



COUNTY OF HUMBOLDT

Legislation Text

File #: 23-456, Version: 1

To: Planning Commission

From: Planning and Building Department

Agenda Section: Consent

SUBJECT:

American Hospital Management Corp Conditional Use Permits and Special Permits

Record Number: CUP-16-1057 (filed 12/30/2016)

Assessor Parcel Number (APN) 522-492-016

Willow Creek Area

Denial of two (2) Conditional Use Permits and three (3) Special Permits under the Commercial Medical Marijuana Land Use ordinance (CMMLUO) for commercial cannabis Distribution, Manufacturing, Indoor Cultivation, Offsite Processing, and Commercial Nursery. Water would be provided by Willow Creek Community Services District. Water use proposed for 10,000 square feet of indoor cultivation was 180,000-gallons/year, with an unknown amount of additional water required for Manufacturing and Commercial Nursery activities. Power source or number of employees were not included in Cultivation and Operations Plan provided by the applicant.

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 Permits and Special Permits project statutorily exempt from the California Environmental Quality Act (CEQA) per section 15270 (Projects Which Are Disapproved) of the CEQA Guidelines.
 - b. Finds the applicant has not provided sufficient evidence necessary to make the required findings for approval
 - c. Denies the American Hospital Management Corp Conditional Use Permits and Special Permits.

DISCUSSION:

Project Location: The project is located in Humboldt County, in the Willow Creek area, on the west side of State HWY 96, approximately 600 feet north of the intersection of State HWY 96 and Brannon Mountain Road, on the property known to be 500 State HWY 96.

Present General Plan Land Use Designation: Commercial Services (CS), 2017 General Plan, Density: 1 unit per acre; Slope Stability: Low to Moderate Instability.

Present Zoning: Community Commercial (C-2).

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: An application under the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) for two Conditional Use Permits and three Special Permits to allow for Distribution, Volatile and Non-volatile Manufacturing, Commercial Processing, Commercial Nursery, and Indoor Cultivation. All processing of Indoor cultivation would occur 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 Willow Creek Community Services District (WCCSD) and power from Pacific Gas & Electric.

The application was submitted on December 23, 2016.

Staff is recommending denial of the project because the applicant has been unable to provide requested materials to make the application complete and has subsequently been unresponsive to County requests for information.

Summary Timeline of Project Processing: Application materials were initially submitted December 30, 2016.

On February 10, 2017 staff sent an Incomplete Application and Withdrawal Notice, summarizing the intent to withdraw the application in six months (by September 16, 2017) if additional required information was not submitted.

On September 10, 2017 a submittal package was received. Staff reviewed materials and generated an additional incomplete letter, dated May 10, 2018, which included list of information and materials to make the application complete and ready for continued processing.

On October 22, 2019 staff sent an email to applicant indicating the project application materials were not complete and without providing additional or updated materials staff would likely bring the project forward with a recommendation of denial. No response was received.

Lastly, staff sent a 30-Day Incomplete Letter on January 9, 2023, indicating the need for a response within 30 days. To date, no written response has been received.

The record shows that County staff made many efforts to work with the applicant and their representatives to facilitate processing the application and to allow the applicant to demonstrate a feasible project.

Lack of Sufficient Evidence: The submitted application does not include enough evidence to support making

the required findings under Section 312-17.1. County staff sent an incomplete letter dated 05/18/2018 requesting additional documentation and information to continue processing the application. Specifically, staff requested an updated Operations Plan to identify the type of products to be manufactured, type of solvents used, any measures taken to comply with processing Performance Standards (Humboldt County Code, Section 55.4.11), and the source of electrical power for indoor cannabis cultivation. Additionally, staff requested a floor plan showing internal dimensions of proposed buildings and delineation for respective uses proposed, consent from Willow Creek Community Church for the reduced setback to be allowed, and a Road Evaluation Report. The Department has attempted to contact the applicant and the applicant has failed to provide written response and provide requested materials. A second communication series was sent via email on and around 10/2019 discussing application's continued incomplete status. Most recently staff created a 30-day Deficiency letter dated 01/09/2023, indicating applicant had 30 days to respond with withdrawal of the incomplete application, OR a request to review the application to generate another letter outlining application needs. Lastly, staff spoke directly with applicant on telephone on 02/15/2023 and indicated without a written response we would likely have no alternative than to bring the project forward for decision with a recommendation of denial. Withdrawal was presented as an alternative costing applicant less money than staff preparing the incomplete application for hearing. No response was received after that date.

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. Resolution
 - A. Cultivation Operations Plan
 - B. Site Plan
2. Location Maps
 - A. Watershed Map
3. Applicant's Evidence in Support of Required Findings

Owner

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Applicant

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Agent

N/A

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[<mailto:dsutfin1@co.humboldt.ca.us>](mailto:dsutfin1@co.humboldt.ca.us) if you have any questions about the scheduled public hearing item.