BOARD OF SUPERVISORS

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COUNTY OF HUMBOLDT BOARD OF SUPERVISORS

825 FIFTH STREET EUREKA, CA 95501 SUPERVISORS' CHAMBER, FIRST FLOOR

AGENDA

Tuesday, October 6, 2020

9:00 AM

Regular Meeting

In accordance with Executive Order N-29-20 the Humboldt County Board of Supervisors meetings will be held virtually until further notice.

Email Public Comment:

To submit public comment to the Board please email cob@co.humboldt.ca.us, provide your name and the agenda item number(s) on which you wish to comment. All public comment submitted after the agenda has been published will be included with the administrative record after the fact.

Zoom Public Comment:

When the Board of Supervisors announce the agenda item that you wish to comment on, call the conference line and turn off your TV or live stream. Please call 669-900-9128, enter Meeting ID 959 6267 3896 and press star (*) 9 on your phone, this will raise your hand. You'll continue to hear the Board meeting on the call.

When it is time for public comment on the item you wish to speak on, the Clerk of the Board of Supervisors staff will unmute your phone. You'll hear a prompt that will indicate your phone is unmuted. Staff will then ask you to state your name and begin your comment. You will have 3 minutes to comment.

You may access the live stream of the meeting by using the following link: https://humboldt.legistar.com

The County of Humboldt is committed to providing equal access to all county programs, services and activities through the provision of accommodations for individuals with disabilities as required under the Americans with Disabilities Act (ADA). With 72 hours prior notice, a request for reasonable accommodation or modification can be made. Please contact the Clerk of the Board Office at 707-476-2390 or by email cob@co.humboldt.ca.us or the ADA Coordinator at 844-365-0352 or by email at ada@co.humboldt.ca.us

A. SALUTE TO THE FLAG

B. MODIFICATIONS TO THE AGENDA

C. CONSENT CALENDAR

These matters are routine in nature and are usually approved by a combined single vote.

Agricultural Commissioner

1. Approval of Cooperative Agreement No. 19-0727-019-SF, the Pierce's Disease Control Program Contract in the amount of \$18,639.76

Recommendation: That the Board of Supervisors:

> 1. Approve Cooperative Agreement No. 19-0727-019-SF known as the Pierce's Disease Control Program contract between Humboldt County and the California

Department of Food and Agriculture;

2. Authorize the Chair to sign the original agreement and direct the Clerk of the Board to return all copies to the Agriculture Department for further processing;

3. Grant a waiver from the provisions of the Nuclear Free Ordinance.

Attachments: Staff Report

GWSS Agreement FY 20-21 to 21-22

Executed GWSS Agreement FY 20-21 to 21-22.pdf

Clerk of the Board

2. Approval of the Action Summary - Meeting of September 29, 2020

That the Board of Supervisors: Recommendation:

> 1. Approve the Action Summary for the meeting of September 29, 2020 and authorize the Clerk of the Board and Board Chair to sign the minute book in

accordance with California Government Code Section 25103.

Attachments: Staff Report

9-29-2020 Action Summary.pdf

H3 Redline Version of Staff Report for Action Summary

County Administrative Office

3. Grant Agreement with Western Organic Family Farms, COOP

Recommendation: That the Board of Supervisors:

1. Approve the grant agreement with "Western Organic Family Farms, COOP" for expenditures related to the recipients submittal of an U.S. Department of Agriculture's Value Added Producer Grant, performing an A2/A2 Organic Milk Feasibility Study, as well as the sales, marketing and distribution of its A2/A2 brend; and

brand; and

2. Approve the attached Standard Terms and Conditions detailing the insurance and indemnification requirements associated with this grant agreement.

Attachments: Staff Report

Standard Terms and Conditions.pdf

Aug 2020 WOFF COOP VAPG Agreement Signed

Executed Aug 2020 WOFF COOP VAPG Agreement Signed.pdf

Executed Standard Terms and Conditions.pdf

Department of Health and Human Services: Public Health

4. Professional Services Agreement with Humboldt State University for ACEs Aware trainings for the term of July 1, 2020 through June 30, 2021

Recommendation: That the Board of Supervisors:

- 1. Approve the Professional Service Agreement with Humboldt State University (HSU) in the amount of \$110,000 for the term of July 1, 2020 through June 30, 2021:
- 2. Authorize the Director of Public Health or a designee to sign two copies of the agreement;
- 3. Authorize the Director of Public Health or designee to approve all future amendments and documents directly related to this agreement upon approval by County Counsel and Risk Management; and
- 4. Direct the Clerk of the Board to return one copy of the certified board report to the DHHS- Contract Unit.

