

June 5, 2017

Humboldt Planning Commission

Humboldt County Courthouse
825 5th Street
Eureka CA, 95501

RE: CMMLUO and CCLUO

Dear Commissionaires:

After attending and speaking at the June 1st “workshop” regarding the early formation of the CCLUO, I wish to address you personally concerning this very important amendment process to the CMMLUO.

While I was pleased to hear some early language changes, making many application types discretionary and, most important to this communication, the recognition of zones around or including City Sphere of Influence (SOI) and a 1,000 ft. designation around City Limit boundaries where a SOI does not exist. This is a step in the right direction; however I think the concept of simply making applications that fall within these areas as discretionary, falls far short of protecting Cities and rural neighborhoods and is wrong.

The concept of zoning establishes goals, policies and standards for countywide issues, development of the rural areas of the County and identifies the boundaries between urban and rural development, and specifies and designates urban and rural land uses. *Ref: Humboldt County General Plan Purpose, Concepts and Goals, adopted March 8, 1994.*

The most current draft of the General Plan update identifies many of the Interface zones (boundaries between active urban growth and rural areas) by suggesting changes in land use designation from Ag to other more representative designations like Res or RE and suggests parcel sizes that are appropriate such as 2.5 – 5. Yet the current CMMLUO and suggested language in the proposed CCLUO seem to ignore these interface zones and the recognized changes in land use. Many, if not most of these areas are still labeled as Ag, left over from decades ago, before urban growth had migrated into these areas. The failure of a timely adoption of the GP has left these interface areas vulnerable to applications for large-scale commercial cannabis projects. Had the land use proposals been passed and codified, none of these interface zones or neighborhoods would have been a candidate for cultivation, nor would we be having this dispute over appropriate land use.

The current CCLUO proposal is now suggesting that applicants choosing to develop projects within these interface zones become discretionary. A discretionary application means only that the residents and Cities must object to each and every application on a case by case basis. It also suggests that conditions or mitigation will be set to ease the impact on these areas. But the bottom line is that the project will probably still be allowed, assuming that very few will be actually declined, and that even with forced conditions and mitigation the Cities and neighbors must still live side by side with a land use that is

based on antiquated decade old designations. This is simply wrong, like forcing a square peg in a round hole and making it fit by rounding off the rough edges. It is not and never will be a good fit.

Unfortunately, we cannot change the fact that the GP update should have been completed by now, nor can we make it retroactive when it is adopted. But the Planning Commission and the Board of Supervisors can direct staff to create safe buffer zones or exclusion zones around Cities, their SOI and around developed rural neighborhoods that prohibits large-scale commercial cannabis cultivation.

I applaud the County for embracing changes to our social and economic fabric. I appreciate the desire to protect the environment, watersheds and our lands from chemicals, erosion, light, odor, roads, traffic, security and the myriad of critical issues that confront you. I appreciate the need to allow commercial cultivation in appropriate areas, but due to obsolete land use designations, these areas should NOT be allowed adjacent to or within existing neighborhoods or any Cities SOI. We should not have to consider the merits or impact of each and every application within the interface areas. The time, energy and resources expended by the County Officials, your staff and the public to hear and process scores of applications could be eliminated by creating narrow but effective exclusion zones around these areas where applications are simply prohibited. Had proper zoning have been employed years if not decades ago, none of this would be at issue.

There is also a strong economic component to this issue. Exclusion zones would allow the natural and orderly development of the remaining open space, minor subdivisions, construction of new homes and expansion of existing developments leading to eventual annexation. However, if allowed, large-scale cultivation sites, coupled with the setback requirements being considered, may render adjacent lands unbuildable, a form of a taking. Land owners and contractors may be much less inspired to build homes and neighborhoods in areas that have a commercial cannabis cultivation site, ringed with security fences, lights and cameras, rather than a park or horse pasture. It is impossible to know precisely what impact these sites will have on nearby or adjacent homes and land values, but it is fair to assume that it will retard further family oriented development and promote expansion or additional cultivation sites as that will become the best and only use of the land. Immediate neighborhoods and continued expansion in that general direction may change, thus creating areas whose only use is cultivation, thereby creating a "Pot Valley" or "Cannabis Canyon". I don't think this is what you want your legacy to look like. Careful planning and land use designation can create symbiotic relationships between our diverse population and cultures in this County. I trust you will do the right thing and make this a win-win for all of us.

Therefore, as a local landowner, a Fortuna resident and as Chairman of the Nelson-Hillside Association I am asking you to direct staff to create exclusion zones that encompass City Sphere of Influence, the areas around City Limits not covered by a SOI and around established rural neighborhoods. Areas outside the exclusion zones should have sufficient setbacks of at least 500' to protect the perimeters of the exclusion zones. Appropriate zoning for Commercial Cannabis cultivation that protects Families, residential land owners and Cities will eliminate much of the concerns addressed in this letter and the testimony of many residents that have and will continue to speak out at all public hearings.

Respectfully submitted,

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Cc: Humboldt County Board of Supervisors, individually
Mark Wheatley, Fortuna City Manager
Patrick Soluri, Atty for Nelson-Hillside Association
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