

SUPPLEMENTAL INFORMATION #1

For Planning Commission of:
July 1, 2021

- | | | |
|-------------------------------------|------------------------|----------------|
| <input type="checkbox"/> | Consent Agenda Item | |
| <input type="checkbox"/> | Continued Hearing Item | |
| <input checked="" type="checkbox"/> | Public Hearing Item | No. G-3 |
| <input type="checkbox"/> | Department Report | |
| <input type="checkbox"/> | Old Business | |

Re: Humboldt Hempire Farms, LLC, Special Permit

Record Number: PLN-16602-SP

Assessor Parcel Number: 223-061-011

on the north side of Sprowel Creek Road, approximately 1,300 feet northwest from the intersection of Sprowel Creek Road and West River Lane, on the property known as 1575 Sprowel Creek Road, Phillipsville area.

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

1. A Revised Resolution with an alternative recommendation for denial because the applicant has converted timberland within the areas proposed for cultivation post-2016. First in 2020, and after staff communicated that the applicant would be required to restock these areas with timber species the applicant has continued to convert timberland within areas proposed for cannabis cultivation. Staff is recommending that the project either be continued for staff to work with the applicant to develop a reforestation plan, or that the project be denied.

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT
Resolution Number 21-
Record Number PLN-2020-16602
Assessor's Parcel Number: 223-061-011**

Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act and denying the Humboldt Hempire Farms, LLC, Special Permit.

WHEREAS, Humboldt Hempire Farms, LLC, submitted an application for a Special Permit for 43,560 square feet of new mixed light cannabis cultivation operation with appurtenant propagation and drying activities;

WHEREAS, the Applicant has engaged in unlawful timber conversion activities within the areas proposed for cannabis cultivation; and

WHEREAS, the project is exempt from environmental review pursuant to Section 15270 of the CEQA Guidelines (Projects which are disapproved); and

WHEREAS, the Humboldt County Planning Commission held a duly-noticed public hearing on July 1, 2021, and reviewed, considered, and discussed the application for a Special Permit and reviewed and considered all evidence and testimony presented at the hearing.

Now, THEREFORE BE IT RESOLVED, that the Planning Commission makes all the following findings:

1. FINDING: **Project Description:** The application is a Special Permit to allow a new 43,560 square foot (SF) mixed light cannabis cultivation operation with appurtenant propagation and drying activities. Power is provided by PG&E. Water for irrigation will be provided by existing permitted rainwater catchment system with 3,360,000 gallons of water storage (PLN-9635-CUP)

EVIDENCE: Project File: PLN-2020-16602

2. FINDING: **CEQA.** The project is exempt from environmental review pursuant to Section 15270 of the CEQA Guidelines (Projects which are disapproved).

EVIDENCE: a) Section 15270 of the CEQA Guidelines.

FINDINGS FOR SPECIAL PERMIT

3. FINDING The proposed development is not consistent with the requirements of the CCLUO Provisions of the Zoning Ordinance.

EVIDENCE a) Section 314-55.4.6.4.2 of the CCLUO Prohibits the Conversion of Timberland. Cultivation Site(s) may only be located within a Non-Forested area that was in existence prior to January 1, 2016. The applicant has converted timberland within the areas proposed for cultivation post-2016. First in 2020, and after staff communicated that the applicant would be required to restock these areas with timber species the applicant has continued to convert timberland within areas proposed for cannabis cultivation.

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Humboldt County Planning Commission does hereby:

- Find the project exempt from environmental review pursuant to Section 15270 of the CEQA Guidelines (projects which are disapproved); and
- Find that the required findings for approval under Section 312-17.1.3 of the Humboldt County Code cannot be made because the on-going timber conversions on the property for the proposed development is inconsistent with the Commercial Cannabis Land Use Ordinance; and
- Deny the Humboldt Hempire Farms, LLC Special Permit, Record Number PLN-2020-16602.

Adopted after review and consideration of all the evidence on July 1, 2021.

The motion was made by COMMISSIONER _____ and second by COMMISSIONER _____ and the following ROLL CALL vote:

AYES:	COMMISSIONERS:
NOES:	COMMISSIONERS:
ABSENT:	COMMISSIONERS:
ABSTAIN:	COMMISSIONERS:
DECISION:	

I, John Ford, Secretary to the Planning Commission of the County of Humboldt, do hereby certify the foregoing to be a true and correct record of the action taken on the above entitled matter by said Commission at a meeting held on the date noted above.

 John Ford, Director
 Planning and Building Department

McClenagan, Laura

From: Ann Constantino <annconstantino@gmail.com>
Sent: Monday, June 21, 2021 4:36 PM
To: Planning Clerk
Subject: Public comment on Humboldt Hempire Farms LLC; PLN-2020-16602

Dear Commissioners,

This letter is to state my objection to the planned addition by Humboldt Hempire Farms of 17 greenhouses on the property APN 223-061-011. PLN-2020-16602

I live directly across the South Fork of the Eel river from this proposed project. The morning after the last planning commission meeting on June 3rd at which this permit application was tabled until a later date, someone verbally assaulted me from the property on which the project is to be done. At about 8:50 on the morning of June 4, I suddenly heard a man shouting at me from the project property as I walked alone along the river. I heard the words "Jerry" and "letter" repeatedly yelled among other words I couldn't make out, and then the assault ended with the sentence, "All your neighbors officially hate you now." I immediately realized this was in response to a letter objecting to the project that my partner Jerry Latsko had submitted prior to the June 3 meeting.

