

PLANNING COMMISSION

Alan Bongio
First District - Vice-Chair
Robert Morris
Second District - Chair
Noah Levy
Third District
Mike L. Newman
Fourth District
Ben Shepherd
Fifth District
Brian Mitchell
At-Large
Melanie McCavour
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 13, 2018

6:00 PM

Regular Meeting

CALL TO ORDER / SALUTE TO FLAG

Chair Morris called the meeting to order at 6pm

COMMISSIONERS PRESENT

Present: 6 - Commissioner Robert Morris, Commissioner Alan Bongio, Commissioner Noah Levy, Commissioner Ben Shepherd, Commissioner Brian Mitchell, and Commissioner Mike L. Newman

AGENDA MODIFICATIONS

Supplemental information submitted for items #1, 3, 7, 8, 11.

APPROVAL OF ACTION SUMMARY

Staff to revise Action Summaries to include Commissioner Present

ACTION SUMMARIES FOR APPROVAL

- October 4, 2018
- October 18, 2018
- November 15, 2018

NEW BUSINESS

Election of Officers: Each year the Commission shall elect the Chair and Vice-Chair.

A motion was made by Commissioner Shepherd, seconded by Commissioner Newman, that the Appointment of Robert Morris as Chair and Alan Bongio as Vice-Chair be approved. The motion carried by the following vote:

Aye: 4 - Commissioner Levy, Commissioner Shepherd, Commissioner Mitchell, and Commissioner Newman

Abstain: 2 - Commissioner Morris, and Commissioner Bongio

PUBLIC COMMENTS

CONSENT AGENDA

- 1 Palo Verde Farms, LLC, Conditional Use Permits and Special Permit
 Application Numbers 10956 and 10963
 Case Number CUP16-111, CUP16-115 and SP16-118
 Assessor’s Parcel Numbers 218-061-001 and 218-061-006
 355 Road A and 654 Island Mountain Road, Palo Verde area

Two Conditional Use Permits for an existing 44,000 square foot (SF) outdoor cannabis cultivation operation and a Special Permit for a developed pond in a Streamside Management Area located on Assessor's Parcel Numbers (APNs) 218-061-001 and 218-061-006, which are approximately 80 acres in combined size. Per the Applicant, the project includes 22,000 SF of outdoor cultivation on APN 218-061-001 and 22,000 SF of outdoor cultivation on APN 218-061-006. A 2,500 SF appurtenant propagation nursery is also planned for APN 218-061-006. Water for irrigation is sourced from one instream pond constructed in 1945 with a valid Lake and Streambed Alteration (1600-2016-0075-R1), one off-stream rainwater catchment pond, and one well on APN 218-061-001. Water storage consists of two ponds (903,600 gallons) and 15 hard tanks (67,600 gallons) for a total of 971, 200 gallons of available water storage. Approximately 702,470 gallons of water is required for annual operations. Drying is done onsite in an existing greenhouse and all other processing activities occur off-site at a licensed processing facility. Per the applicant there will be four employees to meet operational needs. Power to the site is provided by an on-grid power source from APN 218-061-006, there is no generator use, and a permitted septic system is installed on APN 218-061-006.

A motion was made by Commissioner Levy, seconded by Commissioner Shepherd, that the Palo Verde Farms project be approved. The motion carried by the following vote:

Aye: 6 - Commissioner Morris, Commissioner Bongio, Commissioner Levy, Commissioner Shepherd, Commissioner Mitchell, and Commissioner Newman

- 2 Canal I, LLC, Conditional Use Permit
 Application Number 11153
 Case Number CUP-16-163
 Assessor’s Parcel Number (APN) 210-221-008
 Private Road in Dinsmore Area of Larabee Valley off State Highway 36

A Conditional Use Permit for an existing 32,440 square feet (SF) of outdoor and 6,720 SF of mixed light cannabis cultivation on a 40 acre parcel. Irrigation water is from an existing permitted well that was installed on October 31, 2017. Processing includes drying, trimming, curing, and packaging and will occur in two 1,800 SF metal buildings, one is proposed the other is existing. There will be five full time employees associated with one outdoor harvest and up to four mixed light annual harvests. Currently, two 7,000 kW gasoline-fueled generators and two 2,000 kW gasoline-fueled generators are used for cultivation and processing activities. An off-grid solar system and onsite wastewater treatment system are proposed.

