

PLANNING COMMISSION

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Alan Bongio - Chair
Second District
Thomas Mulder
Third District
Noah Levy - Vice Chair
Fourth District
Mike L Newman
Fifth District
Peggy O'Neill
At-Large
Brian Mitchell
At-Large
Melanie McCavour



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 7, 2022

6:00 PM

Regular Meeting - Hybrid

NOTE: In accordance with Assembly Bill 361 the Planning Commission meeting will be held virtually.

HOW TO LISTEN OR WATCH THE PLANNING COMMISSION MEETING:

Listen or Watch the live stream of the Planning Commission Meeting in three ways:

1. *<https://zoom.us/j/87544807065> Password: 200525*
2. *Call in via telephone at 346-248-7799, enter meeting id 875 4480 7065 Password: 200525*
3. *A live stream of the meeting can be found by using the following link: <https://humboldt.legistar.com> or by watching Access Humboldt on cable channel 10*

PUBLIC COMMENT INSTRUCTIONS DURING THE MEETING:

Participate in the public comment period of the meeting in the following three ways:

1. *In Person: Any person may appear and present testimony in regard to this matter at the hearing located in the Board of Supervisors' Chamber, Humboldt County Courthouse, 825 Fifth Street, Eureka, California. The Planning Commission needs 15 COPIES of any materials submitted at the meeting.*
2. *Via Computer as an attendee: To raise your hand click the Raise Hand icon on the bottom of the Zoom window. When you click the Raise Hand icon, a hand icon will appear next to your name that will notify the host your hand is raised. You will also see the hand icon turn green. When you want to lower your hand, you can click the hand icon again and your hand will be lowered. When you are called upon to speak the Zoom platform will ask you for permission to unmute your mic. If you encounter any issues, please use the call-in option below.*
3. *Via phone call using cellphone or landline: When the Planning Commission meeting begins, call in to the conference line. When the Planning Commissioner starts to discuss the item you wish to comment on, Press *9 to raise your hand. When you are called upon to speak, you will be prompted to unmute your mic, press *6 to unmute.*

Please note that each Zoom meeting has a unique meeting ID and password. Any item on this agenda that is continued to a future date will use the meeting ID and password applicable to the date the agenda item is to be heard again. Agendas are posted on the Friday before the meeting at <https://humboldt.legistar.com>

PUBLIC COMMENT PRIOR TO THE MEETING:

Public comments may be submitted via email to Planningclerk@co.humboldt.ca.us. Please provide the project title, record or case number and date of the hearing. The deadline for submitting written comments is 12:00 p.m. Wednesday, July 6, 2022. After the deadline, written comments may be submitted to the commission in person during the meeting. Verbal comments may be made in person, or on zoom. Comments received after the agenda is posted on Friday, July 1, 2022, can be found at the "Attachments" section of the "Meeting Details" link next to the posted Agenda at: <https://humboldt.legistar.com>, and will be included with the administrative record. If you do not have access to email, contact the planning clerk at 707-268-3702. Please note that each Zoom meeting has a unique meeting ID and password. Any item on this agenda that is continued to a future date will use the meeting ID and password applicable to the date the agenda item is to be heard again.

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 and spell their names but are not required to do so.

A. CALL TO ORDER / SALUTE TO FLAG**B. COMMISSIONERS PRESENT**

Present : 6 - Commissioner Alan Bongio, Commissioner Brian Mitchell, Commissioner Mike L Newman, Commissioner Melanie McCavour, Commissioner Peggy O'Neill and Commissioner Thomas Mulder

Absent : 1 - Commissioner Noah Levy

C. AGENDA MODIFICATIONS**D. PUBLIC COMMENTS**

Public Comment period opened and closed

E. DISCUSSION OF REMOTE MEETINGS

1. Resolution of the Planning Commission of the County of Humboldt re-authorizing remote teleconference meetings for the period July 12, 2022, through August 11, 2022 pursuant to the Ralph M. Brown Act.

