

PLANNING COMMISSION

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Director, Planning and Building

**COUNTY OF HUMBOLDT
PLANNING COMMISSION**

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

AGENDA

Thursday, January 18, 2018

6:00 PM

Special 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

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** Leland Rock Zone Reclassification
Case Number ZR-16-004
Assessor Parcel Number 101-142-002
Ferndale Area

A Zone Reclassification to rezone approximately 300 acres of APN 101-142-002 from Agriculture Exclusive with a 160 acre minimum parcel size into Timberland Production Zone (TPZ). A portion of the southeast corner is already zoned TPZ and this action will result in the entire parcel being zoned TPZ. Currently, there is a Nonindustrial Timber Management Plan (1-12NTMP-004-HUM) on the entire property.

Recommendation: Find the project exempt from environmental review pursuant to Section 15264 of the CEQA Guidelines, make all of the required findings for approval based on evidence in the staff report and public testimony, and recommend adoption of the Zone Reclassification to the Board of Supervisors for the Rock project, subject to the recommended conditions.

Attachments: [ZR 16-004 Staff Report](#)

- 2 Lloyd Julien and Manuel Meras Conditional Use Permit
Number CUP-16-509
Assessor Parcel Number (APN) 201-322-019
1298 State Highway 36, Alton area

A Conditional Use Permit to permit 43,200 square feet (SF) of new outdoor cannabis cultivation. The applicant proposes up to 18 hoop-rows covering approximately 43,200 SF or 0.99 acres. Cannabis plants cultivated on-site will be propagated onsite in an approximate 360 SF existing on-site structure. Once plants have achieved sufficient size they will be moved from the propagation area and planted in the ground in the hoop-rows. Between the months of June and September flowering will be induced by manually covering each flowing hoop-row with blackout tarps from the hours of 6:00 p.m. to 10:00 p.m. As crops are harvested, hoop-rows, tarps and all farming accessories associated with the operation will be removed and stored during the winter months. The cultivation footprint will be replanted with a cover crop for off-season soil regeneration and added soil stability. Initial processing will be done by family members currently residing on-site until such time in the future when cannabis processing activities can be outsourced to a licensed and properly equipped local facility. The proposed project will utilize a new on-site permitted deep well for irrigating crops. Adjacent to the well site there will be four 5,000-gallon water storage tanks. Expected water usage will be approximately 3,000 gallons per day. Power is provided by P.G. & E.

Recommendation: Find the project exempt from environmental review pursuant to Section 15304, 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 proposed CUP-16-509 subject to the recommended conditions.

Attachments: [CUP 16-509 Staff Report](#)

3 Seth Berling Conditional Use Permit

Case Number CUP 16-412

Assessor's Parcel Number (APN) 033-271-004

705 US Highway 101 #1, Garberville, CA 95542

A Conditional Use Permit for a 4,750 square foot commercial medical cannabis nursery in an existing 10,000 square foot (SF) commercial building. The nursery will operate year-round with one manager and up to three employees. The on-site source of water of the nursery is a 12.5 gallon per minute permitted well. The nursery is estimated to consume approximately 7,500 gallons of water per month. The nursery restrooms and wash stations are located within the commercial building and will be connected to the existing on-site commercial septic system. Power will be provided by PGE.

Recommendation: Find the project Categorically Exempt from environmental review pursuant to Sections 15301 and 15303 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 proposed Seth Berling Conditional Use Permit subject to the conditions of approval.

Attachments: [CUP-16-412 Staff Report](#)

CONTINUED PUBLIC HEARINGS**4 Zoning Ordinance Amendments**

Commercial Cannabis Land Use Ordinance

Case Number OR 17-02

Comprehensive update of the ordinance which regulates the cultivation, processing, manufacturing, distribution and sale of medical and adult use of cannabis in Humboldt County. The project will involve repealing the existing Commercial Medical Marijuana Land Use Ordinance (Section 313-55.4 and 314-55.4 of Chapter 3 of Division 1 of Title III of the County Code and the Medical Cannabis Testing and Research Laboratories and on-site consumption prohibitions found in Sections 313-55.3.15, 314-55.3.15, 313-55.3.11.7 and 314-55.3.11.7 of Division 1 of Title III of the County Code to be replaced by the provisions of the proposed ordinance. The proposed ordinance would apply throughout the unincorporated areas of Humboldt County, including the Coastal Zone.

Recommendation: Move to make all of the required findings, based on evidence in the staff report and public testimony, and recommend the Board of Supervisors certify the FEIR and approve the CCLUO Ordinance Amendments by adopting the attached Resolution of Approval (roll call vote).

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** Lost Coast Botanical Cooperative, Inc. Conditional Use Permit
Case Number CUP-16-199
Assessor Parcel Number (APN) 215-241-063
325 Shelter Cove Road, Whitethorn area

A Conditional Use Permit to allow a medical cannabis dispensary in accordance with Humboldt County Code Section 314-55.3 of Chapter 4 of Division 1 of Title III, Medical Cannabis Dispensaries. The proposed 336 square foot medical cannabis dispensary (Project) will be located within of an existing 13,500 square foot building. The hours of operation for the proposed project will be Monday through Friday, 10:00 AM to 5:00 PM. The Applicant states that these hours will change as business increases but any change will comply with the performance standard for dispensaries (10AM to 7PM).

