



COUNTY OF HUMBOLDT

For the meeting of: 4/3/2025

File #: 25-425

To: Planning Commission

From: Planning and Building Department

Agenda Section: Consent

SUBJECT:

Hog Trap Farms, LLC Conditional Use Permit
Assessor Parcel Number 218-071-003
Record No.: PLN-13336-CUP
New Harris Area

A Conditional Use Permit for 13,560 square feet of existing outdoor and 20,000 square feet of new mixed light commercial cannabis cultivation with no separate ancillary nursery. Estimated annual water usage is 456,200 gallons sourced from a rainwater catchment pond located on APN 218-081-003. Total water storage consists of a 2,000,000-gallon pond and 65,000 gallons of onsite tanks. Onsite processing is proposed to occur on adjacent parcel 218-081-003 and power is provided by PGE through an eligible renewable energy program and no generator use is proposed.

RECOMMENDATION(S):

That the Planning Commission:

1. Adopt the resolution, (Attachment 1) which does the following:
 - a. Finds the Planning Commission has considered the Final Environmental Impact Report for the Commercial Cannabis Land Use Ordinance and the Addendum that was prepared for the Hog Trap Farms, LLC project; and
 - b. Finds the proposed project complies with the General Plan and Zoning Ordinance; and
 - c. Approves the Hog Trap Farms, LLC Conditional Use Permit subject to the conditions of approval (Attachment 1A).

DISCUSSION:

Project Location:

The project in the New Harris area, on both sides of Hogtrap Road, approximately 0.9 miles east from the intersection of Island Mountain Road and Hogtrap Road, on the property known as 908 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 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.

Monitoring Required:

Annual Compliance Monitoring.

Executive Summary:

A Conditional Use Permit for 13,560 square feet of existing outdoor and 20,000 square feet of new mixed light commercial cannabis cultivation with no separate ancillary nursery. Estimated annual water usage is 456,200 gallons sourced from a rainwater catchment pond located on APN 218-081-003. Total water storage consists of a 2,000,000-gallon pond and 65,000 gallons of onsite tanks. Onsite processing is proposed to occur on adjacent parcel 218-081-003 and power is provided by PGE through an eligible renewable energy program 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 CCLUO 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 contains one mapped stream that is sufficiently setback from cannabis operations. 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. 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 456,200 gallons (13.6 gallons per square foot) from a rainwater catchment pond on adjacent parcel 218-081-003. Per the Operations Plan, the pond is approximately 2,000,000 gallons in capacity. An additional 65,000 gallons in onsite tanks are 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 A9**).

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. Processing will occur on adjacent parcel 218-081-003 and the project is conditioned that the structure be permitted with the appropriate occupancy and wastewater facilities (**Condition of Approval A10**). 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) (1600-2019-0854-R1). The project is conditioned to comply with the terms of the LSAA (**Condition of Approval C16**). Additionally, setbacks from cultivation areas to nearby surface water are 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 project site contains one mapped surface waters that meets applicable setbacks. The nearest mapped Northern Spotted Owl activity centers are (HUM0644) approximately 0.85 miles to the south and (HUM0223) approximately 2.89 miles to the northwest. The proposed project will utilize the pre-existing disturbed areas or clearings in existence prior to baseline. The new proposed cultivation will occur in an area that was already disturbed therefore the cultivation will not impact Northern Spotted Owl habitat. A comment letter was received from the Bureau of Land Management expressing concern about Northern Spotted Owl impacts (**Attachment 5E**). In response to the comment letter, the applicant provided a Northern Spotted Owl Assessment conducted by a Biologist (**Attachment 4D**). The Assessment concluded there would be no disturbance if performance standards for light and sound were followed. 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 the noise standards described below. As proposed and conditioned, the project is consistent with CCLUO performance standards and CDFW guidance and will not negatively affect the Northern Spotted Owl or other sensitive species. The project is conditioned to develop and implement an invasive species management plan (**Condition of Approval A10**).

Noise:

A Noise Source Assessment and Mitigation Plan is required as a condition of approval (**Condition of Approval A11**). The noise assessment must take at least three readings at various property lines to establish an average decibel (dB) baseline. In accordance with the CCLUO performance standards,

noise limits shall be three decibels above ambient noise measurements. The Plan shall also describe various noise attenuation measures such as construction materials and design as well as monitoring.

Prime Soils:

According to mapping resources available through the county GIS, there are no mapped prime soils present on the property. Coverage of prime soils by the proposed project is 0% which is below the 20% maximum allowed under the CCLUO.

Energy:

Electricity is sourced from an existing PGE connection through an eligible renewable energy program with no generator usage (**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**). The applicant provided a road evaluation (**Attachment 4E**). 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 eight 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 did not contain any recommendations for this project.

Geologic Suitability:

The project parcel is mapped in the County GIS as high instability. The existing and proposed new cultivation are in areas mapped as 15% 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. CalFire responded to the referral with no comment. 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 security lighting and alarm systems are in use. The Site Plan provided by the applicant depicts an emergency vehicle turnaround and shows water storage dedicated to fire suppression. 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 A6**).

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 47.78 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:

An 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 previous Final Environmental Impact Report (EIR) that was adopted for the CCLUO. Staff has prepared an addendum (**Attachment 3**) to the EIR 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 other conditions of approval. The Planning Commission could deny the project 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
 - 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. Northern Spotted Owl Assessment
 - E. Road Maintenance Agreement
 - F. Road Evaluation
 - G. 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
 - E. Bureau of Land Management
6. Watershed Map

APPLICANT AND OWNER INFORMATION:

Applicant:

Hog Trap Farms LLC
Mark Finley
2142 Island Mountain Road
Garberville CA 95542

Owner:

Joseph Cipriano

File #: 25-425

1271 Evergreen Road #2 Box 110
Redway CA 95560

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.