

## McClenagan, Laura

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**From:** Jeff and Marisa St John <upperredwoodcreek@gmail.com>  
**Sent:** Thursday, October 21, 2021 5:42 AM  
**To:** Megan Marruffo  
**Cc:** Ford, John; Planning Clerk; Johnson, Cliff; Meghan Ryan  
**Subject:** Re: October 21 Planning Commission Public Comments

Hello Megan,

Thank you for your response.

Would you please help me understand the following (my questions to your responses are in [blue](#)):

0. [From the Staff Report \(pages 1-6\), how would a person know whether Cannabis 1.0 or 2.0 rules apply?](#)

1. Inadequate Access - Road from Highway 299 to and through Sabertooth Rd does not meet or exede Category 4 requirements (as stated by both the Private Contractor's December 2018 Road Evaluation and the County's that was completed in April 2018 for the proposed Titlow Hill Subdivision).

1.1 Staff Report states that "The site is located on road (insert - Sabertooth) that has been certified to safely accommodate the amount of traffic generated by the proposed cannabis cultivation." However, the Private Contractor who did the certification manually counted cars in January (when there is no or very low cannabis activity) to derive the Average Daily Traffic.

[The CMMLUO does not require that cultivation sites be located on roads meeting or exceeding the Category 4 road standard. However, roads need to be able handle the traffic from the project and allow for emergency vehicles to access the site. The Road Evaluation Report prepared by DTN Consulting dated January 1, 2018, finds that the recommended improvements to the roadway, in addition to formation of a Road Maintenance Association, will ensure the access road can accommodate the proposed traffic for this project, nearby \(cumulative traffic\), and emergency vehicles. The Road Evaluation Report was stamped and signed by David Nicoletti, P.E. \(Registered Professional Engineer\). The ability of the access road to accommodate traffic and emergency vehicles was confirmed again on October 1, 2021, when we reached out directly to the preparer of the report.](#)

[My original statement cited the following and the response did not directly address this concern:](#)

[DTN Consulting did their vehicle count in January when little or no cannabis activities would be occurring \(ADT=16\). How could the County accept that count when it clearly under estimates the amount of traffic during peak season \(the applicant states that he alone would have up to ten employees at that time and that could mean eleven cars alone\)?](#)

[DTN Consulting did not certify all of the access roads \(only 3.3 miles - Highway 299 to project site\): Highway 299 to Lower Sabertooth, Lower Sabertooth to the Project Site, and Project Site to Sabertooth/Titlow Hill \(where emergency vehicles also may be entering\). DTN's report Section B.3 template talks about "all known cannabis projects identified above," but the report has no list. Page 4 of the report also mentions speed limits of which there are none posted on either Highway 299 to Lower Sabertooth, nor Lower Sabertooth to the Project site and if the Consultant had reviewed the roads during peak season, he would have observed that neither of the unposted speed limits were consistently observed.](#)

1.2 The Private Contractor did not certify that the road from Highway 299, nor the second access point (the rest of Sabertooth Road to Titlow Hill) which is required by CalFire (refer to the proposed Titlow Hill Subdivision documentation).

[The applicant is required to provide a Road Evaluation Report for the main access to the property. A secondary access to the property is not authorized by this permit.](#)

Do I understand you correctly that, per the permit, no one could access the property from Upper Sabertooth Rd (Titlow Hill to Upper Sabertooth to Project Site), not even emergency services?

2. The Water Resource Protection Plan was performed in 2016 - Significant drought impacts have been identified since then so that plan might no longer be valid.

The Water Resources Protection Plan (WRPP) was used for staff analysis as it includes parcel specific information regarding slopes and improvements, for example. As of 2018, the Regional Water Quality Control Board policy migrated under the State Water Resources Control Board (SWRCB) and updated regulations were released that require all cultivators to meet the requirements of the State Cannabis Cultivation Program, which includes provisions for water use and storage. Attachment 3 of the staff report includes a Notice of Applicability demonstrating the applicant has enrolled in the State Program. The applicant is required to submit a copy of the Site Management Plan to the Planning Department and adhere to all requirements of the State Water Board. The Site Management Plan is the "new" WRPP.

