

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, May 5, 2022

6:00 PM

Regular Meeting - Hybrid

A. CALL TO ORDER / SALUTE TO FLAG

Chair Alan Bongio called the meeting to order at 6:00 p.m.

B. COMMISSIONERS PRESENT

Present : 6 - Commissioner Alan Bongio, Commissioner Noah Levy, Commissioner Brian Mitchell,
Commissioner Mike L Newman, Commissioner Melanie McCavour and Commissioner
Thomas Mulder
Absent : 1 - Commissioner Peggy O'Neill

C. AGENDA MODIFICATIONS

*Supplemental's provided for item G-3 City of Arcata PLN-2022-17654 and G-2 12265 Blocksburg
Family Farm PLN-12265-CUP.*

*Public Hearing Items G-1 Nava Ranch PLN-2021-17162 and G-2 Blocksburg Family Farm
PLN-12265-CUP will be heard before the "Items Pulled From Consent".*

D. PUBLIC COMMENTS

Public comment period opened and closed

E. CONSENT AGENDA

2. Nikolai Erickson; Conditional Use Permit

Record Number PLN-11219-CUP (filed 09/23/2016)

Assessor's Parcel Number (APN) 208-201-020

Dinsmore area

A Conditional Use Permit for 22,649 square feet of pre-existing outdoor cannabis cultivation, and 2,200 square feet of ancillary propagation. Water for irrigation is provided by rain catchment from rooftops of three existing structures on-site. The applicant anticipates using 100,000 gallons of water per year (4.02 gal/sq.ft./yr.), and the applicant utilizes several water conservation methods on-site. A total of 160,000 gallons of water storage exists on-site in thirty-six hard sided tanks. Processing at the site includes drying and curing, and trimming will occur off-site at a licensed processing facility. There will be 2 employees on site for cultivation activities. Power is provided by two portable generators and will transition to full renewable energy sources by 2026. The Humboldt County Planning Commission will consider an Addendum to a previously adopted MND and has been prepared for consideration per §15164 of the State CEQA Guidelines.

A motion was made by Commissioner Levy, seconded by Commissioner Mitchell, that the Nikolai Erickson, Conditional Use Permit be approved as recommended by staff. The motion carried by the following vote:

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

3. Love and Laughter Farms; Special Permit

Record Number PLN-12457-SP (filed 12/23/2016)

Assessor's Parcel Number (APN) 522-941-001

Hoopla area

The applicant is seeking a Special Permit for 10,000 square feet of existing full-sun outdoor commercial cannabis cultivation. One harvest is obtained annually. Water for irrigation was historically sourced from a registered spring diversion from Pine Creek, however, the applicant is transitioning to entirely rainwater catchment. The applicants projected annual water usage is 37,500 gallons. Water storage onsite totals 37,500 gallons. Processing such as drying and curing occurs onsite in an existing 770 square foot structure, further processing occurs offsite at a licensed third-party processing facility. The project is owner operated; therefore, no employees are required. The minimal energy required for the project is sourced from a generator however alternative energy will be required. The Humboldt County Planning Commission will consider an Addendum to a previously adopted Mitigated Negative Declaration and has been prepared for consideration per §15164 of the State CEQA Guidelines.

A motion was made by Commissioner Levy, seconded by Commissioner Mitchell, that the Love and Laughter Farms, Special Permit be approved as recommended by staff. The motion carried by the following vote:

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

4. Humboldt IQ, LLC; Conditional Use Permit

Record Number PLN-2021-17254 (filed 05/26/2021)

Assessor's Parcel Number (APN) 201-322-011

Fortuna area

Conditional Use Permits for commercial cannabis distribution and off-site processing in the Fortuna Community Planning Area. The annual water budget of 72,000 gallons is provided exclusively by rainwater catchment supported by 35,000 gallons of storage. Power is sourced from PGE through an eligible renewable energy program. There will be 10 employees at peak operations. The Conditional Use Permits include allowing the proposed uses in the Qualified (Q) zone. The Humboldt County Planning Commission will consider an Addendum to a previously adopted EIR and has been prepared for consideration per §15164 of the State CEQA Guidelines.

