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March 10, 2021

Rodney Yandell, Humboldt County Planning Department
3015 H Street
Eureka CA 95501
SENT VIA EMAIL TO: ryandell@co.humboldt.ca.gov; planningclerk@co.humboldt.ca.us

RE: ARCATA LAND COMPANY, LLC COMMERCIAL CANNABIS OUTDOOR LIGHT-DEPRIVATION AND MIXED-LIGHT CULTIVATION PROJECT APPLICATION NO. 12255

Dear Mr. Yandell:

This letter is to provide comments on the proposed Commercial Cannabis Outdoor Light Deprivation and Mixed-Light Cultivation Project (Project) California Environmental Quality Act (CEQA) Initial Study and Mitigated Negative Declaration (IS/ MND) circulated by the County of Humboldt as the Lead agency. The proposed 22.9 acre commercial cannabis cultivation facility is proposed on a property located between 27th Street and Foster Avenue, west of the City of Arcata.

This is an addendum to my previous comments addressed to Rodney Yandell on February 26, 2021. Please include this in the Administrative Record along with my original letter and forward to the commissioners.

I am a resident of the City of Arcata, and have lived at 1835 Roberts Way approximately 1,700 feet from the proposed Project site for the last 17 years. Our neighborhood is peaceful and folks enjoy access to the nearby City owned park (Ennis Park) and grassy field parcel less than a 1,000 feet from the proposed Project site. Many community members also use the park parcel to walk their dogs and enjoy a quiet sunset.

I strongly request the Commissioners deny the application based on significant un-mitigatable impacts related to aesthetics, agricultural resources, and noise. Please see the attached summary of comments on the IS/ MND.

Sincerely,

Rebecca Crow

Comments by Initial Study Category

1.1 Aesthetics

Comments on Page 26 – 28 Aesthetics

The IS/MND for Aesthetics states that there are either no impacts or impacts are less than significant for all rating categories, per the Table below. Comments on the ratings in dispute follow the table.

X=IS/MND Rating IMPACT = Rating the category should have received.	Potentially Significant Impact	Less-than-Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
Except as provided in Public Resources Code § 21099, would the project:				
a) Have a substantial adverse effect on a scenic vista?	IMPACT			X
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				X
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public view of the site and its surroundings? (Public Views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	IMPACT		X	
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	IMPACT		X	

a) Have a substantial adverse effect on a scenic vista?

The IS/ MND states:

- *For purposes of determining significance under CEQA, a scenic vista is defined as a viewpoint that provides expansive views of a highly valued landscape for the benefit of the general public.*
- *In addition, some scenic vistas are officially designated by public agencies, or informally designated by tourist guides.*
- *A substantial adverse effect to such a scenic vista is one that degrades the view from a designated view spot*

The project has the potential to significantly degrade a scenic vista. The site is within the City of

Arcata's Western Greenbelt Plan (City of Arcata, 2018), and is also within the City's Sphere of Influence (MSR, 2020) (See Attachment 1 for Excerpts of these plans).

In 1972, Local Agency Formation Commissions (LAFCo) were given the power to establish Sphere's of Influence (SOIs) for all local agencies under their jurisdiction. As defined by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 ("CKH Act"), "'sphere of influence' means a plan for the probable physical boundaries and service area of a local agency, as determined by the commission." SOIs are tools created to empower LAFCo to satisfy its legislative charge of "discouraging urban sprawl, preserving open space and prime agricultural lands, efficiently providing government services, and encouraging the orderly formation and development of local agencies based upon local conditions and circumstances"

The plans and policies of the City of Arcata must be considered in the evaluation of this project in terms of consistency. The City of Arcata completed the Western Greenbelt Plan in 2018. A map showing the approximate Project location's within the Western Greenbelt is included in Attachment 1. Strategies from the Greenbelt Plan for land preservation must be considered in the evaluation of this project, and relevant strategies from the Greenbelt Plan are listed below.

Strategy 1. It is the intent of the City to protect agricultural and open space lands in the Arcata Bottom by acquiring or accepting conservation easements (partial interest) or land in fee (full interest) from willing landowners. The City of Arcata will continue to work cooperatively with willing landowners, public agencies and private conservation partners to conserve properties within the Greenbelt Area.

Strategy 2. Maintain policies that promote the long-term agricultural and open space qualities of the lands on the western edge of Arcata from Humboldt Bay on the south, to the Mad River on the north to the Pacific Ocean on the west.

Strategy 3. Incorporate passive use parks, trails and wildlife areas into the matrix of open space lands.

Strategy 6. Coordinate with the County of Humboldt to review development projects in the greenbelt area to ensure that the integrity of the greenbelt is maintained.

The proposed project is inconsistent Strategies 1, 2, and 3 above as the mega-industrial operation is not consistent with the existing agricultural and open space uses and visual character and does not allow for passive uses in the areas. Further, the County of Humboldt has failed to coordinate with the City on the proposed Project, in defiance of Strategy 6.

The proposed Project will have significant un-mitigatable impacts on the scenic vista of the Arcata's Western Greenbelt, an officially designated scenic resource.

- c) **In non-urbanized areas, substantially degrade the existing visual character or quality of public view of the site and its surroundings? (Public Views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?**

The IS/ MND states:

- *The surrounding vicinity is sparsely populated with approximately five residences located within 1,000 feet of the Project Site.*
- *The existing greenhouses are used to grow flowers, while the fields have been used for both flowers and mixed row crops.*
- *The Project proposes hoop structures, a water storage tank, and ancillary support buildings that will be consistent with the existing visual character of the Site and surrounding parcels.*
- *In addition, the new structures will be obscured from view from offsite residences and motorists on both Foster Avenue and 27th Street due to significant existing perimeter vegetation on adjoining parcels.*

The IS/MND chooses an arbitrary distance of 1,000 feet from the site to evaluate visual impacts, on the population who may view the site. There are over 150 homes and three apartment complexes within a 10-minute walk to the site. Deep Seeded Farm, a Community Supported Agriculture (CSA) Farm, attracts many to the area, who take the time to enjoy the nearby pasture while picking up their farm share. Image 1 below shows a panoramic view of the proposed Project site from the City of Arcata's Ennis Park, approximately 1,600 feet from the proposed Project Site, as visited on March 6, 2021, at the park was a family of 5, with 3 kids under 10. At almost all times one can find families, dog walkers, nature lovers, farm enthusiasts (there to feed the pigs at Tule Fog Farm), and sunset viewers at the City of Arcata's nearby Park Parcel, less than a 1,000 feet from the proposed Project site at the western boundary.



Image 1: View of Project Site from Ennis Park Play Structure

Approximately 16 acres of new hoop structures would change the view from Ennis Park, and there is currently no existing vegetation screening in that direction, with people enjoying the view of the pastures and row crops against the blue sky or orange sunset. Additionally the existing perimeter vegetation on 27th Street does not obscure the existing 7 acres of hoop structures that are proposed to be converted. See Image 2, taken on March 2, 2021 near sunset. No viewshed analysis was completed with the IS/ MND, and there is so support for the less than significant impact rating.



Image 2: View of Project Site from 27th Street

The proposed project would substantially degrade the existing visual character and quality of the public view of the site and its surroundings. As discussed above, the project would conflict with the City of Arcata's Western Greenbelt Plan. The project will have significant un-mitigatable impacts on the visual character of the Westwood Community and Ennis Park in particular.

d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

While the IS/ MND includes some mention of issues related to nighttime light operations and greenhouse glare, specific mitigation measures should be included to mitigation for possible impacts. The operation plan alone does not provide enough assurances that the proposed Project will abide by specific light and glare restrictions. The Arcata Land Company has not acted to shield their existing security lights that shine into nearby residences, nor responded to community members complaints about the lights from the existing greenhouses.

Image 3 shows a nighttime view of Existing Facilities owned by Arcata Land Co. Photo taken from Ennis Park approximately 1,600 feet from the proposed Project site on March 8, 2021. As can be seen from the Photo, the current processing operations are the major light pollution in the sky.



Image 3: View of Project Site from Ennis Park with light pollution from current Arcata Land Company Operation

1.2 Agriculture and Forest Resources

X=IS/MND Rating IMPACT = Rating the category should have received.	Potentially Significant Impact	Less-than-Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	IMPACT			x
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				x
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code § 12220(g)), timberland (as defined by Public Resources Code § 4526), or timberland zoned Timberland Production (as defined by Government Code § 51104(g))?				x
d) Result in the loss of forest land or conversion of forest land to non-forest use?				x
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?				x

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance)?

The IS/ MND states:

- *The property is zoned Heavy Industrial (MH/Q) by the Humboldt County Zoning Regulations, and the current Humboldt County General Plan Land Use designation is Agricultural Exclusive (AE). Much of the surrounding area is active agricultural land. (Appendix L, Biological Resources Assessment, Page 1)*
- *According to the Humboldt County Web GIS, the entire Project Site (approximately 38 acres) is mapped as prime agricultural soils.*
- *The site has effectively been converted previously through the adoption of the Heavy Industrial (MH) zone district.*
- *All of the Project-related uses (e.g., outdoor light-deprivation and mixedlight cultivation, accessory buildings, access roads, parking) that will occur on the prime agricultural soils are agricultural uses or agricultural related uses.*

Appendix G to the CEQA Guidelines suggests a finding of significance if a project would convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps

for the Farmland Mapping and Monitoring Program (FMMP) by the California Natural Resources Agency (California Department of Conservation [DOC]), to non-agricultural uses. Humboldt County is not included in the FMMA online mapping tool FMMP, but the IS/MND recognizes the entire site is mapped as Prime Agricultural land and the Humboldt County land use designation is Agricultural Exclusive.

While the County claims the site has previously been converted, a review of historical aerial photos does not support this. The Project site is shown in Image 4 for six time periods over that last 20 years, and Google Earth was used to capture the images. The review showed that the site has been in some type of active or passive agricultural use for the past 20 years, with only the upper area of the proposed Project site under hoop structures initiated sometime before 2009. While the historic use of the site was industrial and the site zoning is Heavy Industrial, the active land use at the site remains agricultural, consistent with the County designation of Agricultural Exclusive.

Page 8 of the IS/MND states “In addition to the placement of sand/soil, Site development will include approximately 40,500 square feet of new concrete surfacing, comprised of concrete within the loading zones, walkways around the administration buildings, ADA parking stalls and ramps (12,698 square feet), green waste storage area (9,460 square feet), and walkways between hoops (18,342 square feet).” This is a total of 74,040 square feet of concrete (1.7 acres), or conversion of 7.4% of the site to non-agricultural use. No alternatives to locating these facilities off prime agricultural land has been evaluated, and not all facilities are required for the agricultural operation.

Further Image 4 shows that the associated operations to the North of the proposed Project site have remained under greenhouses for the same 20 years the rest of the site has been agricultural use. This is actively resulting in the permanent loss of prime agricultural lands at the northern portion of the site, as the soil is being sealed from the atmosphere due to concrete and other structural elements needed to support the hoop houses and flower beds.

Soil sealing can be defined as the destruction or covering of soils by buildings, constructions and layers of completely or partly impermeable artificial material (asphalt, concrete, etc.). It is the most intense form of land take and is essentially an irreversible process (Prokop et al., 2011). Sealing implies separation of soils from the atmosphere and above-ground biosphere by impermeable layers. Sealing has a strong impact on soils. The negative effects of sealing are partial or total loss of soils, e.g. for plant production and habitats, and an increase in floods, as well as an increase in health and social costs.

The Project as described in the IS/ MND will have a significant environmental effect which will cause a substantial adverse effects on human beings indirectly through the loss of prime agricultural land. At a minimum an Environmental Impact Report should have been completed for the proposed Project.

Image 4 Aerial Photos of the proposed Project Site over the last ~20 years.



November 25, 2003



December 31, 2004



May 24, 2009



August 23, 2012



May 28, 2014



October 29, 2019

The Humboldt County General Plan (2017) includes the following applicable policies regarding agricultural lands:

AG-G2. Preservation of Agricultural Lands

Agricultural land preserved to the maximum extent possible for continued agricultural use in parcel sizes that support economically feasible agricultural operations.

AG-P5. Conservation of Agricultural Lands

Agricultural lands shall be conserved and conflicts minimized between agricultural and non-agricultural uses through all of the following:

- A. By establishing stable zoning boundaries and buffer areas that separate urban and rural areas to minimize land use conflicts.
- B. By establishing stable Urban Development, Urban Expansion and Community Planning Areas and promoting residential in-filling of Urban Development Areas, with phased urban expansion within Community Planning Areas.
- C. By developing lands within Urban Development, Urban Expansion and Community Planning Areas prior to the conversion of agricultural resource production lands (AE, AG) within Urban Expansion Areas.
- D. By not allowing the conversion of agricultural resource production lands (AE, AG) to other land use designations outside of Urban Expansion Areas.
- E. By assuring that public service facility expansions and non-agricultural development do not inhibit agricultural viability, either through increased assessment costs, degradation of the environment, land fragmentation or conflicts in use.
- F. By increasing the effectiveness of the Williamson Act Program.
- G. By allowing historical structures and/or sensitive habitats to be split off from productive agricultural lands where it acts to conserve working lands and structures.
- H. By allowing lot-line adjustments for agriculturally designated lands only where planned densities are met and there is no resulting increase in the number of building sites.

AG-P6. Agricultural Land Conversion – No Net Loss

Lands planned for agriculture (AE, AG) shall not be converted to non-agricultural uses unless the Planning Commission makes the following findings:

- A. There are no feasible alternatives that would prevent or minimize conversion;
- B. The facts support an overriding public interest in the conversion; and
- C. For lands outside of designated Urban Development Boundaries, sufficient off-setting mitigation has been provided to prevent a net reduction in the agricultural land base and agricultural production. This requirement shall be known as the “No Net Loss” agricultural lands policy. “No Net Loss” mitigation is limited to one or more of the following:
 - 1. Re-planning of vacant agricultural lands from a non-agricultural land use designation to an agricultural plan designation along with the recordation of a permanent conservation easement on this land for continued agricultural use; or

2. The retirement of non-agricultural uses on lands planned for agriculture and recordation of a permanent conservation easement on this land for continued agricultural use; or
3. Financial contribution to an agricultural land fund in an amount sufficient to fully offset the agricultural land conversion for those uses enumerated in subsections a and b. The operational details of the land fund, including the process for setting the amount of the financial contribution, shall be established by ordinance.

AG-P16. Protect Productive Agricultural Soils

Development on lands planned for agriculture (AE, AG) shall be designed to the maximum extent feasible to minimize the placement of buildings, impermeable surfaces or nonagricultural uses on land as defined in Government Code Section 51201(c) 1- 5 as prime agricultural lands.

AG-S7. Prime Agricultural Land.

Prime Agricultural land per California Government Code Section 51201(c) means:

- A. All land which qualifies for rating as Class I or Class II in the Soil Conservation Service land use capability classifications.
- B. Land which qualifies for rating 80 through 100 in the Storie Index Rating.
- C. Land which supports livestock used for the production of food and fiber and which has an annual carrying capacity equivalent to at least one animal unit per acre as defined by the U.S.D.A.
- D. Land planted with fruit or nut bearing trees, vines, bushes or crops which have a non- bearing period of less than five years and which would normally return during the commercial bearing period on an annual basis from the production of unprocessed agricultural plant production not less than \$200.00 per acre. Humboldt County General Plan Adopted October 23, 2017 Part 2, Chapter 4. Land Use Element 4-32
- E. Land which has returned from the production of unprocessed agricultural plant products on an annual gross value of not less than \$200.00 per acre for three of the five previous years.

Multiple Humboldt County policies above are directly affected by the proposed Project, none of which were evaluation in the IS/MND.

Per Public Resources Code Division 13. Chapter 2, Section 21082.2 (d), there has been substantial evidence, presented herein, that the Project may have a significant effect on the environment through the conversion of prime Agricultural Land, and an Environmental Impact Report is required to be prepared.

1.3 Air Quality

X=IS/MND Rating IMPACT = Rating the category should have received.	Potentially Significant Impact	Less-Than- Significant With Mitigation Incorporation	Less-Than- Significant Impact	No Impact
Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?		IMPACT	x	
b) Result in a cumulatively considerable net increase in any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?			x	
c) Expose sensitive receptors to substantial pollutant concentrations?	IMPACT		x	
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	IMPACT		x	

a) Conflict with or obstruct implementation of the applicable air quality plan?

The IS/ MND states:

- *Given that Project emissions will be below relative significance thresholds, and with implementation of dust control measures required by the NCUAQMD the Project will not conflict with implementation of an air quality plan, air quality standard, or nonattainment Pollutant, and impacts would be less than significant.*

The project is located within the North Coast Air Basin (Air Basin) which is managed by the North Coast Unified Air Quality Management District (NCUAQMD). The NCUAQMD adopted a Particulate Matter Attainment Plan in 1995. As discussed in the IS/MND, this plan presents available information about the nature and causes of standard exceedances and identifies cost-effective control measures to reduce emissions to levels necessary to meet California Ambient Air Quality Standards. Construction activities in the project area are subject to the NCUAQMD's Rule 104 (Prohibitions) Section D (Fugitive Dust Emissions). Pursuant to Section D, the handling, transporting, or open storage of materials in such a manner, which allows or may allow unnecessary amounts of particulate matter to become airborne, shall not be permitted.

