



# COUNTY OF HUMBOLDT

For the meeting of: 5/15/2025

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File #: 25-657

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**To:** Zoning Administrator

**From:** Planning and Building Department

**Agenda Section:** Consent

**SUBJECT:**

Fantastic Gardens Humboldt, LLC Special Permit  
Assessor's Parcel Numbers: 210-141-008  
Record Numbers: PLN-11966-SP  
Dinsmore Area

A Special Permit for 3,500 square feet of existing outdoor and 6,000 square feet of existing mixed light commercial cannabis cultivation supported by a 950 square foot nursery. Irrigation water is provided by a point of diversion and an existing rainwater catchment pond. Annual water usage is estimated to be 280,000 gallons per year with storage consisting of 30,000 gallons in hard tanks and 150,000 gallons in the pond for a total of 180,000 gallons. Power is provided by three generators and the project is conditioned to transition to renewable energy by January 1, 2026. The project proposes onsite relocation to move cultivation out of a streamside management area. A Special Permit is included for cultivation area restoration and the after the fact construction of the pond within the streamside management area.

**RECOMMENDATION(S):**

That the Zoning Administrator:

1. Adopt the resolution (Attachments 1) which does the following:
  - a. Finds the Zoning Administrator has considered the Mitigated Negative Declaration previously adopted for the Commercial Medical Marijuana Land Use Ordinance and the Addendum that was prepared for the Fantastic Gardens Humboldt, LLC project (Attachment 3); and
  - b. Finds the proposed project complies with the General Plan and Zoning Ordinance; and
  - c. Approves the Fantastic Gardens Humboldt, LLC Special Permit subject to the conditions of approval (Attachments 1A).

**DISCUSSION:**

**Project Location:**

The project is in the Dinsmore area, on the east side of Burr Valley Rd, approximately 3.5 miles south from the intersection of Sway Back Rd and USFS IN08 RD, on the property known to be in Township 01N of Range 05E Section 35 Humboldt Base & Meridian.

**Present General Plan Land Use Designation:**

Residential Agriculture (RA); 2017 General Plan; Density: 20-160 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 Special Permit for 3,500 square feet of existing outdoor and 6,000 square feet of existing mixed light commercial cannabis cultivation supported by a 950 square foot nursery. Irrigation water is provided by a point of diversion and an existing rainwater catchment pond. Annual water usage is estimated to be 280,000 gallons per year with storage consisting of 30,000 gallons in hard tanks and 150,000 gallons in the pond for a total of 180,000 gallons. Power is provided by three generators and the project is conditioned to transition to renewable energy by January 1, 2026. The project proposes onsite relocation to move cultivation out of a streamside management area. A Special Permit is included for cultivation area restoration and the construction of the pond within the streamside management area. The pond was constructed partially in an SMA sometime between 2005 and 2009. Drying occurs onsite with all other processing occurring offsite at a licensed facility.

Sufficient water can be collected in a drought year in combination with the limits on the water right to provide annual irrigation water needs. Use of the residence in the cannabis operation cannot occur until the Division of Environmental Health approves an onsite wastewater treatment system. The applicant provided a Notice of Applicability but still needs to provide a Site Management Plan. Per comment from CDFW, the LSAA needs to be amended to include the rainwater catchment pond.

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. Approximately 545 square feet of cultivation encroach into streamside management areas and will be relocated in conjunction with removal of infrastructure and the planting of an erosion control seed mix and 14 trees.

A road evaluation was conducted by an engineer and the recommendations for signage and a vehicle turnout are included in the conditions of approval. An engineer also recommended lining the pond and installation of a spillway which are also included in the conditions of approval.

No timber conversion is associated with the project. Tribal consultation resulted in the standard inadvertent discovery protocol.

#### **Water Resources:**

Annual water usage is estimated at 280,000 gallons (26.7 gallons per square foot) from a rainwater catchment pond and a point of diversion. Per the Operations Plan, the pond has an approximate capacity of 150,000 gallons. An additional 30,000 gallons in onsite tanks are also used for irrigation storage.

According to surface area calculations provided by the applicant (**Attachment 4A**), there is approximately 11,656 square feet of catchment area. Additional analysis by staff evaluated the lowest rainfall year in the last fifty years, 2013, for the area. In that drought year 29.41 inches of rain occurred therefore up to 213,000 gallons of water could potentially be collected for irrigation during a drought year. The water right for the point of diversion (**Attachment 4B**) allows up to 0.26-acre feet or 84,721 gallon per year. Therefore, sufficient water can be collected in a drought year in combination with the point of diversion to mean estimated annual irrigation needs. The project is conditioned to require water metering and monthly water usage logbooks which must be kept and made available during annual inspection (**Condition of Approval A4**). Per the Operations Plan, irrigation is conducted using hand watering, drip lines and gravity irrigation.

The project is subject to the State Water Board General Order No. WQ 2019-0001-DWQ. The applicant has provided documentation demonstrating partial enrollment with a Notice of Applicability (**Attachment 4C**). The project is conditioned on the applicant to provide a copy of its Site Management Plan to demonstrate complete enrollment with the State Water Board (**Condition of Approval A6**).

