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AUG 31 2020

BOARD OF SUPERVISORS

August 28, 2020

Humboldt County Board of Supervisors
Attn: Hon. Estelle Fennel, Chair
825 5th Street, Room 111
Eureka, CA 95501

Re: Appeal Hearing in re Planning Commission's Approval of Honeydew Ranch, LLC and Mossy Stone Creek Farms, LLC Permit Applications Nos. 11954, 11950, 12256 on APN 107-272-005

Dear Humboldt County Board of Supervisors and Madame Chair:

I am writing in support of the approved permit holders Honeydew Ranch, LLC and Mossy Stone Creek Farms, LLC (hereinafter collectively referred to as "Permit Holders"), in connection with the cannabis cultivation permits [Nos. 11954, 11950 and 12256 ("Permit" and/or "Permits")] approved on APN 107-272-005 ("Property"), which is approximately forty seven (47) acres in size. This letter is written in response to the letter sent to the Humboldt County Board of Supervisors ("Board") on April 16, 2020 from Hindley Ranch Neighbors ("HRN").

BACKGROUND:

On or around July/August of 2018, Director John Ford of the Humboldt County Planning Department ("Planning Department") granted the Permit Holder permission to construct greenhouses on the Property.

On October 3, 2019, the Planning Department approved a Conditional Use Permit ("CUP") and one Special Permit for an existing 16,175 sq. ft. mixed light commercial medical cannabis cultivation project and a proposed wholesale nursery, respectively, on the Property. The Permit Holders also proposed that the Property be a receiving site for nine retirement, remediation and relocation ("RRR") cannabis cultivation applications. According to the Final Staff Report generated by the Planning Department, "The existing cultivation, proposed wholesale nursery and RRR cultivation together comprise the project as reviewed pursuant to the California Environmental Quality Act (CEQA). Adoption of the Mitigated Negative Declaration prepared for this project will allow the RRR applications to be approved administratively as Zoning Clearance Certificates." (Final Staff Report, October 3, 2019, Executive Summary on Page 4).

On or about October 25, 2019, the Planning Department conducted an inspection of the Property for a post approval Permit inspection. On or about November 27, 2019, the Planning Department conducted another inspection of the Property based on a neighbor complaint. The first such "neighbor complaint" took place after HRN filed their appeal. No such complaints were made prior to the approval of the permit on the Property. On or about December 5, 2019, the California State Water Resources Control Board ("WRCB") also inspected the Property.

On or around December 3, 2019, the Permit Holders forwarded mitigation measures to the Planning Department. These measures included, without limitation, reducing the proposed 6 acres of mixed light cultivation to 3.41 acres of mixed light cultivation and 1 acre of Outdoor cultivation – for a combined

Honeydew Ranch, LLC
Response to Appeal of CUP and Special Permit
August 28, 2020

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total of 4.41 acres of commercial cultivation on the Property. In addition, the Permit Holders proposed reducing the 10,000 sq. ft. structure to 5,000 sq. ft.. They intended to use the structure for drying and curing commercial cannabis.

On December 6, 2019, Devin Sutfin, Planner at the Planning Department, forwarded an email to the Permit Holders regarding a neighbor complaint filed with the Planning Department on November 27, 2019. In the email, Mr. Sutfin informed the Permit Holders that the Planning Department would be conducting an inspection of the Property based on the neighbor complaint.

On December 6, 2019, a letter was generated from the Planning Department summarizing the conclusions of their inspection of the Property. The Permit Holders were required to take the following three actions: (1) Remove the generator from the Property, (2) Remove all of the “grow lights” from the 2800 sq. ft. building located on the Property, and (3) Verify that no cannabis was or would be imported for processing on the Property.

On December 10, 2019, Steve Doyle (a consultant for the Permit Holders), responded to Mr. Sutfin’s December 6, 2019 letter and addressed the three issues raised as follows: (1) due to the three (3) day power outage, the back-up generator was used for power and heat, (2) the lights in the 2,800 sq. ft. building on the Property would be removed as requested, and (3) verified that no cannabis had or would be imported for processing on the Property.

On January 3, 2020, Mr. Sutfin emailed Steve Doyle to inform him that he would be conducting a follow up inspection on January 5, 2020 to verify that the Permit Holders were operating in accordance with their approved cannabis Permits. On January 7, 2020, a formal letter was sent to Mr. Sutfin in response to his December 6, 2019 letter. In that formal letter, the Permit Holders addressed the three issues raised as follows: (1) The generator was used solely as a back-up power source during the three day power outage (and the generator was also listed in the CEQA study and had been on-site prior to 2016), (2) On or about July/August of 2018, Director John Ford authorized the Permit Holders to construct the greenhouses. However, the Permit Holders removed the lights as a showing of good faith, and (3) Cannabis had not – nor would ever be – imported for processing on the Property.

