

PLANNING COMMISSION

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JOHN H. FORD  
Director, Planning and Building

**COUNTY OF HUMBOLDT  
PLANNING COMMISSION**

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

**AGENDA**

Thursday, November 2, 2023

6:00 PM

Regular Meeting - Hybrid

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**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](mailto:cob@co.humboldt.ca.us) or the ADA Coordinator at 844-365-0352 or by email at [ada@co.humboldt.ca.us](mailto: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 in 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
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

Meetings of the Humboldt County Planning Commission are held in person in the Board of Supervisors chambers, located at 825 Fifth Street, Eureka, California.

1. **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 cellphone 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](mailto: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 01, 2023. 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. 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 October 19, 2023, and the October 26, 2023, Action Summaries.

**Recommendation:** Approve the October 19, 2023, and the October 26, 2023, Action Summaries.

**Attachments:** [10.26.2023 Action Summary for review](#)  
[10.19.2023 Action Summary for review](#)

2. VIPA Farmers, LLC, Conditional Use Permit  
Assessor Parcel Numbers (APN) 219-011-007-000  
Record No.: PLN-11269-CUP  
Salmon Creek area

A Conditional Use Permit for 12,536 square feet of existing mixed light cannabis cultivation. Three harvests are anticipated annually. The project is supported by a 1,250 square foot propagation greenhouse. Water for irrigation is sourced from an existing 300,000-gallon rainwater catchment pond and 6 hard tanks totaling 6,200 gallons. Ordinary annual water usage totals 216,895 gallons (21.8 gallons per ft<sup>2</sup>). All processing occurs onsite. Electricity is currently sourced from a diesel generator; however, the applicant is seeking to obtain grid power through PG&E.

**Recommendation:** Continue the VIPA Farmers project to November 16, 2023.

**Attachments:** [11269 VIPA Farmers Staff Report - continued to 11.16.23](#)

**3. Panther Rock Growers, MBC, Conditional Use Permit**

Assessor's Parcel Numbers: 210-162-007

Record Numbers: PLN-11496-CUP

Dinsmore area

A Conditional Use Permit for 5,120 square feet of existing mixed light and 15,841 square feet of existing outdoor commercial cannabis cultivation supported by a 1,792 square foot ancillary nursery. Estimated annual water usage is 126,000 gallons and is sourced from a point of diversion and rainwater catchment. Water storage totals 197,750 gallons. Onsite processing is proposed and power is sourced from a generator.

**Recommendation:** Continue the Panther Rock Growers project to November 16, 2023.

**Attachments:** [11496 Panther Rock Growers Staff Report 11.02.23 - continued to 11.16.23](#)

**4. Watersong, LLC, Conditional Use Permit**

Assessor Parcel Number: 522-031-007

Record Number: PLN-12002-CUP

Willow Creek area

A Conditional Use Permit for 21,469 square feet (SF) of existing outdoor cannabis cultivation, including 1,200 SF of ancillary propagation. Water sourced for cultivation from a permitted, groundwater well. There are three 3,500-gallon hard-sided tanks totaling 10,500 gallons of water storage. Estimated annual water use is 135,000 gallons. Outdoor cultivation occurs in the southeastern portion of the parcel consisting of 2 cultivation areas. Drying and curing occurs on-site in existing shipping containers while other processing is completed off-site. A maximum of 3 employees may be utilized during peak operations. Power is provided by three (3) generators and solar power is used for the well pump. The project is conditioned for transition to renewable energy by January 1, 2026.

**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 Addendum to the adopted Mitigated Negative Declaration for the Commercial Medical Marijuana Land Use Ordinance (CCMLUO) that was prepared for the Watersong, LLC project (Attachment 3); 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:*

[12002 Staff Report 11.02.23](#)  
[Attachment 1 - Draft Resolution](#)  
[Attachment 1A - Conditions of Approval](#)  
[Attachment 1B - Cultivation and Operations Plan](#)  
[Attachment 1C - Site Plan](#)  
[Attachment 2 - Location Maps](#)  
[Attachment 3 - CEQA Addendum](#)  
[Attachment 4 - Applicant's Evidence in Support of the Required Findings](#)  
[Attachment 4A - Notice of Applicability](#)  
[Attachment 4B - Water Resource Protection Plan](#)  
[Attachment 4C - Lake or Streambed Alteration Agreement](#)  
[Attachment 4D - Well Completion Report](#)  
[Attachment 4E - Less-Than-3-Acre Conversion](#)  
[Attachment 4F - CalFire Settlement](#)  
[Attachment 4G - Engineering Geologic Evaluation](#)  
[Attachment 4H - Public Works Road Evaluation Report Form](#)  
[Attachment 4I - Hydrogeologic Well Assessment](#)  
[Attachment 5 - Referral Agency Comments & Recommendations \(12002\)](#)  
[Attachment 6 - Watershed Map](#)

