

**PLANNING COMMISSION**

Robert Morris  
Chair - Second District  
David Edmonds  
Vice Chair - At Large  
Alan Bongio  
First District  
Noah Levy  
Third District  
Kevin McKenny  
Fourth District  
Ben Shepherd  
Fifth District  
Brian Mitchell  
At Large



**COUNTY STAFF**

JOHN H. FORD  
Director, Planning and Building

**PLANNING COMMISSION  
COUNTY OF HUMBOLDT**

825 Fifth Street  
Board of Supervisors Chambers  
Eureka, California

**ACTION SUMMARY**

Thursday, December 7, 2017

6:00 PM

Regular Meeting

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**CALL TO ORDER / SALUTE TO FLAG**

*Chair Morris called the meeting to order at 6:00 p.m.*

**COMMISSIONERS PRESENT**

Present      4 - Commissioner Robert E. Morris, Commissioner Noah Levy, Commissioner Kevin McKenny, and Commissioner Ben Shepherd  
Absent      3 - Commissioner David Edmonds, Commissioner Alan Bongio, and Commissioner Brian Mitchell

**AGENDA MODIFICATIONS**

*Item 2, Item 4, Item 5 and Item 7 continuance requested to date uncertain.*

**APPROVAL OF ACTION SUMMARY**

Review and approval of August 24, 2017 Action Summary.

*A motion was made by Commissioner Levy, seconded by Commissioner Shepherd, that the August 24, 2017 Action Summary be approved. The motion carried by the following vote:*

Aye:      4 - Commissioner Morris, Commissioner Levy, Commissioner McKenny, and Commissioner Shepherd

**PUBLIC COMMENTS**

**CONSENT AGENDA****1 Town of Scotia LLC Planned Development Permit Extension**

Case Number PDP-05-001XXXX

Assessor Parcel Number (APN) 205-351-031

Scotia Area

A fourth two-year extension of a Planned Development Permit (PDP) approved on November 10, 2009. The original project included a General Plan Amendment, Zone Reclassification, Final Map Subdivision, Planned Development Permit and establishment of urban boundary line for portions of Scotia, with land uses designations of Industrial General, Agricultural General, or Timberland. The General Plan and Zone Amendments have been adopted and are currently in effect. The request is for an extension for the Planned Development Permit (PDP) only. The approved tentative map was extended pursuant to the provisions of Government Code Section 66452.6(a), and is still valid. The PDP modifies development standards of the principal zone district and is applied over existing residentially developed areas of the town to accommodate the proposed subdivision. If approved, the extension will expire on November 10, 2019.

***A motion was made by Commissioner McKenny, seconded by Commissioner Shepherd, that the Town of Scotia project be approved. The motion carried by the following vote:***

Aye: 4 - Commissioner Morris, Commissioner Levy, Commissioner McKenny, and  
Commissioner Shepherd

**2 Ron Dias Final Map Subdivision, Coastal Development Permit and Special Permit Extension**

Case Numbers FMS-03-002XX, CDP-03-016XX, SP-03-016XX

Assessor Parcel Numbers (APNs) 017-152-022, 017-152-023, 017-152-024, 402-301-011

3127 Mitchell Heights Drive, Eureka area

A two year extension, in addition to a previously authorized two-year extension and automatic extensions allowed by Senate Bill 1185, Assembly Bill 333, Assembly Bill 208 and Assembly Bill 116, of a Final Map Subdivision, Coastal Development Permit and Special Permit (FMS-03-002, CDP-03-012, SP-03-016). The original project was for the subdivision of 33.3 acres into thirteen (13) lots ranging in size from 1.25 to 4.51 acres. The subdivision utilizes Lot Size Modification, and includes an exception to lot frontage requirements and a Special Permit to allow an exception to the lot width to depth ratio. The subdivision is proposed to be developed as Phase 1 (Lots 1 through 3 and Remainder), Phase 2 (Lots 4 through 10 and Remainder) and Phase 3 (Lots 11 through 13). Phase 1 and Phase 2 have already been completed. The subdivision will site the existing single family residence onto Lot 1. The project includes construction of a 3-bedroom single family residence (approximately 2,400 square feet and 30 feet high with attached garage) on two lots. The parcels will be served by community water and on-site sewage disposal systems. No changes to the original project are proposed. If approved, the extension will expire on July 17, 2019.

***This Zoning Item was continued to a date uncertain.***

- 3** Christie Parcel Map Subdivision and Coastal Development Permit Modification  
Case Numbers PMS-04-029M, CDP-04-077M  
Assessor Parcel Numbers (APNs) 014-271-007, 014-271-008  
1171 Marsh Road, Eureka Area

A Modification to a previously approved subdivision filed as Parcel Map No. 3409 in Book 33 of Parcel Maps, page 11 and 12. The subdivision created two parcels, one for residential development and one for open space purposes. The purpose of the Modification is to relocate the location of an access easement over Parcel 1 to Parcel 2.