On January 10, 2020, the Permit Holders emailed pictures to the Planning Department showing proof of compliance with the removal of the lights and AC unit from the structure at issue. Mr. Sutfin responded to the email and expressly stated the following: “Consider this email confirmation the light and appliance issue outlined in the January 8, 2020 inspection letter has been completed.” (Email dated January 10, 2020, from Devin Sutfin to Lesley Doyle) (See attached Exhibit A). In addition, the Permit Holders emailed Mr. Sutfin pictures of the soil clean up. The pictures showed, including, without limitation, containment of the soil and perlite under a tarp, placement of straw wattles around the perimeter of the soil containment areas, and the application of straw in all of the dirt areas.

On January 10, 2020, Lesley Doyle, also a consultant for the Permit Holder, emailed Mr. Sutfin to provide clarification about the alleged 600 sq. ft. shed on the Property. She informed him that the structure was split into a tool shed and a “mom” room, which was used for propagation of nursery stock. (Email dated January 10, 2020, from Lesley Doyle to Devin Sutfin) (See attached Exhibit B). Mr. Sutfin responded that same day confirming receipt of the aforementioned photos which showed proof of removal of the lights from the structure and acknowledged the following: “I do agree that the 600 square foot shed had a wall separating the room used for mother plants from the tool storage area.” (Email dated January 10, 2020, from Devin Sutfin to Lesley Doyle) (See attached Exhibit B). In addition, Mr. Sutfin responded in a separate email to confirm that the soil issue outlined in the January 8, 2020 Inspection letter was completed.

On February 14, 2020, Augustus Grochau emailed Lesley Doyle to inform her that “Honeydew Ranch should be receiving their IP extension soon.” (Email dated February 14, 2020, from A. Grochau to Lesley Doyle) (See attached Exhibit C). In this context, “IP” means interim permit. Lesley Doyle responded and requested an email copy of the interim permit. She expressly stated in her email that the Planning Department’s failure to issue the interim permit in a timely manner was adversely affecting the Permit Holder’s ability to start working on that season’s genetics. In other words, the Permit Holders did not want to move forward with their commercial activities unless and until they had documentary proof of the issuance of the interim permit.

Augustus Grochau responded to Lesley Doyle’s email as follows: “The issue that I believe is possible would be human error resulting in an oversight. I will set up a reminder to request an email to you when the letter is drafted, but that will not occur today. Honeydew Ranch should be receiving their IP extension soon, I would expect it late next week, but I do not want to guarantee that.” (Email dated February 14, 2020, from A. Grochau to Lesley Doyle) (See attached Exhibit B).

In April 2020, the Permit Holders were informed by Cliff Johnson, Senior Planner at the Planning Department, that the “neighbors” were putting “substantial pressure” on the Planning Department to move forward with the appeal. Upon information and belief, the only neighbors filing complaints in connection with these Permits was - and is – Roxanne Kennedy and Jim Bowdin. Due to their complaints, the Permit Holders have been inspected by the Planning Department, WRCB, California Department of Food & Agriculture and the Humboldt County Agricultural inspector. One of these inspectors told the Permit Holders that one complaint was made because the complainant did not like the fact that trucks were delivering soil to the Property.

In each of the nearly ten instances between October 2019 to the present when the Property was inspected by a governmental agency, the Permit Holders willingly provided access to the Property, developed a good working relationship with each agency representative, and immediately addressed any and all their concerns, if any.

On or around April 2020, Cliff Johnson informed the Permit Holders that the Planning Department received another complaint alleging that the greenhouses on the property were a potential fire danger. To that end, another letter was issued by the Planning Department to inspect the Property on or around April 8, 2020.

On April 29, 2020, the Planning Department sent a letter to the Permit Holders summarizing the outcome of the most recent inspection. After that inspection, the Permit Holders were required to obtain building permits or clearances on the greenhouses that Director John Ford approved in 2018.

RULE:

Pursuant to Humboldt County Code, Section 312 – 313 Appeal Procedures, an appellant may appeal an action taken by a hearing officer on any completed application within ten (10) days of said action. The basis for the appeal shall state “specifically why the decision of the Hearing Officer is not in accord with the standards and regulations of the zoning ordinances, or why it is believed that there was an error or an abuse of discretion by the Hearing Officer. (Former Section CZ#A315-26(B)).” (Section 13.2).

HRN’s request for an appeal does not meet the standards outlined in Section 312 – 313 because it fails to address (1) why the Planning Department’s decision to approve the Permits are not in accord with the standards and regulations of the relevant zoning ordinance, (2) why HRN believes that an error was

made by the Planning Department, and/or (3) why HRN believes that there was an abuse of discretion by the Hearing Officer.

ARGUMENT:

1. The Planning Department's Decision to Approve the Permits is in Accord with the Standards and Regulations of the Commercial Cannabis Land Use Ordinance

On October 3, 2019, the Planning Department approved a CUP and Special Permit on the Property for six (6) acres of commercial cannabis cultivation activity. In the ninety-two page Final Staff Report, the Planning Department expressly outlined the legal basis for approval of the aforementioned permits. According to the Final Staff Report, "The existing cultivation, proposed wholesale nursery and RRR cultivation together comprise the project as reviewed pursuant to the California Environmental Quality Act (CEQA). Adoption of the Mitigated Negative Declaration prepared for this project will allow the RRR applications to be approved administratively as Zoning Clearance Certificates." (Final Staff Report, October 3, 2019, Executive Summary, Page 4).

