

PLANNING COMMISSION

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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, March 2, 2023

6:00 PM

Regular Meeting - Hybrid

A. CALL TO ORDER / SALUTE TO FLAG

Vice Chair Brian Mitchell called the meeting to order at 6:00 p.m.

B. COMMISSIONERS PRESENT

Present : 5 - Commissioner Iver Skavdal, Commissioner Lonyx Landry, Commissioner Thomas Mulder, Commissioner Peggy O'Neill and Commissioner Brian Mitchell
Absent : 1 - Commissioner Noah Levy

C. AGENDA MODIFICATIONS

*Item E8 Burr Road LLC removed from the consent calendar and continue to a date uncertain.
Supplemental information also included for project.*

E. CONSENT AGENDA

3. Punta Canna, LLC, Conditional Use Permit and Special Permit
Assessor's Parcel Numbers: 216-317-006 and 216-317-004
Record Number: PLN-11915-CUP
Alderpoint area

A Conditional Use Permit for 19,500 square feet (SF) of existing outdoor cultivation utilizing light deprivation techniques within 21 greenhouse structures, with and 2,000 SF of existing ancillary propagation. Irrigation water is sourced from a point of diversion located on APN 216-317-006.

Existing available water storage is 206,000 gallons in a series of hard-sided tanks. Estimated annual water usage is 228,096 gallons. Drying will occur in a proposed 2,160-square-foot drying building and processing will occur within a proposed 1,140-square-foot structure. A maximum of ten (10) employees may be onsite during peak operations. Power is provided by a 4,000-watt solar array. The applicant has long-term plans for connection to Pacific Gas and Electric Company (PG&E) to offset the needs of the new structures and facilities as proposed. A Special Permit is also requested for development within the Streamside Management Area (SMA) for continued use and maintenance of the point of diversion infrastructure.

4. Merry Whether Farms, LLC, Special Permits

Assessor's Parcel Number: 221-111-028

Record Number: PLN-11734-SP

Whitethorn area

A Special Permit for 9,950 square feet (SF) of existing outdoor cannabis cultivation (3,950 SF of full sun outdoor and 6,000 SF grown within four (4) greenhouses utilizing light deprivation techniques), in addition to 1,000 SF of proposed ancillary propagation space. Staff is not recommending that the additional propagation space be approved. Irrigation water is sourced from rainwater catchment and an existing point of diversion. Existing available water storage for irrigation is 130,000 gallons in a series of hard-sided tanks, with an additional 32,900 gallons proposed, for a total of 162,900 gallons of onsite storage. Estimated annual water usage is 150,000 gallons. Drying and curing occurs onsite, with all other processing occurring offsite at a licensed processing or manufacturing facility. A maximum of three (3) people may be onsite during peak operations. Power is provided by a 2,500 kilowatt-hour (kWh) solar system, with a 15 kVA WhisperWatt diesel generator utilized for backup. The project also includes a Special Permit for continued use and maintenance of a point of diversion.

5. Fantastic Gardens, LLC (11795) Zoning Clearance Certificate and Special Permit

Assessor Parcel Number 210-144-012

Record No.: PLN-11795-CUP

Dinsmore Area

A Zoning Clearance Certificate for 3,792 square feet (SF) of existing mixed-light commercial cannabis cultivation and a Special Permit for work within the Streamside Management Area (SMA) for culvert replacement and crossing upgrades, as recommended by the Site Management Plan. The project site shares water resources and propagation facilities with two adjacent project sites on separate parcels under the same ownership (APNs 210-144-011 and 210-144-017). Plants are propagated in two (2) nurseries totaling 2,650 SF on APN 210-144-011. Irrigation water is sourced from one (1) 420,000-gallon rainwater catchment pond on an adjacent parcel (APN 210-144-017) and three (3) surface water points of diversion (POD): POD-1 and POD-2 (both located on APN 210-144-011) and POD-3 (APN 210-144-012). Estimated annual water use across the three (3) project sites is 465,000 gallons (11.5 gal/SF). Water is stored in the pond and in forty-one (41) tanks located on the three (3) project sites, including: one (1) 5,000-gallon tank, thirty-five (35) 2,500-gallon tanks, one (1) 1,500-gallon tank, and four (4) 1,000-gallon tanks. Total water storage is 518,000 gallons. The

primary source of electrical power is an existing solar system. A 7-kW Honda generator is used as a backup power source.

