

SUPPLEMENTAL INFORMATION #1

For Planning Commission Agenda of:
June 18, 2020

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

Re: Amarok Ventures, LLC, Conditional Use Permit and Special Permit

Record Number: PLN-11021-CUP
Assessor Parcel Numbers: 221-021-023 and 221-021-037
Salmon Creek area

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

1. Revised Recommended Conditions of Approval.
2. Email from Teri Kolder, dated Wednesday, June 17, 2020.
3. Email from Justin Crellin, dated Wednesday, June 17, 2020.
4. Email from Gregory Condon, dated Wednesday, June 17, 2020, that includes a letter dated June 16, 2020, regarding: *Cannabis Permit Public Comment, Amarok Ventures, LLC, PLN -11021-CUP and other future Salmon Creek Cannabis Permits.*
5. Email from Suzanne Whipple, dated Wednesday, June 17, 2020, that includes a letter for Agenda Item 5 to the Planning Commission, County of Humboldt.
6. Email from Peter Childs, dated Monday, June 15, 2020.

Staff response: The proposed project was in existence prior to January 1, 2016, as verified by County staff. The proposed project includes both outdoor and mixed light cultivation areas. Noise and light attenuation measures, such as further restricting noise levels to 50 dB at 100 feet from the noise source or edge of habitat and compliance with Dark Sky Standards, are required by the Commercial Medical Land Use Ordinance (CMMLUO) and included as conditions of approval. Water for irrigation is provided by a 700,000-gallon on-stream pond that the applicant has obtained a Right to Use and Divert Water from the State Water Resources Control Board and a Final Streambed Alteration Agreement from the California Department of Fish and Wildlife (CDFW). Historic cultivation areas within the Streamside Management Area (SMA) were relocated and restored as recommended by a qualified professional. Conditions of approval require the applicant to restock any oak trees that were removed. Planning staff coordinated with Bureau of Land Management

(BLM) staff and CDFW regarding the proposed project. The Conditions of Approval were revised to require the applicant to submit proof of payment of annual fair-share costs for road maintenance. As recommended by staff, the project complies with the CMMLUO and the resultant project will improve baseline conditions. The comments received do not change the staff recommendation.

ATTACHMENT 1

***REVISED Recommended Conditions of Approval**

APPROVAL OF THE SPECIAL PERMIT IS CONDITIONED ON THE FOLLOWING TERMS AND REQUIREMENTS WHICH MUST BE SATISFIED BEFORE THE PROVISIONAL CANNABIS CULTIVATION PERMIT CAN BE FINALIZED.

1. Within 60 days of the effective date of project approval, the applicant shall execute a Compliance Agreement with the Humboldt County Planning Department detailing all necessary permits and infrastructure improvements described under Conditions of Approval ~~#7-14~~ **#8 -15**. The agreement shall provide a timeline for completing all outstanding items. All activities detailed under the agreement must be completed to the satisfaction of the Planning and Building Department before the permit may be finalized and no longer considered provisional.
2. **The applicant shall conclude to participate with the local road association and/or continue to pay fair-share costs for annual road maintenance. The applicant shall provide a copy of a receipt of payment or other form of proof at the time of the annual inspection.**
3. All mixed light cultivation shall comply with International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1, and be designed to regulate light spillage onto neighboring properties resulting from backlight, up light, or glare (BUG). International Dark Sky Association standards exceed the requirements of Scenic Resources Standard SR-S4, Light and Glare, that lighting be fully shielded, and designed and installed to minimize off-site lighting and direct light within the property boundaries. No artificial lighting is authorized by this permit until the structures and greenhouses can be demonstrated to comply with this standard.
4. The applicant shall demonstrate there are adequate noise containment structures for all generators used on the parcel. The applicant shall obtain all required building permits for such structures. The applicant shall maintain generator, fan, and dehumidifier noise at or below 50 decibels at the edge of the clearing or 100 feet, whichever distance is closer. This will satisfy the auditory disturbance guidance prepared by the U.S. Fish and Wildlife (USFS), California Fish and Wildlife (CDFW) and Department Policy Statement No. 16-005 to minimize impacts to the Northern Spotted Owl and Marbled murrelet. All generators must be located on stable surfaces with a minimum 200-foot buffer from Class I and Class II streams, per the requirements of CDFW. No generator use is authorized by this permit until the applicant can demonstrate to compliance with this standard.
5. No rodenticides are authorized for use for cannabis cultivation activities on the subject parcel for the life of the project.
6. Within 30 days of the effective date, a revised site plan shall be submitted to the Planning and Building Department showing:
 - a) Compliance with emergency vehicle access requirements;
 - b) Location of proposed relocation area; and
 - c) Location of existing and proposed septic and or other waste facilities.
7. The applicant shall submit an oak mitigation plan prepared by a Registered Professional

Forester (RPF) that describes the number of oak trees that were removed and includes a mitigation plan for replanting oak trees that accounts for temporal loss in addition to the number of trees that were cut, at minimum of 7:1 replacement. The oak mitigation plan shall also include a map showing where the oaks were removed and where they will be replanted and shall include a monitoring and reporting plan. The monitoring and reporting plan must include a minimum of 3 years of monitoring and a success rate of 85%. Prior to implementation, the plan shall be reviewed and approved by the Planning Department.

