



MINUTES

THURSDAY, JUNE 18, 2020

Regular Meeting

The Honorable Planning Commission of the County of Humboldt met in a regular meeting on the above date within the Humboldt County Courthouse, Eureka, California. The minutes of this meeting were approved on Thursday, October 15, 2020 with the vote as shown below.

The motion was made by Commissioner McCavour and seconded by Commissioner O'Neill

AYES:	Commissioners Bongio, Pellegrini, Newman, O'Neill, and McCavour
ABSENT:	Commissioners Mitchell
NOT PRESENT:	Commissioners Levy
DECISION:	Motion carries 5/0.

Suzanne Lippre
Deputy Clerk of the Planning Commission

John H. Ford
Secretary of the Planning Commission

PLANNING COMMISSION

First District
Alan Bongio - Chair
Second District
Ronnie Pellegrini
Third District
Noah Levy - Vice Chair
Fourth District
Mike L Newman
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, June 18, 2020

6:00 PM

Regular Meeting - Virtual

NOTE: In accordance with Executive Order N-29-20 the June 18, 2020 Planning Commission meeting was held virtually.

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-4: Supplemental information provided

Item E-5: Supplemental information provided

Item E-9: Supplemental information provided

Item G-1: Supplemental information provided

D. PUBLIC COMMENTS

E. CONSENT AGENDA

1. Bonus Entertainment, LLC, Conditional Use Permit
Record Number PLN-12986-CUP
Assessor's Parcel Number: 223-071-005, 223-072-006, and 223-072-010

Garberville area

A Conditional Use Permit for 34,000 square feet of existing outdoor cannabis cultivation. Cultivation activities extend from March to October. The applicant anticipates two cultivation cycle per year. Irrigation water for cultivation will be sourced from two existing permitted wells (16/17-1178 & 16/17-1188). There is 208,825 gallons of water storage on the subject parcel. Processing such as drying and curing, will occur in three hoop houses: (1) 1,600-square-foot hoop house, (1) 1,000-square-foot, and (1) 1,280-square-foot hoop house. Further processing such as trimming will occur off-site by a licensed third-party processor. Bonus Entertainment, LLC is an agricultural employer. There will be 2-3 family members working. Power is sourced from a generator.

A motion was made by Commissioner Levy, seconded by Commissioner McCavour, that Bonus Entertainment Conditional Use Permit 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. Emerald Organics Cooperative, Inc., Conditional Use Permit, Special Permit, Special Permit Modification and Zoning Clearance Certificate
Record Number PLN-2018-15186
Assessor Parcel Number (APN) 220-061-019
891 and 1019 Aldergrove Road, Briceland area

The proposed project is a Special Permit for non-volatile manufacturing that would authorize infusion of cannabis into chocolate on the subject parcel. Manufacturing will occur in an existing garage; the use of the existing garage for processing was previously approved (APPS #11044/SP16-135). Conditional Use Permit is required request an exception to the Commercial Cannabis Land Ordinance (CCLUO) requirements that require manufacturing operations to be located on roads that are paved with centerline stripe, or paved meeting the Category 4 standard. The applicant is also requesting a modification to the previously approved Special Permit that allowed for 8,680 square feet comprised of mixed light and outdoor cultivation areas, consisting of 5,980 square feet and 2,700 square feet, respectively (APPS #11044/SP16-135). The previous approval allowed 400 square feet of propagation in two sheds. The proposed modification includes reconfiguration for the previously approved cultivation areas and construction of a 750-square-foot structure that will be used for the 400-square-foot propagation area and additional storage. The proposed project also includes a Zoning Clearance Certificate for distribution and a Special Permit to allow for the various activities to function as a microbusiness.

