

PLANNING COMMISSION

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Second District
Ronnie Pellegrini
Third District
Noah Levy - Vice Chair
Fourth District
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Fifth District
Peggy O'Neill
At-Large
Brian Mitchell
At-Large
Melanie McCavour



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 3, 2020

6:00 PM

Regular Meeting - Virtual

NOTE: In accordance with Executive Order N-29-20 the Planning Commission meeting was held virtually.

Please note that each Zoom meeting has a unique meeting ID and password. Any item on this agenda that is continued to a future date will use the meeting ID and password applicable to the date the agenda item is to be heard again. Agendas are posted on the Friday before the meeting at <https://humboldt.legistar.com>

A. CALL TO ORDER / SALUTE TO FLAG

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

B. COMMISSIONERS PRESENT

Present : 7 - Commissioner Alan Bongio, Commissioner Noah Levy, Commissioner Brian Mitchell, Commissioner Mike L Newman, Commissioner Melanie McCavour, Commissioner Peggy O'Neill and Commissioner Ronnie Pellegrini

C. AGENDA MODIFICATIONS

Item E-2: Supplemental Information provided.

Item E-4: Supplemental Information provided with a modification to the recommendation.

Item G-1: Supplemental Information provided

Item G-2: Supplemental Information provided and continued to the December 17, 2020 Planning Commission meeting.

Item G-2: Continued to the December 17, 2020 Planning Commission meeting.

D. PUBLIC COMMENTS**E. CONSENT AGENDA**

1. Review and approval of the October 15, 2020 Action Summary.

A motion was made by Commissioner McCavour, seconded by Commissioner Levy, that the October 15, 2020 Action Summary be approved. The motion carried by the following vote:

Aye: 7 - Commissioner Bongio, Commissioner Levy, Commissioner Mitchell, Commissioner Newman, Commissioner McCavour, Commissioner O'Neill and Commissioner Pellegrini

2. Canyon Farms LLC, Conditional Use Permit
Case Numbers CUP-16-575 (PLN-12232-CUP)
Assessor Parcel Numbers (APNs) 214-114-010
Phillipsville area

A Conditional Use Permit (CUP-16-575) for 20,120 square feet of existing mixed light cannabis cultivation to occur in greenhouses in two distinct cultivation areas, supported by a 1,640-square-foot ancillary nursery. Irrigation water is sourced from rainwater catchment in a series of hard tanks totaling 168,000 gallons. It is delivered to the cannabis plants via a metered drip irrigation system. The applicant's estimated annual water usage is 120,000 gallons (2.98 gal/SF/cycle). Drying and storage will occur onsite in a proposed 1,800-square-foot structure, and further processing will occur off site at a licensed processing or manufacturing facility. Up to three (3) employees may be utilized during peak operations. Power is provided by an existing solar array with a backup generator.

A motion was made by Commissioner McCavour and seconded by Commissioner Levy, that the Canyon Farms, LLC project be approved. The motion carried by the following vote:

Aye: 7 - Commissioner Bongio, Commissioner Levy, Commissioner Mitchell, Commissioner Newman, Commissioner McCavour, Commissioner O'Neill and Commissioner Pellegrini

5. Yeti Enterprises, LLC, Conditional Use Permit
Record Number PLN-12249-CUP
Assessor's Parcel Numbers: 510-211-057
2214 McKinleyville Avenue, McKinleyville area

A Conditional Use Permit for 1,300 square feet (SF) of new indoor cultivation within an existing 2,880 SF building. A 390 SF room will be added for an ADA restroom, the total size of the building will be 3,270 SF. The applicant projects 5-6 cultivation cycles per year. Water for irrigation would be sourced from the McKinleyville Community Services District. Water would be stored in eight tanks totaling 2,900 gallons. The annual water usage is about 120,000 gallons. Drying and curing would occur on-site, with all other processing occurring in a licensed off-site processing facility. The subject property is served by P.G.&E. power and the applicant will enroll in the P.G.&E. Solar and Renewable Energy Program.

