



COUNTY OF HUMBOLDT

For the meeting of: 12/19/2024

File #: 25-41

To: Zoning Administrator

From: Planning and Building Department

Agenda Section: Consent

SUBJECT:

Sunshine Meadows, LLC, Special Permit
Assessor Parcel Numbers (APN) 220-171-001-000
Record No.: PLN-12464-SP
Whitethorn area

A Special Permit for 4,000 square feet of existing and 6,000 square feet of new outdoor commercial cannabis cultivation and an appurtenant 1,000 square foot propagation greenhouse. Irrigation water is sourced from an existing permitted onsite 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. A Special Permit is required for restoration work within a Streamside Management Area.

RECOMMENDATION(S):

That the Zoning Administrator:

Adopt the resolution, (Attachment 1) which does the following:

- a. Finds the Zoning Administrator has considered the Addendum to the Mitigated Negative Declaration for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) that was prepared for the Sunshine Meadows, LLC, project; and
- b. Finds the proposed project complies with the General Plan and Zoning Ordinance; and
- c. Approves the Conditional Use Permits subject to the recommended conditions of approval (Attachment 1A)

DISCUSSION:

Project Location:

The project is in Humboldt County, in the Whitethorn area, 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.

Present General Plan Land Use Designation:

Residential Agriculture (RA40), 2017 General Plan; Density: 40 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 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 area onsite provide supplemental energy, use of the generators will be phased out by January 1, 2026, and will thereafter be used for emergency use only. Two employees are utilized in the operation. A Special Permit is requested for remediation within the Streamside Management Area. The legality of the parcel is confirmed with a Certificate of Subdivision Compliance, Humboldt County recorded document number 2023-001866.

Cultivation and Nursery Space

The total cannabis cultivation is for Special Permit for 4,000 square feet of existing and 6,000 square feet of new outdoor commercial cannabis cultivation. Ancillary nursery area is 1,000 square feet within a proposed 20'x50' greenhouse. Cultivation will occur within five (5) 20'x100' greenhouses and cultivation will occur with a combination of both outdoor and light deprivation methods.

Biological Resources:

The applicant has submitted a Biological Resources Assessment prepared by Leopardo Wildlife Associates dated February 20, 2019. The Consultant conducted site visits in January 2019, to evaluate potential habitat and biological resources. No listed species were observed during the site visits. The

nearest mapped NSO critical habitat is approximately (AC), HUM0133, is about 1.2 miles to the south. Leopardo Wildlife Associates conducted a reconnaissance visit on January 30, 2019, and did not observe suitable nesting habitat within 120 feet of proposed operations. No other sensitive, rare, threatened, or endangered species or species of special concern were observed field assessment of the project area, though potential habitat exists on the property.

Recommended conditions of approval include limiting noise from project activities to 50 decibels 100 feet from the noise source or at the nearest tree line, whichever is more restrictive, proper storage of fuels, fertilizers and pesticides, prohibition of monofilament netting, storage of refuse in wildlife proof containers, and prohibition of anticoagulant rodenticide (Condition B6-B12).

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.

Water Resources:

Water for cultivation use is provided by a permitted well (permit number 17/18 0136) on the parcel. Proposed water use is 100,000 gallons (11 gallons per square foot) sourced from groundwater well. There is an existing 90,000-gallon water tank and eight 5,000-gallon water tanks for a total of 140,000 gallons of existing water storage. The capacity of the existing water storage meets the entire seasonal needs of the cannabis irrigation use. Irrigation and fertigation of plants occurs using top-feed hand watering methods

Eubank Creek runs through the upper northwest corner of the project parcel. 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 II Moderate Risk site under WDID 1_12CC412026. A Site Management Plan (SMP) has been 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 (**Condition B.3**).