A motion was made by Commissioner Levy, seconded by Commissioner McCavour, that Emerald Organics Cooperative Conditional Use Permit and Special Permit 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

3. Van De Pharmz, LLC, Conditional Use Permit
Record Number PLN-13101-CUP
Assessor's Parcel Number: 214-211-003

Miranda (Redway) area

A Conditional Use Permit for 21,000 square feet of existing outdoor and mixed light cannabis cultivation. Cultivation activities extend from March to October. The applicant anticipates two cultivation cycle per year. Irrigation water for cultivation will be sourced from an existing permitted well (17/18-0630). The water is pumped from the well into six storage tanks: two (1) 5,000 gallon, one (1) 2,500 gallon, and four (4) 1,500-gallon hard tanks totaling 13,500 gallons of available water storage. The applicant estimates that they will use 362,304 gallons annually. Processing such as drying, and curing will occur onsite in the 3,600 square foot shed. Trimming is proposed offsite at a licensed processing facility. If an offsite processing facility is not available, then the applicant will process on the adjacent parcel (214-211-004) which is a permitted cannabis farm. The applicant anticipates hiring three full time seasonal workers. Power is sourced from solar alternative energy system.

A motion was made by Commissioner Levy, seconded by Commissioner McCavour, that Van De Pharmz Conditional Use Permit 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

7. Humboldt Exotics, LLC Conditional Use Permit
Record Number PLN-2020-16163
Assessor's Parcel Number: 201-322-019
1298 State Highway 36, Alton area

A Conditional Use Permit to modify permits (PLN-2018-15045 and PLN-12027-CUP) within the Fortuna Community Planning Area to add 5,000 sf structure which would house ancillary and commercial processing as well as distribution. The CUP would also allow the conversion of one 2,320 sf hoop structure from cultivation to ancillary nursery. This would amend the outdoor cultivation area to 38,400 sf and amend the ancillary nursery area to 5,814 sf (approximately 15% of the cultivation area). The schedule of operations would vary throughout the year, but the site would see activities year-round. The water source on the parcel is a permitted well. Onsite wastewater management is a septic system designed to support the maximum of 10 employees required for these additional uses. Electricity would be provided by 100% renewable grid power. The parcel is accessed directly from State Highway 36. No new development is proposed on the prime agricultural soils on the parcel.

A motion was made by Commissioner Levy, seconded by Commissioner McCavour, that Humboldt Exotics Conditional Use Permit 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

9. Weott Community Service District Water Tank Replacement and Water Treatment Improvements
Case Number PLN-2019-16007
Assessor's Parcel Numbers 095-161-004; 095-171-001
123 Spring St, Weott Area

An application for a General Plan Conformance (GPC) review for the Weott Community Services District (CSD) CSD for replacing a water tank on APN 095-161-004 and for water treatment plant

improvements on APN 095-171-001. The project includes replacing an existing 76,000-gallon concrete block water tank with two [2] new steel tanks with combined capacity of up to 365,282 gallons, replacing interior treatment plant components and replace or add exterior piping and valving at existing developed sites, make improvements to the existing manmade backwash discharge pond, and replace and/or add storage sheds and generator containment. The proposed work will increase water storage capacity but does not propose an increase in the service area, water withdrawals, or water entitlements.

..Recommendation

Find project to be in conformance with the General Plan based on finding in the staff report and adopt the Planning Division's recommendation.

A motion was made by Commissioner Levy, seconded by Commissioner McCavour, that the Weott Community Service District Water Tank Replacement and Water Treatment Improvements 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

4. Rockaway Investments, LLC,
Record Number PLN-12280-CUP
Assessor's Parcel Number 208-111-028-000
Bridgeville Area

A Conditional Use Permit for commercial cannabis cultivation consisting of 9,948 square feet of existing outdoor cultivation within greenhouses and 1,400 sf existing full-sun outdoor. 900 sf of ancillary propagation space is also proposed. Water for irrigation is sourced from an existing permitted well. Water is stored in eight HDPE water tanks and one water bladder, totaling 19,900 gallons. Two (2) cultivation cycles per annum are anticipated. Processing will occur off-site by a third party. The site is supported by solar panels and one backup generator contained within a shed.

