

SUPPLEMENTAL INFORMATION #1

For Zoning Administrator Agenda of:
January 23, 2020

<input checked="" type="checkbox"/>	Consent Agenda Item	No. C-5
<input type="checkbox"/>	Continued Hearing Item	
<input type="checkbox"/>	Public Hearing Item	
<input type="checkbox"/>	Department Report	
<input type="checkbox"/>	Old Business	

Re: Greenlife Farms, Inc. Special Permit

Record Number: PLN-12165-SP
Application Number: 12165
Assessor Parcel Number: 504-021-011-000
197 Alder Lane, Arcata, CA 95521

Attached for the Zoning Administrator's record are four (4) letters submitted for this item:

1. An email submitted to the County January 20, 2020 from a neighboring property owner in support of the denial of this project citing staff's inability to make the required findings for approval, health concerns, safety concerns, environmental concerns, nuisance concerns, and community planning implications. (Attachment 1).
2. A letter submitted to the County January 20, 2020 from a neighboring property owner in support of the denial of this project citing staff's inability to make the required findings, the less than adequate road conditions to support the project, excessive projected water use estimations and the resulting impacts it would have on the community at large. (Attachment 2).
3. A letter submitted to the County January 20, 2020 from a neighboring property owner in support of the denial of this project citing negative impacts on the watershed, the negative impacts to Essex Lane, and the negative impacts of odor and associated increased noise on the community. (Attachment 3)
4. A letter submitted to the County January 20, 2020 from a neighboring property owner in support of the denial of this project citing the non-responsiveness of the applicant to comply with County repeated requests for information, the inadequate nature of the project parcel, the detriment to the projected water use (Document A: submitted to the County August 14, 2017), the applicant's failure to provide a road evaluation report (Document A), inadequacy of the access road and photographs (Document B-D: submitted to the County October 15, 2017), the detrimental impacts to the Mad River Watershed and associated wildlife (Document E: submitted to the County January 26, 2018).

ATTACHMENT 1

From: [barbara davenport](#)
To: [Saucedo, Portia](#); [Planning Clerk](#)
Cc: [Sue Leskiw](#); [rzumbrun](#)
Subject: Comments re: application for cannabis wholesale nursery & commercial processing facility File#20-93, AP#504-021-011
Date: Monday, January 20, 2020 8:33:48 PM

Planning Director, John Ford
3015 H Street
Eureka, CA 95501

Dear Mr Ford, Ms Saucedo, and Planning Commission,

I support the staff recommendations to deny the Greenlife Farms Cannabis project at the Alder Lane site, not only because of the staff report stating the inability to make the required findings for approval, but also for health, safety, environmental, nuisance, and smart community planning reasons.

This proposed site does not have a beneficial location or necessary infrastructure to support the proposed project. The road access to the property and on the property itself is inferior with very steep topography and potentially destabilizing grading necessary to develop sufficient road access to the site. The ridge top location would likely require significant vegetation denuding and leveling for the nursery and processing facilities to be developed. The ridge top site further poses a health hazard to all the surrounding residential parcels if runoff from any chemicals that may be used contaminates established domestic water sources and systems that are on at least three sides of the ridge, and downhill only a hundred feet or so from the site.

The location is remote enough to require additional security measures to mitigate the crime and theft that seems to accompany this type of operation. Would that be additional patrols of sheriffs and other law officers, and is there funding for that? Would there be a requirement for the applicant to completely fence the perimeter of the project and/or to maintain qualified private security? I am concerned about aggressive guard dogs running loose and not staying contained on the property otherwise. Will there be large lights, noise, or other nuisances visible to the neighbors from the project?

Is there adequate county staffing to monitor, regulate, and enforce ongoing operations and any health, safety, environmental or other violations of the project? Is there any concern for the discrepancy between federal and state/county regulations?

Will this project, (which is not in keeping with the character of the neighborhood) degrade the Greater Glendale/Essex residential neighborhood and render the surrounding properties devalued and blighted?

Given the above concerns, I respectfully submit any approved permit would represent a worse possible use of this property, and hope you will take measures at your January 23d meeting to permanently deny the project at this site. I have lived in Humboldt County for forty one years, and remain optimistic that careful planning can help preserve and create a vibrant and desirable community. I truly think the Greenlife Farms endeavor would better serve the residents of our community, and be in the applicants best interests, if located elsewhere in a designated area of compatible and established industrial and commercial activities.

Thank you for your consideration of my concerns.

Sincerely,
Barbara Davenport
11 Glendale Dr.
Mcky, CA 95519
AP#504-021-16

ATTACHMENT 2

From: [Kate Krebs](#)
To: [Saucedo, Portia](#)
Subject: Greenlife Farms Special Permit application - Zoning Administrator review - supplemental document
Date: Monday, January 20, 2020 5:02:54 PM
Attachments: [Essex Lane Greenlife Farms letter.docx](#)
Importance: High

Dear Ms. Saucedo,
Attached please find a letter expressing my concerns on the above referenced permit.
My home is past the Alder Lane driveway so I would be significantly impacted in a negative way should this permit be approved.
Unfortunately I will be out of state working when the hearing is being held so am unable to attend.
Please if you would attach my letter to the file.
Regards,
Kate Krebs

Kate M. Krebs
879 Essex Lane
McKinleyville CA 95519
(202) 222-8843 mobile
katemkrebs@gmail.com

January 20, 2020

Mr. John Ford
Planning Director
Zoning Administrator
County of Humboldt
3015 H Street
Eureka 95501

Re: Greenlife Farms, Inc Special Permit
Application Number 12165
Assessor's Parcel Number 504-021-011
197 Alder Lane, Glendale Area

Dear Mr. Ford,

I am writing to comment on the above application to develop a cannabis operation on Alder Lane, which is connected to Essex Lane. I have lived on Essex Lane since 1975 and purchased property on the end of Essex Lane in December 1976.