**5. Gage & Amy Duran Conditional Use Permit**

Assessor Parcel Number: 205-432-005

Record Number: PLN-2022-18014

Scotia area

A Conditional Use Permit is being requested to allow the upper floors of the former Scotia Hospital building to be adapted for use as a Hotel with up to nine (9) units. The Use Permit is sought to allow flexibility in leasing these units as monthly rentals as well as on a less-than-monthly basis as short-term lodging. Transient Habitation includes Hotels, which are a conditionally permitted use in the Community Commercial (C-2) zone in which the property is located. Design Review is not required as no exterior alterations to the building or site are proposed at this time.

**Recommendation:** That the Planning Commission:

1. Adopt the resolution (Resolution 23-\_\_). (Attachment 1) which does the following:
  - a. Finds the project exempt from environmental review pursuant to Section 15301 of the State CEQA Guidelines; and
  - b. Makes all required findings for approval of the Conditional Use Permit; and
  - c. Approves the Gage & Amy Duran Conditional Use Permit as recommended by staff and subject to the recommended conditions of approval (Attachment 1A).

**Attachments:**

[18014 Staff Report 11.02.23](#)

[Attachment 1 - Draft Resolution](#)

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

[Attachment 1B - Site Plan](#)

[Attachment 1C - Floor Plans](#)

[Attachment 1D - Plan of Operation](#)

[Attachment 2 - Location Map](#)

[Attachment 3 - Site Photo](#)

[Attachment 4A - Letter regarding Parking Nonconformance](#)

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

**F. OLD BUSINESS**

**1. Draft Short-term Rental Ordinance**

Record No.: LRP-2022-17963 & LRP-2023-18254

All unincorporated areas of Humboldt County

Inland and coastal zone ordinances to allow the use of residences for short-term rentals within the unincorporated areas of Humboldt County. The ordinance does the following:

- a) Creates two tiers of rentals consisting of units partially rented by the occupants of the residence and rental of the whole unit;
- b) Establishes performance criteria for the operation of short term rentals;
- c) Creates an Administrative Permit to authorize rentals which comply with the ordinance and allows approval of a discretionary permit when deviations from standards are requested.
- d) Creates a cap for the number of units allowed around the Humboldt Bay Area

The new ordinance would affect the following code sections:

1. Inland: Adds section 314-60.05, amends the tables in section 314-6 and 314-9, amends sections 314-37, 314-44, 314-55, 314-138, 314-141, 314-143, 314-153, 314-154, 314-157, 314-158, 314-163, 314-174 and 314-177 in Chapter 4 of Division 1 of Title III of the County Code for the inland areas of the County.

2. Coastal: Adds section 313-61.05, amends the tables in section 313-6, and amends sections 313-44, 313-50, 313-55, 313-141, 313-143, 313-154, 313-157, 313-163, 313-172, and 313-177 in Chapter 3 of Division 1 of Title III of the County Code for the coastal areas of the County.

**Recommendation:** That the Planning Commission:

1. Request staff provide introduction to the changes made to the draft Short-term Rental Ordinance in response to comments at the October 5, 2023, Workshop.
2. Allow for public comment on the proposed draft ordinance.
3. Deliberate and comment on the draft Short-term Rental Ordinance.
4. Provide guidance to Planning & Building Staff on any desired amendment selections to the draft ordinance and provide a recommendation to the Board of Supervisors.



*Attachments:*

[17968 STR Ordinance Staff Report 10.26.23](#)

[Attachment 1 - Inland Draft Short-term Rental Ordinance 10.19 cm](#)

[Attachment 2 - Coastal Short-term Rental Ordinance 10.19 cm](#)

[Attachment 3 - STR PC Resolutions \(Inland & Coastal\)](#)

[Attachment 4 - Public Comments](#)

[Attachment 5 - PC Workshop 10.5.23](#)

**2. Sign Ordinance**

Assessor Parcel Numbers (APN) 000-000-000

Record No.: PLN-2023-18801

Countywide

Amendment of provisions within the Zoning Ordinance regulating Signs and Nameplates. This ordinance will provide a uniform set of standards for the development, siting, size and installation of signs and billboards in the Zoning Ordinance (Section 87.3 of Chapter 3 and Section 87.2 of Chapter 4 of Division 1 of Title III of Humboldt County Code). These standards will protect aesthetic values along scenic highways, coastal views, and scenic areas; encourage siting in preferred locations to help preserve the County's environmentally sensitive habitat areas; ensure compatibility with CalTrans Outdoor Advertising Act permit requirements; and create standards to manage the size and locations of signs. The new ordinance proposes changes to the following sections:

1. Amends sections 314-87.2.1 through 314-87.2.2 and adds sections 314-87.2.3, 87.2.4, 87.2.5, 87.2.6, 87.2.7, 87.2.8, and 87.2.9 in Chapter 4 of Division 1 of Title III of the County Code for the inland areas of the County.

