

Heavy Ratchet, LLC

Record Number: PLN-12292-SP

Assessor's Parcel Number: 210-177-024

Recommended Zoning Administrator Action:

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 a part of the consent agenda:

Find that the Zoning Administrator has considered the Addendum to the Commercial Cannabis Land Use Ordinance (CCLUO) as described by Section §15164 of the State CEQA Guidelines, make all of the required findings for approval of the Special Permits and adopt the Resolution approving the Heavy Ratchet, LLC project as recommended by staff subject to the recommended conditions.

Executive Summary Heavy Ratchet, LLC seeks a Special Permit for 8,248 square feet (SF) of existing outdoor cannabis cultivation within three (3) greenhouses (GH), including: GH1 2,400 SF, GH2 2,400 SF, and GH3 3,448 SF. Propagation occurs in one (1) 1,120 SF structure that contains the nursery and drying/storage/processing facilities. The application is conditioned to comply with the Humboldt County nursery standard of 10% of the cultivation area; therefore, no more than 825 SF of nursery area is allowed (**Condition 16**). The project also includes the decommissioning and restoration of a prior cannabis grow area (Cultivation Site 1) as shown on the site plan. Upon decommissioning, this grow area will not be used.

The project is located at the headwater of Dairy Creek, at 4,200 feet in elevation, on the west side of Buck Mountain, approximately three miles upstream of its confluence with Little Van Duzen River, a drainage that enters the Van Duzen River.

The present land use designation is Residential Agriculture (RA), as defined in the Humboldt County 2017 General Plan Update; and the parcel is zoned as Forestry Recreation (FR). Drying, storage, and processing occurs in one (1) 1,120 SF structure that also contains a small nursery. The project requires up to eighteen (18) employees, both full-time and part-time. Employees will be local residents and do not require on-site housing.

Two on-site generators currently supply power: one (1) 6-kW diesel generator and one (1) 8-kW diesel generator. The project is conditioned to transition from generator power to an alternative source of power by no later than December 31, 2025 (**Condition 17**), in keeping with prior Humboldt County approvals.

Water Resources

Irrigation water is supplied by an existing 500,000-gallon rain catchment pond. Total estimated annual water use is 75,300 gallons/year (9.12 gallons/SF) as shown in the table below. Water is stored in the pond and in seven (7) tanks for a total storage capacity of 12,700 gallons. One existing 50,000-gallon water bladder was decommissioned and removed from the site. The project will utilize direct water supply systems to limit irrigation needs and reduce waste.

January-March: No Water Use

	<i>Cult. Area – 8,248 ft²</i>		<i>Total Gal.</i>
<i>April</i>	<i>1,300</i>	<i>seedling</i>	<i>1,300</i>
<i>May</i>	<i>4,500</i>	<i>veg</i>	<i>4,500</i>
<i>June</i>	<i>11,500</i>	<i>veg</i>	<i>11,500</i>
<i>July</i>	<i>14,500</i>	<i>veg/flwr</i>	<i>14,500</i>
<i>August</i>	<i>17,000</i>	<i>flwr/veg</i>	<i>17,000</i>
<i>September</i>	<i>16,500</i>	<i>veg</i>	<i>16,500</i>
<i>October</i>	<i>10,000</i>	<i>flwr</i>	<i>10,000</i>

An existing onsite spring will be used for domestic purposes only, and will not supply any irrigation water

for the cannabis operation. The applicant is required to install water-monitoring devices on the spring to ensure no water is drawn/used for irrigation purposes (**Condition 15**).

A Water Resource Protection Plan (WRPP) (WDID: 1B170371CHUM) has been created in order to protect the water resources within the project area through annual site inspection, monitoring, and reporting of Tier 2 discharges to the North Coast Regional Water Quality Control Board (NCRWQCB) pursuant to Order No WQ-2019-0001-DWQ. Onsite monitoring shall occur during the following activities: 1) Prior to the start of the water season on October 15, in order to evaluate site winterization and preparedness for storm water runoff; and 2) Following any rainfall event with an intensity of 3 inches of precipitation within 24 hours. The applicant is conditioned to meet the monitoring requirements and recommendations outlined in the WRPP (**Condition 9**).

A Lake and Streambed Alteration Agreement (LSAA) notification has been approved by the California Department of Fish and Wildlife (CDFW) (Permit No. 1600-2017-0770-R1), which authorizes the applicant to upgrade three (3) undersized stream crossings, remove sediment from a Class III stream (three locations), and one point-of-diversion (POD) for domestic water use. The LSAA does not allow for diversion of water for irrigation/cannabis use. Corrective actions shall be completed by the deadlines identified in the LSAA (**Condition 10**).

Biological Resources

Leopardo Wildlife Associates prepared a "*Biological Assessment for Heavy Ratchet LLC Cannabis Cultivation Project*" report in September 2019. The Assessment included a search of the CNDDDB (California Natural Diversity Database) and the California Department Fish and Wildlife's (CDFW) List of Special Animals (2018), which identified Northern Spotted Owl Territories HUM0174 and HUM0548 (last detected in 2011), and three other special status plants within 1.3 miles of the project site. The three special status plants are the Mad River fleabane daisy (*Erigeron maniopotamicus*), Tracy's sanicle (*Sanicula tracyi*), and Yolla Bolly Mtns. Bird's-foot trefoil (*Hosackia yollabollensis*).

