



COUNTY OF HUMBOLDT

For the meeting of: 2/20/2025

File #: 25-289

To: Planning Commission

From: Planning and Building Department

Agenda Section: Consent

SUBJECT:

Grouse Mountain Green, LLC Conditional Use Permit and Special Permit
Assessor Parcel Numbers (APN) 524-112-002-000
Record No.: PLN-11393-CUP
Willow Creek area

A Conditional Use Permit for 22,000 square feet of existing outdoor cannabis cultivation with 2,200 square feet of nursery space. Irrigation water is sourced from a rainwater catchment pond and two permitted wells. A 675,000-gallon pond and 28,000 gallons of hard-sided tanks store water for the project. Estimated annual irrigation water usage is 340,000 gallons. Drying and curing occurs onsite, with all other processing occurring offsite at a licensed facility. Power is provided by solar power and generators. The project is conditioned to transition to 100% renewable power by January 1, 2026, with generators reserved for emergencies only. The project includes a Special Permit for restoration in a streamside management area and a reduced setback to the Six Rivers National Forest.

RECOMMENDATION(S):

That the Planning Commission:

1. Adopt resolutions (Resolution 25-__), (Attachments 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 Grouse Mountain Green LLC project (Attachment 3); and
 - b. Finds the proposed project complies with the General Plan and Zoning Ordinance; and
 - c. Approves the Grouse Mountain Green LLC Conditional Use Permit and Special Permit subject to the conditions of approval (Attachments 1A).

DISCUSSION:

Project Location: The project is in the Willow Creek area, on the West side of State Highway 299, approximately 0.85 miles West from the intersection of State Highway 299 and Friday Ridge Road, approximately 3.50 miles South from the intersection of Friday Ridge Road and a US Forest Service Road 6N06, and approximately 0.25 miles West from the intersection of US Forest Service Road 6N06 and a private driveway, on the property known to be in Section 27 of Township 06 North, Range 05 East, Humboldt Base & Meridian.

Present General Plan Land Use Designation: Timberland (T), 2017 General Plan, Density: 40-160 acres per unit, Slope Stability: Moderate Instability (2)

Present Zoning: Timberland Production Zone (TPZ)

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: A Conditional Use Permit for 22,000 square feet of existing outdoor cannabis cultivation with 2,200 square feet of nursery space. Cultivation will occur on graded flats as full sun. The project requires a setback reduction to the Six Rivers National Forest and for the retirement of two points of diversion located in the streamside management area. The cultivation areas and associated infrastructure are shown on the site plan, **Attachment 1C**. Irrigation water for cannabis is supplied by a rainwater catchment pond and two permitted wells. Irrigation water is stored in the 675,000-gallon rainwater catchment pond and 12,000-gallons in hard plastic tanks. The project has 2,500 gallons of water storage dedicated to domestic and fire suppression use. Water for cannabis cultivation is used from March to November. Water source, storage and use is detailed in the Operations Plan, **Attachment 1B**. The operations plan proposes no more than three full-time employees.

The project includes the retirement of two points of diversion (POD) from ephemeral class III streams. The removal of the PODS will restore natural flow in the streamside management areas. Staff from the California Department of Fish and Wildlife (CDFW) conducted a site inspection on May1, 2024. The referral comments from CDFW are incorporated as **Attachment 5A**. The site inspection identified several possible impacts to wildlife and watercourses. CDFW comments resulted in project conditions that are further described in the Water Resources and Biological Resources sections of this report and in **Attachment 1A** Conditions of Approval.

Green waste is composted in a designated area away from surface waters as noted on the site plan. Organic fertilizers and pesticides are stored in an agricultural storage structure that meets all

requirements for secondary containment. All fuel and hazardous materials are stored in secure areas with secondary containment in accordance with applicable regulations. Garbage and recycling are stored in a secure waste storage area. The waste storage area complies with Best Practical Treatment or Control (BPTC) measures to prevent wildlife tampering and transport of waste to waters of the State. Waste is removed from the property every two weeks and transported to an approved waste disposal facility. Domestic wastewater treatment is proposed to be managed with an onsite wastewater treatment system that will be permitted with the Humboldt County Department of Environmental Health. The applicant will pursue permitting for the proposed septic systems upon project approval. The project is conditioned that portable toilets must be used until approval of a permitted onsite wastewater treatment system (OWTS) (**Condition of Approval B.2**). In addition, the project is conditioned that evidence is provided to County staff during annual inspections to confirm the continual use of portable toilets to serve the needs of cultivation staff until the OWTS and residence is permitted. The 132.84-acre parcel is an intact patent parcel and as such is it a legal parcel.

