

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, April 4, 2019

6:00 PM

Regular 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.

A. CALL TO ORDER / SALUTE TO FLAG

B. COMMISSIONERS PRESENT

C. AGENDA MODIFICATIONS

D. APPROVAL OF ACTION SUMMARY

E. PUBLIC COMMENTS

At this time persons may appear before this Commission on any matter pertinent to the Commission's Jurisdiction and that is 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.

F. 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. Soul Arc Solutions, Inc., Conditional Use Permit and Special Permit

Record Number: PLN-11598-CUP

Assessor's Parcel Number (APN): 108-012-009

1895 French Ranch Road, Ettersburg area

Project Description: A Conditional Use Permit for an existing 14,247 square feet (sf) of outdoor cannabis cultivation. A Special Permit is also requested as part of this project for a for spring diversion located within a Streamside Management Area.

Recommendation: Accept staff's recommendation allowing for continued cultivation of 12,600 square feet of existing outdoor cannabis cultivation the continued use of the point of diversion, 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 all of the required findings for approval of the Conditional Use Permit and Special Permit based on evidence in the staff report, and adopt the Resolution approving the Soul Arc Solutions Inc. Conditional Use Permit and Special Permit as recommended by staff subject to the recommended conditions.

Attachments: [CUP-16-298 Staff Report.pdf](#)

2. Humboldt Cheeba Works, LLC Conditional Use Permit

Application Number: 10653

Case Number: CUP 16-043

Assessor's Parcel Number (APN): 221-081-004

3586 Thomas Road, Miranda area

Project description: A Conditional Use Permit (CUP) for the operation of 17,250 square feet (sf) of existing outdoor commercial cannabis cultivation.

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 adopt the Resolution approving the proposed Humboldt Cheeba Works Conditional Use Permit subject to the recommended conditions

Attachments: [CUP-16-043 Staff Report - PT 1.pdf](#)
[CUP-16-043 Staff Report - PT 2.pdf](#)

3. Salmon Creek Family Farm, Conditional Use Permit and Special Permits

Record Number: PLN-10928-CUP

Assessor's Parcel Numbers (APN): 212-013-002

2581 Thomas Road, Miranda area

Project Description: A Conditional Use Permit for an existing 14,600 square foot (sf) outdoor commercial cannabis cultivation that is being relocated to a more environmentally suitable location outside of the Streamside Management Area (SMA). This project includes a Special Permit for the remediation of these retired areas within a SMA and a Special Permit for the continued use of a point of diversion from an on-stream pond.

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 all of the required findings for approval of the Conditional Use Permit and Special Permits based on evidence in the staff report, and adopt the Resolution approving the Salmon Creek Family Farm Conditional Use Permit and Special Permits as recommended by staff subject to the recommended conditions.

Attachments: [PLN-10928-CUP Staff Report.pdf](#)

4. Organic Giving Farms, LLC, Conditional Use Permit

Application Number: 12948

Case Number: CUP 16-931

Assessor's Parcel Number (APN): 210-221-010

2800 Burr Valley Road, Dinsmore area

Project Description: A Conditional Use Permit (CUP) for 13,500 square feet (sf) of existing outdoor cultivation.

Recommendation: Find that the Commission has considered the Addendum to 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 based on evidence in the staff report, and adopt the Resolution approving the proposed Organic Giving Farms, LLC Conditional Use Permit subject to the recommended conditions.

Attachments: [CUP-16-931 Staff Report.pdf](#)

5. Wojcik Conditional Use Permit

Application Number 9093

Case Number CUP-14-001

Assessor Parcel Number 210-033-003

Bridgeville Area

A Conditional Use Permit to authorize the operation of a commercial firewood cutting business, including after-the-fact permitting and use of several large buildings, built without the benefit of county review. A Non-Industrial Timber Management Plan (NTMP) was prepared for the property in 1992 and included a variety of long-term uneven aged silvicultural systems to increase the growth of Douglas-fir and provide for utility poles, sawlogs, and peeler logs across the 296-acre management unit. The NTMP estimated that the associated lands are capable of yielding 100 cords of hardwood firewood annually in accordance with CalFire limits, with possibly larger amounts of annual harvest to select for increased Douglas fir species composition within the management unit. The applicant has removed the existing saw mill building located in the northeast corner of the property because it does not comply with the Timber Production Zone (TPZ) setbacks.

Recommendation: Adopt the Mitigated Negative Declaration, 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 Wojcik project subject to the recommended conditions

Attachments: [CUP-14-001 Staff Report.pdf](#)

6. Power Flower, Conditional Use Permits

Application Number: 11507

Assessor's Parcel Numbers (APNs): 210-250-028, 210-033-005

Application Number: 11508

Assessor's Parcel Numbers (APNs): 210-032-003, 210-033-003

Application Number: 11509

Assessor's Parcel Numbers (APNs): 210-250-028, 210-250-029, 210-033-005

Bridgeville area

Project Description:

Three Conditional Use Permits and Special Permits as follows:

- 1) CUP-16-269, Apps 11507, for an existing 31,500 square foot (sf) cannabis cultivation operation.
- 2) CUP-16-270, Apps 11508, for an existing 16,400 square foot (sf) outdoor cannabis cultivation operation and a Special Permit for a surface water diversion on an unnamed lake that was formerly a peat bog, and a setback reduction from public lands.
- 3) CUP-16-271, Apps 11509, to perform onsite remediation, relocation and restoration (RRR) of seven (7) pre-existing outdoor cultivation sites scattered around a site known as Carter House, to an existing open flat on APN 210-033-005, adjacent the existing cultivation on 210-250-028 at a site known as Carter Flat. A Merger is also proposed for two separate legal parcels to complete the onsite relocation. A Special Permit is sought for restoration work within a Streamside Management Area.

