




675 Wildwood Avenue
Rio Dell, CA 95562
cityofriodell.ca.gov
(707) 764-3532

For the Meeting of August 22, 2023
 Consent Item; Public Hearing Item

To: Planning Commission

From: Kevin Caldwell, Community Development Director 

Through: Kyle Knopp, City Manager

Date: August 14, 2023

Subject: Modification to the Humboldt 454 Cannabis Activity Conditional Use Permit

Recommendation:

1. Receive staff's report regarding the proposed modification to convert approximately 1,692 sq. ft. of drying area to a nursery and to place four (4) 8' x 40' cargo containers on the north side of the existing building; and
2. Open the public hearing, receive public input, close the public hearing and deliberate; and
3. Adopt Resolution No. PC 172-2023 approving the requested modification.

Background

The Planning Commission approved the Humboldt 454 Conditional Use Permit at your meeting on August 22, 2017. Humboldt 454 is permitted and licensed to cultivate (indoors) up to 10,000 square feet. In addition, Humboldt 454 is also permitted and licensed to allow processing, distribution, and nursery sales.

Humboldt 454 has made an application to modify their Permit to convert approximately 1,692 sq. ft. of drying area to a nursery. Relocate the drying area to four (4) 8' x 40' cargo containers

placed on the north side of the existing building. **Attachment 1** includes the revised Premise Diagram and narrative.

The cargo containers will be provided power for heating, cooling, and humidity control. Cargo containers are to be anchored and electrical services and appliances will be located above the base flood elevation.

The project was referred on July 31, 2023 to the agencies and tribes identified below. **Attachment 2** includes the Project Referral. Also, below is a copy of the comments and recommendations regarding the proposed modification.

Agency/Tribe	Comments/Recommendations
Rio Dell City Manager	No comment.
Rio Dell Public Works	No comment.
Rio Dell Volunteer Fire Department	No comment.
Rio Dell Police Department	No comment.
County Environmental Health	Maintain 10 setbacks to leach fields.
County Planning Department	No comment.
Regional Water Quality Control Board	No comment.
Wiyot Tribe – Ted Hernandez	No comment.
Bear River Rancheria – THPO	No comment.
Fortuna Fire Protection District	No comment.
Caltrans District 1	No comment.
California Department of Fish and Wildlife	No comment.
PG&E	No comment.

Required Findings/Discussion

In order to approve a Conditional Use (CUP), the following findings must be made by the Planning Commission:

- (a) The proposed use is allowed within the applicable zoning district and complies with all other applicable provisions of this title and all other City ordinances;
- (b) The proposed use is consistent with the general plan and any applicable specific plan;
- (c) The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity;
- (d) The site is physically suitable for the type, density, and intensity of use being proposed, including access, utilities, and the absence of physical constraints;

(e) Granting the permit would not be detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zoning district in which the property is located; and

(f) The Conditional Use Permit has been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA);

Obviously, your Commission made the required findings when you originally approved the CUP in 2017. The original Staff Report is included as **Attachment 5**.

As the Commission is aware, the parcel is located within the 100-year flood zone according to FEMA's Flood Insurance Rate Map (FIRM), Panel No. 1240 of 2015. Section 17.30.160 of the RDMC contains provisions regarding buildings in the flood zone. Placing the cargo containers in the flood zone is subject to the City's Flood Regulations found in Section 17.30.160 of the Rio Dell Municipal Code (RDMC). Below is a copy of the regulations.

17.30.160 Flood Zone regulations.

(1) The Building Department shall review all building permit applications for new construction or substantial improvements to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a location that has a flood hazard, any proposed new construction or substantial improvement, including manufactured and mobile homes, must:

(a) Be designed or modified and anchored to prevent flotation, collapse or lateral movement of the structures;

(b) Use construction materials and utility equipment that are resistant to flood damage; and

(c) Use construction methods and practices that will minimize flood damage.

In addition, Chapter 15.15 of the Rio Dell Municipal Code contains additional but similar regulations regarding construction within flood zones. Below is a copy of the applicable provisions.

15.15.150 Standards for construction.

In all areas of special flood hazard, the following standards are required:

(1) Anchoring.

(a) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

(2) Construction Materials and Methods.

(a) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

(b) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

(c) All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

To be consistent with the City's Flood Regulations, the project is conditioned to require that the cargo containers be anchored to prevent flotation or lateral movement. Cargo containers are resistant to flood damage due to the all-metal construction of the containers. All wiring must be in waterproof conduits and associated appliances (dehumidifiers, heaters) must be located above the base flood elevation (BFE). The project has been conditioned accordingly. **Please refer to Exhibit A.**

New commercial construction is typically subject to the City's Design Review Regulations, Section 17.25.250 of the RDMC. Subsection 17.25.250(3)(a) exempts additions of 10% or less. Although not technically an addition, staff considers the proposed cargo containers as an addition to the existing development.

17.25.250 Design Review regulations.

(3) Design Review Exemptions. The following structures and improvements are exempt from design review. However, such structures may require additional permits, such as a ministerial building permit to ensure compliance with adopted building code standards and applicable zoning code provisions.

(a) Additions to structures less than 10 percent of its existing size provided the improvements employ the same materials, colors and design as the original or existing construction and complement and is compatible with the character of the surrounding area, is not detrimental to the value of properties in the area and does not reduce the visual appearance of the area;

The existing building is approximately 23,500 square feet. The proposed four (4) 8' x 40' cargo containers total 1,280 square feet, well less than 10% of the existing building. In order to ensure consistency with the Design Review exemption, staff is recommending that the cargo containers be painted green to match the color of the existing building. The project has been conditioned accordingly. **Please refer to Exhibit A.**

The proposed minor modification will not invalidate the previously required consistency findings. As such, staff believes the proposed minor modification complies with the required findings in that:

- The proposed use is allowed within the applicable zoning district and complies with all other applicable provisions of this title and all other City ordinances;
- The proposed use is consistent with the general plan and any applicable specific plan;
- The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity;
- The site is physically suitable for the type, density, and intensity of use being proposed, including access, utilities, and the absence of physical constraints;
- Granting the permit would not be detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zoning district in which the property is located; and

In regards to the California Environmental Quality Act (CEQA), the Commission is aware the primary purpose of the California Environmental Quality Act (CEQA) is to inform the decision-makers and the public of the potential environmental effects of a proposed project.

Based on the proposed minor modification, the fact that there are no environmentally sensitive areas in the immediate area, recommended conditions of approval, and comments or lack of comments from referral agencies, staff has determined that the project is Statutorily Exempt pursuant to Section 15061(b) (3) of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations. Pursuant to Section 15061(b) (3) of the CEQA Guidelines this exemption is covered by the general rule that CEQA applies only to projects which have the potential for causing a **significant** effect on the environment. Based on the nature of the proposed modification, staff believes there is no evidence to suggest that the project will have a **significant** effect on the environment.

Attachments:

- Attachment 1: Revised Premise Diagram and Narrative.
- Attachment 2: Project Referral.
- Attachment 3: Exhibit A, Conditions of Approval.
- Attachment 4: Resolution No. PC 172-2023.
- Attachment 5: Original Staff Report.