Meeting went into Recess

Meeting Reconvened

A motion was made by Commissioner Shepherd, seconded by Commissioner Newman, that the Canal I project be approved subject to the revised conditions of approval. The motion carried by the following vote:

- Aye: 4 - Commissioner Morris, Commissioner Levy, Commissioner Shepherd, and Commissioner Newman
- Nay: 1 - Commissioner Bongio
- Not Present: 1 - Commissioner Mitchell

- 3 Humboldt Redwood Healing - Conditional Use Permit
 Application Number 11066
 Case Number CUP-16-122
 Assessor’s Parcel Number (APN) 211-383-021

A Conditional Use Permit (CUP) for 21,080 square feet (sf) of cultivation consisting of 15,800 sf of outdoor and 5,280 sf of mixed-light cultivation in (9) greenhouses. Additionally, there is a 1,640 full sun outdoor cultivation area. Water is sourced from a permitted well. The applicant estimates approximately 213,700 gallons of water is required to meet operational needs. Water is stored in five hard tanks, totaling 8,600 total gallons of water storage. The project parcel is accessed via a private drive through APN 211-383-022 that intersects Cathey Road. The applicant plans to use the drying and processing facilities on an adjacent parcel under the same ownership, APN 211-383-022. Power is provided by a 3000 kw Honda generator.

A motion was made by Commissioner Levy, seconded by Commissioner Shepherd, that the Humboldt Redwood Healing project be approved. The motion carried by the following vote:

Aye: 6 - Commissioner Morris, Commissioner Bongio, Commissioner Levy, Commissioner Shepherd, Commissioner Mitchell, and Commissioner Newman

4 Schackow Farms, Inc. Conditional Use Permit

Application Number: 11708

Case Number: CUP16-351

Assessor’s Parcel Number (APN): 211-401-007

400 Carrol Lane, Miranda area

A Conditional Use Permit (CUP) for 43,480 square feet (sf) of existing outdoor commercial cannabis cultivation. Cannabis cultivation will occur in three cultivation areas. Cultivation Areas 1 and 2 contain greenhouses and will use light deprivation to harvest two times annually. Cultivation Area 3 is used for full sun outdoor plants. Water for irrigation will be supplied via a rooftop rain catchment system, a permitted cistern, six existing hard tanks totaling 7,750-gallons of water storage, and a 235,000-gallon rain catchment pond. Total water use is expected to be approximately 271,000 gallons per year. Peak water usage will total approximately 44,000 gallons from July to October and will be approximately 6,000 gallons from November through April. Cannabis will be watered using a drip irrigation system. The cannabis will be irrigated by a drip system. Once harvested, the cannabis will be processed (dried and trimmed) in an existing on-site building. The applicant will employ between 10-15 seasonal employees for cannabis cultivation. Power is provided by P. G. & E. and a generator.

A motion was made by Commissioner Levy, seconded by Commissioner Shepherd, that Schackow Farms, Inc. Conditional Use Permit be approved. The motion carried by the following vote:

Aye: 6 - Commissioner Morris, Commissioner Bongio, Commissioner Levy, Commissioner Shepherd, Commissioner Mitchell, and Commissioner Newman

5 Bruce Brady Parcel Map Subdivision

Application Number 14052

Case Number PMS-18-004

Assessor Parcel Number 508-341-048

1805 Caroline Avenue, McKinleyville area

A Minor Subdivision of an approximately 21,415 square foot parcel into two parcels of approximately 7,167 square feet and 11,673 square feet. The parcel is currently developed with a single family residence with an attached accessory dwelling unit that will remain on proposed Parcel 1. Proposed Parcel 2 will be vacant and suitable for residential development. The subdivision will utilize a flag lot design and be accessed via a 20-foot wide access way. The parcel is and will be served with community water and sewer provided by the McKinleyville Community Services District.