Attachments: Staff Report

Professional Service Agreement with Humboldt State University

Planning and Building Department

5. Release from Conveyance and Agreement to Allow Construction of Multifamily Residential Units on Lots 11, 12, 13, 53, 54, 61, and 62 of Tract No. 647 (Former APN 508-252-001) of the Central Estates Phase 2C Final Map Subdivision; Case Number FMS-07-08

Recommendation: That th

That the Board of Supervisors:

1. Consider the application;

2. Authorize the Chair of the Board to execute the Quitclaim and Partial Reconveyance (for Development Restrictions);

3. Direct Planning and Building Department to record the Quitclaim and Partial

Reconveyance (for Development Restrictions); and

4. Direct the Clerk of the Board to give notice of the decision to the applicant and any other interested party and to return original copies to the Planning Department

for recording.

Attachments:

Staff Report

Attachment A: CA Furtado-Central Estates 2015 5322.pdf

Attachment B: QPR.pdf

Executed Attachment B QPR.pdf

6. Authorization to Sign Four (4) Professional Service Agreements with Qualified Consulting Firms to Assist the Planning and Building Department with Current Planning and Cannabis Planning Projects

Recommendation:

That the Board of Supervisors:

- 1. Receive the staff report;
- 2. Authorize the Director of Planning and Building to sign four (4) professional service agreements with qualified consultants for the purpose of preparing environmental documents and technical studies, writing staff reports, completing the initial study checklist (pursuant to Appendix G of the California Environmental Quality Act (CEQA) guidelines, providing peer review of environmental documents and providing inspection services and state mandated reports in compliance with the requirements of the State of California Division of Mine

Reclamation Surface Mining and Reclamation Act (SMARA); and

3. Authorize the Director of Planning and Building to amend the agreements as

may be required.

Attachments:

Staff Report

Attachment 1 Harris & Assoc for Signature - signed Harris.pdf

Attachment 2 ICF Jones Stokes for Signature_signed by ICF.pdf

Attachment 3 LACO Signed Client Agreement 20201007.pdf

Attachment 4 Land Logistics - Humboldt County signed contract.pdf

7. Request to Continue the Public Hearing on the Building Code Amendments Associated with the Accessory Dwelling Unit Ordinance to the Agenda of the Meeting to be Held on October 27, 2020

Recommendation: That the Board of Supervisors:

1. Continue the Public Hearing on the Building Code Amendments Associated with the Accessory Dwelling Unit Ordinance to the Agenda of the Meeting to be Held on

October 27, 2020.

Attachments: Staff Report

Public Works

8. Federal Apportionment Exchange and State Match Program for Regional Surface Transportation Program Funds for Fiscal Year 2019-2020

Recommendation: That the Board of Supervisors:

1. Approve, and authorize the Chair of the Board to execute, Agreement No. X20-5904(183) with the California Department of Transportation regarding the assignment of federal apportionments made available to the County of Humboldt for allocation to transportation projects in exchange for nonfederal State Highway Account funds; and

2. Direct the Clerk of the Board to return one (1) fully executed original copy of Agreement No. X20-5904(183) to the Department of Public Works for transmittal to the California Department of Transportation.

Attachments: Staff Report

X19-5904(183) unsigned ME.pdf

Executed X19-5904(183) unsigned ME.pdf

<u>Sheriff</u>

 Position Allocation Modification to Humboldt County Correctional Facility (HCCF) from Vocational Counselor to Client Services Worker

Recommendation: That the Board of Supervisors:

1. Approve the allocation of one full-time (1.0 FTE) Client Services Worker I/II (AFSCME, salary range 320/353, class 0772) in budget unit 3884-127 effective immediately; and

2. Approve the deallocation of one full-time (1.0 FTE) Vocational Counselor I/II (AFSCME, salary range 353/376, class 0768) in budget unit 3884-127 effective

immediately.

