

PLANNING COMMISSION

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Fifth District  
Brian Mitchell  
At-Large  
Melanie McCavour  
At-Large



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, March 21, 2019

6:00 PM

Regular Meeting

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**Notice Regarding Public Comment:**

**A. CALL TO ORDER / SALUTE TO FLAG**

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

**B. COMMISSIONERS PRESENT**

Present : 5 - Commissioner Robert Morris, Commissioner Alan Bongio, Commissioner Brian Mitchell, Commissioner Mike L Newman and Commissioner Melanie McCavour  
Absent : 2 - Commissioner Noah Levy and Commissioner Peggy O'Neill

**C. AGENDA MODIFICATIONS**

*Item #F-2: Continuance request to a date uncertain  
Item #F-3: Supplemental Information #1 provided  
Item #F-3: Pictures submitted at meeting  
Item #F-3: Comment letter submitted by EB Duggan  
Item #F-4: Continuance request to April 4, 2019 meeting of the Planning Commission  
Item #G-1: Supplemental Information #1 provided  
Item #G-1: Email comment from John Friedenbach of HBMWD  
Item #H-1: Friends of the Dunes comment letter from Richard Tobin  
Item #H-1: Friends of the Dunes Memo from the Director*

**D. APPROVAL OF ACTION SUMMARY**

1. Approval of the March 7, 2019 meeting of the Planning Commission

*A motion was made by Commissioner Newman, seconded by Commissioner Mitchell, to Approve the March 7, 2019 meeting of the Planning Commission with a spelling correction to item F-5.*

*The motion carried by the following vote:*

Aye: 4 - Commissioner Morris, Commissioner Mitchell, Commissioner Newman and Commissioner McCavour

Abstain: 1 - Commissioner Bongio

**E. PUBLIC COMMENTS**

**F. CONSENT AGENDA**

1. BizyBee Farms, LLC, Conditional Use Permit and Special Permit

Record Number: PLN-11170-CUP  
 Assessor’s Parcel Number (APN): 222-051-008  
 7470 Sprowl Creek Road, Garberville area

Project Description: Conditional Use Permit for an existing 11,749 square feet of mixed light cultivation. Irrigation water is provided by two spring diversions of an unnamed tributary to Cox Creek. A Special Permit is also requested for two points of diversion within a Streamside Management Area that commenced after April 25, 1995, and restoration of a 2,440-square-foot outdoor cultivation area located in the northeastern portion of the subject parcel.

*A motion was made by Commissioner Mitchell, seconded by Commissioner Bongio, that te BizyBee Farms, LLC, Conditional Use Permit and Special Permit item be approved. The motion carried by the following vote:*

Aye: 5 - Commissioner Morris, Commissioner Bongio, Commissioner Mitchell, Commissioner Newman and Commissioner McCavour

2. Winterbourne Farms, Conditional Use Permit

Record Number: PLN-11814-CUP  
 Assessor’s Parcel Number (APN): 107-103-008  
 South side of Lindley Road, approximately 1.2 miles from the intersection of Lindley Road and Mattole Road, Honeydew area

Project description: A Conditional Use Permit for an existing 20,000 square foot outdoor commercial cannabis cultivation operation, along with an additional existing 5,000 square foot outdoor vegetative area that functions as a non-commercial nursery to support the cultivation operation.

*A motion was made by Commissioner Mitchell, seconded by Commissioner Bongio, that te Winterbourne Farms, Conditional Use Permit item be continued to a date uncertain. The motion carried by the following vote:*

Aye: 5 - Commissioner Morris, Commissioner Bongio, Commissioner Mitchell, Commissioner Newman and Commissioner McCavour

**3. IXXCO, Inc. Conditional Use Permit**

Application Number: PLN-201-15131 (CUP)  
 Assessor’s Parcel Numbers (APN): 522-221-008  
 39057 State Highway 299, Willow Creek

Project Description: IXXCO, Inc. requests a Conditional Use Permit for commercial cannabis Nonflammable (Non-Volatile) Manufacturing and Distribution activities in an existing 4,792 square foot structure in accordance with Section 314-55.4 of Chapter 4 of Division 1 of Title III of the Commercial Cannabis Land Use Ordinance (CCLUO). The CCLUO section 55.4.5.1.4 (a) requires a Conditional Use Permit for any Commercial Cannabis Activity within the Willow Creek Community Planning Area.

