

**PLANNING COMMISSION**

Robert Morris  
Chair - Second District  
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, November 2, 2017

5:00 PM

Regular Meeting

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**CALL TO ORDER / SALUTE TO FLAG**

*Chair Morris called the meeting to order at 5:00pm.*

**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**

*The following items were continued to the December 7th Planning Commission meeting:*

#2 Carlos Finn  
#3 Humboldt Legacy Farms  
#6 Stay Conscious  
#9 Happy Head Ranch  
#11 Brannan Mountain Farms

**APPROVAL OF ACTION SUMMARY**

Approval of the October 5, 2017 PC Action Summary.

*A motion was made by Commissioner Shepherd, seconded by Commissioner Levy, that the October 5, 2017 Planning Commission Action Summary be approved. The motion carried by the following vote:*

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

Not Present: 1 - Commissioner McKenny

Abstain: 1 - Commissioner Edmonds

Approval of the October 19, 2017 PC Action Summary.

***A motion was made by Commissioner Shepherd, seconded by Commissioner Levy, that the October 19, 2017 Planning Commission Action Summary be approved. The motion carried by the following vote:***

Aye: 6 - Commissioner Morris, Commissioner Edmonds, Commissioner Bongio, Commissioner Levy, Commissioner Shepherd, and Commissioner Mitchell

Not Present: 1 - Commissioner McKenny

## **PUBLIC COMMENTS**

## **CONSENT AGENDA**

- 1** Honeydew Valley Farms LLC Conditional Use Permit  
Case Numbers CUP 16-548, CUP 16-546 and CUP 16-545  
Assessor's Parcel Numbers (APNs) 107-086-024 and 107-091-001  
Honeydew area

Three Conditional Use Permits (CUPs) for 1 acre each for a total of three acres (130,680 square feet (sf)) of new outdoor commercial medical cannabis cultivation on approximately 319 acres. Of the total cultivation 43,200 sf will be in greenhouses with the remaining 87,480 sf grown outdoors. All cultivation will be entirely without supplemental lighting. A new 1.5-million-gallon rainwater catchment pond is proposed to provide irrigation for the cultivation operations. A new 3,200-foot water line will be constructed from the pond to the cultivation area with a submergible water pump to distribute water for irrigation. Estimated water usage per year will be approximately 1,025,000 gallons, and the applicants will forebear from any surface water diversions from May 15th to October 31st. Processing is proposed to occur on-site in a proposed ADA-compliant processing facility to be constructed in 2017. Power is supplied by Pacific Gas and Electric to the processing facility, while two generators will be utilized to power greenhouse fans at the cultivation site.

***A motion was made by Commissioner Shepherd, seconded by Commissioner Levy, that the Honeydew Valley Farms LLC project be approved as conditioned and with the following amendments that the parcels involved must merge into one parcel and that there will be no outdoor grow within 300 feet of a neighboring residence. 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

- 2** Carlos Finn Conditional Use Permit and Special Permit  
Case Numbers CUP 16-312, SP 17-042  
Assessor's Parcel Numbers (APN) 223-123-001  
981 Mahan Road, Garberville area

A Conditional Use Permit for 20,000 square feet (SF) of existing mixed light cultivation of commercial medical cannabis. Irrigation water is provided by deeded access to a spring located on APN 223-124-001. It is estimated that cultivation activities will use a maximum of 80,000 gallons of water from March to October. Water will be applied using drip irrigation. Approximately 70,000 gallons of on-site water storage will be filled and used for forbearance during the summer months. Also, a Special Permit for existing development that encroaches into 50-foot Streamside Management Area of a Class III watercourse that the Applicant is proposing retain by reducing the width of the buffer per the submitted application materials. Solar power is proposed to be the primary source of power, and a generator will be used as supplemental power on an on-demand basis, e.g., during cloudy or rainy conditions. Also, appurtenant on-site processing will occur in an existing building approximately 780 SF in size. The Applicant estimates there will be 3 to 4 seasonal employees. The property is developed with a single family residence served by on-site systems per the applicant's Plan of Operation.

*The Carlos Finn project was continued to the December 7, 2017 meeting of the Planning Commission.*

- 3** Humboldt's Legacy Farms Conditional Use Permit  
Case Numbers CUP 16-399  
Assessor's Parcel Number (APN) 223-261-004-000  
2560 Sawmill Road, Garberville area

A Conditional Use Permit for an existing 12,910-square-foot outdoor medical cannabis cultivation operation. Water for irrigation is provided by a point of diversion on an adjacent parcel that diverts water into an on-site 800,000-gallon water storage pond. The Applicant estimates that approximately 76,000 gallons of water is required to meet operational needs. Processing activities, including drying, curing and trimming, will occur on-site in an existing agricultural shed. Electricity is provided by PG&E.

