

SUPPLEMENTAL INFORMATION #1

For Planning Commission Agenda of:
December 3, 2020

<input type="checkbox"/>	Consent Agenda Item	
<input type="checkbox"/>	Continued Hearing Item	
<input checked="" type="checkbox"/>	Public Hearing Item	1
<input type="checkbox"/>	Department Report	
<input type="checkbox"/>	Old Business	

Re: Lost Boys Farms, LLC Conditional Use Permit

Record Number: PLN-2018-15180

Assessor Parcel Number: 204-381-008

2494 Fisher Rd, Hydesville Area

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

1. Letter from Lost Boys Farms, LLC, received November 25, 2020
2. Email from Lost Boys Farms, LLC, received November 25, 2020
3. Staff reply to new materials & continuance request, sent November 30, 2020
4. Revised Site Plan, received November 25, 2020
5. Letter of support from Keath and B. Joyce North, received November 30, 2020
6. Letter of opposition from Jesse Hunt, received November 2, 2020
7. Letter of opposition from Allison Jackson, received November 24, 2020
8. Letter from Fisch Drilling, received November 12, 2020
9. Referral Response from Hydesville County Water District, received November 18, 2020

Letter from Lost Boys Farms, LLC, received November 25, 2020

Humboldt County Planning Commission
% Planning Commission Clerk
825 Fifth Street
Eureka, CA



RE: Application PLN-2018-15180 for Conditional Use Permit for Lost Boys Farms, LLC (APN: 204-381-008)

To the Planning Commissioners:

I am writing this letter in response to public comments received from some of my neighbors and fellow community members in regard to the proposed project. I have been a full time resident of Humboldt County for five years and have lived full time at the property in question for the past two and a half years. I started on a small farm, owned by my family, outside of the Fortuna area. We were fortunate enough to be afforded an opportunity to legally cultivate cannabis on our farm, and were one of the earliest permitted farms under Ordinance 1.0. Since then, we have worked hard to build our reputation and act as model legal cultivators, good neighbors, and good stewards of the land. We have passed all inspections and were early participants in the County Track-and-Trace Pilot Program.

As we worked to find success at our farm, I watched as the rapidly-changing legal landscape allowed explosive cannabis expansion throughout the State of California. As multi-acre farms became commonplace, a changing local landscape meant we would be unlikely to expand our small farm in the future. As Ordinance 2.0 started to take shape, I was both grateful and excited that our county leadership was working on another path forward for cannabis operators in the county. I attended and watched the hearings intently, as I had hoped that the direction and vision for the county voiced by our leadership could help to guide me through the permitting process.

When Ordinance 2.0 was passed, I studied it closely and chose a farm that not only met or exceeded all of its requirements, but was also coherent with what I had heard in various Supervisor meetings. I felt this farm perfectly represented the vision of "out of the hills and into the valleys". It was close enough to town, yet far enough away. There was existing infrastructure, including a category 4 road, a well, 3-phase power drop, and a beautiful 7,200 square foot barn that could be used without requiring any structural modifications whatsoever. The farm was in a traditional agricultural area, with the surrounding area being farmed with various crops and livestock. It was set back from homes, located in an ideal microclimate for greenhouse cultivation, and was overall a beautiful and incredible place to live, raise a family, and farm my land. To me, everything about this location made perfect sense.

I bought the farm and moved in. As a new homeowner in the area, I went around to all of my neighbors in the valley and introduced myself. I explained that I was a local cannabis cultivator, that I had moved into the house down the road, and that I was planning to propose

cannabis activity on the property. Many seemed disinterested, but my neighbor Jere Cox did come by soon after and we spoke more in detail about what I was planning to propose. The conversation was pleasant and neighborly, and I did not get a sense that Jere would be strongly opposed to the project. I spent the next six months working on putting together an application, until it was submitted on January 10th, 2019.

In early May of 2020, I was contacted by Cliff Johnson of the Planning Department. I was told that some public comments had been received, and that some of my neighbors had taken a hard stance against the project. This came as a complete surprise, as things had seemed to be going smoothly and I had not been approached or contacted again by any of my neighbors regarding the project. I obtained copies of the comments, read through the concerns, and felt there were many ways in which I would be able to address them. I immediately reached out to the Planning Department, and set a meeting with Planning staff in order to obtain a better understanding of the community opposition to the project and discuss potential ways in which they could be addressed.

The following week, I received an email from Planning in which they directly outlined what they believed to be potential issues and potential actions for each issue. I considered our conversation, the public comments received, and the issues and actions listed by Planning, then began working to modify my project to better suit my neighbors and to address the concerns raised. I brought back what I believed to be a heavily scaled-back and considerate proposal. After reviewing, Planning called for a public meeting at my farm so that I might be able to better understand the thoughts and concerns of my neighbors, and so that I could discuss with my neighbors the measures I had taken to address their concerns.

After the meeting, the Planning Department quickly called to inform me that they would not be recommending for approval. I asked my planner if we could continue working to further mitigate the concerns raised, but it was clear at that time that a certain number of individuals would not be satisfied with the proposal in any form. I received a letter from Planning shortly thereafter stating that "When there is significant opposition to a project within a Community Planning Area, the Planning Department cannot recommend approval". I was left with two options: withdraw the application or take no action and allow the project to move forward to the Planning Commission.

On October 30th, 2020, another series of public comments was submitted in opposition to the project. I immediately obtained copies to review, as I had hoped the series of changes I had made to the project might have come as a pleasant surprise to some of my neighbors. Unfortunately, despite the changes and mitigation efforts discussed at the public meeting, the public comments in opposition only became more aggressive. I was painted as a "greedy", "arrogant", "out-of-area", "venture-capitalist" "green-rusher"; an "intruder"; my motives and character called into question simply because I dared to cultivate the wrong species of plant.

