



# COUNTY OF HUMBOLDT

For the meeting of: 12/19/2024

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File #: 25-4

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**To:** Planning Commission

**From:** Planning and Building Department

**Agenda Section:** Consent

SUBJECT:

Mystic Mountain Farms, LLC, Conditional Use Permit  
Assessor Parcel Number 217-244-008  
Record No.: PLN-12018-CUP  
Blocksburg area

A Conditional Use Permit for 15,289 square feet (SF) of pre-existing outdoor cannabis cultivation. Of which, 6,000 SF will be grown within greenhouses utilizing light deprivation methods and 9,289 SF will be open-air cultivation. Water will be sourced from an existing groundwater well (DEH Permit # 18/19-1171). Annual water usage is estimated to be 124,870 gallons, or 8.2 gallons per square foot. Water storage presently consists of two 20,000 gallon water bladders and ten 5,000 gallon hard sided storage tanks, totaling 90,000 gallons of water storage capacity. The project is conditioned to remove existing water bladders. The project includes ancillary propagation. Drying and trimming will occur on-site within the existing drying structures and proposed commercial processing facility. During peak operations, up to three employees may be hired to conduct cultivation operations. Energy is presently sourced from generators.

RECOMMENDATION(S):

That the Planning Commission:

1. Adopt the resolution, (Attachment 1) which does the following:
  - a. Finds the Planning Commission has considered the Mitigated Negative Declaration (MND) previously adopted for the Commercial Medical Marijuana Land Use Ordinance as well as the Addendum to the MND that was prepared for the Mystic Mountain Farms, LLC project pursuant to Section 15164 of the CEQA guidelines; and
  - b. Finds the proposed project complies with the General Plan and Zoning Ordinance; and

- c. Approves the Mystic Mountain Farms, LLC Conditional Permit subject to the recommended conditions of approval (Attachment 1.A).

**DISCUSSION:**

**Project Location:**

The project is located in Humboldt County, in the Blocksburg area, on the east and west side of Church Road, approximately 4.1 miles northeast from the intersection of Church Road and Alderpoint Road, on the property known as 14400 US Forest Service Road.

**Present General Plan Land Use Designation:**

Agricultural Grazing (AG), Density: Range is 20 to 160 acres per unit, 2017 General Plan, Slope Stability: High Instability (3)

**Present Zoning:**

Agriculture Exclusive (AE), Minimum building site area is 160 acres (B-5(160)); Timberland Production (TPZ)

**Environmental Review:**

An Addendum to a previously adopted Mitigated Negative Declaration has been prepared for consideration per §15164 of the State CEQA Guidelines.

**State Appeal:**

Project is NOT appealable to the California Coastal Commission.

**Major Concerns:**

None.

**Executive Summary:**

Mystic Mountain Farms, LLC., seeks a Conditional Use Permit to allow the continued operation of 15,289 square foot of pre-existing outdoor cannabis cultivation operation in accordance with Humboldt County Code Section 314-55.4 of Chapter 4 of Division I of Title III, Commercial Medical Marijuana Land Use Ordinance (CMMLUO).

The site is designated as Agriculture Grazing (AG) in the Humboldt County 2017 General Plan Update and zoned Agriculture Exclusive (AE). A portion of the subject parcel is zoned Timber Production (TPZ), but the only aspect of the project on the TPZ zoned portion is the permitted well. Cultivation will occur within one centralized location which encompasses two 3,000 sf light deprivation greenhouses, 9,289 sf of open-air outdoor cultivation and 1,520 sf of propagation. During peak operations, up to three employees may be employed to conduct cultivation operations. Processing, including drying and trimming will occur on-site within two existing 3,500 SF structures and one proposed 2,400 processing facility. The existing and proposed facilities are located north of the cultivation area. Until a

commercial building permit is issued for a structure onsite, the only processing activity permitted is drying and curing (**Condition B.3**).

Artificial lighting used for propagation and processing will adhere to shielding and International Dark Sky Association standards as set forth in the CMMLUO.

#### **Water Resources:**

Water for the project is sourced from an existing, permitted groundwater well (DEH Permit # 18/19-1171) which is registered with California Department of Water Resources (WCR2019-011314). The applicant anticipates annual water usage to be 124,870 gallons, or 8.2 gallons per square foot per year. On-site water storage presently consists of two 20,000 gallon water bladders and ten 5,000 gallon hard sided storage tanks, totaling 90,000 gallons of water storage capacity. A review of WebGIS shows the addition of the two present water bladders on the project site occurring in July of 2019. The project is conditioned to remove the water bladders prior to continued cultivation onsite (**Condition A.3**). If the applicant chooses to replace water storage capacity, the applicant will utilize appropriate water storage containers, such as hard sided tanks.

