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Director, Planning and Building

**COUNTY OF HUMBOLDT
PLANNING COMMISSION**

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

AGENDA

Thursday, May 2, 2019

6:00 PM

Regular Meeting

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.

A. CALL TO ORDER / SALUTE TO FLAG

B. COMMISSIONERS PRESENT

C. AGENDA MODIFICATIONS

Item F-4 Higher Ground Agriculture: Continued to a date uncertain.

1. Letter from Points West Surveyors
2. Email regarding cannabis factory

Attachments: [Cannabis Factory's Future in Glendale.pdf](#)
[Letter_RobertMorris_Chair_PlanningCommission_RE_April_18_2019.pdf](#)

D. APPROVAL OF ACTION SUMMARY

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

Recommendation: Move 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.

Attachments: [PC 4.18.19 Action Summary for approval.pdf](#)

E. PUBLIC COMMENTS

At this time persons may appear before this Commission on any matter pertinent to the Commission's Jurisdiction and that is 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.

F. 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. 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.

Recommendation: Find that the Commission has considered the Addendum to the Mitigated Negative Declaration adopted for the Commercial Medical Marijuana Land Use Ordinance pursuant to Section 15164 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 Big River Farm, LLC project subject to the recommended conditions.

Attachments: [PLN-11892-CUP Staff Report.pdf](#)
[Item F-1 Email from Agent requesting continuance.pdf](#)
[Item F-1 Fwd_ Cannabis Permit Application 11892.pdf](#)

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.

Recommendation: Find that the Commission has considered the Addendum to the Mitigated Negative Declaration adopted for the Commercial Medical Marijuana Land Use Ordinance pursuant to Section 15164 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 Wilder Ridge Estates, LLC, project subject to the recommended conditions.

Attachments: [PLN-11515-CUP Staff Report.pdf](#)

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).

Recommendation: Find that the Planning Commission has considered the Addendum to the Mitigated Negative Declaration adopted for the Commercial Medical Marijuana Land Use Ordinance, 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 Cougar Ranch, LLC, Conditional Use Permit subject to the recommended conditions.

Attachments: [CUP-16-250 Staff Report.pdf](#)

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.

Recommendation: Continue this project to a date uncertain.

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.

Recommendation: Move to make all of the required findings, based on evidence in the staff report, and approve the application(s) on the Consent Agenda subject to the recommended conditions of approval.

Attachments: [FMS-07-001XX Staff Report.pdf](#)

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.

Recommendation: Move to make all of the required findings, based on evidence in the staff report, and approve the application(s) on the Consent Agenda subject to the recommended conditions of approval.

Attachments: [PMS-02-026XXX Staff Report.pdf](#)
[Item F-6 Fuber comments from Carie Myers 5.2.19.pdf](#)

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.

Recommendation: Adopt the Negative Declaration and make all of the required findings for approval of the Parcel Map Subdivision, including the requested exception to the minimum lot size and right-of-way width, based on evidence in the staff report and public testimony, and adopt the Resolution approving the Pastori project subject to the recommended conditions.

Attachments: [PLN-14261-PMS Staff Report.pdf](#)

G. 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

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.

Recommendation: A) Adopt the Addendum to the Supplemental Environmental Impact Report, make all of the required findings, based on evidence in the staff report and public testimony, and approve the modification to the conditional use permit and special permit as described in the Agenda Item Transmittal subject to the recommended conditions by adopting Resolution of Approval A in the staff report, and
B) Make all of the required findings, based on evidence in the staff report and public testimony, and approve the Annual Report for the 2018 event and set the attendance level for the 2019 event at 9,000 total attendees subject to the recommended conditions by adopting the attached Resolution of Approval B.

Attachments: [PLN-2019-15401 Staff Report.pdf](#)
 [PC Supplemental #1 Item High Times-Mateel 5.2.19.pdf](#)

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.

Recommendation: Describe the item as a public hearing on the 2019 Housing Element

- 1) Receive a staff presentation of background information for the 2019 Housing Element Update,
- 2) Ask questions of staff as necessary,
- 3) Accept public comments on the background information presented by staff, and the 2019 Housing Element update more broadly,
- 4) Continue the public hearing to May 16, 2019.

Attachments: [Housing Element 5.2.19.pdf](#)
 [Item H-1 Housing Element information.pdf](#)
 [Item H-1 Housing Element information_2.pdf](#)
 [Item H-1 PC Supplemental #1 Housing Element 5.2.16.pdf](#)

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.

Recommendation: Describe the Zoning Text Amendments as a Public Hearing;

1. Request staff to present the project;
2. Open the public hearing and receive public testimony; and
3. Close the public hearing, deliberate on the proposed zoning text amendments;

Make the following motion:

Recommend that the Board of Supervisors take the following actions:

- (a) Consider the Environmental Impact Report for the Humboldt County General Plan and find that it sufficiently addresses the potential environmental impacts associated with adoption of the Zone Text Amendment Ordinance and was prepared in accordance with Section 15168 (c)(2) and no new information has been presented to change the findings of the EIR in accordance with section 15162 of the State CEQA Guidelines;
- (b) Make all of the required findings for approval based on evidence in the staff report and public testimony; and
- (c) Adopt the ordinance implementing the Zoning Text Amendments, as described in the Planning Commission Resolution.

Attachments: [GPU Zoning Text Amendments 5.2.19.pdf](#)
[5.2.19 PC Supplemental #1 Item H-2 GPU Zoning Text.pdf](#)
[Item H-2 GPU Public comment for 5-2.pdf](#)

I. ADJOURNMENT

NEXT MEETINGS

May 16, 2019 Regular Meeting