These comments hit hard for me. This place is my home. I want the same things my neighbors had here, which is to own my own home, get married, raise our own family, farm our

land, and someday be able to retire here. The peace and natural beauty we enjoy in this valley are no less important to me than the next. That being said, I approached this next set of comments with an open mind and a genuine desire to make the project work for those around me, regardless of what may or not be required by the ordinance. I carefully went through each individual comment submitted, and attempted to directly address every concern, question, or request in an effort to bring the most compatible project forward that I could, regardless of the cost or burden it might present to me. I feel that I have given my neighbors everything they have asked for and more. I strongly believe the positive impact this project could have on the community as a whole far outweighs the negatives. I take great pride in knowing that I could contribute to the success and wellbeing of 14 individuals, their families, and their children by providing a steady, high-paying full-time job with benefits in a clean and safe work environment. I see an opportunity to contribute positively to the economic prosperity of Humboldt County, and to redefine the misperception of the cannabis cultivator from outlaws and outcasts to pillars of the community.

I have outlined on the following pages some common concerns raised by members of the community, as well as a comprehensive list of measures I have proposed to address those concerns. If it is the position of any Commissioner that I have failed to address any of the concerns raised by the community or of any element relating to the public health, safety, and welfare, I humbly ask that it be made known so that I might have a chance to address it. I understand cannabis is still a controversial subject, and that integration of cannabis cultivation into areas of traditional agriculture is often a very difficult task that must be approached with great care, scrutiny, and thoughtfulness. I have been and still am very much willing to work with our county leadership to bring forward the best possible proposal, and am open to questions, comments, or constructive criticism at any time.

Thank you for your time and consideration.

Sincerely,

Jack Wheeler

Owner and Applicant
Lost Coast Organics, LLC
Lost Boys Farms, LLC
(815)508-4134

Consistency with Ordinance 2.0, Humboldt County General Plan and Hydesville Carlotta Community Plan

The subject parcel meets or exceeds all requirements and performance standards outlined in Ordinance 2.0, including but not limited to: zoning, parcel size, setbacks, lot and prime soils coverage, noise standards, road use standards, light emissions standards, odor mitigation setbacks, and beyond.

The proposal is consistent with the purpose, goals, objectives, and standards outlined for this particular zoning classification in the Humboldt County General Plan. (See section 4.4 of the Humboldt County General Plan)

The proposal is consistent with the Hydesville-Carlotta Community Plan. (See section 2722 of the Hydesville/Carlotta Community Plan)

Adjacent Properties and Character of the Neighborhood

The subject parcel is located on the Yager Creek Valley floor near the outskirts of the Hydesville-Carlotta Community Planning Area. (See attachment A)

The site is zoned AE and is surrounded on all sides by land zoned for resource production, both AE and AG. (See attachment B)

The subject parcel and surrounding parcels in the valley have historically been and are currently being used for production of crops and livestock. (See attachments C and D)

The cultivation area is located over 3,500ft away from the nearest residentially-zoned parcel.

The AG zoned parcels to the west of the subject parcel (served by Cooper Dr) sit on a plateau, with over 120ft of elevation change and a thick redwood forest in between, providing an excellent natural buffer between the AG zoned homes on this plateau and the more intensive agricultural uses that currently exist on AE parcels down in the Yager Creek Valley. (See attachment E)

The site is not visible from any residentially zoned parcel or to travelers on Route 36. While visible to a small number of residences in the immediate vicinity, this location is out of sight for the community at-large, while achieving the vision of the Board of Supervisors of coming "out of the hills and into the valleys" and into more traditional agricultural areas that are productive,

closer to services, have existing infrastructure, are easily accessible year-round, and are within reasonable commuting distance for employees returning home at the end of each work day.

Parking, Public Improvements, and Infrastructure

Subject parcel is directly served by Fisher Road, a county-maintained category 4 road, less than a mile from Route 36.

Subject parcel is currently served with 3-phase power from PG&E.

A new, permitted deep well has been drilled to achieve hydrologic disconnection from surface waters. (See letter from Fisch Drilling)

Designated parking area, indicated on site plan, will provide the minimum parking area required by code while also limiting soils coverage.

The addition of a 25,000 gallon fire safe system, including hydrant and full size fire truck turnaround, would be a significant improvement to the Yager Creek Valley that is of benefit to the public health, safety, and welfare. This system will be accessible to emergency personnel 24/7/365 for emergency use related or unrelated to cannabis activity.

Proposed signage, licensed security guard presence, and vehicle patrol will contribute to the safety and peace of mind of residents in the Yager Creek Valley area, reduce burden on local law enforcement, and ensure a rapid response in case of an emergency.

Public Sites and Right of Way

Cultivation site exceeds all setback requirements from property lines, residences, sensitive receptors and tribal ceremonial sites.

Parcel is directly served by a category 4 road and is less than 1 mile from RT36.

Site traffic will be limited to an average of 4-5 light vehicles per day, which would not substantially increase traffic on this road or place a substantial or undue burden on others traveling the road.

A paved apron, constructed according to the requirements of the Department of Public Works, will provide exclusive site access directly from Fisher Rd.

No site-related traffic allowed on Cooper Dr or the existing easement on the east property line.

Natural Resources

Greenhouse is to be constructed without an interior foundation to preserve and protect the existing native soils.

No grading is proposed or required for this project.

Power is to be supplied by PG&E's 100% renewable energy program using existing infrastructure.

Organic cultivation methods ensure no harmful or synthetic inputs to underlying soil or groundwater. Operator intends to participate in California's OCAL Comparable-to-Organic program, as soon as such certification becomes available.

Micro-irrigation methods ensure efficient use of water at less than typical agronomic rates.

Well-drained Class 1 Prime Agricultural Soils, a slope of less than one percent in all cultivation areas, and responsible irrigation practices ensure zero runoff of irrigation water.

Water demand of the proposed operation is significantly less than that of other historic agricultural uses on the parcel, which include livestock production and irrigation of approximately 20 acres of usable cropland.

Captured rainwater will be used, when feasible, to reduce well water demand.

New permitted deep well ensures hydrologic disconnection from surface waters. (See letter from Fisch Drilling)

Landscaping is currently maintained by J&G Lawn & Garden, Inc.

Below is an outline of common concerns voiced by members of the community, with a comprehensive list of measures taken to address each individual concern.

