

PLANNING COMMISSION

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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, May 2, 2019**

**6:00 PM**

**Regular Meeting**

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**A. CALL TO ORDER / SALUTE TO FLAG**

*Chair Morris called the meeting to order at 6:00 p.m.*

**B. COMMISSIONERS PRESENT**

Present : 7 - Commissioner Robert Morris, Commissioner Alan Bongio, Commissioner Noah Levy, Commissioner Brian Mitchell, Commissioner Mike L Newman, Commissioner Melanie McCavour and Commissioner Peggy O'Neill

**C. AGENDA MODIFICATIONS**

- 1 - Letter from Points West to the Commissioners*
- 2 - Email regarding upcoming cannabis factory project to the Commissioners*
- 3 - Item F-1 Big River Farms: Supplemental information and continuance requested to the June 6, 2019 meeting*
- 4 - Item F-4 Higher Ground Agriculture: Continue to a date uncertain.*
- 5 - Item G-1 High Times: Supplemental information*
- 6 - Item H-1 Housing Element: Supplemental information provided to the Commissioners*

**D. APPROVAL OF ACTION SUMMARY**

1. Approval of the Action Summary of the April 18, 2019 Planning Commission meeting.

*A motion was made by Commissioner Bongio, seconded by Commissioner Levy, to approve the April 18, 2019 Action Summary and authorize the Secretary of the Planning Commission and the Clerk of the Planning Commission to sign the Minute book. The motion carried by the following vote:*

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

**E. PUBLIC COMMENTS**

**F. CONSENT AGENDA**

1. Big River Farm, Conditional Use Permit  
 Record Number: PLN-11892-CUP  
 Assessor’s Parcel Numbers (APN): 108-023-008  
 9320 Wilder Ridge Road, Shelter Cove area

Project Description: A Conditional Use Permit (CUP) for Big River Farm, LLC to allow 22,000 square feet (SF) existing mixed light cannabis cultivation on a 90 acre parcel. The project is within 600 feet of public land and requires a Special Permit for a setback reduction from Bureau of Land Management (BLM) property on APN 108-022-006.

*A motion was made by Commissioner Mitchell, seconded by Commissioner Newman, that the Big River Farm, Conditional Use Permit project be continued to the June 6, 2019 meeting of the Planning Commission. The motion carried by the following vote:*

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

2. Wilder Ridge Estates, LLC Conditional Use Permit  
 Record Number: PLN-11515-CUP  
 Case Number: CUP 16-537  
 Assessor’s Parcel Number (APN): 108-024-003  
 North and south sides of Wilder Ridge Road, approximately 0.66 miles east from the intersection of Kings Peak Road and Wilder Ridge Road, on the property known to be in Section 33 of Township 03 South, Range 01 East, Humboldt Base & Meridian.

Project description: A Conditional Use Permit for 21,417 square feet (SF) of existing outdoor cannabis cultivation and two appurtenant mixed light nurseries. A Special Permit is also requested as part of this project for three spring diversions that commenced after April 25, 1995.

*A motion was made by Commissioner Newman, seconded by Commissioner Levy, that the Wilder Ridge Estates, LLC Conditional Use Permit project be approved. The motion carried by the following vote:*

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

**3. Cougar Ranch Family Farms, LLC, Conditional Use Permit**

Application Number: 11442

Case Number: CUP 16-250

Assessor's Parcel Numbers (APN): 214-233-006

3300 French Road Miranda CA 95553, Phillipsville area

Project Description: A Conditional Use Permit authorizing the continued operation of an existing cannabis cultivation site consisting of 13,380 square feet of existing outdoor cannabis cultivation, and 8,900 square feet of existing mixed-light cannabis cultivation and ancillary structures on a 90.4-acre parcel (APN 214-233-006).

***A motion was made by Commissioner Mitchell, seconded by Commissioner Levy, that the Cougar Ranch Family Farms, LLC, Conditional Use Permit project be approved as part of the Consent Agenda. The motion carried by the following vote:***

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

**4. Higher Ground Agriculture, LLC, Conditional Use Permit**

Application Number: 11018

Case Number: CUP 16-127

Assessor's Parcel Number (APN): 223-075-016

3535 East Branch Road, Garberville, Benbow Area

Project Description: A Conditional Use Permit (CUP) for an existing 22,900 square feet (SF) of existing outdoor cultivation and 4,100 SF of existing mixed-light cultivation. The total cultivation area altogether is 27,000 square feet (SF) on two parcels totaling 200-acres. The applicant is proposing a 1,300-square-foot appurtenant nursery and to consolidate two existing grow sites into one central location.

