



COUNTY OF HUMBOLDT

For the meeting of: 10/2/2025

File #: 25-1187

To: Planning Commission

From: Planning and Building Department

Agenda Section: Consent

SUBJECT:

Matthew Dazey, Conditional Use Permit and Special Permit
Assessor's Parcel Numbers: 208-341-005
Record Numbers: PLN-12017-CUP
Dinsmore Area

A Conditional Use Permit for 18,162 square feet of existing outdoor commercial cannabis cultivation supported by a 1,600 square foot ancillary nursery. Estimated annual irrigation water is 160,000 gallons provided by rainwater catchment and a permitted well. There is 72,785 gallons of water storage capacity. Processing other than drying will occur offsite at a licensed facility. Power will be provided from renewable sources reserving generator use for emergencies only. The project includes onsite relocation and restoration and a Special Permit for a reduced setback to adjacent public lands of less than 600 feet.

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 previously adopted for the Commercial Medical Marijuana Land Use Ordinance and the Addendum that was prepared for the Matthew Dazey project (Attachment 3); and
 - b. Finds the proposed project complies with the General Plan and Zoning Ordinance; and
 - c. Approves the Matthew Dazey Conditional Use Permit and Special Permit subject to the conditions of approval (Attachments 1A).

DISCUSSION:

Project Location: This project is in the Dinsmore area, on the north side of Cobb Road, approximately

3,848 feet from the intersection of Rattlesnake Brid Road and Cobb Road, on the property known as 605 Cobb Road.

Present General Plan Land Use Designation: Residential Agriculture (RA); 2017 General Plan; Density: 20 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 18,162 square feet of existing outdoor commercial cannabis cultivation supported by a 1,600 square foot ancillary nursery on a 3.73-acre legal parcel. Estimated annual irrigation water is 160,000 gallons provided by rainwater catchment and a permitted well. There is 72,785 gallons of water storage capacity. Processing other than drying will occur offsite at a licensed facility. Power will be provided from renewable sources reserving generator use for emergencies only. The project includes onsite relocation and restoration and a Special Permit for a reduced setback to adjacent public lands of less than 600 feet.

The well is the primary irrigation water source and rainwater is supplementary to the well. Conditions of approval recommend water storage is increased to at least 80,000 gallons. Analysis by Planning staff concludes use of the well will not interfere with the Public Trust. The applicant will need to demonstrate enrollment in the State Water Board General order prior to resuming cultivation. Conditions of approval require review of the onsite septic system by Division of Environmental Health prior to use. The applicant is compliant with their Lake or Streambed Alteration Agreement.

The proposed project is not expected to impact biological resources. A recent site visit by CDFW staff observed uncontained refuse which must be remedied. The reconfiguration and relocation of cultivation is environmentally superior and the proposed restoration is adequate. The applicant is a member of the Road Maintenance Association which is in the process of implementing the Engineer's recommendations contained in the road evaluation.

After the fact grading permits are required and the conditions of approval include recommendations from a Registered Professional Forester to be compliant with the Forest Practice Rules. The setback reduction is consistent with the Land and Resource Management Plan for the Six River National

Forest.

Project conditions require the applicant to provide a will-serve letter from the Ruth Lake Community Services District or record an acknowledgement of no available emergency response and fire suppression services. The Federal Aviation Administration issued a No Hazard Determination.

The project conditions include the standard inadvertent discovery protocol and, if approved, would be consistent with Humboldt County Board of Supervisors Resolution No. 18-43.

Water Resources: Annual water usage is estimated at 160,000 gallons (8.80 gallons per square foot). Irrigation water is primarily sourced from a permitted well (permit 18/19-0298) with rainwater catchment as a supplemental source. The rainwater catchment system consists of gutters plumbed into tanks. Per the Operations Plan, there is 72,785 gallons of tanks 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 A6**).

The project is subject to the State Water Board General Order No. WQ 2019-0001-DWQ. The project conditions require documentation of enrollment before cultivation resumes on the property (**Condition of Approval A7**).

