

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

Resolution Number 23-028

Record Number CUP-16-1057 (PLN-13230-CUP)

Assessor's Parcel Numbers: 522-492-016

Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act and denies the American Hospital Management Corp Conditional Use Permits and Special Permits application.

WHEREAS, American Hospital Management Corp submitted an application and evidence on December 30, 2016 in support of approving two (2) Conditional Use Permits and three (3) Special Permits for commercial cannabis Distribution, Manufacturing, Indoor Cultivation, Offsite Processing, and Commercial Nursery; and;

WHEREAS, the applicant has not provided requested materials to complete the application and has not provided written response to requests for additional application materials; 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 Planning Commission held a duly-noticed public hearing on April 6, 2023, and reviewed, considered, and discussed the application for two (2) Conditional Use Permits and three (3) Special Permits 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:** Two (2) Conditional Use Permits and three (3) Special Permits for commercial cannabis Distribution, Manufacturing, Indoor Cultivation, Offsite Processing, and Commercial Nursery.

EVIDENCE: a) Project File: CUP-16-1057

- 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) Information necessary to determine consistency with the ordinance has not been submitted. Requests for information were sent to the applicant on February 10, 2017, September 10, 2017, and October 22, 2019. The County received no response, which led to a letter being sent to the applicant on January 9, 2023 informing the applicant that if the deficiencies requested were not submitted within thirty days the application would be brought to decision as is and staff would recommend denial. No response has been received.
- b) Section 314-55.4.11(d) requires cultivation and processing activities to have a setback of at least 600 feet from sensitive receptors including churches although the setback may be waived by the specific entity. The proposed project is within 600 feet of a church and no evidence has been presented indicating the church is agreeable to a reduced or waived setback.

DECISION

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

Denies the Conditional Use Permits and Special Permits for American Hospital Management Corp.

Adopted after review and consideration of all the evidence on April 6, 2023

The motion was made by COMMISSIONER Brian Mitchell and second by COMMISSIONER Thomas Mulder and the following ROLL CALL vote:

AYES: COMMISSIONERS: Noah Levy, Brian Mitchell, Thomas Mulder, Peggy O'Neill, Iver Skavdal, Lonyx Landry

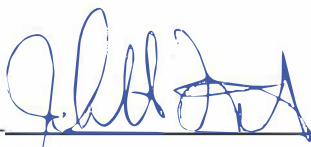
NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

DECISION: Motion passed 6/0

I, John H. 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 H. Ford, Director
Planning and Building Department