

## Hayes, Kathy

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**From:** Marilyn Andrews <mandrews1110@gmail.com>  
**Sent:** Friday, July 9, 2021 8:54 AM  
**To:** Bohn, Rex; Bushnell, Michelle; Wilson, Mike; Bass, Virginia; Madrone, Steve; COB; Planning Clerk  
**Subject:** Arcata Land Company's application for an 8 acre cannabis grow at Sun Valley

Supervisors:

I have lived in the Arcata Bottom on O Street for the past thirty years.

I am very much against the 8 acre cannabis grow at Sun Valley, it is an inappropriate use of Ag Land, and will create nothing but trouble for the City of Arcata. Please vote against it.

Marilyn Andrews  
Arcata

**From:** [b.nachem](#)  
**To:** [Planning Clerk](#); [Bushnell, Michelle](#); [Wilson, Mike](#); [Bass, Virginia](#); [Bohn, Rex](#); [Madrone, Steve](#)  
**Subject:** ARCATA LAND COMPANY, 12255, CASE NUMBER; CUP 16-583  
**Date:** Thursday, July 8, 2021 9:12:41 PM

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I am writing to express my strong opposition to permitting the Arcata Land Company to add the cannabis grow to its property. Although the general plan calls for that area to be zoned agricultural, the current zoning designation, which would permit an operation of this size, was not changed to reflect the general plan in a timely manner. Furthermore, an EIR for a project of this size should have been done, since clearly there will be negative impacts on the surrounding neighborhoods. Not only is it impossible to truly mitigate the smell that would come from the operation- even with modern systems, the noise from the huge fans will certainly be a nuisance to area residents.

Although I don't live near this particular site, I am concerned that if the Planning Department and the Board of Supervisors permit this to happen here, similar operations might be permitted other places on the basis of similar loopholes.

Beverly Nachem  
PO Box 225  
Trinidad, CA 95570

**Hayes, Kathy**

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**From:** Jeanne Pendergast <jeanep99@yahoo.com>  
**Sent:** Thursday, July 8, 2021 1:44 PM  
**To:** Wilson, Mike; Planning Clerk; COB; Yandell, Rodney  
**Subject:** Arcata Land Company project

This concerns the Sun Valley/Arcata Land Company request: Record #PLN-2021-17198, Appeal of Arcata Land Company, LLC Record #PLN-12255-CUP.

This proposed project is entirely unsuitable for Arcata, and I urge you to deny permission to proceed.

The agricultural land involved can have far better uses than to be covered with greenhouses for a massive cannabis grow. There would be negative impacts on local air quality as well as noise and light pollution in the vicinity, not just during construction but during subsequent operations. Inevitable increased traffic is another concern. This is unfair to people who reside in the area and have invested in homes there. I have friends in the Arcata Bottom area, and am concerned for them as well as for the quality of life in the general Arcata area.

This proposal is inappropriate, ill-suited to our area, and should be denied. Arcata can do better.

Jeanne Pendergast  
Arcata resident

**From:** jim cotton <jimcotton47@gmail.com>  
**Sent:** Friday, July 9, 2021 10:31 AM  
**To:** Bushnell, Michelle  
**Cc:** COB; Wilson, Mike; Madrone, Steve; Bass, Virginia; Bohn, Rex  
**Subject:** Re: Record #PLN-2021-17198, Appeal of Arcata Land Company, LLC Record # PLN-12255-CUP  
**Attachments:** Screenshot 2021-07-01 14.29.59.png; Screenshot 2021-07-01 14.28.02.png; Screenshot 2021-07-01 14.29.26.png; Screenshot 2021-07-01 14.30.38.png; Screenshot 2021-07-01 14.31.07.png; Screenshot 2021-07-01 14.31.50.png; Screenshot 2021-07-01 14.32.35.png; Screenshot 2021-07-01 14.33.10.png; Screenshot 2021-07-01 14.34.06.png; Screenshot 2021-07-01 14.35.20.png; Screenshot 2021-07-01 14.37.44.png; Screenshot 2021-07-05 09.34.50.png

Dear Board of Supervisors,

I apologize for sending you this email directly but we are unsure if the packets that we hand-delivered to the courthouse yesterday that include, among other things, the email below and attached letters from Sanata Barbara residents will be included with the Staff Report and any new public comments. We wanted to make sure you had an opportunity to read this prior to the continuation of the hearing this Tuesday. Please feel free to contact me with any questions.

Sincerely, Jim Cotton et al.

Dear Supervisor Bushnell,

As Appellants, we want to thank you for the concern you expressed for the health and well-being of the Arcata Bottom residents during the last supervisors meeting and for requesting additional information regarding odor control before making a decision on the future of our neighborhood as it relates to the proposed cannabis cultivation for Arcata Land Company.

There are so many unknowns. The proposed odor management technology is new and even in earlier iterations it has not been used in climate conditions like the Arcata Bottom. Will it effectively deal with odor? Will it eliminate problems with noise? We do not know. As so well-acknowledged by you at the meeting on 6/22, consideration of the human and social costs needs to be considered as does the potential that things may not go as well as the Applicants want. Ensuring this is good for the neighborhoods in the Arcata Bottom and good for Humboldt County is vital. Phasing in, starting at one acre or less, would allow real-time data collection for this new, unproven technology and would allow for changes to be made if problems arise. The phased-in approach with a 2-acre cap (per the general Plan designation), while not our first choice, is one we could live with.

We, the Appellants, would also welcome the opportunity to work with the Applicants through the initial phase of the project. We want to make an effort to join together to take care of our community and neighborhood. We would welcome the opportunity to work with them for a year to find solutions to any problems.

We thought it might be helpful for you to read four quotes from an interview with Melinda Burns on 7/2/21. Burns is an award-winning environmental reporter who has covered Santa Barbara since 1985. "People on the ground are left to fend for themselves," in the face of life-altering changes to their health, safety and economic well-being, inflicted by the politically-wired pot industry, Burns said in the interview with Newsmakers. In this interview, she talks about how the controversial and much-criticized Santa Barbara cannabis ordinance has disrupted life for thousands of locals and is a huge and ongoing news story that is hiding in plain sight.

Time markers from the interview in minutes and seconds are indicated by the ( ) at the start of each quote from the interview. The four quotes are:

Quote 1 (11:55)- "[it's a] system that emits a kind of a thin mist...of vapor into the air that neutralizes the cannabis smell and instead you smell something like supposedly citrus or pine. Many people say it smells like a laundromat...some people say it irritates their lungs worse than the cannabis."

Quote 2 (12:38)-"The newest technology that has come in starting late last year are the carbon filters or scrubbers that are placed inside the greenhouses...that technology is being tested, I think, right now in some of the greenhouses."

Quote 3 (25:50)-"Will the carbon filters work? We don't know."

Quote 4 (26:50)-"It's like we're having to invent controls on the industry as we go and we already know that the people, yes, the quality of their lives is being affected."

The link to the full 35-minute interview is here: <https://www.newsmakerswithjr.com/post/press-clips-people-on-the-ground-left-to-fend-for-themselves-under-sb-s-pro-industry-pot-law?fbclid=IwAR0WYQ1yZya8kQw0LGzbmwsUgmJjBZYRP-QWuNUYshV6oMBceRrK9CjmonE>

At the conclusion of the June 22 Humboldt County BOS meeting, it was apparent that the BOS is not going to deny the CUP but is considering a phased approach with an acreage cap on the cultivation. While 1-2 acres are not something the Appellants fully embrace, the phasing approach, with a cap of 2 acres maximum (per the General Plan designation for the two parcels) as proposed by Supervisors Wilson and Madrone would be acceptable to the Appellants providing it protects the health, safety, and well-being of our community. This process would allow for modification of the various systems should problems be encountered and it would also serve to help improve relationships between the applicants and appellants.

**After our research of Ecosorb (see below) we feel that it would be important to start the phasing system with a non-chemical approach to odor management.** From the literature we have reviewed, we think that the use of carbon scrubbers inside the greenhouses may be the best technology for odor management and should be tried prior to using Ecosorb or any other chemicals. Should this fail, then other options could be explored together.

What we found after investigating the odor control methods being used in Santa Barbara County revealed that while the Byers Vapor Phasing system may be useful in the elimination of odors from solid waste facilities, it remains unproven in safely eliminating odors from cannabis greenhouses emissions. The only case study using Ecosorb CNB 100 for cannabis (the proposed odor control product for the Arcata Land Company cannabis grow) we were able to find was from the Ecosorb web site which was for a 4,000 sq. ft. facility that also utilized internal recirculated air with carbon scrubbers and UV technology. (<https://ecosorbindustrial.com/resources/case-studies/cannabis-enterprise/>) Because the proposed ALC 8 acres grow is 80 times larger than this case study, the

results may not be comparable due to the increased canopy size. This study does, however, lend some credence to the use of internal carbon scrubber technology.

Perhaps the biggest unknown in using the Byers system is its effectiveness in a windy environment such as the Arcata Bottom. This system depends on the liquid Ecosorb CNB 100 that is vaporized and dispersed around the greenhouses via external piping. According to *The Ecosorb Engineering Manual*, (<https://mail.google.com/mail/u/0?ui=2&ik=8632b61907&attid=0.1&permmsgid=msg-a:r-6945066724686598691&th=17a723ba2413b93a&view=att&disp=inline&realattid=17a71eef355c018d23a1>): the efficiency/effectiveness of Ecosorb in controlling odors can be changed by manipulating the following variables:

1. Increasing the concentration of Ecosorb® [CONC] (dosage rate)
2. Decreasing the size of the atomized droplet [SIZE]
3. Increasing the contact between malodor and droplet [TIME]
4. Increasing the velocity of droplets and therefore impact velocity [VEL]
5. Changing the polarity of the droplet [POL] (we usually have little control here)

The amount of time that Ecosorb will be in contact with the air exhausted from the greenhouses is a function of the wind speed. The **average mean** wind speed in the Arcata Bottom, which is somewhat comparable to the data collected at our airport, varies throughout the year ranging from 6.9 to 9.2 mph (**and sustained winds are often in excess of 20 mph in the Bottom, with gusts often exceeding 25-30 mph**) (<https://weatherspark.com/y/145167/Average-Weather-at-Arcata-Eureka-Airport-California-United-States-Year-Round>). At these wind speeds, Ecosorb will have little time to mix with the odors so the dosage rate of Ecosorb might have to be increased in order to achieve the desired effect.

OMI, the manufacturers of Ecosorb, had CPF Associates (an LLC that provides consulting and project management services in environmental science and public health) conduct an assessment of Ecosorb. On January 8, 2020 CPF Associates sent a memo to OMI discussing their assessment, "Screening Health Assessment of Odor Control at Cannabis Greenhouses." The potential for health concerns related to Ecosorb was evaluated by comparing the calculated air concentrations to the health criteria. If the calculated air concentration for a compound or odor control product is lower than the corresponding inhalation health criterion, adverse public health effects would not be expected to occur under the assumed odor control application scenario. If an air concentration exceeds its criterion, this does not mean that adverse effects would occur among the general public because of the conservative assumptions included in both the derivation of the criterion and the calculation of air concentrations. **Rather, it indicates that further investigation may be warranted, using more refined and realistic assumptions, to help determine whether or not levels in air may present a potential public health concern.**

Additionally, the memorandum states that "ECOSORB CNB 107, which is the newest iteration of the product:

- 12.2 Persistence and degradability Bio degradability in water: 'no data available.'
- 12.3. Bio accumulative potential: 'Not established.'
- 12.4. Mobility in soil: The product is predicted to have high mobility in soil. Soluble in water."

The above information, coupled with the fact that there has also been no analysis of the surfactant used with this product, suggests that questions regarding impact on the environment remain unresolved and this product should not be used in this application until further studies can be undertaken.

The most troubling aspect of the odor control systems for the Appellants is the unknown health risk of using a product such as Ecosorb. There were many letters submitted to the Santa Barbara Board of Supervisors regarding the effects of Ecosorb on neighbors living near grows (these letters are included as an attachment to this document). To date, there are no long-term studies on the health impacts on humans. There is some evidence, per the letter from Greg Gandrud (see attached letters), that Ecosorb also inhibits some forms of plant growth.

Given the suspected health implications and the unknown effectiveness of Ecosorb combined with the uncertainty of new technologies such as scrubbers on our environment, the phasing-in of the ALC cannabis cultivation is the most logical approach in providing protection for our residents and neighborhoods. Again, starting small with phasing allows opportunities for dealing with issues that arise in a timely manner thereby reducing tensions between the Applicant and Appellants.

One thing we'd like to ask to be considered: associated with the sealed greenhouses and odor control equipment are interior fans for the scrubbing process as well as exhaust fans. We are concerned about the amount of noise that will be generated and, given this concern, have initiated monitoring noise levels at the property line with an approved decimeter we purchased in order to establish base line data. If the grow is allowed, should decibel reading surpass 60 decibels, we will notify the County Planning Department/code enforcement division of the violation. The IS/MND did not have a maximum limit to the time that the applicant had to correct a violation. The county should add a maximum time to correct any violation after which penalties would be assessed.

In addition to the phasing in process and a cap of 2 acres, we respectfully request a detailed Odor Management Plan be submitted by the Applicant. We have attached an example of an Odor Control Plan from Santa Barbara titled "SANTA BARBARA COUNTY PLANNING COMMISSION Staff Report for the Appeal of Creek Property LLC. Mixed-Light Cannabis Cultivation Hearing Date: May 26, 2021 Staff Report Date: May 19, 2021 Odor Abatement Plan" which may be a useful template for the applicant to follow.

In the long run, doing a phased-in approach saves time and money for all parties (the County, the Applicant, and the Appellants). Capping the grow at two acres, per the General Plan designation, is an opportunity most growers in Humboldt would be thrilled to have.

We'd like to extend our thanks once again, to the Supervisors for their consideration and concern for the health and well-being of our neighborhood.

Sincerely,

James Cotton and other Appellants

**Villalobos, David**

**From:** Valerie Bentz <valeriebentz@gmail.com>  
**Sent:** Saturday, May 22, 2021 3:14 PM  
**To:** Villalobos, David  
**Cc:** lbridley2nddistpc@gmail.com; mihcae!@igsb.com; larryf@laguanafarms.com; Dan Blough; JParke@aklaw.net  
**Subject:** Stop increase of Cannabis growing unregulated in south county!  
**Categories:** Purple Category

**Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.**

Dear Commissioners:

Please do not approve yet another grower of cannabis in our South County with the low level of oversight and control that has become all too common around the Carpinteria area.

As a resident of Carpinteria I have continued to suffer from severe allergies and respiratory issues since and cannabis production and the awful Byers chemicals are suffocating residents.

We are getting sick from this and are sick of the county commissioners rubber stamping these efforts.

Sincerely,

Valerie Bentz, Ph.D.  
Resident of Carpinteria

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5/26/21

See more at [valeriebentz.com](http://valeriebentz.com)  
Transforming Consciousness for a Livable World

Fielding folks access Valerie's Research Center here: <https://learning.fielding.edu/course/view.php?id=4731>

Valerie Malhotra Bentz, PhD, MSSW  
Professor | School of Leadership Studies  
Fielding Graduate University  
5367 Ogan Rd. | Carpinteria, CA 93013  
office 805-395-0709  
[vbentz@fielding.edu](mailto:vbentz@fielding.edu)



. by David Villalobos

**From:** Gregory Gandrud <Greg@gandrudfinancial.com>  
**Sent:** Sunday, May 23, 2021 9:31 AM  
**To:** Villalobos, David; Lbridley2nddistpc@gmail.com; mihcael@igsb.com; larryf@laguanafarms.com; Dan Blough; JParke@aklaw.net  
**Cc:** Concerned Carpentierians  
**Subject:** Case No. 21APL-00000-00005 Appeal of Creekside Property

**Categories:** Purple Category

**Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.**

Honorable Commissioners:

I have lived in Carpinteria for over 32 years. We are being overwhelmed by the cannabis industry and our air quality, health, and quality of life is suffering.

The Byers Vapor Phase system does not work well for controlling odors when it is used outside the perimeter of the building. The chemicals are respiratory irritants that cause health issues for neighbors and for nursery workers.

I used to live adjacent to the Ever-Bloom 15-acre cannabis grow but we were forced to sell my home of 24 years and move away because my spouse could not breath because of the cannabis operation with the Byers system. We have had to retain an attorney and have had to sue in order to recover for the damages to my spouse's health and to my property.

Please require cannabis operations to be airtight and/or to use carbon scrubbers.

Thank you for your consideration.

Gregory Gandrud  
Carpinteria  
805-566-1475 x114

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5/26/21

[www.GandrudFinancial.com](http://www.GandrudFinancial.com)

(805) 566-1475



May 22, 2021

Dear Commissioners,

I am writing to request that you uphold the appeal and oppose Creekside Property, LLC for the many reasons we have repeatedly presented to your commission, from the outset. I am reiterating some of them, here:

1. Most of us voted for Prop 64. We attended initial Town Hall meetings and supported Planning & Development's sensible, 2017 PEIR. However, the Ad Hoc Committee/BOS failed to adopt P&D's prudent recommendations, which would have avoided "Significant, Negative Class-1 Impacts." As a result, BOS opened Pandora's box, blatantly embraced pot industry and created a county-wide crisis that "We the People" have been subjected to, ever since!
2. There is an overconcentration of cannabis in Carp and other areas. Hundreds of Odor Complaints have been filed. Many more have gone unreported because of perplexing, tedious process where residents have to prove where odor is emanating from. Nothing has been remedied! In 2018, Commissioner Blough advocated for "carbon filtration systems." His advice went unheeded and instead, pot proponents introduced the Byer's system, in 2019. Thus far, this system has proven to be unreliable and it has not been tested for this specific use. Potential toxins may be wafting into the air that people are forced to breathe, adding to the skunk smell of weed. When Lisa Plowman first spoke the words, "Best Available Technology" last year, I thought, "Oh! Oh! Here we go again. Another loop-hole law and bogus ploy, where SBC appeases growers and avoids the real issue, resolving the odor problem. My solution for odor issue:
  - a. Require that "Best Available Technology" be proven safe and effective (carbon filters). If odor is discovered coming from grower's site(s), confiscate all products, immediately and file a 'cease and desist order' for one-year. I believe that "law" would protect legitimate growers and motivate others to clean up their act, rather quickly, don't you? I think it's an effective way to separate the "legitimate weed" from the "chaff."
  - b. Require renovated sealed greenhouses,
  - c. Heed Commissioner Blough's initial recommendation to use "carbon filters." To my knowledge, this is currently the 'best available technology.'
  - d. Ban cannabis in SBC and/or regions that P&D initially recommended, in the 2017 PEIR..., which included Carpinteria.
3. What, if anything, is the County doing to address drought concerns? For years, we observed and documented Tepusquet growers hauling in tens of thousands of gallons every day (no operable well), for three, provisional licenses. Growers claimed to be using, "state-of-the-art-technology" and described this technology to me, in detail. It sounded good. However, this was never proven to be effective because the water tankers kept hauling in the water. As with most broad-leafed plants, Cannabis requires copious amounts of water and nutrients to flourish and produce desired results - big, fat, sticky buds. I have been an organic gardener for years and am well-aware of what plants require and the consequences of underwatering and/or underfeeding various, high-demand veggies/fruits/landscape plants.
4. Set time limits for growers to complete various stages of the permit/licensing process. Some Tepusquet growers have been operating illegally and/or non-compliantly, since 2014 (seven years!). They have dragged their feet through the entire cannabis licensing process and have yet to meet CUP requirements and/or respond to their planner, "in a timely manner." They will never feel compelled to meet any requirements because current, County tactics allow them to continue operating, *ad nauseum*, without consequences (emphasis added).

No other business in this County, is allowed to sell products to consumers without first, going through a rigorous licensing process. No other business has huge, significant, negative Class-1 Impacts on residents. No other business requires the level of oversight, security and/or law enforcement to supervise it. The cannabis industry is costing taxpayers more than we are benefiting. In the April 2021 budget workshops, SBC Sheriff, Chief Deputy Bonner stated, "...that of the 108 growers, 50 percent claimed no income or did not file at all." Most growers fail to pay their fair share in taxes (extra emphasis added).

Respectfully Submitted,  
Renée O'Neill

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5/22/21

by David Villalobos

**Villalobos, David**

**From:** Gregory Gandrud <Greg@gandrudfinancial.com>  
**Sent:** Sunday, May 23, 2021 9:31 AM  
**To:** Villalobos, David; Lbridley2nddistpc@gmail.com; mihcael@igsb.com; larryf@laguanafarms.com; Dan Blough; JParke@aklaw.net  
**Cc:** Concerned Carpentierians  
**Subject:** Case No. 21APL-00000-00005 Appeal of Creekside Property

**Categories:** Purple Category

**Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.**

Honorable Commissioners:

I have lived in Carpinteria for over 32 years. We are being overwhelmed by the cannabis industry and our air quality, health, and quality of life is suffering.

The Byers Vapor Phase system does not work well for controlling odors when it is used outside the perimeter of the building. The chemicals are respiratory irritants that cause health issues for neighbors and for nursery workers.

I used to live adjacent to the Ever-Bloom 15-acre cannabis grow but we were forced to sell my home of 24 years and move away because my spouse could not breath because of the cannabis operation with the Byers system. We have had to retain an attorney and have had to sue in order to recover for the damages to my spouse's health and to my property.

Please require cannabis operations to be airtight and/or to use carbon scrubbers.

Thank you for your consideration.

Gregory Gandrud  
Carpinteria  
805-566-1475 x114

3  
5/26/21

**Villalobos, David**

**From:** jstassinosa@aol.com  
**Sent:** Monday, May 24, 2021 2:00 AM  
**To:** Villalobos, David; fbridley2nddistpc@gmail.com; mhicael@igsb.com; larryf@laguanzafarms.com; Dan Blough; JParke@aklaw.net  
**Subject:** Appeal of Creekside Property LLC (formerly Roadside Blooms) Mixed-Light Cannabis Cultivation Carpinteria (Please read into the record)  
**Categories:** Purple Category

Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.

To the Santa Barbara County Planning Commissioners:

I am writing to you to request that you repeal the Coastal Development Permit issued for new cannabis cultivation and processing at 3684 Via Real in Carpinteria. I am a long time resident of Carpinteria and have been alarmed by the proliferation of new cannabis cultivation and processing sites in my neighborhood as well as those near me. This new cannabis cultivation and processing site at 3684 Via Real will be the fifth cultivation site located in or near residential neighborhoods.

The skunk like odors are particularly concerning due to the fact that there have been no long term studies done on the effects of the Ecosorb being put into the air. Please don't allow new cannabis sites to be permitted until there is a way to determine where the skunk like odors are coming from and what effects Ecosorb has on our environment and our health.

Also, during this time of drought, I am wondering where this new cannabis cultivation site will obtain their water and electricity (with Southern Calif. Edison's planned rolling brown outs due to the upcoming fire season).

Another concern I have is the increase in big rig truck traffic using two lane roads to travel to and from these sites. Recently, I was almost hit by a big rig truck backing into 4610 Foothill Road to load up with cannabis products. The driver of the big rig truck did not signal and stopped immediately in front of me and started to back up. I was sure the big rig truck was going to hit me as the driver continued to back up towards my car despite my continuous horn honking. The big rig blocked both lanes of Foothill Rd., near a blind curve, backing into the cannabis processing site. Fortunately, nobody was hurt. Unfortunately, this situation is an accident waiting to happen.

Please do not allow the over concentration of cannabis cultivation and processing sites in residential neighborhoods. Please repeal the Coastal Development permit issued for new cannabis cultivation and processing at 3684 Via Real in Carpinteria.



**Villalobos, David**

**From:** Carrie Miles <CarrieM@fastmail.com>  
**Sent:** Monday, May 24, 2021 2:53 PM  
**To:** Villalobos, David; larryf@lagunafarms.com; michael@igsb.com  
**Cc:** Hans and Lisa Betzholtz; startrainer@gmail.com  
**Subject:** Re: Case 21APL-00000-00005 17EIR-00000-00003  
**Attachments:** letter from Meadows re cannabis.docx

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**Categories:** Purple Category

5/24/21

Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.

I am writing regarding the following case:

**21APL-00000-00005 17EIR-00000-00003**  
**Appeal of Creekside Property LLC (formerly Roadside Blooms)**  
**Mixed-Light Cannabis Cultivation Carpinteria**

Kathryn Lehr, Supervising Planner (805) 568-3560  
Dara Elkurdi, Planner (805) 568-2082, [delkurdi@co.santa-barbara.ca.us](mailto:delkurdi@co.santa-barbara.ca.us)  
Hearing on the request of Marc Chytilo on behalf of the Santa Barbara Coalition for Responsible Cannabis (SBCRC), Appellant, to consider Case No. 21APL-00000-00005, an appeal of the approval of a Coastal Development Permit (Case No. 19CDP-00000-00062) by the Director of The Planning and Development Department (herein after Director), which approved 161,838 square feet of three existing, permitted greenhouses and processing within an existing 4,061 square foot warehouse.

As a resident of Carpinteria whose home is often inundated with cannabis odor, I strongly object to any new marijuana growing or processing facilities, or legitimizing of existing unpermitted facilities, anywhere, until effective odor-containment systems are in place.

At a minimum, such facilities must be required to use the best-available odor-containment system. The Byer's system does not meet this criterion and presents a health risk of its own.

While the odor is my primary concern, I am also worried about the amount of water and electricity these operations will required, especially with a drought likely.

I am attaching a letter on behalf of our community, The Meadow.

Thank you for your attention.

Carrie Miles, PhD

by David Villalobos

To Whom It May Concern:

We are residents of Linden Meadow in Carpinteria, a community of forty homes immediately adjacent to the greenhouses located at 4701 Foothill and 1495 Sterling Road, Carpinteria. For the last few years, we have been regularly subjected to the heavy, skunky odors of cannabis growing in the greenhouses surrounding our area. The smell can be overwhelming - day or night. We often cannot open our windows because of the odor, and frankly, even closing the windows does not help on some odoriferous occasions. This is a public nuisance that severely impacts our neighborhood as well as other surrounding areas. We strongly request that all relevant agencies do everything possible to ameliorate this situation.

We are also concerned about the health effects of the Byers odor amelioration system currently in use. It has certainly not eliminated the problem, as we still smell the odor. Some of our residents suffer allergic reactions or migraine headaches due to the vapors produced by the Byers system. Elected representatives and regulatory agencies should endeavor to protect the health and safety of all our citizens.

We object to increased cannabis production especially as it is taking place literally a few hundred feet from our homes unless a proven effective odor elimination system is installed and in use in all cannabis farms in the Carpinteria area. It makes no sense to allow additional cannabis production in our area until an effective odor containment system is in place in all existing and future greenhouses.

To reiterate, the residents of Linden Meadow are strongly opposed to more cannabis production here or in the Carpinteria valley until the growers put effective odor containment systems in place. Please keep our beautiful little City of Carpinteria a healthy, pleasant, and odor-free place to live.

Our hope is that the city council, other agencies involved, and our county supervisors will be responsive to our objections as they are a major concern to our community.

Sincerely,

Linden Meadow Homeowners

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5/2/21



**Villalobos, David**

**From:** merrily peebles <merpeebles@gmail.com>  
**Sent:** Monday, May 24, 2021 3:14 PM  
**To:** Villalobos, David; Dan Blough; Michael Cooney; Larry Fering; John Parke; Laura Bridley; sbcob; Nelson, Bob; Hartmann, Joar; Hart, Gregg; Lavagnino, Steve; Williams, Das; Heaton, Brittany; Frapwell, Jeff  
**Subject:** Public Comment re Creekside Property, LLC, May 26  
**Categories:** Purple Category

3  
5/24

**Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.**

Dear Commissioners,

How many times must one ask for consideration for our quality of life in Carpinteria? The footprint of cannabis is seemingly uncontrolled in Carpinteria and the odor issue is still present. Creekside LLC at 3684 Via Real is the next example. This is the 5th cultivation site within sight of La Mirada and Santa Claus/Padaro. The existing four have not demonstrated odor control and when complaints are filed the Planning Dept. says there is nothing that can be done until all four have business licenses. Can you believe that? First it was wait until the grower gets a business license. Now one grower has a business license and we are told:

**"Since there are three other unpermitted cannabis operations adjacent to G&K, the Professional Engineer/Industrial Hygienist has no method to determine where any cannabis odors originated. Holding the only permitted cannabis operation accountable for any cannabis odors that are present in the vicinity would be not supportable since there are other adjacent grows and there is not a method to trace an odor to a precise source. The Department is currently exploring other methods to determine effectiveness of the odor control systems. Full implementation of the condition will be possible when all four projects are permitted.**

Seriously, when do you think all four projects will be permitted? Now you are contemplating adding another project into the mix? Creekside needs to be put on hold until the County finishes "exploring other methods to determine effectiveness of the odor control systems" or told they must use carbon filters for all buildings and greenhouses.

At the Autumn Brand permit meeting a staff member said "if I stand at the property line and don't smell anything I know there is no problem" Well I drive by property lines all along Foothill and Via Real and smell cannabis. Is that not a problem? I also smell it at my home when the wind is right.

I have a big concern about the Dyers Vapor system. There will be 100's of miles of these pipes in Carpinteria Valley. The EPA has never approved this vapor for the way it is used to mask cannabis in residential area. We don't know long term effects. Yet the cannabis industry is allowed to grow and process their product without first, going through a licensing process that guarantees no odor or harmful air quality by-product. We have pointed out many times, the air in Carpinteria is held in the valley due to its geographical position. No other business has huge, significant, negative Class-1 impacts on residents like cannabis.



**Villalobos, David**

**From:** anna bradley <annaberit@hotmail.com>  
**Sent:** Monday, May 24, 2021 6:20 PM  
**To:** Villalobos, David; Dan Blough; Michael Cooney; Larry Ferini; John Parke; Laura Bridley; sbcob; Nelson, Bob; Hartmann, Joan; Hart, Gregg; Lavagnino, Steve; Williams, Das; Heaton, Brittany; Frapwell, Jeff  
**Subject:** Public Comment re Creekside Property, LLC, May 26  
**Categories:** Purple Category

3

Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.

Dear Commissioners,

Thank you for your consideration. It is my hope that you do not permit any further cannabis projects until the current odor and safety issues have been resolved in Carpinteria. My family lives in the La Mirada area above Foothill. I cannot drive to or from my house without experiencing cannabis odor overtake my car on any day - specifically in the corridor between 3561 and 3615 Foothill. The Byers system is not working. Though I live steep up the hill, my family continues to experience cannabis odor problems daily in our home and on our property. It could be 2am. It could be 9:30 pm. It could be, and most regularly is, around 8:30-10am. It could be anytime. This is our experience. It is real. We have to choose either to close windows (whatever the temperature is outside) or to leave our property entirely if the odor is too strong. I've even been advised to replace or upgrade windows, buy industrial air scrubbers and even more, and at whose expense? I continue to do as we have been asked, log complaints and be patient and be vocal.

Please spend some time in the residents' shoes. Come take a drive down our lanes and park in a driveway at the base of Foothill and experience the odor. Please calculate that experience into your decisions.

I voted for prop 64. I am not against cannabis. I am not against job creation. I am just against what a mess this has become. It doesn't need to be this way. Why expand further cannabis grows thru permitting before correcting what already exists? If we continue this way, I think it is just more honest to say, the County really does not care about the odor and unknown health risks to its residents. It cares more about expanding the cannabis operations.

Thank You Again,  
Anna Bradley  
La Mirada

. by David Villalobos

To Whom It May Concern:

We are residents of Linden Meadow in Carpinteria, a community of forty homes immediately adjacent to the greenhouses located at 4701 Foothill and 1495 Sterling Road, Carpinteria. For the last few years, we have been regularly subjected to the heavy, skunky odors of cannabis growing in the greenhouses surrounding our area. The smell can be overwhelming - day or night. We often cannot open our windows because of the odor, and frankly, even closing the windows does not help on some odoriferous occasions. This is a public nuisance that severely impacts our neighborhood as well as other surrounding areas. We strongly request that all relevant agencies do everything possible to ameliorate this situation.

We are also concerned about the health effects of the Byers odor amelioration system currently in use. It has certainly not eliminated the problem, as we still smell the odor. Some of our residents suffer allergic reactions or migraine headaches due to the vapors produced by the Byers system. Elected representatives and regulatory agencies should endeavor to protect the health and safety of all our citizens.

We object to increased cannabis production especially as it is taking place literally a few hundred feet from our homes unless a proven effective odor elimination system is installed and in use in all cannabis farms in the Carpinteria area. It makes no sense to allow additional cannabis production in our area until an effective odor containment system is in place in all existing and future greenhouses.

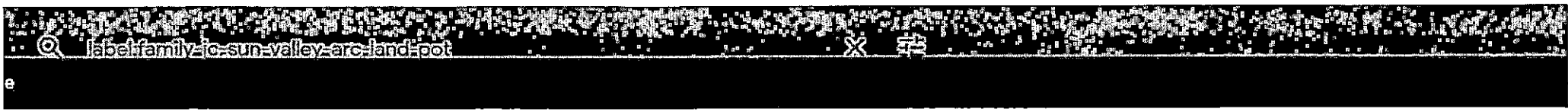
To reiterate, the residents of Linden Meadow are strongly opposed to more cannabis production here or in the Carpinteria valley until the growers put effective odor containment systems in place. Please keep our beautiful little City of Carpinteria a healthy, pleasant, and odor-free place to live.

Our hope is that the city council, other agencies involved, and our county supervisors will be responsive to our objections as they are a major concern to our community.

Sincerely,

Linden Meadow Homeowners

3  
5/2/21



l, at 2:15 PM, Gregory Gandrud <Greg@gandrudfinancial.com> wrote:

ot been tested on humans. Only acute studies on rodents. Anyone living within 100 feet of Ecosorb is likely to develop respiratory ailments, headaches, burning/itchy eyes. We were forced to sell and move [www.independent.com/2021/03/25/carpinteria-cannabis-plaintiffs-sell-home-next-to-ever-bloom/](http://www.independent.com/2021/03/25/carpinteria-cannabis-plaintiffs-sell-home-next-to-ever-bloom/) years ago, Ever-Bloom tried to create a wall of vines to screen their greenhouses from the view of neighbors. I don't know what type of vine was planted but I know it did not grow. My former neighbors planted a vegetable that would grow. This had not been the case before Ever-Bloom installed their Byers Ecosorb vapor phase system. About a year ago, Ever-Bloom planted some different trees and those are growing just fine. Some of the plants don't like the Ecosorb and others do just fine. Seems like humans react the same way. Here are some photos taken from my former home.

2021 at 10:26 AM Anna Carrillo <annacarp@cox.net<mailto:annacarp@cox.net>> wrote:

Hi Paul,  
Looking through my old emails, were you ever able to respond to this gentleman's request? I did send the gal Peggy who is mentioned in this email a link to the PG meeting for Sarah Trigueiro's appeal, as I know Sarah had lot of experience. I also tried to contact Patti Kloss who did the degradation table, but never heard back from her either.

Sans Serif | Font size: 12 | Bold | Italic | Underline | Text color: Black | Bulleted list | Numbered list | Indented list | Decrease indent | Increase indent | Quote | Unquote | Link



>I am with the Team 27th street in Arcata, CA. My neighbor, Peggy, has contacted you regarding the use of ECOSORB. I have been doing research on it since March. The information you provide is new to me. I pulled up this video researching Byers and noticed the dead looking foliage behind him part way through the video. He's right in front of a grow that apparently uses the system.

**Eberhardt, Brooke**

---

**From:** Jeanne Pendergast <jeanep99@yahoo.com>  
**Sent:** Thursday, July 8, 2021 1:44 PM  
**To:** Wilson, Mike; Planning Clerk; COB; Yandell, Rodney  
**Subject:** Arcata Land Company project

This concerns the Sun Valley/Arcata Land Company request: Record #PLN-2021-17198, Appeal of Arcata Land Company, LLC Record #PLN-12255-CUP.

This proposed project is entirely unsuitable for Arcata, and I urge you to deny permission to proceed.

The agricultural land involved can have far better uses than to be covered with greenhouses for a massive cannabis grow. There would be negative impacts on local air quality as well as noise and light pollution in the vicinity, not just during construction but during subsequent operations. Inevitable increased traffic is another concern. This is unfair to people who reside in the area and have invested in homes there. I have friends in the Arcata Bottom area, and am concerned for them as well as for the quality of life in the general Arcata area.

This proposal is inappropriate, ill-suited to our area, and should be denied. Arcata can do better.

Jeanne Pendergast  
Arcata resident

## Hayes, Kathy

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**From:** Wilson, Mike  
**Sent:** Thursday, July 8, 2021 11:42 AM  
**To:** Hayes, Kathy  
**Cc:** Ford, John  
**Subject:** Fwd: Help me to understand (PLN 12255)

For the record.

M

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

Sent from my iPad

Begin forwarded message:

**From:** Lisa Pelletier <lisa.pelletier@berkeley.edu>  
**Date:** July 1, 2021 at 11:40:15 PM PDT  
**To:** "Wilson, Mike" <Mike.Wilson@co.humboldt.ca.us>  
**Subject:** Help me to understand (PLN 12255)

Dear Supervisor Mike Wilson,

I truly appreciate the supervisors who were willing to listen to our concerns regarding the impacts from the ALC cannabis grow (PLN 12255 CUP). Nevertheless, I am incredibly troubled by the BOS's refusal to discuss the need for an environmental impact report (EIR) for this project and other projects of this size and complexity.

In every case of a massive project like this one, citizens and environmental groups have been clamoring for EIR's. So, why is the County so reluctant and irresponsible to its constituents in our concerns/demands for requiring EIR's for major projects? Can you honestly claim that you represent us when you choose to overlook the overwhelming consensus and demand for an EIR? (Or do you just represent the interests of large corporations?)

I think it is a fair question, and I was prepared to write a letter to local news outlets (TS, NCJ, MRU and Redheaded Blackbelt) to express my dismay that we have little or \*no\* representation on the BOS's in regards to this concern. However, I wanted to get your input first. Indeed, why are you (BOS) so reluctant to even discuss the need for an EIR, much less make a motion? Do the concerns of your constituents and local environmental groups matter to you? (or just large corporate entities with their tax dollars?)

We, your constituents, are faced with significant impacts from all these projects in the aggregate, from drought to accelerating climate change. No study has been done to ascertain what the cumulative impacts in the aggregate from these large projects will be. An EIR would require that such a study be undertaken. If you represent our interests, wouldn't you want to have these studies/info?

We are faced with severe drought and the accelerating impacts from climate change (wildfires, etc.), so there is absolutely no excuse to keep permitting major projects that are water and energy intensive. Under CEQA, an EIR requires a study of all projects combined (in the aggregate) on our precious resources. Wouldn't you want to have this information before making decisions on major projects?? I really don't get your reluctance. Perhaps you can explain.

Please help me and other constituents to understand your difficulty with requiring an EIR for major projects. We are in the dark because you won't even discuss it. How can you ignore the demands of citizens and every environmental group who are demanding EIR's for major projects like the cannabis grows and the fish factory (that is, if you care about your constituents and not just major corporations)?? I was going to write a letter to the press about this, but I thought I should get your response first.

That said, I greatly appreciate your efforts on our behalf at the hearing on the appeal. But I hope you will reflect a bit on whether you could be doing more - like putting a motion forth on the need for an EIR. Thank you for your attention to this concern.

Respectfully,  
Lisa Pelletier  
Arcata, CA

**Hayes, Kathy**

---

**From:** Donald J Verwayen <donald.verwayen@humboldt.edu>  
**Sent:** Wednesday, July 7, 2021 11:54 AM  
**To:** COB  
**Subject:** ARCATA LAND COMPANY, 12255, CASE NUMBER; CUP 16-583

RE: ARCATA LAND COMPANY, 12255, CASE NUMBER; CUP 16-583

Dear Humboldt County Supervisors:

Please don't allow this corporate grow near residences in Arcata Bottom. Is it worth a few jobs to inflict fan noise and stench on far more residents than the number of jobs created? Clearly, there is no way that fan noise and stench can be mitigated. If the county really needs more grow-related jobs then permit some mom and pop grows in the hills. This was the original idea wasn't it, not to allow corporate grows by using loop holes. Please do the right thing for the nearby residents! Realize, that people who live in other districts are concerned that the Board would allow corporate grows there too.

Yours truly,

Donald Verwayen

Clerk of the Board of Supervisors/Humboldt County  
Cc: Mike Wilson  
Steve Madrone  
Michelle Bushnell  
Virginia Bass  
Rex Bohn

RECEIVED  
JUL 06 /021  
Clerk  
Board of Supervisors

PROJECT TITLE: ARCATA LAND COMPANY, LLC COMMERCIAL CANNABIS  
OUTDOOR LIGHT-DEPRIVATION AND MIXED-LIGHT CULTIVATION PROJECT.  
APPLICATION NUMBER; 12255, CASE NUMBER; CUP 16-583

Please find packet containing 8 groups of information on the use of ECOSORB in  
Carpinteria/Santa Barbara area at Cannabis Grows.



