



COUNTY OF HUMBOLDT

For the meeting of: 3/20/2025

File #: 25-384

To: Planning Commission

From: Planning and Building Department

Agenda Section: Public Hearing

SUBJECT:

Humboldt Sanctuary Farm, LLC Conditional Use Permit
Assessor's Parcel Numbers: 221-071-020
Record Numbers: PLN-12990-CUP
Salmon Creek Area

A Conditional Use Permit for 28,500 square feet of existing outdoor commercial cannabis cultivation supported by a 1,900 square foot ancillary nursery. Estimated annual water usage is 300,000 gallons and is sourced from rainwater catchment. Water storage consists of an approximately 600,000-gallon pond and 9,900 gallons in tanks. Onsite processing is proposed, and electricity is provided by solar and generators. The project is conditioned to transition to renewable energy by January 1, 2026 reserving generator use for emergencies only. The project includes onsite relocation and restoration.

RECOMMENDATION(S):

That the Planning Commission:

1. Adopt the resolution (Resolution 25-___), (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 Humboldt Sanctuary, LLC project (Attachment 3); and
 - b. Finds the proposed project complies with the General Plan and Zoning Ordinance; and
 - c. Approves the Humboldt Sanctuary, LLC Conditional Use Permit subject to the recommended conditions of approval (Attachments 1A).

DISCUSSION:

Project Location:

The project is in the Salmon Creek area, on the northeast side of Thomas Road, approximately 1,880 feet from the intersection of Thomas Road and Salmon Creek Road, on the property known as 7450 Thomas Road, Miranda.

Present General Plan Land Use Designation:

Residential Agriculture (RA); 2017 General Plan; Density: 40 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 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 28,500 square feet of existing outdoor commercial cannabis cultivation supported by a 1,900 square foot ancillary nursery. Estimated annual water usage is 300,000 gallons and is sourced from rainwater catchment. Water storage consists of an approximately 600,000-gallon pond and 9,900 gallons in tanks. Onsite processing is proposed, and electricity is provided by solar and generators. The project is conditioned to transition to renewable energy by January 1, 2026 reserving generator use for emergencies only. The project includes onsite relocation and restoration.

Cultivation occurs in two locations on the property. The Operations Plan refers to these as Cultivation Area #2 and #3. The site plan depicts these as Cult_Area_2 in the southwestern portion of the property and as Outdoor Plots plus six greenhouses in the southeastern portion of the property. Cultivation area #2 is approximately 17,000 square feet of full sun outdoor commercial cannabis cultivation. Cultivation Area #3 is approximately 6,508 square feet of full sun cultivation plus four 80x12 (960 square foot) greenhouses plus two 12x48 (576 square foot) greenhouses.

A rainwater catchment analysis demonstrates that sufficient rainfall can be collected to provide more than adequate annual irrigation water needs for the proposed operation. A Lake and Streambed Alteration Agreement has been issued for the property but will need to be amended to include the pond as an irrigation source. The California Department of Fish and Wildlife have requested an invasive species management plan. The applicant will also need to demonstrate enrollment in the

State Water Board General Order. The Division of Environmental Health has requested documentation regarding the suitability of a wastewater treatment facility to support the proposed onsite processing.

The Natural Diversity Database indicates the potential presence of a ranked plant, the Giant Fawn Lily. On site survey of a portion of the project area indicates the plant will not be impacted by the two cultivations areas, #2 and #3. The project will not significantly impact the Northern Spotted Owl as conditioned.

The project site contains a significant number of unnamed surface waters of various classifications under both state standards and the County's Streamside Management Area Ordinance. Most of the project is sufficiently set back from water courses for both state and county standards. As described below, additional review by the State Water Board for one area near Cultivation Area #2 needs further determination.

The project is conditioned to implement the recommendations of the Engineer in the Road Evaluation. No grading or timber conversion is proposed or authorized. Consultation with tribes resulted in the standard condition for inadvertent discovery protocol.

Water Resources:

Annual water usage is estimated at 300,000 gallons (10.53 gallons per square foot) from a rainwater catchment pond. Per the Operations Plan, the pond is approximately 600,000 gallons in capacity. An additional three tanks totaling 9,900 gallons are also used in cannabis irrigation system.

The applicant provided a rainwater catchment analysis (**Attachment 4A**). The analysis estimates there is approximately 43,750 square feet of catchment area. Using low rainfall data from 2013 of 27.58 inches, approximately 752,000 gallons of rainwater can be collected. Given the reported catchment area and capacity of the pond, sufficient rainfall can be collected to provide more than adequate annual irrigation water needs for the proposed operation. It is noted that the aerial image of the pond provided in the catchment analysis is not the actual pond on the property. An additional analysis by staff indicates that the pond provided in the catchment analysis is similar enough to the pond on the property and does not affect the conclusion of the analysis. The pond and catchment area on the project parcel can catch adequate annual irrigation water even in a drought year using available data.