Attachments: Staff Report

10. Agreement Between the Humboldt County Sheriff's Office (HCSO) and HomeWAV for Video Visitation for Those Incarcerated

Recommendation: That the Board of Supervisors:

1. Approve the agreement between the HCSO and HomeWAV; and

2. Authorize the Sheriff to sign three (3) original copies of the agreement and any

additional amendments, modifications, or extensions of this agreement.

Attachments: Staff Report

Signed HomeWAV Agreement by Vendor CC and RM Signed.pdf

D. ITEMS PULLED FROM CONSENT

E. PUBLIC COMMENT ON NON-AGENDA ITEMS

This portion of the meeting is reserved for persons desiring to address the Board on any matter not on this agenda that is under the jurisdiction of the Board. Although the Board may briefly respond to statements or questions, under state law, matters presented under this item cannot be discussed or acted upon by the Board at this time.

F. SPECIAL PRESENTATIONS

G. MATTERS INITIATED BY BOARD MEMBERS

H. DEPARTMENT REPORTS

County Administrative Office

1. Responses to 2019-20 Grand Jury Reports

Recommendation: That the Board of Supervisors:

- 1. Review and modify as necessary the proposed Grand Jury responses from the Board of Supervisors (Attachment 2);
- 2. Approve the repaired files as official responses from the Human Resources, and Probation Departments (Attachments 4 and 5);
- 3. Approve the documents, as may be modified, as the response;
- 4. Receive report from the District Attorney (Attachment 3);
- 5. Direct the Clerk of the Board, within 5 working days, to submit the final response with an accompanying Board Order to the 2019-20 Grand Jury and the Presiding Judge of the Superior Court;
- 6. Direct the Clerk of the Board, within 5 working days, to submit a copy of all responses to the County Clerk/Recorder, together with a copy of the original report; and
- 7. Direct the Clerk of the Board, within 5 working days, to submit two copies of all responses to the Clerk of the Court, one of which will be forwarded to the State Archivist, together with a copy of the original report.

Attachments: Staff Report

Att 1 - APD Report.docx

Att 2 - APD Report - BOS Response.docx

Att 3 - APD Report - DA Response.pdf

Att 4 - Custody Facilities Report - HR Response.docx

Att 5 - Custody Facilities Report - Probation Response.docx

DHHS: Social Services

2. Humboldt County Public Authority for In-Home Supportive Services (IHSS) to Approve Recommendation to Appoint an IHSS Advisory Board Member

Recommendation: That the Board of Supervisors:

- 1. Adjourn as the Humboldt County Board of Supervisors;
- 2. Convene as the Governing Board of the Humboldt County IHSS Public

Authority and consider the following agenda;

a. Approve recommendation to appoint Mr. Jack Breazeal to the IHSS Advisory

Board; and

3. Reconvene as the Humboldt County Board of Supervisors.

Attachments: Staff Report

IHSS Advisory Committee Bylaws

I. PUBLIC HEARINGS

Public Works

1. Acquisition of Assessor Parcel Number 501-241-005 and 404-141-002 for the Humboldt Bay Trail South Project

Recommendation:

That the Board of Supervisors:

- 1. Open the public hearing;
- 2. Receive the staff report and comments from the public;
- 3. Close the public hearing;
- 4. Find that Notice of Intention to Purchase Real Property was given pursuant to Government Code section 25350;
- 5. Approve the purchase of real property designated with Assessor Parcel No. 501-241-005 and Assessor Parcel No. 404-141-002 ("the Subject Property") to provide right-of-way for the Humboldt Bay Trail South Project;
- 6. Direct that future lease revenue associated with the Subject Property be dedicated for maintenance of the Humboldt Bay Trail and project development to expand regional trails;
- 7. Approve, and authorize the Public Works Director to sign, the attached Purchase and Sale Agreement (and revisions or amendments with non-substantial changes);
- 8. Appoint the Public Works Director, or the Deputy-Director for Environmental Services, to negotiate and execute documents reasonably necessary to complete the property acquisition; and
- 9. Authorize the attached budget adjustment for 1710715 (Bicycles & Trailways Program) for fiscal year (FY) 2020-21.