*The Humboldt's Legacy Farms project was continued to the December 7, 2017 meeting of the Planning Commission.*

- 4 EcoMeds, LLC. Conditional Use Permit  
Case Number CUP 17-003  
Assessor's Parcel Number 223-111-004  
Garberville area

A Conditional Use Permit (CUP 17-003) to permit an existing 18,000 square foot (sf) commercial medical cannabis cultivation site, consisting of approximately 15,600 sf of outdoor and 2,400 sf of mixed-light cultivation. Irrigation Water is from a rain water catchment system and stored in bladders totaling 120,000 gallons. Projected water use is approximately 87,500 gallons per year. An average of 3 employees will be engaged in cultivation activities on-site and up to 5 employees will be employed during harvest operations. Processing will occur at an off-site commercial processing center in Redway.

*Meeting went into Recess*

*Meeting Reconvened*

***The EcoMeds project was continued to the December 21, 2017 meeting of the Planning Commission with requests that the applicant bring additional information relating to road Maintenance and traffic impacts to be completed by an Engineer, noise in relation to the proposed generator use along with total noise including the use of fans, and the evidence of existing cultivation. The motion carried by the following vote:***

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

- 5** Calisun Farms Conditional Use Permit  
Case Numbers CUP 16-286  
Assessor's Parcel Numbers (APN) 208-321-007  
Bridgeville Area

A Conditional Use Permit (CUP) is sought for 24,100 square feet (sf) of existing cannabis cultivation with on-site processing on an approximately 63-acre parcel. Of the total cultivation area, 10,100 sf is in greenhouses, and 14,000 sf is in full sun. Drying and trimming occurs in an existing building onsite. The Applicant is proposing to convert an existing agricultural building to a processing facility where employees will be lodged, have access to a restroom, and a wash station. The Applicant will hire a maximum of seven employees throughout the year. Water for cultivation is currently obtained from a surface diversion on a neighboring property. A well is proposed (permit number 16/17 0409) as an on-site water source to replace the current off-site surface water diversion. The well is scheduled to be installed between August 21 and 25, 2017. Existing water storage capacity totals 83,650 gallons in hard tanks and bladders. Total projected water needs for the cultivation is 75,000 gallons per year. The Applicant is seeking separate permitting for the existing second residence on the property and this residence would be used as housing for 1-2 collective members who would be working on-site during the growing season. Those collective members resident on the site during the growing season would make approximately 25 vehicle trips per season/year to and from the site. A septic system for the residence was installed on July 17, 2017 (permit application number 43988). No artificial light is used in cultivation; electricity for the residence and processing facility is from a generator. The activity is enrolled with the North Coast Regional Water Quality Control Board as a Tier II discharger.

***A motion was made by Commissioner Shepherd, seconded by Commissioner Mitchell, that the Calisun Farms project be approved. The motion carried by the following vote:***

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

- 6** Stay Conscious, Inc. Conditional Use Permit  
Case Number CUP 16-087  
Assessor's Parcel Numbers (APN) 524-016-010  
Willow Creek area

A Conditional Use Permit for an existing 31,825-square-foot outdoor cultivation area on an approximately 144-acre parcel. The existing cultivation areas are contained within three distinct cultivation sites. The water source used for irrigation is an existing permitted well on the property that provides water at a rate of 30 gallons per minute (developed 2016). The property currently has 5,600 gallons of water storage in two existing above ground storage tanks. Processing activities, including drying and curing, will occur in existing agricultural buildings on-site. Trimming will be done off-site.

***The Stay Conscious project was continued to the December 7, 2017 meeting of the Planning Commission.***

- 7 John Rotter Parcel Map Subdivision, Coastal Development Permit and Special Permit Extension  
Case Numbers PMS-13-011X, CDP-14-047X, SP-13-043X  
Assessor Parcel Numbers (APNs) 517-261-002-000, 517-261-007-000  
1948 Patricks Point Drive, Trinidad area

