

PLANNING COMMISSION

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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, June 1, 2023

6:00 PM

Regular Meeting - Hybrid

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

Meetings of the Humboldt County Planning Commission are held in person in the Board of Supervisors chambers, located at 825 Fifth Street, Eureka, California. The Planning Commission will broadcast most meetings via Zoom. Those not able to attend the Planning Commission meeting in person will have the opportunity to provide public comment via Zoom; however, the Planning Commission cannot guarantee that the Zoom system will be available for the entirety of every meeting. The only ways to guarantee that your comment is received and considered by the Planning Commission are to attend the meeting in person or submit your comment in writing in advance of the meeting.

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, May 31, 2023. 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 May 26, 2023, 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.

A. CALL TO ORDER / SALUTE TO FLAG

B. COMMISSIONERS PRESENT

C. AGENDA MODIFICATIONS

D. PUBLIC COMMENT ON NON-AGENDA ITEMS:

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. Review and approval of the March 2, 2023, Action Summary.

Recommendation: Approve the March 2, 2023, Action Summary

Attachments: [03.02.2023 Action Summary for review](#)

2. Review and approval of the May 18, 2023, Action Summary.

Recommendation: Approve the May 18, 2023, Action Summary

Attachments: [05.18.2023 Action Summary for review](#)

3. Cali's Finest Gardens, LLC Conditional Use Permit
Assessor Parcel Numbers (APN) 210-072-009
Record No.: PLN-12468-CUP
Bridgeville area

A Conditional Use Permit for 30,000 sf of pre-existing outdoor cannabis cultivation, with 4,110 sf of ancillary propagation. Planning staff is recommending that only 3,000 sf of propagation be permitted. Cultivation will utilize light-deprivation techniques in greenhouses without the use of supplemental lights. Water is sourced by an existing 345,000-gallon rain catchment pond, and an additional 70,000-gallon rain catchment pond is proposed. Annual water usage is estimated at 200,000 gallons (11 gal/sf/yr). Power is sourced from an existing solar array and three 7kW Honda generators will be on-site for emergency backup purposes. A full processing facility is proposed with ADA bathroom and septic. A total of five employees are used for operations on-site. One residence will be used for on-site employee housing.

Recommendation: That the Planning Commission:
1. Continue the project to the July 6, 2023 Planning Commission meeting at the request of the California Department of Fish and Wildlife

Attachments: [12468 Calis Finest Staff Report 6.1.23 Continuance](#)

4. Peaksview, Inc. Special Permit Modification

Application Number: PLN-2020-16866-MOD01 (filed 04/13/2023)

Assessor's Parcel Number: 216-082-002-000 and 216-082-006-000

Harris Area

A Modification to the approved Special Permit (SP) PLN-2020-16866, to relocate the cultivation area on APN 216-082-002-0002 to an existing natural flat area. The approved SP and ZCC allows operation of up to 43,560 square feet of new mixed-light cannabis cultivation on two contiguous parcels (APN 216-082-002 and APN 216-082-006-200-000) with ancillary propagation facilities. Cultivation takes place in one cultivation area consisting of four mixed-light greenhouses. A 12,960-square-foot immature plant propagation area is adjacent to the greenhouses. The project further proposes relocation of the 9,600-square-foot wholesale nursery from APN 216-082-002-000 to APN 216-082-006-000 and repurposing the 4,440 square-foot immature plant propagation nursery and 8,640 square-foot mixed-light greenhouse on APN 216-082-002-000 for immature plant propagation or wholesale nursery activities. A 1-million-gallon rainwater catchment pond is located in the southeast corner of APN 216-082-006-000. Additional proposed water storage consists of ten (10) 5,000-gallon rainwater catchment storage tanks adjacent to the cultivation areas resulting in a total available water storage of 1.05 million gallons. Estimated annual water usage is approximately 600,000 gallons (13.9 gal/SF). Processing, including drying, curing and trimming, occurs onsite in an existing barn on APN 216-082-006-000. Post-processing activities would occur in a proposed 2,500 SF commercial building on APN 216-082-006-000. Up to 12 employees may be utilized during peak operations. PG&E improvements are proposed to move to grid power. The approved project included a Special Permit for development within the SMA for the use of 8,640 square-foot mixed-light greenhouse on APN 216-082-002-000.

