



COUNTY OF HUMBOLDT

For the meeting of: 11/6/2025

File #: 25-1305

To: Planning Commission

From: Planning and Building Department

Agenda Section: Consent

SUBJECT:

Mark Finley Conditional Use Permit

Assessor's Parcel Numbers: 218-101-002

Record Numbers: PLN-13351-CUP

New Harris Area

A Conditional Use Permit for 10,000 square feet of existing mixed light and 33,560 square feet of existing outdoor commercial cannabis cultivation supported by a 4,356 square foot ancillary nursery. Estimated annual water usage is 545,000 gallons sourced from a point of diversion and a rainwater catchment pond. The point of diversion is located on APN 218-091-006 shared with application 13295. The pond is also shared with both applications 13359 and 13295 on APN 218-091 -004 and 218-101-006 respectively. Total tank storage on site for the project is 175,000 gallons and the pond is estimated to have a capacity of approximately 2,155,000 gallons. Drying occurs onsite with additional processing occurring offsite. Power will be provided by renewables, reserving generators for emergency use only.

RECOMMENDATION(S):

That the Planning Commission:

1. Adopt the resolution, (Attachments 1) which does the following:
 - a. Finds the Planning Commission has considered the Mitigated Negative Declaration previously adopted for the Commercial Medical Marijuana Land Use Ordinance and the Addendum that was prepared for the Mark Finley project (Attachment 3); and
 - b. Finds the proposed project complies with the General Plan and Zoning Ordinance; and
 - c. Approves the Mark Finley Conditional Use Permit subject to the conditions of approval (Attachment 1A).

DISCUSSION:

Project Location: This project is in the New Harris Area on the east side of Island Mountain Road, approximately 2000 feet SE from the intersection of Island Mountain Road and South Face Road, on the property known to be in Township 05S of Range 05E Section 11 Humboldt Base & Meridian (Jewett Rock) aka know as 926 South Face Rd New Harris.

Present General Plan Land Use Designation: Residential Agriculture (RA); 2017 General Plan; Density: 40 acres per unit; Slope Stability: High Instability (3).

Present Zoning: Forestry Recreation (FR); Special Building Site (B-5(40)).

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

State Appeal: Project is NOT appealable to the California Coastal Commission.

Major Concerns: None.

Monitoring Required: Annual Compliance Monitoring.

Executive Summary:

A Conditional Use Permit for 10,000 square feet of existing mixed light and 33,560 square feet of existing outdoor commercial cannabis cultivation supported by a 4,356 square foot ancillary nursery. Estimated annual water usage is 545,000 gallons sourced from a point of diversion and a rainwater catchment pond. The point of diversion is located on APN 218-091-006 shared with application 13295. The pond is also shared with both applications 13359 and 13295 on APN 218-091 -004 and 218-101-006 respectively. Total tank storage on site for the project is 175,000 gallons and the pond is estimated to have a capacity of approximately 2,155,000 gallons. Drying occurs onsite with additional processing occurring offsite. Power will be provided by renewables, reserving generators for emergency use only.

The irrigation system for three farms (13359, 13295, and 13351) share the rainwater catchment pond on APN 218-091-004. The project is conditioned requiring the recordation of appropriate easement(s) for the water distribution system. Using available data, the applicant provided an analysis demonstrating the pond and catchment area are adequate to provide annual irrigation water even in a drought year. The application has provided documentation demonstrating a registered water right for a point of diversion this project, 13351, and 13295. The applicant has provided documentation demonstrating enrollment in State Water Board General Order No. WQ 2019-0001-DWQ. The Division of Environmental Health recommended conditional approval.

As proposed and conditioned, the project is consistent with CMMLUO performance standards and

California Department of Fish and Wildlife (CDFW) guidance and will not negatively affect the northern spotted owl or other sensitive species. The project is adequate setback from surface waters and no fill is proposed. Comments from CDFW have been considered and incorporated into the conditions of approval.

Access is taken from privately maintained M Road which takes access from Island Mountain Road which is county-maintained. A road evaluation with photographic evidence was provided demonstrating road category 4 equivalent for M Road. Public Works recommended conditional approval. No new grading is proposed or authorized to implement the project and no timber conversion is associated with historic cultivation or the proposed project. CalFire responded to the referral with a comment discussed further below.

