

PLANNING COMMISSION

ALAN BONGIO
First District
THOMAS MULDER
Second District
NOAH LEVY
Chair - Third District
MIKE L NEWMAN
Fourth District
PEGGY O'NEILL
Fifth District
BRIAN MITCHELL
Vice Chair - At-Large
MELANIE MCCALOUR
At-Large



COUNTY STAFF

JOHN H. FORD
Director, Planning and Building

**COUNTY OF HUMBOLDT
PLANNING COMMISSION**

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

AGENDA

Thursday, December 15, 2022

6:00 PM

Regular Meeting - Hybrid

NOTE: The County of Humboldt Planning Commission meeting will be held virtually pursuant to Assembly Bill 361 until further notice.

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 11**

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, December 14, 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, December 9, 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 707-267-9409.

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. The public is invited to make comments during the Public Comment period for non-agenda items, not appearing on the agenda. All speakers are invited to state and spell their names but are not required to do so.

PUBLIC COMMENT PRIOR TO THE MEETING:

Submit public comments via email to Planningclerk@co.humboldt.ca.us and provide the Project title, Record or Case number and date of the hearing. If you do not have access to email, contact the planning clerk at 707-267-9409. The Agenda is posted on the Friday prior to the meeting. Comments received after the agenda has been published can be found at the "Attachments" section of the "Meeting Details" link next to the posted Agenda at: <https://humboldt.legistar.com>. All public comment and supplemental information submitted after Wednesday, December 14, 2022, will be included with the administrative record after the fact.

A. CALL TO ORDER / SALUTE TO FLAG**B. COMMISSIONERS PRESENT****C. AGENDA MODIFICATIONS****D. 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.

E. 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. Adoption of Resolution Authorizing Remote Teleconference Meetings of the Humboldt County Planning Commission for the period of December 15, 2022, through January 14, 2023, Pursuant to the Ralph M. Brown Act.

Attachments: [PC Resolution 22-0XX County of Humboldt Remote Meetings AB-361 12.15.22](#)

2. Review and approval of November 17, 2022, Action Summary;

Recommendation: Approve the November 17, 2022, Action Summary

Attachments: [ActionSummary 11.17.22](#)

3. Review and approval of December 1, 2022, Action Summary;

Recommendation: Approve the December 1, 2022, Action Summary

Attachments: [ActionSummary 12.01.22](#)

4. Geck-Moeller Coastal Development Permit
Record Number PLN-2022-17700 (filed 03/30/2022)
Assessor's Parcel Number 308-231-002-000
Loleta Area

A Coastal Development Permit (CDP) for the construction of a new approximately 2,024 SF two-story residence, 984 SF uncovered deck, 40 SF entry deck, gravel driveway, and a detached two-car garage constructed on an existing 25x25-foot concrete slab. The CDP will also authorize brush clearing north of the residence for the planting of fruit trees, logan berries, and a residential garden area. The parcel is currently developed with a well and on-site wastewater treatment system.

Recommendation: Continue the Geck-Moeller Coastal Development Permit to a date uncertain.

5. Allison Shore Special Permits
Assessor Parcel Number: 314-203-008
Record Number: PLN-10946-SP
Kneeland area

A Special Permit for 10,000 square feet (SF) of existing outdoor cannabis cultivation utilizing light deprivation techniques and 1,000 SF of ancillary propagation. Irrigation water is sourced from a spring diversion, with plans to add rainwater catchment and install a groundwater well. Existing available water storage is 36,500 gallons in six (6) HDPE water storage tanks and a 10,000-gallon bladder. Estimated annual water usage is 107,600 gallons. Processing, including drying, trimming, and packaging, occurs onsite. A maximum of two (2) people will be on-site during peak operations. Power is provided by two (2) Honda generators, with long-term plans to convert to solar. A Special Permit is also requested for development within the Streamside Management Area (SMA) for continued use and maintenance of the point of diversion infrastructure.

