

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT**

Resolution Number: 25-076

Record Number: PLN-2024-19115

**Assessor's Parcel Numbers: 314-131-088, 314-131-092,
and 314-131-091 which includes a portion of 314-131-057**

Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approves the Sacred Groves Kneeland Cemetery Conditional Use Permit.

WHEREAS, Sacred Groves Inc., submitted an application and evidence in support of a Conditional Use Permit for a green burial cemetery. Burials of human remains are proposed to occur in single plots and family groves at a maximum density of 120 graves per acre.

WHEREAS, the County Planning Division has reviewed the submitted application and evidence and has referred the application and evidence to involved reviewing agencies for site inspections, comments, and recommendations; and

WHEREAS, the project is subject to environmental review pursuant to the California Environmental Quality Act (CEQA); and

WHEREAS, a Mitigated Negative Declaration was prepared for the proposed Conditional Use Permit and circulated for public review pursuant to Section 15074 of the CEQA Guidelines; and

WHEREAS, the Humboldt County Planning Commission held a duly-noticed public hearing on **November 6, 2025**, and reviewed, considered, and discussed the application for the Conditional Use Permit, and reviewed and considered all evidence and testimony presented at the hearing.

Now, THEREFORE BE IT RESOLVED, that the Planning Commission makes all the following findings:

- 1. FINDING:** **Project Description:** A Conditional Use Permit for a green burial cemetery. Burials of human remains are proposed to occur in single plots and family groves at a maximum density of 120 graves per acre. Graves will be dug by hand to minimize impacts on plants and soil. Bodies and biodegradable burial materials

will be buried in the root zone at a minimum depth of 18 inches. The site is currently managed for hay production, grazing and forest health and will continue with cemetery operations. Ceremonial tree plantings will be watered for one year with water from a rainwater catchment tank. The project will result in conversion of some hay field to oak savannah. The property entrance will be improved, and a short driveway, parking area, and a non-residential ceremonial structure will be constructed. Visitation to the cemetery will be limited by a locked gate.

EVIDENCE: a) Project File: PLN-2024-19115

2. FINDING: **CEQA:** As required by the California Environmental Quality Act, the project was found subject to CEQA and a Mitigated Negative Declaration was prepared by the Planning and Building Department, Planning Division (Attachment 2), which evaluated the project for any adverse effects on the environment.

EVIDENCE: a) The CEQA document includes an analysis of the subject Conditional Use Permit. The Initial Study and Draft Mitigated Negative Declaration (IS/MND) was circulated for public review from September 23, 2025, through October 23, 2025 (SCH# 2025091001).

b) The IS/MND included two mitigation measures which have been incorporated into a Mitigation Monitoring and Reporting Plan which is being adopted as part of the project.

3. FINDING: **ENVIRONMENTAL IMPACTS FOUND NOT TO BE SIGNIFICANT-NO MITIGATION REQUIRED.** The following impacts have been found to be less than significant and mitigation is not required to reduce project related impacts: Aesthetics, Air Quality, Energy, Agriculture and Forestry Resources, Energy, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Mineral Resources, Noise, Population and Housing, Public Services, Recreation, Transportation, Utilities and Service Systems, and Wildfire.

EVIDENCE: a) There is no evidence of an impact to any of the above-mentioned potential impact areas based on the project as proposed at this proposed location.

- b) Initial Study/Mitigated Negative Declaration circulated for public review from September 23, 2025, to October 23, 2025.
- c) No public or agency comments were received on the Initial Study/Mitigated Negative Declaration during the circulation period.

4. FINDING:

ENVIRONMENTAL IMPACTS MITIGATED TO LESS THAN SIGNIFICANT – The Initial Study identified potentially significant impacts to Biological Resources, Cultural Resources, and Tribal Cultural Resources, which could result from the project as originally submitted. Mitigation Measures have been required to ensure potential impacts are limited to a less than significant level.