A motion was made by Commissioner Mitchell, seconded by Commissioner Levy, that Rockaway Investments Conditional Use Permit be continued to a date uncertain. 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. Amarak Ventures, LLC Conditional Use Permit
Record Number: PLN-11021-CUP
Assessor Parcel Numbers: 221-021-023 and 221-021-037
Salmon Creek Area

A Conditional Use Permit to allow for the continuation of 18,600 square feet of existing cultivation, consisting of an 10,320-square-foot outdoor and 8,280-square-foot mixed light cultivation areas. The proposed project includes development of an 1,800-square-foot greenhouse that will be used for

propagation. The applicant is proposing to relocate of 4,860 square feet of outdoor cultivation to a more environmentally suitable location. Water for irrigation is provided from a 700,000-gallon on-stream pond located on the subject parcel. The total capacity of water storage is approximately 722,950 gallons, including the on-stream pond and 22,950 gallons in hard-sided tanks. The project also includes processing and storage within 9 structures, including an existing cabin and 5 shipping containers. The following structures are proposed: a 2,400-square-foot structure for processing, a two-story, 518-square-foot structure for processing and propagation and a three-story structure for drying and storage. Three employees are required during peak operations. Power would be supplied by three generators. The project includes a Special Permit to allow the relaxation of the required setback from Public Lands and for restoration of a historic cultivation located within a Streamside Management Area.

A motion was made by Commissioner McCavour, seconded by Commissioner O'Neill, that Amarak Ventures Conditional Use Permit be approved with revised conditions of approval. 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

6. Brannan Mountain Farms, LLC, Conditional Use Permit
Application Number PLN-11050-CUP
Assessor's Parcel Number 522-211-051-000
741 Brannan Mountain Road, Willow Creek area

A Conditional Use Permit for an existing 12,268 square-foot (sf) commercial medical cannabis cultivation operation consisting of an 8,788-square-foot (sf) outdoor cultivation area and a 3,480 sf mixed-light cultivation area. Outdoor cultivation is divided into four separate areas and one existing greenhouse that was demolished for replacement. The mixed light cultivation area is contained within 2 existing greenhouses and the Applicant proposes to reconfigure into five greenhouses total. Also, a Special Permit to allow a cultivation area setback of less than 600-feet from public lands used and managed for open space/wildlife habitat for the adjacent National Forest lands north of the property. Portions of Cultivation Areas 2, 3 and 4 encroach into the 30-foot setback from the eastern property line; consequently, the Applicant proposes to grow a non-cannabis crop within the setback. The applicant will relocate an existing cultivation area, existing greenhouse, and a proposed greenhouse that encroach into the 30-foot setback from the northern property boundary. The Applicant proposes two ancillary propagation areas: 1) a 4,300-square-foot outdoor area; and 2) an indoor propagation area to be located inside a proposed 1,200-square-foot processing building. In addition to the indoor propagation area, the proposed processing building will house a drying room, a trimming room, and an ADA-compliant bathroom. Annual projected water use is 396,000 gallons (1.22 acre-feet) and is sourced from the Willow Creek Community Service District. Water storage capacity on the property is 5,000 gallons in two 2,500-gallon hard-sided tanks, one of which is available for fire protection use only. Power for the cultivation operations is provided by four generators: 2 for supplemental lighting in greenhouses, 1 for water pumps, and 1 for backup. Fertilizers, soil amendments, and pesticides are secured on-site in a metal shipping container.

