

PLANNING COMMISSION

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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, September 16, 2021

6:00 PM

Regular Meeting - Virtual

NOTE: In accordance with Executive Order N-29-20 the Planning Commission meeting was held virtually.

A. CALL TO ORDER / SALUTE TO FLAG

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

B. COMMISSIONERS PRESENT

Present : 4 - Commissioner Alan Bongio, Commissioner Noah Levy, Commissioner Mike L Newman and Commissioner Melanie McCavour

Absent : 3 - Commissioner Brian Mitchell, Commissioner Peggy O'Neill and Commissioner Thomas Mulder

C. AGENDA MODIFICATIONS

Item E-1 New Cingular Wireless PCS PLN-2020-16754 Supplemental information and public comment provided

Item F-3 New Earth Farms PLN-11166-CUP Public Comment provided

Item F-8 West Side Heritage PLN-12928-CUP Public Comment provided

Item F-10 Eubank Creek PLN-12972-CUP Public Comment provided

Item F-13 Eel River Produce PLN-2020-16417 Public Comment provided

D. PUBLIC COMMENTS

Public Comments
Robie Tenario
Bonnie Blackberry

E. CONTINUED PUBLIC HEARINGS

1. New Cingular Wireless PCS, Special Permit
Record Number PLN-2020-16754
Assessor’s Parcel Number: 505-151-006.
Arcata area

The proposed project consists of a Special Permit application for the construction of a new 120-foot tall, freestanding faux water tower, to be located on a concrete foundation and with ground-mounted equipment. The tower would be able to host up to four different wireless carriers. The application requires a Special Permit for an exception to the height limit of the AG zone district.

Public Hearing Opened

A motion was made by Commissioner Levy, seconded by Commissioner McCavour, that the New Cingular Wireless PCS project be approved with conditions as recommended by staff. The motion carried by the following vote:

Aye: 3 - Commissioner Bongio, Commissioner Levy and Commissioner McCavour
Nay: 1 - Commissioner Newman

F. PUBLIC HEARINGS

Meeting went into Recess

Meeting Reconvened

- 1. Diamond C Ranch,
 Record Number PLN-2020-16295
 Assessor’s Parcel Number: 223-016-017, 23-071-013, 223-071-004, 223-052-007,
 223-016-006, 216-134-010, 223-012-009, 223-016-008, 223-071-015
 Garberville area

An application to dis-establish a portion of an existing Class B preserve and create a new Class B preserve of approximately 1,796.5 acres pursuant to the California Land Conservation Act and the Humboldt County Agricultural Preserve Guidelines. Included in this request is a Zone Reclassification of 80 acres from Unclassified to Agricultural Exclusive with a Combining Zone specifying a minimum parcel size of 160 acres. The project is categorically exempt from environmental review pursuant to §15317 of the State CEQA Guidelines (establishment of open space contracts).

Public Hearing Opened

A motion was made by Commissioner Newman, seconded by Commissioner Levy, that the Diamond C Ranch project be approved with conditions as recommended by staff. The motion carried by the following vote:

Aye: 4 - Commissioner Bongio, Commissioner Levy, Commissioner Newman and Commissioner McCavour

- 2. 28759 Humboldt Inc, Conditional Use Permit
 Record Number PLN-10994-CUP
 Assessor’s Parcel Number: 211-401-018, 28759
 Miranda area

Humboldt Inc. seeks approval for a Conditional Use Permit to permit a maximum of 12,600 square feet (SF) of mixed light cannabis cultivation in eight (8) greenhouses and 700 SF nursery and Special Permit to reduce the required 600-foot setback from public lands. Irrigation water is sourced from an existing groundwater well located (Permit No. 11/12-0233). Annual water use is estimated at 196,000 gallons (15.5 gallons/SF). A total of 86,150 gallons of water storage is proposed. Electricity is provided through the use of a generator.

Public Hearing Opened

A motion was made by Commissioner Levy, seconded by Commissioner Newman, that the 28759 Humboldt Inc project be approved with conditions as recommended. The motion carried by the following vote:

Aye: 4 - Commissioner Bongio, Commissioner Levy, Commissioner Newman and Commissioner McCavour

- 3. New Earth Farms, LLC, Conditional Use Permit
 Record Number PLN-11166-CUP
 Assessor’s Parcel Number: 316-174-008
 Titlow Hill area

A Conditional Use Permit for 22,167 square feet (SF) of existing outdoor cannabis cultivation and a 2,220-square-foot nursery for propagation. Anticipated water use is 330,000 gallons. Irrigation water is sourced from an off-stream pond and an existing point of diversion. Total storage of 453,000 gallons. Processing and packaging of cannabis will occur on-site in a proposed 2,400-square-foot processing facility. Power is provided by PGE and generators are for emergency use only.