The project parcel has a signed Lake and Streambed Alteration Agreement (LSAA) (**Attachment 4B**). Comments received from the California Department of Fish and Wildlife state that the applicant is not in compliance with the LSAA. The project is conditioned requiring the applicant provide documentation demonstrating it has come into compliance with the terms of the LSAA to the satisfaction of CDFW and the Planning and Building Department (**Condition of Approval A2**). Specifically, the applicant must provide a minor amendment to the LSAA for the pond point of diversion and an invasive species management plan. The project is also conditioned to require water metering and monthly water usage logbooks which must be kept and made available during annual

inspection (**Condition of Approval A6**).

The project is subject to the State Water Board General Order No. WQ 2019-0001-DWQ. Prior to resuming cultivation on the property, the applicant must demonstrate enrollment and provide a copy of their Notice of Applicability and Site Management Plan to the Planning and Building Department (**Condition of Approval A7**).

The project referral to the Division of Environmental Health resulted in a recommendation of approval with conditions. Onsite processing and cultivation must be supported by an approved wastewater treatment system adequate to support proposed staffing and demonstration of site suitability from a qualified professional (**Condition of Approval A9**). Seasonal cultivation sites (not processing) 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**). Per the Operations Plan, irrigation is conducted using drip irrigation and hand watering.

Biological Resources:

A review of the California Natural Diversity Database indicates the likely presence of the Giant Fawn Lily (*Erythronium oregonum*) a rare, ranked plant. The applicant provided a letter from a qualified biologist (**Attachment 4C**) that described a single survey conducted on April 3, 2019 of Cultivation Areas #2 and #3. This survey concluded that the Giant Fawn Lily was not present in these two areas. However, other areas associated with the cannabis operations such as storage buildings and the processing building as well as the immature plant area were not surveyed. An additional analysis by staff indicates that these areas were likely already disturbed for cannabis operations prior to baseline. Therefore, the project is conditioned to require additional survey for the Giant Fawn Lily if any new ground disturbance, relocation, reconfiguration, or placement of structures is proposed to occur outside the areas surveyed in and around Cultivation Areas #2 and #3 in April 2019 (**Condition of Approval B3**).

The nearest mapped Northern Spotted Owl activity centers are (HUM0976) approximately 2.2 miles to the north and (HUM0699) approximately 3 miles to the west. 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 nursery 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**). 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.

The project site contains a significant number of unnamed surface waters of various classifications

under both state standards and the County's Streamside Management Area Ordinance. Review of various state mapping resources as well as a site visit by staff on March 12, 2024 and a site visit by CDFW on March 18, 2024 indicates that cannabis operations are sufficiently set back from surface water with possible exceptions to portions of Cultivation Area #2. The current site plan incorrectly depicts the stream to the south as ephemeral (Class III). CDFW and state mapping resources categorize this stream as perennial or Class II under the state classification system. Based on staff observations this stream is intermittent under the County's Streamside Management Area Ordinance. The variance between county and state standards results in some overlapping and some independent standards that apply to this situation. Before reviewing the various local and state standards, it is noted that the applicant provided a stream classification analysis (**Attachment 4D**). This analysis was reviewed by staff. The author of the analysis based their conclusions on setbacks on a classification system (Harris and Kocher 2007) that is different from current State Water Board Policy under the General Order. The author also did not consider or incorporate the County's Streamside Management Area Ordinance in their conclusions.

The primary differences between local and state standards for setbacks from cultivation areas to streams are the distances required and how those distances are measured. For example, under state standards, a perennial Class II stream must be set back 100 feet to top of the incised channel or bank-full stage measured diagonally. Under the County's Streamside Management Area Ordinance, an intermittent stream must be set back 50 feet to the edge of riparian vegetation measured horizontally. The state defines perennial based in part if the stream flows for at least nine months whereas the county defines perennial as flowing year-round. Staff analysis including the March 2024 site visit concludes that Cultivation Area #2 is in conformance with the County's Streamside Management Area Ordinance and is conditioned to retain the existing dense vegetation buffer (**Condition of Approval B5**). However, staff were unable to conclude that Cultivation Area #2 complies with state set back standards. State Water Board staff have contacted the applicant to arrange a site visit. The project is conditioned so that if it is determined that portions of Cultivation Area #2 are within the state set back, then the applicant will need to apply for a permit modification to reduce or relocate the portions of Cultivation Area #2 that do not comply with the riparian buffer (**Condition of Approval A9**).

Onsite Relocation and Restoration:

The project site historically had five cultivation areas. Areas #1, #4, and #5 were either consolidated or relocated into the southeastern location known as Cultivation Area #3. The Water Resources Protection Plan (WRPP) map shows the locations of these historic areas (**Attachment 4E**). Former Cultivation Area #1 will be used as an ancillary propagation area and the much smaller former Cultivation Area #5 will be used for personal use cannabis cultivation. Former Cultivation Area #4 was within a streamside management area. The applicant provided a restoration report (**Attachment 4F**). The site visit conducted by staff in March 2024 confirmed that Cultivation Area #4 was naturally revegetating. However, some remnants of the prior cultivation area in the form of abandoned water lines were present. Therefore, the project is conditioned to complete the removal of all legacy

cultivation infrastructure from Cultivation Ara #4 (**Condition of Approval A12**). The consolidation and relocation of cultivations areas is consistent with Department policy.

