



MINUTES

THURSDAY, JANUARY 20, 2022

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, February 17, 2022, with the vote as shown below.

The motion was made by Commissioner Melanie McCavour and seconded by Commissioner Noah Levy.

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

ABSENT: Commissioners

ABSTAIN: Commissioners

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, January 20, 2022

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. AGENDA MODIFICATIONS

Item G-06 12436 Forever Loving Humboldt - Public comment received.

Item G-07 12812 Ambiguity Farm - Public comment received.

Item G-10 11248 H2 Equity - Public comment received.

Item G-11 16602 Humboldt Hempire - Supplemental information and public comment received.

Item H-04 17452 Communications Facilities Ordinance Workshop - Staff recommend to continue the workshop to the February 3, 2022 meeting.

Public comments on non-agenda items received.

Public Hearing opened.

E. CONSENT AGENDA

Public Hearing opened.

A motion was made by Commissioner Mitchell, seconded by Commissioner McCavour, that the Consent items be approved. 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

1. Review and approval of the December 02, 2021, Action Summary
2. Review and approval of the December 16, 2021, Action Summary
3. Review and approval of the January 06, 2022, Action Summary

G. CONTINUED PUBLIC HEARINGS

1. Asia’s Best, Coastal Development Permit and Conditional Use Permit
Record Number PLN-2020-16426 (filed 6/11/2020)
Assessor’s Parcel Number 015-211-010
Eureka area

A Conditional Use Permit and a Coastal Development Permit to allow a retail food and dry goods market in an existing 600 sq. ft. space within the Sacred Heart Church campus located at 2085 Myrtle Avenue Eureka. Parking would be shared with the activities of the church and an administrative office for the Humboldt-Del Norte County Medical Society. The retail food market also proposes a ground mounted sign near the entrance into the campus off Edgewood Road. ..Recommendation

Adopt the Resolution to take the following actions: 1) find the project exempt from environmental review pursuant to Section 15301(a)of the State CEQA Guidelines, 2) make all the required findings for approval of the Conditional Use Permit and Coastal Development, and 3) approve the Asia’s Best Market project subject to the recommended conditions.

Public Hearing opened

A motion was made by Commissioner Mitchell, seconded by Commissioner O'Neill, that the Asia’s Best project be approved with conditions. The motion carried by the following vote:

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

Recused: 1 - Commissioner Newman

- 2. Midgad, LLC Conditional Use Permit
 Record Number PLN-10651-CUP
 Assessor’s Parcel Number: 219-051-009
 Salmon Creek Area

A Conditional Use Permit for 19,800 square feet of existing outdoor commercial cannabis cultivation. The project will be supported by a 1,000 square-foot propagation greenhouse. Water for irrigation is sourced from an existing 194,000-gallon rainwater catchment pond. The capacity of this pond is proposed to be expanded to 236,000 gallons. Water storage for irrigation totals 210,000 gallons between the 194,000-gallon rainwater catchment pond and existing hard-tank storage. The projected annual water usage for the project totals 227,000 gallons. All processing activities occur onsite in existing structures. Energy for the operation is sourced from a solar array with a generator to provide supplemental energy.

Public Hearing opened.

A motion was made by Commissioner Mulder, seconded by Commissioner Newman, that the Midgad project be approved with conditions. 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. Green Management Group of Humboldt, LLC Conditional Use Permit
 Record Number PLN-11713-CUP
 Assessor Parcel Number (APN) 223-032-001
 Garberville area

A Conditional Use Permit for 17,740 square feet (SF) of existing mixed-light cannabis cultivation with 3,210 SF of ancillary propagation. Irrigation water is sourced from a 150,000-gallon rainwater catchment pond and two (2) spring diversions. Existing water storage is 222,825 gallons. Estimated annual water usage is 222,000 gallons. Drying and bucking occurs onsite in an existing metal building, with all other processing occurring off-site at a licensed processing or manufacturing facility. Power is provided by generators. The proposed project also includes a Special Permit for development within the Streamside Management Area for use and maintenance of the two (2) points of diversion (POD), decommissioning of two additional PODs, culvert replacement and maintenance, and decommissioning of four (4) existing stream crossings and associated restoration.

Public Hearing opened.

Public Hearing closed.

Meeting went into Recess.

Meeting Reconvened.