The IS/MND includes no specific mitigation measures or long term operations plan that ensure compliance. At a minimum mitigations covering reasonable precautions must be added to prevent particulate matter from becoming airborne, including, but not limited to: 1) covering open bodied trucks when used for transporting materials likely to give rise to airborne dust; and 2) the use of water during the grading of roads or the clearing of land.

c) Expose sensitive receptors to substantial pollutant concentrations?

There are significant unavoidable impacts to air quality on sensitive receptors from the odor of Cannabis.

As presented in the IS/MND “A sensitive receptor is a person who is particularly susceptible to health effects due to exposure to an air contaminant. Land uses considered sensitive receptors include residences, schools, playgrounds, childcare centers, long-term health care facilities, rehabilitation centers, convalescent centers, and retirement homes. With the exception of scattered rural residential, there are no sensitive land uses within the vicinity. The surrounding vicinity is sparsely populated with approximately five residences located within 1,000 feet of the Project Site.”

The statement that there are no sensitive land uses within the vicinity of the project, except scattered rural residential is false. There is a population of 900 people within only a ½ mile of the proposed Project site including sensitive receptors of 165 Youth and 53 Seniors, according to California State Parks Community Fact Finder (See Attachment 2 for data print out). Of this population 367 live in poverty, with a median household income in the ½ mile radius of the proposed Project Site of only 55% of the statewide median household income. Location of the proposed project would further expose this vulnerable population to toxic odors.

Additionally, there is a community park located at APN 505-151-009 less than a 1,000 feet from the proposed Project site where community members outside the neighborhood come to walk their dogs. There is a playground on this parcel approximately 1,500 feet from the proposed Project site. Lastly, there is an elementary school site (Fuente Nueva Charter School on the St. Mary’s Campus) located approximately 2,000 feet from the proposed Project Site. Another sensitive receptor identified in the IS/MND is the planned senior care center and senior housing located on the recent Foster Annex parcel (505 061 011). All properties discussed are downwind at times of the proposed Project and will be affected by odor drift.

According to the Arcata Land Company Cultivation Project Air Quality and Greenhouse Gas Emission Assessment, September 25, 2020 (2020 Air Quality Study), attached to the IS/MND the following standard from the updated Humboldt County General Plan applies to this project:

AQ-S4 Buffering Land Uses. When considering buffers between new commercial and industrial sources of emissions and adjacent land uses follow the California Air Resources Board’s Air Quality and Land Use Handbook: A Community Health Perspective (CA ARB Community Handbook) and NCUAQMD Recommendations.

According to the CA ARB Handbook, odors can cause health symptoms such as nausea and headache. Because of the subjective nature of an individual’s sensitivity to a particular type of odor, there is no specific rule for assigning appropriate separations from odor sources. Under the right meteorological conditions, some odors may still be offensive several miles from the source. Given that the wind at the project site exceeds 10 miles per hours most days (NWS data), it is reasonable to assume these odors will travel. The CA ARB Handbook considers environmental justice concerns as part of the ARB’s regulatory programs to reduce air pollutant emissions. As presented above the residential areas bordering the proposed Project have high poverty rates and low median household incomes, and placing a new odor emission source will continue the negative impacts of poor air quality

on disadvantaged community members.

The 2020 Air Quality Study states the odor of cannabis could be described by some as an offensive skunk-like smell. This odor is produced by terpenes, which are volatile unsaturated hydrocarbons found in the oils of various plants. Generally, the larger the size of the canopy area, the greater the potential for odor to be evident to off-site receptors. Proposed controls are to ventilate greenhouse exhaust air through activated carbon filters that are changed on a regular basis, which meets Humboldt County ordinance 2559 requirements for cannabis cultivation. Further, additional measures are proposed if the carbon filtration does not work, but no data is provided to show that either method will result in the necessary reductions in odors to avoid impacts to sensitive receptors.

The conclusion of the 2020 Air Quality Study was that “Operation of the project would result in odor impacts, but they can be managed using required odor control, setbacks, and implementation of an odor control plan.” Further, the Humboldt County Commercial Cannabis DEIR found that cannabis-related odors would result in a significant and unavoidable impact, despite the use of setback, odor prevention equipment, and prohibition on burning plant materials.

The IS/MND did not incorporate the mitigations for air quality presented in the 2020 Air Quality Study into the proposed Project. While the IS/MND claims that the Project would not produce significant quantities of criteria pollutants during construction or operation. It does clearly state in the supporting documents that there will be an unavoidable odor impact. The IS/ MND also states “As a result, the Project would not expose sensitive receptors to substantial pollutant concentrations, and impacts would be less than significant.”

The Project IS/MND does not include enough supporting information to make a determination on exposure of sensitive receptors, and thus impacts are not less than significant, and should be categorized as a potentially significant impact.

1.4 Biological Resources

A detailed review of the Biological Resources Section of the IS/ MND was not completed. However, an initial review revealed that the underlying studies were inadequate to make the determinations noted in the IS/MND and the mitigations included are inadequate.

In regards to the Biological Resources Assessment Completed by SHN, in Attachment L and the IS/MND, the following are noted:

- There is no disclosure of the field notes or data
- A sample size of two days is not sufficient to base conclusions on
- The survey was not “seasonally appropriate” as stated in the study as it was conducted outside the migration window for the dominant species that utilize this agriculture land for forage during the months of January thru April. Neither Canadian or Crackling Geese were listed as being potentially present. From January thru April, these geese utilize the project area where they can be seen in the thousands. During the peak of the migration, upwards of 60,000 geese can be seen in the Humboldt Bay region. On a personal note, can see the skies over the project site from my kitchen window and of enjoy the unobstructed view of the project area from nearby Ennis Park. Impacts to migration of geese must be considered.
- In conversation with my neighbors, following species have been observed over or on the project site: sharp-shinned hawk (*Accipiter striatus*), great egret (*Ardea alba*), great blue heron (*Ardea herodias*), northern harrier (*Circus cyaneus*), white-tailed kite (*Elanus leucurus*), falcon (*Falco*

peregrinus anatum). All the above species were listed as “not detected” in the project area. Again, this points to the inadequate sampling size.

- A jurisdictional determination from the US Army Corps of Engineers is needed to make the final determination on the presence of wetlands.
- Mitigation measures did not cover period where construction has lapsed and sensitive species may have entered the site.
- Mitigation measures did not cover bats, which can be seen in the area at dusk
- Mitigation measures for protection of special status plant species is not provided
- Mitigation measures for amphibians and reptiles need to be added. The chorus of amphibian chirps at the site is overwhelming at times.
- Mitigation measures for migratory birds are weak, and do not include adequate buffers for the full list of species at the site.

1.5 Cultural Resources

No Comment

1.6 Energy

A detailed review of the Energy Section of the IS/ MND was not completed. However, the IS/MND wrongly concludes there will be less than significant impacts. The proposed Project potentially conflicts with the State of California Energy Action Plan, Senate Bill 1389, Humboldt County General Plan (Humboldt County 2017) Energy Element.

The IS/ MND state there will be no generator anticipated for the project, but the proposed Project does not address the back up plan for lack of power, which can be expected for Planned Safety Power Shutoff (PSPS) events and during severe storms. Later sections include the requirement for 24-7 fans to keep the greenhouses ventilated for safety. Back up power needs to be addressed.

1.7 Geology and Soils

A detailed analysis of this section was not completed. However, additional information on the

1.8 Greenhouse Gas Emissions

The proposed Project has the potential to generate significant amounts of greenhouse gas emissions. The analysis provided was inadequate and does not address the loss of carbon sequestration in the soils at the site as they will be covered with greenhouses and concrete.

A new report on the greenhouse gas emissions of cannabis production in the United States looked at the production-associated emissions of indoor grows at over 1,000 locations in the US, taking into account lifecycle emissions from upstream and downstream impacts such as transportation, fertilizer manufacturing, and waste disposal. For a grow operation in California, the estimate is over 2,000 kilograms of carbon dioxide equivalent (CO₂e) per kilogram of dried flower. While the proposed project may offset some energy use through the use of natural light, a deeper analysis is required to make a determination of significance.

1.9 Hazards and Hazardous Materials

No comments on this section are provided at this time, due to lack of adequate notification on the project.

1.10 Hydrology and Water Quality

No comments on this section are provided at this time, due to lack of adequate notification on the project.

1.11 Land Use and Planning

As discussed earlier, the ISMND needed to take into account the City of Arcata Western Greenbelt Plan. The project will cause a significant environmental impact due to a conflict with this land use plan, policy. The project will result in an un-mitigatable significant impact as illustrated in Image 1.

1.12 Mineral Resources

No comments

1.13 Noise

The currently proposed control to try and minimize odors is to ventilate greenhouse exhaust air through activated carbon filters. It is assumed that this ventilation will be required 24 hours a day to avoid the toxic build up of volatile fumes in the greenhouses, but it is not stated in the IS/ MND. Winds in the Arcata Bottom transport sound a long distance. Residents enjoy the peaceful sounds of nature in the evening and on quiet nights people can hear the ocean. The IS/ MND again incorrectly states that the surrounding vicinity is sparsely populated. A major subdivision is located within 1,500 feet of the proposed Project site.

The new will facility will create a permanent significant increase in ambient noise levels with machine sound from the exhaust fans, that is not addressed in the IS/MND. No mitigations are proposed for noise impacts. An EIR is required to evaluate alternatives that would not result in permanent significant impacts. See Attachment 3. Video file of sound at the site on March 8, 2021.

Sections X=- XX

Remaining sections of the Initial Study were not addressed due to lack of notification on this project.

References

City of Arcata. 2018. Western Greenbelt Plan.

Humboldt Local Agency Formation Commission. November 18, 2020. City of Arcata Municipal Service Review.

Humboldt County. 2017. Humboldt County General Plan.

Prokop G, Jobstmann H, Schonbauer A. 2011. Report on best practices for limiting soil sealing and mitigating its effects. European Commission, Brussels. doi:10.2779/15146

California Air Resources Board's Air Quality and Land Use Handbook: A Community Health Perspective (CA ARB Community Handbook

ATTACHMENTS



WESTERN GREENBELT PLAN
City of Arcata
2018

Strategies

1. It is the intent of the City to protect agricultural and open space lands in the Arcata Bottom by acquiring or accepting conservation easements (partial interest) or land in fee (full interest) from willing landowners. The City of Arcata will continue to work cooperatively with willing landowners, public agencies and private conservation partners to conserve properties within the Greenbelt Area.
2. Maintain policies that promote the long-term agricultural and open space qualities of the lands on the western edge of Arcata from Humboldt Bay on the south, to the Mad River on the north to the Pacific Ocean on the west.
3. Incorporate passive use parks, trails and wildlife areas into the matrix of open space lands.
4. Work with UC Cooperative Extension to promote agritourism. Agritourism can include farm stands or shops, “U-pick,” farm stays, tours, on-farm classes, fairs, festivals, pumpkin patches, corn mazes, Christmas tree farms, winery weddings, orchard dinners, youth camps, barn dances, hunting or fishing, guest ranches, and more.
5. Explore the opportunity to utilize reclaimed wastewater from the Arcata Wastewater Treatment Plant (WWTP) to be utilized for irrigation
6. Coordinate with the County of Humboldt to review development projects in the greenbelt area to ensure that the integrity of the greenbelt is maintained.
7. Establish a Parks, Open Space and Trails Fund. This Fund would be a dedicated source of funding that supports the operation and management of portions of the green infrastructure system. The City could work with a private financial institution to set up an investment account or work with a local foundation to establish the endowment. Contributions to the fund could be solicited from parks, open space and trail advocates, businesses, civic groups, and other foundations. The goal would be to establish a capital account that would earn interest and use the interest monies to support the green infrastructure maintenance and operations. Special events could be held with the sole purpose to raise capital money for the Fund. A special fund could also be used in the acquisition of high-priority properties that may be lost if not acquired by private sector. An example is the Mountains-to-Sound Greenway Legacy Fund in the state of Washington. The Mountains-to-Sound Greenway Legacy Fund is an endowment fund managed by The Seattle Foundation. Its purpose is the protection of the Mountains-to-Sound Greenway, for the public good, in perpetuity. It will be used to support restoration, enhancement, education and advocacy programs of the Mountains-to-Sound Greenway Trust. Arcata also has trust funds held at the Humboldt Area Foundation that include the “Arcata Forest Fund” and “Arcata Marsh and Wildlife Sanctuary Fund.” These models could be expanded for the Western Greenbelt area.

The Western Greenbelt area is the equivalent of the City of Arcata’s Planning Area west of the city limits. Priority Greenbelt areas are identified within the Plan, to help implement and focus a strategy for permanently protecting agricultural and resource lands. The Western Greenbelt Plan maps do not identify specific parcels or convey specific offers of purchase, but establish areas of interest to the City for maintaining and communicating to the County of Humboldt priority lands.

The Greenbelt includes parcels within the city limits and parcels outside the city limits with 2,331 acres that are within Arcata’s Urban Services Area. It creates a community separator between Arcata’s residential neighborhoods and the County’s agricultural area west of the city.

spaces where agricultural lands lie directly adjacent to residential areas, causing land use conflicts. It identified the creation of a “buffer” agricultural open space zoning between urban and agricultural zones as a mechanism that could be used to decrease this conflict. The technical report identified the most productive soils as those just north and west of Arcata’s urban areas and suggested that conservation easements could be utilized to protect these lands in perpetuity, since the methods utilized by the City -- zoning for agricultural use, the Urban Services Boundary, and the Williamson Act, -- were “weak and impermanent.”

The City of Arcata’s General Plan 2020 furthered all of these goals and more: “The agricultural lands in and around Arcata produce crops of raspberries, strawberries, lilies, daffodils, potatoes, corn, artichokes, hay (forage for cattle), and a number of other shallow rooted crops. There is community support for the continuation of dairy, beef, vegetable, fodder, and flower production in the City and the Planning Area, and recognition that protection of agricultural values, as well as open space and recreational values, is important.”

Humboldt County’s Bay Area Plan (1995) policy states that the “maximum amount of prime agricultural land shall be maintained in agricultural production...” and that conflicts shall be minimized between agricultural and urban land uses through “establishing stable boundaries separating urban and rural areas, including, where necessary, clearly defined buffer areas to minimize conflicts between agricultural and urban land uses.” Recently, the County of Humboldt included a Greenbelt Overlay as a strategy for planning for the Arcata Bottom in their General Plan update.

While agricultural policies of the Coastal Commission are currently highly protective of prime agricultural lands, a number of parcels outside of the Coastal Zone are left unprotected and vulnerable. The City of Arcata and the County of Humboldt have many policies and mechanisms in place to help protect these resources in the short term. Permanent protection is the intended goal of the City’s Western Greenbelt Plan.

Relationship to Other Plans

City of Arcata General Plan 2020 Growth Management Element

GM-1d Greenbelt. The rural and agricultural lands within the Planning Area are designated by the City as open space or greenbelt. The intent is that such lands shall not be developed with urban densities or uses and that land uses shall be limited to agricultural production and natural resources conservation.

Environmental Quality and Management

RC-5d Permanent protection for agricultural lands. Protection of agricultural resources shall be secured through the purchase of conservation easements, development rights, and outright acquisition. The City shall work in conjunction with other entities such as land trusts, whenever possible, to preserve agricultural buffers and maintain and enhance agricultural uses on prime agricultural soils.



