

PLANNING COMMISSION

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COUNTY STAFF

JOHN H. FORD
Director, Planning and Building

**COUNTY OF HUMBOLDT
PLANNING COMMISSION**

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

AGENDA

Thursday, May 4, 2023

6:00 PM

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, May 3, 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 Friday, April 28, 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 April 20, 2023, Action Summary:

Recommendation: Approve the April 20, 2023, Action Summary.

Attachments: [04.20.2023 Action Summary for review](#)

2. Humboldt Heritage Management LLC; Conditional Use Permit

Assessor Parcel Number (APN): 220-091-022

Record Number; PLN-12076-CUP

Whitethorn Area

Recommendation: Continue the project to a date uncertain.

3. NorCal 420 Patient Collective, Inc. Conditional Use Permit

Assessor Parcel Numbers (APN) 210-101-011-000

Record No.: PLN-12778-CUP

Dinsmore area

A Conditional Use Permit for 32,100 square feet existing commercial cannabis cultivation consisting of 22,186 square feet light deprivation, 4,214 outdoor, and 5,700 mixed light. Additionally, 3,210 square feet will be allocated for ancillary nursery space and mother stock propagation. The primary irrigation water sources are an onsite rainwater catchment pond. The current water storage capacity onsite is 75,675. Proposed water storage is 195,000 gallons. The anticipated irrigation water need is 185,000 gallons (5.24 gallons per square foot). Processing would be performed onsite. Up to nine (8) employees are expected for operations. The power source is a generator; however, this project is conditioned to transition to renewable energy.

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 Mitigated Negative Declaration for the Commercial Medical Marijuana Land Use Ordinance and the Addendum that was prepared for the NorCal 420 Patient Collective, Inc.

b. project); and

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

Ordinance; and
d. Approves the Conditional Use Permit subject to the recommended conditions of approval (Attachment 1A)

Attachments:

[12778 Nor Cal 420 Patient Collective Staff Report 05.04.2023](#)

[Attachment 1 - Resolution](#)

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

[Attachment 1B - Cultivation and Operations Plan 04.24.2023](#)

[Attachment 1C - Site Plan 04.24.2023](#)

[Attachment 2 - Location Maps](#)

[Attachment 3 - CEQA Addendum](#)

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

[Attachment 4A - final LSAA and amendment.docx](#)

[Attachment 4B - Site Management Plan](#)

[Attachment 4C - Timber Restocking Plan](#)

[Attachment 4D - 12778 Biological Assessment 3.21.22](#)

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

[Attachment 5A - Department of Environmental Health Comments](#)

[Attachment 5B - Department of Public Works Comments](#)

[Attachment 6 - Public Comment](#)

[Attachment 7 - Watershed map](#)

4. Peach Tree LLC Conditional Use Permit

Assessor Parcel Number 208-251-008

Record No.: PLN-12355-CUP

Dinsmore area

A Conditional Use Permit for 6,800 square feet of existing outdoor and 6,800 square feet of existing mixed light commercial cannabis cultivation supported by a 1,360 square foot ancillary nursery. Irrigation water is sourced from a combination of a jurisdictional spring and proposed rainwater catchment supported by 100,000 gallons of proposed hard tank storage. Annual water usage is estimated at 138,600 gallons per year. Power is provided by two generators and processing will be done off site at a licensed facility. The project includes on site relocation and restoration of cultivation areas and the project is recommended to be conditioned to transition to renewable energy.

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 Mitigated Negative Declaration previously adopted for the Commercial Medical Marijuana Land Use Ordinance as well as the Addendum to the Mitigated Negative Declaration that was prepared for the Peach Tree LLC project pursuant to Section 15164 of the CEQA guidelines; 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:

[12455 Peach Tree LLC Staff Report 05.04.2023](#)

[Attachment 1 - 12355 Draft Resolution](#)

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

[Attachment 1B - 12355 Operations Plan](#)

[Attachment 1B.1 - 12355 Operations Plan Addendum](#)

[Attachment 1C - 12355 Site Plan](#)

[Attachment 2 - 12355 Map Set](#)

[Attachment 3 - 12355 CEQA Addendum to MND](#)

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

[Attachment 4A - 12355 Timberland Conversion Evaluation](#)

[Attachment 4B - 12355 Biological Assessment](#)

[Attachment 4C - 12355 Road Evaluation](#)

[Attachment 4D - 12355 FAA Determination Letter](#)

[Attachment 5 - Referral Agency Comments](#)

[Attachment 6 - Watershed Map](#)

5. Hornstein Final Map Subdivision Extension

Assessor Parcel Number (APN): 500-091-047

Application Number: PLN-2022-17879

Prior Application Number: PLN-11586-FMS (FMS 16-006)

