PLANNING COMMISSION

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At-Large

COUNTY OF HUMBOLDT PLANNING COMMISSION

825 Fifth Street
Board of Supervisors Chambers
Eureka, California

AGENDA

Thursday, November 7, 2024

6:00 PM

Regular Meeting - Hybrid

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 qualified disabilities as required under the Americans with Disabilities Act. With 72 hours prior notice, a request for reasonable accommodation or modification can be made. Please contact the Clerk of the Board Office at 707-476-2390 or by email cob@co.humboldt.ca.us or the ADA Coordinator at 844-365-0352 or by email at ada@co.humboldt.ca.us.

Please note: Those not able to attend the Planning Commission meeting in person will have the opportunity to provide public comment via Zoom; however, the County of Humboldt 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 Board of Supervisors are to attend the meeting person or submit your comment in writing in advance of the meeting.

HOW TO LISTEN OR WATCH THE PLANNING COMMISSION MEETING:

- 1. https://zoom.us/j/87544807065 Password: 200525
- Call in via telephone at 346 248-7799, enter meeting id 875 4480 7065 Password: 200525
 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
- In Person Public Comment: Any person may appear and present testimony for an item on this agenda 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. Zoom Public Comment: When the Planning Commission announce the agenda item that you wish to comment on, call the conference line, enter the Meeting ID and press star (*) 9 on your phone, this will raise your hand. You'll continue to hear the Planning Commission meeting on the call. When it is your turn to speak, you'll hear a prompt to unmute, press star (*) 6. Please turn off your TV or live stream to avoid delays. If you encounter any issues, please use the call-in option below.
- 3. Phone call using cell phone or landline: When the Planning Commission meeting begins, call in on the conference line. When the Planning Commission Chair 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, press *6 to unmute.

You may access the live stream of the meeting by using the following link: https://humboldt.legistar.com

SUBMITTING 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, November 06, 2024. After the deadline, written comments may be submitted to the commission in person during the meeting (15 copies). Comments 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. CHAIR AND VICE CHAIR NOMINATION AND ELECTION
- D. AGENDA MODIFICATIONS

E. 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.

F. 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 October 03, 2024, Action Summary

Recommendation: Approve the October 03, 2024, Action Summary

Attachments: 10.03.2024 Action Summary for review

2. MIB 2, LLC Conditional Use Permit and Special Permit

Assessor Parcel Number 221-021-026

Record No.: PLN-11543-CUP

Miranda Area

A Conditional Use Permit for 33,000 square feet of existing outdoor commercial cannabis cultivation with 3,160 square feet of ancillary propagation. Estimated annual irrigation water usage of 200,000 gallons will be sourced from rainwater catchment and a groundwater well. Water storage is provided by a 250,000-gallon pond. Processing, including trimming, will occur onsite. Electricity is provided by solar power with a generator reserved for emergencies only. A Special Permit is included because the project is within 600 feet of Public Lands managed for open space and requires a setback reduction.

Recommendation: That the Planning Commission:

- 1. Adopt resolutions (Resolution 24-__) (Attachments 1) which does the following:
- a. Finds the Planning Commission has considered the Mitigated Negative Declaration previously adopted for the Commercial Medical Marijuana Land Use Ordinance and the Addendum prepared for the MIB 2, LLC project (Attachment 3); and
- b. Finds the proposed project complies with the General Plan and Zoning Ordinance; and
- c. Approves the MIB 2, LLC Conditional Use Permit subject to the recommended conditions of approval (Attachments 1A).

