

PLANNING COMMISSION

Alan Bongio
First District - Vice-Chair
Robert Morris
Second District - Chair
Noah Levy
Third District
Mike L Newman
Fourth District
Peggy O'Neill
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, September 19, 2019

6:00 PM

Regular Meeting

Notice Regarding Public Comment:

A. CALL TO ORDER / SALUTE TO FLAG

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

B. COMMISSIONERS PRESENT

Present : 6 - Commissioner Robert Morris, Commissioner Alan Bongio, Commissioner Noah Levy,
Commissioner Mike L Newman, Commissioner Melanie McCavour and Commissioner
Peggy O'Neill

Absent : 1 - Commissioner Brian Mitchell

C. AGENDA MODIFICATIONS

*Item E-5 Supplemental information submitted
Item F-3 Supplemental information submitted
Items E-1, E-2 and E-5 pulled from Consent Agenda*

D. PUBLIC COMMENTS

E. CONSENT AGENDA

1. Yoel Bilsky, Conditional Use Permit
 APPS Number: 11616
 Case Numbers: CUP 16-306, 17-045, 17-046, 17-047, 17-048
 Assessor Parcel Numbers 315-221-018, 315-222-004, and 315-146-017
 23416 and 23550 Maple Creek Road, Maple Creek area

Project Description: Conditional Use Permits for 3.88 acres of new mixed light commercial cannabis cultivation recommended for denial.

Staff Recommendation: Find that the projects are exempt from environmental review pursuant to Section 15270 (Projects Which Are Disapproved) of the CEQA Guidelines, find that the project site is in violation of Humboldt County Code and that the applicant has not provided the County the information necessary to make the required findings for approval and adopt the Resolution denying the proposed project.

A motion was made by Commissioner Levy, seconded by Commissioner O'Neill, that the Yoel Bilsky, Conditional Use Permit be denied. The motion carried by the following vote:

Aye: 6 - Commissioner Morris, Commissioner Bongio, Commissioner Levy, Commissioner Newman, Commissioner McCavour and Commissioner O'Neill

2. Fox Creek Gardens, Cannatopia Conditional Use Permits
 Record Numbers: PLN-12209-CUP, PLN-11854-CUP, PLN-11857-CUP
 Assessor's Parcel Numbers (APN): 206-151-067, 216-205-006, 216-202-014
 Carlotta and Alderpoint area

Project Description: Three Conditional Use Permits for commercial cannabis cultivation recommended for denial.

Staff Recommendation: Find that the projects are exempt from environmental review pursuant to Section 15270 (Projects Which Are Disapproved) of the CEQA Guidelines, find that the project sites have violations initiated after submittal of the application, and that the applicants have not provided the County the information necessary to make the required findings for approval, and adopt the Resolutions denying the proposed projects.

A motion was made by Commissioner Bongio, seconded by Commissioner McCavour, that the Fox Creek Gardens, Cannatopia Conditional Use Permits be continued to a date uncertain. The motion carried by the following vote:

Aye: 6 - Commissioner Morris, Commissioner Bongio, Commissioner Levy, Commissioner Newman, Commissioner McCavour and Commissioner O'Neill

3. Rolling Fog, LLC Conditional Use Permit
Record Number: PLN-12871-CUP
Assessor's Parcel Number (APN): 211-386-011
1400 Somerville Road, Myers Flat area

Project Description: A Conditional Use Permit for an existing 13,300 square foot (SF) commercial cannabis cultivation operation consisting of 7,540 SF of outdoor cultivation and 5,760 SF of mixed light cultivation.

Staff Recommendation: Find that the Commission has considered the Addendum to the adopted Mitigated Negative Declaration for the Commercial Medical Land Use Ordinance (CCMLUO) as described by Section §15164 of the State CEQA Guidelines, make the required findings for approval of the Conditional Use Permit based on evidence in the staff report and adopt the Resolution approving the Rolling Fog, LLC Conditional Use Permit as recommended by staff subject to the recommended conditions

A motion was made by Commissioner Levy, seconded by Commissioner Bongio, that this Rolling Fog, LLC Conditional Use Permit approved. The motion carried by the following vote:

Aye: 6 - Commissioner Morris, Commissioner Bongio, Commissioner Levy, Commissioner Newman, Commissioner McCavour and Commissioner O'Neill

4. Full Sun Farms, LLC, Conditional Use Permit and Special Permit
APPS Number: 12520
Case Number: CUP16-716
Assessor's Parcel Number (APN): 222-071-014
2009 Oak Rock Road, Garberville area

Project Description: A Conditional Use Permit for an existing 22,000 square feet of outdoor cultivation. Cultivation areas will be reorganized to ensure site stability with sufficient buffers to surface water. Two western cultivation areas will be entirely decommissioned due to proximity to stream channels and relocated to the eastern cultivation area that was previously disturbed. Cultivation areas consist of 12,040 square feet of full sun outdoor and 9,960 square feet of outdoor cultivation in greenhouses. A Special permit is requested for a stream diversion and SMA restoration.

