

SUPPLEMENTAL INFORMATION

No. 1

For Planning Commission Agenda of:
July 1, 2021

Re:	Applicant:	Maclyn and Janet Morris
	Case Number:	PLN-13908-CDP
	APN:	515-271-024

Attached are supplemental correspondence from the applicant, Maclyn and Janet Morris, and public comments from neighboring property owners.

Attachment 1: Maclyn and Janet Morris letter to Planning Commission and Alyssa Suarez dated June 27, 2021

Attachment 2: Additional Maclyn and Janet Morris letter to Planning Commission and Alyssa Suarez dated June 27, 2021

Attachment 3: Maclyn and Janet Morris letter titled Plans and Reports

Attachment 4: Public comment letter from Duane P. Adams and Margaret F. Adams revised June 21, 2021

Attachment 5: Additional comments received

Attachment 1: Maclyn and Janet Morris letter to Planning Commission and Alyssa Suarez dated June 27, 2021

June 27, 2021

To: Planning Commission
Morris Coastal Development Permit and Special Permit
Record Number: CDP-17-162/SP-17-156
Application Number: 13908
Assessor's Parcel Number: 515-271-024

To: Alyssa Suarez
From: Maclyn and Janet Morris

In reviewing your staff report, we see letters from two property owners:

The Adams and Larry Goldberg only.

Also we had not previously been given the David Adams's letter dated May 17, 2021, and we had requested that we be sent any neighbor's letters in order to be able to comment.

In your staff report, you reference on page 6 the view-shed easement which we explain in detail in our June 15, 2021 correspondence and you state that "...however the impact of the tree removal on the viewshed **may be detrimental to the public welfare and properties and improvements in the vicinity, . . .**" None of the viewshed can be seen from the Adams's property. (only Point A on our property) None of the trees in question on the eastern property boundary are in the viewshed. You go on to say ". . . the Commission must find that the project would not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity." Quite the opposite is true. What we are proposing will increase the public health, safety, and welfare and protect the Adams's property. See Carl Anderson's June 19, 2021 letter Page 3 Paragraph 2 "the increased crown cover of the trees is quite dramatic in a space of just under 35 years and illustrates the urgency in Morris's desire to be pro-active and treat the rules on their property for their own

safety and protection and **for the safety and protection of their neighbors.**”

In Charlie Holthaus’s 2018 Report Fire Hazard Assessment for the Maclyn Morris Structure Protection Exemption, he states under Preventative Measures,

“As stated earlier, vegetation is the primary source of fuel for a wildland fire. The amount, vertical and horizontal arrangement and condition (e.g., living or dead) can be manipulated by man. The forested areas on the subject property are well stocked and have achieved full crown closure with little to no separation of tree crowns. The property also contains a significant amount of ground level fuels with small diameter tree crowns occupying the lower and mid canopy. This arrangement of fuels causes a ladder effect which allows fire to spread vertically from the ground into the tree crowns. By reducing the amount of fuels on the ground level and in mid and lower canopy, fire is less likely to spread vertically into the upper canopy. Additionally by creating horizontal separation between tree crowns, fire is less likely to spread between tree crowns if a crown fire does develop.

The Structure Protection Exemption project, as proposed and when implemented, effectively controls the vegetation **surrounding the Morris residence.** The Structure Protection Exemption allows landowners to cut and remove trees which eliminate the vertical continuity of vegetative fuels and the horizontal continuity of tree crowns for the purpose of reducing flammable materials and maintaining a fuel break to reduce fire spread, duration, and intensity.”

In the Summary, Charlie Holthaus states, “. . . the implementation of this Structure Prevention Exemption project will not only increase the safety of the structures on the subject property, it will also **increase the protection of the environmentally sensitive habitat areas** in the vicinity of the

structures. CALFIRE forest practice inspector, Jay Fazio (707-677-0761) has made at least three site visits to the project area and agrees that additional fire reduction treatments would be beneficial. “

To bifurcate this project would diminish the effectiveness of this carefully thought out forest management plan. Jay Fazio continues to be involved in this project and has made many site visits since this report.