- EVIDENCE:**
- a) **Biological Resources:** Potentially significant impacts will be mitigated to a less than significant level with the implementation of the following mitigation measures for biological resources:

To ensure that the project does not impact wetlands, the project will be conditioned to submit a Development Plan to the Planning Division for review and approval. The Development Plan Map will exclude the seasonal wetland (ephemeral channel) from project activities and from any future development. Once the map is reviewed and approved by the Humboldt County Planning and Building Department the applicant shall record a "Notice of Development Plan" with the Humboldt County Recorder's Office.

- b) **Cultural Resources:** Potentially significant impacts will be mitigated to a less than significant level with the implementation of the following mitigation measures for cultural resources:

To ensure that the project does not impact cultural resources, the project will be conditioned to submit a Development Plan to the Planning Division for review and approval. The Development Plan Map will exclude Culturally sensitive areas from project activities and will exclude the project area, burial grounds, from any future development not specifically authorized by the Conditional Use Permit and described in

Appendix A- Site Plan. Once the map is reviewed and approved by the Humboldt County Planning and Building Department the applicant shall record a "Notice of Development Plan" with the Humboldt County Recorder's Office (see Tribal Cultural Resources mitigation below).

- c) **Tribal Cultural Resources:** Potentially significant impacts will be mitigated to a less than significant level with the implementation of the following mitigation measures for tribal cultural resources:

To ensure that the project does not impact tribal cultural resources, the project will be conditioned to submit a Development Plan to the Planning Division for review and approval. The Development Plan Map will exclude Culturally sensitive areas from project activities and will exclude the project area, burial grounds, from any future development not specifically authorized by the Conditional Use Permit and described in Appendix A- Site Plan. Once the map is reviewed and approved by the Humboldt County Planning and Building Department the applicant shall record a "Notice of Development Plan" with the Humboldt County Recorder's Office.

If suspected archaeological resources, such as lithic materials or ground stone, historic debris, building foundations, or bone are discovered during Project activities, work shall be stopped within 100 feet of the discovery. Contact would be made to the County, a professional archaeologist and representatives from the Bear River Band of Rohnerville Rancheria, Wiyot Tribe, and any other tribe that may be identified by the NAHC as traditionally or culturally affiliated with the Project area. The professional archaeological resource consultant, Tribes, and County officials would coordinate provide an assessment of the find and determine the significance and recommend next steps.

If human remains are discovered during Project activities, work would stop at the discovery location, within 100 feet, and any nearby area reasonably suspected to overlie adjacent to human remains (Public Resources Code, Section 7050.5). The Humboldt

County coroner would be contacted to determine if the cause of death must be investigated. If the coroner determines that the remains are of Native American origin, it is necessary to comply with state laws relating to the disposition of Native American burials, which fall within the jurisdiction of the NAHC (Public Resources Code, Section 5097). The coroner would contact the NAHC. The descendants or most likely descendants of the deceased would be contacted, and work would not resume until they have made a recommendation to the landowner or the person responsible for the excavation work for means of treatment and disposition, with appropriate dignity, of the human remains and any associated grave goods, as provided in Public Resources Code, Section 5097.98.

FINDINGS FOR CONDITIONAL USE PERMIT

- 5. FINDING:** The proposed development is in conformance with the County General Plan, Open Space Plan, and the Open Space Action Program.
- EVIDENCE:**
- a) The Green Burial Cemetery proposed is a compatible use type in the Agricultural Exclusive (AG) and Timber (T) land use designations.
 - b) The proposed cemetery will not reduce the agricultural or timber production capacity of the land in the project area. As such it is consistent with the Open Space Plan and Open Space Action Program.
 - c) The land in the project area will remain in active management for grazing and hay production and will be available for timber harvest as allowed on existing or future timber management plans.
 - d) Project conditions require the recordation of a development plan that will limit development in the project area for perpetuity, through this mechanism the agricultural production capacity of the project area will be protected.
- 6. FINDING:** The project has been designed and will be implemented to not result in the loss of agricultural land, the loss of agricultural production in conservation areas, the loss of productive

