

**PLANNING COMMISSION**

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Fourth District  
Peggy O'Neill  
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, December 5, 2019

6:00 PM

Regular Meeting

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**A. CALL TO ORDER / SALUTE TO FLAG**

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

**B. COMMISSIONERS PRESENT**

Present : 6 - Commissioner Robert Morris, Commissioner Alan Bongio, Commissioner Noah Levy,  
Commissioner Brian Mitchell, Commissioner Mike L Newman and Commissioner  
Melanie McCavour

Absent : 1 - Commissioner Peggy O'Neill

**C. AGENDA MODIFICATIONS**

*Item E-6: Supplemental information - continuance request*

*Item E-7: Supplemental information #1 and #2 submitted*

**D. PUBLIC COMMENTS**

**E. CONSENT AGENDA**

1. Hosford Final Map Subdivision, Lot Line Adjustment and Special Permit Extension  
Case Number PLN-2019-15692  
Assessor Parcel Numbers (APNs) 018-031-020, 018-032-008  
2104 and 2072 Redwood Street, Cutten area

Project Description: A two-year extension to a previously approved subdivision. The original project included a Final Map Subdivision creating 4 parcels and a fifth adjusted by a Lot Line Adjustment (LLA). The parcels will range in size from 6,000 square feet to 11,095 square feet (after LLA). The existing dwelling on proposed Lot 2 will remain. All parcels will be accessed via Redwood Street, a paved County road, which will be significantly improved as a result of this project. Pursuant to Section 325-9 of the Subdivision Regulations the applicant submitted an exception request to remove the requirement to install sidewalks along the property frontage which was granted. The Special Permit is required for the removal of five (5) redwood trees and for an exception to the parking requirements for proposed Parcel 4 and Parcel B of the LLA. The area is 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 July 28, 2021.

Staff Recommendation: Make all of the required findings, based on evidence in the staff report, and approve the Hosford Project Extension subject to the recommended conditions of approval.

***A motion was made by Commissioner Levy, seconded by Commissioner Mitchell, that the Hosford Final Map Subdivision, Lot Line Adjustment and Special Permit Extension be approved as part of the Consent Agenda. The motion carried by the following vote:***

Aye:           6 - Commissioner Morris, Commissioner Bongio, Commissioner Levy, Commissioner Mitchell, Commissioner Newman and Commissioner McCavour

2. Today's Humboldt County, LLC  
Application Number 15526  
Record Number PLN-2019-15526  
Assessor's Parcel Number 507-381-006  
5065 Boyd Road, Arcata area

Project Description: An application for a Conditional Use Permit for a commercial processing, distribution, and 1,624 square foot nursery operation. Distribution will occur from a 286 SF secured room in the first floor of the tenant space. In 2020, the applicant will construct two 3,000 buildings to expand the distribution facility: one adjacent to Unit J and another to left of the Peterson's Collision Repair building on the parcel. The nursery and processing operations will occur in the existing building. Water is sourced from the McKinleyville Community Service District. The nursery will be indoor and will be powered by PG&E. The business will be operated continuously throughout the year with the hours of operation being between 7 AM and 7 PM daily with a maximum of 12 employees during peak operations.

Staff Recommendation: Continue the project to the January 9, 2020 Planning Commission hearing.

***A motion was made by Commissioner Levy, seconded by Commissioner Mitchell, that te Today's Humboldt County, LLC Conditional Use Permit item be continued to the January 9, 2020 meeting of the Planning Commission. The motion carried by the following vote:***

Aye: 6 - Commissioner Morris, Commissioner Bongio, Commissioner Levy, Commissioner Mitchell, Commissioner Newman and Commissioner McCavour

3. Valadao Final Map Subdivision Extension  
Case Number PLN-2019-15702  
Assessor Parcel Number 509-114-016  
Lime Avenue, First Street and A Street, McKinleyville area

Project Description: A two-year extension to a previously approved subdivision. The original project included a Final Map Subdivision to divide an approximately one-acre parcel into seven lots ranging in size from 6,000 square feet to 7,481 square feet. The parcel is currently vacant and approximately 100 trees are proposed to be removed to facilitate the subdivision. An exception to the solar shading requirements and right of way width is requested. The parcels will be served with community water and sewer provided by the McKinleyville Community Services District. No change to the original project is proposed. This is the first extension requested and if approved, the extension will expire on August 15, 2021.

Staff Recommendation: Make all of the required findings, based on evidence in the staff report, and approve the Valadao Final Map Subdivision Project Extension subject to the recommended conditions of approval.

