

SUPPLEMENTAL INFORMATION #4

For Planning Commission Agenda of: February 1, 2018

- ☐ Consent Agenda Item
- ☒ Continued Hearing Item #4
- ☐ Public Hearing Item
- ☐ Department Report
- ☐ Old Business

Re: **Quantum Genetics Special Permit**
Application Number 11840
Case Numbers SP 16-328
Assessor's Parcel Number 203-231-003
210 Triple K Place, Fortuna, CA 95540

- Letter from Steve Watson – received 1/18/2018, in opposition to the project.

1/18/2018

Steve Watson
P.O. Box 308
Fortuna, CA 95540

Humboldt County Planning Commission
825 Fifth Street
Eureka, CA 95501

Dear Members of the Planning Commission:

Thank you for the opportunity to present testimony and challenge the proposed action before you regarding Quantum Genetics, Inc.'s special permit application for a two-story (24-foot-tall), 20,000 square-foot (100x100 foot) whole sale commercial nursery building. (Case Numbers SP16-328, Application Number 11840, Assessor Parcel Number 203-231-003.)

My wife and I moved into our dream home in the Rohnerville area in August of 2016 where we are now raising our 5 children. We are a close neighbor to this cannabis business' current 9,792 square-foot mixed light cultivation operation. Quantum Genetics' permit and Zoning Clearance Certificate (ZCC) were issued after we had already purchased the property and moved into our new home. Our quality of life has already been negatively impacted by their current operation.

Our residence and this cannabis business, located at 210 Triple K Place, are located well within the City of Fortuna's "Sphere of Influence" and also within the Rohnerville Airport zone. The City of Fortuna and its City Manager, Mark Wheatley, have written several letters to the Humboldt County Planning Commission and the Humboldt County Planning and Building Department expressing opposition to and/or concerns about the negative effects of cannabis cultivation activities on citizens within the City's Sphere of Influence. The City of Fortuna has also notified the County of its plan to annex this area under the Fortuna General Plan 2010-2030. As noted in a letter from Mark Wheatley to Steven Lazar (Humboldt County Planning and Building Department), dated May 9, 2017, Fortuna has adopted a City-wide prohibition on all marijuana activities, except for those that are preempted by State law. The County's existing ordinance and proposed amendments are in conflict and inconsistent with the City's ordinance. The City of Fortuna has also repeatedly requested the establishment of a buffer encompassing the City's entire complete Sphere of Influence. Once the annexation has been completed, which I have been told will likely be in the near future, this commercial cannabis operation will be in direct opposition to the City's ordinances. This could reasonably be expected to result in the business' annual permit being revoked at great financial cost.

Comments on Quantum Genetics Special Permit
County Case number SP16-328
APN 203-231-003

1. A mitigated negative declaration (“MND”) is inadequate as a CEQA document for the project because the record supports a fair argument of potentially significant environmental impacts. Further the MND fails as an informational document in various areas.
2. The MND fails to analyze the “whole of the action.” (CEQA Guidelines, § 15378). The whole of the action includes elements of the overall project that were previously approved ministerially, outside of CEQA review, with issuance of a ZCC. In fact, the MND acknowledges that the project “will be part of a larger existing and approved operation on the project site.” (MND, p. 116.) These additional project elements requiring analysis include: 30-45 foot dwelling; 30x20 foot garage; 500,000-gallon pond; 12 foot high chain-link security fence with cameras (“ZCC Component”). The staff report acknowledges that none of the ZCC Components have yet been constructed, and so they are not yet part of baseline conditions. Further, the County performed no CEQA review for the ZCC Component so there is no prior CEQA document that the County may tier from or incorporate by reference to cure the MND’s failure to perform the necessary analysis. Failing to analyze the ZEE Component is classic “piecemealing.”
3. Staff report explains that the Project will require 60,000 gallons of water per year, yet the record fails to establish that this can be supplied by “rainwater/fog/dehumidifier harvesting.” The MND acknowledges that the Project will rely on groundwater as a backup, but fails to identify how much groundwater realistically will be required, or whether that amount can be satisfied by groundwater pumping on-site. Pumping groundwater for the Project may result in project-level and/or cumulative groundwater impacts, particularly when one includes the undisclosed amount of groundwater that will be used for the ZEE Components.
4. The Project’s potentially significant impact to groundwater is exacerbated by the Project’s reduction in groundwater recharge due to: (i) increasing impervious surfaces on the site, and (ii) capturing stormwater runoff from the nursery building.
5. The staff report also notes that the groundwater well on site may be hydrologically connected to surface water. The MND fails to adequately analyze the potential impact on surface water supplies and any negative impacts associated with diverting water connecting to surface water supplies.