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 either an approved septic system or portable toilets. If portable toilets are used, records must be kept and made available upon request during annual inspections

**(Condition of Approval B3).** The residence cannot be used by employees of the operations until an onsite wastewater system is approved by the Division of Environmental Health **(Condition of Approval B4).**

The applicant has a Lake or Streambed Alteration Agreement (LSAA) (1600-2020-0287-R1) with the California Department of Fish and Wildlife (CDFW) **(Attachment 4D).** The project is conditioned to comply with the terms of the LSAA **(Condition of Approval C16).** The project is further conditioned requiring that the LSAA be amended to include the rainwater catchment pond **(Condition of Approval A9).**

#### **Biological Resources:**

A review of the California Natural Diversity Database indicates the project is potentially in the vicinity of a ranked plant, the Yolla Bolly Mountains Bird's Foot Trefoil (*Hosackia yollabollyensis*). The applicant provided a Botanical Survey prepared by a qualified professional **(Attachment 4E)** which concluded no species of concern are present in the project area. The project site does contain multiple streams and streamside management areas that are depicted on the site plan. With exception to some minor relocation described further below, the cultivation areas are sufficiently set back from streams. The nearest mapped Northern Spotted Owl activity centers are (HUM0174) approximately 1.25 miles to the north and (HUM0548) approximately 1.35 miles to the south. The proposed project will utilize the pre-existing disturbed areas or clearings in existence prior to baseline. The project has been conditioned to ensure lighting associated with the operation 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.

#### **Onsite Relocation and Restoration:**

Per the relocation Plan **(Attachment 4F)** approximately 545 square feet of cultivation encroach into streamside management areas. The relocated cultivation will be added to the existing greenhouses which will result in no new ground disturbance. The restoration plan consists of removing pieces of hoop houses, removal of soil piles, planting 200 square feet of native erosion control mix and planting 14 trees, 7 Douglas Fir and 7 Ponderosa Pine **(Condition of Approval A9).**

#### **Energy:**

Power is provided by three generators. The project is conditioned requiring the use of renewable energy no later than January 1, 2026 reserving generator use for emergencies only **(Condition of Approval A12).**

### **Access:**

According to the county GIS and the applicant, the project parcel is accessed from Burr Valley Road, a privately maintained road that takes access from Highway 36, which is publicly maintained. Access is also taken from USFS 1N08 Road. The applicant provided documentation demonstrating they have entered into a Road Maintenance Agreement with other cannabis operations that use Burr Valley Road (**Attachment 4G**). The applicant provided a road evaluation (**Attachment 4H**) conducted by an Engineer which concluded that the access roads need only minor modifications to accommodate the traffic from the project. These recommendations can be found in Tables 2 and 3 in Exhibit 2 of the evaluations. Most of the recommendations are to maintain existing facilities. Recommendations also include installation signage, and a turnout.

The Operations Plan states there will be up to two employees during peak operations. The site plan depicts adequate parking. Recommendations contained in the referral response from Public Works are to follow the engineer's recommendations in the road evaluation. All recommendations from the engineer are incorporated into the project conditions of approval (**Condition of Approval A10**).

### **Geologic Suitability:**

The project parcel is mapped in the County GIS as high instability. The existing cultivation is in areas mapped as 30% slope or less. No new grading is proposed or authorized to implement the project (**Condition of Approval B2**). The applicant provided a pond stabilization memorandum prepared by an engineer (**Attachment 4I**). The review concludes that the pond is stable and recommends that the pond be lined and have a spillway designed and installed. The recommendations are incorporated into the project conditions of approval (**Condition of Approval A11**).

### **Timber Conversion:**

Review of aerial imagery and the project materials indicate that no timber conversion is associated with historic cultivation operation. CalFire did not respond to the project referral. The project is in an area mapped very high fire hazard severity. The structures present were in place prior to baseline.

### **Security and Safety:**

Per the project Operations Plan, access to the parcel is gated and locked and there is always at least one staff member on site. The Site Plan provided by the applicant does not depict an emergency vehicle turnaround or location water storage dedicated to fire suppression. The project is conditioned to revise the site plan to show these locations (**Condition of Approval A7**). The project parcel is outside any Fire Protection District or Response area therefore the applicant must record an acknowledgement of no available emergency response and fire suppression services (**Condition of Approval A5**).

### **Tribal Consultation:**

The project was referred to the Northwest Information Center and the Bear River Band of the

Rohnerville Rancheria. Consultation with the Bear River Tribal Historic Preservation Office resulted in 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 Van Duzen Planning Watershed, which under Resolution 18-43 is limited to 425 permits and 146 acres of cultivation. With the approval of this permit, the total approved permits in this planning watershed would be 156 permits and the total approved acres would be approximately 49.43 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 Zoning Administrator.

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 Zoning Administrator could elect to add or delete conditions of approval. The Zoning Administrator could deny approval if unable to make all the required findings.
2. The Zoning Administrator could refer the project to the Planning Commission.

Staff have concluded the required findings in support of the proposal as conditioned can be made without further consideration by the Zoning Administrator. 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. Rainwater Surface Calculations
  - B. Right To Divert and Use Water
  - C. Notice of Applicability
  - D. Lake or Streambed Alteration Agreement
  - E. Botanical Survey
  - F. Relocation Plan
  - G. Road Maintenance Association Membership Letter
  - H. Road Evaluations
  - I. Pond Stabilization Memorandum
5. Referral Agency Comments and Recommendations
  - A. Division of Environmental Health
  - B. California Department of Fish and Wildlife
6. Watershed Map

**Applicant:**

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