Recommendation: That the Planning Commission:
Adopt the resolution (Resolution 22-__). (Attachment 1) which does the following:
a. Finds that the Planning Commission has considered the Addendum to the Mitigated Negative Declaration for the Commercial Medical Marijuana Land Use Ordinance that was prepared for the Allison Shore project (Attachment 3); and
b. Finds that the proposed project complies with the General Plan and Zoning Ordinance; and
c. Approves the Special Permits subject to the recommended conditions of approval (Attachment 1A)

Attachments: [10946 Allison Shore Staff Report 12.15.22](#)
[Attachment 1 - Draft Resolution](#)
[Attachment 1A - Conditions of Approval](#)
[Attachment 1B - Cultivation Operations Plan](#)
[Attachment 1C - Updated Site Plan](#)
[Attachment 2 - Location Map](#)
[Attachment 2A - Watershed Map](#)
[Attachment 3 - CEQA Addendum](#)
[Attachment 4 - Applicants Evidence in Support of the Findings](#)
[Attachment 4A - Right to Divert and Use Water](#)
[Attachment 4B - Site Management Plan](#)
[Attachment 4C - Lake and Streambed Alteration Agreement](#)
[Attachment 4D - Timber Conversion Evaluation](#)
[Attachment 4E - Road Evaluation](#)
[Attachment 4F - CAV Justification & Images](#)
[Attachment 5 - Referral Agency Comments](#)
[Attachment 6 - Public Comment](#)

6. Georgi Stoyanov Conditional Use Permit
Record Number: PLN-11816-CUP (filed 12/14/2016)
Assessor's Parcel Number: 221-201-007
Ettersburg area

A Conditional Use Permit for 11,600 square feet (SF) of existing outdoor cannabis and 1,190 SF of ancillary propagation. Irrigation water is sourced from three points of diversion and rainwater catchment. Estimated annual water use is 164,100 gallons. There will be a total of 164,100 gallons of onsite water storage. Processing occurs onsite. Power is provided by Pacific Gas and Electric Company (PG&E). A Special Permit is also requested for development within the Streamside Management Area for the continued use and maintenance of the points of diversion.

Recommendation: That the Planning Commission:
Adopt the resolution (Resolution 22-__). (Attachment 1) which does the following:
a. Finds that the Planning Commission has considered the Addendum to the Mitigated Negative Declaration for the Commercial Medical Marijuana Land Use Ordinance that was prepared for the Georgi Stoyanov Conditional Use Permit); and
b. Finds that the proposed project complies with the General Plan and Zoning Ordinance; and
c. Approves the Georgi Stoyanov; Conditional Use Permit subject to the recommended conditions of approval (Attachment 1A).

Attachments: [11816 Georgi Stoyanov Staff Report 12.15.22](#)
 [Attachment 1 - Draft Resolution](#)
 [Attachment 1A - Conditions of Approval](#)
 [Attachment 1B - Cultivation and Operations Plan](#)
 [Attachment 1C - Site Plan](#)
 [Attachment 2 - Location Maps](#)
 [Attachment 2A - Watershed Map](#)
 [Attachment 3 - CEQA Addendum](#)
 [Attachment 4 - Applicant's Evidence in Support of the Required Findings](#)
 [Attachment 4A - Right to Divert and Use Water](#)
 [Attachment 4B - Water Rights Protection Plan](#)
 [Attachment 4C - Lake and Streambed Alteration Agreement](#)
 [Attachment 4D - Road Evaluation](#)
 [Attachment 5 - Referral Agency Comments and Recommendations](#)

7. Jesse Carnes Conditional Use Permit

Record Number: PLN-11919-CUP (filed 12/15/2016);

Assessor's Parcel Number: 314-191-014

Maple Creek area

A Conditional Use Permit for the continued cultivation of 22,000 square feet (SF) of existing outdoor cannabis cultivation and 1,170 SF of ancillary propagation. Irrigation water is sourced from a 700,000-gallon rainwater catchment pond. Existing available water storage is 715,000 gallons. Estimated annual water usage is 175,000 gallons. Processing with a trim machine occurs onsite. Power is provided by two (2) generators and the applicant has long-term plans to switch to solar power.