A two-year extension to a previously approved subdivision. The original project included a minor subdivision of an approximately 7.08 acre parcel into two parcels of approximately 5.6 acres and 1.48 acres in size. A Special Permit is requested to utilize Lot Size Modification pursuant to Section 313-99.1.1.2 of the Zoning Regulations to deviate from the 2-acre minimum parcel size for the resultant 1.48 acre parcel. The parcel is currently bisected by Patricks Point Drive which will act as the dividing line. The parcel is currently developed with a single family residence west of the road (proposed Parcel 1) and a secondary dwelling unit east of the road (proposed Parcel 2). A Coastal Development Permit issued by the California Coastal Commission is required for the approval of the subdivision. Also included is an after-the-fact Coastal Development Permit to correct a subdivision violation that resulted when a 40-foot wide strip of land (a portion of Parcel 2 created by Parcel Map No. 335) was separately conveyed by a previous property owner without benefit of local review. A Notice of Subdivision Map Act violation has been recorded for the conveyance parcel (APN 517-261-004-000) and the remedy will be merger with that owner's adjoining legal parcel (APN 517-261-005-000). Water is provided by the Parvin Creek Mutual Water System as well as a spring on proposed Parcel 1. An on-site wastewater treatment system exists on each parcel. No change to the original project is proposed. This is the first extension requested and if approved, the extension will expire on January 7, 2019.

***A motion was made by Commissioner Mitchell, seconded by Commissioner Shepherd, to approve the John Rotter project. The motion carried by the following vote:***

Aye: 6 - Commissioner Morris, Commissioner Bongio, Commissioner Levy, Commissioner McKenny, Commissioner Shepherd, and Commissioner Mitchell

Nay: 1 - Commissioner Edmonds

- 8 Tripodi Parcel Map Subdivision  
Case Number PMS-16-014  
Assessor Parcel Numbers (APNs) 316-102-010, 316-291-016  
19701 State Highway 299, Redwood Valley area

A Minor Subdivision of an approximately 68 acre parcel into two parcels of approximately 42 acres (Parcel 1) and 26 acres (Parcel 2) in size. The parcel is currently developed with a single family residence and barn that will remain on proposed Parcel 1. The site is also host to a certified tree farm. Water is currently provided by an on-site spring and served with on-site wastewater disposal systems.

***A motion was made by Commissioner Levy, seconded by Commissioner Bongio, to approve the Tripodi project as part of the Consent Agenda. The motion carried by the following vote:***

Aye: 6 - Commissioner Morris, Commissioner Edmonds, Commissioner Bongio, Commissioner Levy, Commissioner Shepherd, and Commissioner Mitchell

Not Present: 1 - Commissioner McKenny

- 9 Happy Head Ranch Conditional Use Permit  
Case Numbers CUP 16-365  
Assessor's Parcel Number (APN) 316-174-007  
Titlow Hill area

A Conditional Use Permit (CUP) Permit is requested for 15,000 square feet of existing outdoor cannabis cultivation with on-site processing. There are two sites of cultivation on the property (Area 1 and 2); a portion of Area 1 is currently within a watercourse class III buffer zone. Applicant proposes to relocate Area 1 to a site that is environmentally preferable. The proposed action is to move the entirety of cultivation Area 1 from the sensitive location and reduce the cultivation in this unit from 11,400 to 6,400 square feet, while adding 5,000 square feet to cultivation Area 2, making this second unit's cultivation area 8,600 square feet. The water source is a permitted well, with storage in thirteen hard tanks and a bladder totaling up to 82,500 gallons of water storage. To supplement the existing water source, the applicant proposes two rainwater catchment ponds and a rainwater catchment system. Irrigation will be implemented by hand to manage water distribution at an agronomic rate in order to prevent runoff. The projected water usage is approximately 92,000 gallons a year. Cannabis product will be dried and machine-trimmed on site in a proposed 60 feet by 40 feet commercially rated shop. Happy Head Ranch has filed a Notice of Intent with the North Coast Water Quality Control Board (NCWQCB) as a Tier 2 discharger. The project is a family-run operation and will not include the use of employees.

***The Happy Head Ranch project was continued to the December 7, 2017 meeting of the Planning Commission.***

- 10 Gabriela McCord Parcel Map Subdivision, Planned Development Permit Extension  
Case Numbers PMS-08-011X, PDP-08-001X  
Assessor Parcel Number (APN) 016-021-020  
2214 Myrtle Avenue, Myrtle town area

A two-year extension, in addition to several automatic extensions authorized by several Assembly Bills, of a Parcel Map Subdivision and Planned Development Permit originally approved April 16, 2009. The project consisted of the conversion of four existing apartment units into condominiums for individual ownership. No new units are proposed. The approximately 7,840 square foot parcel was developed with these rental units in the late 1970s. The project includes landscaped open space and recreational areas for the benefit of the residents. The parcel is and will continue to be served by community water and sewer. No change to the original project is proposed. This is the first extension requested and if approved, the extension will expire on April 28, 2019.

