

PLANNING COMMISSION

IVER SKAVDAL
First District
THOMAS MULDER
Second District
NOAH LEVY
Chair - Third District
LONYX LANDRY
Fourth District
PEGGY O'NEILL
Fifth District
BRIAN MITCHELL
Vice Chair - At-Large
SARAH WEST
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, April 20, 2023

6:00 PM

Regular Meeting - Hybrid

A. CALL TO ORDER / SALUTE TO FLAG

Chair Noah Levy called the meeting to order at 6:00 p.m.

B. COMMISSIONERS PRESENT

Present : 6 - Commissioner Iver Skavdal, Commissioner Noah Levy, Commissioner Lonyx Landry, Commissioner Thomas Mulder, Commissioner Brian Mitchell and Commissioner Sarah West

Absent : 1 - Commissioner Peggy O'Neill

C. AGENDA MODIFICATIONS

*Item G1 and G2 are related projects and will be heard together.
Item E4 pulled from consent and continued to a date uncertain.
Supplemental's for E1, G1 and G3 provided.*

E. CONSENT AGENDA

2. NorCal 420 Patient Collective, Inc.
Assessor Parcel Numbers (APN) 210-101-011-000
Record No.: PLN-12778-CUP
Dinsmore area

An application for a Conditional Use Permit for 32,100 square feet existing commercial cannabis cultivation consisting of 22,186 square feet of light deprivation, 4,214 square feet of outdoor, and

5,700 square feet of mixed light. Additionally, 2,850 square feet is requested for ancillary nursery space and 2,280 square feet for mother stock propagation. Water source is an onsite pond. Water storage capacity onsite is 74,500 gallons via one (1) 70,000-gallon pond and two (2) hard tanks. Processing would be performed onsite. Up to nine (9) employees are expected for operations. The power source is a generator; however, this project is conditioned to transition to renewable energy.

3. Natures Jar, Inc. Special Permits

Assessor Parcel Numbers (APN) 095-201-005 & 095-041-013

Record No.: PLN-11494-SP

Weott area

A Special Permit for 7,300 square feet (sf) of outdoor commercial cannabis cultivation with 1,404 sf ancillary propagation and to request a setback reduction from public lands due to proximity to Humboldt Redwoods State Park. The applicant has provided proof of 8,064 sf of pre-existing cultivation with additional ancillary propagation, and the applicant has chosen to transition some of the pre-existing cultivation area for additional on-site nursery space. The applicant will conduct light-deprivation techniques without the use of supplemental lights, and two (2) harvests are anticipated per year. Historic cultivation areas were retired and relocated to a more environmentally suitable location on-site. The estimated annual water use is 72,750 gallons (8.4 gal/sf/yr). Water for irrigation is sourced from a permitted well, a point of diversion, and 7,000 gallons of rain catchment water tanks. Total existing water storage designated for irrigation is 19,700 gallons in hard tanks, and an additional 50,000 gallons is proposed for additional rain catchment storage tanks. Total future water storage would be 69,700 gallons. Drying and curing will take place in storage containers on-site, and trimming will occur off-site at a licensed processing facility. The applicant will utilize up to two (2) full-time employees. One (1) generator is used for the well pump, and the applicant is proposing to transition to 100% solar power.

5. American Hospital Management Corp Conditional Use Permit

Record Number: CUP-16-1052 (filed 12/30/2016)

Assessor Parcel Number (APN) 511-071-003

McKinleyville Area

Denial of a Conditional Use Permit to allow for 10,000 square feet of new Mixed Light commercial cannabis cultivation in the Airport Zone (AV), which does not allow cannabis cultivation, and the application is incomplete

6. Ozanian Parcel Map Subdivision and Special Permit

Assessor Parcel Numbers: 100-311-019, 101-031-013 (one separate legal parcel)

Record Number: PLN-14126-PMS

Ferndale area

A Parcel Map Subdivision of an approximately 46.5-acre vacant parcel into three parcels of 6.7 acres, 18.2 acres and 21.6 acres. A Special Permit is required for minor road improvements within

the Streamside Management Area (SMA) of an unnamed watercourse. Water will be provided by an existing well and onsite wastewater treatment systems are proposed.

