

Honorable LAFCo Commissioners,

Collected below you is New Evidence for use in an Appeal for Reconsideration of the decision to Annex all Storie Index 60+ soils as part of the Creek Side Homes Annexation. These 80-100 Storie Index parcels include:

1. The .43 acre and 2.78 acre Ag Exclusive parcels of Shail Pec-Crouse (Tule Fog Farm) and Sean Armstrong at 1887 Q St and 1883 Q St, respectively.
2. The 2.5 acre parcel of Don Nielsen and Carol McFarland at 1983 Foster Ave.
3. The 23.3 acre parcel of Monica and Colum Coyne.
4. The 26.2 acre Park Meadows Estates parcel, which we have rented since 2007 as Tule Fog Farm’s primary pasture.
5. The 4.2 acres of Ag Land adjacent to Ennes Park owned by the City of Arcata.

Additionally we request you reconsider the annexation of the below right-of-ways. If they are maintained in the County, there is no potential to trigger annexation of the above agricultural parcels. There is no need to Annex these right-of-ways from the County—County Public Works has demonstrated in McKinleyville that they can design Complete Streets, and can build multi-use trails such as the Hammond Trail.

6. The County Foster Avenue from Q St to Janes Rd.
7. The Rail Road Right of Way adjacent to County Foster Avenue owned by Lane Devries, a co-owner of Creek Side Homes and Park Meadows Estates

The letters submitted by our unwillingly annexed neighbors each provide New Evidence for your consideration. Thank you for considering the New Evidence I have summarized here:

1. It is New Evidence that in the February 10th print edition of the Mad River Union (see excerpt at the end), the City of Arcata Director of Community Development was quoted as saying:
 - a. The city “didn’t ask for it and doesn’t want it.”
 - b. “I believe that these parcels have a higher risk of development if they’re in the city.”
 - c. It was “a really weak argument” that expanded annexation would allow dissolution of the Janes Creek Stormwater Drainage District
 - d. It was an “aesthetic desire outweighed by the need for agricultural preservation” to “prevent the creation of a partial island between Foster Ave and Janes Road.”

2. It is New Evidence that my household strongly objects to Annexation. We were unaware that that the three parcels we farm were being considered for annexation, or we would said so at the January 19th meeting. We have been told by a long-time previous LAFCo member that it is unheard of in Humboldt County to annex unwilling property owners.
3. It is New Evidence annexing our .43 acre parcel into the City would make our hog/swine farming operation and our sheep farming operation illegal. (see adjacent Table 4.2-“Animal Keeping Standards” from Chapter 9.42 of the Arcata Land Use Code) It is New Evidence that the Agricultural Exclusive zoning of the City of Arcata is more restrictive of animal-based agriculture than the County, such that the rare grass-fed hogs we raise to sell at the Arcata Farmers Market would be a non-conforming use at greater than 4 per acre. It is New Evidence that during the

Type of Animal or Facility	Maximum Number of Animals per Site (1)	Minimum Lot Area (2)	Minimum setback from Dwellings (3)
Aviary for birds other than fowl and poultry	1 per 500 sf of lot area		25 ft
Beekeeping	4 hives per lot of 10,000 square feet or less. No limit for lots greater than 10,000 square feet (4).	2-1/2 acres in AR (See Note 4)	20 ft (4)
Fowl and poultry	1 per 500 sf of lot area		25 ft
Hogs and swine	4 per acre	1/2 acre in RVL 2-1/2 acres in AR	25 ft
Horses and cows	4 per acre	1/2 acre in RVL 2-1/2 acres in AR	25 ft
Other small animals - Including chinchillas, rabbits, non-poisonous reptiles, rodents, and other non-poisonous small animals.	No limitation when maintained within a dwelling as a household pet; 1 per 500 sf of lot area otherwise.		25 ft
Other medium animals - Pigmy goats, pot belly pigs, and miniature horses.	12 per acre		25 ft
Other large animals - Emus, goats, llamas, donkeys, ostriches, sheep, and similar sized animals.	8 per acre	1/2 acre in RVL 2-1/2 acres in AR	25 ft

Spring piglet season we maintain a density of 200 pigs per acre in our Birthing Barn on our .43 acre parcel. It is New Evidence that we maintain more than 8 sheep per acre on our .43 acre parcel, and Annexation would again make our farm illegal in the City.

