

July 7, 2023

Department of Planning and Building Services
Commission Staff
860 North Bush St.
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Mendocino County

JUL 10 2023

Planning & Building Services

Case # R_2021-0003
Applicant Robert Cronin
Staff Planner: Steven Switzer

I'm responding to the notice of Public Hearing regarding this case. I'm a land owner in the proposed Cannabis Prohibition District (CP) in Rock Tree Valley. I'm **against** this proposed district for several reasons. First a little back ground. My name is Dale Briggs and my family resides at 7001 Hearst-Willits Rd., and the 2nd largest land owner (approx. 129 acres) of this proposed district. We have lived at this property since 1987.

1. The petitioners make many statements that are of their personnel opinion and lack proof or truth. Such as "A prominent feature of the neighborhood is Rock Tree Creek, a salmon and steelhead-bearing creek that runs the length of the proposed district". Rock Tree Creek is a stream that runs the length of the valley and is pretty much seasonal, but has been void of salmon and steelhead for decades. Since my property borders Rock Tree creek and has one of the few, if not only, section where water flows on the surface all year round. I have seen the absence of said species for at least three decades and in addition have not been approached about any upcoming fish surveys in at least as long. Another would be the statement "The available water is limited but sufficient for the current modest usage. Due to the small, finite size of the watershed, the valley's available water could easily be depleted if used for commercial cannabis". I'm not an expert on the water supply issue, but this is zoned Range Land and not high-density housing. My water supply has never run dry even in the last big drought and we have had numerous illegal grows of varying size which did not seem to deplete the valley's water supply. So, was there a water study

done that I'm not aware of? I also take issue with the statement of High Fire Risk that "This risk-rating is significantly higher than the risk-ratings for the majority of the county". when in fact about 45% of the county's fire risk rating is Very High. This seems to imply the valley is also more susceptible to fire when in fact it doesn't seem to be and there have not been any wildfires since I have lived here. Growing cannabis has become legal; I also would add that the county has in place a vast number of rules and regulations already in place that must be adhered to before qualifying for a Commercial Cannabis growing permit. We all enjoy the areas we live in, but to burden neighboring property owners with rules /restriction for your own personal reasons seems to suggest the "not in my backyard (NIMBY)" is their only true concern.

2. My property is further east than all of the other properties requesting this CP District except Barbers. Barbers' property has not had anybody living on that property for several years. Furthermore, the county's requesting to remove part of that parcel because of the following "Currently one (1) of the 25 APNs of the proposed CP Combining District is under the FL land use classification totaling 108± acres. This parcel is currently within the TPZ District. Mendocino County Zoning Code Chapter 20.068 provides that with the intent of the TPZ District is to be applied to areas of the County which because of their general soil types, location and timber growing capabilities are suited for and should be devoted to the growing, harvesting, and production of timber and timber related products and are taxed as such. New cannabis cultivation (Phase 3) is not allowed in the TPZ District.
3. Currently the county rules and regulations don't allow Commercial Cannabis grows on range land. "The remaining 24 of the 25 APNs of the proposed CP Combining District are under the RL land use classification totaling 856± acres. My family's property alone comprises over 15% of this proposed district that we wish not to be included in. According to the county current land uses including agricultural and low-density residential uses on these 24 APNs are consistent with the prescribed General Uses from Policy DE-17. To date, none of these said properties with the RL land use classification are designated as an Agricultural Preserve or lands under Williamson Act Contract. Further, these 24 APNs all share the RL Zoning District classification. Mendocino County Zoning Code Chapter 20.060 provides that the intent of the RL District is to create and preserve areas for the grazing of livestock, the production and harvest of natural resources,

and the protection of such natural resources as watershed lands from fire, pollution, erosion, and other detrimental effects. Though cannabis cultivation is an agricultural use, new cannabis cultivation sites (Phase 3) are not allowed on parcels within the RL Zoning District, see the Permit Requirements for New Cultivation Sites. Apart from the one (1) cannabis cultivation permit application under review, the potential for new permitted commercial cannabis activities on any of the given 25 APNs within the proposed CP Combining District is limited by current zoning requirements. As previously mentioned, new cannabis cultivation sites are not allowed on parcels within either the RL or TPZ zoning districts". So, accordingly at this time this CP district would not provide any additional protection then those already provided by the county current regulations for cannabis grows. It certainly appears to be self-serving in addition to citizen's overreach.

4. A possible solution to this proposed CP district would be to exclude my parcel along with both parcels east of my property. The county already desires to remove a section of land on Barbers' property anyway. In addition, Barbers' parcel was the only one out of the three parcels that support the proposed CP District. Since the minimum requirement of a CP district is 10 parcels and currently there are 18, removing 3 would still leave the remaining parcels meeting the CP districting requirement.

In conclusion, if my family wishes to start a commercial cannabis grow, we should have the same rights as any other property owner to see if we qualify for a permit with the current rules and regulations regarding the permitting process. Our property rights should not be infringed upon by neighbors (CP District) who have their own self-interests in mind.

Thank You,

Dale A. Briggs
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