2. Amends sections 313-87.3.1, 87.3.2, and 87.3.3 and adds sections 313-87.3.4 in Chapter 3 of Division 1 of Title III of the County Code for the coastal areas of the County.

**Recommendation:** That the Planning Commission:

1. Adopt the resolution (Resolution 23-\_\_) recommending that the Humboldt County Board of Supervisors take the following actions:

a. Find the proposed ordinance is exempt from CEQA pursuant to §15303 of the State CEQA Guidelines and

b. Find that the modifications to the Zoning Ordinance are consistent with the General Plan or Local Coastal Plan

c. Adopt the Amendment to the Inland and Coastal Zoning Ordinance sections regulating the location and size of signage.

**Attachments:**

[18011 Staff Report 11.02.23](#)

[Attachment 1 - 18011 Draft Resolution \(Coastal\)](#)

[Attachment 2 - 18011 Draft Resolution \(Inland\)](#)

[Attachment 3 - Draft Sign Ordinance \(Inland\)](#)

[Attachment 4 - Draft Sign Ordinance \(Coastal\)](#)

[Attachment 5 - Public Comments](#)

**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. Emerald Mountain Coast LLC, Conditional Use Permit  
Assessor Parcel Number (APN) 522-021-009-000  
Record No.: PLN-11291-CUP  
4054 Cloud Crossing Rd. Blue Lake, CA 95525

A Conditional Use Permit for 18,050 square feet of mixed light commercial cannabis cultivation supported by an 1,805 square foot ancillary nursery. Estimated annual irrigation water usage is 180,500 gallons and is sourced from a groundwater well and proposed rainwater catchment. Water storage consists of 51,400 gallons in tanks and a proposed 500,000-gallon rain catchment pond. Drying and curing will occur onsite and additional processing such as trimming will occur offsite. Power is provided by a generator and applicant proposes transition to renewable. The proposal includes onsite relocation and restoration.

**Recommendation:** That the Planning Commission:

1. Adopt 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 Emerald Mountain Coast 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:*

[11291 Staff Report 11.02.23](#)  
[Attachment 1 - Draft Resolution](#)  
[Attachment 1A - Conditions of Approval](#)  
[Attachment 1B - Cultivation Operations Plan](#)  
[Attachment 1C - Site Plan](#)  
[Attachment 2 - Location Maps](#)  
[Attachment 3 - CEQA Addendum](#)  
[Attachment 4 - Applicant's Evidence in Support of Findings](#)  
[Attachment 4A - Less than 3-acre conversion](#)  
[Attachment 4B - Well Completion Report - south well](#)  
[Attachment 4C - Final Streambed Alteration Agreement with CDFW](#)  
[Attachment 4D - Water Resources Protection Plan](#)  
[Attachment 4E - Well Completion Report](#)  
[Attachment 4F - Road Evaluation Report Form](#)  
[Attachment 4G - Supply Creek Ambient Water Grab Sampling Results](#)  
[Attachment 4H - Supply Creek Cumulative Impact Assessment](#)  
[Attachment 4I - Supply Creek Surface Water Supply Study](#)  
[Attachment 4J - Biological Assessment](#)  
[Attachment 5 - Referral Agency Comments and Recommendations](#)  
[Attachment 5A - Humboldt County Public Works](#)  
[Attachment 5B - CDFW CEQA](#)  
[Attachment 5C - Humboldt County Environmental Health](#)  
[Attachment 6 - 11291 Watershed Map](#)

2. High Art, LLC Conditional Use Permit  
Assessor's Parcel Number: 522-022-015-000  
Record Number: PLN-11525-CUP  
Old Three Creeks Road, Willow Creek area

Denial of a Conditional Use Permit for an existing 20,180-square-foot (SF) outdoor cannabis cultivation operation.

