

**BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA**  
Certified copy of portion of proceedings, Meeting of November 6, 2018

**RESOLUTION NO. 18-113**

**CERTIFYING COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, ADOPTING FINDINGS OF FACT, DENYING THE APPEAL AND APPROVING WITH CONDITIONS THE HUMBOLDT BOUTIQUE GARDENS CONDITIONAL USE PERMITS AND SPECIAL PERMITS APPLICATION FILE NO. 203-211-016; CASE NOs. CUP-16-427 and SP-18-009**

**WHEREAS**, an application for Conditional Use Permits and Special Permits has been submitted to the County Planning and Building Department to develop and operate a commercial cannabis facility consisting of 8,560 square feet of indoor cannabis cultivation, and ancillary processing and propagation, on a 2.7 acre parcel that will be served by an on-site well and wastewater treatment system. The facility is proposed to operate inside a new 13,000 square foot building, 28 feet in height; appurtenant on-site parking and driveway areas are also proposed for development. This is the first phase of a two-phase project. During peak operation for Phase 1, there will be eight full time employees. Operations would be seven days a week from 7 am to 6 pm, ("Project"); and

**WHEREAS**, pursuant to the applicable Qualified ("Q") combining zone, Ordinance No 1689 adopted May 28, 1985, and amended by Ordinance No 1784 on December 16, 1986, Area 1, the application includes a Conditional Use Permit; and

**WHEREAS**, pursuant to Humboldt County Code Section 311-4, the project includes a Special Permit for the Planning Director's interpretation of unclear code provisions with respect to the Qualified (Q) combining zone, Ordinance No 1689 adopted May 28, 1985, and amended by Ordinance No 1784 on December 16, 1986, Area 1, as applied to the proposed use; and

**WHEREAS**, the County Planning and Building Department reviewed the submitted application and supporting substantial evidence and has referred the application and evidence to involved reviewing agencies for site inspections, comments and recommendations; and

**WHEREAS**, the County of Humboldt ("County") determined that the Project requires review pursuant to the California Environmental Quality Act ("CEQA") (Pub. Resources Code, section 21000 et seq.) and an Initial Study and Mitigated Negative Declaration ("IS-MND") and Mitigation and Monitoring Report, State Clearinghouse No. 2018-012017, was prepared to evaluate the potential environmental effects of the Project; and

**WHEREAS**, following the preparation and circulation of the IS-MND and the Mitigation and Monitoring Report in accordance with CEQA the Planning Commission, at a duly-noticed meeting held on September 20, 2018, reviewed, considered, and discussed the IS-MND and the applications for Conditional Use Permits and Special Permits approval for the Project; and

**BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA**  
Certified copy of portion of proceedings, Meeting of November 6, 2018

**RESOLUTION NO. 18-113**

**WHEREAS**, the Planning Commission considered the IS-MND and the Mitigation and Monitoring Report in Attachment 5 of the Planning Commission staff report, attached hereto as Attachment 6 , and found no substantial evidence that the proposed project will have a significant effect on the environment, and that the Mitigated Negative Declaration reflects the County's independent judgement and analysis; and

**WHEREAS**, the Planning Commission adopted the Initial Study and Mitigated Negative Declaration in Attachment 5 of Attachment 6 and the Mitigation Monitoring Report in Attachment 5 of Attachment 6, as required by Sections 15074(b) and 15074(d) of the CEQA Guidelines; and

**WHEREAS**, the Planning Commission approved with conditions the Conditional Use Permits and Special Permits Case Numbers CUP-16-427 and SP-18-009 based on the submitted evidence and public testimony and made all of the required findings set forth in Section 312-17.1 of the Humboldt County Zoning Regulations; and

**WHEREAS**, the City of Fortuna ("City") on October 4, 2018, filed an appeal in accordance with the Appeal Procedures specified in Humboldt County Code Section 312-13 et seq.; and

**WHEREAS**, the Board of Supervisors held a duly-noticed public hearing, *de novo*, on November 6, 2018, and reviewed, considered, and discussed the Initial Study and Mitigated Negative Declaration and the application for Conditional Use Permits and Special Permits for the Project; and reviewed and considered the project application; and

**WHEREAS**, Board of Supervisors has considered the issues of appeal and staff recommendations regarding additional conditions of approval.

**NOW, THEREFORE**, be it resolved that the Board of Supervisors hereby:

1. Adopts the Initial Study and Mitigated Negative Declaration, State Clearinghouse No. 2018012017;
2. Makes the findings required to deny the appeal and approve the Conditional Use Permits and Special Permits (Exhibit A to this resolution);
3. Denies the Appeal submitted by the City of Fortuna;
4. Adopts the mitigation monitoring and reporting plan; and
5. Approves the Conditional Use Permits and Special Permits subject to the conditions of approval (Exhibits B, C, D and E to this resolution).

**BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA**

Certified copy of portion of proceedings, Meeting of November 6, 2018

RESOLUTION NO. 18-113

Dated: November 6, 2018



Ryan Sundberg, Chair  
Humboldt County Board of Supervisors

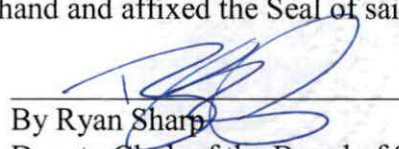
Adopted on motion by Supervisor Bass, seconded by Supervisor Wilson, and the following vote:

AYES:	Supervisors	Bohn, Bass, Sundberg, Wilson
NAYS:	Supervisors	Fennell
ABSENT:	Supervisors	--
ABSTAIN:	Supervisors	--

STATE OF CALIFORNIA     )  
County of Humboldt        )

I, KATHY HAYES, Clerk of the Board of Supervisors, County of Humboldt, State of California, do hereby certify the foregoing to be an original made in the above-entitled matter by said Board of Supervisors at a meeting held in Eureka, California.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said Board of Supervisors.



By Ryan Sharp  
Deputy Clerk of the Board of Supervisors of the  
County of Humboldt, State of California

Exhibit "A" -- Findings of approval for conditional use permits and special permits  
Exhibits "B, C, D, and E" Conditions of Project Approval/Monitoring Program

## Attachment 2: Exhibit A – Findings

Revisions approved by the Board of Supervisors on November 6, 2018 to Exhibits A and Exhibit. Revisions are shown in italicized and underlined text.

## California Environmental Quality Act Finding

### Finding:

1. **CEQA (Mitigated Negative Declaration)** - The County of Humboldt completed an Initial Study/Mitigated Negative Declaration finding that there are no significant impacts associated with the project that cannot be mitigated to a less than significant level in compliance with CEQA, the Board of Supervisors reviewed and considered the information in the Initial Study/Mitigated Negative Declaration, and the Initial Study/Mitigated Negative Declaration reflects the County of Humboldt's independent judgment and analysis.

### Facts:

- (a) The Initial Study/Mitigated Negative Declaration, State Clearinghouse No. 2018012017 was circulated for public review 1/12/2018 through 2/12/2018. No state agencies submitted comments during the public review period.
- (b) The Initial Study/Mitigated Negative Declaration included mitigation measures for impacts associated with archaeological resources (inadvertent discovery), Hydrology and Water Quality (increase in stormwater runoff), noise (hours of operation), and public services –police (need for security plan).
- (c) The applicant proposed project operating restrictions related to hours of operation, outdoor lighting, signage, and delivery vehicle access avoiding inter sections within the City of Fortuna.
- (d) No information was submitted which identified potentially significant impacts not addressed in the Initial Study.
- (e) The Initial Study/Mitigated Negative Declaration was presented to the Board of Supervisors in advance of the public meeting on November 6, 2018.
- (f) The Board of Supervisors reviewed and considered the Mitigated Negative Declaration prior to taking action on the Humboldt Boutique Gardens Conditional Use Permit and Special Permits.

## Use Permit Findings

### Finding:

2. **The proposed development is in conformance with the County General Plan.**

### Facts:

- (a) The following table lays out the projects consistency with the General Plan:

<b>General Plan Goal, Policy and/or Standard: Land Use Element</b>
Industrial General (IG): Lands that are primarily suitable for general industrial and manufacturing uses, typically in urban areas, convenient access to transportation systems and full range of urban services are available. Density Range: N/A
Airport Land Use Compatibility Zone Overlay (AP). An Airport Land Use Compatibility Zone for all public use airports shall be established that matches the Recommended Compatibility Zones contained in the March 1993 Airport Land Use Compatibility Plan, as amended, for Humboldt County Airports, and that limits the maximum allowable residential density and building occupancy for each land use designation subject to such zones, to the Airport/Land Use Safety Compatibility Criteria of the Airport Land Use Compatibility Plan (Table 14-A, attached).