Recommendation: That the Planning Commission:
1. Continue the project to the July 6, 2023 Planning Commission meeting at the request of the California Department of Fish and Wildlife

Attachments: [16866-MOD01 Peaksview Inc 06.01.2023 Continuance](#)

5. New Earth Farms, LLC, Special Permit
Assessor Parcel Numbers (APN) 524-072-010
Record No.: PLN-2022-18049
Willow Creek area

The applicant is seeking a Special Permit for 32,500 square feet (SF) of new mixed-light commercial cannabis cultivation, and a Special Permit for a setback reduction to Public Lands, the Six Rivers National Forest. There is an existing approved permit on-site for 10,000 square feet of mixed-light cultivation. The total area of mixed-light cultivation on-site is proposed to be 42,500 SF. A total 3,000 SF ancillary nursery is proposed to support cultivation activities. The applicant projects three (3) harvests annually. Water for irrigation will be supplied by an existing and proposed rainwater catchment system from roof tops with a total capture area of 52,599 square feet. Existing available water storage totals 17,500 gallons and the total water storage proposed is 600,000. Estimated annual water use for the 42,500 SF of cultivation and 3,000 SF of nursery, is approximately 595,000 gallons (13 gal/SF/yr). The applicant is proposing to conduct all trimming and packaging off-site at a licensed processing facility. Drying and curing is proposed to occur in a proposed 2,400 square foot ag-exempt structure. Energy for the operation will be supplied by PG&E renewable sources. There will be up to 7 employees on-site during peak operations.

Recommendation: That the Planning Commission:
1. Continue the project to the July 6, 2023 Planning Commission meeting at the request of the California Department of Fish and Wildlife

Attachments: [18049 New Earth Staff Report 6.1.2023 Continuance](#)

6. Enchanted Forest, LLC, Conditional Use Permit
Assessor Parcel Numbers (APN) 524-114-011
Record No.: PLN-13107-CUP
Willow Creek area

A Conditional Use Permit for 28,348 square feet (SF) of pre-existing outdoor cannabis cultivation with 2,840 SF of ancillary propagation. Irrigation water will be provided from a permitted well on an adjacent parcel, which is under deeded rights. Estimated annual water usage is approximately 399,369 gallons (13 gal/SF/year). The operation will utilize up to three (3) employees for operations. Trimming will occur off-site at a licensed processing facility. A 2000 watt Honda EU low decibel gasoline generator will be operated intermittently, and the applicant is proposing an Ag drop with PG&E through existing power poles. The project will be conditioned to obtain 100% of power from PG&E or other renewable source by 2026, and will utilize the generator for emergency backup purposes only.

- Recommendation:** That the Planning Commission:
1. Adopt the resolution (Resolution 23-___). (Attachment 1) which does the following:
 - a. Finds that the Planning Commission has considered the Mitigated Negative Declaration for the Commercial Medical Marijuana Land Use Ordinance and the Addendum that was prepared for the Enchanted Forest, LLC project); and
 - b. Finds that the proposed project complies with the General Plan and Zoning Ordinance; and
 - c. Approves the Conditional Use Permit subject to the recommended conditions of approval (Attachment 1A)

Attachments:

[13107 Enchanted Forest Staff Report 6.1.2023](#)

[Attachment 1 - Resolution](#)

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

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

[Attachment 1C - Water Usage](#)

[Attachment 1D - 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 - Notice of Applicability](#)

[Attachment 4B - Site Management Plan](#)

[Attachment 4C - Water & River Access Agreement](#)

[Attachment 4D - Well Assessment Report](#)

[Attachment 4E - Draft Streambed Alteration Agreement](#)

[Attachment 4F - Restocking Plan](#)

[Attachment 4G - Property Survey](#)

[Attachment 4H - Road Evaluation](#)

[Attachment 4I - Evidence of Pre-Existing Cultivation Area](#)

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

[Attachment 5A - Building Referral](#)

[Attachment 5B - Environmental Health Referral](#)

[Attachment 5C - Public Works Land Use Division Referral](#)

[Attachment 5D - CALFIRE Referral](#)

[Attachment 6A - Cultivation Area Verification](#)

[Attachment 6B - Post-2016 Timber Conversion Exhibit](#)

7. Knappek Zone Reclassification

Assessor Parcel Numbers (APN) 107-091-007 and 107-096-002

Record No.: PLN-2022-17796

Honeydew Area

A Zone Reclassification to rezone approximately 75 acres on two properties from Agriculture Exclusive with a 160 acre minimum parcel size (AE-B-5(160)) into Timberland Production Zone (TPZ). The parcels have a total acreage of 115 acres (Parcel 107-091-007 is 75 acres and Parcel 107-096-002 is 40 acres). Presently 35 acres of Assessor's Parcel Number (APN) 107-091-007 is zoned AE-B-5(160) and all of APN 107-096-002 is zoned AE-B-5(160). After the proposed zone reclassification both properties will be fully rezoned TPZ. The rezone is in the public interest and is consistent with General Plan policies. The rezone conforms with the zoning to the existing and intended future land use of timber production. The rezone is consistent with the required findings for the zone reclassification, as well as the findings required under Section 312-50.8, Supplemental Timberland Production Zoning Procedures, and is consistent with the Forest Taxation Reform Act of 1976. The Forestry Review Committee reviewed the project at their meeting on February 8, 2023 and approved the Timber Management Plan by a vote of 4-0. The Timber Management Plan documents how timber operations can be coordinated on the two properties. The Humboldt County Planning staff believes that the project, as conditioned, has no potential for causing a significant effect on the environment. The project can be found statutorily exempt from CEQA pursuant to Section 15264.