The project referral to the Division of Environmental Health 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 B3**). Per the Operations Plan, irrigation is conducted using timed, drip irrigation. The onsite septic system must be reviewed and approved by the Division of Environmental Health before it can be used for the cultivation operation (**Condition of Approval B4**).

The project site has an active Lake or Streambed Alteration Agreement (LSAA) (EPIMS-HUM-49496-R1C) (**Attachment 4B**). Per California Department of Fish and Wildlife (CDFW) comment, the applicant is compliant with the LSAA. The project is conditioned to continue to comply with the terms of the LSAA (**Condition of Approval C16**).

CDFW comments requested irrigation water storage be increased to 160,000 gallons, equal to the estimated annual water needs. The Well Completion Report (**Attachment 4A**) indicates that the irrigation well produces approximately 50 gallons per minute. The irrigation water supply will also be supplemented by rainwater catchment. Therefore, the recommended condition of approval is to increase irrigation water storage to at least 80,000 gallons (**Condition of Approval A15**). This recommended proportion of 50% storage is consistent with previous approvals.

Public Trust Analysis: Per the Well Completion Report (WCR2019-008332) the approximate

coordinates of the well are 40.486715, -123.572899. According to Google Earth, the well is approximately 3,000 feet above sea level. The proposed well has a total depth of 200 feet with a screen from 120 feet to 170 below surface level.

According to state mapping resources there are several surface water features in the vicinity. The closest is classified as an unnamed ephemeral creek, approximately 375 feet to the west and another unnamed ephemeral creek is approximately 670 feet to the west. Both ephemeral creeks flow to the Van Duzen River which is 2,287 feet southwest and approximately 2,400 feet above sea level. The Van Duzen River provides public trust resources.

The ephemeral nature of the two closest creeks indicates these flows are influenced by rainfall and not groundwater. The Van Duzen River is over 2,000 feet away and the bottom of the well slot is 400 feet above the surface of the river channel. The Well Completion Report indicates the well screen is in a layer of fractured basalt and fractured shale indicating no hydrologic connection. In the unlikely event of a hydrologic connection, more rainwater is infiltrating the aquifer than is proposed to be removed for the proposed project. A research study published by the USGS (Flint, 2013) indicates that approximately 34% of precipitation in Northern California percolates into groundwater recharge. According to the Prism Climate group, the lowest rainfall year on record for this area was 2013 when 22.02 inches of rain fell for the year. That translates to approximately 758,000 gallons of potential groundwater for the 3.73-acre property. The use of 160,000 gallons of water from the well is therefore unlikely to affect the groundwater supply or public trust resources even in a drought year.

There are no known current uses of the creeks for waterborne commerce and the proposed well will therefore have no impact on commerce. The creeks are not mapped as providing fish habitat that helps support recreational fishing activities and the well will not impact flow rates within these watercourses based on their ephemeral classification. Based on the facts outlined above, the use of groundwater for irrigation will not interfere with the Public Trust or substantially impair the public rights to navigation, fisheries, or water related activities or access.

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 1.28 miles to the southwest and another (HUM0043) is 1.53 miles to the Northeast. The project utilizes an existing disturbed area and the cultivation does not use artificial light. The project has been conditioned to ensure any project associated lighting adheres to Dark Sky Association standards including security lighting (**Condition of Approval C3**). Permit conditions of approval also prohibit using synthetic netting for erosion and require best management practices (**Condition of Approval B10 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**). Conditions of approval also include standards for noise levels (**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.

During a recent site visit, CDFW observed uncontained refuse associated with the project. A condition of approval is included to address this comment from CDFW (**Condition of Approval A13**).