**Attachment 2**  
**Exhibit A**

**Project Evidence:** The property has a General Plan land use designation of Industrial, General (IG), which is categorized as an industrial designation. According to Section 4.8.1 of the General Plan the IG designation is intended to provide areas for “general industrial and manufacturing uses, typically in urban areas, convenient access to transportation systems and full range of urban services are available. This designation may be accommodated in rural areas where full urban services are not required for the intended use”. Table 4-3 of the General Plan identifies the following allowable use types for the IG land use designation: Heavy Industrial, Research/Light Industrial; Timber Products Processing; Agricultural Products Processing; Intensive Agriculture; Heavy Commercial; Office Professional; and Warehousing, Storage, and Distribution.<sup>1</sup> With the adoption of the Commercial Cannabis Land Use Ordinance, Ordinance No. 2599, the Board of Supervisors legislated that indoor cannabis cultivation and ancillary activities are consistent with the industrial zoning districts, i.e., MB, ML, MH, and U (when accompanied by a Commercial or Industrial General Plan land use designation) [Reference, Humboldt County Code Sections 55.4.8.1.2 and 55.4.6.2.1]. This finding by the Board of Supervisors by extension established as a matter of policy that indoor cultivation is consistent with the industrial land use designations. Traditional industrial uses may not involve the cultivation of a plant crop, indoor commercial cultivation is similar to traditional industrial uses as it involves mechanized inputs, e.g., application of irrigation and water and nutrients with a mechanized process; specialized equipment is needed, in this case high intensity lighting; the rooms hosting cultivation are clean rooms to maintain sanitation including employees wearing special coveralls; chemicals are used for cleaning, e.g., bleach, hydrogen peroxide, rubbing alcohol, while much more benign than some of the chemicals used for activities for the enumerated uses, their use and storage is still regulated. The evidence supports finding the project consistent with the IG land use designation.

The subject parcel is located with Zone D as described by the Airport Land Use Compatibility Plan (see Table 14A as Exhibit A of Attachment 2). According to Table 14A there is negligible risk and potential for annoyance from overflights. According to the submitted Airspace Certification Form, completed by a qualified engineer, the proposed structure will not penetrate any imaginary surfaces. Public Works recommended conditional approval; their conditions of approval are included as Exhibit B.

General Plan Goal, Policy and/or Standard	Project Evidence
<b>Circulation Element</b>	
<p>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)</p> <p>Related policies: C-P3, Consideration of Transportation Impacts in Land Use Decision Making.</p>	<p>Access to the site is directly off a paved city-maintained public road (Drake Hill Road).</p> <p>Humboldt County Department of Public Works (DPW) stated that the roadway serving the subject property is adequate to accommodate the proposed use. The DPW recommended conditions of approval are included in Exhibit B.</p> <p>With respect to delivery traffic the applicant anticipates they will have one weekly delivery of growing related supplies brought to the site from a local vendor. Any other needed cultivation or office related supplies will be picked up by the applicant or other employees. This delivery would be in a small U-HAUL style truck and not a semi-truck. The applicant anticipates one pickup from a licensed distributor every other week who will to pick up the finished product. This would be made in one of those smaller transport vans.</p> <p>Traffic specific to employees: the project may generate up to 32 trips per day (8 employees x 4 trips per day to arrive and depart work, with off-site lunch). To summarize altogether, the project is estimated to generate less than 35 trips per day.</p>

<sup>1</sup> The definitions of the listed use types are found in the coastal and/or inland zoning use type listings, or are included as notes to the tables. Other uses may be allowed or restricted as detailed by the zoning district implementing the land use designation.

**Attachment 2  
Exhibit A**

General Plan Goal, Policy and/or Standard	Project Evidence
	<p>In their comment letter the city of Fortuna expressed concern regarding project potential impacts to intersections that are operating below an acceptable level of service (LOS). Additionally, the city expressed concern about potential conflicts between commercial traffic and bicycle and pedestrian traffic at the intersection of Drake Hill Road and Thelma Street. The applicant is proposing to route traffic to Highway 36 via Rohnerville Road and not through the city of Fortuna. This proposed routing would result in traffic traversing through three intersections identified as critical intersections in the city of Fortuna's 2010 Final Programmatic EIR (4.1-5): Rohnerville Road/Drake Hill Road (#24), proposed Highway 36 Connector/Rohnerville Road (#25); and Highway 36 Connector/Rohnerville Road Proposed State Highway 36/Highway 36 connector (#26) is operating at level of service (LOS) B, and Highway 36 Connector/Rohnerville Road, both northbound and southbound are at LOS A. To minimize contributing traffic to intersections functioning below an acceptable LOS, and to avoid potential conflicts with bicycle and pedestrian traffic at the Drake Hill Road and Thelma Street intersection, the applicant is proposing to route traffic to Highway 36 via Rohnerville Road and not through the city of Fortuna. The existing LOS at the route intersections is at or above an acceptable LOS. Upon implementation of the city General Plan the LOS at these intersections will remain at or above an acceptable LOS. Given the scale of the project and the restricted routing of traffic, the project is not expected to significantly contribute to traffic and their associated LOS.</p> <p>To ensure ongoing compliance the recommended conditions of approval include two ongoing requirements: one condition stipulating adherence to the prescribed route, and second establishing a protocol to bring the project back compliance should the county receive complaints.</p>
Housing Element	
<p>Goals and policies contained in this Element seek to identify existing and projected housing needs and establish goals, policies, standards and measures for the preservation, improvement, and development of housing.</p> <p>Related policies: H-P3, Development of Parcels in the Residential Land Inventory.</p>	<p>The project does not involve residential development, nor is the project site part of the 2014 Regional Housing Needs Allocation (RHNA) as the subject property is planned and zoned for limited industrial development. Nor with the project will interfere or inhibit the County or the City of Fortuna from meeting its RHNA by adversely impacting existing infrastructure or other public facilities. The project will not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.</p>

Attachment 2  
Exhibit A

Conservation and Open Space Elements	
<p><b>Open Space</b></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>As stated above, the proposed project is located within a parcel designated IG. The adjoining property to the east due south are also planned IG. The IG land use designation does not apply to lands intended to provide open space, e.g., agriculture or timber production, or on public lands owned and managed for open and/or wildlife management. Although the adjoining lands to the west, however, are designated and zoned for agricultural production the project as proposed and conditioned will not preclude orderly development and coordination with other agencies programs related to conserving open space lands.</p>
<p><b>Biological Resources</b></p> <p>Goals and policies contained in this Chapter relate to mapped sensitive habitat areas where policies are applied to protect fish and wildlife and facilitate the recovery of endangered species. (BR-G1, Threatened and Endangered Species, BR-G2, Sensitive and Critical Habitat, BR-G3, Benefits of Biological Resources)</p> <p>Related policies: BR-P1, Compatible Land Uses, BR-P5, Streamside Management Areas.</p>	<p>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. At the time application review for the subdivision, the Initial Study-Mitigated Negative Declaration found the project had a less than significant impact on biological resources. The project was referred to California Department of Fish and Wildlife (DFW) and no comments were received from that agency. Furthermore, the draft Initial Study-Mitigated Negative Declaration was also sent DFW, and they did not comment in their capacity as a Responsible or Trustee agency.</p> <p>There is a constructed water detention/retention basin that, owing to its design and construction, is not a jurisdictional water or wetland of the U.S. This feature was constructed to satisfy a condition of approval for the subdivision and for the purpose limiting storm water runoff to pre-existing storm water flows based on the ultimate development of the subdivision.</p>
<p><b>Cultural Resources</b></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>Related policies: CU-P1, Identification and Protection, CU-P2, Native American Tribal Consultation</p>	<p>The applicant retained Roscoe and Associates (RA) for the preparation of a Cultural Resources Investigation for the project site. RA conducted a records search, consulted with the Native American Heritage Commission, local Native American tribal representatives, and other interested parties; and an intensive pedestrian field survey of the entire Project area. The report concludes that no significant archaeological or historic period cultural resources, that for the purposes of CEQA would be considered an historic resource, exist in the limits of the project area. This report was provided to the Tribal Historic Preservation Officer (THPO) of the Bear River Band of the Rohnerville Rancheria. The Bear River Band THPO recommended a condition of project approval be incorporated regarding inadvertent discovery protocol. Ongoing conditions of approval are incorporated regarding the inadvertent discovery protocol to protect cultural resources.</p>
<p><b>Scenic Resources</b></p> <p>Goals and policies contained in this Chapter relate to the protection of scenic areas that contribute to the enjoyment of Humboldt County's beauty and abundant natural resources (SR-G1); and a system of scenic highways roadways that increase the enjoyment of, and opportunities for, recreational and cultural pursuits and tourism in the County. (SR-G2)</p> <p>Related policies: SR-S4, Light and Glare</p>	<p>The project site is not within an area mapped or designated with scenic vistas or resources. The proposed project is for indoor cultivation and ancillary processing and propagation activities. These activities will occur inside an enclosed structure.</p> <p>As discussed above, the project will be conditioned on the applicant submitting a lighting plan meeting the performance standards described under Biological Resources Section 10.3 above for the review and approval of the Planning Director. This plan is to address both lighting for cultivation and exterior lighting.</p>