6. It is noted that the California Department of Fish and Wildlife has requested a streambed alteration agreement for the Project. This would be a responsible agency action under CEQA, and yet the MND fails to provide information necessary to evaluate the impacts of this action. The MND fails to explain why deferral of any such analysis is necessary.
7. The MND improperly defers analysis and mitigation for impacts to biological resources.
8. The MND fails as an informational document with respect to cumulative impacts. The MND's cumulative impact analysis improperly characterizes the ZCC Component as a "cumulative project" and not properly as the "whole of the action" as CEQA requires. The cumulative impact analysis fails because the only identified cumulative project is the ZCC-Component. No other cannabis projects in the area are identified as cumulative projects, even though many of these will also rely on a combination of groundwater and surface water supplies, biological resources, transportation and air quality. The MND fails to identify cumulative projects using either an accurate "list approach" or a "summary of projections" approach. The MND also fails to identify the geographic scope of cumulative analysis for each resource area as CEQA requires. (CEQA Guidelines, § 15130 (b)(3) ("Lead agencies should define the geographic scope of the area affected by the cumulative effect and provide a reasonable explanation for the geographic limitation used").)
9. The project application documents fail to comply with the County's mandate to demonstrate adequate source of water supply for the project, both with and without consideration of the ZCC-Component.

December 12, 2017

John Ford, Planning Director
Humboldt County Planning & Building Department
3015 H Street
Eureka, CA 95501

SUBJECT: APN: 203-211-016, 203-211-014 and 203-211-017

Dear John:

Thank you for taking the time to meet with City of Fortuna staff regarding our concerns for proposed commercial cannabis activities on the above referenced parcels.

The City disagrees with the interpretation that a use permit may be issued on parcel 203-211-016, because it is inconsistent with the City's cannabis prohibition and there is no way to ensure that there will not be impacts to the Cities residents. The County's Ordinance 1689 identifies "protection of the surrounding residential areas ... from inappropriate development of the subject property". Although you can address some of the impacts related to traffic, utilities, etc., fundamentally the City is opposed to commercial cultivation within the City and in particular in the areas that have been planned for annexation.

The City has completed three of the four areas of annexations identified in the City's 2010 General Plan, and is taking steps necessary to complete the annexation of the airport area in the future including a circulation planning grant to be carried out in 2018. Permitting cannabis cultivation in this area will allow uses that are inconsistent with City ordinances, impact residents, create challenges to future annexation, and result in nonconforming uses upon City annexation.

Additionally, the uses are clearly identified in County Ordinance 1689 and the MLQB-5 zone assigned to the parcel has narrowly defined principal and conditionally permitted uses (cabinet making shops, clothing manufacture, contractors' yards, dry cleaning, laundry plants, handcraft manufacture, lumber yards, metal-working shops, wholesale outlet stores, painters and decorators yards, printing and lithographing). Cannabis related business and any other non-listed uses are explicitly prohibited within that zone.

The City will oppose any expansion or interpretation beyond what is specifically allowed in this zone. We request that you do not proceed with the processing of a conditional use permit for any cannabis-related businesses on parcel 203-211-016, as it is not possible to address the City's concerns.

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October 19, 2017

Humboldt County Planning Commission
825 Fifth Street
Eureka, CA 95501

Dear Members of the Planning Commission:

Thank for the opportunity to respond to the County draft environmental impact report on the proposed commercial cannabis ordinance. The City is deeply concerned about the negative effects of cannabis cultivation on its citizens and we've previously requested establishment of a buffer encompassing the City's entire complete Sphere of Influence.

Odor from marijuana cultivation is one of the most significant issues that impacts Fortuna's residents who live along the County boundary. Marijuana odor is strong, persistent, and overbearing, and already emanates from the County's several permitted cultivation sites as well as from illegal cultivation sites in the vicinity. Residents have reported health and quality of life issues.

The draft environmental impact report identifies odor as a significant impact to the City's residents and acknowledges that implementation of the proposed ordinance would result in a significant impact that cannot be mitigated. Impact 3.3-4 of the draft environmental impact report acknowledges that "cultivation and processing of cannabis generates odors associated with the plant itself, which during maturation can produce substantial odors. Setbacks are provided as part of the proposed ordinance; however, they do not preclude the generation of odorous emissions in such quantities as to cause detriment, nuisance, or annoyance to a substantial number of people. This would be a significant impact".

It is unacceptable that County would propose adopting a statement of overriding considerations and recommend adoption of standards that would continue to impact City residents. While it is recognized that the draft EIR recommends a special permit for any commercial cannabis activity that would be located within the sphere of influence or within 1,000 feet of the city limit boundary of any city, the special permit process would not be a guarantee against the creation of objectionable odors, which only an outright ban would accomplish. Therefore, the City recommends that the County adopt Alternative #3, prohibiting outdoor and mixed-light cultivation, and that the County further protect the City's citizens through a complete ban on cultivation and related activities within the Sphere.

