

From: [Karen Fenton](#)
To: [Planning Clerk](#)
Cc: [Jay Fenton](#); [Indy Riggs](#)
Subject: Public comment submittal for PLN-2020-16475, APN 205-231-029
Date: Monday, April 18, 2022 11:08:40 AM
Attachments: [Fenton opposition to cannabis permit for 445 Stafford Road.docx](#)

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Dear Planning Clerk:

Please include the attached document below in the packet for the ZA agenda scheduled for 4/21/2022 @ 10:00 AM. I would appreciate your acknowledgement that my request has been granted. Please note if you have any questions or advice.

Thank you.

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2/18/2022

Fenton Opposition to Organic Humboldt, LLC request for Commercial Cannabis permit for 445 Stafford Road, Scotia, Record # PLN-2020-16475, APN 205-231-029, Public hearing scheduled for Thursday, April 21, 2022 @ 10:00 PDT

Jay R. and Karen L. Fenton are the property owners of 325 Stafford Road, APN 205-231-021. We have expended major financial and personal effort to improve our property which we purchased in 1998. We feel severely threatened by the outsized cannabis business proposed for next door.

Having reviewed the public documents published on 4/14/2022 for # PLN-2020-16475, APN 205-231-029, we believe the staff findings and recommendations to Zone Administrator John H. Ford to be incomplete and inadequate. Thus, we urge this application be postponed until it can be brought before the Humboldt Planning Commission.

We are requesting that the following additional recommended conditions be required prior to the final decision:

- 1. That a Planning Commission public hearing be properly noticed to all registered property owners of the Stafford community prior to approval of Record # PLN-2020-16475, APN 205-231-029.**

The size of this proposed commercial cannabis project is totally incongruous and disproportionate to the relative size of the existing historic neighborhood of Stafford & North Roads, which consists primarily of a cluster of family parcels. Such a non-family commercial business is incompatible with the primarily residential neighborhood.

Except for the RV park on North Road, which is a residence-based and tourist business, this nuisance property would become **the only non-residential commercial business in Stafford**. The land should instead be reserved for a residential farm, like the other Stafford parcels.

It is unfortunate that the applicant did not first approach the adjacent neighbors about his proposal before wasting time and money for the expensive reports begun in 2020 generated by Naiad, Rain & Zepp and others beginning in 2020. Fenton learned about the proposed cannabis project for the first time only when we received a postmarked 4/6/2022 notice of the public hearing. Back in 2020 we might have been able to discuss with the applicant about the site incompatibility with his plan. The applicant might have possibly been able to downsize and revise his design. However, currently we have no choice except to oppose his project.

The main unspoken reason for the applicant wanting to use this 11.66-acre farm parcel to commercially farm the maximum sized 43,560 SF cannabis business site is because of its desirable location above the Eel River aquifer. This proposed plan, however, will increase and aggravate a multitude of existing nuisance property issues. The permit applicant is merely a temporary tenant, not the absentee landlord-owner of the property. Neither party

demonstrates a long-term commitment to improve our community. This nuisance property has never been maintained or improved for as long as we have owned the adjacent 325 Stafford Road. The site structures are substandard, erected without permits, out of code compliance and uninhabitable. The site currently lacks utility amenities of potable water, sewage treatment, and wood or propane for heating and cooking.

The staff claims in the Executive Summary on page 3: *“The cultivation of commercial cannabis, an agricultural product, will not change the character of Stafford as there is an existing permitted commercial cannabis operation adjacent to the proposed project.”* On the contrary, the nonresidential, large scale cannabis business would indeed clash with the residential character of the Stafford community. The “existing permitted commercial cannabis operation adjacent to the proposed project” which staff refers to is our neighbor’s, Indy Riggs, farm next door to 445 Stafford. Indy obtained his permit in 2021 to continue his deceased father’s cannabis plot. Indy supports his young family by maintaining honeybee colonies, raising chickens and growing other marketable produce on his 5-acre parcel. The staff argument is like comparing a grape to a grapefruit and shows no awareness or sensitivity to the Stafford community. The proposed 43,560 SF growing area is **15 times** the size of Indy Riggs’ 2900 SF grow plot. Currently, no other commercial grow permits at Stafford have been granted.

The vehicle traffic generated by this business size will exacerbate existing road conditions. The Stafford-North loop road provides two access directions to the freeway. The cannabis vehicles will more likely take the shorter route past our Stafford Road property, creating traffic congestion. The traffic report does not adequately evaluate the size of the service vehicles or their frequency of daily passage. But the impact will not be zero as it assumes. Many large trucks will be required to haul materials and goods to set up and maintain the new business.

