

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 INITIATION OF OPERATIONS.

1. Building permits are required for all tenant improvements. All work done shall meet the current Structural, Electrical, Plumbing, and Mechanical Codes. Issuance of a building permit for the necessary tenant improvements, or written documentation from the Building Department that no building permits are required shall satisfy this condition.
2. The approved project shall meet all applicable fire codes, including fire suppression infrastructure requirements deemed necessary for the project by the Building Inspection Division. Sign off on the Occupancy Permit by the Building Division shall satisfy this requirement.
3. The applicant is responsible for obtaining all necessary County and State permits and licenses, and for meeting all of the requirements as set forth by other regulatory agencies.
4. Due to the project proximity to residential land uses and other commercial land uses, the project shall retain a security guard or designated staff member to monitor the parking lot during hours of operation and enforce the rules of the project, prohibiting loitering, smoking, or sharing of medicine on-site or in the vicinity. Project members who violate the terms
5. The approved building plans shall address odor management by incorporating the ventilation/air filtration system to limit potential adverse odor emission impacts to employees and/or properties located in the vicinity. The system shall be designed, signed, and stamped by a mechanical engineer (California Licensed HVAC Installer) 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. All signs shall be installed in accordance with County Code Section 341-1 (Sight Visibility Ordinance).
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 support facilities, 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.
8. 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.

Operation Restrictions:

1. The hours of operation shall be daily from 10:00 AM to 7:00 PM.
2. The project will provide adequate security on the premises, including lighting, alarms and law enforcement notification, to insure the safety of persons and to protect the premises from theft.

3. The project shall operate, at all times, in conformance with the provisions of Humboldt County Commercial Cannabis Land Use Ordinance (CCLUO) meeting all applicable the Performance Standards in Section 314-55.4.12.
4. No cannabis shall be smoked, ingested, or otherwise consumed on the premises.
5. All electricity utilized by the Commercial Cannabis activity shall conform to one or more of the following standards:
 - Grid power supplied from 100% renewable source
 - On-site renewable energy system with twenty percent net non-renewable energy use
 - Grid power supplied by partial or wholly non-renewable source with purchase of carbon offset credits.
6. The project shall not hold or maintain a license from the State Department of Alcohol Beverage Control to sell alcoholic beverages, or operate a business that sells alcoholic beverages.
7. The project shall follow the staff screening process as detailed on page 3 of the 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 project shall "track and record the source of their marijuana," and keep records of its division and distribution.
9. The project shall permit the Planning Director or his/her designee to have access to the entities' books, records, accounts, and any and all data relevant to its permitted activities for the purpose of conducting an audit or examination in order 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 twenty-four (24) hours after the request from the Planning Director or his/her designee.
10. The project shall provide the Planning Director or his/her designee, the Sheriff, and all neighboring property owners within three-hundred (300) feet of the establishment with the name, telephone number of an on-site representative of the project to whom one can provide notice if there are operating problems associated with the facility. The project 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 §312-14, Humboldt County Code.
11. 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 project, upon request.
12. The applicant is responsible for obtaining all necessary County and State permits and licenses, and for meeting all of the requirements as set forth by other regulatory agencies.
13. The project shall participate in inspections to verify that all cannabis products are being distributed in compliance with all state and local regulations. Inspections are intended to

ensure that grower-members are legal and compliant in the products they store, and that storage is done in a safe and sustainable manner, away from public view, and inaccessible to minors.

14. Methods used to track inventories, quantities, and distribution between verified members will match "standard industry procedures" which includes the following:
 - All incoming medical cannabis 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 record keeping.
15. The cannabis project shall be inspected by the Humboldt County Sheriff or his/her designee and either members of the Code Compliance Division of Planning and Building or the Code Enforcement Investigator on an annual basis, or more frequently as requested by the Planning Commission, to determine if the cooperative or delivery service is in compliance with its Conditional Use Permit and 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 cannabis project, cooperative or delivery service for inclusion in their "Performance Review Report" to the Planning Commission.
16. Non-compliance by the cannabis project in allowing the inspection by the above-mentioned County personnel, or non-compliance in submitting the annual "Performance Review Report" per the CCLUO section 314-55.4.5.7 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 this Code, 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).