If you have any questions or wish to discuss this further, please do not hesitate to call.

Sincerely,



Mark Wheelley

City Manager

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1800 Division Drive

May 9, 2017

Steven Lazar
Humboldt County Planning & Building Department
3015 H Street
Eureka, CA 95501

RE: Notice of Preparation of an Environmental Impact Report for Amendments to Humboldt County Code Regulating Commercial Cannabis Activities

Dear Mr. Lazar:

Thank you for the opportunity to respond to the Notice of Preparation for the Environmental Impact Report for Amendments to Humboldt County Code Regulating Commercial Cannabis Activities. The City and County share a common jurisdictional boundary, and as a result, the County's codes allowing cannabis activities within the boundary area have a heavy influence on City residents and City infrastructure. In addition, Fortuna has adopted a City-wide comprehensive prohibition on marijuana activities, banning all activities except for those uses that are specifically allowed by AUMA, and the County's codes and activities are in conflict with the City's codes. Due to the project's proximity to the City, it is anticipated that traffic, noise, odors, and a host of other issues will affect City residents. The City would like to request that the following items be addressed in the EIR.

Land Use

Fortuna has adopted a City-wide prohibition on all marijuana activities, except for those that are preempted by State law. The County's existing ordinance and proposed amendments are in conflict with and inconsistent with the City's ordinance. The County's ordinance affects all of the City residents along the City/County jurisdictional border, and it affects all of the County residents within the City's Sphere of Influence that may be considered for annexation in the future. The County's ordinance also affects the City's residents where cannabis is allowed on adjoining roadways (in particular, Rohnerville Road, Drake Hill Road, and Loop Road), and they will experience visual impacts on a daily basis.

The County's cannabis ordinance and proposed expansion are proposed within the City's Sphere of Influence, which is considered a potential annexation area. Fortuna has completed three annexations under the Fortuna General Plan 2010-2030, and it is likely that additional areas will be annexed in the future. The County's cannabis ordinance impairs the City's ability to expand into the sphere of influence and limits the City's ability to grow over time in accordance with the General Plan as those properties will be permanently committed to commercial agricultural activity. Based on an estimated number of 10,000-15,000 cultivation sites County-wide, and the

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agricultural land uses surrounding the City, expanding the permits could result in a significant number of sites around the City that could be placed in cultivation. Without a limit to the number of permits, it could result in nearly all of the vacant land around the City being converted, changing the landscape, reducing development potential, and converting prime agricultural land to developed greenhouses and commercial processing buildings. With the increase in commercial cultivation sites, there will be conflicts between the City's land use designation and the commercial development allowed by the commercial cannabis permits. This will result in unsuccessful annexation attempts, or commercial cannabis developments having to be removed upon annexation.

While the County maintains land use authority over the sphere, the City is sensitive to the fact that the sphere is part of the City's General Plan planning area. The City provides many public services to it, and the Sphere has ties to the City on social and economic levels. The NOP project description includes a statement that the County is considering, among other things, "special requirements/limitations for projects located within spheres of influence or community areas". The City is pleased to see that the urban areas most affected by the County's activities are being considered with regards to impacts. The draft EIR should consider land use impacts to the City's Sphere of Influence. In addition, Fortuna requests that a complete marijuana prohibition be adopted within Fortuna's Sphere of Influence, and that the County cease issuance of any pending County cultivation permits.

It is difficult to estimate the long-term impacts of allowing cannabis cultivation and processing at thousands of locations throughout the county. Inevitably, not all the impacts will be able to be predicted. The City of Fortuna would suggest that the County limit the permits to the existing applications and assess the impacts from those permits that have already been initiated prior to accepting new permit applications. If the County decides it must allow new permit applications the City would urge the county to limit new applications to set number every year and to limit the huge change to the landscape that appears to be happening, as it is causing conflicts between residential development and commercial cannabis cultivation. During the development of the County's Draft General Plan, many members of the public indicated their desire for more parcels rural residential or traditional residential agricultural types of development. The competition from commercial cannabis development on agricultural, timber and residential agriculture parcels will result in fewer parcels being available to those who wish to live in a country environment and practice traditional types of agriculture. It is also increasing property values for rural properties suitable for cannabis cultivation. Such pricing does not allow many people who currently live in Humboldt County to be able to afford to purchase land, and also results in an influx of developers from across the country buying land in Humboldt County.