**Attachment 2**  
**Exhibit A**

<b>Water Resources Element</b>	
<p><b>Stormwater Drainage</b></p> <p>Goals and policies contained in this Chapter relate to coordinated watershed planning and land use decision making to advance management priorities (WR-G3, WR-G4, WR-G5); watershed conservation and restoration efforts aimed at de-listing water bodies and watersheds which are restored to meet all beneficial uses, including water use, salmon and steelhead recovery plans, recreational activities, and the economy. (WR-G1, WR-G, WR-G7, WR-G8, WR-G9)</p> <p>Related policies: WR-P10, Erosion and Sediment Discharge; WR-P42, Erosion and Sediment Control Measures.</p>	<p>The project's recommended conditions of approval include a requirement for the applicant to submit a Water Resources Protection Plan (WRPP) to protect water quality from cannabis cultivation and related activities. This has been made a Condition of Approval.</p> <p>The cultivation area is in an area of minimal flooding. Development of this area will generate additional runoff and can aggravate an existing downstream drainage problem with the City of Fortuna. The Applicant has provided an Erosion and Sediment Plan and Drainage Water Quality Plan, prepared by a professional engineer that includes the maintenance of the onsite detention pond, to ameliorate this concern.</p> <p>Only wastewater from domestic uses will enter the OWTS system. According to the Water Usage, Irrigation, and Storage Plan received September 12, 2018, the combination of precise dispensing of irrigation water at the plant and the use of an absorbent soil-less growing medium will result in zero effluent from cultivation operations.</p> <p>Additionally, the applicant is proposing to use dehumidifiers that will control humidity levels which is beneficial for controlling molds and mildew diseases. This captured water can be reused. "Recycling dehumidifier water will allow us to recapture and reuse approximately 50 percent of our project water use. Dehumidifying units will be plumbed back into the water tanks, filled and reused for irrigation."</p> <p>Any run off from operations will be released into the new septic system and surface water runoff will be directed to the existing detention basin on the property.</p> <p>The applicant provided adequate drainage calculations to the County regarding the capacity of the detention basin and the inclusion of a bio-filtration retention area capable of accommodating a first flush rain event into a settling bay. Roof drains on the proposed building will be a tight line drain pipe system that flows directly into the bio-filtration area.</p>
<p><b>Onsite Wastewater Systems</b></p> <p>Goals and policies contained in this Chapter relate to adequate public water supply as well as onsite wastewater systems and natural and developed storm drainage systems that minimize interference with surface and groundwater flows and storm water pollution. (WR-G6, WR-G9, WR G10)</p> <p>Related policies: WR-IM7, Basin Plan Septic Requirements; and IS-P17, On-Site Sewage Disposal Requirements</p>	<p>As part of the subdivision, the Division of Environmental Health approved the site for a conventional type septic system on April 28, 2004. Their 2004 comments are included in Attachment 3. For the Special Permit and Conditional Use Permit project, the Division of Environmental Health again reviewed the project, and recommended conditional approval provided the project does not exceed the 20 employee capacity limit of the septic system. As discussed above, the applicant has indicated that for Phase 1 there will be eight employees.</p> <p>Subsequent to their August 11, 2017 comments, DEH advised of the need to connect when there is service within 1,000 feet. The subject parcel, however, is not within the service area of either a services district or incorporated city with wastewater treatment services; therefore it is not eligible to receive sewer services at this time. In the event the property becomes eligible to connect to the city of Fortuna's wastewater system, the conditions of approval include a requirement that the property owner or applicant, including successors in interest, connect to the services, and implement a connection. Any industrial wastewater generated by cultivation and related activities will be captured and stored in an on-site reservoir. The project's conditions of approval include a recommendation that secondary containment be installed and maintained for the storage reservoir. The project as proposed and conditioned meets the General Plan goals and policies for onsite wastewater as all wastewater and discharge will be regulated.</p>

**Attachment 2**  
**Exhibit A**

Noise Element	
<p>Goals and policies contained in this Chapter discourage incompatible uses within communities and reduce excessive noise through the application of standards. (N-G1, N-G2)</p> <p>Related policies: N-P1, Minimize Noise from Stationary and Mobile Sources; and N-P4, Protection from Excessive Noise.</p>	<p>In accordance with the approved subdivision that created the subject parcel, hours of construction are limited to Monday through Friday from 8:00 am to 6:00 pm, Saturday from 9:00 am to 5:00 pm with no construction activity on Sunday. The project will use on-grid power provided by PGE for all energy needs, and no generators that may produce noise levels in excess of the County's adopted standards will be used as part of this project. Fans will be used as part of the air filtration system for the project; however, these will be interior to the building.</p> <p>Proximity to the Rohnerville airport and Highway 101 are identified as sources of noise to the parcel, and the Fortuna Community Planning area, as are stationary surface mining operations along the Eel River. The Short-term Noise Performance Standard (Lmax), General Plan Standard N-S7, sets the maximum day (day is 6:00 a.m. to 10:00 p.m.) standard for the ML zoning district at 75 dBA, with a night maximum of 65 dBA. This same Standard provides for exceptions, listing examples that are characteristically temporary and of a limited duration, e.g., in areas with public electricity, portable generators may be used during power service interruptions, temporary events with CUP, use of power equipment for landscaping, etc. Table 13-C Land Use/Noise Compatibility Standards is to be used to ensure compatibility of land uses per Standard N-S1, and pegs the maximum acceptable exterior noise levels for residential uses at 60 dBA. Although the Standard N-S7 provides for more excessive noise levels, the proximity of the residential uses and the provisions of the Q-zone (discussed herein) warrant limiting noise levels to no more than 60 dBA at the northern property line with an exception to provide for the backup alarms of delivery trucks and similar heavy equipment. While backup alarms would be in excess of the noise standard these alarms are temporary, of short duration, and are similar to the other examples cited in Standard N-S7. Therefore, recommended conditions of approval include an on-going requirement that noise levels do not exceed 60 dBA at the property lines except for the noise levels associated with backup alarms for delivery vehicles. To further maintain compatibility with the adjacent residential neighborhood, as a condition of approval, deliveries will be limited to Monday through Friday from 8:00 am to 6:00 pm, Saturday from 9:00 am to 5:00 pm with no deliveries on Sunday.</p>
Safety Element	
<p><b>Geologic and Seismic</b></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>The project site is located in an area having a relatively stable slope stability pursuant to the adopted General Plan's seismic safety mapping. Per the Geologic Hazards Land Use Matrix, Building Inspection's determination to require the preparation of a R-2 soils report for light industrial warehousing, commercial uses is discretionary in the relative stable slope stability. Building Inspection did not specify that an R-2 was required at this time. The project site is not located in a mapped Alquist-Priolo fault zone, is not subject to liquefaction, and not in proximity to historic landslides. The project also does not pose a threat to public safety related from exposure to natural or manmade hazards. Site development requires the applicant to secure a grading permit and as part of the permit the applicant will, at a minimum, incorporate the standard erosion control measures enumerated in the General Plan. These measures are a condition of approval. The evidence supports finding the project will neither create nor significantly contribute to, or be impacted by, geologic instability or geologic hazards.</p>

**Attachment 2**  
**Exhibit A**

<p><b>Flooding</b></p> <p>Goals and policies contained in this Chapter relate to the use of natural drainage channels and watersheds that are managed to minimize peak flows in order to reduce the severity and frequency of flooding. (S-G3)</p> <p>Related policies include: S-P10, Federal Flood Insurance Program; S-P11, Flood Plains; S-PX3, Construction Within Special Flood Hazard Areas</p>	<p>The subject site is outside any mapped flood hazard areas. The project site is not within a mapped dam or levee inundation area and, at approximately 0.5 miles distance east from the 2017 FEMA mapped flood zone and approximately 1.1 miles east of the area along the Eel River susceptible to a tsunami run-up. The evidence supports finding the project consistent with the General Plan policies regarding minimizing the exposure of people and property to flood or tsunami hazards because the property is outside these mapped hazard areas.</p>
<p><b>Fire Hazards</b></p> <p>Goals and policies of this Chapter encourage development designed to reduce the risk of structural and wildland fires supported by fire protection services that minimize the potential.</p> <p>Related policies: S-P19, Conformance with State Responsibility Areas (SRA) Fire Safe Regulations.</p>	<p>The parcel is in an area with a Low Fire Rating and a Moderate Fire Hazard Rating, and the shared service area of CALFire and the Fortuna Fire Protection District. The Fortuna FPD commented on Phase 2 of the project which would extend to Phase 1 (the application now under consideration). These conditions are as follows:</p> <ul style="list-style-type: none"> <li>• Confirm operations plan on file from April 2017 is current</li> <li>• Any building to comply with all current building and fire codes</li> <li>• Upon receipt of site plan we will address the following: gate access requirements if applicable, site and building access, and premises identification.</li> </ul> <p>All applicable referral agencies were referred and did not identify any issues relating to hazards. All structures would be setback at least 30 feet from the property lines as a condition of approval.</p>
<p><b>Air Quality Element</b></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-G2X) 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>As a condition of project approval, applications for grading and or building permits shall be referred to the North Coast Air Quality Management District (NCAQMD) for review and consultation. Dust control practices during construction and grading shall achieve compliance with NCAQMD fugitive dust emission standards. The project is not anticipated to contribute significantly to fugitive dust as Drake Hill Road is paved, and the private driveway will also be paved.</p>