1. Traffic/ Employees

1. Reduce employee count to maximum of 14 employees on site. Operations would NOT require all 14 employees on site at all times
2. Provide shuttle service, pickup and dropoff for up to 11 employees (See attachment F)
3. Offer carpool bonus for prospective employees
4. Distribution activity limited to a maximum of 2 vans, projected to go out no more than 2x/week. Limited exclusively to product produced on site; no off site processing or distribution services will be offered to other licensees
5. Site will be closed to general public
6. No retail delivery sales, farm based retail sales, or on-site consumption allowed
7. Peak hours 8AM-4PM, non-peak hours 6AM-8AM and 4PM-6PM

2. Security & Crime-Prevention

1. Operator lives on site year round

2. Licensed security guard and patrol vehicle on site from 8pm-6am daily. (See attachment G)
3. Security guard will monitor sight conditions and provide immediate response in case of an emergency
4. 24hr surveillance with infrared cameras and motion sensors, battery backup
5. Secure building design to deter and prevent break ins and theft. Hard sidewalls on all buildings. Steel security doors at all access points. A minimum of 3 steel security doors would need to be breached before obtaining access to finished product storage area.
6. Applicant to participate in a cannabis pilot program through a local bank to ensure no cash is kept on site. Signage at site entrances to indicate a lack of cash on site
7. Automated alarm systems on all cannabis related structures
8. Signage on Fisher Rd and at site access point to indicate presence of security patrols and 24hr surveillance
9. Background checks will be conducted on all prospective employees
10. No transient labor or on site housing
11. Full time employees with benefits

4. Odor, Noise, & Light Emissions

1. Enclosed structures with odor mitigation systems in all cannabis-related structures, including greenhouse/cultivation area, propagation, drying, processing, and dry storage. Exhaust air to be filtered through activated carbon screens before exiting the structure. Negative pressure is maintained to prevent untreated (odorous) air from escaping through open intake vents or systems. Greenhouse will be constructed without roof vents, drop-down or roll-up sides, or other means of natural ventilation that would allow untreated air to escape.
2. All equipment proposed for use rated at less than 50 decibels at 100ft. All equipment to be contained inside noise-insulating structures, except greenhouse exhaust fans. Greenhouse exhaust fans will be placed on the south end of the structure so as to be located as far from property lines as possible. Noise from equipment not to exceed 3 decibels above ambient levels at any property line.

Fans will remain off from 8pm to 8am daily. Greenhouse to remain sealed when filtration fans are off. (Noise study submitted)

3. Fully automated 100% blackout curtain system; operator lives on site and will keep manual covers on hand to allow an immediate fix in the event of an automated systems failure. Lights will be shut off immediately in the event of a blackout system failure and remain off until the light leak has been remedied.

5. Fire Safety

1. 25,000 Gallon dedicated fire safe system with hydrant (the first in the valley)
2. A category 4 road provides easy access to the site for fire trucks and large equipment, less than 1 mile from Route 36
3. 24/7/365 emergency site access with full size fire truck turnaround
4. Site is 2.1 miles from Hydesville Fire Department
5. Applicant to make annual contribution to Hydesville Volunteer Fire Department

6. Water Supply

1. New deep well drilled and permitted, hydrologic disconnection letter from Fisch Drilling submitted to Planning Department
2. Micro irrigation system uses water at less than agronomic rates
3. Captured rainwater will be used during rainy season, when feasible, to reduce yearly well water use
4. Water use estimates provided are highly accurate as they are based on data collected from nearly identical cultivation methods and conditions
5. No synthetic inputs to soil or water
6. Organic nutrients, biopesticides, and biofungicides, combined with sustainable organic cultivation methods, ensure no chemical or harmful deposits to the underlying soil or groundwater
7. No imported soils

7. Proximity to Residences

1. Revised site plan moves the 5,000 sq ft processing building to the opposite end of the site, dramatically increasing the distance of the building from the Baer residence to the east and the Cox residence to the north. This clusters the new 5,000 sq ft building near existing buildings for consistency with the Carlotta/Hydesville General Plan
2. Revised site plan moves the site access and parking areas roughly 600 feet to the west, leaving over a quarter mile stretch of Fisher Rd completely untraveled by employees and site related traffic. While this section of the road will still see traffic from neighbors, tractors, trucks, and trailers which are unrelated to the proposed cannabis activity, neighbors riding bikes, horses, walking, etc can rest assured the proposed operation will not contribute to the existing hazards on this category 4 road. (See attachments H,I)
3. All homes are over 600ft from proposed enclosed cultivation area, which is twice the setback required for enclosed cultivation under Ordinance 2.0

8. Visual

1. Modern structures with solid, non-transparent sidewalls are more aesthetic and secure than traditional cold frame greenhouses or hoop houses. Sidewalls could be forest green in color to blend structures into natural surroundings. Plants will not be visible from the exterior of the structure. Greenhouse will be one concise structure rather than individual cold frames or hoops. These structures also provide a clean and safe environment for employees, where they will be out of sight or earshot of adjacent farms
2. Processing building placed behind existing barn, buildings clustered near existing development for consistency with Carlotta/Hydesville General Plan. Existing barn would also partially block the view of the processing building
3. Privacy fence on west property line, adjacent to Cooper Dr, to block view of greenhouses/structures when traveling on Cooper Dr
4. After passing by the existing barn on Cooper Dr, there are no homes on Cooper Dr for nearly 800 ft, after passing through a grove of redwood trees over 400ft thick and a 120ft elevation change. The site is no longer visible at this point
5. Porta-potties have been removed
6. Parking areas have been reduced in size to the minimum required by code

7. Plant a fast growing arborvitae at strategic locations on property lines, at the request of adjacent property owners, to provide a natural, aesthetically pleasing visual barrier

Direct and immediate benefits to Humboldt County and the community at-large

Fourteen (14) year-round, high-paying full-time jobs with benefits, regular working hours, an easy daily commute, and a safe, clean, and legal work environment.

A licensed security guard and patrol vehicle in the Yager Creek Valley, with signage to indicate, would deter crime *in general*, allow for a quick response in case of emergency, and help to reduce the burden placed on the Sheriff's Department.

This business plays a part in supporting many other local businesses and industries through the continued purchase of goods and services.

Tax revenues are generated that are used to maintain and improve county services.

A voluntary annual contribution will be made by the applicant to the Hydesville Volunteer Fire Department.