Aesthetics

The proposed expansion of the number of permits will result in visual blight by increasing the construction of greenhouses and other buildings on agricultural land that has historically been used for open space and pastureland. Where development has previously been limited to agricultural accessory structures limited in size, under the County's proposed cannabis expansion without limit to the number of permits, development will involve an increase in building coverage. For example,

several of the sites with submitted permit applications in the City's sphere propose up to 50,000 square feet in new greenhouses.

The County should consider the visual impacts of this intensification of building development. In addition, nuisances will include interior greenhouse lighting leaking into the night sky, outdoor/security lighting, fencing, and razor wire as visual blight. Because of the visibility of the cultivation sites directly from adjacent City residences, the aesthetic impacts are significant and cannot be fully mitigated, through typical means such as screening, fencing, etc. For this reason, the aesthetic impact cannot be mitigated relative to the residents of Fortuna, and the City requests that it be banned along the City's borders and that the County adopt a prohibition throughout the Sphere of Influence.

The glow from nighttime lighting will potentially impact the view of the eastern sky in the greater Fortuna area. The County's existing cannabis performance standards do not contain a measurable or enforceable standard for light emissions, but leaves the determination to subjective interpretation. The City would like to see a greater measure of guarantee that no lighting will not emanate from the greenhouses.

Air Quality/Odor

The odor from large-scale cultivation and processing will have an ongoing, daily negative impact on the quality of life of the nearby residents. The draft EIR should analyze the impacts and unequivocally demonstrate that all structures containing cannabis, for both cultivation and processing, will have odor-reduction equipment installed that prevent the release of any odor emissions to neighboring residents.

Public Safety

It has been demonstrated that cultivation, processing, and dispensary activities attract crime to the sites through an increase in burglary, robberies, and possession of weapons. Home invasion robberies have become more prevalent and violent crime including homicide are reaching an all-time high in Humboldt County. City of Fortuna police are called out to assist County law enforcement on these crime incidents, impacting public safety resources within the City of Fortuna and delaying response times within the City.

Although it is now legal in the State of California, marijuana is still a Schedule 1 drug with the potential for abuse and as such it can attract crime, and the residents of Fortuna have expressed objection to it being in their backyards and in the immediate vicinity of their families and children. Transient populations have increased in the urban areas nearest to the outlying cultivations sites, bringing crime and social instability, affecting the housing shortage, and increasing rents, land costs, and demand on services.

The City is requesting that the EIR investigate and identify the potential increase in crime rates, safety impacts to neighborhoods, and financial impacts to the City's law enforcement resources.

Watersheds

The County proposes to focus cultivation “to areas with slopes less than 15% and to the lower portions of the County’s watersheds will concentrate cannabis activities into developed areas of the County”. Currently the outskirts of the incorporated areas, such as around Fortuna, Eureka, Arcata and other urban areas, fit this description and therefore commercial cannabis growing and impacts will be intensified in those areas, and will increase the potential for commercial cultivation in those areas. This will lead to cumulative impacts within the lower areas around Fortuna and Fortuna will be unfairly burdened with cumulative impacts. These impacts should be addressed in the draft EIR.

The location of cannabis grows throughout the watersheds of Humboldt County will continue to have significant impacts. It will be difficult or near impossible to monitor the water usage of grows that are dependent on forbearance or rainwater collection as there will never be enough code enforcement to do regular inspections. In the event of a system failure and loss of stored water, growers will be forced to find water in other ways, most likely illegal surface water diversions or trucking water from far away. When water is pumped from surface creeks it has a direct impact to salmon, steelhead and other aquatic species and has the potential to harm the recreational and commercial fisheries of Humboldt County. Similarly, trucking water in will result in increased greenhouse gas and traffic impacts on small rural roads, thereby diminishing the quality of life for those in the outlying areas.

Storm Water

Because of local topography, cultivation sites in the vicinity of Fortuna will result in stormwater runoff being directed into the City’s watersheds. Development of cultivation sites will increase the impervious surface on each site which will result in increased off-site flows to City drainage facilities if not fully mitigated.

City of Fortuna policies include protections from increased runoff, including that all new development complies, to the extent reasonably possible, with the recommendations of the 2005 Storm Drain Master Plan (SDMP). The City requests that all cannabis permit requests be accompanied by drainage reports and/or calculations that specifically include consideration of the recommendations within the SDMP. Specific provisions that should be incorporated into any development design, and/or addressed within the SDMP include, but are not necessarily limited to: 1) Incorporation of onsite and regional storm drainage detention; and 2) New development shall not increase the estimated existing 25-year peak runoff volume from the site. Any increase beyond the peak 25-year event resulting from new development shall be retained or detained at the expense of the developer/owner.

The City of Fortuna requests that drainage reports for each cannabis site be completed and identify stormwater volumes and recommend improvements to mitigate any off-site impacts to City drainage facilities. The City of Fortuna would like to review and approve each report for projects within the sphere of influence prior to approval of the proposed project and request that the County require the recommended drainage improvements presented in the final drainage report.