A motion was made by Commissioner McCavour, seconded by Commissioner Levy, that the Yeti Enterprises, LLC be approved. The motion carried by the following vote:

Aye: 7 - Commissioner Bongio, Commissioner Levy, Commissioner Mitchell, Commissioner Newman, Commissioner McCavour, Commissioner O'Neill and Commissioner Pellegrini

F. ITEMS PULLED FROM CONSENT

3. IXXCO, Inc, Conditional Use Permit Modification
Record Number PLN-2020-16552
Assessor Parcel Number 522-221-008
39057 State Highway 299, Willow Creek area

A modification to an approved Conditional Use Permit for Nonvolatile Manufacturing and Distribution activities in an existing 4,500 square foot structure. The modification will allow for commercial processing. Water is sourced from the Willow Creek Community Services District. Electricity would be sourced from PGE, and the project is enrolled in the "Repower+" program to obtain renewable energy. The applicant states that the hours of operation for both activities would be from 6:00 AM to 10:00 PM, Monday through Saturday. The applicant states that four individuals are required for operations, with six required seasonally.

A motion was made by Commissioner Mitchell and seconded by Commissioner McCavour, that the IXXCO, Inc project be approved. The motion carried by the following vote:

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

Nay: 2 - Commissioner Bongio and Commissioner O'Neill

4. The Emerald Kid, Inc, Conditional Use Permit Modification
Record Number PLN-2020-16323
Assessor's Parcel Numbers: 522-211-053 and 522-211-055
50 Stagecoach Lane and 100 Stagecoach Lane, Willow Creek area

A modification to approved Conditional Use Permit to allow a microbusiness permit for cultivation, distribution, and manufacturing without the use of solvents. The applicant is seeking to modify the permitted cultivation area to qualify as a microbusiness. There is no change to the permitted cultivation footprint. Up to 8,400-square-feet is mixed-light in three (3) greenhouse structures and up to 1,600-square-feet is indoor. The applicant will comply with State canopy measurements to meet the less-than-10,000 SF microbusiness tier while continuing to pay County taxes on the exterior dimensions of cultivation structures. The project proposes a new 2,142 SF nursery addition to the north wall of the existing greenhouse on APN 522-211-055 to use for clones and genetic production for use on-site or for wholesale off-site. The application seeks authorization of a distribution use utilizing two vans for delivery of products grown and/or made on-site. The applicant is also seeking to permit two concrete soil bays to allow soil management. An existing 2,000 SF multi-use building is equipped with a dry room, a trimming room, office, and ADA-restroom. The modification proposes to use the 224 SF Office section of the multi-use building to make bubble hash and live rosin using ice water extraction. Water is sourced from the Willow Creek Community Services District and supplemented by rainwater catchment. Energy is sourced from P.G.&E. with a generator onsite for backup in case of emergency. Up to 15 employees would be utilized for the operation. The project site meets the standards for public accommodations and would operate as a tourist site for 5 daily tours 5 days a week between the hours of 9am to 6pm.

A motion was made by Commissioner Levy and seconded by Commissioner Newman, that the Emerald Kid, Inc project be approved. The motion carried by the following vote:

Aye: 6 - Commissioner Bongio, Commissioner Levy, Commissioner Newman, Commissioner McCavour, Commissioner O'Neill and Commissioner Pellegrini

Abstain: 1 - Commissioner Mitchell

G. PUBLIC HEARINGS

1. Lost Boys Farm, Conditional Use Permit

Record Number PLN-2018-15180

Assessor Parcel Number Record Number PLN-15180-CUP. APN 204-381-008

2494 Fisher Road, Hydesville area

A Conditional Use Permit for 43,560-square feet of new mixed-light commercial cannabis cultivation and distribution within the Carlotta/Hydesville Community Planning Area. The cannabis would be planted directly in the native soil. The applicant anticipates four harvest cycles per year. Water for irrigation would be sourced from a rooftop rainwater catchment system and an onsite well. Water would be delivered to plants via a drip irrigation system. Annual water demand would be approximately 1,095,000 gallons. There would be 25,000 gallons of water storage in hard tanks. The applicant proposes ancillary nursery and processing facilities to support the operation. There would be a maximum of 19 employees to support all aspects of the operation. Renewable energy would be supplied by PG&E.

