



MINUTES

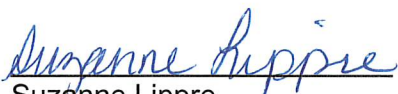
THURSDAY, AUGUST 20, 2020

Regular Meeting


The Honorable Planning Commission of the County of Humboldt met in a regular meeting on the above date within the Humboldt County Courthouse, Eureka, California. The minutes of this meeting were approved on Thursday, October 15, 2020 with the vote as shown below.

The motion was made by Commissioner McCavour and seconded by Commissioner O'Neill

AYES: Commissioners Bongio, Pellegrini, Newman, O'Neill, and McCavour
ABSENT: Commissioners Mitchell
NOT PRESENT: Commissioners Levy
DECISION: Motion carries 5/0.



Suzanne Lippre
Deputy Clerk of the Planning Commission



John H. Ford
Secretary of the Planning Commission

PLANNING COMMISSION

First District
Alan Bongio - Chair
Second District
Ronnie Pellegrini
Third District
Noah Levy - Vice Chair
Fourth District
Mike L Newman
Fifth District
Peggy O'Neill
At-Large
Brian Mitchell
At-Large
Melanie McCavour



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 20, 2020

6:00 PM

Regular Meeting - Virtual

A. CALL TO ORDER / SALUTE TO FLAG

Chair Bongio called the meeting to order at 6:04 p.m.

B. COMMISSIONERS PRESENT

Present : 6 - Commissioner Alan Bongio, Commissioner Noah Levy, Commissioner Brian Mitchell,
Commissioner Mike L Newman, Commissioner Melanie McCavour and Commissioner
Ronnie Pellegrini
Absent : 1 - Commissioner Peggy O'Neill

C. AGENDA MODIFICATIONS

*Item E-2: Supplemental Information #1 provided
Item E-3: Supplemental Information #1 and #2 provided
Item E-4: Supplemental Information #1 provided
Item E-5: Supplemental Information #1 provided
Item E-6: Supplemental Information #1 and #2 provided
Item G-1: Supplemental Information #1 and public comments
Item H-2: Public comment letter provided
Item H-3: Supplemental Information #1 and various emailed public comments*

D. PUBLIC COMMENTS

E. CONSENT AGENDA

5. Riverbar Lavendar Farm, LLC; Conditional Use Permit

Record Number PLN-15779-CUP
 Assessor Parcel Number (APN)204-331-019
 Hydesville area,

An application for a Conditional Use Permit for 12, 000 square feet (SF) of new cultivation in the Hydesville Community Planning Area. Project includes for 6,000 SF of new mixed-light cultivation in two hoop houses and 6,000 SF of new open air outdoor commercial cannabis cultivation. Water for irrigation is sourced from a well onsite. Annual water use is estimated at 52,800 gallons. Processing will occur off site at a licensed processing facility. On-grid power is provided to the site.

A motion was made by Commissioner McCavour, seconded by Commissioner Pellegrini, that the Riverbar Lavendar Farm, LLC Conditional Use Permit be approved. The motion carried by the following vote:

- Aye: 5 - Commissioner Bongio, Commissioner Levy, Commissioner Newman, Commissioner McCavour and Commissioner Pellegrini
- Not Present: 1 - Commissioner Mitchell

6. Yeti Enterprises, LLC, Conditional Use Permit

Record Number PLN-12241-CUP
 Assessor Parcel Number (APN) 510-211-053
 McKinleyville area

Conditional Use Permit for 4,775 square feet (SF) of new indoor cultivation. The proposed project includes a new two story 3,844 SF building. The applicant projects 4-5 cultivation cycles per year. Water for irrigation would be sourced from the McKinleyville Community Services District. Water would be stored in nine tanks totaling 2,900 gallons. Drying and curing would occur on-site, with all other processing occurring in a licensed off-site processing facility. The subject property is served by P.G.&E. power and the applicant will enroll in the P.G.&E. Solar and Renewable Energy Program.