A motion was made by Commissioner Levy, seconded by Commissioner Shepherd, that Bruce Brady Parcel Map Subdivision be approved. The motion carried by the following vote:

Aye: 6 - Commissioner Morris, Commissioner Bongio, Commissioner Levy, Commissioner Shepherd, Commissioner Mitchell, and Commissioner Newman

- 6 Humboldt Bay Harbor, Recreation and Conservation District
Application Number 10741
Case Numbers: CDP-16-049/CUP-16-062
Assessor Parcel Numbers 401-112-021
364 Vance Avenue, Samoa area

A Coastal Development Permit and Conditional Use Permit to allow for interim uses on property zoned Coastal Dependent Industrial. The project would permit warehouse, storage and distribution, research/light industrial, and other uses allowed under the newly adopted interim use provisions of the Humboldt Bay Area Plan and consistent with the Performance Standards for Interim Uses in the Coastal Dependent Industrial Zone per Section 313-104.1 of the Zoning Regulations. Only interim uses that may be removed or relocated in a feasible manner will be allowed. Also, the project includes a Coastal Development Permit and Conditional Use Permit to allow for a coastal-related use (Pacific Flake sea salt manufacturing). The proposed interim uses would occupy existing buildings/structures and utilize existing infrastructure at HBHRCD's Redwood Marine Terminal II (RMT II) facility (formerly the L-P Pulp Mill Site). The proposed coastal-related use would occupy a portion of the existing building and also approximately 0.10 acres of outdoor storage area with a new approximately 720 square foot outbuilding. The project application includes Plan of Operation Reports for 13 business tenants, including one (1) coastal-related (sea salt manufacturing), and 12 interim non-coastal dependent uses (research/light industrial and warehousing, storage and distribution). A maximum term of seven (7) years for non-coastal dependent industrial interim uses is requested. The permit for the coastal-related use would not be term limited and would run with the land. Within the permit term specified for the interim use the Harbor District would be permitted to execute new leases with successor interim use tenants to occupy the building areas with like uses subject to a conformance review by the Planning Director. The Humboldt Bay Harbor, Recreation and Conservation District is the lead agency under the California Environmental Quality Act and has adopted a Mitigated Negative Declaration for the project.

A motion was made by Commissioner Levy, seconded by Commissioner Shepherd, that Humboldt Bay Harbor, Recreation and Conservation District project be approved. The motion carried by the following vote:

Aye: 6 - Commissioner Morris, Commissioner Bongio, Commissioner Levy, Commissioner Shepherd, Commissioner Mitchell, and Commissioner Newman

- 7 Humboldt Bay Harbor, Recreation and Conservation District
Application Number 13968
Case Numbers: CDP-17-067/CUP-18-047
Assessor Parcel Numbers 401-112-021
364 Vance Avenue, Samoa area

A Coastal Development Permit and Conditional Use Permit to allow for an interim use on property zoned Coastal Dependent Industrial. The project would permit a commercial distributor of liquefied petroleum products (Refined Hydrocarbon Solutions) as an interim conditionally permitted use under the classification of warehousing, storage and distribution and heavy industrial. The proposed interim use would occupy a temporary mobile office and fencing would be relocated to the proposed new lease area. The outdoor lease area would include installation of two 18,000 gallon, steel skid mounted bulk tanks and necessary cylinder filling equipment. Bollards would be placed around the tanks for safety in compliance with International Fire Code (IFC) requirements. A chain link fence would surround the entire lease area. The project application includes a Plan of Operation Report for the business. A maximum term of seven (7) years for this non-coastal dependent industrial interim use is requested. The Humboldt Bay Harbor, Recreation and Conservation District is the lead agency under the California Environmental Quality Act and has adopted a Mitigated Negative Declaration for the project.