6. Fantastic Gardens, LLC (11797) Conditional Use Permit and Special Permit
Assessor Parcel Number 210-144-017
Record No.: PLN-11797-SP
Dinsmore Area

Special Permit for 10,000 square feet (SF) of existing commercial cannabis cultivation, consisting of 3,075 SF outdoor cultivation and 6,925 SF mixed light cultivation, and a Special Permit for work within the Streamside Management Area (SMA) for culvert replacement and crossing upgrades, as recommended by the Site Management Plan. The project site shares water resources and propagation facilities with two adjacent project sites on separate parcels under the same ownership (APNs 210-144-011 and 210-144-012). Plants are propagated in two (2) nurseries totaling 2,650 SF on APN 210-144-011. Irrigation water is sourced from one (1) 420,000-gallon rainwater catchment pond on the subject parcel (APN 210-144-017) and three (3) surface water points of diversion (POD): POD-1 and POD-2 (both located on APN 210-144-011), and POD-3 (APN 210-144-012). Estimated annual water use across the three (3) project sites is 465,000 gallons (11.5 gal/SF). Water is stored in the pond and in forty-one (41) tanks located on the three (3) project sites: one (1) 5,000-gallon tank, thirty-five (35) 2,500-gallon tanks, one (1) 1,500-gallon tank, and four (4) 1,000-gallon tanks. Total water storage is 518,000 gallons. The primary source of electrical power is an existing solar system. A diesel generator enclosed in a building is used as a backup power source.

7. Fantastic Gardens, LLC (11969) Conditional Use Permit and Special Permit
Assessor Parcel Number 210-144-011
Record No.: PLN-11969-CUP
Dinsmore Area

Fantastic Gardens, LLC seeks a Conditional Use Permit for 26,661 square feet (SF) existing commercial cannabis cultivation, consisting of 20,390 SF of outdoor cultivation and 6,271 SF of mixed-light cultivation supported by two (2) nurseries totaling 2,650 SF and serving three (3) project sites, and a Special Permit for work within the Streamside Management Area (SMA) for culvert replacement and crossing upgrades, as recommended by the Site Management Plan. The project site shares water resources and propagation facilities with two adjacent project sites on separate parcels under the same ownership (APNs 210-144-012 and 210-144-017). Irrigation water is sourced from one (1) 420,000-gallon rainwater catchment pond on an adjacent parcel (APN 210-144-017) and three (3) surface water points of diversion (POD): POD-1 and POD-2 (both located on APN 210-144-011), and POD-3 (APN 210-144-012). Estimated annual water use across the three (3) project sites is 465,000 gallons (11.5 gal/SF). Water is stored in the pond and in forty-one (41) tanks located on the three (3) project sites: one (1) 5,000-gallon tank, thirty-five (35) 2,500-gallon tanks, one (1) 1,500-gallon tank, and four (4) 1,000-gallon tanks. Total water storage is 518,000 gallons. The primary source of electrical power is a 35-kW diesel Kubota generator and two (2) 3-kW gasoline Honda generators.

9. Enchanted Springs Farm, LLC
Assessor Parcel Numbers (APN) 524-201-030
Record No.: PLN-13141-CUP
Willow Creek area

A Conditional Use Permit for 4,292 square feet (sf) of pre-existing outdoor cannabis cultivation with 420 sf of ancillary propagation area. Light-deprivation techniques will be utilized without the use of supplemental lights and two harvests are anticipated annually. Water source is from the Willow Creek Community Services District. Annual water usage is estimated at 75,392 gallons per year (16 gal/sf/yr). Total water storage on-site will be 9,900 gallons. The site will be owner-operated with no employees, and processing will occur within the residence. Power source is PGE. The project also includes the request for a Special Permit to reduce the 600-foot setback to Public Lands, the Six Rivers National Forest.

10. Enchanted Springs Inc. Conditional Use Permit
Application Number PLN-13193-CUP
Assessor's Parcel Number (APN) 522-175-004
Willow Creek area

The denial of a Conditional Use Permit and Special Permit. The applicant seeks a Conditional Use Permit for 34,500 sq. ft. of existing outdoor cannabis cultivation and 3,488 sq. ft. of ancillary propagation. Water source is an onsite well. Water storage onsite is 30,500 gallons in one 10,000-gallon pool, six 3,000-gallon hard tanks, and one 2,500-gallon hard tank. Anticipated annual water needs for irrigation is 350,000 gallons. The Applicant plans to dry on-site and trim off-site at a licensed processing facility. Power is supplied by generators. An additional Special Permit is being requested to reduce the 600-foot setback to public lands (USFS).

