



COUNTY OF HUMBOLDT

For the meeting of: 9/18/2025

File #: 25-1129

To: Planning Commission

From: Planning and Building Department

Agenda Section: Consent

SUBJECT:

Humboldt Flavor, LLC. Conditional Use Permit and Special Permit
Assessor's Parcel Numbers: 210-074-008-000, 210-074-007-000
Record Numbers: PLN-12935-CUP
Larabee Valley area

A Conditional Use Permit request for 15,545 square feet (SF) of existing outdoor cultivation utilizing light deprivation techniques. Ancillary nursery area totals 1,260 square feet. Irrigation water is sourced from a permitted groundwater well. Existing water storage totals 47,000 gallons in hard tanks. The estimated annual irrigation water need is 200,000 gallons (12.87 gallons per square foot). Processing will occur offsite at a licensed third-party facility. Power is provided by a generator and a recommended condition of approval will be to require electricity to be sourced from renewable sources by January 1, 2026. The applicant is also requesting a Special Permit for a setback reduction to public lands.

RECOMMENDATION(S):

That the Planning Commission:

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

DISCUSSION:

Project Location:

The project is located in the Larabee Valley area, off of Butte Creek Road, approximately 2.10 miles from the intersection of State Highway 36 and Butte Creek Road, on the property known to be in the southeast quarter of Section 35 of Township 1N, Range 04E, Humboldt Base & Meridian.

Present General Plan Land Use Designation:

Agricultural Grazing (AG), 2017 General Plan, Density: 20-160 acres per unit, Slope Stability: 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.

Monitoring Required:

Annual Compliance Monitoring

Executive Summary:

Humboldt Flavor, LLC seeks a Conditional Use Permit request for 15,545 square feet (SF) of existing outdoor cultivation utilizing light deprivation techniques. Irrigation water is sourced from a permitted groundwater well. Existing water storage totals 47,000 gallons in hard tanks. The estimated annual irrigation water need is 200,000 gallons. Plants are delivered to the site as no propagation occurs on-site. Drying and processing will occur onsite in existing facilities. Power is provided by a generator and a recommended condition of approval will be to require electricity to be sourced from renewable sources by January 1, 2026.

Drying and curing is proposed within the 512 square foot structure as depicted on the site plan. The applicant proposes further processing to occur offsite at a licensed third-party facility. No employees are proposed.

Cultivation will be full-sun outdoor in ten locations totaling 15,460 SF. A total of seven (7)

greenhouses (GH). GH #1 is 1,020 SF, GH #2 is 1,020 SF, GH #3 is 1,920 SF, GH #4 is 1,000 SF, GH #5 is 2,000 SF, GH #6 is 2,000 SF, and GH #7 is 2,000 SF. There are also three (3) full sun outdoor cultivation areas with plants in smart pots. Full sun cultivation area (14) consists of 14 smart pots for a total of 504 SF. Full sun cultivation area #16 consists of 16 smart pots for a total of 576 SF. Full sun cultivation area #95 consists of 95 smart pots for a total of 3,420 SF.

While the site maps show a 40-acre parcel, the property is legally established as an 80-acre parcel of land through Notice of Merger (NOM) and Certificate of Subdivision Compliance dated July 14, 2025 for lands currently known as APN 210-074-007 and APN 210-074-008 (**Attachment 4G**). **Attachment 1D** shows the configuration of the 80-acre parcel. There are no cultivation or other activities on the other 40-acre portion of the parcel that would conflict with or affect the cultivation permit.

Water Resources:

The project is in the Van Duzen Planning Watershed and within the Butte Creek HUC-12 Impacted Watershed. The nearest named streams are Hooker Creek and Coon Creek. Coon Creek drains the northwest portion of the parcel. Both creeks are tributaries to the South Fork Eel River. Water for irrigation is sourced from a permitted groundwater well and water for domestic purposes is sourced from a second, permitted groundwater well.

A Water Resource Protection Plan (WRPP) for APN 210-074-008-000 (RWQCB WDID 1B161087CHUM / State Water Resource Control Boards Application No. 416810) was completed in February of 2017 (**Attachment 4B**). The project has undergone revisions for project infrastructure and operations since February of 2017. Obtaining a final Site Management Plan (SMP) associated with this enrollment is part of the conditions of approval that accurately encompass all aspects of the project/property and how they relate to water quality; the SMP will also address any changes/improvements that need to be made in order for the property to be in compliance with all BPTCs (**Condition of Approval A.8**).