agricultural soils consistent with Plan Policies AG-P6 and AG-P16

- EVIDENCE:**
- a) Humboldt County General Plan Policy AG-P6, known as the "No Net Loss" policy, requires that any conversion of agricultural land outside designated urban growth boundaries must be mitigated to prevent a net reduction in the agricultural land base and production. The project does not propose actions that will convert land to non-agricultural uses. Agricultural uses will continue in the cemetery and project conditions will prevent development in the project area.
 - b) The cemetery is a conditionally permissible use in Agricultural Exclusive zone. The proposed use is similar to and compatible with the uses permitted in the AE Zone. The production of hay and grazing will continue, and the project will not interfere with these uses.
 - c) AG-P16 calls for the protection of productive agricultural soils. The soils on the project have been determined to be suitable for the proposed project, the burial and decomposition of human remains, by a soil suitability analysis included in the IS/MND as Appendix H. The project will not decrease the productive capacity of the soil for its current and intended future use – grazing and hay production.

7. FINDING: The proposed development is consistent with the purposes of the existing AE, and TPZ zones in which the site is located.

- EVIDENCE:**
- a) The Agriculture Exclusive or AE Zone is intended to be applied in fertile areas in which agriculture is and should be the desirable predominant use and in which the protection of this use from encroachment from incompatible uses is essential to the general welfare. The Timberland Production or TPZ Zone is intended to provide standards and restrictions for the preservation of timberlands for growing and harvesting timber.

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- b) The AE zone allows any use not specifically enumerated in this Division if it is similar to and compatible with the uses permitted

in the AG zone with a Conditional Use Permit. The project is compatible with the AG zone as the proposed project will incorporate continuous agricultural use of the property into the project.

The TPZ zone allows any use not specifically enumerated in this Division if it is similar to and compatible with the uses permitted in the TPZ zone with a Conditional Use Permit. The project is compatible with the TPZ zone as the proposed project will incorporate continuous management of timber lands into the project. The use of the lands zoned for timber production will not be impinged by the physical characteristics of the project.

- c) The location and height of all project elements meet the setback and building height requirements for the AE, and TPZ zones.
- d) Certificate of Subdivision Compliance (COSC), recorded as document number 1998-291-3 establishes the legality of the project parcels. Assessor's Parcel Number (APN) 314-131-091 and a portion of APN 314-131-057 are one legal parcel described as Parcel 2 in the COSC. APN 314-131-092 is described in the COSC as Parcel 4. APN 314-131-088 is two legal parcels with one APN and identified in the COSC as Parcel 3 and Parcel 4.

8. FINDING:

The Project and the conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

EVIDENCE:

- a) The site is located on a privately maintained road that has been determined by a licensed engineer to be able to safely accommodate the amount of traffic generated by the proposed project.
- b) A new gate is proposed as part of the project. The gate would deter trespass onto the site.
- c) Any water that may be used for the project will be sourced from rainwater catchment on site.
- d) The applicant has submitted evidence that the burial and decomposition of un-embalmed bodies will not pose a risk to human health or water quality.

9 FINDING: The proposed development does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.

EVIDENCE: a) The parcel was not included in the housing inventory of Humboldt County's 2019 Housing Element.

10 FINDING: Conditionally Permitted Use in the AE Zone: shall not impair the continued agricultural use on the subject property or on adjacent lands or the economic viability of agricultural operations on the site.

EVIDENCE: a) The project will not impair the continued agricultural use on the subject property or on adjacent lands or the economic viability of agricultural operations on the site. The lands in the project area will be protected from future development by means of a recorded notice of development plan. The applicant and the owner intend to continue the hay production and grazing that are occurring on the property.