Recommendation: That the Planning Commission:

1. Describe the application as part of the Consent Agenda.
2. Survey the audience for any person who would like to discuss the application.
3. If no one requests discussion, make the following motion to recommend the Board of Supervisors approve the application as part of the Consent Agenda; and
4. Adopt the resolution (Resolution 23-___). (Attachment 1) which does the following:
 - a. Make all of the required findings for approval based on evidence in the staff report and public testimony; and
 - b. Recommend the Board of Supervisors approve the Zone Reclassification subject to the recommended conditions of approval.

Attachments:

- [17796 Knappek Staff Report 6.1.23](#)
- [Attachment 1 - Resolution](#)
- [Attachment 1A - Conditions of Approval](#)
- [Attachment 2 - Timber Management Plan](#)
- [Attachment 3 - Rezone Ordinance](#)
- [Attachment 4A - Location Map 06.08.2022](#)
- [Attachment 4B - Maps](#)
- [Attachment 4C - Rezone Map](#)
- [Attachment 5 - Referral Agency Comments and Recommendations](#)

8. Orick Community Services District Community Tank Replacement Project - Tank 1 Replacement Coastal Development Permit, Conditional Use Permit, General Plan Conformance Review, and Special Permit.

Assessor Parcel Numbers: 520-161-003 and 520-171-005

Record Number: PLN-2023-18133

Orick area

A Coastal Development Permit and Conditional Use Permit including a General Plan Conformance Review for Orick Community Services District to replace an existing 100,000-gallon redwood water tank with a new 100,000-gallon, glass-fused, bolted steel tank with a concrete foundation. The existing redwood water tank is leaking and not designed to withstand a seismic event. The existing tank will be demolished and removed. The new tank will be constructed approximately 15 feet northeast of the original tank footprint and include the replacement of water and electrical lines. A new supervisory control and data acquisition (SCADA) system will be installed on the tank. An overflow outlet is proposed that will require riprap to be installed that will extend approximately six feet onto APN 520-171-005 within an existing drainage easement. A Special Permit is required for Design Review. As lead agency under CEQA, the Orick Community Services District found the project categorically exempt from CEQA per Sections 15301, 15302, and 15303 of CEQA Guidelines.

Recommendation: That the Planning Commission:

1. Adopt the resolution (Resolution 23-__). (Attachment 1) which does the following:
 - a. Find that Orick Community Services District, as the lead agency under CEQA, found the project categorically exempt from CEQA per Sections 15301, 15302, and 15303 of CEQA Guidelines, and as a Responsible Agency, Humboldt County agrees with the lead agency's finding; and
 - b. Make all required findings for approval of the Coastal Development Permit, Conditional Use Permit, General Plan Conformance Review, and Special Permit; and
 - c. Approve the Orick Community Services District Coastal Development Permit, Conditional Use Permit, General Plan Conformance Review, and Special Permit as recommended by staff and subject to the recommended conditions of approval (Attachment 1A).

Attachments:

- [18133 Orick CSD Staff Report 6.1.23](#)
- [Attachment 1 - Resolution](#)
- [Attachment 1A - Conditions of Approval](#)
- [Attachment 1B - Site Plans](#)
- [Attachment 1C - Construction Plans](#)
- [Attachment 2 - Location Map](#)
- [Attachment 3 - Applicant's Evidence in Support of the Findings](#)
- [Attachment 4 - California Government Code Section 65402](#)
- [Attachment 5 - Referral Agency Comments and Recommendations](#)

F. ITEMS PULLED FROM CONSENT

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. Public Hearing on the Coastal Accessory Dwelling Unit Ordinance as Modified by the California Coastal Commission; Record # LRP-2019-15873

Recommendation: That the Planning Commission:

1. Open the public hearing, receive and consider the staff report, and accept public comment; and
2. Deliberate and comment on the draft modifications and alternatives presented; and
3. Based on evidence in the staff report and public testimony, make all the required findings and adopt the attached Resolution recommending that the Humboldt County Board of Supervisors find that the proposed amendments are exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 21080.5 and 21080.9 of the Public Resources Code and Sections 15250, 15251(f) and 15265 of the CEQA Guidelines, and adopt the proposed amendments to the Coastal Zoning Regulations.

Attachments: [18190 PC Staff Report 6.1.23](#)
[Attachment 1 - PC Resolution Coastal ADU Ordinance](#)
[Attachment 2 - Ordinance Adopting Modifications](#)

H. REPORT FROM PLANNER

I. PLANNING COMMISSION DISCUSSION ITEMS

J. ADJOURNMENT

K. NEXT MEETINGS: July 6, 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.