

PLANNING COMMISSION

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JOHN H. FORD
Director, Planning and Building

**COUNTY OF HUMBOLDT
PLANNING COMMISSION**

825 Fifth Street
Board of Supervisors Chambers
Eureka, California

AGENDA

Thursday, December 3, 2020

6:00 PM

Regular Meeting - Virtual

NOTE: In accordance with Executive Order N-29-20 the Planning Commission meeting will be held virtually.

HOW TO LISTEN OR WATCH THE PLANNING COMMISSION MEETING:

Listen or Watch the live stream of the Planning Commission Meeting in three ways:

- 1. <https://zoom.us/j/92221387866> Password: 200525***
- 2. Call in via telephone at 346 248-7799, enter meeting id 922 2138 7866 password: 200525***
- 3. A live stream of the meeting can be found by using the following link:
<https://humboldt.legistar.com> or by watching Access Humboldt on cable channel 10***

PUBLIC COMMENT INSTRUCTIONS DURING THE MEETING:

Participate in the public comment period of the meeting in the following two ways:

- 1. Via Computer as an attendee: To raise your hand click the Raise Hand icon on the bottom of the Zoom window. When you click the Raise Hand icon, a hand icon will appear next to your name that will notify the host your hand is raised. You will also see the hand icon turn green. When you want to lower your hand, you can click the hand icon again and your hand will be lowered. When you are called upon to speak the Zoom platform will ask you for permission to unmute your mic. If you encounter any issues, please use the call-in option below.***
- 2. Via phone call using cellphone or landline: When the Planning Commission meeting begins, call in to the conference line. When the Planning Commissioner starts to discuss the item you wish to comment on, Press *9 to raise your hand. When you are called upon to speak, you will be prompted to unmute your mic, press *6 to unmute.***

Please note that each Zoom meeting has a unique meeting ID and password. Any item on this agenda that is continued to a future date will use the meeting ID and password applicable to the date the agenda item is to be heard again. Agendas are posted on the Friday before the meeting at <https://humboldt.legistar.com>

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. Review and approval of the October 15, 2020 Action Summary.

Recommendation: Move to approve the October 15, 2020 Planning Commission Action Summary and direct the Secretary of the Planning Commission and the Clerk of the Planning Commission to sign the Minute Sheet.

Attachments: [10.15.20 PC Action Summary for review and approval.pdf](#)

2. Canyon Farms LLC, Conditional Use Permit Case Numbers CUP-16-575 (PLN-12232-CUP) Assessor Parcel Numbers (APNs) 214-114-010 Phillipsville area

A Conditional Use Permit (CUP-16-575) for 20,120 square feet of existing mixed light cannabis cultivation to occur in greenhouses in two distinct cultivation areas, supported by a 1,640-square-foot ancillary nursery. Irrigation water is sourced from rainwater catchment in a series of hard tanks totaling 168,000 gallons. It is delivered to the cannabis plants via a metered drip irrigation system. The applicant's estimated annual water usage is 120,000 gallons (2.98 gal/SF/cycle). Drying and storage will occur onsite in a proposed 1,800-square-foot structure, and further processing will occur off site at a licensed processing or manufacturing facility. Up to three (3) employees may be utilized during peak operations. Power is provided by an existing solar array with a backup generator.

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 based on evidence in the staff report and adopt the Resolution approving the proposed Canyon Farms, LLC project subject to the recommended conditions.

Attachments: [PLN-12232-CUP Staff Report.pdf](#)
[Attachment 3.A Site Management Plan 10.21.2020.pdf](#)
[Attachment 3.B LSA Streambed Alteration Agreement 10.19.2020.PDF](#)
[Attachment 3.C Less Than Three Acre Conversion Mitigation Plan 05.19.2020.pdf](#)
[12232 PC Supplemental #1 12032020.pdf](#)

3. IXXCO, Inc, Conditional Use Permit Modification

Record Number PLN-2020-16552

Assessor Parcel Number 522-221-008

39057 State Highway 299, Willow Creek area

A modification to an approved Conditional Use Permit for Nonvolatile Manufacturing and Distribution activities in an existing 4,500 square foot structure. The modification will allow for commercial processing. Water is sourced from the Willow Creek Community Services District. Electricity would be sourced from PGE, and the project is enrolled in the "Repower+" program to obtain renewable energy. The applicant states that the hours of operation for both activities would be from 6:00 AM to 10:00 PM, Monday through Saturday. The applicant states that four individuals are required for operations, with six required seasonally.

