



COUNTY OF HUMBOLDT

For the meeting of: 9/4/2025

File #: 25-1081

To: Planning Commission

From: Planning and Building Department

Agenda Section: Public Hearing

SUBJECT:

Empress Farms, LLC Special Permits, Zoning Clearance Certificates, and Conditional Use Permit
Assessor Parcel Numbers: 104-291-005 and 104-321-001 (one separate legal parcel)
Record Numbers: PLN-2020-16224 and PLN-12698-ZCC
Petrolia Area

A Special Permit for 33,560 square feet of new outdoor commercial cannabis cultivation and 43,560 square feet of outdoor commercial cannabis cultivation under the Retirement, Remediation and Relocation program (PLN-12698-ZCC) for a proposed total addition of 77,120 square feet. The project parcel already contains 10,000 square feet of approved outdoor commercial cannabis cultivation under PLN-11418-ZCC. With approval of the Special Permit, the total cultivation would be 87,120 square feet. The project also includes a Conditional Use Permit for a 7,600 square foot commercial nursery, and non-flammable cannabis manufacturing located on a road that is not paved to Category 4 standards. The project site already contains an ancillary nursery that serves the previously approved onsite cultivation in addition to a nearby cultivation site operated by the same entity (PLN-12694-CUP on APN 104-311-019). With the approval of the Special Permit, an additional 8,712 square feet of ancillary nursery will be added, bringing the total ancillary nursery space to 14,068 square feet. Water use is projected to be 824,276 gallons per year. The irrigation source is an existing 1,097,350-gallon rainwater catchment pond. An on-site permitted well and spring may be used for the manufacturing activities. PGE provides electricity.

RECOMMENDATION(S):

That the Planning Commission:

Adopt the resolution (Attachment 1), which does the following:

- a. Finds the Planning Commission has considered the adopted Environmental Impact Report for the Commercial Cannabis Land Use Ordinance and the Addendum that was prepared for the project; and

- b. Finds the proposed project complies with the General Plan and Zoning Ordinance; and
- c. Approves the Special Permits, and Conditional Use Permit subject to the recommended conditions of approval (Attachment 1A).

DISCUSSION:

Project Location:

The project is in the Petrolia area, on the north side of Mattole Road, approximately 2,500 feet east-northeast from the intersection of Mattole Road and Mattole Camp Road, on the property known as 37593 Mattole Road.

Present General Plan Land Use Designation:

Residential Agriculture with a 20-acre minimum lot size (RA20), 2017 General Plan. Density: 20 acres per unit. Slope Stability: Low to Moderate Instability (1,2).

Present Zoning:

Unclassified (U).

Environmental Review:

An Addendum to a previously certified Environmental Impact Report 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 33,560 square feet of new outdoor commercial cannabis cultivation and 43,560 square feet of outdoor commercial cannabis cultivation under the Retirement, Remediation and Relocation program for a proposed total addition of 77,120 square feet. The project parcel already contains 10,000 square feet of approved outdoor commercial cannabis cultivation under PLN-11418-ZCC. With approval of the Special Permit, the total cultivation would be 87,120 square feet. The project also includes a Conditional Use Permit for a 7,600 square foot commercial nursery and non-flammable cannabis manufacturing located on a road that is not paved to Category 4 standards. The project site already contains an ancillary nursery that serves the previously approved onsite cultivation in addition to a nearby cultivation site operated by the same entity (PLN-12694-CUP on APN 104-311-019). With the approval of the Special Permit, an additional 8,712 square feet of

ancillary nursery will be added, bringing the total ancillary nursery space to 14,068 square feet. Water use is projected to be 824,276 gallons per year. The irrigation source is an existing 1,097,350-gallon rainwater catchment pond. PGE provides electricity.