On page four of the Final Staff Report, the Planning Department states the following: "The subject parcel includes 40.2 acres of Prime Agricultural soil and can facilitate up to 8 acres of Cultivation through the RRR program under the CMMLUO." (Final Staff Report, Executive Summary, Page 4, Second Paragraph). In addition, the report states that "The new RRR cultivation would occupy 20% of the prime agricultural soils." (Final Staff Report, Executive Summary, Page 4, Third Paragraph). "Both the eight existing and 31 proposed new greenhouses would total as much as 8 acres on the 47-acre parcel (18% total coverage with all proposed and existing greenhouse, buildings and pond)." (Final Staff Report, Executive Summary, Page 4, Fourth Paragraph).

In the initial appeal letter, dated October 9, 2019, HRN expressed concern that the Mitigated Negative Declaration inadequately analyzes noise, security, air quality and lacks a security plan to address public safety. This is untrue. On page 6 of the Final Staff Report, the Planning Department clearly outlined the scope of the environmental review procedures conducted in connection with this project.

"Environmental review for the proposed project included the preparation of an Initial Study/Mitigated Negative Declaration (IS/MND) pursuant to the California Environmental Quality Act (CEQA) Statute (Public Resources Code 21000–21189) and Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3, Sections 15000–15387). The IS/MND was circulated from June 17, 2019, to July 16, 2019, at the State Clearinghouse. Comments from the California Department of Food and Agriculture (CDFA) dated July 17, 2019, were received from circulation of the IS/MND and are included in Attachment 6 of this staff report. The IS/MND was revised to clarify the types of licenses the applicant is required to obtain from the CDFA, which include cultivation, processor and nursery licenses. These minor revisions do not affect the conclusions of the document and do not require recirculation pursuant to Section 15073.5 of the CEQA Guidelines." (Final Staff Report, Executive Summary, Page 6, Third Paragraph).

To that end, HRN makes a conclusory statement about the environmental review without providing any evidence from a qualified professional to support their contentions. Such conclusory statements without any proof from a qualified professional should not be used as a basis to reverse the decision of the Planning Department.

Nonetheless, the Permit Holders prepared detailed plans to address HRN's concerns. On or around December 3, 2019, the Permit Holders forwarded mitigation measures to the Planning Department. These measures included, without limitation, reducing the proposed 6 acres of mixed light cultivation to 3.17 acres of mixed light cultivation and 1.56 acre of outdoor cultivation – for a combined total of 4.73 acres

of commercial cultivation on the Property - despite the fact that the Planning Department stated that the Property was eligible for up to eight (8) acres of commercial cannabis cultivation, pursuant to the local ordinance.

The Permit Holders also submitted Fire Suppression, Light Management and Soil Management Plans to address HRN's concerns. The Permit Holders updated their mixed light plan and reduced the watts per square foot to .88 watts and made the decision to utilize 250-watt ceramic lights. Other additional measures implemented by the Permit Holders include, without limitation: 1) proposal of a native plant living fence (in contract with Native Ecosystems, Inc.) to address aesthetic, noise, dust and odor control concerns, 2) development of a non-profit organization for the Honeydew area in order to support local fire suppression, stream and salmon restoration, and youth development, and 3) donating five thousand dollars (\$5,000) to the Mattole Valley Community Resource Center and five thousand dollars (\$5,000) to the Honeydew Volunteer Fire Company. The Permit Holders also reached out the neighbors in their community to create an open dialogue about the project.

Oddly, HRN never complained about the other commercial cannabis projects in the Mattole Valley area – and none of those other commercial cannabis projects have supplied – or have been asked to supply - preventative measures and plans like the Permit Holders. And yet, HRN's only complaint is about this particular Property. Why?

One parcel directly adjacent to Roxanne Kennedy and Jim Bowdin's parcel is currently approved for 279,160 square feet of commercial cannabis cultivation, with further proposed cultivation, under the 2.0 Ordinance. And yet, there is no record of HRN appealing this cultivation operation or its intent to expand its operations. (See Honeydew Farms, LLC (Alex Moore) Conditional Use Permits Application Numbers 10259, 10261, 10262, 10263, 10373, 10374, 10375, Assessor's Parcel Numbers (APN) 107-311-001 and 107-311-002).

On or about April 16, 2020, HRN sent a follow up letter to the Board in connection with their appeal herein. In this follow up letter, HRN raises the following three concerns: 1) the project will impact HRN members "through excessive noise, odors, a massive increase in daily employee traffic, and the risk of catastrophic fire from thousands of grow lights utilizing hundreds of thousands of kilowatts per day" (HRN Appeal Letter, April 16, 2020, Page 1, Second Paragraph), 2) the project is grossly oversized for its "49 acre site. Other cannabis cultivation and processing operations of this size are required to be on properties that are hundreds of acres in size" ((HRN Appeal Letter, April 16, 2020, Page 1, Third Paragraph), and 3) HRN members and "other County residents, believe this Project is associated with individuals and entities that have repeatedly failed to adhere to County ordinances and State law and may even be associated with criminal enterprises." (HRN Appeal Letter, April 16, 2020, Page 1, Fourth Paragraph).