Groundwater

One of the most critical deficiencies of the County's Initial Study/Mitigated Negative Declaration for the existing ordinance is the failure to project a water demand for the intense use of water that is involved with marijuana cultivation. Cultivation may have a significant effect on the water supply of existing development, with any new development having the potential to significantly increase demands from a diminishing resource. A thorough and detailed water demand analysis must be provided by the EIR as well as alternatives that could use less water.

The County should analyze the cumulative effects of both groundwater consumption and its impact on surface water. The County should review the groundwater basin management plan to determine if the project will have impacts on the ability to maintain sustainable levels.

Local Roads

The NOP states that a proposed objective is to limit cultivation sites to within 1 mile of county-maintained roads, or on category 4 private roads. This standard will concentrate development in existing urban areas where such roads already exist, including the City of Fortuna. For example, City residents are being exposed to a cultivation site of 50,000 square feet of greenhouses located on Nelson Drive, a substandard road that is maintained by local residents. This standard will also encourage construction of new roads, and resulting sediment load being placed in creeks within the lower watersheds. The EIR should analyze the water quality requirement for road building and maintenance, and should consider limitation of the number of permits issued as an EIR alternative.

Traffic

The increase in the number of cannabis permits issued will result in an increase in traffic volumes on all roads in the surrounding area, thereby impacting City roadways. There two primary highway access points to the areas east of Fortuna (where we are seeing increased cannabis development) including at Kenmar Road and 12th Street. Currently there are intersections at both interchanges that are either operating at, or below an acceptable level of service, or are expected to with the planned growth of the City. The increased development caused by the proposed project will contribute to the traffic at key intersections within the City and will result in more traffic on narrow, substandard, or partially developed residential roads. The Fortuna General Plan identifies intersections impacted by future growth. The City would like to see a requirement for a traffic study on all projects greater than 10,000 square feet so that site-specific impacts may be identified and local roadway impacts can be mitigated.

Fortuna Municipal Code Chapter 17.05 and the City's General Plan require that "5. A traffic study shall be prepared by a qualified professional and submitted to the public works department for new residential development with more than 30 dwelling units, or commercial, office, or industrial uses with more than 10,000 square feet of floor area.". Therefore, the City requests that the County require that cannabis permit applicants complete a traffic study for each development project and submit for review and approval by the City of Fortuna and that the County include any proposed improvements recommended in the traffic study as conditions to be completed by each project applicant.

Each traffic study shall be prepared using the Caltrans Traffic Impact Analysis methodology when evaluating the City and/or City/County intersections. The study shall also address the cumulative impacts generated by cannabis developments and include the level of service analysis for affected intersections. If traffic signals or other mitigation measures are warranted at affected intersections, the developer shall mitigate or determine their proportionate share of mitigation costs and submit this information to the City of Fortuna public Works Department for review and approval.

On-grid power or alternative energy

The use of generators is not an appropriate method of providing energy to the cannabis sites, and the City urges adoption of stricter standards. Accidental fuel spills will affect water quality and fisheries. As City of Fortuna land is located downstream from the County's jurisdiction on the north, east, and south sides of the City, city streams will be directly impacted by the use of generators. In addition, impacts that should be analyzed include impacts of noise and odors on adjacent residential uses.

Impacts from all proposed alternative energy sources should be considered in the analysis. It is questionable that there would not be significant impacts from the use of alternative energy at the estimated approximately 10-15,000 cultivation sites. Cumulative impacts should be studied. Due to potential impacts from alternative energy sources (loss of farmland from use of solar panels, impacts to biological resources, and aesthetics from the use of wind turbines), cannabis sites should be required to operate on the grid.

Enforcement

The county estimates that there may be over 14,000 commercial grows within Humboldt County. Currently the County is understaffed with regard to code enforcement. As a part of the analysis of the EIR the county should anticipate code enforcement staffing levels and provide estimates of how many full time staff will be required in order to regulate commercial cannabis activity throughout the county. Some aspects of enforcement will be difficult, if not impossible and could lead to unavoidable impacts. For example, if water tanks are accidentally left opened at a location where rainwater collection or forbearance is the primary source of water, cannabis operators could be left with a decision to illegally divert water from nearby streams or lose their financial investment. Inevitably, this will lead to surface water diversions and impacts to aquatic resources. Therefore, the County should not consider allowing rainwater collection or forbearance as an acceptable water source, and acknowledge that no level of code enforcement will be sufficient to avoid impacts.