A motion was made by Commissioner Mitchell, seconded by Commissioner O'Neill, that the resolution be adopted. The motion carried by the following vote:

Aye: 6 - Commissioner Bongio, Commissioner Mitchell, Commissioner Newman, Commissioner McCavour, Commissioner O'Neill and Commissioner Mulder

F. CONSENT AGENDA

12. Fruitland Ridge Farms, LLC; Special Permit

Record Number PLN-2021-17108 (filed 3/24/2021)

Assessor's Parcel Number: 211-341-028

Myers Flat Area

A Special Permit for 43,560 square feet of new mixed light commercial cannabis cultivation. The proposed project will occur in two phases. Phase 1 will include 11,000 square feet of mixed light cannabis cultivation and 32,210 square feet of outdoor full-sun cannabis cultivation. Phase 2 includes transitioning the 32,210 square feet of outdoor full-sun cannabis cultivation to 32,210 square feet of mixed light cannabis cultivation. Ancillary propagation will occur in three (3) greenhouses: one (1) 2,000-square-foot greenhouse and two (2) 1,000- square-foot greenhouses. The applicant anticipates there will be two cultivation cycles occurring annually. Water for irrigation will be provided by a permitted onsite well that has been found by a licensed geologist as likely to not be connected to surface waters. The applicant anticipates 500,000 gallons of water will be required annually for irrigation. Existing water storage totals 40,000 gallons occurring in eight (8) 5,000-gallon tanks. Processing such as drying, curing and trimming will occur onsite in a proposed 3,200-square-foot processing building. The applicant anticipates three (3) employees will be required for operations. Power for the project will be renewable energy provided by PG&E.

A motion was made by Commissioner Mitchell, seconded by Commissioner O'Neill, that the application be approved. The motion carried by the following vote:

Aye: 6 - Commissioner Bongio, Commissioner Mitchell, Commissioner Newman,
Commissioner McCavour, Commissioner O'Neill and Commissioner Mulder

1. Vesuvio Gardens, LLC; Special Permit

Record Number PLN-12605-ZCC (filed 12/28/2016)

Assessor's Parcel Number: (APN) 220-141-009

Whitethorn Area

A Special Permit for 10,000 square feet of existing outdoor cannabis cultivation, and ancillary drying and propagation activities. Irrigation is provided by a point of diversion for which the applicant has demonstrated a valid water right, and a proposed rainwater catchment system. The applicant estimates annual water use at 100,000 gallons and proposes to purchase and install 100,000 gallons of hard water tank storage to adhere to forbearance requirements, with the intent to install gutters on greenhouses to provide rainwater catchment as an additional water source. Drying will occur on the parcel, with all other processing activities occurring off site at a licensed third-party processing facility. Power will be supplied via a solar array, with a generator for emergency backup use.

A motion was made by Commissioner Mitchell, seconded by Commissioner McCavour, that the application be Continued to a date uncertain. The motion carried by the following vote:

Aye: 6 - Commissioner Bongio, Commissioner Mitchell, Commissioner Newman,
Commissioner McCavour, Commissioner O'Neill and Commissioner Mulder

G. ITEMS PULLED FROM CONSENT

1. Review and approval of the March 03, 2022, Action Summary
2. Review and approval of the March 17, 2022, Action Summary
3. Review and approval of the April 07, 2022, Action Summary
4. Review and approval of the April 21, 2022, Action Summary
5. Review and approval of the May 05, 2022, Action Summary
6. Review and approval of the May 12, 2022, Action Summary
7. Review and approval of the May 19, 2022, Action Summary
8. Review and approval of the June 02, 2022, Action Summary
9. Review and approval of the June 16, 2022, Action Summary

Commission directed staff to edit the Action Summaries prior to approval with a focus on improving consistency.

10. MHG LLC; Conditional Use Permit
Record Number PLN-10930-CUP (filed 08/17/2016)
Assessor's Parcel Number: 216-392-006
Alderpoint area

A Conditional Use Permit for 18,492 square feet of existing outdoor commercial cannabis cultivation using light deprivation supported by an 1,800 square foot ancillary nursery. Irrigation water use is estimated at 223,000 gallons annually and sourced from a permitted well that has been reviewed by a licensed geologist and found to be likely disconnected from surface waters. Total water storage for the project is 40,000 gallons. Power is supplied by a generator and staff is recommending a condition of approval to transition to renewable energy by January 1, 2026. The proposed project includes onsite processing. The cultivation is being relocated and the previous area will be restored. The Humboldt County Planning Commission will consider an Addendum to a previously adopted MND and has been prepared for consideration per section 15164 of the State CEQA Guidelines.

