

SUPPLEMENTAL INFORMATION #1

For Board of Supervisors Agenda of: December 4, 2018

- Consent Agenda Item }
- Continued Hearing Item }
- Public Hearing Item }
- Department Report }
- Old Business }

Re: **File Id # 18-1592: MCMP Humboldt, LLC, Zone Reclassification**

Application Number 10243 Case Number ZR-16-002

Assessor's Parcel Number (APN) 522-491-017

533 State Highway 96, Willow Creek area

Attached for the Board of Supervisors' record and review is (are) the following supplementary information item(s):

1. Letter of opposition from the Northcoast Environmental Center received 11/29/18



Northcoast Environmental Center
PO Box 4259
Arcata, CA 95518
(707) 822-6918
nec@ournec.org

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

November 28, 2018

John Ford, Director
Humboldt County Planning and Building Department
3015 H Street
Eureka, CA 95501

Subject: Comments on Proposed MCMP, LLC (Mercer-Fraser Company), Zone Reclassification and Special Permit Application Number 10243 ("Project"), Case Numbers ZR-16-002 and SP-16-014 Assessor's Parcel Number (APN) 522-491-017

Dear Supervisors and Mr. Ford:

The Northcoast Environmental Center (NEC) submits the following comments on behalf of NEC's members, staff, and board of directors.

The Northcoast Environmental Center has engaged in conservation and environmental protection in northwestern California for over 45 years. Our mission includes educating agencies and the public about environmental concerns that may have an effect on our local resources and citizens. We appreciate the opportunity to comment on the Project.

The NEC appreciates that Humboldt County has strived to regulate cannabis cultivation and its environmental impacts. In an earlier letter to you, dated March 17, 2018 and regarding the then-proposed Ordinance to Regulate Commercial Cannabis Activities in Humboldt County, the NEC expressed concerns about the environmental impacts of cannabis activities. We believe that the proposed Project is not in the best interests of Humboldt County and its residents, and is not consistent with the County's own cannabis and land-use regulations.

We have the following specific concerns regarding the proposed project and rezoning:

1. **Proposed rezoning could permit a range of industrial uses inconsistent with the Project area characteristics.** The proposed rezoning classification to Heavy Industrial is not appropriate, as it could open the door to a variety of industrial uses incompatible with the

Project location. Any rezoning should prohibit any industrial use other than the current aggregate operation.

2. **The proposed cannabis processing facility would be adjacent to a public park and river access site, contrary to setbacks required by the County's Commercial Cannabis Land Use Ordinance (CCLUO).** The proposed cannabis facility would be located less than 200 feet at its nearest from the Six Rivers National Forest's Big Rock Day Use Area and River Access. CCLUO Section 55.4.6.4.4 (c) requires 600 feet setback of permitted commercial cannabis activities from public parks, including designated and developed recreational facilities such as picnic areas, campgrounds, and river and fishing access points under public ownership. The Big Rock Day Use Area and River Access clearly meets this criterion for a 600-foot setback. While the Executive Summary to the Project's staff report states that this setback does not apply to cannabis processing facilities, only to cannabis cultivation, we could find no further analysis or discussion of this issue in the report. We respectfully disagree with this interpretation of the CCLUO, which flies in the face of common sense--why prevent cannabis cultivation but allow an operation involving the handling and transportation of large quantities of cannabis, as well as the permitted use of toxic, flammable and volatile industrial solvents including acetone and heptane (pages 3 and 36 of staff report)?
3. **Location of industrial activities, including cannabis processing, close to the Trinity River and within its floodplain, should be avoided.** While portions of the parcel are within the 100-year floodplain (Staff Report, page 35-36) the proposed cannabis facility would be located just outside the mapped 100-year floodplain. However, it is still within a floodplain, and clearly at risk as evidenced by the 1964 flood level, which was many feet in elevation above the level of the proposed Project. With climate change affecting precipitation patterns and flooding patterns, caution is called for, particularly when considering new industrial uses so close to the regulatory 100-year floodplain. Use of a septic system for wastewater disposal (Staff Report, page 33) within the Trinity River floodplain is also a concern, particularly since the Staff Report contains conflicting information on whether volatile solvents such as acetone and heptane can be used by the proposed cannabis factory (page 33 recommends limiting manufacturing to "non-volatile based processes", while page 36 states that non-water based solvents such as heptane, butane, acetone would be used).
4. **Location close to Willow Creek's Trinity Valley Elementary School.** The project location is across Highway 96 from Willow Creek's public elementary school (Map 1 below). While cannabis use is legal in California for adults, we should recognize that locating a cannabis processing plant so close to an existing school sends a mixed message to the school's children, and is an inappropriate and inconsistent land use.
5. **No action should be taken by the County until correction of existing unpermitted Mercer-Fraser operations on public lands at the Project location.** Existing Mercer-Fraser operations on the site extend onto about 2.5 to 3 acres of public lands of the U.S. Forest Service (parcel 522-491-004, Map 2 below), based on information in the staff report, on the County's GIS web portal, and from an NEC site visit. Documents received in response to a Public Records request, as well as discussions with Forest Service staff, indicate that this use is currently

unpermitted, and has been so for more than a decade. The area of unpermitted use includes a large (estimated 20-30 feet high) waste pile of dirt, concrete and other materials as well as active portions of the aggregate plant.

In conclusion, we ask that the County deny the proposed rezoning of the Project parcel, and not take any action that would permit or otherwise allow any activities on the Project parcel other than current existing operations. Any rezoning, should it occur, should prohibit any cannabis processing, as well as prohibiting any industrial uses other than the current aggregate operations.

Thank you for considering our comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Larry Glass", with a long horizontal flourish extending to the right.

Larry Glass
Executive Director
Northcoast Environmental Center

Appendix: Maps

Map 1: Imagery from Humboldt County web-GIS system, showing location of proposed cannabis processing plant relative to the public Big Rock Day Use Area and River Access, and to the Trinity Valley Elementary School (parcel 522-492-005).



Map 2: Imagery from Humboldt County web-GIS system, showing locations of Mercer-Fraser operations on public lands (Parcel 522-491-004).

