



COUNTY OF HUMBOLDT

For the meeting of: 2/16/2023

File #: 23-226

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

SUBJECT:

Jonah Hunter
Application Number PLN-13234-SP
Assessor's Parcel Number (APN) 210-231-005-000
Dinsmore area

A Denial of a Special Permit Special permit application for existing 6,480 outdoor cultivation within greenhouses. Outdoor cultivation occurs in two (2) 36'x90' greenhouses for a total of 6,480 square feet. Water for irrigation is sourced from a spring on site. Projected annual water usage totals 88,000 gallons and there is 2,000-gallon of hard tank water storage onsite and administered via drip irrigation. Outdoor cultivation occurs in two (2) 36'x90' greenhouses for a total of 6,480 square feet. Drying, curing, and further processing to occur on site. Power to the parcel is sourced from PG&E. No generator use is 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 the Jonah Hunter Special Permit application, 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 Jonah Hunter Special Permit.

DISCUSSION:

Project Location: The project is located in Humboldt County, in the Dinsmore area, on the south side of State Highway 36, approximately 0.37 miles west from the intersection of Burr Valley Road and State Highway 36, on the property known as 39512 State Highway 36.

Present General Plan Land Use Designation: Residential Agriculture (RA40) Density: 40 acres per dwelling unit, Slope Stability: High instability (3).

Present Zoning: Forest Recreation with 40-acre Minimum Building Site [FR-B-5(40)]

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: The applicant is seeking Special Permit Special permit application for existing 6,480 ML. Water for irrigation is sourced from spring on site. Projected annual water usage totals 88,000 gallons and there is 2,000-gallon of hard tank water storage onsite and administered via drip irrigation. Outdoor cultivation occurs in two (2) 36'x90' greenhouses for a total of 6,480 square feet. Drying, curing, and further processing to occur on site. Power to the parcel is sourced from PG&E. No generator use is 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 application was filed on December 30, 2016 and was accepted as incomplete due to the pending CMMLUO deadline of December 31, 2016. The County sent a the applicant a letter on February 9, 2017 requesting additional information necessary to review the application for conformance with the CMMLUO, including among other things a cultivation and operations plan and aa usable site plan. No response was received and the County sent a follow-up letter on August 16, 2017 requesting the information and indicating that the application would be closed if no additional response was received. While the applicant submitted a response on September 14, 2017, it was incomplete and the County again sent a request for information, including for an operations plan, on August 17, 2018. NO response was received. On October 26, 2022 the County sent a letter to the applicant indicating that if no response was feceived within 30 days the application would be brought forward to a decision and the County would recommend denial. No response has been received. There remains no substantial evidence of historic cultivation sites, no owner's consent form, no grant deed for the property, no usable cultivation and operations plan, no cohesive site plan, no Road Evaluation Report, among other materials necessary to review the application.

The correspondences listed above are assembled in Attachment 3.

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. Resolution 18-43
4. Deficiency Letter Regarding Watershed

Applicant/ Owner

Jonah Hunter
39512 Highway 36
Bridgeville, CA 95526

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