A motion was made by Commissioner Pellegrini, seconded by Commissioner McCavour, that

Brannan Mountain Farms Conditional Use Permit be approved. The motion carried by the following vote:

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

Nay: 1 - Commissioner O'Neill

Abstain: 1 - Commissioner Mitchell

8. Samoa Pacific Group, Coastal Development Permit and Development Agreement

Case Numbers CDP-13-030 and DA-17-001

Application Number 8827

Assessor Parcel Numbers (APNs) 401-031-055, 401-031-070

920 and 931 Vance Road and the property known as Sections 16 and 17 Township 05 North, Range 01 West, Samoa area

A Coastal Development Permit (CDP) for the phased subdivision of Master Parcel 3 encompassing approximately 185 acres in the Town of Samoa into 332 parcels. The change in the density or intensity of use of land, including subdivision pursuant to the State Subdivision Map Act, constitutes development under the Coastal Act and requires approval of a CDP. The project also includes the approval of a Development Agreement pursuant to Section 65864 et seq. of the Government Code. The tentative map for the phased subdivision was approved at the February 20, 2020 Planning Commission meeting and the CDP is one of the required conditions of approval necessary to complete the subdivision. At the time the tentative map was approved, a Planned Unit Development Permit was also approved to establish setbacks from property lines in the existing Samoa townsite based on the locations of existing buildings; minimum lot sizes will be reduced to 2,000 square feet; lot coverage will be increased to 80%, and parking standards will be modified to allow for areas of common parking rather than having all parking either on-site or in front of each residence. Due to dune, wetland and forest Environmentally Sensitive Habitat Areas (ESHAs) and setbacks therefrom, there will be large areas of open space within the proposed development. Parcels will be served by community domestic water supply and sewage disposal systems. Exceptions to solar shading requirements are requested to accommodate the existing developed housing areas and planned unit development standards for new construction. All development will comply with the Samoa Town Master Plan Overlay requirements and the development standards specified for Samoa in the Coastal Zoning Regulations. A Supplemental Environmental Impact Report (SEIR) which addresses the subdivision and other future permit actions was certified by the Humboldt County Planning Commission at their October 3, 2019 meeting. The final Supplemental EIR and Final EIR are available for review at the Humboldt County Planning and Building Department.

A motion was made by Commissioner Newman, seconded by Commissioner Levy, that Samoa Pacific Group, Coastal Development Permit and Development Agreement be continued to 7/9/2020. 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

G. CONTINUED PUBLIC HEARINGS

1. Accessory Dwelling Unit Ordinance

Project Description: To comply with new state requirements, the Coastal Second Residential Unit Ordinance (Section 313-87.1 of Title 3 Division 1 of Humboldt County Code) and the Inland Second and Secondary Dwelling Units Ordinance (Section 314-87.1 of Title 3 Division 1 of Humboldt County Code) are being repealed and replaced by a new Accessory Dwelling Unit Ordinance. The new ordinance includes reduced parking requirements and permitting requirements to encourage construction of Accessory Dwelling Units (ADUs), allowing ADUs to be built as principally permitted structures in all zoning districts that allow single family and multifamily uses, and reducing fees charged for public water and wastewater services for ADUs. The new ordinance goes beyond state requirements by allowing "Tiny Homes" to be used as ADUs, modifying the Alternative Owner Builder (AOB) Regulations (Section 331.5-1 of Title 3 Division 3 of Humboldt County Code) to allow ADUs to be built as AOB units, and adding building codes for Tiny Homes to the building regulations in Section 331.1 of Title 3 Division 3 of Humboldt County Code. Minor amendments to the Humboldt County General Plan and six Local Coastal Plans are included to replace the reference to "Second Units" with "Accessory Dwelling Units".

A motion was made by Commissioner Mitchell, seconded by Commissioner Levy, that the Accessory Dwelling Unit Ordinance be continued to July 9, 2020. 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. NEW BUSINESS**1. 2018 and 2019 General Plan and Housing Element Annual Progress Reports**

A motion was made by Commissioner Mitchell, seconded by Commissioner Levy, that the 2018 and 2019 General Plan and Housing Element Annual Progress Reports be continued to July 9, 2020. 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

I. ADJOURNMENT

Chair Alan Bongio concluded the meeting at 9:39 p.m.

J. NEXT MEETINGS

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