8. The applicant shall secure permits for all existing and proposed grading (including, but not limited to flats and pond) and structures (including, but not limited to: the cabin, shop and 5 cargo containers) related to the cannabis cultivation and other commercial cannabis activity. A letter or similar communication from the Building Division verifying that all structures and grading related to cannabis cultivation are permitted will satisfy this condition. No impervious floor shall be allowed for greenhouses.
9. No processing can be approved until an acceptable site suitability report can establish potential for an Onsite Waste Treatment System (OWTS) meeting Tier 0 standards, and this OWTS is installed and permitted to the satisfaction of the DEH. The applicant shall secure permits and install an on-site sewage disposal system and restroom facility prior to processing on-site. Portable toilet and handwashing facilities may be utilized during the construction of these permanent improvements. The applicant shall furnish receipts or other documentation to the DEH for the continual use of portable toilets for employees until a permanent septic system is installed to their satisfaction. A letter or similar communication from DEH verifying that all their requirements have been met will satisfy this condition.
10. As required by the Humboldt County Department of Public Works, for all county road-private road intersections, if the county road has a paved surface at the location of the access road, the access road will be paved for a minimum width of 20 feet and a length of 50 feet where it intersects with the County road.
11. As required by the Humboldt County Department of Public Works, the applicant shall work either independently or with other permitted cultivators utilizing Thomas Road to complete the improvement recommendations of the civil engineer regarding Segment 3 of Thomas Road: replace the culvert at Mile 0.35 in order to widen the road at this pinch point, and armor the inboard ditch to eliminate erosion of the road.
12. If applicable, the applicant shall secure permits from the North Coast Unified Air Quality Management District. A letter or similar communication from the North Coast Air Quality Management District verifying that all their requirements have been met and/or no additional permitting is required would satisfy this condition.
13. The applicant shall adhere to the Relocation Narrative letter prepared by Timberland Resource Consultants dated November 14, 2019. The applicant shall provide a monitoring report to the Planning Department regarding the status of the remediation at the time of the annual inspection. Additional monitoring reports may be required until the Planning Department finds the area remediated as described by the letter.
14. The applicant to submit evidence of enrollment into the State Cannabis Cultivation Discharge program by submitting copies of all documents filed with the State Water Resources Control Board, including, but not limited to, a Notice of Applicability. The applicant is required to adhere to and implement the requirements contained in the SWRCB's Cannabis Cultivation Policy, the General Order and the Notice of Applicability. A copy of the reporting form portion

of the Mitigation and Reporting Program (MRP) shall be submitted annually to the Planning and Building Department concurrent with the submittal to the SWRCB.

15. The applicant shall submit a copy of the Final Streambed Alteration Agreement issued by CDFW that includes, but is not limited to, replacement of five culverts recommended by the Site Management Plan, and submit a Bullfrog Management Plan for review and approval by CDFW. Reporting requirements shall be submitted to the Planning Department and the California Department of Fish and Wildlife at 619 Second Street, Eureka, CA 95501, no later than December 31 of each year.
16. Applicant shall implement the following for the on-site pond/reservoir:
 - a) Install an overflow spillway that will withstand a 100-year flood event, designed with a dispersal mechanism, or low-impact design, that discourages channelization and promotes dispersal and infiltration of flows to prevent surface overflow from reaching waters of the State. CDFW recommends the spillway be designed and placed to allow for a minimum of two-feet of freeboard.
 - b) Install several exit ramps to prevent wildlife entrapment. Exit ramps shall meet the following requirements: installed at no greater than 2:1 slope, securely fixed at the upslope end, made of solid material (e.g. wood)
 - c) Applicant shall comply with the CDFW Bullfrog Management Plan. Reporting requirements shall be submitted to CDFW at 619 Second Street, Eureka, CA 95501, no later than December 31 of each year.
17. The applicant shall contact the local fire service provider [Salmon Creek Volunteer Fire Company] and furnish written documentation from that agency of the available emergency response and fire suppression services and any recommended project mitigation measures. If emergency response and fire suppression services are not provided, the applicant shall cause to be recorded an "ACKNOWLEDGMENT OF NO AVAILABLE EMERGENCY RESPONSE AND FIRE SUPPRESSION SERVICES" for the parcel(s) on a form provided by the Humboldt County Planning Division.
18. The applicant shall be compliant with the County of Humboldt's Certified Unified Program Agency (CUPA) requirements regarding any hazardous materials. A written verification of compliance shall be required before any provisional permits may be finalized. Ongoing proof of compliance with this condition shall be required at each annual inspection in order to keep the permit valid.
19. The Applicant shall install and utilize a water meter to demonstrate that there is sufficient water supply to meet the demands of the project without having to rely on the diversion during the forbearance period as specified by the State Water Resources Control Board and CDFW. The water use for cultivation is limited to the amount of water allowed for diversion as specified by the Right to Divert and Use Water issued by the State Water Resources Control Board (Certificate #H100164). Water metering records shall be provided annually prior to or during the annual inspection.
20. The applicant shall not use any erosion control and/cultivation materials that contain synthetic (e.g. plastic or nylon) netting, including photo- or biodegradable plastic netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, hemp, coconut (coir) fiber, or other products without welded weaves.

21. All refuse shall be contained in wildlife proof storage containers, at all times, and disposed off-site at an authorized waste management facility.
22. The applicant shall execute and file with the Planning Division the statement titled "Notice and Acknowledgment regarding Agricultural Activities in Humboldt County," ("Right to Farm" ordinance) as required by the HCC and available at the Planning Division.
23. The applicant is required to pay for permit processing on a time-and-materials basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will provide a bill to the applicant after the decision. Any and all outstanding planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 H Street, Eureka.

Ongoing Requirements/Development Restrictions Which Must be Satisfied for the Life of the Project:

1. All components of project shall be developed, operated, and maintained in conformance with the Project Description, the approved Site Plan, the Plan of Operations, and these conditions of approval. Changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan.
2. Cannabis cultivation and other commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the CMMLUO and MAUCRSA, as applicable to the permit type.
3. If operating pursuant to a written approved compliance agreement, permittee shall abate or cure violations at the earliest feasible date, but in no event no more than two (2) years from the date of issuance of a provisional clearance or permit. Permittee shall provide plans for curing such violations to the Planning & Building Department within one (1) year of issuance of the provisional clearance or permit. If good faith effort towards compliance can be shown within the two years following the issuance of the provisional clearance or permit, The Planning Department may, at the discretion of the Director, provide for extensions of the provisional permit to allow for additional time to meet the outstanding requirements.
4. Possession of a current, valid required license, or licenses, issued by any agency of the State of California in accordance with the MAUCRSA, and regulations promulgated thereunder, as soon as such licenses become available.
5. Compliance with all statutes, regulations and requirements of the California State Water Resources Control Board and the Division of Water Rights, at a minimum to include a statement of diversion of surface water from a stream, river, underground stream, or other watercourse required by Water Code Section 5101, or other applicable permit, license, or registration, as applicable.
6. Confinement of the area of cannabis cultivation, processing, manufacture or distribution to the locations depicted on the approved site plan. The commercial cannabis activity shall be set back at least 30 feet from any property line, and 600 feet from any School, School Bus Stop, Church or other Place of Religious Worship, or Tribal Cultural Resources, except where a reduction to this setback has been approved pursuant to Section 55.4.11(d).
7. Maintain enrollment in Tier 1, 2 or 3, certification with the North Coast Regional Water Quality Control Board (NCRWQCB) Order No. R1-2015-0023, if applicable, or any substantially

