



# COUNTY OF HUMBOLDT

For the meeting of: 8/3/2023

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File #: 23-1103

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**To:** Planning Commission  
**From:** Planning and Building Department  
**Agenda Section:** Consent

SUBJECT:

**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. All cannabis products are tested, packaged, and handled by a licensed distributor prior to sale. The modification will allow the farm stand to permanently remain in the proposed location on the southeast corner of the project parcel rather than being stowed in a barn after business hours as required under the original permit approval. The farm stand will be staffed by one employee during the hours of operation. Customer traffic will occur on-site during the operating hours, which will be limited to 9AM - 6PM, Monday through Sunday. Hours and days of operation may vary depending on weather conditions and holidays. Power is provided by PG&E.

RECOMMENDATION(S):

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 Addendum to the Environmental Impact Report for the Commercial Cannabis Land Use Ordinance that was prepared for the Carlotta Gardens, LLC Conditional Use Permit Modification); and
  - b. Finds that the proposed project complies with the General Plan and Zoning Ordinance; and
  - c. Approves the Carlotta Gardens, LLC Conditional Use Permit Modification subject to the recommended Conditions of Approval (Exhibit A); and
  - d. Approves the Cultivations Operations Plan (Exhibit B) and Site Plan (Exhibit C).

DISCUSSION:

**Project Location:** The project parcel is located in Humboldt County, in the Carlotta area, on the North side of State Hwy 36, approximately 32 feet north from the intersection of State Hwy 36 and Hagwood Lane, on the property known as 6287 State Hwy 36, Carlotta.

**Present Plan Land Use Designations:** Agriculture Exclusive/Prime and Non-prime Lands (AE), Carlotta-Hydesville Community Plan (CHCP), Density: 160 to 20 acres per dwelling unit, Slope Stability: Low Instability (1).

**Present Zoning:** Agriculture Exclusive (AE); AE-B-5 (60)

**Environmental Review:** Environmental review for this project was conducted and based on the results of that analysis, staff concludes that all aspects of the project have been considered in a previously adopted Environmental Impact Report adopted for the Commercial Cannabis Land Use Ordinance. An addendum to the Environmental Impact Report has been prepared for consideration by the Planning Commission (Attachment 3).

**State Appeal:** Project is NOT appealable to the California Coastal Commission.

**Major concerns:** None.

**Sanitation:** The Division of Environmental Health (DEH) recommended that the project be approved with conditions. DEH specified that the portable farm stand may use portable toilets to support farm-based retail activities. DEH also specified that the Permittee shall provide portable toilet(s) to the retail area, meeting appropriate setbacks per Humboldt County Code, or alternatively, install a permitted onsite wastewater treatment system associated with a permitted structure. **(Condition of Approval B6).**

**Natural Resources:** No new ground disturbance is proposed for the modification and therefore any potential impact to biological resources from the operation will be less than significant. CalFire was referred the project and they recommended conditional approval of the approved project (Record No. PLN-2022-17611) as proposed with the condition that the approval was reflective of no proposed tree removal **(Condition of Approval C17).**

**Energy :** Electricity is provided by PGE and shall be sourced from an eligible renewable energy program, such as the RCEA PowerPlus plan **(Condition of Approval B1).** No generator use is associated with the project.

**Employees and Parking:** Up to 10 employees are proposed during peak operations. The plot plan depicts four (4) regular parking spaces, two (2) recreational vehicle parking spaces, and 1 ADA parking space **(Condition of Approval B5).**

The proposed modification was sent to the following agencies from which no comments responses

were received: Agricultural Commissioner, Building Inspections, County Counsel, District Attorney, Division of Environmental Health, Humboldt County Sheriff, Public Works (Land Use), Carlotta Community Services District, Cuddeback Union School District, and the North Coast Unified Air Quality Management District.

OTHER AGENCY INVOLVEMENT:

The project was referred to responsible agencies and all responding agencies have either responded with no comment or recommended approval or conditional approval. (Attachment 5)

ALTERNATIVES TO STAFF RECOMMENDATIONS:

1. The Planning Commission could elect not to approve the project
2. The Planning Commission could require the applicant to submit further evidence or modify the project. Modifications may cause potentially significant impacts, additional CEQA analysis and findings may be required. These alternatives could be implemented if the Commission is unable to make all the required findings. Planning staff has concluded that the required findings in support of the proposal have been made. Consequently, Planning staff does not recommend further consideration of any alternative.
3. The Planning Commission could also decide the project may have environmental impacts that would require further environmental review pursuant to CEQA. Staff did not identify any potential impacts. As the lead agency, the Department has determined that the project is consistent with the EIR for the CCLUO as stated above. However, the Commission may reach a different conclusion. In that case, the Commission should continue the item to a future date at least two months later to give staff the time to complete further environmental review.

ATTACHMENTS:

Executive Summary

1. Draft Resolution
  - A. Conditions of Approval
  - B. Cultivation Operations Plan
  - C. Site Plan
2. Location Maps
3. CEQA Addendum
4. Applicant's Evidence in Support of the Required Findings
5. Referral Agency Comments and Recommendations

Owner

Demeter Gardens, LLC Co.  
427 F St. #219  
Eureka, CA 95501

Applicant

Carlotta Gardens, LLC  
2216 Arbutus St. #6  
Eureka, CA 95503

Please contact Portia Saucedo, Planner II, at 707-268-3745 or by email at [psaucedo1@co.humboldt.ca.us](mailto:psaucedo1@co.humboldt.ca.us) <<mailto:psaucedo1@co.humboldt.ca.us>>, if you have any questions about the scheduled public hearing item.