOLOGICAL OR PALEONTOLOGICAL RESOURCES.

EXISTING CULTIVATION AREA DELINEATION:
GREENHOUSE 1 - ±4,080 SQ-FT 0-5% AVG. SLOPE
GREENHOUSE 2 - ±4,080 SQ-FT 0-5% AVG. SLOPE
TOTAL = ±8,160 SQ-FT
(ALL MIX-LIGHT)

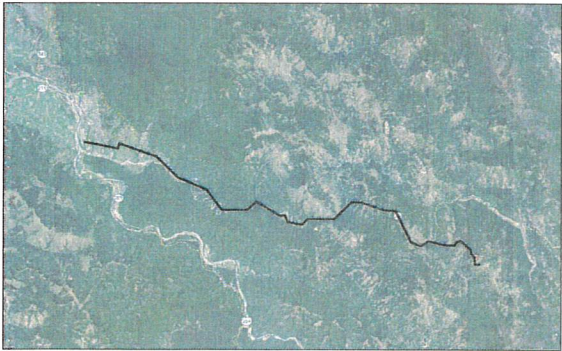
DISCLAIMER:
MAPPING INFORMATION PROVIDED IS FOR HUMBOLDT COUNTY PLANNING PERMITTING PURPOSES ONLY.
THIS SITE PLAN REFLECTS MANY MAPPING DETAILS THAT ARE USEFUL TO ASSURE THAT THE STRUCTURES ARE LOCATED APPROPRIATE TO THEIR SURROUNDINGS. HOWEVER, NONE OF THE INFORMATION SHOWN IS IMPLIED TO SUGGEST OR SUBSTITUTE FOR A CONTRACTED ACTUAL LAND SURVEY.
A. M. BAIRD, ENGINEERING AND SURVEYING, INC. ASSUMES NO RESPONSIBILITY ARISING FROM THE USE OF INFORMATION PROVIDED, OTHER THAN WHAT HAS BEEN SPECIFICALLY INTENDED FOR HUMBOLDT COUNTY PLANNING PERMITTING PURPOSES ONLY.

LEGEND:

---	PROPERTY LINES
---	30' SETBACK
---	300' SETBACK
---	600' SETBACK
---	EXISTING GRAVEL ROAD
(E)	EXISTING
(P)	PROPOSED
---	DRAINAGE PATTERN
---	CMLLUO AREAS

DESCRIPTION: SPECIAL PERMIT FOR ±8,160 SF OF EXISTING MIX-LIGHT CANNABIS CULTIVATION.

DIRECTIONS:
EXIT US-HWY 101 (685) CA-HWY 36
TURN LEFT ONTO CA-HWY 36
TURN RIGHT ONTO BURR VALLEY ROAD
5005 BURR VALLEY ROAD



VICINITY MAP N.T.S.

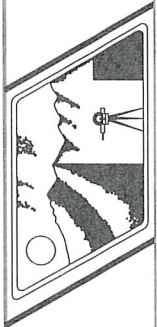


SITE OVERVIEW SCALE: 1"=100'

LEGAL
ADDRESS: BRIDGEVILLE, CA 95526
ASSESSOR'S PARCEL NUMBER: 210-131-007
OWNER: STAR PARKING SERVICES LLC
2710 SPRING CREEK LANE APT. 2710
ATLANTA, GA 30350-2672
PHONE: (310) 910-2679
SETBACK: 30' PERMETER
AREA ANALYSIS
LOT SIZE: ±46.07 ACRES

NO.	DATE	DESCRIPTION	REVISIONS	BY
1				
2				
3				
4				
5				

A.M. Baird
Engineering & Surveying
1257 Main St., P.O. Box 396, Fortuna, CA 95540
(707)725-5182



SCALE	1"=100'
DRAWN BY	PDS
CHKD	AMB
DATE	12/9/2016

STAR PARKING SERVICES LLC
AP # 210-131-007
HUMBOLDT COUNTY, CA
CMLLUO SITE PLAN
SITE PLAN

ATTACHMENT 1
STAFF ANALYSIS OF AERIAL IMAGERY

ATTACHMENT 1
12172 / 210-131-007 / Star Parking Services LLC

Image 1: November 15, 2013 (TerraServer)
No greenhouses in subject location



Image 2: May 2014 (GoogleEarth)