Western Greenbelt Plan Map

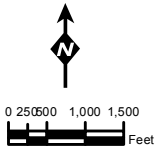
Appendix C

Legend

- Coastal Zone Boundary
- Green Belt Line
- Arcata City Limits
- Urban Service Boundary
- In City Or Owned By City
- County Parcels
- Parcel

Project Site

Arcata Bay



GIS
The City of Arcata, and its employees, are not responsible for any errors or omissions in this map. The City of Arcata, including its employees and contractors, does not warrant the accuracy or completeness of the information shown on this map.
Date: 5/11/2014 10:42:24 AM
User: jason@arcata.gov

City of Arcata

Municipal Services Review

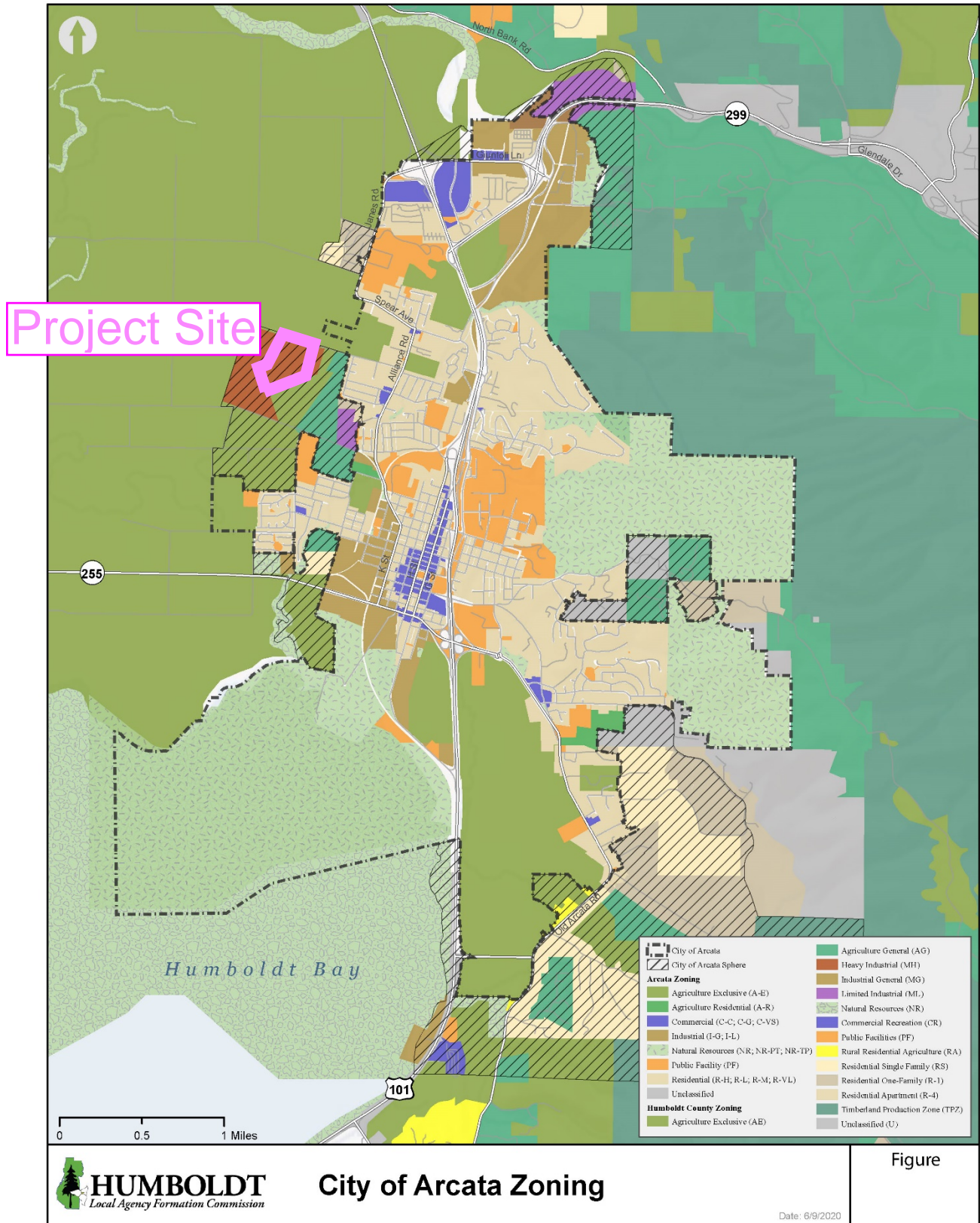


Adopted
November 18, 2020



www.humboldtlafo.org

Figure 2: City of Arcata and Humboldt County Zoning



California State Parks Community FactFinder Report

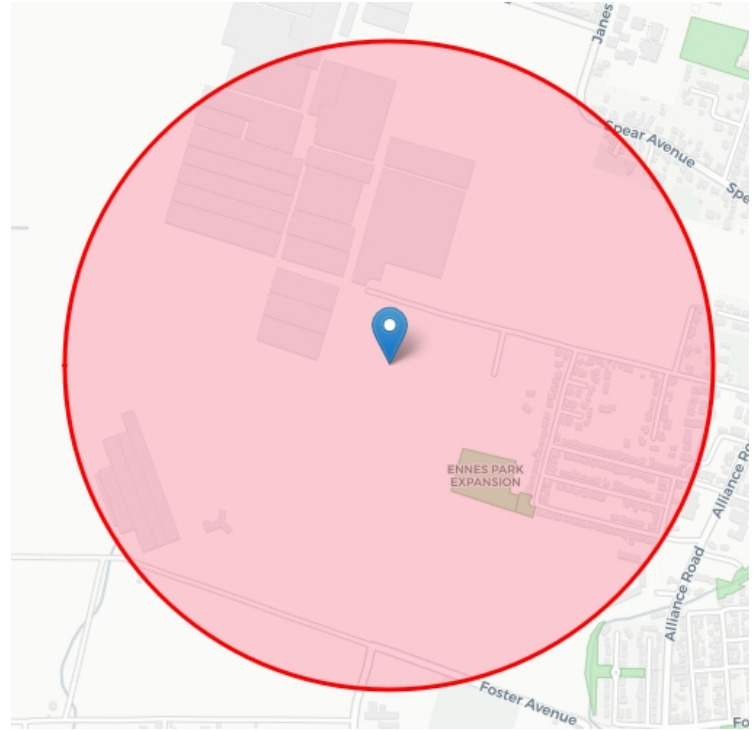
Project ID: 102219
Coordinates: 40.8873, -124.1000
Date: 2/26/2021

This is your project report for the site you have defined. Please refer to your Project ID above in any future communications about the project.

PROJECT AREA STATISTICS

County	Humboldt
City	Unincorporated
Total Population	901
Youth Population	165
Senior Population	52
Households Without Access to a Car	11
Number of People in Poverty	367
Median Household Income	\$38,177
Per Capita Income	\$19,574
Park Acres	4.69
Park Acres per 1,000 Residents	5.20

PROJECT AREA MAP



REPORT BACKGROUND

The project statistics have been calculated based on half mile radius around the point location selected. Only park acres within the project area's half mile radius are reported.

Population and people in poverty are calculated by determining the percent of any census block-groups that intersect with the project area. The project area is then assigned the sum of all the census block-group portions. An equal distribution in census block-groups is assumed. Rural areas are calculated at a census block level to improve results.

Median household and per capita income are calculated as a weighted average of the census block- group values that fall within the project area.

More information on the calculations is available on the methods page.

Demographics—American Community Survey (ACS) 5-year estimates 2014-2018; Decennial 2010 Census; the margin of error (MOE) was not analyzed.

Parks—California Protected Areas Database 2020a CFF adjusted (6/2020) - more information at <http://www.CALands.org>. Parks and park acres area based on best available source information but may not always contain exact boundaries or all parks in specific locations. Parks are defined further in the 2015 SCORP (pg. 4).

Users can send updated information on parks to SCORP@parks.ca.gov



SCORP Community FactFinder is a service of the California Department of Parks and Recreation
www.parks.ca.gov

SCORP Community FactFinder created by GreenInfo Network www.greeninfo.org
in consultation with CA Dept. of Parks and Rec





Rebecca Crow <watergirl64@gmail.com>

Comments on APPLICATION NO. 12255

1 message

Rebecca Crow <watergirl64@gmail.com>

Thu, Apr 22, 2021 at 7:00 PM

To: "Yandell, Rodney" <ryandell@co.humboldt.ca.us>

Here's the rough and dirty repeat of most of my comments from tonight's planning commission meeting to be included in the administrative record.

- Rebecca Crow

Mrs. Rebecca Crow
1835 Roberts Way
Arcata, CA 95521
707-497-9294

March 18, 2021

Rodney Yandell, Humboldt County Planning Department
3015 H Street
Eureka CA 95501

SENT VIA EMAIL TO: RYandell@co.humboldt.ca.us; planningclerk@co.humboldt.ca.us

RE: ARCATA LAND COMPANY, LLC COMMERCIAL CANNABIS OUTDOOR LIGHT-DEPRIVATION AND MIXED-LIGHT CULTIVATION PROJECT APPLICATION NO. 12255

Dear Mr. Yandell:

This letter is to provide comments on the April 22, 2021 Staff Report and California Environmental Quality Act (CEQA) Initial Study and Mitigated Negative Declaration (IS/ MND) circulated by the County of Humboldt as the Lead agency on the Arcata Land Company, LLC (ALC) Conditional Use Permit Record No.: PLN-12255-CUP, Commercial Cannabis Outdoor Light Deprivation and Mixed-Light Cultivation Project (Project).

I strongly request the Commissioners deny the application based on substantial evidence, in light of the whole record before the County of Humboldt, that the project may have a significant effect on the environment, and an environmental impact report needs to be prepared.

I have read the entire IS/MND main document and a majority of the appendices, submitted two previous letters (dated February 26, 2021 and March 18, 2021), and reviewed both the March 18th and April 22nd Planning Commission Staff Reports (PCSR). The following comments are based on review of these documents, in addition to review of CEQA guidance.

Tonight's Staff Report States:

"All aspects of the revised project will be at or below the intensity described and proposed in the staff report submitted to the Planning Commission for the March 18, 2021 hearing"

- The staff report is deceptive. In the March 18th Planning Commission Staff Report the original project areas were provided in square feet and in the updated staff report project areas were only presented in acres. It is important to note that the mix-light cultivation area proposed size increased from 3.4 acres to 5.7 acres, an increase of 2.3 acres. This change in intensity has not been evaluated in any way.
- The Staff Report adds APN 505-151-012 to the Project description, but no analysis of any environmental impacts were conducted on this property, which could occur with the new infrastructure required to connect the well to the new site, including the biological studies.

- While the Staff Report adds, APN 505-151-012, it fails to add the other adjacent properties that are relied upon as stated in the IS/MND “No storage of fertilizers, pesticides, or hazardous materials will occur on the proposed cultivation site. All storage will occur on an adjacent parcel under common ownership that is currently setup and permitted to store and manage fertilizers, pesticides, and hazardous materials used in existing agricultural operations. This should be addressed in the IS/ MND in the Hazards and Hazardous Materials and Hydrology and Water Quality Sections.
- The IS/MND Hydrology and Water Quality Section still fails to address:
 - Impacts to local groundwater supplies from climate change including sea level rise and changes in precipitation patterns we not even mentioned, and significant changes will occur over the life of the proposed project.
 - Potential connection to
 - Statement in IS/MND Appendix F Wallace Group Stormwater Management Plan Memo, dated September 23, 2020 that runoff from the hoop houses will be conveyed to stormwater retention ponds and that the stormwater retention basins will be designed to allow for infiltration into the soil, and that each basin will be equipped with an outlet structure which will allow excess flow from larger storm events to be controlled and drained to the existing ditches adjacent to the property.
- The IS/MND Utilities and Service System still fails to address:
 - The groundwater well proposed for the project is not permitted for potable water use, and would require a minimum 50-foot sanitary seal be added. The project still includes 80 employees, and is thus defined as a Public Water System by the State of California as the project will “regularly serve 25 or more people daily for at least 60 days out of the year.” The project is required to obtain a drinking water permit from the SWRCB.
 - The City of Arcata has denied the parcel a will serve letter for water, and thus there is no plan for potable water for employees.
 - There is a major water supply transmission line parallel to the proposed project which will need to be crossed to connect the Ag well to the project site, this is not even mentioned in the IS/ MND.
- The project includes no provision of a generator for back up power, which is stated in multiples categories (Energy and Air). We just saw headlines in the news of upcoming Planed Safety Power Shut Offs (PSPS). Does our community have to deal with up to week long odor issues while struggling with our own PSPS issues, and thus there are further potential Noise and Public Health Issues
- With reduced project size the closest residence is still less than 500 feet from the project, not 700 as stated by out of area consultant Jordan Main, which can easily be seen in google earth. Making a bar graph of public comment categories does not mean you know our community.

Per CEQA - Public Resources Code Division 13 Chapter 2.6 Section 21082.2: Significant effect based on substantial evidence, not public controversy or speculation

There is substantial evidence, in light of the whole record before the County of Humboldt, that the project may have a significant effect on the environment, and an environmental impact report needs to be prepared.

Sincerely, Rebecca Crow

From: [Ford, John](#)
To: [Johnson, Cliff](#)
Subject: FW: Follow up on June 22nd Board Meeting
Date: Friday, June 25, 2021 5:01:36 PM
Attachments: [June22_Team27thPresentation.pdf](#)
[June22_Team27thRebuttal.pdf](#)
[R_Crow_ALC_ISMND_Comments.pdf](#)
[April_22_Comments_on_APPLICATION_NO._12255.pdf](#)
[ALC12255_Comment_RCrow.pdf](#)
[image001.png](#)



John H. Ford
Director
[Planning and Building Department](#)
707.268.3738

From: Rebecca Crow <watergirl64@gmail.com>
Sent: Wednesday, June 23, 2021 9:59 AM
To: Yandell, Rodney <RYandell@co.humboldt.ca.us>; Ford, John <JFord@co.humboldt.ca.us>; Bass, Virginia <VBass@co.humboldt.ca.us>; Wilson, Mike <Mike.Wilson@co.humboldt.ca.us>; Bohn, Rex <RBohn@co.humboldt.ca.us>; Bushnell, Michelle <mbushnell@co.humboldt.ca.us>; Madrone, Steve <smadrone@co.humboldt.ca.us>; jim cotton <jimcotton47@gmail.com>; Paula Proctor <mmhmm3@icloud.com>; Kim Puckett <kimleepuckett@gmail.com>; COB <COB@co.humboldt.ca.us>
Subject: Follow up on June 22nd Board Meeting

Dear Mr. Yandell, Mr. Ford, and Supervisors,

This email is a follow up to Team 27th's Appeal Presentation yesterday. I am very disappointed at the staff report that was sent out on Friday June 22nd. I was not able to review until late Monday the 21st, as I was on a planned vacation from Friday until Monday and received the June 22nd meeting announcement with only 1 week's notice.

There are three specific references in the Staff Report to the Appellant not providing fact-based evidence or expert opinion. There are multiple experts within our community appeal group including myself. This information could have easily been clarified if anyone from the Planning Department had followed up with our group. I graduated with a BS in Environmental Resource Engineering from Humboldt State University in 1997, and have been a practicing engineer for almost 24 years. I have 20+ years' experience in Humboldt County managing multi-million dollar water, wastewater, and stormwater projects from Rio Dell to Trinidad with a focus on grant funds to reduce the burden of service costs on residents and business.

Attached are the three public comment letters I submitted to the Planning Department, which were included as part of our Appeal. I would respectfully submit that within the limits of the data made

available to the public that there is fact-based evidence presented by an expert that the project may result in significant impacts. Additionally within the public comment letters included with the Appeal, there is other fact-based evidence presented by experts, that could easily be referenced if the letters had been read in depth.

Also attached to this email are the two presentations given to the Board at yesterday's meeting. Please include this email and all its attachments in the administrative record as it is still open from the continued meeting.

I appreciate the engaged discussion by all the Supervisors, and hope that the Planning Department is genuine in its statements about transparency and working with the community. I would hope that our appeal group can be included in the information gathering process on the proposed odor control technologies and follow up with Santa Barbara County as well as be provided detailed information on the new greenhouse technology that was proposed during yesterday's meeting. It is difficult to be an active part of finding an agreeable community solution if data is not being provided in a timely manner.

Thank you,
Rebecca Crow

From: [Ford, John](#)
To: [Johnson, Cliff](#)
Cc: [Yandell, Rodney](#)
Subject: FW: Sun Valley Appeal
Date: Tuesday, June 29, 2021 9:00:38 AM
Attachments: [image001.png](#)



John H. Ford
Director
[Planning and Building Department](#)
707.268.3738

From: Wilson, Mike <Mike.Wilson@co.humboldt.ca.us>
Sent: Tuesday, June 29, 2021 8:58 AM
To: Ford, John <JFord@co.humboldt.ca.us>
Cc: Hayes, Kathy <KHayes@co.humboldt.ca.us>
Subject: FW: Sun Valley Appeal

For the public record.

Mike

Mike Wilson P.E.
Humboldt County Supervisor, District 3
707.476.2393

From: Mike Wilson P.E.
Sent: Friday, June 25, 2021 4:20 PM
To: Wilson, Mike <Mike.Wilson@co.humboldt.ca.us>
Subject: FW: Sun Valley Appeal

From: Michael Dehority <mijdeh@gmail.com>
Date: Monday, June 21, 2021 at 8:24 PM
To: Mike Wilson
Subject: Sun Valley Appeal

Mike -

Please vote to uphold Planning 's decision and allow Sun Valley

to proceed. 8 acres is not a "mega-grow", nor would the original 23 acres proposed. Opponents have been very active on social media. I have considered their arguments and they do not hold water. A tempest in a teapot and a lot of nimbyism.

Please allow Sun Valley to proceed with their plans of using agricultural land for agricultural purposes. This will be good for people needing jobs and good for Humboldt County and its tax base.

