



COUNTY OF HUMBOLDT

Legislation Details (With Text)

File #: 23-1265 **Version:** 1 **Name:**
Type: Zoning Item **Status:** Public Hearing
File created: 9/11/2023 **In control:** Planning Commission
On agenda: 9/21/2023 **Final action:**
Title: Ram Ram Bliss 2, LLC Conditional Use Permit
 Assessor Parcel Number 216-094-009-000
 Record No.: PLN-12987-CUP
 Harris Area

A Conditional Use Permit for 11,762 square feet of existing outdoor light deprivation commercial cannabis cultivation. Approximately 252,000 gallons per year (21.4 gallons per sf) is required for irrigation needs. Water is sourced from three onsite ponds and water storage includes water stored in the ponds and hard tank storage for a total of 605,400 gallons. Processing activities including drying, curing, and trimming occur onsite within a 968 square foot building. Power is provided through a mix of solar and generator use. No employees are proposed.

Sponsors: Planning and Building, Laura McClenagan

Indexes:

Code sections:

Attachments: 1. 12987 Staff Report 9.21.23, 2. Attachment 1 - Draft Resolution, 3. Attachment 1A - Conditions of Approval, 4. Attachment 1B - Cultivation Operations Plan and Addendum, 5. Attachment 1C - Site Plan, 6. Attachment 2 - Location Map Set, 7. Attachment 3 - CEQA Addendum to MND, 8. Attachment 4 - Applicant's Evidence in Support of the Required Findings, 9. Attachment 5 - Referral Agency Comments and Recommendations, 10. Attachment 5a - Division of Environmental Health Response, 11. Attachment 5b- Public Works Response, 12. Attachment 5c - Building Division Response, 13. Attachment 5D - CDFW Response, 14. Attachment 6 - Watershed Map

Date	Ver.	Action By	Action	Result
9/21/2023	1	Planning Commission	approved	Pass

To: Planning Commission

From: Planning and Building Department

Agenda Section: Public Hearing

SUBJECT:

Ram Ram Bliss 2, LLC Conditional Use Permit
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curing, and trimming occur onsite within a 968 square foot building. Power is provided through a mix of solar and generator use. No employees are proposed.

RECOMMENDATION(S):

That the Planning Commission:

1. Adopt the resolution (Resolution 23-__). (Attachment 1) which does the following:
 - a. Finds that the Planning Commission has considered the Mitigated Negative Declaration for the Commercial Medical Marijuana Land Use Ordinance and the Addendum that was prepared for the Ram Ram Bliss 2, LLC project); and
 - b. Finds that the proposed project complies with the General Plan and Zoning Ordinance; and
 - c. Approves the Conditional Use Permit subject to the recommended conditions of approval (Attachment 1A); and

DISCUSSION:

Project Location:

The project is in Humboldt County, in the Dinsmore area, on the northeast side of Bear Creek Road, approximately 1.8 miles due north as the crow flies from the intersection of Bear Creek Road and Dinsmore Road, on the property known to be in Section 28 of Township 02 North, Range 05 East, Humboldt Base & Meridian.

Present General Plan Land Use Designation:

Residential Agriculture (RA40), 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.

Executive Summary:

A Conditional Use Permit for 11,762 ft² of existing outdoor light deprivation and full-term commercial cannabis cultivation. There are three (3) cultivation areas on the property. Greenhouse (GH) #1 is 31'x71', GH #2 is 24x76', GH #3 is 24x76' GH #4 is 30'x96', GH #5 is 34'x65' and GH #6 is 13'x60'. Greenhouses #5 & #6 are relocated from the full sun outdoor cultivation that was in the northern section of the project parcel. The justification for the relocation includes greater solar exposure and therefore less need for electricity, concentration of cultivation to a more localized area resulting in less traffic throughout the site, and the relocation area will not require grading as it is already disturbed, and the irrigation infrastructure is already in place in close proximity. The retired area shall be remediated as a condition of project approval (**Condition of Approval A7**).

Processing activities including drying, curing, and trimming occur onsite within a 35'x50' ft² building. square foot building. No employees are proposed. The ancillary nursery area is also proposed to occur in this building, however, as a condition of project approval, the applicant shall submit an addendum to the site plan that clearly partitions the building such that the 1,176 square feet allowable ancillary nursery area is clearly defined (**Condition of Approval A8**).

