

PLANNING COMMISSION

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**COUNTY OF HUMBOLDT  
PLANNING COMMISSION**

**825 Fifth Street  
Board of Supervisors Chambers  
Eureka, California**

**AGENDA**

**Thursday, June 1, 2017**

**6:00 PM**

**Regular Meeting**

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*NOTICE REGARDING PUBLIC COMMENT: For items appearing on the agenda, the public is invited to make comments at the time the item comes up for consideration by the Commission. The Chair will call for public comment as each item is heard by the Commission. For items not appearing on the agenda, the public is invited to make comments during the Public Comment period for non agenda items. All speakers are invited to state their names, but are not required to do so.*

**CALL TO ORDER / SALUTE TO FLAG**

**COMMISSIONERS PRESENT**

**AGENDA MODIFICATIONS**

*Item # 7 Bureau of Land Management: Staff asks that the item be continued to the August 3, 2017 Planning Commission meeting.*

*Item # 9 Don Scarlett: Staff asks that the item be continued to the July 13, 2017 Planning Commission meeting.*

**APPROVAL OF ACTION SUMMARY**

*May 4, 2017*

**PUBLIC COMMENTS**

*At this time persons may appear before this Commission on any matter not on the Agenda. When the Chair asks for public comment, please address the Commission from the microphone. Unless otherwise stated, speakers will have three (3) minutes for public comment. Although the Commission may briefly respond to statements or questions, under state law, matters presented under this item cannot be discussed or acted upon by the Commission at this time.*

**CONSENT AGENDA**

*These Public Hearing matters are routine in nature and are usually approved by a single vote. The Chair will poll the audience and members of the Commission to determine if any item on the consent agenda should be pulled for public comment or further discussion.*

- 1** Rainmaker Properties, LLC Conditional Use Permit and Special Permit  
Case Numbers CUP 16-006 and SP 16-185  
Assessor's Parcel Numbers (APNs) 104-261-006 and 105-021-011  
5725 Old Mattole Road, Petrolia

A Conditional Use Permit and Special Permit for an existing cannabis cultivation and ancillary processing facility in accordance with the Humboldt County Commercial Medical Marijuana Land Use Ordinance (CMMLUO). The existing mixed-light cannabis cultivation occurs within ten (10) greenhouses with a total cultivation area of 20,976 square feet (SF), located in three (3) cultivation areas on the site. The applicant is proposing to relocate six (6) greenhouses containing approximately 10,176 SF, from two (2) cultivation areas to a Greenhouse Relocation Area (GRA). Remediation would then occur on the two (2) retired cultivation areas. The GRA would include grading of an approximately 10,176 SF level pad for installation of the greenhouses. The Special Permit would allow remediation of a third area located within a Streamside Management Area that is not being used for cultivation. Ancillary processing activities are conducted onsite in two (2) existing outbuildings by up to ten (10) employees who live offsite. Irrigation water for the existing cultivation is provided by three (3) onsite wells and by a direct diversion of the perennial stream McNutt Gulch, which then is conveyed via a generator to storage tanks. Under the project, the surface water diversion will be discontinued, and water will be provided from the on-site wells and a proposed 250,000-gallon rainwater storage pond. The existing 20,000 gallons of water storage in eight 2,500 gallon hard tanks will remain and may be supplemented with additional tank storage. The project is located in Humboldt County, in the Petrolia area on the property known as 25725 Old Mattole Road and the property known to be in Section 29, Township 01 South, Range 02 West. As Lead Agency, the Humboldt County Planning Division has determined that the project is exempt from environmental review pursuant to Sections 15301 (Existing Facilities) and 15304 (Minor Alterations to Land) of the California Environmental Quality Act (CEQA) Guidelines. The remediation activities are exempt from environmental review pursuant to 15333 (Small Habitat Restoration Projects) of the CEQA.

**Recommendation:** Find the project exempt from environmental review pursuant to Sections 15301, 15304 and 15333 of the State CEQA Guidelines, make all 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 Rainmaker Properties, LLC project subject to the recommended conditions.

