

PLANNING COMMISSION

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Vice Chair - At-Large
SARAH WEST
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 21, 2023

6:00 PM

Regular Meeting - Virtual

A. CALL TO ORDER / SALUTE TO FLAG

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

B. COMMISSIONERS PRESENT

Commissioner Brian Mitchell arrived immediately after Item D - Public Comment on Non-Agenda Items

Present : 7 - Commissioner Iver Skavdal, Commissioner Noah Levy, Commissioner Lonyx Landry, Commissioner Thomas Mulder, Commissioner Peggy O'Neill, Commissioner Brian Mitchell and Commissioner Sarah West

C. AGENDA MODIFICATIONS

D. PUBLIC COMMENT ON NON-AGENDA ITEMS:

E. CONSENT AGENDA

1. Review and approval of the August 17, 2023, Action Summary.

A motion was made by Commissioner Brian Mitchell, seconded by Iver Skavdal to approve the August 17, 2023 Action Summary. The motion carried by the following vote:

Aye: 6 - Commissioner Iver Skavdal, Commissioner Noah Levy, Commissioner Lonyx Landry, Commissioner Thomas Mulder, Commissioner Peggy O'Neill and Commissioner Sarah West

Abstain: 1 - Commissioner Brian Mitchell

2. VIPA Farmers, LLC, Conditional Use Permit
Assessor Parcel Numbers (APN) 219-011-007-000
Record No.: PLN-11269-CUP
Salmon Creek area

A Conditional Use Permit for 12,536 square feet of existing mixed light cannabis cultivation. Three harvests are anticipated annually. The project is supported by a 1,250 square foot propagation greenhouse. Water for irrigation is sourced from an existing 300,000-gallon rainwater catchment pond and 6 hard tanks totaling 6,200 gallons. Ordinary annual water usage totals 216,895 gallons (21.8 gallons per ft²). All processing occurs onsite. Electricity is currently sourced from a diesel generator, however, the applicant is seeking to obtain grid power through PG&E.

Continue the VIPA Farmers, LLC, Conditional Use Permit

4. Ramage- Parcel Map Subdivision and Coastal Development Permit
Application Number PLN-2020-16407
Assessor Parcel Number (APN) 515-071-006
Westhaven Area

A Minor Subdivision of an approximately 5.12-acre parcel into two parcels, each approximately 2.56 acres in size. The parcel is currently developed with an existing single-family residence which will be located on proposed parcel 2 following subdivision. A Coastal Development Permit is requested for the proposed subdivision as well as to preauthorize future development of proposed parcel 1, including construction of an approximately 2,200 square foot new single-family home 28 feet in height and development of an appurtenant driveway and on-site septic system. Authorization is also being sought under the Coastal Permit to allow an approximately 620 square foot addition to the existing residence. Tree removal and grading are expected to be minimal. A well serving existing residential development on the property is planned to serve future residential uses on proposed parcel 1 of the subdivision.

Approve the Ramage- Parcel Map Subdivision and Coastal Development Permit

- 5. Thomas Morgan, Conditional Use Permit and Special Permit
 Assessor Parcel Number (APN) 208-111-029
 Record No.: PLN-12286-CUP
 Bridgeville Area

A Conditional Use Permit for 12,020 square feet of existing outdoor commercial cannabis cultivation supported by a 768 square foot ancillary nursery. Annual Water Usage is estimated at 120,000 gallons. The water source is a point of diversion and a well. Total existing water storage is 48,200 gallons and the applicant proposes 50,000 gallons of additional storage. Processing will occur offsite. Electricity is provided by generators and solar power is proposed. The project includes a Special Permit for the remediation of a historic cultivation area within the Streamside Management Area. Trimming will occur off-site at a licensed processing facility. Employees will not be used for this operation.