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

1. All components of project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, and these conditions of approval. Changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan.
2. Future signage proposals are subject to review and approval by the Planning Director.
3. Commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in Commercial Cannabis Land Use Ordinance (CCLUO), Humboldt County Code Section 314-55.4.1 et seq. and hereby incorporated by reference, and MAUCRSA as applicable by permit type. The requirements described are current at the time of approval but may be superseded or modified by changes to the laws and regulations governing commercial cannabis cultivation and associated activities.
4. Possession of a current, valid required license, or licenses, issued by any agency of the State of California in accordance with the MCRSA, and regulations promulgated thereunder, as soon as such licenses become available.

5. For the life of the project, the project shall not result in a discernable odor at the property lines. Should the Department receive complaints regarding odor, the Department will work with the applicant/operator to resolve and return the project to compliance in a timely manner. Resolution may entail additional maintenance and/or replacement of the air filtration system. If the County receives any odor complaints, the permit holder shall work with the Building Official to correct odor concerns.
6. Any Commercial Cannabis Activity Conditional Use Permit issued pursuant to the CCLUO shall expire after one (1) year after date of issuance, and on the anniversary date of such issuance each year thereafter, unless an annual compliance inspection has been conducted and the permittees and the permitted site have been found to comply with all conditions of approval [Reference Humboldt County Code Section 314-55.4.5.6].
7. If the inspector or other County official determines that the permittees or site do not comply with the conditions of approval, the inspector shall serve the Conditional Use Permit or permit holder with a written statement identifying the items not in compliance, and the action that the permit holder may take to cure the non-compliance, or file an appeal within ten (10) days of the date that the written statement is delivered to the permit holder. Personal delivery or mailing the written statement to the mailing address listed on the application by regular mail, plus three (3) days after date of mailing, shall constitute delivery. The permit holder may request a re-inspection to determine whether or not the permit holder has cured all issues of non-compliance. Failure to request re-inspection or to cure any items of non-compliance shall terminate the Conditional Use Permit, immediately upon the expiration of any appeal period, or final determination of the appeal if an appeal has been timely filed pursuant to Humboldt County Code Section 314-4.5.8.
8. Transfer of any leases or permits approved by this project is subject to the review and approval of the Planning Director for conformance with CCLUO eligibility requirements, and agreement to permit terms and acknowledgments. The fee for required conformance with conditions review shall accompany the request. The request shall include the following information:
 - (1) Identifying information for the new Owner(s) and management as required in an initial permit application;
 - (2) A written acknowledgment by the new Owner in accordance as required for the initial Permit application;
 - (3) The specific date on which the transfer is to occur; and
 - (4) Acknowledgement of full responsibility for complying with the existing Permit; and
 - (5) Execution of an Affidavit of Non-diversion of Medical Cannabis.
9. Prior to making any modifications to a permitted facility, the permittee shall submit to the Planning Director a request for determination of County approvals, together with the appropriate fee. The request shall contain a description sufficiently detailed to allow the Planning Director to determine what permits and other approvals, are needed, and whether a modified Permit is required.
10. 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.

11. The operation shall participate in the Medical Cannabis Track and Trace Program administered by the Humboldt County Agricultural Commissioner.
12. The project shall use the following best management practices to ensure the safety of employees and the Cannabis product:
 - A. Ensure that the space in which any Cannabis product is to be consumed is a fully enclosed room and clearly designated on the approved floor plan.
 - B. Ensure that all applicable sanitary rules are followed.
 - C. Ensure that the standard operating procedure includes, but need not be limited to, step-by-step instructions on how to safely and appropriately:
 - a. Conduct all necessary safety checks prior to commencing handling;
 - b. Prepare Cannabis products handling;
 - c. Clean all equipment, counters and surfaces thoroughly; and
 - d. Dispose of any waste produced during the preparation or consumption of Cannabis in accordance with all applicable local, state and federal laws, rules and regulations.
 - D. Establish written and documentable quality control procedures designed to maximize safety for employees and minimize potential product contamination.
 - E. Establish written emergency procedures to be followed by employees in case of a fire, chemical spill or other emergency.
 - F. Have a comprehensive training manual that provides step-by-step instructions for preparation and consumption of cannabis products on its Licensed Premises. The training manual shall include, but need not be limited to, the following topics:
 - a. All standard operating procedures used at that Licensed Premises;
 - b. The quality control procedures;
 - c. The emergency procedures for the Licensed Premises;
 - d. The appropriate use of any necessary safety or sanitary equipment;
 - e. The hazards presented by all chemicals and solvents used within the Licensed Premises as described in the material safety data sheet for each chemical and solvent;
 - f. Clear instructions on the safe use of all equipment involved in each process and in accordance with manufacturer's instructions, where applicable; and
 - g. Any additional periodic cleaning required to comply with all applicable sanitary rules.
 - G. Provide adequate training to every employee prior that to that individual undertaking any step in preparation or consumption of a Cannabis product.
 - a. Adequate training shall include, but need not be limited to, providing a copy of the training manual for that Licensed Premises and live, in-person instruction detailing at least all of the topics required to be included in the training manual.
 - b. The individual training each employee shall sign and date a document attesting that all required aspects of training were conducted and that he or she is confident that the trainee can safely handle and distribute a Cannabis product.
 - c. The employee that received the training shall sign and date a document attesting that he or she can safely implement all standard operating procedures, quality control procedures, and emergency procedures, operate all equipment, use all safety, sanitary and other equipment and understands all hazards presented by the chemicals and solvents to be used within the Licensed Premises and any additional

