

**Nelson-Hillside Association**

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July 12, 2017

**LAFCo**

George Williamson, Executive Officer  
1125 16th Street, Suite 202  
Arcata, CA 95521

[execofficer@humboldtlafo.org](mailto:execofficer@humboldtlafo.org)

Re: County intrusion into City's Sphere of Influence (SOI) areas

Dear Mr. Williamson:

I write you on behalf of the Nelson-Hillside Association (NHA), a group of 50+ homeowners in the Fortuna area, and on behalf of all citizens living within the SOI of any City within Humboldt County. As you may know, pursuant to the Commercial Medical Marijuana Land Use Ordinance (CMMLUO), passed by the County in late 2016, without any environmental review under CEQA, the County is poised to approve several commercial cannabis grows on AG lands around the County. They are also aggressively soliciting un-permitted (illegal) grows in the more distant areas of the County to relocate these grows, allowing them to increase their grow up to 400% of their current footprint, into closer and more easily regulated locations using the CMMLUO permit process. While this process has merits that I will not take opposition with, I do, most vehemently oppose the County's objective to place new and relocation grows within and around established neighborhoods, consisting of residential homes, children, pets and home schools, most of which are within established SOIs. Many of the approved permits and many that are still pending approval are being located within City SOI defined areas and even immediately adjacent to City Limits, over the written objections and "on the record" testimony of the affected Cities.

We ask that you as the agency that has established the SOIs to intercede and review the actions of the County, which we consider to be a blatant disregard for the mutual agreements of the SOI and now of the expressed wishes of the Cities.

Specifically, the City of Fortuna has definitive and specific ordinances that prohibit the proliferation and cultivation of commercial cannabis within its SOI and City Limits. The NHA, the City of Fortuna and others have written official letters, see exhibits A - D, and have publically testified at numerous public hearings held concerning the development of a new ordinance, Draft Commercial Cannabis Land Use Ordinance (DCCLUO) to come into compliance with State regulations by the end of this year. The City and the NHA have repeatedly asked the County Board of Supervisors to consider a Moratorium to stay further approvals within the SOI until the new DCCLUO (which is intended to address many secondary effects not adequately considered in the original ordinance) and /or the Court's decision as the merits of a lawsuit brought by the NHA. *NHA vs County of Humboldt and other applicants regarding the CMMLUO.*

The County has approved permits in Fortuna neighborhoods all within its SOI, namely in the Pampas Lane neighborhood, the Nob Hill neighborhood, and along Drake Hill Road and Rohnerville Airport. Each of these is actually adjacent to Fortuna's City Limits and was approved over the objections of the neighborhood's residents and the City. There are pending applications, of which approval is expected within the very near future along Rohnerville road, immediately adjacent to City Limits, Newburg park and recently annexed lands, and on Nelson Lane, the area represented by the NHA, where a 55,000 sf grow is planned on a 17 Ac parcel that is completed surrounded by residential homes, that is adjacent to City Limits on 3 ½ sides and that is currently undergoing an Annexation, that you may already be aware. The County has told me on many occasions that what is happening in these areas is nothing more than *Unintended Consequences*. That no one foresaw these objections and that growers would choose to locate on lands so close to Cities and within neighborhoods. This is precisely the result that flows from the County's race to approve the CMMLUO without the benefit of any CEQA review. Or that they failed to examine the areas, approved for cultivation, were within SOIs, in the heart of established neighborhoods and in close proximity to sensitive areas, parks and schools. Or that the County failed to respond to its own draft GP Update, where the areas within SOIs were reclassified from AG to RE 2.5 – 5, to be aligned with the pre-zoning of the City in their SOI using the same classification RE 2.5 -5. On the Nelson site the City has already fully extended its fire-hydrant system to serve this area, the City is supplying domestic water to 6 of the 9 residents along Nelson Lane and the Police Department regularly patrols this area. The City has been acting appropriately in this residential area and is now drafting an RFQ to name lead consultants to pursue an Annexation. The County has been apprised of these facts and the pending annexation and has not wavered from the process of approving these applications.

The City of Fortuna has taken official opposition to the County's actions, written letters of formal protest and submitted extensive comments on individual applications, all to no avail. Furthermore the NHA has written formal letters to the Planning Commission, the Board of Supervisors and has furnished public comments on several occasions asking for relief or a temporary Moratorium, again to no avail. And finally since the public employees, Planning Dept., the Planning Commissioners, and the Board of Supervisors, now know the impact of their *Unintended Consequences*, yet have failed to act in a responsible way, we ask LAFCo to consider the facts and our allegations that the County is renegeing on this commitment to respect the City's SOI and is blatantly proceeding with their agenda at the expense of the affected Cities, their residents and the NHA.

Respectfully,

Bill Thorington, Co-Chairman  
Nelson-Hillside Association

Cc: Laurent Cleenewerck, Co-Chairman NHA: [cleenewerck@euclid.int](mailto:cleenewerck@euclid.int)  
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September 7, 2017

Bill Thorington, Co-Chairman  
Nelson-Hillside Association  
501 Maya Lane  
Fortuna, CA 95540

Re: County Permitting Actions in City Sphere of Influence Areas

Dear Mr. Thorington,

In your letter on behalf of the Nelson-Hillside Association (NHA), you write that you and others in your area oppose the County's objective to place new and relocation grows within and around established neighborhoods, consisting of residential homes, children, pets and home schools, most of which are within established spheres of influence (SOI).

The NHA is requesting that the Humboldt Local Agency Formation Commission (LAFCo), as the agency that approves SOIs, intercede and review the permitting actions of the County, which you consider to be a disregard for SOI agreements and the expressed wishes of the cities.

The Nelson Lane-Hillside area is located within the City of Fortuna SOI. From LAFCo perspective, this area may be considered for future annexation to the City of Fortuna. If that were to occur, there would be a transfer of land use authority from the County to the City within the annexation area.

Humboldt LAFCo is not a land use regulatory agency, and has no ability to issue or deny permits by the County or City. We encouraged you to continue efforts with the County to consider neighborhood impacts as part of the cannabis permitting process, or to consider annexation to the City of Fortuna. Humboldt LAFCo staff will place your letter and this response in the Commission's September 20, 2017 meeting packet.

Sincerely,

A handwritten signature in black ink that reads "George Williamson". The signature is written in a cursive style with a long, sweeping underline.

George Williamson, AICP  
LAFCo Executive Officer

Cc: Laurent Cleenewerck, Co-Chairman NHA: [cleenewerck@euclid.int](mailto:cleenewerck@euclid.int)  
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