HRN contends that PG&E will not be able to supply the power necessary to support the cultivation activity on the Property. This argument is moot because the Permit Holders have proposed a solar plan which has been developed to power the infrastructure for the Property, including all of the RRR projects.

HRN also contends that the number of lights on site pose a "fire danger." This concern would also apply to the approximately eight licensed sites in the Mattole Valley area. Did HRN complain about these projects posing a fire danger? The simple answer is no. Fire suppression is a valid concern that every commercial cannabis permit holder should take seriously. For this reason, the Permit Holders drafted and submitted a Fire Suppression Plan to the Planning Department. The Fire Suppression Plan proposes to use a pond as a fire suppression resource, portable fire extinguishers, a dry chemical fire suppression system, and installation of fire hydrants and a sprinkler system (depending on the final recommendations from the Honeydew Valley Fire Department). In addition, the Permit Holders reached

out to the Honeydew Volunteer Fire Company to discuss HRN's concerns in order to implement prevention policies. To that end, HRN's contentions regarding "fire danger" have been addressed with the proper qualified professionals in the area.

HRN further argues that the Permit Holders agreement to reduce the 10k sq. ft processing facility to 5k sq. ft. will not be able to facilitate the proposed cultivation activity on the Property and will lead to an increase in traffic. Once again, HRN refuses to be reasonable and presents circular arguments as a basis to overturn the actions of the Planning Department. Local Off-site processing companies will be utilized as necessary, which will reduce the number of temporary employees commuting to the site. This will actually lead to a decrease in traffic in the Mattole Valley area. HRN presents no independent surveys and/or proof from a qualified professional to support this claim.

While HRN raises many allegations about the alleged environmental impact of this project, they do not provide an analysis from any qualified professionals to support their claims that the Negative Mitigation Declaration is insufficient and/or incorrect. None of the supplemental information provided by HRN includes signatures from individuals and/or entities that suggest that they hold the proper credentials to accurately make any determinations about the Negative Mitigation Declaration. HRN's main contention, as outlined in their April 16, 2020 letter, is that the proposed 3 million-gallon rainwater catchment pond will not be able to facilitate the cultivation. HRN asserts that the Permit Holders will still continue to source water from a groundwater well. The supplemental Water Management Plan developed by the Permit Holders provides a clear breakdown of projected water use based on previous years' water use, which are based on meter readings. Even at full build out, the projected water usage totals 1,986,135 gallons annually, well under the 3,000,000-gal allowance. The Permit Holders currently have approximately 63,000 gallons of hard water storage per entity - for a total of 191,330 gallons of water storage for all cultivation activity on the Property. Again, HRN is merely speculating about the environment impact of the project, rather than providing an analysis from a qualified professional. Three other projects in the area that currently utilize wells and a direct spring diversion with proposed rain catchment ponds were approved *after* the Permit Holders' permit was approved. But, this project was the only one that HRN appealed.

Another approved commercial cannabis operation, directly across the river from Roxanne Kennedy and Jim Bowdin's property utilizes four (4) groundwater wells, three (3) of which are located within 200 ft. of the Mattole River and/or Honeydew Creek. In addition, this operation constructed greenhouses *within streamside management areas*, yet there is no record of HRN appealing that project. Additionally, analysis of aerial imaging of Roxanne Kennedy and Jim Bowdin's parcel (APN No. 107-272-003), located within the impacted watershed, indicates that they are cultivating approximately one and a half acres of grapes. The water rights assigned to this parcel are outline in Domestic Registration - D032751, which encompasses three points of diversion from an unnamed spring which is a direct tributary of the Mattole River. This seems contradictory that Roxanne Kennedy and Jim Bowdin take issue with the Permit Holders using rainwater catchment as a water source for an agricultural crop, while they divert surface water to facilitate the growth of their grapes.

Overall, this project will have a net positive environmental effect by restoring the nine proposed sites located in environmentally sensitive areas and relocating them to prime agricultural land where cultivation will be facilitated by solar power and rainwater catchment. As documented in the drone footage provided to the Planning Department, you can see how impactful the RRR program can be on legacy cultivation sites. Multiple cultivation sites, roads systems and stream crossings will be removed, restoring water ways to their natural state. The RRR program, if implemented correctly, can be an effective method to incentivize the cleanup of these sites, while allowing entities that are in compliance to preserve their business and generate revenue that will be circulated back into the local economy.

This project will generate a sizeable Measure S Tax revenue for Humboldt County. As previously mentioned, at full build-out this receiving site could potentially facilitate up to nine relocation projects at 20,000 square feet of mixed light cultivation each, which totals approximately three hundred eighty-seven thousand dollars (\$387,000) in Measure S tax dollars annually to the County. As you are aware, this revenue is circulated back into the local community providing funding for much needed services, including without limitation, child abuse victims, mental health services, and maintaining rural ambulance and first responder services. In 2019, the Permit Holders spent close to two hundred eighty-eight thousand dollars (\$288,000) in engineering costs, compliance/licensing and consulting costs, lab testing, and property and cultivation taxes.

