



COUNTY OF HUMBOLDT

For the meeting of: 11/7/2024

File #: 24-1538

To: Zoning Administrator
From: Planning and Building Department
Agenda Section: Consent

SUBJECT:

Greentech Industry, Inc. Conditional Use Permit Denial
Assessor's Parcel Numbers: 222-222-013
Record Numbers: PLN-12823-CUP
Redway Area

DENIAL of a Conditional Use Permit for 5,000 square feet of existing mixed light and 8,150 square feet of existing outdoor cannabis cultivation.

RECOMMENDATION(S):

That the Zoning Administrator:

1. Adopt resolutions (Resolution 24-__) (Attachments 1) which does the following:
 - a. Finds the project exempt from environmental review pursuant to State CEQA Guidelines Section 15270 (Projects Which Are Disapproved); and
 - b. Finds the applicant has not provided sufficient evidence necessary to make the required findings for approval; and
 - c. Denies the Conditional Use Permit.

DISCUSSION:

Project Location:

This project is in the Redway area, on the northeast side of Redwood Drive, approximately 140 feet northwest from the intersection of Redway Drive and Redwood Drive, on the property known to be in the south half of Section 11 and the north half of Section 14 of Township 04 South, Range 03 East, Humboldt Base & Meridian.

Present General Plan Land Use Designation:

Commercial Services (CS), Residential Agriculture (RA); Residential Low Density (RL); Redway Community Plan (GRBAP); Density: 5-20 acres per unit; Slope Stability: Low to Moderate Instability.

Present Zoning:

Agricultural Grazing (AG) Minimum Building Area is 5 acres [B-5(5)]; Apartment Professional Planned Development (R-4-P).

Environmental Review:

Exempt from environmental review pursuant to State CEQA Guidelines Section 15270 (Projects Which Are Disapproved).

State Appeal:

Project is NOT appealable to the California Coastal Commission.

Major Concerns:

Lack of evidence to support required findings for approval.

Executive Summary:

DENIAL of a Conditional Use Permit for 5,000 square feet of existing mixed light and 8,150 square feet of existing outdoor cannabis cultivation.

The project site has been the subject of a series of violations since the cannabis application was first received. While the 2017 violations have had partial resolution, none of the violations have been completely resolved.

The Department has sent numerous correspondences regarding needed items such as a biological assessment, updated project materials showing proposed activities occurring within eligible areas and zones, and unpaid Measure S taxes and Department fees. At the time of this staff report, none of these items have been provided. The lack of responses has prevented further processing of the application and prevent a decision maker from making the required findings for approval. The applicant has had over seven years to complete the permitting process without success.

Summary Timeline of Project Processing:

December 29, 2016, the Department received an application for a Conditional Use Permit for existing commercial Cannabis Cultivation.

February 9, 2017, Department sends letter notifying agent application was incomplete.

June 27, 2017, Corrective Action Order sent to owner, applicant, and agent for unauthorized grading, construction, tree removal, and cannabis cultivation.

August 16, 2017, Department sends letter notifying agent application remains incomplete and is subject to withdrawal.

September 16, 2017, Department sends letter notifying agent application considered withdrawn.

September 20, 2017, Department conducts a settlement meeting with applicant.

September 22, 2017, Department sends letter summarizing settlement agreement. Letter requests additional documentation. Application reactivated pending payment of penalty and restoration of certain areas.

October 10, 2017, Department sends settlement follow up letter.

August 20, 2018, a Lot Line Adjustment was approved creating parcel 222-222-013.

October 12, 2018, Department sends letter to applicant describing documentation needed to continue processing application. Items request include a biological assessment.

November 20, 2018, an Interim Permit was issued.

November 30, 2018, applicant completes payment plan of settlement penalty.

June 21, 2019, project sent to referral agencies.

February 10, 2021, permit application transferred from Emerald Holdings LLC, Brett Todoroff to Greentech Industry Inc., Nick Jelev.

October 14, 2022, North Coast Regional Water Quality Control Board issues a Notice of Violation

December 31, 2022, the Interim Permit expired.

January 23, 2023, Code Enforcement begins investigation of complaints of accumulation of solid waste, and junk vehicles.

April 5, 2023, applicant attempts to obtain a state license for cannabis manufacturing for project location. Department notifies Department of Cannabis Control that applicant not permitted nor has applied for manufacturing.

October 2023 to October 2024, Code Enforcement receives over a dozen complaints and confirms violations.

June 27, 2024, Department sends applicant Notification of Intent to Deny Cannabis Permit due to unpaid Measure S Taxes and unpaid Department fees. Applicant given 90 days to respond. No

response received.

Lack of Sufficient Evidence:

A spring connected to surface waters was identified in the Operations Plan as an irrigation source but no water right to divert for irrigation was provided. A biological assessment was requested on October 12, 2018, but none was provided. No documentation was provided that the Notice of violation issued on October 14, 2022 by the North Coast Regional Water Quality Control Board was resolved. The verified complaints to the Code Enforcement Unit represent a lack of ability on the part of the landowner to secure the property. The ability to secure the property is necessary to operate a commercial cannabis cultivation operation. The October 2017 settlement agreement required restoration of areas and removal of cannabis infrastructure which has not been completed. Additionally, almost the entire property is forested and 314-55.4.8.2 does not allow for unauthorized conversion of timberlands for cannabis cultivation, leaving only one area eligible. The site plan provided proposes cannabis cultivation in an area zone for residential development which is not eligible for cannabis cultivation. The applicant has not updated the project materials to propose cultivation in eligible areas or provided documentation demonstrating pre-existing cultivation in the amounts requested. The findings for approval cannot be made due to the lack of sufficient evidence. Therefore, for the reasons describe above, staff is unable to recommend approval.

OTHER AGENCY INVOLVEMENT:

The project was referred to responsible agencies and all responding agencies have either responded with no comments, requests for revisions, or recommended approval or conditional approval. Staff has concluded that the findings for approval cannot be made therefore further analysis of referral responses was not conducted.

ALTERNATIVES TO STAFF RECOMMENDATIONS:

1. The Zoning Administrator 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. Draft Resolution
 - A. Draft Resolution
 - B. Location Map
 - C. Correspondence Chronology

APPLICANT INFORMATION:

File #: 24-1538

Applicant

Greentech Industry, Inc.

Nick Jelev

56 Matisse Court

Pleasant Hill CA 94523

Owner

Maria Serova and Nick Jelev

56 Matisse Court

Pleasant Hill CA 94523

Agent

Michael Yesk

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Concord CA 94520

Please contact Steven A. Santos, Senior Planner, at sasantos@co.humboldt.ca.us or (707)268-3749 for questions about this scheduled item.