period cleaning required to maintain compliance with all applicable sanitary rules.

H. Maintain clear and comprehensive records of the name and signature of every individual who engaged in any step related to the preparation or consumption of any Cannabis product and the step that individual performed.

13. Persons engaging in the preparation of any cannabis product shall:

- A. Be over 21 years of age.
- B. Not have been convicted of a felony for the illegal possession for sale, sale, manufacture, transportation, or cultivation of a controlled substance; a violent crime, as specified in subdivision (c) of Section 667.5 of the Penal Code; a serious crime, as specified in subdivision (c) of Section 1192.7 of the Penal Code; or a crime involving fraud, deceit, or embezzlement
- C. Ensure that all equipment, counters and surfaces used in the preparation or consumption of any Cannabis product is food-grade including ensuring that all counters and surface areas were constructed in such a manner that it reduces the potential for the development of microbials, molds, and fungi and can be easily cleaned.
- D. Ensure that all equipment, counters, and surfaces used in the processing or distribution of any Cannabis product are thoroughly cleaned after the completion of each Production Batch.
- E. Ensure that the appropriate safety or sanitary equipment, including personal protective equipment, is provided to, and appropriately used by, each person engaged in the preparation or consumption of any Cannabis product.

14. Consent to annual on-site inspection, with at least 24 hours prior notice, to be conducted by appropriate County officials during regular business hours (Monday-Friday, 9:00am -5:00 pm, excluding holidays).

15. Pay all applicable application and annual inspection fees.

D. Informational Notes:

- 1. Pursuant to Section 314-55.4.6.5.7 of the CCLUO, if upon inspection for the initial application, violations of any building or other health, safety, or other state of county statute, ordinance, or regulation are discovered, the Planning and Building Department may issue a provisional clearance or permit with a written approved Compliance Agreement. By signing the agreement, the permittee agrees to abate or cure the violations at the earliest opportunity but in no event more than two (2) years of the date of issuance of the provisional clearance or permit. Plans for curing the violations shall be submitted to the Planning and Building Department by the Permittee within one (1) year of the issuance of the provisional certificate or permit. The terms of the compliance agreement may be appealed pursuant to section 314-55.4.6.5.7 of the CCLUO.
- 2. This permit 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 312-10.5 of the Humboldt County Code.
- 3. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions prior to release of building permit or initiation of use and at time of annual inspection. In order to demonstrate that all conditions have been satisfied, applicant is required to pay the conformance review deposit as set forth in the schedule of fees and

charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750) within sixty (60) days of the effective date of the permit or upon filing of the Compliance Agreement (where applicable), whichever occurs first. Payment shall be made to the Humboldt County Planning Division, 3015 "H" Street, Eureka.

4. 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 Section 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 Native American Heritage Commission will then be contacted by the Coroner to determine appropriate treatment of the remains pursuant to Public Resources Code Section 5097.98. Violators shall be prosecuted in accordance with Public Resources Code Section 5097.99.

5. A Notice of Exemption (NOE) will be prepared and filed with the County Clerk for this project in accordance with State CEQA Guidelines. Within three days of the effective date of permit approval, it is requested that the applicant submit a check or money order for the required filing fee in the amount of \$50.00 payable to the Humboldt County Clerk/Recorder. If this payment is not received within this time period, the Department will file the NOE and will charge this cost to the project.