A well completion report was submitted with the application materials and dated August 19, 2025 (**Attachment 4A**) for the irrigation well. The wellhead for the subject well (#19/20-0803) is at an elevation of approximately 2,960 feet and the elevation of the bottom of the well is approximately 2,720 feet and has an estimated yield of 5 gpm. The well is screened between 100 to 240 feet below the surface. The geologic log indicates that the vertical sediment profile starts with topsoil (0-2 feet), brown sandstone (2-48 feet), sandstone shale mix (111-118 feet), soft shale (48-115 feet), fractured gray sandstone (115-141 feet), and blue sandstone basalt mix (141-240 feet). Per CDFW comments this well may be located in or adjacent to the channel of a class III, ephemeral watercourse. The well is screened between 100 and 240 feet below the surface of the ephemeral stream, and was tested at 5 gallons a minute in August, during a point when the ephemeral stream would have likely been dry. As discussed below, the well is unlikely to be hydraulically connected to any nearby surface water features.

Public Trust Resources:

The Van Duzen Watershed contains important public trust resources such as fisheries, recreation such as boating and swimming, and historically may have provided opportunities for waterborne commerce. 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. Tributaries in the vicinity of this permitted well on the project parcel are ephemeral and drain to Butte Creek, which is a tributary of the Van Duzen River. The permitted well utilized for cultivation irrigation was assessed by Staff to estimate its potential for hydrologic connectivity with adjacent springs, wetlands and or surface waters, and if pumping this well could affect surface waters in such nearby water courses, within a 1,500-foot radius from the subject well. On the project parcel, two intermittent Class III, ephemeral tributaries run east to west perpendicularly into Butte Creek and another Class III, ephemeral watercourse begins on the south end of the property and heads south off of the property. However, as these are both ephemeral watercourses that only carry water during short intervals in response to rainfall, they would not be expected to have any likelihood of connection to below ground water. The well is located adjacent to the watercourse on the south end of the property, however, as it is an ephemeral watercourse and the well is screened to 100 feet below the surface, it would not be intercepting water from the watercourse. Butte Creek is approximately 1,100 feet to the west of the well. Butte Creek is a perennial watercourse that contains important habitat and hosts winter run steelhead. The wellhead for the well utilized for irrigation is at an elevation of approximately 2,960 feet and the bottom of the well at an elevation of approximately 2,720 feet above sea level, and the elevation of Butte Creek at its nearest point to the well is 2,600 feet above sea level, indicating that the water bearing unit if the well is well above the elevation of the creek and would therefore have no direct hydraulic connection to it. Based on these factors, it is unlikely there is any direct hydraulic connection to surface waters and therefore there would be no adverse impact on public trust resources.

Biological Resources:

Per the California Natural Diversity Database, there is one mapped species of concern on the project parcel; Northern Steelhead (*Oncorhynchus mykiss irideus*). The nearest Northern Spotted owl activity center (HUM05013) is approximately 0.58 miles away from the southern cultivation area and the closest positive identification was last recorded in 2009 and is 0.30 miles away from the southern-most cultivation area, which is full-sun outdoor cultivation. 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. Use of the generator is subject to the standard condition limiting noise to 50dB at 100 feet from the generator or at the edge of the nearest forest habitat, whichever is closer (**Condition of Approval C2**).

The California Department of Wildlife (CDFW) conducted a site visit on September 15, 2023 and

provided comments for the project on October September 29, 2023. While onsite, CDFW observed that the applicant was actively using two wells to source water for irrigation however the applicant has stated that the second well is used only for domestic purposes. The wells will be required to be metered separately to ensure that they are used as proposed (**Condition of Approval A2**). When CDFW commented on the project, they had not received a well completion report for the well specified for commercial cannabis cultivation irrigation. Additionally, in these comments CDFW stated that the well on the southeast portion of the parcel and specified for commercial cannabis irrigation use of the parcel appears to be instream and potentially hydrologically connected to waters of the State. Based on a review of the well completion report it does not appear that this well would have any substantial likelihood of being hydrologically connected however the construction of the well within the ephemeral channel would potentially require approval of an LSAA. After sending the well completion report to CDFW staff and after further discussion, CDFW confirmed with county staff that the well would not require an LSAA for either in-channel development or diversion of state waters.

In 2021, CDFW determined that a Lake and Streambed Alteration Agreement (LSAA) was not required as the applicant completed all projects under a previous LSAA (1600-2016- 0153-R1). During the site visit on September 15, 2023, CDFW observed a ford stream crossing that requires maintenance. Additionally, CDFW observed road erosion associated with storm water runoff on a road located on the southern portion of the parcel (APN: 210-074-008) that is used to access a neighboring parcel (APN: 210-074-002). CDFW requests, as a condition of project approval, that the ford crossing is maintained, and that water bars or other drainage control features are appropriately constructed on the road to disconnect road runoff from delivering sediment to streams (**Condition of Approval A9**).