***A motion was made by Commissioner Levy, seconded by Commissioner Bongio, to approve the Gabriela McCord project as part of the Consent Agenda. The motion carried by the following vote:***

Aye: 6 - Commissioner Morris, Commissioner Edmonds, Commissioner Bongio, Commissioner Levy, Commissioner Shepherd, and Commissioner Mitchell

Not Present: 1 - Commissioner McKenny

## PUBLIC HEARINGS

- 11** Brannan Mountain Farms LLC Conditional Use Permit  
Case Numbers CUP 16-332 and SP 17-140  
Assessor's Parcel Number (APN) 522-211-051  
741 Brannan Mountain Road, Willow Creek area

A Conditional Use Permit for an existing 12,268 square-foot (sf) commercial medical cannabis cultivation operation consisting of an 8,788-square-foot (sf) outdoor cultivation area and a 3,480 sf mixed-light cultivation area. Outdoor cultivation is divided into four separate areas and one existing greenhouse that was demolished for replacement. The mixed light cultivation area is contained within 2 existing greenhouses and the Applicant proposes to reconfigure into five greenhouses total. Also a Special Permit to allow a cultivation area setback of less than 600-feet from public lands used and managed for open space/wildlife habitat for the adjacent National Forest lands north of the property. Portions of Cultivation Areas 2, 3 and 4 encroach into the 30-foot setback from the eastern property line; consequently, the Applicant proposes to grow a non-cannabis crop within the setback. The applicant will relocate an existing cultivation area, existing greenhouse, and a proposed greenhouse that encroach into the 30-foot setback from the northern property boundary. The Applicant proposes two ancillary propagation areas: 1) a 4,300-square-foot outdoor area; and 2) an indoor propagation area to be located inside a proposed 1,200-square-foot processing building. In addition to the indoor propagation area, the proposed processing building will house a drying room, a trimming room, and an ADA-compliant bathroom. Annual projected water use is 396,000 gallons (1.22 acre-feet) and is sourced from the Willow Creek Community Service District. Water storage capacity on the property is 5,000 gallons in two 2,500-gallon hard-sided tanks, one of which is available for fire protection use only. Power for the cultivation operations is provided by four generators: 2 for supplemental lighting in greenhouses, 1 for water pumps, and 1 for backup. Fertilizers, soil amendments, and pesticides are secured on-site in a metal shipping container.

*The Brannan Mountain Farms LLC project was continued to the December 7, 2017 meeting of the Planning Commission.*



**12** Kable Final Map Subdivision and Coastal Development Permit Modification

Case Number FMS-17-005, CDP-17-041

Assessor Parcel Number (APN) 301-111-001-000

380 Artino Street, Eureka Area

A Final Map Subdivision and Coastal Development Permit to divide an approximately 2.5 acre parcel into five residential parcels ranging in size from 6,080 square feet to 1.75 acres. The parcel is currently developed with one single family residence which will be sited on proposed Parcel 1. The property is served with community water and sewer and proposed access is from Union Street, a paved public road. A portion of proposed Parcel 5 is located within the Coastal Zone. The Applicant is seeking to modify the improvement requirements for Union Street that are required by the Department of Public Works. Pursuant to Section 325-9, the applicant has submitted an exception request to reduce these improvements.

***A motion was made by Commissioner Shepherd, seconded by Commissioner Levy, that the Kable project be approved. The motion carried by the following vote:***

Aye: 6 - Commissioner Morris, Commissioner Edmonds, Commissioner Bongio, Commissioner Levy, Commissioner Shepherd, and Commissioner Mitchell

Abstain: 1 - Commissioner McKenny

**NEW BUSINESS****13** Election of Officers - Chair and Vice Chair: Commission elect Chair and Vice Chair for upcoming year of 2018.

***A motion was made by Commissioner Shepherd, seconded by Commissioner Bongio, to have the current Chair and Vice Chair remain in said positions for 2018. The motion carried by the following vote:***

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

Abstain: 2 - Commissioner Morris, and Commissioner Edmonds

**DEPARTMENTAL REPORT****CONTINUED PUBLIC HEARINGS**

**14 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 Levy, seconded by Commissioner Edmonds, that the Commercial Cannabis Land Use Zoning Ordinance item be continued to the November 16, 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

**CORRESPONDENCE****15 Correspondence submitted for distribution to the Planning Commissioners****ADJOURNMENT**

*Chair Morris adjourned the meeting at 9:30pm.*

**NEXT MEETINGS**

*November 16, 2017 Special Meeting*

*December 7, 2017 Regular Meeting*

*I, SUZANNE LIPPRE, Planning Commission Clerk, County of Humboldt, State of California, do hereby certify the foregoing to be a full, true, and correct original record of the above entitled meeting of the Humboldt County Planning Commission held in Eureka, California.*

SUZANNE LIPPRE

*Planning Commission Clerk of the County of Humboldt, State of California.*