There are two wells known to be onsite, but only one Well Completion Report has been received. No Well Completion Report was provided for the well identified on the site plan, so no analysis of its likelihood of hydrologic connectivity has been performed and the project is conditioned such that only the well permitted under DEH Permit #18/19-1171 may be utilized for cultivation activities (**Condition C.5**). According to aerial analysis using Google Earth Pro, the permitted groundwater well is located on the north portion of the parcel and is at approximately 3,730 feet in elevation. The permitted well is located roughly 1,600 feet and 2,500 feet from two headwater tributaries to Cooper Creek, at elevations of 3,340 feet and 3,185 feet, respectively. According to the Well Completion Report, the depth to first water of the well is approximately 150 feet and total boring depth is approximately 180 feet, the former of which is over 240 feet and 395 feet in elevation above the tributaries to Cooper Creek. The well has not been drilled to the bottom of the aquifer, so total depth of the aquifer is not determined. The well is also located roughly 2,500 feet from Mountain Creek, which has an elevation of approximately 3,410 feet at the nearest point. This elevation is roughly 180 feet below the depth to first water. Lastly, the well is roughly 2,950 feet from the water flowing through Lost Canyon, which has an elevation of approximately 3,690 feet at the nearest point. This elevation is roughly 100 feet above the depth to first water of the well. Given these significant distances and elevation differences, staff believes it is highly unlikely for the well to be hydrologically connected to any of these surface waters.

According to the Lake and Streambed Alteration Agreement (LSAA) from California Department of Fish and Wildlife (CDFW), received May 28, 2021, there are two points of diversion onsite, a natural spring and a ditch seep. These points of diversion are roughly 2,000 feet and 2,600 feet from the permitted well, respectively, and roughly 1,000 feet and 1,500 feet from the second well onsite. The project is not authorized to utilize diversionary water sources for any cultivation-related activities.

### **Public Trust Analysis:**

The common law Public Trust Doctrine protects sovereign lands, such as tide and submerged lands and the beds of navigable waterways, for the benefit, use, and enjoyment of the public. These lands are held in trust by the State of California for the statewide public and for uses that further the purposes of the trust. The hallmark of the Public Trust Doctrine is that trust lands belong to the public and are to be used to promote publicly beneficial uses that connect the public to the water. The nearest waterways to the project site are Cooper Creek, Mountain Creek, Lost Canyon, and North Fork Conley Creek. Cooper Creek and Mountain Creek are tributaries to Larabee Creek, which is tributary to Eel River. Lost Canyon is tributary to Little Van Duzen River, a tributary of the Van Duzen River, which feeds into Eel River south of Fortuna. North Fork Conley Creek is a tributary of Conley Creek, which is tributary to Dobbyn Creek, a tributary of Eel River. As analyzed above, the permitted well is unlikely to have direct connection to these waterways. The Eel River and the Van Duzen River provide important public trust resources such as habitat for fisheries, including winter and summer run steelhead trout, and substantial recreational opportunities for swimming, paddling and boating. Due to the fact that the well to be used for cannabis irrigation is unlikely to have any direct connection to any perennial watercourses that drain into the Eel River or the Van Duzen River and is therefore unlikely to have any effect on flowrates within those watercourses, the use of the well would have no impact on these important public trust resources associated with the Eel River and the Van Duzen River.

### **Biological Resources:**

A review of WebGIS revealed that there are no mapped sensitive species within the project parcel. Coastal rainbow trout are mapped in a creek roughly 0.5 miles from the subject parcel, but given the topography of the project site, they would be unlikely to be impacted by operations onsite. The nearest species of conservation interest is northern spotted owl (NSO). An NSO activity center is located approximately 1.4 miles northeast from the project site in an area that is heavily forested and there have been sightings as close as 0.75 miles from the project site. Sound and light attenuation measures to prevent potential impacts to NSO have been included as conditions of approval. The generator shall operate at or below 50 decibels (dB) at 100 feet or nearest forested edge, whichever is closer (**Condition C.2**). Additionally, the project site is roughly 1.7 miles from the edge of a mapped area for obscure bumble bee, which has a mapping accuracy of one mile.

The Lake and Streambed Alteration Agreement (LSAA) from California Department of Fish and Wildlife (CDFW) indicates that multiple stream crossings need to be upgraded on the site, including excavation, removal of old culverts, replacement with new culverts, backfilling and compaction of fill, and rock armoring as necessary to minimize erosion. Project conditions require the applicant to maintain compliance with the terms of the LSAA (**Condition C.18**). As proposed and conditioned, the project is consistent with CMMLUO performance standards and will not negatively impact the NSO, obscure bumble bee, or other sensitive species.

**Energy:**

Energy is provided by generators. The project is conditioned requiring transition to renewable sources no later than January 1, 2026 (**Condition A.7**), after which generators will then be reserved for emergency use only. While in use, any generator may not emit more than 50 decibels (dB) of sound at 100 feet or forest edge, whichever is closer. The combination of background, generator and greenhouse fan or other operational equipment created noise must not result in the harassment of Northern Spotted Owl species as required by section 55.4.11 (o) requirements (**Condition C.2**).