If HRN's new concern is that the greenhouses approved for mixed light cultivation in 2018 will surreptitiously be used for mixed light cultivation, then this is a general concern that could be directed towards any outdoor cannabis cultivation site that utilizes light deprivation techniques. The local Planning Department and California Department of Food & Agriculture have procedures in place to deal with licensees that violate the rules. Once again, this contention proves that HRN is grasping at straws to find new issues in order to create a tempest in a teapot.

HRN's second contention is that the project is "grossly oversized" for a "49 acre" lot. As stated earlier, the CMMLUO allows for up to eight acres of commercial cultivation activity on the Property. The Permit Holders have agreed to reduce the proposed six acres of mixed light cultivation down to 3.17 acres of mixed light and 1.56 acre of Outdoor cultivation – for a combined total of 4.73 acres of commercial cultivation activity on the Property. The Permit Holders agreed to this reduction as a direct result of HRN's continuous and unsubstantiated complaints the Property. This shows an additional good faith effort on the part of the Permit Holders to address the concerns of HRN. All of the permitted cultivation sites in and around the Mattole Valley area have the same amount or more square footage of cultivation activity on their properties. Why is HRN only complaining about the Permit Holders' Property?

HRN contends that the text of CMMLUO only allows for 22,000 square feet of preexisting cultivation on parcels zoned AE. However, the provisions relating to RRR sites expressly states that RRR sites can be accepted on parcels zoned AE over ten acres, so long as the RRR sites do not exceed twenty percent of the prime agricultural soil at the site. HRN claims that, "These seemingly inconsistent portions of the ordinance lead to unjust and unfair results, illustrated perfectly well in this situation." If HRN has an issue with the language in the local ordinance, then they should take the requisite steps to go through the legislative process to make such changes, rather than harass the Permit Holders.

This project implements the RRR program for its intended use to "Incentivize, promote, and encourage the retirement, remediation, and relocation of existing cannabis cultivation occurring in inappropriate or marginal environmentally sensitive sites to relocate to environmentally superior sites." (CMMLUO §55.4.14) "Operators of RRR Sites shall be eligible to receive a Zoning Clearance Certificate for commercial cannabis cultivation of medical marijuana on an eligible Relocation Site, for an area up to four times the area of the previously existing RRR Site, but in no event larger than 20,000 sq. ft., provided that they comply with all applicable performance standards and the RRR program requirements of Section 55.4.14.4. RRR Sites may be on leased premises for agricultural purposes allowable pursuant to the exclusion from Subdivision Map Act, Government Code section 66412(k). More than one RRR Site Zoning Clearance Certificate may be granted on Relocation Site parcels of ten (10) acres or larger provided that the cumulative total cultivation area for all commercial cannabis cultivation Zoning Clearance Certificates issued for that parcel does not exceed 20% of the area of prime agricultural soils on that parcel," (CMMLUO § 55.4.14.3).

The receiving site consists of 40.2 acres of prime agriculture soils and can facilitate up to 8.0 acres of commercial cannabis cultivation, which is 20% of the prime agricultural soils on the Property. As previously mentioned, the Permit Holders have reduced the total cultivation area to 4.41 acres of cultivation - which would only occupy approximately 11.8% of the total prime agricultural soil located on the Property. HRN refutes the findings of the County's GIS system based on "suspicion" that the project exceeds the allowable amount of space on prime agricultural soil, but with no real basis to validate their suspicions.

The project site history shows that the Property has been utilized as agricultural land since the 1870s. The first land patent on the Property was obtained by Elias Hunter, who purchased the northwest section of the Property in 1876. Hunter's son worked the land on his father's property as a dairy rancher. George Hindley managed the 2,350-acre ranch well into the 20th century. Additionally, an R-2 Engineering Geologic Soils Report was prepared for the Permit Holders by Joel Monschke, a qualified engineer/hydrologist, at Stillwater Sciences. Mr. Monschke's academic experience includes a B.S. from Stanford University in Engineering Geology and Hydrogeology, an M.S. from UC Berkeley in Geotechnological Engineering, and 15+ years of experience designing, implementing, and monitoring watershed restoration and infrastructure improvement projects in rural Northern California. The R-2 Engineering Geologic Soils Report prepared by Mr. Monschke analyzes soil conditions, slope stability features and conditions, existing fills, groundwater conditions, surface drainage hazards, flooding, and liquefaction hazards. The findings of the report suggest that the new pond construction and other grading will not contribute to - or be subject to - substantial geologic or soils engineering hazards. HRN fails to offer any evidence refuting Mr. Monschke's report.

HRN's third contention regarding the alleged criminal activity of the Permit Holders is baseless, totally false, defamatory and potentially actionable. HRN's allegations of criminal activity is inserted into their appeal to serve as a dog whistle to support their baseless claims. Why does HRN believe that the Permit Holders are "closely associated" with criminals and/or criminal enterprises? Is it because the Permit Holders are from Israel? Or, is it because some of the RRR sites of origin are owned by persons of Eastern European descent? This potentially racist argument does not deserve any consideration by this governing body.