A dedicated 25,000 gallon fire safe system will be available for emergency use in the valley 24/7/365.

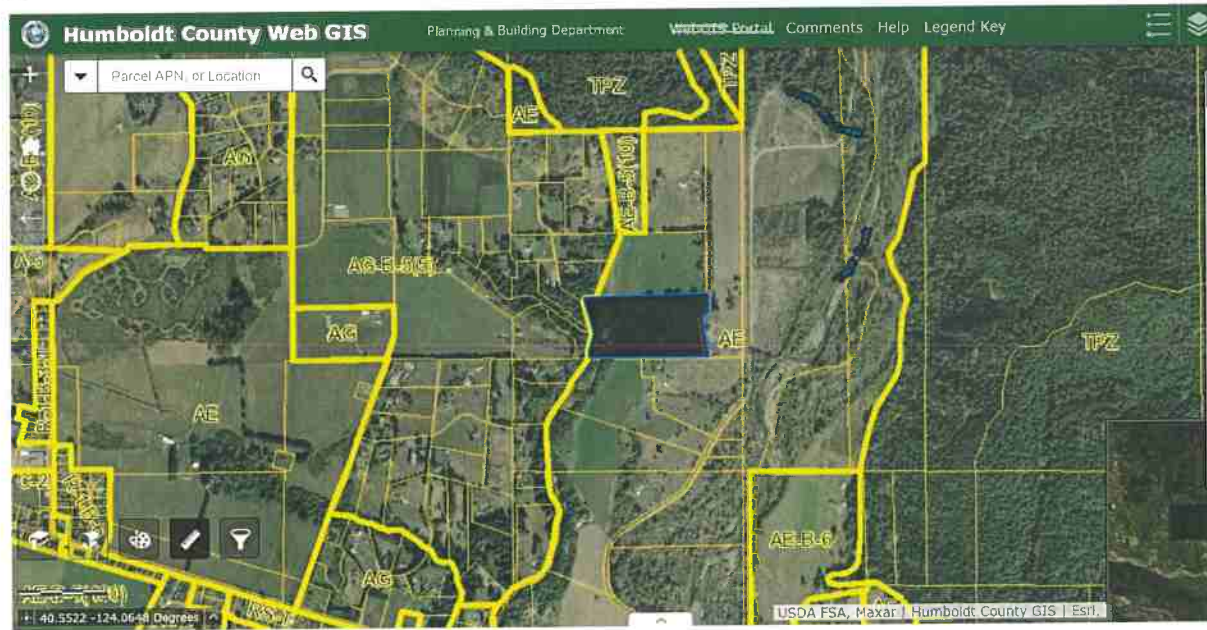
SEE ATTACHMENTS ON FOLLOWING PAGE

Attachments:

A.



B.



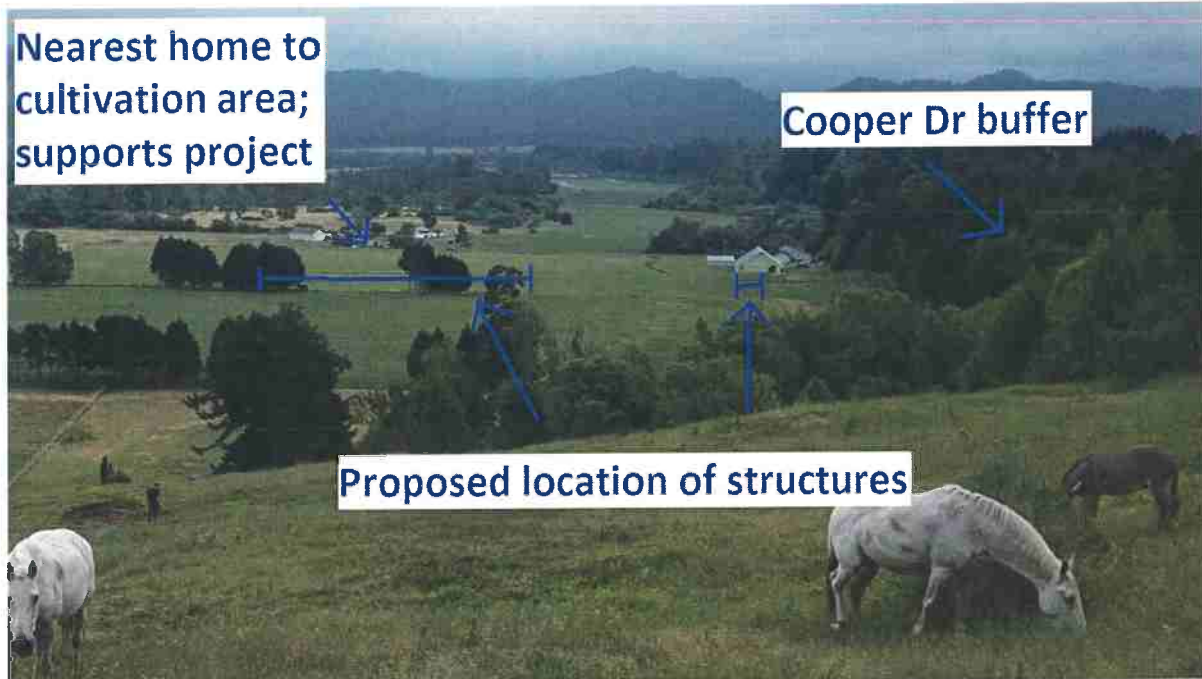
C. A freshly tilled and planted field directly behind proposed cultivation area



D. Farming activity on the subject parcel



E. Natural buffer between Cooper Drive parcels and proposed site (West property line)



F.

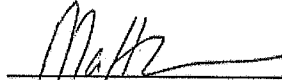
Memorandum of Understanding Black Dog Travel LLC Lost Coast Organics

This is an memorandum of understanding entered into between Black Dog Travel LLC and Lost Coast Organics on November 20, 2020.

