



COUNTY OF HUMBOLDT

AGENDA ITEM NO.

G-1

For the meeting of: *May 24, 2016*

Date: May 13, 2016
To: Board of Supervisors
From: Supervisor Ryan Sundberg
Subject: Planning Commission Agenda Items.

RECOMMENDATION(S): That the Board of Supervisors direct the Planning Commission to only put items on their agenda for discussion or action that are required by statute or as specifically directed by the Board of Supervisors, and that the Clerk of the Board send a copy of this agenda item to all Planning Commission members.

SOURCE OF FUNDING: N/A

DISCUSSION: Government Code section 65100 et seq. states what items are required to go to the Planning Commission for review. In general, these items relate to the General Plan and zoning issues. Pursuant to Government Code 65103(g), the Planning Commission shall: "Perform other functions as the legislative body provides, including conducting studies and preparing plans other than those required by this title." Therefore, the Planning Commission cannot discuss items or put items on its agenda that are not required by statute without first being directed by the Board to do so.

At the Planning Commission's May 5th meeting, three items were on the agenda that had not been directed by the Board. First, was an Ad Hoc committee report, second was presentation by Public Works on the Traffic Impact Fees, and third, the consideration of a limit or moratorium on cannabis manufacturing facilities. Because these items did not come from staff as required by statute, there was no written report or any accompanying material. Also, the last two items were voted on by the Commission with no mechanism for them to come to the Board of Supervisors.

Prepared by Kathy Hayes

Signature _____

REVIEW: Auditor _____ County Counsel _____ Personnel _____ Risk Manager _____ Other _____

TYPE OF ITEM:
 Consent
 Departmental
 Public Hearing
 Other Board Initiated (20 minutes)
PREVIOUS ACTION/REFERRAL:

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT
Upon motion of Supervisor _____ Seconded by Supervisor _____

Ayes
Nays
Abstain
Absent

SEE ACTION SUMMARY

Board Order No. _____

Meeting of: _____

and carried by those members present, the Board hereby approves the recommended action contained in this Board report.

Dated: _____

By: _____

Kathy Hayes, Clerk of the Board

The Board of Supervisors never directed the Planning Commission to form an Ad Hoc Committee, or to discuss or take action on traffic impact fees or a marijuana moratorium. But by Planning Commission discussing these items it gives the appearance that it was done by statute or at Board direction, neither of which is true.

To avoid this confusion and to not burden staff or the Commission with items not required by law or the Board, the Planning Commission should be directed by the Board of Supervisors to only discuss or act on items required by statute or with specific Board direction.

FINANCIAL IMPACT: None

OTHER AGENCY INVOLVEMENT: None

ALTERNATIVES TO STAFF RECOMMENDATIONS: Board discretion.

ATTACHMENTS: May 5, 2016 Planning Commission Agenda, Government Code sections 65102 and 65103.

PLANNING COMMISSION

ROBERT MORRIS
Chair - Second District
DAVE EDMONDS
Vice Chair - At Large
ALAN BONGIO
First District
NOAH LEVY
Third District
KEVIN MCKENNY
Fourth District
BEN SHEPHERD
Fifth District
LEE ULANSEY
At Large



COUNTY STAFF

ROBERT WALL, AICP
Interim Director, Planning and
Building

**COUNTY OF HUMBOLDT
PLANNING COMMISSION**

**825 Fifth Street
Board of Supervisors Chambers
Eureka, California**

AGENDA

Thursday, May 5, 2016

6:00 PM

Regular Meeting

NOTICE REGARDING PUBLIC COMMENT: For items appearing on the agenda, the public is invited to make comments at the time the item comes up for consideration by the Commission. The Chair will call for public comment as each item is heard by the Commission. For items not appearing on the agenda, the public is invited to make comments during the Public Comment period for non-agenda items. All speakers are invited to state their names, but are not required to do so.