At all relevant times, the Permit Holders have been in compliance with local and state laws governing commercial cannabis activity. In fact, the Planning Department issued the Permit Holders an interim permit in February 2020. The Planning Department is very thorough and would not have issued the interim permit if the Property was not in compliance with local law. To that end, I respectfully request that the Board not take into consideration any such racist and/or xenophobic statements in your review of this appeal.

2. The Planning Department Did Not Make an Error or Abuse Its Discretion in Approving the Permits

HRN fails to assert any claims that that the Planning Department made an error and/or abused their discretion in approving the local permits on the Property. The legal standard outlined in Section 312 – 313 requires that the appellant address (1) why the Planning Department's decision to approve the permits are not in accord with the standards and regulation of the relevant zoning ordinance, (2) why HRN believes that an error was made by the Planning Department, or (3) why HRN believes that there was an abuse of discretion by the Hearing Officer. To that end, the only basis for appeal is whether or not the Planning Department's decision to approve the permits are in accord with the standards and regulation of the relevant zoning ordinance. For the reasons stated herein, HRN's appeal fails to meet the requisite standard outlined in the local rule.

3. The Permit Holders Have Always Operated In Compliance with Local and State Laws Governing Commercial Cannabis Activity.

The Permit Holder has – at all relevant times – acted totaling in compliance with both local and state laws governing commercial cannabis activity. HRN has not provided any objective proof to the contrary – other than several defamatory, and potentially actionable, derogatory statements about the Permit Holders. The Permit Holders have submitted proof of support from residents of the Mattole Valley area as well as the community at large.

HRN claims that, “The project has operated unpermitted and unlicensed” because cannabis cultivation was taking place on the Property prior to the October 2019 Planning Commission Approval. The Permit Holders have been operating under an Interim Permit since December 2017. They were issued Temporary License from the state (TAL18-0013926) in November 2018, applied for a Provisional State License in December 2018 (LCA18-0003046), which was issued in December 2019. Due to California Department of Food & Agriculture’s slow processing time, the Permit Holders were able to cultivate under a valid interim permit so long as they had submitted an application to obtain a Provisional License. HRN is misinformed about how the regulatory process works, and blatantly spreading false information at the expense of the Permit Holders.

The Planning Department granted the Permit Holders permission to construct greenhouse structures for RRR applications 11950 (Mossy Stone Creek Farms LLC), and 11954 (Natural Ascent, LLC). However, no commercial cannabis cultivation took place in these greenhouses until April 2020 after the state licenses were approved by the California Department of Food & Agriculture. The Planning Department confirmed this during the inspections conducted on October 25, 2019, November 27, 2019, and April 8, 2020. Representatives from the North Coast Regional Water Quality Control Board attended a voluntary site visit on December 25, 2019 and an inspection was performed on behalf of Humboldt County Department of Agriculture and CalCannabis Environmental Compliance on January 21, 2020. Due to “neighbor complaints,” multiple agencies have confirmed on numerous occasions that no unpermitted cultivation was taking place on the Property. All nine greenhouses currently present on the Property hold both valid local and state licenses. HRN is blatantly lying in order to discredit the Permit Holders.

CONCLUSION:

The Permit Holders have gone above and beyond standard practice to implement preventative measures to address HRN’s various unsubstantiated concerns, including the proposal of a solar energy plan and rainwater catchment pond as the primary agricultural water source and fire suppression resource. No other cultivation projects in the area have supplied preventative measures and plans to the same extent as these Permit Holders.

For the reasons outlined herein, I respectfully request that you deny this appeal and allow the decision of the Planning Department to stand.

Sincerely,

/s/ Kyndra S. Miller
Kyndra S. Miller, Esq.

EXHIBIT A

From: **Sutfin, Devin** dsutfin1@co.humboldt.ca.us
Subject: RE: Honeydew Light Removal & AC unit
Date: January 10, 2020 at 11:24 AM
To: Steve Doyle doyle.srcc@gmail.com
Cc: lesley Doyle hsom16@hotmail.com, Kyndra@cannabusinesslaw.com



Hello Steve,

Confirming receipt of the email below depicting the light and A/C units removed from the storage shed. Hard copies are not necessary, I will add this correspondence to the project file. Consider this email confirmation the light and appliance issue outlined in the January 8, 2020 inspection letter has been completed.

Respectfully,



Devin Sutfin
Planner
Cannabis Services Division
Planning and Building Department
dsutfin1@co.humboldt.ca.us
707.268.3778

Redway Office Hours

Monday and Wednesday, 9:30 am to 3:30 pm
3156 Redwood Dr, Redway (707) 383-4100
Mondays – Building, Current Planning and Code Enforcement
Wednesdays – Building, Cannabis Planning and Long Range Planning

From: Steve Doyle <doyle.srcc@gmail.com>
Sent: Friday, January 10, 2020 10:27 AM
To: Sutfin, Devin <dsutfin1@co.humboldt.ca.us>
Cc: lesley Doyle <hsom16@hotmail.com>; Kyndra@cannabusinesslaw.com
Subject: Honeydew Light Removal & AC unit

Devin

Here are the pictures of the removal of the lights and the AC unit in the MOM room.