A motion was made by Commissioner Newman, seconded by Commissioner Mulder, that the Green Management Group of Humboldt be approved with conditions as modified to use only one generator and switch to solar by 2025. The motion carried by the following vote:

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

Nay: 2 - Commissioner Mitchell and Commissioner O'Neill

4. Green Crows, LLC Conditional Use Permit
Record Number PLN-11976-CUP
Assessor Parcel Number (APN) 033-120-013
Benbow area

A Conditional Use Permit for 14,814 square feet (SF) of existing outdoor and mixed-light cannabis cultivation, with 1,481 SF of outdoor propagation. The cultivation consists of 11,314 of full sun outdoor, and 3,500 sf of mixed light. Proposed mixed-light cultivation activities are contingent upon Pacific Gas and Electric Company (PG&E) power lines being developed. Annual water use is 163,600 gallons based on existing outdoor cultivation and 229,600 gallons with mixed-light. Water for irrigation is provided by a rain catchment system. There are 219,000 gallons of water storage in a series of hard-sided tanks and bladders and 50,000 more gallons of storage are proposed. A 2,000-watt solar system supplies all power for cultivation activities. Two generators are stored onsite for emergency use only.

Public Hearing opened.

A motion was made by Commissioner Mitchell, seconded by Commissioner McCavour, that the Green Crows project be approved with conditions. 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. Soul Arc Solutions, Inc Conditional Use Permit
Record Number PLN-11402-CUP
Assessor Parcel Number (APN) 108-012-010.
Ettersburg area

A Conditional Use Permit for 18,092 square feet (SF) of existing cannabis cultivation. Water for irrigation is sourced from a point of diversion and rainwater catchment pond. Water storage totals 290,000 gallons. Drying and curing would be on-site in a proposed 1,000-square-foot facility, with other processing occurring off-site. Electricity is sourced from generator power with solar power proposed.

Public Hearing opened.

A motion was made by Commissioner Levy, seconded by Commissioner Mitchell, that the Soul Arc Solutions project be approved with conditions. 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. Forever Loving Humboldt Inc. Conditional Use Permit
 Record Number PLN-12436-CUP
 Assessor’s Parcel Number: 211-374-014
 Myers Flat area

A Conditional Use Permit for 32,500 square feet of existing commercial cannabis cultivation, consisting of 22,000 square feet of outdoor cultivation and 10,500 square feet of mixed light cultivation. Water for irrigation is sourced from two groundwater wells, which are registered as riparian diversions due to their proximity to the water course. The applicant estimates 475,000 gallons are needed for irrigation annually. Drying occurs on-site in an existing barn, with other processing activities occurring off-site at a licensed processing facility. Electricity is sourced from PGE and a generator.

Public Hearing opened.

A motion was made by Commissioner McCavour, seconded by Commissioner O’Neill, that the Forever Loving Humboldt project be approved for denial. The motion carried by the following vote:

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

- 7. Ambiguity Farm LLC Conditional Use Permit
 Record Number PLN-12812-CUP
 Assessor’s Parcel Number: 223-011-009, 223-011-007.
 Garberville area

A Conditional Use Permit for 43,560 square feet of existing outdoor cannabis cultivation, and a Special Permit for restoration work within the SMA. Ancillary propagation will occur in two 1,250-square-foot greenhouses for a total propagation space of 2,500 square feet. There will be three cultivation cycles occurring annually. All processing will occur offsite. Water for the project will be sourced from an onsite 800,000-gallon onstream-pond and a proposed rainwater catchment system. The applicant anticipates 400,000 gallons of water will be required for irrigation annually. There are 100,000 gallons of available water storage occurring in two 50,000-gallon metal tanks, with 300,000 gallons of additional water storage proposed for the project. There will be a maximum of four employees required for operations. Power for the project is sourced from a solar array with a backup generator.

Public Hearing opened.

A motion was made by Commissioner Levy, seconded by Commissioner Mulder, that the Ambiguity Farm project be approved with conditions. 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. MDF Enterprises, Inc, Special Permit and Zoning Clearance Certificate
 Record Number PLN-12095-ZCC
 Assessor’s Parcel Number: 210-250-022.
 Bridgeville area

A Special Permit and Zoning Clearance Certificate to receive 60,000 square feet of mixed light cultivation in 24 greenhouses from three retirement sites, add 6,000 square feet of additional propagation space in two greenhouse/nursery buildings, and add a 2,400 square foot metal building for processing. The proposed uses would add to an existing approved 30,000 square feet of mixed light cultivation and 3,000 square feet of propagation in 13 greenhouses. Existing and proposed cultivation will total 90,000 square feet in 37 greenhouses, and 9,000 square feet of propagation in three greenhouses. An existing 1,500 square foot metal building will be retrofitted to code as a cottage/office for a caretaker/manager who will be onsite 24 hours per day. An existing 1.5 million-gallon rainwater catchment pond, and two existing wells for backup, will serve the existing and proposed cultivations. There are 16 existing water tanks, which, with the pond, provide 1,547,500 gallons of storage. The mixed light cultivation power is currently sourced from generator which will continue to be used for the expansion. The applicant has applied for a PG&E agricultural drop to obtain grid power.

