

Members of the Planning Commission:

I am here tonight to add my support to all of my neighbor's right to farm. And when I say all of my neighbor's, I mean all of them. The Humboldt County's right to farm ordinance was created to support agriculture, and its economic viability in this county. The land for permit 11065 is zoned AE160 (and manufacturing on this parcel), as is all the all of the surrounding farm land. I support all of the farming activity my neighbors choose to participate in, because we all live on farm land zoned AE. I support my neighbors Christmas tree farm, on AE land, not TPZ(timber production), as it should be, but, on farm land. It's his land, and he should be able to plant, raise, water, fertilize, and sell his ag product like the rest of my neighbors. Some raise race horses, some beef cattle, some diary cows, some have horse boarding facilities, some grow hay. Some grew orchids, cymbidium, and other rare fruits, grapes and trees. There was a time that many of them grew potatoes, potatoes as far as the eye could see. They would fly bi-planes over the land and spray fungicide, and fertilizers, and other chemicals to keep the crops healthy, and bug free. This happened all over the Eel River valley. All over the very land we are discussing now, and surrounding lands... it is agricultural land.

The right to farm ordinance was made to protect farmers, on farm land from nuisance complaints. Complaints against farmers, for farming on AG land. These complaints, each and everyone of them, drive up the price of doing farm business, and make it economically unviable to farm.

Many people decided to build homes on AG land because it is beautiful. I did too. I did so at the pleasure of my farmer neighbor. I did so knowing that "noises, odors, dust, chemicals, smoke and hours of operation that may accompany agricultural operations" would impact my quality of life. I did so knowing that my neighbor could farm the land 24 hours a day, could spread ash, manure, chemicals, fertilizers, use water and such to raise crops, animals, or anything else that a farmer could, to make a living on farm land, zoned for agriculture.

A new agricultural crop has provided farmers with an opportunity to keep the agricultural tradition alive for a little longer in Humboldt County. Dairy is on the precipice of collapse, beef, as a commodity is being attacked from all sides, agricultural water usage in CA and nationwide is under attack. The very tradition of farming is under attack.

This crop is still profitable. It provides jobs, a tax base, and opportunities for many people in Humboldt County. It has also opened the door to most severe threat to the Humboldt County Right to Farm Ordinance because we find ourselves defending the right to farm, on AE land, Agricultural Exclusive land, which the Right to Farm Ordinance was created to protect. Farmers should not have to defend their right, to farm, on land zoned for farming.

Let's be perfectly honest here. If this were any other crop, we would not be here tonight. If the neighbors were growing Sunflowers, or grapes, or almonds, orchids, quinoa, corn, rice, or even

acres of Christmas trees, all thirsty crops, nothing could, or would, be said by the neighbors. There would be no light restrictions, water restrictions, noise restrictions, fertilizer restrictions, lab testing, grow taxes, parking restrictions, growing schedules, employee reports, ADA bathrooms required.... etc... etc... etc...

The current complaint letters submitted are all 100% anecdotal, they provide NO evidence whatsoever that the current use of the greenhouse farm is the cause of their troubles. It is all speculation. And this speculation is exactly what the Right to Farm Ordinance was created to stop. Finally, it is not for lack of water that there is not more development on Table Bluff, water is literally bubbling out of the ground all over the bluff. It is because of zoning... AE 160 zoning, agricultural exclusive farm land zoning. We should support it, or change the zoning, it is unfair to have it both ways.

I would like to address a few things in the letters as they contain fallacies, anecdotal stories, and wild assumptions.

