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**COUNTY OF HUMBOLDT
PLANNING COMMISSION**

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

AGENDA

Thursday, June 6, 2019

6:00 PM

Regular Meeting

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. 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.

E. 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. Big River Farms, LLC, Conditional Use Permit and Special Permit

Record Number: PLN-11892-CUP

Assessor's Parcel Number (APN): 108-023-008

Shelter Cove area

Project Description: A Conditional Use Permit (CUP) for Big River Farm, LLC to allow 22,000 square feet (SF) existing mixed light cannabis cultivation on a 90-acre parcel. The project is within 600 feet of public land and requires a Special Permit for a setback reduction from Bureau of Land Management (BLM) property on APN 108-022-006.

Recommendation: Continue to a date uncertain. The applicant has revised the application to a Zoning Clearance Certificate for a retirement, remediation and relocation project.

2. Michael Brosgart, Special Permits

Application Numbers: 13319, 13328, 13339, 13346

Case Numbers SP16-868, SP16-870, SP16-871, SP16-872

Assessor's Parcel Number (APN) 516-111-064; Glendale Drive area

Project Description: Four Special Permits (SP) to allow commercial cannabis processing (SP16-872), volatile extraction manufacturing (SP16-868), non-volatile extraction manufacturing (SP16-870), and distribution (SP16-871), in accordance with Humboldt County Code Section 314-55.4.8.7. The project site is approximately 1.75 acres and is entirely paved. The proposed project includes the construction of approximately 28,000 square feet (sf) of new buildings, 22,000 sf of driveway and parking areas, and 26,000 sf of new landscaping, which comprises nearly 100 percent of the project site. Water and sewer will be provided to the site by Glendale-Fieldbrook Community Service District.

Recommendation: Continuance requested by the applicant to a date uncertain.

3. Empress Farms, LLC Conditional Use Permit and Special Permits

Application Number: 12694

Case Number: PLN-2016-12694

Assessor's Parcel Numbers (APNs): 104-311-019, 104-281-005, and 104-281-004

36332 Mattole Road, Petrolia area

Project Description: A Conditional Use Permit for the continued operation of an existing cannabis cultivation site consisting of 35,560 square feet of existing outdoor cannabis cultivation. Water is sourced from rain catchment and from a point of diversion on APN 104-281-004. Nursery and processing activities will occur on APN 104-321-001. A Special Permit for encroachment into the Streamside Management Area for a point of diversion and a Special Permit to perform restoration activities within a Streamside Management Area are included in this project. APN 104-311-019 is also proposed as an RRR receiving site for 20,000 square feet of cannabis to be relocated from APN 104-143-015 under a separate action.

Recommendation: Consider the Addendum to the Mitigated Negative Declaration adopted for the Commercial Medical Marijuana Land Use Ordinance, 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 proposed Empress Farms, LLC, Conditional Use Permit and Special Permits subject to the recommended conditions.

Attachments: [PLN-12694-CUP Staff Report.pdf](#)
[Supplemental Information #1 12694 Empress Farms.pdf](#)

4. 4000 Feet Farms Conditional Use Permit

Application Number: 12311

Case Number: CUP 16-620

Assessor's Parcel Number (APN): 522-035-007

Willow Creek area

Project Description: A Conditional Use Permit for 16,000 square feet of existing, outdoor cannabis cultivation and a 2,000 square foot appurtenant propagation area. Water is sourced from an existing well, a rainwater catchment pond, and rainwater catchment system built into a permanent metal structure.

Recommendation: Consider the Addendum to the adopted Mitigated Negative Declaration for 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 based on evidence in the staff report and adopt the Resolution approving the proposed 4000 Feet Farms, LLC project subject to the recommended conditions.