Public Hearing Opened

A motion was made by Commissioner McCavour, seconded by Commissioner Levy, that the New Earth Farms project be approved with conditions as recommended by staff. The motion carried by the following vote:

Aye: 4 - Commissioner Bongio, Commissioner Levy, Commissioner Newman and Commissioner McCavour

- 4. Rebel Grown, LLC. Conditional Use Permit and Special Permit
 Record Number PLN-11223-CUP
 Assessor’s Parcel Number: 218-091-008
 New Harris area

A Conditional Use Permit for continued cultivation of 30,620 square feet (SF) of cannabis of which 6,942 SF is mixed light and 23,678 SF is outdoor cultivation. Ancillary propagation totals 3,065 SF. Water for irrigation is sourced from the points of diversions including an onstream pond. Water storage totals 1,590,000 gallons. Drying and curing activities occur within three 600-square-foot rooms within a two story 1,800-square-foot structure. All other processing including trimming and packaging will occur offsite at a third-party licensed processing facility. Power is provided by a 5 KW solar array and two generators. A Special Permit is required for the continued use of the three points of diversion.

Public Hearing Opened

A motion was made by Commissioner McCavour, seconded by Commissioner Levy, that the Rebel Grown project be approved with conditions as recommended by staff. The motion carried by the following vote:

Aye: 4 - Commissioner Bongio, Commissioner Levy, Commissioner Newman and Commissioner McCavour

- 5. Tony Palamara, Stacy Palamara, and Rachel Starr, Conditional Use Permit
 Record Number PLN-11952-CUP
 Assessor Parcel Number (APN) 216-261-053
 Alderpoint area

A Conditional Use Permit for an existing 24,000-square-foot cannabis cultivation operation. Ancillary propagation will occur in a proposed 2,400-square-foot greenhouse. Water for irrigation supplied by a groundwater well. Existing available water storage is 3,800 gallons in two (2) hard tanks. Estimated annual water usage is 219,347 gallons. Processing activities including drying, bucking, trimming, and packaging occurs onsite in an existing 4,000-square-foot two-story building. Power is provided by a generator but will be transitioning to PG&E within two years.

Public Hearing Opened

A motion was made by Commissioner Newman, seconded by Commissioner McCavour, that the Tony Palamara, Stacy Palamara, and Rachel Starr project be approved as recommended by staff with added condition that the well be proven disconnected to surface water and forbearance be required. The motion carried by the following vote:

Aye: 4 - Commissioner Bongio, Commissioner Levy, Commissioner Newman and Commissioner McCavour

- 6. Soul Arc Solutions, Inc. Conditional Use Permit
 Record Number: PLN-12085-CUP
 Assessor’s Parcel Number: 108-012-008
 Ettersburg area

A Conditional Use Permit for 27,000 square feet of existing outdoor cannabis cultivation. Water for irrigation is sourced from a point of diversion and rainwater catchment, as well as a pond on an adjacent parcel (APN 108-012-009). Propagation occurs within the existing hoop houses and is not in addition to the 27,000 square feet. Water storage totals 455,000 gallons. Drying and curing will be performed on-site in a 2,400-square-foot facility, with other processing (trimming) occurring off-site at a licensed facility. Electricity is sourced from generator power with solar power proposed.

Public Hearing Opened

A motion was made by Commissioner McCavour, seconded by Commissioner Levy, that the Soul Arc Solutions project be approved as recommended by staff and replacing Condition #12 with contingent easement language for shared water between parcels). The motion carried by the following vote:

Aye: 4 - Commissioner Bongio, Commissioner Levy, Commissioner Newman and Commissioner McCavour

7. Green Wave Farms, LLC, Conditional Use Permit
Record Number PLN-2020-16842
Assessor's Parcel Number: 204-091-012
Hydesville area

A Conditional Use Permit for 10,000 square feet of new mixed light cannabis cultivation in the Hydesville-Carlotta Community Planning Area. The project includes 1,000 square feet of ancillary propagation, a 2,500 square foot onsite processing facility, and 1,280 square feet for drying and storage in four, 320 square foot shipping containers. Annual water usage is estimated at 154,400 gallons and supplied by a combination of rainwater catchment, water recapture from dehumidifiers, and a proposed well. Total water storage is 47,000 gallons. The project will include up to nine employees at peak operation with electricity powered by PGE.