1. Fact: This greenhouse facility has been in constant farming operation for the past 38 years. It was approved by the California Coastal Commission for 100,000 sq. feet of greenhouses, and water rights. It is currently using 28,000. Roughly ¼ of its approved size. And, more importantly, that, and I quote the original Coastal Commission Permit: "The conditions of this permit require that irrigation developed for the greenhouse be expanded for the use on the adjoining pasturelands." This means, and I summarize (page 60-64), as a condition to build these greenhouses, a deep well was required. The deep well was to be used to irrigate up to 100,000 feet of greenhouses, **and to provide water for irrigating the 24 additional acres of pasture land.** Since pasture land irrigation occurs during dry summer months, the California Coastal Commission approved, and required, the use of water from this well for it, a conservative estimate would be 3.25 million gallons of water annually. Yes, I did say 3.25 million additional gallons of water, not including the greenhouses, just to cover the pasture land per year (estimated on a 10 hour per day water cycle; for 6 months on 24 acres.) It is my contention, and belief, since we are being forced to create a baseline, that this facility is entitled to roughly 4.75 million gallons of water per year from its deep well, as needed, by the California Coastal Commission. This is nowhere what they will use, but, as we are being forced to defend our water rights and usage, that is the number. However, this facility has, and continues to use a fraction of the amount of water approved and required in 1980 for the past 40 years. It is no longer economically viable to water pasture land because of the steep collapse of the dairy and beef markets and opening of the world farming markets.
2. Fact: Mr. Rau has made a number of statements in his letters, he is basically picking a pile of manure up and throwing it against the wall, and hoping that it sticks. In not one of his complaints has he provided any evidence whatsoever. He has done no tests, no noise studies, no light studies, no pictures, no evidence. Nothing. As a matter of fact,

however, Mr. Rau also operates an agricultural facility; a Christmas tree farm right next door. Since we are just going to throw out assertions shouldn't Mr. Rau have to follow the same standards, he suggests his neighbor follow? Christmas trees are suggested to use 1-2 gallons of water per day, per tree. He farms just under 4 acres of them. How does his water use impact our wells? Christmas tree farms are notorious for using herbicides, pesticides, fungicides, fertilizers, etc... to maintain a picture-perfect product. His chemicals could have the exact same deleterious effect on his own domestic water as he claims the greenhouses may have.... Except, all of the land, around him, including the Greenhouse facility is registered with the State of California, and some of it certified with CCOF as "Organic Land." The cannabis crop is the most regulated crop known; it is tested exhaustively. Any chemicals found render it worthless. I guess the question we should be asking is should we be worried about Mr. Rau's use of these chemicals, polluting my organic ground? And the tenant's organic crop. Mr. Rau maintains a greenhouse on his property, shouldn't his facility need to verify its water use as it may impact our water rights? Mr. Rau puts up illegal signs in the coastal zone, advertising his for-profit farm, all over the neighborhood each year inviting thousands of visitors to our neighborhood. Should we blame our crime on this increase of visitors? I say no to them all. Let Mr. Rau farm on his farm land, zoned for farming.

3. Fact: There were never any illegal weapons on this property, EVER. This is a LIE. Check with the Sheriff's office if you need evidence of this. Moreover, the pre-permit 215 medical cannabis grow facilities had no paperwork standard. The sheriff's office was informed, prior to 2016, that medical cannabis was going to be grown at this facility, long before a plant ever arrived. There could be a number of reasons why the sheriff's department chose to visit it, which none of us here can provide evidence to. However, I am not going to waste anymore time going through the constant fallacious statements Mr. Rau has claimed because they are simply false; documentation has been provided to the County when asked for, photos are not doctored, conspiracies are not aloft, we are not responsible for PG&E rate increases, and there is no boogie man coming.
4. As for Mrs. Wade's concerns here are some facts: This has not been Mrs. Wade's primary residence in the past decade. It has been used as a rental for a good portion of this time and often looks un-lived in for long periods of time. Mrs. Wade's house is a residential home, on agricultural land, used as a short- and long-term rental and maybe a part time residence. It is unfortunate that the well on her land is not producing as it has since 1983. The greenhouse facility and her home have lived together for the past 37 years. Mrs. Wade has no visible storage tank for her well, but rather, it appears she draws the water directly from the ground, this can have impacts on available water when needed. Mrs. Wade, and her expert, have provided no evidence about why her well is not performing, simply anecdotal references blaming the greenhouse facility for practically everything wrong with the neighborhood; smells, dirt, crime, water shortages, PG&E price increases and potential loss of value to her residential home built on AE land. Since both these wells have been in operation for a long time, maybe there