Water Resources:

The estimated annual water budget of 252,000 gallons per year (21.4 gallons per ft²). Including the ancillary nursery, which will total 10% or less of the total cultivation area (1,176 ft²), water usage translates to approximately 19.5 gallons per ft². The project obtains water from three (3) man-made ponds. The ponds include two (2) lined instream pond that capture water from two (2) unnamed class III tributaries to Jewett Creek and a third rainwater catchment pond. The applicant has obtained a final Streambed Alteration Agreement with the California Department of Fish & Wildlife for the in-stream work needed to Nine (9) encroachments were to be mitigated on the project parcel (LSAA No. 1600-2017-0559-R1). The applicant shall adhere to the project description and work outlined within the LSAA and renew the expired LSAA with CDFW as a condition of approval (Condition of Approval A10). Water storage for irrigation consists of one (1) 162,000-gallon pond, one (1) 140,000-gallon pond, one (1) 90,000-gallon pond, 21 5,000-gallon hard tanks, three (3) 10,000-gallon hard tanks, one (1) 24,000 gallon metal tank, seven (7) 3,000 gallon poly tanks, two (2) 5,000 gallon poly tanks, two (2) 1,000 gallon tanks, one (1) 500 gallon tank, and one (1) 300 gallon tank for a total of 605,400 gallons of water storage. Irrigation water will be administered via drip irrigation. Projected use for each of the four (4) light deprivation sites includes two (2) sites that require 3,000 gallons per week and two (2) sites that require 1,500 gallons per week. The total projected use at the sites is 9,000 gallons per week, or 162,000 gallons per 18-week growing season. Projected use for the proposed full-term outdoor garden is 5,000 gallons per week or 90,000 gallons per 18-week growing season. The applicant shall consent to forebear from the two (2) diversionary ponds during the period from May 15th to October 31st of each year and establish on-site water storage for retention of wet season flows sufficient to provide adequate irrigation water for the size of the area to be cultivated as a condition of project approval (Condition of Approval A11). The applicant must also amend the cultivation and operations plan as well as the site plan to account for the additional water storage and methods that will be employed for irrigation need during the forbearance period upon project approval before cultivation operations commence.

In 2016, a permitted well was installed on the property for domestic use. The well will not have a nexus to the commercial cannabis operations.

The water application is monitored and adjusted to account for climate conditions in order to prevent over or under-watering. Rainwater runoff from the road is collected and stored in the irrigation ponds.

The project was referred to the Division of Environmental Health (DEH). DEH specifies that the applicant must demonstrate that a properly functioning onsite wastewater treatment system serves the operation. This can be accomplished by either installing a new, permitted septic system; or by providing DEH with an assessment of the existing system performed by a qualified professional engineer, geologist, soil scientist, or REHS that certifies that the existing system complies with the State RWQCB definition of a Tier 0 system - not impairing groundwater or surface water resources.

A Water Resource Protection Plan was prepared by Timber Resource Consultants January 23, 2018. As a condition of approval, the applicant shall remediate/clean-up/restore items 1-3, 5, 7, and 10 (**Condition of Approval A9**).

Biological Resources:

Review of the California Natural Diversity Database (CNDDDB) indicates that the nearest mapped Northern Spotted Owl activity center (HUM0019) is on the project parcel approximately 800 feet north of GH#5. The only area that will utilize artificial lighting is the ancillary nursery area inside a completely enclosed building. Use of the generator is subject to the standard condition limiting noise to 50dB at 100 feet from the generator or at the edge of the nearest forest habitat, whichever is closer. As proposed and conditioned, the project is consistent with CMMLUO performance standards and will not negatively impact the Northern Spotted Owl.

The project was referred to the California Department of Fish and Wildlife (CDFW) on July 7, 2019. CDFW provided comments on the project June 22, 2023. Per the recommendations of CDFW, the applicant shall consolidate all generators to one (1) centralized area on the property. Additionally, the applicant shall implement appropriate noise and fuel containment to minimize disturbance to sensitive wildlife species. Further, the applicant shall transition to PG&E or a renewable energy source by January 1, 2026. The applicant shall also submit a stream restoration plan that is approved by CDFW to restore the impacted drainage for the Class III tributary to Jewett Creek. The dirt road on the northern part of the parcel is currently hydrologically connected to surface waters. A final Lake and Streambed Alteration Agreement (LSAA) was executed with the California Department of Fish and Wildlife on February 26, 2018 (No. 1600-2017-0559-R1). The LSAA is expired and had a required completion date not later than July 15, 2019. Work for Crossing 3 (see referral comment in Attachment 4) has not been completed, nor has the applicant submitted a work completion report. The applicant shall renew the LSAA with CDFW and complete all work followed by a reporting submittal to CDFW as a condition of project approval. The applicant shall remove all infrastructure and debris from the stream channel and SMA within 30 days of project approval. As a condition of approval, the applicant shall decommission the road and construct water bars to mitigate road runoff to the streams. The applicant is required to comply with International Dark Sky Standards and shall ensure that all noise levels do not go above 50 decibels at 100-feet or any tree line when noise generating equipment are in use.