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Humboldt County Planning Commission does hereby:

- Adopts the Mitigated Negative Declaration for the Sacred Graves Inc. Conditional Use Permit; and
- Adopts the Mitigation Monitoring and Reporting Program attached hereto as Attachment 1B; and
- Adopt the findings set forth in this resolution; and
- Conditionally approves the Conditional Use Permit for Sacred Graves Inc., based upon the Findings and Evidence and subject to the conditions of approval attached hereto as Attachment 1A and incorporated herein by reference; and

Adopted after review and consideration of all the evidence on **November 6, 2025**.

The motion was made by COMMISSIONER NOAH LEVY and second by COMMISSIONER THOMAS MULDER and the following vote:

AYES: COMMISSIONERS: Iver Skavdal, Thomas Mulder, Noah Levy, Jerome Qiriaz, Sarah West

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS: Peggy O'Neill, Lorna McFarlane

ABSTAIN: COMMISSIONERS:

DECISION: Motion carried 5/0

I, John H. Ford, Secretary to the Planning Commission of the County of Humboldt, do hereby certify the foregoing to be a true and correct record of the action taken on the above-entitled matter by said Commission at a meeting held on the date noted above.



John H. Ford, Director
Planning and Building Department

**ATTACHMENT 1A
PLN-2024-19115
CONDITIONS OF APPROVAL**

APPROVAL OF THE CONDITIONAL USE PERMIT IS CONDITIONED ON THE FOLLOWING DEVELOPMENT RESTRICTIONS, GENERAL CONDITIONS, AND ONGOING REQUIREMENTS GRANTED ON THE FOLLOWING TERMS AND REQUIREMENTS

A. Development Restrictions Which Must be Satisfied Before Initiation of Operations.

1. The applicant is required to pay for permit processing on a time-and-materials basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Planning and Building Department will provide a bill to the applicant after the decision. Any and all outstanding planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning and Building Department, 3015 H Street, Eureka.
2. The permittee shall submit a Development Plan to the Planning Division for review and approval. Three paper copies of the development plan will be required. The map shall be drawn to scale and give detailed specifications as to the development and improvement of the site and shall specifically map areas that are eligible for the burial of human remains. Areas mapped as eligible for the burial of human remains shall not be eligible for future development except as allowed by this permit. Areas ineligible for future development without further review and approval by Humboldt County, shall include culturally sensitive areas, easement areas and streamside management areas.
3. The permittee shall cause to be recorded a "Notice of Development Plan" on forms provided by the Humboldt County Community Development Services—Planning Division. Document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors will be required.
4. The permittee must apply for and obtain an encroachment permit to retrofit the entrance to the existing access road to meet current County standards for a commercial access road off Kneeland Road.
5. The applicant shall pay the required CEQA filing and recording fees for the Notice of Determination for the ISMND.

6. The Applicant shall submit a revised operations plan specifying that minimum depth of burial is 18 inches below ground surface. The revised operations plan shall include a protocol for addressing any disturbance to gravesites from animals.

B. General Conditions

1. The applicant is responsible for obtaining all necessary County and State permits and licenses and for meeting all requirements set forth by other regulatory agencies.
2. The permittee is responsible for completing and implementing all mitigation measures outlined within the Mitigation Monitoring & Reporting Program (MMRP) which shall be completed as required within the MMRP.
3. The project shall be developed and operated in accordance with the Project Description and Operations and Plan (Appendix B, IS/MND), the Site Plan (Appendix B, IS/MND), and the Mitigation and Monitoring Program (IS/MND).
4. The permit shall expire two years after the date of issuance unless Conditions of Approval A1 – A4 are met.