are other factors that have contributed to her well not working: Bio sludge from iron deposits, calcium deposits from hard water, seismic fractures in her water table, sanding in of the well shaft, the list could go on, but, no tests were done by Mrs. Wade, or her expert, that were provided. They have asked that the cost of all of her troubles be borne by the Greenhouse facility. This is just unfair. Moreover, there are a number of new buildings and developments that have occurred all around Mrs. Wade's home. There are a number of new homes, barns, greenhouses (both legal and illegal) built, beef, dairy, horse and farming operations.... all new, and all having occurred in the past 10 years, all around Mrs. Wade's home. It is my opinion, that these new builds have had a much greater impact on her well than the constant use of the Greenhouse facility for the past 38 years and yet none of the other surrounding properties have been approached and asked to mitigate her troubles whatsoever. Her complaints, and the complaints of her expert, are simply nuisance complaints meant to slow, or derail, the farming of cannabis, a recognized agricultural crop by the State of California, and the County of Humboldt, on farm land, zoned Agricultural Exclusive, meant for farming.

To conclude, I am asking that this citizen board help maintain the farming tradition in Humboldt County. Remember, that when the county asked the illegal farms to come out of the hills, it was to grow on, and at, these very types of facilities, specifically. The Sherriff's department, Fish and Wildlife, Environment Health, Building Department, District Attorney, Public Works, Water Quality Control, Fire Department, School district, California State Water Rights Board, Local Tribes, NCAUAQMD and The State of California's Coastal Commission itself, have either approved this project or have had no objections. How many more approvals should be required, by the tenants? By any farmer? Any and all attempts by folks that just don't like cannabis should be rebuked, rebuffed, and rejected if these farms are on farm land, zoned AE, made for farming. These nuisance complaints are levied with no evidence whatsoever, and they are adding, hundreds of thousands of dollars in costs that are unfair, against the Right to Farm Ordinance, and just meant to derail the whole process. I urge you to approve this permit with no mitigations, as submitted, and support Humboldt County Farmers.

## RIGHT TO FARM

43.2.2.2 Where non-agricultural land uses extend into agricultural areas, or exist side by side, agricultural operations can be the subject of nuisance complaints by which the complainants seek to cease or curtail agricultural operations. Such actions discourage investments in farm improvements and act to the detriment of such adjacent agricultural uses, and the economic viability of the County's agricultural industry as a whole. (Former Section INL#316.2-2(B); Added by Ord. 1662, Sec. 1, 11/27/84; Amended by Ord. 2075, 5/30/95; Amended by Ord. 2138b, Sec. 1, 1/14/97)

43.2.2.3 It is the purpose and intent of this section to reduce the loss to the County of its agricultural resources by limiting the circumstances under which existing and planned agricultural operations may be considered as a nuisance. This ordinance is not to be construed as in any way modifying or abridging State law as set out in the California Civil Code, Health and Safety Code, Fish and Game Code, Food and Agriculture Code, Division 7 of the Water Code, or any other applicable provision of State Law relative to nuisances. Rather, it is intended to be utilized in the interpretation and enforcement of the provisions of this Code and other County regulations. (Former Section INL#316.2-2(C); Added by Ord. 1662, Sec. 1, 11/27/84; Amended by Ord. 2075, 5/30/95; Amended by Ord. 2138b, Sec. 1, 1/14/97)

43.2.2.4 An additional purpose of this ordinance is to promote a good neighbor policy between agricultural and non-agricultural property uses by advising purchasers and users of property adjacent to or near agricultural operations of the inherent potential problems associated with such agricultural uses, including but not limited to the noises, odors, dust, chemicals, smoke and hours of operation that may accompany agricultural operations. (Former Section INL#316.2-2(D); Added by Ord. 1662, Sec. 1, 11/27/84; Amended by Ord. 2075, 5/30/95; Amended by Ord. 2138b, Sec. 1, 1/14/97)

43.2.3 Nuisance. No agricultural activity, operations, or facility or appurtenances thereof, conducted or maintained for any agricultural purpose in a manner consistent with proper and accepted customs and standards, as established and followed by similar agricultural operations in the same locality, shall be or become a nuisance, public or private, pursuant to the Humboldt County Code after the same has been in operation for more than three years if the activity was not a nuisance when it began. (Former Section INL#316.2-3; Added by Ord. 1662, Sec. 1, 11/27/84; Amended by Ord. 2075, 5/30/95; Amended by Ord. 2138b, Sec. 1, 1/14/97)