



MINUTES

THURSDAY, AUGUST 19, 2021

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, September 2, 2021, with the vote as shown below.

The motion was made by Commissioner Noah Levy and seconded by Commissioner Mike Newman.

AYES: Commissioners Alan Bongio, Thomas Mulder, Noah Levy, Mike Newman, Peggy O'Neill, Brian Mitchell, Melanie McCavour

ABSENT:

DECISION: Motion carries 7/0.

Laura McClenagan
Deputy Clerk of the Planning Commission

John H. Ford
Secretary of the Planning Commission

PLANNING COMMISSION

First District
Alan Bongio - Chair
Second District
Thomas Mulder
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, August 19, 2021

6:00 PM

Regular Meeting - Virtual

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

A. CALL TO ORDER / SALUTE TO FLAG

Chair Alan Bongio called the meeting to order at 6:01 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. AGENDA MODIFICATIONS

*Item E-3 Public Comment received
Item E-4 Public Comment received
Item F-1 Public Comment received
Item F-2 Public Comment received
Item F-6 Supplemental Information received
Item F-8 is continued to a date uncertain
Item F-9 Supplemental Information received
Item F-10 is continued to a date uncertain*

D. PUBLIC COMMENTS ON NON-AGENDA ITEMS:

7429 Roby T. was called to speak.

7108 Bonnie Blackberry was called to speak

Margro Advisors was called to speak

Bonnie Blackberry - Email Received

Carmen Gonzales - Email Received

Friends of the Mad River - Email Received

E. CONTINUED PUBLIC HEARINGS

1. David Cranmer, Zoning Clearance Certificate and Conditional Use Permit
Record Number PLN-2020-16675
Assessor's Parcel Number: 405-271-015.
Freshwater Area

A Zoning Clearance Certificate for 2,500 square feet of indoor commercial cannabis cultivation and a Conditional Use Permit for 576 square-foot proposed commercial nursery accessed by an unpaved road. All cultivation will occur in a non-residential, permitted, single story 4,000 square-foot metal building in existence before 2016. The applicant anticipates four harvests per year. Water will be provided by the Humboldt Community Services District pursuant to a will-serve letter. Power will be supplied by Pacific Gas & Electric (PG&E) with the Redwood Coast Energy Authority (RCEA) renewable energy source and a generator will be onsite for emergency use.

A motion was made by Commissioner Mitchell, seconded by Commissioner Levy, that the David Cranmer project be approved 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

2. Big Sun Farms, Conditional Use Permits
Record Number PLN-11457-CUP and PLN-11458-CUP
Assessor's Parcel Number (APN) 216-073-007, 216-073-002
Harris area

Big Sun Farms seeks two Conditional Use Permits for 27,500 square feet (SF) of existing outdoor cultivation in eleven (11) greenhouses (PLN-11457-CUP) and 43,560 square feet (SF) of existing outdoor cultivation in twenty-one (21) greenhouses (PLN-11458-CUP). Propagation will occur on APN 216-073-002 and will consist of 7,100 sf, which is 10% of the total cultivation area of both projects. The source of water for irrigation is a rainwater catchment pond with a storage capacity of 1.5 million gallons that has been in use since 2017. Drying occurs on APN 216-073-002) in an existing 5,000-SF metal building. Electrical power is provided by PG&E, as well as generators that are used primarily for exhaust fans during the late summer months and for backup. A solar array battery system is proposed for the project and is conditioned to be installed and operational by January 1, 2026, as well as a proposed 120-SF shed to house the battery system.

Public Comment:

Lesley Doyle was called to speak - Agent and applicant Gregg Stefani are available for questions

A motion was made by Commissioner Levy, seconded by Commissioner Mitchell, that the Big Sun Farms projects be approved 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. New Cingular Wireless PCS, Special Permit
Record Numbers PLN-2020-16754
Assessor's Parcel Number: 505-151-006
Arcata area

The New Cingular Wireless facility consists of a Special Permit application for the construction of a new 120-foot tall, freestanding faux water tower, to be located on a concrete foundation with ground-mounted equipment. The tower would be able to host up to four different wireless carriers.

