



PLANNING COMMISSION ACTION SUMMARY

THURSDAY, SEPTEMBER 5, 2019

Regular Meeting

The Honorable Planning Commission of the County of Humboldt held a regular meeting on the above date within the Humboldt County Courthouse, Eureka, California. The minutes of this meeting were approved on Thursday, October 3, 2019 with the vote as shown below.

A motion was made by Commissioner Mitchell and seconded by Commissioner Newman.

AYES: Commissioners Mitchell, Bongio, Newman, McCavour and O'Neill
ABSENT: Commissioner Levy
ABSTAIN: Commissioner Morris

John H. Ford
Secretary of the Planning Commission

Suzanne Lippre
Deputy Clerk of the Planning Commission

PLANNING COMMISSION

Alan Bongio
First District - Vice-Chair
Robert Morris
Second District - Chair
Noah Levy
Third District
Mike L Newman
Fourth District
Peggy O'Neill
Fifth District
Brian Mitchell
At-Large
Melanie McCavour
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 5, 2019

6:00 PM

Regular Meeting

A. CALL TO ORDER / SALUTE TO FLAG

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

B. COMMISSIONERS PRESENT

Present : 5 - Commissioner Alan Bongio, Commissioner Noah Levy, Commissioner Brian Mitchell,
Commissioner Mike L Newman and Commissioner Melanie McCavour
Absent : 2 - Commissioner Robert Morris and Commissioner Peggy O'Neill

C. AGENDA MODIFICATIONS

*Item F-8 Supplemental #2 provided
Item F-10 Supplemental #1 provided
Item F-13 Supplemental #1 provided
Item F-14 Supplementals #1 & #2 provided
Item F-15 Supplemental #1 provided
Item G-1 Supplemental #1 provided
Item G-2 Supplementals #1 & #2 provided
Item G-2 Attachment 2 - Updated ISMND
Item G-2 Comments submitted
Item G-3 Supplemental #1 provided*

D. APPROVAL OF ACTION SUMMARY

1. Review and approve the June 20, 2019 Planning Commission Action Summary.

A motion was made by Commissioner Mitchell, seconded by Commissioner McCavour, that the June 20, 2019 Planning Commission Action Summary be approved. The motion carried by the following vote:

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

2. Review and approve the July 11, 2019 Planning Commission Action Summary.

A motion was made by Commissioner Mitchell, seconded by Commissioner McCavour, that the July 11, 2019 Planning Commission Action Summary be approved as amended. The motion carried by the following vote:

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

3. Review and approve the August 1, 2019 Planning Commission Action Summary.

A motion was made by Commissioner Mitchell, seconded by Commissioner McCavour, that the August 1, 2019 Planning Commission Action Summary be approved. The motion carried by the following vote:

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

E. PUBLIC COMMENTS

F. CONSENT AGENDA

1. Dias Final Map Subdivision, Coastal Development Permit and Special Permit Modification Extension
Case Number PLN-2019-15612
Assessor Parcel Numbers (APNs) 017-152-022, 017-152-023, 017-152-024, 402-301-011
3127 Mitchell Heights Drive, Eureka area

Project Description: A third two-year extension of a Major Subdivision, a Coastal Development Permit and a Special Permit Modification last approved on October 18, 2018. The project was extended twice by the applicant and automatically extended by several Assembly Bills. The original project consisted of the subdivision of 33.3 acres into thirteen (13) lots ranging in size from 1.25 to 4.51 acres. The subdivision utilized Lot Size Modification and included an exception to lot frontage requirements and a Special Permit to allow an exception to the lot width to depth ratio. The subdivision was proposed to be developed as Phase 1 (Lots 1 through 3 and Remainder), Phase 2 (Lots 4 through 10 and Remainder) and Phase 3 (Lots 11 through 13). Phase 1 and Phase 2 have already been completed. The previously approved Modification altered the configuration of Lots 11, 12 and 13, the final phase of the subdivision. No change to the modified project is proposed. This is the third extension requested and if approved, the extension will expire on July 17, 2021.

