

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, January 18, 2018

6:00 PM

Special Meeting

CALL TO ORDER / SALUTE TO FLAG

Chair Morris called the meeting to order at 6:00 p.m.

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

PUBLIC COMMENTS

CONSENT AGENDA

- 1** Leland Rock Zone Reclassification
Case Number ZR-16-004
Assessor Parcel Number 101-142-002
Ferndale Area

A Zone Reclassification to rezone approximately 300 acres of APN 101-142-002 from Agriculture Exclusive with a 160 acre minimum parcel size into Timberland Production Zone (TPZ). A portion of the southeast corner is already zoned TPZ and this action will result in the entire parcel being zoned TPZ. Currently, there is a Nonindustrial Timber Management Plan (1-12NTMP-004-HUM) on the entire property.

A motion was made by Commissioner Shepherd, seconded by Commissioner Mitchell, that this Zoning Item be recommended for approval. The motion carried by the following vote:

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

- 2** Lloyd Julien and Manuel Meras Conditional Use Permit
Number CUP-16-509
Assessor Parcel Number (APN) 201-322-019
1298 State Highway 36, Alton area

A Conditional Use Permit to permit 43,200 square feet (SF) of new outdoor cannabis cultivation. The applicant proposes up to 18 hoop-rows covering approximately 43,200 SF or 0.99 acres. Cannabis plants cultivated on-site will be propagated onsite in an approximate 360 SF existing on-site structure. Once plants have achieved sufficient size they will be moved from the propagation area and planted in the ground in the hoop-rows. Between the months of June and September flowering will be induced by manually covering each flowing hoop-row with blackout tarps from the hours of 6:00 p.m. to 10:00 p.m. As crops are harvested, hoop-rows, tarps and all farming accessories associated with the operation will be removed and stored during the winter months. The cultivation footprint will be replanted with a cover crop for off-season soil regeneration and added soil stability. Initial processing will be done by family members currently residing on-site until such time in the future when cannabis processing activities can be outsourced to a licensed and properly equipped local facility. The proposed project will utilize a new on-site permitted deep well for irrigating crops. Adjacent to the well site there will be four 5,000-gallon water storage tanks. Expected water usage will be approximately 3,000 gallons per day. Power is provided by P.G. & E.

A motion was made by Commissioner Shepherd, seconded by Commissioner Mitchell, that this Zoning Item 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

- 3** Seth Berling Conditional Use Permit
Case Number CUP 16-412
Assessor's Parcel Number (APN) 033-271-004
705 US Highway 101 #1, Garberville, CA 95542

A Conditional Use Permit for a 4,750 square foot commercial medical cannabis nursery in an existing 10,000 square foot (SF) commercial building. The nursery will operate year-round with one manager and up to three employees. The on-site source of water of the nursery is a 12.5 gallon per minute permitted well. The nursery is estimated to consume approximately 7,500 gallons of water per month. The nursery restrooms and wash stations are located within the commercial building and will be connected to the existing on-site commercial septic system. Power will be provided by PGE.

A motion was made by Commissioner Shepherd, seconded by Commissioner Mitchell, that this Zoning Item 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

CONTINUED PUBLIC HEARINGS

Meeting went into Recess

Meeting Reconvened

- 4** Zoning Ordinance Amendments
Commercial Cannabis Land Use Ordinance
Case Number OR 17-02

Comprehensive update of the ordinance which regulates the cultivation, processing, manufacturing, distribution and sale of medical and adult use of cannabis in Humboldt County. The project will involve repealing the 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 and the Medical Cannabis Testing and Research Laboratories and on-site consumption prohibitions 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 to be replaced by the provisions of the proposed ordinance. The proposed ordinance would apply throughout the unincorporated areas of Humboldt County, including the Coastal Zone.

A motion was made by Commissioner Shepherd, seconded by Commissioner Levy, to recommend that the Board of Supervisors certify the FEIR. The motion carried by the following vote:

Aye: 4 - Commissioner Morris, Commissioner Levy, Commissioner McKenny, and Commissioner Shepherd

Nay: 3 - Commissioner Edmonds, Commissioner Bongio, and Commissioner Mitchell

A motion was made by Commissioner Levy, seconded by Commissioner Shepherd, that this Zoning Ordinance be recommended for approval to the Board of Supervisors as amended by the Planning Commission. The motion carried by the following vote:

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

Nay: 1 - Commissioner Bongio

PUBLIC HEARINGS

- 5** Lost Coast Botanical Cooperative, Inc. Conditional Use Permit
Case Number CUP-16-199
Assessor Parcel Number (APN) 215-241-063
325 Shelter Cove Road, Whitethorn area

A Conditional Use Permit to allow a medical cannabis dispensary in accordance with Humboldt County Code Section 314-55.3 of Chapter 4 of Division 1 of Title III, Medical Cannabis Dispensaries. The proposed 336 square foot medical cannabis dispensary (Project) will be located within of an existing 13,500 square foot building. The hours of operation for the proposed project will be Monday through Friday, 10:00 AM to 5:00 PM. The Applicant states that these hours will change as business increases but any change will comply with the performance standard for dispensaries (10AM to 7PM).