EXHIBIT B

From: Sutfin, Devin dsutfin1@co.humboldt.ca.us
Subject: RE: Honeydew MOM Room
Date: January 10, 2020 at 11:27 AM
To: Lesley Doyle lesleydoyle11@me.com
Cc: lesley Doyle hsom16@hotmail.com, kyndra@cannabusinesslaw.com



Hello Steve,

Confirming receipt of the email below. Thank you for providing some clarity and context to the size of the room. I do agree that the 600 square foot shed had a wall separating the room used for mother plants from the tool storage area. I will memorialize this correspondence in the project file.

Respectfully,



Devin Sutfin
Planner
Cannabis Services Division
Planning and Building Department
dsutfin1@co.humboldt.ca.us
707.268.3778

Redway Office Hours

Monday and Wednesday, 9:30 am to 3:30 pm
3156 Redwood Dr, Redway (707) 383-4100
Mondays – Building, Current Planning and Code Enforcement
Wednesdays – Building, Cannabis Planning and Long Range Planning

From: Lesley Doyle <lesleydoyle11@me.com>
Sent: Friday, January 10, 2020 10:38 AM
To: Sutfin, Devin <dsutfin1@co.humboldt.ca.us>
Cc: lesley Doyle <hsom16@hotmail.com>; kyndra@cannabusinesslaw.com
Subject: Honeydew MOM Room

Devin

The 600 Square Feet shed is split between a tool shed and a mom room used for propagation of nursery stock. Per the violation you have stated the room was 600 SF but in actuality the room is 11 feet x 14 feet for a total of 154 SF. Just wanted to bring this to your attention.