EXHIBIT A

Conditions of Approval

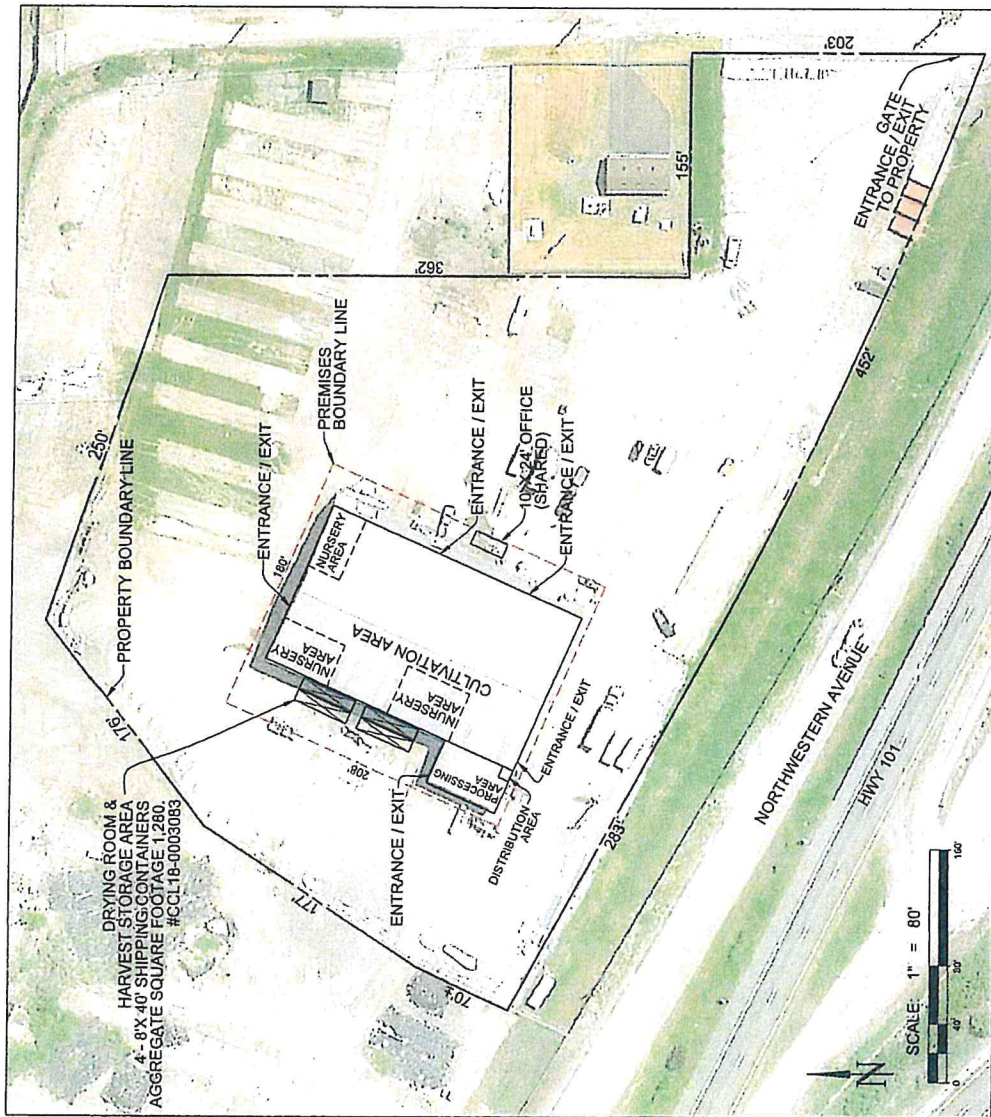
Humboldt 454 Modification

File No. 205-111-068; Case No. CUP 17-03 Modification

Conditions of Approval

1. The applicant shall submit plans to anchor the cargo containers to prevent flotation or lateral movement.
2. All wiring must be in waterproof conduits and associated appliances (dehumidifiers, heaters, etc.) must be located above the base flood elevation (BFE). The applicant shall submit a Flood Elevation Certificate verifying the appliances are located above the base flood elevation (BFE).
3. The applicant shall make an application for a Building Permit for the placement, anchoring, and wiring of the cargo containers.
4. The applicant shall make an application for a Building Permit for any modifications to the existing drying area which will alter any electrical, mechanical, or plumbing infrastructure.
5. The cargo containers shall be painted green to match the color of the existing building.

PROPERTY DIAGRAM



HUMBOLDT 454
 1125 NORTHWESTERN AVENUE
 RIO DELL, CA 95562
 APN: 205-111-068

CULTIVATION LICENSE # CCL18-0003083
 PROCESSING LICENSE # CCL21-0005307
 NURSERY LICENSE # CCL19-0004553
 DISTRIBUTION LICENSE # C11-0001192-LIC

NO WATER CROSSINGS ON PARCEL
 WATER SOURCE - RETAIL SUPPLIER

This map is provided without warranty as to its accuracy. Reasonable effort has been made to ensure the accuracy of the map and data provided, however errors and omissions may still exist. The positional accuracy of the data is approximate and is not intended to represent surveyed information. Do not use this map to determine property boundaries.

PREMISES DIAGRAM

HUMBOLDT 454
 1125 NORTHWESTERN AVENUE
 RIO DELL, CA 95562
 APN: 205-111-088

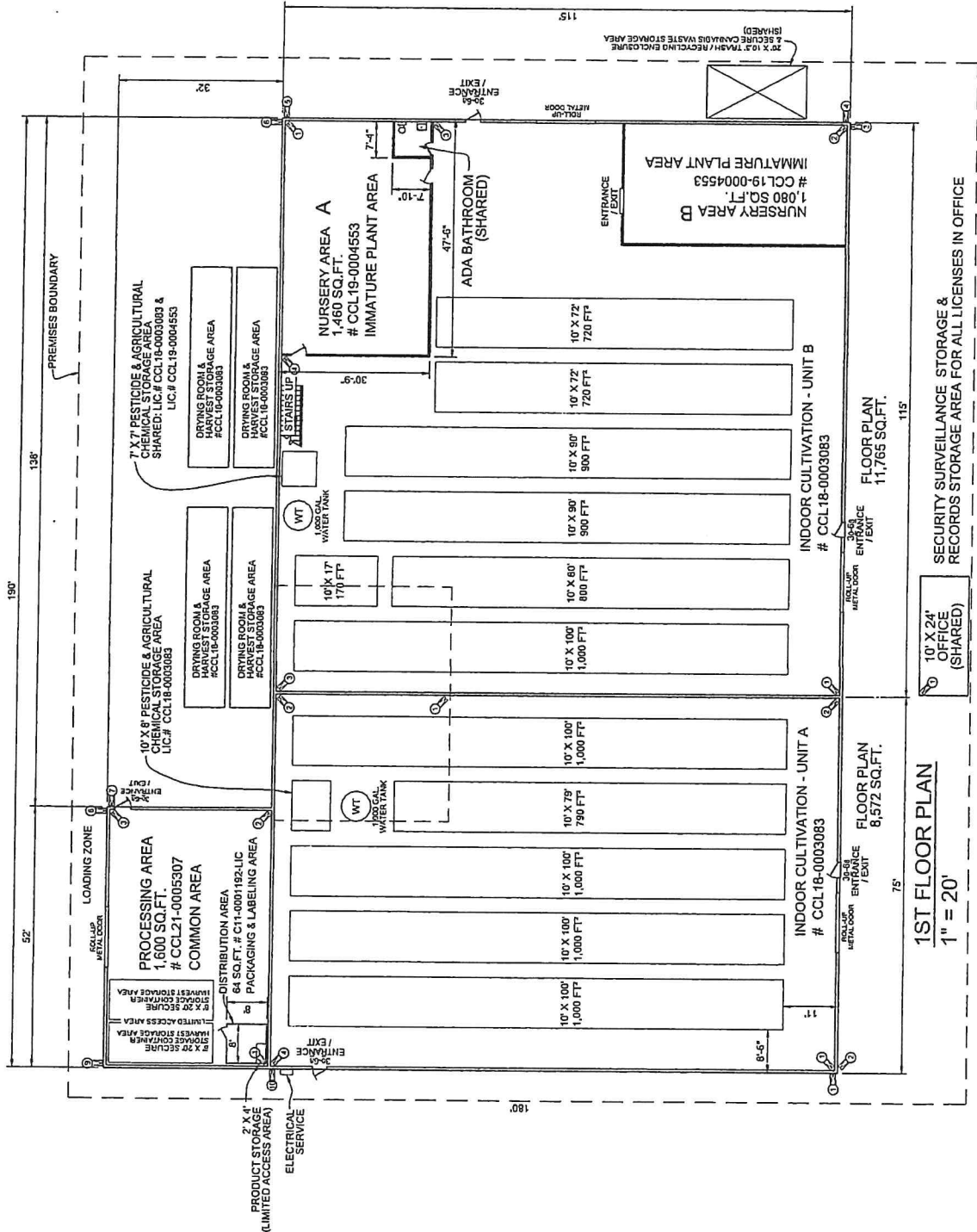
AGGREGATE:
 CULTIVATION LICENSE # CCL18-0003063
 UNIT A - 4,790 SQ.FT. CANOPY
 UNIT B - 5,210 SQ.FT. CANOPY
 TOTAL - 10,000 SQ.FT. CANOPY