The project is conditioned to provide a will-serve letter from the Palo Verde Voluntary Fire Company or record an acknowledgement of no available emergency response and fire suppression services. The project is also conditioned to include the standard inadvertent discovery protocol regarding tribal cultural resources.

The project, if approved, would be consistent with Humboldt County Board of Supervisors Resolution No. 18-43.

Water Resources: Annual water usage is estimated at 545,000 gallons (12.5 gallons per square foot) from a point of diversion located on APN 218-091-006 (Application 13295) and a rainwater catchment pond located on APN 218-091-004 (Application 13359). Per the Operations Plan, the pond is approximately 2,155,500 gallons in capacity. Per the Operations Plan, an additional 175,000 gallons in onsite tanks are also used for irrigation storage.

The applicant provided a water analysis (**Attachment 4A**) that includes rainwater catchment. The analysis evaluates the entire irrigation system which is shared by three separate parcels. This analysis estimates that a total of 937,000 gallons is needed to serve the three operations. Using low rainfall data, the applicant estimates that approximately 1,123.353 gallons of water can be collected. The pond and catchment area on the project parcel supporting the irrigation system can catch adequate annual irrigation water even in a drought year using available data. This project, 13351, also receives supplemental irrigation from a point of diversion through a registered water right (H508126) (**Attachment 4B**). The referral response from the State Water Board Division of Water Rights recommended project approval (**Attachment 5C**). Total authorized annual diversion is 387,762 gallons or 1.19 acre feet. Per the State Water Board General Order, forbearance is required April 1 to October 31 (**Condition of Approval B2**). Between the onsite tanks and the rainwater catchment pond, there is adequate irrigation water storage. The project is conditioned to require water metering and monthly water usage logbooks which must be kept and made available during annual inspection (**Condition of Approval A5**). Because the water system is shared across multiple parcels and operations, the project is conditioned to require easements or contingent easements for the water lines that connect the

ponds across the affected parcels **(Condition of Approval A11)**.

The project is subject to the State Water Board General Order No. WQ 2019-0001-DWQ. The applicant has provided documentation demonstrating enrollment **(Attachment 4C and 4D)**.

The project referral to the Division of Environmental Health **(Attachment 5A)** resulted in a recommendation of approval with conditions. There is no onsite processing beyond drying of harvested cannabis. Seasonal cultivation areas may be supported by portable toilets. If portable toilets are used, records must be kept and made available upon request during annual inspections **(Condition of Approval B4)**. The onsite septic system shall not be used for cannabis operations until it is reviewed and approved by the Division of Environmental Health **(Condition of Approval B5)**.

The project site has an active Lake or Streambed Alteration Agreement (LSAA) (1600-2019-0135-R1) **(Attachment 4E)**. The project is conditioned to comply with the terms of the LSAA **(Condition of Approval C16)**.

CDFW comments resulting from an October 20, 2025 site visit state that the LSAA needs to be updated and completed. The comments also recommend an American bullfrog management plan, removal of water bladders, and an erosion control plan. Recommendations also included a Site Plan update to show a restoration area and to ensure cultivation areas are sufficiently set back. These requests have been incorporated into the project **(Condition of Approval A13)**.

Biological Resources: A review of the California Natural Diversity Database does not indicate the presence of species or sensitive communities of concern. The nearest mapped Northern Spotted Owl activity centers are (HUM0655) approximately 1.5 miles to the south and (HUM0223) approximately 2.9 miles to the northwest. The proposed project will utilize the pre-existing disturbed areas or clearings in existence prior to baseline. The project has been conditioned to ensure supplemental lighting associated with the project adheres to Dark Sky Association standards including security lighting **(Condition of Approval C3)**. Permit conditions of approval also prohibit using synthetic netting for erosion control **(Condition of Approval B12 and C5)**, ensure refuse is contained in wildlife-proof storage **(Condition of Approval C6)**, and prohibit use of anticoagulant rodenticides to further protect wildlife **(Condition of Approval C8)**. Additionally, any noise sources are limited to 50dB at 100 feet or forest edge, whichever is closer **(Condition of Approval C2)**. As proposed and conditioned, the project is consistent with CMMLUO performance standards and CDFW guidance and will not negatively affect the Northern Spotted Owl or other sensitive species.