This assault left me shaking for the rest of the day. I called the sheriff who said he could not respond because no actual threat was made. He suggested I get a civil restraining order. He also said he was aware of other neighbors unhappy with the practices of Humboldt Hempire Farms. The assault may not have constituted a crime but is an example of the kind of neighbor Humboldt Hempire Farms has been throughout its existence.

I object to this project because my quality of life and property values have deteriorated since this industrial agriculture venture began many years ago. There is loud noise and dust at all hours, often starting at dawn and going until after dark. My view of a formerly pleasant landscape is destroyed by acres of plastic sheeting and huge water bladders which have been a detriment to my property values. I am sure that when this area was zoned it was well before the cannabis boom which has radically changed the nature of agriculture in Humboldt County.

Additionally, as I understand it, any prospective buyer of my property would legally have to be informed of the unpleasant neighborhood conditions as well as the verbal assault. What rights do I have to protect my property values from this kind of degradation?

During this 2020-2021 winter of a drought year it appears that some of the bladders they have did not fill. Will their catchment system even actually be sufficient for all those proposed greenhouses? If drought is to become our norm, the project may be over-estimating its ability to provide enough water.

Furthermore, if drought conditions persist, it behooves the county to consider whether catchment is a sustainable way to water thirsty cannabis plants at all as creeks and rivers are denied the run-off they would normally receive from the scarce rain. Fish and wildlife are adversely affected by inadequate flows.

How much more wealth do these people need? When will quality of life in the neighborhood ever be more important than sky-high profit? Seventeen greenhouses with multiple harvests each per year represent riches beyond my imagination. My partner and I are both semi-retired and wish to live out our years in peace.

Please consider the small neighborhood of this once quiet and beautiful section of the South Fork of the Eel as well as the greater environmental and property issues raised by this type of exploitative "agriculture" when you make your decision.

Respectfully,

Ann Constantino
215 Leino Lane
Garberville, California 95542
707-923-7227

McClenagan, Laura

From: Jerry Latsko <latsko.jerry@gmail.com>
Sent: Tuesday, June 22, 2021 4:17 PM
To: Planning Clerk
Subject: PLN-2020-16602 APN223-061-011 Hearing date 7/1/2021

I strongly object to the proposed special permit from the property owners at 1575 Sprowel Creek Road in Garberville. These are the same people who were observed several years ago by myself and others and videotaped by the California Department of Fish and Game pumping water out of the river that separates their property from ours. Somehow they managed to avoid any punishment for that egregious offense against nature and fellow citizens but they have proven to be scofflaws who feel entitled to do do anything they want if it makes them money. They have continuously created noise pollution, including playing loud "music" over loudspeakers at all hours of the day and night to the annoyance of neighbors and the detriment of wildlife. I fear retaliation if they discover that I have complained but need to complain anyway. In fact, my partner, Ann Constantino was verbally assaulted as she walked along the river by Mr. Jefferies, who referred to my previous letter and yelled that "...all of your neighbors hate you now.." At a time of very serious drought conditions, the idea of using the amount of water necessary for this project, no matter how it is obtained, is a slap in the face to all residents in the area. There has already been a notable decline in wildlife activity in our area since they obtained this property and it will only get worse if this project is permitted. Thank you.

McClenagan, Laura

From: Sarah Brooks <sarahbv72@gmail.com>
Sent: Thursday, June 24, 2021 8:22 AM
To: Planning Clerk
Subject: Public comment re: Humboldt hempire

To Humboldt County planners,

I am deeply concerned about the severe drought and the continued consideration and granting of cannabis permits. Humboldt Hempire Farms LLC APN 223-061-011 is not appropriate for Garberville or any part of the South Fork Eel River watershed at this time. Redway water district where I live directly downstream is implementing conservation restrictions in June! This is not normal and absolutely untenable to continue with business as usual. If we don't treat this drought seriously and understand climate change is likely to cause it to continue we will become a ghost town due to lack of water. Please do your jobs and plan accordingly to the resources available. Thank you, Sarah Brooks

McClenagan, Laura

From: Ann Constantino <annconstantino@gmail.com>
Sent: Tuesday, December 14, 2021 7:55 AM
To: Planning Clerk
Subject: Public comment for PLN-2020-16602

Dear Planning Commissioners,

Regarding the Humboldt Hempire project proposal, record no. PLN-2020-16602; APN 223-061-011: Thank you for accepting my comments on this matter.

Please follow the staff recommendation to deny the Humboldt Hempire project that would bring 20 greenhouses onto property that has already been severely altered beyond recognition from its former state through numerous violations.

While the staff report concludes that the improper logging is the main reason for the recommendation, there are plenty of other strong arguments against approval, stemming mostly from Jeffries' long time callous disregard of environmental protections. All of this within plain sight of the outskirts of Garberville, and directly across the South Fork of the Eel from where I have lived since 1973.

Jesse Jeffries has a long history as a convicted felon and subsequently as a property owner who has no regard for environmental regulations. He has begun every step of development on his once beautiful property without permission. From pumping out of the river for illegal grows, to stream diversion, to altering the landscape for unpermitted water bladders, to cutting trees intended to make room for greenhouses but later claimed to be for firewood, he has been able to get away with all of it by applying for and receiving permission after the fact.

(Is this how we raise our children? You must finish your dinner before you have dessert....oh, you ate dessert first anyway? That's OK, here's another dessert, just eat your dinner some day. Over and over and over again.)