equivalent rule that may be subsequently adopted by the County of Humboldt or other responsible agency.

8. Comply with the terms of any applicable Streambed Alteration (1600) Permit obtained from the Department of Fish & Wildlife.
9. Comply with the terms of a less-than-3-acre conversion exemption or timberland conversion permit, approved by the California Department of Forestry and Fire Protection (CAL-FIRE), if applicable.
10. Consent to an annual on-site compliance inspection, with at least 24 hours prior notice, to be conducted by appropriate County officials during regular business hours (Monday – Friday, 9:00 am – 5:00 pm, excluding holidays).
11. Refrain from the improper storage or use of any fuels, fertilizer, pesticide, fungicide, rodenticide, or herbicide.
12. Pay all applicable application and annual inspection fees.
13. The noise produced by a generator used on an emergency-only basis for cannabis drying, curing, and processing shall not be audible by humans from neighboring residences. The decibel level for generators measured at the property line shall be no more than 60 decibels.
14. Storage of Fuel - Fuel shall be stored and handled in compliance with applicable state and local laws and regulations, including the County of Humboldt's CUPA program, and in such a way that no spillage occurs.
15. The Master Log Books maintained by the applicant to track production and sales shall be maintained for inspection by the County.
16. Pay all applicable taxes as required by the Humboldt County Commercial Marijuana Cultivation Tax Ordinance (Humboldt County Code Section 719-1 et seq.).
17. The operation shall participate in the Medical Cannabis Track and Trace Program administered by the Humboldt County Agricultural Commissioner, when available.

Performance Standards for Cultivation and Processing Operations

18. Pursuant to the MCRSA, Health and Safety Code section 19322(a)(9), an applicant seeking a cultivation license shall "provide a statement declaring the applicant is an 'agricultural employer,' as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 commencing with Section 1140) of Division 2 of the Labor Code), to the extent not prohibited by law."
19. Cultivators shall comply with all applicable federal, state, and local laws and regulations governing California Agricultural Employers, which may include: federal and state wage and hour laws, CAL/OSHA, OSHA, California Agricultural Labor Relations Act, and the Humboldt County Code (including the Building Code).
20. Cultivators engaged in processing shall comply with the following Processing Practices:
 - i. Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment.

- ii. Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
 - iii. Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.
 - iv. Employees must wash hands sufficiently when handling cannabis or use gloves.
21. All persons hiring employees to engage in commercial cannabis cultivation and processing shall comply with the following Employee Safety Practices:
- I. Cultivation operations and processing operations must implement safety protocols and provide all employees with adequate safety training relevant to their specific job functions, which may include:
 - (a) Emergency action response planning as necessary;
 - (b) Employee accident reporting and investigation policies;
 - (c) Fire prevention;
 - (d) Hazard communication policies, including maintenance of material safety data sheets (MSDS);
 - (e) Materials handling policies;
 - (f) Job hazard analyses; and
 - (g) Personal protective equipment policies, including respiratory protection.
 - II. Cultivation operations and processing operations must visibly post and maintain an emergency contact list which includes at a minimum:
 - (a) Operation manager contacts;
 - (b) Emergency responder contacts;
 - (c) Poison control contacts.
 - III. At all times, employees shall have access to safe drinking water and toilets and handwashing facilities that comply with applicable federal, state, and local laws and regulations. Plumbing facilities and water source must be capable of handling increased usage without adverse consequences to neighboring properties or the environment.
 - IV. On site-housing provided to employees shall comply with all applicable federal, state, and local laws and regulations.
22. All cultivators shall comply with the approved Processing Plan as to the following:
- I. Processing Practices.
 - II. Location where processing will occur.
 - III. Number of employees, if any.
 - IV. Employee Safety Practices.
 - V. Toilet and handwashing facilities.
 - VI. Plumbing and/or septic system and whether or not the system is capable of handling increased usage.
 - VII. Drinking water for employees.
 - VIII. Plan to minimize impact from increased road use resulting from processing.
 - IX. On-site housing, if any.
23. Term of Commercial Cannabis Activity Special Permit. Any Commercial Cannabis Cultivation SP issued pursuant to the CMMLUO shall expire one (1) year after date of issuance, and on the anniversary date of such issuance each year thereafter, unless an annual compliance

inspection has been conducted and the permittees and the permitted site have been found to comply with all conditions of approval.