Staff Recommendation: Find that the Commission has considered the Addendum to the Mitigated Negative Declaration adopted for the Commercial Medical Marijuana Land Use Ordinance pursuant to Section 15164 of the State CEQA Guidelines, make all of the required findings for approval of the Conditional Use Permit and Special Permit based on evidence in the staff report and any public testimony, and adopt the Resolution approving the proposed Full Sun Farms, LLC, project subject to the recommended conditions.

A motion was made by Commissioner Levy, seconded by Commissioner Bongio, that the Full Sun Farms, LLC, Conditional Use Permit and Special Permit be approved. The motion carried by the following vote:

Aye: 6 - Commissioner Morris, Commissioner Bongio, Commissioner Levy, Commissioner Newman, Commissioner McCavour and Commissioner O'Neill

5. Tihomir Karparov, Conditional Use Permit

APPS Number: 11294

Case Number: CUP-16-219

Assessor Parcel Number 108-015-010

Ettersburg area

Project Description: A Conditional Use Permit for 22,000 square feet of existing outdoor commercial cannabis cultivation recommended for denial.

Staff Recommendation: Find that the projects are exempt from environmental review pursuant to Section 15270 (Projects Which Are Disapproved) of the CEQA Guidelines, find that the project site is in violation of Humboldt County Code and that the applicant has not provided the County the information necessary to make the required findings for approval and adopt the Resolution denying the proposed project.

A motion was made by Commissioner Newman, seconded by Commissioner Bongio, that the Tihomir Karparov, Conditional Use Permit be denied. The motion carried by the following vote:

Aye: 5 - Commissioner Bongio, Commissioner Levy, Commissioner Newman, Commissioner McCavour and Commissioner O'Neill

Abstain: 1 - Commissioner Morris

6. Ozanian Parcel Map Subdivision and Special Permit

Case Number PMS-18-008

Application Number 14126

Assessor Parcel Numbers (APNs) 100-311-019, 101-131-013

1355 Centerville Road, Ferndale area

Project Description: A Minor Subdivision of an approximately 46.5-acre parcel into three parcels of 6.7 acres, 18.2 acres and 21.6 acres. The parcel is currently vacant. A Special Permit is required for minor road improvements within the Streamside Management Area (SMA) of an unnamed watercourse. Water will be provided by a spring diversion and onsite wastewater treatment systems are proposed.

Staff Recommendation: Continue to a date uncertain, re-noticing of the project will be provided to the public.

A motion was made by Commissioner Levy, seconded by Commissioner Bongio, that the Ozanian Parcel Map Subdivision and Special Permit be continued to a date uncertain. The motion carried by the following vote:

Aye: 6 - Commissioner Morris, Commissioner Bongio, Commissioner Levy, Commissioner Newman, Commissioner McCavour and Commissioner O'Neill

F. PUBLIC HEARINGS**1. Cannabis Ordinances #1 - Personal Use and Dispensaries in the Coastal Zone**

Project Description: The project is proposed amendments to the County's existing Outdoor Cannabis Cultivation for Personal Use Ordinance (313-55.2 of Title III, Division I, Chapter 3), and Cannabis Dispensaries Ordinance (313-55.3 of Title III, Division I, Chapter 3) to incorporate the Coastal Commission's suggested modifications.

Staff Recommendation: Make all required findings, based on evidence in the staff report and public testimony, and recommend the Board of Supervisors find the proposed amendments are exempt from environmental review and accept the Coastal Commission modifications to the Cannabis Ordinance Amendments in the coastal zone by adopting the Resolution.

