

PLANNING COMMISSION

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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 6, 2023

6:00 PM

Revised Agenda  
Regular Meeting - Hybrid

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

**B. COMMISSIONERS PRESENT**

*Please note: Sarah West had not yet been sworn in.*

Present : 6 - Commissioner Iver Skavdal, Commissioner Noah Levy, Commissioner Lonyx Landry,  
Commissioner Thomas Mulder, Commissioner Peggy O'Neill and Commissioner Brian  
Mitchell

Absent : 0

**C. AGENDA MODIFICATIONS**

**D. PUBLIC COMMENT ON NON-AGENDA ITEMS:**

*Public comment period opened.*

*Isaac Young and Ken Sawatsky spoke*

*Public comment period closed.*

**E. CONSENT AGENDA**

1. Review and approval of the January 19, 2023, Action Summary:
3. Proposed street name change from Lake Benbow Drive to Benbow Inn Drive.
7. Cali's Finest Gardens, LLC Conditional Use Permit

Record Number PLN-12468-CUP (filed 12/23/2016)

Assessor's Parcel Number: 210-072-009.

Bridgeville area

**9. Sun Ocean West Expansion, LLC Conditional Use Permit, Special Permit, and Notice of Merger Extension**

Assessor Parcel Numbers (APN) 510-171-039-000, 510-171-040-000, 510-171-060-000

Record No.: PLN-2022-18039

McKinleyville Area

A two-year extension to a previously approved Conditional Use Permit (CUP), Special Permit (SP) and a Notice of Merger (NOM) (PLN-14268-CUP). The previously approved project included a CUP and associated permits for a proposed expansion of Ocean West Manufactured Home Park. The NOM portion of the proposed project consists of the merging of two vacant 4.5 acre and 0.57-acre parcels into the 25.33 acre developed manufactured home park for a total of 30.4 acres. The merger would allow for the expansion of 25 spaces for a total of 155 units. The CUP is required to operate a manufactured home park in the C-1 Neighborhood Commercial zoning district. There is a previously approved CUP (CUP-37-77) for the existing 25.33-acre portion of Ocean West. The proposed road connecting the proposed western expansion to the rest of the park will result in approximately 82 square feet of a one-parameter wetland being filled and 3,049 square feet of encroachment into the Streamside Management Area (SMA). The SP is required for development within the SMA protective buffer of Widow White Creek, resulting in temporary and permanent impacts to the riparian habitat and associated wetlands. Mitigation measures will be required to reduce the potentially significant impact to wetlands, the SMA, water quality, and to habitats. Mitigation measures include invasive and non-native vegetation and tree removal, native planting within the restoration area, 350 square feet of wetland restoration, and 15,000 square feet of riparian restoration. Twenty-nine trees are slated for removal and 185 trees will be planted. Low impact development measures are proposed to reduce stormwater runoff and to meet County standards for Hydromodification projects. These measures include the use of permeable pavement for all roadways and driveways, and the use of bioretention basins. Approximately 30,000 square feet of additional recreational space is proposed to meet requirements for the expansion of manufactured home park. This will include a dog park, trails, community garden, and picnic areas. No change to the original project is proposed. If approved, the extension will expire on January 4, 2025.

**10. Hosford Final Map Subdivision, Lot Line Adjustment, and Special Permit Extension**

Record Number: PLN-2023-18081 (filed 01/24/2023)

Assessor Parcel Numbers (APN) 018-031-020 & 018-032-008

Cutten area

A two-year extension of a previously approved Final Map Subdivision (FMS) to create 4 parcels and a fifth adjusted by a Lot Line Adjustment (LLA). All parcels will be accessed via Redwood Street, a paved County road, which will be significantly improved as a result of this project. The Special Permit is required for the removal of five (5) redwood trees and for an exception to the parking requirements for proposed Parcel 4 and Parcel B of the LLA. The area is served by community water and sewer. No change to the original project is proposed. This is the second

extension requested and if approved, the extension will expire on January 28, 2025. This project was previously automatically extended once in 2019 for two years, and again for 18 months under AB1561.