NURSERY LICENSE # CCL19-0004553
 4,232 SQ.FT.

PROCESSING LICENSE # CCL21-0005307
 1,600 SQ.FT.

DISTRIBUTION LICENSE # C11-0001192-LIC
 64 SQ.FT.

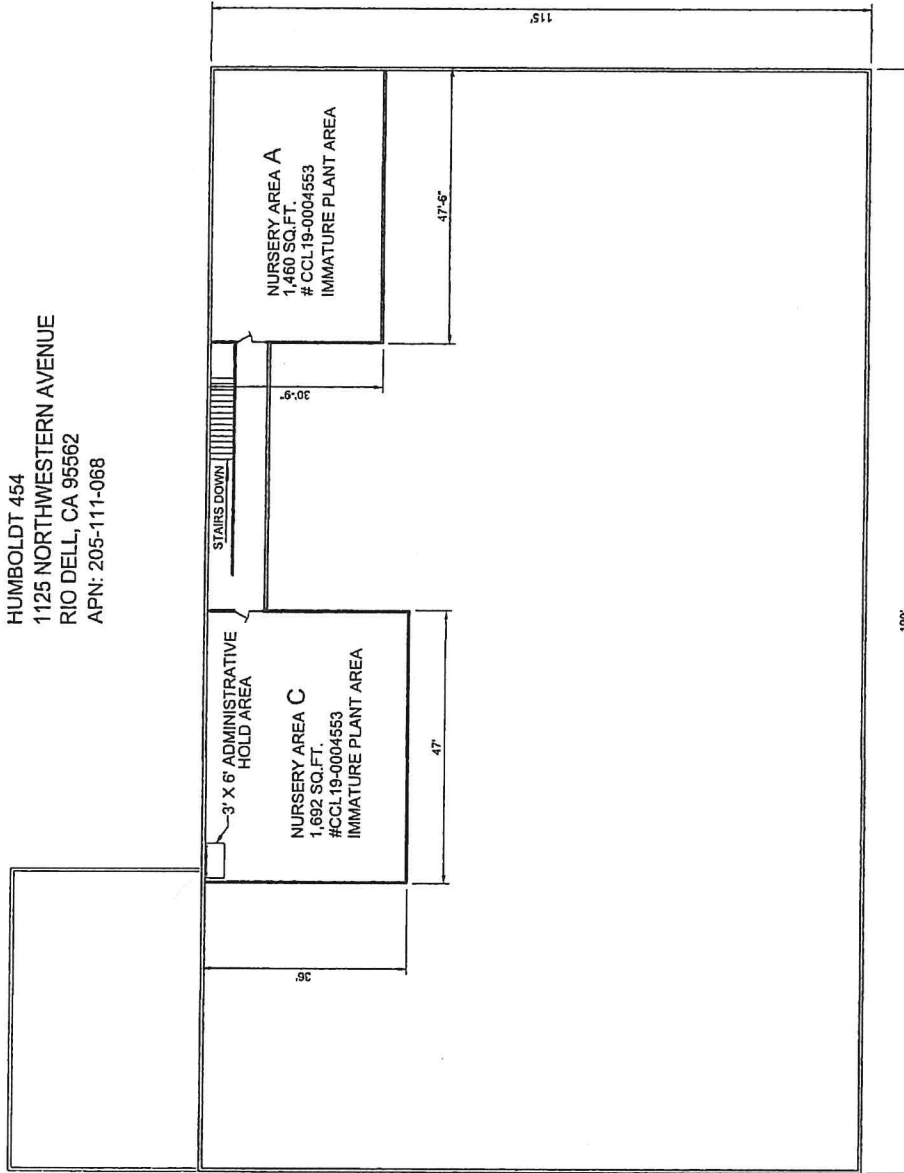
☒ - SECURITY CAMERA



7/13/23

PREMISES DIAGRAM

HUMBOLDT 454
 1125 NORTHWESTERN AVENUE
 RIO DELL, CA 95562
 APN: 205-111-068



2ND FLOOR PLAN
 1" = 20'

This map is provided without warranty on any kind. Spatial data is approximate. Parcel positions are estimates only. It is the user's responsibility to ensure the accuracy of the map and data provided. Source of errors and omissions may vary. The positional accuracy of this data is approximate and is not intended to represent survey information. Do not use this map to determine property boundaries.

7/2/23

Humboldt 454
1125 Northwestern Ave.
Rio Dell, CA. 95562



07/18/2023

City of Rio Dell
675 Wildwood Ave.
Rio Dell, CA. 95562

RE: Premise Modifications

To whom it may concern:

Humboldt 454 is proposing modifications to the Premise and Property at 1125 Northwestern Ave., Rio Dell, CA. The modifications are outlined below.

- Adding an additional 1,692 square feet of Nursery Area. This area would be used to propagate immature clones into immature teens plants. This area will be located upstairs in the current "Drying Room/Harvest Storage Area."
- Moving the "Drying Room/Harvest Storage Area" to four (4) - 8 X 40' shipping containers located outside the building. These containers will be secured with direct surveillance and padlocked. Each container will be insulated, and temperature controlled.

The proposed modifications are outlined in the attached premise and property diagrams.