Summary

The project description states that changes to the existing ordinance may occur; we propose such changes, establishing a substantial and effective buffer between the City limits and the area in the County where cannabis activities may be allowed. The City has concerns with the County's consideration of repealing the permit deadline and expanding cultivation areas. Many of the criteria for expanded cultivation areas will focus development and impacts in developed areas, including the City of Fortuna.

The City requests the establishment of a more significant buffer that would protect all of the City's residents. Such a buffer would need to encompass the entire City Sphere of Influence in order to create an appropriate buffer given the irregular City/County jurisdictional boundary. The City objects to the approval of any marijuana activities within the Sphere of Influence. Adoption of performance standards will not mitigate the aesthetic or safety impacts to City residents. The cumulative effects of the County's ordinance in the immediate vicinity will have a negative impact on local residents.

Fortuna has adopted a City-wide prohibition on all marijuana activities, except for those regulations that are preempted by State law. The County's existing ordinance and proposed amendments expanding the number of permits without limit are inconsistent with the City's ordinance. City residents bordering cultivation sites will be subject to increased noise, odors, dust, traffic, crime, and groundwater depletion, and the City will be affected by stormwater and water quality issues as well as housing impacts and land use conflicts. The issues listed in this letter should be analyzed and addressed in the draft environmental impact report t.

In our opinion, the County's adopted program failed to meet the intent and requirements of the California Environmental Quality Act (CEQA) regarding the range of cultivation activities, in scope and standards. We anticipate that the review being undertaken through the EIR process will address these impacts and will result in the inclusion of a buffer that is contiguous with the Sphere of Influence boundary, or that the County considers other buffer alternatives with an equal measure of protection. The City would like to work with the County to develop appropriate measures to mitigate these and other potential impacts.

The City of Fortuna appreciates your consideration of these comments and would like to receive a copy of the Draft EIR. We would be happy to meet with you to discuss these matters.

Sincerely,



Mark Whetley
City Manager



May 3, 2017

Elanah Adler, Planner
Humboldt County, Planning & Building Department, Current Planning Division
3015 H Street
Eureka, CA 95501

RE: Project Referral for Cannabis Cultivation Permit at APN 203-231-003

Dear Ms. Adler:

This is in response to the permit referral dated April 11, 2017, for a wholesale cannabis nursery and other structures located on APN 203-211-016. The City has reviewed the referral and is requesting that the following items be addressed.

1. The odor from large-scale cultivation and processing will have a huge negative impact on the quality of life of the nearby residents. Please demonstrate that all structures containing cannabis, for both cultivation and processing, will have odor-reduction equipment installed that prevent the release of any odor emissions.
2. The glow from nighttime lighting will potentially impact the view of the eastern sky in the greater Fortuna area. The County standards do not contain a measurable or enforceable performance standard for light emissions, but leaves the determination to subjective interpretation. We would like to see a greater measure of guarantee that no lighting will not emanate from the greenhouses.
3. The City is concerned that the development of a septic system for this commercial development may impact domestic wells that lie within the City in close proximity to the proposed project. The City does not have a record of nearby residential wells, but we are aware that some exist that are in use in the adjacent development. Therefore, the City requests that the County review the location of all nearby wells and ensure that they are adequately protected and a safe distance from the on-site treatment system proposed for the subject development.
4. Access to the proposed project will be via City of Fortuna streets. It is expected that a majority of the project-related traffic will go through the intersection of South Fortuna Boulevard /Ross Hill Road/Kenmar Road as well as the Highway 101 Interchange at Kenmar Road. Currently the intersections in that vicinity are operating below an acceptable Level of Service as defined by the City's General Plan 2010.

Fortuna Municipal Code Chapter 17.05 and the City's General Plan require that *"5. A traffic study shall be prepared by a qualified professional and submitted to the public works department for new residential development with more than 30 dwelling units, or commercial, office, or industrial uses with more than 10,000 square feet of floor area."* Therefore, the City requests that the County require the applicant to complete a traffic study for the proposed development and submit it for review and approval by the City of Fortuna and that the County include any proposed improvements recommended in the traffic study as conditions to be completed by the developer.

5. The City recently awarded a construction contract to construct walking and biking improvements around Toddy Thomas School, which is located less than three blocks from the proposed project. The City is concerned that additional trips from commercial vehicles could increase the number of conflicts with bikes and pedestrians on Thelma Street and Drake Hill Road. Therefore the City requests that the County condition the project to limit the potential conflicts of new commercial traffic by requiring the delivery hours or routes to the proposed project site to hours outside of normal school hours or to other routes that do not cause increased mode conflicts during school hours.
6. Runoff from the proposed development drains from a detention basin on site that was constructed to attenuate flows to a city maintained drainage easement that runs northerly between several private residences. This detention basin has not been maintained and currently contains large boulders and is overgrown with brush and no longer detains the design volume. The proposed development will increase the impervious surface on the site which will result in increased off-site flows to City drainage facilities if not mitigated.