Approve the Thomas Morgan, Conditional Use Permit and Special Permit

Approval of the Consent Agenda

A motion was made by Commissioner Brian Mitchell, seconded by Commissioner Iver Skavdal to approve the Consent Agenda, including items E-2 VIPA Farmers, E-4 Ramage, E-5 Thomas Morgan as recommended by staff. The motion carried with the following vote:

Aye: 7 - Commissioner Iver Skavdal, Commissioner Noah Levy, Commissioner Lonyx Landry, Commissioner Thomas Mulder, Commissioner Peggy O'Neill, Commissioner Brian Mitchell and Commissioner Sarah West

F. PUBLIC HEARINGS

- 1. Big River Farm, LLC; Conditional Use Permit and Special Permit
 Record Number: PLN-11892-CUP (filed 12/27/2016)
 Assessor Parcel Numbers (APN) 108-023-008
 Ettersburg area

A Conditional Use Permit (CUP) for Big River Farm, LLC to allow 22,000 square feet (SF) existing outdoor cannabis cultivation on a 90-acre parcel, and a Special Permit to reduce the setback to BLM public land. An approximately 1.1-acre area at the southern parcel line will be planted with trees under the guidance and review of a Registered Professional Forester to increase the buffer to publicly owned and managed lands, and to increase the habitat buffer. Cultivation occurs in six (6) greenhouses utilizing light deprivation to achieve two harvest cycles. Propagation occurs onsite in a 2,190 SF ancillary nursery. Irrigation water is sourced from a groundwater well which has been evaluated for connectivity to surface waters, supplemented by rain catchment. The estimated annual irrigation water usage is 219,000-gal. (9.9 gal./SF/year). Water storage totals 86,600-gal. in hard tanks, and applicant has secured grant funding to install an additional 50,000-gal. of storage tanks for a total of approximately 138,700-gal. Processing such as drying and curing will occur onsite in an existing 30' x 40' garage attached to the 1,200 square foot residence, or in the existing 30' x 40' storage shed. All other processing such as trimming and packaging will occur offsite at a licensed facility. Power for the cultivation operation is provided by P.G.&E., and generators for emergency backup power. Five employees are anticipated to meet operational needs during peak season.

A motion was made by Commissioner Brian Mitchell, seconded by Peggy O'Neill to adopt the resolution (resolution 23-082), (Attachment 1E) which finds the project exempt from environmental review pursuant to State CEQA Guidelines Section 15270 (projects which are disapproved); and finds that the project has the potential to have a detrimental effect on the public health, safety, and/or welfare in conflict with the General Plan and Zoning Ordinance; and makes the required findings to deny the Conditional Use Permit and Special Permit. The motion carried by the following vote:

- Aye: 4 - Commissioner Noah Levy, Commissioner Thomas Mulder, Commissioner Peggy O'Neill and Commissioner Brian Mitchell
- Nay: 3 - Commissioner Iver Skavdal, Commissioner Lonyx Landry and Commissioner Sarah West

2. Fennell - Parcel Map Subdivision and Coastal Development Permit
Application Number PLN-2022-17900
Assessor Parcel Number (APN) 400-141-012
1500 Peninsula Drive, Manila area

A Minor Subdivision of a 16,566 square foot parcel into two parcels of approximately 6,336 square feet and 10,230 square feet. The parcel is currently developed with a single-family residence and detached Accessory Dwelling Unit. The property is served with community water and sewer services provided by the Manila Community Services District. Each dwelling unit will be sited on a separate parcel with no further development proposed. A Coastal Development Permit (CDP) is required as the property being divided is located within the Coastal Zone. An exception to certain road frontage improvements is being requested pursuant to Section 325-9 of Humboldt County Code.

A motion was made by Commissioner Thomas Mulder, seconded by Sarah West to adopt the resolution (Resolution 23-083). (Attachment 1) which finds that the project is consistent with the development density established by an existing general plan for which an EIR was certified, and no further environmental review is required per 15183 of the State CEQA Guidelines; and makes all of the required findings for approval of the Parcel Map Subdivision; and approves the Fennell Parcel Map Subdivision and Coastal Development Permit subject to the recommended conditions. The motion carried by the following vote:

Aye: 7 - Commissioner Iver Skavdal, Commissioner Noah Levy, Commissioner Lonyx Landry, Commissioner Thomas Mulder, Commissioner Peggy O'Neill, Commissioner Brian Mitchell and Commissioner Sarah West

3. Ram Ram Bliss 2, LLC Conditional Use Permit
Assessor Parcel Number 216-094-009-000
Record No.: PLN-12987-CUP
Harris Area

A Conditional Use Permit for 11,762 square feet of existing outdoor light deprivation commercial cannabis cultivation. Approximately 252,000 gallons per year (21.4 gallons per sf) is required for irrigation needs. Water is sourced from three onsite ponds and water storage includes water stored in the ponds and hard tank storage for a total of 605,400 gallons. Processing activities including drying, curing, and trimming occur onsite within a 968 square foot building. Power is provided through a mix of solar and generator use. No employees are proposed.