Recommendation: Move to find the project exempt from environmental review pursuant to Sections 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 proposed Lost Coast Botanical Cooperative, Inc. project subject to the recommended conditions.

Attachments: [CUP 16-199 Staff Report](#)

- 6** Emerald Kid Conditional Use Permit and Special Permit
Case Numbers CUP 16-582; SP 16-460
Assessor Parcel Number 522-211-055
100 Stagecoach Lane, Willow Creek

A Conditional Use Permit (CUP-16-582) for 5,000 square feet of new mixed-light cannabis cultivation and a Special Permit (SP-16-460) for 1,600 square feet for indoor cultivation in an existing nonresidential structure. The water source would be the Willow Creek Community Services District and two hard plastic rainwater catchment tanks with a total capacity of 5,000 gallons. The projected water usage is approximately 276,000 gallons a year. Once dried on-site, the cannabis will be transported and processed off-site in a County-approved processing center. The applicant will have no additional employees. PGE will provide service to the indoor cultivation and the applicant will purchase carbon offsets from Terrapass to meet the indoor cultivation requirements for renewable energy.

Recommendation: Find the project exempt from environmental review pursuant to Sections 15301, 15303, and 15304 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 Resolutions approving the proposed The Emerald Kid project subject to the recommended conditions.

Attachments: [CUP 16-582 and SP 16-460 Staff Report](#)

- 7 Stay Conscious Conditional Use Permit
Case Number CUP 16-087
Assessor Parcel Number 524-016-010
Willow Creek area

A Conditional Use Permit (CUP) for 26,250 square feet of existing outdoor cannabis cultivation and on-site processing. Product will be dried in the shop and machine trimmed outdoors before being cured and stored. The water source for irrigation is an existing permitted well on the property that provides water at a rate of 30 gallons per minute (Permit #15/16 -0804, developed 2016). The property currently has 5,600 gallons of water storage in two existing above ground storage tanks. The applicant plans to hire two to four agricultural employees during the season; however, their duties will not include processing. The applicant and his family members will process the cannabis. The parcel has a permitted 3-Acre Conversion Exemption from February 2014 (Exemption #I-14EX-044- HUM). The property enrolled as a Tier 2 discharger under the Commercial Cannabis Waste Discharge Regulatory Program administered by the North Coast Regional Water Quality Control Board (NCRWQCB).

Recommendation: Find the project Categorically Exempt from environmental review pursuant to Sections 15301 of the State CEQA Guidelines, make all 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 proposed Stay Conscious, Inc. Conditional Use Permit subject to the recommended conditions.

Attachments: [CUP 16-087 Staff Report](#)

8 Innovation West dba Panther Gap Farms

Case Numbers CUPs 16-030, 16-031, 17-021, 17-022, and 16-107 and SP 16-051

Assessor's Parcel Number (APNs) 107-124-015, 107-235-008, 107-235-007, 107-236-011, 107-236-010, 107-234-012, 107-111-001

Honeydew Area

Five Conditional Use Permits (CUPs) for existing outdoor commercial cannabis cultivation sites up to 1 acre in size per property, for a total of 5 acres (217,800 square feet) of existing outdoor cannabis cultivation across 7 parcels totaling approximately 564 acres. The applicant has three cannabis project applications contained in this series of CUPs, and one contained in a pending Special Permit (SP), and proposes to lease the two permit applications proposed herein as CUP 17-021 and 17-022 to an assignee operator, in conformance with the 4-permit limit under the Humboldt County Commercial Medical Marijuana Land Use Ordinance (CMMLUO Section 55.4.8.10). Water sources for the operation include four existing, permitted groundwater wells, located on properties identified as APN 107-234-012, APN 107-235-007, APN 107-235-008, and APN 107-236-011, and five surface water diversions that are subject to current California Department of Fish and Wildlife (CDFW) Lake and Streambed Alteration Agreements (LSAA 1600 permits). The applicant will forbear all use of surface water for irrigation from May 15 to October 31, during which time the wells will be the sole source of irrigation. CDFW has verified that the existing wells are non-jurisdictional. Hard tank water storage is used on some of the sites (APN 107-235-007, APN 107-235-008, 107-234-012 and 107-111-001). One off-stream pond, approximately 80,000 gallons, currently exists on APN 107-236-011 (CUP 17-021). An off-stream, pond, approximately 175,000-gallons, is proposed on the property without a well water source, (CUP 17-022, APN 107-236-010), to provide water storage for irrigation during the forbearance period. Energy for the projects would be supplied by generators, to be used at each site only on an occasional basis for maintenance purposes. Only CUP 16-031 is served by Pacific Gas and Electric Company for power. Each of the five sites would require one to three full-time employees; all processing would be performed off site at a permitted facility.