- 11. Tony Ellena Parcel Map Subdivision Extension  
 Record Number: PLN-2023-18097 (filed 02/07/2023)  
 Assessor Parcel Number (APN) 510-291-087  
 McKinleyville area

A two-year extension to a Minor Subdivision of an approximately 21,842 square foot parcel to divide it into three parcels ranging in size from 5,005 square feet to 6,233 square feet. An exception to the right of way width is requested to allow the subdivision to be served by a 20-foot-wide easement. The parcel is currently vacant and served with community water and sewer. The new expiration date will be February 13, 2025. The project was previously automatically extended for 18 months under AB 1561. This is the first extension application submitted to Humboldt County.

***Approval of the Consent Agenda***

***A motion was made to approve the Consent Agenda, including items E1 1.19.2023 Action Summary, E3 Street Name Change, E7 Cali's Finest Gardens, E9 Sun Ocean West Extension, E10 Hosford FMS Extension, and E11 Ellena PMS Extension, as recommended. The motion carried by the following vote:***

Aye: 6 - Commissioner Skavdal, Chair Levy, Commissioner Landry, Commissioner Mulder, Commissioner O'Neill and Vice Chair Mitchell

**F. ITEMS PULLED FROM CONSENT**

- 2. Review and approval of the February 16, 2023, Action Summary:

*Public comment period opened for public input*

***A motion was made by Vice Chair Mitchell, seconded by Commissioner Skavdal, that the February 16, 2023 Action Summary be approved. The motion carried by the following vote:***

Aye: 5 - Commissioner Skavdal, Chair Levy, Commissioner Landry, Commissioner O'Neill and Vice Chair Mitchell

Abstain: 1 - Commissioner Mulder

- 4. Healing Sun, LLC  
 Assessor Parcel Numbers (APN) 220-082-020  
 Record No.: PLN-12072-CUP  
 Willow Creek area

Healing Sun seeks a Conditional Use Permit for 16,800 square feet (SF) of existing outdoor commercial cannabis cultivation, with 1,900 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.

*Public comment period opened and closed.*

***A motion was made by Vice Chair Mitchell, seconded by Commissioner Mulder, that the Healing Sun Conditional Use Permit be continued to the April 20, 2023 meeting. The motion carried by the following vote:***

Aye: 6 - Commissioner Skavdal, Chair Levy, Commissioner Landry, Commissioner Mulder, Commissioner O'Neill and Vice Chair Mitchell

5. 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 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 transition away from the use of the well by obtaining water from either a 6-million-gallon on-stream reservoir on a separate legal parcel or from rainwater catchment for at least half of the irrigation needs, with 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 as well as existing solar panels. The applicant proposes to transition to PG&E with only backup generator use within five years or in the event that PG&E is not available to continue to build out solar capabilities on site to meet power needs.

*Commissioner Landry- Resolution needs to be updated to remove reference to mixed light. Communications received from CDFW showing that the cultivation area had expanded by 8,000 square feet and the 6 million gallon pond is not approved and question whether the applicant have sufficient storage.*

*Director John Ford calls for a point of order - Ex Parte communication with outside source, and asks for a continuance.*

*Commissioner Mulder - Uncomfortable.  
Commissioner Skavdal - Clarification on Pond and storage tank locations.*

*Public comment period opened.  
Praj White was called to speak.  
5288 was called to speak.*

*Commissioner Mitchell - Questioned which projects on the agenda are affected by CDFW comments.*

*Commissioner Mulder - Clarification on Cultivation Area Verification (CAV), Confirming the CDFW Communication is part of the record, and makes a motion to continue the project to 4.20.23 with the CDFW communication to be included as part of the record.*

***A motion was made by Commissioner Mulder, seconded by Commissioner Skavdal, that the Myers and Aquarian Conditional Use Permit be continued to the April 20, 2023 meeting. The motion carried by the following vote:***

Aye: 6 - Commissioner Skavdal, Chair Levy, Commissioner Landry, Commissioner Mulder, Commissioner O'Neill and Vice Chair Mitchell

