



# COUNTY OF HUMBOLDT

For the meeting of: 2/1/2024

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File #: 24-158

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**To:** Zoning Administrator  
**From:** Planning and Building Department

**Agenda Section:** Consent

**SUBJECT:**

Emerald Mines, Inc Special Permit  
Assessor's Parcel Numbers: 208-341-003  
Record Numbers: PLN-11756-SP  
Dinsmore area

A Special Permit for 9,453 square feet of existing outdoor commercial cannabis cultivation. There is no ancillary nursery and processing occurs offsite. The estimated 78,350-gallon annual water budget is sourced from rainwater catchment and supported by 96,500 gallons of tank storage. Power is provided by solar panels and a generator. Project is conditioned to source power from renewables reserving the generator for emergencies only. The Special Permit includes a reduction of the setback from public lands.

**RECOMMENDATION(S):**

That the Zoning Administrator:

1. Adopt resolutions (Resolution 24-\_\_) (Attachments 1) which does the following:
  - a. Finds that the Zoning Administrator has considered the Mitigated Negative Declaration previously adopted for the Commercial Medical Marijuana Land Use Ordinance and the Addendum that was prepared for the Emerald Mines, Inc project (Attachment 3); and
  - b. Finds that the proposed project complies with the General Plan and Zoning Ordinance; and
  - c. Approves the Emerald Mines, LLC Special Permit subject to the recommended conditions of approval (Attachments 1A).

**DISCUSSION:**

**Project Location:**

The project is in the Dinsmore area, on the north side of Cobb Road, approximately 230 feet east from the intersection of Rattlesnake Bridge Road and Cobb Road, on the property known as 281 Cobb Road.

**Present General Plan Land Use Designation:**

Residential Agriculture (RA); Airport Safety Review (AP); 2017 General Plan; Density: 20 acres per unit; Slope Stability: Low Instability (1) & High Instability (3)

**Present Zoning:**

Unclassified (U)

**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:**

A Special Permit for 9,453 square feet of existing outdoor commercial cannabis cultivation. There is no ancillary nursery and processing occurs offsite. The estimated 78,350-gallon annual water budget is sourced from rainwater catchment and supported by 96,500 gallons of tank storage. Power is provided by solar panels and a generator. Project is conditioned to source power from renewables reserving the generator for emergencies only. The Special Permit includes a reduction of the setback from public lands.

The rainwater analysis concluded that adequate irrigation water can be collected from available catchment surfaces even in a low rainfall year. The project will have 96,500 gallons of tank storage which is 123% of estimated annual water usage. 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. While in use, the generator may not emit more than 50dB of sound at 100 feet or forest edge, whichever is closer.

A road evaluation for another project on Cobb Road conducted by an Engineer concluded that Cobb Road can function as a Category 4 equivalent if certain improvements are made. The recommendations for improvements consist primarily of culvert replacements to improve drainage but also include some driveway improvements and the installation of a turnout. After the fact grading permits are required for grading that was done previously without permits. Historic timberland conversion is not associated with this project. The Bear River Tribal Historic Preservation Officer requested the standard inadvertent discovery protocol which has been incorporated into the conditions. The reduction in setback to public lands is consistent with the Six Rivers National Forest Land and Resource Management Plan. Approval of this project is consistent with Humboldt County Board of Supervisors Resolution No. 18-43.

### **Water Resources:**

The estimated annual irrigation water usage of 78,350 gallons is sourced from rainwater catchment. The estimated water usage translates to approximately 8.28 gallons per square foot. The applicant provided a rainwater catchment analysis (**Attachment 4A**) conducted by a hydrologist. The rainwater analysis concluded that adequate irrigation water can be collected from available catchment surfaces even in a low rainfall year. The project will have 96,500 gallons of tank storage which is 123% of estimated annual water usage. The project is conditioned to require water meters and water usage logbooks which must be kept and made available during annual inspection of the cannabis operation (**Condition of Approval A2**). There are no surface waters affected by this project so there is no Lake and Streambed Alteration Agreement with CDFW. A domestic well is present on the property. The project is conditioned such that there shall be no interconnectivity between cannabis irrigation infrastructure and domestic water systems (**Condition of Approval B2**). The project is further conditioned requiring the application to provide documentation demonstrating enrollment in the State Water Board General Order by providing a copy of the Notice of Applicability and Site Management Plan (**Condition of Approval A10**).

The project referral to the Division of Environmental Health (DEH) resulted in a request for an approved septic system to support onsite processing. Trimming and packaging will occur offsite at a licensed facility (**Condition of Approval B3**). The project is conditioned to provide portable toilets for cultivation activities (**Condition of Approval B4**).

Per the Operations Plan, irrigation methods include using a drip system and emitters for plants. Applicant intends to hand water one day each month of the growing season in lieu of drip irrigation to apply compost tea or liquid fertilizer that could damage the drip system.

### **Biological Resources:**

A review of the California Natural Diversity Database did not indicate any known rare or endangered species in the project area. The nearest mapped Northern Spotted Owl activity center (HUM0152) is 1.37 miles to the southwest and another (HUM0043) is 1.52 miles to the Northeast. The project utilizes a pre-existing disturbed area and cultivation does not use artificial light nor is there an ancillary nursery. The project has been conditioned to ensure any project lighting associated with adheres to Dark Sky Association standards including security lighting (**Condition of Approval C3**). Permit conditions of approval also prohibit using synthetic netting (**Condition of Approval 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**). 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**

Energy is provided by solar panels augmented by a generator. While in use, the generator may not emit more than 50dB of sound at 100 feet or forest edge, whichever is closer. (**Condition of Approval C2**). The project is conditioned to migrate electricity sourcing for the cannabis operation to all renewable sources by January 1, 2026, reserving generator usage for emergencies only (**Condition of Approval A11**).