A motion was made by Commissioner Levy, seconded by Commissioner Shepherd, that Humboldt Bay Harbor, Recreation and Conservation District project be approved. The motion carried by the following vote:

Aye: 6 - Commissioner Morris, Commissioner Bongio, Commissioner Levy, Commissioner Shepherd, Commissioner Mitchell, and Commissioner Newman

- 8** Humboldt Bay Harbor, Recreation and Conservation District
Application Number 10741
Case Numbers: CDP-18-041/CUP-18-048
Assessor Parcel Numbers 401-112-021 and 401-112-024
364 Vance Avenue, Samoa area

A project consisting of two components:

1) a Coastal Development Permit and Conditional Use Permit to allow for interim uses on property zoned Coastal Dependent Industrial. The project would permit future interim uses that meet the requirements and operational standards for allowable interim uses per Section 313-104.1 of the Zoning Regulations and would only occupy existing indoor facilities and require no infrastructure improvements or ground disturbing activities. Only interim uses that may be removed or relocated in a feasible manner will be allowed. New tenants would be required to submit a Plan of Operation Report for the business and a lease that conforms with the interim use lease requirements. A maximum term of seven (7) years for non-coastal dependent industrial interim uses is requested. Within the permit term specified for the interim use the Harbor District would be permitted to execute new leases with successor interim use tenants to occupy the building areas with like uses subject to a conformance review by the Planning Director; and

2) a Coastal Development Permit to allow use of the existing buildings and open yard areas for aquaculture and coastal dependent industrial uses that could include aquaculture (shellfish and finfish culturing, cultivation and processing facilities) and coastal dependent industrial uses (import/export operations, boat repair, commercial fishing facilities and fish processing) not requiring infrastructure improvements or ground disturbing activities. The permit would require that these principally permitted uses utilize existing warehouse and other site facilities with no changes to size, shape, and capacity of buildings or infrastructure. The permit would allow the Harbor District to execute leases with future identified tenants to occupy the building areas subject to a conformance review by the Planning Director. The permit for the aquaculture and coastal-dependent uses would not be term limited and would run with the land. The Humboldt Bay Harbor, Recreation and Conservation District is the lead agency under the California Environmental Quality Act and has adopted a Mitigated Negative Declaration for the project.

A motion was made by Commissioner Levy, seconded by Commissioner Shepherd, that Humboldt Bay Harbor, Recreation and Conservation District project be approved. The motion carried by the following vote:

Aye: 6 - Commissioner Morris, Commissioner Bongio, Commissioner Levy, Commissioner Shepherd, Commissioner Mitchell, and Commissioner Newman

- 9 Ross Nash Parcel Map Subdivision
 Application Number 13614
 Case Numbers PMS-17-011
 Assessor Parcel Number 306-381-011
 6450 Humboldt Hill Rd., Eureka CA 95503

A Minor Subdivision to divide a 1.19 acre parcel into two (2) parcels of 11,750 square feet (net) and 34,207 square feet (net), respectively. Proposed Parcel 1 is developed with a single family residence and proposed parcel 2 is developed with a detached garage and workshop. The project includes an Ultimate Development Plan (UDP) which depicts future subdivision of the site. New building development will be required to locate on the building sites depicted on the UDP so as to maintain consistency with the Housing Element. The project also includes an exception request per Section 325-9 of the Subdivision Regulations for a reduction of the required 40 foot road with to a 25 foot wide access width. Both parcels are and will be served with community water and sewer. Note: this project was previously approved under PMS-06-13, however, that approval has expired.