Attachments:

Staff Report

Attachment 1 - Grant Deed

Attachment 2 - Purchase and Sale Agreement

Attachment 3 - Appraisal Report

Attachment 4 - Affidavit of public notice

Attachment 5 - Budget-Adjustment-Humboldt Bay Trail

Planning and Building Department

 Samoa Peninsula Wastewater Project (SPWP) Environmental Impact Report (EIR) Certification, Project Approval and Local Coastal Program Amendment Initiation; Record Number PLN-2020-16642

Recommendation:

That the Board of Supervisors:

- 1. Open the public hearing, receive and consider the staff report, and accept public comment;
- 2. Close the public hearing and deliberate;
- 3. Adopt Resolution No. _____ (Attachment 1) Making Findings of Fact, Certifying the Final Environmental Impact Report (FEIR) for the SPWP (Attachment 3), adopting the Mitigation Monitoring and Reporting Program (Attachment 2), approving the SPWP, and initiating amendments to the Humboldt Bay Area Plan that are necessary to allow the SPWP to proceed;
- 4. Direct Planning and Building staff to file a Notice of Determination with the Humboldt County Clerk and State Clearinghouse; and
- 5. Direct Planning and Building staff to prepare amendments to the Humboldt Bay Area Plan necessary for the SPWP to proceed.

Attachments:

Staff Report

Attachment 1 - Draft Resolution 9-14-2020.docx

Attachment 2 - Draft MMRP 9-14-2020.docx

Attachment 3a - SPW Project Final EIR.pdf

Attachment 3b- Samoa Draft EIR.pdf

Attachment 4 - BOS Resolution 16-130.pdf

Attachment 5 - Board report 6-5-2018.pdf

Resolution 20-91

3. Public Hearing on Draft Amendments to the Commercial Cannabis Land Use Ordinance (CCLUO) for Small Cultivators (Case # PLN-2020-16447), Amendment to the Outdoor Cultivation of Cannabis for Personal Use Ordinance (Case # PLN-2020-16479) and Amendments to the CCLUO to Ensure Financial Security, Introduction of Amendments to the Commercial Marijuana Cultivation Tax Ordinance to Ensure Financial Security (Case # PLN-2020-16579)

Recommendation:

That the Board of Supervisors:

- 1. Introduce the Inland Small Cultivators CCLUO Amendments by title and waive further reading of Ordinance No. _____ [Attachment 3], amending sections 314-55.4.4, 314-55.4.6.1, and 314-55.4.6.5 of Chapter 4 of Division 1 of Title III of the Humboldt County Code HCC;
- 2. Introduce the Inland Personal Use Ordinance Amendments by title and waive further reading of Ordinance No. _____ [Attachment 4], amending section 314-55.2.7 of Chapter 4 of Division 1 of Title III of the HCC;
- 3. Introduce the Inland and Coastal Financial Security Ordinance Amendments by