7. Bradley Miller Coastal Development Permit and Special Permit

Record Number: PLN-2020-16657
 Assessor Parcel Number: 510-261-034
 McKinleyville area

A Coastal Development Permit (CDP) and Special Permit for after-the-fact tree removal of five (5) trees and the proposed removal of four (4) additional trees authorized by Humboldt County Zoning Code section 313-64.1. The CDP and Special Permit will address the previous removal of five (5) Monterey pine trees; “18-, 30-, 32-, 36- and 38- inches” in diameter and the proposed removal of an additional four (4) Monterey pine trees; “40-, 44-, 48- and 50 -inches” in diameter. The CDP/Special Permit is required because the diameter of the trees removed and to be removed exceed 12-inch diameter at 4-1/2 feet above the ground and are subject to Section 313-64.1 of the Zoning Regulations, Major Vegetation Removal. The purpose of the tree removal is to provide structure protection for the existing residences and safety for the occupants of the property from wind throw and limb fall. The project parcel is approximately 1.38 acres in size and is currently developed with one single-family residence and one secondary dwelling unit. There is no development proposed at this time.

8. Healing Sun, LLC

Assessor Parcel Numbers (APN) 220-082-020
 Record No.: PLN-12072-CUP
 Ettersburg Area

A Conditional Use Permit for 16,800 square feet (SF) of existing outdoor commercial cannabis cultivation, with 1,900 SF of ancillary propagation. The Planning Division is only recommending approval of 1,680 SF of ancillary propagation. Two harvests are anticipated annually. Water for irrigation is sourced from an existing permitted well (permit# 18/19-1012). The applicant has obtained a Well Assessment Report for the well. The projected annual water usage totals 280,000 gallons (15 gallons/SF/year) and water storage on-site totals 76,800 gallons in hard sided storage tanks. Processing and trimming will occur on-site in an existing building. Power is provided by a 12.5 kW solar array.

CONSENT AGENDA

A motion by Commissioner Brian Mitchell, seconded by Commissioner Iver Skavdal, to approve the Consent Agenda, including items E2 NorCal 420 Patient Collective, E3 Natures Jar, E5 American Hospital Management Corp, E6 Ozanian, E7 Bradley Miller and E8 Healing Sun, as recommended. The motion carried by the following vote:

Aye: 6 - Commissioner Skavdal, Commissioner Levy, Commissioner Landry, Commissioner Mulder, Commissioner Mitchell and Commissioner West

F. OLD BUSINESS

1. Myers and Aquarian, LLC
Assessor Parcel Number (APN) 216-135-015
Record No.: PLN-12124-CUP
New Harris area

A Conditional Use Permit for 24,000 square feet (SF) of existing light deprivation and outdoor cannabis cultivation that includes 20,800 SF of light deprivation cultivation in twenty-four (24) greenhouses and 3,200 SF of outdoor cultivation that occurs in pots. Propagation will take place in one (1) nursery area (2,400 SF). Irrigation water is currently sourced from well and a surface water diversion. Existing water storage includes onsite water tanks of various capacities that total 31,000 gallons. The applicant is proposing to utilize water for irrigation from a 6-million-gallon on-stream reservoir on a separate legal parcel after approval by the State Water Board and CDFW. The on-stream reservoir proposed for irrigation use will also serve a cannabis operation on a separate legal parcel (PLN-12125-CUP). If approval of the on-stream reservoir is not feasible, the applicant has proposed to source at a minimum half of the water for irrigation needs from rainwater catchment, and the remainder from the existing surface water diversion, with an appropriate increase in water storage to ensure adherence to the required forbearance period. Estimated onsite water use is 270,000 gallons per year (approximately 11.25 gallons/sf/year). Drying and processing occur onsite within an existing metal building (1,500 SF). The project requires up to four (4) seasonal employees. Power is provided by one (1) 36-kw Whisper Watt Super Silent mobile generator, that is used to power the metal drying building, and solar panels. The applicant proposes to transition to PG&E with only backup generator use within five years or continue to build out solar capabilities on site to meet power needs if PG&E power is unavailable.