PROJECT TITLE: ARCATA LAND COMPANY, LLC COMMERCIAL CANNABIS OUTDOOR LIGHT-DEPRIVATION AND MIXED-LIGHT CULTIVATION PROJECT. APPLICATION NUMBER; 12255, CASE NUMBER; CUP 16-583

July 6, 2021

Dear Board of Supervisors,

I hope you all had a nice holiday. Hoping you had at least a couple of days to relax.

Since the last hearing, we have been super busy gather as much information as we could about ECOSORB. We reached out to a group called "Concerned Carpenterians" who were a great help to us. Through [cosantabarbara.app.box.com](http://cosantabarbara.app.box.com) we were able to access a wealth of information from the residents who suffer the consequences of their BOS's decisions. We are so grateful to you all and the Planning Department for the decisions you've made on our County's behalf. Things could be a lot worse. Yet, as we know, there's still so much more to do to make this whole new world of cannabis cultivation work for everybody; we are still in the learning stages.

According to Melinda Burns who is an award-winning environmental reporter and has covered Santa Barbara since 1985, three of the Santa Barbara's BOS, Steve Lavignino, Gregg Hart and Das Williams are deep in the pockets of the cannabis industry. Please be aware of this if you have spoken with them. I hope you had time to speak with the Planning Department. Commissioner Blough has advocated for carbon filtration systems over Ecosorb, although this is still in experimental stages. All the more reason to start at 10,000 sq. ft to actually see what works and what doesn't.

The information in the following packet is about another issue of ECOSORB that we were not aware of. The Concerned Carpenterians have shared information regarding its apparent dangerous effects on soil. Some plants on the perimeter of greenhouses using ECOSORB won't grow and one neighbor planted a vegetable garden and NOTHING would grow. That had not been the case before Ever-Bloom installed their Byers ECOSORB vapor phase system. We are very much concerned about the cumulative effects of thousands of gallons of this product pumped into our environment annually. What effects will this have on our air, water, soil, wildlife and, of course, humans.

As the rest of the state is drying up we should keep the bottoms pristine and beautiful; a climate refuge. Not turn it into an industrial wasteland. With the proposed 130 foot cell phone tower proposed on ALC land, it should be very clear to you that Lane does not consider the environment or his neighbors in his decision making. Lane is first and foremost a businessman. He's got investments all over the place. Apparently, a mere 10,000 acre foot grow could make one a millionaire. Is that not enough to keep his supposed "failing" business afloat? One acre should surely do it. Eight acres grown near so many residents and schools is outrageous especially with such new technology. Let's remember that many products touted as "safe" turned out years later to be considered dangerous to the health of humans, wildlife, or the environment.

Please don't allow the Arcata Bottoms to become an industrial wasteland and consider the consequences of using new technology that does not have the experience to be considered safe.

Sincerely,

A handwritten signature in blue ink, appearing to read "Lee Torrence" and "David Mohrmann" with a long horizontal flourish extending to the right.

Lee Torrence  
David Mohrmann

I have decided to send paper copies of the following information as some are more comfortable with paper than reading information on the internet. Although it's a lot of paper, I've tried to organize it for easy reading. I realize how busy you are. Thank you for your time and effort to keep our county wonderful.

The following packet includes:

- 1) A Copy of the Santa Barbara Pollution Control District description of how the product works. <https://www.ourair.org/wp-content/uploads/Cannabis-Odor-Control-Presentation.pdf>. [Comments written on the document.](#)
- 2) Screen shot of a video by Byers Scientific. Byers Scientific Sample Vapor System Smoke Test. It gives an idea how the VAPOR PHASE SYSTEM will look coming out of the PVC encircling the perimeter of the green houses at Sun Valley. <https://www.youtube.com/watch?v=sNEBCpQCgZY>
- 3) A letter from Greg Gandrud regarding effects on soil and odor in Carpinteria..
- 4) A screen shot of Marc Byers from his YouTube video promoting his vapor phase system and Ecosorb. The foliage on top of the vine behind him is dead. <https://youtube.com/watch?v=qftAYL7fT9M>
- 5) Appeal of the G & K Processing Facility. Page 6 explains concerns about cumulative effects of ECOSORB on soil, air, water, wildlife and human health.
- 6) Odor Control Best Management Practices from Roadside Blooms Odor Management Plan. A lot of practical ideas for mitigating odors inside the greenhouses could be required of ACL.
- 7) Letter to Humboldt County Planning and Building Department Feb. 26, 2021 from Patty Clary, Executive Director of Californians for Alternatives to Toxics.
- 8) Letters to the Santa Barbara Board of Supervisors supporting the Appeal of the Creekside Property, LLC (Formerly Roadside Blooms) 21APL-00000-00005. [Comments regarding odor are highlighted.](#)

2



### Myers Scientific Sample Vapor System Smoke Test

14 views · Dec 3, 2016

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**Marco B**  
1 subscriber

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Using 3-minute smoke grenade through our patent-pending vapor system.

LETTER FROM GREG GANDRUD (Plaintiff of the class action lawsuit)

Sent from my iPhone

> On Jul 2, 2021, at 2:15 PM, Gregory Gandrud  
<[Greg@gandrudfinancial.com](mailto:Greg@gandrudfinancial.com)> wrote:

>

> Ecosorb has not been tested on humans. Only acute studies on rodents. Anyone living within 100 feet of Ecosorb is likely to develop respiratory ailments, headaches, burning/itchy eyes. We were forced to sell and move away. <https://www.independent.com/2021/03/25/carpinteria-cannabis-plaintiffs-sell-home-next-to-ever-bloom/>

>

> About three years ago, Ever-Bloom tried to create a wall of vines to screen their greenhouses from the view of neighbors. I don't know what type of vine was planted but I know it did not grow. My former neighbors planted a vegetable garden and nothing would grow. This had not been the case before Ever-Bloom installed their Byers Ecosorb vapor phase system.

>

> About a year ago, Ever-Bloom planted some different trees and those are growing just fine.

>

> So, the bottom line is that some plants don't like the Ecosorb and others do just fine. Seems like humans react the same way.

> Gregory Gandrud

> (805) 566-1475



LOCAL

# Pot odors spark lawsuit against Carpinteria cultivators

**The Associated Press**

Published 10:16 a.m. PT Feb. 28, 2020 | Updated 10:27 a.m. PT Feb. 28, 2020

The odor of marijuana has driven some residents of Carpinteria — just outside Ventura County — to sue local growers.

The lawsuit filed Thursday contends the growers should seal their greenhouses and use “carbon-based filtration methods,” KEYT-TV reported.

It’s an issue that many Ventura County residents may be able to relate to. Cultivation of industrial hemp — the same plant as marijuana but with far less of the chemical THC that produces a “high” — has raised complaints from neighbors due to the strong skunklike odor.

The lawsuit from residents of Carpinteria, in far south Santa Barbara County, claims that so-called vapor-phase systems currently in use to mitigate odors can actually cause eye irritation and worsen allergies and asthma.

## **Ventura County news coverage:**

Property owners get six-month extension in Ventura River lawsuit

Fire concerns grow as California gets even drier

Recovered from injury, owl released back into the wild

“We’ve been breathing this brew of chemicals for the last 2½ years,” said plaintiff Greg Gandrud.

Carpinteria was at one time known as a major center of the fresh-cut flower industry. But facing fierce competition from imported Latin American flowers, many of the greenhouses that once produced that crop turned to marijuana after California legalized recreational cannabis.

Some of those greenhouses are less than 100 feet from the windows and backyards of some of the plaintiffs.

Gandrud said the marijuana odor scares away prospective buyers for his house, which has been on the market over the past two years.

The lawsuit states that the residents would likely dismiss or settle the action if the greenhouses change filtration systems and the odor improves.

KEYT reported that a representative of the growers said they had not been served with the lawsuit as of Thursday night and did not have a response.

In Ventura County, complaints about hemp odors have led to restrictions on the crop, including a ban on growing it on unincorporated land within a half mile of schools and homes. Ojai officials permanently prohibited cultivation of hemp within the city in late August. Moorpark, Fillmore, Camarillo and Thousand Oaks instituted either temporary or permanent bans.

*The Star staff contributed to this report*

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### inabis Odor Control System in Carpinteria Valley

7 views • Jan 28, 2019

Notice the dead foliage at the top of these vines planted on the perimeter of a grow.

11 2 SHARE SAVE



Larry Nimmer

1.72K subscribers

SUBSCRIBE

by With Marc Byers of Byers Scientific <http://www.byers-scientific.com>

Youtube

# Environmentally Sensitive Habitats & Coastal Health Are At Risk

Coastal streams and riparian habitats are threatened by this development

- The Project is within the **mapped riparian ESH area of Arroyo Paredon**, a coastal stream in a high flood hazard area. Due to the density of this project and surrounding pipeline projects, there are significant unforeseen impacts from the accumulation of vapor phase system compounds in the air, soil and water as they fall to earth.
- The Zoning Administrator erred in not adequately considering the ESH, given the **increase in built structures, traffic and worker activity**, as well as additional utilization of **vapor phase odor control systems**.
- Per the project OAP and the legacy approved CDP, we can expect use of **3-6 gallons per day of Ecosorb or comparable vapor technology**.
- Assuming that other operators in Carpinteria Valley utilize similar daily volumes of Ecosorb per site, 365 days/year, with ~25 existing grow operations in Carpinteria Valley (not including the many in the permitting pipeline), we can expect an order of magnitude of **27,375 to 54,750 gallons (which equates to 862 to 1725 tons) per year of Ecosorb falling to earth, soil, stream and sea**.
- This huge quantity of Ecosorb, released continuously over time, will slowly degrade, meanwhile **building up cumulative concentration levels to as high as 1565% of the original Day 1 dose** due to a delayed degradation timetable.
- In addition, cannabis VOC emissions, coupled with NOx (readily present from the neighboring freeway), can lead to the formation of **dangerous ground-level ozone**, a known risk to human health.

This equates to an unprecedented and gravely irresponsible ad hoc, unscientific experiment on the health impacts of extreme, persistent levels of Ecosorb in an ESH.

We are putting at risk plant, animal and human health, as well as coastal-feeding stream water quality and prime agricultural soils.

We are jeopardizing the ability for residents and visitors to enjoy the beach and coastal zone – clean air and water being paramount considerations.



## 1.5 ODOR CONTROL BEST MANAGEMENT PRACTICES

Once operational, the project staff will implement odor control Best Management Practices (BMPs) as outlined below:

**Best Management Practice 1:** Designate an onsite *Odor Management Specialist* at the facility. This employee will be given time, resources, training, and incentives to control odors as a first priority.

**Best Management Practice 2:** The onsite *Odor Management Specialist* should at a minimum walk the Site two (2) times per day to:

- A. Ensure that all means of active odor control (neutralizing vapor or carbon filtration) are operational and in good working order.
- B. Observe onsite personnel to ensure that odor control BMPs are implemented. BMPs include keeping doors closed whenever feasible, placing waste in sealed containers, limiting processing-related activities to the odor controlled building(s). If BMPs are not consistently implemented, the *Odor Management Specialist* shall report inconsistencies to appropriate management for corrective action. Maintenance of a daily odor inspection log and check-list shall be made a part of these BMPs.
- C. The *Odor Management Specialist* shall be the point of contact to receive odor complaints from the regulatory agencies or the community. The specialist shall request as much detail as possible regarding the complaint, including:
  - i. Location (be exact, narrow it down within 100-feet or less if possible)
  - ii. Time (be exact, to the minute if possible)
  - iii. Weather conditions (approximate temperature, wind speed, etc.)
  - iv. Visual observations. Did the complainant see the cannabis facility/operations from which the odor may have come, or see any unusual activities in the observed area?

**Best Management Practice 3:** Build a company culture wherein all personnel understand the importance of odor control. Train each person in their individual odor control responsibilities at the facility. Training elements include:

- A. Ensure all employees are aware of the *Facility Odor Control Plan* for the entire Site and the odor control BMPs that apply to their tasks within the workforce.
- B. Incorporate the fundamentals of odor control in the training programs; provide this instruction in bi-lingual form as needed.
- C. Consider incentives with offsetting disciplinary measures based on odor control implementation and success.

**Best Management Practice 4:** Secondary miscellaneous odor management BMPs should be implemented consistently as follows:

- A. Facility doors should be kept closed whenever feasible. The opening of doors should occur only momentarily for entry and exit, especially in areas of cannabis processing. The installation of self-closing doors, heavy-duty plastic curtains, or other safe means of limiting fugitive odors should be considered.
- B. Keep all processing activities within the perimeter of its odor control system. Have contingency methods in place so that variations in weather conditions (especially hot weather) do not necessitate the relocation of processing outside.
- C. Acquire specially designed cannabis dumpsters with sealed lids for handling of cannabis waste. Keep lids closed.
- D. Consider using plastic bags to line plastic totes to contain/seal cannabis between processing areas as well as during offsite transport. The build-up of cannabis particulate and oil on inside surfaces of totes is a source of fugitive odors.
- E. Consider providing employees, particularly those that work in cannabis processing zones, with uniform garments and/or professional laundry services with encouragement or requirements to change clothes prior to leaving the facility.
- F. Provide properly sealed vehicles for transportation of cannabis outside of facilities, both smaller golf cart type vehicles inside the project perimeter and larger export trucks used to transport products offsite for sale.

**Best Management Practice 5:** Active odor control should start with an examination of the pertinent structural envelope. With rare exceptions, such as open field neutralization, most active odor control mechanisms utilize a structure of some kind to initially contain and channel odors to a specific location for treatment. Indoor or mixed-light cultivation utilize buildings or greenhouses to contain cannabis odors and channel them to either a HVAC system or roof/wall vents. Processing activities should occur within wood-framed, metal fabricated, or concrete tilt-up structures. Evaluating, controlling, and/or minimizing the odor releases from these structural envelopes is paramount to the effectiveness of any active odor control system. Typical examples include: keeping large rolling greenhouse doors closed whenever feasible, replacing/repairing any significant glass/polycarbonate sheeting on greenhouse exteriors, placing neutralization release points close to all roof vents or side wall fans on greenhouses, sealing leak points on processing buildings with spray in insulation or equivalent, and keeping all man or vehicle doors on processing buildings closed whenever feasible. Being mindful of maintaining a proper envelope control of cannabis odors will significantly improve the efficacy and often reduce the operating costs of active odor control mechanisms.

**Best Management Practice 6:** For all active odor control systems, proper design, operation, and maintenance of these systems is critical to their effectiveness. Therefore, in relation to the proposed vapor neutralizing and carbon filtration systems the following parameters should be addressed:

- A. The piping or equivalent means of vapor distribution should be installed such that it maximizes mixing of the neutralizer with cannabis odors released at all roof vents, active exhaust fans, and operable doors which are frequently opened. The piping must be tested for consistent pressure release over the whole length of the system and inspected regularly to ensure pipe joints have not decoupled.
- B. The total linear length of piping, fan/mechanical sizing for the vapor generation/blower unit, and volume of neutralizer released per day should all be evaluated in comparison to the overall size of the site and its proximity to receptors.
- C. Be aware that periods of downtime in vapor-phase system operation leaves portions of the facility with little to no odor mitigation of cannabis odors. Develop a maintenance plan and checklist to schedule and document maintenance activities, record replaced parts, and determine frequency of failures of the vapor phase system with a goal of minimizing system downtime to the maximum extent feasible. If possible, plan maintenance related outages to occur in the afternoon, during steady wind conditions, such that natural dispersion and dilution help mitigate the odors which are no longer being neutralized.
- D. Do not use carbon filtration systems unless they are designed by a qualified engineer/specialist and properly maintained. Using a poorly designed or maintained system is potentially worse than no system at all. Especially if the output of the system vents to atmosphere.
- E. Ensure that the processing structure has a relatively sealed envelope and institute administrative protocols/training to ensure man and vehicle doors remain closed whenever feasible to preserve the negative pressure of the system.
- F. Consider the use of structural upgrades such as mud-room style double-entry doors and the creation of substructures to contain drying or other high-intensity odors in a smaller volume of air space which needs treatment.
- G. Due to the size and intensity of odors in some processing buildings, typical off-the-shelf carbon canisters may experience odor breakthrough in a far shorter time than expected. Make sure the project engineer is aware of this and accommodates accordingly in the design and/or operation.

Patty Clary, Executive Director Californians for Alternatives to Toxics, writes in the attached letter to the Humboldt Planning Department: "chemicals are enriched several thousandfold in suspended liquid fog droplets." (Excerpt below)

Since there is no research or experience of ECOSORB in our foggy bottoms weather and with our great winds, is there even a remote possibility that Ecosorb could be a thousandfold worse in our environment? Although the company touts it as safe for humans and the environment, it has made soil infertile; killed foliage and affected human health in Carpinteria. This is a very important reason ALAs need to start small (if start at all) and see how it affects this beautiful prime agricultural soil, water, air, wildlife and humans.

Excerpt from Patty's letter:

Though the chemicals mentioned above are considered low toxicity, their use has not been analyzed in weather conditions regularly experienced in the Arcata Bottoms. For example: Fog, a common weather condition of the area where the cannabis factory will be constructed if approved.

"Scientists have found that toxic fog, made up of microscopic water droplets containing unexpectedly high concentrations of pesticides, herbicides and many other chemicals, forms over at least some parts of the United States.

"The scientists say that the fog may be among the causes of a mysterious decline of forests in the United States and Europe. They say that the chemical-laden fog, which was sampled in Beltsville, Md., and in California's San Joaquin Valley, could prove to be more of a health hazard than the air in which the fog forms."

[<https://www.washingtonpost.com/archive/politics/1987/02/12/toxic-fog-containing-farm-chemicals-may-be-harming-us-forests/48769d42-510f-41aa-b497-dfcfa972b93d/>]

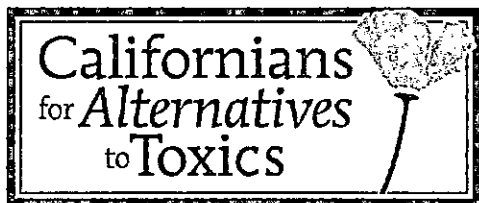
"We have discovered that a variety of pesticides and their toxic alteration products are present in fog, and that they occasionally reach high concentrations relative to reported rainwater concentrations. In our experiments, we were able to measure the air-water distribution coefficients of pesticides between the liquid fog and the interstitial gas phase. These measurements reveal that some chemicals are enriched several thousandfold in the suspended liquid fog droplets compared to equilibrium distributions expected from Henry's Law coefficients for pure aqueous solutions."

[<https://www.nature.com/articles/325602a0>]

Deep Seeded is an organic CSA that feeds over 250 families each year. It is located only hundreds of feet from the ACL grow. What impact could ECOSORB have on his vegetables and soil? I've been a member for many years and will definitely question renewing my membership if this product is used. This affects the food supply of 250

families, may permanently damage prime Agricultural soil, and threatens the livelihood and jobs of how many workers on his farm?

We must learn from the experience of Santa Barbara and not plunge into unknowns that could have long lasting, dangerous consequences. If you decide to grant this permit, starting very small, 10,000 sq ft is the only way to go. I encourage you to get a baseline of the soil before this product is used and test it afterwards.



600 F Street, Ste 3 #911 Arcata, CA

February 26, 2021

Humboldt County Planning and Building Department  
3015 H St. Eureka, CA 95501  
via email to Senior Planner Rodney Yandell  
ryandell@co.humboldt.ca.us

Re: Mitigated Negative Declaration  
The Arcata Land Company, LLC Commercial Cannabis Outdoor Light-Deprivation and Mixed-Light Cultivation Project, Application No. 12255, Case No. CUP16-583

Dear County Planners,

This letter is written on behalf of the membership of Californians for Alternatives to Toxics (CATs), a public interest organization concerned about activities that harm the environment with toxic chemicals. Many CATs members live in the vicinity of or otherwise enjoy the Arcata Bottoms and its wildlife. The activities that are planned for the construction and operation of a huge cannabis factory in the Bottoms, on the edge of town in a lowland area where Humboldt Bay and the Pacific Ocean threaten vast changes to its current hydrology due to the impacts of climate change and where the environment is still reeling from the legacy of highly toxic pesticides used at the former Simpson Mill adjacent to the proposed cannabis factory and where extremely toxic pesticides used for decades in the vicinity by Sun Valley Flower farm, including many tens of thousands of pounds of methyl bromide and other chemical poisons used so toxic they have since been banned is of particular concern to our members.

A mitigated negative declaration for the proposed cannabis factory is inadequate to the requirements of California Environmental Quality Act (CEQA). It does not evaluate full potential of impacts, does not include a range of alternatives, and is biased towards a preferred alternative that is both misleading and oversimplified.

The proposed huge, 30 acre, 9<sup>th</sup> largest in USA, cannabis factory proposed for the Arcata Bottoms by Sun Valley Flower Farm, acting here as Arcata Land Company, LLC with both under the ownership of Lane DeVries, is being analyzed under CEQA as a mitigated negative declaration, is not up to analyzing the environmental effects of such a huge project. Not only is the project huge, the underlying document at 1,417 pages is huge and is, in addition, supported

by numerous reports and analysis. Anytime so much information must be analyzed, a full Environmental Impact Statement is required. A check list will not suffice. The organization of the material via the negative declaration is not conducive to public understanding and participation in the CEQA process, as important an aspect of the process as any other part. From reading the local newspaper, the Times-Standard where it was reported that John Ford, County Planning Director, waxed glowingly of the appropriateness of the project, any critical thinking person understands the existing bias toward supporting the project and the problems inherent with such bias: a tendency to let critical analysis be reduced to pro forma approval. This should be remedied with an Environmental Impact Report that better organizes information so that analysis of the big project can be complete.

Numerous aspects of environmental impact that arise from such a huge project do not reach adequate analysis. Some of these are concerned with saltwater intrusion and alteration of the water table due to climate change-driven sea level rise and its impacts on surface water, a shallow water table, and the deeper aquifer from which the proposed cannabis factory aims to draw huge amounts of water (although the amount of water to be drawn is a hidden factor as the number of plants to be grown is not revealed), the impacts of atmospheric river storm events on drainage in combination with changes to be expected from rising sea levels, even the number of cannabis plants that will be grown in the almost 800,000 square feet of hoop house is information not provided and thus not adequately analyzed for impact on the environment. What volume of plastic will be waste each year? Where will it be discarded and what impact will the unknown level of waste from the proposed factory have on the environment? Where will 100+ cars park? What impact on air pollution and other environmental impacts can be expected from having this number of cars added to those already bringing commuting workers plus the existing vehicle impacts of the local community which utilize narrow country roads? What impact on air pollution? Far more needs to be known about the proposed factory before mitigations sufficient to the requirements of CEQA can be made adequate. Simply reeling off the names of various regulations set by various agencies and the promise that these will both be applied to the workings of the factory and adequate to the specific conditions of the proposed factory is not enough to satisfy CEQA.

To claim that (from the section on Hazards and Hazardous Materials)

“as part of the proposed cultivation, State of CA approved agricultural chemicals (e.g., PureCrop1, Regalia, Javelin) would be applied to the cannabis plants to control pests and mold. Approved chemicals would be applied at agronomic rates according to manufacturer’s specifications. Consistent with CDFA §8307, for all pesticides that are exempt from registration requirements, cultivation sites must comply with all pesticide laws and regulations enforced by the Department of Pesticide regulation and with the following pesticide application and storage protocols

1. Comply with all pesticide label directions;
2. Store chemicals in a secure building or shed to prevent access by wildlife;
3. Contain any chemical leaks and immediately clean up any spills;
4. Apply the minimum amount of product necessary to control the target pest;

5. Prevent offsite drift;
6. Do not apply pesticides when pollinators are present;
7. Do not allow drift to flowering plants attractive to pollinators;
8. Do not spray directly to surface water or allow pesticide product to drift to surface water. Spray only when wind is blowing away from surface water bodies;
9. Do not apply pesticides when they may reach surface water or groundwater; and
10. Only use properly labeled pesticides. If no label is available consult the Department of Pesticide Regulation.

ALC has considerable experience managing and using fertilizers, pesticides, and other products in existing agricultural operations on the Project Site and adjoining parcels, and has developed detailed Standard Operating Procedures for use and management Arcata Land Company Initial Study 54 December 2020

of pesticides, injury and illness prevention, and waste management. In addition, ALC has developed project-specific waste management and pest management plans, consistent with State of California cultivation licensing requirements. Further, the Project will comply with the CMMLUO performance standards, and the Best Practicable Treatment or Control (BPTC) measures of State Water Resources Control Board (SWRCB) Order WQ 2019-0001-DWQ. The SWRCB program and County ordinance have "standard conditions" applicable to cannabis operations that address impacts from the storage and use of hazardous materials which include the following requirements:

- Any pesticide or herbicide product application be consistent with product labeling and be managed to ensure that they will not enter or be released into surface or groundwater."

In *CATs v California Department of Food and Agriculture* (re: the Glassy Wing Sharpshooter EIR) the state Court of Appeals decided that citing to the California Department of Pesticide Regulation registration process, the label that flows from that and regulations regarding pesticides does NOT satisfy the requirements of CEQA for adequate analysis. We will assume here that the same is true of citing to other regulations. Simply naming the authority and that the regulation is the mitigation needed to prevent environmental impacts falls far short of the analysis necessary for potentially significant impacts to the environment such as those represented by pesticides.

1. "Comply with all pesticide label directions;" this is not an analysis of the potential impacts of the pesticide. Among the legitimate concerns about these applications is the sheer size of the cannabis factory, a million square feet. No effort was made to quantify the number of cannabis plants that will be grown per hoop house or in total.

When growing a monoculture, pest outbreaks can be severe and overwhelming. [ <https://www.sciencedaily.com/releases/2016/10/161012134054.htm> and William C. Wetzel, Heather M. Kharouba, Moria Robinson, Marcel Holyoak, Richard Karban. **Variability in plant nutrients reduces insect herbivore performance.** *Nature*, 2016; DOI: [10.1038/nature20140](https://doi.org/10.1038/nature20140)] Pesticide use may be required for every one of the 1,000,000 square feet of the growing space or the crop



will be severely reduced or lost. Thus the reaction in the cannabis factory could be an enormous use of a single pesticide. Even if considered minimally toxic, when used in large quantity there is potential for unacceptable levels of toxicity.

For example, PureCrop1 is, according to its website, “Also described as a nano-supramolecular surfactant, nano-sized emulsions offer many advantages over conventional chemicals in safety, sustainable results, more rapid and reliable activation and extended long-term effects.” This description sets off alarms for many who have advanced scientific understanding of nano-supramolecular surfactants as part of the nano-sized movement in agriculture.

“Despite obvious benefits of the power of small materials, there are open questions about how the nanoparticles used for day-to-day life may affect the environment. One of the crucial issues that have to be addressed in the near future, before massive fabrication of nanomaterials, is their toxicity to humans and impact on the environment. There are considerable debates regarding how the novel properties of nanomaterials could lead to adverse biological effects, with the potential to cause toxicity. One needs to understand when nanoparticles undergo biodegradation in the cellular environment, what will the cellular responses be? For example, biodegraded nanoparticles may accumulate within cells and lead to intracellular changes such as disruption of organelle integrity or gene alternations. Some of the crucial questions are: 1) Are nanomaterials more toxic than their non-nano counterparts? 2) Will nanoparticles transform in the environment into more toxic forms? Before nanomaterials are allowed to be used in daily life activities, it is important for nanotoxicology research to uncover and understand how nanomaterials influence the environment so that their undesirable properties can be avoided.” [<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2844666/>]

When used in any quantity in a large monoculture on the edge of town near already established human populations and market farms, as is the proposed cannabis factory, the potential that large amounts of this chemical compound could be used in a space of a few days is of concern. This is just one way the potential for environmental impacts of the cannabis factory is significant enough to warrant the analysis required by CEQA. Nobody in Arcata wants to be a test animal for the nanoparticles of PureCrop1 without at least an idea of what it entails. This is why we have CEQA, to learn in advance the harms posed by an activity the government is permitting, to find mitigations, to limit, to change or to can the proposal based on facts revealed in an adequate analysis. This mitigated negative declaration fails to accomplish that. Though we support using low toxicity pesticides as an alternative to higher impact pesticides, there really is no toxic substance that can be considered safe, especially when used near human and wildlife populations and in quantity.

Regalia, another pesticide mentioned as an example of what will be used at the proposed cannabis factory, has as its active ingredient extract of Giant Knotweed (*Reynoutria sachalinensis*). US EPA has reviewed studies that indicate the plant material may have lower acute impacts [[https://www3.epa.gov/pesticides/chem\\_search/reg\\_actions/registration/decision\\_PC-055809\\_1-Nov-00.pdf](https://www3.epa.gov/pesticides/chem_search/reg_actions/registration/decision_PC-055809_1-Nov-00.pdf)] “Acute” impacts refer to effects of chemicals that occur

immediately or soon after exposure. These effects have not been determined for any of the ingredients of Regalia. Though Giant Knotweed is used as food for many Japanese, its impacts when inhaled are unknown to us as toxicological assessment was not done for the mitigated negative declaration. US EPA analysis is in laboratory conditions with laboratory animals, not in the particular environment of the Arcata Bottoms.

Though the chemicals mentioned above are considered low toxicity, their use has not been analyzed in weather conditions regularly experienced in the Arcata Bottoms. For example: Fog, a common weather condition of the area where the cannabis factory will be constructed if approved.

“Scientists have found that toxic fog, made up of microscopic water droplets containing unexpectedly high concentrations of pesticides, herbicides and many other chemicals, forms over at least some parts of the United States.

“The scientists say that the fog may be among the causes of a mysterious decline of forests in the United States and Europe. They say that the chemical-laden fog, which was sampled in Beltsville, Md., and in California's San Joaquin Valley, could prove to be more of a health hazard than the air in which the fog forms.”

[<https://www.washingtonpost.com/archive/politics/1987/02/12/toxic-fog-containing-farm-chemicals-may-be-harming-us-forests/48769d42-510f-41aa-b497-dfcfa972b93d/>]

“We have discovered that a variety of pesticides and their toxic alteration products are present in fog, and that they occasionally reach high concentrations relative to reported rainwater concentrations. In our experiments, we were able to measure the air-water distribution coefficients of pesticides between the liquid fog and the interstitial gas phase. These measurements reveal that some chemicals are enriched several thousandfold in the suspended liquid fog droplets compared to equilibrium distributions expected from Henry's Law coefficients for pure aqueous solutions.” [<https://www.nature.com/articles/325602a0>]

These simple examples of the potential for toxicity as a result of pesticide use on one million square feet of contained monoculture underscore the need for analysis of pesticide use for the proposed cannabis factory.

We request that the mitigated negative declaration be rejected in favor of either turning down the project or requiring an Environmental Impact Report to adequately make transparent the environmental impacts likely to occur as a result of approving the permit.

Sincerely,

Patty Clary  
Executive Director  
Californians for Alternatives to Toxics  
707-834-4833  
patty@alt2tox.org

May 22, 2021

Michelle, Mike, Steve, Virginia + 8  
Rex.  
Lots of good ideas in this letter

Dear Commissioners,

I am writing to request that you uphold the appeal and oppose Creekside Property, LLC for the many reasons we have repeatedly presented to your commission, from the outset. I am reiterating some of them, here:

1. Most of us voted for Prop 64. We attended initial Town Hall meetings and supported Planning & Development's sensible, 2017 PEIR. However, the Ad Hoc Committee/BOS failed to adopt P&D's prudent recommendations, which would have avoided "Significant, Negative Class-I Impacts." As a result, BOS opened Pandora's box, blatantly embraced pot industry and created a countywide crisis that "We the People" have been subjected to, ever since!

### COMMISSIONER BLOUGH

2. There is an overconcentration of cannabis in Carp and other areas. Hundreds of Odor Complaints have been filed. Many more have gone unreported because of perplexing, tedious process where residents have to prove where odor is emanating from. Nothing has been remedied! In 2018, Commissioner Blough advocated for "carbon filtration systems." His advice went unheeded and instead, pot proponents introduced the Byer's system, in 2019. Thus far, this system has proven to be unreliable and it has not been tested for this specific use. Potential toxins may be wafting into the air that people are forced to breathe, adding to the skunk smell of weed. When Lisa Plowman first spoke the words, "Best Available Technology" last year, I thought, 'Oh! Oh! Here we go again. Another loop-hole law and bogus ploy, where SBC appeases growers and avoids the real issue, resolving the odor problem.

My solution for odor issue:

- a. Require that "Best Available Technology" be proven safe and effective (carbon filters). If odor is discovered coming from grower's site(s), confiscate all products, immediately and file a 'cease and desist order' for one-year. I believe that "law" would protect legitimate growers and motivate others to clean up their act, rather quickly, don't you? I think it's an effective way to separate the "legitimate weed" from the "chaff."
  - b. Require renovated sealed greenhouses.
  - c. Heed Commissioner Blough's initial recommendation to use "carbon filters." To my knowledge, this is currently the 'best available technology.'
  - d. Ban cannabis in SBC and/or regions that P&D initially recommended, in the 2017 PEIR..., which included Carpinteria.
3. What, if anything, is the County doing to address drought concerns? For years, we observed and documented Tepusquet growers hauling in tens of thousands of gallons every day (no operable well), for three, provisional licenses. Growers claimed to be using, "state-of-the-art-technology" and described this technology to me, in detail. It sounded good. However, this was never proven to be effective because the water tankers kept hauling in the water. As with most broad-leafed plants, Cannabis requires copious amounts of water and nutrients to flourish and produce desired results - big, fat, sticky buds. I have been an organic gardener for years and am well-aware of what plants require and the consequences of underwatering and/or underfeeding various, high-demand veggies/fruits/landscape plants.
  4. Set time limits for growers to complete various stages of the permit/licensing process. Some Tepusquet growers have been operating illegally and/or non-compliantly, since 2014 (seven years!). They have dragged their feet through the entire cannabis licensing process and have yet to meet CUP requirements and/or respond to their planner, 'in a timely manner.' They will never feel compelled to meet any requirements because current, County tactics allow them to continue operating, *ad nauseum*, without consequences (emphasis added).

No other business in this County, is allowed to sell products to consumers without first, going through a rigorous licensing process. No other business has huge, significant, negative Class-I Impacts on residents. No other business requires the level of oversight, security and/or law enforcement to supervise it. The cannabis industry is costing taxpayers more than we are benefiting. In the April 2021 budget workshops, SBC Sheriff, Chief Deputy Bonner stated, "...that of the 108 growers, 50 percent claimed no income or did not file at all." Most growers fail to pay their fair share in taxes (extra emphasis added).

Respectfully Submitted,  
Renée O'Neill

3

5/26/21

## Villalobos, David

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**From:** Valerie Bentz <valeriebentz@gmail.com>  
**Sent:** Saturday, May 22, 2021 3:14 PM  
**To:** Villalobos, David  
**Cc:** lbridley2nddistpc@gmail.com; mihcael@igsb.com; larryf@laguanafarms.com; Dan Blough; JParke@aklaw.net  
**Subject:** Stop increase of Cannabis growing unregulated in south county!!  
**Categories:** Purple Category

**Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.**

Dear Commissioners:

Please do not approve yet another grower of cannabis in our South County with the low level of oversight and control that has become all too common around the Carpinteria area.

As a resident of Carpinteria I have continued to suffer from severe allergies and respiratory issues since and cannabis production and the awful Byers chemicals are suffocating residents.

We are getting sick from this and are sick of the county commissioners rubber stamping these efforts.

Sincerely,

Valerie Bentz, Ph.D.  
Resident of Carpinteria

3

5/26/21

See more at [valeriebentz.com](http://valeriebentz.com)  
Transforming Consciousness for a Livable World

Fielding folks access Valerie's Research Center  
here: <https://learning.fielding.edu/course/view.php?id=4731>

Valerie Malhotra Bentz, PhD, MSSW  
Professor | School of Leadership Studies  
Fielding Graduate University  
5367 Ogan Rd. | Carpinteria, CA 93013  
office 805-395-0709  
[vbentz@fielding.edu](mailto:vbentz@fielding.edu)

## Villalobos, David

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**From:** anna bradley <annaberit@hotmail.com>  
**Sent:** Monday, May 24, 2021 6:20 PM  
**To:** Villalobos, David; Dan Blough; Michael Cooney; Larry Ferini; John Parke; Laura Bridley; sbcob; Nelson, Bob; Hartmann, Joan; Hart, Gregg; Lavagnino, Steve; Williams, Das; Heaton, Brittany; Frapwell, Jeff  
**Subject:** Pubic Comment re Creekside Property, LLC, May 26  
**Categories:** Purple Category

3

5/26/21

**Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.**

Dear Commissioners,

Thank you for your consideration. It is my hope that you do not permit any further cannabis projects until the current odor and safety issues have been resolved in Carpinteria. My family lives in the La Mirada area above Foothill. I cannot drive to or from my house without experiencing cannabis odor overtake my car on any day - specifically in the corridor between 3561 and 3615 Foothill. The Byers system is not working. Though I live steep up the hill, my family continues to experience cannabis odor problems daily in our home and on our property. It could be 2am. It could be 9:30 pm. It could be, and most regularly is, around 8:30-10am. It could be anytime. This is our experience. It is real. We have to choose either to close windows (whatever the temperature is outside) or to leave our property entirely if the odor is too strong. I've even been advised to replace or upgrade windows, buy industrial air scrubbers and even more, and at whose expense? I continue to do as we have been asked, log complaints and be patient and be vocal.

Please spend some time in the residents' shoes. Come take a drive down our lanes and park in a driveway at the base of Foothill and experience the odor. Please calculate that experience into your decisions.

I voted for prop 64. I am not against cannabis. I am not against job creation. I am just against what a mess this has become. It doesn't need to be this way. Why expand further cannabis grows thru permitting before correcting what already exists? If we continue this way, I think it is just more honest to say, the County really does not care about the odor and unknown health risks to its residents. It cares more about expanding the cannabis operations.

Thank You Again,  
Anna Bradley  
La Mirada

## Villalobos, David

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**From:** Elkurdi, Dara  
**Sent:** Monday, May 24, 2021 5:40 PM  
**To:** Villalobos, David  
**Subject:** FW: Opposition to Creekside

**Categories:** Purple Category

3

I received public comment on Creekside, below.

5/26/21

**From:** George Zwerdling <geehzee@grmail.com>  
**Sent:** Saturday, May 22, 2021 7:11 AM  
**To:** Elkurdi, Dara <delkurdi@co.santa-barbara.ca.us>  
**Subject:** Opposition to Creekside

**Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.**

Ms Delkurdi...Please note and convey to the Commission my opposition to Creekside. There is an enormous amount of work required to control odor before developments of this size are approved. The County has moved much too far and too fast to approve marijuana related businesses and has failed to take into account the very real downside of so doing. We live in an unusually wonderful place and should do all possible to keep it that way  
Thank you  
George Zwerdling  
Carpinteria

**Villalobos, David**

**From:** Anna Carrillo <annacarp@cox.net>  
**Sent:** Monday, May 24, 2021 11:33 AM  
**To:** Villalobos, David; Michael Cooney; Laura BridleyPC; larryf@lagunafarms.com; Dan Blough; JParke@aklaw.net  
**Subject:** 21APL-00000-00005, Appeal of Creekside Property LLC (formerly Roadside Blooms)  
**Categories:** Purple Category

**Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.**

To: Planning Commission  
From: Anna Carrillo  
May 24, 2021

Please support the appeal of this project on behalf of the Santa Barbara Coalition for Responsible Cannabis for the following reasons:

1. One of the conditions in all the OAPs is that there will be quarterly inspections during the first year of operation. When I tried to follow-up on the inspections done at the only fully permitted project (as of Aug. 2019) at 3561 Foothill Rd. in this "Nidever rectangle" I was told that these inspections have NOT OCCURRED YET BECAUSE OF THE INABILITY TO IDENTIFY THE SOURCE OF THE ODORS AND THIS WOULD NOT OCCUR UNTIL ALL THE OPERATIONS HAVE BEEN PERMITTED. There are currently 4 cultivation sites (3 growing with state provisional licenses) and this project would be a 5th NEW OPERATION. There are an additional 3 not even cultivating in the pipeline. How can new operations be permitted when the only 1 permitted operation since 2019 that is currently having significant odor issues has not even had their required quarterly inspections completed yet?
2. See accompanying picture of all the parcels currently growing and this new one. (3504 Westerley is not cultivating though an application under another name is in the pipeline).
3. When the wind blows off the ocean toward the the hillside of the La Mirada EDRN, the stench settles down into the homes or directly into the residences. Residents here can not enjoy having their windows open or being outside.
4. This project is not satisfactory if there are only Byers vapor phase pipes placed inches below the open vents around the perimeter of the 3 greenhouses hoping to catch all the cannabis odors drifting down. This site either needs to have sealed greenhouses or carbon scrubbers required. The odor must not leave the greenhouses to blow into the residences directly up the hill.
5. As the building right next to Via Real will be used for processing, solar equipment should be required to be on the rooftop.
6. There have been no long term studies on the effects of the use of Ecosorb 100/107 24/7 on the health of the community.