**Recommendation:** That the Planning Commission:

Adopt the resolution (Attachment 1) which does the following:

- a. Find the project exempt from environmental review pursuant to State CEQA Guidelines Section 15270; and
- b. Find the existing cannabis operation has operated in violation of Humboldt County Code and State regulations and has been operated as to be detrimental to the public health, safety and welfare; and
- c. Deny the Conditional Use Permit application for High Art, LLC.

*Attachments:*

[11525 Staff Report 11.02.23](#)  
[Attachment 1 - Draft Resolution](#)  
[Attachment 2A - Location Map Aerial](#)  
[Attachment 2B - Cultivation and Operations Plan 01.07.2021](#)  
[Attachment 2C - Site Plan 03.24.21](#)  
[Attachment 3A - Satellite Images from 2023](#)  
[Attachment 3B - CDFW Notice of Violation](#)  
[Attachment 3C - Notice of Interim Permit Expiration](#)  
[Attachment 3D - Email to applicant to notify of need for site](#)  
[Attachment 3E - Request site visit email from Planning](#)  
[Attachment 3F - Active cultivation 1](#)  
[Attachment 3G - Active cultivation 2](#)  
[Attachment 3H - Active cultivation 3](#)  
[Attachment 3I - Freshly harvested cultivation 1](#)  
[Attachment 3J - Freshly harvested cultivation 2](#)  
[Attachment 3K - Freshly harvested cultivatoin 3](#)  
[Attachment 3L - Heavily erroded road](#)  
[Attachment 3M - Failed culvert](#)  
[Attachment 3N - 2021 Metric tags on live plants](#)  
[Attachment 3O - Perlite soil pile and trash](#)  
[Attachment 3P - Perlite soil pile](#)  
[Attachment 3Q - Trash and substandard housing](#)  
[Attachment 3R - Batteries](#)  
[Attachment 3S - Synthetic netting piles](#)  
[Attachment 4 - Hoopa Valley Triibe letter in support of site relocation](#)  
[Attachment 5 - Applicant evidence](#)  
[Attachment 6 - Watershed Map](#)

**3. Valadao - Final Map Subdivision, Conditional Use Permit, Planned Unit Development**

Application Number: PLN-2021-17560

Assessor Parcel Number (APN) 510-381-021

McKinleyville area

A Major Subdivision of an approximately 2.47-acre parcel into nineteen (19) parcels. The parcel is currently developed with a single-family residence which will be sited on its own parcel along with shared parking facilities, a laundry building, and a storage building and accessory dwelling unit. An existing detached garage and two other outbuildings are proposed to be removed. A Planned Development Permit is also being requested to allow for clustered development of approximately 61 units, and to allow for shared parking facilities, reduced setbacks from interior lot lines, reduced lot size, and a reduced road right-of-way width. The proposed development includes three different housing types: thirty-two (32) one-bedroom units and twenty-four (24) two-bedroom townhouse units configured in a four-plex fashion, and four (4) single-family dwelling units. A Conditional Use Permit is requested to allow four (4) of the proposed parcels to host single-family dwelling units. The site will be served with community water and sewer provided by the McKinleyville Community Services District.

**Recommendation:** That the Planning Commission:

Adopt the resolution (Attachment 1) which does the following:

- a. Find that the project is consistent with the development density and policies established by an existing community plan and General Plan for which an EIR was certified, and that no additional environmental review is required per section 15183 of the State CEQA Guidelines; and
- b. make all of the required findings for approval of the Final Map Subdivision, Conditional Use Permit, and Planned Unit Development; and
- c. approve the Valadao Major Subdivision, Conditional Use Permit, and Planned Unit Development subject to the recommended conditions.



*Attachments:*

- [17560 Staff Report 11.02.23](#)
- [Attachment 1 - Draft Resolution](#)
- [Attachment 1A - Conditions of Approval](#)
- [Attachment 1B - Public Works Department Recommended Conditions of Approval](#)
- [Attachment 1C - Tentative Map](#)
- [Attachment 1D - Grading Plan](#)
- [Attachment 1E - Elevations & Floor Plans](#)
- [Attachment 1F - Solar Shading Exhibit](#)
- [Attachment 2 - Location Map 10.20.2022](#)
- [Attachment 3A - Letter from Applicant with Development Information](#)
- [Attachment 4 - Referral Agency Comments & Recommendations](#)
- [Attachment 4A - Comment from School Dist.](#)
- [Attachment 5 - Public Comment](#)

**H. ITEMS PULLED FROM CONSENT**

**I. REPORT FROM PLANNER**

**J. PLANNING COMMISSION DISCUSSION ITEMS**

**K. ADJOURNMENT**

**L. NEXT MEETING: November 16, 2023 6:00 p.m. Regular Meeting - Hybrid**