

PLANNING COMMISSION

Robert Morris
Chair - Second District
David Edmonds
Vice Chair - At Large
Alan Bongio
First District
Noah Levy
Third District
Kevin McKenny
Fourth District
Ben Shepherd
Fifth District
Brian Mitchell
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, July 13, 2017

6:00 PM

Regular Meeting

CALL TO ORDER / SALUTE TO FLAG

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

COMMISSIONERS PRESENT

Present 4 - Commissioner Robert E. Morris, Commissioner Alan Bongio, Commissioner Ben Shepherd, and Commissioner Brian Mitchell
Absent 3 - Commissioner David Edmonds, Commissioner Noah Levy, and Commissioner Kevin McKenny

AGENDA MODIFICATIONS

*Item #1 Logan: Continued to August 3, 2017.
Item #2 Save the Redwoods: Continued to August 3, 2017.
Item #5 Ford: Continued to August 3, 2017.
Item #10 Scarlett: Continued to date uncertain.*

APPROVAL OF ACTION SUMMARY

*April 7, 2016 Action Summary
June 1, 2017 Action Summary*

This matter was continued due to a lack of a quorum for both Action Summaries.

PUBLIC COMMENTS

CONSENT AGENDA

- 1 Logan Lot Line Adjustment and Zone Boundary Adjustment
Case Numbers LLA-16-024, ZBA-16-003
Assessor's Parcel Numbers 519-252-006 et seq.
136 and 310 Orick Hill Lane, 121364 State Highway 101, Orick Area

A Lot Line Adjustment between four parcels to result in four parcels of approximately 1.33 acres, 0.27 acres, 3.07 acres and 52.41 acres. APN 519-252-007 is vacant and the remaining three parcels are developed with single family residences and accessory structures. Also included is a Zone Boundary Adjustment to adjust the boundary between the Agriculture General zone (AG) and Agriculture Exclusive zone (AE) to follow the new parcel boundary between APN 519-252-008 and APN 520-161-005 including the addition of a Special Building Site combining zone (specifying a five-acre minimum parcel size) to the smaller parcel to ensure consistency with both underlying plan designations. The parcels are served with community water and on-site wastewater treatment systems. No parcel lines are being adjusted within the Coastal Zone, therefore, no Coastal Development Permit is required.

This item was continued to the August 3, 2017 meeting.

- 2 Save the Redwoods Special Permit for Design Review
Case Numbers SP-17-044, DR-16-015
Assessor Parcel Numbers (APN) 519-231-018, 520-012-013
Orick Area

Save-the-Redwoods League seeks planning entitlements for the deconstruction of the existing barn, approximately 5,560 square feet in size, and ancillary structure, approximately 1,525 square feet in size, both of which are centrally located on the former Orick Mill Site. Access to the site is located along Bald Hills Road, which runs along the southern boundary of the project site. Under the proposed project, the existing barn and ancillary structure located on the project site will be deconstructed with associated materials stockpiled on-site for potential re-use on-site at a later date. The proposed location of the stockpiled materials is on the existing paved area, approximately 225 feet northeast of the existing barn. An Orick Barn Ancillary Structures Historical Resources Assessment Report was prepared by Gerald T. Takano on November 25, 2105, to determine if the barn and ancillary structures (including the ancillary structure to be deconstruction and the existing tank to remain) are of historical, architectural, and cultural significance as a local, State, or federal resource. No cultural or historical resources have been identified within the project site. A Special Permit is required as the Orick Design Review Committee recommended denial. No reason was given for the recommendation.

This item was continued to the August 3, 2017 meeting.

3 Solful Farms, LLC, Conditional Use Permit

Case Number CUP-17-020

Assessor's Parcel Number (APNs) 209-321-056 and 533-064-017

1490 Holmes Flat Road, Redcrest/Holmes Flat area, and Johnson Road, Klamath Area

A Conditional Use Permit to retire, remediate and relocate (RRR) approximately 5,000 square feet (SF) of cannabis cultivation located on Assessor's Parcel Number (APN) 533-064-017 to APN 209-321-056, which is approximately 2.5 acres in size. Pursuant to Humboldt County Code