Shawn Studebaker
Humboldt 454
707-223-0283
Humboldt454@gmail.com



PROJECT REFERRAL

Date: July 31, 2023

- To: Public Works
- Rio Dell Fire District
- Rio Dell Police Department
- County Environmental Health
- County Planning Department
- Regional Water Quality Control Board
- Wiyot Tribe – Ted Hernandez
- Bear River THPO
- Fortuna Fire Protection District
- Rio Dell City Manager
- Caltrans District #1
- Fish and Wildlife
- PG&E Alex Mossman
- Applicant/Agent

Applicant: Humboldt 454 LLC	Agent: Aurora Studebaker
Address: 4439 Briceland Thorn Road	Address: 4439 Briceland Thorn Road
City/State/Zip: Redway, CA. 95560	City/State/Zip: Redway, CA. 95560
Telephone: (707) 834-1432	Telephone: (707) 834-1432
Email: aurorastudebaker@gmail.com	Email: aurorastudebaker@gmail.com
Assessor Parcel Number(s): <u>205-111-068</u>	General Plan/Zoning Designation: <u>Industrial Commercial</u>

Project Description: An application for a Modification to an existing Conditional Use Permit (CUP) to convert approximately 1,692 sq. ft. of drying area to nursery. Relocate the drying area to four (4) 8' x 40' cargo containers placed on the north side of the existing building. The cargo containers will be provided power for heating, cooling and humidity control. Cargo containers to be anchored and electrical services and appliances will be located above the base flood elevation.

Project Location: The project site is located at the Humboldt Rio Dell Business Park (former Eel River Sawmill site) on property known as 1125 Northwestern Avenue.

Please review the attached information regarding the above referenced project and provide your comments with any recommended conditions of approval **within 15 calendar days** of the above date. If no response is received or a request for an extension is not received within 15 calendar days of the above date, it will be assumed that your agency has no comments or concerns regarding the project. **The project is scheduled to be heard at the Planning Commission meeting of August 22, 2023.**

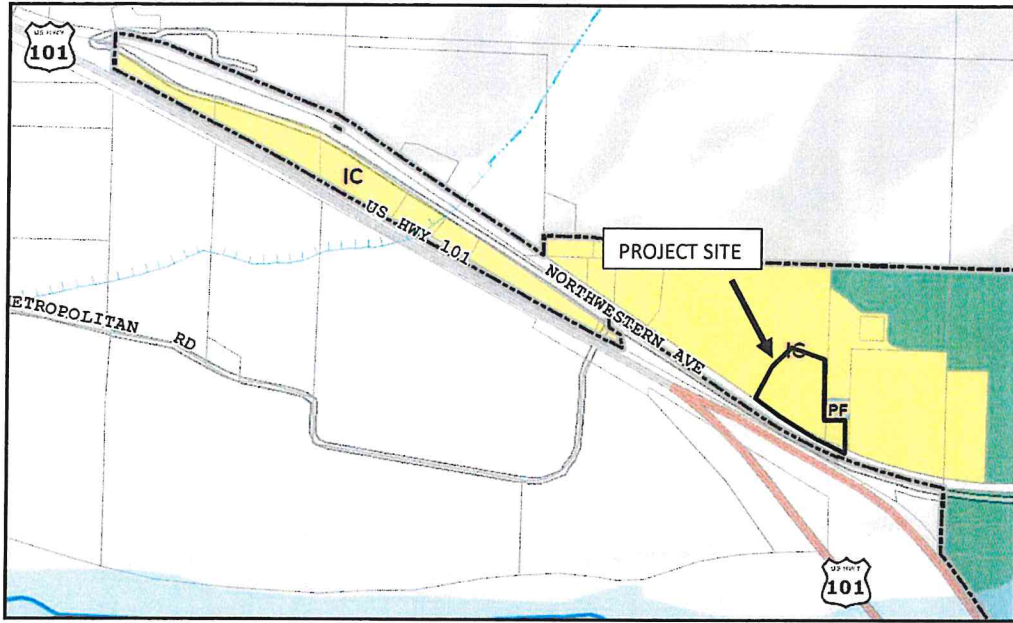
If you have any questions concerning the project, please contact Kevin Caldwell, Community Development Director between 8:00 a.m. and 5:00 p.m. Monday through Thursday at (707) 764-3532.

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

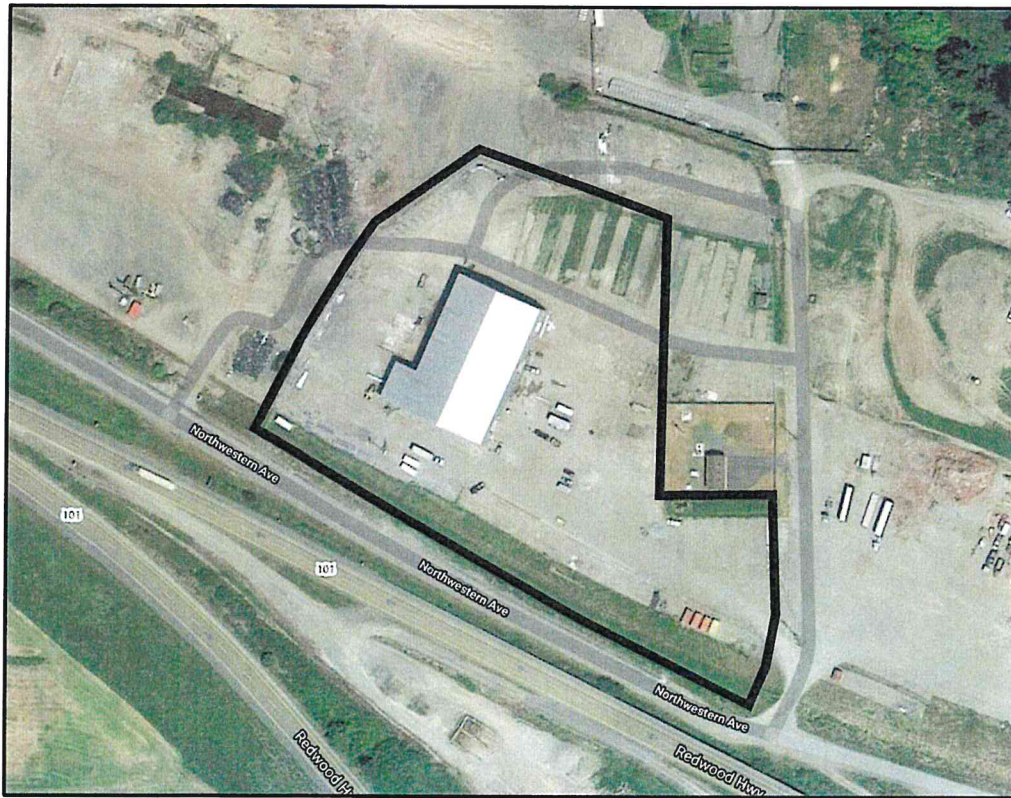
- Recommend approval. The Department has no comment at this time.
- Recommend conditional approval. Suggested conditions attached.
- Other comments:

Signature: _____

Date: _____



Zoning/General Plan = Industrial Commercial



Map

Humboldt 454 Modification
 File/APN No. 205-111-068; Case No's. CCLUO CUP 17-03 Premise Modification
 1125 Northwestern Avenue, Rio Dell, ca. 95562
 July 2023

EXHIBIT A

Conditions of Approval

Humboldt 454 Modification

File No. 205-111-068; Case No. CUP 17-03 Modification

Conditions of Approval

1. The applicant shall submit plans to anchor the cargo containers to prevent flotation or lateral movement.
2. All wiring must be in waterproof conduits and associated appliances (dehumidifiers, heaters, etc.) must be located above the base flood elevation (BFE). The applicant shall submit a Flood Elevation Certificate verifying the appliances are located above the base flood elevation (BFE).
3. The applicant shall make an application for a Building Permit for the placement, anchoring, and wiring of the cargo containers.
4. The applicant shall make an application for a Building Permit for any modifications to the existing drying area which will alter any electrical, mechanical, or plumbing infrastructure.