Enough is enough. His water business required a laborious rezoning process and despite it being shown that he was not keeping proper sales records and neighbors were complaining about loud trucks coming and going at all hours, he has retained the right to keep running this business, which provides ample income.

He has a permitted indoor grow, but I have not been able to get an answer to the question of how he waters it, so can only imagine that he might be using water out of his water business to do so. This goes against the CCLUO 2.0 which states that water collected in bladders may not be used for cannabis.

We are experiencing an unprecedented devastating drought in California. If this year continues to be a La Nina year, as predicted, we will have low rainfall totals again, and drought conditions will persist.

The planning department's own task force recommended issuing a moratorium on all new grows while the drought continues, but director John Ford contradicted this recommendation when it came before the supervisors, based on the idea that potential growers might have already invested large amounts of money in projects they were expecting to be permitted.

A better solution would have been to honor the hard work and respect the conclusions of a highly qualified task force taking into consideration the big picture of weed grows in Humboldt County, especially the availability of water for endless marijuana production. Issue the moratorium as suggested and allow growers to apply for exceptions on a case

by case basis, granting permission to growers with violation-free histories whose survival might legitimately be threatened by not being allowed to go forward.

In this scenario, Jeffries would not receive permission for his 20-greenhouse project, based not only on his laundry list of past violations, his pending legal action from the California Department of Fish and Wildlife and his time in prison for money laundering and illegal cultivation, neither would he receive permission based on economic need. His water business and current permitted grow appear to support him adequately, based on what I can see of his lifestyle from across the river.

By the way, how often does the planning department go against the recommendation of the Sheriff, who said no to this project due to pending legal actions against Jeffries.

By continuing to greenlight every single even vaguely compliant project, the county not only contradicts its own task force's recommendation re water use, but it tacitly encourages black market sales. The price of legal weed has tanked to the point that the start-up expense of infrastructure, plus maintenance, processing, etc will never be recouped and is a foolish business proposal. Would a bank loan money for this kind of startup? I doubt it. The direction of prices is not going to change and as big ag gets its tentacles more into cannabis, even the rich grow bros of Humboldt might find themselves out of options.

The issue of using bladders that were originally purposed for water sales (and strictly and specifically was not to be allowed to sell to pot farmers) to water his weed is another example of the county's apparently laissez-faire attitude toward growers. Anything goes if you know you can always just get permission after the fact. Anyone else installing a bladder to, say, water their vegetable garden, will be able to later say, "Oh, by the way, I'm putting a bunch of greenhouses in and will just use the bladders to water my weed, OK?" Based on the Jeffries case, the county will have to say sure, go ahead, it's OK if that was not the intention of the 2.0 ordinance. It won't mean any more than the task force's drought recommendations.

Another answer I have not been able to get from the planners assigned to this project is what is the new capacity of the bladders now that they have been reduced from 16 down to about 10 (I can't quite see how many remain, but there are several gaps where there used to be bladders)? This also reduces the collection amounts stated in the plan. Should he be allowed to repurpose his water selling bladders, now reduced greatly, to water his greenhouses to the extent that his water business is no longer viable? What then? The water business is permitted for another ten years. If it fails before that, is it just OK for him to water his weed with the remaining bladders? Is that good planning or careful stewardship of the land? If the water business ceases to exist, what of the required clean-up stated in the 2016 plan necessitating restoration of the landscape to its former health and status? Will that have to happen sooner if he needs his water for his weed and quits selling it to others?

These are questions I would require answers to if I were a planning commissioner weighing the pros and cons of this project. The conflating of the water business with the weed business is murky at best and based on his history, Jeffries will play whatever hand wins him the most money.

And what about the residential ag designation that was scrapped for the water business, but is now being used to support the new grow proposal? Agriculture that involves (assuming it's to be allowed that he water from the bladders) the compaction of Prime agricultural land under the bladders, the denuding of more prime ag land under the tarp and all the ecological destruction of soil and the life that lives within it is likely not what the original zoners had in mind when creating this designation. Modern pot farming has turned far away from any kind of sustainable, much less natural, form of give and take with the landscape that residential agriculture suggests.

Additionally, it deserves attention that most of this enterprise, including the bladders, is likely within the 100-year flood zone. It is difficult to imagine the potential for damage to the river should the bladders become dislodged in a major flood. Furthermore, high water potential plus 250 feet (100 for SMA buffer and an additional 150 for cannabis distance) has not been adequately shown by the map in the sloppy plan and is doubted by CDFW.

Neighbors have suffered through long periods of noise, destruction of aesthetics and total disregard for community by a greedy landowner. Jeffries has verbally assaulted me, claiming in a threatening and intimidating manner that all my neighbors now hate me for objecting to his plan when in fact almost all of our neighbors have expressed opposition to his project. He has called neighbors asking if they want to sell their property. A drone was seen by a neighbor above my property.

Given the long history of Jeffries' violations, whether eventually corrected or not, as well as a clear no vote from the sheriff and the fact that CDFW and the Water Board still have unresolved issues, including formal charges that agency representatives cannot discuss while pending, it is the right thing to do to deny this application. Please follow the recommendation of staff and vote no on this project.

Thank you.

