



COUNTY OF HUMBOLDT

For the meeting of: 8/7/2025

File #: 25-899

To: Planning Commission

From: Planning and Building Department

Agenda Section: Consent

SUBJECT:

Eagles Nest Farm, LLC
Assessor Parcel Numbers (APN) 220-191-027 and 220-191-029
Record No.: PLN-12490-CUP
Whitethorn area

The applicant is seeking a Conditional Use Permit for 13,350 square feet of existing commercial cannabis cultivation of which 8,830 square feet is outdoor cultivation, and 4,520 square feet is mixed light cultivation. The project will be supported by 1,340 square feet of ancillary propagation space. Water for irrigation is sourced from two existing permitted groundwater wells and a 400,000-gallon rainwater catchment pond. The projected annual water usage totals 140,000 gallons and hard tank water storage totals 58,000 gallons. Processing occurs onsite and the applicant may utilize a licensed third-party processing facility. Energy for the project will be sourced from a generator although the applicant is actively pursuing solar power. Once installed, solar will be the primary energy source.

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

DISCUSSION:

Project Location: The project is located in Humboldt County, in the Whitethorn area, on the east side of Briceland Thorne Road, approximately 2600 feet NE from the intersection of Briceland Thorne Road

and Shelter Cove Road, on the property known to be in Township 04S of Range 02E Section 33 Humboldt Base & Meridian.

Present General Plan Land Use Designation: Residential Agriculture (RA); 2017 General Plan; Density: 5-20 acres per unit; Slope Stability: Moderate Instability (2).

Present Zoning: Unclassified (U)

Environmental Review: An Addendum to a previously adopted Mitigated Negative Declaration 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: The applicant is seeking a Conditional Use Permit for 13,350 square feet of existing commercial cannabis cultivation of which 8,830 square feet is outdoor cultivation and 4,520 square feet is mixed light cultivation. The project will be supported by 1,340 square feet of propagation space. One propagation greenhouse totaling 1,100 square feet and an additional 240 square feet of propagation space is located in the processing building. All processing occurs onsite in an existing 800 square-foot two-story structure although the applicant may utilize a licensed third-party processing facility. The multi-use building in its current configuration cannot be used for trimming and/or packaging. These types of activities must take place in a F1 Occupancy Type commercial structure with an ADA accessible restroom and accessible parking. The owner must secure permits and complete work required for such structure within the 2-year provisional period. Alternatively, the operator may discontinue this use and process at an off-site licensed third-party facility. This requirement has been included as a condition of approval (**General Condition A.7**). The project is owner operated therefore no employees are required. Up to 3 family members may be onsite assisting with operations.

Water Resources: Irrigation water is sourced from two existing permitted wells and a 400,000-gallon rainwater catchment pond. The northern-most well (permit no.14/15-0474) is located over 900 from the nearest watercourse, is drilled at a depth of 180 feet, and produced 10 gallons per minute in 2015. The eastern most well (17/18-0960) is located over 1,000 feet from the nearest watercourse, is drilled at a depth of 260 feet, and produced 15 gallons per minute in 2018. The projected annual water usage for one harvest totals 140,000 gallons (10.5 gal/SF/year) and existing hard tank water storage totals 58,000 gallons. The applicant may obtain up to two harvests annually at which time the projected annual water usage will become 280,000 gallons (21gal/SF/year). Existing water storage onsite totals 458,000 gallons. A condition of approval for the project will require the applicant to install water meters at the point of withdrawal of the wells and rainwater catchment pond to ensure adequate water supply to meet the demands of the project (**General Condition A.8**).

The project site is located in the Cape Mendicino 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 in this Planning Watershed would be 195 permits and the total approved acres would be approximately 68.37 acres of cultivation.

The project was referred to the Division of Environmental Health (DEH) which recommended that project be approved with the condition that the applicant demonstrate that a properly functioning onsite wastewater treatment system serves the operation. This can be accomplished by either installing a new, permitted septic system; or by providing DEH with an assessment of the existing system performed by a qualified professional certifying that the existing septic system complies with the State Regional Water Quality Control Board definition of a Tier 0 system. This recommendation has been included as a condition of approval (**General Condition A.9**).

Biological Resources: A review of the California Natural Diversity Database found that there are no special status plant or animal species, or sensitive natural communities mapped on the subject parcel. A Northern Spotted Owl activity center has been mapped approximately .5 miles east of the project site; however, the existing project is not anticipated to impact the species as light and noise attenuation measures have been included as ongoing requirements of the project (**Ongoing Requirements B.1 and B.2**).