Recommendation: 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 Modification, based on evidence in the staff report, and adopt the Resolution approving the Ixxco. Inc. Conditional Use Permit Modification subject to the recommended conditions.

Attachments: [PLN-2020-16552 Staff Report.pdf](#)
[Attachment 3.A_16552 Operations Plan 09.2020.pdf](#)
[Attachment 5.A_Original PLN-2018-15131 Staff Report.pdf](#)

4. The Emerald Kid, Inc, Conditional Use Permit Modification
Record Number PLN-2020-16323
Assessor's Parcel Numbers: 522-211-053 and 522-211-055
50 Stagecoach Lane and 100 Stagecoach Lane, Willow Creek area

A modification to approved Conditional Use Permit to allow a microbusiness permit for cultivation, distribution, and manufacturing without the use of solvents. The applicant is seeking to modify the permitted cultivation area to qualify as a microbusiness. There is no change to the permitted cultivation footprint. Up to 8,400-square-feet is mixed-light in three (3) greenhouse structures and up to 1,600-square-feet is indoor. The applicant will comply with State canopy measurements to meet the less-than-10,000 SF microbusiness tier while continuing to pay County taxes on the exterior dimensions of cultivation structures. The project proposes a new 2,142 SF nursery addition to the north wall of the existing greenhouse on APN 522-211-055 to use for clones and genetic production for use on-site or for wholesale off-site. The application seeks authorization of a distribution use utilizing two vans for delivery of products grown and/or made on-site. The applicant is also seeking to permit two concrete soil bays to allow soil management. An existing 2,000 SF multi-use building is equipped with a dry room, a trimming room, office, and ADA-restroom. The modification proposes to use the 224 SF Office section of the multi-use building to make bubble hash and live rosin using ice water extraction. Water is sourced from the Willow Creek Community Services District and supplemented by rainwater catchment. Energy is sourced from P.G.&E. with a generator onsite for backup in case of emergency. Up to 15 employees would be utilized for the operation. The project site meets the standards for public accommodations and would operate as a tourist site for 5 daily tours 5 days a week between the hours of 9am to 6pm.

Recommendation: Find that the Commission has considered project 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 Modification and adopt the Resolution approving The Emerald Kid, Inc Conditional Use Permit Modification as recommended by staff subject to the recommended condition.

Attachments: [PLN-2020-16323 Staff Report.pdf](#)
[16323 Supplemental Packet #1 PC 12.3.20.pdf](#)

5. Yeti Enterprises, LLC, Conditional Use Permit
Record Number PLN-12249-CUP
Assessor's Parcel Numbers: 510-211-057
2214 McKinleyville Avenue, McKinleyville area

A Conditional Use Permit for 1,300 square feet (SF) of new indoor cultivation within an existing 2,880 SF building. A 390 SF room will be added for an ADA restroom, the total size of the building will be 3,270 SF. The applicant projects 5-6 cultivation cycles per year. Water for irrigation would be sourced from the McKinleyville Community Services District. Water would be stored in eight tanks totaling 2,900 gallons. The annual water usage is about 120,000 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.

Recommendation: 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 Permit based on evidence in the staff report and approve the proposed Yeti Enterprises, LLC project subject to the recommended conditions.

Attachments: [PLN-12249-CUP Staff Report.pdf](#)

F. ITEMS PULLED FROM CONSENT

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

1. Lost Boys Farm, Conditional Use Permit

Record Number PLN-2018-15180

Assessor Parcel Number Record Number PLN-15180-CUP. APN 204-381-008

2494 Fisher Road, Hydesville area

A Conditional Use Permit for 43,560-square feet of new mixed-light commercial cannabis cultivation and distribution within the Carlotta/Hydesville Community Planning Area. The cannabis would be planted directly in the native soil. The applicant anticipates four harvest cycles per year. Water for irrigation would be sourced from a rooftop rainwater catchment system and an onsite well. Water would be delivered to plants via a drip irrigation system. Annual water demand would be approximately 1,095,000 gallons. There would be 25,000 gallons of water storage in hard tanks. The applicant proposes ancillary nursery and processing facilities to support the operation. There would be a maximum of 19 employees to support all aspects of the operation. Renewable energy would be supplied by PG&E.

Recommendation: Find the project exempt from environmental review pursuant to State CEQA Guidelines Section 15270, make the finding that the applicant has failed to demonstrate that the impacts of the proposed project would not be detrimental to the public health, safety and welfare, and therefore the required findings for approval cannot be made, and adopt the Resolution denying the proposed Lost Boys Farms, LLC project.