Recommendation: That the Planning Commission:
 Adopt the resolution (Resolution 22-__). (Attachment 1) which does the following:
 a. Finds that the Planning Commission has considered the Addendum to the Mitigated Negative Declaration for the Commercial Medical Marijuana Land Use Ordinance that was prepared for the Jesse Carnes Conditional Use Permit); and
 b. Finds that the proposed project complies with the General Plan and Zoning Ordinance; and
 c. Approves the Jesse Carnes Conditional Use Permit subject to the recommended conditions of approval (Attachment 1A)

Attachments: [11919 Jesse Carnes Staff Report 12.15.22](#)
[Attachment 1 - Draft Resolution](#)
[Attachment 1A - Conditions of Approval](#)
[Attachment 1B - Cultivation and Operations Plan](#)
[Attachment 1C - Site Plan](#)
[Attachment 2 - Location Maps](#)
[Attachment 2A - Watershed Map](#)
[Attachment 3 - CEQA Addendum](#)
[Attachment 4 - Applicant's Evidence in Support of the Required Findings](#)
[Attachment 4A - Water Resource Protection Plan](#)
[Attachment 4B - Final Lake and Streambed Alteration Agreement](#)
[Attachment 4C - Road Evaluation](#)
[Attachment 4D - Aquatic Resources Delineation](#)
[Attachment 5 - Referral Agency Comments and Recommendations](#)

8. Canigou Inc.

Assessor Parcel Number (APN) 221-271-001
Record No.: PLN-12847-SP & PLN-12860-CUP
Ettersburg area

&

Solimar, LLC
Assessor Parcel Number (APN) 221-271-001
Record No.: PLN-13310-ZCC
Ettersburg area

Denials of three applications on one legal parcel. The denial of application PLN-13310-ZCC (a Zoning Clearance Certificate for 10,000 square feet (sf) of new mixed-light cannabis cultivation on historic parcel 221-211-022), a denial of application PLN-12847-SP (a Zoning Clearance Certificate for 10,000 sf of new outdoor cannabis cultivation, and a Special Permit for a wholesale nursery on historic parcel 108-064-003), and a denial of application PLN-12860-CUP (a Zoning Clearance Certificate for 10,000 sf of new outdoor cannabis cultivation, and a Conditional Use Permit for 7-acres of new outdoor cannabis cultivation on historic parcel 108-063-015).

Recommendation: Describe the applications recommended for denial as part of the Consent Agenda and;
adopt the resolution (Resolution 22-__). (Attachment 1) which does the following:
a. Find the Canigou Inc., and Solimar, LLC projects statutorily exempt from the California Environmental Quality Act (CEQA) per section 15270 (Projects Which Are Disapproved) of the CEQA Guidelines; and
b. Find the applicant has not provided sufficient evidence necessary to make the required findings for approval; and

c. Deny the Canigou Inc Conditional Use Permit (PLN-12860-CUP) & Special Permit (PLN-12847-SP), and deny the Solimar Zoning Clearance Certificate (PLN-13310-ZCC).

Attachments:

[12847_12860_13310 Solimar & Canigou Staff Report 12.15.22](#)

[Attachment 1 - Resolution](#)

[Attachment 2 - Location Maps](#)

[Attachment 3A - Deficiency letter October 11, 2018](#)

[Attachment 3B - Deficiency letter November 11, 2020](#)

[Attachment 3C - 60-day withdrawal request letter 7.15.22](#)

G. OLD BUSINESS

The projects listed below are public hearing items that have appeared before the Commission previously and, generated public comment prior to the hearing date or have other issues related to them that may require discussion.

1. Merry Whether Farms, LLC, Special Permit
Record Number: PLN-11734-SP (filed 12/09/2016)
Assessor's Parcel Number (APN): 221-111-028
Whitethorn area

A Special Permit for 9,950 square feet (SF) of existing outdoor cannabis cultivation and 1,000 SF of ancillary propagation. Irrigation water is sourced from rainwater catchment. There will be a total of 162,900 gallons of onsite water storage. Estimated annual water usage is 150,000 gallons. Drying and curing occurs onsite, with all other processing occurring offsite at a licensed processing or manufacturing facility. Power is provided by solar, with a generator utilized for backup.

Recommendation: That the Planning Commission:
Adopt the resolution (Attachment 1) which does the following:
a. Finds that the Planning Commission has considered the Addendum to the Mitigated Negative Declaration for the Commercial Cannabis Land Use Ordinance that was prepared for the Merry Whether Farms, LLC, Special Permit); and
b. Finds that the proposed project complies with the General Plan and Zoning Ordinance; and
c. Approves the Merry Whether Farms, LLC, Special Permit subject to the recommended conditions of approval (Attachment 1A)