Energy: Power is provided by solar and generators are reserved for emergency use only **(Condition of Approval B6)**.

Access: According to the county GIS and the applicant, the project parcel is accessed from M Road, which is privately maintained road. M Road intersects with Island Mountain Road, which is county

maintained. The applicant provided a road evaluation (**Attachment 4F**) with photographic evidence demonstrating that the 1.5-mile segment of 1.5 is developed to the equivalent of road category 4 regarding local traffic. The referral response from Public Works included standard conditions of approval for encroachments relating to surface standards and sight visibility. These performance standards are incorporated into the conditions of approval (**Condition of Approval A10**). The Operations Plan states there will be up to eight employees during peak operations. The Site Plan depicts up to four parking spaces. The project conditions require a Site Plan update to designate adequate parking for peak operation employees (**Condition of Approval A4**). This project is also conditioned to require the applicant to form or join a Road Maintenance Association or enter into a road maintenance agreement with other owners along M Road (**Condition of Approval A12**).

Geologic Suitability: The project parcel is mapped in the County GIS as high instability. The existing cultivation is in areas mapped as 0 - 30% slope. No new grading is proposed or authorized to implement the project (**Condition of Approval B3**). The project is conditioned to obtain after the fact grading permits for any historic grading associated with cultivation and propagation areas (**Condition of Approval A9**).

Timber Conversion: The project is in an area mapped as high fire hazard severity. CalFire responded to the project's referral with a comment stating they do not support any timber conversion if proposed. Review of aerial imagery and the project materials indicate that no timber conversion is associated with historic cultivation operation or the proposed project. If a Registered Professional Forester determines tree removal is needed to protect structures associated with cannabis operations, the structure(s) will either need to be moved to comply with appropriate distances or the structure(s) removed and the cultivation converted to full sun cultivation techniques to avoid any timber conversion (**Condition of Approval B7**).

Security and Safety: Per the project Operations Plan, access to the parcel is gated and locked and surveillance systems are in use such as motion sensor lights. The Site Plan provided by the applicant does not depict an emergency vehicle turnaround and does not show water storage dedicated to fire suppression. The project is conditioned to provide a water source dedicated to fire protection and provide a Site Plan update (**Condition of Approval A4 and A6**). The project parcel is within the Palo Verde Voluntary Fire Company (VFC) response area. The project is conditioned to provide a will-serve letter from the VFC or record an acknowledgement of no available emergency response and fire suppression services (**Condition of Approval A7**).

Tribal Consultation: The project was referred to the Northwest Information Center. The project site lies outside mapped aboriginal territories for local tribes. A Cultural Resource Investigation conducted by Archaeological Research and Supply Company was provided. The study recommended the standard inadvertent discovery protocol which has been included as a condition of approval (**Condition of Approval C1**).

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 Middle Main Eel Planning Watershed, which under Resolution 18-43 is limited to 360 permits and 125 acres of cultivation. With the approval of this Conditional Use Permit, the total approved permits in this planning watershed would be 118 permits and the total approved acres would be approximately 53.1 acres of cultivation. If all three proposed projects are approved, the total number of approved permits in this planning watershed would be 120 permits and the total approved acres would be approximately 53.93 acres of cultivation.

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

OTHER AGENCY INVOLVEMENT:

The project was sent to responsible agencies and all responding agencies have either replied with no comments, comments, 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 have concluded the required findings in support of the proposal as conditioned can be made. Consequently, Staff does not recommend further consideration of these alternatives.

ATTACHMENTS:

1. Draft Resolution
 - A. Conditions of Approval
 - B. Operations Plan
 - C. Site Plan
2. Location Map
3. CEQA Addendum
4. Applicant's Evidence in Support of the Required Findings
 - A. Water Analysis
 - B. Water Right to Divert and Use Water
 - C. Notice of Applicability

- D. Site Management Plan
 - E. Lake or Streambed Alteration Agreement
 - F. Road Evaluation
5. Referral Agency Comments and Recommendations
- A. Division of Environmental Health
 - B. Public Works
 - C. California Division of Water Rights
 - D. Cal Fire
 - E. California Department of Fish and Wildlife
6. Watershed Map

Applicant:

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