A motion was made by Commissioner Levy, seconded by Commissioner Mitchell, that the Humboldt IQ, LLC, Conditional Use Permit be approved as recommended by staff. The motion carried by the following vote:

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

- 5. Organic Humboldt, LLC: Special Permit and Zoning Clearance Certificate
Record Number PLN-2020-16475 (filed 06/26/2020)
Assessor’s Parcel Number: 205-231-029
Scotia area

The applicant is seeking a Special Permit for 43,560 square feet of new outdoor commercial cannabis cultivation and a Zoning Clearance Certificate for 13,500 square feet of existing outdoor cultivation being relocated to the subject parcel under the RRR program. Total cultivation on the parcel totals 57,060 square feet of outdoor commercial cannabis cultivation. Light deprivation techniques may be utilized to achieve two harvests annually. The project will be supported by 5,706 square feet of propagation space. The applicant will implement dry farming practices, although supplemental irrigation water will be sourced from the existing rainwater catchment system. The projected annual water usage is estimated to be 20,000 gallons and the existing water storage totals 50,000 gallons. All processing will occur offsite at a licensed third-party processing facility. Energy for the operation will be supplied by the existing P.G. & E. service. Up to three employees may be utilized for the operation.

A motion was made by Commissioner Levy, seconded by Commissioner Mitchell, that the Organic Humboldt, LLC, Special Permit and Zoning Clearance Certificate be continued to the May 19, 2022. The motion carried by the following vote:

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

- 6. Humboldt County Fair Association: Modification to Conditional Use Permit
Case Number PLN-2022-17561 (filed 12/29/2021)
Assessor Parcel Numbers (APNs) 030-071-001, 030-011-003, 030-021-003, 030-112-017, 030-112-020, 030-081-006, and 100-181-003
Ferndale area

Humboldt County Fair Association (HCFA) is seeking to modify a Conditional Use Permit which

authorizes five (5) concerts and two (2) motorcycle racing events to be held each year at the Humboldt County Fairgrounds. The approved permit places limitations on event-related noise levels, including a 63-decibel limit on composite noise measured by averaging noise readings collected during a 24-hour period surrounding each event, as well as a 90-decibel instantaneous noise limit applied to all motorcycles participating in racing events. In their modification request, HCFA is seeking authorization to raise the 90-decibel motorcycle noise limit to 99 decibels to be consistent with common national testing standards for competition established by the American Motorcyclist Association (AMA). Analysis of the proposal's effect on composite noise levels has been performed by Whitchurch Engineering and has determined that composite noise will remain at or below the 63-decibel limit, even with the requested increase. To help reduce event-related noise, HCFA is now proposing: 1. creation of two (2) sound barriers during racing events, fashioned by temporarily placing tractor trailers or strawbales (or some combination thereof) adjacent to motorcycle acceleration zones; and 2. acoustic treatment of the internal wall of the grandstands using special materials designed to decrease reverberation. Under the approved permit, each "event" occurs within the course of a single day, and concerts cannot last longer than 2 consecutive days. An additional day of racing can be allowed if all the racing on that day is by electrical motorcycles, but in no case can the total amount of motorcycle racing exceed 4 days per year. Other types of motorsports events are prohibited, including (but not limited to): Tractor Pulls, 4x4 Trucks, Go Carts, and Monster Trucks.

