

PLANNING COMMISSION

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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, October 7, 2021

6:00 PM

Regular Meeting - Virtual

NOTE: In accordance with AB 361 the 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 Thomas Mulder

C. DISCUSSION OF REMOTE MEETINGS:

A motion was made by Commissioner Newman, seconded by Commissioner McCavour, that the Resolution authorizing Remote Teleconference meetings for the period of October 7, 2021, through November 6, 2021, be adopted. The motion carried by the following vote:

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

D. AGENDA MODIFICATIONS

Item I - Discussion of Cannabis Permitting - Moved before Item H - Public Hearings
Item G1 - Eel River Produce PLN-2020-16417 - Public comment provided
Item H1 - Public Works Manila Bike Path PLN-2021-17402 - Public comment provided
Item H10 - Humboldt's Own PLN-2021-11786 - Supplemental information provided
Item H11 - Mad River Family Farms PLN-11728-CUP PLN-11730-CUP PLN-11727-CUP - Public comment provided
Item H12 - The Apartment PLN-2020-16774 - Supplemental information and public comment provided
General public comment provided

A motion was made by Commissioner Newman, seconded by Commissioner Levy, that the Discussion of Cannabis Permitting be moved before Public Hearings. The motion carried by the following vote:

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

F. CONSENT AGENDA

Public Hearing Opened

A motion was made by Commissioner Levy, seconded by Commissioner Newman, that the Consent Agenda Items be approved. The motion carried by the following vote:

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

Abstain: 1 - Commissioner Mitchell

1. Review and approval of the September 02, 2021, Action Summary
2. Review and approval of the September 16, 2021, Action Summary

G. CONTINUED PUBLIC HEARINGS:

1. Eel River Produce, LLC Special Permits, Zoning Clearance Certificates
Record Number: PLN-2020-16417
APNs: 209-331-002
Redcrest Area

A proposal to add 63,200 square foot of cultivation area consisting of a Special Permit to allow 43,200 square feet, including 33,200 square foot of outdoor light deprivation, and 10,000 square foot mixed light, and a Zoning Clearance Certificate to allow a fourth RRR on the site consisting of 20,000 square feet of outdoor light deprivation. The site is presently permitted for 60,000 square feet of full-sun outdoor through three RRRs. The total cultivation at full build-out will be 133,200 square feet (3.06 acres). A 10,000-square-foot commercial nursery in four (4) greenhouses will produce seeds and clones and was approved with a separate ZCC. No supplemental light is used in the light-deprivation or nursery greenhouses. The sole source of irrigation water is rainwater catchment captured directly in and stored in hard tanks. Estimated annual water use is 161,500 gallons, of which 19,000 gallons is used for the nursery. Water storage totals 120,000 gallons in twenty-four (24) hard tanks, with an additional 50,000 gallons proposed. Harvested product will be dried in the greenhouses, or fresh frozen and taken off-site. No processing occurs on-site. P.G.&E. supplies renewable power to the site. A Special Permit is also required to vary from the 600' setback from Humboldt Redwoods State Park by 76' to a distance of 524'.

Public Comment Opened

A motion was made by Commissioner McCavour, seconded by Commissioner Levy, that the Eel River Produce, LLC be approved with conditions as modified (Spot inspections without notice). The motion carried by the following vote:

Aye: 4 - Commissioner Levy, Commissioner Mitchell, Commissioner McCavour and Commissioner Mulder
Nay: 3 - Commissioner Bongio, Commissioner Newman and Commissioner O'Neill

Meeting went into Recess

Meeting Reconvened

I. DISCUSSION OF CANNABIS PERMITTING

Public Hearing Opened

Discussion Items:

- 1. Desire to see a map of all cultivation sites.*
- 2. Establish North/South Bio-Diversity corridor.*
- 3. Concern that environment has changed since adoption of CCLUO.*
- 4. Possibly consider moratorium on new cannabis applications.*
- 5. Concern with cumulative impacts.*
- 6. PG&E cannot provide services to some areas of county.*
- 7. Maintain setbacks from state and federal land.*
- 8. Time to ask Supervisors to re-evaluate ordinance.*
- 9. Cannabis is damaging neighborhoods and damaging roads.*
- 10. Need real time studies for water use.*
- 11. need to listen to community.*
- 12. Need better enforcement.*
- 13. Better information on watershed carrying capacity.*

H. PUBLIC HEARINGS

1. Humboldt County Department of Public Works Coastal Development Permit
Record Number PLN-2021-17402
Assessor's Parcel Number: State Highway 255 Right of Way.
Manila area

A Coastal Development Permit application for Humboldt County Department of Public Works to develop a Class I bike path (also known as shared use path or multi-use trail) along the western side of the Highway 255 corridor in the Manila area. The project would start near the Pacific Avenue intersection (Post Mile 3.64) and terminate north of the Carlson Drive intersection (Post Mile 4.24) for a total length of 0.6 miles. The bike path is designed as a paved, 10-foot-wide surface with two, two-foot-wide shoulders offset variable distances from the edge of the highway shoulder. The project includes 150 feet of concrete sidewalk along Pacific Avenue, a crosswalk near the Pacific Avenue/Peninsula Drive intersection, two light standards near Pacific Avenue, crosswalks at Lupin Avenue and Carlson Drive, and on-site wetland creation. The purpose of the project is to improve safety for non-motorized and motorized travelers in Manila and increase the use of active modes of transportation. The project would enhance coastal access, heighten driver awareness of the community, and fill the gap for non-motorized travel between the Pacific Avenue and Lupin Avenue neighborhoods. The trail is needed because Highway 255 through Manila is an incomplete transportation facility that was designed primarily to support motorized vehicles.

Public Hearing Opened

A motion was made by Commissioner Newman, seconded by Commissioner Levy, that the Humboldt County Department of Public Works Bike Path be approved as modified (begin path at Pacific Avenue intersection and terminate at Lupin Drive intersection). The motion carried by the following vote:

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

2. Westhaven VFD Coastal Development Permit

Record Number PLN-2020-16864

Assessor's Parcel Number: 514-141-016

Trinidad Area

A Coastal Development Permit (CDP) for the construction of a new 375 square foot (SF). One-story accessory pre-engineered metal building with concrete footings to store emergency vehicles and equipment for the Westhaven Volunteer Fire Department.

Public Hearing Opened

A motion was made by Commissioner Levy, seconded by Commissioner Mitchell, that the Westhaven VFD project be approved with conditions as recommended. The motion carried by the following vote:

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

3. McGuire Coastal Development Permit

Record Number PLN-2021-17292

Assessor's Parcel Number: 306-024-004

Fields Landing area

A Coastal Development Permit for demolition of an existing 1,700 square-foot residence and existing fence, and construction of a new residence. The new 2-story residence would consist of a 788 square foot garage with a 788 square foot 1 bedroom accessory dwelling unit above. This new structure will be built adjoining an existing 960 square-foot garage/shop which will remain on site.

The McGuire Coastal Development Permit was continued to the October 21, 2021 hearing.

4. Macras Land Company, Conditional Use Permit

Record Number PLN-11099-CUP

Assessor's Parcel Number: 317-033-008

Kneeland Area

A Conditional Use Permit to permit 24,123 square feet (SF) of existing cannabis cultivation, consisting of 17,262 SF outdoor cultivation and 6,861 SF mixed light cultivation. A total of 720 SF of immature/nursery space will be used for propagation. Irrigation water is sourced from two existing groundwater wells and a permitted stream diversion. Annual water use is estimated at 123,840 gallons (12.38 gallons/SF). Water storage totals 25,000 gallons in eight (8) 2,500-gallon containers, and one (1) 5,000-gallon container. Electricity is provided through the one generator, housed in a semi-enclosed structure.

The Macras Land Company, Conditional Use Permit was continued to the October 21, 2021 hearing.