The implementation of 43,560 square feet of outdoor commercial cannabis cultivation under the Retirement, Remediation and Relocation program for this project is contingent upon the execution of the zoning clearance certificate for PLN-12698-ZCC. PLN-12698-ZCC is the retirement and remediation of 43,560 square feet of historic cannabis cultivation on APN 104-143-016. The Cultivation area for PLN-2020-16224 shall be limited to 43,560 square feet until the Zoning Clearance Certificate PLN-12698-ZCC is approved (**Condition of Approval A-23**).

There are currently six buildings in use for cannabis activities onsite: three shipping containers totaling 800 square-feet that will be used for storage, propagation and manufacturing work area, a 3,456 square-foot drying building, a 112 square-foot shed used for agricultural chemical storage, and a 312 square-foot metal building used for storage. The applicant proposes six new structures that will total 5,648 square feet that will be used for employee needs, waste storage, office/administrative hold purposes, commercial manufacturing, and packaging. The proposed and existing structures are shown on **Attachment 1C - Site Plan**. Per Notice of Merger recorded as document number 1638-654, parcels 104-291-005 and 104-321-001 are one legal parcel. Power for the existing and proposed activities is provided by Pacific Gas and Electric Company (PG&E).

Water Resources:

Estimated annual cultivation water usage is 7.6 gallons per square foot. Water for irrigation will be provided by rain catchment and is stored in an existing 1,097,350-gallon pond. A permitted groundwater well and a spring will provide water for workers and the needs of the proposed manufacturing facility. The permitted well, permit number 16/17-0052 (**Attachment 4E**), is for domestic water and to support the manufacturing operations. The project is conditioned that the applicant install and utilize water meters at the outlet of the rainwater catchment pond, the well head, and the spring box to demonstrate that there is sufficient water supply to meet the demands of the project and that annual water use records be provided prior to or during the annual inspection (**Conditions of Approval B3, B5**).

The pond has a primary rainwater catchment area of 21,000 square feet. According to the PRISM Weather Data Center, the project area experienced between 20.95 and 89.81 inches of rainfall per year in the last 25 years. For the purposes of determining the rainwater catchment potential of the project, the three lowest rainfall years in the last 25 years are averaged to create a drought year average precipitation amount. For this area the average drought year precipitation amount is 30.47 inches. The surface area of the pond is 21,000 square feet which means that in an average drought year the pond has the capability of collecting 398,895 gallons of rainwater. The total rainwater collection surface area needed to fill the pond to capacity in a drought year is 57,925 square feet. Prior to expanding the cultivation area beyond 39,000 square feet of cultivation area, the applicant

shall establish 37,925 square feet of rainwater catchment surface. Rainwater catchment surfaces shall be plumbed to fill the rainwater pond or other approved storage (**Condition of Approval A-3**). With the addition of this collection area, the pond will be able to collect and store 1,097,350 gallons of water in a drought year. Accounting for a 25% evaporation rate, the project will potentially have 824,276 gallons of rainwater available for irrigation water. Given that this is equal to the amount of irrigation water needed at full buildout, a condition of approval is proposed to add an additional 20,000 gallons of water storage prior to full buildout of the total cultivation area to ensure adequate water in the event of the pond running dry (**Condition of Approval A3**). If the applicant is unable to fill the pond to capacity the cultivation area shall be reduced in proportion to the deficit (**Condition of Approval B-2**). In addition the applicant is required to install water meters at the outlet of the rainwater catchment pond, the well, and the spring to track water usage monthly from each water source and shall obtain a final Lake and Stream Alteration Agreement (LSAA) that includes the water diversion from the spring and use of the well (**Condition of Approval A-2, A-4, A-5**).

The well is in the center of the parcel within the 150-foot buffer around the spring. According to the Well Completion Report, the completed well is 340 feet deep and drilled through clay and cobbles, blue clay and blue sandstone. An unperforated well casing is installed for the first 38 feet of the well, with additional screening for the remaining depth of the well at 340 feet below ground surface. The use of the well and the spring together are limited to 180,000 gallons annually and may only be used to support the proposed manufacturing activity and domestic uses. (**Condition of Approval A-4, A-5**).