Approval of the Consent Agenda

A motion by Commissioner Thomas Mulder, seconded by Commissioner Landry Lonyx, to approve the Consent Agenda, including items E3 Punta Canna LLC, E4 Merry Whether Farms, LLC, E5, E6, E7 Fantastic Gardens, LLC (11795, 11797, 11969), E9 Enchanted Springs Farm, LLC and E10 Enchanted Springs Inc. as recommended. The motion carried by the following vote:

Aye: 5 - Commissioner Skavdal, Commissioner Landry, Commissioner Mulder, Commissioner O'Neill and Commissioner Mitchell

F. OLD BUSINESS

1. William Cosby Special Permit
Record Number: PLN-2022-17912
Assessor Parcel Number: 510-192-017

McKinleyville area

An after-the-fact Special Permit for the construction of an approximately 3,200 square foot storage building on a 3,696 square foot concrete slab pursuant to Section 314-102.1.2 of the Humboldt County Code.

A motion by Commissioner Thomas Mulder, seconded by Commissioner Lonix Landry to approve the William Cosby Special Permit. The motion carried by the following vote:

Aye: 5 - Commissioner Skavdal, Commissioner Landry, Commissioner Mulder, Commissioner O'Neill and Commissioner Mitchell

G. ITEMS PULLED FROM CONSENT

8. Burr Road, LLC, Conditional Use Permit and Special Permit

Assessor's Parcel Number: 222-083-007

Record Number: PLN-11949-CUP

1925 Old Somerville Creek Road, Briceland area

A Conditional Use Permit for an existing 15,000 square foot (SF) mixed light cannabis cultivation operation with 1,500 SF of ancillary propagation. Irrigation water is currently sourced from an existing groundwater well; however, the applicant proposes to switch to use of an already permitted spring diversion. Existing available water storage is 40,100 gallons in various hard-sided tanks with an additional 80,000 gallons proposed, for a total of 120,100 gallons of onsite water storage, including 1,100 gallons and 2,500 gallons dedicated to domestic and fire suppression use, respectively. Estimated annual water usage is 171,468 gallons. Drying, bucking, and processing occur onsite within an existing 1,500 SF structure. A maximum of four (4) persons will be onsite during peak operations. Power for cultivation is provided by two (2) generators, with a third generator utilized for back-up power. A Special Permit is also requested for development within the Streamside Management Area (SMA) for continued use and maintenance of the point of diversion infrastructure.

A motion by Commissioner Iver Skavdal, seconded by Commissioner Peggy O'Neill to continue the Burr Road, LLC Conditional Use Permit and Special Permit to a date uncertain.

Aye: 5 - Commissioner Skavdal, Commissioner Landry, Commissioner Mulder, Commissioner O'Neill and Commissioner Mitchell

1. Review and approval of January 19, 2023, Action Summary;

This item is continued to the April 6, 2023 meeting.

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

This item is continued to the April 6, 2023 meeting.

H. NEW BUSINESS

1. North Wind Management, LLC; Conditional Use Permit and Coastal Development Permit

Assessor Parcel Numbers (APN) 401-112-030

Record No.: PLN-2021-17447

Samoa area

A Conditional Use Permit and Coastal Development Permit to authorize a new cannabis project as an interim use in the Industrial/ Coastal-Dependent Zone. The project is proposing a 50,875 sf warehouse building that will consist of 1-acre of indoor cannabis cultivation with 4,350 square feet (sf) of ancillary propagation, as well as ancillary drying and trimming activities. Indoor cultivation will occur year-round with up to five (5) harvests per year. Hydroponic cultivation techniques will be utilized with very little use of imported soils. The project will also utilize two (2) existing structures for off-site commercial processing, infusion and distribution activities, and will potentially rent out existing office spaces. Non-volatile and volatile manufacturing activities are proposed to occur within two (2) 480 sf new modular structures. Water will be sourced by the Humboldt Bay Municipal Water District through an existing water connection. A total of 384,000 gallons of water is anticipated to be used annually at the site. 360,000 gallons of that water is anticipated for cultivation activities (7.5gal/sf/yr), and 24,000 gallons is anticipated to be used for manufacturing and processing activities. 100% renewable power will be sourced from PG&E’s REPower+ plan through an existing service/substation, and a PG&E service upgrade is proposed. Up to forty (40) employees will be used during peak operations on-site. The project will conform to all Adaptive Reuse Standards for Industrial Sites and will meet all Performance Standards for interim use projects within the Industrial/Coastal-Dependent (MC) zone.

A motion was made by Commissioner Thomas Mulder, and seconded by Lonyx Landry to approve the North Wind Management, LLC Conditional Use Permit and Coastal Development Permit. The motion carried by the following vote:

- Aye: 4 - Commissioner Skavdal, Commissioner Landry, Commissioner Mulder and Commissioner Mitchell
- Nay: 1 - Commissioner O'Neill

I. REPORT FROM PLANNER

J. PLANNING COMMISSION DISCUSSION ITEMS

I. ADJOURNMENT

Vice Chair Brian Mitchell adjourned the meeting at 7:35 p.m.

NEXT MEETING April 6, 2023 6:00 p.m. Regular meeting - Hybrid