A motion was made by Commissioner Levy, seconded by Commissioner Shepherd, that Ross Nash Parcel Map Subdivision project be approved. The motion carried by the following vote:

Aye: 6 - Commissioner Morris, Commissioner Bongio, Commissioner Levy, Commissioner Shepherd, Commissioner Mitchell, and Commissioner Newman

- 10 HGDCO, Inc., DBA “High Grade Distribution (HGD) Company” Conditional Use Permit
 Application Number: PLN-2018-15059(CUP1M)
 Assessor’s Parcel Number: 508-251-054-000
 1551 Nursery Way, Unit A, McKinleyville, CA95519

The project is a Conditional Use Permit to allow for the continued operation of a 1,500 square feet cannabis distribution/warehouse facility under an alternate business name in accordance with section 314-55.4 of Chapter 4 of Division I of Title III of the Commercial Cannabis Land Use Ordinance (CCLUO). The CCLUO section 314-55.4.5.1.4 (a) requires a Conditional Use Permit for a commercial cannabis distribution facility within the McKinleyville Community Planning Area. Because the application for this modification was received after June 8, 2018 when the CCLUO became effective, this application is required to be processed as a Conditional Use Permit. The distribution facility will continue to occupy approximately 1,500 square feet of an existing commercial building. The hours of operation for the distribution facility will be Monday through Friday, 10:00 AM to 6:00 PM, closed Saturday and Sunday and all federally recognized holidays. The distribution facility will be used as a means to warehouse, store, and procure cannabis products primarily from sister company, Talking Trees Farms. The warehouse will serve as a storage space for cannabis products while pending state testing and/or serve as a storage facility for other permitted brands/farms that need product stored before being distributed. The distribution facility was originally approved as a part of the Satori Wellness CUP-16-170, SP-16-168.

A motion was made by Commissioner Levy, seconded by Commissioner Shepherd, that HGDCO, Inc., DBA “High Grade Distribution (HGD) Company” project be approved. The motion carried by the following vote:

Aye: 6 - Commissioner Morris, Commissioner Bongio, Commissioner Levy, Commissioner Shepherd, Commissioner Mitchell, and Commissioner Newman

PUBLIC HEARINGS

- 11 Humboldt Hill Land and Cattle Co. Parcel Map Subdivision and Lot Line Adjustment
 Application Number 13784
 Case Numbers PMS-17-015, LLA-17-025
 Assessor Parcel Numbers (APNs) 307-031-024, 307-031-052, 307-041-007
 7500 Humboldt Hill Road, Humboldt Hill area

The project consists of two parts: a Lot Line Adjustment and Minor Subdivision. The Lot Line Adjustment will adjust the boundaries between three parcels resulting in three parcels (Parcel A, Parcel B and Parcel C). Proposed Parcel A will be approximately 91 acres in size and utilized for agricultural purposes. The majority of Parcel A is located within the Coastal Zone, however, no line is being added in the Coastal Zone. Therefore, no Coastal Development Permit (CDP) is required. Proposed Parcel B will be divided into four parcels and a Remainder ranging in size between 16 acres and 22 acres. The parcels will be served with community water and sewer provided by the Humboldt Community Services District. A Fault Evaluation Report has been prepared and approved by the County's consulting geologist. An exception request to the maximum length of a Dead End Road has been submitted to and approved by Calfire. Proposed Parcel C will be approximately 40 acres in size and may be divided in the future, however, no application has been submitted.

A motion was made by Commissioner Mitchell, seconded by Commissioner Newman, that Humboldt Hill Land and Cattle Co. project be approved. The motion carried by the following vote:

Aye: 5 - Commissioner Bongio, Commissioner Levy, Commissioner Shepherd, Commissioner Mitchell, and Commissioner Newman

Recused: 1 - Commissioner Morris

DEPARTMENTAL

- 12 Planning Commission Sea Level Rise Policy Background Study - Workshop
- 13 GPU Memorandum

ADJOURNMENT

Chair Morris adjourned the meeting at 9:36 pm

NEXT MEETINGS

*January 10, 2019
 January 24, 2019*