



COUNTY OF HUMBOLDT

For the meeting of: 4/17/2025

File #: 25-519

To: Zoning Administrator

From: Planning and Building Department

Agenda Section: Consent

SUBJECT:

Denial of two Conditional Use Permit Applications for the cultivation of cannabis due to inconsistency with Humboldt County Code.

Project Name: Paradise Valley LLC
Assessor Parcel Number (APN) 220-292-015-000
Record No.: PLN-12303
Whitethorn area

Project Name: Paradise Mountain LLC
Assessor Parcel Numbers (APN) 020-292-017 and 220-292-018
Record No.: PLN-12301
Whitethorn area

Denial of a two Conditional Use Permits for 36,000 square feet of existing outdoor commercial cannabis cultivation.

RECOMMENDATION(S):

That the Zoning Administrator:

1. Adopt the resolution (Resolution 25-___). (Attachment 1 & 2) which does the following:
 - a. Finds that the Zoning Administrator has found the projects exempt from environmental review pursuant to State CEQA Guidelines Section 15270; and
 - b. Finds that the applicant has not provided sufficient evidence necessary to make the required findings for approval; and
 - c. Deny the Paradise Valley LLC (PLN-12303) and Paradise Mountain LLC (PLN-12301) Conditional Use Permits.

DISCUSSION:

Paradise Valley, LLC - Conditional Use Permit (PLN-12303-CUP): This project is in the Whitethorn area, on the east side of Blue Slide Creek Road, approximately 3.1 miles north from the intersection of China Creek Road and Blue Slide Creek Road, on the property known as 3939 Blue Slide Creek Road.

Present General Plan Land Use Designation: Timberland (T); 2017 General Plan; Density: 40-160 acres per unit; Slope Stability: Low Instability (2).

Present Zoning: Agricultural Exclusive (AE); Timber Production (TPZ)

Environmental Review: Exempt from environmental review pursuant to State CEQA Guidelines Section 15270 (Projects Which Are Disapproved).

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

Major Concerns: Lack of evidence to support required findings for approval, failure to pay Measure S cultivation taxes and failure to pay Departmental Fees.

Executive Summary PLN-12303-CUP Paradise Valley: Denial of a Conditional Use Permit for 19,920 square feet of existing outdoor commercial cannabis cultivation (**PLN-12303-CUP**). The application is a Conditional Use Permit for 19,920 square feet of pre-existing outdoor commercial cannabis cultivation. The project will be supported by 6,000 square foot propagation nursery. Water for irrigation is sourced from three surface water diversions and two rainwater catchment ponds located on 220-292-017-000 and 220-292-015. Projected annual water usage is unspecified and water storage totals 606,500 gallons. All processing will occur either onsite or off site. Energy for the project will be supplied by two generators. Up to five employees may be onsite assisting with the operation. Post 2015 deforestation occurred to accommodate cannabis cultivation. The applicant never submitted a revised site plan that addressed deforestation or that relocated cultivation out of deforested areas. On September 17, 2024, the North Coast Regional Water Quality Control Board (Regional Water Board) issued the applicant an order due to discharges and threatened discharges associated with developed features and site conditions that have created or threaten to create a condition of pollution on Humboldt County Assessor's Parcel Numbers 220-292-015, 20-292-017, and 220-292-018 (the Property). The concern was related to the discharge of earthen materials and untreated stormwater into Miller and Blue-Slide Creek and their unnamed tributaries. On November 13, 2024, the Regional Water Board issued Notice of Violation (NOV) of Cleanup and Abatement and Water Code Section 13267 Order No. R1-2024-0047 for Humboldt County Assessor's Parcel Numbers 220-292-015, 20-292-017, and 220-292-018. The applicant has not provided a response to the Regional Water Board NOV, nor have they paid departmental fees that are in arrears. The application was filed on December 22, 2016. As of March 21, 2025, PLN-12303-CUP owes \$25,934.44 in Measure S taxes.