ATTACHMENT 2

REQUIRED FINDINGS FOR APPROVAL

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 and 312-17.1 of the Humboldt County Code (Required Findings for All Discretionary Permits) specifies the findings that are required to grant a Conditional Use Permit:

1. The proposed development is in conformance with the County General Plan, Open Space Plan, and Open Space Action Program;
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.

The following tables documents the evidence in support of making **all** of the following required findings.

1. The proposed development must be consistent with the General Plan, Open Space Plan, and Open Space Action Program. The following table documents 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, Open Space Plan, Open Space Action Program, and the McKinleyville Community Plan (MCP).

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Land Use Chapter 4	The Commercial Services (CS) designation is intended for heavy commercial uses and compatible light industrial uses serving day to day needs. A full range of urban services is required. Primary and compatible uses include heavy commercial, neighborhood commercial, retail sales and services, office and professional uses, warehousing, storage, and distribution, research and light industrial, civic uses, and subordinate residential uses.	The project proposes use of an existing commercial building as a commercial cannabis manufacturing and distribution facilities. Warehousing, storage, distribution, and light industrial facilities are allowed uses within the CS designated areas.
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 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) Related policies: C-P3, Consideration of Transportation Impacts in Land Use Decision Making.	Access to the project is off of Nursery Way, a paved public road, to a paved parking lot. The Public Works Department has indicated that the road is adequate to serve the proposed use and that no improvements are required.

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Conservation and Open Space 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 can be found consistent with the Open Space Plan and Open Space Action Program because the proposed project is consistent with the allowable uses of the Land Use Designations.</p> <p>The project site is fully paved, and no additional structures are proposed. Therefore, the project is consistent with and complimentary to the Open Space Plan and its Open Space Action Program.</p>
<p>Biological Resources Section 10.3</p>	<p>Protect designated sensitive and critical resource habitats.</p>	<p>There are no mapped sensitive habitat areas on the proposed project parcel or in the vicinity. There are no known threatened or endangered species on the parcel. The parcel is paved, and the use will be conducted within an existing structure.</p>
<p>Cultural Resources Section 10.6</p>	<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>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>
<p>Safety Element 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>The parcel is in an area of Low Fire Hazard rating and within the Arcata Fire Protection District (AFPD) Local Responsibility Area. AFPD recommended approval of the project with no conditions.</p>
<p>Safety Element 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>According to the Flood Insurance Rate Map (FIRM) Panel No. 06023 C0680G, the project site is located within an area minimal flood hazard.</p>

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Safety Element Chapter 14</p> <p>Geologic & 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; and S-P7, Structural Hazards.</p>	<p>Geologic hazard maps show the property to be relatively stable with a slope of less than 5%. Since no new exterior construction is proposed, no soils report is required. People and property on the project site will not be unnecessarily exposed to geologic and seismic risks.</p>
<p>Air Quality Chapter 15</p>	<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-G3)</p> <p>Related policies: AQ-P4, Construction and Grading Dust Control, AQ-S1. Construction and Grading Dust Control, AQ-P7. Interagency Coordination.</p>	<p>No ground disturbance is proposed for this project.</p> <p>As a conditional of approval, the approved building plans shall address odor management by incorporating the ventilation/air filtration system to limit potential adverse odor emission impacts to employees and/or properties located in the vicinity. The system shall be designed, signed, and stamped by a mechanical engineer (California Licensed HVAC Installer) for review and approval by the Building Official.</p>

2. Zoning Compliance and 3. Conforms with applicable standards and requirements of these regulations: The following table documents the evidence which supports finding that the proposed development is in conformance with all applicable policies and standards in the Humboldt County Zoning Regulations and the Humboldt County Commercial Cannabis Land Use Ordinance (CCLUO).

Zoning Section	Summary of Applicable Requirement	Evidence that Supports the Required 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 as document 2005-34383 of Official Records on October 11, 2005. There is no evidence indicating there have been 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.
§314-2.2 Community Commercial §314-29.14 Noise Impact (N) combining zone:	The C-2 zone allows for commercial facilities that are of a light commercial character, conducted completely within an enclosed building. The Noise Impact (N) combining zone establishes 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.	The proposed project is a Conditional Use Permit for microbusiness facilities conducted completely within an enclosed building. The proposed facility is specifically allowed with a Conditional Use Permit in this zone district under Section 314-55.4.5.1.4. of the Commercial Cannabis Land Use Ordinance (CCLUO). In adherence with Section 314-55.4.12.6, the applicant measured ambient noise levels in accordance with the specifications of the section.
Development Standards	Community Commercial Zone (C-2)	
Minimum Lot Area:	2,000 sq. ft.	The subject parcel is 2.74 acres in size.
Max. Lot Coverage:	(None specified)	N/A
Min. Yard 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 yard may not be less than five feet (5').	Front: There are no residential zones on the block of the project site so no front yard setback required. Rear: 28 feet Side: 35 feet.