A motion was made by Commissioner Shepherd, seconded by Commissioner Mitchell, that this Zoning Item be approved as part of the Consent Agenda. 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** Emerald Kid Conditional Use Permit and Special Permit
Case Numbers CUP 16-582; SP 16-460
Assessor Parcel Number 522-211-055
100 Stagecoach Lane, Willow Creek

A Conditional Use Permit (CUP-I6-582) for 5,000 square feet of new mixed-light cannabis cultivation and a Special Permit (SP-16-460) for 1,600 square feet for indoor cultivation in an existing nonresidential structure. The water source would be the Willow Creek Community Services District and two hard plastic rainwater catchment tanks with a total capacity of 5,000 gallons. The projected water usage is approximately 276,000 gallons a year. Once dried on-site, the cannabis will be transported and processed off-site in a County-approved processing center. The applicant will have no additional employees. PGE will provide service to the indoor cultivation and the applicant will purchase carbon offsets from Terrapass to meet the indoor cultivation requirements for renewable energy.

A motion was made by Commissioner Shepherd, seconded by Commissioner McKenny, that this Zoning Item be continued to the February 1, 2018 meeting. The motion carried by the following vote:

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

- 7 Stay Conscious Conditional Use Permit
Case Number CUP 16-087
Assessor Parcel Number 524-016-010
Willow Creek area

A Conditional Use Permit (CUP) for 26,250 square feet of existing outdoor cannabis cultivation and on-site processing. Product will be dried in the shop and machine trimmed outdoors before being cured and stored. The water source for irrigation is an existing permitted well on the property that provides water at a rate of 30 gallons per minute (Permit #15/16 -0804, developed 2016). The property currently has 5,600 gallons of water storage in two existing above ground storage tanks. The applicant plans to hire two to four agricultural employees during the season; however, their duties will not include processing. The applicant and his family members will process the cannabis. The parcel has a permitted 3-Acre Conversion Exemption from February 2014 (Exemption #1-14EX-044-HUM). The property enrolled as a Tier 2 discharger under the Commercial Cannabis Waste Discharge Regulatory Program administered by the North Coast Regional Water Quality Control Board (NCRWQCB).

A motion was made by Commissioner Shepherd, seconded by Commissioner Mitchell, that this Zoning Item 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

8 Innovation West dba Panther Gap Farms

Case Numbers CUPs 16-030, 16-031, 17-021, 17-022, and 16-107 and SP 16-051

Assessor's Parcel Number (APNs) 107-124-015, 107-235-008, 107-235-007, 107-236-011, 107-236-010, 107-234-012, 107-111-001

Honeydew Area

Five Conditional Use Permits (CUPs) for existing outdoor commercial cannabis cultivation sites up to 1 acre in size per property, for a total of 5 acres (217,800 square feet) of existing outdoor cannabis cultivation across 7 parcels totaling approximately 564 acres. The applicant has three cannabis project applications contained in this series of CUPs, and one contained in a pending Special Permit (SP), and proposes to lease the two permit applications proposed herein as CUP 17-021 and 17-022 to an assignee operator, in conformance with the 4-permit limit under the Humboldt County Commercial Medical Marijuana Land Use Ordinance (CMMLUO Section 55.4.8.10). Water sources for the operation include four existing, permitted groundwater wells, located on properties identified as APN 107-234-012, APN 107-235-007, APN 107-235-008, and APN 107-236-011, and five surface water diversions that are subject to current California Department of Fish and Wildlife (CDFW) Lake and Streambed Alteration Agreements (LSAA 1600 permits). The applicant will forbear all use of surface water for irrigation from May 15 to October 31, during which time the wells will be the sole source of irrigation. CDFW has verified that the existing wells are non-jurisdictional. Hard tank water storage is used on some of the sites (APN 107-235-007, APN 107-235-008, 107-234-012 and 107-111-001). One off-stream pond, approximately 80,000 gallons, currently exists on APN 107-236-011 (CUP 17-021). An off-stream, pond, approximately 175,000-gallons, is proposed on the property without a well water source, (CUP 17-022, APN 107-236-010), to provide water storage for irrigation during the forbearance period. Energy for the projects would be supplied by generators, to be used at each site only on an occasional basis for maintenance purposes. Only CUP 16-031 is served by Pacific Gas and Electric Company for power. Each of the five sites would require one to three full-time employees; all processing would be performed off site at a permitted facility.