The Ourevolution Engineering traffic report only recommends minor improvements to the intersecting driveway. The report ignores who and what presently move about on Stafford Road. Currently, the only large vehicles are the garbage truck, the school bus and horse trailers. Our road is too narrow for two-way traffic. Whenever two opposing vehicles approach each other, one vehicle pulls off to one side, using an available driveway if possible, to let the other vehicle pass. We have never felt the need for speed signs or traffic delineators because neighbors are friendly and drive cautiously on this road. Frequently, there are people strolling, kids and adults on bikes, neighborhood dogs who act as though they own the road, horseback riders and occasional deer and other wild animals. Visitors to the RV park regularly explore the neighborhood.

Stafford Road, although partially county-maintained, is located on private property. Five hundred feet of the 50 foot right of way southwest of 445 Stafford runs on Fenton property. Fenton obtained a precise survey and recorded our property lines soon after the 1998 purchase, showing the currently shared east 900-foot fence line and the front road easement on our land. These survey markers are still in place. Stafford road is only one lane wide, too narrow to handle the increased traffic generated by a large commercial farm at 445 Stafford

Road. There are drainage ditches along each side of the road and flooding often overflows during the winter, requiring maintenance. This road would have to be widened at a major cost to the property owners. Fenton will not grant permission to the applicant to widen our portion of Stafford Road.

2. That strict compliance with 100-year flood plain requirements must be designed and enforced for this site prior to occupancy.

The 100-year Eel River flood zone encompasses the entire site, but the proposed site plan does not indicate strict enforcement of the flood elevation standards.

Fenton demands that the property at 445 Stafford be compelled to meet the same requirements that we followed at 325 Stafford. In 2006 Fenton constructed our new house and garage on foundations one foot above the base flood elevation. We were required to secure our water storage tanks and fence them in to prevent them from flood-induced migration.

3. That the applicant be required to demolish the two existing wood structures, originally claimed to be part of the rain catchment system.

The two existing wood structures next door at 445 Stafford sit at the highest point on the property yet are still situated four feet lower than the base flood elevation. These site buildings are substandard, erected without permits, out of code compliance and uninhabitable. They lack electricity, potable water, toilets, and propane or wood heating and cooking. They have been vandalized by past inhabitants and create a serious liability. These substandard structures should not be allowed to remain in place or allowed to be used as part of the applicant's rain catchment system. [Refer to pages 27 -38 of the submitted Attachment 3, Applicant's Evidence in Support of the Required Findings.] Note on page 36 a description of the two structures that applicant plans to use to for rainwater catchment. The applicant recently revised his proposed plan, now saying that a future catchment pond "*can be designed and developed on site.*"

4. That the applicant's originally proposed rainwater catchment system be denied, to be replaced with a properly permitted functioning system. Until now, staff has accepted the applicant's claim of water irrigation at face value without requiring calculations, drawings or a site inspection. The applicant's entire claim is bogus.

The same flood zone requirement should also apply to the storage tanks. The applicant C2 site plan states "*Water infrastructure will be relocated and removed from the floodplain from October 15th to April 16 each year.*" But how can these tanks store water from the rain catchment and be locate offsite at the same time? It is not practical to continuously move partially filled tanks annually.

An alternative would be to set the tanks elevated above the base flood elevation, anchored in place. But if they are adequately elevated, the tanks will be too high to capture rain runoff from the existing one-story shed rain gutters. The applicant's rain catchment proposal is not a realistic design, as viewed with the photos on pages 27 - 38.

There is insufficient water supply for the currently proposed plan if using just dry farming and rainwater. The permit proposal originally claimed that the occupant will irrigate its 43,560-SF twice-a-year cultivation with an existing rainwater catchment system, augmented by dry farming. They propose to use 10,000 gallons/year stored in a 50,000-gallon bank of tanks. Despite the applicant's claim, there is no "existing catchment system" from a previous time period. We noticed that several tanks were moved to this site in 2022. Prior to that we did not see a "catchment system" in place. The connection illustrated in the applicant's photos on Pages 27-38 separated within days after its installation. Fenton can easily view the wood structures and the so-called "catchment system" all of which are located just a few feet away on the other side of our common fence line at the SW corner of our property.

5. That the applicant provides 12-month calculations of his proposed dry farming + rainwater catchment supply to justify his claim that these can supply adequate irrigation water for his project during a drought.

We request that the applicant show more detailed calculations of their irrigation needs based upon the total number of plants and site capacity during drought years. The applicant's table describing detailed schedule of activities during the season, combined with the Rain & Zepp report, pages 32 – 38, are woefully inadequate to match the actual rainy seasonal contribution. The applicant needs to demonstrate monthly water demand plotted on a graph to compare the average Scotia rain supply, the proposed planting season and the watering demand. The County planning needs this information to verify available rainwater for site irrigation.