A motion by Commissioner Brian Mitchell, seconded by Commissioner Lonyx Landry to approve the Myers and Aquarian Conditional Use Permit. The motion carried by the following vote:

Aye: 6 - Commissioner Skavdal, Commissioner Levy, Commissioner Landry, Commissioner Mulder, Commissioner Mitchell and Commissioner West

2. Humboldt Kingz, LLC
Assessor Parcel Number(s) (APN) 216-135-008 & 216-136-004
Record No.: PLN-12125-CUP
New Harris area

A Conditional Use Permit for 37,250 square feet of outdoor cannabis cultivation. The project also involves a Special Permit for proposed restoration work within Streamside Management Area (SMA) setbacks. Outdoor cannabis cultivation will occur in light deprivation greenhouses and full sun. There will be maximum of two cultivation cycles occurring annually. Water for irrigation is currently provided by a well and rainwater catchment in hard sided tanks totaling 15,000 gallons. Water for irrigation will be provided by a 6-million-gallon on-stream reservoir after approval by the State Water Board and CDFW, or rainwater catchment utilizing the rooftops of the cultivation structures and 400,000 gallons of rainwater catchment tanks (15,000 gallons existing and 385,000 gallons proposed). If approved the

pond will also provide water for a proposed cannabis project on a separate legal parcel (PLN-12124-CUP). The applicant anticipates 400,000 gallons of water will be required annually for irrigation. Water storage onsite totals 6,015,000 gallons whereas 6 million gallons is from a 6-million-gallon onstream pond, and 15,000 gallons is sourced from hard tanks. Proposed water storage is 400,000 gallons in hard tanks if the on-stream pond cannot be permitted. Processing such as drying and curing are proposed onsite within an existing 1,440-square-foot dry shed. Further processing such as trimming is proposed offsite at a licensed processing facility. The applicant anticipates two (2) full-time employees, and six (6) seasonal employees will be required for a total of eight (8) employees at peak operations annually. Power for the project is currently provided by solar power and a generator. The applicant has been approved for DCC water and energy grants and is proposing to install a 15kw solar array to reduce generator and fuel use by 88%. The applicant is proposing to transition generator use to PG&E power if available within five years.

A motion by Commissioner Brian Mitchell, seconded by Commissioner Lonyx Landry to approve the Humboldt Kingz Conditional Use Permit and Special Permit. The motion carried by the following vote:

Aye: 6 - Commissioner Skavdal, Commissioner Levy, Commissioner Landry, Commissioner Mulder, Commissioner Mitchell and Commissioner West

G. NEW BUSINESS

1. Public Hearing on the Draft Safety Element Update (Chapter 14 of the General Plan); Record # LRP-2023-18064

A motion by Commissioner Brian Mitchell, seconded by Commissioner Lonyx Landry recommending approval to the Board of Supervisors for the Safety Element Update with changes to the fire protection agency list. The motion carried by the following vote:

Aye: 6 - Commissioner Skavdal, Commissioner Levy, Commissioner Landry, Commissioner Mulder, Commissioner Mitchell and Commissioner West

2. Rio Dell Leasing, LLC et al Zone Reclassification
 Assessor Parcel Numbers (APNs) 201-311-012, 201-311-022, 201-311-024, 201-322-001, 201-322-010, 201-322-012, 201-322-017, 201-322-019, 201-322-031, 201-322-033, 204-081-003, 204-081-004 & 204-171-003
 Record No.: PLN-14245-ZR
 Alton Area

A Zone Reclassification to remove a Qualified (Q) combining zone currently in place on +/- 66 acres of Heavy Industrial (MH) zoned parcels in the Alton area. The Q zone, adopted under Ordinance 1689, precludes the use of the parcels for both retail sales/retail services and reserves the industrial use of the properties for timber products processing and storage longer than five (5) days. The Q-zone restrictions on industrial and commercial development limit their use in such a way that many of the parcels have been vacant for decades. Removal of the Q combining zone is being sought to allow these properties to host the broader assortment of commercial and industrial permitted under the

Heavy Industrial (MH) base zoning district applied to this area. The zone reclassification is being brought forward together with another rezoning request (PLN-2023-18078) to change adjoining lands to the west from Limited Industrial (ML) to Heavy Commercial (C-3).

A motion by Commissioner Thomas Mulder, seconded by Commissioner Iver Skavdal recommending approval to the Board of Supervisors for the Rio Dell Leasing Zone Reclassification. The motion carried by the following vote:

Aye: 6 - Commissioner Skavdal, Commissioner Levy, Commissioner Landry, Commissioner Mulder, Commissioner Mitchell and Commissioner West

3. Russ Renner Zone Reclassification, General Plan Amendment, and Conditional Use Permit
Assessor Parcel Numbers (APNs) 201-311-026 & 201-311-028
Record No.: PLN-2023-18078
Alton area

