

PLANNING COMMISSION

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Director, Planning and Building

**COUNTY OF HUMBOLDT
PLANNING COMMISSION**

825 Fifth Street
Board of Supervisors Chambers
Eureka, California

AGENDA

Thursday, July 20, 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**

Meetings of the Humboldt County Planning Commission are held in person in the Board of Supervisors chambers, located at 825 Fifth Street, Eureka, California. The Planning Commission will broadcast most meetings via Zoom. Those not able to attend the Planning Commission meeting in person will have the opportunity to provide public comment via Zoom; however, the Planning Commission 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 Planning Commission are to attend the meeting in person or submit your comment in writing in advance of the meeting.

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, July 19, 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 July 14, 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 July 06, 2023, Action Summary.

Recommendation: Approve the July 06, 2023, Action summary.

Attachments: [07.06.2023 Action Summary for review](#)

2. Carlotta Gardens, LLC Conditional Use Permit Modification
Record Number PLN-2022-17611-MOD01 (filed 05/03/2023)
Assessor's Parcel Number 206-331-028-000
6287 State Highway 36, Carlotta, CA

Conditional Use Permit (CUP) Modification to approved project PLN-2022-17611 for a 200 SF portable farm stand for the sale of Farm Based Retail products including cannabis grown on site.

Recommendation: Continue the project to the August 3, 2023 meeting.

Attachments: [17611-Mod01 Carlotta Gardens Staff Report](#)

3. Humboldt Spirit, Inc. Conditional Use Permit and Special Permit

Assessor Parcel Number: 222-071-030

Record No's.: PLN-12244-CUP

Garberville area

A Conditional Use Permit for 30,000 square feet of existing outdoor light-deprivation cannabis cultivation. The proposed project includes relocation of eight historic cultivation areas into three cultivation areas. There is a 3,000-square-foot nursery to support on-site operations. The applicant estimates 264,825 gallons of water is required to meet annual needs. Water for irrigation is sourced from an existing 930,626-gallon off-stream rainwater catchment pond. Water is stored in the described pond and three hard tanks for a total capacity of 932,531 gallons. Drying will occur on-site within a proposed 2,000 SF structure, with other processing completed offsite. Electricity is provided by a propane generator and solar power. There will be up to three employees onsite. The application also includes a Special Permit as is required for development in the Streamside Management Area (SMA) for the realignment of native channels and restoration efforts within the SMA associated with the removal of cannabis cultivation and associated infrastructure.

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 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 Spirit, Inc. 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:

[12244 Humboldt Spirit Staff Report](#)
[Attachment 1 - Draft Resolution](#)
[Attachment 1A - Conditions of Approval](#)
[Attachment 1B - Revised Operations Plan](#)
[Attachment 1C - Revised Site Plan](#)
[Attachment 2 - Location Map Set](#)
[Attachment 3 - CEQA Addendum](#)
[Attachment 4 - Applicants Evidence in Support of the Findings](#)
[Attachment 4A - Justification for Relocation](#)
[Attachment 4B - Botanical Study](#)
[Attachment 4C - Grading and Erosion Control Plan](#)
[Attachment 4D - Soils Report and Correction](#)
[Attachment 4E - Lake or Streambed Alteration Agreement](#)
[Attachment 4F - Road Evaluation Report](#)
[Attachment 4G - Approval of Cleanup, Restoration, and Monitoring Plan](#)
[Attachment 4H - Site Management Plan](#)
[Attachment 4I - Aquatic Resources Delineation](#)
[Attachment 4J - Cultivation Area Verification](#)
[Attachment 5 - Referral Agency Comments](#)

4. Benbow Properties, Inc. Zone Reclassification

Assessor Parcel Numbers (APNs) 033-041-039 (formerly 033-041-036) and 033-160-002

Record No.: PLN-2021-17037

Garberville/Benbow Area

A Zoning Reclassification (ZR) of two parcels totaling 11.21 acres from the Neighborhood Commercial Zone (C-1) to Community Commercial Zone (C-2).