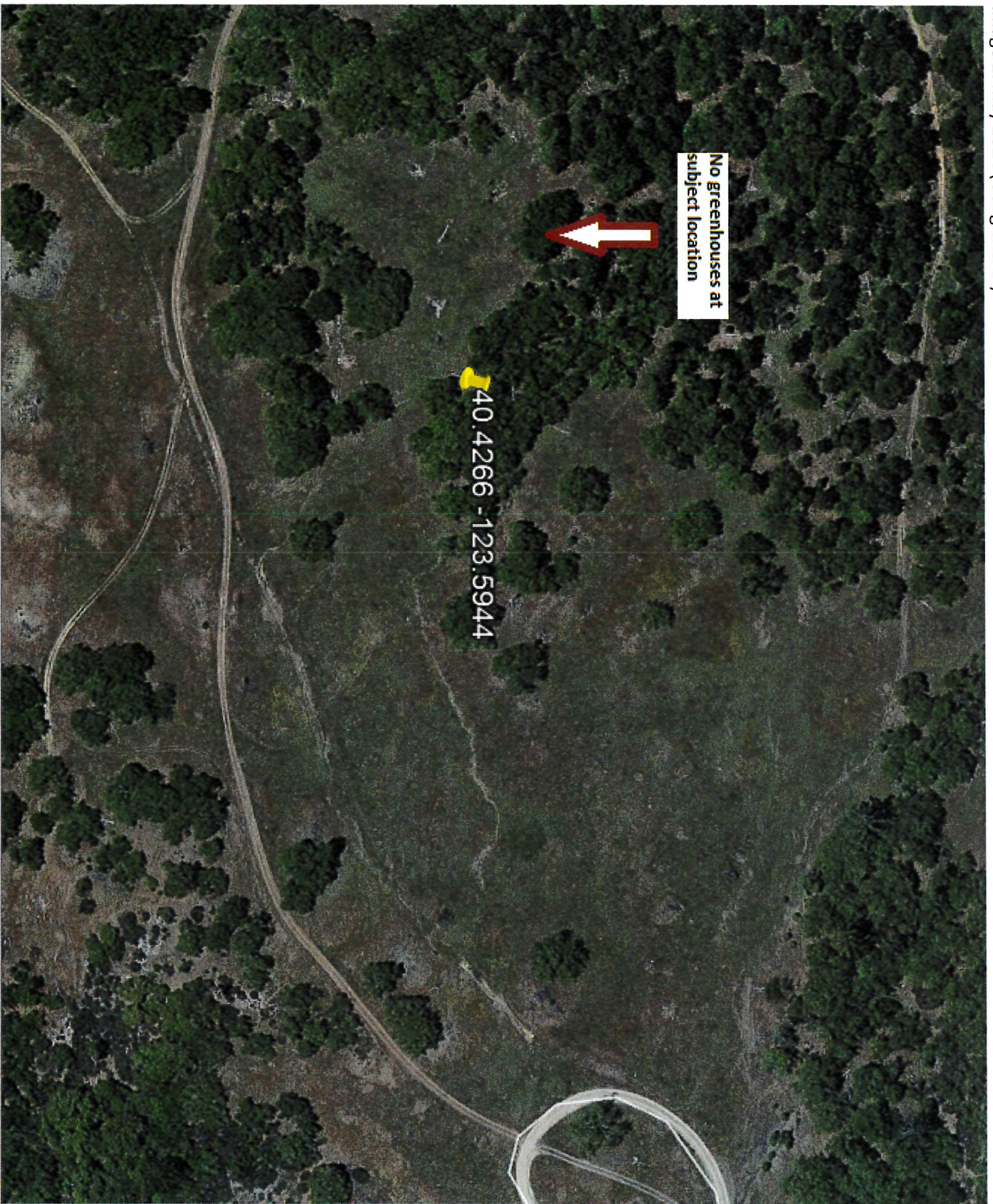
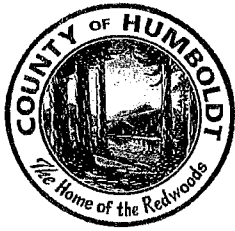




Image 4: June 3, 2016 (TerraServer)
Graded flat and greenhouses appear



ATTACHMENT 2
NOTICE LETTERS SENT TO APPLICANT



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT

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

June 25, 2018

Star Parking Series LLC
2710 Spring Oak LN Apt 2710
Atlanta GA 30350-3872

NOTICE

RE: Cananbis Permit Application 12172 on APN 210-131-007

You are receiving this Notice because a critical application requirement has not been satisfied. Specifically, Humboldt County Code 314-55.4.9.4 requires applicants to provide sufficient documentation of prior cultivation activity before January 1, 2016.

To avoid application denial, you have one final opportunity to submit clear and substantial evidence to the Planning and Building Departemnt of prior cultivation activites prior to January 1, 2016 on the subject parcel. All documentation of pre-existing cultivation must be received no later than July 6, 2018.

If you have any questions regarding this letter, I can be reached at the above address or at (707) 268-3749.

Steven Santos
Senior Planner



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT

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

July 27, 2018

Star Parking Services LLC
2710 Spring Oak LN Apt 2710
Atlanta GA 30350-3872

NOTICE

RE: Canabis Permit Application 12172 on APN 210-131-007

You are receiving this Notice because you are either the applicant, land owner, or agent associated with the above referenced cannabis permit application.