RECEIVED

MAY 24 2021

SUNSHINE ACT REQUEST



7. If this appeal is denied, there needs to be added to the project description the use of Best Available Technology when better technology becomes available.

8. As far as I'm aware the odor problems at the only permitted operation at 3561 Foothill is still causing issues for the annual Business License renewal which is still under review.

9. As this project will be using water from the Carpinteria Valley Water District, I think it is important to know how much water will this operation use?

## Villalobos, David

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**From:** merrily peebles <merpeebles@gmail.com>  
**Sent:** Monday, May 24, 2021 3:14 PM  
**To:** Villalobos, David; Dan Blough; Michael Cooney; Larry Ferini; John Parke; Laura Bridley; sbcob; Nelson, Bob; Hartmann, Joan; Hart, Gregg; Lavagnino, Steve; Williams, Das; Heaton, Brittany; Frapwell, Jeff  
**Subject:** Pubic Comment re Creekside Property, LLC, May 26  
**Categories:** Purple Category

3  
5/26/21

**Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.**

Dear Commissioners,

How many times must one ask for consideration for our quality of life in Carpinteria? The footprint of cannabis is seemingly uncontrolled in Carpinteria and the odor issue is still present. Creekside LLC at 3684 Via Real is the next example. This is the 5th cultivation site within sight of La Mirada and Santa Claus/Padaro. The existing four have not demonstrated odor control and when complaints are filed the Planning Dept. says **there is nothing that can be done until all four have business licenses**. Can you believe that? First it was wait until the grower gets a business license. Now one grower has a business license and we are told:

**"Since there are three other unpermitted cannabis operations adjacent to G&K, the Professional Engineer/Industrial Hygienist has no method to determine where any cannabis odors originated. Holding the only permitted cannabis operation accountable for any cannabis odors that are present in the vicinity would be not supportable since there are other adjacent grows and there is not a method to trace an odor to a precise source. The Department is currently exploring other methods to determine effectiveness of the odor control systems. Full implementation of the condition will be possible when all four projects are permitted.**

Seriously, when do you think all four projects will be permitted? Now you are contemplating adding another project into the mix? Creekside needs to be put on hold until the County finishes "exploring other methods to determine effectiveness of the odor control systems" or told they must use carbon filters for all buildings and greenhouses.

At the Autumn Brand permit meeting a staff member said "if I stand at the property line and don't smell anything I know there is no problem" Well I drive by property lines all along Foothill and Via Real and smell cannabis. Is that not a problem? I also smell it at my home when the wind is right.

I have a big concern about the Byers Vapor system. There will be 100's of miles of these pipes in Carpinteria Valley. The EPA has never approved this vapor for the way it is used to mask cannabis in residential area. We don't know long term effects. Yet the cannabis industry is allowed to grow and process their product without first, going through a licensing process that guaranties no odor or harmful air quality by-product. We have pointed out many times, the air in Carpinteria is held in the valley due to its geographical position. No other business has huge, significant, negative Class-I Impacts on residents like cannabis.

Please pay attention to Commissioner Blough when he said **the best technology is carbon filters**. We all know this, including the growers. Why not implement this now? Is it because the grows are too large to set up correct systems with the current infrastructure? We see the new cannabis business model with large corporations entering Carpinteria. The compliance system isn't working so the rules need to be changed. Will the County ever be able to figure out where the smell is coming from? The green houses are shoulder to shoulder next to each other. Put in carbon filters for growing and clean up the air, then you can feel confident when you permit cannabis.

Please uphold the appeal. Do not add another 161,838 square feet of greenhouses and another processing warehouse of 4,061 square feet until you have a way to insure good air quality.

Thank you very much,  
Merrily Pecbles  
La Mirada

**Villalobos, David**

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**From:** Carrie Miles <CarrieM@fastmail.com>  
**Sent:** Monday, May 24, 2021 2:53 PM  
**To:** Villalobos, David; larryf@lagunafarms.com; michael@igsb.com  
**Cc:** Hans and Lisa Betzholtz; starrtrainer@gmail.com  
**Subject:** Re: Case 21APL-00000-00005 17EIR-00000-00003  
**Attachments:** letter from Meadows re cannabis.docx  
**Categories:** Purple Category

3  
5/26/21

**Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.**

I am writing regarding the following case:

**21APL-00000-00005 17EIR-00000-00003**

**Appeal of Creekside Property LLC (formerly Roadside Blooms)  
Mixed-Light Cannabis Cultivation Carpinteria**

Kathryn Lehr, Supervising Planner (805) 568-3560

Dara Elkurdi, Planner (805) 568-2082, [delkurdi@co.santa-barbara.ca.us](mailto:delkurdi@co.santa-barbara.ca.us)

Hearing on the request of Marc Chytilo on behalf of the Santa Barbara Coalition for Responsible Cannabis (SBCRC), Appellant, to consider Case No. 21APL-00000-00005, an appeal of the approval of a Coastal Development Permit (Case No. 19CDP-00000-00062) by the Director of The Planning and Development Department (herein after Director), which approved 161,838 square feet of three existing, permitted greenhouses and processing within an existing 4,061 square foot warehouse.

As a resident of Carpinteria whose home is often inundated with cannabis odor, I strongly object to any new marijuana growing or processing facilities, or legitimizing of existing unpermitted facilities, anywhere, until effective odor-containment systems are in place.

At a minimum, such facilities must be required to use the best-available odor-containment system. The Byer's system does not meet this criterion and presents a health risk of its own.

While the odor is my primary concern, I am also worried about the amount of water and electricity these operations will required, especially with a drought likely.

I am attaching a letter on behalf of our community, The Meadow.

Thank you for your attention.

Carrie Miles, PhD

RECEIVED  
MAY 24 2021

To Whom It May Concern:

We are residents of Linden Meadow in Carpinteria, a community of forty homes immediately adjacent to the greenhouses located at 4701 Foothill and 1495 Sterling Road, Carpinteria. For the last few years, we have been regularly subjected to the heavy, skunky odors of cannabis growing in the greenhouses surrounding our area. The smell can be overwhelming - day or night. We often cannot open our windows because of the odor, and frankly, even closing the windows does not help on some odoriferous occasions. This is a public nuisance that severely impacts our neighborhood as well as other surrounding areas. We strongly request that all relevant agencies do everything possible to ameliorate this situation.

We are also concerned about the health effects of the Byers odor amelioration system currently in use. It has certainly not eliminated the problem, as we still smell the odor. Some of our residents suffer allergic reactions or migraine headaches due to the vapors produced by the Byers system. Elected representatives and regulatory agencies should endeavor to protect the health and safety of all our citizens.

We object to increased cannabis production especially as it is taking place literally a few hundred feet from our homes unless a proven effective odor elimination system is installed and in use in all cannabis farms in the Carpinteria area. It makes no sense to allow additional cannabis production in our area until an effective odor containment system is in place in all existing and future greenhouses.

To reiterate, the residents of Linden Meadow are strongly opposed to more cannabis production here or in the Carpinteria valley until the growers put effective odor containment systems in place. Please keep our beautiful little City of Carpinteria a healthy, pleasant, and odor-free place to live.

Our hope is that the city council, other agencies involved, and our county supervisors will be responsive to our objections as they are a major concern to our community.

Sincerely,

Linden Meadow Homeowners

3

5/24/21

RECEIVED

**Villalobos, David**

**From:** jstassinosaol.com  
**Sent:** Monday, May 24, 2021 2:00 AM  
**To:** Villalobos, David; lbridley2nddistpc@gmail.com; mihcael@igsb.com; larryf@laguanafarms.com; Dan Blough; JParke@aklaw.net  
**Subject:** Appeal of Creekside Property LLC (formerly Roadside Blooms) Mixed-Light Cannabis Cultivation Carpinteria (Please read into the record)  
**Categories:** Purple Category

MAY 24 2021

PLANNING

3  
5/26/21

**Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.**

To the Santa Barbara County Planning Commissioners:

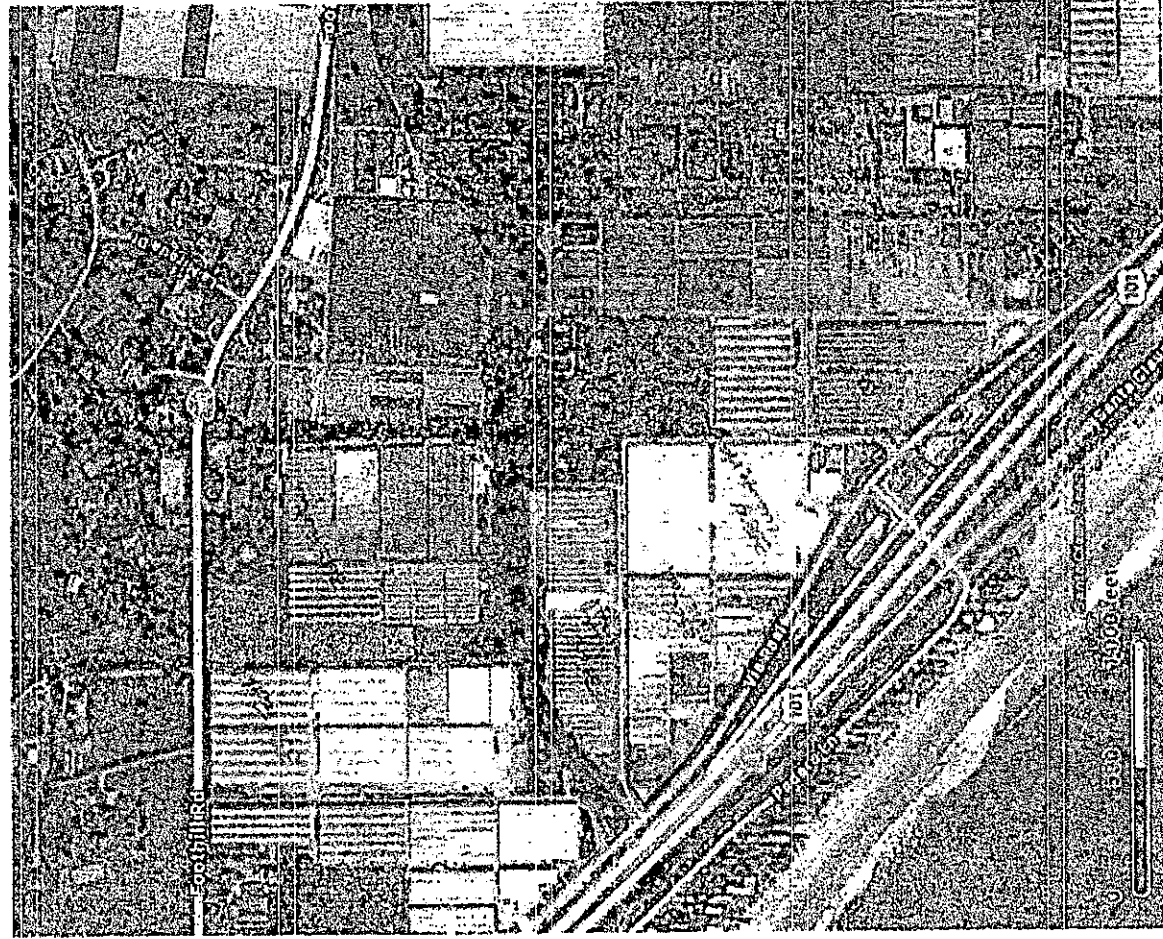
I am writing to you to request that you repeal the Coastal Development Permit issued for new cannabis cultivation and processing at 3684 Via Real in Carpinteria. I am a long time resident of Carpinteria and have been alarmed by the proliferation of new cannabis cultivation and processing sites in my neighborhood as well as those near me. This new cannabis cultivation and processing site at 3684 Via Real will be the fifth cultivation site located in or near residential neighborhoods.

The skunk like odors are particularly concerning due to the fact that there have been no long term studies done on the effects of the Ecosorb being put into the air. Please don't allow new cannabis sites to be permitted until there is a way to determine where the skunk like odors are coming from and what effects Ecosorb has on our environment and our health.

Also, during this time of drought, I am wondering where this new cannabis cultivation site will obtain their water and electricity (with Southern Calif. Edison's planned rolling brown outs due to the upcoming fire season).

Another concern I have is the increase in big rig truck traffic using two lane roads to travel to and from these sites. Recently, I was almost hit by a big rig truck backing into 4610 Foothill Road to load up with cannabis products. The driver of the big rig truck did not signal and stopped immediately in front of me and started to back up. I was sure the big rig truck was going to hit me as the driver continued to back up towards my car despite my continuous horn honking. The big rig blocked both lanes of Foothill Rd., near a blind curve, backing into the cannabis processing site. Fortunately, nobody was hurt. Unfortunately, this situation is an accident waiting to happen.

Please do not allow the over concentration of cannabis cultivation and processing sites in residential neighborhoods. Please repeal the Coastal Development permit issued for new cannabis cultivation and processing at 3684 Via Real in Carpinteria.



**Villalobos, David**

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**From:** Gregory Gandrud <Greg@gandrudfinancial.com>  
**Sent:** Sunday, May 23, 2021 9:31 AM  
**To:** Villalobos, David; Lbridley2nddistpc@gmail.com; mihcael@igsb.com; larryf@laguanafarms.com; Dan Blough; JParke@aklaw.net  
**Cc:** Concerned Carpenterians  
**Subject:** Case No. 21APL-00000-00005 Appeal of Creekside Property  
**Categories:** Purple Category

RECEIVED  
MAY 26 2021

PLANNING & ZONING DEPARTMENT  
MAY 26 2021

**Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.**

Honorable Commissioners:

I have lived in Carpinteria for over 32 years. We are being overwhelmed by the cannabis industry and our air quality, health, and quality of life is suffering.

The Byers Vapor Phase system does not work well for controlling odors when it is used outside the perimeter of the building. The chemicals are respiratory irritants that cause health issues for neighbors and for nursery workers.

I used to live adjacent to the Ever-Bloom 15-acre cannabis grow but we were forced to sell my home of 24 years and move away because my spouse could not breath because of the cannabis operation with the Byers system. We have had to retain an attorney and have had to sue in order to recover for the damages to my spouse's health and to my property.

Please require cannabis operations to be airtight and/or to use carbon scrubbers.

Thank you for your consideration.

Gregory Gandrud  
Carpinteria  
805-566-1475 x114

3  
5/26/21

[www.GandrudFinancial.com](http://www.GandrudFinancial.com)

(805) 566-1475



Thank you for your time and consideration.  
Jill Stassinis  
1760 Ocean Oaks Rd.  
Carpinteria

# Cannabis Odor Control Solutions

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## CAPCOA SPRING MEMBERSHIP MEETING

**Santa Barbara County  
Air Pollution Control District**

Our Mission: To protect the people and the environment  
of Santa Barbara County from the effects of air pollution.

Aeron Arlin Genet  
Director / APCO

May 15, 2018



# Cannabis in Santa Barbara County

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- Santa Barbara County currently has the most temporary cannabis cultivation licenses in California<sup>1,2</sup>
- 52 cannabis cultivators in Carpinteria alone<sup>3</sup>
- Odor generated from cannabis cultivation is a significant nuisance issue for residents



# Odors From Cultivation

- Odors produced during cannabis flowering stage
- ✱ • For large-scale operations, significant portion of plants will be flowering at any given time ✱
- Cannabinoids, Terpenes, Sesquiterpenes



# Odor Neutralizers

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- Process works like this: chemical reaction occurs between the odors and compounds in the neutralizer to scrub the smell

- ✱ Neutralizer is converted into a vapor that gets dispersed ✱
  - Odors “surf” the airstream
  - Odors & neutralizer more likely to meet if in the airstream together

- One example shown here: Ecosorb CNB 100 odor neutralizer



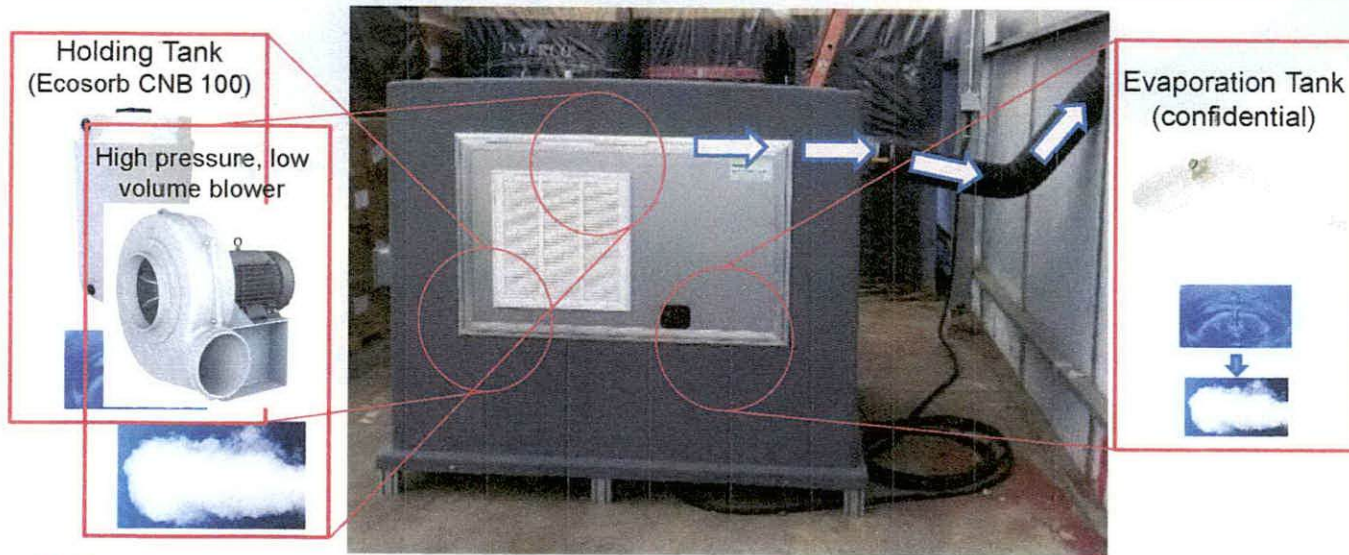
# Vapor-Phase Odor Control Technology

- Vapors go through PVC piping around perimeter of greenhouse
- PVC piping contains holes for release of odor neutralizer
- Size and number of holes unique to each installation but designed to minimize pressure drop



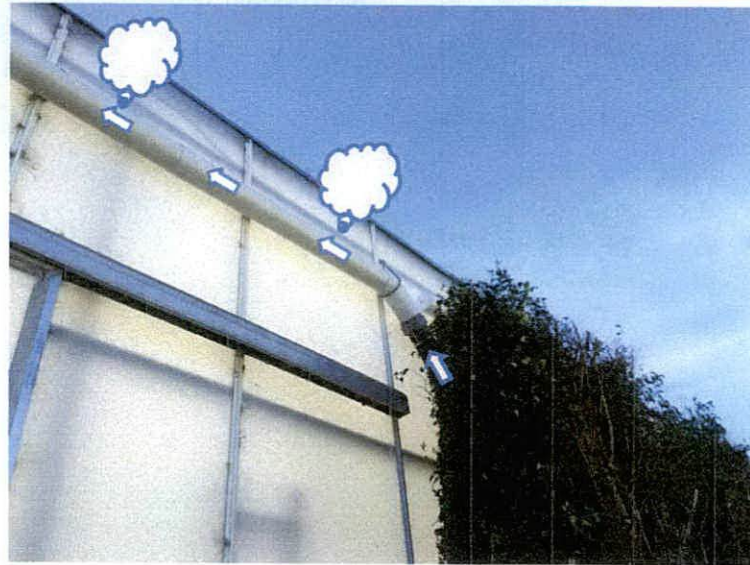
<http://byers-scientific.com/assets/bsm-vapor-system-v01.pdf>

# Odor Control System Process Flow



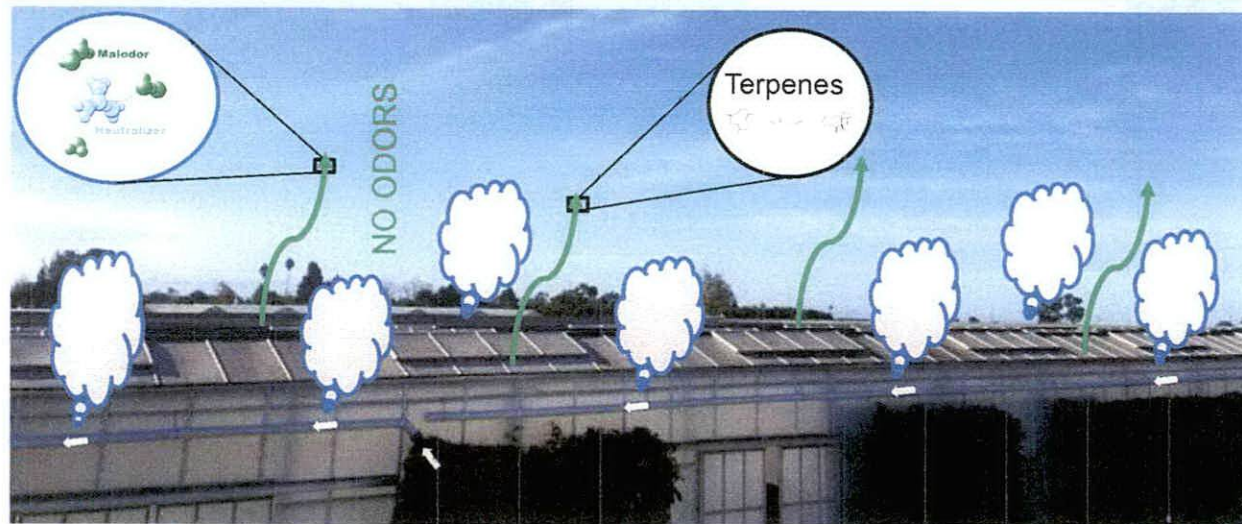
## Odor Control System Process Flow Cont.

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## Odor Control System Process Flow Cont.



Watch smoke test <https://youtu.be/sNEBCpQCgZY>

8

SEE HOW THIS WORKS  
VIDEO BY BYERS SCIENTIFICS  
VERY TELLING

## Considerations

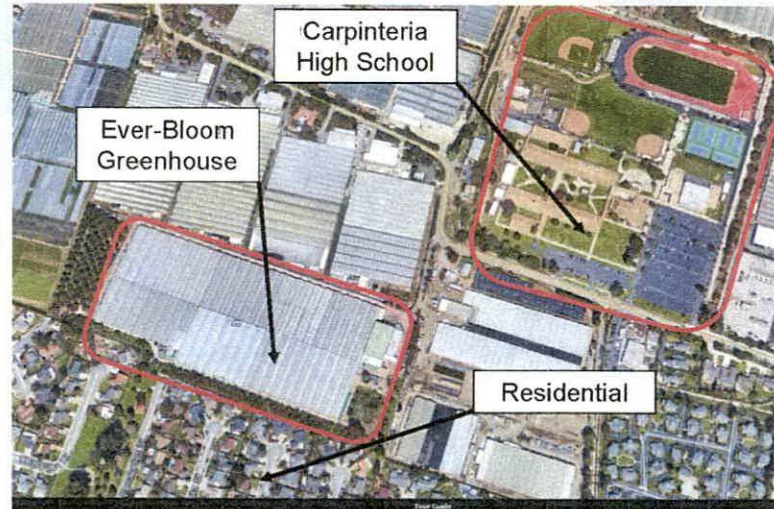
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- Ecosorb CNB 100 example:
  - ✱ Throughput ~ 3.5 gallons per day ✱
  - ✱ A pine/citrus scent from overproduction of neutralizer vapor ✱
    - Approximate capital cost \$38,000 - \$53,000, including installation
    - Annual operating cost (based on typical large-scale greenhouse operations) is \$45,000 – \$50,000 per year

## Ever-Bloom Test Case



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- 15-acre greenhouse located near sensitive receptors
- 650,000 sq. ft cannabis growing operation, previously grew flowers
- Installed a Byers-Scientific & Manufacturing vapor-phase odor control system in November 2017



## Ever-Bloom Test Case Cont.

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- Ever-Bloom invited District staff to inspect odor-control system in February 2018
- District staff toured the greenhouse and odor-control system
-  Odor-control system was operating during the visit and  appeared to be working as advertised
- Pungent odors from inside the greenhouse could not be detected directly outside the greenhouse or at the property line

## Other Applications

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- System currently installed at 14 cannabis operations in Carpinteria
- System can be used to control odors from:
  - Solid Waste (landfills, waste transfer stations, compost, pulp & paper)
  - Wastewater Treatment
  - Commercial (food waste, trash compactors, food processing)
  - Agricultural (dairy, poultry and hog farming)
- Also operational at Miramar Landfill in San Diego as well as composting and landfill operations throughout the US

# Ecosorb CNB 100 Data Sheet

Byers Scientific & Manufacturing<sup>TM</sup> 2333 W. Industrial Park Drive  
 Industrial Odor Management Bloomington, IN 47403  
 Ph: (812) 257-6218

## ECOSORB<sup>®</sup> CNB 100 TECHNICAL DATA SHEET



Ecosorb<sup>®</sup> CNB 100 is an odor neutralizer designed specifically for the control of cannabis odors. It was designed to remove the odorous chemicals that are produced when growing cannabis. Ecosorb<sup>®</sup> CNB 100 is effective on the main groups of odor causing chemical compounds found in cannabis including but not limited to the terpenoids, terpenes, and sesquiterpenes groups.

Ecosorb<sup>®</sup> CNB 100 can be diluted with water or used neat depending on the application and delivery equipment. Dilution with water ranges from roughly 1 part in 10 of water to 1 part in 100 of water, depending on the type of delivery system and odor intensity. This product is a blend of plant oils, food grade surfactant, and purified water.

Ecosorb<sup>®</sup> CNB 100 should never be applied in a manner that would allow it to come in direct contact with the cannabis plant, water or soil.

### FEATURES

- True odor neutralizer
- Biodegradable and non-toxic
- Environmentally friendly
- No measurable flash point
- Scientifically proven

### PHYSICAL PROPERTIES

pH -5.0  
 Specific Gravity -0.99  
 Boiling point -208 °F  
 Appearance Milky White  
 Color Light Green

### NMIS CLASSIFICATION

Health: 0 Flammability: 0 Reactivity: 0 Protective Equipment: 3

### ADVANTAGES

- No masking of odors
- Usually no permits required
- Safe for employees and neighbors
- Safe for all environments
- It performs as advertised



Byers Scientific & Manufacturing<sup>TM</sup> 2333 W. Industrial Park Drive  
 Industrial Odor Management Bloomington, IN 47403  
 Ph: (812) 257-6218

## ECOSORB<sup>®</sup> CNB 100 TECHNICAL DATA SHEET



### ALL INGREDIENTS CAN BE FOUND LISTED ON THE FOLLOWING CHEMICAL SUBSTANCE INVENTORIES:

United States: TSCA	South Korea: ECL and KECL
Canada: DSL	China: IECSC
European: EINECS	Japan: ENCS
Australia: AICS	New Zealand: NZIoC

### REGULATORY

- Ecosorb<sup>®</sup> CNB 100 is non-hazardous by OSHA Hazard Communication Standard 29 CFR 1910.1200
- This product does NOT contain any substances known to the state of California to cause cancer, developmental and/or reproductive harm
- Not subject to reporting requirements of the United States SARA Section 313
- Uncontrolled product according to WHMIS classification criteria

### HANDLING AND PACKAGING

Ecosorb<sup>®</sup> CNB 100 is shipped in HDPE containers. It is recommended to store the product in the original container. The product should be stored in a well-ventilated place, in a cool area, out of direct sunlight and tightly sealed. Store the product above 35°F and below 85°F. Allowing the product to freeze is especially damaging and will disrupt the emulsion. Extended exposure to higher temperatures may cause separation. Ecosorb<sup>®</sup> CNB 100 is incompatible with oxidizing agents and strong acids. This product does not burn. Always shake or mix before using.

### DISPOSAL AND CLEANUP

Wash with water or soap and water. The product is not hazardous to humans, animals, or the environment. Dispose of in accordance with local, regional, and national and/or international regulations.

### CONTAINERS

Ecosorb<sup>®</sup> CNB 100 is available in the following sizes:  
 5 Gallon Pails  
 55 Gallon Drums  
 275 Gallon Containers

### DISTRIBUTOR OF

Ecosorb<sup>®</sup> Remediably Effective. Surprisingly Simple.  
 OMI INDUSTRIES  
 One Corporate Drive, Suite 100  
 Long Grove, IL 60047, USA  
 Phone: 800.663.6367 Fax: 847.394.0949  
[www.omiindustries.com](http://www.omiindustries.com)

June 30, 2021

Hon. Virginia Bass, Chair  
and Members of the Board of Supervisors  
Humboldt County  
825 5<sup>th</sup> Street, Eureka, CA 95501

[VIA EMAIL TO COB@CO.HUMBOLDT.CA.US]

**RE: Arcata Land Company, LLC Project (PLN-12255-CUP)  
Issues on Appeal**

Dear Chair Bass and Supervisors:

I and my firm represent applicant Arcata Land Company, LLC (“ALC”). As you are aware, on June 22 the Board of Supervisors heard an appeal of the Planning Commission’s approval of a use permit authorizing ALC to cultivate eight acres of cannabis adjacent to the Sun Valley Floral Farms flower facility in Arcata (the “Project”). The Board closed public comment, deliberated, and then continued the hearing to July 13 for additional deliberation and a decision.

Two issues of concern arose during the June 22 hearing:

- The first issue relates to comments by one Supervisor asserting that the Board should evaluate the Project based on how the Project site “should” be zoned following the County’s 2017 General Plan update, as opposed to its actual zoning, and that cultivation limits applicable to the hypothetical zoning should be applied rather than the rules applicable to the Project site’s actual zoning.
- The second issue relates to whether the Board must reopen public comment on July 13 to address information regarding the odor control system that ALC voluntarily agreed to implement at the June 22 hearing.

This letter addresses both issues in turn below.

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**1. The Board Must Evaluate The Project Under Its Current MH-Q Zoning, Not Hypothetical Zoning.**

The Project site is designated Agricultural Exclusive (AE) under the County General Plan, and is zoned Heavy Industrial with a Qualified Combining Zone (MH-Q).

Some comments at the June 22 hearing were directed at the fact that the MH-Q zoning is not “consistent” with the AE General Plan designation.<sup>1</sup> This is accurate. The Project site General Plan designation was changed to AE from Industrial General (IG) in 2017 when the Board adopted the General Plan update. MH zoning is consistent with the IG designation. The Project site has not been rezoned to a zone classification that is consistent with the site’s new (as of October 2017) AE designation.

ALC submitted its application for the Project in December 2016, prior to the Board’s redesignation of the Project site to AE in October 2017. At that time, the Project site was designated IG under the General Plan then in effect, and zoned MH-Q, as is still the case. Thus, when ALC submitted its application, the Project site zoning was consistent with the underlying General Plan designation, and the County Planning Department property accepted ALC’s application for review.

Notwithstanding these facts, one Supervisor suggested that the Project should be evaluated as if the Project site were hypothetically zoned consistent with the current General Plan designation, apparently in the belief that the Project site’s current zoning is no longer valid.

There is no statute or case law, however, supporting the assertion that the current MH-Q zoning became invalid when the General Plan was updated in 2017, or that the Project must be evaluated pursuant to hypothetical zoning rather than the zoning actually in effect. To the contrary, the California Supreme Court has expressly held that “a local zoning ordinance may temporarily differ from the general plan following a *general plan* amendment.” (*City of Morgan Hill v. Bushey* (2018) 5 Cal. 5th 1068, 1079-1080 (“*Morgan Hill*”) [emphasis in original].). In that case, the Court concluded that Government Code Section 65860(c) allows a zoning classification to remain in effect and valid for a “reasonable time” following a general plan amendment that rendered the zoning classification inconsistent with the amended general plan.

As noted, the Project site’s zoning became inconsistent with the General Plan following its update in 2017. Thus, consistent with Government Code Section 65860(c) and the Supreme Court’s decision in *Morgan Hill*, the Project site’s MH-Q zoning is the correct and valid zoning classification under which the Board must evaluate the Project. Evaluating the Project based on hypothetical zoning, as one Supervisor suggested, would violate state law and Supreme Court decisional law.

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<sup>1</sup> State law (Gov. Code § 65860) requires zoning to be “consistent” with the General Plan. The current County General Plan states that only four zoning classifications, Design Floodway (DF), Flood Plain (FP), Agriculture Exclusive (AE) and Timberland Production (TPZ) are allowed in areas designated AE by the General Plan. Because the General Plan does not allow MH zoning in AE-designated areas, the current zoning is not consistent with the current General Plan.



**2. The Board Is Not Required To Reopen Public Comment In Response To The Applicant's Proposed Odor Control System.**

The Board heard all comments and closed public comment on the ALC appeal at the June 22 hearing. However, at least one Supervisor questioned whether the Board must reopen the continued hearing to public comment in light of asserted “new information” concerning ALC’s voluntarily-accepted odor control system. Specifically, ALC indicated at the June 22 hearing that it would be willing to implement the Byers Scientific odor control system, which utilizes a material called Ecosorb to bind and neutralize cannabis odors.

The Brown Act (Gov. Code § 54950 et seq.) does not require a local decision-making body to reopen a hearing to public comment at a continued hearing unless the proposed action has materially changed or significant new information has come to light since public comment was closed on the matter. (See, generally, Gov. Code § 54954.3.)

The Applicant's willingness to utilize the Byers Scientific Ecosorb odor control system neither constitutes a material change to the Project nor significant new information that would require the Board to reopen the continued hearing to public comment.

In fact, use of Ecosorb as an alternative odor control system has been included as part of the Project since its inception, and has been discussed in both the Project Initial Study/Mitigated Negative Declaration (“IS/MND”) and in staff reports for the Project. For example:

- IS/MND: “In the event that carbon filtration is inadequate, odor neutralizers such as Ecosorb, which is a water-based product that contains a proprietary blend of natural plant oils and bio-based surfactants that effectively absorb to odor molecules, neutralizing their smell, may be utilized.” (Page 5.)
- March 18 Planning Commission Staff Report: “Odors from the cultivation process will be controlled using fans that direct airflow through the hoop structures to a carbon filtration unit. In the event that carbon filtration is inadequate, odor neutralizers such as Ecosorb, which is a water-based product that contains a proprietary blend of natural plant oils and bio-based surfactants that effectively absorb to odor molecules, neutralizing their smell, may be utilized. Recommended conditions of approval will require odor to be managed and corrected within 10 days of any complaints that are verified by the Planning Department to be valid (On-going Condition of Approval #3).” (Pages 4 and 17 [Finding No. 5].)
- April 22 Planning Commission Staff Report: “Comments regarding impacts to air quality (odor). Odors from the cultivation process will be controlled using fans that direct airflow through the greenhouses to a carbon filtration unit. In the event that carbon filtration is inadequate, odor neutralizers such as Ecosorb, which is a water-based product that contains a proprietary blend of natural plant oils and bio-based surfactants that effectively adsorb to odor molecules, neutralizing their smell, may be utilized. In addition, the approved building plans will address odor

management by incorporating a ventilation/air filtration system that limits potential adverse odor emission impacts to employees and/or properties located in the vicinity. The system will be designed, signed, and stamped by a mechanical engineer for review and approval by the Building Official. There will be a description of the odor control system and procedures for ongoing maintenance of the system. The plan will designate a staff member to receive, document, and follow-up on odor complaints. The plan will include procedures to document and respond to any odor complaints that include: a contact name and phone number to report odor complaints, the source or cause of any odor complaints, and actions taken to mitigate the odors. Complaint records will be maintained for a minimum of five years from the date the complaint is received and be provided to the County or NCUAQMD upon request.” (Page 8.)

- June 22 Board of Supervisors Staff Report: *“With regard to odor, the IS/MND states that if carbon filtration is inadequate in neutralizing odors, products such as Ecosorb may be utilized. Appellants are highly concerned about the proposed use of Ecosorb, or similar products, with no information on ingredients, application protocols, or performance standards provided, and with no monitoring. Odor can be transient in nature, depending on changes in wind direction. Given the proximity of homes and neighborhoods that are downwind of this Project, and the conflicting impacts of odor between the IS/MND and the FEIR, an EIR should be required for this Project.*

Staff Response: The FEIR acknowledges that unenclosed commercial cannabis cultivation is a source of odors that would likely be detectable by off-site sensitive receptors. At the same time the CCLUO identifies that enclosed cultivation is adequate mitigation to protect sensitive receptors in community plan areas. The project proposes cultivation to take place within enclosed greenhouses with odor control. The significant and unavoidable odor impact identified in the FEIR was specifically regarding unenclosed cultivation and is therefore not applicable to this project.

Odors from the cultivation process will be controlled using fans that direct airflow through the greenhouses to a carbon filtration unit. In the event that carbon filtration is inadequate, odor neutralizers such as Ecosorb, a water-based product that contains a proprietary blend of natural plant oils and bio-based surfactants that effectively adsorb to odor molecules, neutralizing their smell, may be utilized.

For the life of the project, the project shall not result in a continued discernable odor of cannabis at the property lines of adjoining existing residential uses. Should the Planning and Building Department receive complaints regarding odor, the Planning and Building Department will inspect and evaluate the cause of the perceived odor. If it is determined by staff that the project is causing the odor, staff will work with the applicant/operator to resolve and return the project to compliance in a timely manner. Resolution may entail additional maintenance and/or replacement of the air filtration system. At a minimum, the applicant/operator shall present a plan to the Planning and Building Department within 10 days of initial County contact to address the odor.

Lastly, the enclosed greenhouses will include carbon filtration intended to control odor, and which will also ensure that in the event odor neutralizers such as Ecosorb or used, any airborne particulates will be trapped in carbon filters before air is circulated to outside of the greenhouses.

It should be noted that the closest residence to the Project would be at 780 feet. All other residences would be at least 1,250 feet away.” (Page 8.)

The clear evidence in the record shows that not only was Ecosorb repeatedly mentioned in project documents, including County staff reports, but that the Appellants specifically acknowledged and commented on this particular odor control measure. The public has had a full and complete opportunity to comment on ALC’s proposed use of this material to control odor. Discussion of this material at the June 22 hearing was neither a material change to the Project nor significant new information.

For the foregoing reasons, it would be inappropriate to reopen the continued hearing to public comment to address the proposed Ecosorb-based odor control system for the Project.

