



# COUNTY OF HUMBOLDT

For the meeting of: 3/2/2023

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File #: 23-266

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**To:** Planning Commission  
**From:** Planning and Building Department  
**Agenda Section:** Consent

**SUBJECT:**

**Enchanted Springs Inc. Conditional Use Permit**

Application Number PLN-13193-CUP  
Assessor's Parcel Number (APN) 522-175-004  
Willow Creek area

The denial of a Conditional Use Permit and Special Permit. The applicant seeks a Conditional Use Permit for 34,500 sq. ft. of existing outdoor cannabis cultivation and 3,488 sq. ft. of ancillary propagation. Water source is an onsite well. Water storage onsite is 30,500 gallons in one 10,000-gallon pool, six 3,000-gallon hard tanks, and one 2,500-gallon hard tank. Anticipated annual water needs for irrigation is 350,000 gallons. The Applicant plans to dry on-site and trim off-site at a licensed processing facility. Power is supplied by generators. An additional Special Permit is being requested to reduce the 600-foot setback to public lands (USFS).

**RECOMMENDATION(S):**

That the Planning Commission:

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

- a. Find the Enchanted Springs Inc. project statutorily exempt from the California Environmental Quality Act (CEQA) per section 15270 (Projects Which Are Disapproved) of the CEQA Guidelines.
- b. Find the applicant has not provided sufficient evidence necessary to make the required findings for approval.
- c. Deny the Enchanted Springs Inc. Conditional Use Permit & Special Permit.

**DISCUSSION:**

**Project Location:** The project is in the Willow Creek area, on the West side of State Highway 299, approximately 1 mile East from the intersection of Station Drive and Friday Ridge Road, and approximately 3 miles North from the intersection of Friday Ridge Road and a Private Road. On the property known to be in Section 5 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) & High Instability (3) E.

**Present Zoning:** Timberland Production Zone (TPZ).

**Environmental Review:** The proposed project is statutorily exempt from the provisions of the California Environmental Quality Act (CEQA) per section 15270 (Projects Which Are Disapproved) of the CEQA Guidelines.

**State Appeal:** The proposed project is NOT appealable to the California Coastal Commission.

**Major concerns:** Lack of adequate evidence to support required findings for approval.

**Executive Summary:** The denial of a Conditional Use Permit and Special Permit. The applicant seeks a Conditional Use Permit for 34,500 sq. ft. of existing outdoor cannabis cultivation and 3,488 sq. ft. of ancillary propagation. Water source is an onsite well. Water storage onsite is 30,500 gallons in one 10,000-gallon pool, six 3,000-gallon hard tanks, and one 2,500-gallon hard tank. Anticipated annual water needs for irrigation is 350,000 gallons. The Applicant plans to dry on-site and trim off-site at a licensed processing facility. Power is supplied by generators. An additional Special Permit is being requested to reduce the 600-foot setback to public lands (USFS).

The application was submitted on the 30<sup>th</sup> of December, 2016.

On July 27, 2021, additional application materials were received by the applicant's agent. On August 5, 2021, a reply was sent to the agent to relay that the application was deemed close to complete, and to ask a couple of additional questions regarding the number of employees and details on transitioning to solar power. No response was received by the agent. Documents that were submitted by the applicant are as follows: Cultivation & Operations Plan, Site Plan, Notice of Applicability letter from the State Water Resources Quality Control Board, Well Completion Report, Lake or Streambed Alteration Notification online submission, Site Management Plan for site hydrology assessment, and a Road Evaluation Report Self-certification Form.

On August 16, 2021, an email was sent to the applicant to address the same questions regarding the number of employees used at the site and details on transitioning to solar power. No response was received and the project was put on hold to take forward to a hearing.

On September 13, 2022, an email was sent to the applicant to see if they were still interested in moving the application forward or if they wanted to withdraw the application, and no response was received. On October 13, 2022, the assigned planner had a phone conversation with the applicant to let them know that this project needs a Well Assessment Report in order to analyze the well for potential hydrologic connectivity to surface waters and to determine if its use for the project would result in impacts to nearby surface waters.

On November 18, 2022, a follow up email was sent to the applicant to let them know that if no response was received in regards to whether they wanted to continue moving the project forward in the application process or if they would like to withdraw the application, a 30-day deficiency letter would be sent and the application may be denied. No response was received.

On December 14, 2022, a 30-day deficiency letter was sent to the applicant giving 30 days to submit additional requested items for the project. No response has been received.

The project was for a pre-existing cannabis cultivation site, and there is evidence that approximately 0.7 acres of timberland was converted on the subject parcel between 2010 and 2020, to accommodate cannabis

cultivation activities. As well, historic cultivation occurred within a streamside management area for China Creek on-site. The applicant is required to restock and restore the site to pre-cannabis activities.

**Summary:** The submitted application does not include enough evidence to support making the required findings under Section 312-17.1. Finally, the department has attempted to contact the applicant and the applicant has failed to respond.

**ALTERNATIVES TO STAFF RECOMMENDATIONS:**

1. The Planning Commission could elect to direct staff to continue to work with the applicant to resolve the outstanding issues and continue processing the application in accordance with HCC Section 312-4.1 et seq. However, due to the extended amount of time that the deficiencies have remained unresolved and the lack of responsiveness from the applicant, staff does not recommend this alternative.

**ATTACHMENTS:**

1. Resolution
  - A. Cultivation Operations Plan
  - B. Site Plan
2. Location Maps
3. Planning Department Correspondence to Applicant
  - A. Email Request for Materials to Agent on August 5, 2021, and to Applicant on August 15, 2021
  - B. Email to Applicant on September 13, 2022
  - C. Email to Applicant on November 18, 2022
  - D. 30-Day Deficiency Letter to Applicant on December 14, 2022

**Applicant**

Enchanted Springs  
Patrick Shannon  
PO Box 1275  
Willow Creek, CA 95573

**Property Owner**

New River Timber Co.  
PO Box 1275  
Willow Creek, CA 95573

**Agent**

Kaylie Saxon  
1650 Central Ave, Ste C  
McKinleyville, CA 95519

Please contact Megan Acevedo, Planner II, at 707-441-2634, or by email at [macevedo@co.humboldt.ca.us](mailto:macevedo@co.humboldt.ca.us), if you have any questions about the scheduled public hearing item.