4. It is New Evidence that Eddie Tanner's Deep Seeded Community Farm, on 9 acres of Arcata School District Land adjacent to the 4.2 acres of City owned ag land, has sold more than 300 shares for 2021 and has more than 100 people on the waiting list. This is new evidence of the huge, unmet demand for locally grown produce in Arcata, and the potential for the City of Arcata to rent this ag land to a farmer and fulfill the General Plan's food security goals, rather than illegally violate Arcata General Plan Annexation policies and LAFCo law. This ag land should not be annexed for any type of park—it is valuable, highly productive ag land in an ideal location for a community farm.
5. It is New Evidence that Tule Fog Farm needs to use the City's 4.2 acre Ag Parcel for vehicular access to the 26.2 acre Park Meadows Estates ag parcel we rent and farm. This access on City ag land is essential to the operation of our farm during the winter season when our summer access from Foster Avenue is under water. Without vehicle access, we cannot load our swine, sheep or cattle for transport to Eureka Meats. It is New Evidence that the City of Arcata has unsuccessfully attempted to block our vehicle access with large boulders, which LAFCo members should assume would become more aggressively restrictive should the land be used as a City Park.
6. It is New Evidence that the Farm Bureau strongly objects to annexation of these 60+ Storie Index parcels (see the Farm Bureau's letter copied and pasted below).
7. It is New Evidence that the Farm Bureau has reminded LAFCo that Humboldt County has a "No Net Loss" policy for ag land, and converting County Ag Land to City Park Land cannot be mitigated by a conservation easement. LAFCo's County representatives would be violating the County's No Net Loss policy should they vote a second time to Annex any 60+ Storie Index parcel, regardless of its ownership.
8. It is New Evidence that in 1981 the City of Arcata extended Water and Sewer to our ag parcel at 1887 Q St, and Don & Carol's ag parcel at 1983 Foster Ave. The EIR and LAFCo Staff Report both fail to disclose or analyze impact of annexing Ag Land with existing Urban Services, even though these parcels lie outside of the existing Urban Services Boundary.
9. It is New Evidence that the assurances contained within the existing Arcata General Plan cannot be relied upon while deliberating an Annexation. It is New Evidence that the City of Arcata's Director of Community Development has begun public Visioning Sessions as of December 15, 2020, one month prior to the LAFCo meeting, but not analyzed in the EIR or LAFCo Staff Report. It is New Evidence then that the existing zoning of AE parcels, particularly those of a non-conforming size of less than 20 acres, will be examined for rezone in the new General Plan process.

In summary, LAFCo should consider this New Evidence and annex ONLY the Creek Side Homes parcel, and no other. All other parcels proposed for Annexation jeopardize the future agricultural productivity of this land, and support conversion to residential development under the new Arcata General Plan being developed. Such a result is illegal by your own operating laws. Such a result is unethical, to deprive us of our livelihood to support a residential subdivision. Such a result is political, favoring the wealthy developers over lower-income farmers, and will be the subject of political discussion and repercussions in a County that robustly supports agriculture in all of its published policies and economic planning.

Thank you for considering our request that ONLY the Creek Side Homes parcel be annexed. That is all that is necessary for the Creek Side Homes development proceed.

Sincerely,

Excerpt from February 10th, 2021 Article in the Mad River Union

Janes Creek Stormwater Drainage District, which LAFCo called “logical.” Community Development Director David Loya called that “a really weak argument.”

- It would “prevent the creation of a partial island between Foster Avenue and Janes Road,” one “surrounded by city property. But Loya downplayed that as an “aesthetic desire outweighed by the need for agricultural preservation.”
- Agricultural preservation. The addendum cites Arcata’s General Plan and zoning policies within the Western Greenbelt as providing sufficient protection.

But Loya disagrees. At the meeting he offered qualified support for the LAFCo-authored expansion with a “light” recommendation to stick to the original, city-submitted proposal. He said the city would do its best to accommodate the involuntarily added lands, and to preserve and protect them. But he later made clear his position that ag protections are stronger with the lands remaining in the county.

“I believe that these parcels have higher risk of development if they’re in the city,” he said. While current policies discourage development, a future, housing-hungry City Council looking for developable areas could see the vast tracts of undeveloped land and ease restrictions.

LAFCo Commissioner and county Supervisor Mike Wilson expressed skepticism about the strength of county ag protection, and said it would be stronger within Arcata city limits. Some other commissioners agreed.

But citing examples elsewhere in the city, Loya said rezoning from ag to residential would be an “easy step” for a future council under development pressure.

“This was not a city decision,” Loya later said. “We didn’t ask for it and don’t want it.” He said the expanded annexation is “not supported” by the city’s current General Plan.

Disagreement exists over whether an appeal of the LAFCo decision is automatically triggered or not. Brown and others believe it is not, and want the City of Arcata to sponsor one. City Manager Karen Diemer said she “[doesn’t] see a route for the city to appeal,” but that her reading of the matter is that a protest hearing is automatically triggered.

Interestingly, while Creek Side Homes is only the latest of several controversial attempts by DANCO to establish a housing project on the Bottoms, for the first time, the focus of objections isn’t the development itself. Also, the development continues to be referred to as both “Creek Side” and “Creekside” in various planning documents.