5. Aloha Top Shelf, LLC, Conditional Use Permits
Record Number PLN-12333-CUP, PLN 12337-CUP, PLN-12637-CUP
Assessor's Parcel Number: 522-511-016, 522-511-013, 522-511-014 & 522-511-015
Willow Creek area

Three Conditional Use Permit to allow a total of 10,250 sq. ft. of new mixed-light cannabis cultivation and 2,250 square feet of new indoor cultivation on four parcels within the Willow Creek Community Planning Area. Two of the parcels are proposed to be merged into a single parcel, resulting in a total of three parcels proposed for cannabis cultivation permits. An additional Special Permit is being requested to reduce the 600-foot setback to public lands for each of the three operations. Water will be provided by the WCCSD, and a will-serve letter is on-file. A total of 231,800 gallons of water is estimated for annual irrigation needs. There is no existing water storage on-site and no storage is required. Power is sourced by PG&E.

The Aloha Top Shelf, LLC, Conditional Use Permits was continued to the October 21, 2021 hearing

6. High Spirits 1 and 2, LLC, Conditional Use Permit and Special Permit
Record Number PLN-12414-CUP, PLN-2021-16957
Assessor's Parcel Number: 315-291-001
Willow Creek area

High Spirits 1, LLC seeks a Conditional Use Permit and a Special Permit for a total of 37,925 square feet (SF) of existing outdoor cannabis cultivation and 31,560 of new outdoor light-deprivation cultivation with ancillary propagation totaling 6,956 square feet. Irrigation water is sourced from three (3) groundwater wells and rainwater catchment. Estimated annual water use is 755,955 gallons. Electricity is sourced from generators.

The High Spirits 1 and 2, LLC, Conditional Use Permit and Special Permit was continued to the October 21, 2021 hearing.

7. Karina Mata, Conditional Use Permit
Record Number PLN-13037-CUP
Assessor's Parcel Number: 522-171-004
Willow Creek area

A Conditional Use Permit for 17,585 square feet (SF) of existing cannabis cultivation, consisting of 7,705 SF outdoor cultivation and 9,880 SF mixed light cultivation, and a Special Permit to reduce the 600-foot setback from the Six Rivers National Forest. Plants are propagated in three (3) immature plant areas (IPAs) totaling 2,650 SF. Irrigation water is sourced from a permitted groundwater well. Annual water use is estimated at 115,500 gallons. Total water storage is 25,000 gallons and the applicant plans to increase storage to 80,000 gallons by adding more water tanks. Drying and further processing will take place onsite in a 625-SF auxiliary structure until the proposed 1,925-SF barn is permitted and constructed onsite. Power is provided by an onsite Honda Eu7000iS 7kW gasoline generator.

The Karina Mata, Conditional Use Permit was continued to the October 21, 2021 hearing.

8. Brandon Bilandzija, Conditional Use Permit
Record Number PLN-12730-CUP
Assessor Parcel Number (APN) 216-381-034
Alderpoint area

A Conditional Use Permit for existing 13,350 square feet (SF) of outdoor cannabis cultivation. Irrigation water will be sourced from a proposed groundwater well. Existing available water storage will be 18,000 gallons. Estimated annual water usage is 195,517 gallons. Drying, bucking, and processing occurs onsite. Power for cultivation will be sourced from a proposed PG&E agricultural connection.

The Brandon Bilandzija, Conditional Use Permit was continued to the October 21, 2021 hearing.

9. J and R Ranch, Conditional Use Permit and Special Permit
Record Number PLN-11503-CUP
Assessor Parcel Number (APN) 316-015-006
Willow Creek area

Conditional Use Permit for an existing 14,000-square-foot (SF) outdoor cannabis cultivation operation and a 1,400 SF appurtenant nursery. J and R Ranch also seeks a Special Permit for work completed within a Streamside Management Areas (SMA). The project also includes the permitting of existing facilities appurtenant to the cultivation, and relocation and remediation of a historic guerrilla grow area. Irrigation water is sourced from a 295-foot-deep permitted groundwater well. Existing available water storage capacity is 11,500 gallons in five plastic water tanks. Estimated annual water usage is 240,000 gallons (17.1 gallons/SF/year). Drying occurs onsite in an existing shed and processing will occur offsite at a licensed processing or manufacturing facility. Power is sourced from five onsite generators located in two noise containment sheds.