Attachments: [11734 Merry Whether Staff Report 12.15.22](#)
[Attachment 1 - Draft Resolution for Approval](#)
[Attachment 1 - Draft Resolution for Denial](#)
[Attachment 1A - Conditions of Approval](#)
[Attachment 1B - Cultivation Operations Plan & Additional Info](#)
[Attachment 1C - Site Plan](#)
[Attachment 2 - Location Maps](#)
[Attachment 2A - Watershed Map](#)
[Attachment 3 - CEQA Addendum](#)
[Attachment 4 - Applicant's Evidence in Support of the Required Findings](#)
[Attachment 5 - Referral Agency Comments and Recommendations](#)

2. Xotic Flavorz, LLC

Assessor Parcel Number(s) (APN) 107-272-007

Record No.: PLN-2022-17861

Honeydew area

The applicant is seeking a Special Permit for 33,560 square feet of new outdoor commercial cannabis cultivation, in addition to 43,330 square feet of permitted cannabis cultivation that is already occurring on the property (PLN-11067-SP). 10,000 sf of the existing permitted cannabis on the property was existing and 33,300 sf was permitted through an RRR. The proposed 33,560 sf of cannabis cultivation would bring the total permitted non-RRR cannabis on the site to the maximum one acre allowable under the Humboldt County Code. Including the RRR receiving cultivation a total of 76,890 square feet of commercial cannabis cultivation will be occurring onsite. The applicant is proposing 3,300 square feet of additional ancillary propagation. The applicant anticipates there will be a maximum of three cultivation cycles occurring annually. Artificial lighting used for project activities will adhere to shielding and International Dark Sky Association standards as set forth in the CCLUO. Water for irrigation will be provided by an existing 2.5-million-gallon rainwater catchment pond. The applicant projects an annual water use of 1,000,000 gallons for the combined 76,890 square feet of cannabis cultivation (approximately 13 gallons per square foot per year). All processing will occur onsite in a previously approved commercial processing facility. The applicant anticipates a maximum of ten (10) employees will be required for proposed operations, in addition to a maximum of twenty-six (26) employees required for existing operations, for a total of thirty-six (36) employees at peak operations. Power for the previously approved project is sourced from existing PG&E service, and the power for the proposed project will be sourced from a proposed solar array, transitioning to renewable energy from PG&E if and when available. The applicant will keep a generator on site for emergency backup use in power outage events.

Recommendation: That the Planning Commission:
Adopt the resolution (Resolution 22-__). (Attachment 1) which does the following:
a. Finds that the Planning Commission has considered the Addendum to the Environmental Impact Report for the Commercial Cannabis Land Use Ordinance that was prepared for the Xotic Flavors, LLC project); and

- b. Finds that the proposed project complies with the General Plan and Zoning Ordinance; and
- c. Approves the Special Permit subject to the recommended conditions of approval (Attachment 1A)

Attachments:

[17861 Xotic Flavorz Staff Report 12.15.22](#)

[Attachment 1- Draft Resolution](#)

[Attachment 1A - Conditions of Approval](#)

[Attachment 1B - Cultivation Operations Plan \(2\)](#)

[Attachment 1C - Site Plan](#)

[Attachment 2 - Location Maps](#)

[Attachment 2A - Watershed Map](#)

[Attachment 3 - CEQA Addendum](#)

[Attachment 4 - Applicant's Evidence in Support of Required Findings](#)

[Attachment 4A - Biological Report](#)

[Attachment 4B - Noise Plan](#)

[Attachment 5 - Referral Agency Comments and Recommendations](#)

[Attachment 6 - Public Comments](#)

F. ITEMS PULLED FROM CONSENT**H. NEW BUSINESS**

The projects listed below are new public hearing items that have generated public comment prior to the hearing date or have other issues related to them that may require discussion.

I. REPORT FROM PLANNER

Response letter to Mark Thurmond

H. PLANNING COMMISSION DISCUSSION ITEMS**I. ADJOURNMENT**

NEXT MEETING January 5, 2023 6:00 p.m. Regular meeting - Hybrid

The Chamber is wheelchair accessible, the accessible entrance to the Courthouse is the 4th Street entrance. Accessible parking is available adjacent to the 4th Street entrance and on the 4th Street side of the K Street lot. If you are a person with a qualified disability, and need a modification or accommodation to participate in this meeting, please contact the Clerk of the Board at (707) 476-2384, or (707) 445-7299 (fax). Requests for such modifications or accommodations must be made at least three full business days before the start of the meeting.