***A motion was made by Commissioner Shepherd, seconded by Commissioner Levy, that the Christie project be approved as amended. The motion carried by the following vote:***

Aye: 4 - Commissioner Morris, Commissioner Levy, Commissioner McKenny, and  
Commissioner Shepherd

## **CONTINUED PUBLIC HEARINGS**

- 4** Carlos Finn Conditional Use Permit and Special Permit  
Case Numbers CUP 16-312, SP 17-042  
Assessor's Parcel Numbers (APN) 223-123-001  
981 Mahan Road, Garberville area

A Conditional Use Permit for 20,000 square feet (SF) of existing mixed light cultivation of commercial medical cannabis. Irrigation water is provided by deeded access to a spring located on APN 223-124-001. It is estimated that cultivation activities will use a maximum of 80,000 gallons of water from March to October. Water will be applied using drip irrigation. Approximately 70,000 gallons of on-site water storage will be filled and used for forbearance during the summer months. Also, a Special Permit for existing development that encroaches into 50-foot Streamside Management Area of a Class III watercourse that the Applicant is proposing retain by reducing the width of the buffer per the submitted application materials. Solar power is proposed to be the primary source of power, and a generator will be used as supplemental power on an on-demand basis, e.g., during cloudy or rainy conditions. Also, appurtenant on-site processing will occur in an existing building approximately 780 SF in size. The Applicant estimates there will be 3 to 4 seasonal employees. The property is developed with a single family residence served by on-site systems per the applicant's Plan of Operation.

***This Zoning Item was continued to a date uncertain.***

- 5 Stay Conscious, Inc. Conditional Use Permit  
Case Number CUP 16-087  
Assessor's Parcel Numbers (APN) 524-016-010  
Willow Creek area

A Conditional Use Permit for an existing 31,825-square-foot outdoor cultivation area on an approximately 144-acre parcel. The existing cultivation areas are contained within three distinct cultivation sites. The water source used for irrigation is an existing permitted well on the property that provides water at a rate of 30 gallons per minute (developed 2016). The property currently has 5,600 gallons of water storage in two existing above ground storage tanks. Processing activities, including drying and curing, will occur in existing agricultural buildings on-site. Trimming will be done off-site.

*This Zoning Item was continued to a date uncertain.*

- 6 Happy Head Ranch Conditional Use Permit  
Case Numbers CUP 16-365  
Assessor's Parcel Number (APN) 316-174-007  
Titlow Hill area

A Conditional Use Permit (CUP) Permit is requested for 15,000 square feet of existing outdoor cannabis cultivation with on-site processing. There are two sites of cultivation on the property (Area 1 and 2); a portion of Area 1 is currently within a watercourse class III buffer zone. Applicant proposes to relocate Area 1 to a site that is environmentally preferable. The proposed action is to move the entirety of cultivation Area 1 from the sensitive location and reduce the cultivation in this unit from 11,400 to 6,400 square feet, while adding 5,000 square feet to cultivation Area 2, making this second unit's cultivation area 8,600 square feet. The water source is a permitted well, with storage in thirteen hard tanks and a bladder totaling up to 82,500 gallons of water storage. To supplement the existing water source, the applicant proposes two rainwater catchment ponds and a rainwater catchment system. Irrigation will be implemented by hand to manage water distribution at an agronomic rate in order to prevent runoff. The projected water usage is approximately 92,000 gallons a year. Cannabis product will be dried and machine-trimmed on site in a proposed 60 feet by 40 feet commercially rated shop. Happy Head Ranch has filed a Notice of Intent with the North Coast Water Quality Control Board (NCWQCB) as a Tier 2 discharger. The project is a family-run operation and will not include the use of employees.

***A motion was made by Commissioner McKenny, seconded by Commissioner Shepherd, that the Happy Head Ranch project be approved. The motion carried by the following vote:***

Aye: 4 - Commissioner Morris, Commissioner Levy, Commissioner McKenny, and  
Commissioner Shepherd

- 7 Brannan Mountain Farms LLC Conditional Use Permit  
Case Numbers CUP 16-332 and SP 17-140  
Assessor's Parcel Number (APN) 522-211-051  
741 Brannan Mountain Road, Willow Creek area

