

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT**

Resolution Number 23-

Record Number PLN-12987-CUP

Assessor's Parcel Numbers: 216-094-009-000

Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approves the Ram Ram Bliss 2, LLC Conditional Use Permit.

WHEREAS, Ram Ram Bliss 2, LLC, submitted an application and evidence in support of approving a Conditional Use Permit for the continued operation of an existing 11,762 square feet of existing outdoor light deprivation and full-term commercial cannabis cultivation, and appurtenant nursery & on-site processing activities; and

WHEREAS, the County Planning Division, the lead agency, prepared an Addendum to the Final Mitigated Negative Declaration (MND) prepared for the Commercial Medical Land Use Ordinance (CMMLUO) adopted by the Humboldt County Board of Supervisors on January 26, 2016. 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; and

WHEREAS, the Humboldt County Planning Commission held a duly-noticed public hearing on September 21, 2023, and reviewed, considered, and discussed the application for a Conditional Use Permit and reviewed and considered all evidence and testimony presented at the hearing.

Now, THEREFORE BE IT RESOLVED, that the Planning Commission makes all the following findings:

FINDING:

Project Description: A Conditional Use Permit for 11,762 square feet of existing outdoor light deprivation and full-term commercial cannabis cultivation. The anticipated irrigation need is 252,000 gallons per annum (21.4 gallons per ft²). Water is sourced from three onsite ponds. Water storage for irrigation consists of one (1) 162,000-gallon pond, one (1) 140,000-gallon pond, one (1) 90,000-gallon pond, two (2) 20,000-gallon bladders, one (1) 15,000 gallon bladder, 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 505,400 gallons of water storage. 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.

EVIDENCE: Project File: PLN-12987-CUP

2. FINDING: **CEQA.** The requirements of the California Environmental Quality Act have been complied with. The Humboldt County Planning Commission has considered the Addendum to and 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 MND. 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) The applicant received water right documentation (Reg. No. H501934) from the State Water Resources Control Board for the right to divert water from Pond 1 and 2.

d) The project parcel has existing available water storage is 392,000-gallons in three (3) rainwater catchment ponds as well as 55,000 gallons in water bladders, 24,000 gallons in a metal tank, seven (7) 3,000-gallon tanks, two (2) 5,000-gallon tanks, two (2) 1,000 gallon tanks, one (1) 500 gallon tank, and three (3) 300 gallon tanks. Total water storage is 505,400 gallons. Estimated annual water usage is approximately 252,000 gallons (21.4 gal/ft²). A Water Resource Protection Plan (WRPP) was prepared by Timber Resource Consultants January 23, 2018. The WRPP was prepared in fulfillment of State Water Resources Control Board (SWRCB) General Order WQ 2019-0001-DWQ. The document was prepared to meet the North Coast Regional Water Quality Control Board (NCRWQCB) requirements for Tier 2 discharges of waste resulting from cannabis cultivation (WDID No. 1_12CC419219). The subject parcel includes several watercourses, all of which are tributary to Jewett Creek, a tributary to the Eel River. As a condition of approval, the applicant shall remediate/clean-up/restore items 1-3, 5, 7, and 10, as specified in the WRPP.

- e) The project was referred to California Department of Fish and Wildlife (CDFW) on July 7, 2019. CDFW provided comment for the project on 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. The final Lake and Streambed Alteration Agreement for the project 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 complete all work and submit reporting 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.
- f) A final Lake and Streambed Alteration Agreement (LSAA) was executed with the California Department of Fish and Wildlife on February 26, 2018. Nine (9) encroachments were to be mitigated on the project parcel. The LSAA for the project is over five (5) years old and has expired. The applicant shall renew the LSAA with CDFW if all work has not been executed to the satisfaction of CDFW as a condition of project approval.
- g) 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 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.

- h) 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.

FINDINGS FOR CONDITIONAL USE 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) General and intensive agriculture are allowed uses in lands designated Residential Agriculture (RA).
 - b) The proposed project is not planned or zoned as open space, does not have a combining zone that would be considered open space.

4. FINDING The proposed development is consistent with the purposes of the existing U zone in which the site is located.

- EVIDENCE**
- a) The Unclassified or U Zone is intended to be applied to areas of the County in which general agriculture uses is a desirable use.
 - 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 43,560 square feet of existing outdoor cannabis and up to 22,000 sq. ft. of existing mixed-light cannabis on a parcel zoned U over 1 acre subject to approval of a Conditional Use Permit and a determination that the cultivation was in existence prior to January 1, 2016. The application for 11,762 ft² of outdoor cultivation on a 61.19-acre parcel is consistent with this 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) The CMMLUO allows existing cannabis cultivation to be permitted in areas zoned U (HCC 314-55.4.8.2.2).
 - b) The subject parcel has been determined to be a legal parcel created by deed recorded in 1953, Book 17, Pages 51 – 52 of Deeds Records of Humboldt County, California.
 - c) The project will obtain water from three onsite ponds. , two of which are on stream. The applicant has obtained 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). Nine (9) encroachments were to be mitigated on the project parcel. The LSAA for the project is over five (5) years old and has expired. The applicant shall renew the LSAA with CDFW and all mitigation measures shall be executed to the satisfaction of CDFW as a condition of project approval. The applicant shall consent to forebear from 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. 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.
 - d) 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.
 - e) The location of the cultivation complies with all setbacks required in Section 314-55.4.11.d. It is more than 30 from any property line, and more than 600 feet from any school, school bus stop, church or other place of religious worship, Public Park or Tribal Cultural Resource.

6. FINDING

The cultivation of 11,762 ft² square feet of cannabis 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 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.
- b) The project obtains water from three (3) man-made ponds. The ponds include two (2) lined instream ponds 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.
- c) The parcel is located in an area known to have a High Fire Hazard Severity, and is within the Palo Verde Volunteer Fire Response Area for local fire response. The parcel is also located within the State Responsibility Area (SRA) where Cal Fire is the primary emergency response agency responsible for fire suppression and prevention. The project was referred to Cal Fire on July 7, 2019. CalFire responded to the referral on July 17, 2019, and stated that they had no comments regarding the project at that time. As a condition of approval, the applicant shall submit a revised site plan showing an emergency vehicle turnaround, and the applicant is required to have a minimum of 2,500 gallons of water storage specifically designated for fire suppression. The designated fire suppression tank shall also have the appropriate fire hose that meets CalFire SRA requirements.
- d) 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.

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 does have the potential to support one housing unit. The approval of cannabis cultivation on this parcel will not conflict with the ability for a residence to be constructed 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) The Middle Main Eel Planning Watershed is capped at 125 acres or 360 permits, whichever is first. With the approval of this commercial cannabis cultivation permit, the total number of approved projects within the Middle Maine Eel Planning Watershed would be 116 and total acreage would be 42.17 acres.

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Humboldt County Planning Commission does hereby:

- Adopt the findings set forth in this resolution; and
- Conditionally approves the Conditional Use Permit for Ram Ram Bliss 2, LLC, based upon the Findings and Evidence and subject to the conditions of approval attached hereto as Attachment 1 and incorporated herein by reference; and

Adopted after review and consideration of all the evidence on **September 21, 2023**

The motion was made by COMMISSIONER _____ and second by COMMISSIONER _____ and the following ROLL CALL vote:

AYES: COMMISSIONERS:
NOES: COMMISSIONERS:
ABSENT: COMMISSIONERS:
ABSTAIN: COMMISSIONERS:
DECISION:

I, John Ford, Secretary to the Planning Commission 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 Commission at a meeting held on the date noted above.

John Ford, Director
Planning and Building Department