Recommendation: That the Planning Commission:

1. Adopt the resolution (Resolution 23-____). (Attachment 1) to recommend the Board of Supervisors take the following actions:
 - a) Find the rezone of 11.2 acres of Neighborhood Commercial Zoned property to Community Commercial exempt from further CEQA Review
 - b) Make the required findings for approval; and
 - c) Approve the Zone Reclassification.

Attachments:

[17037 Benbow Properties Staff Report](#)

[Attachment 1 - Draft Resolution](#)

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

[Attachment 2 - Rezone Ordinance](#)

[Attachment 3 - Maps](#)

[Attachment 4 - Referral Comments](#)

[Attachment 5 - BOS Resolution 20-89](#)

5. Rock and Sky, LL, General Plan Amendment and Zone Reclassification

Assessor Parcel Numbers (APNs) 033-101-011, 033-041-038, 033-091-025, 033-091-026, 033-091-027, 033-091-033, 033-091-034, 033-091-035, 033-101-001, 033-101-002, 033-101-003, 033-101-004, 033-101-005, 033-101-006, 033-101-007, 033-101-008, 033-101-010, 033-101-015, 033-101-021, 033-101-022, 033-101-028, 033-101-029, 033-101-031, 033-101-032, and 033-101-035

Record No.: PLN-2021-17209

Garberville/Benbow Area

A General Plan Amendment (GPA) and Zoning Reclassification (ZR) of 25 parcels totaling 33.46 acres. The GPA is from Residential Low Density (RL) and Residential Estates (RE) to Residential Agriculture (RA). The Zone Reclassification is from Residential Single Family (R-1), Residential Multi-Family (R-3) and Residential Suburban (RS) to Agriculture General (AG).

Recommendation: That the Planning Commission:

1. Adopt the resolution (Resolution 23-___). (Attachment 1) which does the following:
 - a. Make all of the required findings for approval based on evidence in the staff report and public testimony; and
 - b. Recommend the Board of Supervisors approve the General Plan Amendment and Zone Reclassification subject to the recommended conditions of approval

Attachments:

[17209 Rock and Sky Staff Report](#)

[Attachment 1 - Draft Resolution](#)

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

[Attachment 2 - Rezone Ordinance](#)

[Attachment 3 - Maps](#)

[Attachment 4 - Referral Comments](#)

[Attachment 5 - Constraints Exhibits](#)

[Attachment 6 - DPW Comments](#)

[Attachment 7 - Zoning Comparison Table](#)

6. Chuck Wright Lot Line Adjustment, Zone Boundary Adjustment, and Joint Timber Management Plan
Assessor Parcel Numbers: 316-134-005, 316-135-005, 316-135-004
Record Number: PLN-2023-18059
Korbel area

A Lot Line Adjustment (LLA) between two parcels resulting in two parcels of approximately 284 acres (Parcel A) and 40 acres (Parcel B) and a Zone Boundary Adjustment (ZBA) to adjust the zone boundary between the Agriculture Exclusive (AE) and Timberland Production Zone (TPZ) boundary on Parcel B. An acre of property zoned Agriculture Exclusive will be converted to Timber Production Zone, to meet the 40-acre minimum TPZ area requirement on Parcel B. A Joint Timber Management Plan (JTMP) is required due to Parcel B containing less than 160 acres of TPZ. The smaller parcel (Parcel B) is developed with a single-family residence and associated residential development, and the larger parcel (Parcel A) is managed for timber production. The purpose of the LLA is to facilitate the conveyance of the majority of the timberland to the adjacent landowner. No development is proposed.

Recommendation: That the Planning Commission:

1. Adopt the resolution (Resolution 23-___). (Attachment 1) which recommends the Board of Supervisors take the following actions:
 - a) Find the project exempt from further environmental review pursuant to Section 15305(a) and Section 15061(b)(3) of the State CEQA Guidelines; and
 - b) Make the required findings for approval
 - c) Approve the Lot Line Adjustment, Zone Boundary Adjustment and Joint Timber Management Plan.