I have reviewed the staff report for this special permit application and agree with the recommendation of the staff.

As an Essex Lane property owner for 45 years I can attest to the narrow, winding substandard county road that is used for all resident's ingress and egress. Essex Lane is not a safe road whether driving a car, walking or riding a bicycle. The residents that use the road are careful and very aware of the dangers – a commercial cannabis operation with employees, cannabis dealers, suppliers, delivery vehicles and trucks would pose a significant danger to those who make Essex Lane their home. No commercial permit for any operation should ever be considered for Essex Lane until the County improves the road – removing the hazards, widening to two lanes and reducing all of the blind corners and hills.

The water use cited in the permit application is outrageous – 1.62 million gallons per year! If the county were to approve this application this amount of water use would certainly impact the residents on the Lane as we depend upon domestic wells for our homes.

I strongly urge the denial of this special permit and request that you support the staff recommendation to deny the Greenlife Farms application.

Sincerely,

Kate M. Krebs

Kate M Krebs
879 Essex Lane
McKinleyville, CA 95519

ATTACHMENT 3

From: [Paul Blank](#)
To: [Saucedo, Portia](#)
Subject: Administrative Hearing, 1/23/20, Agenda Item 5
Date: Monday, January 20, 2020 4:45:19 PM
Attachments: [Cannabis.docx](#)

Dear Ms Saucedo,

Please include the following letter (included in-text and as an attachment) for the Administrative Hearing on 1/23/20 (Agenda Item 5 - Greenlife Farms Special Permit).

Many thanks,

Paul Blank

January 20, 2020

To: John Ford
Planning Director/Zoning Administrator
Humboldt County Planning and Building Department
3105 H Street, Eureka CA 95501

Re: Agenda Item 5 (Greenlife Farms Special Permit)
1/23/20 Administrative Hearing

Dear Mr. Ford,

We strongly support the decision of the Humboldt County Planning Department to deny the Cannabis Permit (#12165, Greenlife Farms Special Permit) at 197 Alder Lane.

Our property (65 Kara Lane) is adjacent to the proposed cannabis facility, just across a small tributary of Essex Gulch Creek. Our primary concerns about this facility include:

1) The planned use of 1.6 million gallons of water annually.

We obtain water from a 140-foot deep well on our property. At maximum, this well supplies seven (7) gallons of water per minute. Last year, when our well pump died, it took over two days for our 1500-gallon water tank to refill. We fear that the annual extraction of 1.6 million gallons of water from our tiny watershed would drain our aquifer, leaving us without any water.

2) The impact on Essex Lane

Essex Lane is a very narrow cul-de-sac, in many areas only wide enough to allow one vehicle to pass. At its narrowest point, about 0.5 miles from Highway 299, passenger vehicles have actually gone off the road and fallen into the creek. These include one of our neighbors' RVs, as well as a water delivery truck. The road is simply not wide enough to handle traffic from an industrial-scale cannabis grow.

3) The noise and smell of an industrial-scale cannabis facility

We can hear activity that goes on along Alder Lane, including dog barking, vehicle noise, and construction work. It's difficult to convey how quiet our neighborhood currently is: 16 or so residences dispersed over approximately two miles of County and private roads. We fear that having the noise of a commercial cannabis operation adjacent to our property would forever alter the rural residential character of our quiet neighborhood, so cherished by our family. In addition, we are not enthusiastic about living with the pervasive smell of cannabis, which often accompanies such facilities.

In view of the negative impact of this proposed facility, we strongly support your decision to deny this cannabis permit.

Please feel free to contact us if you need further information.

Respectfully submitted,

Paul W. Blank

Annette Makino

65 Kara Lane

McKinleyville, CA 95519

paulblank99@gmail.com

amakino99@gmail.com

January 20, 2020

**To: John Ford
Planning Director/Zoning Administrator
Humboldt County Planning and Building Department
3105 H Street, Eureka CA 95501**

**Re: Agenda Item 5 (Greenlife Farms Special Permit)
1/23/20 Administrative Hearing**

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In view of the negative impact of this proposed facility, we strongly support your decision to deny this cannabis permit.

Please feel free to contact us if you need further information.

Respectfully submitted,

Paul W. Blank
Annette Makino
65 Kara Lane
McKinleyville, CA 95519

paulblank99@gmail.com
amakino99@gmail.com

ATTACHMENT 4

January 20, 2020

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

Dear Mr. Ford:

This is a cover letter for five documents that we have submitted to Cannabis Planner Portia Saucedo, to be included in the materials for the Administrative Hearing scheduled for January 23, 2020 regarding Application 12165 from Greenlife Farms, Inc.

We live on Kara Lane, a private road in McKinleyville that intersects with Essex Lane near Essex's intersection with Alder Lane, the location of the proposed project. We share 492 feet of boundary with the applicant's parcel (APN 504-021-011).

We are writing to strongly support the recommendation of County Planning staff that this cannabis project application be denied.

The applicant has had well over two years to reply to a September 19, 2017 request from Humboldt County for updated site plans and revised Cultivation and Operations Plans for the project. Despite several follow-up phone calls and emails that are detailed in the staff report, the applicant has been nonresponsive.

The parcel is mostly steep and heavily wooded, with a small, flat, grassy area that previously had a mobile home on it. A small garage and outbuilding remain. There is not enough cleared land on the parcel to construct greenhouses and other buildings to support the proposed 10,000 square feet of commercial cannabis cultivation, a wholesale nursery, and a 5,000-square-foot processing facility.

Timber conversion for cannabis operations was prohibited after January 1, 2016. Therefore, lacking the legal option to remove trees, it is spatially impossible for the applicant to come up with the several updated and revised plans requested by the County to carry this project forward. (As an aside, the property owner listed the parcel for sale over 8 months ago.)