RESOLUTION NO. PC 172-2023



**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIO DELL
REGARDING THE HUMBOLDT 454 MODIFICATION TO THE APPROVED CANNABIS
ACTIVITY CONDITIONAL USE PERMIT.**

WHEREAS the Planning Commission approved the Humboldt 454 Conditional Use Permit at their meeting on August 22, 2017, for up to 10,000 square feet of indoor cultivation of commercial cannabis within an existing 23,500+/- square foot building; and

WHEREAS Humboldt 454 is also permitted and licensed to allow processing, distribution, and nursery sales consistent with State law; and

WHEREAS Humboldt 454 has made an application to modify their Permit to convert approximately 1,692 sq. ft. of drying area to a nursery; and

WHEREAS Humboldt 454 has made an application to relocate the drying area to four (4) 8' x 40' cargo containers placed on the north side of the existing building; and

WHEREAS the cargo containers will be provided power for heating, cooling, and humidity control; and

WHEREAS the site is located within the 100-year flood zone; and

WHEREAS the cargo containers are to be anchored and electrical services and appliances will be located above the base flood elevation.

WHEREAS based on the information submitted and comments from referral agencies, staff recommends that the Planning Commission approve the applicant's request; and

WHEREAS the proposed project has been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA); and

WHEREAS based on the proposed minor modification, the fact that there are no environmentally sensitive areas in the immediate area, recommended conditions of approval, and comments or lack of comments from referral agencies, staff has determined that the project is Statutorily Exempt pursuant to Section 15061(b) (3) of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Rio Dell finds that:

- The proposed use is allowed within the applicable zoning district and complies with all other applicable provisions of this title and all other City ordinances;
- The proposed use is consistent with the general plan and any applicable specific plan;
- The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity;
- The site is physically suitable for the type, density, and intensity of use being proposed, including access, utilities, and the absence of physical constraints;
- Granting the permit would not be detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zoning district in which the property is located; and
- The project is Statutorily Exempt pursuant to Section 15061(b) (3) of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations. Pursuant to Section 15061(b) (3) of the CEQA Guidelines this exemption is covered by the general rule that CEQA applies only to projects which have the potential for causing a *significant* effect on the environment.

I HEREBY CERTIFY that the foregoing Resolution was PASSED and ADOPTED at a regular meeting of the Planning Commission of the City of Rio Dell on August 22, 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Nick Angeloff, Chairperson

ATTEST:

I, Karen Dunham, City Clerk for the City of Rio Dell, State of California, hereby certify the above and the foregoing to be a full, true, and correct copy of Resolution No. PC 172-2023 was adopted by the Planning Commission of the City of Rio Dell on August 22, 2023.

Karen Dunham, City Clerk, City of Rio Dell

675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532



For Meeting of: August 22, 2017

To: Planning Commission

From: Kevin Caldwell, Community Development Director

Through: Kyle Knopp, City Manager

Date: August 15, 2017

Subject: Studebaker Conditional Use Permit for 9,800 square feet of indoor cultivation of medicinal cannabis within an existing 23,500+/- square foot building. Processing (drying, trimming and packaging) will occur within the building as well.

Recommendation:

That the Planning Commission:

1. Receive staff's report regarding the proposed Conditional Use Permit;
2. Open the public hearing, receive public input, close the public hearing and deliberate;
3. Assuming that public testimony is substantially in support of the proposal, find that:
 - (a) The proposed use is allowed within the applicable zoning district and complies with all other applicable provisions of this title and all other City ordinances;
 - (b) The proposed use is consistent with the general plan and any applicable specific plan;
 - (c) The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity;

(d) The site is physically suitable for the type, density and intensity of use being proposed, including access, utilities, and the absence of physical constraints;

(e) Granting the permit would not be detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zoning district in which the property is located; and

(f) The Conditional Use Permit has been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA);

4. Adopt Resolution No. PC 115-2017 approving the Conditional Use Permit, subject to the Conditions of Approval, Exhibit A.

Background

Shawn Studebaker has made application for a Conditional Use Permit for 9,800 square feet of indoor cultivation of medicinal cannabis within an existing 23,500+/- square foot building. Processing (drying, trimming and packaging) will occur within the building as well. A portion of the building is occupied by Humboldt Rotational Molding and used for the manufacturing of water tanks. The proposed project does not trigger Design Review.



Attachment 1 includes the Plan of Operations for the proposed uses. The Plan of Operations addresses, employees, traffic, security, waste management, etc.

The security plan includes closed circuit cameras placed on the outside and inside of the building to monitor and record all activities inside and outside the building. Cameras will run 24 hours a day and 7 days a week. The building is already armed with an alarm system that is operated and monitored by a security company. In addition, the perimeter of the site is proposed to be completely fenced with chain link fencing. Processed cannabis will be stored in a secured, locked cargo container within the processing area and monitored by security cameras.

The State is in the final stages of adopting regulations for cannabis businesses. Once adopted, local businesses are required to comply with both the State and local regulations.

Required Findings/Staff Analysis

Section 17.35.030 Rio Dell Municipal Code (RDMC) Conditional Use Permits.

1. Zoning Consistency

(a) The proposed use is allowed within the applicable zoning district and complies with all other applicable provisions of this title and all other City ordinances;

Land Use: The property is zoned Industrial Commercial (IC). The purpose of the Industrial Commercial zone is to provide for industrial and commercial uses.

The Commercial Medical Cannabis Land Use Ordinance (CMCLUO), Section 17.30.195 allows medical cannabis facilities, including cultivation and associated processing in the Sawmill Annexation area with a Conditional Use Permit. As such, the proposed uses are allowed.

Section 17.30.195(9)(i) requires that owners and employees who make operational or management decisions content to a back ground check. The project has been conditioned accordingly. **Please refer to Exhibit A, Attachment 3.**

Again, the building is existing and therefore is not subject to the City's Design Review Regulations.

Flood Zone: The parcel is located within the 100 year flood zone according to FEMA's Flood Insurance Rate Map (FIRM), Panel No. 1240 of 2015. Section 17.30.140 of the RDMC contains provisions regarding buildings in the flood zone. Again, the building is existing, as such the project is exempt from Section 17.30.140 of the RDMC and FEMA's flood regulations (Title 44 Code of Federal Regulations). However, all wiring and associated controllers must be in waterproof conduits or located above the base flood elevation (BFE). The project has been conditioned accordingly. **Please refer to Exhibit A.**

Parking: Section 17.30.180 of the Rio Dell Municipal Code (RDMC) identifies Parking and Loading requirements, including the required number of spaces, landscaping, lighting, surface requirements, striping, wheel stops, number of spaces, handicap spaces, bicycle and motorcycle parking and loading spaces.

The applicant is proposing a 9,800 square feet of cultivation in an area of about 13,225 square feet. In addition the processing area is about 1660 square feet. The total area for the cannabis related activity is about 14,885 square feet. The total area of the building is 23,514 square feet. Section 17.30.180(17)(a) of the RDMC requires one parking space for every 500 square feet for warehouse and manufacturing uses. Based on the parking requirements, the applicant is required to provide 47 parking spaces. The site plan identifies 47 parking spaces, 45 regular spaces and 2 handicap spaces.

