

PLANNING COMMISSION

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Second District
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LONYX LANDRY
Fourth District
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Fifth District
BRIAN MITCHELL
Vice Chair - At-Large
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, October 19, 2023

6:00 PM

Regular Meeting - Hybrid

A. CALL TO ORDER / SALUTE TO FLAG

Chair Noah Levy called the meeting to order at 6:05 p.m.

B. COMMISSIONERS PRESENT

Commissioner Brian Mitchell arrived immediately after the continuation of the Sign Ordinance under New Business.

Present : 5 - Commissioner Iver Skavdal, Commissioner Noah Levy, Commissioner Thomas Mulder, Commissioner Peggy O'Neill and Commissioner Brian Mitchell

Absent : 2 - Commissioner Lonyx Landry and Commissioner Sarah West

C. AGENDA MODIFICATIONS

Item F1 - The Sign Ordinance will be continued to the November 2, 2023 meeting.

Item L - The special meeting on October 26, 2023 starts at 6:00 p.m.

D. PUBLIC COMMENT ON NON-AGENDA ITEMS:

E. CONSENT AGENDA

1. Review and approval of the September 21, 2023, Action Summary.

Approve the September 21, 2023, Action Summary.

2. Review and approval of the October 05, 2023, Action Summary.

Approve the October 05, 2023, Action Summary.

3. Emerald Mountain Coast LLC
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.

Continue the Emerald Mountain Coast Conditional Use Permit to the November 02, 2023 meeting.

4. High Art, LLC Conditional Use Permit and Special Permit
Assessor's Parcel Number: 522-022-015-000
Record Number: PLN-11525-CUP
Willow Creek area

Conditional Use Permit for an existing 20,180-square-foot (SF) outdoor cannabis cultivation operation. The pre-existing cultivation is located on historic U.S. Forest Service logging skid roads and yarding decks. The applicant plans to decommission the roads, legacy cultivation area equipment, and centrally locate all cultivation materials and structures to one environmentally superior location on the parcel. Cultivation will occur exclusively in an outdoor fashion without supplemental lighting. Irrigation water is sourced from a 200-foot-deep permitted groundwater well. Estimated annual water usage is 199,000 gallons (10 gallons/SF/year). There is currently a total of 10,900 gallons of holding capacity and the applicant proposes an additional 10 storage tanks for a total of 60,900-gallons specifically for cultivation. Drying of harvested cannabis shall occur in two existing 800-SF appurtenant drying buildings. Further processing will occur offsite at a licensed facility. Up to six employees may be utilized during peak operations. Solar power is used for the well pump and generators are used for drying activities such as powering fans, dehumidifiers, and household lighting. The Honda 3000 generator will be housed within a constructed, insulated, and ventilated shed to attenuate noise and provide secondary containment. If approved, operations will be required to transition to 100 percent on-site renewable energy by January 1, 2026.

Continue the High Art Conditional Use Permit and Special Permit to the November 02, 2023 meeting.

5. John Piccirilli
Assessor's Parcel Numbers: 522-024-004
Record Numbers: PLN-12750-CUP
Willow Creek Area

A Conditional Use Permit for 8,475 square feet of existing mixed light and 7,000 square feet of existing outdoor commercial cannabis cultivation supported by a 1,500 square foot ancillary nursery. The estimated annual irrigation water budget is 64,200 gallons and is sourced from a groundwater well. There is 8,500 gallons of existing tank storage and 24,000 gallons of tank storage proposed for a total of 32,500 gallons. Drying occurs onsite and all other processing occurs offsite. Power to be provided by a proposed solar system. The project includes restoration of former cultivation areas.

Continue the John Piccirilli Conditional Use Permit to a date uncertain.

CONSENT AGENDA VOTE

A motion was made by Commissioner Thomas Mulder, seconded by Commissioner Peggy O'Neill, to approve the Consent Agenda, including items E-1 Approval of the September 21, 2023, Action Summary, item E-2 Approval of the October 05, 2023, Action Summary, item E-3 Continuation of Emerald Mountain Coast's Conditional Use Permit to the November 02, 2023 meeting, item E-4 Continuation of High Art's Conditional Use Permit and Special Permit to the November 02, 2023 meeting and item E-5 Continuation of John Piccirilli's Conditional Use Permit to a date uncertain.. The motion carried with the following vote:

- Aye: 4 - Commissioner Iver Skavdal, Commissioner Noah Levy, Commissioner Thomas Mulder and Commissioner Peggy O'Neill
- Absent: 3 - Commissioner Lonyx Landry, Commissioner Brian Mitchell and Commissioner Sarah West

F. NEW BUSINESS

1. Sign Ordinance

Assessor Parcel Numbers (APN) 000-000-000
 Record No.: LRP-2022-18011
 Countywide

The amendment of the Signs and Nameplates Ordinance is intended to implement adopted policies and to consider other revisions to ensure community compatibility. This ordinance will provide a uniform and comprehensive set of standards for the development, siting 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 and promote the public health, safety and welfare of the residents of the unincorporated areas of Humboldt County; 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 all the following:

- 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.

