

PLANNING COMMISSION

Robert Morris
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David Edmonds
Vice Chair - At Large
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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, August 3, 2017

6:00 PM

Regular Meeting

CALL TO ORDER / SALUTE TO FLAG

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

COMMISSIONERS PRESENT

Present 7 - Commissioner Robert E. Morris, Commissioner David Edmonds, Commissioner Alan Bongio, Commissioner Noah Levy, Commissioner Kevin McKenny, Commissioner Ben Shepherd, and Commissioner Brian Mitchell

AGENDA MODIFICATIONS

APPROVAL OF ACTION SUMMARY

A motion was made by Commissioner Shepherd and Seconded by Commissioner Edmonds that the April, 6, 2017 Action Summary be approved. The motion carried 4/0, Mitchell and Morris abstains.

A motion was made by Commissioner Levy and seconded by Commissioner Bongio that the June 1, 2017 Action Summary be approved. The motion carried 6/0/1, Mitchell abstains.

A motion was made by Commissioner Bongio, seconded by Commissioner Shepherd, that the July 13, 2017 Action Summary be approved. The motion carried by the following vote:

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

Abstain: 3 - Commissioner Edmonds, Commissioner Levy, and Commissioner Mitchell

PUBLIC COMMENTS

CONSENT AGENDA

- 1 BSDS Investments, LLC Final Map Subdivision
Case Numbers FMS-16-005
Assessor Parcel Number 509-114-016-000
Lime Avenue, First Street and A Street, McKinleyville area

A Major Subdivision to divide an approximately one-acre parcel into seven lots ranging in size from 6,000 square feet to 7,481 square feet. The parcel is currently vacant and approximately 100 trees are proposed to be removed to facilitate the subdivision. An exception to the solar shading requirements and right of way width is requested. The parcels will be served with community water and sewer provided by the McKinleyville Community Services District.

A motion was made by Commissioner Shepherd, seconded by Commissioner McKenny, to adopt the Mitigated Negative Declaration and to make all of the required findings for approval of the Final Map Subdivision, including the exception request to allow a reduced right of way, based on evidence in the staff report and public testimony, and adopt the Resolution approving the BSDS Investments, LLC project subject to the recommended conditions. The motion carried by the following vote:

Aye: 7 - Commissioner Morris, Commissioner Edmonds, Commissioner Bongio, Commissioner Levy, Commissioner McKenny, Commissioner Shepherd, and Commissioner Mitchell

- 2 Humboldt County Indoors, Inc Conditional Use Permit
Case Number CUP 17-027
Assessor's Parcel Number 507-261-020
5208 Boyd Road, Arcata area

A Conditional Use Permit for an indoor commercial medical cannabis operation. The operation will occupy a 10,000 square foot (SF) space inside an existing commercial structure, and is the second phase of a two phase project for an indoor commercial medical cannabis operation. Phase 1 was a Zoning Clearance Certificate (ZCC-16- 006) for 5,000 SF of cultivation and was approved on August 25, 2016. The subject property is served by an existing on-site sewage disposal system and water from the McKinleyville Community Services District. The applicant's cultivation methodology will employ a water recirculated system using a series of interconnected four (4) 5,000 gallon tanks. Per the applicant's submitted information, the water and nutrient delivery system will produce zero effluent during operations. The water recirculation tanks will be located inside the existing structure. The operation includes the following two uses that are ancillary and appurtenant to the described 10,000 square foot medical cannabis operation: 1) a 2,800 SF nursery/propagation space; and 2)a 2,250 SF production room to be used for on-site processing, both of which were approved as part of ZCC-16-006. Per the applicant, there will be an average of 10 employees, and 15 employees at peak operations.