**Access:**

The project parcel takes access from Cobb Road, a privately maintained road, which takes access from State Highway 36. A road evaluation for another project on Cobb Road conducted by an Engineer concluded that Cobb Road can function as a Category 4 equivalent if certain improvements are made (**Attachment 4B**). The recommendations for improvements consist primarily of culvert replacements to improve drainage but also include some driveway improvements and the installation of a turnout. The recommendations of the Engineer appearing on Page 9 of the road evaluation are incorporated at conditions of approval (**Condition of Approval A8**). There will be up to 3 employees at peak operation. The site plan depicts adequate parking area.

A referral to Public Works resulted in a request for a road evaluation which was obtained by staff from another project on Cobb Road. A referral to CalTrans resulted in a request that the applicant verify there is a valid encroachment permit from Highway 36 and the road approach meets commercial standards. The project is so conditioned (**Condition of Approval A9**).

The project parcel is mapped airport protected airspace (CC333/FAR77). The project referral was sent to the county airport manager and the FAA. The FAA sent a letter of Determination of No Hazard to Air Navigation (**Attachment 4C**). The county airport manager did not respond to the referral.

**Geologic Suitability:**

The project parcel is mapped in the County GIS as parcel 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 of Approval A6**).

**Timber Conversion:**

Historic timberland conversion is not associated with this project. Review of aerial imagery dating back to 2005 indicates the presence of two clearings prior to the establishment of the existing cultivation. A CalFire referral resulted in standard comments regarding emergency access and dedicated fire storage.

**Security and Safety:**

Per the project Operations Plan, all cultivation sites will be fenced. Located gates are located at the main entrances along the roads. Cameras will be used to monitor gates, cultivation sites, and drying facilities. The Site Plan depicts a 2,500-gallon tank dedicated to fire suppression as well as adequate area for emergency vehicle turnaround. The property is located within the State Responsibility Area and the Ruth Lake Community Services District (RLCSD) for fire service. Referral to the RLCSD resulted in a recommendation for approval.

**Tribal Consultation:**

The project was referred to the Northwest Information Center and the Bear River Band of the Rohnerville Rancheria. The Bear River Tribal Historic Preservation Officer requested the standard inadvertent discovery protocol (**Condition of Approval C1**).

**Public Lands Setback Reduction:** Under the CMMLUO, cultivation operations require a setback of 600 feet from publicly owned lands that are managed for wildlife, open space, and recreational facilities. This setback may be reduced with a Special Permit. A Special Permit for the allowance of a setback reduction of the 600-foot buffer from public land is included as a part of the applicant's request. The parcels to the north and east (APN 208-055-001 and 208-054-001) are owned by the U.S. Department of Agriculture Forest Service (USFS) as part of the Six Rivers National Forest and is managed for open space and wildlife purposes. The nearest cultivation area is located approximately 230 feet west of USFS property; however, no developed or designated recreational facilities are within 600 feet of any cultivation area. Additionally, the adjacent public land is subject to the Land and Resource Management Plan - Six Rivers National Forest 1995 (L&RMP). The cultivation areas are consistent with the L&RMP because activities will minimize impacts to biological resources and wildlife through measures to reduce potential light and noise impacts and by maintaining appropriate buffers from sensitive habitat areas. The project was referred to USFS which responded with a recommendation of denial because cannabis is not legal at the federal level. Based on a review of the Humboldt County GIS and the site plan, all cultivation is located more than 230 feet away from the shared parcel boundary (**Attachment 4D**). There do not appear to be any recreational access sites or parking areas located near the subject parcel. An informational note is included in Attachment 1A that makes the applicant aware of potential conflicts with federal law regarding transportation of cannabis.

**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 Van Duzen Watershed, which under Resolution 18-43 is limited to 425 permits and 146 acres of cultivation. With the approval of this project the total approved permits for cultivation in this Planning Watershed would be 97 permits and the total approved acres would be 34.19 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 Zoning Administrator.

OTHER AGENCY INVOLVEMENT:

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

ALTERNATIVES TO STAFF RECOMMENDATIONS:

1. The Zoning Administrator could elect to add or delete other conditions of approval. The Zoning Administrator could deny the project 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. Operations Plan
  - C. Site Plan
2. Location Map
3. CEQA Addendum
4. Applicant's Evidence in Support of the Required Findings
  - A. Rainwater Catchment Analysis
  - B. Road Evaluation
  - C. FAA No Hazard Determination
  - D. Survey Map GIS Analysis
5. Referral Agency Comments and Recommendations
  - A. Division of Environmental Health
  - B. Six Rivers National Forest
  - C. Ruth Lake Community Services District
  - D. CalTrans
  - E. CDFW
  - F. CalFire

Applicant

Emerald Mines, Inc  
Patrick McGary  
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Owner

Humboldt Beginnings 2020 LLC  
705 N State St. #24  
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Agent

N/A

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