

**RESOLUTION OF THE ZONING ADMINISTRATOR  
OF THE COUNTY OF HUMBOLDT**

**Resolution Number: 24-**

**Record Number: PLN-12464-SP**

**Assessor's Parcel Number: 220-171-001**

**Resolution by the Zoning Administrator of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approving the Sunshine Meadows, LLC Special Permit request.**

**WHEREAS, Sunshine Meadows, LLC,** submitted an application and evidence in support of approving Special Permits for 4,000 square feet of existing and 6,000 square feet of new outdoor commercial cannabis cultivation and for remediation efforts proposed to be conducted within the Streamside Management Area; and

**WHEREAS,** the County Planning Division, the lead agency, prepared an Addendum to the Final Mitigated Negative Declaration (MND) prepared for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) adopted by the Humboldt County Board of Supervisors on January 26, 2016, and the proposed project does not present substantial changes that would require major revisions to the previous Mitigated Negative Declaration, and no new information of substantial importance that was not known and could not be known at the time was presented as described by §15162(c) of CEQA Guidelines; and

**WHEREAS,** the Humboldt County Zoning Administrator held a duly-noticed public hearing on December 19, 2024, and reviewed, considered, and discussed the application for a Special Permit, and reviewed and considered all evidence and testimony presented at the hearing.

**Now, THEREFORE BE IT RESOLVED,** that the Zoning Administrator makes all the following findings:

- 1. FINDING:** A Special Permit for 4,000 square feet of existing and 6,000 square feet of new outdoor commercial cannabis cultivation. The project will be supported by a proposed 1,000 square foot propagation greenhouse. Water for irrigation is sourced from an existing permitted well. The projected annual water usage totals 110,000 gallons and existing water storage totals 140,000 gallons. Drying and curing occurs onsite, further processing occurs offsite at a licensed third-party facility. Energy for the operation is sourced from a solar array consisting of (9) 240-watt panels, which also serves the residence. A 7-kW generator and 3-kW generator are onsite to provide supplemental energy however generators will be reserved for emergency use only after December 31, 2025. Two employees

are utilized in the operation. A Special Permit is also requested for remediation efforts proposed to be conducted within the Streamside Management Area.

**EVIDENCE:** a) Project File: PLN-12464-SP

**2. FINDING:** **CEQA.** The requirements of the California Environmental Quality Act have been complied with. The Humboldt County Zoning Administrator has considered the Addendum to the Mitigated Negative Declaration (MND) prepared for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) adopted by the Humboldt County Board of Supervisors on January 26, 2016.

**EVIDENCE:** a) Addendum prepared for the proposed project.  
b) The proposed project does not present substantial changes that would require major revisions to the previous Mitigated Negative Declaration. No new information of substantial importance that was not known and could not be known at the time was presented as described by §15162(c) of CEQA Guidelines.

c) A Site Management Plan (SMP; WDID-1\_12CC417095) was prepared for multiple subject sites on the parcel (APN: 220-171-001). The SMP details existing conditions and how the sites are or will meet the provisions and requirements of the North Coast Regional Water Quality Control Board (NCRWQCB).

The applicant has been conditioned to maintain compliance with the Site Management Plan prepared for the property for the life of the project.

d) Staff conducted a well evaluation which concluded the well has a low likelihood of having any direct connection to surface waters. The well appears to be hydrologically isolated from all nearby wells, surface waters, springs, or wetlands.

e) The project is within the historic aboriginal territory of the Bear River Band of the Rohnerville Rancheria and the Intertribal Sinkyone Wilderness Council. The project was referred to the Northwest Information Center at Sonoma State, Bear River, Intertribal Sinkyone Wilderness Council on February 8, 2020. The Bear River Band of the Rohnerville Rancheria requested a cultural resources inventory for the proposed project. Arsenault & Associates completed a cultural resources investigation of an approximately 25-acre study area on the subject parcel in November 2024. No cultural resources were identified by the pedestrian survey or background research. The

inventory concluded that the existing cannabis cultivation development has not adversely impacted any cultural resources. The cultural resources investigation was forwarded to the Bear River Band's Tribal Historic Preservation Officer (THPO) for review. The THPO concurred with the findings in the investigation and indicated that the proposed project will not result in any adverse changes to historical or archaeological resources and requested the Inadvertent Discovery Protocol be included in the project's conditions of approval

