

April 26, 2018
Planning Commission Meeting

I. Introduction: My name is Jack Nordlund; I assume all or most of you recall that I spoke during the Open Comment Period at the last Planning Commission Meeting on April 12th. I would like to provide an update since the last meeting.

II. Last Friday, April 20th, CAO Richard Kuhn and the head of the Planning Department, Rick Tippett, came to my home and made a site visit with me and my neighbor, Jerry Payne.

- We saw no birds or waterfowl; we heard no bird or waterfowl sounds; we saw no evidence of any bird or waterfowl nesting.
- At my property line with the Franklin parcel, we saw that the Franklin parcel in the Open Space had been flattened and the trees removed; we saw green houses, hoop-houses and raised grow beds in the Riparian Habitat.
- Mr. Kuhn told my neighbor, Jerry Payne, that he had seen enough and he and Mr. Payne exited the Open Space Riparian Habitat area.
- Mr. Tippett and I proceeded to the unlicensed cannabis grow on the adjacent property owned by Crystal Kahl, 20 Mountain Meadow Road, parcel # 024-690-10-00; following Mr. Franklin's example, the Kahl parcel in the Open Space Riparian Habitat had been bull-dozed and trees taken down; within 20 feet of my boundary line was cannabis grow infrastructure including water tanks, plastic buckets, open plastic chemical containers including phosphates and Miracle Gro and other trash including empty glass and plastic beer bottles; rubber water hoses were strewn about and there were raised grow beds throughout the Open Space; it looked like a cartoon of a chemical dump in the midst of ponds to the North, West and South.
- Mr. Tippett commented that since the grow was not licensed, he could have it abated immediately.

III. I consulted with a Riparian Habitat Ecologist after the April 12th meeting, but before the site visit by Mr. Kuhn and Mr. Tippett.

- The two most damaging and destructive practices that can occur are CONVERSION and DISTURBANCE.
- Conversion is changing the intended use, i.e wildlife preserve, to another use. The removal of trees and vegetation eliminates the ability of the soil to cleanse the water of nutrients; the result is nutrients and chemicals go into the ponds and then flow into the Trinity River; even organic fertilizers poison the water and make it unsuitable for birds, waterfowl and salmon spawning.

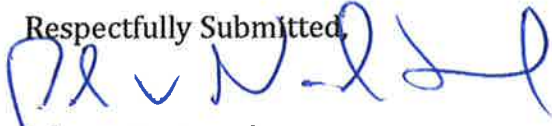
- The Franklin and Kahl parcels are each approximately 5 acres. Approximately 60% of both parcels are in the Open Space / Riparian Habitat zone thus approximately 6 out of the 10 acres were converted from the intended use to an Ag use; agriculture is inappropriate here also because of the high permeability of the soil.
- The second method of damage is disturbance, e.g. human activity; spring is the period that birds and waterfowl stake out territory, build nests, lay eggs and hatch their young. Human activity during this period e.g. cultivating cannabis in the Open Space which includes constant human activity and noise including driving automobiles and trucks in the Open Space prevents the birds and waterfowl from nesting; Franklin's 3 dogs are constantly in the Open Space unattended which also disturbs the nesting activity; this is why the birds, water fowl and other animals have left.

IV. Argument: I toured the boundary of the Franklin grow and the Kahl grow late this afternoon. Nothing has changed since our tour last Friday. Franklin's hoop-houses, greenhouses, raised beds are still in the Open Space.

- * The chemical pig-sty and infrastructure on the Kahl parcel is still present.
- * Mr. Tippett said he could abate the unlicensed Kahl grow immediately, but nothing has happened; open chemical bags still on the ground and rain is predicted over the next few days.
- * With respect to the Franklin grow, Mr. Tippett was quoted in the Trinity Journal as stating that because Franklin was issued a permit, even though it was inappropriately issued, "we can't just shut it down."
- * YES YOU CAN. The Cultivation Ordinance states that a license must be revoked if the County becomes aware that the operation does not comply with all applicable County and State laws, including Planning and the provisions of all applicable laws including zoning and County ordinances.
- * In addition, the grower is to be given 7 days to correct deficiencies prior to revoking the license unless the deficiencies are an immediate threat to environmental and/or public health and safety, in which case they are to be corrected immediately.
- * Moreover, the County has the authority to fine Mr. Franklin and Ms. Kahl and with respect to both, has the authority to order summary abatement because it is an immediate threat to the environment.

V. Conclusion: From my hike through the Open Space late this afternoon, the County has done nothing to remove the growers, licensed and unlicensed, from the Open Space; it is still early in the nesting season; this unlawful activity in the Riparian Habitat must be abated immediately; if this is done, the birds and wildlife may still have a chance to nest in the habitat this season; time is of the essence.

Respectfully Submitted,



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