Thanks

Steve Doyle

Six Rivers Construction & Consulting
707-273-8996

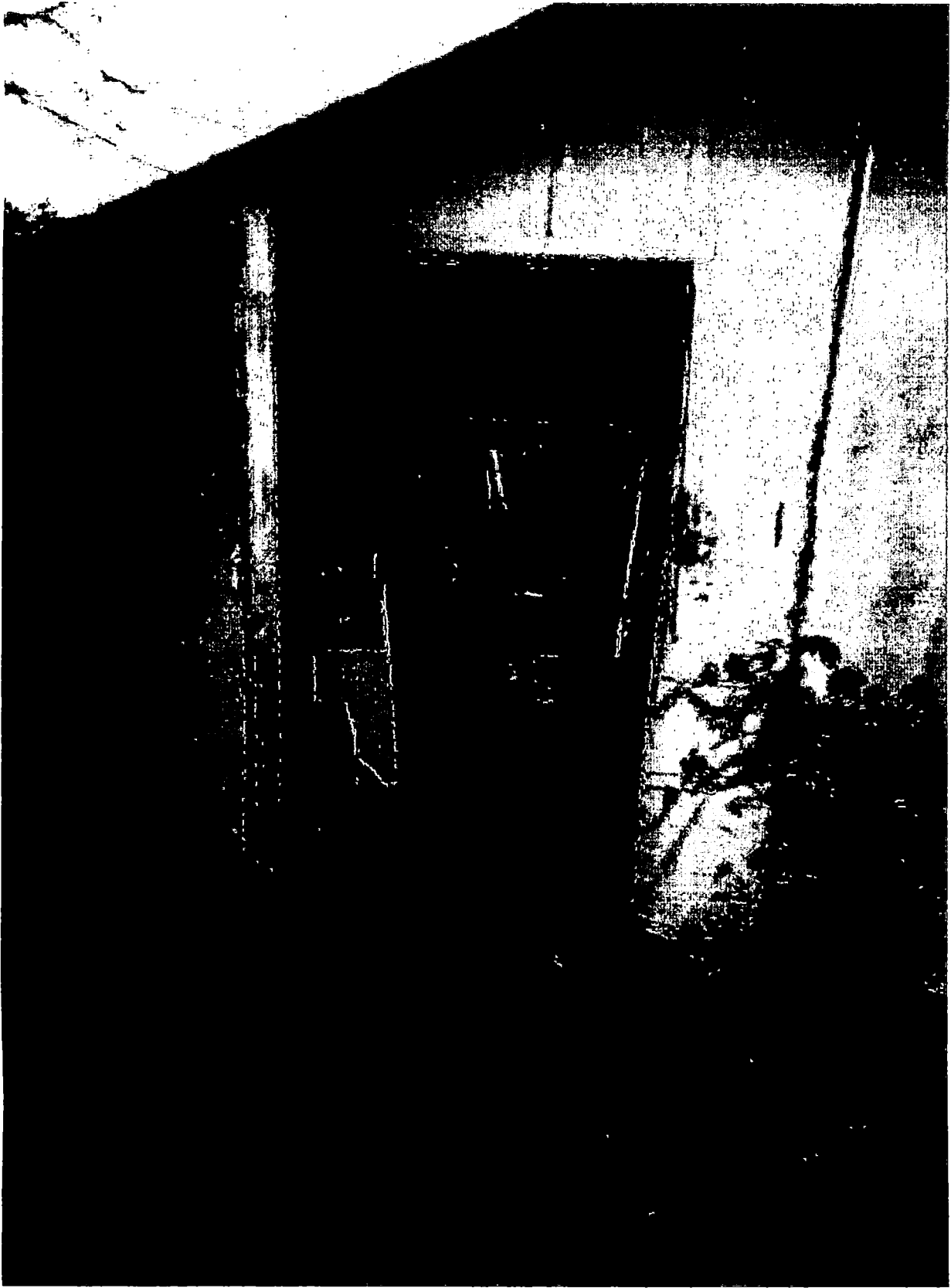






EXHIBIT C

From: Grochau, Augustus agrochau@co.humboldt.ca.us
Subject: RE: Interim Permit Extentions
Date: February 14, 2020 at 10:59 AM
To: Lesley Doyle lesley@elevsolutions.com, Johnson, Cliff CJohnson@co.humboldt.ca.us, kyndra@cannabusinesslaw.com



The individual who mails out extension letters is out today, Monday is President's Day, and the post takes time. The issue that I believe is possible would be human error resulting in an oversight. I will set up a reminder to request an email to you when the letter is drafted, but that will not occur today. Honeydew Ranch should be receiving their IP extension soon, I would expect it late next week, but I do not want to guarantee that.

The tax information was emailed after office hours the day before a holiday, so it was received yesterday. I requested the IP extension from the next person in the chain yesterday as well. This request has existed on my radar for 1.5 working days. I understand this has been quite some time for you and Cliff, but for me, extensions do not occur in 1.5 days.

Please know that I am an advocate for every applicant's IP extension, I want to ensure that every project meeting the requirements gets extended.

Thank you,



AUGUSTUS GROCHAU

Planning Technician I
Planning and Building Department
County of Humboldt
Email: agrochau@co.humboldt.ca.us

From: Lesley Doyle <lesley@elevsolutions.com>
Sent: Friday, February 14, 2020 10:07 AM
To: Grochau, Augustus <agrochau@co.humboldt.ca.us>; Johnson, Cliff <CJohnson@co.humboldt.ca.us>; kyndra@cannabusinesslaw.com
Subject: Re: Interim Permit Extentions

Can you please email it to me as soon as its issued. I don't understand what the hold up is this project was approved by the planning commission. There should not be an issue issuing the IP during the appeal process. The applicant has met all the requirement needed. I spoke with Cliff regarding the IP on January 24, 2020. I emailed all the information requested from the county regarding the paid 2018 Cultivation Tax at that point and yet we're still getting the runaround. The applicant needs to start working on this seasons genetic and this is holding up his ability to do so.

Lesley Doyle
Elevated Solutions
3943 Walnut Dr STE E
Eureka, CA 95503
o: (707)798-6388 // c: (707)683-6686
elevsolutions.com

Honeydew Ranch should be receiving their IP extension soon. Please let me know if their letter is not received in the next two weeks, so I can look into where it got caught in the process.

Thank you,



AUGUSTUS GROCHAU

Planning Technician I
Planning and Building Department
County of Humboldt
Email: agrochau@co.humboldt.ca.us

From: Lesley Doyle <lesley@elevsolutions.com>
Sent: Friday, February 14, 2020 9:53 AM
To: Grochau, Augustus <agrochau@co.humboldt.ca.us>
Subject: Re: Interim Permit Extentions

Good Morning Augustus,
Just wanted to check in on the IP for Honeydew Ranch, LLC. Please let me know if there is any additional information you need from me.

Lesley Doyle

Elevated Solutions

To: Humboldt County Board of Supervisors
From: Bonnie Blackberry
Date: August 31, 2020
For: September 1, 2020 Board of Supervisors Meeting

RE: Appeal of Permit Application Number 1256 Case Number CUP-18030 and Ap16-461

Members, of the Board,

I support the community opposition to the Conditional Use Permit and Special Use Permit Application Number 1256 Case Number CUP-18030 and Ap16-461 /**/APN 107-272-005 665 Old Hindley Ranch Road, Honeydew.

The retirement and remediate are great. The relocation and expansion impacts have been greatly downplayed. Besides the environmental impacts, what about the neighbors and local community?

Humboldt County is our home. We live here. Is the money the county would receive in fees and taxes more important than protecting and preserving the values and rural lifestyle that Humboldt County claims to be?

The owner of this operation is listed as Atary Yoram from Pompano Beach Florida, and the applicant is an LLC located in San Francisco.

The county gives the approval, then it's left to the neighbors and community to deal with the many impacts accompanying a massive industrial grow with 12 to 23 employees, on roads and in an area not suited for such a large operation. An operation that the neighbors and local community that live here are against.

I support the neighbors and community's opposition to this application for a massive industrial grow scene, and hope you will vote in support of the appeal and against this permit application.

Respectfully,
Bonnie Blackberry