A Conditional Use Permit for a retail sales, service, repair and storage of recreational vehicles and recreational vehicle accessories and a Zone Reclassification to change the zoning of two neighboring parcels from Limited Industrial (ML) to Industrial Commercial (C-3) and Industrial Commercial with the Streamside Management Areas and Wetlands Combining Zone (C-3/WR). Both parcels were the subject of a prior owner-initiated Zone Reclassification and General Plan Amendment request which was approved by the Board of Supervisors on January 10, 2012. A Zone Reclassification is again being requested to allow for relocation of a neighboring Alton area business (Reynolds RV Repair) to the property. Operating since 2008 from a nearby parcel (APN 201-322-011) less than a quarter mile to the east, the business primarily engages in the storage, repair, servicing, and customization of recreational vehicles as well as sales of RV parts. A Conditional Use Permit is required to permit retail sales under the proposed C-3 zoning. This rezoning is being brought forward together with an earlier request (PLN-14245-ZR / ZR-18-009) to remove a Qualified "Q" zone from neighboring parcels east of the project site. The entirety of both parcels was mistakenly designated "Open Space" in 2017 during the Countywide General Plan Update. A General Plan Amendment is included to fix this mapping error and return the Industrial General land use designation to eastern portions of the site.

A motion by Commissioner Brian Mitchell, seconded by Commissioner Thomas Mulder recommending approval to the Board of Supervisors for the Russ Renner Zone Reclassification, General Plan Amendment, and Conditional Use Permit. The motion carried by the following vote:

Aye: 6 - Commissioner Skavdal, Commissioner Levy, Commissioner Landry, Commissioner Mulder, Commissioner Mitchell and Commissioner West

H. TRAINING ON EX PARTE DISCLOSURES AND PUBLIC RECORDS

1. Planning Commission training materials regarding Ex Parte Disclosures and Public Records.

I. ITEMS PULLED FROM CONSENT

1. Review and approval of the April 06, 2023, Action Summary:

A motion by Commissioner Brian Mitchell, seconded by Commissioner Thomas Mulder to continue the April 06, 2023, Action Summary to the May 4, 2023 hearing. The motion carried by the following vote:

Aye: 6 - Commissioner Skavdal, Commissioner Levy, Commissioner Landry, Commissioner Mulder, Commissioner Mitchell and Commissioner West

4. Mayers Flat Farm, LLC
Assessor Parcel Numbers (APN) 211-372-006
Record No.: PLN-12651-SP
Myers Flat area

A Special Permit to expand an existing 8,750-square-foot (SF) cannabis cultivation operation consisting of two light-deprivation greenhouses to 41,300 SF of outdoor cultivation in 11 light-deprivation greenhouses and a Special Permit to reduce the buffer of the storage pond located within the delineated wetland buffers of two ephemeral wetlands. All existing and proposed cultivation is situated on existing graded or flat areas that are cumulatively less than 20 percent of the prime agricultural soils on the 80-acre parcel. Ancillary propagation would occur also expand to 3,900-SF consisting of a 3,360-SF propagation area and within an existing 840-SF greenhouse. Water is sourced from a 350,000-gallon onsite rainwater catchment pond with excess flows would be pumped to a collection of 40,000 gallons of proposed tank storage. Water usage is estimated to require 379,444 gallons for irrigation, per growing season, at full buildout (9.2 gallons/SF/year). Existing water storage of 364,100 gallons would be expanded to 400,100 gallons at full buildout. Drying of cannabis would continue onsite in an existing outbuilding using dehumidifiers and fans. Offsite processing in a licensed facility is proposed. Up to three independent contract employees are anticipated during peak operations. Power is provided by a 25-kilowatt (kW) (and backup 45-kW) diesel generator as the applicant finalizes plans to install a solar array. Expansion beyond the existing 8,750 square feet will be allowed once the applicant demonstrates conversion to alternative energy to meet total power needs.

A motion by Commissioner Brian Mitchell, seconded by Commissioner Iver Skavdal to continue the Mayers Flat Farm Special Permits to a date uncertain. The motion carried by the following vote:

Aye: 6 - Commissioner Skavdal, Commissioner Levy, Commissioner Landry, Commissioner Mulder, Commissioner Mitchell and Commissioner West

J. REPORT FROM PLANNER

Staff will bring to the Planning Commission a review of the Walker Point house as the applicant has agreed to remove the house, restore the grading, and to protect the archaeological site.

K. PLANNING COMMISSION DISCUSSION ITEMS

L. ADJOURNMENT

Chair Noah Levy adjourned the meeting at 8:58 p.m.

M. NEXT MEETINGS: May 4, 2023 6:00 P.M. Regular Meeting - Hybrid