CALL TO ORDER / SALUTE TO FLAG

COMMISSIONERS PRESENT

AGENDA MODIFICATIONS

APPROVAL OF ACTION SUMMARY

April 21, 2016

PUBLIC COMMENTS

At this time persons may appear before this Commission on any matter not on the Agenda. When the Chair asks for public comment, please address the Commission from the microphone. Unless otherwise stated, speakers will have three (3) minutes for public comment. Although the Commission may briefly respond to statements or questions, under state law, matters presented under this item cannot be discussed or acted upon by the Commission at this time.

CONSENT AGENDA

These Public Hearing matters are routine in nature and are usually approved by a single vote. The Chair will poll the audience and members of the Commission to determine if any item on the consent agenda should be pulled for public comment or further discussion.

1. Town of Scotia LLC General Plan Conformance Review

A General Plan Conformance Review for the creation of nine (9) parcels to be conveyed to the Scotia Community Services District. Except for the easement for the Water Storage and Treatment Facility, these parcels are all parcels illustrated on the approved subdivision map for Scotia. The parcels are to be conveyed to the Scotia Community Services District to allow for the CSD to function in accordance with their scope of services approved by LAFCO. Because the final subdivision map for the phases where these conveyance parcels are situated have not yet been recorded, a Certificate of Compliance is being sought to recognize the descriptions of these parcels.

Recommendation: Staff Recommendation: Find project to be in conformance with the General Plan based on findings in the staff report.

Attachments: GPC 16-002 Staff Report

2. Department of Transportation (CALTRANS) Coastal Development Permit and Special Permit

A Coastal Development Permit and Special Permit for Design Review for improvements Highway 101 in the Big Lagoon area at post mile (PM) 111.4 through to PM 111.7. Improvements will include reconstruction of the southbound lane and shoulder and associated drainage elements. Three structures are proposed to restore and stabilize the project area: one timber lagging soldier pile ground anchor wall and two anchored pile systems. Temporary access roads will be constructed at each structure location. One-way controlled traffic with a temporary signal system will be used throughout construction. There will be two staging areas in the vicinity of Kane Road: one at PM 111.87 and another at PM 111.72. In addition, at PM 111.4 an existing 18-inch culvert and downdrain will be replaced with a new 24-inch culvert and downdrain. Any excess soils from construction will be disposed of at a commercial disposal site. Construction is expected to last approximately 290 days over two construction seasons. Upon completion of construction the temporary access roads will be removed, regraded, and replanted with native vegetation to match adjacent conditions.

Recommendation: Staff Recommendation: Move that Humboldt County, as Responsible Agency, has considered the Initial Study-Mitigated Negative Declaration and Addendum prepared by the Lead Agency, the Department of Transportation, and exercising independent judgement finds the project's impacts are adequately addressed and to make all of the required findings for approval of the Coastal Development Permit and Special Permit based on evidence in the staff report and any public testimony, and adopt the Resolution approving the proposed Department of Transportation's project subject to the recommended conditions.

Attachments: CDP 15-034 Staff Report

3. Modification to the Conditional Use Permit for 2016 Northern Nights Music Festival and One-Day Event

A modification of Conditional Use Permit CUP-04-38MMM on County Line Ranch (APN 033-271-007) for the outdoor music and art event known as Northern Nights Music Festival (NNMF) on the third weekend of July 2016. The project involves auxiliary activities in support of the NNMF which is held on adjacent parcels in Mendocino County (APN 053-020-10, -11, -12, -13, -14 and -16). The Applicants are currently approved for a 6,000 person three-day event by Mendocino County (CUP UM 2014-0011). The applicants propose to modify CUP-04-38MMM in order to provide supplemental parking and camping to accommodate 2,000 attendees and 2,000 vehicles, food vendors, a silent disco and to provide site access for early arrivals on Thursday, July 14, 2016. The applicant also proposes to move the date of the one-day concert previously authorized for the last weekend in August to July 2 or July 3, 2016, which is the Fourth of July holiday weekend and set the attendance of the one-day concert to 2,000 people. The term of the existing permit was set to expire in 2015 and this modification will extend the validity of the CUP for one additional year. The applicant submitted a monitoring report for the 2015 event demonstrating continued compliance with conditions of approval. The project proponent and applicant is Northern Nights Music Group, LLC. The owner of record for County Line Ranch is Outraged Orangutan, LLC.