Attachment 2  
Exhibit A

Appendix C, Community Area Plans Extract, Fortuna Community Plan	
<p>GOVERNANCE POLICIES FCP-P1. City – County Coordination for Land Use Planning.</p> <p>The Fortuna Area Community Plan should be adopted by the City of Fortuna. The County shall recognize the interests of the City of Fortuna in the planning area by submitting public and private development projects within the Fortuna Area Plan to the City for review and comment. The County shall take the City's comments into consideration when reviewing development proposals.</p>	<p>The project has been submitted to the city of Fortuna for review and comment. The city provided comments which are included in Attachment 4. Consideration of the city's comments is provided throughout the staff report.</p>
<p>FCP-P5. Urban Facilities and Services. The consideration and/or provision of appropriate types and levels of urban facilities and services shall initially be directed toward the Urban Development Areas and should be followed by the Phase I Urban Expansion Areas as shown on the Land Use Map.</p>	<p>The subject property is in the delineated urban expansion area (UEA) of the Fortuna Community Plan. While the subject parcel is within the city's sphere of influence, UEA are a lower priority area for development than the urban development areas (UDA). Given the Fortuna Community Plan's priorities, an extension of service to properties in the UEA prior to those in the UDA would be inconsistent with the General Plan policy FCP-P5. The applicant is not seeking extension of services.</p>

Finding:

3. **The proposed development is consistent with the purposes of the existing zone in which the site is located.**

Facts:

- (a) The zoning of the subject site is Limited Industrial (ML), Special Building Site of 2.5 acres minimum parcel size (B-5(2.5)) combining zone, with a Qualified (Q) combining zone (Ordinance No. 1689, as modified by Ordinance No. 1789).
- (b) Section 55.4.6.2 of the Zoning Ordinance allows commercial cultivation of cannabis within the ML zoning district. Cannabis cultivation can be authorized within the Q zone applied to the property as delineated in Section 3 of Ordinance 1689 which states: "A conditional use permit required for expansion of such existing general uses may be granted in accordance with the general rules and procedures of the Humboldt County Code applicable to use permits." *The expansion of the existing general uses is in addition to the list of uses specifically listed in Section 3 of ordinance 1689. By referencing the rules of the Humboldt County Code applicable to use permits the Q zone is incorporating Section 312-3.1.2.2, Use Permit, which reads "...for any use not specifically enumerated in these regulations, if it is similar to and compatible with the same uses permitted in the zone in which the subject property is situated.* The Board of Supervisors grants a Conditional Use Permit specifically to allow cannabis activities within this Q zone.
- (c) The first purpose of the Q zone is to protect and reserve the property for limited industrial development such as light manufacturing and heavy commercial uses. The project, as approved, will protect and reserve the property for limited industrial development by allowing for the development of buildings that are consistent with industrial uses and maintaining the character of the property as an industrial site. The uses that will be allowed are akin to contractors' yards, handicraft manufacture, lumber yards, metal-working shops; administrative, business and professional offices; and research and development laboratories—all of which are explicitly allowed with a use permit in the Q-zone ordinance.

Attachment 2  
Exhibit A

- (d) The second purpose of the Q zone is to protect the surrounding residential properties and the airport property from inappropriate development of the subject property. The project as approved will not generate impacts resulting from odor, lighting, noise, traffic, visual or aesthetic, or activities which will be inconsistent with the residential neighborhood located to the north. Project design and conditions have been added to address each of these potential impacts associated with development of a cannabis cultivation facility within an industrial zone
- (e) The third purpose of the Q zone is to implement the policies of the Fortuna Area Community Plan applicable to industrial development of the subject property. The project, as approved, will serve to implement the policies of the Fortuna Area Community Plan applicable to industrial development of the subject property by way of developing the property with an industrial structure and can be repurposed for other industrial types of development. Development of property with an industrial structure is more consistent with the intended use of the property than being vacant or used for agriculture. The project implements General Plan policy ED-G12 to have a "sufficient land inventory ready to meet the current and future demand for high value uses such as commercial and industrial expansion."
- (f) The final purpose of the Q zone is to provide for public and technical review of projects planned for the property as a means of reducing or eliminating the potential impacts of development on the roads or drainage system. The project approval process provided for public and technical review of the project through the referral process, requirements of permit application, and through public comment and public hearings. Public comment and agency comments have been incorporated as project conditions to address concerns and as a means of eliminating potential impacts of the development on the existing road and drainage systems. Roads and drainage are both specifically addressed in the General Plan consistency findings, above (see Circulation Element and Water Resources Element).

Finding:

4. **The proposed development conforms to all of the applicable standards and requirements of the regulations required of indoor cultivation within the Sphere of Influence of a City as required by the Commercial Cannabis Land Use Ordinance.**

Facts:

- (a) The subject site is within the Sphere of Influence of the City of Fortuna. Section 55.4.5.1.4.(c) of the Commercial Cannabis Land Use Ordinance requires the Hearing Officer to consider the potential impacts and cumulative impacts of proposed cannabis activities upon the community as a whole, including impacts to neighboring impacts within Cities or their SOI's and buffers. Both the Planning Commission and Board of Supervisors have found that the manner in which the project has been designed as an enclosed cultivation facility, with the building orientation facing away from the residences, the landscape design, odor mitigation, traffic control, water quality provisions protect the adjacent City of Fortuna and the Sphere of Influence.
- (b) The Cultivation Facility is not located within 600 feet of a school, church or other place of religious worship, public park, or tribal cultural resource. Enclosed cultivation facilities may be located within 600 feet of a bus stop.
- (c) The Project will comply with the renewable energy, light pollution control, noise minimization provisions of the CCLUO.
- (d) The Cultivation activity is located on a paved road meeting the Category 4 road standard.

**Attachment 2**  
**Exhibit A**

- (e) The project design meets the design criteria established for the ML zone as detailed in the following tables:

Summary of Consistency with the Purposes of the Existing Zoning, HCC Section 312-17.1.2	
HCC Section and Applicable Requirement	Project Evidence
<p>Section 314-3.2</p> <p>Limited Industrial (ML) is intended to be applied to areas in which light manufacturing and heavy commercial uses of the non-nuisance type and large administrative facilities are the desirable predominant uses.</p>	<p>The proposed use is allowed with a Special Permit or Conditional Use Permit within the applicable zoning district. The property is located within a Limited Industrial (ML) zoning district, which is applied to areas in which light manufacturing and heavy commercial uses of the non-nuisance type and large administrative facilities are the desirable predominant uses. The applicant is seeking Conditional Use and Special Permits for an 8,560-square-foot indoor cannabis cultivation area within a proposed 13,000 sf building that would be 28 feet in height, served by an on-site septic system and well, on a property zoned ML. The ML zoning district is enumerated as an eligible zoning district for indoor cultivation pursuant to HCC Sections 314-5.4.8.1.2(b) with a Special Permit. Pursuant to HCC Section 314-55.4.8.1.2(c), the application includes a Conditional Use Permit as the applicant has a second pending application, number 11990, for indoor cultivation. This application is also referred to as Phase 2. The subject parcel being 2.7 acres in size per Parcel Map No. 3390, meets the minimum parcel size of the B-5 combining zone.</p>
<p>Section 314-17.1</p> <p>B-5(2.5) Special Building Area combining zone specifying a 2.5 acre minimum parcel size.</p>	

Summary of Conformance with All Applicable Standards and Requirements of these Regulations, HCC Section 312-17.1.3	
Zoning Section and Applicable Requirement	Project Evidence
<p>Min. Yard Setbacks and as modified through the Fire Safe requirements:</p> <p>Front: 50 feet                      Rear: 50 feet</p> <p>Side: 10 percent of average lot width but not less than 25 feet</p>	<p>Front: 85 feet</p> <p>Rear: 54 feet</p> <p>Side: 30 feet</p>
SRA: 30 feet all sides	
Maximum Ground Coverage: 25 percent	23 percent at full build out of both Phase 1 and Phase 2
Maximum Building Height: 75 feet	28 feet
Parking: 10 parking spaces and one loading space	>20 spaces and one loading space

Finding:

- 5. 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.**

Facts:

- (a) Cannabis cultivation can have a strong and distinct odor. The subject project will be conducted within an enclosed building with odor control systems and the project has been conditioned with an adaptive requirement that if odor is evident outside the building that the applicant will work with the county to modify the operation until no odor is evident outside the building. With this design and condition, odor will not have a detrimental impact upon the public.
- (b) The project has been conditioned to maintain dark sky standards, so lighting will not be an impact to the public.
- (c) The project is cannabis activities are completely within a building, surrounded by a fence and the project includes a security plan which will minimize the potential for the site to be an attractive nuisance. This will be a legal operation, not characterized by large amounts of cash or weapons commonly associated with illegal cultivation activities. Based on these circumstances the operation will not pose an increased hazard for crime or other illegal activities in the area.
- (d) The applicant's operations plan includes a traffic pattern that will avoid Fortuna intersections of concern and access the site by way of Highway 36 and Rohnerville Road, thus not affecting Fortuna intersections.
- (e) Any wastewater from cultivation activities will not be discharged into either surface water or into an onsite wastewater treatment system, thus there will not be impact to water quality.