***A motion was made by Commissioner Levy, seconded by Commissioner Mitchell, that the Valadao Final Map Subdivision Extension item be approved. The motion carried by the following vote:***

Aye: 6 - Commissioner Morris, Commissioner Bongio, Commissioner Levy, Commissioner Mitchell, Commissioner Newman and Commissioner McCavour

**5. Jason Miller, Conditional Use Permit and Special Permit**

Application Number 11484

Case Numbers CUP16-262 and PLN-11484-SP

Assessor's Parcel Number (APN) 210-144-008

Dinsmore Area

Project Description: A Conditional Use Permit for 18,120 square feet of existing outdoor cannabis cultivation and ancillary processing activity. A Special Permit is also requested for work within a Streamside Management Area.

Staff Recommendation: Find that the Commission has considered the Addendum to the Mitigated Negative Declaration adopted for the Commercial Medical Marijuana Land Use Ordinance pursuant to Section 15164 of the State CEQA Guidelines, make all of the required findings for approval of the Conditional Use Permit and Special Permit based on evidence in the staff report, and adopt the Resolution approving the Jason Miller project subject to the recommended conditions.

***A motion was made by Commissioner Levy, seconded by Commissioner Mitchell, that the Jason Miller, Conditional Use Permit and Special Permit be approved as part of the Consent Agenda.***

***The motion carried by the following vote:***

Aye: 6 - Commissioner Morris, Commissioner Bongio, Commissioner Levy, Commissioner Mitchell, Commissioner Newman and Commissioner McCavour

**6. Higher Ground Agriculture, LLC, Conditional Use Permit**

Application Number: 11018

Case Number: CUP16-127

Assessor's Parcel Number (APN): 223-075-016

3535 East Branch Road, Garberville, Benbow Area

Project Description: A Conditional Use Permit (CUP) for 22,900 square feet (SF) of existing outdoor cultivation and 4,100 SF of existing mixed-light cultivation. The total cultivation area is 27,000 square feet (SF) on two parcels totaling 200 acres. The applicant is proposing a 1,300-square-foot appurtenant nursery and to consolidate two existing grow sites into one central location. The source of irrigation water is a permitted on-site well. Total water usage is approximately 280,000 gallons per year. Water is stored in an existing 70,000-gallon hard tank. Drying occurs in an existing on-site barn and processing is done at a licensed off-site facility. A maximum of five people will be on-site during peak operations. Power to the subject parcel is supplied by P. G. & E.

Staff Recommendation: Find that the Commission has considered the Addendum to the Mitigated Negative Declaration adopted for the Commercial Medical Marijuana Land Use Ordinance pursuant to Section 15164 of the State CEQA Guidelines, make all of the required findings for approval of the Conditional Use Permit based on evidence in the staff report and adopt the Resolution approving the proposed Higher Ground Agriculture, LLC, project subject to the recommended conditions.

***A motion was made by Commissioner McCavour, seconded by Commissioner Levy, that the Higher Ground Agriculture, LLC, Conditional Use Permit be continued to the January 23, 2020 meeting of the Planning Commission. The motion carried by the following vote:***

Aye:           6 - Commissioner Morris, Commissioner Bongio, Commissioner Levy, Commissioner Mitchell, Commissioner Newman and Commissioner McCavour

7. Diana Lavelle-Usrey Parcel Map Subdivision and Coastal Development Permit  
Record Number: PLN-2018-15181  
Assessor's Parcel Number (APN): 510-231-027  
880 Eucalyptus Road, McKinleyville

Project Description: A Minor subdivision to divide an approximately 2.5-acre parcel into four parcels and a Remainder, all approximately 0.5 acres in size. The parcel is currently developed with a single-family residence and barn that will remain on the Remainder parcel. Pursuant to Section 325-9, the applicant is requesting an exception to the 50-foot right of way width and proposes a 35-foot right of way. The parcels will be served with community water and sewer provided by the McKinleyville Community Services District. The northwest portion of the property is within the Coastal Zone, therefore a Coastal Development Permit is required.

Staff Recommendation: Adopt the Mitigated Negative Declaration and make all of the required findings for approval of the Parcel Map Subdivision and Coastal Development Permit, including the exception request to allow a reduced right of way, based on evidence in the staff report and public testimony, and adopt the Resolution approving the Lavelle-Usrey project subject to the recommended conditions.