Attachments: 11543 Staff Report 11.07.24

Attachment 1 - Draft Resolution

Attachment 1A - Conditions of Approval

Attachment 1B - Cultivation and Operations Plan

Attachment 1C - Site Plan

Attachment 2 - Location Map

Attachment 3 - CEQA Addendum

Attachment 4 - Applicant's Evidence in Support of the Required Findings

Attachment 4A - Site Managemet Plan

Attachment 4B - Lake and Streambed Alteration Agreement

Attachment 4C - Timberland Conversion Evaluation 08.15.2018

Attachment 4D - Timberland Conversion Evaluation 04.26.2024

<u>Attachment 4E - Relocation Justification</u>

Attachment 4F - Road Evaluation from Applicant

Attachment 4G - Road Evaluation from Application 10653

Attachment 4H - Well Completion Report Report

Attachment 5 - Referral Agency Comments

Attachment 5A - Division of Environmental Health Response

Attachment 5B - CDFW Comments

Attachment 5C - CalFire Response

Attachment 6 - Watershed Map

3. Ten Redwoods LLC Conditional Use Permit and Special Permit

Assessor Parcel Numbers (APN) 208-241-017

Record No.: PLN-11737-CUP

Dinsmore Area

DENIAL of a Conditional Use Permit for 11,700 square feet of existing outdoor cannabis cultivation and a Special Permit for development and restoration in a streamside management area.

Recommendation: That the Planning Commission:

1. Adopt resolutions (Resolution 24-__) (Attachments 1) which does the

following:

a. Finds the project exempt from environmental review pursuant to State CEQA $\,$

Guidelines Section 15270 (Projects Which Are Disapproved); and

b. Finds the applicant has not provided sufficient evidence necessary to make

the required findings for approval; and

c. Denies the Conditional Use Permit and Special Permit.

Attachments: 11737 Staff Report 11.07.24

Attachment 1 - Draft Resolution

Attachment 1A - CalFire Comment 10.03.20204

Attachment 2 - 11737 Staff Report 10.03.24 - Combined

Attachment 3 - Watershed Map

4. Renewable America, LLC Conditional Use Permit Modification

Assessor Parcel Numbers: 505-151-012, 506-231-019 and 506-231-022 (one separate legal

parcel)

Record Number: PLN-2022-17922-MOD01

Arcata area

A Modification to an approved Conditional Use Permit. The approved Conditional Use Permit was for a two phased community-scale solar energy and storage project that included the development of approximately 549,696 square feet of solar panels and a 5,000 square-foot equipment pad within pollinator habitat, in an area of approximately 30 acres (Record Number: PLN-2022-17922). The Modification to the approved project is to allow for the design change and reconfiguration of the solar panels and the equipment pad. The new design will include approximately 493,389 square feet of solar panels and two equipment pads, 2,500 and 2,156 square feet in size within pollinator habitat, in an area of approximately 27.43 acres. In addition, the layout of the panels will now shift from the west and extend north to within 50 feet of the northern parcel boundary. The new solar panels will be configured like those proposed in the approved permit; however, they are approximately 9.75 feet in height instead of 14 feet.

Recommendation: That the Planning Commission:

- 1. Adopt the resolution (Resolution 24-__) (Attachment 1), which does the following:
- Finds the Planning Commission has considered the adopted Initial Study/Mitigated Negative Declaration for the previously approved project (SCH No. 2022110533) (Attachment 3) and the Addendum (Attachment 2) that was prepared for the project Modification; and
- 3. Finds the proposed project Modification complies with the General Plan and Zoning Ordinance; and
- 4. Approves Conditional Use Permit Modification subject to the conditions of approval (Attachment 1A).

Attachments: 17922-MOD01 Staff Report 11.07.24

Attachment 1 - Draft Resolution

Attachment 1A - Conditions of Approval

Attachment 1B - Adopted Mitigation and Monitoring Report

Attachment 1C - Modification Site Plan

Attachment 2 - CEQA Addendum

Attachment 4 - PC Staff Report January 19, 2023

Attachment 4A - Approved Site Plan
Attachment 5 - PC Resolution 23-011

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

Showers Pass LLC Conditional Use Permits and Special Permit
 Assessor Parcel Numbers (APN) 317-182-019-000 and 317-182-020-000

Record Numbers.: PLN-10854-CUP

Kneeland area

Project Description: A Conditional Use Permit for 12,200 square feet (SF) existing outdoor cannabis cultivation and includes 1,400 SF of ancillary nursery and propagation space. A permitted well supplies cultivation water. Water storage of 10,000 gallons occurs in tanks. Annual water budget is approximately 93,000 gallons. Processing is proposed onsite but will utilize offsite processing until an appropriate facility is constructed. Power is provided by generators, the project is conditioned to transition to 100% renewable power by January 1, 2026, with generators reserved for emergencies only. The project includes a special permit for reduced setbacks to public lands.

