

**RESOLUTION OF THE ZONING ADMINISTRATOR
OF THE COUNTY OF HUMBOLDT**

Resolution Number: 24-068

Records Number: PLN-13152-CUP

Assessor's Parcel Number: 107-095-003

Resolution by the Zoning Administrator of the County of Humboldt certifying compliance with the California Environmental Quality Act and denying the Brush Mountain Willow Creek, LLC Conditional Use Permit.

WHEREAS, Brush Mountain Willow Creek, LLC, provided an application on December 30, 2016, for a Conditional Use Permit for 28,900 square feet of existing outdoor commercial cannabis cultivation; and

WHEREAS, on October 24, 2023, the Board of Supervisors received a report that there are approximately \$14 million in unpaid Measure S Taxes and \$2.1 million in unpaid permit processing costs associated with cannabis permit applications; and

WHEREAS, the Board of Supervisors, wanting to balance the economic realities of the current cannabis market with the realities of the County, directed a series of actions to address these conditions. That direction resulted in a series of communications to applicants and permit holders to inform them of the needed actions and deadlines to keep their permits in good standing. This included a detailed January 9, 2024, letter, emails, and social media announcements applicants and permit holders to bring their account current before March 31, 2024; and

WHEREAS, a letter was sent to the applicants on June 27, 2024 providing notice that their account was still not current and that the application would be scheduled for denial unless immediate steps were taken; and

WHEREAS, this application has unpaid Planning Department fees of \$1,000.00 and has unpaid Measure S taxes of \$20,540.67 and did not make payment or establish a payment plan for those taxes owed; 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 Humboldt County Zoning Administrator held a duly-noticed public hearing on December 19, 2024, 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 Zoning Administrator makes all the following findings:

1. FINDING: **Project Description:** 1. Denial of a Conditional Use Permit for 28,900 square feet of existing outdoor commercial cannabis cultivation.

EVIDENCE: a) Project Files: PLN-13152-CUP

2. FINDING: **CEQA.** The requirements of the California Environmental Quality Act have been complied with. The project is statutorily exempt from CEQA as it is a project which is not approved.

EVIDENCE: a) Section 15270 of the CEQA Guidelines

FINDINGS FOR CONDITIONAL USE PERMIT

3. FINDING: The proposed development is not consistent with the requirements of the CMMLUO Provisions of the Zoning Ordinance.

EVIDENCE: a) Additional information necessary to determine consistency with the ordinance has not been submitted. Requests for information were sent to the applicant and the County did not receive the requested information. Correspondence on file with the applicant indicated that unless a response was received the application would be prepared for hearing with the information currently available in the file, which would likely result in a recommendation of denial. No response has been received to date.

b) Section 719-4 of the Humboldt County Code requires cultivation permittee to pay an annual cultivation tax for cannabis cultivation that occurred. The applicant owed past due taxes and has repeatedly been given opportunities to resolve this issue has not.

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Humboldt County Zoning Administrator does hereby:

- Adopt the findings set forth in this resolution; and
- **Deny** the Conditional Use Permit for Brush Mountain Willow Creek, LLC, based upon the Findings and Evidence; and

Adopted after review and consideration of all the evidence on **December 19, 2024.**

I, John H. Ford, Zoning Administrator 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 Zoning Administrator at a meeting held on the date noted above.



John H. Ford, Zoning Administrator,
Planning and Building Department