



COUNTY OF HUMBOLDT

For the meeting of: 6/8/2023

File #: 23-790

To: Zoning Administrator
From: Planning and Building Department

Agenda Section: Consent

SUBJECT:

Eel River Valley Farms, LLC Conditional Use Permit
Assessor Parcel Number 204-151-030
Record No.: PLN-11946-CUP

Denial of a Conditional Use Permit for 29,500 square feet of existing commercial cannabis cultivation

RECOMMENDATION(S):

That the Zoning Administrator:

Adopt the resolution (Attachment 1) which does the following:

- a. Find the project exempt from environmental review pursuant to State CEQA Guidelines Section 15270; and
- b. Find the applicant has not provided sufficient evidence necessary to make the required findings for approval; and
- c. Deny the Conditional Use Permit.

DISCUSSION:

Project Location:

The project is in Humboldt County, in the Hydesville area, on the south side of Rohnerville Road, approximately 1.3 miles west from the intersection of State Highway 36 and Rohnerville Road, on the property known as 5950 Rohnerville Road.

Present General Plan Land Use Designation:

Residential Agriculture (RA5-20), Density 5 to 20 acres per unit; Airport Safety Review (AP), Carlotta-Hydesville Community Plan (CHCP), 2017 General Plan, Slope Stability: Low Instability (1).

Present Zoning:

Agriculture Exclusive (AG), Minimum building site area is 5 acres (B-5(5)).

Environmental Review:

Exempt from environmental review pursuant to State CEQA Guidelines Section 15270

State Appeal:

Project is NOT appealable to the California Coastal Commission.

Major concerns:

Lack of evidence to support required findings for approval.

Executive Summary:

Denial of a Conditional Use Permit for 29,500 square feet of existing commercial cannabis cultivation

Operations Plan and Site Plan don't match regarding the amount of cultivation proposed. Project lacks information about road functionality, impacts to biological resources, and information about the well. Project has not been placed in referrals due to inability to write a complete project description. Staff have made multiple attempts to correspond with the applicant to obtain information necessary to adequately review the application and recommend approval but have not received the requested items.

Summary Timeline of Project Processing:

On December 16, 2016, the Department received an incomplete application for a Special Permit. The application lacked an operations plan, and the provided site plan did not depict the proposed project. The Department accepted the initial incomplete application because of the application deadline for the CMMLUO. While an operations plan and amended site plan were received in September of 2017, the two documents were incomplete and were inconsistent. The project was never placed in referrals due to the lack of complete information.

February 9, 2017, the Department sent correspondence notifying applicant that the application was incomplete.

On August 16, 2017, the Department sent notice that the application was still incomplete.

On August 1, 2018, the Department sent a deficiency letter requesting, among other items, a road evaluation, biological assessment, and updated site and operations plans.

On January 17, 2023, the Department sent a letter stating the applicant had 60 days to make application complete or the project would be scheduled for denial.

On May 15, 2023, the Department sent a letter notifying applicant the project was scheduled for denial.

The correspondences from the Department listed above is assembled in Attachment 3.

Lack of Sufficient Evidence:

Staff are unable to determine if adequate or eligible water is available to serve the proposed project due to the lack of information about the well. The requested biological assessment was not provided so it is unknown of the proposed project will result in significant impacts to sensitive species or natural communities. The requested road evaluation was not provided so it is unknown if adequate access is

present. The lack of agency and tribal consultation prevents staff from proposing appropriate conditions. The applicant has had six years to provide additional information. For all the reasons described above, staff is unable to recommend approval.

OTHER AGENCY INVOLVEMENT:

The project was not referred to other agencies for comment because the project lacks sufficient information to write a complete project description.

ALTERNATIVES TO STAFF RECOMMENDATIONS:

1. 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 the deficiencies have remained unresolved and the lack of responsiveness from the applicant, staff does not recommend this alternative.

ATTACHMENTS:

1. Draft Resolution
2. Location Map
3. Correspondence Chronology
4. Public Comment

Applicant

Eel River Valley Farms LLC
Ron Haselip
5950 Rohnerville Rd.
Hydesville CA 95547

Owner

Carol Cohn
1940 Ascot Dr
Moraga CA 94556

Please contact Steven A. Santos, Senior Planner, at sasantos@co.humboldt.ca.us or 707-268-3749 if you have any questions about the scheduled item.