Public Hearing opened.

A motion was made by Commissioner Mitchell, seconded by Commissioner O’Neill, that the MDF Enterprises project be approved as amended to require an encroachment permit from Caltrans.

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

- 9. Conklin Creek Farms, Inc. Special Permit and Zoning Clearance Certificates
 Record Number PLN-2021-17034
 Assessor’s Parcel Numbers (APNs) 105-042-002; 105-111-001; 105-071-005; and 105-101-006.
 Petrolia Area,

A Special Permit for 43,560 square feet (one acre) of new mixed light cultivation. Four Zoning Clearance Certificates for 5,000 square feet of indoor cultivation; 23,500 square feet of enclosed wholesale nursery; offsite processing; and distribution. Power is provided by PGE and solar. Irrigation water is provided by a 2.6-million-gallon rainwater catchment pond. Annually water usage is estimated at 655,000 gallons. The indoor cultivation is associated with a 500 square foot ancillary nursery. The mixed light cultivation is associated with a 4,360 square foot ancillary nursery.

A motion was made by Commissioner Mitchell, seconded by Commissioner McCavour, that the Conklin Creek Farms project be continued to the February 3, 2022 meeting. 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

- 10.** H2 Equity, LLC Conditional Use Permit
Record Number PLN-11248-CUP)
Assessor's Parcel Number: 221-021-008
Salmon Creek area

A Conditional Use Permit for 49,650 square feet of existing commercial cannabis cultivation of which 8,782 square feet is mixed light cultivation and 40,868 square feet is outdoor cultivation utilizing light deprivation techniques. The project is supported by 2,363 square feet of propagation space. Water for irrigation is sourced from an existing well, a hydrologically connected pond, and rainwater catchment. The projected annual water usage totals 892,176 gallons and existing available water storage totals 416,500 gallons. All processing occurs onsite in an existing structure. Energy is sourced from solar and generators.

A motion was made by Commissioner Mitchell, seconded by Commissioner McCavour, that the H2 Equity project be continued to the February 3, 2022 meeting. 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

- 11.** Humboldt Hempire Farms, LLC Special Permit
Record No. PLN-2020-16602
APN 223-061-011
Garberville Area

A Special Permit for 14,400 square feet of new mixed light cannabis cultivation (originally noticed for 43,560 square feet). Water for irrigation will be provided by rainwater catchment. There is an approved land use permit on the subject parcel that allows for a business engaged in the collection, storage, delivery, and sale of non-potable water to residents in the Southern Humboldt area for primarily agricultural use (e.g., irrigation). The applicant will utilize water from this onsite business to support the cultivation. The applicant anticipates approximately 145,000 gallons of water will be required annually for irrigation. There is 3,360,000 gallons of water storage onsite. Processing such as drying and curing will occur in a 5,060-square-foot structure. Further processing will occur offsite at a licensed processing facility. Power of the project will be provided by PG&E.

A motion was made by Commissioner Mitchell, seconded by Commissioner McCavour, that the Humboldt Hempire Farms project be continued to the February 3, 2022 meeting. 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

H. PUBLIC HEARINGS

1. McKinleyville Community Services District (MCSD) Mad River Floodplain Habitat Restoration and Public Access Conditional Use Permit Extension

Record Number PLN-2021-17477

Assessor’s Parcel Number: 508-021-007, 508-021-006, 506-341-017, and county road right-of-way.

McKinleyville area

Two-year extension of 15879-CUP for MCSD for habitat restoration and public access improvements. The original project was a Conditional Use Permit for habitat restoration to remove infrastructure in the floodplain and restore a more natural connection to the Mad River and thereby increase the quantity and quality of available salmonid habitat in the Mad River watershed. The project will also establish public access over-looking the Mad River, and trail access to the floodplain and river. No changes to the project are proposed. MCSD is the lead agency under CEQA. GHD on behalf of MCSD prepared an Initial Study/Mitigated Negative Declaration (IS/MND) (SCH #2020039047). The Planning Commission in Resolution 20-75 determined that the IS/MND adequately identified and reduced environmental effects to less than significant and that no further environmental review is required.