A motion was made by Commissioner Mitchell, seconded by Commissioner Newman, that the recommendations be approved as recommended subject to added condition that within one year of project approval the applicant shall provide a plan for review and approval by the Planning and Building Department to implement a rainwater catchment system capable of providing 20% of the total water required for cultivation. Within two years of project approval the rainwater catchment system must be operational, and provide at least 20% of the irrigation water. . The motion carried by the following vote:

Aye: 5 - Commissioner Bongio, Commissioner Mitchell, Commissioner Newman,
Commissioner McCavour and Commissioner O'Neill

Nay: 1 - Commissioner Mulder

11. Dyerville Farms, LLC.; Conditional Use Permit & Special Permit

Record Number PLN-12424-CUP (filed 12/23/2016)
 Assessor's Parcel Number: 216-144-017
 Garberville area

A Conditional Use Permit (PLN-12424-CUP) for an existing 24,634 square feet (SF) of cannabis cultivation, consisting of 22,380 SF outdoor cultivation and 2,254 SF mixed light cultivation; and a Special Permit for work within the Streamside Management Area (SMA) involving work on culverts, as recommended by the Water Resources Protection Plan. Plants are propagated in a 2,830-SF ancillary propagation area. Irrigation water is sourced from one (1) groundwater well that was reviewed by a licensed geologist and found to likely be hydrologically disconnected from surface water. Estimated annual water use is 313,600 gallons (12.7 gal/SF). Water is stored onsite in three (3) 5,000-gallon tanks, two (2) 2,800-gallon tanks, and one (1) 500-gallon tank. Total water storage is 21,100 gallons. Drying and trimming occur onsite in a 1,160-SF barn. Further processing occurs offsite at a licensed third party facility. Five (5) employees are required for project operations. The primary source of electrical power is a solar array with battery storage. An Isuzu BV-4LE1 26.3 kW diesel generator is used for backup.

A motion was made by Commissioner Mitchell, seconded by Commissioner Newman, that the application be approved as recommended with added condition that within one year of project approval the applicant shall provide a plan for review and approval by the Planning and Building Department to implement a rainwater catchment system capable of providing 20% of the total water required for cultivation. Within two years of project approval the rainwater catchment system must be operational, and provide at least 20% of the irrigation water. . The motion carried by the following vote:

Aye: 5 - Commissioner Bongio, Commissioner Mitchell, Commissioner Newman,
 Commissioner McCavour and Commissioner O'Neill

Nay: 1 - Commissioner Mulder

H. PUBLIC HEARINGS

2. PG&E After-the-fact Coastal Development Permit
 Record Number PLN-14376-CDP (filed 09/24/2020)
 Adjacent to Assessor's Parcel Number (APN) 517-041-016
 Trinidad Area

An after-the-fact Coastal Development Permit which includes modification of an existing electric distribution facility previously constructed without permits. Proposed modifications to the facility consist of the following: removal of one 45-foot-tall utility pole, replacement of two 45-foot-tall utility poles with 55-foot-tall poles, installation of a new 55-foot-tall pole and 3 platform mounted voltage regulators. The poles were installed within the County right-of-way and near the driveway that serves parcel 517-041-016. An existing utility pole is located 8-feet south of the existing driveway and will remain in place. The design standards for allowable pole sizes for platform mounted voltage regulators has changed to a 55-foot-tall pole, while the previous standards allowed for a 45-foot-tall pole, driving the need for the height increase of the existing facility. PG&E is proposing to install three (3) 55-foot-tall poles in accordance with these standards. These new poles would be 10-feet taller than

the existing 45-foot-tall poles. Additionally, the height of the conductor and distribution line would change from 39-feet to 47-feet. The voltage regulators and other equipment will remain at approximately the same height. The development does not qualify for the repair and maintenance exclusion under Coastal Act Section 30610(d) because the new poles are an expansion of the existing pole layout that supports the existing electric distribution line. No major vegetation removal occurred as part of the installation of the existing poles. The Humboldt County Planning Commission will consider the project which is exempt per §15303(e) of the State CEQA Guidelines.