Ann Constantino
215 Leino Lane
Sprowl Creek Road
PO BOx 337
Garberville, CA 95542
707-923-7227

McClenagan, Laura

From: Ann Constantino <annconstantino@gmail.com>
Sent: Monday, June 21, 2021 4:36 PM
To: Planning Clerk
Subject: Public comment on Humboldt Hempire Farms LLC; PLN-2020-16602

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This assault left me shaking for the rest of the day. I called the sheriff who said he could not respond because no actual threat was made. He suggested I get a civil restraining order. He also said he was aware of other neighbors unhappy with the practices of Humboldt Hempire Farms. The assault may not have constituted a crime but is an example of the kind of neighbor Humboldt Hempire Farms has been throughout its existence.

I object to this project because my quality of life and property values have deteriorated since this industrial agriculture venture began many years ago. There is loud noise and dust at all hours, often starting at dawn and going until after dark. My view of a formerly pleasant landscape is destroyed by acres of plastic sheeting and huge water bladders which have been a detriment to my property values. I am sure that when this area was zoned it was well before the cannabis boom which has radically changed the nature of agriculture in Humboldt County.

Additionally, as I understand it, any prospective buyer of my property would legally have to be informed of the unpleasant neighborhood conditions as well as the verbal assault. What rights do I have to protect my property values from this kind of degradation?

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Furthermore, if drought conditions persist, it behooves the county to consider whether catchment is a sustainable way to water thirsty cannabis plants at all as creeks and rivers are denied the run-off they would normally receive from the scarce rain. Fish and wildlife are adversely affected by inadequate flows.

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Please consider the small neighborhood of this once quiet and beautiful section of the South Fork of the Eel as well as the greater environmental and property issues raised by this type of exploitative "agriculture" when you make your decision.

Respectfully,

Ann Constantino
215 Leino Lane
Garberville, California 95542
707-923-7227

From: [trout fisher](#)
To: [Planning Clerk](#)
Subject: Hempire farm proposal
Date: Monday, June 28, 2021 2:10:35 AM

June 28th 2021

To the Humboldt County planning commission regarding
Pln, 2020 16602,
apn# 223- 016- 011
Humboldt Hempire Farms

1. The proposed plan has some serious issues that are of great concern to me. Its very close proximity to the bank of South Fork of the Eel River. The proposed 43,560 sq. foot cannabis grow will create a significant amount of fertilizer runoff. The parcel is situated just a short way up stream from the Redway Community Service District's main water intake which supplies Redway's drinking water. Nitrates, and nitrites, cannot be removed from water by Redway's water treatment facility. Municipal water districts in Central Valley found out the hard way, that nitrates and nitrites cannot be filtered out .
2. Also of concern is the South Fork Eel's low flow, warm summer temperatures, and toxic algae blooms that arise under such conditions. Both nitrogen, nitrates, nitrites, phosphates, or phosphorous from fertilizer runoff feed algae blooms.
3. The communities of Redway and Garberville heavily use the stretch of river below the proposed cannabis grow for recreational purposes during the summer. Redway beach is a popular beach for swimmers, as is the river bar adjoining Bear Creek Bridge behind the Renner station. The river from Benbow to Redway beach is a popular kayak, and inner tubing run. Water quality should be a top priority in this stretch of river.
4. The South Fork Eel's water is already over allocated. We are in the worst drought in a hundred years, where's the water going to come from, if there's not enough rain for water catchment? Many Southern Humboldt residents were not able to fill catchment tanks this year. Should the county even be approving cannabis grows during a severe drought? Pot is a luxury crop.
5. The proposed cannabis grow is located in a neighborhood with family residences. How will this plan mitigate the odor coming from grow? That many square feet of pot will create a stench that will travel far off site. Also the noise pollution from industrial fans can be heard for miles. Garberville is less than a half mile as the crow flies.
6. It is likely that an industrial cannabis grow with its noise pollution, fertilizer pollution, odor pollution and increased traffic will lower property values in the adjacent neighborhood.
7. The plan has a far fetched claim it will be manned by only 4 employees. It will take a lot more than 4 employees to trim the quantity of pot proposed in the plan. Where are the trimmigrants going to be housed? Bathrooms, increased traffic etc?
8. A full EIR (Environmental Impact report) should be required before approving any or part of this plan.

Sincerely
Georje Holper
Po box 433

Redway CA.
95560

McClenagan, Laura

From: Jerry Latsko <latsko.jerry@gmail.com>
Sent: Tuesday, June 22, 2021 4:17 PM
To: Planning Clerk
Subject: PLN-2020-16602 APN223-061-011 Hearing date 7/1/2021

I strongly object to the proposed special permit from the property owners at 1575 Sprowel Creek Road in Garberville. These are the same people who were observed several years ago by myself and others and videotaped by the California Department of Fish and Game pumping water out of the river that separates their property from ours. Somehow they managed to avoid any punishment for that egregious offense against nature and fellow citizens but they have proven to be scofflaws who feel entitled to do do anything they want if it makes them money. They have continuously created noise pollution, including playing loud "music" over loudspeakers at all hours of the day and night to the annoyance of neighbors and the detriment of wildlife. I fear retaliation if they discover that I have complained but need to complain anyway. In fact, my partner, Ann Constantino was verbally assaulted as she walked along the river by Mr. Jefferies, who referred to my previous letter and yelled that "...all of your neighbors hate you now.." At a time of very serious drought conditions, the idea of using the amount of water necessary for this project, no matter how it is obtained, is a slap in the face to all residents in the area. There has already been a notable decline in wildlife activity in our area since they obtained this property and it will only get worse if this project is permitted. Thank you.

