



COUNTY OF HUMBOLDT

For the meeting of: 11/21/2024

File #: 24-1586

To: Zoning Administrator

From: Planning and Building Department

Agenda Section: Consent

SUBJECT:

Ericson Pride, Inc.
Assessor Parcel Number(s) (APN) 529-053-004
Record No.: PLN-11372-CUP
Orleans area

Denial of a Conditional Use Permit for an existing 35,250 square foot outdoor cannabis cultivation operation: total existing outdoor cultivation will be 22,207 square feet, total existing relocation outdoor cultivation will be 13,043 square feet, and total decommissioned cultivation area totals 10,828 square feet. Irrigation water is sourced via surface water diversion from an on-site stream and administered by time and metered drip irrigation. Water storage totals 40,000 gallons with plans to increase to an 80,000-gallon storage capacity with the addition of ten (10) 4,000-gallon HDPE storage tanks. All processing will take place at a third-party processing facility.

RECOMMENDATION(S):

That the Zoning Administrator:

1. Adopt the resolution (Resolution 24-___). (Attachment 1) which does the following:
 - a. Finds the Ericson Pride, Inc. 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 Ericson Pride, Inc. Conditional Use Permit (PLN-11372-CUP).

DISCUSSION:

Project Location: The project is located in Humboldt County, in the Orleans area, on the South side of Thunder Mountain Lane, approximately 900 feet West from the intersection of Thunder Mountain Lane and Bark Shanty Road, and approximately .3 miles South from the intersection of Thunder

Mountain Road and a Private Drive on the property known as 3228 Ishi Pishi Road.

Present General Plan Land Use Designation: RA40 Residential Agriculture, 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-11372-CUP, a Conditional Use Permit for an existing 35,250 square foot outdoor cannabis cultivation operation: total existing outdoor cultivation will be 22,207 square feet, total existing relocation outdoor cultivation will be 13,043 square feet, and total decommissioned cultivation area totals 10,828 square feet. Irrigation water is sourced via surface water diversion from an on-site stream and administered by time and metered drip irrigation. Water storage totals 40,000 gallons with plans to increase to an 80,000-gallon storage capacity with the addition of ten (10) 4,000-gallon HDPE storage tanks. All processing will take place at a third-party processing facility.

The application was filed October 28, 2016. On December 29, 2016, staff correspondence was sent to the applicant requesting additional information to process the permit application, however, no response was received. On July 17, 2017, staff correspondence in the form of an Application Withdrawal Notice was sent to the applicant informing them that their application has remained incomplete for more than six months since the first incomplete letter was sent, and unless all of the requested materials are received within 30 days the application would be withdrawn. At that time, the applicant was able to submit enough materials to continue in the process. However, On February 22, 2018, additional correspondence was sent to the applicant noting several items were still needed to continue to move forward, specifically the need for the applicant to notify California Fish and Wildlife (CDFW) of a Lake and Streambed Alteration, the need for environmental superiority of relocation the cultivation area CA#1 and a road evaluation report.

On May 14, 2018, the applicant's agent, Green Road Consulting submitted a response that included the road evaluation report and a memo on environmental superiority. This communication did refer to the applicant's ongoing effort to file a Lake and streambed Alteration agreement with CDFW. A

follow up email from staff was sent to the applicant's agent noting that further explanation was needed in regard to decommissioned cultivation areas CA-3 and CA-2, further stating that the argument for environmental superiority is not conclusive and would need a biological study to confirm that CA-1 is in fact a superior area for cultivation.

On May 1, 2019, additional correspondence was sent to the applicant informing them that, in order to continue in processing the application, the following actions would be required:

1. Submit additional evidence of historic cultivation or amend the application. County staff performed a cultivation area verification (CAV) on the parcel to find evidence of historic grow sites in existence prior to January 1, 2016. The CAV found 13,731 square feet of outdoor cultivation. In order to support the full application for 35,250 square feet, additional evidence must be submitted. Alternatively, the project and associated materials (site plan, operations plan, etc.) must be amended to reflect what the County was able to verify.
2. Submit a boundary survey or a report from a licensed surveyor determining the setback distances from each cultivation area to the nearest property line. Three of the adjacent parcels are publicly owned and would require a Special Permit for a reduction to the required 600' setback from public lands required by the ordinance.
3. There is habitat for a rare or endangered species within the project site; therefore, a biological survey report prepared by a qualified biologist for all existing and proposed development is required. The minimum requirements of the report are:
 - a. A review of relevant databases, literature, etc. regarding possible present species,
 - b. A review of site-specific conditions as to the likelihood of hosting habitat for species, and
 - c. If habitat is present, completion of protocol level surveys.

On August 16, 2024, staff prepared and mailed a 30-Day Denial letter informing the applicant of options to either withdraw the application or provide all the items requested by the department in the deficiency letter dated February 22, 2018, and in an email dated May 1, 2019.

There has been no response from the applicant or agent.

The application does not provide enough information to make the findings for approval, and the applicant has been unresponsive to requests for information. For this reason, staff recommends the Zoning Administrator deny this Conditional Use Permit application.

OTHER AGENCY INVOLVEMENT:

Complete application materials have not been received to date.

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, OWNER, AGENT AND PLANNER INFORMATION:

Applicant

Ericson Pride, Inc., Robert Peter Ericson, PO Box 455, Orleans, CA 95556

Owner

Horn James G Jt & Erickson Robert P, C/O Patricia Underwood, 3479 Pine Street, Eureka CA 95503

Agent

Deborah Risling, PO Box 249, Hoopa, CA 95546

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