Attachments:

[18059 Wright Chuck Staff Report](#)
[Attachment 1 - Draft Resolution](#)
[Attachment 1A - Conditions of Approval](#)
[Attachment 1B - Lot Line Adjustment Map](#)
[Attachment 1C - Draft Ordinance for Adoption by the Board of Supervisors](#)
[Attachment 2 - Location Map Set](#)
[Attachment 3 - TPZ Inclusion Letter](#)
[Attachment 4 - Joint Timber Management Plan](#)
[Attachment 5 - Forestry Review Committee Draft Minutes, February 8, 2023](#)
[Attachment 6 - Applicant's Evidence in Support of the Required Findings](#)
[Attachment 7 - Referral Agency Comments and Recommendations](#)

7. JBL Ventures LLC Conditional Use Permit

Assessor Parcel Numbers (APN) 507-261-020

Record No.: PLN-2023-18086

Arcata area

Conditional Use Permit to add distribution to a previously approved cannabis operation within 1,000 feet of an incorporated city. Previously approved uses per PLN-11968-CUP include 10,000 square feet of indoor commercial cannabis cultivation, a 2,800 square foot nursery, and 2,250 square feet of on-site processing. The added distribution use will occur within existing buildings so the project footprint is not changing. Power is provided through enrollment in PGE's Repower+ program. Water is provided by McKinleyville CSD, and wastewater through an onsite sewage disposal system.

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 Final Environmental Impact Report for the Commercial Cannabis Land Use Ordinance and the Addendum that was prepared for the JBL Ventures 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 (Exhibit A); and
 - d. Approves the Cultivations Operations Plan (Attachment 1B) and Site Plan (Attachment 1C).

Attachments:[18086 JBL Ventures Staff Report](#)[Attachment 1 - 18086 Draft Resolution](#)[Attachment 1A - 18086 Conditions of Approval](#)[Attachment 1B - 18086 Operations Plan](#)[Attachment 1C - 18086 Site Plan](#)[Attachment 2 - 18086 Location Map](#)[Attachment 3 - 18086 CEQA Addendum](#)[Attachment 4 - 18086 Applicant's Evidence in Support of Findings](#)[Attachment 5 - 18086 Referral Agency Comments](#)

8. Orick Community Services District Community Tank Replacement Project - Tank 2 Replacement Coastal Development Permit, Conditional Use Permit, General Plan Conformance Review, and Special Permits.

Assessor Parcel Number: 519-311-027

Record Number: PLN-2023-18134

Orick area

A Coastal Development Permit, Conditional Use Permit and General Plan Conformance Review for to replace an existing leaking 100,000-gallon redwood water tank with a new 100,000-gallon welded steel tank on a concrete foundation in the same footprint as the existing tank. A PG&E power pole upslope of the tank would be replaced with a taller pole to provide adequate clearance for the power lines, and a 40-foot-tall communications tower would be constructed at the water tank. Special Permits are requested for Design Review and for an exception to the height standard of the Rural Residential Agriculture zoning district as the proposed PG&E power pole and 40-foot-tall communications tower will exceed the maximum height requirements of the zone.

Recommendation: That the Planning Commission:

1. Adopt the resolution (Resolution 23-__). (Attachment 1) which does the following:
 - a. Concur with the Orick Community Services District, as the CEQA lead agency, that the project is categorically exempt from CEQA per Sections 15301, 15302, 15303, and 15304 of CEQA Guidelines; and
 - b. Make all required findings for approval of the Coastal Development Permit, Conditional Use Permit, General Plan Conformance Review, and Special Permits; and
 - c. Approve the Orick Community Services District Coastal Development Permit, Conditional Use Permit, General Plan Conformance Review, and Special Permits subject to the recommended conditions of approval (Attachment 1A).