**Attachments:** [CUP 16-006 Staff Report](#)

- 2 Mateel Community Center, Inc. Reggae on the River 2013 - 2017 Concert Events Conditional Use Permit and Special Permit Annual Report  
Case Number MON 17-002  
Assessor Parcel Numbers 033-271-005-000, 033-160-013-000, 033-271-007-000,  
033-271-014-000, 033-271-015-000  
"French's Camp" or 657 Old Highway 101, Benbow Area

Review of the 2016 Annual Report for the approved Conditional Use Permit for the Reggae on the River music festival, a large concert event held each year in the Cooks Valley area. The Planning Commission will also review the Plan of Operations for the 2017 event. The event will be held from Thursday through Sunday over the first weekend of August, 2017. The applicant proposes no increase to the attendance levels from last year (2016), which was 6,500 ticket holders an additional 2,500 for staff, performers and others for a total of 9,000 persons. Traffic control measures are used along Highway 101 for public safety. A temporary flat-car bridge placed across the South Fork of the Eel River is used to provide access to the performance area for vehicles and pedestrians. There are several off-site parking areas to supplement the parking available for the event. The concert venue is served by on-site water which may be supplemented by water supplied by nearby community service districts. Sewage disposal for the event will be provided by portable toilets and by an on-site greywater system.

**Recommendation:** Make all of the required findings, based on evidence in the staff report and public testimony, and approve the Annual Report for the 2016 event and the Plan of Operation for the 2017 event maintaining the attendance level for the 2017 event at 9,000 total attendees subject to the approved conditions by adopting the attached Resolution of Approval.

**Attachments:** [MON 17-002 Staff Report](#)

**3** Northern Nights Music Festival and One-Day Event Modification to the Conditional Use Permit for 2017

Case Numbers CUP-04-38MMMMM and MON 17-001

Assessor Parcel Number 033-271-007

240 Cooks Valley Road, Benbow area

The project is a Modification of Conditional Use Permit CUP-04-38MMMMM on County Line Ranch for the outdoor music and art event known as Northern Nights Music Festival (NNMF) on the third weekend of July 2017. The project involves auxiliary activities in support of the NNMF which is held on adjacent parcels in Mendocino County (APN 053-020-10, -11, -12, -13, -14 and -16). The Applicants are currently seeking approval for a 6,000 person three-day event by Mendocino County (CUP UM 2014-0011). The applicants propose to continue the modifications approved by the Planning Commission in 2016 (CUP-04-38MMMMM) to allow supplemental parking and camping to accommodate 2,000 attendees and 2,000 vehicles, food vendors, a silent disco, and to provide site access for early arrivals on the Thursday preceding the event. The applicant also seeks the flexibility to have the one-day concert on either Labor Day or the Fourth of July weekends and set the attendance of the one-day concert to 2,000 people. The term of the existing permit was set to expire in 2016 and this modification will extend the validity of the CUP for four years, through the year 2020. The applicant submitted a monitoring report for the 2016 event demonstrating continued compliance with conditions of approval. The project proponent and applicant is Northern Nights Music Group, LLC. The owner of record for County Line Ranch is Outraged Orangutan, LLC.

**Recommendation:** Move to adopt the Addendum pursuant to Section 15164 of the State CEQA Guidelines and make all of the required findings for approval of the Conditional Use Permit Modification, based on evidence in the staff report, and approve the application on the Consent Agenda subject to the recommended conditions.

