

14 March 2022

To: Humboldt County Board of Supervisors  
825 5th Street, Room 111  
Eureka, CA 95501

From: Thomas Crandall  
Tooby Ranch landowner  
1322 Kenwood Rd.  
SB, CA 93109

Subject: Appeal of Planning Commission 1/20/22-approval of PLN-12812-CUP

Attachments: *Site Management Plan Photo Log*: pages 16, 17, 45

To the Humboldt County Board of Supervisors,

PLN-12812-CUP is a commercial cannabis cultivation project located within the Tooby Agricultural Preserve in southern Humboldt County. I own grazing lands within the Tooby Preserve that border this project. After reviewing the PLN-12812-CUP Staff Report (Dec'21) I submitted written comments to the Planning Commission asserting the parcel and project were not in compliance with the Williamson Act (WA). At the 1/20/22 Planning Commission hearing, the Commissioners relied upon the assurance and opinions of Director Ford and Senior Planner Cliff Johnson that the parcel and project were in compliance with the Williamson Act; the Commission approved the project 7-0.

The Planning Commission and the public require staff reports that present all the facts supported by evidence; staff-opinions should be reserved for the recommendations section of the report. I questioned the staff-report-recommendation for this project's approval considering the applicant's history of noncompliance with the WA statute, the Preserve, the Contract, the Guidelines, and the Settlement Agreement. I expected staff to address the Williamson Act compliance issue at the hearing, but no facts or evidence was presented or cited. I offer the following retort:

- The *Site Management Plan* and the *Site Plot-Plans* referenced in the PLN-12812-CUP Staff Report document more than 12,000 square feet of unpermitted/substandard structures and residences, which is a direct violation of the Williamson Act statute<sup>1</sup> and the County's Settlement Agreement<sup>2</sup> with this landowner. Staff ignores the evidence of the *material breach of contract* documented in the *Site Management Plan* and the *Site Plot Plans*.

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<sup>1</sup> GOVS51250 - Material Breach of Contract

<sup>2</sup> MUTUAL RELEASE AND SETTLEMENT AGREEMENT (11/3/15), *County of Humboldt v. McKee, et al*, Case No. DR020825

- Although commercial cannabis cultivation is a compatible-use within a Class B grazing preserve, the majority of the land must be producing an agricultural commodity for commercial purposes<sup>3</sup>: i.e. commercial grazing. No evidence was provided at the hearing documenting Ambiguity Farms' annual commercial grazing income.<sup>4</sup> Cannabis cannot be the sole commercial agricultural product of a Class B grazing ownership.<sup>5</sup> There is no indication that staff requested evidence of commercial agricultural use from the landowner.

My appeal-position is the Planning Department intentionally misled the Planning Commission and the public by implying the subject parcel is in compliance with the Williamson Act, in spite of their knowledge to the contrary. The evidence shows that the unpermitted construction, multiple residences, and lack of commercial agriculture on the Ambiguity Farms parcels clearly violate the Williamson Act and disqualify this resource-land for use as a site for commercial cannabis cultivation. The facts and evidence support the denial of this CUP for significant existing landowner violations of the Williamson Act et al.

Thank you for your consideration.

Sincerely,



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Thomas P. Crandall

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<sup>3</sup> GOVS51201; GOVS51220; Calif. Court of Appeal, 1<sup>st</sup> Appellate District-Division 5, Case A140074 (Humboldt v. McKee, DR020825)

<sup>4</sup> Ambiguity Farms LLC claims to raise cattle. Proof of commercial agriculture = annual stockyard sales receipts.

