



COUNTY OF HUMBOLDT

For the meeting of: 3/21/2024

File #: 24-356

To: Zoning Administrator
From: Planning and Building Department
Agenda Section: Consent

SUBJECT:

Circle G Farms, LLC

Assessor Parcel Numbers (APN) 532-056-009, 532-055-009, 532-054-001, 532-052-003, 532-053-003, 532-055-002, and 532-055-003

Record No.: PLN-12939-SP, PLN-12957-CUP, and PLN-12952-CUP

Bald Hills area

Denial of a Zoning Clearance Certificate (ZCC) for an existing 3,500 square foot (SF) cannabis cultivation operation in two greenhouses, a Conditional Use Permit (CUP) for an existing 14,835 SF cannabis cultivation operation, five Conditional Use Permits (CUP) for 108,900 SF of new cannabis cultivation, a Notice of Merger (NOM), and a Special Permit (SP) for a setback of less than 600 feet to Redwood National Park.

RECOMMENDATION(S):

That the Zoning Administrator:

1. Adopt the resolution (Resolution 24-__). (Attachment 1) which does the following:
 - a. Finds that the Circle G Farms, LLC projects are 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 to demonstrate the proposed projects comply with the General Plan and Zoning Ordinance; and
 - c. Denies the Circle G Farms, LLC Special Permits, Conditional Use Permits, and Zoning Clearance Certificate (PLN-12939-SP, PLN-12957-CUP, and PLN-12952-CUP).

DISCUSSION:

Project Location: The project is located in Humboldt County, in the Bald Hills area, on the northeast side of Bald Hills Road, approximately 3.3 miles from the intersection of Johnson Road and Bald Hills Road, on the properties known to be in Section 1, 2, 10, 11, and 12 of Township 09 N, Range 02 E,

Humboldt Base & Meridian.

Present General Plan Land Use Designation: Timberland (T), 2017 General Plan, Density: 40-160 acres per unit, Slope Stability: High Instability (3).

Present Zoning: Agriculture Exclusive (AE); Timberland Production (TPZ)

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 are three applications under the Commercial Medical Marijuana Land Use Ordinance (CMMLUO); application PLN-12939-SP is an application for a Zoning Clearance Certificate (ZCC) for an existing 3,500 square foot (SF) cannabis cultivation operation in two greenhouses and a Special Permit (SP) for a setback of less than 600 feet to Redwood National Park. Application PLN-12957-CUP is an application for a Conditional Use Permit (CUP) for an existing 14,835 SF cannabis cultivation operation. Application PLN-12952-CUP is an application for five CUPs for 108,900 SF of new cannabis cultivation and a Notice of Merger (NOM). The project history and project files associated with these permit applications demonstrate a lack of information required to determine consistency with the CMMLUO and a lack of responsiveness from the applicant.

PLN-12939-SP and PLN-12957-CUP were filed December 29, 2016. The applications were deemed incomplete and additional information was requested by the Planning and Building Department on February 9, 2017. Additional information was received, and the projects were sent to referral agencies on August 31, 2017. Initial referral responses indicated additional information was required.

On November 20, 2018, a Deficiency Letter was sent to the applicant identifying additional information required to continue processing the permits, including to address prior referral responses requesting additional information. The documents requested in the letter included but were not limited to a Wetland Delineation, Site Plan revisions, Operations Plan revisions, a Biological Survey Report, and a Cultural Resources Survey. The letter also noted that if a good faith effort to produce these documents was not shown, the Planning Department would be forced to schedule the applications for hearing with a recommendation of denial. To date, none of the requested materials have been received.

An additional referral response was received from the Redwood National Park on November 28, 2018, citing concerns including cannabis operations and transportation of cannabis within or adjacent to the jurisdictional boundary of the park, potential impacts to Lyons Ranches Historic District and Bald Hills Archaeological District, potential impacts to unique scenic resources, wildlife concerns, and impacts

on visitors and Yurok tribal members who utilize park lands for traditional cultural purposes. On January 9, 2023 Planning Department staff sent a letter to the applicant requesting that the applicant withdraw the application, citing unresponsiveness of the applicant, and the desire of the property owner for cannabis operations to close on the property. No response to this communication was received.

PLN-12952-CUP was filed on December 29, 2016. A Deficiency Letter was sent to the applicant on October 22, 2018, identifying additional information to continue permit processing. Information requested included an Initial Study prepared by a qualified professional, a revised prime agricultural soils report, documentation of cultivation area slopes, Site Plan and Operations Plan updates, a route map, and a road evaluation report. The letter noted that if the requested materials were not received, or if a request for a hearing was not received, within 180 days from the date of the letter (April 22, 2019), the project would be scheduled for a hearing, which could result in permit denial. No requested documents have been received to date. On January 9, 2023 Planning Department staff sent a letter to the applicant requesting that the applicant withdraw the application, citing unresponsiveness of the applicant, and the desire of the property owner for cannabis operations to close on the property. No response to this communication was received.

Outstanding informational items necessary to determine consistency with the CMMLUO for PLN-12939-SP and PLN-12957-CUP include but are not limited to a Wetland Delineation, Site Plan revisions, Operations Plans revisions, a Biological Survey Report, and a Cultural Resources Survey.

Outstanding informational items necessary to determine consistency with the CMMLUO for PLN-12952-CUP include but are not limited to an Initial Study prepared by a qualified professional, a revised prime agricultural soils report, documentation of cultivation area slopes, Site Plan and Operations Plan updates, a route map, and a road evaluation report. The referenced documents do not include any additional documents that may be required to address concerns or issues raised by referral responses.

OTHER AGENCY INVOLVEMENT:

The projects for existing cannabis cultivation (PLN-12939-SP and PLN-12957-CUP) were referred to responsible agencies. All agencies recommended conditional approval, or included comments, with the exception of the Yurok Tribe and Redwood National Park. The Yurok Tribe requested additional information which to date has not been received. Redwood National Park recommended denial of the projects, citing concerns regarding cannabis operations and transportation of cannabis within or adjacent to the jurisdictional boundary of the park, potential impacts to Lyons Ranches Historic District and Bald Hills Archaeological District, potential impacts to unique scenic resources, wildlife concerns, and impacts on visitors and Yurok tribal members who utilize park lands for traditional cultural purposes.

The project application for new cannabis cultivation (PLN-12952-CUP) has not to date been deemed complete and was therefore never referred to responsible agencies.

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 applications 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. Resolution
2. Location Maps
3. Planning Department Correspondence
 - A. Deficiency Letter
 - B. 12952 Deficiency Letter
 - C. Withdrawal Letter
4. Redwood National Park Referral Response

Applicant:

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C/O Seth Graves
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Trinidad, CA 95570

Owner:

Garland Graves
C/O Kenneth Graves
1063 Itzehoe Ave NW
Palm Bay FL 32907

Agent: N/A

Please contact Michael Holtermann, Planner, at mholtermann@co.humboldt.ca.us or 707-268-3737 if you have questions about this item.