Further down on page 6 paragraph 4, you state “. . . quality of life and negatively impacting surrounding parcels and the existing natural setting . . .” What we are doing will be beneficial to the quality of life and the natural setting. The larger and mature trees will be allowed to flourish and “the legacy rhododendrons” noted in the Adams’s letter dated June 21, 2021 will be allowed to thrive.

In Carl Anderson’s April 12, 2021 letter he answers Tricia Shortridge’s letter dated April 11, 2021.

Question 1: What happens if the house on the adjacent property is not considered as part of the 150 ft. zone?

Question 2: What happens if only limbing and clearing of understory occurs within the three 150-300 ft. zones?

Question 3: What happens if no work at all occurs within the 150-300 ft. zones?

He responds, “Each of these three alternatives, if executed, would result in a higher level of contiguous fuel, both vertically and horizontally than is **allowed** under the California Forest Practice Rules. If any of these alternatives are imposed, the level of structure protection and **public safety** that is provided for in the California Forest Practice Rules will be reduced.”

On page 6 in the last paragraph, you express concern on “the use of the proposed property potentially for commercial purposes . . .” This is our personal residence. Our property and the Adams’s property were a historic botanical garden of 14 acres planted by Frank Mayer. See the Adams’s letter dated June 21, 2021.

On page 8 paragraph 1, you state, “Cal-Fire has tentatively approved the tree removal as proposed by the applicant.”

And in paragraph 2, you state” Planning staff believes that the applicant has submitted evidence in support of making all of the required findings for approving the Coastal Development Permit ...” You condition this on “public welfare”. The only party you have brought up are the Adams and their view. We believe that this fire protection thinning is in the **public welfare**.

The other neighbor to submit comments are Larry and Kathleen Goldberg who “. . . have no objections.”

We met with the Adams and all of our other neighbors and reviewed and walked through the project prior to the Planning Commission Meeting that had been scheduled, and the following day met the Adams again and withdrew the treehouse in an effort to accommodate them.

Steve Madrone, our Area Supervisor, has recently visited the site and has been following the progress through the planning process. He has no objections to the entire project including the forest management as submitted.

Attachment 2: Additional Maclyn and Janet Morris letter to Planning Commission and Alyssa Suarez dated June 27, 2021

June 27, 2021

To: Planning Commission
Morris Coastal Development Permit and Special Permit
Record Number: CDP-17-162/SP-17-156
Application Number: 13908
Assessor's Parcel Number: 515-271-024

From: Maclyn and Janet Morris

We have asked our planner Alyssa Suarez that documents that we sent on June 22, 2021 to planningclerk@co.humboldt.ca.us from us that are not in the staff report be added to your packets. Additionally, we and Carl Anderson of Western Timber Services responded to concerns of a neighbor. His email was dated June 19, 2021. Neither of these were included in the staff report. Maclyn delivered that to the Planning Department on June 15, 2021, and Alyssa Suarez confirmed that she received it.

After reviewing the staff report, we have the following comments and clarifications:

On page 22 Attachment 1 Recommended Conditions of Approval
We agree with 2 through 12. We disagree with 1 and believe that the fire protection forest management plan as submitted by Charlie Holthaus RPF and Carl Anderson RPF of Western Timber Services Inc. should be approved.

On-going Requirements/Development Restrictions Which Must Be Satisfied for the Life of the Project:

We agree with 1 through 5 as well as 1 through 3 of the Informational Notes.

We would like to highlight the following in the report:

Page 5 Paragraph 2 “ . . . wildfire is a safety hazard for the property owner and surrounding parcels. “

Page 10 Paragraph 3 “The proposed development is in conformance with the County General Plan, Open Space Plan, and the Trinidad Area Plan.”

Paragraph 3 “. . . no mature trees will be removed. The Structure Protection Exemption administered by Cal Fire under PRC 4290 and 4291, allows landowners to cut and remove healthy, merchantable tree species within 0-150 of a legally permitted structure and within 150-300 feet of legally permitted habitable structure subject to specific limitations.”