A motion was made by Commissioner Mitchell, seconded by Commissioner Levy, that the New Cingular Wireless PCS project 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 Mulder

4. Zoning Ordinance Amendments to the Commercial Cannabis Land Use Ordinance (CCLUO), Record ID #PLN-2021-17147.

This item includes revisions to the Inland CCLUO Zoning Ordinance (Section 314-55.3 of Chapter 4 of Division 1 of Title III of the Humboldt County Code) to require that applications for two (2) or more Retirement, Remediation and Relocation (RRR) sites proposing relocation on a single receiving site require a special permit. This amendment would be applicable to all zoning clearance certificate applications for RRR sites and Relocation sites, including those submitted on or before December 31, 2016. Also, the enhanced setback requirements for Cannabis Support Facilities are proposed to no longer apply to facilities for distribution and cannabis testing and research laboratories. The Planning and Building Department is recommending the Planning Commission recommend the Board of Supervisors adopt the proposed changes to the CCLUO.

A motion was made by Commissioner Mitchell, seconded by Commissioner McCavour, that the RRR program and Setback amendment changes be recommended for approval by the Board of Supervisors. 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. PUBLIC HEARINGS

1. Westhaven VFD, Coastal Development and Conditional Use Permit
Record Number PLN-2020-16864 SP
Assessor's Parcel Number: 514-141-016-000.
Westhaven area

A Coastal Development Permit (CDP) and Conditional Use Permit (CUP) to construct and establish the use of a 1,536 sq. ft. single story building for fire apparatus and emergency vehicle storage associated with the Westhaven Volunteer Fire Department. The fire station is classified as an Essential Services Use Type and is an allowed use in the Residential Single-Family (RS) zoning with a CUP. The intensity of use is not expanding from historical use already established but the CUP is required to establish the new infrastructure and its intended use under the zoning regulations for the Residential Single-Family Zone. There is no vegetation removal or other development proposed.

A motion was made by Commissioner Newman, seconded by Commissioner Levy, that the Westhaven VFD project 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 Mulder

2. John Rotter Parcel Map Subdivision and Coastal Development Permit and Special Permit
Record Number PLN-2019-15532
Assessor Parcel Numbers (APNs) 517-261-002, 517-261-007.
Trinidad area

A Minor Subdivision of an approximately 7.08-acre parcel into two parcels of approximately 4.78 acres and 2.2 acres in size. The parcel is currently bisected by Patrick's Point Drive which would normally act as the dividing line, however, in order to comply with the Rural Land Division policies of the Coastal Act, approximately 0.72 acres of proposed Parcel 2 will be located on the west side of Patrick's Point Drive, with the remaining 1.48 acres located on the east side. The parcel is currently developed with a single-family residence on proposed Parcel 1 and an Accessory Dwelling Unit on proposed Parcel 2. A Special Permit is required for Design Review. A Coastal Development Permit issued by the California Coastal Commission is required for the approval of the subdivision. Water is provided by the Parvin Creek Mutual Water System as well as a spring on proposed Parcel 1. On-site wastewater treatment systems exist on both proposed parcels. Note: This Tentative Map Subdivision and Mitigated Negative Declaration were previously approved and certified by the Planning Commission on December 4, 2014 under PMS-13-011, SCH# 2014102071. Subsequently, the tentative map expired and this is the reapplication of the same map to which the only change is to alter the parcel sizes to comply with the Rural Land Division policies of the Coastal Act.

A motion was made by Commissioner Mitchell, seconded by Commissioner Newman, that the John Rotter project be approved 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. Humboldt Heals, Conditional Use Permits

Record Numbers: PLN-11373-CUP, PLN-11963-CUP, and PLN-11965-CUP (filed 10/28/2016 and 12/16/2016); Assessor Parcel Numbers (APNs) 523-021-004, 523-023-003 and 523-026-003. Three Conditional Use Permits and a Special Permit for the continued cultivation of existing outdoor cannabis occurring across three adjacent and contiguous parcels described as follows:

- PLN-11373-CUP: A Conditional Use Permit for existing 16,460 square feet of outdoor cannabis cultivation in four distinct cultivation areas and three greenhouses. Water for irrigation is sourced from an existing groundwater well. The applicant is proposing construction of a 230,000-gallon off-stream pond. Power is provided by solar panels and two generators.
- PLN-11963-CUP: A Conditional Use Permit for existing 11,324 square feet of outdoor cannabis cultivation that occurs in two distinct cultivation areas and three greenhouses. Water for irrigation is sourced from an existing groundwater well located on APN 523-026-003. The project proposes construction of a 200,000-gallon off-stream pond. Power is provided by two generators.
- PLN-11965-CUP: A Conditional Use Permit for existing 11,600 square feet (SF) of outdoor cannabis cultivation in four distinct cultivation areas. Water for irrigation is sourced from one existing groundwater well. The applicant is proposing construction of a 600,000-gallon off-stream pond. Power is provided by two generators. The applicant also seeks a Special Permit to reduce the 600-foot setback requirement to adjacent public lands.