The original EIR was certified in 1992 (SCH 92-033305), a Supplemental EIR was certified in 2006 and an additional Supplemental EIR was certified in 2008. An Addendum to the EIR was prepared in 2009 and for the 2014 and 2015 substantial conformance reviews. An additional addendum to the EIR has been prepared this year in order to address early entry into the NNMF, moving the date of the one-day concert to July 2 or July 3, 2016 and locating food and craft vendors and the silent disco in Humboldt County.

Recommendation: Staff Recommendation: Adopt the Addendum pursuant to Section 15164 of the State CEQA Guidelines and make all of the required findings for approval of the Conditional Use Permit Modification, based on evidence in the staff report, and approve the application subject to the recommended conditions.

Attachments: CUP 04-38MMMM Staff Report

4. Fritz and Hedrick Lot Line Adjustment, Coastal Development Permit and Special Permit

A Lot Line Adjustment between two parcels to facilitate the exchange of approximately 5,262 square feet of land. The adjustment will align a portion of the southerly Parcel B with the edge of Kay Avenue. A Special Permit for Design Review is also being requested to permit the after-the-fact placement of two (2) approximately 320 square foot shipping containers which were sited on an approximately 1,800 square foot concrete pad without the benefit of county review. The lot line adjustment and placement of the shipping containers constitutes new development and a Coastal Development Permit is being processed as required by the Coastal Act. This project does not include permits for a guest house and RV carport on Parcel B which were previously approved by the Planning Commission on May 1, 2008 (CDP-07-40, CUP-07-16, SP-07-36) and have since expired. Water service to the properties is provided by the Westhaven Community Services District and both parcels are developed with on-site septic systems.

Recommendation: Staff Recommendation: Find the project exempt from environmental review pursuant to Sections 15303 and 15305(a) of the State CEQA Guidelines, make all of the required findings based on evidence in the staff report and public testimony, and approve the Fritz and Hedrick project subject to the recommended conditions of approval.

Attachments: LLA 13-020 Staff Report

CONTINUED PUBLIC HEARINGS

PUBLIC HEARINGS

The projects listed below are public hearing items that have generated public comment prior to the hearing date or have other issues related to them that may require discussion

5. Baker/Croy Parcel Map Subdivision, Lot Line Adjustment and Zone Boundary Adjustment
A Parcel Map subdivision of an approximately 25 acre parcel into three parcels of approximately 10.3 acres, 7.1 acres and 8.5 acres. A Lot Line Adjustment will add approximately 0.35 acres to proposed Parcel 2 from a neighboring parcel (APN 500-072-010). After the Lot Line Adjustment, APN 500-072-010 will be approximately 12.06 acres in size. APN 500-072-010 is developed with a single family residence, decks and a detached garage. APN 500-091-046 is currently vacant. Proposed Parcels 1-3 will utilize Simmons Lane/Idylbear Lane southerly to Golf Course Road/Buttermilk Lane as the primary ingress and egress route. The northerly access, Simmons Lane northerly to Fickle Hill Road, will be utilized by proposed Parcels 1-3 as an emergency access. No trees will be removed. A Zone Boundary Adjustment is also included. The Zone Boundary Adjustment will adjust the Agriculture General (AG) zone to include all of the lands involved in the subdivision (currently zoned Unclassified (U)) and apply a special building site combining zone requiring a five-acre minimum parcel size to the three parcels involved in the subdivision, including the lands adjusted from the Weidemann parcel (APN 500-072-010). An exception request has been submitted to the Department of Public Works, Land Use Division, per HCC Section 325-9 requesting deferral of the 18'+ wide paving requirement of Idylbear Lane prior to issuing the final building permit for residential construction on the second parcel of the proposed subdivision (the first residence constructed on the first parcel would be principally permitted). An exception request has also been submitted and approved by Cal Fire to allow the approximate 600 foot section of Simmons Lane running from Fickle Hill Road to the existing gate on Simmons to remain as is at 16' wide gravel. Future subdivision and second dwelling unit rights will be conveyed to the County as a condition of approval. Rights may be re-conveyed subject to improvement to road category 4 standards.