***A motion was made by Commissioner Mitchell, seconded by Commissioner Levy, as part of the Consent Agenda that the Higher Ground Agriculture, LLC, Conditional Use Permit project be continued to a date uncertain.. The motion carried by the following vote:***

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

5. Petersen Final Map Subdivision Extension  
Application Number: 15448  
Case Number: FMS-07-001XX  
Assessor Parcel Number (APN); 509-114-200  
1790 A Street, McKinleyville area

Project Description: The second two-year extension, in addition to four automatic extensions as allowed by Senate Bill 1185 and State Assembly Bills 333, 208 and 116, of A Major Subdivision of an approximately one-acre parcel into six parcels of approximately 6,747 square feet each. The Final Map will be recorded in two phases. Phase 1 will consist of lots 1-3 and Phase 2 will consist of lots 4-6 which will be recorded separately. An exception to the solar shading requirements and right of way width is requested. Under the original approval the entire parcel was zoned Residential One Family with a 6,000 square foot minimum lot size and the General Plan land use designation was Residential Low Density (RL). Subsequently, as part of the implementation of the 2010 Housing Element Multi Family Rezoning Program, a portion of the parcel was changed to include General Plan land use designation Residential Medium Density (RM) and zoning designation Residential Multi-Family (R-3). The subdivision design can be supported with both land use and zoning designations. All parcels will be served with water and sewer by McKinleyville Community Services District. This is the second extension requested by the applicant. No change to the original project is proposed. If approved, the extension will extend the life of the tentative map to March 18, 2021.

***A motion was made by Commissioner Mitchell, seconded by Commissioner Levy, that the Petersen Final Map Subdivision Extension project be approved as part of the Consent Agenda. The motion carried by the following vote:***

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

6. Furber Parcel Map Subdivision, Coastal Development Permit, Conditional Use Permit and Special Permit Extension

Application Number: 15511

Case Numbers: PMS-02-026XXX, CDP-02-104XXX, CUP-02-037XXX, SP-02-110XXX

Assessor's Parcel Number (APN): 511-021-003

1050 Gassaway Road, McKinleyville Area

Project Description: A third, two-year extension in addition to Four automatic extensions as allowed by Senate Bill 1185 and State Assembly Bills 333, 208 and 116, of a Parcel Map Subdivision, Coastal Development Permit, Conditional Use Permit and Special Permit (PMS-02-026XX, CDP-02-104XX, CUP-02-037XX, SP-02-110XX), originally approved February 2, 2006. The original project consisted of the subdivision of an approximately one-acre parcel into three (3) parcels ranging in size from 6,000 square feet (net) to ± 21,400 square feet (net). A Coastal Development Permit is required for both the subdivision and to bring the existing secondary dwelling unit (SDU) into compliance. Because the SDU is over 1,000 square feet in size, a Conditional Use Permit is also required. Besides the residences, proposed Parcel 1 is developed with two (2) 64 square feet movable sheds. The remaining proposed parcels are vacant. An exception to the required road width and lot frontage standards is requested pursuant to H.C.C. Section 325-9. An exception to the 100-foot riparian corridor buffer setback from Widow White Creek is also requested based on a Biological Report prepared for the project and approved by the Department of Fish and Game. Water and sewer services are to be provided by the McKinleyville Community Services District. No change to the original project is proposed. This is the third extension requested by the applicant, and if approved, the extension will expire on March 2, 2021.

***A motion was made by Commissioner Mitchell, seconded by Commissioner Newman, that the Furber Parcel Map Subdivision, Coastal Development Permit, Conditional Use Permit and Special Permit Extension project be approved. The motion carried by the following vote:***

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

Nay: 1 - Commissioner O'Neill

Abstain: 1 - Commissioner McCavour

7. Pastori Parcel Map Subdivision  
Application Number: PLN-14261-PMS  
Case Numbers: PMS 18-011, SP 18-099  
Assessor's Parcel Number: 304-101-013  
6337 Elk River Road, Elk River area

Project: A Minor Subdivision to divide an approximately 10.72-acre parcel into two parcels of approximately 2.5 acres and 8.22 acres. The parcel is currently developed with a single-family residence and an on-site wastewater treatment system. A Special Permit to allow an exception to the minimum lot size is requested per Section 314-99.1.1.2 of the Zoning Regulations. In addition, pursuant to Section 325-9 of the Humboldt County Code, an exception has been requested to allow proposed Parcel 2 to be served with a 20-foot right of way.

