

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, April 6, 2023

6:00 PM

Revised Agenda
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**

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 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. **Via Computer as an attendee:** To address the Commission, 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, 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 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 your mic, press *6 to unmute.

Please note: 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, April 5, 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 Thursday, March 30, 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 January 19, 2023, Action Summary:

Recommendation: Approve the January 19, 2023, Action Summary

Attachments: [ActionSummary 01.19.23](#)

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

Recommendation: Approve the February 16, 2023, Action Summary

Attachments: [Action Summary 02.16.23](#)

3. Proposed street name change from Lake Benbow Drive to Benbow Inn Drive.

Recommendation: That the Planning Commission.
1. Recommend the Board of Supervisors approve the street name change from Lake Benbow Drive to Benbow Inn Drive.

Attachments: [Staff Report](#)
[Attachment 1 - DRAFT PC Resolution](#)
[Attachment 2 - Benbow petition](#)
[Attachment 3 - Humboldt County GIS map](#)
[Attachment 4 - Benbow PW Referral](#)

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.

Recommendation:

That the Planning Commission:

1. Describe the application as part of the April 6, 2023, 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 approve the application as part of the Consent Agenda; and
4. 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 Healing Sun, 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:

[Healing Sun Staff Report 12072](#)

[Attachment 1 - Resolution](#)

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

[Attachment 1B - 12072 Cultivation and Operation Plan 5.15.2020](#)

[Attachment 1C.1 - 12072 Addendum to Cultivation and Operations Plan 05.04.2020](#)

[Attachment 1C.2 - 12072 Addendum to Cult & Ops Plan 9.13.2022](#)

[Attachment 1D - 12072 Site Plan 9.13.2022](#)

[Attachment 2 - 12072 Location Maps](#)

[Attachment 2A - 12072 Watershed Map](#)

[Attachment 3 - CEQA Addendum](#)

[Attachment 4 - Applicant's Evidence in Support of Required Findings](#)

[Attachment 4A - 12072 Notice of Applicability 10.26.21](#)

[Attachment 4B - 12072 Well Assessment Report 8.2.22](#)

[Attachment 4C - 12072 Final LSAA 10.26.21](#)

[Attachment 4D - 12072 Water Resource Protection Plan 06.29.2018](#)

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

[Attachment 5A - 12072_ref_Building Inspection 01.05.2021](#)

[Attachment 5B - 12072_ref_DEH](#)

[Attachment 5C - 12072 Public Works Response](#)

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.

Recommendation: That the Planning Commission:
Adopt the resolution (Resolution 23-__). (Attachment 1) which does the following:

- a. Finds that the Planning Commission has considered the adopted Mitigated Negative Declaration (MND) prepared for the Commercial Medical Marijuana Land Use Ordinance, and considered the Addendum to the MND that was prepared for the Myers and Aquarian, 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:

[Myers and Aquarian Staff Report 12124](#)
[Attachment 1 - Resolution](#)
[Attachment 1A - Conditions of Approval](#)
[Attachment 1B - Operations Plan](#)
[Attachment 1C - Site Plan](#)
[Attachment 2 - Location Maps](#)
[Attachment 2A - Watershed Map](#)
[Attachment 3 -CEQA Addendum](#)
[Attachment 4 - Evidence in Support of Required Findings](#)
[Attachment 4A - Water Right](#)
[Attachment 4B - Site Management Plan](#)
[Attachment 4C - LSAA](#)
[Attachment 4D - Geologic and Soils Report](#)
[Attachment 4E - Restoration Plan](#)
[Attachment 4F - Woodland Restoration Plan](#)
[Attachment 4G - Road Eval](#)
[Attachment 4H - Irrigation line diagram](#)
[Attachment 4I - Biologcial Report](#)
[Attachment 4J - Botanical Survey](#)
[Attachment 5 - Referral Responses](#)
[Attachment 5A - Environmental Health Response](#)
[Attachment 5B - Building Inspection Response](#)
[Attachment 5C - Public Works Response](#)
[Attachment 5D - CalFIRE Response](#)

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.

Recommendation: That the Planning Commission:
Adopt the resolution (Resolution 23-__). (Attachment 1) which does the following:

- a. Finds that the Planning Commission has considered the adopted Mitigated Negative Declaration (MND) prepared for the Commercial Medical Marijuana Land Use Ordinance, and considered the Addendum to the MND that was prepared for the Humboldt Kingz, 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 and Special Permit subject to the recommended conditions of approval (Attachment 1A)

Attachments:

