



# COUNTY OF HUMBOLDT

## Legislation Text

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File #: 22-1323, Version: 1

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**To:** Planning Commission

**From:** Planning and Building Department

**Agenda Section:** Consent

SUBJECT:

**Ron Lundblade**

Application Number PLN-12543-CUP

Assessor's Parcel Number (APN) 210-042-004

Larabee Valley Area

A Conditional Use Permit for up to one acre of existing outdoor commercial cannabis cultivation. The 44,000 gallons annual water budget is sourced from a rainwater catchment pond of unknown size with an additional 5,000 gallons of tank storage. Processing will occur offsite. Power source is unknown.

RECOMMENDATION(S):

That the Planning Commission:

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 approve the application as part of the Consent Agenda; and
4. Adopt the resolution (Resolution 22-\_\_). (Attachment 1) which does the following:
  - a. Find the project 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 Ron Lundblade Conditional Use Permit.

DISCUSSION:

**Executive Summary:** Conditional Use Permit for up to one acre of existing outdoor commercial cannabis cultivation. The applicant states that 44,000 gallons is needed annually and that the annual water budget is sourced from a rainwater catchment pond of unknown size with an additional 5,000 gallons of tank storage. Processing will occur offsite. Power source is unknown.

Staff has made multiple attempts to correspond with the applicant to obtain information necessary for staff to adequately review the application and recommend approval of the but has not received a response.

**Summary Timeline of Project Processing:** On December 27, 2016, the Department received an application for a Conditional Use Permit. The application was incomplete and did not include essential items such as a plot plan or operations plan. Staff was unable to write a project description to place project in referrals.

On February 9, 2017, the Department sent the applicant a general letter describing the elements of a complete application.

On or around June 3, 2017, the Department received a plot plan and operations plan, but the plans did not contain required content and were incomplete. Staff was still unable to write a complete project description to place project in referrals.

On July 25, 2018, the Department sent a detailed letter describing needed items including revisions to the operations and plot plans, a road evaluation, documentation of enrollment with the Water Board, proof of prior cultivation, and payments necessary to send referrals to local tribes. No response was received.

On August 2, 2018, the applicant provided documentation that cultivation was not occurring at that time. No other information was provided by the applicant.

On July 23, 2020, the Department sent a referral to the Northwest Information Center which responded with a recommendation for a cultural resource study.

On October 7, 2021, the Department sent an email to the applicant stating there had been no activity on the project since 2018 requesting a response within 30 days. No response was received.

On July 14, 2022, the Department sent a letter notifying the applicant that the project will be scheduled for denial if the missing items or a response are not received. No response was received.

**Lack of Sufficient Evidence:** The operations plan describes an existing pond as the source of irrigation water. No information was provided regarding the size of the pond. It is believed the pond is intended for rainwater catchment, but no analysis of rainfall data or catchment capacity was provided. Therefore, staff is unable to conclude there will be adequate water to serve the project. The proposed irrigation needs of 44,000 gallons is substantially below what is typically needed for one acre of cannabis cultivation and there is no evidence submitted to support this low amount being feasible. Among other items, the July 25, 2018, deficiency letter requested a road evaluation which has not been provided and therefore staff is unable to conclude that access roads can adequately and safely serve the project. The July 2020 referral to the NWIC recommended a cultural resource survey be completed due to the possibility of significant cultural resources on the site or in the vicinity and this has not been submitted. Without a cultural resource survey, staff is unable to determine if the project will have

significant impact on cultural resources. Additionally problematic is that the applicant is requesting a separate Conditional Use Permit for APN 210-042-004, but this assessor parcel is part of a larger legal, patent parcel. For all of these reasons, staff is unable to recommend approval.

**Environmental Review and Recommendations:** The project is statutorily exempt from the California Environmental Quality Act, per CEQA Guidelines, Section 15270 (Projects Which Are Disapproved). The application does not include sufficient evidence to support the required findings under Section 312-17.1. Therefore, staff recommendation is to deny the Conditional Use Permit.

**Project Description:** Conditional Use Permit for up to one acre of existing outdoor commercial cannabis cultivation. The 44,000 gallons annual water budget is sourced from a rainwater catchment pond of unknown size with an additional 5,000 gallons of tank storage. Processing will occur offsite. Power source is unknown.

**Project Location:** The project is in Humboldt County, in the Larabee Valley area, on the south side of State Highway 36, approximately 0.7 miles west from the intersection of Larabee Buttes Road and State Highway 36, then southwest on a private road for approximately 0.75 miles, on the property known to be in west half of the southeast quarter of Section 15, Township 01 North, Range 04 East.

**Present General Plan Land Use Designation:** Timberland (T); 2017 General Plan; Density: 40-160 acres per unit; Slope Stability: High Instability (3)

**Present Zoning:** Timberland (T); 2017 General Plan; Density: 40-160 acres per unit; Slope Stability: High Instability (3)

**Environmental Review:** The project is statutorily exempt from 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 adequate evidence to support required findings for approval.

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. Draft Denial Resolution
2. Location Maps
3. Correspondence Requesting Additional Evidence