A motion was made by Commissioner Levy, seconded by Commissioner O'Neill, to make all of the required findings, based on evidence in the staff report and public testimony, and recommend the Board of Supervisors find the project is exempt from environmental review and approve the Cannabis Personal Use Outdoor Ordinance Amendments in the coastal zone in Attachment 2 by adopting the Resolution in Attachment 1. The motion carried by the following vote:

Aye: 6 - Commissioner Morris, Commissioner Bongio, Commissioner Levy, Commissioner Newman, Commissioner McCavour and Commissioner O'Neill

2. Cannabis Ordinances #2 - Commercial Cannabis Land Use Ordinance

Project Description: The project is proposed amendments to the County's existing Commercial Cannabis Land Use Ordinance (Section 313-55.4 and 314-55.4 of Division 1 of Title III) to require compliance with any and all requirements imposed by the California Cannabis Authority (CCA) on commercial cannabis operators or operations.

Staff Recommendation: Make all required findings, based on evidence in the staff report and public testimony, and recommend the Board of Supervisors find the proposed amendments are exempt from environmental review and approve the modifications to the Commercial Cannabis Land Use Ordinance by adopting the Resolution.

A motion was made by Commissioner Levy, seconded by Commissioner McCavour, to make all of the required findings, based on evidence in the staff report, and recommend the Board of Supervisors find the project is exempt from environmental review and Adopt modifications to both the Inland and Coastal Commercial Cannabis Land Use Ordinances to require the applicants provide information for use by the CCA with modifications to the resolution and ordinance as follows:

Resolution Modification:

7. Recommend the Board not implement these new requirements until provisions are worked out to not unnecessarily burden our local cultivators with duplicative data entry.

8. The Planning Commission is opposed to the language in the Memorandum of Understanding with the CCA that talks about "any levies, charges or other exactions of any kind". Furthermore, that the Board of Supervisors work with the CCA and other counties to resolve certain inequalities and injustices between large and small operators, rural and urban counties that this may raise.

Ordinance Changes:

55.4.12.1.1 Maintain compliance with all applicable state laws.

Furthermore, a new provision is added to read:

55.4.12.1.8 Provide information necessary to comply with the County's participation in the California Cannabis Authority.

The Motion carried by the following vote:

Aye: 6 - Commissioner Morris, Commissioner Bongio, Commissioner Levy, Commissioner Newman, Commissioner McCavour and Commissioner O'Neill

3. Amendment to the Humboldt County Zoning Maps to be consistent with the 2017 Humboldt County General Plan

Project Description: Humboldt County Zoning Maps are proposed to be amended to be consistent with the 2017 Humboldt County General Plan. The following Zoning Districts are proposed to be applied: 1) Mixed Use Zones will be applied to areas with MU - Mixed Use, VC - Village Center, or RCC - Rural Community Center General Plan designations, 2) an "RR - Railroad" Combining Zone will be applied to railroad rights of way held by the North Coast Railroad Authority, and those along the former Annie and Mary Railroad rail corridor between Arcata and Blue Lake, 3) a "MR - Mineral Resources" Combining Zone will be applied to parcels with permitted surface mining operations; 4) a "TL - Tribal Land" Zone will be applied to the areas with a "TTL - Tribal Trust Lands" or a "TL - Tribal Lands" Land Use designation that are not zoned "TPZ"; and 5) a "WR - Streamside Management Areas and Wetlands" Combining Zone will be applied to properties designated by the General Plan as Streamside Management Areas and/or Wetlands. In addition, specific zones are proposed to be assigned to all areas currently zoned "U - Unclassified". Other minor changes to the Zoning Maps are also proposed to be consistent with the General Plan. The rezoned properties occur throughout the non-coastal areas of unincorporated Humboldt County.

Staff Recommendation: Receive a staff report and public testimony and deliberate on the proposed zoning map amendments in a public workshop format, provide direction to staff on suggested modifications to the zoning maps, and continue the item to the meeting of October 3, 2019 to make recommendations to the Board of Supervisors.

A motion was made by Commissioner Newman, seconded by Commissioner McCavour, that the Amendment to the Humboldt County Zoning Maps to be consistent with the 2017 Humboldt County General Plan item be continued to the October 3, 2019 meeting of the Planning Commission. The motion carried by the following vote:

Aye: 6 - Commissioner Morris, Commissioner Bongio, Commissioner Levy, Commissioner Newman, Commissioner McCavour and Commissioner O'Neill

G. ADJOURNMENT

Chair Morris adjourned the meeting at 9:22 p.m.

NEXT MEETINGS

October 3, 2019