A motion was made by Commissioner Thomas Mulder, seconded by Commissioner Iver Skavdal to continue the Sign Ordinance to the November 02, 2023 meeting. The motion carried with the following vote:

- Aye: 4 - Commissioner Iver Skavdal, Commissioner Noah Levy, Commissioner Thomas Mulder and Commissioner Peggy O'Neill
- Absent: 3 - Commissioner Lonyx Landry, Commissioner Brian Mitchell and Commissioner Sarah West

G. PUBLIC HEARINGS

1. 707 Cultivation Company, LLC, Conditional Use Permit and Special Permit
 Assessor’s Parcel Number: 522-023-001
 Record Number: PLN-11607-CUP
 Willow Creek area

A request for a Conditional Use Permit for 43,560 square feet of existing outdoor commercial cannabis cultivation. Propagation occurs in an approximately 1,620 square foot nursery. Water for irrigation is sourced from a 200-foot deep well and two springs registered with the State Water Resources Control Board to be used as back up water sources. Annual water use is estimated at 700,000 gallons. Water is stored in hard tanks and bladders for a total of 124,550 gallons of available storage. Drying of mature plants occurs onsite in existing outbuildings. All other processing occurs offsite at a licensed third-party facility. Electricity is sourced from generator power. Four full time employees are used and six additional part time employees are utilized during harvest activities. A Special Permit is also requested for development within the Streamside Management Area (SMA) for the continued use and maintenance of the points of diversion infrastructure and for relocation of water tanks and other infrastructure located within the SMA areas. Staff is recommending denial of the application due to the lack of available water to support cultivation activities.

A motion was made by Commissioner Brian Mitchell, seconded by Commissioner Peggy O'Neill to adopt the resolution (Resolution 23-089). (Attachment 1) which finds that there is no evidence of sufficient water to support the proposed cultivation and therefore the findings for approval cannot be made and finds the project exempt from environmental review pursuant to Section 15270 of the CEQA Guidelines and denies the Conditional Use Permit and Special Permit application for 707 Cultivation Company, LLC with the following vote:

- Aye: 5 - Commissioner Iver Skavdal, Commissioner Noah Levy, Commissioner Thomas Mulder, Commissioner Peggy O'Neill and Commissioner Brian Mitchell
- Absent: 2 - Commissioner Lonyx Landry and Commissioner Sarah West

2. Kush Creek Organics, LLC Conditional Use Permit and Special Permit
 Assessor’s Parcel Number: 522-025-006-000

Record Number: PLN-10558-CUP
 Willow Creek area

Conditional Use Permit for 22,276-square-feet (SF) of existing cannabis cultivation consisting of 7,340 SF of mixed-light greenhouse cultivation and 14,936 SF of outdoor cultivation on a 160-acre parcel. A Special Permit is also requested for development within the Streamside Management Area (SMA) for the continued use and maintenance of the point of diversion infrastructure. Irrigation water is diverted during winter months from an unnamed Class II spring. Additional sources for commercial cannabis irrigation include a proposed 300,000-gallon rainwater catchment pond. Existing available water storage includes 55,500 gallons storage. Estimated annual water usage is 46,650 gallons (1.9 gallons/SF/year), drawn entirely during the month of April. This amount is substantially less than most cannabis operations and is achieved by water-saving trench-cultivation methods designed to only require drip irrigation from storage a few times a week during summer months. Drying is conducted in two buildings with a combined area of 1,400 SF by two permanent employees and up to three (3) additional temporary staff. All processing and packaging will occur off-site at a third-party licensed facility. Continued use of portable toilets are conditioned until a planned onsite wastewater septic system can be constructed. Historically, solar panels provide most electricity (85 percent) and two Honda EU 3000iS generators are used to accommodate the remaining electrical demand. If approved, the project is proposed to be conditioned to transition to 100 percent on-site renewable energy by January 1, 2026.

