



COUNTY OF HUMBOLDT

For the meeting of: 10/6/2022

File #: 22-1334

To: Zoning Administrator
From: Planning and Building Department

Agenda Section: Consent

SUBJECT:

Simply Bliss Farm, LLC, Special Permit, Zoning Clearance Certificate
Record Number: PLN-12071-SP
Assessor's Parcel Number (APN): 216-093-008
New Harris Area

A Special Permit associated with the ongoing use and maintenance of a registered point of diversion located within the Streamside Management Area. A Zoning Clearance Certificate for 4,000 square feet of existing outdoor commercial cannabis cultivation. Light degravation techniques are utilized to obtain two harvests annually. The project is supported by a 400 square-foot nursery. Water for irrigation and domestic use is sourced from a registered spring diversion. The applicant has proposed to install rainwater catchment infrastructure. Projected annual water usage for the operation totals 24,000 gallons (6 gal/SF) and there is 40,000 gallons of water storage for irrigation. All processing occurs onsite. The project is owner-operated; therefore, no employees are required. Energy for the operation and domestic use is sourced from two 2.4kW generators.

RECOMMENDATION(S):

That the Planning Commission:

1. Describe the application as part of the Consent Agenda
2. Survey the audience for any person who would like to discuss the application.
3. If no one requests discussion, make the following motion to approve the application as part of the Consent Agenda; and
4. Adopt the resolution (Resolution 22-__). (Attachment 1) which does the following:
 - a. Finds that the Zoning Administrator has considered the Addendum to the Mitigated Negative Declaration for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) pursuant to Section 15164 of the State CEQA Guidelines; and
 - b. Finds that the proposed project complies with the General Plan and Zoning Ordinance; and
 - c. Approves the Special Permit subject to the recommended conditions of approval (Exhibit A)

DISCUSSION:

Executive Summary: The applicant is seeking a Zoning Clearance Certificate for 4,000 square feet of existing outdoor commercial cannabis cultivation. Light degravation techniques are utilized to obtain two harvests annually. The project is supported by a 400 square-foot nursery. A Special Permit is required for the ongoing use and maintenance of a registered point of diversion located within the Streamside Management Area.

All processing occurs onsite. The project is owner-operated; therefore, no employees are required. Up to two family members will be onsite assisting with operations. Trimming may occur onsite by family members in a permitted residence or residential structure under DPS 21-02. A condition of approval will require the applicant to discontinue onsite trimming and packaging unless a permitted residence or residential accessory structure has been obtained (**General Condition A.8**).

Energy: Energy for the commercial operation and for domestic use is sourced from two 2.4kW generators. A condition of approval will require the applicant to maintain generator noise at or below 50 decibels as measured at 100 feet from the noise source (**Ongoing Requirement B.2**). The applicant is proposing to transition to renewable energy within 5 years of project approval and proposed to discontinue the use of the generator at that time.

Water Resources: Water for irrigation and domestic use is sourced from a registered spring diversion. The applicant has proposed to install rainwater catchment infrastructure. Projected annual water usage for the operation totals 24,000 gallons (6 gal/SF) and there is 40,000 gallons of water storage for irrigation. An ongoing requirement for the project will require the applicant to adhere to the forbearance period from April 1st to October 31st of each year (**Ongoing Requirement B.1**).

The project was referred to the Division of Environmental Health which requested that the applicant demonstrate that a properly functioning onsite wastewater treatment system serves the operation. The applicant is not proposing to have employees; therefore, this item is not required to be completed. The restroom located in the residence will serve the operation.

Biological Resources: A review of the California Natural Diversity Database found that the nearest Northern spotted owl (NSO) activity center is approximately 1 miles east of the project site. An ongoing requirement for the project will require the applicant to maintain project related noise at or below 50 decibels as measured 100 feet from the noise source or edge of habitat. Additionally, the applicant is required to adhere to International Dark Sky Standards which requires that all project related light be directed downward and is not visible from neighboring properties (**Ongoing Requirement B.3**). The project is not anticipated to impact any plant or animal species of special concern or sensitive natural communities.

Tribal Cultural Coordination: The project site is not located in a mapped aboriginal territory. The project was referred to the Northwest Information Center which requested a Cultural Resource Investigation be completed. The applicant submitted a *Cultural Resource Inventory Report* prepared by Archaeological Research and Supply Co., dated August 2022, which states that the project as proposed is not anticipated to impact any tribal cultural resources. The applicant is required to adhere to the inadvertent discovery protocol (**Ongoing Requirement B.37**).

