

Date: July 11, 2017

To: John McCowen, Chair
Carre Brown
Georgeanne Croskey
Dan Gjerde
Dan Hamburg
Board of Supervisors
County of Mendocino
501 Low Gap Road
Ukiah, CA 95482



CC: Diane Curry, Agriculture Commissioner
County of Mendocino - Department of Agriculture
890 North Bush Street
Ukiah, CA 95482

Assemblymember Jim Wood, 2nd District
California State Assembly
200 South School Street
Ukiah, CA 95482

Carmel Angelo, Chief Executive Officer
County of Mendocino
501 Low Gap Road
Ukiah, CA 95482

Trent Taylor, Interim Code Enforcement Manager
County of Mendocino – Planning & Building Services
501 Low Gap Road
Ukiah, CA 95482

RE: REQUEST FOR BOARD ACTION REGARDING NEW COMMERCIAL CANNABIS CULTIVATION AT 1181 BOONVILLE ROAD, UKIAH (APN 1851921200)

Dear Members of the Board of Supervisors,

We, the undersigned property owners affected by, directly adjacent to, and surrounding the property at 1181 Boonville Road, are unanimously and vehemently opposed to this newly established commercial cannabis cultivation operation. We respectfully request that the Board consider the following points in relation to the situation in our residential neighborhood.

1. PURPOSE AND INTENT - The stated purpose and intent of the Medical Cannabis Cultivation Ordinance under Section 10A.17.010 and Section 20.242.010 is to “protect the needs of the neighbors and communities from public safety and nuisance impacts, as well as to ensure that the cultivation and related activities will not create adverse impacts to the public health, safety, and welfare of the residents.” It is our position that this cultivation operation is contradictory to the intent of the ordinance for the following reasons:

- This is a new commercial grow with no history of prior cultivation in the neighborhood. As such, a grow of this size (10,000 sf canopy applied for) will bring with it the host of negative impacts to a historically residential neighborhood.
- We no longer feel safe on our own properties due to the potential for criminal activity, home invasion, theft, etc.
- Will result in cultural erosion of neighborhood – the “house of cards” will begin to fall if/when additional properties change ownership over time
- Negative impact to property value – this is a full disclosure condition of the neighborhood if allowed to continue
- Offensive odor during harvest – potential health impacts to severe asthmatic residents directly adjacent to this parcel plus nuisance odors for all other neighbors
- Significant traffic from suppliers, workers and related wear/tear/damage to privately maintained shared community road and non-commercially rated bridge
- Harassment of neighbors from owner and his partner

**Was the intent of the Board to diminish the quality of life in an established family-oriented neighborhood?
Are the rights of one grower now more important than the rights of all other property owners within a given community?**

- We request a permanent mechanism to protect and maintain our rights to enjoy our property, our quality of life, and the 60+ year integrity of the neighborhood
 - Create an overlay, variance process, or other method of allowing our neighborhood to opt out of the current ordinance
- We also request that the Board provide direction to the Agriculture Department to deny this application based on unanimous community opposition as it relates to the purpose and intent of the ordinance

2. TIMEFRAMES FOR APPLICATION APPROVAL OR DENIAL AND CLEAR CRITERIA FOR APPLICATION DENIAL – currently there is no specific timeframe for the Agriculture Department to process applications through the approval or denial stage, and there is no clear criteria for application denial.

- We request that the Board create a reasonable and specific timeframe for application approval or denial
- We request that the Board create clear criteria for application denial
- We also request that the Board direct the Agriculture Department to ensure that all ordinance requirements are met prior to applications being accepted so that incomplete or non-conformant applications are not accepted and do not overburden the system

3. NO TRANSFER WITHOUT PROOF OF A VALID ENTITLEMENT - application does not provide a qualified transferable prior grow

- Prior grow does not qualify for transfer due to its location within the coastal zone (Manchester). Grows in the coastal zone are ineligible for this ordinance and therefore there is no entitlement to transference for this application. If it is impossible to get a permit in the coastal zone, there is nothing to transfer.
- We request that the Board give immediate direction to the Agriculture Department to deny the application in question

4. PERMIT APPLICATION SHOULD NOT BE A SHIELD AGAINST ENFORCEMENT OR OTHER CODE VIOLATIONS

- Greenhouse is unpermitted and no permit application has been filed
- Electrical and water connections are unpermitted as well
- Plants are visible from Road off Shepherd Lane. Road serves 4 or more parcels.
- Ordinance calls for background clearance of all workers. How do we verify that the workers regularly on site are verified to have cleared the background check?
- Commercial cultivation does not have water rights but they are using water from shallow well approximately 150' from Robinson Creek.
- We request that the Board give immediate direction to the Agriculture Department to deny this application
- We request that the Board institute changes to the ordinance to allow for enforcement of non-compliant applications and other code violations

5. Carte Blanche Cannabis Cultivation. Why are applicants allowed to conduct business, in this case new business, without a permit, license or compliance? No other building project, commercial project, or business would be allowed the unrestricted ability to operate and profit without being in compliance.

- We request that a specific timeline, complete with penalties for non-compliance, be established to ensure applicant accountability.
- We request that applications are prioritized so that those with complaints are addressed first and in a timely manner.

In summary, this application has not met the minimum requirements of the ordinance, and is detrimental to the neighborhood, the individual owners, the water course and endangered species, and the greater community. We request that the Board of Supervisors take action to correct the current situation and concurrently revise the way the ordinance is managed per the above points.

Thank you for your careful consideration. We look forward to your timely response.

Alex and Sue Anzilotti
1551 Boonville Road

Dottie Bergmen
1671 Boonville Road

Mike and Nadine Boer
300 Stipp Lane

Michael Boer
775 Boonville Road

Naomi Engstrom
1201 Boonville Road

Thomas and Cia Fracchia
1155 Boonville Road

Jack and Bethene Griswold
951 Boonville Road

Thomas and Judy Jutzy
1153 Boonville Road

Emir Keye
1500 Boonville Road

John and Marcia Lazaro
1071 Boonville Road

Aaron Niderost
1187 Boonville Road

Steven Miller
1161 Boonville Road

Michael and Kristi Ross
1300 Boonville Road

David and Jill Scheller
1601 Boonville Road

Dale Spring and Patricia Arnett
1121 Boonville Road

Robert and Emi Taylor
1401 Boonville Road

John Thomas
1282 King Ridge Road

Michael and Kathy Wilson
1171 Boonville Road