Energy:

Power is to be provided by solar and generators. The project is conditioned to transition to renewable energy as the primary power source by January 1, 2026 reserving generator use for emergencies only (**Condition of Approval A13**).

Access:

According to the county GIS, the project parcel is accessed from a private road that takes access from Salmon Creek Road, Thomas Road, and Lower Samuals Ranch Road. A portion of Thomas Road is county-maintained after which is maintained by a road maintenance association (RMA). The applicant must provide documentation demonstrating they are a member of the RMA or are making fair-share contributions to road maintenance and improvements (**Condition of Approval A11**). The applicant provided a road evaluation (**Attachment 4G**) prepared by an Engineer. The road evaluation concluded that the roadways evaluated were not developed equivalent to a category 4 or better. However, the evaluations went on to conclude that the road segments could function to accommodate the project if the recommendations of the Engineer are implemented. Therefore, the project is conditioned to implement the recommendations of the Engineer as described in the road evaluation (**Condition of Approval A11**).

The Operations Plan states there will be up to eight employees during peak operations. The site plan depicts adequate parking. The project referral to Public Works resulted in a request for a condition to pave the first fifty feet of the intersection of privately-maintained and publicly-maintained portions of Thomas Road. However, additional review by staff in consultation with Public Works indicates that the first fifty feet of the privately maintained portion has been subsequently paved since the referral response was received. Therefore, the requested condition was not added to this project.

Geologic Suitability:

The project parcel is mapped in the County GIS as high instability. The existing cultivation is in areas mapped as 30% slope or less. No new grading is proposed or authorized to implement the project (**Condition of Approval B2**).

Timber Conversion:

Review of aerial imagery and the project materials indicate that no timber conversion is associated with historic cultivation operation or the proposed project. The project is in an area mapped as high fire hazard severity. The six greenhouses in Cultivation Area #3 were added after 2015 as part of the onsite relocation and consolidation. These greenhouse structures must be placed at least 30 feet from existing trees for fire safe purposes. No timber conversion is authorized. If a Registered Professional Forester determines tree removal is needed to protect the structures, 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 B6)**.

Security and Safety:

Per the project Operations Plan, access to the parcel is gated and locked and security cameras are present. The Site Plan provided by the applicant depicts an emergency vehicle turnaround as well as water storage dedicated to fire suppression. The project parcel is within the Salmon Creek Fire Protection District.

Tribal Consultation:

The project was referred to the Northwest Information Center, the Intertribal Sinkyone Wilderness Council, and the Bear River Band of the Rohnerville Rancheria. No Cultural Resource Survey was conducted. Consultation with the Bear River Tribal Historic Preservation Officer resulted in a request for the standard inadvertent discovery protocol **(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 South Fork Eel Planning Watershed, which under Resolution 18-43 is limited to 730 permits and 251 acres of cultivation. With the approval of this Conditional Use Permit, the total approved permits in this Planning Watershed would be 305 permits and the total approved acres would be approximately 89.18 acres of cultivation.

Public Comment:

A public comment letter was received on February 19, 2025 **(Attachment 6A)**. The commenter was concerned about noise, payment of taxes, power source, property line setbacks, archeological review, and site suitability. The project will be subject to noise performance standards **(Condition of Approval C2)** and the county actively tracks payments of taxes and the operator is current. Regarding energy, the project is conditioned to transition to renewable energy **(Condition of Approval A13)**. Staff conducted additional analysis regarding the setback to property lines including review of sites plans provided by adjacent property owners. Staff concluded the greenhouses are appropriately setback however a site plan update is included in the conditions of approval to better depict property line locations and provide annotations regarding setbacks **(Condition of Approval A5)**. For archeological review, the project was referred to the Northwest Information Center, the Intertribal Sinkyone Wilderness Council, and the Bear River Band of the Rohnerville Rancheria. Consultation with the Bear River Tribal Historic Preservation Officer resulted in a request for the standard inadvertent discovery protocol **(Condition of Approval C1)**. Regarding the commenter's concern of site suitability, as conditioned, staff concluded that all the findings can be made to approve the project in conformance with applicable standards and eligibility requirements. The applicant also provided their own response to the commenter's letter **(Attachment 6B)**.

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 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. Rainwater Catchment Analysis
 - B. Lake and Streambed Alteration Agreement (LSAA)
 - C. Giant Fawn Lily Report
 - D. Stream Classification Analysis
 - E. WRPP Map Showing Historic Cultivation Areas.
 - F. Remediation Report
 - G. Road Evaluation
5. Referral Agency Comments and Recommendations
 - A. Division of Environmental Health
 - B. Public Works
 - C. CDFW

6. Public Comments
 - A. Public Comment Received 02.19.2025
 - B. Applicant Response to Comment Letter
7. Watershed Map

Applicant

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Owner

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Agent

None

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