3. No Road Maintenance Association has been created in accordance to Ord 2599 CCLUO [Inland] states that "Where three or more permit applications have been filed for Commercial Cannabis Activities on parcels served by the same shared private road system, the owner of each property must consent to join or establish the appropriate Road Maintenance Association (RMA) \*\*\*prior\*\*\* (emphasis added) to operation or provisional permit approval." The County's Permitting System shows three cannabis applications for Sabertooth (Saber Tooth) Rd (316-174-010, 316-172-020, and 316-174-008).

Condition #14 requires the applicant to join or form a Road Maintenance Association (RMA) for Lower Sabertooth Road and demonstrate annually they are an active participant in the RMA. Should the applicant be unable to join or form a RMA, they are responsible for paying fair-share costs into road maintenance annually.

You saw the DTN Consulting report and the issues identified from Highway 299 to Lower Sabertooth and from Lower Sabertooth to Project Site and it is fairly obvious that there was little or no road maintenance being performed. Condition #14 seems meaningless because there is no RMA (nor probability of one being formed), no one seems to have been paying for road maintenance, and road improvements (including upsizing culverts) are not considered "maintenance."

4. There is no analysis of the Vehicle Miles Traveled required by CEQA for the applicant and his "up to 10 employees."

Since the project was in existence prior to 2016, it was considered under the Mitigated Negative Declaration (MND) prepared for the CMMLUO ordinance.

5. Cultivation Slope is higher than 15% - County Ordinance 2599 CCLUO [Inland] states "55.4.6.4.1 Slope Cultivation Site(s) must be confined to areas of the Parcel where the Slope is 15 percent or less."

Staff Report states that it will be "less than 50 percent" and the Commercial Cannabis Application Plan states that the slope is ">15% in most cultivation areas."

The CCLUO (or 2.0) section you are referring to is required for new cultivation sites. The proposed project is an existing site and is being processed under the CMMLUO (or 1.0). Although there are no requirements for slopes for existing operations in the CMMLUO, the operation is expected to comply with the State Water Board Cannabis Cultivation Policy, which limits slopes to 30%. A review of the Humboldt County WebGIS shows the slopes on the subject parcel range from less than 15% to 50% with the cultivation area mapped as having naturally occurring slopes of 15% - 30%. According to the Water Resources Protection Plan (WRPP) prepared by Timberland Resource Consultants dated August 21, 2016, the cultivation sites were located on slopes of less than 30%. The applicant relocated two smaller cultivation sites that were located on slopes ranging from 20% - 30% to a centralized location where slopes are 15% or less as described the WRPP. This information will be added to the findings for the project for clarification.

6. Property is Was Placed in the Wrong Watershed for the County Permit and Acreage Limitations Calculation

6.1 Staff Report "FINDING Approval of the project is consistent with Humboldt County Board of Supervisors Resolution No. 18-43 which established a limit on the number of permits and acres which may be approved in each of the County's Planning Watersheds." The associated supporting documentation is not presented. In addition, the Staff Report states that "EVIDENCE The project site is located in the Middle Main Eel Planning Watershed, which under Resolution 18-43 is limited to 360 permits and 125 acres. Approval of this application would result in 74 approved permits for a total of 33.4 acres."

6.2 Said property is actually in the Redwood Creek watershed that has a limit of "141 permits and 49 acres."

Thank you for this comment. A revised resolution is being provided to the Planning Commission that updates this information for the Redwood Creek watershed. Approval of this application would be under the permit cap for the watershed.

7. The County did not provide a CEQA Cumulative Impact Analysis related to this application and the surrounding area (other cannabis grows, homes, etc.).

Staff prepared an addendum to the Mitigated Negative Declaration (MND) prepared for the ordinance stating that the project does not have any new impacts that were not previously considered. Overall, there is a net improvement to baseline environmental conditions associated with permitting of this site, as the project will be required to comply with the requirements of the CMMLUO and meet the conditions of approval.