<sup>5</sup> Resolution 16-144 - Humboldt County Williamson Act Guidelines



Photographs – Continued

residence/structures, unpermitted  
(located under tree canopy, not shown on site-plot-plans)

*E*



*N*

*S*

Photograph #16 – At Stream Crossing #8 view upstream; downstream of Stream Crossings #4 and #5

*W*

Photographs – Continued

*E* main residence, unpermitted (west face)

*N*



*S*

*W*

Photograph #17 – At Stream Crossing #8 at inlet





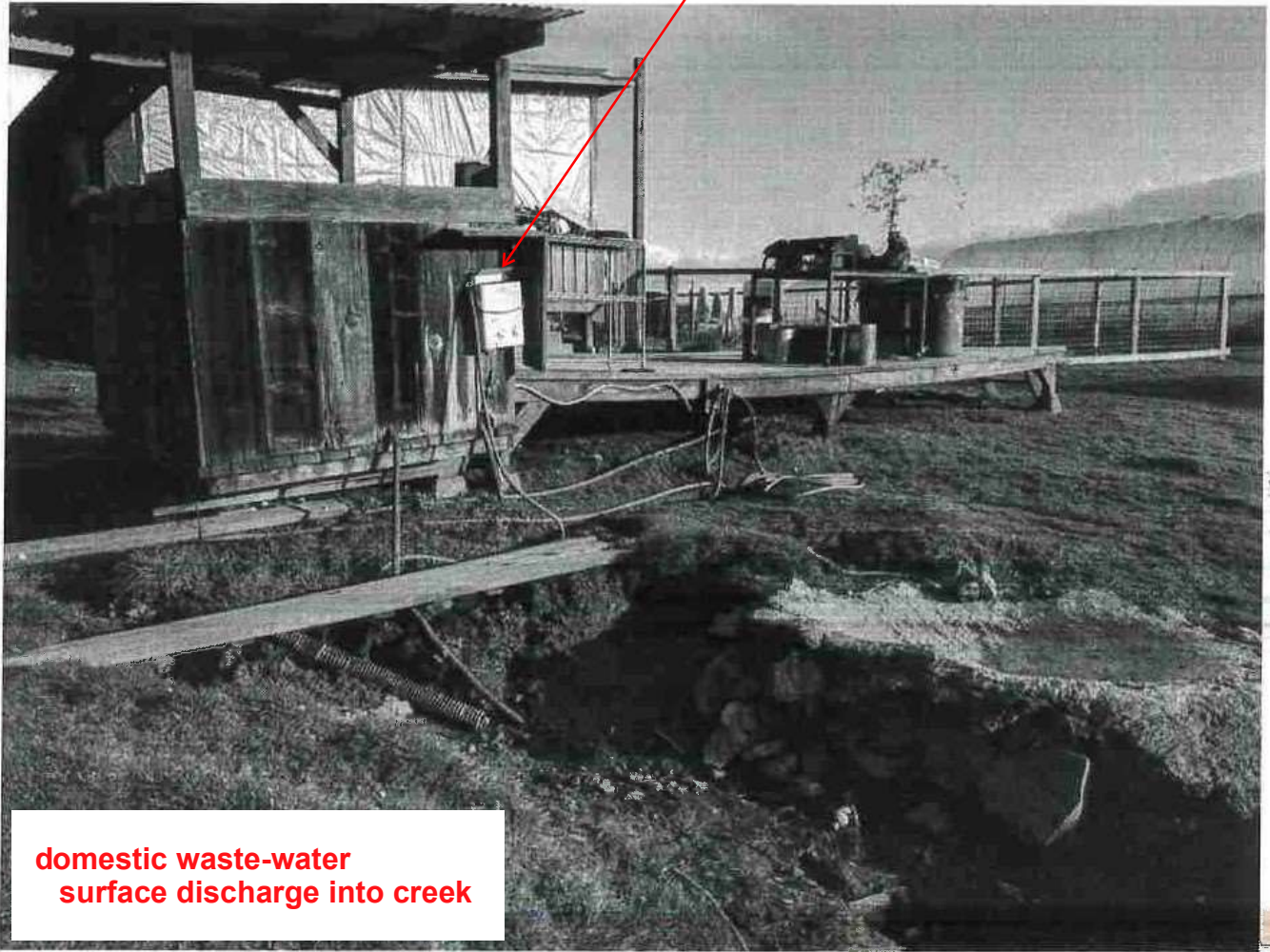
Photographs – Continued

main residence, unpermitted  
(west face)

E

N

S



domestic waste-water  
surface discharge into creek

W

Photograph #45– Structure within Class III watercourse riparian area; Upstream of SC8; Further consultation with county and state agencies to determine variance options