Attachments: [CUP-16-620 Staff Report.pdf](#)

5. Catalyst Unlimited, LLC, Conditional Use Permit

Record Number: PLN-11105-CUP

Assessor's Parcel Number (APN): 207-111-010

20335 State Highway 36, Bridgeville, CA 95528

Project description: A Conditional Use Permit for an existing 11,745 square foot (SF) outdoor and existing 1,440 SF mixed light cannabis cultivation. The water source is from a well hydrologically connected to the Van Duzen River. Water storage for irrigation is a 230,510-gallon steel water tank and will be filled outside of the forbearance.

Recommendation: Consider 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 based on evidence in the staff report and adopt the Resolution approving the proposed Catalyst Unlimited Conditional Use Permit subject to the recommended conditions.

Attachments: [PLN-11105-CUP Staff Report.pdf](#)

6. 7 Leaf Clover, LLC, Two Conditional Use Permits and one Special Permit

Record Numbers: PLN-11917-CUP and PLN-11922-CUP

Assessor's Parcel Numbers: (APN) 217-084-013, 217-084-015

1656 Old Eel Rock Road and 860 Old Eel Rock Road, Myers Flat

Project Description: Two Conditional Use Permits for existing outdoor commercial cannabis cultivation operations and ancillary processing on two adjacent parcels: 13,300 square foot (SF) of outdoor cultivation on APN 217-084-013 (owned by the Applicant) and 15,050 SF of outdoor cultivation on APN 217-084-015 (leased to Applicant from landowner of adjacent parcel, APN 217-084-014). A Special Permit for work within the Streamside Management Area on APN: 217-084-013 is also sought.

Recommendation: Consider 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 Permits and Special Permit based on evidence in the staff report and adopt the Resolution approving the proposed 7 Leaf Clover Conditional Use Permits and Special Permit subject to the recommended conditions.

Attachments: [PLN-11917-CUP_PLN-11922-CUP Staff Report.pdf](#)

7. Four Seasons Land Management, LLC, Conditional Use Permit and Special Permit

Record Number: PLN-11195-CUP

Assessor's Parcel Numbers (APNs): 081-091-005 & 081-091-014

689 Boy Scout Camp Road, Myers Flat Area

Project Description: A Conditional Use Permit (CUP) for 4,255 square feet (SF) of new mixed-light cultivation. The source of irrigation water is the Myers Flat Mutual Water System. All above-ground structures are removed from the property after October 15 to comply with the Flood Damage Prevention Ordinance. Additionally, the applicant is requesting a Special Permit for a reduction to the required 600-foot setback from public lands.

Recommendation: Consider 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 Four Seasons Land Management, LLC, project subject to the recommended conditions.

Attachments: [PLN-11195-CUP Staff Report.pdf](#)

8. Matthew Cook, EarthMed LLC, Humboldt Native Grown, Fox Creek Caregivers, Golden Hill Enterprises, and Humboldt Magic Life Conditional Use Permits

Application Numbers 11999, 11867, 12625, 12668, 1200, 13203, 13205, 13207, and 13208

Assessor Parcel Numbers 211-301-021, 221-111-023, 529-351-010, 529-351-009, 529-351-008, 529-351-007, 529-351-006, 529-351-005, 206-151-039, 530-151-001, 215-141-002, 215-142-003, 220-092-008, 220-061-015

Project Description: Nine Conditional Use Permits recommended for denial because they are in violation of the CMMLUO due to illegal expansions or initiation of cultivation activities without permits and the applicants have not responded to resolve the violations.

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 the applicant has not taken steps to resolve the violation and thus the application cannot be found in compliance with the CMMLUO, and adopt the Resolutions denying the proposed projects.