Water Resources:

Irrigation water is supplied by two permitted wells and a rainwater catchment pond. Total estimated annual irrigation water use is 340,000 gallons/year (15.5 gallons/square foot). Tanked water storage totals 28,000 gallons. A Water Management Plan is included in the operations plan for the project. Watering practices primarily include a focused drip irrigation system, with occasional top-feed hand watering based on need.

The applicant shall install a water meter at the outlet of the rainwater catchment pond, and at the wellhead of both wells. If wells are meant to supply domestic water domestic use must be metered separately (**Condition of Approval A.2**). A rainwater catchment analysis was prepared for the pond. The pond has a 9,000 square foot catchment area, multiplied by 19.13" of rain that fell in the driest year in the past 30 years, multiplied by the conversion factor of 0.6234 conversion equals 107,330 gallons of rainwater collection in the driest year in the last 30 years. In an average rain year, the pond would be able to collect and store 280,530 gallons of rainwater and anecdotal evidence provided by the applicant indicates the pond has the capacity to collect up to 675,000 if the collection area includes sheet flow from the surrounding landforms. However, for the purpose of this analysis the rainwater catchment pond will contribute 110,000 gallons to the annual water budget. The rainwater catchment pond is pumped into tanks for irrigation of cannabis. The total cannabis irrigation water budget for the project is 340,000 gallons.

The remaining 230,000 gallons of water for irrigation will be provided by the two permitted wells on the property. The applicant submitted a well connection report prepared by Freshwater Environmental Services (FES) in April 2024 (**Attachment 4B**). The report documents two wells: the east well at an elevation of approximately 2,080 feet, (DWR Well #: WCR2021-012204); and the west well at an elevation of approximately 2,300 feet, (DWR Well #: WCR2018-06775). The well connectivity report analyzed the use of the west well for 250,000 gallons annually and 757,000 gallons for the east well, with total annual withdrawals from both wells at 1,007,000 gallons annually. The

report includes the well completion reports for both wells. The report concludes that it is unlikely that either well is hydrologically connected to the nearby wells, streams, springs, wetlands, and seeps. For the west well, the estimated annual volume of groundwater withdrawal is less than 6.6 percent of the estimated annual recharge of approximately 3.8 million gallons based on a recharge area of approximately 3.49 acres and factoring in a 25 percent loss to surface runoff. The estimated annual volume of groundwater withdrawal for the east well is less than 10 percent of the estimated annual recharge of approximately 7.7 million gallons based on a recharge area of approximately 7.25 acres and factoring in a 25 percent loss to surface runoff. The report shows that the two wells combined will provide 230,000 gallons of cultivation water annually and are likely capable of providing more than 4 times that amount, 1,007,000 gallons, without impacting surface water resources, public trust resources or neighboring wells. The project will be conditioned to add water meters at each well head and the outlet of the pond. Domestic water will be metered separately (**Condition of Approval A.2**).

On August 17, 2018, CDFW issued the applicant a Final Lake and Streambed Alteration Agreement (LSAA, 1600-2017-0463-0000-R1) (**Attachment 4C**) for the use and maintenance of two Points of Diversion (PODs). The LSAA expired on August 17, 2023, and as of May 3, 2024, the applicant does not have a valid LSAA. On May 1, 2024, CDFW observed that the PODs on the parcel were still in place. The applicant is conditioned to apply to CDFW to update their LSAA and to include the retirement of two points of diversion in the updated LSAA prior to cultivating in 2025 (**Condition of Approval A.6**).

The applicant submitted a Site Management Plan (SMP), **Attachment 4C**, in January 2020. The SMP identifies the site as relatively low risk and identifies measures to control sediment delivery to waterbodies. 19. The project is conditioned to Maintain enrollment in Tier 1, or 2 certifications with State Water Resource Control Board (SWRCB) Order No. WQ 2019-0001-DWQ, or any substantially equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency (**Condition of Approval B.19**).

