

**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, March 1, 2018

6:00 PM

Regular Meeting

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**NOTICE REGARDING PUBLIC COMMENT**

**CALL TO ORDER / SALUTE TO FLAG**

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

**COMMISSIONERS PRESENT**

Present      5 - Commissioner Robert E. Morris, Commissioner Alan Bongio, Commissioner Kevin McKenny, Commissioner Ben Shepherd, and Commissioner Brian Mitchell  
Absent        2 - Commissioner David Edmonds, and Commissioner Noah Levy

**AGENDA MODIFICATIONS**

*Item 3 to be continued to a date uncertain*

*Item 5 to be continued to April 5, 2018 Planning Commission meeting.*

**PUBLIC COMMENTS**

**CONSENT AGENDA**

- 1 Robert Trell Messenger Conditional Use Permit  
Case Numbers CUP 16-442, SP 18-028  
Assessor Parcel Numbers (APN) 221-211-014 and 221-221-032  
3405 Ettersburg Honeydew Road, Ettersburg area

A Conditional Use Permit (CUP) for an existing 20,500 square foot (sf) outdoor commercial cannabis cultivation, and a Special Permit (SP) for development within a Streamside Management Area located on Assessor's Parcel Numbers (APNs) 221-211-014 & 221-221-032 which is approximately 46 acres in size. All water used for cultivation of cannabis is sourced on-site from a permitted diversion (1600-2016-0125-R1). Water is stored in 19 hard tanks (95,000 gallons), with 4 additional tanks proposed (20,000 gallons) for a total of 115,000 gallons of water storage capacity. The Applicant estimates 106,500 gallons of water use annually for cultivation. Irrigation is accomplished by use of drip lines. Occasional hand watering may be employed if needed. Per the Streambed Alteration Agreement, the Applicant has installed a water meter to document compliance with forbearance requirements. All cultivation activities will be performed by resident operators between March and November, with one harvest occurring in October. The Applicant proposes on-site processing, but until all necessary testing and permitting has occurred processing will be performed by a licensed 3rd party. The property is also developed with an existing single-family residence served by the same on-site water diversion (the LSAA allows 300 gallons per day during the forbearance period for domestic use), and an on-site septic sewage disposal systems. Pacific Gas and Electric (PG&E) is the primary source of power for the parcel.

***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: 5 - Commissioner Morris, Commissioner Bongio, Commissioner McKenny, Commissioner Shepherd, and Commissioner Mitchell

- 2 Robert Trell Messenger Conditional Use Permit  
Case Number CUP-16-443  
Assessor's Parcel Number (APNs) 220-031-010  
2715 Ettersburg-Honeydew Road, Garberville area

A Conditional Use Permit (CUP) for an existing 14,000 square foot (sf) outdoor commercial cannabis cultivation operation located on Assessor's Parcel Number (APN) 220-031-010, which is approximately 31.5 acres in size. Cultivation approval sought under this CUP includes two cultivation areas. The south cultivation area consists of 5,000 sf of outdoor cultivation; the north cultivation area consists of 9,000-sf of outdoor cultivation. Water for irrigation is sourced from an on-site, permitted well. Water storage consists of seven (7) 5,000-gallon hard storage tanks, one (1) 1,500-gallon hard storage tank and one (1) 350 gallon mixing tank for a total of 36,850 gallons of water storage capacity. The Applicant estimates 98,500 gallons of water use annually for cultivation. Irrigation is accomplished by use of drip lines. Occasional hand watering may be employed if needed. Cultivation operations occur from March to November, with one harvest occurring in October. The applicant proposes on-site processing in the barn, but until all necessary testing and permitting has occurred processing will be performed by a licensed 3rd party. There will be four employees needed for cultivation during peak operations. Pacific Gas and Electric (PG&E) is the primary source of power for the parcel.

***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: 5 - Commissioner Morris, Commissioner Bongio, Commissioner McKenny, Commissioner Shepherd, and Commissioner Mitchell

**3 RBC Holdings, LLC Conditional Use Permit**

Case Numbers CUP 16-749

Assessor's Parcel Number(s) (APN) 522-044-047, 522-044-037

1008 M&W Road, Willow Creek area

A Conditional Use Permit (CUP) for an existing cultivation of 10,000 square feet of outdoor and 2,000 square feet of mixed-light cannabis cultivation (12,000 square feet total). Plants are harvested and dried in the shop, and then they are machine trimmed outside and returned to the shop for curing. All processing is completed by the applicant and no employees are utilized. The applicant is also seeking an off-site, licensed, processing facility for future use. Water is currently sourced for irrigation from the applicant's point of water diversion from Anton Creek on the property. The applicant will be abandoning the diversion from Anton Creek in 2018 and transitioning to the use of a rainwater catchment system to supply water to the cultivation for future use. There is also a well on the property that is not used due to its low volumetric capacity. The applicant has 25,000 gallons of hard tank storage and 50,000 gallons of bladder storage, and is proposing to expand water storage to 100,000 gallons by January 1, 2018. The applicant proposes to relocate an area of cultivation away from an unnamed Class III watercourse. The applicant has filed an Initial Statement of Water Diversion and Use with the Division of Water Rights. The applicant has submitted an Enrollment Notice of Intent Form for the Commercial Cannabis Waste Discharge Regulatory Program administered by the North Coast Regional Water Quality Control Board (NCRWQCB). The applicant has also filed a Notification of Lake or Streambed Alteration Agreement (LSAA) (1600 Permit) with the California Department of Fish and Wildlife (CDFW).

***A motion was made by Commissioner Shepherd, seconded by Commissioner McKenny, that this Zoning Item be continued to a date uncertain. The motion carried by the following vote:***

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

## CONTINUED PUBLIC HEARINGS

**4 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-16-582) 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. PG&E 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 Bongio, that this Zoning Item be approved. The motion carried by the following vote:***

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

**5 Lazy S Ranch, LLC Conditional Use Permit**

Case Number CUP 17-018

Assessor's Parcel Numbers (APNs) 033-130-002 and 033-130-007

2557 Blue Rock Road, Benbow Area

A Conditional Use Permit for 37,010 square feet of existing outdoor commercial cannabis cultivation. Water for irrigation is sourced from a rainwater catchment system that captures rainwater from nearby existing and future structures. Water is stored in a series of four ponds with a total storage capacity of approximately 1,137,000 gallons, and nine hard tanks with a total capacity of 18,900 gallons. Projected water use is 241,000 gallons per growing season. Processing, drying, and curing of cannabis takes place in a 3,200-square-foot barn. The cannabis cultivation operation currently employs four full-time workers and four part-time workers. Solar panels (16 panels, 250 watts each) supply the power source for cultivation and processing activities.

***A motion was made by Commissioner McKenny, seconded by Commissioner Bongio, that this Zoning Item be continued to the April 5, 2018 meeting. The motion carried by the following vote:***

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

**6 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 APN107-235-007 (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 Mitchell, that this Zoning Item be approved. The motion carried by the following vote:***

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

## **ADJOURNMENT**

*Chair Morris adjourned the meeting at 6:43 p.m.*

## **NEXT MEETINGS**

*March 15, 2018 Special Meeting*

*April 5, 2018 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.*