- [12125 Humboldt Kingz Staff Report 4.6.23.pdf](#)
- [Attachment 1 - Draft Resolution](#)
- [Attachment 1A - Conditions of Approval](#)
- [Attachment 1B - Ops Plan Humboldt Kingz](#)
- [Attachment 1C - Site Plan](#)
- [Attachment 2 - 12125 Location Map](#)
- [Attachment 2A - Watershed Map](#)
- [Attachment 3 - CEQA Addendum](#)
- [Attachment 4 - Evidence in Support of Required Findings](#)
- [Attachment 4A - Site Management Plan](#)
- [Attachment 4B - Notice of Applicability 02.04.21](#)
- [Attachment 4C - LSAA](#)
- [Attachment 4D - Road Eval](#)
- [Attachment 4E - Wetland Restoration Plan 02.04.21](#)
- [Attachment 4F - Restoration Plan 02.04.21](#)
- [Attachment 4G - Botanical Survey](#)
- [Attachment 4H - Geologic Evaluation](#)
- [Attachment 5 - Referral Responses](#)
- [Attachment 5A - DEH Response](#)
- [Attachment 5B - Sheriff Response](#)

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

Recommendation: Continue the Cali's Finest Gardens Conditional Use Permit to a date uncertain.

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.

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 approve the application as part of the Consent Agenda; and
4. Adopt the resolution (Resolution 22-__). (Attachment 1) which does the following:
 - a. Finds the American Hospital Management Corp Conditional Use Permits and Special Permits project statutorily exempt from the California Environmental Quality Act (CEQA) per section 15270 (Projects Which Are Disapproved) of the CEQA Guidelines.
 - b. Finds the applicant has not provided sufficient evidence necessary to make the required findings for approval
 - c. Denies the American Hospital Management Corp Conditional Use Permits and Special Permits.

Attachments:

[13230 AHMC Denial Staff Report 4.6.23.pdf](#)

[Attachment 1 - 13230 AHMC Denial Resolution](#)

[Attachment 1a - 13230 Operations Plan 09.14.2017](#)

[Attachment 1b - 13230 Site Plan 09.14.2017](#)

[Attachment 2 - Location Maps](#)

[Attachment 2A - Watershed Map](#)

[Attachment 3 - Applicant's Evidence in Support of Required Findings](#)

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.

- 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 approve the application as part of the Consent Agenda; and
 4. Adopt the resolution (Resolution 23-). (Attachment 1) which does the following:
 - a. Finds that a Mitigated Negative Declaration (State Clearinghouse Number 2020029032) was previously adopted for the Sun Ocean West Expansion, LLC Conditional Use Permit, Special Permit, and Notice of Merger Extension and no additional environmental review is necessary; and
 - b. Approves the Conditional Use Permit, Special Permit, and Notice of Merger Extension.

Attachments: [18039 Sun Ocean West Expansion Staff Report 4.6.23.pdf](#)
[Attachment 1 - Draft Resolution](#)
[Attachment 1A - Conditions of Approval](#)
[Attachment 2 - Location Map](#)
[Attachment 3 - Referral Agency Comments](#)
[Attachment 4 - 14268 Ocean West Staff Report 12.16.21](#)

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.

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 approve the application as part of the Consent Agenda; and
4. Adopt the resolution (Resolution 23-__). (Attachment 1) which does the following:
 - a. Finds that a Mitigated Negative Declaration (SCH# 2009082082) was previously adopted for the Hosford Final Map Subdivision, Lot Line Adjustment, and Special Permit Extension project) and that no further environmental review is required; and
 - b. Finds that the proposed project complies with the General Plan and Zoning Ordinance; and
 - c. Approves the Final Map Subdivision, Lot Line Adjustment, and Special Permit Extension subject to the recommended conditions of approval (Attachment 1A); and

Attachments: [18081 Hosford Staff Report 4.6.23.pdf](#)
[Attachment 1 - Draft Resolution 4.6.23](#)
[Attachment 1A - Conditions of Approval](#)
[Attachment 1B - Site Plan](#)
[Attachment 2 - Location Map](#)
[Attachment 3 - Referral Agency Comments and Recommendations](#)

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.

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 approve the application as part of the Consent Agenda; and
4. Adopt the resolution (Resolution 23-__). (Attachment 1) which does the following:
 - a. Finds that the Planning Commission has adopted a Mitigated Negative Declaration (SCH# 2019059068) for the Tony Ellena Parcel Map Subdivision project and no further environmental review is needed; and
 - b. Finds that the proposed project complies with the General Plan and Zoning Ordinance; and
 - c. Approves the Tony Ellena Parcel Map Subdivision Extension subject to the recommended conditions of approval (Attachment 1A).

Attachments:[18097 Ellena Staff Report 4.6.23.pdf](#)[Attachment 1 - 18097 Draft Resolution 4.6.23](#)[Attachment 1A - 18097 Conditions of Approval](#)[Attachment 1B - Tentative Map](#)[Attachment 2 - Location Map](#)[Attachment 3 Referral Responses 4.6.23](#)**F. ITEMS PULLED FROM CONSENT****G. OLD BUSINESS****H. NEW BUSINESS****I. REPORT FROM PLANNER****J. PLANNING COMMISSION DISCUSSION ITEMS**

K. ADJOURNMENT**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.