Section 314-55.4.14 et seq., the existing cultivation area will be relocated to APN 209-321-056, and will total 20,000 SF. For the 2017 cultivation year, cultivation will consist solely of 20,000 SF of outdoor cultivation. For the 2018 cultivation year and thereafter, cultivation will consist of

1) 5,000 SF of mix light cultivation in four existing permitted greenhouses with a fifth greenhouse to be added in the future; and 2) 15,000 SF of full sun outdoor cultivation. The applicant will practice dryland farming with natural rainfall being the primary source of irrigation water. The

applicant's cultivation methodology includes applying compost tea using a drip system. Water for the compost tea will be sourced from an on-site rainwater catchment system to be developed. The rainwater catchment system will be the installation of a 10,000 to 20,000 gallon storage tank that incorporates catchment in the design. All product grown on-site will be processed off-site at a licensed facility. Per the applicant there will be no employees for any phases of the cultivation, only for construction of the farm and residence. Domestic water will be provided by a well, and sewage disposal will be provided by an on-site sewage disposal system.

A motion was made by Commissioner Shepherd, seconded by Commissioner Mitchell, to find the project exempt from environmental review pursuant to Sections 15303, 15304, and 15333 of the State CEQA Guidelines, make all of the required findings for approval of the Conditional Use Permit based on evidence in the staff report and any public testimony, and adopt the Resolution approving the proposed Solful Farms, LLC. project subject to the recommended conditions. The motion carried by the following vote:

Aye: 4 - Commissioner Morris, Commissioner Bongio, Commissioner Shepherd, and Commissioner Mitchell

- 4 Fawn Meadows (JLF Construction) Final Map Subdivision and Street Name Assignment Extension
Case Number FMS-03-012XX
Assessor's Parcel Number (APN) 509-240-037
1717 Tasi Lane, McKinleyville area

JLF Construction is seeking a 3 year extension of a Final Map Subdivision and Planned Unit Development originally approved in 2005. No changes from the original project are proposed. The project utilizes the planned unit development regulations to allow for 25 lots on the 5.95 acre lot. The subdivision is a Planned Unit Development that utilizes Lot Size Modification to result in lot sizes from approximately 6,000 to 13,290 square feet with the average lot size of 8,800 square feet. The subdivision requires an Exception Request to lot frontage requirements and road width standards to allow for flag lot configuration. The subdivision proposes to contain storm water runoff within a central detention basin on Lot 25 and three smaller detention facilities. The subdivision will be accessed from Tasi Lane, Dogwood Street and Challis Court. The project proposes neighborhood connections via the extension of Tasi Lane and improvements on Dogwood Street. A Lot Line Adjustment with APN 509-240-41 to provide access to the proposed interior road. A Street Name Assignment of "Challis Court" for the interior access road.

A motion was made by Commissioner Shepherd, seconded by Commissioner Bongio, to make all of the required findings, based on evidence in the staff report, and approve the project subject to the recommended conditions of approval. The motion carried by the following vote:

Aye: 4 - Commissioner Morris, Commissioner Bongio, Commissioner Shepherd, and
Commissioner Mitchell

- 5 Derek and Jeanette Ford Parcel Map Subdivision
Case Numbers PMS-17-003
Assessor Parcel Number 510-142-031
2241 McKinleyville Avenue, McKinleyville area

A Minor Subdivision of a 22,370 square foot parcel into two parcels of 14,290 square feet (net) and 8,080 square feet (net). The parcel is developed with a single family residence that will remain on proposed Parcel 1. Water and sewer is provided by the McKinleyville Community Services District.

This item was continued to the August 3, 2017 meeting.

- 6 Mark Burtchett and KD2 Investments Parcel Map Subdivision
Case Numbers PMS-17-005
Assessor Parcel Number 510-142-030
2207 McKinleyville Avenue, McKinleyville area

A Minor Subdivision of a 21,000 square foot parcel into three parcels of 7,148 square feet, 5,811 square feet and 5,811 square feet. A residence was recently demolished on the parcel leaving it vacant. Water and sewer is provided by the McKinleyville Community Services District.