A Special Permit (SP) is requested for an existing commercial medical cannabis operation, referred to as Panther Gap Farms. The requested approval includes operation of an existing mixed-light commercial medical cannabis cultivation on a 20-acre parcel identified as APN 107-235-002. The parcel has an existing cultivation area of 35,000 square feet. The requested SP would reduce the operation to 10,000 square feet. The decommissioned sites would be required to be remediated as part of the SP. The only structures proposed for use in the operation are existing greenhouses. Water sources for the operation include an existing groundwater well, located on the adjacent property APN 107-235-007 (under the same ownership) and a surface water diversion subject to an existing California Department of Fish and Wildlife (CDFW) Lake and Streambed Alteration Agreement ([LSAA] 1600 permit). The applicant will forbear use of surface water from May 15 through October 31, during which time the well will be the sole source of irrigation. CDFW has certified that the existing, permitted well on APN#107-235-007 is non-jurisdictional. Electrical service is provided by Pacific Gas and Electric Company and generators will only be used on an emergency basis in case of power loss. The agricultural operation will require one to three full-time employees; all processing will be performed at a permitted, off-site facility. Portable toilet facilities will be provided. The applicant

has enrolled with the North Coast Regional Water Quality Control Board (NCRWQCB) Cannabis Waste Discharge Regulatory Program as a Tier 2 discharger.

A motion was made by Commissioner Shepherd, seconded by Commissioner McKenny, that this Zoning Item be continued to February 1, 2018. The motion carried by the following vote:

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

- 9 SugarLeaf Holdings Special Permits
Case Numbers SP 16-876 and SP 16-877
Assessor's Parcel Number 205-161-022
67 Metropolitan Heights Road, Fortuna area

SugarLeaf Holdings is requesting a Special Permit for a new 22,000 sq. ft. wholesale cannabis nursery and a Special Permit for a new 2,400 sq. ft. commercial cannabis processing facility on an approximately 36-acre parcel. In addition, subsequent to a decision on these Special Permits, a Zoning Clearance Certificate (ZCC 16-786) will be separately sought for 10,000 square feet of new mixed-light cannabis cultivation and a new 2,400 sq. ft. structure for drying, storage and ancillary nursery and the identification of a location qualified to receive up to 172,952 square feet of future Retirement, Remediation, and Relocation (RRR) cannabis cultivation sites. The operation under the proposed Special Permits will occur in two phases. Irrigation water is sourced from a permitted on-site well and stored in a 5,000-gallon tank; a rain catchment pond for RRR use is proposed. Processing to occur on-site includes drying, trimming, curing, packaging, and labeling. Power is provided by the Pacific Gas and Electric Company (PG&E), with a backup generator to only be used during PG&E outages.

A motion was made by Commissioner Shepherd, seconded by Commissioner Mitchell, that this Zoning Item be continued to February 1, 2018. The motion carried by the following vote:

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

- 10** Quantum Genetics Special Permit
Case Number SP 16-328
Assessor's Parcel Number 203-231-003
210 Triple K Road, Fortuna

A Special Permit for a two-story, 20,000-square-foot (100x100 foot) wholesale commercial nursery building, two to ten 5,000-gallon water storage tanks, and parking totaling two standard and one accessible spaces, in accordance with Humboldt County Code Section 314-55.4.8.7 of Chapter 4 of Division I of Title III, Commercial Medical Marijuana Land Use Ordinance (CMMLUO). The wholesale commercial nursery building would be an approximately 24-foot-tall metal building on a slab-on-ground foundation which would include a "mother" room, a cloning room, and a vegetative growth ("teen") room. The mother room would be used to maintain plants that serve as sources for cuttings (clones). Cuttings would be taken from mother plants and placed in the clone room for 5-10 days to root. Clones would be transferred to the teen room for vegetative growth prior to delivery to retailers. Cultivation activities in the nursery would take place in a continuous rotation year-round. The building would feature a heating and air conditioning system. Electricity on the property is supplied by Pacific Gas and Electricity (PG&E).

A motion was made by Commissioner Shepherd, seconded by Commissioner McKenny, that this Zoning Item be continued to February 1, 2018. The motion carried by the following vote:

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

ADJOURNMENT

Chair Morris adjourned the meeting at 9:02 p.m.

NEXT MEETINGS

*February 1, 2018 Regular Meeting
February 15, 2018 Special 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.*