From: [Jeff and Marisa St John](#)
To: [Planning Clerk](#)
Cc: [Madrone, Steve](#)
Subject: File No. 21-908
Date: Thursday, July 01, 2021 8:49:49 AM

Hello,

Please do not approve any new cannabis cultivation applications (APN 223-061-011) because the County:

1. Has yet to review and approve/deny *all* existing cannabis grow applications. Continue to see new grow applications mixed in with existing grow applications in Zoning Administrator and Planning Commission agendas.
2. Has yet to abate existing illegal grows. Times-Standard June 29, 2021 article " Sgt. Conan Moore told the Times-Standard there are more than 4,000 illicit cultivation sites in Humboldt County, all of which do not comply with the required state and local permits to engage in this commercial activity. " (<https://www.times-standard.com/2021/06/29/illicit-cannabis-grows-remain-in-the-thousands-humboldt-county-sheriffs-office-says/>)
3. Has yet to document the total water usage, project footprint square feet, and cultivation square feet of approved and interim applications. Perhaps the County already has more cannabis than the entire State of California has demand for. Refer to response to the Humboldt County Public Record Request #21-383.
4. Is under a severe drought. State of California drought information (<https://www.drought.gov/states/california/county/humboldt>) and North Coast Journal's May 27, 2021 article related to the May 25, 2021 Humboldt Board of Supervisors Meeting (<https://www.northcoastjournal.com/humboldt/humboldts-new-normal/Content?oid=20592577>).
5. This project would take water away from existing agricultural (food) customers.

Thank you for considering this request.

Sincerely,
Marisa Darpino
District 5

McClenagan, Laura

From: Sarah Brooks <sarahbv72@gmail.com>
Sent: Thursday, June 24, 2021 8:22 AM
To: Planning Clerk
Subject: Public comment re: Humboldt hempire

To Humboldt County planners,

I am deeply concerned about the severe drought and the continued consideration and granting of cannabis permits. Humboldt Hempire Farms LLC APN 223-061-011 is not appropriate for Garberville or any part of the South Fork Eel River watershed at this time. Redway water district where I live directly downstream is implementing conservation restrictions in June! This is not normal and absolutely untenable to continue with business as usual. If we don't treat this drought seriously and understand climate change is likely to cause it to continue we will become a ghost town due to lack of water. Please do your jobs and plan accordingly to the resources available. Thank you, Sarah Brooks

McClenagan, Laura

From: Susan Nolan <snolan@humboldt1.com>
Sent: Monday, December 13, 2021 2:29 PM
To: Planning Clerk
Subject: Humboldt Hempire Farms, PLN-2020-16602

Follow Up Flag: Follow up
Flag Status: Completed

Dear planning commissioners,

Thank you for accepting my comments on the Humboldt Hempire Farms cannabis cultivation application, record no. PLN-2020-16602, APN 223-061-011. The planning staff has done a good job of examining the proposal. This is a troubling plan. It bends or breaks the rules, and the applicant himself has a long history of rule-breaking.

First, the proposed project is in conflict with the CCLUO.

As planning staff points out in their recommendation, the project is to be sited in an area where mature trees were growing in 2016 and removed without permit, in violation of Section 314-55.4.6.4.2. This is clearly documented in aerial photos. In addition, I would like to point out that the project is reliant on bladders for irrigation, and bladders are prohibited in the CCLUO (Section 55.4.12.8). No provision is made in the ordinance for accepting bladders which were permitted and pre-existing. There is a provision for bladders from pre-existing (unpermitted) grows to continue in use for two years, but those bladders must be removed and replaced within two years of permit approval. However, that was not invoked in this plan approval. The earlier decision to allow these is not in line with the CCLUO and opens the door for other operators to set up permitted bladders and later transfer them to cannabis use.

Secondly, the applicant has a long history of outlaw involvement with cannabis. Mr. Jeffries was sentenced to six years in prison in 2009 for large scale unpermitted cannabis cultivation and money laundering. This was not a matter of maintaining a small grow at home, but a large criminal enterprise at multiple sites.

After his release, Mr. Jeffries started work in the fall of 2015 on his water bladder project without permits (it was eventually permitted). In addition to the catchment tarps in his eventual permit, he also filled the bladders with water from the river and Connick Creek, having disturbed both streamsites without a permit. CDFW discovered he kept two sets of records for water sales. I would like to point out that the water in those bladders would have been sold to unpermitted grows, as trucked-in water is not allowed for legal grows except in emergencies (55.4.12.2.5).

Besides the various issues with the bladders, an unpermitted grow discovered in 2018. Again, the unpermitted logging; there was a second incident besides the one at the proposed building site.

One difference between permitted and unpermitted grows is that permitted grows get at least 24 hours notice before inspections: plenty of time to switch out the books, move proscribed chemicals offsite, etc.

The sheriff has objected to this project because of a current felony case. The sheriff does not often weigh in on planning decisions.

Everyone deserves a chance to come clean and join the mainstream. But there is no reason to believe that Mr. Jeffries intends to do anything besides get cover for business as usual here. His first operation was entirely outlaw; everything he has done since has mingled legal and illegal activity.

It is widely reported that the price of legal cannabis, which has been much lower than black market, has collapsed to the point where permitted growers are turning back to the black market to make ends meet. Yet Mr. Jeffries is eager to make a large investment in a permitted farm. It would be useful to ask how he intends to make it worthwhile.

Of course the county would like to bring growers into the fold of responsible legal activity. But please consider carefully if this is the kind of project that will take beneficial care of the land, be a good neighbor, and build the Humboldt brand.

Thank you very much,
Susan Nolan.