This Memorandum of Understanding identifies the commitment of Black Dog Travel LLC, PSG 0037855, a limited liability corporation chartered in California and licensed to do business in Eureka and Lost Coast Organics. Black Dog Travel LLC agrees to provide the following transportation services;

- AM pick up of up to 11 employees at agreed upon location
- AM Drop off employees at farm in Hydesville.
- PM Pick up employees
- PM Drop off employees at meeting place from the AM

Matt Kurth



November 17, 2020

Operations Manager
Black Dog Travel LLC
info@humvan.com

Jack Wheeler

November 20, 2020

Lost Coast Organics
2494 Ficher Rd
Hydesville, CA. 95547

G.



SVT GRUPPE INC

SVT PROTECTIVE SERVICES | SECURE VIP TRANSPORT

TRANSPORTATION & PROTECTIVE SERVICES FOR THE DISCERNING CLIENT

MC 943081 • PI 28721 • PPO 17833 • TCP 0033755 • USDOT 2923993

November 19, 2020

Jack Wheeler
Lost Coast Organics
2494 Fisher Rd.
Hydesville, CA 95547

RE: Letter of Intent for Security Services

Dear Jack:

Based upon our discussion over the last couple of weeks, and the information we have exchanged, we are providing this Letter of Intent to enter into an agreement under which SVT Gruppe Inc. (dba SVT Protective Services) will provide Posted Armed Officer(s) and Marked Security Vehicle(s) to Lost Coast Organics to help protect their cannabis cultivation facility located at 2494 Fisher Rd., Hydesville, CA 94447.

This LOI sets forth the material terms and conditions outlined below that will be used to draft the final contract between both companies. This LOI has no binding effect between the parties and can be fully negotiated during the drafting of the final contract. A final contract is required to be executed by the parties in order for the terms and conditions set forth herein duly incorporated in the contract to have any legal and binding effect.

Posted Armed Security Officer(s) and Marked Security Vehicle(s) for Lost Coast Organics' Cultivation Facility located at 2494 Fisher Rd., Hydesville, CA 94447.

Dates and Shift Times:

- 7 day a week
- 8PM-6AM (20:00-06:00)
- Officer to take meal and rest breaks as required by law.

Officer Duties:

- Officer to deter any unwanted activity including: trespassing, theft, vandalism etc.
- Officer to prevent access to anyone trying to enter/access site except authorized individuals (Client to provide list of authorized individuals)
- Other Duties as described by Client
- Contact PD/SO/FD/Client if incident warrants

Thank you for your time and consideration. We look forward to working with you.

Sincerely,

Antonette A. Ginochio
Vice President | CMO
T | +1.844.366.3788 x 203
C | +1.925.323.9839
E | aag@svtgruppe.com

YOUR SAFETY SECURITY & SATISFACTION IS OUR BUSINESS

PO BOX 270 | NAPA | CA | 94559 | T +1.844.366.3788 | F +1.707.255.6445 | SVTGRUPPE.COM

Page 1 of 1

A VETERAN OWNED AND MANAGED BUSINESS

H. Large tractor and trailer at bottom of Fisher Rd



I. Tractor at top of Fisher Rd



Email from Lost Boys Farms, LLC, received November 25, 2020

Hilton, Keenan

From: Jack Wheeler <94jwheeler@gmail.com>
Sent: miércoles, 25 de noviembre de 2020 4:52 p. m.
To: Hilton, Keenan
Subject: Re: Follow up
Attachments: Wheeler Site Plan (20-11-20).pdf; Jack Wheeler Public Response.pdf

Keenan,

I greatly appreciate the response. I wasn't sure I would be hearing back from you, so I actually went ahead and submitted those documents to the Planning Department earlier today, as well as the Clerk. I also submitted a slightly revised site plan. I realize Planning may not have time for a thorough review, but I would greatly appreciate it if either John, Cliff, or yourself could take a look. My goal is to present the best possible proposal to the Planning Commission. In either case, I would like these documents included in the file and presented to the Planning Commission for their review.

On another note, I reviewed the Staff Report, and a couple of things caught my eye:

1. I read the project description and felt that it was extremely accurate, fair, in-depth, and well-written. I know you and your colleagues are overworked, overloaded, and are often caught in the middle of some very tough projects. Thank you for the time and effort you have put into my project thus far.

2. I was sorely disappointed and shocked by the Executive Summary, particularly section 2:

2) A community meeting attended by the applicant, Supervisor Estelle Fennell, Planning Director John Ford, assigned planner Keenan Hilton and approximately 30 members of the surrounding community. was conducted on the project site on October 21, 2020; during this meaning approximately thirty community members expressed opposition to the project. No specific mitigations or amendments were identified that would assuage the concern of the community members; the applicant did not express a willingness to substantially change the project proposal.

This is an incredibly inaccurate and unfair characterization of both my efforts and my position. The work I (and you) have done to address community concerns over the course of the last six months tells an entirely different story. The moment I became aware of the opposition to the project, I immediately scheduled a meeting with John Ford, Cliff Johnson, and yourself, with the purpose of the meeting being, in your own words, "to establish a common understanding of the community opposition to the project and what some reasonable next steps may be". The following week I received an email from you which directly outlined "issues and potential actions", which I greatly appreciate you doing. This guidance, along with a thorough review of the public comments received, helped to guide me as I modified my project to address community concerns. I worked diligently and came back with what I believed to be a thorough and thoughtful plan. When you called to confirm a date and time for a community meeting at my farm, you went out of your way to note how extensive and thorough the revised plan was. This gave me a great deal of hope that my

neighbors might be pleasantly surprised with these extensive changes. We set a date, and I invited members of the community to my farm where you, John, Estelle, and myself hosted a meeting. I was kind, polite, listened carefully to my neighbors, did not interject myself, and kept my mouth shut even as several people took the opportunity to directly and publicly insult me. You heard the opposition organizers state that they would be fine with the project if it were anything other than cannabis; that they would not accept a cannabis proposal in this area in any shape or form. On a phone call shortly after the meeting, where you informed me that Planning would be recommending denial, the first thing I asked you was if planning would be willing to work with me to further modify the project and make it a better fit for the community. You stated that the decision was final, and that any additional efforts would be fruitless because there were community members that were unwilling to support the project in any form, and that Planning could not recommend a project for approval when significant opposition to a project exists within a Community Planning Area. You reiterated that stance on a call the following week. Despite this, I immediately obtained copies of the new public comments that had been submitted after the meeting at my farm, reviewed each and every one extremely thoroughly, and have worked tirelessly since then to bring forward a project that meets the needs and wants of my community. Please review the documents I submitted, as they wholeheartedly represent that. I truly believe I have given my neighbors everything they asked for and more, and I believe I have submitted overwhelming evidence to the contrary of the health, safety, and welfare concerns mentioned in the Staff Report. That being said, it is unfathomable to me that you have characterized these mitigation efforts as unsubstantial and my position as unwilling to modify my project to meet the concerns of the community. My position, undoubtedly, is exactly the opposite, and my words and actions have always reflected that, and will continue to. Please reconsider this section, as it is *at best* an unfair characterization of my efforts and my stance.

