

Dear Board of Supervisors,

I am a member of the Redwood Valley Municipal Advisory Council; however, as the RVMAC has not had an opportunity to meet and vote to take action on this issue with the notice required by Brown Act, I am writing this letter as an individual. While I am not in a position to speak on behalf of the Redwood Valley MAC, I do believe many of the members share similar concerns about how commercial cannabis will be permitted and regulated in our residential rural area. While I am submitting the following comments as an individual, they are informed by the community conversation that is currently taking place in Redwood Valley concerning these issues. I am supportive of cannabis cultivation if it is properly permitted, regulated and zoned to prevent negative environmental and community impacts. However, I am concerned that the impacts of creating a Cannabis Accommodation District on small parcels in the middle of residentially zoned property have not been adequately evaluated. These are a few of my most pressing concerns:

1. Lack of public notice and opportunity to comment: I am the owner of a property very close to the proposed accommodation zone. I checked with some of my neighbors whose properties are even closer—within 300 feet of the proposed accommodation zone. None of us received notice of the proposal nor that it would be voted on by the Board of Supervisors on November 3, 2020. I am concerned that neither adjacent/close neighbors nor the larger community have had the opportunity to consider, discuss or comment on this proposed zoning change which could impact us for at least ten years.
2. Lack of pre-determination that all properties in question are eligible: I am concerned that staff may not have properly vetted the parcels in the proposed Accommodation District to determine if they are even eligible to apply for cultivation permits. It appears that only 2 of the 14 parcels have applied for permits during the Sunset period. Has staff determined how many of the 14 parcels are able to show proof of prior cultivation on or before January 1, 2016? Parcels without proof of prior cultivation will not be eligible. Parcels that changed hands after January 1, 2016 will not be eligible. In addition, the owners of parcels that may be eligible may not be willing to apply for a permit once they find out how much it costs to apply for permits from the State and County and to meet all the compliance requirements. Since the proposed accommodation zone requires a minimum of ten contiguous properties, if one or more of the properties does not clear all of these hurdles, the requirements of the zone could become impossible to fulfill.
3. Environmental and water impacts: Attachment H of the complete packet shows a wetlands area bisecting the proposed district with a large freshwater pond immediately downstream. While the stream and pond are seasonal, endangered California Pond Turtles and many other species live there. Migrating birds use them as a rest stop. What investigation has staff made of the impacts of commercial cultivation to the wetlands and the pond and the many species that call them home? What mitigations are proposed to prevent erosion and runoff of fertilizer and chemicals? Also, water supply is in critical condition in Redwood Valley. Has staff made any effort to determine if the 14 parcels in this proposed district have adequate water to support commercial cannabis production, keeping in mind that private wells tap into water resources that serve the entire community. We must be conservation-minded when it comes to water.
4. Road traffic impacts: Neighbors I have spoken with are concerned about increased traffic on our private, unpaved residential roads which are generally maintained by the neighbors. More traffic means more wear and tear on the roads, more dust on our homes, cars and crops, and less safety for our children and pets. While some of the properties may have been growing and selling cannabis prior to legalization, and while impacts to their neighbors may have been minor, I assume that while operating under the radar they were deliberately trying to avoid impacts to neighbors and the community because they were at risk of being reported to law enforcement. If their commercial cannabis enterprises become permitted and legal for the next decade, they may not have the same motivation to reduce impacts.

5. Crime impacts: There have been more than a few incidents in Redwood Valley in recent years where guns were brandished or fired and/or robberies were attempted or executed. When the properties are small and neighborhoods are residential, there is the fear that invasion robbers may attack the wrong house or trespass through neighboring properties on their way in or out. Under duress they could take hostages or use neighboring houses to hide from authorities. While these scenarios are unlikely, they are possible and as such create a degree of fear for some neighbors. While we hope that legalization will eventually reduce these risks, there is still a huge black market and the industry is rife with crime.

6. Potential conflict with the General Plan: It is my understanding that the proposed Accommodation District may be in conflict with the General Plan. The staff report says "The Rural Residential (RR) District applies to enhanced residential areas where agriculture use compatible with a permanent residential use is desired." The State of California has said that cannabis is an agricultural product but has not said that it is an agricultural crop. The difference may seem like semantics, but cannabis is not like any other agricultural crop. No one is invading residential neighborhoods to steal grapes or pears. On page 5 staff cites Goal CP-RV-3: "Maintain the agricultural nature of the valley by retaining Agriculture zoning and avoiding incremental increases in rural densities." At the bottom of that same page staff states that continued operation of the existing cannabis farms "engenders development of greenhouses both temporary and permanent as components to complete operations, further developing the parcels for commercial use rather than increasing rural dwelling densities." I do not believe that encouraging the proliferation of greenhouses, night lighting, and the possible use of generators to support commercial cannabis production is consistent with protecting "the rural agricultural nature of the valley...." It certainly is not consistent with the quiet enjoyment of our homes by residential neighbors. Commercial cannabis businesses ought to be located in areas properly zoned for it, not in densely populated residential areas.

Page three of the staff report states: "Applicants seeking to establish a CA Combining District must demonstrate support of affected landowners." Without a survey of the neighbors who are not in the proposed Accommodation District how can staff possibly know whether the affected landowners are in support? Support only from those in the proposed District, who hope to profit from it, should not be enough. The approval or disapproval of neighboring and nearby property owners who will be directly impacted should also be considered. Neighbors who have patiently waited for the Sunset period to expire ought to be given at least equal consideration in determining the future of our neighborhood.

In consideration of these concerns, I request that this application be denied or continued to a future date and referred to the Redwood Valley Municipal Advisory Council. (Although staff did refer this application to the MAC a few months ago, I do not believe we have had sufficient understanding of the implications of a Cannabis Accommodation District or the process for establishing one, nor enough time to develop recommendations in this area. As you may know, the Redwood Valley MAC is still in the process of writing and submitting our Community Action Plan to the County. A first draft was submitted to Building and Planning several months ago but we are still awaiting a response.)

Very Sincerely,

Sattie Clark