Thank you,

Michael Dehority



Appeal of PLN-12255-CUP

Conditional Use Permit for the 8-Acre Industrial
Cannabis Operation in the Arcata Bottom

Introduction of Speakers

Rebecca Crow:

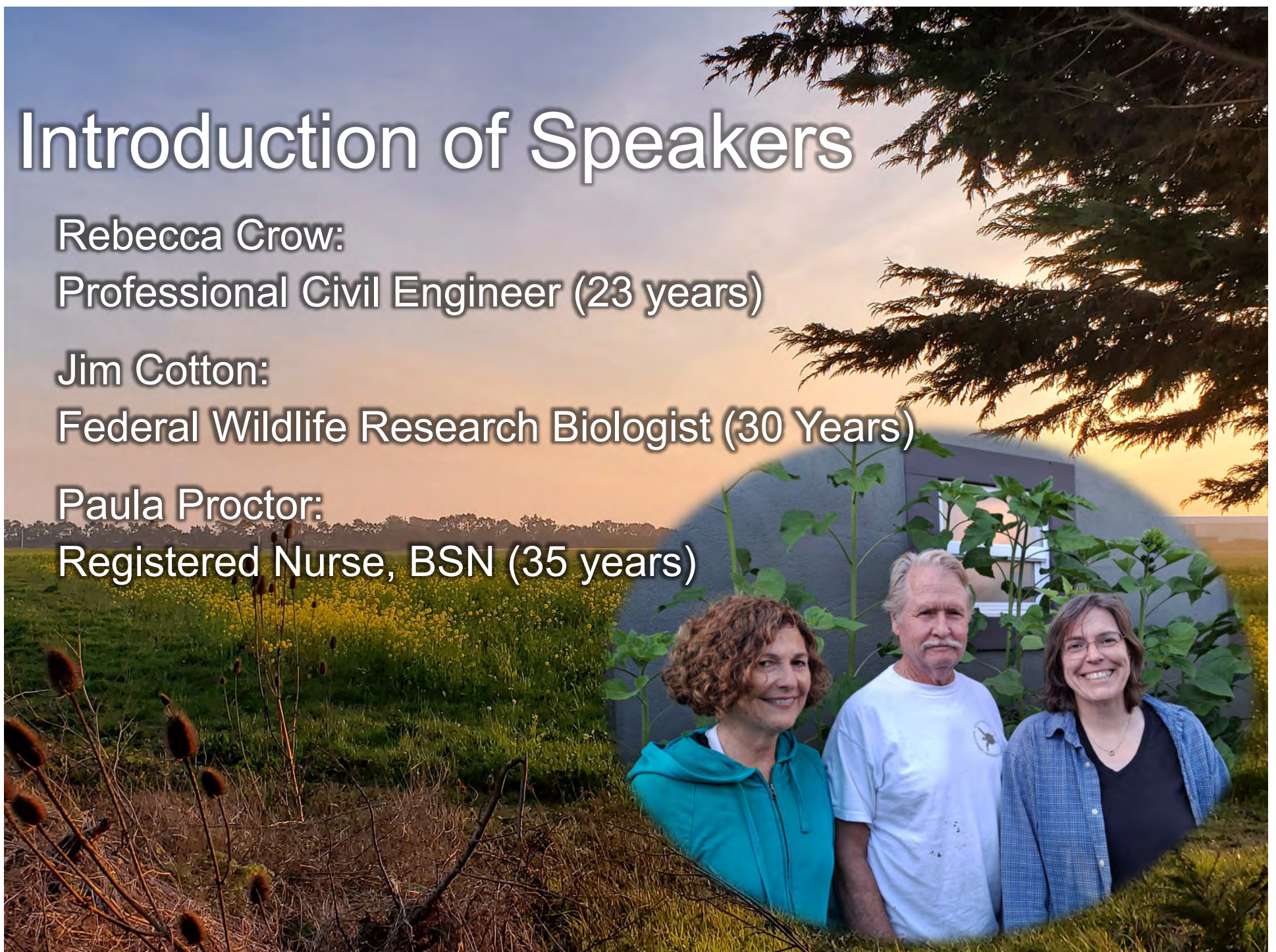
Professional Civil Engineer (23 years)

Jim Cotton:

Federal Wildlife Research Biologist (30 Years)

Paula Proctor:

Registered Nurse, BSN (35 years)



Community Request

Use your
**Discretionary
Authority**
to Deny
PLN-12255-CUP



Our Neighborhood



We Support Local Growers



There is a fair Argument under CEQA that an EIR is needed



Holder Law Group

317 Washington Street, #177
Oakland, CA 94607

holderecolaw.com

(510) 338-3759

jason@holderecolaw.com

April 30, 2021

VIA EMAIL AND U.S. MAIL

Humboldt County Board of Supervisors

Email: Virginia Bass, vbass@co.humboldt.ca.us

Steve Madrone, smadrone@co.humboldt.ca.us

Mike Wilson, mike.wilson@co.humboldt.ca.us

Michelle Bushnell, mbushnell@co.humboldt.ca.us

Rex Bohn, rbohn@co.humboldt.ca.us

Attn: Clerk of the Board, cob@co.humboldt.ca.us

825 5th Street, Room 111

Eureka, CA 95501

John Ford, Director

Humboldt County Planning and

Building Department

3015 H Street

Eureka, California 95501

Email: jford@co.humboldt.ca.us

Re: **Pattern of Inaccurate Characterizations of CEQA's Standards and Requirements**

With respect to the first point above, the Director did not acknowledge that, pursuant to the mandatory language of the CEQA statute and CEQA Guidelines, an MND is only allowed when the Initial Study demonstrates with substantial evidence that, after incorporating mitigation measures, a proposed project will "clearly" not cause "any significant effect on the environment."⁵ In contrast, an EIR is required when there is a fair argument, based on substantial evidence, that a project "may" cause one or more potentially significant impacts.⁶ In other words, when an MND is prepared, the burden is on the lead agency (here the County) to demonstrate with supporting evidence and transparent analysis that, with incorporated mitigation measures and project design changes, there is no possibility that the proposed project may cause significant impacts. If commenters present any substantial evidence supporting a fair argument that the project may cause significant impacts, then an EIR is required – even if there is also substantial evidence that the project may not cause significant

Biological Mitigations Do Not Necessarily Protect Wildlife

- Biological Study missed at least 14 bird species commonly seen in the area
- The Northern Harrier a California Species of special concern was not identified in the Biological Study
- There is no Mitigation Requirement for Re-Survey of the Site after Work Stoppages of more than 2 weeks
- There is substantial evidence in the record, presented by Expert Biologist, Jim Cotton, which Supports a Fair Argument that that the Project May Have a Significant Effect on the Environment



**Storm and Flood waters linger in Arcata,
Other areas of Humboldt County
Photo credit Times- Standard**

The Operations Plan is Incomplete



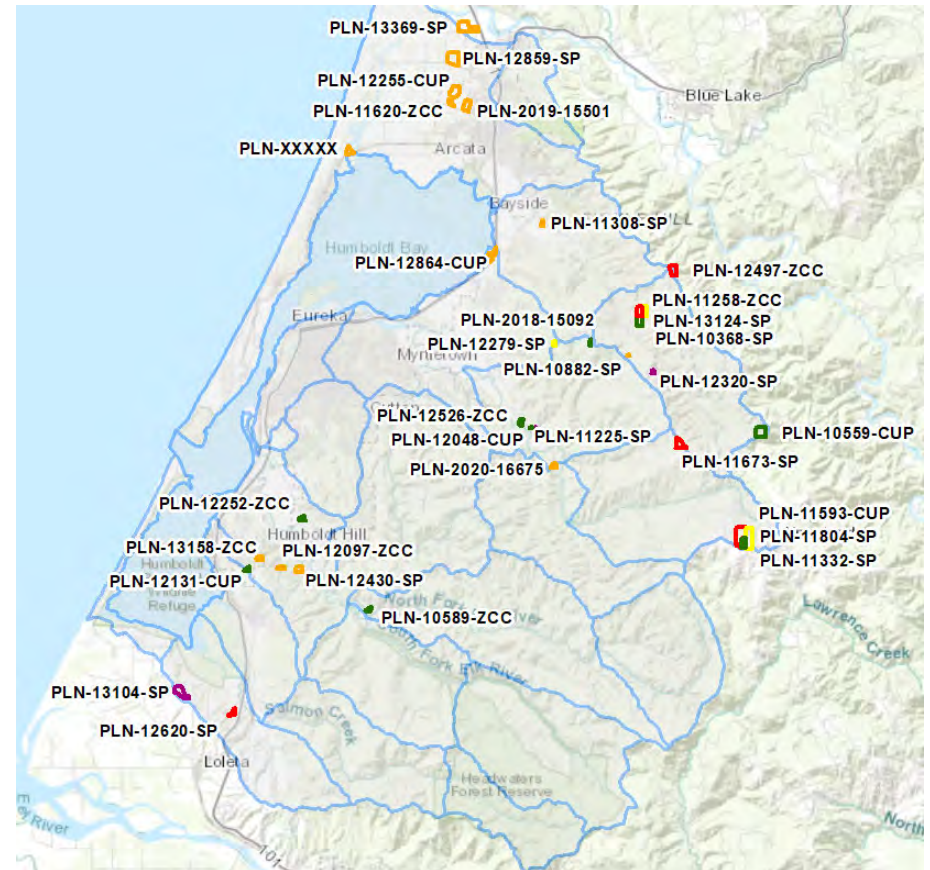
View of Project Site from Ennes Park | Arcata Land Company Current Light Pollution



Constant Fan Noise is Unmitigable

From FEIR “Odor... Cumulatively Considerable, Significant, and Unavoidable.”

Project Status	Total Cultivation Acres
Pending/Appealed Cultivation	16.7
Approved	3.8
Sierra Pacific Site	8.0
Total	28.5
Eureka Plain Basin Limit	31.0
Unallocated Cultivation Acres	2.5



Eureka Plain is Running Out of Permit Cultivation Acres

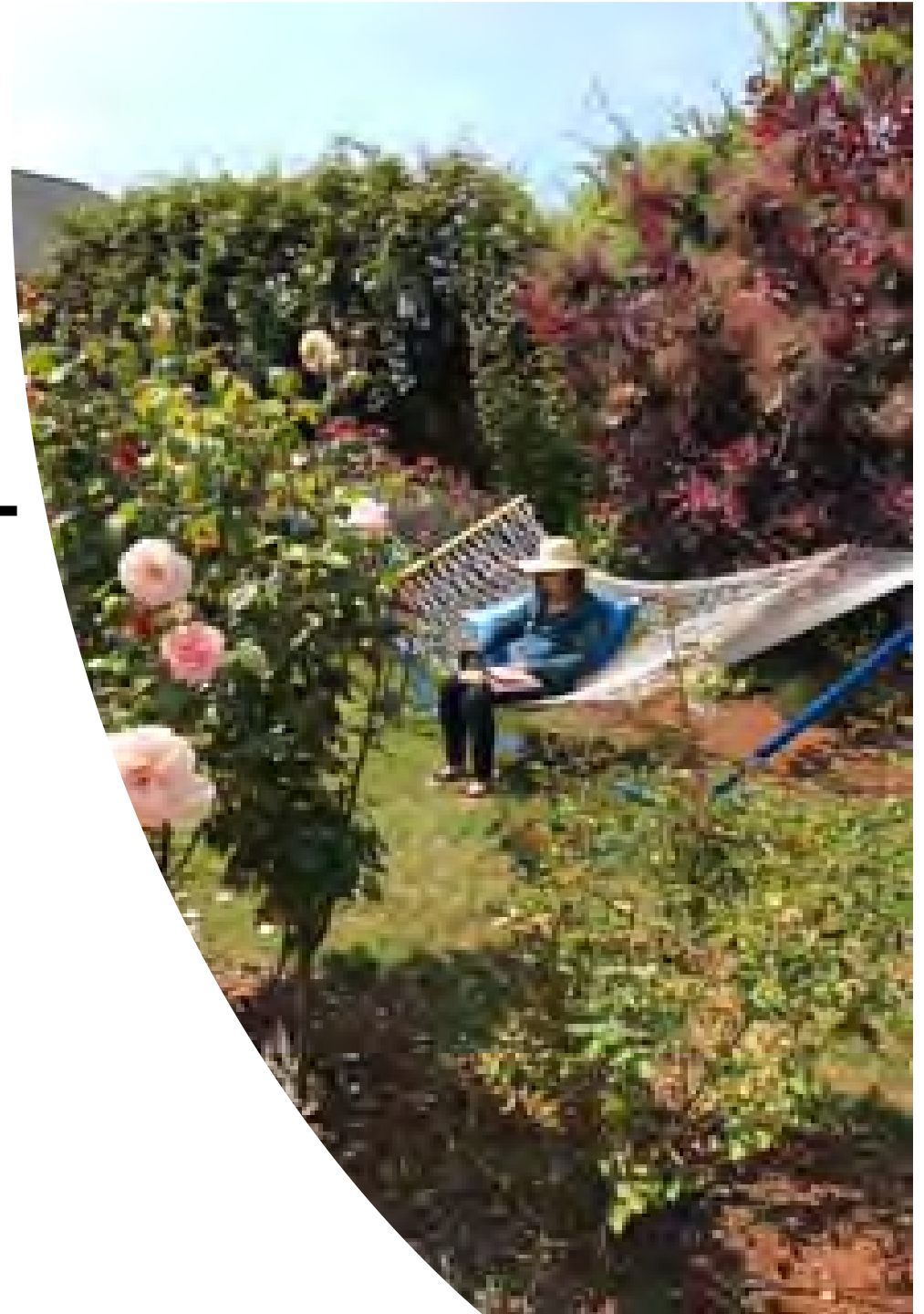
Large Operations Squeeze out the Small Growers

RESOLUTION NO. 18-43

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF HUMBOLDT ESTABLISHING A LIMIT (CAP) ON THE NUMBER OF PERMITS AND ACRES WHICH MAY BE APPROVED FOR COMMERCIAL CANNABIS CULTIVATION WITHIN UNINCORPORATED AREAS OF THE COUNTY OF HUMBOLDT.

Cap Distribution		
Watershed	Permits	Acres
Cape Mendocino	650	223
Eureka Plain	89	31
Lower Eel	336	116
Lower Klamath	161	56
Lower Trinity	169	58
Mad River	334	115
Middle Main Eel	360	125
Redwood Creek	141	49
South Fork Eel	730	251
South Fork Trinity	86	29
Trinidad	19	6
Van Duzen	425	146
TOTAL	3,500	1,205

THE FIGHT AGAINST INDUSTRIAL WEED BEGINS IN MY BACKYARD



The Project Site is Within the City of Arcata's Greenbelt

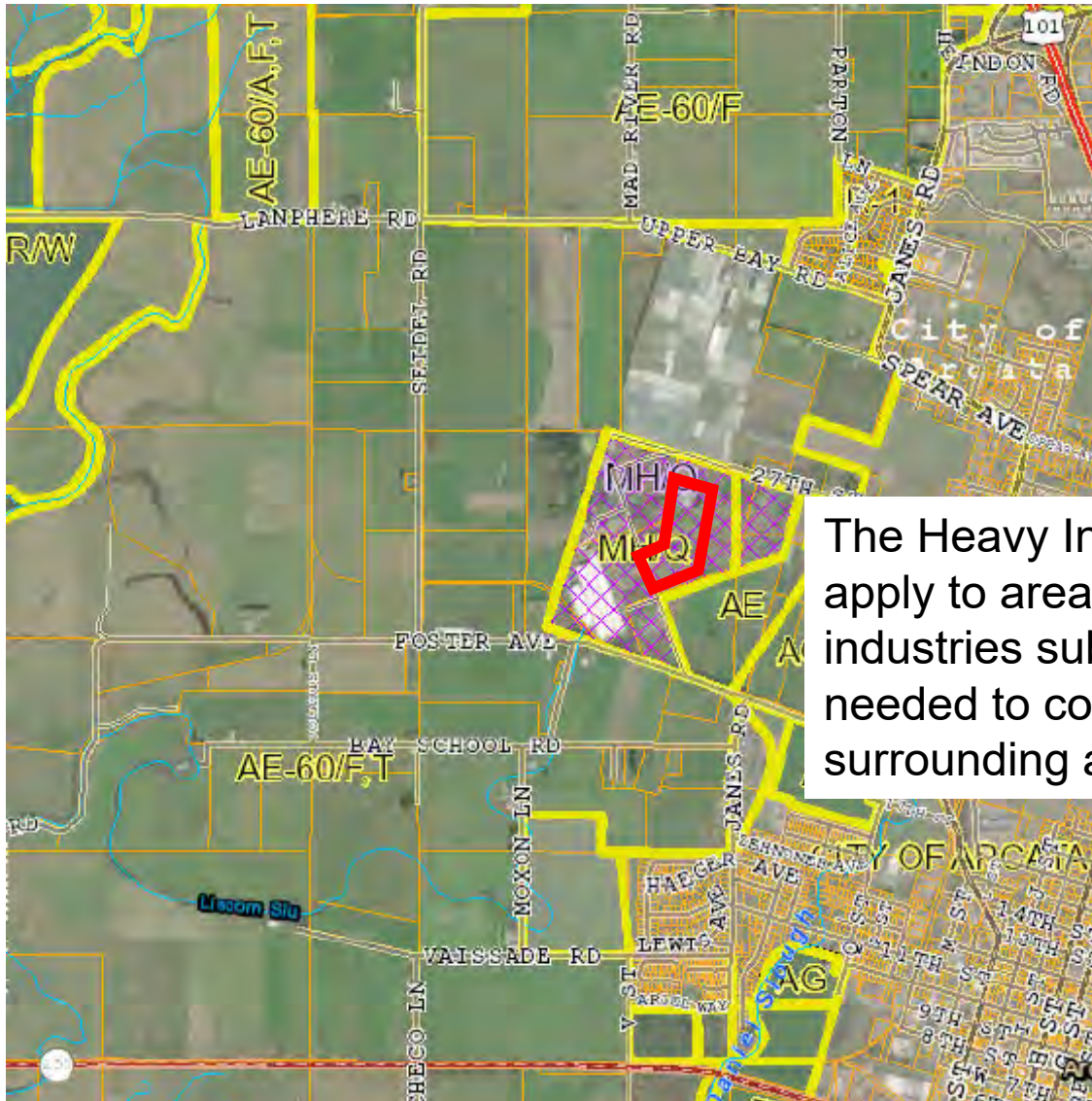
There is Significant Community Support for Protecting the Existing Agriculture, Grazing, and Nature within the Arcata Bottom



WESTERN GREENBELT PLAN
City of Arcata
2018

Outdated Zoning Should not Drive the Future

The Heavy Industrial or MH Zone is intended to apply to areas devoted to normal operations of industries subject only to regulations as are needed to control congestion and protect surrounding areas.