A motion was made by Commissioner Thomas Mulder, seconded by Commissioner Brian Mitchell to adopt the resolution (Resolution 23-084). (Attachment 1) which finds that the Planning Commission has considered the Mitigated Negative Declaration for the Commercial Medical Marijuana Land Use Ordinance and the Addendum that was prepared for the Ram Ram Bliss 2, LLC project and finds that the proposed project complies with the General Plan and Zoning Ordinance; and approves the Conditional Use Permit subject to the recommended conditions of approval (Attachment 1A). The motion carried by the following vote:

Aye: 7 - Commissioner Iver Skavdal, Commissioner Noah Levy, Commissioner Lonyx Landry, Commissioner Thomas Mulder, Commissioner Peggy O'Neill, Commissioner Brian Mitchell and Commissioner Sarah West

G. ITEMS PULLED FROM CONSENT

- 3. The Marshall Ranch, LLC Agricultural Reserve, Zone Reclassification, Notice of Merger, and Land Conservation Contract

Assessor Parcel Numbers: 215-062-003, 215-062-005, 215-062-007, 215-063-005, 215-063-006, 215-063-007, 215-064-001, 215-064-004, 215-064-005, 220-061-011, 222-081-001, 222-081-003, 222-081-005, 222-081-010, 222-081-012, 222-082-002, 222-083-002, 222-154-005, 222-154-006, 222-154-007

Record Number: PLN-2023-18106

Briceland area

An application to establish a Class “B” Agricultural Preserve of approximately 2,867 acres pursuant to the California Land Conservation Act and the Humboldt County Agricultural Preserve Guidelines and enter into a Land Conservation Contract, and to rezone lands within the preserve not zoned Timberland Production Zone (TPZ) to Agriculture Exclusive with a combining zone establishing a 160-acre minimum parcel size (AE-B-5(160)), and to merge all 33 separate parcels (consisting of 20 APNs) within the preserve (24 of which less than 160 acres in size) into one parcel of approximately 2,867 acres in size pursuant to Section 1.B(2) of Humboldt County Board of Supervisors Resolution No. 16-144 (Humboldt County Williamson Act Guidelines).

A motion was made by Commissioner Iver Skavdal, seconded by Brian Mitchell to adopt the Resolution (Resolution 23-085) (Attachment 1) which finds that the proposed project is exempt from environmental review per Sections 15305, 15317 and 15061(b)(3) of the CEQA Guidelines; and finds that the proposed project complies with the General Plan and Zoning Code; and recommends The Marshall Ranch, LLC Agricultural Reserve, Zone Reclassification, Notice of Merger, and Land Conservation Contract project to the Board of Supervisors for approval, subject to the recommended conditions of approval (Attachment 1A). The motion carried by the following vote:

Aye: 7 - Commissioner Iver Skavdal, Commissioner Noah Levy, Commissioner Lonyx Landry, Commissioner Thomas Mulder, Commissioner Peggy O'Neill, Commissioner Brian Mitchell and Commissioner Sarah West

H. WORKSHOP

Inland and coastal zone ordinances to allow the use of residences for short-term rentals within the unincorporated areas of Humboldt County. The ordinance does the following:

- a) Creates two tiers of rentals consisting of units partially rented by the occupants of the residence and rental of the whole unit;
- b) Establishes performance criteria for the operation of short term rentals;
- c) Creates an Administrative Permit to authorize rentals which comply with the ordinance and allows approval of a discretionary permit when deviations from standards are requested;
- d) Creates a cap for the number of units allowed around the Humboldt Bay Area

A motion was made by Commissioner Thomas Mulder, seconded by Iver Skavdal to continue the Short-term Rental inland and coastal zone ordinance workshop to the October 05, 2023 meeting. The motion carried by the following vote:

Aye: 7 - Commissioner Iver Skavdal, Commissioner Noah Levy, Commissioner Lonyx Landry, Commissioner Thomas Mulder, Commissioner Peggy O'Neill, Commissioner Brian Mitchell and Commissioner Sarah West

I. REPORT FROM PLANNER

J. PLANNING COMMISSION DISCUSSION ITEMS

K. ADJOURNMENT

Chair Noah Levy adjourned the meeting at 10.04 p.m.

L. NEXT MEETINGS October 05, 2023 6:00 P.M. Regular Meeting - Hybrid