*A motion was made by Commissioner Mitchell, seconded by Commissioner Levy, that the Pastori Parcel Map Subdivision project be approved as part of the Consent Agenda. The motion carried by the following vote:*

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

## **G. PUBLIC HEARINGS**

1. High Times Productions & Mateel Community Center, Inc.  
Reggae on the River 2019 - 2022 Concert Events  
Conditional Use Permit & Special Permit Modification and Review of 2018 post-event Annual Report  
Application Number PLN-2019-15401  
Assessor's Parcel Number(s): (APN's) 033-271-005, 033-271-007-000  
Cooks Valley area

A modification to an approved Special Event Use Permit authorizing annual operation of the Reggae on the River Music Festival, a three-day event held each year from Friday through Sunday during the first weekend of August. Pursuant to annual requirements of the permit, the Planning Commission will also be reviewing the 2018 Post-Event Monitoring Report, which was prepared by the applicant and circulated to various agencies in January. The applicant proposes to continue conducting the event consistent with festival attendance levels authorized for previous years, which limit daily attendance to a maximum of 9,000 persons (6,500 ticket holders and 2,500 staff, performers and others). In 2018, the Mateel Community Center signed a contract with High Times Productions, who have assumed primary responsibility for management and operation of the event, beginning with last year's festival. Authorization of the following permit modifications is currently requested: 1. Parking of up to 2,500 vehicles at the County Line Ranch (formerly Dimmick), instead of using previously authorized off-site parking areas at Benbow and Richardson Grove RV Park and Campground; 2. Erection of a stage and Late Night Music Area at Center Beach operating from midnight to 4am during each night of the festival; and 3. Establishment and operation of a cannabis vending and consumption area (Cannabis Village), pursuant to section 314-55.4.10.4 of Humboldt County Code, which authorizes Temporary Special Events of this sort. Sales and consumption of Alcohol or Tobacco will be prohibited within the Cannabis Village and access to this area would be restricted to persons 21 years of age or older. A Special Permit authorizes annual placement of a temporary flat-car bridge across the South Fork of the Eel River, to provide for access to the festival grounds by vehicles and pedestrians. Potable Water for the festival is primarily provided from an on-site well which is pumped (prior to May 15th) into a series of tanks totaling 100,000 gallons, where it is treated and stored. Supplemental potable water is also available from nearby community services districts. Stored water from a 780,000 gallon rainwater catchment pond is primarily used for irrigation of grass in the concert bowl, road compaction, and dust abatement. Sewage disposal for the events is provided by portable toilets and an on-site greywater system. The same traffic control measures are proposed along Highway 101 as in previous years.

***A motion was made by Commissioner Levy, seconded by Commissioner McCavour, that the High Times Productions & Mateel Community Center, Inc. Conditional Use Permit & Special Permit Modification and the Review of 2018 post-event Annual Report be approved. The motion carried by the following vote:***

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

## H. CONTINUED PUBLIC HEARINGS

**1. Housing Element**

Record Number: 28200

**Project Description:** The 2019 Housing Element is an update to the 2014 Humboldt County Housing Element, and a required element of the General Plan. The Housing Element consists of a narrative which describes the purpose of the Housing Element, the requirements of state law, the relationship of the Housing Element to the rest of the General Plan, background information regarding past elements, and current and projects housing needs and conditions. The core of the Housing Element is a series of goals, policies, standards, and implementation measures for the preservation, improvement, and development of housing. It meets details requirements of state housing element law, including requirements for a residential land inventory sufficient to meet the County's share of the state prescribed housing need. The update is necessary to comply with state housing element law and to adopt local policy options to meet the documented housing needs. The Planning Commission is beginning the public hearings on the 2019 Housing Element Update by first holding a public workshop to receive background information about the update, ask questions and allow the public to comment on the background information presented by staff, and accept public comments on the 2019 Housing Element update which the Planning Commission will begin discussing at the May 16, 2019 meeting.

***A motion was made by Commissioner Levy, seconded by Commissioner Newman, that the Housing Element item be continued to the May 16, 2019 meeting of the Planning Commission.***

***The motion carried by the following vote:***

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

**2. GPU Zoning Text**

**Project Description:** This project proposes adding new Zoning Districts to the Inland Zoning Ordinance and amending other Zoning Ordinance language to be consistent with the 2017 Humboldt County General Plan. The Humboldt County General Plan was adopted in October 2017, which established the kinds, locations, and intensities of land uses within the unincorporated areas of the County by establishing new standards and by applying land use designations to properties on Land Use Maps. To be consistent with the new Land Use Maps of the General Plan and new standards, modifications are proposed to the Inland Zoning regulations. The following text amendments are being considered by the Commission:

1. Modify Section 314-17.1 the "B - Special Building Site" Combining Zone to reduce the minimum parcel size for the "B-1" Zone from 8,000 square feet to 6,000 square feet

2. Modify Section 314-7.1 "AE - Agriculture Exclusive Zone," Section 314-7.4 "TPZ - Timberland Production Zone", Section 314-21.1 "F - Flood Hazard Areas" Combining Zone, and Section 314-38.1 "WR - Streamside Management Areas and Wetlands" Combining Zone, to implement the General Plan Open Space Plan.

***A motion was made by Commissioner Mitchell, seconded by Commissioner Newman, that the GPU Zoning Text Amendments be recommended to the Board of Supervisor's for approval. The motion carried by the following vote:***

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



**I. ADJOURNMENT**

*Chair Morris adjourned the meeting at 9:36 p.m.*

**NEXT MEETINGS**

*May 16, 2019*

*June 6, 2019*