A Special Permit (SP) is requested for an existing commercial medical cannabis operation, referred to as Panther Gap Farms. The requested approval includes operation of an existing mixed-light commercial medical cannabis cultivation on a 20-acre parcel identified as APN 107-235-002. The parcel has an existing cultivation area of 35,000 square feet. The requested SP would reduce the operation to 10,000 square feet. The decommissioned sites would be required to be remediated as part of the SP. The only structures proposed for use in the operation are existing greenhouses. Water sources for the operation include an existing groundwater well, located on the adjacent property APN 107-235-007 (under the same ownership) and a surface water diversion subject to an existing California Department of Fish and Wildlife (CDFW) Lake and Streambed Alteration Agreement ([LSAA] 1600 permit). The applicant will forbear use of surface water from May 15 through October 31, during which time the well will be the sole source of irrigation. CDFW has certified that the existing, permitted well on APN#107-235-007 is non-jurisdictional. Electrical service is provided by Pacific Gas and Electric Company and generators will only be used on an emergency basis in case of power loss. The agricultural operation will require one to three full-time employees; all processing will be

performed at a permitted, off-site facility. Portable toilet facilities will be provided. The applicant has enrolled with the North Coast Regional Water Quality Control Board (NCRWQCB) Cannabis Waste Discharge Regulatory Program as a Tier 2 discharger.

Recommendation: Conditional Use Permits: Find the project exempt from environmental review pursuant to Sections 15301 (Existing Facilities) and 15304 (Minor Alterations to Land, and 15333 (Small Habitat Restoration Projects) of the state CEQA Guidelines, make all of the required findings for approval of the Conditional Use Permits based on evidence in the staff report and any public testimony, and adopt the Resolution approving the five proposed Panther Gap Farms projects subject to the recommended conditions.

Special Permit: Find the project exempt from environmental review pursuant to Sections 15301 and 15333 of the State CEQA Guidelines, make all of the required findings for approval of the Special Permit based on evidence in the staff report and any public testimony, and adopt the Resolution approving the proposed Innovation West, dba Panther Gap Farms Special Permit subject to the recommended conditions.

Attachments: [CUPs 16-30, 16-31, 17-021, 17-022 and 16-107 Staff Report](#)
[SP 16-051 Staff Report](#)

9 SugarLeaf Holdings Special Permits

Case Numbers SP 16-876 and SP 16-877

Assessor's Parcel Number 205-161-022

67 Metropolitan Heights Road, Fortuna area

SugarLeaf Holdings is requesting a Special Permit for a new 22,000 sq. ft. wholesale cannabis nursery and a Special Permit for a new 2,400 sq. ft. commercial cannabis processing facility on an approximately 36-acre parcel. In addition, subsequent to a decision on these Special Permits, a Zoning Clearance Certificate (ZCC 16-786) will be separately sought for 10,000 square feet of new mixed-light cannabis cultivation and a new 2,400 sq. ft. structure for drying, storage and ancillary nursery and the identification of a location qualified to receive up to 172,952 square feet of future Retirement, Remediation, and Relocation (RRR) cannabis cultivation sites. The operation under the proposed Special Permits will occur in two phases. Irrigation water is sourced from a permitted on-site well and stored in a 5,000-gallon tank; a rain catchment pond for RRR use is proposed. Processing to occur on-site includes drying, trimming, curing, packaging, and labeling. Power is provided by the Pacific Gas and Electric Company (PG&E), with a backup generator to only be used during PG&E outages.

Recommendation: Find the project exempt from environmental review pursuant to Sections 15303 and 15304 of the State CEQA Guidelines, make all of the required findings for approval of the Special Permits, based on evidence in the staff report and any public testimony, and adopt the Resolutions approving the proposed SugarLeaf Holdings Special Permits subject to the recommended conditions.

Attachments: [SP 16-876 and SP 16-877 Staff Report](#)

10 Quantum Genetics Special Permit

Case Number SP 16-328

Assessor's Parcel Number 203-231-003

210 Triple K Road, Fortuna

A Special Permit for a two-story, 20,000-square-foot (100x100 foot) wholesale commercial nursery building, two to ten 5,000-gallon water storage tanks, and parking totaling two standard and one accessible spaces, in accordance with Humboldt County Code Section 314-55.4.8.7 of Chapter 4 of Division I of Title III, Commercial Medical Marijuana Land Use Ordinance (CMMLUO). The wholesale commercial nursery building would be an approximately 24-foot-tall metal building on a slab-on-ground foundation which would include a "mother" room, a cloning room, and a vegetative growth ("teen") room. The mother room would be used to maintain plants that serve as sources for cuttings (clones). Cuttings would be taken from mother plants and placed in the clone room for 5-10 days to root. Clones would be transferred to the teen room for vegetative growth prior to delivery to retailers. Cultivation activities in the nursery would take place in a continuous rotation year-round. The building would feature a heating and air conditioning system. Electricity on the property is supplied by Pacific Gas and Electricity (PG&E).

Recommendation: Move 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 any public testimony, and adopt the Resolution approving the proposed Quantum Genetics project subject to the recommended conditions.

Attachments: [SP 16-328 Staff Report](#)

ADJOURNMENT**NEXT MEETINGS**

February 1, 2018 *Regular Meeting*

February 15, 2018 *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.