Recommendation: Staff Recommendation: Adopt the Mitigated Negative Declaration, make all of the required findings for approval based on evidence in the staff report, and recommend the project to the Board of Supervisors for approval as described in the Agenda Item Transmittal, subject to the recommended conditions of approval.

Attachments: PMS 14-012 Staff Report

CORRESPONDENCE

6. Letter to Chair Morris from Larry Oetker

Attachments: Correspondence from Larry Oetker dated 4.21.16

7. Article submitted by Richard Leamon titled, Colorado is Headed Down the Tubes

Attachments: Correspondence from R. Leamon dated 4.18.16

OLD BUSINESS

8. Ad Hoc Committee Report Regarding Policies and Procedures for staff interaction with the Planning Commission.

NEW BUSINESS

9. Presentation from the Department of Public Works regarding the Traffic Impact Fee. Discussion and possible action.
10. Consideration of a limit or moratorium on cannabis manufacturing facilities. Discussion and possible action.

ADJOURNMENT**NEXT MEETINGS**

June 2, 2016 Regular Meeting

July 7, 2016 Regular Meeting

Any member of the public wishing to distribute materials to the Planning Commission at least 72 hours prior to a meeting may send them electronically to the Planning Commission Clerk at Planningclerk@co.humboldt.ca.us or fourteen (14) copies may be delivered to the Planning Commission Clerk at 3015 H St., Eureka, CA 95501. If any member of the public wishes to distribute materials during a meeting of the Planning Commission, it is requested that fourteen (14) copies of the materials be given to the Planning Commission Clerk for distribution to the Commission, staff, and the public. Any written materials related to an item on this agenda submitted to the Planning Commission less than 72 hours prior to the meeting, and that are public records subject to the Public Records Act are available for public inspection at the Planning and Building Department located at 3015 H Street, Eureka, California (707-445-7541) during normal business hours. The Chamber is wheelchair accessible, and disabled parking is available in the lot on K Street, between Fourth and Fifth Streets. If you are a person with a disability, and you need disability-related modifications or accommodations to participate in this meeting, please contact the Planning Division at (707) 445-7541, or (707) 268-3792 (fax). Requests for such modifications or accommodations must be made at least two full business days before the start of the meeting. Commission meetings are recorded on both video and audio media. The meetings are broadcast live on cable channel 10 and may be streamed over the internet.

65102. A legislative body may establish for its planning agency any rules, procedures, or standards which do not conflict with state or federal laws.

65103. Each planning agency shall perform all of the following functions:

(a) Prepare, periodically review, and revise, as necessary, the general plan.

(b) Implement the general plan through actions including, but not limited to, the administration of specific plans and zoning and subdivision ordinances.

(c) Annually review the capital improvement program of the city or county and the local public works projects of other local agencies for their consistency with the general plan, pursuant to Article 7 (commencing with Section 65400).

(d) Endeavor to promote public interest in, comment on, and understanding of the general plan, and regulations relating to it.

(e) Consult and advise with public officials and agencies, public utility companies, civic, educational, professional, and other organizations, and citizens generally concerning implementation of the general plan.

(f) Promote the coordination of local plans and programs with the plans and programs of other public agencies.

(g) Perform other functions as the legislative body provides, including conducting studies and preparing plans other than those required or authorized by this title