Returning to the contents of the five documents submitted with this letter: Chronologically, the first one, labeled Document A, is an August 14, 2017 letter from us to County Planner Joshua Dorris asked for clarification of the water use projected for the proposed project. (The County has since confirmed that the annual water usage would be 1.62 million gallons.)

Document A discusses:

- The yield measured for the property's well (during a wet February, rather than in the dry season specified in Humboldt County's Division of Environmental Health's "Water Production Test Procedures");
- The locations of nearby wells that could be affected by the proposed water withdrawals;
- How the proposed water withdrawals could affect Essex Gulch Creek;
- The applicant's failure to quantify projected water usage for cannabis cultivation, the wholesale nursery, and the processing facility;
- The failure of the applicant to provide a Road Evaluation Report, in support of the two portions of the proposed project that require a Special Permit.

[NOTE: The attachments cited in Document A are not included here, but are not needed to understand the main points discussed in Document A.]

The next three documents (B, C, and D) represent a package originally submitted on October 15, 2017 to Thomas Mattson, Director of the Humboldt County Public Works Department. Document B is a cover letter we wrote that references two additional documents that my husband--a retired civil engineering tech with more than 30 years of experience with road location, design, construction, and maintenance--and I created: a Road Log for Essex Lane (Document C) and supporting photos taken along Essex Lane (Document D, which is submitted as a separate PDF, to retain clarity of its color pictures).

Document B discusses:

- Essex Lane is an inner gorge road with virtually no shoulders, with a steep cut on one side and a drop-off to Essex Gulch Creek on the other.
- In its one-lane section, the pavement of Essex Lane measures as narrow as 9 feet, with no shoulders.
- Inadequate sight distances exist at approximately five locations at abrupt, non-engineered horizontal and vertical curves. Foliage on big-leaf maples along the creek also diminishes sight distances.
- Much of Essex Lane fails to meet even a Category 2 road standard, rather than the Category 4 standard suitable for commercial business traffic.

The final document (E) is a January 26, 2018 letter to you and Steven Lazar from the Mad River Alliance, a community-driven, nonprofit group "working to protect clean local water and the ecological integrity of the Mad River Watershed for the benefit of its human and natural communities." This letter discusses:

- Essex Gulch Creek provides habitat and refugia for at least three species of salmonids (Coho, steelhead, coastal cutthroat) that are either Federally and State listed as threatened or are a State Species of Special Concern. The creek also has the potential to support Chinook and lamprey.
- CalTrans Region 1 has accorded Essex Gulch Creek its third highest priority of 48 streams currently on a State list to have fish migration barriers removed (between it and the Mad River).
- The scope of proposed water withdrawal is inconsistent with the State Water Board's mandate to protect instream flows for fish and water quality. (The applicant's daily projected water requirement represents 17.1% of Essex Gulch Creek's discharge measured on 7/30/14. This percentage will only increase during the dry season months of August and September.)

- The project's proposed water storage facilities would hold enough water to irrigate for less than four days (not sufficient for summer forbearance).

Although water withdrawal (including its potential effects on salmonids) and road suitability are our two main areas of concern with the proposed project, we also have concerns about 1) noise, 2) odor, 3) light pollution, 4) grading and new road building, 5) sewage treatment, 6) property line setbacks for infrastructure, 7) streamside management areas, and 8) the potential presence of rare wildlife (e.g., Spotted Owls) and plants.

To conclude, we submit these materials in support of the Planning Staff's recommendation to deny this permit. Thank you for your consideration.

Sincerely,

Sue Leskiw Tom Leskiw

Sue & Tom Leskiw

155 Kara Lane, McKinleyville, CA 95519

Document A

August 14, 2017

To Joshua Dorris, Humboldt County Planner

We plan to submit comments on a proposed cannabis project at 197 Alder Lane, McKinleyville (Application #12165; APN 504-021-011). However, before we can finish our comments, we need clarification from the Planning Department about the estimated water usage/withdrawal from the project.

The project file contains three different figures for water usage/withdrawal:

- **Scenario A** 2-5 gallons per minute (gpm) (per Notification of Lake or Streambed Alteration Fish and Game Code Section 1602, Attachment C, Water Diversion Questionnaire), which would equate to 2,880 to 7,200 gallons/day (Attached Document A)
- **Scenario B** 4,000 gallons per day (per Cultivation and Operation Plan) (Attached Document B)
- **Scenario C** 4,500 gallons per month (per Attachment for Commercial Marijuana (CMM) Clearances/Permits) (Attached Document C)

The Humboldt County Division of Environmental Health "Water Production Test Procedures" document states that "All water production tests must be conducted during the dry season (August 1 through September 30) and be representative of the lowest annual water production anticipated from the source." These procedures apply to a Conditional or Special Use Permit where proof of water is needed, and, per the Humboldt County General Plan 3361 Policies 3, "Ensure that the intensity and timing of new development will be consistent with the capacity of water supplies" [pg. 128].

An 80-foot well was drilled on the Alder Lane property on 2/15/17. The drawdown test performed that day gave an estimated yield of 10 gpm. However, this test was conducted in the middle of a winter with a much-higher-than-average rainfall. The disclaimer on the well completion report (State of California) states that the yield measurement "may not be representative of a well's long-term yield." As a real-life, pertinent example, the well on our property, which is located approximately 950 feet from the Alder Lane well, was drilled and tested on 1/10/02 (during another winter with higher-than-average rainfall), with an estimated yield of 13 gpm. **However, the drawdown test we had performed on 10/25/15, immediately before we purchased our home, found our well was yielding only 0.5 gpm.**

There are three wells in the Kara Lane subdivision, located approximately 550 feet, 810 feet, and 950 feet from the Alder Lane well. There are at least two other wells near the intersection of Kara Lane and Essex Lane (across Essex Gulch Creek) that are within 800 feet of the Alder Lane well.

To return to the three different water use/withdrawal figures given in Application #12165, the original CMMLUO application (Document B) states a proposed usage of 4,000 gallons per day, taken from the well. Multiplying the daily use by 365 means that 1.46 million gallons of water a year would be removed from the Essex Gulch Creek watershed.