From: [Tanya Lynne](#)
To: [Planning Clerk](#)
Subject: Re: PLN 2020-16602, for July 1, 2021 Hearing
Date: Monday, June 28, 2021 9:19:44 PM

Letter of Objection to: PLN-2020-16602
Parcel Number: 223-061-011-000

Dear Planning Commissioners,

As a neighbor who stewards land sustainably, directly across the South Fork of the Eel River from this proposed Cannabis Cultivation, I humbly request the Humboldt County Planning Commission:

- (a) remove this Special Permit from the July 1, 2021 Consent Agenda, and allow at least 60 days, if not an entire year, for further project review
- (b) require more mitigations for potential impacts this project could cause to scarce water resources and all species who reside here,
- (c) consider all of the other permits in the Eel River watershed that were already in line waiting for your approval, before you attend to this application, and
- (d) discover all future intentions this land owner has for the development of this Zoned-Residential property.

My initial objections to this project were slightly diminished when I learned that the proposed 20 new greenhouses cannot be located in the flood plain of the Eel River. I appreciate the Planning Department for protecting the Streamside Management and Floodplain areas by setting back the proposed greenhouses to an area of the parcel that is already established for residential use.

However, I remain in firm opposition to this proposal. These contestations ought to warrant for further review by Planners and the Commission:

(1) The use of Water, our most Biologically Valuable (and limited) Resource:

PLN-2020-16602 claims that 600,000 gallons per year can be sustainably collected from “an 83,000-square foot tarpaulin,” but the Planner assigned to this project admitted to me, he never witnessed those pumps running. The planner witnessed the plan in theory. This Proposal has not been adequately vetted.

I contest that this “tarpaulin” is the true water collection plan of the land owner. I have heard pumps running across the river occasionally and unpredictably, often at night. None of the times I have heard water pumps running were times when rain was falling. If you are doing your due diligence, your site inspectors ought to witness 600,000 gallons of water being collected from the purported collection tarp. I do not believe that is true, or possible in the current Drought. I urge you as Stewards of the remaining water resources in Humboldt County, to honor your agreements to your constituents, and consider any water collected (from the purported rainwater collection tarp, or more likely, from the South Fork of the Eel River) to be a sacred necessity for our human community.

Moreover, according to Humboldt County’s General Plan update, Water Resources and Land Use section WR PL, Humboldt county must: “*Ensure that land use decisions conserve,*

enhance, and manage water resources on a sustainable basis to assure sufficient clean water for beneficial uses and future generations.” This conservation ethic codified into County Law is good reason to consider the water collected by the land owner to be a resource for the Southern Humboldt community. What about wildfires? What about our gardens, local food production, or the community's need for that water in the future? Have you adequately surveyed the Eel River, or just the South Fork, and determined how much water will fall or run through this area in the future? Local groups like the Eel River Recovery Project and the Friends of the Eel River are adamant that we are in an extended drought. All of the water that exists in California is a precious source of life and habitat for aquatic and terrestrial species, including Endangered Chinook, Coho and Steelhead Salmon.

The General Plan also indicates that the Commission must consider how *“limited water supply or threats to water quality have potentially significant cumulative effects on the availability of water for municipal or residential water uses or the aquatic environment.”* Given the propensity of wildfires in our area, and the near lack of community water storage in Garberville or Redway, this water that the property owner is already collecting ought to be thought of by Planning Commissioners as a critical resource for the community. Although the water is not potable, it could be filtered or treated. Either way, 600,000 gallons of water will be needed by our Community members, for their gardens and livelihoods, and for the protection of our community in the instance of a wildfire.

As the Humboldt County Commercial Cannabis Land Use Ordinance explicitly prohibits the use of bladders for irrigation and storage purposes, this entire plan seems contradictory to the General Plan. According to ORD#2599 CCLUO, Section: [55.4.5.10](#): *“The County reserves the right to reduce the extent of any Commercial Cannabis Activity, including but not limited to the area of cultivation, allowed under any clearance or permit issued in accordance with this Section in the event that environmental conditions, such as a sustained drought or low flows in the watershed where the Commercial Cannabis Activity is located, will not support water withdrawals without substantially adversely affecting existing fish and wildlife resources.”* Well, there’s clear legal basis for denying this project, until it can be adequately proven that (a) the Eel River has enough water flow to support the Communities of Redway, Garberville, Phillipsville, Miranda and beyond, in addition to this project and (b) an Environmental Impact Report is completed that proves there will not be an impact from collecting Millions of gallons of Rainwater, on all of the Species and Communities that rely on the South Fork Eel River.

According to the Planning Staff report on the project, *“The California Department of Fish and Wildlife objected to this application when it was originally scheduled for the Zoning Administrator and asked that it be heard by the Planning Commission. CDFW has asked why the county is considering permitting cultivation that utilizes the existing water bladders and has commented that the project appears to be located in the flood zone and riparian setbacks. The proposed cultivation is outside of the mapped flood plain and is over 200 feet from the edge of riparian vegetation.”* I echo the concerns of CDFW. The water that is collected in the bladders below Garberville ought to be kept for Community use.

Please, really ask yourself: If the water resources the land owner is collecting are used to create more Cannabis, in a market already flooded with Cannabis and with diminishing prices on that commodity - is that the best allocation of Humboldt County’s limited water resources? Is this the best utilization of some of the only flat, Residential land remaining in all of Southern Humboldt?