Recommendation: Move to adopt the Mitigated Negative Declaration (MND), make all the required findings for approval of the Conditional Use Permits and Special Permits based on evidence in the staff report, and adopt the Resolutions approving the proposed Power Flower Farms LLC projects subject to the recommended conditions.

Attachments: [Combined Staff Report for CUP 16-269, CUP-16-270, CUP-16-271_PT 1.pdf](#)
[Combined Staff Report for CUP 16-269, CUP-16-270, CUP-16-271_PT 2.pdf](#)
[Combined Staff Report for CUP 16-269, CUP-16-270, CUP-16-271_PT 3.pdf](#)

7. Emerald Queen Farms, LLC., Conditional Use Permit and Special Permit

Application Number: 12068

Case Number: CUP 16-254 and SP 17-132

Assessor's Parcel Numbers (APNs): 524-071-002 and 524-072-011

2323 & 2295 Friday Ridge Road in the Willow Creek area

Project Description: A Conditional Use Permit (CUP16-524) for an existing 32,912 square foot (SF) outdoor cannabis cultivation operation on a 72-acre parcel. 22,912 SF is located within 12 greenhouses and 10,000 SF is full-sun outdoor. Two (2) greenhouses totaling 2,000 SF are used for ancillary propagation activities. A Special Permit (SP17-132) is sought for setback reductions to Six River's National Forest (SRNF) and for development within a Streamside Management Area (SMA).

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 Emerald Queen Farms, LLC. project subject to the recommended conditions

Attachments: [CUP-16-524 Staff Report.pdf](#)

8. CannaBoutique (dba 215) Dispensary Conditional Use Permit Modification

Application Number: 15450

Case Number: PLN-2019-15450 (CUP Mod)

Assessor's Parcel Number (APN): 015-011-029

1672 Myrtle Avenue, Eureka area

Project Description: CannaBoutique (dba 215) Dispensary is applying for a Conditional Use Permit modification of an existing medical cannabis dispensary occupying approximately 1,200 square feet of an existing commercial building to change the hours of operation from 10 a.m. to 7 p.m. Monday through Friday to 10 a.m. to 7 p.m. Sunday through Saturday, seven days per week. The modification will also remove the condition that requires a ventilation/air filtration system that is designed, signed, and stamped by a mechanical engineer. Odor impacts will be addressed through a substituted condition that requires odor to be contained on the property and air filtration and ventilation equipment to be maintained in good working order.

Recommendation: 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 Modification based on evidence in the staff report and any public testimony, and adopt the Resolution approving the proposed CannaBoutique (dba 215) Dispensary Modification project subject to the recommended conditions.

Attachments: [PLN-2019-15450 Staff Report.pdf](#)

G. CONTINUED 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

GPU Zoning Text Amendments

Record Number: 28200

Project Description: New Zoning Districts are proposed to be added to the Inland Zoning Ordinance and existing zoning text is proposed to be amended to be consistent with the 2017 Humboldt County General Plan. The Humboldt County General Plan was adopted in October, 2017 which established the kinds, locations, and intensities of land uses within the unincorporated areas of the County by applying land use designations to properties. To be consistent with the new Land Use Maps and General Plan policies and standards, new Zoning Districts are proposed to be added to the Inland Zoning Ordinance (Section 314 of Title III, Division 1, Chapter 4 of Humboldt County Code). The proposed changes being reviewed at the April 4, 2019 meeting include the following:

1. Add a new “TE - Timberland Exclusive” zone to be applied to areas with a “T - Timberland” General Plan Land Use designation that are not zoned “TPZ” or AE-B-5-(160) and part of an agricultural preserve,
2. Add a new “PRD - Planned Rural Development” Combining Zone to provide voluntary clustering of home sites on resource lands.
3. Amend Section 314-7.1 “AE - Agriculture Exclusive Zone”, to increase the minimum parcel size to 60 acres, allow the uses specified in the AE - Agricultural Exclusive General Plan designation, allow subdivisions to increase agricultural productivity, and to limit conversion of prime agricultural soils;
4. Amend Section 314-7.4 “TPZ - Timberland Production Zone” to allow the uses specified in the T - Timber Production General Plan designation,
5. Amend Section 314-21.1 “F - Flood Hazard Areas” to require a Special Permit for residential development on substandard-sized parcels in a flood hazard zone,
6. Amend Section 314-61.1 Streamside Management Areas and Wetlands to align with the standards of the Open Space Element, and
7. Amend Section 312, Administration, Procedures, Amendments and Enforcement to incorporate findings of consistency with the General Plan Open Space Plan.

At the following meeting on April 18, 2019, the Planning Commission is scheduled to continue their review of the following related zoning text amendments:

8. Add Mixed Use Zones that apply to areas with MU - Mixed Use, VC - Village Center, or RCC - Rural Community Center General Plan designations,
9. Amend Section 314-17.1 “B - Special Building Site” Combining Zone to reduce the building site area for the “B-1” Combining Zone from 8,000 square feet to 6,000 square feet.

The proposed new Zone Districts would apply throughout the non-coastal areas of unincorporated Humboldt County. The Planning and Building Department is recommending the Planning Commission approve the proposed changes to the Zoning Ordinance and the Addendum to the Environmental Impact Report (EIR) for the General Plan prepared for this project.

Attachments: [PC Supplemental GPU 4-4.19](#)

H. NEW BUSINESS

1. Memo regarding Housing Element

Attachments: [Schedule for the 2019 Housing Element Update.pdf](#)

ADJOURNMENT