In their comments, CDFW indicated that they did not believe the proposed 52,000 gallons of water storage would be an adequate amount of storage to support 15,545 sq ft of cannabis cultivation on the parcel. CDFW recommends that the applicant store no less than 100,000 gallons of water on site should the well not yield in perpetuity. This has been made a condition of approval, for the applicant to develop this water storage before the 2028 cultivation season (**Condition of Approval A.10**).

During the site visit on September 15, 2023, CDFW observed monofilament netting that was used during cannabis cultivation operations on the parcel. To minimize the risk of wildlife entrapment, CDFW requests, as a condition of project approval, the prohibition of synthetic netting (e.g., plastic or nylon) including photo or biodegradable plastic netting for the purpose of cultivation operations and/or erosion control (**Condition of Approval C.5**).

The project has been conditioned to ensure supplemental lighting associated with the onsite nursery and mixed light cultivation 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:

A Honda 2000/7000-watt generator is described in the project Operations Plan. Per the plan, the generator will be fully enclosed with proper containment. The project is conditioned to transition to sourcing electricity for the cannabis operation to all renewable sources by January 1, 2026, **(Condition of Approval A.12)**.

Access:

The project is located in the Larabee Valley area, approximately 2.10 miles off of Butte Creek Road. A Road Evaluation Report was completed by David Nicoletti January 25, 2019 for this road, and although the report refers to the road as Hidden Valley Road, the pictures and GPS coordinates align with what the County has mapped as Butte Creek Road and the applicant believes that these road names are used interchangeably among the residents of the area. Several improvement recommendations were listed to bring the road segments to Category 4 compliance (Title III - Land Use and Development, Division II, Fire Safe Regulations Ordinance) for each road segment including but not limited to constructions of turnouts, unclogging culverts, installation of water bars or rolling dips, and removing debris from roadside ditches **(Condition of Approval A13)**.

BLM provided comment on the project July 10, 2024 and stated that they had been working on a proposed right-of-way (ROW) that was to be issued to the Butte Creek Road Maintenance Association (RMA) for the use a maintenance of the Butte Creek Road. The ROW would provide legal access to the properties/parcels that lie at the end of the Butte Creek Road. The subdivision violation that was previously barring the ROW has now been resolved. BLM has closed the previous application for the ROW. The applicant, the RMA, or any of the individual landowners are now able to re-apply for the BLM ROW. As a condition of project approval, the ROW shall be finalized prior to the start of the 2026 cultivation season **(Condition of Approval A11)**.

Geologic Suitability:

The project parcel is mapped in the County GIS as high instability. The existing cultivation is in areas ranging from 15% slope or less to 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)**.

Security and Safety:

Per the project Operations Plan, access to the parcel is gated and locked. Commercial buildings will include locks. Harvested cannabis will be stored in locked containment areas at the drying, curing, and packaging phases of processing.

Tribal Consultation:

The project was referred to the Northwest Information Center, Bear River Band of the Rohnerville Rancheria and the Intertribal Sinkyone Wilderness Council September 5, 2017. The Bear River Tribal Historic Preservation Officer requested only the inadvertent discovery protocol. Therefore, the conditions of approval include the standard inadvertent discovery protocol (**Condition of Approval C1**).

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

Planning staff determined that approval of this project is consistent with Humboldt County Board of Supervisors Resolution No. 18-43, which established a limit on the number of cultivation permits and acres which may be approved in each of the County's Planning Watersheds. The project site is located in the Van Duzen Planning 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 in this Planning Watershed would be 139 permits and the total approved acres would be approximately 46.11 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. Resolution
 - A. Conditions of Approval
 - B. Cultivation Operations Plan and Addendum
 - C. Site Plan
 - D. Legal Parcel Configuration
2. Location Maps

3. CEQA Addendum
4. Applicant's Evidence in Support of the Required Findings
 - A. Irrigation Well Completion Report
 - B. Water Resource Protection Plan
 - C. Renewable Energy Grant Program Grant Agreement
 - D. Road Evaluation Report
 - E. Soils Report
 - F. CalFire 3 Acre Exemption
 - G. Notice of Merger and Certificate of Subdivision Compliance
5. Referral Agency Comments and Recommendations
 - A. Environmental Health
 - B. California Department of Fish and Wildlife
 - C. CalFire
 - D. Public Works
6. Watershed Map

Applicant:

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