Attachments:

[18134 Orick CSD Staff Report](#)

[Attachment 1 - Draft Resolution](#)

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

[Attachment 1B - Site Plan](#)

[Attachment 1C - Construction Plans](#)

[Attachment 2 - Location Map](#)

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

[Attachment 4 - California Government Code Section 65402](#)

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

F. OLD BUSINESS

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. Nancy Young Special Permit

Assessor Parcel Number: 304-231-019

Record Number: PLN-2022-17962

Elk River area

A Special Permit to allow operation of a bed & breakfast-type establishment using an existing single-family residence and a detached cottage. A maximum of two bedrooms would be made available for nightly accommodation serving no more than four (4) guests at a time. Breakfast will not be served to guests.

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 Special Permit; and
 - c. Approves the Nancy Young Special Permit as recommended by staff and subject to the recommended conditions of approval (Attachment 1A).

Attachments:

[17962 Young Staff Report 7.20.23](#)

[Attachment 1 - Draft Resolution \(revised 7-13-23\)](#)

[Attachment 1A - Recommended Conditions of Approval \(revised 7-13-23\)](#)

[Attachment 1B - Site Plan](#)

[Attachment 1C - Operations Plan](#)

[Attachment 1D - House Rules](#)

[Attachment 2 - Supplemental 1 - additional public comments & info received](#)

[Attachment 3 - 17962 Young Staff Report 7.6.23](#)

G. PUBLIC HEARING

1. We Are Up, Conditional Use Permit and Special Permit

Assessor Parcel Number (APN) 509-181-061 (formerly 509-191-030 and 509-181-057), and APNs 509-191-031, 509-191-048, and 509-221-006.

Record No.: PLN-2022-18047

McKinleyville area

A Conditional Use Permit to allow a Quasi-Public use including 50 units of housing, a community center with commercial kitchen, a greenhouse, barn, orchard and associated site improvements, including an access road, walking trails, wetland creation, riparian planting, and community access, and indoor and outdoor events with associated parking. The Project would create functional and community spaces to be used by We Are Up residents and for classroom purposes and include garden space and shelters/pens for livestock to provide opportunities for resident enrichment and education. Special Permits are requested for an exception to the height standards, to allow the building height to be up to 45 feet, and for creation and enhancement of wetland and streamside habitat areas.

Recommendation: That the Planning Commission:

1. Adopt the resolution (Resolution 23-__). (Attachment 1) which does the following:
 - a. Adopt the Mitigated Negative Declaration prepared for the We Are Up Project; and
 - b. Find the proposed project complies with the General Plan and Zoning Ordinance; and
 - c. Approve the Conditional Use Permit and Special Permit subject to the recommended conditions of approval (Exhibit 1A); and

Attachments: [18047 We Are Up Staff Report](#)
 [Attachment 1 - Draft Resolution](#)
 [Attachment 1A - Conditions of Approval](#)
 [Attachment 1B - Operations Plan](#)
 [Attachment 1C - Site Plans](#)
 [Attachment 1D - Parking Plan](#)
 [Attachment 1E - Mitigation Monitoring and Reporting Program](#)
 [Attachment 2 - Location Maps](#)
 [Attachment 3 - Massing Study - 3D concepts](#)
 [Attachment 4 - We Are Up-ISMND-Circulation](#)
 [Attachment 4A - We Are Up-ISMND-Circulation-Appendices](#)
 [Attachment 5 - Applicant's Evidence](#)
 [Attachment 6 - Referral Agency Comments and Recommendations](#)
 [Attachment 7 - Comments on the CEQA ISMND](#)
 [Attachment 8 - Letters in Support of the Project](#)
 [Attachment 9 - Final Mitigated Negative Declaration](#)
 [Attachment 10 - Comments following Publication of the Hearing Notice](#)

H. ITEMS PULLED FROM CONSENT

I. REPORT FROM PLANNER

J. PLANNING COMMISSION DISCUSSION ITEMS

K. ADJOURNMENT

L. NEXT MEETINGS: August 3, 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.