\* \* \*

Very truly yours,  
HARRISON, TEMBLADOR, HUNGERFORD & JOHNSON

By



Bradley Johnson

cc: John Ford, Planning Director  
Lane DeVries, Arcata Land Company, LLC  
Jordan Main, Compass Land Group

## Hayes, Kathy

---

**From:** Wilson, Mike  
**Sent:** Tuesday, June 29, 2021 8:58 AM  
**To:** Ford, John  
**Cc:** Hayes, Kathy  
**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](mailto: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

## Lippre, Suzanne

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**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](mailto: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

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**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**

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**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**

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**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**

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**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

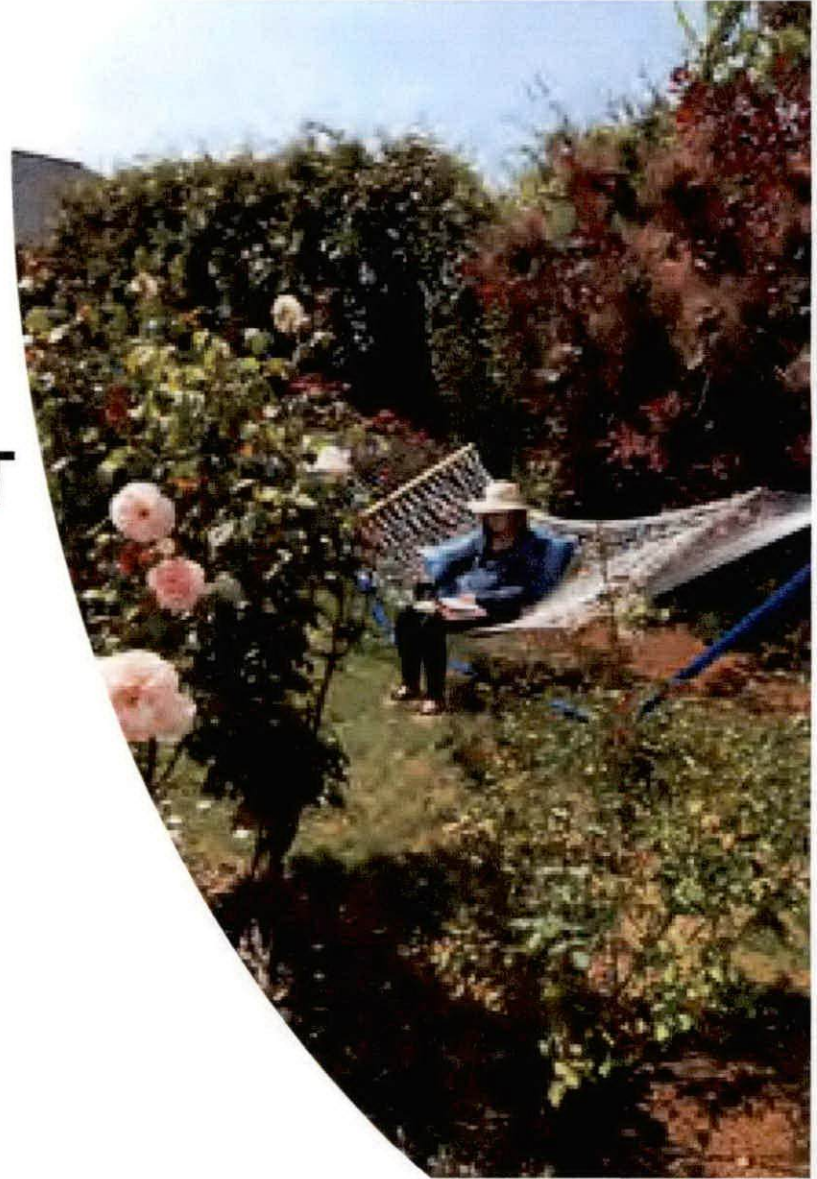


# Appeal of PLN-12255-CUP

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

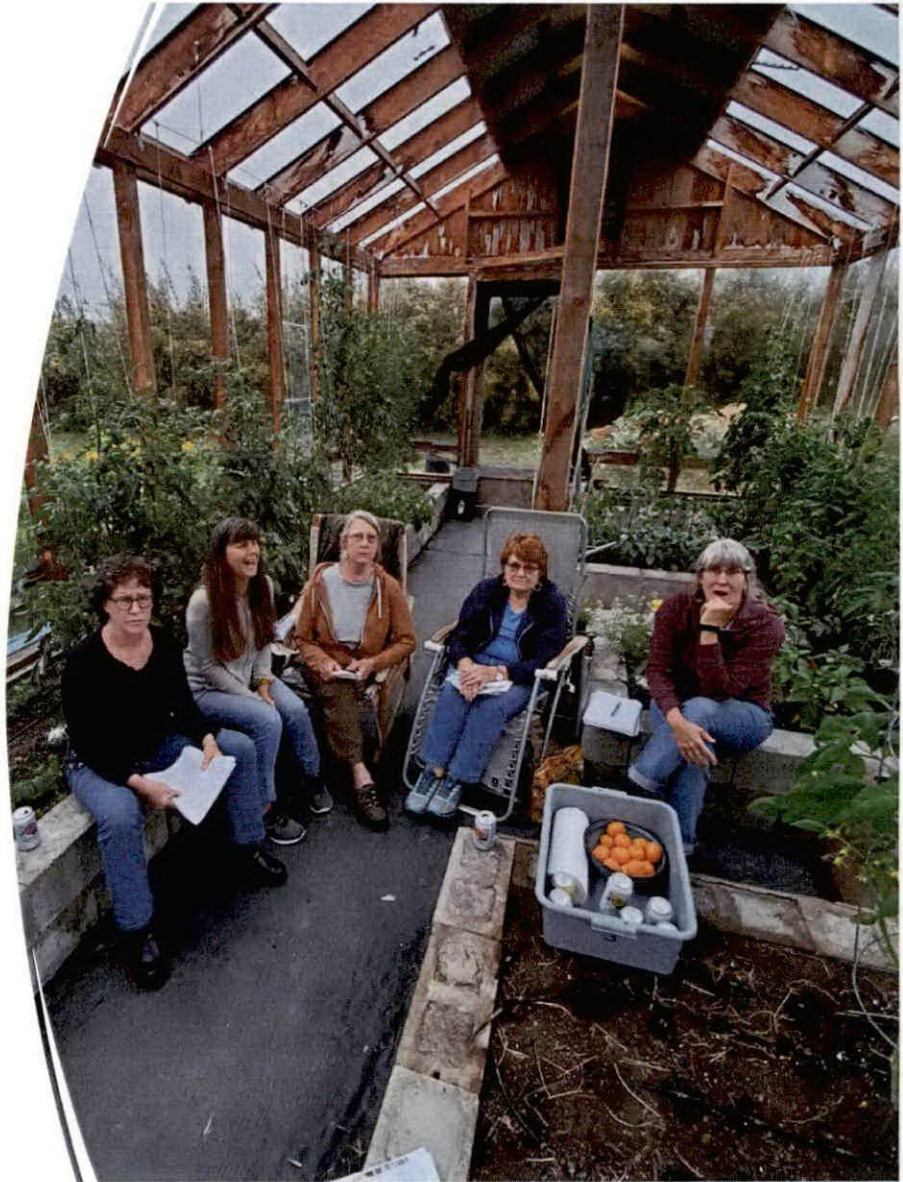
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**THE FIGHT AGAINST  
INDUSTRIAL WEED  
BEGINS IN MY  
BACKYARD**



# Community Request

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



LIVING

Dismiss

Sign Up

# 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

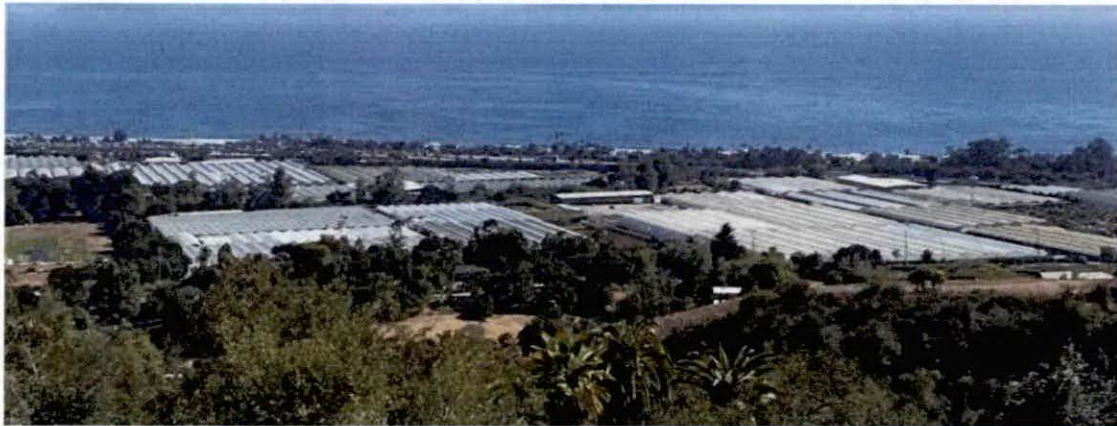
**Santa Barbara**  
**Independent**

**Tristan Strauss' Home Town**

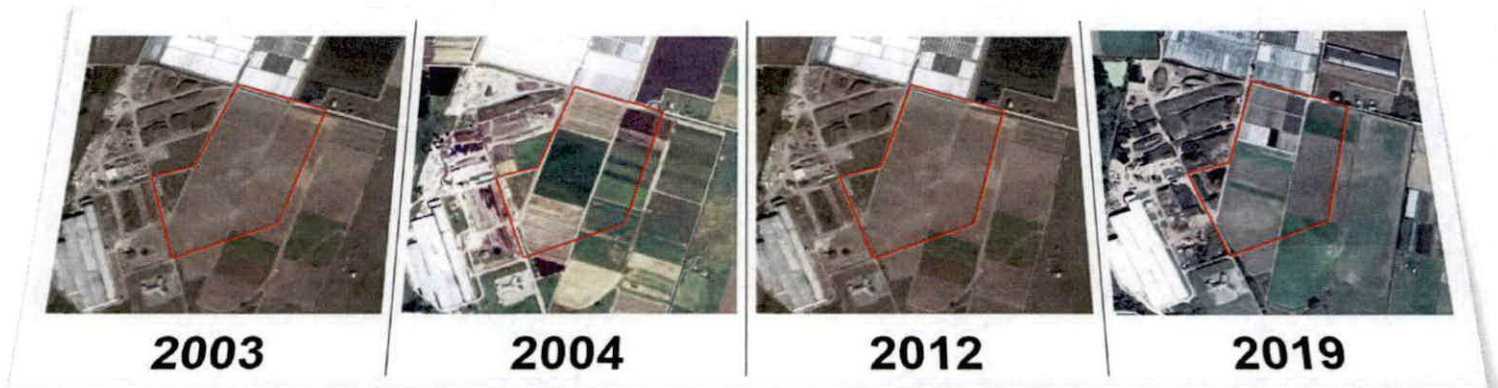
# **Carpinteria Activists Battle over How to Stop the Cannabis Stink**

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*



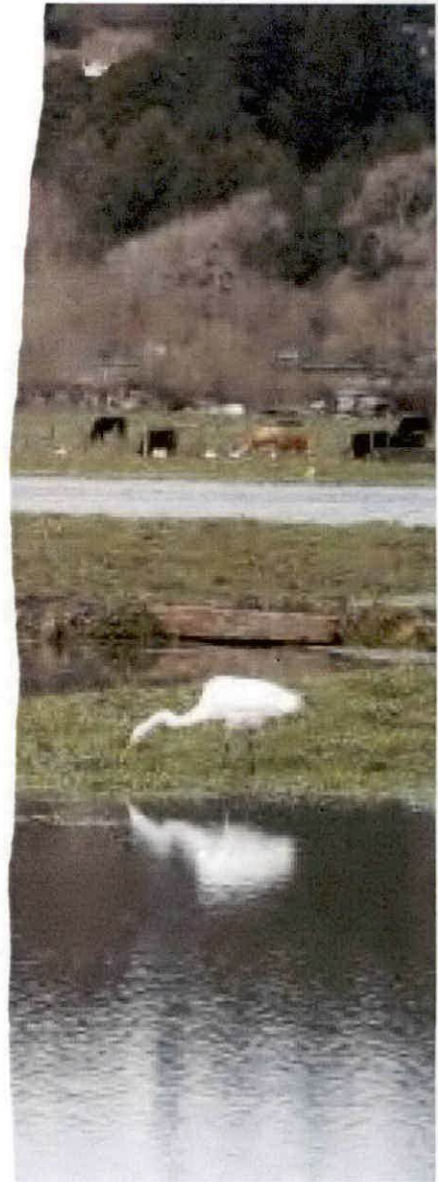
## Active agricultural land being lost



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 3<sup>rd</sup> 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 18<sup>th</sup> 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.**

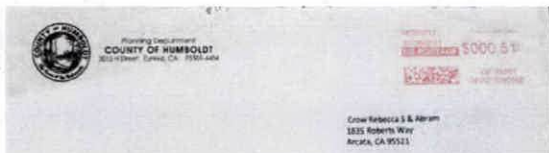
- While many have stated that this project represents forward progress in getting grows out of the hills.....
- The County is still approving permits in the hills, such as the recently approved 7-acre McCann Ranch Project.
- This project is an industrial operation that should be constructed on existing 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 27<sup>th</sup> 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

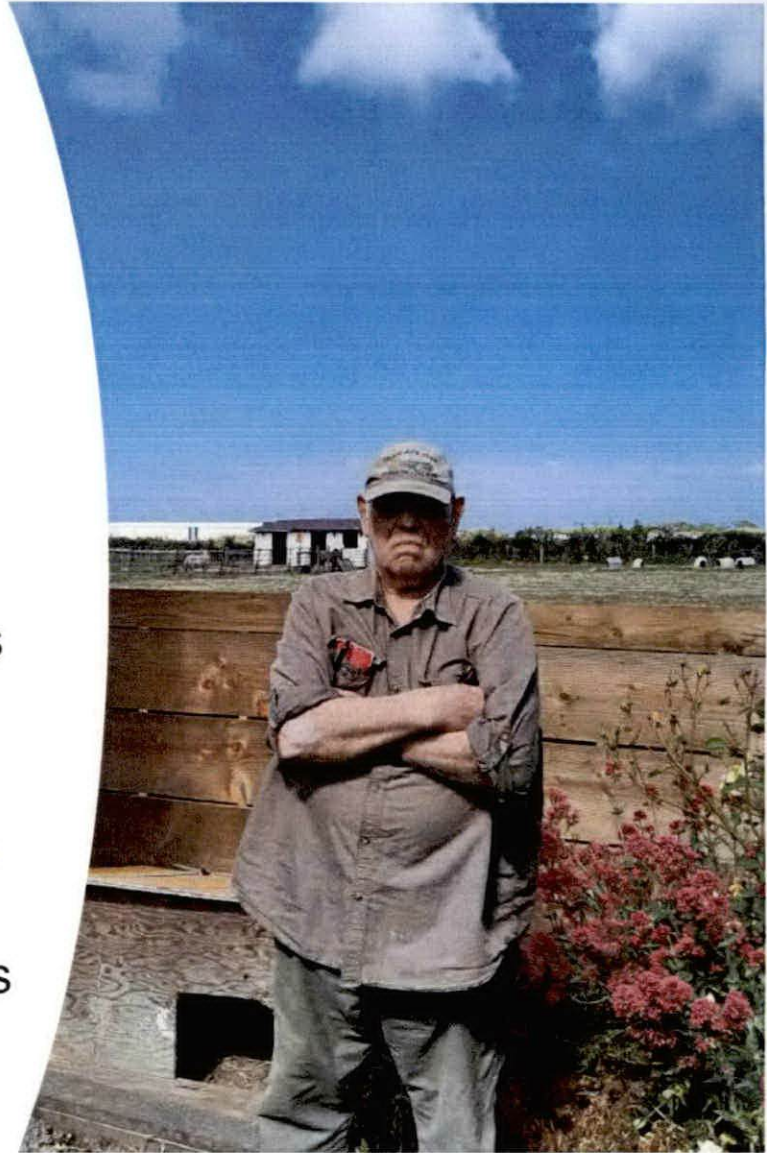
**40% below 1990 levels by 2030**

**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.



## 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

## 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

May 4, 2021

From:

James M. Cotton, et al.

1971 27<sup>th</sup> Street

Arcata, CA 95512

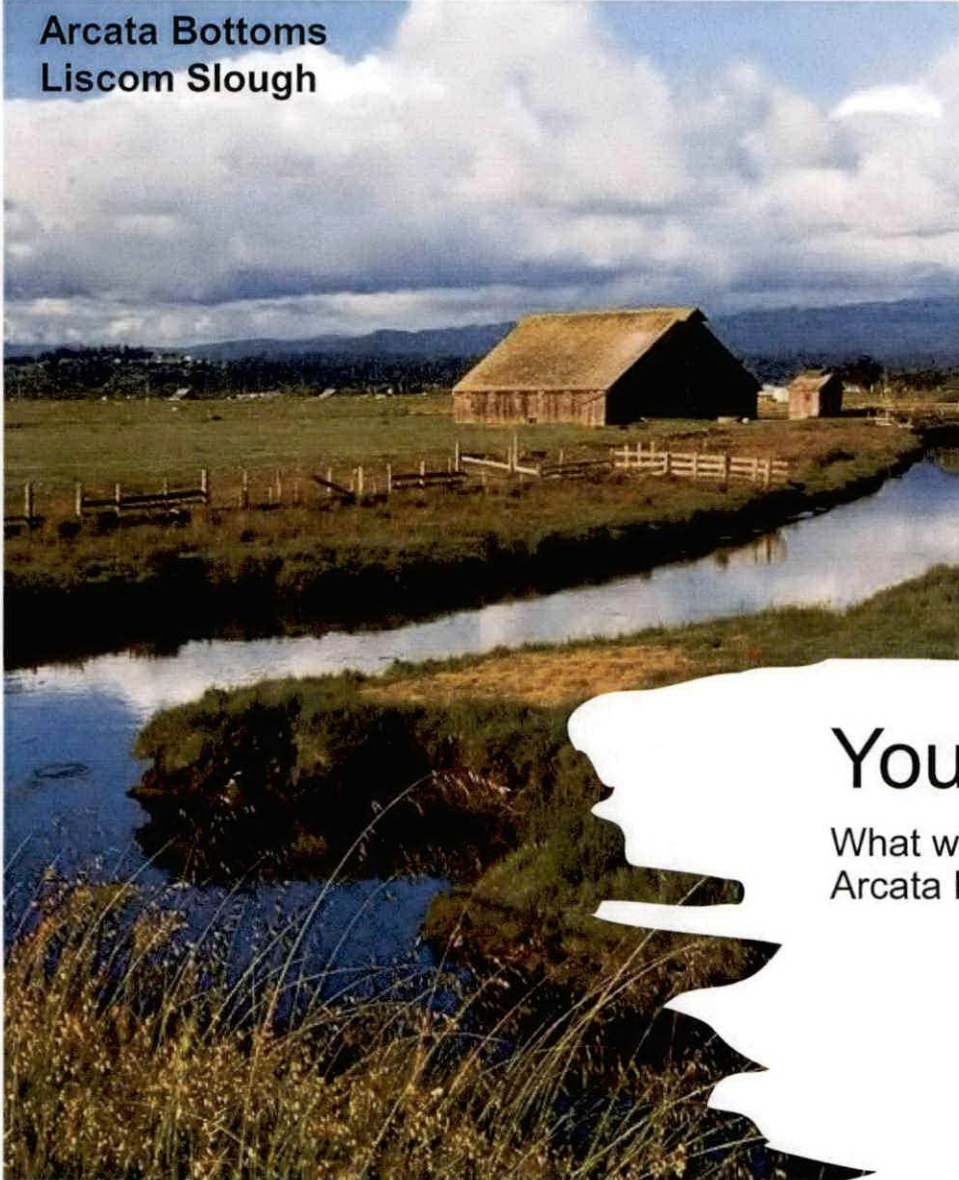
[jimcotton47@gmail.com](mailto:jimcotton47@gmail.com)

## Repeat of our appeal

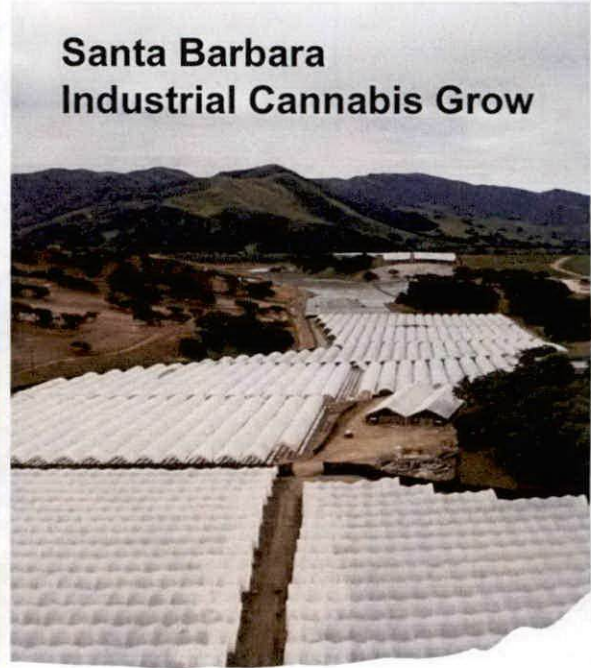
The Planning Commission adopted a Mitigated Negative Declaration (“MND”) for the Project despite substantial evidence in the administrative record supporting a fair argument that the Project may have significant environmental impacts. Because commenters have presented a fair argument concerning the Project’s 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,<sup>5</sup> 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?



# Appeal of PLN-12255-CUP

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

# Introduction of Speakers

Rebecca Crow:

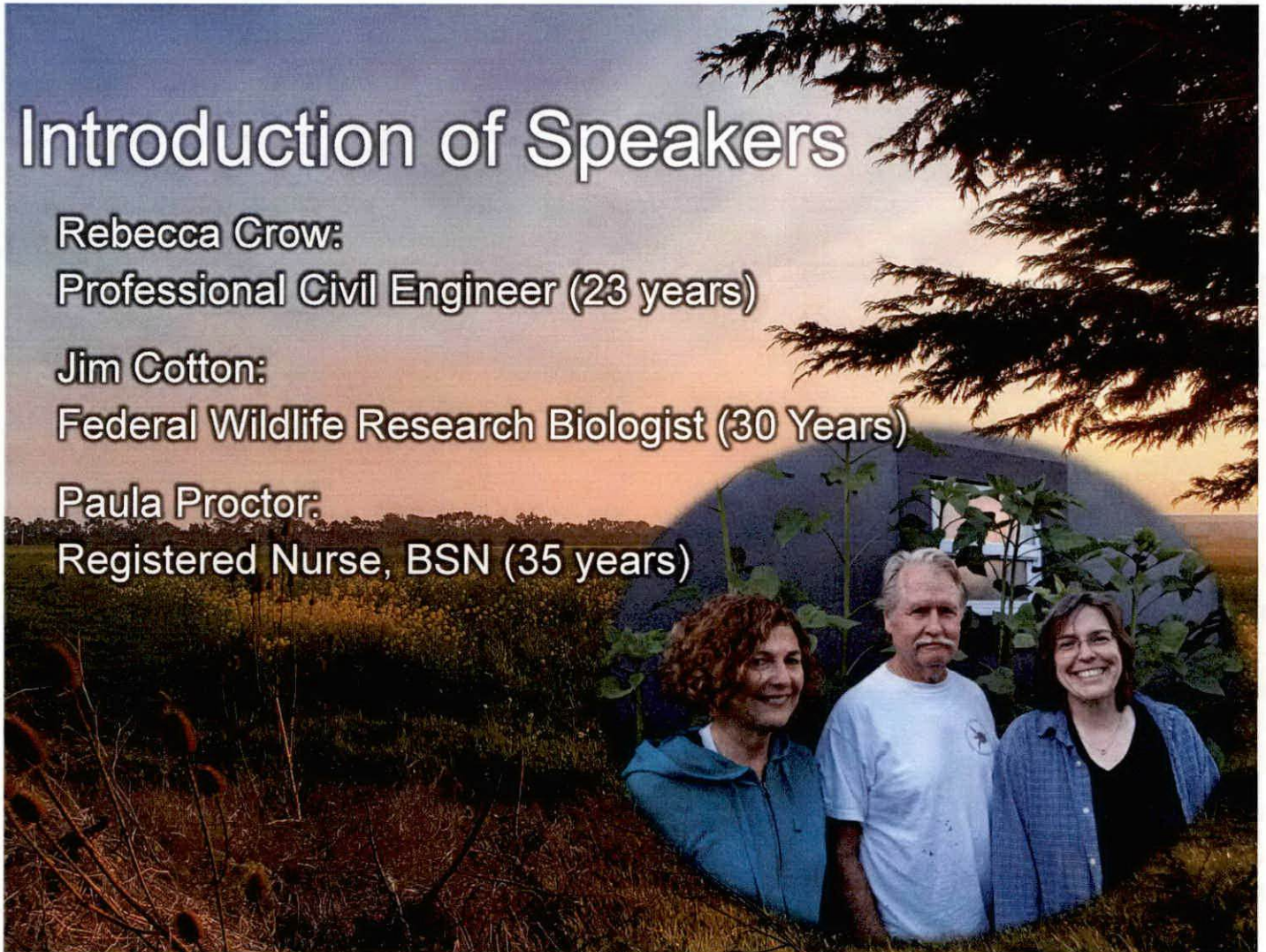
Professional Civil Engineer (23 years)

Jim Cotton:

Federal Wildlife Research Biologist (30 Years)

Paula Proctor:

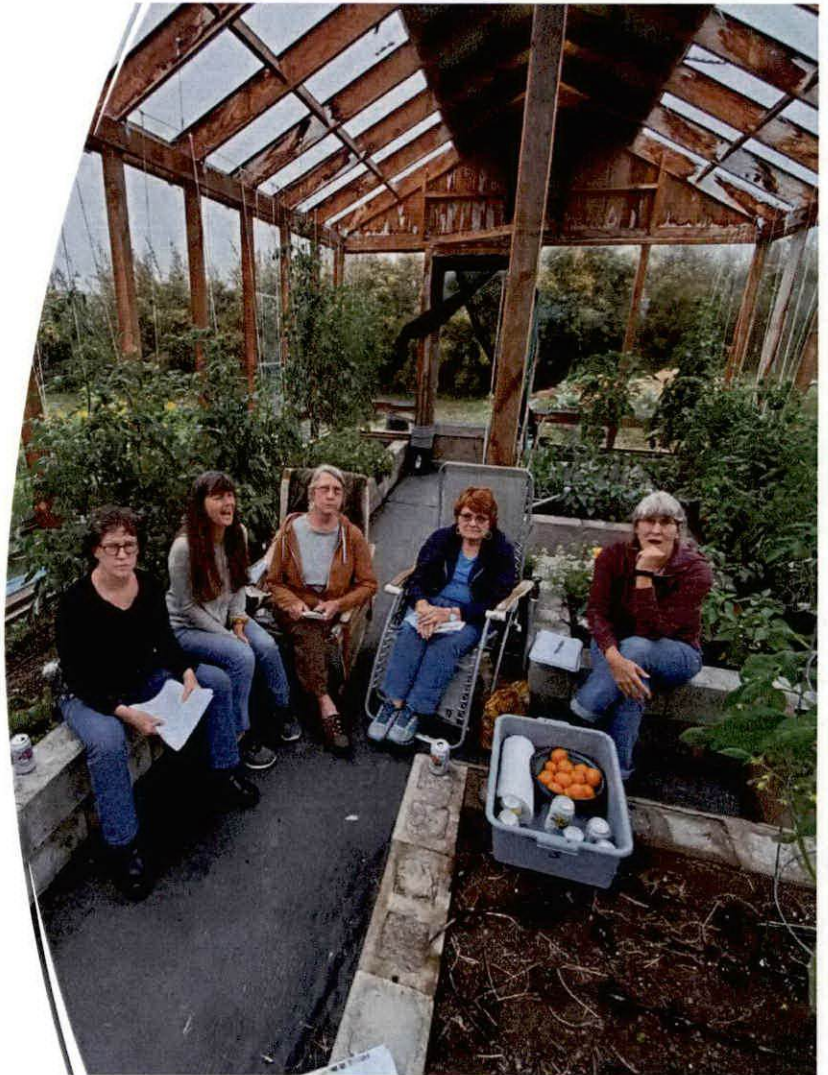
Registered Nurse, BSN (35 years)



# Community Request

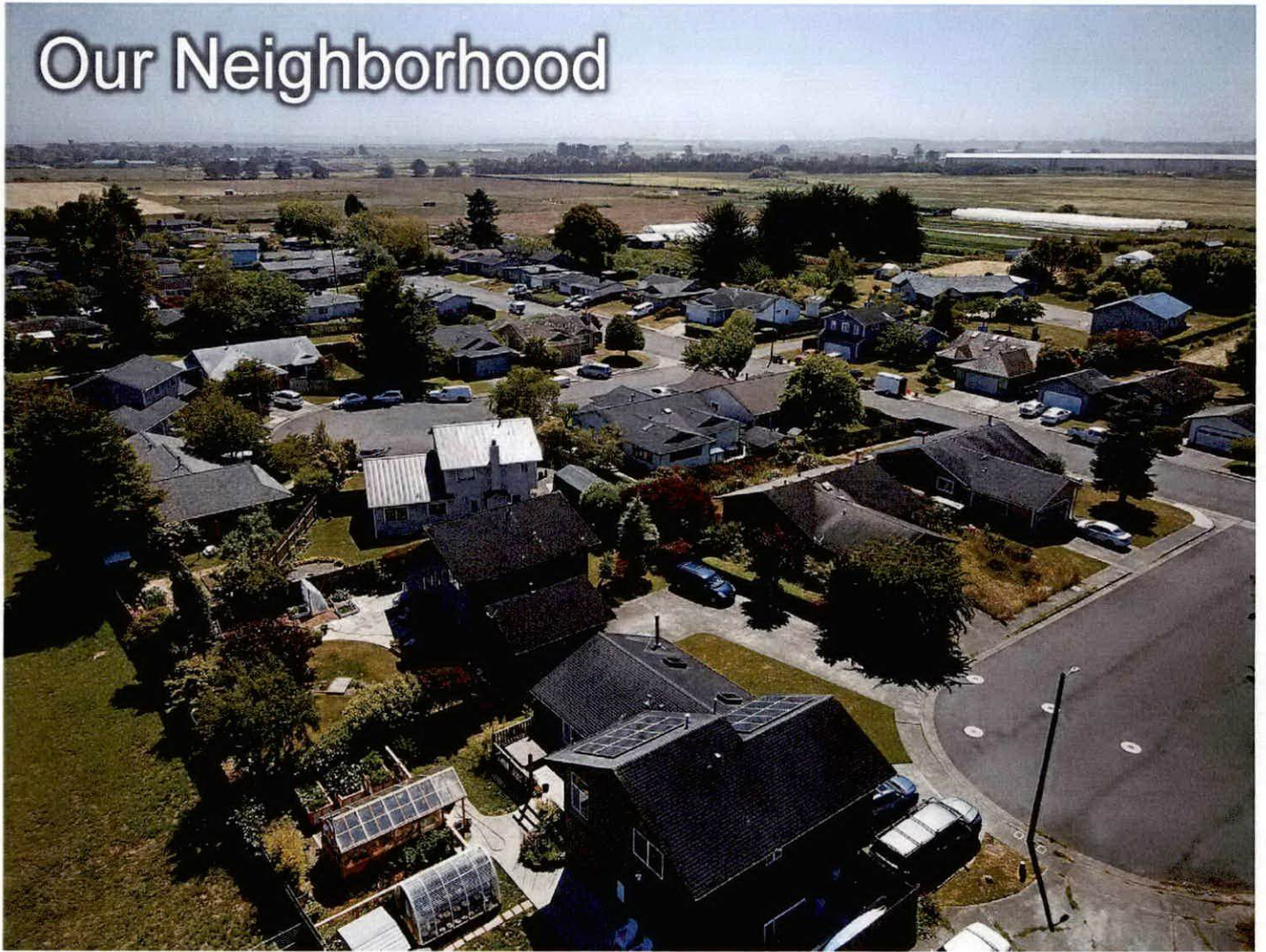
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Use your  
**Discretionary  
Authority  
to Deny**  
PLN-12255-CUP





# 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

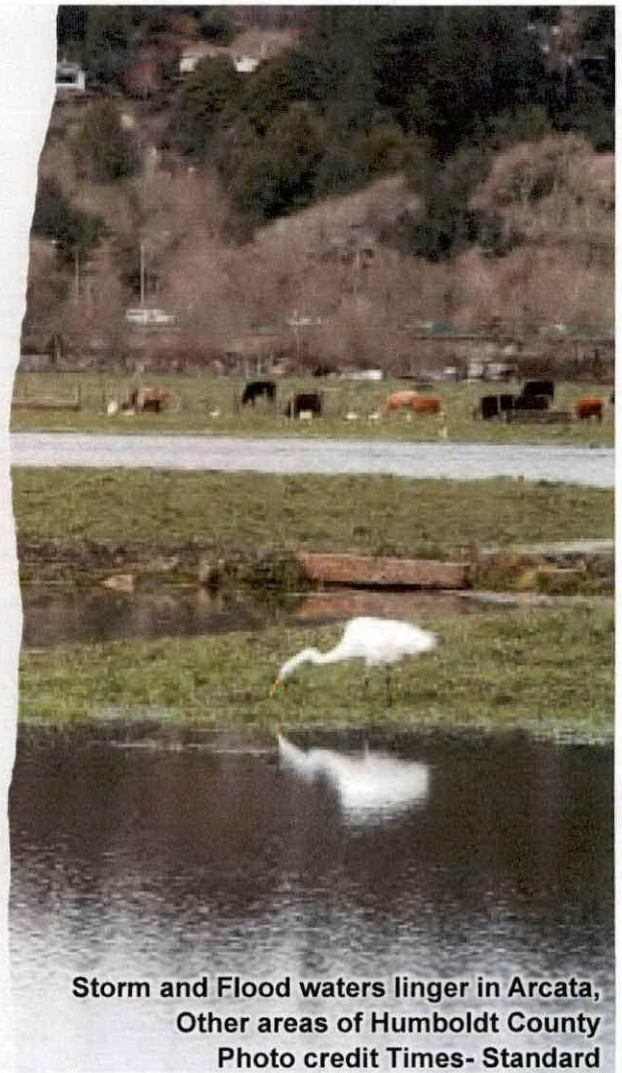
Re: **Pattern of Inaccurate Characterizations of CEQA's Standards and Requirements**

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."<sup>5</sup> 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.<sup>6</sup>

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

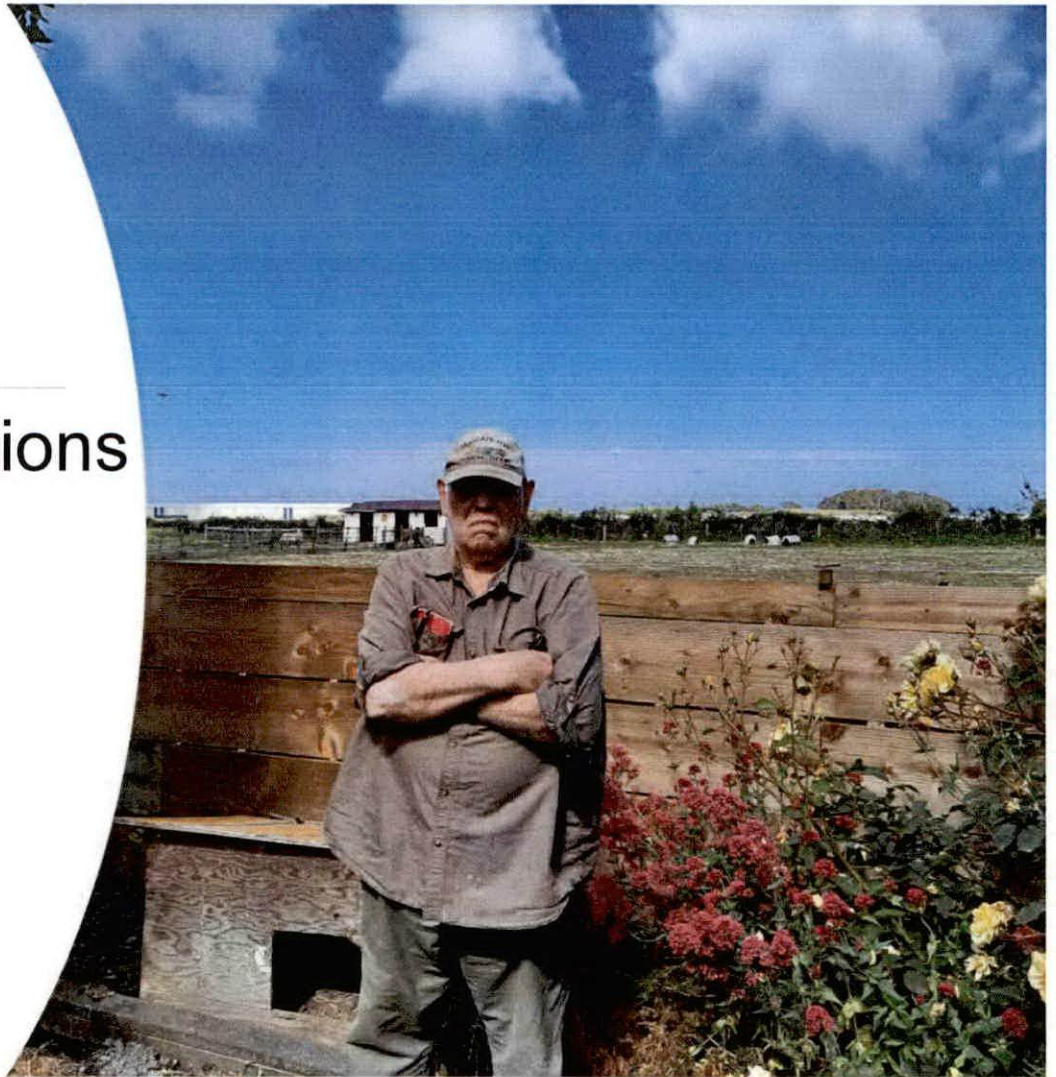
- Biological Study missed at least 14 bird species commonly seen in the area
- The Northern Harrier a California Species of special concern was not identified in the Biological Study
- There is no Mitigation Requirement for Re-Survey of the Site after Work Stoppages of more than 2 weeks
- There is substantial 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
<b>Unallocated Cultivation Acres</b>	<b>2.5</b>



**Eureka Plain is Running Out of Permit Cultivation Acres**

# Large Operations Squeeze out the Small Growers

RESOLUTION NO. 18-43

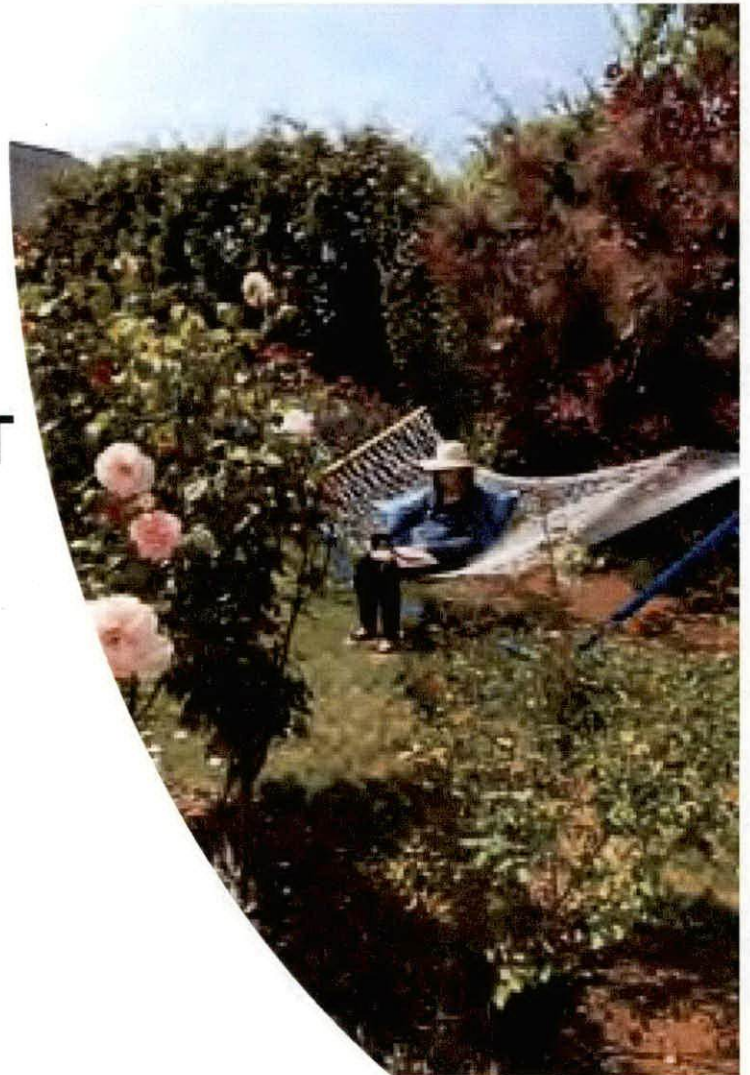
A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF HUMBOLDT ESTABLISHING A LIMIT (CAP) ON THE NUMBER OF PERMITS AND ACRES WHICH MAY BE APPROVED FOR COMMERCIAL CANNABIS CULTIVATION WITHIN UNINCORPORATED AREAS OF THE COUNTY OF HUMBOLDT.