Arcata area

A two-year extension to a Final Map Subdivision (FMS) previously approved by the Planning Commission by PC Resolution 19-11 (effective February 5, 2019). No change to the original project is proposed. Conditions of approval from the original project remain in effect. The original approval permits the division of an approximately 75-acre parcel (APN 500-091-047) into three parcels of approximately 12 acres (Parcel 1), 10.5 acres (Parcel 2), and 51 acres (Parcel 3). A Lot Line Adjustment included in the previously approved scope of work has been completed (NOLLA & COSC 2019-12709), adding approximately 0.08 acres to proposed Parcel 1 from a neighboring parcel (APN 500-091-052, currently vacant). The subject property of the FMS (APN 500-091-047) is developed with a single-family residence served by an existing shared water system and utilizes an on-site wastewater treatment system. Once the property division has been completed, the existing residence will be located on proposed Parcel 3.. The proposed parcels will be served by the existing shared water system. Each newly created parcel will utilize an on-site wastewater treatment system previously reviewed and approved by DEH. This is the first applicant-initiated extension in addition to an automatic 18-month extension provided by AB1561 and if approved, the Tentative Map approval will expire on August 5, 2024.

- Recommendation:** That the Planning Commission:
1. Adopt the resolution (Resolution 23-__) (Attachment 1) which does the following:
 - a. Finds that the Planning Commission considered and adopted a Mitigated Negative Declaration on January 25, 2019 (SCH# 2018122048) for the Hornstein Subdivision and as no new changes to the project are proposed, no further environmental review is required; and
 - b. Finds that the proposed project complies with the General Plan (Jacoby Creek Community Planning Area) and Zoning Ordinance; and
 - c. Approves the Final Map Subdivision Extension subject to the:
 - * Original Conditions of Approval (Attachment 1A); and
 - * Public Works Department Conditions of Approval (Attachment 1B); and
 - * Tentative Map/Site Plan (Attachment 1C).

- Attachments:**
- [17879 Hornstein Staff Report 5.4.23](#)
 - [Attachment 1 - Draft Resolution 5.4.23](#)
 - [Attachment 1A - Original Conditions of Approval](#)
 - [Attachment 1B - Public Works COA](#)
 - [Attachment 1C - Tentative Map and Site Plan](#)

F. ITEMS PULLED FROM CONSENT

G. OLD BUSINESS

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

Recommendation: Approve the April 06, 2023, Action Summary

Attachments: [04.06.2023 Action Summary for review](#)

2. 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 7,914 square feet (sf) of outdoor commercial cannabis cultivation with 790 sf ancillary propagation and a Special Permit to request a setback reduction from public lands due to proximity to Humboldt Redwoods State Park. 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.

- 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 Mitigated Negative Declaration for the Commercial Medical Marijuana Land Use Ordinance and the Addendum that was prepared for the Natures Jar, LLC project); and
 - b. Finds that the proposed project complies with the General Plan and Zoning Ordinance; and
 - c. Approves the Special Permits subject to the recommended conditions of approval (Attachment 1A)

- Attachments:**
- [11494 Natures Jar PC Staff Report 5.4.23](#)
 - [Attachment 1 - Resolution](#)
 - [Attachment 1A - Conditions of Approval](#)
 - [Attachment 1B - 11494 Cultivation & Operations Plan 4.6.2023](#)
 - [Attachment 1C - 11494 Site Plan 4.4.2023](#)
 - [Attachment 2 - 11494 Location Maps](#)
 - [Attachment 3 - CEQA Addendum](#)
 - [Attachment 4 - Applicant's Evidence in Support of Required Findings](#)
 - [Attachment 4A - 11494 NOA 1.13.2021](#)
 - [Attachment 4B - 11494 Well Assessment Report 12.9.22](#)
 - [Attachment 4C - 11494 LSAA 10.28.2021](#)
 - [Attachment 4D - 11494 Less-than-3-acre conversion exemption](#)
 - [Attachment 4E - 11494 Calfire Inspection letter](#)
 - [Attachment 4F - 11494-WRPP](#)
 - [Attachment 4G - 11494 Claimed Water Right S028521](#)
 - [Attachment 4H - 11494 SIUR 1.13.2021](#)
 - [Attachment 4I - 11494 Restoration Plan 11.9.2021](#)
 - [Attachment 4J - 11494 Road Evaluation Report Forms](#)
 - [Attachment 4K - 11494 Cultivation Area Verification](#)
 - [Attachment 5 - Referral Agency Comments and Recommendations](#)
 - [Attachment 5A - 11494_ref Building Inspection](#)
 - [Attachment 5B - 11494_ref Environmental Health](#)
 - [Attachment 5C - 11494_ref Public Works](#)
 - [Attachment 5D - 11494-ref-CalFire](#)
 - [Attachment 5E - 11494_ref Division of Water Rights](#)
 - [Attachment 6 - Watershed map](#)

H. PLANNING COMMISSION PROCEDURES

I. REPORT FROM PLANNER**J. PLANNING COMMISSION DISCUSSION ITEMS****K. ADJOURNMENT****L. NEXT MEETINGS: May 18, 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.