As depicted on the Site Plan, there is Streamside Management Area (SMA) 50-foot buffer around the class three ephemeral watercourse. No project activities are conducted in the SMA buffer. There are also two mapped wetlands that were delineated in 2021. The applicant provided a modified site plan to maintain a 100-foot buffer around the mapped wetlands. As shown on the Site Plan, all cultivation activities and respective infrastructure would be located outside of the required SMA and wetland buffers.

Prior to commencing the expanded cultivation, manufacturing, and nursery operations entitled by this Permit, the permittee shall provide documentation demonstrating enrollment State Water Board General Order No. WQ 2019-0001-DWQ by providing a copy of the Notice of Applicability and a Site Management Plan (**Condition of Approval A-1**).

The applicant is proposing to extract cannabis rosin using ice water and static electricity. The applicant submitted a Waste Treatment Program for the manufacturing activity (**Attachment 4G**). Spent plant material will be composted on site and water used in the extraction process will be disposed of through a greywater system or an approved wastewater treatment system.

Biological Resources:

Per review of CDFW's California Natural Diversity Database in June 2025, the project parcels do not include habitat for special status animal species. The nearest Northern spotted owl positive sighting

and activity center is located approximately 1.9 miles north-northeast of the project site. A Biological Resource Assessment (**Attachment 4D**), Botanical Surveys (**Attachment 4C**), and Wetland Assessment (**Attachment 4B**) were conducted for the project. There were no special status animals, or plants, identified on site in the initial biological study. The study did identify the presence Elymus glaucus which is a component species of Bromus sitchensis var. carinatus - Elymus glaucus alliance [G3S3]. This alliance has been assigned a conservation status rank of G3S3, Globally Vulnerable, Subnationally Vulnerable. The alliance areas were mapped, and the project has been designed and conditioned to prevent disturbance of this alliance (**Condition of Approval A4**). Botanical surveys did indicate the presence of the invasive plant Scotch Broom (Cytisus scoparius), and the applicant subsequently submitted an invasive species management plan (**Attachment 4E**) describing ongoing efforts to control the Scotch Broom.

A wetland delineation was prepared for the parcel, and wetlands were identified and mapped. The project was reconfigured with 100-foot buffers around mapped wetlands, so that the project will not impact wetlands. All cultivation activities and respective infrastructure will be located outside of any wetland and streamside management area buffers. An existing vehicle access crosses through a portion of a wetland buffer; however no additional encroachment is proposed. Wetlands and buffer areas are shown on the site plan (**Attachment 1C**). Conditions of approval require the applicant to implement light and noise attenuation measures, refrain from using synthetic netting for erosion control, ensure refuse is contained in wildlife proof storage, and refrain from using anticoagulant rodenticides to further protect wildlife (**Ongoing Conditions of Approval B4 - B10**). As proposed and conditioned, the project is consistent with CCLUO performance standards and CDFW guidance and will not negatively impact NSO or other sensitive species.

On June 6, 2025, California Department of Fish and Wildlife (CDFW) staff conducted a site inspection at the subject property. The following comments were submitted to Planning and Building following the inspection. CDFW requested that all comments are incorporated in the final Humboldt County Staff Report. A Lake and Streambed Alteration Agreement (LSAA, EPIMS-06638-HUM-R1) was issued to the applicant, Joshua Free, on June 21, 2019, however the applicant did not install a water meter or submit the required water monitoring reports for the water diversion (spring). The LSAA expired on June 21, 2024. As a result, the applicant does not have a valid LSAA. The applicant maintains a single encroachment for water diversion that is used by onsite workers. As a condition of approval, the applicant shall either obtain a final LSAA that includes the water diversion or remove the Point of Diversion (POD) and receive a "No Agreement Needed" letter from CDFW (**Condition of Approval A4**). CDFW also requested either the prohibition of synthetic netting (e.g., plastic or nylon), including photo or biodegradable plastic netting, for use in cultivation operations and/or erosion control, or, if the applicant uses synthetic netting, that the applicant is required to follow Best Management Practices (BMPs) that provides requirements on responsible storage, disposal, and use (**Condition of Approval B7**).