A motion was made by Commissioner Shepherd, seconded by Commissioner McKenny, to find the project exempt from environmental review pursuant to Section 15301 of the State CEQA Guidelines, make all of the required findings for approval of the Conditional Use Permit based on evidence in the staff report and adopt the Resolution approving the Humboldt County Indoors Inc project subject to the recommended conditions. The motion carried by the following vote:

Aye: 7 - Commissioner Morris, Commissioner Edmonds, Commissioner Bongio, Commissioner Levy, Commissioner McKenny, Commissioner Shepherd, and Commissioner Mitchell

CONTINUED PUBLIC HEARINGS

- 3** Logan Lot Line Adjustment and Zone Boundary Adjustment
Case Numbers LLA-16-024, ZBA-16-003
Assessor's Parcel Numbers 519-252-006 et seq.
136 and 310 Orick Hill Lane, 121364 State Highway 101, Orick Area

A Lot Line Adjustment between four parcels to result in four parcels of approximately 1.33 acres, 0.27 acres, 3.07 acres and 52.41 acres. APN 519-252-007 is vacant and the remaining three parcels are developed with single family residences and accessory structures. Also included is a Zone Boundary Adjustment to adjust the boundary between the Agriculture General zone (AG) and Agriculture Exclusive zone (AE) to follow the new parcel boundary between APN 519-252-008 and APN 520-161-005 including the addition of a Special Building Site combining zone (specifying a five-acre minimum parcel size) to the smaller parcel to ensure consistency with both underlying plan designations. The parcels are served with community water and on-site wastewater treatment systems. No parcel lines are being adjusted within the Coastal Zone, therefore, no Coastal Development Permit is required.

A motion was made by Commissioner Shepherd, seconded by Commissioner McKenny, to make all of the required findings for approval based on evidence in the staff report and public testimony, 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. The motion carried by the following vote:

Aye: 7 - Commissioner Morris, Commissioner Edmonds, Commissioner Bongio, Commissioner Levy, Commissioner McKenny, Commissioner Shepherd, and Commissioner Mitchell

- 4 Save the Redwoods Special Permit for Design Review
 Case Numbers SP-17-044, DR-16-015
 Assessor Parcel Numbers (APN) 519-231-018, 520-012-013
 Orick Area

Save-the-Redwoods League seeks planning entitlements for the deconstruction of the existing barn, approximately 5,560 square feet in size, and ancillary structure, approximately 1,525 square feet in size, both of which are centrally located on the former Orick Mill Site.

Access to the site is located along Bald Hills Road, which runs along the southern boundary of the project site. Under the proposed project, the existing barn and ancillary structure located on the project site will be deconstructed with associated materials stockpiled on-site for potential re-use on-site at a later date. The proposed location of the stockpiled materials is on the existing paved area, approximately 225 feet northeast of the existing barn. An Orick Barn Ancillary Structures Historical Resources Assessment Report was prepared by Gerald T. Takano on November 25, 2105, to determine if the barn and ancillary structures (including the ancillary structure to be deconstruction and the existing tank to remain) are of historical, architectural, and cultural significance as a local, State, or federal resource. No cultural or historical resources have been identified within the project site. A Special Permit is required as the Orick Design Review Committee recommended denial. No reason was given for the recommendation.

A motion was made by Commissioner Shepherd, seconded by Commissioner McKenny, to adopt the Mitigated Negative Declaration and make all of the required findings for approval of the Special Permit based on evidence in the staff report, and adopt the Resolution approving the Save-the-Redwoods League project subject to the recommended conditions. The motion carried by the following vote:

Aye: 7 - Commissioner Morris, Commissioner Edmonds, Commissioner Bongio, Commissioner Levy, Commissioner McKenny, Commissioner Shepherd, and Commissioner Mitchell

- 5 Derek and Jeanette Ford Parcel Map Subdivision
 Case Numbers PMS-17-003
 Assessor Parcel Number 510-142-031
 2241 McKinleyville Avenue, McKinleyville

A Minor Subdivision of a 22,370 square foot parcel into two parcels of 14,290 square feet (net) and 8,080 square feet (net). The parcel is developed with a single family residence that will remain on proposed Parcel 1. Water and sewer is provided by the McKinleyville Community Services District.