The J and R Ranch, Conditional Use Permit and Special Permit was continued to the October 21, 2021 hearing.

10. Humboldt's Own, Inc. Special Permit
Record Number PLN-2021-11786
Assessor's Parcel Number: 105-071-006.
Petrolia area

A Special Permit for 24,800 square feet (SF) of existing outdoor cultivation, a Special Permit to relocate existing cultivation within the project area, and a Special Permit for 40,000 SF of new outdoor cultivation. Total cultivation area is 64,800 SF. Propagation occurs in four (4) greenhouses totaling 9,984 SF. The source of water for irrigation is an onsite permitted well (No. 16/17-0721). Total estimated annual water use is 1,018,450 gallons (15.7 gal/SF). There is no onsite water storage for irrigation purposes. Drying will occur in a 7,200 SF facility onsite. Further processing occurs offsite at a licensed third-party facility. The project requires a maximum of fifteen (15) employees during peak staffing season, which lasts for approximately six (6) to eight (8) weeks. Electrical power is provided by PG&E.

The Humboldt's Own, Inc. Special Permit was continued to the October 21, 2021 hearing.

- 11. Mad River Family Farms, LLC, Conditional Use Permits and Special permit
Record Number PLN-11727-CUP, PLN-11728-CUP, PLN-11730-CUP
Assessor Parcel Numbers (APNs) 208-221-015, 208-221-016, 208-221-008
Dinsmore area

Three Conditional Use Permits for the operation of existing full sun and light deprivation outdoor cannabis cultivation operations occurring across three adjacent and contiguous parcels, for a total of 63,701 square feet with 6,424 square feet of ancillary propagation, and a Special Permit for work within SMA areas and restoration of SMA areas including the removal of an in-stream pond. A total of 540,000 gallons of water is needed annual for all three projects, sourced from two groundwater wells and a 275,000-gallon rainwater catchment pond. A total of 437,950 gallons of water storage is available over the three properties. Processing activities are performed on APN 208-221-016 in a proposed 2,400-square-foot building or taken to a licensed off-site processing facility. Electricity is sourced from onsite solar and generator power. Access to the site is via West River Road off River Road which runs to the Humboldt/Trinity County Line.

The Mad River Family Farms, LLC, Conditional Use Permits and Special permit was continued to the October 21, 2021 hearing.

- 12. The Apartment, LLC, Special Permit and Zoning Clearance Certificates
Record Number PLN-2020-16774
Assessor’s Parcel Number’s 211-363-012 & 211-362-013
Miranda area

A Special Permit for Non-Flammable Cannabis Manufacturing, and Infusion and two Zoning Clearance Certificates for Distribution and Commercial (off-site) processing activities within two proposed structures totaling 14,000 square feet. Water for the project will be provided by a proposed one-million-gallon rainwater catchment pond and an existing well. The applicant is also proposing to construct a new well. The applicant anticipates 60,000 gallons of water will be required for cannabis activities annually. Water storage onsite totals 30,000 gallons and an additional 2,500-gallon water tank. Power for the project will be provided by solar and wind energy. A backup generator will be onsite for emergency use only. The project involves a Conditional Use Permit for a Labor Camp consisting of a 5,120-square-foot boarding house for employee housing. The site is located on a county-maintained road however a Conditional Use Permit is required for the use of this non-paved access road for cannabis support facilities.

The The Apartment, LLC, Special Permit and Zoning Clearance Certificates was continued to the October 21, 2021 hearing.

J. ADJOURNMENT

Chair Alan Bongio adjourned the meeting at 9:30 p.m.

K. NEXT MEETINGS: October 21, 2021, 6:00 p.m. Regular meeting - Virtual

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