

PLANNING COMMISSION

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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, June 1, 2017

6:00 PM

Regular Meeting

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**CALL TO ORDER / SALUTE TO FLAG**

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

**COMMISSIONERS PRESENT**

Present      6 - Commissioner Robert E. Morris, Commissioner David Edmonds, Commissioner Alan Bongio, Commissioner Noah Levy, Commissioner Kevin McKenny, and Commissioner Ben Shepherd  
Absent        1 - Commissioner Brian Mitchell

**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**

*A motion was made by Commissioner Shepherd, seconded by Commissioner McKenny, that the May 4, 2017 Action Summary be approved. The motion carried by the following vote:*

Aye:            6 - Commissioner Morris, Commissioner Edmonds, Commissioner Bongio, Commissioner Levy, Commissioner McKenny, and Commissioner Shepherd

**PUBLIC COMMENTS****CONSENT AGENDA**

- 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.

***A motion was made by Commissioner McKenny, seconded by Commissioner Shepherd, that the Rainmaker Properties Conditional Use Permit be approved. The motion carried by the following vote:***

Aye: 6 - Commissioner Morris, Commissioner Edmonds, Commissioner Bongio, Commissioner Levy, Commissioner McKenny, and Commissioner Shepherd

- 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.

***A motion was made by Commissioner McKenny, seconded by Commissioner Shepherd, to make all of the required findings, based on evidence in the staff report and approve Mateel Community Center Annual Report for the 2016 event and the Plan of Operation for the 2017 event subject to the approved conditions by adopting the attached Resolution of Approval. The motion carried by the following vote:***

Aye: 6 - Commissioner Morris, Commissioner Edmonds, Commissioner Bongio, Commissioner Levy, Commissioner McKenny, and Commissioner Shepherd

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

Case Numbers CUP-04-38MMMM 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-04-38MMMM 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-04-38MMMM) 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.

***A motion was made by Commissioner McKenny, seconded by Commissioner Shepherd, 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 subject to the recommended conditions. The motion carried by the following vote:***

Aye:           6 - Commissioner Morris, Commissioner Edmonds, Commissioner Bongio, Commissioner Levy, Commissioner McKenny, and Commissioner Shepherd

- 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).

*A motion was made by Commissioner McKenny, seconded by Commissioner Shepherd, to 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 recommend that the Board of Supervisors adopt the Mitigated Negative Declaration and approve the Pimentel project subject to the recommended conditions. The motion carried by the following roll call vote:*

Aye: 6 - Commissioner Morris, Commissioner Edmonds, Commissioner Bongio, Commissioner Levy, Commissioner McKenny, and Commissioner Shepherd

**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.

***A motion was made by Commissioner McKenny, seconded by Commissioner Shepherd, to 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 adopt the Resolution approving the proposed Northcoast Regional Land Trust project subject to the recommended conditions. The motion carried by the following vote:***

Aye: 6 - Commissioner Morris, Commissioner Edmonds, Commissioner Bongio, Commissioner Levy, Commissioner McKenny, and Commissioner Shepherd

**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.

*A motion was made by Commissioner McKenny, seconded by Commissioner Levy, to continue the Becker project to the July 13th meeting and that staff prepare recommendation for denial based on inability to make findings. The motion carried by the following vote:*

- Aye: 4 - Commissioner Morris, Commissioner Bongio, Commissioner Levy, and Commissioner McKenny  
Nay: 2 - Commissioner Edmonds, and Commissioner Shepherd

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

A Conditional Use Permit to allow for on-going invasive weed/vegetation removal and maintenance activities on an approximately 7 acre portion of Table Bluff County Park owned by Humboldt County. 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.

*A motion was made by Commissioner McKenny, seconded by Commissioner Shepherd, that the Bureau of Land Management project be continued to the August 3, 2017 meeting. The motion carried by the following vote:*

Aye: 6 - Commissioner Morris, Commissioner Edmonds, Commissioner Bongio, Commissioner Levy, Commissioner McKenny, and Commissioner Shepherd

## PUBLIC HEARINGS



- 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.

*A motion was made by Commissioner Levy, seconded by Commissioner McKenny, 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 amended conditions of approval. The motion carried by the following vote:*

Aye: 5 - Commissioner Morris, Commissioner Bongio, Commissioner Levy, Commissioner McKenny, and Commissioner Shepherd

Nay: 1 - Commissioner Edmonds

- 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.

*Meeting went into Recess*

*Meeting Reconvened*

*A motion was made by Commissioner Shepherd, seconded by Commissioner Levy, that the Don Scarlett project be continued. The motion carried by the following vote:*

Aye: 6 - Commissioner Morris, Commissioner Edmonds, Commissioner Bongio, Commissioner Levy, Commissioner McKenny, and Commissioner Shepherd

**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.

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

**CORRESPONDENCE**

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

**ADJOURNMENT**

*Chair Morris adjourned the meeting at 9:35 p.m.*

**NEXT MEETINGS**

*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.*