If one performs the water demand calculations cited on Document C (4,500 gallons per month, 1.5 gallons per plant per day), that works out to be only 100 plants in the entire operation! We intuit that the applicant meant to say "4,500 gallons per DAY," rather than "4,500 gallons per MONTH," which increases the project's water demand to 1.64 million gallons a year being removed from the Essex Gulch Creek watershed.

In the Attachment for Commercial Marijuana (CMM) Clearances/Permits, the wording "Describe the approximate daily water demand for the current and projected uses of the property and method used to calculate demand" makes clear that *all* water uses must be calculated, including domestic use by 2-5 full-time employees, 12 times/year trimmers, and water filter and system maintenance.

Document A is confusing in that it lists diversions of 2-5 gpm for "Domestic" and 2-5 gpm for "Irrigation," then cites a maximum instantaneous rate of withdrawal of 5 gpm. (The only "domestic" water use described in the applicant materials is for two bathrooms.) Does this mean the well pump is running 24/7? If so, at 2 gpm, the daily withdrawal would be 2,880 gallons (1.05 million gallons per year), while at 5 gpm, the daily withdrawal would be 7,200 gallons (2.63 million gallons per year). The diversion is proposed to occur year-round, with no forbearance period. Document A also lists 2 gpm as the approximate lowest level of flow in Essex Gulch Creek at the point of diversion during the proposed season of diversion.

Table 1. Different Water Use/Withdrawal Figures Cited within Application #12165, 197 Alder Ln, McKinleyville, CA

Scenario	Notes	Gallons/minute	Gallons/day	Gallons/month	Gallons/year
B	--	2.78	4,000	120,000	1.46 million
C	(cited by applicant)	0.1	150	4,500	54,000
C	(what applicant meant?)	3.13 [*]	4,500	135,000	1.64 million
A	(low range)	2.0	2,880	86,400	1.04 million
A	(high range)	5.0	7,200	216,000	2.59 million

It's important to pin down the correct figure for proposed water usage/withdrawal, so that potential impacts to neighboring wells and to Essex Gulch Creek can be assessed. In summary, which water usage/withdrawal amount should/will be used by the Humboldt County Planning Department and all agencies to which the project is referred, in order for them to make a determination of whether there is sufficient water for a project of this scope?

Another important question is whether the water usage/withdrawal figures pertain ONLY to the Zoning Clearance Certificate (ZCC) for the 10,000-square-foot greenhouse, or do they also include the Special Permit requested for a Commercial Nursery and Processing Facility. The applicant does not break out the water usage for the ZCC vs. the Special Permit in their submitted materials.

We look forward to receiving a response from you soon.

Tom and Sue Leskiw
155 Kara Ln, McKinleyville CA 95519

P.S. During your conversation with Sue on August 9, you stated that the project applicant had submitted all required documents/information. However, at least three County employees (both in the Planning Department and in the Public Works Department) have told us that requesting a Special Permit for a Commercial Nursery and Processing Facility at 197 Alder Lane means that the access roads must meet a minimum of a Category 4 standard. The applicant's materials do not include a Road Evaluation Report that documents the condition of the access roads.

DOCUMENT B

October 15, 2017

Thomas Mattson, Director (tmattson@co.humboldt.ca.us)
Humboldt County Public Works Department
1106 Second Street
Eureka CA 95501

Dear Mr. Mattson:

We have learned that a cannabis permit application (#12165) has been filed for 197 Alder Lane, McKinleyville (APN 504-021-011). The applicant proposes to grow 10,000 square feet of mixed-light cannabis, plus operate a commercial nursery for bulk wholesale sales and a commercial processing facility for on and offsite cultivations.

We have mentioned our concerns to personnel from the Humboldt County Public Works Department and the Planning and Building Department regarding the inadequacy of Essex Lane (County Road 4L780) to support increased traffic. All responded that the permit applicant would be required to complete a road evaluation form that assessed the road's suitability as part of the Special Permit required for the two proposed commercial activities. As of October 6, there was no road evaluation report in said applicant's file.

County Planner Joshua Dorris wrote to us on August 23, 2017, that "The road evaluation report will be completed during the referral phase. Department of Public Works will evaluate the report and recommend appropriate project conditions of approval, if needed." We believe that the permit application has been referred to your department and is currently under review there, so we wanted to share information that we have collected.

Tom makes the following comments as a civil engineering technician (retired, U.S. Forest Service) with more than 31 years' experience in road design, construction, and maintenance. Compiling road logs and condition surveys nearly identical to a road evaluation form was a frequent job responsibility.

Overview: Essex Lane is slightly under 1 mile in length. The center line striping only runs from Milepost 0.0 (intersection with Glendale Drive) to 0.165 (0.15 beyond the No Through Traffic sign). The narrowest stretch of the road has a year-round spring affecting the road surface, causing huge potholes. As an inner gorge road, Essex Lane has virtually no shoulders, with a steep cut on one side and a drop-off to Essex Gulch Creek on the other side that lacks guardrails. Inadequate sight distances exist at approximately five locations at abrupt, non-engineered vertical and horizontal curves. For example, on the vertical curve at 0.47, sight distance is less than 70 feet; one must slow down to single digits and stretch up off the driver's seat to scan for oncoming traffic. When southbound on one of the horizontal curves (at 0.58), the sight distance is approximately 30 feet, considerably less than is required for a Category 2 standard. The saving grace is that there are few drivers on the road and that they, mainly residents, are familiar with the difficult stretches.

Sue served as note taker during the road evaluations we conducted on October 3 and 6, 2017. The results are in the attached spreadsheet "Essex Lane Road Log 10/3 & 10/6/17." We used a 25-foot tape measure, a clinometer for the vertical curve, and a car odometer (Subaru Forester) to mark points at each one-tenth of a mile, as well as at landmarks in between.

