



COUNTY OF HUMBOLDT

For the meeting of: 4/3/2025

File #: 25-426

To: Planning Commission

From: Planning and Building Department

Agenda Section: Consent

SUBJECT:

Finmark Farms, LLC Conditional Use Permit
Assessor's Parcel Numbers: 218-081-002
Record Numbers: PLN-13337-CUP
New Harris Area

A Conditional Use Permit for 40,000 square feet of existing outdoor commercial cannabis cultivation with no separate ancillary nursery. Estimated annual water usage is 386,812 gallons sourced from two rainwater catchment ponds. One pond is located on APN 218-051-008 and the other is located on APN 218-081-003. Total water storage consists of the 350,000-gallon pond on APN 218-051-008 and the 2,000,000-gallon pond on APN 218-081-003 as well as 5,000 gallons of onsite tanks. Onsite processing in the form of drying is proposed with all other processing to proposed to occur on 218-081-003. Power is provided by PGE and no generator use is proposed.

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 Finmark Farms, LLC project (Attachment 3); and
 - b. Finds the proposed project complies with the General Plan and Zoning Ordinance; and
 - c. Approves the Finmark Farms, LLC Conditional Use Permit subject to the conditions of approval (Attachments 1A).

DISCUSSION:

Project Location:

The project is in the New Harris area, on the East and West side of Hogtrap Road, approximately 300 feet North from the intersection of Southface Road and Hogtrap Road, on the property known as 1776 Hogtrap Road.

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 40,000 square feet of existing outdoor commercial cannabis cultivation with no separate ancillary nursery. Estimated annual water usage is 386,812 gallons sourced from two rainwater catchment ponds. One pond is located on APN 218-051-008 and the other is located on APN 218-081-003. Total water storage consists of the 350,000-gallon pond on APN 218-051-008 and the 2,000,000-gallon pond on APN 218-081-003 as well as 5,000 gallons of onsite tanks. Onsite processing in the form of drying is proposed with all other processing to proposed to occur on 218-081-003. Power is provided by PGE and no generator use is proposed.

The comprehensive irrigation system for this constellation of farms is a series of three rainwater catchment ponds shared across six parcels and cultivation operations. The five pending permit applications before the Planning Commission are 13374, 13337, 13367, 13336, and 13365 on APNs 218-051-008; 218-081-002; 218-081-006; 218-091-003; and 218-090-001. One pond is associated with application 13356 on APN 218-081-003 which has already been approved. Additionally, water lines cross APN 218-081-001 which is owned by the operators but has no cannabis uses on it. The project is conditioned requiring the recordation of appropriate easement(s) for the water distribution system.

The applicant provided an analysis demonstrating the ponds and catchment areas on the project parcels supporting the irrigation system can catch adequate annual irrigation water even in a drought year using available data. 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 site does not contain any known surface waters. Comments from CDFW have been considered and incorporated into the conditions of approval.

Hogtrap Road has been self-certified as equivalent of a category 4 standard and the documentation provided for Hogtrap Road include photographic evidence depicting roadbed and width is adequate for the area. 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.

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 350,000 gallons (8.75 gallons per square foot) from two rainwater catchment ponds. Per the Operations Plan, the ponds are approximately 350,000 gallons (on APN 218-051-008) and 2,000,000 gallons (on APN 218-071-003) in capacity. An additional 5,000 gallons in onsite tanks are also used for irrigation storage.

The applicant provided a rainwater catchment analysis (**Attachment 4A**). The analysis evaluates the entire irrigation system which is shared by six separate parcels. This analysis estimates that a total of 1,904,202 gallons is needed to serve the six operations. Using low rainfall data, the applicant estimates that approximately 2,526,197 gallons of water can be collected. The ponds and catchment areas on the project parcels supporting the irrigation system can catch adequate annual irrigation water even in a drought year using available data. 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 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 A10**).

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

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 project site has an active Lake or Streambed Alteration Agreement (LSAA) (1600-2019-0851-R1). The project is conditioned to comply with the terms of the LSAA (**Condition of Approval C16**). CDFW comments resulting from a site visit indicate the presence of cultivation within a riparian buffer. The applicant estimates this to be approximately 500 square feet. Cultivation shall not occur within streamside management areas or riparian buffers so the project is conditioned to provide an onsite relocation and restoration plan (**Condition of Approval A11**). Additionally, CDFW comments indicate the presence of features not depicted on the site plan so the project is conditioned requiring a site plan update (**Condition of Approval A4**).

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 (HUM0644) approximately 1.1 miles to the south and (HUM0223) approximately 2.7 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 nursery 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 C5 and B10**), 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 PGE and no generators are proposed to be used. (**Condition of Approval B4**).

Access:

According to the county GIS and the applicant, the project parcel is accessed from Hogtrap Road, a privately maintained road that takes access from Island Mountain Road, which is county maintained. The applicant provided documentation demonstrating they have entered into a Road Maintenance

Agreement with other cannabis operations that are adjacent to Hogtrap Road (**Attachment 4D**). While a road evaluation for this specific project was not provided, there are other road evaluations for Hogtrap Road in Planning and Building Department records. Hogtrap Road has been self-certified as equivalent to a category 4 standard and the documentation provided for Hogtrap Road include photographic evidence depicting roadbed and width. It is also noted that, except for two properties at the very beginning of Hogtrap Road at the southern intersection, almost the entire road segment serves cannabis farms owned and operated by the members of the Road Maintenance Agreement.

The Operations Plan states there will be up to four employees during peak operations. The site plan does not depict parking so a site plan update is a condition of approval (**Condition of Approval A4**). The referral response from Public Works recommended approval and the project includes standard conditions for sight visibility and encroachment (**Condition of Approval A9**).

Geologic Suitability:

The project parcel is mapped in the County GIS as high instability. The existing cultivation is in areas mapped as 15 - 30% slope. 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. Comments received from CalFire indicate that no timber conversion is authorized. 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 B5**).

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 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 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 115 permits and the total approved acres would be approximately 47.93 acres of cultivation. If all five proposed projects are approved, the total number of approved permits in this planning watershed would be 119 permits and the total approved acres would be approximately 50.33 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 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. Notice of Applicability
 - C. Site Management Plan
 - D. Road Maintenance Agreement
 - E. Lake or Streambed Alteration Agreement.
5. Referral Agency Comments and Recommendations
- A. Division of Environmental Health
 - B. Public Works
 - C. California Department of Fish and Wildlife
 - D. CalFire
6. Watershed Map

Applicant:

Finmark Farms LLC
Mark Finley
2142 Island Mountain Road
Garberville CA 95542

Owner:

Mark Finley
2142 Island Mountain Road
Garberville CA 95542

Agent:

Jasmine Finley
Finley and Friends
PO Box 428
Garberville CA 95542

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