***A motion was made by Commissioner Mitchell, seconded by Commissioner Newman, that the IXXCO, Inc. Conditional Use Permit item be approved with added conditions. The motion carried by the following vote:***

Aye: 3 - Commissioner Mitchell, Commissioner Newman and Commissioner McCavour

Nay: 2 - Commissioner Morris and Commissioner Bongio

**4. Soul Arc Solutions, Inc., Conditional Use Permit and Special Permit**

Record Number: PLN-11598-CUP  
 Assessor’s Parcel Number (APN): 108-012-009  
 1895 French Ranch Road, Ettersburg area

A Conditional Use Permit for an existing 12,600 square feet (sf) of mixed light cannabis cultivation. Cultivation activities extend from February to November with a maximum of three cultivation cycles occurring using a combination of artificial light and light deprivation techniques. The applicant estimates 290,000 gallons of water is required to meet operational needs. A Special Permit is also requested for a spring diversion located within a Streamside Management Area.

***A motion was made by Commissioner Mitchell, seconded by Commissioner Bongio, to continue this project to the April 4, 2019 meeting of the Planning Commission with re-noticing provided to the public. The motion carried by the following vote:***

Aye: 5 - Commissioner Morris, Commissioner Bongio, Commissioner Mitchell, Commissioner Newman and Commissioner McCavour

5. Casey Jones Parcel Map Subdivision Extension  
Application Number: PLN-2019-15313  
Assessor's Parcel Number (APN): 511-091-026  
1231 and 1237 Pedroni Road, McKinleyville

Project Description: A two-year extension of a Parcel Map Subdivision (PMS-16-002) originally approved January 5, 2017. The project consisted of a Parcel Map subdivision to divide an approximately 25,575 square foot parcel into two parcels of approximately 12,210 square feet and 13,365 square feet. The parcel is developed with two single family residences which will each be sited on their own parcel. The parcel is served with community water and sewer by the McKinleyville Community Services District. No change to the original project is proposed. This is the first extension requested and if approved, the extension will expire on January 18, 2021.

***A motion was made by Commissioner Mitchell, seconded by Commissioner Bongio, that the Casey Jones Parcel Map Subdivision Extension item be approved. The motion carried by the following vote:***

Aye: 5 - Commissioner Morris, Commissioner Bongio, Commissioner Mitchell, Commissioner Newman and Commissioner McCavour

6. Day Final Map Subdivision and Coastal Development Permit Extension  
Case Number: PLN-2018-15010  
Assessor's Parcel Number (APN): 508-081-061  
1092 Griffith Road, McKinleyville area

Project Description: A second two-year extension of a Major Subdivision and a Coastal Development Permit (FMS-07-004, CDP-07-016) originally approved on September 4, 2008. The project was extended once by the applicant and automatically extended by several Assembly Bills. The project consists of the subdivision of an approximately 1.5 acre parcel into 8 parcels ranging between 5,280 and 7,500 square feet. Phase 1 will consist of Lots 1-6 and Phase 2 will consist of Lots 7 and 8. A mobile home and garage will ultimately be removed as part of Phase 2. The parcels are and will be served by the McKinleyville Community Services District. No change to the original project is proposed. This is the second extension requested and if approved, the extension will expire on October 2, 2020.