In that same paragraph, “. . . selective tree removal for public safety purposes is allowed in the Riparian Corridor when mitigation measures specified within the “R” zone regulations (section 313-33.1) are included in the project design.” See the conditions of this permit and the February 2021 SHN report. (30 pages)

In paragraph 4, “The Applicant agreed to reduce the proposed number of trees in the ESHA Buffer from 162 to 150.” At the request of John Ford in the site meeting January 11, 2021.

Page 7 last paragraph “According to the applicant's Registered Professional Forester (RPF), no mature trees are proposed for removal. The proposal is to leave the larger trees and remove the smaller, suppressed trees which would leave the dominant trees to grow and flourish.”

Page 8 Paragraph 1 “ The applicant remains extremely concerned about the fire danger on -site, having lost 3 homes in the recent Sonoma and Napa fires.” Charlie Holthaus has identified 3 fires that have consumed this property and the adjacent parcels in 1900’s.

In summary, detailed analysis and planning went into the fire protection and forestry management planning done by Western Timber Services Inc. This entire project was carefully thought out and planned. See the attached schedule of Plans and Reports which support the findings for approval as submitted.

Attachment 3: Maclyn and Janet Morris letter titled Plans and Reports

PLANS & REPORTS

7/5/17	PLANS 24 x 36 (pages 39) Michael Helm AIA Architect
10/4/17	Structural Calculations (pages 32) Shad Engineers Michael Shadman
7/29/18	Application Water Diversion (pages 15) Jan and Maclyn Morris
October 2018	Environmentally Sensitive Habitat Areas Assessment (pages 16) SHN
October 2018	Structure Protection Exemption Project Description (pages 20) Western Timber Services, Inc. Charlie Holthaus
3/30/19	Lake or Streambed Alteration Agreement (pages 12) Gregory O'Connell
4/9/19	Revised Environmentally Sensitive Habitat Areas Assessment (pages 16) SHN Joseph Saler
2/25/20	Fire Hazard Assessment for the Maclyn Morris Structure Protection Exemption (pages 6) Western Timber Services, Inc. Carl Anderson
3/4/20	Morris ESHA Buffer Analysis (pages 11) SHN Joseph Saler
May 2020	Restoration Plan Temporary Access Road for Well Installation (pages 16) SHN
10/29/20	Map depicting the location of the trees designated for harvest within the ESHA Buffer Area of Structure Protection Forest Thinning Project. (pages 5) Western Timber Services, Inc. Carl Anderson
1/12/21	Revised Maclyn Morris Structure Protection Exemption Project Description (pages 29) Western Timber Services, Inc. Charlie Holthaus Amended 1/12/21 Carl Anderson
February 2021	Environmentally Sensitive Habitat Area Impact Analysis and Invasive Species Management Plan (pages 30) SHN Joseph Saler
3/3/2021	Special Permit Request (pages 7) Michael Helm AIA Architect
3/16/21	Treehouse Tree Suitability Assessment, 1277 Stagecoach Road (pages 18) SHN Joseph Saler
3/17/21	Structural Feasibility of Treehouse Construction at 1277 Stagecoach Letter (page 1) Streeter Group, Inc. Brad Strata
3/18/21	Age of Tree for the Treehouse (page 1) SHN Joseph Saler
4/1/21	Variance and Height Exception Request (pages 6) Michael Helm AIA Architect
5/5/21	Tree Report for Proposed Treehouse 1277 Stagecoach Rd. (Page 6) Thomas Williams ISA Certified Arborist

Attachment 4: Public comment letter from Duane P. Adams and Margaret F. Adams revised
June 21, 2021

Project Title: Maclyn Morris
Record Number: PLN-13908-CDP
Date of Hearing: July 1, 2021 (to be verified)
Re: Coastal Development Permit, Special Permits, Variances for
Development/Accessory Structures, Major Tree/
Vegetation Removal Harvest, Installation/Drilling of
Two New Additional Wells