24. If the inspector or other County official determines that the permittees or site do not comply with the conditions of approval, the inspector shall serve the SP or permit holder with a written statement identifying the items not in compliance, and the action that the permit holder may take to cure the non-compliance, or file an appeal within ten (10) days of the date that the written statement is delivered to the permit holder. Personal delivery or mailing the written statement to the mailing address listed on the application by regular mail, plus three (3) days after date of mailing, shall constitute delivery. The permit holder may request a reinspection to determine whether or not the permit holder has cured all issues of non-compliance. Failure to request reinspection or to cure any items of non-compliance shall terminate the Special Permit, immediately upon the expiration of any appeal period, or final determination of the appeal if an appeal has been timely filed pursuant to section 55.4.13.
25. Permit Renewals to comply with Updated Laws and Regulations. Permit renewal per Ongoing Condition of Approval #23 above is subject to the laws and regulations effective at the time of renewal, which may be substantially different than the regulations currently in place and may require the submittal of additional information to ensure that new standards are met.
26. Acknowledgements to Remain in Full Force and Effect. Permittee Acknowledges that the County reserves the right to reduce the size of the area allowed for cultivation 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 in which the cultivation area is located will not support diversions for irrigation.
27. Permittee further acknowledges and declares that:
 - I. All commercial cannabis activity that I, my agents, or employees conduct pursuant to a permit from the County of Humboldt shall be solely for medical purposes and all commercial cannabis products produced by me, my agents, or employees are intended to be consumed solely by qualified patients entitled to the protections of the Compassionate Use Act of 1996 (codified at Health and Safety Code section 11362.5); and
 - II. All cannabis or cannabis products under my control, or the control of my agents or employees, and cultivated or manufactured pursuant to local Ordinance and the California Medical Marijuana Regulation and Safety Act will be distributed within the State of California; and
 - III. All commercial cannabis activity conducted by me, or my agents or employees pursuant to a permit from the County of Humboldt will be conducted in compliance with the California Medical Marijuana Regulation and Safety Act.
28. Transfers. Transfer of any leases or permits approved by this project is subject to the review and approval of the Planning Director for conformance with CMMLUO eligibility requirements, and agreement to permit terms and acknowledgments. The fee for required permit transfer review shall accompany the request. The request shall include the following information:
 - I. Identifying information for the new Owner(s) and management as required in an initial permit application;
 - II. A written acknowledgment by the new Owner in accordance as required for the initial Permit application;
 - III. The specific date on which the transfer is to occur; and

IV. Acknowledgement of full responsibility for complying with the existing Permit; and

V. Execution of an Affidavit of Non-diversion of Medical Cannabis.

29. Inspections. The permit holder and subject property owner are to permit the County or representative(s) or designee(s) to make inspections at any reasonable time deemed necessary to assure that the activities being performed under the authority of this permit are in accordance with the terms and conditions prescribed herein.

Informational Notes:

1. Pursuant to Section 314-55.4.11(a) of the CMMLUO, if upon inspection for the initial application, violations of any building or other health, safety, or other state of county statute, ordinance, or regulation are discovered, the Planning and Building Department may issue a provisional clearance or permit with a written approved Compliance Agreement. By signing the agreement, the permittee agrees to abate or cure the violations at the earliest opportunity but in no event more than two (2) years of the date of issuance of the provisional clearance or permit. Plans for curing the violations shall be submitted to the Planning and Building Department by the Permittee within one (1) year of the issuance of the provisional certificate or permit. The terms of the compliance agreement may be appealed pursuant to section 314-55.4.13 of the CMMLUO.
2. This provisional permit approval shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"); except where the Compliance Agreement per Condition of Approval #1 has been executed and the corrective actions pursuant to the agreement are being undertaken. Once building permits have been secured and/or the use initiated pursuant to the terms of the agreement, the use is subject to the Permit Duration and Renewal provisions set forth in Conditions of Approval #23 of the On-Going Requirements /Development Restrictions, above.
3. If cultural resources are encountered during construction activities, the contractor on site shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist as well as the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, shellfish or faunal remains, and human burials. If human remains are found, California Health and Safety Code Section 7050.5 requires that the County Coroner be contacted immediately at 707-445-7242. If the Coroner determines the remains to be Native American, the Native American Heritage Commission will then be contacted by the Coroner to determine appropriate treatment of the remains pursuant to Public Resources Code Section 5097.98. Violators shall be prosecuted in accordance with Public Resources Code Section 5097.99.

4. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will provide a bill to the applicant after the decision. Any and

all outstanding Planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.

5. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will send a bill to the Applicant for all staff costs incurred for review of the project for conformance with the conditions of approval. All Planning fees for this service shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
6. A Notice of Determination (NOD) will be prepared and filed with the County Clerk for this project in accordance with the State CEQA Guidelines. **Within three days of the effective date of permit approval**, it is requested that the applicant submit a check or money order for the required filing fee in the amount of \$50 payable to the Humboldt County Clerk/Recorder. If this payment is not received within this time period, the Department will file the NOD and will charge this cost to the project.
7. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions prior to release of building permit or initiation of use and at time of annual inspection. In order to demonstrate that all conditions have been satisfied, applicant is required to pay the conformance review deposit as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750) within sixty (60) days of the effective date of the permit or upon filing of the Compliance Agreement (where applicable), whichever occurs first. Payment shall be made to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
8. The operator shall provide information to all employees about the potential health impacts of cannabis use on children. Information shall be provided by posting the brochures from the Department of Health and Human Services titled *Cannabis Palm Card* and *Cannabis Rack Card*. This information shall also be provided to all employees as part of the employee orientation.

From: [Ryan, Meghan](#)
To: [teri: Planning Clerk](#)
Cc: [ADA Coordinator](#)
Subject: Re: 11021-CUP

Good morning, Teri –

Thank you for providing comments on APPS #11021 Amarak Ventures, LLC, which is scheduled to be heard by the Planning Commission this evening. I will provide a copy of your comments to the Planning Commission this evening in a supplemental item.

I will attempt to address a couple of the concerns raised in your email. Although the applicant is proposing the 3-story building for operations, the Planning Department recommendation is to not support the approval of any new structures with the exception of one greenhouse. The applicant will need to utilize existing conex boxes on site for drying and process off-site as the project is currently proposed.

The 700,000-gallon pond is permitted by both the California Department of Fish and Game and the State Water Resources Control Board. The water rights associated with the pond only allow for approximately 60% of the total capacity (or approximately 423,000 gallons) to be utilized annually. The County Commercial Medical Land Use Ordinance (CMMLUO) and the conditions of approval for the project require the applicant to ensure the mixed light greenhouses meet Dark Sky standards so that no or little light escapes from an hour before sunset to an hour after sunrise. The applicant will need to show the Planning Department how they will be complying with these standards before any additional lighting is used at the site.