A motion was made by Commissioner Shepherd, seconded by Commissioner Mitchell, to adopt the Mitigated Negative Declaration and to make all of the required findings for approval of the Parcel Map Subdivision, including the exception request to allow a reduced right-of-way, based on evidence in the staff report and public testimony, and adopt the Resolution approving the Ford project subject to the recommended conditions. The motion carried by the following vote:

Aye: 7 - Commissioner Morris, Commissioner Edmonds, Commissioner Bongio, Commissioner Levy, Commissioner McKenny, Commissioner Shepherd, and Commissioner Mitchell

PUBLIC HEARINGS

- 6 Redwood Roots Inc. Conditional Use Permit
Case Number CUP 16-060
Assessor Parcel Number 033-160-001
6840 Benbow Drive, Benbow area

The project is a conditional use permit for a proposed cannabis dispensary within an existing 4,200 square foot commercial building. The proposed hours of operation for the dispensary are 10 am - 7 pm six days per week. Each customer is required to provide evidence that they: 1) are a California resident 2) have a California ID or Driver's License and 3) have a recent Physician's recommendation for the medical use of Cannabis. All patient recommendations are verified prior to permitting access to the dispensing facility. All buying of medicine is restricted to established members of the collective. The application includes a detailed Plan of Operations on file addressing all the requirements of the County's Dispensary Ordinance. Cultivation and processing of medical Cannabis to be distributed at this facility is performed off-site by collective members in accordance with all applicable State and Local Guidelines and Regulations. The parcel is served by public water and an on-site sewage disposal system.

A motion was made by Commissioner Shepherd, seconded by Commissioner McKenny, to find the project exempt from environmental review pursuant to Section 15301 of the State CEQA Guidelines, make all of the required findings for approval of the Conditional Use Permit based on evidence in the staff report and any public testimony, and adopt the Resolution approving the Redwood Roots project subject to the recommended conditions with amendment to include that plans submitted for building permit approval shall be subject to design review, and shall address the following concerns expressed by the Planning Commission to ensure neighborhood compatibility: screening and fencing of the property, exterior lighting, safety lighting of the designated cross walk across Benbow Drive used by golfers, parking lot asphalt repair and slurry seal, landscaping, removal of the existing dilapidated sign, and proposed new signage. Design review shall include notice to all neighbors within 300 feet of the property to help ensure neighborhood compatibility of the proposed dispensary. As well as operating days to be Monday - Saturday. The motion carried by the following vote:

- Aye: 6 - Commissioner Morris, Commissioner Bongio, Commissioner Levy, Commissioner McKenny, Commissioner Shepherd, and Commissioner Mitchell
- Nay: 1 - Commissioner Edmonds

- 7 Bureau of Land Management Conditional Use Permit
Case Number CUP-16-035
Assessor Parcel Number 308-041-002
Table Bluff County Park, Table Bluff/South Jetty area

