



COUNTY OF HUMBOLDT

For the meeting of: 12/5/2024

File #: 24-1650

To: Planning Commission

From: Planning and Building Department

Agenda Section: Consent

SUBJECT:

Ten Redwoods LLC Conditional Use Permit and Special Permit
Assessor Parcel Numbers (APN) 208-241-017
Record No.: PLN-11737-CUP
Dinsmore Area

DENIAL of a Conditional Use Permit for 11,700 square feet of existing outdoor cannabis cultivation and a Special Permit for development and restoration in a streamside management area.

RECOMMENDATION(S):

That the Planning Commission:

1. Adopt resolution, (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 and Special Permit.

DISCUSSION:

Project Location:

The project is in the Dinsmore area, on the west side of Ridge Road, approximately 1.25 miles North from the intersection of Ridge Road, County Line Creek Road and River Road, on the property known to be in Section 36 of Township 02 North, Range 05 East, Humboldt Base & Meridian.

Present General Plan Land Use Designation: Residential Agriculture (RA); 2017 General Plan; Density: 20-160 acres per unit; Slope Stability: High Instability (3)

Present General Plan Land Use Designation: Residential Agriculture (RA); 2017 General Plan; Density:

20-160 acres per unit; Slope Stability: High Instability (3)

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.

Executive Summary:

DENIAL of a Conditional Use Permit for 11,700 square feet of existing outdoor cannabis cultivation and a Special Permit for development and restoration in a streamside management area.

Summary Timeline of Project Processing:

December 9, 2016, the Department received an application for a Conditional Use Permit for existing commercial cannabis cultivation.

On October 2, 2024, a structure associated with the cannabis operation caught fire. The fire burned 15-20 acres of vegetation and spread north to parcel 208-241-016. CalFire, USFS, and neighbors responded to fight the fire. Staff spoke with CalFire and confirmed the fire started in a structure associated with the cannabis operation. Phone calls from neighbors testified that the project operators fled the scene without contacting emergency responders or making attempts to fight the fire. Staff contacted the applicant and requested a response to these allegations, and none was received.

October 3, 2024, a duly noticed hearing was held to consider approval of PLN-11737. At the hearing the project was continued to November 7, 2024, Planning Commission meeting for consideration of the fire that occurred at the project location. To date Planning staff has not received any significant response or explanation from the applicant as to what happened, or what steps can be taken to minimize the likelihood of such an event in the future.

October 22, 2024, staff received an email from a neighbor stating the proposed cannabis operation was stealing water from APN 208-241-011. Staff contacted the applicant and requested a response to this allegation, and none was received.

Lack of Sufficient Findings: The fire started in a cannabis related structure, the eyewitness's testimony of the operator(s) fleeing the scene, and the applicant's lack of response or rebuttal to requests to explain the lack of fire response cause staff to conclude there is insufficient evidence to support a

finding the project will not be detrimental to the public health, safety, or welfare. The testimony that water was taken from the neighboring parcel without permission cause staff to conclude there is insufficient evidence to make the findings the project is consistent with the requirements of the CMMLUO.

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 Planning Commission could elect to direct staff to modify conditions of approval for the project and approve the project in accordance with HCC Section 312-4.1 et seq. An approving resolution is contained in Attachment 2. However, due to the recent fire, the allegations of water theft, staff does not recommend this alternative.

ATTACHMENTS:

1. Draft Resolution
 - A. Email Correspondence with CalFire
 - B. Public Testimony
2. Staff Report with attachments from the October 3, 2024, Planning Commission Hearing
3. Watershed Map

APPLICANT, OWNER, AGENT AND PLANNER INFORMATION:

Applicant

Ten Redwoods LLC, Marko Teoveski, 2543 Pioneer Rd, Talent, OR 97540

Owner

Ten Redwoods LLC Co, 15725 Orlan Brook Dr. # 73, Orland Park, IL 60462

Agent

PR Professional Services, Paula Pavlich, P.O. Box 1404, Eureka, CA 95502

Please contact Andrew Whitney, Planner, at awhitney2@co.humboldt.ca.us or 707-268-3735 if you have questions about this item.