A motion was made by Commissioner Thomas Mulder, seconded by Commissioner Iver Skavdal to adopt the resolution (Resolution 23-090). (Attachment 1) which finds that the Planning Commission has considered the Mitigated Negative Declaration that was 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 Kush Creek Organics, LLC project (Attachment 3); and finds that the proposed project complies with the General Plan and Zoning Ordinance; and approves the Kush Creek Organics, LLC Conditional Use Permit and Special Permit subject to the conditions of approval (Attachment 1A) with the following vote:

- Aye: 3 - Commissioner Iver Skavdal, Commissioner Noah Levy and Commissioner Thomas Mulder
- Nay: 2 - Commissioner Peggy O'Neill and Commissioner Brian Mitchell
- Absent: 2 - Commissioner Lonyx Landry and Commissioner Sarah West

- 3. Aloha Top Shelf. Conditional Use Permit
 Assessor's Parcel Numbers: 522-026-007-000
 Record Number: PLN-11167-CUP
 Willow Creek area.

A Conditional Use Permit for 35,000 square feet of outdoor commercial cannabis cultivation, with 3,450 square feet of ancillary propagation. Annual water usage is estimated at 190,000 gallons and sourced from a groundwater well. There is 17,000 gallons of existing water storage on-site with an additional 78,000 gallons of storage recommended by staff. Drying occurs

within two 320 square foot storage containers with a proposed 2,400 square foot new building for drying. Trimming will occur off-site at a licensed processing facility. Power is provided by solar, and no generators are used. The proposal includes restoration of previous cultivation areas.

A motion was made by Commissioner Thomas Mulder, seconded by Commissioner Iver Skavdal to adopt Resolution (Resolution 23-091) (Attachment 1) which 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 Aloha Top Shelf LLC. project; and finds that the proposed project complies with the General Plan and Zoning Ordinance; and approves the Conditional Use Permit subject to the conditions of approval (Attachment 1A) with the following vote:

- Aye: 3 - Commissioner Iver Skavdal, Commissioner Noah Levy and Commissioner Thomas Mulder
- Nay: 2 - Commissioner Peggy O'Neill and Commissioner Brian Mitchell
- Absent: 2 - Commissioner Lonyx Landry and Commissioner Sarah West

- 4. Stay Humboldt, LLC. Conditional Use Permit
 Assessor’s Parcel Numbers: 522-021-010-000
 Record Number: PLN-11491-CUP
 Willow Creek area.

A Conditional Use Permit for 42,000 square feet of existing outdoor commercial cannabis cultivation. Ancillary propagation will occur in existing greenhouses used for cultivation. Estimated annual irrigation water usage is 520,000 gallons and sourced from an existing groundwater well and rainwater catchment is proposed. There are 20,000 gallons of existing water tank storage and a 1,000,000-gallon pond is proposed. Drying and trimming is proposed to occur in a portion of the existing residence that will be converted to commercial uses. Power is provided by a generator and solar is proposed. The project includes onsite relocation and restoration of cultivation areas.

A motion was made by Commissioner Brian Mitchell, seconded by Commissioner Thomas Mulder to adopt Resolution (Resolution 23-092) (Attachment 1) which 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 Stay Humboldt LLC project); and finds that the proposed project complies with the General Plan and Zoning Ordinance; and approves the Conditional Use Permit subject to the conditions of approval (Attachment 1A) with the following vote:

- Aye: 4 - Commissioner Iver Skavdal, Commissioner Noah Levy, Commissioner Thomas Mulder and Commissioner Brian Mitchell
- Nay: 1 - Commissioner Peggy O'Neill
- Absent: 2 - Commissioner Lonyx Landry and Commissioner Sarah West

- 5. Evergreen Family Farm, LLC Conditional Use Permit and Special Permits
 Assessor’s Parcel Numbers: 522-024-002, 522-025-003 and 522-024-005 (one separate legal

parcel)