**Attachments:** [CUP-04-38MMMMM Staff Report](#)  
[reggae\\_eir\\_1992](#)  
[Reggae\\_EIR\\_2008](#)  
[reggaefair2006](#)

- 4 Jeffrey Pimentel General Plan Amendment, Zone Reclassification, Parcel Map Subdivision  
Case Numbers GPA-17-003, ZR-17-003, PMS-17-002  
Assessor Parcel Number (APN) 511-501-012-000  
2746 Elizabeth Road, McKinleyville area

A General Plan Amendment and Zone Reclassification to facilitate the subdivision of an approximately 15 acre parcel into two parcels of 10 and 5 acres. The General Plan designation is proposed to change from Agriculture Rural with a density of one unit per 10 acres (AR10) to Agriculture Rural with a density of one unit per 5 acres (AR5). The Board of Supervisors has already “straw-voted” a change to Rural Residential Agriculture with a density of one unit per 5 to 20 acres (RA5-20) which is consistent with the AR5 designation. The zone classification is proposed to change from Agricultural General with a 10-acre minimum parcel size (AG-B-5(10)) to Agriculture General with a 5-acre minimum parcel size (AG-5-5(5)). The parcel is currently developed with a single family residence and will be sited on proposed Parcel 2. Proposed Parcel 1 will be vacant and suitable for residential development. The parcels are or will be served with on-site water (shared well) and on-site wastewater treatment systems. Pursuant to Section 333-8 of Humboldt County Code, the applicant has requested a Variance to allow development within the Horizontal Surface boundary area of the California Redwood Coast - Humboldt County Airport (ACV).

**Recommendation:** Make all of the required findings for approval of the General Plan Amendment, Zone Reclassification and Parcel Map Subdivision, based on evidence in the staff report and public testimony, and recommend that the Board of Supervisors adopt the Mitigated Negative Declaration and approve the Pimentel project subject to the recommended conditions.

**Attachments:** [GPA 17-003 Staff Report](#)

**5 Northcoast Regional Land Trust Conditional Use Permit**

Case Number CUP-16-145

Assessor Parcel Numbers Assessor Parcel Numbers 301-221-001, -006, -007, 302-161-003, 305-021-010, 305-021-011, 301-031-008, -013-, -018, and 305-031-001

Eureka Area

A Conditional Use Permit for the Martin Slough Enhancement Project (MSEP), an estuary enhancement project. Work will occur in both the unincorporated area and inside the City of Eureka in up to six or more phases depending on available funding. Phase 1, the tide gate replacement, occurred in 2014. The applicant's Project Description dated June 2016 provides phasing details. The project involves excavation of approximately 3,050 feet of the main channel of Martin Slough and approximately 1,300 feet of an old meander channel to remove accumulated sediment, and increase floodwater and tide water conveyance through the project area; excavation of a stream channel to daylight and reconnect a section of a tributary creek; construction and enlargement of tidal and freshwater wetlands to increase floodwater storage and provide enhanced fisheries and waterfowl habitat. All phases include placement of large wooden structures to enhance habitat, installation and removal of fish exclusion screens, fish capture and relocation, installation and removal of coffer dams, installation of stream bypass equipment, improvements to existing drainage infrastructure, installation of erosion control measures, and revegetation. Excavation will result in a total of approximately 65,000 cubic yards of sediment, of which approximately 55,000 cubic yards will be hauled offsite to White Slough in the Humboldt Bay National Wildlife Refuge or another approved location. The remaining approximately 10,000 cubic yards of excavated sediment is to be used in the project area to fill low spots in pasturelands and in the City of Eureka Municipal golf course to create positive drainage to prevent ponding on the floodplain and fish stranding during flood events. Approximately 125 cubic yards of the excavated sediment will be placed on the berm that separates Martin Slough and Swain Slough to fill low spots. The project also involves installation of gas line scour protection; relocation of 130 feet of 6-inch natural gas line; and decommissioning and abandoning a 4-inch natural gas line; and the installation of cattle exclusion fencing on NRLT property. Temporary project activities include the hauling and stockpiling of spoils resulting from excavation, construction of temporary haul roads, including bridges. APN 305-031-001, the Shanahan Property, will be used as a staging area for PG&E to decommission and move the location of their gas lines. All of the properties located in the County's jurisdiction are in the Coastal Zone. The Coastal Development Permit has been consolidated, and is being processed by the California Coastal Commission. The Conditional Use Permit application only applies to lands and activities located and occurring in the County.