Public Hearing Opened

A motion was made by Commissioner Levy, seconded by Commissioner McCavour, that the Green Wave Farms be approved with conditions as recommended. The motion carried by the following vote:

Aye: 4 - Commissioner Bongio, Commissioner Levy, Commissioner Newman and Commissioner McCavour

8. West Side Heritage Inc. Conditional Use Permit
Record Number PLN-12928-CUP
Assessor's Parcel Number: 220-312-007
Redway area

The applicant is seeking a Conditional Use Permit for 14,400 square feet of existing outdoor commercial cannabis cultivation. The project is supported by a nursery located on the adjacent parcel under the same ownership (APN 220-312-010). Water for irrigation is sourced from an existing well located on an adjacent parcel under the same ownership (APN 220-312-010) and a 2-million-gallon rainwater catchment pond is proposed. Projected annual water usage totals 150,000 gallons. Existing available hard tank water storage totals 50,000 gallons. Processing such as drying and curing will occur onsite in shipping containers, and further processing occurs offsite at a licensed third-party processing facility. Electricity is sourced from a solar array and the applicant will have a generator onsite to provide supplemental energy, if needed.

Public Hearing Opened

A motion was made by Commissioner Newman, seconded by Commissioner Levy, that the West Side Heritage project be approved with conditions as recommended. The motion carried by the following vote:

Aye: 4 - Commissioner Bongio, Commissioner Levy, Commissioner Newman and Commissioner McCavour

9. Hum Fire, LLC, Conditional Use Permit
Record Number PLN-12943-CUP
Assessor's Parcel Numbers: 222-042-011
Garberville Area

The applicant is seeking a Conditional Use Permit for 17,900 square-feet of existing outdoor commercial cannabis cultivation. The project will be supported by an 850 square foot nursery. Irrigation water is sourced from a registered spring diversion and an existing permitted well. Estimated annual water usage is 125,000 gallons and existing available water storage totals 107,000 gallons. Additional water storage is proposed. Drying and curing occurs onsite and all other processing will occur off-site at a licensed third-party processing facility. Energy for the project is supplied by a generator and the well utilizes a solar pump.

Public Hearing Opened

A motion was made by Commissioner Newman, seconded by Commissioner Levy, that the Hum Fire project be approved with conditions as recommended. The motion carried by the following vote:

Aye: 4 - Commissioner Bongio, Commissioner Levy, Commissioner Newman and Commissioner McCavour

10. Eubank Creek, LLC Conditional Use Permit, Special Permit and Lot Line Adjustment
Record Number PLN-12972-CUP
Assessor's Parcel Number: 220-171-017, 220-171-018, 220-171-021
Briceland Area

The applicant is seeking a Conditional Use Permit for 43,560 square-feet of existing commercial cannabis cultivation. Light depravation techniques are utilized to achieve two harvests annually. The project will be supported by 3,320 square-feet of proposed propagation space. Irrigation water is sourced from an existing permitted groundwater well located on the adjacent parcel under the same ownership (APN 220-072-006), a registered point of diversion from Eubank Creek, and a proposed 1.4-million-gallon rainwater catchment pond. Existing available hard tank water storage totals 205,000 gallons. Projected annual water usage totals 594,500 gallons. Processing such as drying and curing will occur onsite in a proposed 3,200 square-foot ag-exempt barn. Energy for the project will be supplied by generators until the 800 square-foot solar array can be installed on the proposed ag-exempt barn. The applicant is also seeking a Special Permit for the ongoing use and maintenance of the point of diversion located in the Streamside Management Area. The applicant is also proposing a Lot Line Adjustment involving the reconfiguration of APN's 220-171-021 and 220-171-018, creating two 80-acre parcels.