Public Comments:

7108 Bonnie Blackberry was called to speak

7429 Roby T. was called to speak

A motion was made by Commissioner Levy, seconded by Commissioner O'Neill, that the Humboldt Heals projects be approved as modified. 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

4. Bubba Bud Farm, LLC, Conditional Use Permit

Record Number PLN-11516-CUP

Assessor's Parcel Number: 223-281-003.

Garberville area

A Conditional Use Permit for continued cultivation of 15,000 square feet (SF) of outdoor cannabis. Ancillary propagation is 1,500 square feet. Irrigation water is sourced from rainwater catchment. Power for the operation is provided by PG&E.

A motion was made by Commissioner Mitchell, seconded by Commissioner O'Neill, that the Bubba Bud Farm project be approved 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

5. Nijushi, LLC; Conditional Use Permit
Record Number PLN-12245-CUP
Assessor's Parcel Number: 208-271-007.
Bridgeville area

A Conditional Use Permit for 14,944 square feet (SF) of mixed light cannabis cultivation. Plants are propagated in a 1,488-SF nursery onsite. Irrigation water is sourced from a 450,000-gallon rainwater catchment pond and two (2) points of diversion (PODs) on unnamed streams that are tributaries to the Mad River. The primary source of electrical power are generators.

Public Comment:

7108 Bonnie Blackberry was called to speak

A motion was made by Commissioner Mitchell, seconded by Commissioner Newman, that the Nijushi project be approved 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

6. High Country Farms, Inc. Conditional Use Permit
Record Number PLN-12552-CUP
Assessor Parcel Number (APN) 223-261-005.
Garberville area

Conditional Use Permit for an existing 13,470-square-foot (SF) cannabis cultivation operation of which 9,150 SF is full sun outdoor and 4,320 is mixed-light cannabis cultivated in 12 greenhouses. Ancillary propagation occurs in a 1,200-SF outdoor area. A 1,920-SF nursery propagation metal building is proposed that would include a laboratory-grade preparation area, clone room, vegetative room, and employee bathroom. Water for irrigation is to be entirely provided by a 629,207-gallon rainwater catchment system. Power is provided by Pacific Gas & Electric Company.

Public Comment:

7108 Bonnie Blackberry was called to speak

A motion was made by Commissioner Newman, seconded by Commissioner McCavour, that the High Country Farms project be approved as modified. 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

7. Lassik Farms, LLC, Conditional Use Permit
Record Number PLN-12593-CUP
Assessor Parcel Number (APN) 217-381-007.
Blocksburg area

A Conditional Use Permit for 24,687-square-feet of existing outdoor cannabis cultivation including 4,614 square feet of full-sun outdoor and 20,073 square feet of outdoor in three (3) light deprivation greenhouses without artificial lighting. Ancillary propagation occurs in a 300 SF greenhouse. Irrigation water is sourced from a permitted groundwater well. Power for cultivation is sourced primarily from solar and wind power, with generators to provide power for ancillary support and drying activities.

Public Comment:

7108 Bonnie Blackberry was called to speak

7429 Roby T. was called to speak

Lassik was called to speak

A motion was made by Commissioner Mitchell, seconded by Commissioner Newman, that the Lassik Farms project be approved as modified. 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

8. Keith Rowland, Conditional Use Permit
Record Number PLN-12664-CUP
Assessor's Parcel Number: 524-062-017.
Willow Creek Area

A Conditional Use Permit for the operation of a cannabis microbusiness within the Willow Creek Community Planning Area. The microbusiness will consist of 10,000 square feet of outdoor cannabis cultivation within greenhouses, distribution, and non-volatile manufacturing. The applicant is also proposing a processing facility to process on-site cannabis product and to provide processing services for off-site licensed cannabis operations. A proposed building will house the distribution, manufacturing and processing activities, which will have an ADA compliant bathroom with permitted septic system. The project will source water from the Willow Creek Community Services District (WCCSD). The parcel will be powered by PG&E with a future Ag drop, and the applicant will either obtain 100% renewable energy source from PG&E or purchase carbon offset credits. A Special Permit is also being requested for a setback reduction to Six Rivers National Forest

The Keith Rowland project was continued to a date uncertain.