**Recommendation:** Adopt the Mitigated Negative Declaration, 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 Northcoast Regional Land Trust project subject to the recommended conditions.

**Attachments:** [CUP 16-145 Staff Report](#)  
[100% MartinSlough Design Plans Revised 6 14 2016](#)  
[Appendix D. Martin Slough Enhancement Project Monitoring Plan](#)  
[Appendix E. Martin Slough Planting Plan](#)  
[Appendix F. Martin Slough 65% BODR](#)  
[CEQA Notice of Intent to Adopt MND 11085](#)  
[IS-MND 5.20.17\\_track changes-1](#)  
[Martin Slough Enhancement Project Biological Assessment 20170316](#)  
[Martin Slough FWS Sec 7 init 20170317 CA F17AP00059\\_M](#)  
[Martin Slough NMFS Sec 7 init 20170317 CA F17AP00059](#)  
[Martin Slough Updated Wetland Report Feb2 2017](#)  
[MartinSloughGeotchRpt\\_SHN\\_20130510](#)

## CONTINUED PUBLIC HEARINGS

- 6 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.

**Recommendation:** Make all of the required findings, based on evidence in the staff report and public testimony, and approve the Virgilia Becker project as described in the Agenda Item Transmittal, subject to the recommended conditions of approval.

**Attachments:** [SP 09-027 Staff Report](#)  
[Supplemental for PC Becker 5973](#)



- 7 Bureau of Land Management Conditional Use Permit  
Case Number CUP-16-035;  
Assessor Parcel Number 308-041-002  
Table Bluff/South Jetty Area

A Conditional Use Permit to allow for on-going invasive weed/vegetation removal and maintenance activities on a portion of Table Bluff County Park owned by Humboldt County. The County of Humboldt the fee owner of the subject parcel has authorized the applicant, the Bureau of Land Management, to apply for the Conditional Use Permit. The maintenance activities undertaken are part of the South Spit Interim (Final) Management Plan of 2002, and are consistent with said plan. The project site has two maintenance and activity areas: 1) the Restored Native Plant Habitat Maintenance Area which is approximately 4.3 acres in size; and 2) the Educational Activity Area, which is approximately 2.74 acres in size. The removal and maintenance work in the Restored Native Plant Habitat Maintenance Area involves an occasional to annual visual inspection and manual removal of any European beachgrass (*Ammophila arenaria*) resprouts and other incidental invasive, non-native plants. The purpose of the work is to maintain the state of completed restoration of native dune habitat and native northern foredune grassland plant habitat areas. Maintenance work typically requires less than one standard work day by two to three people, per year. Any iceplant manually removed would be taken off-site to a green waste disposal site if the pile is too dense to dry quickly and is at risk of rooting. The Educational Activity Area: maintenance and removal activities consist of the removal of European beachgrass and/or iceplant by hand-pulling and with the use of hand tools. Piles of pulled beachgrass would be left to naturally decompose. The purpose of this work is to maintain a mosaic of degraded and recovered dune mat and northern foredune habitat. This degraded area is useful as an educational activity area for Ocean Day. Ocean Day is a statewide education program and usually occurs the first week of June. About 800 students from kindergarten through eighth grade participate locally. During the Ocean Day event, students gather at the Mike Thompson Wildlife Area on the South Spit for a day of beach clean-up and invasive plant removal. The Educational Activity Area has been determined to be the safest beach with public access for holding this event because it provides an upland safety zone in the event of a large earthquake that would be associated with a tsunami. Because this area is needed year after year, complete restoration is not the near-term goal. In accordance with the BLM's consistency determination CD-052-02 the ongoing federal agency activities as described do not require a Coastal Development Permit from the California Coastal Commission or the County. The project is located in Humboldt County, in the Table Bluff/South Jetty area, on both side of Table Bluff Road, at the intersection of Table Bluff Road and South Jetty Road, on the property known to be in sections 26 and 27, township 04 north, range 02 west, also known as Table Bluff County Park. As Lead Agency, the Humboldt County Planning Division has determined that the project is exempt from environmental review pursuant to Sections 15323 Normal Operations Of Facilities For Public Gatherings, and 15333(d)(4) Small Habitat Restoration Projects, of the State CEQA Guidelines.