We also took photographs on October 3 at several locations along Essex Lane (pdf attached). We would like to note that several days of strong winds/leaf fall immediately preceded our October 3 road evaluation, so the photos do not capture the typical reduced sight distance caused by the big-leaf maples along Essex Gulch Creek that prevail from April or May through September.

However, these static measurements and photos do not fully capture the unsettling experience one can have driving Essex Lane. We have purchased a dash cam and would be willing to shoot some video, if the Public Works Department does not plan to send a staff person out to assess conditions on the ground.

Several stretches of Essex Lane are especially problematic. One of these is the abrupt vertical curve at 0.47, with a sight distance less than 70 feet either side of the crest. Travelway widths (henceforth, TWW) are insufficient to allow two cars to pass at sites that include 0.2 (13'); 0.42 (10'8") to 0.5 (TWW is 11'6" at 0.47); and 0.58 (10'4") to 0.71 (10'6"). Neither of these two single-lane sections--an estimated 422' and 686' long, respectively--have intervisible turnouts. The latter single-lane section is especially hazardous, owing to its location in the inner gorge of Essex Gulch Creek, which runs along the east side of Essex Lane. Lack of sight distance beyond abrupt (non-engineered) horizontal curves and a cut bank perennial spring (rarely ditched or maintained by the County) that creates a series of deep chuckholes that are filled with water most of the year, further complicate driving through this stretch. At least eight residences are located past the single-lane section, as is the proposed cannabis project. Neighbors have told us that on at least two occasions before we moved here in 2016, vehicles have gone off the road into the creek on this section. Having to back up when one meets an oncoming vehicle is a nerve-wracking experience.

From 1983 to 1999, Tom lived on Second Avenue in Westhaven. Despite repeated requests from residents, the County responded that it would not assume responsibility for that road's maintenance because it didn't meet the necessary standards. Second Avenue's steep grade and single-lane section had much in common with Essex Lane, with the main difference being that Second Avenue had only one "pinch point," albeit with adequate sight distance. Clearly, the County would never assume maintenance responsibilities for Essex Lane using today's standards for doing so.

A significant portion of Essex Lane conforms to the County's Design Standards for a Category 2 road (i.e., 10- to 12-foot-wide TWW, zero shoulders, turnouts). However, the "safe driving speed" of 25-35 MPH associated with this category is too high. We can assure you that no prudent driver would travel 35 MPH on Essex Lane, given its road geometry. Even 25 MPH can be achieved on very little of the road's length.

B-2

Approximately 16 residences are accessed via Essex Lane. Approving a commercial nursery for bulk wholesale sales and a commercial processing facility for on and offsite cultivations would result in a significant increase in traffic that would compromise both user safety and the County's ability to maintain the road in a serviceable condition. Also, if nursery customers would be sampling strains of pot before buying clones, impaired drivers could exacerbate the danger.

It's important to note that the limited power line vegetation trimming performed by Wright Tree and other firms for PG&E using cherry pickers (high above the road's surface) does not improve sight distance along the road, especially during spring and summer, when maples are in leaf along Essex Gulch Creek. This riparian area is important for shading the creek, which is home to coastal cutthroat trout (a California Species of Special Concern).

During the September 21, 2017, County Planning Commission workshop on the proposed Commercial Cannabis Land Use Ordinance, Public Works Deputy Director Bob Bronkall opined that one's thoughts while driving a Category 2 road center around "I hope no one's coming the other way." Essex Lane is just such a road. Most friends who come to visit us comment on the road's narrowness and short sight distances, making their drive to the Kara Lane turnoff seem much longer than 0.9 miles from Highway 299.

Essex Gulch's steep side slopes and Essex Lane's location in places immediately upslope of Essex Gulch Creek combine to thwart any mitigation attempts to upgrade the road for the significant increase in traffic that would be expected to occur from siting a commercial business in an area slated for Rural Residential zoning in the upcoming General Plan Update. Commercial businesses, including cannabis projects, should be located where there is appropriate infrastructure to support them.

Sincerely,

Tom & Sue Leskiw
155 Kara Lane, McKinleyville CA 95519
tomleskiw@gmail.com; sueleskiw1@gmail.com; 707-442-5444

DOCUMENT C

Essex Lane Road Log (measurements taken 10/3/17 & 10/6/17)			
<p>[NOTES: Bold mileposts represent County paddle markers; other mileposts extrapolated from car odometer. Power poles premanently marked via 2 methods: red paint and silver metallic numerals. All shoulder widths measured on creek/downslope side of road.</p> <p>Shoulder width was not measured on cutbank/upslope side of road, but was most often None (0) through one-lane section.]</p>			
Distance (miles)	Description of Station	Paved Road Width	Shoulder Width (no pavement or gravel)
0	Junction of Glendale Rd & Essex Lane		
0.15	County paddle marker at entrance to Essex Lane		
0.165	End of road center striping		No road measurement taken (2-lane road with center striping)
0.2		13'0"	3.0'
0.23	Begin turnout		
0.24	End turnout	18'0"	1.5'
0.3		16'0"	2.5'
0.33	Begin turnout (power pole 7 (red)/5 (metal))		
0.34	End turnout	14'8"	1.0'
0.36	Telephone pole 8 (red)/6 (metallic)		Steep cut on left; photo 1653
0.4		17'4"	Standing water in ditchline
0.42	Power pole 9 (red)/7 (metal)	10'8"	Start of vertical curve (VC); adverse grade of 9%; photo 1654
0.47	Crest of worst vertical curve (VC) on road	11'6" (125' near side of VC); 10'6" (25' far side of VC, 5' beyond driveway)	Begin 10% favorable slope; sight distance less than 70' either side of crest; driveway intersects from left; photos 1655-1656
0.5	End of VC (75' beyond crest), power pole 9 (metal)		No road measurement taken