A motion was made by Commissioner Bongio, seconded by Commissioner Mitchell, to adopt the Mitigated Negative Declaration and make all of the required findings for approval of the Parcel Map Subdivision, including the exception request to allow a reduced right-of-way, based on evidence in the staff report and public testimony, and adopt the Resolution approving the Burtchett-KD2 project subject to the recommended conditions. The motion carried by the following vote:

Aye: 4 - Commissioner Morris, Commissioner Bongio, Commissioner Shepherd, and Commissioner Mitchell

- 7 County of Humboldt General Plan Conformance Review
Case Number GPC-17-003
Assessor Parcel Number (near 506-341-015)
County Road No. 4L680 (near Mad River County Park)

A General Plan Conformance review initiated by the Humboldt County Public Works Department Land Use Division, for the proposed vacation of a portion of Mad River Road. The purpose of this partial road vacation is to reclassify the vacated portion of Mad River Road from public right-of-way to County park road system which allows for the permanent installation of gates, which is not allowed on a county highway. The overarching purpose of the two gates is to prevent vehicular access after sunset to help alleviate night-time problems at Mad River County Park and beach. The gates will be closed from sunset to sunrise. However, pedestrian access to the beach will not be impacted by the closed gates.

A motion was made by Commissioner Shepherd, seconded by Commissioner Mitchell, to find the proposed project to be in conformance with the General Plan based on findings in the staff report and adopt the Planning Division's recommendation. The motion carried by the following vote:

Aye: 4 - Commissioner Morris, Commissioner Bongio, Commissioner Shepherd, and Commissioner Mitchell

- 8** School Street Plaza, LLC. Conditional Use Permit
Case Number CUP-17-016
Assessor Parcel Numbers (APN) 509-181-017, 509-191-005, 509-181-056
1585 Central Ave., McKinleyville, CA 95519

The applicant has applied for Conditional Use Permit (CUP-17-016) to allow for appurtenant signage in excess of what is principally allowed. The parcel is located in the (C-2-N) Community Commercial (C-2), Noise Impact (N) Zone , which allows for a maximum of 300 square feet of signage, divided into not more than six single or double-faced signs, that are appurtenant to any permitted use (HCC Section 314-87.2.2.6). However, this size allowance can be exceeded with approval of a Use Permit (HCC Section 314-87.2.2.7). The proposed project is to allow for an additional 286 square feet of signage beyond the principally-permitted 300 square feet.

A motion was made by Commissioner Shepherd, seconded by Commissioner Mitchell, to find the project exempt from environmental review pursuant to Section 15311, Class 11(a), of the State CEQA Guidelines, make all of the required findings for approval of the Conditional Use Permit, based on evidence in the staff report, and adopt the Resolution approving the School Street Plaza - Grocery Outlet/Auto Zone Signage Conditional Use Permit subject to the recommended conditions. The motion carried by the following vote:

Aye: 4 - Commissioner Morris, Commissioner Bongio, Commissioner Shepherd, and
Commissioner Mitchell

CONTINUED PUBLIC HEARINGS

- 9 Virgilia Becker Special Permit
Case Numbers SP 09-027
Assessor's Parcel Number (APNs) 204-381-017-000
225 Deer Creek Lane, Hydesville Area

A Special Permit application for a second unit on a 17 acre parcel zoned both as Agricultural General and Agricultural Exclusive. The second unit, a manufactured home, was originally placed on the property under a medical hardship exemption and was left on the parcel without the benefit of County review when the original medical hardship had ceased. For a period thereafter the hardship unit was re-occupied on a rental basis; this use has been since suspended pending proper permitting. The applicant is now seeking to amend the original permit and allow the manufactured home to remain on the property as a permanent unit through the Special Permit process. This action will remedy the existing Code violation. The neighborhood had a number of concerns regarding road width, length, and maintenance, and fire access when the Special Permit application was filed in response to the original violation in 2008. The extended timeframe for this project has been due to ongoing work with CalFire, Public Works, and the neighborhood road association to address those issues. A Fire Safe exception to the standards for road access was approved by CalFire in 2014.

