



# COUNTY OF HUMBOLDT

For the meeting of: 2/16/2023

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File #: 23-225

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

SUBJECT:

Forever Loving Humboldt Cooperative  
Application Number PLN-13077-SP  
Assessor's Parcel Number (APN) 211-341-037-000  
Myers Flat area

Denial of a Special Permit application for a new wholesale nursery and a Zoning Clearance Certificate for 10,000 square feet new mixed light commercial cannabis cultivation within four (4) 25'x100' greenhouses. The proposed irrigation water source is rainwater catchment and a well registered as a riparian diversion to the proximity to a watercourse. On-site processing is proposed. Project water use is 150,000 yearly (15 gal/square foot). Proposed water storage is 190,000 gallons. Power is proposed to be sourced from PG&E with a generator on-site for emergency back-up. Up to seven (7) employees are proposed.

RECOMMENDATION(S):

That the Zoning Administrator:

1. Describe the application as part of the Consent Agenda
2. Survey the audience for any person who would like to discuss the application.
3. If no one requests discussion, make the following motion to deny the application as part of the Consent Agenda; and
4. Adopt the resolution (Resolution 23-\_\_). (Attachment 1) which does the following:
  - a. Find Forever Loving Humboldt Cooperative statutorily exempt from the California Environmental Quality Act (CEQA) per section 15270 (Projects Which Are Disapproved) of the CEQA Guidelines.
  - b. Find the applicant has not provided sufficient evidence necessary to make the required findings for approval
  - c. Deny the Forever Loving Humboldt Cooperative, **Zoning Clearance Certificate and Special Permit.**

DISCUSSION:

**Project Location:** The project is located in Humboldt County, in the Myers Flat area, on the west side of Browns Road, approximately 1,500 feet south from the intersection of Dyerville Loop Road and Browns Road, then approximately 996 feet south on a private driveway, on the property known as 424 Browns Road.

**Present General Plan Land Use Designation:** Residential Agriculture 5-20 units per acre (RA5-20), 2017 General Plan, 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:** The proposed project is NOT appealable to the California Coastal Commission

**Major concerns:** Lack of evidence to support required findings for approval.

**Executive Summary:** Project denial of a Special Permit application for a new wholesale nursery and a Zoning Clearance Certificate for 10,000 square feet new mixed light commercial cannabis cultivation within four (4) 25'x100' greenhouses. The greenhouses consist of heavy gauge steel tubing, covered with a woven poly translucent opaque tarp. Each greenhouse is ventilated by intake and exhaust fans. The greenhouses utilize a combination of artificial light and light deprivation to produce up to three (3) flowering cycles per annum. The proposed irrigation water source is rainwater catchment and a well registered as a riparian diversion to the proximity to a watercourse. Drying and curing of harvested cannabis is proposed to occur on site within a drying room. Trimming is proposed on site via trimming machine. Project water use is 150,000 yearly (15 gal/square foot). Proposed water storage is 190,000 gallons. Power is proposed to be sourced from PG&E with a generator on-site for emergency back-up. Up to seven (7) employees are proposed. Staff is recommending denial of the permit application because the applicant did not provide the minimum application materials to make the findings to approve the proposed Special Permit under the Commercial Medical Marijuana Land Use Ordinance (CMMLUO).

The project is located between 300 and 510 Browns Road, Myers Flat, Ca 95554, approximately 9.1 acres in size, having relatively south and southwest facing topography. The slopes vary from less than 10% gradient to approximately 25% gradient, with most of the property with roughly 15% slope. The western half of the property is covered with open grasslands and riparian forest with a class II watercourse form the north. The eastern portion of the property is relatively flat with open grasslands and scattered trees. An existing industrial shop building is located on the eastern portion of the property.

The applicant was sent several deficiency letters and allowed ample time to submit the requested deficiencies:

- i. February 9, 2017, the Department sent correspondence notifying the applicant and agent that the application was incomplete.
- ii. August 21, 2017, the Department sent correspondence with a list of specific deficiencies that were required to move the project forward.
- iii. October 16, 2018, the Department sent a second correspondence with a list of specific deficiencies that were required to move the project forward.
- iv. January 9, 2023, the Department sent a final correspondence that specified the project would be denied within 30 days, lest the applicant opt to withdraw.

Lack of Sufficient Evidence:

Staff is unable to determine the legal entity of the cooperative, if adequate or eligible water is available to serve

the proposed project, if PG&E has the capacity to serve the energy needs of the project, and whether access road is category 4 equivalent. The project application materials submitted to not include a Biological Resource Assessment. Staff is unable to determine if the project will cause any significant impacts or provide mitigations to support a less than significant finding. Because the incomplete materials prevented the creation of a complete project description, the project has not been referred to the pertinent agencies. The lack of agency and tribal consultation prevents staff from proposing appropriate conditions. The applicant has had six (6) years to provide additional information. Due to the aforementioned reasons, staff is unable to recommend approval of the project.

ALTERNATIVES TO STAFF RECOMMENDATIONS:

1. Staff has not identified any viable alternatives to denial of the application.

ATTACHMENTS:

1. Draft Denial Resolution
  - A. Cultivation Operations Plan
  - B. Site Plan
2. Location Maps
3. Deficiency Letters

Applicant/ Owner

Forever Loving Humboldt Cooperative  
C/O Dennis Chase  
510 Browns Road  
Myers Flat, CA 95554

Please contact Portia Saucedo, Planner II, at 707-268-3745 or by email at [psaucedo1@co.humboldt.ca.us](mailto:psaucedo1@co.humboldt.ca.us) if you have any questions about the scheduled public hearing item.