- f) Access to the site is directly off Eubanks Road that is 0.67 miles to the subject parcel via a private road. Northpoint Consulting prepared a Road Evaluation Report, dated April 17, 2019, that covered the 0.67-mile private road from Eubanks Road that provides access to the project. The road evaluation deemed the road segment to be developed to the equivalent of a category 4 road standard and with maintenance would be adequate to serve the needs of the project and the surrounding parcels. A separate road evaluation was prepared for an approximately 2-mile section of Eubanks Road that joins Ettersberg/Honeydew Road. The road evaluation concluded that the entire road segment is developed to the equivalent of a category 4 road standard. Road evaluations are included as Attachment 4-E. The project is conditioned such that the applicant will be required to join a road maintenance association or provide a fair share contribution for the purpose of maintaining access roads to the project. A gate controls access to the site. Restricted access signs will be posted conspicuously at the entrance.

### **FINDINGS FOR THE SPECIAL PERMIT**

- 3. **FINDING:** The proposed development is in conformance with the County General Plan, Open Space Plan, and the Open Space Action Program.  
**EVIDENCE:** a) The property has land use designations of Residential Agriculture (RA40). The RA designation is not designated as an open space designation and is not part of the Open Space Action Program. Cannabis cultivation is an agricultural product and is consistent with the use of Open Space land for managed production of resources. Therefore, the project is consistent with and complimentary to the Open Space Plan and its Open Space Action Program.
- 4. **FINDING:** The proposed development is consistent with the purposes of the existing zone in which the site is located

- EVIDENCE:**
- a) The Unclassified (U) Zone is intended to be applied to areas of the County where the highest and best use of the parcel has yet to be determined.
  - b) All general agricultural uses are principally permitted in the U zone.
  - c) Humboldt County Code section 314-55.4.8.2.2 allows cultivation of up to 10,000 square feet of existing outdoor cannabis on a parcel over 5 acres subject to approval of a Special Permit and a determination that the cultivation was in existence prior to January 1, 2016. The application for 10,000 square feet of existing and new outdoor cultivation on a 42.4-acre parcel is consistent with the CMMLUO and with the cultivation area verification prepared by the County.

**5. FINDING:** The proposed development is consistent with the requirements of the CMMLUO Provisions of the Zoning Ordinance.

- EVIDENCE:**
- a) Humboldt County Code section 314-55.4.8.2.2 allows cultivation of up to 10,000 square feet of existing outdoor cannabis on a parcel over 1 acre in size with unclassified (U) zoning subject to approval of a Special Permit and a determination that cultivation on the site was in existence prior to January 1, 2016. The application for 10,000 sf of existing and new outdoor cultivation on a 42.42-acre parcel is consistent with this and with the cultivation area verifications prepared by the County.
  - b) APN: 220-171-001-000: The legality of the parcel is confirmed with a Certificate of Subdivision Compliance, Humboldt County recorded document number 2023-001866.
  - c) The project sources irrigation water from an existing groundwater well. The project stores 100% of the annual water budget in hard-sided tanks and per a staff level determination, the well is hydrologically disconnected from surface waters and therefore it does not require additional water rights from the State Water Resources Control Board (SWRCB) and is not subject to forbearance or water storage requirements. Conditions of approval require the applicant to monitor water use from the well and water storage tanks annually to demonstrate there is sufficient water available to meet operational needs.

The site is currently enrolled in the State Water Resources Control Board's (SWRCB) General Order (No. WQ 2019-0001-DWQ) for Waste Discharge Requirements and Water Quality as a Tier I Low Risk site under WDID 1\_12CC417095. The applicant has submitted a

Site Management Plan (SMP) prepared by Timberland Resource Consultants, dated November 2019. The SMP states that there was a cultivation area and drainage facility installed in the stream side management area (SMA) and recontour the culverted drainage facility such that it resembles a natural watercourse per a revised LSAA agreement with the California Department of Fish and Wildlife. The project is conditioned that the applicant shall adhere to the corrective actions listed in the SMP.