Finding:

- 6. 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.**

Facts:

- (a) The subject site is designated for industrial uses and not for residential, as a result the development will not interfere with land needed for development of housing.

Finding:

- 7. There is no ambiguity in the zoning regulations for the proposed development.**

Facts:

- (a) See Facts associated with Finding 2, Land Use Element, and Finding 3 above.

## Findings for Appeal

### Finding:

**8. The project is not in conflict with the County's established zoning for the site.**

### Facts:

- (a) See Facts associated with Findings 3 and 4, above.

### Finding:

**9. The Project is not in conflict with the special restrictions and regulations of the Qualified combining zone. The project will not directly impact City residences and will not create blight for the City at large. Impacts resulting from the cannabis development will not include odor, noise, traffic, crime, and water quality. All impacts from the cannabis development have been mitigated to a less than significant level.**

### Facts:

- (a) See Facts associated with Findings 1, 2, 3 and 5 above.

### Finding:

**10. The Project is not in conflict with Humboldt County Code Section 312-17.1 findings for Conditional Use and Special Permits. It is the finding of the Board that it will not be possible to detect that cannabis cultivation is occurring on this site, thus there will be no measurable impact.**

### Facts:

- (a) See Facts associated with Findings 2, 3, 4, and 5 above.
- (b) The Planning Commission and Board of Supervisors carefully considered all the potential impacts associated with the proposed cannabis cultivation facility. The Planning Commission and the Board of Supervisors have found that there are not impacts associated with the proposed cannabis cultivation that will have an impact on the neighborhood or the City of Fortuna.

### Finding:

**11. The Project will not negatively affect the City's planned annexation activities within the City's Sphere of Influence. The individual and cumulative number of cannabis applications within the Rohnerville Annexation Area will not change the character of the area.**

### Facts:

- (a) The County General Plan and Zoning has designated this site for light industrial use for over 30 years.
- (b) There are adjacent properties already developed with light industrial related development.



**RECOMMENDED CONDITIONS OF APPROVAL**

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

1. The applicant shall secure permits for all structures related to the cannabis cultivation and other commercial cannabis activity. The plans submitted for building permit approval shall be consistent with the project description and approved project site plan. A letter or similar communication from the Building Division verifying that all structures related to the cannabis cultivation are permitted will satisfy this condition.
2. The applicant shall meet the requirements of the Fortuna Fire Protection District, and secure all necessary approvals prior to issuance of building permits. Plans shall meet all applicable fire codes, including fire suppression infrastructure requirements deemed necessary for the project by the Fortuna Fire Protection District and Building Inspection.
3. The applicant shall install secondary containment for the industrial waste water storage reservoir. The reservoir and containment structure shall be maintained in serviceable working condition. The location of the reservoir and secondary containment shall be shown on the building permit plot plan. Prior to certificate of occupancy, installation shall be verified by Building Inspection. A letter or similar communication from Building Inspection verifying that all their requirements have been met will satisfy this condition.
4. The applicant shall secure all necessary permits and approvals of the Division of Environmental Health and the Regional Water Quality Control Board for the on-site sewage disposal system for the proposed use. The discharge of wastewater from cultivation or processing activities is subject to the approval of the Regional Water Quality Control Board. This approval is also required for the application of wastewater to landscaping. A letter from those agencies indicating approval has been issued will satisfy this condition.
5. All structures shall be setback at least 30 feet from the property lines. Alternatively, the applicant shall secure CALFire approval for an exception to reduce the 30-foot setback to no less than 25 feet in accordance with the Limited Industrial (ML) zoning district.
6. The applicant shall demonstrate the driveway and emergency vehicle turn around conform with the Humboldt County Code Section 3112-12, the Fire Safe Regulations and the requirements of the Fortuna Fire Protection District. A letter from a qualified engineer shall satisfy this requirement.
7. 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 for review and approval by the Building Official.
8. The Applicant shall install a carbon dioxide gas concentration [CO<sub>2</sub>] monitoring system designed by a qualified professional in areas of the facility subject to elevated levels of [CO<sub>2</sub>] gas. The design of this system shall be included in the building permit application and be reviewed and approved by the Building Official.
9. The applicant shall submit at least one legible copy of the Water Resources Protection Plan (WRPP) to Planning. The applicant shall implement all corrective actions detailed within the WRPP developed for the parcel, prepared pursuant to Tier 2 enrollment under the North Coast Regional Water Quality Control Board (NCRWQCB) Cannabis Waste Discharge Regulatory Program. A letter or similar communication from the RWQCB verifying that all their requirements have been met will satisfy this condition.
10. The conditions of the Public Works referral, date stamped April 10, 2017, by the Planning Division, included herein as Exhibit C of Attachment A shall be completed or secured to the satisfaction of that department. A letter or similar communication from the Department of Environmental Health verifying that all their requirements have been met will satisfy this condition. To date the Airspace Certification Form has been submitted.
11. The applicant shall submit a fencing plan for the review and approval of the Planning Director that demonstrates the fencing will screen the facility from the residential properties on the north side of Drake Hill Road.

**Attachment 2**  
**Exhibit B**

12. 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.
13. The applicant shall submit a landscaping plan meeting the requirements of HCC Section 314-109.1.5.2 for the review and approval of the Planning Director, and that the plan shall be implemented prior to issuance of occupancy. Regionally appropriate native landscaping shall be used to the extent feasible. The landscaping plan shall include a maintenance plan which specifies the person or agency responsible for maintenance. The maintenance plan shall address pruning, weeding, cleaning, fertilization and watering. Whenever necessary, planting shall be replaced in-kind with similar plant materials to ensure continued compliance with the landscaping requirements. All screening shall be in sound functional condition, and whenever necessary, repaired and replaced.
14. The applicant shall submit a detailed soils management plan meeting the requirements of HCC Section 314-55.4.12.10 for the review and approval of the Planning Director prior to issuance of the building permit for the construction of the facility.
15. Prior to issuance of occupancy permit, the applicant shall install a metering device(s) on all discrete points of water withdrawal, e.g., the irrigation water well, including at or near the outlet of all water storage facilities used for irrigation. The meter(s) shall be located at or near the point of diversion or withdrawal. The applicant shall maintain the metering device(s) in serviceable and working condition.
16. The applicant shall submit a lighting plan for the review and approval of the Planning Director prior to issuance of building permit. The lighting plan shall demonstrate the proposed cultivation area will not deliver or have the potential to deliver light pollution, during the hours of sunset to sunrise, which may affect adjoining residential properties, or fish and/or wildlife directly or from a distance.
17. 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.
16. The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency (CUPA) requirements regarding hazardous materials. A written verification of compliance shall be required before any provisional permits may be finalized. Ongoing proof of compliance with this condition shall be required at each annual inspection in order to keep the permit valid.
17. A review fee for Conformance with Conditions as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$125.00) shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka. This fee is a deposit, and if actual review costs exceed this amount, additional fees will be billed at the County's current burdened hourly rate.
18. Hours of construction are limited to Monday through Friday from 8:00 am to 5:00 pm, Saturday from 9:00 am to 5:00 pm with no construction activity on Sunday. The construction hours shall be included as a note on the site plan for all building and grading permits.
19. **Prior to hearing**, the applicant shall submit a check to the Planning Division payable to the Humboldt County Recorder in the amount of \$2,280.75. Pursuant to Section 711.4 of the Fish and Game Code, the amount includes the \$2,280.75 Department of Fish and Wildlife (DFW) fee plus a \$50 document handling fee. This fee is effective through December 31, 2017, at such time the fee will be adjusted pursuant to Section 713 of the Fish and Game Code. Alternatively, the applicant may contact DF&W by phone at (916) 651-0603 or through the DF&W website at [www.dfg.ca.gov](http://www.dfg.ca.gov) for a determination stating the project will have no effect on fish and wildlife. If DF&W concurs, a form will be provided exempting the project from the \$2,280.75 fee payment requirement. In this instance, only a copy of the DFW form and the \$50.00 handling fee is required.
20. 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.
21. Wastewater resulting from cultivation or processing activities shall be either 1) filtered, recirculated and reused for on-site irrigation of commercial cannabis; or 2) upon approval by the Regional Water Quality Control Board applied as irrigation water to on-site landscaping at a rate such that it does not result in measurable runoff.

**Attachment 2**  
**Exhibit B**

22. The applicant and successor's in interest shall adhere to all of the Mitigation Measures attached hereto as Exhibit D of Attachment A and incorporated hereby reference. The applicant and successor's in interest are required to pay for Mitigation Monitoring 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. Any and all outstanding Planning fees to cover the Mitigation Monitoring shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.