A motion was made by Commissioner Mitchell, seconded by Commissioner Levy, that the Dias Final Map Subdivision, Coastal Development Permit and Special Permit Modification Extension be approved. The motion carried by the following vote:

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

2. Beau Pre Heights Final Map Subdivision Extension

Case Number PLN-2019-15517

Assessor Parcel Numbers (APNs) 510-011-015-000, 511-161-004-000, 510-011-017-000, 511-111-059-000

McKinleyville area, on the north side of Murray Road, approximately 3200 feet east from the intersection of Murray Road and Central Avenue, on the property known as Norton Creek Estates

Project Description: A second two-year extension of a Final Map Subdivision of an approximately 197.3 acre parcel (formerly known as Norton Creek Estates, now termed Beau Pre Heights Subdivision) into 79 residential parcels ranging in size from 1.03 acres - 4.79 acres, and an open space parcel encompassing streamside management areas and wetlands. The Tentative Map will also protect an approximate 36-acre Sitka spruce forest stand deemed a “rare natural community” by the Department of Fish and Wildlife. Pursuant to Section 322.5-1 et seq. H.C.C., an exemption to the solar access standards is requested for all lots based on the fact that all lots in the proposed development are greater than one acre and lot configuration does not constrain solar access. The proposed subdivision would include a small (3.4 acre) community park and series of trails, open to the general public for pedestrian and bicycle use. The project site is accessed from the south via Murray Road and from the north via Norton Road. A portion of the project area is located within the designated Approach Zone (Zone C) for the Arcata-Eureka Airport, however, the proposed densities do not exceed those currently allowed (4 units/acre) for this zone and should not impact the airport in any way. The Arcata-Eureka Airport is located approximately one mile to the northwest of the site. The project includes Street Name Assignments to name the proposed new unnamed access roads that are to serve the proposed subdivision. The project will be served by community water and on-site septic systems. If approved, the extension will extend the life of the tentative map to June 14, 2021.

A motion was made by Commissioner Mitchell, seconded by Commissioner Newman, that the Beau Pre Heights Final Map Subdivision Extension be approved. The motion carried by the following vote:

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

3. L & A Enterprises Parcel Map Subdivision

Application Number 13982

Case Number PMS-18-001

Assessor Parcel Number 508-251-055, 510-133-013

1445 Nursery Way, McKinleyville area

Project Description: A Minor Subdivision of an approximately 16-acre parcel into one parcel of 1.4 acres and a 14.6-acre Remainder Parcel. The parcel is currently developed with a commercial structure that will remain on proposed Parcel 1 with the proposed Remainder remaining vacant. The parcels will be served with community water and sewer provided by the McKinleyville Community Services District.

A motion was made by Commissioner Mitchell, seconded by Commissioner Levy, that the L & A Enterprises Parcel Map Subdivision be approved. The motion carried by the following vote:

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

4. Ozanian Parcel Map Subdivision and Special Permit
Case Number PMS-18-008
Application Number 14126
Assessor Parcel Numbers (APNs) 100-311-019, 101-131-013
1355 Centerville Road, Ferndale area

Project Description: A Minor Subdivision of an approximately 46.5-acre parcel into three parcels of 6.7 acres, 18.2 acres and 21.6 acres. The parcel is currently vacant. A Special Permit is required for minor road improvements within the Streamside Management Area (SMA) of an unnamed watercourse. Water will be provided by a spring diversion and onsite wastewater treatment systems are proposed.

A motion was made by Commissioner Mitchell, seconded by Commissioner Levy, that the Ozanian Parcel Map Subdivision and Special Permit be continued to the September 19, 2019 meeting of the Planning Commission. The motion carried by the following vote:

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

5. Town of Scotia LLC Final Map Subdivision and Planned Development Permit Extension
Case Number FMS-05-001XX and PDP-05-001XXXX; PLN-2019-15713
Assessor Parcel Number (APN) 205-421-012 and 205-421-013
Scotia Area

Project Description: A fourth extension of a Planned Development Permit (PDP) approved on November 10, 2009, and a second extension of the Final Map Subdivision approved on 11-10-2009. The original project included a General Plan Amendment, Zone Reclassification, Final Map Subdivision, Planned Development Permit and establishment of urban boundary line for portions of Scotia, with land uses designations of Industrial General, Agricultural General, or Timberland. The General Plan and Zone Amendments have been adopted and are currently in effect. Two phases of the approved tentative map have been recorded to date and approximately half of the town has been subdivided. This request is for a six-year extension of the remaining phase of the Final Map and for the Planned Development Permit (PDP) The PDP modifies development standards of the principal zone district and is applied over existing residentially developed areas of the town to accommodate the proposed subdivision. If approved, the extensions will expire on November 10, 2025.