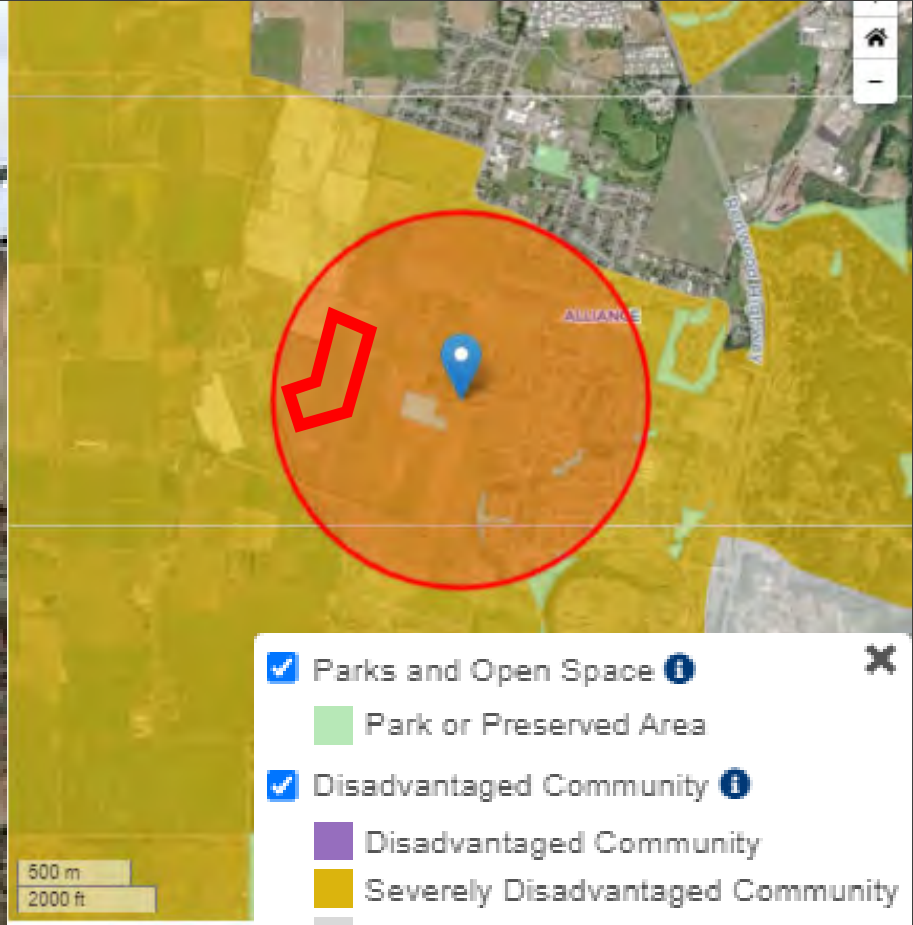
Planning Layers

Zoning

"Q-Zones"

The Agriculture Exclusive or AE Zone is intended to be applied in fertile areas in which agriculture is and should be the desirable predominant use and in which the protection of this use from encroachment from incompatible uses is essential to the general welfare.





The Project increases the pollution burden on a disadvantaged neighborhood.

- Within less than a mile of the Project site
- 450 Sensitive Receptors
 - 45.4% Poverty Rate

Project has Extreme Energy Needs to Overcome the Poor Climate for Growing Cannabis in the Bottoms



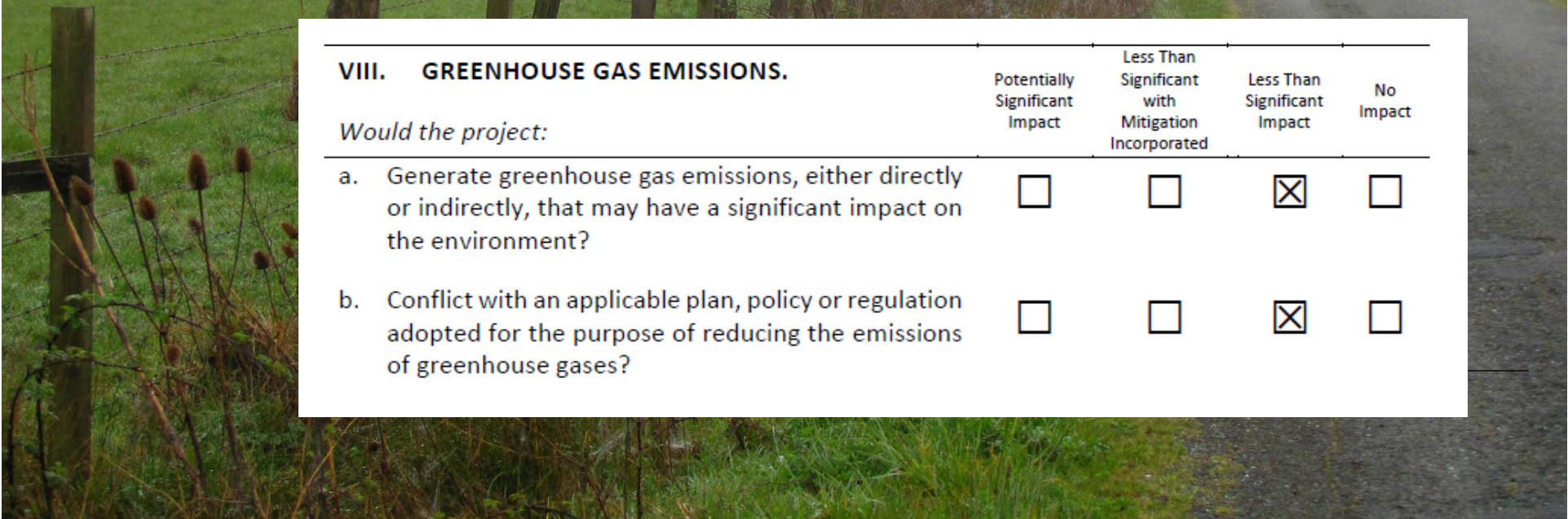
**...the cold, wet, and foggy Arcata Bottom
,... poorly suited to cannabis flower production**

Additionally, the proposed project site in the cold, wet, and foggy Arcata bottoms, which is poorly suited to cannabis flower production, provides no conceivable benefits for the reputation or quality of the Humboldt brand, and only threatens to increase misinformation that Humboldt County has become dominated by industrial-size farms post-legalization.

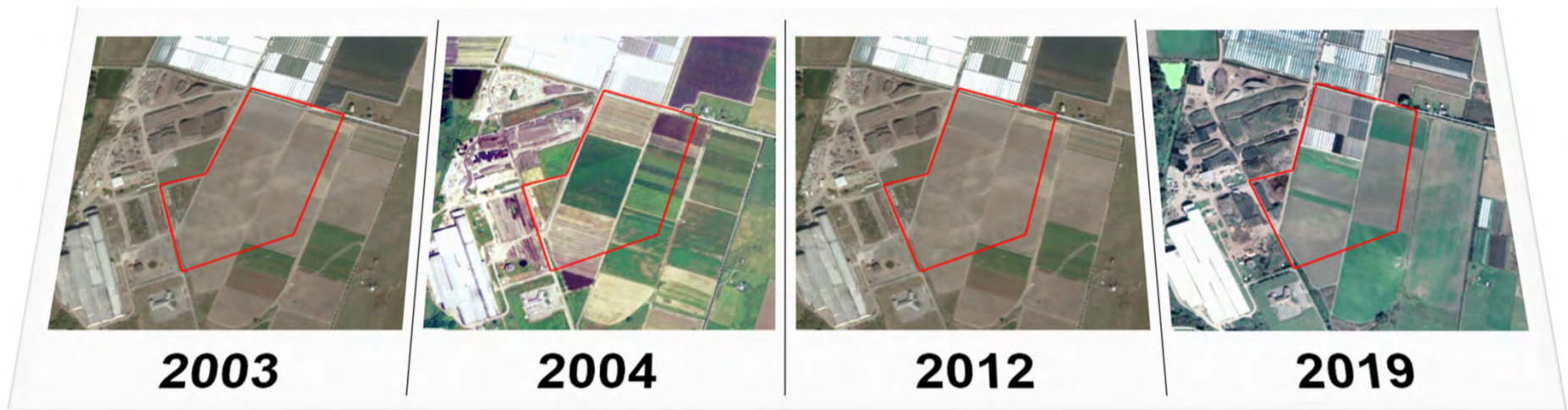
Project has No Mitigations Incorporated in the ISMND or Project Conditions to Ensure No Significant Impacts in the Energy or Greenhouse Gas Categories

VI. ENERGY.	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
a. Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

VIII. GREENHOUSE GAS EMISSIONS.	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>



Active agricultural land being lost

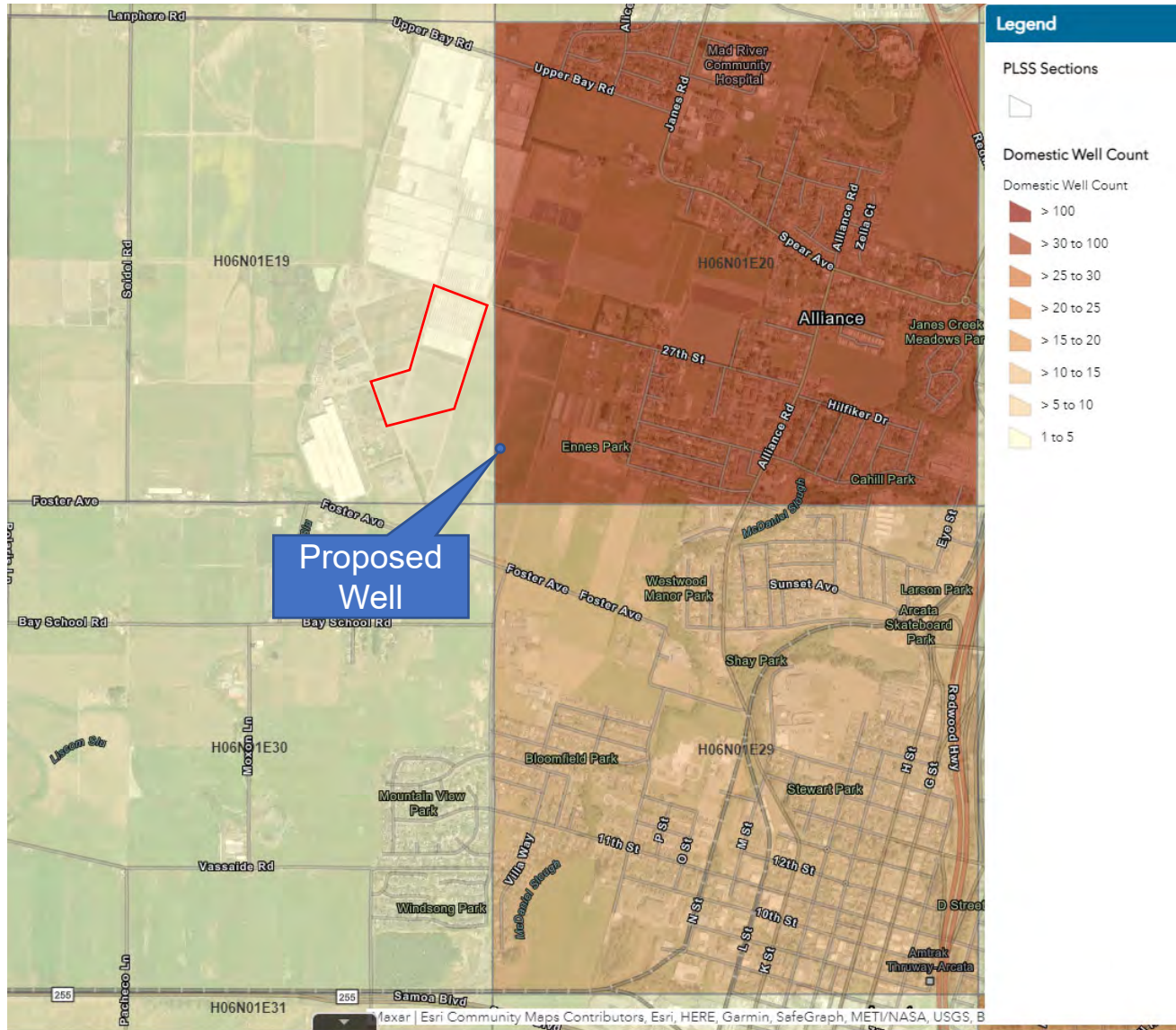


The RECAR project is funded by the European Commission FP7 Programme, ENV.2013.6.2-4 'Sustainable land care in Europe'.



- **7 Acres of Active Ag lost at this site since 2003**
- Soil sealing: The destruction or covering of soils by completely or partly impermeable artificial material, such as sand/gravel, asphalt, and concrete.
- Soil Sealing is the most intense form of land take and is essentially an irreversible process (Prokop et al., 2011).

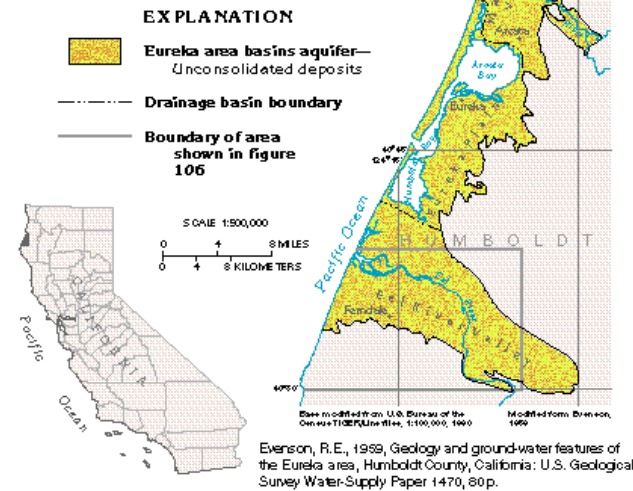
Impacts of other water users in the basin not evaluated



Well
Completion
Reports Map
Application

No well tests
done to
prove yield

Figure 104. The Eureka area basins, located along the moist, heavily forested, sparsely populated northern California coast, consist of unconsolidated deposits and are bounded by consolidated and semiconsolidated rocks.



IS/MND Appendix D Well Completion Report

State of California
Well Completion Report
Form DWR 188 Submitted 4/6/2019
WCR2019-004628

Water Level and Yield of Completed Well

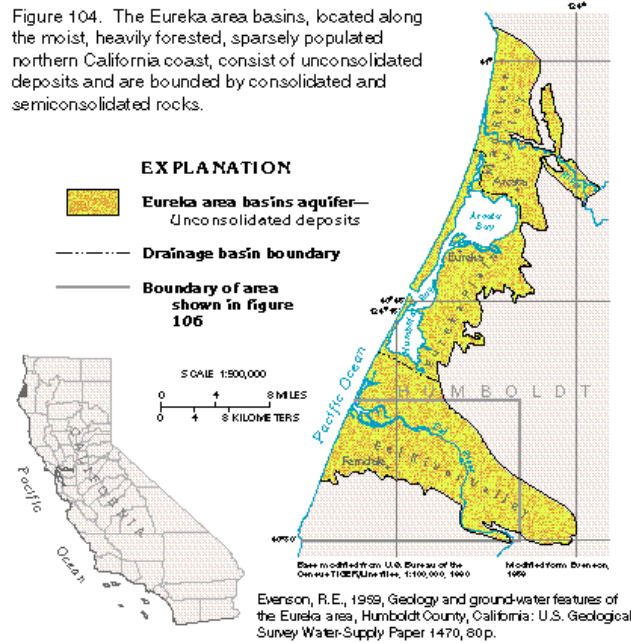
Depth to first water	21	(Feet below surface)	
Depth to Static			
Water Level		(Feet)	Date Measured
Estimated Yield*	400	(GPM)	Test Type Bailing
Test Length	6	(Hours)	Total Drawdown 10 (feet)

*May not be representative of a well's long term yield.

