

PLANNING COMMISSION

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Fifth District
Brian Mitchell
At-Large
Melanie McCavour
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, June 6, 2019

6:00 PM

Regular Meeting

A. CALL TO ORDER / SALUTE TO FLAG

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

B. COMMISSIONERS PRESENT

Present : 5 - Commissioner Robert Morris, Commissioner Noah Levy, Commissioner Brian Mitchell,
Commissioner Melanie McCavour and Commissioner Peggy O'Neill
Absent : 2 - Commissioner Alan Bongio and Commissioner Mike L Newman

C. AGENDA MODIFICATIONS

Item E-3: Supplemental information provided
Item E-8: Supplemental information provided
Item F-1: Supplemental information provided (2)

D. PUBLIC COMMENTS

E. CONSENT AGENDA

1. Big River Farms, LLC, Conditional Use Permit and Special Permit

Record Number: PLN-11892-CUP

Assessor's Parcel Number (APN): 108-023-008

Shelter Cove area

Project Description: A Conditional Use Permit (CUP) for Big River Farm, LLC to allow 22,000 square feet (SF) existing mixed light cannabis cultivation on a 90-acre parcel. The project is within 600 feet of public land and requires a Special Permit for a setback reduction from Bureau of Land Management (BLM) property on APN 108-022-006.

A motion was made by Commissioner Levy, seconded by Commissioner McCavour, that the Big River Farms, LLC, Conditional Use Permit and Special Permit item be continued to a date uncertain. The motion carried by the following vote:

Aye: 5 - Commissioner Morris, Commissioner Levy, Commissioner Mitchell, Commissioner McCavour and Commissioner O'Neill

2. Michael Brosgart, Special Permits

Application Numbers: 13319, 13328, 13339, 13346

Case Numbers SP16-868, SP16-870, SP16-871, SP16-872

Assessor's Parcel Number (APN) 516-111-064; Glendale Drive area

Project Description: Four Special Permits (SP) to allow commercial cannabis processing (SP16-872), volatile extraction manufacturing (SP16-868), non-volatile extraction manufacturing (SP16-870), and distribution (SP16-871), in accordance with Humboldt County Code Section 314-55.4.8.7. The project site is approximately 1.75 acres and is entirely paved. The proposed project includes the construction of approximately 28,000 square feet (sf) of new buildings, 22,000 sf of driveway and parking areas, and 26,000 sf of new landscaping, which comprises nearly 100 percent of the project site. Water and sewer will be provided to the site by Glendale-Fieldbrook Community Service District.

A motion was made by Commissioner Levy, seconded by Commissioner McCavour, that the Michael Brosgart, Special Permits Item be continued to a date uncertain. The motion carried by the following vote:

Aye: 5 - Commissioner Morris, Commissioner Levy, Commissioner Mitchell, Commissioner McCavour and Commissioner O'Neill

3. Empress Farms, LLC Conditional Use Permit and Special Permits

Application Number: 12694

Case Number: PLN-2016-12694

Assessor's Parcel Numbers (APNs): 104-311-019, 104-281-005, and 104-281-004

36332 Mattole Road, Petrolia area

Project Description: A Conditional Use Permit for the continued operation of an existing cannabis cultivation site consisting of 35,560 square feet of existing outdoor cannabis cultivation. Water is sourced from rain catchment and from a point of diversion on APN 104-281-004. Nursery and processing activities will occur on APN 104-321-001. A Special Permit for encroachment into the Streamside Management Area for a point of diversion and a Special Permit to perform restoration activities within a Streamside Management Area are included in this project. APN 104-311-019 is also proposed as an RRR receiving site for 20,000 square feet of cannabis to be relocated from APN 104-143-015 under a separate action.

A motion was made by Commissioner Levy, seconded by Commissioner McCavour, that the Empress Farms, LLC Conditional Use Permit and Special Permits be approved. The motion carried by the following vote:

Aye: 5 - Commissioner Morris, Commissioner Levy, Commissioner Mitchell, Commissioner McCavour and Commissioner O'Neill

4. 4000 Feet Farms Conditional Use Permit

Application Number: 12311

Case Number: CUP 16-620

Assessor's Parcel Number (APN): 522-035-007

Willow Creek area

Project Description: A Conditional Use Permit for 16,000 square feet of existing, outdoor cannabis cultivation and a 2,000 square foot appurtenant propagation area. Water is sourced from an existing well, a rainwater catchment pond, and rainwater catchment system built into a permanent metal structure.