Attachments: [Combined Staff Report 11999, 11867, 12625, 12668, 12000, 13203, 13205, 13207, 13208 Supplemental Information #1 Combined Denials.pdf](#)

9. Adoption of Amendments to Humboldt County Code, Regulating Commercial Cannabis Activities for Medical and Adult Uses in the Coastal Zone

Project Description: Accept and incorporate the Coastal Commission's suggested modifications into the County's existing Commercial Medical Marijuana Land Use Ordinance (Section 313-55.4 of Division 1 of Title III of the County Code) as well as repeal of the Medical Cannabis Testing and Research Laboratories provisions and on-site consumption prohibition found in Sections 313-55.3.15 and 313-55.3.11.7 of Division 1 of Title III of the County Code. These regulations establish land use regulations for the commercial cultivation, processing, manufacturing, distribution, testing, and sale of cannabis within the coastal zone portion of the County. The proposed ordinance would apply throughout the unincorporated areas of Humboldt County only within the coastal zone. An addendum to the Environmental Impact Report (EIR) has been prepared for this Project and will be considered by the Planning Commission.

Recommendation: Make all required findings, based on evidence in the staff report and public testimony, and recommend the Board of Supervisors consider the Addendum to the EIR and recommend the Board of Supervisors accept the Coastal Commission modifications to the Cannabis Ordinance Amendments in the coastal zone by adopting the Resolution.

Attachments: [OR-17-002 CCLUO Staff Report.pdf](#)

F. CONTINUED PUBLIC HEARINGS

1. Housing Element

The 2019 Housing Element is an update to the 2014 Humboldt County Housing Element, and a required element of the General Plan. The Housing Element consists of a narrative which describes the purpose of the Housing Element, the requirements of state law, the relationship of the Housing Element to the rest of the General Plan, background information regarding past elements, current and projects housing needs and conditions. The core of the Housing Element is a series of goals, policies, standards, and implementation measures for the preservation, improvement, and development of housing. It meets details requirements of state housing element law, including requirements for a residential land inventory sufficient to meet the County's share of the state prescribed housing need. The update is necessary to comply with state housing element law and to adopt local policy options to meet the documented housing needs. The 2019 Housing Element Update would apply throughout the unincorporated areas of Humboldt County. For unincorporated lands inside the Coastal Zone, the 2019 Housing Element will not be effective until the California Coastal Commission certifies it as an amendment to the County's Local Coastal Program.

Recommendation: Move to recommend the Board of Supervisors consider the Addendum to the Environmental Impact Report (EIR) for the 2017 Humboldt County General Plan (SCH #2007012089) and adopt the 2019 Housing Element.

Attachments: [Housing Element Staff Report PC 6.6.19.pdf](#)
[2019 HE Appendix G - 6.6.19 .pdf](#)
[2019 Housing Element PC 6.6.19.pdf](#)
[Attachment F - 2019_final_rhna_plan_2.pdf](#)
[Attachment G.pdf](#)
[Attachment H.pdf](#)
[Attachment I.pdf](#)
[Attachment J.pdf](#)
[Supplemental No.1 Jun.6 2019 PC.pdf](#)

G. 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

H. Hawk Valley Farms, LLC Conditional Use Permit

Record No. PLN-11141-CUP

Assessor's Parcel Number (APNs) 204-091-012

1492 River Bar Road, Hydesville area

Project Description: A Conditional Use Permit for Hawk Valley Farms, LLC consisting of approximately 43,560 square feet of existing outdoor cannabis cultivation. The proposed project is located on Assessor's Parcel Number (APN) 204-091-012, which is approximately 7 acres in area.

Recommendation: Find the project exempt from environmental review pursuant to State CEQA Guidelines Section 15270, make the finding that the applicant has neglected to demonstrate compliance with lighting standards and has repeatedly violated the term of the Compliance Agreement for a Zoning Clearance Certificate for Interim Permit by Humboldt County Code §314-55.4.11.w and §314-55.4.8.11 and that therefore the required findings for approval cannot be made, and adopt the Resolution denying the proposed Hawk Valley Farms, LLC project.

Attachments: [PLN-11141-CUP Staff Report.pdf](#)
[Hawk Valley Submittal from agent at Meeting.pdf](#)

ADJOURNMENT