View maps and read correspondence from annexation stakeholders and others at madriverriverunion.com.

Rentals | Capped at 100
Councilmember Em-



Humboldt County Farm Bureau

5601 So. Broadway, Eureka, CA 95503
Serving Agriculture Since 1913

February 18, 2021

LAFCO
1125 16th Street Suite 202
Arcata, Ca 95521

Dear LAFCO Board Members:

The Humboldt County Farm Bureau is an organization of family farmers and ranchers. The Farm Bureau Land Use Committee tracks potential conversion of Ag Lands in Humboldt County to ensure the continuation of Agriculture in our County for future generations.

Recently we were informed of LAFCO's approval to expand the existing annexation boundary for the Creek Side Homes Project in Arcata.

This project is in conflict with the City of Arcata General Plan and removes prime agriculture land from production. In addition, this approval appears to conflict with LAFCO's duty to protect productive agricultural lands.

This project is in direct conflict with the current Arcata General Plan that specifically states undeveloped land may be annexed into the City only if the proposed annexation will:

F. **Not** include prime agriculture land (Storie|Index of 60 or higher) other than with a designation and pre-zoning of Agriculture Exclusive (A-E), Natural Resource ® or Public Facility (P-F).

Humboldt County has a "No Net Loss of Ag Lands" policy and the conveyance of a conservation easement over an adjoining parcel is in no way mitigation for the loss of prime soils.

The Humboldt County Farm Bureau opposes this annexation and would like LAFCO to reconsider this decision.

Sincerely,

Johanna Rodoni

President



Sean Armstrong

Fwd: Farmland Annexation

Karen Davidson

To: Sean Armstrong

, Tule Fog Farm

Carol McFarland

, Monica Coyne

Thu, Feb 18, 2021 at 7:55 PM

NIELSEN Don

"Lisa B."

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

From: **Karen Davidson**

Date: Thu, Feb 18, 2021 at 7:51 PM

Subject: Farmland Annexation

To: Colette Metz <colettem@humboldtlafo.org>

Humboldt LAFCo,

Sometimes the most obvious answer is also the correct one.

Obviously landowners should not be annexed against their wishes, best interests and advance knowledge.

What is our evidence that the owners did not know, you might ask?

I propose that it is the owners of the land who are known for their views that are the proof that is needed.

The sisters who were selling their land did not know of the annexation in advance because when they read about it in the Mad River Union they threatened to sue their grandson/nephew realtor for selling 23 acres at an agriculture price; they wanted double because now it could be developed.

The new owners Monica and Colum Coyne had not closed on the land yet so couldn't speak as owners at that time and have joined the request for reconsiderations now.

Carol McFarland and Don Neilsen moved their family home back from the road in 2007 when they feared they were losing their very vocal fight to keep Creekside from being developed. They did not know or would have made public comments and sent letters. They would have let the Mad River Union know as they did when they found out. They have joined in the request for reconsideration.

The third couple of farmers are Sean Armstrong and Shail Pec-Crouse. My son Sean was born on a farm and I always owned a farm. They have been land use activists in Arcata for over twenty years and were thrilled to be able to own farmland. They imported a New Zealand breed of sustainable pigs and built a business on pigs and eggs. But pigs are a nuisance in the city and so are roosters. So is farmworker housing. As a family we all spoke at every meeting about the Creekside annexation before the night it was voted on over a year ago. We hate the idea of Foster being the only entrance to all 1100 new cars each day and the old City Council were well aware of our views. Sean was concerned about Ennis park and spoke about that at the LAFCO meeting. Had he known he would have used his one chance to speak for self interest. After he spoke your rules made it impossible for him to speak again. Even if he had stayed in the meeting he could not have spoken. Had we known however, Shail certainly would have spoken.

The Mad River Union was surprised and had heard nothing in advance.

The City Council was surprised.

Mayor Winkler did not know.

DANCO did not know.

So the obvious answer is LAFCO did not notify correctly. There was no public awareness yet the topic had always been contentious. After the vote I saw the letter Sean received and I did what he had done. I read the first half and saw it was the same plan the City voted on. I saw the bold bar with bold writing at the center where it said 100% of the owners had agreed. So why would the "below the fold" be about us? We had never been consulted so we were not in the 100 %.

And then the maps. I understand your maps had plan A and plan B south of Foster differentiated by colors but in the map you sent out they were both grey lines. That meant the first page and the map were both misleading and hard to

2/19/2021

Gmail - Fwd: Farmland Annexation

understand. Now we have to pay \$1000 to a private company, PlanWest, because you couldn't afford to notify three families with color maps well in advance. New Years Eve was not well in advance.

I am hoping you will reconsider on the basis of landowners not being given adequate notice and their objections to being annexed.

Sincerely ,
Karen Davidson
Tule Fog Farm