C-1

0.55	50' before first righthand driveway intersection			Blind horizontal curve; photos 1658-1659
0.57	Power pole 12 (red)/10 (metal)			Blind horizontal curve; large tree on left; photo 1660
0.58	Headwall to culvert at second right driveway servicing 4 houses	10'4"	None (0)	Constricts to single lane; curves; steep cut on left; Essex Gulch Creek on right; perennial spring on left side; keeps road wet through dry season
0.59	Blank white paddlemarker	11'2"	None (0)	
0.6	30' past paddlemarker	9'0"	None (0)	Perennial spring stops
0.62	Power pole 13 (red)			No sightlines due to big-leaf maples along creek
0.68		9'5"	None (0)	
0.69	Unpaved, unsurfaced turnout begins			Photo 1666 (looking south)
0.7	Power pole 15 (red); turnout ends			
0.71	Big alder on left cutbank	10'6"	None (0)	Single lane ends; photo 1668
0.79	Power pole 16 (red)			
0.88	Alder Lane intersects at left			
0.89	Essex Lane turns right; Kara Lane intersects straight ahead			
0.9	Power pole 19 (red)/16-17 (metal)			
0.905	Paddle marker at Essex Gulch Creek culvert (County gives distance as 0.83)			Slight discrepancy between official County measurements and those made using our car odometer

6-2

DOCUMENT D

Essex Lane Photos

(sent as separate PDF,
to preserve clarity of
color photos)

Document D

Photo Documentation to Accompany Essex Lane Road Log (10/3/17)

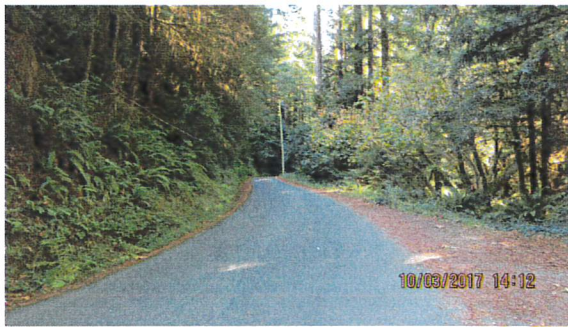


Photo 1653. Milepost 0.34. Turnout with steep cut on left.

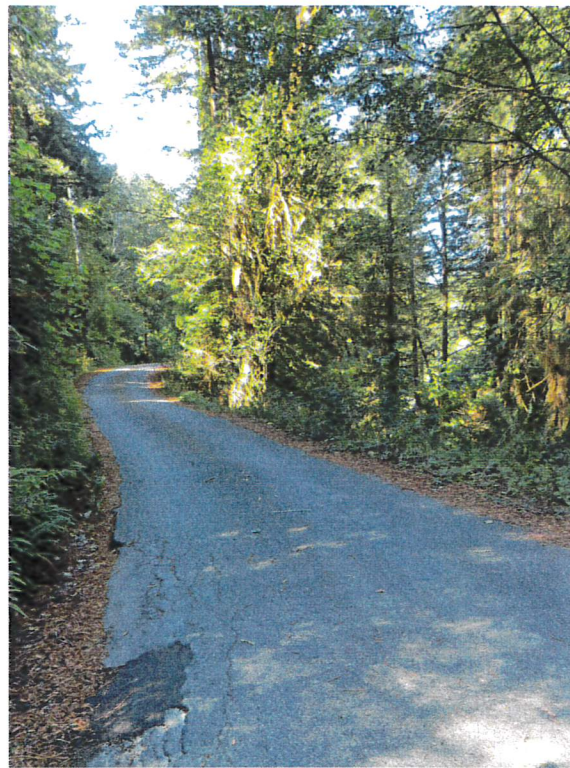


Photo 1654. Milepost 0.42. Start of vertical curve. Road grade increases to adverse. Broken pavement on left.

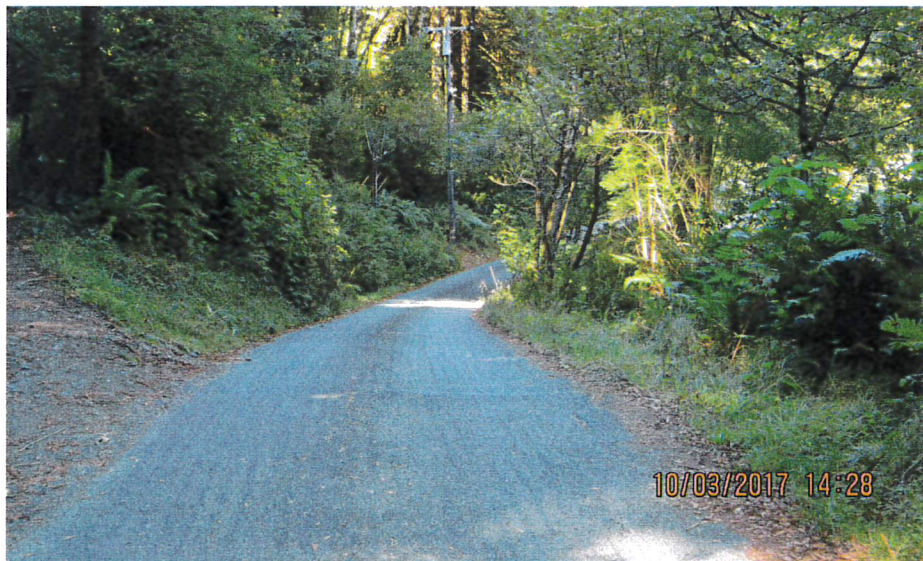


Photo 1655. Milepost 0.47. 9% adverse slope. Sight distance less than 70 feet.