*A motion was made by Commissioner Levy, seconded by Commissioner Mitchell, that the Diana Lavelle-Usrey Parcel Map Subdivision and Coastal Development Permit be approved as part of the Consent Agenda. The motion carried by the following vote:*

Aye: 6 - Commissioner Morris, Commissioner Bongio, Commissioner Levy, Commissioner Mitchell, Commissioner Newman and Commissioner McCavour

## **F. ITEMS PULLED FROM CONSENT**

**4. HUMFDC Investment, LLC, Conditional Use Permit**

Application Number: 11663

Case Number: CUP-16-327

Record Number: PLN-11663-CUP

Assessor's Parcel Number (APN): 211-376-037

425 Felt Road, Miranda Area

Project Description: A Conditional Use Permit for 21,024 square feet (SF) of existing mixed light commercial cannabis cultivation and a planned appurtenant 4,200 SF of nursery space spread across three propagation areas. Cultivation consists of four seasonal harvests using light deprivation techniques with hand-drawn light covers in nine greenhouses located in a consolidated area in the northwest of the parcel. There is 311,000 gallons of water storage on the subject parcel in 64 hard-sided tanks; two additional 100,000-gallon tanks are proposed. One well and a point of diversion from a spring provide irrigation water, another well services a residence. Processing will occur on site. The project anticipates using three to ten employees. Portable toilets with hand washing stations will be used until the onsite waste water treatment system (OWTS) can be permitted or a new one installed. Electricity is provided by Pacific Gas and Electric as well as three generators housed within two structures.

Staff Recommendation: Find that the Commission has considered the Addendum to the Mitigated Negative Declaration adopted for the Commercial Medical Marijuana Land Use Ordinance pursuant to Section 15164 of the State CEQA Guidelines, make all of the required findings for approval of the Conditional Use Permit based on evidence in the staff report, and adopt the Resolution approving the proposed HUMFDC Investment, LLC, project subject to the recommended conditions.

*A motion was made by Commissioner Newman, seconded by Commissioner Levy, that the HUMFDC Investment, LLC, Conditional Use Permit be approved. The motion carried by the following vote:*

Aye: 5 - Commissioner Morris, Commissioner Levy, Commissioner Mitchell, Commissioner Newman and Commissioner McCavour

Nay: 1 - Commissioner Bongio

**G. PUBLIC HEARINGS**

1. Emerald Triangle Group, LLC Co., Special Permits  
Record Numbers: PLN-12733-SP and PLN-12747-SP  
Assessor's Parcel Number: 032-051-032  
829 Redwood Drive, Garberville area

Project Description: This project consists of two applications requesting permits pursuant to the Commercial Medical Marijuana Land Use Ordinance (CMMLUO). A Special Permit (SP) is requested for a cannabis distribution facility (App #12733), and an SP is requested for a commercial cannabis manufacturing facility (App #12747). Manufacturing involves the use of mechanical machinery and ethanol to extract products such as kief, hash and rosin. No flammable solvent materials are used. The site is currently developed with a three-story commercial building, a two-story concrete building, and a two-story storage facility. Extraction operations will occur on the first floor of the three-story building in the existing retail space. The use of the 2nd floor office space and 3rd floor residence will not change as a result of this project. In addition, flower and pre-rolls will be packaged for distribution. The project proposes to demolish the existing concrete building and construct in its place a 180-square foot metal building to house a closed loop ethanol extraction unit. The storage building will be retrofitted with a walk-in refrigeration unit to store cannabis products for the distribution operation. A Special Permit is also requested for an exception to the size of the loading space requirement described by Humboldt County Code (H.C.C.) Section 109.1. The Planning Commission will also consider approval of the design review study as prepared by the applicant per H.C.C. 314-19.1.3.

Staff Recommendation: Find the project exempt from environmental review pursuant to Section 15301 (Existing Facilities) and Section 15303 (New Construction or Conversion of Small Structures) of the California Environmental Quality Act (CEQA) Guidelines, make all the required findings for approval based on evidence in the staff report, and adopt the Resolution approving the Emerald Triangle group project subject to the recommended conditions.

***A motion was made by Commissioner Mitchell, seconded by Commissioner Levy, that the Emerald Triangle Group, LLC Co., Special Permits be approved. The motion carried by the following vote:***

Aye: 4 - Commissioner Levy, Commissioner Mitchell, Commissioner Newman and  
Commissioner McCavour

Nay: 2 - Commissioner Morris and Commissioner Bongio

## H. ADJOURNMENT

*Chair Morris adjourned the meeting at 8:01 p.m.*

## I. NEXT MEETINGS

*January 9, 2020 Regular Meeting*



*Persons wishing to file documentation on any agenda item for the official record must submit an original and fourteen (14) copies of each document to the Planning Commission Clerk, 3015 H Street in Eureka.*

*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 Commission Clerk at 707-445-7541, or 707-268-3792 (fax). Requests for such modifications or accommodations must be made at least three full business days before the start of the meeting.*