

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT**

Resolution Number 23-

Record Number PLN-11525-CUP

Assessor's Parcel Numbers: 522-022-015-000

Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act and denying the High Art, LLC Conditional Use Permit.

WHEREAS, High Art, LLC, has applied for a Conditional Use Permit for an existing 20,180 square foot outdoor commercial cannabis cultivation; and

WHEREAS, the project is statutorily exempt from environmental review pursuant to Section 15270 of the State CEQA Guidelines (Projects Which Are Disapproved); and

WHEREAS, the Planning Commission held a duly-noticed public hearing on November 2, 2023, and reviewed, considered, and discussed the application for a Conditional Use Permit and reviewed and considered all evidence and testimony presented at the hearing.

Now, THEREFORE BE IT RESOLVED, that the Planning Commission makes all the following findings:

- 1. FINDING:** **Project Description:** DENIAL of a Conditional Use Permit for 20,180 square feet existing outdoor commercial cannabis cultivation

EVIDENCE: a) Project File: PLN-11525-CUP

- 2. FINDING:** **CEQA:** The project is statutorily exempt from the California Environmental Quality Act.

EVIDENCE: a) Section 15270 of the CEQA Guidelines (Projects Which Are Disapproved).

FINDINGS FOR CONDITIONAL USE PERMIT

- 3. FINDING:** The proposed operation has been operated in violation of the CMMLUO Provisions of the Zoning Ordinance.

EVIDENCE: a) Section 314-55.4.11(a) of the CMMLUO requires that the cannabis cultivation and other cannabis activity be conducted in compliance with all laws. In order to commercially cultivate cannabis a county permit and a state license are both required to be active. The cannabis cultivation has operated in violation of County Code and state law with

the commercial cultivation of cannabis occurring on the property without the a county permit or state license.

- b) The state cannabis license for the property expired in November of 2022 and has remained expired.
- c) The County Interim Permit expired on January 1, 2023 and was not extended.

4. FINDING: The vicinity project has been operated in a manner which is detrimental to the public health, safety, and welfare.

- EVIDENCE:**
- a) The October 16, 2023 site inspection revealed cultivation occurring without a county permit or state license, indicating that the only market available for the cannabis was the illegal market. The cannabis cultivation therefore was contributing to an unregulated cannabis market which adversely affects the legal cannabis industry and contributed to criminal activity associated with illegal cannabis.
 - b) The October 16, 2023 site visit revealed uncontained soil piles, active erosion and sediment transport, and uncontained debris that was contributing to adverse impacts to public health and safety.
 - c) The Department of Fish and Wildlife accompanied Planning Staff on October 16, 2023 and found the applicants to be in violation of several Fish and Game Codes which were adversely impacting fish and wildlife resources and water quality.

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Humboldt County Planning Commission does hereby:

- Adopt the findings set forth in this resolution; and
- Denies the Conditional Use Permit for High Art, LLC, based upon the Findings and Evidence.

Adopted after review and consideration of all the evidence on **November 2, 2023**.

The motion was made by COMMISSIONER _____ and second by COMMISSIONER _____ and the following ROLL CALL vote:

AYES: COMMISSIONERS:
NOES: COMMISSIONERS:
ABSENT: COMMISSIONERS:
ABSTAIN: COMMISSIONERS:
DECISION:

I, John Ford, Secretary to the Planning Commission of the County of Humboldt, do hereby certify the foregoing to be a true and correct record of the action taken on the above-entitled matter by said Commission at a meeting held on the date noted above.

John Ford, Director
Planning and Building Department