**Access:**

The project is accessed via Church Road, which is County-maintained for 0.17 miles from the intersection with Alderpoint Road and privately maintained for the remainder. The project site is approximately 4.1 miles from the intersection of Church Road and Alderpoint Road. The applicant has submitted a Road Evaluation Report self-certifying the access route to be equal to a Category 4 Road Standard and an engineered Road Evaluation Report was prepared for Church Road for PLN-2019-16127. The project was referred to the Department of Public Works. The Department approved the project under the conditions that the privately maintained portion of Church Road be paved for a length of 50 feet and a width of 20 feet at the location where it intersects with the County-maintained road. According to an encroachment permit, the required work for that condition has already been completed on October 25, 2021. An encroachment permit shall be obtained from the Department of Public Works prior to any work within the County maintained right of way. There will be up to three employees at peak operations.

**Geologic Suitability:**

The project parcel is mapped in the County WebGIS as high instability. The existing cultivation is in areas ranging from 15% to 30% slope. No new grading is proposed to implement the project. After the fact grading permits are required for grading that was done previously without permits (**Condition A.8**).

**Timber Conversion:**

Review of aerial imagery indicates that no timberland conversion is associated with this project. The project was referred to CalFIRE on February 24, 2020, and CalFIRE responded on March 3, 2020 with no comment.

**Security and Safety:**

Per the project Operations Plan, access to the parcel is gated and locked and security cameras will be used. The project is located in an area mapped as very high fire severity.

**Tribal Consultation:**

The project is located in the ancestral territory of Tribes represented by the Bear River Band of the Rohnerville Rancheria. The project was referred to the Northwest Information Center (NWIC), Tribal Historic Preservation Officer (THPO) of the Bear River Band, and the Intertribal Sinkyone Wilderness

Council. NWIC and the Bear River Band THPO recommended an archaeological survey be conducted at the project site.

A *Cultural Resource Investigation for the Mystic Mountain Farms Commercial Cannabis Cultivation*, report prepared by Mark Arsenault and Associated was submitted to the Planning & Building Department on April 29, 2021. The report detailed the findings of data base queries and an on-site pedestrian investigation. One pre-contact isolate was found on-site during the investigation.

The report concluded that the proposed and existing development will not result in any adverse change to cultural resources onsite. However, further ground disturbing activities should necessitate future archaeological investigation. Lastly, the report recommends the inclusion of Inadvertent Discovery protocol (**Condition of Approval C.1**). The report was re-referred to the Bear River Band THPO for additional comment and they responded concurring with the report's recommendation.

**Legal Parcel Status:**

A Determination of Status was approved April 10, 2023, which determined that the subject property, APN 217-244-008, was created lawfully by Patent No. 2974 and is subject to a Certificate of Subdivision Compliance. The subject APN comprises one legal and contiguous parcel under the Subdivision Map Act.

**Consistency with Humboldt County Board of Supervisors Resolution No. 18-43:**

Approval of this project is consistent with Humboldt County Board of Supervisors Resolution No. 18-43 which established a limit on the number of permits and acres which may be approved in each of the County's Planning Watersheds. The project site is in the Lower Eel Planning Watershed, which under Resolution 18-43 is limited to 336 permits and 116 acres of cultivation. A significant portion of the parcel is within the Middle Main Eel Planning Watershed, but there are no cannabis activities proposed on this portion of the parcel. With the approval of this project, the total approved permits for cultivation in this Planning Watershed would be 72 permits and the total approved acres would be 32.49 acres of cultivation.

**Environmental Review:**

Environmental review for this project was conducted and based on this analysis, staff concludes that all aspects of the project have been considered in a previously adopted Mitigated Negative Declaration (MND) that was adopted for the CMMLUO. Staff has prepared an addendum (Attachment 3) to the MND for consideration by the Planning Commission.

**OTHER AGENCY INVOLVEMENT:**

The project was referred to responsible agencies and all responding agencies have either responded with no comment or recommended approval or conditional approval (Attachment 5).

ALTERNATIVES TO STAFF RECOMMENDATIONS:

1. The Planning Commission could elect to add or delete conditions of approval. The Planning Commission could deny approval if unable to make all the required findings. Staff has concluded the required findings in support of the proposal can be made. Consequently, staff does not recommend further consideration of these alternatives.

ATTACHMENTS:

1. Draft Resolution
  - A. Conditions of Approval
  - B. Cultivation Operations Plan
  - C. Site Plan
2. Location Maps
3. CEQA Addendum
4. Applicant's Evidence in Support of the Required Findings
  - A. Lake and Streambed Alteration Agreement
  - B. Road Evaluation
  - C. Water Resources Protection Plan
5. Referral Agency Comments and Recommendations
6. Watershed Map

APPLICANT, OWNER, APPLICANT, AND PLANNER INFORMATION:

**Applicant:**

Mystic Mountain Farms, LLC  
Jaime Hoisington  
Po Box 213  
Alderpoint, CA 95511

**Owner:**

Randy & Dawnita Hoisington  
Po Box 170  
Blocksburg, CA 95514

**Agent:**

Janssen Malloy  
Jeffrey Slack  
PO Drawer 1288

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**File #:** 25-4

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Please contact Augustus Grochau, Planner, [agrochau@co.humboldt.ca.us](mailto:agrochau@co.humboldt.ca.us) or 707-441-2626 if you have questions about this item.