**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. The applicant and operator are responsible for ensuring all delivery vehicles are routed to State Highway 36 via Drake Hill Road to Rohnerville Road. Should the Planning Division receive two or more written complaints from other than the same individual within any 12 month period regarding delivery vehicles using routes other those prescribed, as may be verified by the Planning, the applicant shall prepare and submit a delivery vehicle management and reporting plan for the Planning Director's review and approval, and then implement the approved delivery vehicle management plan for the life of the project. Alternatively, the applicant shall secure a modification to this Conditional Use Permit and Special Permit. There are no limitation on employee trip routes.
3. Noise levels shall not exceed 60 dBA at the property lines except for the noise levels associated with backup alarms for delivery vehicles.
4. Deliveries shall be limited to Monday through Friday from 8:00 am to 6:00 pm, Saturday from 9:00 am to 5:00 pm with no deliveries on Sunday.
5. The applicant and operator shall maintain records of delivery vehicle routes that will be made available upon request as part of annual inspection by County staff.
6. For the life of the project, the project shall not result in a discernable odor at the property lines adjoining the existing residential uses. 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.
7. If on-site processing is chosen to be the preferred method of processing, this permit shall be modified to identify the offsite licensed facility.
8. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in Commercial Cannabis Land Use Ordinance, 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.
9. Permittees and operators shall conduct all commercial cannabis activities in compliance with Project Description, the approved Site Plan, the Plan of Operations, these conditions of approval, and the performance standards as set forth in Humboldt County Code Section 314-55.4.12 et seq. and hereby incorporated by reference. Failure to comply shall be grounds for permit revocation and administrative penalties.
10. Possession of a current, valid required license, or licenses, issued by any agency of the State of California in accordance with the MAUCRSA, and regulations promulgated thereunder, as soon as such licenses become available.
11. The applicant shall maintain, and is responsible for, compliance with all applicable state laws and County ordinances.
12. The applicant shall refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.

**Attachment 2**  
**Exhibit B**

13. The applicant shall pay all applicable application, review for conformance with conditions and annual inspection fees.
14. Storage of Fuel - Fuel shall be stored and handled in compliance with applicable state and local laws and regulations, including the County of Humboldt's CUPA program, and in such a way that no spillage occurs.
15. The Master Log Books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
16. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Section 719-1 et seq.).
17. The purchase of carbon offset credits for grid power procured from non-renewable producers to satisfy Humboldt County Section 314-55.4.12.5, Performance Standards for Energy Use, may only be made from reputable sources, including those found on Offset Project Registries managed the California Air Resources Board, or similar sources and programs determined to provide bona fide offsets recognized by relevant state regulatory agencies.
18. Structures used for indoor cultivation and ancillary propagation shall be shielded so that no light escapes between sunset and sunrise.
19. Any security lighting for commercial cannabis activities shall be shielded and angled in such a way as to prevent light from spilling outside of the boundaries of the Parcel(s) or Premises or directly focusing on any surrounding uses.
20. Inspections. The permit holder and subject property owner are to permit the County or representative(s) or designee(s) to make inspections at any reasonable time deemed necessary to assure that the activities being performed under the authority of this permit are in accordance with the terms and conditions prescribed herein.

21. Term of Commercial Cannabis Activity Special Permit. Any Commercial Cannabis Cultivation Special Permit issued pursuant to the CMLUO 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].

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 Special 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 reinspection to determine whether or not the permit holder has cured all issues of non-compliance. Failure to request reinspection or to cure any items of non-compliance shall terminate the Special 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.

22. Acknowledgements to Remain in Full Force and Effect. Permittee acknowledges that the County reserves the right to reduce the extent of any Commercial Cannabis Activity, including but not limited to the area of cultivation, allowed under any clearance or permit issued in accordance with CMLUO in the event that environmental conditions, such as a sustained drought or low flows in the watershed where the Commercial Cannabis Activity is located, will not support water withdrawals without substantially adversely affecting existing fish and wildlife resources.

Permittee further acknowledges and declares that:

- (1) All commercial cannabis activity that I, my agents, or employees conduct pursuant to a permit from the County of Humboldt shall be solely for medical purposes and all commercial cannabis products produced by me, my agents, or employees are intended to be consumed solely by qualified patients entitled to the protections of the Compassionate Use Act of 1996 (codified at Health and Safety Code Section 11362.5); and

**Attachment 2**  
**Exhibit B**

- (2) All cannabis or cannabis products under my control, or the control of my agents or employees, and cultivated or manufactured pursuant to local Ordinance and the California Medical and Adult Use Cannabis Regulation and Safety Act will be distributed within the State of California; and
  - (3) All commercial cannabis activity conducted by me, or my agents or employees pursuant to a permit from the County of Humboldt will be conducted in compliance with the California Medical and Adult Use Cannabis Regulation and Safety Act.
23. Transfers. Transfer of any leases or permits approved by this project is subject to the review and approval of the Planning Director for conformance with Humboldt County Code Section 314-55.401 et seq. eligibility requirements, and agreement to permit terms and acknowledgments. The fee for required permit transfer review shall accompany the request. The request shall include the following information:
- (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 Cannabis.
24. Shall the subject property become eligible to receive a water or sewer connection from the city of Fortuna, the property owner or applicant, including successors in interest, shall connect to the service(s), and implement a connection in a timely manner.

**Informational Notes:**

1. Pursuant to Section 314-55.4.11 (a) of the CMMLUO, 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 314-55.4.13 of the CMMLUO.
2. If cultural resources are encountered during construction activities, the contractor on site shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist as well as the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.  
  
Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, shellfish or faunal remains, and human burials. If human remains are found, California Health and Safety Code 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.
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.

# Attachment 2 - Exhibit C



ARCATA-EUREKA AIRPORT TERMINAL  
1830 LINCOLN AVE  
FAX 830-3550

AVIATION 830 6401

DEPARTMENT OF PUBLIC WORKS  
**COUNTY OF HUMBOLDT**  
MAILING ADDRESS: 1108 SECOND STREET, EUREKA, CA 95501-0579  
AREA CODE 707

PUBLIC WORKS BUILDING  
SECOND & L ST., EUREKA  
FAX 445-7400

ADMINISTRATION	445-7401	NATURAL RESOURCES	445-7441
BUSINESS	418-7032	NATURAL RESOURCES PLANNING	257-4540
ENGINEERING	445-7077	PARKS	445-7051
FACILITY MAINTENANCE	445-7450	ROADS & EQUIPMENT MAINTENANCE	445-7421

CLARK COMPLEX  
HARRIS & H ST., EUREKA  
FAX 445-7308

LAND USE 445-7320

## LAND USE DIVISION INTEROFFICE MEMORANDUM

**TO:** Joel Canzoneri, Senior Planner, Planning & Building Department

**FROM:** Kenneth M. Freed, Assistant Engineer II *KMF*

**DATE:** 04/10/2017

**RE:** HUMBOLDT BOUTIQUE GARDENS, APN 203-211-016, CUP16-427

The Department of Public Works reviews projects for issues relating to the adequacy of the roadway network to accommodate the proposed use; issues relating to encroachments (such as driveways and private roads) onto County maintained roads; ensuring that any outstanding violations relating to County Encroachment Permit Ordinance and Visibility Ordinance have been addressed; identifying any necessary frontage improvements that are required along County maintained roads; impacts of projects on nearby airports; ensuring that deferred subdivision improvements, if any, are completed; and identifying impacts of the proposed project to adjacent County owned properties or facilities.

The Department's review of this project is limited to what is shown on the submitted plot plan and accompanying materials.

**ROADS:** The County roadway serving the subject property is adequate to accommodate the proposed use. The subject property is located within the State Responsibility Area.

**DRIVEWAYS:** An existing sidewalk section shall be removed and replaced with an urban commercial driveway #1 to County standards. The driveway shall be improved to meet the County visibility ordinance and encroachment permit ordinance standards. This requires that the driveway apron be paved for a minimum width of 18 feet and a length of 50 feet. [Reference: County Code Sections 314-109.1.2.2.5, 314-109.1.5.1, 341-1, 411-51]

The driveway within the subject property has not been reviewed by the Department for conformance with Fire Safe Regulations (County Code Section 3112-12). This is an on-site issue that is to be reviewed by the Building Division or the Planning and Building Department.

Prior to constructing improvements within a County maintained road right of way, the applicant shall apply for and obtain an encroachment permit from the Department of Public Works. [Reference: County Code 411-11(a)(b)]

u:\pw\l\_junddev\projects\referrals\203-211-016 humboldt boutique gardens cup16-427.docx

CUP 16-427 Humboldt Boutique Gardens 11304 Supplemental #1 PC 9-20-18  
CUP 16-427 Humboldt Boutique Gardens, M&C 11304 September 20, 2018

Page 13  
Page 34

**AIRPORT:** The subject property is located near the Rohnerville Airport. The Airport is maintained by County of Humboldt. The Department of Public Works assists the Airport Land Use Commission in determining if a project is compatible with the Airport Land Use Compatibility Plan (ALUCP). In Humboldt County, the Airport Land Use Commission consists of the Board of Supervisors (see Board of Supervisors Agenda Item for 05/19/1981 *Airport Land Use Commission; Approved Recommendations*). The Department typically reviews three items for compliance with the ALUCP:

1. **ALUCP compatibility.** The subject property is located within the Airport Land Use Compatibility Zone D. The proposed use is permitted within the zone.
2. **Deed Notice Requirements.** The project requires that a deed notice be recorded against the subject property.
3. **Compliance with County Code Section 333-1 et seq. Airport Approach Zone Building Height Limitations.** The subject property is located within the area covered by County Code section 333-1 et seq. The applicant shall submit evidence that the project complies or will comply with County Code Section 333-4.