Attachments: [PLN-2018-15180 Staff Report.pdf](#)
[Attachment A_15180 Biological Assessment 09.13.19 \(4\).pdf](#)
[15180 Supplemental Packet #1 PC 12.3.20.pdf](#)
[15180 Supplemental Packet #2 PC 12.3.20.pdf](#)
[15180 Supplemental Packet #3 PC 12.3.20.pdf](#)

2. Amendments to the Humboldt Bay Area Plan and Coastal Zoning Regulations to Allow the Samoa Peninsula Wastewater Project

Case Number: PLN 2020-16642

Samoa Peninsula area

The Humboldt Bay Area Plan (HBAP) and the Coastal Zoning Regulations are proposed to be amended to allow the Samoa Peninsula Wastewater Project (SPWP) to proceed. The SPWP includes the construction and operation of a consolidated wastewater collection, treatment, and disposal system intended to correct public health and water quality problems resulting from failed on-site wastewater treatment systems on the Samoa Peninsula outside the Town of Samoa, including the community of Fairhaven. The proposed amendments to allow the SPWP would: (1) provide an exception in the Humboldt Bay Area Plan to allow the extension of wastewater service outside the Urban Limit Line within the Peninsula Community Services District for existing structures served by on-site wastewater systems; and, (2) provide an exception in the Humboldt Bay Area Plan to allow wastewater from outside the Samoa Town Master Plan Overlay Area (STMP) to be treated at the STMP Wastewater Treatment Plant; and, (3) amending Section 311-7 of Chapter 1, Division 1, Title III, of Humboldt County Code (HCC) to change the zoning of properties in the Fairhaven area to apply a Q - Qualified Zone prescribing performance standards for new infill development in Fairhaven on parcels planned and zoned for residential uses located within 300 feet of the public sewer lines to address hazards relating to sea level rise and tsunami inundation and to protect Environmentally Sensitive Habitat Areas (EHTA) as an interim measure while comprehensive planning that will culminate in future amendments to the HBAP that is underway to address exposure to sea level rise and tsunami hazards and ESHA protection in the area is complete.

Recommendation: Based on evidence in the staff report and public testimony, make all the required findings and adopt the Resolution recommending that the Humboldt County Board of Supervisors find that the California Environmental Quality Act (CEQA) does not apply to the preparation and adoption of a local coastal program by the County pursuant to Public Resources Code 21080.9 and to CEQA Guidelines Section 15265(a) and adopt the proposed LCP amendments, including amendments to the Humboldt Bay Area Plan and Coastal Zoning Regulations (as may be modified by the Planning Commission).

Attachments: [PLN-2020-16642 Staff Report.pdf](#)
[16642 Supplemental Packet #1 PC 12.3.20.pdf](#)

3. Draft Amendments to the Cannabis Dispensaries Ordinance

Case No.: PLN-2020-16688

Amendments to the Coastal and Inland Dispensary Ordinances (Section 313-55.3 and 314-55.3 of Chapter 4 of Division 1 of Title III of the Humboldt County Code) to modify the allowed hours of operation for cannabis dispensaries to conform to state law. The allowed hours of operation would expand to 6 a.m. to 10 p.m., which is eight hours longer allowed under the current ordinance. Also, the Dispensaries Ordinance is being amended to ensure information is provided to both employees and the public about the danger of cannabis use during pregnancy and while breastfeeding. The Planning and Building Department is recommending the Planning Commission approve of the proposed changes to the Zoning Regulations. The Planning Commission will be making recommendations to the Board of Supervisors for final action.

Recommendation: Based on evidence in the staff report and public testimony, adopt the Resolution recommending that the Humboldt County Board of Supervisors find that the proposed ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 21080.5 and 21080.9 of the Public Resources Code and 15265 of the State CEQA Guidelines; and that the Board of Supervisors adopt the Cannabis Dispensary Ordinance amendments.

Attachments: [PLN-2020-16688 Staff Report.pdf](#)

H. ADJOURNMENT**I. NEXT MEETINGS***December 17, 2020*

The County of Humboldt is committed to providing equal access to all county programs, services and activities through the provision of accommodations for individuals with disabilities as required under the Americans with Disabilities Act (ADA). With 72 hours prior notice, a request for reasonable accommodation or modification can be made. Please contact the Planning Commission Clerk at 707-445-7541 or by email planningclerk@co.humboldt.ca.us or the ADA Coordinator at 844-365-0352 or by email at ada@co.humboldt.ca.us