A motion was made by Commissioner Mitchell, seconded by Commissioner McCavour, that the McKinleyville Community Services District (MCSD) Mad River Floodplain Habitat Restoration and Public Access project be continued to the February 3, 2022 meeting. 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. Redwood Parks Lodge Co., Inc. Conditional Use, Special, and Coastal Development Permits Extensions
Record Number PLN-2021-17480
Assessor's Parcel Number: 520-142-009
Orick area

Project includes: 152-unit transient habitation facility (special occupancy park), to include: a campground, RV Park, Lodge (commercial center), and gas station. The special occupancy park will include 82 RV sites, 48 tent camping sites, 12 park model cabins, 10 cottages, 3 bathhouses, internal trails connecting to the existing Redwood Creek Levee Trail, an open playing field, and a commercial center constructed in a traditional lodge building style. The commercial center will include the resort activity center, administrative offices, a deli and convenience store/gift shop, a touring center, and gas station. An existing residence will remain and be used as a caretaker's residence and office space. A 2,076 square foot maintenance barn will be constructed to the north of the residence and will house the wastewater treatment system operations and maintenance area. The on-site sewage disposal system proposed is an Orenco Advantex Wastewater Treatment system suitable for processing approximately 19,500 gallons of waste per day. The primary leach field will be located near the existing house. Water will be provided by the Orick Community Services District. All utility lines will be underground. The resort will host up to 12 special events per year such as weddings, celebrations, family reunions, school/youth field trips, and small musical productions. Events will generate a maximum of 100 attendees who are not staying on site and may be held between the hours of 12 PM and 9 PM. A Special Permit is included to establish parking for a non-enumerated use. A maximum of 100 additional guests (those not staying overnight at the Resort) will be attending special events. To meet this demand 50 parking spaces are proposed in addition to those required by the other facilities (277 parking spaces). Wetland 1 located at the base of the Redwood Creek Levee is partially located within the Coastal Zone. This wetland will not be altered as a result of the project. Other non-coastal wetlands (2 through 5) on site are NWI wetlands and will be filled to facilitate the project. Wetland fill will be mitigated by wetland creation and enhancement, to be implemented at a 2:1 ratio on the coastal portion of the site adjacent to the existing wetland within the 100-foot wetland setback area. Proposed on-site signage will include up to three monument signs that will be backlit or illuminated with down-shielding lighting. No changes to the project are proposed. The Humboldt County Planning Commission adopted an IS/MND when the project was originally approved and became effective November 6, 2014.

A motion was made by Commissioner Mitchell, seconded by Commissioner McCavour, that the Redwood Parks Lodge Co. project be continued to the February 3, 2022 meeting. 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. Golden Bud, LLC Special Permit
 Record Numbers: PLN-11439-SP and PLN-2020-16911
 Assessor’s Parcel Number: 218-031-008
 Palo Verde area

A Special Permit for 7,700 square feet (SF) of existing cultivation and 35,860 SF of new cultivation. Ancillary propagation will occur in a 960 SF greenhouse. Irrigation water will be sourced from a rainwater catchment system. Estimated annual water usage is currently 282,000 gallons and is anticipated to be 607,200 gallons at full project build-out. There will be a total of 607,200 gallons of water storage onsite. Processing will occur in a proposed 1,334-square-foot structure. Power will be provided by solar and wind, with PG&E to offset any additional needs.

A motion was made by Commissioner Mitchell, seconded by Commissioner McCavour, that the Golden Bud project be continued to the February 3, 2022 meeting. 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. PROPOSED COMMUNICATIONS FACILITIES ORDINANCE
 Record Number PLN-2021-17452.

The proposed ordinance affects all unincorporated areas of Humboldt County. The purpose and intent of this Telecommunications Ordinance is to provide a uniform and comprehensive set of standards for the development, siting and installation of wireless telecommunications facilities. These standards do all the following: protect and promote the public health, safety and welfare of the residents of the unincorporated areas of Humboldt County; protect aesthetic values in accordance with the guidelines and intent of the Telecommunications Act of 1996; encourage siting in preferred locations to help preserve the County’s rural character, including the protection of scenic, natural and cultural resources; and minimize the intrusion of these uses into residential areas. The proposed ordinance uses a tiered approach to permitting communication facilities: the lowest tier (“Tier 1”) applies a streamlined permit process to easily allow telecommunication facilities least likely to have any impacts. Conversely, the highest tier (“Tier 3”) requires a public review process through conditional use permits for projects most likely to have impacts. Since this is a public workshop, no action will be taken by the Planning Commission. Instead, the Planning Commission will be asked to take public comment and provide informal feedback that will be used to develop a public hearing draft for review by the Planning Commission at a later date.

A motion was made by Commissioner Levy, seconded by Commissioner Mitchell, that the Proposed Communications Facilities Ordinance be continued to the February 3, 2022 meeting. 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

I. ADJOURNMENT

Chair Alan Bongio adjourned the meeting at 9:41 p.m.

J. NEXT MEETINGS February 3, 2022 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