



COUNTY OF HUMBOLDT

For the meeting of: 8/7/2025

File #: 25-907

To: Zoning Administrator

From: Planning and Building Department

Agenda Section: Consent

SUBJECT:

Frank Fishl, Special Permit
Assessor Parcel Number (APN) 529-035-020
Record No.: PLN-12189-SP
Orleans area

Denial of a Special Permit for 6,900 square feet of existing outdoor commercial cannabis cultivation.

RECOMMENDATION(S):

That the Zoning Administrator:

1. Adopt the resolution, (Attachment 1) which does the following:
 - a. Finds the Zoning Administrator has found the project exempt from environmental review pursuant to State CEQA Guidelines Section 15270; and
 - b. Finds the applicant has not provided sufficient evidence necessary to make the required findings for approval; and
 - c. Deny the Frank Fishl Special Permit (PLN-12189-SP).

DISCUSSION:

Project Location: The project site is located in the McKinleyville area, on the west side of Hoffman Avenue, just west of the intersection of Hoffman Avenue and Visser Court, on the property known as 1174 Hoffman Avenue.

Present General Plan Land Use Designation: Residential Agricultural (RA); Timberland (T); 2017 General Plan; Density: 5-20 acres per unit; Slope Stability: High Instability (3) and Low Instability (1)

Present Zoning: Agricultural Exclusive (AE); Timber Production Zone (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.

Executive Summary: Denial of a Conditional Use Permit for 6,900 square feet of existing outdoor commercial cannabis cultivation. The application was filed on December 21, 2016. The applicant has not provided evidence that the proposed cultivation has or will have an eligible per section 55.4.10 of the Commercial Medical Marijuana Land Use Ordinance (CMMLUO).

Summary Timeline of Project Processing: On December 21, 2016, an incomplete application package was received by the Department. On January 31, 2017, an incomplete letter was sent to the applicant. This letter identified 25 deficiencies in the application. On July 5, 2018, the County sent a letter informing the applicant that action was required on their behalf to obtain an Interim Permit. On August 2, 2018, a second deficiency letter was sent to the applicant notifying them that their submittal of additional application materials was again insufficient. The letter also specified that the applicant could merge their two (2) permit applications to one (1) if they reduced the cultivation entitlement request to 10,000 square feet. To date, a response to the second request for application deficiencies has not been submitted.

Lack of Sufficient Evidence: Staff are unable to determine the following:

1. Additional evidence of historic cultivation areas
2. A revised site plan with the following:
 - a. Showing the entire legal parcel;
 - b. Owner's name and assessor parcel number;
 - c. Easements (if applicable; if not, include a note as such);
 - d. Graded flats (if applicable; if not, include a note as such);
 - e. Septic/sewer system location (if applicable; if not, include a note as such);
 - f. Buildings labeled as to type and date of construction including whether they will be used for any cultivation or processing activity;
 - g. Natural waterways including streams, ponds, culverts, and any other water features. Also include the buffers/setback distances from each. Note that both Donahue Flat Creek and Rosaleno Creek are considered perennial which means 100 foot buffers must be shown and in place;
 - h. Ensure the amount of cultivation area shown on the site plan matches the amount

being applied for and is consistent with the Operations Plan;

- i. Dimensions showing 600 feet around the cultivation site, including notations describing distance from nearby schools, school bus stops, places of worship, public parks, and Tribal Historic Resources; and
- j. Date of construction for other buildings and water storage structures.

3. A revised Operations Plan to include the following:

- a. Total amount and type of cannabis cultivation area being applied for (older versions of the site plan denote “new” cultivation - is this still proposed? If so, explain how this cultivation would comply with all requirements for new cannabis in section 55.4.8.2.1 of the Commercial Medical Marijuana Land Use Ordinance);
- b. Specific details of measures taken to ensure protection of watershed and nearby habitat;
- c. Clarification on the processing plan - clarify if drying will occur on-site, with all other activities at a licensed off-site processing facility;
- d. Number of individuals involved in cultivation activities both full time and seasonally;
- e. On-site sanitation facilities both existing and/or proposed;
- f. Clarification on electricity source or usage;
- g. Security plan; and
- h. If greenhouses are proposed, indicate how their construction and configuration complies with Humboldt County Zoning Regulations Section 313 - 69.1.5.2.

4. A signed and dated CMMLUO Acknowledgement Form for both applications (enclosed).

5. A completed Road Evaluation Report for both applications (enclosed).

6. A copy of a Water Resources Protection Plan (WRPP) prepared for the project, or a letter from a qualified professional indicating that one is being prepared.

7. A copy of a Lake and Streambed Alteration Agreement (LSAA) prepared for the project, or a letter from a qualified professional indicating that one is being prepared.

8. An on-site relocation of existing cultivation is or will be part of the proposed project, provide a Remediation Plan prepared by a qualified professional (e.g. biologist, hydrologist, engineer etc.) demonstrating that the new site is environmentally superior to the present condition, describing the methods of restoration, and targets to abate existing environmental harm at the previous cultivation area. If the relocation occurred after January 1, 2016, include an explanation as to why this took place prior to the permit or clearance required under the CMMLUO being obtained.

The applicant has had eight (8) 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
2. Location Maps
3. Planning Department Correspondence
 - A. Deficiency Letter sent January 31, 2017
 - B. Deficiency Letter sent July 5, 2018
 - C. Deficiency Letter sent August 2, 2018
 - D. Denial Scheduled Letter sent June 5, 2025

Applicant:

Frank Fischl
HC 11 Box 762
Somes Bar, CA 95568

Owner:

Frank Fischl
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Somes Bar, CA 95568

Agent: N/A

Please contact Portia Saucedo, Associate Planner, at psaucedo1@co.humboldt.ca.us or 707-268-3745 if you have questions about this item.