A motion was made by Commissioner Mitchell, seconded by Commissioner Levy, that the Town of Scotia LLC Final Map Subdivision and Planned Development Permit Extension be approved. The motion carried by the following vote:

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

6. Carolan Lot Line Adjustment and Zone Boundary Adjustment

Application Number 14387

Case Numbers LLA-18-024, ZBA-18-002

Assessor's Parcel Numbers 220-271-001, 220-282-012, 220-282-013, 220-301-007

2800 and 3545 Miller Creek Road and 3480 Elk Ridge Road

Briceland Area

Project Description: A Lot Line Adjustment (LLA) between three parcels resulting in three parcels of approximately 83 acres, 155 acres and 140 acres. A Zone Boundary Adjustment (ZBA) is also requested to adjust the zone boundary between the Timberland Production Zone (TPZ) and the Forestry Recreation with a 40-acre minimum parcel size (FR-B-5(40)) zone to follow the new property lines. The entirety of APN 220-271-001 will be zoned FR-B-5(40). The project will also remedy a violation of the Subdivision Map Act by merging APN 220-282-012 into 220-282-013 prior to adjustment. The parcels are developed with single family residences and accessory structures. The parcels are served with on-site water and on-site wastewater systems. The purpose of the LLA is to remedy a situation where a home was built across a property line.

A motion was made by Commissioner Mitchell, seconded by Commissioner Levy, that the Carolan Lot Line Adjustment and Zone Boundary Adjustment be approved. The motion carried by the following vote:

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

7. SOUTHERN HUMBOLDT COMMUNITY HEALTHCARE DISTRICT General Plan

Conformance Review

Case Number PLN-2019-15737

Assessor's Parcel Number 032-091-014

286 Sprowel Creek Road, Garberville Area

Project Description: A General Plan Conformance review for the Southern Humboldt Community Healthcare District's (SHCHD) acquisition of APN 032-091-014. The site was developed with a school in 1939 and the most recent use was Redwood Playhouse community theater. The SHCHD proposes to 1) utilize the existing structure for patient care related to psychiatric care and counseling and, 2) construct two (2) buildings and a heliport at the property. The SHCHD operates the Jerold Phelps Community Hospital located in Garberville and the proposed buildings would replace the existing hospital. An airport compatibility analysis was performed to show the project is consistent with the Airport Land Use Compatibility Zone C Regulations. The parcel receives water and sewer services from the Garberville Sanitary District.

A motion was made by Commissioner Mitchell, seconded by Commissioner Levy, that the SOUTHERN HUMBOLDT COMMUNITY HEALTHCARE DISTRICT General Plan Conformance Review be recommended for approval. The motion carried by the following vote:

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

- 8. SWCO, Inc., DBA Satori Wellness Café & Lounge
 Application Number: PLN-2019-15348
 Assessor’s Parcel Number: 508-251-054-000
 1551 Nursery Way, Unit C, McKinleyville, CA95519

Project Description: The Applicant is seeking a Conditional Use Permit to allow onsite cannabis consumption café and lounge as an accessory use to an approved Dispensary and Distribution facility. This use would occur within a portion of the existing building on the property.

A motion was made by Commissioner McCavour, seconded by Commissioner Levy, that the SWCO, Inc., DBA Satori Wellness Café & Lounge Conditional Use Permit be approved. The motion carried by the following vote:

- Aye: 4 - Commissioner Bongio, Commissioner Levy, Commissioner Newman and Commissioner McCavour
- Abstain: 1 - Commissioner Mitchell

- 9. Skylar Giordano, Conditional Use Permit
 Application Number 10679
 Case Number CUP-16-050
 Assessor’s Parcel Number (APN) 315-011-012
 8900 Butler Valley Road, Korbel Area

Project Description: A Conditional Use Permit (CUP16-050) for an existing 17,000 square foot (SF) outdoor cannabis cultivation operation and a 1,920 SF ancillary nursery on a 30-acre parcel. A Special Permit is requested for work within the Streamside Management Area (SMA) in order to make improvements and remove infrastructure associated with the existing Point of Diversion (POD) in Boulder Creek.