Recommendation: That the Planning Commission:

- 1. Adopt resolutions (Resolution 24-__) (Attachments 1) which does the following:
- a. Finds the Planning Commission has considered the Mitigated Negative Declaration previously adopted for the Commercial Medical Marijuana Land Use Ordinance and the Addendum that was prepared for the Showers Pass Farms LLC project (Attachment 3); and
- b. Finds the proposed project complies with the General Plan and Zoning Ordinance; and
- c. Approves the Showers Pass Farms LLC Conditional Use Permit and Special Permit subject to the recommended conditions of approval (Attachment 1A).

Attachments: 10854 Staff Report 11.07.24

Attachment 1 - Draft Resolution

Attachment 1A - Conditions of Approval 10854

Attachment 1B - Cultivation Operations Plan 10854

Attachment 1C - Site Plan

Attachment 2 - Location Maps

Attachment 3 - CEQA Addendum

Attachment 4 - Applicant's Evidence in Support of Required Findings

Attachment 4A - Notice of Applicability 2019

Attachment 4B - Site Management Plan

Attachment 4C - LSA Notification

Attachment 4D - Well Completion Report

Attachment 4E - Timber Conversion Evaluation

Attachment 4F - Restocking Plan

Attachment 4G - Road Evaluation

Attachment 4I - NSO Assessment

<u>Attachment 5 - Referral Agency Comments and Recommendations</u>

Attachment 5A - CDFW response

Attachment 5B - CalFire Response

Attachment 5C - Humboldt County Department of Environmental Health

Attachment 5D - Humboldt Bay Municipal Water District

Attachment 6 - Watershed Map

2. Showers Pass Farms LLC Conditional Use Permit and Special Permit

Assessor Parcel Numbers (APN) 317-182-020-000 and 317-182-019-000

Record Numbers.: PLN-11989-CUP Kneeland/Showers Pass area

Project Description: Conditional Use Permit for 18,634 square feet of existing, outdoor cannabis cultivation. A permitted well on APN 317-182-019 provides cultivation water. 10,000 gallons of water is stored in hard tanks. An estimated 160,000 gallons of water is needed annually for irrigation. Drying/curing of harvested cannabis to occur within an on-site shed. All processing activities occur at a licensed facility off-site. Power is provided by generators, the project is conditioned to transition to 100% renewable power by January 1, 2026, with generators reserved for emergencies only. Special permit for the use and maintenance of a waterline in the Streamside Management Area.

Recommendation: That the Planning Commission:

1. Adopt resolutions (Resolution 24-__) (Attachments 1) which does the

following:

a. Finds the Planning Commission has considered the Mitigated Negative

Declaration previously adopted for the Commercial Medical Marijuana Land Use

Ordinance and the Addendum that was prepared for the Showers Pass Farms

LLC project (Attachment 3); and

b. Finds the proposed project complies with the General Plan and Zoning

Ordinance; and

c. Approves the Showers Pass Farms LLC Conditional Use Permit and Special Permit subject to the recommended conditions of approval (Attachment 1A).

Attachments: 11989 S

11989 Staff Report 11.07.24

<u>Attachment 1 - Draft Resolution</u>

Attachment 1A - Conditions of Approval 11989

Attachment 1B - 11989 Cultivation Operations Plan

Attachment 1C -11989 Site Plan

Attachment 2 - Location Maps

Attachment 3 - CEQA Addendum 11989

Attachment 4 - Applicant's Evidence in Support of Required Findings

Attachment 4A - 11989 LSAA 11.14.19

Attachment 4B - 11989 Site Management Plan

Attachment 4C - 11989 less-than-3-acre Conversion Exemption

Attachment 4D - 10854 Well Completion Report

Attachment 4E - Road Evaluation

Attachment 4F - 10854 NSO Assessment

Attachment 5 - Referral Agency Comments and Recommendations

Attachment 5A - CDFW response 11989

Attachment 5B - CalFire Response

Attachment 6 - Watershed Map

3. Marcas Land Co., Inc., Conditional Use Permit Assessor Parcel Numbers (APN) 317-033-008-000

Record No.: PLN-11099-CUP Pilot Ridge/Showers Pass area

A Conditional Use Permit 19,595 square feet (sf) of pre-existing outdoor commercial cannabis cultivation and 1,142 sf of ancillary nursery area. Processing, including drying and trimming occurs in an existing building on-site. Water for irrigation is sourced from two permitted groundwater wells. The applicant estimates 577,500 gallons of water used for irrigation per year. Off-grid power is supplied by one generator and proposed solar arrays. The project is proposed to be conditioned to transition to 100 percent on-site renewable energy by January 1, 2026.