A Conditional Use Permit for an existing 12,268 square-foot (sf) commercial medical cannabis cultivation operation consisting of an 8,788-square-foot (sf) outdoor cultivation area and a 3,480 sf mixed-light cultivation area. Outdoor cultivation is divided into four separate areas and one existing greenhouse that was demolished for replacement. The mixed light cultivation area is contained within 2 existing greenhouses and the Applicant proposes to reconfigure into five greenhouses total. Also a Special Permit to allow a cultivation area setback of less than 600-feet from public lands used and managed for open space/wildlife habitat for the adjacent National Forest lands north of the property. Portions of Cultivation Areas 2, 3 and 4 encroach into the 30-foot setback from the eastern property line; consequently, the Applicant proposes to grow a non-cannabis crop within the setback. The applicant will relocate an existing cultivation area, existing greenhouse, and a proposed greenhouse that encroach into the 30-foot setback from the northern property boundary. The Applicant proposes two ancillary propagation areas: 1) a 4,300-square-foot outdoor area; and 2) an indoor propagation area to be located inside a proposed 1,200-square-foot processing building. In addition to the indoor propagation area, the proposed processing building will house a drying room, a trimming room, and an ADA-compliant bathroom. Annual projected water use is 396,000 gallons (1.22 acre-feet) and is sourced from the Willow Creek Community Service District. Water storage capacity on the property is 5,000 gallons in two 2,500-gallon hard-sided tanks, one of which is available for fire protection use only. Power for the cultivation operations is provided by four generators: 2 for supplemental lighting in greenhouses, 1 for water pumps, and 1 for backup. Fertilizers, soil amendments, and pesticides are secured on-site in a metal shipping container.

*This Zoning Item was continued to a date uncertain.*

- 8 Humboldt's Legacy Farms Conditional Use Permit  
Case Numbers CUP 16-399  
Assessor's Parcel Number (APN) 223-261-004-000  
2560 Sawmill Road, Garberville

A Conditional Use Permit (CUP) for an existing 12,910 square foot (sf) outdoor commercial medical cannabis cultivation area. Irrigation water is sourced offsite during the wet months from two (2) streambed diversions and conveyed via gravity to an onsite 800,000 gallon storage pond. Water is then pumped via solar power to a series of storage tanks. An approved 1600 Streambed Alteration Agreement is filed with the California Department of Fish and Wildlife for both points of diversion. The non-exclusive right to take and use water from these off-site sources is included in the deed for the subject property for which this CUP application has been filed. Project site is enrolled as a Tier II Discharger with the North Coast Regional Water Quality Control Board. Processing is done on-site by family members and up to four (4) members of the medical collective.

*A motion was made by Commissioner McKenny, seconded by Commissioner Shepherd, that the Humboldt's Legacy Farms project be approved. The motion carried by the following vote:*

Aye: 4 - Commissioner Morris, Commissioner Levy, Commissioner McKenny, and  
Commissioner Shepherd

**9** County of Humboldt  
OR 17-005  
County Wide

This item involves amendments to the Zoning Ordinance to allow improved floors and footpaths in greenhouses on prime agricultural soils where certain conditions are met to ensure the long-term protection of the underlying soil for future agricultural use. The current Zoning Ordinance prohibits improved floors and footpaths in greenhouses on prime agricultural soils. This limits the types of greenhouses for new commercial cannabis cultivation, which can only occur on prime agricultural soils. The amendments would modify sections 314-43.1.3.2 and 314-69.1.1.2 of Title III, Division 1, Chapter 4 (Inland Zoning Regulations); and section 313-69.1.5 to Title III, Division I, Chapter 3 (Coastal Zoning Regulations) of the Humboldt County Code.

***A motion was made by Commissioner Levy, seconded by Commissioner McKenny, that this Zoning Ordinance be continued to December 14, 2017. The motion carried by the following vote:***

Aye: 4 - Commissioner Morris, Commissioner Levy, Commissioner McKenny, and  
Commissioner Shepherd

**10** Zoning Ordinance Amendments  
Commercial Cannabis Land Use Ordinance (CCLUO)  
Case Number OR 17-02

At the November 30, 2017 meeting the Commission will continue the CCLUO item for further discussion and review on December 7, 2017.

*Meeting went into Recess*

*Meeting Reconvened*

***This Zoning Ordinance was continued to December 14, 2017.***

## **PUBLIC HEARINGS**

## **ADJOURNMENT**

*Chair Morris adjourned the meeting at 8:22 p.m.*

## **NEXT MEETINGS**

*December 14, 2017 Special Meeting*

*January 11, 2018 Regular Meeting*

*I, SUZANNE LIPPRE, Planning Commission Clerk, County of Humboldt, State of California, do hereby certify the foregoing to be a full, true, and correct original record of the above entitled meeting of the Humboldt County Planning Commission held in Eureka, California.*

*SUZANNE LIPPRE*

*Planning Commission Clerk of the County of Humboldt, State of California.*