A motion was made by Commissioner McCavour, seconded by Commissioner Pellegrini, that the Yeti Enterprises, LLC, Conditional Use Permit be approved. The motion carried by the following vote:

- Aye: 5 - Commissioner Bongio, Commissioner Levy, Commissioner Newman, Commissioner McCavour and Commissioner Pellegrini
- Not Present: 1 - Commissioner Mitchell

F. ITEMS PULLED FROM CONSENT

1. Holly Carr, Conditional Use Permit

Record Number PLN-12913-CUP
 Assessor Parcel Numbers (APNs) 223-016-017, 223-071-004, 223-071-018 and 223-016-010
 Garberville area

A Conditional Use Permit for the continued operation of 23,300 square feet of existing outdoor cannabis cultivation with ancillary propagation. Water for irrigation is sourced from two existing wells located on the subject parcel. Water is stored in hard tanks with a total of 72,000 gallons of available water storage serving the project. The applicant anticipates two cultivation cycle per year. Annual water usage is estimated at 220,850 gallons. Four employees are required during peak operations. Processing such as drying will take place on-site in an existing 1,980 square foot Agricultural Tent. Trimming will take place offsite at a licensed facility. Electricity is sourced from generators.

A motion was made by Commissioner Newman, seconded by Commissioner McCavour, to find that the Planning Commission has considered the Addendum to the adopted Mitigated Negative Declaration for the Commercial Medical Land Use Ordinance as described by Section 15164 of the State CEQA Guidelines, make all of the required findings for approval of the Conditional Use Permit and based on evidence in the staff report, and approve the proposed Holly Carr project subject to the recommended conditions with the added condition that within two years the applicant will replace the current generator with a solar or wind power sourced generator. The motion carried by the following vote:

Aye: 5 - Commissioner Bongio, Commissioner Levy, Commissioner Newman, Commissioner McCavour and Commissioner Pellegrini

Not Present: 1 - Commissioner Mitchell

2. Enchanted Farms, LLC, Conditional Use Permit and Special Permit
Record Number PLN-2019-16069
Assessor's Parcel Number 524-201-032-000
Willow Creek Area

A Conditional Use Permit CUP for 3,000 square feet of existing light deprivation commercial cannabis cultivation. The CUP is a requirement of the Commercial Cannabis Land Ordinance (CCLUO) to seek an exception to the residence setbacks and odor mitigation requirements within the Community Planning Area. A Special Permit is also requested for the relaxation of the 600' setback from Six Rivers National Forest. The applicant anticipates two cultivation cycles per year. Water for irrigation is provided by from Willow Creek Community Service District. There is currently one 500-gallon mixing tank on-site, and the applicants plans to add a 2,500-gallon tank for fire suppression water storage. Processing is proposed to occur on-site. Power is provided by Pacific Gas and Electric and propane.

Meeting went into Recess

Meeting Reconvened

A motion was made by Commissioner Levy, seconded by Commissioner Pellegrini, to find that the Planning Commission has considered the Addendum to the Environmental Impact Report adopted for the Commercial Cannabis Land Use Ordinance pursuant to Section 15164 of the State CEQA Guidelines, make all of the required findings for approval of the Conditional Use and Special Permit based on the evidence in the staff report, and adopt the Resolution approving the proposed Enchanted Farms, LLC, project subject to the recommended conditions. The motion

carried by the following vote:

Aye: 4 - Commissioner Bongio, Commissioner Levy, Commissioner McCavour and
Commissioner Pellegrini

Nay: 1 - Commissioner Newman

Abstain: 1 - Commissioner Mitchell

3. Dean Crisp, Conditional Use Permit
Record Number PLN-11019-CUP
Assessor Parcel Number (APN) 315-093-006
Titlow Hill area

Conditional Use Permit for 43,560 square feet (SF) of existing outdoor cultivation. Water for irrigation would be sourced from three rainwater catchment ponds located on contiguous parcel under common ownership APN 315-092-007. Additional water storage is in fifteen tanks totaling 29,475 gallons. Drying and curing and processing would occur on-site in the existing ancillary processing facility. The subject property is served by generator power used to carry out processing.