The California Department of Fish and Wildlife (CDFW) conducted a site visit on April 26, 2022. Per CDFW referral comments additional conditions are recommended to prevent impacts. Recommended conditions of approval to address CDFW comments include: Prior to cultivating in 2025, the permittee shall submit a Restoration Plan and a Major Amendment to the Lake and Streambed Alteration Agreement (LSAA) (1600-0210-0000-R1) to restore the habitat within the SMA. The Restoration Plan and Major Amendment to the LSAA shall be submitted to the California Department of Fish and Wildlife for review and approval. Within 2 years of project approval the applicant must implement the Restoration Plan and Major Amendment to the LSAA (Conditions of Approval A-7 and A-8). CDFW also requested that the applicant implement a site management plan (Attachment 4D) to prevent sedimentation of surface waters. As part of the ongoing conditions, the project is prohibited from the use of synthetic netting (i.e. plastic or nylon) including photo or biodegradable plastic netting.

- d) The project is located on the north side of Eubanks Road, approximately 0.54 miles southwest from the intersection of Eubanks Road and Ettersburg-Honeydew Road, then right onto a private road for approximately 0.43 miles, then left onto a private road for approximately 0.61 miles, on the property known as 605 Eubanks Road. Northpoint Consulting prepared a Road Evaluation Report, dated April 17, 2019, that covered the 0.67-mile private road from Eubanks Road that provides access to the project. The road evaluation deemed the road segment to be developed to the equivalent of a category 4 road standard and with maintenance would be adequate to serve the needs of the project and the surrounding parcels. A separate road evaluation was prepared for an approximately 2-mile section of Eubanks Road that joins Ettersberg/Honeydew Road. The road evaluation concluded that the entire road segment is developed to the equivalent of a category 4 road standard. The project is conditioned such that the applicant will be required to join a road maintenance association or provide a fair

share contribution for the purpose of maintaining access roads to the project. A gate controls access to the site. Restricted access signs will be posted conspicuously at the entrance.

- e) The slope of the existing and proposed cultivation is less than 15% per USGS slope data.
- f) The location of the cultivation complies with most setbacks required in Section 314-55.4.11.d. It is more than 30 feet from any property line and more than 600 feet from any school, church, or Tribal Cultural Resource.

**6. FINDING:** The cultivation of 10,000 sf of existing and new outdoor cultivation 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 project is located on the north side of Eubanks Road, approximately 0.54 miles southwest from the intersection of Eubanks Road and Ettersburg-Honeydew Road, then right onto a private road for approximately 0.43 miles, then left onto a private road for approximately 0.61 miles, on the property known as 605 Eubanks Road. Northpoint Consulting prepared a Road Evaluation Report, dated April 17, 2019, that covered the 0.67-mile private road from Eubanks Road that provides access to the project. The road evaluation deemed the road segment to be developed to the equivalent of a category 4 road standard and with maintenance would be adequate to serve the needs of the project and the surrounding parcels. A separate road evaluation was prepared for an approximately 2-mile section of Eubanks Road that joins Ettersberg/Honeydew Road. The road evaluation concluded that the entire road segment is developed to the equivalent of a category 4 road standard. The project is conditioned such that the applicant will be required to join a road maintenance association or provide a fair share contribution for the purpose of maintaining access roads to the project. A gate controls access to the site. Restricted access signs will be posted conspicuously at the entrance.
  - b) The site is in a rural part of the County where the typical parcel size is over 40 acres and many of the land holdings are very large. The proposed cannabis will not be in a location where there is an established neighborhood or other sensitive receptor such as a school, church, park or other use which may be sensitive to cannabis cultivation. Approving cultivation on this site and the other sites which have been approved or are in the application process will not

change the character of the area due to the large parcel sized in the area.