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
<b>TOTAL</b>	<b>3,500</b>	<b>1,205</b>



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**THE FIGHT AGAINST  
INDUSTRIAL WEED  
BEGINS IN MY  
BACKYARD**



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

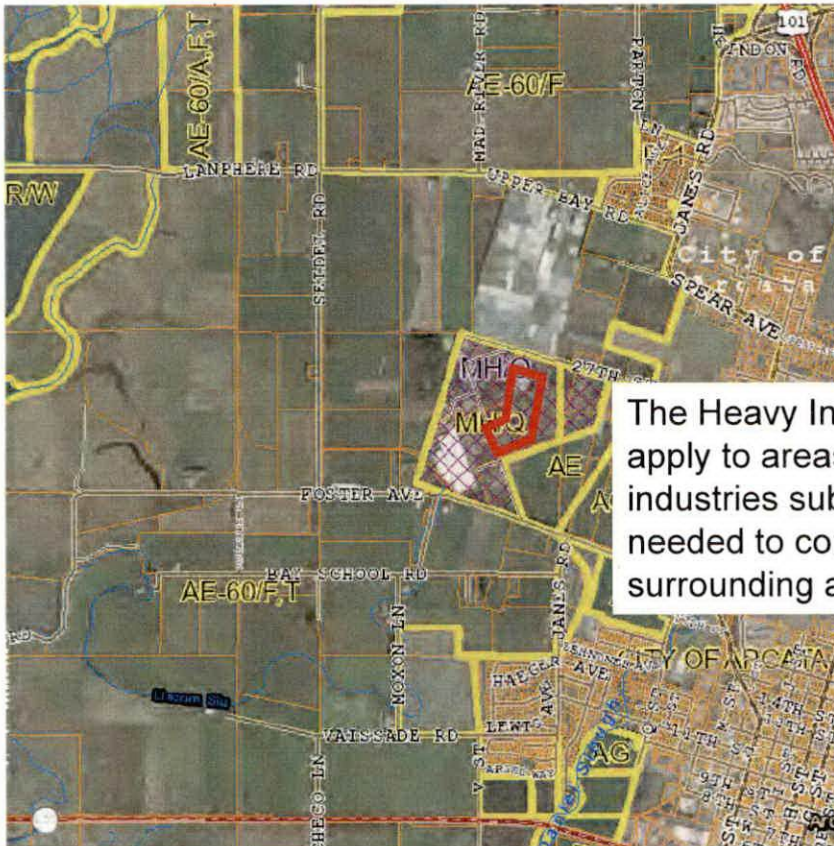
There is Significant Community Support for Protecting the Existing Agriculture, Grazing, and Nature within the Arcata Bottom



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

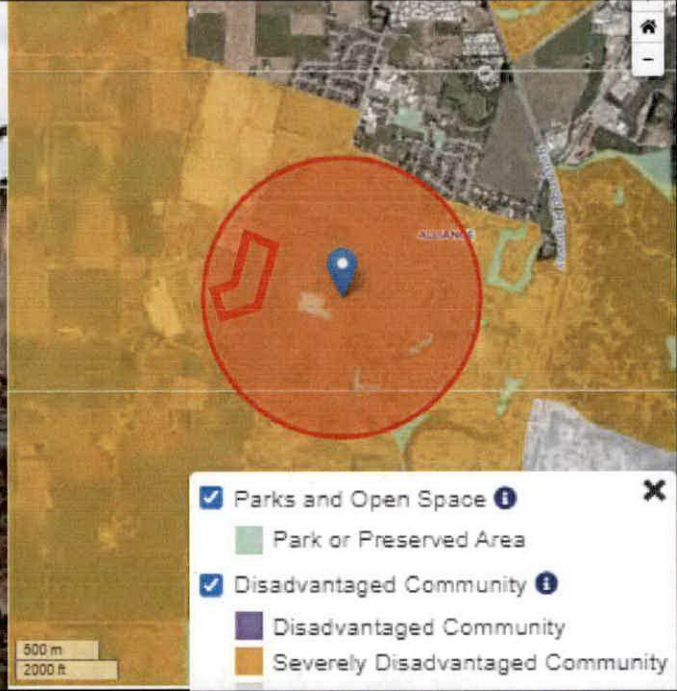


"Q-Zones"



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**

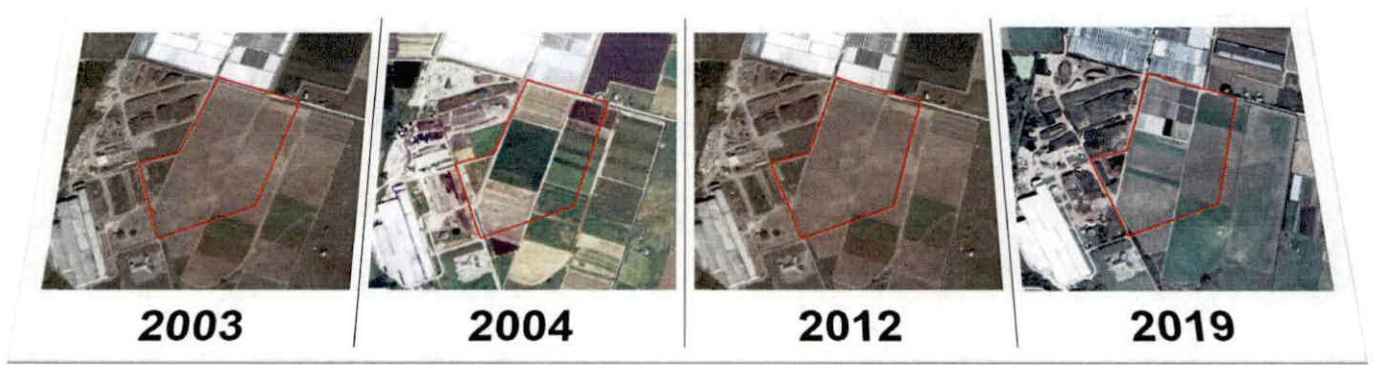
Additionally, the proposed project site in the cold, wet, and foggy Arcata bottoms, which is poorly suited to cannabis flower production, provides no conceivable benefits for the reputation or quality of the Humboldt brand, and only threatens to increase misinformation that Humboldt County has become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

<b>VI. ENERGY.</b>	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"/>

<b>VIII. GREENHOUSE GAS EMISSIONS.</b>	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, ENIG2013.6.2.4 Sustainable land care in Europe

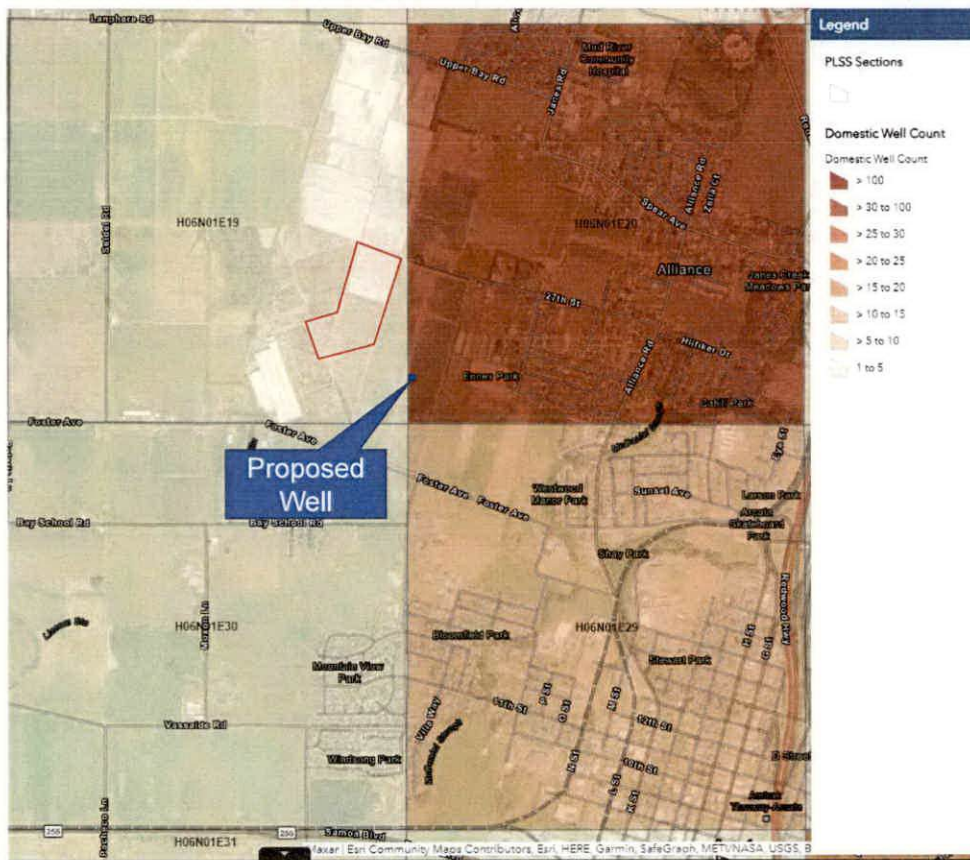


- **7 Acres of Active Ag lost at this site since 2003**
- Soil sealing: The destruction or covering of soils by completely or partly impermeable artificial material, such as sand/gravel, asphalt, and concrete.
- Soil Sealing is the most intense form of land take and is essentially an irreversible process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

# Impacts of other water users in the basin not evaluated

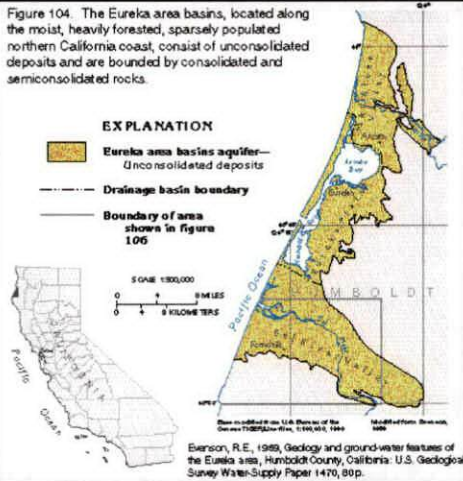


## Well Completion Reports Map Application





No well tests  
done to  
prove yield



## IS/MND Appendix D Well Completion Report

State of California  
**Well Completion Report**  
Form DWR 188 Submitted 4/6/2019  
WGR2019-004628

### Water Level and Yield of Completed Well

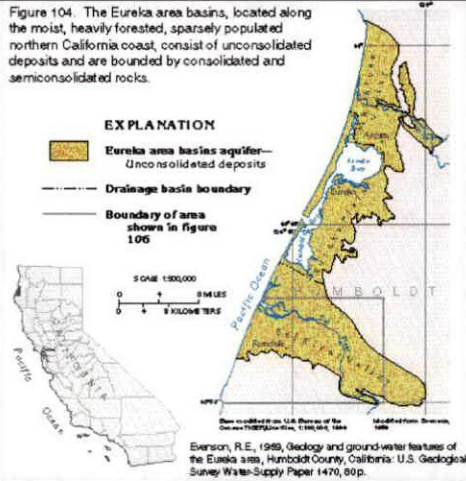
Depth to first water	21	(Feet below surface)
Depth to Static		
Water Level		(Feet) Date Measured
Estimated Yield*	400 (GPM)	Test Type Bailing
Test Length	6 (Hours)	Total Drawdown 10 (feet)

\*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

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:

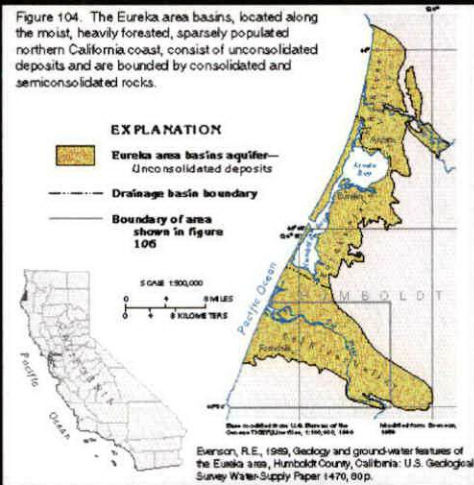
Rich Well Drilling completed pump testing and obtained a permit for an existing agriculture irrigation well on APN 506-231-011 in March 2019. The well is completed to a depth of approximately 150 feet and screened approximately 100' below surface in a state designated groundwater basin (Mad River Valley – 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



## IS/MND Text

### 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).

### 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

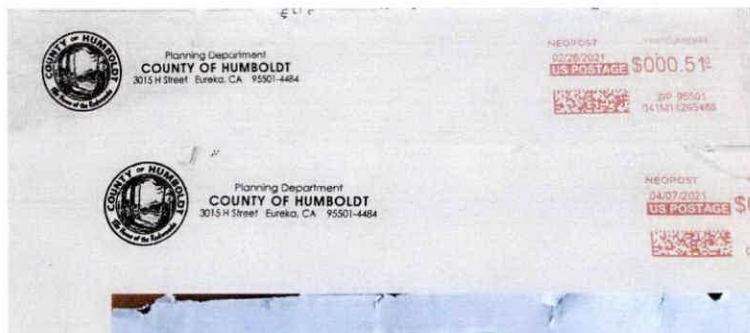
April 28, 2021 | 9:15am |



Add quote from Natlyne's Letter

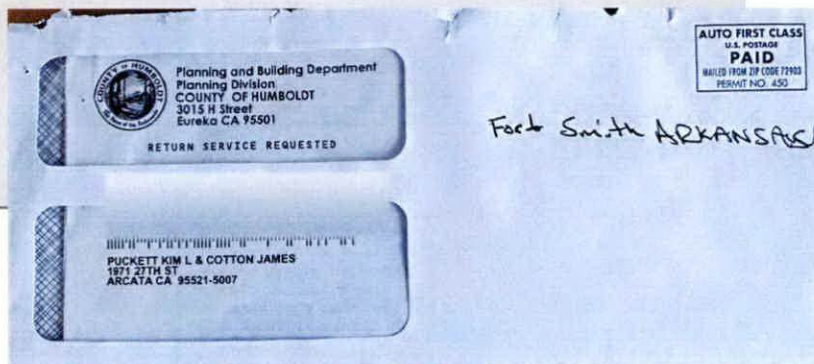
# Humboldt County Planning Department is not Encouraging Public Input

- 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



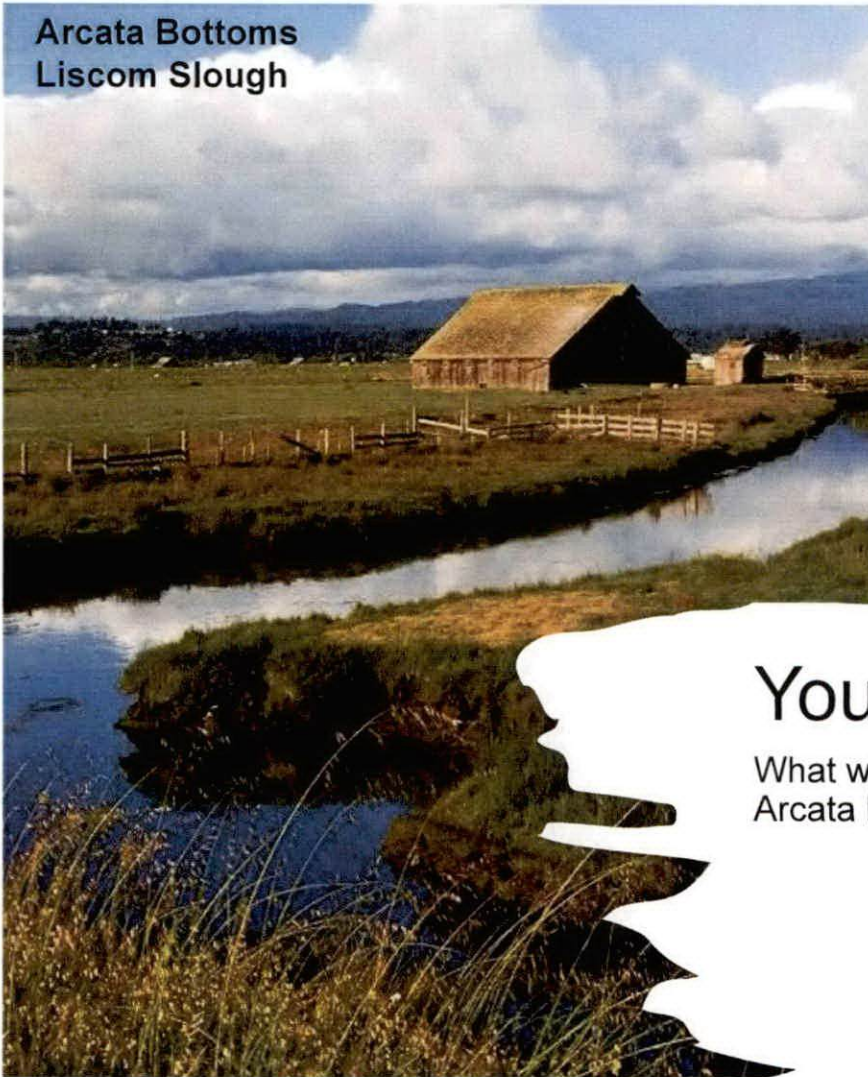
potential for solar energy production on the existing buildings. At this preliminary stage, we estimate that a photovoltaic array on just one of the rooftops could produce 2.1 Megawatts of electricity annually.

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

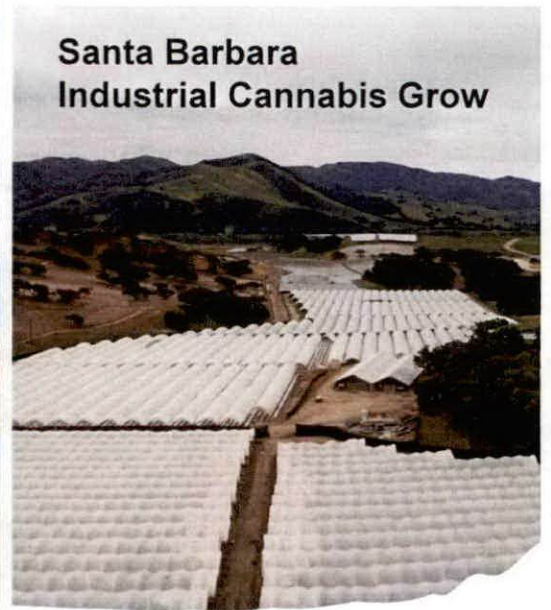
## Minimum Conditions to Protect the Community

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?

TEAM 27<sup>th</sup> COPY



# Supplemental Information for the Appeal of PLN-12255-CUP

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

# Table of Contents

## TAB 1

- July 8, 2021 Additional Supporting Material Letter from Team 27<sup>th</sup>
  - Attachment A Recent Comment Letters from Santa Barbara County
  - Attachment B May 17, 2021 Santa Barbara Independent New Article
  - Attachment C Sample Odor Control Plan and Mitigations

## TAB 2

- Original Appeal and attachment
  - Supplemental Resumes for Experts Rebecca Crow, PE and Jim Cottom, Wildlife Biologist

## TAB 3

- Presentation by the Santa Barbara Air Pollution Control District on Odor Control
- Image of Marc Byers at a cannabis site

## TAB 4

- Copy of Appeal Presentation on June 22 Board Meeting
- Copy of Rebuttal Presentation from June 22 Board Meeting



July 8, 2021

Ms. Michelle Bushnell, Supervisor  
Humboldt County  
825 5th Street, Room 111  
Eureka, CA 95501

RE: Additional Supporting Information for the Appeal of the Planning Commission decision to approve Arcata Land Co. (ALC) CUP 12255

Dear Supervisor Bushnell,

As Appellants, we want to thank you for the concern you expressed for the health and well-being of the Arcata Bottom residents during the last supervisors meeting and for requesting additional information regarding odor control before making a decision on the future of our neighborhood as it relates to the proposed cannabis cultivation for Arcata Land Company.

There are so many unknowns. The proposed odor management technology is new and even in earlier iterations it has not been used in climate conditions like the Arcata Bottom. Will it effectively deal with odor? Will it eliminate problems with noise? There is no data to know. As you so well-acknowledged at the meeting on 6/22, consideration of the human and social costs need to be considered as does the potential that the project may not go as well as the Applicants wants. Ensuring this is good for the neighborhoods in the Arcata Bottom and good for Humboldt County is vital. Phasing in, starting at one acre or less, would allow real-time data collection for this new, unproven technology and would allow for changes to be made if problems arise. The phased in approach with a 2-acre cap (per the general Plan designation), while not our first choice, is one we could live with.

We, the Appellants, would also welcome the opportunity to work with the Applicant through the initial phase of the project. We want to try to join together to take care of our community and neighborhood. We would welcome the opportunity to work with the Applicant for a year to find solutions to any problems.

## Santa Barbara Reference Issues

We thought it might be helpful for you to read four quotes from an interview with Melinda Burns on 7/2/21. Burns is an award-winning environmental reporter who has covered Santa Barbara since 1985. "People on the ground are left to fend for themselves, in the face of life-altering changes to their health, safety and economic well-being, inflicted by the politically-wired pot industry", Burns said in the interview with Newsmakers. In this interview, she talks about how the controversial and much-criticized Santa Barbara cannabis ordinance has disrupted life for thousands of locals and is a huge and ongoing news story that is hiding in plain sight.

Time markers from the interview in minutes and seconds are indicated by the ( ) at the start of each quote from the interview. The four quotes are:

- Quote 1 (11:55)- "[it's a] system that emits a kind of a thin mist...of vapor into the air that neutralizes the cannabis smell and instead you smell something like supposedly citrus or pine. Many people say it smells like a laundromat...some people say it irritates their lungs worse than the cannabis."
- Quote 2 (12:38)-"The newest technology that has come in starting late last year are the carbon filters or scrubbers that are placed inside the greenhouses...that technology is being tested, I think, right now in some of the greenhouses."
- Quote 3 (25:50)-"Will the carbon filters work? We don't know."
- Quote 4 (26:50)-"It's like we're having to invent controls on the industry as we go and we already know that the people, yes, the quality of their lives is being affected."

The link to the full 35-minute interview is here: <https://www.newsmakerswithjr.com/post/press-clips-people-on-the-ground-left-to-fend-for-themselves-under-sb-s-pro-industry-pot-law?fbclid=IwAR0WYQ1yZya8kQw0LGzbmwsUgmJJBZYRP-QWuNUYshV6oMBceRrK9CjmonE>

## Proposed Phasing and Odor Technology

At the conclusion of the June 22 Humboldt County BOS meeting, it was apparent that the BOS is not going to deny the CUP but is considering a phased approach with an acreage cap on the cultivation. While 1-2 acres are not something the Appellants fully embrace, the phasing approach, with a cap of 2 acres maximum (per the General Plan designation for the two parcels) as proposed by Supervisors Wilson and Madrone would be acceptable to the Appellants providing it protects the health, safety, and well-being of our community. This process would allow for modification of the various systems should problems be encountered and it would also serve to help improve relationships between the Applicant and Appellants.

**After the research of Ecosorb (see below), it is important to start the phasing system with a non-chemical approach to odor management.** From the literature reviewed, the use of carbon scrubbers inside the greenhouses may be the best technology for odor management



and should be tried prior to using Ecosorb or any other chemicals. Should this fail, then other options could be explored together.

### **Issues with Ecosorb CNB 100 Testing for Cannabis**

The odor control methods being used in Santa Barbara County were investigated and it was revealed that while the Byers Vapor Phasing system may be useful in the elimination of odors from solid waste facilities, it remains unproven in safely eliminating odors from cannabis greenhouses emissions. The only case study using Ecosorb CNB 100 for cannabis (the proposed odor control product for the Arcata Land Company cannabis grow) that was found online was from the Ecosorb web site which was for a 4,000 sq. ft. facility that also utilized internal recirculated air with carbon scrubbers and UV technology.

[\(https://ecosorbindustrial.com/resources/case-studies/cannabis-enterprise/\)](https://ecosorbindustrial.com/resources/case-studies/cannabis-enterprise/) **Because the proposed ALC 8 acres grow is 80 times larger than this case study, the results may not be comparable due to the increased canopy size.** This study does, however, lend some credence to the use of internal carbon scrubber technology.

### **Ecosorb Loss of Effectiveness in Windy Environments**

Perhaps the biggest unknown in using the Byers system is its effectiveness in a windy environment such as the Arcata Bottom. This system depends on the liquid Ecosorb CNB 100 that is vaporized and dispersed around the greenhouses via external piping. According to *The Ecosorb Engineering Manual*,

[\(https://mail.google.com/mail/u/0?ui=2&ik=8632b61907&attid=0.1&permmsgid=msg-a:r-6945066724686598691&th=17a723ba2413b93a&view=att&disp=inline&realattid=17a71eef355c018d23a1\)](https://mail.google.com/mail/u/0?ui=2&ik=8632b61907&attid=0.1&permmsgid=msg-a:r-6945066724686598691&th=17a723ba2413b93a&view=att&disp=inline&realattid=17a71eef355c018d23a1): the efficiency/effectiveness of Ecosorb in controlling odors can be changed by manipulating the following variables:

1. Increasing the concentration of Ecosorb® [CONC] (dosage rate)
2. Decreasing the size of the atomized droplet [SIZE]
3. Increasing the contact between malodor and droplet [TIME]
4. Increasing the velocity of droplets and therefore impact velocity [VEL]
5. Changing the polarity of the droplet [POL] (we usually have little control here)

The amount of time that Ecosorb will be in contact with the air exhausted from the greenhouses is a function of the wind speed. The **average mean** wind speed in the Arcata Bottom, which is somewhat comparable to the data collected at our airport, varies throughout the year ranging from 6.9 to 9.2 mph (**and sustained winds are often in excess of 20 mph in the Bottom, with gusts often exceeding 25-30 mph**) (<https://weatherspark.com/y/145167/Average-Weather-at-Arcata-Eureka-Airport-California-United-States-Year-Round>). At these wind speeds, Ecosorb will have little time to mix with the odors so the dosage rate of Ecosorb might have to be increased in order to achieve the desired effect.

## **Ecosorb Potential for Negative Health and Environmental Effects**

OMI, the manufacturers of Ecosorb, had CPF Associates (an LLC that provides consulting and project management services in environmental science and public health) conduct an assessment of Ecosorb. On January 8, 2020 CPF Associates sent a memo to OMI discussing their assessment, "Screening Health Assessment of Odor Control at Cannabis Greenhouses." The potential for health concerns related to Ecosorb was evaluated by comparing the calculated air concentrations to the health criteria. If the calculated air concentration for a compound or odor control product is lower than the corresponding inhalation health criterion, adverse public health effects would not be expected to occur under the assumed odor control application scenario. If an air concentration exceeds its criterion, this does not mean that adverse effects would occur among the general public because of the conservative assumptions included in both the derivation of the criterion and the calculation of air concentrations. **Rather, it indicates that further investigation may be warranted, using more refined and realistic assumptions, to help determine whether or not levels in air may present a potential public health concern.**

Additionally, the memorandum states that "ECOSORB CNB 107, which is the newest iteration of the product:

12.2 Persistence and degradability Bio degradability in water: 'no data available.'

12.3. Bio accumulative potential: 'Not established.'

12.4. Mobility in soil: The product is predicted to have high mobility in soil. Soluble in water."

The above information, coupled with the fact that there has also been no analysis of the surfactant used with this product, suggests that questions regarding impact on the environment remain unresolved and this product should not be used in this application until further studies can be undertaken.

The most troubling aspect of the odor control systems for the Appellants is the unknown health risk of using a product such as Ecosorb. There were many letters submitted to the Santa Barbara Board of Supervisors regarding the effects of Ecosorb on neighbors living near grows (these letters are included as Attachment A to this letter). To date, there are no long-term studies on the health impacts on humans. There is some evidence, per the letter from Greg Gandrud, dated May 23, 2021 in Attachment A, that Ecosorb also inhibits some forms of plant growth. Attachment B is a May 17, 2021 Article for the Santa Barbara Independent describing the continuous odor complaints with the use of Ecosorb and discussions of alternate technologies.

## **Summary of Ecosorb Issues**

Given the suspected health implications and the unknown effectiveness of Ecosorb combined with the uncertainty of new technologies such as scrubbers on our environment, the phasing-in of the ALC cannabis cultivation is the most logical approach in providing protection for our residents and neighborhoods. Again, starting small with phasing allows opportunities for dealing with issues that arise in a timely manner thereby reducing tensions between the Applicant and Appellants.

## **Off-Site Fan Noise Monitoring and Controls**

One thing we would like to be considered: associated with the sealed greenhouses and odor control equipment are interior fans for the scrubbing process as well as exhaust fans. We are concerned about the amount of noise that will be generated and given this concern, have initiated baseline monitoring of noise levels at the property line with an approved decimeter. If the grow is allowed, should decibel reading surpass 60 decibels, we will notify the County Planning Department/code enforcement division of the violation. The IS/MND did not have a maximum limit to the time that the applicant had to correct a violation. The County should add a maximum time to correct any violation after which penalties would be assessed.

## **Odor Management**

In addition to the phasing in process and a cap of 2 acres, we respectfully request a detailed Odor Management Plan be submitted by the Applicant. Attachment 3 includes an example of an Odor Control Plan from Santa Barbara titled "SANTA BARBARA COUNTY PLANNING COMMISSION Staff Report for the Appeal of Creek Property LLC. Mixed-Light Cannabis Cultivation Hearing Date: May 26, 2021 Staff Report Date: May 19, 2021 Odor Abatement Plan" which may be a useful template for the applicant to follow.

In the long run, doing a phased-in approach saves time and money for all parties (the County, the Applicant, and the Appellants). Capping the grow at two acres, per the General Plan designation, is an opportunity most growers in Humboldt would be thrilled to have.

We'd like to extend our thanks once again, to the Supervisors for their consideration and concern for the health and well-being of our neighborhood.

Sincerely,

James Cotton and other Appellants

# ATTACHMENT A

## RECENT COMMENT LETTERS FROM SANTA BARBARA

May 22, 2021

Dear Commissioners,

I am writing to request that you uphold the appeal and oppose Creekside Property, LLC for the many reasons we have repeatedly presented to your commission, from the outset. I am reiterating some of them, here:

1. Most of us voted for Prop 64. We attended initial Town Hall meetings and supported Planning & Development's sensible, 2017 PEIR. However, the Ad Hoc Committee/BOS failed to adopt P&D's prudent recommendations, which would have avoided "Significant, Negative Class-1 Impacts." As a result, BOS opened Pandora's box, blatantly embraced pot industry and created a countywide crisis that "We the People" have been subjected to, ever since!
2. There is an oversaturation of cannabis in Carp and other areas. Hundreds of Odor Complaints have been filed. Many more have gone unreported because of perplexing, tedious process where residents have to prove where odor is emanating from. Nothing has been remedied! In 2018, Commissioner Blough advocated for "carbon filtration systems." His advice went unheeded and instead, pot proponents introduced the Byer's system, in 2019. Thus far, this system has proven to be unreliable and it has not been tested for this specific use. Potential toxins may be wafting into the air that people are forced to breathe, adding to the skunk smell of weed. When Lisa Plowman first spoke the words, "Best-Available Technology" last year, I thought, 'Oh! Oh! Here we go again. Another loop-hole law and bogus ploy, where SBC appeases growers and avoids the real issue, resolving the odor problem.  
My solution for odor issue:
  - a. Require that "Best Available Technology" be proven safe and effective (carbon filters). If odor is discovered coming from grower's site(s), confiscate all products, immediately and file a 'cease and desist order' for one-year. I believe that "law" would protect legitimate growers and motivate others to clean up their act, rather quickly, don't you? I think it's an effective way to separate the "legitimate weed" from the "chaff."
  - b. Require renovated sealed greenhouses.
  - c. Heed Commissioner Blough's initial recommendation to use "carbon filters." To my knowledge, this is currently the 'best available technology.'
  - d. Ban cannabis in SBC and/or regions that P&D initially recommended, in the 2017 PEIR..., which included Carpinteria.
3. What, if anything, is the County doing to address drought concerns? For years, we observed and documented Tepusquet growers hauling in tens of thousands of gallons every day (no operable well), for three, provisional licenses. Growers claimed to be using, "state-of-the-art-technology" and described this technology to me, in detail. It sounded good. However, this was never proven to be effective because the water tankers kept hauling in the water. As with most broad-leaved plants, Cannabis requires copious amounts of water and nutrients to flourish and produce desired results - big, fat, sticky buds. I have been an organic gardener for years and am well-aware of what plants require and the consequences of underwatering and/or underfeeding various, high-demand veggies/fruits/landscape plants.
4. Set time limits for growers to complete various stages of the permit/licensing process. Some Tepusquet growers have been operating illegally and/or non-compliantly, since 2014 (seven years!). They have dragged their feet through the entire cannabis licensing process and have yet to meet CUP requirements and/or respond to their planner, 'in a timely manner.' They will never feel compelled to meet any requirements because current, County tactics allow them to continue operating, *ad nauseum*, without consequences (emphasis added).

No other business in this County, is allowed to sell products to consumers without first, going through a rigorous licensing process. No other business has huge, significant, negative Class-1 Impacts on residents. No other business requires the level of oversight, security and/or law enforcement to supervise it. The cannabis industry is costing taxpayers more than we are benefiting. In the April 2021 budget workshops, SBC Sheriff, Chief Deputy Bonner stated, "...that of the 108 growers, 50 percent claimed no income or did not file at all." Most growers fail to pay their fair share in taxes (extra emphasis added).

Respectfully Submitted,  
Renée O'Neill

3

5/22/21

**Villalobos, David**

---

**From:** Gregory Gandrud <Greg@gandrudfinancial.com>  
**Sent:** Sunday, May 23, 2021 9:31 AM  
**To:** Villalobos, David; Lbridley2nddistpc@gmail.com; mihcael@igsb.com; larryf@laguanafarms.com; Dan Blough; JParke@aklaw.net  
**Cc:** Concerned Carpenterians  
**Subject:** Case No. 21APL-00000-00005 Appeal of Creekside Property  
**Categories:** Purple Category

**Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.**

Honorable Commissioners:

I have lived in Carpinteria for over 32 years. We are being overwhelmed by the cannabis industry and our air quality, health, and quality of life is suffering.

The Byers Vapor Phase system does not work well for controlling odors when it is used outside the perimeter of the building. The chemicals are respiratory irritants that cause health issues for neighbors and for nursery workers.

I used to live adjacent to the Ever-Bloom 15-acre cannabis grow but we were forced to sell my home of 24 years and move away because my spouse could not breathe because of the cannabis operation with the Byers system. We have had to retain an attorney and have had to sue in order to recover for the damages to my spouse's health and to my property.

Please require cannabis operations to be airtight and/or to use carbon scrubbers.

Thank you for your consideration.

Gregory Gandrud  
Carpinteria  
805-566-1475 x114

3

5/26/21

**Villalobos, David**

---

**From:** jstassinios@aol.com  
**Sent:** Monday, May 24, 2021 2:00 AM  
**To:** Villalobos, David; lbridley2nddistpc@gmail.com; mihcael@igsb.com, larryf@laguanafarms.com, Dan Blough; JParke@aklaw.net  
**Subject:** Appeal of Creekside Property LLC (formerly Roadside Blooms) Mixed-Light Cannabis Cultivation Carpinteria (Please read into the record)  
**Categories:** Purple Category

Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.

To the Santa Barbara County Planning Commissioners:

I am writing to you to request that you repeal the Coastal Development Permit issued for new cannabis cultivation and processing at 3684 Via Real in Carpinteria. I am a long time resident of Carpinteria and have been alarmed by the proliferation of new cannabis cultivation and processing sites in my neighborhood as well as those near me. This new cannabis cultivation and processing site at 3684 Via Real will be the fifth cultivation site located in or near residential neighborhoods.

The skunk like odors are particularly concerning due to the fact that there have been no long term studies done on the effects of the Ecosorb being put into the air. Please don't allow new cannabis sites to be permitted until there is a way to determine where the skunk like odors are coming from and what effects Ecosorb has on our environment and our health.

Also, during this time of drought, I am wondering where this new cannabis cultivation site will obtain their water and electricity (with Southern Calif. Edison's planned rolling brown outs due to the upcoming fire season).

Another concern I have is the increase in big rig truck traffic using two lane roads to travel to and from these sites. Recently, I was almost hit by a big rig truck backing into 4610 Foothill Road to load up with cannabis products. The driver of the big rig truck did not signal and stopped immediately in front of me and started to back up. I was sure the big rig truck was going to hit me as the driver continued to back up towards my car despite my continuous horn honking. The big rig blocked both lanes of Foothill Rd., near a blind curve, backing into the cannabis processing site. Fortunately, nobody was hurt. Unfortunately, this situation is an accident waiting to happen.

Please do not allow the over concentration of cannabis cultivation and processing sites in residential neighborhoods. Please repeal the Coastal Development permit issued for new cannabis cultivation and processing at 3684 Via Real in Carpinteria.

**Villalobos, David**

---

**From:** Anna Carrillo <annacarp@cox.net>  
**Sent:** Monday, May 24, 2021 11:33 AM  
**To:** Villalobos, David; Michael Cooney; Laura BradleyPC; larryf@lagunafarms.com; Dan Blough; JParke@aklaw.net  
**Subject:** 21APL-00000-00005, Appeal of Creekside Property LLC (formerly Roadside Blooms)  
**Categories:** Purple Category

**Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.**

To: Planning Commission  
From: Anna Carrillo  
May 24, 2021

3

5/24/21

Please support the appeal of this project on behalf of the Santa Barbara Coalition for Responsible Cannabis for the following reasons:

1. One of the conditions in all the OAPs is that there will be quarterly inspections during the first year of operation. When I tried to follow-up on the inspections done at the only fully permitted project (as of Aug. 2019) at 3561 Foothill Rd. in this "Nidever rectangle" I was told that these inspections have NOT OCCURRED YET BECAUSE OF THE INABILITY TO IDENTIFY THE SOURCE OF THE ODORS AND THIS WOULD NOT OCCUR UNTIL ALL THE OPERATIONS HAVE BEEN PERMITTED. There are currently 4 cultivation sites (3 growing with state provisional licenses) and this project would be a 5th NEW OPERATION. There are an additional 3 not even cultivating in the pipeline. How can new operations be permitted when the only 1 permitted operation since 2019 that is currently having significant odor issues has not even had their required quarterly inspections completed yet?
2. See accompanying picture of all the parcels currently growing and this new one. (3504 Westerley is not cultivating though an application under another name is in the pipeline).
3. When the wind blows off the ocean toward the the hillside of the La Mirada EDRN, the stench settles down into the homes or directly into the residences. Residents here can not enjoy having their windows open or being outside.
4. This project is not satisfactory if there are only Byers vapor phase pipes placed inches below the open vents around the perimeter of the 3 greenhouses hoping to catch all the cannabis odors drifting down. This site either needs to have sealed greenhouses or carbon scrubbers required. The odor must not leave the greenhouses to blow into the residences directly up the hill.
5. As the building right next to Via Real will be used for processing, solar equipment should be required to be on the rooftop.
6. There have been no long term studies on the effects of the use of Ecosorb 100/107 24/7 on the health of the community.



7. If this appeal is denied, there needs to be added to the project description the use of Best Available Technology when better technology becomes available.

8. As far as I'm aware the odor problems at the only permitted operation at 3561 Foothill is still causing issues for the annual Business License renewal which is still under review.

9. As this project will be using water from the Carpinteria Valley Water District, I think it is important to know how much water will this operation use?

**Villalobos, David**

---

**From:** merrily peebles <merpeebles@gmail.com>  
**Sent:** Monday, May 24, 2021 3:14 PM  
**To:** Villalobos, David; Dan Blough; Michael Cooney; Larry Ferin; John Parke; Laura Bridley; sbcob; Nelson, Bob; Harman, Joan; Hart, Gregg; Lavagnino, Steve; Williams, Das; Heaton, Brittany; Frapwell, Jeff  
**Subject:** Public Comment re Creekside Property, LLC, May 26  
**Categories:** Purple Category

3  
5/26/21

**Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.**

Dear Commissioners,

How many times must one ask for consideration for our quality of life in Carpinteria? The footprint of cannabis is seemingly uncontrolled in Carpinteria and the odor issue is still present. Creekside LLC at 3684 Via Real is the next example. This is the 5th cultivation site within sight of La Mirada and Santa Claus/Padaro. The existing four have not demonstrated odor control and when complaints are filed the Planning Dept. says **there is nothing that can be done until all four have business licenses**. Can you believe that? First it was wait until the grower gets a business license. Now one grower has a business license and we are told:

**"Since there are three other unpermitted cannabis operations adjacent to G&K, the Professional Engineer/Industrial Hygienist has no method to determine where any cannabis odors originated. Holding the only permitted cannabis operation accountable for any cannabis odors that are present in the vicinity would be not supportable since there are other adjacent grows and there is not a method to trace an odor to a precise source. The Department is currently exploring other methods to determine effectiveness of the odor control systems. Full implementation of the condition will be possible when all four projects are permitted.**

Seriously, when do you think all four projects will be permitted? Now you are contemplating adding another project into the mix? Creekside needs to be put on hold until the County finishes "exploring other methods to determine effectiveness of the odor control systems" or told they must use carbon filters for all buildings and greenhouses.

At the Autumn Brand permit meeting a staff member said "if I stand at the property line and don't smell anything I know there is no problem" Well I drive by property lines all along Foothill and Via Real and smell cannabis. Is that not a problem? I also smell it at my home when the wind is right.

I have a big concern about the Byers Vapor system. There will be 100's of miles of these pipes in Carpinteria Valley. The EPA has never approved this vapor for the way it is used to mask cannabis in residential area. We don't know long term effects. Yet the cannabis industry is allowed to grow and process their product without first, going through a licensing process that guarantees no odor or harmful air quality by-product. We have pointed out many times, the air in Carpinteria is held in the valley due to its geographical position. No other business has huge, significant, negative Class-1 impacts on residents like cannabis.

**Villalobos, David**

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**From:** anna bradley <annaberit@hotmail.com>  
**Sent:** Monday, May 24, 2021 6:20 PM  
**To:** Villalobos, David; Dan Blough, Michael Cooney; Larry Ferini; John Parke; Laura Bradley; sbcob; Nelson, Bob; Hartmann, Joan; Hart, Gregg; Lavagnino, Steve; Williams, Das; Heaton, Brittany; Frapwell, Jeff  
**Subject:** Pubic Comment re Creekside Property, LLC, May 26  
**Categories:** Purple Category

3

5/26/21

**Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.**

Dear Commissioners,

Thank you for your consideration. It is my hope that you do not permit any further cannabis projects until the current odor and safety issues have been resolved in Carpinteria. My family lives in the La Mirada area above Foothill. I cannot drive to or from my house without experiencing cannabis odor overtake my car on any day - specifically in the corridor between 3561 and 3615 Foothill. The Byers system is not working. Though I live steep up the hill, my family continues to experience cannabis odor problems daily in our home and on our property. It could be 2am. It could be 9:30 pm. It could be, and most regularly is, around 8:30-10am. It could be anytime. This is our experience. It is real. We have to choose either to close windows (whatever the temperature is outside) or to leave our property entirely if the odor is too strong. I've even been advised to replace or upgrade windows, buy industrial air scrubbers and even more, and at whose expense? I continue to do as we have been asked, log complaints and be patient and be vocal.