Access: The subject parcel is located off of Bliss Lane, a privately maintained road which takes access from Bell Springs Road, which is a county-maintained road. A *Road Evaluation Report* was prepared by the applicant for the private access road which documents the access road as being developed to the equivalent of a Category 4 standard and meets the functional capacity required for the project's needs. Provisions have been made in the applicant's *Site Management Plan* to minimize discharge of sediment off-site and improve drainage features on the private access road. A condition of approval will require the applicant to implement the recommendations within the *Site Management Plan* for Unique Points 1-18 (**General Condition A.7**).

The project was referred to the Department of Public Works Land Use Division which requested two conditions

of approval be added to the project which would require the applicant to improve and maintain visibility where Jewett Road intersects with the county-maintained road, Bell Springs Road and that the applicant be required to improve the location where Jewett Road intersects with the county-maintained road, Bell Springs Road. These recommendations have been included as conditions of approval for the project (**General Conditions A.9**). The applicant is also required to submit a revised site plan as recommended by the Building Department (**General Condition A.10**).

Fire Safety: The subject parcel is located within an area with very high fire hazard severity. The subject property is located within the State Fire Responsibility Area for fire protection (CAL-FIRE). The project was referred to the California Department of Forestry and Fire Protection which recommended that the applicant comply with the requirements of the County's Fire Safe Regulations and that a CAL FIRE harvest document be obtained prior to any tree removal. The proposed project will not result in net timber conversion, as no trees are proposed to be removed as part of this project.

Environmental Review: Environmental review for this project was conducted and based on the results of that analysis, staff find that all aspects of the project have been considered in a previously adopted Mitigated Negative Declaration that was adopted for the Commercial Medical Marijuana Land Use Ordinance and has prepared an addendum to this document for consideration by the Zoning Administrator (see Attachment 2 for more information).

Project Description: The applicant is seeking a Zoning Clearance Certificate for 4,000 square feet of existing outdoor commercial cannabis cultivation. Light degravation techniques are utilized to obtain two harvests annually. The project is supported by a 400 square-foot nursery. Water for irrigation and domestic use is sourced from a registered spring diversion. The applicant has proposed to install rainwater catchment infrastructure. Projected annual water usage for the operation totals 24,000 gallons (6 gal/SF) and there is 40,000 gallons of water storage for irrigation. All processing will occur onsite. The project is owner-operated, therefore, no employees are required. Up to two family members will be onsite assisting with operations. Energy for the operation and domestic use is sourced from two 2.4kW generators. A Special Permit is required for the ongoing use and maintenance of a registered point of diversion located within the Streamside Management Area.

Project Location: The project is located in Humboldt County, in the New Harris area, on the east side of Bell Springs Rd, approximately 1.34 miles ESE from the intersection of Bell Springs Rd and Bliss Ln, on the property known to be in Township 04S of Range 05E Section 32 Humboldt Base & Meridian aka 1165 Bliss Lane Harris CA 95542.

Present General Plan Land Use Designation: Residential Agriculture (RA); 2017 General Plan; Density: 40 acres per unit; Slope Stability: High Instability (3).

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.

OTHER AGENCY INVOLVEMENT:

The project was referred to responsible agencies and all responding agencies have either recommended approval or conditional approval. (Attachment 5)

ALTERNATIVES TO STAFF RECOMMENDATIONS:

1. The Zoning Administrator could elect not to hear this item and put the decision making in front of the Planning Commission. Any decision to place this matter before the Planning Commission must be done before opening the public hearing on this project.
2. The Zoning Administrator could elect to add or delete conditions of approval
3. The Zoning Administrator could deny approval of the requested permits if you are unable to make all of the required findings. Planning Division staff is confident that the required findings can be made based on the submitted evidence and subject to the recommended conditions of approval. Consequently, planning staff does not recommend further consideration of these alternatives.

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
 - A. Site Management Plan
 - B. Lake and Streambed Alteration Agreement
 - C. Road Evaluation
5. Referral Agency Comments and Recommendations
 - A. Building Inspection
 - B. DEH Referral Response
 - C. Public Works Land Use Referral
 - D. CAL Fire Referral Response