A Conditional Use Permit to allow for on-going invasive weed/vegetation removal and maintenance activities on an approximately 7 acre portion of Table Bluff County Park owned by Humboldt County. The maintenance activities undertaken are part of the South Spit Interim (Final) Management Plan of 2002, and are consistent with said plan. The project site has two maintenance and activity areas: 1) the Restored Native Plant Habitat Maintenance Area which is approximately 4.3 acres in size; and 2) the Educational Activity Area, which is approximately 2.74 acres in size. The removal and maintenance work in the Restored Native Plant Habitat Maintenance Area involves an occasional to annual visual inspection and manual removal of any European beachgrass (*Ammophila arenaria*) resprouts and other incidental invasive, non-native plants. The purpose of the work is to maintain the state of completed restoration of native dune habitat and native northern foredune grassland plant habitat areas. Maintenance work typically requires less than one standard work day by two to three people, per year. Any iceplant manually removed would be taken off-site to a green waste disposal site if the pile is too dense to dry quickly and is at risk of rooting. The Educational Activity Area: maintenance and removal activities consist of the removal of European beachgrass and/or iceplant by hand-pulling and with the use of hand tools. Piles of pulled beachgrass would be left to naturally decompose. The purpose of this work is to maintain a mosaic of degraded and recovered dune mat and northern foredune habitat. This degraded area is useful as an educational activity area for Ocean Day. Ocean Day is a statewide education program and usually occurs the first week of June. About 800 students from kindergarten through eighth grade participate locally. During the Ocean Day event, students gather at the Mike Thompson Wildlife Area on the South Spit for a day of beach clean-up and invasive plant removal. The Educational Activity Area has been determined to be the safest beach with public access for holding this event because it provides an upland safety zone in the event of a large earthquake that would be associated with a tsunami. Because this area is needed year after year, complete restoration is not the near-term goal. In accordance with the BLM's consistency determination CD-052-02 the ongoing federal agency activities as described do not require a Coastal Development Permit from the California Coastal Commission or the County.

A motion was made by Commissioner Mitchell, seconded by Commissioner Levy, to find the project exempt from environmental review pursuant to Sections pursuant to Sections 15323 Normal Operations Of Facilities For Public Gatherings, and 15333(d)(4) Small Habitat Restoration Projects, of the State CEQA Guidelines, make all of the required findings for approval of the Conditional Use Permit based on evidence in the staff report and adopt the Resolution approving the Bureau of Land Management project subject to the recommended conditions. The motion carried by the following vote:

- Aye: 4 - Commissioner Levy, Commissioner McKenny, Commissioner Shepherd, and Commissioner Mitchell
- Nay: 3 - Commissioner Morris, Commissioner Edmonds, and Commissioner Bongio

- 8** S.A.F.E., LLC Conditional Use Permit
Case number CUP 16-202
Assessor Parcel Number 101-152-003
2440 Mattole Road, Ferndale area

A Conditional Use Permit for 28,401 square feet (SF) of existing outdoor cannabis cultivation. Processing is done on-site. Plants are harvested and dried in Building 1 and 2 then they are machine trimmed in Junior Barn 1 and returned to Building 2 for storage. Water is sourced for cultivation from two points of diversion on the property. There will be no diversions between August 15th and October 1st except for 200 gallons per day per CDFW 1602 Streambed Alteration Agreement. The applicant has 30,000 gallons of water storage in existing hard tanks and bladders on the property. The applicant is proposing to remove the bladders that total 23,000 gallons and to add an additional twelve 10,000 gallon hard tanks, bringing the total storage capacity to 127,000 gallons. The applicant has filed an Initial Statement of Water Diversion and Use with the Division of Water Rights. The applicant has submitted an Enrollment Notice of Intent Form for the Commercial Cannabis Waste Discharge Regulatory Program (CCWDRP) administered by the North Coast Regional Water Quality Control Board (RWQCB). The applicant has secured a Lake or Streambed Alteration (1600 Permit) with the Department of Fish and Wildlife (1600-2016-0170-R1).

A motion was made by Commissioner Shepherd, seconded by Commissioner McKenny, to find the project exempt from environmental review pursuant to Sections 15301 Existing Facilities and 15303 New Construction/Conversion Small Structures, of the State CEQA Guidelines, make all of the required findings for approval of the Conditional Use Permit based on evidence in the staff report and adopt the Resolution approving the S.A.F.E. LLC project subject to the recommended conditions. The motion carried by the following vote:

Aye: 7 - Commissioner Morris, Commissioner Edmonds, Commissioner Bongio, Commissioner Levy, Commissioner McKenny, Commissioner Shepherd, and Commissioner Mitchell

DEPARTMENTAL REPORT

- 9** Director Ford to give a brief report on project forecasted for upcoming Planning Commission meetings.

ADJOURNMENT

NEXT MEETINGS

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.