A motion was made by Commissioner Mitchell, seconded by Commissioner Levy, that the Skylar Giordano, Conditional Use Permit be approved. The motion carried by the following vote:

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

10. Armco II LLC Conditional Use Permit

Record Number PLN-2019-15365

Assessor’s Parcel Numbers (APN) 522-143-033

1005 Patterson Road (Private Drive off of Patterson Road), Willow Creek Area

Project Description: A Conditional Use Permit for a Distribution Facility incidental to an existing, approved commercial cannabis cultivation activity (ZCC-16-142) occurring on the subject parcel in accordance with Section 314-55.4 of Chapter 4 of Division 1 of Title III of the Commercial Cannabis Land Use Ordinance (CCLUO). The distribution activity will occur in a portion of an existing 1,920 square foot commercial building utilized for processing and storage activities. Product will be transported off-site to other licensed vendors once it has passed state testing. The CCLUO section 55.4.5.1.4 (a) requires a Conditional Use Permit for any Commercial Cannabis Activity within the Willow Creek Community Planning Area.

A motion was made by Commissioner Mitchell, seconded by Commissioner Levy, that the Armco II LLC Conditional Use Permit be approved. The motion carried by the following vote:

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

11. Bandwagon Gardens, LLC, Conditional Use Permit

Record Number: PLN-11738-CUP

Case Number: CUP16-368

Assessor’s Parcel Number (APN): 522-032-007-000

5555 Old Three Creeks Road, Blue Lake (Willow Creek Area)

Project Description: A Conditional Use Permit for an existing 18,776 square foot (SF) outdoor cannabis cultivation operation within 17 greenhouses with one (1) 1,800 SF ancillary propagation greenhouse. Drying occurs on-site in the existing barn or shed and all other processing will occur offsite at a licensed facility. A Special Permit is requested for development within a Streamside Management Area (SMA) including continued operation and maintenance of a surface water diversion and restoration work associated with proposed onsite relocation of pre-existing cultivation out of a SMA to an environmentally superior location.

A motion was made by Commissioner Mitchell, seconded by Commissioner Levy, that the Bandwagon Gardens, LLC, Conditional Use Permit be approved. The motion carried by the following vote:

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

12. Paradise Flowers, Conditional Use Permit, Special Permit and Notice of Merger
Record No.: PLN-11183-CUP & PLN-2019-15550
Assessor's Parcel Number (APN): 217-255-005
28180 Alderpoint Road, Blocksburg Area

Project Description A Conditional Use Permit for 30,840 sf of existing outdoor cultivation and 17,000 sf of existing mixed light cultivation, a Special Permit for after-the-fact permitting of agricultural diversion infrastructure within the Streamside Management Area and a Notice of Merger of two legal parcels that comprise the APN 217-255-005. Harvested cannabis is dried, cured and processed on-site in an existing 2,400 sf facility.

A motion was made by Commissioner Mitchell, seconded by Commissioner Levy, that te Paradise Flowers, Conditional Use Permit, Special Permit and Notice of Merger be approved. The motion carried by the following vote:

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

13. BFCCF, LLC, Conditional Use Permit
Application Number 11842
Case Number CUP16-408
Assessor's Parcel Number 220-282-008
PO Box 325, Whitehorn, CA 95589

Project Description: A Conditional Use Permit for an existing 16,440 square foot (SF) of outdoor cannabis cultivation operation. The project also includes a 2,500 SF drying facility, and a proposed 400 SF processing facility. The project also includes 3,925 square feet of propagation area. All processing and operations associated with cannabis for BFCCF, LLC will be conducted solely by the owner of BFCCF, LLC and by immediate family members of the owner of BFCCF, LLC.

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

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

14. Mermaid Spring Estate, LLC, Conditional Use Permit
Application Number: 11102
Case Number: CUP16-149
Assessor's Parcel Numbers: 216-025-009 and 216-025-016
8786 Bell Springs Road, New Harris area

Project Description: A Conditional Use Permit for an existing 16,450 square feet (SF) outdoor cannabis cultivation operation located on Assessor's Parcel Numbers (APNs) 216-025-009 and 216-025-016, which are approximately 154 acres in combined size and represent one legal parcel. A 1,088-square-foot appurtenant propagation nursery is also planned to support the project. Processing activities including curing and trimming will occur onsite within a 1,200-square-foot metal building and will serve as a processing facility for the Applicants other projects located on APNs 216-025-011 and 216-025-002.