title and waive the first reading of Ordinance No [Attachment 5], adding
section 313-55.4.12.2.9 to Chapter 3 of Division 1 of Title III, adding section
314-55.4.12.2.9, to Chapter 4 of Division 1 of Title III (Financial Security
Amendments - Part 1);
4. Introduce by title the amendments to the Commercial Marijuana Cultivation
Tax Ordinance amending sections 719-4, 719-6, 719-7 and 719-12 of Chapter 9 of
Division 1 of Title VII of the HCC [Attachment 6] (Financial Security
Amendments - Part 2);
5. Receive and consider the Planning Commission's recommendation, staff
analysis and written comments received [Attachment 7], open the public hearing,
and accept public comment;
6. Close the public hearing;
7. Deliberate on the proposed ordinances; and
8. Adopt the proposed ordinances and Plan amendments and set the amendments
to the Commercial Marijuana Cultivation Tax Ordinance for adoption at least one
week away by taking the following actions:
a. Adopt Resolution No [Attachment 1] making findings that the
Addendum to the Program Environmental Impact Report (PEIR) for the
Commercial Cannabis Land Use Ordinance (CCLUO) prepared for the Small
Cultivator Ordinance Amendments is in conformance with the California
Environmental Quality Act (CEQA), the Personal Use Ordinance Amendments
and the Inland Financial Security Ordinance Amendments are exempt from
environmental review pursuant to CEQA per Sections 15050(c)(2) and 15060(c)
(3) and making all the required findings for consistency with the General Plan, and
Zoning Ordinance and state law;
b. Adopt Resolution No [Attachment 2], making findings that the Coastal
Financial Security Ordinance Amendments are exempt from environmental
review pursuant to CEQA per Sections 15050(c)(2) and 15060(c)(3), making all
the required findings for consistency with the General Plan, Zoning Ordinance and
the Coastal Act and transmitting the Coastal Financial Security Ordinance
Amendments to the California Coastal Commission for their review and
certification;
c. Adopt Ordinance No [Attachment 3], the Small Cultivators Ordinance
Amendments to the CCLUO; and
d. Adopt Ordinance No [Attachment 4], the Personal Use Ordinance
Amendments;
e. Adopt Ordinance No [Attachment 5], the Inland and Coastal Financial
Security Amendments to the CCLUO (Financial Security Amendments - Part 1)
and transmitting the Coastal Financial Security Amendments to the California
Coastal Commission for their review and certification;
f. Set for adoption the Financial Security Amendments to the Commercial
Marijuana Cultivation Tax Ordinance [Attachment 6] (Financial Security
Amendments - Part 2) at least one week from this hearing date, direct the Clerk
of the Board to publish the pre-adoption summary of the Ordinance (Attachment
11), and to post a certified copy of the full text of the proposed Ordinance in the
office of the Clerk of the Board, both publication and posting to be done at least
five (5) days prior to the Board meeting at which the Ordinance will be adopted
[Government Code Section 25124(b)(1)], and direct the Clerk of the Board to

publish a post-adoption summary of the ordinance amendments (Attachment 12) with the names of the Supervisors voting for and against the ordinance amendments and to post in the Office of the Clerk of the Board of Supervisors a certified copy of the adopted ordinance amendments along with the names of those Supervisors voting for and against the ordinance [Government Code Section 25124(b)(1)];

g. Direct the Clerk of the Board to publish Summaries of the Small Cultivators Ordinance Amendments, Personal Use Ordinance Amendments, and the Financial Security Amendments to the CCLUO within 15 days after adoption, along with the names of those Supervisors voting for and against each ordinance amendments [Attachments 8, 9, and 10] and to post in the Office of the Clerk of the Board of Supervisors a certified copy of the full text of each adopted ordinance; and

h. Direct Planning Staff to prepare and file a Notice of Determination for the Small Cultivators Ordinance Amendments and a Notice of Exemption for the Personal Use Ordinance Amendments and Financial Security Amendments to the CCLUO with the County Clerk and Office of Planning and Research.

Attachments:

Staff Report

Attachment 1 Resolution Inland Ordinance Amendments 10-6-2020.docx

Attachment 2 Resolution for Coastal Financial Security Amendments 10-6-2020.doc

Attachment 3 Small Cultivator Amendments 10-6-2020.docx

Attachment 4 Personal Use Amendments 10-6-2020.docx

Attachment 5 Financial Security Amendments 10-6-2020 - Part 1.docx

Attachment 6 Financial Security Amendments 10-6-2020 - Part 2.docx

Attachment 7 PC Staff Report - Resolution - Public comments.pdf

Attachment 8 Small Cultivator Ordinance summary 10-6-2020.docx

Attachment 9 Personal Use Amendments Ordinance summary 10-6-2020.docx

Attachment 10 Inland Coastal Financial Security Ordinance summary 10-6-2020.c

Attachment 11 Pre Adoption Ordinance Tax Ordinance Amendments 10.6.2020.doc

Attachment 12 Post-Adoption Summary Tax Ordinance Amendments 10.6.2020.doc

Resolution 20-92

Resolution 20-93

Ordinance 2652

Ordinance 2653

Ordinance 2654

Ordinance 2655

Public Comment I3

J. DISCUSSION ITEMS

K. MATTERS SET FOR TIME CERTAIN

Planning and Building Department

1. 1:30 p.m. - Appeal of the Planning Commission actions to approve the Honeydew Ranch, LLC, Conditional Use Permit and Special Permit to allow continued cultivation of 16,175 square feet of mixed light cannabis cultivation and a 14,000-square-foot wholesale nursery, and up to 3.82 acres of cannabis cultivation relocated to the site through the RRR program and Adoption of a Mitigated Negative Declaration that evaluated a maximum of 6 acres of mixed light commercial cannabis cultivation and the wholesale nursery on Assessor Parcel Number (APN): 107-272-005