Please spend some time in the residents' shoes. Come take a drive down our lanes and park in a driveway at the base of Foothill and experience the odor. Please calculate that experience into your decisions.

I voted for prop 64. I am not against cannabis. I am not against job creation. I am just against what a mess this has become. It doesn't need to be this way. Why expand further cannabis grows thru permitting before correcting what already exists? If we continue this way, I think it is just more honest to say, the County really does not care about the odor and unknown health risks to its residents. It cares more about expanding the cannabis operations.

Thank You Again,  
Anna Bradley  
La Mirada

To Whom It May Concern:

We are residents of Linden Meadow in Carpinteria, a community of forty homes immediately adjacent to the greenhouses located at 4701 Foothill and 1495 Sterling Road, Carpinteria. For the last few years, we have been regularly subjected to the heavy, skunky odors of cannabis growing in the greenhouses surrounding our area. The smell can be overwhelming - day or night. We often cannot open our windows because of the odor, and frankly, even closing the windows does not help on some odoriferous occasions. This is a public nuisance that severely impacts our neighborhood as well as other surrounding areas. We strongly request that all relevant agencies do everything possible to ameliorate this situation.

We are also concerned about the health effects of the Byers odor amelioration system currently in use. It has certainly not eliminated the problem, as we still smell the odor. Some of our residents suffer allergic reactions or migraine headaches due to the vapors produced by the Byers system. Elected representatives and regulatory agencies should endeavor to protect the health and safety of all our citizens.

We object to increased cannabis production especially as it is taking place literally a few hundred feet from our homes unless a proven effective odor elimination system is installed and in use in all cannabis farms in the Carpinteria area. It makes no sense to allow additional cannabis production in our area until an effective odor containment system is in place in all existing and future greenhouses.

To reiterate, the residents of Linden Meadow are strongly opposed to more cannabis production here or in the Carpinteria valley until the growers put effective odor containment systems in place. Please keep our beautiful little City of Carpinteria a healthy, pleasant, and odor-free place to live.

Our hope is that the city council, other agencies involved, and our county supervisors will be responsive to our objections as they are a major concern to our community.

Sincerely,

Linden Meadow Homeowners

3

5/24/21

# ATTACHMENT B

## SANTA BARBARA INDEPENDENT ODOR ARTICLE

Additional Supporting Information for the Appeal of the Planning Commission decision  
to approve Arcata Land Co. (ALC) CUP 12255

# Is Byers Scientific the Solution to Carpinteria's Odor Issues?

Mixed Reviews About Odor-Control Technology



*Credit: Courtesy*

By **Sunidhi Sridhar**

Wed Mar 17, 2021 | 8:47am

Hardly any commercial enterprise escaped the past year unscathed, but the cannabis industry, which celebrated a banner year in 2020, was not one of them. Marijuana sales surpassed a record-shattering \$18.3 billion, and five U.S. states passed legislation to legalize recreational cannabis use, propelling the burgeoning industry to unprecedented levels.

As the number of prospective cannabis growers looking to venture into the lucrative business has surged across the country, neighborhoods and communities in Santa Barbara County that are situated near these farms and greenhouses are faced with an unwanted byproduct: the pungent odor of marijuana cultivation.

Anna Carrillo, also a member of the group, echoed these concerns.

"Many residents complain of burning, itchy eyes, asthma, and other health issues from this new ingredient," Carrillo said. "When the high school was in session, many people complained of headaches and nausea. Classrooms had to be aired out every morning."

Despite these protests, Byers insisted that his company's technology posed no health or environmental risks to the seaside town's inhabitants.

"Studies have been done, ad nauseum quite frankly, for both short-term exposure and long-term exposure," he said. "There is no danger here whatsoever."

Thu Jul 08, 2021 | 21:17pm

<https://www.independent.com/2021/03/17/is-byers-scientific-the-solution-to-carpinterias-odor-issues>

# ATTACHMENT C

## SAMPLE ODOR CONTROL PLAN

Additional Supporting Information for the Appeal of the Planning Commission decision to approve Arcata Land Co. (ALC) CUP 12255



## Odor Abatement Plan

**SANTA BARBARA COUNTY PLANNING COMMISSION Staff Report for the Appeal of Creek Property LLC. Mixed-Light Cannabis Cultivation Hearing Date: May 26, 2021 Staff Report Date: May 19, 2021**

**Odor Abatement Plan.** The applicant for cultivation, nursery, manufacturing (volatile and non-volatile), processing, microbusiness, and/or distribution permits, shall (1) prepare and submit to the Department for review and approval, and (2) implement, an Odor Abatement Plan. No odor abatement plan shall be required on lots zoned AG-II, unless a Conditional Use Permit is required. The Odor Abatement Plan must prevent odors from being experienced within residential zones, as determined by the Director. The Odor Abatement Plan shall be implemented prior to the issuance of final building and/or grading inspection and/or throughout operation of the project, as applicable. The Odor Abatement Plan must include the following: a. A floor plan, specifying locations of odor-emitting activity(ies) and emissions. b. A description of the specific odor-emitting activity(ies) that will occur. c. A description of the phases (e.g., frequency and length of each phase) of odor emitting activity(ies) d. A description of all equipment and methods to be used for reducing odors. A Professional Engineer or a Certified Industrial Hygienist must review and certify that the equipment and methods to be used for reducing odors are consistent with accepted and available industry-specific best control technologies and methods designed to mitigate odor. Approved odor control systems subject to certification as required in Subsection d above, may include, but are not limited to: 1) Activated carbon filtration systems. 2) Vapor-phase systems. Vapor-phase systems must comply with the following: a) The resulting odors must be odor neutralizing, not odor-masking. b) The technology must not be utilized in excessive amounts to produce a differing scent (such as pine or citrus). c) Use of these systems must have supporting documentation which Exposure Guideline Levels or similar public health threshold. 3) Other odor control systems or project siting practices that demonstrate effectiveness in controlling odors. f. Designation of an individual (local contact) who is responsible for responding to odor complaints as follows: Creek Property LLC. - Mixed-Light Cannabis Cultivation Appeal Case Nos. 21APL-00000-00005 and 19GDP-00000-00062 Hearing Date: May 26, 2021 Page 25 1) The local contact shall be

Appeal Case Nos. 21APL-00000-00005 and 19CDP-00000-00062 Hearing Date: May 26, 2021 Page 26 As demonstrated in the Odor Abatement Plan (Sheet A0.23 of Attachment D and Attachment G) for the Proposed Project, the Project is consistent with Article II development standards. The Odor Abatement Plan (OAP) is certified by a Certified Industrial Hygienist, includes floor plans specifying the location of odor emitting activities and emissions, and provides a description of the specific odor emitting activities and the operational phases, in which, odor emitting activities would occur. The primary odor emitting activities that will occur onsite include mature plant cultivation and processing (drying, trimming, and storage). The OAP also includes specific descriptions of all proposed equipment and methods to be used for reducing odor. The Project will include installation of the Byers vapor phase System, consisting of a holding tank containing an odor neutralizing agent, a high-flow, low-pressure blower to distribute the odor neutralizing agent through a PVC pipeline system hung around the perimeter of the greenhouses, and a real-time computer monitoring system. The existing warehouse will include a carbon adsorption-based system consisting of two carbon scrubbers within processing areas of the building, as well as HVAC exhaust ducts positioned on the exterior of the building. The OAP contains additional required information including specifying the locations of odor-emitting activities and emissions and a description of the specific odor emitting activities that will occur. A floor plan, showing the location of the odor abatement control system, perimeter distribution piping, and carbon scrubbers is shown on Sheet A0.23 of the site plans and aligns with the narrative in the written OAP. Pursuant to Condition 13 (see Attachment B), the operator must maintain the Project site in compliance with the Odor Abatement Plan throughout the life of the Project. Furthermore, Condition 15 (Attachment B) requires the Applicant to inform P&D compliance monitoring staff prior to making any changes to the product/substance used within the approved vapor phase control system

## 1.5 ODOR CONTROL BEST MANAGEMENT PRACTICES

Once operational, the project staff will implement odor control Best Management Practices (BMPs) as outlined below:

**Best Management Practice 1:** Designate an onsite *Odor Management Specialist* at the facility. This employee will be given time, resources, training, and incentives to control odors as a first priority.

**Best Management Practice 2:** The onsite *Odor Management Specialist* should at a minimum walk the Site two (2) times per day to:

- A. Ensure that all means of active odor control (neutralizing vapor or carbon filtration) are operational and in good working order.
- B. Observe onsite personnel to ensure that odor control BMPs are implemented. BMPs include keeping doors closed whenever feasible, placing waste in sealed containers, limiting processing-related activities to the odor controlled building(s). If BMPs are not consistently implemented, the *Odor Management Specialist* shall report inconsistencies to appropriate management for corrective action. Maintenance of a daily odor inspection log and check-list shall be made a part of these BMPs.
- C. The *Odor Management Specialist* shall be the point of contact to receive odor complaints from the regulatory agencies or the community. The specialist shall request as much detail as possible regarding the complaint, including:
  - i. Location (be exact, narrow it down within 100-feet or less if possible)
  - ii. Time (be exact, to the minute if possible)
  - iii. Weather conditions (approximate temperature, wind speed, etc.)
  - iv. Visual observations. Did the complainant see the cannabis facility/operations from which the odor may have come, or see any unusual activities in the observed area?

**Best Management Practice 3:** Build a company culture wherein all personnel understand the importance of odor control. Train each person in their individual odor control responsibilities at the facility. Training elements include:

- A. Ensure all employees are aware of the *Facility Odor Control Plan* for the entire Site and the odor control BMPs that apply to their tasks within the workforce.
- B. Incorporate the fundamentals of odor control in the training programs; provide this instruction in bi-lingual form as needed.
- C. Consider incentives with offsetting disciplinary measures based on odor control implementation and success.

**Best Management Practice 4:** Secondary miscellaneous odor management BMPs should be implemented consistently as follows:

- A. Facility doors should be kept closed whenever feasible. The opening of doors should occur only momentarily for entry and exit, especially in areas of cannabis processing. The installation of self-closing doors, heavy-duty plastic curtains, or other safe means of limiting fugitive odors should be considered.
- B. Keep all processing activities within the perimeter of its odor control system. Have contingency methods in place so that variations in weather conditions (especially hot weather) do not necessitate the relocation of processing outside.
- C. Acquire specially designed cannabis dumpsters with sealed lids for handling of cannabis waste. Keep lids closed.
- D. Consider using plastic bags to line plastic totes to contain/seal cannabis between processing areas as well as during offsite transport. The build-up of cannabis particulate and oil on inside surfaces of totes is a source of fugitive odors.
- E. Consider providing employees, particularly those that work in cannabis processing zones, with uniform garments and/or professional laundry services with encouragement or requirements to change clothes prior to leaving the facility.
- F. Provide properly sealed vehicles for transportation of cannabis outside of facilities, both smaller golf cart type vehicles inside the project perimeter and larger export trucks used to transport products offsite for sale.

**Best Management Practice 5:** Active odor control should start with an examination of the pertinent structural envelope. With rare exceptions, such as open field neutralization, most active odor control mechanisms utilize a structure of some kind to initially contain and channel odors to a specific location for treatment. Indoor or mixed-light cultivation utilize buildings or greenhouses to contain cannabis odors and channel them to either a HVAC system or roof/wall vents. Processing activities should occur within wood-framed, metal fabricated, or concrete tilt-up structures. Evaluating, controlling, and/or minimizing the odor releases from these structural envelopes is paramount to the effectiveness of any active odor control system. Typical examples include: keeping large rolling greenhouse doors closed whenever feasible, replacing/repairing any significant glass/polycarbonate sheeting on greenhouse exteriors, placing neutralization release points close to all roof vents or side wall fans on greenhouses, sealing leak points on processing buildings with spray in insulation or equivalent, and keeping all man or vehicle doors on processing buildings closed whenever feasible. Being mindful of maintaining a proper envelope control of cannabis odors will significantly improve the efficacy and often reduce the operating costs of active odor control mechanisms.

**Best Management Practice 6:** For all active odor control systems, proper design, operation, and maintenance of these systems is critical to their effectiveness. Therefore, in relation to the proposed vapor neutralizing and carbon filtration systems the following parameters should be addressed:

- A. The piping or equivalent means of vapor distribution should be installed such that it maximizes mixing of the neutralizer with cannabis odors released at all roof vents, active exhaust fans, and operable doors which are frequently opened. The piping must be tested for consistent pressure release over the whole length of the system and inspected regularly to ensure pipe joints have not decoupled.
- B. The total linear length of piping, fan/mechanical sizing for the vapor generation/blower unit, and volume of neutralizer released per day should all be evaluated in comparison to the overall size of the site and its proximity to receptors.
- C. Be aware that periods of downtime in vapor-phase system operation leaves portions of the facility with little to no odor mitigation of cannabis odors. Develop a maintenance plan and checklist to schedule and document maintenance activities, record replaced parts, and determine frequency of failures of the vapor phase system with a goal of minimizing system downtime to the maximum extent feasible. If possible, plan maintenance related outages to occur in the afternoon, during steady wind conditions, such that natural dispersion and dilution help mitigate the odors which are no longer being neutralized.
- D. Do not use carbon filtration systems unless they are designed by a qualified engineer/specialist and properly maintained. Using a poorly designed or maintained system is potentially worse than no system at all. Especially if the output of the system vents to atmosphere.
- E. Ensure that the processing structure has a relatively sealed envelope and institute administrative protocols/training to ensure man and vehicle doors remain closed whenever feasible to preserve the negative pressure of the system.
- F. Consider the use of structural upgrades such as mud-room style double-entry doors and the creation of substructures to contain drying or other high-intensity odors in a smaller volume of air space which needs treatment.
- G. Due to the size and intensity of odors in some processing buildings, typical off-the-shelf carbon canisters may experience odor breakthrough in a far shorter time than expected. Make sure the project engineer is aware of this and accommodates accordingly in the design and/or operation.

Patty Clary, Executive Director Californians for Alternatives to Toxics, writes in the attached letter to the Humboldt Planning Department: "chemicals are enriched several thousandfold in suspended liquid fog droplets." (Excerpt below)

Since there is no research or experience of ECOSORB in our foggy bottoms weather and with our great winds, is there even a remote possibility that Ecosorb could be a thousandfold worse in our environment? Although the company touts it as safe for humans and the environment, it has made soil infertile; killed foliage and affected human health in Carpinteria. This is a very important reason ALAS need to start small (if start at all) and see how it affects this beautiful prime agricultural soil, water, air, wildlife and humans.

Excerpt from Patty's letter:

Though the chemicals mentioned above are considered low toxicity, their use has not been analyzed in weather conditions regularly experienced in the Arcata Bottoms. For example: Fog, a common weather condition of the area where the cannabis factory will be constructed if approved.

"Scientists have found that toxic fog, made up of microscopic water droplets containing unexpectedly high concentrations of pesticides, herbicides and many other chemicals, forms over at least some parts of the United States.

"The scientists say that the fog may be among the causes of a mysterious decline of forests in the United States and Europe. They say that the chemical-laden fog, which was sampled in Beltsville, Md., and in California's San Joaquin Valley, could prove to be more of a health hazard than the air in which the fog forms."

[<https://www.washingtonpost.com/archive/politics/1987/02/12/toxic-fog-containing-farm-chemicals-may-be-harming-us-forests/48769d42-510f-41aa-b497-0fcfa972b93d/>]

"We have discovered that a variety of pesticides and their toxic alteration products are present in fog, and that they occasionally reach high concentrations relative to reported rainwater concentrations. In our experiments, we were able to measure the air-water distribution coefficients of pesticides between the liquid fog and the interstitial gas phase. These measurements reveal that some chemicals are enriched several thousandfold in the suspended liquid fog droplets compared to equilibrium distributions expected from Henry's Law coefficients for pure aqueous solutions."

[<https://www.nature.com/articles/325602a0>]

Deep Seeded is an organic CSA that feeds over 250 families each year. It is located only hundreds of feet from the ACL grow. What impact could ECOSORB have on his vegetables and soil? I've been a member for many years and will definitely question renewing my membership if this product is used. This affects the food supply of 250

May 4, 2021

From:

James M. Cotton, et al.

1971 27<sup>th</sup> Street

Arcata, CA 95512

[jimcotton47@gmail.com](mailto:jimcotton47@gmail.com)

VIA EMAIL AND HAND DELIVERY

John Ford, Director

Humboldt County Planning and

Building Department

3025 H Street

Eureka, California 95501

Email [jford@co.humboldt.ca.us](mailto:jford@co.humboldt.ca.us)

Humboldt County Board of Supervisors

Attn: Clerk of the Board

825 5<sup>th</sup> Street, room 111

Eureka, C 95501

Email: [cob@co.humboldt.ca.us](mailto:cob@co.humboldt.ca.us)

Re: **Notice of Appeal of Planning Commission Approval of Arcata Land Company, LLC Conditional Use Permit (PLN-12255-CUP)**

Dear Director Ford and Honorable Members of the Humboldt County Board of Supervisors:

James Cotton, Kim Puckett, Paula Proctor, Michael Proctor, Joan Edwards, Lee Torrence, Rebecca Crow, Carol McFarland, Don Nielsen, Terrence McNally, Kerry McNally, Tamara Spivey, Mona Mazzotti, Abraham Moshekh, Duane E Smith, Pamela J Smith, Victor Howard, Lydia Butyrin, Lisa Pelletier, Kathryn Melia, Julie Hochfeld, Nancy Blinn, Warren Blinn, Peggy Bell-Hans, Todd Casebolt, Deni Devine, Jose Mendoca, Leonor Mendoca (collectively, Appellants), appeal the April 22, 2021 Planning Commission decision to approve the Arcata Land Company, LLC Conditional Use Permit (the "Project")<sup>1</sup> for the failure to comply with the California Environmental Quality Act (CEQA)<sup>2</sup>. Appellants filed this Appeal within the statutory time period and have paid

the appeal fee and, therefore, request a hearing before the Board of Supervisors (“Board”) on the issues presented and, after such hearing, ask for an order reversing the decision of the Planning Commission and either denying the application or finding that an Environmental Impact Report (“EIR”) is required for the Project.<sup>3</sup>

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.

Under CEQA, an accurate, finite, stable project description is the cornerstone of an adequate environmental impact review document, including an MND. In fact, courts have held that an MND “is inappropriate where the agency has failed either to provide an accurate project description or gather information and undertake an adequate environmental analysis.”<sup>4</sup>

For all these reasons, and as explained below and in prior comments on the IS/MND submitted to the Humboldt County Planning Department,<sup>5</sup> 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.

1. The IS/MND makes false or misleading statements, lacks analysis, and has omitted data as is evident by the numerous cogent comments in the administrative record on the following categories: Aesthetics, Agricultural and Forestry Resources, Air Quality, Biological Resources, Energy, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Noise, Transportation, and Utilities and Service Systems<sup>15, 8, 11</sup>

2. The intensive reliance on well water for this Project is a grave concern of experts that reviewed the IS/MND and of the Appellants. Rather than present the qualified substantiation and documentation for the position that the well is not hydrologically connected to surface waters, the IS/MND relies upon conclusory letters from a well drilling company, with no proof of qualifications or the methods employed to make this complex determination, and without consideration of the effects of sea level rise of groundwater resources.

3. The Biological Assessment, in the IS/MND, when reviewed by an expert was considered to be incomplete and inadequate which was evident by: the omission of a bat survey, the lack of sampling protocols, and insufficient literature review and numerous oversights.<sup>8</sup>



4. The project description is uncertain. The staff report, April 22, 2021, failed to include an Operations Plan because the applicant had not submitted an updated version.<sup>6</sup> Without an updated Operations Plan, the length of the cultivation period along with the number of growing cycles and number of plants is unknown, and thus water usage, energy usage, staffing, and other impacts cannot be calculated accurately. The Planning Commissioners voted to approve this Project without knowing the details of the Operation.

5. Decision makers should seek counsel from an attorney and not Director Ford regarding the differences between MNDs and EIRs. During the Planning Commission meeting, 4/22/21, Director Ford said an "EIR does the same analysis that a Mitigated Negative Declaration just undertook."<sup>9</sup> This statement is inaccurate<sup>11</sup> and may have biased the Commissioners decision.

6. The enormous energy cost of this Project is an artifact of its size and location. The Project would be the largest permitted cannabis project in Humboldt County<sup>7</sup> that is in such close proximity to homes and neighborhoods. Due to being sited within 2.5 miles of the ocean and less than two miles from Humboldt Bay in a cool, foggy, and windy environment, the projected mixed-light portion of the energy requirement is calculated at a conservative 6,750 MWh,<sup>12</sup> enough to power at least 614 average homes in the Pacific Northwest.<sup>10</sup>

7. The proposed access for the Project will be Foster Avenue. The IS/MND does not account for the cumulative impact of traffic from the cannabis manufacturing, processing and distribution site that is adjoining this Project nor does it include an analysis of the additional traffic from another adjacent parcel, WE Produce cannabis application, or the proposed Creekside Annexation for senior housing and care facility on Foster Ave. In order to understand these impacts, an EIR needs to be completed.

8. Air Quality, Odor, Noise, and Light Pollution are perhaps the most apparent impacts that neighbors in the Westwood subdivision are concerned about.<sup>5,14</sup> The IS/MND states these impacts are "less than significant" which is in direct conflict with the major conclusions of the County's own FEIR which states under 5.1 that the impact on air quality and odor would be "cumulative considerable, significant and unavoidable."<sup>13</sup>

With regard to odor, the IS/MND states that if carbon filtration is inadequate in neutralizing odors, products such as Ecosorb may be utilized. Appellants are highly concerned about the proposed use of Ecosorb, or similar products, with no information on ingredients, application protocols, or performance standards provided, and with no monitoring.<sup>14</sup> Odor can be transient in nature, depending on changes in wind direction. Given the proximity of homes and neighborhoods that are downwind of this Project, and the conflicting impacts

of odor between the IS/MND and the FEIR,<sup>13</sup> an EIR should be required for this Project.<sup>11</sup>

With regard to noise, the Appellants are very concerned about the noise the project will create from mechanical systems, including fans, in the greenhouses and the time limit given to the Project to correct a noise violation. Currently, the Project has **no maximum** time limit to correct a noise violation, and no mitigations to reduce noise impacts.<sup>14</sup>

Additionally, there is a discrepancy between the FEIR<sup>13</sup> and the staff report regarding the allowable noise limits at the property boundary, 3 vs 60 decibels respectively. Again, these types of discrepancies need to be resolved through an EIR.

Appellants have demonstrated that the Project will have detrimental effects on the health, safety, and well-being of the residents of the area with regard to odors, noise pollution, light pollution and other significant environmental impacts as discussed.

To better understand the consequences, to inform decision makers of these impacts, and develop appropriate mitigations an EIR needs to be prepared. In addition to this, an EIR allows for exploration of alternatives, something an IS/MND does not.

**Conclusion: The Board should not approve the Project with this IS/MND and should either deny the Project or require an EIR.**

Sincerely,

Jim Cotton, et al.

If you have any question regarding this appeal, please contact me via email: [jimcotton47@gmail.com](mailto:jimcotton47@gmail.com) or phone: 707.498.2514

**Endnotes:**

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<sup>1</sup> Application Number 12255, Assessor's Parcel Numbers (APN): 506-231-021 and 505-151-011 (one separate legal parcel), and 505-151-012

<sup>2</sup> Public Resources Code ("PRC") §§ 2100, et seq.; *see also* CEQA Guidelines, 14 CC §§15000, et seq.

<sup>3</sup> See Humboldt County Code ("HCC") § 312-13.1, 13.2. Please let this letter serve as the requisite notice of appeal of the above referenced decision pursuant to HCC, § 312-13.1. Enclosed herewith is a check in the amount of \$1,636 representing the balance of the applicable appeal fees in this matter (see Exhibit A completed Fees and Charges Worksheet and Exhibit B completed Planning Application Form). Accordingly, Appellants respectfully request that an appeal hearing be granted in accordance with the appeal procedures outlined in HCC, § 312-13 and that the Planning Department begin processing this appeal pursuant to HCC, § 312-13.4. Likewise, Appellants request a copy of the transcript of the hearing for review in preparation for the appeal.

Note: Appellants request notice of the Planning Commission decision to approve this Project, pursuant to Humboldt County Section 312-6.7, which notice has not been provided. Appellants have not received any notice consisting of the written findings of the Planning Commission and the conditions of approval. The failure to provide the required notice has prejudiced Appellants in prosecuting this appeal as there are no written findings or conditions of approval from which Appellants can base further issues on appeal.

<sup>4</sup> See *City of Redlands v. County of San Bernardino* (2002) 96 Cal. App. 4th 398, 406, citing *Sundstrom*, supra, 202 Cal. App.3d at p. 311.

<sup>5</sup> Please note: Petitioners' and other public comments on the January 2020 IS/MND as well as their comments on supplemental information provided in staff reports to the Planning Commission for hearings on March 18, April 1, and April 22, 2021, respectively, are hereby incorporated by reference. Rather than attach duplicate copies of these materials. CEQA requires, and the Appellants request, that the entire Administrative Record (formally called Record of Proceedings) concerning this Project be furnished to the decision makers, the Humboldt County Board of Supervisors, before the requested hearing.

<sup>6</sup> email from Rodney Yandell to Jim Cotton, April 23, 2021, 10:50 AM

<sup>7</sup> email from John Ford to Jim Cotton, April 12, 2021 4:06 PM

<sup>8</sup> Planning Commission meeting 3/18/21, **agenda**, PLN-12255-CUP, Attachment 5a, pages 127-132 & pages 103-128.

Attachment 5b Public comments: page 97, Jim Cotton comments, March 10, 2021; Rebecca Crow comments March 10, 2021 pages 103-128 and others.

<https://humboldt.legistar.com/DepartmentDetail.aspx?ID=25787&GUID=C79B4BC4-E3F3-4AE2-BA90-5618ED18BCB5>

<sup>9</sup> Video of Planning Commissioners meeting, April 22, 2021, time marker 2:08:38 – 2:10

[http://humboldt.granicus.com/MediaPlayer.php?view\\_id=5&clip\\_id=1489](http://humboldt.granicus.com/MediaPlayer.php?view_id=5&clip_id=1489)

<sup>10</sup> [https://www.nwcouncil.org/sites/default/files/final\\_comparisonofresidentialuse\\_rates\\_bills\\_2016-12\\_1.pdf](https://www.nwcouncil.org/sites/default/files/final_comparisonofresidentialuse_rates_bills_2016-12_1.pdf)

<sup>11</sup> See Exhibit C, this document.

<sup>12</sup> Planning Commission meeting ,4/22/21, **agenda**, G, Arcata Land Company, Attachments, PLN-12255-CUP Staff Report, page 69, Operations Manual addendum.  
<https://humboldt.legistar.com/DepartmentDetail.aspx?ID=25787&GUID=C79B4BC4-E3F3-4AE2-BA90-5618ED18BCB5>

<sup>13</sup> <https://humboldt.gov.org/DocumentCenter/View/62689/Humboldt-County-Cannabis-Program-Final-EIR-60mb-PDF>

<sup>14</sup> Planning Commission meeting ,4/22/21, **agenda**, G, Arcata Land Company, Attachments, PLN-12255-CUP Staff Report, page 14-15.

<https://humboldt.legistar.com/DepartmentDetail.aspx?ID=25787&GUID=C79B4BC4-E3F3-4AE2-BA90-5618ED18BCB5>

<sup>15</sup> Planning Commission meeting ,3/18/21, **agenda**, PLN-12255-CUP, attachment 5a, Public comments, page 116: comments by Californians for Alternatives Toxics, February 26, 2021.

<https://humboldt.legistar.com/DepartmentDetail.aspx?ID=25787&GUID=C79B4BC4-E3F3-4AE2-BA90-5618ED18BCB5>



County of Humboldt  
 Planning and Building Department  
 3015 H Street Eureka CA 95501

**FEES AND CHARGES WORKSHEET**  
**PLANNING PERMIT APPLICATION FEES**  
**EFFECTIVE MARCH 29, 2021**

<b>PERMIT REVIEW - FULL COST RECOVERY</b>		<b>Deposit</b>	<b>Amount</b>
Agricultural Preserve Contract, Amendment, Cancellation Public Hearing		\$ 1,600.00	
Agricultural Preserve Successor Contract Public Hearing		\$ 350.00	
CEQA Study		<b>Actual Cost</b>	
Coastal Development Permit Administrative		\$ 1,500.00	
Coastal Development Permit Public Hearing		\$ 4,500.00	
Condition & Mitigation Monitoring		\$ 750.00	
Conditional Use Permit		\$ 4,500.00	
Determination of Status & Certificate of Compliance		\$ 825.00	
Emergency Permit		\$ 575.00	
Environmental Impact Report (EIR) Preparation		<b>Actual Cost</b>	
Extension or Modification		\$ 875.00	
General Plan Amendment or Zone Reclassification Public Hearing		\$ 2,850.00	
GIS & Map Data Request		\$ 150.00	
Information Request		\$ 150.00	
Joint Timber Management Plan Review Public Hearing		\$ 300.00	
Lot Line Adjustment Public Hearing		\$ 1,850.00	
Lot Line Adjustment <b>Administrative</b>		\$ 1,000.00	
Minor Deviation		\$ 500.00	
Notice of Merger		\$ 500.00	
Permit Provided by Contracted Services (Consultant)		<b>Contract Rate + 20%</b>	
Planned Unit Development Public Hearing		\$ 1,500.00	
Preliminary Review <b>Administrative</b>		\$ 500.00	
Public Road Name Change Public Hearing		\$ 850.00	
Special Permit <b>Administrative</b>		\$ 1,400.00	
Special Permit Public Hearing		\$ 3,250.00	
Subdivision ( Final Map - FMS or Parcel Map - PMS) Public Hearing		\$ 2,000.00	
Surface Mining Permit / Reclamation Plan Permit including renewal Public Hearing		\$ 2,000.00	
Variance		\$ 1,500.00	
Zoning Clearance Certificate		\$ 2,750.00	
<b>PERMIT REVIEW - FIXED FEES</b>		<b>Fees</b>	<b>Amount</b>
Administrative Enforcement Agreement		\$ 250.00	
Appeal to Board of Supervisors / Planning Commission Public Hearing		\$ 1,000.00	\$1,000
Application Assistance (2-hour minimum; applies to project)		\$ 291.00	
Burn Down Letter		\$ 130.00	

Cannabis Permit Transfer/Change	\$	150.00
Development/Use Started Without Permit		Double Permit Fee
General Plan Conformance Review	\$	250.00
General Plan Petition	\$	800.00
Inland Design Review	\$	475.00
Cal Fire Timberland Exemption Administrative Home Occupation Permit, Substantial Conformance Review, Timber Harvest Plan, Background Check, Business License Renewal, Cottage Industry, Building Application Referral	\$	125.00
	\$	100.00
Legal Document Review	\$	120.00
Notices/Referrals (per parcel per year)	\$	5.00
Re-application Fee (to renew an expired permit when the extension is filed within 90 days of expiration and the project and codes are unchanged)		50% of original permit fee
Zone Boundary Interpretation	\$	660.00

OTHER FEES & CHARGES		Fee/Deposit	Amount
Addressing: Assignments (max \$400 for 5 or more)	\$	80.00	
Change of Address	\$	60.00	
Verification of Address	\$	30.00	
Public Noticing		Actual Cost	
State Responsibility Area (SRA) Map Check Fee	\$	25.00	
Wide Format Map Printing (Black & White) per square foot	\$	1.00	
Wide Format Map Printing (Color) per square foot	\$	1.50	
Notary Certificate	\$	15.00	
Notice Sign	\$	10.00	
Tentative Map Street Name Review	\$	90.00	
Technology Fee: Administrative Review Permit	\$	45.00	
Technology Fee: Conditional Use Permit	\$	450.00	
Technology Fee: Special Permit	\$	325.00	
Technology Fee: Coastal Development Permit	\$	450.00	
Technology Fee: Subdivision	\$	200.00	
Technology Fee: Other Public Hearing Project		10% x Permit Cost	\$100.00
General Plan User Fees: Residential Development	\$	240.00	
Commercial Development	\$	350.00	
Industrial Development	\$	650.00	
Post application review of road abandonment	\$	310.00	
Post application review of performance contract	\$	310.00	

North West Information Center

\$ 75.00

PLANNING DIVISION AMOUNT

\$ 1,100.00

**OTHER DEPARTMENT REVIEW FEES**

Fee/Deposit

Amount

**ASSESSOR**

Lot Line Adjustment (per parcel) or Merger (per request)

\$ 75.00

New Subdivision Processing (per lot)

\$ 100.00

Parkland Appraisal (for Subdivisions) (additional charge over 1 hour is \$77/hour)

\$ 132.50

**BUILDING DIVISION**

Review Fee (per inspection)

deposit \$ 100.00

**ENVIRONMENTAL HEALTH DIVISION**

Extensions (.5 hr minimum)

\$ 149.00

Final Map Inspection / Land Use Permits for Commercial Development

\$ 298.00

Project Review (additional charge over 1 hr is \$149/hr)

Subdivisions w/community sewer, residential use permits, and some lot line adjustments

\$ 149.00

Project Appeal

\$ 596.00

Subdivision / Lot Line Adjustment with on-site sewage disposal

per parcel \_\_\_\_ x \$ 447.00

**COUNTY COUNSEL** (deposit listed based on per hour)

**Administrative Review Process**

Administrative Coastal Development Permit / Public Hearing Extension

deposit \$ 134.00

Certificate of Compliance / Determination of Status

deposit \$ 134.00

Information Request

deposit \$ 134.00

**Public Hearing Review Process**

Major Subdivision Review / Projects requiring two public hearing

deposit \$ 1,206.00

Minor Subdivision Review / Projects requiring one public hearing

deposit \$ 603.00

Zoning Administrator Hearing

deposit \$ 134.00

**Post Application Review**

Appeal to Board of Supervisors

deposit \$ 536.00 \$536.00

**PUBLIC WORKS LAND USE**

**Base Project Review Fees** (highest base fee used for projects with multiple components)

Agricultural Preserve Contract

\$ 195.00

Certificate of Compliance

\$ 195.00

Coastal Development Permit

\$ 351.00

Conditional Use Permit

\$ 351.00

Determination of Status

\$ 195.00

General Plan Amendment / Petition

\$ 195.00

Lot Line Adjustment

\$ 195.00

Notice of Merger

\$ 195.00

Parcel Map Waiver Application (actual costs)

deposit \$ 300.00

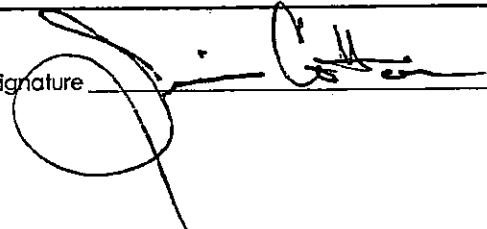
Preliminary Review [actual costs 1st two hrs free]	minimum + 45% overhead	deposit	\$	250.00	_____
Special Permit			\$	351.00	_____
Subdivision - Minor (4 lots or less)			\$	1,690.00	_____
Subdivision - Major (PUD/FMS 5 parcels or more) [actual costs + 45% overhead]		deposit	\$	1,500.00	_____
Variance			\$	195.00	_____
Zone Reclassification			\$	195.00	_____
Zoning Clearance Certificate		deposit	\$	351.00	_____
<b>Other Project Fees [in addition to base project review fees]</b>					
Appeal or Rehearing	+ 45% overhead	deposit	\$	250.00	_____
Extensions - Subdivision			\$	67.00	_____
Extensions - all others			\$	67.00	_____
Legal Description Review [per parcel]		deposit	\$	292.00	_____
Revised Map / Revised Project Description / Modification [other than tentative map]			\$	251.00	_____
Revised Tentative Subdivision Map / Revised Project Description / Modification			\$	419.00	_____
					_____
AMOUNT COLLECTED FOR OTHER DEPARTMENTS				\$	536.00
Planning Division Fees (from previous page)				\$	1,100.00
<b>TOTAL PAYABLE TO HUMBOLDT COUNTY PLANNING DIVISION</b>				<b>\$</b>	<b>1,636.00</b>

This worksheet includes fees charged by the Planning Division and other reviewing agencies. Some application types are Fixed Fee while others are subject to Full Cost Recovery. The deposit estimates listed are used for typical applications. Actual costs and processing time may be more or less than the estimate depending on the completeness of the application packet and identification, post-application submittal, of technical or environmental issues by reviewing agencies.

**Fees Payable to Others**

Archeological Review: Payable to Bear River Band THPO Department	\$	30.00	_____
Archeological Review: Payable to Blue Lake Rancheria THPO	\$	30.00	_____
Archeological Review: Payable to Wiyot Tribe Cultural Department	\$	30.00	_____

- ~ Applicant is responsible for paying 100% of the actual Planning Division permit costs.
- ~ If processing costs exceed 80% of the deposit an additional deposit will be required to continue application processing.
- ~ Fees for other County of Humboldt Departments are collected at the time of application submittal.
- ~ Double fees are assessed for all projects started without required permits.
- ~ Additional charges may be required for administratively approved projects if a public hearing is requested.

Applicant Signature \_\_\_\_\_  


Date 4 May 2021



# Exhibit B



**PLANNING APPLICATION FORM**  
**Humboldt County Planning Department**  
 Current Planning Division 3015 H Street Eureka, CA 95501-4484  
 Phone (707) 445-7541 Fax (707) 288-3792

**INSTRUCTIONS:**

1. Applicant/Agent complete Sections I, II and III below.
2. It is recommended that the Applicant/Agent schedule an Application Assistance meeting with the Assigned Planner. Meeting with the Assigned Planner will answer questions regarding application submittal requirements and help avoid processing delays. A small fee is required for this meeting.
3. Applicant/Agent needs to submit all items marked on the reverse side of this form.

**SECTION I**

**APPLICANT** (Project will be processed under Business name, if applicable.)

**AGENT** (Communications from Department will be directed to agent)

Business Name: \_\_\_\_\_  
 Contact Person: Jim Cotton  
 Mailing Address: 1971 27th Street  
 City, St, Zip: Arcata CA 95521  
 Telephone: (707) 498-2514 Alt. Tel: (707) 822-8382  
 Email: jimcotton47@gmail.com

Business Name: \_\_\_\_\_  
 Contact Person: \_\_\_\_\_  
 Mailing Address: \_\_\_\_\_  
 City, St, Zip: \_\_\_\_\_  
 Telephone: \_\_\_\_\_ Alt. Tel: \_\_\_\_\_  
 Email: \_\_\_\_\_

**OWNER(S) OF RECORD** (If different from applicant)

Owner's Name: Arcata Land Company, LLC  
 Mailing Address: 3318 Foster Ave  
 City, St, Zip: Arcata CA 95521  
 Telephone: \_\_\_\_\_ Alt. Tel: \_\_\_\_\_

Owner's Name: \_\_\_\_\_  
 Mailing Address: \_\_\_\_\_  
 City, St, Zip: \_\_\_\_\_  
 Telephone: \_\_\_\_\_ Alt. Tel: \_\_\_\_\_

**LOCATION OF PROJECT**

Site Address: 3318 Foster Ave  
 Community Area: Arcata

Assessor's Parcel No(s): 506-231-021  
 Parcel Size (acres or sq. ft.): \_\_\_\_\_

Is the proposed building or structure designed to be used for designing, producing, launching, maintaining, or storing nuclear weapons or the components of nuclear weapons?  YES  NO

**SECTION II**

**PROJECT DESCRIPTION**

Describe the proposed project (attach additional sheets as necessary):

Per Rodney Yandell, we are using this form to file our appeal regarding the Planning Commission's decision to approve Arcata Land Company LLC application #12255. Attached please find our Appeal Letter of 6 pages; Exhibit A Schedule of fees; 5 pages; Exhibit B (this Planning application form per Mr. Yandell's instructions) 3 pages; and Exhibit C (Holder Law Group letter) 8 pages. This is a total of 22 pages.

**SECTION III**

**OWNER'S AUTHORIZATION & ACKNOWLEDGEMENT**

I hereby authorize the County of Humboldt to process this application for a development permit and further authorize the County of Humboldt and employees of the California Department of Fish and Wildlife to enter upon the property described above as reasonably necessary to evaluate the project. I also acknowledge that processing of applications that are not complete or do not contain truthful and accurate information will be delayed and may result in denial or revocation of approvals.

[Signature]  
 Applicant Signature

4 May 2021  
 Date

**If the applicant is not the owner of record:** I authorize the applicant/agent to file this application for a development permit and to represent me in all matters concerning the application.