Section 17.30.180(8) of the RDMC requires that the parking spaces be clearly delineated with white 4 inch wide lines and that the striping be continuously maintained in a clear and visible manner. The project has been conditioned accordingly. **Please refer to Exhibit A.**

Section 17.30.180(9) of the RDMC requires concrete curbing at least 6 inches in height and 6 inches wide around the perimeter of the parking and landscaped areas. The applicant is proposing a curb around the proposed six (6) foot landscaped strips adjacent to the parking areas, with the exception of the two (2) handicap spaces adjacent to the building. The project has been conditioned to include the curbing around the landscape strips. **Please refer to Exhibit A.**

Section 17.30.180(10) of the RDMC identifies driveway and access requirements. The purpose of the driveway provisions is to limit the number of driveways to avoid potential conflicts with pedestrians, bicyclist and vehicles. The number of access drives per parcel shall be the minimum number required to serve the intended use of the parcel. No new driveway access points are proposed.

Section 17.30.310 et. seq. requires the construction of curb, gutter, sidewalks and street improvements as conditions of approval for new buildings. Again, the building is existing, therefore, the construction of curb, gutter and sidewalks is not required at this time.

Section 17.30.180(13)(a) of the RDMC requires that parking areas be screened from streets and adjoining properties and contains the following perimeter parking landscaping requirements:

(i) A proposed parking area adjacent to a public street shall be designed with a landscaped planting strip between the street right-of-way and parking area with a minimum depth of 6 feet.

(ii) Landscaping within the planting strip shall be designed and maintained to screen cars from view from the street to a minimum height of 18 inches, but shall not exceed any applicable height limit for landscaping within a setback.

(iv) Trees that reach a mature height of at least 20 feet shall be provided within the planting strip in addition to trees within the parking lot interior required by Subsection (a)(v). Trees types shall have root systems that will not extend beyond the planting area.

(v) Plant materials, signs, or structures within a traffic safety sight area of a driveway shall comply with Section 17.30.090(1) (Corner Lots – Sight Distance).

Again, the applicant is proposing six (6) foot landscaped strips adjacent to the parking areas, with the exception of the two (2) handicap spaces adjacent to the building. The project has been conditioned to comply with the landscaping requirements with the exception of trees in the parking areas.

Section 17.30.180(13)(c) of the RDMC requires that when a parking area is located adjacent to a nonresidential structure, a landscape strip shall be provided adjacent to the structure, exclusive to any building entries or areas immediately adjacent to the wall of the structure that serve as pedestrian access ways. The applicant is proposing to provide a pedestrian access way (sidewalk) adjacent to the wall of the structure in front of the proposed accessible parking spaces.

In addition pursuant to Section 17.30.180(14)(a) of the RDMC, trees that reach a minimum height of twenty (20) feet are required within or adjacent to the parking lot at a minimum ration of one (1) tree for every five (5) parking spaces. The applicant is proposing twelve (12) Sargent Cherry trees that grow to a mature height of about 25 feet.

Pursuant to Section 17.30.180(15) of the RDMC, outdoor lighting fixtures are limited to a maximum height of fifteen (15) feet and the fixtures must be directed downward and away from adjoining properties and public rights-of-way, so that no on-site lighting directly illuminates adjacent properties. The applicant is proposing two (2) wall mount fixtures attached to the building. The project has been conditioned so that each light fixture be LED and be directed downward and away from adjoining properties and public rights-of-way and so that no on-site light fixture directly illuminates adjacent properties. **Please see Exhibit A.**

Section 17.30.180(19) of the RDMC identifies bicycle parking requirements. The number of required bicycle spaces required is based on the number of required parking spaces. Below is a copy of the bicycle parking demands.

Vehicle Parking Spaces Required	Number of Bicycle Spaces Required
3 - 25	3
26 - 50	5
51 - 75	10
76 - 100	15
100+	20

Section 17.30.180(19)(b)RDMC

Based on Section 17.30.180(19) of the RDMC, the applicant is required to provide five (5) bicycle spaces. Although the site plan identifies bicycle parking, staff has conditioned the project accordingly. **Please see Exhibit A.**

Section 17.30.180(20) of the RDMC identifies motorcycle parking requirements. Parking lots with 20 or more spaces are required to provide motorcycle parking facilities. Based on the required parking spaces at this time, the applicant is required to provide two motorcycle parking spaces. Each motorcycle space shall have a minimum dimension of four (4) feet by seven (7) feet long. Staff has conditioned the project accordingly. **Please see Exhibit A.**

Section 17.30.180(21) of the RDMC identifies the number of required loading spaces. Industrial and manufacturing uses are required to provide 1 loading space for 5,000 to 40,000 square feet of gross floor area. One 11' x 35' loading space with at least 14 feet of vertical clearance is required. The site plan identifies the required loading space.

The regulations (§ 17.30.180(21)(c)(3)& (d)) do require that all vehicular maneuvers occur on-site and that vehicles enter from and exit in a forward motion only and that the loading area be screened with a combination of dense landscaping and solid masonry walls with a minimum height of six feet. However, there is an exception to the location and screening requirements where the Community Development Director in consultation with the Director of Public Works may modify these requirements.

The loading area must be striped and identified for "loading only" and the striping and notation must be continuously maintained in a clear and visible manner. Based on the location of the potential loading area and the surrounding development, staff does not believe there is a need to screen the loading area. Staff has conditioned the project to require the striping and notation. **Please refer to Exhibit A.**

Cultivation Performance Standards

Again, the applicant is proposing, 9,800+/- square feet of indoor cultivation and a 1,664 square foot processing/trimming room. The CMCLUO allows up to 22,000 square feet of indoor cultivation, which requires a Type 3 license from the State.

The project is subject to the City's Performance Standards identified in Section 17.30.195(10) of the RDMC and the State regulations when adopted. The project has been conditioned accordingly. **Please refer to Exhibit A, Attachment 3.** At this time the State is proposing that 48% of the required electricity for indoor cultivation must come from a renewable resource. If that is not possible, cultivators will be able to purchase carbon credits.

The Plan of Operations addresses and complies with the required submittal and operational requirements of the CMCLUO, including a security plan, a waste management and disposal plan. The project is recommended to be conditioned to ensure compliance.

The State will also require a security plan as well. Below are the State's required security plan regulations. The project is conditioned to comply with the State's requirements as well.

§40200. Security Plan. Every applicant and licensee shall develop and implement a security plan. At minimum, the security plan shall include a description of the security measures to be taken to:

(a) Prevent access to the manufacturing premises by unauthorized personnel and protect the physical safety of employees. This includes, but is not limited to:

(1) Establishing physical barriers to secure perimeter access and all points of entry into a manufacturing premises (such as locking primary entrances with commercial-grade, non-residential door locks, or providing fencing around the grounds, driveway, and any secondary entrances including windows, roofs, or ventilation systems);

(2) Installing a security alarm system to notify and record incident(s) where physical barriers have been breached;

(3) Establishing an identification and sign-in/sign-out procedure for authorized personnel, suppliers, and/or visitors;

(4) Maintaining the premises such that visibility and security monitoring of the premises is possible; and

(5) Establishing procedures for the investigation of suspicious activities.

(b) Prevent against theft or loss of cannabis and cannabis products. This includes but is not limited to:

(1) Establishing an inventory system to track cannabis material and the personnel responsible for processing it throughout the manufacturing process;

(2) Limiting access of personnel within the premises to those areas necessary to complete job duties, and to those time-frames specifically scheduled for completion of job duties;

(3) Supervising tasks or processes with high potential for diversion (including the loading and unloading of cannabis transportation vehicles); and

(4) Providing designated areas in which personnel may store and access personal items.

(c) Secure and back up electronic records in a manner that prevents unauthorized access and that the integrity of the records is maintained.