Energy:

Power is provided by generator and solar power, with the generator being exclusively utilized for approximately one (1) hour every three (3) days throughout the 18-week growing season to power the portable pumps that are used to feed and water. The applicant proposed use of supplemental lighting for 20-24 hours per day for 2-3 week at the beginning of the beginning of April to supplementally light the hoop houses and greenhouses. The project is conditioned to migrate electricity for the cannabis operation to all renewable sources by January 1, 2026, reserving generator usage for emergencies only as a condition of project approval (**Condition of Approval A6**).

Access:

Access to the project site is by way of a County-maintained Road, Bliss Lane. The project was referred to the Department of Public Works on January 9, 2023, and comments were received by the agency on July 2, 2019. Comments from Public Works stated that the County Road that has gravel at the location of the access road shall be rocked for a minimum width of 20 feet where it intersects the County Road . The operations are pre-existing, and no increase in traffic is anticipated. The applicant provided a self-certifying road evaluation that included photographs of the private access road are to category 4 standards.

The project was referred to the Department of Public Works on January 9, 2023, and comments were received by the agency on July 2, 2019. Comments from Public Works stated that the County Road that has gravel at the location of the access road shall be rocked for a minimum width of 20 feet where it intersects the County Road a condition of approval (Condition of Approval A12). The operations are pre-existing, and no increase in traffic is anticipated. The project site plan depicts does not include an emergency vehicle turnaround location nor a 2,500-gallon water storage dedicated to fire protection and is conditioned to revise the site plan upon project approval (**Condition of Approval A8**).

Geologic Suitability:

The project parcel is mapped in the County GIS as having moderate instability. Few portions of the property have less than 15% slopes. The cultivation areas are mapped either 15-30% slope or 30-50% slope. No new grading is authorized to implement the project. After the fact grading permits are required for grading that was done previously without permits. Most of this grading appears to pre-date the adoption of the cannabis ordinance.

Timber Conversion:

No timberland conversion is associated with this project. The CalFire referral response states no issues with the project as proposed.

Security and Safety:

Per the project operations plan, access to the parcel is gated and locked. The location is remote, and the terrain is steep and forested, restricting vehicular access to that single road. The path to the gardens is blocked with a locked gate. All buildings on the property lock and are secure, and all cannabis is stored in a secure location.

Tribal Consultation:

The project site is not located within mapped Aboriginal Ancestral Territories. The project was referred to the Northwest Information Center (NWIC). NWIC recommended a Cultural Resource Study be

conducted for the project parcel. The applicant has submitted a Cultural Resource Investigation prepared by Arsenault & Associates, dated February 19, 2021. A comprehensive field survey was conducted, and no cultural artifacts were found. The project is not anticipated to impact any tribal cultural resources; however, the applicant will be required to adhere to the inadvertent discovery protocol (**Condition of Approval C1**).

Resolution 18-43:

The Humboldt County Board of Supervisors Resolution No. 18-43 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 within the Middle Main Eel River watershed. The cap on this watershed is 360 permits and 125 acres. Currently, 115 approved permits for commercial cannabis exist in this watershed, and the approved acreage not including this project and the adjacent project is 41.66 acres. If this project gains approval, the number of issued permits will be 116, and the approved acreage will be 42.17 acres.

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)

ALTERNATIVES TO STAFF RECOMMENDATIONS:

1. The Planning Commission could elect to add or delete conditions of approval. The Planning Commission 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. Conditions of Approval
 - B. Cultivation Operations Plan w/ addendum
 - C. Site Plan
2. Location Map Set
3. CEQA Addendum
4. Applicant's Evidence in Support of the Required Findings
5. Referral Agency Comments and Recommendations
 - A. DEH Response
 - B. PW Response
 - C. Building Division Response
 - D. CDFW Response
6. Watershed Map

Applicant

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