A motion was made by Commissioner Levy, seconded by Commissioner McCavour, that the 4000 Feet Farms Conditional Use Permit be approved. The motion carried by the following vote:

Aye: 5 - Commissioner Morris, Commissioner Levy, Commissioner Mitchell, Commissioner McCavour and Commissioner O'Neill

5. Catalyst Unlimited, LLC, Conditional Use Permit
Record Number: PLN-11105-CUP
Assessor's Parcel Number (APN): 207-111-010
20335 State Highway 36, Bridgeville, CA 95528

Project description: A Conditional Use Permit for an existing 11,745 square foot (SF) outdoor and existing 1,440 SF mixed light cannabis cultivation. The water source is from a well hydrologically connected to the Van Duzen River. Water storage for irrigation is a 230,510-gallon steel water tank and will be filled outside of the forbearance.

A motion was made by Commissioner Levy, seconded by Commissioner McCavour, that the Catalyst Unlimited, LLC, Conditional Use Permit be approved. The motion carried by the following vote:

Aye: 5 - Commissioner Morris, Commissioner Levy, Commissioner Mitchell, Commissioner McCavour and Commissioner O'Neill

6. 7 Leaf Clover, LLC, Two Conditional Use Permits and one Special Permit
Record Numbers: PLN-11917-CUP and PLN-11922-CUP
Assessor's Parcel Numbers: (APN) 217-084-013, 217-084-015
1656 Old Eel Rock Road and 860 Old Eel Rock Road, Myers Flat

Project Description: Two Conditional Use Permits for existing outdoor commercial cannabis cultivation operations and ancillary processing on two adjacent parcels: 13,300 square foot (SF) of outdoor cultivation on APN 217-084-013 (owned by the Applicant) and 15,050 SF of outdoor cultivation on APN 217-084-015 (leased to Applicant from landowner of adjacent parcel, APN 217-084-014). A Special Permit for work within the Streamside Management Area on APN: 217-084-013 is also sought.

A motion was made by Commissioner Levy, seconded by Commissioner McCavour, that the 7 Leaf Clover, LLC, Two Conditional Use Permits and one Special Permit be approved. The motion carried by the following vote:

Aye: 5 - Commissioner Morris, Commissioner Levy, Commissioner Mitchell, Commissioner McCavour and Commissioner O'Neill

7. Four Seasons Land Management, LLC, Conditional Use Permit and Special Permit

Record Number: PLN-11195-CUP

Assessor's Parcel Numbers (APNs): 081-091-005 & 081-091-014

689 Boy Scout Camp Road, Myers Flat Area

Project Description: A Conditional Use Permit (CUP) for 4,255 square feet (SF) of new mixed-light cultivation. The source of irrigation water is the Myers Flat Mutual Water System. All above-ground structures are removed from the property after October 15 to comply with the Flood Damage Prevention Ordinance. Additionally, the applicant is requesting a Special Permit for a reduction to the required 600-foot setback from public lands.

A motion was made by Commissioner Levy, seconded by Commissioner McCavour, that the Four Seasons Land Management, LLC, Conditional Use Permit and Special Permit be approved. The motion carried by the following vote:

Aye: 5 - Commissioner Morris, Commissioner Levy, Commissioner Mitchell, Commissioner McCavour and Commissioner O'Neill

8. Matthew Cook, EarthMed LLC, Humboldt Native Grown, Fox Creek Caregivers, Golden Hill Enterprises, and Humboldt Magic Life Conditional Use Permits

Application Numbers 11999, 11867, 12625, 12668, 1200, 13203, 13205, 13207, and 13208

Assessor Parcel Numbers 211-301-021, 221-111-023, 529-351-010, 529-351-009, 529-351-008, 529-351-007, 529-351-006, 529-351-005, 206-151-039, 530-151-001, 215-141-002, 215-142-003, 220-092-008, 220-061-015

Project Description: Nine Conditional Use Permits recommended for denial because they are in violation of the CMMLUO due to illegal expansions or initiation of cultivation activities without permits and the applicants have not responded to resolve the violations.