9. Walker Ridge Family Farm, LLC; Conditional Use Permit
Record Number PLN-13029-CUP
Assessor Parcel Number (APN) 216-073-006.
Alderpoint area

A Conditional Use Permit for existing 12,896-square-foot cannabis cultivation of which 10,396 square feet (SF) is outdoor and 2,500 SF is mixed-light. Ancillary propagation totals 1,310 SF that will be reduced to 1,289 SF. Irrigation water is sourced from two groundwater wells. Power is provided by Pacific Gas and Electric Company (PG&E). The proposed project also includes a Special Permit for development within the Streamside Management Area (SMA) for culvert replacement and crossing upgrades and for relocation of existing cultivation and a greenhouse from within the SMA.

Public Comment:

7429 Roby T. was called to speak

7108 Bonnie Blackberry was called to speak

A motion was made by Commissioner Levy, seconded by Commissioner McCavour, that the Walker Ridge Family Farm project be approved as recommended. The motion carried by the following vote:

Aye: 6 - Commissioner Bongio, Commissioner Levy, Commissioner Mitchell, Commissioner Newman, Commissioner McCavour and Commissioner Mulder

Nay: 1 - Commissioner O'Neill

10. Fertilia, LLC; Conditional Use Permit
Record Number PLN-13180-CUP
Assessor Parcel Number (APN) 221-202-001.
Ettersburg area

A Conditional Use Permit for an 18,200-square-foot (SF) cannabis cultivation consisting of 14,560 SF of existing outdoor light-deprivation cannabis cultivation and 3,640 SF of existing mixed-light cannabis cultivation within five existing greenhouses. An existing 3,200-SF barn would be used for drying, once permitted, and a second new 3,400-SF building is proposed for processing and use as an ancillary nursery. The project includes a Special Permit for maintenance of an encroachment point of diversion historically used for cannabis irrigation. A 730,000-gallon rainwater catchment pond system (with 42,000 SF of catchment area) was constructed to allow forbearance from summertime diversions. Electricity is sourced from Pacific Gas and Electric Company through the solar choice program and an emergency backup generator.

The Fertilia project was continued to a date uncertain.

11. Furtado-Washington Terrace Final Subdivision and Planned Unit Development Permit
Record Number PLN-2020-16515
Assessor's Parcel Number (APN) 508-242-044.
McKinleyville area

The project is a Major (Final Map) Subdivision of an approximately 7.6-acre parcel into forty (40) residential lots, ranging in size from approximately 3,800 square feet to 7,500 square feet, along with parcels for use as a bio-retention overflow basin and for bio-swales. A Planned Unit Development Permit is also requested to allow for reduced lot sizes on 10 of the 40 lots (below the R-1 Zone's standard minimum lot size of 5,000 square feet), and to allow 40 foot-wide lot widths on 10 smaller lots. Additionally, an exception to County shading requirements is requested for Lots 12-15 and 37-40.

The Commissioners requested John Ford, Director of Humboldt County Planning and Building send a letter to the Board of Supervisors encouraging them to remove the east side parking and replace with a bike lane along Washington Avenue and adding pedestrian safety measures, and in order to slow vehicles approaching Washington Avenue to request adding a speed bump 100 meters away.

Public Comment:

Jane was called to speak

Jim Furtado was called to speak

Robin Bailey was called to speak

Holly carter was called to speak

Bob Bronkel was called to speak

A motion was made by Commissioner O'Neill, seconded by Commissioner Newman, that the Furtado-Washington Terrace project be approved 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

12. BFCCF, LLC Modification to Conditional Use Permit

Record Number PLN-2020-16847

Assessor's Parcel Number: 220-282-008.

Whitethorn area

The project includes the addition of a commercial nursery in two phases. The first phase will be 3,243 square feet comprised of three, 675 square foot greenhouses and a 1,218 square foot outdoor area. The second phase will add a 1,600 square foot building. At completion, the commercial nursery will be 4,843 square feet. The proposed commercial nursery will provide cannabis nursery products such as seeds, starts and clones for other permitted and licensed cannabis farms. Also added will be a 1,012 square foot cannabis research garden to develop and maintain genetics. The research garden will occur in an existing greenhouse space that was previously used for ancillary propagation. This total cultivation area will be reduced from 16,440 square feet of outdoor to 13,197 square feet outdoor cannabis cultivation, a total reduction of 3,243 square feet. Ancillary propagation area will also be reduced from 3,925 square feet to 2,912 square feet.

*Public Comment:**Diana Totten was called to speak**7108 Bonnie Blackberry was called to speak*

A motion was made by Commissioner McCavour, seconded by Commissioner Levy, that the BFCCF, LLC Modification be approved 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

G. ADJOURNMENT

Chair Alan Bongio adjourned the meeting at 9:26 p.m.

H. NEXT MEETINGS: September 02, 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