

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, September 7, 2017

5:00 PM

Regular Meeting

CALL TO ORDER / SALUTE TO FLAG

Chair Morris called the meeting to order at 5:00 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

APPROVAL OF ACTION SUMMARY

PUBLIC COMMENTS

DEPARTMENTAL REPORT

- 1 Planning staff to provide Draft Commercial Cannabis Land Use Ordinance for review and discussion.

CONSENT AGENDA

- 2** Tina Gordon Conditional Use Permit
Case Number CUP 16-040
Assessor's Parcel Number (APN) 218-031-007
3224 Island Mountain Road, Garberville Area

The applicant seeks approval of a Conditional Use Permit in compliance with the County Commercial Medical Marijuana Land Use Ordinance (CMMLUO) and the Medical Marijuana Safety and Regulation Act (MMRSA) for an existing outdoor commercial medical cannabis cultivation and ancillary processing activities. The existing outdoor cultivation occurs in five (5) areas on the site with a total cultivation area of 24,660 square feet (SF). Conditional Use Permits for existing cultivation areas this size are subject to CMMLUO Section 314-55.4.8.2.2. The Project proposes to relocate approximately 3,115 SF of cultivated area out of the fifty (50) foot buffer of the unnamed Class III watercourse to a cultivated area completely out of the buffer area. The plants are started in greenhouses from April through June, and LED lighting is used during that time to supplement natural lighting. In June, the plants are placed outdoors in pots, and they are harvested in November. Processing is done onsite by family members in existing accessory structures.

A motion was made by Commissioner Shepherd, seconded by Commissioner Levy, to approve the Tina Gordon Conditional Use Permit 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

- 3** Sundberg Surface Mining Conditional Use Permit & Reclamation Plan
Case Number CUP-16-204/SMP-16-003/RP-16-004
Assessor's Parcel Number (APN) 504-131-002

Application for a Conditional Use Permit/Mining Plan/Reclamation Plan for the seasonal extraction in Humboldt County of up to 6,300 cubic yards of sand and gravel per year from river gravel bars. The existing aggregate extraction site has historically involved aggregate removal from the exposed bar surface within the property. Previously this site received County approval in 1994 for an annual extraction rate of up to 40,000 cubic yards. Secondary activities such as temporary equipment storage during active periods of operation will also occur. Monitoring information indicates that extraction at average historical levels is appropriate at this site and that such operations will not cause immediate nor cumulative significant adverse environmental impacts. The proposal is apply for a conditional use permit and Surface mining and reclamation plan. This project will remain consistent with the previous terms and conditions found within the previous permits. This project is subject to conditions and oversight found within the County of Humboldt's Interim Adaptive Management plan as described in Chapter II (3).The proposal is for the extraction of up to 6,300 cubic yards of aggregate (sand and gravel) from adjacent gravel bars on an annual basis. The permitted volume is constant with the Supplemental Programmatic Environmental Report allocation proposed by NMFS, FEV method for allocating maximum extraction volume by mean annual recruitment (MAR). (Table 2-4 SPEIR) for both the Miller Almquist Bar and Simpson-Glendale Bar. The ongoing operation will continue to extract material as long as material is available on the gravel bar and operations conform to that established within the Interim Adaptive Management Plan (IAMP). The extraction activity will continue to occur during the summer season between June 1st and October 1st. Aggregate materials will be extracted, loaded onto trucks and transported to an off-site location two miles north west of the project area where processing and storage will occur. In any given year, project extraction volumes, locations, and methods will be submitted by the applicant for approval by local, state, and federal agencies, including the County of Humboldt, CHERT, Dept. of Fish and Game, and Army Corps of Engineers. This interagency process is more specifically described in the IAMP.