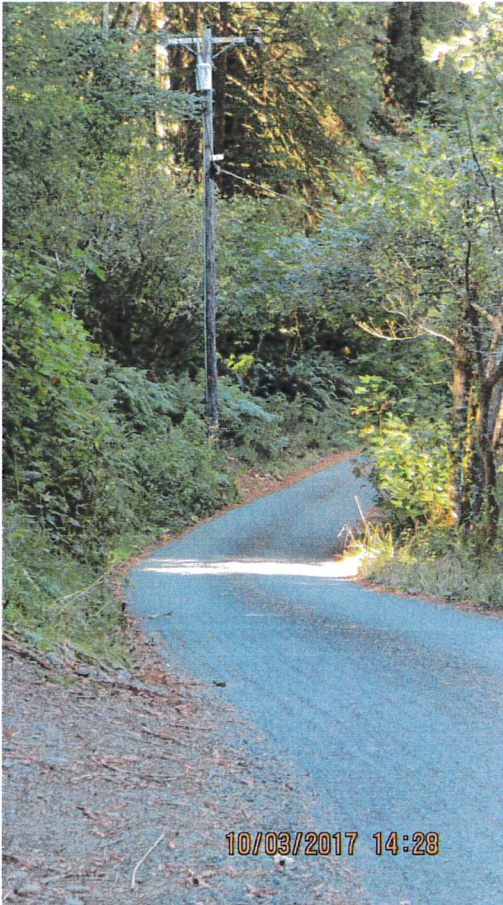


Photo 1656. Milepost 0.47. From crest, looking toward EOP (end of project); 10% favorable slope. Sight distance less than 70 feet. Driveway intersects on left.



Photo 1658. Milepost 0.55. Start of blind curve to left and one-lane section. Two driveways intersect on right. (Focal length zoomed up, compared to photo 1659.)



Photo 1659. Milepost 0.55. Start of blind curve to left and one-lane section. Large tree on left..

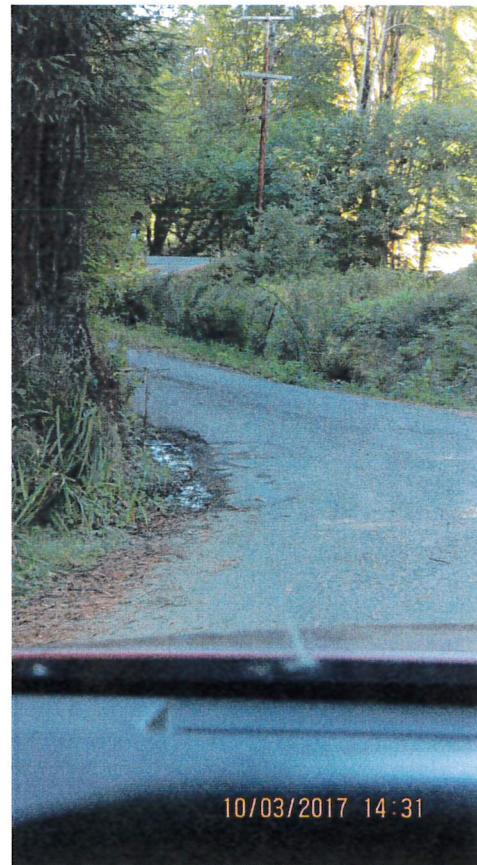


Photo 1660. Milepost 0.57. Blind curve. Perennial spring on left.



Photo 1662. Milepost 0.69. Single-lane section. Inadequate sight distance on S-curve owing to maple trees along Essex Gulch Creek.



Photo 1664. Milepost 0.69. Single-lane section. Inadequate sight distance on S-curve owing to maple trees along Essex Gulch Creek.



Photo 1665. Milepost 0.69. Single-lane section. Inadequate sight distance on S-curve owing to maple trees along Essex Gulch Creek.



Photo 1666. Milepost 0.69. Looking south toward BOP (beginning of project).



Photo 1668. Milepost 0.71.

DOCUMENT E

January 26, 2018

John Ford, Planning Director (jford@co.humboldt.ca.us)
Steven Lazar, Senior Planner (slazar@co.humboldt.ca.us)
Humboldt County Planning & Building Department
3015 H Street
Eureka CA 95501



Dear Mr. Ford and Mr. Lazar:

The Mad River Alliance is a community-driven group working to protect clean local water and the ecological integrity of the Mad River Watershed for the benefit of its human and natural communities. We are a 501(c)3 organization that facilitates a coordinated monitoring program to better understand correlations between anthropocentric effects on river flow, water temperature, turbidity, suspended sediment, and the biological response. Our conservation program facilitates open dialogue among diverse interests to protect and restore the Mad River Watershed.

We have learned that a cannabis permit application (#12165) has been filed for 197 Alder Lane, McKinleyville (APN 504-021-011). The applicant proposes to grow 10,000 square feet of mixed-light cannabis, plus operate a commercial nursery for bulk wholesale sales and a commercial processing facility for onsite and offsite cultivations. The applicant proposes to irrigate the crop year-round using well water. The applicant estimates daily water use of at least 4,400 gallons (3.06 gpm), for a total, according to the Humboldt County Planning Department, of 1.62 million gallons/year. Proposed on-site storage is three 5,000-gallon water tanks (less than 4 days of irrigation).

The Mad River Alliance is concerned about the potential negative impacts of this proposed project on salmonids in the adjoining Essex Gulch Creek. Essex Gulch Creek is a two-mile-long perennial tributary to the Mad River. Along Essex Lane (County Road 4L780) and Kara Lane (private road), Essex Gulch Creek flows through a relatively narrow canyon where the land use is timber production (Green Diamond Resource Company) and rural residential (approximately 16 homes). Essex Gulch Creek provides habitat and cold water refugia for at least three species of salmonids: Coho salmon (state and federally listed as threatened), Steelhead (state and federally listed as threatened), and coastal cutthroat trout (a California Species of Special Concern) [Reference 1]. The creek also has the potential to support Chinook salmon and Pacific lamprey.