Recommendation: That the Planning Commission:

1. Adopt the Resolution (Resolution 24-__), (Attachment 1) which does the

following:

a. Finds the Planning Commission has considered the Mitigative Negative

Declaration for the Commercial Medical Marijuana Land Use Ordinance and the

Addendum that was prepared for the Marcas Land Company, Inc. project); and

b. Finds 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: 11099 Staff Report 11.07.24

<u>Attachment 1 - Draft Resolution</u>

Attachment 1A - Conditions of Approval

Attachment 1B- Operations Plan 1.19.21 new '24

Attachment 1C- Site Plan

Attachment 2 - Location Maps

Attachment 3 - CEQA Addendum

Attachment 4 - Applicant's Evidence in Support of Required Findings

Attachment 4A - SMP & MRP

Attachment 4B - LSAA

Attachment 4C - Less than 3 acre conversion

Attachment 4D - Riparian and Stream Assessment

Attachment 4E - Environmental Superiority Plan updated

Attachment 4F - Well Reports

Attachment 4G - Water Right H501532

Attachment 4H - Road Evaluation Report

Attachment 5 - Referral Agency Comments and Recommendations

Attachment 5A - Referral_DEH

Attachment 5B - Referral Public Works

Attachment 5C - Referral_CDFW

Attachment 5D - Referral CALFIRE

Attachment 6 - Watershed Map

4. The Hills, LLC and Shadow Light Ranch, LLC; Conditional Use Permits and Special Permits Record Numbers: PLN-11638-CUP, PLN-11642-ZCC, PLN-11643-CUP (filed 12/2/2016) Assessor Parcel Numbers (APN) 223-061-003, 223-061-038, 223-061-039, 223-061-043, 223-061-046, 223-073-004 and 223-073-005
Garberville area

Two Conditional Use Permits and a Zoning Clearance Certificate for continued commercial cannabis cultivation and two Special Permits for commercial cannabis processing, including packaging, and a wholesale nursery. The project site consists of three legal parcels, one of which is proposed to be retired from cannabis operations. The total commercial cultivation proposed is 60,940 square feet of existing cannabis, of which 50,940 square feet is outdoor and 10,000 square feet is mixed light. The project includes relocation and consolidation of cultivation areas to environmentally superior locations with the remediation of the retired

cultivation areas. New development activities associated with this project include greenhouses for existing and relocated cultivation areas, a proposed 10,080 square foot wholesale nursery, which will also support on-site operations, a warehouse processing facility with support office space that would total up to 13,472 square feet, and employee housing of up to approximately 5,184 square feet. Water for irrigation purposes is anticipated to be approximately 756,900 gallons annually and is from an existing permitted groundwater well to be supplemented by rainwater catchment. Water for domestic purposes is from an existing spring. On-site power is currently provided by generators and solar and PG&E power is proposed.

In addition to the cultivation operation, wholesale nursery, processing operations and employee housing, the proposed project also includes decommissioning and restoration of three existing on-site ponds. These actions are proposed to satisfy requirements associated with the December 2023 Stipulated Judgement from the Superior Court of California Case No. CV2001113.

Recommendation:

That the Planning Commission:

- 1. Adopt the resolution (Resolution 24-__), (Attachment 1) which does the following:
- a. Adopts the Mitigated Negative Declaration prepared for the project (SCH# 2024090687); and
- b. Adopts the Mitigation Monitoring and Reporting Program (Attachment 1B) prepared for the project; and
- c. Finds that the proposed project complies with the General Plan and Zoning Ordinance; and
- d. Approves the Conditional Use Permits and Special Permits, subject to the recommended conditions of approval (Attachment 1A).