C. Ongoing Requirements/Development Restrictions Which Must be Satisfied for the Life of the Project:

1. The permittee shall implement the Inadvertent Discovery Protocol. In the event of the accidental discovery of historical artifacts or human remains, a qualified professional archaeologist shall be contacted immediately, in order to inspect and clear the site for all further activities. If the applicant proposes new development outside of the area that was surveyed by a certified archaeologist, a new archaeological survey covering the proposed development area will be required.
2. If cultural resources are encountered during construction activities, the operator onsite shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist and the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and the lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

Informational Notes:

Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, shellfish or faunal remains, and human burials. If

human remains are found, California Health and Safety Code 7050.5 requires that the County Coroner be contacted immediately at 707-445-7242. If the Coroner determines the remains to be Native American, the Native American Heritage Commission will then be contacted by the Coroner to determine appropriate treatment of the remains pursuant to Public Resources Code (PRC) Section 5097.98. Violators shall be prosecuted in accordance with PRC Section 5097.99.

MITIGATION MEASURES, MONITORING, AND REPORTING PROGRAM - PLN-2024-19115

The Department found that the project could result in potentially significant adverse impacts unless mitigation measures are required. A list of mitigation that addresses and mitigates potentially significant adverse impacts to a level of non-significance follows.

Mitigation measures were incorporated into the conditions of project approval. The following is a list of these measures and a verification form to ensure measures shall be met.

Biological Resources:

Mitigation Measure BIO-1: To ensure that the project does not impact wetlands, the project will be conditioned to submit a Development Plan to the Planning Division for review and approval. The Development Plan Map will exclude the seasonal wetland (ephemeral channel) from project activities and from any future development. Once the map is reviewed and approved by the Humboldt County Planning and Building Department the applicant shall record a “Notice of Development Plan” with the Humboldt County Recorder’s Office.

Implementation Time Frame	Party Responsible for Implementation	Party Responsible for Verification	Form of Verification	Date of Verification	Verified/ Comments
Prior to the commencement of project activities or the issuance of a building permit	Applicant	Humboldt County Planning and Building Department	Recorded document		

Cultural Resources

Mitigation Measure CUL-1: To ensure that the project does not impact cultural resources, the project will be conditioned to submit a Development Plan to the Planning Division for review and approval. The Development Plan Map will exclude Culturally sensitive areas from project activities and will exclude the project area, burial grounds, from any future development not specifically authorized by the Conditional Use Permit and described in Appendix A- Site Plan. Once the map is reviewed and approved by the Humboldt County Planning and Building

Sacred Groves Kneeland Cemetery Mitigation and Monitoring Program

Department the applicant shall record a "Notice of Development Plan" with the Humboldt County Recorder's Office.

Implementation Time Frame	Party Responsible for Implementation	Party Responsible for Verification	Form of Verification	Date of Verification	Verified/ Comments
Prior to the commencement of project activities or the issuance of a building permit	Applicant	Humboldt County Planning and Building Department	Recorded document		

Standard Condition of Approval CUL-2: If cultural resources are encountered during soil disturbing activities, the contractor on site shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist and the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the permittee and the lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided. Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, ground-stone artifacts, shellfish or faunal remains, and human burials. If human remains are found, California Health and Safety Code 7050.5 requires that the County Coroner be contacted immediately at 707-445-7242. If the Coroner determines the remains to be Native American, the Native American Heritage Commission will then be contacted by the Coroner to determine appropriate treatment of the remains pursuant to Public Resources Code (PRC) Section 5097.98. Violators shall be prosecuted in accordance with PRC Section 5097.99

Tribal Cultural Resources

Mitigation Measure TCUL-1: To ensure that the project does not impact cultural resources, the project will be conditioned to submit a Development Plan to the Planning Division for review and approval. The Development Plan Map will exclude Culturally sensitive areas from project activities and will exclude the project area, burial grounds, from any future development not specifically authorized by the Conditional Use Permit and described in

Sacred Groves Kneeland Cemetery Mitigation and Monitoring Program

Appendix A- Site Plan. Once the map is reviewed and approved by the Humboldt County Planning and Building Department the applicant shall record a "Notice of Development Plan" with the Humboldt County Recorder's Office.

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