A motion was made by Commissioner Levy, seconded by Commissioner Mitchell, that the Humboldt County Fair Association, Conditional Use Permit Modification be continued to May 19, 2022. The motion carried by the following vote:

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

G. PUBLIC HEARINGS

1. Nava Ranch, LLC: Special Permit
Record Number PLN-2021-17162 (filed 4/15/2021)
Assessor's Parcel Number (APN) 107-106-006
Honeydew area

A Special Permit for the expansion of an approved cultivation site (PLN-12657-SP). The project will consist of 43,560 square feet (SF) of mixed light cultivation in twelve (12) greenhouses and 2,500 SF of indoor cultivation in a converted barn. The original project consisted of 6,600 square feet of mixed light cultivation, 2,700 square feet of outdoor cultivation, and 2,500 square feet of indoor cultivation. The outdoor cultivation will be converted to mixed light and the total mixed light cultivation area will be expanded to one acre. This represents a total increase of 34,260 SF of cultivation area. The applicant hopes to achieve up to three (3) harvests annually. All water will be sourced by rainwater catchment from an existing pond, a proposed pond, and an existing rooftop rainwater catchment system. The estimated water needed annually for irrigation is approximately 550,000 gallons (11.94 gal/sq.ft./yr). Please note that this estimate may change to be more accurate prior to the hearing. The ponds will total approximately 1,050,000 gallons of storage, and twelve (12) 5,000 gallon tanks are proposed, for a total of 1,110,000 gallons of water storage. There is also one separate 5,000 gallon tank designated for fire suppression. Drying, trimming, and processing will occur onsite in the existing 900

SF storing, processing, and packaging building. Operations will utilize one (1) full-time employee, up to three (3) additional seasonal employees, and up to four (4) family members, totaling eight (8) laborers. There is a portable restroom facility on site for employees, and a cannabis support building is proposed with an additional septic system. Power is sourced from PG&E via a green energy program and there is an existing solar array onsite featuring six (6) panels with outputs of 235 watts each. There is a 25 kilowatt (kW) Whisperwatt generator kept onsite for emergency use only. This project is within 600 feet of Kings Range National Conservation Area, but the parcel has already been issued a setback reduction for cultivation and the setback would not require further reduction.

Public comment period opened and closed

A motion was made by Commissioner Levy, seconded by Commissioner Mulder, that the recommendations be approved. The motion failed by the following vote:

Aye: 3 - Commissioner Levy, Commissioner McCavour and Commissioner Mulder

Nay: 3 - Commissioner Bongio, Commissioner Mitchell and Commissioner Newman

A motion was made by Commissioner Mitchell that the Nava Ranch, LLC, Special Permit be approved as modified by expiring PLN-12657-SP upon effectuation of this permit, add no notice inspections and applicant prior to expansion shall demonstrate there is sufficient power to serve the cultivation activities. The motion failed due to a lack of a second.

A motion was made by Commissioner McCavour, seconded by Commissioner Levy, that the Nava Ranch, LLC, Special Permit be approved as modified by expiring PLN-12657-SP upon effectuation of this permit, and applicant, prior to expansion, shall demonstrate there is sufficient power to serve the cultivation activities. The motion carried by the following vote:

Aye: 4 - Commissioner Levy, Commissioner Newman, Commissioner McCavour and Commissioner Mulder

Nay: 2 - Commissioner Bongio and Commissioner Mitchell

- 2. Blocksburg Family Farm, LLC: Conditional Use Permit
 Record Number: PLN-12265-CUP (filed 12/22/2016)
 Assessor’s Parcel Number (APN): 217-471-001
 Blocksburg area

A Conditional Use Permit for 6.39 acres of outdoor cultivation including 16,800 sf of existing cannabis authorized under interim permit, on a parcel of approximately 1,221 acres. The proposed six acres of new will comprise of three acres full term outdoor and three acres of Light Deprivation, and with ancillary facilities, will be developed in four phases over four years. Water would be provided by an onsite well, a 2.2-million-gallon rain catchment pond, and a one-million-gallon rainwater catchment tank. Total irrigation demand by Phase IV is anticipated to be approximately 3.1 million gallons per year, with the rain catchment pond being the primary source of water by Phases II and III. The project includes 8,000 sf of proposed and 2,000 sf of existing ancillary nursery space. Processing would occur onsite in a proposed 7,200 sf multi-use building in the footprint of a burned down barn. Power is proposed to be provided principally by a generator for Phase I and Phase II (staff is recommending a condition of approval for renewable energy to be established before any new

expansion of cultivation). By Phase III, a solar array would provide the power, with generators retained for backup use only. Phase I of the project would require approximately six employees. Phases II & III would require a maximum of twenty-five employees and incorporates a vanpool.