The project is conditioned to install water meters at both wells and the outlet of the rainwater collection pond, and/or the rainwater collection tanks and to keep monthly records of water usage. The water meter records shall be made available to the Planning Department at each annual inspection or as requested by planning staff (**Condition of Approval A.2**).

The project referral to the Division of Environmental Health (DEH) resulted in a request for conditions of approval. The project is conditioned requiring the use of portable toilets for cultivation activities unless a septic system is permitted in association with a permitted structure (**Condition of Approval B.2**). It is noted there is a septic system currently on site next to the residence but the compliance and permitting status of the system is unknown.

Biological Resources: A review of the California Natural Diversity Database did not indicate the potential of any special status plants or animals on the project site. The nearest mapped Northern Spotted Owl activity center is approximately .94 miles to the northwest (HUM0137). The proposed

project will utilize the pre-existing disturbed areas created prior to baseline. The applicant has opted to eliminate mixed-light cultivation from their project to minimize impacts to light sensitive nocturnal creatures. The project has been conditioned to ensure supplemental lighting associated with the nursery cultivation adheres to Dark Sky Association standards (**Condition of Approval B.7**). Permit conditions of approval also prohibit using synthetic netting (**Condition of Approval B.9**), ensure refuse is contained in wildlife-proof storage (**Condition of Approval B.10**), and prohibit use of anticoagulant rodenticides to further protect wildlife (**Condition of Approval B.12**). While onsite, CDFW staff observed that the steep embankments of the pond may present a hazard to wildlife. The project is conditioned to provide a 2:1 graded escape ramp for animals or shall fully fence the pond to prevent animal entrapment (**Condition of Approval A.8**). The onsite lined pond has the potential to provide habitat for the invasive American bullfrog (*Lithobates catesbeianus*). CDFW requested that the applicant provide and implement an Invasive Aquatic Species Management Plan. The Invasive Species Management Plan shall include, at a minimum, an annual survey for invasive species including the American bullfrog. If invasive aquatic species are identified, the applicant shall coordinate with CDFW to develop necessary eradication measures (**Condition of Approval A.9**). 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.

Energy: Power is currently provided by solar power and generators. The applicant revised their operations plan to eliminate mixed light cultivation; the proposed full term outdoor cultivation needs less electricity. The project is conditioned to convert to renewable energy no later than January 1, 2026 (**Condition of Approval A.10**).

Access: The project is accessed from the West side of State Highway 299, approximately 0.85 miles West from the intersection of State Highway 299 and Friday Ridge Road, approximately 3.50 miles South from the intersection of Friday Ridge Road and a US Forest Service Road 6N06, and approximately 0.25 miles West from the intersection of US Forest Service Road 6N06 and concludes on a private driveway. The applicant submitted a Road Evaluation, performed by Trinity Valley Consulting Engineers in November 2020 (**Attachment 4I**). Three road segments were evaluated: from the project parcel to USFS 6N06, USFS 6N06 to Friday Ridge Road, and Friday Ridge Road to State Route 299. The road evaluation concluded that the subject roadways are adequate for the intended uses on this property, and the estimated uses for the other properties which this roadway will serve.

Geologic Suitability: The project does not propose any new construction or grading. The applicant provided a R2 Soils report to retroactively provide a general soils investigation as needed for the existing structures and grading in place on the parcel. The soils report, Trinity Valley Consulting Engineers 2018, is provided as (**Attachment 4H**). The report concluded that no surficial, subsurface or seismic conditions were encountered at the project parcel that would signal immediate action from an engineering standpoint. Based upon the engineer's review of the site and surrounding terrain, no further geological evaluation is required; therefore, no geologic consultation is warranted.

Timber Conversion: The site is in a forested area dominated by 30-40-year-old Douglas fir trees interspersed with tanoak and madrone. Staff review of time-sequenced air photos indicated the removal of trees for the purpose of cannabis cultivation associated with the project. The applicant provided a timberland conversion report prepared by Timberland Resource Consultants in 2017. The report concluded that 1.35 acres of timberland conversion occurred between 1993 and 2012. All conversions occurred prior to the current ownership of the property and before the environmental baseline of December 31st, 2015. No new stumps or indications of tree cutting were identified during a site inspection on 10/1/2024. No new tree cutting is proposed as part of the project. CalFire referral replied with standard project conditions.