Executive Summary PLN-12301-CUP Paradise Mountain LLC: Denial of a Conditional Use Permit for 11,000 square feet of mixed light cannabis cultivation and a Special Permit for use of points of diversion within Streamside Management Areas (PLN-12301-CUP). Water for cannabis irrigation is sourced from two onsite rain catchment ponds located on 220-292-017-000 and 220-292-015, and from three points of diversion. There is a total of 471,500 gallons of water storage capacity on the subject parcels in the two ponds and in three hard tanks. These ponds serve both PLN-12303-CUP and PLN-12301-CUP. The power source to the project is generators. Three unstable flats were built without proper permitting and engineering. On September 17, 2024, the North Coast Regional Water Quality Control Board (Regional Water Board) issued the applicant an order due to discharges and threatened discharges associated with developed features and site conditions that have created or threaten to create a condition of pollution on Humboldt County Assessor's Parcel Numbers 220-292-015, 20-292-017, and 220-292-018 (the Property). The concern was related to the discharge of earthen materials and untreated stormwater into Miller and Blue-Slide Creek and their unnamed tributaries. On November 13, 2024, the Regional Water Board issued Notice of Violation (NOV) of Cleanup and Abatement and Water Code Section 13267 Order No. R1-2024-0047 for Humboldt County Assessor's Parcel Numbers 220-292-015, 20-292-017, and 220-292-018. The applicant has not provided a response to the Regional Water Board NOV, nor have they paid departmental fees that are in arrears. The application was filed on December 22, 2016. As of March 21, 2025, PLN-12303-CUP owes \$14,276.45 in Measure S taxes.

Summary Timeline of Project Processing: On December 22, 2016, an incomplete application package was received by the Department. On May 8, 2018, the first deficiency letter was sent to the applicant. This letter identified violations associated with the project and in the application, including post 2016 expansion of cultivation area and tree cutting to facilitate cannabis cultivation (**Attachment 3A**). While the fine for the overcultivation was paid, the restocking of areas cleared for cannabis cultivation was never fully addressed. In December 2018 and July 2019, letters were sent to the notifying the applicant that there were six deficiencies associated with the application (**Attachment 3B, 3C**). In January of 2022, a deficiency letter was sent that requested additional information and identified a key problem with the application. The project is in the Timberland Production Zone and an impacted watershed. The application proposed expansion into an area that were cleared of trees after 2015 (**Attachment 3D**). Referral Comments provided by the California Department of Fish and Wildlife provide a summary of the violation history of the project relating to Fish and Game Code and the Draft Cleanup and Abatement Order (COA) issued by the California North Coast Regional Water Quality Control Board (Regional Water Board) (**Attachment 3E**). On January 21, 2025, a letter was sent to the applicant stating that the project would be scheduled for Denial in 60 days due to failure to respond to the Notice of Violation issued on September 17, 2024, by the North Coast Regional Water Quality Control Board and for payment of overdue fees assessed by the Humboldt County Planning Department (**Attachment 3F**). No response was received from the applicant. On March 24, 2025, a letter was sent to the applicant notifying them that the project has been scheduled for denial at the April 17, 2025, Zoning Administrator Meeting.

Failure to Pay Measure S Cultivation Taxes: The two applications owe over \$37,000 in Measure S cultivation taxes and the applicant has not set up a payment plan for either application.

Lack of Sufficient Evidence: Staff are unable to determine if the project complies CMMLUO ordinance requirement regarding the conversion of timberlands for cannabis cultivation after 2015. In addition, the applicant has not submitted documentation that they have addressed the Notice of Violation issued on September 17, 2024, by the North Coast Regional Water Quality Control Board. Furthermore, the applicant owes \$2,606 in Departmental Fees and has not made payment since 2022. The applicant has had seven years to provide additional information. For all the reasons described above, staff is unable to recommend approval.

OTHER AGENCY INVOLVEMENT:

The project was referred to the standard list of commenting agencies. With additional review of the project, it is evident that the project will require re-referral to make a recommendation of approval.

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

ATTACHMENTS:

1. Draft Resolution for Paradise Mountain 12301
2. Draft Resolution for Paradise Valley 12303
3. Planning Department Correspondence
 - A. Deficiency Letter sent May 8, 2018
 - B. Deficiency Letter sent December 22, 2018
 - C. Deficiency Letter sent July 15, 2019
 - D. Deficiency Letter sent January 4, 2022
 - E. CDFW referral comments
 - F. Regional Water Quality Control Board Violation Letter
 - G. Project Denial Warning Letter sent January 21, 2025
 - H. Denial Scheduled Letter sent March 24, 2025

PLN-12301 Applicant:

Paradise Mountain LLC
Aaron Lieberman
2461 Sonnenfelt Ave
Bayside, CA 95524

Owner:

Reprop Investments
735 4th St
Eureka, CA 95501

PLN-12303 Applicant:

Paradise Valley LLC
Aaron Lieberman
2461 Sonnenfelt Ave
Bayside, CA 95524

Owner:

NorthCoast Investment Group
PO Box 363
Arcata, CA 95518

Please contact Andrew Whitney, Planner, at awhitney2@co.humboldt.ca.us or 707-268-3754 if you have questions about this item.