This application has been scheduled for decision before the Planning Commisison on August 16, 2018 at 6:00 PM. Be advised that the staff recommendation to the Planning Commission for this project is denial. The recommendation for denial is because a critical application requirement has not been satisfied. Specifically, Humboldt County Code 314-55.4.9.4 requires applicants to provide sufficient documentation of prior cultivation activity before January 1, 2016.

To avoid denial, you have one final opportunity to submit clear and substantial evidence to the Planning and Building Departemnt of prior cultivation activites prior to January 1, 2016 on the subject parcel. All documentation of pre-existing cultivation must be received no later than August 8, 2018.

If the project is denied and it is discovered that cannabis cultivation is occurring on the property, this will be considered a violation of Humboldt County Code. The unpermitted activity will be subject to code enforcement for the applicant(s) and land owner(s) including referral to law enforcement agencies.

If you have any questions regarding this letter, I can be reached at the above address or at (707) 268-3749.

Steven Santos
Senior Planner

CC: Agent and Property Owner

ATTACHMENT 3

REQUIRED FINDINGS FOR PERMIT APPROVAL AND STAFF ANALYSIS

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

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

1. The proposed development is in conformance with the County General Plan;
2. The proposed development is consistent with the purposes of the existing zone in which the site is located;
3. The proposed development conforms with all applicable standards and requirements of these regulations;
4. The proposed development and conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare; or materially injurious to property or improvements in the vicinity;
5. The proposed development does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law (the 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, 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 proposed project either:
 - a. Is categorically or statutorily exempt; or
 - b. Has no substantial evidence that the proposed 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.

Evidence Supporting the Required Findings: To approve this proposed 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; 2. Zoning Compliance; 4. Public Health, Safety and Welfare; and 5. Residential Density:

An analysis of the proposed development regarding these findings was not performed because the applicant did not meet the threshold criteria required in finding #3

3. Conforms with applicable standards and requirements of these regulations:

The proposed project does NOT conform with applicable standards and requirements of the regulations. Specifically, Humboldt County Code (HCC) 314-55.4.8.2.2 requires that the cultivation area be in existence prior to January 1, 2016.

"Approvals for Existing Outdoor and Mixed-Light Cultivation Areas A Zoning Clearance Certificate, Special Permit or Use Permit may be issued for outdoor or mixed-light commercial cannabis cultivation for some or all of the cultivation area in existence prior to January 1, 2016, in zoning districts AE (no parcel size limitation), RA (on parcels of five acres or larger), and AG, FP, DF, FR, U, and TPZ districts (on parcels of one acre or larger) only when possible to bring them into compliance with all applicable standards set forth in this section and to eliminate existing violations as specified in this ordinance. No expansion of the existing cultivation area shall be permitted. The total cultivation area allowed on a single parcel shall not exceed one acre for outdoor cultivation or 22,000 square feet for mixed-light cultivation. (Section amended by Ord. 2559, Sec. 2, 07/19/2016)" (Emphasis added)

The applicant has not provided sufficient documentation of prior cultivation per HCC 314-55.4.9.4.

Pre-Application Registration of Existing Cultivation Site

All operators of existing cultivation sites seeking recognition of cultivation activities that occurred on or before January 1, 2016, for purposes of obtaining a Zoning Clearance Certificate or discretionary permit for ongoing commercial cannabis cultivation for medical use pursuant to the CMMUO shall register with the County of Humboldt Department of Planning & Building within 180 days of the effective date of this ordinance. Registration shall be on a form provided by the Planning Department that shall include the name and contact information of the operator, the address and/or Assessor's Parcel Number of the property where the cultivation site is located, the name and address of the property owner of the parcel, the approximate latitude and longitude coordinates of the cultivation site, and the approximate area (in square feet) under cultivation on or before January 1, 2016. Registrants shall provide sufficient documentation of prior cultivation activity. Registrants shall receive information about their options for obtaining a Zoning Clearance Certificate, Special Permit, or Use Permit as necessary for the commercial cultivation of cannabis for medical use to comply with the MMRSA. Registrants may also be eligible to receive a certificate of good standing from the County of Humboldt for purposes of obtaining priority processing of state license applications, pursuant to the MMRSA, Business and Professions Code Section 19321 (c). (Section added by Ord. 2544, Sec. 2, 01/26/2016) (Emphasis added)

The applicant has not established that the cultivation currently observed on site was in existence prior to January 1, 2016. No Pre-Application Registration of Existing Cultivation Site was filed with the Planning Division. Visual confirmation of prior cultivation is not present as evidenced the staff aerial imagery analysis in Attachment 1.

6. Environmental Impact:

The recommended denial will not adversely impact the environment because it is statutorily exempt from State environmental review per section 15270 (Projects Which Are Disapproved) of the CEQA Guidelines.