A motion was made by Commissioner McCavour, seconded by Commissioner Levy, to find that the Planning Commission has considered the Addendum to the adopted Mitigated Negative Declaration for the Commercial Medical Land Use Ordinance as described by Section 15164 of the State CEQA Guidelines, make all of the required findings for approval of the Conditional Use Permit and based on evidence in the staff report, and approve the proposed Dean Crisp project subject to the recommended conditions provided in the supplemental information provided at the meeting, with an added condition that within two years the applicant shall have a solar, solar array or wind powered generator. The motion carried by the following vote:

Aye: 4 - Commissioner Levy, Commissioner Newman, Commissioner McCavour and
Commissioner Pellegrini

Nay: 2 - Commissioner Bongio and Commissioner Mitchell

4. Rockaway Investments, LLC, Conditional Use Permit
Record Number PLN-12280-CUP
Assessor's Parcel Number 208-111-028-000
Bridgeville area

A Conditional Use Permit for commercial cannabis cultivation consisting of 9,948 square feet of existing outdoor cultivation within greenhouses and 1,400 sf existing full-sun outdoor. 900 sf of ancillary propagation space is also proposed. Water for irrigation is sourced from an existing permitted well. Water is stored in eight HDPE water tanks and one water bladder, totaling 19,900 gallons. Two (2) cultivation cycles per annum are anticipated. Processing will occur off-site by a third party. The site is supported by solar panels and one backup generator contained within a shed.

A motion was made by Commissioner Mitchell, seconded by Commissioner McCavour, that the Rockaway Investments, LLC, Conditional Use Permit be continued to a date uncertain. The motion carried by the following vote:

Aye: 6 - Commissioner Bongio, Commissioner Levy, Commissioner Mitchell, Commissioner Newman, Commissioner McCavour and Commissioner Pellegrini

G. CONTINUED ITEMS

1. Adesa Organic, LLC, Conditional Use Permits

Application Number 11923

Case Number PLN-11923-CUP

Assessor’s Parcel Numbers (APNs) 315-145-002, 315-211-003 and 315-211-004

23550 Maple Creek Road, Korbek, Maple Creek area

Conditional Use Permits to allow 86,400 square feet of new mixed-light cannabis cultivation, a drying facility, a storage facility, associated cloning/propagation facilities (not to exceed 8,640 square feet) and other improvements in accordance with Humboldt County Code Section 314-55.4 of Chapter 4 of Division I of Title III, Commercial Medical Marijuana Land Use Ordinance (CMMLUO). The business is proposed to operate on one legal parcel consisting of three APNs (315-145-002, 315-211-003 and 315-211-004) and totaling 443 acres. A total of four permits are being requested in accordance with the parcel size allowances specified in section 55.4.8.2.1.1 of the CMMLUO (parcels 320 acres or larger in size). Electrical power will be generated by a combination of on-site solar power and diesel generators. A total of approximately 20 employees are proposed. Processing will occur off-site.

A motion was made by Commissioner Mitchell, seconded by Commissioner McCavour, that the Adesa Organic, LLC, Conditional Use Permits item be continued to the September 3, 2020 meeting of the Planning Commission. The motion carried by the following vote:

Aye: 5 - Commissioner Bongio, Commissioner Levy, Commissioner Mitchell, Commissioner McCavour and Commissioner Pellegrini

Nay: 1 - Commissioner Newman

H. PUBLIC HEARINGS

1. Rolling Meadow Ranch, LLC; Conditional Use Permits

Record Number PLN-12529-CUP

Assessor Parcel Numbers (APNs) 217-201-001, 217-181-027, 217-181-028, 217-182-001, 217-024-011, 217-024-006, 217-024-010, 217-024-003, 217-025-001

2189 & 2487 McCann Road, and in the Blocksburg/Myers Flat area

Six Conditional Use Permits for 5.77 acres of mixed light cultivation and processing facilities located in five distinct cultivation areas. The proposed cannabis operation will be primarily located on APNs 217-181-002 and 217-201-001. Cultivation would occur in 16 greenhouses. Operations would occur year-round and there will be a maximum of four cultivation cycles annually. Annual water use is approximately 4,628,200 gallons. Water will be provided by three existing wells. There will be 320,000 gallons of hard-sided tank storage that will store rain from rooftop runoff. Processing, including drying, curing and trimming, will take place on site within 5 proposed processing structures totaling 33,750 square feet. There will be a maximum of 30 employees during peak operations. The

proposed project includes development of power from P. G. & E. The overall development will total 7.04 acres. The project is accessed by McCann Road using the McCann Bridge. Approximately 5 miles of private ranch roads will be used to access cultivation areas. At the property entrance, employees will park their vehicles and an electric bus or similar type vehicle will be used to transport employees to the cultivation and processing areas. Secondary access through Alderpoint Road will be utilized during the rainy season when the low-water bridge is not in use.