Assigned Planner: Alyssa Suarez

Comment to Planning Commission: (Revised 6/21/2021)

As adjoining property owners to the Morris property, we are deeply concerned about the additional water extraction (wells) permits requested for this excessive and complicated project. California has declared a drought emergency in 41 counties, including Humboldt. Experts list the most acute problem to be lack of controls on groundwater pumping. Presently, we are witnessing multiple properties on Patricks Point Drive, within a quarter of a mile of ours, receiving water deliveries during the last two months (much earlier than in the past). According to a May 27, 2021 article in the North Coast Journal, the director of the Humboldt County Planning Department stated that the department is "...currently researching hydrological connectivity and consulting with hydro geologists to determine the impacts of drawing down wells - or drilling new ones - on regional ground and surface water." All of the neighboring properties could be severely impacted by the Morris request for increased water extraction. The Sustainable Groundwater Management Act (SGMA) was enacted to address this increasing emergency. This Rural Trinidad aquifer must be protected when annual recharge precipitation is dwindling, as it is presently.

Additionally, Mr. Morris has placed another type of pump, one that is extracting water from Hobson Creek, the creek that flows through our adjoining properties. We are unaware whether proper authorities were consulted or if a permit is required for a new pump in this creek. We were not informed of the action and there is some question regarding on whose property the pump is placed. Other property owners are equally concerned about the health and sustainability of this creek, since the flow is almost non existent in the summer.

The importance of the Riparian Zones on this property cannot be dismissed. They supply food, cover, and water for a large variety of animals, including insects and amphibians, and serve as migration routes/stopping points for wildlife. The healthy Riparian Zone vegetation helps reduce stream bank erosion and maintain a stable channel geomorphology. We are worried about the impact to these zones because the Springbox Well is proposed to be placed within 20 feet of Hobson Creek, exceeding the setback guideline. The other proposed well is proposed to be placed at the edge of the Riparian Zone.

Our second major concern is the commercial harvest plan for the 163 trees within an Environmental Sensitive Habitat Area (ESHA). Just under 80% of these are coastal redwoods; many of these are mature. An unanswered question is the lack of information about the number of trees that will be spared from removal. Is there a balance or is the harvest excessive? We believe that some trees in the Riparian Buffer could be in jeopardy, as well.

We are confused about the claim of Structure Protection Exemption and the considerable funding generated from such a substantial harvest. Maclyn and Jan Morris have both remarked that this harvest will help provide the funding needed for their property projects. The trees slated for removal, near our property line (some are within inches of our shared border), are not near any structures, and, most likely share extending root structures with our neighboring trees. We

ask that a thorough evaluation be conducted to determine the validity of use of "Structure Protection Forest Thinning" for the harvest of so many coastal redwoods.

We understand the need for some thinning, limbing and trimming, in order to maintain a safe and healthy forest. We have hired a certified arborist tree service for our own property, several times over the last seventeen years. We appreciate the three members of the planning department who responded to our request to visit our property. They listened to our fears of excessive water extraction wells and removal of trees near our property boundary. We desire to work with Mr. Morris to mitigate the removal of so many redwoods within our immediate viewshed. We'd like to consult with his Timber Services Company to thin, rather than remove so many of these trees.

An additional concern is the possibility of a future commercial use of this property. Mr. Morris has revealed to us and others that he intends to convert the land to a large "botanical garden," including non-native plants, and open this to the public. In fact, the #4 project structure is the building of a stand-alone ADA compliant restroom, in the middle of the property. Could this be for public use? In addition, his current single family home is an active VRBO destination rental. His request for permits for so many additional structures suggests the possibility for increasing rental potential. Are multiple rentals permitted on this property?

It is also important to know the composition of the intended "botanicals" to determine their requirements, including water maintenance, soil amendments, and wildlife protection remedies. All of this is proposed for an Environmentally Sensitive Habit Area (ESHA). Replacing native, drought tolerant vegetation, with plants that require excessive watering, cannot be acceptable in extreme drought conditions.

