

PLANNING COMMISSION

Robert Morris
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David Edmonds
Vice Chair - At Large
Alan Bongio
First District
Noah Levy
Third District
Kevin McKenny
Fourth District
Ben Shepherd
Fifth District
Brian Mitchell
At Large



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, October 19, 2017

5:00 PM

Special Meeting

CALL TO ORDER / SALUTE TO FLAG

COMMISSIONERS PRESENT

Present 7 - Commissioner Robert E. Morris, Commissioner David Edmonds, Commissioner Alan Bongio, Commissioner Noah Levy, Commissioner Kevin McKenny, Commissioner Ben Shepherd, and Commissioner Brian Mitchell

AGENDA MODIFICATIONS

APPROVAL OF ACTION SUMMARY

PUBLIC COMMENTS

CONSENT AGENDA

1 Beau Pre Heights Final Map Subdivision Extension

Case Number FMS-06-011X

Assessor's Parcel Number (APN) 510-011-015; 511-161-004; 510-011-017; 511-111-059

McKinleyville Area

A two year extension of a Final Map Subdivision of an approximately 197.3 acre parcel (formerly known as Norton Creek Estates, now termed Beau Pre Heights Subdivision) into 79 residential parcels ranging in size from 1.03 acres - 4.79 acres, and an open space parcel encompassing streamside management areas and wetlands. The Tentative Map will also protect an approximate 36-acre Sitka spruce forest stand deemed a "rare natural community" by the Department of Fish and Game. Pursuant to Section 322.5-1 et seq. H.C.C., an exemption to the solar access standards is requested for all lots based on the fact that all lots in the proposed development are greater than one acre and lot configuration does not constrain solar access. The proposed subdivision would include a small (3.4 acre) community park and series of trails, open to the general public for pedestrian and bicycle use. The project site is accessed from the south via Murray Road and from the north via Norton Road, both of which are two-lane roadways as they approach the site. A portion of the project area is located within the designated Approach Zone (Zone C) for the Arcata-Eureka Airport, however, the proposed densities do not exceed those currently allowed (4 units/acre) for this zone and should not impact the airport in any way. The Arcata-Eureka Airport is located approximately one mile to the northwest of the site. The project includes Street Name Assignments to name the proposed new unnamed access roads that are to serve the proposed subdivision. The project will be served by community water and on-site septic systems. If approved, the extension will extend the life of the tentative map to June 14, 2019.

First Vote: A motion was made by Commissioner Edmonds, seconded by Commissioner McKenny, to make all of the required findings, based on evidence in the staff report, and approve the Beau Pre Heights Final Map Subdivision Extension on the Consent Agenda subject to the recommended conditions of approval. The motion carried by the following vote:

A motion was made by Commissioner Edmonds and seconded by Commissioner Levy, to rescind the previous action to approve the Beau Pre Heights Final Map Subdivision application and take public comment and re-vote. The motion carried 7/0.

Second Vote: A motion was made by Commissioner Edmonds, seconded by Commissioner Mitchell, to make all of the required findings, based on evidence in the staff report, and approve the Beau Pre Heights Final Map Subdivision Extension subject to the recommended conditions of approval. The motion carried by the following vote:

PUBLIC HEARINGS

2 Commercial Cannabis Land Use Ordinance (CCLUO).

Case Number OR 17-02

Countywide

Update the County's 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) 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, 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, respectively. These regulations establish land use regulations for the commercial cultivation, processing, manufacturing, distribution, testing, and sale of cannabis within the County. The proposed ordinance would apply throughout the unincorporated areas of Humboldt County, including the Coastal Zone. A Draft Environmental Impact Report (EIR) has been prepared for this Project and will be considered by the Planning Commission.

A motion was made by Commissioner Edmonds, seconded by Commissioner McKenny, that the Commercial Cannabis Land Use Ordinance item be continued to the November 2, 2017 meeting of the Planning Commission. The motion carried by the following vote:

Aye: 7 - Commissioner Morris, Commissioner Edmonds, Commissioner Bongio, Commissioner Levy, Commissioner McKenny, Commissioner Shepherd, and Commissioner Mitchell

3 Interim Amendment of Commercial Medical Marijuana Land Use Ordinance (CMMLUO)

Case Number OR 17-007

Inland area of the County

Adoption of an ordinance establishing interim provisions for the regulation of commercial cannabis activities for the California Adult Use marketplace. The ordinance performs minor changes to the County's existing Commercial Medical Marijuana Land Use Ordinance (CMMLUO) and Dispensary Regulations (Sections 313 and 314-55.4 and 313 and 314-55.3, respectively, of Division 1 of Title III of the County Code, Chapters 3 and 4) to enable these existing local regulations to govern various commercial activities for both Medical and Adult Uses, including cultivation, processing, manufacturing, distribution, testing, and sale of cannabis within the County. The ordinance will allow issuance of interim permits to applicants applying to permit existing cultivation sites and whose applications were complete before July 14, 2017. The amendments are designed to preserve local review and control of these activities in tandem with forthcoming state licensing, which is expected to begin by January 1, 2018.

Meeting went into Recess

Meeting Reconvened

Motion by Commissioner Mitchell, seconded by Commissioner McKenny, recommending the Board of Supervisors adopt this Zoning Ordinance with amendments including the requirement that staff verify cultivation area prior to issuance of an interim permit, and the compliance agreement contain provisions that the site must be in compliance with county codes, must not have been expanded, and the permitting process must continue and any violations will result in the existing application being dismissed. The motion carried by the following vote:

Aye: 5 - Commissioner Morris, Commissioner Levy, Commissioner McKenny, Commissioner Shepherd, and Commissioner Mitchell

Nay: 2 - Commissioner Edmonds, and Commissioner Bongio

DEPARTMENTAL REPORT

4 Cannabis Workshop

Continuation of Public Workshop on the Commercial Cannabis Land Use Ordinance providing an opportunity for the public and the Planning Commission to review and comment on policy alternatives developed in response to commission and public discussion during the first three ordinance workshops. Staff will continue to present the individual alternatives to the Commission during the workshop and provide recommendations and guidance on each of the specific areas of revision.

Meeting went into Recess

Meeting Reconvened

ADJOURNMENT

Chair Morris adjourned the meeting at 9:30 p.m.

NEXT MEETINGS

November 16, 2017 Special Meeting

December 7, 2017 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.