Zoning Section	Summary of Applicable Requirement	Evidence that Supports the Required Finding
	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 no less than the front yard required in such Residential Zone or Agricultural Zone.	
Max. Building Height:	75 feet	Single story, less than 20 feet.

<p>Special Regulations:</p> <p><u>§314-31.1.4 Off-Street Parking Industrial Uses Management.</u> The parking requirements for office space associated with industrial uses shall be the same as identified for commercial type offices, or one (1) parking space for every 300 square feet of gross floor area plus one (1) space for each employee.</p> <p><u>Manufacturing.</u> The higher of one parking space for each 1,500 square feet of gross floor space within all enclosed building areas or one (1) parking space for each employee at the peak shift. A minimum of two (2) parking spaces are required.</p> <p><u>Warehouse.</u> The higher of one (1) parking space for every four (4) employees or one (1) parking space for each 2,500 square feet of gross floor area.</p> <p><u>Loading Spaces Required.</u> One (1) loading space for each 20,000 square feet of gross floor area, or portion thereof.</p>	<p>The proposed commercial cannabis distribution and manufacturing facilities would occupy 5,600 square feet tenant space within an existing commercial building. The proposed project and the adjacent leased space (not associated with the project) requires two (2) spaces for the manufacturing facility and two (2) spaces for the distribution facility, as there would be a maximum of three (3) full time employees and additional parking spaces. The parking requirement for the permitted distribution and manufacturing facilities. Based on the parking analysis provided, the parking lot contains 160 parking spaces, and therefore, adequate parking exists to accommodate the manufacturing and distribution facilities.</p> <p>There are adequate loading and unloading spaces located around the building.</p>
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314-55.4 Commercial Cultivation, Processing, Manufacturing, Distribution, Testing and Sale of Cannabis Land Use Regulation for the Inland Area of the County of Humboldt – Commercial Cannabis Land Use Ordinance (CCLUO)

Zoning Section and Summary of Applicable Requirement	Evidence that Supports the Required Finding
<p>Eligibility Criteria</p> <p>§314-55.4.6.3.1: Energy Source Electricity must be exclusively provided by a Renewable Energy Source, meeting the Performance Standard for Energy Use.</p>	<p>PGE will provide power for all the proposed facilities operations. The applicant has chosen to purchase only renewable energy from PGE as outlined in the Operations Manual. The project as proposed and conditioned in the operating restrictions section of approval will meet the requirements of HCC Section 314-</p>

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Zoning Section and Summary of Applicable Requirement	Evidence that Supports the Required Finding
<p>§314-55.4.5.1.1 No Commercial Cannabis Activity shall be permitted within six hundred feet (600') of a school.</p> <p>§314-55.4.5.1.2 No Commercial Cannabis Activity shall be permitted within Tribal Lands without the express written consent of the Tribe.</p>	<p>As discussed above for finding of conformance to HCC Section 314-55.4.65.4.4(c), there are no schools within 600 feet of the project site. The site is not located within tribal lands. The evidence supports a finding of consistency with the cited section.</p>
<p>§314-55.4.5.1.4 a) A Conditional Use Permit shall be required for any Commercial Cannabis Activity where located within the Sphere of Influence (SOI) of any incorporated city or within any of the following mapped Community Planning Areas (CPA's)... McKinleyville... A Conditional Use Permit shall also be required for any Commercial Cannabis Activity where located within one thousand feet (1,000') of any incorporated city, Tribal Lands, or any of the Community Planning Areas (CPA's) identified herein.</p>	<p>The subject property is located in the McKinleyville Community Planning Area. The project, however, is not located within 1,000 feet of any tribal lands. The project application includes a Conditional Use Permit.</p>
<p>§314-55.4.5.1.4 b) Early Notification to Surrounding Areas, nearby Cities, and Tribes. Whenever a permit application for a Commercial Cannabis Activity is located within any of the areas specified in Sections 55.4.5.1.4(a) and has been determined complete for processing in accordance with Section 312-6.1, notice of the proposed project shall be provided to all property owners and occupants by first class mail to the address(es) shown on the latest Assessment Roll within one thousand feet (1,000') of the perimeter of the parcel on which a permit is being requested. The notice shall include the location of the project and a description of the size and type of activity proposed.</p>	<p>Early notification was provided by way of the mailing of a Notice of Application (NOA) to all property owners and occupants within 1,000 feet of the perimeter of the subject property.</p>