[References: Sections 3291(6)(C) and 3291(6)(E) Humboldt County General Plan, Volume I, Framework Plan, Adopted December 10, 1984; Section 3.3 Airspace Protection, Airport Land Use Compatibility Plan Humboldt County Airports, dated March 1993, adopted January 27, 1998; County Code 333-3 et seq.]

**DEFERRED SUBDIVISION IMPROVEMENTS:** The subject property does not have any deferred subdivision improvements that have not been fulfilled.

**ADJACENT COUNTY OWNED PROPERTY OR FACILITIES:** The proposed project does not have any impact on any adjacent county owned property or facilities.

**Informational Notes:**

1. **FENCES/GATES:** Pursuant to County Code Section 411-11 (j) and California Streets & Highways Code Sections 1481 & 1482, fences are not allowed within the public right of way of County maintained roads. Prior to constructing any fences along (or near) the right of way line, the applicant is advised to consult with the Department of Public Works Encroachment Permit Office at 707.445.7205.

It is important to note that fences constructed outside of the public right of way are still subject to the County's visibility Ordinance (County Code Section 341-1). Fences and gates on private property may need to be setback further to comply with the County Visibility Ordinance.

Gates must be set back sufficiently from the road so that a vehicle can completely pull off the road while opening or closing the gate. In addition, for properties in the State Responsibility Area, conformance with Fire Safe Regulations (County Code Section 3112-13) is also required.

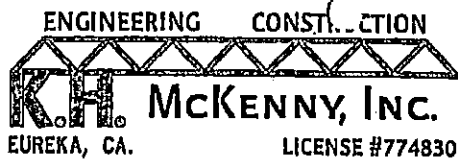
Fences and gates taller than 6 feet may require a building permit. The applicant is advised to consult with the Planning and Building Department – Building Division at 707.445.7245 prior to constructing any fences or gates.

// END //

u:\pwwk\landdev\projects\referrals\203-211-016 humboldt boutique gardens cup16-427.docx

2

## Attachment 2 - Exhibit D



P.O. Box 115  
Cuttien, CA. 95534  
kevin@khmckenny.com

Phone: 707-444-9659  
Fax: 707-444-0856

### Erosion and Sediment control Plan

For Drake Hill site Construction AP 203-211-16

The proposed project is to construct The First of two 100 x 130 foot single story building on a lot that was created by a previous subdivision that has an existing retention basin. The building site is currently vegetated with native grasses we propose to grade out the area to receive the concrete slab and driveway areas. As such only a minimal amount of site disturbance is to be expected. North of the site is a paved road and to the South East and West lie an improved grasslands. The ability of erosion to result is minimal. The proposed erosion BMP's are shown on the attached plan and are designed to give three levels of clarification prior to reaching the detention basin that exists at this time.

The measures include:

- 1 Maintain existing vegetation on site and minimize area of disturbance. Do not disturb the retention basin elevations. Schedule grading when dry weather is forecasted. No grading at site during rain events.
- 2 Install the sedimentation control practices prior to upslope construction activity
- 3 Limit construction equipment to designated areas
- 4 Install silt fence on down slope perimeter of the building site as shown on plan to catch and retain surface flow of drainage water for the first control detention and sedimentation behind fence
- 5 In areas of concentrated flow install straw bale checks to slow runoff and filter through straw checks
- 6 Protect storm drain inlet with filter fabric wrap around the grate to filter any final sediment going to the detention basin
- 7 Provide rip rap at outflow of drain pipe into the detention basin to slow waters into basin and spread flow to sheet flow
- 8 Mulch any disturbed areas with 1 straw bale/300 sf then spread seed with State Mix grass seed @ 200#/acre
- 9 Completely cover topsoil stockpile with 8 mill Visqueen staked down with 2x4 flats at 6ft o/c

Inspection and maintenance:

- 1 Inspect site every day to ensure all practices are in place clean around DI grate. Check all controls for working after every 1/2" rain event. Check visqueen topsoil cover staking in place after each storm event.
- 2 Clean sediment from silt fences at 1/3 full, replace if necessary, keep visqueen cover staked in place
- 3 Engineer to provide a letter of certification confirming all work has been completed per the approved plans in conformance to Humboldt County Ordinance 331-12.
- 4 Compacted Fill will be compacted by mechanical means to 90% relative compaction tested Per ASTM D1557 or Cal Trans 231 methods by SHN consulting Engineers.

Kevin McKenny PE  
Ca Reg C45971



**Attachment 2  
Exhibit E**

**HUMBOLDT COUNTY PLANNING & BUILDING DEPARTMENT  
MITIGATION MONITORING REPORT**

**For Humboldt Boutique Gardens, MBC, Ian Herndon, (APN) 203-211-016; Case No: CUP 16-427; App Nos: 11304, 11990**

**Project:** Humboldt Boutique Gardens, organized as a non-profit, mutual benefit corporation, has applied for a Conditional Use Permit (CUP 16-427) for cannabis cultivation, processing, and nursery facilities in accordance with Humboldt County Code Section 314-55.4 of Chapter 4 of Division I of Title III, Commercial Medical Marijuana Land Use Ordinance (CMMLUO). The business is proposed to operate on a 2.7 acre parcel that was used in the past for agricultural purposes (see Project Site History above). The applicant is proposing two phases of development for cannabis cultivation and processing. The two phases would be permitted through separate CUPs, but this CEQA document analyzes the potential environmental effects of both phases. The two project phases are shown on the proposed Site Plan (See Attached). The total indoor cultivation area for both phases would be approximately 16,560 square feet (sf) in two new warehouses that would be 13,000 sf and 12,350 sf.

As described on the Proposed Site Plan the two project phases would consist of the following:

**Phase 1**

Phase 1 would consist of constructing the first warehouse and establishing and operating cannabis cultivation and processing within it. Specifically, a new indoor 8,560 sf cannabis cultivation is proposed within a 13,000 sf building that would be 28 feet in height, served by an on-site septic system and well. This facility would consist of six 24 foot by 40 foot flowering rooms, a 240 sf propagation room for developing clones, a 240 sf mother room, and a 2,080 sf vegetative room for the tending of plants before they are placed in the flowering rooms. Processing and packaging operations are also proposed. The remaining space in the warehouse would consist of a processing room, a drying room, and a packaging room in addition to general storage, a truck bay, office, and bathroom facilities.

**Phase 2**

Phase 2 would consist of constructing a second warehouse and establishing and operating cannabis cultivation and processing within it. Specifically, a new indoor 8,000 square foot cannabis cultivation is proposed within a 12,350 sf building that would be 28 feet in height, served by the same on-site septic system and well used for Phase 1. This facility would have similar rooms and uses as described for Phase 1.

**Hours/Days of Operation and Number of Employees**

During operation of the proposed Phase 1 facility, Humboldt Boutique Gardens anticipates having eight full time employees during peak operation, comprised of five full time gardeners, one office manager, and two professional cannabis trimmers. During operation of Phases 1 and 2 there would be approximately 15 employees. Operations would be seven days a week from 7am to 6pm.

**Access/Parking**

The property is accessible directly off Drake Hill Road. Twenty two parking spaces are planned to be installed on site to support employees using the warehouse and office during Phase 1, with another twenty three parking spaces proposed to be installed during Phase 2. Proposed parking and loading area designs have been submitted and are consistent with Code requirements for warehouse and office uses.

**Traffic**

The property is located in a mixed zone area. Access roads are paved, County maintained roads over 20+ feet in width. The project will likely increase traffic on these roads and in the general vicinity. The proposed indoor cannabis cultivation is a low traffic type of use and, in and of itself, is not expected to substantially increase traffic or impact transportation facilities in the area. Traffic will be routed directly to Hwy. 36 via Rohnerville Road and not through the business and residential areas of Fortuna.

**Landscaping**

The project proposes the installation of landscaping in and around the main parking areas and stormwater features at the entrance to the site.

**Outdoor Lighting**

The project site is currently undeveloped. The new buildings proposed at the site will have perimeter lighting installed for security purposes. There will also be outdoor lighting in the main parking area and at the entrance gate. All new

**Attachment 2**  
**Exhibit E**

outdoor lighting will be the minimum lumens required for security purposes, directed downward, and shielded to prevent lighting spillover onto adjacent properties.

**Stormwater Management**

Development of the proposed project will create additional impervious surface and result in an increase in stormwater runoff. The project proposes to capture stormwater on-site by directing surface water runoff to an existing detention basin on the property. Stormwater runoff from the development shall be limited to pre-existing storm water flows based on the ultimate development of the subdivision. The applicant proposes to construct new drainage facilities flowing to the existing detention/retention facility as required by the Humboldt County LID stormwater manual (2016). Any additional runoff associated with the proposed project is estimated to be within the capacity of the existing detention basin to retain typical storm flows. County staff has reviewed and approved the proposed drainage designs (See Attached).