A motion was made by Commissioner O'Neill, seconded by Commissioner Newman, that the PG&E After-the-Fact Coastal Development Permit be denied. The motion carried by the following vote:

Aye: 6 - Commissioner Bongio, Commissioner Mitchell, Commissioner Newman, Commissioner McCavour, Commissioner O'Neill and Commissioner Mulder

3. Ford; Parcel Map Subdivision and Coastal Development Permit
Record Number PLN-2021-17091 (filed 03/19/2021)
Assessor's Parcel Number: 511-031-011
McKinleyville area

A minor subdivision of an approximately 1.17-acre parcel into 4 new parcels with areas of 5,489 sq. ft., 5,228 sq. ft., 5,583 sq. ft., and 5,430 sq. ft. and a remainder parcel of 16,368 sq. ft. The parcel is accessed from Myers Road and Lily Avenue which will continue to serve the remainder parcel. The four new parcels will be served by a proposed 22-foot-wide access road to be developed from Myers Road. Water and sewer service will be provided by the McKinleyville Community Services District. Grading will occur for the new roadway and construction of detention facilities, and a 30-foot pine is proposed for removal in the Public Utility Easement. An Exception Request from the road requirements has been submitted which would allow the current 40 foot wide Meyers Road at the access point to the project parcel to remain without expanding the road width to 50 feet per HCC 324-1(b). The applicant is also asking for an exception to allow the proposed new access road to be 22 feet with no sidewalks as opposed to the required 50-foot right-of-way with sidewalks, curb and gutter. The Planning Department and Public Works Department support the 40 foot right of way on Myers but do not support the exception request to 22 feet for the new access road. Staff is recommending the project be conditioned for the development of two ten-foot travel lanes, curb and gutter with sidewalks and a landscaped strip.

A motion was made by Commissioner Mitchell, seconded by Commissioner Mulder that the Ford Parcel Map Subdivision and Coastal Development Permit be continued to July 21, 2022. The motion carried by the following vote:

Aye: 6 - Commissioner Bongio, Commissioner Mitchell, Commissioner Newman, Commissioner McCavour, Commissioner O'Neill and Commissioner Mulder

4. Beere; Minor Subdivision Coastal Development Permit and Special Permit
Number PLN-2021-16997 (filed 02/04/2021)
Record Assessor's Parcel Number: 510-371-044
McKinleyville Area

A minor subdivision of a 1.49-acre parcel into 2 parcels. Proposed Parcel 1 will be 42,489 square feet in size while parcel 2 will be 22,555 ft square feet in size (16,621 ft.² net). Parcel 1 is currently developed with an existing residence, detached garage and accessory structure. Parcel 2 is developed with a manufactured home, detached garage, and two sheds. Water and sewer service is provided by the McKinleyville Community Services District and PG&E provides gas and electric service. No additional development is currently proposed. A Special permit is requested for proposed parcel 2 to be below 20,000 square feet in net lot area and for the subdivision to be allowed in an Alquist-Priolo fault hazard zone. An exception to reduce the right-of-way width of Boiler Avenue to 40 feet has been requested as part of the project as well as an exception request to reduce the paving requirement and to eliminate the requirement for curb, gutter and sidewalk. The County Planning and Building Department and Public Works Department support the right-of-way exception request but do not support the other exception requests.

A motion was made by Commissioner Newman, seconded by Commissioner Mulder, that the Beere Minor Subdivision be continued to July 21, 2022.. The motion carried by the following vote:

Aye: 6 - Commissioner Bongio, Commissioner Mitchell, Commissioner Newman, Commissioner McCavour, Commissioner O'Neill and Commissioner Mulder

I. DEPARTMENT REPORT

1. Small Cultivation Site Propagation Policy

Commission directs staff to draft a letter summarizing the Planning Commission's direction.

J. ADJOURNMENT

K. NEXT MEETING July 21, 2022 6:00 p.m. Regular meeting - Hybrid

The County of Humboldt is committed to providing equal access to all county programs, services and activities through the provision of accommodations for individuals with disabilities as required under the Americans with Disabilities Act (ADA). With 72 hours prior notice, a request for reasonable accommodation or modification can be made. Please contact the Planning Commission Clerk at 707-445-7541 or by email planningclerk@co.humboldt.ca.us or the ADA Coordinator at 844-365-0352 or by email at ada@co.humboldt.ca.us