Please let me know if you have any additional questions or comments. I appreciate the time you took to comment on the proposed project.

Best,
Meghan Ryan
Senior Planner

From: teri <teri@seatrill.com>
Date: Wednesday, June 17, 2020 at 3:30 PM
To: Planning Clerk <planningclerk@co.humboldt.ca.us>
Cc: ADA Coordinator <ada@co.humboldt.ca.us>
Subject: PLN: 11021-CUP

Aloha. I would like to voice my concerns regarding the permitting of this project. As a Salmon Creek resident for the last 22 years I have watched to chaos circling the cannabis plant, never before since I have lived here has the chaos been so intense and destructive.

This is not an industrial water shed, nor a warehouse zone. Why would a 3 story building be permitted in a residential zone. This is crazy.

A 700,000 gallon pond would absolutely wreck and kill any living being below that pond should the

pond fail. Rain happens.

The view off my back deck is crappy. I overlook Amarc Ventures green houses—a hillside filled with plastic and more plastic, a night sky littered with light pollution.

This is an industrial sized operation that has no place in a home stead life style. The county was not ready and still is not ready for legalization to commence. Please please don't let this happen to my neighborhood anymore than it already had.

Tommy H—from Redway feed has demolished an entire hillside. Why on earth did that get permitted. ??!!

Industrial cannabis need to be on flat country. not in the hills.

Along with this Mike Ozberg (?) isn't even from California. an import exporting money out of our community.

Do the right thing please and do not let this project get permitted.

Thank you for your consideration.

Teri Kolder

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From: [Ryan, Meghan](#)
To: [Justin Crellin](#)
Subject: Re: Opposition comment re PLN-11021 CUP for Amarok Ventures
Attachments: [image001.jpg](#)

Good afternoon, Justin – Thank you for comments. I want to confirm I've received these comments and will be including the comments in a supplemental document that I am preparing for the Planning Commission.

I will attempt to respond to some of the concerns you expressed. Regarding the three proposed structures, the Planning Department is not in support of the proposed project and the recommendation to the Planning Commission in the staff report is to not approve the structures. Because the processing structures are not supported, processing will need to occur off-site as the project is currently proposed. The applicant clarified that only one generator will be used for operations, not three, and it will be contained in an existing structure.

Please let me know if you have any additional questions or concerns. I appreciate the time you took to comment on this project.

Best,
Meghan

From: Justin Crellin <justin@mateel.org>
Date: Wednesday, June 17, 2020 at 12:27 PM
To: "Ryan, Meghan" <mryan2@co.humboldt.ca.us>
Subject: Opposition comment re PLN-11021 CUP for Amarok Ventures

Hello Meghan,

(Please let me know you received this and if I need to submit anywhere else to reach the Planning Commission)

My name is Justin Crellin and I'm a 20+ year landowner/ resident of the Salmon Creek community. I'm writing today out of concern regarding Amarok Ventures Inc's proposed amendment to PLN-11021 CUP. I know they have a hearing tomorrow- which I just learned of, and unfortunately can't attend- so I hope this written comment can still be submitted.

I would like to officially voice my opposition to this project and encourage the Planning Commission to deny the amendment request. With its monumental structures (including new 2 and 3?! story units), multitude of generators, and additional greenhouses/ grow zones, this project is nothing less than a large scale industrial cannabis grow/ processing facility proposed by a non-local LLC with several out of state owners. It's placement in a rural residential neighborhood where people actually live is out of step with rural residential values and degrades the quality of life/ environment/ and even property value, as once lush hillsides are increasingly converted to this kind of industrial blight.

In my humble opinion, Humboldt County has already permitted too many large scale industrial cannabis operations in Salmon Creek- the worst of which I've included a photo of below (originally Tommy Harwood's property/ CUP- then sold to a Las Vegas corp and recently raided by the police due to a variety of violations). It's the most egregious, environmentally damaging mountaintop removal grow I've ever seen- and to think the county approved this project! It's forever changed the character and beauty of the upper part of the watershed affected by its blight/ runoff, and I mention this because it relates to the project being considered now. Not only are they in relatively close proximity to one another (posing a greater cumulative impact), but it tells a tale of how out of state run companies running industrial scale projects in rural residential areas like Salmon Creek is totally incompatible and not benefitting the long term health/ well-being of our communities and environment, nor future property values-as who wants to live next to/ surrounded by these kinds of industrial, non-resident operations.

I strongly urge the Planning Commission to deny this amendment request and to take better care in the future to look more deeply at projects by outside corporations looking to bring their industrial operations into our rural residential neighborhoods. Save these projects for better suited ag lands or zones intended for commercial/ industrial development.

Thanks for your time.

Justin Crellin

From: [Ryan, Meghan](#)
To: [Gregory Condon](#); [Planning Clerk](#)
Cc: [ann.michellini7615@gmail.com](#); [owlsperch@asis.com](#); [SC - Dan Gribi](#); [Sc David And Sondra Booth](#); [SC - Christy \(and Russ\)](#); [SC - Kato Tyse Childs](#); [Sc Kevin And Kym](#)
Subject: Re: Official Public Comment per Amarok Ventures, LLC and other Salmon Creek (Sanctuary Zone Cannabis County Permits

Good afternoon, Gregory - Thank you for submitting the comment letter for APPS #11021, Amarok Ventures, in the Salmon Creek area. I will be providing a copy of the comment letter to the Planning Commission in a supplemental I am preparing.

I will attempt to address your comments regarding road maintenance and noise and light pollution below:

1. Road Maintenance: In conversation with the applicant yesterday, he indicated that he is a member of the local road association and has paid dues for 2018, 2019 and 2020. He is committed to remaining active. To ensure this commitment continues for the life of the project, I will revise the conditions of approval to require participation in the local road association and/or pay fair share cost for road maintenance. The applicant will be required to submit a proof of payment during the annual inspection.