**Recommendation:** Move to 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 Bureau of Land Management project subject to the recommended conditions.

*Attachments:*      [Continuance request\\_2](#)

## PUBLIC HEARINGS

*The projects listed below are public hearing items that have generated public comment prior to the hearing date or have other issues related to them that may require discussion*

- 8** Humboldt Private Reserve Special Permit  
Case Number SP 16-076  
Assessor Parcel Number 522-345-006-000 and 522-345-014-000  
39136 ST HWY 299, Willow Creek area

Humboldt Private Reserve, Inc. will manufacture water extracted cannabis concentrate. The proposed extraction method includes only the use of water and agitation. Absolutely no butane, hexane, propane or pressurized carbon dioxide is used. The proposed facility will have an average production of 10,000 grams of concentrate per month. Each batch will be tested for pesticides and mold. The parcel is served by community water and an on-site septic system.

**Recommendation:** Move to make all of the required findings, based on evidence in the staff report and conditionally approve the Humboldt Private Reserve application as described in the Agenda Item Transmittal subject to the conditions of approval.

*Attachments:*      [SP 16-076 Staff Report](#)

- 9** 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.

**Recommendation:** Find the project exempt from environmental review pursuant to Sections 15303 of the State CEQA Guidelines, review all of the required findings for the Special Permit, based on evidence in the staff report, and adopt the Resolution denying the Don Scarlett project subject to the recommended conditions.

*Attachments:*      [Continuance request](#)

**DEPARTMENTAL REPORT**

- 10** Zoning Ordinance Amendments  
Commercial Cannabis Land Use Ordinance (CCLUO)  
Case Numbers OR-17-002  
Assessor Parcel Number (APN): 000-000-000 [countywide]

This item provides an opportunity for the public and the Planning Commission to review and comment on policy areas of proposed revisions to the County's Commercial Cannabis Land Use Ordinance. The environmental impacts of the ordinance are being evaluated in an environmental impact report, which is expected to be reviewed by the Planning Commission and Board of Supervisors later this year.

*Attachments:*        [OR 17-002 CCLUO Report](#)

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

*Attachments:*        [PC Project Forecasting June-Oct 2017](#)

**CORRESPONDENCE**

Correspondence from J. Lytle re: Willow Creek Emerald permit process

*Attachments:*        [From Jeffery Lytle with VB reply included](#)

**ADJOURNMENT****NEXT MEETINGS**

*July 13, 2017*  
*August 3, 2017*

*Any member of the public wishing to distribute materials to the Planning Commission at least 72 hours prior to a meeting may send them electronically to the Planning Commission Clerk at [Planningclerk@co.humboldt.ca.us](mailto:Planningclerk@co.humboldt.ca.us) or fourteen (14) copies may be delivered to the Planning Commission Clerk at 3015 H St., Eureka, CA 95501. If any member of the public wishes to distribute materials during a meeting of the Planning Commission, it is requested that fourteen (14) copies of the materials be given to the Planning Commission Clerk for distribution to the Commission, staff, and the public. Any written materials related to an item on this agenda submitted to the Planning Commission less than 72 hours prior to the meeting, and that are public records subject to the Public Records Act are available for public inspection at the Planning and Building Department located at 3015 H Street, Eureka, California (707-445-7541) during normal business hours. The Chamber is wheelchair accessible, and disabled parking is available in the lot on K Street, between Fourth and Fifth Streets. If you are a person with a disability, and you need disability-related modifications or accommodations to participate in this meeting, please contact the Planning Division at (707) 445-7541, or (707) 268-3792 (fax). Requests for such modifications or accommodations must be made at least two full business days before the start of the meeting. Commission meetings are recorded on both video and audio media. The meetings are broadcast live on cable channel 10 and may be streamed over the internet.*