City policy requires that all development shall comply, to the extent reasonably possible, with the recommendations of the 2005 Storm Drain Master Plan prepared by Winzler and Kelly, a copy of which is available for purchase at City Hall or can be provided electronically. The City requests that a Drainage Reports and/or calculations shall be completed that specifically include consideration of the recommendations within this report. If recommendations per the Master Plan are not included within the proposed development design, the Drainage Report and/or calculations must address specific justification for omission thereof. Specific provisions that should be incorporated into any development design, and/or addressed within the project Drainage Report include, but are not necessarily limited to:

- Incorporate onsite and regional storm drainage detention.
- New development shall not increase the estimated existing 25-year peak runoff volume from the site. Any increase beyond the peak 25-year event resulting from new development shall be retained or detained at the expense of the developer/owner.

The City of Fortuna requests that a drainage report be completed identify and recommend improvements to mitigate any off-site impacts to City drainage facilities. The City of Fortuna would like to review and approve this report prior to approval of the proposed project and request that the county require the recommended drainage improvements presented in the final drainage report.

7. There are no limits of grading shown on the proposed site plan. If the project will include grading of over one acre it will require a Storm Water Pollution Prevention Plan (SWPPP). to comply with the requirements of the State of California State Water Resources Control Board National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities, Order No. 2009-0009-DWQ, NPDES No. CA S000002 (General Order). This General Order became effective on July 1, 2010. If proposed construction activity will disturb less than one (1) acre of land, BMP's shall be implemented to eliminate, minimize and/or treat stormwater discharges from the site. These BMP's shall be monitored for effectiveness throughout construction activities. If proposed construction activity will disturb one (1) acre of land or more, the General Order requires that the Legally Responsible Person (LRP) (usually the property owner or leasehold interest) is required to obtain permit coverage under the General Permit through the submittal of Permit Registration Documents (PRD's) ***prior to the commencement of construction activities***. Permit Registration Documents include, but are not limited to, a Notice of Intent (NOI) and a Storm Water Pollution Prevention Plan (SWPPP) prepared by a Qualified SWPPP Developer (QSD), certified by the State Water Resources Control Board (the Board). The General Order requires all PRD's to be electronically submitted and the appropriate fee paid to the Board prior to the Board issuing a Waste Discharge Identification Number (WDID).

The proposed project's western boundary is in proximity of the City limits and within the City's Sphere of Influence, will utilize City streets and services, and will negatively impact city residents. The City is concerned with a range of issues, and we are concerned that the project under review, or in fact the County's Marijuana Land Use Ordinance, has failed to consider impacts to Fortuna residents. The issues identified and concerns expressed are directed towards every cannabis cultivation site under consideration within the City's Sphere of Influence. The City hopes that the County will consider establishment of a buffer encompassing the entire City Sphere of Influence. City staff is in discussion with County personnel regarding creation of a buffer or other appropriate measure to eliminate impacts to City residents. In the meantime, please ensure that the above-provided comments are incorporated into the County's review process for this project and that the listed concerns are addressed. Please contact me if you have any questions or need any additional information.

Sincerely,



Liz Shorey, Deputy Director of Community Development

Copy: Mark Wheatley, City Manager
Merritt Perry, Director of Public Works

City of Fortuna

P.O. Box 545 • Fortuna, CA 95540

www.friendlyfortuna.com

April 7, 2017

Estelle Fennell, Second District
Humboldt County Board of Supervisors
825 5th Street, Room 111
Eureka, CA 95501

Dear Supervisor Fennell:

In response to several projects being processed by the County Planning & Building Department, the City of Fortuna has identified numerous concerns with proposed cannabis cultivation activities under consideration by the County within the City's Sphere of Influence.


The City requests the establishment of a more significant buffer that would protect all of the City's residents. Such a buffer would need to encompass the entire City Sphere of Influence in order to create an appropriate buffer given the irregular City/County jurisdictional boundary. A map of the Sphere of Influence is attached.

City residents bordering cultivation sites will be subject to increased noise, odors, dust, traffic, etc. These environmental impacts do not otherwise affect the agricultural lands located further from urban areas. These issues could have been identified and addressed with completion of an environmental impact report which would have benefitted from greater public notification and more robust public input.

We realize that the County has adopted standards for its cannabis permits program and that an environmental impact report is now underway. In our opinion, the County's adopted program fails to meet the intent and requirements of the California Environmental Quality Act (CEQA). We anticipate that the review being undertaken through the EIR process will address these impacts and will result in the inclusion of a buffer that is contiguous with the Sphere of Influence boundary, or that the County considers other options with an equal measure of protection. The City would like to work with the County to develop appropriate measures to mitigate these and other potential impacts.