No water quality testing
of proposed well water

“I do not believe that the well has a hydraulic connection to... any larger shallow homogeneous aquifer.

Figure 104. The Eureka area basins, located along the moist, heavily forested, sparsely populated northern California coast, consist of unconsolidated deposits and are bounded by consolidated and semiconsolidated rocks.



IS/MND Appendix E Hydrologic Connectivity Letter

RICH
WELL DRILLING
& PUMP SERVICE
L.V. #902702

1251 Railroad Drive. McKinleyville, CA 95519. State license#902702

August 19, 2020

Rudolf Visser
Arcata Land Company LLC
3318 Foster Avenue
Arcata, CA 95521

Subject: Agriculture Irrigation Well; APN 506-231-011

Dear Mr. Visser:

Rich Well Drilling completed pump testing and obtained a permit for an existing agriculture irrigation well on APN 506-231-011 in March 2019. The well is completed to a depth of approximately 150 feet and screened approximately 100' below surface in a state designated groundwater basin (Mad River Valley – Mad River Lowland; 1-008.01). There are no nearby streams or surface waters. Based on site-specific circumstances, I do not believe that the well has a hydraulic connection to any surface water or any larger shallow homogeneous aquifer.

Sincerely,

Stuart Dickey

Rich Well Drilling and Pump Service Company

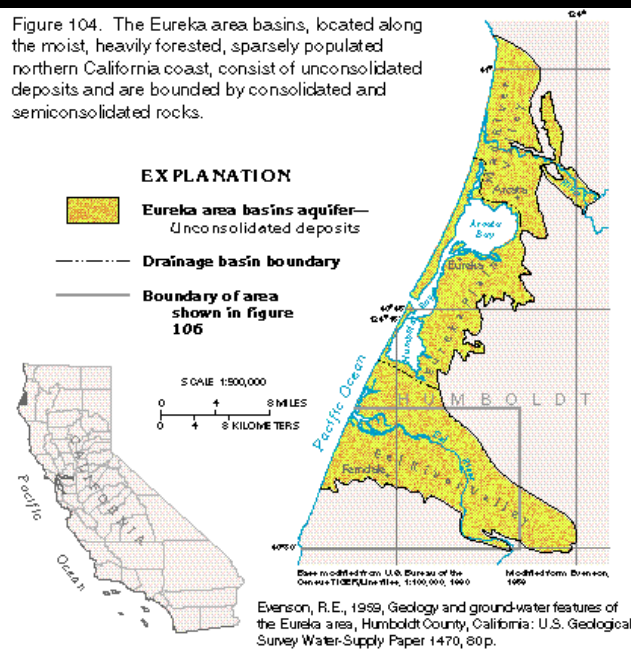
Impacts to Groundwater Not Evaluated

2.4 Water Source and Irrigation Plan

Water Source

Water for irrigation will be supplied by an existing permitted on-site groundwater well (County Permit Number 18/19-0783). The well is located east of the Project area on an adjoining parcel under common ownership (APN 505-151-012) (see Sheet 1, Site Plan, and Figure 3, Existing Conditions Site Map). The well is completed to a depth of approximately 150 feet and has an estimated yield of 400 gallons per minute according to the Well Completion Report (See Appendix D, County Well Permit). As documented by the well driller (Rich Well Drilling), the well is screened approximately 100' below surface in a state designated groundwater basin (Mad River Valley - Mad River Lowland; 1-008.01), and has no hydraulic connection to any surface water or larger shallow homogeneous aquifer (see Appendix E, Hydrologic Connectivity Letter).

Figure 104. The Eureka area basins, located along the moist, heavily forested, sparsely populated northern California coast, consist of unconsolidated deposits and are bounded by consolidated and semiconsolidated rocks.



XIX. UTILITIES AND SERVICE SYSTEMS.

Less Than Significant Impact

Would the project:

- b. Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years?



Project has No Mitigations Incorporated in the ISMND or Project Conditions to Ensure No Significant Impacts in the to Hydrology

X. HYDROLOGY AND WATER QUALITY.	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
a. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>



Project does not ensure the safety of pedestrians and bikers on the proposed access route.



The Project ensures no local accountability after permit approval

Marlboro owner Altria invests \$1.8 billion in cannabis company Cronos



Marlboro maker Philip Morris is eyeing the pot market, CEO says

By Will Feuer

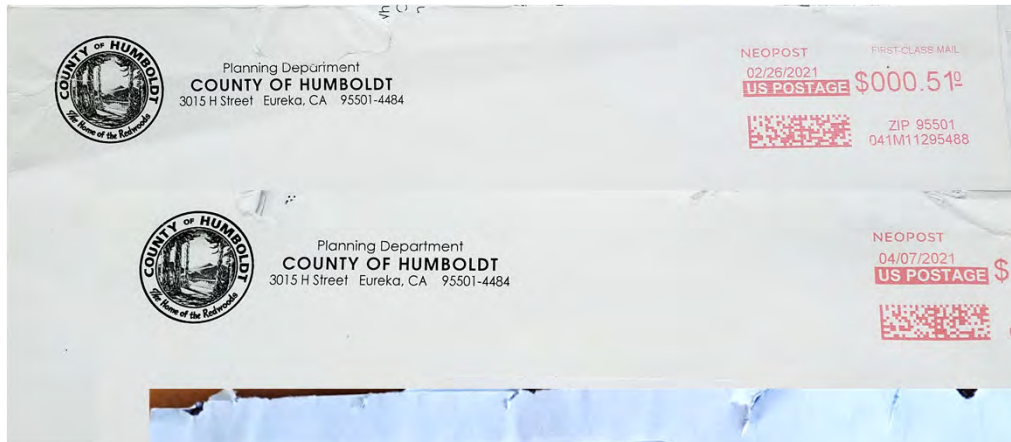
April 28, 2021 | 9:15am |



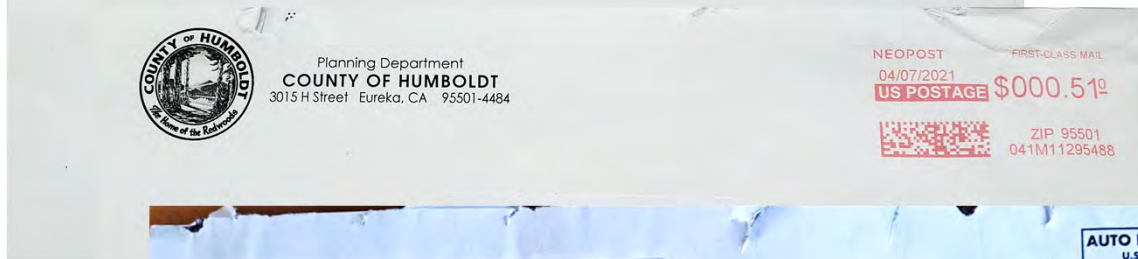
Add quote from Natlyne's Letter

Humboldt County Planning Department is not Encouraging Public Input

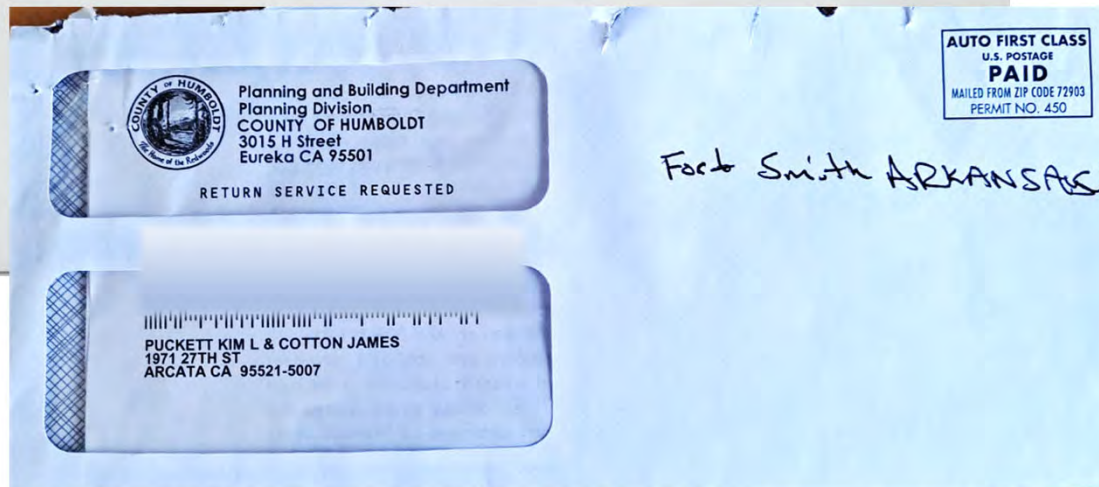
- County did not provide the location of meeting in public notice the community has to look it up on the internet after Friday afternoon!



March 18 Notice Mailing
Arrived in 1 day



April 22 Notice Mailing
Arrived in 1 day



June 22 Notice Mailing
Arrived in 5 days

Community Request

Use your
**Discretionary
Authority**
to Deny
PLN-12255-CUP



Minimum Conditions to Protect the Community

1. Maximum of 1 Acre of Cultivation, Phased with the First Phase 10,000 sq ft
2. Net Zero Energy Use, with All Electric Systems with 100% Renewable Energy
3. Require Modern Efficient Greenhouse, with Maximum Noise and Odor Control
4. No New Ground Disturbance with Replacement of Flower Greenhouses with Cannabis Greenhouses
5. Connect to Humboldt Bay Municipal Water District to Supply all Irrigation and Potable Water

Project has extreme energy needs that should be 100% offset with renewables

Last week, we provided a preliminary consultation to Lane DeVries, owner of Arcata Land Company and Sun Valley Floral Farms, on potential clean energy upgrades for both the proposed cannabis operations and his ongoing flower growing operations at Sun Valley. The Arcata Land Company has tremendous



potential for solar energy production on the existing buildings. At this preliminary stage, we estimate that a photovoltaic array on just one of the rooftops could produce 2.1 Megawatts of electricity annually.

Not only could Arcata Land Company supply all energy for their operations, incorporating storage and a microgrid, the project could feed

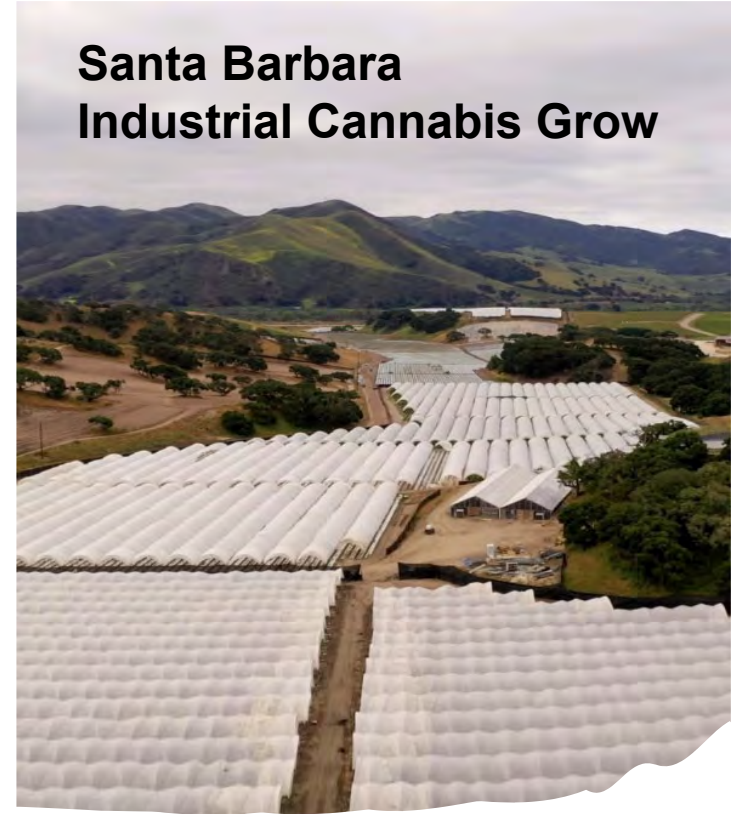
Minimum Conditions to Protect the Community

6. Conduct a Cumulative Traffic Impacts Study to Account for All Proposed nearby Grows and the Creekside Annex
7. Fund the City of Arcata to Extend the Foster Ave Bike Lanes to a Quarter Mile Past the Project Entrance
8. No Traffic on 27th Street
9. Require applicant to submit quarterly compliance Reports that address the following areas:
 - i. Noise
 - ii. Odor
 - iii. Lights
 - iv. Other
 - v. Water use/ metering and calibration of equipment

**Arcata Bottoms
Liscom Slough**



**Santa Barbara
Industrial Cannabis Grow**



Your Choice?

What will be your legacy on the
Arcata Bottom?

Appeal of PLN-12255-CUP

Conditional Use Permit for the 8-Acre Industrial
Cannabis Operation in the Arcata Bottom

THE FIGHT AGAINST INDUSTRIAL WEED BEGINS IN MY BACKYARD



Community Request

Use your
**Discretionary
Authority**
to Deny
PLN-12255-CUP



Wedding boom is on as vendors scramble to keep up

By Associated Press

June 9, 2021 | 3:04pm | Updated



- Anna Price Olson, associate editorial director for Brides magazine, said many vendors in the wedding industry are small businesses.
- “They’re trying to meet the demand of new clients and clients who have postponed,” she said. “In order to do so, in many cases, they’re having to charge more. They’re having to hire additional resources, bring staff members back. Also the cost of goods is increasing. There are only so many linens, only so many rentals and only so many flowers that were planted this past season.”
- Per Steve Dionne, Executive Director of Cal Flowers, the industry is getting ready to boom.

The Project ensures no local accountability after permit approval

Marlboro maker Philip Morris is eyeing the pot market, CEO says

By Will Feuer

April 28, 2021 | 9:15am | Updated



Community appreciates the contributions Sun Valley has made to many local groups, and that Mr. Devries is a long time community member, providing jobs. There is no guarantee that Lane DeVries, the newly formed Arcata Land Company, and Headwaters will continue to be the operators, especially with potential Federal legalization of cannabis.

The Project ensures no protection of the community

Santa Barbara
Independent

Tristan Strauss' Home Town

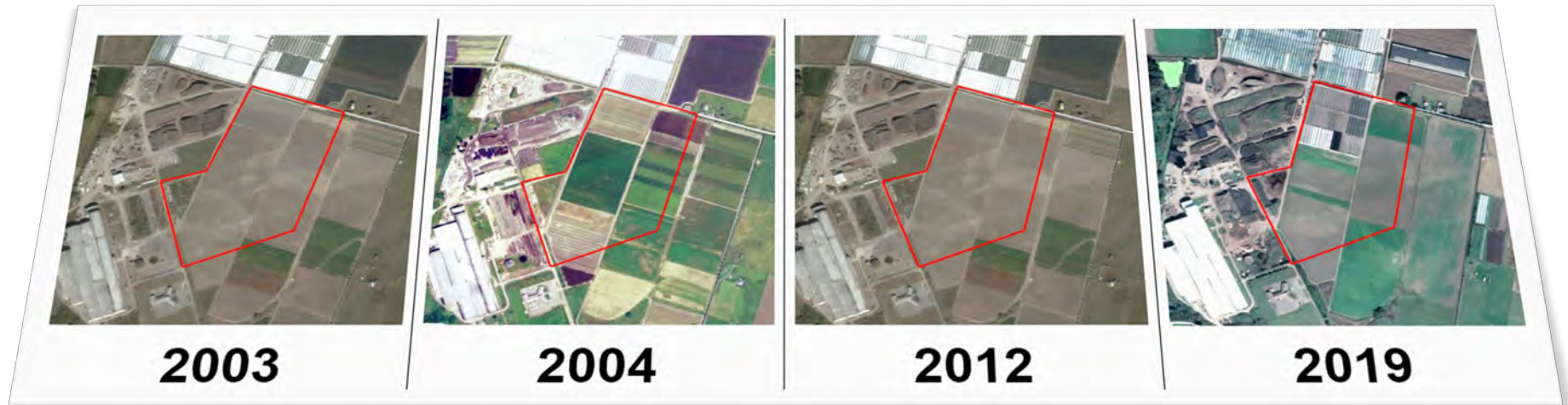
Carpinteria Activists Battle over How to Stop the Cannabis Stink

One Group Negotiates, the Other Threatens State-Level Appeal

Residents of La Mirada Drive above Foothill have complained that the smell of cannabis is making them sick. Here's their view of the greenhouse industry, including G&K Farms, at the western end of the Carpinteria Valley, looking toward Nidever Road. Many of the greenhouses in the valley were formerly in cut flowers and are now in cannabis. | Credit: Courtesy



