

SUPPLEMENTAL INFORMATION #1

For Planning Commission Agenda of:
March 5, 2020

<input checked="" type="checkbox"/>	Consent Agenda Item	No. E-4
<input type="checkbox"/>	Continued Hearing Item	
<input type="checkbox"/>	Public Hearing Item	
<input type="checkbox"/>	Department Report	
<input type="checkbox"/>	Old Business	

Re: Humboldt Emerald Triangle, LLC Conditional Use Permit

Record Number: PLN-11065-CUP
Application Number: 11065
Assessor Parcel Number: 308-131-012-000
2121 Table Bluff Road, Loleta, CA 95551

Attached for the Planning Commission's record and review is the following supplementary information items:

1. A letter submitted to the County February 26, 2020 from a neighboring property owner regarding this cannabis application (Attachment 1):

The concerns raised in this letter relate to the alleged connectivity of the project well to neighboring wells and the drawdown/connectivity testing that was recently completed by the applicant did not include neighboring wells. Additionally, concerns regarding water contamination, noise pollution, odor, historic cultivation area footprint, an assumed decrease in the area's property values, and the increase in crime in the vicinity of the cannabis cultivation operation.

ATTACHMENT 1

Martin Rau
Registered Professional Forester No. 2005
2103 Table Bluff Road, Loleta, CA 95551
707-733-5476



February 25, 2020

Portia Saucedo, Planner
Humboldt County Planning Commission
Eureka, CA 95501

Ref: PLN-11065-CUP More public comments

1. Water Supply

As of February 5, 2019, the applicants have not contacted any of the nearby water well owners for information about water levels, etc. Currently, they have not contacted me.

The previous tenants proposed to use 16,600 gallons per month for a comparable level of production, which is less than half of the applicants' proposed use.

Given the unanswered questions of connectivity and long term sustainability, the applicants should be required to adopt readily available water saving technologies such as drip irrigation and rainwater storage. The previous owners installed drip irrigation for their Orchid production so, presumably, some of the required hardware still exists and might be reused.

2. Water Quality

The greenhouses were not constructed with modern systems to collect, store and treat irrigation runoff. The applicants propose to water with hoses which will increase to possibility of over-watering and subsequent runoff, which, in turn, will increase the possibility of agricultural chemicals eventually entering and contaminating the groundwater supply which is shared by my domestic water well.

3. Noise

The three Cannabis dryers noted in my previous comment letter have now been increased to six. My wife returned from a walk recently to inform me that the generator was running again. When I investigated, I discovered that all six dryers were running and producing noise that was comparable to the generator noise that prompted my previous complaint. The noise is clearly audible at my residence.

If the Cannabis Noise Ordinance allows 60 db at the property line, it is at serious variance with the general County Noise Ordinance which says that noise audible at the property line is in violation.

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8. Comments on Required Findings For Approval

6. Proposed exemption from CEQA

The applicants should not be exempt from the EIR requirements of CEQA for the following reasons:

- 1. New construction has expanded the footprint of the pre-existing operation. Including the installation of a generator and its' enclosure and the installation of six outdoor drying buildings;**
- 2. Expansion of Cannabis cultivation to outdoor areas where no previous cultivation has occurred.**
- 3. There are unanswered questions about the effects of current and proposed water withdrawals on adjacent domestic wells.**

4. The applicants are not in compliance with the following CCCLUO requirements:

313-55.4.12.1.11 Performance Standards for Hazardous Materials Site Assessments and Contingency Plans.

The project area was previously zoned Light Industrial. The previous owners used potent insecticides and fungicides for Orchid production. Nobody knows what residual materials might be present, or might have escaped in runoff. The previous Cannabis tenants were arrested for illegal cultivation and possession of illegal automatic firearms, which begs the question of what chemicals they might have used as well. Again, nobody knows.

A Hazardous Materials Site Assessment is needed to answer these concerns;

313-55.4.12.4 Performance standards for Light Pollution Control

Historically, the applicants have been in intermittent compliance and violation. And compliance has been in response to my complaints;

313-55.4.12.6 Performance Standards for Noise at Cultivation Sites

When dryers are in operation, noise levels are substantially above the 3 db maximum at my property line. The applicants' noise readings do not address the 3 db maximum above ambient noise level requirement at all.

313.55.4.12.7 Performance Standards for Cannabis Irrigation.

The applicants have not demonstrated that the proposed water withdrawals from their well can be made without adverse consequences in adjacent domestic wells. Metering and reporting is all very well. But if adjacent wells are adversely affected, what then?

The applicants' recent pump test only demonstrates their ability to produce lots of water. It does not address connectivity issues at all. And the report uses a reference well that is so far distant as to be meaningless in the time frame of the test.

The applicants' parcel is less than 40 acres.