A motion was made by Commissioner Mitchell, seconded by Commissioner Levy, that the Mermaid Spring Estate, LLC, Conditional Use Permit be approved. The motion carried by the following vote:

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

15. 30 Deep, LLC, Conditional Use Permit and Special Permit
Record Number: PLN-11637-CUP
Assessor's Parcel Number (APN): 216-154-025
11477 Alderpoint Road, Alderpoint Area

Project Description: A Conditional Use Permit (CUP) for an existing, commercial cannabis cultivation operation totaling approximately 28,668 square feet (sf) outdoor cultivation and 4,110 sf mixed-light cultivation, and a Special Permit for restoration within the Streamside Management Area associated with relocating a cultivation area. The applicant proposes on-site relocation of an outdoor cultivation site away from wetland features into an existing clearing. Processing would occur on-site in an existing 1,200 square foot facility.

A motion was made by Commissioner Levy, seconded by Commissioner Newman, that the 30 Deep, LLC, Conditional Use Permit and Special Permit be continued to a date uncertain. The motion carried by the following vote:

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

G. PUBLIC HEARINGS

1. Goselin Final Map Subdivision and Special Permit
Case Number FMS-18-001
Application Number 14101
Assessor Parcel Number (APN) 200-031-033
770 Tompkins Hill Road, Tompkins Hill area

Project Description: A Major Subdivision to create six parcels ranging in size from 5.03 acres to 7.07 acres. The parcel is currently developed with a primary residence and an Accessory Dwelling Unit (ADU) as well as a shop and other accessory buildings. The main residence will be sited on proposed Parcel 6, the ADU will be sited on proposed Parcel 4 and the shop will be sited on proposed Parcel 5. Exception requests were submitted to both Cal Fire and Public Works to allow the subdivision to be served by a road that does not meet Road Category 4 standards in all locations. Also included is a follow-up Special Permit to an Emergency Special Permit issued for work within a Streamside Management Area. All parcels will be served with water provided by the Palmer Creek Community Services District and on-site wastewater treatment systems.

A motion was made by Commissioner Mitchell, seconded by Commissioner Newman, that the Goselin Final Map Subdivision and Special Permit be approved, including the exception request. The motion carried by the following vote:

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

2. Michael Brosgart and Arielle Brosgart, Special Permits
Application Numbers: 13319, 13328, 13339 & 13346
Case Numbers SP16-868, SP16-870, SP16-871 & SP16-872
Assessor's Parcel Number (APN) 516-111-064; 1695 Glendale Drive

Project Description: The project on parcel 516-111-064 is for a multi-use commercial cannabis facility comprising four (4) separate applications/Case Numbers: 13319/SP16-868 (Volatile Manufacturing), 13328/SP16-870 (Non-Volatile Manufacturing), 13339/SP16-871 (Distribution) and 13346/SP16-872 (Processing). The proposed building area is approximately 37,858 square feet (SF) in three (3) new buildings, of which one will be two-story, on a 72,230 SF (1.75 acre) parcel. Water and sewer to be provided by the Glendale-Fieldbrook Community Service District.

*Meeting went into Recess
Meeting Reconvened*

A motion was made by Commissioner Newman, seconded by Commissioner McCavour, that the Michael Brosgart and Arielle Brosgart, Special Permits be approved. The motion carried by the following vote:

Aye: 4 - Commissioner Bongio, Commissioner Mitchell, Commissioner Newman and Commissioner McCavour

Nay: 1 - Commissioner Levy

3. Rocci Costa, Conditional Use Permit
Application Number 12176
Case Number PLN-12176-CUP
Assessor's Parcel Number (APN) 516-211-025
1734 Warren Creek Rd, Blue Lake, CA 95521

Project Description: A Conditional Use Permit for 8,000 square feet of new mixed light cultivation and 2,000 square feet of new outdoor cannabis cultivation, and a 2,000 square foot ancillary nursery on a parcel approximately 5 acres in size. The proposed project is located within the Blue Lake Community Planning Area which requires a Conditional Use Permit for unenclosed cultivation located within 600 feet of adjacent residences or residential zones if there is any public controversy.

A motion was made by Commissioner Mitchell, seconded by Commissioner Levy, that the Rocci Costa, Conditional Use Permit be continued. to a date uncertain. The motion carried by the following vote:

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

H. ADJOURNMENT

Vice-Chair Bongio adjourned the meeting at 9:45 p.m.