The subject parcel contains a Class I watercourse, McKee Creek, and an unnamed Class III watercourse. All cultivation related infrastructure adheres to the Streamside Management Area setback requirements. The applicant has submitted a Site Management Plan which includes provisions to prevent sediment discharge to surface waters and protect water quality. The plan identifies 13 map points requiring maintenance. The applicant will be required to implement the 13 recommendations which include clearing inboard ditches, installing rolling dips, and applying straw and mulch to exposed soil (**General Conditions A.11**)

The project was referred to the California Department of Fish and Wildlife (CDFW). CDFW stated the applicants LSAA (LSAA, 1600-2018-0648-R1) had expired on August 13, 2024, and will need to obtain a new LSAA to divert water from the pond or to complete the required projects on site from the expired LSAA. Additionally, CDFW requests the applicant assume the presence of the Northern spotted Owl and avoid impacts as determined by a qualified biologist in consultation with CDFW. Lastly, CDFW requests the prohibition of synthetic netting. The applicant will be required to implement all provisions outlined in the expired LSAA (**Ongoing Requirement B.1, B.2, B.5, B.17, and B.37**) (**Condition A.15**).

Onsite Relocation: No onsite relocation has occurred for this project.

Energy: Energy for the project is currently sourced from a 7kW generator. However, the applicant is in

the process of obtaining a 15kW solar system. Once installed, the solar array will be the primary energy source, and the generator will be used for emergency purposes. A condition of approval for the project will require the applicant to obtain sufficient solar power to meet the projects energy demand by January 1, 2026, or seek an alternative renewable energy source to replace the use of the generator as the primary energy source (**General Conditions A.10**).

Access: Access to the site is provided by a driveway located off Briceland Thorne Road. Briceland Thorne Road is a county-maintained roadway which is developed to the equivalent of a Category 4 road standard. The project was referred to the Department of Public Works Land Use Division who recommended the project be approved with the following conditions: (1) if applicable, all fences and gates shall be relocated out of the county right of way; (2) the applicant shall pave the location where the private driveway meets the county-maintained road, if the county maintained road is paved; and (3) the applicant shall maintain visibility at the intersection of the private driveway and Ettersburg-Honeydew road in accordance with HCC Section 341-1 Sight Visibility Ordinance. These recommendations have been included as conditions of approval for the project (**General Conditions A.12**).

Geologic Suitability: The project parcel is mapped in the County GIS as Moderate Instability. The existing cultivation is in areas ranging from 15% to 50% slope. No new grading is proposed to implement the project. After the fact grading permits are required for grading that was done previously without permits (**Condition of Approval A.6**)

Timber Conversion: No timber conversion is associated with this project.

Security and Safety: Access to the parcel is gated and locked with multiple locked gates to various road sections.

Tribal Consultation: The project was referred to the Northwest Information Center, Bear River Band of Rohnerville Rancheria, and the Intertribal Sinkyone Wilderness Council. The existing project is not anticipated to impact any tribal cultural resources. The Bear River Band recommended the applicant be required to adhere to the inadvertent discovery protocol. This recommendation has been included as an ongoing requirement of the project (**Ongoing Requirement B.25**).

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 the project the total approved permits in this Planning Watershed would be 195 permits and the total approved acres would be approximately 68.37 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 has prepared an addendum (Attachment 3) to the MND 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 comments, comments, or recommended approval or conditional approval. (**Attachment 5**).

The Army Corps of Engineers was erroneously referred and provided comments assuming that they were referred due to proposed wetland fills. No wetland fill is proposed.

CDFW conducted a site visit on August 14, 2024, and provided comments on August 23, 2024. These comments and recommendations have been added as conditions of approval. These include the requirement to notify for an LSAA within two weeks of project approval or prior to cultivation occurring, whichever comes first, along with standard requirements for noise, light, nesting bird protection and appropriate use of synthetic netting.

ALTERNATIVES TO STAFF RECOMMENDATIONS:

1. The Planning Commission could elect to deny the application or to modify the approval and/or add or delete conditions of approval.

ATTACHMENTS:

1. Resolution
 - A. Conditions of Approval
 - B. Cultivation Operations Plan
 - C. Site Plan
2. Location Maps
3. CEQA Addendum
4. Applicant's Evidence in Support of the Required Findings
 - A. Site Management Plan
 - B. LSAA
 - C. Road Evaluation Report
5. Referral Agency Comments and Recommendations
 - A. California Department of Fish and Wildlife

B. Department of Environmental Health

C. Department of Public Works Land Use

6. Watershed Map

7. Public Comments

Applicant

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Please contact Derek Wiles, Planner, at dwiles@co.humboldt.ca.us or 707-268-3727 if you have questions about this item.