In conclusion, the City strongly urges that an immediate moratorium be imposed on issuing any approvals on any cannabis cultivation permits under consideration by the County within the City of Fortuna's Sphere of Influence until a complete and comprehensive environmental review and a detailed analysis of the potential cumulative impacts of these proposed activities can be completed. In addition, the City of Fortuna proposes the formation of a joint task force between the City and the County to address our concerns and to discuss potential strategies to resolve these issues. I look forward to working with you. If you require any further clarification or have additional questions please direct them to Mark Whetley, Fortuna City Manager at (707) 725-1410.

Sincerely,


Sue Long
Mayor, City of Fortuna

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Public Works
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Fortuna General Plan 2030
Figure 2-5, Proposed Annexation Areas

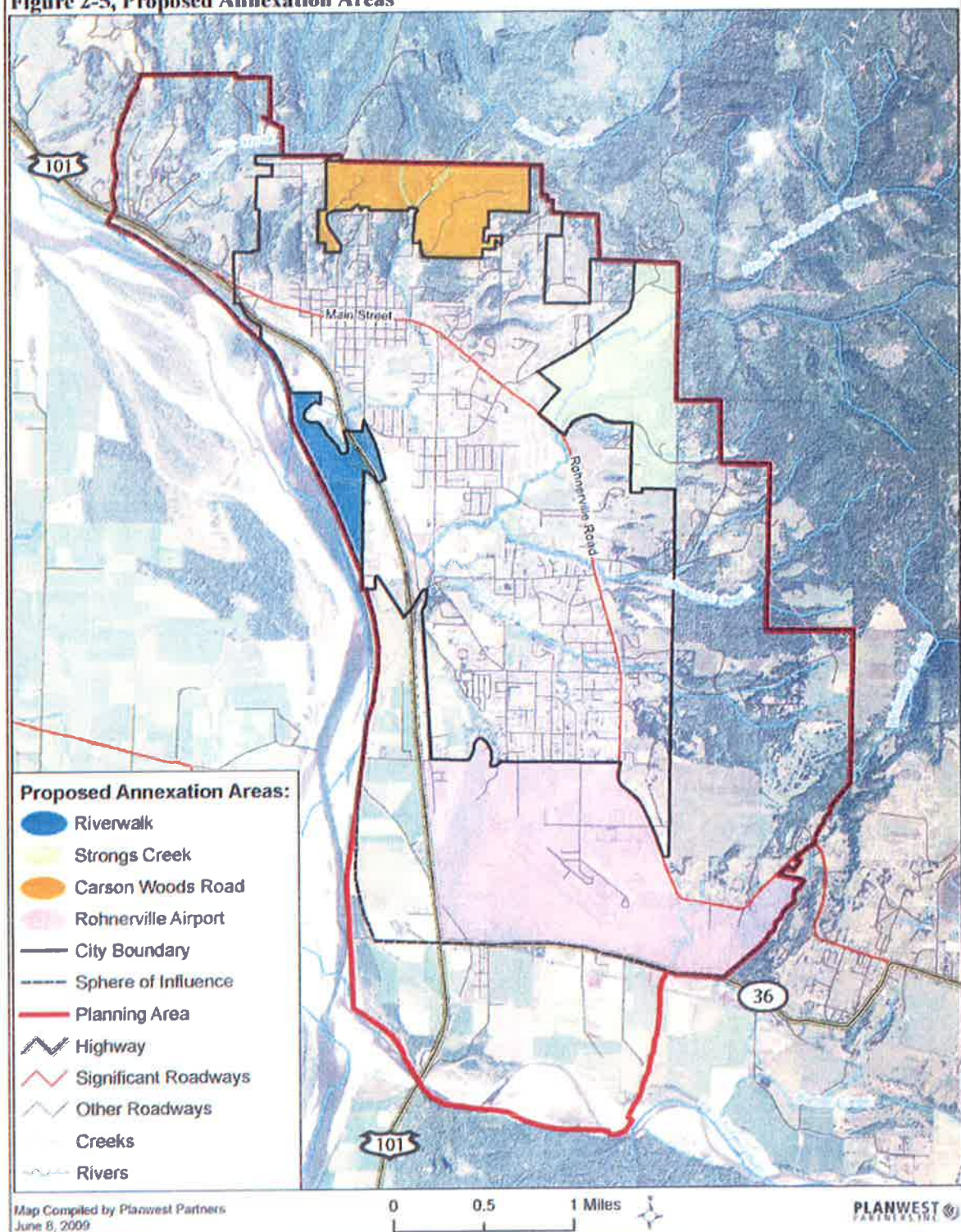


Figure 1. City of Fortuna - City Boundary and Sphere of Influence