Recommendation:

That the Board of Supervisors:

- 1. Open the public hearing and receive the staff report, testimony by the appellant (applicant), and public;
- 2. Close the public hearing;
- 3. Adopt the resolution (Resolution 20-__). (Attachment 1) which does the following:
- a. Adopt the Initial Study and Mitigated Negative Declaration, State Clearinghouse No. 2019069066;
- b. Make the findings required to deny the appeal and approve the Conditional Use Permits and Special Permit;
- c. Deny the Appeal;
- d. Adopt the mitigation monitoring and reporting plan; and
- e. Approve the Conditional Use Permit, Special Permit and Zoning Clearance Certificates subject to the conditions of approval (Attachment 1A);
- 4. Direct the Clerk of the Board to give notice of the decision to the appellant, the project applicant, the property owner, and any other interested party; and
- 5. Direct the Planning and Building Department to file a Notice of Determination with the Humboldt County Recorder's Office, pursuant to the California Environmental Quality Act.

Attachments: Staff Report

Attachment 1 - Board Resolution Findings and Conditions of Approval-Final.docx

Attachment 2 - Revised Site Plan.pdf

Attachment 3 - Staff Report from the 9.1.2020 BOS meeting.pdf

Attachment 3A Honeydew Appeal Attachments.pdf

Attachment 3B Letter from Hindley Ranch neighbors dated 4.16.2020.pdf

Attachment 3C - Additional Materials Submitted by the applicant.pdf

Attachment 4 PC Resolution.pdf

Attachment 5 PC Staff Report.pdf

Attachment 6 Road Evaluation Report.pdf

Attachment 7 Public Comments.pdf

Attachment 8 Mitigated Negative Declaration

Public Comment - COB

Public Comment K1

Resolution 20-94

L. CLOSED SESSION

- 1. It is the intention of the Board of Supervisors to meet in closed session to consider the Public Employee Performance Evaluation for the position of Planning and Building Director pursuant to Government Code sections 54954.5 and 54957.
- 2. It is the intention of the Board of Supervisors to meet in closed session to consider the Public Employee Performance Evaluation for the position of the Aviation Director pursuant to Government Code sections 54954.5 and 54957.
- **3.** It is the intention of the Board of Supervisors to meet in closed session to consider the Public Employee Performance Evaluation for the position of Public Defender pursuant to Government Code sections 54954.5 and 54957.

Attachments: Public Comment L3

4. Conference with Legal Counsel – pursuant to Government Code Section 54956.9(d)(1) to discuss existing litigation in the case of HUMMAP v. Humboldt County, Humboldt Superior Court Case No. CV 180425, A160161, A160264.

M. ADJOURNMENT

Any written materials related to an item on this agenda submitted to the Board of Supervisors less than 72 hours prior to the Board meeting, and that are public records subject to the Public Records Act, are available for public inspection in the Office of the Clerk of the Board at 825 5th Street, Suite 111, Eureka (476-2384), during normal business hours.

Persons wishing to file documentation on any agenda item for the official record must submit an original and nine (9) copies of each document to the Clerk of the Board of Supervisors, Room 111 of the County Courthouse, 825 5th Street in Eureka (476-2384). Documentation includes, but is not limited to, written correspondence, audio and video tapes, maps, photographs, and petitions. Failure to submit the required number of copies will result in the document/s not being placed in the official record. (Per Board of Supervisors' policy adopted on March 21, 1995.)

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 Clerk of the Board at (707) 476-2384, or (707) 445-7299 (fax). Requests for such modifications or accommodations must be made at least three full business days before the start of the meeting.

BARRING ANY UNFORESEEN TECHNICAL DIFFICULTIES OR SCHEDULING CHANGES, REGULAR MEETINGS OF THE BOARD OF SUPERVISORS ARE BROADCAST LIVE ON SUDDEN LINK, CHANNEL 10, AND ARE REBROADCAST ON FRIDAY AT 6:30 P.M.

County of Humboldt Web Site: http://humboldtgov.org/