Meeting went into Recess

Meeting Reconvened

A motion was made by Commissioner Bongio, seconded by Commissioner Shepherd, to deny the Virgilia Becker project and adopt the resolution and findings of fact provided in the Supplemental information for this meeting. The motion carried by the following vote:

Aye: 4 - Commissioner Morris, Commissioner Bongio, Commissioner Shepherd, and
Commissioner Mitchell

- 10 Don Scarlett Accessory Structure Special Permit
Case Numbers SP-16-074
Assessor Parcel Number (APN) 077-073-005-000
Redway Area

The project is for a Special Permit to remove one redwood tree from the subject parcel in order to construct a detached garage. The parcel is developed with an approximately 2,280 square foot single family residence and attached garage. The tree proposed for removal is located within the footprint of the proposed 1,500 square foot detached garage. Humboldt County Ordinance 2112 limits the cutting of any redwood tree greater than twelve inches in diameter at breast height unless a Special Permit is secured. The redwood to be removed is 22 to 24 inches in diameter and 80 feet in height. There are no alternative locations on the property to site the detached garage that would result in no tree removal. Woody debris less than 4 inches will be chipped and hauled away by the timber operator. The larger chunks of wood will be cut into random lengths and left on the parcel. The parcel is served public water and sewer services by Redway Community Services District.

This item was continued to a date uncertain.

PUBLIC HEARINGS

- 11** Hosford Final Map Subdivision, Lot Line Adjustment and Special Permit
Case Numbers FMS-16-002, LLA-16-014, SP-16-039
Assessor Parcel Numbers 018-031-020-000, 018-032-008-000
2104 and 2072 Redwood Street, Cutten area

A Final Map Subdivision creating 4 parcels and a fifth adjusted by a Lot Line Adjustment (LLA). The parcels will range in size from 6,000 square feet to 11,095 square feet (after LLA). The existing dwelling on proposed Lot 2 will remain. All parcels will be accessed via Redwood Street, a paved County road, which will be significantly improved as a result of this project. Pursuant to Section 325-9 of the Subdivision Regulations the applicant submitted an exception request to remove the requirement to install sidewalks along the property frontage. The Special Permit is required for the removal of five (5) redwood trees and for an exception to the parking requirements for proposed Parcel 4 and Parcel B of the LLA. The area is served by community water and sewer. Note: This subdivision was approved under FMS-05-013, however, that approval has expired.

A motion was made by Commissioner Shepherd, seconded by Commissioner Bongio, to consider the Negative Declaration adopted on October 1, 2009 for the project and make all required findings for approval of the Final Map Subdivision, Lot Line Adjustment and Special Permit, based on evidence in the staff report and adopt the Resolution approving the Hosford Construction project subject to the recommended conditions with Alternative 1 approving the exception request to remove the requirement to install sidewalks along the property frontage. The motion carried by the following vote:

Aye: 4 - Commissioner Morris, Commissioner Bongio, Commissioner Shepherd, and
Commissioner Mitchell

- 12** Humboldt Edge Farm Special Permit
Case Number SP 16-010
Assessor's Parcel Number 524-051-017
41000 Highway 299, Willow Creek area

The Humboldt Edge Farms Project, owned and operated by Matthew Nagel and Samantha Shull (proposed project), seeks approval of a Special Permit in compliance with the County's Commercial Medical Marijuana Land Use Ordinance (CMMLUO) for an existing commercial medical cannabis operation. The project site comprises one 2.04 acre parcel, APN 524-051-017, which currently contains an outdoor cultivation area of approximately 7,300 square feet and an adjacent 2,000 square feet of personal use vegetable garden on the project site. The applicants receive water from the Willow Creek Community Services District for residential use and for irrigation for commercial cannabis cultivation. Additionally, spring-fed 1,600 gallon water storage tank is used solely for watering the domestic use vegetable garden. The site is currently developed with a residential home where the two managers of the cultivation reside, as well as a barn for storage of fertilizers, pesticides, and amendments for agricultural operations. The existing two-car garage is proposed to be converted to a commercial building to provide for on-site processing activities.