The State also has packaging and labeling requirements for cannabis products and nonmanufactured cannabis products. "Nonmanufactured cannabis product" means dried flower, shake, leaf, and pre-rolls intended to be sold for use by medical cannabis patients. Below is a copy of the State's packaging and labeling requirements. The labeling and packing requirements for cannabis products, which includes everything except nonmanufactured cannabis products, are virtually the same.

Packaging Cannabis Products for Distribution.

A package used to contain a cannabis product shall adhere to the following requirements:

- (a) The package shall protect the product from contamination and shall not expose the product to any toxic or harmful substance;
- (b) The package shall be tamper-evident, which means that the product is packaged in a container within which a product is sealed so that the contents cannot be opened without obvious destruction of the seal; and
- (c) The package shall not imitate any package used for products typically marketed to children.

Labeling Cannabis Products for Distribution.

The following labeling requirements shall be implemented within 180 days of licensure, or by December 31, 2018, whichever is sooner:

- (a) Any information required to be listed on a label shall be written in English;
- (b) Label and all required label information shall be unobstructed and conspicuous;
- (c) The label shall be in a text size no less than 6 point font and be in relation to the size of the container; and
- (d) The label shall include the following information:
 - (1) The applicable requirements of Section 19347 of Business and Professions Code;
 - (2) The net weight of the contents in the package; and
 - (3) The unique identifier assigned by the track-and-trace system as required by Section 8402 of this Chapter.

Based on the information submitted and recommended conditions of approval, staff recommends that the proposed uses be found to be consistent with the development standards of the Industrial Commercial (IC) zone and the Commercial Medical Cannabis Land Use Ordinance, Section 17.30.195 of the Rio Dell Municipal Code.

2. General Plan Consistency

- (b) The proposed use is consistent with the general plan and any applicable specific plan;*

The General Plan designation is also Industrial Commercial. The purpose of the Industrial Commercial designation is to provide for industrial and commercial uses. All the uses would be considered principally permitted uses if the activities did not involve cannabis. The proposed cultivation, processing and packaging of any other product (i.e. vegetables, fruits, mushrooms, hops, etc.) would be principally permitted.

The General Plan includes policies to encourage Low Impact Development (LID) techniques to minimize stormwater runoff and encourage groundwater recharge. New projects are conditioned to design stormwater facilities to accommodate a 25 year storm event, including the use of bio-swales and detention/retention facilities. Again, no new buildings or impervious areas are proposed, so there will be no net increase of stormwater runoff. However, staff is recommending that the landscape strips be design/constructed to act as retention/detention facilities. **Please refer to Exhibit A.**

The proposed use is consistent with the following General Plan goal: "To promote a variety of commercial uses and allow light manufacturing in appropriate commercial areas."

There are no goals or policies which would preclude the proposed use in the Industrial Commercial designation. Therefore, the proposed use as conditioned is consistent with the General Plan.

3. Land Use Compatibility

(c) The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity;

Based on the recommended conditions of approval, including the City's Performance Standards and the State regulations, staff believes the project can be found to be consistent with the existing and future land uses in the vicinity.

4. Site Suitability

(d) The site is physically suitable for the type, density and intensity of use being proposed, including access, utilities, and the absence of physical constraints;

Access to the project site is from Highway 101. As the Planning Commission is aware, the City commissioned a Traffic Impact Study (TIS) with W-Trans out of Santa Rosa. Based on current and future conditions, W-Trans concluded that the access to and from the Business Park is adequate. Staff has included the Executive Summary of the TIS as Attachment 2.

However Caltrans has suggested some improvements, including the expansion of the left turn pockets (queuing), acceleration and deceleration northbound lanes and southbound staging/merging areas for vehicles exiting the business park. Staff and the stakeholders met

with Caltrans representatives at a recent meeting and discussed the recommended improvements and the possibility of extending the cable median/barrier through the intersections to eliminate traffic crossings. Staff has asked that Caltrans identify their preferred improvements, either the changes to the turn pockets, etc. or the installation of a cable median barrier through the intersections. Staff also requested that Caltrans identify a threshold (i.e. number of trips in and out of the Business Park) that would trigger additional improvements.

Any improvement costs will be shared among the developers based on the number of daily trips generated by their uses. The project has been conditioned accordingly. **Please refer to Exhibit A.**

Based on information on file, including the Traffic Impact Study and the recommended conditions of approval, staff believes the site is physically suitable for the intended uses.

5. Public Interest, Health, Safety and Welfare

(e) Granting the permit would not be detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zoning district in which the property is located;

The project was referred to the Fortuna Volunteer Fire Department and the Rio Dell Volunteer Fire Department. There is an existing fire hydrant onsite.

The California Building Code requires four (4) lighted exits within the cultivation area and a one-hour fire wall between the cultivation area and the water tank manufacturing area. The project has been conditioned accordingly. **Please refer to Exhibit A.**

6. California Environmental Quality Act

The primary purpose of the California Environmental Quality Act (CEQA) is to inform the decision makers and the public of the potential environmental effects of a proposed project. Based on the proposed use, including the fact that unpermitted cultivation has occurred in the building, staff has determined that the project is Statutorily Exempt pursuant to Section 15061(b) (3) of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations. Pursuant to Section 15061(b) (3) of the CEQA Guidelines this exemption is covered by the general rule that CEQA applies only to projects which have the potential for causing a **significant** effect on the environment. Based on the nature of the proposed project, staff believes there is no evidence to suggest that the projects will have a **significant** effect on the environment.

Attachments:

Attachment 1: Plan of Operations, site plan and floor plan.

Attachment 2: W-Trans Traffic Impact Study Summary.

Attachment 3: Exhibit A, Conditions of Approval.

Attachment 4: Resolution No. PC 115-2017.

EXHIBIT A

Conditions of Approval

Studebaker. Conditional Use Permit

File No. 205-111-068; Case No's. CUP 17-03

Conditions in blue were added at the Planning Commission Meeting.

Conditions of Approval

1. Security Plan: The permittee shall modify the security plan to include the information required by Section 40200 et. seq of the California Code of Regulations. At a minimum, the security plan shall include a description of the security measures to be taken to:

(a) Prevent access to the premises by unauthorized personnel and protect the physical safety of employees. This includes, but is not limited to:

(1) Establishing physical barriers to secure perimeter access and all points of entry into manufacturing premises (such as locking primary entrances with commercial-grade, non-residential door locks, or providing fencing around the grounds, driveway, and any secondary entrances including windows, roofs, or ventilation systems);

(2) Installing a security alarm system to notify and record incident(s) where physical barriers have been breached;

(3) Establishing an identification and sign-in/sign-out procedure for authorized personnel, suppliers, and/or visitors;

(4) Maintaining the premises such that visibility and security monitoring of the premises is possible; and

(5) Establishing procedures for the investigation of suspicious activities.

(b) Prevent against theft or loss of cannabis and cannabis products. This includes but is not limited to:

(1) Establishing an inventory system to track cannabis material and the personnel responsible for processing it throughout the manufacturing process;

(2) Limiting access of personnel within the premises to those areas necessary to complete job duties, and to those time-frames specifically scheduled for completion of job duties;

(3) Supervising tasks or processes with high potential for diversion (including the loading and unloading of cannabis transportation vehicles); and

(4) Providing designated areas in which personnel may store and access personal items.

(c) Secure and back up electronic records in a manner that prevents unauthorized access and that the integrity of the records is maintained.

2. Records and Reporting

Record Retention. The term record includes: all records, applications, reports or other supporting documents required by the City and the State.