2. The following conditions of approval are included in the staff report and must be adhered to for the life of the project:

Lighting: All mixed light cultivation shall comply with International Dark Sky Association standards for Lighting Zone 0 and Lighting Zone 1, and be designed to regulate light spillage onto neighboring properties resulting from backlight, up light, or glare (BUG). International Dark Sky Association standards exceed the requirements of Scenic Resources Standard SR-S4, Light and Glare, that lighting be fully shielded, and designed and installed to minimize off-site lighting and direct light within the property boundaries. No artificial lighting is authorized by this permit until the structures and greenhouses can be demonstrated to comply with this standard.

Noise: The applicant shall demonstrate there are adequate noise containment structures for all generators used on the parcel. The applicant shall obtain all required building permits for such structures. The applicant shall maintain generator, fan, and dehumidifier noise at or below 50 decibels at the edge of the clearing or 100 feet, whichever distance is closer. This will satisfy the auditory disturbance guidance prepared by the U.S. Fish and Wildlife (USFS), California Fish and Wildlife (CDFW) and Department Policy Statement No. 16-005 to minimize impacts to the Northern Spotted Owl and Marbled murrelet. All generators must be located on stable surfaces with a minimum 200-foot buffer from Class I and Class II streams, per the requirements of CDFW. No generator use is authorized by this permit until the applicant can demonstrate to compliance with this standard.

Please let me know if you have any additional questions or comments regarding the Amarok Ventures, LLC, project. I appreciate the time you took to provide comments to the Planning Department regarding this project.

Best,
Meghan

On 6/17/20, 11:54 AM, "Gregory Condon" <gcondon48@gmail.com> wrote:

Dear Planning Clerk, Meghan Ryan and Humboldt County Planning Commission Members,

Attached is an Official Public Comment Submissions (see attached letter in two formats) for the Planning Commission Members and other pertinent Officials.

If there is any problems with opening this letter attachment, or other questions, please contact

Greg Condon, Landowner
cell: 585 820-8741

GCondon48@gmail.com

Thank you.

Sincerely,

Greg Condon

From: [Ryan, Meghan](#)
To: [Simone Whipple](#)
Subject: Re: Comments on Amarok

Hi Suzanne – Thanks for the clarification. I will make sure her address is submitted. The meeting starts at 6pm.

Please let me know if you have any additional questions or comments.

Thanks again,
Meghan

From: Simone Whipple <simone@asis.com>
Date: Wednesday, June 17, 2020 at 10:35 AM
To: "Ryan, Meghan" <mryan2@co.humboldt.ca.us>
Subject: RE: Comments on Amarok

Thanks Meghan,
Actually we would like the copy with Karen's address submitted to the Commission.

It turns out that I have to go to Eureka tomorrow for a dentist appointment. Do you have a time for the meeting? I may have to miss it. I just got the call yesterday about the dentist.

Thank you,
Suzanne

From: [Ryan, Meghan](#)
Sent: Wednesday, June 17, 2020 7:49 AM
To: [Simone Whipple](#)
Subject: Re: Comments on Amarok

Good morning, Suzanne – Thank you for sending comments on behalf of Karen and you regarding the Amarok Ventures project on the agenda for Thursday evening. I will ensure a copy of your comments is provided to the Planning Commission. I wanted to confirm that you want me to provide this email without Karen's address for the Planning Commission. A copy of both emails will be kept in the file.

As we discussed on the phone yesterday, if there appears to be any activity happening outstanding of what is allowed by the permit (if approved), including light from greenhouses or noise, for

example, please contact the County Code Enforcement Unit. Below is a link to the County website for more information and staff contact information:

Website: <https://humboldt.gov/2447/Code-Enforcement>

Contact: Brian Bowes, Cannabis Cases

Bbowes1@co.humboldt.ca.us

(707) 441-2624

Please do not hesitate to contact me with any additional questions or concerns regarding the Amarok Ventures project. I really appreciate your participation in the public process.

Best,
Meghan

From: Simone Whipple <simone@asis.com>
Date: Wednesday, June 17, 2020 at 12:00 AM
To: "Ryan, Meghan" <mryan2@co.humboldt.ca.us>
Subject: FW: Comments on Amarok

Meghan,
Here is the original letter, without Karen Joy's address. I am a rookie at this.
Thank you,
Suzanne Whipple

From: [Tiffany St.Claire \(via Google Docs\)](#)
Sent: Tuesday, June 16, 2020 2:55 PM
To: simone@asis.com
Subject: Comments on Amarok

tiffanystclaireking@gmail.com has attached the following document:



Comments on Amarok

Snapshot of the item below:

1. [Agenda Item 5](#)

Planning Commission, County of Humboldt

Thursday June 18, 2020

Amarok Ventures, LLC Conditional Use Permit

Record Number: PLN-11021-CUP

Assessor Parcel Numbers: 221-021-023 and 221-021-037

Salmon Creek Area

A Conditional Use Permit to allow for the continuation of 18,600 square feet of existing cultivation, consisting of an 10,320-square-foot outdoor and 8,280-square-foot mixed light cultivation areas.

The proposed project includes development of an 1,800-square-foot greenhouse that will be used for propagation. The applicant is proposing to relocate of 4,860 square feet of outdoor cultivation to a more environmentally suitable location. Water for irrigation is provided from a 700,000-gallon on-stream pond located on the subject parcel.

The total capacity of water storage is approximately 722,950 gallons, including the on-stream pond and 22,950 gallons in hard-sided tanks. The project also includes processing and storage within 9 structures, including an existing cabin and 5 shipping containers.

The following structures are proposed: a 2,400-square-foot structure for processing, a

two-story, 518-square-foot structure for processing and propagation and a three-story structure for drying and storage. Three employees are required during peak operations. Power would be supplied by three generators.

The project includes a Special Permit to allow the relaxation of the required setback from Public Lands and for restoration of a historic cultivation located within Streamside Management Area.