I have attached the documents I submitted today, in case you wish to take a look at them before you are back in the office.

Respectfully,

Jack Wheeler
(815)508-4134

On Wed, Nov 25, 2020 at 1:45 PM Hilton, Keenan <KHilton@co.humboldt.ca.us> wrote:

Hi Jack,

Thanks for your patience. I will be compiling a supplemental packet to give to the planning commissioners. I'm hoping to have it delivered by end of business on Tuesday, December 1. Will you be able to get me all materials by the end of business on Monday, November 30?

Thank you,

Keenan

| Keenan Hilton

Staff reply to new materials & continuance request, sent November 30, 2020

Hilton, Keenan

From: Hilton, Keenan
Sent: lunes, 30 de noviembre de 2020 10:16 a. m.
To: Jeff Slack; Ford, John; Johnson, Cliff
Cc: Jack Wheeler
Subject: RE: Lost Boys, LLC Project PLN 2018-15180; APN 204-381-008 Request for Continuance of 12/3/2020 Hearing Date

Greetings Jeff,

Thank you for reaching out. There are several materials that we have received since the time of staff report composition that would be appropriate to include in a supplemental packet to the Planning Commission. These materials include the statement from the applicant, the revised cultivation and operations plan, the revised site plan, two additional public comment letters, a referral response from the community water district, and the letter from Fisch Drilling. This packet will be compiled and presented for commissioner review. This packet does not constitute a new staff report.

While each of these materials is important and worthy of consideration, none of them makes the compelling case that the welfare of the community would be protected. Thus, the recommendation included in the staff report remains the same and staff does not see cause to continue the project at this time. Discussion of these materials absolutely will be included in the oral staff report given at the Planning Commission hearing. The applicant will have an opportunity to explain to the commission that he perceives the situation differently and make his argument for approval or continuance. A decision to continue the project would have to be made by the planning commission at this point.

Please do not hesitate to reach out with any questions or concerns,

Keenan



Keenan Hilton
Planner II, Cannabis Services Division
[Planning and Building Department](#)
707.268.3722

From: Jeff Slack <jslack@janssenlaw.com>
Sent: viernes, 27 de noviembre de 2020 11:18 a. m.
To: Hilton, Keenan <KHilton@co.humboldt.ca.us>; Ford, John <JFord@co.humboldt.ca.us>; Johnson, Cliff <ClJohnson@co.humboldt.ca.us>
Cc: Planning Clerk <planningclerk@co.humboldt.ca.us>; Jack Wheeler <94jwheeler@gmail.com>
Subject: RE: Lost Boys, LLC Project PLN 2018-15180; APN 204-381-008 Request for Continuance of 12/3/2020 Hearing Date

Keenan et. al.,

As you know, my office represents Lost Boys, LLC with respect to the above referenced project. I am writing you this email to request a continuance of the Planning Commission hearing set for this project on December 3, 2020 to the next scheduled Planning Commission Hearing on January 7, 2021. My understanding is that you are preparing a supplemental staff report for this project based on additional materials received from the applicant. The applicant's request for a continuance is based on the concern that the supplemental staff report will not be prepared with sufficient time for the applicant to review the supplemental staff report and respond to any issues raised therein, and therefore would not be afforded a fair and adequate hearing on the project as a whole. Continuing this project would give both parties adequate time to review the materials presented and prepare a fair and informed presentation of the parties relative positions to the Commission.

Please let me know if staff is agreeable to a continuance of this item from the December 3, 2020 Planning Commission hearing to the January 7, 2021 commission hearing.

Regards,

Jeffrey Slack

JEFFREY SLACK. ESQ.

Janssen Malloy LLP

730 – 5th Street

PO Box 1288

Eureka, CA 95501

Telephone: 707-445-2071

Facsimile: 707-445-8305

jslack@janssenlaw.com

New Treasury Regulations require us to inform you that any tax advice used in this communication was not intended or written by the practitioner to be used (1) to avoid penalty that may be imposed under federal tax law, or (2) for promotion, marketing or recommending to another person the transaction(s) or matter(s) addressed herein. If you intend to seek tax advice then you should seek advice based on your particular circumstances from an independent tax advisor.

This message and any attachments are intended for the sole use of the individual and entity to which it is addressed and may contain information that is privileged, confidential, and exempt from disclosure under applicable law. If you are not the intended addressee nor authorized to receive for the intended addressee, you are hereby notified that you may not use, copy, disclose, or distribute to anyone the message or any information contained in the message. If you have received this message in error, please immediately advise the sender by contacting the sender at 707-445-2071 and then deleting the message and its attachments. Thank you for your respect to privacy.

Revised Site Plan, received November 25, 2020

Letter of Support from Keath and B. Joyce North, received November 30, 2020

Keath and B. Joyce North
2380 Fisher Road, POBx 778
Hydesville, CA 95547

November 30, 2020

Keenan Hilton, Planner
Humboldt County Planning & Building
3015 H Street
Eureka, CA 95501

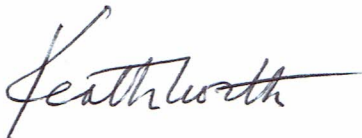
RE: PLN-2018-15180-CUP

Greetings,


For the record, we have absolutely no concern about the proposed cultivation project referenced above. This valley has experienced much worse impact from existing and previous livestock operations; from an itinerant temporary housing encampment that was permitted to last six months, yet existed for two years; from a huge twin-rotor helicopter landing pad operation that emitted heavy aviation fuel odor throughout the valley; from the periodic application of sewer sludge and/or manure on the fields.