**6. 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 existing outdoor cannabis cultivation and a Special Permit for restoration work within Streamside Management Area (SMA). Outdoor cannabis cultivation will occur in light deprivation greenhouses and full sun. There will be a 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. The applicant is proposing to transition away from the use of the well and has proposed that water for irrigation be provided either by a 6-million-gallon on-stream reservoir or rainwater catchment utilizing 400,000 gallons of rainwater catchment tanks (15,000 gallons existing and 385,000 gallons proposed). The applicant anticipates 400,000 gallons of water will be required annually for irrigation. 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 will be provided by solar with an emergency backup generator. The applicant is seeking to transition to PG&E power if available within five years; however, in the event that it is not available the power source will be solar with a generator available for emergency backup only.

*Commissioner Landry confirms Ex Parte that he received information regarding the pond from an outside source, CDFW.*

*Commissioner Mulder clarifies the Ex Parte.*

*Director John Ford recommends continuation.*

*Destine Andrews confirms Ex Parte regarding communication can state the jest of the conversation that you had, however if the communication is a graphic presentation, everyone needs to be able to view it, so that everyone on the commission has the same information.*

*Public comment period opened.*

*5288 was called to speak.*

*Praj White was called to speak.*

***A motion was made by Commissioner Landry, seconded by Vice Chair Mitchell, that the Humboldt Kingz Conditional Use Permit be continued to the April 20, 2023 meeting. The motion carried by the following vote:***

Aye: 6 - Commissioner Skavdal, Chair Levy, Commissioner Landry, Commissioner Mulder, Commissioner O'Neill and Vice Chair Mitchell

- 8.** American Hospital Management Corp Conditional Use Permits and Special Permits  
Record Number: CUP-16-1057 (filed 12/30/2016)  
Assessor Parcel Number (APN) 522-492-016  
Willow Creek Area

Denial of two (2) Conditional Use Permits and three (3) Special Permits under the Commercial Medical Marijuana Land Use ordinance (CMMLUO) for commercial cannabis Distribution, Manufacturing, Indoor Cultivation, Offsite Processing, and Commercial Nursery. Water would be provided by Willow Creek Community Services District. Water use proposed for 10,000 square feet of indoor cultivation was 180,000-gallons/year, with an unknown amount of additional water required for Manufacturing and Commercial Nursery activities. Power source or number of employees were not included in Cultivation and Operations Plan provided by the applicant.

*Commissioner Mitchell wants to know the lengths staff went through to come to a Denial recommendation.*

*Commissioner O'Neill asks if the applicant responded to staff communication.*

*Director John Ford confirms communication from applicant too limited to be able to make the required findings for approval.*

*Commissioner O'Neill asked if projects coming forward for denial could be bulked together.*

*Director John Ford will explore the possibility of how that may work.*

*Commissioner Mulder clarifies the applicant will be given time to speak when public comment opens. Confirms the project was never operational.*

*Commissioner Levy appreciates that staff offered to withdrawal the project instead of going to hearing.*

*Public comment period opened.*

*5288 was called to speak.*

*Public comment period closed.*

***A motion was made by Vice Chair Mitchell, seconded by Commissioner Mulder, that staff recommendations to deny the Conditional Use Permit be approved. The motion carried by the following vote:***

Aye: 6 - Commissioner Skavdal, Chair Levy, Commissioner Landry, Commissioner Mulder, Commissioner O'Neill and Vice Chair Mitchell

## **I. REPORT FROM PLANNER**

*Board of Supervisors upheld the Planning Commission recommendation to approve the Davies Lot Line Adjustment and Zone Reclassification.*

*The Planning and Building Department gave an annual Code Enforcement report to the Board of Supervisors and took lien assessments forward to the Board of Supervisors as well.*

**J. PLANNING COMMISSION DISCUSSION ITEMS**

*Statements of Economic Interests due April 3.*

**K. ADJOURNMENT**

*Noah Levy adjourned the meeting at 7:30 p.m.*

**L. NEXT MEETINGS      April 20, 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.**