



# COUNTY OF HUMBOLDT

For the meeting of: 4/20/2023

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File #: 23-545

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

SUBJECT:

**American Hospital Management Corp Conditional Use Permit**

Record Number: CUP-16-1052 (filed 12/30/2016)

Assessor Parcel Number (APN) 511-071-003

McKinleyville Area

An application under the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) for a Conditional Use Permits to allow for 10,000 square feet of new Mixed Light commercial cannabis cultivation. This type of activity is not allowed within lands designated as Airport Zone (AV), and the applicant has not proposed a Zoning Reclassification (ZR). As such, the application cannot be approved with current zoning designation. All processing of cultivation was proposed onsite in a commercially rated building. Application materials do not include discussion of number of employees. Water for irrigation and other activities would come from McKinleyville Community Services District (MCSD). Power for the project was not discussed in the Cultivation & Operations Plan provided by the applicant. The application was submitted on December 23, 2016. Staff is recommending denial of the project because the AV zone district does not allow for commercial cannabis activities to be permitted, and despite multiple written notifications of this inconsistency the applicant has not withdrawn the application.

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. Finds the American Hospital Management Corp Conditional Use Permit project statutorily exempt from the California Environmental Quality Act (CEQA) per section 15270 (Projects Which Are Disapproved) of the CEQA Guidelines; and
  - b. Finds the project is inconsistent with Humboldt County Code, and
  - c. Denies the American Hospital Management Corp Conditional Use Permits.

DISCUSSION:

**Project Location:** The project is located in Humboldt County, in the McKinleyville area, on the West side of Baadsgaard Avenue, approximately 840 feet north of the intersection of Baadsgaard Avenue and Airport Road, on the property known to be 3488 Baadsgaard Avenue.

**Present General Plan Land Use Designation:** Commercial Services (CS), Airport overlay (AP), 2017 General Plan; Slope Stability: Relatively stable.

**Present Zoning:** Airport Zone (AV); Airport Safety Review (AP); Noise Impact (N); Streamside Management Areas and Wetlands (WR).

**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:** Inconsistency with County Code.

**Executive Summary:** An application under the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) for a Conditional Use Permits to allow for 10,000 square feet of new Mixed Light commercial cannabis cultivation within a property zoned Airport (AV). This type of activity is not allowed within lands zoned Airport (AV). As such, the application cannot be approved. The application was submitted on December 23, 2016. Staff is recommending denial of the project because it is not an allowable use within the zone and the applicant has been unresponsive to notifications regarding this inconsistency.

On October 23, 2018 County staff sent a letter to the applicant identifying the zoning inconsistency and offering the applicant the opportunity to withdraw the application. No response was received. On September 23, 2019 another letter was sent by Planning staff again outlining the incompatible zoning designation and offering the applicant the option to withdraw the application. In the September 2019 letter the applicant was informed that a failure to withdraw would result in the application being brought to the Planning Commission with potential additional costs to be billed to the applicant. No response was received. Lastly, staff sent a letter on January 9, 2023, indicating the need for a response within 30 days or the application would be scheduled for a recommendation of denial. To date, no written response has been received.

OTHER AGENCY INVOLVEMENT:

The project was not referred to other agencies for comment because the project lacks sufficient information to write a complete project description.

ALTERNATIVES TO STAFF RECOMMENDATIONS:

1. As the proposed project is inconsistent with Humboldt County Code, staff has not identified any alternative actions.

ATTACHMENTS:

1. Resolution
  - A. Cultivation Operations Plan

- B. Site Plan
  - 2. Location and Zoning Maps
    - A. Watershed Map
- 3. Correspondence

Owner

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