A motion was made by Commissioner Shepherd, seconded by Commissioner Levy, to approve the Sundberg project 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

4 Wade Bray Final Map Subdivision and Special Permit

Case Numbers FMS-17-001, SP-16-234

Assessor Parcel Number (APN) 018-081-025-000

4171 Berner Lane, Cutten area

A subdivision of an approximately 14,198 square foot (gross) parcel into two parcels of 4,000 square feet (net) and 8,000 square feet (net). The parcel is currently developed with two single family residences and detached garage. An exception to the subdivision standards is requested to allow the parcels to be served by a reduced right of way. The private road (Berner Lane) already exists and has a right of way width of 20 feet. The subdivision is considered a Final Map due to owner's involvement of previous subdivisions on adjacent parcels. A Special Permit to allow an exception to the minimum parcel size is requested per Section 314-99.1.2 of the Zoning Regulations. The Special Permit will also allow a reduction to the front yard setback for parking pursuant to Section 314-99.1.3.5. An exception to the parking standards is also requested. All parcels will be served with water and sewer by the Humboldt Community Services District.

A motion was made by Commissioner Shepherd, seconded by Commissioner Levy, to approve the Wade Bray project 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

5 Alder Rose, LLC

Case Numbers SP-16-110

Assessor Parcel Number (APN) 210-231-003-000

Trinidad Area

Alder Rose LLC, seeks approval of a Special Permit for an existing outdoor and mixed light commercial cannabis cultivation site and ancillary processing activities. The project site comprises one 42-acre parcel, APN 210-231-003, which currently contains 1,872 square feet of mixed light cultivation and 7,520 square feet of outdoor cultivation for a total of 9,392 square feet of cannabis cultivation. The applicant proposes to relocate a separate 3,300 square foot outdoor cultivation area to the vicinity of the rest of the cultivation activity and restore the previous location according to direction from the California Department of Fish and Wildlife (CDFW). By consolidating the cultivation to a single site, the applicant intends to reduce impacts to other areas of the parcel, create a more easily controlled cultivation area by minimizing infrastructure, provide for environmental restoration and remediation by retiring a sensitive site, and reduce road impacts by focusing traffic and cultivation activities to the primary cultivation area. The primary cultivation area is located on the most suitable location on the parcel in terms of slope and topography, access, solar exposure, water resource protection, and site security. Processing will occur onsite in an existing barn, where it will be dried and machine trimmed. Water is supplied to the property through a riparian right to Burr Creek that flows through the property. The applicant has filed an application for their use of the water with the State Water Resources Control Board Division of Water Rights and has prepared and filed an application for a Streambed Alteration Agreement with the California Department of Fish and Wildlife (CDFW) for the diversion. Currently water storage on the property is split between three existing 20,000 gallon bladders, five 3,000 gallon tanks, and one 65,000 gallon pond, totaling 140,000 gallons of storage capacity. The applicant has agreed to divert water to storage from December 15th through April 30th, and to forebear from withdrawals for 150 days annually between June 15th and November 12th. Only medical cannabis grown on site will be processed on site, as allowed under the CMMLUO

A motion was made by Commissioner Shepherd, seconded by Commissioner Levy, to approve the Alder Rose LLC project 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

PUBLIC HEARINGS

- 6** Satori Wellness Collective Conditional Use Permit and Special Permit
Case Number CUP 16-170 /SP-16-168
Assessor's Parcel Number (APN) 508-251-054
1551 Nursery Way, McKinleyville Area

Satori Wellness Collective is applying for a Conditional Use Permit to allow for the operation of 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 and for the operation of a medical cannabis distribution facility in accordance with Humboldt County Code Section 314-55.4 of Chapter 4 of Division I of Title III, Commercial Medical Marijuana Land Use Ordinance (CMMLUO). Also, the applicant is requesting an exception to the loading space requirement based on the type and intensity of the proposed use. The proposed medical cannabis dispensary and distribution facility (Project) will be located within 3,312 square feet of an existing approximate 5,652-square-foot building. The hours of operation for the proposed dispensary will be Monday through Friday, 10:00 AM to 6:00 PM, and Saturday and Sunday, 10:00 AM to 4:00 PM. The distribution facility will operate Monday through Friday, 9:00 AM to 5:00 PM

A motion was made by Commissioner Shepherd, seconded by Commissioner Mitchell, that the Satori Wellness Collective Conditional Use Permit 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

ADJOURNMENT

Chair Morris adjourned the meeting at 8:45pm.

NEXT MEETINGS

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.