Public Hearing Opened

A motion was made by Commissioner Levy, seconded by Commissioner Newman, that the Eubank Creek project be approved with added conditions to install solar panels within 2 years and that cultivation is limited to the amount of stored water either in pond and/or in tanks. The motion carried by the following vote:

Aye: 4 - Commissioner Bongio, Commissioner Levy, Commissioner Newman and Commissioner McCavour

- 11. House of Flower, LLC Conditional Use Permit
 Record Number PLN-13040-CUP
 Assessor Parcel Number (APN) 033-120-016
 Benbow area

One Conditional Use Permit for an existing 22,000-square-foot (SF) outdoor cannabis cultivation operation occurring in 17 light-deprivation greenhouses on two graded flats; an 18th greenhouse is proposed. Existing nursery greenhouses totaling will be limited to 2,200 SF. Irrigation water is sourced from three existing ponds with approximately 472,300 gallons of storage capacity and an additional 96,000 gallons of hard tank storage. Estimated annual water usage is approximately 355,000 gallons (16 gallons/SF/year). Bucking and drying will occur on-site and processing would occur offsite at a licensed facility. Power is provided by a small solar power system and two generators housed within noise containment sheds.

A motion was made by Commissioner Newman, seconded by Commissioner McCavour, that the House of Flower project be approved with conditions as recommended. The motion carried by the following vote:

Aye: 4 - Commissioner Bongio, Commissioner Levy, Commissioner Newman and Commissioner McCavour

- 12. Westpoint Timberland, Inc. Special Permits
 Record Number PLN-2019-16086
 Assessor’s Parcel Number: 208-231-002
 Dinsmore area

The applicant is seeking a Special Permit for one-acre of pre-existing outdoor commercial cannabis cultivation. Light deprivation techniques are utilized to achieve two harvests annually. Water for irrigation will be sourced from a proposed well. The applicant is proposing to install 151,800 gallons of water storage. The applicant's estimated annual water use is 77,000 gallons. Energy for the project will be sourced from a proposed solar array. No generators will be used on site for cannabis cultivation or ancillary activities. Processing will occur on site. A Special Permit is also required for existing cultivation sites on slopes of 15-30% and for remediation efforts within the Streamside Management Area.

A motion was made by Commissioner McCavour, seconded by Commissioner Levy, that the Westpoint Timberland project be denied. The motion carried by the following vote:

Aye: 4 - Commissioner Bongio, Commissioner Levy, Commissioner Newman and Commissioner McCavour

- 13. Eel River Produce, LLC Special Permits, Zoning Clearance Certificates
 Record Number: PLN-2020-16417
 APN: 209-331-002
 Redcrest Area

A proposal to add 63,200 s.f. of cultivation area consisting of a Special Permit to allow 43,200 s.f., including 33,200 s.f. of outdoor light deprivation in fourteen greenhouses, and 10,000 s.f. mixed light in four greenhouses to be cultivated year-round, and a Zoning Clearance Certificate to allow a fourth RRR consisting of 20,000 s.f. of outdoor light deprivation in five greenhouses. Cultivation will occur from April 15th to October 15th and will achieve up to two harvest cycles. The site is presently permitted for 60,000 square feet of full-sun outdoor through three RRRs. The total cultivation at full build-out will be 133,200 square feet (3.06 acres). A 10,000-square-foot commercial nursery in four (4) greenhouses will produce seeds and clones and was approved with a separate ZCC. No supplemental light is used in the light-deprivation or nursery greenhouses. The sole source of irrigation water is rainwater catchment captured directly in and stored in hard tanks. Estimated annual water use is 161,500 gallons, of which 19,000 gallons is used for the nursery. Water storage totals 120,000 gallons in twenty-four (24) hard tanks, with an additional 50,000 gallons proposed. Harvested product will be dried in the greenhouses, or fresh frozen and taken off-site. No processing occurs on-site. P.G.&E. supplies renewable power to the site. A Special Permit is also required to vary from the 600' setback from Humboldt Redwoods State Park by 76' to a distance of 524'.

Public Hearing Opened

A motion was made by Commissioner Levy, seconded by Commissioner McCavour, that the Eel River Produce project be approved with conditions as modified (Staff are to conduct no notice inspections for compliance. The motion failed by the following vote:

Aye's - Melanie McCavour and Noah Levy

No's - Alan Bongio and Mike Newman

A motion was made by Commissioner Newman, seconded by Commissioner McCavour, that the Eel River Produce project be continued to the October 7, 2021 meeting. The motion carried by the following vote:

Aye: 4 - Commissioner Bongio, Commissioner Levy, Commissioner Newman and Commissioner McCavour

G. ADJOURNMENT

Chair Alan Bongio adjourned the meeting at 9:40 p.m.

H. NEXT MEETING: October 7, 2021 6:00 p.m. Regular meeting - Virtual

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