1. Overview and Background:

The undersigned are landowners with existing homesteads near the proposed project. The following are general issues we are concerned about:

- *road maintenance, dust, and vibration from increased road use (diesel fuel and other ongoing supplies);

- *geologic instability of the project site and access roads (landslides);

- *noise and light from the generator(s);

- *large scale construction of new structures and the associated noise, vibration, and road inadequacy to handle the transport of the required construction materials;

- *fire hazard (large diesel tanker trucks on inadequate roads, project proposed 2 additional 1,000 gallon diesel storage tanks).

Upon review of the staff report, some of our concerns seem to be adequately addressed by the mitigation conditions proposed by staff.

Specifically, we agree with the staff recommendations concerning:

- *noise and light from the generator(s)

- *project site geologic stability/placement of buildings

- *routine transport of people and supplies (other than generator fuel) on the roads

- *we were informed by phone that the request for 3 generators is being withdrawn, so hopefully that also means the project doesn't need the proposed 2 additional 1,000 gallon storage tanks.

Issues that we are still worried about:

- *Dust and vibration from large trucks, potential for the road to be blocked or unusable due to landslides or overturned large trucks.

- *Fire hazard from the large scale transport and storage of more than 2,000

gallons of generator fuel (diesel or gasoline) if that is still going to be part of the project.

*Authorization of construction of more buildings and larger buildings than the project requires.

1. Specific Comments and Issues

1. Issue: Diesel fuel transport and storage.

Staff report, Executive Summary, page 3 ***The applicant is proposing to add two (2) 1,000-gallon diesel fuel storage tanks near the existing processing facility. The applicant is proposing to build a fuel depot in the southwestern portion of the site, adjacent to the access road to house all fuel storage for the project.***

Comments:

We are worried about the transport of large fuel tankers over the roads. We are worried about the fire hazard from storage more than 2,000 gallons of generator fuel. We are worried about the environmental impact if one or more of the fuel storage tanks leaks or ruptures and drains into the watershed.

We hope these tanks aren't necessary for the project since the request for three generators is being withdrawn.

1. Issues: New Construction and Road Use

Staff report, Executive Summary, page 3 ***Planning staff is not supportive of construction of three new structures for propagation and processing within the 600-foot setback in order to limit the activity in this area to only the existing conditions (see further discussion below).***

Comments:

Any major construction means the transport of supplies over the roads, with all the potential problems that come with that, including dust, noise, vibration, and potential landslides or overturned trucks. We hope that the construction will be limited to what the project actually requires. We understand from discussions with community members that the current plan doesn't really require a three story building. If a two story building is sufficient, please only ask for and approve that.

1. Issue: light and sound

Staff report, Executive Summary, page 5 ***The proposed project would utilize gasoline and diesel generators for the artificial lighting used in the mixed-light greenhouses. The applicant proposed to contain the generators in one of the five cargo containers on-site. The containment of the generators within structure would muffle the generated sound to less than 50 decibels from the generator. Staff incorporated conditions that requires supplemental lighting used for cultivation or in the appurtenant nursery must be Dark Sky Standards and light must not be visible from an hour before sunset to an hour after sunrise. Additionally, conditions of approval require noise levels to be 50 dB at 100 feet or edge of habitat, whichever is closer when the generator is used.***

Note: see also discussion on page 5-6 of BLM comments and staff input.
Comment: Light and noise from generators are an ongoing issue in the community in general, but this particular land owner has been responsive and has provided a phone number for neighbors to alert him of problems with the project. However, there is no guarantee that this particular land owner will remain in possession of the parcel. The undersigned would like to know what the process is for reporting violations of the light and noise provisions if the property owner is unwilling or unable to correct them within a reasonable time.

1. Issue: Dust, vehicle weight, and vibration from road use

Dust is a major problem for air quality. One of the undersigned residents already has asthma. The more traffic and the bigger the trucks, the worse it is.

Most of the area is prone to slides. Weight and vibration can trigger landslides. Vibrations from all traffic is a concern, but it's much worse when it's a large truck.

Suzanne B. Whipple

simone@asis.com

Karen Joy

Google Docs: Create and edit documents online.

Google LLC, 1600 Amphitheatre Parkway, Mountain View, CA 94043, USA

You have received this email because tiffanystclaireking@gmail.com shared a document with you from Google Docs.



Virus-free. www.avast.com

Lippre, Suzanne

From: Ryan, Meghan
Sent: Monday, June 15, 2020 1:37 PM
To: Peter and Sharron Childs
Subject: Re: PLN-11021-CUP
Attachments: Agenda-12.pdf

Good afternoon, Peter – Thank you for your comment letter. I will be preparing a supplemental for the Planning Commission that will include a copy of this email I received today. I appreciate your participation in the public process.

The staff report can be accessed through the attached agenda.

Also, it is possible to call in to the meeting via telephone – no computer/streaming required. The call in number is:

**2. Call in via telephone at 346 248-7799, enter meeting id 937-6455-9223
Password: 200525**

Instructions: Via phone call using cellphone or landline: When the Planning Commission begins to discuss the agenda item you want to comment on, call in to the conference line and mute your TV or live stream. Please call and press star 9 on your phone to raise your hand. When you are called upon to speak you will be prompted to unmute your mic.

Please let me know if you have any further questions or comments regarding the project or the hearing on Thursday.

Thanks again,
Meghan

From: Peter and Sharron Childs <poc@asis.com>
Date: Monday, June 15, 2020 at 1:22 PM
To: "Ryan, Meghan" <mryan2@co.humboldt.ca.us>
Subject: PLN-11021-CUP

Hi Meghan,

Please put this in the hands of each of the Planning Commissioners. I'd join the hearing but it's impractical for us to stream it. Thanks, go well. Peter Childs (P.S. my computer didn't want to print "[.ca.us](#)"; it wouldn't send without it; I had to dicker with it. Am I the only one?)

Remote Rural Residential Land

Why It's Wrong To Allow Industrial Scale Marijuana Grows On

In the late Sixties, “back-to-the-land hippies” began moving in substantial numbers to the remote hills of Humboldt County, having to a real degree seen the writing on the wall and desiring to somehow live a more sane (natural) lifestyle, and lured by the low prices of land afforded by its degradation from logging and consequent low prices.