The applicants' well is located less than 400 feet from my property line.

My existing well is less than 400 feet from the property line. The total

3.45

distance between the two wells is about 700 feet. Connectivity between the two wells is highly likely.

Thus, both wells "...shall be subject to groundwater testing to determine connectivity of the source supply."

312-17.1.4

The applicants have not shown that the project will not be detrimental to public health nor injurious to properties or improvements in the vicinity. Regardless of findings by referral agencies, several issues remain to be addressed. Particularly, water supply, connectivity and groundwater pollution, noise and odors.

6. Environmental Impact

The bland assumption that the proposed project is simply a transition from Orchid flower production to Cannabis flower production is fallacious.

The proposed project presents a quantum increase in intensity of production practices:

There will be a substantial increase in groundwater withdrawals with unknown effects on surrounding wells;

There will be an enormous increase in fertilizer and other chemical use with the potential for groundwater pollution increased by wasteful irrigation practices;

There will be an increase in plant density along with a shift from a stable population of mature plants to several complete rotations of plants per year;

There has been, and will continue to be, an increase in ambient levels of noise and odors;

There already exists an increased threat to the public safety. Nobody ever thought to steal the Orchids previously grown at this site. Cannabis rip-offs, many with violence, are increasingly common.;

The effects on property values in the vicinity are unknown. But my estimate is that the effects are likely to be negative, not positive, especially if my water supply is diminished by my neighbors monetizing for short-term gain what is clearly a shared resource.

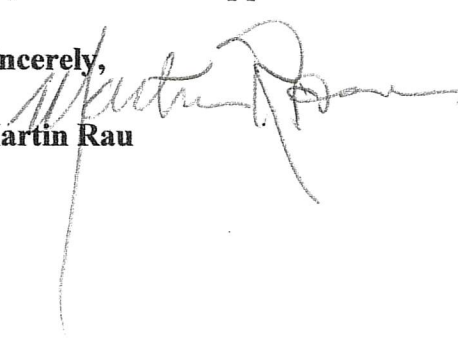
CONCLUSION

My experience so far is that the applicants are talking nice talk in their application documents, but that they are not living up to their commitments in reality.

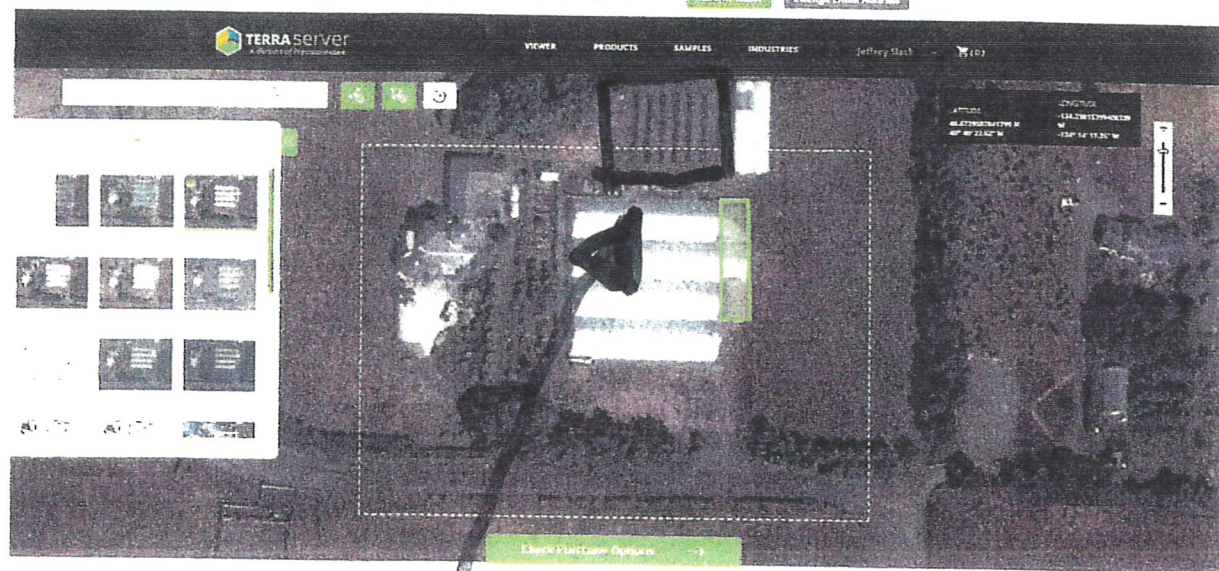
I am asking that the Planning Commission, as guardians of the public trust, deny this permit application until the applicants have responded to all of the requirements for approval in substantial and meaningful ways.


Sincerely,

Martin Rau



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The shown as  appears to have been modified to show outdoor Cannabis cultivation where none has been observed.

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