- c) Irrigation water is sourced from a permitted groundwater well that has been determined to be hydrologically disconnected from adjacent surface waters.

A hydrological connectivity analysis was prepared by Humboldt County Planning Staff that assessed the potential for the well to be hydrologically connected to surface waters or any adjacent wetlands or wells, and if pumping the well could affect such waters. Given the physical characteristics of the well, the lateral distance of the well away from surrounding watercourses, the hydrological profile of the area in relation to the well, and the geologic characteristics of the well's substrate, it is unlikely that the well has any geologic connection to surface water resources. Accordingly, there will be no adverse impact on public trust resources associated with Eubanks Creek or the Mattole River as a result from the use well for irrigation purposes. Bolstering this finding is the fact that the applicant has developed enough water storage to meet the annual domestic and cultivation water needs for the project.

- d) Provisions have been made in the applicant's proposal to protect water quality and thus runoff to adjacent property and infiltration of water to groundwater resources will not be affected. Measures are included in a Site Management Plan (SMP) developed for this parcel by Timberland Resource Consultants. The project is conditioned that the applicant shall adhere to the corrective actions listed in the SMP for the life of the project
- e) Energy is currently provided by a 3.8kWh solar array, with ten REC 385Watt solar panels with an inverter, and a 7.5 kWh battery bank. A Honda 7kW and Honda 3kW generator is currently used to provide supplemental electricity from October to April when the sun does not provide adequate energy. The noise level produced by the generators will not exceed 50 dBa at either 100-feet from its location, the edge of the nearest forested habitat, or the nearest property line. The generator will have secondary containment along with any fuel storage. The existing and proposed outdoor cultivation greenhouse is open-ventilated and does not use electricity or fans. The project is conditioned to transition to full solar power, by December 31, 2025.

**7. 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 but is currently developed with one housing unit. The approval of cannabis cultivation on this parcel will not conflict with the ability for the existing residence to continue to be utilized on this parcel.

**8. FINDING:** 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.

**EVIDENCE:** a) Approval of the 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 Cannabis Impacted HUC-12 Headwaters Mattole River watershed within the greater Cape Mendocino 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 205 permits and the total approved acres would be 82.2 acres of cultivation.

**9. FINDING:** The use of the well for irrigation and domestic use purposes will not have any adverse impacts on any public trust resources.

**EVIDENCE:** a) The project utilizes a well for irrigation purposes. The project is in the Impacted HUC-12 Headwaters Mattole River watershed within the greater Cape Mendocino Planning Watershed; the project is 1.4 miles east of the Mattole River. There are class I, II, and III watercourses on the parcel; the land slopes down towards the watercourses but does not include any diversions or collection of surface waters. Eubanks Creek, a class I watercourse, is a tributary to the Mattole River which provides recreational opportunities for swimming, boating, and fishing. The project utilizes a well for water and stores 100% of its water for cultivation in tanks. The well is unlikely to be connected to surface water resources and will therefore be unlikely to impact public trust resources on the Mattole River. The project has no significant impact on flows during the dry season, thus the use of the stored water for irrigation purposes will not cause any significant adverse impact to the Mattole 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. Based on the staff assessment of the research, it was determined that there is a low likelihood of the well being hydrologically connected to surface waters in any manner that could affect adjacent springs, wetland, and/or surface waters in the vicinity, or to any of the Public Trust resources associated with the Cape Mendocino watershed including the Mattole River and Eubanks Creek.

## DECISION

**NOW, THEREFORE,** based on the above findings and evidence, the Humboldt County Zoning Administrator does hereby:

- Adopt the findings set forth in this resolution; and
- Conditionally approves the Special Permit and Lot Line Adjustment for Sunshine Meadows, LLC subject to the conditions of approval attached hereto as Attachment 1A.

Adopted after review and consideration of all the evidence on **December 19, 2024.**

I, John H. Ford, Zoning Administrator 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 Zoning Administrator at a meeting held on the date noted above.

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John H. Ford, Zoning Administrator,  
Planning and Building Department