§314-55.4.5.1.4 c) The Hearing Officer shall consider the potential impacts and cumulative impacts of proposed cannabis activities upon the community as a whole, including impacts to neighboring uses within Cities or their SOI's and buffers, and to residents within CPA's, or Tribal land. The Hearing Officer shall have the discretion to deny any discretionary permit application within these areas if it is found, based on substantial evidence in the record, that the impacts of a proposed activity on the existing uses will have a significant adverse effect on the public health, safety, or welfare.	The subject property is located in the McKinleyville Community Planning Area. The project, however, is not located within 1,000 feet of any tribal lands. The project approval will result in a Microbusiness: distribution, manufacturing, and existing retail sales/dispensary businesses in an existing enclosed structure and will not result in any additional impacts. The project implementation in accordance with the proposal and conditions of approval will not have a significant adverse effect on the public health, safety, or welfare.
§314-55.4.11 Application Requirements Identifies the Information Required for All Applications	Attachment 3 identifies the information submitted with the application, and shows all the required information was received.
§314-55.4.12.1.8 Performance Standards–Road System	As discussed above, Nursery Way will provide access to the project site. Nursery Way is a paved roadway and is adequate to serve the proposed use.
§314-55.4.12.5 Performance Standards–Energy Use All electricity utilized by Commercial Cannabis Cultivation, Manufacturing or Processing activities shall conform to one or more of the following standards: <ul style="list-style-type: none"> • Grid power supplied from 100% renewable source • On-site renewable energy system with twenty percent net non-renewable energy use • Grid power supplied by partial or wholly non-renewable source with purchase of carbon offset credits. 	Electricity will be supplied by Pacific Gas and Electric Company (PGE). The applicant has chosen to purchase only renewable energy from PGE as outlined in the Operations Manual. To ensure compliance with this requirement for the life of the project, the cited performance standard is incorporated into the under the operating restrictions within the Conditions of Approval, Attachment 1.

4. **Public Health, Safety and Welfare.** The following table identifies the evidence which supports finding that the proposed development will not be detrimental to the public health, safety and welfare or materially injurious to properties or improvements in the vicinity.

Code Section	Summary of Applicable Requirements	Evidence that Supports the Required Finding
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§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.
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5. Residential Density Target: The following table documents the evidence which supports finding that the proposed project will not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.

Code Section	Summary of Applicable Requirement	Evidence that Supports the Required Finding
§312-17.1.5 Housing Element Density	The proposed development does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law (the mid-point of the density range specified in the plan designation), except where: 1) the reduction is consistent with the adopted general plan including the housing element; and 2) the remaining sites identified in the housing element are adequate to accommodate the County share of the regional housing need; and 3) the property contains insurmountable physical or environmental limitations and clustering of residential units on the developable portions of the site has been maximized.	The proposed project involves operation of a Microbusiness including distribution, manufacturing, and an already approved adult use retail/dispensary facilities on lands designated "Commercial Services (CS) and zoned C-2 Community Commercial. No residences exist on the parcel. The parcel was not inventoried as source of potential residential units. Therefore, the project will not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.

6. Environmental Impact: The following table identifies the evidence supports the finding that the proposed development will not adversely impact the environment.

Code Section	Summary of Applicable Requirement	Evidence that Supports the Required Finding
§15301 of CEQA Guidelines	Categorically exempt from State environmental review.	The project has been determined to be exempt from CEQA pursuant to Sections 15301 – Existing Facilities of the Guidelines for the Implementation of CEQA. Section 15301 exempts from environmental review the operation, repair maintenance, permitting, licensing, or minor alteration of existing private structures or facilities where involving negligible or no expansion of use. The proposed development will occupy 5,600 square feet of an existing structure Suites B-C and BP-Q). The project site is an urbanized area served by community water and on-site 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. Per the submitted evidence and agency responses none of the exceptions to the Categorical Exemption per Section 15300.2 of the State CEQA guidelines apply to this project.