Record Numbers: PLN-11978-CUP and PLN-11980-SP

Willow Creek area

A Conditional Use Permit for 21,688 square feet (SF) of existing cannabis cultivation, consisting of 10,288 SF of mixed-light and 11,400 SF of outdoor cannabis cultivation on Assessor Parcel Number (APN) 522-024-002 (PLN-11978-CUP) and a Special Permit for 10,000 SF of existing outdoor cultivation on APN 522-025-003 (PLN-11980-SP). Cultivation occurs within 4 cultivation areas (CAs). CA #1 includes 10,288 SF of mixed light cultivation and a 1,000 SF nursery and 2,000 SF nursery. CA #2 includes 5,400 SF of outdoor cultivation in 2 hoopouses. CA #3 includes 6,000 SF of outdoor cultivation in 3 hoopouses. CA #4 includes 10,000 SF of full-sun outdoor cultivation in 300-gallon smart pots on APN 522-025-003. Irrigation water is sourced from a permitted groundwater well on APN 522-024-002. Total water storage for both parcels is 49,500 gallons and consists of 3 2,500-gallon tanks for fire suppression, 4 5,000-gallon tanks for irrigation, 6 2,500-gallon tanks for irrigation, 3 1,500-gallon tanks for irrigation, and 1 2,500-gallon tank for domestic use. An additional 150,000 gallons of tank storage is proposed to support irrigation needs. Total annual water use for both parcels is 312,000-gallons. The applicant proposes to consolidate all mixed-light greenhouses and nurseries to CA #1 located near Cabin #1. The proposed configuration allows the cultivator to use 1 generator rather than 4 generators spread out across the entire parcel (522-024-002). Product will be dried onsite in an existing shed and further processing will occur offsite at a licensed processing facility until Cabin #3 is upgraded to commercial/Americans with Disabilities Act (ADA) standards. Electricity for cultivation operations is supplied by solar arrays and diesel generators. Solar panels provide power for greenhouse exhaust fans. A diesel generator (Honda 7000) is used to supply power to mixed-light greenhouses and nurseries located at CA # 1. Domestic power is supplied by diesel generators. Domestic wastewater treatment is managed via three septic systems for the existing cabins. The operation is staffed by up to 3 full-time employees and 4 part-time seasonal employees shared between APNs 522-024-002 (PLN-11978-CUP) and APN 522-025-003 (PLN-11980-SP). Special Permits are also requested for work within the Streamside Management Area (SMA) associated with the decommissioning of an onstream pond on APN 522-024-002 and the removal of a tank from the SMA on APN 522-025-003, and to allow for associated remediation activities within the SMA.

A motion was made by Commissioner Thomas Mulder, seconded by Commissioner Iver Skavdal to adopt the resolutions (Resolution 23-093) and (Resolution 23-094) (Attachments 1 and 2), which 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 Evergreen Family Farm, LLC projects (Attachment 3); and finds that the proposed projects comply with the General Plan and Zoning Ordinance; and approves the Evergreen Family Farm, LLC Conditional Use Permit and Special Permit (PLN-11978-CUP) and Special Permits (PLN-11980-SP) subject to the conditions of approval (Attachments 1A and 2A) with the following vote:

Aye: 4 - Commissioner Iver Skavdal, Commissioner Noah Levy, Commissioner Thomas Mulder and Commissioner Brian Mitchell

Nay: 1 - Commissioner Peggy O'Neill

Absent: 2 - Commissioner Lonyx Landry and Commissioner Sarah West

- 6. Mojo Mountain, LLC Conditional Use Permit
 Assessor’s Parcel Number: 522-024-001
 Record Number: PLN-12460-CUP
 Willow Creek area

A Conditional Use Permit for 35,025 square feet (SF) of existing outdoor cannabis cultivation with a 3,500 SF nursery. Irrigation water is sourced from a permitted groundwater well (11/12-0971) and a point of diversion. Existing available water storage is 19,000 gallons in 7 hard tanks distributed throughout the site and is proposed to be increased to 519,000 gallons through the addition of a 500,000-gallon rainwater catchment tank. Estimated annual water usage was reported as 525,000 gallons (14.9 gallons/SF). Drying will occur in the existing 768 SF drying building. Processing will occur offsite at a licensed processing facility. In addition to the three operators up to six seasonal employees may be utilized during peak operations for a total of 9 people on-site. Power is provided by 2 Honda 6,500-watt and 2,000-watt generators for water pumps, lighting, general farm use, and drying cannabis. A Special Permit is also requested for development within the Streamside Management Area (SMA) for the continued use and maintenance of the point of diversion infrastructure. The project is proposed to be conditioned to transition to on-site renewable energy by January 1, 2026.