\_\_\_\_\_  
 Owner of Record Signature

\_\_\_\_\_  
 Date

\_\_\_\_\_  
 Owner of Record Signature

\_\_\_\_\_  
 Date

**This side completed by Planning Staff**

Checklist Completed by: \_\_\_\_\_ Date: \_\_\_\_\_

**THE FOLLOWING ITEMS MUST BE SUBMITTED WITH THIS APPLICATION**

Item	Received	Item	Received
<input type="checkbox"/> Filing Fee of \$ _____	<input type="checkbox"/>	<input type="checkbox"/> Architectural Elevations	<input type="checkbox"/>
<input type="checkbox"/> Fee Schedule (see attached, please return completed fee schedule with application)	<input type="checkbox"/>	<input type="checkbox"/> Design Review Committee Approval	<input type="checkbox"/>
<input type="checkbox"/> Plot Plan 12 copies (folded if > 8½" x 14")	<input type="checkbox"/>	<input type="checkbox"/> CEQA Initial Study	<input type="checkbox"/>
<input type="checkbox"/> Tentative Map 12 folded copies (Minor Subd)	<input type="checkbox"/>	<input type="checkbox"/> Exception Request Justification	<input type="checkbox"/>
<input type="checkbox"/> Tentative Map 18 folded copies (Major Subd) [Note: Additional plot plans/maps may be required]	<input type="checkbox"/>	<input type="checkbox"/> Joint Timber Management Plan	<input type="checkbox"/>
<input type="checkbox"/> Tentative Map/Plot Plan Checklist (complete & return with application)	<input type="checkbox"/>	<input type="checkbox"/> Lot Size Modification Request Justification	<input type="checkbox"/>
<input type="checkbox"/> Floor Plan	<input type="checkbox"/>	<input type="checkbox"/> Military Training Route (see County GIS)	<input type="checkbox"/>
<input type="checkbox"/> Division of Environmental Health Questionnaire	<input type="checkbox"/>	<input type="checkbox"/> Parking Plan	<input type="checkbox"/>
<input type="checkbox"/> On-site sewage testing (if applicable)	<input type="checkbox"/>	<input type="checkbox"/> Plan of Operation	<input type="checkbox"/>
<input type="checkbox"/> On-site water information (if applicable)	<input type="checkbox"/>	<input type="checkbox"/> Preliminary Hydraulic & Drainage Plan	<input type="checkbox"/>
<input type="checkbox"/> Solar design information	<input type="checkbox"/>	<input type="checkbox"/> R1 / R2 Report (Geologic/Soils Report, 3 copies with original signatures)	<input type="checkbox"/>
<input type="checkbox"/> Chain of Title	<input type="checkbox"/>	<input type="checkbox"/> Reclamation Plan, including engineered cost estimate for completing reclamation	<input type="checkbox"/>
<input type="checkbox"/> Grant Deed <input type="checkbox"/> Current <input type="checkbox"/> Creation	<input type="checkbox"/>	<input type="checkbox"/> Accessory Dwelling Unit Fact Sheet	<input type="checkbox"/>
<input type="checkbox"/> Preliminary Title Report (two copies, prepared within the last six months prior to application)	<input type="checkbox"/>	<input type="checkbox"/> Variance Request Justification	<input type="checkbox"/>
		<input type="checkbox"/> Vested Right Documentation/Evidence	<input type="checkbox"/>
		<input type="checkbox"/> Other _____	<input type="checkbox"/>
		<input type="checkbox"/> Other _____	<input type="checkbox"/>
		<input type="checkbox"/> Other _____	<input type="checkbox"/>

**FOR INTERNAL USE**

<input type="checkbox"/> Ag. Preserve Contract <input type="checkbox"/> Certificate of Compliance <input type="checkbox"/> Coastal Development Permit <input type="checkbox"/> Administrative <input type="checkbox"/> Planning Commission <input type="checkbox"/> Design Review <input type="checkbox"/> Inland <input type="checkbox"/> Coastal <input type="checkbox"/> Determination of Legal Status <input type="checkbox"/> Determination of Substantial Conformance <input type="checkbox"/> Extension of _____ <input type="checkbox"/> Fire Safe Exception Request	<input type="checkbox"/> General Plan Amendment <input type="checkbox"/> General Plan Petition <input type="checkbox"/> Information Request <input type="checkbox"/> Modification to _____ <input type="checkbox"/> Lot Line Adjustment <input type="checkbox"/> Preliminary Project Review <input type="checkbox"/> Special Permit <input type="checkbox"/> Administrative <input type="checkbox"/> Planning Commission <input type="checkbox"/> H.C.C. § _____ <input type="checkbox"/> Subdivision <input type="checkbox"/> Parcel Map <input type="checkbox"/> Final Map <input type="checkbox"/> Exception to the Subdivision Requirements	<input type="checkbox"/> Reclamation Plan <input type="checkbox"/> Surface Mining Permit <input type="checkbox"/> Surface Mining Vested Right Determination <input type="checkbox"/> Timber Harvest Plan Information Request <input type="checkbox"/> Use Permit <input type="checkbox"/> H.C.C. § _____ <input type="checkbox"/> Variance <input type="checkbox"/> H.C.C. § _____ <input type="checkbox"/> Zone Reclassification <input type="checkbox"/> Other _____ <input type="checkbox"/> Other _____
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Application Received By: \_\_\_\_\_ Date: \_\_\_\_\_ Receipt Number: \_\_\_\_\_

General Plan Designation: \_\_\_\_\_

Plan Document: \_\_\_\_\_

Land Use Density: \_\_\_\_\_

Zone Designation: \_\_\_\_\_

Coastal Jurisdiction Appeal Status:       Appealable       Not Appealable

Preliminary CEQA Status:

Environmental Review Required

Categorically Exempt From Environmental Review:    Class \_\_\_\_\_    Section \_\_\_\_\_

Statutory Exemption:    Class \_\_\_\_\_    Section \_\_\_\_\_

Not a Project

Other

# Exhibit C



## 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**

Dear Honorable Members of the Humboldt County Board of Supervisors and Director Ford:

On behalf of Northcoast Environmental Center ("NEC") and Citizens for a Sustainable Humboldt ("CSH"), we respectfully submit the following general comments with the intention of fostering improved adherence to and compliance with established standards and mandatory requirements of the California Environmental Quality Act ("CEQA").<sup>1</sup> Over the course of several recent Planning Commission and Board of Supervisor meetings, where proposed large development projects have been considered for approval, NEC and CSH members have observed repeated inaccurate characterizations of CEQA's standards and requirements. The inaccurate characterizations – advanced by planning staff, project applicants' counsel, and, occasionally, even by Commissioners and Supervisors – have tended to:

- downplay the important procedural and substantive differences between an Environmental Impact Report ("EIR") and a Mitigated Negative Declaration ("MND");

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<sup>1</sup> Public Resources Code ("PRC") §§ 21000, et seq.; CEQA Guidelines, 14 CCR §§ 15000, et seq. The 2021 CEQA statute and CEQA Guidelines are available to download at: [https://www.califaep.org/statute\\_and\\_guidelines.php](https://www.califaep.org/statute_and_guidelines.php).

- portray the “fair argument” test under CEQA, which establishes the low threshold for requiring an EIR, as a higher burden of proof for project challengers than it actually is under the statute and controlling caselaw;
- advance a double standard, where County planning staff and project applicants are permitted to present absolute conclusions dismissing the potential for significant environmental impacts that are nothing more than unsubstantiated opinion while at the same time staff and applicant’s criticize substantiated comments from the public, other agencies, and County planners concerning potentially significant impacts that may be caused by proposed projects as lacking sufficient evidentiary and expert support; and
- imply that County decision-makers have discretion to decide to prepare an MND instead of an EIR based on practical considerations, such as whether more in-depth environmental impact analysis would change the outcome, rather than on the required factual and legal basis.

The above inaccurate characterizations appear to be based on several fundamental misunderstandings of the CEQA statute and CEQA Guidelines and their application to discretionary project approvals. NEC and CSH submit the following general comments with the hope of improving understanding of CEQA’s standards and requirements as they apply to important land use decisions with substantial environmental implications. NEC and CSH seek to inform decision-makers and the public about CEQA’s substantive and procedural requirements in order to foster improved public participation and help ensure decisions with major long-term implications for the environment are based on an accurate understanding of these important legal concepts.

At the most recent Planning Commission meeting on Thursday, April 22, 2021, in response to a question from Commissioner Noah Levy concerning the criteria the Planning Department uses when determining whether an MND rather than an EIR should be prepared, Planning Director John Ford made several inaccurate statements concerning CEQA’s requirements for EIRs and MNDs.<sup>2</sup> For example, Director Ford falsely claimed that the two types of documents “do very much the same thing,” provide essentially the “same analysis,” and the level of study is “very similar.”<sup>3</sup> The primary distinguishing feature between the two documents, according to the Director, is that, with an EIR, the identified potentially significant impacts do not all have to be mitigated to less-than-significant levels – for impacts that are not fully mitigated, the lead agency can make “findings of overriding considerations” and approve the project anyway. In addition to falsely equating an MND and an EIR, the Planning Director did not mention that, even with an EIR, all feasible mitigation measures must be adopted

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<sup>2</sup> See video of Planning Commission meeting for April 22, 2021, hearing re Arcata Land Company, LLC, Conditional Use Permit (PLN-12255-CUP), at hour mark 2:03 to 2:10, available at: [http://humboldt.granicus.com/MediaPlayer.php?view\\_id=5&clip\\_id=1489](http://humboldt.granicus.com/MediaPlayer.php?view_id=5&clip_id=1489).

<sup>3</sup> See *id.* at approximately 2:07, 2:09, 2:10 marks of the video.

before a lead agency can adopt a Statement of Overriding Considerations. Also, by omitting any mention of the "fair argument" standard – CEQA's "low threshold requirement for preparing an EIR,"<sup>4</sup> the Planning Director side-stepped the Commissioner's direct question on the criteria used by staff to determine whether an EIR should be prepared. We address the implications of each of these problematic issues below.

The explanation provided by the Director in response to Commissioner Levy's question is unresponsive, inaccurate, and potentially misleading in several respects. For example, the Director's statements (1) do not address the Commissioner's question of what criteria the Planning Department uses to determine whether an EIR, as opposed to an MND, is required (see video at 2:03 mark) and (2) inaccurately characterize the substantive requirements for both types of CEQA documents as equivalent, when they most assuredly are not.

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."<sup>5</sup> 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.<sup>6</sup> 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

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<sup>4</sup> See *Sierra Club v. California Dept. of Forestry & Fire Protection* (2007) 150 Cal. App. 4th 370, 380, quoting *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, 84 and citing *Sundstrom v. County of Mendocino* (1988) 202 Cal. App. 3d 296, 309–310.

<sup>5</sup> See PRC, §§ 21064.5, 21080(c); see CEQA Guidelines, §§ 15070 and 15369.5; see also Exhibit A: Excerpts from Remy et al., Guide to the Cal. Environmental Quality Act (CEQA) (11th ed. 2007), pp. 249-256, 262-263, 312-313, 329.

\*Note: While the Guide to CEQA has not been republished since 2007, this painstakingly thorough treatise on the substantive and procedural requirements of CEQA remains an authoritative reference resource, repeatedly cited by appellate courts, concerning California's most important environmental statute. (See, e.g., *RiverWatch v. Olivenhain Municipal Water Dist.* (2009) 170 Cal.App.4th 1186, 1201, 1207, 1211, quoting Guide to CEQA; see also *Save Tara v. City of West Hollywood* (2008) 45 Cal.4th 116, 139, same; see also *California Clean Energy Committee v. City of San Jose* (2013) 220 Cal.App.4th 1325, 1336, fn. 3, same.) The thoughtful explanations in the Guide to CEQA concerning CEQA's general structure and requirements remain relevant and informative. However, all citations to the statute and to caselaw in this treatise should be double-checked to ensure accurate and up-to-date information.

<sup>6</sup> See *id.* at p. 329; see also, e.g., *Communities For A Better Environment v. South Coast Air Quality Management Dist.* (2010) 48 Cal.4th 310, 319-320, citing *No Oil, supra*, 13 Cal.3d at p. 75 and *Brentwood Assn. for No Drilling, Inc. v. City of Los Angeles* (1982) 134 Cal.App.3d 491, 504-505.

impacts. An agency's decision not to require an EIR can be upheld only when there is no credible evidence to the contrary.<sup>7</sup> According to the Guide to CEQA, "credible expert testimony that a project may have a significant impact, even if contradicted, is generally dispositive and under such circumstances an EIR must be prepared. [Citation.] Indeed, an EIR is required precisely in order to resolve the dispute among experts."<sup>8</sup>

The Director's conspicuous omission of any reference to the "fair argument" standard is potentially misleading to both the decision-makers and to the public because it ignores altogether the central threshold question placed directly at issue in Commissioner Levy's question. Unfortunately, the pattern of mischaracterizing CEQA's standards and requirements goes deeper and further back. Several weeks ago, a project applicant's attorney went further by actually misrepresenting the "fair argument" standard when defending the Planning Commission's approval of a large commercial cannabis project in remote McCann.<sup>9</sup> During that meeting, counsel for the applicant quoted non-controlling dicta in an outlying appellate court decision as support for his argument that, under the "fair argument" test, project challengers must present substantial evidence showing that a project "will" have a significant impact on the environment.<sup>10</sup> As the undersigned pointed out at the time and again after the hearing, this characterization of the applicable standard is inconsistent with the language of the CEQA statute, the CEQA Guidelines, and controlling caselaw.<sup>11</sup> The applicant's characterization of the standard would improperly shift the burden to project opponents to analyze a proposed project's impacts. No one from the County – not planning staff or county counsel – corrected this blatant mischaracterization of a central legal principle.<sup>12</sup> On the contrary, planning staff's

<sup>7</sup> *Sierra Club v. County of Sonoma* (1992) 6 Cal.App.4th, 1307, 1318.

<sup>8</sup> See Exh. A – Guide to CEQA, p. 262.

<sup>9</sup> See video of Board of Supervisors meeting on March 9, 2021, concerning the Rolling Meadow Ranch appeal, hour mark: 4:59; available at: [http://humboldt.granicus.com/MediaPlayer.php?view\\_id=5&clip\\_id=1479](http://humboldt.granicus.com/MediaPlayer.php?view_id=5&clip_id=1479), accessed April 27, 2021.

<sup>10</sup> See *id.* at approximately 5:00 hour mark; stating "Under the fair argument standard, an environmental impact report is required if there is substantial evidence that a project will have a significant effect on the environment, even if there is also substantial evidence to the contrary", emphasis in the original, quoting *Friends of the Sierra R.R. v. Tuolumne Park & Recreation Dist.* (2007) 147 Cal.App.4th 643, 661 [holding transfer or land to tribe not a "project" under CEQA], citing CEQA Guidelines, § 15064(f)(1) [guideline provision using the word "may"].

<sup>11</sup> See Public Resources Code, §§ 21064.5, 21080(c)(1)-(2), 21080(d), 21082.2; see also CEQA Guidelines, §§ 15002(f), 15002(k), 15063, 15064(b)(1), 15064(f), 15064(g); see also, e.g., *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 310 ["The test is whether 'it can be fairly argued on the basis of substantial evidence that the project may have significant environmental impact"], emphasis added, quoting *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, 75. The undersigned sent a letter to counsel for the applicant, the Planning Director, and County Counsel the day after the appeal hearing, requesting correction of this mischaracterization.

<sup>12</sup> During the appeal hearing, Director Ford did address the "fair argument" test but only insofar as to claim that the substantial evidence cited by appellants and other commenters, including CDFW, concerning the project's potential to cause significant impacts, was not sufficiently substantial to meet the "fair argument" test. See *id.* at hour mark: 5:08 – 5:09.



internally inconsistent characterizations of (1) the expert opinion and agency comments supporting project challenger's arguments in support of an EIR as insufficient and (2) unsupported conclusions by planning staff and unqualified third parties (e.g., a well driller) as sufficient reveal a blatant double-standard that is inconsistent with CEQA's definition of "substantial evidence." These instances where the "fair argument" standard has been disregarded, misrepresented, and/or misapplied have the potential to mislead the public and undermine sound decision making.

With respect to the second point, contrary to the Planning Director's characterization of the MNDs and EIRs providing the "same analysis," CEQA imposes heightened substantive requirements for an EIR that do not apply to an MND. These requirements, specific to an EIR, tend to result in a much more robust analysis of environmental impacts and a more comprehensive consideration of the ways those impacts can be reduced through mitigation or avoided through alternatives and project design changes.

For example, the CEQA statute and CEQA Guidelines provide that an EIR must provide an analysis of project alternatives that can avoid or reduce a project's potentially significant impacts.<sup>13</sup> An MND need not address alternatives to a proposed project. As a consequence, decision makers have no opportunity to consider a project alternative for approval, rather than the project as proposed by the applicant. MND's constrain the opportunities for impact minimization and avoidance.

As an illustration, if an EIR had been prepared for the Rolling Meadow Ranch project, as opposed to the adopted MND, an analysis of a reasonable range of feasible project alternatives would have been required. County decision-makers could have considered this range of project alternatives for approval – such feasible alternatives could have included (as suggested by Supervisor Madrone on March 9<sup>th</sup>) a fully sun-grown, in the ground, cannabis cultivation project alternative with improved road access for fire safety and increased rainwater catchment and seasonal groundwater pumping forbearance – an alternative that, in connection with natural cycles, is seasonally closed during the winter when the McCann Bridge on the Eel River is submerged.

Further, under Public Resources Code, section 21081, when an EIR has been prepared, the lead agency is required to make specific findings of fact that are not required when an MND is the operative CEQA document.<sup>14</sup> This is the area where the Board has some discretion and limited latitude to find that overriding considerations make a project worth approving, despite its unavoidable significant impacts. But in order to make this finding, the board must first do all

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<sup>13</sup> PRC sections 21002.1(a), 21061, and 21153, and CEQA Guidelines, sections 15082, 15083, 15121, 15124, 15126, 15126.6; *see also* Exh. A – Guide to CEQA, pp. 413, 494-495.

<sup>14</sup> *See* PRC, § 21081; CEQA Guidelines, § 15093; *see also* Exh. A – Guide to CEQA, p. 411.

it feasibly can to mitigate and avoid the significant impact.<sup>15</sup> The Planning Director's recent explanation of "findings of significant impacts" suggested that, when proceeding with an EIR, the lead agency may have less of a responsibility to fully mitigate impacts than when adopting an MND, and this is simply not the case. With either document, the lead agency has a mandatory duty to adopt feasible mitigation measures for every identified significant environmental impact.

Preparing an EIR is an iterative multi-step process, where the lead agency (or an applicant's consultant with staff direction) conducts preliminary review or prepares an initial study to determine the potential for significant environmental impacts, conducts scoping in consultation with responsible and trustee agencies, and prepares a draft EIR covering a number of mandatory issues.<sup>16</sup> Public and responsible agencies are provided an opportunity to comment on the draft EIR, and, pursuant to Public Resources Code, section 21091(d)(2), the lead agency is required to respond to public and agency comments and revise the analysis, if necessary, in a final EIR.<sup>17</sup> In contrast, the lead agency is not required to respond to public and agency comments on an MND. The practical result of this requirement, where the lead agency is required to answer – in real time – for its Draft EIR analysis, is that the Final EIR is typically both more thorough in its initial evaluation of potentially significant environmental impacts and, through a process of disclosure, comments, responses, and revisions, is better grounded in factual and scientific information.

NEC and CSH acknowledge that, for smaller projects located in already developed areas, an MND may be sufficient to provide the appropriate level of impact analysis. With these projects, it is more likely that the Initial Study can determine, after completion of a thorough investigation in an Initial Study, that "clearly" the project will not cause any significant environmental impacts. However, for larger projects and projects proposed for undeveloped "greenfield" sites in remote areas of the County, an EIR may be necessary to fully analyze the project's potentially significant impacts and identify feasible mitigation measures and alternatives that can minimize and avoid impacts. This is especially true for projects that have garnered significant public controversy over clearly legitimate factually-grounded concerns. No matter which CEQA document is prepared for individual projects, it is incumbent on County

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<sup>15</sup> See *King & Gardiner Farms, LLC v. County of Kern* (2020) 45 Cal.App.5th 814, 852 ["Even when a project's benefits outweigh its unmitigated effects, agencies are still required to implement all mitigation measures unless those measures are truly infeasible." [Citation] Stated another way, "if the County were to approve a project that did not include a feasible mitigation measure, such approval would amount to an abuse of discretion"], quoting *Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, 525-526.

<sup>16</sup> See CEQA Guidelines, §§ 15060, 15063, 15064, 15080-15097 [EIR Process], 15120- 15132 [EIR Contents]; see also Exh. A – Guide to CEQA, pp. 329, 413.

<sup>17</sup> See PRC, §§ 21091(d)(2), 21092.5; CEQA Guidelines, § 15088, 15088.5(f); see also Exh. A – Guide to CEQA, p. 371-374, 411.

decision makers to ensure that the appropriate level of analysis is performed, based on sound investigation of the facts and faithful application of the correct legal standards.

NEC and CSH appreciate the opportunity to provide these general comments to County planning staff and to the County's elected decision-makers. We sincerely hope that the explanations and clarifications herein – supported by the attached treatise experts and citations to the CEQA statute, CEQA Guidelines, and caselaw – provide helpful information that will lead to improved public participation, more robust environmental review for projects that have the potential to cause significant environmental impacts, and sound decision-making.

Please contact us if you have any questions, concerns, or other responses to the issues raised in these general comments.

Very truly yours,

A handwritten signature in black ink, appearing to read 'J. Holder', with a long horizontal flourish extending to the right.

Jason W. Holder  
Holder Law Group

**SUPPLEMENTAL RESUMES FOR  
EXPERTS CITED IN APPEAL LETTER**



# James Cotton

## Wildlife Biologist

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### Experience

- Osprey behavior Study, Elk River California.
- River Otter population and independent scatological study, Trinidad
- Passerine density study, Western Trinity Alps.
- Federal Wildlife Research Biologist, 25 years, NOAA/NMFS.
- Over 10,000 hours field experience conducting mammal and bird surveys, NOAA/NMFS/ Protected Resources Division.
- Birds and mammal survey of the Channel Islands, , University of Irvine, Ca.
- Conducted mammal surveys of the Antarctic Peninsula area, Sponsored by Japan.
- Chief Scientist, Faroese Government sponsored mammal survey of the Faroe Islands.
- Collected baseline data on dead shore birds, University WA citizen scientist program, COASST.

### Education

#### **Humboldt State University, Arcata, CA**

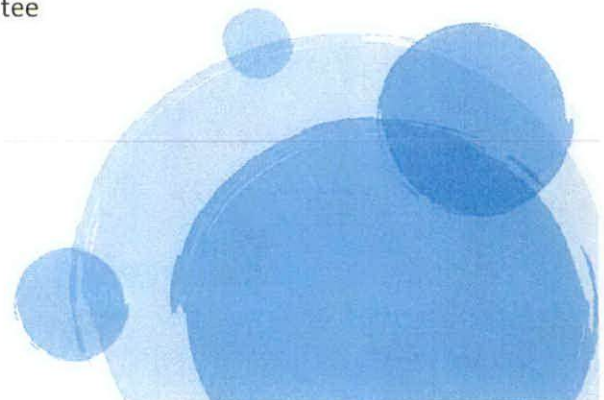
- Bachelor Degree, Zoology

### Leadership

Willow Creek CSD Trails Committee

### References

[Available upon request.]



# Rebecca Crow, PE

## Technical Expert



**Qualified:** BS, Environmental Resources Engineering, Humboldt State University, Arcata, CA, 1997; Civil Engineer, CA #69664;

**Connected:** Society of Women Engineers, Professional Liaison, Rotary, Equity Arcata

**Professional Summary:** Rebecca Crow has 24 years of experience in a broad range of environmental management and planning services: water and wastewater planning, water recycling, watershed and water quality modelling, groundwater management, regulatory compliance, funding assistance, and grant and contract management. She has assisted numerous communities in the evaluation of cost impacts from projects, as well as the evaluation of economic and qualitative benefits resulting from project implementation. Rebecca has experience using both state and federal economic models in support of funding program development. She has experience working with regulatory agencies on permit compliance for water, wastewater, recycled water, groundwater, and stormwater systems and understands the economic impacts project decisions can make on long- and short-term permit requirements.

**Project Manager**  
**Eureka Area Watersheds Stormwater Resources Plan | City of Eureka | Eureka, CA**

Developed a Stormwater Resource Plan (SWRP) meeting the requirements of California Water Code section 10563 (c) requirement to receive Proposition 1 funding from the State. The SWRP development included an evaluation of the contributing watersheds, water quality, and natural resources. The evaluation included a multi-criteria analysis to identify suitable locations for LID technologies to improve stormwater management. The project included development of a PCSWMM model to evaluate stormwater improvement options through the urban area of the City of Eureka. The model incorporated predicted sea level rise to evaluate future predicted impacts to the City's infrastructure and natural environment. The final plan included a list of prioritized projects for implementation. As Project Manager, led the technical advisory committee oversight team that completed the evaluation, modeling, and final project analysis.

**Project Manager, Engineer**  
**Big Rock Community Service District Hillside Stabilization | Big Rock Community Service District | Hiouchi, CA**

Work with Big Rock Community Services District (BRCS) on a funding package to implement a seismic retrofit project to replace the District's existing 100,000-gallon redwood tank constructed on top of an unstable soil fill prism. Funding included \$2,210,310 in FEMA Section 404 Hazard Mitigation funds, \$875,221 in California Proposition 84 funds, and another \$1.1 million in California State Revolving Funds. GHD oversaw all funding coordination. The project was to retrofit through replacement the existing 100,000-gallon tank, including a new foundation and retaining wall, security features, and a radio antenna. The tank was expanded to 200,000 gallons using non-FEMA funds. The project included design, permitting, completion of a NEPA environmental assessment, as well as California environmental documents, bid assistance, and construction management. The project addressed naturally occurring asbestos at the site as well. Worked with the District to

develop the 404 HMGP funding application and state funding applications. Oversaw environmental investigations, NEPA, state and federal permitting, design, bidding, and construction management.

**Project Manager**  
**Wastewater Treatment Plant (WWTP) Modifications and Reuse | Maxwell Public Utility District | Maxwell, CA**

Oversaw the completion of the planning, design, California Environmental Quality Act (CEQA) document, Mitigated Negative Declaration (MND), permitting, and construction of the Maxwell Wastewater Facilities Improvements to address disposal issues. Facilitated an engineering report which included a regulatory analysis of effluent disposal options and associated treatment requirements, operations evaluation, flow projections, development and evaluation of alternatives, a preliminary design concept, and a draft revenue program. Worked with regulators and State Legal Counsel to obtain legal clarification on enforcement orders and discharge permit requirements. Construction for this project was successfully completed in March 2012. Assisted in obtaining \$2 million State Water Resources Control Board (SWRCB) small community wastewater grant, \$1 million Community Development Block Grant (CDBG) grant and \$4.8 million US Department of Agriculture (USDA) grant for almost 60% grant funding for the project.

**Funding Facilitator/Coordinator**  
**Rohner Creek Flood Control and Habitat Improvement Study | Rohner Creek**

The objective of the project is to analyze the Rohner Creek watershed and identify potential improvements to reduce the frequency of flooding events along the Rohner Creek channel. Flood reduction improvements include channel widening and terracing with habitat improvements. Assisted on obtaining \$3.5 million prop 1E grant stormwater and \$400,000 Prop 84 urban streams grant from Department of Water Resources (DWR).

**Project Manager**  
**Luffenholtz Creek Source Water Protection |**  
**City of Trinidad | Trinidad, CA**

Led this sediment reduction project from initial grant application submittal through project completion. The project was constructed on private property for the benefit of the City's water system. Project included construction of two new roads with extensive excavation, grading, and subgrade development, development of a quarry, installation of two pre-manufactured bridges, and installation of numerous erosion and sediment control Best Management Practices (BMP's). Obtained \$1.7 million Prop 50 grant from the SWRCP division of water to complete the project.

**Project Manager/Funding Facilitator**  
**Areas of Special Biological Significance**  
**(ASBS) Stormwater | City of Trinidad | Trinidad,**  
**CA**

The project included six separate stormwater collection, treatment, and infiltration systems utilizing Low Impact Development (LID) technologies. The objective of this project was to improve the water quality of the watersheds on the Trinidad plateau that ultimately drain into Trinidad Bay. Oversaw preparation of the successful grant application and provided ongoing grant management support. Responsible for planning (including an extensive geotechnical field study and groundwater model), CEQA oversight, preparation of final plans and specifications, bid period assistance, and construction support. Obtained \$2.5 million Prop 50 ASBS grant to complete the project.

**Project Funding Oversight**  
**Perigot Park CBDG Funded Parking Lot and**  
**Pedestrian Improvements | City of Blue Lake |**  
**Blue Lake, CA**

The intent of the Perigot Park project, which is being funded with a CDBG grant, is to remove architectural barriers to access by paving the parking area and improving accessibility from the front parking lot to the southern exterior restrooms and concession stand. In addition to providing connectivity within the site, GHD will connect the site to the existing sidewalk along the Railroad Avenue right-of-way (at the north east corner of the property) and is providing the City with options for parking lot design that should greatly alleviate the site's drainage issues.

**Project Engineer**  
**Techite Pipeline Retrofit | Humboldt Bay**  
**Municipal Water District (HBMWD) | Eureka, CA**

Developed a detailed benefit-cost analysis to show the value of replacement of a poor quality techite waterline in support of a Federal Emergency Management Agency (FEMA) Hazard Mitigation Grant. Attended a three-day FEMA workshop on performing benefit-cost analyses under the Hazard Mitigation Grant Program. The District

project was funded and completed in 2015. Obtained over \$2.5 million in hazard mitigation grant funds.

**Project Manager**  
**Conceptual Wastewater Treatment Plant |**  
**Trinidad Rancheria | Trinidad, CA**

Oversaw the completion of the Conceptual Wastewater Master Plan, which included evaluation of the existing and projected flows, and development and evaluation of treatment and disposal alternatives, including constructability, regulatory requirements, and environmental impacts. The final preferred project was chosen based on ability to expand existing systems and flexibility to facilitate multiple development options at the Rancheria.

**Funding Facilitator/Coordinator**  
**LID and Stormwater Outfall | Tolowa Dee-ni'**  
**Nation | Smith River, CA**

Assisted the Tolowa Dee-ni' Nation in identifying and obtaining more than \$1 million from an Ocean Protection Council grant for the development of stormwater improvements within the Tribal boundary. The project objective was to install LID facilities to treat and infiltrate stormwater runoff prior to it entering the Pacific Ocean and the Pyramid Point State Marine Conservation Area. LID strategies implemented featured rainwater catchment, runoff attenuation, and pollutant mitigation improvements intended to mimic pre-development watershed runoff and infiltration rates.

**Project Manager**  
**Infrastructure Rehabilitation Construction |**  
**City of Rio Dell | Rio Dell, CA**

Oversaw a two-year process to obtain \$5 million in grant funds from DWR to implement a waterline replacement project to reduce unaccounted for water losses. Provided oversight to the preparation of the final report, which evaluated the effectiveness of the project and resulting water savings.

**Project Manager**  
**Water Supply Feasibility Studies for Cities of**  
**Rio Dell and Trinidad | Westport County Water**  
**District | Rio Dell, CA/Trinidad, CA**

Oversaw technical analysis and completion. Analyses included an evaluation of projected water demands, water rights, surface water stream flows, groundwater, storage and transmission, and environmental impacts. For each study a detailed cost benefit analysis was completed which conformed to DWR standards.

**Project Manager  
Technical Assistance for North Coast Region  
Disadvantaged Communities Water and  
Wastewater Providers | North Coast Region  
Disadvantaged Communities Water and  
Wastewater Providers | Humboldt County, CA**

Contributed professional assistance to project designed to provide transferable tools, training, and demonstration projects addressing the needs and building the capacity of small, economically disadvantaged water and wastewater system providers. Project involved coordination with state and federal funders, non-profit resources assistance agencies, and facilitation of training seminars.

**Project Manager/Funding Facilitator  
Generator Replacement | McKinleyville  
Community Services District | McKinleyville,  
CA**

Initiated a successful grant application to replace two aging and undersized generators that service the entire collection system. Served as Project Manager and Funding Facilitator to oversee project design, federal environmental compliance, permitting, project bidding, and construction management.

**Project Manager/Engineer  
Wastewater System Planning and Solids and  
Disinfection Management | City of Rio Dell | Rio  
Dell, CA**

Involved with wastewater system regulatory planning assistance since 2001. Project Manager for construction of 2010 Solids and Disinfection Management Project. Designed to take advantage of American Recovery and Reinvestment Act funding, the \$2.1m cost was 100% grant-funded and included headworks upgrades, a new chlorination system, and a new sludge drying press. Coordinated obtaining a \$130,000 Small Community Wastewater Grant to assist with facilities planning. Oversaw the completion of the Facilities Plan for City of Rio Dell, including working closely with the City's Regional Water Quality Control Board (RWQCB) regulator to assure feasibility of proposed alternatives.

**Project Engineer  
Wastewater Treatment and Disposal  
Evaluation | Town of Samoa | Samoa, CA**

Under this project, five wastewater disposal options were evaluated for the Town of Samoa including land disposal to leaky wetlands at four sites (Existing Leaky Wetlands, Proposed Wetland Buffer Area, Dog Ranch, and Lower Coastal Dependent Industrial Area), and an ocean outfall option. The evaluation included analysis of effluent loading rates and treatment targets. Capital and operations and maintenance costs for the disposal options were developed. In addition, two treatment options were evaluated both a natural system and mechanical system. Advantages and disadvantages of options were presented

to develop a final recommendation.

**Project Manager  
Wastewater Compliance Pre-Feasibility  
Analysis | City of Fortuna, CA**

Oversaw the completion of a prefeasibility analysis of wastewater treatment and disposal options which reviewed the full breadth of options available to the City so that a preferred set of alternatives could be identified. The analysis included review of treatment performance, effluent requirements, permitting, CEQA, project challenges, capital costs, and operations costs. The analysis considered the long and short term risks, benefits, opportunities and challenges of pursuing identified options. The final pre-feasibility analysis was a matrix of options that explores feasible alternatives. The final matrix of options was paired down with input from City staff to four alternatives, which were recommended for further study.

**Project Manager  
2010 Urban Water Management Plan (UWMP) |  
City of Red Bluff | Red Bluff, CA**

Building on the work developed in the Infrastructure Rehabilitation Feasibility Study, currently managing the preparation of the 2010 UWMP.

**Project Quality Assurance/Quality Control  
Water and Sewer Rate Study | Manila  
Community Services District | Manila, CA**

Worked closely with GHD staff and the District's General Manager and Board of Directors to develop a rate structure that met projected budgets while balancing the impacts to rate payers. The rate structures were accepted by the community and will provide the District with additional financial security to maintain their water and wastewater systems in the coming years.

**Project Engineer  
Wastewater Treatment, Disposal, and Reuse  
Plan | Paradise Ranch Resort | Grants Pass, OR**

Assisted in the completion of a wastewater treatment, disposal, and reuse plan for the combined housing and golf resort facility. The plan included evaluation of combined operations with nearby facilities, flow projections, treatment requirements for desired reuse system, and a cost estimate.



## Funding Experience

- **USDA:**
  - \$4.7 million Grant for the Maxwell Public Utility District Wastewater Treatment Plant
  - \$373,200 Grant for Rio Dell GW Well
  - Multiple SEARCH Grants
- **SWRCB:**
  - \$14.5 million Clean Water Drinking Fund/ Small Community Wastewater Program
  - \$13.9 million Drinking Water State Revolving Funds
  - \$5.7 million Storm Water Grant Program Funds
- **Proposition 204:** \$1.1 million in Grants for Water Supply Feasibility Studies
- **Proposition 13:** \$6.4 Million in Grants for Planning and Implementation of Groundwater, Infrastructure Improvement, and Water Conservation Projects
- **Proposition 50:**
  - \$879,000 Grant for Integrated Water Management Projects
- **Proposition 1E:**
  - \$3.5 million Grant for the City of Fortuna Flood Protection
- **Proposition 84:**
  - \$2.5 million Grant for the City of Trinidad ASBS Stormwater Project
  - \$391,017 Urban Stream Grant for the City of Fortuna
  - \$4.3 million in DWR IRWMP Grant funds for water system upgrades
- **Proposition 1:**
  - \$1.75 million in Ocean Protection Council Stormwater Grants
  - \$4.4 million in SWRCB Storm Water Grant Program Grants
- **FEMA/ Cal OES**
  - \$24 million in Hazard Mitigation Grants and Public Assistance
- **CDBG**
  - \$1.7 million in CDBG Planning and Technical Assistance and Community Projects

## Economic Analysis

### **Project Manager/Economic Evaluator Wastewater Flood Protection Berm | City of Fortuna | Fortuna, CA**

Successfully completed Section 404 Hazard Mitigation Grant Application for completion of a flood protection berm to mitigate for flooding at the City of Fortuna's WWTP. Successfully developed a benefit-cost analysis to evaluate the economic costs of future flood events at the site. Total project costs were \$1.185 million, with 75% grant funding in the amount of \$888,845. Completed planning, design, and construction management for the Fortuna WWTP Flood Protection project to protect public health, reduce damage to the City's WWTP, and avoid loss of wastewater service.

### **Funding/Economic Advisor Hillside and Rohner Creek Minor Flood Control Improvements | City of Fortuna | Fortuna, CA**

Led the benefit-cost analysis of flood reductions in the lower Rohner Creek and Hillside Watersheds of Fortuna. Developed a detailed analysis to show the value of creek enhancements to reduce flooding of homes and businesses in support of a FEMA Hazard Mitigation Grant. Analysis included evaluation of both physical damages and social and environmental costs resulting from flooding. Worked with California Office of Emergency Management Staff to fast-track the shovel ready project through the application phase.

### **Project Manager City of Trinidad Water Rate Study | City of Trinidad | Trinidad, CA**

Led the evaluation of water rates for the City of Trinidad. The evaluation included development of budget projections, capital improvements evaluation, analysis on in-city versus out of city rates, and rate design options. The project included the development of multiple rate options and the impacts of different rate structure of types of customers. GHD worked with City staff, the Council, and the public to implement a rate structure that is fair to the community and sustains the water system.

### **Project Manager Wastewater Rate Study | Fieldbrook Glendale Community Service District | Glendale, CA**

Led the evaluation of wastewater rates for the community of Glendale served by the Fieldbrook Glendale Community Services District. Oversaw the evaluation of change from a flat rate to consumption-based rate connected to water use. Worked with the community to address initial issues with the rate implementation to develop a structure that considered community water use and wastewater patterns. Worked with the District to develop a system of refunds and implement a final rate change.

**Project Manager  
WWTP Modifications and Reuse | Maxwell  
Public Utility District | Maxwell, CA**

Oversaw the completion of the planning, design, CEQA document, NEPA, permitting, and construction of the Maxwell Wastewater Treatment Plant Upgrade and Irrigation Reuse System to address regulatory disposal issues. Facilitated an engineering report which included a regulatory analysis of reuse and irrigation options and associated treatment requirements, operations evaluation, flow projections, a preliminary design concept, and a draft revenue program. Worked with regulators and State Legal Counsel to obtain legal clarification on enforcement orders and discharge permit requirements. Construction for this project was successfully completed in March 2012.

The project included heightening of wastewater pond berms and construction of a new above ground 263-acre-foot, 16-foot-deep treated effluent storage pond. The project involved significant earthwork on the ponds and berms as well as grading of 60 acres of irrigation fields for flood irrigation. The project also included a raw influent and treated effluent pump stations. Also oversaw construction management including mitigation monitoring for several endangered species.

**Project Manager/Engineer  
Wastewater Treatment and Irrigation/Reuse  
System Concept Design | City of Rio Dell | Rio  
Dell, CA**

Involved with wastewater system planning assistance since 2001. Oversaw the completion the concept design of a 30-acre irrigation system for the reuse of treated wastewater. Completed a groundwater model of the project area near the Eel River to evaluate potential impacts of irrigation on the beneficial uses of groundwater and surface water. Model showed no impacts during critical summer months. Completed Section 1600 permitting for the project. Completed preliminary treatment system design to meet nutrient removal requirements for irrigation with treated effluent. System was constructed in 2013.

**Project Manager  
Caltrans District 1 Climate Change  
Vulnerability Assessment | Humboldt County  
Association of Governments (HCAOG) |  
Humboldt County, CA**

Served as Project Manager for a district-wide climate change vulnerability assessment and adaptation plan led by Caltrans and the HCAOG. The project involved performing climate change vulnerability assessments at four prototype sites in Del Norte, Humboldt, Mendocino, and Lake Counties. The GHD team developed an adaptation planning tool and then used it to develop adaptation strategies to mitigate the effects of climate

change impacts, such as sea level rise, storm surges, and temperature change.