The applicant also needs to detail how water will be collected and distributed into the ten 5000-gallon storage tanks during the rainy period of October 15 to April 16.

Discrepancies exist between the applicant's claim on Page 3, Paragraph 5, Page 36, and the C2 site plan, dated 4/14/22 on Page 15. On Page 3 under Water Resources, the applicant claims *"The project will implement dry farming techniques which will be supplemented by an existing rainwater catchment system with a total surface area of 3,200 square feet."* Page 36 includes a 2-story structure proposed to contribute to the rain catchment to yield 3200 SF. But the C2 site plan eliminated the 2-story structure, showing instead a hammerhead turnaround replacing it. If that structure is demolished, it cannot contribute to the catchment. The remaining structure is shown on C2 to have just 780 SF. Here is our calculation of the remaining catchment system based upon the 780 SF rooftop surface area of the single story shed drawn on C2:

Average Scotia rainfall = 56 in./year = 0.6 gallon/SF/in. X 780 SF = 26,208 gallons/yr.

Questions still remain as to how much of this average annual rainfall can be diverted into storage and how will tanks storing water be relocated on October 15?

Fenton has no experience in growing cannabis, but we have dry farmed seasonal tomato crops for several years while irrigating the rest of our vegetable garden and the younger fruit trees. During the dry 2021 season, our tomato plants and fruit trees suffered from inadequate rainfall and groundwater. We depend upon our 95' deep well supply for both potable water and farming. Based upon our experience, we seriously doubt that the proposed cannabis growth will only require 10,000 gallons/year. The cannabis dry farming claim is questionable. Based on our experience in dry farming tomato plants, we suspect that the delicate young cannabis plants require a lot more water than tomatoes. An early crop can be initiated with irrigation. But by midsummer heavy irrigation will be required.

6. The applicant should provide certified proof that the existing site well is usable for irrigating his cannabis project.

Lacking adequate rainwater, will the grower attempt to use well water or pump from the Eel River? The original well may still be contaminated. Former owner Patrick Lancelin told us that his one-time opponents poured diesel fuel down his well and made it undrinkable. The original well, drilled in 1980 was never tested or certified. The well water should be analyzed prior to reuse for growing cannabis.

7. Require that a metering gauge be installed to measure the well water usage with annual review reporting.

Fenton is concerned that if the grower does use the site well water for irrigation, because the well is upstream from our parcel, the grower will overdraw water from the same aquifer that currently supplies our irrigation and drinking water. A metering gauge installation must be required to measure the actual quantity of water taken by this commercial growing business. The monthly reports of well water usage should be included in the applicant's annual review.

8. Require that 24/7 on-site security with trained dogs be provide and the amenities to accommodate that service.

Cannabis is a highly valuable crop, encouraging theft and robbery. We are very concerned about the increased bad element that will be attracted to next door and their spillover onto our property. The applicant does not confirm what security measures will be taken to protect that business and us neighbors. We ask that the business be required to maintain a 24/7 resident caretaker, preferably with watchdogs.

Patrick Lancelin, the previous owner of 445 Stafford threatened our caretaker and us. We successfully processed a restraining order against him and were always wary and watchful of him and his co-habitants until he finally moved away. After Patrick Lancelin departed due to property foreclosure, a subsequent tenant attempted unlicensed cannabis growing for the next two years. Since that tenant departed in 2020, we have not noticed any overnight denizens, but that property has been vandalized and continues to deteriorate.

In 2016 we had to reinforce our electrical and alarm services after a serious garage break-in and \$3000 equipment theft. We also endured irrigation water theft, vandalism and fruit striped from our orchard next to our shared fence line.

Additionally, we experienced four attempted break-ins. The most recent burglary attempts at our farmhouse, one on 2/5/2022 and another on 3/19/2022, were thwarted by our alarm service.

9. Require that a perimeter fence be installed, specifically on the north side of the property, to discourage trespassing by humans, deer, and other wildlife that would threaten crop production.

Currently both of our properties facing the river lack fencing. Deer, cougars, bears, coyote, fox, porcupines, skunks and other beasts enter our land from the river side. We see the deer grazing on the property next door. It would be wise for the cannabis business to prevent the deer from eating their young plants. Simple fencing would deter these critters.

10. That the applicant successfully pass the CalFire annual inspection of all Stafford Road properties for fire mitigation.

Stafford property owners are subject to an annual fire inspection by Cal Fire, for which we all are invoiced. Fenton has successfully passed these inspections whereas the derelict 445 Stafford property has not. This nuisance property is a fire hazard. Now that official occupancy is sought, it should be cleaned up to comply with the wildfire safety standards.

In closing, Fenton asks that the application by Organic Humboldt LLC be denied. Whereas we would welcome a healthy, gainful farm on the site, the land first needs to be remediated prior to development.

Thank you.

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