



COUNTY OF HUMBOLDT

For the meeting of: 1/5/2023

File #: 22-1794

To: Planning Commission
From: Planning and Building Department
Agenda Section: Consent

SUBJECT:

Enchanted Springs Inc. Conditional Use Permit
Application Number PLN-13201-CUP
Assessor's Parcel Number (APN) 522-175-004
Willow Creek area

The denial of a Conditional Use Permit for 1-acre of pre-existing outdoor cannabis cultivation.

RECOMMENDATION(S):

That the Planning Commission:

Adopt the resolution (Resolution 23-__). (Attachment 1) which does the following:

- a. Find the Enchanted Springs Inc. 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 Enchanted Springs Inc. Conditional Use Permit.

DISCUSSION:

Project Location: The project is in the Willow Creek area, on the South side of St Hwy 299, approximately 2miles East from the intersection of MW Ranch Road and St Hwy 299, and approximately .6 miles East from the Intersection of State Highway 299 and a Private Drive. On the property known to be in Section 31 of Township 07 North, Range 05 East, Humboldt Base & Meridian.

Present General Plan Land Use Designation: Timberland (T), Density: Range is 40 to 160 acres per unit, 2017 General Plan, Slope Stability: Moderate Instability (2) and High Instability (3).

Present Zoning: Timberland Production Zone (TPZ).

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 adequate evidence to support required findings for approval.

Executive Summary: The denial of a Conditional Use Permit for 1-acre of pre-existing outdoor cannabis cultivation. Staff is recommending denial of this application because the proposal does not meet County Ordinance requirements, and the applicant has been unresponsive to County requests for information.

The application was submitted on the 30th of December, 2016.

On August 24, 2017, a Deficiency letter was sent from the Planning Division to the applicant stating that application 13201 for a Conditional Use Permit was found to be incomplete. The Deficiency letter included a request for additional materials. A secondary Deficiency letter was sent from the Planning Division was sent on October 12, 2018, which requested additional materials for the project to be complete. Not all of the requested items have been received, and the project was never put into referrals for other agency.

On August 23, 2021, a follow up email was sent to the applicant referencing the October 12, 2018 Deficiency letter. No response was ever received.

On October 12, 2022, a 30-day Deficiency letter was sent to the applicant giving them 30 days to submit the additional requested items from the October 12th, 2018 Deficiency letter, and no response was received.

The project was for a pre-existing cannabis cultivation site, and there is evidence of two (2) cultivation areas existing within a streamside management area (SMA). The applicant is required to obtain a restoration plan for the pre-existing cultivation areas that occurred within the SMA, and shall restore those areas.

Summary: The submitted application does not include enough evidence to support making the required findings under Section 312-17.1. Finally, the department has attempted to contact the applicant and the applicant has failed to respond.

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 Resolution
 - A. Cultivation Operations Plan
 - B. Site Plan
2. Location Maps
3. Planning Department Correspondence to Applicant