



COUNTY OF HUMBOLDT

For the meeting of: 11/21/2024

File #: 24-1585

To: Zoning Administrator

From: Planning and Building Department

Agenda Section: Consent

SUBJECT:

So Hum Sun Grown, LLC
Assessor Parcel Number(s) (APN) 033-271-001-000, 033-271-026-000
Record No.: PLN-12691-CUP
Garberville area

Denial of a Conditional Use Permit for a new storefront cannabis dispensary.

RECOMMENDATION(S):

That the Zoning Administrator:

1. Adopt the resolution (Resolution 24-___), (Attachment 1) which does the following:
 - a. Finds the So Hum Sun Grown, LLC project statutorily exempt from the California Environmental Quality Act (CEQA) per section 15270 (Projects Which Are Disapproved) of the State CEQA Guidelines; and
 - b. Finds that the applicant has not provided sufficient evidence necessary to make the required findings of approval; and
 - c. Denies the So Hum Sun Grown, LLC Conditional Use Permit (PLN-12691-CUP).

DISCUSSION:

Project Location: This project is located in Humboldt County, in the Cooks Valley area, on the west side of US Highway 101, approximately 2,200 feet northwest from the intersection of US Highway 101 and Milky Way, on the property known as 990 US Highway 101, and on the east side of US Highway 101, approximately 2,200 feet northwest from the intersection of US Highway 101 and Milky Way, on the property known to be in the Northwest quarter and the Northeast quarter of the Northwest quarter of Section 24 of Township 5 South, Range 3 East, Humboldt Base & Meridian.

Present General Plan Land Use Designation: (033-271-001) CR Commercial Recreation, 2017 General Plan. Density: per zoning. Slope Stability: Low to Moderate Instability (1-2); (033-271-027) CR

Commercial Recreation, 2017 General Plan. Density: per zoning. Slope Stability: Moderate Instability (2);

Present Zoning: Unclassified (U)

Environmental Review: The proposed project is statutorily exempt from the provisions of the California Environmental Quality Act (CEQA) per section 15270 (Projects Which Are Disapproved) of the CEQA Guidelines.

State Appeal: This project is NOT appealable to the California Coastal Commission

Major concerns: Inconsistency with Humboldt County Code, lack of adequate information to support making required findings for approval, and a generally unresponsive applicant.

Executive Summary: For Zoning Administrator consideration is an application under the Commercial Medical Marijuana Land Use Ordinance (CMMLUO); application PLN-12691-CUP, a Conditional Use Permit application for a new storefront cannabis dispensary.

The application was filed December 28, 2016. On February 9, 2017, staff correspondence was sent to the requesting additional information to process the permit application. On May 31, 2017, an application resubmittal was received by the department for a conditional use permit for a proposed cannabis dispensary. A letter dated June 16, 2017, was sent to the applicant/agent notifying that the County's Medical Cannabis Dispensary Ordinance specifically states that medical cannabis dispensaries may only be allowed in the C-1, C-2, C-3, MB, ML and MH zoning districts and that the zoning on the proposed project location identified as APNs 033-271-001 and 033-271-026, which has a zoning classification of Unclassified does not allow for the proposed dispensary and that the application cannot be approved. The applicant was provided options to withdraw the application, submit a separate zone reclassification application or request that we take forward the application with the staff recommendation of denial to the County Planning Commission. On November 14, 2018, another letter stating the information was sent to the applicant. On January 26, 2023, the applicant was sent a letter which stated that the Planning Department had not received the required information to process the permit and informed the applicant that a response would be required within 30 days, no responses from the applicant or agent are on file.

OTHER AGENCY INVOLVEMENT:

Complete application materials have not been received to date. The project was not referred to responsible agencies and recommendations were not received.

ALTERNATIVES TO STAFF RECOMMENDATIONS:

The Zoning Administrator could elect to direct staff to continue to work with the applicant to resolve the outstanding issues and continue processing the application in accordance with HCC Section 312-

4.1 et seq. However, due to the extended amount of time that deficiencies have remained unresolved and the lack of responsiveness from the applicant, staff does not recommend this alternative.

ATTACHMENTS:

1. Draft Resolution
2. Location Maps
3. Planning Department Correspondence

Applicant

Bennet and Delphina Dorrance, So Hum Sun Grown, LLC, 990 Hwy 101, Garberville, CA 95542

Owner

Hartsook Giant, LLC, 220 Harmony Lane, Garberville, CA 95542

Agent

Cannabusiness Law, Inc, Attn: Kyndra Miller, 755 Baywood Drive, 2nd Floor, Petaluma, CA 94954

Please contact Suzanne Lippre, at slippre@co.humboldt.ca.us or 707-268-3728 if you have any questions about the scheduled item.