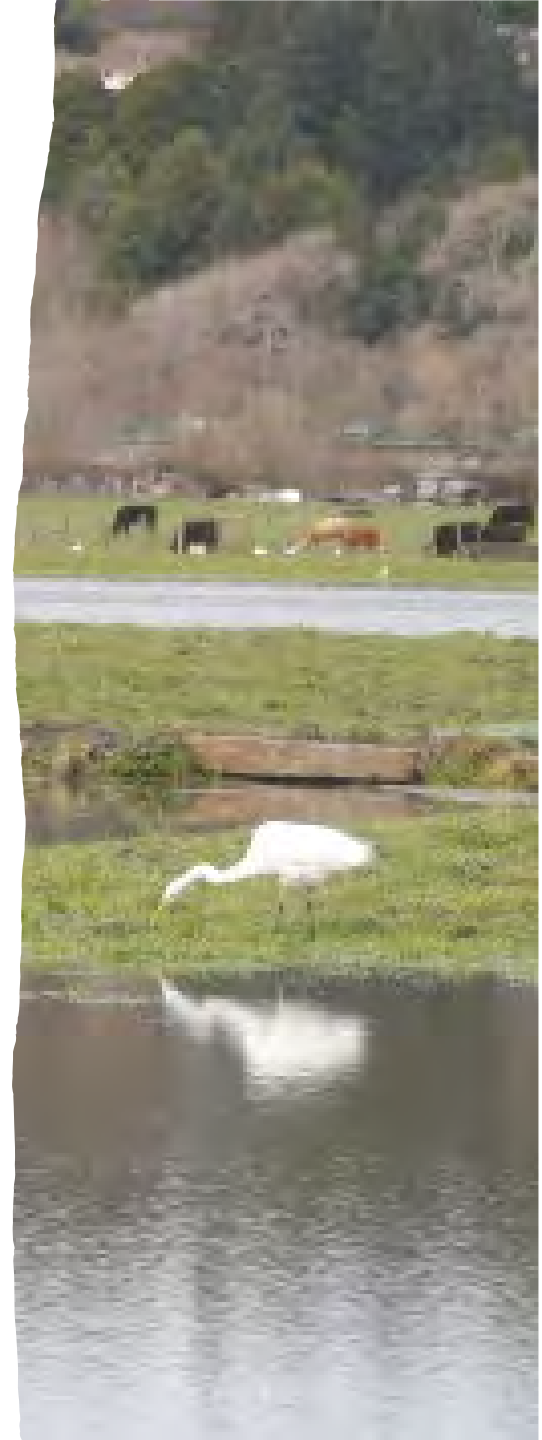
Active agricultural land being lost



1. Lumber Mill rehabbed over 20 years ago and site used in active ag – cannot claim credit for rehabilitation as part of current project.
2. Industrial mega grow is not needed to support cannabis studies at Humboldt, which is poised to become the state's 3rd Polytechnic Institute.
3. With the potential for record flower sales as people make up for all the events missed over pandemic. Sun Valley should not need this grow to maintain a healthy business, and continue to provide local jobs.

Biological Mitigations Do Not Necessarily Protect Wildlife

- Mitigation measures do not account for work stoppages of over two weeks in length, which would require a new clearance survey.
- The mitigation measures buffer zones do not account for the needs of the different species that may be found during surveys.
- Consultation with California Department of Fish and Wildlife has not occurred since 2017, prior to many of the designs and studies. Discussions with CDFW indicated they are tired of the County not listening to regulatory input, and have thus given up commenting, as evidenced during the March 18th Board meeting when John Ford deferred to a consultant's study over the CDFW's request.



It is a fallacy that this project will result in grows being taken out of the hills.

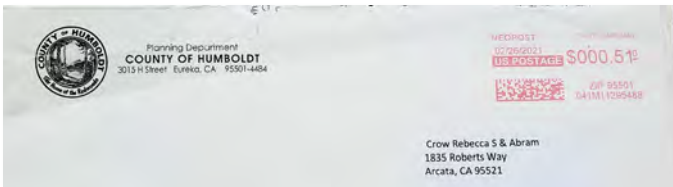
- While many have stated that this project represents forward progress in getting grows out of the hills.....
- The County is still approving permits in the hills, such as the recently approved 7-acre McCann Ranch Project.
- This project is an industrial operation that should be constructed on existing impervious area in an efficient climate-controlled warehouse
- The project is not an agricultural operation, utilizing the prime farmland at the site.

An 8-Acre Project Size is not a Compromise

- The reduction in size from 23 acres to 8 acres is not an acceptable reduction in size and does not represent listening to the community.
- 23 acres would have been 75% of the permit capacity in the Eureka Plain Watershed.
- A 1-Acre project has the ability to generate millions of dollars in revenue. Why is 8 acres needed?

Humboldt County Planning Department is not Encouraging Public Input

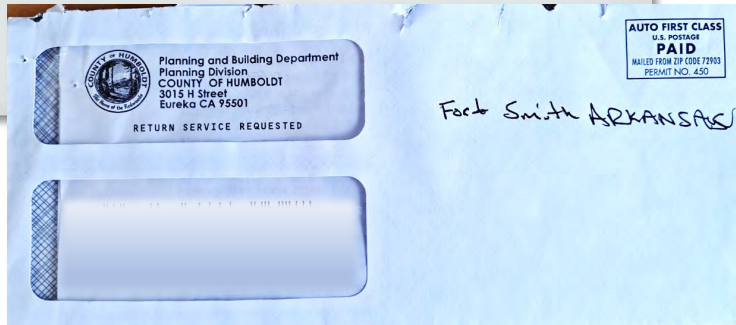
- Team 27th Was Prepared!
- County did not provide the location of meeting in public notice **the community** has to look it up on the internet after Friday afternoon!
- Stumble on date public comments due resulted in confusion on submitting timely comments.



March 18 Notice Mailing
Arrived in 1 day LOCAL MAILING



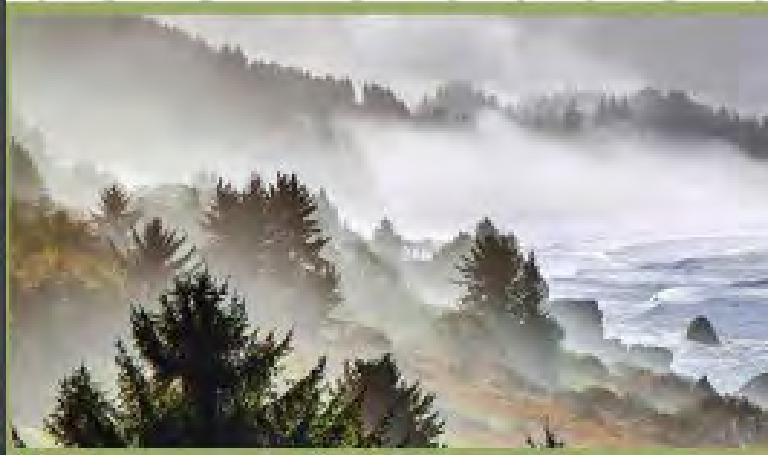
April 22 Notice Mailing Arrived in
1 day LOCAL MAILING



June 22 Notice Mailing
Arrived in 5 days MAILED
FROM ARKANSAS

HUMBOLDT REGIONAL

Climate Action Plan



SB 32 Statewide Targets

1990 levels by 2020

40% below 1990 levels by 2030

80% below 1990 levels by 2050

The Operations Plan is Incomplete

- Lacks detail
- Project description has changed Four times since the IS/MND was completed
- A brand new technology was introduced just today
- Data is needed to prove the project will meet noise, odor, and light standards
- Per Thomas Mulder, Where's the Operations agreement between Headwaters and Arcata Land Company.



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8. No Traffic on 27th Street
9. Require applicant to submit quarterly compliance Reports that address the following areas:
 - i. Noise
 - ii. Odor
 - iii. Lights
 - iv. Other
 - v. Water use/ metering and calibration of equipment

May 4, 2021

From:

James M. Cotton, et al.

1971 27th Street

Arcata, CA 95512

jimcotton47@gmail.com

Repeat of our appeal

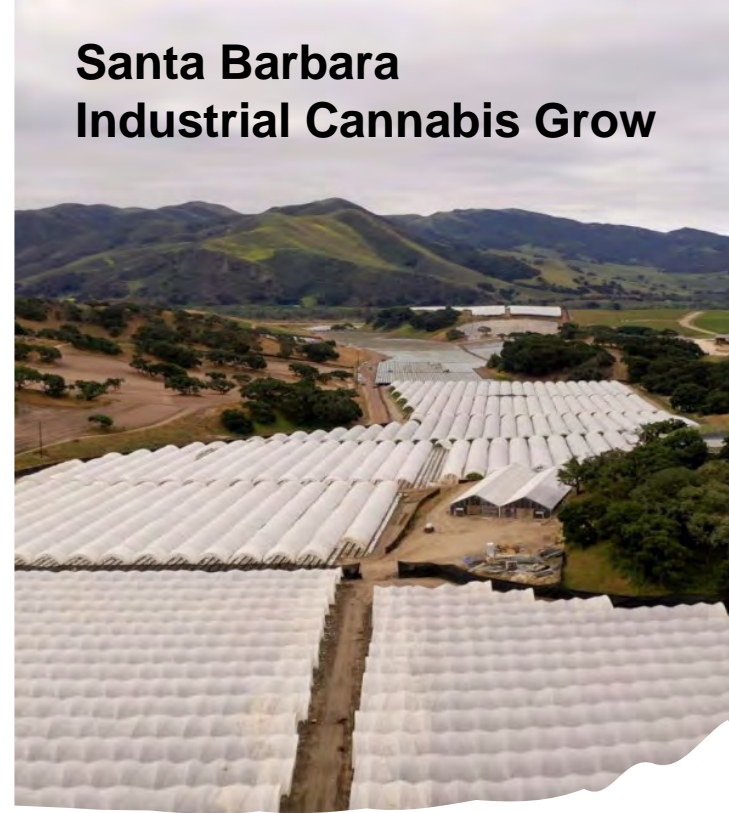
The Planning Commission adopted a Mitigated Negative Declaration (“MND”) for the Project despite substantial evidence in the administrative record supporting a fair argument that the Project may have significant environmental impacts. Because commenters have presented a fair argument concerning the Project’s multiple potentially significant impacts, CEQA mandates an EIR for the Project to analyze the full scope of impacts prior to approval.

For all these reasons, and as explained below and in prior comments on the IS/MND submitted to the Humboldt County Planning Department,⁵ Appellants urge the Board to reverse the Planning Commission’s decision to approve the Project and either deny the application or order the preparation of an EIR.

**Arcata Bottoms
Liscom Slough**



**Santa Barbara
Industrial Cannabis Grow**



Your Choice?

What will be your legacy on the
Arcata Bottom?

Mrs. Rebecca Crow
1835 Roberts Way
Arcata, CA 95521
707-497-9294

February 26, 2021

Rodney Yandell, Humboldt County Planning Department
3015 H Street
Eureka CA 95501
SENT VIA EMAIL TO: ryandell@co.humboldt.ca.gov

RE: ARCATA LAND COMPANY, LLC COMMERCIAL CANNABIS OUTDOOR LIGHT-DEPRIVATION AND MIXED-LIGHT CULTIVATION PROJECT APPLICATION NO. 12255

Dear Mr. Yandell:

This letter is to provide comments on the proposed Commercial Cannabis Outdoor Light Deprivation and Mixed-Light Cultivation Project (Project) California Environmental Quality Act (CEQA) Initial Study and Mitigated Negative Declaration (IS/ MND) circulated by the County of Humboldt as the Lead agency. The proposed 22.9 acre commercial cannabis cultivation facility is proposed on a property located between 27th Street and Foster Avenue, west of the City of Arcata.

I am a resident of the City of Arcata, and have lived at 1835 Roberts Way approximately 1,700 feet from the proposed Project site for the last 17 years. Our neighborhood is peaceful and folks enjoy access to the nearby City owned park parcel less than a 1,000 feet from the proposed Project Site. Many community members also use the park parcel to walk their dogs and enjoy a quiet sunset.

Inadequate Identification of Significant Effects

The County of Humboldt as Lead Agency for the IS/ MND did not adequately identify significant impacts related to Air Quality and Agricultural Resources. As further presented below, the Project as proposed has potentially significant impacts, which necessitate that the County complete an Environmental Impact Report (EIR).

Inadequate Notification of Potentially Affected Parcels

As a resident of a single family home in a residential subdivision less than ½ mile from the proposed Project, which has significant odor and noise impacts to residences, a notice of the circulation of the CEQA document should have been sent to my address, and that of my nearby neighbors. While county is not obligated, under existing policy, to notify residents/owners if they live more than 300 feet from a project. The fact that residents will be affected by permanent significant impacts should have been considered in the public notification process. The lack of notification resulted in my only having one day to digest and respond to a 1,400 page document.

Lack of identification of Significant Impact on Air Quality/Exposure of sensitive receptors to substantial pollutant concentrations

A EIR should have been prepared for this project due to the unavoidable impacts to air quality on sensitive receptors from the odor of Cannabis.

As presented in the IS/MND “A sensitive receptor is a person who is particularly susceptible to health effects due to exposure to an air contaminant. Land uses considered sensitive receptors include residences, schools, playgrounds, childcare centers, long-term health care facilities, rehabilitation centers, convalescent centers, and retirement homes. With the exception of scattered rural residential, there are no sensitive land uses within the vicinity. The surrounding vicinity is sparsely populated with approximately five residences located within 1,000 feet of the Project Site.”

The statement that there are no sensitive land uses within the vicinity of the project, except scattered rural residential is false. There is a population of 900 people within only a ½ mile of the proposed Project site including sensitive receptors of 165 Youth and 53 Seniors, according to California State Parks Community Fact Finder (See Attachment 1 for data print out). Of this population 367 live in poverty, with a median household income in the ½ mile radius of the proposed Project Site of only 55% of the statewide median household income. Location of the proposed project would further expose this vulnerable population to toxic odors.

Additionally, there is a community park located at APN 505-151-009 less than a 1,000 feet from the proposed Project site where community members outside the neighborhood come to walk their dogs. There is a playground on this parcel approximately 1,500 feet from the proposed Project site. Lastly, there is an elementary school site (Fuente Nueva Charter School on the St. Mary’s Campus) located approximately 2,000 feet from the proposed Project Site. Another sensitive receptor identified in the IS/MND is the planned senior care center and senior housing located on the recent Foster Annex parcel (505 061 011). All properties discussed are downwind at times of the proposed Project and will be affected by odor drift.

According to the Arcata Land Company Cultivation Project Air Quality and Greenhouse Gas Emission Assessment, September 25, 2020 (2020 Air Quality Study), attached to the MND the following standard from the updated Humboldt County General Plan applies to this project:

AQ-S4 Buffering Land Uses. When considering buffers between new commercial and industrial sources of emissions and adjacent land uses follow the California Air Resources Board’s Air Quality and Land Use Handbook: A Community Health Perspective (CA ARB Community Handbook) and NCUAQMD Recommendations.

According to the CA ARB Handbook, odors can cause health symptoms such as nausea and headache. Because of the subjective nature of an individual’s sensitivity to a particular type of odor, there is no specific rule for assigning appropriate separations from odor sources. Under the right meteorological conditions, some odors may still be offensive several miles from the source. Given that the wind at the project site exceeds 10 miles per hours most days (NWS data), it is reasonable to assume these odors will travel. The CA ARB Handbook considers environmental justice concerns as part of the ARB’s regulatory programs to reduce air pollutant emissions. As presented above the residential areas

bordering the proposed Project have high poverty rates and low median household incomes, and placing a new odor emission source will continue the negative impacts of poor air quality on disadvantaged community members.

The 2020 Air Quality Study states the odor of cannabis could be described by some as an offensive skunk-like smell. This odor is produced by terpenes, which are volatile unsaturated hydrocarbons found in the oils of various plants. Generally, the larger the size of the canopy area, the greater the potential for odor to be evident to off-site receptors. Proposed controls are to ventilate greenhouse exhaust air through activated carbon filters that are changed on a regular basis, which meets Humboldt County ordinance 2559 requirements for cannabis cultivation. Further, additional measures are proposed if the carbon filtration does not work, but no data is provided to show that either method will result in the necessary reductions in odors to avoid impacts to sensitive receptors.

The conclusion of the 2020 Air Quality Study was that “Operation of the project would result in odor impacts, but they can be managed using required odor control, setbacks, and implementation of an odor control plan.” Further, the Humboldt County Commercial Cannabis DEIR found that cannabis-related odors would result in a significant and unavoidable impact, despite the use of setback, odor prevention equipment, and prohibition on burning plant materials.

While a mitigation measure is provided to manage odors, there will still be a significant impact to sensitive receptors in the project areas, and an EIR should have been completed to address this issue. The IS/MND did not provide a copy of the Odor Control Plan that would be implemented as part of proposed Mitigation Measure AQ-1 to address odor issues, and thus there can be no assurance that odors can or will be managed. In addition, the Operation Plan that was provided does not include mention of preparation of an Odor Control Plan.