This Coastal Development application, with multiple Special Permits/Variations-claims to use an exemption to the California Environmental Quality Act (CEQA), Class 4, which applies to "Minor Alterations To Land." The alterations to the land, in this case, are hardly minor. There will be significant environmental impact on this land, the immediate bordering properties, and other rural Trinidad forested properties. This is due to the location in environmentally sensitive Wetland and Wildlife Habitat.

Since our two properties have a lengthy eastern border (ours enters from Patricks Point Drive), and since they were originally part of a 14 acre parcel, both owners can be impacted on so many levels. The previous Morris plan included requesting Variations for the construction of a three-story, 57 foot high treehouse, with spiral staircase and 285 sq. ft. deck. It was intended to be built in the 800+ year old growth redwood tree, within 8 feet of our property line - towering over the center of our yard. The massive dripline root system of this tree has extended well into our quarter-acre lawn/meadow. In the seventeen years we have owned our beautiful redwood property, we have never scarified or leveled this lawn area, in order to protect the health of this magnificent tree. We have been informed that this part of the application has been withdrawn, saving this tree from serious stress and degradation, and us from unnecessary intrusion. A Reciprocal Grant of Viewshed Easements (Recorded Official Records, 1994-29594-12, Humboldt County, CA, attached to the Trust Deeds of these two adjoining properties, shall remain in effect, to protect against any future attempts to intrude or obstruct our view.

We respectfully ask that all of our concerns be considered and thoroughly researched. We have always tried to take care of this beautiful, coastal redwood and rhododendron property. It is our only home and very important to our family and to the larger Trinidad ecology. We hope that anyone reading this will appreciate our efforts and our heartfelt sincerity.

Respectfully,
Duane P. Adams and Margaret F. Adams

Adams Family Trust
1316 Patricks Point Drive
Trinidad, California

6/21/2021

ATTACHMENT 5

Additional comments received

From: [Maclyn Morris](#)
To: [Planning Clerk](#)
Subject: Fwd: Hello again
Date: Monday, June 28, 2021 3:47:06 PM

Attention Suzanne Lippre
Morris Coastal Development Permit and Special Permit
Record Number PLN-13908-CDP
Assessor's Parcel Number (APN) 515-271-024
1277 Stagecoach Road, Trinidad

Please also include this to the Planning Commissioners's packets.

Thank you,
Maclyn Morris

----- Forwarded message -----

From: **Maclyn Morris** <lemoynemorris@holokai-llc.com>
Date: Mon, Jun 28, 2021 at 3:13 PM
Subject: Fwd: Hello again
To: Ford, John <JFord@co.humboldt.ca.us>

Hello John,

I am writing to you and the Planning Commission clerk right now proposing this change to your Condition Number 1.

----- Forwarded message -----

From: **Maclyn Morris** <lemoynemorris@holokai-llc.com>
Date: Mon, Jun 28, 2021 at 3:12 PM
Subject: Hello again
To: Madrone, Steve <smadrone@co.humboldt.ca.us>

Hello Steve,

I just came back from meeting with Alyssa Suarez at County Planning. I went there to confirm that the Planning Commissioners get all of the relevant correspondence especially the two letters from Carl Anderson of Western Timber that completely refute what the County is trying to impose, that is stopping me from doing forest management on the eastern boundary. While I was there, I spoke with John Ford about the situation. They are putting a lot of weight into the neighbor's objections. In returning to the property, I looked at what the effect would be on the Adams and it is a total of 7 trees that they can see when I stand on the property line below their deck. The others are not seen. I am going to write John Ford right now and propose that we retain those trees. The rest of the forest management plan does not affect them visually.

I will request that their condition Number 1 be only for that. As it is now, they are prohibiting me taking any trees beyond the 150 feet from the habitable structures and within 150 feet from

the rear property line. (doing so will greatly negate the benefits of this forest management plan.)

Thanks for listening!
Maclyn Morris