(2) The Lack of Mitigation of Potential Impacts to the Eel River and all of its Constituents

Runoff:

There are no mitigation measures described in any part of this proposal for the runoff from 20 large greenhouses directly adjacent to the South Fork of the Eel River, which is widely known as a critical habitat for Endangered Salmon. In fact, Salmon are not mentioned in any part of the Planning review. If any fertilizers, especially if any acidic, inorganic, or chemical products are used on this proposed Cannabis Cultivation site, it is likely they will make their way through permeable gravel and rock, directly into the groundwater and the South Fork Eel River.

What's equally concerning about this fact of the lack of Mitigations for runoff, is the fact that the Redway Community Resources District water intake is directly down river from the proposed project site. Any materials that infiltrate or run off into the River will make their way into Community water, which has unforeseen (and un-surveyed) long term impacts on the health of your constituents.

According to the Staff Report on this project, "*Provisions have been made in the applicant's proposal to protect water quality and thus runoff to adjacent property and infiltration of water to groundwater resources will not be affected.*" Excuse me, but, what provisions? That sentence is not much description. I see Zero mitigation measures in this proposal to (a) prevent runoff from greenhouses, (b) protect the groundwater from permeability through gravel and rock, where the greenhouses are proposed to be located, or (c) to dispose of any sediment or runoff outside of the stream side management area. Where would the runoff, or any organic matter generated by this massive grow, go?

According to California Streamside Management regulations, Title III, chapter 4:

61.1.10.1.6 Concentrated runoff will be controlled by the construction and continued maintenance of culverts, conduits, nonerodible channels, diversion dikes, interceptor ditches, slope drains, or appropriate mechanisms. Concentrated runoff will be carried to the nearest drainage course. Energy dissipaters may be installed to prevent erosion at the point of discharge, where discharge is to natural ground or channels.

61.1.10.1.7 Runoff shall be controlled to prevent erosion by on-site or off-site methods. On-site methods include, but are not limited to, the use of infiltration basins, percolation pits, or trenches. On-site methods are not suitable where high groundwater or slope stability problems would inhibit or be aggravated by on-site retention or where retention will provide no benefits for groundwater recharge or erosion control. Off-site methods include detention or dispersal of runoff over nonerodible vegetated surfaces where it would not contribute to downstream erosion or flooding.

61.1.10.1.8 Disposal of silt, organic, and earthen material from sediment basins and excess material from construction will be disposed of out of the streamside management area to comply with California Department of Fish and Wildlife and the North Coast Regional Water Quality Control Board requirements."

There is no mention in the Staff Report on this project that would fulfill any of the above noted requirements, as the project is technically just outside of the Streamside Management area. However, as the project site is remarkably close to the 100-year floodplain and the nearest Streamside Management area, I would urge Commissioners to consider the above regulations as applicable to this parcel and project proposal, as a cautionary stance to protect

the County's plant and animal communities.

Endangered & Threatened Species

According to the Staff Report completed thus far on this Project, *“the Myotis evotis and Bombus occidentalis are the only mapped rare and endangered species of concern on the project site. The nearest Northern Spotted Owl Activity center (HUM0927) is located approximately 2.9 miles west from the project site and the nearest NSO observation is approximately 1.29 miles southwest from the project site.”* I differ - I believe Northern Spotted Owls travel through the area, and I often witness another Threatened Species here: the Bald Eagle. What's shocking to me, however, is there is no mention in this Proposal of the **Endangered Coho, Chinook, and Steelhead Salmon**, whose home could be the Eel River, located perhaps 200 feet from the proposed project. What will be the impact on these imperiled species? Moreover, when was the last review for Northern Spotted Owl completed? This proposal has not completed an adequate Environmental review.

Here is an (inexhaustive) list of species I've witnessed living here, near the South Fork of the Eel River, since I moved to a Cabin on Leino Lane, in Garberville, in April 2019:

California Quail; Barred Owls; Anna's Hummingbird; Hairy Woodpecker; Flycatcher; Scrub and Stellar Jay; Raven; Crow; Nutcracker; Thrush; Tanager; Sparrow; Robin; Pigeon; Tiger Swallowtail; Red-tail Hawk; Osprey; Egret; Duck; California Sister Butterfly; Water Strider; Dragonfly; Spiders of many varieties; Bee; Lizard; Snake; Salamander; Frog; Toad; Cicada; Moth; Beetle; Ant; Grasshopper; Banana Slug; Brush Rabbit; Long-tailed Vole; Gray Fox; White tailed Deer (including Fauns); Pacific Dogwood; California Laurel; Alder; Black Oak; California Buckeye; Big Leaf Maple; Cottonwood; Manzanita; Pacific Madrone; Tan Oak; Blackberry; Hazelnut; Monkeyflower; Rose; Pearly Everlasting; California Poppy; Lily; Milk Vetch; Milk Thistle; Sagebrush; Yerba Sancta; Yerba Buena; Redwood; and more!

Noise

I contest that the noise levels on the property will remain around 45 decibels, as the limited Noise Survey describes. In fact, the property owner frequently and unpredictably engages in loud, industrial scale activity involving any of the following, if not all at once: Loud Machines; Clattering of Heavy Metal; Construction; Destruction; Timber Operations. These activities often exceed Noise levels enough to awaken or disturb myself, my neighbors, and their dogs.