While the IS/MND claims that the Project would not produce significant quantities of criteria pollutants during construction or operation. It does clearly state in the supporting documents that there will be an unavoidable odor impact. The IS/ MND also states “As a result, the Project would not expose sensitive receptors to substantial pollutant concentrations, and impacts would be less than significant.”

The Project does result in the exposure of sensitive receptors to substantial pollutant concentrations, and thus impacts are not less than significant, and should be categorized as significant and unavoidable. Specifically at my home I have a child with severe medically documented headache disorder. The odor of cannabis triggers her headaches, causing pain, stress, and mental discomfort.

Lack of identification of Significant Impact on Aesthetics without Mitigation

The IS/MND states that aesthetic impacts are less than significant in regards to degrading the visual character or quality of public views of the site and its surroundings as well as for creating a new source of substantial light or glare.

It states the proposed structures are “obscured from view from offsite residences and motorists on both Foster Avenue and 27th Street due to significant existing perimeter vegetation on adjoining parcels.” There is no existing vegetation along the entire eastern boundary of the parcel and there is

a significant visual impact for the neighboring parcels. No viewshed analysis was completed with the IS/ MND, and thus additional work is necessary to confirm the statement regarding no visual impacts.

While the IS/ MND includes some mention of issues related to nighttime light operations and greenhouse glare, specific mitigation measures should be included to mitigation for possible impacts. The operation plan alone does not provide enough assurances that the proposed Project will abide by specific light and glare restrictions. The Arcata Land Company has not acted to shield their existing security lights that shine into nearby residences, nor responded to community members complaints about the lights from the existing greenhouses.

Lack of Identification of Significant Agricultural Impacts.

The IS/MND states that the project: “would not indirectly convert farmland to non-agricultural land or forest land to non-forest land.” However, page 8 of the IS/MND states “In addition to the placement of sand/soil, Site development will include approximately 40,500 square feet of new concrete surfacing, comprised of concrete within the loading zones, walkways around the administration buildings, ADA parking stalls and ramps (12,698 square feet), green waste storage area (9,460 square feet), and walkways between hoops (18,342 square feet).” This is a total of 74,040 SF of concrete (1.7acres), or conversion of 7.4% of the site to non-agricultural use. This is a net loss of prime agriculture land as years of compaction under concrete and loading trucks will reduce fertility. In addition, much of the proposed conversion is for manufacturing type operations as opposed to simple agricultural. An EIR is required to adequately evaluate alternatives to the proposed permanent conversion of prime agricultural land.

Lack of Identification of Significant Noise Impacts

The currently proposed control to try and minimize odors is to ventilate greenhouse exhaust air through activated carbon filters. It is assumed that this ventilation will be required 24 hours a day to avoid the toxic build up of volatile fumes in the greenhouses, but it is not stated in the IS/ MND. Winds in the Arcata Bottom transport sound a long distance. Residents enjoy the peaceful sounds of nature in the evening and on quiet nights people can hear the ocean. The IS/ MND again incorrectly states that the surrounding vicinity is sparsely populated. A major subdivision is located within 1,500 feet of the proposed Project site.

The new will facility will create a permanent significant increase in ambient noise levels with machine sound from the exhaust fans, that is not addressed in the IS/MND. No mitigations are proposed for noise impacts. An EIR is required to evaluate alternatives that would not result in permanent significant impacts.

Summary

The County of Humboldt should re-evaluate the process by which it was determined that a Mitigated Negative Declaration was the appropriate CEQA document for the proposed Project, and move forward with the preparation of a Full Environmental Impact Report to analyze alternatives that may reduce impacts to less than significant. As the IS/ MND stand, it does not accurately reflect the significance of impacts on the environment.

Please add my name to the list of interested parties for this project and include me in all notifications moving forward regarding this project.

Sincerely,



Rebecca Crow
707-497-9294
Watergirl64@gmail.com

CC: Mike Wilson, Humboldt County 3rd District Supervisor 825 5th Street, Room 111
Eureka, CA 95501 (sent via email mike.wilson@co.humboldt.ca.us)

California State Parks Community FactFinder Report

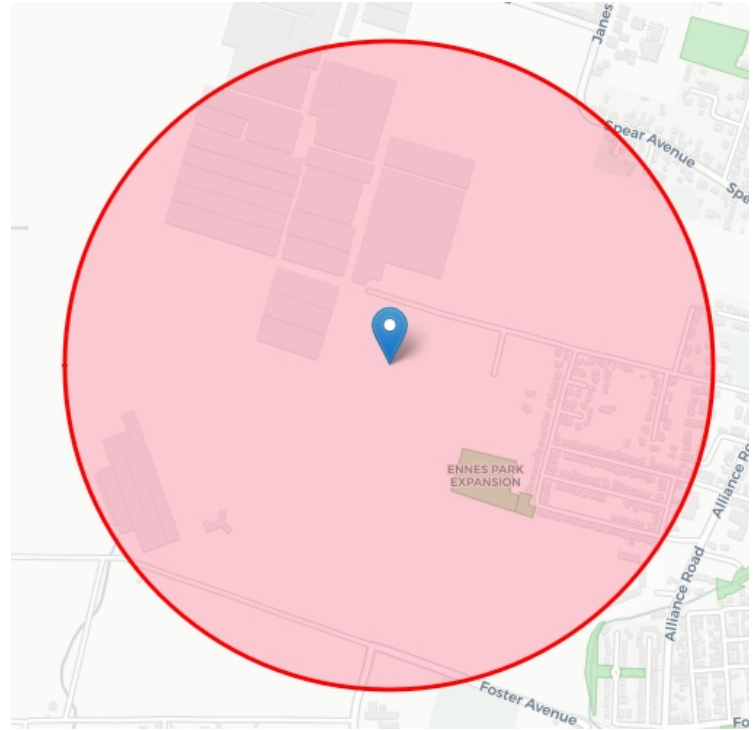
Project ID: 102219
Coordinates: 40.8873, -124.1000
Date: 2/26/2021

This is your project report for the site you have defined. Please refer to your Project ID above in any future communications about the project.

PROJECT AREA STATISTICS

County	Humboldt
City	Unincorporated
Total Population	901
Youth Population	165
Senior Population	52
Households Without Access to a Car	11
Number of People in Poverty	367
Median Household Income	\$38,177
Per Capita Income	\$19,574
Park Acres	4.69
Park Acres per 1,000 Residents	5.20

PROJECT AREA MAP



REPORT BACKGROUND

The project statistics have been calculated based on half mile radius around the point location selected. Only park acres within the project area's half mile radius are reported.

Population and people in poverty are calculated by determining the percent of any census block-groups that intersect with the project area. The project area is then assigned the sum of all the census block-group portions. An equal distribution in census block-groups is assumed. Rural areas are calculated at a census block level to improve results.

Median household and per capita income are calculated as a weighted average of the census block- group values that fall within the project area.

More information on the calculations is available on the methods page.

Demographics—American Community Survey (ACS) 5-year estimates 2014-2018; Decennial 2010 Census; the margin of error (MOE) was not analyzed.

Parks—California Protected Areas Database 2020a CFF adjusted (6/2020) - more information at <http://www.CALands.org>. Parks and park acres area based on best available source information but may not always contain exact boundaries or all parks in specific locations. Parks are defined further in the 2015 SCORP (pg. 4).

Users can send updated information on parks to SCORP@parks.ca.gov



SCORP Community FactFinder is a service of the California Department of Parks and Recreation
www.parks.ca.gov

SCORP Community FactFinder created by GreenInfo Network www.greeninfo.org
in consultation with CA Dept. of Parks and Rec



Lippre, Suzanne

From: Kerry McNally <kerrym42@gmail.com>
Sent: Friday, June 18, 2021 7:58 AM
To: COB; Planning Clerk
Subject: Record #PLN-2021-17198, Appeal of Arcata Land Company, LLC Record # PLN-12255-CUP

Record #PLN-2021-17198, Appeal of Arcata Land Company, LLC Record # PLN-12255-CUP

Kerry McNally
1744 Simas Court
Arcata, Calif. 95521
kerrym2@gmail.com
707-499-3799

June 16, 2021

Humboldt County Board of Supervisors
525 Fifth St.
Eureka, Calif. 95501

Dear Humboldt County Board of Supervisors,

As a long-time homeowner who would like to remain in my house and neighborhood, I am requesting that the proposed 8+-acre Arcata Land Company project be denied, as this project is entirely too close to neighboring homes and schools and with potential impacts to health and safety of the community. Although the site is zoned for industrial use, this particular use brings with it a unique set of problems that justify additional scrutiny.

The applicant's proposal is lacking important quantifiable details, such as:

- A Traffic Study quantifying impacts to Foster Avenue and 27th Street
- A Noise Study for the fans operating in the planned greenhouses
- An Odor Study that might allay concerns for those neighbors with pre-existing conditions
- A Groundwater Impacts to neighboring wells
- Quantifiable Light Pollution Data
- Security Requirements.

We put trust in your decision making. Without sufficient data, the approval of this project is risking negative impacts to these Humboldt County residents.

Sincerely,

Kerry McNally

Lippre, Suzanne

From: bell-hans@suddenlink.net
Sent: Friday, June 18, 2021 3:59 PM
To: COB
Cc: Yandell, Rodney; Planning Clerk; Bohn, Rex; Bushnell, Michelle; Wilson, Mike; Bass, Virginia; Madrone, Steve
Subject: Arcata Land Company /Cannabis Project #12255

As I'm writing this email to all of you, I'm sitting in my backyard listening to all of the different birds and sounds of nature, the distant sound of the ocean and the sweet smell of the countryside and fresh air! I ponder what my evenings will be like when I'm directly downwind of Sun Valleys planned mega industrial cannabis grow. Will I be able to sit outside because of the stench of cannabis or will I be forced back inside? Or will the sound of hundreds of industrial fans/dehumidifiers / and heaters drown out any sounds of nature?!

You have been given all of the science and facts as to why this project should be denied or at least that an EIR needs to be done. This project requires an EIR when a Fair Argument under CEQA finds that a project "may" cause one or more potentially significant impacts might occur. The opposition to this project has proven Numerous impacts that Will be Significant !!

The last few months since I first heard about this proposed project --by a Neighbor- Not the Planning Dept, has been full of grave disappointments .The disgraceful behavior and falsehoods of our elected and appointed officials at the Planning Dept including Director John Ford has been egregious ! Mr Ford Knows better when he said there are no major differences between an ISDMND and an EIR , but chose at the April 22 meeting to tell this mistruth. That department has been throwing road blocks in the way of the community from voicing their opposition to this mega grow once we found out what they were up to!! Trying to quietly push through 23 acres was outrageous - 8 is just as bad! The latest ploy was mailing of the public notice of the BOS meeting date/ etc all except the zoom Information , from ARKANSAS without a postmark- taking 5 days to arrive at my mailbox 4:15 on Friday June 11.The deadline for comments was Monday June 14! with a deadline of NOON- giving people exactly 31/2 hours to do. This is Unacceptable !!

We are certainly at the crossroads as a community--Do we want to preserve our precious resources and unique landscapes or let JALC sell down the road to the highest bidder such as Marlboro and Philip Morris-squeezing out our small growers ? Do we protect the health and well being of our families and community ?

We should heed the warnings of our fellow Californians in Santa Barbara or to the north in Oregon. Mega Grows do NOT belong next to neighborhoods and communities as their people suffer from increase in health problems and unable to be outdoors due to the unbearable odor and noise . Not to mention the loss of beautiful landscapes so unique to those areas.

You five people have one of the most important decisions to make for us, your constituents . Please listen to our deeply felt opposition to this project. You can't go back once this all starts.

The future of our planet and the children/grandchildren that will inhabit this beautiful place we call home--depends on you!

Thank you

Peggy Bell-Hans
2859 Wyatt Lane

Lippre, Suzanne

From: Sallie Grover <sallieg15@gmail.com>
Sent: Friday, June 18, 2021 4:34 PM
To: Planning Clerk
Subject: Arcata Land Company cannabis permit response

Greetings Board and Commission members,

Please reconsider the permit for cannabis production at the proposed site.

Pesticide use close to residential and school districts is hazardous to community health. The Arcata community has expressed concern over pesticide use by Sun Valley for decades. Other types of pollution like light, noise and fossil fuel have also been brought up.

How has Sun Valley stewarded it's agricultural soils? The majority of it's ~30 acres is graveled or paved. Will this bottoms soil ever be farmable again? The best direction for the company would be to adjust floral production to the difficult market conditions and remediate the soil on the existing site. Remediation of the proposed ALC site and sustainable farming on that site would also be a better outcome for the community.

The kind of jobs that are desirable in the community are jobs that are free from exposure to and application of pesticides.

Please consider these concerns in the permitting process. Thanks for reading through this note,

Sallie Grover
Arcata resident

Sent from my iPhone

Lippre, Suzanne

From: star siegfried <star@humboldt1.com>
Sent: Saturday, June 19, 2021 1:01 PM
To: COB
Cc: Yandell, Rodney; Planning Clerk; Bohn, Rex; Bushnell, Michelle; Wilson, Mike; Bass, Virginia; smadrone@co.humboldt.ca.us
Subject: Arcata Bottoms Cannabis operation

Dear Board of Supervisors,

I have been a Humboldt County resident for 44 years. I left Los Angeles to get away from big business, land over use and pollution.

The proposed plan to develop our virgin farm lands (the Arcata bottoms) for another big agricultural development is wrong and ill conceived. The impact on the people and land will be huge. Why not use all the old run down buildings and even the mall in Eureka and repurpose these properties to grow cannabis?

Don't approve this, it's not ok for the people, the land, the birds, our water, the power grid and the visual aesthetics or our fine land.

Star

Star Siegfried RN, BA, IBCLC
Board Certified Lactation Consultant
<https://www.facebook.com/starlactation/>
<https://www.inkpeople.org/dreammaker-data/mother2mother>

Breastfeeding is not a one woman job: it requires government leadership and support from families, communities, workplaces and the health care system to really make it work!

Confidentiality Warning: the intended recipient and many contain confidential or privileged information. If you are not the intended recipient, any disclosure, copying, use, or distribution of the information included in this message and any attachments is prohibited. If you have received this communication in error, please notify us by reply e-mail and immediately and permanently delete this message and any attachments. The sender does not accept any responsibility for any loss, disruption or damage to your data or computer system that may occur while using data contained in, or transmitted with, this e-mail. The sender does not accept any responsibility for any loss, disruption or damage to your data or computer system that may occur while using data contained in, or transmitted with, this e-mail. I do not have or use HIPPA compliant email technology, but I am careful about keeping files private within my own password protected computer. Thank you.

Lippre, Suzanne

From: bojan ingle <bojan.ingle@gmail.com>
Sent: Saturday, June 19, 2021 2:42 PM
To: Planning Clerk
Subject: Arcata Bottoms Canbabis

Industrial cannabis should not be considered ag use!

Bojan Ingle
Arcata

Lippre, Suzanne

From: Bonnie MacRaith <bmacraith@reninet.com>
Sent: Saturday, June 19, 2021 9:15 PM
To: Planning Clerk
Subject: comment on cannabis permit

Dear Board of Supervisors,
Please take into consideration the neighbors near proposed Arcata Land Co./Sun Valley cannabis farm. They paid good money for their homes, pay taxes and deserve great consideration! Why cause someone grief!? Please re-think this, please don't ignore the citizens! Please don't allow 8 acres of cannabis in a small town!
Thank You,
Bonnie MacRaith
Arcata, CA

Lippre, Suzanne

From: Glenn Siegfried <glenns@humboldt1.com>
Sent: Sunday, June 20, 2021 12:09 PM
To: Planning Clerk
Subject: Comments re: 8 acre cannabis farm in Arcata Bottoms

Dear Humboldt County BOS<

As a resident in the Arcata area I am strongly oppose to the proposed 8 acre cannabis farm planned for development in the Arcata Bottoms. This type of commercial development should not be allowed to be situated in such close proximity to a residential area due to the increased traffic, noise, odor, and other disturbances. I also have concerns about the environmental impact due to run off from fertilizers and pesticides, if used. Tremendous amounts of water will be used as we face current and future drought conditions. This is not acceptable. I would encourage this cannabis farm to find a more suitable location that is not near residential areas. Please vote NO to approve this permit.

Thanks,

Glenn Siegfried
Arcata, CA

Lippre, Suzanne

From: Bonnie Shand <bespoet@sonic.net>
Sent: Sunday, June 20, 2021 12:22 PM
To: Planning Clerk
Subject: Arcata Land Company cannabis permit

Board of Supervisors,

Please vote down this cannabis permit as allowing an 8 acre grow in a residential area of Arcata means you are ignoring the feelings of the people who live here vs the desire of a business to make money. All the negative effects of the grow on the neighborhood have been stated many times so I do not need to repeat them. It is your responsibility to take seriously the quality of life issues that are at risk here so do not permit Arcata Land Company to have its way in this situation.

Sincerely,
Bonnie Shand