A motion was made by Commissioner Shepherd, seconded by Commissioner Mitchell, to find the project exempt from environmental review pursuant to Sections 15301, 15303 and 15304 of the State CEQA Guidelines, make all the required findings for approval of the Special Permit based on evidence in the staff report and adopt the Resolution approving the proposed Humboldt Edge Farm project subject to the recommended conditions with an added condition that the applicant improve Gypo Lane from the intersection with Highway 299 to the driveway on the subject property to a Category 4 Road Standard to the satisfaction of the Department of Public Works; this work is to ensure adequate access and prevent erosion and sedimentation. The motion carried by the following vote:

Aye: 4 - Commissioner Morris, Commissioner Bongio, Commissioner Shepherd, and
 Commissioner Mitchell

- 13** Emerald Family, LLC Conditional Use Permit and Special Permit
Case Numbers CUP16-022 and SP16-032
Assessor's Parcel Number (APNs) 522-201-001 and 522-491-016
131 Flower-McNeil Road, Willow Creek Area

A Conditional Use Permit and Special Permit for development of Phase 2, the second phase of a three phase project. Phase 2 consists of the following development and activities:

- Existing Building "B": The existing 890 square foot (SF) office building will be rehabilitated and leased for distribution and transportation activities.
- Proposed Greenhouse Building "C": A 174,240 SF greenhouse with eight (8) rooms is proposed to be constructed and used for mixed light cultivation by the applicant. A proposed 14,240 SF wholesale nursery will be constructed within Building "C". Development of this structure will reduce the greenhouse and outdoor cultivation area used in Phase 1 of the project from 7-acres to 3-acres of outdoor cultivation.
- Proposed Building "D": A two-story 17,500 SF metal building is proposed to be constructed and used for manufacturing activities by the applicant. Prior to the construction of Building "D", the application will install temporary mobile manufacturing facilities and associated utility improvements for the operation of the facilities. The temporary mobile manufacture facilities consist of four Class 1 Division 1 cannabis extraction labs with an overall development footprint of 4,000 square feet. The extraction labs are manufactured by FlexMOD Solutions, and are Class 1 Division 1 Extraction Labs and meet all requirements of the NEC, OSHA, MED and NFPA.
- Rainwater Catchment Pond: An approximately 3-million-gallon rain water catchment pond is proposed to be constructed on the western edge of the site that will be used as the main water supply for the cannabis facility. The rainwater catchment system will also include tanks, piping, pumps, and filters to capture, transport, and filter the rainwater. This pond will be designed to overflow into the existing vegetated basin at the site (i.e. remnants of the former log pond).
- Pre-Treatment Pond: An approximately 1-million-gallon pre-treatment pond is proposed to be constructed and used as part of the stormwater system (see Proposed Site Plan). Roof runoff from most of the existing and proposed structures at the site (except Existing Building "B" and the equipment storage building) will ultimately be pumped to the pre-treatment pond. This pond will be designed to overflow into the rainwater catchment pond (see stormwater management discussion below).
- Modification of CUP-16-022 for temporary outdoor cultivation: Prior to the development of the Rainwater Catchment Pond, Pre-Treatment Pond, and Building "E" and its adjacent parking area a Modification of approved CUP-16-022 for temporary outdoor cultivation of 3.5 acres of commercial medical cannabis. The temporary outdoor cultivation areas are to be located within the footprint of the future on-site ponds, Building "E" and adjacent parking area, and an approximate one-acre areas that can be cultivated upon securing an approved grading permit. Approval of the CUP Modification will result in a total of 8.5 acres of outdoor cultivation; upon construction of Greenhouse Building "C" there will be 4.5 acres of outdoor cultivation.

Prior to the development of the ponds, irrigation water for cultivation will be provided by the Willow Creek Community Services District. The business will operate on an approximately 17-acre portion of the 41-acre parcel; no development is proposed on the portion of the

property known as APN 522-491-016. Phase 3 will require separate land use permit approval and consists of the construction of a new building of up to 4-stories in height and approximately 95,000 SF to be used for plant nursery and indoor cultivation. Once Phases 1, 2 and 3 are complete and operational, it is estimated that the facility will employ 75 people.