Our understanding is that the applicant has provided extensive mitigation in response to the concerns of many of our neighbors. While we can certainly empathize with those concerns, our contention is that if the applicant has followed the existing rules and regulations regarding the proposal, AND proffered appropriate mitigation to offset those concerns, then the project should be allowed to proceed.

Change is almost universally feared, and almost universally accepted in short order. We believe the low-activity nature of the proposal, the land use rights inherent within the law, the agricultural nature of the proposal, and the additional benefit to the community of new well-paying jobs offset any possibility of a negative health, safety or welfare impact.



Keath North



B. Joyce North

Letter of opposition from Jesse Hunt, received November 2, 2020

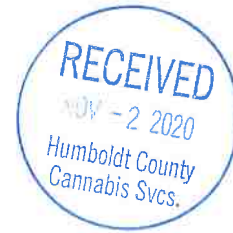
County of Humboldt

Planning and Building

Cannabis Division

PLN 2018-15180 Key APN 204-381-008

RE: Lost Boys Farms, LLC



Oct. 30, 2020

Dear Planning Division:

My name is Jesse Hunt. My family has lived on Ward Creek Road off of North Fisher for eight years. We are a ranching and logging family with children and are extremely concerned with the impact a commercial grow would have on our community. From the increase in traffic, eyesore, smell and possibility of major crime increase in our area, I strongly urge you to deny this proposal. This type of operation is better suited for industrial areas, not a family oriented community.

Respectfully,

A handwritten signature in blue ink, appearing to read "Jesse Hunt", is written over a faint, larger blue ink signature that is already present on the document.

Jesse Hunt

Letter of opposition from Allison Jackson, received November 24, 2020

RICHARD A. SMITH
ALLISON G. JACKSON
JOHN S. LOPEZ
AMY MENDOZA-STOVER
TAMARA C. FALOR
JUSTIN T. BULLER

Gerald R. Harland
(Partner 1952 - 2012)

Harland Law Firm LLP

ATTORNEYS AT LAW

212 G STREET, SUITE 201
EUREKA, CALIFORNIA 95501
(707) 444-9281
FACSIMILE: (707) 445-2961

Allison G. Jackson
ajackson@harlandlaw.com

FORTUNA

954 MAIN STREET
FORTUNA, CA 95540
(707) 725-4426
FACSIMILE: (707) 725-5738

November 24, 2020

Via Email and Regular Post:

Keenan Hilton
Humboldt County Planning and Building Department
3015 H Street
Eureka, CA 95501
khilton@co.humboldt.ca.us

Re: Cannabis Permit No. 15180 - CUP, APN 204-381-008-000
Lost Boys Farms LLC and Lost Coast Organics LLC, Jack Wheeler Project, 2494
Fisher Road, Hydesville, CA 95547

Dear Mr. Hilton:

It is my understanding that your department has denied the above-mentioned application and that the Project Applicant intends to bring the matter before the Planning Commission. I write to object to this project because it is inconsistent with the Hydesville-Carlotta Community Plan and inconsistent with the health, safety and welfare of the residents on Fisher Road, Cooper Drive, and Deer Creek Lane, Hydesville, CA 95547.

Project Location:

The location of this project is 2494 Fisher Road, Hydesville, CA 95547. This is the north side of Fisher Road. It requires a left hand turn from the eastern path of Highway 36 just at the apex of a passing lane on Highway 36, which is known for being a dangerous turn.

There are residences scattered on Fisher Road leading up to the project site. Some houses are a few feet from Fisher Road on smaller lots, and others are on larger Agriculture Residential lots between 1 and 5 acres. Cooper Drive and Deer Creek Lane border the western/northwestern portion of the project site mostly on Agriculture Residential lots of between 1-5 acres. The driveways to these Agriculture Residential lots are just feet away from an historic barn which the applicant intends to convert to a 5000

Harland Law Firm LLP

Keenan Hilton
November 24, 2020
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sq. foot drying shed. For the 60,000+ square feet of greenhouses and 5000 sq. foot distribution/processing hub.

The entire project site is considered Prime Ag Soils consistent with the Hydesville-Carlotta Community Plan. The applicant is only considering those soils designated by the U.S. Soil Conservation Service. However, the community plan defines Prime AG Soils more expansively than the U.S. Soil Conservation Service land use capability classifications. The Plan considers all land capable of grazing livestock at one per acre as Prime AG Soils. The Plan also considers as Prime AG all land which historically has been necessary to provide for economically viable agricultural areas. The expansive designation lands was included in the Community Plan to prevent the establishment of incompatible land uses within an area defined by natural or man-made boundaries.

The subject parcel is one of historical significance as it was the first homestead in the Hydesville area, and the house and barn were built in the latter 1800s.

There is a mapped wetland across from the project site. There are unmapped wetlands up and down the western/northwestern portion of the site. The previous owner unlawfully cemented the entire portion of Cooper Creek flowing through the project site and removed all of the riparian plant life. There have been unlawful trenches cut on the northern side of the barn in an attempt to reclaim the area on the north portion of the barn, converting it from wetlands to usable land. Currently the unlawful cemented portion of Cooper Creek has dirt and debris deposited from the site which pollutes the mapped wetland to the south of the site and which is a likely violation of the Porter-Cologne Act.

The unmapped western/northwestern wetland of the site supports waterfowl which nest and feed in the unmapped wetland area. Elk are known to migrate from the Van Duzen and Yager Creek area throughout the bottom land associated with the project site. Earlier this year, plowing through the western section disrupted geese which had nested in the area prior to the plowing. I took pictures of the birds returning to their site which had been plowed under.

Project:

The applicant wishes to obtain a CUP to install over 60,000 square feet of greenhouses, build a 5000 sq. foot processing/distribution hub and convert the historic barn to a 5000 sq. foot drying shed. The project would require paving and graveling roads through the site and parking lots associated with both the 5000 sq. foot drying shed and the 5000 sq. foot distribution/processing building. This would permanently convert Prime AG Lands as defined by the community plan since the processing building, roads and parking lots would be on Prime AG Lands as defined by the community plan.