A motion was made by Commissioner Newman, seconded by Commissioner Levy, that the Rolling Meadow Ranch, LLC; Conditional Use Permits item be continued to the September 17, 2020 meeting of the Planning Commission. The motion carried by the following vote:

Aye: 6 - Commissioner Bongio, Commissioner Levy, Commissioner Mitchell, Commissioner Newman, Commissioner McCavour and Commissioner Pellegrini

**2. Cannabis Ordinance Amendments for Small Cultivators, Personal Use and Financial Security
Case Numbers PLN-2020-16447, PLN-2020-16571 and PLN-2020-16479
Countywide**

The proposed Small Cultivator amendments modify Sections 314-55.4.5.1.5, 314-55.4.6.1, 314-55.4.6.5 and 314-55.4.12.1.10 of the Commercial Cannabis Land Use Ordinance in Chapter 4 - the Zoning Regulations (Title III of Humboldt County Code) to facilitate permitting of small new and pre-existing cannabis farms adjacent to homes that existed prior to December 31, 2016 by establishing a streamlined permitting pathway. The eligible farms minimize the impacts on the environment and archaeological resources because they are owner-occupied, the cultivation area is no more than 2,000 square feet in size and within the already disturbed homesite area of the existing home. Also, water for irrigation is provided from permitted non-diversionary sources, permaculture is practiced, and the cultivation is done outdoors or in permitted or ag exempted hoophouses/greenhouses and does not use generators for electrical power. The proposed Personal Use on Small Parcel Ordinance amendments modifies Section 314-55.2 of Chapter 4 - the Zoning Regulations (Title III of Humboldt County Code) to establish standards for cannabis cultivation for personal use on parcels larger than five acres in size. The maximum allowed personal use cultivation area on these parcels is proposed to be 200 square feet, which is the same as the maximum amount allowed on parcels between one and five acres in size. The proposed Financial Security amendments to the CCLUO and the Commercial Marijuana Cultivation Tax Ordinance establish financial security requirements in the CCLUO and better align the provisions of the CCLUO with the Marijuana Cultivation Tax Ordinance. The amendments would add sections 313-55.4.12.2.9 and 314-55.4.12.9.9 to create alternative ways to provide surety for payment of cultivation taxes as imposed by Chapter 9 of Division 1 of Title VII of the Humboldt County Code. The proposed Small Cultivator and Personal Use ordinance amendments will apply to all areas of the County outside of the coastal zone. The proposed Financial Security amendments will apply countywide.

A motion was made by Commissioner Pellegrini, seconded by Commissioner Newman, that the Cannabis Ordinance Amendments for Small Cultivators, Personal Use and Financial Security item be continued to the September 3, 2020 meeting of the Planning Commission. The motion carried by the following vote:

Aye: 6 - Commissioner Bongio, Commissioner Levy, Commissioner Mitchell, Commissioner Newman, Commissioner McCavour and Commissioner Pellegrini

3. Thresholds of Significance for Vehicle Miles Traveled (VMT) to evaluate environmental impacts of projects

Case Number: PLN-2020-16529

Countywide

Project Description: To comply with new California Environmental Quality Act (CEQA) requirements, the County is adopting thresholds of significance for vehicle miles traveled (VMT) to evaluate environmental impacts of projects. "Vehicle miles traveled" refers to the amount and distance of automobile travel attributable to a project. The proposed thresholds of significance are based on the type of project, and/or location, and projects that meet these criteria are expected to result in less-than significant VMT impacts.

A motion was made by Commissioner McCavour, seconded by Commissioner Newman, that the Thresholds of Significance for Vehicle Miles Traveled item be continued to the September 3, 2020 meeting of the Planning Commission. The motion carried by the following vote:

Aye: 5 - Commissioner Bongio, Commissioner Levy, Commissioner Newman, Commissioner McCavour and Commissioner Pellegrini

Not Present: 1 - Commissioner Mitchell

I. ADJOURNMENT

Chair Bongio adjourned the meeting at 9.15 p.m.

A motion was made by Commissioner McCavour, seconded by Commissioner Levy, that to adjourn the meeting.. The motion carried by the following vote:

Aye: 5 - Commissioner Bongio, Commissioner Levy, Commissioner Newman, Commissioner McCavour and Commissioner Pellegrini

Not Present: 1 - Commissioner Mitchell

J. NEXT MEETINGS

September 3, 2020