Attachments: <u>11638-11642-11643 Staff Report 11.07.24</u>

Attachment 1 - Draft Resolution

Attachment 1A - Conditions of Approval

Attachment 1B -MMRP

Attachment 1C - Site Plan

Attachment 2 - Vicinity Map

Attachment 3 - Draft Initial Study & Mitigated Negative Declaration

Attachment 3A - Appendix A - Vicinity Maps

Attachment 3B - Appendix B - Site Plan

Attachment 3C - 3G - Appendix C-G

Attachment 3H - 3N - Appendix H-N

Attachment 30 - Appendix O1-O4

Attachment 3P - 3U - Appendix P-U

Attachment 4 - Applicant's Evidence in Support of Required Findings

Attachment 4A - Wetland photos

Attachment 4B - County Approved Road list

<u>Attachment 5 - Referral Agency Comments and Recommendations</u>

Attachment 5A - ref Public Works

Attachment 5B - ref Environmental Health

Attachment 5C - ref Cal Fish and Wildlife

Attachment 5D - ref CALFIRE

Attachment 6 - Public Comment

Attachment 7A - 11638 Watershed Map

Attachment 7B - 11642 Watershed Map

Attachment 7C - 11643 Watershed Map

 Laura Muzzy Conditional Use Permit Modification Record Number: PLN-2024-19013, PLN-12468-SP Assessor Parcel Number: 210-072-009-000

Carlotta area

A modification to Conditional Use Permit PLN-12648-CUP to add a well as an additional water source for the project and increase the amount of water used for irrigation annually from 200,000 gallons to 759,480 gallons. The approved permit authorized 30,000 square feet of outdoor cannabis cultivation with a 3,000 square foot nursery. The proposed well on the project parcel is likely to be hydrologically disconnected from surface waters...end

Recommendation: That the Planning Commission:

1. Adopt the resolution (Resolution 24-__). (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 project; and

b. Finds that the proposed project complies with the General Plan and Zoning

Ordinance; and

c. Approves the Conditional Use Permit Modification subject to the recommended conditions of approval (Attachment 1A).

Attachments: 19013 Staff Report 11.07.24

Attachment 1 - Draft Resolution

Attachment 1A - Conditions of Approval revised 11.7.2024

Attachment 1B - Cultivation & Operations Plan 8.20.2024

Attachment 1C - Site Plan

Attachment 2 - CEQA Addendum

Attachment 3 - 12468 PC Resolution with Conditions of Approval

Attachment 4A - 19013 Well Hydrologic Report Final July 22 2024

Attachment 5 - Referral Agency Comments and Recommendations

Attachment 6 - Watershed Map

6. Lynnette Chen Coastal Development Permit Assessor's Parcel Numbers: 017-192-006 Record Numbers: PLN-2024-19041

Eureka area

A Coastal Development Permit (CDP) for a repair of a damaged leach fields and tree removal of approximately 60 trees for structure protection for the existing residence and pump house for Humboldt Community Services District (HCSD).

Recommendation: That the Planning Commission:

- 1. Adopt resolutions (Resolution 24-__), (Attachments 1) which does the following:
- a. Finds that the proposed project complies with the Humboldt Bay Area Plan and Zoning Ordinance; and
- b. Finds the project exempt from CEQA pursuant to Section 15302(c)
 (Replacement or Reconstruction) and 15304 Minor Alterations to Land of the
 CEQA Guidelines, and that there is no substantial evidence that the project will have a significant effect on the environment; and
- c. Approves the Coastal Development Permit subject to the recommended conditions of approval (Attachment 1A).

Attachments: 19041 Staff Report 11.07.24

Attachment 1 - Draft Resolution

Attachment 1A - Conditions of Approval

Attachment 1B - Site Plan

Attachment 2A - Biological Study

Attachment 2B - Addendum to Biological Study

Attachment 3A - ref Callifornia Coastal Commision

Attachment 3B - ref CDFW

H. ITEMS PULLED FROM CONSENT

- I. REPORT FROM PLANNER
- J. PLANNING COMMISSION DISCUSSION ITEMS
- **K. ADJOURNMENT**
- L. NEXT MEETINGS: November 21, 2024 6:00 p.m. Regular Meeting Hybrid

 December 05, 2024 6:00 p.m. Regular Meeting Hybrid