A motion was made by Commissioner Pellegrini and seconded by Commissioner O'Neil, that the Lost Boys Farm project be denied. The motion carried by the following vote:

Aye: 4 - Commissioner Bongio, Commissioner McCavour, Commissioner O'Neill and
Commissioner Pellegrini

Nay: 3 - Commissioner Levy, Commissioner Mitchell and Commissioner Newman

2. Amendments to the Humboldt Bay Area Plan and Coastal Zoning Regulations to Allow the Samoa Peninsula Wastewater Project
Case Number: PLN 2020-16642
Samoa Peninsula area

The Humboldt Bay Area Plan (HBAP) and the Coastal Zoning Regulations are proposed to be amended to allow the Samoa Peninsula Wastewater Project (SPWP) to proceed. The SPWP includes the construction and operation of a consolidated wastewater collection, treatment, and disposal system intended to correct public health and water quality problems resulting from failed on-site wastewater treatment systems on the Samoa Peninsula outside the Town of Samoa, including the community of Fairhaven. The proposed amendments to allow the SPWP would: (1) provide an exception in the Humboldt Bay Area Plan to allow the extension of wastewater service outside the Urban Limit Line within the Peninsula Community Services District for existing structures served by on-site wastewater systems; and, (2) provide an exception in the Humboldt Bay Area Plan to allow wastewater from outside the Samoa Town Master Plan Overlay Area (STMP) to be treated at the STMP Wastewater Treatment Plant; and, (3) amending Section 311-7 of Chapter 1, Division 1, Title III, of Humboldt County Code (HCC) to change the zoning of properties in the Fairhaven area to apply a Q - Qualified Zone prescribing performance standards for new infill development in Fairhaven on parcels planned and zoned for residential uses located within 300 feet of the public sewer lines to address hazards relating to sea level rise and tsunami inundation and to protect Environmentally Sensitive Habitat Areas (EHSAs) as an interim measure while comprehensive planning that will culminate in future amendments to the HBAP that is underway to address exposure to sea level rise and tsunami hazards and ESHA protection in the area is complete.

A motion was made by Commissioner Newman and seconded by Commissioner O'Neil, that the Samoa Peninsula Wastewater Project be continued to the December 17, 2020 Planning Commission meeting. The motion carried by the following vote:

Aye: 7 - Commissioner Bongio, Commissioner Levy, Commissioner Mitchell, Commissioner Newman, Commissioner McCavour, Commissioner O'Neill and Commissioner Pellegrini

3. Draft Amendments to the Cannabis Dispensaries Ordinance
Case No.: PLN-2020-16688

Amendments to the Coastal and Inland Dispensary Ordinances (Section 313-55.3 and 314-55.3 of Chapter 4 of Division 1 of Title III of the Humboldt County Code) to modify the allowed hours of operation for cannabis dispensaries to conform to state law. The allowed hours of operation would expand to 6 a.m. to 10 p.m., which is eight hours longer allowed under the current ordinance. Also, the Dispensaries Ordinance is being amended to ensure information is provided to both employees and the public about the danger of cannabis use during pregnancy and while breastfeeding. The Planning and Building Department is recommending the Planning Commission approve of the proposed changes to the Zoning Regulations. The Planning Commission will be making recommendations to the Board of Supervisors for final action.

A motion was made by Commissioner Newman and seconded by Commissioner O'Neil, that the Cannabis Dispensary Ordinance amendments be continued to the December 17, 2020 Planning Commission meeting. The motion carried by the following vote:

Aye: 7 - Commissioner Bongio, Commissioner Levy, Commissioner Mitchell, Commissioner Newman, Commissioner McCavour, Commissioner O'Neill and Commissioner Pellegrini

H. ADJOURNMENT

Chair Bongio adjourned the meeting at 9:28 p.m.

I. NEXT MEETINGS

December 17, 2020

The County of Humboldt is committed to providing equal access to all county programs, services and activities through the provision of accommodations for individuals with disabilities as required under the Americans with Disabilities Act (ADA). With 72 hours prior notice, a request for reasonable accommodation or modification can be made. Please contact the Planning Commission Clerk at 707-445-7541 or by email planningclerk@co.humboldt.ca.us or the ADA Coordinator at 844-365-0352 or by email at ada@co.humboldt.ca.us