Onsite Relocation and Restoration: The onsite relocation consists of reconfiguration of the cultivation area to include greenhouses and avoid erosion and to transition from individual pots to in-ground raised beds. The reconfiguration was focused within the same general area of historic operations and will result in more efficient water retention and significantly reduce the risk of nutrient leaching into adjacent areas. The applicant provided a Relocation Analysis (**Attachment 4C**) that justifies the reconfiguration as environmentally superior. A Restoration Plan with Map (**Attachment 4D**) was also provided. The Plan calls for the planting of eight maple trees, additional erosion control measures, and mulching. CDFW and staff review of the restoration plan resulted in a condition of approval to update the restoration plan map to specifically identify the locations of restoration measures on the property (**Condition of Approval A14**). The applicant must implement the restoration plan and follow monitoring protocols (**Condition of Approval A16**).

Energy: Power is provided by solar and generators are reserved for emergencies only. (**Condition of Approval B5**).

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 4E**). 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 in the conditions of approval (**Condition of Approval A10**). Per the Operations Plan, there will be no additional employees other than the permittee. Per the Operations Plan the structures labeled as Guest Cabins on the site plan are considered residential and not associated with cannabis operations therefore these structures are not within the scope of approval for the proposed project. The site plan depicts adequate parking area. The applicant is a member of the local road maintenance association.

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 A11**).

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**). After the fact grading permits are required for

grading that was done previously without permits (**Condition of Approval A9**).

Timber Conversion: Review of aerial imagery and the project materials indicate there was some timber conversion associated with the proposed project. The project is in an area mapped very high fire hazard severity. Comments received from Cal Fire provided no comment. A Timber Conversion Report (**Attachment 4F**) conducted by a Registered Professional Forester from Natural Resource Management concluded that approximately 1.34 acres were converted. The Report contains five recommendations which are incorporated into the permit as conditions of approval (**Condition of Approval A12**).

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 (APN 208-055-001) 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 60 feet south 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 (LRMP). The cultivation areas are consistent with the LRMP because activities will minimize impacts on biological resources and wildlife through measures to reduce potential light and noise 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 60 feet away from the shared parcel boundary. There do not appear to be any recreational access sites or parking areas located near the subject parcel. An informational note is included in the conditions of approval notifying the applicant of potential conflicts with federal law regarding transportation of cannabis. However, no access routes to the property appear to pass through federal lands at this time.

Security and Safety: Per the project Operations Plan, access to the parcel is gated and locked and there is a 24 hour / 7 day a week presence during the cultivation season. Security cameras are also used. The Site Plan provided by the applicant depicts an emergency vehicle turnaround but 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 A8**). The project parcel is within the State Responsibility Area and the Ruth Lake Community Services District (RLCSD). The project is conditioned to provide a will-serve letter from the RLCSD or record an acknowledgement of no available emergency response and fire suppression services (**Condition of Approval A5**).

The project parcel is mapped airport protected airspace (CC333/FAR77). The project referral was sent

to the county airport manager and the Federal Aviation Administration (FAA). The FAA sent a letter of Determination of No Hazard to Air Navigation (**Attachment 4G**). The county airport manager did not respond to the referral.

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**).

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 Conditional Use Permit, the total approved permits for cultivation in this Planning Watershed would be 145 permits and the total approved acres would be 49.03 acres of cultivation.

Environmental Review: Environmental review for this project was conducted and based on the analysis it is concluded 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. Well Completion Report
 - B. Lake or Streambed Alteration Agreement (LSAA).
 - C. Relocation Analysis
 - D. Restoration Plan with Map
 - E. Road Evaluation
 - F. Timber Conversion Report
 - G. FAA Determination of No Hazard
5. Referral Agency Comments and Recommendations
- A. Division of Environmental Health
 - B. California Department of Fish and Wildlife
 - C. Cal Fire
 - D. Caltrans
 - E. Six Rivers National Forest
6. Watershed Map

Applicant:

Matthew Dazey
PO Box 772
Garberville CA 95542

Owner:

Matthew Dazey
PO Box 772
Garberville CA 95542

Agent:

Margro Advisors
117 Wildwood Ave
Rio Dell CA 95562

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