***A motion was made by Commissioner Mitchell, seconded by Commissioner Newman, that the Day Final Map Subdivision and Coastal Development Permit Extension item be approved. The motion carried by the following vote:***

Aye: 5 - Commissioner Morris, Commissioner Bongio, Commissioner Mitchell, Commissioner Newman and Commissioner McCavour

7. Waits Parcel Map Subdivision  
Application Number: 14014  
Case Number: PMS 18-003  
Assessor's Parcel Number (APN): 511-122-013  
McKinleyville area

Project Description: A Minor Subdivision of an approximately 5.65 acre parcel into four parcels ranging in size between 1.0 acre and 2.3 acres. The parcel is currently vacant. Pursuant to Humboldt County Code Section 325-9, the applicant has requested an exception to the right of way width to allow proposed Parcels 2, 3 and 4 to be served by a 20 foot right of way. The parcels are served with community water by the McKinleyville Community Services District. The parcels will be served by individual onsite wastewater treatment systems.

***A motion was made by Commissioner Mitchell, seconded by Commissioner Bongio, that te Waits Parcel Map Subdivision item be approved. The motion carried by the following vote:***

Aye: 5 - Commissioner Morris, Commissioner Bongio, Commissioner Mitchell, Commissioner Newman and Commissioner McCavour

8. Humboldt Sanitation Parcel Map Subdivision Extension  
Application Number 10503  
Case Numbers PMS-05-08X  
Assessor Parcel Numbers 510-061-007, 510-071-003, 510-071-004  
2525 Central Avenue, McKinleyville

A four year extension following four automatic extensions (7 years total) pursuant to AB 116, AB 208, AB 333 and SB 1185. The Parcel Map Subdivision consists of the merger of APNs: 510-061-07, 510-071-003 and 510-071-004 and subsequent subdivision into 4 parcels of approximately 53,120 square feet, 36,805 square feet, 52,275 square feet and 346,010 square feet. No change to the original project is proposed. This is the first extension requested by the applicant and if approved, the extension will expire on May 15, 2020.

***A motion was made by Commissioner Mitchell, seconded by Commissioner Bongio, that the Humboldt Sanitation Parcel Map Subdivision Extension item be approved. The motion carried by the following vote:***

Aye: 5 - Commissioner Morris, Commissioner Bongio, Commissioner Mitchell, Commissioner Newman and Commissioner McCavour

**9. Gordon Parcel Map Subdivision and Special Permit**

Application Number: 13411

Case Number: PMS 17-009

Assessor's Parcel Number (APN): 403-043-011

5201 Cummings Road, Eureka area

Project Description: A Minor Subdivision to divide an approximately 20 acre parcel into two parcels of approximately 6 acres and 14 acres in size. The parcel is developed with a single family residence which will remain on proposed Parcel 1. Proposed Parcel 2 will be vacant and suitable for residential development. A Special Permit is required for minor road improvements within the Streamside Management Area (SMA). The parcels will be served by community water provided by Humboldt Community Services District and on-site wastewater treatment systems. An exception is requested to allow the parcels to be served by a road that exceeds the dead end road length which has been approved by Calfire.

*A motion was made by Commissioner Mitchell, seconded by Commissioner Bongio, that the Gordon Parcel Map Subdivision and Special Permit item be approved. The motion carried by the following vote:*

Aye: 5 - Commissioner Morris, Commissioner Bongio, Commissioner Mitchell, Commissioner Newman and Commissioner McCavour

**G. PUBLIC HEARINGS**

*Meeting went into Recess*

*Meeting Reconvened*

## 1. GPU Zoning Maps

Project Description: New Zoning Districts are proposed to be added to the Inland Zoning Ordinance and existing zoning text is proposed to be amended 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 applying land use designations to properties. To be consistent with the new Land Use Maps and General Plan policies and standards, new Zoning Districts are proposed to be added to the Inland Zoning Ordinance (Section 314 of Title III, Division 1, Chapter 4 of Humboldt County Code) including the following:

1. Mixed Use Zones that apply to areas with MU - Mixed Use, VC - Village Center, or RCC - Rural Community Center General Plan designations,
2. TE - Timberland Exclusive zone applied to areas with a "T - Timberland" General Plan Land Use designation that are not zoned "TPZ" or AE-B-5-(160) and part of an agricultural preserve,
3. "PR - Public Resource and Recreation" Zone applied to publicly owned lands with a "Public Lands" General Plan Land Use designation,
4. "TL - Tribal Land" Zone applied to areas with a "TL - Tribal Lands" General Plan Land Use designation and that are not zoned "TPZ" and to lands with a "TTL - Tribal Trust Lands" General Plan Land Use designation,
5. "RR - Railroad" Combining Zone applied to railroad rights of way held by the North Coast Railroad Authority, and those along the former Annie and Mary Railroad rail corridor between Arcata and Blue Lake,
6. "MR - Mineral Resources" Combining Zone applied to parcels with permitted surface mining operations, and
7. "PRD - Planned Rural Development" Combining Zone to provide voluntary clustering of home sites on resource lands.

In addition, existing zoning text is proposed to be amended to be consistent with the Plan. These changes include

- (a) Section 314-7.1 "AE - Agriculture Exclusive Zone", to increase the minimum parcel size to 60 acres, allow the uses specified in the AE - Agricultural Exclusive General Plan designation, allow subdivisions to increase agricultural productivity, and to limit conversion of prime agricultural soils;
- (b) Section 314-7.4 "TPZ - Timberland Production Zone" to allow the uses specified in the T - Timber Production General Plan designation,
- (c) Section 314-21.1 "F - Flood Hazard Areas" to require a Special Permit for residential development on substandard-sized parcels in a flood hazard zone,
- (d) Section 314-61.1 Streamside Management Areas and Wetlands to align with the standards of the Open Space Element, and
- (e) Section 312, Administration, Procedures, Amendments and Enforcement to incorporate findings of consistency with the General Plan Open Space Plan.

*A motion was made by Commissioner Newman, seconded by Commissioner Bongio that the Planning Commission recommend that the Board of Supervisors of the County of Humboldt:*

1. *Consider the Addendum and the Environmental Impact Report (EIR) for the Humboldt County General Plan, State Clearinghouse No. 2007012089, certified by the Board of Supervisors*

*on October 23, 2017 (Attachments 2 and 3). Find that it is sufficient for adoption of the Zoning text amendments based on the evidence provided in the Addendum; and*

*2. Adopt the ordinance amending the Zoning Regulations of the Inland Zoning Ordinance (Section 314 of Title III, Division 1, Chapter 4 of Humboldt County Code) as shown in Attachment 4 of this Resolution and summarized as follows:*

*(a) new “PR - Public Resource and Recreation” Zone to be applied to publicly owned lands with a “Public Lands” General Plan Land Use designation,*

*(b) new “TL - Tribal Land” Zone to be applied to areas with a “TL - Tribal Lands” General Plan Land Use designation and that are not zoned “TPZ” and to lands with a “TTL - Tribal Trust Lands” General Plan Land Use designation,*

*(c) new “RR - Railroad” Combining Zone that will be applied to railroad rights of way held by the North Coast Railroad Authority, and those along the former Annie and Mary Railroad rail corridor between Arcata and Blue Lake,*

*(d) new “MR - Mineral Resources” Combining Zone that will be applied to parcels with permitted surface mining operations; and to continue discussion and consideration of the remaining Zone Text Amendments at the April 4, 2019 meeting of the Planning Commission.*

*The motion carried by the following Roll Call vote:*

Aye: 5 - Commissioner Morris, Commissioner Bongio, Commissioner Mitchell, Commissioner Newman and Commissioner McCavour

## **H. NEW BUSINESS**

1. Departmental report: Housing element discussion  
Departmental report: Friends of the Dunes update  
July Planning Commission Meetings

## **ADJOURNMENT**

*Chair Morris adjourned the meeting at 9:27 p.m.*

## **NEXT MEETINGS**

*April 4, 2019*

*April 18, 2019*