A motion was made by Commissioner Thomas Mulder, seconded by Commissioner Brian Mitchell to adopt the resolution (Resolution 23-095). (Attachment 1) which finds that the Planning Commission has considered the Mitigated Negative Declaration that was 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 Mojo Mountain, LLC project (Attachment 3); and finds that the proposed project complies with the General Plan and Zoning Ordinance; and approves the Mojo Mountain, LLC Conditional Use Permit and Special Permit subject to the conditions of approval (Attachment 1A) with the following vote:

- Aye: 4 - Commissioner Iver Skavdal, Commissioner Noah Levy, Commissioner Thomas Mulder and Commissioner Brian Mitchell
- Nay: 1 - Commissioner Peggy O'Neill
- Absent: 2 - Commissioner Lonyx Landry and Commissioner Sarah West

- 7. Three Creek Holdings, LLC
 Assessor’s Parcel Numbers: 522-032-011
 Record Numbers: PLN-13160-CUP
 Willow Creek area

A Conditional Use Permit for 10,000 square feet of existing mixed light and 10,000 square feet of existing outdoor commercial cannabis cultivation supported by a 1,650 square foot nursery. Estimated annual irrigation water usage is 189,000 gallons and is sourced from a groundwater well. There is 7,500 gallons of existing water storage and staff is recommending an additional 87,000 gallons of water storage for a total of 94,500 gallons of irrigation water storage. Processing occurs offsite at a licensed facility and power is provided by generators

supplemented by solar. The proposal includes onsite relocation and restoration of historic cultivation areas.

A motion was made by Commissioner Brian Mitchell, seconded by Commissioner Iver Skavdal to adopt resolution (Resolution 23-096) (Attachments 1) which finds that the Planning Commission has considered the Mitigated Negative Declaration previously adopted for the Commercial Medical Marijuana Land Use Ordinance and the Addendum to the Mitigated Negative Declaration that was prepared for the Three Creeks Holdings, LLC project (Attachment 3); and finds that the proposed projects comply with the General Plan and Zoning Ordinance; and approves the Three Creek Holdings, LLC Conditional Use Permit subject to the conditions of approval (Attachments 1A) with the following vote:

- Aye: 4 - Commissioner Iver Skavdal, Commissioner Noah Levy, Commissioner Thomas Mulder and Commissioner Brian Mitchell
- Nay: 1 - Commissioner Peggy O'Neill
- Absent: 2 - Commissioner Lonyx Landry and Commissioner Sarah West

- 8. 4 Ponds, LLC Special Permits
 Assessor's Parcel Number: 522-033-010
 Record Number: PLN-12848-SP
 5995 Old Three Creeks Road, Willow Creek area

A Special Permit for 10,000 square feet of existing outdoor cannabis cultivation and a 275 square-foot nursery. Water for irrigation is sourced from an existing onsite well. Water for irrigation is stored in seven tanks, totaling 18,200 gallons, and one 2,800-gallon tank reserved for fire protection. An additional 60,000 gallons of tank storage is proposed to support irrigation needs. An estimated 116,800 gallons of water is used per growing season for irrigation. Processing, including drying and bucking, occurs onsite in an existing outbuilding, and trimming will take place off site at a licensed processing facility. Electricity is sourced from solar and generator power and the project is recommended to be conditioned to require transition to on-site renewable energy by January 1, 2026. No employees are proposed. A Special Permit is also requested for work within the Streamside Management Area (SMA) to remove two water tanks, associated tank infrastructure, and to allow for associated remediation activities within the SMA.

A motion was made by Commissioner Brian Mitchell, seconded by Commissioner Thomas Mulder to adopt the resolution (Resolution 23-097) (Attachment 1) which 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 4 Ponds, LLC project (Attachment 3); and finds that the proposed project complies with the General Plan and Zoning Ordinance; and approves the 4 Ponds, LLC Special Permits subject to the conditions of approval (Attachment 1A) with the following vote:

- Aye: 4 - Commissioner Iver Skavdal, Commissioner Noah Levy, Commissioner Thomas Mulder and Commissioner Brian Mitchell
- Nay: 1 - Commissioner Peggy O'Neill
- Absent: 2 - Commissioner Lonyx Landry and Commissioner Sarah West

H. ITEMS PULLED FROM CONSENT

I. REPORT FROM PLANNER

J. PLANNING COMMISSION DISCUSSION ITEMS

K. ADJOURNMENT

Chair Noah Levy adjourned the meeting at 9:27 p.m.

L. NEXT MEETINGS: October 26, 2023 6:00 p.m. Special Meeting - Hybrid
November 02, 2023 6:00 p.m. Regular Meeting - Hybrid