Public comment period opened and closed

A motion was made by Commissioner Mitchell, seconded by Commissioner Levy, that the Blocksburg Family Farm, LLC, Conditional Use Permit be approved as modified by discontinuing the well use for irrigation once the additional rain catchment is developed. The motion carried by the following vote:

Aye: 5 - Commissioner Levy, Commissioner Mitchell, Commissioner Newman, Commissioner McCavour and Commissioner Mulder

Nay: 1 - Commissioner Bongio

- 3. Old Arcata Road Rehabilitation and Pedestrian/Bikeway Improvements Coastal Development Permit Record Number PLN-2022-17654 (filed 02/28/2022)
Assessor’s Parcel Number: County right-of-way does not have APNs. Adjacent APNs include but not limited to 501-012-012, 501-031-032, 501-011-006, and 501-031-031.
Bayside area

A Coastal Development Permit (CDP) for the small portion of the project that is located within the County’s jurisdiction of the Coastal Zone. The project would improve motorized and non-motorized transportation and user safety in Bayside. The Project would repave Old Arcata Road, include bike lanes on both sides of the roadway alignment, and improve and extend an existing shared use walkway along the west side of Old Arcata Road from approximately 600 feet south of the Buttermilk Road Roundabout and extending south to approximately 300 feet beyond the Jacoby Creek Road intersection. The total Project length is approximately one mile. The portion of the project within both the Coastal Zone and the County’s jurisdiction is located at the southern end of the project, is approximately 530 feet in length, and includes a portion of the proposed roundabout. As a Responsible Agency, the Humboldt County Planning Commission will consider the final EIR (SCH #2021010176) that the city of Arcata approved, per §15096 of the State CEQA Guidelines.

Public comment period on the continuation of the project to a special meeting on May 12, 2022 opened and closed.

A motion was made by Commissioner McCavour, seconded by Commissioner Mitchell, that the Old Arcata Road Rehabilitation and Pedestrian/Bikeway Improvements Coastal Development Permit be continued to a special meeting on May 12, 2022. The motion carried by the following vote:

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

- 4. PG&E After-the-fact Coastal Development Permit Record Number PLN-14376-CDP (filed 09/24/2020)
Adjacent to Assessor’s Parcel Number (APN) 517-041-016
Trinidad Area

An after-the-fact Coastal Development Permit which includes modification of an existing electric distribution facility previously constructed without permits. Proposed modifications to the facility consist of the following: removal of one 45-foot-tall utility pole, replacement of two 45-foot-tall utility poles with 55-foot-tall poles, installation of a new 55-foot-tall pole and 3 platform mounted voltage regulators. The poles were installed within the County right-of-way and near the driveway that serves parcel 517-041-016. An existing utility pole is located 8-feet south of the existing driveway and will remain in place. The design standards for allowable pole sizes for platform mounted voltage regulators has changed to a 55-foot-tall pole, while the previous standards allowed for a 45-foot-tall pole, driving the need for the height increase of the existing facility. PG&E is proposing to install three (3) 55-foot-tall poles in accordance with these standards. These new poles would be 10-feet taller than the existing 45-foot-tall poles. Additionally, the height of the conductor and distribution line would change from 39-feet to 47-feet. The voltage regulators and other equipment will remain at approximately the same height. The development does not qualify for the repair and maintenance exclusion under Coastal Act Section 30610(d) because the new poles are an expansion of the existing pole layout that supports the existing electric distribution line. No major vegetation removal occurred as part of the installation of the existing poles. The Humboldt County Planning Commission will consider the project which is exempt per §15303(e) of the State CEQA Guidelines.