They were remarkably successful, building their own houses (and making them legal), setting up their own schools, fire departments, road maintenance associations, health clinics, even a radio station; in short, creating real communities of like minded souls who were thrilled to have been able to build such a dream.

A part of their lifestyle that gained in significance (to say the least!) was the fact that virtually all of them smoked marijuana, and it made no sense to go to the city and buy it when you could grow it right there on your own property. It was illegal (it should never have been, as our society is finally realizing) so there was some danger involved in growing it; minimal at first but increasing as it became more of an economic factor, which it did basically in one watershed moment when sinsemilla came in.

Right from the start, many of the hill folk, almost all of whom had very little money, sold some to their friends in the city, at low prices which gave the friends a good deal and provided the hill folk with some money. Win-win. But when sinsemilla arrived, the potency of the herb increased dramatically and so did the price.

This is when the “green rush” got its start, as 1) some hill folk began to grow substantially larger quantities, and 2) outsiders realized that there was a great opportunity here to make money. The result was that instead of just small “Mom and Pop” grows, much larger grows became common, with a number of problems associated with them. The Moms and Pops looked on with alarm as people with little understanding or regard for the special values of these hill communities or of the environment, began silting up and poisoning the streams (which, let us remember, feed our rivers), increasing traffic (with it’s concomitant wear on the roads and hazardous driving by some of the workers brought in to service these big grows), introducing sound pollution and light pollution with large generators and greenhouse grow lights, and bringing into these special communities people who knew little of the values which made those communities special, and who too often were harmful to those values. But the Moms and Pops hardly complained (they did raise their voices against the environmental damage, but to little effect), for two reasons: 1) They didn’t want to rat on their neighbors; it didn’t feel right, and 2) They were, after all, outlaws too.

In addition, the County acted with a very light hand in these matters (until the State brought CAMP in); they were well aware of the amount of money (an HSU study said something like five hundred million dollars per year) that was being injected into the local economy by the pot growers. And some members of County government were growers too. It should be noted that these big growers, many of whom live out of state, will not spread their money around the county the way the Moms and Pops did; local businesses, already hugely stressed now, will be further impacted.

So the green rush proceeded apace, to the point where it was a subject of common knowledge and discussion throughout the nation. It reached the point where it became feasible to legalize it as an industry, with the many benefits of medical as well as recreational use, and the several classes of businesses (e.g. dispensaries, processing plants, etc.) that would be involved.

And right there is where the County had a great opportunity that for several reasons they were unable to take advantage of. That was the moment where they should have removed all large grows from the “remote rural residential” areas in the hills, where they never should have been in the first place. If the County wanted to legitimize grows on an industrial scale they should have made sure that they were properly located, not allowed out in the hills where they use huge amounts of water (ask our rivers what they think of that), clog the back-country roads (often with large trucks and dangerous drivers), and fail to participate in local community activities (because they are in effect a separate community).

The old Mom and Pops in HUMMAP (Humboldt/Mendocino Marijuana Project) went to the Board of Supervisors at the very start of the legalization process and told them this; that this was their chance; they could and should center the County's approach to marijuana on having many small grows by Moms and Pops, who after all had created the whole scene, who had made Humboldt County marijuana literally world famous, and who would continue to pour money into the County coffers. The county should trade on its reputation by continuing to produce top grade Humboldt County Organic Sun-Grown Sinsemilla (a product label if ever there was one!); let other counties knock themselves out with all the rest of it (and HUMMAP could see that that would be a zoo).

But for a number of reasons the County didn't do that. Rather than removing the problematic large grows from the hills, they have encouraged them. So these very special “back-to-the-land” communities are being taken over by a massive agricultural industry that never should have been there. This is a tragedy for the people who created these communities.

But (we must be honest here) the County doesn't care about these communities. it has almost uniformly opposed virtually all of their efforts over time to inject flexibility into County regulations in such a way as to remove harms to these communities (such as making their houses illegal and subject to abatement because they use recycled lumber, or rejecting privies or other alternative methods of sanitation). Way back in the early Seventies the Chief County Building Official stated that he felt it his duty to “use the codes as a tool to rid the County of the riff-raff”. And (let this sink in!) nearly forty years later the Planning Director (Kirk Girard) who preceded our current one stated, when asked “Are you trying to get rid of us?”, that yes, they were. They were “trying to get you out of there so that we can gentrify the County on the Marin/Sonoma model and brings some real money into the County” (a nearly if not perfectly exact quote). In all fairness it must be recognized that all along there have been some County officials who understood these realities and who worked in support of these communities but all in all, protecting their interests has been an uphill climb, to say the least (viz. the 1988 Code Enforcement Program hearings).

Additionally, the existence of these communities has been threatened by the very people who should be their natural allies; the County environmental community, because they tend to view any human presence in the hills (“resource lands”) as necessarily degrading those lands. Thus wholly disregarding the value of those communities to their residents, or the fact that on the whole they have improved the environment in which they exist and which they love, that environment having been severely degraded by logging (which the County wholeheartedly supported, for the same reason that they're now supporting industrial agriculture out in the

hills). This, with considerable irony, in contrast to the conservative organization CPR (Coalition for Property Rights), which has consistently supported the rights of these communities to exist and to pursue their dreams.

So the prospects of the County reversing course would seem to be dim indeed. The County appears to be untroubled by the replacement of these vibrant, special communities in these special places, with industrial operations. Owing to the alarm of many hill folk, a process exists for objections to the creation of ever larger operations, but one can hardly be blamed for expecting that process to be largely pro forma, without yielding substantial action to limit that growth, let alone to remove these operations from the hills, where they never should have been allowed in the first place.

Nonetheless, I would like to register my vigorous objection to the Amarok Ventures LLC Salmon Creek project PLN-11021-CUP for the reasons listed above.

Sincerely, Peter O. Childs