**Project Manager  
Luffenholtz Creek Source Water Protection |  
City of Trinidad | Trinidad, CA**

Led this sediment reduction project to improve water quality from initial grant application submittal through project completion. The project was constructed on private property for the benefit of the City's water system. Project included construction of two new roads with extensive excavation, grading, and subgrade development, development of a quarry, installation of two pre-manufactured bridges, and installation of numerous erosion and sediment control BMP's.

**City/District Engineer  
City/District Engineering Services | Multiple  
Clients | California**

Rebecca works with many communities in the Eel River Valley, as well as throughout Humboldt County as the Role of City/ District Engineer or in support of GHD On-Call Engineering contracts as follows:

- City of Rio Dell - City Engineer
- Myers Flat Mutual Water System - District Engineer
- Fieldbrook Glendale Community Service District - District Engineer
- City of Fortuna - On-Call Engineering Services
- City of Trinidad - On-Call Engineering Services
- Humboldt Bay Municipal Water District - On-Call Engineering Services
- City of Eureka - On-Call Engineering Services
- Redway Community Service District - On-Call Engineering Services

**Work History**

2001 - Present	GHD (formerly Winzler & Kelly), Eureka, CA
1997 - 2001	Maryland Department of Environment, Technical and Regulatory Services Administration, MD

## Cannabis Odor Control Solutions

### CAPCOA SPRING MEMBERSHIP MEETING

Santa Barbara County  
Air Pollution Control District

Our Mission: To protect the people and the environment of Santa Barbara County from the effects of air pollution.

Aeron Arlin Genet  
Director / APCO

May 15, 2018



1

## Cannabis in Santa Barbara County

- Santa Barbara County currently has the most temporary cannabis cultivation licenses in California<sup>1,2</sup>
- 52 cannabis cultivators in Carpinteria alone<sup>3</sup>
- Odor generated from cannabis cultivation is a significant nuisance issue for residents



<sup>1</sup> <https://www.independent.com/news/2018/may/01/santa-barbara-cannabis-growers-hold-most-temporary/>  
<sup>2</sup> Fiscal/Environmental Impact Report (EIR) for the Cannabis Land Use Ordinance and Licensing Program – Santa Barbara County  
<sup>3</sup> <https://www.independent.com/news/2018/may/23/santa-barbara-county-calls-cannabis-growth-a-problem/>

2

## Odors From Cultivation

- Odors produced during cannabis flowering stage
- For large-scale operations, significant portion of plants will be flowering at any given time
- Cannabinoids, Terpenes, Sesquiterpenes



3

## Odor Neutralizers

- Process works like this: chemical reaction occurs between the odors and compounds in the neutralizer to scrub the smell
- Neutralizer is converted into a vapor that gets dispersed
  - Odors "surf" the airstream
  - Odors & neutralizer more likely to meet if in the airstream together
- One example shown here: Ecosorb CNB 100 odor neutralizer



4

## Vapor-Phase Odor Control Technology

- Vapors go through PVC piping around perimeter of greenhouse
- PVC piping contains holes for release of odor neutralizer
- Size and number of holes unique to each installation but designed to minimize pressure drop

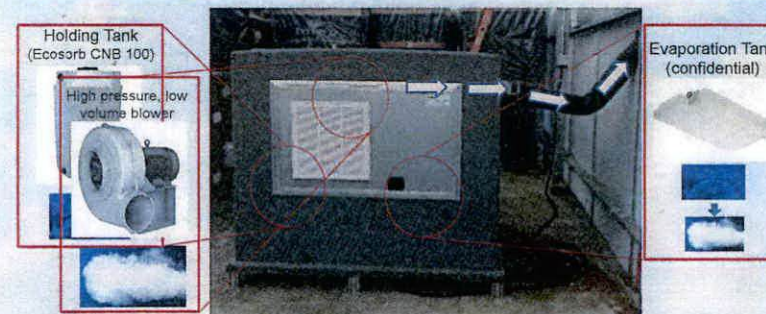


[http://www.ecosorb.com/assets/ham\\_vapor\\_system-001.pdf](http://www.ecosorb.com/assets/ham_vapor_system-001.pdf)



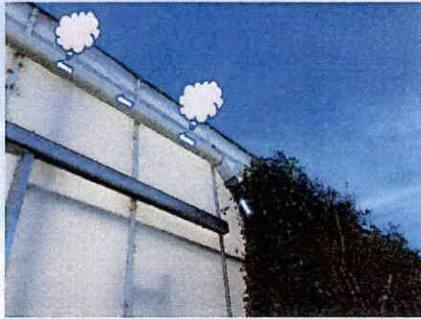
5

## Odor Control System Process Flow

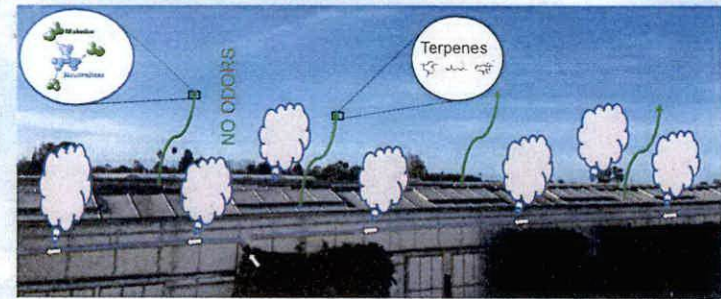


6

## Odor Control System Process Flow Cont.



## Odor Control System Process Flow Cont.

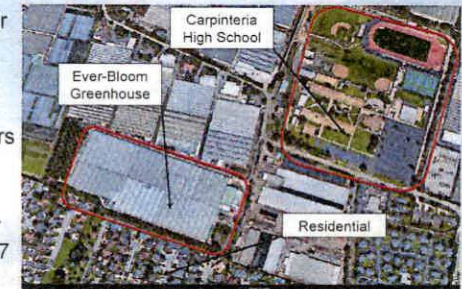


## Considerations

- Ecosorb CNB 100 example:
  - Throughput ~ 3.5 gallons per day
  - A pine/citrus scent from overproduction of neutralizer vapor
  - Approximate capital cost \$38,000 - \$53,000, including installation
  - Annual operating cost (based on typical large-scale greenhouse operations) is \$45,000 – \$50,000 per year

## Ever-Bloom Test Case

- 15-acre greenhouse located near sensitive receptors
- 650,000 sq. ft cannabis growing operation, previously grew flowers
- Installed a Byers-Scientific & Manufacturing vapor-phase odor control system in November 2017

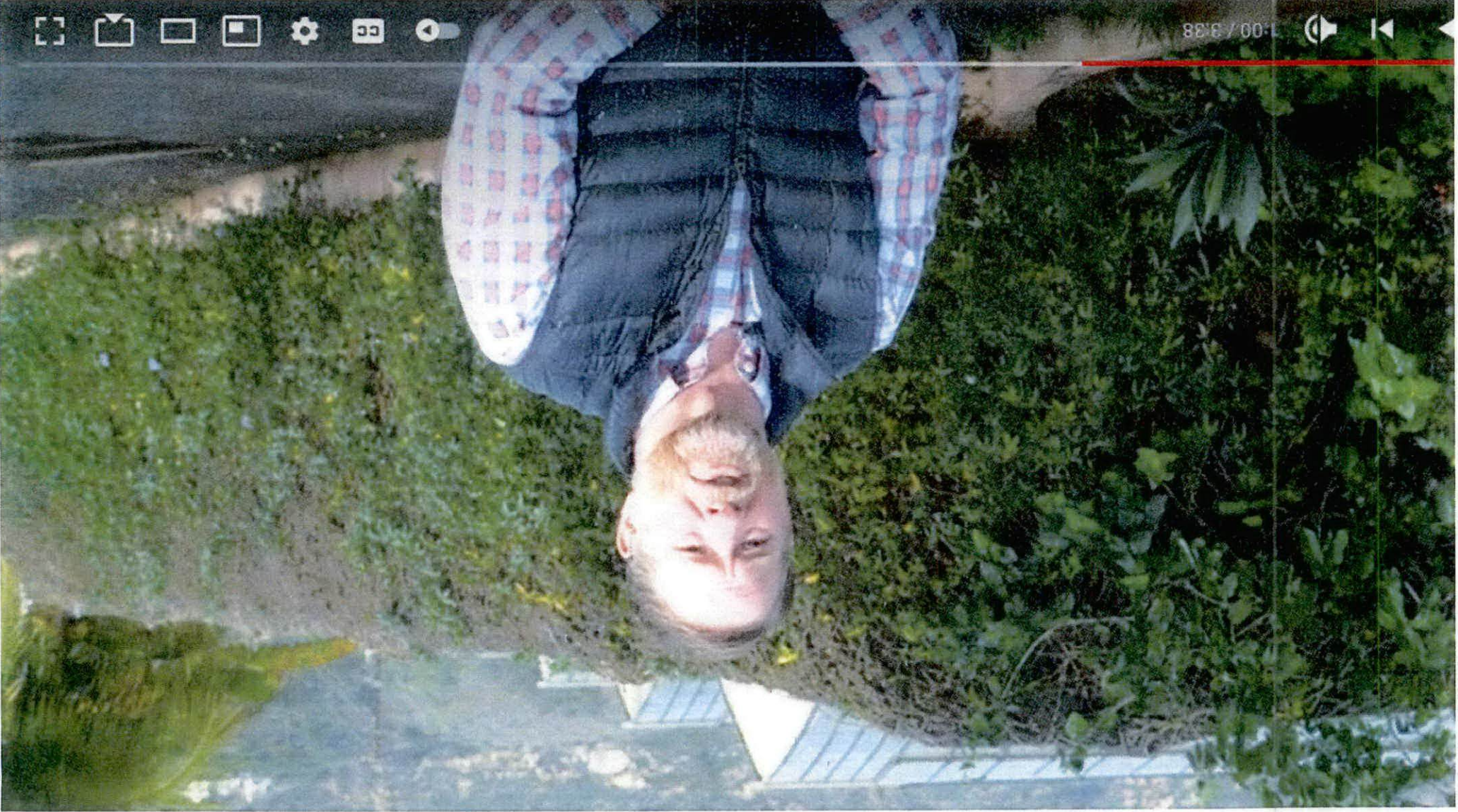


## Ever-Bloom Test Case Cont.

- Ever-Bloom invited District staff to inspect odor-control system in February 2018
- District staff toured the greenhouse and odor-control system
- Odor-control system was operating during the visit and appeared to be working as advertised
- Pungent odors from inside the greenhouse could not be detected directly outside the greenhouse or at the property line

## Other Applications

- System currently installed at 14 cannabis operations in Carpinteria
- System can be used to control odors from:
  - Solid Waste (landfills, waste transfer stations, compost, pulp & paper)
  - Wastewater Treatment
  - Commercial (food waste, trash compactors, food processing)
  - Agricultural (dairy, poultry and hog farming)
- Also operational at Miramar Landfill in San Diego as well as composting and landfill operations throughout the US



nabis Odor Control System in Carpinteria Valley

views • Jan 28, 2019

Larry Nimmer  
1.72K subscribers

With More Buds of Buds Scientific <https://www.budscientific.com>

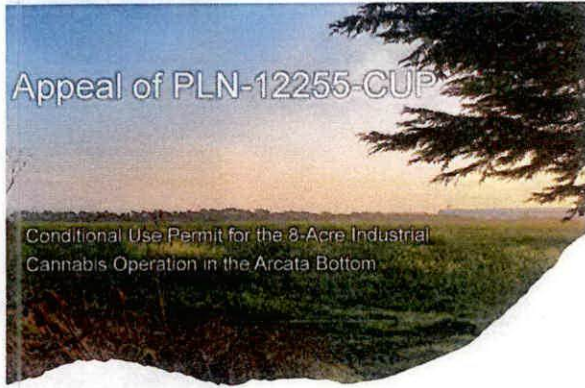
Note dead foliage at the top of these  
vines planted at the perimeter of a grow using Ecosob.

11 2 SHARE SAVE ...

SUBSCRIBE

## Appeal of PLN-12255-CUP<sup>1</sup>

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



## Community Request

Use your Discretionary Authority to Deny PLN-12255-CUP



## We Support Local Growers

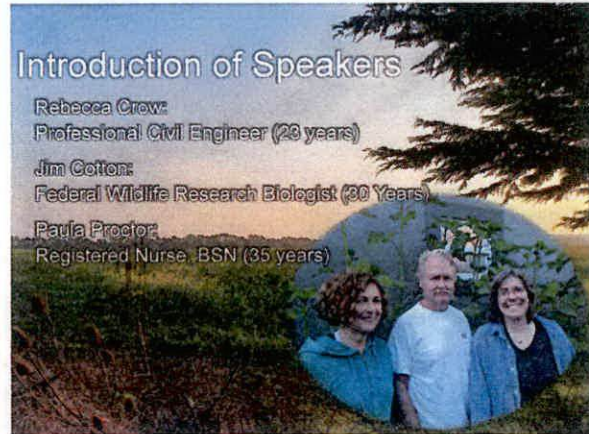


## Introduction of Speakers

Rebecca Crow:  
Professional Civil Engineer (28 years)

Jim Cotton:  
Federal Wildlife Research Biologist (30 Years)

Raifa Proctor:  
Registered Nurse, BSN (35 years)



## Our Neighborhood



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

**Holder Law Group**  
107 Washington Street, #111  
Arcata, CA 95521  
Email: [info@holderlaw.com](mailto:info@holderlaw.com)  
Phone: 709.999.1700  
www.holderlaw.com

April 30, 2021  
Via Email: 2021.04.30

Humboldt County Board of Supervisors  
Email: [Virginia.Brown@humboldt.ca.gov](mailto:Virginia.Brown@humboldt.ca.gov)  
Steve Mathison, [smathison@humboldt.ca.gov](mailto:smathison@humboldt.ca.gov)  
Katie Wilson, [kawilson@humboldt.ca.gov](mailto:kawilson@humboldt.ca.gov)  
Michelle Blumert, [mblumert@humboldt.ca.gov](mailto:mblumert@humboldt.ca.gov)  
Rae Brown, [rbrown@humboldt.ca.gov](mailto:rbrown@humboldt.ca.gov)  
Attn: Clerk of the Board, [clerk@humboldt.ca.gov](mailto:clerk@humboldt.ca.gov)  
825 5th Street, Room 111  
Eureka, CA 95501

John Ford, Director  
Humboldt County Planning and Building Department  
2023 3rd Street  
Eureka, California 95503  
Email: [jford@humboldt.ca.gov](mailto:jford@humboldt.ca.gov)

Re: Patterns of Incompatible 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."<sup>4</sup> 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.<sup>4</sup> In other words, when an MND is prepared, the burden is on the local 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

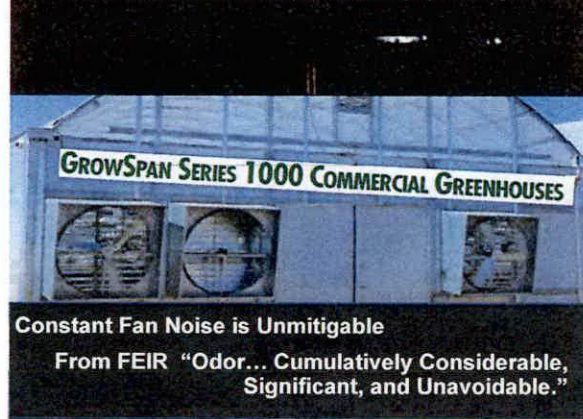


Storm and Flood waters linger in Arcata, Other areas of Humboldt County  
Photo credit Times-Standard

## 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
<b>Total</b>	<b>28.5</b>
Eureka Plain Basin Limit	31.0
<b>Unallocated Cultivation Acres</b>	<b>2.5</b>



**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
<b>Eureka Plain</b>	<b>89</b>	<b>31</b>
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
<b>TOTAL</b>	<b>3,500</b>	<b>1,205</b>

## 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

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

**VI. ENERGY.**

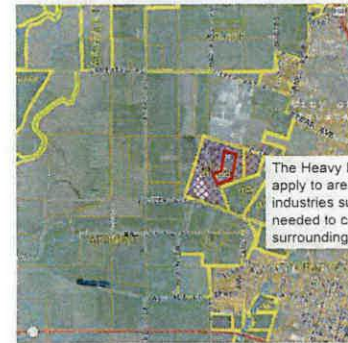
Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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.**

Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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"/>



**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.



**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 mislabeling that Humboldt County has become dominated by industrial-size farms post-legalization.

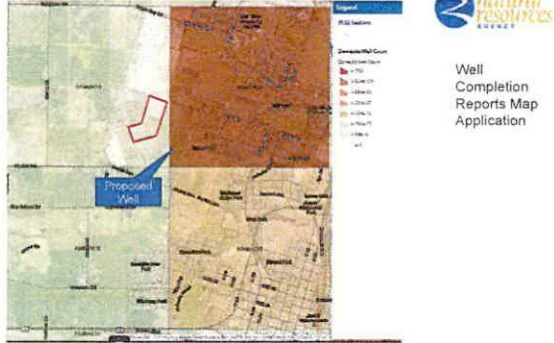
**Active agricultural land being lost**



- 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

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



IS/MND Appendix E  
Hydrologic Connectivity Letter

**RICH**  
WELL DRILLING AND PUMP SERVICE COMPANY

1501 Mills Drive, Redlands, CA 92373 Phone 909-492-7221

August 16, 2020

**Richard Vassar**  
Acacia Land Company LLC  
2318 Foster Avenue  
Arcata, CA 95521

**Subject:** Agriculture Irrigation Well; APN 008-235-011

Dear Mr. Vassar:

Rich Well Drilling completed your testing and obtained a permit for an existing agriculture irrigation well on APN 008-235-011 in March 2018. 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 Landmark, 1-008-011). There are no nearby streams or surface waters. Based on site-specific circumstances, Rich Well Drilling believes that the well has no hydraulic connection to any surface water or any larger shallow homogeneous aquifer.

Sincerely,  
*Stuart Dickey*  
Stuart Dickey  
Rich Well Drilling and Pump Service Company

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.	Would the project:	Less Than Significant Impact			
		More Than Significant Impact	Less Than Significant Impact	More Than Significant Impact	No Impact
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"/>	

No well tests done to prove yield



IS/MND Appendix D  
Well Completion Report

State of California  
Well Completion Report  
Form DWR 188 Submitted 4/6/2019  
WCR2019-064628

Water Level and Yield of Completed Well

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

\*They are not representative of a well's long term yield.

No water quality testing of proposed well water

Impacts to Groundwater Not Evaluated



IS/MND Text

2.4 Water Source and Irrigation Plan

Water Source

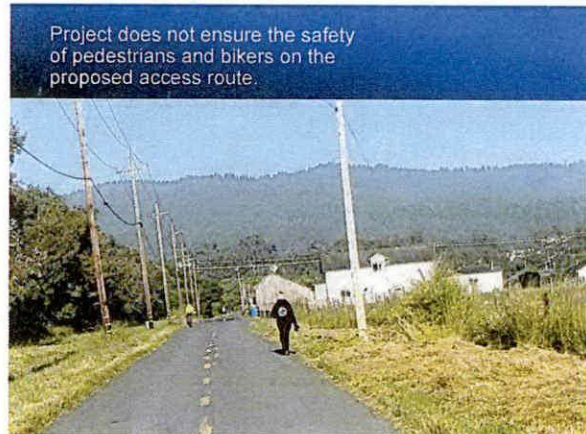
Water for irrigation will be supplied by an existing permitted on-site groundwater well (County Permit Number 1529-0703). The well is located east of the Project area on an adjoining parcel under common ownership (APN 008-235-012) (see Sheet L, Site Plan, and Figure 1, Existing Conditions Site Map). The well is completed to a depth of approximately 150 feet and has an estimated yield of 400 gpm. The well is screened in a state designated groundwater basin (Mad River Valley - Mad River Landmark, 1-008-011). As documented by the well's drilling logs (see Appendix D, County Well Permit). As documented by the well's drilling logs (see Appendix D, County Well Permit). The well is screened approximately 100' below surface in a state designated groundwater basin (Mad River Valley - Mad River Landmark, 1-008-011) and has no hydraulic connection to any surface water or any larger shallow homogeneous aquifer (see Appendix E, Hydrologic Connectivity Letter).

XIX. UTILITIES AND SERVICE SYSTEMS.

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 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**

SNW BUSINESS

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

April 29, 2021 | 8:50am



Add quote from Natlyne's Letter

## Community Request

Use your Discretionary Authority to Deny PLN-12255-CUP



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

Last week, we provided a preliminary consultation to Laris 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 2.3 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

McKhaver

## 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!



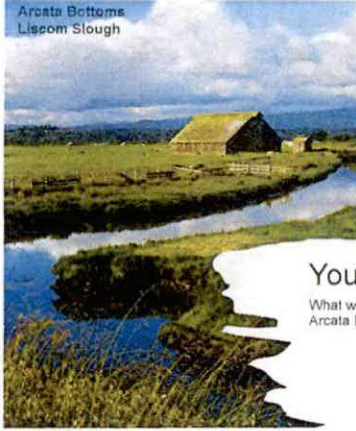
## Minimum Conditions to Protect the Community

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

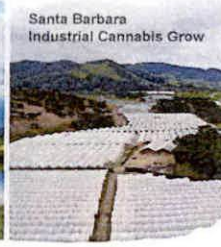
## Minimum Conditions to Protect the Community

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  
Lispom Slough



Santa Barbara  
Industrial Cannabis Grow



## Your Choice?

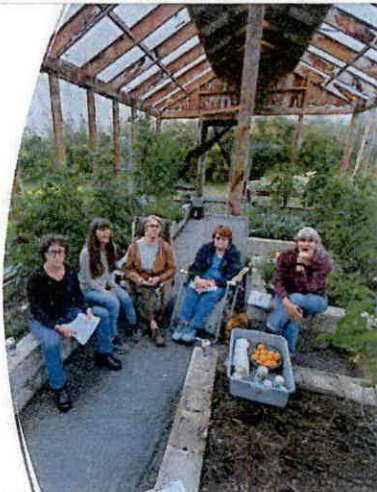
What will be your legacy on the  
Arcata Bottom?

# Appeal of PLN-12255-CUP

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

## Community Request

Use your Discretionary Authority to Deny PLN-12255-CUP



The Project ensures no local accountability after permit approval

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



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 FIGHT AGAINST INDUSTRIAL WEED BEGINS IN MY BACKYARD



### Wedding boom is on as vendors scramble to keep up

By Associated Press

June 9, 2021 | 9:04pm | 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 protection of the community



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 Footfill have complained that the smell of cannabis is making them sick. Here's their view of the greenhouse industry including GSK Farms, at the western end of the Carpinteria Valley looking toward Nidever Road. Many of the greenhouses in the valley were formerly as cut flowers and are now in cannabis. (Credit: Community)



## Active agricultural land being lost



2003

2004

2012

2019

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 3<sup>rd</sup> 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.

## 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.

## Humboldt County Planning Department is not Encouraging Public Input

- Team 27<sup>th</sup> 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 ARKANSAW

## 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 18<sup>th</sup> Board meeting when John Ford deferred to a consultant's study over the CDFW's request.

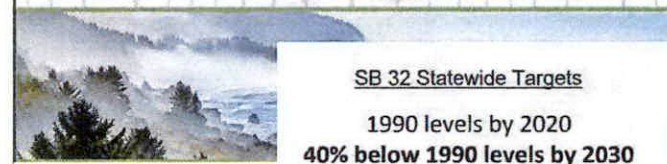


## An 8-Acre Project Size is not a Compromise

- 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 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

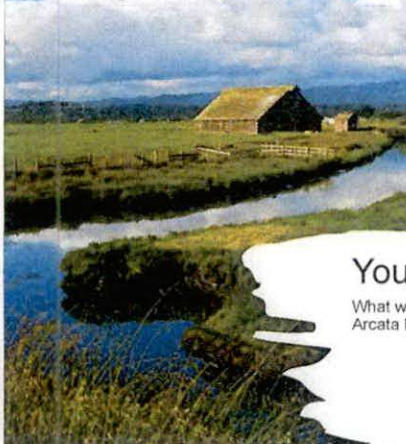
- Lacks detail
- Project description has changed Four times since the IS/MND was completed
- A brand new technology was introduced just today
- Data is needed to prove the project will meet noise, odor, and light standards
- Per Thomas Mulder, Where's the Operations agreement between Headwaters and Arcata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



## 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
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Arcata Bottoms  
Liscom Slough



Santa Barbara  
Industrial Cannabis Grow



## Your Choice?

What will be your legacy on the Arcata Bottom?

## Minimum Conditions to Protect the Community

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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

May 4, 2021

From:  
James M. Cotton, et al.  
1971 27th Street  
Arcata, CA 95512  
[jmccotton57@gmail.com](mailto:jmccotton57@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,<sup>6</sup> 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.

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

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 (LAFCos) 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.

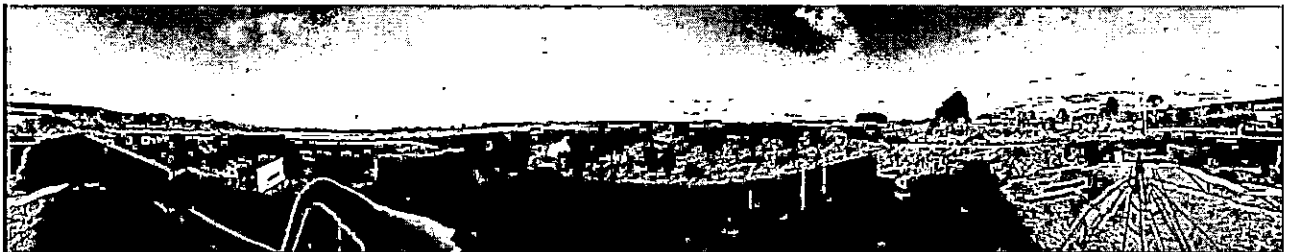
The proposed Project will have significant un-mitigatable impacts on the scenic vista of the Arcata's Western Greenbelt, an officially designated scenic resource.

- 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:

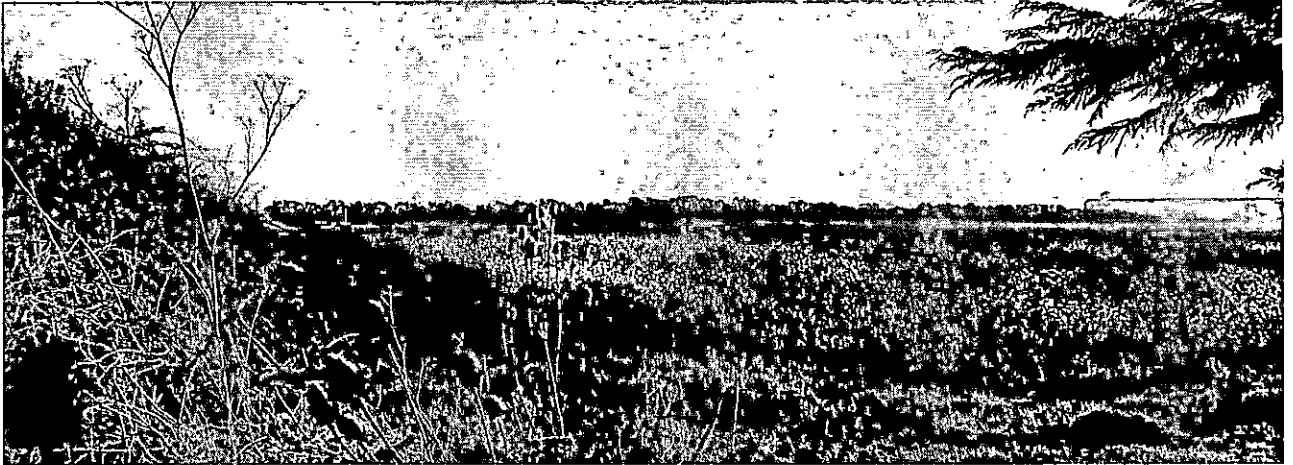
- *The surrounding vicinity is sparsely populated with approximately five residences located within 1,000 feet of the Project Site.*
- *The existing greenhouses are used to grow flowers, while the fields have been used for both flowers and mixed row crops.*
- *The Project proposes hoop structures, a 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 27<sup>th</sup> 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 27<sup>th</sup> 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.

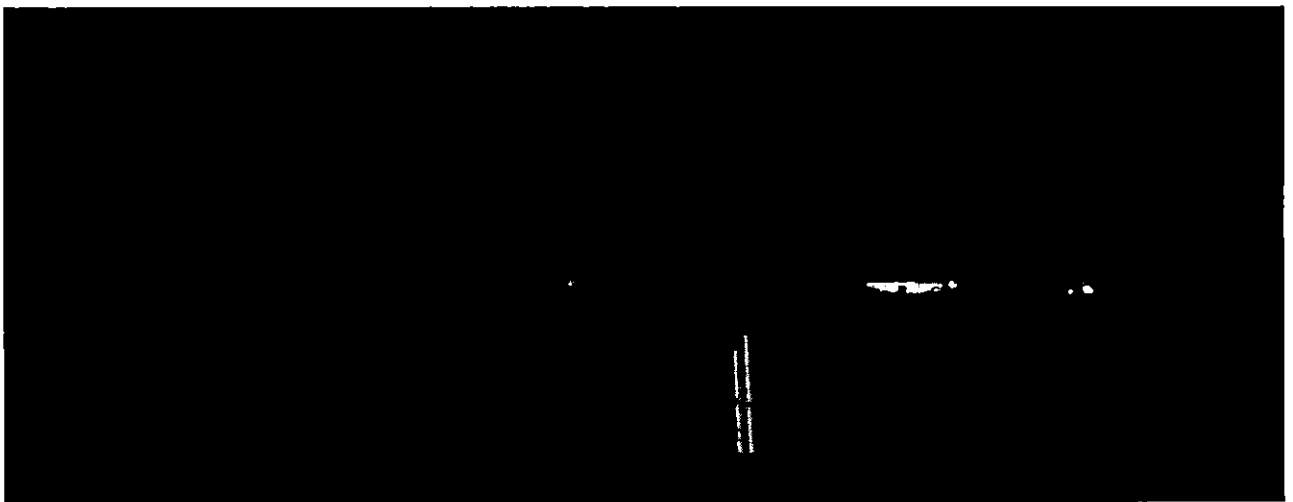


Image 3: View of Project Site from Ennis Park with light pollution from current Arcata Land Company Operation

## 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 (CO<sub>2</sub>e) 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.



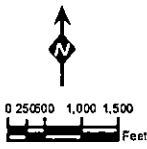
# Western Greenbelt Plan Map Appendix C

**Legend**

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

**Project Site**

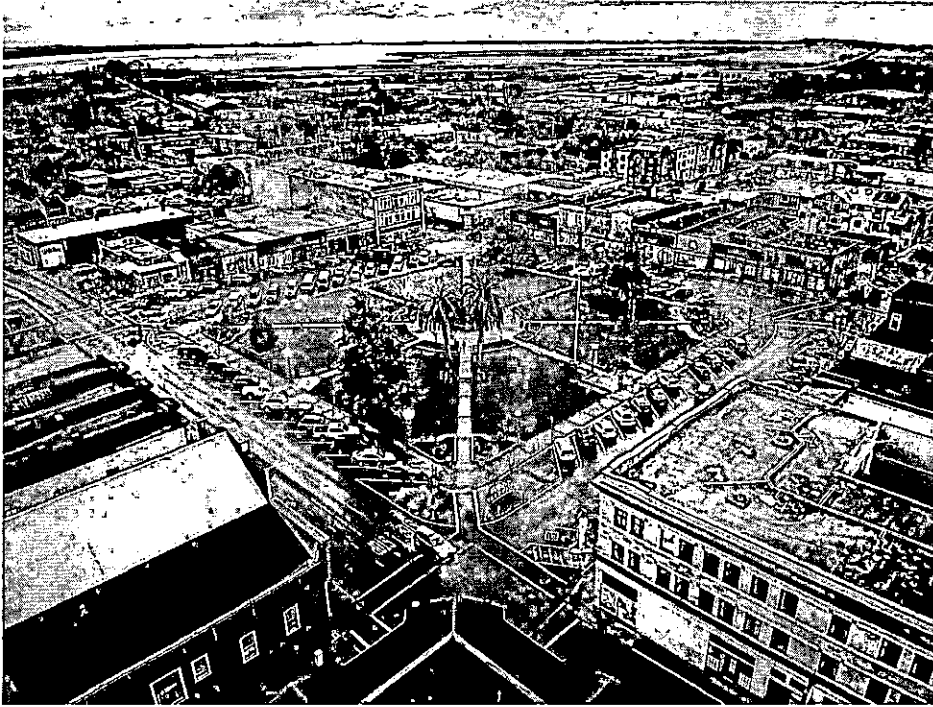
Arcata Bay



City of Arcata  
Planning Department  
1000 Broadway  
Arcata, CA 95521  
Phone: (707) 825-1234  
Fax: (707) 825-1235  
www.cityofarcata.com

# City of Arcata

## Municipal Services Review

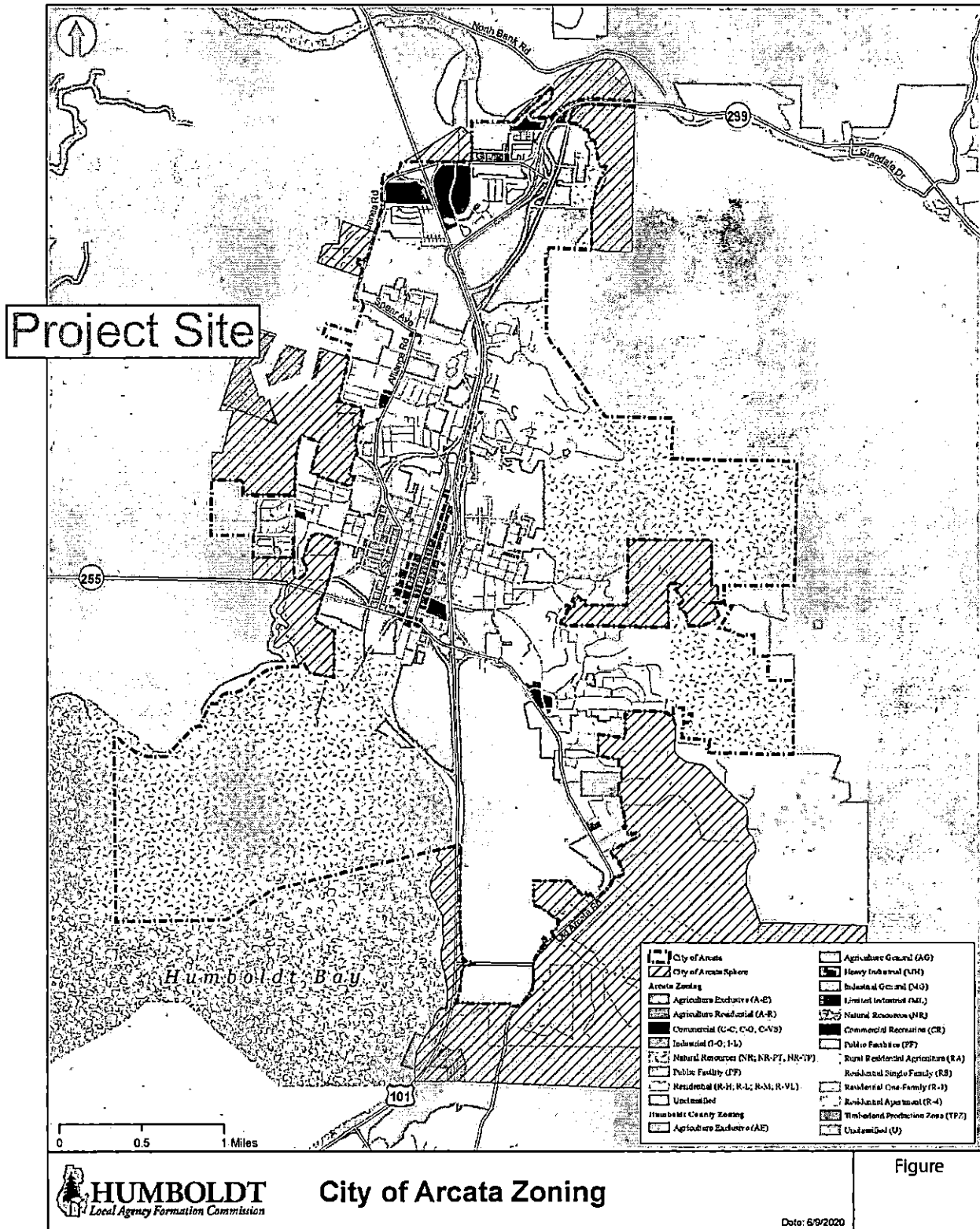


Adopted  
November 18, 2020



[www.humboldtlafo.org](http://www.humboldtlafo.org)

Figure 2: City of Arcata and Humboldt County Zoning



# California State Parks Community FactFinder Report

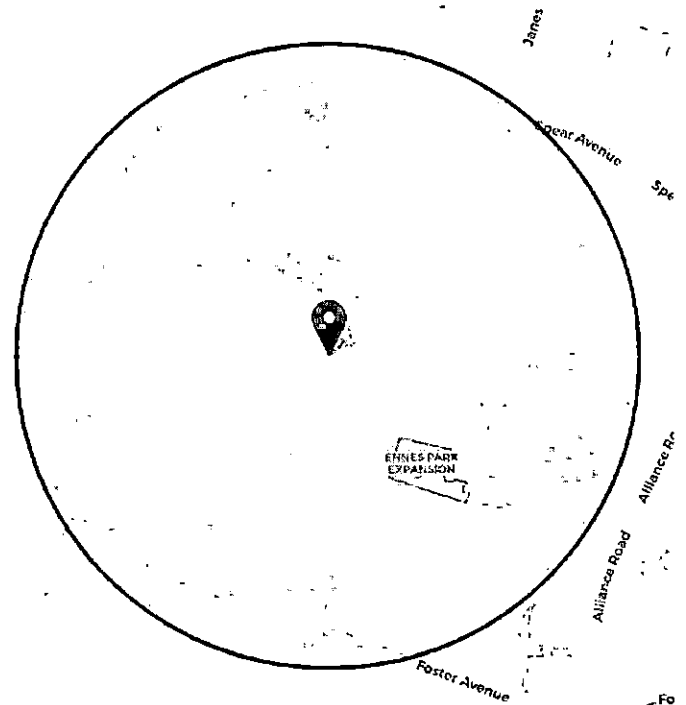
Project ID: 102219  
Coordinates: 40.8873, -124.1000  
Date: 2/26/2021

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
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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](mailto:SCORP@parks.ca.gov)



SCORP Community FactFinder is a service of the California Department of Parks and Recreation  
[www.parks.ca.gov](http://www.parks.ca.gov)

SCORP Community FactFinder created by GreenInfo Network [www.greeninfo.org](http://www.greeninfo.org)  
in consultation with CA Dept. of Parks and Rec





Rebecca Crow &lt;watergirl64@gmail.com&gt;

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**Comments on APPLICATION NO. 12255**

1 message

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**Rebecca Crow** <watergirl64@gmail.com>  
To: "Yandell, Rodney" <ryandell@co.humboldt.ca.us>

Thu, Apr 22, 2021 at 7:00 PM

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 18<sup>th</sup> and April 22<sup>nd</sup> 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 18<sup>th</sup> 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

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](mailto: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](mailto:mike.wilson@co.humboldt.ca.us))

# California State Parks Community FactFinder Report

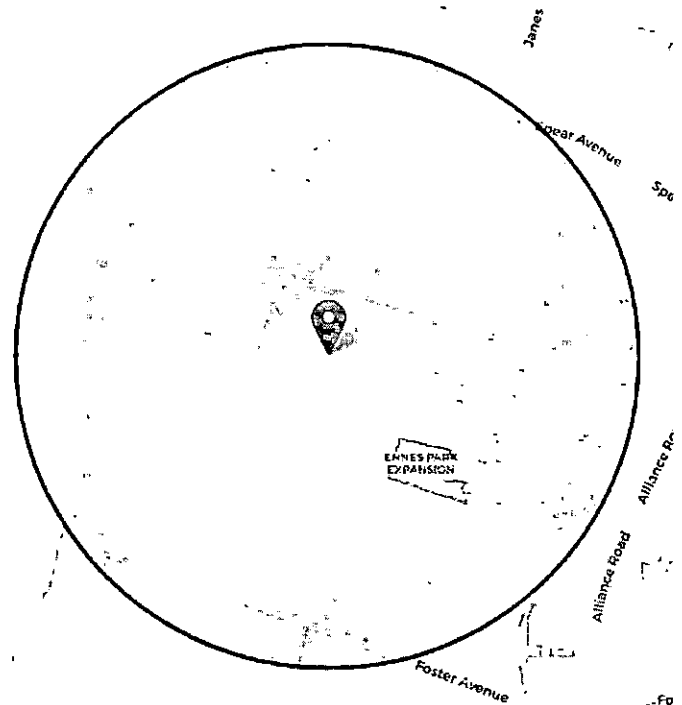
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