Field inspections conducted in July 2019 concluded that the project area/parcel was likely clear-cut in the mid-1900s and then logged at least twice since that time. The stand structure associated with the project site is not suitable for nesting Northern Spotted Owls (NSO)s, and the last detection of NSOs in the nearby sites were recorded in 2011. Therefore, no impacts to NSOs are anticipated to result from the project. The survey also confirmed the absence of wetlands/other sensitive habitats within 50 feet of operations, and determined that noise levels associated with generator use and greenhouse fans were found to be below the 50 decibel (dB) at 100 feet, or edge of habitat threshold established by CDFW for cannabis cultivation sites.

The Assessment concludes, "*no plant or animal community will be impacted by the proposed cannabis cultivation activities in a manner that would be CEQA significant*". The Assessment did not identify any recommendations or required conditions of approval.

Tribal Cultural Resource Coordination

A Cultural Resources Investigation Report was prepared by Archaeological Research and Supply Company (Nick Angeloff) in February 2018. The report included assessment of resources within the project site and outreach to the Bear River Band of the Rohnerville Rancheria.

The Report concludes, "*There are zero (0) previously recorded historical or prehistoric era resources identified during this survey. The record search showed three (3) previous surveys and no (0) previously recorded archaeological sites within ½ mile of the subject property.*"

Erika Cooper, the THPO for the Bear River Band, expressed via email on March 29, 2021, that she had no specific concerns for the subject property due to the negative survey report. However, she requested the application of the inadvertent discovery protocol condition, which has been applied to the project (**Condition 11**).

Access

The project site is located in eastern Humboldt County, Section 26, Township 1 North, Range 5 East, Humboldt Meridian. The project site is approximately four and a half (4-1/2) miles south southeast of the

unincorporated community of Dinsmore. A Road Evaluation Report was prepared for the project by David Nicoletti, PE, QSD/QSP, which analyzed three roadway segments: Fire Service Road 1N10 from Fire Service Road 1N08 to Highway 36; Fire Service Road 1N08 from Gate to Fire Service Road 1N10; and Private Drive from Cultivation Area to Gate.

The Road Evaluation Report determined the following:

1. Private Drive from Cultivation Area to Gate is not a Category 2 Road. To make the segment a Category 2 road, the slopes above 16% would need to be flattened to 16% or less, and the width of the Private Drive would be required to be 12-feet minimum. Additionally the construction of waterbars and culvert sizing verification is recommended.
2. Fire Service Rd 1N08 from Gate to Fire Service Rd 1N10 is not a Category 4 roadway or equivalent. To make this segment a Category 4 or equivalent, it is recommended to verify sizing and fix crushed and clogged culverts, flatten steep grades at the locations, fix erosion issues along the roadway, and construct waterbars and rolling dips.
3. Fire Service Rd 1N10 from Fire Service Rd 1N08 to Highway 36 is an equivalent to a Category 4 roadway with widths approximately 20 feet, grades under 16%, positive drainage, pullouts at curves, and pavement. No additional recommendation/improvements required.

The Humboldt County Department of Public Works (DPW) reviewed the Road Evaluation Report and recommended that all recommendations in the Road Evaluation Report for non-county maintained roads shall be constructed and implemented (**Condition 12**).

Timber Conversion

The subject parcel includes areas that have undergone tree and vegetation removal to facilitate cannabis cultivation. A Timberland Conversion Evaluation Report was prepared by Timberland Resource Consultants (July 22, 2019) and documented a total of 1.67 acres of timberland conversion. Conversion occurred at the following sites: Cultivation Area (CA) 1 (0.28 acre) and CA 2 (1.39 acre). This conversion does not exceed the three-acre conversion exemption maximum. A Restocking Plan was prepared by Timberland Resource Consultants, which the applicant is conditioned to implement (**Condition 18**).

The report identified several recommendations to address unpermitted timber removal at these locations, summarized as follows:

- CA-1: The site shall be decommissioned and restored. Restoration shall include replanting of conifers and hardwoods as specified in the "Restocking Plan" prepared by Timberland Resource Consultants.
- CA-2: The "Restocking Plan" includes plans for restoration of a portion of this area, as specified in the Plan.

Environmental Review and Recommendations

Environmental review for this project was conducted in July 2022. Based on the results of that analysis, staff finds that all aspects of the project have been considered in the IS/MND that was adopted for the Commercial Cannabis Land Use Ordinance, and has prepared an addendum to this document for consideration by the Zoning Administrator (See Attachment 2 for more information). Staff recommends that the Zoning Administrator describe the application as a part of the consent agenda; survey the audience to see if any person would like to discuss the application and, if no one requests discussion, make all the required findings based on the evidence in the record; and approve the application subject to the conditions identified.

Alternatives: Several alternatives may be considered: 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.