The applicant was not able to procure a surface water connection report for the well from a licensed geologist; staff performed the following analysis to determine the potential for the well's connection to surface water resources: The applicant provided a well completion report (WCR2017-0136) (

Attachment 4F) for the well that was drilled in 2017. The well head is located at 40.0898 -123.9716 Degrees and is at an elevation of approximately 1,176 feet above sea level. The well was drilled to a depth of 180 feet below ground surface (BGS) using a rotary drill. The well is located on a gently sloping shoulder of land in the northern third of the parcel and is centered east to west. The terrain in the well's vicinity generally slopes down in a radial direction clocking west, south and east. The elevation of the bottom of the well is approximately 996 feet. The well head is located 522 feet east of the nearest point on the Eubank Creek, the nearest intersecting point on the creek is at an elevation of 942 feet. The confluence of Eubank Creek and the Mattole River is 1.4 miles west of the well head. There is a Class II intermittent Water course that is an unnamed tributary to Eubanks Creek located 630 feet south of the well, the nearest point on the watercourse is 1,002 feet elevation.

The drillers encountered topsoil from 0-20 feet BGS, brown sandstone from 20-60 feet BGS, clay from 60-80 BGS, shale from 80-100 feet BGS, and Franciscan shale from 100-120 feet BGS, shale from 120-160 feet BGS and solid blue sandstone from 160-180 feet BGS. First water was encountered at 140 feet BGS. The well is cased from the surface down to 140 feet BGS with a 5" diameter PVC unperforated casing. The well screened between 140 and 180 feet below ground surface with u30 slotted PVC perforated pipe. The well is sealed with a bentonite layer down to 23 feet BGS further protecting the well from surface water infiltration. The clay layer is an indication of the well's disconnection from surface waters; the bearing unit of the well is below the clay layer. The closest waterbody to the well is Eubanks Creek. Given the lateral distance to the well, 522 feet, and the fact that the bottom of the well is 54 feet above the elevation of the nearest intersecting point on Eubanks Creek, it is unlikely that there is any surface water connectivity to Eubanks Creek. A Class II unnamed watercourse and a tributary to tributary to Eubanks Creek is approximately 630 feet to the south. The typical zone of groundwater influence for a well is approximately a 50-foot radius from the well head. Because the wellhead is located 176 feet above the elevation of the nearest intersecting point on the unnamed watercourse, and 630 feet to the north of the watercourse the likelihood of hydrological connectivity to the well is low. The well's sealing and the clay layer above the bearing unit of the well make the likelihood of hydrological connectivity to the well even lower. Because this is an intermittent watercourse that only carries water in response to rain events, it is unlikely to have any connection to a subsurface aquifer. 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.

According to available USGS information (Fine-scale hydrologic modeling for regional landscape applications, Flint 2013), approximately 34% of precipitation goes to groundwater recharge in Northwest California. According to the Prism Climate Group the lowest rainfall year of the last 20 years within the vicinity of the project site was 30.41 inches in 2013, meaning that even in a

substantial drought year like 2013, a total of 11.25 inches (37% of total), or .94 acre-feet (305,485 gallons) of rainfall is available for groundwater recharge per acre in this area. The total available recharge on the 42.4-acre parcel would be approximately 13 million gallons, meaning that even in a substantial drought year the irrigation needs would be less than .7% of the total available groundwater recharge occurring on the parcel.

At the initial installation of the well, a 4-hour drawdown test was conducted that indicated the well could produce 15 gallons per minute. During the test the first water was encountered at 140 feet. This yield test, conducted on July 21, 2017, shows that the well can produce 900 gallons per hour in what is a dry part of the year. While the initial drawdown test is not always a good indicator of the long-term yield of a well, the test shows that the well was a good producer at the time of the test. Furthermore, the applicant has been using the well as the sole source of water for the cultivation operation for the last five growing seasons with no water shortages or dry down events. This indicates that production of the well is in sync with the water demand of the project. The applicant has developed sufficient water storage for a full year of cultivation water.

Cape Mendocino Planning Watershed as well as the Headwaters Mattole River Refuge is an Impacted HUC-12 watershed. Eubank Creek is a tributary to Mattole River. The application is for pre-2016 cannabis cultivation and it has been determined that the well which is the source of the project's water will not have significant impacts on the watershed.

Energy:

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 (**Condition A-10**). After the project has transitioned to full solar power, the applicant may elect to keep a generator on site for emergency backup power, subject to ongoing conditions requiring proper storage and containment of the generator fuels and noise limits (**Condition B-5, B-6**).