A motion was made by Commissioner Levy, seconded by Commissioner McCavour, that the Matthew Cook, EarthMed LLC, Humboldt Native Grown, Fox Creek Caregivers, Golden Hill Enterprises, and Humboldt Magic Life Conditional Use Permits be denied. The motion carried by the following vote:

Aye: 5 - Commissioner Morris, Commissioner Levy, Commissioner Mitchell, Commissioner McCavour and Commissioner O'Neill

9. Adoption of Amendments to Humboldt County Code, Regulating Commercial Cannabis Activities for Medical and Adult Uses in the Coastal Zone

Project Description: Accept and incorporate the Coastal Commission's suggested modifications into the County's existing Commercial Medical Marijuana Land Use Ordinance (Section 313-55.4 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 and 313-55.3.11.7 of Division 1 of Title III of the County Code. These regulations establish land use regulations for the commercial cultivation, processing, manufacturing, distribution, testing, and sale of cannabis within the coastal zone portion of the County. The proposed ordinance would apply throughout the unincorporated areas of Humboldt County only within the coastal zone. An addendum to the Environmental Impact Report (EIR) has been prepared for this Project and will be considered by the Planning Commission.

A motion was made by Commissioner Mitchell, seconded by Commissioner McCavour, that the Adoption of Amendments to Humboldt County Code, Regulating Commercial Cannabis Activities for Medical and Adult Uses in the Coastal Zone be recommended for approval to the Board of Supervisors. The motion carried by the following vote:

Aye: 5 - Commissioner Morris, Commissioner Levy, Commissioner Mitchell, Commissioner McCavour and Commissioner O'Neill

F. CONTINUED PUBLIC HEARINGS

1. Housing Element

The 2019 Housing Element is an update to the 2014 Humboldt County Housing Element, and a required element of the General Plan. The Housing Element consists of a narrative which describes the purpose of the Housing Element, the requirements of state law, the relationship of the Housing Element to the rest of the General Plan, background information regarding past elements, current and projects housing needs and conditions. The core of the Housing Element is a series of goals, policies, standards, and implementation measures for the preservation, improvement, and development of housing. It meets details requirements of state housing element law, including requirements for a residential land inventory sufficient to meet the County's share of the state prescribed housing need. The update is necessary to comply with state housing element law and to adopt local policy options to meet the documented housing needs. The 2019 Housing Element Update would apply throughout the unincorporated areas of Humboldt County. For unincorporated lands inside the Coastal Zone, the 2019 Housing Element will not be effective until the California Coastal Commission certifies it as an amendment to the County's Local Coastal Program.

Meeting went into Recess

Meeting Reconvened

A motion was made by Commissioner Levy, seconded by Commissioner Mitchell, that the Housing Element be recommended for approval to the Board of Supervisors. The motion carried by the following vote:

Aye: 5 - Commissioner Morris, Commissioner Levy, Commissioner Mitchell, Commissioner McCavour and Commissioner O'Neill

G. PUBLIC HEARINGS

- H.** Hawk Valley Farms, LLC Conditional Use Permit
Record No. PLN-11141-CUP
Assessor's Parcel Number (APNs) 204-091-012
1492 River Bar Road, Hydesville area

Project Description: A Conditional Use Permit for Hawk Valley Farms, LLC consisting of approximately 43,560 square feet of existing outdoor cannabis cultivation. The proposed project is located on Assessor's Parcel Number (APN) 204-091-012, which is approximately 7 acres in area.

A motion was made by Commissioner Mitchell, seconded by Commissioner Levy, that the Hawk Valley Farms, LLC Conditional Use Permit be denied. The motion carried by the following vote:

Aye: 5 - Commissioner Morris, Commissioner Levy, Commissioner Mitchell, Commissioner McCavour and Commissioner O'Neill

ADJOURNMENT

Chair Morris adjourned the meeting at 9:00 p.m.