Public Lands:

There are no public lands within 600 feet of the project parcel.

Access:

The property is accessed via a private driveway off Mattole Road, a county-maintained road. A Road Evaluation Report (**Attachment 4A**) was prepared that found that, despite not being developed equivalent to Category 4, the .31-mile driveway will meet standards and support the proposed project's traffic including the commercial nursery and manufacturing.

The Humboldt County Department of Public Works (DPW) provided a comment memo on 4/16/2020 with conditions of approval. DPW requested that if the County road has a paved surface at the location of the access driveway, the access road shall be paved for a minimum width of 20 feet and a length of 50 feet where it intersects the County road. (**Condition of Approval A18**). As required by the State Waterboard and as conditioned, the project meets the location criteria for road access required under HCC Sec. 314-55.4.7.3.

Prime Soils

In 2023, the NRCS (Natural Resources Conservation Service) refreshed soil data and interpretations as part of their annual soils refresh process. This involved updating existing soil data and adding new data. The NRCS also maintains lists of Prime Farmland and Farmland of Statewide Importance, which are important for agricultural land use and conservation planning. The 2023 data refresh classified the soils on the project site as Farmland of Statewide Importance. This category includes land that doesn't quite meet the criteria for Prime Farmland but is still important for agricultural production, often producing high yields when properly managed. The project proposes cultivation of cannabis planted directly into native soils. The soil in the proposed project area is well suited for this use but the project will not impact on the availability of prime soils for other agricultural purposes.

Noise

Noise Performance Standards required in the CCLUO, per section 314-55.4.12.6, states that noise from cultivation and related activities shall not result in an increase of more than three decibels of continuous noise above existing ambient noise levels at any property line of site. The applicant has submitted a Sound Evaluation Report (**Attachment 4F**), which describes noise measurements taken at the west, south, and east property lines. The existing average decibel levels at the west, south, and east property lines when measurements were taken were 50.3, 48.1, and 57.5 decibels respectively. The project is conditioned to not exceed three decibels above the measured average ambient noise levels found at each property line for the life of the project (**Condition of Approval B-11**).

Cultural Resources:

A Cultural Resources Investigation was conducted by William Rich and Associates in June 2017. The report concludes that no significant archaeological or historic period cultural resources, that for the purposes of CEQA would be considered an historical resource, exist on the site proposed for cannabis cultivation. The project was referred to the Northwest Information Center (NWIC) and the Bear River

Band of the Rohnerville Rancheria. After reviewing project materials, the Tribal Historic Preservation Officer for the Bear River Band of the Rohnerville Rancheria has requested that the standard inadvertent archaeological discovery protocol be included in the conditions of approval (**Condition of Approval B-1**).

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 Cape Mendocino Planning Watershed, which under Resolution 18-43 is limited to 650 permits and 223 acres of cultivation. With the approval of this project the total approved permits for cultivation in this Planning Watershed would be 223 and the total approved acres of cultivation would be 88.1.

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 is confident that 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. Road Evaluation
 - B. Wetland Assessment
 - C. Botanical Surveys
 - D. Biological Resource Assessment
 - E. Invasive Species Control Plan

F. Well Permit

G. Ambient Noise Study

H. Waste Treatment Program

5. Referral Agency Comments and Recommendations

Applicant

Empress Farms LLC

c/o Josh Free

P.O. Box 7

Petrolia, CA 95558

Owner

Lost Coast Collective

c/o Kristopher Schuster

P.O. 113

Petrolia, CA 95558

Agent

PR Professional Services

c/o Paula Pavlich

4112 Walnut Drive

Eureka, CA 95503

Please contact Andrew Whitney, Planner at awhitney2@co.humboldt.ca.us or 707-268-3735 if you have any questions about the scheduled item.