The owner maintains that a minimum of 19 employees would be necessary to run the operation, which could amount easily to approximately 80 vehicle trips per day on

Harland Law Firm LLP

Keenan Hilton
November 24, 2020
Page 3

Fisher Road. The operation would run 24/7 and would require a four season growing cycle, 365 days per year, and would require 24/7 security.

Community Impact:

There is near unanimous opposition to the conversion of this parcel in the manner described by the applicant. The description of the project is clearly more commercial/industrial than the historic uses of the site (grazing) and surrounding area (residential AG, grazing and food and fiber crops).

There is strong community opposition regarding the increased traffic (80+ trips for employees) and noise on this quiet road, which is a rural two-lane road where it is known to have children play and people walk their animals. There is also strong community opposition against the conversion of the areas necessary for the distribution/processing building and parking lots from Prime AG (as defined by the community plan) to essentially commercial/industrial uses 356 days a year. This type of conversion and commercial/industrial operation at this location is harmful to the health, safety and welfare of those living on Fisher Road, Cooper Drive, and Deer Creek Lane. This project at this location is the exact type of conversion that the Community Plan was designed to protect against.

The applicants to this project are newcomers to Humboldt, from out of state. We only know the identify of Mr. Wheeler, but know none of the other investors of the two LLCs associated with the project (Lost Boys Farms LLC applicant, Lost Coast Organics LLC land owners). Unfortunately, this project would be one to drive the current residents out of homes that they have spent a lifetime building up due to the size and scope of the project and it being utterly inconsistent with rural residential living. Please support the community and reject this application. Please support the Planning Department's denial of the CUP. This expansive project should be located in a more commercial/industrial area along Highway 36 or in an area not surrounded by rural residential living.

Please do not hesitate to call if you have questions or comments.

Sincerely,



Allison G. Jackson

Letter from Fisch Drilling, received November 12, 2020



3150 JOHNSON RD.
HYDESVILLE, CA.
(707) 768-9800
dave@fischdrilling.com

November 9, 2020

Lost Coast Organics, LLC
Jack Wheeler
P.O. Box 752
Hydesville, CA. 95547

Lost Coast Organics Property.
2494 Fisher rd.
Hydesville, CA. 95547

Result of site review of Lost Coast Organics Property APN 204-381-008. This property has one well sites in question and is located on 2494 fisher Road on parcel 204-381-008 this well was completed September 11 2020.

This well was completed in the Wildcat Sandstone part of the Lower Carlotta geologic unit; the well was drilled into perched bedrock with little to no hydraulic connection to surface water or any part of a larger shallow homogeneous aquifer. The water level indicates that water is coming from the sandstone and not any other part of the formation.

Considering the depth of the well, it appears to fall in line with the guidelines of a non-jurisdictional well of similar depth in the surrounding area.
Any questions please call (707)768-9800.

Thank You,



David Fisch
Fisch Drilling

3150 JOHNSON RD. • HYDESVILLE • 95547
PHONE: 707-768-9800 • FAX: 707-768-9800

Referral Response from Hydesville County Water District

Hydesville County Water District

PO Box 561

Hydesville, CA 95547

11/17/2020

RE: Project Referral for Lost Boys Farms LLC PLN-2018-15180

To Whom It May Concern,

The Hydesville County Water District Board held its monthly board meeting on met on November 10. One topic of that meeting was a discussion of the district's concerns with the location of the cannabis farm on North Fisher Rd in Hydesville. The most pressing concern is the impact the farm would have on the District's water supply. The District's water supply is geographically located about 3/4 of a mile downstream from the cannabis farm, putting it at risk of potential contamination from fertilizers, pesticides and other chemicals used on the farm. We have a responsibility to our community to supply safe drinking water and the farm's location presents a serious potential risk to the public.

The second concern is the consumption of water. In the referral packet it states that the farm would only use about 3000 gallons a day. Will that be a regulated estimate of water pumping or will they be allowed to pump freely as water is needed? California is in a drought and because the cannabis farm is located upstream of the District's water supply, we are worried the District's water supply could be impacted.

The final area of concern is the added traffic flow, and the cannabis farm's influence on the residential county road. The referral packet states there will be 19 employees on site, which would greatly impact the local traffic in this area. Aside from 19 employees, the cannabis farm would also add delivery trucks for supplies, creating an even larger impact on traffic.

For the reasons listed above, The HCWD Board recommends denial of this application to preserve the wellbeing of this community and potential influence to the Water supply.

Sincerely,

The Hydesville County Water District



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING
3015 H STREET, EUREKA, CA 95501 ~ PHONE (707) 446-7245

11/3/2020

Project Referred To The Following Agencies:

AG Commissioner, County Counsel, District Attorney, Environmental Health, Sheriff, PW Land Use, FPD: Fortuna, RWQCB, NCUAQMD, School District: Fortuna High, Cal Fish & Wildlife, CalFire, CA Division of Water Rights, Bear River Band, NWIC, Wiyot Tribe, PGE, School District: Hydesville, CSD: Hydesville Community Water

Applicant Name Lost Boys Farms LLC Key Parcel Number 204-381-008-000

Application (APPS#) PLN-2018-15180 Assigned Planner Keenan Hilton 707-268-3722

Please review the above project and provide comments with any recommended conditions of approval. To help us log your response accurately, please include a copy of this form with your correspondence.

Questions concerning this project may be directed to the assigned planner for this project between 8:30am and 5:30pm Monday through Friday.

County Zoning Ordinance allows up to 15 calendar days for a response. If no response or extension request is received by the response date, processing will proceed as proposed.

☐ If this box is checked, please return large format maps with your response.

Return Response No Later Than: 11/18/2020

Planning Clerk
County of Humboldt Planning and Building Department
3015 H Street
Eureka, CA 95501
Email: PlanningClerk@co.humboldt.ca.us Fax: (707) 268 - 3792

We have reviewed the above application and recommend the following (please check one):

- ☐ Recommend Approval. The department has no comment at this time.
- ☐ Recommend Conditional Approval. Suggested conditions attached.
- ☐ Applicant needs to submit additional information. List of items attached.
- ☒ Recommend Denial. Attach reasons for recommended denial.

Other Comments: _____

DATE: _____

11/17/2020

PRINT NAME: _____

Cameron Yaple
General Manager