



COUNTY OF HUMBOLDT

For the meeting of: 12/15/2022

File #: 22-1673

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

SUBJECT:

Canigou Inc.

Assessor Parcel Number (APN) 221-271-001
Record No.: PLN-12847-SP & PLN-12860-CUP
Ettersburg area

&

Solimar, LLC

Assessor Parcel Number (APN) 221-271-001
Record No.: PLN-13310-ZCC
Ettersburg area

Denials of three applications on one legal parcel. The denial of application PLN-13310-ZCC (a Zoning Clearance Certificate for 10,000 square feet (sf) of new mixed-light cannabis cultivation on historic parcel 221-211-022), a denial of application PLN-12847-SP (a Zoning Clearance Certificate for 10,000 sf of new outdoor cannabis cultivation, and a Special Permit for a wholesale nursery on historic parcel 108-064-003), and a denial of application PLN-12860-CUP (a Zoning Clearance Certificate for 10,000 sf of new outdoor cannabis cultivation, and a Conditional Use Permit for 7-acres of new outdoor cannabis cultivation on historic parcel 108-063-015).

RECOMMENDATION(S):

That the Planning Commission:

1. Describe the applications recommended for denial as part of the Consent Agenda
2. Adopt the resolution (Resolution 22-__). (Attachment 1) which does the following:
 - a. Find the Canigou Inc., and Solimar, LLC projects statutorily exempt from the California Environmental Quality Act (CEQA) per section 15270 (Projects Which Are Disapproved) of the CEQA Guidelines; and
 - b. Find the applicant has not provided sufficient evidence necessary to make the required findings for approval; and
 - c. Deny the Canigou Inc Conditional Use Permit (PLN-12860-CUP) & Special Permit (PLN-12847-SP), and deny the Solimar Zoning Clearance Certificate (PLN-13310-ZCC).

DISCUSSION:

Project Location: The projects are located in the Ettersburg area, approximately 9.9 miles due west as the crow flies, from the intersection of US Highway 101 and Redwood Drive, on the property known as 99 Etter Ranch Road.

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

Present Zoning: Forest Recreation (FR), Special Building Site [B-5(40)]; Timberland Production Zone (TPZ); Agriculture Exclusive (AE),

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: The proposed 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 Planning Commission consideration are three applications under the Commercial Medical Marijuana Land Use Ordinance (CMMLUO); application PLN-13310-ZCC (a Zoning Clearance Certificate for 10,000 square feet (sf) of new mixed-light cannabis cultivation on historic parcel 221-211-022), a denial of application PLN-12847-SP (a Zoning Clearance Certificate for 10,000 sf of new outdoor cannabis cultivation, and a Special Permit for a wholesale nursery on historic parcel 108-064-003), and a denial of application PLN-12860-CUP (a Zoning Clearance Certificate for 10,000 sf of new outdoor cannabis cultivation, and a Conditional Use Permit for 7-acres of new outdoor cannabis cultivation on historic parcel 108-063-015).

Staff is recommending denial of these projects because the proposal does not meet County Ordinance requirements, and the applicant has been unresponsive to County requests for information.

The applications were submitted on the 29th and 30th of December, 2016.

On October 11, 2018 a Deficiency letter was sent from the Planning Division to the applicant stating that applications 12847, 12860, and 13310 were all on one legal parcel (Parcel G shown in the letter). The Deficiency letter included a request for additional materials for all three applications, which included: an Initial Study by a qualified professional to analyze cumulative impacts all of the proposed development on the one legal parcel, a Biological Resource Assessment, an updated Site Plan and Operations Plan to include all proposed activities on the one legal parcel, etc.. None of the requested items have been received.

On November 6th 2020 the applicant had a meeting with the Director to discuss the project and the issues associated with the application at that time. On November 9th 2020, the applicant emailed the assigned planner to discuss the results of the meeting with the Director. An email response was sent to the applicant on November 10th 2020, which stated the following issues with the projects proposals; the three applications submitted (12847, 12860, 13310) would need to be consolidated into one application because they are all on the same legal parcel, the location proposed for new cultivation is not eligible under the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) zoned Forest Recreation, new proposed cultivation needs to be on slopes verified to be less than 15%. The applicant had the option to apply for a zoning reclassification, or could

transition to the Commercial Cannabis Land Use Ordinance (CCLUO). Issues with transitioning to the CCLUO included that part of the project was located in impacted watersheds, and the proposal would need to meet the 100% renewable energy source requirement. No response was ever received from the applicant to update how they wanted to proceed with the application.

On July 15, 2022, a 60-day Deficiency letter was sent to the applicant giving them 60 days to submit the additional requested items from the October 10th, 2018 Deficiency letter, and no response was received.

Summary: The submitted application does not include enough evidence to support making the required findings under Section 312-17.1. Finally, the department has attempted to contact the applicant and the applicant has failed to respond.

OTHER AGENCY INVOLVEMENT:

The project was never responsive for requests for required information and was therefore never sent out for referrals with other agencies.

ALTERNATIVES TO STAFF RECOMMENDATIONS:

1. The Planning Commission 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. Resolution
2. Location Maps
 - A. Topo Map
 - B. Zoning Map
 - C. Aerial Map
3. Planning Department Correspondence to the Applicant

APPLICANTS

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If you have any questions about this agenda item please contact the assigned Planner, Megan Acevedo, at (707) 441-2634 or via email at macevedo@co.humboldt.ca.us.