**Water Sources**

The amount of water used for this indoor cultivation of cannabis varies among room types but water use will be relatively consistent throughout the five anticipated grow cycles per year. The total estimated annual water usage for this indoor cultivation is 641,943 gallons per year for each phase (1,283,886 gallons per year total). Well installation logs indicated the well sustained the well test pump limit of 15 gallons per minute for four hours with no significant draw down during the dry season. This flow rate and recovery time was indicative of a stable well recharging aquifer. The sustained yield at 15 gallons per minute is 21,000 gallons per day, or over 7 million gallons if continuously drawn for the entire year. This is adequate for the proposed use.

**On-site Wastewater System**

During Phase 1, an onsite wastewater septic system, with the appropriate setbacks, will be built once the permit is issued. It is anticipated that one hundred forty four gallons will be running through the septic system on a daily basis. The irrigation plan is estimated at a 5% runoff of fertilized water in the flowering rooms. The projected flower room water usage is 186,048 gallons water per year times a five percent runoff equaling approximately 9,302 gallons of water per year or 25 gallons per day during Phase 1 and 50 gallons per day during operation of Phase 1 and Phase 2. The runoff water will be captured and pumped into a 2,600 gallon reservoir located at the exterior of the building. This "grey" water will be recycled and used for irrigating the decorative plants, trees, and bushes that will be planted. No runoff from vegetative, mother, or propagation rooms within the building is anticipated. According to the Septic Suitability Letter submitted by Pacific Affiliates to the Humboldt County Division of Environmental Health (DEH), the soils at the project site are capable of supporting on-site wastewater discharge from the proposed cannabis facility.

**Electrical Service**

The proposed cannabis facility will use new electrical service from Pacific Gas & Electric (PG&E). Initial power will be an approximately 1,200 amp 3-phase service to be installed by PG&E.

The proposed project will operate a carbon neutral facility as required by the zoning code section 31 4-55.4.8.3 by purchasing certified carbon offsets credits from the City of Arcata and other certified offset programs. The project will enroll in the PG&E Solar Choice Program if it is not able to purchase enough offsets through the City of Arcata program. It is estimated that the project will need to offset approximately 1,050-1,500 metric tonnes of CO<sub>2</sub> per year.

**Project location:** The project is located in Humboldt County, in the Fortuna area, on the south side of Drake Hill Road, approximately 495 feet west from the intersection of Drake Hill Road and Airport Road, on the property known to be in Section 13 of Township 02 N, Range 01 W, Humboldt Base & Meridian and further described as Assessor's Parcel Number (APN) 203-211-016.

**Application Number:** 11304, 1190Case

**Numbers:** CUP

16-427

**Assessor Parcel Number:** 203-211-016

Mitigation measures were incorporated into conditions of project approval for the above referenced project. The following is a list of these measures and a verification form that the conditions have been met. For conditions that require on-going monitoring, attach the Monitoring Form for Continuing Requirements for subsequent verifications.

**Attachment 2  
Exhibit E**

**Mitigation Measures:**

**M-1.** The following provides means of responding to the circumstances of a significant discovery during the cultural monitoring of the final implementation of the proposed agricultural development within the project parcel. If cultural materials for example: chipped or ground stone, historic debris, building foundations, or bone are discovered during ground-disturbance activities, work shall be stopped within 20 meters (66 feet) of the discovery, per the requirements of CEQA (January 1999 Revised Guidelines, Title 14 CCR 15064.5 (f)). Work near the archaeological finds shall not resume until a professional archaeologist, who meets the Secretary of the Interior's Standards and Guidelines, has evaluated the materials and offered recommendation for further action.

In the event that paleontological resources are discovered, work shall be stopped within 20 meters of the discovery and a qualified paleontologist shall be notified. The paleontologist shall document the discovery as needed, evaluate the potential resource, and assess the significance of the find under the criteria set forth in CEQA Guidelines Section 15064.5. If fossilized materials are discovered during construction, excavations within 50 feet of the find shall be temporarily halted or diverted until the discovery is examined by a qualified paleontologist. The paleontologist shall notify the appropriate agency to determine procedures that would be followed before construction is allowed to resume at the location of the find.

If human remains are discovered during project construction, work will stop at the discovery location, within 20 meters (66 feet), and any nearby area reasonably suspected to overlie adjacent to human remains (Public Resources Code, Section 7050.5). The Humboldt County coroner will be contacted to determine if the cause of death must be investigated. If the coroner determines that the remains are of Native American origin, it is necessary to comply with state laws relating to the disposition of Native American burials, which fall within the jurisdiction of the NAHC (Public Resources Code, Section 5097). The coroner will contact the NAHC. The descendants or most likely descendants of the deceased will be contacted, and work will not resume until they have made a recommendation to the landowner or the person responsible for the excavation work for means of treatment and disposition, with appropriate dignity, of the human remains and any associated grave goods, as provided in Public Resources Code, Section 5097.98.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance		Comments / Action Taken
				Yes	No	
During construction activity and project operations.	Continuous		HCP&BD*			

**M-2.** The applicant shall comply with the recommendations from the erosion and sediment control plan submitted on behalf of the client by the project engineer (See Attached) include the following measures:

1. Maintain existing vegetation on site and minimize area of disturbance. Do not disturb the retention basin elevations. Schedule grading when dry weather is forecasted. No grading at site during rain events.
2. Install the sedimentation control practices prior to upslope construction activity.
3. Limit construction equipment to designated areas.
4. Install silt fence on down slope perimeter of the building site as shown on plan to catch and retain surface flow of drainage water for the first control detention and sedimentation behind fence.
5. In areas of concentrated flow install straw bale checks to slow runoff and filter through straw checks.
6. Protect storm drain inlet with filter fabric wrap around the grate to filter any final sediment going to the detention basin.
7. Provide rip rap at outflow of drain pipe into the detention basin to slow waters into basin and spread flow to sheet flow.
8. Mulch any disturbed areas with 1 straw bale/300 sf then spread seed with State Mix grass seed @ 200#/acre.
9. Completely cover topsoil stockpile with 8 mill Visqueen staked down with 2x4 flats at 6ft o/c.

**Inspection and Maintenance:**

1. Inspect site every day to ensure all practices are in place and clean around DI grate. Check all controls for working after every 1/2" rain event. Ensure that visqueen topsoil cover staking is in place after each storm event.

**Attachment 2**  
**Exhibit E**

2. Clean sediment from silt fences at 1/3 full, replace if necessary, keep visqueen cover staked in place.
3. Engineer to provide a letter of certification confirming all work has been completed per the approved plans in conformance to Humboldt County Ordinance 331-12.
4. Fill will be compacted by mechanical means to 90% relative compaction tested Per ASTM D1557 or Cal Trans 231 methods by SHN consulting Engineers.
5. All structural design shall be in conformance with the requirements of the 2016 California Building Code.

Implementation Frame	Time	Monitoring Frequency	Date Verified	To Be Verified By	Compliance		Comments / Action Taken
					Yes	No	
Prior to the issuance of building and/or grading permits for the project.		Once		HCP&BD*			

**M-3.** To address the increase in stormwater runoff that will occur due to the increase in impervious surface from the proposed project, the applicant shall design, construct, and maintain stormwater facilities to detain stormwater on the project site through LID improvements such as a detention/retention basin. The proposed stormwater improvements will ensure that additional stormwater runoff from the proposed project infiltrates into the ground on-site or is pre-treated prior to discharge without violating any water quality standards or waste discharge requirements. The final discharge from the area for all stormwater that does not infiltrate, evaporate or is consumed, will not exceed pre-project stormwater discharge levels.

Implementation Frame	Time	Monitoring Frequency	Date Verified	To Be Verified By	Compliance		Comments / Action Taken
					Yes	No	
Prior to the building permit final inspection.		Once		HCP&BD*			

**M-4.** The following shall apply to construction noise from tools and equipment:

- a) The operation of tools or equipment used in construction, drilling, repair, alteration or demolition shall be limited to between the hours of 8 A.M. and 5 P.M. Monday through Friday, and between 9 a.m. and 5 p.m. on Saturdays.
- b) No heavy equipment related construction activities shall be allowed on Sundays or holidays.
- c) All stationary and construction equipment shall be maintained in good working order, and fitted with factory approved muffler systems.

Implementation Frame	Time	Monitoring Frequency	Date Verified	To Be Verified By	Compliance		Comments / Action Taken
					Yes	No	
During construction activities.		Ongoing		HCP&BD*			

**M-5.** The applicant shall implement the detailed security plan contained in the Cultivation and Operations Plan prepared for the project (See Attached). Implementation of the security plan measures will minimize impacts on local law enforcement service provided by the County Sheriff's Department.

Implementation Frame	Time	Monitoring Frequency	Date Verified	To Be Verified By	Compliance		Comments / Action Taken
					Yes	No	
During project operations.		Ongoing		HCP&BD*			

\*HCP&BD = Humboldt County Planning and Building Department