A motion was made by Commissioner Shepherd, seconded by Commissioner Morris, to adopt the Addendum to the Mitigated Negative Declaration, and to make all of the required findings for approval of the Conditional Use Permit and Special Permit based on evidence in the staff report and adopt the Resolution approving the proposed Phase 2 of the Emerald Family LLC project subject to the recommended conditions. The motion carried by the following vote:

Aye: 4 - Commissioner Morris, Commissioner Bongio, Commissioner Shepherd, and Commissioner Mitchell

14 R. Brown Construction Company Conditional Use and Surface Mining Permits and Reclamation Plan

Case Numbers SMP-14-001XM , CUP-14-013XM, RP-14-001XM

Assessor Parcel Number (APN) 316-061-011-000

Willow Creek Area

Modification of a recent 15-year renewal of a previously approved Conditional Use Permit for an upland rock quarry surface mining operation. The modification seeks to expand the area of mining operation by adding an additional 39 acres to be mined (in addition to the existing 25 acre mining area). This includes areas that will be mined for rock and areas that will be used for topsoil and overburden storage. The Reclamation Plan is revised to show that the total area to be reclaimed is 64 acres. Rock of various sizes will continue to be mined, with an estimated volume of 4 million tons of hard rock over the life of the mine. Mining and overburden fill have already occurred on approximately 25 acres of the parcel.

A motion was made by Commissioner Shepherd, seconded by Commissioner Bongio, to adopt the Subsequent Mitigated Negative Declaration and make all of the required findings for approval of the Conditional Use Permit, Surface Mining Permit and Reclamation Plan Renewal modifications based on evidence in the staff report, subject to the recommended conditions. The motion carried by the following vote:

Aye: 4 - Commissioner Morris, Commissioner Bongio, Commissioner Shepherd, and Commissioner Mitchell

- 15** Humboldt Redwood Company Conditional Use Permit
Case Number CUP-13-013
Assessor's Parcel Numbers 205-351-023 and 205-351-030
Scotia Area

The demolition of nineteen industrial structures at the historic sawmill complex in Scotia now owned by Humboldt Redwood Company, and eleven structures at the power plant complex. Some of the structures have been identified as contributing historic structures. The structures include loading sheds, dry kilns, cooling sheds, an office, conveyors and towers, monorail tunnel, crane sheds, manufacturing plant, grinding room, maintenance storage, and annex.

A motion was made by Commissioner Shepherd, seconded by Commissioner Mitchell, to certify the Final Environmental Impact Report and adopt a Statement of Overriding Considerations, and to make all of the required findings for approval of the Conditional Use Permit based on evidence in the staff report and any public testimony and adopt the Resolution approving the proposed Humboldt Redwood Company project subject to the recommended conditions. The motion carried by the following vote:

Aye: 4 - Commissioner Morris, Commissioner Bongio, Commissioner Shepherd, and
Commissioner Mitchell

- 16** County of Humboldt Zoning Ordinance Revision
Case number OR 17-002
Countywide

The Planning Commission will consider a zoning ordinance text amendment to County Code, Title III, Chapter Four, Regulations Outside the Coastal Zone. The existing county zoning ordinance sets a development limitation in single-family residential zones that no more than 35% of the total lot may be covered by the vertical projection of any structure (excluding structures not extending above grade). The text amendment would provide an exception to development standards to allow an increase in lot coverage to 50% in an R-1 Zone on lots 10,000 sq. ft. or less in size within a mapped Housing Opportunity Zone (HOZ) provided residence is limited to single-story construction. The proposed text amendment is consistent with Housing Element policies H-P1, H-P6 and H-P14 that promote infill, flexibility in design and a mixture of housing types and sizes. NOTE: The Humboldt County Planning Commission will consider the consider zoning ordinance amendments and make a recommendation to the Humboldt County Board of Supervisors.

A motion was made by Commissioner Shepherd, seconded by Commissioner Mitchell, to make all of the required findings, based on evidence in the staff report, and adopt the Resolution recommending that the Board of Supervisors adopt the proposed revisions to the Ordinance. The motion carried by the following vote:

Aye: 4 - Commissioner Morris, Commissioner Bongio, Commissioner Shepherd, and
Commissioner Mitchell

DEPARTMENTAL REPORT

- 17** Director Ford to give Planning Commission project forecasting update.

CORRESPONDENCE

18 Correspondence received for the Planning Commission.

ADJOURNMENT

NEXT MEETINGS

August 3, 2017

August 24, 2017

I, SUZANNE LIPPRE, Planning Commission Clerk, County of Humboldt, State of California, do hereby certify the foregoing to be a full, true, and correct original record of the above entitled meeting of the Humboldt County Planning Commission held in Eureka, California.

SUZANNE LIPPRE

Planning Commission Clerk of the County of Humboldt, State of California.