(a) Each permittee shall keep and maintain the records listed in subsection (e) for at least 7 years from the date the document was created.

(b) Records shall be kept in a manner that allows the records to be immediately produced for the City at the permitted premises.

(c) All records related to commercial cannabis activity are subject to inspection by the City.

(d) A permittee may contract with a third party to provide custodial or management services of the records. Such a contract shall not relieve the licensee of its responsibilities under this condition.

(e) Each permittee shall maintain all of the following records on the licensed premises or at a different location identified by the licensee and approved by the City, including but not limited to:

(1) City and State issued permits and license(s);

(2) Plan of Operations;

(3) All records evidencing compliance with the environmental protection measures required in Sections 8313, 8314, and 8315 of the California Code of Regulations;

(4) Any supporting documentation for data or information input into the track-and-trace system;

(5) Financial records, including but not limited to, bank statements, tax records, invoices, and sales receipts;

- (6) Personnel records, including each employee’s full name, social security, or individual tax payer identification number, date of beginning employment, and date of termination of employment if applicable;
- (7) Training records, including but not limited to the content of the training provided and the names of the employees that received the training;
- (8) Contracts with other state licensed medical cannabis businesses;
- (9) Permits, licenses, and other local authorizations to conduct the licensee’s commercial cannabis activity;
- (10) Security records; and
- (11) Records associated with the composting or disposal of waste.

(f) All required records shall be prepared and retained in accordance with the following conditions:

- (1) Records shall be legible; and
- (2) Records shall be stored in a secured area where the records are protected from debris, moisture, contamination, hazardous waste, fire and theft.

3. Background Checks

Owner(s) or employee(s) who makes or will make operational or management decisions that directly impact the business shall consent to a background check pursuant to Section 19322(a)(1)(A) of the Business and Professions Code, including submitting to the Department of Justice fingerprint images and related information required by the Department of Justice for the purpose of obtaining information as to the existence and content of a record of State or Federal convictions and arrests, and information as to the existence and content of a record of State and Federal convictions and arrests for which the Department of Justice establishes that the person is free on bail or on his or her own recognizance, pending trial or appeal. The applicant shall be responsible for the costs associated with the required background check.

- (i) No Owner or employee who makes or will make operational or management decisions that directly impact the business shall have been convicted of an offense, or is currently free on bail or on his or her own recognizance pending trial or appeal for an offense, that is substantially related to the qualifications, functions,

or duties of the business or profession for which the application is made, including but not be limited to, the following:

- (A) A felony conviction for the illegal possession for sale, manufacture, transportation, or cultivation of a controlled substance;
- (B) A violent felony conviction, as specified in subdivision (c) of Section 667.5 of the Penal Code.
- (C) A serious felony conviction, as specified in subdivision (c) of Section 1192.7 of the Penal Code.
- (D) A felony conviction involving fraud, deceit, or embezzlement.

4. Processing and Distribution: The applicant shall comply with all State regulations regarding processing, packaging and distribution, including packaging and labeling.

5. All wiring and associated controllers shall be in waterproof conduits or located above the base flood elevation (BFE).

6. Parking spaces shall be clearly delineated with white 4 inch wide lines and that the striping be continuously maintained in a clear and visible manner.

7. Concrete curbing at least 6 inches in height and 6 inches wide shall be installed around the perimeter of the parking landscaped areas.

8. Any exterior light fixtures must be LED and be directed downward and away from adjoining properties and public rights-of-way and so that no on-site light fixture directly illuminates adjacent properties.

9. The applicant shall provide five (5) bicycle spaces and two (2) motorcycle parking spaces. Each motorcycle space shall have a minimum dimension of four (4) feet by seven (7) feet long.

10. The applicant shall provide one 11' x 35' loading space with at least 14 feet of vertical clearance. The loading area must be striped and identified for "loading only" and the striping and notation must be continuously maintained in a clear and visible manner.

11. The landscape strips shall be design/constructed to act as retention/detention facilities.

12. The applicant shall provide four (4) lighted exits within the cultivation area and a one-hour fire wall between the cultivation area and the water tank manufacturing area.

13. Community Relations: Each medical cannabis facility shall provide the City Manager or designee with the name, phone number, facsimile number, and email address of an on-site community relations or staff person or other representative to whom the City can provide notice if there are operating problems associated with the medical cannabis facility or refer members of the public who may have any concerns or complaints regarding the operation of the medical cannabis facility. Each medical cannabis facility shall also provide the above information to its business neighbors located within 300 feet of the medical cannabis facility.

14. Inspections: Consent to a minimum of at least one quarterly on-site compliance inspection, to be conducted by appropriate City officials during regular business hours (Monday – Friday, 9:00 am – 5:00 pm, excluding holidays). The applicant shall be required to pay the Inspection Fee in effect at that time.

15. Highway 101, Metropolitan Heights and Northwestern Intersection Improvements: Any required improvement costs to the Highway 101 and Metropolitan Heights and Northwestern Intersections will be shared among the developers based on the number of daily trips generated by their uses.

16. The applicant shall execute the Release of Liability and Hold Harmless Agreement required by Section 17.30.195(4) of the Rio Dell Municipal Code (RDMC).

17. Security perimeter fencing shall be installed. The type of fencing shall be identified by the Planning Commission. **The fence along the front of the parcel (parallel to Highway 101) shall be a black wrought iron fence. All other perimeter fencing shall be black vinyl coated or wrought iron fencing.**

18. The garbage/recycling area shall be located at the rear of the building so as not to be visible from Highway 101. The garbage/recycling area shall be screened utilizing either a cyclone fence with privacy slats, a 6 foot board on board fence or a concrete masonry unit wall.

19. **The applicant shall establish and/or participate in a Track and Trace program approved by the City should cultivation activities commence prior to the State's Track and Trace program which is scheduled to be effective January 1, 2018.**

20. **The applicant shall provide 29 delineated (painted) parking spaces, including two handicap van spaces. Regular spaces shall be 8.5' x 19'. Handicap spaces shall be located so they are the closest spots to the accessible entrance. The size of the spaces shall be that required by Chapter 11B of the California Building Code.**

Operational Conditions

1. All outdoor storage materials and equipment shall be screened from public view.
2. The building, parking lot, stripping and landscaping shall be maintained in good condition. The stripping shall be permanently maintained in a clear and visible manner.
3. The storm drain system, including the detention/retention basin shall be maintained to ensure it works properly.

Informational Notes

1. If potential archaeological resources, paleontological resources or human remains are unearthed during grading activities, all work ground disturbing activities shall be stopped and a qualified archaeologist funded by the applicant and approved by the City of Rio Dell and the Bear River Band of the Wiyot Nation, shall be contracted to evaluate the find, determine its significance, and identify any required mitigation (e.g., data recovery, resource recovery, in-situ preservation/capping, etc.). Any such mitigation shall be implemented by the developer prior to resumption of any ground disturbing activities.
2. In accordance with California Health and Safety Code §7050.5 and California Public Resources Code §5097.94 and 5097.98, if human remains are uncovered during project subsurface construction activities, all work shall be suspended immediately and the City of Rio Dell, Humboldt County Coroner and the Bear River Band of the Wiyot Nation shall be immediately notified. If the remains are determined by the Coroner to be Native American in origin, the Native American Heritage Commission (NAHC) shall be notified within 24 hours of the determination, and the guidelines of the NAHC shall be adhered to in the treatment and disposition of the remains.