As noted within the report on this Proposed Cannabis Cultivation, *“according to the Humboldt County WebGIS, timber conversions occurred on the southeast portion of the property between the months of June of 2020 and July of 2020. The project is conditioned for the applicant to have a Registered Professional Forrester evaluate the timber conversions and provide a Restocking Plan.”* Can you imagine the noise and heartbreak that occurred for our entire Ecological community during the logging on this property last summer? This trauma was re-activated recently, shortly after my neighbors and I made our opposition to this proposal known publicly - the property owner awoke the neighborhood on June 26th, 2021 at about 7:05am by felling a large, mighty tree (on a bank above the proposed project site) and tearing it apart for several hours. Then on June 27th, 2021, timber operations on the property recommenced at about 6:25am. I believe these activities were disingenuous to the agreement between Humboldt County and the Property owner to Restock and Remediate areas that were previously logged. Moreover, I am deeply offended that the property owner feels it is an

allowable use of his Residential Parcel to loudly Log and disturb our Ecosystem early in the hours on a weekend. It's extremely disrespectful to our entire neighborhood, but especially to all of the plants and animals impacted by the murder of innocent trees.

If the assessment thus far completed only noted "*General noise came from wind and passing cars from a nearby road,*" said survey was not completed at a time the Property Owner is actively working with his Machines. "*Conditions of approval will require noise to be at below 50 decibels at 100 feet which is below the guidance established by the California Department of Fish and Wildlife for protection of the species,*" as noted by Planning Staff. How is this condition being monitored or enforced?

Light Pollution

I urge the Property Owner to consider the Light Pollution already created by the very bright Security lights attached to his existing structures, which inhibit my night vision and bother my eyes late at night. Moreover, I see no deep discussion in the Staff Report of how our quiet, dark valley will be truly impacted with the presence of 20 Mixed Light, large greenhouses.

According to the Humboldt County General Plan, Section 55.4.12.4

"Performance Standard for Light Pollution Control

Structures used for Mixed Light Cultivation and Nurseries shall be shielded so that no light escapes between sunset and sunrise... Where located on a Parcel abutting a residential Zoning District or proposed within Resource Production or Rural Residential areas, any Security Lighting for Commercial Cannabis Activities shall be shielded and angled in such a way as to prevent light from spilling outside of the boundaries of the Parcel(s) or Premises or directly focusing on any surrounding uses."

I hope the Planning Commission intends to monitor and enforce that any Security Lighting and Mixed Light Cultivation is fully shielded from the rest of the neighborhood, but especially in the interests of maintaining the surrounding Biologically Sensitive areas for other species use, especially at night. A small amount of Security Lighting or a short glimpse inside a well-lit greenhouse can inhibit night vision that is crucial for many animals' survival.

Alternatives to Approving PLN 2020 16602:

Given that this project would theoretically utilize a substantial amount of the area's rainwater, I urge the Commission to require at least a full year review to ensure monitoring of the proposed rainwater collection, as well as review of the health and viability of the ecosystem in the area.

The Planning Commission should, at the very least, require the applicant to submit further evidence that this plan will Mitigate any potential harms, or reduce the scope of the project. The Mitigation of possible Runoff from Proposed Greenhouses is something that needs further assessment and design.

The Commission should continue the item to a future date at least two months later to allow for more review of potential impacts including: Noise, Light Pollution, Impacts to Habitat, Impacts to Water Resources, and the Community.

I reiterate the fact that 600,000 gallons of water directly benefits Humboldt County when it is

used for Food Agriculture, Drinking Water, and Wildfire Prevention. I guarantee, we will need this water for these uses, more than we need 20 more greenhouses of Cannabis in an already flooded market.

Please, do not authorize any project similar in scope and type, until you have fulfilled Humboldt County's mandate, as per the General Plan, for a long-term Watershed and Groundwater Supply analysis. From Humboldt County General Plan, Section WR - IM11: "Within five years after the adoption of the General Plan Update the County shall prepare a watershed analysis to determine whether the long-term surface and groundwater supply is available, including seasonal, average, dry year, and multiple dry year supplies, and preservation of existing beneficial uses of water. The study shall determine an estimate of the quantity of water available for the level of future development described in the Revised Draft EIR for the CPU. Work with water and wastewater related special districts, regulators, and other appropriate organizations to monitor watershed conditions."

Thank you for contributing your time to our community. I hope you will move to remove this PLN-2020-16602 from the July 1, 2021 Consent Agenda.

Sincerely yours,

Tanya Horlick

215B Leino Lane
Garberville, CA 95542
Mailing Address: PO Box 343
Redway, CA 95560
(707) 223-3963

McClenagan, Laura

From: Susan Nolan <snolan@humboldt1.com>
Sent: Thursday, August 26, 2021 1:19 PM
To: Alberts, Chris
Cc: Planning Clerk
Subject: Humboldt Hempire Farms permit

Dear Mr. Alberts,

I attended the hearing for Humboldt Hempire Farms Special Permit hearing yesterday evening and submitted comments, but am not sure my comments made it into the system.

These are the comments I tried to submit:

- 1) Given the applicant's history of twice clearing trees without permit, pumping water from river, and creek and stream alteration, and running several large unpermitted grows and money laundering (for which he was convicted and served time), is any additional monitoring going to be given to this project?
- 2) I would suggest a full EIR for this project, given the sloppy planning document from Stillwater, the many questionable points brought up at the hearing, and the applicant's history of lawbreaking.

I am familiar with this property and happened to be on the river bar when a large backhoe was returning to Randall Sand and Gravel after an unpermitted excavation for water collection on Connick Creek. Legalization was a great step forward for Humboldt County cannabis cultivation, but this is not the sort of operation most of us want to see permitted.

Thank you,
Susan Nolan.