Access/Safety:

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. (**Condition A-8**). A gate controls access to the site. Restricted access signs will be posted conspicuously at the entrance.

Geology and Soils:

The project parcel is mapped in the County GIS as having Moderate instability. The existing and proposed cultivation areas are all located in areas that are less than 15% slope. The existing and proposed cultivation areas are outside any mapped earthquake faults or fault hazard zones, areas of potential liquefaction, or mapped historic landslides. The applicant provided a Geologic Suitability and Prime Agricultural Soils Analysis, Lindberg 2017, (**Attachment 4B**). The Analysis concluded that the site was geologically suitable and that the site was comprised of 4.4 acres of prime agricultural soils. The proposed 10,000 square feet utilized for cannabis cultivation is 5% of the total area of prime agricultural soils on the parcel.

Timber Conversion:

A Timber Conversion report was prepared by Timberland Resource Consultants in January of 2020 (**Attachment 5G**). The report referenced two cultivation sites that were inspected during the field assessment of the subject parcel. The Consultant observed 0.84 acres of timberland conversion for cultivation-related purposes that occurred between 2010 and 2012. The report identified the biome of the area as grassland/oak woodland that is subject to incursion by evergreen species, predominately Douglas fir. The tree removal that occurred between 2010 and 2012 included brush and Douglas fir that were encroaching upon the historic grassland/oak woodland habitat that once dominated the site. The trees encroaching on the grasslands have open grown crowns which is indicative of fir encroachment. This total encroachment does not exceed the three-acre conversion exemption maximum. The conversion report recommends the treatment of the small log deck consisting of Douglas-fir and non-native pine log deck as mapped and photographed, this action is included as a condition of project approval (**Condition A-9**).

The subject property is located within a State Responsibility Area (SRA) for fire protection. Several improvements are proposed in order to meet SRA requirements, including designating a fire turnaround and pull-out area for emergency vehicles, and management of trees and vegetation around existing structures to maintain the required 100-foot defensible space. All structures on the property meet the 30-foot SRA setback requirement from property lines. The applicant will install a 2,500- gallon water tank near the residence that will be filled by the well and dedicated for fire protection water only (**Condition A-12**).

Tribal Consultation:

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 (**Condition B-1**).

Public Trust Resources: The project is in the 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.

Consistency with Humboldt County Board of Supervisors Resolution No. 18-43:

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.

OTHER AGENCY INVOLVEMENT:

The projects were referred to responsible agencies and most responding agencies have either responded with no comment or recommended approval or conditional approval. (Attachments 5).

ALTERNATIVES TO STAFF RECOMMENDATIONS:

1. The Zoning Administrator could elect to add or delete conditions of approval.
2. The Zoning Administrator could deny approval if unable to make all the required findings. Staff has concluded the required findings in support of the proposal can be made. Consequently, staff does not recommend further consideration of these alternatives.

ATTACHMENTS:

1. Draft Resolution
 - A. Recommended 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. Biological Assessment
 - B. Geologic Report and Soil Study
 - C. Remediation Plan
 - D. Site Management Plan
 - E. Road Evaluation
 - F. Well Completion Report
 - G. Timber Conversion Report
 - H. Streambed Alteration Agreement
5. Referral Agency Comments and Recommendations
 - A. California Department of Fish and Wildlife comments
 - B. CalFire comments
 - C. Humboldt County Department of Public Works

APPLICANT, OWNER, AGENT AND PLANNER INFORMATION:

Applicant

Sunshine Meadows, LLC, Attn. Marcy Wilke, P.O. Box 120, Garberville, CA 95542

File #: 25-41

Owner

Sunshine Rainbow LLC COTC, Attn. Joseph Stafslie, P.O. Box 120, Garberville, CA 95542

Agent

NorthPoint Consulting, Attn. Peter Hill, 1117 Samoa Blvd, Arcata, CA 95521

Planner

Please contact Andrew Whitney, Associate Planner, at awhitney2@co.humboldt.ca.us
<<mailto:awhitney2@co.humboldt.ca.us>>

or 707-268-3735 if you have any questions about the scheduled item.