Hazardous Materials: During their onsite inspection on May 1, 2024, CDFW staff observed that a diesel generator had leaked oil onto the surrounding soil. CDFW requested that the applicant remove all contaminated soil and dispose of it at a waste management facility. During the same site inspection CDFW observed fertilizers, pesticides, petroleum, and other chemicals were improperly stored posing potentially significant effects to biological resources. The applicant was aware of the problems and was engaged in a partnership dispute regarding the control and operation of the site. The applicant was able to regain control of the site and begin cleanup in the summer of 2024. On October 1, 2024, staff with the Humboldt County Planning and Building Department conducted a compliance inspection. During the inspection staff noted that fuels and fertilizers were being properly stored using secondary containment. The inspection also noted that the stained soils and generator that had leaked fuel had been removed from the property.

Security and Safety: The applicant has implemented security measures to safeguard the product and prevent nuisance from occurring on the property. Cultivation at the project occurs behind locked gates. The project was referred to the Southern Trinity Volunteer Fire Department and no comments were received back. Wildland Fire suppression for the area is provided by the US Forest Service.

Tribal Consultation:

The project is located within the Hoopa and Tsnungwe Tribe's Aboriginal Ancestral Territory. The project was referred to the Hoopa and Tsnungwe Tribes and the Northwest Information Center (NWIC) on January 29, 2018. NWIC had no record of any previous cultural resources for the project area, NWIC recommended consultation with the local tribal representatives. A response was received from the Tsnungwe Tribe on January 31, 2018, expressing no objection to the project. No response was received from the Hoopa Tribe. The standard Inadvertent Discovery Protocols have been included in the conditions of approval as (**Condition of Approval B.1**).

Public Trust Resources: The project is in the South Fork Trinity River Watershed; the project is .7 miles away from the river. The property slopes in a northeasterly direction towards the river. The project collects water in the rainy season from November 1st to April 31st when the river has excess water due to rainfall. Water from two wells, tanks and the pond are used in the dry season when the flow of water available for public trust resources may be limited due to lack of rainfall. The applicant provided

a well connectivity report which concluded that it is unlikely that either well is hydrologically connected to the nearby wells, streams, springs, wetlands, and seeps. The pond has been determined to be an off-channel pond and would not have an impact on the hydrology of tributaries to the South Fork of the Trinity River in the dry season. The project has no impact on flows during the dry season, thus the use of the stored water or wells for irrigation purposes will not cause any significant adverse impact to the South Fork of the Trinity River, the Trinity River or the Klamath River or otherwise substantially impair the public trust uses or values related to commerce, navigation, fisheries, public access, preservation of trust lands in their natural state, or water-related-recreation and other activities.

Setbacks: The project is located adjacent to public lands, the Six Rivers National Forest (SRNF), and the applicant is requesting a setback reduction to approve a reduction to the 600-foot setback to approximately 140 feet, as shown on the Site Plan. The project was referred to the SRNF on March 18, 2019, and comments were received on March 19, 2019. The referral request was from SRNF was returned without a recommendation but commented that the transportation of cannabis over Forest Service Roads is illegal and made a request for a property survey to ensure that the project's operations are not trespassing on federal lands. The applicant provided a survey report prepared by Kolstad Land Surveyors, April 26, 2022 (**Attachment 4J**). The survey documented that the cultivation area known as the middle flat, is 140 feet east of the property line shared with the Six River's National Forest, APN 524-123-004-000. The adjacent public land is subject to the Land and Resource Management Plan - Six Rivers National Forest 1995 (L&RMP). The project is consistent with the L&RMP because the cultivation activities will minimize impacts to biological resources and wildlife through measures to reduce potential light and noise impacts. The applicant conducts full-sun outdoor cultivation activities, and will transition to renewable energy sources by 2026, and remediation of historic cultivation areas will occur. The project is consistent with recreational use on public lands as the proposed project is not located near developed campgrounds, trails, or other related facilities.

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 South Fork of the Trinity River Planning Watershed, which under Resolution 18-43 is limited to 86 permits and 29 acres of cultivation. With the approval of the project the total approved permits in this Planning Watershed would be 24 permits and the total approved acres would be approximately 11.33 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 comment or recommended approval or conditional approval. (Attachment 5)

ATTACHMENTS:

1. Draft 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
5. Referral Agency Comments and Recommendations

APPLICANT AND OWNER INFORMATION:

Applicant

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