On Wed, Oct 20, 2021 at 2:59 PM Megan Marruffo <[marruffom@lacoassociates.com](mailto:marruffom@lacoassociates.com)> wrote:

Good afternoon, Marisa,

Thank you for providing comments on projects scheduled for hearing at tomorrow night's Planning Commission meeting. Your comments will be provided to the Planning Commission for their consideration.

I am the assigned Planer for Redwood Valley Farms, LLC, and I will do my best to respond to your comments. Please see my responses in red following your comments.

1. Inadequate Access - Road from Highway 299 to and through Sabertooth Rd does not meet or exede Category 4 requirements (as stated by both the Private Contractor's December 2018 Road Evaluation and the County's that was completed in April 2018 for the proposed Titlow Hill Subdivision).

1.1 Staff Report states that "The site is located on road (insert - Sabertooth) that has been certified to safely accommodate the amount of traffic generated by the proposed cannabis cultivation." However, the Private Contractor who did the certification manually counted cars in January (when there is no or very low cannabis activity) to derive the Average Daily Traffic.

The CMMLUO does not require that cultivation sites be located on roads meeting or exceeding the Category 4 road standard. However, roads need to be able handle the traffic from the project and allow for emergency vehicles to access the site. The Road Evaluation Report prepared by DTN Consulting dated January 1, 2018, finds that the recommended improvements to the roadway, in addition to formation of a Road Maintenance Association, will ensure the access road can accommodate the proposed traffic for this project, nearby (cumulative traffic), and emergency vehicles. The Road Evaluation Report was stamped and signed by David Nicoletti, P.E. (Registered Professional Engineer). The ability of the access road to accommodate traffic and emergency vehicles was confirmed again on October 1, 2021, when we reached out directly to the preparer of the report.

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project site is located in the Middle Main Eel Planning Watershed, which under Resolution 18-43 is limited to 360 permits and 125 acres. Approval of this application would result in 74 approved permits for a total of 33.4 acres."

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Thank you,  
Megan

LACO



Megan Marruffo

Senior Planner / Project Manager

LACO Associates

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*Advancing the quality of life for generations to come*

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**From:** Jeff and Marisa St John <[upperredwoodcreek@gmail.com](mailto:upperredwoodcreek@gmail.com)>

**Sent:** Wednesday, October 20, 2021 4:47 AM

**To:** [planningclerk@co.humboldt.ca.us](mailto:planningclerk@co.humboldt.ca.us)

**Cc:** Megan Marruffo <[marruffom@lacoassociates.com](mailto:marruffom@lacoassociates.com)>; John <[jford@co.humboldt.ca.us](mailto:jford@co.humboldt.ca.us)>

**Subject:** October 21 Planning Commission Public Comments

Hello,

Please consider these Public Comments in the decisions that you make in your Planning Commission October 21 meeting:

Do not approve new cannabis grows or additions to existing ones ( 12333, 11786, 16774) for these reasons:

1. The County is in a drought
2. The County recently added \$1M for cannabis grant's because current growers say that their businesses are in crisis due to falling prices
3. The County is not tallying estimated water usage, acreage, etc. so there is no way to analyze cumulative impact to communities or watersheds.

Do not reduce setbacks to the Public Lands ( 12333, 13037, 21-11892), instead have applicants revise their plans to stay within the setback requirement.

Do not allow work within Work Within Streamside Management Area (21-12125 and 11503), instead have applicants revise their plans to work outside that area.

Deny 21-12310 Redwood Valley Farms (Titlow Hill) cannabis application - following reasons:

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6.2 Said property is actually in the Redwood Creek watershed that has a limit of "141 permits and 49 acres."

7. The County did not provide a CEQA Cumulative Impact Analysis related to this application and the surrounding area (other cannabis grows, homes, etc.).

Thank you for your consideration of these concerns.

Regards,

Marisa Darpino

District 5

Titlow Hill

xxxxx

xxxHow much of the taxpayer money is being spent on this project outsourcing its review by LACO?