Public comment period on the continuation of the project to a special meeting on May 12, 2022 opened and closed.

A motion was made by Commissioner McCavour, seconded by Commissioner Mitchell, that the PG&E After-the-fact Coastal Development Permit be continued to a special meeting on May 12, 2022. The motion carried by the following vote:

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

F. ITEMS PULLED FROM CONSENT

1. MDRV Realty Holdings, LLC; Conditional Use Permit & Special Permits
Record Numbers PLN-11212-CUP and PLN-11214-SP (filed 9/22/2016)
Assessor's Parcel Numbers (APNs) 208-241-007 and 208-241-006
Dinsmore/Mad River area

Two separate applications owned and currently operated by the same party. The first is a Conditional Use Permit for 14,450 sf of existing outdoor & 3,600 sf of existing mixed-light cannabis cultivation with 1,480 sf of ancillary propagation area. The proposed project includes a Special Permit for the relocation of a historic cultivation outside of a streamside management area. Water for irrigation is provided by an on-site spring diversion (POD 2 under Water Right Certificate H100730), and a Special Permit is being requested to approve the continued use and maintenance of the spring diversion. Annual water usage is estimated at 150,000 gallons (7.68 gal/sf/yr). There is a total of 110,000 gallons of existing water storage on-site and 63,000 additional water storage is proposed for a total of 173,000 gallons. Drying and curing will occur on-site and trimming will occur off-site at a licensed processing facility. Power is provided by one generator, and future solar is proposed. An additional Special Permit is being requested to reduce the 600-foot setback to public lands (SRNF), to approximately 497 feet. The Humboldt County Planning Commission will consider an Addendum to

a previously adopted Mitigated Negative Declaration that has been prepared for consideration per §15164 of the State CEQA Guidelines.

The second application is a request for a Special Permit for 2,000 square feet (sf) existing outdoor and 4,850 sf existing mixed-light cultivation with a 720 sf ancillary propagation area. Water for irrigation is provided by a stream diversion (POD 1 under Water Right Certificate H100730), and a Special Permit is being requested to approve the continued use and maintenance of the stream diversion. There is a total of 110,000 gallons of water stored on-site, and estimated annual water usage is 50,000 gallons. Drying and curing will occur on-site and trimming will occur off-site at a licensed processing facility. Power is sourced from an on-site generator, and future solar is proposed. An additional Special Permit is being requested to reduce the 600-foot setback to public lands (SRNF), to approximately 320 feet. The Humboldt County Planning Commission will consider an Addendum to a previously adopted MND and has been prepared for consideration per §15164 of the State CEQA Guidelines.

Public comment period opened and closed

A motion was made by Commissioner Mulder, seconded by Commissioner Levy, that the MDRV Realty Holdings, LLC, Conditional Use Permit & Special Permits be approved as modified that will require a licensed engineered road evaluation and complete 50% of any repairs outlined within one year and the skid trail will not be used unless evaluated or included in SMP. The motion failed by the following vote:

- Aye: 3 - Commissioner Levy, Commissioner Newman, Commissioner Mulder
- Nay: 3 - Commissioner Bongio, Commissioner Mitchell, Commissioner McCavour

A motion was made by Commissioner Levy, seconded by Commissioner Mulder, that the MDRV Realty Holdings, LLC, Conditional Use Permit & Special Permits be approved as modified that will require a licensed engineered road evaluation and complete all repairs outlined within one year. The motion carried by the following vote:

- Aye: 4 - Commissioner Levy, Commissioner Newman, Commissioner McCavour and Commissioner Mulder
- Nay: 2 - Commissioner Bongio and Commissioner Mitchell

H. ADJOURNMENT

Chair Alan Bongio adjourned the meeting at 9.54 p.m.

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| I. NEXT MEETING | May 12, 2022 | 6:00 p.m. | Special meeting - Hybrid |
| | May 19, 2022 | 6:00 p.m. | Regular meeting - Hybrid |