The Mad River population of Coho salmon is at high risk of extinction, and as such is listed under the federal Endangered Species Act as "threatened." "Essex Gulch Creek is one of only 21 tributaries deemed to have 'high IP reaches' [streams with high Intrinsic Potential to provide spawning and rearing habitat for Coho] in the entire Mad River" [Reference 2]. Furthermore, CalTrans Region 1 has accorded Essex Gulch Creek its third highest priority of 48 streams currently on a State list to have fish migration barriers removed to maximize use by Coho and other fish species [Reference 3]. Efforts are currently underway to improve fish passage between the Mad River and Essex Gulch Creek.

A Water Diversion Questionnaire submitted by the applicant to the California Department of Fish and Wildlife notes that the parcel has a Class II stream (tributary of Essex Gulch Creek) running through it, with a pre-existing spring box diversion. The applicant states that he "may use this for irrigation in the future," citing an estimated summer minimum yield of 2 gpm (2,880 gallons/day) and a winter maximum yield of 5 gpm (7,200 gallons/day). This 2 gpm figure represents a substantial amount of Essex Gulch Creek's flow during July and becomes a greater percentage as the dry season progresses.

The U.S. Geological Survey does not have a permanent stream gaging station on Essex Gulch Creek. But in 2014, fisheries consultant Ross Taylor and Associates (under contract with the National Oceanic and Atmospheric Administration Restoration Center) conducted hourly discharge measurements during the low-flow period in Essex Gulch Creek (Ref 4). Discharge was 0.12 cfs/54 gpm on 6/12/14 and 0.04 cfs/18 gpm on 7/30/14. Therefore, the water use (3.06 gpm) proposed by the permit applicant represents 5.6% and 17.1% of the Essex Gulch Creek's entire discharge on 6/12/14 and 7/30/14, respectively.

The State Water Resources Control Board's (hereafter, State Water Board) Cannabis Cultivation Policy -- Principles and Guidelines for Cannabis Cultivation was adopted in October 2017 to satisfy the requirements of recent legislation and Water Code section 13149 that mandates the State Water Board ensures that the impacts of water diversions and discharges associated with cannabis cultivation do not adversely affect instream flows for fish and water quality. Among other things, the State Water Board has been legislatively mandated to protect aquatic habitat, wetlands, and springs from harm caused by cannabis cultivation, which includes requirements for groundwater pumping where necessary to protect surface water flows [Reference 5].

The scope of water withdrawal proposed by the applicant is inconsistent with the State Water Board's mandate to protect instream flows for fish and water quality. Furthermore, owing to the stream's reduced discharge, an elevation of stream water temperatures is likely to occur, placing additional stress on fish populations and other organisms that require cool water temperatures. While summer forbearance could help the situation, the storage facilities described in the permit application would hold enough water to irrigate the crops for less than four days.

An examination of topographical maps and aerial photographs of the parcel shows that it is heavily forested and does not contain enough flat, cleared land to accommodate the proposed greenhouses, nursery, and processing area, as well as the large water storage structures that would be required to store water during the forbearance period for a well. The Final Environmental Impact Report for the Amendments to Humboldt County Code Regulating Commercial Cannabis Activities (adopted in January 2018) (hereafter, Final EIR) defines groundwater forbearance as lasting from May to October (5 months) [see calculations in Reference 6].

Given the large amount of water the applicant proposes to extract from the Essex Gulch Creek watershed and the potential impact to existing and future stocks of listed fish in the creek, the Mad River Alliance has strong reservations about Humboldt County approving this application. The sheer volume of water that the applicant proposes to extract from a well in the Essex Gulch

Creek watershed does not seem to make seasonal forbearance practical from either a financial or topographical standpoint.

Sincerely yours,

Dave Feral
Executive Director
Mad River Alliance

References

1. "Findings Report for Pre-project Juvenile Fish Distribution Sampling on Essex Gulch," 8/15/14.
2. "Final SONCC Coho Recovery Plan (Mad River Population)," pp. 24-1 through 24-6, 2014.
http://www.westcoast.fisheries.noaa.gov/publications/recovery_planning/salmon_steelhead/domains/southern_oregon_northern_california/SONCC%20Final%20Sept%202014/sonccfinal_ch24_madriver_2.pdf
3. "Coastal Anadromous Fish Passage Assessment and Remediation Progress Report," Annual Report to the Legislature for Calendar Year 2014, Prepared by California Department of Transportation (CalTrans) Division of Environmental Analysis, October 2015.
http://www.dot.ca.gov/docs/2015_Coastal_Anadromous_Fish_Passage_Assessment_and_Remediation_Progress_Report.pdf
4. "Findings Report for Pre-project Habitat Characterization of Essex Gulch," Prepared by Ross Taylor and Associates for NOAA Fisheries – Open Rivers Initiative Program, 2014.
5. "Minimizing the Impacts of Cannabis Cultivation on California Lands and Waterways," State Water Resources Control Board Fact Sheet, July 2017.
https://www.waterboards.ca.gov/publications_forms/publications/factsheets/docs/cannabis_factsheet.pdf
6. Forbearance for a well would require, at a minimum, storage of 675,000 gallons of water (5/12 x 1.62 million gallons). This equates to one hundred and thirty-five 5,000-gallon water tanks. And since water needs for plants are not equal throughout the year (i.e., higher in the summer), even more water would be required to be stored to support irrigation through the peak growing season. Although the applicant does not currently intend to use water from the Class II watercourse on the property for irrigation, the Final EIR outlines a forbearance period from April through October (7 months) for surface water diversions. In addition, the proposed mitigation requires groundwater users to "demonstrate that the groundwater resource is not hydrologically connected to an adjacent surface water feature and is not subject to the forbearance requirements through the establishment of a flow gage in the stream or river and groundwater pumping tests to monitor and verify no connection to the satisfaction of the County and/or State Water Resources Control Board." Any forbearance required for surface water diversion or hydrologically connected groundwater would require storage of 945,000 gallons of water (7/12 x 1.62 million gallons).